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United States
of America

PROCEEDINGS AND DEBATES OF THE 103^{d} CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, July 22, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We know, O gracious God, that there are many people who have great need this day and we take this moment of prayer to remember them and to express our measure of concern. We think specially of those who suffer from the ravages of the floods in our own country and whose lives and possessions have been torn apart. We are in gratitude that people have helped each other in their needs and have expressed their faith through action in the realities of daily life and daily need. Bless them in their distress and keep us all in Your good grace, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SYNAR. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SYNAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 250, nays 151, answered "present" 3, not voting 30, as follows:

[Roll No. 353]

YEAS—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCurdy
McDermott
McHale
McInnis
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—151

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crapo
Cunningham
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Molinari
Moorhead
Morella
Murphy
Nussle
Paxon
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—3

Clayton
Klein
Shepherd

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

NOT VOTING—30

Beilenson
Brown (CA)
Conyers
Crane
DeLay
Dingell
Dixon
Frost
Geren
Gibbons
Henry
Hinchey
Johnson, Sam
LaFalce
Lazio
McCloskey
McKinney
Moakley
Nadler
Packard
Parker
Porter
Spence
Spratt
Talent
Tucker
Vento
Washington
Whitten
Young (AK)

☐ 1022

Mr. COBLE changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KLEIN. Mr. Speaker, I inadvertently voted "present" on the motion to approve the Journal this morning. It was my intent to vote "yes."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. TORRICELLI). Will the gentleman from California [Mr. TORRES] please come forward and lead the House in the Pledge of Allegiance.

Mr. TORRES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1347. An act to modify the boundary of Hot Springs National Park.

H.R. 2561. An act to authorize the transfer of naval vessels to certain foreign countries.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 20. An act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

H.R. 1944. An act to provide for additional development at War in the Pacific National Historical Park, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the joint resolution of the Senate of the following title:

S.J. Res. 54. Joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day."

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 273. An act to remove certain restrictions from a parcel of land owned by the City of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 294. An act to authorize the Secretary of the Interior to formulate a program for the research, interpretation, and preservation of various aspects of colonial New Mexico history, and for other purposes.

S. 310. An act to amend title V of Public Law 96-550, designating the Chaco Culture Archaeological Protection Sites, and for other purposes.

S. 442. An act to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes.

S. 521. An act to assist the development of tribal judicial systems, and for other purposes.

S. 654. An act to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations.

S. 742. An act to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Historical Park, and for other purposes.

S. 836. An act to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes.

S. 851. An act to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes.

S. 983. An act to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes.

S.J. Res. 78. Joint resolution designating the beach at 53 degrees 53′51″N, 166 degrees 34′15″W to 53 degrees 53′48″N, 166 degrees 34′21″W on Hog Island, which lies in the Northeast Bay of Unalaska, Alaska as "Arkansas Beach" in commemoration of the 206th regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that 1-minute speeches will be limited to 11 per side.

THE REAL PROBLEMS THAT PLAGUE AMERICA: JOBS AND DEFICIT REDUCTION

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute.)

Mr. RICHARDSON. Mr. Speaker, while the other side continues to talk about the White House travel office, haircuts, and the House Post Office, we in the majority party want to talk about jobs and deficit reduction, the real problems that plague America. While some on the other side continue to distract the American people by even playing politics with pending Justice Department investigations, we have put forward an agenda for change for the past 12 years.

Mr. Speaker, the President's plan for the economy should be the subject of debate in this body. Let us put aside the politics and naysaying and get on with the debate.

Mr. Speaker, the President's economic plan is gaining momentum. It is pro-jobs, pro-deficit-reduction, pro-small-business, and that is what grates on the other side.

THE PEOPLE'S RIGHT TO KNOW ABOUT THE HOUSE POST OFFICE SCANDAL

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker and Members of the House, the first order of business today is going to be the flood relief bill, and after we complete action on that emergency supplemental, I plan to call up for consideration a resolution calling for the release of transcripts from last year's House investigation of the House post office. Copies of the resolution I introduced yesterday are available in each one of the Cloakrooms. It is virtually identical to that which the House voted on last July and has been updated to account for recent revelations by the Department of Justice.

But there is one point I wish to bring to the attention of the Members:

Yesterday Speaker FOLEY and I received a letter from the acting U.S. attorney, J. Ramsey Johnson, asking that the transcripts not be released because such release might compromise the ongoing grand jury investigation. But this morning's Associated Press reports that the supposedly confidential transcript of the investigation has already been disclosed. According to Larry Margasak of AP, "A transcript of Rota's remarks was reviewed Wednesday by the Associated Press. Rota's investigation covered 209 pages."

Mr. Speaker, if the Associated Press can review 209 pages of supposedly confidential transcript, why, I ask, can the American people not review the entire transcript? The question of transcript confidentiality is now moot because the transcript has already been released to a major news organization.

Mr. Speaker, I urge my colleagues to read my resolution carefully and then to support it when we bring it up on the floor later on in the day.

WHAT WE MUST DO

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, as House and Senate conferees hammer out the details of the budget reconciliation proposal, the naysayers have come to this Chamber and have taken to the airwaves trying to pick the package apart, but offering no real alternatives.

Our options are only three:

We could do nothing and watch the deficit soar, interest rates go up, and the economic recovery falter. We might adopt the Republican alternative, which falls $70 billion short in deficit reduction, leaves most of its claimed spending cuts to be announced, and uses middle-class rhetoric to protect the tax advantages of the wealthy. Or we can support the Democrat alternative with $500 billion in real deficit reduction, deep cuts in both discretionary spending and entitlement, a fairer Tax Code, and investments and incentives to spur the economy.

Mr. Speaker, these latter features are shared by both the House and Senate budget plans. We must fine tune them in conference and see them through to passage. We have had enough of the detractors and distorters, those who would perpetuate the evasions and illusions that have tripled our national debt in the last 12 years. We now have the plan, we now have the opportunity, and history will judge us harshly if we fail.

THREE STRIKES AND YOU'RE OUT

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, it's one, two, three strikes you're out at the ole ball game. First it was the House restaurant scandal, second it was the House bank scandal, and now the Democrat leadership is facing the third strike with the House post office scandal.

The public's right to know is paramount and should be the overriding reason for the release of all the documents of the post office investigation. With the guilty pleas of eight post office staffers over the past year and a half, including the most recent guilty plea from the Postmaster himself, it is obvious that wrongdoing did occur, and House rules were indeed broken.

The American public is sick and tired of the scandals racking this institution. What is the Democrat leadership trying to hide? Why can't we learn from our mistakes? Trying to keep information secret from the public only ends up exploding in our face. Mr. Speaker, we are at the plate now and the pitch is on the way. I only hope, for the sake of this institution and the American public, that it is not strike three.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TORRICELLI). The Chair will remind the Members that we are limiting 1-minutes to 11 per side.

□ 1030

FULL DISCLOSURE COULD SERIOUSLY AFFECT HOUSE POST OFFICE INVESTIGATION

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, in response to a number of statements made on the other side this morning, I would like to make a couple of points.

First, I have a copy of the letter, dated yesterday, which U.S. Attorney Johnson wrote indicating that:

> I am writing to express this office's serious concern that the release of such materials could have a serious adverse effect on the ongoing investigation being conducted by this office into matters associated with the House Post Office.

Those seeking blood on the other side should remember that every American is presumed innocent until proven guilty, even Members of Congress.

The minority leader talked about the press. I also think that there is a second constitutional requirement that we ought to keep in mind throughout the day, and that is that everyone, every American, including Members of Congress, have a right to trial by jury, not by press.

THE ANGRY CLOUD OF SUSPICION

(Mr. EVERETT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, in addition to his resolution last night, minority leader BOB MICHEL wrote Attorney General Janet Reno, saying that he supported the full disclosure to the public of all documents regarding the House post office scandal.

I support the gentleman from Illinois [Mr. MICHEL] in his effort to get to the bottom of yet another embarrassing episode in the history of the House.

The public has a right to know that we will not condone political corruption, and that we will not cover up the facts.

We cannot hide behind the excuse that an investigation is pending. That investigation has been pending for far too long.

Mr. Speaker, we need to proceed now with full disclosure. If the Members are guilty, they should be indicted. If not, they should be cleared. But this angry cloud of suspicion and guilt which blankets the full House must be dispersed.

Mr. Speaker, I support full disclosure, the people support full disclosure, and this House must support full disclosure. The people have a right to know.

A BALANCED BUDGET, TEMPERED WITH DISCIPLINE, IS KEY TO A STRONG AMERICA

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLOW. Mr. Speaker, let us look at our children and grandchildren. Do you want them in their families to respect, to cherish the memory of us in a strong America in coming years?

If we do—and I believe we do because we love our families—we must stand resolute; we must stay determined on the course the American people have set for us to achieve budget discipline as our President has proposed.

The minority party tells us to cut, cut, cut. They say only massive budget cuts, only cuts will do this task. If we go that route, we will cut not just to the bone, but through the bone. And it will be the poor, not the rich, who will be hurt by this.

The minority party would have us close hospitals across the Nation. The minority party would refuse educational opportunities to young people setting forth to improve their lives. The armed services would be reduced on land, sea, and air to a skeleton force. Young people would see more and more taken out of their paychecks every week for soaring medical costs.

To reach our goal of a balanced budget and a strong America, everyone must pay their fair share.

That is our duty as Americans.

Let us move now out of the bondage of debt. Let us move our families to higher ground.

THE STENCH OF CORRUPTION

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, the stench of corruption is hanging in the air and settling over the Capitol. It happened because one political party has controlled the Congress for nearly half a century.

The House Bank was just a warmup to criminal activities which have already been uncovered at the House post office, and even after revelations of two decades of wrongdoing, those in charge are still trying to stall and whitewash, to protect themselves, and to prevent another scandal from brewing, at least until after taxes are raised.

I find it very disturbing and ironic that some of the same people who are trying to force the biggest tax increase in history down Americans' throats are being investigated for allegedly stealing money from the Government and, of course, not paying any taxes on it.

Mr. Speaker, we are never going to get to the bottom of this scandal until the House releases all the documents relating to the operation of the post office, documents which the Democrat leadership has so far refused to divulge. It is time for Congress and the American public to restore the public trust by having full disclosure now.

NAFTA/JOBS: DELCO

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, if you have ever ridden in a General Motors car, you probably have listened to a Delco radio. Once upon a time these radios were made by hard-working Americans in factories in Kokomo, IN, and in Oak Creek, WI. These workers earned $15 an hour, enough to support their families, educate their children, and have something left for their retirement.

But then Delco decided to move most of its production to Mexico. Over 1,000 U.S. jobs were lost. Was it because the U.S. workers were not productive enough? No, it was because Delco could pay workers in Mexico $1.50 an hour.

So Delco invested millions of dollars building this new factory in Matamoros, Mexico. They hired 3,800 low-wage Mexican workers to replace the 1,000 United States workers that were sent to the unemployment lines.

Mr. Speaker, the moral of this story is that our trade policy has cost this country jobs. We must defeat the proposed NAFTA agreement, which will expand the free-trade zone to all of Mexico.

HOW LONG MUST WE SING THIS SONG?

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, as the tune goes: How long, how long must we sing this song?

How long, Mr. Speaker, must we hear the Democrats asking for a delay in the full disclosure of the post office scandal.

Why must we wait 10 days to give the American people the opportunity to find out what this scandal is all about?

If we wait so the majority can stick the middle class with the largest tax increase in history, I say no way. We need full disclosure now.

If we wait because we are worried about the implications on attaining indictments, I reply I doubt 10 days will make much of a difference.

The truth shall not set those who are guilty free. And the American people deserve to know the truth.

Mr. Speaker, the time is now. We need full disclosure of the post office scandal.

NEW TRADE DUTIES FOR RETIRED WAYS AND MEANS COMMITTEE STAFFERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, if you have ever wondered what happened to the former staffers of the Ways and Means Committee, check this out.

Joseph Cowley, former chief counsel, is now paid by Turkey;

John Salmon, former chief counsel, is now paid by Great Britain;

James Beall, former staff coordinator, now represents China;

Frank Samolis, from the Subcommittee on Trade, is now paid by Japan and Hong Kong, just to name a few;

Charlie Vanik, former chairman of the committee, is paid by China;

Bill Brock, former Trade Representative, is paid by Taiwan and the European Community;

Julia Bliss, assistant general counsel formerly with the U.S. Trade Representative, now represents Japan and Hong Kong;

Robert Cassidy, general counsel, is paid by Germany;

Doral Cooper, former Assistant U.S. Trade Representative, is paid by Singapore, South Korea, and Taiwan;

And Clifford Gibbons, former special assistant, now represents Canada, Great Britain, Italy, and Japan.

I do not know if there is anything fishy here or if this has anything to do with the loss of American jobs or factories going overseas, but let me tell you this: They influence all the tax and trade laws, and I think we should look into that.

□ 1040

AMERICAN PEOPLE DEMAND FACTS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, my Democrat friends continue to try to turn the facts on their head. They want to raise taxes, the largest tax increase in U.S. history. They want to increase spending, more than any time in history. And they want to keep the lid on the post office scandal. They have been doing it for over a year. One year ago today we brought resolutions to the floor to try to deal with this, and it was covered up.

The American people want to know the facts. Today in the congressional Monitor James Smith, the former post office supervisor of accounts, said he is being vindicated finally and he feels very happy about that, but very sad that this thing is going to cause a lot of heartache in this body.

Mr. Speaker, if my colleagues want to clean up this mess and make the American people once again have confidence in us, we have to bring all the facts to the floor so that everybody knows what is going on.

IN SUPPORT OF NOMINATION OF DR. JOYCELYN ELDERS TO POST OF U.S. SURGEON GENERAL

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today I rise in strong support of President Clinton's nominee for U.S. Surgeon General—Dr. Joycelyn Elders.

A proven leader in the public health arena, Dr. Elders has a powerful record reflecting her commitment to preventative health care, education and expanded access to health services—all critical elements of an effective health strategy. Dr. Elders appointment is good news for the children of America.

Dr. Elders has identified the importance of preventative health care and, has established programs targeting that need. She has created a statewide computerized network which assesses and tracks children for immunization needs. She has also instituted after-hours health clinics and initiated a policy which ensures that every child who visits a clinic for any service will receive any necessary immunizations. These innovative policies have nearly doubled Arkansas' immunization rate for 2-year olds.

Our President's nominee for Surgeon General has increased prevention services for other critical health needs, more than doubling HIV testing and counseling services in the past 2 years, expanding cancer screening services for women—with a needed focus on low-income women, and implementing a newborn sickle-cell screening program.

Dr. Elders appreciates that the best prevention for many ills can be accomplished with proactive education. Her medical philosophy includes the need for a solid preventative education for children on such substantive risks as HIV, drugs, and sexual abuse.

Dr. Elders' experience in expanding access to health services will be invaluable to all of us as we struggle with the difficult task of establishing a national health care plan. Dr. Elders' record reveals an impressive list of accomplishments in making health care more accessible to children, senior citizens, and the chronically ill. She has established school-based health clinics in Arkansas, arguing that if children weren't going to public health clinics, the clinics should go to the children. She launched a community-based program, offering health services at the work place, in Head Start centers, in senior centers, and at shopping malls.

Mr. Speaker, our Nation—our Nation needs—the leadership of Dr. Joycelyn Elders in the premier health post. Dr.

Elders' innovative and proactive experience will serve our country well, especially as the administration and the Congress work to design a comprehensive health plan good for all Americans. I commend the President for his nomination for U.S. Surgeon General.

PENTAGON APPOINTMENTS AVERAGE 50 PERCENT SLOWER UNDER CLINTON

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLINGER. Mr. Speaker, the Congressional Research Service has conducted a comparison of the pace of appointments to Department of Defense positions requiring Senate confirmation during the Kennedy, Nixon, Carter, Reagan, and Clinton administrations. The findings are startling. When compared to Presidents since President Kennedy, Bill Clinton is approximately 50 percent slower.

As of July 4, the Clinton administration had filled only 33 percent of top Department of Defense [DOD] positions. CRS found that by the same date, the Kennedy administration had filled 93 percent of DOD positions, Nixon had filled 87 percent, Carter had filled 76 percent, and Reagan had filled 73 percent of comparable positions.

This chart illustrates just how lethargic the Clinton administration has been in filling key positions at DOD.

There is no excuse for this kind of tardiness. These unparalleled delays may be costing taxpayers millions of dollars and may be hampering important policy decisions at the Pentagon. How can the Secretary of Defense conduct an effective bottom-up review without a Secretary of the Army, a Secretary of the Navy, and a Secretary of the Air Force? No wonder Mr. Aspin is only treading water.

Other administrations had these key positions filled, on average, by February of their first year in office. We are all familiar with President Clinton's well-known tendency to run behind schedule. National defense, however, is not an area where we can afford to wait.

It is time to stop treading water and time to move full steam ahead. I hope that the Clinton administration will appreciate the potential costs and risks from these delays and move to fill these key positions promptly.

Mr. Speaker, I include the following chart of appointments to the Department of Defense in recent administration:

DEPARTMENT OF DEFENSE APPOINTMENTS

	Number of positions	Percent of positions filled through April	Percent of positions filled through June	Percent of positions filled through July[4]
Kennedy, 1961	27	81	93	93
Nixon, 1969	31	74	87	87
Carter, 1977	29	62	72	76
Reagan, 1981	30	37	73	73
Clinton, 1993	46	7	26	33

Source: Congressional Research Service

TRIBUTE TO FRED LODGE

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, I rise this morning to pay tribute to a great champion of working people and people who have retired from the field of work. I speak namely of a great United Auto Worker representative, Fred Lodge, of Local 887 of the United Auto Workers and Aerospace Workers.

Fred is retiring after 40 years of diligent work on behalf of his brothers and sisters at North American Aviation where he started out some 40 years ago in 1954. In that time, of course, he has held numerous positions in that organization, starting out as a shop steward, as a committee man, as the chairman of the bargaining committee.

In 1964 he was appointed as an international representative of the United Auto Workers-Aerospace Workers where he participated as a negotiating representatives right through 1981, consummating perhaps some 50 contract agreements or 50 negotiations for those representatives. He has been an undaunting civil rights activist, having marched with Walter Reuther and Martin Luther King, and we wish him well in his new retirement.

SUPPORT MINETA-SHUSTER AMENDMENT ON TRANSPORTATION BILL

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, today when the transportation appropriations bill comes to the floor, Members will have an opportunity to support the integrity of the rules of this House by supporting the bipartisan Mineta-Shuster amendment which strikes the unauthorized projects in the bill which are a clear violation of rule XXI.

The distinguished chairman of the Committee on Appropriations, the gentleman from Kentucky [Mr. NATCHER], for whom we have the greatest respect and admiration, testified before the Committee on Reorganization a few months ago and said, "There will be no legislation on appropriations bills. None."

Mr. Speaker, we all respect the gentleman from Kentucky and know that the distinguished chairman is doing his best to honor the commitment and that most of the subcommittees of the Committee on Appropriations have proceeded along those lines. However, unfortunately, the Transportation Appropriations Committee has not. So we have 58 unauthorized projects, taking $305 million away from 41 States.

Support Mineta-Shuster. Uphold the rules of the House.

SUPPORT PRESIDENT'S RECONCILIATION PLAN

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, President Clinton is on a jobs offensive for America. The President just returned from the G-7 summit in Tokyo with several important economic agreements in hand. The New York Times said President Clinton, "advanced American interests in important parts of the world." In particular, the agreement signed with Japan will open Japanese markets to American products and services generating growth for American companies and jobs for American workers.

With the President back in Washington, we now turn our attention back to President Clinton's budget. Both bodies of Congress have made the difficult decisions necessary to come up with $500 billion in deficit reduction. The President has outlined a budget with these five principles: Deficit reduction, requiring the richest Americans to pay a fair share of the deficit burden, job creation, target investments to promote growth, and Social Security protection.

The President's political opponents have offered little beyond the partisan rhetoric that fails to reduce the Federal deficit by one dime. Deficit reduction is about leadership and tough choices. President Clinton has demonstrated a commitment to reduce the burdens of debt on our country today and for future generations. Let us support the President's reconciliation bill—America's economic future hangs in the balance.

RESTORE FAIRNESS AND EQUITY TO TRANSPORTATION BILL

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the transportation appropriations bill which we will take up later today contains 58 unauthorized projects. These projects total over $305 million, with $109 million going to just one State, Michigan. Thirty States are left out entirely on highway projects the way the bill now stands.

The gentleman from California [Mr. MINETA] and the gentleman from Pennsylvania [Mr. SHUSTER] have a bipartisan amendment which will correct the extreme injustice in this bill. Their amendment would require the highway projects be funded in the traditional fair way. The Mineta-Shuster amendment would knock out these 58 unauthorized projects and return $305 million to the States. Forty-one States would get more highway money under the Mineta-Shuster amendment. My own State of Tennessee would receive over $6 million, instead of the $2,900,000 the way the bill is now.

Mr. Speaker, one State should not get over one-third of the Nation's highway money just because it has a Member who is the chairman of the committee. This is totally unfair.

I urge all my colleagues to support the Mineta-Shuster amendment to restore fairness and equity to this bill.

BUDGET RECONCILIATION WILL IMPROVE ECONOMY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, yesterday at the House Democratic caucus we had an opportunity to hear from the Secretary of Treasury, Lloyd Bentsen, and the now Office of Management and Budget Director, our former colleague, Leon Panetta, about the state of the negotiations on the reconciliation bill. I was pleased that we as a caucus are kept abreast of those developments. I was particularly pleased when these two gentlemen told us that they feel, on the part of the President, that he would insist upon a $500 billion reduction over the next 5 years in the deficits which are pressing upon our economy, and the President would feel strongly about the existence of an energy tax of some form in the final conference report.

Mr. Speaker, I believe that the conferees have a difficult task ahead. But if they stick to those hallmarks and those guidelines of a $500 billion reduction in the deficit and the inclusion of some form of energy tax, we will have a successful reconciliation conference and our economy will be the better for it.

DARK CLOUD OVER CONGRESS

(Mr. BONILLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONILLA. Mr. Speaker, at this very moment in kitchens, in coffee shops, and on talk shows around the country, everyone is talking about this institution, and I would hope that Members would listen to what they are saying. They are talking about yet another scandal that has created a dark cloud that is hanging over this institution and hurting any progress we feel like we can make on issues that are important to the American people.

□ 1050

I stand here today proudly as part of the Republican freshman class, standing united, calling for full disclosure on this scandal so those who have been unfairly implicated can clear their names and so we can find out the truth as to what is going on and get on to business.

We owe it to the American people. We owe it to this institution, and we owe it to every Member in this House to eliminate this cloud that is hanging over us right now so that we can get on with the business that needs our attention.

CONGRESS MUST LIVE BY THE RULES OF FAIRNESS

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, the American people elect us to the House to make decisions which benefit not only the constituents we represent directly, but make decisions which benefit all Americans. In other words, it is our responsibility to be fair.

Today the House will consider the Transportation appropriations bill for fiscal year 1994. Within that bill is an attempt to spend $305 million unauthorized by anyone in this House, and this comes at the expense of no less than 41 States. I have detailed this in yesterday's CONGERESSIONAL RECORD on page E1830.

Mr. Speaker, today I will offer an amendment with my very fine Republican colleague, Mr. SHUSTER of Pennsylvania, to correct this unfairness and restore this $305 million to the highway construction program to benefit every State in our Union.

In short, Mr. Speaker, the American people have demanded that Congress live by the same rules of fairness as everyone else in our country.

This afternoon a vote for the Mineta-Shuster amendment to the Transportation appropriations bill will be a vote for the fairness the American people expect of all of us.

TRIBUTE TO VINCENT W. FOSTER

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, this is in memory of Vincent W. Foster, who died on July 20, 1993.

He was born in Hope, AR, in 1945. He graduated from Davidson College in North Carolina in 1963. He graduated first in his class from the University of Arkansas Law School in 1971. He made the highest grade on the Arkansas bar examination in 1971.

In 1993, he was selected by the Arkansas Bar Association as the outstanding lawyer. He was listed this year in the 1993–94 Best Lawyer in America edition as one of the best lawyers in America.

He was, at the time of his death, the deputy counsel to the President of the United States. He is survived by his widow Lisa; his three children, Vincent, Laura, and Brough.

His death is a loss not only to the family but to our Nation, to the State of Arkansas, to his profession, and to his friends.

I will miss his obvious competence, his sense of humor, and his friendship. Goodbye, Vincent.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TORRICELLI). The manager of the rule not being present, and time being available, the Chair will take an additional 1-minute for each side.

REQUESTING AN INVESTIGATION INTO TAINTED BLOOD GIVEN TO HEMOPHILIACS

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I was recently visited in my office by Michael Druck, a hemophiliac who was infected with the HIV virus by a tainted blood clotting factor. I believe that there should be a congressional investigation of HIV tainted blood which was given to people suffering from hemophilia in the early 1980's.

In the early 1980's, 10,000 hemophiliacs received an HIV-tainted blood clotting factor called AHF. They were not told that there was a possibility that this blood clotting factor might be tainted with the HIV virus, even though one of the manufacturers of AHF suggested in 1982 that the users should be made aware of the possible dangers. By 1985, about 10,000 American hemophiliacs or about 70 percent of this population, were infected with the HIV virus. Still, hemophiliacs were not made aware of the possibility of contacting the HIV virus by either the manufacturers or doctors.

Did the manufacturers know about this and keep it from the hemophiliacs? Was anyone else involved? A recent similar scandal in France showed that governmental officials were aware of tainted blood there and did nothing.

Congress has investigative authority and I believe that we should initiate an investigation into why hemophiliacs were not informed of the danger of contracting the HIV virus through blood clotting factors, if indeed people knew about it. We do not want to sweep this under the rug, and we do not want the buck passed from agency to agency on this one. Congress must act now.

ON THE NATURE OF CORRUPTION

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, the word corruption will be used often in the coming days. Here are some views of corruption:

Lord Acton once said: "Power tends to corrupt. Absolute power corrupts absolutely."

William Pitt opined: "Unlimited power is apt to corrupt the minds of those who possess it; and this I know, my lords, that where laws end, tyranny begins."

Edward Gibbon: "Corruption, the most infallible symptom of constitutional liberty."

Mr. Speaker, am I surprised to find the post office scandal here, after 40 years of Democrat rule of the House of Representatives?

No, of course not. It is the natural order of absolute power. We saw it in Japan, and we see it in this House today.

Must we stand for it? No, in fact we must fight it at every instance. That is why I want full disclosure. The public has a right to know all the facts.

PROVIDING FOR CONSIDERATION OF H.R. 2667, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RELIEF FROM THE MAJOR, WIDESPREAD FLOODING IN THE MIDWEST ACT OF 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 220 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 220

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The modification to the bill printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as modified, shall be considered as read. All points of order against the bill, as modified, are waived. No amendment to the bill, as modified, shall be in order except the amendment printed in part 2 of the report. The amendment printed in part 2 of the report may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as modified, to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 220 provides for the consideration of H.R. 2667, the disaster assistance supplemental appropriations bill.

It provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The modification printed in part 1 of the report accompanying the rule shall be considered as adopted in the House and in the Committee of the Whole, and the bill as modified, shall be considered as read.

The rule also waives all points of order against the bill as modified and against its consideration. The waivers are necessary because of the emergency situation in the Midwest and the need to move this legislation as quickly as possible.

I would like to offer my sincere thanks to my friend and colleague from Kentucky, and chairman of the Appropriations Committee, Mr. NATCHER, for the extraordinarily prompt and efficient action taken by the committee on this vital legislation.

Rules being waived include: Rule XI, clause 2,L,6, requiring a 3-day layover; rule XXI, clause 7, requiring printed hearings and reports to be available 3 days in advance; and rule XXI, clause 2, prohibiting legislation in appropriations bills—the emergency designation is considered legislative language.

Finally, Mr. Speaker, the resolution makes in order the amendment printed in part 2 of the report, debatable for 20 minutes and not subject to amendment, and one motion to recommit is made in order.

□ 1100

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no disagreement in this Chamber, or across this country, about whether the people in the Midwest deserve, and will receive, Federal disaster assistance. They need help and they will get it. Nor is there disagreement about whether this flooding—which is reaching almost Biblical proportions—is a bona fide emergency. This is an emergency. Today's weather forecast is further threatening. The only issue of contention is how and when we will pay for providing this necessary and completely justified assistance. Too many times the majority has cried wolf and used the emergency designation to sneak through more and more Federal spending. As a result, we are $4 trillion in debt—heading to a $6 trillion debt by 1998. And now we have a real emergency to pay for, one whose costs are rising every day, and one even OMB Director Leon Panetta said would have costs too large for the Federal Government to absorb in total. So I was optimistic when our colleagues Mr. NUSSLE of Iowa and Mr. PENNY of Minnesota, in true bipartisan cooperation, came before the Rules Committee with a specific amendment on how to pay for the $3 billion in flood relief in this bill without raising taxes or adding to the national debt. The amendment they presented sought to reprogram fiscal year 1993 funds that are already allotted but have not yet been spent in this year's budget. That makes sense, considering the end-of-fiscal-year spending frenzy that usually goes on in Government as agencies seek to use up their allotted funds. Likewise, I supported Mr. SLATTERY, of Kansas, who wanted to pay for this relief effort by using funds in fiscal year 1994's spending package, which is currently moving through Congress. That would mean we would have to face up to these costs now and admit to ourselves that there will be future costs we should prepare for now. Both suggestions were reasonable, responsible, and deserving of debate by the full House. And we could have had that debate, in a way that would not have jeopardized or slowed down approval of the relief funds for the people in need. The rule requested by Chairman NATCHER was one to allow timely and clean approval of this bill. The rule we got was closed—even though we could have met Mr. NATCHER's request and had responsible debate on paying for this bill by simply adhering to strict time limits. Instead, the majority on the Rules Committee shut out the Nussle-Penny and Slattery amendments, leaving us with no choices about paying for this bill. Under this closed rule, we are not saying where the $3 billion comes from. We are saying that we are palming it off on our children and grandchildren. The Democrats on the Rules Committee shut out all amendments brought before the committee by Democrats and Republicans—including a very important provision to punish unscrupulous exploiters and price gougers who seek to capitalize on the misery and misfortune of others. Amendments to limit the open-ended borrowing authority of the Commodity Credit Corporation and to provide regulatory borrowing relief in affected areas were also denied. What the committee did do was accept a completely unrelated amendment whose sponsor never even showed up to testify. We were told this was done to make good on some prior commitment to pay a $100 stipend to youths up to 30 years of age. I am sorry, but I fail to see a rational connection between that subject and the emergency flood relief bill we are supposed to be focused on. Not only did the Rules Committee, by party line mandate, accept this orphan amendment, but it created a rule that self-executes its provisions. The only other amendment made in order also never saw its sponsor testify. I guess if you really want an amendment it is better not to show up at Rules. Mr. Speaker, the Federal Government has an obligation to help Americans in need who are suffering from this flooding. And we will help them. But we also have an obligation to stop spending money we don't have and to start finding ways to pay for the priorities we set. This flood is a priority unforeseen, but it is a pressing, urgent, immediate priority—and I think we should have given ourselves a chance to find an intelligent way to pay for it—through an open rule or at least through debate on the two amendments offered that showed us the way. I urge my colleagues to defeat the previous question so we can bring up the Penny-Nussle pay-go amendment. Failing that, I urge opposition to this rule.

Mr. Speaker, I include for the RECORD an analysis of open versus restrictive rules in the House, a copy of a proposed amendment, and related material:

OPEN VERSUS RESTRICTIVE RULES: 95TH–103D CONG.

Congress	Total rules granted[1]	Open rules[2]		Restrictive rules[2]	
		Number	Percent	Number	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	28	8	29	20	71

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 22, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number, date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rules and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (February 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (February 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (February 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (March 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (March 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185. (March 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (March 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (March 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (April 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (April 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: National Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0. (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: US Forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote. (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2nd supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194. (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	
H. Res. 217, Jul. 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, Jul. 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, Jul. 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ-Previous question; A-Adopted; F-Failed.

Rollcall Votes on Proposed Amendment to the Rule on H.R. 2667, Disaster Assistance Supplemental Appropriations, Wednesday, July 21, 1993

1. Open Rule: This amendment in the nature of a substitute provides for a one-hour, open rule.

Vote: (Defeated 3-6): Yeas—Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Hall, Wheat, Slaughter.

2. Grandy (IA): (A) allow prevented planting crop insurance coverage for producers who have purchased federal crop insurance for corn or soybeans; and (B) strike unlimited borrowing authority from the Commodities Credit Corporation.

Vote: (Defeated 3-6): Yeas—Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Hall, Wheat, Slaughter.

3. Baker (LA): established tough federal penalties for price gouging in a disaster area.

Vote: (Defeated 3-6): Yeas—Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Hall, Wheat, Slaughter.

4. Nussle/Penny to offset the total funding in this bill be rescinding unobligated funds from previously approved legislation.

Vote: (Defeated 3-6): Yeas—Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Hall, Wheat, Slaughter.

5. Grams (MN): to provide regulatory relief for depository institutions located in, or adjacent to, federally declared disaster areas.

Vote: (Defeated 4-5): Yeas—Quillen, Dreier, Goss, Wheat; Nays—Derrick, Beilenson, Bonior, Hall, Slaughter.

6. Slattery (KS): to pay for the costs of this bill out of fiscal year 1994 discretionary appropriations.

Vote: (Defeated 3-6): Yeas—Quillen, Dreier, Goss; Nays—Derrick Beilenson, Bonior, Hall, Wheat, Slaughter.

7. Lazio (NY): to allocate $14 million for flood damage on Fire Island, New York.

Vote: (Defeated 3-6): Yeas—Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Hall, Wheat, Slaughter.

8. Adoption of Rule (Adopted 5-3): Yeas—Derrick, Beilenson, Bonior, Hall, Wheat; Nays—Quillen, Dreier, Goss.

Note: The individual amendments would be printed in the Rules Committee report, would not be subject to amendment, would be debatable for 20-minutes each, and appropriate points of order would be waived.

House Resolution 220—An Amendment Offered by Mr. Goss

On page 2, at line 17, insert the following after the word "except":

": (1) an amendment by Representative Nussle of Iowa or Representative Penny of Minnesota, said amendment shall be considered as read, shall not be subject to amendment but shall be debatable for not more than 20 minutes to be equally divided and controlled by the proponent and a Member opposed thereto, and all points of order against said amendment are hereby waived; and (2)".

Budgetary Impact of the Nussle/Penny Amendment

	Millions
Federal Building Fund (GSA)	$211.68
Information Technology Fund (GSA)	58.00
United States Enrichment Corporation Fund	10.56
Interior—Construction	42.24
Legislative branch—Payments to copyright owners	48.96
Economic Support Fund (FAP)	20.00
Fund strengthening markets, income & supply (sec. 32 USDA)	40.96
Energy—SPR petroleum	63.36
OPM—Salaries and expenses	19.72
American battle monuments—salaries and expenses	3.09
FBI—Salaries and expenses	15.84
Interstate Commerce Commission—salaries and expenses	7.03
Coast Guard research, development and evaluation	4.45
Pennsylvania Avenue Development Corporation	1.83
Justice—Buildings and facilities	180.48
Smithsonian Institute	6.59
Bureau of Land Management	94.20
OSHA—Salaries and expenses	46.18
Bureau of Labor Statistics	51.82
U.S. travel and tourism—salaries and expenses	2.02
Bureau of the Census	47.57
Maritime Administration	47.48
International Trade Administration	34.22
National Institute of Standards and Technology	61.44
Appalachian Regional Commission	30.40
Tennessee Valley Authority	21.60
Export Administration	6.58
National Archives	26.40
BATF	58.60
Fossil energy research	68.80
Abandoned mine reclamation	30.32
Legal activities	374.50
HUD management and administration	142.72
Energy—Construction general	192.56
Bureau of Reclamation—Construction	75.29
Energy—General science and research	226.85
Legal Services Corporation	57.12
USIA	117.87
Forest research	25.21
National Forest System	210.96
NASA—Construction and families	84.00
Total	3,080.04

Mr. Speaker, I reserve the balance of my time.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a number of people who wish to speak on this rule. I would like to explain something of the process in the two amendments that have been referred to.

The modification of the Youth Fair Chance Program is something that is unrelated to the flood disaster, but it has been approved by this body several times in the past, last year as part of the urban aid bill, and this year as part of the conference report on the second supplemental appropriation bill.

The Senate, however, amended the youth job training provision, authorizing the money and extending the ages of eligibility, but they did it in a manner that requires further modification. Therefore, the House is using this opportunity to restate its original position.

The CBO has determined that no direct spending would result from this provision, and it has been mentioned, Mr. Speaker, this is to make up for an earlier mistake that was made in communication between the two bodies.

In regard to the other amendment that is included in this legislation, the so-called Volkmer amendment, that increases from $25 million to $50 million the contingency funds available for emergency expenditures from the floods, these funds come from the highway trust fund.

The gentleman from Missouri [Mr. VOLKMER] was there at the Committee on Rules yesterday afternoon, and available to testify for some period of time. Unfortunately, he was called away to chair a subcommittee meeting. He did submit written testimony, so we do have on record the testimony of the gentleman from Missouri, and for what I think is a very meritorious addition to this legislation.

Mr. Speaker, obviously we all consider this legislation vital and important. There are a number of us who had amendments that could have been included in this legislation. I had an amendment myself that I would like to have seen placed in this legislation, but in a colloquy with the gentleman from Kentucky [Mr. NATCHER] yesterday, it was determined that to put a number of amendments on this legislation would not only confuse the issue at hand, but it could possibly slow down the arrival of aid to people who desperately need it throughout the Midwest. I do not think that is the intention of any of us who are working on this legislation.

There will be other vehicles for legislative changes that may be made over time in regard to our disaster program and our agricultural programs, but the time to get aid to people who desperately need it is now. People are continuing to fight the flood in the Midwest, and as the waters are receding, I think they expect and hope and deserve to see the Representatives of the United States Government provide to them what assistance we can, and do it in a timely manner.

To consider this bill today and in this fashion is the way to do that.

Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I thank the chairman, the gentleman from Kentucky [Mr. NATCHER], for his work on this problem. Mr. Speaker, yesterday officials in my home State of South Carolina upgraded our drought from incipient to moderate for 39 of our 46 counties. This means that conditions have continued to deteriorate and are expected to persist. Last month was the driest June in record, and our recordkeeping goes back to 1895.

Last week CBS news visited my home State, and this morning NBC news featured South Carolina and its drought conditions. I know that the Midwest and the flood is on everybody's mind, but in South Carolina our corn is gone, cotton and tobacco are half gone, soybeans are being replanted now for the third time.

I rise today, Mr. Speaker, to ask that we ensure that as we move forward in trying to help those of our citizens in the Midwest who have seen their crops drown, that we keep in mind that in the Southeast many of our farmers have seen their crops burned to death. I rise to ask that as we consider these disasters, that we keep in mind the disaster that is now being visited upon the people of South Carolina and other parts of the Southeast.

☐ 1110

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding the time, and I will not consume much time.

Earlier this morning we had a Member of the Democrat Party take the well to say, "All you Republicans want to do is cut spending, cut spending, cut spending, cut spending." I guess most of the time that is true.

Unfortunately, because of the rules that are so regularly violated in this House, we Republicans are not allowed the opportunity to even bring an amendment to the floor that cuts spending, cuts spending, cuts spending, cuts spending. And this legislation is one of those cases where we Republicans are not even attempting to cut spending, cut spending, cut spending, cut spending. All we want to do is try to pay for this supplemental appropriation bill of $3 billion.

We do not want to increase the deficit, and yet because of the unfairness of this rule we are not being allowed even the opportunity to vote in favor of paying for this bill. That is why, Mr. Speaker, I urge my colleagues to join us today in defeating the previous question so that we can offer an amendment to this rule that would make in order the so-called Nussle, a Republican, Penny, a Democrat, amendment to offset the cost of this $3 billion disaster assistance program. Then this Member of Congress, JERRY SOLOMON, can vote for the bill and help those people who desperately need help.

Mr. Speaker, I think we all understand and agree with the urgency and the importance of this disaster assistance bill for the flood-wracked Midwest. I think everybody in this House does, and we all want to vote for it. None of us want to delay this legislation.

Our amendment to this rule would add just one amendment, which will take just 20 minutes, 20 minutes of debate on this floor, and probably not even that much time over in the Senate.

But what is at stake here is a very important principle, and that is whether we are willing to find other means to pay for these disaster assistance costs or whether we will simply let them add to the deficit. That is how we got in this awful sea of red ink that we are in today, Mr. Speaker.

I want to commend Representatives NUSSLE and PENNY on taking the initiative in drafting their amendment to offset the cost of this bill by rescinding some 16 percent, just 16 percent, of the unobligated balances in various fiscal 1993 accounts. And they are all right here. If Members are listening back in their offices, come over here to the table and I will be glad to give them this list totaling $3.80 billion, which would offset the entire cost of this bill.

I want to say, Mr. Speaker, that we are in the midst of negotiations on the reconciliation bill which is supposedly designed to reduce the deficit by some $500 billion over the next 5 years. For us then to turn around today and vote to increase that deficit is a little like bailing out the boat with one hand while punching new holes with the other hand. That does not make any sense.

Mr. Speaker, I reject the procedural argument that some will make that we must keep this bill clean. The face is that it is already being dirtied by this rule. This rule self-executes one Democrat amendment and makes in order another Democrat amendment, both of which will cost additional money and add further to the deficit. And moreover, the bill itself requires a blanket waiver of points of order because it has unauthorized legislative provisions, and it probably violates the Budget Act as well.

So the issue concerning our proposed amendment today in this rule is not whether we will keep the bill clean, but simply whether we will pay for the bill itself.

I hope Members vote down the previous question so that we can do the fiscally responsible thing and make this bill self-financing. That is what the American people sent us here to do, this year of all years.

Should we fail to defeat the previous question, I urge Members to vote "no" on the rule if for no other reason than to knock out a self-executing provision that totally rips off the taxpayers of this Nation. It is a nongermane provision that raises from 18 years to 30 years the age at which to qualify for a Youth Fair Chance Program. This has nothing to do with the flood, nothing to do with this disaster, yet is stuck in here as a self-executing provision that Members are not even going to be allowed to vote on. Mr. Speaker, adults, 21 years of age or 25 years of age or 27 years of age or 30 years of age are not youths. They should not qualify for this Youth Fair Chance Program.

So vote down the previous question, and we will be allowed to offer that Penny-Nussle amendment on a bipartisan basis, which will pay for this bill. And I guarantee then that we will get 100 percent of this membership voting for this bill, which is the way it should be. If the previous question is not voted down, I hope Members defeat the rule, and I thank the gentleman for the time.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield 2½ minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I thank my friend from Missouri for yielding me a couple of minutes. It is not often that I take the well to oppose a rule, and to ask my colleagues to oppose a rule. But on this occasion I must. And I do so for several basic reasons.

Needless to say, we have a dire emergency in the heartland. I want to respond to this emergency, and I believe that most Members of this body want to respond we can respond to this emergency, and we must respond. That is not the question.

The question is how do we respond to the emergency? And from my perspective, I think it is important for us to respond in a fiscally responsible manner, and we can do that. And we can do it without holding the victims of this terrible emergency hostage. We can act decisively, and we can act quickly, and there are several ways to do it.

The Penny-Nussle approach is one way to do it. I have suggested another way, and that is merely to look to the 1994 discretionary budget numbers and reduce that number by an amount necessary to meet the expense of this emergency.

The budget resolution empowers us to spend more than $500 billion on discretionary accounts. Simple math tells us that a 1 percent across-the-board reduction would more than pay for the amount of disaster assistance being requested in this measure. A simple approach.

When we make our decisions as to how we should pay for this emergency, I hope we keep in mind what we are doing when we borrow money, as most will probably want to do today. We are taking this money from our kids and grandkids to pay for our emergencies because we are unwilling to pay either by raising some revenue, which I do not want to do, or by cutting spending for next year, which I think we should do.

Any family in America, any business in America, any Governor in America, any mayor in America that faces emergencies has to change course, they have to make adjustments on how they are spending money to meet the emergency, and that is all I am suggesting here today. We should be given the opportunity to at least debate how we can pay for this emergency.

I urge my colleagues on this rare occasion to defeat this rule so that we will have the opportunity to do what is not only compassionate and needed, and something we all want to do, but equally important, let us do it in a manner that is fiscally responsible and keeps faith with our children and grandchildren whose money we will otherwise take to pay for our emergency.

The SPEAKER pro tempore (Mr. TORRICELLI). The gentleman from Florida [Mr. GOSS] has 19 minutes remaining and the gentleman from Missouri [Mr. WHEAT] has 21½ minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER of Louisiana. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, there is not one among us who would turn his back on the tragedy of human suffering, and as we watch the evening news, for those troubled individuals along the upper Mississippi corridor, our hearts go out. And today we will join hands, Democrat and Republican, all of us here in this Congress to do what we can to alleviate a small part of that human suffering.

We watch the evening news and we also hear thousands of stories about Americans across this country who spend their own time and money and resources to travel to the stricken communities, put sand in the bags and stand in knee-deep water as they fight the raging river. This is the America we all hope for.

But regrettably, Mr. Speaker, there is another part of America of which we should not be so proud. There are people in my own State when Hurricane Andrew swept across the coastal region, people without lights, people without water, without ice to keep food cold, they loaded up freezers full of ice and drove into our communities, and ice that would sell for a dollar a bag they would sell it for $20, profiteering off of the misery of people in need.

□ 1120

Today we will appropriate profiteering off the misery of people in need. Today we will appropriate $3 billion to help the people in the flood-stricken region of the country to help people, taxpayer money, hard to come by. As the previous speaker said, we should not be throwing taxpayer money away. How true. How is it more true at a time of human desperate need as today?

Should we give $3 billion away to a region of the country stricken by a tragic natural disaster and let someone sell a $15 piece of plywood for $100 so someone can save their home from floodwaters? Of course not.

I had a simple amendment, real simple. It simply said price gouging as a result of a declaration of a natural disaster is a Federal crime. Why do we need it? Some jurisdictions have simple misdemeanors, where the fine may be $100.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. BAKER of Louisiana. I yield to the gentleman from Florida.

Mr. GOSS. I do so simply to point out to the gentleman and say that his amendment was submitted to the Committee on Rules and was defeated on a party-line vote. There was some type of a suggestion made that it might be appropriate under the crime bill someday. The gentleman may wish to note that.

Mr. BAKER of Louisiana. I appreciate the gentleman's information and insight. The fact is I did appear before the Committee on Rules, as Mr. GOSS knows, and asked the Rules Committee to make in order a simple amendment, make it a Federal crime for someone to take a resource and sell it for more than it is worth in the middle of a national disaster declared by the President or the Governor of a State.

Is this some radical new idea? Of course not. In some jurisdictions it is a simple misdemeanor, $100, $500 fine. Someone can make thousands of dollars off of selling important necessities to people who are suffering. And we are going to say "no." We simply cannot debate something of that sort because it is inappropriate in this emergency.

Think about it: $3 billion will be spent in this region of the country. Is it possible someone might hear about this and travel to that region of the country and try to make a profit off of this disaster? You can count on it. And we will have given away our opportunity to stop it and to help people in a meaningful way to make sure that taxpayer money is spent where it is needed.

It is very regrettable, Mr. Speaker, and I wish the Committee on rules had adopted the amendment.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Louisiana [Mr. BAKER] for his statement and for his hard work that he has done on this issue. The gentleman and I are in fact working together on this legislation, and I recognize the need for it.

When you travel the Midwest, as I have had the misfortune to do in the last few weeks, and you see the amazing stories of the valor and courage of individual people who fight endless hours to save their homes and their communities, shuffling sand into bags and stacking those bags along the banks of the rivers that people recognize are ultimately going to come flowing out of the banks, and you watch those people's lives literally destroyed overnight, everyone in the country feels a sense of sadness and of loss—except for those very few people who watch the same scenes with a sense of glee and come rushing into those communities in the aftermath with the intention of making their fortune off of the misfortune of others. I could not agree more with the gentleman that we need a Federal law in response to price gouging. It is true that a very few States do have laws against price gouging, but a united, coordinated Federal approach is necessary in this problem.

Mr. BAKER of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. WHEAT. I am happy to yield to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER of Louisiana. I appreciate the gentleman's yielding and appreciate his courtesies and his support of the idea in committee. Regrettably, it was not made in order.

Mr. Speaker, could the gentleman give me his ideas as to working cooperatively, how may we best proceed to get this made into law at the earliest possible moment?

Mr. WHEAT. I thank the gentleman for the question because it is a question I asked in the Committee on Rules yesterday before I regrettably voted against allowing the amendment to be included in this legislation today.

And we received assurances yesterday that the gentleman's bill would be considered in the crime bill that we expect to come to the floor in a very few weeks.

I understand the importance of passing the price gouging legislation. I expect the crime bill to come to the floor within very short order. What we intend to do is to make it a Federal crime to go in in the aftermath of a disaster and resort to this kind of conduct. That is the appropriate place for the legislation. And I hope we get to it as quickly as possible.

Mr. BAKER of Louisiana. Will the gentleman yield further?

Mr. WHEAT. I yield to the gentleman from Louisiana.

Mr. BAKER of Louisiana. I would only point out that if the crime bill were to move expeditiously through the House and through the Senate, this provision would be included, it could well be not made effective as law until perhaps the first of next year and the $3 billion we are spending today would have already gone by the wayside. I am only pointing out the necessity of urging a timely action.

I am appreciative of the gentleman's efforts and know he is sincere in moving the crime bill forward to include this provision. But if there is anything we can do, we ought to do it soon.

Mr. WHEAT. I understand the gentleman's sentiments and his sincerity, and I applaud him for his efforts. But the fear that we have is that if we open this bill up to a wide range of amendments, including what I think is a very meritorious amendment, that the bill will be bogged down and that we will not be able to get the aid to people who desperately need it at the earliest moment. We have a sincere disagreement on the process. We are going ahead with this amendment. But I do hope we go ahead with the legislation.

Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the bill, I support the rule. I want to commend Chairman NATCHER for taking care of victims of a disaster here in America.

I would like to remind the Members of Congress that if we could find emergency aid for the Kurds, emergency aid to save the assets of Kuwait, to bail out Boris Yeltsin, it is time to take care of some American victims.

Let me say this: I did not hear anybody discussing expansion of the debt and budget deficits when we gave away all those billions in foreign aid. And I do not think those arguments are necessary today. The American victims of this disaster do not need a speech from Congress.

In the first place, they are sick and tired of seeing their hard-earned tax dollars going overseas and then they have to listen to a debate about the national debt and budget deficit when they are bobbing up and down in 40 feet of water; it is unbelievable to me.

In fact, Mr. Chairman, God bless you, and if $3 billion is not enough, find the money.

Let me say this in closing: If Congress can find billions of dollars for Kuwait and Boris Yeltsin, Congress can find the money for these victims here in America of this great flood.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. PORTER], a member of the Committee on Appropriations.

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the bill underlying this rule addresses disaster assistance, relief for people suffering personal and economic loss from flooding in the Midwest. The rule clearly is not a place to address unrelated projects having nothing to do with the disaster assistance. It is not the place to use, once again, a self-executing provision that makes an end run around the legislative process to accommodate a Member's project.

But here we go again, Mr. Speaker, a self-executing provision on Youth Fair Chance. Again, I am not questioning the substance of that program. But why should we be circumventing the authorizing process and the appropriating process, insulting the chairmen of the full committees and subcommittees of jurisdiction and the members of both committees, and adding an unrelated provision on which we are not allowed to vote?

I understand that the Speaker made very clear to both the majority and the minority that this would be a clean bill.

□ 1130

But here we are with another provision from a totally unrelated matter being added to the bill as a self-executing provision with no chance to amend. It circumvents the normal process. There have been no hearings on it in the authorizing committee or the Appropriations Committee.

This matter was never funded until the last end run around it in the previous supplemental.

I wonder by what right does any Member circumvent the legislative process in this way, something not available to any other Member?

I simply say it smacks of payoff for something else.

I would ask the gentleman from Missouri if he would tell us why this is in this rule. Why does this not go through the normal process? Please give us some guidance on this.

Mr. WHEAT. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Missouri.

Mr. WHEAT. Mr. Speaker, I would be happy to respond to the gentleman, as I did when I was originally explaining what had happened.

It was intended that this provision be in the second supplemental. It was approved last year by the House of Representatives and by the Senate. It was approved earlier this year.

It was expected and believed to have been included in that earlier legislation. It was discovered afterward that it had not been included. This is the rectification of a mistake.

I would admit candidly to the gentleman that this has nothing to do with flood relief. It is just using this opportunity to clarify a mistake that has been made in the legislative process.

Mr. PORTER. Mr. Speaker, if I can now reclaim my time, I would say to the gentleman that I was a part of the conference on that. It is not a matter that was overlooked. It was a matter that was rejected by the conferees, and here it comes back again around the process, the same old way.

What is happening with this? Let us get to the heart of the matter. I cannot understand why any such provision would be put into the rule on this disaster assistance bill to take care of someone else's unrelated matter that has not gone through the normal process, that has not had hearings, that has not seen the light of day. Again, it circumvents the process.

I think it is wrong, Mr. Speaker. I think this rule ought to be defeated. I think the previous question ought to be defeated so we can take this out and let it go through the process like everyone else has to go through the process and be judged according to the same standards.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I find it rather ironic that the gentleman from Louisiana [Mr. BAKER] who was up there before was denied an amendment dealing with profiteering, which is terribly important to this issue, and yet he was denied for the reason that they wanted to keep the bill clean, and yet here we find this self-executing provision in this rule.

My good friend, the gentleman from Missouri [Mr. WHEAT] for whom I have great respect mentioned there was no additional cost to this and that it was supposed to be in there before; but the truth of the matter is, there is great cost involved in this.

I have a letter from the supposedly bipartisan, nonpartisan Congressional Budget Office which simply says here:

> Because the Youth Fair Chance program is a discretionary program, where spending is limited by appropriations, no direct spending would result from the enactment of this amendment. On the other hand, the amendment would expand the potential eligible population for the Youth Fair Chance program——

And here we are talking about going up to 30 years of age——

> and could result in requests for additional appropriation amounts.

Mr. Speaker, that is why this has no business being in this bill whatsoever. That is why we ought to defeat the rule.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

My good friend, the gentleman from New York, is right. I believe this is the rectification of a mistake.

The gentleman is reading from a letter from Robert Reischauer from the Congressional Budget Office. I would read to the Members who are listening the line prior to the one the gentleman read:

> Because the Youth Fair Chance Program is a discretionary program, where spending is limited by appropriations, no direct spending would result from the enactment of this amendment.

I want to remind the Members that in fact this amendment does not increase the appropriations. What it does is rectify a mistake that was made earlier when Members were led to believe this provision had been included in the conference committee report and was in fact excluded by mistake.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, I want to express my strong support for this rule and the flood disaster supplemental legislation. I applaud my colleagues for their quick work in bringing this bill to the floor and the President for his attention to these problems and his promise that this is not the end of the help our government will deliver.

I want to emphasize that this must only be the beginning of our efforts. There is much more to do to help our citizens and communities reclaim their farms, their businesses, their homes, and their future.

We must do more than help our citizens recover. We must help them rebuild and reclaim their strength.

For people in my district, which runs for over 150 miles along the Mississippi River from Savanna to Quincy, this flood has staggered them and hurt them. For the people of Quincy who have lost their key economic lifeline in the Bayview Bridge, the flood of economic pain continues. We have to make sure they have the opportunity to rebuild.

For farmers and residents in Hancock County, this flood has taken away their land and their livelihoods. We have to help them reclaim their land and renew their businesses.

For the residents in Mercer and Henderson Counties, this flood has taken away homes and their jobs and their dreams. We have to deliver more than hope, but real help that says this country will stand up for them and get on their side.

The people of my district have responded with uncommon courage and heart to this tragedy. Through it all, they exhibited a spirit that cannot be beaten. But it will not repair the damage or bring back homes still under water.

Our country has to match the dedication our citizens have shown battling this flood. After the water recedes, we cannot retreat from continuing to help rebuild our country's heartland. The people of western Illinois form our country's backbone and strength. We have to continue to stand shoulder to shoulder with them.

Mr. Speaker, I urge my colleagues to support this rule and the flood disaster supplemental.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

First of all, I want to go on record as supporting the gentleman from Iowa [Mr. NUSSLE] and the gentleman from Minnesota [Mr. PENNY] in their efforts.

The idea that we could find the money now to pay for this and not pass the debt on to the same people who are suffering in the Midwest seems to me makes good sense and we ought to go along that route.

I am disturbed that the House on two occasions now has turned down the idea beginning to set aside money to pay for this flood damage next year. We cannot do that, and now we do not want to pay for this year either. It does strike me as being the wrong kind of policy.

What I want to focus on, though, is this so-called mistake that is being corrected in the self-enacting rule. I am rather amazed to hear that we are now in a rule-changing law evidently to take care of a deal that was made with regard to reconciliation.

The last time the supplemental came through we had this rather strange provision that ended up in law that makes teenagers 30-year-olds and in addition pays them $100 a week for keeping themselves well groomed.

Here we are back at it again.

In this particular instance, the Rules Committee is telling us that this ought to be included as a part of this piece of legislation. We cannot include a provision to stop the profiteering against flood victims because, oh, that would be legislating in an appropriations bill. That would be moving in the wrong direction, but we can include this provision.

This provision is one of those that is very strange. Nobody knows of any hearings on it. Evidently nobody appeared in the Rules Committee asking for it, and all of a sudden it shows up here.

Let us understand. The gentleman from Illinois has made it very clear. This was not a mistake. The conference committee on the last supplemental made a specific decision. They decided that this was not a very good idea, that calling 30-year-olds teenagers was not something that they wanted to do.

Second, what they particularly did not want to do was pay them a $100 a week stipend.

Now that is really what is being corrected here. They kept the language in the last supplemental, as I understand it, that called the 30-year-olds teenagers, but what they decided not to do was pay them $100 a week to pay them, among other things, to keep themselves well groomed.

□ 1140

Now we come back with this self-enacting provision that now suggests we are going to put $100 dollars a week stipend back into the legislation. That is a piece of legislation that is going to cost us real money. That is something that ought to be debated in the House. That is something we ought to have a chance to decide whether or not it is a good idea.

If this amendment is supposed to be on the supplemental, why was it not included in the supplemental so we could bring it out here and we could have a motion to strike it and take it out if the House does not like that? But, no, we cannot do that. What we are doing is the Committee on Rules, on its own, without anybody coming up and testifying, without anybody telling us why this is a good idea, has decided to put this in as a self-enacting rule.

Mr. Speaker, this is exactly the kind of thing that gets this House in trouble. It ought to be rejected. Defeat the previous question.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, this is not simply a question of disaster aid. It is a question of leadership. Even those most directly and adversely affected by this natural disaster understand that the money to provide disaster relief has to come from somewhere.

In fact, in an opinion poll conducted in flood ravaged Iowa it was indicated that fully 80 percent of respondents wanted the aid package to be honestly financed rather than added to the deficit.

Americans deserve real leadership, yet they see very little true leadership in Washington.

Mr. Speaker, this crisis presented an opportunity to the President and to the Congress. We could have and we should have challenged ourselves and the American public to share the burden in order to provide assistance to those most in need. That is the American way, and our Nation has always been willing to pull together in times of crisis.

John F. Kennedy once said, "To govern is to choose." Obviously tough choices invite controversy, and, rather than face the controversy of cutting less important programs to make room in the budget for disaster aid, the President, and now we in Congress, are taking the easy path. We are declaring a budget emergency and adding these costs to the deficit.

Families, farmers, and business people in the Midwest are faced with very difficult choices as they try to recover their livelihoods and rebuild their lives. They have seen their life's work sacrificed to heavy rains and flooding. Even with disaster aid, Mr. Speaker, these courageous Americans will have to make a financial sacrifice over a period of several years in order to regain what has been lost.

Americans can rightly ask what portion of the Federal budget will be sacrificed as a way of freeing up funds to provide this disaster relief. The answer is that no sacrifice will be made, no programs will be cut. By implication we convey to the American public that every program in the Federal budget is just as important as disaster aid. That is nonsense, and the American people know that it is nonsense.

Mr. Speaker, I am convinced that Americans would applaud our leadership in honestly paying for this disaster relief package. We could have done that if we had allowed the Slattery amendment to be offered on the House floor. We could have done that if the rule had allowed the Nussle-Penny amendment to be offered, but this rule says no to any pay-as-you-go amendment.

For those reasons, Mr. Speaker, I urge a no vote on the rule.

Mr. WHEAT. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois [Mr. DURBIN] who has worked actively with the gentleman from Kentucky [Mr. NATCHER] on the appropriations legislation.

Mr. DURBIN. Mr. Speaker, let me say at the outset that I represent a district that has been inundated by this flood. There are communities which have been destroyed, families have been moved from their homes, farms have been destroyed, businesses have been wiped out, and many of these people will never have a chance to recover.

Mr. Speaker, I am sure these flood victims are listening to this debate with great interest, people who are homeless, people who see their life savings floating down that river. They are listening to this debate wondering when we are gong to put an end to this interminable whining and caterwauling, wondering when we are going to say we have had enough of this overtime, pious oratory.

Let me remind the Members of the Chamber that as Presidents have come before us with emergency declarations and requests, we have put partisanship aside and we have said we will come to the aid of needy people. President Bush asked us to come to the aid of the Kurdish refugees. Many in this Chamber rallied to the President because he said it was an emergency. I did not her one word about pay as you go or what about the deficit. No, sir, it was, "Rally around the President."

Let me also tell my colleagues that when this gentleman was asked to come to the aid of California in their disaster, for the disaster in Florida and the disaster in Texas, I marched up that Hill to help American people in need. Today what we get are theories about how to pay for it.

It is an important debate; reducing the deficit is important. But please, for these people my colleagues have said they admire so much who are fighting to survive in this flood, do not subject them to this flood or oratory.

The suggestions offered by the gentleman from Iowa [Mr. NUSSLE] and the gentleman from Minnesota [Mr. PENNY] that their cuts are going to be easy to pass in this Congress are ludicrous. Take a look at where they would make the cuts:

The FBI, the Federal prison system, the School Lunch Program, drug enforcement agencies, and get this one. They want a 16-percent cut in the

Army Corps of Engineers, the very agency which will have the responsibility to try to restore the levees and bring life back to normal on the Mississippi.

I say to my colleagues, "Please, if you really care for the victims of this flood, put the oratory and the partisanship aside and vote to help them."

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I listened with interest to this debate, and I remember some time ago when we were debating sending military troops to the Persian Gulf, and, if my mind is clear, we did not look for offsets or rescissions to pay for this endeavor. We had no idea what it would cost, and to this day we do not know what the actual cost is. This is also true for the peacekeeping mission in Somali, which I supported, but, Mr. Speaker, to me for us to be having this debate today when people are absolutely devastated is absolutely ludicrous.

Mr. WHEAT. Mr. Speaker, I yield 4 minutes to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT]. It is unfortunate and tragic that one of the districts most affected by the rising waters in the Midwest is his, and the gentleman from Missouri has had personal experience, as well, with this tragedy.

Mr. GEPHARDT. Mr. Speaker, I rise obviously in support of this rule and in support of this legislation.

Mr. Speaker, I grew up in south St. Louis in a neighborhood that is a few blocks from where this flood is still spreading and injuring people's lives, their hopes, their future. It is absolutely essential that we today provide emergency assistance for Americans in eight or nine, and maybe more, States who this morning are in great trouble.

In my own district a storm sewer called River Depair has flooded now about 2,000 homes, and 2,000 homes have been evacuated in one neighborhood. Seventeen hundred families are now scattered out to friends and neighbors. Some of them are sleeping in trucks, and some of them are sleeping in their cars.

Hundreds of businesses have been lost. Over 250 small businesses in my district have been closed. In little towns up and down the Mississippi River that sit on creeks and tributaries, people are living in the streets, sandbagging and pulling together to try to save their small villages.

If this is not an emergency, I do not know what is.

I met a woman who had lived in her house continuously for 50 years. She asked me why she had to leave as the National Guard tried to get her to agree to leave so they would not have to try to take her out in a boat. She told me that she would never come back, that her life was over because she could never come back to her house that was going to be under water.

I talked to business people who are already in debt, who had gone into debt to start their small businesses and who now face the prospect at best from these programs of being able to take on yet more debt to try to keep their businesses open.

I talked to farmers in my district who are already deep in debt from 3 years of bad crops and who now have to forego another crop and take on more debt, who will not get grants, who will not get charity, who will not get aid, but who will just get the chance to get a loan.

The head of the levee is Ste. Genevieve, MO, the oldest town west of the Mississippi River, which is valiantly holding on today because of a sandbag levy that 4,700 people in that village have put together, looked me in the eye a week-and-a-half ago, and with tears in his eyes, he said, "Pray for us and help us."

These people are simply crying out for help. They do not want a grant. They know they are never going to be made whole. They know they are never going to a 100 percent. They are just asking for a chance to fight and to work to be made whole in the years and days ahead. That is all they are asking this Congress for, and I beg the Members to vote for this rule and vote for this legislation.

Mr. Speaker, let us hold our hand out to the thousands of people up and down these rivers who are fighting their hearts out today to stay alive and to have a future. Let us give them our vote. Let us vote for this emergency legislation.

Mr. GOSS. Mr. Speaker, I congratulate the Majority Leader on his eloquent statement, and I point out that it is not a question of whether we are going to give this relief or not; it is a question of how we pay for it.

For that purpose, Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. NUSSLE].

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I agree with the majority leader. There has never been in my lifetime, or in anyone's in the Midwest, a time when the people have exhibited any better partnership and neighborship, if you will, in a time of disaster, and there has never been a bigger disaster. There has never been one.

And the aid will go through today because we will vote to supply disaster assistance to the Midwest, regardless of this rule. All we are asking, though, is a chance to discuss one possible way to pay for it, not because we are against disaster assistance.

There is nobody in this Chamber who can tell this Member about how hard people are suffering in the Midwest. My people are suffering today, but they are also responsible people, people who understand you have to pay your bills. The are going to have to pay their bills.

As the majority leader said, they are not going to be made whole, and they are going to have to pay the additional expenses that this flood relief entails or that does not give to those people. So when the bill collector comes to them, what are they going to have to do? They are going to have to cut a little bit here and a little bit here and a little bit there to make ends meet to pay for their obligations.

One of the previous speakers, the chairman of a subcommittee of the Committee on Agriculture, said that all we have is theories about how to pay for it. The President said to me, "Be specific, Mr. Nussle. If you are going to ask us to pay for it, be specific."

School lunch program? Give me a break. There is nobody in this chamber who believes for one second that the items on this very specific list are anything but overages and padded budgets.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. No; I will not yield until I have finished. The gentleman did not yield to my friend when he asked him to yield.

Mr. Speaker, we have overages, padded budgets, bureaucrats who know at the end of the year that if they do not use it, they will lose it.

So we are asking for a little bit here and a little bit there to pay for it, not to hold up the process, not to stop disaster assistance, not to ask anybody to suffer except for once in our lives, the Federal Government. We never ask ourselves to suffer.

This is the other point I would like to make. Everyone says that that is not the way we did it the last time, that is not the way we did it before. That, believe me, is not the way we did it in 1940, in 1930, in 1910, or probably back in 1776, but if we keep on doing what we always did, we will always get what we always got, a $4.3 trillion debt. Sometime we will have to stop. Why cannot a group of Members from the Midwest say, "We have an idea." It is not because we want to hold anything up or because we do not want to give assistance.

Yes, this is political suicide, I suppose, but we have to start asking the question for the next opportunity when we have to fund disaster assistance.

Mr. WHEAT. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I call the attention of the gentleman from Iowa [Mr. NUSSLE] to his own item on page 2, line 4, agricultural marketing service, where he suggests a 16-percent reduction in the fund to make surplus commodities available for the school lunch program.

I would call his attention to page 1, where he asks for a 16-percent cut in the Federal Bureau of Investigation and a 16-percent cut in the Federal prison system. He will also find cuts in his amendment as well for programs that are critically important, such as for the Army Corps of Engineers which will have the responsibility to rebuild the levees.

Mr. Speaker, this gentleman wants to cut the Army Corps of Engineers in the midst of the greatest flood in our Nation's history? Does that make any sense?

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, I rise in support of the rule and H.R. 2267, the flood disaster supplemental appropriations bill.

The summer of 1993 has already taken its toll on South Carolina farmers.

The blistering heat and the lack of rainfall have withered corn, soybeans and other crops from Liberty to New Ellenton.

No other word but disaster describes what has happened to the farmers in my congressional district and in the rest of South Carolina.

Last month was the driest June in 100 years and there is little relief in sight.

Field crop losses have been estimated at more than $200 million. The inability of farmers to plant summer feed crops may result in early livestock buyouts. This will result in a twofold disaster and the price tag will climb much higher.

In fact, yesterday, the Governor of South Carolina asked President Clinton to declare the whole State an agricultural disaster.

One of my constituents Tom Garrison, a dairy farmer from Pendleton, SC, has summed up what this disaster means.

> DEAR CONGRESSMAN DERRICK, we have not had any rain here since May 16, 1993.
>
> Never in all my years in production agriculture have I seen a situation this bad!
>
> Unless there is a break in this weather pattern we will be completely out of feed by early fall.

My farmers seeded their fields only to hope in vain for the clouds to burst. Too much rain in the Midwest has robbed farmers there of the opportunity to plant their crops. Either way the summer of 1993 has spelled disaster.

Farmers like Tom Garrison will not forget this summer. And this is no time for the Federal Government to forget Tom and others like him.

Mr. Speaker, H.R. 2267—the flood disaster supplemental appropriations bill—sends $1.15 billion to the Commodity Credit Corporation for disaster relief to farmers affected by the 1993 floods and the drought.

Of the total, $850 million will be available immediately and $300 million will be available later.

I urge all my colleagues to support the rule and the speedy enactment of H.R. 2267.

□ 1200

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I would like to engage in a colloquy and ask a question to the distinguished gentleman from Missouri [Mr. WHEAT] and the distinguished gentleman from New York [Mr. SOLOMON]. My question is this: Will the chairman of the Committee on Appropriations have the opportunity under the rule to propose technical amendments for consideration and approval?

Mr. WHEAT. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Missouri.

Mr. WHEAT. Mr. Speaker, if I understand the question correctly, the gentleman is asking if the chairman of the Committee on Appropriations can make changes in the legislation that he will be dealing with on the floor should this rule pass. We made no specific provision in this legislation, within this rule, to allow the chairman to make technical changes to the bill. However, as the gentleman knows, under the rules of the House if the gentleman had unanimous consent, he could make changes to the bill.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, the issue is not whether we will vote for disaster relief. I presume every Member of Congress will do that. The issue is how we will pay for it, and I do not consider that to be a tough question.

Last week I met with the President and asked him how are we going to pay for this relief? His response was, well, that is up to the Committee on Appropriations. He seemed to have a genuine openness for that.

Mr. Speaker, the gentleman from Iowa [Mr. NUSSLE] and the gentleman from Minnesota [Mr. PENNY] came up with 42 specific cuts in unobligated spending. I see nobody else coming up with any other cuts.

Mr. Speaker, my congressional district is under water. My farmers want to know why they will not get grants, that they will get loans, when the money that goes to Russia will be in the term of grants and mostly not in loans.

The issue before us today is not whether this bill should pass. It should. It must for the people of the drenched, soaked Midwest. I would urge my colleagues to have an openness in the rule, and therefore to vote for the relief and against the rule.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I simply want to say that my district is one of those affected by the flood. I want to say I think very frankly the President is absolutely correct to fund this disaster as an emergency. This disaster will hurt the economy. The President is right to exempt this emergency from the normal budget rules around here. If he did not, he would run the risk of further depressing the national economy with the future loss of jobs. We do not want to do that.

Mr. Speaker, in my view those who are demanding that offsets be provided to comply with normal congressional rules are really arguing a pretty strange position. I think it is almost the height of political arrogance to expect even acts of God to comply with mere congressional rules of procedure.

There is a reason why the Budget Act exempts disasters from the normal budgetary offset requirements. It is because it is economically stupid not to. That is why the President is correct. That is why the committee is correct.

The time for action is now. What people want is action, not talk, and they want a recognition that this is just the first installment. Face it. Vote for this package as the committee presents, and get on with it.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, this side of the aisle has the greatest respect for the majority leader on your side of the aisle, the gentleman from Missouri [Mr. GEPHARDT]. The reason we do is because of the eloquent plea that the gentleman made a few minutes ago in support of this legislation. We respect his eloquence and his dignity.

What we do not respect, and what we deeply resent, is the previous speaker, my good friend, the gentleman from Wisconsin [Mr. OBEY], talking about political arrogance; and the speaker before him from Illinois [Mr. DURBIN], saying that Members on this side are whining and caterwauling, or whatever he said. All of these charges are made simply because we want to try to pay for this bill.

Mr. Speaker, our country is drowning in a sea of red ink. If there are unobligated funds that we can pay this bill with, we ought to be doing it. If we defeat the previous question here today, all we are going to do is bring back a rule that is going to allow a self-financing alternative, which neither the chairman of the Committee on Appropriations or the ranking member, the gentleman from Pennsylvania [Mr. MCDADE] oppose. They say if there is an alternative method, let the House work its will. And Members may vote it down. If so, that would be all right, but at least let us vote.

Mr. Speaker, if this alternative is allowed to be offered, I personally am going to vote for this legislation, because I have deep concern for the people who are suffering. Please vote down the previous question so we can at least have the alternative of voting for a means of paying for this bill.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I serve on the Committee on rules, I feel a little silly to have been with the President out looking at the devastation, knowing that there are 10 million acres under water, that 200 counties have been declared disaster areas, that there are estimates of $8 to $10 billion in losses, and yet we are standing here debating procedure.

We have seen pictures of the homes and farm buildings submerged, of entire crops lost under muddy seawater, of whole cities without drinking water. We hear and see the voices and faces of discouragement, as well as tales of discouragement.

Yet it is more than the pictures and stories and statistics. It is more than standing at the edge of the river and watching in awe at the power of the muddy waters. It is having the river claim your home, your business, your livelihood, and your dreams. It is starting all over again from nothing, with the uncertainty of how to rebuild your life. And it is wondering fearfully at night, if you are in your own home, if you are lucky enough to be, or a friend's home, or a shelter, who is going to be there to help.

This legislation is for the people who have experienced those realities and who need the helping hand we can extend. Let us move ahead with all due speed. Pass this bill so the Midwest can get on with rebuilding itself.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. TORRICELLI). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the time for any recorded vote that may be ordered on adoption of the resolution without intervening business.

The vote was taken by electronic device, and there were—yeas 245, nays 178, not voting 11, as follows:

[Roll No. 354]

YEAS—245

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—178

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Conyers
Dornan
Frost
Gephardt
Henry
Maloney
Moakley
Moran
Packard
Tucker
Wilson

□ 1227

The Clerk announced the following pair.

On this vote:

Mr. Gephardt for, with Mr. Dornan against.

Messrs. COBLE, SPENCE, and HASTERT changed their vote from "yea" to "nay."

Mr. BERMAN changed his vote from "present" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TORRICELLI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 205, noes 216, not voting 14, as follows:

[Roll No. 355]

AYES—205

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Costello
Coyne
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—216

Allard
Andrews (NJ)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Barcia
Conyers
Dornan
Franks (NJ)
Frost
Gephardt
Henry
Maloney
Michel
Moakley
Moran
Packard
Tucker
Wilson

□ 1242

The Clerk announced the following pairs:

On this vote:

Mr. Gephardt for, with Mr. Dornan against.

Mr. Moakley for, with Mr. Franks of New Jersey against.

Mr. SARPALIUS, Mr. McCURDY, Mrs. LLOYD, and Mr. GLICKMAN change their vote from "aye" to "no."

Mr. ENGLISH of Oklahoma and Ms. LAMBERT changed their vote from "no" to "aye."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2490, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 221 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 221

Resolved, That during consideration of the bill (H.R. 2490) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, all points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: beginning on page 17, line 14, through line 24; beginning on page 18, line 16, through line 20; beginning on page 23, line, through line 12; beginning with "*:Provided*" on page 27, line 2, through "1341" on line 6; beginning on page 48, line 11, through page 49, line 8; beginning on page 51, line 16, through line 23; beginning on page 53, line 7, through line 22; beginning on page 54, line 15, through page 55, line 14; beginning on page 56, line 1, through page 57, line 9; beginning on page 57, line 14, through page 58, line 11; and beginning on page 58, line 15, through page 59, line 2. Where points of order are waived against only part of a paragraph, a point of order against matter in the balance of the paragraph may be applied only within the balance of the paragraph and not against the entire paragraph. The amendments en bloc specified in the report of the Committee on Rules accompanying this resolution to be offered by Representative Tauzin of Louisiana or a designee may amend portions of the bill not yet read for amendment, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 2. House Resolution 211 is laid on the table.

The SPEAKER pro tempore (Mr. TORRICELLI]. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from Florida [Mr. GOSS] pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 221 is an open rule which waives clauses 2 and 6 of rule XXI against all provisions of the bill except certain provisions as printed in the report to accompany this rule. Clause 2 prohibits unauthorized appropriations or legislating on an appropriations bill, and clause 6 prohibits reappropriations on general appropriations bills.

If only a portion of a paragraph is protected, a point of order may lie only against that portion of the paragraph which is unprotected, not the entire paragraph.

House Resolution 221 makes in order the en block amendment to be offered by Representative TAUZIN or his designee which are printed in the report which accompanies this rule. The Tauzin en bloc amendment is not subject to a division and may amend portions of the bill which have not yet been read for amendment, and portions of the bill already passed in the reading.

Finally, House Resolution 211 is laid on the table.

Mr. Speaker, Chairman BOB CARR, ranking Republican FRANK WOLF, and the members of the Transportation Appropriations Subcommittee should be commended for bringing this comprehensive bill to the floor. This spring the committee conducted extensive hearings on programs and projects within their jurisdiction which are contained in 9 published volumes totalling approximately 10,000 pages.

Each year the subcommittee has the task of producing a bill which maintains the current transportation system and provides for new technologies which will make our Nation's transportation system intermodal, efficient, safe, and cost effective. This year, all of this had to be achieved with a much tighter budget, and with maximum job creation in mind.

I would also like to commend Chairman CARR for developing economically based investment criteria which the subcommittee uses when evaluating individual funding requests. Chairman CARR and his staff spent numerous hours consulting with officials at the Department of Transportation, investment companies, and transportation consultants, along with others to produce the investment criteria.

Mr. Speaker, I encourage my colleagues to adopt this open rule so that we may begin debate on this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1250

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the ranking member of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman for yielding.

Members, I just wanted to let everyone know that even though the last rule on the supplemental appropriation bill was defeated, Members on this side of the aisle strongly support that legislation if we are given the opportunity to have an alternative way to pay for it.

There are two ways of doing that: One way is to strike the emergency designation; the other is to make in order the Nussle-Penny amendment.

Hopefully, we are going back up to the Committee on Rules in just a few minutes. There is absolutely no reason why we cannot come back to this floor within an hour or two with a new rule for the supplemental appropriation bill, and I hope that is what happens. We look forward to working with the Speaker and the majority leader to try to bring a rule back to the floor again.

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to respond to the gentleman from New York. There are literally hundreds of thousands of people in America today suffering from this flood who will try to understand what just happened to them on the floor of the U.S. House of Representatives.

Member after Member stood up to salute their courage and valor, and then turned around and stuck a knife in their backs when it came to sending flood disaster aid.

I would say to the gentleman it will be very difficult to explain exactly what we are doing in this Chamber other than the kind of oratory that we have had at the expense of suffering people.

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Iowa.

Mr. NUSSLE. I thank the gentleman for yielding.

Mr. Speaker, we have an opportunity right now. The Committee on Rules has an opportunity right now, as the gentleman knows, to go up there and bring down a bill as the House worked its will just a moment ago and said that was not a fair rule.

The process worked fairly. The process worked for a change.

Mr. DURBIN. Let me reclaim my time.

Mr. NUSSLE. We now have an opportunity to bring back that rule.

Mr. DURBIN. Let me reclaim my time.

The gentleman had his day, and as a result there will be a lot of people wondering tonight if this Federal Goverment——

Mr. NUSSLE. Will the gentleman yield? I should have an opportunity.

Mr. DURBIN. Regular order.

The SPEAKER pro tempore (Mr. TORRICELLI). Will the gentleman from Iowa [Mr. NUSSLE] come to order? The gentleman will cease.

The House will proceed in order. The time belongs to the gentleman from Illinois [Mr. DURBIN]. He does not, apparently, choose to yield.

Mr. DURBIN. I do not choose to yield, Mr. Speaker.

The gentleman has won this debate. The flood disaster victims will now wait until the gentleman is satisfied with the rule. I do not think that is the way this process should work. This country has rallied behind disasters in the past. We are prepared to do it today. I implore my colleagues on both sides of the aisle to have some compassion for the people who are suffering. You have an important issue you want to debate. Do not make this issue part of whether or not disaster aid goes to deserving families. That is not fair.

Mr. GORDON. Mr. Speaker, I want to reclaim my time and make a suggestion. I yield myself such time as I may consume.

I would like to make a suggestion to my friend from Florida, if he concurs. We have a rule on the floor concerning a transportation bill, but this is a matter of concern to this House.

So, why do we not give maybe 3 or 4 minutes each of our time to let them discuss this and then move on to the transportation bill? Would that be agreeable? Would the gentleman feel comfortable with that?

Mr. GOSS. Mr. Speaker, if the gentleman will yield, responding to my colleague and friend, the gentleman from Tennessee, I would be very happy to do that after we level the playing field. I think, in order to convey that opportunity, we should be able to yield as much time as the gentleman from Illinois [Mr. DURBIN] had to the gentleman from Iowa [Mr. NUSSLE] to respond.

Mr. GORDON. I understand the gentleman's concern. I think part of that time was taken in response to the gentleman from New York [Mr. SOLOMON]. Still, it ought to be fair. I mean, let us allow whatever the gentleman thinks is a fair time, knowing that we have got to get on to this bill.

But part of the time of the gentleman from Illinois [Mr. DURBIN] was taken responding to the gentleman from New York [Mr. SOLOMON]. Of course, it was not a complete time on his own.

Mr. GOSS. Insofar as I am able to control that, I understand the gentleman, and I agree with the intent of what the gentleman is trying to accomplish.

Mr. GORDON. I think we should put our own Members on notice that we do have a bill on the floor and to be conscious that what needs to be said can be said but then we need to get back to the regular order.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. TORRICELLI). The gentleman will state it.

Mr. YATES. Mr. Speaker, this is the rule on the transportation bill. Is the dialog that has been offered to the other side appropriate under this kind of a rule, or is it subject to a point or order?

The SPEAKER pro tempore. No one has made a point of order about relevancy. If it were raised, it would need to be relevant.

Mr. YATES. Well, then, how much time is needed? Take 5 minutes.

The SPEAKER pro tempore. Is the gentleman [Mr. YATES] continuing with a point of order?

Mr. YATES. Well, Mr. Speaker, I reserve my point of order, but I just want to say I think there ought to be a limit on the interchanges that go on here.

The SPEAKER pro tempore. The gentleman will suspend. There is no point of order at this time. The debate has already taken place.

The gentleman from Florida is seeking to yield time?

Mr. GOSS. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Iowa [Mr. NUSSLE], after which I hope we can get into the normal rotation on the resolution.

Mr. NUSSLE. I thank the Speaker and thank the gentleman for yielding.

There is nobody in this House of Representatives today, I would say to my good friend from Illinois [Mr. DURBIN] who wants to delay anything. No one wants to delay one thing on this particular package. We can count the votes, as we just did, and discover that there is a majority of Members on both sides who believe that because they are Representatives of the people that sent them here, that we need to at least discuss this. We may lose, but the rule that they have asked for contemplates that we should at least be able to discuss that.

That is what the first amendment requires; that is what the rules of the House require; that is what the people who sent us here require. Regardless of whether or not we are flooded or whether or not we are dry, we have an obligation to listen to those people and to do what we can and work our will in this House.

Let me make myself even more clear: We will bring a disaster package before this House today, and I will tell you how we will do that. Because if we do not, by the end of business today, I will call for a vote on adjournment and we can all discover who wants to go home without having done disaster assistance today or who does not want to go home having not done disaster assistance today.

So we will have the opportunity of going to the Committee on Rules, coming up with a rule that the people have asked for today through their Representative, a majority from both sides of the aisle in a bipartisan spirit. And then we will have an opportunity to vote on that disaster assistance today as well.

Mr. SOLOMON. Mr. Speaker, I have just been in discussion with the other side of the aisle, and what would be the best possible situation for our Rules Committee is to go upstairs and to meet and to bring the rule back down here which would make in order the Nussle-Penny amendment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOSS. Mr. Speaker, if it does not violate our agreement, I would be happy to yield an additional minute to the gentleman from New York [Mr. SOLOMON] because I think this is of great interest to the people involved.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for the additional time.

Mr. Speaker, our Republican leader, BOB MICHEL, has suggested we work on the new rule, to bring it back here and to take it up immediately after the passage or failure of this rule that we are debating on the floor right now. That would take away all of the problems that exist on either side of this aisle and will bring back a little comity, and that is what we on this side of the aisle would like to pursue, to meet immediately and bring that rule back to the floor.

Mr. GORDON. Mr. Speaker, in an effort to bring some comity to this House, I felt it was necessary to stretch a little bit and let folks who have honorable disagreements to talk about that.

I think we need to get back to the business of the day, transportation.

To try to level out the time, the gentlewoman from Florida [Mrs. MEEK] would like to make a statement, and then we will be even. Then we can move on to transportation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK. I thank the Speaker.

Members of the House on both sides, the left over here, not necessarily directionally, and the right over here: I want to appeal to you today. Eleven months ago the people I represent were in the throes of a hurricane. Today, the Midwest is in the throes of a flood. I want to tell you something: They are not interested in your parliamentary gymnastics, they are not interested in that. These people want flood relief. You are sending the wrong message to the American public. They do not know one thing about your nice, pretty rules; they do not care anything about your rules, they do not care how you jump over parliamentary procedures and have your blockages to try to keep something from going.

What they care about is to get some relief for those people out there whose farms are flooded, whose livelihoods are being threatened and we are here playing gymnastics. I appeal to you, stop the gymnastics, do what the people sent you to do here, and that is to represent them in the case of a disaster.

This is a disaster. Some of you are having a mental disaster. But I am appealing to you to try to do something here to help the people. Forget about all these gymnastics. They do not make you look good back home. They make you look good here like you are in some kind of Shakespearean theater. This is not Shakespeare, this is real life.

☐ 1300

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I said that we would get back to the rotation on the Transportation rule, which I think is appropriate.

I just want to assure my colleague, the gentlewoman from Florida [Mrs. MEEK], that there are no gymnastics going on. What we are trying to do is find a fiscally responsible way to pay so that full relief can come to the many, many victims of this terrible tragedy in the Midwest.

Having said that, I say to the gentleman from Tennessee [Mr. GORDON], let us get into the rotation.

Mr. GORDON. Mr. Speaker, if my friend, the gentleman from Florida, would indulge me, I would like to yield 1 minute to our whip, the gentleman from Michigan [Mr. BONIOR], and then I would propose that we close this matter and go on to the Transportation bill.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I just simply want to remind my colleagues as we proceed on this, as we inevitably will have to proceed, that over the last 4 to 8 years we have had a number of disasters in this country. We have had Hurricane Hugo, the African famine relief, the Italian earthquakes, Hurricane Bob, the devastating fires in Oakland, CA, the State of Washington, storms that ravaged the New England area, the agricultural disasters in Florida, the California freeze, all of these, and I do not recall my colleagues who opposed this rule standing up and objecting to it on the grounds on which they are objecting today.

It is important to know that the people who are suffering along the Mississippi and the Missouri and the areas affected are being singled out this afternoon and it seems to me it is an injustice to them and we ought to get on with taking care of their needs, as we have the people of Hawaii, South Carolina, Florida, and all the other parts of the country.

Mr. GOSS. Mr. Speaker, I feel in the interests of equity that I have to yield time to my ranking member, the gentleman from New York [Mr. SOLOMON] to respond to that last point. I know we are going to have this closing argument.

I have other speakers. As far as I am concerned, this is it.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I just want to say to my good friend, the gentlewoman from Florida, and she is a good friend whom I have great respect for, that it was not the Republicans who brought this rule to the floor. It was not the Republican Party that self-executed a very controversial issue into the rule.

I just would point out that 45 Democrats voted to defeat that rule. There is something wrong with a rule when 45 Democrats vote to defeat it, because there is a standing rule on that side of the aisle that Democrats must support these rules.

So it is a very, very serious issue that affects all of us. Now we ought to get down to trying to bring a rule back to the floor that will make those 45 Democrats and this Republican vote for it. We can do that very simply, and I hope we do.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to address the rule on Transportation appropriations, as I hope a number of us will, because we are going to come back to that other very volatile subject before very much longer, as we all know, as we must.

Mr. Speaker, our budget process has broken down—collapsed might be more accurate. In the Rules Committee we have heard from appropriators seeking waivers to bypass House rules and spend money that has not been authorized. And we have had authorizers seeking to block those waivers because money should not be spent before priorities are set. It has been an enormous fight—not a partisan fight, but a fight among the titans of the Democrat leadership struggling to retain their turf.

In fact the fighting has been so bad that the Rules Committee had to consider the Transportation bill not once, but twice, effectively reversing itself after 3 weeks of bloodletting.

The way it is supposed to work is much like an average trip to the grocery store: You make a list of the things you need, and then check your wallet to see if you can afford them. Then you match up what you have got to spend with what you need the most.

The House budget process should work the same way: Authorizers should determine the priorities, budgeteers should determine dollar limits and appropriators should parcel out the available money accordingly. This has been the position advocated by the distinguished chairman of the Appropriations Committee, Mr. NATCHER, whom we all applaud for his integrity.

But nothing in Congress is ever as straightforward as it is in the real world. So instead of a well-thought-out visit to the supermarket to get what we need and can afford, we have Congress going on a spending spree of impulse buying because appropriators are beating the rules. This year especially, we are approaching our budget process exactly backward. We are entering through the exit door and exiting through the entrance, disregarding the "Do Not Enter" signs.

Today we see a perfect example of the system gone haywire, of money being spent before it's authorized—over the strong objections of the bipartisan leadership of the authorizing committees.

The money under contention—more than $305 million—falls into the category of demonstration projects. These are plums parcelled out across Members' districts, 65 percent of which will go to the eight States represented by the members of the Appropriations Subcommittee, about $110 million—or 38 percent—to Michigan alone. Curious—Michigan is not a growth State but it apparently needs to start building new infrastructure while growth States like Florida, get only a fraction of the pie.

From the outset, the authorizers took issue with 20 sections of this huge bill, complaining the appropriators had overstepped their bounds. This was a fundamental disagreement over the basics of congressional budgeting, with the Rules Committee serving as the frazzled rope in a powerful tug-of-war. Yesterday the Democrats on the Rules Committee voted to contradict the votes they cast 3 weeks ago—siding with the appropriators and protecting the $300 million in demonstration projects in this bill. Today, on this bill, we bow to the appropriators. Next time, who knows?

I am deeply troubled that the committee again chose to apply House Rules selectively and inconsistently. The more we do this the more tangled in a web of contradictory votes the Democrats will become.

Today we have a grab bag of waivers, exceptions and special consideration—a complicated balancing act designed to patch over the serious problems we face in our budgeting process. Most Americans are not interested in the nuts and bolts of procedure, but they certainly are interested in the $4 trillion debt this process has spawned. They are most certainly demanding that we make meaningful changes in the way we conduct the Nation's business.

I urge my colleagues to oppose this rule, and I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, it is a most unusual day for me. I have been here 9 years. I continue to be amazed. The Democrat Party can pass a rule calling for the biggest tax increase in our history, but we could not carry a rule to provide disaster relief in America. Now, that makes me wonder.

I now get on with the purpose of my speech here.

I oppose the rule on the Transportation appropriations bill for the following reasons:

There are 58 projects worth $305 million in this bill that never came to the Public Works Committee.

I want the Committee on Energy and Commerce, I want the Small Business Committee, I want every committee in the House to listen to this, because this is not just a Transportation issue. This is an issue on whether or not you should even be in the Congress.

I would not oppose one of these 58 projects if they came to our committee, but they did not, and the word is if you want a project, you go see the appropriators.

Now, the rule, and you did a wise thing protecting this bill from points of order because you would have had this bill dismantled.

The Democrat Party wants to straighten out and provide some reform.

Mr. Speaker, the rules of the House say before you can spend any money, you have to approve it and have a hearing. You need no hearings on appropriations that are not authorized.

□ 1310

The House rules are a joke. We have a 2-year budget, we have 1-year deals. We do not even authorize around here.

Mr. Speaker, I say to all the members of authorizing committee, "Unless you want to turn over your voting card and your manhood to the appropriators, vote 'no' on the rule."

I have an amendment that will be legislating on an appropriations bill, and I would appreciate it being accepted.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding this time to me. Mr. Speaker, we will tone this down a little bit, but I want to join the previous speaker, the gentleman from Ohio [Mr. TRAFICANT], in urging defeat of this rule. Yes, we will still have an open amendment process, but the problem remains that the Committee on Rules has again done a 180-degree turn by reporting this new rule which slaps the Committee on Public Works and Transportation right in the face. And, my colleagues, that is wrong.

Mr. Speaker, as long as I can remember, the Rules Committee has deferred to the authorizing committees in determining whether to protect unauthorized and legislative provisions from points of order. They have always done that, and yet the Committee on Rules has once again proven that when it comes to the Committee on Public Works and Transportation, this is no longer the rule of thumb. When it comes to the Committee on Public Works and Transportation, it is the rule of thumb in the eye.

As were Republicans and Democrats alike serving on that committee, Mr. Speaker, I was encouraged at the beginning of this session when the most deeply respected Member of this entire House, the gentleman from Kentucky [Mr. NATCHER] indicated that he would not be seeking rules waiving points of order; in other words, waiving the rules of the House. The chairman of the

Committee on Appropriations has a respect for our system of rules, our committee jurisdictions, and the delineation between the authorizing and appropriations process, and yet, the Democrat leadership has prevailed in forcing an end-run around its own chairman by having the Appropriations subcommittee chairmen request rules from the Rules Committee.

With only three exceptions, the Rules Committee has routinely granted rules waiving points of order against all of the other appropriations bills to come to the floor this year.

Mr. Speaker, we will never restore our authorizing committees to their rightful place in this institution until we begin to respect and honor our own rules and the jurisdictions and responsibilities of these committees.

Sometimes the authorizing committees have contributed to their own decline by condoning and even encouraging legislation in appropriations bills.

Mr. Speaker, I have sat on the Committee on Rules for 5 years and watched that happen, but when the authorizing committees strenuously object to the Appropriations Committee treading on their jurisdiction and prerogatives, there is no excuse for the Rules Committee and this House to sanction that practice.

For every Member here who is on an authorizing committee let me caution: Unless you vote down this rule, this could be your committee the next time around.

Don't cut your own throat and that of your committee by supporting this rule. Vote it down so that we can call up the original rule reported by the Rules Committee that respects and honors the jurisdiction and wishes of the Public Works Committee as well as all the other authorizing committees. That's the law of this House that we have followed for 200 years. Vote down this rule.

Mr. GORDON. Mr. Speaker, for purposes of debate only I yield such time as he may consume to the gentleman from Michigan [Mr. CARR], the chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. CARR of Michigan. Mr. Speaker, this is a debate that we have frequently on appropriations legislation. We continually hear the mantra of thou shalt not legislate on an appropriations bill. While that is the general rule of the House and while generally all appropriations subcommittees follow that rule, there are important exceptions to every rule, and that is why those of us on the Subcommittee on Transportation of the Committee on Appropriations want to thank the Committee on Rules for their indulgence in protecting one section in our bill.

Now, friends on the authorizing committee would like to have my colleagues believe that they have absolutely no power, no influence. They would like my colleagues to believe that we have totally usurped their jurisdiction, that our entire bill is made up of unauthorized appropriations or legislative language. Nothing could be further from the truth. While we do express ourselves sometimes with legislative language, those provisions have not been protected by the Committee on Rules.

The fact of the matter is, Mr. Speaker, the authorizing committees, exercising their due diligence and their responsibility under their jurisdictions, authorize for many years at a time. In this particular case the authorization committee, using the device of contract authority, which invades the jurisdiction of appropriations, sets in motion an authorization that lasts for 6 long years.

Now, Mr. Speaker, with all the ability that they have on that committee, they simply do not have the ability to foresee the future, and after the authorization is passed, situations arise which are then brought to the Committee on Appropriations to see if we cannot offer some assistance to the members, their districts, and the American people.

The authorization committee, for example, when it passed the ISTEA authorization in 1991, could not have foreseen that an interstate bridge in Florida would literally start falling apart, and the people who represent that area and the people who drive on that bridge would not be able to wait for another reauthorization 3 years hence. So, they came to our committee, and they asked for our assistance, and we granted it to them. We went to the Committee on Rules, we went to the leadership of Congress, and they felt that protection of this provision from a point of order which would normally be the correct thing to do.

We are reminded over and over and over again that while rule XXI is the general rule which the Committee on Rules and the Committee on Appropriations abide by, there are exceptional circumstances that happen from time to time.

I want to respond, if I can get his attention, to the gentleman from Youngstown, OH [Mr. TRAFICANT] because I would like to mention the comments of the gentleman from Youngstown, OH. I am sure that the gentleman was innocently mistaken, but I will point out that of the projects in the section containing $305 million that 16 projects are, in fact, authorized. They are continuing appropriations on projects which his committee in the ISTEA legislation authorized.

The gentleman further said that our projects were put in with no hearings. Nothing could be further from the truth. We held hearings from 9 o'clock in the morning until sometime around 7:30 or 8 o'clock at night.

Mr. Speaker, the gentleman from Ohio [Mr. TRAFICANT] made some statements which, I think, he innocently believes are accurate, but which, in fact, are not, and as to the charge that we did not hold hearings, we held exhaustive hearings, and we held exhaustive hearings on these projects.

One other thing, Mr. Speaker. We know that the American people do not want business as usual. We know they want their money spent wisely. They know that they do not want the old pork barrel politics of a tap on the shoulder gets a hundred million dollars without questioning the merits of the project.

□ 1320

So those of us on the Committee on Appropriations spent a great deal of time this year developing investment criteria so that the projects that we brought to the House would in fact pass muster according to good economic merit, not just politics and political gamesmanship.

So in our hearings we developed investment-based criteria, and from that investment-based criteria we developed a list of questions which every single project that was proposed to us had to answer. They had to answer these questions. If they did not pass muster on the answer, then they did not get even one iota of consideration. We have met a very high standard in putting projects into this bill.

Now, I would say again in response to the gentleman from Ohio [Mr. TRAFICANT], last year he had two projects in the bill. I think part of what the problems is is that the gentleman asked us this year to put in six projects. I have no doubt those projects are meritorious. But let me tell you the problem that we labored under.

We got the gentleman's request to put his projects in our bill late. Our committee marked up on June 10. The gentleman's request did not come to us until June 16. Searching our records, we find that not only were they late, we find that the projects did not fill out the questionnaire so that we could evaluate them in a manner that was fair to everyone else who had come in a timely manner and who had asked the questions.

So I merely have to say, with all due respect to my good friend from the State south of Michigan, Mr. TRAFICANT, that a little bit of what he says I think is sour grapes. We would like to work with the gentleman in the future, if he would allow us, but we would like to do it in a timely fashion and on the basis on which every project in this bill was considered. We made no special exceptions for folks, even those folks on the Committee on Public Works who come to us and ask for our help, which we are glad to oblige.

So, in summation, we think it is important to pass this rule. The Committee on Rules has done a good job. They have not protected most of what we did that might be called legislation or unauthorized appropriations. We are just trying to help the country, and the country is asking that their Members, who ask us, for situations that were not foreseen by the authorization committee, and these are all projects passing economic muster which cannot wait.

Members do not want to wait 3 years before the authorization committee does another authorization. I am sure they will do a good job when they get to it. But ours is a committee that has the obligation to help this country to finance its program on a year-to-year basis. We have tried to carry out our responsibility to a high standard, one that would meet with the approval of the American public and the House as a whole.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. CARR. I am glad to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, I complement our chairman for his remarks. I might add just a few moments ago the gentlewoman from Florida [Mrs. MEEK] received applause from this body when she said the American people are tired about our gymnastics here. They want action.

Mr. Speaker, that is what this committee has done here. Not willingly wanting to override any authorizing committee, but there comes a time when some of these things just cannot wait for the next year. It is penny-wise and pound-foolish sometimes to wait until next year to really appropriate for some of these funds.

I might add also how often has the Committee on Appropriations been trampled on by the procedure here where we have learned to comply with programs that they are bypassing? We have to just automatically fund them. We have no discretion any more in so many of these. Almost two-thirds of our budget anymore, we have no discretion on appropriations.

So certainly we have been trotted on on our jurisdiction also, but I have not heard any bleeding hearts when that happens, when we add to this each year the number of people we have to automatically appropriate for.

Mr. CARR. Mr. Speaker, reclaiming my time, the gentleman is very correct. I would also say many times it is the authorizers who come to us to put things into our bill. In some cases they do not come, but in some cases they look at our work product and they decide some of the things we do, which is technically a violation of rule XXI, they like, so they overlook that one. But then there is another one that they do not like, so they like to pick and choose, and so we try to work these things out.

I might also say and lay on the record publicly that it is no news to anyone that this rule caused a considerable bit of delay and antagonism. But in the process, I think we came to a newer understanding of how we are going to proceed in the future. With the help of the Speaker of the House, I sat with the chairman of the Committee on Public Works and Transportation and we have agreed on an outline of how to proceed in the future to avoid taking the time of the House up on matters of jurisdiction and rule XXI.

So we are working in good faith. We are going to work arm in arm. We are going to get along. We would like the House to pass this rule and to support the bill.

Mr. MYERS of Indiana. Mr. Speaker, if the gentleman will yield further, the entitlements I was speaking of a moment ago are almost two-thirds of what we appropriate now and are something we do not need to have hearings on. The authorizing hearing obligates us to go ahead and appropriate the money. They are the entitlements we have no jurisdiction over as far as appropriators.

Mr. CARR. Mr. Speaker, I thank the gentleman for his remarks, and merely indicate that I agree with them. The Committee on Public Works and Transportation, through the advice of contract authority, which evades appropriation jurisdiction, has set in motion a highway program that by and large is very worthwhile, $18 billion in this bill, almost $19 billion.

Mr. Speaker, I might say to our friends in the House and elsewhere that most of the talk today is going to be about a little chunk of $305 million. No one is talking about the $18 billion that is going out across the country.

Mr. Speaker, I would like to conclude with one final statement that as the formulations out of the Committee on Public Works and Transportation have evolved, we have gotten some experience with them over the last 3 years. We know that the formulas themselves are not pure and neutral between States. Some States are advantaged in the formula and some States are disadvantaged. We know that some States are chronically donee States, constantly getting money, and some States are constantly donor States. That enters into the equation, too, and some Members come to us asking for some special assistance because they generally come from States, like the State of Florida, like this bridge we talked about, where they do not have the normal allocation because Florida was disadvantaged in the formula. So we try to help people out and try to do it in a responsible manner.

Mr. Speaker, I ask support of the rule and ask support of the bill when we get to it.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member on the Committee on Public Works and Transportation.

Mr. SHUSTER. Mr. Speaker, I would like to respond to several points my good friend, the gentleman from Michigan [Mr. CARR], just made. First, I would emphasize that we on the authorizing committee are asking for nothing unusual, nothing special. We are simply asking that the rules of the House be followed here. Beyond that, I would point out that my good friend from Michigan talked in terms of the need to deal with an emergency situation and he refers to a situation in Florida.

Many times when we have had emergencies, the authorizing committee has been quite willing to work with the appropriating committee to accomplish an exceptional situation. But, Mr. Speaker, we are talking about 58 different emergencies here. We are talking about 58 projects, the funds of which is not authorized.

Mr. Speaker, surely these all 58 are not emergencies. The situation we face here is one of blatant appropriation of unauthorized funding for projects in 58 different cases. Indeed, the point has been made by my good friend that at least 16 of these 58 projects are authorized.

Well, all we have to do is go to the rules of the House. Because a project was authorized at a certain level of funding, if the Appropriations Committee proceeds to exceed that level of funding, that is not authorized.

□ 1330

Therefore, we stand on firm ground when we say, none of the funding for these 58 projects is authorized.

Beyond that, my good friend says that we are invading the jurisdiction of the Committee on Appropriations because of the contract authority which exists here. I would simply, again, turn to the rules, which very clearly say that under the Budget Act and under the rules of the House, the Committee on Public Works and Transportation has jurisdiction on contract authority. So there is no invasion of the rules applying to the Committee on Appropriations. We are on very solid ground.

Further, my good friend says that on the 58 unauthorized projects, there has been a new investment criteria applied, a special investment criteria to determine whether these projects and which projects are worthy. I find it passingly strange or, perhaps I might put it a different way, I am astonished at the competence of the Michigan State Department of Transportation, because it appears, based on this new investment criteria, that there is only one State in the Union which has the extraordinary competence and ability to come up with new investment criteria that it meets, because it is only one State which is so successful in meeting that investment criteria. In fact, that one State is so successful over 35 percent of all the money we are talking about here, of the $305 million, goes to one State.

What a shame that Pennsylvania and New York and New Jersey and all the other 49 States simply were not competent enough and capable enough to come up with investment criteria that would cause the other 49 States to be so extraordinarily successful.

Well, I think it is pretty obvious to all of us, Mr. Speaker, that this so-called new investment criteria must be skewed in one direction. And that one direction must be to the State of Michigan, because Michigan gets over 35 percent of all the funds from this.

Fully 30 States get absolutely zero dollars out of this special $305 million pot. Fully 41 States are losers, lose millions of dollars, which they otherwise would be entitled to under the ISTEA law, money that would go to these 41 States under the formula passed and signed into law, the ISTEA law.

And indeed, some of the biggest losers, as a result of usurping the authority of the jurisdiction of the authorizing committee are, for example, California, Georgia, Illinois, Massachusetts, New York. These are really the big losers, although there are 41 States which are significant losers.

The States I have mentioned are bigger losers than Pennsylvania, so I do not come here as a special pleader for my State. I come here to point out that 41 States are losers under this particular new so-called investment criteria.

So I think that if and when we get to the rule, I shall vote against the rule. But if we do get to the actual legislation itself, to the actual appropriation itself, I would hope that our colleagues would support the bipartisan amendment which will be offered by the gentleman from California [Mr. MINETA], chairman of the Committee on Public Works and Transportation, and myself, an amendment which says nothing more than let us abide by the rules of the House. Let us eliminate these 58 unauthorized projects, and let us let that $305 million go back and be distributed under the law under ISTEA, the way it was supposed to be distributed.

And if we let that happen, not only will we be upholding the integrity of the rules of the House, but we will be sending back to 41 States money which they deserve to get and which will be denied them unless we pass this amendment.

For all of those reasons, Mr. Speaker, I hope that we will, first, be able to defeat this rule. But if we do not do that, the big battle will then come in support of the Mineta-Shuster amendment.

I hope my colleagues would be in support of that amendment to deal fairly with all of our colleagues in this House.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. DELAY].

Mr. GORDON. Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. DELAY].

The SPEAKER pro tempore (Mr. TORRICELLI). The gentleman from Texas [Mr. DELAY] is recognized for 1 minute and 30 seconds.

Mr. DELAY. Mr. Speaker, I cannot do justice to my eloquence in 1 minute. After all, I have prepared about at least 5 minutes of comments in response to the gentleman from Pennsylvania.

Let me just go to two different quick issues.

No. 1, Members on my side of the aisle, basically this is an open rule to amendments, restricted by the rules of the House, but this rule is open to amendment.

It waives points of order that deal with the disputes that have been discussed here today.

What is happening here is that we are not attacking all authorizing committees. We have a legitimate dispute between the Committee on Public Works and Transportation and the Subcommittee on Transportation of the Committee on Appropriations. That is what we are involved in.

I think, quite frankly, it is a little bit of a cheap shot to selectively take out the $300 million of these disputed unauthorized projects and claim that because the gentleman from Michigan [Mr. CARR] is chairman of the committee and from Michigan, he gets 30-something percent of these projects, without looking at the entire highway and mass transit section of this bill and compare what Michigan gets out of it.

If we are going to take cheap shots, there are two States in the ISTEA bill that get over 20 percent of the projects, the demonstration projects in the ISTEA bill: Pennsylvania and California.

Now, if we are going to do this right, then we ought to compare all projects and see who gets what out of this bill. Members ought to really look at this.

The gentleman from Pennsylvania pooh-poohs the criteria. Let me show my colleagues the criteria. Pages and pages of material collected on each project by the Subcommittee on Transportation of the Committee on Appropriations. One page by the Committee on Public Works and Transportation asking about the projects.

We do our homework. We have done our homework, and we have done it on this bill. What this is is a dispute over jurisdiction between an authorizing committee and the Committee on Appropriations.

I serve on the Committee on Public Works and Transportation and I know how that committee works. What happens here is, it takes a long time for them to pass a highway bill, to write a highway bill. We have Members coming to the Committee on Appropriations wanting projects that they think are very important to their districts that cannot wait.

The gentleman from Michigan talked about a project in Florida.

I will just finish with this. We have example after example of projects that cannot wait 3, 4, 5 years to be authorized, like the one in Florida, where a bridge could fall down in that amount of time.

□ 1340

Two Members of Congress from Florida, a Democrat and a Republican, are very anxious to get the money to repair that bridge. We cannot wait for another highway bill to come along, so we took these projects out of the trust fund. It does not come out of general funds. It comes out of the trust fund, for which the American people have paid their gas tax to go to these kinds of projects, and accommodated some Members that has some problems.

I urge the Members to support this rule. Members will get a change to vote on an amendment that strikes these projects when we get to the bill.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished ranking member of the Committee on Public Works and Transportation.

Mr. SHUSTER. Mr. Speaker, I would like to respond to my good friend who has accused me of a cheap shot. I would point out what the facts are.

The fact is that Michigan gets over 35 percent of all the funds of these unauthorized projects. There is a vast difference between authorized projects and unauthorized projects.

The reason we are not focusing on other parts of the bill is because the projects in the other parts of the bill are authorized, so it is the unauthorized nature in violation of the basic rules of the House that we are opposing.

I would say to my good friend, I understand my friend's position. He, of course, has one of these unauthorized projects, so I can understand that. I can understand why my good friend from Texas [Mr. DELAY] would take the well to defend this situation, because he is one of the favored few who has one of the unauthorized projects.

There is no mystery to this. Let us abide by the rules of the House. Let us support the Mineta-Shuster amendment.

Mr. GORDON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, the gentleman from Michigan [Mr. CARR] is a friend of mine. I want him to remain a friend of mine. I am recommending that the Democrats pull this rule, bring the rule back as an open rule, and do not protect it from points of order. I think it is time we protected the rights of the authorizing committees here, or we might as well surrender out membership in this august body.

I will, if in fact that happens, raise points of order against all legislation in this appropriation bill. I believe it is fitting that in the future all appropriation bills should come to the floor under an open rule without waiving points of order, and no money can be spent without it first being approved by a committee.

Mr. GOSS. Mr. Speaker, in light of that news, pursuant to House rule XI, clause 4(c), I wish to announce to the House that tomorrow I may, and I emphasize may, call up House Resolution 211, waiving certain points of order against the bill, H.R. 2490, Transportation appropriations, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

I say that just to assure our colleagues on the other side of the aisle that we are ready to proceed to do a rule on this appropriation. We are ready, willing, and able, and that reserves our right, and in fact, underscores our commitment to proceed. I make that announcement for the record, Mr. Speaker.

Mr. GORDON. Mr. Speaker, with the concurrence of my friend, the gentleman from Florida [Mr. GOSS], I yield 1 minute to the gentleman from Michigan [Mr. CARR] to conclude our remarks. Then I will have a motion.

Mr. CARR. Mr. Speaker, I thank the gentleman yielding time to me.

Mr. Speaker, I would just like to respond to the allegations of my friend, the gentleman from Pennsylvania [Mr. SHUSTER], by saying that the ISTEA demos that he had a very heavy impact on, he is a very effective legislator, because Pennsylvania gets more ISTEA demos than any other State in the Nation. I suppose they have the wisdom, under their criteria, to get more. They just all happened to be in Pennsylvania, to use his argument.

Mr. SHUSTER. They are all authorized.

Mr. CARR. California, the State of the chairman of the full committee, they happened to get——

Mr. SHUSTER. California was all authorized.

Mr. CARR. Mr. Speaker, I will also point out that of the 537 highway demos in ISTEA, 218 of them were not even on the State plan. The General Accounting Office tells us that there is $1.2 billion in dead demo money sitting in the pipeline that cannot be used by other States. We in our bill tried to help that situation by rescinding some of those old, old, old dead demo moneys, so they could get to work in some of these.

Mr. GOSS. Mr. Speaker, I yield 10 seconds to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, every project in ISTEA was authorized. It was authorized. It was authorized. It was authorized.

Mr. GORDON. Mr. Speaker, I know that this has been a controversial matter, one that goes beyond party lines. I think the debate has been passionate, but it has been reasonable. I thank all Members for participating in that kind of debate.

Mr. Speaker, I withdraw the resolution.

The SPEAKER pro tempore (Mr. TORRICELLI). The resolution is withdrawn.

PRIVILEGES OF THE HOUSE—WITHHOLDING PUBLIC RELEASE OF RECORDS OF FORMER TASK FORCE TO INVESTIGATE THE OPERATION AND MANAGEMENT OF THE HOUSE POST OFFICE

Mr. GEPHARDT. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 223) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

(Corrected portion of resolution indicated by * * *).

H. RES. 223

Whereas the U.S. Attorney for the District of Columbia on July 19, 1993 announced that the former Postmaster of the House of Representatives was pleading guilty to criminal counts of conspiracy and aiding and abetting the embezzlement of public funds,

Whereas the operation of the House Post Office during the tenure of the former Postmaster was the subject of a bipartisan Task Force to Investigate the Operation and Management of the House Post Office of the Committee on House Administration,

Whereas the former Task Force published a public report on July 24, 1992 in which were included portions of transcripts of its proceedings,

Whereas the House on July 22, 1992, voted to provide both the public report and all the records of the former Task Force to the Committee on Standards of Official Conduct and to the Department of Justice, but declined to make the transcripts of the former Task Force's proceedings public,

Whereas one of the reasons the House declined to make the transcripts of proceedings of the former Task Force public at that time was a concern that such release not compromise an ongoing criminal proceeding conducted by the U.S. Attorney for the District of Columbia,

Whereas the U.S. Attorney for the District of Columbia on July 21, 1993 communicated to the Speaker and the Republican Leader his strong objection to the public release of the records of the former Task Force as follows:

U.S. DEPARTMENT OF JUSTICE,
U.S. ATTORNEY,
Washington, DC, July 21, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

Hon. ROBERT H. MICHEL,
Minority Leader, House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND CONGRESSMAN MICHEL: We have been advised that the House of Representatives may be considering the public release of previously confidential materials generated during the inquiry conducted last year by the Task Force to Investigate the Operation and Management of the House Post Office. I am writing to express this Office's serious concern that the release of such materials could have a significant adverse effect on the ongoing criminal investigation being conducted by this Office into matters associated with the House Post Office. Accordingly, I ask you not to authorize the release of such materials.

Last year, this Office endeavored to work cooperatively with the Task Force, so as to enable the Task Force to conduct its mandated operations-and-management review of the Post Office, without invading the integrity of the criminal investigation. After completing its review in July of last year, the Task Force prudently concluded that many of the materials that it had collected or generated—including deposition and interview transcripts and tapes—ought to remain confidential, in part because the publication of such materials posed a significant potential to compromise the ongoing grand jury investigation. That potential remains today. The investigation is continuing, and inevitably involves many of the same witnesses and transactions that the Task Force inquiry included.

For these reasons, I strongly request that the House refrain from releasing additional materials generated by the Task Force inquiry.

Sincerely,
J. RAMSEY JOHNSON,
U.S. Attorney.

* * * Now, therefore, be it

Resolved, That it is the sense of the House that, when the United States Attorney for the District of Columbia at any time informs the House that he has no objection to the public release of the transcripts of proceedings of the former Task Force, then the House immediately shall take up and bring to vote the question of the release of the transcripts of proceedings of the former Task Force;

Resolved further, That the Speaker is directed to communicate to the United States Attorney for the District of Columbia the request of the House that he promptly advise the House when he determines that he has no objection to the public release of former transcripts of proceedings of the former Task Force; and

Resolved further, That the Clerk is directed to transmit promptly such communication of the Speaker and a copy of this Resolution to the United States Attorney for the District of Columbia. * * *

☐ 1350

POINT OF ORDER

Mr. WALKER. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Mr. Speaker, the resolution as presented to the House does not constitute a question of privilege. There is no violation of rule IX. It is a violation of rule IX where questions of privilege have to relate to particular items of the House, primarily the safety, dignity, and integrity of its proceedings. There is no allegation in this resolution that any such matter has taken place, nor is there any disciplinary action that is in the resolution.

So, therefore, this does not constitute an appropriate question of privilege to bring before the House.

The SPEAKER. The Chair believes that the resolution meets the requirements of rule IX which involves the question of integrity of the House and involves papers of the House, and accordingly the Chair overrules the point of order, and states that the resolution of the gentleman from Missouri [Mr. GEPHARDT] states a question of privilege.

The gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. MICHEL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by repeating the resolve clause of the resolution that I present today. It says:

> *Resolved*, That it is the sense of the House that should the U.S. Attorney for the District of Columbia at any time inform the House that he has no objection to the public release of the transcripts of proceedings of the former Task Force.

Then the House shall immediately take up and bring to a vote a question of the release of the transcripts of the proceedings of the former task force.

It says:

> *Resolved further*, That the Speaker is directed to communicate to the U.S. Attorney for the District of Columbia the request of the House that he promptly advise the House when he determines that he has no objection to the public release of the transcripts of the proceedings of the former Task Force.

I would like to give Members a sense of the history of this situation. I would refer Members back to House Resolution 340 which was adopted by the House on February 5, 1992, which directed the Committee on House Administration to conduct an investigation of the operations and management of the House post office, and to report to the full House no later than May 30, 1992.

This resolution was adopted by a vote of 253 to 162 and preceded an attempt to introduce a privileged motion calling for an independent investigation of the House post office.

Following the adoption of this resolution, a six-member task force was created to conduct the investigation. It was composed of three Democrats and three Republicans.

On April 9, the House approved House Resolution 430 reaffirming the need for a House post office investigation and condemning any interference in its progress. This followed a privileged motion requiring the chairman and the vice chairman to report to the House and explain actions on the part of staff to suspend the investigation.

On May 28, 1992, the House approved a request by Chairman ROSE and Vice Chairman ROBERTS that the task force be given until July 6 to conduct the remaining interviews and file its reports.

Then, on or about July 22, 1992, the House Administration Committee Task Force, again made up equally between Democrats and Republicans, reported on its investigation of the operation and management of the Office of the Postmaster. And at the time the House passed the resolution directing the House Administration Committee to send the report and all of the records obtained in the investigation to the Justice Department, which was then headed by a Republican attorney general, and obviously a Republican President in the White House at that time, and to the House Ethics Committee, which all Members know is evenly divided between Democrats and Republicans.

Now what was the purpose of the task force? The purpose of the task force was not to run a criminal investigation. The purpose of the task force was not to determine whether someone should be prosecuted by the criminal laws of the United States, because all of us understand that the House of Representatives is not the Department of Justice. The House of Representatives is not the U.S. attorney. The House of Representatives was trying through this board to determine what the problems were in the post office, and how they should be best remedied.

I would submit to the Members that I think anyone who has looked at what has happened since that time would agree that the new Postmaster and the work that has gone on there on a bipartisan basis has been good, and that the operation of the post office has been vastly improved.

Now, in recent days, subsequent to the guilty plea of former Postmaster Robert Rota to charges of embezzlement, accusations and innuendo have been made and reported in the press on Members of the Congress who may or may not be implicated in the investigation, which is ongoing by the Department of Justice, under the direction of acting U.S. Attorney Ramsey Johnson. So today we consider whether to let the Justice Department investigate, to proceed unencumbered by disclosure of documents gathered in the House Administration investigation which are themselves largely unsubstantiated personal accounts given, incidentally, at the time on the basis of assurance of confidentiality.

I want to re-read for the Members the letter that TOM FOLEY, the Speaker of the House, and BOB MICHEL, the minority leader of the House, received on yesterday from Ramsey Johnson, who is the acting U.S. attorney for the District.

He said:

> DEAR MR. SPEAKER AND CONGRESSMAN MICHEL: We have been advised that the House of Representatives may be considering the public release of previously confidential materials generated during the inquiry conducted last year by the Task Force to investigate the operation and management of the House Post Office.

He said:

> I am writing to express this office's serious concern that the release of such materials could have a significant adverse effect on the ongoing criminal investigation being conducted by this office into matters associated with the House Post Office. Accordingly, I ask you not to authorize the release of such materials.

I think the acting U.S. attorney does not make this unequivocal request without cause. Legal experts have come forward in the past few days explaining that Mr. Johnson's request is not unusual. Preindictment proceedings involve sensitive testimony and require the fullest and most accurate accounting of the facts. Public disclosure of these proceedings would thwart the ability of the prosecutor to gather the information effectively.

□ 1400

The information collected by the House Administration investigation would, in fact, possibly impair the U.S. attorneys from completing their investigation successfully.

Let me conclude by making this very simple: I believe that it is in the deep interests of all of the Members of this body to allow the successful criminal investigation of anything that is believed to be wrongdoing in any part of this organization. Every Member should have an interest in having this investigation seek justice, to bring anyone who has done anything wrong, whether they be a staff member of this organization or a Member of this organization, to justice under all of the criminal laws and all of the responsibilities and guarantees of our criminal justice system.

I cannot comprehend why anyone in the face of the clear, unequivocal recommendation of the U.S. attorney, unsolicited by this House, would want, in the face of that, to go ahead and vote to send these materials out which could injure or damage or obstruct or bungle what is an ongoing and obviously successful criminal investigation.

Let me repeat, the man who sent us the letter, the man who sent us the letter filed the criminal information to which the former Postmaster pled guilty. He is doing what all of us would want him to do. He is asking us to not interfere and impair what he is trying to do, and so for the life of me, I cannot understand how any of us, any of us in the name of simple justice and right would not want to cooperate with the U.S. attorney who is bringing this prosecution to see that every fact is deduced, to see that everyone who has done wrong is prosecuted under the criminal laws of the United States, and then when that is finished and that attorney tells us that there is no more need to keep these affairs and findings here, that then we bring to an immediate vote on whether or not the House wants to go forward and make all of the transcripts and all of the materials public. That is the sane way to do it. That is the sensible way to do it. And that is the right way to do it.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Missouri [Mr. GEPHARDT] has consumed 11 minutes.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin our side of the debate by reading into the RECORD a letter I have sent to the Attorney General Reno in response to the letter the Speaker and I received yesterday from the acting U.S. attorney, Mr. Johnson.

It reads as follows:

DEAR ATTORNEY GENERAL RENO: I am responding to a letter received today from the Acting United States' Attorney for the District of Columbia, J. Ramsey Johnson, regarding the public release of documents and materials generated during the inquiry conducted by the Task Force to Investigate the Operation and Management of the House Post Office. Mr. Johnson requests that the House not release these materials.

These documents and materials are uniquely the property of the House of Representatives and under the Constitution, the House is the sole custodian of its own documents. Most importantly, there is an overriding public interest that justifies disclosure. I strongly believe that disclosure at this time would serve the institutional integrity of the U.S. House of Representatives and protect the reputations of the law-abiding members of this House. The Task Force completed its work over one year ago. At that time, the House decided temporarily to not release these documents while the grand jury investigation was proceeding.

Now the prosecutorial situation is significantly changed. There have been seven convictions, and on July 19, 1993, former Postmaster Rota pleaded guilty to an information charging him with two counts of embezzlement and one count of conspiring "with certain Members of Congress" to embezzle United States funds from the House Post Office.

Further I am concerned that by referring to Congressman A and B as the indictment does, every Member of the House and the institution as a whole is under a cloud of suspicion. Our rights and responsibilities as Members of Congress to the people we represent demand that the cloud be lifted. Further delay only darkens that cloud, calling into question the integrity of the entire institution. These are issues and events that directly impact on the reputation of the House of Representatives and our on-going effort to reform this institution. The House has been extraordinarily cooperative and restrained during this process to the detriment of our own internal investigation.

I believe at this time that the interest of the public's right to know is paramount. The fact that the Associated Press quotes from the 209 page confidential transcript of Mr. Rota's testimony before the Task Force argues that, at least, partial disclosure has already occurred. What assurances can you provide for the integrity of House of Representatives documents under the control of the Justice Department? Have you undertaken steps to investigate that the leak did not originate from the Justice Department itself?

Consequently I have decided to proceed with a resolution that would require the public disclosure of these documents.

Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Kansas [Mr. ROBERTS], to take us through some of the preliminary steps as he knows them as a member of that subcommittee and the Committee on House Administration.

Mr. ROBERTS. Mr. Speaker, I thank my colleague, the gentleman from Illinois, for yielding me this time.

Mr. Speaker, my colleagues, as the Republican cochairman of the 102d House Administration Committee task force on the House post office, I rise in opposition to the majority resolution, and I urge my colleagues to end, the delay and make available all task force documents and information.

My colleagues, exactly 1 year ago today I came to the House floor with my colleagues on the task force to file our final report. This is a birthday, if you will, of that occasion, and it was a sad day in the House, but one that has been overshadowed by the continuing agony we all face with continuing allegations and innuendo surrounding our review, the Department of Justice activities, and speculation of criminal activity by Members of this House.

During this debate, it is important to take a minute and review the activities of the task force efforts and why we were created. First, the task force was created to respond, and in my personal view, to circumvent an effort by myself and other Republicans to have an independent counsel appointed to review the situation.

The House cannot and should not investigate itself, but we tried.

The task force was created in a bipartisan structure, three Republican Members and three Democrats.

Our group interviewed 64 witnesses and collected various documentation pertaining to the operation of the House post office.

There was an effort to complete a report on the mismanagement and deficiencies of the House post office. It was not a criminal investigation. It was in no way to undermine the efforts of the Department of Justice.

Cooperate with the Department of Justice? My word, we had eight letters from the Department of Justice telling us not to interview this witness, that witness, a 30-day extension, a 60-day extension, a 90-day extension. We went out of our way not to interfere with any kind of any criminal prosecution.

Upon conclusion of the task force information gathering, we were unable to agree on a single report. That is understandable, as partisan as this became.

Two separate reports were written. Here was the Democrat report, here was the Republican report, all wrapped up in this document. I would urge every Member to read this report.

The Republican report, this portion of it, is based solely, solely on the testimony and documents gathered. This Republican report is a summary of the information. Basically the information gathered is inconclusive in many areas. In particular, it is important to realize the task force did not, did not focus on allegations on stamps for cash, which is a criminal charge.

Any information remotely involving this issue was made available to the Department of Justice. The House voted 411 to 0 on July 22, 1992, a year ago, to give all of this information to the Department of Justice. They have had it down there for over a year.

Now, the House investigation was a sorry exercise, I have to say. We found a post office in disarray. We had drug use, embezzlement, no-show employees, a patronage system that really treated people in a sordid and sad fashion. That story should be told finally in truth and in full.

Finally, the review concluded that we had strong differences of opinion regarding a Capitol Hill Police investigation, how it was handled or blocked or covered up by outside parties. Such an investigation really, my friends, my colleagues, represented an almost impossible task for Members to preserve any comity or bipartisan agreement. Never mind the fact that is the very effort we need to restore faith and integrity in this body.

We went down the wrong road. We have had multiple votes on how this investigation should have proceeded, whether this information should have been independent, witnesses sworn, and to be made available to the public. Every time we voted, the majority won, and the House lost. And, in my opinion, every time the majority won, the wrong decision was made.

Now is the time to correct those mistakes.

In the agony put upon the House, this is a birthday. Let us call it a public-disclosure birthday. Let us let the sun shine in. Let us end the business of Congressman "A" and "B" and every other Member dangling in the wind.

Vote for public disclosure. Vote against the majority resolution. Vote for the Republican resolution.

□ 1410

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. The question must be asked, what is the urgency? And one answer, last night, was that there was a coverup. And the minority leader has said today that we need to lift the cloud.

Let us deal with those two issues. First of all, I would suggest that the cloud has been created in this institution by some who seem intent on constantly engaging in self-flagellation. They charge coverup.

Let us examine that. All of the information that is contained in this resolution is information that is well known to all of the Republicans who served on the task force composed of three Republicans and three Democrats.

They not only had it available to them, they helped create this body of information as members of that task force.

Because all of this information has been forwarded to the House Ethics Committee, all of the Republicans on the House Ethics Committee had this information available to them. For the idea that there is a coverup going on here, one must believe the following absurdities: One, that the Republican members of the task force are suppressing what they know, and thus, sharing in a coverup. That is absurd on its face.

Two, that the Republican members of the Ethics Committee—also a bipartisan group of equal numbers of Republicans and Democrats—who have this information available must also be engaging in a coverup, which is also absurd on its face.

And the third thing you need to assume is that the Democrats, knowing that the Republicans know what is in this material are nevertheless trying to engage in a coverup, which is absurd on its face.

So much for coverup. Let us deal with lifting the cloud. The cloud will be lifted when the prosecutor has completed his work, and there is nothing this body can do to lift the cloud before that has occurred.

What is in this information? I doubt that there is anything in this information that is some deep dark secret that has not been already included in the Republican report from the task force. But what is in this information, at least according to what the U.S. attorney tells us, may well be material that can either damage his case or provide a wonderful fund of information for a variety of defense attorneys to go pawing through in an effort to thwart the achievement of justice.

I urge my colleagues to lift the cloud the right way, do not interfere with the U.S. attorney; let him do his work and get to the bottom of this.

Mr. MICHEL. Mr. Speaker, I yield 15 seconds to the gentleman from Pennsylvania [Mr. WALKER] for a quick retort.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, the U.S. attorney, in his press release on page 5, is the one who says since 1980 this matter has been, I quote, "a successful coverup."

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE of Ohio. Mr. Speaker, as a freshman Member let me say that last year, the American people voted for change. They wanted Congress to put an end to our scandal-ridden Government. That is why I wholeheartedly support the resolution offered today by our distinguished Republican leader calling for full and immediate disclosure of information regarding the investigation of the House post office; the latest scandal: stamps for cash.

The American people deserve to know the details of this affair and to know that no Member of Congress, regardless of seniority or party or power or privilege, is above the law.

As a former judge I saw ordinary, everyday people feel the full force and effect of the law in a timely way. It was my job to see that justice was done and I just can not seem to get it out of my blood—I have never seen anything like this. We are not out to indict anyone. This is America—people are innocent until proven guilty. But the process has not worked—it has been a year.

Do you remember the bank scandal? The information trickled out a little bit at a time. Let us uncover our problems now, once and for all, and put it behind us.

Mr. Speaker, our argument for full and immediate disclosure is just as compelling today as it was nearly a year ago when the House narrowly tabled the same motion by seven votes. Since that time, the former Postmaster has pleaded guilty to three misdemeanors. Nearly a quarter of the House has changed, with 114 new Members, Members who campaigned on cleaning up this place.

Let us show the voters that we are doing just that. I implore my freshman colleagues to stand up for the reform that you said you would do.

Having been a judge, and a prosecutor before that, I looked at the arguments, that full disclosure might hamper the Justice Department's ongoing investigation. That is simply not the case. Certain members of the press already have this information.

It is hard for me to accept that, as I come up the Capitol steps, a reporter tells me more about this than I even know.

I urge my colleagues, vote for the Michel amendment.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I was not a judge in my previous life. In my last 4 years I have chaired the Government Operations Subcommittee, with jurisdiction over the Department of Justice.

What I have just heard is rather astounding to me because I know there are many cases where we had to defer or delay our investigations because there was something going on then, as there is something going on now, called a pending criminal investigation.

I would like to submit for the RECORD a letter I received December 14, 1990, from the Department of Justice, illustrating such a case.

The letter referred to is as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 14, 1990.

Hon. ROBERT E. WISE, Jr.,
Chairman, Subcommittee on Government Information, Justice, and Agriculture, Committee on Government Operations, House of Representatives, Washington, DC.

DEAR CHAIRMAN WISE: This responds to your letters of August 31 and September 6, 1990, notifying the Department of your intention to begin hearings on allegations made by confidential informant Laurence Victor Harrison concerning Drug Enforcement Administration (DEA) and Central Intelligence Agency (CIA) activities in Mexico and inviting the Department to provide certain witnesses for those hearings.

As we pointed out to you in our letter of August 16, 1990, "the information in which the Committee is interested may be so interwoven with ongoing criminal investigations that it may be impossible to separate the two." We also stated that the Department was "reviewing the ongoing investigations related to this matter to see whether the Committee's request can be accommodated in some fashion." Subsequent to that letter, the Department requested a meeting with you to discuss our progress in this endeavor. That meeting took place on September 5th, and we appreciate your expression at that time of a willingness to wait until September 15th for a Department response to your hearing invitation.

The longstanding policy of this Department is to comply fully with Congressional requests for documents and access to Department personnel consistent with the constitutional and statutory obligations of the Executive Branch. The Department takes very seriously its responsibility to investigate allegations of wrongdoing and prosecute those cases where the requisite level of proof exists. We continue to take appropriate actions with respect to these allegations to ensure that they are being dealt with responsibly.

We appreciate your willingness to hold your hearings in a closed Executive Session in order to help maintain the Department in criminal litigation, we feel that the argument has merit and are willing to proceed under agreed-upon safeguards. As we have discussed with you many times, the Department has a longstanding policy of not offering law enforcement officers as witnesses in Congressional hearings except in the rarest of circumstances. In this case, we are in a position to respond favorably to your request that DEA agents Berrellez, Schmidt and Herrera appear as witnesses at your hearing, subject to the following safeguards and procedures;

1. A Department prosecutor will be present in the hearing room when any Department employee is present.

2. The prosecutor will inform the Committee that the witness is unable to respond to any question for which the answer has the potential of prejudicing any ongoing criminal investigation. Included in this category are any questions concerning:

A. Fugitives associated with the Leyenda investigation.

B. Potential targets of investigations.

C. Identities of cooperating individuals.

D. The Alvarez Machain Matter.

3. The Committee will accept the advice of the prosecutor and not question the witness further on the matter.

4. It is understood that the prosecutor is not appearing as a witness, nor will he be called as a witness.

5. The matters to be explored in the testimony will be limited to (a) the allegations made by the confidential informant (Mr. Harrison) concerning DEA operations in Mexico and (b) how the DEA and the Department have dealt with the allegations.

In addition, the Department has asked Mr. Harrison if he would be willing to appear as a witness at the Committee's closed Executive Session. Mr. Harrison indicated that he is willing to accept the Committee's invitation but requested that a DEA representative be present in the hearing room when he is questioned. In order to accommodate your concerns about the potential chilling effect of such a presence, we are willing to recommend to Mr. Harrison that he voluntarily appear under the same conditions as the DEA agents, i.e., with a prosecutor present under the terms and conditions of 1 through 5 above. We would strongly object to his appearance as a witness unless the prosecutor is permitted to be present.

Finally, the Department will also make available as witnesses Deputy Assistant Attorney General Mark Richard and DEA Assistant Administrator David Westrate. Mr. Richard has supervisory responsibility over the Narcotics and Dangerous Drugs Section and is being made available instead of Charles Saphos, the Chief of that section, because Mr. Richard has pertinent first-hand knowledge as to how the Department of Justice handled the matters of interest to the Committee.

We appreciate the Subcommittee's willingness to work with the Department to resolve situations where your oversight activities have the potential to impact negatively the Department's discharge of its law enforcement responsibilities.

Sincerely,

BRUCE C. NAVARRO,
Deputy Assistant Attorney General.

The fact of the matter is that I served as a subcommittee chair at the time there was a President of the Republican Party and an attorney general of the Republican Party. Numerous times we were asked in the height of our investigation to delay or perhaps to accommodate the Department of Justice because there was either a pending prosecution or an ongoing criminal investigation, that they were afraid of premature release of information that could endanger their case, not the rights of the defendant, but could endanger their case. In all instances, we accommodated the Department.

In this particular instance, Jay Stephens, the former U.S. attorney, 1 year ago asked this body not to disclose that information for just the reasons I am outlining.

He was joined at the time by the present interim U.S. attorney, Ramsey Johnson, who yesterday made the same request again.

This is not a thing of asking somebody not to cover up or protect the defendant's rights; this is all about whether you blow the case that you are working on, whether they blow the pending criminal investigation.

And so the question that I think people have to ask themselves on the other side who are howling about full disclosure, "The public wants full disclosure," yes, and is entitled to it. But does the public want full disclosure, or does the public want full investigation and prosecution? With that comes full disclosure. I think the public wants the body to do the job right.

If you vote for this, you may think you are voting for full disclosure, but you could also be endangering an ongoing criminal investigation.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. KLUG].

□ 1420

Mr. KLUG. Mr. Speaker, I thank the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL] for yielding me this time.

I really do not want to talk to my colleagues today in the House of Representatives. Instead, I would rather address my comments to the visitors we have in the gallery with us today, because I would like to welcome you to the people's house.

The SPEAKER pro tempore (Mr. SKAGGS). The gentleman will direct his remarks only to the Chair.

Mr. KLUG. I stand corrected. I thank the Chair.

If you look around you, you discover that every single piece of furniture and carpeting that is in this room belongs to the American public. If you look at all the people who work behind me, from the recording secretaries to the Speaker and my fellow Members of Congress, all of us work for the American people.

Today we have a test of just how honest we are going to be with the American people, because for the past 17 months I believe we have failed the American public. For 17 months this Chamber has refused to fess up on its dirty little secrets.

You know, we were willing to televise the Watergate hearings, but to this date we have still not had a single open hearing on the House Post Office.

On this floor we have had people read classified documents into the RECORD on the Iran-Contra scandal, but we will not release the testimony of the Speaker's own wife.

And you can listen to the tapes Richard Nixon in the Oval Office discussing the Watergate coverup, but you cannot listen to the former Capitol Hill Police Chief tell investigators about how his tapes document the charges of obstruction of justice.

Are there embarrassing facts in this investigation? Absolutely. But the greater embarrassment is the fact that this House will not come clean.

The investigative files will not jeopardize the criminal investigation underway. The vouchers are not going to be changed. The plea bargains have been filed. The deals have been cut a long time ago for criminal immunity.

The bottom line is this. These are public files, produced by public employees, investigating public officials suspected of wrongdoing, including among things ripping off the public's money.

There is one other thing in this room that belongs to the American public and you cannot see it right now, but it is the voting grid that is hidden behind me. Watch it light up in a few moments, and you can tell exactly who in this Chamber wants to fess up and who in this Chamber wants to continue to hush it up.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I rise today to mention that there is not one Member in this House of Representatives who wants a full disclosure on this any more than does the Member who is speaking to you now.

I ran and came to the office of the Congress of the United States running in the primary election in Pennsylvania against one of those Congressmen who has been prominently mentioned in this investigation. Just let me say that it was not a pleasant experience and that we are not close friends.

I do not want what happens here to taint any further prosecution which is going to occur, and that is what I fear is going to happen.

J. Ramsey Johnson who has said that release at this time is going to have an adverse effect on his case is a career prosecutor, who was the assistant to the U.S. Attorney Stephens who was appointed by President George Bush.

I can tell you that some of those who have already made plea bargains in this case and who have already received their sentences admitted to me after my election that they had pulled a lot of campaign dirty tricks.

Some of them even admitted trying to get records of the birth parents of my adopted children to bring into the campaign.

I want full disclosure, but I want the disclosure to come to us in such a way that it does not hinder the prosecution.

J. Ramsey Johnson had made it clear that if we release it right now before he wants it, it will hinder his efforts.

We as Members of the U.S. Congress who vote on the laws have got to listen to those people who therefore come forward to try to get prosecution under those laws.

I have also got to agree with my distinguished colleague, the gentleman from Kansas [Mr. ROBERTS] who made the comment that he wanted to see an independent counsel. I had introduced the Equity For Congress Act which would provide that all Members of Congress come under the laws that have been passed for everyone else in this Nation, and it has the provision in there for independent counsel to handle these investigations.

So I believe in openness, but I also believe that we do not allow Congress to get in the way of justice that is moving forward. There are plea bargains that are taking place. This is an active investigation.

As a reporter who covered many trials, I will tell you that we never released any of the transcripts of interviews with any witnesses prior to that case coming before a judge and having some adjudication. That never happens.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today to ask my colleagues to put partisanship aside and support full and immediate disclosure of the task force transcripts on the House Post Office.

We need to take off our Republican hats and our Democrat hats today, because there is a black cloud over this body, and the American people—our employers—deserve to have that cloud lifted.

Each and every day this scandal is covered up brings further disrepute to this body and to all who serve here.

This scandal is a cancer that must be cut out now. The only way to start the healing is to bring all the facts out by full public disclosure now.

Mr. Speaker, as a former criminal defense attorney, I have read U.S. Attorney Johnson's letter, and I certainly appreciate his concerns. Let me assure my colleagues that no Member on this side of the aisle wants to impair the on-going criminal investigation.

Indeed, if the House documents were truly confidential, I would support the majority leader's resolution for further delay.

But this is simply not the case. The Justice Department's letter is now moot in light of the release of the materials through a reporter.

We all know the AP reports that it has reviewed a 209-page transcript of Postmaster Rota's interrogation. Not only have they reviewed it, but they have begun publishing that transcript. The American people should not have to read newspapers served by the Associated Press to know what is going on here.

Mr. Speaker, Congress is hemorrhaging.

As this story continues to dribble out, more damage is done to the House and to innocent Members—most of whom have served with complete integrity.

Aggressive investigative reporters who obtain access to this once-confidential material should not control the American people's access to this information.

The continued stonewalling is nothing more than the last refuge of scoundrels.

The information that should be disclosed to the American public has been in the hands of the Justice Department and the House Administration Committee already for 1 year. As former U.S. Attorney Jay Stephens pointed out on "Nightline" earlier this week, the U.S. attorney's investigation had reached its critical stage by April of this year when he was terminated. Clearly, more time is not needed—and the delaying tactics need to stop.

The Justice Department, in releasing the allegations against Congressman A and Congressman B, has already implicated Members of the House.

Congress and the American people deserve to know the facts surrounding these allegations.

To argue that full disclosure to the American people could somehow interfere with the pending criminal investigation is nothing more than damage control at best and a continuing coverup at worst.

Immediate and full disclosure would clear the air for all of us and let us get on the real business at hand.

The lessons of Watergate should be clear—elected officials should never cover up the crimes of others.

I urge my colleagues to put the integrity of this body and the people's right to know first.

Vote for full disclosure now. Vote against the majority leader's delaying resolution and for the Michel full-disclosure-now resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I think it is clear that our friends on the minority side are uncomfortable in the position they are in right now. After all, they are urging that we ignore a letter produced by a gentleman named Ramsey Johnson who is the chief prosecutor on this issue. He was clearly assigned the job by a Republican appointment;

A gentleman named Jay Stephens who is now apparently running for the Senate in Virginia because he has been very prominently seen on television lately, discussing information about the prosecution he was once in charge of.

Mr. Johnson is the man in charge now. He has told us that the House of Representatives ought not to obstruct justice.

So I can imagine that people have been uncomfortable, and I know that given the last Speaker's comments and those of the minority leader, there are clearly people who now feel more comfortable that the Associated Press has apparently made available some information, at least that portion of the transcript Mr. Rota provided.

But how did that become available at 1:17 last night? I mean, you would have to wonder how suddenly that information became available to suddenly make possible the argument the minority is now making that we have to throw out Mr. Johnson's letter.

Well, yes, it could have come from people who are involved on the House Administration Committee as part of the task force, I suppose. It may have come from someone on the Ethics Committee who had access to it. I certainly would hope it would not have come from those places. I certainly am not accusing anyone of that, but it does make you wonder where this would come from at 1:17 last night, after Mr. Johnson's letter was sent here, before we came to the floor today to take up the issue. It really is I think astounding.

Did the Rota transcript come from the prosecutor? I certainly would hope not, but it certainly does not give the fig leaf that I think some would like it to be. It certainly does not cover up the fact that indeed we are being asked by premature revelation of this information to obstruct justice.

Sunshine is something we owe the American people and when the process of dispensing justice is completed, we will make this information available, and all the innuendo, all the rumors and all the unverified information, I suppose, can be out for people to read and then forget.

But today while the public seeks justice, while this institution's reputation can only be protected by this prosecution going forward, we ought not to interfere.

□ 1430

Mr. Speaker, I ask my colleagues, Can't we put aside the politics? Can't we put aside the hot words, the dirty little secrets, the cesspools of corruption, the clouds of suspicion, the hush-up and the cover up? Can't we put the purple rhetoric aside and let the process of justice go forward?

Janet Reno has said to U.S. Attorney Johnson, "Proceed with due diligence to complete the effort that's been begun."

This is not partisan. We simply want the answers, and we want justice. Please, do not impede that process.

Mr. MICHEL. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from California [Mr. THOMAS], one of our three minority Members on that bipartisan committee of the Committee on House Administration.

Mr. THOMAS of California. Mr. Speaker, 1 year ago today the House voted 207 to 200 to not release the information gathered through the task force. That was a relatively difficult vote for me at that time because of the proximity to the actual discovery of the problem and in the initiation of the Department of Justice case. One year later to the day a U.S. attorney writes a letter saying: "Please don't impede the investigation."

Mr. Speaker, it did not say what the previous speaker said. I say to my colleagues, "Read the letter."

It gets a bit humorous when my colleagues realize that there were over 12 letters exchanged between the prosecutors, and the members of the task force, and the leadership of this House, over this same question. No prosecutor wants anything divulged, even after the case. We understand that, but my colleagues, we have to weigh the year.

Perhaps my colleagues on the other side of the aisle would be interested to know that the letter from the U.S. attorney came after a phone call between the Attorney General and the Speaker of the House asking, "Please don't let this go forward."

Perhaps the letter is the cover that is needed to argue that we are going to impede justice, that prosecutions will not go forward.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. Mr. Speaker, I would yield to the gentleman on his time.

Mr. GEPHARDT. Mr. Speaker, I am happy to produce the time for the gentleman which will allow him to yield to me.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, I accept the time and yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, the gentleman made a statement that the Speaker of the House called the Attorney General.

Mr. THOMAS of California. Mr. Speaker, I never made that statement. I said "in a telephone conversation between the Attorney General and the Speaker."

Mr. GEPHARDT. Was the gentleman present for that phone call?

Mr. THOMAS of California. Would the gentleman from Missouri [Mr. GEPHARDT] like to have the Speaker, the gentleman from Washington [Mr. FOLEY], come to the floor and ask whether or not he spoke to the Attorney General on the phone prior to the arrival of the letter?

Mr. GEPHARDT. Mr. Speaker, I would be happy to provide that, but I simply ask the gentleman where he got his information from.

Mr. THOMAS of California. Mr. Speaker, I say to the gentleman that my information was provided to me by people who want to see justice done, and the Speaker is the best source to determine that. If the gentleman wants to know whether or not my information is accurate, I ask him, "Why don't you go, as we say out West, to the horse's mouth?"

Mr. GEPHARDT. I just assert to the gentleman that it is not helpful to the debate to bring in hearsay, unverified information, as truth.

Mr. THOMAS of California. The gentleman is totally correct, and I once again ask him to bring the Speaker, the gentleman from Washington [Mr. FOLEY], to the floor to confirm or deny whether or not it is true, and, if the gentleman wants to suspend the time until the gentleman comes to the floor to confirm or deny it, we are willing to wait.

Obviously, Mr. Speaker, there is no response on that side.

Mr. Speaker, I indicated, and it was challenged by the majority leader in terms of hearsay, which I think was probably proper because I was not present, that the Attorney General and the Speaker engaged in a conversation about the advisability of releasing the information from task force prior to the arrival of the letter from the U.S. attorney to the House.

Is that correct?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Washington, the Speaker of the House.

Mr. FOLEY. Mr. Speaker, that is totally and absolutely incorrect.

Mr. THOMAS of California. All right.

Mr. FOLEY. If the gentleman would continue to yield to me, I must tell him that I am surprised that the normal courtesy that exists between Members would not have been shown in this case to me as Speaker. At no time was there every any inquiry from any Member of the gentleman's leadership, or any Member of the Republican party in the House, as to whether or not I had had any such conversations. Not one question has ever been put to me in the last 48 hours, up to this moment, with respect to the matter about which the gentleman just asked.

But time and time again on the floor last night Members speaking on the Republican side suggested, insinuated, and almost directly challenged whether I had, or Members of the leadership had, communicated with the U.S. attorney for the District of Columbia or the Attorney General of the United States.

Let me make it again abundantly clear that I have not spoken on this matter to Mr. J. Ramsey Johnson, the U.S. attorney for the District of Columbia, nor has anyone in my office, nor anyone in the Democrat leadership, nor have I, spoken to the Attorney General about this matter, nor has anyone in my office nor anyone in the leadership, and again I cannot understand why such an assertion would be made without the simple courtesy, which I would implore anyone in this Chamber to give to any other Member, to put that question and receive an answer.

I have not spoken, as a matter of fact, to the Attorney General of the United States, as far as I can recall, since I attended her swearing in ceremony. I have not spoken to her on any subject since I spoke to her at that time to congratulate her on assuming that high office.

So, I am happy to have the opportunity to put this matter to rest, and I would urgently request that, before it is suggested that I or other Members have done something to produce this letter, which we have not, the simple courtesy of asking whether that be true be given before it is asserted on the floor.

Mr. THOMAS of California. Mr. Speaker, on the basis of the statement of the gentleman from Washington [Mr. FOLEY], the Speaker of the House of Representatives, I certainly wish to withdraw my statement, and I would say to my colleagues that I certainly apologize because I have no factual evidence to the contrary.

But when I asked the Director of Nonlegislative and Financial Services was it possible to obtain vouchers which had been identified by the U.S. attorney in a news conference in which they would entertain no questions, but simply played the alphabetical game of Congressmen A and B, this is what I obtained from the Director of Legislative Services through the front door of that office, fewer than 20 vouchers.

I say to my colleagues, do you know that through the back door, I obtained almost 200 vouchers through the ongoing partisan operation which in this place has not changed, notwithstanding the statements of the Speaker or the recent statements of the majority leader about how much this place has been reformed; in case you're wondering, these are all of the vouchers of the former gentleman from Pennsylvania [Mr. KOLTER] and all of the vouchers of another gentleman from Pennsylvania, Mr. AUSTIN MURPHY, all of the vouchers of the gentleman from Illinois DAN ROSTENKOWSKI, information that should not be obtainable in this way. It is obtainable and it is being circulated behind closed doors.

Let me tell my colleagues that in a Xerox machine controlled by the majority we found copies of portions of the Rota testimony. Now somebody deny these exist, please, on my time, because what is going on around here is the same old inside game.

The gentleman from California [Mr. FAZIO] piously stood up and said, "We don't want to obstruct justice." Let me tell my colleagues that last July that was the very argument for not having the Republican specifics printed. My goodness it was said, we are going to thwart justice if actual facts are put in the report. Yet, we discussed for over 30 pages the mechanics and operations of the post office. Yet somehow on September 21, Mr. Speaker, the U.S. attorney indicted Joanna O'Rourke, and the articles talked about how much the details about her activities were in the Republican report. But, she got indicted and she is being punished.

□ 1440

The SPEAKER pro tempore (Mr. SKAGGS). The time of the gentleman from California [Mr. THOMAS] has expired, having given him time for the time consumed on the time of the gentleman from Missouri [Mr. GEPHARDT].

Mr. MICHEL. Mr. Speaker, I yield the gentleman from California [Mr. THOMAS] 1 additional minute.

Mr. THOMAS of California. Mr. Speaker, let me say, when this House decided to try to slam the door on what was going on the July 25, 1992, issue of the Congressional Quarterly, a story on the post office task force said, "Ways and Means Committee Chairman DAN ROSTENKOWSKI and Pennsylvania Democrats AUSTIN MURPHY and JOE KOLTER called the ongoing criminal probe a fishing expedition and political witch hunt. * * * While the Republican Task Force report pointedly left unresolved the scam allegations, the Democrat version dismissed them as unfounded. The three subpoenaed Members said in a letter to House Speaker TOM FOLEY that the report negated the need for a criminal probe because it found no merit whatsoever to any allegations that we or anyone else abused the stamp procedure process." Somebody thought this was in lieu of any criminal investigation.

You are still doing what you tried to do then: cover it up, push it under the rug. It seems to me that if Wishart is considering resigning over the continuation of the misuse of power and like activity, you should at least have the decency to own up to the fact that what is in that report is not going to stop a prosecution. It may however prove embarrassing to a number of very highly placed people in this body and perhaps that is the real concern.

The SPEAKER pro tempore. The Chair would announce that the gentleman from Missouri [Mr. GEPHARDT] has 6½ minutes remaining and the gentleman from Illinois [Mr. MICHEL] has 10½ minutes remaining.

Mr. GEPHARDT. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, the resolution before us would simply defer release of sensitive House documents until such time as the ongoing U.S. attorney's investigation is completed follows a bipartisan tradition in this body. Unfortunately, institutional memory seems to be a rare commodity on the other side of the aisle.

This careful approach to enforcement-sensitive information breaks no new ground, relinquishes no institutional privilege or prerogative. For those whose memory has weakened, let us remember a precedent from an affair that rocked the Congress and the American people far more than the House bank probe. In 1980, House Republicans sought to gain the release of potentially enforcement-sensitive documents in the Abscam criminal investigation. Immediately following news reports about Abscam, the Committee on Standards of Official Conduct met to launch its own inquiry. The Committee, having retained special counsel, was intent on entering into discussions with the Justice Department on the release of relevant evidence to further the House's consideration of the matter.

As negotiations were proceeding, the Justice Department—just as U.S. Attorney J. Ramsey Johnson did yesterday—requested that the documents not be released. The Department's position then was that public disclosure.

> * * * would seriously jeopardize the Department's ability to bring this investigation and any resulting prosecutions to a successful conclusion * * * the factfinding process in this continuing criminal investigation would be severely obstructed, if not totally undermined, if there was premature revelation of all the Government's evidence at this time.

The term "premature" seems to have been the operative theme then—as it is now. In fact, that theme was the decisive factor in the position taken by my friend, Congressman SENSENBRENNER of Wisconsin, who, in considering a resolution of inquiry directing disclosure of the Abscam investigative materials, made the following statement:

> I write these views from the unique perspective of the only Member of Congress who serves both on this Committee [Judiciary] and also on the Committee on Standards of Official Conduct.
>
> Members of Congress should not be placed above the law applicable to all citizens and under no circumstances should the House interfere with or jeopardize a criminal investigation and subsequent grand jury or trial proceedings in any way. That is reason alone to reject this resolution.—Rept. No. 96–778 at p. 11, Supplemental Views of Congressman F. James Sensenbrenner, Jr.

I think it is clear to all that the Republican sponsors of this resolution are engaging in a partisan show to bolster the irresponsible remarks of the former U.S. attorney who is now running for the Senate from the State of Virginia. The current U.S. attorney, a career man who worked on the House banking inquiry both under the former as well as the current acting U.S. attorney, has written to both Speaker FOLEY and Minority Leader MICHEL strongly requesting the House to refrain from releasing materials that could—as in Abscam—adversely affect the ongoing investigation.

In the words of my colleague, Mr. SENSENBRENNER, such release is "premature" and we, as Members of Congress, "should not be placed above the law applicable to all citizens" in demanding premature release of enforcement-sensitive materials. At the time of the Abscam resolution, the decision to defer disclosing Abscam-related documents passed the Judiciary Committee by a vote of 27 to 0, and was reaffirmed on the House floor by a vote of 404 to 4, with 5 voting present. Thirteen years later, all sense of institutional propriety and respect for the role of law enforcement confidentiality has evidently moved aside for the pursuit of the next banner headline and the next instant press conference. It's high time proper judgment prevails in this body—even by those who resist remembering the past.

Mr. MICHEL. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. GINGRICH], the distinguished minority whip.

Mr. GINGRICH. Mr. Speaker, I thank the leader for yielding.

Mr. Speaker, let me say first of all it was not by plan, but I am delighted to follow the distinguished chairman of the Judiciary Committee, the gentleman from Texas [Mr. BROOKS], because in fact I was originally going to close with a quote of his, which instead I would like to open with.

The gentleman said in explaining the need for an independent counsel to investigate the U.S. Government, and I quote from the distinguished chairman:

> The executive branch is now given to uttering the following statement, that there is no need to pursue the allegations under review, because they will be looked into in all good time. The Congress need not worry about official misconduct, because that is an enforcement housekeeping matter best left to the executive branch. Finally, there is always an ongoing investigation that will be placed in tremendous jeopardy if the congressional inquiry moves forward. These are presumptuous assertions that do nothing to shed light, to expedite review, or show the same good faith cooperation that has been demanded of Congress by the executive branch.

That is the distinguished chairman of the Judiciary Committee speaking in 1992 when the Democrats wanted to investigate something.

Now, if it involves secrets or national security or our allies, there is no reason for closing up anything. If it involves the chairman of the Democratic Party coming to the floor of the House and speaking our secrets without any official approval, that is not anything to be worried about. There are no sanctions. If it is only a matter of national security, let anyone know.

Oh, but if it is the House, the term "coverup" has been used. Somebody said, why should we use "coverup"? That is not a Republican term. "Coverup" is the term used by the acting U.S. attorney. On July 19 he said that in 1980 there had been, "a successful coverup."

If you turn to page 5, he went on to say:

> In 1979 a House post office employee reported a cash for voucher exchange to law enforcement authorities who began an investigation to determine whether Mr. Rota or others were giving cash to Members of Congress. On May 5, Justice Department attorneys interviewed Mr. Rota and his supervisor of accounts. Before the interviews, Mr. Rota discussed with his supervisor of accounts the need to protect the Members of Congress.

This is the acting U.S. attorney speaking about an investigation 13 years ago in which there was a coverup.

Now, what was being covered up? According to the acting U.S. attorney, and I would cite page 7 of his statement on Monday:

> Mr. Rota has admitted that over the course of nearly 20 years, he regularly supplied cash to selected Members of the United States House of Representatives.

Further quoting:

> What Mr. Rota did was to place the service of his office, and the United States fund under his control, at the disposal of certain United States Congressmen, knowing full well that he was aiding the embezzlement of money from those funds. What Mr. Rota got in return was to keep his job as an officer of the United States House of Representatives.

That is not a Republican. That is the acting U.S. attorney on Monday describing nearly 20 years.

Now, let me quote one last time from the acting U.S. attorney if you will refer to page 4 of his statement on Monday.

> Mr. Rota began giving cash from House post office funds to certain Congressmen shortly after he became Postmaster in 1972.

Mr. Speaker, there may be reasons Members on our side do not always trust and have faith in the leadership on the other side. Not at a personal level, but at an institutional level. It is cited best, I think, if you look at the report on the post office in which the police chief is asked why he went slow. And the police chief says, unequivocally, he did so because the House attorney, "brought up the fact that we should not be dealing with the U.S. attorney." That is why we think it may be a coverup.

□ 1450

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, it seems particularly strange that those of my colleagues who are often rhetorically pushing for law and order, for prosecutorial discretion, want to jeopardize prosecutions for political purposes. And make no mistake about it, the release now will jeopardize the prosecutions. The U.S. attorney has said so. It will cause an obstruction of justice.

We are now in the heat of this criminal investigation, and Members want to jeopardize it.

The irony is, for a little perceived political gain, we will suffer a big judicial loss.

I believe that most of my colleagues on the other side are fair-minded. I believe that most of them want justice to be pursued fairly and impartially.

Do not get trapped into voting for something which makes a mockery of our independent criminal justice system. Vote for the Gephardt resolution.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I am a Member of Congress from the First Congressional District of Louisiana. I am a former criminal prosecutor, and I did not bounce any checks in the House bank. And I did not use the House post office for anything other than sending or receiving my official mail.

I am not Congressman A, and I am not Congressman B or C or D or E or F or G. I resent being included by the Justice Department as a possible suspect in some nefarious dealings that we now hear have been going on at the House post office for the past 20 years.

Mr. Speaker, when an employee of the House post office absconded with money he embezzled 2 years ago, two investigations were begun: one at the Justice Department and the other by the Committee on House Administration, both into the allegations of gross mismanagement and potential violations of law.

At the time I did not think there was much to the charges. But with the recent guilty plea by former Postmaster Rota to some very serious charges, it appears that I was wrong. And so was the gentleman from North Carolina [Mr. ROSE], chairman of the House Committee on Administration, when he announced the results of his investigation last summer and concluded that there has been no violation of law.

He said, "As a matter of fact, the majority conclusion is that there was not credible evidence that any Member of the House of Representatives violated any rules of the House or any laws of the United States."

The House, at his direction, forbid the disclosure of information obtained in the investigation. Fine. But I would remind my colleagues that on February 5, 1992, the same day that the majority established a special task force to slander the President of the United States on the premise of unfounded and wholly crackpot allegations dealing with October Surprise, the gentleman from Connecticut [Mr. GEJDENSON] said, of the post office investigation, which the majority refused to separate from House Administration jurisdiction, "If at the end of this process," the gentleman from Connecticut [Mr. GEJDENSON] said, "the gentleman from North Carolina, my chairman, has not done his job, then you can come back here and tell us and show us where we have failed."

Now, now that the court has accepted a guilty plea from Mr. Rota to the Justice Department charge alleging an illegal conspiracy to convey moneys to unspecified Members of Congress, it is absolutely imperative that the parties charged now be named, that the facts be known so that all Members are not implicated, all Members are not tarred with the same broad brush of suspicion.

The Democrat Attorney General fired the U.S. attorney in charge of this case, and now the Democrat resolution would perpetuate that cloud over all our heads indefinitely. That cannot be accepted.

The Justice Department, by not naming Congressman A and Congressman B in the bill of information, has waived any claim of confidentiality and has shamed us all by indicting us all. The 103d Congress professes to be the reform Congress. My colleagues, if we want the name, we have got to play the game.

Let us not allow the leadership to keep their stone wall intact. Vote down the Gephardt resolution and for the Michel resolution for full disclosure.

The SPEAKER pro tempore (Mr. SKAGGS). The gentleman from Illinois [Mr. MICHEL] has 3½ minutes remaining.

Mr. MICHEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I certainly do not relish coming to the well again this afternoon under such circumstances, but once again, it is our sad duty to talk about yet another disgraceful offense in the House of Representatives. And once again, our attention is diverted from the real business of legislation to a new disclosure of sordid criminal activity by an officer of the House, carried out in this House, itself, over a 20-year period.

Now, the majority's approach in this case, stripped of its rhetoric, is simple. Hey, folks, we are really serious about reform this time. Let the Justice Department do its duty.

Well, I say, let the House do its duty as well, its constitutional duty.

Our clear duty is to let the American people, and not just a selected few politicians and reporters, know what has been happening behind closed doors of House hearing rooms. It is shameful to ask us to hide behind the argument that we must not carry out our constitutional duties, when the very transcripts said to be so important have been disclosed to the press.

But you know as well as I do, Mr. Speaker, this debate really transcends the post office scandal. At the heart of this debate is a prolonged, systematic pattern of denial, of silence, of secrets known to the select few, of winks and nods among the old-boy network in the majority.

I tell Members, it rankles this Member, who thought he was trying over a period of years to set a good example, to learn that as far back as 1980, Robert Rota, an elected officer of the House, under direct control of the majority leadership, was investigated and interviewed at that time by the FBI for this kind of thing we have been talking about.

It strains credibility that he then would not even take the warning and go on for another 12 or 13 years. And do we really think that the majority leadership would not have been informed by this officer of the House of being interviewed by the FBI for potential criminal acts?

In any event, the minority was never told. I was not told in 1980, not even in 1992, when we went through some of this traumatic same thing here in this House. And if I cannot be fully informed, how can I make a rational judgment that brings respect to this body? I cannot do it in a vacuum, and I feel I have been had. I have been taken.

I can only tell the House, if I had known of this prior investigation, when allegations surfaced in the 1990's of the post office scandal, we would have carried out a far different kind of investigation, believe me. And we cannot redeem a generation or more of failure by the majority in the House.

But today, we can at least have the courage to do what is right. Let the American people know what they have every right to know. If we keep these records hidden, the message to the American people will be: If you are an insider, if you are a favored reporter, you can see the transcript. That is OK. No harm done. No investigation is jeopardized. But average American citizens need not apply.

Mr. Speaker, because of the ongoing, systematic failure of the majority to exercise stewardship, every House Member, Republican and Democrat, the just and the unjust alike, is tainted by these scandals. In time the righteous wrath of the American people will fall, I think, with fury, and they will cleanse this once-great institution of those who were given great responsibilities and failed to carry them out.

But in the meantime, let us summon up our last remaining shreds of courage and dignity and let the Americans see what the insiders already know.

So my colleagues, I urge the defeat of the resolution and the adoption of the resolution which will be presented by myself at a later time.

Mr. GEPHARDT. Mr. Speaker, I yield the balance of my time to the distinguished majority whip, the gentleman from Michigan [Mr. BONIOR].

The SPEAKER pro tempore (Mr. SKAGGS). The gentleman from Michigan [Mr. BONIOR] is recognized for 3 minutes.

Mr. BONIOR. Mr. Speaker, we are here today for one simple reason, because we believe in the rule of law. That is what this debate is all about.

The prosecutor, fully independent, served under a Republican administration, has told us that to release this information will cripple an ongoing investigation. Yet there are those on the other side of the aisle who would use cynical, irresponsible, political gamesmanship to undermine the rule of law.

□ 1500

If this kind of McCarthyism is allowed to reign in this land, no one will be safe, everyone will be threatened.

We come here first and foremost as lawmakers. Our job is to respect the laws of our land and to educate the American people in our love of this law. This should not be a political issue. It should not even be a partisan issue. I believe in my heart that there are those on this side of the aisle who know in their hearts that this is wrong. This does not fit with the standards of their party.

Let me remind the Members of what Theodore Roosevelt said: "The most practical kind of politics is the politics of decency."

What you are doing today undermines the fundamental principles that we have all been elected to uphold. Why? What for? So you can rev up some radio talk show? So you can hold a press conference and wave a list of rumors and innuendos?

We have dealt with these tactics in this country a generation ago. As Senator J. William Fulbright said in the U.S. Senate on February 2, 1954:

> When public men indulge themselves in abuse, when they deny others a fair trial, when they resort to innuendo and insinuation, to libel, scandal, and suspicion, then our democratic society is outraged, and democracy is baffled. It has no apparatus to deal with the boor, the liar, the lout, and the anti-democrat in general.

Let us stand here now and affirm our belief in the principles of law, of order, of justice, and of decency. I urge my colleagues to vote for the Gephardt resolution and against the Michel resolution.

Mr. HOUGHTON. Mr. Speaker, grand jury investigations should be private and secret. The U.S. attorney's office—has indicated that disclosure of information now would adversely affect the case in hand.

This washes out for me the political overtones. It is a clear, straightforward, reasonable request, by a national officer of law: That is good enough for me. Let us put this partisan issue behind us and get on with the business of governing. Time is slipping through our hands.

Mr. WALSH. Mr. Speaker, I voted in favor of making public the complete transcripts of all proceedings relating to the task force on the House post office, including depositions and statements of witnesses involved.

The public has the right to know all the facts in this matter. The work of the task force took place over a year ago and today I read in the media certain statements attributed to individuals who testified before that group. We shouldn't have selected leaks now appearing, but the entire transcript must be made available to everyone in order to make a proper judgment of guilt or innocence in this matter.

The argument that by somehow releasing this material could jeopardize the ongoing Justice Department investigation became moot today with wire stories appearing directly quoting testimony from the year old task force hearings. Those who testified were not assured anonymity or confidentiality and the time for full disclosure is upon us.

The public already holds Congress in low esteem and this latest scandal only makes matters worse. The facts need to be clearly out in the open and the time is now. By trying to drag the process out we will only earn the scorn of all Americans and I hope the House Democratic leadership will back away from their delaying tactics. Full disclosure, like bright sunshine is the only way to shed light on this problem. I strongly support that concept.

The SPEAKER pro tempore (Mr. SKAGGS). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the privileged resolution offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MICHEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 244, noes 183, answered "present" 1, not voting 7, as follows:

[Roll No. 356]

AYES—244

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Foley
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski

Lloyd
Long
Lowey
Maloney
Mann
Manton
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—183

Allard
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Margolies-Mezvinsky
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Grandy

NOT VOTING—7

Byrne
Conyers
Frost
Henry
Hilliard
Moakley
Packard

☐ 1520

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—RELEASE OF DOCUMENTS AND RECORDS OBTAINED BY TASK FORCE TO INVESTIGATE THE OPERATION AND MANAGEMENT OF THE HOUSE POST OFFICE

Mr. MICHEL. Mr. Speaker, I rise to a question of privileges of the House and call up the resolution (H. Res. 222), a privileged resolution to be discharged from the Committee on Rules, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. SKAGGS). The Clerk will report the resolution.

The Clerk read the resolution as follows:

H. RES. 222

Whereas on July 22, 1992, the House of Representatives voted to transmit to the Committee on Standards of Official Conduct the Committee Report and all records obtained by the Task Force to Investigate the Operation and Management of the House Post Office.

Whereas the Report of the Committee on House Administration selectively included portions of the transcript of the proceedings of the Task Force in the Appendix of their Report;

Whereas efforts in the 102d Congress to release the full transcript of the Task Force were defeated in the House on July 22, 1992 and July 23, 1992;

Whereas the former Postmaster of the House of Representatives, Robert V. Rota, from 1978 continuing until April 1992 conspired, confederated and agreed with other persons, including Members of Congress, to commit offenses against the United States.

Whereas the former Postmaster has pled guilty to making false statements to the Task Force and discussed with his Supervisor of Accounts the need to withhold information during interviews with United States Postal Inspectors and the Congressional Committee investigating the House post office;

Whereas the former Postmaster engaged in a cover up of the exchange of vouchers and postage stamps for cash beginning in May of 1980 and continued throughout the House investigation of the post office;

Whereas the integrity of the House of Representatives has been impugned by the actions of Mr. Rota and others: Now, therefore, be it

Resolved, That the Committee on House Administration is directed to immediately make public complete transcripts of all proceedings of the Task Force, including depositions and statements of witnesses and any tapes of such proceedings.

The SPEAKER pro tempore. The Chair finds that the proposed resolution does present a question of privileges of the House.

The gentleman from Illinois [Mr. MICHEL], under the rules, will be recognized for 30 minutes, and the gentleman from Missouri [Mr. GEPHARDT], will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, to open the debate on this resolution, I think I pretty well made my case in the conclusion of the other resolution.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I have no desire to be here on this subject, and I have no desire to be in this debate. I had not intended to seek time to speak during this debate, as I am certain no Member could relish the opportunity.

But I cannot let Mr. BONIOR's charges at the close of the last debate go without response. Mr. BONIOR stood in the well and had the audacity, under these circumstances, to give us on our side of the aisle a lecture on democratic morality. I cannot let that stand, not while we are trying to understand, unravel, comprehend, and reveal to the American people the results of Democrat morality in this House.

You Democrats should understand this is your House. This has been your House for 40 years. You define the institutional structure. You hire the officers of the House. You write the rules of the House, and you waive them when you see fit to do so.

Mr. BONIOR, this is your world. We only live in it, and for you to tell us that we are some kind of rogue posse when we insist that after, in fact, one of your officers of the House confesses, and is indicted for implications in felonious activities with your fellow Democrat Members of the House, and this is splashed all over the headlines, after, in fact, it has been going on for 20 years, and we have seen this before. We saw it with the bank scandal.

We see the self-indulgent double standard of the Democrats in Congress as they go after the Nixon White House on one hand, and then proclaim it is perfectly acceptable for us to accept the results of a self-investigation of the Clinton White House today as we stand here, while they then say we can withhold from the public any information we have about what is done in our own body by the people they hired in conjunction with their colleagues, and we on our side are to keep our mouths shut and to not insist on disclosure to the American people.

If we were to do that, we would also thereby then be implicated in this

Democrat morality that I find so deplorable.

Let me tell my friends on my side of the aisle, and let me tell both of you not in leadership, let me tell those of you on your side of the aisle, especially you Democrat freshmen, this is a time for you, on your side of the aisle, to accept your responsibility.

You have all the privileges that go with Democrat majority status. This is a day when you can accept the responsibilities that go along with it.

Trust to the truth; trust in disclosure. Vote "yes" on the Michel resolution. Vote "no" on that all-too-certain-to-come parliamentary trick, the motion to table.

You will be made safe by trusting in the truth, and you cannot be protected by slick parliamentary tricks.

This is your day to accept responsibility for the manner in which you and your party have run this House, and let us get rid of this pall of suspicion that hangs over all of us, the guilty and the innocent alike, by standing up to the challenge of honesty, just this once on this day.

Mr. GEPHARDT. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina [Mr. ROSE], chairman of the Committee on House Administration.

Mr. ROSE. Mr. Speaker, I thank the majority leader for yielding me this time.

I would like to call to the attention of the Members of the House this book which was published last year, a year ago, entitled "Investigation of the Office of the Postmaster Pursuant to House Resolution 340." This book contains 564 pages. It contains a Democratic report, and it contains a Republican report.

Have you seen many of those issued in this House? Democratic report, Republican report.

□ 1530

The Democratic report has 12 exhibits totaling 62 pages. The whole Democratic part of this book is 122 pages.

The Republican report is 88 pages. The Republican exhibits, 55 exhibits, covering 354 pages. I find it very difficult to understand how anybody can say that something has been covered up.

The Republican members of the task force had the opportunity to freely put in the exhibits, the actual documents that they wanted to put in here, and they did. I suggest to you that the action that was just taken by the House, to support the Gephardt amendment, was and is the correct vote for us to have taken today.

And I urge my colleagues not to go further and in any way support this particular resolution that is before you.

I am not going to quote from the actual transcript of what was said in one of these closed sessions, but one of the lawyers in the hearing, or in the testimony-taking, said, "Everyone in this room is a member of the staff of the task force investigating the office of the Postmaster under House Resolution 340. I want you to know that everyone here has signed an agreement of confidentiality that everything discussed here remains confidential."

How can we conduct the business of the House and have investigations if we have no confidence in the process that allows us to do those investigations?

If we do not have that ability, the Justice Department will be in here conducting our investigations for us.

The front of this bipartisan document, although split into two sections, has a letter which was signed by CHARLIE ROSE, PAT ROBERTS, AL SWIFT, BILL THOMAS, GERALD KLECZKA, and BILL BARRETT.

And it says, in part,

> Due to the nature of the investigation and the politically charged atmosphere in which it had to be conducted, in addition to specific unreconcilable differences on policy and interpretation of certain evidence and testimony, the committee resolved that the most accurate and full reporting would be accomplished by the issuance of both Democratic and Republican reports. Each side holds to the statements of its own reports and recognizes that the sensitive nature of certain information will be affected by individual interpretation.

My colleagues, there was no effort to do anything other than bring the truth to the Members of this body, and I contend that it was done in this report. The House has voted correctly.

I urge you to vote against the resolution before you.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank the gentleman for yielding this time to me.

Mr. Speaker, I truly appreciate the chairman of the full committee in his effort to portray this as a bipartisan approach. And we were bipartisan as best we could make it. But we disagreed with the release of the names, the evidence, the approach; we even had a situation one time where we were going to be locked out of the hearing room because of all sorts of disagreements. The confidentiality ended with the ending of that report. But let me appeal to the bipartisan nature of what we have ahead of us, which is a vote.

As of last year, 42 Democrats voted with us for public disclosure. This year, 11 Democrats have voted in that fashion.

My colleague and friend from Kansas, Mr. GLICKMAN, has indicated it is politics as opposed to prosecution. It is not that. It is public disclosure.

Mr. GLICKMAN voted with us two times last year. Ten of you sitting in this House voted with us two times last year. What has changed?

We have the same letter from the Department of Justice. The only thing that has changed is the administration.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, it is with no small sense of irony that I find myself rising to address this question today after having opposed the gentleman from Missouri's [Mr. GEPHARDT] proposal earlier.

Mr. Speaker, it was over a year and a half ago in hearings before the legislative branch Appropriations Subcommittee that I was involved in the first questioning of the Postmaster. Confluent with that was our discussion of the House bank scandal. Both the House bank scandal and the postal scandal have cast a dark shadow upon this House.

Last year, I had a resolution (H. Res. 341) calling for an independent committee to review allegations concerning the post office. Mr. GEPHARDT essentially set that aside by his own resolution which created that task force that created the report that we have been discussing.

This is not recent history. The House has known of this problem for a long, long time and has chosen to keep it essentially under the table.

The media now has all of this information. It is time for the public to have the opportunity to review what the House has done on this very, very important issue.

The question is not Democrat or Republican, the question is the House of Representatives and its respect, the credibility of the most important legislative institution in the world is at stake. Those who choose today to vote against full disclosure, are choosing first and foremost to close the public off from its House. Furthermore, those Members who vote against the Michel resolution will perpetuate the dark shadow which has been cast upon this most important institution.

Vote "yes" on the Michel resolution and give us a chance to begin to rebuild the confidence the public must have in this House.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. PETE GEREN].

Mr. PETE GEREN of Texas. Mr. Speaker, I rise in opposition to the Michel resolution. Partisanship is a plague of this House. It is always aggravating, sometimes ridiculous, sometimes dangerous to the rights and responsibilities we are here to serve.

The Michel resolution is an example of partisanship that falls into the latter category.

My colleagues, the matter before us is not and must not be political. We are talking about a criminal investigation. There is nothing more fundamental to our ideal of Government than that criminal inquiries be above politics.

The Gephardt resolution says that we give all of the records in dispute to the

Attorney General of the United States, the highest law enforcement official in our land.

The Michel resolution says we turn these records over to a bunch of politicians. For the life of me, I do not understand how this is even a close call.

Mr. Speaker, there is a criminal investigation underway, a credible criminal investigation underway. Do you want to see justice done, or do you want to grandstand and possibly compromise the effort to do justice? This is not a Republican-versus-Democratic matter. It cannot be.

Vote "no" on Michel.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I thank the gentleman for yielding this time to me.

It is a serious matter today that we are debating. It involves the integrity of this body, it involves a lot of very fundamental things that really should not be viewed in a partisan fashion. There has been some partisan rhetoric, and I guess that is understandable out here today. But I have heard some of my colleagues, who I believe are very sincere, expressing concerns about the legality questions, about the question of the objections of an interim U.S. attorney who has asked by letter that this material not be released that this resolution calls for.

□ 1540

Mr. Speaker, I rise today to rebut the presumption, a little bit, that some people have, that somehow this request from the veteran U.S. attorney carries the weight that we are apparently in some force giving it.

It is normal for a prosecutor, and I come from a trial lawyer experience, as several of my colleagues do, it is normal for a prosecutor to want everything to remain as it is and out of range, so to speak, as long as possible. That is just normal. But in looking at this particular case, I cannot find any basis for belief that there is going to be any prejudice to his case if we release what is being requested in this resolution.

I served on the Iran Contra Committee. I remember the great deliberations we had overriding the request of the prosecutor in that instance with respect to what we did in that hearing. It was far more serious and of greater concern than what we are asking today, because there was immunity being granted, and ultimately we know that courts have upheld the fact that immunity was granted, destroyed some of the prosecution, but there was no immunity granted by this task force for any witness appearing before it.

No Member of Congress testified before the task force.

There is nothing that is not discoverable by either party to any of these criminal prosecutions that may be going on, that is any of the material being released to the public by the resolution that the gentleman from Illinois [Mr. MICHEL] has offered.

There is everything we have asked for involved in this, that would be open and above and available to either the prosecution or the defense.

I encourage my colleagues to look at this thing on the basis it should be looked at. It is a question of the integrity of the House. It is a question of what we should do. We should vote for the Michel resolution, not for the request of the U.S. attorney.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I rise in opposition to the resolution and in support of the motion which will be made by the majority leader.

Mr. Speaker, in my years in Congress, I have supported—even pushed for—doing business out in the open. I have fought for more open rules on legislation, for reforms that simplify and bring more honesty and openness to the process. It is my belief that this body—in fact all of our Government—should strive to earn the trust and faith of the American people.

However, there is a line over which this body must take care not to cross. Too many times in our history, zealous Members, from both sides of the aisle, have pushed us to disclose information prematurely. In the name of seeking the truth, we have jeopardized legitimate judicial proceedings. We have implicated the innocent and freed the guilty.

Full disclosure should be our mission. Appropriate disclosure should be our rule.

The resolution before us today is asking us to step across the line. For the apparent sake of politics, certain Members, from the other side of the aisle, are asking us to disclose information on the post office investigation which could be harmful to legitimate judicial proceedings now underway. In fact, we have been specifically asked not to publicly disclose this information by the U.S. attorney in charge of the case, who fears such disclosure could jeopardize the integrity of the case. Disclosure at this time /would again put the House to shame in the eyes of the public. Once more, we would risk public ridicule for contaminating a legal proceeding for political purposes.

Mr. Speaker, no one in this body wants to see a swift and complete resolution of the investigation into wrongdoing, in the House post office, more than me. Justice must be served, regardless of position, party, or impact on this body. But our goal must be justice, not political gain—a test that I do not think this resolution passes. I will continue to support full disclosure. And I will continue to oppose political witch hunts—which I believe is the true motivation of this resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, on June 9, 1954, Joseph Welsh, who was then legal counsel for the Army in the famous Army-McCarthy hearings, responded to a blunderbuss demagogic attack by Wisconsin Senator Joseph McCarthy by saying the following:

> Until this moment, Senator, I think I never really gauged your cruelty or your recklessness * * * Have you no sense of decency, sir? At long last, have you left no sense of decency?

I think that question could be asked often these days.

That question by Mr. Welsh is what many people believe led many decent and thoughtful Republicans to rise above party membership and lead the effort to censor Joe McCarthy because of his disregard for due process and his disregard for decency.

I know that there are many decent Republicans in this House today whose dedication to due process, to fair play, far exceeds their desire to use any technique or any method to win elections or to undercut their political opponents.

I would simply ask of you that you not allow anyone in this House to trample due process, that you not allow anyone to disregard the plea of the prosecutor who has successfully prosecuted the former House Postmaster and who asks us not to release information because of his fear that it may undermine future prosecution.

We inadvertently did that in the Iran-Contra hearings. Let us not do it again today.

But no matter how you vote, I ask you simply to not allow Members, by sly use of innuendo, by reckless use of conjecture, to debase the debate which is the very currency of this institution. We were sent here to debate each other's ideas, not to question each other's patriotism or integrity.

Does anyone really believe that the public buys the suggestion that either party is more honorable or more dedicated to clean government than the other? Nonsense.

When the public sees that kind of suggestion made, what they said to me is, "My God, can't you guys set aside your partisan differences for one month to deal with our own problems for a change, rather than yours?"

That is what they say to me.

Now, the distinguished minority leader said that the right to know is paramount. I agree it is certainly important, but what is paramount is that we do justice. What is paramount is that wrongdoing be successfully prosecuted. That is our greatest obligation here today to the public.

I would simply suggest that you support the Gephardt amendment, oppose the Michel amendment and do so while remembering the words of Joseph Welsh:

> Have you no sense of decency, sir? * * * At long last, have you left no sense of decency?

Those words will be remembered far longer than any words uttered here today long after most of the words uttered here today will justly fade into oblivion.

Remember those words and think about the needs of this House and this country.

We know each other. We know that the vast majority of Members of both parties have high character, high dedication to the country and a high sense of patriotism. That ought to be reflected in the debate of this floor, rather than some of the countersuggestions we disgracefully and discouragingly heard here last night.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise in strong support of the Michel resolution which would direct the Committee on House Administration to immediately disclose all proceedings of the task force on the House post office.

It is shameful that, once again, the integrity of this great institution is brought into question. The revelations that have come to light involving certain Members and a scheme to provide cash for stamps is unconscionable. It tarnishes the integrity of the House. It tarnishes the integrity of Members who have not been implicated in the investigation. It hampers our efforts to give our attention and our full energies toward addressing national concerns.

It is imperative that the veil of secrecy that surrounds the scandal be lifted, and that it be lifted now. Without it, we only fuel the public's concern that a coverup of activities of the House post office has occurred—especially after receiving assurances by the House Democrat leadership last July that there was no credible evidence that any Member of the House of Representatives violated any rule of the House or any laws of the United States. Standing alongside the recent guilty plea of former Postmaster Robert Rota to three misdemeanors involving embezzlement of more than $30,000 and a criminal scheme to provide cash to Members, that assurance stands today as a tattered falsehood.

Real leadership is voting for this resolution—a resolution that puts the so-called leadership of this House on notice that they must come clean and tell the people what they know and when they knew it. It is the only way to spare the House from another damaging and scandalous coverup.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of the Michel amendment. I rise in support of letting the sunshine in.

I am not here to explain nor seek to argue or indeed to defend. There have been some eloquent statements, some legal, some partisan, but I want to take just a short minute to tell you how I feel during the process of this discussion.

I came here 4 years ago. I was the last Member to be sworn in by Jim Wright. I came here feeling strongly about the privilege of serving the people of Wyoming in the Congress. I felt awed by the history and by my vision of what this House consisted of. As I mentioned, I was the last Member sworn in by Jim Wright.

Next was the House Bank thing, and something over a year ago the post office issue arose. It has affected all of us. I am sad about the cloud that hangs over all of us. I am sad about the fact that this body is held in such low esteem by Americans, but I understand why.

Like you, I often deal with young people when they come here. I want to make one point to them. This is the people's House and we must make it a House that we can be proud of. We must make it open. The people's House must be open to the people.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I do not know what is going on in this House today. I am truly surprised at what I hear.

All across this country, every day grand juries are convened and the citizens of our towns and our cities understand what is happening, there are those who might be pleased because they think justice is about to occur. There are those who are frightened because they know that lives can be ruined; but the citizens in our towns and cities understand that they do not impede justice by becoming involved if not asked by authorities in charge. They do not comment. They do not involve themselves because they understand that the balance of our democratic government and our constitutional system depends on the purity of our judicial system. Almost every citizen understands this.

Yet today we are told that if we do what the prosecutor asks us to do, that we are having a coverup. This is not only ridiculous, it means we have to almost not believe what the facts were that Mr. J. Stephens last year asked this very thing to happen, that the gentleman who is charge right now, Mr. Johnson, yesterday said, "Don't involve yourselves."

I do not believe a coverup is happening, but I do believe in the law of this land. The law of this land, in the Federal Government, the executive branch is in charge of prosecution. The Congress should not interject itself, especially when specifically asked by the U.S. prosecutor not to become involved.

The gentleman from California holds documents that were leaked. We know there are no secrets in this town.

But we must remember we are the body that makes the law, therefore we above all others should abide by the law and today we should not interject ourselves into an ongoing investigation.

We should let the system, let the process work as it has for over 200 years.

☐ 1550

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, all I know is that the Democrats must feel that they are in some kind of trouble when the gentleman from Wisconsin [Mr. OBEY] has to hark back to an investigation that took place in this House before I was born in order to lay kind of a veiled smear on Republican character while all the while protesting exactly the opposite. The majority has decided to base its entire argument in this matter in this debate on a letter from the acting U.S. attorney that requests that we not disclose this information at this time.

Now, while the rationale behind this is highly arguable, while it is a fact that every prosecutor at every prosecutorial level in this country always asks exactly for that, and while there is absolutely no rule of law that requires us not to disclose, I will for the sake of argument accept the premise of the majority and answer directly the implicit question which is behind that premise, and that is this:

The question is: "Which is more important? Which is more important? The integrity of the people's House or the outcome of and the speculative impact that the disclosure of this information may or may not have on criminal investigations that may or may not result in indictments? Which one is more important? The integrity of the people's House or the impact of that information?"

And I will answer my colleagues for myself, that there is no question that it is the integrity of this House, the trust that the people of America deserve to have, deserve to feel, the confidence that they must have in our ability to be straight, to be square, to come clean, to disclose, to make clean, to make clear, and I can say that when we come down to that question in order to restore some modicum of confidence that deserves to be there that anybody who does not believe that the people right now are absolutely convinced that we are a corrupt body, that there are deals that are made all the time, that there are perks that people are trading off for this and that, any of those that do not believe that either do not listen, or have been here too long, and are surrounded by too many sycophants who are constantly toadying to them that they do not understand what tremendous mistrust and ill repute we are, in fact, held in this country, and I would say to my colleagues that clearly it is complete and full disclosure which is much more important in order to restore integrity in this House.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, I thank the majority leader, the gentleman from Missouri [Mr. GEPHARDT] for yielding this time to me.

Mr. Speaker, it truly is a sad day around here where for cheap political gain there are those in the body who engage in character assassination, rumor, innuendo, and they pepper all this with a huge dose of reckless disregard for the truth.

The last statement of disregard for the truth I think was proven in prior debate today when one of the Republicans took to the floor and boldfacedly accused the Speaker of calling the Attorney General of this country to request a letter. The Speaker responded that he had not spoken to Attorney General Reno since her swearing in, and he has never at any time called her on this. That is the type of situation we are dealing with.

Mr. Minority Leader, what is happening here is we are pushing all the hot buttons, like coverup, which is totally nonsense. A copy of the House task force report was made available not only to the Justice Department, but also to the Ethics Committee, so there has been no coverup. Those documents are in view of that body at this time.

There is talk of a scandal or sweeping it under the rug. We concluded the investigation in the task force, and issued not one, but two, reports.

My colleague from Wisconsin indicates that there is suspicion of dirty little secrets around here. That is total hogwash, and he knows it, and the only way that he can prove it is to go to one of the three Republicans who served on the task force and ask the gentleman from Nebraska [Mr. BARRETT], "Are there dirty little secrets there," and let him respond. Ask the gentleman from California [Mr. THOMAS]; ask the gentleman from Kansas [Mr. ROBERTS], and the question and the answer will be, to the gentleman's contention, I say to the gentleman from Wisconsin [Mr. KLUG], that there are no dirty little secrets. If there were, know full well they would have been in the Washington Times the day after the testimony and clearly would have been in their own report that was attached to the documents.

Mr. Speaker, there are two issues here. One is a request from the U.S. attorney not to release this documentation because it will thwart his investigation; and second, and we will answer this question later today, how about our responsibility to those individuals who testified in which not only Republicans, but Democrats alike, promised them confidentiality?

The SPEAKER pro tempore. The time of the gentleman from Wisconsin [Mr. KLECZKA] has expired.

Mr. MICHEL. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the minority leader, the gentleman from Illinois [Mr. MICHEL] for yielding this time to me, and, Mr. Speaker, I rise in wholehearted support of the Michel resolution to provide all the documents and the transcripts.

As a member of the task force, Mr. Speaker, I think it is absolutely critical, and there is no doubt in my mind, that the American people have every right to know how their House of Representatives is run, a right to know when things go wrong as well as when things go right, and who among their elected Members are responsible.

In the interest of time, Mr. Speaker, I have requested to revise and extend my remarks:

Nevertheless, as one of the three Republican members of that task force, my support for making public all the documents of the task force does not come without some reservations.

We do have the letter from the acting U.S. attorney asking that we not indiscriminately make public documents that could hinder the Department of Justice's ongoing investigation of criminal wrongdoing at the House post office.

Nearly a dozen such letters of concern came from Justice during our investigation. It was always our objective to conduct an investigation complimentary to the concurrent criminal investigation by Justice, but the Department was not as cooperative. As stated in the minority report, "The Task Force was prevented from conducting a full and complete investigation because of DOJ actions."

We should give DOJ's concerns consideration, but ultimately we should not be deterred from proper action today, with that being full disclosure.

On that point under the procedures that were established for the operation of the task force, all information of the investigation was to be confidential until the task force filed its report. Confidentiality was such a concern that we even required staff to sign a pledge to that effect.

It's appropriate to add a side note here that, the confidentiality agreements and pledges notwithstanding, our investigation was plagued by leaks to the press and public, some accurate, others misleading and inflammatory, all detrimental to the spirit of the bipartisan and full investigation we set out to achieve, and at which I think we ultimately fell short.

It was under this supposed cloak of confidentiality that the task force conducted more than 60 interviews. Although there was never a guarantee of confidentiality given to those we interviewed, I know full well that it was implied. Some of those who sat there nervous, in tears, in fear of their jobs and personal reprisals from coworkers or their managers, finally answered our questions because they thought they were talking only to the task force, and only to build a foundation for the task force report.

Some of those people, to the best of my knowledge, still work in the House post office. I would not be true to my conscience if I did not, now, express my concern for the impact of full disclosure on these people who did nothing wrong and only assisted our investigation.

With that said, let me stress—and stress adamantly—I support the Michel resolution—the task force should never have been operating behind closed doors in the first place.

As the saying goes, hindsight is always 20–20. I would hope that my Democrat colleagues are looking back now realizing that they could have cast a better vote on February 5, 1992. Had Democrats supported the Republican proposal to respond to allegations of wrongdoing at the post office, I don't think we would be here today, still name-calling, still finger-pointing, and still debating the public's right to know.

It was the Democrat majority of the 102d Congress that voted to have the very partisan House Administration Committee establish a task force to investigate the post office.

The Republican proposal was to establish a special, bipartisan committee to investigate the post office, including allegations that Members were involved and that there had been an attempt of a cover up.

And we proposed to do so in open, public hearings.

What would have amounted to full disclosure at that point was defeated on a straight party-line vote. I urge my colleagues to learn from their mistake on that vote, and vote today for full disclosure.

We have to stop the shenanigans around here; we've got to put these kinds of problems and rancorous debates behind us. It can be argued that there is no more substantial issue than restoring the integrity of this House and the public's faith in our work.

But let's be realistic! Mr. and Mrs. John Doe are out there beyond the infamous beltway—they can't get a fair price for their crops—or they can't get a job or pay for health care—or they're standing in their kitchen right now hip-deep in the Mississippi River. Does anyone really think that they're following this issue, this debate, and saying, "Wow, look at those Republican good guys fighting for public disclosure, while the Democrat bad guys are trying to cover up another scandal."

No. They just think we're all bums. They believe we've lost touch with what needs to be done to improve their lives and livelihoods.

We can respond to that sentiment at this time by making the post office investigation public, and hopefully begin the process of erasing this black mark on the institution. We have issues to address that are more substantial and important to those we represent.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I thank the minority leader, the gentleman from Illinois [Mr. MICHEL] for yielding this time to me, and let me respond to my colleague, the gentleman from Wisconsin [Mr. KLECZKA].

The record shows that the first indications of troubles in the House post office reported that the Democratic leadership came in June of 1991, 7 months before the Republicans heard a single word about the troubles. On June 18, 1991, 7 months before the Republicans heard a single word, Mr. Speaker, this is what the former chief of police said when Mr. Ross brought up the fact that we should not be dealing with the U.S. attorney, and then later on in the meeting he said:

> We should cooperate with them on this because we were looking for a pay raise and other benefits and that we needed Congress'

help in obtaining these. The Capitol Police should cooperate with Mr. Ross on not continuing the investigation.

Mr. Speaker, those are the words of the former Capitol Hill police chief. By any definition I submit to my colleagues that that was a cover up for 7 months, and may I also remind my Democrat colleagues that there was a prior investigation in 1979 of which we are never notified or told a single world about.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, we have heard a lot today about openness, and the openness of this House, and the openness of the process. There is no question that openness in general is a virtue. That is what our Government was founded upon.

But absolute openness is not what our criminal justice system is all about, and I would ask Members on both sides of the aisle to remember that.

If we were to allow this resolution to pass, it would set an awful precedent that during any ongoing criminal investigation, if this House were to rise and require that documents be made public, they could cripple an investigation.

Now I do not think that is the purpose of the Members on this side of the aisle, but it could easily become that and denigrate into that kind of process.

Our grand jury system is secret. Preindictment investigatory processes are secret. That is done to protect the rights of those who might be investigated, and I dare say there are many on both sides of the aisle who at one point in their public careers would wish that protection, and that is also done to protect the investigatory process.

So, I say to my colleagues, the gentleman from Ohio [Mr. HOKE] said, "What does the public want?" We have a Constitution, and I would dare say, if you phrase the question, "Does the public think that the constitutional protections that we have had for so long in our criminal justice process should be broken away because one side is feeling anxious about some kind of information that we all know will come to light eventually," they would say, "No."

I say to my colleagues, "If you talk to any prosecutor, he will tell you, or she will tell you, that allowing such information to come to light could ruin a case."

Is that what my colleagues what to do? For temporary advantage?

I ask my colleagues to think twice.

☐ 1600

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I rise in support of the Michel resolution. This is not a small matter; this is big time embezzlement. Tens of thousands of dollars, maybe hundreds of thousands, embezzlement by Members of the Congress of the United States. That is not just speculation anymore, it is fact, proven by the guilty plea of Mr. Rota.

Whether the Clinton administration prosecutes or not, we must expose wrongdoing in this House and we must clean our own house.

Mr. Speaker, we are a board of directors. The American people are shareholders. The American people want to know; the American people deserve to know.

When I was a news reporter, I developed a nose for when people had something to hide. As an attorney, my nose helped me when people had something to hide. And as a Member of Congress, I still have a nose, and something stinks here. Now, maybe it is just some rotten apples spoiling the whole barrel, but this is the first step necessary to clean out that barrel.

The Attorney General has already had this information for a year. The leadership of this House has it. Let us make this information public. But do not stop there. A deliberate maze has been set up in the House to frustrate reporters and others who seek to examine the financial records of this House. Open it up. Open it all up. Not just the task force records, but anything that preceded that internally, too. And let the chips fall where they may.

Mr. Speaker, do not try to pass the buck to the U.S. attorney. The buck stops here. Some Members have taken that buck and grabbed it for themselves and put it in their pockets.

It is not proper for any U.S. attorney nor any administration to tell this House to clam up, to keep the lid on. These are not Justice Department records, they are not records of a grand jury; they are records of this House, and it is our decision what we do with them. We cannot pass the buck, and we should not do so.

Mr. GEPHARDT. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to urge my colleagues, Democrats and Republicans, to oppose the Michel resolution. This course, Mr. Speaker, is the responsible course, it is the right course, and it is what this House should do.

Mr. MICHEL's resolution is an irresponsible attempt to make political hay out of a criminal investigation currently underway by the U.S. attorney. In fact, the U.S. attorney has called upon the Speaker Mr. MICHEL and the House not to release the transcripts in question.

Mr. Speaker, releasing these transcripts against the will of the U.S. attorney would be counter-productive, irresponsible, and just dead wrong.

Shame on you, shame on those of you who would support such a resolution. Shame on you for jeopardizing the investigation of the U.S. attorney. Shame on you for putting politics above the rule of law. The gall, the audacity of you to divide this House for pure partisan advantage, to tear down the people's House. It is a shame, a disgrace, an affront to this House, what you are attempting to do here today.

I have fought too long and too hard to bring about change under the rule of law to be guided by rumors and hysteria today. This is one Member of Congress who will not sit idly by while the rights of individuals are trampled and shame is brought upon this body. I believe in the doctrine of due process and I believe in the rule of law. Today we must take a stand for these principles. It is our mandate, our mission, our obligation, and it must be done.

It is time to decide, my Republican colleagues. Time to decide if you are here to govern responsibly with us, here to build this House, or if you are here merely to destroy this institution.

The time is right, Mr. Speaker, to do right. Reject the demagoguery, reject the rumors, reject the partisan posturing. Do what is right—let the U.S. attorney do his job without interference.

I hope, I trust, I pray, Mr. Speaker, that my colleagues will do what is right. Oppose the Michel resolution.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I thank my good friend and leader from Illinois for yielding.

Mr. Speaker, I heard the previous speaker talk a lot about shame. The situation in this Congress today and in this House is shame. And how did we get all of this shame lapped all over all of us?

I have only been here 2½ years, 2½ years, and here is what has happened. We have had a House bank blow up in our face, and the Speaker of the House knew 2 years, 2 years before the bank blew up, that there was a problem. Yet nothing was done. We drug the issue of the House bank out for 9 months, when we could have dealt with it in 1 week. But, no, we wanted to have Chinese water torture, drip, drip, drip, information slowly coming out, because we were afraid to deal with it.

Then we had the House restaurant scandal, Members of Congress not paying their bills in the House restaurant. And what happened? It was public disclosure that cleaned it up. Not the leadership on the Democrat side who ran the bank and ran the restaurant.

In April 1991, the Democrat leadership of this House knew about problems in the House post office. They did not do anything about it. Now we have got a U.S. attorney that has got a plea from the former Postmaster of giving money to Members of Congress for 20 years. We have got eight employees of the House post office who have been convicted.

Do not talk to us about shame. For almost half a century you have run this institution. You have brought the shame on this House. And when BOB MICHEL, our leader, stands here in the House with tears in his eyes because of the love he has for this institution, and you laugh and you call shame on him. Shame on you.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, twice I have voted to release the records related to the post office scandal. My purpose in voting to release these documents was to expose the culprits. This action is an embarrassment to this institution and none of us should stand in a position of hiding or covering up any inappropriate action by our colleagues or by employees of this Congress.

I did not want a whitewash. I did not want to leave the appearance of a coverup. I wanted aggressive action to expose any wrongdoers or lawbreakers.

Clearly the District prosecutor is on the trail of the culprits. Earlier this week former House Postmaster Robert Rota entered a guilty plea based upon his illegal actions in the post office scandal. I am satisfied that the District prosecutor is moving toward a conclusion of this case against those others who may have been involved with Mr. Rota in the misuse of public funds and the violation of public trust.

The prosecutor has asked that congressional documents related to this case remain confidential for the time being. His letter to congressional leaders expresses serious concern that release of such materials could have a significant adverse effect on the ongoing criminal investigation.

I want this prosecution to proceed. I want the guilty parties to be effectively prosecuted under the law. Accordingly, the appropriate action today is for us to reject the Michel motion and to support the District prosecutor.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Speaker, who is surprised that once again reform and openness are being sandbagged? We saw it a few months ago during the budget debate, held behind closed doors. We know that in this session of Congress term limits, a balanced budget amendment, and a true line-item veto will not even be debated.

□ 1610

We have had a pattern here. Now, when we get to the most important issue facing this House, its integrity, the allegations of Members stealing, once again, we are going to stand the status quo.

In 1992, the American people voted for change. All they are getting is a majority, a majority of a crippled institution working hard to maintain the status quo, at every opportunity finding a reason to keep things the way they are and keeping the American people at arm's length.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Maryland [Mr. HOYER], chairman of the Democratic caucus.

Mr. HOYER. Mr. Speaker, I thank the majority leader for yielding time to me.

I rise in opposition to the Michel amendment. I rise in opposition, because I want to see those who are culpable indicted and convicted and incarcerated.

I say that today, but let me take Members back to June 25, a year ago, in the Committee on House Administration, when the issue before us was to give immunity to Joanna O'Rourke, the chief of staff in the post office.

The suggestion by the ranking member, the gentleman from California [Mr. THOMAS], was that we grant immunity. And the issue before us was a resolution, which was to request an order from the U.S. District Court for the District of Columbia requiring Joanna O'Rourke to give testimony and provide other information and that if she refuses to give or provide on the basis of her privilege against self-incrimination and, thereby, to grant her immunity.

I was reminded of this when the ranking member rose and said, just recently, actually it was December 7, some 7 months ago, that Joanna O'Rourke pled guilty to embezzlement and conspiracy, properly so.

But let me read to Members my comments a year ago, which I hold today. "I will tell you, if Joanna O'Rourke has committed crimes, I want to see her prosecuted, indicted, convicted, and incarcerated, if necessary. This has been a blight on the House."

Like my friend, the minority leader, and like, I presume, every Member of this House, I believe that to be the case. It embarrasses me personally, and I am sorry for it.

I went on to say, "I am for indicting, convicting, and incarcerating every person who has undermined the honesty of this institution."

Let me make it very clear, that is any employee. It is any third party outside of this institution. And most assuredly, it is any Member who has created the loss of trust in the American people by the perpetration of wrongdoing and crimes.

We had a vote on the granting of that immunity. It was a party line vote. It was a party line vote by the Democrats not to grant Joanna O'Rourke immunity, because we believed if she had done wrong, she ought to be convicted and held culpable.

It was a unanimous vote on the other side, the Republican side, to grant her immunity. And the gentleman from California [Mr. THOMAS] would not have been able to say that she had been convicted of conspiracy.

I do not contend that those on that side of the aisle who voted for immunity were voting to cover up. Their judgment was different, however, on how to get to the ultimate result.

Today the U.S. attorney, not our U.S. attorney, but a U.S. attorney sworn to uphold the Constitution, has said, do not undermine this prosecution effort.

Let us vote against the Michel resolution, not because we are against the gentleman from Illinois [Mr. MICHEL], but because we believe that anybody who has undermined the integrity of this institution ought to be held culpable and we ought not to take any steps that might undermine that objective and end.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding time to me.

I understand the letter that we received from the acting U.S. attorney, because I was a career prosecutor before being elected to Congress. I can tell Members that prosecutors will always send a letter like that at any stage of an investigation. I know, because I used to send letters like that.

Now that I am in Congress, I say that Congress has other responsibilities it must also view. I think the most important responsibility before us today is the integrity of the House of Representatives.

The public already has little confidence in this institution. They already believe that most of us, if not all of us, are here only for our personal gain and to see what we can get out of the system. Look at the public's contempt for this institution over the restaurant and over the House bank scandals.

When push comes to shove, those come down to only the alleging of perks that Members of Congress could get free meals or that Members of Congress did not pay service charges on overdrafts, like everyone else did.

We are far beyond that today. Today, as a result of the plea of the former postmaster of the House, the public implication has been made that Members of Congress have been involved in actual crimes, not simply, as bad as it would be alone, perks that members of the public do not otherwise have.

Now, we are talking about here releasing documents that are our own. We are not requiring the U.S. attorney to open up their own files. We are not requiring any other agency to divulge information.

We have information in our possession that relates to this particular scandal. Mr. Speaker, I think it is now time for the House of Representatives to come clean. It is time for us to release any and all information in our possession that possibly relates to this terrible situation.

Therefore, I urge my colleagues to vote in favor of the Michel resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the majority leader for yielding time to me.

I cannot believe that last statement. I have worked in criminal justice for almost 29 years, 10 years as a prosecutor, handled grand juries for 10 years.

Frankly, I do not remember sending worthless letters, letters that did not mean what they said.

I am a little concerned, because there was a time in this House that in a bipartisan fashion we worked together to work with the criminal justice system. I do not know, in fact, the acting attorney, J. Ramsey Johnson, but he is a career prosecutor. He is a civil servant. He served, I understand, in every section of the Department of Justice, U.S. attorney's office, in the 16 years he has been there.

Do you folks have better information than he has about whether or not releasing the testimony of not just one witness, Mr. Rota, but perhaps 40 or 50 witnesses, whether that is going to compromise his investigation? Because that is what is at stake.

What you are saying basically, by releasing this information, is that he is wrong.

Frankly, I have seen disclosure, premature disclosure of information before a grand jury compromise an investigation. I suppose every defense attorney in this city that is representing targets would love to see us release this information. They would love to get this information.

Premature disclosure is going to tell where this investigation is probably heading. It is going to provide it with information that they can use and that is why we have deferred in the past to the Department of Justice.

That is all that we are being asked to do by this acting U.S. attorney. We are being asked to defer until he completes his criminal investigation.

That is what our constituents would expect us to do. That is our responsibility in this Congress.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, 1991, along with the rest of my freshmen, we came and pressed to have the House bank records released, and we are undergoing some of the same problems now in the post office deal that we did then.

The reason we pressed the post office is that we knew that Member A had allegedly taken campaign dollars, taken those dollars, turned them into stamps, and then taken those stamps and returned them back in and put that money in his pocket.

□ 1620

I personally know Member A, and I do not believe that Member A would do that for $10,000 to $15,000, with the stature that the gentleman has. However, we are fighting for disclosure. I would think that it is even more important.

The gentleman from California [Mr. DREIER] and the gentleman from Indiana [Mr. HAMILTON] are working on a joint committee on the administration of this House. I think of all the things we look at in the future, that we look at the number of the committees, the administration of the House. I would ask the majority leader to help with that, to look at that joint committee, because that is where we will make these decisions to eliminate some of the same problems we are going through now.

The SPEAKER pro tempore (Mr. SKAGGS). The gentleman from Illinois [Mr. MICHEL] has 7½ minutes remaining, and has the right to close, and the gentleman from Missouri [Mr. GEPHARDT] has 4½ minutes remaining.

Mr. MICHEL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank the leader for yielding time to me.

Mr. Speaker, I have a letter sent to Chairman ROSE of the Committee on House Administration as of July 20 of this year, with a copy to the ranking member, the gentleman from California [Mr. THOMAS]. I am a little stunned by this letter from the Justice Department. We voted 414 to nothing on July 22, 1 year ago today, to provide all records for the post office investigation, all other pertinent records to the Justice Department.

Mr. ROSE complied with that on August 7, transmitting a copy of the task force report, inviting the Justice Department to have those records. Then, in paragraph three we now find out that on November 16, 1992, they received the bulk of those documents, 5 months later. Then on November 24, in a letter to the U.S. attorney, a response "assuring us that the remaining documents would be copied and sent to us promptly."

Then we find out in March 1993, this year, "We asked House council Steve Ross for access to all documents," so they still did not have all the documents. "After repeated requests to Mr. Ross for such access, we were finally permitted to review the House post office files in May of 1993."

I did not know this, the gentleman from Nebraska [Mr. BARRETT] did not know this, the gentleman from California [Mr. THOMAS] did not know this. Why on earth, after a 414 to zero vote to really provide all the documents, do we still have questions from the Justice Department in a letter 2 days ago to the chairman?

"At this stage in our continuing investigation we simply want to make sure that no records were overlooked or forgotten." It seems to me that something is wrong here, if I am reading this correctly, and I stand to be corrected, that the records were not given. That is why we need public disclosure.

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that the text of the letter referred to by the gentleman from Kansas [Mr. ROBERTS] be printed in the RECORD in its entirety at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the letter is as follows:

U.S. DEPARTMENT OF JUSTICE,
U.S. ATTORNEY,
July 20, 1993.

Hon. CHARLIE ROSE,
Chairman, Committee on House Administration, U.S. House of Representatives, U.S. Capitol, Washington, DC.

DEAR CHAIRMAN ROSE: I am writing with respect to the records obtained and generated by the House of Representatives Task Force to Investigate the Operation and Management of the Post Office. My purpose is to make certain that our office has received all such records, pursuant to House Resolution 518 and our previous communications.

By way of background, you wrote to former United States Attorney Jay Stephens on August 7, 1992, transmitting a copy of the Task Force report and inviting us to inspect the Task Force records. In response, Assistant U.S. Attorney Wendy Wysong and investigative agents reviewed the Task Force records and requested copies of various categories of documents. You transmitted those documents on August 28, 1992, with an accompanying letter to U.S. Attorney Stephens offering to keep the records available for future inspection and copying.

During the fall of 1992, during discussions with your staff, we requested copies of all of the remaining documents held by the Task Force. On November 16, 1992, we received the bulk of those documents and, in a letter to Chief Counsel Charles Howell, requested the remainder (which consisted of copies of spiral notebooks containing phone and other messages, interview transcripts, and certain other files). You responded in a November 24, 1992 letter to U.S. Attorney Stephens, assuring us that the remaining documents would be copied and sent to us promptly. After receiving those documents, we checked all of our documents against the index provided by the Committee staff to confirm that we had received all of the documents collected by the Task Force. By early December 1992, we assumed we were in possession of all Task Force records.

In early March of 1993, we asked House Counsel Steve Ross for access to all documents remaining in the House Post Office, which presumably had never been collected by the Task Force. Instead of issuing a subpoena for all House Post Office records, many of which would not be germane to our investigation, we proposed to review the files and designate those we wanted copied. After repeated requests to Mr. Ross for such access, we were finally permitted to review the House Post Office files in May of 1993. Following that review, we concluded that many House Post Office files are unaccounted for. That is, there are broad categories of files (such as Mr. Rota's correspondence files from later years) that were not included in either the Task Force materials or the existing House Post Office files.

Because certain files appear to be missing from existing House records, we wanted to double-check with you and your staff to ensure that we do indeed have all House Post Office documents collected by the Task Force, as well as other records generated in connection with the Task Force inquiry. At this stage in our continuing investigation, we simply want to make sure that no records were overlooked or forgotten. In addition, we want to ensure that the Task Force records remain intact because we will need to obtain the originals of some of these records.

We continue to appreciate the opportunity to work cooperatively with you.

Sincerely,

J. RAMSEY JOHNSON,
U.S. Attorney.
(BY) JOHN M. CAMPBELL,
Chief, Public Corruption/ Government Fraud Section.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, the U.S. attorney has said, "I strongly request that the House refrain from releasing additional materials generated by the task force inquiry." The Michel resolution says to the U.S. attorney, "Get lost. Get lost."

What is the reason? Earlier it was said that the letter may have been solicited. That innuendo was put to rest, was buried with shame, a few hours ago. Now the argument has been used, no one says there has been disclosure of all these materials to the AP; oh, it has raised the integrity of the House, thwarting a criminal investigation, will aid and abet the integrity of the House. "Let the chips fall where they may, even if they jeopardize a criminal investigation. We are going to sandbag reform."

No, what the Michel resolution would do is sandbag potentially a criminal investigation.

We must vote "no" on the Michel resolution.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Speaker, I thank the gentleman for yielding time to me.

As Representatives, Mr. Speaker, we have three choices we can make as far as referencing our vote. One is the courts and what the legal situation is. The other would be what the House leadership wants. The other would be the American people.

I contend that with the guilty pleas, that there is a certain plateau already reached in the legal system. Besides that, we can leave this legal system to do its own legal interpretations, if that is what we want.

The House leadership is not what we have been told to come up and abide by when we were voted to come here as representatives of the American people, so we are left with the American people. What do they want? I have been sitting here this whole time and I have not heard anybody really say what the American people want. We have to decide it in our hearts what they want. They want disclosure. If the courts want to stop disclosure, they can do it, but the American people want us to be representative of their interests, to be responsive to their interests, not to the House leadership.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Speaker, I thank the gentleman for yielding time to me.

Let us not forget, Mr. Speaker, the wisdom of our forefathers when they wrote our Constitution and they set up three branches of government: the executive branch, which administers different agencies; the legislative branch, in which we are responsible for writing laws; and the judicial branch, which is responsible for judging.

We have had this debate before many times within these walls throughout our history, where the legislative branch chooses to judge. I challenge my colleagues not to cross that line. The last time we did that, we took the actions of trying to get involved in the judicial branch. We had hearings and we got involved in that particular case. The Republican Justice Department found that individual guilty and he was acquitted under the law because of our involvement in his case.

Today that convicted criminal, which ought to be behind bars, is free. That criminal is Oliver North. Let us not get involved in the judicial system.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

There seems to be some concern over the fact that the Democrats have been accused of coverup out here today. In fact, it has been suggested coverup is the equivalent of McCarthyism.

I would suggest that it is the U.S. attorney who the Members have all been talking about at some length, who suggested that there has been a coverup. He did so in his press statement the other day when he talked about this 20-year pattern of corruption, and he called it a "successful coverup." It is not us, it is him.

Why would he say such a thing? This letter may help explain it, the letter that the gentleman from Kansas [Mr. ROBERTS] referred to a minute ago.

He talked about the fact that it took until December 1992 for the task force records that we demanded be turned over last July to actually be assumed to be in the possession of the Justice Department. That is in this letter. Beyond that, it says that in early March, or in March 1993, the House counsel was asked for additional post office records. It took until May 1993 for this U.S. attorney to get those. This is this U.S. attorney, the same one you have been referring to. It is his letter.

Then he says, "Following that investigation," or "Following that review, we concluded that many House post office files are unaccounted for." Then he goes on to raise the question in the letter of whether or not all of the records remain intact.

Does that sound like someone who may think that there is a coverup underway? I sure think it does. This is the same U.S. attorney, Mr. Speaker, that all of the Members have been quoting here today. This same U.S. attorney is saying that there is a problem with the way in which these things were turned over, and that in fact he has suggested in his own press release that a successful coverup has been engaged in.

I would suggest to the Members that that is the reason why the public does have some right to know. The real question we face here is who does tear down this institution, those who attempt to expose corruption, or those who countenance corruption.

Mr. GEPHARDT. Mr. Speaker, I yield the balance of our time to the gentleman from Washington [Mr. FOLEY], the Speaker of the House.

□ 1630

Mr. FOLEY. Mr. Speaker, I find this entire debate distressing, distressing because it is rare, I think fortunately rare, that we have so divisive and personal a debate as has been carried on today on this issue.

I do not think there is anybody in the House who I admire more than BOB MICHEL, and my admiration goes to many Members as well on both sides of the aisle. I do not think I could ever suggest, knowing and working with BOB MICHEL, that every Republican was involved in some attitude or position that was discredited and contemptible. Yet Members have stood in this well and suggested that everybody who is going to vote to respect the U.S. attorney's request is engaging in a coverup, and moreover, they have suggested a deliberate coverup, a coverup that some have suggested constitutes a desire to avoid the public knowing the reality of what goes on in the House. Even the words "obstruction of justice" were used in this debate. That is shameful.

It is against our rules for any Member to stand here and impugn the integrity or motives of another. If any such statement had been made individually by a Member on either side of the aisle about any other Member it would be subject to the words being taken down. And yet, this broad-brush insinuation and accusation that we are somehow trying to avoid public knowledge of the truth of what has happened in this body, when we are simply trying to protect the administration of justice that everyone says they want to respect and support.

It is interesting to me that the gentleman from Pennsylvania comes to the well and takes up the cause of the U.S. attorney, complaining in his name that he has not had the delivery of these materials as fast as he had wished. He had, by the way, the immediate access to them and examination of them. And I think the request for other materials outside of the transcripts has accounted for some of the delays. But in any event, the fundamental issue in his opinion is that he has asked the body clearly and in quite dramatic terms not to release these documents at this time.

I personally believe that all of these documents are going to be released, and that the public is going to have an opportunity to examine them. But first we ought to exhibit the decency of respecting this official, who is a professional law enforcement and prosecutorial official, who has no political stake in any outcome here except to administer justice, and show him the respect of acknowledging that he may know what is best for the administration of justice under his direction and charge.

I used to be a prosecuting official too. But I find it difficult to imagine I would substitute my judgment for his when I do not run the case, when I have no information about his current problems in presenting this case. Yet Member after Member has come to the floor and said it is not important, he does not need the materials, I am quite confident that it is unnecessary.

Again, Mr. Johnson is a career officer. He is not a political appointee. He was the last Republican U.S. attorney's deputy. He has carried on this investigation, as far as I know, without a single word of criticism from either side of the aisle. And he asked us to do a simple thing: Let him administer justice and carry on this active criminal investigation without the premature disclosure of these materials.

Every single member of the Ethics Committee has had these materials for a year. The U.S. attorney has had access to them for a year. Anyone who is charged with uncovering or dealing with malfeasance or unethical or criminal conduct has had them.

The question now is whether we interrupt the prosecution and administration of justice by the premature release of these materials. I suggest that is wrong to do. The House should give this honorable public servant, who is the appropriate law enforcement officer, the support he asks for the administration of justice so if there has been wrongdoing it may be prosecuted and punished, if convicted.

That is what we ought to be focusing on. That is what we ought to support, and that is why we should respectfully reject the resolution of the minority leader.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I rise in strong support of the privileged resolution of our distinguished Republican leader.

Mr. MICHEL. Mr. Speaker, I yield the balance of the time on our side to close debate to the gentleman from New York [Mr. SOLOMON].

The SPEAKER pro tempore (Mr. SKAGGS). The gentleman from New York [Mr. SOLOMON] is recognized for 3 minutes.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for the time.

My colleagues, you know the reputation of this House that we all love so very much is today in peril. Rule IX constitutes a question of the privileges of this House; that rule has its roots based in the history of British parliamentary law dating back centuries, long before there was a United States of America. The rule is designed to allow the House and its Members to protect their rights, our rights, their dignity and their reputation and the integrity of this body and its proceedings.

The Republican leader's resolution upholds rule IX by calling for a full and truthful disclosure now, right now, of all of the proceedings of the House Administration Committee's investigation of the post office scandal.

The Democrat leadership resolution, on the other hand, which was considered before us a few minutes ago, went in just the opposite direction. Instead of saying that the House has a paramount interest in protecting its own reputation, its own integrity, and its own dignity, the Democrat resolution said something radically different. It said that we will leave it to the U.S. attorney in the Department of Justice to decide for us when it is OK for us to defend and protect our reputation by disclosing the truth.

Members, the Democrat leadership resolution turns the Constitution on its head by saying that an official of the executive branch will decide when the time is right for this House to release its own transcripts from its own investigation into its own scandal. Then and only then, says the Democrat resolution, can the House consider releasing those transcripts. Then and only then can the House attempt to salvage its tarnished reputation; that is, if there is anything left to salvage. It is almost embarrassing.

Mr. Speaker, since when has the U.S. House of Representatives turned over its power to protect itself and its reputation to the executive branch? That is just what the Democrat resolution would do.

And what has the Justice Department done for us lately? Let me tell you what they have done. They have issued an eight-page press release in which they tarred and implicated every Member of this House. Let me repeat that. Every Member of this House, you and me, were implicated simply because the Justice Department refused to specify which Members were accused of embezzling public funds. Members, this is an outrage. The entire House has been tainted by that release, and yet the Democrat leadership wants us to roll over and allow our reputation to be held hostage by that same Justice Department.

Ladies and gentleman, we Republicans voted against the previous resolution offered by the Democrat leadership because it would allow the dignity and the reputation of this House to be dragged through the mud until the Justice Department deigns to allow us to release our own papers for our own protection so that the American people can see it in full. It is the people's information. Why not give it to them?

Members, when the House relinquishes the control over its own papers and its own reputation to the Department of Justice or anybody else, then we might as well just tear up the Constitution. That is why we must vote now for the Republican leader's resolution which calls for full and truthful disclosure and defends the integrity of this institution.

We must defend this institution. We are the first branch of Government, and let us keep it that way.

Vote for the Michel resolution. Our constituents expect no less of each and every one of us.

Mr. COLLINS of Georgia. Mr. Speaker, I have sat here and listened to this debate, and frankly it is disappointing. Unfortunately, most Americans who are listening to this discussion are probably not surprised. They have come to expect this sort of behavior from this body—and that is sad.

The former Postmaster of the House of Representatives has implicated Members in serious wrongdoing. And the leadership of this body refuses to release information on this issue. I am disappointed that this has boiled down into a nasty partisan issue. As a freshman Member, I am frankly surprised that both parties cannot join together to stamp out corruption and graft.

I want due process to be done, but I believe that it is very important that the facts about this public case be released to the American public. For too long this institution has had a reputation for smoke-filled rooms and under-the-table deals. I want no part of that, and I believe that most Members of Congress would agree. Let us put aside partisanship and join together to support openness and integrity. Vote for the Michel motion.

□ 1640

MOTION TO TABLE OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. SKAGGS). The Clerk will report the motion.

The Clerk read as follows:

Mr. GEPHARDT moves to lay the resolution on the table.

The SPEAKER pro tempore. The gentleman's motion is privileged and not debatable.

The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT] to lay on the table the resolution offered by the gentleman from Illinois [Mr. MICHEL].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MICHEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 242, nays 186, answered "present" 1, not voting 5, as follows:

[Roll No. 357]

YEAS—242

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—186

Allard
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Grandy

NOT VOTING—5

Conyers
Frost
Henry
Moakley
Packard

□ 1658

Mr. BACHUS of Alabama changed his vote from "yea" to "nay."

Mr. MORAN and Mr. WHITTEN changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1700

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the resolution that was just tabled.

The SPEAKER pro tempore (Mr. SKAGGS). Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time to inquire of the distinguished majority leader what the program is for the balance of the day, tomorrow, et cetera.

Mr. Speaker, I yield to the distinguished gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

We will not have further business today. At the conclusion of this colloquy I do intend to make a motion to adjourn for the day.

Tomorrow we will meet at 10 a.m. and we will consider the NASA authorization bill and try to complete consideration.

We obviously will not have votes past 3 o'clock, and I would think we could finish before that.

I would say to the gentleman that we will make an attempt tomorrow to have the Rules Committee consider an approach to bringing up as early as we can next week the urgent emergency supplemental appropriation bill. There are a lot of conflicting issues that are involved and we want a chance to work on those issues, but that is our intent.

Mr. MICHEL. May I just say, Mr. Speaker, earlier in the day the gentleman from Missouri [Mr. GEPHARDT] and I talked about not delaying the flood relief appropriation bill. We did have a discussion about not having that precede the other discussion on the two resolutions that were subsequently debated and disposed of.

So I am wondering now why we would wait until next week, when the gentleman and I particularly have got to consider this very critical and urgent matter to be attended to.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, as the gentleman knows, there is a broad disagreement, not necessarily between the parties, but between Members about how and whether this expenditure should be paid for.

From my own viewpoint and from a lot of Members on this side, there is a desire to talk to people and to try to see what we can work out which would be acceptable to a majority of the House. We are not able to do that on a dime. We need a few hours to work on that.

We will try to be in front of the Rules Committee tomorrow.

As the gentleman knows, our areas are deeply affected, but it is my understanding that there is not a need for money to be put in the pipeline for these various programs by tomorrow. Monday or Tuesday would be adequate time.

It is very important, I think, that this be positioned correctly in the House, and frankly from this Member's view, that we get the right outcome on the vote.

Mr. MICHEL. Earlier in the day when we were attempting to kill a little time, we took up the rule on the Transportation bill. That had not been finally disposed of. I think at one time we had it scheduled for tomorrow.

I am wondering what has happened now in the meantime to the Transportation bill. When does it look like that appropriations bill will come up?

Mr. GEPHARDT. It is my understanding the Transportation Subcommittee is going to go back into committee with the bill, reconsider it and bring out a new version of the bill.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I have to say to the majority leader, I just am concerned because earlier in the day some of us on this side of the aisle were accused of political arrogance, and I am quoting, unconscionable delay, of whining, and some other terms.

Many of us took that personally, because we really wanted to vote for that bill, but we wanted the alternative to pay for it.

We are ready tonight to go up to the Rules Committee and put out a rule that would simply give that alternative. That is what the will of the House was when 45 Democrats voted with all 176 Republicans. We can do that and we can act on the bill tomorrow.

If the urgency was there 4 hours ago, I say to the majority leader, and I have great respect for the gentleman, then the urgency must still be there.

We do not want to be seen as obstructionists. We want to be helpful, but we want the House to work its will. There are many Members on the gentleman's side of the aisle who would like the House to work its will. I just want the gentleman to know that we will be available to meet tonight. We would even give unanimous consent for a midnight filing should you want to have an opportunity to talk it over among yourselves, and then let us let the Rules Committee meet.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, let me just say to my good friend, who the gentleman will recall I called on Monday and said we would do everything we could to help in passing whatever funds are necessary, and we are eager to do that.

The only thing I would draw to your attention, because I would want it clarified from the other side in terms of how we would proceed here, that the gentleman from Illinois [Mr. DURBIN] told us earlier today on the other side that hundreds of thousands of people would go to bed tonight worried about not having this money.

Now, I am prepared to vote against adjournment and I am prepared to stay here until we pass this, unless your side has concluded that it is not necessary to pass this tonight.

But I just want to report to the gentleman, and I see the gentleman is here to explain it, that the gentleman from Illinois [Mr. DURBIN] explained to the House, and I trust his judgment, that if we do not pass something today that hundreds of thousands of people would go to bed tonight very worried.

I am prepared today to vote for the money. I want to vote for it tonight before we leave, and I would want the assurance of the gentleman from Illinois [Mr. DURBIN] that if the majority leader moves to adjourn, that on your side your Members are comfortable that your moving to adjourn tonight is OK with the flood victims in their districts.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, instead of sandbagging the levees, the gentleman is attempting to sandbag flood victims.

Mr. GINGRICH. Is the gentleman prepared to stay here tonight and pass the bill? Is the gentleman from Illinois [Mr. DURBIN] prepared to stay here tonight and pass the bill? Yes or no.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, this Member voted against it. The gentlewoman from California [Ms. WATERS] has a program here that is called Fair Youth Chance Program, where you reidentify a teenager from the age of 14 to 30 and give him a $100 stipend. It is pure pork, I say to the majority leader, and we cannot have that in a pure bill. That is one of the reasons why you need to go back and let us vote on this thing. Take things like that out and we will support it.

Mr. MICHEL. Mr. Speaker, I make only one observation, that earlier in the day the rule did go down, but it did not go down because we do not have the votes on this side to win anything. It went down because there was a controversy over the rule and what it provided. So there is plenty of the blame game or responsibility to share on both sides.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, there is obviously a disagreement about what the rule should stipulate.

More importantly, there is a disagreement about whether or not this aid should be paid for. That is a legitimate disagreement.

I must say to the gentleman that for many of us, including myself and probably people on the other side of the aisle, there is a deep strong feeling that if we could pay for the disaster at Hurricane Andrew off-budget, if we could pay for the disaster of other hurricanes like Hugo off-budget, if we could take the Persian Gulf war completely off-budget because it was so important, and RTC for 4 years, I do not want my constituents in Missouri and other constituents in the Midwest to be asked to figure out how to fork up some money through Medicare or Social Security or some other program. I feel strongly about that.

We have a legitimate disagreement. I will work as hard as I know how to work to figure out how we can present a rule tomorrow and get a rule approved in the committee that will get us back on the floor in the early part of next week and get this matter resolved.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me just say to the majority leader, that I could not agree with the gentleman more. This is an issue that ought to be debated on the floor of this House. Therefore, I would ask unanimous consent, and I discussed this with the gentleman earlier, that the Rules Committee be allowed to have until midnight tonight to file a rule on H.R. 2267, the disaster supplemental, just in case there is a prayer that we could work for the next couple hours and try to work out a rule that we could bring to the floor tomorrow.

□ 1710

Mr. OBEY. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore (Mr. SKAGGS). The Chair observes that the gentleman from Illinois [Mr. MICHEL] was recognized for purposes of a colloquy with the majority leader, the gentleman from Missouri [Mr. GEPHARDT], about the schedule of the House, not for purposes of entertaining other business.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

Mr. MICHEL. Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. MORAN (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 273. An act to remove certain restrictions from a parcel of land owned by the city of North Charleston, SC, in order to permit a land exchange, and for other purposes; to the Committee on Natural Resources.

S. 294. An act to authorize the Secretary of the Interior to formulate a program for the research, interpretation, and preservation of various aspects of colonial New Mexico history, and for other purposes; to the Committee on Natural Resources.

S. 310. An act to amend title V of Public Law 96-550, designating the Chaco Culture Archeological Protection Sites, and for other purposes; to the Committee on Natural Resources.

S. 442. An act to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes; to the Committee on Natural Resources.

S. 521. An act to assist the development of tribal judicial systems, and for other purposes; to the Committee on Natural Resources.

S. 654. An act to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations; to the Committee on Natural Resources.

S. 742. An act to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Historical Park, and for other purposes; to the Committee on Natural Resources.

S. 836. An act to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes; to the Committee on Natural Resources.

S. 851. An act to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes; to the Committee on Natural Resources.

S. 983. An act to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes; to the Committee on Natural Resources.

S.J. Res. 78. Joint resolution designating the beach at 53 degrees 53′53″N, 166 degrees 34′15″W to 53 degrees 53′48″N, 166 degrees 34′21″W on Hog Island, which lies in the Northeast Bay of Unalaska, Alaska as "Arkansas Beach" in commemoration of the 206th regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942; to the Committee on Natural Resources.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1347. An act to modify the boundary of Hot Springs National Park.

H.R. 2561. An act to authorize the transfer of naval vessels to certain foreign countries.

ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NUSSLE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 190, not voting 9, as follows:

[Roll No. 358]

AYES—235

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meek
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moran
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Swift
Synar
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—190

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh

Weldon
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Boehner
Conyers
Frost
Gallegly
Henry
Moakley
Nadler
Packard
Rose

☐ 1726

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Friday, July 23, 1993, at 10 a.m.

PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, had I been present for the following rollcall votes, I would have voted yes on rollcall votes numbered 353 and 357.

I would have voted no on rollcall votes numbered 354, 355, 356, and 358.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them for official foreign travel during the first and second quarter of 1993, pursuant to Public Law 95-384, as well as an amended report concerning foreign currencies and U.S. dollars utilized by a miscellaneous group of the U.S. House of Representatives in calendar year 1992, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Delegation expenses:											
Subcommittee on Defense Cooperation visit to Washington, DC.	1/23	1/31									
Interpreters									2640.00		2640.00
Ground transportation									935.63		935.63
Civilian Affairs Committee visit to San Francisco, CA.	3/13	3/16									
Ground transportation									3979.65		3979.65
Receptions									6126.80		6126.80
Audio Services									60.00		60.00
Civilian Affairs Committee visit to Washington, DC.	3/17	3/17									
Ground transportation									1380.75		1380.75
Receptions									308.64		308.64
Economic Committee meetings in Paris, France.	2/10	2/12									
Reimbursement to Embassy Paris for expenses.									3943.38		3943.38
Standing Committee meetings in Luxembourg	4/2	4/6									
Reimbursement to Embassy Luxembourg for expenses.									3403.79		3403.79
NAA spring meeting in Banff, Canada	5/14	5/18									
Reimbursement to Consulate Calgary for delegation expenses.									5024.31		5024.31
Postal charges									15.84		15.84
Subcommittee on Verification and Technology visit to Washington, DC.	9/29	9/30									
Ground transportation									593.06		593.06
Receptions									620.00		620.00
Visit to NAA president to Washington, DC	12/14	12/14									
Luncheon									322.00		322.00
Subcommittee on Eastern Europe and Soviet Union visit to Washington, DC.	12/15	12/16									
Ground transportation									994.50		994.50
Reception									332.00		332.00
Individual expenses:											
Peter Abbruzzese:											
San Francisco, CA to advance Civilian Affairs Committee meetings.	2/12	2/16			68.00		587.46				655.46
San Francisco, CA—Meetings of Civilian Affairs Committee.	3/13	3/16			499.45		484.00				983.45
New Orleans, LA to select site for 1994 fall meetings.	7/27	7/28			65.30		444.00				509.30
Reimbursement to American Embassy to Rome for expenses incurred by delegation visit.	11/20	11/24							11,747.26		11,747.26
Committee total					632.75		1515.46		42,427.61		44,575.82

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLIE ROSE, Chairman, May 17, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tom Bevill	2/5	2/8	Belgium		792.00						792.00
	2/8	2/9	Estonia		255.00						255.00
	2/9	2/11	Russia		640.00						640.00
	2/11	2/13	Austria		430.00						430.00
	2/13	2/15	Portugal		638.00						638.00
Military transportation (commercial cost equivalent).							10,739.30				10,739.30
Hon. George Darden	1/9	1/11	Kenya		340.73						340.73
Military transportation (commercial cost equivalent).							7,490.00				7,490.00
Hon. George Darden	2/4	2/7	Belgium		963.00						963.00
	2/7	2/9	Poland		492.00						492.00
	2/9	2/11	Hungary		495.00						495.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/11	2/14	Italy		924.00						924.00
Military transportation											
Hon. Thomas Foglietta	2/12	2/12	Cuba								
	2/12	2/15	Haiti		532.00						532.00
Military transportation											
Hon. Bob Livingston	1/9	1/11	Kenya		340.73						340.73
Military transportation (commercial cost equivalent).							7,490.00				7,490.00
Hon. John Murtha	1/9	1/11	Kenya		340.73						340.73
Military transportation (commercial cost equivalent).							7,490.00				7,490.00
Hon. John Myers	2/5	2/8	Belgium		792.00						792.00
	2/8	2/9	Estonia		255.00						255.00
	2/9	2/11	Russia		640.00						640.00
	2/11	2/13	Austria		430.00						430.00
	2/13	2/15	Portugal		638.00						638.00
Military transportation (commercial cost equivalent).							10,739.30				10,739.30
Hon. Neal Smith	2/5	2/8	Belgium		792.00						792.00
	2/8	2/9	Estonia		255.00						255.00
	2/9	2/11	Russia		640.00						640.00
	2/11	2/13	Austria		430.00						430.00
	2/13	2/15	Portugal		638.00						638.00
Military transportation (commercial cost equivalent).							10,739.30				10,739.30
Hon. Charles Wilson	1/8	1/11	Croatia		700.00						700.00
	1/12	1/18	England		1,818.00						1,818.00
Commercial air transportation							5,204.00				5,204.00
Hon. Frank Wolf	2/6	2/12	Kenya/Sudan		770.00						770.00
Commerical air transportation							3,290.45				3,290.45
Sally Chadbourne	2/5	2/8	Belguim		792.00						792.00
	2/8	2/9	Estonia		255.00						255.00
	2/9	2/11	Russia		640.00						640.00
	2/11	2/13	Austria		430.00						430.00
	2/13	2/15	Portugal		638.00						638.00
Military Transportation (commercial cost equivalent).							10,739.30				10,739.30
Gregory Dahlberg	1/8	1/10	Italy		600.00						600.00
	1/10	1/16	Turkey		1,096.00						1,096.00
Commerical air transportation							6,553.80		50.00		6,603.80
Elizabeth Dawson	1/8	1/10	Italy		600.00						600.00
	1/10	1/16	Turkey		1,096.00						1,096.00
Commercial air transportation							6,553.80		54.00		6,607.80
Richard N. Malow	2/7	2/10	Chile		728.00						728.00
	2/10	2/14	Argentina		922.50						922.50
Commercial air transportation							3,601.55				3,601.55
Henry Moore	1/7	1/16	Italy/Turkey		1,696.00						1,696.00
Commercial air transportation							6,553.80		95.00		6,648.80
Mark W. Murray	1/11	1/15	El Salvador		600.00						600.00
Commercial air transportation							1,342.00				1,342.00
John Osthaus	2/5	2/8	Belgium		792.00						792.00
	2/8	2/9	Estonia		255.00						255.00
	2/9	2/11	Russia		640.00						640.00
	2/11	2/13	Austria		430.00						430.00
	2/13	2/15	Portugal		638.00						638.00
Military Transportation (commercial cost equivalent).							10,739.30				10,739.30
Terry Peel	1/9	1/11	Kenya		340.73						340.73
Military Transportation (commercial cost equivalent).							7,490.00				7,490.00
Terry Peel	2/9	2/13	Croatia		720.00						720.00
	2/13	2/14	England		303.00						303.00
Commercial air transportation							5,499.89				5,499.89
John Plashal	1/9	1/11	Kenya		340.73						340.73
Military transportation (commercial cost equivalent).							7,490.00				7,490.00
Donald Richbourg	1/9	1/11	Kenya		340.73						340.73
Military transportation (commercial cost equivalent).							7,490.00				7,490.00
Kevin Roper	1/9	1/11	Kenya		340.73						340.73
Military transportation (commercial cost equivalent).							7,490.00				7,490.00
William Schuerch	3/15	3/16	Poland		214.00						214.00
	3/16	3/17	Russia		320.00						320.00
	3/17	3/18	Ukraine		244.00						244.00
	3/18	3/19	Germany		241.00						241.00
Commercial air transportation							3,047.15				3,047.15
Hon. Charles Wilson	3/21	3/21	Egypt		594.00						594.00
Commercial air transportation							5,877.55				5,877.55
Total					32,828.61		153,650.49		199.00		186,678.10
Appropriations, surveys and investigations staff:											
Roger T. Castonguay	2/6	2/12	Chile		936.50		3,437.45		68.00		4,441.95
	2/14	2/20	Thailand		886.75		3,752.45		37.50		4,676.70
Gerald T. Coughlin	2/6	2/12	Chile		936.50		3,437.45		57.10		4,431.05
	2/14	2/20	Thailand		886.75		3,752.45		25.68		4,664.88
Michael P. Downs	3/28	4/1	El Salvador		425.00		960.45		63.18		1,448.63
Alfred L. Esposito	3/28	4/1	El Salvador		425.00		960.45		55.74		1,441.19
Anthony J. Gabriel	2/6	2/13	Switzerland		1,076.50		3,075.98		56.43		4,208.91
	2/13	2/19	Denmark		1,026.50						1,026.50
Norman H. Gardner	3/7	3/12	England		764.00		4,879.45		64.41		5,707.86
	3/12	3/16	India		677.50						677.50
Charles V. Gorsey	3/28	4/1	El Salvador		412.50		960.45		42.00		1,414.95
Fred J. Gregory	1/24	1/27	Aruba		703.00		1,078.45		214.69		1,996.14
	1/27	1/30	Bahamas		747.50						747.50
	1/30	2/3	Bermuda		633.50						633.50
Carroll L. Hauver	3/18	3/23	Japan		976.00		3,920.72		143.03		5,039.75
William P. Haynes	3/18	3/23	Japan		976.00		3,920.72		82.18		4,978.90
Richard A. Helmer	2/6	2/13	Switzerland		1,076.50		3,075.95		130.91		4,283.36
	2/13	2/19	Denmark		1,026.50						1,026.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Walter C. Hersman	3/28	4/1	El Salvador		425.00		960.45		47.50		1,432.95
Robert W. Lautrup	2/20	2/27	Russia		1,673.50		3,336.55		21.00		5,031.05
	3/6	3/12	France		954.25		3,868.45		382.92		5,205.62
	3/12	3/20	England		1,309.50						1,309.50
Clarence V. Lyda	1/10	1/12	Canada		420.75		452.64		46.90		920.29
Frank T. Lyons	3/17	3/23	Japan		976.00		3,920.72		80.83		4,977.55
Dale F. Martell	1/24	1/27	Aruba		703.00		1,078.45		184.81		1,966.26
	1/27	1/30	Bahamas		747.50						747.50
	1/30	2/3	Bermuda		633.50						633.50
Henry P. McDonald	1/23	1/29	England		1,110.50		2,698.45		513.93		4,322.88
	1/29	2/6	Ireland		1,677.50						1,677.50
Robert H. Pearre	3/7	3/12	England		764.00		4,882.45		135.30		5,781.75
	3/12	3/16	India		667.50						677.50
Vincent J. Pistolessi	3/28	4/1	El Salvador		425.00		960.45		117.80		1,503.25
Philip P. Rittman	1/23	1/29	England		1,110.50		2,698.45		178.02		3,986.97
	1/29	2/6	Ireland		1,677.50						1,677.50
Thomas L. Van Derslice	2/20	2/26	Russia		1,471.00		3,333.55		75.23		4,879.78
Kenneth P. Walton	1/10	1/12	Canada		420.75		449.64		96.71		967.10
B. Alan Weaver	2/20	2/26	Russia		1,471.00		3,333.55		43.03		4,847.58
	3/6	3/12	France		954.25		3,868.45		77.18		4,899.88
	3/12	3/16	England		816.00						816.00
Richard L. Weaver	2/20	2/27	Russia		1,673.50		3,336.55		154.07		5,164.12
	3/6	3/12	France		954.25		3,868.45		303.35		5,126.05
	3/12	3/20	England		1,309.50						1,309.50
L. Michael Welsh	3/28	4/1	El Salvador		412.50		960.45		47.00		1,419.95
Kennedy L. Wilson	3/17	3/23	Japan		1,049.00		3,920.72		77.53		5,047.25
H.C. Young	1/24	1/27	Aruba		703.50		3,186.61		163.25		4,053.36
	1/27	1/30	Bahamas		747.50						747.50
	1/30	2/3	Bermuda		633.50						633.50
	2/14	2/20	Thailand		874.25		3,255.45		98.45		4,228.15
Committee total					43,368.50		91,582.90		3,885.66		138,837.06

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. NATCHER, Chairman, June 15, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Victoria Nimmo	2/6	2/10	Trinidad		636.00						636.00
Committee total					636.00						636.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, July 14, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. George Miller	4/3	4/7	Mexico	2,759.10	893.06	1,168.69	378.28			3,927.79	1,271.34
Committee total					893.06		378.28				1,271.34

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE MILLER, July 10, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1993.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. George E. Brown Jr.,	5/29	6/5	Taiwan	48,837	1,930.00					48,837	1,930.00
(Commercial air)							2,777.45				2,777.45
Michael D. Quear	5/29	6/5	Tawiwan	48,837	1,930.00					48,837	1,930.00
(Commercial air)							2,777.45				2,777.45
Committee total					3,860.00		5,554.90				9,414.90

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE E. BROWN, JR., Chairman, July 16, 1993.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1624. A letter from the Under Secretary (Acquisition), Department of Defense, transmitting the annual report detailing test and evaluation activities of the Foreign Comparative Testing Program during fiscal year 1993, pursuant to 10 U.S.C. 2350a; to the Committee on Armed Services.

1625. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1626. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's Annual Report on the Low-Income Housing and Community Development Activities of the Federal Home Loan Bank System for calendar year 1992, pursuant to 12 U.S.C. 1422a; to the Committee on Banking, Finance and Urban Affairs.

1627. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-46, "Anti-Stalking Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1628. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-47, "Regional Interstate Banking Act of 1985 Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1629. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-48, "Panhandling Control Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1630. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-50, "Advisory Neighborhood Commission Vacancy Amendment Act of 1993," pursuant D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1631. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-51, "Closing of an Alley and Establishment of an Easement in Square 698, S.O. 90-106, Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1632. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-52, "Emergency Assistance Program Temporary Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1633. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-53, "Confirmation Holdover Temporary Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1634. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-54, "We Care Projects, Inc., Revenue Bond Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1635. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-55, "Public Utility Environmental Impact Statement Electrical Temporary Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1636. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-56, "Air Pollution Control Act of 1984 National Ambient Air Quality Standards Attainment Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1637. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-57, "Omnibus Budget Support Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1638. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-49, "Rehired Police Officer Annuitant Salary and Deployment Clarification Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1639. A communication from the President of the United States, transmitting a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4) (H. Doc. No. 103-121); to the Committee on Foreign Affairs and ordered to be printed.

1640. A letter from the Minerals Management Service, Director, Department of the Interior, transmitting the biennial report on the estimated reserves of crude oil and natural gas in the Federal Outer Continental Shelf, pursuant to 43 U.S.C. 1865; to the Committee on Natural Resources.

1641. A letter from the National Society Daughters of the American Revolution, transmitting the report of the audit of the society for the fiscal year ended February 28, 1993, pursuant to 36 U.S.C. 1101(20); 1103; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COX (for himself, Mr. LIPINSKI, Mr. ANDREWS of New Jersey, Mr. TORKILDSEN, Mr. SHAYS, Mr. ROYCE, Mr. KING, Mr. CRANE, Mr. PORTER, and Mr. DORNAN):

H.R. 2705. A bill to eliminate the Rural Electrification Administration; to the Committee on Agriculture.

By Mr. EVANS (for himself, Mr. KOPETSKI, Mr. PENNY, Mr. FRANK of Massachusetts, Mr. VENTO, Mr. WAXMAN, Mr. LIPINSKI, Mr. DEUTSCH, Ms. PELOSI, Mr. DEFAZIO, Mrs. UNSOELD, Mr. BONIOR, Mrs. MORELLA, Mr. TOWNS, Mr. HOCKBRUECKNER, Mr. STARK, Mr. SERRANO, Mr. DELLUMS, Mr. ANDREWS of Maine, Mr. MILLER of California, Mr. MOAKLEY, Mr. ENGEL, Mr. OWENS, Mr. PAYNE of New Jersey, Mr. SCHIFF, Mr. DURBIN, Mrs. SCHROEDER, Mr. FILNER, Mr. HINCHEY, Mr. FALEOMAVAEGA, Mr. BARRETT of Wisconsin, Ms. FURSE, and Mr. VISCLOSKY):

H.R. 2706. A bill to extend for 3 years the moratorium on the sale, export, or other transfer abroad of antipersonnel landmines, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FLAKE (for himself, Mr. LEACH, Mr. FRANK of Massachusetts, Mr. LAFALCE, Mr. RIDGE, Mr. WYNN, Mrs. ROUKEMA, Mr. WATT, Mr. BAKER of Louisiana, and Ms. ROYBAL-ALLARD):

H.R. 2707. A bill to establish the Community Development Fund, to promote community development lending by financial institutions in economically distressed areas, to authorize the Federal Home Loan Bank System to engage in activities to satisfy housing finance and community development needs that are not being met, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Small Business.

By Mr. GRANDY (for himself and Mr. BREWSTER):

H.R. 2708. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers engaged in certain agriculture-related activities a credit against income tax for property used to control environmental pollution and for soil and water conservation expenditures; to the Committee on Ways and Means.

By Mr. KREIDLER:

H.R. 2709. A bill to encourage owners and operators of contaminated sites to clean up those sites, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. LANTOS (for himself and Mr. SHAYS):

H.R. 2710. A bill to amend the Fair Labor Standards Act of 1938 to provide for the tolling of the statute of limitations for investigations of violations of such act, to provide protection to employees who assist in investigations of violations of this act, and for other purposes; to the Committee on Education and Labor.

By Mr. MANZULLO:

H.R. 2711. A bill to permit a State to provide disaster relief using amounts available to the State for a program or project if such amounts were specifically appropriated or otherwise made available to the State by a Federal statute, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MCCURDY:

H.R. 2712. A bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes; to the Committee on Education and Labor.

By Mr. ROWLAND (by request):

H.R. 2713. A bill to amend title 38, United States Code, to provide that former prisoners of war are eligible for reimbursement for emergency medical expenses on the same basis as veterans with total permanent service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 2714. A bill to amend title 38, United States Code, to extend to recipients of the Medal of Honor eligibility for medical and dental care furnished by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mrs. SCHROEDER (for herself, Mrs. LLOYD, Ms. FURSE, and Ms. HARMAN):

H.R. 2715. A bill to improve programs for women's health in the Department of Defense; to the Committee on Armed Services.

By Mr. STARK (for himself and Mr. MCDERMOTT):

H.R. 2716. A bill to amend the charter of the Group Hospitalization and Medical Service, Inc., to remove the partial exemption granted to the corporation from the insurance laws and regulations of the District of Columbia; to the Committee on the District of Columbia.

By Mr. HOYER (for himself, Mr. PORTER, Ms. PELOSI, Mr. WOLF, Mr. SISISKY, Mr. LIPINSKI, Mrs. KENNELLY, Mr. WAXMAN, Mr. LEVIN, Mr. GILMAN, Mr. SERRANO, Ms. SLAUGHTER, Mrs. MORELLA, Mr. KING, Mr. FROST, Mr. HUGHES, Mr. BONIOR, Mr. SMITH of New Jersey, Mr. HALL of Texas, Ms. NORTON, Mr. SWETT, Mr. ACKERMAN, Mr. VENTO, and Mr. HASTINGS):

H.J. Res. 235. Joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day"; jointly, to the Committee on Post Office and Civil Service and Foreign Affairs.

By Mr. CLEMENT (for himself, Mr. ACKERMAN, Mr. CRAMER, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLECZKA, Ms. MCKINNEY, Mr. PETERSON of Minnesota, Mr. POMEROY, and Mr. SHARP):

H. Con. Res. 126. Concurrent resolution expressing the sense of the Congress that the special health care needs of children should be addressed in any health care reform legislation; to the Committee on Energy and Commerce.

By Mr. GEPHARDT:

H. Res. 223. Resolution relating to a question of the privileges of the House.

By Mr. BARTLETT of Maryland (for himself, Mr. HOKE, Mr. HUFFINGTON, Mr. MILLER of Florida, Ms. PRYCE of Ohio, Mr. KNOLLENBERG, Mr. KIM, Mr. BARTON of Texas, and Mr. SHAYS):

H. Res. 224. Resolution amending the Rules of the House of Representatives to require that signatures on discharge petitions be made public immediately; to the Committee on Rules.

By Mr. HOKE:

H. Res. 225. Resolution prohibiting purchase and franked mailing of certain calendars for the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

227. By the SPEAKER: Memorial of the Senate of the State of Nevada, relative to unappropriated public lands in the State; to the Committee on Natural Resources.

228. By the SPEAKER: Memorial of the House of Representatives of the State of Colorado, relative to Guam's quest for commonwealth status; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 64: Mr. BARLOW.

H.R. 81: Mr. JEFFERSON.

H.R. 123: Mr. MONTGOMERY and Mr. QUINN.

H.R. 124: Mr. FROST, Mr. PARKER, and Mr. HUGHES.

H.R. 238: Mr. GINGRICH.

H.R. 303: Mr. BORSKI.

H.R. 304: Mr. BARCA of Wisconsin.

H.R. 369: Mr. BLUTE, Mr. OXLEY, and Mr. LIVINGSTON.

H.R. 502: Mrs. LLOYD.

H.R. 551: Mr. BAESLER and Mr. OXLEY.

H.R. 767: Mrs. VUCANOVICH.

H.R. 799: Mr. BLUTE and Mr. TORKILDSEN.

H.R. 811: Mr. CONYERS.

H.R. 825: Mr. MCDERMOTT and Ms. NORTON.

H.R. 883: Mr. CALVERT, Mr. HOBSON, and Mr. QUINN.

H.R. 911: Mr. TALENT and Mr. GRANDY.

H.R. 921: Mrs. CLAYTON, Ms. ESHOO, Ms. SCHENK, Mr. TUCKER, and Ms. MARGOLIES-MEZVINSKY.

H.R. 1087: Mr. RIDGE.

H.R. 1141: Mr. SERRANO.

H.R. 1161: Ms. MOLINARI.

H.R. 1195: Mr. BATEMAN.

H.R. 1276: Mr. BONILLA.

H.R. 1296: Mr. MARKEY, Mr. WASHINGTON, Mr. ROWLAND, and Mr. DELLUMS.

H.R. 1355: Mr. MILLER of Florida and Ms. PRYCE of Ohio.

H.R. 1423: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTON of Texas, Mr. BACCHUS of Florida, Mr. DEAL, Mr. BACHUS of Alabama, Mr. QUINN, Mr. DEUTSCH, Mr. HOBSON, Mr. NADLER, Mr. HOYER, Mr. ENGEL, Mr. JOHNSTON of Florida, and Mr. HOEKSTRA.

H.R. 1432: Ms. FURSE, Mr. WAXMAN, Mr. MILLER of California, Ms. PELOSI, and Mr. DELLUMS.

H.R. 1490: Mr. BATEMAN, Mr. BLILEY, Mr. DELAY, Mr. HUNTER, Mr. INHOFE, Mr. OXLEY, Mr. PACKARD, Mr. ROBERTS, Mr. ROYCE, Mr. ALLARD, and Mr. MOORHEAD.

H.R. 1534: Mr. ANDREWS of New Jersey.

H.R. 1604: Mr. BARCA of Wisconsin.

H.R. 1608: Ms. WOOLSEY and Mrs. ROUKEMA.

H.R. 1609: Mr. WYNN.

H.R. 1749: Ms. DUNN and Mr. GUNDERSON.

H.R. 1767: Mr. WYNN.

H.R. 1772: Mr. WHEAT.

H.R. 1787: Mrs. MORELLA.

H.R. 1815: Mr. RAMSTAD, Mr. KNOLLENBERG, and Mr. CRANE.

H.R. 1873: Mr. WYNN.

H.R. 1886: Mr. SPRATT.

H.R. 1923: Mr. THOMPSON.

H.R. 1924: Ms. VELAZQUEZ and Mr. RICHARDSON.

H.R. 2002: Mr. OWENS and Mr. PRICE of North Carolina.

H.R. 2171: Mr. JEFFERSON, Mr. BACCHUS of Florida, Mr. ACKERMAN, Mr. HILLIARD, and Mr. DARDEN.

H.R. 2206: Mr. EDWARDS of Texas, Mr. CRAMER, Mr. HUGHES, Mr. PAXON, Mr. ZELIFF, and Mr. PETE GEREN of Texas.

H.R. 2207: Mr. STUMP, Mr. ROBERTS, Mr. TAYLOR of North Carolina, Mr. PETERSON of Minnesota, Mr. CRANE, and Mr. SCHAEFER.

H.R. 2276: Mr. WYNN.

H.R. 2308: Mr. DELLUMS, Mr. RANGEL, Mr. SYNAR, Mrs. MEEK, Ms. NORTON, Mr. TOWNS, Mr. OWENS, and Mr. HASTINGS.

H.R. 2367: Mr. KINGSTON.

H.R. 2420: Mr. PARKER and Mr. EVANS.

H.R. 2455: Mr. OLVER, Mr. HOAGLAND, Mr. NEAL of Massachusetts, Mr. RAHALL, Mr. DEUTSCH, Mr. TORRES, Mr. SANDERS, Mr. BAESLER, Mr. STARK, Mr. PARKER, Mr. SWIFT, Mr. NEAL of North Carolina, Mrs. MORELLA, Mr. EVANS, Mr. SHEPHERD, and Mr. MAZZOLI.

H.R. 2501: Mr. BOEHLERT, Mr. COX, Mr. DELLUMS, Mr. GLICKMAN, Mr. LEVIN, Ms. MALONEY, Mr. ORTON, Mr. PAYNE of New Jersey, Mr. RICHARDSON, Ms. SHEPHERD, Mr. SKAGGS, Mr. SWIFT, Mr. TOWNS, Mrs. UNSOELD, Mr. YOUNG of Alaska, and Mr. ZIMMER.

H.R. 2575: Mr. KOPETSKI, Mr. KYL, and Mr. WILLIAMS.

H.R. 2602: Mr. LAROCCO, Mr. BAKER of California, Mr. VALENTINE, and Mrs. MORELLA.

H.R. 2617: Mr. QUINN, Mr. DOOLITTLE, Mr. SOLOMON, Ms. MOLINARI, Mr. THOMAS of Wyoming, Mr. SCHIFF, Mr. LEVY, and Mr. BAKER of California.

H.R. 2626: Mr. ENGEL, Mr. JEFFERSON, Mr. PAYNE of Virginia, and Mr. WALSH.

H.R. 2640: Mr. NEAL of North Carolina and Mr. UPTON.

H.R. 2647: Mr. DICKS, Mr. SLATTERY, Mr. MONTGOMERY, Mr. BILIRAKIS, Mr. SWIFT, Mr. MCDERMOTT, and Mrs. UNSOELD.

H.R. 2655: Mr. ENGEL and Mr. KOPETSKI.

H.J. Res. 9: Mr. PORTMAN and Mr. MANZULLO.

H.J. Res. 86: Mr. HAMILTON, Mr. WOLF, and Mr. SAWYER.

H.J. Res. 137: Mr. CRAMER, Mr. GILLMOR, and Mr. TRAFICANT.

H.J. Res. 175: Mr. MENENDEZ.

H.J. Res. 198: Mr. RAHALL, Mr. MCDADE, and Mr. LIVINGSTON.

H.J. Res. 204: Mr. FALEOMAVAEGA, Mrs. UNSOELD, and Mr. SHUSTER.

H.J. Res. 212: Mr. KINGSTON, Mr. FAZIO, Mr. FIELDS of Louisiana, Mr. KLEIN, Mr. KENNEDY, Mr. DUNCAN, Ms. DELAURO, Mr. PETERSON of Minnesota, Mr. FRANK of Massachusetts, Mr. DINGELL, Mr. HALL of Texas, Mr. LEVY, Mr. DEFAZIO, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. MARKEY, Mr. MOAKLEY, and Mr. OBERSTAR.

H.J. Res. 214: Mr. GORDON, Mr. LIVINGSTON, Mr. HANSEN, Mr. BARCIA of Michigan, Mr. FORD of Michigan, Mr. MAZZOLI, Mr. COX, Ms. DUNN, Mr. SABO, Mr. LEVIN, Ms. BROWN of Florida, Mr. DIAZ-BALART, Mr. REED, Mr. BACHUS of Alabama, Mr. DEFAZIO, Mr. PAXON, Mr. GILLMOR, Mr. BUNNING, Mr. PICKLE, Mr. SMITH of New Jersey, Mr. JEFFERSON, Mr. WHEAT, Ms. FURSE, Mr. LEWIS of Florida, Mr. SAXTON, Mr. DARDEN, Mr. MENENDEZ, Mr. DINGELL, Mr. HYDE, Mr. GILMAN, Mr. BACCHUS of Florida, Mr. MANN, Ms. LAMBERT, Mr. PASTOR, and Mr. FIELDS of Texas.

H. Con. Res. 3: Mr. BARTON of Texas, Mr. DELAY, and Mr. SMITH of Texas.

H. Con. Res. 13: Mrs. MEYERS of Kansas and Mr. QUINN.

H. Con. Res. 65: Ms. LOWEY, Mr. GENE GREEN of Texas, Mr. LEVY, Mr. SERRANO, Mr. OWENS, Mr. SWETT, and Mr. KING.

H. Con. Res. 100: Mr. MCCRERY, Mr. WASHINGTON, and Mr. PASTOR.

H. Con. Res. 117: Mr. FILNER, Mr. LAFALCE, Mr. BROWN of Ohio, Mr. PARKER, Mr. EVERETT, Mr. ENGEL, Ms. BYRNE, and Mr. VALENTINE.

H. Res. 170: Mr. CONYERS, Mr. STOKES, Mr. DELLUMS, Mr. ROEMER, Mr. HILLIARD, Ms. VELAZQUEZ, Mr. CLAY, Mr. REYNOLDS, Mr. WYNN, Mr. GONZALEZ, Mr. KILDEE, Mr. CLYBURN, Mr. BLACKWELL, Mr. MFUME, Mr. PAYNE of New Jersey, Mr. SCOTT, Mr. MCNULTY, Mr. COLEMAN, Ms. WATERS, Mr. DE LUGO, Mr. DIXON, Mr. MANN, Mr. WHEAT, Mr. RAVENEL, Mr. SANDERS, Mr. HOAGLAND, Mr. SCHIFF, Mr. SYNAR, Mr. BONIOR, Mr. FORD of Tennessee, Mr. RUSH, Mr. PICKETT, Mr. HAMBURG, Mr. SHAYS, Mr. UNDERWOOD, Mr. SISISKY, Mr. PETERSON of Minnesota, Ms.

MARGOLIES-MEZVINSKY, Mrs. CLAYTON, Mr. MCDERMOTT, Mr. COPPERSMITH, Mr. FISH, Mr. TUCKER, Mr. BERMAN, Mr. NADLER, Mr. BECERRA, Mr. VENTO, and Mr. SCHUMER.

H. Res. 194: Mr. SUNDQUIST, Mr. FISH, and Mr. FIELDS of Texas.

SENATE—*Thursday, July 22, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Lord God Almighty, God of Abraham, Isaac, and Israel, Sovereign Lord of history, all nations, and all people, release Thy power in the Senate—power that convicts of sin, of selfishness, of greed, of pride, of deceitfulness and dishonesty, of the lust for power and the abuse of power.

Release Thy grace, Lord—grace that forgives and cleanses from all sin, grace that regenerates and renews and recreates, grace that transforms sinners into righteous servants of the living God.

Release Thy love, Lord—love that dissolves enmity and fear and division, love that warms and illumines and heals, love that unites and strengthens and turns adversaries into brothers and sisters.

Release Thy wisdom, Lord—wisdom that leads to truth and justice and righteousness.

Lord God Almighty, save us and our Nation from corruption, decay, and disintegration.

We pray in the name of the Savior. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 22, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

In my capacity as a Senator from the State of Tennessee, I suggest the absence of a quorum, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A GENTLELADY'S SPECIAL DAY

Mr. BYRD. Mr. President, in the centuries ahead, any comprehensive analysis of the history of the United States will be compelled to include a major chapter on the contributions to our national life by Irish-Americans.

Though innumerable ethnic and national communities can recount saga-like tales of theirown sacrifices, challenges, and struggles in establishing themselves as elements in America's national collage, the Irish-American saga is one of the most poignant, romantic, and triumphant of any of those proud ethnic narratives.

And among Irish-Americans, no story is more distinguished or classic than the account of the family of our colleague, the senior Senator from the Commonwealth of Massachusetts, Senator EDWARD KENNEDY. Again and again during my tenure in this Chamber, I have enjoyed working with, and have been indebted to, Senator KENNEDY for his efforts in behalf of causes and programs that we have together believed in and fought for. In his role as a Senator from Massachusetts, Senator KENNEDY has added luster to an already gleaming family reputation for service and patriotism.

But, Mr. President, I have long believed that "the secret weapon" in the Kennedy family arsenal of political achievement and voter attraction on election day is none other than Senator KENNEDY's mother, Mrs. Joseph P. Kennedy, known by all of us as Rose.

Today, Mr. President, is Rose Kennedy's 103d birthday.

Please allow that numeral to assume its full significance in our thoughts.

Today, Mrs. Kennedy is 103 years old. She has witnessed the events of nearly one-half of our history as a nation, and of more than half of the events since the adoption of our current Constitution.

Witnessing so much of our history alone would besufficient claim to fame, but Mrs. Kennedy has been a central player in some of the most salient dramas of our century, both in her own right and as the matriarch of a family that has precipitated much of that history. Certainly, as the mother of a U.S. President, two U.S. Senators, an Attorney General, as well as the grandmother of a Congressman, Rose Kennedy's personal values and vision have outlined their own mark on our national history.

I know that I speak for all of our colleagues, Mr. President, and for millions of Americans and people around the world in wishing Mrs. Rose Kennedy the most blessed of birthdays and in expressing to her my sincere appreciation, our sincere appreciation, and my wife's sincere appreciation for the beauty, grace, and the excellence that she has added to the era in which we live.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I believe that I can be recognized for morning business?

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized for a period of time not to exceed 10 minutes.

ANTIDEFICIENCY ACT VIOLATIONS

Mr. GRASSLEY. Mr. President, I would like to take just a few minutes

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

this morning to discuss, once again, something that I discussed a couple times earlier this year: The pending promotion of an Air Force Col. Claude M. Bolton, Jr. It may sound insignificant to discuss this before the Senate, but this is an example of a person being recommended for promotion to brigadier general and the fact that this individual was involved in what I would consider a waste of taxpayers' money.

This promotion is now before the Armed Services Committee, and I have formally requested that I be notified before the Senate proceeds to the final approval of Colonel Bolton's promotion. Obviously, there have been some questions raised about my interest in this, and I am very happy to answer those questions. I want to clarify that position, even though I think I have stated it very clearly several times before.

Colonel Bolton's promotion to brigadier general should not be approved, at least it should not be approved until we have all the facts bearing on his role in the Antideficiency Act violations and the reprocurement scheme while program manager. He was the program manager for the advanced cruise missile, the ACM.

There are too many unanswered questions at this juncture. We need more information before we make a final decision on his promotion.

First, I shared my concern about Colonel Bolton in a letter to the chairman of the Committee on Armed Services back on March 29 of this year. I have that letter and some other inserts that I want to put in at the end of my remarks. I ask unanimous consent to do that.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I also shared on two other occasions my concern about Colonel Bolton in floor statements on April 30 of this year and May 28 of this year. Colonel Bolton was a program manager of the ACM from September 1, 1989 to September 20, 1992. As program manager, Colonel Bolton was in charge and he must, therefore, bear chief responsibility for what happened. I fear that Colonel Bolton may have engaged in either illegal or improper conduct while ACM program manager.

My suspicions are based largely on the audit and investigative work of the Department of Defense inspector general. The results of the IG's work are contained in a report entitled "Missile Procurement Appropriations, Air Force, Audit Report No. 93-053," dated February 12 of this year. The Department of Defense IG assessment is buttressed by other damaging evidence. The Senate Armed Services Committee has given the ACM program thumbs down for poor performance and for mismanagement.

The committee's evaluation is contained in Senate Report No. 102-352, pages 55 to 57, dated July 23, 1992. The conference committee on the fiscal year 1993 defense appropriations bill has given the ACM also thumbs down for poor performance and mismanagement. Its assessment is presented in House Report No. 102-966, page 538, dated October 1, 1992.

The General Accounting Office has also expressed concern about—their terms—"legal issues" and mismanagement of the ACM program. Some of the GAO's findings are contained in Report No. NSIAD-92-154. The GAO investigative work is continuing and more damaging information will be presented in September of this year.

So, Mr. President, I think the ACM program has come to a disastrous end, as the Armed Services Committee feared, and we need to know who is responsible for the mess and the evident waste of taxpayers' money. Who should be held accountable for what happened? I happen to believe that my concerns about Colonel Bolton rest on solid ground, but I want to be absolutely certain about those facts, as I should be certain about those facts. His career is at stake, and he should not be falsely accused. There can be no room for error.

I want to briefly tell you about the issues against Colonel Bolton, as I understand it today. There are three major allegations:

No. 1, the ACM program violated the Antideficiency Act while Colonel Bolton was program manager.

No. 2, Colonel Bolton and others failed to report a known violation of the Antideficiency Act.

And, No. 3, Colonel Bolton acquiesced in the illegal and destructive reprocurement scheme to conceal and to cover up a violation of the Antideficiency Act.

I will discuss this in two parts. In the first case, I would like to review the facts bearing on the violation of the Antideficiency Act and, second, to discuss the facts bearing on the reprocurement scheme to hide the violation of the Antideficency Act.

The IG of DOD uncovered the facts that gave rise to these allegations. The IG charges that the ACM program violated the Antideficiency Act and that program officials knew of the violation in July 1991, but failed to report it. Colonel Bolton was the ACM program manager in July 1991.

Reading from that report, it says:

> The Antideficiency Act was violated when the Air Force recognized that the cost to complete the ACM had exceeded amounts available for obligations, but permitted work to continue.
>
> The Antideficiency Act has been violated, and the Air Force has incurred additional costs by not reporting Antideficiency Act violations and requesting congressional relief.

Now, what did Colonel Bolton know, when did he know it, and what did he do? We can safely assume that he knew in July 1991 that the cost to complete the ACM exceeded amounts available for obligation. Money is a lifeblood of any program. As program manager, he had to know exactly how much money he had and what he owed. He had to know that he was about $100 million short, and the shortage was increasing every day. He had $100 million in bills from General Dynamics/Convair but no money to pay those bills.

Colonel Bolton was faced with two difficult choices: Stop work, report the violation, and request relief, or pursue illegal funding solutions.

Colonel Bolton chose to pursue the illegal option, no doubt with the approval and guidance from his superiors, including former Secretary of the Air Force Donald Rice.

With Colonel Bolton's career on the line, we cannot proceed on mere assumptions. We need hard evidence. We need to know exactly what Colonel Bolton knew and when he knew it.

Toward that end, I sent a series of questions to Colonel Bolton in a letter on April 29, 1993. I have yet to receive a response. A nonanswer came from the Assistant Secretary of Air Force for Financial Management, Mr. John Beach. Mr. Beach's nonanswer was dated May 13, 1993. Mr. Beach essentially told me, and the Congress, to take a hike. Mr. Beach said that my letter to Colonel Bolton had been referred to him for a response and that there would be no response.

Mr. President, I included that in what I received unanimous consent to submit.

So, Mr. President, I hate to say it, but Mr. Beach is not to be trusted in this matter. He has no credibility. Mr. Beach is up to his ears in the ACM Antideficiency Act violation, and I have documents to prove it. Both Mr. Beach and his boss at the time, Mr. Michael B. Donley, who has been Acting Secretary of the Air Force until recently, knew the ACM was in violation of the Antideficiency Act but failed to report it, as required by law.

I have a document that bears Mr. Donley's title "SAF/FM." It is dated March 1, 1992. On that date, Mr. Donley was SAF/FM.

The document was presented at a worldwide conference of Air Force financial managers at Melbourne, FL, on March 4, 1992.

Mr. Donley was present and spoke about it.

This documents states flat out that three Air Force missile programs—ACM, Titan IV, and, AMRAAM—have antideficiency violations.

This entire matter was clearly within the cognizance of Mr. Beach's office at the time.

To this day, only two of the three violations have been reported. Titan IV and AMRAAM took direct hits. ACM skated. ACM was inoculated—immunized against the dreaded disease. Was this done to save Colonel Bolton's promotion?

The March 1992 document, when coupled with other damaging evidence, tells me that Mr. Donley, Mr. Beach, Colonel Bolton, and a number of other officials all knew that the ACM program was in violation of the law. The documentary evidence is overwhelming.

Mr. President, that concludes my statement for today, but I have much more to say on the matter and will continue the discussion either tomorrow or next week.

Mr. President, I am also placing in the RECORD at this point an excellent article by Mr. George Wilson on the ACM procurement fiasco. This is a wakeup call in the current issue of the Air Force's hometown newspaper, the Air Force Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AF HANDLING OF PROCUREMENT DISASTER DAMAGE

(By George C. Wilson)

Defense Secretary Les Aspin has called the Air Force's advanced cruise missile program "a procurement disaster."

Yet one of the colonels who managed it is now up for promotion to brigadier general. Therein lies an enlightening tale of why Congress gets mad at the military.

The other services dare not snicker too loudly because they took many of the same wrong turns on their weapons programs.

The Army tried for everything on its LHX helicopter and still has nothing, the Navy will never recover from its A-12 attack aircraft fiasco, and the Marine Corps stands accused of having a champagne taste but a beer pocketbook for its new aerial taxi, the V-22 Osprey tilt-rotor aircraft.

But the AGM-129A advanced cruise missile—or ACM—is worth singling out because it is a classic case of how not to handle procurement.

It is bound to make more bad news soon because the Air Force has chosen confrontation over cooperation in dealing with questioning lawmakers.

The ACM was born during the Cold War. The Air Force wanted a missile that could be fired farther out from Soviet defenses than the AGM-86B air-launched cruise missile aboard B-52 Stratofortress bombers.

The Air Force put the ACM in the Pentagon's black budget—the one where mistakes are often hidden so long that they cannot be corrected, as was the case with the Navy A-12, which former Defense Secretary Dick Cheney canceled.

The Air Force, rather than try for modest improvements in its existing penetrating missile went for broke—and got there financially, if not technologically.

By 1988, Aspin, as chairman of the House Armed Services Committee, heard the ACM was in trouble and investigated. He waved the first big, red flag at the Air Force with these words spoken on the House floor April 21, 1988:

"It is a procurement disaster. The ACM is the worst of the programs the committee has looked at. High classification has proved no barrier to bad management."

But Air Force program managers pressed on, throwing more millions at the technical problems. Its prime contractor, General Dynamics Corp., geared up for production. Costs skyrocketed. The Air Force ACM bank account went dry.

When a Pentagon program runs out of money, "anti-deficiency" rules require the service to notify the President and Congress. Congress usually will approve a request to raid another account for money if the service submits a reprogramming request.

The Air Force ignored both of those standard procedures and opted for an end run. It canceled existing contracts on the ACM with the idea of covering more than $100 million in old costs under a new contract This angered another one of its usual allies, the Senate Armed Service Committee.

"Had new contracts been completed," the Senate committee scolded in a report, "the Air Force have had to pay both more profit to the contractor than would have been provided under the original contracts, and more than the ceiling amounts in the original contracts."

As it turned out, President Bush last year decided that with the end of the Cold War the United States could safely halt production on the ACM and Congress refused to appropriate new money for the missile. So the Air Force still has old ACM bills piling up.

ACM project leaders this year are adding insult to injury.

The Air Force is asking the Senate to approve the promotion of Col. Claude M. Bolton Jr., the project manager on the ACM from Sept. 1, 1989, to Sept. 20, 1992, to brigadier general.

At the same time, the Air Force is stonewalling Sen. Charles E. Grassley as he demands to know the role of Bolton and other officials in what the Pentagon's inspector general views as law-breaking on the ACM procurement.

The Iowa Republican has proved numerous times that he can make life miserable for the Pentagon. He already is armed with the IG's report on how the Air Force broke the rules on the ACM, has put a hold on Bolton's promotion and launched a sweeping General Accounting Office investigation.

All this has not been enough to make the Air Force change course, even though the Senate-Armed Services Committee, given its criticism of ACM management, has no choice but to hold up Bolton's nomination.

Grassley sent a list of questions to the Air Force about the role of Bolton and other officials on the ACM and got back from John W. Beach, the assistant Air Force secretary for financial management a one-paragraph, saying-nothing response.

"Mr. Beach essentially told me to take a hike," a furious Grassley fumed.

Aspin is hardly in a position to come to the aid of Bolton and the Air Force on the ACM. Not only did Congressman Aspin call the ACM a disaster, but Defense Secretary Aspin during the C-17 Globemaster III cargo plane flap vowed that poor managers would not be promoted.

In short, by refusing to be accountable on how it handled the taxpayers' money on the ACM project, Air Force leaders continue to make a bad situation worse.

It is long past time for Air Force leaders to change course and provide accountability on the ACM and other projects in this new era of hard choices.

As a wise man once said, "Bad news does not get better with age."

EXHIBIT 1

U.S. SENATE,
Washington, DC, March 29, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SAM: I am writing to you about the proposed promotion of Colonel Claude Bolton, U.S. Air Force, to the rank of brigadier general.

Colonel Bolton's nomination has been submitted to the Senate and referred to your Committee for confirmation.

Sam, I have good reason to believe that Colonel Bolton may have engaged in either illegal or improper conduct while program manager of the Advanced Cruise Missile (ACM) program. My suspicions are based on information contained in a recent Department of Defense (DOD) Inspector General (IG) report. That report is entitled "Missile Procurement Appropriations, Air Force," Audit Report No. 93-053, dated February 12, 1993. A copy is attached for your consideration.

Based on the contents of the IG's report, I respectfully request that Colonel Bolton's promotion not be approved—until I am able to verify whether he bears any responsibility for the misconduct described in that report. I have asked the IG to provide the information that I think I need to make a final decision on this matter.

A brief summary of the contents of the IG's report helps to put my concerns about Colonel Bolton's conduct in better perspective.

I am most disturbed over the revelations outlined in the section on "Reprocurement of the Advanced Cruise Missile (ACM)." The information presented in this section suggests a total disregard for the laws governing the use of appropriations.

In a nutshell, this is what the IG found:

ACM program is in violation of the Antideficiency Act.

Air Force failed to report and investigate known ACM violation of Antideficiency Act as required by law.

Air Force attempted to "avoid" or possibly conceal violation by failing to record obligations and terminating and re-awarding contracts.

Air Force failed to record ACM obligations of $112.2 million in accounting records for more than two years.

Air Force terminated fixed-price FY 1987 and 1988 ACM contracts for "government's convenience" and immediately re-awarded contracts to same company, committing government to pay contractor's share of the cost overrun plus additional liabilities.

Inspector General estimates that termination and reprocurement action could cost taxpayers an extra $79.7 million.

Cost overrun on FY 1987 and 1988 ACM contracts were improperly charged to FY 1992 appropriations—a potential violation of 31 USC 1502.

Sam, the Air Force's handling of the ACM "reprocurement" was dishonest from beginning to end.

The General Counsel at the General Accounting Office (GAO) has rendered a legal opinion on the central issue addressed in the Inspector General's report—the failure to report and investigate known violations of the Antideficiency Act.

The GAO opinion is embodied in a report entitled "Analysis of Agency Authority to Pay Overobligations in Expired Accounts and Comments on DOD IG's Proposal to Amend the Antideficiency Act." The GAO document is dated August 11, 1992, and is identified by the number B-245856.7. It includes a section on "Current Criminal Penalties for Nondisclosure" of Antideficiency Act violations. A copy is attached.

The failure to report known violations of the Antideficiency Act is a violation of federal criminal law—18 USC 4. The Comptroller General report states: "the failure to disclose known violations of the Antideficiency Act is a felony and can be the subject of disciplinary action." With regard to a failure to record "upward obligation adjustments", the Comptroller General states: "the knowing and willful failure to record an overobligation in an account to conceal a violation of the antideficiency act would be an offense under existing law."

Sam, the IG states unequivocally that the ACM program was and is in violation of the Antideficiency Act. Why have responsible Air Force officials failed to report and investigate this matter as required by law?

The Inspector General's report states:

"The Antideficiency Act was violated when the Air Force recognized that the cost to complete the ACM had exceeded amounts available for obligations, but permitted work to continue."

Sam, exactly when did Colonel Bolton know that incurred obligations against the FY 1987 and 1988 ACM contracts exceeded available funds in the missile procurement accounts for FY 1987 and 1988? On what date did he acquire that knowledge? What steps did he take to report the Antideficiency Act violation to the proper authorities as required by law? Why did he allow work to continue on the contracts once he knew there was insufficient money remaining to pay outstanding bills? Did Colonel Bolton recommend that the ACM cost overrun be handled in more appropriate ways?

I would like to have answers to these questions before I vote on Colonel Bolton's promotion.

Surely, as ACM program manager, he bears some responsibility for what happened to his program.

Your consideration of my request would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

U.S. SENATE,
Washington DC, April 29, 1993.

Col. CLAUDE M. BOLTON, Jr.,
Commandant, Defense Systems Management College, Fort Belvoir, VA.

DEAR COLONEL BOLTON: I am writing to inquire about your knowledge and awareness of a violation of the Antideficiency Act (31 USC 1341) by the Advanced Cruise Missile program.

I have 7 questions I would like to ask you about a violation of the Antideficiency Act by the Advanced Cruise Missile program during your tenure as program manager. The questions follow:

When did you recognize that the cost to complete the FY 1987 and 1988 ACM contracts exceeded the amounts available in the FY 1987 and 1988 missile procurement appropriations accounts?

When did the dollar value of "contract work authorized" exceed "funding authorized" on either contract?

What steps did you take to obtain additional funding?

What actions did you take to report the violation of the Antideficiency Act "through official channels to the head of the DOD component involved" as required by DOD Directive 7200.1 and statutory law (31 USC 1351)? (Provide a list of persons you contacted)

Why did you allow work to continue on the FY 1987 and 1988 contracts once you realized there was insufficient money available to pay outstanding bills?

Were you aware of the potential for incurring additional costs to the government through cancellation and reprocurement of the ACM contracts and to whom did you report that concern?

On March 25, 1992, Secretary Rice approved the ACM reprocurement plan to cover the cost overrun on the old contracts with FY 1992 appropriations. At any point, did you recommend that the ACM cost overrun be handled in more appropriate ways?

A written, signed response to these questions is requested by May 7, 1993.

Your cooperation would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, May 13, 1993.

Hon. CHARLES E. GRASSLEY,
U.S. Senate, Senate Hart Building, Washington, DC.

DEAR SENATOR GRASSLEY: Your letters to Colonel Bolton and Mr. Smith, both dated April 29, 1993, have been referred to this office for response. In an effort to ensure that all the facts and relevant decisions on the Advanced Cruise Missile (ACM) program are made known, the Acting Secretary of the Air Force has directed a full review of potential violations of the Anti-Deficiency Act in accordance with the law and implementing regulations. The results of this investigation and any recommendations will be provided to the appropriate officials in the Administration and Congress. The investigation results should provide the information you requested of Colonel Bolton and Mr. Smith.

Sincerely,

JOHN W. BEACH,
Principal Deputy Assistant Secretary of the Air Force (Financial Management).

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont, Senator LEAHY, for 15 minutes.

Mr. LEAHY. Thank you, Mr. President.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1276 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI] is recognized to speak for up to 15 minutes.

LIFT THE UNITED STATES ECONOMIC SANCTIONS AGAINST VIETNAM

Mr. MURKOWSKI. Mr. President, today I ask my colleagues to join me in taking a positive step which I think is long overdue; that is, to lift the extreme economic sanctions in place against Vietnam under the Trading With the Enemy Act of 1917.

Lifting the sanctions would provide increased access and serve three mutually compatible goals:

First, it would speed up the progress of resolving this country's highest priority issue, and that is to resolve the fate of the POW/MIA's by a full accounting.

Second, it would increase our international competitiveness by allowing United States companies—some 160—who are already in Vietnam, to compete in an exciting new world market. We know that Japan, Korea, France, Germany, and many other nations, are already there. The United States is not there.

Third, it would promote free markets, democracy, and human rights in a country that is clearly hungry for all three.

I commend the administration. They have made some positive steps, but they have stopped short of the most useful step of all, which is lifting the embargo. I certainly welcome the President's decision to end the United States opposition to allow IMF to refinance Vietnam's $140 million debt. The decision will benefit the Vietnamese people, because they will have access to funds to rebuild their infrastructure destroyed in the war. The decision certainly would benefit the United States as well if the President allowed the U.S. business community to participate in the projects.

I also welcome the fact that the President sent a high-level delegation to Vietnam. Assistant Secretary Winston Lord and other witnesses testified yesterday before the East Asian Subcommittee of the Foreign Relations Committee.

We have a problem though, and that is that the administration has given the Vietnamese a very vague set of markers for when further steps are to be taken. The administration is asking for progress in specific areas; but they will not define exactly what they mean and what measuring device they have. We do know that by mid-September of this year the sanctions will automatically expire, unless they are extended by the President.

We had other witnesses, including our colleagues, Senator BOB KERREY and Senator JOHN KERRY, who did an excellent job. The witnesses reported on the great progress that has been made over the last 2 years in resolving the fate of our POW's and MIA's. It is clear from the testimony that the progress is a result of increased access in Vietnam.

Very simply, I think the United States will make more progress if there is more access. Therefore, I am asking my colleagues at this time to cosponsor a bill, S. 691, a bill I introduced in April with Senators LUGAR, PELL, DODD, PRESSLER, and WALLOP.

The bill will lift the most restrictive aspects of the trade embargo. It does not normalize diplomatic relations and it does not grant MFN.

Simply, it increases access through trading relationships which would give the United States more leverage and not less. Leverage comes from engagement, not isolation. The bill would allow the President to reimpose restrictions. The bill uses a carrot and stick approach.

I encourage my colleagues to join me in a positive step toward the three worthy goals I have outlined:

First of all, and most important, helping those families that are entitled to an accounting for the loved ones they lost in Vietnam. This is done by access, and not by 19 more years of a standoff.

Second, it would help make America competitive in world markets.

Third, it would promote freedom, democracy, and human rights in Vietnam.

Let us send the Vietnamese a United States presence that they cannot ignore. Let us end the trade embargo.

THE EXPORT ADMINISTRATION ACT

Mr. MURKOWSKI. Mr. President, I rise in opposition to a bill that was introduced by two of our colleagues, the Senator from Washington and the senior Senator from Oregon, the day before yesterday. It is referred to as S. 1265.

This is a bill to amend the Export Administration Act to permanently ban the export of Alaska North Slope crude oil. This legislation would keep the ban in place, whether the Export Administration Act was reauthorized in the future or not.

As the Chair knows, the Export Administration Act, section 7, prohibits the export of oil transported through the trans-Alaska pipeline. Senate bill 1265 would amend the Export Administration Act to require the ban on North Slope oil to be specifically repealed, instead of simply letting the ban lapse.

Hearings are anticipated in the House Banking Committee some time this year.

Mr. President, this legislation is not necessary. It simply repeats a ban that is already in place in the authorizing legislation for the trans-Alaska pipeline. However, I think it is fair to recognize that there are certain inconsistencies in the logic suggested in the bill that has been introduced by my two colleagues from the Pacific Northwest.

The bill suggests it is in the interest of the States of Washington and Oregon, specifically, to extend the ban. I suppose the Senator from Alaska should rise and introduce a bill prohibiting the export of apples from the State of Washington or perhaps pears from the State of Oregon. Well, the logic of that certainly does not make sense. It does not make sense that we should have legislation in this body directing my State of Alaska to not be allowed, by Federal law, to export its oil in a free market.

The suggestion is that we are going to lose jobs. Well, clearly, there are jobs associated with the development of oil and the Prudhoe Bay oil field is the largest oil field in the United States, producing about 24 percent of the total crude oil produced in the United States for the last 17 years.

The oil goes down primarily to refineries in the Pacific Northwest. In the Puget Sound area, there are several refineries that utilize the oil, and they are dependent on it. The alternative to Alaskan oil is to bring it in from the Mideast, Canada, and other areas.

The fact is that this comes like a poke in the eye to the State of Alaska—a poke with a sharp stick, I might add—because it suggests that somehow this body has an inherent right to prohibit the oil from my State searching out and finding the free market.

I remind my colleagues that this is not oil from Federal lands; this is oil from State land.

The oil is owned by the oil industry as well as the State of Alaska, which has a one-eighth royalty share. The Senators from Alaska proposed for some time that the State be allowed to export its royalty oil as the market might see fit. This is objected to by the maritime unions.

What we have here is a crass example of protectionism at its worst. Not only do we have inherent in existing law in the Jones Act a prohibition which requires that the movement of any commodities between two American ports must be in a U.S. bottom—that is protectionist legislation—we have authorization for the Alaska pipeline that mandates that any oil moving through this pipeline must be consumed in the United States. This is poppycock.

One of the inconsistencies that is so notable is the reality that both Washington and Oregon have self-interests. I recognize this. The utilization of the refineries and jobs associated with the refineries in the State of Washington, the realization that the ships that carry this oil, U.S.-flag tankers, for the most part, are repaired in the Columbia River shipyards by American labor, that is significant.

There is realization to refer to where that shipyard came from. Dry dock No. 2 was built in Korea and towed over. There is not a great deal of mention of that reality, but that is a fact.

But the concern is jobs in these areas, and to ensure that through protectionist legislation, Alaskan oil is prohibited from finding a free market, not to suggest that it would not go there anyway because of the proximity, but the realization that we are going to prohibit by law one individual State the ability to export its resources.

I find this rather interesting because in the floor reference there is a suggestion that somehow the State of Alaska that is pursuing under the constitutional status its right to export its oil, somehow cannot possibly prevail in that case.

I am reminded that the State of Washington recently won a suit claiming that Federal laws banning the export of State timber resources were unconstitutional.

They would argue that a similar prohibition against Alaska oil is legitimate and necessary. That is absolutely inconsistent.

The State of Alaska will initiate the suit. I think the State of Alaska ultimately will prevail in that suit.

What is lacking in the whole argument, Mr. President, is the realization that Prudhoe Bay oil is declining; as a consequence, there is a job threat not only to refineries but in the shipyard and the oil fields of Alaska. But where are my colleagues in regard to sustaining the flow of oil? Where are they in standing behind the Alaska delegation in support of opening the ANWR? There is the inconsistency that I would remind my colleagues exists.

We obviously share concern in responsible development. We think that Prudhoe Bay is the best oil field in the world. We think we in Alaska are doing a very responsible job in developing this field and make no apology to anyone. To suggest that we should be singled out for a prohibition that prevents our resources to find their own markets is simply unacceptable.

One cannot help but note the recent article that appeared in the Washington Post with regard to the last major U.S. merchant ships seeking refuge under foreign flags. Twenty Sealand ships are now pursuing relicensing under foreign flags and American President Lines is seeking relicensing under foreign flags. Over 1,000 potential U.S. jobs are at stake.

But the simple fact is that U.S. vessels can no longer operate without a subsidy in foreign trade. That is the reality that we are faced with. This body is either going to subsidize U.S. shipping or it is not.

The consequence associated with U.S. shipping as far as Alaska is concerned is that the unions are very dependent on the protectionist legislation which mandates that the oil flow in U.S. flag vessels. As a consequence, most of the tonnage in our tanker fleet is directed to the movement of Alaskan oil.

Nevertheless, I do not see a great effort in this body or any other body to continue the subsidy for our U.S. merchant ships. As a consequence, what I see is an extension of the protectionist legislation, and I would again remind my colleagues that as we talk about free trade, as we talk about market access, as we talk about NAFTA, at the same time we are talking about putting more restrictions on Alaskan oil.

I would encourage those who feel that way to get behind the responsible opening of additional domestic oil fields because, as the Chair is very well aware and was evidenced in another recent report, U.S. output of domestic oil production is at a 35-year low.

What are we going to do when domestic oil production has declined to a point where we have another 20 or 25-percent reduction? We are simply going to import more oil. What does that oil come over in? It comes over in foreign ships, not crewed by U.S. sailors, not built in U.S. yards.

That is a brief review, Mr. President, of the situation, and Alaskan finds themselves very indignant relative to this type of prohibition, and we would remind our colleagues that we have an alternative.

Many Alaskans do not feel that a simple lawsuit is sufficient, and the treatment we are getting is very frustrating. More and more Alaskans are suggesting secession from the Union as an alternative to get a little attention. But obviously that is not an alternative that is realistic. But the fairness of the issue is realistic, Mr. President, and I would implore my colleagues to examine the equity issue associated with the bill that has been introduced, S. 1265. It is not fair. It is not just. And if we have to end up in the courts we will, and we will prevail in the courts.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan, Senator RIEGLE, is recognized to speak for up to 30 minutes.

Mr. RIEGLE. Thank you very much.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, beginning last August I have been telling a story each week the Senate has been in session about a Michigan family, or individual, or business, or institution that is facing a problem with the health care crisis here in our country. During that time I have told stories about young people, about old people, about people inadequately insured, those who have no insurance at all, people out in rural areas struggling to try to have health care and not getting it, people in urban areas, retirees, and many others. While each of these people come from different backgrounds and circumstances, they all have been in a terrible situation where they are not able to get the affordable health care coverage they need.

It cost them many things including their peace of mind. They are under severe financial pressures resulting from skyrocketing health care costs and have no adequate way to protect themselves with affordable insurance.

I have now told the story of 26 different individuals and families over the last year, and they are just a sample of the countless thousands of cases like this occurring in Michigan. Each week I receive hundreds of letters and phone calls on health care crisis type situations that are overwhelming our people, and that is true across the country.

Today I rise to present the 27th case, that is of John Moyer of Ann Arbor, who has been laid off from his job at the age of 48. As a result, he has lost his health insurance, which he and his wife and his two children depend upon. For a time he will likely take advantage of the COBRA option in the law which allows him to continue his insurance as long as he pays a very high premium, but his monthly cost of insurance will go up from $228 to $565. That is for 1 month's premium. Bear in mind that he is now unemployed, so he has lost that stream of income.

The COBRA benefits, if he can afford even to maintain them, will run out after 18 months. If he has not found other work, he is completely out on his own. John has a slight case of multiple sclerosis and is concerned he will not be able to afford health insurance because of a preexisting condition. Insurance companies screen out people with any kind of health problem if they can possibly do so. We know that most companies will not provide coverage where there is any kind of preexisting condition in the picture.

Small business owners face the same kinds of problems, including skyrocketing health insurance premiums. The case of Gerald and Sue Gibson is an illustration. They own a small trucking company in Sturgis, MI. They have owned the company since 1978 and have always purchased their own health insurance. They wrote to tell me they had to drop their health insurance after the monthly premium rose from $67 back in 1988, not all that long ago, to $439 a month in 1992.

They just could not afford it because of these higher rates, and now they have had to give up their insurance. In so doing they live with the great fear of an unforeseen illness or accident that can happen at any time and that would require hospitalization.

In this case, the Gibsons are willing to pay for their health insurance—they are not looking for a free ride—but they just cannot afford premiums at this level. And most people in this country cannot either.

Since they had to give up their health insurance last August, Sue has continued to look for affordable insurance for herself and her husband, but she has encountered discrimination against her husband because he has high blood pressure.

Well, a lot of people in this country have high blood pressure. And the miserable problems that we have not solved in the health care area is causing more people to have high blood pressure.

He is considered to have a preexisting condition, so the insurance companies basically do not want to cover him. So this makes it especially difficult and essentially impossible for the Gibsons to get the affordable health care insurance they need.

They are not alone in this dilemma. The high cost of health care coverage has forced many small business owners across the State of Michigan and the country to have to sacrifice their health insurance for their employees and, in many cases, even for themselves. They are trying to run businesses, trying to provide jobs for other people, living under the tremendous anxiety of knowing that, should they get sick or should an accident happen, they are not covered. They might find themselves in a situation where some medical problem could arise that could literally wipe them out, take their business, and put the family as a whole in a terrible situation.

This is self-destructive to our country. It hurts these families; it is hurting business formation; and it just makes no sense. And we can do something about it.

I want to also touch on the problem of the increasing number of early retirees, many who are asked to leave their jobs because so many companies are downsizing and getting rid of people. So they have been asked to leave or they have taken an early retirement under that kind of pressure. In many cases, they have to purchase their own health insurance and they are facing sharply escalating health insurance premiums.

One such family is Doris and Dean Darling, who are two retirees from St. Helen, MI. They do not have health insurance. They are currently facing over $38,000 in hospital and doctor bills from a recent heart attack that Doris had. She is 57 years old and her husband, Dean, is 63 years old.

Until Dean retired, the Darlings had health insurance through his employer, which was a trucking company. But Dean's company does not provide health insurance for retirees, and Doris' employer did not provide insurance for either employees or for retirees.

Neither Doris or Dean are eligible for Medicare until they turn 65. So, like many retirees who are under the age of 65, they have fallen between the cracks. They are uninsured. They are out there right now. They are now buried under all of these doctor and hospital bills and they have no way to cope with it. And it is wrong, it is unnecessary, it is bad for America, and it is time to fix it.

They have been unable to get health insurance because they also are facing the problem of preexisting medical conditions because of a history of heart disease in their families.

Many families have a history of heart problems. We cannot have people screened out just for that reason.

As a result, Doris had no insurance last December when she had a heart attack. They live on a fixed income and they do not have the resources to pay for these large hospital bills. And every night when they go to bed and every morning when they wake up, they are burdened with the worry of this. And the stress and anxiety, in all likelihood, is going to shorten their lives.

That is just not right. I think retirees such as the Darlings deserve access to affordable health insurance to provide them with the peace of mind they should have during their retirement.

These stories are not unique to Michigan. People like John Moyer, Gerald and Sue Gibson, and Doris and Dean Darling can be found all across the country. There are stories of people who are making choices between either buying food, on the one hand, which they need to sustain them, or buying very expensive health care coverage, on the other.

There are stories of people who fear changing jobs because they know they will lose the health protection that they now have with one employer and not be able to carry it over to the next.

There are stories of families who pay large sums for very limited coverage, and then when something happens, they find the coverage that they have been paying for does not even apply. And so when the time comes to use it, it does not mean anything.

The faces of the health care crisis are truly American faces. They are in all age groups, all circumstances, all across the country, all 50 States. They are the faces of our friends and our neighbors. It is the grocer down the street, the bank teller, the person at the gas station. Wherever we look, we see people who are in these situations.

I want to welcome my colleagues today—Senator WOFFORD and Senator KERREY—who are coming to the floor to join in the effort to put a human face on this health care crisis in America.

These stories prove the urgent need for reforming our health care system.

I want to commend the President of the United States, President Clinton, and First Lady Hillary Rodham Clinton for getting out in front on this issue; to say it does not have to be this way; that we can change it and change it for the better; and that we ought to have a health care system in this country that is affordable and that reaches out and can provide the kind of protection for everyone in this country.

I have seen cases—and I will not go into the details of it right now—but there is a case of a young, single mother in Detroit, who I have talked about here on the floor before, with a little 6-year-old son. She ha a little, tiny bit of health care coverage that does not cover the medical bills. She has had no coverage for him—absolutely no coverage for him. And our country, in a sense, has turned away to say that that young fellow just is not important enough to have health insurance.

Well, yes, he is. Yes, he is. That child and every other child in this country is just as important as the child of every Member of Congress or everybody in this Cabinet or prior Cabinets or anybody that is in Government or out of Government.

We ought to have an affordable health care plan in place that looks after the good health of our people. After all, people are the most important asset we have. Our people are what counts in this country. They make the country. They are the country. It is time we look after their health needs with an affordable health care plan and not have people like these situations I have just described out there among the walking wounded, needing help, needing protection, and not getting it.

We can do better than that in this country. It is time we do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. KERREY].

HEALTH CARE REFORM

Mr. KERRY. Mr. President, I thank the distinguished Senator from Michigan for giving us this opportunity.

Very soon, after, I expect, we get back from the August recess, the President is going to come to Congress and say, here is my health care proposal to deal with four problems that I am going to talk about this morning.

Mr. President, all of us understand, or should understand, when it comes to health care and health care reform, that we are going to have to change.

Let me emphasize that. We are going to have to change. This is not about enacting some new program merely to take care of people who are in need. We are going to have to learn more about health care, we are going to have to become more informed, we are going to have to accept personal responsibility, both for making payments and participating in cost control.

Unless we are prepared to change the contracts that we have as individuals—I am talking about we as Senators now, not we in the abstract, but we as Senators—unless we are prepared to change the contracts that we have, then I believe we will struggle to solve the problems that I am going to describe here this morning.

Mr. President, I believe that there is a growing consensus—and I believe the President will describe it as a foundation of his proposal—that health care be established as a right with responsibilities.

Let me emphasize that. One of the questions that citizens need to ask when they hear politicians describe their proposals—because we are going to have a debate—one of the questions that needs to be asked is: How will I know if I am eligible?

And if the answer contains some equivocation, lots of "buts" in the answer, then I would become deeply suspicious.

But if the answer is a clear "if you are an American, you will know that you are eligible," then, Mr. President, not only will we provide individuals with security, but we will also save tens of billions of dollars by being able to eliminate administrative expenditures.

Mr. President, you will hear very often people come to the floor and say, "Well, if you have a proposal like Senator KERREY is talking about, where health care is established as a right, you will have rationing.

Mr. President, I am going to describe four individuals who have experienced rationing right now under our system, who thought that they had health care but, at the moment that they needed that health care, they heard that magic word "but, as a consequence of this special condition, we are not going to make the payment."

Let me describe, first of all, Mr. President, a woman in Omaha, NE, who explained that when her husband died—now, lots of people have had friends whose husbands have passed away. He was in the work force, working. This is not an unusual circumstance. Her husband dies. Her husband was working. She is extending coverage to herself by using the COBRA conversion provision that Senator RIEGLE talked about earlier.

However, when the company that her husband used to work for changed insurance carriers, she received notice that her premiums would increase from $4,000 a year—and let me emphasize this, Mr. President, this woman was willing to pay. She was not asking for something for nothing. She was paying $4,000 a year. But she was told her costs were going to go to $7,000 a quarter. She was priced out of the market. Why? Because she had a mastectomy in 1988 and was told now that she has to pay $28,000 a year just to keep her health insurance. She is being rationed out of health care in this country simply because we have not established clearly that if you are an American you have health care.

If you are an American, you have responsibilities; you will understand what your responsibilities are to pay and participate. But you will know with certainty that as a consequence of your husband's death or a mastectomy or some other sort of thing happening, you will not be told, "had this not happened to you, we would have covered you."

The second individual I would like to describe—it is something I think we have all experienced, the tragedy of an accident—was a woman who was 8 months pregnant. She was injured in an auto accident when a drunk driver ran a red light and hit her. It was unquestionably not her fault. The individual tested beyond the legal limit of what was allowed. Her 3-year-old daughter was killed and her 2-year-old daughter was also injured. Her employer happens to be an insurance company, and that is where her insurance was written. She ran into an issue that the lawyers called subrogation.

Maybe you have all heard of subrogation. Essentially, when your insurance company says we want you to sign a letter stating you will assign any future settlement to us before we will make any health care payments, that is subrogation. You are faced with this terrible legal question. Again, you are told yes, you have health insurance, but you have to satisfy this rather arcane and difficult-to-understand legal requirement. It is not illegal what is going on. I am not suggesting the insurance company is doing something illegal. I am merely suggesting that citizens who have been paying for insurance should not have to worry about settlements and hospital bills immediately following this kind of tragic accident.

I believe a very simple way to solve that, again, for the third or fourth time, is to say the foundation for health care reform in the United States of America will be with certainty to say if you are an American, that is how you become eligible, not as a consequence of proving that somehow you have satisfied some other legal requirement.

The third example is an instance of a woman living with her husband who was abusive. She is at risk, she and her children. She leaves her husband. She cannot earn a living; she had not had the skills. And so, as a consequence, she goes on welfare and goes back to school, getting job training. While she is on welfare she receives, along with 30 million other Americans as a consequence of proving that they are poor, health insurance benefits called Medicaid. She has to prove she is poor. The minute she can no longer prove that she is poor, she loses her health care benefits, and that is what happened in this case.

This woman went back to work, earning $5.50 an hour—hardly what I would describe as wealthy, Mr. President. She lost Medicaid as a consequence. The rules are her children are still covered, but she is not. That might work for most people, but this woman is an insulin-dependent diabetic, a previous condition that makes it impossible for her to buy insurance. Once again, caught in the rules, caught in the buts, caught in the excuses, caught in the rationales.

And to every person who comes to the floor and says we would not want to have a national insurance policy based on a right to health care because we are going to have rationing, I will give you this woman's phone number. Call her up and tell her you would vote for something that could establish a clear, unshakable, indivisible right to health care, but you are concerned about rationing. I think you will find yourself talking with somebody who will talk you out of that argument.

The fourth example is similar to one that the distinguished Senator from Michigan described earlier. Here is a self-employed man. He called the office. He is 59 years of age. He owns a small excavating business. He has one employee. His insurance company continued to ratchet up the cost, and eventually it got to a point where he could not afford it. Now he has no health insurance.

Mr. President, 15 percent of the households in Nebraska—it is national, I suspect; Michigan is the same, Colorado is the same—one out of seven households get most of their income as a consequence of being self-employed. The tax bill we passed allows 25 percent deductibility, still nowhere near what we allow most businesses. This individual found himself saying, "I can no longer afford to buy health insurance. I am 59 years of age. I am sitting here waiting until I can prove I am old enough.,,

Once again, we have a program that says if you prove you are old enough, you are eligible. That is the requirement. You come in and say: I can prove I am 65. I am old enough now; I am eligible for Medicare. This ends if we simply establish we are going to say to every single American: All you have to prove is that you are an American and you are covered. That is the only question we are going to ask.

I say once again, for emphasis in closing, I do not believe anyone should come here with the expectation they are going to get something for nothing. Not a single one of these four people are saying that they are unwilling to pay. Not a single one of these four people are saying that they want something for nothing; or that they want a free health care system. That is not what they are requesting. They are simply requesting a health care system that guarantees them the security that health care is going to be there, and does not cause them to get caught in the cracks.

There are an awful lot of people who may need to be reminded: One of the reasons health care is such a crucial issue is that the costs have gone up so dramatically, so it is difficult today to pay for these health care bills out of pocket. I had a baby 18 year ago; I had a daughter 16 years ago. And I paid for both of their births with cash. In Virginia, it costs $10,000 for a 2-day normal delivery. That is what a birth costs today in Virginia, for hospitalization and a doctor. You cannot out-of-pocket that expenditure, Mr. President, and every other health care expenditure has grown in a similar fashion.

Americans are at risk. They are turning to welfare instead of going to work. They are living in fear because they have to wait for the final 5 or 6 years for Medicare eligibility to roll around. They are being told that their employers, even when their employers are insurance companies, are not going to pay for hospitalization, even in a situation as tragic as the one I just described.

We have Americans who are coming in who are being burdened unnecessarily. We can change all that. I believe there is consensus among Republicans and Democrats who have studied this issue that we can change all this, solve this, if we will simply say there is a right to health care—with responsibilities—but a right: Unshakable, undeniable, indivisible, irrevocable. So when you are trying to figure out if you are covered, all you have to answer is one single question: Am I American?

I yield the floor.

The PRESIDING OFFICER (Mr. CAMPBELL). Senator WOFFORD is recognized.

RACES OF THE HEALTH CARE CRISIS

Mr. WOFFORD. Mr. President, I thank the Senator from Michigan [Mr. RIEGLE] for starting this process of presenting the human faces of health care, and I salute the Senator from Nebraska [Mr. KERREY] for his continued eloquence on the two key points: That there must be recognized a right to health care for every American; and that every American must recognize his or her responsibility for health care. And we in this body, in the Senate, have a responsibility to take the actions we need to make the right to health care a reality for every American.

The debate over health care reform is often defined by complicated jargon and reams of statistics. But behind those numbers there is a far more important bottom line: The cost our current health care system is now inflicting on millions of American families—on those who lose the coverage they thought was secure; on those who cannot pay the skyrocketing bills; on those who are forced to cope with stacks of confusing forms, paperwork, and redtape.

This morning, we will soon return to debate over national service. It is a program which can make a major contribution to the delivery of primary and preventive health care in this country.

For example, national service participants can be the ground troops in the achievement of universal immunization of children who need vaccinations before they turn 2.

But now, I want to share a story about one family in my State, a family whose health and financial security is being threatened by the growing practice of corporate America to cut back or cancel retiree health benefits.

In 1987, at the age of 55, Melvin Spector of White Oak, PA, south of Pittsburgh, retired from his job at Allegheny International, a Pittsburgh-based manufacturing conglomerate. He had worked there for 14 years. At the time, Melvin Spector had every reason to believe that his retiree health benefits were secure.

But Sunbeam-Oster, the company which bought out Allegheny International, recently notified Melvin that it was cutting off his medical and life insurance benefits because of spiraling costs. These were lifetime benefits that had been promised to him orally and in writing, benefits he had worked for and had good reason to assume would always be there when he needed it most.

Melvin now must pay $8,000 a year in insurance premiums. His wife, Ilene, has diabetes, hypertension, and psoriatic arthritis—preexisting conditions that make it almost impossible to find a more affordable policy.

At 62, Melvin does not qualify for Medicare for another 3 years. Ilene's only 55. The Spectors worry that their health care costs are so high that, before long they may have to sell their home.

The Spectors are not alone. Across the country, workers who have given decades of their lives to their companies are being left out in the cold by cutbacks in retiree health benefits, benefits they fought for, worked for, and were promised by their employers. Retirees the Unisys Corp. in Blue Bell, PA, at the other end of my State, face a similar crisis.

These are people who showed up to work every day, paid their taxes, paid their dues and often took lower wages in order to receive some peace and security in their retirement. But in the last few months, more and more companies have either reduced retiree health benefits or dropped coverage altogether—because costs are out of control. One recent study found that two-thirds of companies are planning to reduce or cut off retiree health benefits.

This problem does not just hurt retirees. It affects all of us. When companies cut off retiree health benefits, what they really do is shift those costs right onto the taxpayers. Because many of those older citizens will have to turn to Medicare and Medicaid or, if they do not, to go into the emergency room when their hospital bills then are shifted to all those who have other plans in the private sector, as well as the public sector.

Melvin Spector has filed suit against his former employer, on behalf of himself and over 2,000 other Allegheny International retirees. The legal battle could take several years. In the meantime, Melvin and his wife are on their own. So are thousands of others like them across the country.

I have introduced legislation this week called the Retiree Health Benefits Protection Act, which would help retirees defend their health benefits in court. The bill would require companies to keep benefit plans in place while the legal battles get argued.

But this legislation is only a stopgap. Melvin and Ilene Spector's story is just one more example of why we cannot delay comprehensive health care reform. It must be the next main order of business after we pass a 5-year deficit reduction plan that puts our economy back on track.

As the cutbacks in retiree health benefits show, we need comprehensive health care reforms which control costs and guarantees every American family a standard package of health care benefits, throughout their lives, no matter where they live or work, no matter whether they are sick or retired.

The Spectors remind us that neither our Nation, nor our individual families, can afford the costs of the existing health care system. It is our current system that is bleeding our economy white and draining the security of American families. To those who will argue that we cannot afford to change, the real faces of the health care crisis answer that we cannot afford not to.

I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

HEALTH CARE REFORM

Mr. DURENBERGER. Mr. President, I rise principally to introduce a bill that is very important to Upper Midwest dairy farmers. Before I do, I am going to take a minute to compliment my colleagues with regard to their remarks on health care reform and maybe expand a minute or two on a couple of thoughts.

My good friend, the junior Senator from Pennsylvania, said we cannot delay health care reform. I just remind my colleagues, in the nicest way I can, that the senior Senator from Pennsylvania has been saying that on the floor of the Senate, with a variety of motions now, for about a year and a half. I do not think there is anybody on this side of the aisle anymore who is delaying the process.

So the wonderful thing that has happened over the past few years is that everyone, Republican and Democrat alike, and the constituents we represent, is anxious to get on with the task of providing a guarantee of access for every American to affordable health care.

It is my hope that the bipartisan spirit that has been generated over time about the nature of the problem can be translated into a bipartisan solution to the problem as well. I think we all know that, last year, the Democrats were looking for leadership from a Republican President. This year, it is the Republicans and the Democrats who are looking for leadership from a Democratic President. To paraphrase a former Vice President and a Senator from Minnesota, "All I can say is, where's the plan?" We are ready to go to work and participate in the process of reforming health care. We have been for a long time—and I compliment my colleagues.

I will suggest that, just listening to their comments this morning, there is going to be more to the process of health care reform than meets the eye. The comment is always made that the costs are out of control. I am going to take a minute and argue the costs are not out of control. My colleague from Nebraska on this floor some time ago referred to one of his staffers who was pregnant and had a very normal delivery just over the bridge in Virginia and it cost about $10,000, without getting the radiologist or anesthesiologist bill. He referred to that again this morning. I think the cost of that procedure in my State of Minnesota would be in the neighborhood of $3,500.

It is also true that when Medicare reimburses the average Minnesota older person, they are paying about at least two times less to a Minnesotan in a city like Duluth, for example, than they are paying in southern California or they are paying in Miami, or Philadelphia, or Washington, DC.

The reality is that costs can be controlled and costs are being controlled in my State of Minnesota and costs are being driven down by changing the way medicine is practiced. It does not have to cost $10,000 for a perfectly normal delivery. It probably does not have to cost $3,600 for a perfectly normal delivery. So many things in medicine today need to be changed.

The people who are doing the changing are communities. In my area, it is the community of the doctors and the hospitals and the employers and the HMO's and the PPO's and a variety of organization driving those costs down to below 15 percent of the national average. There is no doubt in my mind, as someone who spent the better part of adult public policy lifetime dealing with this issue, that if we really set about changing the practice of medicine, the health care delivery and the way we buy it in this country, right now we could bring the cost of medical care below 9 percent of the gross national product in 10 years.

Everybody is talking about going from 14 to 20 percent. If we just do what we are doing in States like Minnesota and beginning to do in States like Colorado, start to change the way medicine is practiced in this country and how we, the consumers, buy it, we can turn it around. To say it is out of control is a misnomer. It is in the control of people in this room and everybody in the communities. We need the leadership to design a way to remedy it.

(The remarks of Mr. DURENBERGER and Mr. FEINGOLD pertaining to the introduction of S. 1277 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

STICKING TO THE DEFICIT REDUCTION TARGET

Mr. FEINGOLD. Mr. President, 2 days ago the Federal Reserve Chairman, Alan Greenspan, urged Congress to stick to the $500 billion deficit reduction target that President Clinton had set when he first proposed his budget package earlier this year. Chairman Greenspan stressed that financial markets and the economy would suffer if Congress failed to act on cutting the deficit or in any way reduced its commitment to the $500 billion target.

In Chairman Greenspan's words:

> If you appear to be backing off, I think the markets would react, appropriately, negatively. I think we have run out of time. * * * If we don't come to grips with this issue now, we'll always find the means not to do it.

Mr. President, I strongly agree with Chairman Greenspan.

Mr. President, one of the most important messages that this new administration has sent to the American people and to the financial markets is that we are serious, finally, about reducing the Federal deficit. In fact, I see this $500 billion figure as being relatively modest, and really just a downpayment on the deficit let alone on the underlying debt.

We sent a message in this House that Washington has finally realized what the American people have instinctively recognized—that this country cannot continue with the unchecked deficit spending that has grown and grown over the past decade of irresponsible economic policy.

We sent a message that it was time to start paying for what we spend, and that we can no longer simply keep writing checks on money that is not in the Federal Treasury. We sent that message by passing a budget reconciliation package that contains some tough deficit reduction measures, some increased revenue, reductions in important domestic programs, cutbacks in defense spending, and increased fees for Government services. None of these, Mr. President, are measures that we enjoy voting for or that are easy to accept. But they are the kind of steps that must be taken if we are to put this country on the road to economic recovery.

There are some urgent voices that we abandon the $500 billion target, so that we can spare the people the pain which reducing the deficit will create.

Mr. President, that is exactly the kind of shortsighted thinking that got us into this trouble in the first place—the kind of thinking that we could cut taxes while increasing Government spending, the kind of thinking that quadrupled our national debt from $1 trillion in 1980 to $4 trillion today. To abandon in any serious way the $500 billion deficit reduction target could send a message to the American people that in the end we are not serious about the effort to reduce the Federal deficit that was begun earlier this year.

So, as Alan Greenspan has so clearly stated, the possible retreat from the $500 billion figure would be a serious mistake both in the short term for our financial markets and in the long term for our economic future. To seek short-term political rewards in exchange for long-term deficit reduction is a bad deal. And I think we should reject it.

Thank you, Mr. President.

I yield the floor.

IN MEMORY OF MRS. RICHARD NIXON

Mr. GRAMM. Mr. President, the people of America and the world will always revere Pat Nixon, a First Lady whose incomparable grace, dignity, and courage, gently touched the lives of millions. She set extraordinary standards for herself and met them daily. Her legacy to us, I believe, is a continuing sense that achievements should be measured in the amount of good that a single, kindhearted person can accomplish on behalf of others. Mrs. Nixon's contribution to our country will never be forgotten.

RETIREMENT OF CHARLES "BONES" SEIVERS

Mr. SASSER. Mr. President, I rise today to pay tribute to my good friend, Charles "Bones" Seivers. Bones recently retired from his long and successful service as the city manager of Clinton, TN.

I attended a recent gathering of Bones' friends and associates held in Clinton on the occasion of his retirement. I would like to share with my colleagues the text of the comments I made there about Bones' fine career and my long relationship with him.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CHARLES "BONES" SEIVERS

The first thing that crossed my mind when I heard that Bones Seivers was retiring was, Bones don't do it. Clinton can't do without you. Anderson County can't do without you. Tennessee can't do without you. The Democratic Party can't do without you. I can't do without you.

However, after 30 years of exemplary service to Clinton, our State and our Nation, I can certainly understand Bones wanting to take a well deserved breather. I'm reminded of a story about President Calvin Coolidge when he retired.

Soon after he left the White House, the former President had to fill out a form confirming his membership at the National Press Club.

After writing his name and address, he moved on to the space marked "Occupation," in which he wrote "Retired."

Next came "Remarks." Coolidge paused for a moment and then wrote, "Glad of it."

I won't presume to say whether Bones is "glad" about retiring. However, it's always good to go out when you're still the best—and no doubt about it, Bones, you're still the best. Or as my old friend, Senator Russell Long of Louisiana would say, "It's better to retire when you still have some snap in your garters." Trust me, Bones, we're not going to ask you to prove that one.

However, Bones, I don't think we should celebrate your retirement. Instead, we should tear a handful of pages off the calendar and celebrate Thanksgiving a few months early.

We should give thanks for all that Bones Seivers has given to Clinton and to Tennessee. And what a celebration that would be. It would run from Thanksgiving to the Fourth of July. For 30 years, Bones has filled this community with plenty, and in the process, our hearts have been filled with admiration and respect for him.

And the wonderful thing about Bones' retirement is that he has made it absolutely impossible to forget him.

Wherever you turn in Clinton, and whatever you do, you're constantly reminded of Bones Seivers' lifetime of service to Clinton.

When your children go to school, the library or playground, you can thank Bones.

When you and your family go to the civic center, you can thank Bones.

When the police or fire department answer a call on your block, you can thank Bones.

When you drive down a newly paved road or look up at a street light, you can thank Bones.

When you hear visitors say, "I wish I lived in Clinton," you smile, and you can thank Bones.

I have known Bones for more years than either one of us cares to admit. And over the years, I've learned that if you're lucky, you'll live in a community that's run by a man like Bones Seivers. If you're very lucky, you'll work with a man like Bones. And if you're extremely lucky, you'll have a friend like Bones. I have never been fortunate enough to live in Clinton, but I have been doubly blessed to work with Bones and to count him among my closest friends.

I suppose Clinton's loss is Bettye's, David's and Deborah's gain. But don't get too comfortable, Bones. I've decided that like the National Football League, we're going to declare you a franchise player and Clinton's not going to let you go.

So, Bones, we tricked you. This is not a retirement party, but simply an opportunity for you to rest up for the next quarter. We promise not to bother you for a whole week, but after that, we're going call your number and send you back in the game. And like every time before, you're going to score a touchdown for us.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Tuesday, July 20, the Federal debt stood at $4,335,488,071,744.30, meaning that on a per capita basis, every man, woman, and child in America owes $16,878.86 as his or her share of that debt.

LAW ENFORCEMENT OFFICERS PAY ULTIMATE PRICE

Mr. HATCH. Mr. President, I would like to take a moment to focus the Senate's attention on a true tragedy. I am saddened to inform the Senate of the deaths of three Customs officers and a Georgia Bureau of Investigation officer in the crash of a Customs Service helicopter late last week.

On July 14, Customs pilots Carl "Rick" Talafous, Alan J. Klump, Customs officer David DeLoach, and Georgia Bureau of Investigation Officer Lee DeLoach—no relation—were killed in the crash of their UH-60 Blackhawk helicopter. Their mission that day was to locate clandestine airstrips used by smugglers. Mr. President, I think that bears repeating in a somewhat different manner; their mission that day was to try to help this country secure its borders and wage war on the drug smuggler. Their mission that day was to help all children grow up in a drug free society and to make the world a better place.

Law enforcement officers DeLoach, Talafous, Klump, and DeLoach paid the ultimate price for protection of their country, their communities and their families. Nothing we can say or do will bring them back for their families, friends, and fellow officers. What we can do is pay them special tribute. Let us recognize that these men died as true heroes of our country.

PAT NIXON TRIBUTE

Mr. COHEN. Mr. President, in recent months, the role of the First Lady in our political system has undergone intense scrutiny, as Hillary Rodham Clinton seeks to establish her own definition of power and place. We should not be surprised, however, by Mrs. Clinton's transformation of the role of First Lady. She is clearly incorporating the evolving views of society about the roles of women into her duties at the White House.

It is a tragic irony, though, that as we observe Mrs. Clinton define her role, we must pause to mourn the loss of another First Lady.

Pat Nixon was an extremely private woman thrust into a public—often painfully public—light. It was not a light that she enjoyed, or even sought. In the countless commentaries and editorials on her passing, writers seem to struggle to summarize Pat Nixon in an adjective or two. Loyal is a regular choice; devoted, steadfast and supportive are other popular characterizations. She was all of those. But somehow, in the context of today's society, those descriptions may seem like shallow caricatures. I would suggest otherwise. They are qualities to be admired and respected, qualities that are often lacking in contemporary America.

During her days in the White House, Mrs. Nixon rode an unprecedented rollercoaster of scrutiny and emotion. She rose and fell alongside her husband, never wavering in the face of adversity. Even during the difficult last days of the Nixon Presidency, Pat Nixon maintained a public strength and resolve while the trappings of power crumbled around her. At the height of the Watergate scandal, in the words of one writer, "her chin seemed to rise, as if by sheer devotion and feminine fortitude she could restore the lost kingdom." The public arena was never, for her, a place to show emotion.

At her memorial service, the Reverend Billy Graham commented that "few women in public life have suffered as she has suffered and done it with such grace." Some have criticized her for being too detached, too unemotional about political issues, but we must be mindful that she was the product of a society that had not yet fully accepted political wives with their own careers or ideas.

The enduring public image of Pat Nixon will be one of undeviating loyalty to her often difficult duties. Her daughter, Julie Nixon Eisenhower, wrote in her 1976 book, "My mother gives meaning to the words in the 13th chapter of I Corinthians: 'Love bears all things, believes all things, hopes all things, endures all things.'"

"She is a woman of dignity who does not seek pity from others or feed on pity herself," her daughter continued. "But she has grieved, she has wept. She is a woman of tremendous self-control because all her life self-control has been necessary simply to survive."

The characteristics that Pat Nixon embodied—loyalty, devotion, humility, steadfastness in the face of adversity—are traits to take pride in. This body, and this Nation, mourns her passing.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, morning business is now closed.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The PRESIDING OFFICER. The Senate will now resume consideration of S. 919 which the clerk will report.

The legislative clerk read as follows:

A bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Domenici amendment No. 608, to ensure that the financial soundness of the Pell Grant Program is a higher priority than funding a new program.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. WOFFORD] is recognized.

Mr. WOFFORD. Mr. President, this amendment is not designed to expand college aid. It is meant to kill national service. As the Senator from Maryland a little while ago—who cannot be here—Senator MIKULSKI, because of a key Appropriations Committee that is requiring her attendance. So she spoke on this amendment a little while ago. She noted that we now have born again Pell grant supporters who were not there when some of us were fighting for the full funding of the Pell grants.

But most importantly, she pointed out to us what this process might start if we pass this amendment, the trigger amendment, that triggers one bill, one bill triggers another bill, one Senator's bill is aimed at the heart of another bill. And this trigger today is aimed at the heart of national service. But if we go down this road of triggering each bill on another bill, we will have something worse than gridlock, Mr. President. We will have bills and Senators shooting at each other across the aisles and within the aisles. It is the wrong road, and it is a road we should turn back on today in voting against the amendment by Senator DOMENICI.

The amendment is based on the false premise that refusing to fund a program under one subcommittee's jurisdiction will make funds available for another program in a different subcommittee. As Senator MIKULSKI, whose subcommittee has jurisdiction over national service, has said so vividly, last night and this morning, this amendment is like refusing to fund veterans' programs until we fully fund NIH. It is a dangerous, unworkable, absurd precedent.

The National and Community Service Trust Act of 1993 builds on the 1990 National and Community Service Act signed into law by President Bush, not the Higher Education Act of 1965. Although lifelong learning is clearly one of its goals, this is a service bill, not a higher education bill. Let us not mix apples and oranges.

National service does not compete with our other education programs. Unlike our student aid programs, national service is not meant to be strictly need based. It is a program that reaches out to all Americans. It gives an option for all students to use their skills, energy, and enthusiasm to help their communities. Though it provides an educational voucher, tuition assistance is not its heart and core, is not its prime purpose. The Pell grant is the foundation of our $12 billion Student Aid Program. It is our most powerful tool in opening the doors of higher education to all students.

In recent years some Members of this body have tried everything possible to increase funding for the Pell Grant Program. During the 1992 reauthorization of the Higher Education Act, there were efforts to make the Pell Program an entitlement program. Last year we also made several attempts to bring down the budget walls to transfer funds from defense to education. Each of these efforts was forcefully and successfully opposed by those who are not offering this very amendment.

President Clinton has also tried to address the problems of the Pell Grant Program. His economic stimulus package would have erased the shortfall in the Pell Grant Program that he inherited from the previous administration. But those who are offering this amendment shot down the original stimulus package. So where have they been? What are they saying to us today?

The amendment before us says that national service should not be funded until we increase support for campus-based aid programs including work-study, supplemental education, opportunity grants and the Federal Perkins loans. As a former college president, I know these programs are essential in providing colleges with the means of providing flexible student aid packages. And I understand that the Department of Education is working closely with the Appropriations Committee to restore funds for campus-based programs. I share that goal. I will support that. I will fight for that. And I hope we can count on the support of those who are sponsoring this amendment to do the same.

But one of the great strengths of our student aid system is that we have so many diverse yet complementary programs. These programs are all designed to increase opportunity. They enable people from different backgrounds and with different needs to receive the education that is so critical to success and work and in life.

National service complements these programs. It does not compete with them.

Mr. President, this amendment is not a constructive attempt to improve opportunity in America. As one who strongly supports both student aid and national service, I ask my colleagues to vote against this amendment and not aim a trigger at the heart and soul of national service.

I yield the floor to Senator WELLSTONE.

The PRESIDING OFFICER. There are 40 minutes of debate on the Domenici amendment.

Mr. KENNEDY. Mr. President, how much time does the Senator desire?

Mr. WELLSTONE. Five minutes.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized for 5 minutes.

Mr. WELLSTONE. Thank you, Mr. President. I will be brief.

I was able to follow some of the debate last night on the floor of the Domenici amendment. Besides wanting to make the obvious point that dealing with the Pell grant shortfall was part of the economic stimulus package—which a good many Senators, at least enough to prevent us from overcoming a filibuster, oppose, and I think it is important to get that out on the table—I just wanted to say to my colleagues that I too had a real concern, and have a real concern, about making sure that we continue with support on campus-based programs.

And there were a number of different programs that I was concerned about. As a former college teacher for over 20 years, I certainly do not want to see work study programs cut. I think they are extremely important. I certainly do not want to see a matching Federal grantor State program for low-income students cut. Those programs are important. I certainly think the Pell grant program is an extremely important program as well.

But, really, from talking with the administration, I think that many of us on Labor and Human Resources Committee, who are concerned about these programs, have received pretty strong assurance that we will see a restoration, going back to the 1993 levels. We have to do much better in the future. But as somebody who considered a similar triggering amendment, albeit not applied to the Pell grant shortfall, I feel quite confident on the basis of conversation with the administration that we are going to have a commitment to restoring that funding, in which case I felt there was no need, and still feel there is no need for such an amendment.

I think given that kind of strong commitment from the administration, we are not going to see this kind of tradeoff, that they are committed to making sure we restore that funding on the work-study programs. Such an amendment only ends up being, if you will, I think an unnecessary embarrassment of an administration that should not be embarrassed, given the fact that it has a very important initiative for this country, that I think, as the Senator from Pennsylvania said, really captured the imagination of many people in the Nation.

It starts out as a kind of model basis, and we build on it. In addition, I have to say—and the Senator from Pennsylvania knows this—from the wording, I have been concerned that those other programs do not get cut and even if people did not intend this to be the effect of it, I have been in some intense negotiations with the administration and feel like they have made the commitment on work study and campus-based programs, on restoring that, dealing with the Pell grant shortfall, in which case I think the amendment is unnecessary, and I hope my colleagues will vote against it.

I yield the floor.

Mr. DURENBERGER. I wonder if my colleague would yield me 5 minutes.

Mr. WOFFORD. Mr. President, I yield 5 minutes to the Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, this is a very difficult amendment. I think everyone acknowledges that. Nobody likes to be faced with the kinds of alternatives that our colleague from New Mexico is facing us with, because, as my colleague from Minnesota and my colleague from Pennsylvania and the chairman of the committee would indicate, we have done our best at the authorizing level to do full funding of Pell grants, work study, and the guaranteed student loan program, and everything else, as part of the appropriations process and budget process that keeps defeating it.

As my colleague pointed out, right or wrong, there was an opportunity to add money at one point, which did not come to fruition. We have to trust the process to deal with that problem. I must say that, as a Republican member of that committee, it is frustrating to authorize and make commitments for access to higher education, financing access to higher education, particularly for those in middle America and lower income America, and then not have the rest of this process follow through on that commitment.

Last year, I think we reauthorized the Pell grant program, and right now the authorization for the Pell grant is twice as high as the actual amount of money going out in specific grants. So we have college presidents and young people all over America, as my colleague from Minnesota pointed out, who are very frustrated about the reliability of this system to produce on its promises to guarantee equality of access to higher education.

I also understand the deep concern that people have about stipended service. I think the concern a lot of people in America have—and I will speak for folks on this side of the aisle—for the stipended service part of the national service program, is that it looks like our President is trying to add to the current access to higher education financing program several new programs, direct lending program, as in the conference right now. Now we have the stipended service program, and we are not even funding existing programs adequately.

So there is a great deal of concern in this country, in the higher education community, and on the floor of the Senate, which leads one to develop a great deal of sympathy for the amendment that is before us today.

I do not believe that this amendment is necessarily a trigger aiming at the heart of national service. I think the heart of national service is in everything else in this program. It is in the community-based programs, the kids from Pennsylvania and Minnesota, in the service learning programs, and it is in developing young people's leadership, and incidental to that, of course, is the opportunity for stipended services through this unique new program.

So I am going to oppose my colleague, even though it is difficult to explain, and it is certainly a difficult one to do. I am going to oppose it simply because I want to see the real national and community side of this bill passed. I want to see it adequately funded. I say to my colleagues—and particularly my Republican colleagues, who have been concentrating on the sort of entitlement aspects of this program—and particularly those who have been taking the President at his word, and that is he wants to open up this whole new approach of higher education at $5,000 a stipended crack per year, which used to be $10,000. There is a concern on this side of the aisle that we are opening up a new entitlement program.

Mr. President, I am going to offer, as quickly as I can, an amendment which we have been discussing with the sponsor of the bill and with the chairman of the committee and with the administration, which I was prepared last night to deal with, and I will be prepared as soon as possible to deal with, which changes this from a 5-year authorizing program to a 3-year authorizing program, and which has in it a series of studies that will appropriately deal with some of the issues and, hopefully, if we can reach the agreement, to have some dollar limitation to the amount of the expenditure, which I think will deal not only with people's concern about total dollars, which is a real concern, but about whether or not this stipended service program is going to be a substitute for Pell grants, or a substitute for work study, or a substitute for direct lending, or something else, which is a deep concern that I believe needs to be dealt with in connection with this bill, or we will not be able to guarantee the commitment to national and community service that my colleagues of the floor—and I trust the President—would like to develop.

I yield the floor.

Mr. WOFFORD. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 7 minutes, 12 seconds remaining.

Mr. WOFFORD. I ask unanimous consent that the time be charged against the other side, because Senator KENNEDY would like to finish the end of the debate, and we have heard nothing form the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, may I have 30 seconds?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. WOFFORD. I yield 30 seconds to the Senator.

Mr. WELLSTONE. I want to briefly respond to the Senator from Minnesota [Mr. DURENBERGER].

Mr. President, I think this whole question of the work study programs on campus is extremely important. I agree with the Senator, but I would like to repeat that, once upon a time, I considered such an amendment, but I really believe that anybody who wants to talk to the administration will find out they are making a commitment now to make sure that at least we stay at the 1993 levels.

I think we will do better in the future. Clearly, on the basis of my negotiations, that commitment has been made, and I think that is extremely important for people in the higher ed community, and for that matter, people in the country to know. For the future, I hope there is much more of a commitment of resources across the board.

The PRESIDING OFFICER. The time is now being charged, under the previous order.

Is the Senator from New Mexico seeking time?

Mr. DOMENICI. Mr. President, I believe my amendment is pending, and we have 20 minutes on a side.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I do not know that I need all of my time. I spoke most of my case last night, but I will review it. In the meantime, I will comment on a few statements that have been made about the amendment, and in some cases about me and what I intended here.

Let me say for starters, Mr. President, that this amendment has nothing to do with whether I trust the Subcommittee of Appropriations or the chairman and ranking member of an Appropriations Subcommittee. Frankly, I think I know my motives, and there is no motive here to degrade the work of the appropriators or of any specific committee.

I understand that perhaps Senator MIKULSKI has indicated that this might be what I am up to here. Not at all. I do not know how else to establish the policy.

Policies should apply to everything, whether it is appropririations or entitlements. And the policy I seek to establish in this amendment is very, very simple. We have Pell grants, work study programs, and the like, already being funded. They are tried and true educational subsidies, and assistance, and loans, and the like, for our young people in need. They are principally means tested.

They do a huge amount of good. They cover millions of students. We are kind of ratcheting down the Pell grants.

A number of educators have raised the issue of whether we ought to be more careful about starting a new program that is partially education at our college level; the 2-year vouchers for this national community service program are to educate young people who will then commit to doing service in their communities.

A number of educators have said, "What is going to happen to the Pell grants, the work/study program, and the like?"

I am fully aware that this is an appropriated account, that all of them are. In fact, I will offer later today, an amendment to make sure this is not an entitlement program, that the bill before us does not create an entitlement.

I am fully aware that all this is technical, that the funding for this goes before a different subcommittee of the U.S. Senate and House than the funding for the Pell grants. But I do not have any other way to attempt to have the Senate vote on whether or not they want to maintain, as a matter of policy, Pell grants and work-study programs at the level of last year's funding and make up for any deficiencies because we overspent in a program and we are still working on trying to pick that up.

I am suggesting that we not fund the new program unless and until we have funded Pell grants, work/study programs, and the campus-based programs at their 1993 levels addressed the shortfall in the Pell grants.

Frankly, it is not an amendment aimed at subcommittees of the U.S. Senate. Frankly, it is aimed at a very expensive new program versus a very reasonably priced program helping the poor who want to go to college, I, for one, want to make sure that the programs that are working well that are directed at the needy that want to go to college and need help—just as an example, there are 26,000 Pell grantees in my little State. I am seeing the occupant of the chair and just kind of guessing on a State population. There are probably somewhere between 50,000 and 75,000 in the State of Colorado. Frankly, if I understand this program correctly, the $389 million that is sought in the first year rounded to $400 million will only take care of 25,000 students from the whole country.

So it seems to me that this is a simple, forthright policy. Does the U.S. Senate want to express itself on a brandnew program that eventually is going to cost $10.8 billion over 5 years—and the only thing I can base that on is what the President asked for—and that only takes care of about 150,000 a year by way of new participants in this national corps, as I understand it? So, nothing is intended beyond that.

Some will now say this is not an education program and why should we tie the two together. Well, the carrot in this program is financial assistance for education. Hence, the programs are similar. But I will acknowledge that much more of the money is spent fulfilling on what comes after the carrot. The carrot is, "Sign up while you are in school and we will defer part or voucher in part of your expenses."

Then the big expenses come during the 2 years that you fulfill the responsibility, such that this program is perhaps as much as $17,000 per student—or American—that goes to college and does a year, $17,000 a year. Frankly, I personally, as one Senator, believe that will end up being higher. I will use the OMB numbers since they have attempted to evaluate it.

The House Appropriations Committee, just so we will understand, has already had to reduce the maximum Pell grant by $50 from $2,300 to $2,250. I understand that the administration does not favor that. I hope they are willing to try to do something about that. That would send a signal that they are for the same kind of policy that this amendment would put us on. This amendment would put us on, as a matter of policy, not just as a matter of what the President wants, but, rather, what the country would say: "Fully fund Pell grants and work/study before you start paying for this program."

Now, without my amendment, we will continue to draw funds from programs such as the Pell Grant Program to fund new initiatives. I do not know that it will always be 1 for 1, but when you end up with a program as large as this, $10.8 billion over 5 years, clearly you have got to underfund something or you have got to decide that you can just spend without restraint.

So I choose to establish just a bit of policy here. It has nothing whatsoever to do with whether I think this is a good program, whether on a scale of 1 to 10 with 1 being the best whether I think it is 1 or 10. Obviously, it has got some good qualities to it. It is very expensive and much more expensive than Pell grants and student work/study programs.

So at this point I will yield the floor and reserve the remainder of my time.

I am pleased to yield 3 minutes at this point to Senator EXON, who wants to speak in support of the amendment.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. Mr. President, I thank my colleague who offered the amendment, and I thank the Chair.

Mr. President, the measure before us is a very interesting amendment. It is an amendment that, in my view, the Senate should give a great deal of attention to. I believe that the concept behind the amendment, education and volunteer service combined, is a new play on a very old concept that I think has proven itself well over the years.

If you will take a look at the record of this Senator's vote on matters of education and voluntarism over the years, I think you will find nearly 100 percent support for things in this particular area.

I rise in support of the amendment offered by the Senator from New Mexico only because I have a strongly held view that whatever the merits of this program—and there are many—I think this is not the time for a new program when we are under a severe budget crunch, when we are right in the middle of very difficult negotiations with the House of Representatives on the budget reconciliation bill, attempting to do something at long last on the skyrocketing deficits and ballooning national debt that faces this country in the future and perhaps the future of this country as it affects those who would most benefit from this particular program if it is enacted into law.

I simply would like to make it clear, Mr. President, that while I think there are many worthy goals to this proposition, I know it is supported and is an important policy position for the President of the United States. I know many close friends of mine are actively supporting this. I am sure there are the votes to pass this on a bipartisan basis on both sides of the aisle. However, I hope that the Senate will give pause for consideration of some of the concepts and ideas and suggestions and arguments put forth by Senator DOMENICI and others.

I will not be supporting this measure, because at this particular juncture I do not believe we have the funds to make this program work, and starting a new project when we do not have other worthy projects, including the Pell grants, fully funded seems to me to be a step in the wrong direction rather than the right direction. Therefore, I will support the Domenici amendment, and in the end I will be voting against this measure for the reasons that I have stated.

I thank my friend from New Mexico and yield back any time that may remain on that yielded to me.

Mr. DOMENICI. Mr. President, how much time does the Senator have?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes remaining.

Mr. DOMENICI. I yield 4 minutes to the Senator from Kansas.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I appreciate the Senator from New Mexico yielding time to me for a few minutes.

I strongly support his trigger amendment.

He has also spoken quite eloquently to the cost of this program. It is one issue that we have tried to address here. It is not to say the program does not have importance, but that it could and should be shaped differently.

The argument has already been made that this amendment is not going to kill the education benefits in the bill, although it may well delay them for a time. It would delay them for what I think is a very important reason.

This debate should not be a fight between funding for Pell grants and campus-based education assistance, which comes through the Labor-Health and Human Services, and Education Subcommittee of Appropriations and the National Service Program, which comes through the HUD and Independent Agencies Subcommittee of Appropriations, because we are all engaged in addressing the discretionary funds that are handled through appropriations.

I agree with the arguments that Senator DOMENICI has made that it is very important that we honor commitments to the Pell grant program, which has proven to be successful in lending low-income people assistance with higher education. This commitment has been expressed over the years in terms of support for the Pell Grant Program, Perkins loans, SEOG, SSIG, and the college work-study programs. These are all very important programs. These programs have not been funded at the levels we would like to see in order to meet the needs of those who are eligible, Mr. President, and I think that does come first.

The amendment does not take away from the initiatives of the National Service and Community Service Trust Fund Act, but it is just making sure that our priorities are kept in place.

I strongly urge my colleagues to support the amendment of the Senator from New Mexico.

Thank you, Mr. President. I yield back my time.

I yield 2 minutes to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. SIMON. Mr. President, my friend from New Mexico is a constructive Member of this body. I have worked with him on mental health issues. Once in a while he, and I have to add the Senator from Illinois, are not immune to doing things on a political basis.

And the Pell Grant Program, I am all for it. I fought for it. I wanted to make it an entitlement program. I would love to have the Senator from New Mexico join me on that, and on the other programs.

The State student incentive grant programs [SSIG], the Republican administrations every year, from 1983 to 1992, asked for zeroing out that program. The SEOG, the supplemental educational opportunity grant, every year from 1983 to 1991, the Republican administration said: Let us spend nothing on that. The Perkins loans, they asked for zero funding for 4 years, and then in every other year but one, they got generous and they said, "We will only cut it 90 percent." My, what a generous move on their part.

Work-study, zero funding in 2 years; in other years, they wanted to slash it.

I welcome the conversion to these programs on the part of some of my colleagues. I think they are important. But what this amendment is attempting to do, frankly, is not to help those programs, which go to two different subcommittees in the Appropriations Committee, but to kill this bill. I think that is the reality.

We have to face that reality. I hope the Senate will face it in a proper way, and defeat the amendment of my friend from New Mexico.

Mr. WOFFORD. I yield 2 minutes to the Senator from Rhode Island [Mr. PELL].

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, as strong an advocate as I am of increased funding for our Federal student aid programs, I am compelled to oppose this amendment.

In linking national service to student aid, a trigger gives the impression that national service is a student aid program. It is not. It is a service program that has attached to it an educational benefit. The emphasis is on the service.

National service and student aid should stand alone, as two separate but highly laudable programs. If the idea is to protect student aid, that is not necessary. We cannot forget that it was the Clinton administration that sought some $2 billion in the economic stimulus package to completely erase the shortfall in the Pell Grant Program.

Further, the funds contained in the appropriations bill approved by the House for fiscal 1994 will, according to the most recent Department of Education estimates, fund a $2,300 maximum grant without any minimum student contribution provision. That is good news, indeed, and makes a trigger unnecessary.

Had we followed the administration's lead from the outset, this program would once again be on sound footing, and we would be in the midst of strengthening it. And had we followed the administration's lead, this debate over a trigger would be truly meaningless for the problem would not exist.

With respect to the campus-based aid programs, my understanding is that the administration is working with the respective appropriations committees to restore cuts that had been proposed in those programs. This, too, obviates the need for a trigger.

Mr. President, as my colleagues know, I am a longtime advocate of strong, well-funded Federal student aid programs, for Pell grants to campus-based aid. I am also a long-time advocate not only of national service but also of providing an educational benefit for the successful completion of that service. The two, to my mind are not Siamese twins. They are not tied together. They should each stand on their own. For these reasons, I must oppose this amendment and urge my colleagues to do likewise.

Mr. WOFFORD. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes and 3 seconds.

Mr. KENNEDY. How much time remains on the other side?

The ACTING PRESIDENT pro tempore. The Senator from New Mexico has 5 minutes and 34 seconds.

Mr. DOMENICI. I yield myself 2 minutes and 34 seconds.

I wonder if the Senator from Kansas will kind of set the record straight for us. Does the Senator know what President Clinton has asked for by way of funding in the programs that the Senator from Illinois just spoke about?

Mrs. KASSEBAUM. Mr. President, I would just like to set the record straight. It is not just Republicans that have been recommending some of the cuts in educational programs.

When President Clinton sent forward his 1994 budget, he recommended zeroing out the State student incentive grants, the SSIG. Since then, the administration has indicated a desire to come in at 1993 levels.

However, the original administration budget proposal did call for a total reduction in the supplemental education opportunity grants, college work-study, SSIG, and Perkins loans of $265 million.

So I think it is important to set the record straight. As I said, the administration has since indicated they would like to restore the levels to the 1993 level. But I think it is important to have the original request on the record.

Mr. DOMENICI. I thank the Senator. I appreciate her support for my amendment and her good common sense on the overall issue before the Senate.

Mr. President, let me just put in the RECORD a couple of facts on setting the record straight, also.

Since 1989, Pell grants have gone up 48 percent. I think that is a pretty good record for the last 4 years.

I do not mean to imply that past Presidents always supported those measures, but increased funding for this program is just an indication of what the U.S. Senate thinks of it.

I do not think there has been a full-blown effort on the part of Republicans to dramatically reduce that, but I could be wrong on that.

I close with a couple of other thoughts. First, I want everybody to know that I am not against——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DOMENICI. I ask for an additional minute.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. DOMENICI. I thank the Chair.

I am thoroughly in favor of our young people volunteering and getting involved in what is going on in our country, whether it be in our disadvantaged areas, in our schools, in our churches, or wherever.

In fact, without this program, I can personally say that I am familiar with hundreds of young people who are involved in voluntarism and there is no program like this. They are paid nothing. They do incredible jobs. Some work full time in the summers; some work part time.

As a matter of fact, it is estimated that there are about 40 million people in this country, many of them being in the age bracket covered by this bill, who are volunteering part time or full time in this country.

It is a grand concept. It is an American concept. We are changing the concept here to paying people for it and paying part of their college tuition. I merely raise this point; which should we be more concerned about, the Pell grants or the new programs?

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I have 3 minutes, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I yield myself 2½ minutes.

The PRESIDING OFFICER. The Senator is recognized for 2½ minutes.

Mr. KENNEDY. Mr. President, the idea of service in America is as old as the country itself. We have a GI bill. All of those who served in the Armed Forces received the benefits of education. Those who served received educational benefits. We had a cold war GI bill. Again, they received educational benefits.

There are those who think service is only in the military. Some of us however believe that service can also be to the community. That is what we are talking about. We are asking people to serve full time.

Mr. President, 90 million Americans volunteer 2 hours a week or more. They are not involved in this program. You are going to have millions of Americans in schools from K through 12. They will not receive the educational benefit. You are talking about full-time individuals who receive a minimum wage and then try to improve themselves. How? Through education. That is what this bill will do.

Second, all of us who have spoken in favor of this measure fought for the stimulus program that would have eliminated the Pell shortfall, they supported the supplemental appropriations which would have relieved it. We are all for relieving it and we will work with our Republican colleagues to do so. And we stand for funding a $2,300 maximum grant for the Pell grants. That can be done, and is being done. And the work/study programs, or college-based programs are, for the most part, being restored.

So I do not have any argument with my friend from New Mexico on the issues of policy and allocations of resources for Pell grants and for study. Nor will those who support this particular measure. But the facts remain that the figure of $10.8 billion is a complete distortion of where we are. The President initially asked that, but as the chairman understands, we are asking in here $389 million, and then such sums as we might need in the future based upon the performance of this program.

The Congressional Budget Office, which is recognized as bipartisan, and which officially estimates the costs for Congress, has estimated the spending will be, for national community service, $2 billion over 5 years. We are prepared to take Senator DURENBERGER's amendment, which is a 3-year authorization. This would reduce the spending on the program under CBO to $1.1 billion over a 3-year period.

Effectively, under the Budget Act there will be a prioritizing of various public policy with the discretionary spending caps imposed under the 1990 Budget Enforcement Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 10 seconds.

Mr. DOMENICI. Mr. President, there was reference to how much this program will cost. Let me suggest what the Congressional Budget Office has done is they have taken the first-year funding of $289 million and assumed it would not increase. If you want to buy that number, why do you not change this from such funds as are necessary to $289 million a year for the next 5 years? Then you will have what the Congressional Budget Office is saying this program will cost.

I think we may have a chance to vote on that later today or tomorrow.

Having said that, let me make one comment about this proposition before us. Again, I stress there are good concepts in this bill. The question that the Domenici-Kassebaum amendment raises is very simple. Do we want to establish an American policy that says Pell grants, fully funded, first; a new program that could cost $10.8 billion over 5 years, second?

That is the policy. If you want to vote against that, then obviously you can say I trust the Congress to take care of Pell grants; I trust Presidents to take care of Pell grants; I trust subcommittees to take care of Pell grants. And there are no personal aspersions on subcommittees.

The fact of the matter is the pressure is enormous. If you put a new program in of this size you change something dramatic. And I just want to establish as a matter of policy it is not the Pell grants and other student programs like work-study that are going to be cut.

Mr. KENNEDY. Will the Senator yield for a question? Would the Senator want to put in legislation that makes Pell grants an entitlement? Because I would cosponsor that.

Mr. DOMENICI. Not only will I not do that, but I will put an amendment in on this bill to make sure it is not an entitlement.

Mr. KENNEDY. I was just interested in the Senator's position on that.

The PRESIDING OFFICER. The time of the Senator has expired.

The Republican leader is recognized.

Mr. DOLE. Mr. President, I understand all time has expired on the amendment, is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 20 seconds remaining.

Mr. DOLE. Mr. President, I want to use my leader time on two other issues if there is no objection.

The PRESIDING OFFICER. The Senator has that right. Leader time has been reserved.

THE WHITE HOUSE SPIN MACHINE

Mr. DOLE. Mr. President, the White House spin machine is moving into high gear. It's no big surprise. As long as President Clinton continues to demand the biggest tax increase in history, the administration will try to use every public relations gimmick available to try to convince the American people that huge tax increases are warranted. Already, we are beginning to see supporters of the President's economic plan recycle what they were told in the White House's advocacy manifesto entitled "Hallelujah! Change Is Coming."

It is a nice little five-page document followed by a six-page document, and tells you how to use body language and how to avoid questions on specifics. It is very enlightening. I know many American people would like to have a copy of it so they can answer the questions when the bills come in, on how to use body language and do not answer any questions.

But, do not be fooled by the rhetoric. No White House factsheet or propaganda piece can change the fact that a world record tax increase is the centerpiece of President Clinton's plan to reduce the deficit.

THE SPIN VERSUS THE FACTS

On Tuesday night, in an appearance on "Larry King Live," President Clinton said:

> We found that the American people knew the most on February 17th, the night I announced the plan and went through it point by point, and since then * * * I have lost the ability to make sure everybody knows the things I want them to know.

Understand, "I want them to know." They sure have lost that ability. The American people said, I want to find out what I want to know. I do not care what the Republicans want to know or Democrats want to know or President Clinton wants to know. I want to know what is in that plan. And I am here to make certain people hear the things they need to hear to make a judgment, and a lot of people have because the support for that plan was around 78 percent in February; it has dropped to 30-some percent now.

So the American people are getting the facts. They know it is a big, big, tax bill.

On February 17, the American people heard the President give a great speech about the deficit. But, they did not get all the facts about the Clinton economic plan. All the polling information I have seen says one thing: The more people learn about the Clinton economic plan the less they like it. The fact is the President's plan fails to measure up to his rhetoric.

For example, President Clinton said in his speech, "We are eliminating programs that are no longer needed." But as Robert Samuelson pointed out in yesterday's Washington Post, the President and the Democrats in Congress have failed to deliver. "Not one major Federal program was ended; even the honey subsidy survived."

TAXES AND SPENDING CUTS

This week, the President repeated his claim that his plan contained "as many spending cuts or more than tax increases." It appears the President has gotten some bad information from his staff or whoever they are. They need to sit down and read the bills that were passed by Democrats in the House and Senate.

The White House spin doctors want the American people and the Democrats in Congress to believe that $44 billion in cuts approved by Congress and President Bush in the 1990 budget agreement, roughly $60 billion in net interest savings and another $15 billion in user fees, are tough, new spending cuts. They are not. In reality, we are talking about two bills that raise more than $2 in taxes and fees for every $1 of spending cuts. Another fact President Clinton may not want you to know is that both the House- and Senate-passed bills are really tax-now, cut-spending-later plans that delay the vast majority of the spending cuts—almost 80 percent—until after the 1996 elections. You wonder who figured that out? Somebody probably will get an award if it works.

Taxes start immediately, in fact some of the taxes started in January of this year. Six months ago the taxes started. It seems to me there are a lot of things about this bill the American people want to find out.

CHANGING DEFICIT ESTIMATES

On Tuesday night, Larry King asked President Clinton why he decided to break his campaign promise to give the middle class a tax cut. The President responded;

> When I became President * * * the deficit had been revised upward since the election quite a bit, over $125, $130 billion.

Remember, these higher-than-expected deficits were the sole reason President Clinton gave for abandoning his campaign promises to cut the deficit in half in 4 years, support $3 in spending cuts for every $1 of tax increases, or provide the middle class with a tax cut.

What the President neglected to mention was that his Budget Director, Leon Panetta, now admits that the administration's current deficit estimates show that over the next 5 years the accumulated deficit will be $64 billion lower than they thought it would be back in February.

I can understand why the White House wants to sweep these lower deficit figures under the rug. This new information blows their cover for the biggest tax increase ever.

They can eliminate a lot of these tax increases. They found $64 billion, whatever the figure is. It seems to me it takes some of the pressure off. I just hope that we can get to the facts.

Last week, the President urged Congress to base this deficit reduction package on "hard numbers and good figures." One way to do just that is to provide Congress with a complete set of the administration's most current estimates about the health of the economy and the budget situation as required by law. The administration should submit a full midsession review of the budget to Congress before we are asked to vote on the largest tax increase in history.

THE MAGIC TRUST FUND

Last night, the President said that all the money from his big, big tax increase "goes into a trust fund for 5 years to pay down the deficit."

I guess they have some big barrel someplace that they are going to keep this money in, and they are going to pay down the deficit. It does not work that way. This is what he said. He said all the money from his big tax increase "goes into a trust fund over 5 years to pay down the deficit."

Let us face it, no matter what you call this gimmick, moving tax dollars from one Government account to another is not going to reduce the deficit one dime.

The President should listen to Robert Reischauer, the Director of the Congressional Budget Office [CBO], on this one. In February, the President made CBO the official budget scorekeeper for the Federal Government. Well, in May, Director Reischauer testified before Congress that this trust fund was a gimmick that "could not ensure any deficit outcome."

TAX-AND-SPEND WILL NOT WORK

President Clinton admits that this record-breaking tax increase will not solve the deficit problem. Even if all the promised future cuts occur, the charts he trotted out again on Tuesday night clearly show that the deficit will start moving up again after 1997. Do not forget, the Republican alternative that Vice President GORE took time to criticize on Wednesday, continued to cut the deficit each and every year.

Here is the bottom line—the Clinton economic plan fails to get the deficit under control because it fails to control the runaway growth of entitlement spending.

This is no bold, new plan for America. It is more of the same old tax-and-spend recipe Democrats have been using for years.

OUR COMMITMENT TO DEFICIT REDUCTION

Those of us who oppose the Clinton plan are not suggesting that we do not need to reduce the deficit. I have been a strong advocate of deficit reduction for years, and I have the record to prove it. But, that does not mean we need a record tax increase to get the job done.

The only way the President can prove that he is a new Democrat who is serious about cutting the deficit is to step up to the plate and cut spending first.

Republicans are fundamentally opposed to the Clinton tax-and-spend plan for three simple reasons:

No. 1, the largest tax increase in the history of the world will not stimulate the economy. It will destroy hundreds of thousands, perhaps even millions, of jobs.

No. 2, a tax-now, cut-spending-later approach to deficit reduction sends the wrong signal to the American people. We do not believe that Congress will keep its promise to cut spending down the road. That is why we support a cut-spending-first approach to deficit reduction.

And, No. 3, even if all these promised future spending cuts occur, the Clinton plan fails to solve the deficit plan in the long run. What do the American taxpayers get in exchange for the largest tax increase in history? A deficit that starts moving up again after 1997.

CONCLUSION

These are some of the facts that the White House may not want the American people or my colleagues on the other side of the aisle to know. But, these are the facts. Important facts that everyone should understand before we vote on the biggest tax increase the American people have ever seen.

So, Mr. President, the tax-and-spend, or tax and pretend, tax and tax, and spend and spend—and we have a good example of a spending bill on the floor right now. We have not even passed the tax bill and we are already spending about $10 billion we do not have. I think this is a good example, this is exhibit A of this tax-and-spend program at work in the Senate right now—right now. We have a bill, we do not know how we are going to pay for, billions and billions of dollars. It seems to me we have to tax somebody to pay for this program. It adds up to tax-and-spend.

SALUTE TO ROSE KENNEDY

Mr. DOLE. Mr. President, on behalf of Senator ROTH, Senator HUTCHISON, and myself, I want to thank all those who have extended us birthday greetings today.

I also rise to say that all of us consider ourselves very fortunate to share our birthday with one of the most remarkable women of this century—the mother of the senior Senator from Massachusetts, Mrs. Rose Kennedy, who is 103 years old today.

Since her days as a child, when she accompanied her father, the mayor of Boston, to meetings with Presidents Cleveland and McKinley, Rose Kennedy has both lived and made the history of our times.

Last year, Senator KENNEDY said on this floor that his mother has been an inspiration to her family all her life. I know that is true, but I also know that the Senator was being modest.

For the fact is that Rose Kennedy's courage, grace, and grit, have inspired not just her family, but an entire country, as well.

Mr. President, I reserve the remainder of my leader's time.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. PELL. Mr. President, as strong an advocate as I am of increased funding for our Federal student aid programs, I am compelled to oppose this amendment.

In linking national service to student aid, a trigger gives the impression that national service is a student aid program. It is not. It is a service program that has attached to it an educational benefit. The emphasis is on the service.

National service and student aid should stand alone, as two separate but highly laudable programs. If the idea is to protect student aid, that is not necessary. We cannot forget that it was the Clinton administration that sought some $2 billion in the economic stimulus package to completely erase the shortfall in the Pell Grant Program.

Further, the funds contained in the appropriations bill approved by the House for fiscal 1994 will, according to the most recent Department of Education estimates, fund a $2,300 maximum grant without any minimum student contribution provision. This is good news, indeed, and makes a trigger unnecessary.

Had we followed the administration's lead from the outset, the Pell Grant Program would once again be on sound footing, and we would be in the midst of strengthening it. And, had we followed the administration's lead, this debate over a trigger would be truly meaningless for the problem would not exist.

With respect to the campus-based aid programs, my understanding is that the administration is working with the respective appropriations committees to restore cuts that had been proposed in those programs. This, too, obviates the need for a trigger.

Mr. President, as my colleagues know, I am a longtime advocate of strong, well-funded Federal student aid programs, from Pell grants to campus-based aid. I am also a longtime advocate not only of national service but also of providing an educational benefit for the successful completion of that service. The two, to my mind, are not Siamese twins and should not be tied together. They should each stand on their own. For these reasons, I must oppose this amendment and urge my colleagues to do likewise.

Ms. MIKULSKI. Mr. President, this trigger amendment would prohibit any funds from being spent on national service until certain education programs, for example, Pell grants, reach a certain level of funding. This amendment would make the spending of service funds, national service funds, in my subcommittee, Veterans, HUD, and Independent Agencies, contingent upon the action of the Labor, HHS Subcommittee.

Mr. President, I strongly oppose this amendment.

This is not some fussbudgeting over committee jurisdiction or some arcane debate on an obscure rule about the Senate's procedures. This goes to the heart and soul of national service, and it goes to the heart and soul of recognizing the separate jurisdictional powers of subcommittees on appropriations.

Let me be clear, Mr. President. I absolutely support the full funding of all higher education programs, Pell grants, work study programs, and any other program that gives self-help to those young people in America who say yes to school and no to a life of drugs, crime, or being a laggard in our society.

But this amendment is based upon a false premise. They say that national service funds are competing with education funds. That is not the case. National service funding will come out of my subcommittee, VA, HUD, and Independent Agencies. This is an independent agency. It is not under the Department of Education. It is an independent, freestanding commission that will function like the Corporation for Public Broadcasting, giving grants, and so on, to States to do national service and these vouchers for the national service program.

The deduction programs come out of Senator HARKIN's committee, Labor, HHS. National service was given to the Appropriations Subcommittee on Independent Agencies exactly because we did not want it to compete with education programs for funding. That is why it was done. As an independent agency, it was not meant to compete. And as you know, there is a wall between the subcommittees.

Now, Mr. President, this national service legislation is the expansion of the program that we passed in 1990. In 1990, we created a Commission on National Service. I have been in charge of funding it now for 3 fiscal years. We wanted to do a reasonable, rational, fiscally responsible, incremental approach to the funding: fiscal 1991, $57 million; fiscal 1992, $75 million; fiscal 1993, $75 million.

In all of those years, not one objection was raised that somehow or another the Commission on National Service was raiding the educational programs. If those educational programs were ever raided, they were raided during the Reagan-Bush years. And now, on the other side of the aisle, we have these born-again Pell grant supporters who currently embrace with passion their support for the Pell grants. Where were they in 1981, 1982, 1983, and through the rest of the decade?

I welcome the born-again Pell granters, and I hope they are equally as aggressive in Senator HARKIN's committee. But, Mr. President, this sets a dangerous precedent. Should we start funding this way, we could say any program should not be funded until something else is fully funded.

For example, I chair VA. I am passionate that veterans research be funded because it is clinical practice, hands on, which results in many surgical and other clinical breakthroughs. Suppose I offered an amendment that said no funding for NIH research unless VA research is fully funded. Well, that would not be right. Suppose I would say no funding for waste water treatment projects in New Mexico unless the needs of the homeless were fully funded. Should we then say no funding for the Environmental Protection Agency unless full funding is met in the WIC Program?

It goes on and on. This sets a dangerous precedent. I know that other people, like Senator BYRD, the chairman of the Appropriations Committee, will argue this.

Mr. President, I think this is a slap at my stewardship of the Appropriations subcommittee. This essentially says: Senator MIKULSKI, we do not have confidence in you. We do not think you are going to be able to handle this legislation. This essentially says: We are worried about the deficit; we are worried that you are going to do runaway spending.

Mr. President, we have been very prudent in the way we funded the existing Commission. We have been very prudent, and we will continue to be prudent. We will not rob other social programs like HUD, like VA, in my subcommittee. But let me tell you something. If it is the will of the Senate to pass this very bad precedent, I will then offer an amendment to take the jurisdiction out of my subcommittee and put it with Labor, HHS, and then they can really compete for funding.

But do you know what disturbs me? It is not about precedent. It is about the lack of grandeur in the debate on national service. We are creating another rung on the opportunity structure for the United States of America where young men and women, through their own sweat equity, can get out and work in their own communities, helping neighbor help neighbor, and at the same time be able to help themselves by earning an educational voucher which could be used for their student education.

We have turned the debate on national service from a grand debate on how to deal with our social deficit into a fussbudget, narrow-minded, penny-pinching debate on our fiscal budget. I think we need to get back to talking about what our social deficit is. I think we need to restore to the debate in the Senate a sense of purpose of where we are going, tied with fiscal prudence, but meeting national goals of cleaning up our environment, dealing with the issues of illiteracy, and many others.

Mr. President, I know many others are waiting. I believe that summarizes my argument, and I thank the Senate and the Chair for listening with such courtesy.

I yield the floor.

Mr. WOFFORD. Mr. President, in the absence of Rose Kennedy's son, I will conclude the debate by saying that this trigger amendment is aimed at the heart of the National Service Program. It may kill the National Service Program, but it will not add any funds. It will do nothing for student aid.

I ask my colleagues to vote against this amendment.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to lay on the table amendment No. 608.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. CRAIG], is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad

Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
D'Amato
Danforth
Dole
Domenici
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hollings
Hutchison
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Craig

So the motion to lay on the table the amendment (No. 608) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. WOFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, as I understand, the Senator from New Mexico has two additional amendments. We are in negotiation on those. I think we are going to be prepared to recommend that we adopt those amendments.

We have been in the process of moving along on a number of the Kassebaum amendments which we are prepared to accept.

I see the Senator from Oklahoma [Mr. NICKLES] is on the floor. I called him earlier to see if he would be available to offer his shortly. I understand Senator CRAIG wants to offer an amendment at the present time, and then I am hopeful that maybe we could go to the Senator from Oklahoma.

Mrs. KASSEBAUM. Mr. President, I believe the Senator from Oklahoma is ready to offer his amendment now.

Mr. KENNEDY. That would be fine. We would be glad to consider that particular amendment at this time.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 609

(Purpose: To ensure that federally subsidized living allowances are provided only during the first and second terms of service of participants)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 609.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 68, after line 25, insert the following:

"(g) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR FEDERALLY SUBSIDIZED LIVING ALLOWANCE.—No national service program may use assistance provided under section 121, or any other Federal funds, to provide a living allowance under subsection (a), a health care policy under subsection (d), or child care or a child care allowance under subsection (e), to an individual for a third, or subsequent, term of service described in section 139(b) by the individual in a national service program carried out under this subtitle.

Mr. NICKLES. Mr. President, this amendment is fairly simple, and I understand from the managers of the bill that it is acceptable. So I will be fairly brief.

In the pending legislation, we limit the educational benefit, the so-called $5,000 benefit, for any individual to 2 years. So if one individual works 2 years in this process, or signs up for 2 years, they can receive $5,000 for each year, which is $10,000. Also, they would be obligated to provide services for 2 years in exchange for that, or at least for 1 year for each year of educational benefit. And with that service, they would receive a stipend, which most people said would be connected to minimum wage, and also receive health care benefits, and they would receive possible day care benefits.

Those benefit portions are paid in the following manner, 85 percent of which is paid by the Federal Government—that is, the health care benefits—and the Federal Government pays 100 percent of the child care benefits, and I believe 85 percent of the so-called stipend.

Mr. President, what this amendment would do is limit the Federal Government's obligation to any one individual for the benefits portion to 2 years. We limit the educational portion to 2 years. Likewise, this would limit the stipend, the health benefits, and the day care benefits, the Federal Government subsidy, to 2 years, and if the individual wants to continue under this program, they could, but without the Federal Government subsidy.

Maybe a local sponsor would pick it up. Maybe they would do it totally as a volunteer. I do not know. But at least this would limit the Federal Government subsidy to no more than 2 years for any one individual.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for the amendment and the clarification. It was never intended that there by any ambiguity about the number of years for which participants can receive stipends.

So, I thank the Senator for bringing this to our attention. It was certainly our purpose in development of the legislation to have that 2-year limitation in place. The Senator's language makes it explicit. I would think it is a useful addition.

I urge the Senate to accept that amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 609) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator KENNEDY from Massachusetts, for his support of that amendment. I think that amendment is a step in the right direction.

I see my friend and colleague from Minnesota is here. I might just tell my colleagues that we have a couple more amendments, one of which I believe will be accepted, and that is an amendment that Senator DURENBERGER is interested in. It would provide or call for a sunset provision after 3 years. I also have an amendment calling for a sunset provision after 3 years, and I am hopeful that will also be adopted in the near future.

Mr. President, I have another amendment. I am not going to offer it now. We are going to have a conference on the Republican side of the aisle on this bill in just a few moments. I might discuss it for a couple moments.

(Mrs. BOXER assumed the chair.)

Mr. NICKLES. Madam President, this is an amendment that would limit the total exposure to the taxpayers over the next several years of this bill.

This bill, like a lot of bills, has a lot of support. It is like an authorization bill that is very open-ended. It says we will authorize, we will pass budget authority for the National Service Corporation of $394 million in 1994. What about 1995? What about 1996, 1997, and 1998?

It says "such sums." For those who do not follow the authorization process, this is a 5-year authorization process, and I hope we will be successful in limiting it to a 3-year authorization so we can take a look at it. It is a brand new program. It is a very expensive program. So I think it makes good sense to have a shorter sunset period, and I am hopeful that that will be adopted.

How much will this program cost in 1995, 1996, 1997, and 1998? I see the chairman of the Budget Committee, and he, I am sure, should be concerned about this as well.

I also happen to be on the Appropriations Committee, and I see us all the time authorizing legislation far in excess of what we have the capability to appropriate funds for. The authorizations, many times, exceed by billions of dollars of what we can actually provide appropriations for.

I think that is what is going to happen, because President Clinton's budget calls for increasing the authorization. It starts at $394 million in 1994, but in 1995, 1 year later, that figure more than triples. It goes up to $1.2 billion. That is in 1995. In 1996 it almost doubles again, $2.4 billion, and by 1997 and 1998 $3.4 billion.

So, we are taking a new program that starts at less than $400 million, that does not sound like much, it is going to benefit 25,000 students or individuals. And, bingo, in 4 years the cost of this program is going to be $3.4 billion and we are going to be benefiting under the President's proposal 125,000 students. That is an enormous, rapid-growing program. It is an escalating program that, in my opinion, will be escalating out of control.

Madam President, the cost per person and how we are benefiting them compared to other educational types of assistance, I think is very interesting to note. We look at Pell grants. In 1991–92 we had over 4 million beneficiaries in Pell grants. They received a grant. They were low-income individuals. They received this financial assistance. It cost the Federal Government $5.37 billion. We have student loans, most of them guaranteed student loans, low-interest loans. We had 4.8 million beneficiaries and it cost the taxpayers a little over $2 billion. National service, by the year 1997, will cost $3.4 billion and only have 150,000 beneficiaries.

So you note the numbers of beneficiaries. You have 4 million beneficiaries in Pell grants, almost 5 million beneficiaries from students loans, and only 150,000 beneficiaries under the National Service Program.

I might mention that a lot of people have been led to believe that this National Service Program is going to be benefiting millions of people. That is almost campaign rhetoric, I guess.

As a matter of fact, I heard the President of the United States on "Larry King" the other night, and I will read what he said: "I want my national service plan to pass that will open the doors to college educations to millions of Americans."

Wait a minute—millions of Americans. This is only 150,000, and that is by the year 1997. In 1998 we are talking about 150,000, not millions of Americans, and that is 150,000 students at a cost of $3.4 billion. If it is 150,000, and he is talking about millions of Americans—well, if it is a million and half Americans that is a cost of $34 billion a year. If you are talking about millions of Americans, and I guess 2 million would maybe count as millions, you are talking about $68 billion a year. You are talking about a program that we do not even have on the books right now that the President of United States is talking about benefiting millions of Americans. So it is going to cost multibillions of dollars; $3.4 billion just to help 150,000.

So, if we are going to help out 2 million students or 3 million students, this is going to be an enormously expensive program—one, frankly, that we cannot afford.

Is it not interesting to note that at the same time we have individuals in Congress, both the House and the Senate, who are conferring on ways to raise taxes. I hear everybody running around, from the administration, saying they are raising taxes; not to spend more money on new programs, they are raising taxes to bring the deficit down. And many of us on this side of the aisle stood up and said, "No; they are really raising taxes so they can spend more money."

That is exactly what is happening. We are creating a brand new program, a National Service Corporation, a Federal corporation. We are going to tell the States to set up their own individual corporations, and we are going to be spending money at an astronomical pace.

Again, look at the cost per person. When you talk about national service, a lot of people seem to think that sounds nice—national service. We want everybody to work for the country.

We do not want everybody to work for the country. We cannot afford it. I do not want everybody to work for Uncle Sam. I do not have to pay the bills. I do not want my children to have to pay the bills.

Do you know how many students are in America? It is something like 16 million or 18 million students right now in college. This plan only helps 150,000.

So you can see that this is not national service from the concept that everybody in America is going to participate.

Well, what about the cost per person who does participate in the program? The cost for Pell grants, the cost that was provided in 1991 for the 1991 and 1992 academic year was $1,335 per person in Pell grants.

What about student loans? The cost of student loans for the 1991 loan volume was $416. That is not the value of the loan. That is the cost to the Federal Government of the loan and that is interest expense and defaults, what we have to pay, what the Federal Government has to write a check for. The cost per person, $416. Of course, they are able to borrow more than that.

What is the cost of the National Service Program? The cost of this program is astronomical. It is not a $5,000 educational stipend per year. That is one of the benefits. But also, in addition to the educational benefits, you have a job, you have a wage. Most people said it was going to be minimum wage. Actually, I think, in reading of some of the language, they are trying to tie it to other national service programs. The VISTA Program costs $16,000 a year. That is the role model that we are looking at.

In addition, we are going to pay health care costs. In addition, we are going to pay day care costs.

The administration figures—and again these are not DON NICKLES' figures, these are administrative figures—they say, "Well, it is going to cost $3.4 billion, and we are going to benefit 150,000 participants."

If you divide those figures, takes $3.4 billion and divide it by 150,000, the cost is $22,667 per person. That is an enormously expensive program. That is per year.

So an individual can receive this benefit, and we will pay the cost of this program, if a person participates 2 years, twice this amount, over $45,000. We are talking about real money. We are talking about spending $45,000 a year so an individual can have 2 years of college assistance.

Again, I just compare this program to the Student Loan Program and the Pell Grant Program. This is an enormously expensive cost to the taxpayers of America for an individual to go to school.

If we are going to sell this, as the President has been trying to sell it, as an educational program, well, let us modify or improve the student loan program. That seems to be a very good program and pretty economical. I do not doubt that we need not make some improvements in it, because I know the default rates are high.

I might mention, what the President calls for is direct Government loans. I think the President should be able to make the banks participate in the risk. Instead of having a loan guaranteed by the Federal Government 100 percent, let us have the Federal Government guarantee maybe 80 percent.

With Pell grants, we are helping people on the low end of the economic scale at a cost of $1,300. That is estimated to increase since we have increased the eligible amount and income amounts. But that still is so economical compared to national service, because national service, in addition to the $5,000 that we give them, we are going to take care of them for a year, because they are going to have a job for a year. They are going to have health care for a year.

And I am afraid, too, what are they going to be doing? What will this individual be doing during this period of time? I do not doubt they will find a lot of good things to do. There are some real needs out there, community needs.

But, really, a lot of those community needs are being met by volunteers all across the country today. We have a lot of volunteers.

I heard Senator DOLE say we have 100 million volunteers. I think he is right. We used the statistics from the Statistical Abstract of the United States. We are talking about 38 million Americans working for volunteer causes.

Again, I think probably the 100 million figure is more accurate. It kind of depends on the definition of work, whether you are talking abut a couple hours of volunteer time for a week, maybe somebody that is a little more aggressive and punches the clock and really does work in a volunteer organization. But we have millions of volunteers throughout the country.

This program, when it is fully implemented in 4 or 5 years, will have 150,000 participants. They will be paid, but they will also be told, "Now, to receive this educational benefit, you have to work at least 1,700 hours a year."

Now, most people in the private sector work a lot more than 1,700 hours per year. If you work 40 hours a week, that is 2,080 a year. We are telling people under this program, all they would have to work would be 1,700 hours per year.

What will they be doing? That would be determined by Government. And I am concerned about that. I do not doubt that we will find some good projects for people to work on that will help people.

But I also have serious concerns about Government finding things for people to do that, in many cases, a lot of people might not agree with.

And again, we are talking about scarce resources on the Federal side.

I really love these people that are volunteering, that maybe are not being paid or maybe they are being paid almost nothing, volunteering their time maybe for the Red Cross, the Salvation Army, the Boy Scouts, or a youth group, or you name it. There are countless volunteer organizations all across the country that have done a great job.

Why in the world should we have the Federal Government come in and say, "Wait a minute. For some of these jobs, we are going to have a special benefit. Some of you are going to receive $5,000 if you offer to volunteer or you offer this community service."

All of these other individuals that are volunteering, they do not get paid anything or maybe they get paid a little bit from the organization that raises this money. The United Way, they raise the money from local individuals. They are out hustling, trying to help people put food on the table for people that do not have it. And so now we are going to have Federal bureaucrats in a very small number of cases come in and try to say we will do some of the same things. Some of those volunteers may say, "Wait a minute. Why should I do this? They are getting paid a $5,000 educational benefit. They are going to get $5,000 for doing basically the same thing I am doing, plus they get health benefits. I am not going to do it unless I get similarly compensated."

I think it would have a very negative impact on the millions and millions of volunteers that are in this country.

And so I would just tell my colleagues that we will have some additional amendments. One amendment will be to have a sunset provision that will limit this program to 3 years. Hopefully, we can get it limited at a lower amount. I do not know that we should start a program of $400 million and in 3 or 4 years be up to $3.4 billion, almost 10 times the amount that it is in 1994.

And I will tell my friend from Massachusetts that we are looking at an amendment that will limit that authorization. We are looking at one amendment that will limit it at $394 million for the next 5 years. It could save billions and billions of dollars.

So I want my colleagues to know that we are looking at that. Because I am one person that really has a concern when we pass authorization bills and we put such sums as necessary. That is a blank check, and that is a blank check I think the American taxpayers and certainly the Federal deficit cannot afford.

Mr. President, I yield the floor at this time. I will return some time later to offer one or more of these amendments.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I appreciate the position, although I differ with the position held by the Senator from Oklahoma. We will have an opportunity to debate any additional amendments that are forthcoming.

But I want to just take a few moments of the Senator's time and then hopefully we will have a chance to move along in terms of additional amendments.

Mr. President, this is not an education program. This is a service program.

This National Service Program will develop a range of opportunities for Americans to volunteer, to give something back to their community in return for all that it has given to them.

Part of this program is a program for what we call Serve America.

We have 45 million students in high schools, K through 12. In a number of schools in my own State and in a number in the State of Maryland that have been referred to by Senator MIKULSKI and others, these young students in kindergarten are volunteering to fold napkins, developing centerpieces for senior citizens' homes and for homeless shelters.

Fourth graders are adopting a senior citizen in a nursing home, calling them every day, speaking with them for 5 minutes, visiting them out in their nursing home on Valentine's Day or their birthday.

Sixth graders are visiting nursing homes, doing pantomimes. The great children's tale about the race between the rabbit and the turtle. Anyone in this body that has ever seen children do that particular play in a nursing home knows that the joy that takes place among those senior citizens is absolutely inspiring.

The 8th through 12th grade students in Springfield, MA, go down, under supervision, and work with students on helping them with language development, tutoring those students, writing little books; and these children prefer, actually, the ones that they write to ones that are bought and sold.

None of those individuals get a nickel in educational benefits. What they do is serve this country and communities. That is the essence of the program.

The President has challenged this country to try to offer opportunities for voluntary service, from kindergarten to the day you die. We must tap and are tapping that spirit. There are 90 million Americans who work every week for 2 hours or more. Wonderful; we are encouraging students to do that in high schools. Sometimes, to organize those particular activities requires giving those students a ride to the nursing home. In other cases a school needs a phone so these children can schedule visits. Someone has to be there when you have the 8th through 12th graders supervising these sons and daughters of working Americans. The kids are volunteering and glad to do it. They are inspiring other children. But there has to be some supervision and this supervision or logistics costs a small amount of money. Our program supports this.

If the Senate wants to discuss Pell grants, or Stafford loans, I am glad to do that. I think we ought to fund more of that kind of spending than the billions of dollars to the super collider or billions on the space station.

The President is interested in challenging people. He is interested as well in reaching out to those 700,000 Americans who drop out of school every year, to those who want to return to school, or college. Maybe the sons and daughters of working families who do not have the resources want to be able to serve. And throughout the history of this country, people have served—generally in the military, as noble as that is, and it is a noble profession. Some of us believe that service to one's community is equally important, and should be encouraged. The legislation funds many different streams of chichas.

We should evaluate those programs to find out which ones work and which ones do not. How important is a stipend? Find out, if this program is the spark to get a participant to further education? See if participants continue their public service after they leave programs?

Thousands of the young men and women who work on Capitol Hill are former Peace Corps people. And they are continuing their public service. Obviously, they are getting paid now. But, nonetheless, their service clearly had an important impact on the direction of their lives.

We have been discussing dollars and cents all morning, and Lord knows we should. But there is also a texture to our society, and a quality to our society that cannot be measured in dollars.

The Older American Volunteer Programs funded under this act have proven their success for some 30-odd years.

An experience I had in visiting some of the Dade County schools down in Florida demonstrates their impact. They had an enormously interesting superintendent who since left, Dr. Fernandez. He went out and challenged the retired elderly in the county to assist local schools in teaching drama, theater, painting, photography, and other subjects; 25,000 senior citizens became involved and found their lives enriched.

It was interesting that when the local educational bond issue was later voted on, the community found that 65 percent of those over 65 years of age supported the bill. The elderly people felt part of the community. Do you know what happened? The costs for those school districts declined and the county was able to raise the pay for some teachers. In addition, academic achievement was improved in local high schools.

We have to have some imagination in how we bring service into our communities.

There are parts of this program that have been developed because people believe in service by seeing its impact in different communities. What we are trying to do here is offer that opportunity for service. It is a limited investment. But we believe it will pay off, especially as modified by the careful evaluation and a 3-year sunset provision proposed by Senators DURENBERGER and NICKLES which we plan to incorporate into our legislation. We are also taking recommendations and suggestions of the Senator from Kansas to determine and review the motivations for people to serve; whether or not they stay in public service; whether you can interest people in public service with a smaller stipend? All of those matters I think are fair for review and for study. We do not fight those ideas. We are prepared to have a thorough examination so we can return 3 years from now to show how a minimal investment has opened up opportunities for service to the communities. That is what we are trying to do.

I am not going to take the time to put into the RECORD now so many of the voluntary flood relief efforts of communities working in the Midwest and other volunteer programs. It is truly inspirational. I think many of us over the last few days have been inspired by this outpouring of support and voluntarism in our country.

But voluntarism in our society is not limited to those Americans with large pocketbooks or wallets. Voluntarism exists, more often than no, in those struggling to make ends meet. We want to ensure that this noble instinct to serve will not be snuffed out by the inability of those to serve. A modest living allowance will allow them to survive and improve themselves through education.

Mr. President, I yield the floor. I hope we will be able to address some of the amendments that are forthcoming.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Madam President, I ask unanimous consent that Evvie Becker-Lausen, of Senator DODD's staff, be granted privilege of the floor for the remaining consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I understand there is a caucus that is taking place for the next 45 minutes by our Republican friends. I wanted to mention some of the programs that will be incorporated within this community service legislation while we wait for them.

I refer to programs in my own State of Massachusetts such as the Retired Senior Volunteer—often called the RSVP Program which involves retired seniors in community service. In Boston, we have 815 retired citizens who collectively contributed 253,000 hours a year at 116 different sites.

In Chicopee, MA, Holyoke, and Ludlow, there are 565 volunteers contributing 80,000 hours at 52 projects. In Dedham, 620 volunteers contributed 184,000 hours at 47 locations. In Fall River, 430 volunteers worked 121,000 hours. In Gloucester, 600 volunteers; Hyannis, 685; Lawrence, 385; Lowell, 515.

These are some of the communities with enormous challenges. In Lowell, MA, we have the second highest Cambodian population in the world outside Phnom Penh in Cambodia as a result of the flow of refugees.

These seniors, 515 of them, are working within the communities in a wide variety of ways—tutoring, providing language training. They are serving some 62,000 hours. In Northampton, MA, 510 seniors are involved.

In total, 8,500 in my State are volunteering over 1,500,000 hours in the RSVP Program. The Federal cost per hour is only 43 cents per hour of service. That is the minimal investment we are talking about in this legislation.

I will include also in the RECORD the Maryland Student Service Alliance Program. Service learning, integrating community service into education, is what this program provides. It will hopefully reach every school in this country, expose every student to service.

As one example, the Chesapeake Bay Middle School provides service learning by preparing and serving meals at a local soup kitchen. Students in health and science classes learn about nutrition by planning and preparing meals. Then the students visit the soup kitchen and serve the meal to hungry clients.

In Middletown High School, Frederick County, MD, students in 10th grade English classes read "Great Expectations" by Charles Dickens and learn about grinding, abject poverty. They investigate poverty issues in their own community and undertake projects to address that poverty. Some students work at a food pantry; others help maintain an emergency shelter for battered women and their children; still others advocate for full funding for the Women, Infants and Children Program.

There is also the Col. Richardson High School in Caroline County, MD. During the second semester of ninth grade civics, students put into practice their learnings about local communities in the first semester. Students work in teams to research a community problem, devise a solution, and carry out their plan. Some students start their own projects; others lend their energies to existing service organizations in the community.

In the Serve America piece of the legislation, programs are going to be developed by the students, and have a community service and educational component.

This is the kind of flexibility necessary to accommodate varied schools. All of these schools are somewhat different but all share the interest in trying to offer some opportunities to allow service. We have seen countless other examples of those types of programs in existence.

I ask unanimous consent to print in the RECORD other service learning examples of the Maryland Student Service Alliance.

There being no objection, the examples were ordered to be printed in the RECORD, as follows:

MARYLAND STUDENT SERVICE ALLIANCE

SERVICE-LEARNING EXAMPLES

Dr. Bernard Harris, Sr. Elementary School, Baltimore City, Maryland: Second and third graders enhance their reading and math skills by participating in the "Pennies of Love" project. The students designed the project to raise money to buy underwear for homeless children. Students earn a penny a page from parents for any leisure reading they do. In math class they chart how much money they earn and calculate how much money they need to earn to buy enough underwear for the children at Bea Gaddy's Shelter in Baltimore City.

Somerset Elementary School, Montgomery County, Maryland: First grade students practice reading when they visit senior citizens at a nearby nursing home once a month. Students read their favorite stories out loud to their senior pals.

Harpers Choice Middle School, Howard County, Maryland: As part of their learning about the environment in 7th grade science class, students plant trees to create habitats for birds, travel to the Eastern Shore to plant marsh grass along the Chesapeake Bay to slow erosion of the shore line, and stencil "Don't Dump" on storm drains. The students refine their persuasive writing abilities in English class by writing letters to politicians and newspapers to advocate for a clean environment. They also write letters to local businesses to solicit contributions so they can purchase materials for their projects.

Mr. KENNEDY. Madam President, I will talk briefly about a very interesting program which I helped develop. The program was actually suggested to the Bicentennial Commission on the Constitution during a public hearing to solicit ideas of witnesses regarding national needs.

There was a very interesting suggestion that while we focused on the Constitution during the Bicentennial, there are millions of Americans who, first of all, cannot read it, let alone understand it. At least we ought to give attention to some of their special needs.

From that idea we developed the Literacy Corps, which operates now in the Department of Education. This program will operate in tandem with the National Service Program proposed in our legislation.

The program was set up to provide grants to higher education institutions in order to promote literacy programs and encourage student involvement in community service projects. Grants are awarded to institutes of higher education to promote literacy programs in their communities. The Secretary is authorized to make grants to the institutions. An institution seeking a grant must apply to the Secretary of Education and meet certain requirements. They must show participation in community service activities and must establish courses requiring voluntary work.

For fiscal year 1993, the Secretary of Education is allowed to appropriate up to $5 million—not a lot—in grants for the student literacy corps.

Here are some examples:

Bunker Hill Community College, which was among the first to receive literacy corps grants, received funding until 1 year ago. the programs established at Bunker Hill involved between 10 and 20 students per year who were trained to assist Boston elementary and secondary school teachers as literacy tutors. These students were estimated to have worked with an average of five students each.

It is very interesting. Initially, there was some resistance and reluctance of the teachers in having these student volunteers. But, by a third of the way through the year, the teachers working with these young people talked about how absolutely indispensable their service was to improving literacy.

Southeastern University in Dartmouth, MA, worked in conjunction with ITECH to provide university students to tutor in elementary and secondary education. These students were scheduled to go to high school every day and received learning credit for their work. This has been replicated at Simmons College and others. It has been a resounding success.

At Cape Cod Community College students were trained to work with non-English-speaking students. Eighteen students were involved with the volunteer program, and received one credit for their tutorial work.

Boston University established a pilot program to put possible teachers in Chelsea classrooms, which at the time was among the poorest school districts in the United States. Students worked 1 day per week tutoring students and assisting teachers who had never had assistance before. The program lasted for 2 years and involved 35 students, confirming these students desires to become teachers. This pilot program led to a larger program that involved 75–100 students per semester.

The Stonehill College program is in its eighth year of operation. Each semester 10–15 students take a very demanding course which requires at least 6 hours per week of service. These students work one on one with children in great need in six Brockton elementary schools and many of the students continue to volunteer after the completion of the semester. These students also benefit by coming into contact with lifestyles greatly different from their own. The grant that Stonehill received helped expand the program and allowed administrators to go to national workshops and talk to education experts. Partly as a result of the grant the school now has a complete public service orientation. A number of students involved with the program even changed their majors to become teachers. While the community work these students performed was almost always their first involvement with community service, most of the students continued their community involvement in one way or another.

The program at the University of Massachusetts in Boston is unique because it works exclusively with non-English-speaking immigrant and refugee communities. The program recruited bilingual undergraduates and placed them in 16 adult programs, often, but not exclusively within their own communities. These programs, which in many cases had hundreds on waiting lists, taught English as a second language and also native language literacy. The undergraduates worked in both small groups or one on one situations and overall helped over 300 adult students.

While the program addressed the problem of adult literacy in immigrant and refugee communities in Boston, and helped diversify the teaching programs at the adult literacy centers, it also had a significant effect on the undergraduates involved in the program. The program gave the students, many of them immigrants, a chance to learn about each other's communities, and helped many of them choose to become social workers or teachers. In fact, many of the students stayed on as permanent staff in the agencies they were assigned to or obtained jobs as teachers or TA's before and after graduation.

The grant was especially helpful at a time when the schools' programs were being cut across the board and administrators of the program expressed a desire for the program to be expanded, even though they continue to train tutors at a reduced level.

I am very proud of these programs and what they have achieved at little cost.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

AMENDMENT NO. 610

(Purpose: To grant an extension of patent to the United Daughters of the Confederacy)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. LOTT, Mr. COVERDELL, Mr. FAIRCLOTH, and Mr. COCHRAN, proposes an amendment numbered 610.

At the appropriate place add the following new section:

SEC. . EXTENSION OF PATENT FOR INSIGNIA.

A certain design patent issued by the United States Patent Office on November 8, 1998, being patent numbered 29,611, which is the insignia of the United Daughters of the Confederacy, which was renewed and extended for a period of fourteen years by the Act entitled "An Act granting an extension of patent to the United Daughters of the Confederacy" approved November 11, 1977 (Public Law 95–1468; 91 Stat 1349), is renewed and extended for an additional period of fourteen years from and after the date of enactment of this Act, with all the rights and privileges pertaining to the same, being generally known as the insignia of the United Daughters of the Confederacy.

Mr. HELMS. Mr. President, the pending amendment, cosponsored by Senators LOTT, FAIRCLOTH, COVERDELL, and COCHRAN, has to do with an action taken by the Senate Judiciary Committee on May 6, which I am inclined to believe—and I certainly hope I am correct—that the distinguished Senators on that committee did not intend.

The action was, I am sure, an unintended rebuke unfairly aimed at about 24,000 ladies who belong to the United Daughters of the Confederacy, most of them elderly, all of them gentle souls who meet together and work together as unpaid volunteers at veterans hospitals and many, many other places.

These ladies, for example, present awards each year at West Point, the Naval Academy, and other military institutions, to honor young people whose academic achievements merit special attention. These ladies raise and/or contribute hundreds of thousands of dollars each year in scholarships. They perform charitable work at homeless shelters, at food banks, at homes for battered women. They are the only private organization authorized by the Defense Department to award crosses of military service and national defense medals. When the military calls, the Daughters of the Confederacy always answer.

Most of these ladies, as I say, are elderly, and are not the kind of gentle souls when the Senate Judiciary Committee should want to offend deliberately, let alone rebuke. I am sure that the committee's action on May 6 was not intended to have that effect.

Therefore, Mr. President, I have offered the pending amendment to set matters straight with these 24,000 delightful ladies, many of whom live in the few remaining rest homes established decades ago to care for the widows and daughters of Confederate soldiers.

Let me say again that I believe that the May 6 action by the Judiciary Committee was the result of a good faith misunderstanding. I sincerely hope that we can remedy that error now.

I have to be honest, Mr. President. I was not aware that many organizations—for example, the American Legion, the Sons of Union Veterans, the Daughters of Union Veterans, the Ladies of the Grand Army of the Republics, and the United Daughters of the Confederacy, among others—have been given patent protection by Congress for many, many decades. All of these organizations, and others, have their own insignias and badges, and so forth. Since 1898, Congress has granted patent protection for the identifying insignia and badges of various patriotic organizations. That patent protection runs for 14 years for each organization, and has been renewed automatically for these organizations in various years.

Recently, for example, the patent protection was extended for the Sons of the Union Veterans, the Daughters of the Union Veterans, and the Ladies of the Grand Army of the Republic.

This year, it was the American Legion's time, also the time for the United Daughters of the Confederacy to have their patent protections extended.

But as I say, through what I certainly hope, was a misunderstanding, the UDC's patent extension was dropped.

Although I have already touched on many of the activities of this organization, I believe it would be in order for me to review the history of service of the United Daughters of the Confederacy.

In the years following the War Between the States, thousands of men and women came together in reunions across the country. They buried the sword, and they paid honor to each other. It was in this spirit that Congress and Presidents Arthur, Cleveland, Harrison, and McKinley—the last two being former Union soldiers—encouraged the formation of groups such as the United Daughters of the Confederacy, not to refight battles long since lost, but to preserve the memory of courageous men who fought and died for the case they believed in.

The United Daughters of the Confederacy was established in 1894 by wives, widows, and daughters of the soldiers who fought for Southern independence. The organization currently has 24,000 members, in 31 States, and is totally dedicated and devoted to patriotic, educational, and charitable work, as I have indicated heretofore. More than 80 percent of the members also belong to the Daughters of the American Revolution, an organization which has its symbol protected by congressional patent.

When America faces a world crisis, the UDC responds. In the First World War, President Wilson called upon 100,000 members of the UDC to assist in that effort. They provided and they manned ambulances in France. The UDC paid for hospital beds in army camps and refugee services for French and Belgian orphans.

In World War II, the UDC answered Franklin Roosevelt's summons by sponsoring the Nurse Cadet Corps, by raising money for war bonds, and by organizing blood plasma drives. The head of the Texas chapter, Oveta Culp Hobby, was asked by the Chief of Staff of the Army, Gen. George C. Marshall, to draw up the plans for the establishment of the Women's Army Corps, known to history as the WAC's. And this same Oveta Culp Hobby was the first Secretary of Health, Education, and Welfare under President Eisenhower. This lady, as I said, was president of the Texas chapter of the UDC.

During Korea, Vietnam, and Desert Storm, the UDC served their country by ensuring that soldiers and sailors were taken care of both during and after the battle. As I said earlier, the UDC chapters across the Nation donate thousands of hours and dollars to Veterans' Administration hospitals and to the patients in these hospitals.

Since 1898, the Congress has renewed the patent for the UDC insignia every 14 years. Each time the renewal was passed unanimously. The insignia is a laurel wreath encircling the first national flag of the Confederate States of America, and the dates 1861–65.

That, Mr. President, is the insignia. The battle flag does not appear in the insignia and never has.

The Judiciary Committee supported, without reservation, patent renewal during the 102d Congress but the bill died because of adjournment.

One final note: The United Daughters of the Confederacy organization has helped many, many people. There is not one evil member of the UDC. There is not one member of the UDC who wants to pick a fight with anybody.

As I say, many of them are in rest homes, retirement homes, and they are marvelous ladies. They are patriotic ladies dedicated to preserving the memories of men whose courage and devotion to duty is legendary. It will be rewriting history to say to them, "you no longer count, and you no longer are going to have a recognition that so many other organizations have had since the turn of the century—including the UDC."

Again, I emphasize that most of the ladies now are elderly and live in a few remaining rest homes established decades ago. Scores of these homes once dotted the landscape of the South, which I love, but as the numbers of the children of the Confederacy have dwindled with each passing year, the homes and the memories have all but disappeared. The last living Confederate veteran died in 1959. In a short time, he will be joined by the last true daughters of the Confederacy and we will be left with nothing but fading recollections of these proud and gallant women.

Let me say, Mr. President, I really do believe that the Judiciary Committee's action was unintended. A couple of its members have told me that. I hope the

Senate will set the record straight and restore the patent to these gentle ladies as it has done down through the years.

I yield the floor.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. THURMOND. Madam President, I rise today in support of the amendment offered by my distinguished friend from North Carolina, Senator HELMS, to extend and renew the design patent for the insignia of the United Daughters of the Confederacy. The Congress began considering extensions of design patents early in this century. The protection given by Congress to various service organizations, by extension of design patents, has been the most common form of private patent acts in recent history. Examples of organizations which have routinely been granted patent extensions include the Daughters of the American Revolution, the American Legion, the American Legion Auxiliary, the Sons of the American Legion, the United Daughters of the Confederacy, and the Massachusetts Department of the United American Veterans of the United States of America.

Patent extensions for these service-minded, community-oriented organizations have been recognized by the Congress as meritorious. In fact, last year the Senate unanimously supported—without any expressions of reservation—the design patent protection for the United Daughters of the Confederacy. Last year, with the support from every member of this body, we considered the merits of extending patent protection for the UDC, found it appropriate, passed it and sent it to the House. Unfortunately, this bill was not acted on by the House prior to adjournment.

This amendment is essentially the same language which we approved last year to extend and renew the design patent for the insignia of the United Daughters of the Confederacy. This design patent was originally issued on November 8, 1898 and has been extended on numerous occasions since then. It was extended in 1926, 1941, 1963, and 1977. In November of last year the patent expired. In order to ensure continued protection for the insignia, Congress must extend design patent protection for the UDC. This should be a noncontroversial amendment.

Madam President, I want to speak on the activities in which the United Daughters of the Confederacy are engaged because I believe it is important that consideration of this amendment be based on the facts. The United Daughters of the Confederacy, founded in 1894, currently has 24,000 members in 30 States and the District of Columbia. The objectives of this fine organization as stated in their bylaws are historical, educational, benevolent, memorial, and patriotic.

The UDC enjoys a distinguished tradition of patriotic endeavors. At the beginning of World War I, the 100,000 members offered their services in whatever capacity needed to then President Wilson. During that war, the UDC financially supported 70 hospital beds at the American Military Hospital at Neuilly, France. Financial support was given to French and Belgian orphans. UDC members purchased over $24 million worth of war bonds and savings stamps and provided almost $1 million worth of support to the Red Cross and other war relief efforts.

During World War II, the United Daughters of the Confederacy continued to offer its services to the U.S. Government for war relief. They provided financial support, donated ambulances, established a blood plasma unit, sold millions of dollars in war bonds and were ultimately recognized by the War Department and the Red Cross for its outstanding work and contributions. This patriotic service continued during the Korean conflict, Vietnam, and Desert Storm.

Today, the UDC donates thousands of dollars and hours annually working with the Nation's veterans in VA medical centers and nursing homes. There are currently representatives and deputies from the UDC on duty in VA medical centers in 18 States.

Mr. President, furthering education is also a primary goal for the UDC. For example, in the last 8 years they have awarded over a half-million dollars in scholarships. The UDC also has a scholarship to provide women over the age of 30 with the opportunity to continue their education. Additionally, the UDC gives academic awards based solely on merit and to recipients chosen by their respective academy or college. Schools which are participants in these awards include, the United States Air Force Academy, Coast Guard Academy, Merchant Marine Academy, Military Academy, and the University of Virginia.

The United Daughters of the Confederacy has not changed in the few months since we last considered this matter. Their objectives remain historical, educational, benevolent, memorial, and patriotic. They continue to help our Nation's veterans, they continue to provide financial assistance for higher education, they continue to present awards based on academic excellence and they continue to work with many civic organizations, including homeless shelters, homes for battered women and children, hospital associations, and food banks. They are making a difference at the local, State, and national level. It should be clear to anyone who objectively examines this group that their activities are noble and community oriented.

Mr. President, it is my belief that past extensions by the Congress for the UDC reflect the opinion that their charitable work for the good of all citizens far outweighs sensitivities that some may have concerning their origin. This group has been engaged in worthwhile activities for almost 100 years and their philanthropic work should not be summarily dismissed because of misguided perception or misplaced sentiment. This group has nothing to do with discrimination that Congress prohibits nor do they advocate radical positions which may be considered out of the mainstream.

It is important that we make our decision on this issue based on the facts and the UDC's 100-year tradition of community service and service to the Nation.

Mr. President, for the record, I want to note recognition granted by the Congress to several other groups whose origin can be traced to the Civil War. The Congress has granted Federal Charters to the Ladies of the Grand Army of the Republic, the Sons of Union Veterans of the Civil War, the National Women's Relief Groups, Auxiliary to the Grand Army of the Republic, and the Daughters of Union Veterans of the Civil War. Additionally, most of these groups have been granted by the Congress exclusive rights to the use of their name, emblem, seals, and badges. The origin of these groups is similar to that of the UDC and the equitable course of action is to extend design patent protection to the United Daughters of the Confederacy.

It is important that the Congress, where possible, assist and promote patriotic organizations. Granting this extension to the UDC is meritorious and will help ensure that their good work will continue for many years.

I urge my colleagues to support adoption of this amendment and I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I would like to respond to this amendment and to suggest that it is absolutely ill-founded and to oppose the amendment.

Mr. President, I understand that we do not have a germaneness rule here in the Senate. But I would submit that, in the first instance, this amendment is not germane, either to this bill or, frankly, to anything else.

The real bottom line with regard to this amendment and to the request for a design patent extension by the United Daughters of the Confederacy is that it is not needed. This was recognized by the Judiciary Committee when, on the 12th of May of this year, it considered the extension of design patents and, by a vote of 13 to 2, I believe, rejected the appeal of the United Daughters of the Confederacy for renewal and extension of this particular design patent.

I think it is important to note what a design patent is. It is not just a matter of simple recognition. It is a rare honor given to an organization. There are very few of them given. In fact, design patents have only been conferred on fewer than 10 organizations in this century. They are given for a period of some 14 years. And it just is rarely done, in any event, for any organization.

There are a number of fine organizations throughout this country that are well known that do not enjoy or do not have design patents. But this organization, by a matter of oversight or whatever, has—this last year, as was brought to the attention of the Judiciary Committee, and the design patent was refused or withheld. Now the Senator from South Carolina has come to the floor attempting to undo the work of the Judiciary Committee, attempting to undo the decision of that committee that a design patent was not necessary in this case.

I submit further that the design patent is not needed in terms of the work of the organization. The Senator from South Carolina has gone on at great length to talk about the charitable work of the United Daughters of the Confederacy. The fact of the matter is the refusal to extend this extraordinary honor by this body does not stop them from doing whatever it is they do, from continuing their work in the community and the like.

The Senator has not explained, however, why the Daughters need this extraordinary congressional action to continue the work of their organization or protect against the unauthorized use of their insignia. He has not addressed at all the conclusions that have been set forth from the Treasury, which were addressed in the committee, that say it is not only extraordinary but probably inappropriate to have a design patent issued in this regard.

When members of the United Daughters of the Confederacy came to my office to discuss this issue when we were involved with consideration of the issue before the Judiciary Committee, they could not even then answer the question why it was necessary to have a design patent. They can continue to fundraise. They can continue to exist. They can continue to use the insignia. Nothing changes in terms of what it is they do. The only issue is whether or not this body is prepared to put its imprimatur on the Confederate insignia used by the United Daughters of the Confederacy.

I submit to you, Mr. President, and the Members who are listening to this debate, as I did in the Judiciary Committee, that the United Daughters of the Confederacy have every right to honor their ancestors and to choose the Confederate flag as their symbol if they like. However, those of us whose ancestors fought on a different side in the Civil War, or who were held, frankly, as human chattel under the Confederate flag, are duty bound to honor our ancestors as well by asking whether such recognition by the U.S. Senate is appropriate.

The United Daughters of the Confederacy did not require this action to either conduct the affairs of their organization or to protect their insignia against unauthorized use. As the Patent Commissioner, Mr. Kirk, wrote in a letter issued April 30:

> In the absence of design patent protection and regardless of statutory protection * * * nonprofit organizations have still other options for obtaining protection for their badges, insignias, logos, and names.

So this is not an issue about protecting the insignia of the United Daughters of the Confederacy, nor is it an issue about whether or not they do good works in the community, nor is it an issue of whether or not the organization has a right to use this insignia. I think the answer in all those cases is they have a right to use whatever insignia they want, they have a right to organize in any way they want, they have a right to conduct whatever business they want. But at the same time it is inappropriate for this Senate, this U.S. Congress, to grant a special, extraordinary imprimatur, if you will, to a symbol which is as inappropriate to all of us as Americans as this one is.

I have heard the argument on the floor today with regard to the imprimatur that is being sought for this organization and for this symbol, and I submit this really is revisionist history. The fact of the matter is the emblems of theConfederacy have meaning to Americans even 100 years after the end of the Civil War. Everybody knows what the Confederacy stands for. Everybody knows what the insignia means. That matter of common knowledge is not a surprise to any of us. When a former Governor stood and raised the Confederate battle flag over the Alabama State Capitol to protest the Federal Government support for civil rights and a visit by the Attorney General at the time in 1963, everybody knew what that meant. Now, in this time, in 1993, when we see the Confederate symbols hauled out, everybody knows what that means.

So I submit, as Americans we have an obligation, No. 1, to recognize the meaning, not to fall prey to revisionist history on the one hand; and also really to make a statement that we believe the Civil War is over. We believe that as Americans we are all Americans and have a need to be respectful of one another with regard to our respective histories, just as I would.

Whether we are black or white, northerners or southerners, all Americans share a common history and we share a common flag. The flag which is behind you right now, Mr. President, is our flag. The flag, the Stars and Stripes forever is our flag, whether we are from the North or South, whether we are African-American or not—that is our flag. And to give a design patent, that even our own flag does not enjoy, to a symbol of the confederacy seems to me just to create the kind of divisions in our society that are counterproductive, that are not needed.

So I come back to the point I raised to begin with. What is the point of doing this? Why would we give an extraordinary honor to a symbol which is counter to the symbol that we as Americans, I believe, all know and love, which would be a recognition of the losing side of the war, a war that I hope—while it is a painful part of our history—I hope as Americans we have all gotten past and we can say as Americans we come together under a single flag. And this organization, if it chooses to honor the losing side of the Civil War, that is their prerogative. But it is inappropriate for that organization to call on the rest of us, on everybody else, to give our imprimatur to the symbolism of the Confederate flag.

Symbols are important. They speak volumes. They speak volumes to the people in our country. They speak volumes to the people outside of our country who follow and who care about what happens in this, the greatest Nation in the world. It seems to me the time has long passed when we could put behind us the debates and arguments that have raged since the Civil War, that we get beyond the separateness and we get beyond the divisions and we get beyond fanning the flames of racial antagonism. I submit that to use the insignia of the United Daughters is their prerogative. However, it is not their prerogative to force me and the other Members of this body to assent to an extraordinary honor of their own revisionist history. That is the purpose of the design patent.

Mr. President, I will have printed in the RECORD a letter to me dated April 30, 1993, from Mr. Kirk, of the U.S. Department of Commerce, Patents and Trademark Office. And, while Senator METZENBAUM is on the floor—and I do not know whether he wants to speak or not—I would like not only to have this letter printed in the RECORD, but I would like also to share with the membership what is is the Patent Office says about design patents.

Mr. President, I ask unanimous consent the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Ms. MOSELEY-BRAUN. Mr. President, he answered this question: Is it common practice for nonprofit groups to obtain design patents for their insignia and logos?

The answer is this:

> First, logos are generally words or word combinations and are not articles of manufacture. As a consequence, they cannot be protected by design patents, but may be appropriate subject matter for trademark protection.

I point out that this is a design patent involved in this situation.

> Obtaining design patent protection for a nonprofit group's insignia and emblems used to be more frequent in past years than today. However, obtaining renewal and extension of design patents for the insignia of such groups is the exception rather than the rule. This may well be due to the fact that numerous organizations have acquired exclusive rights to their seals, emblems and badges under title 36, U.S. Code, which pertains to patriotic societies and observances. It should be noted, however, that under this statute some organizations are granted exclusive rights to their names, emblems, seals and badges, while others have exclusive rights to their names only.

In other words, what he is saying is that most organizations have other kinds of protections and do not have this design patent, which is sought today by the United Daughters of the Confederacy.

He goes on:

> For example, 36 U.S.C., section 48 confers to the American Legion only the exclusive right to its name.

The Boy Scouts have exclusive right to their name. But neither of these organizations enjoy a design patent.

He goes on:

"In that regard, the Boy Scouts"—with regard to their fleur-de-lis emblem—"* * * did not obtain an extension" of the design patent that they had at the turn of the century when it expired.

So this organization has now had a design patent, from what I understand, for two renewals and they are extraordinary in their request to have it renewed.

The next question asked in the letter is: Are design patents typically renewed? The answer to this question I think is significant to this body:

> You are correct in understanding that design patents normally terminate after 14 years and, as a rule, are not renewed.

So while I will not finish reading the rest of the letter, because I have no intent right now to stand here and filibuster this issue, I think it is important to note that these patents are rarely renewed.

This is more than a second renewal for this organization. It is not necessary to begin with. They can continue to use their insignia. It does not interfere with their fundraising. It does not interfere with their charitable activities. It interferes in no way with their real activities, but rather is a symbolism of what is sought here with this amendment, which is so troublesome.

I submit to the body that the Judiciary Committee, in voting 13 to 2, recognized how singularly inappropriate it would be to renew the patent for the United Daughters of the Confederacy and it is singularly inappropriate for this amendment to be accepted.

EXHIBIT 1

U.S. DEPARTMENT OF COMMERCE,
Washington, DC, April 30, 1993.

Hon. CAROL MOSELEY-BRAUN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: Thank you for your letter requesting information about design patents. I am pleased to furnish the following answers to your questions:

What are the criteria for granting a design patent?

In accordance with section 171 of title 35, United States Code, anyone who invents a new, original and ornamental design for an article of manufacture may obtain a patent therefor, subject to the conditions and requirements of title 35, United States Code. In that respect, the requirement that a design be "new" is equivalent to the novelty requirements applied to utility inventions under 35 U.S.C. 102. Similarly, the requirement of nonobviousness under 35 U.S.C. 103 is also applied to design inventions. On the other hand, the utility requirement of 35 U.S.C. 101, which is a patentability criterion for inventions protected by utility patents, is not applicable to design inventions. Instead, designs must meet the requirement of being ornamental. There are also a few differences in formality requirements between an application for a design patent and a utility patent application. Further, unlike utility patent applications that are entitled to a right of priority of twelve months under 35 U.S.C. 119, design patent applications are limited to a right of priority of six months under 35 U.S.C. 172.

What are the rights and privileges of the owner of a design patent?

Like a utility patent, a design patent grants its owner the right to exclude others from making, using, or selling the invention under 35 U.S.C. 154. In that regard, all remedies under chapter 29 of title 35, United States Code, for infringement of a patent are available to the owner of a design patent. Unlike utility patents, however, whose term is seventeen years, design patents are limited to a term of fourteen years under 35 U.S.C. 173.

Is it common practice for nonprofit groups to obtain design patents for their insignia and logos?

First, logos are generally words or word combinations and are not articles of manufacture. As a consequence, they cannot be protected by design patents, but may be appropriate subject matter for trademark protection. Obtaining design patent protection for a nonprofit group's insignia and emblems used to be more frequent in past years then today. However, obtaining renewal and extension of design patents for the insignia of such groups is the exception rather than the rule. This may well be due to the fact that numerous organizations have acquired exclusive rights to their seals, emblems and badges under title 36, United States Code, which pertains to patriotic societies and observances. It should be noted, however, that under this statute some organizations are granted exclusive rights to their names, emblems, seals and badges, while others have exclusive rights to their names only.

For example, 36 U.S.C. 48 confers to the American Legion only the exclusive right to its name. By contrast, 36 U.S.C. 27 conveys to the Boy Scouts of America the exclusive right to use all emblems, badges, descriptive or designating marks, and words or phrases used by the Boy Scouts organization in carrying out its program. In that regard, the Boy Scouts also obtained a design patent on their fleur-de-lis emblem on May 30, 1911, but did not obtain an extension when the patent expired. We have no record that any design patent was ever issued to the Campfire Girls.

Are design patents typically renewed?

You are correct in understanding that design patents normally terminate after 14 years and, as a rule, are not renewed.

Do the insignia, badges and logos of nonprofit organizations enjoy any legal protection in the absence of a design patent?

As already mentioned, numerous organizations are granted the exclusive rights to their names and insignias under various provisions of title 36, United States Code. Other statutes offer additional protection, such as 18 U.S.C. 705, which provides criminal sanctions against the unauthorized use on merchandise of any insignia or colorable imitation thereof any veterans' organization incorporated by enactment of Congress. As a matter of interest, the signs of the American National Red Cross and the 4-H club are also protected under sections 706 and 707, respectively, of title 18, United States Code.

In the absence of design patent protection and regardless of statutory protection, such as that under titles 18 and 36, United States Code, nonprofit organizations have still other options for obtaining protection for their badges, insignias, logos and names. If the nonprofit organization has used its badges, insignias, logos or names as trademarks to identify and distinguish its goods or services from those of others, these marks are protected under common law in the geographical area in which they have actually been used. Such common law protection may be embodied in state unfair competition statutes.

In addition, an organization may apply for Federal trademark registration of its badges, logos, or its name. Federal registration gives the trademarks owner certain benefits which are national in scope, e.g., a constructive use date which is in effect nationwide. To obtain Federal registration, however, the trademark owner must use the mark in interstate commerce or in some other type of commerce that may be controlled by Congress. The Veterans of Foreign Wars of the United States, for example, have obtained Federal registration for their seal as a collective membership mark, even though they enjoy protection of their name, seal, emblems and badges under 36 U.S.C. 117.

A seal, emblem or insignia, if an original work of authorship, may also qualify for copyright protection under title 17, United States Code, as a pictorial, graphic or sculptural work. Copyright law gives the author the right to prevent copying of the copyrighted work in any medium.

Periods of exclusivity differ, depending on the type of protection obtained. As long as the trademark is in lawful use, Federal registration may be periodically renewed and protection continues indefinitely. Copyright protection for works of legal persons lasts 75 year from publication, or 100 years from creation, whichever expires first.

Given these various options available for protecting seals, insignias, emblems and logos of organizations, it makes little if any difference whether the subject matter was previously protected by a design patent that has not been extended or was never patented at all. Each form of common law or statutory protection is separate and independent and the presence or absence of one does not, as a general principle, preclude protection under another.

I hope that this information is helpful to you and would be pleased to answer any other questions you may have on this subject.

Sincerely,

MICHAEL K. KIRK,
Acting Assistant Secretary and Acting Commissioner of patents and Trademarks.

Ms. MOSELEY-BRAUN. Mr. President, I, therefore, move that amendment 610—this amendment—be tabled.

Mr. METZENBAUM addressed the Chair.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I wonder if the Senator will kindly withdraw and give me about 4 minutes to make a further statement.

The PRESIDING OFFICER. It would take unanimous consent——

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from South Carolina be given 4 minutes to respond, that the Senator from Ohio be given an equal amount, 4 minutes, in order to support the tabling motion, and if the Senator from North Carolina wants 4 minutes, I have no objection to that either.

Mr. HELMS. I thank the Senator.

Mr. President, will the Senator permit me to make a parliamentary inquiry? Did you declare there to be a sufficient second?

The PRESIDING OFFICER. I did declare there was a sufficient second.

Mr. HELMS. Well, fine. Just in case I might want to use it, I would appreciate 4 minutes more, too, but I do not want to delay the proceedings.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered. The Senator from South Carolina is recognized for 4 minutes.

Mr. THURMOND. Mr. President, the opponents of the design patent extension for the insignia of the United Daughters of the Confederacy [UDC] assert that the Congress should not act because there is absolutely no need for the protection of a design patent when other options may be available. In fact, however, a design patent provides protection which differs from that available under trademark and copyright law. Each type of legal protection has been created for specific usages which overlap but are not identical. The courts of the United States have emphasized the distinctions under the law between design patents and either trademarks or copyrights. The decision in Application of Mogen David Wine Corp. illustrates this point and holds that a design patent is not the same as other forms of protection.

The extension of the design patent will permit the UDC to prevent others from improperly using its insignia in circumstances which the UDC might not be able to prevent with a mere trademark or copyright action. Such circumstances might exist, for example, if a slightly modified version of UDC's emblem were used without permission. Design patent protection, which the UDC cannot obtain apart from this extension, does not require the different and more onerous showings that are required under the trademark or copyright laws to stop an infringer. Acting Commissioner Kirk agrees that a design patent offers separate and distinct protection from that available under trademark and copyright law.

Mr. President, the insignia of the UDC does not receive any protection under the provisions of titles 18 or 36 of the United States Code, which were mentioned by Acting Commissioner Kirk. Title 36 provides a Federal charter and perpetual protection to the Daughters of Union Veterans of the Civil War and other similar organizations, but not the United Daughters of the Confederacy. In contrast, this amendment simply provides a 14-year patent extension for the insignia of the UDC. For these reasons, I urge my colleagues to support the amendment offered by Senator HELMS.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I rise to commend the Senator from Illinois for her eloquent presentation in connection with this particular issue. She has pointed out that there is no real reason nor need for an extension of the design patent for the United Daughters of the Confederacy. There are only less than 10 groups in the country that have it. Nobody is going to be in the position to steal their insignia. That is protected by reason of other laws.

I commend my friend from South Carolina for stating the fine work that this organization allegedly does. But that does not provide any reason why we have to provide this kind of an affront to so many Americans who are offended by that for which the Confederacy stood over a period of so many years. It is time for us to unite. It is not time for us to be divisive, and there is a kind of divisiveness that is implicit in the offering of this amendment.

Let me point out that when this amendment was considered by the Judiciary Committee, only two Members of the other side of the aisle voted in support of the position of the author, the Senator from South Carolina, which meant one other beside himself; four others voted against it and two did not vote at all.

I believe this kind of an amendment at this point in connection with this bill is an effort to confuse the issue, to bring up matters that are really not relevant to the particular subject before us.

I think the whole question of tabling this amendment is entirely appropriate. I am so pleased that the Senator from Illinois came down to the floor in order to discuss the subject. She is obviously more knowledgeable than I and most of the Members of this body concerning the whole question of design patents for the United Daughters of the Confederacy. I believe she is entitled to the support of all the Members of this body and I, for one, will certainly be there to help her in every possible dispatch.

Mr. THURMOND. Mr. President, I would like to remind the Senator, Senator DECONCINI, as well as myself, supported the amendment.

Mr. METZENBAUM. It is a fact the Senator did receive one Democratic vote.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 4 minutes.

Mr. HELMS. Mr. President, I hope the Senate will not have a dyspeptic confrontation on this matter. The situation is perfectly clear. The United Daughters of the Confederacy was singled out for punitive action and the pending amendment will remedy that.

And, by the way, it's worthy of note that the distinguished Senator from Ohio [Mr. METZENBAUM] on three occasions has voted to renew the patent protection for UDC. The fact that he reverses himself today is instructive from a political standpoint.

The last thing the Senate should do is to engage in clearly an inflammatory action. As far as I know, race relations in North Carolina are excellent—they may not be good in Illinois, or Ohio—I do not know about that, but in North Carolina they are fine.

The point is this: Why was the UDC singled out for such a punitive rebuke? These fine, gentle ladies do not deserve to be singled out for such abuse, made the target under an implied pretense that the UDC is some sort of evil organization—which it absolutely is not. I have never heard the UDC mentioned as having created any dissension whatsoever, racial or otherwise.

I hope the Senator from Illinois has not embarked upon an inflammatory political gambit. We should avoid theatrics. There should be no ad hominem attacks either way, either side. But I must say that the Senate may be making a very, very bad mistake in reverse of the very thing that the distinguished Senator from Illinois has talked about; there are going to be hard feelings about the action of the Senator from Illinois. There should be no hard feelings.

And there certainly should be none in States where thousands upon thousands of people from other sections of the country have moved in to and enjoyed the good living in North Carolina, people who love our State and they love the South.

As far as I know, there is no bitterness between the races. But this motion to table the pending amendment, let me guarantee you, is bound to create bitterness. If a Senator is going to use tactics of this sort, it would be better if she would pick on somebody her size. Leave the United Daughters of the Confederacy alone. These good ladies have a fine history and they do not deserve to have been singled out for an undeserved rebuke.

I reserve the remainder of my time.

Mrs. MURRAY. Mr. President, I rise in support of my dear friend and colleague, Senator CAROL MOSELEY-BRAUN, and against racism and its symbols.

I know her sense of frustration. I recognize her outrage. As a woman, I share some understanding of her situation. But I cannot know her sense of isolation being the only African-American in this body.

I thank her for standing up today and telling the truth about the racism embodied in the amendment we are debating. The issue here is not one of insensitivity or tradition. It is racism, pure and simple.

Without Senator MOSELEY-BRAUN'S courageous stand against this amendment, the American people would think it's business as usual in this body—that they had not, in fact, voted for change last November. What we've seen today is clear evidence of change. We will not allow deference to notions of tradition to hide racism or any other form of discrimination or intolerance.

I am proud to stand with the Senator from Illinois and to serve with her in the U.S. Senate.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. Is there objection to the Senator from Illinois proceeding?

Mr. HELMS. What is the request?

The PRESIDING OFFICER. The Senator from Illinois has no time.

A motion to table is not debatable. There were three 4-minutes pieces allocated.

Ms. MOSELEY-BRAUN. I yielded to Senator METZENBAUM. Senator METZENBAUM assented to the Senator from South Carolina and the Senator from——

The PRESIDING OFFICER. The Senator from Illinois made a motion to table and asked for the yeas and nays. The yeas and nays were ordered. The motion to table is not debatable.

Unanimous consent was put in for 4 minutes allocated to the Senator from Ohio, the Senator from South Carolina and the Senator from North Carolina, who has 48 seconds.

Mr. HELMS. I yield back the remainder of my time.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from Illinois be granted 4 minutes.

Mr. HELMS. Mr. President, I am going to have to object. I think we ought to go ahead and vote and get it over with.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. (Mrs. BOXER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—48

Akaka
Baucus
Biden
Boxer
Bradley
Brown
Bryan
Bumpers
Campbell
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Glenn
Graham
Harkin
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wofford

NAYS—52

Bennett
Bingaman
Bond
Boren
Breaux
Burns
Byrd
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Ford
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Johnston
Kassebaum
Kempthorne
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Sasser
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

So the motion to table the amendment (No. 610) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much.

Madam President, I really had not wanted to have to do this because in my remarks I believe that I was restrained and tempered. I talked about the committee procedure. I talked about the lack of germaneness of this amendment. I talked about how it was not necessary for this organization to receive the design patent extension, which was an extraordinary extension of an extraordinary act to begin with.

What I did not talk about and what I am constrained now to talk about with no small degree of emotion is the symbolism of what this vote——

The PRESIDING OFFICER. Will the Senator suspend a moment?

The Senate is not in order.

Ms. MOSELEY-BRAUN. That is what this vote really means.

I started off—maybe—I do not know—it is just my day to get to talk about race. Maybe I am just lucky about that today.

I have to tell you this vote is about race. It is about racial symbolism. It is about racial symbols, the racial past, and the single most painful episode in American history.

I have just gone through—in fact in committee yesterday I leaned over to my colleague DIANNE FEINSTEIN and I said, "You know, DIANNE, I am stunned about how often and how much race comes up in conversation and debate in this general assembly." Did not I say that?

I have the floor.

Mr. MOYNIHAN. The Senate is not in order. The Senator from Illinois is making an important statement, and the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MOYNIHAN. Madam President, please ask that conversations leave this floor while the Senator from Illinois is heard.

The PRESIDING OFFICER. The Senator from New York makes the point. All conversations will cease. Anyone wishing to conduct conversations, please continue in the Cloakroom.

The Senator from Illinois.

Ms. MOSELEY-BRAUN. So I turned to my colleague, DIANNE FEINSTEIN. You know, I am really stunned by how often and how much the issue of race, the subject of racism, comes up in this U.S. Senate, comes up in this body and how I have to, on many occasions, as the only African-American here, constrain myself to be calm, to be laid back, to talk about these issues in very intellectual, nonemotional terms, and that is what I do on a regular basis, Madam President. That is part and parcel of my daily existence.

But at the same time, when the issue of the design patent extension for the United Daughters of the Confederacy first came up, I looked at it. I did not make a big deal of it. It came as part of the work of the Judiciary Committee. I looked at it, and I said, well, I am not going to vote for that.

When I announced I was not going to vote for it, the chairman, as is his due, began to poll the members. We talked about it, and I found myself getting drawn into a debate that I frankly never expected.

Who would have expected a design patent for the Confederate flag? And there are those in this body who say this really is not the Confederate flag. The other thing we did know was a Confederate flag.

I did my research, and I looked it up as I am wont to do, and guess what? That is the real Confederate flag. The thing we see all the time and are accustomed to is the battle flag. In fact, there is some history on this issue. I would like to read the following quote from the "Flag Book of the United States."

The real flower in the southern flag began in November 1860, when the election of Lincoln to the President caused widespread fear the Federal Government will try to make changes in the institution of slavery. The winter of 1860 to 1861, rallies and speeches were held throughout the South and, frankly, the United States flag was replaced by a local banner.

This flag is the real flag of the Confederacy. If there is anybody in this Chamber anybody, indeed anybody in this world, that has a doubt that the Confederate effort was around preserving the institution of slavery, I am prepared and I believe history is prepared to dispute them to the nth. There is no question but that battle was fought to try to preserve our Nation, to keep the States from separating themselves over the issue of whether or not my ancestors could be held as property, as chattel, as objects of commerce and trade in this country.

And people died. More Americans died in the Civil War than any war they have ever gone through since. People died over the proposition that indeed these United States stood for the proposition that every person was created equal without regard to race, that we are all American citizens.

I am sorry, Madam President. I will lower my voice. I am getting excited, because, quite frankly, that is the very issue. The issue is whether or not Americans, such as myself, who believe in the promise of this country, who feel strongly and who are patriots in this country, will have to suffer the indignity of being reminded time and time again, that at one point in this country's history we were human chattel. We were property. We could be traded, bought, and sold.

Now, to suggest as a matter of revisionist history that this flag is not about slavery flies in the face of history, Madam President.

I was not going to get inflammatory. In fact, my staff brought me this little thing earlier, and it has been sitting here. I do not know if you noticed it sitting here during the earlier debate in which I was dispassionate and tried my level best not to be emotional and lawyering about and not get into calling names and talking about race and racism. I did not use it to begin with. I do want to share it now. It is a speech by the Vice President of the Confederate States of America, March 21, 1861, in Savannah, GA.

"Slavery, the Cornerstone of the Confederacy," and this man goes on to say:

> The new Confederate constitution has put to rest forever all agitating questions relating to our peculiar "institution," which is what they called it, African slavery as it exists among us, the proper status of a Negro in our form of civilization. This was the immediate cause of the late rupture and present revolution.
>
> The prevailing ideas entertained by Thomas Jefferson and most of the leading statesmen at the time of the formation of the old Constitution were that the enslavement of the African was in violation of the laws of nature, that it was wrong in principle, socially, morally, and politically.

And then he goes on to say:

> Our new Government is founded upon exactly the opposite idea. Its foundations are laid, its cornerstone rests upon the great truth that the Negro is not equal to the white man, that slavery, subordination to the superior race is his natural and moral condition.

This was a statement by the Vice President of the Confederate States of America.

Madam President, across the room on the other side is the flag. I say to you it is outrageous. It is an absolute outrage that this body would adopt as an amendment to this legislation a symbol of this point of view and, Madam President, I say to you that it is an important issue. It is a symbolic issue up there. There is no way you can get around it.

The reason for my emotion—I have been here almost 7 months now, and my colleagues will tell you there is not a more congenial, laid back, even person in this entire body who makes it a point to try to get along with everybody. I make it a point to try to talk to my colleagues and get beyond controversy and conflict, to try to find consensus on issues.

But I say to you, Madam President, on this issue there can be no consensus. It is an outrage. It is an insult. It is absolutely unacceptable to me and to me and to millions of Americans, black or white, that we would put the imprimatur of the United States Senate on a symbol of this kind of idea. And that is what is at stake with this amendment, Madam President.

I am going to continue—I am going to continue because I am going to call it like I see it, as I always do. I was appalled, appalled at a segment of my own Democratic Party that would go take a walk and vote for something like this.

I am going to talk for a minute first about my brethren, my close-in brethren and then talk about the other side of the aisle and the responsibility of the Republican Party.

The reason the Republican Party got run out on a rail the last time is the American people sensed intolerance in that party. The American people, African-Americans sensed there was not room for them in that party. Folks look a look at the convention and said, my God, what are these people standing for? This is not America. And they turned around and voted for change. They elected Bill Clinton President and the rest of us to this Chamber. The changes they were speaking out for was a change that said we have to get past racism, we have to get past sexism, the many issues that divide us as Americans, and come together as Americans so we can make this country be what is can be in the 21st century.

That is the real reason, Madam President, that I am here today. My State has less than 12 percent African-Americans in it, but the people of Illinois had no problem voting for a candidate that was African-American because they thought they were doing the same thing.

Similarly, the State of California sent two women, two women to the U.S. Senate, breaking a gender barrier, as did the State of Washington. Why? Because they felt that it was time to get past the barriers that said that women had no place in the conduct of our business.

And so, just as our country is moving forward, Madam President, to have this kind of symbol shoved in your face, shoved in my face, shoved in the faces of all the Americans who want to see a change for us to get beyond racism, is singularly inappropriate.

I say to you, Madam President, that this is no small matter. This is not a matter of little old ladies walking around doing good deeds. There is no reason why these little old ladies cannot do good deeds anyway. If they choose to wave the Confederate flag, that certainly is their right. Because I care about the fact that this is a free country. Free speech is the cornerstone of democracy. People are supposed to be able to say what they want to say. They are supposed to be able to join associations and organizations that express their views.

But I daresay, Madam President, that following the Civil War, and following the victory of the United States and the coming together of our country, that that peculiar institution was put to rest for once and for all; that the division in our Nation, the North versus the South, was put to rest once and for all. And the people of this country do not want to see a day in which flags like that are underwritten, underscored, adopted, approved by this U.S. Senate.

That is what this vote is about. That is what this vote is about.

I say to you, Madam President, I do not know—I do not want to yield the floor right now because I do not know what will happen next.

I will yield momentarily to my colleague from California, Madam President, because I think that this is an issue that I am not going—if I have to stand here until this room freezes over, I am not going to see this amendment put on this legislation which has to do with national service.

The PRESIDING OFFICER. The Chair would advise that the Senator from Illinois may yield to the Senator from California for a question, if she wishes, at this time.

Ms. MOSELEY-BRAUN. If I have to stand here until this room freezes over, Madam President, I am going to do so. Because I will tell you, this is something that has no place in our modern times. It has no place in this body. It has no place in the Senate. It has no place in our society.

And the fact is, Madam President, that I would encourage my colleagues on both sides of the aisle—Republican and Democrat; those who thought, "Well, we are just going to do this, you know, because it is no big deal"—to understand what a very big deal indeed it is—that the imprimatur that is being sought here today sends a sign out to the rest of this country that that peculiar institution has not been put to bed for once and for all; that, indeed, like Dracula, it has come back to haunt us time and time and time again; and that, in spite of the fact that we have made strides forward, the fact of the matter is that there are those who would keep us slipping back into the darkness of division, into the snake pit of racial hatred, of racial antagonism and of support for symbols—symbols of the struggle to keep African-Americans, Americans of African descent, in bondage.

Madam President, may I yield, without losing my right to the floor, to the Senator from California?

The PRESIDING OFFICER. Is there objection?

Hearing none, the Senator from California.

Mrs. FEINSTEIN. Thank you very much, Madam President.

Madam President, I am afraid the issue has been joined and I find myself in agreement with my colleague from Illinois.

This great party has to stand up and take a position on this issue.

Madam President, I am a new member of the Judiciary Committee, along with Senator MOSELEY-BRAUN from Illinois. I watched her make this presentation in committee. It was thoughtful, it was considered, and she received an overwhelming majority of the votes in the committee.

Madam President, I would like to make this appeal to the members of my party from the Southern States to listen to what Senator MOSELEY-BRAUN said about the impact of the Confederate flag has on a major portion of the American constituency; those who are African-American; those who carry with them the heritage of a nation which at one time and to a great extent still has a certain racism and bias in much of what we do.

Madam President, it is my hope that members of the Southern delegation, and members of the Republican party, after hearing the eloquent words of the Senator from Illinois, would be willing to recognize the importance of this issue and the statement that it sends to all Americans. We should not grant a patent for a flag which to many people represents the condoning of slavery in the United States. It is not the way to heal the wounds of this Nation. It is not the way to bring people together.

So I would like to submit to you Madam President, that Senator CAROL MOSELEY-BRAUN is correct. CAROL, I think you said it the way it had to be said. You said it eloquently. You said it beautifully.

I am hopeful that members of the Republican Party and of our very own party, will come forward with good will and provide the necessary votes to change this previous vote.

Mr. BRADLEY. Will the Senator from Illinois yield?

Ms. MOSELEY-BRAUN. I yield to Senator BRADLEY for a question.

Mr. BRADLEY. Madam President, in a very profound way, this is a sad moment. This is very sad for the U.S. Senate.

Decisions are made in this body from time to time that are viewed as procedural, processed as legal, and the symbolic is often lost that there is power in symbols—power in symbols.

This is a powerful symbol that sits on the other side of this Chamber. It is the symbol that signifies a large part of this Nation's past that we have strived to put behind us and to move on.

This amendment is an easy amendment that elicits old divisions and opens up older wounds. I wish it were not so. I wish it were not so, but it is.

I appeal to people who voted for this amendment to understand not just the wisdom, but the passion and the depth of feeling from which Senator MOSELEY-BRAUN spoke.

This is not a moment of pride for either party. There were Democrats who voted for this provision. There were Republicans who voted for this provision.

And, as has been the case in the past, I think it was a free vote. I think it was a free vote that sends a narrow message to a segment of the electorate that will respond positively and no one else will know, or no one else will be able to do anything about it if they did know.

I think what the distinguished Senator from Illinois' statement says is that the people are going to know about it. All the people who should know about it will know about it. And that this will not be seen as a free vote. This cannot be a free vote. This is a vote with consequences. It is a vote which ultimately, I hope, the Senate will reconsider and table when reason prevails here, when some historic consciousness prevails, when some sensitivity to other people as human beings prevails.

I say that about Members of my own party who seek this as a free vote to avoid an embarrassing questioning at a town meeting, to avoid a moment—or as one Senator said to me, "If you run in the South you will have to understand, this is just the way it is." That is not the way it is, I do not think, in all the South. I do not think that is the way it was for the President of the United States when he ran in the South. I think there is an attempt to put this past behind us.

So I appeal to my colleagues in my own party, and I appeal to my colleagues on the other side of the aisle who, in a legalistic argument would make the case but put in a human context, in 1993, in the United States—it has a perverse impact. And remind my colleagues that yours is the party of Lincoln. Yours is the party of Lincoln.

The party of Lincoln defeated that flag and abolished slavery. That flag says, as the distinguished Senator from Illinois said so eloquently, that slavery must be preserved. That is what that flag says, and that is what Lincoln fought against, and that is what the party of Lincoln stood for, for years—decades. And that is what I believe, in the deepest recesses of my heart, that many Members of that party stand for today. I say that because I respect them as human beings and I urge them to reconsider this vote. I urge them to reconsider this vote.

It is my hope there will be others who will speak here. That, if necessary, if the purpose of this amendment was to kill a national service bill that has been developed and fought and worked out by Members primarily on this side and that therefore party unity is going to prevail on the Republican side and no one is going to shift their vote to reconsider—let me say to you, you are being shortsighted. You are being shortsighted.

This is an amendment that is bigger than a filibuster by amendment on a bill that is anathema to your party. This is about whether we can put this past behind us and look at each other and say you are from the North, I am from the South: We are American; you are black, I am white: We are American. We can put this behind us. That is what this is about.

I walked in here and saw the vote and I must say I thought to myself, what is this? This is going to be overwhelmingly defeated. I started making a slight comment about concurrent majorities, as the distinguished Senator from New York overheard me say, as I was reflecting on the history of the Confederacy in the well. And then I looked at the vote. It was 46-49. And this amendment looked like it was going to not be tabled.

I could not believe this.

Now, some of my colleagues might think this is emotional. It is emotional. It is emotional as anything is that goes to the very depths of our humanity and that hopes for the best in all of us to prevail every day, as Americans.

So I am getting to my question. And my question is, to the distinguished Senator from Illinois, that I know that she does, but would she not hope—would she not hope from the bottom of her heart that those who thought this was a free vote would reconsider; that those who go through the day without taking a moment, totally consumed by schedules, who might not have thought and voted, might reconsider? Might she not hope that, in reconsidering, we can bring people together in this body in ways that might not have occurred before? Might she not hope that her intervention today has not only heightened the issue of race in the minds of the party of Lincoln and those on this side who voted the other way, but in all of us as human beings?

Might she not hope that, as a result of this, maybe there will be a little more candor in this body when it comes to the issue of race? And that would be my question to the distinguished Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Senator very much. I would like to respond to the Senator from New Jersey, first to say in response to a series of questions that this amendment took many by surprise. In fact, I was over in the Judiciary Committee in the midst of confirmation hearings for the next Supreme Court Justice when I got a note on my desk that this Dracula had come back. I had believed that it had been killed dispositively by the Judiciary Committee previously when it voted 13 to 2 not to adopt this amendment. Lo and behold, it was being talked about on the floor as I sat on the Judiciary Committee. So I came dashing over here. I had not had occasion or time to alert my staff even. They had to bring over the book later. But I started to respond. I would catch people as they came on the floor. At the time the amendment was first put there were only three people on the floor.

So, as people came in I tried to tell them what this was about, but it was difficult because the vote was occurring. And I think the Senator's point is well taken. A lot of people thought, "Well, this is not a big thing. This will never be noticed." And did not understand the implications of what this means, not only to me personally, but what it means to every descendant of that peculiar institution, what it means to the people who fought on both sides of that war, what it means to America now, and what it will mean to America in the future: Whether or not we can put this behind us and move forward.

I know there are a number of Senators who have questions and I would like to yield for questions only.

Several Senators addressed the Chair.

Ms. MOSELEY-BRAUN. Yes.

Mr. BENNETT. Parliamentary inquiry, Madam President. I have a parliamentary inquiry which I think is privileged.

With respect to this, the motion to table having been defeated, what is the business before the floor? Is it the original amendment or is it some other business?

The PRESIDING OFFICER. The amendment is the pending question, and the Senator from Illinois has the floor.

Mr. BENNETT. So there is the possibility for an up-or-down vote on the amendment?

The PRESIDING OFFICER. That is correct.

Ms. MOSELEY-BRAUN. I yield to the Senator from Nebraska.

Mr. EXON. Will the Senator yield for a question without yielding her right to the floor?

Ms. MOSELEY-BRAUN. Yes, for a question.

Mr. EXON. I thank the Senator from Illinois. I will ask a question in just a moment. The Senator from Utah asked a question a moment ago. It may not be fully understood what the parliamentary situation is.

As I understand the parliamentary situation, the amendment that is opposed—and justifiably so, by a colleague from Illinois—was not tabled but the usual procedure then did not take place, wherein a motion is made to reconsider and that is laid on the table. So, someone who is on the prevailing side of the failure of the tabling motion—I think we can find some people to do that—would be in order if they chose to get up and say: I want a reconsideration of the vote. And if the Senator who made that motion was on the prevailing side of the failure of the tabling motion, then we could reconsider? I ask if that is not the correct interpretation, from a parliamentary situation?

The PRESIDING OFFICER. The Senator—a Senator who voted on the prevailing side, or who did not vote at all, is eligible to move to reconsider.

Mr. EXON. That is another way of saying yes without the Chair having said the question was stated correctly by the Senator from Nebraska. Is that correct, I ask the Chair?

The PRESIDING OFFICER. That is the Chair's understanding, yes.

Mr. EXON. Thank you. Sometimes I like to have a nonlegal answer to a legitimate, straightforward question.

I thank the Chair.

Let me speak on this matter as one who has indicated earlier, because of the cost consideration, I am going to vote against this motion when it does get to a final vote, up or down, on whether we want to institute this policy. Although I happen to feel that those who would advance this education measure, this measure that has to do with voluntarism, are well-intentioned, I think this is not the time to be going to this program.

I want my colleagues to understand that. I also want my colleagues to know that I voted in support of my colleague from Illinois when she offered the tabling motion, which I thought was in order. I listened to the outstanding speech made by the Senator from Illinois. I listened to the remarks preceding the question made by my colleague and friend from New Jersey. I agree with my colleagues from Illinois and from New Jersey.

I simply say to my colleagues from Illinois that I am not sure, since I think I know very well most of the people who voted against her wishes, the motion to table—I want to say this in the defense of all—that all or most of the people who voted the way they did, did not do it, in my opinion, from their heart on racial grounds.

Rather, I suspect it was from the old attitude of the South—the South shall return—that flag that I understand full well is of a major concern to certain groups in the United States. I do not believe, in all honesty and fairness, that that was the intent of those who voted the other way. I think more or less it was the fact of the Old South and that flag, we should be able to use that flag the way we want to.

I suspect, in all sincerity, that the vast majority of those who failed to vote for the tabling motion had no concept or understanding of the very legitimate background and concerns that have been made by the Senator from Illinois.

But in fairness to the Senate, I really believe that the Senator from New Jersey has indicated it correctly, that the Senate has made a mistake. I hope and I ask at this time: If we can arrange to follow the legitimate procedures of the Senate, if we can get one or more Senators who voted not to table to agree to reconsider the vote with a commitment to change their vote, and if we could give reasonable assurance to the Senator from Illinois that we have the votes now to table, after we vote to reconsider, then we would have the votes to table in order to move ahead with the business at hand.

With that kind of assurance from several of us on this side of the aisle, and maybe some on that side of the aisle, would the Senator agree to cease and desist from her very legitimate argument to consider filibustering, if that assurance could be made to her?

Ms. MOSELEY-BRAUN. I thank the Senator for his question. The fact is, I did not look for a filibuster. I was not looking for a fight. I would very much like to have this resolved. I would like to put a stake through the heart of this particular Dracula and hope it never comes up again. It came up in Judiciary and was defeated soundly, with only three members of that entire committee—it is a large committee—two voting for it and one abstaining. The bulk of the Judiciary Committee, both Republican and Democrat alike, voted against this amendment. I would like to see that same result obtained today.

I yield to the Senator from New York for a question.

Mr. FORD. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. FORD. As we stand now, the motion to table has been defeated. We are on the amendment itself.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Would it be in order to move to reconsider the vote by which the motion to table was defeated, provided a Senator who voted on the prevailing side made that motion?

The PRESIDING OFFICER. That would be in order.

Mr. FORD. Then, Madam President, the tabling motion is not debatable.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. And on the tabling motion, the yeas and nays had been ordered?

The PRESIDING OFFICER. Correct.

Mr. FORD. If in this request to reconsider, and that is agreed to, could the motion to vitiate the yeas and nays then be in order and a voice vote on the motion to table be agreed to?

The PRESIDING OFFICER. That would require a unanimous consent vote.

Mr. FORD. I understand, but the motion to vitiate could be offered and it would be unanimous consent and then it would take only one Senator to object to that and we would be, again then, on the tabling motion with the yeas and nays and we would vote then to either yea or nay the tabling motion.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. I thank the Chair.

Mr. MOYNIHAN. Will the Senator yield for a question?

Ms. MOSELEY-BRAUN. The Senator from New York.

Mr. MOYNIHAN. May I say to the distinguished Senator from Illinois that in my 17 years in this body, I have been not so moved as by her statement. She spoke of what in Christian faith would be called an epiphany, a sudden shining through of an internal reality that had not been there. I do not think the Senate knew it could do what it has just done. I do not think we had any idea how it would be undone. But I say this to the Senator:

When each of us comes to this body, and marches to the podium and we take an oath to uphold and defend the Constitution of the United States against all enemies, foreign and domestic, I say to the body that when I first took that oath, I thought it read "foreign or domestic," the idea that there would be a presumption of domestic enemies of the Constitution being odd.

Then I learned originally it did, but after the Civil War it was changed: "Foreign and domestic." And that Constitution which was forged in the Civil War is so clearly in spirit at odds with the proposal we have just voted on.

She could not have been more clear about the rights of free speech. Anybody who wants to wear that flag, anybody who wants to wave it, who wants to wrap himself or herself in it are free to do so, but for the Senate to endorse it is something I do not think we had any idea we were capable of.

I will ask the Senator one question: Will she not yield the floor until this matter is resolved to her satisfaction and to the honor of the U.S. Senate?

Ms. MOSELEY-BRAUN. I thank the Senator very much. That is correct. The Senator is absolutely correct. I am prepared to do whatever is necessary. I will defend this flag against all enemies, foreign and domestic. I will do everything I can to see to it that this body does not disgrace itself by giving its imprimatur to a symbol of a flag that was defeated in the Civil War.

Mr. BIDEN. Will the Senator yield for a question?

Mr. SIMON. Will my colleague yield for a question?

Ms. MOSELEY-BRAUN. The Senator from Delaware for a question. I am only yielding for a question.

Mr. BIDEN. Madam President, my question for the Senator from Illinois relates to—I actually have two questions: First of all, is it not true, as the Senator has indicated, which I think many of our colleagues did not understand because I share Senator EXON's view—I think that the vast majority of our colleagues who voted against the position of the Senator from Illinois did so without really thinking this through.

Is it not true that the requirement that if this amendment is tabled, no one is denied from displaying that flag, no one is denied from venerating that flag and no one, quite frankly, is in jeopardy of having that symbol stolen from them as an organization; is that not true?

Ms. MOSELEY-BRAUN. That is correct.

Mr. BIDEN. I have a second question, Madam President, of our distinguished colleague from Illinois.

I have come to know the Senator from Illinois prior to her election to the Senate and since she has been here, I have observed that the one thing the Senator from Illinois has consistently attempted to do is bring people together and not to separate them; that she has been the least dogmatic; that she has been the most conciliatory; and that she has been the significant force in the Judiciary Committee for awakening people to a slightly different point of view.

One of the reasons, I might add, why many of us worked so hard to get her here and why I worked so hard, with her concurrence, to come on the Judiciary Committee is I think we saw here today on the floor of the Senate one of the reasons why. I and others have been saying for so long there is a need for diversity in this body, not need for diversity to have a numerical representation representing the country, but need for diversity, whether it is as a native American, a black African-American, or as an Irish-American, or as an Asian-American, to be able to bring the one thing that is most needed at this moment in this country, and that is civility and a sense of understanding of the other person's point of view.

I am at this moment, or I should be at this moment, chairing the hearings on the nominee for the Supreme Court of the United States, an important undertaking for the Senate and for my committee. Yet, yesterday, the nominee, a woman, before our committee, when asked about interpreting a particular provision of the Constitution said I would feel more comfortable in knowing the motivation of the legislative body if when I looked up at that body I noticed it was made up of women when it relates to an issue that affects women.

The fact of the matter is the Senator from Illinois has pointed out something today that has been sorely missing in this body: that one single voice speaking for millions and millions of voices in this country who feel disenfranchised, and in many cases are; who feel like this body does not understand their problems, and in many cases they do not; who know that most of us do not come from a background or circumstance that allows us not only to understand but feel and taste the problems of an entire segment of this country; finally, who have a voice that has two purposes, not only to represent their point of view but to sensitize us to that point of view, because, hopefully, all of us in here share the vision of healing of the Senator from Illinois.

This amendment that we in the committee adopted—the position of the Senator from Illinois is not designed in any way to criticize anyone in this country. It is merely to suggest that there are African-Americans and people of color in this country who cannot fathom or understand why we do not understand.

So my question to the Senator is one I cannot think of because my whole purpose here in going through this charade is to compliment the Senator and to point out to everyone here, everyone in this body, that today the Senator has done two things. One, she has demonstrated her grit; she has demonstrated her ability as a legislator. But the second thing she has demonstrated is the need to continue to broaden the diversity of representation of the American people, not for purposes of substantive outcomes on the economy or foreign policy or social policy but so that the American people of all colors believe they are, in fact, heard in this body.

So I ask my colleague from Illinois, will she be willing, if in fact enough of our colleagues now understand what they have inadvertently done, now that they have been, as we all need to be, myself included, sensitized to the perspective of another group of people as well as individuals in our society, will she be willing, if she prevails—and I believe she will—to acknowledge that those who change their vote made a good faith mistake when they cast it the first time?

Ms. MOSELEY-BRAUN. I thank the Senator from Delaware very much.

Mr. BIDEN. It is the only question I could think of.

Ms. MOSELEY-BRAUN. Redemption is always possible, and I would look very much forward to getting beyond this problem.

The Senator from Colorado came over and asked me about a question a few minutes ago, and I would like to respond to him without giving up the floor.

Mr. CAMPBELL. I thank my colleague.

As has already been put into practice by several of my colleagues, I will get around to my question in a short time. Let me say that I came over to the floor and voted a while ago with CAROL MOSELEY-BRAUN, went back to my office, as many of us did, and was answering some mail and watching television and it sort of exploded in my office on television.

I just wanted to tell her in front of this body that I was so proud that she stood up and kind of took on this issue. She is an outstanding legislator, and I am very proud to be able to serve with her. And I guess as the only other so-called person of color in this body, perhaps I have some insight that some of my colleagues may not except CAROL.

If I can ask her forgiveness, I would also say that I know there are some places in this country yet where American Indians are called prairie niggers, which is about the most vulgar term I can think of, or calling any African-American a name and certainly American Indians, too.

I know that some of my colleagues who did not support her in this last issue feel they were upholding tradition. I would point out to them that slavery was once a tradition, like killing Indians like animals was once a tradition. That did not make them right, and we sought, as a body, as a Nation, to correct that. There are still remnants.

Unfortunately, too many of our children are taught anger and insensitivity, not love, patience, and tolerance, and we have a long way to go. I think probably some of the people who did not support Senator BRAUN did not do it out of malice. They did it out of some kind of a misguided idea that they were preserving some kind of tradition.

I had a couple of experiences when I ran for this body just last fall that reminded me you never get to a point in America where we are going to totally erase some of the roots of prejudices. In one place, in fact—I am a veteran of the Korean conflict and very proud of our country, proud of the fact I was in the Air Force and proud of the fact that I carried the flag of the 1964 Olympic games when BILL BRADLEY and I were teammates in 1964 in Tokyo. And yet when I was endorsed by a veterans group and they asked the VFW, of which I am a member in one town in my State, if I could be endorsed in that VFW, they said we are not letting any Indians be endorsed in this body.

The VFW certainly apologized for that and whoever said that as a specific person did not speak for the VFW, which is by and large a good, patriotic, wonderful group of Americans, and I am very supportive of them. But it does tell from firsthand experience that you never get away from that stuff. And maybe because of that kind of constant reminder, even when you are a Senator, we develop maybe some raw nerves that other people do not have.

I wanted to point that out. That was only one of several things that happened to me just in the last year or so. But one thing is clear. Symbols are important in this country; otherwise what is that flag about that I said I once carried and what is the Statue of Liberty about? They are meant to do several things. One is to uphold and uplift the spirits of people and to draw them together. But, clearly, other symbols, such as the swastika, was meant to symbolize a division and draw people apart.

That is what we are talking about. Do we want to validate and ratify symbols in this country through this body? And I think historically we have tried to say we want to validate and ratify those symbols which are positive and which point out to all of us that we are all Americans and have a common goal, perhaps a common background, and we need to work together and not validate those symbols that are going to divide us and made us enemies of each other.

I just want CAROL MOSELEY-BRAUN to know that she is not alone in this fight. The history of this country has not been good to African-Americans and perhaps not good to American Indians either. So I understand that sensitivity.

As Senator BIDEN mentioned a while ago, he had to think up a question at the last minute. I would only reiterate his question and that was, do you think that perhaps we have convinced enough of our colleagues that they made a mistake to prevail on the next vote?

I thank the Senator for the time.

Ms. MOSELEY-BRAUN. Thank you very much. I certainly hope so.

The Senator from Wyoming had a question. He has been on his feet for a long time. I do not yield the floor. I do not yield my control of the floor. But I would respond to his question.

Mr. SIMPSON. Mr. President, I thank my colleague from Illinois.

I do have a question. But I want my colleagues to know how moved I am, especially with the passion, expressed by Senator MOSELEY-BRAUN and my good friend BILL BRADLEY, who is really a wonderful friend, a dear friend, a warm friend, speaking from his heart as he often does to phrase a question. I voted for Senator MOSELEY-BRAUN's position in the Judiciary because I was deeply impressed by her powerful argument. And at that time I was also impressed by her eloquence, and I tried to show a sensitivity to her urgings. What she has said today needs no further comment from me as to the power with which she spoke.

Then today I voted "no" to the motion to table. That was a very difficult thing for me to do, for I was thinking of the party of Lincoln; thinking of history, that is what I was thinking of; thinking how did this organization come to pass? Was it out of racism, because that is what we are really talking about. Let us clear up everything else in the Chamber. That is right where we have come—to racism.

I went back in history to find out about this organization. I found that four times in this body, by unanimous vote of all Democrats and Republicans—in 1926, in 1941, in 1963, and in 1977—long after the days of the great struggle of civil rights in the 1960's this simple measure passed the body unanimously.

So I tried to think, how did we get to this point where it is such a focal point of racism? Then I tried to think of history. I tried to imagine why this group was formed. I went through those troublesome things with a bit of research.

I remembered about this roots of our party and Abe Lincoln. I remembered, too, that we have many wonderful black Republicans who support my party.

Abe Lincoln was trying to preserve the Union, not trying to destroy slavery, although that was certainly a great part of his movement. But he was trying to preserve this Union. And he said in his addresses so eloquently of the unrequited toil of the bondsmen, how much do we invest in this destructive and terrible thing?

But it kept coming to me, and it just does not leave, why we should target an organization that has never evidenced a scintilla of racism, as far as I know. I think that in itself is a divisive and nonproductive type of activity. And so today we voted.

There was another one that stuck in my craw. On that day in committee we also approved the charter of the American Legion, of which I am a member. And I found the American Legion, in its early beginnings, never allowed any blacks into membership. We did not do anything that day with the charter of the American Legion. It seems to me that was the time to address that. But they have a lot of power. And also that was long ago.

The extraordinary letter that this able and extraordinary woman colleague has read from was written 30 years before the organization we are talking about was founded, 30 years before those harsh remarks there, and they are real and they are ugly, but made long before this organization was founded.

It seems to me, when we say that this is simply about slavery and preserving an organization which still embraces feelings about that, I then think others in good faith—and I mean in good faith—might take issue with that statement about that being the full historical perspective of the Civil War.

Historians have debated and debated those issues for many years. It is not my purpose to add or detract from that debate. But what I do know is this: The majority of the people who fought in that war knew little about what they were really doing—blacks fighting alongside whites in the North; blacks fighting alongside whites in the South. And the majority of those combatants were poor working men and were drafted and conscripted and who ultimately gave their lives. I do not know that they had a great ideological commitment to the controversial issues of the day, but we are certainly bringing it back today.

I have the most curious conflict as to whether we should not perhaps engage in extending the benefit of the doubt that this organization is not racist; that simply because they have that flag symbol there, they are not racist, and that they do good things. And recall that Oveta Culp Hobby was the head of this organization at one time, and she is one of our great women patriot heroes.

Enough. My question, yes; the question.

The question is: What does the Senator from Illinois feel about this body that is being reviled today; what does the Senator feel about what this body was doing in the years of 1926, 1941, 1963, and 1977? Where those Senators in those years people of good faith, Democrats and Republicans alike, involved in some form of racist decisionmaking or voting when on four separate occasions they unanimously embraced the approval of the design of this organization?

Ms. MOSELEY-BRAUN. I would just respond by saying that they did not notice. I mean, that was said in debate earlier. It just happened. It just happened because there was nobody around to bring attention to what was clearly and obviously a mistake, what was clearly and obviously something that this body did not need to do. I mean, that is the issue.

Senator HEFLIN has a question for me, and I would like to yield to him only for a question and without losing my right to the floor.

Mr. SIMPSON. I appreciate the courtesy of the Senator from Illinois very much. It is a very difficult issue. She handled it magnificently. I thank her.

Mr. FORD. Mr. President, may I ask the distinguished Senator from Illinois to allow me to make a statement or to try to bring this to a grinding halt, if I may?

I would like to know how many more would like to make statements so——

The PRESIDING OFFICER. Without objection, the Senator from Kentucky——

Mr. FORD. There are at least four on the Democratic side, and two on the Republican side.

Would it be in order that after Senator HEFLIN, Senator KERRY of Massachusetts, Senator RIEGLE of Michigan, Senator SIMON of California, Senator BOXER of California, Senator WOFFORD from Pennsylvania—and I see we are going to have too many. I think the Senator is going to have to yield the floor, or perhaps we can get a unanimous-consent agreement that after these statements are made, Senator BENNETT and I will make a motion to reconsider the vote.

Ms. MOSELEY-BRAUN. I only yielded for a question. I am not yielding the floor.

Mr. FORD. I ask unanimous consent that I might make this statement, without you losing the right to the floor. I would never allow the Senator to lose her right to the floor. I would like to put it in some perspective here, because at the rate we are going, it will be a long afternoon.

Would the distinguished assistant Republican leader on the floor help me with trying to work out procedure here so that we can get a number and make a unanimous consent shortly?

Mr. SIMPSON. I certainly will, Mr. President.

Mr. FORD. I will yield the floor, and I will try to work it out so we can get to a motion to reconsider the vote by which the motion was not tabled.

Ms. MOSELEY-BRAUN. I thank the Senator.

The Senator from Alabama has a question he would like to put.

I yield for that purpose, without losing my right to the floor.

(Mr. WELLSTONE assumed the chair.)

Mr. HEFLIN. Mr. President, I rise with a conflict that is deeply rooted in many aspects of controversy. First, the conflict arises for the love of my southland. I feel today, however, that we also have a conflict in modern America.

I come from a family background that is deeply rooted in the Confederacy. My great-grandfather on my mother's side was one of the signers of the Ordinance of Secession by which the State of Alabama seceded from the Union. My grandfather on my father's side was a surgeon in the Confederate Army.

I have many connections through my family with the Daughters of the Confederacy organization and the Children of the Confederacy, and I have a deep feeling, relative to my family's background, that what they did at the time they thought was right.

History, as we look back, always can give perspectives on what existed at the particular time. But I revere my family, and I respect those who thought whatever they were doing was right at that particular time in our Nation's history.

But we live today in a different world. We live in a nation that every day is trying to heal the scars of racism that have occurred in the past. We are trying to heal problems of racism in the world in which we live today. Perhaps racism is one of the great scars and one of the most serious illnesses that we still suffer today.

The United Daughters of the Confederacy has done a lot of good work. Its support for soldiers in arms in times of war and national conflicts, and its support for the sale of war bonds, and its charitable donations to orphans, and the countless hours donated to veterans in our national veterans hospitals, are certainly admirable.

I do not believe the organization today really has racism at its heart or in its activity. But the Senator from Illinois, Senator CAROL MOSELEY-BRAUN, is a descendant of those that suffered the ills of slavery. I have a legislative director whose great, great-grandfather was a slave. I said to my legislative director, "Well, if I vote with Senator MOSELEY-BRAUN, my mother, grandmother, and other ancestors will turn over in their graves." He said, "Well, likewise, my ancestors will turn over in their graves." But I strongly feel that if they were alive today, they would stand for what is right and honorable, and they would agree with me that it is time to move forward in our Nation's history.

We live in a world today where symbols mean a great deal. They are important to this Nation and to its people. This matter is indeed an issue of symbolism that has been so eloquently raised by the junior Senator from Illinois.

In my State, we have a new Governor, and he has just begun his term of office by banning the Confederate battle flag from flying over the State Capitol dome. Instead, he has ordered that it still be duly recognized; by flying it from the first White House of the Confederacy, which is near the capitol grounds. The flying of the Confederate flag was and is offensive to a large segment of the people in Alabama, both black and white. I think that he moved in a proper manner to see that the flying of the Confederate battle flag at the top of the capitol dome be stopped.

I think we do live in a world of symbolisms. Many distinctions can be made, however, between the granting of the extension to the design patent sought by the United Daughters of the Confederacy and flying the Confederate battle flag atop the State capitol dome. But the whole matter boils down to what Senator MOSELEY-BRAUN contends—that it is an issue of symbolism. We must get racism behind us, and we must move forward.

Therefore, I will support a reconsideration of this motion, and I do it with conflict. Nevertheless, we must realize that we live in America of today. We live in a world in which we are so proud of the fact that we have made so much progress in removing the ills of racism, and we must realize that we must move forward to eradicate all of the racism that still exists. We live in a country in which we believe that all men and women—as stated in the Declaration of Independence—are created equal and are endowed by our Creator with the right of life, liberty, and the pursuit of happiness.

I feel that, today, this is a symbolic step. If we move forward to put the stamp of approval of the U.S. Senate and the Congress on a symbol that is offensive to a large segment of Americans, I think we will not be moving in the right direction, and it is a wrong approach to the ideals for which this country must stand.

Ms. MOSELEY-BRAUN. I say to Senator HEFLIN, my senior Senator, Senator SIMON, has been so nice in standing by me throughout this debate today.

The Senator has a question without losing my right to the floor.

Mr. FORD. Mr. President, will the Senator allow me to make a unanimous consent—without losing her right to the floor—to make a unanimous-consent agreement at this time?

Ms. MOSELEY-BRAUN. So long as I do not lose the floor.

Mr. FORD. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask unanimous consent that the following Senators be recognized for statements and that the time announced for each be recognized, and that it will alternate from one side of the aisle to the other. They are 10 Senators; and at the end of the last speech that Senator BENNETT of Utah and myself be recognized for a bipartisan motion to reconsider the vote by which the amendment was not tabled.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. I think the Chair interrupted the Senator from Kentucky. He needs to continue first with his request and then I will ask if there is any objection.

Mr. FORD. Senator RIEGLE, 7 minutes; Senator KERRY of Massachusetts, 5 minutes; Senator BOXER, 5 minutes; Senator CONRAD, 3 minutes; Senator METZENBAUM, 3 minutes; Senator SIMON, 2 minutes; Senator WOFFORD, 2 minutes; Senator SPECTER, 3 minutes; Senator MCCONNELL, 3 minutes; Senator BENNETT, 3 minutes; Senator KENNEDY, 3 minutes; and Senator CAROL MOSELEY-BRAUN, 5 minutes; and at the end of that time Senator BENNETT and I be recognized to make the motion.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina just was responding. The Senator from Illinois still has the floor.

Ms. MOSELEY-BRAUN. Just checking.

The PRESIDING OFFICER. The Senator from North Carolina reserves the right to object.

Mr. HELMS. Mr. President, I reserve the right to object pending a response to a question. I do not care how many Senators speak on the motion to reconsider. That is irrelevant, and the time ought not to be taken for that anyhow. But that is not for me to judge. What I want to be sure of is that no action is going to be taken to limit the debate on the amendment when it becomes the pending business. The Senator from Kentucky has no idea of limiting debate on that, does he?

Mr. FORD. If the amendment gets to the floor, the Senator can have it.

Mr. HELMS. You bet. I do not object.

Mr. SPECTER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. If I may have the attention of Senator FORD.

Mr. FORD. I want to be sure.

Mr. SPECTER. I want to be sure this is alternated here.

Mr. FORD. That is part of my unanimous-consent agreement.

Mr. SPECTER. Do the Republicans get the first speech, with the last one the Democrats?

Mr. FORD. I had not decided that yet, but since the Senator is here and I would not want to keep him on the floor longer than necessary I will be more than glad to ask him to speak first.

Mr. SPECTER. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kentucky is recognized.

Mr. FORD. Now, Mr. President, we have a unanimous consent agreement, and I would like to amend my unanimous-consent agreement, that Senator LAUTENBERG be recognized for 3 minutes, Senator KOHL be recognized for 3 minutes, and also Senator FEINSTEIN from California be recognized for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. My colleague, my senior Senator from Illinois, has been standing with his question.

Mr. FORD. Mr. President, let me say to the Senator we have a unanimous-consent agreement now for Senators to speak, and I agreed that the Senator from Pennsylvania would go first and we will alternate side by side.

The Senator does not lose her right to the floor, and she will be the last speaker before Senator BENNETT and I make our motion.

Ms. MOSELEY-BRAUN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Chair and I thank the distinguished Senator from Kentucky, and I shall be brief.

I was among a group of Republican Senators who supported Senator MOSELEY-BRAUN. I did so because of my concern about the reaction to the symbolism of the flag as a symbol of racism. And I am very much concerned about that problem, and I believe that are there is tremendous bigotry in this country that remains, racism, religious bigotry.

I think that when this matter was handled in the Judiciary Committee, where I again supported Senator MOSELEY-BRAUN, it was established that the organization maintained a common law right to use the flag—and there is no question about the use of the flag as a matter of freedom of speech—but the critical question was whether there would be an imprimatur sanctioning by the U.S. Congress on the resolution.

I am convinced that the sponsors of the amendment intended no racism and no disrespect in what they sought to achieve but followed the precedent where it had been achieved in the past. I do not believe that it is a party matter. Some on both side of the aisle supported Senator MOSELEY-BRAUN, and some on both sides of the aisle opposed Senator MOSELEY-BRAUN. It seems to me that the best way to resolve it is to reverse what has happened and to have the amendment defeated.

The symbolism is quite strong, and I think that the people who are watching these proceedings ought to understand that an amendment like this offered under the Senate rules may be offered without advance notice, perfectly proper, and that there is a 15-minute period extended by 5 minutes to vote. And I know I was in the well of the Senate and I think there was a lot of failure to understand precisely what was going on. So that the debate which has followed will put people on notice as to what is really involved.

I believe that on revoting that Senator MOSELEY-BRAUN'S position will be upheld, and I look forward to that vote.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I simply want to tell my colleague from Illinois how proud I am of her at this moment.

This discussion, frankly, has been good for the Senate and good for the Nation. I also want to tell you that I am very, very proud today to be your colleague. It took courage to do what you have done. The reality is symbols are important.

The Senator from Colorado, Senator NIGHTHORSE CAMPBELL, has talked about the offense that the use of the name Washington Redskins gives to native Americans. We have to face these problems and we have to be sensitive.

When I see a pickup truck driving down the highways of Illinois with a Confederate battle flag on the back of that pickup truck, I know that is not a symbol for understanding. It is a symbol that is not good. And what my colleague from Illinois has done today is to say let us use symbols that bring us together when we grant special opportunities to groups.

This group can continue to do that, I do not question that they do good things. But if they want to have this Federal charter renewed, come back with a different kind of a symbol. I am proud of my colleague, proud of the U.S. Senate today.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I want to commend the Senator from Illinois for her effective presentation. I understand the passion that she feels for this.

I would like to bring a slightly different perspective to it. My roots, like the senior Senator from Alabama, run deep in the South. Ironically just over the last 10 days I have been doing some work on my family genealogy.

My great grandmother's first husband was killed in the Civil War. I have learned that he was not a slaveholder, but he, like others in Alabama, viewed that conflict through the lenses of those days. And his view was that it was a fight for his region.

My grandmother belonged to the United Daughters of the Confederacy. I know she did not support slavery.

So it has been my view in growing up that the UDC largely was a group not about the purpose of glorifying slavery, but a group that very much revered the lives of those who were lost during that great conflict which was the most costly conflict this country has ever endured. More Americans were killed in the Civil War than any other war in our history.

So I voted in opposition to the Senator from Illinois, certainly not because I, in any way, advocate slavery nor do I believe that UDC advocates slavery, but out of respect for my forefathers who did what they thought was appropriate for their region of the country during this most difficult time.

I would hate to have this vote to be construed as somehow a refighting, if you will, of the Civil War or an endorsement of racism in any way. The Civil War happened. It is part of our history. Many of us, as we reach our fifties, get interested in our family histories, as I have been in the last months.

I revere those forefathers of mine, not because I approve of slavery, but they did what they thought was appropriate in their time. And so I do not feel we should deny this patent to the United Daughters of the Confederacy.

It never occured to me in casting my vote a while ago that it would be interpreted as somehow an endorsement of racism or slavery, but rather I did it out of respect for my ancestors and their roots which ran deep in the South.

That same family that supplied a Confederate solider also supplied a drummer boy in the American Revolution. So my descendents have fought to establish the country, some of us thought to divide us into two countries. I am glad that position did not prevail.

But I do not think the UDC has done anything to be punished for or to have this particular patent withdrawn.

So, Mr. President, I am going to, when we vote on this again, vote the same way I did the first time, simply out of reverence for my ancestors whose roots run deep in the Southern part of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 7 minutes.

Mr. RIEGLE. Thank you, Mr. President.

First of all, I want to say to the Senator from Illinois [Ms. MOSELEY-BRAUN] how I appreciate her extraordinary leadership today and, for that matter, every day. I think what she has done and said here today marks a change in direction not just for this institution but for the country as a whole. She speaks for all people of color in this country and beyond, and most of the rest of us, as well. So for her leadership, I am just deeply grateful.

And I want to say to the Senator from Alabama [Mr. HEFLIN] in the 27 years I have been here, I do not recall another time when I have been as moved by the remarks of someone reflecting as he did on the history in his family and the perspective that he brings and the fact that, by his gesture in reaching for the Senator from Illinois, that we put this country together, we put it together across lines of race and region and history. It was just one of those wonderful, blessed moments in the history of the Senate.

And also Senator BENNETT, who we will hear from just a little bit later. As I understand it, he will move to reverse this vote and stand, as he has before, independently on an issue of conscience as a Member of the Senate in his party and more broadly. And my hat is off to him, as well.

I was asking for the numbers of those people of African-American descent whose names are listed down on the Vietnam Memorial Wall. There are 7,264 of the 58,000-plus names on that wall. About 12½ percent of those that died in Vietnam were African-American. The African-American percentage in our society as a whole runs about 12 percent. Very interesting.

If you go back to the last several wars, in World War II, 8.7 percent of our fighting force were African-American. That went up to 9.8 percent in Vietnam, although the ratio of those killed was far higher.

But just more recently, in the Persian Gulf war, 20 percent of the American fighting force over there were men and women of color.

So we ask our people of color in this society to step up to all the responsibilities, including that of laying their life on the line for this country and what it stands for and for our flag, for the national flag, not for a Confederate flag or a battle flag or anything else, but the flag of one country united.

In Detroit, MI, there is an African-American history museum. I went through there one day. I saw something that left an indelible impression in my mind.

It was the drawing of the floor of a slave ship. And on this drawing of the floor of the slave ship was marked out in chalk on the floorboards of that, in the hold of that slave ship, just room enough for each slave that had been taken at gunpoint in Africa and ripped away from their family to be put in the hold of the slave ship and made to lay on those wooden boards with literally no space between them.

In fact, up in the bow of that boat, there was actually an outline where one of the slaves would have to lay in a folded position so they could fit one more person up in the hold of that ship.

In coming across the oceans, of course, many died. And there were people of all ages; families. And the practice was, when the slave ships would arrive down the coast of the New World, oftentimes down in the Caribbean, they would take off the ships the people who were the weakest and might likely not survive.

So, in many cases, the children would be taken off at that point and left there. And then maybe the mothers would be dropped off a hundred miles up further north. And, finally, the fathers still further up the coast. Babies were taken right out of their mothers' arms and sold into bondage and families were separated that way.

That is the history. That is what racism is about and is a living memory.

And it continues to this day in so many families in our country who are fighting to overcome the racial stereotypes and the terrible damage that was done at that time in ripping families to pieces after they had been brought here at gunpoint and in chains and shackles.

So when somebody brings a flag like that out here and defends it, when it so clearly symbolizes that history, thank God we have an African-American woman Senator here in the Senate who stands up and says "no."

It has taken us over a hundred years since the Civil War to get to this point.

Thank God, again, that we have a native American Senator from Colorado who stands with her to make the same point from his perspective and who went over and won Olympic medals for this country under the flag of America and not under some carryover flag from Confederate days.

So it is time to bring this country together and put a stop to this kind of thing.

I want to again say to the Senator from Illinois how much I admire her for her courage, leadership, strength and perception, thank goodness she is here. And the Senator from Alabama, who reached across this issue to take her hand today, and the Senator from Utah as well, from that side of the aisle. There is hope and promise in America, when Senator MOSELEY-BRAUN and Senator HEFLIN and Senator BENNETT can get together on an issue of this kind, and I am proud to stand with them.

By the way, the Senator from Illinois will not be standing here alone. If she does not carry this vote, we will be here with her as long as it takes. We will keep the lights on as long as it takes until we carry this issue.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Utah wish to be recognized at this moment? If not, the Senator from Massachusetts [Mr. KERRY] is recognized for 5 minutes.

Mr. KERRY. Mr. President, I probably will not use that time. I join my colleague from Michigan and other colleagues who have, first of all, applauded the courage of the Senator from Alabama. Standing right behind him, one could feel as well as see the emotion that consumed him as he expressed a reversal which for him, where he comes from, is very, very hard to explain to some people and very hard to summon up on quick notice, if you will. I think it was great courage. Most importantly, it was leadership.

What is remarkable to me, as I stand here, is that there is a real discomfort as I think about the fact that we are 96 white men and women debating whether or not we ought to be sensitive to the expression of one African-American and one native American. If that does not tell us what the problem is, then nothing will.

I heard my very good friend from Wyoming, who I know does not have a racist streak in him, who is a good soul and friend of all of ours, cite the fact that four times in the past the U.S. Senate has just let this go by. But that is also the problem. Because you cannot look to the Senate of the twenties and the thirties and the forties and the fifties as an example of either what was right or how you ought to respond on an issue regarding the perception of people to something about race and about past history that we know was wrong. This institution did not begin to have much of a record on this subject until the 1960's.

You can turn to my colleague, Senator KENNEDY, and others, and ask what a struggle that was in the days of real filibusters, or long weeks, of all-night sessions, when they struggled to do what was right.

So the fact we are here now, reminded by one African-American, the first elected in her own right on this side of the aisle in the history of this institution, ought to give us pause to think about the message that she carries on behalf of millions of other people in this country.

This is not an issue of punishing an institution for what it believes. This is not an issue of denying people the right to fly the Confederate flag. This is not an issue of denying people the right to be proud of where they come from in this country, or of the history of their families.

This is an issue of sensitivity, about whether or not we, this mostly white institution, are going to express an understanding of a symbol that carries with it the capacity to make people literally fear for themselves. I have learned something about that in the last years as I have talked to African-Americans who tell me about the fear they can feel just crossing Harvard Square, or walking in Washington, DC, when they get into the wrong part of town and people look at them differently.

When you see the Confederacy symbolized—maybe not for a lot of people in this institution, but for an awful lot of Americans—it summons up and conjures up images that are painful and difficult. This is a question of whether or not we are going to ratify, as a Federal institution, a symbol that carries that fear. Or whether we will do what the Senator from Alabama has done so courageously: Summon up the will to acknowledge that this is a different time in this country; it demands a different response. And today is a great learning moment for the U.S. Senate, a moment where we, all of us in America, can gain a new sensitivity to the realities of this great Nation of ours.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized for 5 minutes.

Mrs. BOXER. Mr. President, I am so honored to be in this Chamber, standing so close to leadership and courage as I was, as I sat in the Chair and watched the Senator from Illinois speak from the deepest recesses of her soul, and at the same time from a very strong intellectual part; and to stand near the Senator from Alabama as he spoke to us and showed the most extraordinary courage I have seen in very many, many years.

When I was a little girl, my father used to say it is in the Senate where you see the courage. I thank the Senator from Alabama for making me feel so good that I am in this institution. For what he has done today, and the way he did it, speaks to the best in every American. If ever there was proof that diversity in this institution is important, we got that proof today.

I truly believe if the Senator from Illinois had not been sent here by her very wise constituents, this vote just may have gone by. I do not know if that is so. But I think it is possible. And the point is—and I say this to all Americans—that they were very wise in this last year because we are all creatures of our experience and our heritage. One is not better than the other. It is all crucial to making law.

When we talk about the Holocaust, there are those of us in this institution who can address it, who lost people in it, who can talk about the way it feels when we see a swastika, or any denigrating symbols, or hear certain words.

When we talk about Native Americans, we have someone here with us, the Senator from Colorado, who can lead us. We will listen to him. We will feel his pain and understand the prejudice his people still feel. He can talk to us about the history of native Americans, who were driven from their land, a very gentle people, misconstrued in American folklore, and we can better understand that.

When we talk about prejudice against women and a woman's right to choose, we now have people who can stand here from their experience and say: Please listen to us. This is a private and personal issue.

We are enriched as an institution because the American people made this a more diverse body. I am looking forward to this next vote. I think this is a moment that will go down as a turning point in history. Indeed, I hope it will.

To the Senator from Illinois, I thank her for guiding us, for teaching us, for reminding us, for being insistent, for standing on her feet, for appealing to what is best in us. I assure her we will not let her down.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 3 minutes.

Mr. CONRAD. Mr. President, the statement of the Senator from Illinois, CAROL MOSELEY-BRAUN, I think, was perhaps the most powerful, moving statement I have heard on the floor of the Senate since I came here 7 years ago. I was proud to vote with her, and prouder still of my colleagues who stood up, one after another, to say what is true: Senator BRADLEY, Senator CAMPBELL, especially Senator HEFLIN, Senator RIEGLE, Senator BOXER, Senator FEINSTEIN, and many more.

The fact is, something very important happened this afternoon on the floor of the U.S. Senate because we have confronted something ugly in this country, something very ugly in our past, something that haunts us still.

My relatives fought in the Civil War. They fought on the side of the North. They fought because they deeply believed in preserving the Union and they were deeply and morally opposed to slavery.

Mr. President, the Confederate flag is a symbol. It is an important symbol. It is a symbol of a system that allowed slavery. The Vice President of the Confederacy, in the letter the Senator from Illinois read from, said:

> The cornerstone of the Confederacy rests upon the great truth that the Negro is not equal to the white man.

Mr. President, African-American soldiers were equal to white soldiers when they died to preserve that flag—the American flag—in the Civil War. African-American soldiers were equal to white soldiers when they died to preserve that flag—the American flag—in World War I and in World War II. They were equal to white soldiers when they died to preserve this country in the Korean war and the Vietnam war and in every other conflict.

The Vice President of the Confederacy said that the other side, led by Jefferson, saw that enslavement was wrong in principle, wrong socially, morally, and politically. They were right.

The Senate should not, in my judgment, indeed cannot, put its stamp of approval on a symbol of something that was so wrong.

So, Mr. President, I hope and urge my colleagues that we will overturn a mistake that was made earlier. This is a great opportunity to confront something that is ugly in our present and in our past. I thank the Chair.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Ohio is recognized for 3 minutes.

Mr. METZENBAUM. Mr. President, I rise because I have seen something here today that I have not seen since I have been in the Senate. I saw one person, who was able to make a difference, stand up and fight for what she believes in, and she gave a message to this body that electrified the body. I want to take my hat off to her because I think that she has not only won her point, but she has elevated this body. By her eloquence, she has shown that this body can be electrified. She had a losing hand. I stood there and tried to help her get votes. She had lost 52 to 48. I saw Members of this body vote the wrong way, and it was a difficult situation. She went back to her chair and she said, "I'm going to stand here as long as I have to. This amendment is not going to pass." There is no question about it, she will prevail.

But what is so important to me is that this body—not always, but in this instance—has proven that it can be prodded to do what is right. What a magnificent moment for this Senate when the Senator from Alabama, who voted against the Senator from Illinois, stands up and makes that most beautiful speech. It took a lot of courage to make that speech. I think each of us in this body recognize the difficulties of a Senator from Alabama speaking to this particular issue.

I just want to say that I personally am grateful to her. I am grateful to her for getting elected. I am grateful to the people of Illinois for sending her here. It was long past due that we have a woman of color in the U.S. Senate, and I am so pleased she is a Member of the body that I belong to.

But more important than that even is the fact that she showed us today how one person can change the position of this body, and she did it in a most eloquent way. We all owe her a great debt of gratitude.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I ask unanimous consent that the distinguished Senator from Rhode Island [Mr. CHAFEE] be added for 3 minutes and the majority leader be added to the number of speakers for 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY] for 3 minutes.

Mr. KENNEDY. Mr. President, the Senator from Illinois, like another great leader from Illinois, President Lincoln, appealed to the better angels in us this afternoon. She reminded us in a most eloquent way about the wounds, torn in the fabric of our society as a result of the Civil War and racism, that still exist. They will continue to exist until we bury the symbolism of that tyranny represented by this flag that has been talked about this afternoon.

Many times in the great causes of our country, in moving forward to strike down the barriers of discrimination, Republicans and Democrats have joined together and worked together. And I can remember in 1964, at a critical time in this Senate's history, whether we were going to achieve a milestone in the cause of civil rights, when another Senator from Illinois, a Republican, Everett McKinley Dirksen, cast his lot to strike down barriers of discrimination and racism.

I think of Abraham Lincoln and I think of Everett McKinley Dirksen when I have listened to the voice of Senator CAROL MOSELEY-BRAUN this afternoon, and I appeal to all those in this Chamber and in their country to bury this symbolism of slavery once and for all.

The PRESIDING OFFICER. The time of the Senator has expired. The Chair recognizes the Senator from Rhodes Island, Senator CHAFEE, for 3 minutes.

Mr. CHAFEE. Mr. President, one of the purposes of this Senate is to debate thoroughly the issues that come before us and, indeed, it has been called the greatest deliberative body in the world. I want to say this has been a good debate this afternoon, which I was fortunate enough to be able to hear all of practically.

I voted with the majority to table the amendment, dashing up here from lunch, as did others, to deal with an issue that was totally unfamiliar to nearly all of us.

It is apparent from this debate, Mr. President, that a group in our society feels very deeply about this matter, and those views have been very powerfully enunciated by the extraordinarily excellent speech of the distinguished Senator from Illinois. I think her views and the points she made have validity.

I must say, regrettably, rarely on this floor are minds changed. All too often nobody is here listening or, if people are listening, they are only listening so they can jump up and give their speech without paying a great deal of heed to the speeches that have gone previously.

But I have been persuaded by the views that I have heard expressed today, especially by the Senator from Illinois. As I said before, I think they have great validity, and I look forward to the vote that we will soon have coming up on the motion to reconsider. I want to thank the Chair.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania, Senator WOFFORD, for 2 minutes.

Mr. WOFFORD. Mr. President, the Senator from Illinois has shown not only that one person can make a difference, but that even a Senator can make a difference. I think this time has been very worthwhile today, even though I cannot think of an amendment more extraneous, irrelevant, and impertinent to a bill on national service than a bill for extending the patent of the United Daughters of the Confederacy.

It has been worthwhile if only for having seen once again the profile in courage of Senator HEFLIN from Alabama and to stir some of us into thinking about our own families and background and my two grandmothers who were members of the United Daughters of the Confederacy and who survived by going to Howard Law School and joining the civil rights movement, and to think back on the past, but also as the Senator from Alabama said the America of today.

I ask the Senator from Illinois and our friends here, is there anything that is more the opposite of the bill for national service that we are returning to soon than the divisive issue we have just taken up? And is not the national service bill itself designed for just the opposite, to bring our country together, rich and poor, North and South, young and old, black and white, cities, suburbs, and farms?

I hope, as we get moving on to the business at hand of the bill for national service, the better angels of our nature, as Lincoln would wish, do prevail in this Chamber tonight.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Who seeks recognition?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, I join my colleagues in commending the Senator from Illinois as well as the Senators from Alabama and Utah and all of those who have spoken on this subject this afternoon.

The eloquence, the conviction, the power of the remarks made by the Senator from Illinois, the persuasiveness as seen in the subsequent remarks, is something rarely seen in the Senate or anyplace else in our society, and I commend her for the conviction and the principle and the courage she has brought to this matter.

Race has been the most divisive issue in American history. It continues to be. Let us hope that in a way that no one could have foreseen, and perhaps unintended, this issue, this debate, what we hope will be the result, will serve to help us get past this issue in our country.

I would like also to ask all Senators to reflect on another important issue presented by what has occurred here this afternoon. The Senate is a unique institution, and among the rules which make it unique are that any Senator can offer any amendment, anytime he or she wants, even though it has no relationship to the bill being considered, and without giving any notice.

Indeed, the sad reality is that many of the amendments we vote on we do not even know about until after they have been offered and they are read for the first time. Every Member of this Senate knows we are repeatedly confronted with amendments of this type that deal with seemingly less than nationally significant issues, that are unrelated to the bill being considered, on which there has been no notice, no debate, no discussion, and consideration. The first instinct of almost every Member of this Senate is to be cautious and to cast a vote that will not cause any problems later. And so time and time and time again we are confronted with amendments of this type and we have gone ahead and voted for them as a body because it is the easy way out.

I hope Senators will reflect upon this, and that, first, we will see a reduction in these kinds of amendments, amendments that are unrelated to the bill, amendments on which there has not been any time to reflect and consider and make a reasoned judgment before voting, and Senators in the future, thanks to the courage of the Senator from Illinois, will think long and hard before they take the easy way out and vote for an amendment of this type. It is the kind of thing we regularly confront. This is an important issue in its own right, but it is also important to cause every Member of the Senate to pause and reflect on the way we do business in this institution.

I thank my colleagues, and I again thank and commend the Senator from Illinois.

The PRESIDING OFFICER. The time of the majority leader has expired.

The Chair recognizes the Senator from Utah [Mr. BENNETT] for 3 minutes.

Mr. BENNETT. Mr. President, I will make a motion at the end of the 3 minutes in which I will be joined by the Senator from Kentucky.

When I came to the Senate, people said, how do you figure out all of the complicated work that you do? And after a little while here, I said, it is very simple. I have it all figured out. You walk on the floor, you vote "no," and you lose. That seems to be the fate of the freshman Republican in this body. It is almost an automatic reaction.

When I walked on the floor today, without having the slightest idea what the issue was, I was told, as were many Republican Senators, this is a Republican amendment. Once again there is a motion to table and once again the Republican reaction is that we do not want to see our fellow Republicans offer amendments and have them automatically tabled, and we vote against the motion to table.

I know among my fellow Republicans there was a large amount of that kind of reaction to what went on today.

I quickly realized, after the motion to table had failed, that a large number of Republicans did not realize the greater implications of what had just happened. I was one of those who, as I circulated among my fellow Republicans, said, do you understand what we have just done? They said no, and I said I intend to make a motion to reconsider.

I went to my leadership and got their blessing to make this motion, and I am happy to stand here now on behalf of the Republicans who feel strongly about the issues that the Senator from Illinois has raised, to make sure that the party of Lincoln does not bear the taint that some might have given to us by virtue of this vote.

Mr. FORD. Mr. President, will the Senator withhold his motion.

Mr. BENNETT. I will withhold.

Mr. FORD. We had Senators arrive late and are on the unanimous consent.

I ask the Senator to withhold until the Senator from Wisconsin has a couple of minutes. Will that be all right?

Mr. BENNETT. I withhold, with the understanding that I be recognized to make the motion at the appropriate time.

Mr. FORD. By unanimous-consent agreement, Mr. President.

The PRESIDING OFFICER. The Senator's time is preserved.

The Senator's time has expired. The Chair recognizes the Senator from Wisconsin [Mr. KOHL] for 2 minutes.

Mr. KOHL. I thank the Chair.

I rise today to offer my support to my colleague from Illinois, Senator CAROL MOSELEY-BRAUN, on this very important matter.

Yesterday, during the Supreme Court hearings, when we were talking to Judge Ginsburg, I asked her what she thought were among the most important issues we face in our country today, and she quickly said racism was among the most important, if not the most important, issues and problems we need to do something about today.

When she is confirmed, I have no doubt she will not duck the issue, and we must not duck the issue of racism today in the Senate. No one is trying to deny the Daughters of the Confederacy and no one is trying to take away their flag, but the Senate must not confer its imprimatur on a symbol of our divisive past and a symbol that offends so many people, both white and black.

So I am pleased we are going to reconsider. I have great confidence that when we reconsider, we are going to do the right thing. I think in doing the right thing we will cast a great deal of good qualities upon this body, and it will be something very special for all of us. Certainly, it will be something very special for one of our special Members, Senator CAROL MOSELEY—BRAUN. I am very happy to be here in support of what the Senator is doing, which is in the grandest tradition of our country.

Mr. LEVIN. Mr. President, to paraphrase Charles Dickens, the past few hours in the Senate were the worst of times and the best of times.

I was distressed to see the Senate vote against tabling the amendment by Senator HELMS when it was first offered. The amendment would have continued what amounts to a Federal seal of approval on a symbol that is offensive to millions of Americans. The vote represented an insensitive display of business as usual—its OK to do something again because we have done it before. I voted in favor of tabling the Helms amendment.

However, it appears that we are about to reverse that decision. In doing so, the Senate has demonstrated its ability to listen to the courageous voice of a new member and to correct its mistake. Instead of putting its stamp of approval on a symbol that has divided this Nation, the Senate has shown the benefit of debate and diversity. Instead of dredging up the horrors and prejudices of the past, it has shown its ability to look to the future with sensitivity and the hope of renewal. For these reasons, I will be pleased to vote for the motion to reconsider the motion to table the Helms amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah for the purpose of making a motion.

Mr. BENNETT. Mr. President, I move to reconsider the vote by which we moved to table the amendment.

Mr. FORD. Mr. President, joining with the Senator from Utah, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah to reconsider the previous motion to table. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 24, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—76

Akaka
Baucus
Bennett
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Campbell
Chafee
Coats
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gregg
Harkin
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Warner
Wellstone
Wofford

NAYS—24

Bond
Burns
Byrd
Cochran
Coverdell
Craig
Dole
Faircloth
Gramm
Grassley
Hatch
Hatfield
Helms
Kempthorne
Lott
Mack
McCain
McConnell
Nickles
Packwood
Smith
Stevens
Thurmond
Wallop

NOT VOTING—0

So, the motion to reconsider was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, would it be in order to vitiate the yeas and nays?

The PRESIDING OFFICER. The Chair will advise the Senator that will require unanimous consent.

Mr. HELMS. I object.

Mr. FORD. Objection is heard, and I respect that.

We go to the motion to table without intervening business and the vote is "yea" to table or "nay" to not table.

The PRESIDING OFFICER. The Senator is correct.

The question on reconsideration is the motion to lay on the table the amendment of the Senator from North Carolina. Under the precedents, the yeas and nays carry over.

the clerk will now call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mrs. MURRAY). Is there any Senator in the Chamber desiring to vote?

The result was announced—yeas 75, nays 25, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—75

Akaka
Baucus
Bennett
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Campbell
Chafee
Coats
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gregg
Harkin
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Warner
Wellstone
Wofford

NAYS—25

Bond
Burns
Byrd
Cochran
Coverdell
Craig
Dole
Faircloth
Gramm
Grassley
Hatch
Hatfield
Helms
Kempthorne
Lott
Mack
McCain
McConnell
Nickles
Nunn
Packwood
Smith
Stevens
Thurmond
Wallop

So, upon reconsideration the motion to lay on the table the amendment (No. 610) was agreed to.

Several Senators addressed the Chair.

Ms. MOSELEY-BRAUN. Madam President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. MACK. Madam President, I want to be absolutely clear about the intentions behind the two votes I cast today on Senator HELMS' amendment to the National Service Act. I voted to allow the United Daughters of the Confederacy to continue to enjoy a design patent on their emblem because I reject the notion that the issue before the Senate was one of racism. Rather, I view the amendment as designed to preserve the heritage of those who are proudly descended from the ranks of those who fought and died in the Civil War. The United Daughters of the Confederacy [UDC] do not concern themselves with race when performing their charitable endeavors. Nor is the fact of having previously granted a design patent on their emblem an indication that this body has somehow endorsed racial discrimination. Rather, the question before the Senate on this amendment was whether to allow citizens to continue to honor a part of America's heritage, in all its glorious diversity.

Today, unfortunately, the extension of a simple and honorable courtesy, which the Senate has granted to the UDC four times in the past, was wrongly transformed into a question of the Senate's proclivity for racism. Disappointingly, political correctness has won the day. This was not a vote about racism. It was a vote about allowing a group of elderly women the privilege of honoring their emblem. I voted for that privilege.

UNANIMOUS-CONSENT AGREEMENT

Mr. DODD. Madam President, I understand we are now going to consider an amendment by the distinguished Senator from Idaho, and I ask unanimous consent that be with a time limitation of 30 minutes on the amendment of the Senator from Idaho regarding family and medical leave; and that no other amendments be in order prior to the disposition of Senator CRAIG's amendment?

Mr. DANFORTH. Madam President, reserving the right to object.

Madam President, I wonder if it would be possible for me to proceed for about 3 minutes on the subject of the previous vote, before we move to the Senator's amendment?

Mr. DODD. I have no objection to that. Can we get this unanimous-consent agreement and then the Senator can be recognized for 3 minutes.

Mr. DANFORTH. Certainly.

Mr. DODD. That will be evenly divided; 30 minutes evenly divided.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Yes, there is, Madam President.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I believe there are other Senators who wish to do the same thing and I wonder if we could arrange it so all would have a chance.

Does the Senator from North Carolina wish to address the Senate on the same subject?

Mr. HELMS. I think it would be appropriate, Mr. Leader, yes. I had intended to use a few minutes, but not many. I decided to object to the unanimous-consent request. If I can have a few minutes? I do not want to be limited. I will only use a few minutes but I do no want the Chair saying my time has expired.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. What I propose then is we now have, I believe, four Senators who wish to address the Senate on a previous subject. I would like to simply inquire of each what time they want and then encompass that in an agreement, and then we could proceed with that.

Three minutes to the Senator from Missouri. How much time would the Senator from North Carolina like?

Mr. HELMS. I do not think I will use more than 5 minutes. I do not think I will use that much, but I do not want to be restrained because I have a few things I want to say. I will promise the leader I am not going to waste time.

Mr. MITCHELL. I accept that.

The Senator from New Jersey?

Mr. LAUTENBERG. Mr. Leader, I would like 3 minutes and I will not waste time either.

Mr. MITCHELL. The Senator from Illinois? How much time does the Senator require?

Ms. MOSELEY-BRAUN. Two minutes will be fine.

Mr. DODD. I will take a minute.

Mr. MITCHELL. If the Senator from North Carolina will remain, I am going to put a request to accommodate everyone and I will not put a time limitation on his remarks.

Mr. HELMS. That will be fine, Mr. Leader. And I promise you I will not be too long.

Mr. MITCHELL. I ask unanimous consent the Senator from North Carolina be recognized to address the Senate; that upon completion of his remarks the Senator from Missouri be recognized to address the Senate for up to 3 minutes; that upon the completion of his remarks the Senator from New Jersey be recognized to address the Senate for up to 3 minutes; that upon the completion of his remarks the Senator from Connecticut be recognized to address the Senate for up to 3 minutes; and that upon completion of his remarks the Senator from Illinois be recognized to address the Senate for up to 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Madam President, if the majority leader would withhold, I will probably not object, but I reserve that right. I thought the Senator from North Carolina had declared that he was interested in 5 minutes worth of time and I think we ought to honor that request and thereby limit it and be able to move this along.

Mr. MITCHELL. Mr. President, the Senator from North Carolina indicated that he did not wish a time limitation to be imposed, but he assured us that he would not use more than 5 minutes and I am prepared to accept his word on that.

I would like to ask the Senator from North Carolina if we would permit the Senator from Illinois to proceed first for 3 minutes, to change the order so he would then go second?

Mr. HELMS. To the contrary, let me appear last. Let everybody have their say and then I will wind up. I thank the leader.

Mr. MITCHELL. I renew my request with the modification the Senator from Illinois proceed first and the Senator from North Carolina proceed last, in the order stated, all other terms of the request being the same.

Mr. HELMS. Madam President, just one moment. I think someone, either the distinguished Senator from New Jersey or maybe the majority leader, misstated what I said. I said I did not want any time limitation but I did not plan to use more than 5 minutes. Is that what the Chair understood me to say?

Mr. MITCHELL. That is exactly what I understood the Senator to say.

Mr. HELMS. Somewhere along I heard differently, but if that is understood——

Mr. MITCHELL. The Senator from New Jersey asked that a time limitation be placed on the time of the Senator from North Carolina. My response was that the Senator from North Carolina had asked there not be any time limitation, but he expressed his intention not to use more than 5 minutes and I accept his assurance.

Mr. HELMS. If I use 5 minutes and 10 seconds——

Mr. MITCHELL. There will be no objection.

Mr. LAUTENBERG. I do not want to be discussing this while we use valuable time. Since the Senator from North Carolina did state he did not intend to use more than 5 minutes, I thought that was the same as saying he needed only 5 minutes, but I guess I misunderstood. I have no objection.

Mr. MITCHELL. Madam President, I renew my request as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Madam President, I will be very brief. This has obviously been a very emotional time for me. I would like to start by praising the Lord for making this work the way it did. My mother used to always tell me that one of her favorites was, "The Lord works in mysterious ways his wonders to perform."

And, quite frankly, when I was sitting in the Judiciary Committee, I did not have a clue that this battle would ensue on this amendment at this time this afternoon. In fact, I have not even had lunch yet. I guess I can miss a few meals, but I had not anticipated this. I was going to stop over, vote and go get some lunch. That clearly did not transpire. What transpired was probably one of the most emotional moments of my career, if not my life.

After saying thanks to God for this result on this vote, I want to thank my colleagues for having the heart, having the intellect, having the mind and the will to turn around what, in my mind, would have been a tragic mistake.

I started trying to write out names of who to thank, and I do not want to be too windy because I only have 3 minutes. I want to try to get to the point. I did want to mention a few in particular.

When we were going through the vote the first time, Senator METZENBAUM was down there in the well. He said, "It looks like you're going to lose." I said, "I can't believe that is going to happen." We worked hard and were defeated on the first vote.

But then as things happened and turned around, I want to say thanks to Senator HEFLIN for the graciousness and the grace and for just the spirit that he demonstrated, and the fact that a son of the Confederacy would stand with me on an issue like this says wonderful things about our country and it says wonderful things about the people in this body.

My friend, DIANNE FEINSTEIN, who literally stood here while I cried, and to Senator FORD who, when he saw that I was flailing around and going to take this floor and not give it up forever just kind of took on floor management responsibility and made this happen. And to my friend from across the aisle, Senator BENNETT, who from the very beginning said, "I can't do this," and he was there helping.

My friend, Senator CAMPBELL, who so eloquently spoke about his own experiences. And my senior Senator, PAUL SIMON; my chairman, JOE BIDEN, and to the people—Senator EXON—again, I do not want to leave out any names because so many eloquent statements were made this afternoon.

But I can tell you that I am going to sum up. As a student of history and mathematics, I have said this to people before. There is something called factor addition in mathematics that says you add forces working together, you subtract forces working against each other, and that, Madam President, is the message and the lesson of things like what happened here today, the lesson that if we work together as Americans, we will be the great country that this Constitution defines and our Declaration of Independence set out and that so many people hold so dear in their heart. We will be able to give pride and real meaning to that flag, the flag of the United States, that is the flag that we all love because we love this country and because we know that in its diversity is its strength.

So with that, I conclude my remarks. I thank the majority leader, also, for his assistance.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, I simply want to take a few minutes to share with the Senate the profound distress that I experienced during this last series of votes. It became clear after the first vote that this was a highly symbolic question and that the symbolism that we were supposed to vote on was how we felt about racism in America.

If there is going to be a symbolic vote on that question, I have to vote that racism in America is something that has to be absolutely condemned and there cannot be any question in anybody's mind as to how I feel about it. That is why I voted.

But I was almost sick to my stomach when I cast that vote, and the reason was that in order to prove in a symbolic way my feelings about how disgusting racism is, I had to tar with the brush of racism innocent people who are members of an organization, for whatever reason, that they feel strongly about and they feel dearly about and their motives have nothing to do with racism and nothing to do with approval of slavery.

There are plenty of people in this country who are proud of their heritage and who are members of the United Daughters of the Confederacy, or whatever the comparable organization is for the survivors of the Union, who are not racists. They are just proud of their ancestors.

I was reminded during this series of votes that on April 10, 1865, after Robert E. Lee surrendered at Appomattox, President Lincoln asked that night on the lawn of the White House that two songs be played by the band to the crowd that had gathered. One song was "Yankee Doodle" and the other song was "Dixie." I take it that if April 10, 1865, occurred today, we would be having symbolic votes on the floor of the U.S. Senate to the effect that the band should not have played "Dixie" on that occasion.

I hope the Civil War is behind us, and I hope that we do not have to prove our dedication to the cause of racial justice any more by rubbing it in the faces of those who, for perfectly innocent reasons, are members of either the United Daughters of the Confederacy or any other organization.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I have been here 10 years now, and there have been few, if any, occasions in which the remarks of a U.S. Senator left the kind of impression that the comments made by Senator MOSELEY-BRAUN, of Illinois, have made because she touched the nerve of everybody who had the opportunity to hear what she was saying. She was reminding us that to salute that symbol was, indeed, a salute to racism. She articulated it so clearly, and if one wants to see what the effects were, one need only look at the vote count on votes two and three when repudiation and redemption took place as people examined their consciences.

What she did was very clearly and very loudly sound the alarm. She was the Paul Revere of this day to say, "Beware of what we are looking at, beware of racism, beware of the ugly sight of bigotry."

I do not attribute a sinister intention to everyone who voted differently, but there is no doubt in my mind that couched somewhere in this support to preserve that symbol was an intended reminder that there is an old tradition, a history that is revered and beloved.

Senator MOSELEY-BRAUN was so clear as she reminded us that people who bore her color were slaves, chattel, property to be sold and dealt with as they saw fit.

And so today I think the Senate has had an opportunity to rethink a decision that it earlier made. Once again, I say that I do not attribute a sinister meaning to every vote that was against the position that Senator MOSELEY-BRAUN took, but this symbol is a salute to a period that was a dark one in American history.

So I just want to say, Madam President, that I am proud of all of my colleagues this day, but particularly the Senator from Illinois, who has established herself as a voice to be heard on matters of fairness and equity in our society forever.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I am going to take 30 seconds and then yield to the distinguished Senator from West Virginia. I just want to join with others in commending the distinguished junior Senator from Illinois. This was a truly remarkable moment. She gave a wonderful speech.

I also want to associate my remarks with those who believe that those who voted differently are not racists. I do not believe they are at all. This is a question where people have made a different judgment call I think in terms of voting, and putting an imprimatur of approval on a symbol is something I was not comfortable doing at all because of the history associated with it. I do not question the sincerity of the people who belong to those organizations and do not associate their association with that organization as necessarily racist.

Let me yield, if I can, to the distinguished Senator from West Virginia.

Mr. BYRD. Madam President, I can understand the feelings of Senator CAROL MOSELEY-BRAUN and others on this question of the symbolism of the emblem of the United Daughters of the Confederacy.

I agree also with those historians who judge American chattel slavery as one of the most heinous crimes in American history, as it was in the history of Rome, who took as slaves defeated peoples, the Gauls, Ligurians, Illyrians, Germanic tribes, or whatever. When the Romans conquered a city, as a usual thing the conquered peoples were sold into slavery.

But I cannot agree with those who want to rewrite American history—and the Confederacy is a part of American history—by insisting that we erase the heritage of millions of Americans, the descendants of those men and women who believed in the Confederacy, sacrificed for the Confederacy, and died for the Confederacy, by blotting out all official recognition of the historical fact of the Confederacy.

The fulcrum of this debate is not racism. The fulcrum of this debate is not an attempt to injure the sensitivities of any racial group in our country.

The fulcrum of this discussion is, in fact, historical accuracy.

Many informed people believe that the 11 States that comprised the Confederacy stood on solid constitutional ground.

Abolitionist sentiment in the North changed the terms on which legal questions had originally been settled in the Old Union. John Brown's raid on Harper's Ferry, in what is now West Virginia, made a peaceful settlement of the slavery question nearly impossible.

Interestingly, only an estimated 5 percent of the population of the South owned slaves. Yet, hundreds of thousands of Southern men—most of them slaveless, and poor—answered the call of the Confederate government to defend the sovereignty of their States. In West Virginia, it broke down about 2 to 1, I suppose, with about one-third of the State supporting the Confederacy and the other two-thirds supporting the Union. Those men—brave and patriotic by their own rights, almost to a fault—are the ancestors of millions upon millions of loyal, law-abiding American citizens today.

In the classic Ken Burns Civil War series on public television, historian Shelby Foote recounted a discussion between a Confederate prisoner and his Yankee captor who asked the Confederate soldier, "Why are you fighting us like this?" To which the Confederate soldier replied, "Because y'all are down here."

That was not racism. That was not a defense of slavery. That was a man protecting his home, his family, and his people.

We are who we are today largely because of the War Between the States.

Americans of Southern heritage need not defend slavery in order to memorialize the legacy of which they are a part.

Nor should anyone need, in the name of historical revisionism and political correctness, to seek to rip out of our historical consciousness the symbolism that characterizes the real history of millions of Americans.

Madam President, I thank my distinguished friend from Connecticut for his characteristic courtesy in yielding to me.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I find myself highly regretful that the media have left the galleries and did not hear the distinguished and able President pro tempore of the Senate. He has stated the case precisely, and if he could have done that a bit earlier, some of the things that happened this afternoon would not have happened.

Be that as it may, I am proud of BOB BYRD and I refer to him that why because he is a fellow North Carolinian by birth, and he is the most exemplary authority on the United States Senate that I have ever known—and I have known a lot of Senators, having been here in the early 1950's before I came here as a Senator in January 1973.

I felt at times this afternoon, not very seriously, when I heard all of the condemnations of the insignia of the United Daughters of the Confederacy—I felt a little bit like Mrs. O'Leary's cow, when all I was trying to do was to restore a sense of fairness by the Senate to the United Daughters of the Confederacy. But the Senate rose above principle this afternoon when the specter of race was introduced by contrivance into the debate. Race should never have been introduced and would not have been except for the political rhetoric and partisan oratory that happened this afternoon.

I knew a remarkable Senator in the early 1950's when I was here administrative assistant to two North Carolina Senators—the Senator with whom I came to Washington died in office and Governor Umstead asked me to stay on awhile with the successor to Senator Smith. I shall never forget Richard Brevard Russell, whom everybody called Dick Russell, the Senator from Georgia. What a great statesman he was.

Senator Russell and I were talking abut the Senate one day, and I said, "Senator, it must be a matter of great pride to be a Member of the Senate." He said, "Most of the time. Most of the time." But, he said, "There are times when some Senators practice the world's second oldest profession."

I think some of that happened here this afternoon. Piety I guess is the word that describes some of the oratory this afternoon. My friend Chub Seawell, son of a Chief Justice of North Carolina, used to call it "piousity" in speeches he made.

I do wish—and I know it is not going to happen—that the media, for once, would make it clear it was not those of us on this side who introduced race into the debate this afternoon. It was a political ploy to escape responsibility for false pretense that should not have happened in the first place.

Let me given you an example of an inaccuracy. Some Senators would have you believe that this Confederate battle flag is on the insignia of the United Daughters of the Confederacy. Not so. I said over and over and over again that it was not so, but the other side pretended that the battle flag of the Confederate Army was on the insignia.

Here is the total insignia. No Confederate battle flag there at all. It's the first national flag of the Confederacy. Senator ROBERT C. BYRD is exactly right. What happened today, Madam President, was a major revision of history.

In response to the argument, heard over and over and over again this afternoon—to the point that I felt that I was going to throw up—let me quote a distinguished journalist, a Pulitzer Prize-winning editor, Paul Greenberg, who is editor of the Arkansas Democrat. Mr. Greenberg wrote about this issue not long ago. He was asking this question of the distinguished Senator from Illinois.

> What of the thousands of black soldiers who served under the confederate flag? Are they to be read out of the race? And it was not the Supreme Court of the Confederate States of America that declared Negro slaves chattel in 1887, but that of the United States, Roger B. Taney, presiding.
>
> Shall that Star-Spangled Banner, too, be denied congressional recognition?

Then Mr. Greenberg wrote:

> Beyond contentions over fact, the whole enterprise of using the dead and the cause they died for, Union or Confederate, in order to justify some petty meanness today wreaks.

Then he added:

> The generations that actually fought the war seemed to understand as much. Surely some of them cherished their bitterness, but the best and the most representative rose above it.
>
> Some never got the word. They still treat the war as a partisan cause, a rhetorical device, not the American tragedy it was—perhaps the greatest American tragedy.

That's an honest answer to the pious proclamations heard here on this floor today. The pious, self-satisfied Senators were not talking about the amendment that I offered—along with several other Senators, I might add. They were talking about some fabrication from their own minds for partisan political purposes. I say that without hesitation or fear of contradiction because what we heard on this Senate floor this afternoon was a political spectacle, and the Senate has been served poorly by it.

Madam President, I do not mind losing. As a matter of fact, I did not anticipate that we would win the first vote. But the turncoats who ran for cover for political reasons, who changed their position—well, it's kind of like Dick Russell said decades ago. Maybe they were indeed practicing the world's second oldest profession.

I yield the floor.

AMENDMENT NO. 611

(Purpose: To eliminate a family and medical leave requirement)

Mr. CRAIG. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 611.

Mr. CRAIG. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 166, strike line 19 and all that follows through page 168, line 8 and insert the following:

SEC. 113. REPORTS.

On page 168, line 16, strike "115" and insert "114".

On page 170, line 17, strike "116" and insert "115".

On page 175, line 16, strike "117" and insert "116".

On page 176, line 15, strike "118" and insert "117".

On page 179, line 6, strike "119" and insert "118".

On page 179, line 11, strike "120" and insert "119".

On page 180, line 1, strike "121" and insert "120".

On page 181, line 11, strike "122" and insert "121".

On page 181, line 20, strike "123" and insert "122".

Mr. CRAIG. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. Madam President, community service and voluntarism are hallmarks of this Nation. So today, as we debate S. 919, I offer an amendment that I think speaks well to the issue of voluntarism. Since our beginning of this Nation, the spirit of voluntarism has guided Americans. It is not surprising that President Clinton's idea to establish a National Service Program has struck a popular chord amongst many Americans.

I, too, support voluntarism. In many ways, it is the voluntarism of this country that has produced our best work and resolved some of our greatest problems and dealt with some of the domestic issues that our Nation has struggled about. However, as we debate S. 919, I have grave concerns about this bill in general and the effect it will have on voluntarism, this American spirit that I talk about, and the cost to our very budget. How can voluntarism be so expensive?

In particular, I am concerned about the way this bill will challenge the very nature of the core and the spirit of what we have known historically as voluntarism.

A couple of years ago, Adm. David Cooney, who is head of a marvelous organization in this country of voluntarism, was visiting with me about his trips to the former Republics of the Soviet Union. They had asked him to come and teach them how to volunteer, because they knew if they were to become representative Republics, they had to have a private sector that knew how to volunteer and pick up some of the things that had once been, if you will, the business of the Government.

So he and his organization, with Easter Seals and all of those great efforts, went forward to say: Here is how you volunteer. Here is how you evoke the spirit of getting people to give of their time.

Yet, today, buried in the middle of this bill, is a provision extending family and medical leave benefits to volunteers in this National Service Program. Let me repeat that, Madam President. Buried in the bill, along with a lot of other things, is a program that says if you are a participant in this organization, after the second year, you can be extended family and medical leave benefits.

That is voluntarism? That is the new definition that Americans choose to put on the issue of voluntarism? I would hope not. That is why this amendment is before the Senate.

This is in addition to all of the other benefits, by the way, that we have included in some organizations like Peace Corps and VISTA, which I think all of us view as worthy programs. We have included such issues as minimum wage stipends and health care coverage now in this one, child care, and a $5,000 educational award which national service participants are eligible to receive.

Therefore, my amendment will strike the family and medical leave provision from the bill because I do not believe that it is necessary or appropriate to extend these benefits to national service participants.

As I mentioned, these benefits apply to the individuals in their second year of service in a 2-year program. In the second year, if the volunteer should choose or he or she should be eligible to take family medical leave for up to 3 months, after that leave period, the volunteer would then finish up his or her period of service.

What is wrong, if they are volunteers, with simply saying: I have an urgent family problem at home. I need to leave, and I will leave? That is what happens in voluntarism today across America. You do not ask the Government to compensate you because you are giving something of your all for the purpose of benefiting someone else in your community or in the Nation.

But in this new American definition of voluntarism, we are saying: No, we are going to provide for you if you choose to become a volunteer.

There are problems with providing family and medical leave benefits. Volunteers would continue to receive benefits—no stipend, but the health and child care benefits—during the leave period, giving them an extra 3 months of benefits during their service commitment. The expense is paid for by the Federal Government, as I have mentioned—the American taxpayer.

I think they are going to be excited about it, Madam President, when they find out they are paying for voluntarism in this instance and in this way. At a time when we are dealing with one of the most serious budget deficits in the history of this country, we add this kind of a provision.

The difficulty in dealing with the absence of voluntarism is left for the service organizations. This provision is a concept of a one-size-fits-all approach. It ignores the diversity of many of the volunteer organizations that would be covered inside this particular legislation. Small organizations have greater difficulty shifting or replacing employees, volunteers, and providing the required flexibility.

Some organizations simply would not hold positions open for what easily can be—despite the volunteers' best efforts—an unpredicted period of time in this particular situation or position. Many volunteers have unique and critical skills, and finding replacements and filling the gaps during a period of absence would be difficult and, in some cases, impossible. This is especially true in rural States like my State of Idaho.

The benefits offered under S. 919 are more lavish than many people in this country receive as employees—employees in the private sector, doing jobs they know how to do best. The sponsors of S. 919 argue that they are merely extending the same benefits to national service participants that are already provided to employees who qualify under the Family and Medical Leave Act. After all, they will say, participants will have to provide service for 1 year, just as employees must work for the same employer for 1 year before they are eligible for family or medical leave out there in the private sector from the legislation we passed this year.

These national service participants are not meant to be employees, unless this is some new form of Federal employment system. It is voluntarism. It is the promotion of that great institution of voluntarism and, yet all different kinds of definitions now take place.

The Family and Medical Leave Act, as embodied within this, takes on a different kind of meaning. There are volunteers—in fact, this bill makes several references to the facts that the national service participants are not considered to be employees for a variety of other reasons—an absolute contradiction of terms. We treat them as employees and provide them with family and medical leave, and then within the bill we say they are not, and we continue to say they are volunteers.

Who is kidding who? Madam President, who is kidding who with this? They either are volunteers or they are not. They are either employees of the Federal Government or they are not employees of the Federal Government. And if they are employees of the Federal Government, then they ought to be entitled to all of the benefits. They ought to be eligible for child care and health care and family and medical leave. But they are not; they are volunteers. Why then the double standard?

In addition, the national service provisions are, by nature, extended to be only temporary volunteer positions. The maximum term of full-time service is 2 years—again, reference to temporary volunteers, not permanent employees, for which employees need the security of the family and medical leave.

In February, as I mentioned, we passed the Family and Medical Leave Act because we are afraid of some of the things that might occur out there in the private sector and we wanted to extend those kinds of protections to the employee. But here we are dealing with fundamentally different organizations—nonprofit organizations. Those who claim we need to provide family and medical leave benefits, to be consistent, should reexamine the intent of the bill and most assuredly the definition.

This is not an employment situation. We are talking about volunteers and nonprofit organizations. I am a member of the Family and Medical Leave Commission that we have created. We are going to be reviewing the impact of the Family and Medical Leave Act on the economy, the employers, and the workers of this Nation. The regulations for the Family and Medical Leave Act are not even completed yet. Before we extend the benefits to every nook and cranny of our society, Madam President, I really think we do need to have a better understanding of the effects of that legislation.

Madam President, S. 919 does not need to create smoke screens. It does not need to be called a volunteer program and then talk about employees or temporary volunteers and treat them like employees.

This is a Federal work program with some educational benefits—I hope a good many. If it is, then my amendment would not be appropriate. But it is, by definition, not. It is a volunteer program. That is why this amendment is offered in good faith, that those provisions should be struck, that it should be treated like other compensated volunteer programs and public service programs we have had, like the Peace Corps and VISTA. That is why this amendment is offered in the good faith that it is.

Let me also say, before I conclude, that there was an earlier vote in the day that I missed. I was speaking to a group of young people here on the Hill. This was an amendment that would ensure financial soundness of the Pell Grant Program and campus-based student assistance programs and place them in a higher priority of funding than this particular new program.

Had I been here on the floor at the time, I would have voted in support of that. It is important that we establish priorities, and I want the RECORD to reflect what my vote would have been. The reason I bring that up at this time is that we ought not to try to deal with apples and oranges here. We are dealing with what is known as a National Service Program. It is a volunteer program, by definition, and that is why my amendment is appropriate.

I reserve the remainder of my time.

Mr. DODD. Madam President, I have been informed that my unanimous-consent request of some time ago actually was not entered into when we got off on a tangent. I will not ask for 30 minutes, unless my colleague from Idaho wants to. I ask unanimous consent for 15 minutes, whatever time is left, and that no second-degree amendments intervene. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I apologize. I thought it had been entered into.

Madam President, first of all, let me say, like Yogi Berra, this is like "deja vu all over again." I thought I had heard the last of family and medical leave some months ago, and after 7 years and three different votes on the floor of the Senate, an override of a Presidential veto, we finally adopted family and medical leave legislation by the vote of 71–27, with strong bipartisan support.

I am not going to go into the entire arguments of family and medical leave legislation, obviously, with the time allocated here. Suffice it to say that I made the point over the years that family and medical leave was not a benefit but a right, a fundamental right, as distinguished between a dental plan or a few days of vacation, but the fundamental principle of human decency. People confronted with family crises ought not to be put in the position of jeopardizing their health care benefits or their employment. They ought to be able to deal with those crises and come back to their positions of responsibility.

We did not necessarily get into a lengthy division over here between being a volunteer or a full-time employee. In this case here we are talking about full-time volunteers, not somebody who is showing up a few hours a week to be a good citizen, to contribute to a church or charity, but rather, full-time volunteers and all that that entails. All of the provisions of the family and medical leave apply.

If you are not working at least 25 hours a week, 1,250 hours a year, full time, you do not get any of these benefits.

So as the Senator pointed out, it would not even begin to apply until the second year. If you are in your second year as a full-time volunteer and a family crisis hits, all we say is you can go deal with that, assuming you meet the criteria and the employer does, employing so many people, whether it is a voluntary agency or a paid agency or not, without losing your health care benefits. If you go, you run the risk of losing your health care benefits and, of course, you have to come back and complete the full 2 years or you do not get the educational benefits, which is also something.

So you have to come back and complete the 24 months that the bill requires. So to suggest that we are making some huge distinction—incidentally, VISTA volunteers will be included, and Peace Corps will not, because we do not cover them in this bill. I think they ought to. I called the Peace Corps and asked, "What have you dealt with over the years, prior to dealing with the family and medical leave legislation, when volunteers"—and I was one and, thank God, I was not confronted with a family crisis, but I knew people who were, and they went home and dealt with the family crisis, and the Peace Corps allowed them to come back and maintain their benefits. That was before we adopted the legislation.

So, historically that has applied, and I think a strong case can be made when we talk about the reauthorization of the Peace Corps we do not apply it. This will cover VISTA and full-time volunteers involved in the program.

Some people are totally opposed to family and medical leave. I understand that. We had a long debate about whether or not there ought to be family and medical leave policies. One of the arguments—in fact, it was the Senator from Iowa [Mr. GRASSLEY] who strenuously made this point, and he was right. He said, you know, you guys in Congress want to go around and apply these programs to everybody in the private sector but do not want to apply them to people in the public sector, in Government. You want to exempt them.

What we are doing in a sense in the program, if we adopt the program—it is already in the private sector—is to have family and medical leave, but if you are a paid volunteer, a minimum wage volunteer, in this case you are going to be exempt. Even before family and medical leave has become law—in effect, it is law, but does not go in effect until 2 weeks from today, August 5, which will be the first day. We do not know, but we have already carved out exemptions if this amendment is adopted.

We think people under those circumstances ought not to be treated differently than someone else. Again they are not part-time volunteers. They have to meet all the criteria, 25 hours a week, as I mentioned, at least full-time, or requirements of full-time, 1,250 hours for 12 months, and the like.

Again, the danger here is that the benefits, of which we contribute 85 percent, will be not lost and that a person has to come back and complete that service before they would meet the full

2-year, 24-month requirement and to qualify for the educational benefits.

So, again, I have heard over the last number of days a number of speeches here on the floor beginning the crescendo of family and medical leave once again. But before we decide this is not working, I point out there have been a number of articles written over the last several months suggesting that family and medical leave has been rather effective with employers who have adopted the policies, as many had on their own a fraction of the workforce that was covered by the provisions.

Again, to go back, the basic principle here is a right, the right to be with our family. A child is seriously ill or your spouse is, you ought not to lose your job, you ought to be with them. You do not get paid but you maintain your benefits.

In fact, the Presiding Officer in this Chamber today was the author of the family and medical leave legislation in her State and fought for it for years before it became law. So I am preaching to the choir, in a sense, when I address the Chair on this issue. But we spent a long time in a strong bipartisan way, and it never would have been adopted had it not been for people like KIT BOND of Missouri, DAN COATS of Indiana, and others, who worked to try to make this bill a good bill so we cover all the situations that we possibly could think of.

Now, after a vote of 71 to 27 only a few weeks ago, they come and start to undermine and start to tear it out here on this legislation. I think it would be a great tragic mistake. If Senators are opposed to the bill, fine. Vote against the whole bill if you do not like the bill, but do not tell me that the bill only suffers because we include family and medical leave provisions here for the volunteers who will be out there working full time. They, too, are confronted with family crises. They, too, can have problems like that.

All we are saying here is if it is good enough for the private sector, we are going to impose that standard, we are going to impose it on ourselves and people in the public sector as well, and on a voluntary agency whether they be Government or quasi-Government or private; we will handle it all right and, by the way, the standards have been to be the same.

Madam President, I hope this amendment will be rejected.

I see my colleague from Kansas here, unless she wants to listen to the debate. The Senator from Idaho, and others, are coming over. We can wait a couple minutes.

At the appropriate time when we have completed the debate, I will move to table this amendment. But I yield the floor at this point.

Mr. CRAIG. Madam President, I ask the Chair how much time I have remaining?

The PRESIDING OFFICER. The Senator from Idaho has 2 minutes; the Senator from Connecticut 6 minutes.

Mr. CRAIG. I am happy to yield to my colleague from Kansas.

Mrs. KASSEBAUM. Madam President, I rise in support of the amendment offered by the Senator from Idaho.

I really believe national service is a different situation. Certainly, the Senator from Connecticut was persuasive, as he has always been on the family and medical leave issues. However, I did not support family and medical leave when it was debated earlier this year, and I do not believe it is an appropriate benefit for participants in a volunteer service corps.

The Senator talked about the Peace Corps. As you know, those volunteers perform their service overseas.

However, I think when you are serving here in the United States, in a volunteer organization which offers all the benefits that S. 919 offers; that, the health benefits, the child-care benefits, et cetera then adding family and medical leave on top of these benefits, goes far beyond the scope of a community service corps.

Mr. President, I add again my strong support to the amendment of the Senator from Idaho.

Mr. CRAIG. Madam President, I thank my colleague from Kansas for that statement.

Let me say in closing, I do not think the intent of this legislation is to rewrite Webster's definition of voluntarism, but that is exactly what is going on.

My colleague, who is expressing opposition, constantly referred to the employee. These are volunteers. These are not full-time employees. If they were I would be speaking differently today.

Yes, I am in opposition to this legislation. I do not plan to hide behind this amendment at all. I do not believe we ought to be spending $10 billion in a $300 billion deficit environment. But that is neither here nor there.

What I am saying is, there has been a substantial change in what we are doing here. If a person is a volunteer, then let them step back from their voluntarism to go home and take care of their needs. That is understandable. That is the way it ought to be. Why should we put a burden on nonprofit organizations in a voluntary setting to try to deal with this?

So, I would suggest that although we do provide benefits and they do have necessary consequences in this area, we ought to say no, these are volunteers making a choice to do this. These not private-sector employees. These are not organizations for profits. These are nonprofits.

With that I yield the remainder of my time.

Mr. DODD. Madam President, I want to point out we are not talking about vacation time here, not someone who says it is a nice day, I am going fishing tomorrow; mind if I take a day off?

The family and medical leave covers crises, serious illness. This is not something you wish happens at all. For all full-time volunteers out there working in a situation and a crisis hits, we do have health care benefits here for the people covered under this program. There is a danger of losing those benefits, as would be the case under other situations. The fact that you are a volunteer or employee, it is unpaid leave.

The issue of being paid is not in question here because there is not any pay involved in either case. We are talking about if you are out there as a volunteer and working hard in North Carolina, or Kansas, or Idaho, or Connecticut, and all of a sudden the parent is taking care of the child or the spouse gets really ill and you have to be with them.

The question is should you be with them or not? And can you be with them without losing your benefits?

That was the essence of the debate that occurred several months ago. That is the essence of the debate. That has not changed. We are not talking about the part-time people.

So, the essence here has not changed by this fact, by being against the whole concept of family and medical leave. That I accept. And I understand people do not like that idea. But to say that this fact situation presented by this bill is fundamentally different covered on a right, not a benefit as we described in a earlier legislation, I think would be an incorrect characterization of it.

With that, unless there are others who wish to be heard on this, I move to table the Craig amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to lay on the table the amendment of the Senator from Connecticut to lay on the table the amendment of the Senator from Idaho. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—64

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd

Campbell
Chafee
Coats
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wofford

NAYS—35

Bennett
Brown
Burns
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Gramm

So the motion to lay on the table the amendment (No. 611) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator KASSEBAUM next be recognized to offer a substitute amendment, on which there will be 1 hour for debate, equally divided in the usual form, with no other amendments in order prior to the disposition of her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 612

Mrs. KASSEBAUM. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 612.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mrs. KASSEBAUM. Mr. President, this is the previous Kassebaum amendment revised and revisited. I would like to tell those who are listening at this moment why I am sending forward this substitute. I believe it offers us a very positive but restrained approach to a new program.

We have heard a lot of back-and-forth yesterday and today about national and community service. There is no doubt that there is widespread support for service. However, there are legitimate concerns about, I think, just how it is drafted about our being able to pay for it, and that it is a program that can be kept under control.

The substitute that I sent forward was discussed generally yesterday, but I would point out that this amendment differs by limiting the authorization to 2 years. The amendment will meet the following objectives:

One, it is a true integration of Federal service efforts into a single consolidated program. This would be phased in over a 2-year period of time.

It gives the States maximum flexibility to determine needs and priorities. My proposal would require that funds be allocated to local entities based on individual State plans, not on a single national plan. I believe it is important for us to encourage and give States that type of flexibility.

Perhaps most important to this proposal is the recognition of legitimate fiscal constraints and the need for a reasonable rate of expansion.

I really do not believe people have stopped to think about what we are doing with this proposal, S. 919. We are authorizing $400 million in new spending for a new initiative on top of the other programs which are already there. My amendment would limit the level of new spending to $100 million. It takes nothing away from existing programs such as VISTA or the Civilian Conservation Corps.

The amount authorized in the amendment which I have sent forward for the new national service program is $100 million per year for 2 years. This compares with the nearly $400 million which is authorized under S. 919.

S. 919, merely states an authorization level for 1 year, and then in the outyears—the second, third, fourth, and fifth years—such sums as may be necessary. That is really just a wide-open invitation for enormous growth in spending. I believe it is far better for us to take it in a measured manner so that we know what we are getting and we can assure that quality will be maintained in the program.

This amount, $100 million in the first year, would permit approximately 5,000 new full-time national service positions, in addition to the 20,000 such positions supported in current legislation. Those are already ongoing, existing programs that are incorporated in my legislation.

This is a fairly large amount of people to be performing service in communities in meaningful ways. I really believe that we are far better off and it is more realistic to support 5,000 new positions than the 25,000 positions created in S. 919.

I also believe that some experimentation with regard to the level of postservice benefits, prior to undertaking a full-scale commitment to a $5,000 educational benefit, is necessary and appropriate. I think there is agreement here that $5,000 is a sum that we are not sure is necessary for a postsecondary benefit.

What the American public wants today is for Congress to take responsibility when proposing new Federal programs and to be accountable for the moneys we spend on those programs.

I feel strongly that we have an obligation in the U.S. Senate to undertake any new program with the thoughtfulness and deliberation that is expected and required of us.

I yield the floor at this time to the Senator from Arizona, who would like to speak, for any amount of time that he wishes to consume.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in strong support of the amendment of the Senator from Kansas. I want to thank her for her dedicated, patriotic effort which she has been involved in for a long period of time. No one knows the details of this legislation better than the Senator from Kansas, and all of us are deeply appreciative of the incredible work she has done on this issue.

I want to say at the beginning, I hope that this amendment is adopted. I believe that if it is not, there are probably sufficient numbers of Senators on this side of the aisle who will engage in extended debate. I believe that it is a reasonable amendment. I believe it is one that is fiscally responsible and one which I think will respond to the wishes of the majority of the American people.

Mr. President, there has been some question about the cost of this bill. I rely upon the President's budget—this massive document right here—which shows investment proposals by agency. National service budget authority, $7.444 billion. That is for fiscal year 1994 through 1997. If we factor that on out an additional 2 years, it is $10.8 billion.

I do not know what the proponents of this bill are talking about, or where they get their numbers, but I know what the numbers were when this was initially proposed: $10.8 billion over a 5-year period. This is at the same time, at the exact same time we are in some room, somewhere in the Capitol—we Republicans are not even informed as to where that takes place—a group of Members of this body and the other body are together fining out how much we can raise the American people's taxes in the name of deficit reduction and increased spending.

It is almost a paradox that here we are on the floor of the U.S. Senate passing a piece of legislation that is going to cost the American taxpayers an additional $10.8 billion, at the same time the President of the United States was on "Larry King" last night, telling the American people that he wants to cut spending and cut the deficit.

We cannot have it both ways. I am happy to say that the majority of the American people are interested in national service. I believe that voluntarism is a hallmark of this country and its citizens, but this is as much about community service as any other entitlement program that I have ever seen. This should be called not a national service program, but a national employment program because, as the Senator from New York will show, the cost per person of this program is not cheap. It is not only not cheap, but it is very, very expensive. It is far more expensive than anything that most people would contemplate when they talk about people who are engaged in national service.

In fact, based on the number of eligible participants in this program, it works out to a per-student cost of $16,000 in the first year, rising to $33,000 by 1997. This is another example of how people can take what is a good idea and turn it into a huge bureaucracy which comes from the taxpayers' pockets.

In addition to cost considerations, there are other problems associated with the legislation, which the Senator from Kansas has pointed out before.

First, it misdirects scarce education resources. Education benefits represent half the cost of the President's program, yet just 25,000 students will benefit from it at the outset; as many as 150,000 in later years.

This should be contrasted with a much lower cost of the Pell grant program, which provides benefits to over 4 million students at a cost of $5.4 billion. In addition, student loan programs provide benefits to 5 million students at a cost of a little over $2 billion. I do not think there is any doubt that the national service provides very little bang for a very big buck.

Second, the bill creates a new educational bureaucracy, which is the last thing we need. It establishes a new entity to oversee the Commission on National Service in Action. We simply do not need another bureaucracy to provide educational benefits.

Third, the bill is too restrictive. It kills program innovation at the State level by strictly prescribing national, not State, priorities.

Fourth, and important here, Mr. President—this program will likely turn into a Federal handout for the well-to-do. Anyone over the age of 17, regardless of family income, can participate in this program. The young people who are most likely to participate in this program are those whose parents can continue to subsidize them.

It befuddles me that we should be paying educational benefits to rich Americans when they can afford to do so themselves, and there is not enough money to go around to pay for the education of poor Americans. That is yet to be explained to me.

This amendment is clearly the prudent, reasonable approach. It establishes a much smaller scale program, just $100 million over each of the next 2 years. Not only is this more fiscally responsible, but it provides that Congress can have the opportunity to see how the program actually functions before throwing billions of dollars of taxpayers' money at it.

Mr. President, I repeat, I hope that Senator KASSEBAUM's amendment would be accepted. I think this legislation has been thoroughly debated in this Chamber. I think the views are very well known. I believe that there are sufficient views that are unanimous over here that this piece of legislation is an onerous burden on the taxpayers of America, a good idea gone bad as it wended its way through the various bureaucracies and committees in Congress, which went from a good idea of national service to a bill this thick.

So I urge my colleagues to accept this amendment, understand that the American people are tired of increases in spending. They want the budget cut. They do not want it increased, and they are certainly not interested in paying additional taxes in order to pay for a program that is estimated in the President's budget to be a $10.8 billion program.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. I yield whatever time the Senator from New York would like to speak.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, first let me commend the distinguished Senator from Kansas [Mrs. KASSEBAUM]. She has offered an amendment that makes sense. She has offered an amendment that says yes, let us put forth voluntarism. Let us let local organizations and the States have the opportunity to participate. Let us not build a huge bureaucracy that will not do what it is supposed to do, which is to reach out and bring in young Americans to volunteer on behalf of their country.

During his campaign President Clinton said, and I quote, "I wish to get as many people in service as we can." A laudable goal. I support it.

Let me suggest to you that the National Community Service Trust Act does not do that. It is a costly boondoggle that excludes people; that does not give them an opportunity to come in; that does not reach out to the poorest of the poor and bring them in.

And as I speak, Mr. President, I note the presence of a gentleman—Senator PELL—who has championed one of the great education programs. You want to help young kids, then double and triple the Pell grants. Put money in there. Reach out to millions. Do not get involved in building a huge political machine.

This bill is a turkey, an absolute turkey. Pell grants, $1,335 per student; let us double them. Let us reach out to more. If you want to help, that is how you help. You may not be building a political army, but if you want to help people, that is how you do it. And it is more effective.

Student loans; increase the amount of money that students can receive; let's help working middle-class families and the needy. That is how you do it—and it costs the Government only $416 per student. And do you know what, you reach a lot of people.

Here, look at the cost of the National Service Program under this bill: $22,600. Incredible. Incredible.

Why? Why 20 times more expensive than the Pell grants? Why 40 times more expensive than the student loans? And how many Americans does it reach? 25,000? 150,000?

Here is what the President said: "I wish to get as many people in service as we can get."

Well, I want to tell you, promises made, promises broken. That is what we have here.

Let us take a look at the cost of this program. It is going to cost $10 billion over 5 years. He gets 150,000 people involved. That is all. Where are you getting lots of people involved? How are you getting them involved?

Let us take a look at the Pell grants. There are 4 million students involved at a cost of $5 billion. Student loans, almost 5 million youngsters are involved at a cost of $2 billion.

And this turkey, that we should shoot, kill it now—this is born of the new program. This is spendasaurus rex. This is one of the eggs that has hatched. We did not kill taxasaurus, so we get more spending.

By the way, where are we getting the $10.8 billion? Does anyone know? Where are we getting it? Are we going to get it from veterans? Are we going to close veterans' hospitals? Because that is the budget it is in: the budget for Veterans Affairs, HUD, and other independent agencies. We are going to have to find $10.8 billion over the next 5 years. I want to know. Are we going to take it from the poor who need housing? Are we going to cut back section 8 programs?

Wait until the advocates find out. Wait until the veterans find out. Wait until veterans hospitals get cut back.

That is where the money comes from. That is the committee. I am on that committee. We have a tough enough time funding our programs now. Where are we going to get the additional $10.8 billion? Of course—raise the taxes on small businesses. We have increased the gasoline taxes. But that was supposed to reduce deficit. This new spending is simply not in our budget—$10.8 billion more over the next 5 years.

That is $10.8 billion, by the way, for how many more people? 150,000? The President said, "I wish to get as many people in service as we can." I wish to help him keep that promise. But we are not going to help him keep that promise by building this huge political bureaucracy, and that is what it is. I am going to call it for what it is.

You only reach 150,000 students. Look at the cost: $22,000 per student. We have a better way. Senator KASSEBAUM puts forth a reasoned approach that will move us forward into a new era of service—without breaking the bank. We tell people we want to cut back spending. Then we have to reject the present bill and pass the Kassebaum amendment.

I say reject it because it does not meet its commitment to reach out and bring in as many youngsters as possible. How are 150,000 youngsters going to help? By the way, someone might say that is a start, that is 150,000. Well, if you are going to reach 4 million, do you know what the cost would be? Over $80 billion. Imagine that. If you were going to reach one-half million youngsters, you would be over $10 billion and you would reach one-half million, $20 billion for 1 million.

Do we want to bring youngsters in or do we want to build new political bureaucracies? Who are we going to bring in here? Are we going to bring in those in the wealthiest families? Are there any income limitations in this bill?

Let me ask my colleagues from Kansas. Do the children of millionaires come into the program? Is there any limitation? I ask my good friend if she is aware if there are any limitations on income, if you come, say from a family of $1 or $2 million in income?

Mrs. KASSEBAUM. No. There are no limitations on income. There are no limitations on age either. You could be 70 years old and be part of the program as well.

Mr. D'AMATO. If we want to sponsor voluntarism, I suggest we do it. I suggest if you came from a wealthy family then you should volunteer and you should not have to be paid. If we are talking about a small stipend to get back and forth, that is one thing. But, when we have benefits that are going to cost some $22,000 per individual, it does not make sense.

This bill is a turkey. We are afraid to say it. Do you know why? Because they put a nice label on it. It is like the old story about the emperor who had no clothes. Everyone saw it, but you were afraid, because if you said it, the court might turn on you. In this case, it is the court of public opinion. Do not say you are against community service.

I am for community service. But how dare we say this bill is going to bring in lots of people, loads and loads, hundreds of thousands, millions, when it is not? How dare we say we are going to help those who are disadvantaged when there are no limitations in this bill whatsoever, with regard to the income of beneficiaries.

What are we talking about here? We are talking about political correctness, where we cannot have the courage to stand up and say, My gosh, this thing is abysmal; $22,600 and we are only going to serve 150,000? It just does not make sense.

I could go on. I think my other colleagues would like to be heard. I hope we will have the courage to do the right thing. I hope some of my friends on the other side will have the courage to do the right thing. It is one thing to follow the leader. It is another thing to do so in the spirit of blind loyalty. You do not put yourself in a blind trust for your party and just march down that road. That is what is taking place these days. I do not see any independence. I cannot believe that my colleagues on the opposite side, not one of them or two of them took a stand to say this program costs too much and does too little. This program is a political boondoggle. This program does not advance the spirit of voluntarism and national service in America. And that is what it should be about.

I yield the floor.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 30 minutes left.

Mr. KENNEDY. I yield such time as the Senator from Vermont would like.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I would like to try to enlighten my colleagues as well as interested others to what we are really doing here and why. In my mind, it is not in any way unfair or inappropriate.

What we are trying to do is two basic things. First of all, the primary emphasis on young people is to help individuals to be able to participate in a meaningful service to their country. Second, we are trying to create a system which will enhance their ability to advance their education. We are hearing that this program is something new or something we have not done before or that we have changed in some way. I served in the military, and I am proud of it. I also know, from my own experience, that the experience in the military has been an immensely worthwhile educational experience to millions of young people in this country.

As a result of the end of the cold war, we have begun to downsize our military. We have begun to downsize our expenditures in defense. But some of the victims of that downsizing are millions of young Americans who are now not having the opportunities they would have had if we had kept the military strength to present levels.

We have downsized the military as far as new young people coming into the military by 100,000 since 1986, since the cold war began. Therefore, we are no longer providing an educational experience to 100,000 people, especially to the economically disadvantaged and those with racial problems and discrimination that have benefited immensely from the service.

You may and should look at the National Community Service Trust Act, at least in part, as a way to provide an opportunity for those same young people in a different way; that is, community service or national service to help meet other national priorities. National defense was a priority. We all backed it, and young people came forward and helped us back it. We have other national priorities, not the least of which I think, and the most important one to me, is education. We have had study after study that has demonstrated that education in this country needs to be improved dramatically.

The national service program which we are creating is designed to do just that in two ways, in my mind, though a lot depends upon how the structure is finally implemented.

First of all, it will give young people an opportunity to enhance their own education through experience. Second, it will give them educational benefits which will help them before or after to be able to improve their education.

But now let us take a look at the cost of this program and the cost of the program we eliminated for those 100,000 individuals. The cost to the military of the 100,000 is basically $1.7 billion per year. That does not even include the educational advantages, which would be substantially more than that. What we are offering here is a program that would partially replace that loss but does not even come close to that expenditure of money.

So I think we cannot just look at dollars and cents. We have to look at national priorities and the impact upon young people. To me, this experience can be the most rewarding kind of experience both for the individual and for our society.

I point to the William Raspberry column which ran in the Washington Post by a young person who was very critical of the national service program. That individual said we have so many educational needs out there to be fulfilled. We need people helping in the schools, we need people mentoring, we need ways to give young people an opportunity to even get to a school.

Those are the kinds of programs I envision national service assisting. We must place our young people in the position where they can both contribute to our country, and give us the kind of educated young corps that we need in order to meet our country's critical needs like education and health care.

Comparing national and community service with military service is not fair. When referring to the military you rarely hear about what enlisted personnel get paid nor do you hear about the educational value they receive. You just hear some comparison on perhaps the postservice education benefits. But a man serving 3 years in the military, with educational benefits and salary, costs about $65,000 per individual. An officer candidate receives about $89,000 considering salary, benefits, and educational award. In S.919, we are talking of costs much less than that, much, much less than that, for a new methodology to allow our young people to participate in improving the society.

So I think it is only fair that we keep things in balance.

We have created firewalls that do not allow us to take into consideration cuts in defense against what we could use in the domestic programs.

Well, those firewalls or barriers are coming down. In my mind, what I am going to dedicate myself to over the years I have remaining in Congress is to try and see that we raise the level of what we spend on education in this country at the Federal level. This would enhance those programs for which we are now mandating without paying. It would not interfere in any way with the curricular decisions or educational aspects of our young people in the schools, but it would provide funds and provide the opportunities that are available to allow our young people to maximize their education.

I think this country, which spends less than 2 percent of its national budget on education, cannot consider that it is a national priority if we do not move forward with programs like national service to see that we take care of those educational needs of this country.

So I am not taking a position, in a sense, on my colleague's amendment at this point. I believe we can, to satisfy the desires of our colleagues, set some spending caps on this over a period of time after examining the program. I am confident that this is going to be successful, and that we will want to expand it. I do not have a problem setting funding caps. We may disagree on the levels, but I hope we can move this along and find a compromise to make sure we do not kill something which I do not believe is anything but a program that will make us all proud in the days ahead. I urge my colleagues to find a middle ground on the funding levels, but do not destroy the program.

I mentioned yesterday that there was a change made. I offered an amendment that was accepted. One of the criticisms I had, and the William Raspberry column had, was that it was not focused; that we could end up spreading people throughout the country and never know what was accomplished; that we needed to establish priorities. My amendment yesterday mandates that priorities will be set so we can find out the value of the program.

So I think that problematical aspect of the bill as it was before, yesterday, is now gone. I believe it is important that we try to let people know what it is going to cost. I hope we can work toward a compromise, and I am dedicated to that.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. President, I listened with great interest, as always, to my friend and colleague from Vermont, putting this whole legislation in somewhat of a different perspective, and pointing out that we have cut back on the numbers of young people that are actually going into the military, that would be serving in the Armed Forces of this country and might be able to take advantage of various educational programs. These numbers have been diminished and will be diminished over a period of time. That is going to have an impact on the young people in the inner cities and rural areas across this country—more young people with less of an opportunity for service for this country.

I know that some believe that it is only service if you are in the military. I think most of us who have had the opportunity to listen to many of these young people who have been involved in a wide variety of different undertakings in voluntary programs, whether they have been in the various corps programs, or whether they have been at universities, or in school-based programs, or even RSV programs, are impressed that service is not only in the military.

I have heard recently on the floor how we ought to put a means test on all of the service programs. Of course, we did not do that with the GI bill. We did not say, oh, my goodness, you served over there, overseas for a period of time, and then you came back and received a GI bill. What we said is you volunteered, maybe you served over there, or maybe you went to Alaska, or served in Hawaii, or stayed in New York City and worked in recruiting. Whatever you did, we did not means test you in terms of the GI bill. We said that if you serve America, you were able to receive that.

We do the same with the National Health Service Corps. If they serve and are willing to serve, there is going to be a certain amount of loan forgiveness in that particular program. What we have done here, which is not referenced by those representing the legislation, is that if an individual does have individual income, does participate in a service corps, does help to reflect the kind of diversity we have in our society, and then does have an independent income, then goes to the university, that that $5,000 is effectively added on top of their income, and they are taxed on whatever rate they pay. They are taxed.

So, in that sense, we are reaching those individuals who may be somewhat more fortunate in terms of their own income, but individuals who nonetheless want to serve. You know, there are some people that think that what we really need is sweat equity. Let us get the really poor people, so they are going to have to volunteer for these programs to be eligible. Let us get sweat equity out of those individuals, if we are going to do anything at all.

Others think that any kind of a service program ought to reflect what our society is about, the diversity in our society, and ought to be inclusive, not exclusive, and ought to have people trying to work together with common goals, aims, and common dreams. That is a very essential aspect of some of the most successful programs.

City Year, in my city of Boston has been referred to, is an absolutely spectacular program of voluntarism. It includes individuals that have graduated from college in the Boston area, many of our best colleges, and kids who have been dropouts, working together in a common undertaking. There are only 100 students, only 100 young individuals. But what the signal has been to the city of Boston has been extraordinary and far exceeds just that number of 100 individuals.

There is a program out there for the young who want to do something in terms of their community, who are tired of the violence, and tired of all of the substance abuse, and tired of all of the kinds of anguish and hopelessness, and they want to do something. That is out there, and maybe they can get in it next year. Anybody that has had the opportunity, as I have had—and I know my good friend and colleague from Pennsylvania has—of speaking at a graduation. You will never have a better opportunity as a person, not just as a politician, than being a commencement speaker for that program—looking out into the eyes of those young people and talking to them about their hopes and dreams, meet those families, their parents, many who are homeless. Perhaps it was the first opportunity, the first break that these young people got.

Sure, we say that service to the community is a priority and people want to do something. Service is a priority. And so we find, as well, that in all of the kinds of research that we have been able to do is what it has done in terms of the individuals who are participating in that program. It has been commented on by those who have been former Peace Corps members, those who have been involved in the ACTION and VISTA programs, Members of this body have spoken to that, what it has done to them internally—not on the bottom line. It says right here, you know, $4.22; that is what it says here.

Sometimes there are values which do not necessarily come on the bottom line. We have to be concerned about the bottom line, but sometimes they do not come. And then for this body and this country to say education is important, someone that does provide service and works 40 hours a week at a minimum wage will then be able to at least have some opportunity. Maybe he cannot afford the top tuition at the top schools but, generally, in terms of the public colleges, may be able to go there for a year, with the completion of their service, for rendering some kind of service to that community.

We have not made the case on dollars and cents. If these individuals are out there and working in community corps programs and improving various projects out of those communities, we are not out here doing dollars and cents and how much that is really made. We could have, I suppose, and done an assessment and say that other studies have been done. The California studies, which I will put in the RECORD, show the value of having people pay the minimum wage and doing these kinds of projects.

We will be glad to put that in the RECORD.

But I am really amazed when I hear people talking about some new massive political corps.

I was looking over some of the projects in New York State, and I will include all the various excellent projects, and there are pages of them in New York State. Many of them have been triggered under the community service programs we passed 2 years ago.

There is the fact that over 30,000 volunteers, the RSVP programs. It cost the Federal Government 45 cents an hour to run those programs. There are tens of thousands of seniors who are doing something in their communities at 45 cents an hour. It is a big program, a big Government program out there—45 cents an hour.

There are all of the other programs that have been included in the various serve America programs and there are those high schools with those young people, starting with kindergarten, fourth grade, sixth grade, eighth grade that are putting in a few hours every week in trying to make some kind of difference. Those are the things we are interested in.

We have the other corps programs that have been referenced here, service to the community, in which they have an educational benefit.

What they are basically attempting to do is to offer that umbrella to young and old Americans who recognize that voluntarism should start at the earliest time of your life and continue to your dying day. There are so many wonderful seniors who do so much for so many people. We want to encourage them.

We have seen these really drops of light across this country when these opportunities have been there. We have a reasonably modest program.

I do not know how many times people have to try and distort the amounts of this program. That has been done constantly. There is no real desire to try and really find out what the cost is. We have been listening to those who have been opposed to the program.

For those of us who have spent a good deal of time, I would think any Member in discussing this would at least have the decency to quote the program either correctly and do a correct assessment of it, and that has not been done in terms of the numbers, and we have tried to address that in the debate and discussion.

Mr. President, finally, I want to say specifically with regard to this program why I would hope that the Senate would reject it. The old substitute of the Senator KASSEBAUM was $86 million for 1994 and $180 million for 1995.

Now we have $100 million for 1994, and $100 million for 1995. We have less than even the other initial substitute program.

We are glad to try and find some accommodation. The effectiveness of the Kassebaum amendment would be for 5,000 Americans. We are talking 25,000 Americans. I would be glad to suggest that we settle for 15,000 in the first year, try to double that the next, and then double that for the third year, and stop it if it is not working. That would be the hope we would have.

Now, if we cannot do it at that rate, then we should not do it at that rate, but we would be glad to set those at some kind of ceiling if that is going to be. But what we had hoped to do is start it and then see if that could not be extended to those levels the second and the third year, figuring that the Members would want to review a new program and do an evaluation, and those who are involved in the program would want to do the same.

Then we get criticized that we do not have specific numbers. We will try and have the more specific numbers. That was certainly the intention. I do not think anyone who had been involved in the discussion and the debate and the support had any other.

But we are now with a substitute which is actually less in terms of the program itself.

The fact remains—and I will just take a couple moments here—effectively of wiping out the action in the VISTA programs. I would welcome to be corrected by the Senator at any time. At least that was in the old bill.

Those programs, we understand, have to be blended together. We are hopeful of being able to do that in the 18-month period. There are important programs now given retirement, and others, that have involved certain of these programs that have been for 30 years that we have no control over and have to be dealt with in a responsible way.

So, we would welcome terminating all volunteer programs in the years and, in the meantime, trying to blend those together. That is our hope. That is our commitment.

But just to treat those programs which have been in effect for 30 years and do good work as this I think is a disservice.

The education grant is moved down to $1,500. We have $5,000 in the program that passed 2 years ago. And we have tried to maintain the $5,000. That is where this figure came from. That bill passed by 75 percent of the Members, 75 Republicans and Democrats, and then it reduces the authorization from 5 years to 2 years.

Maybe Eli Segal, who is the brilliant, successful private entrepreneur and a person of enormous intellect and managerial skills, could put this program on track in 2 years and develop the kind of support for it, and maybe if this was the final blocking element, that we could get the other kinds of numbers of authorization, I would say reluctantly let us go ahead, but I think it puts an incredible burden on it. I do not know of many bills around here that we have ever done just for 2 years. Maybe there are some that should have been. I do not know. I think in terms of trying to give it a fair evaluation, it would be enormously difficult to do so.

So, Mr. President, those are some of the principal concerns.

I have taken a good deal of time and I hope my colleague and friend, Senator WOFFORD, would speak on these issues, too. But if I have not stated the amendment correctly, I would welcome being corrected.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Senator WOFFORD has 6 minutes and 16 seconds, and Senator KASSEBAUM has 8 minutes and 35 seconds.

Mr. KENNEDY. I yield 4 minutes to the Senator.

Mr. WOFFORD. Mr. President, there are two processes that are at work here: As in life, the spirit of birth and the demon of death. The spirit of constructing something, building; and tearing down and destroying. Saying yes and saying no; living in the city of yes and the city of no.

The Senator from Kansas has been primarily living in the city of yes, constructive and thoughtful. She presented a long substitute amendment that we debated for 2 hours which was rejected by a vote of 59 to 38.

She has and some of her colleagues have also presented 15 other amendments, which we are shortly coming to, which we have worked out together and which will, on balance, I believe improve this act.

Senator KENNEDY has just suggested some ways of tightening the belt and starting a little smaller, but still with a bold and quantum leap that will give a leap of imagination to the American young people and the American families that came to put such hope in this program. That process. I hope, will go on and reach a successful conclusion.

But we had the other process. And I did not know why this amendment was coming back. It is essentially the same amendment except, instead of a 5-year authorization, it is a 2-year authorization; instead of a little less money, it is more the first year and a little less the second. But, essentially, the same amount of money. And substantially it is the same central proposition but, instead of starting with 25,000 full-time opportunities for service, it is to be 5,000. And instead of a stipend of educational voucher after the service, instead of $5,000, it is $1,500, which is what we debated before.

So why are we doing it again? I take it we are doing it again because the Senator from New York says the purpose, as he pit it, was kill it now. I do not know if he intends to go on to kill ACTION, kill VISTA, kill the Peace Corps; kill them now.

But this is a killer amendment. I want to get back to the constructive process that will proceed, when we turn to the 15 amendments that we are about to jointly accept, and get on and get a bill that will realize some of the hope, that will put us on the road of hope in this country, will show that we can break gridlock, that we can reach out on an idea that is not Republican or Democrat, as shown by the sponsorship of this bill.

This is a new program added on top of the other programs. There are already some 25,000 who are parts of these different community service programs, whether it is VISTA or the other ACTION programs. This is the new program.

While I do not speak with the same fervor as the Senator from New York, I believe he makes a very important point and he has the essence of what we are trying to say. It is just a very expensive approach to something I think can be better tailored and would be far more constructive in the long run for those who serve as well as those who pay for these initiatives.

I yield now to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, the distinguished Senator from Kansas has put it very mildly. Why do we bring up senior citizens and their volunteer efforts? We do not touch that. We do not harm those. As a matter of fact, we say they are the model, they are part of the 38 million volunteers of America who do labor in the vineyards because they care and they want to participate. They are not getting $22,000 a year. They do not have a superstructure. They are not part of a political boondoggle—and that is what this program is. It is a political turkey.

My colleague from Pennsylvania says we want to kill it. Well, that is right. We should kill this boondoggle. Pell grants we authorized at $4,600, but we only give them $2,300. We do not have the money. I say, give the money to the kids where it will help them. Give them Pell grants. Here is the President saying, "I want to get as many people in service as we can." All you can get is 150,000, and at what a cost.

My friend from Massachusetts says where do we get the numbers? This is the President's budget, the budget of the United States, page 1246. Let me tell you what it says for the first year, "$394 million for the first year." That is not my number, that is the President's number.

If you do not like it, it is too bad. What the Senator from Kansas is doing is saying let us cut spending and let us see to it we get the money to people who need it.

By the way, do you really mean to tell me you do not think we should have means testing? We have it for Pell grants, we have it for student loans, but we are not going to have it in this program. Why? I thought we wanted to help the needy. I thought we wanted to help young people who want to get involved, those youngsters who will not be able to join the military, as my friend pointed out. Then how do we justify no means testing for this?

How are we going to pay for this? Right now in the back rooms they are negotiating a budget deal, a tax deal, a spending deal. Where is the money going to come from, that $10.8 billion? If you read the bill it says, "such sums as may be necessary." Are we going to get it from HUD and Independent Agencies? Or take it from senior citizens housing? Are we going to take it from health care for our veterans, or maybe sewage treatment plants? Where is the money going to come from? Or are we going to take it from the taxes we are now raising on working middle-class families? Is that where we are going to get it? Or are we going to simply increase the deficit? It has to come from someplace, and we have not provided that money.

What we are doing is wrong and I commend the Senator from Kansas. She is not trying to kill a volunteer program. She is trying to set one in motion that is truly volunteer in nature and that is not a new, paid, costly program that gives us little bang for the buck. We want to try to reach as many young people as possible, not a privileged few. That is what this is.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator directed a question about where in this legislation we repeal the VISTA—the Foster Grandparents Senior Companion Program. It is on page 162. "In general the following provisions are repealed, parts A, B, C, of title I and title II, Domestic Volunteer Service Act of 1973."

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, just to clarify that point, my amendment provides for a merger and integration, not a repeal. As you know, the administrative costs for these existing programs are currently 20 percent. As a matter of fact, I would cap those costs at 10 percent. I think we would all agree these are moneys that really should go to the programs, not to the administrators of the programs. Those administrative costs just continue to grow and grow, and my amendment combines those administrative costs in order to achieve a more effective and efficient administration. And it is phased in over 2 years, so that integration can be accomplished. That is why the amendment is written that way. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes 35 seconds, the Senator from Kansas has 2 minutes 38 seconds.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I do not want to take any time from the manager of the bill, but I think I have 5 minutes of leader time, if I might take just a couple of minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DOLE. Mr. President, as this Senator said yesterday, and many other Senators, I think there are a lot of us who believe in the concept of national service. Some of us have demonstrated that in the past with our votes and activities. But I do fear, it has been pointed out tonight, starting some massive new spending program.

I notice the House today turned down the rule on the flood program because they are concerned about paying for it. We have the big economic package before us. On this side of the aisle, we are telling the American people it is tax and spend. Our colleagues on the other side are saying it is not tax and spend. But this is precisely what is happening. We are getting ready to spend—the President said $10.8 billion. We have not even passed the tax bill yet. That is taxes. Somebody has to pay for it. Here is $10.8 billion and I am not certain there is any way to control the cost of this program.

Mr. President, I do not think there is anyone in this Chamber who is not for national service. The problem, however, is that we have different views on how to accomplish this goal. Despite these differences, it continues to be my hope that we can all come together and have a program that everyone can support.

Over the years, I have worked hard on promoting both national and community service. And I think I have learned a great deal from these experiences—both good and bad. I helped bring back the CCC, which by the way is having a great impact, and I was around to see the CETA Program disgraced. Which makes me concerned about hurrying into a comprehensive National Service Program.

In particular, I fear starting some massive new spending program. We all know that after we give it the green light, we have no way of controlling it. I also have misgivings about sanctioning a program that is so bureaucratic and prescriptive that it cannot accomplish its goals.

Unfortunately, all of these fears are realized in the so-called Kennedy service bill. And as I have said before, I will not support it. However, Senator KASSEBAUM's substitute provides a real opportunity to develop a more rational approach. It is not reckless, but cautious, and recognizes the pitfalls that will come if we rush blindly into this process.

For example, her proposal does not turn its back on existing Federal service programs, but streamlines them into a coherent package. It confronts unmet needs head on by creating 5,000 new service positions. This approach only makes sense.

Her proposal also demonstrates a commitment to our Nation's students, as it does not siphon off limited education dollars, such as Pell grant and work-study funding, to pay for an expensive new program. In the first year, here $100 million in new spending is 75 percent cheaper than the committee proposal, and because it has sunset provisions after 2 years, we will have control over future spending. The so-called Kennedy proposal has no such control and will cost an astronomical $10.8 billion over the next 5 years.

Finally, Senator KASSEBAUM's proposal funds an 18-month demonstration program to determine the most reasonable level of postservice benefits. No doubt about it, this approach is fiscally responsible. By not recklessly spending scarce tax dollars, it helps us meet our commitment to the Pell Grant Program and provides a sense of fairness to our dedicated military personnel who participate in the GI bill. Under the committee proposal, both needy students and soldiers will feel short changed.

Mr. President, Senator KASSEBAUM should be commended for her thoughtful alternative. It is a reasonable, cost-effective program that promotes the American people's desire to volunteer.

I certainly hope we could adopt the amendment of my colleague from Kansas. It is a thoughtful alternative. It is reasonable in cost, cost-effective, and promotes what we wish to promote and does it in a reasonable way, and that is the people's desire to volunteer.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes and 25 seconds. Senator KASSEBAUM has 2 minutes and 45 seconds.

Mr. KENNEDY. I yield myself 25 seconds, and 2 minutes to the Senator from Maryland.

I want to point out for the RECORD, in the President's budget, the National Service Program was put at $10.8 billion. That is not this bill. That is not the bill that was reported out of the committee. The bill reported out of the committee, according to CBO, is $1.2 billion for 3 years; $2 billion for 5 years. We are prepared to go for a 3-year authorization. So I think it is important that record be recognized.

I yield the remaining time to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I oppose the substitute offered by the Senator from Kansas, though I admire her tremendously for her work on both this legislation and her contribution to the Education Committee.

Mr. President, she is talking about authorizing $100 million this year and next year. I am the appropriator. I have already, for the last 3 years, funded this program at $75 million. This is only $25 million more. Why go through this whole authorization process for something I could do without the authorization?

And during that time at the funding of $75 million, no one complained about the wastewater treatment program, nobody complained about community development block grant money being chiseled out for this, no veteran felt that they were being shortchanged because of what we did on the Commission on National Service.

For the last 3 years, we have funded a commission, had a demonstration project in six States, and then to go to only 5,000 more volunteers, Mr. President, that is 100 volunteers more per State. That is not a national program. That is not only incremental change. That is snail's pace change; that is glacial-like change.

I will tell you, America's young people want to deal with the social deficit. They want to have an opportunity to get out there and work in their own community, sweat equity helping their neighbor and helping themselves. This is too skimpy and too pinch penny, and I hope it is rejected

The PRESIDING OFFICER. The Senator from Kansas has 2 minutes, 45 seconds. The time of the Senator from Massachusetts has expired.

Mrs. KASSEBAUM. I am sorry, how much time remains?

The PRESIDING OFFICER. Two minutes and 45 seconds.

Mrs. KASSEBAUM. Mr. President, I would like to make one comment in clarification to the Senator from Maryland and then yield the rest of my time to the Senator from New York.

The Senator mentioned $75 million which is already appropriated for the National Service Commission that we stated a couple of years ago. I am talking about an additional $100 million in new money for the national service programs created in this legislation. The $75 million for the Commission remains in place. The moneys that are already appropriated for all of the other programs remain in place. That is not changed. This is $100 million in the new money for the new programs.

I yield the rest of the time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, the Senator from Kansas has done us a great favor. If we start moving forward with a program in a new direction because we do not know—the proponents of this are even discussing at this point changes they are willing to make. Here we are talking about billions of dollars. They say, "Well, we will cut it back this much" or that much, but it is $22,000 per volunteer.

I have never heard of volunteers getting paid. I have heard something of seniors, 45 cents an hour, as the Senator from Massachusetts indicated.

Volunteers who come from families that are wealthy and they are going to get $22,000 a year in benefits? That does not make sense. Are we really talking about getting hundreds of thousands people involved? Well then, let us do it with a truly volunteer program, not a costly boondoggle. This is more spending. And where does the money come from? It either increases the deficit or it comes from the taxes that people are now being asked to pay. Working middle-class families are being asked to pay more taxes for a program of doubtful value. That is right, doubtful value.

There are 38 million volunteers in this country, and if you want voluntarism, let us encourage it. If we need $5 million, $10 million for administration—Points of Light which had 60,000 people volunteer and it cost $5 million—then let us do that, but let us not set up a whole big political army, and that is what this is. Oh, we have programs in New York, sure we do, but look at the value. They get paid little stipend, they go out and do volunteer work. Maybe it is just enough money for them to take the public transportation to the place they are volunteering. That is what we want.

The PRESIDING OFFICER. All time has expired.

Mr. D'AMATO. I yield the floor, and I hope we adopt the amendment of the Senator from Kansas.

Mrs. KASSEBAUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on—

Mr. KERRY. Mr. President, I ask unanimous consent that I may proceed for 60 seconds.

The PRESIDING OFFICER. Are there objections? Without objection, it is so ordered.

HAPPY BIRTHDAY TO ROSE KENNEDY

Mr. KERRY. Mr. President, I just want to call to the attention of the Senate the fact that this is the day of many birthdays. It is a day on which Massachusetts is celebrating a special birthday. We celebrate the 103d birthday of the mother of a President and two U.S. Senators. Rose Kennedy turns 103 today.

She has seen the best and most difficult times in life. She bears it all with remarkable strength and grace.

We wish her, Senator, who I know is sending 103 roses to his mother today, a great good will this day. We wish her a happy birthday.

Mr. KENNEDY. I thank my friend. [Applause]

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I ask unanimous consent to address the Senate for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAPPY BIRTHDAY

Mr. MITCHELL. Mr. President, since the subject of birthdays has come up, we should recognize that Senator DOLE today is 33 years younger than Mrs. Kennedy. [Laughter.] And that it is also the birthday of Senator ROTH and Senator HUTCHISON, I believe.

We ask all the Senators to join in congratulating them on this important day for themselves, especially our friend and colleague, the Republican leader. [Applause.]

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. DURENBERGER. Mr. President, I rise to support the amendment offered by Senator KASSEBAUM that makes the corporation representatives authorized by this legislation ex officio, nonvoting members of their respective State commissions on national and community service.

Under the legislation as introduced, these employees of the new corporation would be full voting members of each commission—equal in status to 7 to 24 other members appointed by the Governor from the general public including various consituencies for national and community service within each State.

This is a very simple amendment, Mr. President. And, yet it strikes at the very heart of a 1990's concept that links national and community service.

I support this amendment, Mr. President, because I believe it is consistent with the overall spirit of this legislation.

To encourage cooperation and collaboration between the State and Federal agencies responsible for national and community service.

But to do that in a way that respects the essential role that State and local communities must have in setting priorities and in being held accountable for the success or failure of these programs.

We established that precedent in 1990 legislation that the President's proposal now seeks to reauthorize. In that legislation we delegated authority to States to make subgrants to school districts under the ServeAmerica service learning program.

In my own State of Minnesota, 23 local communities have received ServeAmerica grants totalling $236,000; and another $150,000 went to Minnesota colleges and universities for service learning programs on those campuses and in those communities.

Let me say, Mr. President, that I am not opposed to the objective of the corporation representative positions created by this legislation.

In fact, I would personally like to see even more encouragement for cooperation and collaboration between programs now run by ACTION and the new programs that will be funded through State commissions on national and community service.

I believe it would be most efficient if, in most cases, the State ACTION office director would be the corporation representative offering a strong source of coordination between the new Federal corporation we're creating and the grantmaking agency in each State.

But, regardless, I believe the true spirit of this legislation would be better served if that individual were an ex officio, nonvoting member of the State commission—a resource, a source of expertise, and a liaison between State-Federal agencies—but not an equal voting member.

In fact, I would argue that, if the Corporation representative were to have a vote on State commissions, that vote would be unfairly weighted in comparison to the youth, community agency, education, and other representatives who serve in the same capacity.

At best, this relationship represents an unnecessary and cumbersome inconsistency with the bottom-up, grassroots spirit of this legislation.

At worst, it represents the potential for unwise Federal Government interference in the operations of a State grantmaking agency.

In either case, it represents a lack of faith in the good judgment and growing expertise of States in an area in which I am personally convinced that the Federal Government—not the States—has the most to learn.

One of my personal mentors on this subject, Mr. President, has been Wayne Meisel, a young man who grew up with my own four boys in south Minneapolis. Wayne was among the first group of members appointed by President Bush to the Commission on National and Community Service.

Wayne summarized the reality of how change occurs—and who should be learning from whom—when he recently wrote:

> Movements are not born in Washington, D.C. In fact, by the time they reach our nation's capital, they have already happened. The youth service movement is no different.

The movement Wayne Meisel is part of involves millions of young people and thousands of teachers and youth service workers all across the country.

They and their States and local communities are ready and willing and able to take on this new challenge.

There is no question that there must be close communication and coordination with the new national Corporation as this growing movement goes forward. The Corporation representatives authorized by this legislation can and should play an important role in achieving that goal.

But, to require that the Corporation representatives be full voting members of each State's grantmaking agency simply goes too far. It violates the true spirit of this legislation.

Mr. President, the Members of this body know that I am committed to passing this bill. I was the very first Member of my party to sign on as an original cosponsor. I have made numerous suggestions for improving the bill and most have been accepted.

I have opposed—and will continue to oppose—amendments that I believe violate the spirit of this legislation. I would not support this amendment if I did not sincerely believe it will make this an even better and more effective program.

This is not a matter of coordination, Mr. President. Its a matter of trust. I believe this amendment achieves both.

Mr. President, I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 612, offered by the Senator from Kansas. The yeas and nays have been ordered. The clerk call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—42

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Exon
Faircloth
Gorton
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—57

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NOT VOTING—1

Gramm

So the amendment (No. 612) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I wonder if my colleagues will yield to me for a moment solely for the purpose of obtaining consent agreements on the disposition of legislation which we will be dealing with in the next few days.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am advised by the Republican leader's staff that these agreements have been cleared on the Republican side and by our staff—that they have been cleared on our side.

I, therefore, now ask unanimous consent that at a time to be determined by the majority leader after consultation with the Republican leader, the Senate turn to the consideration of Calendar No. 147, H.R. 2348, the legislative appropriations bill, and the following amendments be the only amendments in order, including the committee reported amendments, with relevant second-degree amendments in order, with all amendments limited to 30 minutes, unless otherwise stated, to be equally divided in the usual form:

One hour on the bill to be equally divided in the usual form.

The amendments are:

An amendment by Senator McCAIN regarding settlement account;

An amendment by Senator McCAIN, a sense of the Senate dealing with the phone system;

An amendment by Senator MACK regarding mass mail;

An amendment by Senator MACK regarding technicals;

An amendment by Senator BURNS regarding Government printing;

An amendment by Senator HATFIELD regarding the Library of Congress;

An amendment by Senator STEVENS regarding OTA;

An amendment by Senator COHEN regarding committee funding;

An amendment by Senator BROWN regarding slush fund, 1 hour;

An amendment by Senator BROWN or his designee regarding across-the-board cut, 1 hour;

An amendment by Senator REID regarding mileage allowance;

An amendment by Senator REID regarding technicals;

An amendment by Senator REID regarding cut in allowance;

An amendment by Senator BYRD that is relevant; and,

An amendment by Senator HATFIELD that is relevant.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—H.R. 2493

Mr. MITCHELL. Mr. President, I now ask unanimous consent that at 10 a.m. on Monday, July 26, 1993, the Senate proceed to the consideration of Calendar No. 146, H.R. 2493, the Agriculture appropriations bill, and that it be considered under the following agreement, with all amendments, except where otherwise noted, limited to 30 minutes and the time to be equally divided in the usual form, and that no further amendments to the bill be in order following the close of business on Monday, July 26, 1993:

Sixty minutes on the bill, including the committee amendments, to be equally divided in the usual form; and that, other than the committee amendments, the only first-degree amendments in order be the following:

An amendment by Senator LEAHY regarding wetlands reserve; an amendment by Senator DOMENICI regarding refinancing of FFB loans; an amendment by Senator COCHRAN in the form of a manager's amendment; an amendment by Senator McCAIN regarding agriculture subsidies; an amendment by Senator DOLE regarding watershed conservation; an amendment by Senator BUMPERS in the form of a manager's amendment; an amendment by Senator BRYAN regarding wool and mohair; an amendment by Senator BRYAN regarding market promotion; an amendment by Senator BOREN regarding Agriculture Research Service; an amendment by Senator PELL regarding crop insurance; an amendment by Senator LEAHY regarding farmland preservation; an amendment by Senator BUMPERS that is relevant; an amendment by Senator BRYAN regarding Department of Agriculture cuts; an amendment by Senator COHEN regarding inspections; an amendment by Senator COHEN regarding subsidies; an amendment by Senator BURNS regarding SBIR; an amendment by Senator BURNS regarding Canadian wheat; an amendment by Senator HATCH regarding FDA user fees; an amendment by Senator BROWN regarding honey, 1 hour; an amendment by Senator CRAIG regarding biotech facility; an amendment by Senator BYRD that is relevant; and an amendment by Senator HATFIELD that is relevant; an amendment by Senator KASSEBAUM regarding FDA user fees.

I further ask unanimous consent that second-degree amendments be in order if they are relevant to the first-degree amendment, and that they be considered under the same time limitation as the first-degree.

Finally, I ask unanimous consent that any votes ordered during the Senate's consideration of the Agriculture appropriations bill on Monday be postponed and stacked to occur on Tuesday, July 27, 1993, beginning at a time to be determined by the majority leader, after consultation with the Republican leader.

Mr. KENNEDY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to inquire about the FDA user fee amendment, the Hatch amendment.

Mr. MITCHELL. There are two amendments on user fees, one by Senator HATCH and one by Senator KASSEBAUM.

Mr. KENNEDY. Reserving the right to object, could I add then just a potential amendment—I do not know the substance of those user fee amendments—a second-degree amendment?

Mr. MITCHELL. This amendment permits second-degree amendments.

Mr. KENNEDY. I withdraw the objection.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I modify my earlier request with regard to the Agriculture appropriations bill in the following ways. That the date should properly be Monday, July 26, 1993. And, second, by adding the following four amendments: An amendment by Senator REID regarding the Rural Development Administration; an amendment by Senator REID regarding the tea testing boards; an amendment by Senator SIMPSON regarding the REA; and an amendment by Senator KENNEDY regarding FDA user fees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the prior agreement with respect to the legislative appropriations bill, which has previously been accepted by the Senate, be modified to provide that no further amendments be in order following the close of business tomorrow. That is, the amendments listed be in order but that they have to be offered tomorrow and that no amendments be in order following the close of business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank the Republican leader for his cooperation with respect to these two bills.

What will now happen is that we are going to deal with the legislative appropriations bill tomorrow. We will start early, earlier than usual, and the precise time will be the subject of consultation between myself, the Republican leader and the managers. I will announce that following the vote coming up.

Those Senators who have amendments to that bill understand they must be present to offer them tomorrow. We are going to complete action on the bill tomorrow because no amendments will be in order following close of business tomorrow.

The same is true with respect to the agriculture appropriations bill on Monday. We are going to go to that bill at 10 o'clock on Monday. The only amendments in order to that bill are those listed in the agreement. But those Senators must be present and offer their amendments on Monday, because once we reach the close of business on Monday, no further amendments will be in order and the votes on those amendments—that is, to the agriculture appropriations bill—will be stacked to occur on Tuesday morning.

There will be no rollcall votes on Monday, but we will be in session all day. Any Senator who has an amendment to the agriculture appropriations bill must understand he or she must be present Monday to offer the amendment or they will not be able to offer them once we complete action on Monday.

Mr. DOLE. As I understand, it will be permissible for someone else to offer the amendment if someone is unable to be here. Someone else can offer that amendment for a Senator.

Mr. MITCHELL. We had not discussed that, but if that is requested by the Republican leader, certainly that is agreeable.

Mr. DOLE. It would get the result the majority leader wishes, and that is to complete the bill. I say to Senators who should be there but cannot be here for some unavoidable reason, then the amendment could be offered, I guess, by the managers on their behalf.

Mr. MITCHELL. That is agreeable, in light of the Republican leader's request.

Mr. President, I further want to say, and I want to repeat, we are going to start very early tomorrow, earlier than usual. The precise time I will announce immediately. Senators who have amendments with respect to the legislative appropriations bill should be present early to offer them, because once the time on the bill is used up, if no one is here to offer an amendment, why, we would then be in a position to proceed to third reading and final passage of the bill. We want to make sure Senators are aware of that and will be present to offer their amendments.

I hope that we can dispose of this bill in a relatively short time tomorrow morning so that Senators who have other commitments will be able to keep them.

The text of the agreements follow:

Ordered, That at 8 a.m. on Friday, July 23, 1993, the Senate turn to the consideration of H.R. 2348, the Legislative Appropriations Bill, and that the following amendments be the only amendments in order, including the committee reported amendments, with relevant second degree amendments in order, with all amendments limited to 30 minutes, unless otherwise stated, to be equally divided and controlled in the usual form:

Brown, relative to slush fund, 1 hour;
Brown, relative to across-the-board cut, 1 hour;
Burns, relative to Government printing;
Byrd, relevant;
Cohen, relative to committee funding;
Hatfield, relative to Library of Congress;
Hatfield, relevant;
Mack, relative to mass mail;
Mack, relative to technicals;
McCain, relative to settlement account;
McCain, relative to sense of Senate: dealing with the phone system;
Reid, relative to mileage allowance;
Reid, relative to technicals;
Reid, relative to cut in allowance; and
Stevens, relative to OTA.

Ordered further, That there be 30 minutes on the bill to be equally divided and controlled in the usual form.

Ordered further, That no further amendments be in order following the close of business Friday, July 23, 1993.

Ordered, That at 10 a.m. on Monday, July 26, 1993, the Senate proceed to the consideration of H.R. 2493, the Agriculture Appropriations Bill, with all amendments, except where otherwise noted,to be limited to 30 minutes, to be equally divided in the usual form, and that no further amendments to the bill to be in order following the close of business on Monday, July 26, 1993.

Ordered further, That there be 60 minutes on the bill, including the committee amendments, to be equally divided in the usual form, and that other than the committee amendments, the only first degree amendments in order be the following:

Boren, relative to agriculture research service (A.R.S.);
Brown, relative to honey, 1 hour;
Bryan, relative to wool and mohair;
Bryan, relative to market promotion;
Bryan, relative to Dept. of Agriculture cuts;
Bumpers, managers amendment;
Bumpers, relevant;
Burns, relative to SBIR;
Burns, relative to Canadian wheat;
Byrd, relevant;
Cochran, managers amendment;
Cohen, relative to inspections;
Cohen, relative to subsidies;
Craig, relative to biotech facility;
Dole, relative to watershed conservation;
Domenici, relative to refinancing FFB loans;
Hatch, relative to FDA user fees;
Hatfield, relevant;
Kassabaum, relative to FDA user fee;
Kennedy, relative to FDA user fees;
Leahy, relative to wetlands reserve;
Leahy, relative to farmland preservation;
McCain, relative to agriculture subsidies;
Pell, relative to crop insurance;
Reid, relative to Rural Development Administration;
Reid, relative to Tea Tasting Board; and
Simpson, relative to REA.

Ordered further, That second degree amendments be in order if they are relevant to the first degree amendment and be considered under the same time limitation as the first degree.

Ordered further, That any votes ordered during the Senate's consideration of H.R. 2493 on Monday, July 26, 1993, be postponed and stacked to occur on Tuesday, July 27, 1993, following the cloture vote on the committee substitute to S. 919, regardless of whether or not cloture is invoked, and in the sequence in which they were ordered.

AMENDMENT NOS. 613 THROUGH 625, EN BLOC

Mr. KENNEDY. Mr. President, I send to the desk a set of 13 amendments that have been agreed to by the managers and ask that they be considered, en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes amendments numbered 613 through 625, en bloc.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT No. 613

(Purpose: To ensure that the Act is not considered as an entitlement program)

On page 7, line 17, strike "The" and insert "Subject to the availability of appropriations, the".

On page 34, strike lines 14 through 16 and insert the following: ", taking into consideration funding needs for educational awards based on completed service. If appropriations are insufficient to provide the maximum allowable education awards for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules."

On page 72, line 4 insert after "available" the following: "to the extent provided for in advance by appropriation".

On page 72, line 20, strike "ability to claim" and insert "expectation to receive".

On page 78, lines 9 and 10, strike "to which the eligible individual is entitled" and insert the following: "for which the participant has earned".

On page 82, line 8, strike "qualified" and insert "scheduled to receive".

AMENDMENT NO. 614

(Purpose: To eliminate certain duties of service-learning coordinators under service-learning programs)

On page 94, strike lines 3 through 25.

On page 95, line 1, strike "(c)" and insert "(b)".

On page 164, lines 3 and 4, strike "subsection (a)(3) or (b) of section 111" and insert "section 111(a)(3)".

AMENDMENT NO. 615

(Purpose: To eliminate a volunteer leader stipend)

On page 258, beginning on line 14, strike "The Director" and all that follows through "volunteers." on line 21.

AMENDMENT NO. 616

(Purpose: To eliminate a requirement that ACTION provide technical assistance to other nations)

On page 273, lines 13 through 15, strike "organizations, and provide technical assistance to other nations concerning domestic volunteer programs within their countries." and insert "organizations.".

AMENDMENT NO. 617

(Purpose: To eliminate certain local application requirements with respect to service-learning programs)

On page 91, line 6, strike "114(d)(5)(B)" and insert "114(d)(1)(B)".

On page 94, line 16, strike "projects;" and insert "projects; and".

On page 94, line 21, strike "opportunities; and" and insert "opportunities".

On page 94, strike lines 22 through 25.

Beginning on page 106, strike line 21 and all that follows through page 109, line 2 and insert the following:

"(a) REGULATIONS.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 111, including, at a minimum—

On page 109, line 3, strike "(5)" and insert "(1)".

On page 109, line 22, strike "(6)" and insert "(2)".

On page 122, line 21, strike "114(a)(5)(B);" and insert "114(d)(1)(B);".

On page 133, line 15, strike "114(d)(5)(B);" and insert "114(d)(1)(B);".

AMENDMENT NO. 618

(Purpose: To eliminate certain application requirements with respect to higher education service programs)

On page 132, strike line 12 and all that follows through page 133, line 20 and insert the following: "of, an application at such time, in such manner, and containing such information as the Corporation may reasonably require. In requesting applications for assistance under this part, the Corporation shall specify such required information.".

"(2) CONTENTS.—An application submitted under paragraph (1) shall, at a minimum, contain—On page 133, line 21, strike "(B)" and insert "(A)".

On page 134, line 10, strike "(C)" and insert "(B)".

Amendment No. 619

(Purpose: To eliminate certain local application requirements with respect to community-based service-learning programs)

On page 120, lines 6 and 7, strike "descriptions, proposals" and insert "information".

Beginning on page 121, strike line 21 and all that follows through page 123, line 13 and insert the following:

"(d) REGULATIONS.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 117, including, at a minimum—

On page 123, line 14, strike "(4)" and insert "(1)".

On page 123, line 19, strike "(5)" and insert "(2)".

On page 124, line 3, strike "(6)" and insert "(3)".

Amendment No. 620

(Purpose: To eliminate certain State application requirements with respect to school-based service-learning programs)

Beginning on page 100, strike line 11 and all that follows through page 104, line 2, and insert the following: "may reasonably require, including information demonstrating that the programs will be carried out in a manner consistent with the approved strategic plan;"

Amendment No. 621

(Purpose: To require that the representative of the Corporation for National and Community Service for a State serve as an ex officio nonvoting member of the State Commission of the State)

On page 185, line 10, strike "a voting" and insert "an ex officio nonvoting".

On page 224, line 20, strike "a voting" and insert "an ex officio nonvoting".

Amendment No. 622

(Purpose: To limit the number of individuals at an institution using national service educational awards to pay for costs incurred prior to the performance of the national service)

On page 81, strike line 16.

On page 81, between lines 21 and 22, insert the following:

"(iii) individuals using national service educational awards to pay for educational costs do not comprise more than 15 percent of the total student population of the institution; and".

Amendment No. 623

(Purpose: To limit the required provision of child care)

On page 68, line 5, strike "who serves" and insert "who needs child care in order to participate".

On page 68, line 7, strike ", including" and all that follows through "program" on line 9.

On page 259, lines 16 and 17, strike "part, including volunteers" and insert "part".

AMENDMENT NO. 624

(Purpose: To establish a rural community service program, and for other purposes)

On page 322, at the end of the committee amendment, inset the following:

TITLE V—RURAL COMMUNITY SERVICE

SEC. 501. RURAL COMMUNITY SERVICE.

Title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.) is amended by adding at the end the following new part:

"PART C—RURAL COMMUNITY SERVICE

"SEC. 1171. FINDINGS; PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the Nation's rural centers are facing increasingly pressing problems and needs in the areas of economic development, community infrastructure and service, social policy, public health, housing, crime, education, environmental concerns, planning and work force preparation;

"(2) there are, in the Nation's rural institutions, people with underutilized skills, knowledge, and experience who are capable of providing a vast range of services towards the amelioration of the problems described in paragraph (1);

"(3) the skills, knowledge, and experience in these rural institutions, if applied in a systematic and sustained manner, can make a significant contribution to the solution of such problems; and

"(4) the application of such skills, knowledge, and experience is hindered by the limited funds available to redirect attention to solutions to such rural problems.

"(b) PURPOSE.—It is the purpose of this part to provide incentives to rural academic institutions to enable such institutions to work with private and civic organizations to devise and implement solutions to pressing and severe problems in their communities.

"SEC. 1172. PROGRAM.

"The Secretary is authorized to carry out a program of providing assistance to eligible institutions to enable such institutions to carry out the authorized activities described in section 1174 in accordance with the provisions of this part.

"SEC. 1173. APPLICATIONS FOR RURAL COMMUNITY SERVICE GRANTS.

"(a) APPLICATION.—

"(1) IN GENERAL.—Each eligible institution desiring a grant under this part shall submit to the Secretary an application at such time, in such form, and containing or accompanied by such information and assurances, as the Secretary may require by regulation.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the activities and services for which assistance is sought; and

"(B) contain assurances that the eligible institution will enter into a consortium to carry out the provisions of this part that includes, in addition to the eligible institution, one or more of the following entities:

"(i) A community college.

"(ii) A rural local educational agency.

"(iii) A local government.

"(iv) A business or other employer.

"(v) A nonprofit institution.

"(3) WAIVER.—The Secretary may waive the consortium requirements described in paragraph (2) for any applicant who can demonstrate to the satisfaction of the Secretary that the applicant has devised an integrated and coordinated plan which meets the purpose of this part.

"(b) PRIORITY IN SELECTION OF APPLICATION.—The Secretary shall give priority to applications that propose to conduct joint projects supported by other local, State, and Federal programs.

"(c) SELECTION PROCEDURES.—The Secretary, by regulation, shall develop a formal procedure for the submission of applications under this part and shall publish in the Federal Register an announcement of that procedure and the availability of funds under this part.

"SEC. 1174. AUTHORIZED ACTIVITIES.

"Grant funds made available under this part shall be used to support planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to assist rural communities to meet and address their pressing and severe problems, such as any of the following:

"(1) Work force preparation.

"(2) Rural poverty and the alleviation of such poverty.

"(3) Health care, including health care delivery and access as well as health education, prevention and wellness.

"(4) Underperforming school systems and students.

"(5) Problems faced by the elderly and individuals with disabilities in rural settings.

"(6) Problems faced by families and children.

"(7) Campus and community crime prevention, including enhanced security and safety awareness measures as well as coordinated programs addressing the root causes of crime.

"(8) Rural housing.

"(9) Rural infrastructure.

"(10) Economic development.

"(11) Rural farming and environmental concerns.

"(12) Other problem areas which participants in the consortium described in section 1173(a)(2)(B) concur are of high priority in rural areas.

"(13)(A) Problems faced by individual with disability and economically disadvantaged individuals regarding accessibility to institutions of higher education and other public and private community facilities.

"(B) Amelioration of existing attitudinal barriers that prevent full inclusion of individuals with disabilities in their community.

"SEC. 1175. PEER REVIEW.

"The Secretary shall designate a peer review panel to review applications submitted under this part and make recommendations for funding to the Secretary. In selecting the peer review panel, the Secretary may consult with other appropriate Cabinet-level Federal officials and with non-Federal organizations, to ensure that the panel will be geographically balanced and be composed of representations from public and private institutions of higher education, labor, business, and State and local government, who have expertise in rural community service or in education.

"SEC. 1176. DISBURSEMENT OF FUNDS.

"(a) Multiyear Availability.—Subject to the availability of appropriations, grants under this part may be made on a multiyear basis, except that no institution, individually or as a participant in a consortium, may receive a grant for more than 5 years.

"(b) Equitable Geographic Distribution.—The Secretary shall award grants under this part in a manner that achieves equitable geographic distribution of such grants.

"(c) Matching Requirement.—An applicant under this part and the local governments associated with its application shall contribute to the conduct of the program supported by the grant an amount from non-Federal funds equal to at least one-fourth of the amount grant, which contribution may be in cash or in kind, fairly evaluated.

"SEC. 1177. DESIGNATION OF RURAL GRANT INSTITUTIONS.

"The Secretary shall publish a list of eligible institutions under this part and shall designate such institutions of higher education as 'Rural Grant Institutions'. The Secretary shall establish a national network of Rural Grant Institutions so that the results of individual projects achieved in 1 rural area can be generalized, disseminated, replicated and applied throughout the Nation.

"SEC. 1178 DEFINITIONS.

"As used in this part:

"(1) Rural Area.—The term 'rural area' means any area that is—

"(A) outside an urbanized area, as such term is defined by the Bureau of the Census; and

"(B) outside any place that—

"(i) is incorporated or Bureau of the Census designated; and

"(ii) has a population of 75,000 or more.

"(2) Eligible Institution.—The term 'eligible institution' means an institution of higher education, or a consortium of such institutions any one of which meets all the requirements of this paragraph, which—

"(A) is located in a rural area;

"(B) draws a substantial portion of its undergraduate students from the rural area in which such institution is located, or from contiguous areas;

"(C) carries out programs to make postsecondary educational opportunities more accessible to residents of such rural areas, or contiguous areas;

"(D) has the present capacity to provide resources responsive to the needs and priorities of such rural areas and contiguous areas;

"(E) offers a range of professional, technical, or graduate programs sufficient to sustain the capacity of such institution to provide such resources; and

"(F) has demonstrated and sustained a sense of responsibility to such rural area and contiguous areas and the people of such areas.

"SEC. 1179. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

"(a) In General.—There are authorized to be appropriated such sums as may be necessary in each fiscal year to carry out the provisions of this part.

"(b) Funding Rule.—If in any fiscal year the amount appropriated pursuant to the authority of subsection (a) is less than 50 percent of the funds appropriated to carry out part A in such year, then the Secretary shall make available in such from funds appropriated to carry out part A an amount equal to the difference between 50 percent of the funds appropriated to carry out part A and the amount appropriated pursuant to the authority of subsection (a).".

On page 4, in the table of contents, insert after the item relating to section 406 the following new items.

TITLE V—RURAL COMMUNITY SERVICE

Sec. 501. Rural community service.

Mr. McCONNELL. Mr. President, this amendment establishes a Rural Community Service Program under title XI of the Higher Education Act (Public Law 102-325). I offer this measure on behalf of rural communities in my State, and all rural areas across America.

It might interest my colleagues to know that while an Urban Community Service Program is already authorized under this act, a similar program does not exist for rural areas. The urban program allows big city colleges and universities to use their skills and talents to address urban problems such as limited access to health care, unemployment, and crime.

Mr. President, these problems are about as unique to our inner cities as advertisements are to Sunday newspapers. While limited access to health care, unemployment, and crime are equally indigenous to the hills and hollows of Appalachia, college and universities in rural communities are not provided with a similar opportunity to solve their troubles as are their counterparts in sprawling metropolises.

A recent article in the Lexington Herald-Leader highlights some alarming trends that have occurred in rural areas over the past decade. For brevity's sake, I will summarize the article and its findings. First, young rural workers currently earn less money than their city counterparts. Rural incomes were highest in 1973 when workers earned only 78 percent of the average urban income; by 1987, the gap between mean income of rural and urban workers doubled.

Second, populations in rural counties drastically decreased during the 1980's. It is estimated that between 1980 and 1988, 500,000 people per year left rural counties. College educated residents were five times more likely to leave than those with high school diplomas.

Finally, rural Americans became poorer. By 1990, the rate of poverty in rural counties was 16.3 percent—22 percent higher than for cities. Areas that depended upon employment from the coal, agriculture, oil and timber industries were hardest hit by unemployment. Over the past decade, coal mining jobs decreased by 47 percent, and oil and gas employment is today half of what it was in 1980.

The amendment I am offering provides incentives for rural colleges and universities to work with private and civic organizations to solve pressing problems in their communities. I have outlined some of the particular rural issues these institutions might address, including: Work force preparation; rural poverty and education; health care access and prevention; problems faced by elderly and disabled individuals in rural settings; and rural development and farming.

Subject to the availability of appropriations, matching grants will be given to eligible institutions for a period of no more than 5 years. In addition, the Secretary of Education is directed to award grants in a manner that achieves equitable geographic distribution.

Because of the similarities between the Urban Community Service Program and its rural counterpart that I propose, it might be helpful to list some of the projects awarded under the fiscal year 1992 urban program:

California State University, the University and the City—Serving the Needs of Our Mutual Community: This is a project that addresses the immediate needs of urban communities in Los Angeles and San Francisco, including underperforming schools, minority business development, and conflict resolution. It is a statewide collaborative effort led by CSU/LA, and involves a network of government agencies and private industries.

University of Louisville, Housing and Neighborhood Development Strategies [HANDS]: This project specifically targets the Russell neighborhood and the LaSalle housing project in an effort to alleviate poverty and develop self-sufficiency through a combination of programs emphasizing education, job and leadership training, and homeownership counseling. The program involves nonprofit community organizations.

Southern Connecticut State University, Neighborhood Youthbridge: This project is an intensive effort by seven post secondary schools, in collaboration with neighborhood-based organizations, to decrease school dropout rates, and improve low achievement levels.

Mr. President, as this legislation is identical to a bill I introduced last month—S. 1127—I would like to share with my colleagues several letters I have received in support of establishing a Rural Community Service Program.

Wage Powers, President of Northeast State Technical Community College in Blountville, TN, shared with me copies of letters he sent to his representatives on the need for such a program: "I recognize that rural areas do not have the heavy population concentration of urban areas, but the issues facing rural communities are just as real and important as those faced by urban communities. If rural areas are to be successful interms of economics, health, and education, we must direct attention to these issues in geographic areas that have often been neglected."

Richard Carpenter, president of Calhoun Community College in Decatur, AL, wrote:

> If passed, this bill will provide incentives for rural colleges to work with other entities within the community to address communitywide issues and problems * * * the passage of this bill could increase significantly the contribution our colleges make to the development of our communities and States.

Lynn Willett, president of Muskingum Area Technical College in Zanesville, OH, stated:

> Communities like Zanesville, Cambridge, New Concord, and Caldwell are reeling under climbing unemployment, outdated manufacturing processes, cutbacks in school funding, as well as the lack of economic development and work force preparation. Grant monies from S. 1127 would be used to form local consortiums for support planning, applied research, training, resource exchange, delivery of services and other activities designed to assist surrounding communities and their citizens.

Joseph M. Gratto, president of Potomac State College in Keyser, WV, said in his letter:

> Rural poverty and problems don't attract much media attention. The public generally has the idea that rural like is idyllic, and that, too, is a factor to be overcome in trying to advance the interests of a rural constituency.

And finally, Dr. Deborah Floyd, president of Prestonsburg Community College in Prestonsburg, KY, wrote:

> In my opinion, the proposed * * * bill has the potential to positively affect the entire region of Appalachia and beyond by empowering rural Americans with knowledge, skills, attitudes, and financial assistance to make their dreams and goals for a better, healthy, and prosperous life a reality * * *.

Mr. President, I strongly urge my colleagues to lend their support to my amendment.

AMENDMENT NO. 625

(Purpose: To modify the requirements and benefits of part-time service)

On page 62, line 22, strike "1,700" and insert "900".

On page 62, line 24, delete "not less than 1 year and".

On page 63, line 1, strike "not less than 1 year and".

On page 75, line 25, strike "service" and insert "full-time service as provided in section 139(b)(1)".

On page 76, line 4, add after the period the following: "Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of part-time service as provided in section 139(b)(2) in an approved national service position shall receive a national service educational award having a value equal to $2,500 for each of not more than 2 of such terms of service.".

Mr. KENNEDY. Briefly, Mr. President, this list includes a Domenici amendment clarifying that the bill does not create an entitlement to participate in the national service program; seven separate Kassebaum amendments to simplify the application procedures described in the bill; a Kassebaum amendment providing that the representatives of the corporation will only serve as nonvoting ex officio members of State boards; a Kassebaum amendment limiting the number of service participants in any single college or university; a Kassebaum amendment providing child care to be provided only to those participants who qualify on the basis of need; a McConnell amendment providing a rural service grant program; and a Mikulski amendment clarifying the criteria for part-time service participants.

I will support those amendments, and I hope that the Senate will agree to them.

Mrs. KASSEBAUM. Mr. President, I want to thank Senator KENNEDY and my Democratic colleagues for agreeing to accept several of my amendments to the National and Community Service Trust Act. The majority of these amendments eliminated the prescriptiveness of application contents, job descriptions, and other unnecessary details which are better handled in the Federal regulatory process than in the legislative process. In addition to shortening this bill by almost 15 pages, the elimination of these sections will save local national service programs a great deal of paperwork and permit the Corporation to more readily respond to changing administrative needs.

Another important amendment which has been accepted places limits on the number of individuals at an institution using national service educational awards to pay for tuition and other educational costs. The purpose of the amendment was to ensure that a cottage industry of trade and skills-training programs are not created specifically to tap into the higher education market by the potential of $5,000 in educational stipends. Unfortunately, this occurred when the GI bill was created, and I wanted to avoid a repeat of these reactions. Additionally, this amendment will prevent the temptation for eligible educational institutions to raise their tuition and other costs in response to a large number of their students having $5,000 or $10,000 in educational awards—and placing that school out of the financial reach for other students who do not have these awards.

I am especially pleased that several of my accepted amendments reduced the prescriptive nature of S. 919. For example, one of the amendments deleted a page-long description of the duties of a service-learning coordinator, right down to recruiting and supervising adult volunteers. Another accepted amendment deleted four pages detailing requirements for the contents of State or tribal applications and transferred responsibility for determining the required content to the Corporation. Still another accepted amendment deleted detailed specifications concerning the information that must be included in applications to States for school-based service-learning programs. Instead, it will allow the Corporation, through the Federal regulatory process, to establish standards for the information required.

Mr. President, I add that I am very appreciative of Senator KENNEDY, Senator WOFFORD, and the others who have worked hard to reach agreement on these amendments. I think it does help tighten up the bill. It seems to me that each of them addresses, in many ways, some aspects of the legislation that I thought were particularly egregious in one way or another, and that we could agree to.

I appreciate the effort that went into those amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 613 through 625) were agreed to en bloc.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I personally thank Senator FORD, the chairman of the Rules Committee and the majority whip, for the excellent job he did today in managing on the floor what was a very emotional and controversial matter, the debate which was very intense. At a critical moment, with his usual skill, he stepped in and took control of the proceedings and guided the matter to a resolution.

I think it is the kind of leadership that the Members of the Senate looked for when Senator FORD was elected as the majority whip and the kind of leadership I and those of us who work with him daily come to expect of him.

I am very grateful to him, and I think all Senators owe him a debt of gratitude.

Mr. FORD. I thank the majority leader.

Mr. MITCHELL. Mr. President, I note the presence on the floor of the distinguished Republican leader and the managers of the bill and the distinguished chairman of the Labor and Education Committee.

We have had private discussions throughout the day among ourselves, and including the distinguished junior Senator from Kansas, on the current bill.

We have now been on the bill for a couple of days and have dealt with a number of amendments. I know that the distinguished ranking member, the junior Senator from Kansas, was disappointed that her substitute amendment was not adopted.

I would like, if I might at this moment, to inquire of the Republican leader whether under the circumstances we will be permitted to get to a final vote on the bill or whether under the current circumstances it will be necessary for us to file a cloture motion to terminate debate?

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, if the majority leader will yield, I think if I were majority leader, I would suggest maybe filing a cloture motion. I am not certain what the final outcome may be, but there may be some negotiation between the two managers on some final resolution, but I think I can say to the majority leader that I do not believe we could accommodate the majority leader tonight or maybe even on Tuesday.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, accordingly, in view of the distinguished Republican leader's comments and based upon prior conversations we have had throughout the day on this matter, I now send to the desk a cloture motion on the committee substitute to S. 919, and I ask the clerk to state the motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing Rules of the Senate, hereby move to bring to a close the debate on the Committee Substitute to S. 919, the National and Community Service Trust Act of 1993:

Joseph Lieberman, Ben Nighthorse Campbell, Daniel K. Akaka, Barbara Mikulski, David Pryor, John Glenn, Harry Reid, Barbara Boxer, Wendell Ford, Russell D. Feingold, Dennis DeConcini, Tom Daschle, Carl Levin, Kent Conrad, Byron L. Dorgan, Sam Nunn, Edward Kennedy, Harris Wofford.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the committee substitute to S. 919 occur on Tuesday, July 27, at 10 a.m., with the mandatory quorum waived, that notwithstanding the outcome of the cloture vote, any rollcall votes ordered in relation to the agriculture appropriations bill occur after the cloture vote in the sequence in which they were ordered.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, is it the leader's intention that we would have the hour prior to the 10 o'clock vote for a debate equally divided?

Mr. MITCHELL. This agreement does not preclude that. I was going to discuss at a later time the possibility of any time. I think that is a reasonable request by the Senator, and I assume that our colleagues would not only not object but want the same thing, and, in fact, after I get this agreement, if the Senator would like, I would be pleased to make that request.

The PRESIDING OFFICER. Hearing no objection, without objection, it is so ordered.

TIME-LIMITATION AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the hour between 9 a.m. and 10 a.m., on Tuesday, July 27, be for debate on the motion to invoke cloture on the committee substitute to S. 919 with the time equally divided and controlled by Senators KENNEDY and KASSEBAUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield.

Mr. DOLE. Mr. President, if the majority leader will yield, when does he think the first vote might occur tomorrow morning? It is my understanding some of our colleagues may have left with the impression that it might not occur until around 9:10 or 9:15. I guess others did not have any specific notice.

Mr. MITCHELL. Mr. President, pursuant to a prior order, I was vested with the authority to determine, following consultation with the Republican leader, when we would proceed to the legislative appropriations bill. I made clear at the time I obtained the order that we would start at an early hour tomorrow, earlier than our usual starting time.

I have discussed it with the Republican leader and the two managers of the bill, Senator REID and Senator MACK. We are all in agreement on beginning at 8 a.m. tomorrow.

Now, I expect, following my discussions with the managers, that a vote could occur as early as 9 a.m. If there are Senators who have left under a different impression, I do not want to create any problems for them.

Is it the Republican leader's request or is he requesting that we indicate that no votes will occur prior to a certain time and what time would he regard as appropriate in that respect?

Mr. DOLE. We were just trying to add up the time now. We thought maybe 9:10 or 9:15 before the first vote. It may not be precise, but as I understand the Senator from Florida will offer the first amendment. There is a 30-minute time agreement. If they use the 30 minutes, plus the opening statements, it seems to me that might be about right, 9:10 or 9:15.

Mr. MITCHELL. Then, Mr. President, pursuant to the prior order I now state that we will proceed to the legislative appropriations bill at 8 a.m. tomorrow and on behalf of myself and the Republican leader I request of the managers that no vote occur prior to 9:10 a.m.

But I now state for information all of all Senators, and I ask their offices to make certain every Senator is aware of it, a vote could occur at 9:10 a.m. or shortly thereafter. I hope managers will attempt to schedule them at that time.

We are starting at the early hour to accommodate the interests of several Senators who have other committees, and we are going to complete action on the bill tomorrow. We hope we can do it in a reasonably short period of time so Senators will be able to leave to make other commitments.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. I think Members on both sides understand we have agreed to complete action on this bill tomorrow. Some of the amendments may be offered. We already had one Member withdraw two of his amendments on this side. That will help expedite disposition of the bill.

Every Member should know that the bill will be completed tomorrow. So if they have amendments that they feel they must offer or want to offer they should be here because there are other Members, who particularly because of the problems in Midwest, many of the colleagues on both sides of the aisle want to leave at the earliest possible hour to get back to their home States.

Mr. MITCHELL. Mr. President, I want to reemphasize the point that the Republican leader has made. We really do want to accommodate Senators because, as he indicated, a number of them intend to return to the Midwest, where it is obvious their presence will be significant, as they assess the damage and prepare legislation to deal with that, and Senators could accommodate their colleagues by coming and either not doing their amendments—that would be preferable—or presenting them as soon as possible so that we can complete action at an early hour tomorrow.

I thank my colleagues.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I now ask unanimous consent that the Senate go into morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection it is so ordered.

CONCERNING MRS. RICHARD NIXON

Mr. CHAFEE. A month ago this coming Saturday, I had the privilege, along with several other Senators, of attending at the Nixon Library in Yorba Linda, CA, the very moving funeral services for Mrs. Richard Nixon—Pat Nixon, as so many Americans remember her.

There were a series of excellent remarks, including those by Rev. Billy Graham and our leader, BOB DOLE.

The speakers stressed Pat Nixon's devotion to her family, her courage and tenacity in adversity, and her warmth and grace.

Although I did not know Mrs. Nixon intimately, I did participate with her in one particular event that gave me a chance to observe closely many of the traits that so endeared her to our citizens.

The occasion was the christening of the U.S.S. *California*, a nuclear powered cruiser, at the Newport News Shipyard on September 22, 1971, nearly 22 years ago.

At the time, I was Secretary of the Navy and Mrs. Nixon came to Newport News to perform the christening. She flew to Norfolk that morning and I was immediately struck by the fact that she had but one aide with her, as opposed to the large retinue that so often seemed to accompany VIP's that I had dealt with at other Naval ceremonies.

During the course of that day, which involved considerable moving about—from airport to shipyard, to country club for a luncheon, to airport again—Mrs. Nixon could not have been more helpful nor less demanding of all who were involved in the occasion. She clearly did not want any extra attention, nor to put anyone to extra trouble.

Mrs. Nixon was a joy to be with—lively, interested in all she saw, quick to accommodate herself to her duties and always thoughtful of others.

I was tremendously impressed and so grateful that I had those few hours with her.

Pat Nixon was a wonderful person and epitomized everything that the word "Lady" implies.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Zaroff, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 5:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1347. An act to modify the boundary of Hot Springs National Park.

H.R. 2561. An act to authorize the transfer of naval vessels to certain foreign countries.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 22, 1993, he had presented to the President of the United States the following enrolled bill:

S. 20. An act to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1241. A communication from the Chairman of the John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Rules and Administration.

EC–1242. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution; to the Committee on Rules and Administration.

EC–1243. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report on the Presidential Public Funding Program; to the Committee on Rules and Administration.

EC–1244. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report on the Natural Resource Development Program; to the Committee on Small Business.

EC–1245. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Persian Gulf Veterans Treatment Act of 1993" to the Committee on Veterans' Affairs.

EC–1246. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Philippine Veterans Currency Act of 1993"; to the Committee on Veterans' Affairs.

EC–1247. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Veterans' Program Improvement Act of 1993"; to the Committee on Veterans' Affairs.

EC–1248. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Extension of VA Contract and Grant Authority in the Philippines Act of 1993"; to the Committee on Veterans' Affairs.

EC–1249. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to amend title 38, United States Code, to provide to employees appointed under that title protection from prohibited personnel practices; to the Committee on Veterans' Affairs.

EC–1250. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to amend title 38, United States Code, relative to contract burials; to the Committee on Veterans' Affairs.

EC–1251. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report on contract care and services; to the Committee on Veterans' Affairs.

EC–1252. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Veterans' Affairs.

EC–1253. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to the Federal Grain Inspection Service; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1254. A communication from the Director of Defense Research and Engineering, transmitting, pursuant to law, a report entitled "Strategic Environmental Research and Development Program Phase II"; to the Committee on Armed Services.

EC–1255. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, a report relative to the Department's Environmental Compliance Program for fiscal year 1994 through fiscal year 1999; to the Committee on Armed Services.

EC–1256. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to certain properties to be transferred to the Republic of Panama; to the Committee on Armed Services.

EC–1257. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a draft of proposed legislation relative to the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

EC–1258. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, report of a statement relative to U.S. exports to the Republic of Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–1259. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, report of a statement relative to U.S. exports to the Republic of South Africa; to the Committee on Banking, Housing, and Urban Affairs.

EC–1260. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, report of a statement relative to U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–1261. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on monetary policy; to the Committee on Banking, Housing, and Urban Affairs.

EC–1262. A communication from the Interim Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the report on status for the month of May 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC–1263. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC–1264. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on community planning and development affordable housing programs; to the Committee on Banking, Housing, and Urban Affairs.

EC–1265. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of the financial audit of the Federal Deposit Insurance Corporation's financial statements for calendar years 1991 and 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC–1266. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Iraq; to the Committee on Foreign Relations.

EC–1267. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1268. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1269. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report on Bonny Dam Modification Safety of Dams Program; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Appropriations, with amendments:

H.R. 2519. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103–105).

By Mr. DECONCINI, from the Committee on Appropriations, with amendments:

H.R. 2403. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103–106).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 557. A bill to combat telemarketing fraud.

By Mr. BIDEN, from the Committee on the Judiciary, with amendments and an amendment to the title and with a preamble:

S.J. Res. 92. A joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down's Syndrome Awareness Month."

By Mr. BIDEN, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 95. A joint resolution to designate October 1993 as "National Breast Cancer Awareness Month."

S.J. Res. 97. A joint resolution to commemorate the sesquicentennial of the Oregon Trail.

S.J. Res. 99. A joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

S.J. Res. 102. A joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month."

S.J. Res. 111. A joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing and Urban Affairs:

Richard Scott Carnell, of Florida, to be an Assistant Secretary of the Treasury.

Alan S. Blinder, of New Jersey, to be a Member of the Council of Economic Advisers.

Arthur Levitt, Jr., of New York, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 1998.

G. Edward DeSeve, of Pennsylvania, to be Chief Financial Officer, Department of Housing and Urban Development.

Joseph E. Stiglitz, of California, to be a Member of the Council of Economic Advisers.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Susan Gaffney, of Virginia, to be Inspector General, Department of Housing and Urban Development.

(The above nomination further referred to the Committee on Governmental Affairs for not to exceed 20 days, pursuant to an order of the Senate on June 17, 1993.)

By Mr. BIDEN, from the Committee on the Judiciary:

Walter Dellinger, of North Carolina, to be an Assistant Attorney General.

Charles Robert Tetzlaff, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself, Mr. MITCHELL, Mr. DOLE, Mr. INOUYE, Mr. PELL, Mr. KERREY, Mr. KERRY, Mr. MOYNIHAN, Mr. DECONCINI, Mr. D'AMATO, Mr. SPECTER, Mr. DODD, Mr. JEFFORDS, Mr. WOFFORD, Mr. SIMON, Mr. LAUTENBERG, Mr. EXON, Mr. KENNEDY, Ms. MIKULSKI, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. BUMPERS, Mr. BRYAN, Mr. HARKIN, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. METZENBAUM, Mr. DASCHLE, Mr. BRADLEY, Mr. GRAHAM, Mr. FORD, Mr. FEINGOLD, Mrs. BOXER, and Mr. LEVIN):

S. 1276. A bill to extend for three years the moratorium on the sale, transfer or export of anti-personnel landmines abroad, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURENBERGER (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. DASCHLE, Mr. PRESSLER, Mr. DORGAN, and Mr. WELLSTONE):

S. 1277. A bill to equalize the minimum adjustments to prices for fluid milk under milk marketing orders, to require the Secretary of Agriculture to study the solids content of beverage milk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1278. A bill to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mr. D'AMATO):

S. 1279. A bill to provide the Secretary of Housing and Urban Development with flexibility to dispose of multifamily housing projects; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself and Mr. LEAHY):

S. 1280. A bill to amend the Public Health Service Act to provide for a biennial report on nutrition and health by the Surgeon General of the Public Health Service, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN (for himself, Mr. AKAKA, Mr. D'AMATO, Mr. SASSER, Mr. PRESSLER, Mr. MURKOWSKI, Mr. BIDEN, Mr. STEVENS, Mr. COHEN, Mr. BOND, Mr. CRAIG, Mr. WELLSTONE, Mr. LOTT, Mr. THURMOND, Mr. FAIRCLOTH, Mr. FORD, Mr. METZENBAUM, Mr. COATS, Mr. DURENBERGER, Mr. LEVIN, Mr. MITCHELL, Mr. RIEGLE, Mr. ROTH, Mr. SHELBY, Mr. BURNS, Mr. DOLE, Mr. DORGAN, Mr. HEFLIN, Mr. HATCH, Mr. INOUYE, Mr. PELL, Mr. GLENN, Mr. HELMS, Mr. KENNEDY, Ms. MIKULSKI, Mr. WARNER, Mr. BAUCUS, Mr. BUMPERS, Mr. SMITH, Mr. MOYNIHAN, Mr. SPECTER, Mr. DASCHLE, Mr. GRAMM, and Mr. NUNN):

S.J. Res. 115. A joint resolution designating November 22, 1993, as "National Military Families Recognition Day"; to the Committee on the Judiciary.

By Mr. GLENN:

S.J. Res. 116. A joint resolution designating January 16, 1994, as "National Good Teen Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. MITCHELL, Mr. DOLE, Mr. INOUYE, Mr. PELL, Mr. KERREY, Mr. KERRY, Mr. MOYNIHAN, Mr. DECONCINI, Mr. D'AMATO, Mr. SPECTER, Mr. DODD, Mr. JEFFORDS, Mr. WOFFORD, Mr. SIMON, Mr. LAUTENBERG, Mr. EXON, Mr. KENNEDY, Ms. MIKULSKI, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. BUMPERS, Mr. BRYAN, Mr. HARKIN, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. METZENBAUM, Mr. DASCHLE, Mr. BRADLEY, Mr. GRAHAM, Mr. FORD, Mr. FEINGOLD, Mrs. BOXER, and Mr. LEVIN):

S. 1276. A bill to extend for 3 years the moratorium on the sale, transfer or export of anti-personnel landmines abroad, and for other purposes; to the Committee on Foreign Relations.

LANDMINE MORATORIUM EXTENSION ACT OF 1993

Mr. LEAHY. Mr. President, the United States signed the convention to outlaw the manufacture, possession, and use of chemical weapons. We know what chemical weapons do. They do not distinguish between combatants and innocent victims.

I remember how outraged everyone was in this country when Saddam Hussein used chemical weapons against the Kurds. But I wonder how many people realize that all of the deaths from chemical, biological, even nuclear weapons are only a fraction of the number of people who have been killed or maimed by landmines.

What do chemical and biological weapons have in common with landmines? They do not discriminate. A landmine will blow the leg or the arm off of whoever steps on it. It does not make any difference whether it is a combatant, a civilian, older person, or a child.

Antipersonnel landmines, which are designed specifically to maim and kill people, have been used in dramatically increasing numbers around the world. Unlike other weapons, landmines often remain undiscovered for weeks, months, or years. Sometimes even after a conflict has ended, and people no longer remember what they were fighting about, active landmines are still there.

We have seen the horrifying photographs, photographs like this one of a child with his leg blown off. This child was not a combatant. This child just happened to be in an area where landmines were used, not just as weapons of war but as weapons of terror. And the terror, of course, was imposed not against the combatants but upon this young child who stepped on a landmine and had his leg blown off at the knee, and his arm blown off to the elbow.

Mr. President, I could show hundreds of photographs like this. We have seen what landmines did in Afghanistan where the Russians scattered millions of mines from the air. Hundreds of thousands of people—most of them civilians—have lost limbs, and huge areas of that country today are uninhabitable and will remain that way for decades.

In Cambodia, refugees are finally going home only to be killed or crippled by the millions of landmines that lie hidden in the jungle there. I spoke to one American who runs a program to make artificial legs. He told me "The mines in Cambodia are being cleared one leg, one arm, one life at a time."

The same thing is happening in Mozambique, where this boy lives. He lost both legs above the knee, in a country where he will probably have to earn a living at physical labor. He will walk on these artificial legs for the rest of his life.

Another victim of a landmine, an American, wrote about what happened to him in Vietnam. Let me read what he said:

> I was thrown violently through the air. When I threw my arms out in front of me, I saw in shocked amazement that my left arm was gone from above the elbow. A white splintered bone jutted out of a bloody stump of tangled and torn flesh. The flesh on my right arm had been blasted away from the elbow to the hand, and I could see both bones glistening white against bloody pulp.

The horror, the sheer horror, of that statement. But hundreds of thousands of people could say the same thing.

As many as 100 million landmines have been strewn in at least 62 countries. The State Department estimates there are more than 10 million in Afghanistan, 9 million in Angola, 4 million in Cambodia, 3 million in Iraqi Kurdistan, and 2 million each in Somalia, Mozambique, and the former Yugoslavia.

Think of the horror of living day to day in a country where at any moment you could lose a leg, or your life, or your child's life, because of these hidden weapons. Where any open field, or patch of trees, or roadside ditch is a potential death trap. That is a way of life for tens of millions of people around the world.

Today, advanced technologies are used to manufacture landmines that can be scattered by aircraft or artillery tubes, at a rate of more than 1,000 per hour. These mines are by their nature nondiscriminatory, because no one can be sure where they fall.

Four years ago, I started a special fund in the foreign aid program to send American doctors and prosthetists to aid landmine victims abroad. That program has enabled thousands of people crippled by landmines to walk again. But each year the number of landmine victims continues to grow.

I started that program, Mr. President, because I went to a field hospital in Honduras, where I met a young boy who had lost his leg from a landmine. When I asked him which side in the war had put it there, he did not know. What difference did it make? Both sides used landmines. But he was crippled for life, and he was living in the hospital because he had no place else to go. I started the War Victims Fund for people like that Honduram boy.

But I also felt something had to be done to stop this senseless slaughter. I sponsored last year legislation to impose a 1-year moratorium on the sale, transfer, and export abroad of antipersonnel landmines from the United States. The amendment became part of the defense authorization act, and it was signed into law by President Bush on October 23, 1992.

Today, I am introducing legislation to extend the landmine moratorium for 3 years.

I send to the desk and ask for the appropriate referral of my landmine legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. LEAHY. Mr. President, this legislation is sponsored by myself, Senators MITCHELL, DOLE, INOUYE, PELL, KERREY, KERRY, MOYNIHAN, DECONCINI, D'AMATO, SPECTER, DODD, JEFFORDS; the distinguished Presiding Officer, Mr. WOFFORD; Senators SIMON, LAUTENBERG, EXON, KENNEDY, MIKULSKI, RIEGLE, ROCKEFELLER, BUMPERS, BRYAN, HARKIN, FEINSTEIN, MURRAY, METZENBAUM, DASCHLE, BRADLEY, GRAHAM, FEINGOLD, and FORD.

Mr. President, as is noted by both the Democratic and Republican leaders of the Senate, this is not a partisan issue. It is an issue of humanity.

The landmine moratorium has two purposes. It shows that the United States intends to be a leader in stopping the spread of these insidious weapons. It will also strengthen the position of the United States to negotiate stronger international limits on the sale, manufacture, and use of landmines by setting an example for other nations.

Since last October when the U.S. moratorium took effect, the response has surpassed our expectations.

The President of France announced that France no longer sells or exports antipersonnel landmines, and has called on other European nations to do the same. France has formally requested the United Nations to hold a conference to review the 1980 landmine protocol.

The European Parliament has issued a resolution calling on its members to impose a 5-year moratorium on sales and exports of antipersonnel landmines.

Members of the British Parliament have introduced a resolution calling for an indefinite British moratorium on exports, and for an international ban on exports.

Secretary of State Warren Christopher, testifying before Congress, expressed support for limits on the sale and use of landmines.

The International Committee of the Red Cross sponsored a conference on landmines, attended by representatives of governments including the United States, and nongovernmental organizations.

The American Committee on Red Cross issued a public statement condemning the horror caused by the indiscriminate use of landmines.

The Swedish Red Cross launched a campaign to stop Swedish exports of antipersonnel landmines.

Mr. President, people everywhere want to stop the killing and maiming of civilians by landmines. Our moratorium has showed that it is possible.

At least 300 types of antipersonnel landmines have been manufactured by about 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the past 10 years, the administration has approved only 10 licenses for the commercial export of antipersonnel landmines with a total value of $980,000, and the sale under the Foreign Military Sales Program of only 109,129 antipersonnel landmines.

Obviously, these sales are neither significant in terms of American jobs nor necessary for U.S. security. But they have terrible significance for the victims who are crippled for life, and for their families.

The landmind moratorium does not affect U.S. manufacture, or use of landmines by U.S. forces. Nor does it affect exports of antitank mines. But I would have introduced the moratorium even if it did, because we have to do more than just talk about this problem. The moratorium has given momentum to a global campaign to put limits on antipersonnel landmines, or to ban them altogether.

And it has put pressure on other countries that are exporting millions of landmines, even to our enemies. Thousands of sophisticated Italian mines with antidetection and antineutralization devices were discovered in Iraqi arsenals after the gulf war.

Ten years ago the United States joined 52 other countries in signing the landmine protocol, the only international agreement that seeks to regulate the use of mines to reduce their indiscriminate effect on civilians.

The protocol called world attention to the scourge of landmines, but it needs to be significantly strengthened. While the United States was actively involved in negotiating the protocol and is a signatory, neither the Reagan or Bush administrations forwarded it to the Senate for ratification. Apparently, the problems the previous administrations had were not with the landmine protocol itself, but with other protocols on the laws of war. The United States needs to ratify the landmine protocol so that it can play a leadership role in negotiating stronger limits.

The legislation I am introducing today states that it is the sense of the Congress that the President should submit the 1980 Convention on Conventional Weapons to the Senate for ratification, and I am pleased that the administration is reviewing the convention with that in mind.

It also calls on the administration to participate in a U.N. conference to review the landmine protocol, and actively seek to negotiate an international prohibition on the sale, transfer or export of antipersonnel landmines, and further limits on their manufacture, possession and use.

With France and other European countries pressing for a review of the protocol late next year, there is no time to lose. The administration needs to become actively involved in planning for the conference to ensure that the agenda covers the full range of issues.

Mr. President, in the Foreign Operations Subcommittee this year, Secretary of State Christopher testified about the "enormous number of deaths from landmines" and the need for "prohibitions or restrictions on their sale and use." I believe the administration will support this legislation, and will be a leader in the U.N. review conference.

Mr. President, I have spoken about this subject many times. I appreciate the support of my colleagues in helping me get the money for the War Victim's Fund. It was first used in Mozambique, and because of our great Ambassador, Melissa Wells, we have used it in many other countries.

I have visited the hospitals, along with my wife who is a registered nurse. We have seen the tremendous good that has been done with the War Victims Fund with little money but with dedicated American volunteers. They have trained local people to carry on the work of repairing the horrible damage and relieving some of the suffering caused by landmines.

Mr. President, I think you would agree with me—and I think most of the American people would agree—that it would be wonderful if there were no need to do it in the first place. Maybe we can make that day come.

Mr. President, I ask unanimous consent that the text of the bill and a factsheet on it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1276

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Landmine Moratorium Extension Act of 1993."

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Anti-personnel landmines, which are designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers around the world. Hundreds of thousands of noncombatant civilians, including children, have been the primary victims. Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing massive suffering to civilian populations.

(2) Tens of millions of landmines have been strewn in at least 62 countries, often making whole areas uninhabitable. The State Department estimates there are more than 10 million landmines in Afghanistan, 9 million in Angola, 4 million in Cambodia, 3 million in Iraqi Kurdistan, and 2 million each in Somalia, Mozambique, and the former Yugoslavia. Hundreds of thousands of landmines were used in conflicts in Central America in the 1980s.

(3) Advanced technologies are being used to manufacture sophisticated mines which can be scattered remotely at a rate of 1000 per hour. These mines, which are being produced by many industrialized countries, were discovered in Iraqi arsenals after the Persian Gulf War.

(4) At least 300 types of anti-personnel landmines have been manufactured by at least 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Administration has approved ten licenses for the commercial export of anti-personnel landmines with a total value of $980,000, and the sale under the Foreign Military Sales program of 109,129 anti-personnel landmines.

(5) The United States signed, but has not ratified, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. Protocol II of the Convention, otherwise known as the Landmine Protocol, prohibits the indiscriminate use of landmines.

(6) When it signed the 1980 Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed

conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(7) The United States also indicated that it had supported procedures to enforce compliance, which were omitted from the Convention's final draft. The United States stated: "The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.".

(8) The lack of compliance procedures and other weaknesses have significantly undermined the effectiveness of the Landmine Protocol. Since it entered into force on December 2, 1983, the number of civilians maimed and killed by anti-personnel landmines has multiplied.

(9) Since the moratorium on United States sales, transfers and exports of anti-personnel landmines was signed into law on October 23, 1992, the European Parliament has issued a resolution calling for a five year moratorium on sales, transfers and exports of anti-personnel landmines, and the Government of France has announced that it has ceased all sales, transfers and exports of anti-personnel landmines.

(10) On December 2, 1993, ten years will have elapsed since the 1980 Convention entered into force, triggering the right of any party to request a United Nations conference to review the Convention. Amendments to the Landmine Protocol may be considered at that time. The Government of France has made a formal request to the United Nations Secretary General for a review conference. With necessary preparations and consultations among governments, a review conference is not expected to be convened before late 1994 or early 1995.

(11) The United States should continue to set an example for other countries in such negotiations by extending the moratorium on sales, transfers and exports of anti-personnel landmines for an additional three years. A moratorium of this duration would extend the current prohibition on the sale, transfer and export of anti-personnel landmines a sufficient time to take into account the results of a United Nations review conference.

SEC. 3. POLICY.

(a) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, further limiting the manufacture, possession and use, and eventually, terminating the manufacture, possession and use of anti-personnel landmines.

(b) It is the sense of the Congress that the President should submit the 1980 Convention on Certain Conventional Weapons to the Senate for ratification. Furthermore, the Administration should participate in a United Nations conference to review the Landmine Protocol, and actively seek to negotiate under United Nations auspices a modification of the Landmine Protocol, or another international agreement, to prohibit the sale, transfer or export of anti-personnel landmines, and to further limit their manufacture, possession and use.

SEC. 4. MORATORIUM ON TRANSFER OF ANTI-PERSONNEL LANDMINES ABROAD.

For a period of three years beginning on the date of enactment of this Act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

SEC. 5. DEFINITION.

For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

LANDMINE MORATORIUM EXTENSION ACT—FACT SHEET

The Leahy bill extends the current moratorium on the export of anti-personnel landmines from the United States. The moratorium, which became law in October 1992, stems from a provision offered last year by Senator Leahy and 35 Senate cosponsors.

The moratorium does not affect U.S. manufacture, stockpiles or use of anti-personnel landmines, or exports of anti-tank landmines. The moratorium expires on October 1, 1993.

The Landmine Moratorium Extension Act now being offered by Senator Leahy and others would extend the moratorium an additional three years—a sufficient time to take into account the results of a United Nations conference on limitations on anti-personnel landmines, expected to begin in late 1994 or early 1995.

The United States signed, but has not ratified, the 1980 Landmine Protocol. The Leahy bill urges the President to submit the 1980 Landmine Protocol to the Senate for ratification, and to seek to negotiate an international ban on exports and further limits on the manufacture, possession and use of anti-personnel landmines.

What impact will the moratorium have on U.S. exports and jobs?

Exports of anti-personnel landmines from the United States have been insignificant. In the past decade, only 10 licenses have been approved for the commercial export of anti-personnel landmines valued at a total of $980,000. Only 109,129 anti-personnel landmines have been sold under the Foreign Military Sales Program during the past 10 years.

Several U.S. companies manufacture landmines or components for U.S. use. However, with the decrease in the U.S. defense budget, some manufacturers are seeking export markets for anti-personnel landmines. One manufacturer speculates that the potential foreign market for U.S. anti-personnel landmines could be $500 million over the next several years.

The number of American workers engaged in producing anti-personnel landmines for export is extremely small. Estimates of the number of potential U.S. jobs that could be affected by the moratorium have ranged from 30 in late 1992, to 1000 in April 1993, to 2000 in June 1993.

Why not include an exception in the moratorium for "self-destructing" or "self-neutralizing" mines?

Self-destructing and self-neutralizing anti-personnel landmines are the only types of anti-personnel landmines made in the United States that are offered for export. An exception for these types of mines would nullify the moratorium.

Such mines are scattered remotely by aircraft, artillery tubes, or other launching devices. They are therefore by nature indiscriminate and pose a danger to noncombattants. In addition, there is no way for civilians to know when self-destruct mines will explode, or if self-neutralizing mines are active. Thousands of Italian mines with anti-neutralizing devices were found in Iraqi arsenals after the Gulf War.

Estimates of the failure rate of self-destruct mines range from 2–10 percent. Thus, for every 10,000 mines delivered, 200–1000 may be defective. For self-neutralizing mines, the explosive charge remains intact and can be reactivated.

The purpose of the moratorium is to enable the U.S. to exercise leadership in negotiating stronger international limits on anti-personnel landmines by setting an example for other countries. It is unlikely that less developed countries that do not produce self-destruct or self-neutralizing mines would agree to limits on mines they produce while permitting the advanced countries to continue exporting more sophisticated mines.

Any exceptions for the manufacture, export or use of specific kinds of mines should be agreed to in an international negotiation on the Landmine Protocol.

Have any other nations taken steps to limit exports of anti-personnel landmines as a result of the U.S. example?

The French Government announced that it has ceased all sales and exports of anti-personnel landmines.

The European parliament issued a resolution calling on its members to adopt a five-year moratorium.

Members of the British Parliament introduced a resolution calling for an indefinite moratorium on exports from the United Kingdom, for the U.K. to ratify the Landmine Protocol and negotiate an international ban on exports.

The Swedish Red Cross launched a campaign for a moratorium in Sweden.

By Mr. DURENBERGER (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. DASCHLE, Mr. PRESSLER, Mr. DORGAN, and Mr. WELLSTONE):

S. 1277. A bill to equalize the minimum adjustments to prices for fluid milk under milk marketing orders, to require the Secretary of Agriculture to study the solids content of beverage milk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MIDWEST DAIRY EQUITY ACT

Mr. DURENBERGER. Mr. President, I have been waiting for this day for quite some time because of the amount of work and effort that my staff and a lot of Upper Midwest farmers have put into developing what we call the Dairy Equity Act.

Probably one of the reasons why today's introduction of this bill is so special is that I have two wonderful spirits from the State of Wisconsin who are very, very committed to getting this task done: My new friend, RUSS FEINGOLD, who is on the floor this morning, and HERB KOHL.

The bill, which will be called the Dairy Equity Act and will be numbered S. 1277, is designed to send a signal to the Department of Agriculture that we cannot wait any longer for them to take action. The Congress gave the Department of Agriculture until January 1, 1992—not 1993 or 1994—January 1, 1992—to make recommendations with regard to milk marketing order reform.

That was a year and a half ago.

They took thousands of pages of testimony. They sent hundreds of bureaucrats to cities across America to take testimony during the winter of 1991. But despite that, the Department has refused to offer any proposals for constructive change. So it is time for the people and the Congress to step in and bring fairness to our dairy farmers.

Federal milk marketing orders were authorized by Congress in the late 1930's as a way to establish pricing and other conditions to ensure that an adequate supply of fresh, fluid milk was available in all parts of the country, and also to establish fair prices for producers. In the 1930's, these were important. They were good objectives. Back then transportation systems were young technologies. Refrigeration in particular was a very, very young technology and there was a desperate concern for public health.

The General Accounting Office and the Department of Agriculture have both criticized the Federal milk marketing order system since then as being outdated, but they have never taken any action. Secretary Espy himself, during his confirmation hearings, gave us assurances that he would bring reform to this outdated system.

The 1990 farm bill gave us some hope that Midwest dairy producers would be able to compete on a level playing field with farmers in other areas of the country. But now, 3 years after the Senate approved the bill, the hope is almost completely gone. The Congress and the Department of Agriculture know what farmers need—fair milk prices. This bill will accomplish that goal. The Dairy Equity Act would level the playing field for all dairy producers.

First, the class 1 price differential paid to farmers for fluid milk would be set at a flat $1.80 per hundredweight in all milk orders. That would eliminate the unfair advantage Southern farmers have now over Midwestern producers. Dairy farmers in southern Florida currently receive a $4.18 per hundredweight differential compared to Minnesota's $1.20.

Second, the Midwest Dairy Equity Act provides for a study to determine whether we should increase the protein levels of milk through fortification with nonfat dry milk. I introduced the Healthier Milk Act earlier this year and that would raise the nonfat standards for fluid milk. Increasing the nonfat standards for milk is supported by the National Milk Producers Federation, the Older Women's League, the Osteoporosis Foundation, Western Dairymen United, and the Washington State Dairy Federation. Fortified milk would be better tasting for consumers and it would be more profitable for dairy producers.

The Midwest Dairy Equity Act is supported by Land O'Lakes, Minnesota Milk Producers, Wisconsin Federation of Cooperatives, and the Wisconsin Farmers Union.

Mr. President, this bill sends a clear message to the Department of Agriculture that they have failed to address the No. 1 concern of dairy farmers—Federal milk marketing order reform. Just as importantly, they failed to carry out the direction Congress gave it in the 1990 farm bill.

S. 1277, the Dairy Equity Act, would establish a fair price and a level playing field for farmers across the United States. I encourage my colleagues to join with me in support of this bill.

I appreciate the involvement and the interest of my colleague, Senator FEINGOLD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be known as the "Dairy Equity Act".

SEC. 2. EQUALIZATION OF MINIMUM PRICE ADJUSTMENT FOR CLASS I MILK FOR ALL MARKETING AREAS.

(a) USE OF SAME PRICE.—Section 8c(5) of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c(5)), is amended—

(1) in paragraph (A)—

(A) in the third sentence—

(i) by striking "Throughout" and all that follows through "order involved), the" and inserting "The"; and

(ii) by striking "on the date" and all that follows through the end of the table in that sentence and inserting "shall be the same for each marketing area subject to an order and shall be $1.80 per hundredweight of milk having 3.5 percent milkfat, with a transportation surcharge determined by the Secretary to compensate handlers for the actual cost of moving milk within and between orders."; and

(B) by striking the fourth sentence;

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning more than 120 days after the date of enactment of this Act.

SEC. 3. STUDY OF SOLIDS CONTENT OF BEVERAGE MILK.

(a) FINDING.—Congress finds that current standards for milk solids not fat contained in class I milk for fluid use produced in geographic areas covered by milk marketing orders issued pursuant to section 8c of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c), are below the average levels of milk solids not fat contained in unprocessed fluid milk that is produced on farms of producers.

(b) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall—

(1) study the desirability and effects of fortifying class I fluid milk described in subsection (a) with additional nonfat solids, including consumer acceptance of fortifying the milk; and

(2) report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Mr. FEINGOLD. Mr. President, I rise in strong support of this bill, Mr. President, and strong opposition to the current milk marketing system which has astonishing inequities and creates very serious market distortions. I also rise to thank and praise the Senator from Minnesota for introducing this bill and for his leadership. I am glad to be an original cosponsor of this bill.

This bill would create uniform prices for class 1 fluid milk regardless of the area of the country in which that milk is produced. It creates an equitable and nondiscriminatory marketing system for milk. It makes sense.

The current order system is neither simple nor does it make sense. By law, prices received by farmers for fluid milk are lower in Eau Claire, WI, than in any other area covered by the Federal milk marketing orders. Florida producers receive a fluid milk differential of $4.18 per hundred pounds of milk, while producers in my State and Minnesota receive only $1.20. Most producers in South Dakota are not much better off, receiving a differential of only $1.50. This is, in part, because Wisconsin producers are efficient at producing milk and therefore they have a lower cost of production. Producers in Florida, and other areas of the Southeast, receive higher prices for fluid milk because it is costly to produce in those areas. Feed prices are high in the Southeast and production per cow is low.

Fifty-six years ago, when this system was put in place, it made some sense to use price differentials to encourage a local supply of fluid milk for consumers throughout the year. Fluid milk from traditional dairy States at that time could not be shipped to far away destinations without sacrificing shelf life and quality. We did not have the infrastructure for the efficient shipping of milk, and we did not have the technology we have today for condensing and reconstituting milk.

But 50 years of research, technological development, and investment in infrastructure have changed all that. Today we can take most of the water out of milk while maintaining a high-quality product through a technology called reverse osmosis filtration. This technology, combined with improved transportation and refrigeration, makes supplying milk to distant markets a market reality.

Marketing orders, however, have simply prevented that from happening. The philosophy of our Federal order system is, unfortunately, to penalize the efficient producers and reward the inefficient producers. It does not make sense and it simply is not fair.

Mr. President, this system is not just inequitable, it is worse than that. This system is destroying the livelihoods of milk producers in the upper Midwest, and it is intolerable. Several studies, one by the USDA and one by the GAO, concluded that other regions were benefiting from Federal orders at the expense of the upper Midwest.

The single-base-point pricing system encourages milk production in markets distant from Eau Claire, WI, in excess of the local fluid needs of those areas. Their local, artificially induced surplus adds to the overall surplus of manufactured dairy products, displaces upper-Midwest products, and lowers the price of milk for our producers. The surplus also adds to national surpluses which, of course, depresses the price of milk and induces greater Government purchases at great cost to taxpayers and to dairy farmers.

Dairy farmers in the upper Midwest, Mr. President, have been so injured by this system that the Minnesota Milk Producers Association filed a class action lawsuit against the Secretary of Agriculture citing damages of lost markets, lost income, and lost farmers.

I had the chance as a Wisconsin State senator to offer an amendment at the State level, that was signed by the Governor, giving $50,000 from the State of Wisconsin to support this lawsuit several years ago. We are here today introducing this legislation as a show of support for those farmers who filed this lawsuit. The lawsuit is a courageous act by those producers to take on a system so established and so strongly defended by those who benefit so greatly by it. My best wishes and hopes are with those dairy farmers as they push forward for their very just cause.

This lawsuit is in essence though, Mr. President, an act of last resort. Producers in the upper Midwest tried to get the system changed through the lengthy administrative hearing process held in 1990. The ultimate decision made in the last hours of the Bush administration, though, was a slap in the face to upper Midwest producers. USDA merely tinkered with the orders. They did not reform the class 1 differential and USDA's rationale for denying the class 1 differential was that most of hearing participants, other than those from the upper Midwest, opposed such a change. Well, of course they did. They are the ones who benefit from this distortion.

The Congressional Budget Office estimated that the efficiencies gained by eliminating the Federal milk marketing order system would save U.S. taxpayers and consumers over $1 billion over 5 years by eliminating the market distortion.

Despite the budget savings of total elimination, though, that is not what we are proposing. It still serves a purpose for orderly marketing of milk. What we are proposing today is merely to eliminate the market-distorting differentials and replace them with one national-price differential for class 1 milk of $1.80 per hundredweight. It is as simple as that.

This bill is equitable, Mr. President. It makes sense, and it has the best interests of dairy farmers, consumers, and taxpayers in mind. And I, of course, urge all my colleagues to support it.

Mr. KOHL. Mr. President, it is my pleasure to rise today to join my colleagues in introducing the Midwest Dairy Equity Act, to make needed changes to the Federal milk marketing order system.

To many, these issues may seem obscure. But to the dairy farmers in the upper Midwest, the unfairness of the current marketing order system may be the difference between making it and not making it. The current system was originally instituted to encourage the development of milk production outside the upper Midwest, and to facilitate movement of fluid milk from the upper Midwest to deficit markets. In short, the system was purposely arranged to discriminate against the upper Midwest, in order to give a boost to dairy production and markets elsewhere. But with technological advances, and increases in productive capabilities nationwide, the reality of milk marketing has also changed. The system, in my view, must be brought up to date. There is no longer any justification for maintaining the regional inequities of this system.

A 1988 GAO report on the issue stated: "the premises for milk pricing under Federal orders are outdated. A need no longer exists to encourage and maintain a locally produced supply of milk." USDA's Economic Research Service independently reached similar conclusions regarding the outmoded nature of the system.

Yet despite these findings, the inequity has persisted. The Bush administration held nationwide hearings in the fall of 1990 to hear testimony on Federal milk market order reform. Most notably, testimony was heard on the need to reform the current practice of using distance differentials to determine the price of fluid milk. While the previous administration made some changes in the Federal milk marketing order system as a result of the hearing process, the unwillingness to address the fluid milk differentials was a glaring omission. This bill seeks to institute those changes that should have been made by the Secretary through the hearing process.

The Minnesota Milk Producers Association has also filed a lawsuit on this issue, charging that the current milk marketing order system unfairly discriminates against the upper Midwest. My colleagues and I fully support that lawsuit, and this legislation should serve as a testimony of that support.

Mr. President, it is my hope that this bill will initiate a dialog regarding the proper role of the Federal milk marketing order system. The system that was established to facilitate orderly marketing of milk is now outmoded, and has become an unnecessary source of regional disputes within the dairy industry.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1278. A bill to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

COLONIAL NATIONAL HISTORICAL PARK ACT OF 1993

• Mr. WARNER. Mr. President, I introduce legislation which would authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of the Colonial National Historical Park.

This bill would authorize the Secretary of the Interior to convey land or interests in land and sewer lines, buildings, and equipment used for sewer system purposes to the county of York, Virginia and to authorize the necessary funding to rehabilitate the Moore House sewer system to meet current York County standards.

The necessity for this legislation is evident based on the growing needs of the County and the limitations of the National Park Service's [NPS] ability to continue to provide sewer services to the local community.

In 1948 and 1956 Congress passed legislation which directed the NPS to design and construct sewer systems to serve Federal and non-Federal properties in the area of Yorktown, VA. In 1956, the NPS acquired easements from the Board of Supervisors of York County and the town trustees of the town of York. At that time York County was a rural area with limited financing and population. Now York County has a fully functioning Department of Environmental Services which operates sewer systems throughout the County.

York County has the personnel, the expertise, and the equipment to better administer, maintain and operate the sewer system than NPS staff. Negotiations to transfer the Yorktown and Moore House systems have been ongoing since the 1970's when York County took over operation of the Yorktown system through written agreement between York County and the NPS and a grant of approximately $73,500 to improve the Yorktown system.

Because the NPS does not have the authority to transfer ownership of the Yorktown system to the county, this act of Congress will authorize the Secretary to complete the full transfer of ownership to York County.

York County is willing to take full responsibility for the Moore House sewer system, if the NPS will rehabilitate the system to county standards or pay the county to accomplish that work. A recent engineering study estimates that cost at $203,200.

Mr. President, this legislation would also authorize the acquisition of a strip of land along the Colonial Parkway near Jamestown which is needed to protect the scenic integrity of the parkway. This area has the narrowest right-of-way of any portion of the parkway; the park boundary in this area is only 100 feet from the centerline of the parkway.

The proposed acquisition would include one row of lotsadjoining the parkway in a rapidly developing residential subdivision known as Page Landing. Development of those lots would have a severe impact on the scenic qualities of the Colonial Parkway.

The Colonial Parkway was authorized by Congress as part of Colonial National Historical Park in the 1930's to connect Jamestown, Williamsburg, and Yorktown with a scenic limited access motor road. According to the 1938 Act of Congress, the parkway corridor is to be an average of 500 feet in width, and in most areas the roadway was built in the middle of this corridor. In the area between Mill Creek and Neck 'O Land Road, however, the parkway was built closer to the northern boundary to avoid wetlands placing the roadway very close to the adjoining private property in that location.

This is the only area along the parkway where the NPS owns only 100 feet back from the centerline of the road. The NPS owns 250 feet or more from the centerline in all other areas of the 23-mile parkway in James City County and York County. The existing 100 feet is not sufficient to provide proper landscaping and screening from development on the adjacent property, especially during portions of the year when leaves are off the shrubs and trees.

As I mentioned previously, Page Landing is being rapidly developed. While no lots adjoining the parkway have been sold at this time, almost all of the remaining lots have been sold and construction of the roadway to service the last phase of the development adjoining the parkway is underway. It appears that the sale and development of the remaining lots, which are located only 100 feet from the parkway, will occur in the very near future.

Mr. President, to ensure that the Colonial Parkway meets the same high scenic standards of the rest of the parkway it is imperative that this land should be purchased.

I request that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE.

The Secretary of the Interior (referred to in this Act as the "Secretary") is authorized to grant within the county of York Virginia, perpetual easements, or a fee simple interest in land, including any improvements or structures, to the county of York, Virginia, without reimbursement, charge, or fee, subject to such conditions as are determined by the Secretary to be necessary for the protection of Federal interests, for rights-of-way through, over, or under the lands of Colonial National Historical Park, now or hereafter acquired, for the purposes of operating a sewage disposal system.

SEC. 2. INCLUSION OF LAND IN COLONIAL NATIONAL HISTORICAL PARK.

Notwithstanding the provisions of the Act of June 28, 1938 (52 Stat. 1208; 16 U.S.C. 81b et seq.), limiting the average width of the Colonial Parkway, the Secretary of the Interior in authorized to include within the boundaries of Colonial National Historical Park and acquire by donation, exchange, or purchase with donated or appropriated funds—

(1) the lands or interests in lands described as lots 30 to 48, inclusive;

(2) the portion of lot 49 that is 200 feet in width from the existing boundary of Colonial National Historical Park;

(3) a 3.2-acre archaeological site, as shown on the plats titled "Page Landing At Jamestown being a subdivision of property of Neck O Land Limited Partnership" dated June 21, 1989, sheets 2 and 3 of 3 sheets and bearing National Park Service Drawing Number 333.80031; and

(4) all or a portion of the adjoining lot number 11 of the Neck O Land Hundred Subdivision, with or without improvements.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.•

By Mr. BOND (for himself and Mr. D'AMATO):

S. 1279. A bill to provide the Secretary of Housing and Urban Development with flexibility to dispose of multifamily housing projects; to the Committee on Banking, Housing, and Urban Affairs.

FHA MULTIFAMILY HOUSING FLEXIBLE DISPOSITION ACT OF 1993

• Mr. BOND. Mr. President, I am introducing today a bill called the FHA Multifamily Housing Flexible Disposition Act of 1993. This bill is designed to address a crisis in HUD's FHA Multifamily Housing Property Disposition Program by providing HUD with flexibility to dispose of an evergrowing inventory of FHA-insured multifamily housing projects which are acquired by HUD through either foreclosure or by assignment.

HUD testified before the Senate Housing Subcommittee on June 22, 1993, that the FHA Multifamily Housing Property Disposition Program is very costly to the Department and that section 203 of the Housing and Community Development Amendments of 1978 limits severely the ability of HUD to effectively and efficiently dispose of properties in its multifamily housing property disposition inventory. In particular, as of April 1, 1993, HUD owned approximately 189 multifamily housing projects with some 31,652 units and was mortgagee-in-possession for approximately 102 other multifamily housing projects with some 15,667 units. Moreover as of April 1, there were approximately 287 multifamily housing projects—42,738 units—in the pipeline awaiting possible foreclosure by HUD.

As a practical matter, HUD has construed section 203 of the 1978 amendments to require HUD to provide 15-year project-based section 8 assistance for most of the units in housing projects held by HUD in its multifamily housing inventory. These requirements go far beyond low-income housing preservation, and require, in general, new and deeper Federal housing subsidies for these projects. These requirements also result in the warehousing of the poor in multifamily housing projects. As we have learned from HUD's experiences in public housing, the warehousing of the poor in multifamily housing projects is a recipe for disaster, not only for the housing itself but also for the social environment of the residents. Already, the administration is proposing new approaches to mixed incomes and rent reform in public housing. I believe we should follow that lead in how we consider disposition of HUD's multifamily housing inventory.

HUD estimates currently that it would cost as much as $3 billion in 15-year section 8 project-based assistance to dispose of its current multifamily housing inventory. Moreover, HUD's multifamily housing inventory is expected to increase significantly so that the expected cost In 15-year section 8 project-based assistance for multifamily housing disposition could rise to as much as $10 billion over the next several years. These costs do not include the other costs that HUD may incur, such as the costs of maintenance, rehabilitation, and management. For example, for fiscal year 1992, HUD incurred operating and debt service expenses of about $248 million, which is paid for out of the general insurance fund. I am very troubled by these costs. This means that HUD has become essentially a Federal public housing agency which pays for its low-income housing subsidies out of the FHA general insurance fund. I want to be clear that the FHA general insurance fund was never intended to operate as a low-income housing subsidy program. This is particularly troubling since the FHA general insurance fund is mandatory spending as opposed to discretionary spending, such required under the section 8 program.

The FHA Multifamily Housing Flexible Disposition Act of 1993 would, for 18 months, remove the requirements under section 203 of the 1978 amendments that HUD dispose of properties in the multifamily housing inventory so that units must be maintained as low-income for a period of not less than 15 years. HUD would, instead, have broad multifamily housing disposition authority.

HUD would, however, be guided by the following principles under the legislation:

First, to balance the need to reimburse the general insurance fund with the goal of preserving housing for low-income households;

Second, to provide housing to households with mixed incomes that are capable of paying the operating and debt service costs of the housing;

Third, to explore different approaches of disposing of the housing, including the use of Federal housing rental subsidies, Federal housing mortgage insurance, risk-sharing arrangements, purchase money mortgages, and low-income housing tax credits, or combinations thereof; and

Fourth, to maintain to the maximum extent possible the low-income character of the housing while disposing of the properties in an economically viable manner.

The legislation would require HUD to offer these multifamily housing projects first to local governments and State housing finance agencies. Moreover, local governments and State housing finance agencies could purchase these properties in conjunction with nonprofits.

Hud would be required to submit a report after the 18-month period which would describe the various methods of disposition and make recommendations.

I want to conclude by saying that my legislation is not intended to be a final solution, but rather to provide HUD with the flexibility to dispose of its multifamily housing inventory in a practical and responsible manner while balancing the need to preserve to the maximum extent possible the low-income character of the housing.

I have provided the following copy of the FHA Multifamily Housing Flexible Disposition Act of 1993 and ask that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the "FHA Multifamily Housing Flexible Disposition Act of 1993".

(b) PURPOSES.—The purposes of this Act are:

(1) To balance the need to reimburse the general insurance fund of the Department of Housing and Urban Development through the disposition of multifamily housing projects with the goal of preserving housing for low-income households.

(2) To provide housing to households with mixed incomes that are capable of paying the operating and debt service costs of such housing.

(3) To explore different approaches to disposing of such housing, including the use of Federal housing rental subsidies, Federal housing mortgage insurance, risk-sharing arrangements, purchase money mortgages, and low-income housing tax credits, or combinations thereof.

(4) To maintain to the maximum extent possible the low-income character of such housing while disposing of such properties in an economically viable manner.

SEC. 2. AUTHORITY.

(a) IN GENERAL.—Consistent with the purposes set forth in section 1 and for a period of 18 months from the date of enactment of this Act, the Secretary of Housing and Urban Development (hereafter in this Act referred to as the "Secretary") may dispose of multifamily housing projects that are—

(1) owned by the Secretary; or

(2) being foreclosed upon by the Secretary; without regard to the provisions of section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11).

(b) SALE TO LOCAL GOVERNMENTS AND STATE AGENCIES.—

(1) NOTICE.—

(A) IN GENERAL.—Within a reasonable period of time after acquiring title to a multifamily housing project, the Secretary shall provide written notice to—

(i) the unit of general local government the jurisdiction of which includes such project; and

(ii) the State housing finance agency, or other appropriate agency, of the State in which such project is located.

(B) CONTENTS.—The notice provided under paragraph (1) shall contain basic information about the project, including its location, the number of units (identified by number of bedrooms), and information relating to the estimated fair market value of the project.

(2) EXPRESSION OF SERIOUS INTEREST.—Not later than 60 days after receiving notice under paragraph (1), a unit of general local government or State agency may provide the Secretary with written notice of its serious interest in the property. Such notice of serious interest shall be in such form and include such information as the Secretary may prescribe.

(3) NOTICE OF READINESS FOR SALE.—Upon the expiration of the 60-day period referred to in paragraph (2), the Secretary shall provide written notice to any unit of general local government or State agency that has expressed serious interest in the property. Such notice shall specify the minimum terms and conditions for the sale of the property.

(4) OFFERS AND ACCEPTANCE.—

(A) OFFERS.—A unit of general local government or State agency has 45 days after the date notice is received under paragraph (3) to make a bona fide offer to purchase the property.

(B) NONPROFIT ORGANIZATIONS.—An offer under this paragraph may be made in conjunction with a nonprofit organization.

(C) ACCEPTANCE.—The Secretary shall accept an offer that complies with the terms and conditions prescribed by the Secretary under paragraph (3).

(c) SALE TO OTHER PURCHASERS.—If, after expiration of the periods of time referred to in paragraphs (2) and (4)(A) of subsection (b), as applicable, no purchaser has expressed serious interest or made a bona fide offer to purchase the property, the Secretary may sell the property to any purchaser.

(d) DEFINITIONS.—For the purposes of this Act the term "multifamily housing project" has the same meaning as in section 203(i)(1) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(i)(1)).

SEC. 3. REPORT.

Not later than 90 days after the expiration of the 18-month period following the date of enactment of this Act, the Secretary shall transmit to the Congress a report describing the various methods of disposition of multifamily housing projects that have been undertaken pursuant to this Act and any recommendations for administrative or legislative action to further the purposes of this Act.●

By Mr. HARKIN (for himself and Mr. LEAHY):

S. 1280. A bill to amend the Public Health Service Act to provide for a biennial report on nutrition and health by the Surgeon General of the Public Health Service, and for other purposes; to the Committee on Labor and Human Resources.

NUTRITION AND HEALTH INFORMATION ACT OF 1993

● Mr. HARKIN. Mr. President, less than 2 months from today, health care reform legislation is likely to be before Congress. Health care is an issue that has dominated public debate for the past year and likely will for the next few years. As part of that debate, today I'm introducing a bill that will help focus attention on the critical link between diet and health, and help make prevention a centerpiece of health care reform. I am pleased that my distinguished colleague from Vermont, Senator LEAHY, has joined me in introducing this bill.

Mr. President, the Nutrition and Health Information Act of 1993 would require the Surgeon General to issue a report on nutrition and health once every 2 years. Just as the Surgeon General's annual report on smoking and health provides consumers and policymakers with important information about smoking, this report will provide consumers with information they need about nutrition and health. Congressman RON WYDEN has introduced similar legislation in the House.

Mr. President, I'm sure you've heard of the Surgeon General's annual report on smoking and health. Since 1964, it has been used by public health officials and Government agencies to teach people about the dangers of smoking and use of other tobacco products. Over the years, there have been thousands of different studies that showed a clear link between smoking and poor health. But the Surgeon General's report has acted as the glue that tied that information together in a single, authoritative source that people can trust.

If you want to show people, say, the effect smoking has on pregnant women, or the effect smoking has on worker absences and productivity, or the link between smoking and lung cancer, all you have to do is refer to the Surgeon General's report. It has been a Bible of sorts used by both consumers and public officials to spread information, focus attention, and develop needed public policy changes on this critical issue. And in the past 20 years, the Surgeon General's findings and recommendations have been one of the biggest factors responsible for reducing smoking in America.

But, Mr. President, when it comes to diet and health—at a time when poor diet and exercise is the second-leading cause of death in America, responsible for 300,000 premature deaths each year—second only to smoking, which kills 400,000 annually—there is no single, authoritative source to which consumers and public officials can refer to for information.

Every day, news shows bombard consumers with sometimes conflicting information about diet and health. And they have no single source to turn to for good information. Getting accurate information about diet and nutrition out to people we can help keep healthy, save money, and save lives.

But right now we're not doing a good enough job of getting the information out there. All told, the attention the Federal Government has given to diet and health has been sporadic and scattered throughout a number of agencies. In 1988, the Surgeon General issued its only major report on diet and health. Another report, focusing on fat, it expected to be released later this year.

The Department of Agriculture, the Food and Drug Administration, and several other agencies have offered reports, which I commend them for. While informative, those reports have not presented the big picture in a way that captures the public's imagination and helps them make informed decisions.

And as is often the case, when a vacuum is created, others always rush in to fill the void. In the past decade or so, an entire cottage industry of health and diet foods has emerged in America. That's to be expected—that's how our system of free enterprise works, as well it should. But while a lot of these books contain good information, I'm concerned that many more contain conflicting, contradictory, and misleading information that do more harm than good.

For example, many books stress that you should avoid all fat because it causes coronary heart disease. But we now have more specific information and believe that the real culprit is saturated fat.

Many books say that knowing your total cholesterol level is an important measure of health. That's not quite true either—studies show that there are different types of cholesterol within your body, some good, some bad.

That's just some of the misinformation and gaps in knowledge out there. And few Americans are aware of this fact. We have a responsibility to make sure that consumers get the most accurate, up-to-date information we can provide.

And that's the role that this biennial Surgeon General's report will play. The Surgeon General's Office carries a lot of weight in the public eye. It's highly respected and widely regarded, and it's exactly the kind of vehicle we need to raise awareness about diet and nutrition as we move toward health care reform.

Mr. President, this bill would cost the Government very little, and its returns would be great, in the form of healthier Americans because of reduced incidence of heart disease, diabetes, cancer, hypertension, and other diseases.

We know that the best way to cure an illness or disease is to prevent it from happening in the first place. The information provided by this report will help make prevention and a healthy diet a cornerstone of all our lives.

Mr. President, close to 60 organizations have urged Congress to require the Surgeon General to prepare regular reports on diet and health, including the Center for Science in the Public Interest, the American Association of Retired Persons, the American Heart Association, and the Food Research and Action Center. I ask for unanimous consent that the list of these organizations as well as a copy of the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, the Surgeon General's Office is a name people can trust. It's information you can rely on. I urge my colleagues to support this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nutrition and Health Information Act".

SEC. 2. ESTABLISHMENT OF REQUIREMENT OF BIENNIAL REPORT ON NUTRITION AND HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et. seq.), as amended by section 302 of Public Law 102-531 (106 Stat. 3483), is amended by adding at the end of the following section:

"BIENNIAL REPORT REGARDING NUTRITION AND HEALTH

"SEC. 1709. (a) BIENNIAL REPORT.—The Secretary shall require the Surgeon General of the Public Health Service to prepare biennial reports on the relationship between nutrition and health. Such reports may, with respect to such relationship, include any recommendations of the Secretary and the Surgeon General regarding the public health.

"(b) SUBMISSION TO CONGRESS.—The Secretary shall ensure that, not later than February 1 of 1995 and of every second year thereafter, a report under subsection (a) is submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1998.".

ORGANIZATIONS URGING THE SURGEON GENERAL TO ISSUE REPORTS ON DIET AND HEALTH

American Academy of Family Physicians.
American Academy of Pediatrics.
American Association of Homes for the Aging.
American Association of Retired Persons.
American Cancer Society.
American College of Preventive Medicine.
American Dental Association.
American Health Foundation.
American Heart Association.
American Institute for Cancer Research.
American Medical Association.
American Medical Student Association.
American Nurses Association.
American Public Health Association.
American School Food Service Association.
American Society for Parenteral and Enteral Nutrition.
American Youth Work Center.
Association for Gerontology in Higher Education.
Association for the Advancement of Health Education.
Association of Schools of Public Health.
Association of Junior Leagues International.
Association of State and Territorial Chronic Disease Program Directors.
Association of State and Territorial Public Health Nutrition Directors.
Black Women's Agenda.
Boston Women's Health Book Collective.
Cancer Research Foundation of America.
Center for Women Policy Studies.
The Children's Foundation.
Clearinghouse on Women's Issues.
Citizens for Public Action on Blood Pressure and Cholesterol, Inc.
Consumer Federation of America.
Eldercare America, Inc.
Food Research and Action Center.
Gerontologic Society of America.
Green Thumb, Inc.
Group Health Association of America, Inc.
National Alliance of Black School Educators.
National Association of Community Health Centers.
National Association of Meal Programs.
National Association of Nutrition and Aging Services Programs.
National Association of State Units on Aging.
National Asian Pacific Center on Aging.
National Black Child Development Institute.

The National Caucus and Center on Black Aged, Inc.
National Consumers League.
National Council on the Aging.
National Council of Senior Citizens.
National Education Association.
National Hispanic Council on Aging.
National Meals on Wheels Foundation.
National Women's Health Network.
National Women's Health Resource Center.
Older Women's League.
Public Citizen's Congress Watch.
Public Voice for Food and Health Policy.
Society for the Advancement of Women's Health Research.
Society for Nutrition Education.•

• Mr. LEAHY. Mr. President, I am pleased to join Senator HARKIN in introducing legislation requiring the Surgeon General to issue biennial reports on the relationship between the nutrition and health of the American people.

This legislation is significant in two respects. First, these reports will give the American people sound information and guidance about nutrition and proper diet—information that can help all of us improve our overall health. In an earlier report on nutrition and health, former Surg. Gen. C. Everett Koop had this to say: "For the two out of three adult Americans who do not smoke or do not drink excessively, one personal choice seems to influence long-term health prospects more than any other: what we eat." Numerous studies have shown that proper diet can play a strong role in preventing or reducing the incidence of major illnesses, including America's biggest killers—heart disease, stroke, and cancer.

We need to get the message out about the importance of good nutrition, and making the issue a high priority with the Surgeon General is a good place to start.

Second, educating people about the role nutrition plays in health, and getting them to improve their diets, can lead to dramatically lower health care costs. I have seen this as chairman of the Agriculture, Nutrition, and Forestry Committee in my work with the Women, Infants and Children [WIC] Program. The WIC Program can save up to $4 in health care costs for every dollar invested.

At a time when we are working to reform our health care system and bring down skyrocketing costs, improving health through proper nutrition is one of the basic preventive measures we must pursue vigorously.

And we must start early. I am very concerned about what we are teaching our children about nutrition and health and what we are feeding them in our schools. Later this year I will introduce comprehensive legislation to bolster the nutrition education children receive in school and improve the nutritional quality of the federally funded meals they eat. I believe this initiative is absolutely essential to the larger efforts to improve the health of the American people, reduce health care costs, and develop a more rational system of care in this country.•

By Mr. COCHRAN (for himself, Mr. AKAKA, Mr. D'AMATO, Mr. SASSER, Mr. PRESSLER, Mr. MURKOWSKI, Mr. BIDEN, Mr. STEVENS, Mr. COHEN, Mr. BOND, Mr. CRAIG, Mr. WELLSTONE, Mr. LOTT, Mr. THURMOND, Mr. FAIRCLOTH, Mr. FORD, Mr. METZENBAUM, Mr. COATS, Mr. DURENBERGER, Mr. LEVIN, Mr. MITCHELL, Mr. RIEGLE, Mr. ROTH, Mr. SHELBY, Mr. BURNS, Mr. DOLE, Mr. DORGAN, Mr. HEFLIN, Mr. HATCH, Mr. INOUYE, Mr. PELL, Mr. GLENN, Mr. HELMS, Mr. KENNEDY, Ms. MIKULSKI, Mr. WARNER, Mr. BAUCUS, Mr. BUMPERS, Mr. SMITH, Mr. MOYNIHAN, Mr. SPECTER, Mr. DASCHLE, Mr. GRAMM, and Mr. NUNN):

S.J. Res. 115. A joint resolution designating November 22, 1993, as "National Military Families Recognition Day"; to the Committee on the Judiciary.

NATIONAL MILITARY FAMILIES RECOGNITION DAY

• Mr. COCHRAN. Mr. President, I am introducing legislation today to designate November 22, 1993, as "National Military Families Recognition Day." I am pleased that 43 other Senators are already cosponsors of this joint resolution, and that MIKE KREIDLER, from Washington, has introduced this measure in the other body.

Military families deserve special recognition for the sacrifices they make and the hardships they often endure. Even in peacetime, frequent and extended separations, whether from a husband, wife, or children, often create special problems for the military family.

Most active duty personnel are reassigned every few years, thereby reducing career opportunities for spouses and limiting their ability to establish roots in any location. Military children must adjust to new schools and new neighborhoods on a regular basis.

This joint resolution would set aside a special day for the Nation to pay tribute to military families and thank them for their contributions to our Nation's security.

Mr. President, I ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

Mr. President, I urge my colleagues to support this legislation.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 115

Whereas the Congress recognizes and supports the Department of Defense policies to recruit, train, equip, retain, and field a military force that is capable of preserving peace and protecting the vital interests of the United States and its allies;

Whereas military families shoulder the responsibility of providing emotional support for their service members;

Whereas, in times of war and military action, military families have demonstrated their patriotism through their steadfast support and commitment to the Nation;

Whereas the emotional and mental readiness of the United States military personnel around the world is tied to the well-being and satisfaction of their families;

Whereas the quality of life that the Armed Forces provide to military families is a key factor in the retention of military personnel;

Whereas the people of the United States are truly indebted to military families for facing adversities, including extended separations from their service members, frequent household moves due to reassignments, and restrictions on their employment and educational opportunities;

Whereas 74 percent of officers and 55 percent of enlisted personnel in the Armed Forces are married;

Whereas families of active duty military personnel (including individuals other than spouses and children) comprise more than one-half of the active duty community of the Armed Forces, and spouses and children of members of the reserve component of the Armed Forces in paid status comprise more than one-half of the individuals constituting the reserve component of the Armed Forces community;

Whereas hundreds of thousands of spouses, children, and other dependents living abroad with members of the Armed Forces face financial hardship and feelings of cultured isolation;

Whereas the significantly reduced global military tensions following the end of the Cold War have resulted in a downsizing of the national defense and a refocusing of national priorities on strengthening the American economy and increasing competitiveness in the global marketplace;

Whereas the Congress is grateful for the sacrifices of military families and is committed to assisting the service members and their families who undergo the transition from active duty to civilian life; and

Whereas military families are devoted to the overall mission of the Department of Defense and have supported the role of the United States as the military leader and protector of the Free World: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 22, 1993 is designated as "National Military Families Recognition Day" in appreciation of the commitment and devotion of present and former military families and the sacrifices that such families have made on behalf of the Nation and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.•

By Mr. GLENN:

S.J. Res. 116. A joint resolution designating January 16, 1994, as "National Good Teen Day"; to the Committee on the Judiciary.

NATIONAL GOOD TEEN DAY

• Mr. GLENN. Mr. President, I introduce a joint resolution designating January 16, 1994, as "National Good Teen Day." This day will commemorate those positive contributions that our Nation's youth make every day to our society.

The original concept of Good Teen Day was created by Mr. Robert Viencek, an English teacher at Salem City Schools in Salem, OH. The Salem City Schools commemorated this day on January 16, 1992. The first national observance of this day occurred on January 16, 1993.

Despite many negative stereotypes of American teens, the majority of our teenagers aspire to be integral and productive members of our society and will successfully reach that goal. Each of us was once a teenager. Teenagers represent the future of our great Nation and should be recognized for their contributions. Mr. TRAFICANT has introduced similar legislation in the House. Mr. President, I ask that the Senate designate January 16, 1994, as "National Good Teen Day."•

ADDITIONAL COSPONSORS

S. 69

At the request of Mr. BREAUX, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 173

At the request of Mr. DECONCINI, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 173, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in the years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such worker's benefits accordingly, and for other purposes.

S. 364

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 364, a bill to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions.

S. 457

At the request of Mr. EXON, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 457, a bill to prohibit the payment of Federal benefits to illegal aliens.

S. 486

At the request of Mr. HEFLIN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 486, a bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes.

S. 687

At the request of Mr. ROCKEFELLER, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 716

At the request of Mr. BOND, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 716, a bill to require that all Federal lithographic printing be performed using ink made from vegetable oil, and for other purposes.

S. 821

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 821, a bill to amend title XVIII of the Social Security Act to provide for uniform coverage of anticancer drugs under the Medicare program, and for other purposes.

S. 824

At the request of Mr. BOND, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 824, a bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that a single Federal agency shall be responsible for making technical determinations with respect to wetland or converted wetland on agricultural lands, and for other purposes.

S. 833

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 833, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 869

At the request of Mr. WELLSTONE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 869, a bill to amend the Public Health Service Act to provide for demonstration projects for the identification by health care providers of victims of domestic violence and sexual assault, to provide for the education of the public on the consequences to the public health of such violence and assault, to provide for epidemiological research on such violence and assault, and for other purposes.

S. 985

At the request of Mr. INOUYE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 986

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 986, a bill to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1210

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1210, a bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to make prevented planting disaster payments for wheat, feed grains, upland cotton, and rice under certain circumstances, and for other purposes.

S. 1273

At the request of Mr. BOND, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1273, a bill to enhance the availability of credit in disaster areas by reducing the regulatory burden imposed upon insured depository institutions to the extent such action is consistent with the safety and soundness of the institutions.

SENATE JOINT RESOLUTION 35

At the request of Mr. PRESSLER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 35, a joint resolution to designate the month of November 1993, and the month of November 1994, each as "National Alzheimer's Disease Month".

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day".

At the request of Mr. DECONCINI, the name of the Senator from Massachusetts [Mr. KERRY] was withdrawn as a cosponsor of Senate Joint Resolution 99, supra.

SENATE JOINT RESOLUTION 101

At the request of Mr. WARNER, the names of the Senator from Montana [Mr. BURNS], the Senator from Alabama [Mr. SHELBY], the Senator from New York [Mr. D'AMATO], the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. STEVENS], the Senator from Colorado [Mr. CAMPBELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. DORGAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Wisconsin [Mr. KOHL], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. NUNN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Montana [Mr. BAUCUS], the Senator from Hawaii [Mr. AKAKA], the Senator from Nevada [Mr. BRYAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Idaho [Mr. CRAIG], the Senator from Maine [Mr. MITCHELL], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Michigan [Mr. RIEGLE], the Senator from Nevada [Mr. REID], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Colorado [Mr. BROWN], the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. BOREN], the Senator from Indiana [Mr. COATS], the Senator from Maine [Mr. COHEN], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Florida [Mr. MACK], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Rhode Island [Mr. PELL], the Senator from Illinois [Mr. SIMON], the Senator from Massachusetts [Mr. KERRY], the Senator from Virginia [Mr. ROBB], the Senator from Arizona [Mr. MCCAIN], the Senator from Utah [Mr. HATCH], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 101, a joint resolution to designate the week of July 25 through July 31, 1993, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 113

At the request of Mr. DECONCINI, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 113, a joint resolution designating October 1993 as "Italian-American Heritage and Culture Month".

At the request of Mr. D'AMATO, the names of the Senator from Kansas [Mr. DOLE] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 113, supra.

SENATE JOINT RESOLUTION 114

At the request of Mrs. FEINSTEIN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 114, a joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. SIMON, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Senate Concurrent Resolution 26, a concurrent resolution urging the President to redirect United States foreign assistance policies and spending priorities toward promoting sustainable development, which reduces global hunger and poverty, protects the environment, and promotes democracy.

AMENDMENTS SUBMITTED

NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

NICKLES AMENDMENT NO. 609

Mr. NICKLES proposed an amendment to the bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes; as follows:

On page 68, after line 25, insert the following:

"(g) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR FEDERALLY SUBSIDIZED LIVING ALLOWANCE.—No national service program may use assistance provided under section 121, or any other Federal funds, to provide a living allowance under subsection (a), a health care policy under subsection (d), or child care or a child care allowance under subsection (e), to an individual for a third, or subsequent, term of service described in section 139(b) by the individual in a national service program carried out under this subtitle.

HELMS (AND OTHERS) AMENDMENT NO. 610

Mr. HELMS (for himself, Mr. LOTT, Mr. COVERDELL, Mr. FAIRCLOTH, Mr. COCHRAN, and Mr. THURMOND) proposed an amendment to the bill (S. 919), supra, as follows:

At the appropriate place add the following new section:

SEC. . EXTENSION OF PATENT FOR INSIGNIA.

A certain design patent issued by the United States Patent Office on November 8, 1898, being patent numbered 29,611, which is the insignia of the United Daughters of the Confederacy, which was renewed and extended for a period of fourteen years by the Act entitled "An Act granting an extension of patent to the United Daughters of the Confederacy", approved November 11, 1977 (Public Law 95-168, 91 Stat. 1349), is renewed and extended for an additional period of fourteen years from and after the date of enactment of this Act, with all the rights and privileges pertaining to the same, being generally known as the insignia of the United Daughters of the Confederacy.

CRAIG (AND OTHERS) AMENDMENT NO. 611

Mr. CRAIG (for himself, Mr. NICKLES, and Mrs. KASSEBAUM) proposed an amendment to the bill (S. 919), supra, as follows:

Beginning on page 166, strike line 19 and all that follows through page 168, line 8 and insert the following:

SEC. 113. REPORTS.

On page 168, line 16, strike "115" and insert "114".

On page 170, line 17, strike "116" and insert "115".

On page 175, line 16, strike "117" and insert "116".

On page 176, line 15, strike "118" and insert "117".

On page 179, line 6, strike "119" and insert "118".

On page 179, line 11, strike "120" and insert "119".

On page 180, line 1, strike "121" and insert "120".

On page 181, line 11, strike "122" and insert "121".

On page 181, line 20, strike "123" and insert "122".

KASSEBAUM AMENDMENT NO. 612

Mrs. KASSEBAUM proposed an amendment to the bill (S. 919), supra, as follows:

In lieu of language proposed, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Service and Community Volunteers Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.

TITLE I—NATIONAL SERVICE AND COMMUNITY VOLUNTEERS

Subtitle A—General Provisions

Sec. 101. Definitions.
Sec. 102. Authority to make State grants.

Subtitle B—Service-Learning Programs

Sec. 111. Programs.

Subtitle C—National Service Programs

Sec. 121. Federal investment in support of national service.
Sec. 122. Transition.

Subtitle D—Quality and Innovation

Sec. 131. Quality and innovation activities.

Subtitle E—Civilian Community Corps

Sec. 141. Civilian Community Corps.

Subtitle F—Administration

Sec. 151. Reports.
Sec. 152. Nondiscrimination.
Sec. 153. Notice, hearing, and grievance procedures.
Sec. 154. Nondisplacement.
Sec. 155. Evaluation.
Sec. 156. Contingent extension.
Sec. 157. Audits.
Sec. 158. Repeals.

Subtitle G—Organization

Sec. 161. State Commissions for National Service and Community Volunteers.
Sec. 162. Interim authorities of the Corporation for National Service and Community Volunteers and ACTION Agency.
Sec. 163. Final authorities of the Corporation for National Service and Community Volunteers.

Subtitle H—Other Activities

Sec. 171. Points of Light Foundation.

Subtitle I—Authorization of Appropriations
Sec. 181. Authorization.
Subtitle J—General Provisions
Sec. 191. Effective date.
TITLE II—OTHER SERVICE PROGRAMS
Sec. 201. Repeals of service programs.
Sec. 202. Transition.
Sec. 203. Rules governing congressional consideration.
Sec. 204. Authorization of appropriations.
Sec. 205. Construction.
TITLE III—TECHNICAL AND CONFORMING AMENDMENTS.
Sec. 301. Definitions.
Sec. 302. References to the Commission on National and Community Service.
Sec. 303. References to Directors of the Commission on National and Community Service.
Sec. 304. Definition of Director.
Sec. 305. References to ACTION and the ACTION Agency.
Sec. 306. Effective date.

SEC. 2. FINDINGS AND PURPOSE.

(a) In General.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:

"SEC. 2. FINDINGS AND PURPOSE.

"(a) Findings.—The Congress finds the following:

"(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.

"(2) Americans desire to affirm common responsibilities and shared values that transcend race, religion, or region.

"(3) Americans of all ages can improve their communities and become better citizens through service to the United States.

"(4) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.

"(5) Federal appropriations in fiscal year 1993 for full-time national service programs totaled $102,700,000.

"(b) Purposes.—It is the purpose of this Act to—

"(1) assist in meeting the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;

"(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;

"(3) determine, through demonstration and experimentation, the most efficient means for implementing educational or other incentives that are necessary for a successful national service program;

"(4) encourage citizens of the United States, regardless of race, religion, gender, age, disability, region, income or education, to engage in full-time or part-time national service;

"(5) reinvent government to eliminate duplication in national service and volunteer programs by merging existing national service and volunteer programs and carrying out the programs through the same administrative body, thereby diminishing bureaucratic infrastructure while maximizing program flexibility and effectiveness;

"(6) support locally established initiatives, require measurable goals for performance, and offer flexibility in meeting those goals;

"(7) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens;

"(8) provide tangible benefits to the communities in which national service is performed; and

"(9) promote the integration of community volunteer activities by introducing service-learning into curricula in elementary schools, secondary schools, and institutions of higher education.".

(b) Table of Contents.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:

"Sec. 2. Findings and purpose.".

TITLE I—NATIONAL SERVICE AND COMMUNITY VOLUNTEERS

Subtitle A—General Provisions

SEC. 101. DEFINITIONS.

(a) In General.—Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended to read as follows:

"SEC. 101. DEFINITIONS.

"For purposes of this title:

"(1) Adult Volunteer.—The term 'adult volunteer' means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private not-for-profit agency, who—

"(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and

"(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.

"(2) Carry Out.—The term 'carry out', when used in connection with a national service program described in section 122, means the planning, establishment, operation, expansion, or replication of the program.

"(3) Community-Based Agency.—The term 'community-based agency' means a private not-for-profit organization that is representative of a community or a significant segment of a community and that is engaged in meeting human, educational, environmental, or public safety community needs.

"(4) Corporation.—The term 'Corporation', means the Corporation for National Service and Community Volunteers established under section 191.

"(5) Director.—The term 'Director' means the Director of the Corporation appointed under section 193.

"(6) Economically Disadvantaged.—The term 'economically disadvantaged' means, with respect to an individual, an individual who is determined by the Director to be low-income according to the latest available data from the Department of Commerce.

"(7) Elementary School.—The term 'elementary school' has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

"(8) Indian.—The term 'Indian' means a person who is a member of an Indian tribe.

"(9) Indian Lands.—The term 'Indian lands' means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

"(10) Indian Tribe.—The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.

"(11) Individual With a Disability.—Except as provided in section 175(a), the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

"(12) Institution of Higher Education.—The term 'institution of higher education' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(13) Local Educational Agency.—The term 'local educational agency' has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(14) National Service Laws.—The term 'national service laws' means this Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(15) National Service Program.—

"(A) In General.—Except as provided in subparagraph (B), the term 'national service program' means a program or activity described in—

"(i) subtitle C, D, or E;

"(ii) part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.);

"(iii) part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1137 et seq.); or

"(iv) Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the 'Youth Conservation Corps Act of 1970').

"(B) Limitation.—As used in subtitle C, such term means a program described in section 122(a).

"(16) Out-of-School Youth.—The term 'out-of-school youth' means an individual who—

"(A) has not attained the age of 27;

"(B) has not completed college or the equivalent thereof; and

"(C) is not enrolled in an elementary or secondary school or institution of higher education.

"(17) Participant.—

"(A) In General.—The term 'participant' means an individual enrolled in a program that receives assistance under this title.

"(B) Rule.—A participant shall not be considered to be an employee of the program in which the participant is enrolled.

"(18) Partnership Program.—The term 'partnership program' means a program through which an adult volunteer, a public or private not-for-profit agency, an institution of higher education, or a business assists a local educational agency.

"(19) Program.—The term 'program', except when used as part of the term 'academic program', 'national service program', or 'volunteer program' means a program described in section 111(a), 119(b)(1), 122(a), or 145, in paragraph (1) or (2) of section 152(b), or in title III.

"(20) Project.—The term 'project' means an activity, carried out through a program that receives assistance under this title, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

"(21) School-Age Youth.—The term 'school-age youth' means—

"(A) individuals between the ages of 5 and 17, inclusive; and

"(B) children with disabilities, as defined in section 602(a)(1) of the Individuals with

Disabilities Education Act (20 U.S.C. 1401(a)(1)), who receive services under part B of such Act.

"(22) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

"(23) SERVICE-LEARNING.—The term 'service-learning' means a method—

"(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—

"(i) is conducted in and meets the needs of a community;

"(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and

"(iii) helps foster civic responsibility;

"(B) that is integrated into the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled;

"(C) that provides students with opportunities to use newly acquired skills and knowledge in situations in their communities; and

"(D) that enhances the curriculum or educational components described in subparagraph (B) by extending student learning beyond the classroom and into the community and helps to foster the development of a sense of caring for others.

"(24) SERVICE-LEARNING COORDINATOR.—The term 'service-learning coordinator' means an individual who provides services as described in section 111(a)(2).

"(25) SERVICE SPONSOR.—The term 'service sponsor' means an organization, or other entity, that has been selected to provide a placement for a participant.

"(26) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until such time as the Compact of Free Association is ratified.

"(27) STATE COMMISSION.—The term 'State Commission' means a State Commission for National Service and Community Volunteers maintained by a State pursuant to section 178. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.

"(28) STUDENT.—The term 'student' means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.

"(29) SUMMER PROGRAM.—The term 'summer program' means a full-time or part-time program authorized under this title that is limited to a period beginning after April 30 and ending before October 1.

"(30) VOLUNTEER PROGRAM.—The term 'volunteer program' means a program or activity described in—

"(A) part I or II of subtitle B, or title III; or

"(B) part B or C of title I, or part A, B, or C, of title II, of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4971 et seq., 4991 et seq., 5001 et seq., 5011 et seq., and 5013 et seq.).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 182(a)(2) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(2)) is amended by striking "adult volunteer and partnership" each place the term appears and inserting "partnership".

(2) Section 182(a)(3) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(3)) is amended by striking "adult volunteer and partnership" and inserting "partnership".

(3) Section 441(c)(2) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by striking "service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of the National and Community Service Act of 1990" and inserting "a project, as defined in section 101(20) of the National and Community Service Act of 1990 (42 U.S.C. 12511(18))".

(4) Section 1122(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is amended by striking "youth corps as defined in section 101(30) of the National and Community Service Act of 1990" and inserting "youth corps programs, as described in section 122(a)(2) of the National and Community Service Act of 1990".

(5) Section 1201(p) of the Higher Education Act of 1965 (20 U.S.C. 1141(p)) is amended by striking "section 101(22)" and inserting "section 101(23)".

SEC. 102. AUTHORITY TO MAKE STATE GRANTS.

Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is repealed.

Subtitle B—Service-Learning Programs

SEC. 111. PROGRAMS.

(a) AMENDMENTS TO SERVE-AMERICA PROGRAMS.—

(1) PURPOSE.—The purpose of this subsection is to improve the Serve-America programs established under part I of subtitle B of the National and Community Service Act of 1990, and to enable the Corporation for National Service and Community Volunteers, and the entities receiving financial assistance under such part, to—

(A) work with teachers in elementary schools and secondary schools within a community, and with community-based agencies, to create and offer service-learning opportunities for school-age youth;

(B) educate teachers, and faculty providing teacher training and retraining, about service-learning, and incorporate service-learning opportunities into classroom teaching to strengthen academic learning;

(C) coordinate the work of adult volunteers who work with elementary and secondary schools as part of their community service activities; and

(D) work with employers in the communities to ensure that projects introduce the students to various careers and expose the students to needed further education and training.

(2) PROGRAMS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by striking the subtitle heading and all that follows through the end of part I and inserting the following:

"Subtitle B—Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN TRIBES.

"(a) USE OF FUNDS.—The Corporation, in consultation with the Secretary of Education, may make grants under section 112(b)(1), and allotments under subsections (a) and (b)(2) of section 112, to States (through State Commissions), and Indian tribes to pay for the Federal share of—

"(1) planning and building the capacity of the States or Indian tribes (which may be accomplished through grants or contracts with qualified organizations) to implement school-based and community-based service-learning programs, including—

"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula to be integrated into academic programs, including an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(C) forming local partnerships described in subsection (b) to develop school-based or community-based service-learning programs in accordance with this part;

"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on participants and communities; and

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;

"(2) implementing, operating, or expanding school-based and community-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators who shall—

"(A) assist in the design and implementation of such a program; and

"(B) identify the community partners referred to in subsection (b); and

"(3) implementing, operating, or expanding school-based and community-based service-learning programs that involve adult volunteers in service-learning activities to improve the education of students and school-age youth.

"(b) PARTNERSHIPS.—To support activities described in paragraph (2) or (3) of subsection (a), a State or Indian tribe shall distribute Federal funds made available under this part to local partnerships, who—

"(1) shall use the funds to carry out projects—

"(A) through school-based service-learning programs for participants selected from among students; or

"(B) through community-based service-learning programs for participants selected from among school-age youth; and

"(2) shall include—

"(A) in the case of school-based programs—

"(i) local educational agencies; and

"(ii) one or more community partners that—

"(I) shall include a public or private not-for-profit organization; and

"(II) may include a private for-profit business or private elementary or secondary school; and

"(B) in the case of community-based programs—

"(i) public or private not-for-profit organizations;

"(ii) local educational agencies; and

"(iii) one or more community partners.

"(c) QUALIFIED ORGANIZATIONS.—To support activities described in subsection (a)(1), a State or Indian tribe shall distribute Federal funds made available under this part to qualified organizations, who shall be—

"(1) local educational agencies;

"(2) community-based organizations that meet the requirements of section 111B(a);

"(3) communities;

"(4) State agencies; or

"(5) partnerships described in subparagraph (A) or (B) of subsection (b)(2).

"(d) Related Expenses.—A partnership or other qualified organization that receives financial assistance under this part may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, evaluations, and for other reasonable expenses necessary to carry out the activities.

"SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN NONPARTICIPATING STATES.

"In any fiscal year in which a State does not submit an application under section 113, for an allotment under subsection (a) or (b)(2) of section 112, that meets the requirements of section 113 and such other requirements as the Director may determine to be appropriate, the Corporation may use the allotment of that State to make a direct grant—

"(1) to a qualified organization, to pay for the Federal share of carrying out activities described in section 111(a)(1) in that State; or

"(2) to a partnership described in section 111(b), to pay for the Federal share of carrying out activities described in paragraph (2) or (3) of section 111(a) in that State.

"SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE NOT-FOR-PROFIT ORGANIZATIONS.

"(a) In General.—The Corporation may make a grant under section 112(b)(1) to a public or private not-for-profit organization that—

"(1) has experience with service-learning;

"(2) was in existence 1 year before the date on which the organization submitted an application under section 114(a); and

"(3) meets such other criteria as the Director may establish.

"(b) Use of Funds.—Such an organization may use a grant made under subsection (a) to make a grant—

"(1) to a qualified organization, to pay for the Federal share of carrying out activities described in section 111(a)(1); or

"(2) to a partnership described in section 111(b), to pay for the Federal share of carrying out activities described in paragraph (2) or (3) of section 111(a).

"SEC. 112. GRANTS AND ALLOTMENTS.

"(a) Indian Tribes and Territories.—

"(1) In general.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not more than 1 percent for payments—

"(A) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs; and

"(B) to Palau, in accordance with its needs, until such time as the Compact of Free Association with Palau is ratified.

"(2) Native hawaiian entities.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve .2 percent of such amounts for payments to Native Hawaiian entities, to be allotted in accordance with their respective needs. The requirements of this subtitle shall apply to such an entity in the same manner, and to the same extent, as such requirements apply to an Indian tribe.

"(b) Grants and Allotments Through States.—The Corporation shall use the remainder of the funds appropriated to carry out this part for any fiscal year as follows:

"(1) Grants.—Except as provided in paragraph (3), from 20 percent of such funds, the Corporation may make grants, on a competitive basis, to—

"(A) States and Indian tribes; or

"(B) public or private not-for-profit organizations as described in section 111B.

"(2) Allotments.—

"(A) School-age youth.—Except as provided in paragraph (3), from 45 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 45 percent of such funds as the number of school-age youth in the State bears to the total number of school-age youth of all States.

"(B) Allocation under elementary and secondary education act of 1965.—Except as provided in paragraph (3), from 45 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 45 percent of such funds as the allocation to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.) bears to such allocations to all States.

"(3) Minimum amount.—No State shall receive, under paragraph (2), an allotment that is less than the allotment such State received for fiscal year 1993 under section 112(b) of this Act, as in effect on the day before the date of enactment of this part. If the amount of funds made available in a fiscal year to carry out paragraph (2) is insufficient to make such allotments, the Corporation shall make available sums from the 10 percent described in paragraph (1) for such fiscal year to make such allotments.

"(4) Definition.—Notwithstanding section 101(26), for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and an Indian tribe.

"(c) Reallotment.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe does not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the Director may determine to be appropriate, the Corporation shall, after making any grants under section 111A, make any remainder of such allotment available for reallotment to such other States, and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.

"(d) Exception.—Notwithstanding subsections (a) and (b), if less than $20,000,000 is appropriated for any fiscal year to carry out this part, the Corporation shall award grants to States and Indian tribes, from the amount so appropriated, on a competitive basis to pay for the Federal share of the activities described in section 111.

"(e) Programs.—In awarding grants and making allotments under subsections (a), (b), and (d), from the sum appropriated to carry out this part for a fiscal year, the Corporation shall make available—

"(1) 75 percent of such sum for school-based programs; and

"(2) 25 percent of such sum for community-based programs.

"SEC. 113. STATE OR TRIBAL APPLICATIONS.

"(a) Submission.—To be eligible to receive a grant under section 112(b)(1), an allotment under subsection (a) or (b)(2) of section 112, a reallotment under section 112(c), or a grant under section 112(d), a State (acting through the State Commission) or an Indian tribe, shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Director may reasonably require.

"(b) Contents.—An application that is submitted under subsection (a) with respect to service-learning programs described in section 111 shall include—

"(1) information demonstrating that the programs will be carried out in a manner consistent with the strategic plan submitted for the State involved under section 178;

"(2) assurances that—

"(A) the applicant will keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and

"(B) the applicant will comply with the nonduplication and nondisplacement requirements of section 177; and

"(3) such additional information as the Director may reasonably require.

"SEC. 114. LOCAL APPLICATIONS.

"(a) Application to Corporation To Make Grants for School-Based or Community-Based Service-Learning Programs.—

"(1) In general.—To be eligible to receive a grant under section 112(b)(1) in accordance with section 111B(a) to make grants relating to school-based or community-based service-learning programs described in section 111(a), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application.

"(2) Submission.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the Director may reasonably require. Such an application may include a proposal to assist such programs in more than one State.

"(b) Direct Application to Corporation To Carry Out School-Based or Community-Based Service-Learning Programs in Nonparticipating States.—To be eligible to receive a grant from the Corporation in the circumstances described in section 111A to carry out an activity described in such section, an organization or partnership referred to in such section shall prepare, submit to the Corporation, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Director may reasonably require.

"(c) Application to State or Indian Tribe To Receive Assistance To Carry Out School-Based or Community-Based Service-Learning Programs.—

"(1) In general.—A qualified organization or partnership that desires to receive financial assistance under this part from a State Commission, Indian tribe, or grantmaking entity, for activities described in section 111(a), shall prepare, submit to the State Commission, tribe, or entity, and obtain approval of, an application.

"(2) Submission.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the State Commission, tribe, or entity may reasonably require.

"(d) Contents of Application.—

"(1) Regulations.—The Corporation shall by regulation establish standards for the information required to be contained in an application submitted under subsection (a) or (b).

"(2) Assurances.—At a minimum, an application submitted under subsection (a) or (b) shall contain—

"(A) an assurance that the applicant will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(B) an assurance that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and grievance procedure requirements of section 176(f); and

"(C) such other assurances as the Director may reasonably require.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under section 113 or this section, and the Corporation shall reject an application that is submitted under section 113 or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

"SEC. 115. CONSIDERATION OF APPLICATIONS.

"(a) CRITERIA FOR APPLICATIONS.—In approving applications for financial assistance under subsection (a), (b), (c), or (d) of section 112, the Corporation shall consider such criteria with respect to sustainability, replicability, innovation, and quality of programs under this part as the Director may by regulation specify. In providing assistance under this part, a State Commission, Indian tribe, or grantmaking entity shall also consider such criteria.

"(b) PRIORITY FOR APPLICATIONS.—

"(1) IN GENERAL.—In providing assistance under this part, a State Commission or Indian tribe, or the Corporation if section 111A or 111B applies, shall give priority to entities that submit applications under section 114 with respect to service-learning programs described in section 111 that—

"(A) involve participants in the design and operation of the program;

"(B) are in the greatest need of assistance, such as programs targeting low-income areas; or

"(C) involve—

"(i) students from public elementary or secondary schools, and students from private elementary or secondary schools, serving together; or

"(ii) students of different ages, races, sexes, ethnic groups, disabilities, or economic backgrounds, serving together.

"(c) REGULATIONS.—The Corporation shall by regulation establish procedures and criteria (in addition to the criteria described in subsections (a) and (b)) for awarding grants in the circumstances described in sections 111A and 111B.

"(d) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted under section 113 for an allotment under subsection (b)(2) of section 112, the Corporation shall promptly notify the applicant of the reasons for the rejection of the application. The Corporation shall provide the applicant with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the applicant as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

"SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

"(a) IN GENERAL.—To the extent consistent with the number of students in the State or Indian tribe or in the school district of the local educational agency involved who are enrolled in private not-for-profit elementary and secondary schools, such State, Indian tribe, or agency shall consult with appropriate private school representatives and make provision—

"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

"(b) WAIVER.—If a State, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private not-for-profit schools as required by subsection (a), or if the Corporation determines that a State, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Director shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and (4) of section 1017(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727(b)).

"SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) SHARE.—

"(1) IN GENERAL.—The Federal share attributable to this part of the cost of carrying out a program for which a grant or allotment is made under this part may not exceed—

"(A) 90 percent of the total cost of the program for the first year for which the program receives assistance under this part;

"(B) 80 percent of the total cost of the program for the second such year;

"(C) 70 percent of the total cost of the program for the third such year; and

"(D) 50 percent of the total cost of the program for the fourth such year, and for any subsequent such year.

"(2) REMAINING SHARE.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this part—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

"(3) CALCULATION.—In calculating the cost of carrying out such a program, the recipient shall not include the costs of salaries and benefits of individuals who are participants or volunteers in any national service program or any volunteer program, other than a program under this part.

"(b) WAIVER.—The Director may waive the requirements of subsection (a) in whole or in part with respect to any such program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level.

"(c) DEFINITION.—Notwithstanding section 101, as used in this section, the term 'national service laws' means the provisions specified in section 201(a) of the National Service and Community Volunteers Act of 1993.

"SEC. 116A. LIMITATIONS ON USES OF FUNDS.

"(a) ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to a State Commission, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the original recipient; or

"(B) the entity carrying out the service-learning programs supported with the assistance.

"(2) RULES ON USE.—The Director may by rule prescribe the manner and extent to which—

"(A) such assistance may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient; and

"(ii) the entity carrying out the service-learning programs supported with the assistance.

"(b) CAPACITY-BUILDING ACTIVITIES.—Not less than 10 percent and not more than 20 percent of the amount of assistance provided to a State Commission, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year shall be used to build capacity through training, technical assistance, curriculum development, and coordination activities, described in section 111(a)(1).

"(c) FINANCIAL SUPPORT TO STUDENTS.—Funds made available under this part may not be used to pay any stipend, allowance, or other financial support to any student who is a participant under this part, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this part.

"(d) PROHIBITION ON PAYMENTS FOR SALARIES AND BENEFITS.—No partnership or qualified organization may use funds made available under this subtitle to pay for the costs of salaries and benefits of individuals who are participants or volunteers in any national service program or any volunteer program, other than a program under this part.

"SEC. 116B. DEFINITIONS.

"As used in this part:

"(1) COMMUNITY-BASED SERVICE-LEARNING PROGRAM.—The term 'community-based service-learning program' means a service-learning program sponsored by a partnership that includes the entities described in section 111(b)(2)(B).

"(2) GRANTMAKING ENTITY.—The term 'grantmaking entity' means an organization described in section 111B(a).

"(3) QUALIFIED ORGANIZATION.—The term 'qualified organization' means an entity described in any of paragraphs (1) through (5) of section 111(c).

"(4) SCHOOL-BASED SERVICE-LEARNING PROGRAM.—The term 'school-based service-learning program' means a service-learning program sponsored by a partnership that includes the entities described in section 111(b)(2)(A).

"(5) STUDENT.—Notwithstanding section 101(28), the term 'student' means an individual who is enrolled in an elementary or secondary school on a full- or part-time basis.".

(b) HIGHER EDUCATION INNOVATIVE PROJECTS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12531 et seq.) is amended by striking part II and inserting the following:

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE.

"(a) PURPOSE.—It is the purpose of this part to expand participation in community service by supporting innovative community service programs that enable institutions of higher education to act as civic institutions in meeting the human, educational, environmental, or public safety needs of neighboring communities.

"(b) GENERAL AUTHORITY.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions), and partnerships comprised of such institutions and of other public agencies or not-for-profit private organizations, to pay for the Federal share of the cost of—

"(1) enabling such an institution or partnership to create or expand an organized community service program that—

"(A) engenders a sense of social responsibility and commitment to the community in which the institution is located; and

"(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community;

"(2) supporting student-initiated and student-designed community service projects through the program;

"(3) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;

"(4) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) to support service-learning and community service through the community service program;

"(5) strengthening the service infrastructure within institutions of higher education in the United States through the program; and

"(6) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

"(c) FEDERAL SHARE.—

"(1) SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out a community service project for which a grant or contract is awarded under this part may not exceed 50 percent.

"(B) CALCULATION.—Each recipient of assistance under this part shall comply with paragraphs (2) and (3) of section 116(a).

"(2) WAIVER.—The Director may waive the requirements of paragraph (1), in whole or in part, as provided in section 116(b).

"(d) APPLICATION FOR GRANT.—

"(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership described in subsection (b) shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Director may reasonably require.

"(2) CONTENTS.—

"(A) REGULATIONS.—The Corporation shall by regulation establish standards for the information required to be contained in an application submitted under paragraph (1).

"(B) ASSURANCES.—At a minimum, such an application shall contain—

"(i) an assurance that the entity carrying out the program will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(ii) an assurance that students and community members including service recipients shall be involved in the design and implementation of the program;

"(iii) an assurance that the program is consistent with the approved strategic plan submitted under section 178 by the State in which the program will be implemented;

"(iv) an assurance that the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and grievance procedure requirements of section 176(f); and

"(v) such other assurances as the Director may reasonably require.

"(e) DEFINITION.—Notwithstanding section 101(28), as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

"PART III—GENERAL PROVISIONS

"SEC. 120. AVAILABILITY OF APPROPRIATIONS.

"Of the aggregate amount appropriated to carry out this subtitle for each fiscal year—

"(1) a sum equal to 80 percent of such aggregate amount shall be available to carry out part I; and

"(2) a sum equal to 20 percent of such aggregate amount shall be available to carry out part II.".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle B of title I of such Act and inserting the following:

"Subtitle B—Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"Sec. 111. Authority to assist States and Indian tribes.
"Sec. 111A. Authority to assist local applicants in nonparticipating States.
"Sec. 111B. Authority to assist public or private not-for-profit organizations.
"Sec. 112. Grants and allotments.
"Sec. 113. State or tribal applications.
"Sec. 114. Local applications.
"Sec. 115. Consideration of applications.
"Sec. 115A. Participation of students and teachers from private schools.
"Sec. 116. Federal, State, and local contributions.
"Sec. 116A. Limitations on uses of funds.
"Sec. 116B. Definitions.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 119. Higher education innovative programs for community service.

"PART III—GENERAL PROVISIONS

"Sec. 120. Availability of appropriations.".

Subtitle C—National Service Programs

SEC. 121. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.

(a) ASSISTANCE PROGRAM AUTHORIZED.—Subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12541 et seq.) is amended to read as follows:

"Subtitle C—National Service Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE.

"(a) PROVISION OF ASSISTANCE.—The Corporation may make grants to States, subdivisions of States, Indian tribes, public and private not-for-profit organizations, and institutions of higher education for the purpose of assisting the recipients of the grants—

"(1) to carry out full- or part-time national service programs, including summer programs, described in section 122(a); and

"(2) to make grants in support of other national service programs described in section 122(a) that are carried out by other entities.

"(b) AGREEMENTS WITH FEDERAL AGENCIES.—

"(1) IN GENERAL.—The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation.

"(2) NONDUPLICATION.—A Federal agency that enters into a contract or cooperative agreement under paragraph (1) to support a national service program within a State—

"(A) shall consult with the State Commission serving the State to avoid duplication with any service program that is in existence in the State as of the date of the contract or cooperative agreement; and

"(B) shall, in an appropriate case, enter into a contract or cooperative agreement with an entity that is carrying out a service program described in subparagraph (A) that is of high quality, in order to support the national service program.

"(3) APPLICATION OF REQUIREMENTS.—A Federal agency receiving assistance under this subsection shall comply with the Federal share requirements of section 129(c)(2)(B). The supplementation requirements specified in section 173 shall apply with respect to the Federal National Service programs supported with such assistance.

"(c) LIMITATION ON ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to the original recipient of a grant or transfer of assistance under subsection (a) or (b) for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the original recipient; or

"(B) the entity carrying out the national service programs supported with the assistance.

"(2) RULES ON USE.—The Director may by rule prescribe the manner and extent to which—

"(A) such assistance may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient; and

"(ii) the entity carrying out the national service programs supported with the assistance.

"(d) MATCHING FUNDS REQUIREMENTS.—

"(1) REQUIREMENTS.—Except as provided in section 129(c)(2)(B), the Federal share of the cost of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.

"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out a national service program, a recipient of assistance under this subtitle—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws, including subtitles B, E, and H of title I, and title III, of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq., 12591 et seq., 12653 et seq., and 12661 et seq.), part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1137 et seq.), parts A and B of title I, section 124, and title II, of the Domestic Volunteer Service Act of 1973. (42 U.S.C. 4951 et seq., 4971 et seq., 4994, and 5000 et seq.), and Public Law 91–378 (16 U.S.C. 1701–1706; commonly known as the "Youth Conservation Corps Act of 1970")).

"(3) WAIVER.—The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level.

"**SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.**

"(a) ELIGIBLE NATIONAL SERVICE PROGRAMS.—The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance, directly or through subgrants to other entities, to carry out full- or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs. Subject to subsection (b)(1), these national service programs may include the following types of national service programs:

"(1) A community corps program that promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical capabilities, ages, ethnic backgrounds, or genders.

"(2) A full-time youth corps program carried out during the summer months or throughout the full calendar year, such as a conservation corps or youth service corps (including a conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands), that—

"(A) undertakes meaningful full-time service projects with visible benefits to a community, including natural resource, urban renovation, or human services projects;

"(B) includes as participants youth and young adults between the ages of 16 and 25, inclusive, including out-of-school youth and other economically disadvantaged youth, and individuals with disabilities, who are between those ages; and

"(C) provides those participants who are youth and young adults with—

"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and

"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.

"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I subtitle B.

"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—

"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

"(B) brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

"(5) An individualized placement program that includes regular group activities, such as leadership training and special service projects.

"(6) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

"(A) students who are attending an institution of higher education, including students supported by work-study funds under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

"(B) teams composed of such students; or

"(C) teams composed of a combination of such students and community residents.

"(7) A preprofessional training program in which students enrolled in an institution of higher education—

"(A) receive training in specified fields, which may include classes containing service-learning;

"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

"(C) agree to provide at least 1 year of service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.

"(8) A professional corps program that recruits and places qualified participants in positions—

"(A) as police officers, early childhood development staff, social workers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

"(C) that are sponsored by public or private not-for-profit employers who agree to pay 100 percent of the salaries and benefits (other than any national service benefit under section 123 and the post-service benefits under section 146) of the participants.

"(9) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—

"(A) the housing needs of low-income families and the homeless; and

"(B) the need for community facilities in low-income areas.

"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists such adults in designing solutions to community problems.

"(11) An intergenerational program that combines students, out-of-school youth, and older adults as participants to provide needed community services, including an intergenerational component of a national service program described in paragraphs (1) through (10), paragraph (12) or paragraph (13).

"(12) A program utilizing public school facilities, after regular school hours and during weekends and summers, to provide children in distressed communities with curriculum-based, supervised educational, recreational and cultural activities in safe and secure environments and to coordinate the delivery of social services to the children of the community.

"(13) A program to help communities adversely affected by the closure or realignment of a military installation, by converting the military installation, in whole or in part, to community use.

"(14) Such other national service programs addressing unmet human, educational, environmental, or public safety needs consistent with the strategic plan of the State Commission, if funded through the Commission, or consistent with the Corporation's strategic plan, if funded directly by the Corporation.

"(b) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

"(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance under this subtitle.

"(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals that have extensive experience in developing and administering effective national service programs.

"(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(4) WAIVER.—With respect to a proposed national service program that does not meet the qualification criteria established under paragraph (1), the Corporation may waive such criteria with respect to such program if the Corporation determines that such program is uniquely innovative in nature.

"(c) NATIONAL SERVICE PRIORITIES FOR THE CORPORATION.—

"(1) ESTABLISHMENT BY CORPORATION.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to otherwise achieve the purposes of this Act, the Corporation shall establish and periodically alter priorities regarding the types of national service programs to be assisted under section 129(c) and the purposes for which such assistance may be used.

"(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants for assistance under 129(c) of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

"(A) a description of any alteration made in the priorities since the previous notice; and

"(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 129(c).

"(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs.

"(4) APPLICATION TO SUBGRANTS.—National service priorities established by the Corporation under this subsection shall be used by a recipient of funds under section 129(c) if that recipient uses any portion of such funds to conduct a grant program to support other national service programs.

"(5) Encouragement of Intergenerational Components of Programs.—The Corporation shall encourage national service programs eligible to receive assistance under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youth, and older adults as participants.

"(d) State National Service Positions.—

"(1) Establishment by State Commissions.—In order to concentrate national and State efforts on meeting certain unmet human, educational, environmental, or public safety needs at the State and local level and to otherwise achieve the purposes of this Act, State Commissions shall establish and, through the 3-year strategic plan process described in section 178, periodically alter priorities regarding the types of national service programs to be assisted under section 129(a) and the purposes for which such assistance may be used.

"(2) Notice to Applicants.—The State Commission shall provide advance notice, to potential applicants to the State Commission for assistance received by the State Commission under section 129(a), of any national service priorities to be in effect under this paragraph for a fiscal year. The notice shall specifically include a description of any alteration made in the priorities since the previous notice.

"SEC. 123. DEMONSTRATION EFFORTS CONCERNING EDUCATIONAL OR OTHER POST-SERVICE BENEFITS.

"(a) Establishment.—The Corporation shall establish demonstration programs to determine the most effective and efficient means for implementing educational or other incentives necessary for a successful national service program.

"(b) Treatment of Participants.—Participants in demonstration programs under subsection (a) shall be treated in the same manner as if such participants were participants in national service programs funded under this subtitle, except that such participants shall not be eligible for post-service benefits under section 141.

"(c) Report.—Not later than 18 months after the date of enactment of this subtitle, the Corporation shall prepare and submit to the appropriate committees of Congress a report concerning the results of the demonstration programs established under subsection (a), and a description of the knowledge derived from existing national service-related programs conducted by Federal or State governments, including recommendations for legislative action.

"SEC. 124. TYPES OF PROGRAM ASSISTANCE.

"(a) Planning Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the planning of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 9 months.

"(b) Operational Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(c) Replication Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(d) Application to Subgrants.—The requirements of this section shall apply to any State or other applicant receiving assistance under section 121 that proposes to conduct a grant program using the assistance to support other national service programs.

"SEC. 125. OTHER SPECIAL ASSISTANCE.

"(a) Support for State Commissions.—

"(1) Assistance Authorized.—The Corporation shall make assistance available to assist a State to establish or operate the State Commission required to be established by the State under section 178.

"(2) Amount of Assistance.—The amount of assistance that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—

"(A) 75 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and

"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection.

"(b) Disaster Service.—The Corporation may undertake activities, including activities carried out under part A of title I of the Domestic Volunteer Service Act of 1973, to involve programs that receive assistance under the national service laws in disaster relief efforts.

"(c) Challenge Grants for National Service Programs.—

"(1) In General.—The Corporation may award challenge grants under this subsection to national service programs that receive assistance under section 121.

"(2) Criteria.—The Corporation shall develop criteria for the selection of recipients of challenge grants under paragraph (1), so as to make the grants widely available to a variety of programs that—

"(A) are high-quality national service programs; and

"(B) are carried out by entities with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.

"(3) Amount of Assistance.—A challenge grant under this subsection may provide not more than $1 of assistance under this subsection for each $1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 121(e). The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.

"PART II—APPLICATION AND APPROVAL PROCESS

"SEC. 129. PROVISION OF ASSISTANCE BY COMPETITIVE AND OTHER MEANS.

"(a) Allotments of Assistance to States and Indian Tribes.—

"(1) 50 Percent Allotment of Assistance.—Of the funds allocated by the Corporation for the provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) to each of the several States (through the State Commission of the State), the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133. The amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 50 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) One Percent Allotment of Assistance.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve 1 percent of the allocated funds for grants under section 121(a) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. Palau shall also be eligible for a grant under this paragraph from the 1 percent allotment until such time as the Compact of Free Association with Palau is ratified.

"(3) Allotment of Assistance for Native Hawaiians.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve .2 percent of the allocated funds for grants under section 121(a) to Native Hawaiian entities, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. The requirements of this subtitle shall apply to such an entity in the same manner, and to the same extent, as such requirements apply to an Indian tribe.

"(4) Effect of Failure to Apply.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subsection, the Corporation shall use the amount that would have been allotted under this subsection to the State or Indian tribe—

"(A) to make grants to other eligible entities under section 121 that propose to carry out national service programs in the State or on behalf of the Indian tribe; and

"(B) after making grants under paragraph (1), to make a reallotment to other States and Indian tribes with approved applications under section 130.

"(b) Reservation for Special Assistance.—Subject to section 501(a)(2), of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation may not reserve more than $10,000,000, or 1 percent of such funds, whichever is less, for a fiscal year for challenge grants under section 125(c).

"(c) Competitive Distribution of Remaining Funds.—

"(1) State Competition.—Of the funds allocated by the Corporation for the provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall use not less than 30 percent of the allocated funds to make grants to States (through the State Commissions) on a competitive basis under section 121(a).

"(2) Federal Agencies and Other Applicants.—

"(A) In general.—The Corporation shall distribute on a competitive basis to subdivisions of States (through the State Commissions), Indian tribes, public and private not-for-profit organizations, institutions of higher education, and Federal agencies the remainder of the funds allocated by the Corporation for the provision of assistance under section 121 for a fiscal year, after the operation of paragraph (1) and subsections (a) and (b).

"(B) Federal share.—Notwithstanding section 121(e), if a Federal agency proposes to carry out a national service program using funds made available under subparagraph (A), and the Federal agency is authorized to use funds made available under Federal law (other than the national service laws, including subtitles B, E, and H of title I, and title III, of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq., 12591 et seq., 12653 et seq., and 12661 et seq.), part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1137 et seq.), parts A and B of title I, section 124, and title II, of the Domestic Volunteer Service Act of 1973. (42 U.S.C. 4951 et seq., 4971 et seq., 4994, and 5000 et seq.), and Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970")) to carry out such a program, the Federal share attributable to this paragraph of the cost of carrying out the national service program shall be 50 percent of such cost. The Director may by regulation specify the sources that may be used by the Federal agency to provide for the remaining share of such cost.

"(C) Federal agencies.—The Corporation may not distribute more than 30 percent of such remainder to Federal agencies for a fiscal year under subparagraph (A).

"(D) Limitations.—The Corporation shall limit the categories of eligible applicants for assistance under this paragraph consistent with the priorities established by the Corporations under section 133(d)(2).

"(d) Application Required.—The allotment of assistance to a State or an Indian tribe under subsection (a), and the competitive distribution of assistance under subsection (c), shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130 and approved by the Corporation under section 133.

"SEC. 130. APPLICATION FOR ASSISTANCE.

"(a) Time, Manner, and Content of Application.—To be eligible to receive assistance under section 121 for participants who serve in the national service programs to be carried out using the assistance, a State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, or Federal agency shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

"(b) Types of Application Information.—In order to have adequate information upon which to consider an application under section 133, the Corporation shall by regulations establish requirements with respect to the content of applications submitted under this section. Such requirements shall specify that such an application shall contain information demonstrating that the programs will be carried out in a manner consistent with the strategic plan submitted for the State involved under section 178.

"(c) Special Rule for State Applicants.—

"(1) Submission by state commission.—The application of a State for a grant under section 121(a) shall be submitted by the State Commission.

"(2) Competitive selection.—The application of a State shall contain an assurance that all assistance provided under section 121(a) to the State will be used to support national service programs that were selected by the State on a competitive basis.

"(3) Assistance to nonstate entities.—The application of a State shall also contain an assurance that not less than 70 percent of the assistance provided under section 121(a) will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this paragraph if the State has not received a sufficient number of acceptable applications to comply with the percentage.

"(d) Special Rule for Certain Service Sponsors.—In the case of an applicant that proposes to serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the applicant who are engaged in the same or substantially similar work as that proposed to be carried out.

"(e) Limitation on Same Project in Multiple Applications.—The Corporation shall reject an application submitted under this section if a project proposed to be conducted using assistance requested by the applicant is already described in another application pending before the Corporation.

"(f) Priorities.—An application submitted under this section shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will use the State priorities established under section 122(d).

"SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

"(a) Impact on Communities.—An application submitted under section 130 shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed;

"(2) comply with the nonduplication and nondisplacement requirements of section 177; and

"(3) be consistent with the State or Corporation strategic plan (based on the funding source utilized).

"(b) Impact on Participants.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform;

"(2) as appropriate, provide support services to participants, such as the provision of information and support—

"(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and

"(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma; and

"(3) place participants in a national service program who are receiving benefits or assistance under any Federal, State or local program financed in whole or in part with Federal funds in positions which provide education, career training, and job specific skills necessary for gainful employment.

"(c) Consultation.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide in the design, recruitment, and operation of the program for broad-based input from the community served, individuals eligible to serve as participants in the program, community-based agencies with a demonstrated record of experience in providing services, and local labor organizations representing employees of service sponsors; and

"(2) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.

"(d) Evaluation and Performance Goals.—

"(1) In general.—An application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(A) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121;

"(B) develop measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—

"(i) on communities and persons served by the projects performed by the program;

"(ii) on participants who take part in the projects; and

"(iii) in such other areas as the Corporation may require; and

"(C) cooperate with any evaluation activities undertaken by the Corporation.

"(2) Alternative evaluation requirements.—The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 121 or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.

"(e) Living Allowances and Other In-service Benefits.—Except as provided in section 140(c), an application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(1) provide a living allowance and other benefits specified in section 140 to participants in any national service program carried out by the applicant using assistance provided under section 121; and

"(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 140 to participants in the program.

"(f) SELECTION OF PARTICIPANTS FROM INDIVIDUALS RECRUITED BY CORPORATION OR STATE COMMISSIONS.—The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 129(c)(2) and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 138(d). Applicants awarded grants under subsection (a) or (c)(1) of section 129 may select participants from among prospective participants recruited by the Corporation under section 138(d).

"SEC. 132. INELIGIBLE SERVICE CATEGORIES.

"An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 provided to an applicant will not be used to perform service that provides a direct benefit to any—

"(1) business organized for profit;

"(2) labor union;

"(3) partisan political organization;

"(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 121 or participants to give religious instruction, conduct worship services, or engage in any form of proselytization; or

"(5) organization whose primary purpose is to influence public policies or engage in legislative advocacy activities.

"SEC. 133. CONSIDERATION OF APPLICATIONS.

"(a) CORPORATION CONSIDERATION OF CERTAIN CRITERIA.—The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether to approve an application submitted under section 130 and provide assistance under section 121 to the applicant.

"(b) APPLICATION TO SUBGRANTS.—A State or other entity that uses assistance provided under section 121(a) to support national service programs selected on a competitive basis to receive a share of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance. The application of the State or other entity under section 130 shall contain—

"(1) a certification that the State or other entity complied with these criteria in the selection of national service programs to receive assistance;

"(2) a description of the jobs or positions into which participants will be placed using such assistance, including descriptions of specific tasks to be performed by such participants; and

"(3) a description of the minimum qualifications which individuals shall meet to become participants in such programs.

"(c) ASSISTANCE CRITERIA.—The criteria required to be applied in evaluating applications submitted under section 130 are as follows:

"(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.

"(2) The innovative aspects of the national service program, and the feasibility of replicating the program.

"(3) The sustainability of the national service program, based on evidence such as the existence—

"(A) of strong and broad-based community support for the program; and

"(B) of multiple funding sources or private funding for the program.

"(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.

"(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.

"(6) The extent to which projects would be conducted in areas where such projects are needed most, such as—

"(A) communities designated as enterprise zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high concentrations of low- income people;

"(B) areas that are environmentally distressed; or

"(C) areas adversely affected by reductions in defense spending or the closure or realignment of military installations.

"(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 130 of the State in which the projects would be conducted.

"(8) Such other criteria as the Corporation considers to be appropriate.

"(d) OTHER CONSIDERATIONS.—

"(1) GEOGRAPHIC DIVERSITY.—The Corporation shall ensure that recipients of assistance provided under section 121 are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.

"(2) PRIORITIES.—The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in section 122(a) for priority consideration in the competitive distribution of funds under section 129(c).

"(3) REVIEW PANEL.—The Director shall establish panels of experts and practitioners for the purpose of securing recommendations on applications submitted under section 130 for more than $100,000 in assistance and consider the opinions of such panels prior to making such determinations.

"(e) REJECTION OF STATE APPLICATIONS.—

"(1) NOTIFICATION OF STATE APPLICANTS.—If the Corporation rejects an application submitted by a State Commission under section 130 for funds described in section 129(a)(1), the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

"(2) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

"(3) REALLOTMENT.—The amount of any State's allotment under section 129(a) for a fiscal year that the Corporation determines will not be used for that fiscal year shall be available for distribution by the Corporation as provided in paragraph (4) of such subsection.

"PART III—NATIONAL SERVICE PARTICIPANTS

"SEC. 137. DESCRIPTION OF PARTICIPANTS.

"(a) IN GENERAL.—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—

"(1) meets minimal eligibility requirements, directly related to the tasks to be accomplished, established by the program;

"(2) is selected by the program to serve in a position with the program;

"(3) will serve in the program for a term of service specified in section 139;

"(4) is 17 years of age or older at the time the individual begins the term of service;

"(5)(A)(i) has received a high school diploma or its equivalent; or

"(ii) agrees to obtain a high school diploma or its equivalent and the individual did not drop out of an elementary or secondary school to enroll in the program; or

"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(ii) meets the requirements of section 484(a) of such Act; and

"(6) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) SPECIAL RULES FOR CERTAIN YOUTH PROGRAMS.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9) that is carried out with assistance provided under section 121(a) if the individual—

"(1) satisfies the requirements specified in subsection (a), except paragraph (4) of such subsection; and

"(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

"(c) WAIVER.—The Corporation may waive the requirements of subsection (a)(5)(A) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

"SEC. 138. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

"(a) SELECTION PROCESS.—Subject to subsections (b) and (c) and section 131(f), the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 121 shall be conducted by the State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, Federal agency, or other entity to which the assistance is provided.

"(b) NONDISCRIMINATION AND NONPOLITICAL SELECTION OF PARTICIPANTS.—The recruitment and selection of individuals to serve in national service programs receiving assistance under section 121 shall be consistent with the requirements of section 175.

"(c) SECOND TERM.—Acceptance into a national service program to serve a second term of service under section 139 shall only be available to an individual who performs satisfactorily in the first term of service of such individual.

"(d) RECRUITMENT AND PLACEMENT.—The Corporation and each State Commission may establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals. The Corporation and State Commissions shall widely disseminate information regarding available national service opportunities.

"SEC. 139. TERMS OF SERVICE.

"(a) In General.—A participant in a national service program shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b).

"(b) Term of Service.—

"(1) Full-time service.—An individual performing full-time national service in a national service program shall agree to participate in the program for not less than 1,700 hours during a period of not less than 9 months and not more than 1 year.

"(2) Part-time service.—An individual performing part-time national service in a national service program shall agree to participate in the program for not less than 1,700 hours during a period of—

"(A) not less than 1 year nor more than 2 years; or

"(B) not less than 1 year nor more than 3 years if the individual is enrolled in an institution of higher education while performing all or a majority of the hours of such service.

"(c) Release From Completing Term of Service.—

"(1) Release authorized.—A recipient of assistance under section 121 may release a participant from completing a term of service in the program—

"(A) for compelling personal circumstances as demonstrated by the participant; or

"(B) for cause.

"(2) Effect of release.—If the released participant was serving in a national service program which included post-service benefits, the participant may receive that portion of those benefits that corresponds to the quantity of the term of service actually completed by the individual, except that a participant released for cause may not receive any portion of a post-service benefit.

"SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS.

"(a) Provision of Living Allowance.—

"(1) Living allowance permitted.—Subject to paragraph (3), a national service program carried out using assistance provided under section 121 shall provide to each participant in the program a living allowance in such an amount as may be established by the program.

"(2) Limitation on federal share.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 121 and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the prevailing minimum wage (which in no event may be less than the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted; and

"(B) 85 percent of the annual living allowance established by the national service program involved.

"(3) Maximum living allowance.—Except as provided in subsection (c), the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 150 percent of the prevailing minimum wage (which in no event may be less than the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted.

"(4) Proration of living allowance.—The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a reduced term of service under section 139(b)(3).

"(5) Choice between benefits.—Individuals receiving benefits or assistance under any Federal, State, or local program financed in whole or in part with Federal funds, at the time of enrollment in a national service program, shall choose between receiving the living allowance under this subsection (which shall be taken into account in determining continued eligibility for such assistance) and other benefits provided to national service participants (in lieu of the Federal, State, or local governmental benefits) or a cash allowance of $250 per month for full-time participation and $125 per month for part-time participation, which shall not be taken into account in determining the need or eligibility of any person for benefits or assistance or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds.

"(b) Coverage of Certain Employment-Related Taxes.—To the extent a national service program that receives assistance under section 121 is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of the Internal Revenue Code of 1986 (26 U.S.C. 3111, 3301) and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 121 shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—

"(1) the prevailing minimum wage (which in no event may be less than the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted; and

"(2) the annual living allowance established by the program.

"(c) Professional Corps.—With respect to a State or other recipient of assistance under section 121 that desires to place a professional corps member, as described in section 122(a)(8), in a position in a national service program, the allocation of Federal funds described in subsection (a)(2)(A) for the position shall be made under regulations developed by the Corporation which are consistent with those applicable to allocation procedures of professional corps programs determined by the Corporation to be similar (such as the Teacher Corps, the Public Health Service Corps or the Police Corps).

"(d) Health Insurance.—A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance if the participant is not otherwise covered by a health care policy. Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 121. The Corporation shall establish minimum standards that all plans shall meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.

"(e) Child Care.—

"(1) Availability.—A State or other recipient of assistance under section 121 shall—

"(A) make child care available for children of each full-time participant who needs child care in order to participate in the national service program carried out or supported by the recipient using the assistance; or

"(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.

"(2) Guidelines.—The Corporation shall establish guidelines regarding the circumstances under which child care must be made available under this subsection and the value of any allowance to be provided.

"(f) Waiver of Limitation on Federal Share.—The Corporation may waive in whole or in part the limitation on the Federal share specified in this section with respect to a particular national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level as demonstrated through documented efforts submitted to the Corporation.

"SEC. 141. POST-SERVICE STIPENDS.

"(a) Part-Time.—

"(1) Federal share.—The Corporation shall annually provide to each part-time participant a nontransferable post-service benefit that is equal in value to $750 for each year of service that such participant provides to the program.

"(2) Waiver.—A State may apply for a waiver to reduce the amount of the post-service benefit to an amount that is equal to not less than the average annual tuition and required fees at 4-year public institutions of higher education within such State.

"(3) Construction.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of post-service benefits provided under paragraph (1) to an amount in excess of that described in such paragraph.

"(b) Full-Time.—

"(1) Federal share.—The Corporation shall annually provide to each full-time participant a nontransferable post-service benefit for each year of service that such participant provides to the program, which benefit shall be equal in value to $1,500 for each such year.

"(2) State share.—A State may apply for a waiver to reduce the amount of the post-service benefit to an amount that is equal to not less than the average annual tuition, required fees, and room and board costs at 4-year public institutions of higher education within such State.

"(3) Construction.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of post-service benefits provided under paragraph (1) to an amount in excess of that described in such paragraph.

"(c) Post-Service Benefit.—

"(1) Part-time.—A post-service benefit provided under subsection (a) shall only be used for—

"(A) payment of a student loan from Federal or non-Federal sources;

"(B) tuition at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency; or

"(C) any other educational purpose determined appropriate by the Corporation.

"(2) Full-time.—A post-service benefit provided under subsection (b) shall only be used for—

"(A) payment of a student loan from Federal or non-Federal sources;

"(B) tuition, room and board, books and fees, and other costs associated with the cost of attendance (pursuant to section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll)) at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency; or

"(C) any other educational purpose determined appropriate by the Corporation.

"(d) REGULATION.—The Director shall by regulation specify procedures for the disbursal of post-service benefits provided under this section.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle C of title I of such Act and inserting the following new items:

"Subtitle C—National Service Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"Sec. 121. Authority to provide assistance.
"Sec. 122. Types of national service programs eligible for program assistance.
"Sec. 123. Demonstration efforts concerning educational or other post-service benefits.
"Sec. 124. Types of program assistance.
"Sec. 125. Other special assistance.

"PART II—APPLICATION AND APPROVAL PROCESS

"Sec. 129. Provision of assistance by competitive and other means.
"Sec. 130. Application for assistance.
"Sec. 131. National service program assistance requirements.
"Sec. 132. Ineligible service categories.
"Sec. 133. Consideration of applications.

"PART III—NATIONAL SERVICE PARTICIPANTS

"Sec. 137. Description of participants.
"Sec. 138. Selection of national service participants.
"Sec. 139. Terms of service.
"Sec. 140. Living allowances for national service participants.
"Sec. 141. Post-service stipends.".

SEC. 122. TRANSITION.

With respect to national service programs (as defined in section 101(15) of the National and Community Service Act of 1990) established under the provisions referred to in section 201(a), individuals who become participants in such programs after the date of enactment of this Act shall be eligible to use the post-service benefits to which such participants are eligible under such provisions only for the uses described in section 141(c)(2) of the National and Community Service Act of 1990 (as amended by this Act).

Subtitle D—Quality and Innovation

SEC. 131. QUALITY AND INNOVATION ACTIVITIES.

(a) REPEAL.—Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is repealed.

(b) INVESTMENT FOR QUALITY AND INNOVATION.—Title I of the National and Community Service Act of 1990 is amended by inserting after subtitle C (42 U.S.C. 12541 et seq.) the following new subtitle:

"Subtitle D—Investment for Quality and Innovation

"SEC. 145. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE AND VOLUNTEER PROGRAMS.

"(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may carry out this section directly or through grants, contracts, and cooperative agreements with other entities.

"(b) INNOVATION AND QUALITY IMPROVEMENT.—The Corporation may undertake activities to improve the quality of national service and volunteer programs and to support innovative and model programs, including the provision of training and technical assistance to—

"(1) service sponsors, including community-based agencies, that provide placements of participants and other volunteers, in order to improve the ability of such sponsors and agencies to use participants and other volunteers in a manner that results in high quality service and a positive service experience for the participants and volunteers; and

"(2) individuals, programs, State agencies, State Commissions, local governments, local educational agencies, community-based agencies, and other entities to enable them to apply for funding from the Corporation, to conduct high quality programs, to evaluate such programs, and for other purposes.

"SEC. 146. CLEARINGHOUSES.

"(a) ASSISTANCE.—The Corporation shall provide assistance to appropriate entities to establish one or more clearinghouses.

"(b) APPLICATION.—To be eligible to receive assistance under subsection (a), an entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

"(c) FUNCTION OF CLEARINGHOUSES.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local national service programs or volunteer programs (including service-learning programs);

"(2) conduct research and evaluations;

"(3) provide leadership development and training to appropriate persons;

"(4) facilitate communication among appropriate persons;

"(5) provide information, curriculum materials, and technical assistance to appropriate entities;

"(6) gather and disseminate information;

"(7) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

"(8) make recommendations to appropriate entities on quality controls to improve the delivery of services; and

"(9) carry out such other activities as the Director determines to be appropriate.".

(c) QUALITY AND INNOVATION.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle D of title I of such Act and inserting the following:

"Subtitle D—Investment for Quality and Innovation

"Sec. 145. Additional corporation activities to support national service and volunteer programs.
"Sec. 146. Clearinghouses.".

Subtitle E—Civilian Community Corps

SEC. 141. CIVILIAN COMMUNITY CORPS.

(a) REPEAL AND TRANSFER.—

(1) REPEAL.—Subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.) is repealed.

(2) TRANSFER.—Title I of the National and Community Service Act of 1990 is amended—

(A) by redesignating subtitle H (42 U.S.C. 12653 et seq.) as subtitle E;

(B) by inserting subtitle E (as redesignated by subparagraph (A) of this paragraph) after subtitle D; and

(C) by redesignating sections 195 through 195O as sections 151 through 166, respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) Section 1091(f)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended by striking "195G" and inserting "158".

(B) Paragraphs (1) and (2) of section 1092(b), and sections 1092(c), 1093(a), and 1094(a) of such Act are amended by striking "195A" and inserting "152".

(C) Sections 1091(f)(2), 1092(b)(1), and 1094(a), and subsections (a) and (c) of section 1095 of such Act are amended by striking "subtitle H" and inserting "subtitle E".

(D) Section 1094(b)(1) and subsections (b) and (c)(1) of section 1095 of such Act are amended by striking "subtitles B, C, D, E, F, and G" and inserting "subtitles B, C, D, F, and G".

(2) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) Section 153(a) of the National and Community Service Act of 1990 (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653b(a)) is amended by striking "195A(a)" and inserting "152(a)".

(B) Section 154(a) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653c(a)) is amended by striking "195A(a)" and inserting "152(a)".

(C) Section 155 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653d) is amended—

(i) in subsection (a), by striking "195H(c)(1)" and inserting "159(c)(1)";

(ii) in subsection (c)(2), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(iii) in subsection (d)(3), by striking "195K(a)(3)" and inserting "162(a)(3)".

(D) Section 156 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653e) is amended—

(i) in subsection (c)(1), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(ii) in subsection (d), by striking "195K(a)(3)" and inserting "162(a)(3)".

(E) Section 159 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653h) is amended—

(i) in subsection (a)—

(I) in the matter preceding paragraph (1), by striking "195A" and inserting "152"; and

(II) in paragraph (2), by striking "195" and inserting "151"; and

(ii) in subsection (c)(2)(C)(i), by striking "195K(a)(2)" and inserting "section 162(a)(2)".

(F) Section 161(b)(1)(B) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653j(b)(1)(B)) is amended by striking "195K(a)(3)" and inserting "162(a)(3)".

(G) Section 162(a)(2)(A) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653k(a)(2)(A)) is amended by striking "195(3)" and inserting "151(3)".

(H) Section 166 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653o) is amended—

(i) in paragraph (2), by striking "195D" and inserting "155";

(ii) in paragraph (8), by striking "195A" and inserting "152";

(iii) in paragraph (10), by striking "195D(d)" and inserting "155(d)"; and

(iv) in paragraph (11), by striking "195D(c)" and inserting "155(c)".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

"Subtitle E—Civilian Community Corps

"Sec. 151. Purpose.

"Sec. 152. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 153. National service program.
"Sec. 154. Summer national service program.
"Sec. 155. Civilian Community Corps.
"Sec. 156. Training.
"Sec. 157. Service projects.
"Sec. 158. Authorized benefits for Corps personnel under Federal law.
"Sec. 159. Administrative provisions.
"Sec. 160. Status of Corps members and Corps personnel under Federal law.
"Sec. 161. Contract and grant authority.
"Sec. 162. Responsibilities of other departments.
"Sec. 163. Advisory board.
"Sec. 164. Annual evaluation.
"Sec. 165. Funding limitation.
"Sec. 166. Definitions.".

Subtitle F—Administration

SEC. 151. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177"; and

(2) in subsection (b)(1), by striking "this title" and inserting "this Act".

SEC. 152. NONDISCRIMINATION.

Section 175 of the National and Community Service Act of 1990 (42 U.S.C. 12635) is amended to read as follows:

"SEC. 175. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with funds received under this title.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this title, of any member of the staff, of a project that receives assistance under this title, who was employed with the organization operating the project on the date the grant under this title was awarded.

"(d) RULES AND REGULATIONS.—The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

SEC. 153. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) CONSTRUCTION.—Section 176(e) of such Act (42 U.S.C. 12636(e)) is amended by adding before the period the following ", other than assistance provided pursuant to this Act".

(b) GRIEVANCE PROCEDURE.—Section 176(f) of such Act is amended to read as follows:

"(f) GRIEVANCE PROCEDURE.—

"(1) IN GENERAL.—A State or local applicant that receives assistance under this title shall establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning projects that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

"(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

"(3) DEADLINE FOR HEARING AND DECISION.—

"(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of such grievance.

"(B) DECISION.—A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

"(4) ARBITRATION.—

"(A) IN GENERAL.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

"(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding.

"(C) DEADLINE FOR DECISION.—A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.

"(D) COST.—The cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project that receives assistance under this title, such placement shall not be made unless the placement is consistent with the resolution of the grievance pursuant to this subsection.

"(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

"(A) suspension of payments for assistance under this title;

"(B) termination of such payments;

"(C) prohibition of the placement described in paragraph (5); and

"(D) in a case in which the grievance involves a violation of subsection (a) or (b) of section 177 and the employer of the displaced employee is the recipient of assistance under this title—

"(i) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(ii) payment of lost wages and benefits of the displaced employee; and

"(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee.

"(7) ENFORCEMENT.—Suits to enforce arbitration awards under this section may be brought in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy and without regard to the citizenship of the parties. Such a court shall give due deference to the decision of the arbitrator.".

SEC. 154. NONDISPLACEMENT.

Section 177(b)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)(3)) is amended—

(1) in subparagraph (B), to read as follows:

"(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties, or engage in activities, that—

"(i) will supplant the hiring of employed workers; or

"(ii) are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures."; and

(2) in subparagraph (C)(iii), to read as follows:

"(iii) employee who—

"(I) is subject to a reduction in force; or

"(II) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;".

SEC. 155. EVALUATION.

Section 179 of the National and Community Service Act of 1990 (42 U.S.C 12639) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "this title" and inserting "this Act"; and

(B) in paragraph (2), to read as follows:

"(2) for purposes of the reports required by subsection (j), the impact of such programs, in each State in which such a program is conducted, on the activities carried out under, and the effectiveness of, the national service and volunteer programs; and";

(2) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "subtitle D" and inserting "this Act";

(B) in paragraph (3), to read as follows:

"(3) encouraging each participant and volunteer to continue involvement in public and community service;"; and

(C) in paragraph (9), to read as follows:

"(9) attracting a greater number of citizens to public service.";

(3) by striking subsections (i) and (j); and

(4) by adding at the end the following:

"(i) INDEPENDENT EVALUATION AND REPORT OF DEMOGRAPHICS OF NATIONAL SERVICE PARTICIPANTS AND COMMUNITIES.—

"(1) INDEPENDENT EVALUATION.—

"(A) IN GENERAL.—The Corporation shall, on an annual basis, arrange for an independent evaluation of the programs assisted under subtitle C.

"(B) PARTICIPANTS.—

"(i) IN GENERAL.—The entity conducting such evaluation shall determine the demographic characteristics of the participants in such programs.

"(ii) CHARACTERISTICS.—The entity shall determine, for the year covered by the evaluation, the total number of participants in the programs, and the number of participants within the programs in such State, by sex, age, economic background, education level, ethnic group, disability classification, and geographic region.

"(iii) CATEGORIES.—The Corporation shall determine appropriate categories for analysis of each of the characteristics referred to in clause (ii) for purposes of such an evaluation.

"(C) COMMUNITIES.—In conducting the evaluation, the entity shall determine the amount of assistance provided under section 121 during the year that has been expended for projects conducted under the programs in areas described in section 133(c)(6).

"(2) REPORT.—The entity conducting the evaluation shall submit a report to the President, Congress, the Corporation, and each State Commission containing the results of the evaluation—

"(A) with respect to the evaluation covering the year beginning on the date of enactment of this subsection, not later than 18 months after such date; and

"(B) with respect to the evaluation covering each subsequent year, not later than 18 months after the first day of each such year.".

SEC. 156. CONTINGENT EXTENSION.

(a) IN GENERAL.—Section 181 of the National and Community Service Act of 1990 (42 U.S.C. 12641) is amended to read as follows:

"SEC. 181. CONTINGENT EXTENSION.

"Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 181 of such Act and inserting the following:

"Sec. 181. Contingent extension.".

SEC. 157. AUDITS.

(a) IN GENERAL.—Section 183 of the National and Community Service Act of 1990 (42 U.S.C. 12643) is amended to read as follows:

"SEC. 183. AUDITS.

"For purposes of the application of chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984') to State and local governments that receive financial assistance under this Act—

"(1) each program through which the State or local government receives such assistance shall be deemed to be a major Federal assistance program;

"(2) each audit conducted under such chapter with respect to a program shall be conducted annually;

"(3) each audit conducted under such chapter shall be conducted in accordance with the requirements of such chapter and the requirements of the regulations prescribed pursuant to section 7505 of such title, and with such requirements as the Comptroller General may specify; and

"(4) the provisions of section 422 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5062) shall apply with respect to maintenance of books, documents, papers, and records for such audits, in the same manner and to the same extent as such provisions apply to books, documents, papers, and records maintained for audits under such Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 183 of such Act and inserting the following:

"Sec. 183. Audits.".

SEC. 158. REPEALS.

(a) IN GENERAL.—Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.) is amended—

(1) by repealing sections 171, 185, and 186;

(2) by redesignating section 184 as section 171; and

(3) by inserting section 171 (as redesignated in paragraph (2) of this subsection) before section 172.

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended—

(1) by striking the item relating to section 171 and inserting the following:

"Sec. 171. Drug-free workplace requirements.";

and

(2) by striking the items relating to sections 184 and 185 of such Act.

Subtitle G—Organization

SEC. 161. STATE COMMISSIONS FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

(a) COMPOSITION AND DUTIES OF STATE COMMISSIONS.—Subtitle F of title I of the National and Community Service Act of 1990 is amended by striking section 178 (42 U.S.C. 12638) and inserting the following new section:

"SEC. 178. STATE COMMISSIONS FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

"(a) EXISTENCE REQUIRED.—

"(1) STATE COMMISSION.—Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C, a State shall maintain a State Commission for National Service and Community Volunteers that satisfies the requirements of this section.

"(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity (including an entity in existence on the date of enactment of this section) to carry out the duties otherwise entrusted to a State Commission under this Act. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission still provides for representatives described in subsection (c)(1) to play a significant policy-making role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 113 and 130.

"(b) APPOINTMENT AND SIZE.—The members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not less than 7 voting members and not more than 21 voting members.

"(c) COMPOSITION AND MEMBERSHIP.—

"(1) RECOMMENDED MEMBERS.—The State Commission for a State may include as voting members representatives from the following categories:

"(A) National service programs, such as a youth corps program described in section 122(a)(2), and a program in which older adults are participants.

"(B) Volunteer programs, such as a Retired Senior Volunteer Program under part A of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.), senior companion program under part C of title II of such Act (42 U.S.C. 5013 et seq.), or service-learning program under subtitle B.

"(C) Local governments in the State.

"(D) Community-based organizations.

"(E) Participants in service programs who are youth.

"(F) Participants in volunteer service programs who are older adults.

"(G) Educators.

"(H) Experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

"(I) Businesses and business groups.

"(J) Local labor organizations.

"(2) COMPOSITION.—The chief executive officer of a State shall ensure that the membership of the State Commission for the State is diverse with respect to race, ethnicity, age, gender, and geographic residence.

"(3) EX OFFICIO STATE REPRESENTATIVES.—The chief executive officer of a State may appoint ex officio nonvoting members of the State Commission.

"(4) LIMITATION ON NUMBER OF STATE EMPLOYEES AS MEMBERS.—The number of voting members of a State Commission selected under paragraph (1) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.

"(d) MISCELLANEOUS MATTERS.—

"(1) MEMBERSHIP BALANCE.—The chief executive officer of a State shall ensure that not more than 50 percent of the voting members of a State Commission, plus one additional member, are from the same political party.

"(2) TERMS.—Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.

"(3) VACANCIES.—As vacancies occur on a State Commission, new members shall be appointed by the chief executive of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

"(4) COMPENSATION.—A member of a State Commission or alternative administrative entity shall not receive any additional compensation by reason of service on the State Commission or alternative administrative entity, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.

"(5) CHAIRPERSON.—The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.

"(e) DUTIES OF A STATE COMMISSION.—The State Commission or alternative administrative entity for a State shall be responsible for the following duties:

"(1) Preparing, submitting to the Corporation, and obtaining approval of, a national service and volunteer strategic plan for the national service programs and volunteer programs to be carried out in the State that—

"(A) covers a 3-year period;

"(B) is updated annually; and

"(C) contains such information as the State Commission or alternative administrative entity considers to be appropriate and as the Corporation may require.

"(2) Preparing, submitting to the Corporation, and obtaining approval of, the applications of the State under sections 113 and 130 for financial assistance.

"(3) Assisting in the provision of health care and child care benefits under section 140 to participate in national service programs that receive assistance under subtitle C in the State.

"(4) Developing a State system for the—

"(A) recruitment of participants and volunteers for, and placement of participants and volunteers in—

"(i) national service programs under this Act in the State, other than activities that receive assistance under section 123; or

"(ii) volunteer programs under this Act in the State; and

"(B) dissemination of information concerning programs that receive assistance under this Act.

"(5) Administering the grant programs in support of—

"(A) national service programs that are conducted by the State using assistance provided to the State under subtitle C; and

"(B) volunteer programs that are conducted by the State using assistance provided to the State under subtitle B,

including selection, oversight, and evaluation of grant recipients.

"(6) Developing projects, training methods, curriculum materials, and other materials and activities related to—

"(A) national service programs in the State that receive assistance directly from the Corporation or from the State using assistance provided under this Act; and

"(B) volunteer programs in the State that receive assistance directly from the Corporation or from the State using assistance provided under this Act.

"(f) Activity Ineligible for Assistance.—A State Commission or alternative administrative entity may not directly carry out any national service program that receives assistance under subtitle C.

"(g) Delegation.—Subject to such requirements as the Corporation may prescribe, a State Commission may delegate nonpolicymaking duties to a State agency or public or private not-for-profit organization.

"(h) Approval of State Commission or Alternative.—

"(1) Submission to corporation.—The chief executive officer for a State shall notify the Corporation of the establishment or designation of the State Commission or use of an alternative administrative entity for the State. The notification shall include a description of—

"(A) the composition and membership of the State Commission or alternative administrative entity; and

"(B) the authority of the State Commission or alternative administrative entity regarding national service and volunteer activities carried out by the State.

"(2) Approval of alternative administrative entity.—Any designation of a State Commission or use of an alternative administrative entity to carry out the duties of a State Commission shall be subject to the approval of the Corporation.

"(3) Rejection.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. The Corporation may reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that the duties of the entity do not comply with the requirements of this section or that the use of the alternative administrative entity does not allow individuals described in subsection (c)(1) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission. The Corporation shall reject a State Commission or alternative administrative entity if the Commission or entity fails to demonstrate that the Commission or entity has sufficient authority to carry out the duties described in subsection (d). If the Corporation rejects a State Commission or alternative administrative entity under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.

"(4) Resubmission and reconsideration.—The Corporation shall provide a State notified under paragraph (3) with a reasonable opportunity to revise the rejected State Commission or alternative administrative entity. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of a notification under paragraph (1) or application to use an alternative administrative entity under paragraph (2).

"(5) Subsequent changes.—This subsection shall also apply to any change in the composition or duties of a State Commission or an alternative administrative entity made after approval of the State Commission or the alternative administrative entity.

"(i) Review and Approval of Strategic Plans.—

"(1) Review.—The Corporation shall review and approve strategic plans submitted by State Commissions and alternative administrative entities under this section.

"(2) Rejection.—The Corporation may reject such a strategic plan if the Corporation determines that the plan does not meet the requirements of this Act, the Domestic Volunteer Service Act of 1973, part B of title XI of the Higher Education Act of 1965, and Public Law 91–378. If the Corporation rejects such a strategic plan, the Corporation shall promptly notify the State of the reasons for the rejection.

"(3) Resubmission and reconsideration.—The Corporation shall provide a State notified under paragraph (2) with a reasonable opportunity to revise the rejected plan. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of such a plan.

"(4) Subsequent changes.—This subsection shall also apply to any update of such a strategic plan made after approval of the plan.

"(j) Liability.—

"(1) Liability of state.—Except as provided in paragraph (2)(B), a State shall agree to assume liability with respect to any claim arising out of or resulting from any act or omission by a member of the State Commission or alternative administrative entity of the State, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(2) Other claims.—

"(A) In general.—A member of the State Commission or alternative administrative entity shall have no personal liability with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(B) Limitation.—This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the State Commission or alternative administrative entity.

"(3) Effect on other law.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such service;

"(B) to affect any other right or remedy against the State under applicable law, or against any person other than a member of the State Commission or alternative administrative entity; or

"(C) to limit or alter in any way the immunities that are available under applicable law for State officials and employees not described in this subsection.".

(b) Table of Contents.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 178 and inserting the following new item:

"Sec. 178. State Commissions for National Service and Community Volunteers.".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 162. INTERIM AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND ACTION AGENCY.

(a) National and Community Service Act of 1990.—Subtitle G of title I of the National and Community Service Act of 1990 (42 U.S.C. 12651) is amended to read as follows:

"SEC. 191. CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

"There is established a Corporation for National Service and Community Volunteers that shall administer the programs established under this Act. The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

"SEC. 192. BOARD OF DIRECTORS.

"(a) Board of Directors.—

"(1) Composition.—

"(A) Appointment.—There shall be in the Corporation a Board of Directors (hereafter referred to in this subtitle as the 'Board') that shall be composed of—

"(i) 9 members appointed by the President with the advice and consent of the Senate; and

"(ii) the Director, who shall serve as an ex officio nonvoting member of the Board.

"(B) Qualifications.—To the maximum extent practicable, the President shall appoint members—

"(i) who have extensive experience in volunteer and service programs and who represent a broad range of viewpoints; and

"(ii) so that the Board shall be diverse with respect to race, ethnicity, age, gender, and geographic residence.

"(2) Political parties.—Not more than 5 members of the Board shall be from the same political party.

"(3) Nominations.—Two members of the Board shall be appointed from among individuals nominated jointly by the Speaker and the Minority Leader of the House of Representatives, and 2 of such members shall be appointed from among individuals nominated jointly by the Majority Leader and Minority Leader of the Senate.

"(b) Terms.—Each appointed member of the Board shall serve for a term of 3 years, except that 3 of the members first appointed to the Board after the date of enactment of this section shall serve for a term of 1 year and 3 shall serve for a term of 2 years, as designated by the President.

"(c) Vacancies.—As vacancies occur on the Board, new members shall be appointed by the President, by and with the advice and consent of the Senate, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

"SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) Chairperson and Vice Chairperson.—The Board shall elect a chairperson and vice chairperson from among its membership. The Director shall not be eligible to serve as the chairperson or vice chairperson.

"(b) OTHER OFFICERS.—The Board may elect from among its membership such additional officers for the Board as the Board determines to be appropriate.

"(c) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings if 6 members of the Board request such meetings in writing. A majority of the appointed members of the Board shall constitute a quorum.

"(d) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for persons employed intermittently in the Government service.

"(e) SPECIAL GOVERNMENT EMPLOYEES.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, and any other provision of Federal law, a member of the Board (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(f) STATUS OF MEMBERS.—

"(1) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a member of the Board shall be considered to be a Federal employee.

"(2) OTHER CLAIMS.—A member of the Board has no personal liability under Federal law with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the Board, in connection with any transaction involving the provision of financial assistance by the Corporation. This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions;

"(B) to affect any other right or remedy against the Corporation, against the United States under applicable law, or against any person other than a member of the Board participating in such transactions; or

"(C) to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.

"(g) DUTIES.—The Board shall—

"(1) review and approve the strategic plan described in section 193A(b)(1), and annual updates of the plan;

"(2) review and approve the proposal described in section 193A(b)(2)(A), with respect to the grants, allotments, contracts, financial assistance, and payments referred to in such section;

"(3) review and approve the proposal described in section 193A(b)(3)(A), regarding the regulations, standards, policies, procedures, programs, and initiatives referred to in such section;

"(4) review and approve the evaluation plan described in section 193A(b)(4)(A);

"(5)(A) review, and advise the Director regarding, the actions of the Director with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) inform the Director of any aspects of the actions of the Director that are not in compliance with the annual strategic plan referred to in paragraph (1), the proposals referred to in paragraphs (2) and (3), or the plan referred to in paragraph (4), or are not consistent with the objectives of this Act;

"(6) receive, and act on, the reports issued by the Inspector General of the Corporation;

"(7) make recommendations relating to a program of research for the Corporation with respect to national service and volunteer programs, including service-learning programs;

"(8) advise the President and the Congress concerning developments in national service and volunteer programs that merit the attention of the President and the Congress;

"(9) ensure effective dissemination of information regarding the programs and initiatives of the Corporation; and

"(10) carry out any other activities determined to be appropriate by the Director.

"(h) ADMINISTRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

"SEC. 193. DIRECTOR.

"(a) APPOINTMENT.—There shall be in the Corporation a Director of the Corporation, and who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) COMPENSATION.—The Director shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) REGULATIONS.—The Director shall prescribe such rules and regulations as are necessary or appropriate to carry out this Act.

"SEC. 193A. AUTHORITIES AND DUTIES OF THE DIRECTOR.

"(a) GENERAL POWERS AND DUTIES.—The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board, and shall have authority and control over all personnel of the Corporation.

"(b) DUTIES.—In addition to the duties conferred on the Director under any other provision of this Act, the Director shall—

"(1) prepare and submit to the Board a strategic plan every 5 years, and annual updates of the plan, for the Corporation with respect to the major functions and operations of the Corporation;

"(2)(A) prepare and submit to the Board a proposal with respect to such grants and allotments, contracts, and other financial assistance, as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(2), make such grants and allotments, enter into such contracts, award such other financial assistance, and make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of financial assistance otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments) as are necessary or appropriate to carry out this Act;

"(3)(A) prepare and submit to the Board a proposal regarding, the regulations established under section 195(a)(3)(B)(i), and such other standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(3)—

"(i) establish such standards, policies, and procedures as are necessary or appropriate to carry out this Act; and

"(ii) establish and administer such programs and initiatives as are necessary or appropriate to carry out this Act;

"(4)(A) prepare and submit to the Board a plan for the evaluation of programs established under this Act, in accordance with section 179; and

"(B) after receiving an approved proposal under section 192A(g)(4)—

"(i) establish measurable performance goals and objectives for such programs, in accordance with section 179; and

"(ii) provide for periodic evaluation of such programs to assess the manner and extent to which the programs achieve the goals and objectives, in accordance with such section;

"(5) consult with appropriate Federal agencies in administering the programs and initiatives;

"(6) suspend or terminate payments described in paragraph (2)(B), in accordance with section 176;

"(7) prepare and submit to the Board an annual report, and such interim reports as may be necessary, describing the major actions of the Director with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives;

"(8) inform the Board of, and provide an explanation to the Board regarding, any substantial differences between—

"(A) the actions of the Director; and

"(B)(i) the strategic plan approved by the Board under section 192A(g)(1);

"(ii) the proposals approved by the Board under paragraph (2) or (3) of section 192A(g); or

"(iii) the plan approved by the Board under section 192A(g)(4); and

"(9) prepare and submit to the appropriate committees of Congress an annual report, and such interim reports as may be necessary, describing—

"(A) the services referred to in paragraph (1), and the money and property referred to in paragraph (2), of section 196(a) that have been accepted by the Corporation;

"(B) the manner in which the Corporation used or disposed of such services, money, and property; and

"(C) information on the results achieved by the programs funded under this Act during the year preceding the year in which the report is prepared.

"(c) POWERS.—In addition to the authority conferred on the Director under any other provision of this Act, the Director may—

"(1) establish, alter, consolidate, or discontinue such organizational units or components within the Corporation as the Director considers necessary or appropriate;

"(2) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act;

"(3) with their consent, utilize the services and facilities of Federal agencies with or without reimbursement, and, with the consent of any State, or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions with or without reimbursement;

"(4) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act, including expenditure for construction, repairs, and capital improvements;

"(5) disseminate, without regard to the provisions of section 3204 of title 39, United

States Code, data and information, in such form as the Director, upon the recommendation of the Board, shall determine to be appropriate to public agencies, private organizations, and the general public;

"(6) collect or compromise all obligations to or held by the Director and all legal or equitable rights accruing to the Director in connection with the payment of obligations in accordance with chapter 37 of title 31, United States Code (commonly known as the 'Federal Claims Collection Act of 1966');

"(7) expend funds made available for purposes of this Act, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Director;

"(8) file a civil action in any court of record of a State having general jurisdiction or in any district court of the United States, with respect to a claim arising under this Act;

"(9) exercise the authorities of the Corporation under section 196; and

"(10) generally perform functions and take steps consistent with the objectives and provisions of this Act.

"(d) DELEGATION.—

"(1) DEFINITION.—As used in this subsection, the term 'function' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

"(2) IN GENERAL.—Except as otherwise prohibited by law or provided in this Act, the Director may delegate any function under this Act, and authorize such successive redelegations of such function as may be necessary or appropriate. No delegation of a function by the Director under this subsection or under any other provision of this Act shall relieve such Director of responsibility for the administration of such function.

"(3) FUNCTION OF BOARD.—The Director may not delegate a function of the Board without the permission of the Board.

"(e) ACTIONS.—In an action described in subsection (c)(8)—

"(1) a district court referred to in such subsection shall have jurisdiction of such a civil action without regard to the amount in controversy;

"(2) such an action brought by the Director shall survive notwithstanding any change in the person occupying the office of Director or any vacancy in that office;

"(3) no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Director or the Board or property under the control of the Director or the Board; and

"(4) nothing in this section shall be construed to except litigation arising out of activities under this Act from the application of sections 509, 517, 547, and 2679 of title 28, United States Code.

"SEC. 194. MANAGEMENT.

"(a) MANAGEMENT.—

"(1) IN GENERAL.—After receiving and reviewing the recommendations of the Board, the Director shall devise a management structure for the Corporation, and shall appoint, in accordance with section 195, such fiscal, legal, administrative, and program personnel as are needed to carry out the responsibilities of the Corporation.

"(2) DIVISIONS.—In establishing the management structure of the Corporation, the Director shall appoint individuals who shall be primarily responsible for—

"(A) the national service programs; and

"(B)(i) volunteer programs that are service-learning programs;

"(ii) volunteer programs that are senior programs; and

"(iii) volunteer programs that are Federal volunteer programs.

"(b) INSPECTOR GENERAL.—

"(1) OFFICE.—There shall be in the Corporation an Office of the Inspector General.

"(2) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed by the Director.

"(3) COMPENSATION.—The Inspector General shall be compensated at the rate determined by the Director, which shall not exceed the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(4) DUTIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of the Inspector General Act of 1978 (5 U.S.C. App.)—

"(i) the Corporation shall be considered to be a designated Federal entity, as defined in section 8E(a)(2) of such Act; and

"(ii) the Director shall be considered to be the head of the designated Federal entity, as defined in section 8E(a)(4) of such Act.

"(B) PROGRAM FRAUD.—For purposes of chapter 38 of title 31, United States Code (commonly known as the 'Program Fraud Civil Remedies Act of 1986')—

"(i) the Corporation shall be considered to be an authority, as defined in section 3801(a)(1) of such Act;

"(ii) the Director shall be considered to be an authority head, as defined in section 3801(a)(2) of such Act; and

"(iii) the Inspector General shall be considered to be an investigating official, as defined in section 3801(a)(4) of such Act.

"SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PERSONNEL.

"(a) EMPLOYEES.—

"(1) IN GENERAL.—The Director may appoint and determine the compensation of such employees necessary to carry out the duties of the Corporation.

"(2) TERMS.—

"(A) INITIAL TERM.—

"(i) LENGTH OF TERM.—Such an employee shall be appointed for an initial term that shall not exceed 5 years.

"(ii) PROBATION PERIOD.—The Director shall take such action, including the issuance of rules, regulations, and directives, as shall provide, as nearly as conditions of good administration warrant, for a 1-year period of probation before such an appointment becomes final.

"(B) APPOINTMENT EXTENSIONS.—The appointment of an employee may be extended by the Director, after receiving and reviewing the recommendations of the Board.

"(C) APPOINTMENT IN THE COMPETITIVE SERVICE AFTER EMPLOYMENT IN THE CORPORATION.—

"(i) EMPLOYEES WITH NOT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code.

"(ii) DEFINITION.—As used in this subparagraph, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(3) APPOINTMENT AND COMPENSATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)(iv), the Director may appoint and determine the compensation of employees under this subsection without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(B) CORPORATION SELECTION AND COMPENSATION SYSTEMS.—

"(i) ESTABLISHMENT OF SYSTEM.—The Director, in consultation with the Director of the Office of Personnel Management and after reviewing the recommendations of the Board under section 192A(g)(3), shall issue regulations establishing selection and compensation systems for the Corporation. In issuing such regulations, the Director shall take into consideration the need for flexibility in such a system.

"(ii) APPLICATION.—The Director shall appoint and determine the compensation of employees referred to in paragraph (1) in accordance with the selection and compensation systems referred to in clause (i).

"(iii) SELECTION SYSTEM.—The selection system shall provide for the selection of such an employee for such a position—

"(I) through a competitive process; and

"(II) on the basis of the qualifications of applicants and the requirements of the position.

"(iv) COMPENSATION SYSTEM.—The compensation system shall include a scheme for the classification of positions in the Corporation. The system shall require that the compensation of such an employee be determined based in part on the job performance of the employee, and in a manner consistent with the principles described in section 5301 of title 5, United States Code. The rate of compensation for each employee compensated through the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) CONSULTANTS.—The Director may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

"(c) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the Director and the head of the Federal agency, any of the personnel of that department or agency to the Corporation to assist the Corporation in carrying out the duties of the Corporation under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"SEC. 196. ADMINISTRATION.

"(a) DONATIONS.—

"(1) SERVICES.—

"(A) VOLUNTEERS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may accept the voluntary services of individuals to assist the Corporation in carrying out the duties of the Corporation under this Act, and may provide to such individuals the travel expenses described in section 192A(d).

"(B) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

"(i) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee; and

"(ii) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.

"(C) INHERENTLY GOVERNMENTAL FUNCTION.—

"(i) IN GENERAL.—Such a volunteer shall not carry out an inherently government function.

"(ii) REGULATIONS.—The Director shall promulgate regulations to carry out this subparagraph.

"(iii) INHERENTLY GOVERNMENTAL FUNCTION.—As used in this subparagraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of value judgment in making a decision for the Government.

"(2) PROPERTY.—The Corporation may accept, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Donations accepted under this subparagraph shall be used as nearly as possible in accordance with the terms, if any, of such donation.

"(3) RULES.—The Director shall establish written rules setting forth the criteria to ensure that the acceptance of contributions of money or property, real, personal, or mixed, tangible or intangible, received by gift, device, bequest, or otherwise (pursuant to paragraph (2)) will not reflect unfavorably upon the ability of the Corporation or any employee of the Corporation to carry out the responsibilities or official duties of the Corporation in a fair and objective manner, or compromise the integrity of the programs of the Corporation or any official involved in such programs.

"(4) DISPOSITION.—Upon completion of the use by the Corporation of any property described in paragraph (2), such completion shall be reported to the General Services Administration and such property shall be disposed of in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(5) VOLUNTEER.—As used in this subsection, the term 'volunteer' does not include a participant.

"(b) CONTRACTS.—Subject to the Federal Property and Administrative Services Act of 1949, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to carry out the duties of the Corporation under this Act.

"(c) OFFICE OF MANAGEMENT AND BUDGET.—Appropriate circulars of the Office of Management and Budget shall apply to the Corporation.".

(b) RELATIONSHIP TO OTHER NATIONAL SERVICE AND DOMESTIC VOLUNTEER PROGRAMS.—

(1) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(A) AUTHORITY.—Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by inserting after the second sentence the following: "The Director shall report directly to the Director of the Corporation for National Service and Community Volunteers.".

(B) RELATIONSHIP WITH STATE PLANS AND OTHER REQUIREMENTS.—Title IV of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 et seq.) is amended by inserting after section 404 the following:

"SEC. 405. RELATIONSHIP WITH STATE PLANS AND OTHER REQUIREMENTS.

"In carrying out programs, and in providing assistance to recipients to carry out programs, in a State under this title, the Director shall ensure that such programs will be carried out in accordance with—

"(1) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(2) the priorities established under section 122(c) of such Act; and

"(3) such other requirements as the Director of such Corporation may by regulation specify.".

(2) YOUTH CONSERVATION CORPS ACT OF 1970.—Section 3(a) of Public Law 91–378 (16 U.S.C. 1701–1706; commonly known as the "Youth Conservation Corps Act of 1970") is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (6) the following:

"(7) in providing assistance to recipients to carry out programs under this Act in a State, ensure that such programs will be carried out in accordance with—

"(A) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(B) the priorities established under section 122(c) of such Act; and

"(C) such other requirements as the Director of such Corporation may by regulation specify.".

(3) HIGHER EDUCATION ACT OF 1965.—Subpart 3 of part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1139) is amended—

(A) by striking the subpart heading and inserting the following:

"Subpart 3—General Provisions"; and

(B) by adding at the end the following:

"SEC. 1152. RELATIONSHIP WITH STATE PLANS.

"In providing assistance to recipients to carry out programs in a State under this part, the Secretary shall ensure that such programs will be carried out in accordance with—

"(1) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(2) the priorities established under section 122(c) of such Act; and

"(3) such other requirements as the Director of such Corporation may by regulation specify.".

(c) TRANSFER OF FUNCTIONS OF COMMISSION ON NATIONAL AND COMMUNITY SERVICE.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context, each term specified in section 163(c)(1) shall have the meaning given the term in such section.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation the functions that the Board of Directors or Executive Director of the Commission on National and Community Service exercised before the effective date of this subsection (including all related functions of any officer or employee of the Commission).

(3) APPLICATION.—The provisions of paragraphs (3) through (10) of section 163(c) shall apply with respect to the transfer described in paragraph (2), except that—

(A) for purposes of such application, references to the term "ACTION Agency" shall be deemed to be references to the Commission on National and Community Service; and

(B) paragraph (10) of such section shall not preclude the transfer of the members of the Board of Directors of the Commission to the Corporation if, on the effective date of this subsection, the Board of Directors of the Corporation has not been confirmed.

(d) CONTINUING PERFORMANCE OF CERTAIN FUNCTIONS.—The individuals who, on the day before the date of enactment of this Act, are performing any of the functions required by section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as in effect on such date, to be performed by the members of the Board of Directors of the Commission on National and Community Service may, subject to section 193A of the National and Community Service Act of 1990, as added by subsection (a) of this section, continue to perform such functions until the date on which the Board of Directors of the Corporation for National Service and Community Volunteers conducts the first meeting of the Board. The service of such individuals as members of the Board of Directors of such Commission, and the employment of such individuals as special government employees, shall terminate on such date.

(e) JOB SEARCH ASSISTANCE.—The Director shall establish a program to provide, or shall seek to enter into a memorandum of understanding with the Director of the Office of Personnel Management to provide, job search and related assistance to—

(1) employees of the ACTION agency who are not transferred to the Corporation for National Service and Community Volunteers under section 163(c); and

(2) employees of the Department of Agriculture, Department of the Interior, or Department of Education who are separated from such Departments because of the requirements of title II.

(f) GOVERNMENT CORPORATION CONTROL.—

(1) WHOLLY OWNED GOVERNMENT CORPORATION.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) the Corporation for National Service and Community Volunteers.".

(2) AUDITS.—Section 9105(a)(1) of title 31, United States Code, is amended by inserting ", or under other Federal law," before "or by an independent".

(g) DISPOSAL OF PROPERTY.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following:

"(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the Director of the Corporation for National Service and Community Volunteers for disposal such surplus property as is recommended by the Director as being needed for national service activities.

"(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the Director of a proposed transfer of property for such activities, the Director, through such officers or employees of the Corporation as the Director may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 for such activities.

"(C) In fixing the sale or lease value of such property, the Director shall comply with the requirements of paragraph (1)(C).".

(h) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle G of title I of such Act and inserting the following:

"Subtitle G—Corporation for National Service and Community Volunteers

"Sec. 191. Corporation for National Service and Community Volunteers.
"Sec. 192. Board of Directors.
"Sec. 192A. Authorities and duties of the Board of Directors.
"Sec. 193. Director.
"Sec. 193A. Authorities and duties of the Director.
"Sec. 194. Management.
"Sec. 195. Employees, consultants, and other personnel.
"Sec. 196. Administration.".

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 1993.

(2) ESTABLISHMENT AND APPOINTMENT AUTHORITIES.—Sections 191, 192, and 193 of the National and Community Service Act of 1990, as added by subsection (a), shall take effect on the date of enactment of this Act.

SEC. 163. FINAL AUTHORITIES OF THE CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) APPLICATION.—Section 178(e) of the National and Community Service Act of 1990 (as amended by section 161 of this Act) is amended, and subtitle G of such Act (as amended by section 162 of this Act) is amended in section 191, section 192A(g)(5), section 193(c), subsections (b), (c) (other than paragraph (8)), and (d) of section 193A, section 195(c), and subsections (a) and (b) of section 196, by striking "this Act" each place the term appears and inserting "the national service laws".

(2) GRANTS.—Section 192A(g) of the National and Community Service Act of 1990 (as added by section 162 of this Act) is amended—

(A) by striking "and" at the end of paragraph (9);

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

"(10) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under the provisions of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973), which may provide that the agency or organization shall pay all or a part of the costs of the program; and".

(b) AUTHORITIES OF ACTION AGENCY.—Sections 401 and 402 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 and 5042) are repealed.

(c) TRANSFER OF FUNCTIONS FROM ACTION AGENCY.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context—

(A) the term "Corporation" means the Corporation for National Service and Community Volunteers, established under section 191 of the National and Community Service Act of 1990;

(B) the term "Director" means the Director of the Corporation;

(C) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(D) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(E) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation such functions as the President determines to be appropriate that the Director of the ACTION Agency exercised before the effective date of this subsection (including all related functions of any officer or employee of the ACTION Agency).

(3) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under paragraph (2).

(4) REORGANIZATION.—The Director is authorized to allocate or reallocate any function transferred under paragraph (2) among the officers of the Corporation, after providing notice of the allocation or reallocation to Congress.

(5) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this subsection, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this subsection, subject to section 1531 of title 31, United States Code, shall be transferred to the Corporation. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(6) INCIDENTAL TRANSFER.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this subsection, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subsection. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this subsection and for such further measures and dispositions as may be necessary to effectuate the purposes of this subsection.

(7) EFFECT ON PERSONNEL.—

(A) IN GENERAL.—Except as otherwise provided by this subsection, the transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection.

(B) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(C) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this subsection, shall terminate on the effective date of this subsection.

(8) SAVINGS PROVISIONS.—

(A) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(i) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subsection; and

(ii) that are in effect at the time this subsection takes effect, or were final before the effective date of this subsection and are to become effective on or after the effective date of this subsection,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) PROCEEDINGS NOT AFFECTED.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACTION Agency at the time this subsection takes effect, with respect to functions transferred by this subsection but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.

(C) SUITS NOT AFFECTED.—The provisions of this subsection shall not affect suits commenced before the effective date of this subsection, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

(D) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the ACTION Agency, or by or against any individual in the official capacity of such individual as an officer of the ACTION Agency, shall abate by reason of the enactment of this subsection.

(E) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the ACTION Agency relating to a function transferred under this subsection may be continued by the Corporation with the same effect as if this subsection had not been enacted.

(9) SEVERABILITY.—If a provision of this subsection or its application to any person or circumstance is held invalid, neither the remainder of this subsection nor the application of the provision to other persons or circumstances shall be affected.

(10) TRANSITION.—Prior to, or after, any transfer of a function under this subsection, the Director is authorized to utilize—

(A) the services of such officers, employees, and other personnel of the ACTION Agency with respect to functions that will be or have been transferred to the Corporation by this subsection; and

(B) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subsection.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section, and the amendments made by this section, shall take effect—

(A) 18 months after the date of enactment of this Act; or

(B) on such earlier date as the President shall determine to be appropriate and announce by proclamation published in the Federal Register.

(2) TRANSITION.—Subsection (c)(10) shall take effect on the date of enactment of this Act.

Subtitle H—Other Activities

SEC. 171. POINTS OF LIGHT FOUNDATION.

Section 301(b)(3) of the National and Community Service Act (42 U.S.C. 12661(b)(3)) is amended by inserting "and make awards to" after "develop".

Subtitle I—Authorization of Appropriations

SEC. 181. AUTHORIZATION.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended to read as follows:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) NATIONAL AND COMMUNITY SERVICE.—

"(1) SERVICE-LEARNING.—There are authorized to be appropriated to carry out subtitle B of title I, including any administrative costs of carrying out such subtitle, $30,600,000 for each of fiscal years 1994 and 1995.

"(2) NATIONAL SERVICE.—

"(A) IN GENERAL.—There are authorized to be appropriated to carry out subtitles C and D of title I, including any administrative costs of carrying out such subtitles, $100,000,000 for each of fiscal years 1994 and 1995.

"(B) LIMITATION ON ADMINISTRATION.—Of the amounts appropriated under subparagraph (A) for any fiscal year, not more than 10 percent may be made available to pay for the administrative costs of carrying out such subtitles.

"(b) POINTS OF LIGHT FOUNDATION.—There are authorized to be appropriated to carry out title III, $5,000,000 for each of fiscal years 1994 and 1995.".

(b) EXTENSION OF AUTHORITY TO CONDUCT CIVILIAN COMMUNITY CORPS.—Section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2534) is further amended by adding at the end the following new sentence: "The amount made available for the Civilian Community Corps Demonstration Program pursuant to this subsection shall remain available for expenditure during fiscal years 1993, 1994, and 1995.".

Subtitle J—General Provisions

SEC. 191. EFFECTIVE DATE.

Except as otherwise provided, this title, and the amendments made by this title, shall take effect on October 1, 1993.

TITLE II—OTHER SERVICE PROGRAMS

SEC. 201. REPEALS OF SERVICE PROGRAMS.

(a) IN GENERAL.—The following provisions are repealed:

(1) Subtitles D and E of title I (as amended by sections 131 and 141 of this Act), and title III, of the National and Community Service Act of 1990.

(2) Parts A, B, and C of title I, and title II, of the Domestic Volunteer Service Act of 1973. (42 U.S.C. 4951 et seq., 4971 et seq., 4991 et seq., and 5000 et seq.).

(3) Part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1137 et seq.).

(4) Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970").

(b) EFFECTIVE DATE.—The repeals made by subsection (a) shall take effect 24 months after the amendments made by section 121 take effect.

SEC. 202. TRANSITION.

(a) STUDY AND REPORT.—

(1) STUDY.—The Director of the Corporation for National Service and Community Volunteers (referred to in this title as the "Director") shall, in consultation with the Secretary of Education, the Director of ACTION, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, and the Director of the Office of Personnel Management, conduct a study to examine—

(A) strategies for carrying out, under subtitle C of title I of the National and Community Service Act of 1990, through the division of the Corporation that carries out national service programs, the programs and activities that are being carried out under—

(i) subtitles D and E of title I of the National and Community Service Act of 1990 (as amended by sections 131 and 141 of this Act);

(ii) part A of title I, and, in particular, section 109, of the Domestic Volunteer Service Act of 1973;

(iii) part B of title XI of the Higher Education Act of 1965; and

(iv) Public Law 91-378; and

(B) strategies for carrying out, under subtitle B of title I of the National and Community Service Act of 1990, through the division of the Corporation that carries out volunteer programs, the programs and activities that are being carried out under—

(i) title III of the National and Community Service Act of 1990; and

(ii) parts B and C of title I, and parts A, B, and C, of title II, of the Domestic Volunteer Service Act of 1973.

(2) REPORT.—Not later than 21 months after the amendments made by section 121 take effect, the Director of the Corporation for National Service and Community Volunteers shall submit to the appropriate committees of Congress a report containing—

(A) the findings and conclusions of the Director, based on the study described in paragraph (1); and

(B) recommendations for legislative reform to carry out—

(i) the programs and activities specified in paragraph (1)(A) under subtitle C of title I of the National and Community Service Act of 1990; and

(ii) the programs and activities specified in paragraph (1)(B) under subtitle B of such title.

(3) MODIFICATION.—Notwithstanding any other provision of this Act and to the extent the Corporation for National Service and Community Volunteers determines it is appropriate and fiscally responsible, the Corporation may include in the report recommendations to reduce the period between the date of the enactment of this Act and the effective date provided in section 201(b).

(4) EFFECT OF RECOMMENDATIONS.—Unless the Congress enacts a disapproval resolution under the procedures described in section 203 not later than the date that is 90 days after the submission of the report described in paragraph (2), on such date, the recommendations contained within the report shall have the force of law.

(b) REGULATIONS.—

(1) IN GENERAL.—The Director shall issue such regulations as are necessary to provide for a transition to the implementation of the programs and activities specified in subsection (a)(1).

(2) CONSIDERATIONS.—In promulgating the regulations described in paragraph (1) the Director shall take into consideration the findings and conclusions of the study described in subsection (a)(1).

SEC. 203. RULES GOVERNING CONGRESSIONAL CONSIDERATION.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of disapproval resolutions described in subsection (b), and supersedes other rules only to the extent that such rules are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) TERMS OF THE RESOLUTION.—For purposes of this Act, the term "disapproval resolution" means only a joint resolution of the two Houses of the Congress, providing in—

(1) the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the Director of the Corporation for National Service and Community Volunteers as submitted by the Director on ___________________", the blank space being filled in with the appropriate date; and

(2) the title of which is as follows: "Joint Resolution disapproving the action of the Director of the Corporation for National Service and Community Volunteers".

(c) INTRODUCTION AND REFERRAL.—On the day on which the report describing the action of the Director of the Corporation for National Service and Community Volunteers is transmitted to the House of Representatives and the Senate, a disapproval resolution with respect to such action shall be introduced (by request) in the House of Representatives by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader and Minority Leader of the House; and shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. If either House is not in session on the day on which such an action is transmitted, the disapproval resolution with respect to such action shall be introduced in the House, as provided in the preceding sentence, on the first day thereafter on which the House is in session. The disapproval resolution introduced in the House of Representatives and the Senate shall be referred to the appropriate committees of each House.

(d) AMENDMENTS PROHIBITED.—No amendment to a disapproval resolution shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the committee or committees of either House to which a disapproval resolution has been referred have not reported it at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the disapproval resolution and it shall be placed on the appropriation calendar. A vote on final passage of the disapproval resolution shall be taken in each House on or before the close of the 45th day after the disapproval resolution is reported by the committees or committee of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the disapproval resolution. If prior to the passage by one House of a disapproval resolution of that House, that House receives the same disapproval resolution from the other House then—

(A) the procedure in that House shall be the same as if no disapproval resolution had been received from the other House; but

(B) the vote on final passage shall be on the disapproval resolution of the other House.

(2) COMPUTATION OF DAYS.—For purposes of paragraph (1), in computing a number of days in either House, there shall be excluded any day on which the House is not in session.

(f) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) MOTION TO PROCEED.—A motion in the House of Representatives to proceed to the consideration of a disapproval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE.—Debate in the House of Representatives on a disapproval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the disapproval resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a disapproval resolution or to move to reconsider the vote by which a disapproval resolution is agreed to or disagreed to.

(3) MOTION TO POSTPONE.—Motions to postpone, made in the House of Representatives with respect to the consideration of a disapproval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a disapproval resolution shall be decided without debate.

(5) GENERAL RULES APPLY.—Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a disapproval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) FLOOR CONSIDERATION IN THE SENATE.—

(1) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of a disapproval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) GENERAL DEBATE.—Debate in the Senate on a disapproval resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

(3) DEBATE OF MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a disapproval resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the disapproval resolution, except that in the event the manager of the disapproval resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or the designee of the Minority Leader. Such leaders, or either of the leaders, may, from time under their control on the passage of a disapproval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) OTHER MOTIONS.—A motion in the Senate to further limit debate is not debatable. A motion to recommit a disapproval resolution is not in order.

(h) POINT OF ORDER REQUIRING SUPERMAJORITY FOR MODIFICATIONS TO ACTIONS ONCE APPROVED.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any amendment to the actions of the Director of the Corporation for National Service and Community Volunteers except as provided in paragraph (2).

(2) WAIVER.—The point of order described in paragraph (1) may be waived or suspended in the House of Representatives or the Senate only, by the affirmative vote of three-fifths of the Members duly chosen and sworn.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.—Section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081) is amended to read as follows:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION.

"(a) VOLUNTEERS IN SERVICE TO AMERICA PROGRAM.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out part A of title I (except section 109) $45,800,000 for each of fiscal years 1994 and 1995.

"(2) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out subsections (c) and (d) of section 109 and to expand the number of VISTA Literacy Corps volunteers in literacy programs and projects under part A of title I of this Act $5,000,000 for each of fiscal years 1994 and 1995.

"(b) STUDENT COMMUNITY SERVICE PROGRAMS.—There are authorized to be appropriated to carry out part B of title I of this Act $2,200,000 for each of fiscal years 1994 and 1995.

"(c) SPECIAL VOLUNTEER PROGRAMS.—

"(1) PROGRAM ACTIVITIES AND DRUG ABUSE PREVENTION ACTIVITIES.—

"(A) PROGRAM ACTIVITIES.—There are authorized to be appropriated to carry out part C of title I of this Act (other than section 124(b)) such sums as may be necessary for each of the fiscal years 1994 and 1995.

"(B) DRUG ABUSE PREVENTION ACTIVITIES.—In addition to the amounts authorized to be appropriated by subparagraph (A), there are authorized to be appropriated for support of drug abuse prevention such sums for each of the fiscal years 1994 and 1995.

"(C) USE OF FUNDS.—With respect to amounts appropriated for any fiscal year pursuant to subparagraph (B), the Director—

"(i) shall use not more than 25 percent of such amounts for purposes of carrying out section 124(b); and

"(ii) shall ensure that not more than $500,000 is used for administrative costs of programs carried out under such part.

"(2) LITERACY CHALLENGE GRANTS.—Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there are authorized to be appropriated for Literacy Challenge Grants under section 125 such sums as may be necessary for each of the fiscal years 1994 and 1995.

"(3) LIMITATION.—No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

"(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under subsection (d)(1) for the VISTA Program; and

"(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.

"(d) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I (other than section 124(b)) and for sections 109(c) and 109(d), there shall first be available for part A of title I (other than section 109), an amount not less than the amount necessary to provide 3,400 years of volunteer service in each of fiscal years 1994 and 1995.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'volunteer service' shall include training and other support required under this Act for purposes of part A oftitle I.

"(3) CALCULATION.—

"(A) COSTS OF COMPLIANCE.—In applying criteria with respect to meeting the number of years of volunteer service under paragraph

(1) for a fiscal year, the Director may not exclude the costs of complying with section 105(b)(2) for each volunteer under this part.

"(B) ALLOWANCES FOR SUBSISTENCE.—The minimum level of allowances for subsistence required under section 105(b)(2) to be provided to each volunteer under this part may not be reduced or limited in order to provide for the increase in the number of years of volunteer service specified in paragraph (1) for each of the fiscal years 1994 and 1995.

"(C) REALLOCATION.—If the Director determines that funds appropriated to carry out part A of title I are insufficient to provide for the years of volunteer service as required in paragraph (1), the Director shall, within a reasonable period of time in advance of the date on which such additional funds shall be reallocated to satisfy the requirements of such subsection, notify the relevant authorizing and appropriating Committees of Congress. Funds shall be reallocated to part A of title I from amounts appropriated for part C of such title prior to the reallocation of funds appropriated for other parts.

"(e) LIMITATION.—No part of the funds authorized under subsection (a) may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.".

(b) OLDER AMERICANS VOLUNTEER PROGRAMS.—Section 502 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. OLDER AMERICANS VOLUNTEER PROGRAMS.

"(a) RETIRED SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out programs under part A of title II of this Act $37,054,000 for each of the fiscal years 1994 and 1995.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out programs under part B of title II of this Act $71,284,000 for each of the fiscal years 1994 and 1995.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II of this Act $32,509,000 for each of the fiscal years 1994 and 1995.".

(c) ADMINISTRATION AND COORDINATION.—Section 504 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5084) is amended to read as follows:

"SEC. 504. ADMINISTRATION.

"For each of the fiscal years 1994 and 1995, there is authorized to be appropriated for the administration of this Act, as authorized in title IV, 10 percent of the total amount appropriated under sections 501 and 502 for such year.".

SEC. 205. CONSTRUCTION.

Nothing in this Act, or any amendment made by this Act, shall be construed to modify the amount of the financial assistance or benefits received by a participant or volunteer for participation or volunteer service in a program or activity carried out under a provision described in section 201(a), as in effect on the day before the date of enactment of this Act.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 301. DEFINITIONS.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) the term 'Corporation' means the Corporation for National Service and Community Volunteers established under section 191 of the National and Community Service Act of 1990; and

"(9) the term 'Inspector General' means the Inspector General of ACTION.".

SEC. 302. REFERENCES TO THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(1) Section 1092(b) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 12653a note) is amended—

(A) in paragraph (1)—

(i) by striking "Commission on National Community Service" and inserting "Corporation for National Service and Community Volunteers"; and

(ii) by striking "Commission shall prepare" and inserting "Board of Directors of the Corporation shall prepare"; and

(B) in paragraph (2), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Board of Directors of the Corporation for National Service and Community Volunteers".

(2) Section 1093(a) of such Act (42 U.S.C. 12653a note) is amended by striking "the Board of Directors and Executive Director of the Commission on National and Community Service" and inserting "the Board of Directors and Director of the Corporation for National Service and Community Volunteers".

(3) Section 1094 of such Act (Public Law 102–484; 106 Stat. 2535) is amended—

(A) in the title, by striking "commission on national and community service" and inserting "corporation for national service and community volunteers";

(B) in subsection (a)—

(i) in the heading, by striking "COMMISSION" and inserting "CORPORATION";

(ii) in the first sentence, by striking "Commission on National and Community Service" and inserting "Corporation for National Service and Community Volunteers"; and

(iii) in the second sentence, by striking "The Commission" and inserting "The Director of the Corporation"; and

(C) in subsection (b)—

(i) in paragraph (1), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Director of the Corporation for National Service and Community Volunteers"; and

(ii) in paragraph (2), by striking "the Commission" and inserting "the Director of the Corporation for National Service and Community Volunteers".

(4) Section 1095 of such Act (Public Law 102–484; 106 Stat. 2535) is amended in the heading for subsection (b) by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS".

(5) Section 2(b) of such Act (Public Law 102–484; 106 Stat. 2315) is amended by striking the item relating to section 1094 of such Act and inserting the following:

"Sec. 1094. Other programs of the Corporation for National Service and Community Volunteers.".

(b) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) Sections 159(b)(2) (as redesignated in section 141(a)(2)(C) of this Act), and 165 (as redesignated in section 141(a)(2)(C) of this Act), subsections (a) and (b) of section 172, sections 176(a) and 177(c), and subsections (a), (b), and (d) through (h) of section 179, of the National and Community Service Act of 1990 (42 U.S.C. 12653h(b)(2), 12653n, 12632 (a) and (b), 12636(a), 12637(c), and 12639 (a), (b), and (d) through (h)) are each amended by striking the term "Commission" each place the term appears and inserting "Corporation".

(2) Sections 152, 157(b)(2), 162(a)(2)(C), 164, and 166(1) of such Act (in each case, as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653a, 12653f(b)(2), 12653k(a)(2)(C), 12653m, and 12653o(1)) are each amended by striking "Commission on National and Community Service" and inserting "Corporation".

(3) Section 163(b)(9) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12635l(b)(9)) is amended by striking "Chair of the Commission on National and Community Service" and inserting "Director".

(4) Section 303(a) of such Act (42 U.S.C. 12662(a)) is amended—

(A) by striking "The President" and inserting "The President, acting through the Corporation,";

(B) by inserting "in furtherance of activities under section 302" after "section 501(b)"; and

(C) by striking "the President" both places the term appears and inserting "the Corporation".

SEC. 303. REFERENCES TO DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) DIRECTOR OF THE CORPORATION.—

(1) Section 159(a) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653h(a)) is amended—

(A) by striking "BOARD.—The Board" and inserting "SUPERVISION.—The Director of the Corporation";

(B) by striking "the Board" in the matter preceding paragraph (1) and in paragraph (1) and inserting "the Director of the Corporation"; and

(C) by striking "the Director" in paragraph (1) and inserting "the Board".

(2) Section 159(b) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653h(b)) is amended by striking "(b)" and all that follows through "Commission on National and Community Service" and inserting "(b) MONITORING AND COORDINATION.—The Director of the Corporation".

(3) Section 159(c)(1) (as redesignated in section 141(a)(2)(C) of this Act) (12653h(c)(1)) is amended—

(A) in subparagraph (A), by striking "the Board, in consultation with the Executive Director," and inserting "the Director of the Corporation"; and

(B) in subparagraph (B)(iii), by striking "the Board through the Executive Director" and inserting "the Director of the Corporation".

(4) Section 166 (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653o) is amended—

(A) in paragraph (5), by inserting "except when used as part of the term 'Director of the Corporation'," before "means";

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(b) DIRECTOR OF CIVILIAN COMMUNITY CORPS.—Sections 155(a), 157(b)(1)(A), 158(a), 159(c)(1)(A), and 163(a) (in each case, as redesignated in section 141(a)(2)(C) of this Act) of the National and Community Service Act of 1990 (42 U.S.C. 12653d(a), 12653f(b)(1)(A), 12653g(a), 12653h(c)(1)(A), and 12653l(a)) are amended by striking "Director of the Civilian Community Corps" each place the term appears and inserting "Director".

SEC. 304. DEFINITION OF DIRECTOR.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the term 'Director' means the Director of the Corporation for National Service and Community Volunteers appointed under section 193 of the National and Community Service Act of 1990;".

SEC. 305. REFERENCES TO ACTION AND THE ACTION AGENCY.

(a) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(1) The table of contents of the Act is amended by striking the item relating to section 112 and inserting the following:

"Sec. 112. Authority to operate University Year for VISTA program.

(2) Section 2(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950(b)) is amended—

(A) by striking "ACTION, the Federal domestic volunteer agency," and inserting "this Act"; and

(B) by striking "ACTION shall" and inserting "the Corporation for National Service and Community Volunteers shall".

(3) Section 103 (42 U.S.C. 4953) is amended—

(A) in subsection (b)—

(i) in paragraphs (2), (5), and (6), by striking "ACTION Agency" each place the term appears and inserting "Corporation"; and

(ii) in paragraph (6), by striking "regional ACTION office" and inserting "regional office of the Corporation"; and

(B) in subsection (c)(1)(D), by striking "ACTION Agency" and inserting "Corporation".

(4) Section 105(b) (42 U.S.C. 4955(b)) is amended in paragraphs (3)(A) and (4) by striking "ACTION Agency" and inserting "Corporation".

(5) Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(A) in the part heading, to read as follows: "PART B—UNIVERSITY YEAR FOR VISTA";

(B) by striking "University Year for ACTION" each place that such term appears in such part and inserting "University Year for VISTA";

(C) by striking "UYA" each place that such term appears in such part and inserting "UYV"; and

(D) in section 112 (42 U.S.C. 4972) by striking the section heading and inserting the following new section heading:

"AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM".

(6) Section 125(b) of such Act (42 U.S.C. 4995(b)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(7) Section 225(e) of such Act (42 U.S.C. 5025(e)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(8) Section 403(a) of such Act (42 U.S.C. 5043(a)) is amended—

(A) by striking "the ACTION Agency" the first place such term appears and inserting "the Corporation under this Act"; and

(B) by striking "the ACTION Agency" the second place such term appears and inserting "the Corporation".

(9) Section 407(5) (42 U.S.C. 5047(5)) is amended by striking "ACTION Agency" and inserting "Corporation".

(10) Section 408 of such Act (42 U.S.C. 5048) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(11) Section 416(f)(1) (42 U.S.C. 5056(f)(1)) is amended by striking "ACTION Agency" and inserting "Corporation".

(12) Section 420(b) (42 U.S.C. 5060(b)) is amended by striking "ACTION Agency" and inserting "Corporation".

(13) Section 421(9) of such Act (as added by section 301 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(14) Section 702(a) (42 U.S.C. 5091a(a)) is amended by striking "of the ACTION Agency".

(15) Section 713(2) (42 U.S.C. 5091l(2)) is amended by striking "ACTION agency" and inserting "Corporation".

(b) INSPECTOR GENERAL.—

(1) TERMINATION OF STATUS AS DESIGNATED FEDERAL ENTITY.—Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "ACTION,".

(2) TRANSFER.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subparagraph (T), by striking "and" at the end; and

(B) by adding at the end the following:

"(V) of the Corporation for National Service and Community Volunteers, the Office of Inspector General of ACTION; and".

(c) PUBLIC HOUSING SECURITY.—Section 207(c) of the Public Housing Security Demonstration Act of 1978 (Public Law 95–557; 92 Stat. 2093; 12 U.S.C. 1701z–6 note) is amended—

(1) in paragraph (3)(ii), by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers"; and

(2) in paragraph (4), by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers".

(d) NATIONAL FOREST VOLUNTEERS.—Section 1 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a) is amended by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers".

(e) PEACE CORPS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by inserting after "the ACTION Agency" the following: ", the successor to the ACTION Agency,".

(f) INDIAN ECONOMIC DEVELOPMENT.—Section 502 of the Indian Financing Act of 1974 (25 U.S.C. 1542) is amended by striking "ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers".

(g) OLDER AMERICANS.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)), by striking "the Director of the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers";

(2) in section 203(a)(1) (42 U.S.C. 3013(a)(1)), by striking "the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers"; and

(3) in section 422(b)(12)(C) (42 U.S.C. 3035a(b)(12)(C)), by striking "the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers".

(h) VISTA SERVICE EXTENSION.—Section 101(c)(1) of the Domestic Volunteer Service Act Amendments of 1989 (Public Law 101–204; 103 Stat. 1810; 42 U.S.C. 4954 note) is amended by striking "Director of the ACTION Agency" and inserting "Director of the Corporation for National Service and Community Volunteers".

(i) AGING RESOURCE SPECIALISTS.—Section 205(c) of the Older Americans Act Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—

(1) in paragraph (1)—

(A) by striking "the ACTION Agency," and inserting "the Corporation for National Service and Community Volunteers,"; and

(B) by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation";

(2) in paragraph (2)(A), by striking "ACTION Agency" and inserting "Corporation"; and

(3) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the term 'Corporation' means the Corporation for National Service and Community Volunteers established by section 191 of the National and Community Service Act of 1990.".

(j) PROMOTION OF PHOTOVOLTAIC ENERGY.—Section 11(a) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5590) is amended by striking "the Director of ACTION,".

(k) COORDINATING COUNCIL ON JUVENILE JUSTICE.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation for National Service and Community Volunteers".

(l) ENERGY CONSERVATION.—Section 413(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(1)) is amended by striking "the Director of the ACTION Agency,".

(m) INTERAGENCY COUNCIL ON THE HOMELESS.—Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The Director of the Corporation for National Service and Community Volunteers, or the designee of the Director.".

(n) ANTI-DRUG ABUSE.—Section 3601 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) the term 'Director' means the Director of the Corporation for National Service and Community Volunteers,".

(o) ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES.—Section 916(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12312(b)) is amended by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation for National Service and Community Volunteers".

SEC. 306. EFFECTIVE DATE.

(a) COMMISSION.—The amendments made by sections 301 through 303 will take effect on October 1, 1993.

(b) ACTION.—The amendments made by sections 304 and 305 shall take effect on the effective date of section 163(c)(2).

DOMENICI AMENDMENT NO. 613

Mr. KENNEDY (for Mr. DOMENICI) proposed an amendment to the bill (S. 919), supra; as follows:

On page 7, line 17, strike "The" and insert "Subject to the availability of appropriations, the".

On page 34, strike lines 14 through 16 and insert the following: ", taking into consideration funding needs for educational awards based on completed service. If appropriations are insufficient to provide the maximum allowable education awards for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules."

On page 72, line 4, insert after "available" the following: "to the extent provided for in advance by appropriation".

On page 72, line 20, strike "ability to claim" and insert "expectation to receive".

On page 78, lines 9 and 10, strike "to which the eligible individual is entitled" and insert the following: "for which the participant has earned".

On page 82, line 8, strike "qualified" and insert "scheduled to receive".

KASSEBAUM AMENDMENT NOS. 614–623

Mr. KENNEDY (for Mrs. Kassebaum) proposed 10 amendments to the bill (S. 919), supra, as follows:

Amendment No. 614

On page 94, strike lines 3 through 25.

On page 95, lines 1, strike "(c)" and insert "(b)".

On page 164, lines 3 and 4, strike "subsection (a)(3) or (b) of section 111" and insert "section 111(a)(3)".

Amendment No. 615

On page 258 beginning on line 14, strike "The Director" and all that follows through "volunteers." on line 21.

Amendment No. 616

On page 273, lines 13 through 15, strike "organizations, and provide technical assistance to other nations concerning domestic volunteer programs within their countries." and insert "organizations.".

Amendment No. 617

On page 91, line 6, strike "114(d)(5)(B)" and insert "114(d)(1)(B)".

On page 94, line 16, strike "projects;" and insert "projects; and".

On page 94, line 21, strike "opportunities; and" and insert "opportunities".

On page 94, strike lines 22 through 25.

Beginning on page 106, strike line 21 and all that follows through page 109, line 2 and insert the following:

"(a) Regulations.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 111, including, at a minimum—

On page 109, line 3, strike "(5)" and insert "(1)".

On page 109, line 22, strike "(6)" and insert "(2)".

On page 122, line 21, strike "114(a)(5)(B);" and insert "114(d)(1)(B);".

On page 133, line 15, strike "114(d)(5)(B);" and insert "114(d)(1)(B);".

Amendment No. 618

On page 132, strike line 12 and all that follows through page 133, line 20 and insert the following: "of, an application at such time, in such manner, and containing such information as the Corporation may reasonably require. In requesting applications for assistance under this part, the Corporation shall specify such required information."

"(2) Contents.—An application submitted under paragraph (1) shall, at a minimum, contain—

On page 133, line 21, strike "(B)" and insert "(A)".

On page 134, line 10, strike "(C)" and insert "(B)".

Amendment No. 619

On page 120, lines 6 and 7, strike "descriptions, proposals," and insert "information".

Beginning on page 121, strike line 21 and all that follows through page 123, line 13 and insert the following:

"(d) Regulations.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 117, including, at a minimum—

On page 123, line 14, strike "(4)" and insert "(1)".

On page 123, line 19, strike "(5)" and insert "(2)".

On page 124, line 3, strike "(6)" and insert "(3)".

Amendment No. 620

Beginning on page 100, strike line 11 and all that follows through page 104, line 2, and insert the following: "may reasonably require, including information demonstrating that the programs will be carried out in a manner consistent with the approved strategic plan;".

Amendment No. 621

On page 185, line 10, strike "a voting" and insert "an ex officio nonvoting".

On page 224, line 20, strike "a voting" and insert "an ex officio nonvoting".

Amendment No. 622

On page 81, strike line 16.

On page 81, between lines 21 and 22, insert the following:

"(iii) individuals using national service educational awards to pay for educational costs do not comprise more than 15 percent of the total student population of the institution; and".

Amendment No. 623

On page 68, line 5, strike "who serves" and insert "who needs child care in order to participate".

On page 68, line 7, strike ", including" and all that follows through "program" on line 9.

On page 259, lines 16 and 17, strike "part, including volunteers" and insert "part".

MCCONNELL AMENDMENT NO. 624

Mr. KENNEDY (for Mr. McConnell) proposed an amendment to the bill, S. 919, supra, as follows:

On page 322, at the end of the committee amendment, insert the following:

TITLE V—RURAL COMMUNITY SERVICE

SEC. 501. RURAL COMMUNITY SERVICE.

Title XI of the of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.) is amended by adding at the end the following new part:

"PART C—RURAL COMMUNITY SERVICE

"SEC. 1171. FINDINGS; PURPOSE.

"(a) Findings.—The Congress finds that—

"(1) the Nation's rural centers are facing increasingly pressing problems and needs in the areas of economic development, community infrastructure and service, social policy, public health, housing, crime, education, environmental concerns, planning and work force preparation;

"(2) there are, in the Nation's rural institutions, people with underutilized skills, knowledge, and experience who are capable of providing a vast range of services towards the amelioration of the problems described in paragraph (1);

"(3) the skills, knowledge, and experience in these rural institutions, if applied in a systematic and sustained manner, can make a significant contribution to the solution of such problems; and

"(4) the application of such skills, knowledge, and experience is hindered by the limited funds available to redirect attention to solutions to such rural problems.

"(b) Purpose.—It is the purpose of this part to provide incentives to rural academic institutions to enable such institutions to work with private and civic organizations to devise and implement solutions to pressing and severe problems in their communities.

"SEC. 1172. PROGRAM.

"The Secretary is authorized to carry out a program of providing assistance to eligible institutions to enable such institutions to carry out the authorized activities described in section 1174 in accordance with the provisions of this part.

"SEC. 1173. APPLICATIONS FOR RURAL COMMUNITY SERVICE GRANTS.

"(a) Application.—

"(1) In general.—Each eligible institution desiring a grant under this part shall submit to the Secretary an application at such time, in such form, and containing or accompanied by such information and assurances, as the Secretary may require by regulation.

"(2) Contents.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the activities and services for which assistance is sought; and

"(B) contain assurances that the eligible institution will enter into a consortium to carry out the provisions of this part that includes, in addition to the eligible institution, one or more of the following entities:

"(i) A community college.

"(ii) A rural local educational agency.

"(iii) A local government.

"(iv) A business or other employer.

"(v) A nonprofit institution.

"(3) Waiver.—The Secretary may waive the consortium requirements described in paragraph (2) for any applicant who can demonstrate to the satisfaction of the Secretary that the applicant has devised an integrated and coordinated plan which meets the purpose of this part.

"(b) Priority in Selection of Applications.—The Secretary shall give priority to applications that propose to conduct joint projects supported by other local, State, and Federal programs.

"(c) Selection Procedures.—The Secretary, by regulation, shall develop a formal procedure for the submission of applications under this part and shall publish in the Federal Register an announcement of that procedure and the availability of funds under this part.

"SEC. 1174. AUTHORIZED ACTIVITIES.

"Grant funds made available under this part shall be used to support planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to assist rural communities to meet and address their pressing and severe problems, such as any of the following:

"(1) Work force preparation.

"(2) Rural poverty and the alleviation of such poverty.

"(3) Health care, including health care delivery and access as well as health education, prevention and wellness.

"(4) Underperforming school systems and students.

"(5) Problems faced by the elderly and individuals with disabilities in rural settings.

"(6) Problems faced by families and children.

"(7) Campus and community crime prevention, including enhanced security and safety awareness measures as well as coordinated programs addressing the root causes of crime.

"(8) Rural housing.

"(9) Rural infrastructure.

"(10) Economic development.

"(11) Rural farming and environmental concerns.

"(12) Other problem areas which participants in the consortium described in section 1173(a)(2)(B) concur are of high priority in rural areas.

"(13)(A) Problems faced by individuals with disabilities and economically disadvantaged individuals regarding accessibility to institutions of higher education and other public and private community facilities.

"(B) Amelioration of existing attitudinal barriers that prevent full inclusion of individuals with disabilities in their community.

"SEC. 1175. PEER REVIEW.

"The Secretary shall designate a peer review panel to review applications submitted under this part and make recommendations for funding to the Secretary. In selecting the peer review panel, the Secretary may consult with other appropriate Cabinet-level Federal officials and with non-Federal organizations, to ensure that the panel will be geographically balanced and be composed of representatives from public and private institutions of higher education, labor, business, and State and local government, who have expertise in rural community service or in education.

"SEC. 1176. DISBURSEMENT OF FUNDS.

"(a) MULTIYEAR AVAILABILITY.—Subject to the availability of appropriations, grants under this part may be made on a multiyear basis, except that no institution, individually or as a participant in a consortium, may receive a grant for more than 5 years.

"(b) EQUITABLE GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this part in a manner that achieves equitable geographic distribution of such grants.

"(c) MATCHING REQUIREMENT.—An applicant under this part and the local governments associated with its application shall contribute to the conduct of the program supported by the grant an amount from non-Federal funds equal to at least one-fourth of the amount grant, which contribution may be in cash or in kind, fairly evaluated.

"SEC. 1177. DESIGNATION OF RURAL GRANT INSTITUTIONS.

"The Secretary shall publish a list of eligible institutions under this part and shall designate such institutions of higher education as 'Rural Grant Institutions'. The Secretary shall establish a national network of Rural Grant Institutions so that the results of individual projects achieved in 1 rural area can be generalized, disseminated, replicated and applied throughout the Nation.

"SEC. 1178. DEFINITIONS.

"As used in this part:

"(1) RURAL AREA.—The term 'rural area' means any area that is—

"(A) outside an urbanized area, as such term is defined by the Bureau of the Census; and

"(B) outside any place that—

"(i) is incorporated or Bureau of the Census designated; and

"(ii) has a population of 75,000 or more.

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education, or a consortium of such institutions any one of which meets all the requirements of this paragraph, which—

"(A) is located in a rural area;

"(B) draws a substantial portion of its undergraduate students from the rural area in which such institution is located, or from contiguous areas;

"(C) carries out programs to make postsecondary educational opportunities more accessible to residents of such rural areas, or contiguous areas;

"(D) has the present capacity to provide resources responsive to the needs and priorities of such rural areas and contiguous areas;

"(E) offers a range of professional, technical, or graduate programs sufficient to sustain the capacity of such institution to provide such resources; and

"(F) has demonstrated and sustained a sense of responsibility to such rural area and contiguous areas and the people of such areas.

"SEC. 1179. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

"(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary in each fiscal year to carry out the provisions of this part.

"(b) FUNDING RULE.—If in any fiscal year the amount appropriated pursuant to the authority of subsection (a) is less than 50 percent of the funds appropriated to carry out part A in such year, then the Secretary shall make available in such year from funds appropriated to carry out part A an amount equal to the difference between 50 percent of the funds appropriated to carry out part A and the amount appropriated pursuant to the authority of subsection (a).".

On page 4, in the table of contents, insert after the item relating to section 406 the following new items:

TITLE V—RURAL COMMUNITY SERVICE

Sec. 501. Rural community service.

MIKULSKI AMENDMENT NO. 625

Mr. KENNEDY (for Ms. MIKULSKI) proposed an amendment to the bill, S. 919, supra, as follows:

On page 62, line 22, strike "1,700" and insert "900".

On page 62, line 24, delete "not less than 1 year and".

On page 63, line 1, strike "not les than 1 year and".

On page 75, line 25, strike "service" and insert "full-time service as provided in section 139(b)(1)".

On page 76, line 4, add after the period the following: "Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of part-time serviceas provided in section 139(b)(2) in an approved national service position shall receive a national service educational award having a value equal to $2,500 for each of not more than 2 of such terms of service.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session on Thursday, July 22, 1993, at 9 a.m., to mark up a Department of Defense Authorization Act for fiscal year 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, July 22, 1993, at 10 a.m., to conduct a hearing on the Federal Reserve's semiannual monetary policy report and to vote on the Blinder, Stiglitz, Deseve, Gaffney, Levitt, and Carnell nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 22, 1993, at 10 a.m., to hold a hearing on the nomination of Ruth Bader Ginsburg to be Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, July 22, 1992. The committee will hold a full committee hearing on the fiscal year 1994 budget authorization for the Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, July 22, 1993, at 10 a.m., to hold nomination hearings on the following nominees: Mr. Richard Moose to be Undersecretary of State for Management, and Ms. Mary Raiser to be Chief of Protocol for the White House.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 22, beginning at 9:30 a.m., to conduct a hearing on the National Environmental Policy Act [NEPA], and environmental review of trade agreements.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 8 a.m., on Thursday, July 22, 1993, in open session, to receive testimony on Department of Defense policy on the service of gay men and lesbians in the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a hearing on the reauthorization of the Human Services Act: Head Start quality, during the session of the Senate on Thursday, July 22, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 22, 1993, at 9:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 22, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1156, the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 22, 1993, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. FORD. I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be permitted to meet today at 2 p.m., to hear testimony on the subject of trade relations between the United States and Japan.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COSPONSORSHIP OF S. 869, VIOLENCE REDUCTION TRAINING ACT

• Mr. GORTON. Mr. President, domestic violence is a crime that touches all Americans. It crosses the lines of race, class, and age. It happens in every neighborhood, community, city, and State across the Nation. It affects our mothers, our sisters, our coworkers, and our friends. Sadly, however, we may never know that those close to us need our help. Victims of domestic violence often find their situation too painful or too personal to discuss with friends or family. Thus, they may never get the help that they vitally need. For too long we have been content to leave this burden of disclosure on the victim. We ourselves may be too embarrassed or feel it is not our place to reach into another's life to address this tragic crime. We cannot afford to be silent any longer.

Today I add my name to the list of cosponsors of S. 869, the Violence Reduction Training Act. This important legislation will provide health care professionals with the tools to reach out to victims of domestic violence and give them the support they need to end their abuse. This measure has already been adopted by the House of Representatives and I am proud to note that two members of the Washington congressional delegation—Congressmen MIKE KREIDLER and JIM McDERMOTT championed this bill in the House. I will work to see that the Senate will soon follow suit.

For too long it was assumed that because no one talked about it, domestic violence was not a real problem. This could not have been more wrong. The statistics speak for themselves, telling us that domestic violence is the most frequently occurring and most underreported crime in the Nation. Each year, nearly 4 million women are the victims of domestic violence, making battering the single major cause of injury to women. Nationwide, nearly one-third of hospital visits by women are attributable to domestic violence. However, when admitted into the hospital, less than 5 percent are correctly diagnosed as being victims of domestic violence. The Violence Reduction Training Act will arm our medical professionals with the tools to effectively diagnose and address domestic violence.

This legislation will provide health care professionals the training to interview and identify individuals whose condition or statements indicate that they may be the victim of domestic violence or sexual assault. Further, the bill will direct health care professionals to refer victims to support groups that can provide services to combat violence and assault—including referrals for counseling, temporary housing, legal services, and community organizations.

These support services will provide desperately needed assistance to the victims of domestic violence, including those victims we often forget—the children of battered women. These children are often the unintended victims of domestic violence. Nationally, 75 percent of battered women say that their children are also battered. Additionally, violence witnessed at home is often repeated later in life. We must work to end this cycle now. We must teach our children that abuse is wrong and we must show them that we will work to stop it.

The Violence Reduction Training Act will not lessen the brutal consequences of domestic violence for its victims. But by giving our health care professionals the tools from which they can properly diagnose victims, it may make it a bit easier for the victims of this crime to talk with a medical professional and receive the help they so desperately need. Voice by voice, we can begin to end the deafening silence that has cost us too much, for too long.•

TRIBUTE TO MRS. I.E. (ARNOLTA J.) WILLIAMS

• Mr. GRAHAM. Mr. President, today I am proud to recognize Mrs. I.E. (Arnolta J.) Williams, for her many years of service to the Jacksonville community. Mrs. Williams, known simply as "Mama" to her friends and the privileged people she serves, has been selected by the Florida Council on Aging as the "Super Senior" for the State.

Mrs. Mama Williams was born 96 years ago in Charleston, SC, and since then has dedicated herself to helping others. She began her leadership role in the community in the 1920's by joining the Christmas Charity Club, one of the first African-American organizations included in the Community Chest, forerunner of the United Way. She has also volunteered extensively for the Jacksonville Urban League and for the exceptional Foster Grandparent Program.

Mama Williams has received numerous accommodations for her humanitarian efforts. In 1985, she received the Volunteer of the Year award from Volunteer Jacksonville and had the $1,000 prize contributed to the Gateway Nursery and Kindergarten. That same year, she was Barnett Bank's volunteer of the year, and she contributed her $4,700 prize to fund stipends for two Foster Grandparents. In 1987, Mrs. Williams received the United Way of America's Alexis de Tocqueville National Award for Voluntarism. Among her more than 60 awards are the EVE Lifetime Achievements Award, presented by the Florida Times Union in 1987; the Brotherhood Award presented by the National Conference of Christian and Jews in 1988; the President's Volunteer Action Award (silver medallion) in 1988; the Ronald Reagan Excellence in Voluntarism Award (gold medallion); the Living Legacy Award for Achievement from the National Caucus and Center on Black Aged, Inc. in 1988; an honorary doctor of humanities from Edward Waters College in 1987; Mary Singleton Senior Citizen Center "Light Bearer" in 1992; Foster Grandparents Tireless Volunteer Efforts in 1980; and a Certificate from USO for 5,000 hours of volunteer service in 1946.

In February 1993, the Jacksonville City Council passed an ordinance to name a newly constructed day care center the Arnolta J. "Mama" Williams Parent-Child Center, to honor her work in the community and her long-time dedication to this particular nursery.

Mama Williams is an outstanding humanitarian who believes in the great value of human life, the right of all human beings to achieve their greatest potential, and the need for every person to contribute to the betterment of the life of the community in which he or she lives. She is a tremendous, giving person who deserves the Florida Council on Aging's "Super Senior" honor as well as the recognition we give her here today.•

THE FHA MULTIFAMILY HOUSING FLEXIBLE DISPOSITION ACT OF 1993

• Mr. D'AMATO. Mr. President, I am pleased to cosponsor with Senator BOND, the FHA Multifamily Housing Flexible Disposition Act of 1993. This bill would provide the Department of Housing and Urban Development with the flexibility it needs to deal with the crisis in the Federal Housing Administration's Property Disposition Program.

The need for affordable housing is undeniable. All Americans deserve a decent place to live. For 59 years, the FHA program has been an essential element in helping low- and moderate-income people experience this opportunity. In order for this opportunity to continue to exist, the FHA program must be able to fulfill its mission while remaining financially sound.

HUD currently owns an inventory of 187 multifamily properties with 31,500 units and this inventory is growing rapidly. HUD's ownership of this inventory incurs significant costs. Holding costs for fiscal year 1992 alone totaled $248 million or approximately $8,267 per unit. Approximately 31 percent of the current inventory is in poor physical condition. Such deterioration creates an unsuitable living environment for existing tenants, drives down property values in surrounding neighborhoods, and wastes assets that could provide decent affordable housing.

The FHA property disposition process at HUD has virtually shut down because HUD lacks the section 8 funding needed to dispense of the properties. A balanced disposition plan is far overdue. HUD and Congress must work together to develop a plan that will provide the needed flexibility and innovation to dispose of the current inventory while addressing our communities' housing needs. This legislation provides a starting point for this process.

According to a recent study by Coopers and Lybrand, the Department of Housing and Urban Development is at risk of losing as much as $11.9 billion as hundreds of apartment building owners default on their mortgages. As troubling as that figure may be, it is even more troubling that the cost of this fiasco would be borne primarily by the American taxpayer.

This legislation would require HUD to submit a report to Congress after 18 months describing the various methods of disposition that it employed and make legislative recommendations for additional authority it considers necessary and appropriate. By granting the Secretary 18 months in which to dispose of these properties with innovation and creativity, we will be better prepared to find a final and realistic solution to this dilemma.

For several years HUD's information about it's multifamily mortgage insurance fund has been inadequate and inaccurate. HUD investigators have attributed this dilemma to staff shortages and a lack of accurate information about the status of loans. The Secretary must work to address these internal problems so that we are able to save the stock of affordable housing before it falls into complete and irremediable disrepair. This legislation will help the Secretary as he begins to find solutions to this problem.

Mr. President, I stress the importance of maintaining the actuarial soundness of the FHA insurance fund while at the same time balancing the need for providing affordable housing opportunities. Without the FHA program millions of Americans would be denied access to affordable housing. We must work to make the FHA multifamily program healthy before it is too late. This legislation is a solid step in that direction.•

VETERANS NATIONAL SERVICE EDUCATIONAL AWARDS

• Mr. MCCAIN. Mr. President, as my colleagues know, last night I proposed an amendment which, if adopted, would have ensured that the National Community Service Trust Act counts military service the same as community service for purposes for the education benefit. Under this bill, it is only service provided in the community that qualifies one for the education benefit.

Unfortunately, my amendment to correct this inequity was voted down—with a vote along party lines.

In my view, this was an unfortunate day for the men and women who are willing to put their lives on the line for their country. They have been told by the U.S. Senate that their service is not as valued as that of those who serve in the local community. Just ask those in the Midwest who today are benefiting from the services of the National Guard through the loading of sand bags and other attempts to control the flood.

Not only was the defeat of this amendment an unfortunate occurrence for these patriotic individuals, it was an unfortunate day for our Nation.

During the debate, I neglected to insert into the RECORD two items from the American Legion which should be in the RECORD to give those who look back on this vote a complete understanding of the merits of my amendment.

I ask that a letter of support from the American Legion be inserted into the RECORD.

I also ask that a study conducted by the American Legion regarding the comparison between the benefits in this bill and those provided through the GI bill.

The material follows:

THE AMERICAN LEGION,
Washington, DC, July 21, 1993.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The American Legion supports your proposed amendment to S. 919, to consider honorable completion of two years of active duty military service or 4 years service in the Reserve components as successfully meeting the community service requirements for National Service Plan participation.

The Montgomery G.I. Bill meets only 40 to 45 percent of current educational costs of a state university. Not all veterans elect to make the $1200 contribution for participation eligibility, therefore, leave military service without any educational benefits.

Members of the Reserve components received reduced educational benefits under the current Montgomery G.I. Bill. America saw first hand the vital roles played by the Reserve components during the Persian Gulf War. Yet many of these war time veterans are not eligible for participation in any educational benefits following their discharge from active duty service in the Persian Gulf War.

As the U.S. armed forces reduces active duty personnel strength levels, more missions will be relegated to the Reserve components. Therefore, veterans should be considered automatically eligible for participation in the National Service Plan.

The Legion views military service as the ultimate form of national community service.

Sincerely,

STEVE ROBERTSON,
Director, National Legislative Commission.

A COMPARISON: THE NATIONAL SERVICE PROGRAM VERSUS THE MONTGOMERY GI BILL

FOREWORD

The comparison of the National Service Program and the Montgomery GI Bill contained in this paper represents the results of many weeks of data gathering and reviews. However, since details of how the new program is to be administered and employed are yet to be determined, it could only be evaluated on the information available through Congress, the media and announcements by White House officials.

The cautions and concerns expressed in this paper should not be interpreted as disapproval. On the contrary, The American Legion favors any initiative that promotes volunteerism and provides education or training among America's youth. In fact, annually the Legion family provides over 3,040,000 hours of volunteer community service and has donated more than $37,500,000.00 to worthy children's and other charities.

What is obvious and should be questioned, therefore, is the creation of a costly new program that duplicates some, and competes with others. Good management practices dictate that government programs should augment or supplement one another for the good of all those they are intended to help.

It is hoped this paper will provide a cautionary note and give lawmakers pause in defining program parameters.

On April 30 President Clinton announced his national service initiative. This program would allow individuals age 17 or older to perform specified community service tasks, either full or part time, in exchange for at least a minimum wage salary and $5,000.00 a year for a two year period to meet educational expenses. Participants would receive health care and child care, an annual stipend and auxiliary aids and services as needed. All this would be provided without facing the burden of a large monthly loan payment after graduation.

The intentions of the program are fair and laudable. The goal is to allow people to take low-paying community service jobs without worrying about loan repayment schedules and receive meaningful compensation for their efforts. The National Service Program (NSP) will be combined with a new system of direct student loans which allows the students to repay the loan based on their income. Together, the two programs give American youth a choice of two avenues to pursue higher education.

According to the October 21, 1992 issue of The Chronicle of Higher Education, the 1992–1993 average cost of tuition, fees, board and room at a four year public college or university is $8071.00. The $5000 per year national service program educational award, plus the community service job salary, plus the annual stipend allows the student to adequately meet his needs. Day-to-day expenses would be the student's responsibility. But, the law allows him to receive up to 200% of the annual VISTA subsistence rate from federal sources, and a supplementary or matching figure from the state. If the student meets certain other, somewhat lenient criteria, he can receive up to $7400 per year in wages and stipends. Post-service stipends for VISTA volunteers range from $95.00 per month for each month of service, to $5000.00 annually. The option is even available for the student to receive the $5000 per year educational award (not the stipend) before completing the community service job. This would allow use of the benefit before having met the necessary requirements. Thus far, this is still a laudable program, but begins to become more than fair; generous is a better term.

Considerable thought has gone into the development of certain, but not all, requisite criteria for this program as evidenced by the boundaries established for its use. Students using the program have five years to either perform their 1700 hours per year for up to two years of National Service, or complete their two years of education or training, whichever they choose to do first. And, they may perform more than one 2 year term of National Service but may receive only one $10,000.00 educational award. The service they perform will be in an area where the need is greatest as determined by state and local authorities, and the student may withdraw from the program and still receive subsistence, a portion of the stipend and partial educational award. No procedures are yet identified for those who receive the educational award and then renege on the agreement to serve.

The program even allows participation by persons from other service programs such as the Peace Corps, Civilian Conservation Corps, ACTION, VISTA, and the Older Americans Volunteer Program. Initially, however, since the first year quota for National Service applicants is limited to 25,000, volunteers from other programs will be accommodated on a quota basis. Ultimately, more than 150,000 are expected to avail themselves of this program. In addition, they may use the National Service Program to augment the educational and training programs for which they were eligible in their previous volunteer service.

In view of these rather lenient eligibility requirements, the National Service Program is not only generous, but may be regarded as beneficial and rewarding. It has been referred to by some as the "civilian GI Bill".

The President's vision of this program draws upon the inspiring model for the GI Bill of Rights, which put millions of World War II veterans into college classrooms and made them the best deducted and most productive workers in American history. In fact, the original GI Bill has been regarded as one of the finest pieces of legislation ever enacted by Congress. THe Harvard Business Review in 1992 stated the veterans' enthusiastic response to the Bill signaled a shift by the world from an industrial based society to a knowledge based society.

Others have noted that the progress made by GI Bill educated veterans in the workforce and the professions has dramatically changed the image of veterans. Before the GI Bill, veterans were considered homeless derelicts because so many were unable to find work upon returning from previous wars.

Since 1944, more than 20 million veterans and dependants have participated in GI Bill education and training programs totaling more than $70 billion. It has been estimated that during the lifetime of the average veteran the U.S. Treasury receives from two to eight times as much in income taxes as it payed out to the veteran in GI Bill education benefits.

In the past the GI Bill has encountered some loss of funds through overpayemnts. Exact amounts of losses in GI Bill benefits are elusive because the majority of them occurred in the post-Korean War and early Vietnam era GI Bills. We do know however, that funds payed to both schools and to the veterans themselves were as a result of failure to report attendance and changes in enrollment. Today's continuous monitoring by the Debt Management Service of the Veterans Benefits Administration shows overpayment at $112 million by the end of 1992. Since the institution of monthly certifications by both the veteran and the school, the losses have been dramatically *minimized* and the overpayment rate has dropped significantly since the mid 1970's.

A March 1993 financial audit of the Guaranteed Student Loan Program done by the General Accounting Office indicates accountability measures were employed but were inadequate. The GAO evaluation indicates that as of September 30, 1992, the Department of Education reported that since fiscal year 1966, it had guaranteed approximately $142 billion in student loans, payed about $35 billion in interest subsidies and disbursed about $19 billion in gross default payments. Actions are underway to improve program oversight.

Over the years the GI Bill has been modified for use by more recent generations of GI's to serve the same purposes. However, while the educational outcome of the bill is still intact, entry into its eligibility has changed significantly.

Under the current Montgomery GI Bill (MGIB), enrollment is not automatic. A participant must agree to pay $1200.00 during the first year enlistment of active military duty to be eligible for the program. For 12 months $100.00 a month is deducted from a participant's wages. At the completion of the three year enlistment the participant is entitled to $400.00 a month for 36 months as a full-time student. This figure is about 42% of the national average cost of tuition to attend a state supported university. This money is intended to cover tuition, fees, board, room, books and living expenses. If the participant is a part-time student, the entitlement is reduced. There are no provisions for health care, child care, subsistence or a stipend. If the veteran is married with children and financial obligations, the veteran and spouse must find employment to remain solvent, invest in a private health care program and seek their own employment opportunity while in school, and after he graduates.

Veterans anticipating use of the MGIB must serve their period of enlistment honorably, must have a high school diploma, or the equivalent, must use it at either an accredited college or university or a Department of Veterans Affairs sanctioned training course, and do so within 10 years of discharge from the service. A careerist may use the MGIB while on active duty but must schedule class attendance around duty requirements. His readiness in his primary military specialty takes precedence over personal training or formal educational objectives. Frequently readiness means deployment to far flung geographical areas throughout the world. This means educational continuity is disrupted and G.I. Bill funds spent in advance are irrecoverable.

The veterans may not use MGIB funds to repay old education or any other kinds of debts, may not use the MGIB in concurrence with any other federally financed program, may use the MGIB only after making contribution into it and after three years of service, and must meet specific educational qualitative standards to continue to receive the benefits. If the participant has family responsibilities, he is expected to meet those as well. Nothing is given to him. He earns MGIB benefits in advance, he pays into it and obtains eligibility through his service to federal and national commitments.

The National Service Program clearly exceeds the benefits derived from the Montgomery GI Bill. After considering these two programs and the social and professional factors that now diminish military service, such as family separation, military pay freezes, limited cost-of-living allowances, eroding retirement benefits, unpredictable terms of service and duty in Iraq, Somalia or Bosnia, military service is less attractive than National Service. If given a choice of living in a tent and eating MRE's somewhere in Africa or living in an apartment and playing basketball everyday in a city park with children, it is obvious what the choice will be of American youth. Moreover, the caliber of the young military recruit of the future will most probably be less than it is today.

We are already seeing a decrease in the qualifications among those being recruited by today's army. The Chairman of the Joint Chiefs of Staff recently stated there were drops reported in the percentage of high school graduates among new recruits and a substantial decline in the numbers of young men considering enlistment in the last two years. The reasons cited were reduced career opportunities and the arduousness of military life. Furthermore, pay comparability between the armed forces and the civilian sector is still a goal, not a reality. Why then would a young person choose military service over national service? It is likely he would not.

Probably a more balanced view between the two programs can be seen when one does a side-by-side dollar value comparison. When the values are evaluated and we consider that some benefits derived from participation in other programs such as VISTA, the Peace Corps, ACTION program and others, are transferable for use when a young person enlists in the National Service Program, the breadth and value of opportunity is nearly incalculable.

MONETARY BENEFITS

	NSP	MGIB
Initial investment	(1)	$1,200
Amount of education award	[2]$10,000	[3]14,400
Minimum wage salary ($5 per hour times 1,700 hr)	[2]8,500	(1)
Stipend provided ($95 per month times 24 mo)	[2]2,280	(1)
Reimbursement for expenses incurred	Yes	(1)
Child care value	[4]6,700	(1)
Health care value	[4]2,880	(1)
Total program value	[2]30,360	[3]14,400

[1] None.

[2] 24 months.

[3] 36 months.

[4] 24 months estimated.

Options to the above costs must also be considered. For example, the National Service Program allows both a doubling of the stipend and the minimum wage salary in certain circumstances. Those would add an additional $10,780.00 to the value of the National Service Program. It also should be recognized that the NSP value is spread over twenty-four months and the MGIB program value is spread over thirty-six months. Even if the NSP were divided between 12 months of national service and 24 months of education, the NSP would be valued at more than the MGIB.

Reimbursement for transportation expenses are also offered by the NSP. This can mean a minimum outlay of personal funds to sustain one's self in the performance of national service duties. Most employees in any other civil occupation would be expected to fund their transport to and from work at their own expense. If more fortunate, however, they could be paid a small transportation differential. The veteran subsisting on the MGIB receives so such benefit.

Another, perhaps more germane, question The American Legion is concerned about is program management. According to the general principles outlined for the program is the establishment of a national level corporation to serve as the unifying, administrative structure. Presumably, they will set goals and objectives, approve suborganizations at state levels, set the guidelines for program users and monitor the two subcomponents, the National Service Program and the Volunteer Program divisions.

While screening selection and assignment of applications to service work will initially receive the highest visibility, dispersal of funds from this multi-million dollar initiative will be equally important, but less visible. It is this latter point that is also of concern. Lines of fiscal accountability are not clearly established in the program, nor are appropriate safeguards against fraud, waste and abuse.

Unlike the MGIB, this program does not have clear and stringent application criteria and lacks constraints that will assure the service will be performed to the satisfaction of program objectives, either before or after the educational award is made.

Also unlike the MGIB, very specific eligibility criteria to assure that those who really need this program are accepted into it. The program purpose is defeated if its benefits go to individuals who can afford the time or funds to make their own investments into their futures.

This is not to say a "means test" is required. It is simply common sense and rational that the persons who have the motivation to perform the national service and can least afford to pay their own way through formal educational or vocational education are selected as beneficiaries.

Now let's talk about efficiencies. It is both instructive as well as informative to examine the student loan and assistance programs that are already available. And one need not demonstrate scholastic or athletic prowess in order to avail themselves of some of them. These are programs that are in addition to the educational and volunteer requirements of programs like VISTA, the Peace Corps, the Montgomery GI Bill, ACTION and EXCEL.

Cost of attendance loans: Includes tuition, fees, room and board. This is campus-based aid.

Expected family contribution: This is a joint family/school cooperative loan. The school portion is campus-based aid.

Independent student loan: This is available for students over the age of 24 who have no parental financial tie. This is campus-based aid.

Merit Scholarship: This is a grant based on achievement, not on need. This is campus-based aid.

Need-Based Aid: This is offered through loans, grants or work-study programs. School contribution varies. Federal funds contribute.

Need-Blind Admissions: Application for admission overlooks student's ability to pay. This is campus-based aid.

Pell Grant: This is for undergraduates with demonstrated financial need. This is federally funded.

Perkins Loans: This is a low-interest loan program made to institutions for needy students. This is federally funded.

Stafford Loans: This is a low-interest loan program from commercial banks. The federal government pays the loan interest while the student is in school.

Supplementary Educational Opportunity Grants: A grant program offered directly by schools. This is federally funded.

Title IV Program: This is a combination of some of the above programs and aid programs from the Department of Education. This is federally funded.

So, while it's helpful to know of the availability of these programs, it's even more curious why there is need of another program. The Legion questions first of all, whether it is necessary to offer a new program only to add health and child care benefits, and a service oriented job; or is it necessary to provide a new program simply to inspire volunteerism.

Community service programs using paid or unpaid volunteers have, likewise, been around for years. If the individual's primary motivation is to do public service, and education is secondary, several programs exist that are federally funded. Six of them are overseen by the Commission on National Community Service. These programs were funded in FY 1993 at $191.5 million. These programs include: Conservation and Youth Service Corps; Serve-America; Higher Education; National Service Demonstration Programs; Civilian Community Corps; and Civilian Community Corps Defense Downsizing Projects.

Another seven community service programs are overseen by ACTION, an independent governmental agency specifically chartered to administer service activities. These programs were funded in FY 1993 at $339.1 million. These programs include: VISTA; RSVP; Foster Grant parents; Senior Companion Program; Student Community Service Program; Special Volunteer Program; and VISTA Literacy Corps.

Finally, seven other programs exist that bring together a combination of community service opportunities and participation benefits. These programs were funded in FY 1993 at $876 million. These programs include: The Peace Corps; Community Service Learning Program; National Health Service Corps; Senior Community Service Employment Program; National Guard Civilian Youth Opportunities Pilot Prgm; Points of Light Foundation; and HOPE VI.

Education programs and paid or unpaid volunteer programs have coexisted for years as either separate entities or interdependent programs. The question therefore is: What is the goal of the National Service Program? If it is to offer educational opportunities to young people, whether needy or not, why can't a simpler method be employed to amend an existing student loan or grant program to add the provisions of the National Service Program?

If the objective is to recruit more volunteers to participate in essential community service programs to help solve serious social ills in towns and cities, why can't an existing community service program be amended to add these inviting benefits? It seems as though the taxpayers of the United States now have a solution and only need a problem to solve.

The last concern of The American Legion that gives us pause is the choice of a House Congressional committee that will serve as the jurisdictional authority for the National Service Program. This program has been referred to the Subcommittee on VA, HUD, and Independent Agencies under the Committee on Appropriations. This subcommittee appropriates on the order of $89 billion of revenue to 15 different agencies of the government. It is made up of ten members from various states and who have differing interests.

Of major concern is that the National Service Program is estimated to cost $394 million for first year funding in FY 1994. By the time the program is four years old it is estimated it will cost at least $3.4 billion a year. This includes not only money for education grants, but includes child and health care, wages, stipend costs and the funds just to administer the program as well. Some government officials and certain outside observers have estimated it even higher.

The Administration estimates the total cost per participant, including loan forgiveness, would be similar to that in the VISTA program, which last year cost $16,000.00 per participant. Since students would be able to remain in the program for two years, the cost per student would rise to $32,000.00. As the program matures it is estimated to cost $22,667.00 per year per student by the time the program is five years old. However, as you can see by the estimates on page 7, program dollar value exceeds that in the first year.

The students it will benefit in the first year are estimated to total 25,000. By the fourth and subsequent years approximately 150,000 total students are scheduled to be maintained on the service rolls of this program alone. This is in addition to the more than 580,000 volunteers on whom the government spent $1.5 billion in FY 1993 for existing and continuing community service and education programs. Because the loan forgiveness amount of $5,000.00 per year is far more generous and exceeds other forms of federal tuition assistance, the 7.1 million people who benefit from all other existing programs are likely to clamor for similar assistance.

Where the subcommittee will obtain its funding to meet the requirements of the National Service Program is yet to be determined. The American Legion fears a large, unaffordable portion of it will come from the Veterans Affairs appropriation.

Now that we have prepared a comparison between the National Service Program and the MGIB, The American Legion believes there is less fairness, equity and balance between the two programs than originally thought. It appears as though there is an imbalance and the National Service Program is in competition with and created at the expense of the Montgomery GI Bill.

Before closing this discussion it is appropriate to take a moment to make one more point about the concept of national service. The linkage of national service with the armed forces is a natural one. The military has a long tradition of service to communities, states and the nation. It has often been in the forefront in carrying out social change such as equal opportunity, integration in the workplace and participating in programs for the disadvantaged. The military services have developed in millions of young men and women the attitudes, values, beliefs and characteristics that the nation will expect to be fostered by civil national service. In addition, military units, to include the National Guard and the reserves, have a long history of community ties and sacrifice. That tie has come in many forms other than defending national security. It is shown repeatedly in disaster relief and crisis response actions following local or regional catastrophes. It can be said that the military forces of the United States have never failed to respond to a call for national service.

In our view, military service represents the most selfless form of national service to the nation. No civil national service program could ever compare to the risks, hazards and sacrifices endured by our men and women wearing the uniform of their country.

The American Legion is not denouncing the national service program. Indeed, we have always supported such educational initiatives. And this program is more than generous to the nation's youth. It is simply unfair and imbalanced. As our National Commander, Roger A. Munson, stated; "We do think it is a strange set of priorities however, when those who are currently providing a national service to their country are entitled to less benefits than those who have yet to serve their nation. What do we say to the brave young men and women who served with distinction in Desert Storm and who at this very moment are on duty in Somalia, serving at sea and stationed in Europe, Korea and elsewhere? It is only right and just that we more adequately recognize the highest form of national service—service in the armed forces of the United States."

If in fact, voluntary enlistment, divestiture of independence, family separation and deployment to regional or foreign locations under austere or even hostile circumstances is the epitome of national service, then the military service member should have a choice of education programs after his enlistment is complete. Service with active duty, national guard or reserve units for specified periods of time deserve the same benefits as the proposed National Service Program. The two should not compete—they should compliment one another.

To be completely fair, impartial and balanced the two programs can coexist. If they cannot, one of them surely will wither and diminish in use and appeal. Today's veteran deserves a choice when he completes his enlistment—education from the MGIB or the National Service Program. Afterall, America's civilian youth have choices without the sacrifice. Why not reward the military veteran who has already made his sacrifice?•

EXPLANATION OF ABSENCE

• Mr. MURKOWSKI. I regret that I was unable to participate in the Senate schedule for Tuesday, July 20, thus not voting on four amendments on the Hatch Act and final passage on that measure. I was positioned on each of the votes, however.

My schedule called for me to board a late afternoon flight in Fairbanks, AK, that would have taken me through Anchorage and on to Detroit, getting me into Washington Tuesday morning, July 21, at 8:45 a.m., in plenty of time for the votes which started at 2:15 p.m.

Unfortunately as a consequence of receiving a yellow jacket sting, to which I am extremely allergic, it was impossible for me to travel Monday night because of my swollen condition. As soon as I was medically able to travel, I returned to Washington arriving 9:30 Tuesday evening to participate in scheduled Senate activities.•

TRIBUTE TO THE CENTENNIAL CELEBRATION OF SOUTH DIVISION HIGH SCHOOL

• Mr. KOHL. Mr. President, it is with a great deal of pride and admiration that I call the Senate's attention to the centennial celebration of South Division High School in West Allis, WI. The celebration will commemorate 100 years of South Division's service to, and friendship with, its community.

South Division has become the second oldest school in its county. The school has survived—and thrived—because of the strength and support of the community, the continuous commitment of the faculty and administration to education, and the success students have in a supportive and nurturing environment. As South Division High School continues to provide a superb education to the community of West Allis, I hope it will also serve as a model for other schools and communities throughout the country.•

TRIBUTE TO MIKE WALDMAN

• Mr. D'AMATO. Mr. President, I pause today to remember my friend, Mike Waldman, a man whose good nature and friendly demeanor were legend in these hallways. I was deeply saddened to learn of his passing on Monday and wish to share my sincerest condolences with his family and the army of friends who cherish his memory.

It can easily be said that Newsday, my hometown newspaper, has lost one of its finest writers and most experienced reporters. He coupled sharp insight with a big heart and a great sense of humor. Newsday's editors will struggle mightily to find someone who can come close to Mike's understanding of Washington while maintaining a sense of fairness and decency.

Mike and I often shared a special laugh about the unique perspicacity of many of those editors, which we likened to an impenetrable darkness. But together we agreed to laugh it off and keep our sense of humor. I must admit, now, to losing mine occasionally, but he never lost his.

Those of us who knew Mike will never walk by the press gallery without missing the New York sound of his voice, the latest news, a hot political joke, and a warm pat on the back. His spirit lives in our hearts and those old rafters.•

ENVIRONMENTAL IMPLICATIONS OF THE NAFTA

• Mr. BAUCUS. Mr. President, I rise today to discuss the environmental and labor conditions on the United States-Mexican border; their implications for the North American Free-Trade Agreement; and the prospects for resolving those concerns through the ongoing negotiations over side agreements.

THE RICHEY DECISION

Several weeks ago, Judge Charles Richey found that the National Environmental Protection Act requires the administration to complete an environmental impact statement on the NAFTA before submitting it to Congress. In my view, his reading of NEPA has merit. If the appeal bears that out, we will have to think hard not only about how to proceed not just with the NAFTA but with other trade agreements.

Judge Richey's ruling may or may not be upheld. If it is, environmental impact statements may or may not be the way to address the environmental effects of trade agreements. But in principle, Judge Richey is correct. We must have a formal way to consider the environmental impact of trade agreements before we approve them.

Trade and the environment are impossible to separate. The links are particularly strong in the case of the NAFTA. It would be a much better agreement, and would have much brighter prospects today, if the Bush administration had given some serious thought to its environmental effects.

ENVIRONMENTAL AND LABOR CONDITIONS ON THE BORDER

The existing free-trade or maquiladora zones on the border show why this issue is so important. The maquiladoras create a lot of economic activity. But they also create disastrous environmental problems, which cost money and cause disease and human suffering. If we pass the NAFTA, we must be sure it will not repeat the maquiladora experience on a larger scale.

Governor Richards of Texas estimates it will cost $4.2 billion to clean up her section of the border alone. Estimates for the full border area go as high as $20 billion. That is for pollution alone. I do not believe anyone has even begun to calculate the cost of treating the preventable pollution-related illnesses that are rampant in border towns.

In Juarez alone, 55 million gallons of industrial sludge and 24 million gallons of raw sewage flow into the Rio Grande every day. That is enough to fill up and empty the Capitol dome 17 times a day, every day, every week, every month, every year. And that is just what we know about.

I walked down to the Rio Grande when I visited El Paso and Juarez 6 weeks ago. It is actually not very grand. It is about 50 feet wide and 4 feet deep on a good day. And it literally stinks. It is full of sewage, garbage and industrial waste. It is an eyesore and a health hazard. A drainage canal running alongside it, nicknamed Aguas Negras, or Black Waters, is even worse. Worst of all, although you can not see them, are the chemical plumes traveling underground contaminating drinking water on both sides of the river.

All this directly affects the health of American citizens. Infectious hepatitis in El Paso runs at five times our national rate. And as maguiladoras move up the technological ladder and use more industrial chemicals, the problem can only get worse.

Second, labor standards. I visited a family of 10 who live in Juarez. They live in a tin shack with four rooms. No running water or electricity. The two youngest daughters—age 13 and 16—work in U.S.-owned electronics assembly plants, in violation of child labor laws. No one else in the family can get a job. Their mother told me that women in the area are routinely fired when they get pregnant.

A maquiladora worker showed me his weekly paycheck. He makes 70 cents an hour. The company is kind enough to come up with an extra 17 cents as a bonus for good attendance if he does not get sick. Again, a U.S.-owned plant.

By evading United States and Mexican environmental law, these companies give themselves a pollution subsidy. They make taxpayers pay for cleaning up their garbage and waste. They cause preventable diseases and make taxpayers and law-abiding firms pay the resulting higher insurance rates. They cut their costs at the expense of law-abiding firms and families with children on both sides of the border, and get an unfair advantage over companies which obey the law.

These problems are bad enough as it is. I will not support a NAFTA that makes them worse. Free trade must not pit law-abiding American businesses against plants whose costs are lower because their owners dump hazardous waste into the river, evade child labor laws, and fire employees who want to have a baby.

NEED FOR STRONG SIDE AGREEMENTS

The administration's proposal for strong side agreements—creating commissions on the environment and labor with independent secretariats and the right to collect data—can help us solve these problems. As a last resort, we need to be able to use trade sanctions if the law is not enforced and negotiations fail.

This proposal is simple and logical. It says that companies which go south to take advantage of a pollution subsidy, cut costs, and injure law-abiding American firms should not get the benefits of the NAFTA. If we can get such a side agreement, I will support the NAFTA. On the other hand, I will have to vote against a NAFTA without strong side agreements.

Unfortunately, the Mexican Government is hesitant to accept the trade sanction provision. They suggest imposing fines on Government enforcement agencies instead of trade sanctions on polluters. I cannot think of any precedent for this in any international agreement. It may well be unworkable, as it depends on the willingness of a Government agency to fine itself under foreign pressure. I simply do not believe it solves the problem.

In the coming weeks, the Mexican Government must decide whether a NAFTA with strong environmental guarantees is worse than no NAFTA at all. Mexico, of course, can reject our proposal. But if they do, I think they are also rejecting the NAFTA. And I think we ought to make that clear to them.

CONGRATULATIONS TO THE ALLEN EDMONDS SHOE CORP.

• Mr. KOHL. Mr. President, I rise to congratulate the Allen Edmonds Shoe Corp. of Port Washington, WI, for being recognized by President Clinton as part of yesterday's White House Small Business Day.

Allen Edmonds quite simply makes some of the finest shoes in the world. As part of yesterday's events, John Stollenwerk, the President and CEO, joined in a teleconference with Vice President GORE and the Administrator of the Small Business Administration, Erskine Bowles. He was able, along with seven other small businessowners, to ask questions and share his concerns with Vice President GORE and Administrator Bowles.

I must say that I think it is remarkable—though certainly proper—that the White House is willing to put so much time into listening to the challenges faced by small businessowners across the United States. President Clinton has also dispatched Administrator Bowles to hold a series of townhall meetings throughout the country so that we can hear firsthand the experiences, needs, and successes of small business. This is a welcome step. The first element of good policymaking is good listening.

Mr. Stollenwerk has much to teach us. He has used the resources and loan programs of the SBA to buy new equipment, expand his profitable business, and create jobs.

In addition, Mr. Stollenwerk has led the fight to open up the Japanese shoe market to quality American shoes. We all know it takes more than a good product to penetrate that market—it takes tenacity and innovation and guts. I expect that other American businesses will learn and profit from Allen Edmonds' success.

Again, I congratulate Mr. Stollenwerk and all the other Allen Edmonds employees. They should be proud of their work, and we are privileged to have them in our State.•

CAPTIVE NATIONS WEEK

• Mr. SIMON. Mr. President, this week marks the 34th anniversary of Captive Nations Week, the week in which we remember citizens of oppressed nations around the globe. While this anniversary has been laden with meaning every year since 1959, this one is unique.

The horrific carnage in Bosnia takes on fresh significance with this commemoration. We need only turn on a television to bear witness as the Bosnian people are held hostage, transferred from their ancestral homes, and deprived of the basic rights to which every human being is entitled. This week is the perfect occasion to rededicate ourselves to the resolution of the Bosnian crisis. The United States must take the lead in this area, and together with our allies we must do more to establish peace in this region.

In the People's Republic of China, the citizens of the most populous nation on Earth are still not afforded the basic liberties that this anniversary serves to promote. The images of the brutal suppression in Tiananmen Square linger in our minds, and this commemoration reminds us that the Government of China still works to annihilate the once independent nation of Tibet. With the recent 1-year extension of most-favored-nation trade status to China, it is appropriate this week to press China to implement serious reforms, and to carefully review these changes before awarding MFN status to China again.

In the same neighborhood, we cannot forget North Korea, one of the few remaining Communist countries. The dictatorship government of North Korea continues to deny basic freedoms to its citizens, and it unnaturally divides the Korean peninsula. The recent tensions with North Korea show that its government is willing to use a nuclear threat to destabilize the region and the entire world. We must press North Korea to fully recommit to the Nuclear Non-Proliferation Treaty, and to allow international inspection of its nuclear facilities.

And in Burma, the State Law and Order Restoration Council [SLORC] continues to deprive its people of human rights. This military regime still imprisons 1991 Nobel Peace Prize recipient Daw Aung San Suu Kyi, the winner of Burma's democratic elections of May 1990. We have to do more on Burma.

It is a fundamental truth that no person can be truly free unless every person is free. On this anniversary of Captive Nations Week, at least one person in five on this planet is denied their freedom. Let us use this occasion to reinvigorate our effort to bring freedom to the remaining captive nations, so that we all may be truly free.●

REGARDING PHILADELPHIA NAVAL SHIPYARD

● Mr. D'AMATO. Mr. President, yesterday, I listed in the RECORD the job titles of the over 100 employees of the Philadelphia Naval Shipyard that had participated in developing the winning bid for the maintenance contract for the U.S.S. *Seattle*.

I made the point that only because Philadelphia Naval Shipyard [PNSY] was feeding off the Federal trough could it afford such profligacy, and promised to review the relevant statutes concerning private/public shipyard competition.

According to the Navy:

> Regarding public/private competitions, the following currently apply:
>
> 10 U.S.C. 7314;
>
> Sections 352 & 353 of the FY93 DOD Authorization Act, P.L. 102–484; and
>
> Section 9095 of the FY93 DOD Appropriations Act, P.L. 102–396. Regarding negotiated competitions, generally, the following apply:
>
> 10 U.S.C. Chapter 137, Section 2301, et. seq.
>
> Regarding FY92 public/private competition (as was the competition in question), the FY92 DOD Appropriations Act, P.L. 102–172, OMN, applied.

The key section from Public Law 102–172 that applied to the competition for the U.S.S. *Seattle* read:

> The Navy shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private shipyards * * *.

10 U.S.C. 7314 states:

> SEC. 7314. Overhaul of naval vessels: competition between public and private shipyards.
>
> The Secretary of the Navy should ensure, in any case in which the Secretary awards a project for repair, alternation, overhaul, or conversion of a naval vessel following competition between public and private shipyards, that each of the following criteria is met:
>
> (1) The bid of any public shipyard for the award includes—
>
> (A) the full costs to the United States associated with future retirement benefits of civilian employees of that shipyard consistent with computation methodology established by Office of Management and Budget Circular A–76; and
>
> (B) in a case in which equal access to the Navy supply system is not allowed to public and private shipyards, a pro rata share of the costs of the Navy supply system.
>
> (2) Costs applicable to oversight of the contract by the appropriate Navy supervisor of shipbuilding, conversion, and repair are added to the bid of any private shipyard for the purpose of comparability analysis.
>
> (3) The award is made using the results of the comparability analysis.

The Navy continued, in response to one of my questions, that:

> The Navy process to "level the playing field" for shipyard depot maintenance competitions is divided into two parts.
>
> A detailed realism analysis is conducted of only the public shipyard price proposal. This realism analysis helps to ensure the public shipyard is bidding the current best estimate of performing the work because the public shipyard effort is treated similarly to a cost-type contract. Private shipyard price proposals are reviewed only to ensure the offeror understands the full scope of work because the private shipyard is awarded on a contract at a firm fixed price. Private shipyards are not required to propose the full cost of the work.
>
> In addition, cost comparability factors are developed to account for differences in the accounting for costs between public and private shipyards, where these costs can be identified and reasonably quantified. The proposed prices of the offerors are adjusted to account for these differences. The award decisions are based on these adjusted prices. Finally, in accordance with statutory law applicable through FY92, the Navy Secretariat was required to certify (and in fact certified in this case) that the successful proposal includes comparable estimates of all direct costs for both public and private shipyards. From FY93, the Defense Contract Audit Agency makes these certifications.

Credit the Navy for thoroughness. I have asked the Navy to provide me with the comparability analysis done for both the U.S.S. *Seattle*, and the recently awarded U.S.S. *Detroit*, competitions. If an apples to apples comparison between private and public shipyards is possible, these analyses should show it.

Furthermore, in the case of the U.S.S. *Seattle*, I will be particularly interested in comparing PNSY's performance to its best estimate prior to award. Because the Navy must ultimately pay Philly Shipyard whatever it costs to do a job, the temptation for buy-ins is great as there is no penalty for underestimating costs or overrunning price targets.

In my next statement, I will review the comparability analyses.●

EXTENSION OF THE NATIONAL AIR AND SPACE MUSEUM

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 122, H.R. 847, a bill to provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport; that the bill be deemed read three times, passed, the motion to reconsider laid upon the table; and that any statements relative to this measure appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 847) to provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport was considered, deemed read the third time, and passed.

Mr. WARNER. Mr. President, I rise today to applaud the passage of H.R. 847, legislation authorizing the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

This is a project to which I have devoted 10 years of my life here in the U.S. Senate. I would like to also recognize Senator ROBB's dedication to this project during his tenure as Governor of the Commonwealth of Virginia and as a U.S. Senator.

This proposal has been 10 years in the making, and we would not be here today without the hard work and dedication of two of our former colleagues, Senators Goldwater and Garn. Their support over the years was invaluable.

This marks the sixth time that similar legislation has passed the Senate, most recently on June 9, when it passed S. 535, legislation sponsored by myself and Senators ROBB, MOYNIHAN, SASSER, and GLENN.

On June 29, the House of Representatives passed, for the first time ever legislation authorizing the Air and Space extension at Dulles. Unfortunately, the House did not take up the Senate-passed S. 535, but its own bill; but this makes little difference since the Senate has taken the leadership role these last 10 years.

I now look forward to working with the Commonwealth of Virginia and the Smithsonian Institution to meet what challenges may lie ahead in bringing this extension to Dulles in a smooth and expeditious manner.

I want to reiterate that this is a very important and special day for all of us here in Virginia. I thank my colleague from Virginia for his work in getting this legislation approved.

Mr. ROBB. Mr. President, I am very pleased to join my senior colleague this evening in formally acknowledging the final passage of the bill to authorize the design and extension of the

National Air and Space Museum at Dulles International Airport.

I particularly want to thank my senior colleague, Senator WARNER, for all of his hard work over a long period of time on this project. He has made reference to several colleagues. I will specifically mention Senator MOYNIHAN, Senator GLENN, and former Senator Jake Garn, during the period of time that I have been here, for their very patient support of a proposal that was first introduced in Congress in 1984 and has been considered in each of the Congresses since.

Mr. President, I have been an avid supporter of the Air and Space Museum extension at Dulles since the Smithsonian first proposed the idea in 1983, while I was Governor. My distinguished successors in that office, Jerry Baliles and Doug Wilder, have maintained the Commonwealth's commitment to the project.

The Dulles extension of the museum is a much needed addition to the Smithsonian's facilities. The marvels that are housed in the museum on the Mall are only a fraction of the wonders that can be housed in the extension.

From the *Enola Gay* to the SR–71 Blackbird to the space shuttle *Enterprise*, there are simply too many remarkable items that are currently inaccessible to us because the museum on the Mall cannot possibly accommodate all of them.

The Smithsonian's Board of Regents repeatedly affirmed its selection of Dulles as the appropriate site for an Air and Space Museum extension.

Dulles has been chosen, both because its location will allow tourists easy access from the main museum on the Mall and because the Dulles site is the most economical option available to the Federal Government.

The site will be further enhanced when a proposed rail link is built in the Dulles transportation corridor.

In short, I am pleased that this project is moving forward.

The National Air and Space Museum extension at Dulles International Airport will prove to be a great benefit both to Virginia and to the Nation.

Mr. FORD. Mr. President, let me compliment the two Senators from Virginia. As chairman of the Rules Committee, we have worked together over these many years, and I am glad to see that we are now bringing this to a final conclusion. They worked diligently on it. It is an opportunity to save and to be able to say to our children that they can look at this great museum, and I want to compliment both of them for a job well done.

Mr. WARNER. Mr. President, may I respond by thanking the distinguished chairman of the Rules Committee and his predecessor, and, indeed, the ranking member of the Rules Committee, Mr. STEVENS, and I thank the majority leader and Republican leader and managers of the bill for the courtesy they have extended.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, it is my understanding that the senior Senator from South Carolina [Mr. THURMOND] wishes to make some remarks this evening. I do not think there will be any objection to this, so I ask unanimous consent that, as soon as Senator THURMOND is here, he be recognized and that, at the completion of his statement, the Senate then stand in recess under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO SENATOR BOB DOLE

Mr. THURMOND. Mr. President, I would like to take this opportunity to offer my heartfelt congratulations to our Republican leader, Senator BOB DOLE, who is celebrating his 70th birthday today. I have a great deal of affection and respect for the Senator from Kansas, and I want to wish him a very happy birthday.

Senator DOLE is a man of character, courage, and compassion, and an outstanding advocate for the people of Kansas and this Nation. In spite of his youth, he has a great deal of common sense, and he is a master of the legislative process.

Unlike some in public life, BOB DOLE has never forgotten his roots, and his upbringing in Russell, KS. His parents raised him to be hardworking, honest, and fair, and he has never strayed from that path.

BOB knows what is really important to people outside of this hothouse we call Washington. He knows what it means to be a smalltown boy without a lot of money in his pocket. He remembers the quiet joys of country life and the back-breaking work on the farm; and he draws strength from the faith and fortitude instilled in him by his parents.

Probably the greatest gift Senator DOLE brings to debate here in the Senate is his ability to cut through the rhetoric and ask the tough questions. With common sense, uncommon ability, and a large dose of humor, he provides the unflagging leadership that we often take for granted, but could not do without. He is a great man and a gifted leader, and I am proud to call him my friend.

ORDERS FOR FRIDAY, JULY 23, 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 8 a.m., Friday, July 23; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that the Senate then immediately proceed to H.R. 2348, the legislative branch appropriation bill, as previously announced by the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 8 a.m., Friday, July 23, 1993.

Thereupon, at 8:35 p.m., the Senate recessed until tomorrow, Friday, July 23, 1993, at 8 a.m.

NOMINATIONS

Executive nominations received by the Senate July 22, 1993:

DEPARTMENT OF DEFENSE

Graham T. Allison, Jr., of Massachusetts, to be an Assistant Secretary of Defense, vice Stephen John Hadley, resigned.

Sheila E. Widnall, of Massachusetts, to be Secretary of the Air Force, vice Donald B. Rice, resigned.

EXECUTIVE OFFICE OF THE PRESIDENT

Robert F.Watson, of Virginia, to be an Associate Director of the Office of Science and Technology Policy, vice Donald A. Henderson, resigned.

DEPARTMENT OF TRANSPORTATION

Frank Eugene Kruesi, of Illinois, to be an Assistant Secretary of Transportation, vice Stephen T. Hart.

DEPARTMENT OF ENERGY

Jay E. Hakes, of Florida, to be Administrator of the Energy Information Administration, Department of Energy, vice Calvin A. Kent, resigned.

IN THE AIR FORCE

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Gordon E. Fornell, [redacted], U.S. Air Force.

IN THE ARMY

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Daniel W. Christman, [redacted], U.S. Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. William W. Hartzog, [redacted], U.S. Army.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE EXPEDITED CLEANUP ACT OF 1993

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. KREIDLER. Mr. Speaker, today I am introducing the Expedited Cleanup Act of 1993, a bill to speed up the cleanup of Superfund and other contaminated sites by streamlining the process for the purchase and redevelopment of these sites.

I think most of us would agree that the pace of Superfund cleanups has been disappointing. Some 36,000 Superfund sites have been identified, over 1,200 on the national priority list, but since Superfund was created in 1980, only a fraction have actually been cleaned up. My district in Washington State has the dubious distinction of including more Superfund sites—11—than any other congressional district in EPA's Region X.

There are many reasons for this situation, and I look forward to working with my colleague AL SWIFT and others to improve the Superfund Program in a number of ways. Some of these issues can and should be addressed now.

For example, the city of Tacoma recently purchased part of the Commencement Bay Superfund site consisting of property along the Thea Foss Waterway, and it hopes to clean up this site and develop it into an urban center, with shops, parks, and hotels. The city has taken a bold step by buying this property and taking responsibility for a cleanup that might otherwise not happen for decades.

But the Superfund process is not designed for such a voluntary cleanup. Most of the rules have been developed to deal with those who are unwilling or unable to assume responsibility for cleanup. But in the case of the city of Tacoma and this site, the current process seems unnecessarily complicated, burdensome, and adversarial.

We ought to encourage a city, business, or other purchaser who wants to buy a Superfund site, clean it up and develop it in an appropriate way. But the current process sets up enough barriers to defeat even the most dedicated owner. The bill I am introducing would streamline this process for voluntary cleanups. A potential owner would present a comprehensive plan to the EPA or the State, outlining the proposal for cleanup and any redevelopment plans. Once the EPA or State approves the plan, the owner may proceed to implement that plan.

Another problem is that current law is vague about the level of cleanup required, and does not take into account the intended use of a site after cleanup. Is it necessary, for instance, to achieve 100 percent restoration of a site intended for industrial use, when a 95 percent level would satisfy all health and safety standards?

That's what the Boeing Co. tried to find out. Boeing wanted to acquire, clean up, and redevelop a number of different national priority list [NPL] sites in my area. But EPA could not tell Boeing what level of cleanup, or remediation, would be required. Neither could EPA tell Boeing that the future use of the site would be considered in selecting the remediation standard. As a result, Boeing did not acquire the property, and the sites are no closer to being cleaned up than they were before. That's a lose-lose proposition for everyone.

My bill would allow the future use of a site to be considered in determining the standard of cleanup, but only when specific redevelopment plans have also been approved. The potential developer of a site would be required to submit a detailed redevelopment plan and to achieve cleanup standards that match the future use of the site as outlined in the plan. When there are no specific future use plans, the high standards of current law will still apply.

Allowing consideration of future uses to define standards of cleanup will also help owners achieve some certainty regarding their future liability. In fact, under the bill, the EPA or State is required to certify to owners whether the cleanup, as completed, is acceptable. Barring future releases of contaminants, owners who complete cleanup under this program would be assured that no further actions are required as long as the property is used as planned.

Many people are rightly concerned about the impact of any modification of cleanup standards on environmental safety and public health. That is why this bill requires that the EPA or the State still insist that plans for cleanup meet appropriate health and safety standards.

Many of these contaminated sites have been around a long time, and they are not getting any cleaner. If we are ever going to make real progress in achieving the goals of the Superfund law, we must find a more effective and efficient way to encourage cleanups and still protect the public health.

Other areas of the Superfund Program also require our attention. But we must start somewhere because the status quo is no longer an option. It's time to start cleanups at Superfund and other contaminated sites. This bill is a step in that direction, and I urge my colleagues to support it.

150 YEARS OF FAITH AND FELLOWSHIP

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to honor St. Paul's Roman Catholic Church in Philadelphia which celebrates its 150th anniversary on October 24, 1993. Founded in 1843, St. Paul's has become an integral part of the life of south Philadelphia and the Italian market neighborhood. Although its congregation encompasses over 1,300 families, no one has ever felt ignored or unimportant while attending services there.

I am personally very close to this church, as I have many friends among the congregation members and the clergy. St. Paul's longevity is a testament to the enduring faith of its parishioners and its commitment to the local community. I am very proud to have this historic institution located in my district.

Therefore, I wish to join with the friends and members of St. Paul's Roman Catholic Church in celebrating 150 years of continuous fellowship. The present and past leaders of St. Paul's should be proud of what they have accomplished in guiding this institution for a century and a half.

CONGRATULATING THE 242D SIGNAL BATTALION FOR ITS EFFORTS TO SERVE AND PROTECT THE NATION AND THE VILLAGE OF BAYVILLE, NY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to extend sincere thanks and appreciation to the 242d Signal Battalion, New York Army National Guard, for its help in protecting the community of Bayville during the terrible storm that plagued the North Shore of Long Island in December 1992.

The caring members of the 242d responded to the needs of the community by assisting in the evacuation of citizens from flooded areas. Those rescued included wheelchair patients, heart-attack victims, and disabled persons, as well as stranded pets. This Reserve Corps donated the use of its vehicles to police and fire officials whose own vehicles could not function in the flooded streets. The 242d Signal Battalion supplied the community of Bayville with blankets and drinking water for the emergency shelter, and provided a backup generator for the Bayville Fire Department.

Mr. Speaker, our citizen soldiers prove time and again that they can be mobilized on short notice and perform their duties efficiently and productively. The New York Army National Guard has selected local citizen soldiers to honor for the relief efforts in Bayville during the northeaster in December 1992, which devastated the community. Local dignitaries and military leaders will be on hand Saturday, July 31, 1993, at the Hempstead Armory to recognize these gallant Guard members.

The award presentation will be part of a ceremony marking the deactivation of the

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

242d Signal Battalion after 50 years of service to the Nation, State and local communities. The State of New York will vacate the armory and transfer the building to the village of Hempstead for use by the community.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in extending our best wishes and special thanks to Alfred P. Roth, LTC, SC, New York Army National Guard, and to the 242d Signal Battalion for their dedication and assistance in the face of emergencies, and to congratulate the 242d Battalion on its 50 years of outstanding service.

TRIBUTE TO MR. KENNETH J. FREY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. McDADE. Mr. Speaker, I rise today to lament the passing of a great American and life-long resident of Sullivan County, PA, Kenneth J. Frey. Earlier this year, Kenneth Frey; a pillar of his beloved community of Fox Township, a farmer, a public servant, active in his church, devoted to his family, respected and loved by all who knew him; passed away at the age of 77. Kenneth Frey was, in every sense, a model American citizen—as the pastor of his church described, "a man who always seemed to have his priorities right."

He was born in 1916, the son of Edwin and Florence Decker Frey. Kenneth Frey was a 1932 graduate of Shunk High School and a 1933 graduate of the Estella Vo-Ag School. He served as a DHA supervisor for 1 year before staring his own dairy in 1934. He continued to farm until his retirement in 1979.

From 1963 until 1978, Mr. Frey served in the elective office of chief assessor for Sullivan County. During his tenure as chief assessor, he was active in the Northern Tier Regional Planning and Development Commission and the Sullivan County Planning Commission. At various times between 1938 and 1979, he was a substitute rural letter carrier, and from 1979 until 1981 he was a full time mail carrier.

Kenneth Frey was an active member of the Shunk United Methodist Church serving as superintendent, teacher and class leader in its Sunday School since 1935. He was an active member of the Shunk Cemetery Association, the Sullivan County Historical Society, and the Sullivan County Chamber of Commerce. For some time, Mr. Frey served on the board of directors of the Endless Mountains Association. He also served on the board of directors of the Sullivan County Fair Association and was Treasurer of the Fox Township Board of Supervisors. Mr. Frey, played a critical role in the establishment of the Endless Mountain Volunteer Fire Co., and the construction of their firehall in the late 1970's.

Above all else, Kenneth Frey was devoted to family—his wife of 57 years, Marion his adopted niece, his 5 children, 12 grandchildren, 7 great-grandchildren, his brothers and sisters, and all who were dear to them. He loved his country and was very proud of his accomplishment of visiting all 50 States over the years.

Mr. Speaker, throughout his life, Kenneth Frey demonstrated the values which we Americans hold most dear. He was a selfless, giving man. Our hearts and our prayers go out to Marion and the entire Frey family. We are all diminished in his passing, as we are all the better for his time with us.

HONORING THE EFFORTS OF THE VETERANS FROM ALLEGHENY COUNTY WHO SERVED DURING THE KOREAN WAR

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. COYNE. Mr. Speaker, on July 27, 1993, veterans in Allegheny County and around the country will remember those who served during the Korean war. This day will mark the 40th anniversary of the cease-fire which put an end to the Korean war.

It is fitting that all Americans take part in this remembrance of those veterans who served during the Korean war. We should never forget the men and women who risked their lives for our country, and we owe a special debt to those individuals who sacrificed their lives in the fight for freedom.

At this time in our Nation's history when we celebrate the end of the cold war, we should keep in mind that our struggle to contain communism required at times a willingness to send U.S. troops into combat. It is very important for us to remember that the men and women who served during the Korean war were there to defend South Korea against armed aggression from Communist North Korea.

I am proud of the veterans from Allegheny County who served during the Korean war. I am equally proud of the fact that the number of veterans living in Allegheny County is among the highest concentrations of veterans in any single county in the United States. There are over 173,000 men and women living in Allegheny County who have served in the U.S. military during conflicts ranging from World War I and up to Operation Desert Storm. The number of veterans in Allegheny County who served in the Korean war alone exceeds 26,000. The sacrifices made by these veterans and their families should inspire all Americans, especially the men and women who are currently serving in uniform.

The Korean war has been described as one of the bloodiest wars in our Nation's history. When Allied troop strength reached its highest point, there were 1,110,000 men and women serving under the flag of the United Nations, and of these 480,000 were Americans. Victory in halting aggression from North Korea came at great cost in both fiscal and human terms. The United States spent $67 billion on the war. The U.S. Air Force, Navy, and Marine Corps lost more than 2,000 planes during the war. There were five Navy ships sunk and 82 were hit. There were 1 million civilians killed in South Korea and the cost of property damage was estimated at more than $1 billion. According to the Department of Veterans Affairs, total U.S. casualties, including both those wounded and killed, numbered 162,708. This loss of life and the sacrifices made by individual American servicemen and women requires more than anything else that we continue to honor both the veterans of the Korean war and the families of those who served in that conflict.

Mr. Speaker, I commend the efforts of veterans from Allegheny County who have organized a day of remembrance for Korean war veterans. I wish them the very best as they join with others in western Pennsylvania to salute the men and women who served in Korea.

CITIZEN COSPONSORS OF THE FISCAL ACCOUNTABILITY AND INTERGOVERNMENTAL REFORM ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. GOODLING. Mr. Speaker, on March 10 of this year Congressman MORAN and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help state and local governments alleviate their most crushing financial burden, unfunded Federal mandates.

As you know, this legislation is necessary to safeguard against a tendency within the institution and among Federal agencies to resort to more and more unfunded Federal mandates.

This bill would require that any legislation to be considered by the full House or Senate have an analysis of the costs of compliance to State and local governments and the private sector. This bill seeks to enforce provisions already included in the 1974 Budget Reform Act. Second, this legislation would require all Federal agencies to analyze the economic costs of new regulations before they are adopted.

Support for this legislation has increased both in the Congress and among those who it will help the most, our Nation's civic leaders in State and local governments and small businesses.

Congressman MORAN and I have received letters from mayors and leaders from all over the country expressing their support for the FAIR Act. Clearly, their support of this bill reflects the need for the Congress to reform the way it does business. Their support signals the beginning of a partnership between the Federal Government and State and local governments and small businesses.

In order to give our local government a stronger voice in this issue, we have decided to make these mayors and leaders "Citizen Cosponsors" of the FAIR Act.

The names of 20 mayors and leaders who have written to express their strong support for the passage of the FAIR Act follow:

Paul Johnson, Phoenix, AZ, mayor.
Dave Karp, San Leandro, CA, mayor.
Jay Price, Bell, CA, mayor.
Bill Ball, Freemont, CA, mayor.
George McGough, Largo, FL, mayor.

Sandra Freedman, Tampa, FL, mayor.

Daniel McCollum, Champaign, IL, mayor.

Robert Thomas, Westland, MI, mayor.

Frederick Lapple, Irondequoit, NY, supervisor.

Virginia Swanson, Highland Heights, OH, mayor.

Judy McDonald, Nacogdoches, TX, mayor.

Julian Adams, Lynchburg, VA, mayor.

Maricolette Walsh, Wauwatosa, WI, mayor.

Arnold Addison, State College, PA, mayor.

Martha Whitehead, Longview, TX, mayor.

Patricia Hiligoss, Petaluma, CA, mayor.

John McTaggart, Rancho Palos Verdes, CA, mayor.

Harold Samuels, Euless, TX, mayor.

Timothy Tully, New Berlin, WI, mayor.

Charles Doyle, Texas City, TX, mayor.

THE INTRODUCTION OF THE CHILDREN'S HEALTH CARE RESOLUTION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. CLEMENT. Mr. Speaker, I rise today to introduce a resolution that ensures that the special health care needs of children are addressed in any health care reform legislation passed by Congress.

I think most people would agree that our Nation's health care system is currently in trouble. Changes in our health care system should and will be made in the weeks and months to come. Unfortunately, these changes may not focus on an important sector of America's population: our children.

Our present health care system is adult oriented and often fails to focus on the special needs and treatments needed by children. Children often lack the proper immunizations, eye exams, nutrition, and even physical exams due to the inadequate resources be it qualified pediatricians or money. The problem is made worse by the fact that 12 million of the 37 million uninsured Americans are children and one of every four children lives below the poverty level. Even when proper care is available, some children are denied access to it simply because they cannot afford it.

In this age of cost cutting and efficiency, quality and service should not and will not be sacrificed. For every dollar that we spend on preventive care for our children, we save $10 that would have been associated with treating the disease or illness in the future.

The children's health care resolution expresses the sense of Congress that any legislation enacted to reform our national health care system include the special health care needs of children, emphasize preventive care, and address the uninsured status of many children and their lack of access to health care services even when health insurance is available.

Our investment in our children's health care now is an investment for our Nation's future. I urge my fellow colleagues to keep the special needs of our children in mind during the health care reform debate by supporting the children's health care resolution.

SHELBY COUNTY FARM BUREAU

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. POSHARD. Mr. Speaker, at a time when much of the attention of the Nation is directed at the damage wrought by nature in the Midwest, Americans are again reminded of the inestimable value of the land in America's Breadbasket. Generation after generation of farmers have toiled in central Illinois, coping with the ravages of rain, drought, snow, disease, and other complications which cannot be anticipated. I stand today to recognize an organization which for many years has represented those who work that land to feed the Nation.

The Shelby County Farm Bureau was formed on March 2, 1918. For 75 years, it has diligently worked to improve the quality of life on farms in central Illinois by raising farm income, and working with Government to pass legislation benefitting the farmer. Led by Ed Lambert for the past 25 years, the Shelby County Farm Bureau currently has 2,654 members.

I salute the Shelby County Farm Bureau as it celebrates its 75th anniversary with a celebration on August 5, 1993, and the farmers of central Illinois in whom we maintain a sacred trust to work and preserve our most valuable resource—the land.

TCI ANNOUNCES REVENUE IMPACT OF 1992 CABLE ACT

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. SCHAEFER. Mr. Speaker, earlier today Tele-Communications Inc. [TCI], the Nations's largest cable television multiple systems operator and headquartered in my district, announced the impact of the 1992 Cable Act on its company.

I am submitting the following press release to highlight both the full intention of TCI to adhere to the requirements of the new law and to bring to Members' attention the enormous financial impact its enactment will have on a major employer in my State.

TCI ANNOUNCES REVENUE IMPACT OF 1992 CABLE ACT

WASHINGTON, DC.—Tele-Communications, Inc. (TCI) announced today that its revenues from the sale of basic and expanded basic cable service, related equipment and additional outlets would decrease by $140–$160 million annually, due to the 1992 Cable Act and FCC rate regulations. The company further announced that, accordingly, a vast majority of its 10.4 million customers would pay less for these items which the Congress and the FCC have placed under price regulation.

Brendan Clouston, Chief Operating Officer of TCI said, "If the intent of Congress and the FCC was not only to limit future cable rate increases, but also to roll back current prices for elements of our basic service, they have succeeded beyond any question. $140–$160 million is an enormous revenue setback. Judging from TCI's size and experience with these regulations, the total savings for cable customers nationwide will be very close to the $1 billion target the FCC set for itself. At TCI, our job now is to help make these extraordinarily complex regulations work, and to try to make up some of these revenue losses by improved marketing of optional services."

"Clearly, no one would be advantaged by excessive use of cost of service challenges to the FCC benchmark regulations," Clouston added. "Accordingly, TCI will employ that option only in those cases where the benchmarks clearly and unequivocally limit the return on our investment to the figure well below that which is warranted by a return on investment approach. Under currently foreseeable conditions, I doubt those instances will exceed half a dozen among our 1,000 cable systems during the next year."

Barry Schotters, TCI's Senior Vice President of Finance, said, "This revenue loss is significant. To place it in perspective, this company has reported consolidated cumulative losses over the last 4 years of some $700 million. In the first quarter of this year, we reported our first profit in over four years, some $52 million. In a regulated business, it is accepted that profitability is the appropriate measure of return on the billions we have invested in plant and equipment, so this is obviously a significant setback. However, due to long range planning and the Company's fundamental financial strength, TCI expects to weather its adversity and to move forward on its capital spending plans. Nevertheless, some adjustment to that plan may now be inevitable, given the magnitude of this revenue setback."

The company noted that its cable systems were still working on the FCC forms, so no data was available on new price structures in most TCI systems. Likewise, it is not possible yet to compute the impact of price regulation on most customer's bottom line bills. This type of information should be available in a few weeks.

Tele-Communications, Inc. is traded in the NASDAQ market with Class Act Common Stock and Class B Common Stock trading separately under symbols of TCOMA and TCOMB, respectively. In addition, the Company's Liquid Yield Option Notes due 2008 are also traded in the NASDAQ market under the symbol of TCOMG.

TRIBUTE TO BRAVE LAW ENFORCEMENT OFFICERS

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mrs. FOWLER. Mr. Speaker, I rise today with deepest sympathy and the greatest respect for the brave law enforcement officials who died last week in the line of duty when their helicopter crashed over Georgia. These men were on a mission to search for suspect airstrips used for smuggling narcotics into the United States.

The heroes we mourn are Customs pilot Carl R. Talafous, Customs pilot Alan J. Klumpp, Customs air interdiction officer David E. DeLoach, and special agent Lee DeLoach of the Georgia Bureau of Investigations.

These officers displayed true courage—courage that is the backbone of our Nation.

Without their courage, the drug trade would flourish and thousands of families lives would be destroyed by drug dependency and violence.

Nothing can ever replace the lives of these four unselfish soldiers in the war on drugs. What can remain in their physical absence, however, is their contribution to their country. It is a contribution which provides inspiration for both their families and every American. Their efforts and sacrifice have made the United States a safer country, a more drug-free country and a country in which we can all be proud to live.

I salute the valiant efforts of Mr. Talafous, Mr. David DeLoach, Mr. Klumpp, and Mr. Lee DeLoach and extend my deepest sympathies to their families.

RECOGNIZING U.S. FILTER RECOVERY SERVICE, INC., ON THE FIFTH ANNIVERSARY OF ITS ESTABLISHMENT IN MINNESOTA

HON. ROD GRAMS

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. GRAMS. Mr. Speaker, today, I would like to recognize U.S. Filter Recovery Service, Inc., on the fifth anniversary of its establishment in Minnesota. This company provides recycling services ranging from the recovery of heavy metals from industrial waste to the recycling of nickel-cadmium batteries. The products they recover are readily marketable elements which meet rigid industrial standards.

U.S. Filter is forging new ground in the growing industry of green technology and is demonstrating that the market can respond to the demands of our Nation's communities to ensure a clean environment. Instead of turning to Big Government for solutions to our problems, we need to encourage business especially small businesses to rise up and meet the challenges facing America.

The benefits of U.S. Filter's services are very evident: Not only does this company contribute to Minnesota's environment and ultimately our Nation's environment, but also provides cost effective assistance to small businesses making them more competitive at home and abroad.

Mr. Speaker, in closing I would like to say that companies such as this, led by young people with fresh ideas, stand as an example of the direction our Nation should be headed. The growing green technology sector can not only meet the needs of our Nation, but will also provide jobs and fuel the American economy and ultimately be exported around the world. Congress needs to ensure the continued growth and success of such innovative green companies.

THE BALTIMORE CHAPTER OF THE WOMEN'S TRANSPORTATION SEMINAR CELEBRATES 10TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mrs. BENTLEY. Mr. Speaker, and fellow members of Congress, I rise to salute the Baltimore chapter of the Women's Transportation Seminar [WTS] which is celebrating its 10th anniversary.

Forty ambitious women who were involved in transportation in Washington, DC, founded the WTS organization in 1977. They labored to create a mechanism that promoted individual success as well as industrial growth and governmental recognition of the contribution of women in transportation. Now some 16 years later under the leadership of Ann Hershfang, WTS is a dynamic national organization of 24 active chapters and more than 2,300 transportation professionals, male and female alike.

The Women's Transportation Seminar successfully continues to fulfill its mission. It does more than simply establishing goals and setting agendas; it transforms them into concrete realities. These realities touch not only the lives of its members, but the general public who is affected daily by the Nation's transportation system and management.

WTS offers a wide spectrum of services and activities to its members at both the local and national level. These include annual national conferences, monthly local programs, newsletters, professional development seminars, job banks, and scholarships. Also, private corporations and organizations like WTS work in conjunction with agencies like the Department of Motor Vehicles to reduce traffic fatalities.

The Baltimore chapter, led by Beverly Vinzant, has continued the tradition established by WTS through its unending hard work and perseverance. I was honored to attend the chapter's 10th anniversary celebration in April at the historic Baltimore and Ohio Railroad Museum, and to be selected Woman of the Year along with Man of the Year, James Lighthizer, Maryland Secretary of Transportation.

I am sorry to say that when I had my first introduction to the field of transportation over 40 years ago, it was desolate of female leadership. So now in 1993, it thrills me to see women making great strides in an area of such vital importance. The time has come for us to make every year, the year of the woman!

As former chairman of the Federal Maritime Commission and now Member of Congress, I know that transportation has been and remains a priority. Together we can move forward in an industry as well as an America full of continuity and change. Once again let me offer my congratulations to WTS, particularly the Baltimore chapter celebrating its 10th anniversary. I wish the Women's Transportation Seminar continued success and a long prosperous future.

INTRODUCTION OF THE STATE DISASTER FLEXIBILITY ACT

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. MANZULLO. Mr. Speaker, today I am introducing a bill that would allow States the flexibility to shift Federal funds to pay for disaster relief. We owe it to the American people, especially those directly impacted by a natural disaster, to find alternative ways to pay for emergency disasters such as the flooding in the Midwest that may cost up to $10 billion in damages and losses.

My bill would give the States the ability to take Federal funds that have already been appropriated for specific projects within the State and use that money to repair damages or provide emergency relief to victims of a natural disaster. This would be yet another way to lessen the burden of deficit spending during times of emergency.

I believe it is a question of priorities and what is necessary. We have millions of dollars sitting in accounts for highway beautification and other demonstration projects while many rural communities in the Midwest have severe infrastructure damage because of flooding. Bridges have been washed out and roads have disappeared but yet the States must spend Federal funds on projects of secondary priority that they cannot touch.

My bill would allow the States, at their discretion, to take Federal funds and use them toward repairing any damaged public facilities or infrastructure. For example, a bridge that was washed out could be repaired with money that was originally intended for planting trees along a highway. Money that was originally directed by Congress to build a bike path could be used to rebuild a washed-out road.

No one would have expected such devastation from flooding that our Midwest States have endured this summer. Nor can we anticipate how many natural disasters might occur in the future. But this legislation will allow us to at least have a contingency plan in place and not resort immediately to new deficit spending. Let's use the money that is already there first. I invite colleagues to cosponsor my initiative.

The text of the bill follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF AMOUNTS TO SUPPLEMENT DISASTER RELIEF.

(a) IN GENERAL.—Notwithstanding any other provision of law, any State which is eligible to receive disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act may supplement such disaster relief using amounts available to the State for a program or project if such amounts were specifically appropriated or otherwise made available to the State by a Federal statute.

(b) LIMITATION.—A State may supplement disaster relief using amounts described in subsection (a) only if the purpose of such disaster relief is related to the purpose of the program or project for which the amounts were appropriated or otherwise made available to the State.

(c) APPLICABILITY.—Subsection (a) shall apply to amounts appropriated or otherwise made available to a State before, on, or after the date of the enactment of this Act.

DISTORTED RECORD OF THE ADMINISTRATION'S APPOINTMENT PROCESS

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. McCANDLESS. Mr. Speaker, a recent story in the Washington Post has greatly distorted the record of this administration's appointment process.

Yesterday, the Post reported that President Clinton's appointments are nearly 60 percent complete. But this story swallows hook, line, and sinker the administration "spin" that merely naming someone is tantamount to having that person confirmed by the Senate. Has the White House already forgotten Lani Guiner? Floating a trial balloon and sending a name up to the Senate are certainly two different things.

In the Defense Department, for example, the Post reports 51 percent of DOD positions are now filled. In reality, a CRS report just released shows the actual number of positions filled somewhere around 33 percent. This high number of vacancies is beginning to hamper our national security structure and has already drastically affected the defense budget process.

On the bottom line of the Post article, it cites as a source for their research "White House Information." I think the Post has gone a little too far in giving the benefit of the doubt to this administration. This is the very same White House that says "We've cut our staff by 25 percent" and then, under their breath, qualifies that statement by saying "so long as you don't count OMB." The Post should do a little more investigating, and a little less apologizing for this White House.

Mr. Speaker, these vacancies must be filled, and filled soon. Otherwise this administration should redirect defense downsizing toward the honorable political appointees, instead of our honorable men and women in uniform.

TRIBUTE TO ONONDAGA COMMUNITY COLLEGE'S MEN'S BASKETBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. WALSH. Mr. Speaker, it is with great pride that I today honor an institution of higher learning—this time not for its forward-looking curriculum but for its men's basketball team, which this year won the national Division III championship.

Onondaga Community College is a unique college environment in my home district. In serving associate of arts degree candidates, it not only caters to what would be considered the typical college student but to local residents pursuing continuing education and to individuals with speciality interests. The college has been recognized for its retraining programs, customized educational programs in coordination with local businesses, and computer aided design courses which have produced real models for our national economy.

Some say their basketball program competes in the shadow of the more well-known Syracuse University, or even Le Moyne College. But local people know of OCC's prowess in its division. The team has generated loyalty among the student body and coach Michael Rizzi has maximized the energy of these fine athletes to bring home a prized trophy for the fans.

Nothing generates pride and enthusiasm like athletic competition—unless it is athletics in the context of a college community, where a sense of winning transfers easily from the field or the court to the office or the plant.

As I said, it is with great pride that I present the names of this championship team. I wish them further success in all pursuits and congratulate them for exhibiting all the qualities of sports in their very best light.

Onondaga Community College's national championship men's basketball team, led by Division III Coach of the Year Mike Rizzi and assistants Tom Atkins, Mike Boderick, and Carlos Williams: Alfred D'Ambrogio, Jason Dudzinski, Daniel Jakway, Ardean Johnson, Jr., Mark Kingsley, Nathaniel Sheppard, Francis Swierk, Timothy VanAernem, Brian Williams, Kirk Ceasar, and Edward Curtis.

A TRIBUTE TO LONG LIFE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to a very special resident of my district. On Wednesday, September 1, 1993, Ms. Antoinette Roletter will be 100 years old. I join with Ms. Roletter's friends and family in celebration of this remarkable event, and wish her many more healthy and happy birthdays in the future.

TRIBUTE TO MAJ. GEN. DAVID C. MOREHOUSE

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. McCURDY. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of one of our country's top military men, Maj. Gen. David C. Morehouse, the judge advocate general of the Air Force. Major General Morehouse will be retiring after an especially distinguished military career on August 1.

General Morehouse was commissioned as a first lieutenant in the department of the judge advocate general, U.S. Air Force Reserve, in August 1960. A 1977 graduate of the National War College, he served, among many assignments, as the staff judge advocate, Headquarters Tactical Air Command, Langley Air Force Base, VA, and later in the same position at Headquarters, Strategic Air Command, Offutt Air Force Base, NE.

He attained a bachelor of science degree from the University of Nebraska in 1957, a juris doctor degree from Creighton University in 1960, and a master of law degree from George Washington University in 1972. His military education also includes Squadron Officers School.

This Vietnam veteran, who served at Bien Hoa Air Base, Republic of Vietnam, was instrumental in providing necessary legal advice to command at that time and concurrently providing legal assistance to troops of all grades, when that function was more important to those individuals than it ever had been before, or probably since.

Since the spring 1988, he has been deeply involved in the key issues in both personnel and acquisition arenas in his roles as deputy judge advocate general and then the judge advocate general here in our Nation's capital.

General Morehouse's military decorations include the Distinguished Service Medal, the Legion of Merit with one oak leaf cluster, the Bronze Star Medal, the Meritorious Service Medal with one oak leaf cluster, and the Air Force Commendation Medal.

Mr. Speaker, I ask that you join me, our colleagues, and General Morehouse's many friends in saluting this distinguished officer's many years of selfless service to the United States of America. I know our Nation, his wife, Sally, and sons, Joe, who is a captain flight surgeon in the Air Force, and Mark, are extremely proud of his accomplishments. It is fitting that the House of Representatives pays tribute to him today.

TRIBUTE TO KARL JOHN STONE AND CHARLES DISTEFANO, EAGLE SCOUTS OF JACKSON HEIGHTS

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Karl John Stone and Charles DiStefano from the Seventh Congressional District of New York who have attained Eagle Scout status. Karl John Stone attended Public School No. 69 and IS–145 in Jackson Heights. He then went back to Bronx Science High School where he graduated in June. He is going to attend St. Olaf College in Minnesota. He would like to major in American history.

Karl John joined Troop 454 in December 1986. He served as den chief, patrol leader, senior patrol leader and instructor. He was always available in helping the younger scouts in passing their requirements for advancement in rank.

His Eagle project was building a flower bed outdoors for the residents at the Wartburg Nursing Home in Mt. Vernon, NY. The residents, mostly in wheelchairs, have a section they take care of themselves. Outside benches were sanded and varnished and nameplates were cleaned and polished.

Karl John passed his Eagle Board of Review on May 10, 1993. His Eagle ceremony will be held August 1, 1993.

Mr. Speaker, Charles DiStefano attended our Lady of Fatima Parochial School in Jackson Heights, then Holy Cross High School where he graduated in June 1993. While in school, Charles participated in school plays as an actor and a singer.

On November 13, 1987, Charles registered as a Boy Scout in Troop 454. For 6 years, he was active in the troop, serving as assistant patrol leader and librarian. He was very helpful with the younger Scouts, instructing them on their requirements for advancement in rank. He was also a den chief.

Charles completed his Eagle project at Alley Pond Environmental Center in Queens, NY. He restored a path around the windmill that was not passable for guided tours. Many children go there for their school field trips.

Charles passed his Eagle Board of Review on May 20, 1993. He will have his ceremony on August 1, 1993 at Atonement Lutheran Church.

Charles enlisted in the U.S. Marine Corps and will report for active duty in October. He will pursue a career in journalism.

I know my colleagues join me in congratulating Karl John Stone and Charles DiStefano for the outstanding achievement in attaining Eagle Scout status, and in wishing them good fortune in their future endeavors.

TRIBUTE TO COVINGTON TOWNSHIP

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Covington Township, located in Michigan's Upper Peninsula, which I represent. The year 1993 represents a milestone, as Covington Township and its residents celebrate the 100th anniversary of their township's founding.

The history of Covington dates back to the earliest of records, it was once thought that the area was inhabited by the Vikings, and later the Chippewa Indians. However, the area was not permanently settled until the railroad was established in the Upper Peninsula in 1887. Immigrants from France, England, Ireland, Sweden, and Finland arrived with tales of streets of gold and cheap, fertile lands dancing in their heads, only to find an untamed wilderness in its stead. The new immigrants labored to build the township of Covington, which was established in April 1893. Boosted by the booming mining and timber industry, it was not long until Covington expanded with waves of immigrants, mainly from Finland. With the inception of Ford Motor Co's Logging Camp No. 4 in 1923, Covington grew even larger. The logging camp operated until 1928 when private investors took over the operation.

Through the mining and logging booms, the farmers of Covington have withstood the test of time. Working tirelessly, they have tilled the land producing oats, barley, rye, and wheat. From the Plowman Association to the Watton Farmers Threshing Co., farmers of Covington have banded together, preserving their traditions.

The arrival of the Great Depression dampened the economy of Covington but not its spirit. With the help of Roosevelt's Works Progress Administration [WPA], the citizens of Covington worked side by side to overcome this trying period. World War II brought an end to the WPA, but not its memory. The accomplishments of the program still stand as testimony of an era past and the resilience of Covington's citizens.

Like the train that brought the first settlers, Covington Township and its residents continue to plow ahead into the future, changing constantly with the times. In 1955, the last passenger train rolled out of Covington, signaling with its final whistle a drive toward the future. However, the citizens of Covington will never forget their ancestors who chiseled out of the rocky wilderness the town they know today.

Mr. Speaker, the residents of Covington Township have reason to be proud for their indefatigable efforts into forming a model for America. A model of dedication, perseverance, and pride that the citizens apply to every task. I am grateful to be able to count the residents of Covington as my constituents and wish them the best in their continuing efforts in making America into the land of opportunity.

HELSINKI HUMAN RIGHTS DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 1993

Mr. HOYER. Mr. Speaker, as Cochairman of the Commission on Security and Cooperation in Europe, I am pleased to introduce a joint resolution today requesting and authorizing the President to designate August 1, 1993, as "Helsinki Human Rights Day."

On August 1, 1975, the leaders of 35 countries gathered in Helsinki, Finland to sign the Final Act of the Conference on Security and Cooperation in Europe. The Final Act encompasses human rights and fundamental freedom as well as military security, trade, economic cooperation, environment concerns, scientific and cultural exchanges. The Final Act has been a vehicle for the promotion and preservation of human rights for the past 18 years. Since its inception, the Final Act has consistently served as a benchmark by which other countries human rights records are measured. It has been an effective tool for constructive change.

Human rights have been the cornerstone of the Helsinki process. By signing the Final Act participating states have recognized and affirmed that human rights and fundamental freedoms are the unalienable right of all human beings regardless of their national origin, race, religion, or gender. The CSCE remains vigilant and committed to human rights, democracy, the rule of law, and has consistently encouraged peaceful change through free and fair elections.

Throughout its history, the CSCE has served as a forum through which human rights cases could be aired. Hundreds of political prisoners have been released and families reunited as a result of the moral suasion brought to bear against offending states. The Helsinki process was a critical factor in bridging the gap that artificially divided Europe for nearly a half century.

Today, the number of signatory states has increased to 53 fully participating states with the former Yugoslav Republic of Macedonia participating in the process as an observer. Although the cold war has ended, many of the newly independent states are faced with perhaps greater challenges than their predecessors. The collapse of the totalitarian Communist regimes in Eastern Europe and the former Soviet Union has dramatically changed the CSCE and the political dynamics of the member states. The disintegration of the Communist bloc has, at the same time, allowed long-suppressed ethnic and religious animosities, extreme nationalism, territorial aggression, and xenophobia to rise to the surface. In many ways, the violation of human rights in Europe has never been worse in the post-World War period.

In the former Yugoslavia, innocent people in Bosnia-Herzegovina have been systematically and brutally murdered, raped, and forcibly displaced as a result of armed Serb and Croat aggression. In the Caucasus, thousands of Armenians and Azeris have been killed in fighting over Nagorno-Karabakh, and in the Central Asian State of Tajikistan civil war continues to claim countless lives. Egregious human rights abuses have been reported in Turkmenistan, Uzbekistan, and Tajikistan.

Mr. Speaker, this legislation reaffirms and asserts the United States' commitment to the fulfillment of the Helsinki accords by all the signatory states. It expresses the Congress' belief that human rights and foreign policy cannot be mutually exclusive. I thank my colleagues who joined me in sponsoring this resolution for their support and look forward to the timely adoption of this resolution.

SENATE—*Friday, July 23, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 8 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

In a moment of silence, let us thank the Lord for the return of Senator SPECTER and let us pray for his complete recovery of health and strength.

"Thou wilt keep him in perfect peace, whose mind is stayed on Thee * * *."—(Isaiah 26:3)

God of peace, let us not take this offer of peace lightly. There is little in the Senate or in the world that offers peace, much of the dynamics in the democratic process generates dispeace. Little that is happening in the world around us gives peace whether it is Bosnia or Somalia or Nicaragua or flood in the Midwest or, for that matter, resolving the budget issues. And often life in the home is not peaceful.

Gracious God, men and women with great responsibility need peace, and I pray for those in this large Senate family that each may discover "the peace that passes understanding" which comes from trusting in Thee. May this weekend bring respite from struggle and pressure. May there be peace in our hearts and in our homes.

We pray in the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 23, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

LEGISLATIVE BRANCH APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to consideration of H.R. 2348, which the clerk will report.

The legislative clerk read as follows:

A bill [H.R. 2348] making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $69,895,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,431,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $432,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,076,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $644,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $942,000 for each such committee; in all, $1,884,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $362,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $172,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $11,715,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,739,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,133,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $17,307,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,080,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $833,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $1,199,100 for each such committee; in all, $2,398,200.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $77,000,000.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $336,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,366,500.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $74,894,000, of which $16,500,000 shall remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, $6,748,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $185,768,000.

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, $825,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $20,000,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. (a) Charges for expenses of any office, the funds of which are disbursed by the Secretary of the Senate, may be vouchered by a Senate support office paying such expenses or to which such charges are owed for goods or services provided, if—

(1) such charges are paid on behalf of the office incurring such expenses by such Senate support office; or

(2) such charges are payable to such Senate support office for goods or services provided by such office to the office incurring such expenses.

(b) Payments under this section shall be charged to the official funds of the office on whose behalf the expenses were paid, or which received the goods or services for which payment is required.

(c) Any voucher submitted by a Senate support office pursuant to this section shall be accompanied by a certification from such office of the amount and that such purchases were of the nature that they could be charged to the official funds of the office on whose behalf charges were paid, or to which goods or services were provided.

(d) Vouchers under this section shall be submitted and paid subject to such regulations as may be promulgated by the Committee on Rules and Administration.

SEC. 2. Effective on and after October 1, 1993, the aggregate of each of the sums determined under clauses (iii) and (iv) of section 506(b)(3)(A) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(3)(A) (iii) and (iv)), shall be deemed decreased by 2.5 percent.

SEC. 3. Section 12 under the subheading "ADMINISTRATIVE PROVISIONS" under the heading "SENATE" in the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 58c-1) is amended in the first sentence by striking "the Committee on Appropriations of the Senate and".

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES (PRIOR YEAR)

(RESCISSION)

Of the funds appropriated in the Legislative Branch Appropriations Act, 1991, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total $730,037.41, in the amounts specified for the following headings and accounts:

(1) "HOUSE LEADERSHIP OFFICES", $24,988.44, as follows: (A) "Office of the Speaker", $5,245.00; (B) "Office of the Majority Leader", $4,743.44; (C) "Office of the Minority Leader", $5,000.00; (D) "Office of the Majority Whip", $5,000.00; and (E) "Office of the Minority Whip", $5,000.00.

(2) "MEMBERS' CLERK HIRE", $686.50.

(3) "COMMITTEE EMPLOYEES", $44.59.

(4) "STANDING COMMITTEES, SPECIAL AND SELECT", $138,448.87.

(5) "ALLOWANCES AND EXPENSES", $500,691.91 as follows: (A) "furniture and furnishings", $624.54; (B) "reemployed annuitants reimbursements", $67.37; and (C) unspecified, $500,000.00.

(6) "COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $2,682.97.

(7) "SALARIES, OFFICERS AND EMPLOYEES", $62,494.13, as follows: (A) "Office of the Clerk", $2,053.34; (B) "Office of the Sergeant at Arms", $352.20; (C) "Office of the Doorkeeper", $99.08; (D) "Office of the Chaplain", $255.50; (E) "the House Democratic Steering and Policy Committee and the Democratic Caucus", $9,355.14; (F) "the House Republican Conference", $1,824.87; and (G) "six minority employees", $48,554.00.

Of the funds appropriated in the Legislative Branch Appropriations Act, 1992, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total of $891,717.36, in the amounts specified for the following headings and accounts:

(1) "HOUSE LEADERSHIP OFFICES", $533,169.67, as follows: (A) "Office of the Speaker", $308,604.60; (B) "Office of the Majority Leader", $46,970.75; (C) "Office of the Minority Leader", $154,142.11; (D) "Office of the Majority Whip", $18,819.23; and (E) "Office of the Minority Whip", $4,632.98.

(2) "MEMBERS' CLERK HIRE", $7,272.63.

(3) "ALLOWANCES AND EXPENSES", $12,226.40 as follows: (A) "furniture and furnishings", $4,379.86; and (B) "reemployed annuitants reimbursements", $7,846.54.

(4) "SALARIES, OFFICERS AND EMPLOYEES", $339,048.66, as follows: (A) "Office of the Sergeant at Arms", $500.00; (B) "Office of the Chaplain", $1,886.97; (C) "Office of the Parliamentarian", $35,969.46; (D) "Office of the Historian", $62,999.89; (E) "the House Democratic Steering and Policy Committee and the Democratic Caucus", $115,226.11; and (F) "six minority employees", $122,466.23.

Of the funds appropriated in the Legislative Branch Appropriations Act, 1993, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total of $1,500,000 in the amounts specified for the following heading: "STANDING COMMITTEES, SPECIAL AND SELECT".

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $686,318,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $5,871,000, including: Office of the Speaker, $1,395,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,003,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,383,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $1,235,000, including $5,000 for official expenses of the Majority Whip and not to exceed $539,600, for the Chief Deputy Majority Whips; and Office of the Minority Whip, $855,000, including $5,000 for official expenses of the Minority Whip and not to exceed $97,980, for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of official and representative duties, $225,004,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $70,445,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $389,000.

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $52,662,000.

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE INFORMATION SYSTEMS

For salaries, expenses and temporary personal services of House Information Systems, under the direction of the Committee on House Administration, $22,885,000, of which $14,557,000 is provided herein: *Provided*, That House Information Systems is authorized to receive reimbursement for services provided from Members of the House of Representatives and other Governmental entities and such reimbursement shall be deposited in the Treasury for credit to this account: *Provided further*, That amounts so credited for fiscal year 1993 and not obligated shall be available for obligation in fiscal year 1994.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $220,812,000, including: Official Expenses of Members, $76,545,000; supplies, materials, administrative costs and Federal tort claims, $11,328,000; net expenses of purchase, lease and maintenance of office equipment, $7,196,000; net expenses for telecommunications, $5,960,000; furniture and furnishings, $1,720,000; stenographic reporting of committee hearings, $1,055,000; reemployed annuitants reimbursements, $933,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $115,314,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $761,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946, and to be available for reimbursement to agencies for services performed, $6,431,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the House of Representatives, as authorized by law, $40,000,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $50,147,000, including: Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $11,947,000; Office of the Sergeant at Arms, including not to exceed $500 for official representation and reception expenses, $1,384,000; Office of the Doorkeeper, including overtime, as authorized by law, $10,101,000; Office of Director of Non-legislative and Financial Services, $14,402,000; for the salaries and expenses of the Office of General Counsel, $674,000; Office of the Chaplain, $123,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $898,000; for salaries and expenses of the Office of the Historian, $310,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,453,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,071,000; six minority employees, $738,000; the House Democratic Steering and Policy Committee and the Democratic Caucus, $1,474,000; the House Republican Conference, $1,474,000; and other authorized employees, $1,098,000.

Administrative Provisions

SEC. 101. (a) Upon the transfer of any function to the Director of Non-legislative and Financial Services by the authority of the Committee on House Administration pursuant to rule X of the House of Representatives and upon the commencement of operation of the Office of Inspector General, the applicable amounts appropriated by the Legislative Branch Appropriations Act, 1992, or by this Act, for the purposes specified in subsection (b) shall be available to the Director and the Office of Inspector General for the carrying out of such function or operation, upon the approval of the Committee on Appropriations of the House of Representatives. In no case shall the transfer of any function referred to in the preceding sentence include the transfer of any function of the Capitol Guide Service.

(b) The purposes referred to in subsection (a) are salaries and expenses of the House of Representatives under the headings "ALLOWANCES AND EXPENSES" and "SALARIES, OFFICERS AND EMPLOYEES".

SEC. 101A. (a) House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971, and supplemented by the Act entitled "An Act relating to former Speakers of the House of Representatives" (88 Stat. 1723)) (2 U.S.C. 31b–1 et seq.) is amended by adding at the end the following new section:

"SEC. 8. The entitlements of a former Speaker of the House of Representatives under this resolution shall be available—

"(1) in the case of an individual who is a former Speaker on the effective date of this section, for 5 years, commencing on such effective date; and

"(2) in the case of an individual who becomes a former Speaker after such effective date, for 5 years, commencing at the expiration of the term of office of the individual as a Representative in Congress.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1993.

JOINT ITEMS

For joint committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, [$3,980,000] *$3,626,000*, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, [$1,377,000] *$1,311,000*, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,701,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month each to two assistants and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $1,002,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,502,000, to be disbursed by the Clerk of the House.

Capitol Police Board

Capitol Police

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, $62,255,000, of which $29,453,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $32,802,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That of the amounts appropriated for fiscal year 1994 for salaries, including overtime, and Government contributions to employees' benefits funds under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, uniforms, weapons, supplies, materials, training, medical services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $1,977,000, to be disbursed by the Clerk of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1994 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 102. Amounts appropriated for fiscal year 1994 for the Capitol Police Board under the heading "CAPITOL POLICE" may be transferred between the headings "SALARIES" and "GENERAL EXPENSES", upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

Capitol Guide Service

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

Special Services Office

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

OFFICE OF TECHNOLOGY ASSESSMENT

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), and expenses incurred in administering an employee incentive awards program (not to exceed $2,500), *and* rental of space in the District of Columbia, $20,815,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92–484: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or shall be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not to exceed $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, [$22,317,000] *$22,442,000*: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98–63: *Provided further, That the Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.*

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; and other personal services; at rates of pay provided by law, [$8,762,000] *$8,144,000*.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000[, to remain available until expended].

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; *security installations, which are approved by the Capitol Police Board, authorized by House Concurrent Resolution 550, Ninety-Second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by $200,000;* and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $23,978,000, of which [$4,663,000] *$4,413,000* shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,289,000, of which $225,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $47,339,000, of which $10,177,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, including the position of Superintendent of Garages as authorized by law, $32,287,000, of which $2,400,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office; and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $32,777,000, of which $665,000 shall remain available until expended: *Provided*, That not to exceed $3,200,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1994.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $56,718,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $88,404,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1994".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,008,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $201,231,000, of which not more than $7,500,000 shall be derived from collections credited to this appropriation during fiscal year 1994 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,500,000: *Provided further*, That of the total amount appropriated, $8,127,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $26,244,000, of which not more than $14,500,000 shall be derived from collections credited to this appropriation during fiscal year 1994 under 17 U.S.C. 708(c), and not more than $2,333,000 shall be derived from collections during fiscal year 1994 under 17 U.S.C. 111(d)(2), 119(b)(2), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $16,833,000: *Provided further*, That $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not to exceed $2,250 may be expended on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), [$43,144,000] *$42,713,000*, of which [$10,377,000] *$9,946,000* shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $3,939,000: *Provided*, That of those funds that remain available until expended, up to $593,000 may be transferred to the Architect of the Capitol appropriation "Library Buildings and Grounds, Structural and Mechanical Care" to complete renovation and restoration work on the Thomas Jefferson and John Adams Buildings.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $175,690, of which $54,800 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 205. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

[SEC. 206. (a) Effective for fiscal years beginning with fiscal year 1995, no amount may be disbursed for any activity of the Library of Congress, except to the extent and in the amount provided (1) in the annual regular appropriations Act making appropriations for the legislative branch, or (2) in a supplemental appropriations Act that makes appropriations for the legislative branch.

[(b) Subsection (a) applies to disbursement of amounts derived from any source, including (1) amounts from library and bibliographical services performed on a reimbursable basis, under agency agreement or otherwise, for any public or private entity, (2) amounts from grants or similar payments for any purpose, and (3) amounts from gifts, whether such amounts are in the form of trust funds administered by the Library of Congress Trust Fund Board or otherwise.]

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, [$9,543,000] *$9,974,000*, of which [$1,060,000] *$1,341,000* shall remain available until expended: *Provided*, That, subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, the Librarian of Congress may transfer from any appropriation under the heading "Library of Congress" amounts not to exceed in the aggregate $3,200,000 to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care, No Year" to complete the renovation and restoration of the Thomas Jefferson and John Adams buildings.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $1,028,000, of which $900,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,082,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $130,000: *Provided further*, That funds, not to exceed $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1991 and 1992 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles, not to exceed a fleet of twelve: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "OFFICE OF SUPERINTENDENT OF DOCUMENTS, SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 4,850 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed $500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

SEC. 207. (a) Subsection (b) of section 309 of title 44, United States Code, is amended—

(1) in the matter before paragraph (1), by striking out "shall be:" and inserting in lieu thereof "shall be—";

(2) in paragraph (1), by inserting "and" after the semicolon at the end;

(3) in paragraph (2), by striking out "; and" and inserting in lieu thereof a period; and

(4) by striking out paragraph (3).

(b) The first undesignated paragraph of section 1708 of title 44, United States Code, is amended by striking out the third sentence.

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to AID projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $430,815,000: *Provided*, That not more than $1,600,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1994: *Provided further*, *That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $4,000,000 of such funds shall be available for use in fiscal year 1994*: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That of the amount provided under this heading, not to exceed $500,000 shall be available for a broadbased organizational performance review of the General Accounting Office, focused on agency structure, skills, staffing, systems, and its execution of its statutory and assigned responsibilities.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of purchase, rental, lease, or other agreement, of storage and warehouse space for use by the Library of Congress during fiscal year 1994, and to incur incidental expenses in connection with such use.

[SEC. 306. The General Accounting Office, the Government Printing Office, or the Library of Congress may for such employees as it deems appropriate authorize a payment to employees who voluntarily separate before January 1, 1994, whether by retirement or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.]

(b) The number of employee positions authorized for the General Accounting Office, the Government Printing Office, or the Library of Congress, as the case may be, shall be reduced by one position for each vacancy created by reason of a separation under subsection (a). No funds appropriated by this Act for salaries or expenses of any position that is eliminated under the preceding sentence may be used for any other purpose.

SEC. 307. (a) The number of employee positions, on a full-time equivalent basis, for each covered entity shall be reduced by at least 4 percent from the [level] *funded level, other than those supported by gift and trust funds,* as of September 30, 1992, or, with the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, as of a later date, but not later than September 30, 1993. At least 10 percent of the positions eliminated shall be positions the pay for which is equal to or greater than the annual rate of basic pay payable for grade GS–14 of the General Schedule.

(b) The reduction required by subsection (a) shall be completed not later than September 30, 1995, with at least 62.5 percent of the reduction for each covered entity to be achieved by September 30, 1994.

(c) The Comptroller General shall carry out compliance reporting under this section.

(d) As used in this section—

(1) the term "covered entity" means an entity of the legislative branch with more than 100 employee positions, on a full-time equivalent basis, as of September 30, 1992; and

(2) the term "entity of the legislative branch" means the House of Representatives, the Senate, the Office of the Architect of the Capitol (including the Botanic Garden), the Capitol Police, the Congressional Budget Office, the Copyright Royalty Tribunal, the General Accounting Office, the Government Printing Office, the Library of Congress, and the Office of Technology Assessment.

SEC. 308. (a) For fiscal years 1995, 1996, and 1997, the submissions in support of the amounts included in the Budget for each entity of the legislative branch shall set forth a separate category for administrative expenses. For fiscal years 1993 and 1994, the administrative expenses for each entity of the legislative branch shall be calculated and submitted in a separate category in the same format as if submitted in support of amounts included in the Budget.

(b) For fiscal years 1994, 1995, 1996, and 1997, the submissions under subsection (a) in the separate category for administrative expenses for each entity of the legislative branch shall include reductions from the amount calculated for administrative expenses for fiscal year 1993, adjusted for inflation, as follows:

(1) Fiscal year 1994, reduction of not less than 3 percent.

(2) Fiscal year 1995, reduction of not less than 6 percent.

(3) Fiscal year 1996, reduction of not less than 9 percent.

(4) Fiscal year 1997, reduction of not less than 14 percent.

(c) The Comptroller General shall carry out compliance reporting under this section.

(d) As used in this section—

(1) the term "administrative expenses" means expenses of contractual services and supplies, other than rental payments, programmatic mission-essential expenses, reimbursable expenses, and expenses required by law;

(2) the term "Budget" means the budget of the United States Government, submitted under section 1105 of title 31, United States Code; and

(3) the term "entity of the legislative branch" means the House of Representatives, the Senate, the Office of the Architect of the Capitol (including the Botanic Garden), the Capitol Police, the Congressional Budget Office, the Copyright Royalty Tribunal, the General Accounting Office, the Government Printing Office, the Library of Congress, and the Office of Technology Assessment.

RETIREMENT CREDIT FOR CERTAIN PRIOR SERVICE WITH THE HOUSE CHILD CARE CENTER

SEC. 309. (a) DEFINITIONS.—For the purpose of this section—

(1) the term "House Child Care Center" means the House of Representatives Child Care Center; and

(2) the term "Congressional employee" has the meaning given such term—

(A) in subchapter III of chapter 83 of title 5, United States Code, to the extent that this section relates to the Civil Service Retirement System; or

(B) in chapter 84 of title 5, United States Code, to the extent that this section relates to the Federal Employees' Retirement System.

(b) CSRS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act shall be allowed credit under subchapter III of chapter 83 of title 5, United States Code, as a Congressional employee, for any service if—

(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

(B) the employee is subject to subchapter III of chapter 83 of such title as of the date of enactment of this Act.

(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been applicable under section 8334(c) of title 5, United States Code, for the period of service involved, if such employee were then a Congressional employee, including interest. Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

(c) FERS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act shall be allowed credit under chapter 84 of title 5, United States Code, as a Congressional employee, for any service if—

(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

(B) the employee is subject to chapter 84 of such title as of the date of enactment of this Act.

(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay

which would have been payable under applicable provisions of law, for the period of service involved, if such employee were then a Congressional employee, including interest (computed in the same way as interest under subsection (b)(2)). Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

(d) CLARIFICATION.—Nothing in this section shall be considered to relate to the Thrift Savings Plan.

(e) OPM FUNCTIONS.—The Office of Personnel Management shall—

(1) prescribe any regulations which may be necessary to carry out this section; and

(2) with respect to any service for which credit is sought under this section, accept the certification of the Clerk of the House of Representatives concerning the period of such service and the amount of pay which was paid for such service.

[SEC. 310. (a) Section 17 of the Act entitled "An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes", approved July 28, 1866 (2 U.S.C. 43), is amended by inserting after "mileage" the first place it appears the following: "for each Senator".

[(b) The amendment made by subsection (a) shall take effect on October 1, 1993.]

SEC. 310. (a) Section 17 of the Act of July 28, 1866 (2 U.S.C. 43), is repealed.

(b) The first section of the Act of July 8, 1935 (2 U.S.C. 43a), under the heading "SENATE" and the subheading "SALARIES AND MILEAGE OF SENATORS", is amended by deleting "and hereafter the President of the Senate shall be paid mileage at the same rate and in the same manner as now allowed by law to Senators, Members of the House of Representatives, and Delegates in Congress".

SEC. 311. The Committee on House Administration of the House of Representatives is authorized and directed to take such action, whether by regulation or otherwise, to transfer to the Clerk of the House of Representatives responsibility for all financial activities of legislative service organizations, including the establishment and maintenance of revolving accounts to receive their dues and assessments and to make disbursements of their ordinary and necessary business expenses in support of Members' official and representational duties. The transfer referred to in the preceding sentence shall take effect not later than January 1, 1994.

SEC. 312. None of the funds made available in this Act may be used for the relocation of the office of any Member of the House of Representatives within the House office buildings.

SEC. 313. Notwithstanding any other provision of law, such sums as may be necessary for the replacement of the Thomas Jefferson Library of Congress Building roof shall be transferred from the funds appropriated to the Clerk of the House in the Fiscal Year 1986 Urgent Supplemental Appropriations Act, Public Law 99–349, and subsequently transferred to the Architect of the Capitol pursuant to the Legislative Branch Appropriations Act, 1989, Public Law 100–458 for Capitol Complex Security Enhancements, to "Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care": Provided, That not to exceed $7,000,000 may be transferred pursuant to this section.

SEC. 314. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "1993" and inserting "1994".

SEC. 315. Section 2(a) of the Act of July 25, 1974 (2 U.S.C. 130c(a)) is amended by deleting "$500" and inserting in lieu thereof "$1,500".

SEC. 316. (a) Section 1205(a)(1) of the Supplemental Appropriations Act of 1993 is amended by inserting before the semicolon the following: "and amounts transferred by the Architect of the Capitol from funds appropriated to the Architect".

(b) Section 1205 of such Act is amended by adding at the end the following:

"(d) In case of an award under section 307 of Public Law 102–166, or a payment pursuant to an agreement under section 310 of such Public Law, to an employee described in section 301(c)(1)(B), to an applicant for a position described in section 301(c)(1)(B) as defined in section 301(c)(1)(C), or to a person formerly employed in a position described in section 301(c)(1)(B) as defined in section 301(c)(1)(D), all of Public Law 102–166, the Architect of the Capitol, at the direction of the Secretary of the Senate, shall transfer to the account established by subsection (a), from funds appropriated to the Architect of the Capitol, an amount sufficient to pay such award or payment pursuant to such agreement.".

(c) The amendments made by this section shall be effective on and after October 1, 1992.

SEC. 317. The Librarian of Congress shall enter into an agreement with the President of the University of Nevada, Reno for the purpose of assisting in the establishment of the Great Basin Intergovernmental Center. The Great Basin Intergovernmental Center is authorized to accept contributions from Federal sources. The Center may also receive contributions both in-kind and cash from private and other non-Federal sources.

This Act may be cited as the "Legislative Branch Appropriations Act, 1994".

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, it is not often that a Member of the U.S. Senate has the opportunity to manage a bill, and especially an appropriations bill. It is a rare opportunity, not given to many Senators, especially during the era of the famous ROBERT BYRD who, as we know, will go down as one of the legends of the U.S. Senate.

I, though, am not looking forward with anticipation, glee, or any kind of satisfaction to this bill coming to the Senate floor. You may ask why.

The reason is that I have managed this bill on four separate occasions, and I have found from my experience that, Mr. President, this is the time that Members of this body will come to the floor and berate the Congress, try to embarrass Members of Congress, and demean the institution in which we are privileged to serve. So I approach the task of managing this bill with considerable trepidation. In fact, I am almost sick to my stomach.

It is no wonder that the American public has a low regard for the U.S. Congress, because all they would have to do is watch what happens when the bill that relates to the Congress' own funding comes before this body. They would conclude that perhaps they should not hold us in high regard because of the way Members of the Senate speak about each other and the institution generally. I think that is really too bad.

This, Mr. President, is the people's branch of government. This is the time when we should be talking about the importance of this institution in our special scheme of government, how it has on occasion after occasion saved the American public from serious policy mistakes, saved the American people public money and, in general, done a very fine job of maintaining this country's superiority, economically and morally, throughout the world.

There have been things written about why the American public feels the way they do about Congress. One theory is that during the past decade or so, there has been so much negative campaigning, that those despite the civility required by the democratic process have won. These people who spew negativism about people they are running against have convinced the American public that we are all bad, through the television cameras and radio spots and paid advertisements in newspapers. People have become convinced perhaps, I believe wrongfully so, about how corrupt, inept, and just basically bad Members of Congress are.

And so this bill that is now before this body provides the pretext to berate the Congress, to demagog. Webster says a demagog is a leader—and we are all leaders, all 100 of us—who makes use of popular prejudices and false claims and promises in order to gain power.

I submit that in the short term, perhaps there is some power or advantage gained through a press release or maybe an interview on television or an interview on radio. But in the long term it is not helpful—not only to this body but the country.

I want all the Members of this body, and the staffs, to understand that this bill is the mechanism that we use to fund the legislative branch of government. Members of this body, and their staffs, will not be saved by any fancy bookkeeping that will be done after this bill leaves this floor. They will not be saved by something innovative in the conference committee. What the Members of this body vote for this year is what they are going to get.

In effect, the games have ended and we will have to live by the consequences of our votes today.

Mr. President, the Founding Fathers of this country designed a great constitutional framework featuring separation of powers, coupled with a system of checks and balances. We are here today to talk about one of the keystones of that system that was established over 200 years ago by our

Founding Fathers, the legislative branch of government.

I am very proud to be a Member of the Congress of the United States. I served two terms in the House of Representatives. I love the House of Representatives. I reflect on my years in the House of Representatives with very happy thoughts. I have enjoyed immensely my service in the Senate. I am proud that I chose this form of work. I am satisfied that what we are doing today is protecting the rights of the American public through making sure that the legislative branch of government can function on a par with the other two branches of government.

I know that some of my colleagues—and I am sure much of the staff—have watched Senator BYRD talk about the rise and the fall of the Roman Republic and the Empire. Now, the lessons he has derived from Roman history have been important. I have enjoyed them a lot. But the single most important lesson that he has emphasized, the one lesson that he has attempted to inculcate more than any other in his review of history is how the legislative branch is important the commonwealth and stability of society. He shows us by recounting the panoramas of history, that legislative branch of government become weaker and weaker, as in the ancient Rome, you see that excesses multiplied and the Empire grew weaker and weaker. I believe the same applies here, that the weaker the Senate of the United States becomes, the weaker we become as a country. I hope all Members of the Senate before coming here with their bomb-throwing amendments would understand how important the legislative branch of government is.

Mr. President, we as a government spend about $1.5 trillion a year. The amount of this bill is about $2.3 billion. It is a very small fraction of what we spend totally—0.15 of 1 percent to be exact. Yet the legislative function takes a tremendous amount of time even though it deals with a little part of the $1.5 trillion—and I think rightfully so. I think this body deserves scrutiny. I think that during the past 4—and this is the fifth—years I have chaired this subcommittee we have had a lot of scrutiny.

I am going to talk for a little while now, Mr. President, about what we have done in this bill and perhaps what we have done in some of the past legislation.

H.R. 2348, the bill that is now before this body, contains a total of $2,271,407,946 in new discretionary budget authority. These amounts and associated outlays are within this legislative branch subcommittee's 602(b) allocation. The amounts in the bill are also $371 million less than the amounts requested in the President's budget, a reduction of 14 percent from the budget proposed for the Congress and related agencies. The total is $31 million or 1.4 percent below the enacted levels, below the funding for the current year.

It should be noted that this is the second year in a row that total funding for the legislative branch will be less than the enacted levels. This means that the total recommended for fiscal year 1994 is substantially less in purely nominal terms than the amounts that were provided 2 years ago in fiscal year 1992.

The fiscal year 1992 conference agreement provided $2,343,163,700 in discretionary budget authority. The bill now before the Senate that we are debating will provide $2,271,407,000 in discretionary budget authority, a reduction of almost $72 million or 3.1 percent.

Moreover, Mr. President, these decreases are in nominal dollars, which means they are unadjusted for the effects of inflation and other uncontrollable cost increases. The reduction in levels of program and capacity are significantly larger. We will talk about those.

I have a table comparing the funding that would be necessary to have kept the legislative branch at the same program level as 1992 with the amounts provided in the bill. I ask that this chart be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

LEGISLATIVE BRANCH—FISCAL 1992 PROGRAM LEVEL VERSUS FISCAL YEAR 1994 RECOMMENDED

	Fiscal year—				
	1992 actual[1]	1992 baseline for fiscal year 1994	1994 Committee recommendation	Difference	Percentage
Budget authority	$2,303,164,000	$2,573,590,000	$2,271,407,946	$302,182,000	11.7
Outlays	2,269,676,000	2,511,941,000	2,268,666,000	243,275,000	9.7

[1] Reflects rescissions of $40,000,000.

Source: CBO data.

Mr. REID. These data tell a remarkable story. They show that the agencies of the legislative branch of government are over $302 million, or almost 12 percent, below the amounts that would be necessary to continue the programs and staffing provided in fiscal year 1992.

Let me emphasize that. Agencies of the legislative branch in this bill are operating with 12 percent fewer resources than they had only 2 years ago. I think that says a lot. In this bill, the legislative branch bill, the agencies including the Senate and the House, will be operating with 12 percent fewer resources than they had only 2 years ago. Put another way, the legislative branch will be running at about 88 percent of the capacity it had in fiscal year 1992.

These funding reductions will inevitably affect all aspects of the day-to-day operations of this body and the other body and related agencies in the performance of their responsibilities. When I talk about related agencies, the Senate and the House make up approximately 50 percent of the spending in this bill. Other agencies within the legislative branch make up the other approximately 50 percent.

Staffing cuts are the most obvious effect of the contraction that has been going on over the last couple years of this bill. The committee bill will directly abolish 248 permanent positions and discontinue funding for another 2,318 authorized permanent positions for a total decrease in allowable staffing of almost 2,600 people.

I should point out that the committee bill includes a general provision to assure that the legislative branch makes good on the congressional leadership's commitment to achieve a 4-percent reduction in full-time equivalent employment and a 14-percent reduction in administrative expenses. These reductions, it will be recalled, parallel those announced by President Clinton for the executive branch.

I may say, though, that the actions we have already taken and the ones we plan for the future will in all probability result in savings that will exceed these targets. Although these reductions are severe, and there is no question about it, the committee believes that they are manageable or we would not bring them before this body.

Cutting back, Mr. President, is never easy. Done too fast it can seriously damage an organization's viability and operational effectiveness.

The committee recommendation requires that legislative branch agencies continue to contract to the maximum extent possible without turning to the disruption and chaos of general reductions in force.

Mr. President, in today's newspaper we saw what happens when there is a reduction in force. There is a major article in today's Washington Post about the post office, where the new Postmaster, Marvin Runyon, "Carvin' Marvin," as he is referred to, attempted to make some significant changes in staffing at the Postal Service.

The reviewing panel that has oversight and responsibility deemed administratively those to be reductions in force. What does that mean? It means that the Postal Service, rather than those people, is simply being moved about: Some of whom I guess were on not permanent status, or at least they did not think so. Now these people will have to be paid all back wages. Perhaps they will have to be paid all kinds of benefits that were not expected. That is what happens when you have reductions in force that are unanticipated.

The bill before this body, though, is a responsible proposal. It accomplishes significant cutbacks which can be managed without causing irreparable operational disruption. I am convinced that it will not be easy but we can do it. It would be a serious mistake to force agencies to conduct general reductions in force. The cost of these so-called RIF's are not confined to the human pain and anxiety of people laid off. They also inflict serious damage to the organization.

Again, I refer you to this morning's newspaper. Under RIF procedures, managers cannot control who stays or who goes, who is assigned to what positions and which functions or status. It is a seniority-based process. The most senior people stay; the most junior people go, irrespective of whether the organization needs them or not.

The process often drags out for months and sometimes years, and it takes without question an organization many years to recover. Progress has been made over the past years in the legislative branch in expanding the number of minorities and women in key positions. We have acquired people with skills and abilities necessary to address 20th century problems, and we are recruiting young individuals of leadership abilities that will be essential as we move into the next century. A general RIF will set the process back at least 10 years.

The reason this is so important—I mentioned the minorities, the women, and the young, well educated work force—is that these would be the first to go because they were the last hired under the RIF. So we cannot allow that to happen.

Let me talk about a few of the highlights of this legislation. The report accompanying the bill provides a detailed explanation of the committee recommendations for each of the accounts in the bill. I want to take a few moments to highlight some of the specific agencies.

LIBRARY OF CONGRESS

The Library of Congress requested almost $340 million, including the authority to spend over $24 million in receipts. The committee recommendation provides $306,512,000 including authority to spend some $24,333,000 in receipts that they obtain from copyright registration from sales of cataloging data.

This is a reduction of over $33 million, or over 9 percent and 151 positions below their request. It is also over $3.5 million below the enacted level.

An author recently wrote:

> No matter what you are looking for, you can find it at the world's largest library.

Mr. President, the world's largest library is the Library of Congress. Mr. President, the world's finest library today is the Library of Congress. Mr. President, the world's finest library in the history of the world is the present-day Library of Congress. There has never been a library like the Library of Congress.

It has been called a time capsule of human knowledge, a storage house of national memory, and a national treasure. The Library's collections total over 100 million items—books, manuscripts, music, film, recordings, maps, prints, and photographs—covering virtually every subject, in formats that vary from papyrus to modern optical disk. The collection of the Library's reading material—listen to this—is in 468 languages. There has never been a library like that, I repeat.

Its 22 reading rooms are used annually by more than 1 million researchers. Services provided by the Library are used by the executive, legislative, and judicial branches of the Federal Government, and libraries of every State in the Union and throughout the world.

The Library of Congress is, of course, much more than just collections of books and documents. The staff of this great institution are talented scholars in scores of disciplines, people who are on the cutting edge of library technology, from cataloging to preservation.

I do not know how many Members of this body saw the great exhibit on the Vatican, a wonderful exhibit, things that had never been seen. Why were we able to do that? Because the Library of Congress assisted the Vatican in cataloging their archives and their library. The Vatican was so grateful for the help that the Library gave them that they allowed these treasures to come across the waters. We were able to see, for the first time, things from many centuries ago, things that Catholic priests had done in China, great scientific endeavors that they had done in China that people did not know about.

So this Library is significant.

Mr. President, there are individuals who are experts, as I indicated, in everything from constitutional law to photography, from American folklife to Latin American studies.

I have talked before on this floor about going to the Library before to see somebody for whom I had great admiration, to see what they had on Woody Guthrie. I spent an afternoon with Woody Guthrie, reading his personal letters, seeing some of the songs he had written, reading why he wrote them. I went through the period of time in his letters when he was accused of being a Communist and when he had trouble finding work. It was a wonderful afternoon that I spent in the American folklife section of that Library.

The daily contributions of the Library are important and should be preserved. Without their experience and talents, there would be no Library of Congress as we know it.

After having said this, Mr. President, I advise this body that we have had to cut and hack the Library of Congress' budget. There are programs that we have had to eliminate. That is tough when we are dealing with an institution that is so significant and so important to this country.

GENERAL ACCOUNTING OFFICE

For the General Accounting Office, we are recommending an appropriation of almost $431 million, plus authority for $5.6 million in offsetting collections. This is a reduction of about $667 million below their request, and over $4 million below the enacted level. In addition, the GAO will be required to reduce its staffing by an additional 100 full-time persons from the current level of 4,900. This amounts to a reduction of about $8 million and 262 positions from the 1992 level.

The funding and staffing reductions contained in this bill will result in a smaller GAO, with fewer resources available to support its congressional request workload.

There are a number of Senators who do not like what the GAO does. They have come to me. And I have been critical at times of the General Accounting Office. But I think the General Accounting Office has really tried in the last couple of years to improve its relations with Congress, to be better in communicating with us.

They have gone through some significant cuts. They will this year have to cut back in travel, in certain instances, expert services, contract services, time sharing, and data bases, all of which are to support its congressional work. Although GAO is committed to managing within this constraint level, these reductions, coupled with the staffing reductions, will result in an increase in the current backlog of congressionally requested jobs. Everyone should understand that GAO is not going to be able to get its work done as quickly as it has. Why? Because we are cutting them back.

Last year, this committee included language requiring independent review of the GAO to provide an empirical basis for assessing various criticisms expressed by some Members about GAO and its work.

This review was to be accomplished by a qualified outside accounting auditing firm. Staff, in fact, has already gone through the process of doing some preliminary interviews with various accounting firms throughout the country.

This would have addressed issues such as the clarity of organizational structure, policies governing the selection and manner of evaluation and effectiveness of GAO and its resources, the quality of their work product, and the competency and qualification of GAO staff to do the work to which they are assigned.

In effect, what we want is an organization to come and do to GAO what they do to everybody else. I am sorry to say that provision was eliminated in the conference with the House. We could not get the House to bend on that. I think, in hindsight, even the House will recognize that was not the wise thing to do.

This bill includes language inserted by the House earmarking $500,000 for a broad-based organizational performance review of the General Accounting Office focused on agency structure, skill, staffing system, and execution of its statutorily assigned responsibilities. The committee concurs in this language, which is designed to accomplish the same objectives as the reviewing committee proposed last year.

In this regard, it should be noted that the Senate Governmental Affairs Committee contracted with the National Academy of Public Administrations to perform an examination of GAO in conjunction with plant oversight hearings that will address the same basic issues. So those dissatisfied with GAO's performance will have ample opportunity to address their concerns in this process.

We have also included language directing GAO to reevaluate its field office structure. We anticipate that further opportunities for saving and work force reductions will result from that analysis.

OFFICE OF TECHNOLOGY ASSESSMENT

The recommended bill contains almost $21 million for the Office of Technology Assessment activities for this fiscal year. This is $210,000 below the level that was provided last year and is $2,110,000 below the request they made. We know that the OTA's central mission is to provide the analytic capability required to deal intelligently with the scientific and technical dimension of public policy. This is a great little organization, and it is important that we have an organization like this to deal with the scientific world Congress faces.

CONGRESSIONAL BUDGET OFFICE

This bill includes $22,442,000 for the CBO, which is $100,000 below the fiscal 1993 level and $1,208,000 below their request. CBO is best known for its budget-related functions. It gives the Congress an independent, nonpartisan source for budgetary and economic analysis. CBO also presents the Congress with options and alternatives in a wide range of subject areas beyond the budget, per se. CBO's annual analysis of the President's budget and semiannual updates of the budget are of particular value to the overall work of this committee. CBO studies help to form policymaking in every domain, including defense, national security, agriculture, and human resources.

Mr. President, you will recall during the State of the Union Message that the President said he was not going to use OMB figures; he was going to use CBO for his figures for honesty in budgeting. We have had a tremendous battle over the last several years as to whose numbers we were going to use. Everybody has agreed that the best numbers to use is CBO. CBO is nonpartisan. I do not think there is a person here who will say that any of the budget figures that we have received from CBO have ever been skewed as a result of a political party. They have a tremendous burden, because they are the numbers people we look to in this Congress.

ARCHITECT OF THE CAPITOL

The bill includes $163 million to support the operations under the Architect, including the Botanic Gardens, at $52,679,000, or 24 percent below the request.

Mr. President, the Architect of the Capitol is responsible for the supervision of all structural and mechanical improvements, additions, alterations, and repairs to the Capitol Building and the surrounding grounds, the Senate and House office buildings, the Library of Congress, the Supreme Court, Robert A. Taft Memorial, and the Botanic Gardens, and I have missed a few. These facilities, aside from their intrinsic historic significance, constitute invaluable capital investments. Their care, maintenance, and enhancement is a public trust of the highest order.

We have deferred significant items in the request of the Architect of the Capitol request. Members of this body should understand that in the months to come, there will probably be some criticism of the Architect for not having done this or that, or elevators that are too slow. Well, we have cut his request by 25 percent.

Fire signaling system; we had to delete that. Modernize the Russell Senate Office Building elevators; we have deleted that. Roofing repairs; we deleted that. Energy efficient lighting; we have deleted that. Americans with disabilities requirements; we had to delete that—defer it at least. For the powerplant, a very large item, a refrigeration plant chiller conversion; we deleted that. The Botanic Gardens, again one of the treasures of this country; they have a large conservatory that is useless. You cannot go in there. Why? Because it is unsafe. And it is going to take $7 million to fix the roof and other structures. We have to defer that. There is not enough money. People have to understand that.

Renovation of the administration building; we deleted that. Library of Congress, restoration and renovation of the two buildings we have, the two library buildings; we have deferred that. The retrofit energy-efficient lighting system in the library; we deferred that. Book stack lighting control system; we have deleted all that.

THE CAPITOL POLICE

As I drove to work this morning, the people that guard this Capitol were there. They are always there. It does not matter where you go, they are there. Why? Because it is important and necessary, in this modern world of terrorism, that they are there. They are the finest trained law enforcement officers in the United States and probably the world. They know what to do under all conditions. A lot of times we see them standing, not driving cars in hot pursuit; we do not see them writing burglary reports. We see them standing at their post waiting for something to happen, and when something does happen, they are vigilant, aware, and well-trained.

Mr. President, as some people know, I was a Capitol policeman, and I am very proud of having been a Capitol policeman in my younger days. I think the Capitol Police have gotten better. I wish I had been as good as they are as a policeman. They are better trained. They are in better physical condition and in better mental condition than we were in those days. But we have had to cut them also—having said all of those nice things. There is a total of $64 million to finance the Capitol Police. This is a significant reduction.

THE SENATE

The total recommended for the Senate in 1994 is $443 million. This represents a decrease of $8.2 million below the enacted level, a reduction of about $67 million from the request. More significantly, the Senate will be $23 million below the amounts provided in fiscal 1992, and probably even lower than that before we finish here.

In constant dollars, this equates to a cut in real resources of $81 million. Earlier this year, the Senate, in Senate Resolution 71, cut funding for its committees by about 7.5 percent from the previous fiscal year under the leadership of the present Presiding Officer, the chairman of the Rules Committee, Senator FORD. This bill includes a provision reducing the total allocation to the offices of Senators by about 2.5 percent, notwithstanding the increase in workload we have been experiencing. Take my situation. I come from the small State of Nevada. Last year at this time, I was getting an average of 800 pieces of mail a day. This year, I am receiving 4,000 pieces of mail a day. That is a 500-percent increase.

Mr. President, I want to be able to answer that mail. People write to me expecting that I answer them. And whether they are from Elko, Las Vegas, or Reno, they will get an answer. My staff works very hard to get those answers to them—maybe not as quickly as they would like, but we get the answers out.

I am sure that the same has happened throughout this body. I have talked to many Members of this Senate and their mail has gone up significantly. The State of Nevada is growing rapidly, but that does not account for a 500-percent increase in the amount of mail that I get. We have to meet those demands but we are cutting back by 2½ percent.

Mr. President, I want to yield the floor, but prior to doing so, I express my appreciation to Senator MACK, of Florida, the ranking member of this subcommittee, for his assistance in the development of this legislation. I have had over the years the pleasure of working with some tremendous people—Senator NICKLES for 2 years, Senator GORTON for 2 years—and this is the first year with CONNIE MACK. Senator MACK and I came to the House together. We have gotten to know each other well and I look forward, as I did when I learned he was going to be the ranking member, to working with him. We do not agree on everything in this bill, but he is a gentleman. He approaches his work in that manner, and the people of Florida are certainly proud of him, as they should be.

Mr. President, I also thank Senator BYRD and the full committee staff for their help in bringing this measure to this point in the process. Anyone acquainted with this body knows that Senator BYRD is a man of the Senate. He has no peer in his dedication to the welfare of the people's branch of government.

We are also fortunate to have Senator HATFIELD as the ranking member of the full committee. Everyone in this Chamber knows how much time and effort he has devoted to improving the Senate and strengthening the legislative branch in general. He comes to subcommittee meetings we hold. He is a fine Senator. And I appreciate his doing the great work that he does for the country.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I understand that there has been some confusion as to the time on the bill.

Under the consent agreement governing the consideration of this bill, there are 30 minutes for debate on the bill with the time equally divided and controlled.

I now ask unanimous consent that an additional 30 minutes be available for debate on the bill and that the control be in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Chuck Turner of the Library of Congress be granted privileges of the floor during the consideration of H.R. 2348.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

The Senator from Florida is recognized for 20 minutes.

Mr. MACK. Thank you, Mr. President. It is not my intention to use that much time.

Let me begin by expressing appreciation to Senator REID for his kind comments a few moments ago, and also responding to his earlier statements. I do appreciate his concern for the Congress of the United States.

I was thinking as he was talking about his love of the institution, that I have a grandfather and a step-grandfather who served in the U.S. Senate, which covered a period of time from roughly 1912 to 1950; Senator Morris Sheppard from Texas, who served until 1941. I had a picture of Senator Sheppard and Senator Connally, also from the State of Texas.

I have a deep personal interest as well as a national interest in the institution and in its need for projecting the kinds of actions that will, in fact, gain it the strength and the reputation that is so important for us as a legislative body as we make the laws that affect the people of our great States and great Nation. So, I appreciate very much the comments that the Senator made earlier in his remarks and also recognize the need, again, to do what is necessary to maintain that reputation.

Mr. President, Senator REID has ably summarized the recommendations we bring to the Senate today, and our report on this bill has been made available since Wednesday morning. So I will not attempt an exhaustive description but only emphasize a few major points.

I believe that this bill overall is fair and balanced. I recognize that we can no longer spend more and more each year on this branch of Government. We are starting to make real spending cuts, and that is very, very significant. I believe that it is imperative that we make serious spending reductions throughout Government. It is clearly important that we, as legislators, understand that our branch cannot be exempt from this difficult process. This bill reflects that understanding.

Let me reemphasize the specifics of what Senator REID had stated. This is the second consecutive year that this bill is below the previous year's enacted amount. Let me be specific. In actual dollars, we are spending less than last year and less than the year before, not from a baseline but from the actual spending level.

This bill represents a reduction of 3.3 percent in actual dollars below the amounts appropriated for fiscal year 1992, our budget 2 years ago. We are recommending a bill that cuts spending 11.7 percent in budget authority and 9.6 percent in outlays below the level for 1994 that we would have experienced if fiscal year 1992 policy had been carried forward. And 1992 is important because that year represents the high-water mark for the legislative branch appropriation.

In addition to the overall spending cuts, the bill eliminates between 2,400 and 2,600 positions from the legislative branch of Government. We need to do more in the future, and I will work toward that end.

The bill reduces funding for the joint committees of Congress, which is consistent with the action taken by the Senate earlier this year to reduce the funding for standing and select committees. Our individual offices also experience real cuts in salary and expense accounts, 2.5 percent.

From the information I have, this is the first time since I have been in Congress that individual office accounts have actually gone down, not from a baseline, but from actual spending levels.

Again, we need to do more in the future, and I will work toward that end. But we must also remember our institutional responsibilities and our capacity to serve our constituents. This bill does a good job of striking that delicate balance.

I will have an amendment to propose, and I am certain that several of my colleagues will offer amendments to further cut spending here in Congress. But we are definitely moving in the right direction.

Again, Mr. President, I commend Senator REID for his leadership. I appreciate the working relationship that we developed as we put this legislation together, and I look forward to working with him through conference and as we move into next year's appropriations bills as well.

At this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, provided that no points of order be waived thereon, and that the measure, as amended, be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc.

AMENDMENTS NOS. 626, 627, AND 628

Mr. REID. Mr. President, we have a number of noncontroversial amendments which the distinguished minority manager and I have reviewed.

It is our understanding that they have been cleared on both sides of the aisle. I believe it would expedite the business of the Senate if we could dispose of these en bloc, and I send them to the desk.

They include the following items:

An amendment by Senator HATFIELD to increase funding for the Library of Congress for the American memory project and administrative support position for the Librarian Emeritus; an amendment on behalf of Senator STEVENS to restore funding and the language which authorizes payments from the account mileages of the Vice President and Senators; an amendment by Senator BURNS regarding the Government Printing Office; and an amendment by Senator STEVENS providing additional funding for the Office of Technology Assessment.

Mr. President, I ask unanimous consent that the amendments I have enumerated be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. MACK. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I understand that there is an amendment here offered by Senator STEVENS that we are going to accept en bloc?

Mr. REID. Yes, that is the amendment for the Office of Technology Assessment, a matter of $1 million.

Mr. MACK. Maybe we ought to withhold on that, because we have other things to be discussed.

Mr. REID. Mr. President, I ask unanimous consent that the unanimous-consent agreement be modified to delete the amendment by Senator STEVENS providing for additional funding for the Office of Technology Assessment.

I ask unanimous consent that the amendments, except for the one that I have enumerated, be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 626, 627, and 628) were agreed to en bloc, as follows:

AMENDMENT NO. 626

On page 27, line 19, strike "$201,231,000" and insert "$202,304,595."

AMENDMENT NO. 627

On page 2 after line 2 insert the following:

MILEAGE AND EXPENSES ALLOWANCES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

On page 48, strike lines 1 through 9, and insert the following:

SEC. 310. (a) Section 17 of the Act entitled "An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes", approved July 28, 1866 (2 U.S.C. 43), is amended by inserting after "mileage" the first place it appears the following: "for each Senator".

(b) The first section of the Legislative Branch Appropriations Act, (1936 (2 U.S.C. 43a), under the heading "SENATE", and the subheading "SALARIES AND MILEAGE OF SENATORS", is amended by striking "Senators, Members of the House of Representatives, and Delegates in Congress" and inserting "Senators".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

AMENDMENT NO. 628

On page 50, insert the following:

SEC. 318. (a)(1) None of the funds appropriated or made available from any source for any fiscal year may be obligated or expended by any entity of the executive branch for the procurement or production of any printing or duplicating (including forms), unless such printing or duplicating is requisitioned through the Government Printing Office.

(2) Paragraph (a)(1) does not apply to (A) individual printing or duplicating orders costing not more than $1,000, if the work is not of a continuing or repetitive nature, and, as certified by the public printer, cannot be provided more economically by open, competitive procurement through the Government Printing Office, (B) printing for the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, or specifically classified material of the Department of Defense, or (C) printing from other sources that is specifically authorized by law. The Secretary may waive the limitations of subsection (a for military operational requirements and provided further that the Secretary shall notify the Joint Committee on Printing within (7) seven days.

(3) As is used in this subsection, the terms "printing" or "duplicating" include the processes of: composition; platemaking; wet and dry offset; letterpress; gravure; flexography; ink jet; electrostatic or other copying; laser or variable imaging; silk screen processes; production of an image on paper or other substrate by any means or equipment; binding; microfilm; or the end items of such processes.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

AMENDMENT NO. 629

(Purpose: To restrict the use of the franking privilege by Members and offices of the Senate)

Mr. MACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MACK] for himself and Mr. KOHL, proposes an amendment numbered 629.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, between lines 15 and 16, insert the following:

SEC. 4. (a) This section shall apply to mailings by Senators, Senators-elect, and offices of the Senate made during fiscal year 1994 and each fiscal year thereafter in addition to any other law relating to the use of the franking privilege.

(b) For the purposes of this paragraph—

(1) the term "mass mailing"—

(A) means, with respect to a session of Congress, a mailing of 500 or more newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), but

(B) does not include a mailing—

(i) of matter in direct response to a communication from a person to whom the matter is mailed (to the extent of 2 such mailings) that—

(I) in the case of an initial response, is mailed at any time; or

(II) in the case of a followup response, is mailed not later than 180 days after the date of receipt of the communication;

(ii) to other members of Congress or to a Federal, State, or local government official;

(iii) of a news release to the communications media;

(iv) of a town meeting or mobile office notice; or

(v) of a Federal publication or other item that is provided by the Senate to all Senators or made available by the Senate for purchase by all Senators from official funds specifically for distribution.

(c) A Senator, Senator-elect, or office of the Senate may not mail a mass mailing under the frank.

(d) As soon as practicable after the close of each quarter of a fiscal year, the chairman of the Committee on Rules and Administration of the Senate shall cause to be printed in the CONGRESSIONAL RECORD—

(1) the dollar amount of the allocation of official mail costs made to each Senator, Senator-elect, and office of the Senate for the fiscal year;

(2) the dollar amount of official mail costs that were incurred by each Senator, Senator-elect, and Senate office during that quarter; and

(3) the balance of the allocation for official mailing costs that remain available to each Senator, Senator-elect, and Senate office.

(e)(1) In connection with their fiscal 1995 budget presentations to the Committee on Appropriations of the Senate, the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate shall submit a report that describes—

(A) the best available and most recent information relating to the amount of expenditures made from each Senate office account for official mail activities during fiscal year 1994 as of the date of the budget presentation;

(B) the best available and most recent information relating to the amount of expenditures made from each Senate office account for official mail activities during fiscal year 1993 as of the date that is one year earlier than the date referred to in subparagraph (A); and

(C) the amount of any difference between the amounts described in subparagraphs (A) and (B) that is attributable to the operation of subsection (c).

(2) As used in this subsection, the term "official mail activities" includes the cost of producing, processing, and mailing of official mail.

(f)(1) On and after the date of enactment of this Act and during fiscal year 1994 and each fiscal year thereafter, no member, officer, or employee of the Senate may use any appropriated funds or any equipment or other resources that are paid for with appropriated funds for the purpose of procuring, gaining access to, or using a mailing list of any kind (including a voter registration list) that is produced by any public or private entity except a mailing list described in paragraph (2).

(2)(A) A mailing list is described in this paragraph if it is—

(i) a postal patron list or update as provided by the United States Postal Service to be used for town meeting and mobile office notices;

(ii) a list of members of the communications media;

(iii) a list of Federal, State, or local government officials; or

(iv) a list of fewer than 500 persons identifiable as having an interest in a legislative topic that is different from any legislative topic identified as a subject of interest of persons named in any list previously procured, accessed, or used by a person (or by another member of the office of which the person so procuring, accessing, or using is a member) and used for the purpose of making a mailing with official funds during a fiscal year.

(B) For the purpose of subparagraph (A)(iv), a legislative topic may be considered to be different from another legislative topic only if any mailing for which it is intended to be used (and for which it is in fact used) has a content that is not substantially identical (within the meaning of subsection (b)(1)(A)) to the content of any other mailing made by the office previously during the fiscal year.

Mr. FORD. Parliamentary inquiry, Mr. President. Is there a time limit on this amendment?

The PRESIDING OFFICER. Amendments are generally limited to 30 minutes, evenly divided, unless specified otherwise.

Mr. FORD. I thank the Chair.

Mr. STEVENS. Parliamentary inquiry, Mr. President. Who controls the time on that amendment?

The PRESIDING OFFICER. The time is controlled in the usual manner. The manager of the amendment has half the time and the majority manager of the bill has the other half if he chooses to oppose it.

Mr. REID. Mr. President, I control the time opposing the amendment. I would be happy at the appropriate time to yield whatever time Senator STEVENS might need.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. STEVENS. I did not hear the response. I am sorry. What was the response of the Chair?

The PRESIDING OFFICER. The manager of the amendment, the offeror of the amendment, has half the time. The majority manager has the other half if he chooses to oppose the measure.

Mr. STEVENS. If the chooses to oppose it. Who controls it if he does not choose to oppose it?

Mr. REID. Mr. President, I have already stated that I oppose the amendment.

Mr. STEVENS. I am sorry. I did not hear the Senator.

Mr. REID. I will yield whatever time the Senator needs.

Mr. STEVENS. I am sorry, I did not hear the Senator.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, this amendment is straightforward. This amendment ends the use of the frank for mass mailings.

None of us needs to be reminded of the fiscal crisis the Government faces. Quite simply, mass mailings are a luxury neither this body nor the American taxpayer can afford.

I wish it were otherwise. I wish we were here today to discuss how we might spend moneys from a surplus in the Federal budget.

But we are not. We have to show leadership in prioritizing spending, especially when it comes to the legislative branch. And I believe that unsolicited mass mailings cannot be described as a necessity.

Let there be no mistake, this amendment does the job of eliminating mass mailings, but still maintains the ability of Members to respond to inquiries from their constituents. Every Senators' ability to respond to inquiries from their constituents would be maintained in its entirety. The amendment eliminates only unsolicited mass mailings.

Again, let me repeat. Unsolicited mass mailings are simply a luxury we can no longer afford.

Now, let me take a moment to spell out the specifics of this amendment.

This amendment prohibits the use of the frank for mass mailings as defined by current law and Senate regulations.

The amendment provides for the customary uses of the frank by Senators: Initial response to constituent inquiries; press releases; correspondence with Federal, State, and local officials, and; town meeting and mobile office notices, with the customary limits on size and content.

The amendment does not directly decrease the appropriation, this year, for official mail cost. However, savings are anticipated since it is highly improbable that the full appropriation will be used in the absence of mass mailings.

While it is difficult at this time to project precisely what the savings will be, because of the uncertainty of mail patterns, preliminary information suggest a savings of between $7 to $10 million—a savings of up to 50 percent of this years appropriated amount. However, the official mail cost account is funded at the committee recommendation to ensure that there are adequate funds to meet first response needs and the limited exceptions that I have mentioned.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Will the Senator from Nevada let me have 3 minutes?

Mr. REID. That will be appropriate.

Mr. FORD. Mr. President, the Senate is again considering the appropriation for official mail. It is an item on which the Senate has received compliments from many sources.

That policy now in place has saved taxpayers several millions of dollars any yet offered Members an opportunity to exercise their discretion on how best to use the allocation of those funds.

Mr. President, I want my colleagues to know the consequences of this amendment. It eliminates mass mail except for town meeting notices and the mailing of Federal publications provided to Members. It extends the followup response from 4 to 6 months, that is, the second followup response. It requires the quarterly reporting of allocations and expenditures for official mail in the CONGRESSIONAL RECORD.

By the way, Mr. President, I just filed the report today on mass mailing. It will be a matter of record.

The amendment prohibits the purchase of outside mailing lists except for small lists, such as communications media, public officials, and so forth.

I do not send out newsletters, so it does not affect me. I have not for years. But I do not object to those who choose to send them out. Individual Members are in the best position of determining how best to use funds available to them instead of being micromanaged by a committee.

I believe that the Senate currently has a very successful program with respect to the regulations governing franked mail. It is a program that is fair and I believe most Senators will say it is working. This can be seen by the fact that from a high point of $43 million in 1984, the Senate is now at an expenditure level of approximately $12 million for fiscal year 1993. Mr. President, I want to repeat, the cost for official mail in 1984 was $43 million, and in 1993 it will be about $12 million—a reduction of over $30 million.

I urge each Member to consider carefully the consequences of this amendment. The Rules Committee will not have the authority nor funds to cover mass mailings regardless of how meritorious they may be. I do not send out newsletters, so this amendment will not have a substantial effect on the operations of my office. For my colleagues who do sent out newsletters, it will affect the operations of their offices. I want the Senators to be aware of this when they cast their votes on this amendment.

Mr. KOHL. Mr. President, I rise as a cosponsor and strong supporter of this amendment.

This amendment will not balance the budget. It will not save a great deal of money. But it will make what I think is an important point: That all of us here in this body are willing to set an example on deficit reduction.

I have never sent out a single mass mailing in the 4½ years I have been here. And I will not do any mass mailings in the next year and a half. Because I made a conscious decision when I came to Washington to be frugal with my office budget.

Now, maybe I will be sorry I made that decision if I run again in 1994. But I doubt it. Because I think my decision has not been lost on the taxpayers of Wisconsin. I believe they appreciate the fact that I am saving them money—probably more than they would appreciate hearing from me on a regular basis.

I know that many of my colleagues believe that newsletters and constituent surveys are a valuable way of keeping in touch with their constituents. And they are, no doubt about it.

But they are also clearly not essential. In calendar year 1992, there were 20 of us in this body who did not make use of mass mailings. Twenty of us who managed to stay in touch with the people of our State without using newsletters and constituent surveys. And I do not believe that we, or our constituents, are any the worse off because of it.

We can set a small but important example here today. Just as we are asking Americans to sacrifice in the name of deficit reduction, we should be willing to sacrifice as well.

How much of a sacrifice is it? In calendar year 1992, the Senate spent $11.5 million on mass mailings. So my guess is that this amendment will save about that amount out of a total Senate mail allocation of $20 million.

This amendment does not prevent Senators from answering constituent mail. It does not prevent Senators from doing followup mailings—of any size—to constituents who have written in on an issue, provided the followup letter is mailed within 6 months of the original letter. It does not prevent Senators from sending notices of a townhall meeting. All it basically asks of Senators is to give up the use of newsletters.

We all hear and see every day the reports of our supposed perks and privileges. And we all know that most of these reports are unwarranted. But, at the same time, where we can make sacrifices—sacrifices that will not impinge on the quality of service we provide our constituents—we ought to do so.

So I hope my colleagues will agree with me that this is one small sacrifice we can make. A sacrifice that will save the American taxpayers approximately $11 million per year. And one that will not jeopardize the value we place in the thoughts and opinions of our constituents.

I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Nevada.

Mr. REID. Mr. President, I yield 11 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I will have a series of amendments to this amendment. I want the Senate to know I do not intend to allow them to be agreed to. I want the time to explain my position on this, so I am going to offer a series of amendments. I hope they will be adopted. If they are not adopted, I am still going to have my time to make some remarks about this bill.

First, let me start off by thanking my friend from Kentucky, the chairman of the Rules Committee. He is precisely right and I ask to have printed in the RECORD after my remarks the article from Roll Call on March 29, 1993. It specifically states that David Keating, executive vice president of the National Taxpayers' Union, said last week, "We are happy with what the Senate had done overall in terms of franking."

It goes on to explain who is using the frank.

I ask unanimous consent that article be printed in the RECORD at the conclusion of may remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, I do not send out a newsletter, either, anymore. Once in a while I send out one that goes to less than the whole State for particular reasons I will describe.

My allowance now, for a Senator from a small State, is too small to send one mailing to each registered voter in my State.

When I first came to the Senate, mailing privileges were equal. We all were treated equal. Over the years, it has gotten to the point where we have to do everything in this body now by population. So there are people in this body who have allowances that are in the hundreds of thousands of dollars to mail.

What do many of them do with the money they receive from mass mailing? They transfer it to the clerk hire account. They do not use it, as the Senator said, for mailing, although they are entitled to. Why? Because we have other means of communication now to most portions of the country—telefaxes, automatic portable telephones—by which you can reach people.

I represent a State—too bad I did not bring the map over. Maybe I ought to bring it over because we are going to be here for a while. My State is one-fifth the size of the United States. I have 650,000 people living in one area one-fifth the size of the United States. We are putting all States on the ironing board and leveling them out.

So what do I do? I try to allocate my mass mailing. If I have a recent action pertaining to pilots, I try to find out the pilots in the area who I think would be affected by that, and I send them a mass mailing. A mass mailing is defined as anything over 400 pieces that is not sent to persons in reply to a letter received.

If you generate a form letter in one of these mega-States of 1 million letters, and they are all about the same thing, or they are all a version of a "send this to your Senator" type of letter that is already printed out, under this provision, a Senator can send out a million letters in response to it. Under this, I cannot send out 501 letters to Indian native villages throughout my State who might be interested in specific legislation.

I intend, as I go through today, to educate the Senate a little bit about what is in the law now. Before I am through, I am going to ask that title 39 of the U.S. Code be printed in the RECORD—I do not yet—because it is a provision that runs form page 562 of the Senate manual to 572. It is 10 pages printed. If you want to read it today, I advise Senators to do it because that law that is repeated there, title 39, affects each of us.

This amendment, which my friend from Florida has offered, is about 6 pages long, triple spaced. It emasculates title 39 of the Federal Code. That specifically says what we can and cannot do with franking. As I have said, the National Taxpayers Union is happy with what we have done. If there is an argument, it is over on the other side, in the other body. But I understand them. They have a different situation than we have.

We represent a whole area of a State. Unfortunately, my colleague in the House, Congressman DON YOUNG, represents the same area I do and Senator MURKOWSKI does. We have one Congressman.

We have a situation where we deal with people who live in world circumstances and they cannot be communicated with in the normal sense. I have literally 100 or more towns and villages that have residents of less than 1,000 who have no daily newspaper, no weekly newspaper, no radio station, and no communication with their Government, except through one of the three of us.

Over the years, I have tried to preserve some equity, although we went along with the concept of limiting—those of us who use them—newsletters.

I tried to preserve equity in the sense of trying to keep the people of my State informed as to what the Federal Government is doing to them or for them. I assure you, Mr. President, they do a lot more of the former than the latter.

As a practical matter, this mailing is important to the rural areas. That is why for almost 25 years now I have stayed on the Post Office and Civil Service Subcommittee, and I know people at the U.S. Postal Service probably better than any Member of Congress because it is important to us what happens in mailings, what happens in the Postal Service.

Incidentally, I tell the Senate that this is legislation on an appropriations bill. It would be permanent legislation. As I said, I do not know anyone who wanted to codify it who would put it into title 39 because it is similar to, in some respects, some of the provisions—not identical; they have not taken the language directly out of title 39—but it is inconsistent with most of it.

So, as a consequence, one of the things we would have to find out is what happens to title 39 if this is enacted by Congress.

Mr. President, I regret that it is necessary to come here and take the Senate's time. I think it is nice once in a while to have the time on a Friday morning to educate some of my colleagues as to what living in a rural State really is like. We have several urban towns. Our largest one has 250,000 people. I do not send mass mailings to Anchorage. I used to because I felt they ought to have the same information that I made available to the people in rural areas. Otherwise, we might be able to say one thing in the rural areas and another thing in town. I have never tried to do that.

In States that have sparse populations, that have very few media outlets—and let me comment on that. When I came to Washington, there were probably 10 reporters who reported daily on what was going on in Washington, who reported to various entities in Alaska. We had UPI and AP very active. We had our own AP person here who reported through Seattle into Alaska. Today, there is one reporter who works part time on Alaska matters. That reporter also reports for several other newspapers in several other States.

When we get information through the mass media into Alaska, it is in a sound bite of 45 seconds, and it is usually very derogatory. It comes out of the national scene. In order to really send our people the truth about what has happened—and I try to report accurately to our people what goes on, the good news and the bad news—it is necessary to send out information, particularly it is necessary to send out the kind of information that is pertinent to action by the Senate. That is what I try to do.

I have never transferred funds from the mailing account to my clerk hire account. That means, for those people who might be reading this later or listening, to the account we use to hire our employees and run our offices. I have enough money to do that. As I said, I do not have enough money to send out one newsletter once a year to this vast rural area I represent. I used to send out 10 or 11 a year. The cost still was not very excessive.

They figure that last year, Senator MOYNIHAN spent 2 cents per constituent—no, 1.7 cents per constituent. That was the largest mailing that we had in the Senate. I ask the Senate, what is wrong with that, Mr. President? We have other things we are spending money on, and if we go through this, we are going to start looking at telephone accounts and faxing accounts and a few other accounts that I think are building up much too rapidly.

I am probably using more of my friend's time than I should. I will be offering my own first amendment when this time passes, but let me point out for Members of the Senate, if they would like to see them, we have issued by the Rules and Administration Committee—the distinguished chairman, Senator FORD, I think mentioned this—we have regulations governing franked mail. They cover 16 pages, single spaced. They define what is in title 39 so that there is no misunderstanding concerning the use of franked mail.

I will have more to say later, Mr. President. Has the time expired on this amendment?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. Parliamentary inquiry. I cannot offer my second-degree amendment until the time has totally expired?

The PRESIDING OFFICER. All time on the amendment must have expired before the Senator can offer the second-degree amendment.

EXHIBIT 1

[From Roll Call, Mar. 29, 1993]

SENATORS' FRANKED MASS MAIL VERY LIGHT SPENT LESS THAN $3 MILLION FOR QUARTER; POSTAL SERVICE PROJECTS SURPLUS FOR YEAR

(By Tim Curran)

Sen. Daniel Patrick Moynihan (D-NY), up for re-election in 1994, was the top franker in the fourth quarter of last year, but overall franking by Senators was very light during the period and projected over the entire fiscal year, will result in a surplus in the chamber's franking appropriation.

In fact, the Senate has finished with a surplus in franking funds for the last three years, and the restraint shown by Senators has won praise from even the toughest franking critics.

"We're happy with what the Senate has done overall in terms of franking," David Keating, executive vice-president of the National Taxpayers Union, said last week. "The question is how will we get the House to follow the good work the Senate has done?"

Between Oct. 1 and Dec. 31, 1992, only 32 Senators used the frank for mass mailings, according to figures published in the March 22 Congressional Record by Sen. Wendell Ford (D-Ky), chairman of the Rules and Administration Committee. The total cost of franking for the quarter was $2,958,000, covering 10.7 million pieces of mail.

Moynihan's mailings cost $269,000, or roughly one-tenth of the total. But the postal expense amounted to only 1.7 cents for each of his constituents.

Only three other Senators, all Democrats, spent more than $100,000 on franking: Lloyd Bentsen (Texas), $142,000; Paul Simon (Ill), $169,000; and Howell Heflin (Ala), $100,000.

The biggest spender on franked mail, per capita, during the quarter was Sen. Joe Biden (D-Del), at 7.1 cents; second was Sen. Pete Domenici (R-NM), at 5.3 cents; followed by Senator Majority Leader George Mitchell (D-Maine), 4.4 cents.

According to figures provided by Alfred Carreon Jr., manager of accounting, finance, and planning for the US Postal Service, "Projected to an annual figure based upon an adaptation of historical trends for Senate franked mail activity," during all of fiscal 1993, the Senate would send 72.6 million pieces of franked mail at a cost of $16.2 million. That's roughly one letter to every US household, or half a letter per Senator per constituents household.

The Senate appropriated $20 million for franking in the fiscal year, so if the projections are accurate, the Senate would finish with a surplus or nearly $4 million.

According to a formula used to determine franking allowance, Senators are allowed 15 cents times the number of addresses in their states for mailings, with additional funds provided for states with only one or two Congressional districts. Those figures are then prorated after the Senate appropriate funds, as the appropriation is generally smaller than the amount of requested funds.

The House has appropriated $47.7 million for franking in fiscal 1993 but is expected to spend significantly less. The formula for each office's allowance is .67425 cents times the number of private postal drops in the district.

In battling an amendment to the fiscal year 1994 budget resolution that would have slashed 25 percent from the legislative branch appropriation, Sen. Harry Reid (D-Nev), argued that as far as franking goes, "The Senate has been stripped almost of its ability to mail.

"We, in effect, now have the ability to mail to people who write to us, and that is about it," Reid said on the floor last Monday. "I do not think there is a Senator who now sends a newsletter. I might be wrong, but I doubt it. Because under our franking rules, we do not have enough money to send one letter to every household in our state."

Actually, Senate aides say that some Senators still do send newsletters, but that the practice is on the decline.

Among Senators up in 1994, following Moynihan on the spending list were Sens. Paul Sarbanes (D-Md), who spent $95,000 to sent 663,000 pieces of mail; Trent Lott (R-Miss), $60,000 on 413,000 pieces; Richard Bryan (D-Nev), $24,000 on 53,000 pieces; Dave Durenberger (R-Minn), $23,000 on 130,000 pieces; and Slade Gorton (R-Wash), $18,000 on 101,000 pieces.

Also franking in the quarter were other Senators up in 1994: Sens. Jeff Bingaman (D-NM), 54,925 pieces at $11,264; John Chafee (R-RI), 107,950 pieces at $15,333; Orrin Hatch (R-Utah), 22,600 pieces at $3,217; Jim Jeffords (R-Vt), 24,113 pieces at $7,494; Joe Lieberman (D-Conn), 77,812 pieces at $25,422; Richard Lugar

(R-Ind), 35,950 pieces at $5,602; George Mitchell (D-Maine), 382,700 pieces at $54,480; Don Riegle (D-Mich), 180,160 pieces at $26,134; and Paul Sarbanes (D-Md), 663,450 pieces at $95,276.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Before I yield some additional time to my colleagues, I would like to make a couple of responses.

First of all, it was indicated that in essence we are only spending $12 million on mailing for the Senate as it is, and this bill has $20 million available for it. Maybe one of the things we should do is just change the figure in this bill down to the $12 million figure. I am of the impression that, if we continue under present law, we will spend close to the $20 million that is in this bill.

With respect to the comments that my distinguished colleague from Alaska has made that he would be prohibited from mailing his pilots a mass mailing under my proposal, he is exactly correct. That is exactly what I am trying to eliminate. We do provide, however, in this legislation the same language that exists today that you cannot mail—we put a limitation on at 500, that you can still send out 500 letters unsolicited. What we are trying to do is to eliminate the newsletters, the mass mailings over 500.

And, again, the Senator from Alaska is correct. What has happened over the years is that Members of the Senate have accumulated huge lists that we can use to mail unsolicited, and we are, in fact, putting a lid on that. We are saying you cannot do any more than 500. So he is correct about that. I do not refute that. As I said in my opening comment, I wish that we had the funds to do those kinds of things. I do not believe we have the money to do that. That is a luxury we no longer can afford.

It seems to me, Mr. President, it is reasonable for us to try to limit the type of mailing we do and allow Members to make responses to our constituents. That is what this amendment will allow.

At this point, I yield 3 minutes to the Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in support of the amendment as offered by the Senator from Florida.

I am one of those individuals who, as I have mentioned here before, is fresh from the hustings, so to speak, and am a product of the 1992 political rebellion, as I would call it.

My constituents are very comfortable with the idea that we ought to be responsive. In fact, they insist upon it. They expect a Member of the Senate or House to respond to their questions and their inquiries, to provide information when requested and data when suggested. But they do not look at us as an advertising agency. They are not looking for a free sample.

There is objection to the concept of the newsletter. There is not a voter in America today who does not realize that we are in a period of fiscal constraint. These are difficult times for us financially. And there are great pressures upon us to set fiscal priorities.

We had a debate in which I was involved just the other day when I introduced a deficit reduction concept to force us to begin to set priorities. This is not on as large a scale but is very symptomatic. It is something by which every voter can make a measurement. They, as I said, expect individual mail to be responded to. They demand it. And they ought to have a response. They expect personal and direct individual information to be exchanged back and forth. But they do not want us to engage in mass newsletter mailings. They associate that with junk mail.

I think it would be interesting, if it were possible, for us to have an understanding of how much of this mail is actually read. It would be very, very limited.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COVERDELL. So here in this amendment of the Senator from Florida we have an exercise of constraint, of discipline, an effort to set priorities about the utilization of the tax dollars of the United States.

I commend the Senator for his amendment and intend to support it.

I yield to the Senator from Florida.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. May I inquire as to how much time I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes and 40 seconds remaining.

Mr. MACK. I yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I congratulate and compliment my friend and colleague, Senator MACK, of Florida, for an amendment that requires some courage because, obviously, it is not one that is going to be uniformly well regarded throughout this body.

I am also interested to note that there is an article that was placed on Senators' desks this morning which says that Senators' franked mail is very light.

We have made significant reforms in the last couple years. I think the Senator from Alaska mentioned that. I compliment the chairman of the subcommittee, Senator REID, because we have worked on this legislation for the last several years. Some major reforms that were enacted in the last few years, I might mention to my friend and colleague from Florida, did reduce costs. They included disclosure. A lot of people did not want disclosure. We had not had disclosure on mail costs for decades.

I might remind my colleagues we had disclosure in the Senate before we had it in the House. The House was adamantly opposed to disclosure, and we used to have joint—you might remember, Mr. President—accounts between the House and the Senate. Even when we had restrictions in the Senate, the House had no restrictions and they continued to mail without regard to cost. It was just an open-ended entitlement.

And as to mail costs, I remember having charts—I do not have those with me this morning—that showed mail costs for both House and Senate continued to explode. We enacted reforms in the Senate and restricted Senate mail costs. The House did not. We finally did require disclosure in both House and Senate. Again, that was not well received in the other body, but it did enable us to make significant reforms.

We also saved money when we passed a reform which said that Senators, if they did not use their mail, then it could not be transferred to other Senators.

So I think progress has been made. If we are going to take the next big step, it would be to pass the amendment of the Senator from Florida, and that would be to ban unsolicited mass mailings. You can still have mailings, as I understand, up to 500 individuals. If you were going to have a doctors' meeting in a town, you could mail the doctors that had written you on that particular issue and say, I am going to have a meeting to discuss health care. If the Senator from Alaska wanted to mail most pilots and say we want to meet in Anchorage to talk about some of the challenges in aviation, I think he could do it. What we would be banning is unsolicited mailing statewide.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NICKLES. So I compliment my colleague from Florida for an excellent amendment.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I would like again to kind of go over what the amendment does. What we are really saying here is we want to eliminate newsletters and mass mailings above 500.

What Members of the Senate are still permitted to do I think is reasonable: First response mail. That is not only saying that you can respond when you receive the letter. It says that you can respond a second time within a 6-month period with that same group.

This is not some draconian taking away the right of a Member to communicate with his constituency. The reality is you will have the funds available to respond to every piece of mail you receive, and you can respond a second time within 6 months if there is something else that you need to inform your constituency about.

Press release. We treat them just like we treated them in the past; correspondence with Federal, State, and local officials.

I mentioned the unsolicited mailings of 500 or less. We also included in this town meetings. If a Senator wants to hold a town meeting, he can notify his constituents in that area of a town meeting. If there is a mobile office that is going to be in the area, they can notify the community that the mobile office will be there.

Again, this is a reasonable approach. All we are saying is under the conditions that we now face with respect to dollars, it makes sense to make further reductions.

So, Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, it is my understanding that I have 1 minute left. Is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have time under the precedents to suggest the absence of a quorum.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to have a quorum call at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. REID. I yield the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Florida yield the remainder of the time?

Mr. MACK. I yield the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is yielded back.

AMENDMENT NO. 630 TO AMENDMENT NO. 629.

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 630 to amendment No. 629.
>
> On page 3, line 6, add the following new paragraph:
>
> "(vi) of information pertaining to official business of the Senate to residents of towns and villages with populations under 1,000 and without a daily newspaper published within 50 miles.".

Mr. STEVENS. Mr. President, I yield myself 10 minutes on this to speak.

Mr. President, I appreciate the statement made by the Senator from Oklahoma. He is right, there have been lots of changes made in this mail franking provision. One of them, as a matter of fact, I put in myself and asked Congress to approve; that is, that no Member can mail franked mail, mass mailings, within 60 days of an election, because we had indications that some Members might have been guilty of doing that.

We have made a series of changes in this law over the years. One of the major ones was made in 1973, another in 1977. I commend reading of the act as it stands to anyone. I repeat, it is on page 562 of the Senate manual. I think that Members ought to compare the Mack amendment to what is the law today.

One of the problems about the Mack amendment is that if we look at it, it is oriented to favor larger States. I do not mean to be offensive to my friend. But a Federal publication, for instance, on page 3, is provided to the Senate, to all Senators, or made available for purchase by Senators, and can be mailed without restriction.

So a Senator from a large State can mail 50,000 calendars. But I cannot mail 501 letters to people who have a direct interest in legislation and official business that we are conducting now.

The Senator from Oklahoma said, well, we could get together and send a notice ahead of time under the notice for town meetings to get together 400 or 500 doctors.

Again, I say to my friend, I do not think I have 400 or 500 doctors in any town in the State. The notice of town meetings or mobile office notice—I put out my mobile office notice, Mr. President, through the courtesy of the radio stations. I send notice to them saying my mobile office will be in a town, parked next to the post office; or village, parked next to the mayor's office on a certain date between certain hours. That is much better for us than using the mail.

We do not use the mail for our mobile office. Maybe people in larger cities might have to do that. But I suggest that sending notice for a mobile office into a town of 1 million people would cost more than if I had sent out a newsletter to everyone in my State. As a matter of fact, as I said, more Members are transferring more money from the mass mailings to their personal hire, the clerk hire accounts, than I use for a total mailing to registered voters in my State.

What I am saying is, the current law is very restrictive already on Senators representing rural States. The reason I put this amendment in is that I represent 176 Alaska Native villages—Eskimos, Indians, Aleuts. I just took a 2-day trip down the Kuskokwim River and visited 10 or 11 Eskimo villages, and I do not think any one of them had more than 150 residents.

Well, Bethel has more than that, I take that back. That was the final area I went to. It is the center of the area. Those people are starved for information on what is going on back here. I do not think I should be denied the right to contact them.

This amendment, if adopted, would allow those people, who reside in villages of less than 1,000 and do not have a daily newspaper printed within 50 miles, to be informed of what is going on in Washington by their Senator directly. I do not think that we ought to lose sight of the fact that when we started working on the mass mailing account it was approaching $100 million for the Senate alone. It is down now to $13 million for the Senate in terms of what it costs to mass mail.

I cannot tell you how much is transferred from the mass mailing account to personal office use. I have not added it up. I think those people who make transfers to their personal accounts spend more money than those of us who keep our constituents informed.

Yesterday, when I met with a group of students from throughout the country and answered some of their questions, they asked me how I keep in contact. I told them, frankly, it is very hard. I told them about a constituent of mine that told me that his brother or sister had written to his or her Senator and had not received a response. So he said, "Write to Ted, because Ted will answer. He always answers me." He said, "You did not answer it; why did you not answer it?" I said, "I shred all of the mail from out of State. I do not have enough money to answer mail from out of State," particularly these form letters that come in, the letters from veterans, or for various organizations that fill out the forms and they put in their name and say they want a reply. You do not have enough money to answer them. It takes more than 500, I will tell you that right now.

The difficulty with this is that people get hooked on these things and think they are good press. I am tired of good press. I would rather have good Senators. I would rather have people be able to communicate with my people.

I am going to offer amendments today until people listen. We need to have the right to send mailings to people in rural areas. They do not get daily newspapers. They do not get daily radio station reports of any length at all. Our State pays for what we call RatNet. They take part of the national news media, and our State pays to send that out through the telephone system, to the Rural Alaska

Telephone Network. We pay for it because we want our people to come into the 21st century with everybody else.

We are tired of being discriminated against here in the Senate. When I came here, we were treated equally. We had the same number of people on our staff as the Senator from New York. I bet the people from the larger States spend more money on one employee—one employee that I am not allowed to hire, because we are limited—than I spend on mailing all year long. I think we ought to go back and examine these things, and I intend to do that next year and find the basis of it.

What people do not understand is that the general account now was melded since I have been in the Senate. Before, we had an allowance for postage, and telegraph, and for travel, and we had separate allowances for various things, for stationary, and they were fair. Each Senator was treated the same. Now we get an allowance, and it is based on population. When are we going to start realizing—I get more mail than some people about defense, because I was chairman of the defense appropriations subcommittee for 6 years. People who want information on what is going on in defense write to me. I cannot answer them. This amendment changes that somewhat. I could answer directly, but I could not answer again within 6 months. Think of that. If I send out information to someone and say I will follow up when something happens, I can send out one more time in 6 months. That is it.

I think this legislation ought to be considered where it belongs—in committee, in the legislative committee. This is legislation, and it is emasculating title 39 related to Postal Service, mail matter, penalty and franked mail. It has not been thought out, with due respect to the Senator from Florida. I understand he is trying to limit expenses. I am trying to make sure the people of the United States get the information they need about what is going on in the Senate that affects them. If you can get it by television or radio in Florida, fine. They cannot get it in my State that way. We are going to be here today until people understand that.

Mr. MACK. Mr. President, again listening to what the Senator from Alaska has said, it is obvious that he feels very strongly about continuing to do the mailings that he has done in the past. I can understand that. But I want to assure him that this is well thought out. We may disagree. I do not know that simply saying because you disagree that someone's position it is not well thought out. This is a well-thought-out amendment. It is very clear about what it does.

It says that we no longer can afford the luxury of unlimited responses for mass mailing. How many exemptions should I provide? We are already saying that if you were to get 5,000 letters, you can respond to those people when you receive those 5,000 letters, and then sometime in the next 6 months you can write them again, all 5,000 of them. Should we make an exception for 10 days after the 6 months so that a third one can go out? Where do we draw the line if we go beyond this? It is a well-thought-out amendment.

Mr. STEVENS. Will the Senator yield on my time?

Mr. MACK. Yes.

Mr. STEVENS. Does this amendment change the 6-month provision?

Mr. MACK. No; it does not. It allows you to mail to people within that 6-month period.

Mr. STEVENS. Does it change section 3210, paragraph 3, subsections A, B, C, D, E, F, G, H, I, all those that determine what can be mailed? This changes what can be mailed with regard to 500 or more letters, or pieces of mail. It says if it is more than 500 pieces of mail, it is governed by the amendment the Senator from Florida has. If it is mail matter between a Member of Congress and his Washington office, what happens?

Mr. MACK. Is it a Government official that is referred to?

Mr. STEVENS. It is mail that would be sent to my office. Suppose I put it in a box and mail more than 500 pieces, what happens?

Mr. MACK. If it is mail sent to your office, you can respond to mail sent to your office, as I have indicated.

Mr. STEVENS. What about mail matter consisting of voter registration information and assistance, mail prepared in a nonpartisan manner, which is more than 500 pieces?

Mr. MACK. If it is mailed, and you are trying to respond to as an official——

Mr. STEVENS. No, the law specifically allows us to mail to our constituents mail matter consisting of voter registration assistance, as long as it is in a nonpartisan manner, without regard to the number; you limit that to 500, right?

Mr. MACK. It is my impression that that would not be limited under our amendment.

Mr. STEVENS. More than 500 pieces of mail with substantial identical content. To me, that is inconsistent with the concept that we can send out voter registration information to whoever we want to send it to, as long as it is in a nonpartisan manner.

I again tell the Senator, his staff has not informed him of what is in the law today.

Mr. MACK. I say to my colleague again that is a good attempt at a defense, but that is not the point here.

The point is that this is legislation that will take control of mass mailings. That is what we are trying to do. We are identifying and limiting the amount that can be done with respect to mass mailings. It is a reasonable approach. It is, in fact, well thought-out.

With respect to the comment that the Senator made earlier about this 50,000 calendars, if I wanted to mail them, I must assure the Senator I have no intention of taking money out of my office account to buy 50,000 calendars to send through some kind of mass mailings.

The intent, again, is to try to reduce mail costs in the Senate. This is a reasonable approach. I would be hopeful my colleagues will be supportive.

At this time I will yield to my colleague from Oklahoma 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, after listening to the Senator from Alaska, I would tell my colleague and friend from Florida that I am doubtful he is going to support the Senator's amendment. I still think it is a worthy amendment.

I also think it is a good possibility that this may be the only significant campaign reform we will pass this year.

I might also mention that we have passed this amendment in the past, and we passed it in conjunction with campaign reform, basically, expanding the ban on unsolicited mass mailings during an election year. That has passed in the Senate. It has passed as part of the campaign bills. I think most of my colleagues know that.

This would ban it permanently. This is a further extension. This amendment would ban unsolicited mass mailings.

I might mention, or maybe even repeat, that any Senator could respond to any person that wrote them a letter or a postcard. You can do all response mail and you can do followup mail.

So, it would not limit constituent contacts as a result of a contract from a constituent. I believe it would not be limited to constituents. I would think anyone who mailed to you, you could respond to. This amendment says you could not have unsolicited mass mailings and certainly could not have unlimited unsolicited mass mailings.

It would allow unsolicited mailings up to 500 pieces. If Members had a desire to have a meeting with several hundred constituents, they can still mail up to 500.

There still is that caveat. I know some people want to have more. Maybe they will have a suggested amendment to make some changes. But certainly some reform is in order.

Again, I compliment my colleagues, Senator STEVENS, Senator REID, Senator FORD, and others. I remember working on the floor with Pete Wilson, now the Governor of California. We had some amendments and we did make significant reforms. Those amendments have saved millions of dollars. At one time, the fastest, most rapid-growing entitlement in Government was congressional mail, and we stopped that.

We curtailed that. We made significant reforms.

The only thing that is really left out, where we could really save a significant amount of money, would be to limit unsolicited mass mailings in both the House and the Senate. I might mention this amendment, I believe, just applies to the Senate. I personally think it should apply to the House and the Senate.

Maybe if the Senate takes the leadership and makes this happen for the Senate, the House will concur.

That is what we did with disclosure. We had disclosure in the Senate well before they had it in the House, and I think that helped generate some pressure to make it happen in both Houses. That was positive reform.

I think the amendment of the Senator from Florida is positive reform.

So, I congratulate him on a good amendment. It is an amendment that will save money. It is an amendment that would limit—I started to use the word "ban" but it would ban unsolicited mass mailings in excess of 500. I think that would be a positive, significant step in the right direction. I compliment my colleague.

Mr. REID. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Eight minutes and 10 seconds remain.

Mr. REID addressed the Chair.

Mr. STEVENS. I yield to the Senator how much time he wants.

Mr. REID. One minute.

The PRESIDING OFFICER. Let the Chair correct that statement. Under the control of the Senator from Alaska, there are 4 minutes and 4 seconds; under the control of the Senator from Florida, there are 8 minutes and 30 seconds.

Mr. STEVENS. I yield the Senator such time as he wants. I reserve 1 minute for myself.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there comes a time when we have to do what is best for the body.

I am advised that Senator STEVENS at the appropriate time will move to table the underlying Mack amendment.

Even though I do not mail mass mailings myself, I think the Senate would be well served to table the amendment so that we can move on with this bill.

I would be happy to work with the Senator from Florida, as I have done, to try to resolve what is obviously an impasse. I think it is something that next year we probably should perhaps put in the bill before it gets to the floor.

I say this to my colleagues. We should support the motion to table, especially in light of the fact that David Keating, whom we all know as vice president of the National Taxpayers Union, has stated, "We are happy with what the Senate has done overall in terms of franking."

Even though it may not be perfect, it is significant improvement. We have cut mass mailings in the past few years by $31 million.

THE PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. STEVENS addressed the Chair.

THE PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. What is the time limit?

THE PRESIDING OFFICER. The Senator from Alaska has 3 minutes.

Mr. STEVENS. How much does the opposition have?

THE PRESIDING OFFICER. The Senator from Florida has 8 minutes.

Who yields time?

Mr. MACK addressed the Chair.

THE PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I have a few comments to make and, mostly likely, I will not use the 8 minutes remaining. I will make a few comments and reserve my time. I suspect we will hear more from the Senator from Alaska.

Again, I would make this statement. The Senator from Alaska is correct in a number of things that he says in that this legislation or this proposal would, in fact, limit his ability to mass mail over 500.

If in fact there are pilots, if he has a list of pilots from his State, and that list is greater than 500, and he has been used to doing that in the past, he is right. Under this legislation, he would not be able to mail those pilots over 500.

Again, the idea here is very focused. It is reasonable. It, in essence, says that we just ought to do away with the luxury.

We are not taking away the Member's ability to communicate with his constituent. I have gone through a whole series of examples where Members can send mail and notices to their constituents.

I would make one last point at this time, however. I happen to believe that this is probably the only real campaign reform that we are going to see in effect for 1994. There has been a lot of debate on this floor about campaign finance reform and campaign reform, the idea of trying to balance the opportunities for challengers with the advantages with the incumbent. Yes, this is going to take away an ability for a sitting Member of the Senate to use mass mailings for his or her advantage in an election year.

So, I say to my colleagues not only to the point that I made earlier with respect to a way to control spending in this legislative branch appropriations bill, but I would make the claim that probably the only real campaign reform that we are going to see in 1994 is going to be the limiting of the ability of the Members of the Senate to use mass mailings.

The bill that was passed this year for campaign finance reform I think is going to have a very, very difficult time making its way through the Congress and, if it does, it will probably only affect elections after the 1994 election.

So, if you really want to say something, if you really want to do something about campaign reform, this is the opportunity to do it.

At this time, I yield the floor and reserve the remainder of my time.

Mr. STEVENS. Mr. President, what does this have to do with campaign reform? By law, we cannot mail anything under the frank pertaining to campaigns. What campaign reform is about taking from me the right to mail to more than 500 pilots when Senators from large States can announce town meetings? The Senator cannot be at a town meeting. It can be any town meeting. Send your staff from the State office, send someone from the mobile office. It is a town meeting. They can send out hundreds of thousands in the big States.

Where is the equality in this Senate? It is not right to say you can send out notices of any town meeting, and that is what it says, of a town meeting or a mobile office notice. Who is in the mobile office? The Senator's assistant or someone driving that thing that comes in and takes notes. There is no limitation on that at all.

Mr. MACK. Mr. President, will the Senator yield?

Mr. STEVENS. On the Senator's time, yes.

Mr. MACK. Mr. President, my response would be again, I have not changed the rules of the Senate with respect to what can be mailed now with respect to town meetings.

If the Senator objected to that, it is not because of my amendment. That exists in the existing rules.

Mr. STEVENS. I say to the Senator, I did not have the restrictions before he is putting on me. I have not objected to what goes on in major cities.

If you want to send out notices of town meetings and hold town meetings all over your State, go ahead and do it, but do not put a limit on me. This was the first time we had a limit of this type saying I cannot mail more than 500 letters in my State on the same subject unless people have asked for them.

Now that is the first time.

We have a mass mailing limitation in the existing law. I would call the Senator's attention to that. It pertains to mailings within 60 days prior to the election. That is where the mass mailing limitation came from. I cannot mail to my pilots within 60 days of the election. I have accepted that. As a matter of fact, I authored it.

But I did not object to a notice to send out for these mobile office meetings or these town meetings because, if you have town meetings in these big towns, I understand. Many States have that tradition. Why should I object to it?

I can still mail out to my pilots; I can still mail out to my Native leaders; I can still mail out to people who have a common interest in elections. They are not going to get the report anyway.

What I am saying is—this is a good platform to say it from—I want the Senate to come back to where it was when I came here. When I came here, Senators were equal.

No one said you can only spend so much money for stamps. I got the same amount of money that any other Senator got.

They limit me in terms of how much money I can spend for clerk hires. I accept that. There were other limitations that were reasonable in terms of the amount that any Senator could spend for stamps.

Do you know, Mr. President, we were limited by the number of minutes on the telephone when I first came here? This was because the cost of using a telephone going to Alaska was so much more.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. I will go on later, Mr. President.

As soon as the Senator's time has expired, I will move to table his amendment.

Mr. MACK. Mr. President, at this time, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

Mr. STEVENS. Mr. President, I move to table the amendment of the Senator from Florida, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a second sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska [Mr. STEVENS] to table the amendment of the Senator from Florida [Mr. MACK]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Vermont [Mr. LEAHY], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER (Mr. KERRY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—48

Akaka
Baucus
Bond
Breaux
Byrd
Campbell
Cochran
Conrad
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Ford
Gorton
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Lieberman
Lott
Lugar
Mathews
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Pell
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Specter
Stevens
Thurmond
Wellstone

NAYS—47

Bennett
Biden
Bingaman
Boren
Boxer
Bradley
Brown
Bryan
Burns
Chafee
Coats
Cohen
Coverdell
Craig
D'Amato
Danforth
Exon
Faircloth
Feingold
Feinstein
Glenn
Grassley
Gregg
Hatch
Helms
Hutchison
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Levin
Mack
McCain
Metzenbaum
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Smith
Wallop
Warner
Wofford

NOT VOTING—5

Bumpers
Gramm
Hollings
Leahy
Pryor

So the motion to lay on the table the amendment (No. 629) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the motion was agreed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 631

(Purpose: To facilitate a study of health care reform models)

Mr. MACK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for Mr. STEVENS, proposes an amendment numbered 631.

On page 20, line 25, strike out "$20,815,000:" and insert "$21,815,000:".

Mr. STEVENS. Mr. President, Congress will soon begin a debate on restructuring the health care industry.

We spend about 14 percent of the Nation's total gross national product on health care.

With a system this large, mistakes could cost billions of dollars.

It is not often that the Senate has the opportunity to save billions of dollars by spending $1 million.

My amendment presents that opportunity.

It would add $1 million to the Office of Technology Assessment budget for a study of the numbers behind the competing health care proposals.

Accurate data to compare the costs of competing health care proposals could keep us from making mistakes that cost literally billions of dollars.

In response to an inquiry I made for more data on the costs of health care reform, OTA issued a report with a warning that Congress should be "wary of any * * * estimates on * * * health care reform."

OTA pointed out that there has been no systematic review of the numbers behind the different reform proposals.

My amendment cures this deficiency by asking OTA to examine the different economic models, assumptions and data behind the various reform ideas. A final report should be available in the spring.

Today, many of the cost figures on specific proposals have been compiled by those with a financial or political ax to grind in the debate.

This OTA study will be useful in providing an objective evaluation of the real costs behind these ideas.

Mr. President, for the sake of a more informed health care debate, I hope the Senate will adopt this amendment.

Mr. MACK. Mr. President, this is an amendment that was offered earlier, which I objected to, and to which I no longer have an objection. I believe it has been cleared on the other side of the aisle as well.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. I yield back the time.

The PRESIDING OFFICER. The Chair inquires of the Senator from Florida whether he is offering this amendment on behalf of the Senator from Alaska?

Mr. MACK. That is correct.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 631) was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, under that unanimous-consent request previously entered, there are a number of amendments that are now ready to be offered, we hope. We have been here since 8 o'clock this morning.

As I indicated, there are some under the unanimous-consent request that are allowed. I ask those Senators to come forward and offer those amendments, if they intend to. If not, I will soon ask for a third reading so we can move this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding there are one or two amendments at the most yet to be offered. This is Friday. We have been here since 8 o'clock this morning. There are Members of the Senate who have engagements outside the city. They have talked to me and others. I think if we do not have somebody over here offering an amendment by quarter to 11, I am going to ask for third reading. It is not fair to the Senate that we stand here wasting time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT ON LEGISLATIVE BRANCH APPROPRIATIONS

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2348, the legislative branch appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $29 million and under its 602(b) outlay allocation by $20 million.

I compliment the distinguished manager of the bill, Senator REID, and the distinguished ranking member of the Legislative Branch Subcommittee, Senator MACK on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the legislative branch appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2348—FISCAL YEAR 1994 LEGISLATIVE BRANCH APPROPRIATIONS—SENATE-REPORTED BILL

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary total:		
New spending in bill	2,271	2,065
Outlays from prior years appropriations		204
Permanent/advance appropriations	0	0
Supplementals	0	0
Subtotal, discretionary spending	2,271	2,269
Mandatory total	92	92
Bill total	2,363	2,361
Senate 602(b) allocation	2,392	2,381
Difference	−29	−20
Discretionary totals above (+) or below(−):		
President's request	−371	−322
House—passed bill	−78	−60
Senate—reported bill		
Senate—passed bill		

Mr. REID. Mr. President, I suggest the absence of a quorum.

I withhold that for just a moment to inform the Senate that we have been told that the Senator from Colorado [Mr. BROWN] is on his way. He left his office 3 minutes ago. As the Senate knows, we were going to ask for third reading at 10:45, that hour having arrived. But I am confident that Senator BROWN will be here momentarily.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN] is recognized.

ORDER OF PROCEDURE

Mr. BROWN. Mr. President, I ask unanimous consent to proceed as if in morning business and ask that the time I may consume will be subtracted from the time allotted to the amendment that I will be offering shortly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I appreciate the indulgence of the Senators in this regard.

My thought was while we are waiting for the amendment to be delivered to the floor perhaps we could spend a little time on it, therefore shortening the time of debate that would be necessary.

One of the concerns that I have had over the years is the Congress has treated itself differently than it has for the rest of the Federal Government. That does not mean that is not justified. We can make mistakes. But I believe that the process of handling rollover funds does not fall in the area that merits special consideration or treatment by Congress.

What we have said to virtually most of the other areas of Government is that you will expend your money in a year. If you do not expend it in that year, you will then be subject to a review, reappropriation, reauthorization of those funds. It is simply a way of taking a new look at money that was not spent in the previous year.

Congress over the years has chosen a different course for itself. We earlier this year offered an amendment on an authorization bill that dealt with the problem of committee funds. Some have called them slush funds. I think it fits in some areas to call them that, literally. What has happened is money has been appropriated and authorized, not spent in a year, and not lapsed back to the Treasury, as I think many Members assumed or hoped it would, but simply held in a fund that is not subject to reauthorization or reappropriation. Thus, it can be used for unspecified purposes in that general area.

My own view is that what makes good sense is the same rules we apply to everybody else, simply that we ask that those funds be reauthorized and reappropriated, rather than held in abeyance and not accounted for separately.

So the amendment I will shortly offer will be one that deals with that and treats us like we treat everybody else. It seems to me that is basic, simple equity and good budget, and also a way to save funds. It is done, also, not out of the blue. It was raised earlier this year and approved by this Chamber—procedures regarding committee funds. So it is one that we have had notice on, and one in which we deal with the rest of the world in this manner, and it is consistency. We ask the Senate to live by the same rules everybody else lives by.

Mr. President, I will offer this amendment shortly and try to expedite the deliberations.

I reserve the remainder of the time I have on the amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have been meeting—Senator MACK, Senator BROWN, and I, and our respective staffs—to try to resolve a problem that deals with unexpended accounts in certain of the legislative branch expenditures that we have.

Now, Senator BROWN, who is a certified public accountant and an attorney, has been looking in some depth at how these funds are handled.

We simply were unable to answer some of the questions he presented. We were able to answer, I think, most of them, but not all of them. Senator MACK and I have agreed, at the urging of Senator BROWN, to take a complete look at legislative branch funds; that is, what do we do if, for example, the Architect has money left over after having let a contract for the west front of the Capitol? How are those moneys accounted for?

I am not going to go into a lot of detail, but I have expressed to Senator MACK personally, as I do publicly, that Senator MACK and I, as the subcommittee, will hold hearings on this matter. We will confer with Senator BROWN. He can help arrange whatever witnesses he feels appropriate. We will arrange witnesses that are appropriate. There will be a transcript of those hearings, so it will be made available to the Senate and the public.

I think it will go a long way to resolve some questions I have and I know Senator MACK has had and, hopefully, will resolve some of the questions that my friend from Colorado has.

I yield to Senator MACK.

Mr. MACK. I thank the Senator from Nevada [Mr. REID].

Mr. President, I express my appreciation to Senator BROWN for raising this issue today. It is an issue that we have discussed in subcommittee and something that we are going to pursue. Frankly, his effort today just means we are going to pursue it that much more rapidly. I appreciate that.

We had many of the similar concerns Senator BROWN has raised. Through the process of those discussions, I have now found out that some of my concerns really are unfounded but, in fact, there are some areas we clearly ought to take a look at and try to make a determination of what is in the best interest of both the taxpayer and the Senate.

Again, I appreciate the Senator's interest in this area and believe we will pursue it with great alacrity.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Nevada.

Mr. REID. Mr. President, I also appreciate the searching inquiry of the Senator from Colorado and the reasonableness of it in this respect.

The amendment that he had proposed—which he, I think has decided not to offer—was one that looked to the future that has this bill on it. I think that is important because I frankly do not think any of us want to get into what practices went on 20 years ago.

So I think the Senator has presented to the Senate something that we need to do, something we probably should have done, and, with his urging, we will do it at the earliest possible date.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I simply want to add my thanks to the committee for their willingness to look into this issue, to hold hearings with witnesses, and explore the potential of a new policy in this area. The additional facts, I believe, will be helpful in framing this policy.

That does not disguise the fact that there may well be disagreements about the policy ultimately adopted, but it does mean that we will develop that policy with far better facts and information as a result of what I know will be an inquiry with integrity, knowing the reputation and the conduct of the distinguished Senator from Nevada and the distinguished Senator from Florida. Their words are good. Their integrity is very high.

I, frankly, think this kind of study will give us a much sounder basis than before.

I might simply mention to those that are not familiar with the issue that I was one of those in the House of Representatives that discussed the matter of whether or not we would add office space on the west front of the Capitol. The House went on record, in a record vote, strongly opposed to the expansion on the west front of the Capitol. And, as I think many people know, the Congress went ahead and added the west front of the Capitol anyway. It was done partly with reprogram money, which shows that there is a potential for abuse here, as well.

So the issue is not just one of treating ourselves like everyone else is treated. It is one of a policy matter as well.

I think the inquiries, as contemplated by the chairman and ranking member, will be very helpful in this. I look forward to it.

I express my gratitude for what I think is a very sincere effort to bring real controls to this area of spending.

Mrs. HUTCHISON. Mr. President, earlier today I voted in support of the legislative branch appropriations bill. I did so because the bill does contain reductions in Congress' budget. I believe, however, that this legislation does not cut far enough.

Here in Congress, legislative branch appropriations have skyrocketed from $1.37 billion in 1982 to $2.25 billion in 1993. There is no justification for this type of runaway spending.

We can do more with less. The size of our Government is staggering. The legislative branch has not only kept up with the overall growth in Government, it has exceeded it by several times in recent years.

In addition to the Capitol Building itself, we have at least eight separate office buildings and over 38,000 employees.

I know from experience that the best way to cut a budget is to make reductions across the board. While serving as Texas State Treasurer, I voluntarily reduced my budget 8 percent. Our dedicated employees had to work a little harder and longer. But we increased investments and collections to a record $1 billion for Texas taxpayers for the first time in Texas history.

During my campaign I pledged to try to reduce my Senate budget 20 percent and never send out taxpayer-financed mass mailings. I know that it is possible to reduce my office budget without lessening my ability to be a good representative.

I will live up to my promise. I hope that my colleagues will also voluntarily reduce their office spending.

We owe it to the American people to make a sacrifice ourselves. This year's legislative branch appropriations bill is a step in the right direction. We must, however, continue to reduce what we spend here in Congress.

Mr. BYRD. Mr. President, I commend the managers of the bill, Mr. REID, the chairman of the Legislative Branch Subcommittee, and Mr. MACK, the ranking member of the Legislative Branch Subcommittee, for the superb work they have done in shepherding this legislation from the first hearing to markup by the full committee.

I wish to congratulate them and their staff for the splendid cooperation that has been demonstrated by these two Senators and by other Senators on the committee from both sides of the aisle in preparing this legislation to this point.

I wish to underscore the comments of the managers that the bill, as recommended, is below both the 1993 and 1992 enacted levels. This bill is a responsible bill. This bill is worthy of our support. Again, I commend the managers for their excellent work on this legislation, and I urge my colleagues to support it.

Mr. REID. Mr. President, I know of no other amendments to this bill. I would, therefore, ask for third reading.

The PRESIDING OFFICER. Are there further amendments?

If there are no further amendments to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. Does the Senator yield back all the time?

Mr. REID. Yes, we do.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nebraska [Mr. KERREY], the Senator from Vermont [Mr. LEAHY], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. GRAMM], and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote.

The result was announced—yeas 85, nays 7, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—85

Akaka
Baucus
Bennett
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford

Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerry
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—7

Brown
Conrad
Heflin
Helms
Kohl
Roth
Smith

NOT VOTING—8

Bond
Bumpers
Gramm
Hollings
Kerrey
Leahy
Pressler
Pryor

So the bill (H.R. 2348), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Presiding Officer [Mr. FEINGOLD] appointed Mr. REID, Ms. MIKULSKI, Mrs. MURRAY, Mr. BYRD, Mr. MACK, Mr. BURNS, and Mr. HATFIELD conferees on the part of the Senate.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I would like to express to Senator REID, again, my appreciation for the way he brought me into this process, the way that we were able to work together to put this bill together.

As I said earlier, I think we can do more. I am sure over the next year Senator REID and I will find other ways to do more.

I also would like to thank Keith Kennedy for his work. Being a new member on the committee, it was vital to me to have someone like Keith Kennedy to provide me with the basic information, the basic knowledge to make decisions.

I also would like to thank Larry Harris on my staff who has been a great help to me in helping, again, to make me knowledgeable so that I could, in fact, spend meaningful time with Senator REID in making some of the decisions we had to make.

Again, I thank Senator REID for his help.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I hope that Members of this body realize what Senator MACK and I want, and we hope to obtain, is that there will be no questions about the bill; that it will be an open book. We want the legislative branch of Government understood. We want everybody to understand that there are no gimmicks, no tricky bookkeeping measures; that everyone will understand the legislative branch, as it should be. Not only is it the people's body, the people's branch of Government, but we want to make sure that the money that takes care of the legislative branch of Government is something that everyone comprehends and understands.

I also express my appreciation, as I did during my opening statement, to Senator MACK and his staff for being available and being willing to compromise certain difficulties that arose during the early part of the bill, and certainly his experience paid off today.

I also would like to express my special appreciation to the chief clerk of the Subcommittee on Legislative Branch Appropriations, Jerry Bonham, for his weeks and weeks of work getting this bill to the point it is. Jerry and I were both ably assisted by Chuck Turner who has been invaluable on this bill for several months now.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, let me commend the managers of the bill. This is the first appropriations bill. There are real spending cuts in this bill. I want to commend the chairman, the distinguished Senator from Nevada [Mr. REID]. Particularly, I want to thank my colleague from Florida, Senator MACK. This is his first opportunity to manage a bill. This is the first appropriations bill.

As I have indicated, it does come in under budget and it does reflect the hard work of both the Senator from Florida and the Senator from Nevada and members of the committee and members of their staffs. We congratulate them.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate go into morning business, with Senators allowed to speak for 10 minutes therein, and that the Senator from Hawaii be recognized for a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii.

PRIVILEGE OF THE FLOOR

Mr. AKAKA. Mr. President, I ask unanimous consent that Shane Merz, a congressional fellow in my office with the Sea Grant Program be granted floor privileges to assist me when the Senate is in session on Tuesday, July 27.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROMOTION OF AIR FORCE COL. CLAUDE M. BOLTON, JR.

Mr. GRASSLEY. Mr. President, I wish to take a few minutes of the Senate's time to clarify my position and express my concerns about the pending promotion of Col. Claude M. Bolton, Jr., to the rank of brigadier general.

I wish to discuss that some more this morning, Mr. President, because I think it is very important to let my colleagues know what I am up to. It is a rather unusual thing when we discuss somebody being promoted from colonel to brigadier general.

My position is this: We should not proceed with Colonel Bolton's promotion until we have all the facts bearing upon his role in the advanced cruise missile, or ACM, procurement disaster. Colonel Bolton was the program manager from September 1989 to September 1992. There are too many unanswered questions and we need more information.

At the end of yesterday's statement, I concluded with this assertion: All the documentary evidence suggests that the ACM program violated the Antideficiency Act, and that Colonel Bolton and other more senior officials further up the chain of command knew this but failed to act on that information in appropriate ways.

Now, Mr. President, what were Mr. Donley, Mr. Beach, and Colonel Bolton supposed to do in order to comply with the law of the land? That is, after all, what public officials are supposed to do. We are all supposed to comply with the law of the land. They should have reported, these individuals should have reported the violation immediately up the chain of command to the Department of Defense Comptroller, and also to the President, as well as to those of us in the Congress.

Under the law, which is 31 U.S.C. 1351, an Antideficiency Act violation must be reported "immediately to the President and Congress" along with what are referred to as all relevant facts and a statement of action taken.

That is Federal statutory law. Under Department of Defense directive 7200.1, which establishes procedures for reporting Antideficiency Act violations, Colonel Bolton had a duty as the "head of the organizational unit" involved, the ACM program office, to "investigate the circumstances surrounding the violation immediately and report the violation through official channels to the Secretary of the Air Force."

That is a direct quote from the DOD directive 7200.1. Colonel Bolton was required to file a formal written report. This he never did.

Colonel Bolton, I would ask you, please answer the questions in my letter to you of April 29, 1993. What actions did you take to report the violations up the chain of command as required by Department of Defense regulation and law?

Colonel Bolton, if you attempted to report the violation, please provide a list of persons that you contacted. Was Mr. Beach or any of his subordinates among those persons you contacted? What direction or guidance, if any, were you given regarding the violation?

Perhaps Mr. Beach has good reason to keep Colonel Bolton quiet. Is Mr. Beach trying to silence Colonel Bolton because he knows too much, because he told Mr. Beach about the violation?

Mr. President, I think Mr. Beach needs to be questioned about his knowledge of the ACM Antideficiency Act violation.

Mr. President, I submitted questions to Mr. Beach in a letter dated May 14, 1993, but Mr. Beach also refuses to answer these questions. Mr. Beach's fear of the truth helped to generate another nonanswer from the Air Force. This one came from Maj. Gen. Paul E. Stein, director of legislative liaison. The Air Force is engaged, then, as a result of not answering these questions, in a classic stonewalling operation.

At this point, Mr. President, we do not know what Colonel Bolton did or did not do. But one thing remains crystal clear. The violation was never reported as required by law. Mr. Donley, Mr. Beach, and Colonel Bolton never complied with the law. In fact, they showed contempt for the law.

Mr. President, I wish to discuss issues surrounding the reprocurement scheme, which is nothing more than a bureaucratic trick designed to conceal this Antideficiency Act violation. Instead of reporting the violation and requesting a deficiency appropriation, as is provided by law and is quite appropriate for this Congress to respond to when money is short for a program, Colonel Bolton, Mr. Beach, Mr. Donley, and others acted in concert to devise a crooked reprocurement scheme to cover up the violation.

The reprocurement scheme had one purpose and only one purpose, and that was to generate cash outside the law to get around the Antideficiency Act without coming to Congress. The Air Force should have asked Congress for the money. It is as simple as that.

The Air Force attempted to use contracts to supersede statutory law, to overturn the laws passed by Congress. In the old days, there was a way that the Air Force could simply take care of this, and that would be to go to the M accounts for the money. The M accounts were beyond the purview of Congress. But the M accounts were legal. The M accounts have now been done away with, or they will be done away with very shortly. They are legislatively out of existence, but they are going to be phased out. And that time, I think, is about now to be done with them.

If they had gone to the M account, the problem would have been solved quickly and quietly and improperly. Those days are over now. The doors to the magic vault are about to slam shut forever. If the Air Force needs money, the Air Force must now request it from Congress.

I hope the ACM reprocurement scheme is not a prototype for solving funding shortages in a post-M-account era. If it is, then they are still violating the spirit of our enactment doing away with the M accounts. If it is, then of course the taxpayers in this country are in for a rough ride.

To get the money needed to hide the cost overrun and cover up the Antideficiency Act violation, the Air Force systematically destroyed the ACM program. The Air Force officially launched the reprocurement operation in April 1992 by decimating the fiscal year 1992 ACM missile production contract. But the mission had to be aborted in midstream, because then Congress pulled the rug right out from under their plan. Congress unexpectedly rescinded $344 million in fiscal year 1992 ACM missile procurement money. We did that on June 4, 1992, under Public Law 102-298, just as Air Force officials were about to get their hands on that money.

Congress had appropriated $522 million to buy 120 more ACM missiles in fiscal year 1992, bringing the total ACM buy to 640 missiles. The rescission reduced the total ACM buy back to that 520 original missiles. Since Congress appropriated $522 million, why was only $344 million rescinded? What happened to the remaining $178 million?

Mr. President, that is what we need answers to.

When Congress denied access to the fiscal 1992 money, the Air Force then turned on the program with a vengeance and terminated fiscal year 1990 and fiscal year 1991 production contracts to get the money. Presumably, they got it this time.

As I understand it, three old contracts were terminated, and these are the words in the law, "for convenience of the Government," and then immediately rewarded to the same company but under terms that were most unfavorable to the taxpayers.

The result was predictable and the result was devastating. Missiles were left in pieces on factory floors for scrap. The Air Force claims that the net additional cost of this reprocurement scheme was minimal—$600,000—somehow just to relabel 120 ACM missiles.

That sounds very fishy. It has a very bad odor. In plain language, it stinks, Mr. President. The DOD IG estimated that the additional costs resulting from the fiscal year 1992 contract termination alone would be $79.7 million. Mr. President, I think the figure will go much higher. The final price tag could be staggering.

A July 2, 1993, Air Force report indicates that the net cost to the taxpayers could be $483 million, or close to one-half billion dollars. I will have more to say about this next week. But the full impact, in terms of dollars wasted and wasted materiel, has yet to be determined. But the estimates keep climbing.

I asked the GAO, on June 1, 1993, to conduct a full review of the ACM reprocurement scheme and to address all of the unresolved issues.

The President GAO's investigation is ongoing. The GAO has promised to provide the needed information by September 1993.

Mr. President, I request unanimous consent to have my letter to the GAO printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 14, 1993.

Mr. JOHN W. BEACH,
Principal Deputy Assistant Secretary for Financial Management, Department of the Air Force, Pentagon, Washington, DC.

DEAR MR. BEACH: I am writing in response to your letter of May 13, 1993, regarding the current disposition of my letters of April 29, 1993, to Mr. E. Ray Smith and Colonel Claude M. Bolton, Jr.

The two above-mentioned letters were directed to Mr. Smith and Colonel Bolton and not to your office. I expect a written, signed response from both officials. Anything short of that is unacceptable.

At the same time, I would like to urge you to proceed with a vigorous and thorough investigation of the Antideficiency Act violation by the Advanced Cruise Missile (ACM) program and fix responsibility as required by law.

Since directing my letter to Mr. Smith, I have come to the realization that his organization falls under the purview of your office. That being the case, I would like to inquire about your knowledge and awareness of a violation of the Antideficiency Act by the ACM program in November 1991 or at any other time.

I have two questions I would like you to answer: At or about the time Mr. Smith signed the attached memoranda, were you aware of any discussion about the need to report a violation of the Antideficiency Act by the ACM program? If so, please provide the names of the persons involved in those discussions or the violation itself, and what direction, if any, was given as a result of those discussions?

A written, signed response to my questions is requested by May 21, 1993.

I would like to remind you that certain financial officers remain pecuniarily liable under the law (31 USC 3528) for illegal or improper payments from accounts entrusted to their care.

I would also like to inform you that during my meeting with Mr. Donley yesterday, he indicated that Colonel Bolton is not solely responsible for the decisions taken to resolve the ACM funding deficiencies in 1991–92. Mr. Donley indicated that there were a number of more senior officials further up the chain of command who bear responsibility for those actions. I asked him to provide that and any other information that might help me reach a final decision in this matter. He agreed to do that.

Your cooperation would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, November 26, 1991.

Memorandum for SAF/FMBMC.

Subject: Request for Approval To Cite Expired Funds—Action Memorandum.

This office has received the attached request for funding and approval to cite $71,500,000.00 of FY 87 3020 funds to cover cost overruns associated with the Advanced Cruise Missile program. Based on previous discussions with the 3020 Appropriation Manager, funding of this magnitude is not presently available. However, this requirement needs to be documented and included in the funding strategy discussions being pursued for this and other programs with similar funding problems.

The attached ASD/VCP memo describes the scope and nature of the request for adjustment as well as the information regarding the original contract funding. Please include this action with other unclassified requests for prior year 3020 funding.

E. RAY SMITH,
Special Programs Office, Deputy for Budget Management and Execution.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, November 26, 1991.

Memorandum for SAF/FMBMC.

Subject: Request for Approval To Cite Expired Funds—Action Memorandum.

This office has received the attached request for funding and approval to cite $27,100,000.00 of FY 88 3020 funds to cover cost overruns associated with the Advanced Cruise Missile program. Based on previous discussions with the 3020 Appropriation Manager, funding of this magnitude is not presently available. However, this requirement needs to be documented and included in the funding strategy discussions being pursued for this and other programs with similar funding problems.

The attached ASD/VCP memo describes the scope and nature of the request for adjustment as well as the information regarding the original contract funding. Please include this action with other unclassified requests for prior year 3020 funding.

E. RAY SMITH,
Special Programs Office, Deputy for Budget Management and Execution.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, May 24, 1993.

Hon. CHARLES E. GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: This correspondence further responds to your letter of 29 April to Colonel Claude M. Bolton Jr. and Mr. E. Ray Smith, and to your 14 May letter to Mr. John W. Beach. As Mr. Beach pointed out in his letter, the Acting Secretary of the Air Force has directed a full review of alleged violations of the Antideficiency Act in the Advanced Cruise Missile program in accordance with the law. As we're sure you will agree, we do not want to jeopardize this ongoing investigation or prejudice its results. In the interest of achieving a fair and complete investigation, we believe the Antideficiency Act review itself should be the sole fact gathering process.

At the conclusion of the official inquiry, we will ensure that your concerns are addressed and responses are provided to your questions. However, until the investigation is concluded we would respectfully seek agreement that Colonel Bolton and Mr. Smith refrain from answering questions on this subject outside of the investigative process. Allowing the investigation to proceed without outside influence is the best method of ascertaining the facts, while protecting the rights of the individuals involved.

Sincerely,

PAUL E. STEIN,
Major General, USAF,
Director, Legislative Liaison.

U.S. SENATE,
Washington, DC, June 1, 1993.

Hon. CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: I am writing to request that your report on the Air Force Advanced Cruise Missile (ACM) program, NSIAD–92–154, be updated.

I would like your office to conduct an audit of all ACM production contracts. Was the money spent in accordance with the laws of the land, and what has been provided in return for the money spent? Is all the money accounted for?

In the process of conducting the audit, I would like the following questions answered:

How much money was obligated against each ACM production contract, how much was spent, and how much remains unobligated?

How many ACM missiles were placed on contract, and how many of those missiles are operational, and how many operational missiles are defective?

How much did the decision to terminate FY87, FY88, FY90, and FY91 contracts for "convenience" of the government cost the taxpayers? Did the Air Force incur contract termination costs, penalties, or other liabilities as a result of these contract actions?

What happened to the work-in-progress and other inventories following termination of the four production contracts (FY87–88 and FY90–91)? How many missiles remain incomplete? How much was scrapped? Did the government receive credit for scrapped materials? Were follow-on contract prices adjusted accordingly?

How much money was actually shifted from three contracts—FY90–92—to cover cost overruns and a shortage of cash on earlier contracts?

Congress provided $127.1 million in FY93 procurement funds for "a 450-missile" ACM program. How was that money used? What is the total cost to complete the 450-missile program?

What was the dollar value of the reduction in missile quantities that resulted from these contract actions?

Mr. Bowsher, your last report on the ACM program seemed to express some apprehension or uneasiness about what was unfolding in the ACM program in early 1992. Your report contains this statement in two different places: "We are concerned about the potential for cost increases, as well as the legal and programmatic issues that may arise from their actions. We plan to continue to review these matters." (See pages 1 and 5)

Mr. Bowsher, which legal issues were you concerned about? Were any laws violated? If so, which laws were violated, and who was responsible for violating them?

As you proceed with your audit of ACM production contracts, I request that you coordinate your efforts with those of the Inspector General at the Department of Defense. Mr. Vander Schaaf's effort is focusing on the failure of the Air Force to report and investigate a known violation of the Antideficiency Act and not contract actions, so there should be no duplication or overlap between your review and his on ACM issues.

I ask that this work be completed as soon as possible.

Your cooperation would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

GENERAL ACCOUNTING OFFICE,
Washington, DC, June 3, 1993.

Hon. CHARLES E. GRASSLEY,
U.S. Senate.

DEAR SENATOR GRASSLEY: We have received your letter dated June 1, 1993, requesting an update of our report on the Air Force Advanced Cruise Missile (ACM) program, NSIAD 92–154.

We have forwarded your letter to our National Security and International Affairs Division. Staff from that Division will be in touch with Charlie Murphy if they have any questions.

Sincerely yours,

RICHARD P. ROSCOE,
Legislative Advisor.

Mr. GRASSLEY. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

THE NOMINATION OF JOYCELYN ELDERS

Mr. NICKLES. Mr. President, I rise this morning to clarify a couple of statements that were made concerning the nomination of Dr. Joycelyn Elders as Surgeon General. Earlier today, I placed an objection for the consideration of the committee to proceed further with the nomination hearing while the Senate was in session. I did that after consulting and talking to Senator KENNEDY, who is chairman of the Labor Committee, last night, basically because I requested additional information, information concerning Dr. Elders which is not yet available to members of the committee and to Members of the Senate that have an interest in this nomination.

Some people have said this is uncharacteristic; we do not usually do this. I will just tell the Senate I have not done it in my Senate career. But I have observed many colleagues who have obstructed nominations. I can remember that of Dr. Koop when I was chairman of the Labor Subcommittee, when Dr. Koop was eventually confirmed. But he was eventually confirmed after months, I think almost a year, of a grueling confirmation process, after every word he had written and spoken had been analyzed and scrutinized by members of the committee for countless hours—I will find out later how many days—he spent before the committee.

My request of Senator KENNEDY last night was not to postpone the hearing today but to give us an additional day of hearings next week and to give us some documentation that had been requested by members of the committee and by myself.

We have not been given that documentation. In fairness to Senator KENNEDY I do not think he has the documentation in some cases. We do not have a written summary of the FBI report. It is no surprise to Members of this Senate or anyone who reads in the paper that this is a very controversial nominee. It is no surprise to anyone who is current on the issues that a lot of allegations have been made of impropriety.

I have stated on the floor that these questions need to be answered. My colleague from Arkansas, Senator PRYOR, agreed that they need to be answered. They have not been answered yet. Certainly they have not been answered yet in a written report. I understand that two members of the committee, the chairman and ranking member, were briefed orally on one segment of the FBI report. But there are other aspects of the FBI report that are not written. I understand they have had some problems in the White House, and my sympathies go to the White House and to the family of the assistant general counsel for his untimely death. I understand that such a untimely event could cause delays for the White House.

But I also think that we are entitled to receive this information before we proceed forward with this hearing, or at least we are entitled to proceed today but we are entitled to another day of hearing after we have a chance to see the facts as gathered by the FBI. Why have the FBI conduct a report if individuals will not receive written summaries of the reports?

Also, requests have been made for written documentation so we can better understand some of the allegations and, in some cases, admitted impropriety that went on at least within the Elders family. I am talking about nonpayment of taxes of an employee who worked for the Elders family. I think this is a very serious allegation. We do not have any paperwork on it. We have not seen any documentation. I do not think any Senator has seen documentation. We asked for that. We have not received it.

I do not want to make allegations. All I want to see is the documentation. If there are no improprieties, fine. But nonpayment of taxes is a serious offense. It is not just nonpayment of Social Security taxes, if the reports in the papers are correct; it could also be nonpayment of Federal income taxes, not just 1 year but several years. Again, these questions need to be asked. Documents need to be provided. Evidence needs to be shown so we will find out the real facts. Frankly, that should be found out before the hearings.

Again, I do not have an objection to proceeding on with the hearing, but we need to have this information so pertinent questions can be asked and can be answered before final disposition of the nomination takes place. In other words, we need an additional day of hearings. I hope that will be the case. I think we need to have all of these questions that have been raised resolved.

Just a couple of days ago, it was reported that while Dr. Elders was head of the Arkansas Health Department, the health department knowingly allowed condoms that were defective to be left in the system. They did not notify people who had obtained these condoms that they were potentially defective, that they had an abnormally high defective rate. This is jeopardizing lives of a lot of people in Arkansas. I think that is a serious question. We have asked for some information and an investigation on that. That has not happened yet. Of course, it could not happen yet. This revelation came up in just the last couple of days. We need to have some answers. We need to have some documentation. We need to find out the facts on this information. The FBI has not completed that, or at least they have not responded yet to the committee.

So my point is not to object or delay the confirmation hearing of Dr. Elders. My point is the committee is entitled to the facts.

I do not make any bones about it. I have opposed and am opposing Dr. Elders' nomination because of some of the radical positions she has taken, positions like saying that every teenaged girl should have a condom in her purse before she goes on a date. I happen to have a teenaged girl in my family. I find that offensive. Or a statement like saying, well, we teach kids what to do in the front seat of a car, now we need to teach them what to do in the back seat. I find that offensive. I am concerned about a nominee who has a condom tree on her desk. I am concerned about the fact that she apparently agreed with the decision not to publicize recalls of defective condoms and that they decided not to notify people to whom they distributed these condoms that they potentially might break and might jeopardize their lives. If they are having sex with someone who is HIV positive, it could cost them their lives. We are not talking about things that are not significant. We have recalls. We have notification of purchasers when you have a defective seat belt in a car that is 10 years old. We are talking about something that is certainly life and death in this case.

So, again, my point was not to indefinitely delay this nomination hearing. I actually look forward to the nomination hearing. I look forward to questions being raised. But I also think that the members of the committee are entitled to the facts. We are entitled to the FBI report. We are entitled to get some documentation on allegations that have been raised as far as financial improprieties. There was even a lawsuit in Arkansas that charged Dr. Elders with violating the National Banking Act. That lawsuit was settled. What are the terms of the settlement? Did she violate the National Banking Act? We need to know that information. These allegations were the reason the hearing was postponed a week ago.

That FBI report was not available to all Senators last night. It was not available at 11:30. It is not available in summary written form yet. At least it was not earlier today.

So my point is, Mr. President, not to delay, but I do think we are entitled to additional time to get the facts, to get the documentation before we proceed forward.

I am hopeful that the committee, as they begin their deliberations today of Dr. Elders—and there are probably ways to postpone that, I guess, if there was extended discussion on the floor, but that is not my intention—will thoroughly analyze each of these questions and make available the documentation, make available the facts and the FBI reports to all interested Senators, so that we can make good, judicious decisions on this nominee.

I yield the floor.

TRIBUTE TO MRS. PAT NIXON

Mr. PRESSLER. Mr. President, today I pay tribute to the life of a remarkable woman—Mrs. Pat Nixon. Those who had the good fortune to know Mrs. Nixon were privileged. Full of grace, poise, and personal warmth, Pat was an exceptional woman. Millions of Americans, including this Senator, mourned her death on June 22, 1993 at the age of 81.

I was among the lucky ones to know her. I first talked in depth with Pat at the engagement announcement and again the wedding of Ed Cox and Tricia Nixon. Space at the White House wedding was limited, but I was lucky enough to have been among the two Harvard Law School friends of Ed who were invited. I enjoyed visiting with Pat Nixon several times over the years and have often marveled at her life of selfless public service.

Our memories of Pat Nixon will endure for many years to come. The family lives of prominent public figures, like the Nixons, are often much more complicated and certainly less private than the family lives of other people. To her great credit, Mrs. Nixon's gracious personality helped her family to endure the various intrusions of public life with greater ease. I enjoyed knowing Pat Nixon and am certain historical accounts will treat her with the grace and respect she deserves. I do not know how she kept track of everybody, but in the late 1980's I visited former President Nixon and she said hello, recalling our having met. She was a great lady.

AN APPEAL TO SAVE SARAJEVO

Mr. DECONCINI. Mr. President, once again I rise to express my utter horror over the appalling U.S. policy with respect to the policy in Bosnia and Herzegovina. Yesterday, Secretary of State Christopher claimed the United States has reached its limit of involvement in Bosnia even though the State Department has conceded that Sarajevo has become a concentration camp. According to press reports, Secretary Christopher has been pressing for limited military action in response to the siege on Sarajevo. However, the Pentagon has apparently responded—and I have seen some of that response—with a proposal tantamount to a Desert Storm type of operation. This, of course, killed any thought of intervening militarily, which makes one wonder if this was not the Pentagon's intention in the first place, particularly after General McPeake has so spoken before the Defense Appropriations Committee that air strikes could be successfully performed with little or no risk to Americans involved therein.

I have never claimed to be a military expert, but, as an elected public official for many years now, I have learned enough about these things to sense when something is not quite right. In the case of Bosnia and Herzegovina, I sense that something is actually very wrong.

Why does the Pentagon respond with only one option to save Sarajevo, and one which is the equivalent of a Normandy invasion. The answer is: It is not the only option, and, in fact, General McPeake among others have courageously presented alternatives to a massive invasion. But while the United States has groped for responses to aggression and genocide in Bosnia and Herzegovina, the official Pentagon response has consistently been to present scenarios that no sane politician would act upon.

Once again I am reminded of the point made by Lady Margaret Thatcher about 1 year ago, when she noted that if a head of state asks the military whether something should be done or not, they will give you all the reasons why not. If you tell them that something needs to be done, define the objectives for them, and then tell them to work out a plan, then the military will come through.

I am not suggesting that we send in U.S. ground forces unilaterally or anything of the sort. But why can't we suspend any further discussions under the auspices of the Owen-Stoltenberg negotiations until such time that the siege of Sarajevo has ended? Why can't we issue a 72-hour deadline, to begin immediately, for the militants to cease fire, withdraw from their positions in the hills surrounding Sarajevo, and remove their blockades around the city?

Why can't we break any continuing siege of Sarajevo with an aerial bombardment by NATO forces of Serb militant positions in the surrounding hills and the elimination of Serb blockades, as General McPeake has suggested can be done with little difficulty? Our planes are already making overflights in the region to enforce a no-fly zone. I can only imagine what the people of Sarajevo and other besieged towns must feel when they see American fighter planes overhead while they are being slaughtered.

Limited military action, I believe, can be justified on moral and legal grounds. Based on a hearing held by the Helsinki Commission yesterday, which included an excellent statement by Ambassador Paul Warnke that I would also like to insert in the RECORD, I also feel it is in our national interest to seek a firm NATO response to aggression in the Balkans before the conflict spreads throughout the Balkans. The fact that Croat militants have now opportunistically joined the main aggressors—their Serb counterparts—in carving up Bosnia and Herzegovina, demonstrates the increasing reality: That might can make right.

The sad fact is that, when the Clinton administration did have a forceful international response to Serb aggression under consideration, people on the ground noticed a distinct change in Serb behavior. It is unfortunate that U.S. leadership at that time was not sufficiently expressed so as to convince our key allies of the wisdom of pursuing such a course. It is equally disturbing that, when the Security Council considered lifting the arms embargo on Bosnia and Herzegovina, we again took the right position but relinquished our leadership role in obtaining the wider support it needed to make a difference.

Anybody who has seen the excellent film, "Judgement at Nuremburg," will recall that, while those officials who worked within the Nazi regime were guilty for the Holocaust, in a larger sense the entire world was guilty for it in the way Hilter was accommodated and appeased until it was too late. Milosevic differs from Hitler only in the degree to which his murderous minions have the power to threaten all of Europe; their assault on humanity is otherwise the same. Fortunately, our response to stop Milosevic today need not be of the same level it took to stop Hitler then, despite what the Pentagon claims. But we must stop Milosevic like we eventually stopped Hitler. We must save Sarajevo now. The only alternative is to be guilty of complicity to mass slaughter and genocide.

Mr. President, I ask unanimous consent that a statement by Paul Warnke, testifying before the Helsinki Commission yesterday, and a letter going to the President today from the Commission on Security and Cooperation in Europe be printed in the RECORD.

I thank the Chair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF PAUL C. WARNKE FOR THE HELSINKI COMMISSION HEARING, JULY 2, 1993

Members of the Commission:

You have asked for my views regarding American interests in the post-Cold War Europe and how these interests might be affected if the present Balkan conflict were to spread. You have also asked me to comment on the role the NATO alliance should play in ending the bloodshed in the former Yugoslavia, particularly in Bosnia.

Back in November, 1991, at a meeting in Rome, the NATO foreign ministers gave what I believe to be the proper analysis of these questions. They declared that, with the end of the Soviet threat, the real risks to allied security would arise from "the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in Central and Eastern Europe." However, when confronted with the actuality of this anticipated post-Cold War threat, NATO has failed to respond with anything other than rhetoric.

Ironically, the NATO defense ministers, meeting in Brussels on May 26 of this year, called for an end to reductions in the military budgets of alliance members, noting that: "A stabilization of defense expenditures, as well as a more effective use of our national and collective resources, are necessary to enable the alliance to respond in a timely and effective way to the challenges of the future." But if NATO refuses to put its muscle where its mouth is, it's hard to see what we are spending our money for and why the alliance should survive. We are now confronted with just the sort of security threat for which NATO action is the best, if not the only, solution.

The Serbian aggression in Bosnia-Herzegovina and, to a lesser extent, Croatian complicity in it, has left NATO inert. The proposals that have been advocated, such as safe havens for the Muslim population, or the partition of Bosnia into ethnic enclaves, are no solution at all and could readily lead to further ethnic purges in an area of Europe characterized by states with a dazzling ethnic mix. Kosovo is an Albanian-populated enclave in Serbia. Macedonia is inhabited by Albanians, Bulgarians, Serbs and other ethnic minorities. Hungarians are dispersed all over what were the Austro-Hungarian and Ottoman empires.

Outside of the former Yugoslavia, in various of the former Soviet republics, people of differing cultural and genetic roots will either learn to live together or will massacre one another for reasons that have nothing to do with any pragmatic conflicts of interests. The very concept of the ethnic state is inconsistent with any sensible or sustainable world order.

In a recent speech here in Washington, Richard von Weizsacker, President of the Federal Republic of Germany, contrasted what is happening today in former Yugoslavia with the proper concept of a nation in today's world: "Cultural competition in a free society and across open frontiers works as a stimulating and unifying element. As we are sadly observing, it can, when used as an instrument for pretended superiority, exclusiveness and power turn into a cause for separation, hatred and even extermination. Culture guarded, defined and enshrined by national frontiers is a contradiction in terms to the culture we know and cherish: open, alive and international."

Nor is it true that the incalculable human tragedy in Bosnia is the inevitable consequence of ancient hatreds. For generations, Serbs, Croats and Muslims have been able to live together in peace. What we are seeing today is the product of divisive and deceitful propaganda by rapacious leaders bent on enlarging their own spheres of domination regardless of the cost in human lives and misery.

NATO, led as necessary by strong U.S. prodding, must make it clear that murderous thuggery will not be tolerated and will instead be punished. Unless it does so, the alliance is a costly anachronism. It is, in my view, absurd to contend, as some of its members do, that NATO can do nothing because it was not intended to engage in military action "out of area." What used to be Yugoslavia has NATO countries to the east and to the south as well as to the west. If ethnic homogeneity is to be accepted as a prime criterion for statehood, then Europe can never be at peace and western European economic integration will not be sufficient to bring about prosperity and progress. For the western nations, including the United States, the resulting chaos will prevent the development of lucrative markets for our products and our technology.

I can take no comfort in the suggestions that Bosnia is a distant land or that this is a pot-and-kettle war where every one is at fault. We have seen in the past—as when Nazi Germany invaded Czechoslovakia—that such assertions only succeeded in postponing action to stop aggression until the task of doing so had become exponentially more difficult.

It is, regrettably, quite late in the game. With the advantage of hindsight, the international recognition of states seceding from Yugoslavia and premature and should have been preceded by negotiations designed to protect minority rights. Even then, a strong warning by the United States and its western allies against Serbian aggression might have frightened off that country's bully boys at an early stage. I can sympathize with the reluctance to initiate military action that may result in a long-term and even escalating engagement. But if aggression is allowed to go unchecked and unpunished in Europe, then NATO members, including the United States, will find themselves at some point down the line involved in a wider war that might have been stifled in its incipiency.

I believe we should call on NATO's military leaders to prepare, and pronounce a program for military intervention including, if necessary, the virtual occupation of Bosnia. Isolated or token military action is unlikely to help and could further endanger the United Nations peacekeeping forces. The more substantial the NATO military forces are, the less military opposition they will encounter and the greater the chance that political opposition within Serbia and Croatia may lead to more responsible governments. The program should be designed to break the siege of Sarajevo and other Bosnian cities and, if NATO forces meet with Serbian or Croatian resistance, to attack military targets of the aggressors within their own national borders.

The moral imperative is clear. The security threat is real. The time for action is now.

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE,
Washington, DC, July 23, 1993.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing this open letter to appeal to you to take the immediate action necessary to save the 380,000 residents of Sarajevo from a humanitarian disaster of immense magnitude. We are absolutely appalled by the degree to which the ten Helsinki principles created to guide European affairs are being blatantly violated, and view the current international response which tolerates this as completely untenable.

At present, the Bosnian Serb militants are laying a siege to Sarajevo that could mean the city's doom. Having control over the supply of water, electricity and other basic utility services to the city, they have recently been denying Sarajevo's population these utilities, as well as the delivery of much needed fuel and humanitarian relief by the United Nations. Bosnian Serb leaders are undertaking a major offensive against the city that will inevitably force the Bosnian Government to concede to the three-way division of the republic.

Meanwhile, the lack of additional international donations has caused a further cutback in the relief being distributed to about 50 percent what it was. In effect, the city is currently being strangled to death. Disease is predicted to become widespread due to the lack of sanitation and proper nutrition. Medical supplies have virtually disappeared. All of this is happening at a time when preparations should be underway for the coming winter, which is only a few months away. Recent statements by the UN High Commissioner for Refugees and a World Health Organization team confirm the dire situation confronting the Bosnians and those trying to help them.

We cannot stress strongly enough the urgency of the matter. If major efforts to correct this situation are not taken soon, we could very easily be looking at a human catastrophe beyond even that which has already taken place. The Secretary of State has said there is nothing more that can be done. We disagree. If action is to be taken to save Sarajevo, it will only be at the urging of U.S. leadership.

Among the steps we urge be immediately taken are the following:

1. Suspend any further discussions under the auspices of the Owen-Stoltenberg negotiations until such time that the siege of Sarajevo has ended.

2. Issue a 72-hour deadline, to begin immediately, for the militants to cease fire, withdraw from their positions in the hills surrounding Sarajevo and remove their blockades around the city.

3. Thereafter, break any continuing siege of Sarajevo through a major enhancement of UNPROFOR capabilities to include the aerial bombardment by NATO forces of Serb militant positions in the surrounding hills and the elimination of Serb blockades.

4. Place all of Sarajevo's utilities under UN control.

5. Expel the militant Serbs' liaison from Sarajevo airport, and instruct all UN-supplied relief to refuse to permit militants to take supplies in return for allowing the passage of relief convoys.

6. Replenish the supplies of humanitarian relief through a strong and urgent plea to all potential donor nations, improved efforts to obtain support from private voluntary organizations, a substantial increase in the airlift effort, and a request, as necessary, for additional appropriation from the Congress.

7. Warn directly the Government of Croatia and the forces in Bosnia-Herzegovina under its control or influence to cooperate fully with humanitarian relief efforts as well or face consequences commensurate with the problems they cause.

We believe that, with the effective leadership that you could exert as President of the United States of America, you can get the international community to agree to take these actions, most of which are already authorized if not called for by existing resolutions of the United Nations Security Council. We also believe that, if you explain the need for such action to the American people, you will have their support. Finally, taking real action would create an environment making a final political settlement and the cessation of fighting more easily achieved, and diminish the chances for the spreading of the conflict. Such action is less likely to lead to a "quagmire" than the current course of affairs.

Mr. President, Sarajevo has been under the steady and ruthless bombardment of Serb militants for 15 months. It has been estimated that there have been well over two artillery shells lobbed into Sarajevo for each of the city's more than one-half million original inhabitants, not to mention the steady barrage of sniper fire. The withholding of humanitarian relief, water, electricity and other essentials means the doom of an already desperate and innocent population.

More broadly, just as Sarajevo exemplified the ability of Europeans of various cultures and religions to live together peacefully despite their differences, today it symbolizes the struggle of a civilized world against the forces of hatred, terror and aggression. If, as a result, decisive action is not taken soon to relieve the city from the continuing assault, Sarajevo will also come to symbolize the complete failure of the international community to live up to its commitment regarding the provision of humanitarian relief to those in desperate need, no matter how one may try to deny or hide this fact.

The implications of this are enormous for the Balkan region and potentially the world. Just yesterday, our Commission held a hearing which focused extensively on the potential for this conflict to spread. Today, we firmly conclude that the best way to contain the war is to stop the aggression where it currently stands—Sarajevo. The head of the Serb militant forces in Bosnia and leading candidate for war crimes prosecution, Ratko Mladic, is quoted today as saying: "Things are moving well, according to plan. . . And they will get even better." This, Mr. President, is as ominous a warning as you can get.

UN and other experts on the former Yugoslavia, including some recently returning from there, have said they noted a distinct change in Serb behavior when you had a more forceful international response to their

aggression under active consideration. The United States has generally taken the right positions in supporting the lifting of the arms embargo on the Bosnians and supporting multilateral air strikes on militant Serb positions, but we cannot afford to relinquish our leadership role in getting the wider support these positions need to make a difference. We therefore appeal to you to try to reverse this situation before it is too late.

Sincerely,

DENNIS DECONCINI,
Chairman.
STENY H. HOYER,
Cochairman.

POLAND

Mr. ROTH. Mr. President, I come to the floor today to discuss certain critical issues which I believe now are at stake in the Republic of Poland. On May 28 of this year, the government of Ms. Suchoka lost a major vote in the Polish Legislature. That vote was the product of a serious parliamentary dispute over Ms. Suchoka's national budget, which she had very carefully kept within 5 percent of GDP, a level of fiscal responsibility which had won her government the strong backing of the International Monetary Fund.

Unfortunately, a variety of parties combined to vote against her program, despite the fact that any substantive alternation of that program would, in all likelihood, endanger the $750 million in World Bank funding which is currently destined for Poland.

However, some good may yet come from this unfavorable turn of events. Following the rejection of Ms. Suchoka's budget, President Lech Walesa refused to accept her governments resignation and, instead, called for national parliamentary elections, which are now scheduled to be held on September 19 of this year.

President Walesa may have shown real political acuity in calling for these elections, because they could have a most salutary effect upon the functioning of Polish democracy. Recent legislation passed by the Polish parliament stipulates that, for a party to be represented in the national legislature, it must win at least 5 percent of the votes cast nationwide. Coalitions of parties must win 8 percent in order to be nationally represented. This should greatly improve the efficiency of the national legislature, since it is presumed that the number of represented parties will be reduced from the current 29 to somewhere between 6 and 8. Hopefully, Poland's next prime minister will not, therefore, have to emulate Ms. Suchoka's feat of juggling a coalition of 6 parties in a 29-party legislature.

But, or course, the September election will not prove beneficial if it derails the economic reform process. Ms. Suchoka's economic program has had many critics—though I believe that she enjoys much greater support among the public than in the legislature—largely because any program of radical economic transformation will, unavoidably, have a temporary negative impact upon segments of the Polish population.

However, it is vital that the Polish voter does not allow these temporary setbacks to obscure his or her view of the really startling economic progress which Poland has been able to make over the last 2 years. Poland is now the first former Communist country to achieve positive economic growth. Last year, gross domestic product grew by 1 percent and it is projected to expand by another 2 percent this year.

Poland now boasts more than 1.5 million registered private businesses, in contrast to 8,000 state owned companies. The Polish Development Bank estimates that 56 percent of the national work force is now employed by private business—as opposed to 10 percent in 1989—and that the private sector now produces half of the national GDP. Almost all retailing, 50 of road transport and even 28 percent of industrial sales are now in private hands.

Clearly, the Polish people have an aptitude for the free market which many of the critics of economic shock therapy suggested that they lacked.

However, the economic indicators which are perhaps the most elevating have nothing to do with the National Government. These indicators suggest that, just as in any healthy, free market democracy, business cycles are beginning to move independently of government policy. Ms. Suchoka's government may have fallen and President Walesa may have called for elections, but neither of these developments has had the negative effect upon the Polish stock market which, normally, might have been expected. Investors retain faith in the economy's future. In May, the exchange had to suspend trading on 11 of its 18 companies because, under Warsaw rules, trading must suspend when buyers outnumber sellers by 5 to 1 and too many people wanted to buy. This latest round of buying comes in a market where share values already have risen by 300 percent since the beginning of the year.

My only fear for Poland's economic future would arise if the current government's economic reform program were derailed or slowed down. If this should happen, I fear that Poland's economy would slip into reverse and the confidence in Poland's future which has been manifested by the World Bank, the IMF, and the Warsaw stock market would be eroded.

Consequently, I would suggest that the Western democracies in general, and the Clinton administration in particular, should make every effort to let the Polish people know that they are sensible both of the courageous steps which they have taken and the enormous progress which they have made along the road to economic reform. In addition, we believe that even greater progress can be made if they now hold to their course. Certainly, I would ask that the Secretary of State, Mr. Christopher, should not compound the many mistakes of his recent European tour to discuss Bosnia, when he neglected to visit Poland, despite the fact that Poland has forces deployed with the peacekeepers in Bosnia.

I would also suggest that the Clinton administration should not frame its approach to Poland solely in terms of economics. All too often we in the West, because we enjoy a stable security environment, take our safety for granted. Poland, with its tragic modern history can afford no such luxury. All too often, history has demonstrated the willingness of Poland's larger neighbors to attack it, invade it and, on occasion, even absorb it. Any Polish Government owes it to its national electorate to guarantee that this situation will never recur.

Consequently, I would like to take advantage of this occasion to urge President Clinton to pay close attention to the results of Poland's September election. If that election once again brings to power a government dedicated to democracy and the free market, then this Nation should take the lead in pressing for full membership for Poland in the North Atlantic Treaty Organization. For more than 40 years the Western democracies have enjoyed the benefits of mutual security engendered by our cooperative defense effort. I cannot see how, in good conscience, we can continue to deny those benefits to a nation such as Poland, which has thrown off the yoke of dictatorship and has embraced democracy.

Soon all eyes will be on Poland as that nation's electorate determines the fate of the most courageous and, to date, most successful post-cold war economic reform program. Regardless of who comes to power in the aftermath of that election, I sincerely hope that they will continue down the economic path which has been so clearly marked out, a path which, in my opinion, offers Poland its best hope for long-term prosperity.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Kentucky is recognized.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLINTON RECONCILIATION BILL IS UNFAIR

Mr. ROTH. Madam President, last Wednesday, I came to the floor to outline the many ways in which the Clinton revenue reconciliation bill is unfair to Americans. I spoke about how America's small businessmen and women are going to be forced to shoulder a disproportionate share of the tax burden. And I explained how that alone is going to cut into employment and economic growth.

Today, I want to explain the second way in which the Clinton program is unfair—how it is unfair for the American family, and particularly to working spouses. This inequity is found in a provision commonly called the marriage penalty, and here is how it works:

Under Clinton's plan, top tax rates will go as high as about 46 percent. Under his plan, a new tax rate of 36 percent kicks in at $115,000 for single taxpayers, but it is at $140,000 for a married couple.

So if each spouse earns $90,000 a year, this couple would be better off living in sin and filing as single taxpayers, so they can pay taxes at the 31-percent tax rate instead of 36 percent on the amount by which their income exceeds $140,000.

At this salary level, this successful couple would have to pay $2,000 more every year for staying married. As single taxpayers, this couple would owe combined Federal income taxes of $46,844, but $48,844 if they file as a couple—or a higher tax of about 4.3 percent, just for staying married.

I have to say that this Clinton tax proposal is an affront to American women—women who hope to have a successful professional career. It is a strong encouragement to get a divorce if you are a successful, professional woman, married to a successful man. At a time when we have to focus on strengthening the American family, this is the wrong medicine.

But the damage does not stop there. President Clinton's bill also encourages low-income taxpayers to stay single or to get a divorce. Under the Senate bill, those earning less than $27,000 are entitled to increased benefits under the earned income tax credit [EITC]. This credit could be up to $2,550 for families with two or more children.

So, if two $14,000 earners were to get married, or stay married, and they have children, then they will lose their benefits. But, if they stay single, so that one parent claims the children, or they each claim their own children separately, then they will be entitled to these benefits. If two parents earning as little as $27,000 each have two children, they could save about $5,000 after taxes by living in sin rather than getting married to each other and disqualifying themselves from the earned income tax credit.

I have a copy of a letter from Treasury Secretary Lloyd Bentsen that answers a question I had on the number of businesses affected by the higher taxes and the extent of the marriage penalty in the tax rates. I will later ask that a copy of that response be included in the RECORD. I have asked the Joint Committee on Taxation to analyze the marriage penalty in the earned income tax credit, and I will provide that information later.

A third way in which the Clinton plan is unfair involves the new tax he proposes on middle-income Social Security recipients. I will give you a quick example. Take an unmarried retiree widow who earns about $36,000 in income and about $9,000 in social security benefits. Instead of paying taxes on 50 percent of her benefits, this retiree will have to pay taxes on 85 percent of her benefits. The result is a $900 increase in taxes, or a 14-percent jump in Federal taxes.

Now, if you compare that to a young successful couple in New York City making $180,000 with two children, you come up with a very unfair result. That couple will have a tax increase, but it will total about $325 and will only be a 1-percent increase in Federal taxes.

I recently spoke to a former master sergeant from the military in Delaware. His wife worked most of her life as a teacher, while he served his country. They lived off of his salary, while they banked her salary. Now he tells me they did the wrong thing. If they had known what President Clinton was going to do to their retirement savings after a lifetime of service, they would have spent all their money. At least that way they would have been able to enjoy their Social Security benefits without the new Clinton tax on 85 percent of their benefits.

I ask you, why should anyone save for retirement? And is it fair that President Clinton rely on new taxes on senior Americans in order to pay for the new spending programs he wants to pass?

There are plenty of other unfair proposals in this bill. Higher health insurance taxes, mostly on small businesses, without any corresponding benefits. New excessive pay rules that hit well-educated business executives but not professional athletes or Hollywood entertainers. The denial of ordinary and necessary business expenses, like meals and entertainment costs, that punish restaurants, truckers, traveling salespeople, and others unfairly. Even higher capital gains taxes are proposed, further harming our international competitiveness through a higher cost of capital.

Charities are going to be singled out for their good work, and suffer lower donations as a result of a permanent extension of the so-called PEASE proposal. Americans who have to move because of a job change will be punished at a time when they may be least able to afford it because of the denial of moving expenses. President Clinton's energy tax will raise taxes on middle Americans after they were promised a tax cut from Candidate Clinton.

High-technology companies are going to suffer because of an arbitrary rule on the tax treatment of their intangible assets—international competitiveness will be sacrificed. Does President Clinton want a nation of hamburger flippers or high-technology engineers?

Well, I could go on and on and on. But you get the idea. This bill does not represent fairness. We can welcome back the tax avoidance schemes that were prevalent in the Carter years, and our revenues will decline.

Let me remind you of what President Kennedy said in 1962 when he proposed to reduce tax rates instead: "It is a paradoxical truth that high tax rates cause low revenues and that the best and the fastest way to get more Government revenue is to bring down the high tax rates on labor and capital."

I hope the Congress will take a lesson from President Kennedy rather than rely on President Clinton, who believes in a very different economic philosophy.

Madam President, I ask unanimous consent that a letter from Secretary of the Treasury Lloyd Bentsen, including a letter of mine to him, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 24, 1993.

Hon. LLOYD BENTSEN,
Secretary of the Treasury,
Washington, DC.

DEAR MR. SECRETARY: I want to thank you for your testimony before your former committee, the Finance Committee, this morning. I am looking forward to working together with you to develop a thoughtful approach to reducing the deficit, and our continued communication is vital to improving any package considered. I would like to exercise my privilege as a Member of the Finance Committee to add a few more questions for the Hearing Record so that we can make more informed decisions.

The March 1, 1993 edition of Newsweek states that because of the high living costs in some states "extra taxes will disproportionately be paid by residents of the Northeast, Alaska, California, Delaware, Illinois, Maryland and Washington, DC." As Senator Dole pointed out, a lot of this tax increase does not just fall on individuals. It falls on sole proprietors, partnerships, and subchapter S corporations—in short, businesses. I think my state of Delaware is going to suffer disproportionately, and the suffering will be caused by a loss of jobs to all workers. You gave some figures in the Finance Committee, but you excluded wages from your figures. I believe a clearer reflection of the impact on these entities would consider whether income from the business, including wages, has pushed individuals into the higher tax brackets, since these entities are "pass through" taxpayers, and wages together with dividends make up the small businessperson's income. Can you provide me with more information on this? Specifically, how many individuals, filing with a schedule C (sole proprietors), a schedule F (farmers), or a schedule E (partnerships and subchapter S corporations) will have to pay more in taxes under your income tax rate increases, as a result of income earned through the business, i.e. any kind of business income?

How many jobs do you predict will be lost because of these tax increases under your program? Do you take into account the likelihood that many of these individuals will have less incentive to earn income, and there will be some reduction in taxes paid as a result? If so, how much is that? Finally, I have been told that there is a "marriage penalty" that is increased as a result of the higher tax rates you propose. Would you provide more detail and examples as to what the effect might be on couples, and how advantageous it might be for couples to live together, rather than get married? I'd like to know extreme, as well as less extreme cases.

DEPARTMENT OF THE TREASURY,
Washington, DC, April 19, 1993.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate, Washington, DC.

DEAR BILL: I very much appreciated being able to describe the Administration's revenue proposals in my recent testimony before the Senate Finance Committee. I am happy to respond to your letter of February 24, which presented six questions you wished to have answered for the record. Response to your questions are enclosed.

Sincerely,

LLOYD M. BENTSEN.

QUESTION 4

Question: How many business men and women will be affected by the increase in top individual income tax rates? Will the proposed rate increase result in the loss of jobs? What sort of "marriage penalty" results from the proposed rate changes?

Answer: Of the 1.2 million taxpayers affected by the new 36 and 39.6 percent rates in 1993, 0.8 million report at least $1 of income or loss through some form of business (i.e., sole proprietorship, farm proprietorship, partnership or subchapter S corporation). However, not all taxpayers reporting business income or losses are what many think of as a small business man or women. For example, some taxpayers only report passive income, while others only report losses. When these taxpayers are excluded from the estimates, 0.5 million taxpayers with business income would be affected.

This estimate includes many taxpayers with only small amounts of business income. If only taxpayers whose small business income exceeded their wage income were included in the estimates, only 300,000 taxpayers with business income would pay higher taxes.

Nevertheless, even using the more liberal definition of who might be characterized as a business man or woman, about 300,000 of the 14.5 million sole proprietorships, 600,000 of the 4.8 million partners, 300,000 of the 1.9 million filers reporting S corporation income, and less than 50,000 farmers will pay higher taxes.

The Administration's budget proposal has been designed to increase the number of jobs and employment opportunities for Americans. In looking at the macroeconomic effects, it would be misleading to concentrate solely on the proposal to increase the top tax rates while ignoring the rest of the budget proposal. The Administration believes that in total, its proposal will increase jobs and speed economic growth.

The combined federal income tax of two single persons often differs from the tax they would pay if they marry and file a joint federal income tax return. If marriage increases the tax, the couple is said to incur a "marriage penalty." If marriage lowers the tax, the couple is to receive a "marriage bonus." When one spouse has most of the income, marriage bonuses are common. When spouses have approximately equal incomes, marriage penalties tend to predominate. Marriage penalties occur because tax brackets for joint filers are not twice as large as for single filers. Similarly, standard deductions are not twice as large as for singles.

In order to show levels of, and changes in, marriage penalties and bonuses which might result from the Administration's proposals, the Office of Tax Analysis has calculated the tax liability for representative examples of couples at different income levels and with different divisions of income. The examples assume that two single persons marry; neither has any dependents. It is further assumed that itemized deductions are equivalent to 18 percent of income, and that taxpayers claim the larger of their itemized deductions or the standard deduction.

Table 1 shows the *changes* in marriage penalties for different earnings splits at selected income levels. It might be noted that:

The changes in individual income tax rates will raise marriage penalties (or reduce marriage bonuses) significantly for many high income, two-earner taxpayers. However, some high income couples, especially where the second earner earns less that 15 percent of combined earnings, will continue to receive marriage bonuses even after the proposed changes. The increases in marriage penalties stem from the proposed 36 percent and 39.6 percent tax brackets.

Marriage penalties and bonuses will not change for most taxpayers in the middle income range. Where one spouse earns considerably more than the other spouse, marriage bonuses will continue to be common.

There will be reductions in marriage penalties for: Two-earner couples where the lesser-earning spouse earns under 10 percent to 15 percent of combined earnings and who have combined earnings in the $150,000 to $250,000 range, and for couples with incomes over approximately $150,000 where one spouse earns all of the income.

TABLE 1.—INCREASES (+) OR DECREASES (−) IN MARRIAGE PENALTIES FROM CLINTON TAX PROPOSALS, AT 1993 LEVELS

	Adjusted gross income										
Division of earnings between spouses	100 percent and 0 percent	95 percent and 5 percent	90 percent and 10 percent	85 percent and 15 percent	80 percent and 20 percent	75 percent and 25 percent	70 percent and 30 percent	65 percent and 35 percent	60 percent and 40 percent	55 percent and 45 percent	50 percent and 50 percent
$150,000	−462	−50	0	0	0	0	0	0	0	0	0
$175,000	−1.250	−879	−507	−135	237	274	275	275	275	275	275
$200,000	−1.250	−825	−400	25	450	875	1,300	1,337	1,337	1,337	1,337
$250,000	−1.250	−719	−187	344	875	1,407	1,938	2,469	3,000	3,462	3,462
$300,000	−1.250	−550	87	725	1,362	2,000	2,637	3,275	3,913	4,550	4,726
$400,000	−1.250	213	1,674	3,135	4,597	6,059	6,973	7,786	7,786	7,786	7,786
$500,000	−1.250	578	2,405	4,233	6,060	7,888	9,253	10,018	10,783	10,846	10,846
$600,000	−1.250	944	3,136	5,330	7,522	9,253	10,171	11,089	12,007	12,925	13,780
$700,000	−1.250	1,309	3,867	6,426	8,947	10,016	11,089	12,160	13,231	13,780	13,780
$800,000	−1.250	1,674	4,598	7,522	9,559	10,783	12,007	12,231	13,780	13,780	13,780
$900,000	−1.250	2,040	5,329	8,619	10,171	11,548	12,925	13,780	13,780	13,780	13,780
$1,000,000	−1.250	2,405	6,060	9,253	10,783	12,313	13,780	13,780	13,780	13,780	13,780
$1,500,000	−1.250	4,233	9,253	11,548	13,780	13,780	13,780	13,780	13,780	13,780	13,780
$2,000,000	−1.250	6,060	10,783	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780
$2,500,000	−1.250	7,888	12,313	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780
$3,000,000	−1.250	9,253	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780
$4,000,000	−1.250	10,783,	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780
$5,000,000	−1.250	12,313	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780	13,780

Source: U.S. Treasury Department, Office of Tax Analysis.

Mr. ROTH. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT

Mr. DURENBERGER. Madam President, over the last month, Minnesotans have received a forceful reminder that harassment, vandalism, and lack of respect for the rights of individuals are not the exclusive province of either extreme in the ongoing debate over abortion.

All law-abiding citizens—regardless of their personal beliefs on this issue—deserve to be protected. And all of us—regardless of how we might feel about the issue of abortion, itself—should be willing to find a common way in which that protection can be assured.

That is the message I have been trying to communicate as the Senate considers the Freedom of Access to Clinic Entrances Act introduced by my distinguished colleague, the Senator from Massachusetts [Mr. KENNEDY].

Recent events, in my State and elsewhere, have demonstrated once again that the protections I have been seeking are absolutely necessary for all law-abiding citizens involved with this issue.

We have seen demonstrations, prayer services, and other events in the Twin Cities organized by the pro-life group Operation Rescue.

And, while much of the attention until now has gone to fears that the kind of illegal activity associated with Operation Rescue might be repeated, recent weeks have seen arrests of fringe pro-choice activists engaged in harassment and vandalism directed against law-abiding individuals with whom they disagree.

Perhaps most disturbing, the arrests have included highly offensive harassment of individuals who were doing nothing more than attending church on a Sunday morning.

My point in offering this report on what has been happening in Minnesota is not to suggest that two wrongs make a right, but simply to fortify the fact that I voted to report the bill out. I hope we do take action on it, but I hope we do not do that until we have addressed the major flaw in the legislation which deals with the rights of all individuals to express their first amendment rights.

I am trying to explain again why I believe it is so important that we put aside our personal differences on the issue of abortion and work together to ensure that all citizens—pro-choice, pro-life, in-between, or disinterested—have the right to go about their legitimate business without running the risk of being physically abused by zealots on either side.

Now under our system of federalism—the essential division of public responsibility in our Republic—it has been a generally accepted principle that law enforcement is the province of local government unless a clear national interest is involved.

Over the last couple of years, a number of us in the Senate have become concerned that local law enforcement authorities have not dealt properly with violations of the law—by both sides of the abortion issue—at clinic or pregnancy-related sites. This issue clearly involves the national interest. If a clinic is bombed—if a pro-life protester is beaten—we all lose. Because our survival as a society depends upon our willingness to entrust our differences to a political system based on rights, reason, and democratic respect for the dignity of our fellow citizens.

DURENBERGER-KASSEBAUM RESOLUTION

With this in mind, my friend and colleague from Kansas, Senator KASSEBAUM, and I introduced a Senate resolution condemning in no uncertain terms the use of violence to achieve social goals. We particularly sought to condemn violence involving the divisive issue of abortion.

To those of us whose opposition to abortion stems from a belief in the sanctity of life, violence done in the name of preventing abortion is a tragic irony.

Coming as it did from two Senators who have held opposing views on most issues involving abortion, the Durenberger-Kassebaum resolution was intended to send a simple, but powerful message: In our political system, violence is not legitimate avenue for the expression of disagreement.

Even those who do not agree on an issue as fundamental as abortion should be able to find common ground in the effort to eliminate the violence—and the fear of violence—that too often accompanies disagreements on this issue.

MY SUPPORT FOR THE CLINIC ENTRANCES ACT

A few weeks ago in the Senate Labor Committee, I voted to report out—favorably—Senator KENNEDY's Freedom of Access to Clinic Entrances Act.

Although I still have some very serious concerns about that bill, particularly involving Federal authorities, my vote in committee was intended to express the unity which exists across the entire political spectrum on the key goal of deterring violence.

ABORTION-RELATED VIOLENCE IN MINNESOTA

The Clinic Entrances Act is a response to very strong concerns in my home State. And the introduction of this bill has provoked further debate in Minnesota.

Although we have not experienced the degree of tragedy that occurred in Pensacola, FL, earlier this year, Minnesota has seen its share of violence and harassment.

In the last 6 months, there have been two attempts to blow up an abortion clinic in Robbinsdale, MN, and to damage other facilities. The people who work at these clinics—from doctors to directors to receptionists—have been illegally and repeatedly harassed, both at work and at their homes.

The situation became even more tense in recent weeks, after Operation Rescue announced that it was holding a 12-week training session in the Twin Cities that will run through September 3.

In response, Minnesota Planned Parenthood and local law enforcement agencies have tightened security around the clinics by installing bulletproof glass and new fencing. Some Minnesota doctors have begun carrying weapons. Local police have spent countless hours training and otherwise preparing for Operation Rescue's arrival. Makeshift expanded jail and court facilities have been readied throughout the metropolitan area.

Individuals who oppose abortion have charged that these preparations are—at best—an unwise and unnecessary expenditure of public funds. They also contend that these preparations could actually provoke unjustified violence and harassment against pro-life citizens—the vast majority of whom are engaging in legal, peaceful protest against acts which they find morally repugnant.

At a hearing on this bill last month, Joan Appleton, from the Pro-Life Action Ministries in St. Paul, MN, testified as follows:

> The only violence I have ever witnessed at an abortion clinic was this past summer at an abortion clinic in the St. Paul-Minneapolis area where there was a large number of pro-abortion demonstrators invited by the director of the clinic. I witnessed elderly pro-lifers being mocked and spat upon by the demonstrators while they were praying. * * * This past summer in Robbinsdale, Minnesota, there were three arrests by the local police department for physical and sexual assaults. All three of these arrests were of abortion advocates.

So both sides point to excesses, and the risk is that it will escalate. Meanwhile, average citizens from around Minnesota are genuinely scared. And the illegal acts of harassment that have occurred over the last week have done little to reassure them.

Minnesotans who are not directly associated with the controversy are concerned—not only for themselves, both for their neighborhoods, and for their children.

That's one reason I feel so strongly that individuals of good will on both sides of this issue must make every possible effort to put their common interest first—and our common interest is to prevent violence.

SEVERAL IMPORTANT CHANGES HAVE BEEN MADE TO S. 636

I want to commend Senator KENNEDY for the changes he has made to the Clinic Entrances Act in order to address some of these concerns that I and other members of the Labor Committee had raised about the bill.

While we have not yet achieved all of the changes that I think would really improve this legislation, Senator KENNEDY has come a long way toward meeting my original objections.

The spirit behind those changes is consistent with my sincere hope that we can find common ground despite our disagreements about the larger issues that have dominated the abortion debate.

However, I think I ought to stress once again that the bill is still far from perfect.

Several additional changes should be made. I believe that they will be made. Senator KENNEDY has indicated to me his willingness to address my continuing concerns about the bill.

In particular, he has agreed to consider expanding the bill's protection to protect the first amendment rights of those on both sides of this issue—by making it unlawful to intimidate, harm, or prevent anyone from engaging in lawful speech and peaceful protest at abortion clinics.

I believe that this additional amendment would help to further reduce violence, intimidation, and harassment by discouraging those on both sides of this issue from harming those with whom they do not agree.

This is a very significant issue to me, and—I am sure—to many other Senators on both sides of the abortion question who believe that the first amendment applies to all Americans. And I want to make it clear that my efforts to address this free-speech concern are not intended, in any way, to impugn the underlying objectives of the legislation. In fact, I believe it is highly consistent with those objectives.

Discussion. Debate. Peaceful protests. That is how we are going to settle the issue of abortion. Not by denying the civil rights of other Americans. And absolutely not by violence.

CONCLUSION

Madam President, let us create an environment in which we can work toward a peaceful settlement of this issue. Let us have a clash of ideas—not the breaking of heads and spilling of blood. As one who believes that abortion is the taking of human life, I think that there has already been far too much innocent blood shed in this country.

There is a better way. It is in the spirit of good faith—in an appeal to reason on all sides—that I voted to report S. 636 out of committee, and that I rise today to comment on this bill. I do so with the sincere hope that we can resolve these few remaining obstacles before the bill reaches the Senate floor.

THE CALENDAR

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Calendar Order Nos. 151, 152, 153, 154, 155, and 156; that the committee amendments, where appropriate, be agreed to; that the joint resolutions be deemed read three times, passed, and the motion to reconsider the passage of these measures laid upon the table, en bloc; that the preambles be agreed to, en bloc; that the title amendment, where appropriate, be agreed to; further, that the consideration of these items appear individually in the RECORD and any statements relative to these calendar items appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DOWN SYNDROME AWARENESS MONTH

The joint resolution (S.J. Res. 92) to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month," which had been reported from the Committee on the Judiciary with amendments; as follows:

(The parts of the joint resolution intended to be stricken are shown in boldface brackets and the part of the joint resolution intended to be inserted are shown in italics.)

S.J. RES. 92

Whereas advancements in education, research, and public awareness are continuing to improve the quality of life for people with Down syndrome;

Whereas approximately 5,000 children are born with Down syndrome annually in the United States;

Whereas as ignorance, prejudices, myths, and stereotypes regarding Down syndrome can be overcome only through increased awareness and education;

Whereas through the efforts of concerned physicians, teachers, parent groups, and the National Down Syndrome Society, programs are being established to educate the parents of individuals with Down syndrome, to include people with Down syndrome in all school programs, to provide vocational training for individuals with Down syndrome in preparation for entering the work force, and to prepare young adults with Down syndrome for independent living in the community;

Whereas the television medium has greatly augmented such efforts by casting actors with Down syndrome and by offering programming that demonstrates to hundreds of thousands of viewers in a positive and educational manner the everyday, personal, and family effects of living with Down syndrome;

Whereas advancements in research are improving health care and offering a brighter outlook for individuals born with Down syndrome; and

Whereas the many people with Down syndrome who attend regular schools, play on Little League teams, work in corporations and businesses both large and small, and volunteer in the community demonstrate daily the success that people with Down syndrome are able to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the **[**months**]** *months* of October 1993 **[**and October 1994 are each**]** *is* designated as "National Down Syndrome Awareness Month". The President is authorized and requested to issue **[**proclamations**]** *a proclamation* calling upon the people of the United States to observe **[**these months**]** *this month* with the appropriate ceremonies and activities.

The amendments were agreed to.

The joint resolution was deemed ordered to be engrossed for a third reading, read the third time, and passed.

The preamble as amended was agreed to.

The title was amended so as to read: "Joint resolution to designate the month of October 1993 as 'National Down Syndrome Awareness Month.' "

NATIONAL BREAST CANCER AWARENESS MONTH

The joint resolution (S.J. Res. 95) to designate October 1993 as "National Breast Cancer Awareness Month," was considered, deemed read the third time and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 95

Whereas breast cancer will strike an estimated 182,000 women and 1,000 men in the United States in 1993;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, and will kill an estimated 46,000 women and 300 men in 1993;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940's to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women who have been screened by mammography;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1993 is designated as "National Breast Cancer Awareness Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

COMMEMORATING THE OREGON TRAIL

The joint resolution (S.J. Res. 97) to commemorate the sesquicentennial of the Oregon Trail, was considered, deemed read the third time and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 97

Whereas, of all the western trails used by fur traders, gold seekers, missionaries, and emigrants, the Oregon Trail was the most important to the western settlement of this great Nation;

Whereas, in the year 1843, the first major wave of humanity left Independence, Missouri and travelled 2,170 miles in covered wagons across sagebrush, plains, mountains, and rivers to the Willamette Valley in Oregon Territory;

Whereas over 400,000 men, women, and children risked their lives in this greatest migration in American history;

Whereas this Nation was expanded from ocean to ocean, as settlement of the Old Oregon Territory forced Great Britain to relinquish this land to the United States;

Whereas the pioneering spirit of the Oregon Trail emigrants embodies the spirit of the American people;

Whereas Americans have an ever-increasing desire to understand our national heritage;

Whereas, in 1978, Congress enacted the National Trails System Act, designating the Oregon Trail as a national historic trail, in recognition of the vital role it played in our Nation's history; and

Whereas, in 1993, the American people will seek to rekindle the pioneering spirit of the "Great Migration" and an official Oregon Trail sesquicentennial wagon train will journey across the Nation, arriving in Oregon City, Oregon on September 4, 1993: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 4, 1993, is hereby designated as "National Oregon Trail Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and activities.

NATIONAL D.A.R.E. DAY

The joint resolution (S.J. Res. 99) designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day," was considered, deemed read the third time and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 99

Whereas Drug Abuse Resistance Education (in this joint resolution referred to as "D.A.R.E.") is the largest and most effective drug-use prevention education program in the United States, and is now taught to 25,000,000 youths in grades K–12;

Whereas D.A.R.E. is taught in more than 250,000 classrooms reaching all 50 States, Australia, New Zealand, American Samoa, Canada, Puerto Rico, the Virgin Islands, Costa Rica, Mexico, Brazil, Hungary, and Department of Defense Dependent Schools worldwide;

Whereas the D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, teaching students decision-making skills, educating students about the consequences of certain behaviors, and building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further the development of their children and reinforce the decisions of their children to lead drug-free lives;

Whereas D.A.R.E. is taught by street-wise veteran police officers with years of direct experience with people whose lives were ruined by substance abuse, giving them unmatched credibility;

Whereas each police officer who teaches D.A.R.E. completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques and communication skills;

Whereas independent research has found that D.A.R.E. substantially impacts students' attitudes toward substance use, contributes to improved study habits, higher grades, decreased vandalism and gang activity, and generates greater respect for police officers; and

Whereas 1993 marks the 10th year that D.A.R.E. has provided students with the skills they will need as young adults to resist the temptations of drug abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 9, 1993, and April 21, 1994, are each designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such days with appropriate ceremonies and activities.

COUNTRY MUSIC MONTH

The joint resolution (S.J. Res. 102) designating October 1993 and October 1994 as "Country Music Month," was considered, deemed read the third time and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 102

Whereas country music derives its roots from the folk songs of our Nation's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues;

Whereas country music has played an integral part in our Nation's history, accompanying the growth of our Nation and reflecting the ethnic and cultural diversity of our people;

Whereas country music embodies a spirit of the American people and the deep and genuine feelings individuals experience throughout life;

Whereas the distinctively American refrains of country music have been performed for audiences throughout the world, striking a chord deep within the hearts and souls of fans everywhere; and

Whereas October 1993 and October 1994 mark, respectively, the twenty-ninth and thirtieth annual observances of Country Music Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of October 1993 and October 1994 are designated as "Country Music Month", and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such months with appropriate ceremonies and activities.

HELSINKI HUMAN RIGHTS DAY

The joint resolution (S.J. Res. 111) to designate August 1, 1993, as "Helsinki Human Rights Day," was considered, deemed read the third time and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 111

Whereas August 1, 1993, is the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter referred to as the "Helsinki Accords");

Whereas the participating States have declared that "the protection and promotion of human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security";

Whereas the participating States have declared that "respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice, and environmental responsibility are our common aims";

Whereas the participating States have acknowledged that "there is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice";

Whereas the war in Bosnia-Hercegovina has resulted in organized, systematic, and premeditated war crimes and genocide and threatens stability and security in Europe;

Whereas growing ethnic tensions, civil unrest, and egregious human rights violations in several of the newly admitted CSCE states, most notably in Tajikistan, are resulting in significant violations of CSCE commitments; and

Whereas the CSCE has contributed to positive developments in Europe by promoting and furthering respect for the human rights and fundamental freedoms of all individuals and groups and provides an appropriate framework for the further development of such rights and freedoms and genuine security and cooperation among the participating States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HELSINKI HUMAN RIGHTS DAY.

(a) DESIGNATION.—August 1, 1993, the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day".

(b) PROCLAMATION.—The President is authorized and requested to issue a proclamation reasserting America's commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory States to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities.

(C) HUMAN RIGHTS.—The President is requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms continues to be a vital element of further progress in the ongoing Helsinki process; and to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain.

SEC. 2. TRANSMITTAL.

The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors or representatives to the United of the other 52 Helsinki signatory States.

NATIONAL RECOGNITION AND REMEMBRANCE FOR THOSE WHO SERVED IN THE KOREAN WAR

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 101, designating the week for the "National Recognition and Remembrance for Those Who Served in the Korean War;" that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read three times, passed, the preamble agreed to and the motion to reconsider laid upon the table; and that any statements relating thereto appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (S.J. Res. 101) was deemed read three times and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 101

Whereas on June 25, 1950, the Communist army of North Korea invaded and attacked South Korea, initiating the Korean War;

Whereas the week of July 25 through July 31, 1993, includes July 27, the 40th anniversary of the cease-fire agreement that ended the active combat of the Korean War;

Whereas the Korean War was brought to an end primarily through the efforts of the United States Armed Forces;

Whereas for the first and only time in history a United Nations command was created, with the United States as the executive agent, to repel this invasion and preserve liberty for the people of the Republic of Korea;

Whereas, in addition to the United States and the Republic of Korea, 20 other member nations provided military contingents to serve under the United Nations banner;

Whereas, after 3 years of active hostilities, the territorial integrity of the Republic of Korea was restored, and the freedom and independence of the people of the Republic of Korea are ensured even to this date;

Whereas over 5,700,000 American servicemen and servicewomen were involved directly or indirectly in the war;

Whereas American casualties during the period of the war were 54,246 dead, of which 33,629 were battle deaths, 103,284 wounded, 8,177 listed as missing or prisoners of war, and 329 prisoners of war are still unaccounted for;

Whereas although the Korean War has been known as America's "Forgotten War", this Nation should never forget the ultimate sacrifice made by those who fought and died in Korea for the noble and just cause of freedom;

Whereas Congress and the President have enacted a law authorizing the establishment of a Korean War Veterans Memorial in Washington, D.C. to recognize and honor the service and sacrifice of those who participated in the Korean War;

Whereas increasing numbers of Korean War veterans are setting aside July 27, the anniversary date of the armistice, as a special day to remember those with whom they served and to honor those who made the supreme sacrifice in a war to preserve the ideals of freedom and independence; and

Whereas on this significant anniversary of the cease-fire which started the longest military armistice in modern history, it is right and appropriate to recognize, honor, and remember the service and sacrifice of those who endured the rigors of combat and the extremes of a hostile climate under the most trying conditions and still prevailed to preserve the independence of a free nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of American in Congress assembled, That the week of July 25 through July 31, 1993, is designated as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week and appropriate ceremonies and activities, and to urge the departments and agencies of the United States and interested organizations, groups, and individuals to fly the American flag at half-staff on July 27, 1993, in honor of the Americans who died as a result of their service in Korea.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 2 P.M. TODAY

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the RECORD remain open today until 2 p.m. for the introduction of legislation and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS TO S. 919

Mr. FORD. Madam President, for the information of my colleagues in the Senate, I would like to remind the Senate that under the provisions of rule XXII, Senators will have until 1 p.m. Monday to file first-degree amendments relative to the cloture motion filed with respect to the committee substitute to S. 919. A provision on filing of second-degree amendments will be announced on Monday.

I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Zaroff, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination and a withdrawal which were referred to the appropriate committee.

The nomination and withdrawal received today are printed at the end of the Senate proceedings.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1270. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to amend the Hazardous Materials Transportation Act; to the Committee on Commerce, Science and Transportation.

EC-1271. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on compliance with the Marine Plastic Pollution Research and Control Act of 1987; to the Committee on Commerce, Science and Transportation.

EC-1272. A communication from the Secretary of Transportation, transmitting, pursuant to a law, a report on enforcement of the provisions of Annex V of the International Convention for the Prevention of Pollution from Ships; to the Committee on Commerce, Science and Transportation.

EC-1273. A communication from the President and Chief Executive Officer of the Corporation For Public Broadcasting, transmitting, pursuant to law, a report entitled "The Value of Diversity: Public Broadcasting's Services to Minorities and Other Groups"; to the Committee on Commerce, Science and Transportation.

EC-1274. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a report relative to the Federal Aviation Administration; to the Committee on Commerce, Science and Transportation.

EC-1275. A communication from the Acting Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report on the Airmen and Aircraft Registry System; to the Committee on Commerce, Science and Transportation.

EC-1276. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, a draft of proposed legislation entitled "Telecommunications and Information Infrastructure and Public Broadcasting Facilities Assistance Act of 1993"; to the Committee on Commerce, Science and Transportation.

EC-1277. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "Foreign Direct Investment in the United States: An Update"; to the Committee on Commerce, Science and Transportation.

EC-1278. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation entitled "Economic Development Administration Reauthorization Act of 1993"; to the Committee on Environment and Public Works.

EC-1279. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on management systems for fiscal year 1992; to the Committee on Environment and Public Works.

EC-1280. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "National Maximum Speed Limit" for fiscal year 1991; to the Committee on Environment and Public Works.

EC-1281. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the drug offender license suspension rule; to the Committee on Environment and Public Works.

EC-1282. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of the financial audit of the principal financial statements of the Internal Revenue Service for fiscal year 1992; to the Committee on Finance.

EC-1283. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of the financial audit of the principal financial statements of the U.S. Customs Service for fiscal year 1992; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PELL:

S. 1281. An original bill to authorize appropriations for the fiscal years 1994 and 1995 for the Department of State, the United States Information Agency, and related agencies, to provide for the consolidation of international broadcasting activities, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. BINGAMAN:

S. 1282. A bill to increase the number of primary health care providers, help assure access to health care in rural and other underserved areas, and increase retention rates among primary health care providers in rural and underserved areas; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. JEFFORDS, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD):

S. 1283. A bill to amend the Technology-Related Assistance for Individuals With Disabilities Act of 1988 to improve the Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. JEFFORDS, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD):

S. 1284. A bill to amend the Developmental Disabilities Assistance Bill of Rights Act to expand or modify certain provisions relating to programs for certain individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN:

S. Res. 134. A resolution urging the Government of Kuwait to compensate United States citizens and their families for financial losses incurred as a result of their evacuation during the Iraqi invasion of Kuwait; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1282. A bill to increase the number of primary health care providers, help assure access to health care in rural and other underserved areas, and increase retention rates among primary health care providers in rural and underserved areas; to the Committee on Labor and Human Resources.

GRADUATE REFORM OPPORTUNITIES AND WORKFORCE TRAINING IN HEALTH ACT

Mr. BINGAMAN. Mr. President, as our country moves toward comprehensive reform of our health care system, I believe we need to ask a critical question: Does our Nation have the number and mix of health care providers needed to ensure that all Americans have access to effective and efficient health care? If we cannot answer this question in the affirmative, the viability of any health care reform initiative and, more important, our Nation's health infrastructure, will be at extreme risk.

It should come as no surprise to any of my colleagues that today we cannot answer this question in the affirmative. Today we do not have the health care work force needed to ensure access to health care to all Americans. To secure that work force for the future, I believe we must begin planning immediately, before the larger debate on comprehensive reform begins. For this reason, today I am introducing the Graduate Reform Opportunities and Workforce Training in Health Act [GROWTH]. My legislation has three specific goals:

First, to increase to appropriate levels the number of primary care providers, including physicians, nurse practitioners, nurse midwives, nurses, physician assistants, allied health providers, and all other health care providers;

Second, to assure adequate access to health care in rural and other underserved areas; and

Third, to improve retention rates among primary care providers in rural and underserved areas.

The GROWTH Act will establish new and expanded public health opportunities for primary care in rural and other underserved areas; set limits on the total number of physicians trained under Medicare and, specifically, the number of speciality residency positions funded, and establish a national board to review overall national work force needs and advise the Secretary of Health and Human Services on the ongoing allocation of funds for residency training programs and consortia.

Mr. President, the right number and mix of providers is critical to ensure access to effective and efficient health care. Aggregate supply of physicians, nurses, physician assistants, allied health providers, and other providers; speciality mix; geographic distribution; and cultural diversity of the health care work force are critical elements of the health care infrastructure. Each must be carefully considered in structuring a health care system capable of meeting our Nation's diverse needs.

Under our current system, market forces, accreditation, licensure and certification requirements, and Government reimbursement and regulatory mechanisms have all served to produce a supply and distribution of health care professionals poorly suited to meeting our national health care needs.

The problem is particularly acute in rural States, including my home State of New Mexico, where the number of primary care doctors continues to decline annually. This is true despite a doubling in the Nation's physician supply over the past three decades. Today, only one-third of all practicing doctors in the United States are in primary care. Even more disturbing, only one-sixth of all medical school graduates are choosing primary care careers. Also, because almost 20 percent of physicians practicing in rural communities are over the age of 65, existing physician shortages are expected to grow worse as these providers retire.

Many Americans are unaware that a significant portion of physician training in this country is supported through Medicare's Graduate Medical Education Program. Currently, funds are distributed to any residency training program accredited by one of 24 specialty-specific residency review committees. No national policy directs that these funds support residency training positions in primary care or limits the number of residency training positions allocated to specialty residency programs.

The results of the lack of Federal attention and policy are that nearly every teaching hospital in this country has expanded its specialty residency programs and that 40 percent of the primary care residencies in this country go unfilled. Why has this occurred? The answer is simple: Specialty training programs generate significantly more income for hospitals than do programs in general internal medicine, general pediatrics, or family and preventive medicine.

In New Mexico, I am pleased to say, we are bucking this trend. Our State's sole medical school and teaching hospital, both at the University of New Mexico in Albuquerque, have strong reputations in primary care. In fact, University Hospital has one of the most extensive primary care residency training programs in the country. A full 30 percent of its residents—compared to the national average of about 17 percent—are in primary care. But one teaching hospital committed to primary care cannot meet the entire Nation's need. It cannot meet the need today, and it certainly cannot meet the Nation's projected future need.

Mr. President, medical schools and teaching hospitals like the University of New Mexico Medical School and University Hospital are the foundation of every health care reform proposal I have seen that advocates universal access to health care. This is because every one of these proposals relies heavily on the use of primary care providers. Strategies for assuring that we have the necessary number of primary care providers make it essential that we greatly expand the number of primary care doctors we train. In my view, public financing of graduate medical education is the most explicit mechanism we have for achieving this goal. Therefore, I am proposing a plan for allocating at least 50 percent of all Federal graduate medical education funds to primary care training programs. Further, because rural Americans rely on primary care providers for the majority of their health care and because a physician's training location frequently determines his or her practice location. I am advocating that funding for graduate medical education be allocated according to national, State, and regional needs.

More specifically, the Graduate Reform Opportunities and Workforce Training in Health Act [GROWTH] will:

First, Reform Medicare Graduate Medical Education Funding: To refocus Federal health care work force priorities on primary care:

Limit the total number of medical residents whose training is supported with Medicare graduate medical education funds to 110 percent of the graduates of U.S. medical schools for calendar year 1994;

Over 3 years, limit the total number of specialty residency positions supported with Medicare GME funds to 50 percent of the total number of federally funded residency positions;

Provide a higher weight, 1.5, for each resident placed in a rural area for purposes calculating direct medical education payments, as compared to a resident placed in a nonrural setting, 1.0; and

Establish a national average direct medical education payment so that residency training programs are equitably funded.

Second, evaluate and coordinate the health care work force: To accurately assess and monitor our Nation's health care work force needs, this legislation will:

Establish a national board to recommend to the Secretary of HHS those residency training programs and consortia that should receive GME funds; every 3 years, evaluate the need to adjust the limits on the total residency positions and specialty residency positions supported by GME; and monitor and assess current and projected health care work force needs;

Authorize the National Academy of Sciences to prepare a report on the current and project health care work force needs; and

Create a health work force interagency task force to review and coordinate all health work force development and training efforts supported by the Federal Government and make recommendations to the Secretaries of HHS and Education concerning vocational education policies and the health care work force.

Third, primary care in rural and other underserved areas: In addition to the priorities established for graduate medical education funding, this legislation will amend the Public Health Service Act to:

Support training programs in medical schools that recruit students from rural underserved areas and increase rural candidate participation in the National Health Service Corps and other Federal scholarship programs;

Support programs to: Improve rural practitioner training through curricula development and faculty role models; increase numbers of underrepresented minorities in rural health care settings; promote health care infrastructure development in rural settings, including the development of state-of-the-art telecommunications and network systems that will link health care providers with academic health centers; foster State and regional locum tenens programs in rural health settings; and

Support program that: Encourage interdisciplinary team approaches to health care training and practice in rural settings; evaluate the cost-effectiveness of retraining physicians previously trained in oversubscribed specialities; and increase opportunities for nurse practitioners, clinical nurse specialists, and physician assistants in tertiary care centers.

Mr. President, as the Nation sets its sights on a coordinated health care system that assures universal access to care, we must not overlook critical work force issues. As a Senator from New Mexico, I am particularly concerned that we not overlook the impact our decisions will have on rural America. With thoughtful planning, however, I am confident we can develop a national medical education policy that lays the foundation of primary care and assures access to this care in areas traditionally underserved. Such a policy will go a long way toward reducing the high health care costs associated with specialty care and will enhance the health and well-being of Americans everywhere. I urge my colleagues to work with me toward this goal.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. JEFFORDS, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD):

S. 1283. A bill to amend the Technology-Related Assistance for Individuals With Disabilities Act of 1988 to improve the act, and for other purposes; to the Committee on Labor and Human Resources.

THE TECHNOLOGY-RELATED ASSISTANCE ACT AMENDMENTS OF 1993

Mr. HARKIN. Mr. President, I rise today on behalf of myself, Senators DURENBERGER, KENNEDY, JEFFORDS, METZENBAUM, SIMON, WELLSTONE, and WOFFORD to introduce the Technology-Related Assistance Act Amendments of 1993.

Mr. President, I want to take this opportunity to thank a number of individuals and groups for their assistance in the development of this bill. First, I want to thank Senator DURENBERGER and his staff. Senator DURENBERGER deserves to be acknowledged for his work to resolve the issues presented during this reauthorization.

We also enjoyed the support and constructive guidance of the staff of the Department of Education. The subcommittee staff and the administration's staff met numerous times over the past months to work out the details of the changes that are being made by the bill.

As we worked on the reauthorization of this legislation, we also had the assistance of many organizations, groups, and individuals. In particular, I want to express my gratitude to the task force on technology of the Consortium for Citizens with Disabilities and the State technology project directors whose thoughtful commentary and ideas have been so helpful.

Title I of the act provides grants to the States for the development and implementation of consumer-responsive comprehensive statewide program of technology-related assistance for individuals of all ages with disabilities. Title II of the act provides funds for a variety of programs of national significance. The discretionary activities authorized under title II include training and public awareness projects, model projects for delivering assistive technology devices and assistive technology services, model research and demonstration projects such as projects to increase the availability or reliability of assistive technology devices, and income-contingent direct loan demonstration projects.

Throughout the reauthorization process, we have worked with the various groups interested in this legislation to incorporate in the bill the knowledge that has been gained from the experiences of the State technology projects that have been developed and implemented since 1989. Dr. William Smith, acting assistant secretary for special education and rehabilitative services, testified before the Subcommittee on Disability Policy regarding the evaluation of the program conducted by the Research Triangle Institute of North Carolina:

> A key finding was that the States had not yet succeeded fully in establishing comprehensive, consumer-responsive, statewide systems to provide technology-related assistance to persons with disabilities. However, the report indicated there had been enough progress to suggest that, with additional time and Federal support, the States would be able to make significant progress. * * * The study also found that States have not been focused uniformly on undertaking those systems change activities that hold the most promise of facilitating the implementation of a comprehensive statewide system.

In addition, Dr. Smith testified that the study found a need for improvement in the ability of the programs to be consumer-responsive and to reach traditionally underserved groups, including those who are elderly, those who reside in rural areas, and those who are not English-speaking.

The subcommittee heard the stories of persons who have been able to access the assistive technology to improve their ability to participate in and contribute more fully to activities in their home, school, and work environments. Rachel Marie Esparza, from Mendota Heights, MN, testified before the Subcommittee using an augmentative communication device:

> I am 9 years old and will be in fourth grade at Mendota School next year. I use lots of technology every day. At school I use a computer with a special keyboard. I do all my work on it. At home I use a computer to do my homework and to play games with my friends. I usually drive a powered wheelchair. * * * I have special switches that turn on lights and that help me cook with my Mom. I go places in a van with a lift on it. Without my van, I couldn't go to T-ball or my swimming and horseback riding lessons.

Casey Hayse, from Iowa City, IA, described how the technology project in Iowa has assisted in securing assistive technology devices:

> One individual who attended an [Iowa Program for Assistive Technology] training session was directed to investigate different types of technology to assist individuals with visual impairments. This individual discovered an advanced type of lens for eyeglasses which provided less distortion and better vision and depth perception. With help from IPAT, he developed a strategy to access funding for these advanced eyeglasses through the Iowa Department of Vocational Rehabilitation. * * * As a result of his improved vision and depth perception with the new glasses, he was able to acquire a driver's license for the first time at age 26.

Unfortunately, not all individuals with disabilities are able to get the necessary assistive technology. Jenifer Simpson, co-chair of the Consortium for Citizens with Disabilities Task Force on Technology, testified regarding the difficulties she has had in securing assistive technology for her son, Joshua.

> * * * Joshua's Individualized Education Plan specifies that he needs an Augmentative Communication Device in order to reach literacy and communication goals and to be able to talk to his pals and teacher at school. This * * * has been written into his IEP for the past four years. So far it has NOT been funded by the school system or by any other public agency. * * * [I]f we had a tech act program * * *, it is possible that Joshua would have had his Augmentative Communication Device today and he would be the one testifying. Unfortunately, though not silent, he is in essence, silenced because there is no systemic initiative to ensure that this need is being met.

I am especially pleased to sponsor the Technology Act Amendments of 1993 authorizing the continuation of these State projects to bring about changes in the systems that provide access to and funding for assistive technology for persons with disabilities. While the Americans with Disabilities Act opens the doors of opportunity for people with disabilities, the Technology-Related Assistance Act fulfills the need to improve access to and funding for assistive technology so that these individuals can control their own lives and be fully included in all aspects of our society.

This bill reauthorizes the Technology-Related Assistance for Individuals with Disabilities Act of 1988. There are six basic purposes for this legislation. They were:

To ensure the Federal support necessary to allow the States to successfully complete the systemic change process begun under the Technology-Related Assistance Act of 1988;

To clarify that the focus of the State projects should be on systemic change and advocacy activities;

To promote systemic change through individual advocacy by ensuring that individuals with disabilities have access to protection and advocacy services to secure their rights to assistive technology devices and assistive technology services;

To emphasize the importance of consumer involvement in all aspects of the program;

To increase the accountability of the program in the development and implementation of consumer-responsive comprehensive statewide programs of technology-related assistance;

To authorize the necessary technical assistance on a national level to the State projects and to individuals with disabilities and other interested parties; and

To provide a basis for improved information systems and data collection on assistive technology through the development of a national classification system.

The changes made to the purpose section of the Act are illustrative of the changes made throughout the act by this bill. The bill amends the purposes section to specify that the purpose of the act is to provide assistance to the States to support systemic change and advocacy activities designed to develop and implement a consumer-responsive comprehensive Statewide program of technology-related assistance for individuals of all ages with disabilities. The bill reorders the current purposes to emphasize the importance of several of the purposes related to systemic change, consumer responsiveness, interagency coordination, advocacy, and transition of assistive technology between service settings. The reordering of the purposes clarifies that the primary purpose of the projects is to increase the availability of, funding for, access to, and provision of assistive technology devices and assistive technology services.

Following are the amended purposes and policy of the Technology-Related Assistance Act:

> Section (2)(b)(1). PURPOSES.—To provide financial assistance to the States to support systemic change and advocacy activities designed to assist each State in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, for individuals of all ages who are individuals with disabilities, that is designed to—
>
> (A) increase the availability of, funding for, access to, and provision of assistive technology devices and assistive technology services for individuals with disabilities;
>
> (B) increase the active involvement of individuals with disabilities, and the parents, family members, guardians, advocates, and authorized representatives of individuals with disabilities in the planning, development, implementation and evaluation of such a program;
>
> (C) increase the involvement, of individuals with disabilities and, if appropriate, the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities, in decisions related to the provision of assistive technology devices and assistive technology services;
>
> (D) increase and promote interagency coordination among State agencies, and between State agencies and private entities, that are involved in carrying out activities under section 101, particularly providing assistive technology devices and assistive technology services, that accomplish a purpose described in another subparagraph of this paragraph;
>
> (E)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and
>
> (ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that impede the availability or provision of assistive technology devices or assistive technology services;
>
> (F) increase the probability that individuals of all ages who are individuals with disabilities will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living;
>
> (G) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;
>
> (H) increase awareness and knowledge of the efficacy of assistive technology devices, and assistive technology services, among—
>
> (i) individuals with disabilities;
>
> (ii) the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities;
>
> (iii) individuals who work for public agencies, or private entities (including insurers), that have contact with individuals with disabilities;
>
> (iv) educators and related services personnel;
>
> (v) employers; and
>
> (vi) other appropriate individuals and entities;
>
> (I) increase the capacity of public and private entities to provide and pay for assistive technology devices and assistive technology services, on a statewide basis for individuals of all ages who are individuals with disabilities; and
>
> (J) increase the awareness of the needs of individuals with disabilities for assistive technology devices and assistive technology services.

Section 2(c). POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be carried out in a manner consistent with the principles of—

(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;

(3) inclusion, integration, and full participation of the individuals;

(4) support for the involvement of a parent, a family member, a guardian, an advocate, or an authorized representative if an individual with a disability requests, desires, or needs such support; and

(5) support for individual and systemic advocacy and community involvement.".

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. JEFFORDS, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD):

S. 1284. A bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for certain individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes; to the Committee on Labor and Human Resources.

THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT AMENDMENTS OF 1993

Mr. HARKIN. Mr. President, I rise today on behalf of myself, and Senators DURENBERGER, KENNEDY, JEFFORDS, METZENBAUM, SIMON, WELLSTONE, and WOFFORD to introduce the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1993.

I want to acknowledge Senator DURENBERGER, the ranking member of the Subcommittee on Disability Policy, for his wisdom and counsel during this process. He and his staff have worked long and hard on this bill and they deserve credit for their commitment to the consensus building process. I would also like to thank Senator KENNEDY, the Chair of the Committee on Labor and Human Resources, and Senator KASSEBAUM, the ranking member of the full committee for their support. In addition, we enjoyed input from a number of our distinguished colleagues here in the Senate from both sides of the aisle.

As we worked on the reauthorization of this legislation, we had the assistance of many organizations, groups, and individuals. In particular, I want to express my gratitude to the developmental disabilities task force of the Consortium for Citizens with Disabilities. This task force is made up of 21 organizations with members across the country. Their thoughtful comments and ideas have been so helpful in this process.

We worked with the various groups to develop a consensus bill that would incorporate current principles about people with disabilities. In his testimony on behalf of the Consortium for Citizens with Disabilities before the Subcommittee on Disability Policy, Steve Eidelman, of the Joseph P. Kennedy, Jr. Foundation described these current principles:

> With the passage of the landmark Americans with Disabilities Act, we, as a nation, affirm the rights of all Americans to live independent, productive lives. The reauthorization bill builds on these principles of inclusion and self-determination.

The Developmental Disabilities Assistance and Bill of Rights Act is a systems change, capacity building, and advocacy act. This legislation was first passed in 1970, and was most recently reauthorized in 1990.

The act has four components: The basic State grant program, carried out through the State developmental disabilities councils; protection and advocacy systems; university affiliated programs; and projects of national significance. I am pleased to sponsor the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1993 which reaffirms the thrust of the four components of the act.

The subcommittee heard the stories of individuals who have benefited from programs authorized under this bill. Debra Turner lived in an institution from age 4 to age 33; 4 years ago she moved from the institution into the community. She receives community services and support provided through a special program of the university affiliated program, Kennedy Kreiger Institute at Johns Hopkins University. Ms. Turner was accompanied by her roommate, and the team leader at the university affiliated program, Ms. Nancy Weisenmiller. Ms. Weisenmiller summarized the changes in Ms. Turner's life since moving to community, "* * * Debra has been afforded the opportunity to move from locked buildings, no decisionmaking power, and no choices, to an individual living in a townhouse, taking GED classes, voting in the last Presidential election, and attending church every Sunday, which is her favorite thing to do." Ms. Turner talked about her life and showed slides of her townhouse, her church, and a restaurant where she used to work. She also showed slides of herself dusting her elephant collection, studying for her GED, and relaxing in a hot tub. Ms. Turner said that what she likes the most about living in the community is: "Just being able to go out for breakfast or lunch on your own."

Ms. Sue Swenson of Minneapolis, MN, also testified before the subcommittee. She is the mother of three sons, including Charlie who has severe disabilities. Ms. Swenson and her family experienced what many families experience when they have a child with severe disabilities.

> We listened to all the pity and the platitudes, which only seemed to make things worse. We struggled. We couldn't find anybody willing to care for a baby with disabilities, so one of us had to be home all the time. As time went on and Charlie got bigger, we avoided taking our boys out, even to the park, because we couldn't cope with all of the prayers, pity, stares, and outright hostility we encountered. We worked very hard on therapies, silently hoping that Charlie would "get better" so we could go back to the real world.

In her testimony, Ms. Swenson described a program developed by the Minnesota Developmental Disabilities Planning Council that has had a tremendous impact on her family's life. The program is an intensive training program called Partners in Policymaking, which is now offered by State developmental disabilities councils or university affiliated programs in 20 States.

> We learned the history of the disability rights movement * * * about independent living, supported employment, and family support. * * * We learned about personal futures planning * * * what Congress was working on. They told us about the ADA. They helped sharpen our vision of living in a world with no restrictive environments. They challenged us to find our own path, our own beliefs, our own commitments. * * * We learned that we are the most reliable experts about what our kids needed, and about what we needed if we had a disability ourselves. * * * I don't remember how it happened but slowly I became aware that I was no longer working on fixing Charlie so my family could "go back" into the real world: Now I was working on changing the attitudes of all those ordinary people, so they would see the value of communities which include people with disabilities and all people. I was working to help my friends and neighbors see that we all live in one world.

The findings, purpose and policy section of the bill is updated to reflect the recent developments in the field and is consistent with other Federal disability policy. The overall purpose of the act is to assure that individuals with developmental disabilities and their families have access to services, supports and other assistance and opportunities which promote independence, productivity, integration and inclusion into the community. The findings include a provision that "disability is a natural part of the human experience and in no way diminishes the right of individuals to live independently, enjoy self-determination, make choices, contribute to society, and experience full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American Society," and that the Nation's goals include "providing individuals with developmental disabilities with the opportunities and support to make informed choices and decisions; live in homes and communities where they can exercise their full rights and responsibilities as citizens; pursue meaningful and productive lives; contribute to their family, community, State and Nation; have interdependent friendships and relationships with others; and achieve full integration and inclusion in society." The policy includes recognition of the decisionmaking roles played by individuals and their families; recognition, support and encouragement for competencies, capabilities and personal goals; respect for individual dignity, personal preferences, and cultural differences; and community acceptance and support.

The bill maintains and strengthens the independence of the State developmental disabilities councils—under the basic State grant program—to carry out systemic change, capacity building and advocacy activities which assist in developing a comprehensive system of services, supports, and other assistance for individuals with developmental disabilities and their families. Provisions are included to clarify issues regarding council membership, rotation of members, council vacancies and appointments. The bill requires State developmental disabilities councils to coordinate activities with other State councils, committees, and programs concerned with individuals with disabilities, and to report systems change activities which affect people with disabilities other than developmental disabilities. The bill authorizes to be appropriated for the basic State grant program $77,400,000 for fiscal year 1994, and such sums for fiscal years 1995 and 1996.

The bill adds clarifying provisions regarding the role of protection and advocacy systems in each State to protect the legal and human rights of individuals with developmental disabilities. The bill provides for the opportunity for consumer groups to provide comments on the system as part of a Federal review, and the addition of an advisory council for protection and advocacy systems that are in State agencies. The bill creates a process for establishing an American Indian Consortium to provide a system of protection and advocacy to American Indians who live on Indian lands. Finally, the bill includes a provision that authorizes a 2-percent set-aside for technical assistance to protection and advocacy systems, when appropriations increase to $24,500,000. The bill authorizes to be appropriated for protection and advocacy systems $29,000,000 for fiscal year 1994 and such sums for fiscal years 1995 and 1996.

The bill strengthens and maintains the part of the legislation concerning university affiliated programs [UAP's] by providing for an updated description of the core activities of a UAP: Preparation of personnel, community services which includes community training and technical assistance and which may include direct services, and dissemination of information. The bill provides an additional topic area—the Americans with Disabilities Act—for UAP training projects. The bill provides for grants periods of up to 5 years for core awards and for training projects. Finally, the priorities for expansion of the network of university affiliated programs are provided as follows: The addition of two new UAP's in States which are unserved by a UAP; funding training projects in every eligible UAP; increasing the training project awards to UAP's from $90,000 and $100,000; increasing the core award from $200,000 to $250,000; and expanding UAP training into underserved States and regions. The bill authorizes one line item for all grants authorized under this section to be appropriated $21,000,000 for fiscal year 1994 and such sums for fiscal years 1995 and 1996.

Finally, the bill authorizes the Secretary to make grants to, or enter into contracts with, public or nonprofit private entities for projects of national significance relating to individuals with developmental disabilities and their families to support ongoing data collection efforts, provide technical assistance, assist States in developing information and referral and service coordination systems, educate policymakers, pursue Federal interagency initiatives, and increasing the participation of individuals from minority groups in the programs authorized under this act. In addition, the bill requires a study of the expansion of part B to people with disabilities other than developmental disabilities. Authorized projects include a study of State developmental disabilities councils that are currently using an expanded definition, a study by up to five councils that are considering an expansion of the definition, and a national project to analyze the experiences of the councils and provide recommendations regarding expansion of the definition. The bill authorizes to be appropriated $4,000,000 for fiscal year 1994 and such sums for 1995 and 1996.

ADDITIONAL COSPONSORS

S. 364

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 364, a bill to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions.

S. 802

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 802, a bill to require the President to seek to obtain host nation payment of most or all of the overseas basing costs for forces of the Armed Forces of the United States in such nation, to limit the use of funds for paying overseas basing costs for United States forces, and for other purposes.

S. 948

At the request of Mr. DASCHLE, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 948, a bill to amend the Internal Revenue Code of 1986 to provide special rules for certain gratuitous transfers of employer securities for the benefit of employees.

S. 988

At the request of Mr. DASCHLE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 988, a bill to amend the Internal Revenue Code of 1986 to clarify that conservation expenditures by electric and gas utilities are deductible for the year in which paid or incurred.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

S. 1231

At the request of Mr. MOYNIHAN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 1231, a bill to provide for simplified collection of employment taxes on domestic services, and for other purposes.

SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from Louisiana [Mr. BREAUX], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. SIMON, the names of the Senator from Kentucky [Mr. FORD], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Concurrent Resolution 26, a concurrent resolution urging the President to redirect United States foreign assistance policies and spending priorities toward promoting sustainable development, which reduces global hunger and poverty, protects the environment, and promotes democracy.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 1281. An original bill to authorize appropriations for the fiscal years 1994 and 1995 for the Department of State, the United States Information Agency, and related agencies, to provide for the consolidation of international broadcasting activities, and for other purposes (Rept. No. 103–107].

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 236. A bill to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes (Rept. No. 103–108).

SENATE RESOLUTION 134—RELATIVE TO THE GOVERNMENT OF KUWAIT

Mrs. FEINSTEIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 134

Urging the Government of Kuwait to compensate United States citizens and their families for financial losses incurred as a result of their evacuation during the Iraqi invasion of Kuwait.

Whereas during the Iraqi invasion of Kuwait in August 1990, the United States Government evacuated numerous families within a 48-hour period;

Whereas many of these families consisted of one or more American citizens and their immediate relatives;

Whereas the urgent nature of the evacuation process forced these families to leave personal property and assets in Kuwait;

Whereas since the liberation of Kuwait, the Government of Kuwait has not permitted these families to return to Kuwait to settle their financial accounts;

Whereas many of these families have not been compensated for contractual and business obligations that existed before the invasion of Kuwait;

Whereas the Government of Kuwait has acknowledged that it is "well aware of the indispensable contributions made by many of the foreign workers who resided in Kuwait before August 2, 1990"; and

Whereas these families are at present residing in several States throughout the United States and are being supported through public assistance programs and loans from the United States Government: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should encourage the Government of Kuwait to compensate the American citizens and their families which were evacuated from Kuwait during the Iraqi invasion of August 1990, in accordance with the applicable contractual, business, and financial obligations of the Government of Kuwait or of its citizens, as the case may be.

Mrs. FEINSTEIN. Mr. President, I rise today to discuss an unfortunate situation which has lingered since the end of the Persian Gulf war. During the Iraqi invasion of Kuwait, the United States Government airlifted families from Kuwait within 48 hours' notice, thus not allowing these individuals significant time to secure their personal property or assets. Many of these individuals were well-respected doctors, businessmen, professors, and engineers. In addition, of those evacuated, one or more members of the family were American citizens.

However, since leaving Kuwait, these families have been unable to retrieve their personal assets remaining in Kuwait.

Let me first give a little background on the situation. Upon their arrival in the United States, these individuals were granted temporary parole status until December 31, 1991. However, as many of these individuals were Palestinians with travel documents in Kuwait and not full citizens, they did not have a country in which to return. Consequently, President Bush issued a Presidential Executive order that extended their temporary status and work authorization in the United States until January 1996.

On July 15, 1992, 17 Senators sent a letter to the Ambassador of Kuwait requesting the Kuwaiti Government to help these repatriated families receive their "just compensation for the loss of real and personal property." In turn, the Kuwaiti Embassy pledged to "look into the very issues you have respectfully addressed." Yet, no positive action has been taken by the Kuwaiti Government.

There are currently some 500 repatriated families in the United States, with roughly 100 of them residing in California. Without their assets, and the strained economic environment in the United States, many of these individuals are unemployed and have been forced to use public assistance to survive. This situation has caused needless hardship on all of these families, and has placed an avoidable burden on our limited public resources.

As a Senator from a State that contributed many men and women to the cause of liberating Kuwait from the tyranny of Saddam Hussein, I urge the Kuwaiti Government to resolve each and every one of these families cases. I also hope the President shares this same sentiment. To this end I am introducing a sense of the Senate resolution urging the President to encourage the Government of Kuwait to compensate with the American citizens and their families that were evacuated from Kuwait during the Iraqi invasion of August 1990, in accordance with the applicable contractual, business, and financial obligations of the Government of Kuwait or of its citizens.

AMENDMENTS SUBMITTED

CONGRESSIONAL OPERATIONS APPROPRIATIONS ACT, 1994 LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1994

HATFIELD AMENDMENT NO. 626

Mr. REID (for Mr. HATFIELD) proposed an amendment to the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 27, line 19, strike "$201,231,000" and insert "$202,304,595".

The amendment adds $1,073,595 to the salaries and expenses appropriation for the Library of Congress to restore funding for the American Memory Project ($1,018,595) and administrative support for the Librarian emeritus ($55,000).

STEVENS AMENDMENT NO. 627

Mr. REID (for Mr. STEVENS) proposed an amendment to the bill (H.R. 2348), supra, as follows:

On page 2 after line 2 insert the following:

MILEAGE AND EXPENSES ALLOWANCES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

On page 48, strike lines 1 through 9, and insert the following:

SEC. 310. (a) Section 17 of the Act entitled "An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes", approved July 28, 1866 (2 U.S.C. 43), is amended by inserting after "mileage" the first place it appears the following: "for each Senator".

(b) The first section of the Legislative Branch Appropriations Act, 1936 (2 U.S.C. 43a), under the heading "SENATE", and the subheading "SALARIES AND MILEAGE OF SENATORS", is amended by striking "Senators, Members of the House of Representatives, and Delegates in Congress" and inserting "Senators".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

BURNS AMENDMENT NO. 628

Mr. REID (for Mr. BURNS) proposed an amendment to the bill (H.R. 2348), supra, as follows:

On page 50 insert the following:

SEC. 318. (a)(1) None of the funds appropriated or made available from any source for any fiscal year may be obligated or expended by any entity of the executive branch for the procurement or production of any printing or duplicating (including forms), unless such printing or duplicating is requisitioned through the Government Printing Office.

(2) Paragraph (a)(1) does not apply to (A) individual printing or duplicating orders costing not more than $1,000, if the work is not of a continuing or repetitive nature, and, as certified by the Public Printer, cannot be provided more economically by open, competitive procurement through the Government Printing Office, (B) printing for the

Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, or specifically classified material of the Department of Defense, or (C) printing from other sources that is specifically authorized by law. The Secretary may waive the limitations of Subsection (a) for military operational requirements and provided further that the Secretary shall notify the Joint Committee on Printing within (7) seven days.

(3) As is used in this subsection, the terms "printing" or "duplicating" include the processes of: composition; platemaking; wet and dry offset; letterpress; gravure; flexography; ink jet; electrostatic or other copying; laser or variable imaging; silk screen processes; production of an image on paper or other substrate by any means or equipment; binding; microfilm; or the end items of such processes.

MACK (AND KOHL) AMENDMENT NO. 629

Mr. MACK (for himself and Mr. KOHL) proposed an amendment to the bill (H.R. 2348), supra, as follows:

On page 7, between lines 15 and 16, insert the following:

SEC. 4. (a) This section shall apply to mailings by Senators, Senators-elect, and offices of the Senate made during fiscal year 1994 and each fiscal year thereafter in addition to any other law relating to the use of the franking privilege.

(b) For the purposes of this paragraph—

(1) the term "mass mailing"—

(A) means, with respect to a session of Congress, a mailing of 500 or more newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), but

(B) does not include a mailing—

(i) of matter in direct response to communication from a person to whom the matter is mailed (to the extent of 2 such mailings) that —

(I) is the case of an initial response, is mailed at any time; or

(II) in the case of a followup response, is mailed not later than 180 days after the date of receipt of the communication;

(ii) to other members of Congress or to a Federal, State, or local government official;

(iii) of a news release to the communications media;

(iv) of a town meeting or mobile office notice; or

(v) of a Federal publication or other item that is provided by the Senate to all Senators or made available by the Senate for purchase by all Senators from official funds specifically for distribution.

(c) A Senator, Senator-elect, or office of the Senate may not mail a mass mailing under the frank.

(d) As soon as practicable after the close of each quarter of a fiscal year, the chairman of the Committee on Rules and Administration of the Senate shall cause to be printed in the Congressional Record—

(1) the dollar amount of the allocation of official mail costs made to each Senator, Senator-elect, and office of the Senate for the fiscal year;

(2) the dollar amount of official mail costs that were incurred by each Senator, Senator-elect, and Senate office during that quarter; and

(3) the balance of the allocation for official mailing costs that remain available to each Senator, Senator-elect, and Senate office.

(e)(1) In connection with their fiscal 1995 budget presentations to the Committee on Appropriations of the Senate, the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate shall submit a report that describes—

(A) the best available and most recent information relating to the amount of expenditures made from each Senate office account for official mail activities during fiscal year 1994 as of the date of the budget presentation;

(B) the best available and most recent information relating to the amount of expenditures made from each Senate office account for official mail activities during fiscal year 1993 as of the date that is one year earlier than the date referred to in subparagraph (A); and

(C) the amount of any difference between the amounts described in subparagraphs (A) and (B) that is attributable to the operation of subsection (c).

(2) As used in this subsection, the term "official mail activities" includes the cost of producing, processing, and mailing of official mail.

(f)(1) On and after the date of enactment of this Act and during fiscal year 1994 and each fiscal year thereafter, no member, officer, or employee of the Senate may use any appropriated funds or any equipment or other resources that are paid for with appropriated funds for the purpose of procuring, gaining access to, or using a mailing list of any kind (including a voter registration list) that is produced by any public or private entity except a mailing list described in paragraph (2).

(2)(A) A mailing list is described in this paragraph if it is—

(i) a postal patron list or update as provided by the United States Postal Service to be used for town meeting and mobile office notices;

(ii) a list of members of the communications media;

(iii) a list of Federal, State, or local government officials; or

(iv) a list of fewer than 500 persons identifiable as having an interest in a legislative topic that is different from any legislative topic identified as a subject of interest of persons named in any list previously procured, accessed, or used by a person (or by another member of the office of which the person so procuring, accessing, or using is a member) and used for the purpose of making a mailing with official funds during a fiscal year.

(B) For the purpose of subparagraph (A)(iv), a legislative topic may be considered to be different from another legislative topic only if any mailing for which it is intended to be used (and for which it is in fact used) has a content that is not substantially identical (within the meaning of subsection (b)(1)(A)) to the content of any other mailing made by the office previously during the fiscal year.

STEVENS AMENDMENT NO. 630

Mr. STEVENS proposed an amendment to amendment No. 629 proposed by Mr. MACK to the bill (H.R. 2348), supra, as follows:

On page 3, line 6, add the following new paragraph:

"(vi) of information pertaining to official business of the Senate to residents of towns and villages with populations under 1,000 and without a daily newspaper published within 50 miles.".

STEVENS AMENDMENT NO. 631

Mr. MACK (for Mr. STEVENS) proposed an amendment to the bill, (H.R. 2348), supra, as follows:

On page 20, line 25, strike out "$20,815,000:" and insert "$21,815,000:".

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I would like to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Friday, July 30, 1993, at 9:30 a.m., on "Off-loading: The Multimillion-Dollar Loophole in Government Contracting." The hearing will be held in room 342 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session on Friday, July 23, 1993, at 9 a.m., to mark up a Department of Defense Authorization Act for Fiscal Year 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Friday, July 23, 1993, at 10 a.m. to hold a nomination hearing on David Aaron, to be the U.S. Representative to the Organization for Economic Cooperation and Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, July 23, 1993, at 10 a.m. to hold a hearing on the nomination of Ruth Bader Ginsburg to be Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REGARDING STUDENT LOANS

• Mr. DECONCINI. Mr. President, among the issues we are negotiating as part of the budget reconciliation conference are direct Government lending and student loan reform. Last month the Senate passed legislation that would substantially change and improve the existing higher education loan program while at the same time testing a new concept—direct lending.

This side-by-side comparison will give us the information needed to eventually determine how the Student Loan Program can best be fashioned to benefit the students, schools, and taxpayers. I hope the conferees from the other Chamber will concur with the Senate's position.

Certainly, a number of financial aid officials at universities and colleges throughout Arizona support a pilot program. Among those who have written or cosigned letters to me urging a thorough evaluation of direct Government lending on a reasonable scale are officers at the University of Arizona in Tucson, the American Graduate School of International Management-Thunderbird Campus in Glendale, Embry-Riddle Aeronautical University in Prescott, Scottsdale Community College, Grand Canyon University in Phoenix, Prescott College, Northern Arizona University in Flagstaff, and Western International University in Phoenix.

Recently, an Arizona newspaper chain carried an article on the $15 billion Student Loan Program, quoting financial aid experts from these schools and other institutions, expressing serious reservations about a full-scale direct lending program. I would like to share that article with my colleagues and ask that it be printed at this point in the RECORD.

The article follows:

THE $15 BILLION STUDENT LOAN FLAP

(By Bob Reilly)

President Clinton's plan to overhaul the $15 billion federally insured student-loan program will put colleges and trade schools in the banking business, possibly increasing their financial risks and expenses, say some financial aid officers in Arizona.

Some schools, particularly those with relatively small enrollments, said they may have to raise tuition to cover added administrative costs, such as picking up the tab for any bad loans they make.

Post-secondary students in Arizona borrow about $300 million annually, according to Southwest Student Services Corp., a non-profit state-designated agency that originates, services and buys student loans from other lenders.

Nationally, students borrowed more than $10 billion in 1992, a figure expected to climb to $23 billion by 1998.

The Clinton plan calls for the colleges to originate and process loans and screen eligibility of borrowers and then pass on the paperwork to the Department of Education, which will issue checks directly to students. The plan theoretically gives billions of dollars to the federal government by cutting out middlemen such as banks.

The White House said the extra billions generated for the U.S. Treasury would be used to finance the administration's public-service-for-education program.

But the proposal will place an added burden on thousands of schools nationwide.

"It will definitely increase our workload," said Catherine King-Todd, financial aid officer for the American Graduate School of International Management in Glendale. "I would have to purchase additional (computer) software and hardware and add two more staff positions."

King-Todd is concerned the federal government won't have enough money to compensate the schools for their added expenses.

"The government is always looking for ways to trim the budget, and administrative costs is one of the first areas where they look," she said.

Ted Malone, financial aid officer at Grand Canyon University in Phoenix, said that even if a suggestion that the federal government provide schools with $10 per loan is adopted, it won't be enough money.

"With all the extra work, our cost per loan should increase by $60," a 100 percent increase, he said.

A study released in May by the accounting firm of KPMG Peat Marwick found that both the Congressional Budget Office and Government Accounting Office assumed that under a direct-lending approach, much of the administrative tasks now done by private lenders would be given to the schools with no government compensation.

King-Todd and Malone are also concerned that if the schools approve a bad loan they may be held liable for it.

The processing requirements of banks are strict, and if they aren't properly met the government can refuse to repay on a defaulted loan, said Eric Harris, a vice president in charge of student loans for Bank One of Arizona. He said the government may also refuse to pay schools if the loan isn't processed correctly.

Susan Conner, a vice president for USA Group, an Indianapolis based student-loan guarantor organization with a regional office in Chandler, agreed. "The risks to the schools are a serious problem that hasn't been addressed," she said, adding that the student loan guarantee agencies also have to assume the cost of defaults if they fail to abide by government guidelines.

Arizona State University doesn't expect its administrative cost to pinch the budget, particularly if the government provides $10 subsidy for each loan. The university would support direct lending if the students benefit and if the debt collection system is improved, said Shannon Goodman, assistant director of the student loan program.

But Goodman admitted there are "a lot of blanks to be filled in," and that the university could change its position in the future.

Questions also surround the defaulted loans of students attending proprietary trade school specializing in such occupations as cosmetology, welding and truck driving.

The federal direct lending plan mentions a "shared risk" arrangement with the states but the specifics haven't yet to be spelled out, said Paul Barberini, executive vice president of Mesa-based Southwest Student Services Corp. It's possible the states would have to share part of the cost of defaults, he added.

Students attending proprietary schools have the highest default rates among all post-secondary borrowers because they often quit before completing the training program or fail to land a job in the chosen occupation.

The direct lending program hasn't yet addressed the issue of defaults, which amounted to $2.9 billion last year, said John Works, an analyst with the New York investment firm of Keefe, Bruyette & Woods.

Other concerns expressed by financial aid experts about the direct lending plan now before Congress.

Doubt about the U.S. Education Department's ability to run the student-loan program more efficiently than the private sector because it has been criticized for its slowness in recognizing fly-by-night trade schools that are only interested in collecting government guaranteed tuition payments.

"In theory I like the concept of direct lending," Malone said. "But it's hard for me to view the federal government as running an efficient program."

If student loan checks arrive late from the government, who is responsible for giving students money to cover such costs as tuition and living expenses?

"I wonder if we will have to provide the 'float'," Malone said.

The direct-lending program will increase the $4 trillion national debt between $65 billion to $100 billion just to get it off the ground, according to a report by the CBO.

The Internal Revenue Service, which will collect the loan payments, publicly testified it is ill-prepared for the job and that it will take several years to gear up.

"The IRS is not known for simplicity or for a customer-oriented approach," such as processing requests for loan deferments and forbearances, noted the USA Group.

Direct lending has supporters in Congress.

"The plan would make it easier for students to pay the loans back, by pegging payments to their incomes," Sen. Paul Simon, D-Ill, told *The Chronicle of Higher Education*. "Student loans would remain an entitlement, but they would be an entitlement to students, not banks."

Proponents also claim the government can borrow money more cheaply than the private sector and part of the savings would be passed on to students by reducing costs, such as loan origination fees that can amount to 6 percent of the loan.

The GAO estimates the government will pocket $3.2 billion over five years.

Congress is expected to decide by September whether the direct lending program will be phased in over four years beginning in 1994 or whether to first conduct a pilot program beginning next year.

PROGRAMS ALLOW BORROWERS TO MORTGAGE FUTURE

It's possible for students to borrow more than $138,000 for their undergraduate and graduate education—about $30,000 more than the median price of a new home in the Valley—by combining funds from three federal loan programs.

The need-based Perkins Loan, which charges 5 percent interest, is funded by the government and is distributed by the college.

Undergraduates may borrow up to $3,000 a year, and graduate students may borrow $5,000 a year. Payments begin nine months after the student graduates, withdraws from school, or attends classes less than half time. Students may take up to 10 years to repay the loan.

The Stafford Loans are made through commercial lenders and distributed by the school. Some Stafford Loans are based on need, others are not. The loan has a variable interest rate capped at 9 percent.

For Stafford Loans not based on need, the interest accrues while the student is in school. Interest on need-based loans does not accrue until the student starts repaying.

Undergraduates may borrow up to $2,625 for the first year, up to $3,500 for the second year, and top out at $5,000 in each of the final two years or until the bachelor's degree is earned. The limit is $23,000.

Graduate and professional school students may borrow $8,500 a year with a limit of $65,000.

The PLUS-SLS Loans are non-need based and made through a commercial lender. The interest rate can't exceed 10 percent for the PLUS Loan or 11 percent for the SLS Loan.

The parent (PLUS Loan) may borrow up to the entire cost of an education minus any financial aid the student receives.

The student (SLS Loans) may borrow up to $4,000 for each of the first two years of college and $5,000 for the remainder of the undergraduate program. The maximum limit is $23,000 per student.

Graduate students may borrow up to $10,000 a year with a limit of $73,000.

Repayment begins as soon as the loan is received. The lender may reduce payments while the borrower is attending school.

Students can consolidate loans after finishing their education and take up to 30 years to repay.•

TRIBUTE TO HELEN COUPE, SCITUATE, RI

• Mr. CHAFEE. Mr. President, it is with great satisfaction that I rise today to pay tribute to Mrs. Helen Coupe of Scituate, RI. Mrs. Coupe, a broker-associate at the RE/MAX Metro real estate sales office in Warwick, RI, since 1988, was recently inducted into the "RE/MAX Hall of Fame."

Membership in the "RE/MAX Hall of Fame" recognizes substantial accomplishment based on volume of sales produced during an associate's RE/MAX career. To date, only 835 of the 32,311 RE/MAX agents in North America have earned this prestigious honor. All RE/MAX associates are full-time professionals who average 10 years of experience in the industry.

Mrs. Coupe has been a member of the "100 Percent Club," which recognizes annual sales volume, and has also been the top producing RE/MAX agent in all of Rhode Island, for each of the past 4 years. During the same 4-year period, she earned recognition as one of the top three producing RE/MAX agents in the entire New England region, and attained the No. 1 position during 2 of those 4 years. In addition, she has received top sales honors from the Greater Providence Board of Realtors for the past 4 years, consistently having production in excess of $5,000,000 annually.

In the words of Kathleen K. Sisinger, regional director of RE/MAX of New England, "Helen's success is an indication of her professionalism and perseverance. She has consistently provided superior service to her clients during the 6 years she has been in this industry." As we in Congress explore ways to revitalize America's economy, I think it is incumbent upon us to recognize individuals whose entrepreneurial spirit and hard work are the foundation of America's prosperity.

I ask my colleagues in the Senate to join with me and all Rhode Islanders in commending Mrs. Coupe for her unrelenting devotion to her company, clients, and family.•

THE RESCUE OF THE DANISH JEWS

• Mr. SIMON. Mr. President, today I rise to commend "Thanks to Scandinavia" and the many other sponsors of celebrations to commemorate the 50th anniversary of the rescue of the Danish Jews. Despite the Nazi reign of terror in the Holocaust, courageous acts of rescue were performed. Those acts of humanity and bravery, out of commitment to decency and democratic ideals by the Scandinavian countries, is particularly laudable. I have maintained an active interest in the rescue of the Danish Jews since participating in an international conference, "Thanks to Scandinavia" at my alma mater, Dana College, in April 1990.

Additionally, I served as honorary cochairman of the 50th Anniversary "Thanks to Scandinavia" Committee. The Jewish community came together to honor these remarkable humanitarian acts in Chicago on June 16 and 17, 1993. There was an interreligious symposium at North Park College and Theological Seminary, and a community commemoration at Anshe Emet Synagogue. At the commemoration, Mette Shayne, a member of Chicago's Jewish community spoke about the rescue of herself and her family from Denmark during the Holocaust. I ask unanimous consent that the text of the speech by Mette Shayne on June 17, 1993, be printed in the RECORD so that more Americans may gain new insights into the more noble aspects of humanity during challenging times.

The speech follows:

RESCUE OF THE DANISH JEWS

(By Mette Shayne)

I would like first to make it clear that this is the first time I have ever talked about my experience during the war in public, I had recently promised my children to put my remembrances in writing, so this was the push I needed to do so. Fewer and fewer people are still around to tell the story and I do feel it so important to stress how many people put their lives on the line to save us and the many instances we were shown of human love. I am somewhat in awe of telling this story in front of Mr. Frode Jakobsen who was among the first to help Jews long before those in Denmark needed help. And he was one of many who risked their lives for us.

For background information, Denmark was invaded by the Germans on April 9, 1940 and the country was run over in no time. There was no resistance as the Danish army was in no position to fight such a superior force. Denmark was to be a model protectorate, and because the Germans needed the Danish food supplies, the German authorities did not want to antagonize the population too much, and therefore also did not crack down on the Jewish population until the end of September 1943. I remember seeing the German planes coming in over Denmark on April 9, 1940. In the beginning there was little resistance, then it slowly grew, and from August 1943 the Danish underground movement became very active. Except for being daring and wearing the Royal Air Force colors and having to go to the basement when there were air raids, having curfew and seeing our parents socialize with the neighbors by climbing on special ladders my father had made over the fences between the gardens at night, the war did not touch our daily life as children very much. My family had been in Denmark for many generations, and was we thought totally integrated into the society. As a matter of fact, I learned recently that one of the first Jews who settled in Copenhagen in the second half of the 17th century was an ancestor of mine.

Rereading my father's description of these years, I see that his life was certainly very much affected by the German presence. As president of a company, like the General Electric of Denmark, he was under pressure from the Germans to produce for them. He even had a very indecent offer of being saved as a Jew if he would spy. He often went to the Foreign Ministry to confer and as rumors of what was going on in Germany circulated, he was constantly assured that there would be no action against the Danish Jews.

Until September 26, 1943. My first memories of these days were of our parents telling us, my older brother and me, that we would not be sleeping at home that night, but at our neighbors, and explaining to us that this was because we were Jewish and what that meant. This was the first time that I at the age of 8, almost 9, learned that I was Jewish.

The 29th of September was my father's birthday, and I remember my parents' closest friends coming and talking worriedly, trying to eat some dinner with us, and my father having to leave and come back. We were for the second time told to sleep at our neighbor's and this time we had each packed a small suitcase and the next day we left Copenhagen.

We left by train, accompanied part of the way by friends, to the Southern part of the country where a friend of my uncle's thought he would have a possibility of a boat for us to Sweden. More boat trips continued through the rest of the war for resistance people who had to get out of the country.

Here I would like to emphasize that although these days stand very clearly and frighteningly in my memory, and though the years have come back to me in nightmares, and still sometimes do, what we experienced was nothing compared to those who were caught by the Germans and sent to concentration camps; so I do not feel it is proper to dwell on the difficulties we experienced. However, I do like to call attention to the wonderful people who helped us along the way, who saved our lives by putting their own in danger. First my uncle's friend, his home was later blown up by the Germans for his participation in the resistance. My father's business representative in the small town we arrived in, who took us in for some hours, the farmer and his wife who had the four of us, my aunt and uncle and their two children overnight an a busy hunting weekend, and the many others whose lives we endangered. The taxi drivers, whom we hoped we could trust, the couple who on their bikes went to pick up my cousins who would have a hard time walking the 7 kilometers from town to the water's edge where we lay at night hoping for the sound of a boat, and, of course, the fishermen who took us across.

This place of departure had been chosen because it would be out of the most obvious crossing areas, but then it also was quite far from Sweden. It was on the farm, during the annual start of the hunt lunch, that the news on the radio for the first time told of the Danish Jews being rounded up. My mother had all along refused to believe it was necessary to leave. Now she knew there was no alternative. After the night on the farm we were told there may be a boat again the next night, and we found transportation to some woods, where maybe a boat would show up during the night. After a long wait, the grownups broke a window in a deserted children's camp and we were installed on the springs of the bare beds, our parents covered us with their coats and they shivered through the night. No sign of a boat, and the next morning we returned to the closest city, and were installed in a hotel for a couple of hours. My uncle's friend arrived announcing he had bought a boat, and my father would have to sail it. My mother rejected it flatly. My father had no idea how to sail a boat, and my mother felt it would be certain death. Then somebody showed up saying they had a boat for the night, and we should be a certain place, 7 kilometers from town at a certain time. I remember walking down the country road with our suitcases. It must have looked very suspicious, although we did not walk together. We walked two in two with maybe half a mile between us. We still were not a very normal sight on a country road in the middle of the afternoon. My brother, my mother and I hid on a beach in some bushes while my father was entrusted with the money which had been collected from those who had, covering for those who did not. When it got dark we were able to get together and wait in the drizzle until finally we heard a boat motor, and within two minutes we and people who seemed to come out of nowhere climbed in the boat and we were on the way. It was here we learned that somebody had informed on us and the hotel had been raided two hours after we left.

The night became very stormy. Of the 24 people on board the boat made for four, almost everyone was very seasick. During the night air raids lit the sky indicating we were dangerously close to Germany and we began to wonder if the fisherman had lost their way. At one point we were pursued by a German patrol boat, and one can only speculate on how we got away. Did they know and let us go? Were they bored? Or were they really not able to catch up, which is hard to believe? When day broke and land was sighted it was with some trepidation we got closer, not being too sure where we were. Although we then saw the Swedish flag, German ships were in the harbor in Ystad on the Southern coast of Sweden, and we were guided around them by the Swedish coastguard.

After the Danish heroes, who unselfishly raised their lives to help us, came the welcome in Sweden. This little town did not receive a great number of refugees, and I believe we were the first. I remember my brother who had been on deck all night, weakened from being soaked and cold, being green in the face, and my mother pouring brandy from a flask she had along down his throat. Then he passed out, and when he came to, he had to have a Swedish soldier help him unzip his pants. My brother remembers a family lowering down apples from their windows as we were waiting outside the police station for papers, while I remember my father right away taking our disgusting clothes from the night's illness to a cleaner. When he went to pick them up, the tailor would not take money and had filled our pockets with candy. And now my friend Maj. Britt Bronstein will tell about the reception on the Swedish side of the sound.

After one and a half years as refugees in Sweden we returned to Denmark in May of 1945. Among the remarkable things that happened in Denmark was the care friends took of our belongings. We came home to a house which had been well guarded. My father had at the last minute transferred his considerable wine cellar to a friend's house. The friend was very upset that one bottle of brandy was missing. My father could not believe he was really apologizing for this. My father was part of the Danish brigade which was formed in Sweden and which started moving back immediately after the capitulation on the eve of May 4, 1945. He himself crossed on the fifth, a true chocolate soldier, his pockets stuffed with chocolate, which had not been seen in Denmark for five years, and which he happily handed out as he drove along. My mother and I followed a few weeks later, while my brother had to stay a few weeks longer in Sweden to finish his exams which eventually would permit him not to lose a school year at home.

Arriving back in Denmark at the most beautiful time of the year there with the beech trees just having opened their leaves, I remember seeing my grandfather crying as the train brought us from Helsinore to Copenhagen, but the biggest surprise was the huge crowds of people welcoming us home at the station in Copenhagen. I remember huge signs by groups trying to look for somebody specific, one of them was my cousin's classmates welcoming him home.

Our home was in nearly perfect order, having been watched over by friends. One panel of the garage door had been knocked out by a German bayonet, and a bayonet had tried to open a fake drawer in my father's desk, but except for that and a couple of address books, nothing was missing. Our friends had used the home on and off to hide people who had to flee, but apart from that, everything was the way we left it. I remember my surprise at opening my closets in my room and seeing the things I owned which I had not remembered at all.

I have never either in Denmark or Sweden encountered anti-Semitism. That is not to say it does not exist, but in my life in Denmark, it never touched me, nor in Sweden where it is said to be so much stronger. Danish Jews have much to be thankful for. Some organizations have done much to publicize what happened in Denmark, and for the most part it was a very happy tale. Besides the organization Thanks to Scandinavia, we had the experience here in Chicago when our oldest son was born at Michael Reese hospital, that the doctor came to my husband and instead of telling that he had a wonderful boy he said: Do you know what Michael Reese has done to thank the Danes for rescuing the Jews? The hospital had collected money to establish a fund to thank the hospital in Denmark which hid a great number of Jews until transportation to Sweden had been arranged for them. This fund has enabled a number of Danish doctors to spend a year at Michael Reese for an extraordinary research opportunity.

Last year I had the wonderful experience to visit Israel for the first time. At Yad Vashem where you are numbed by revisiting the horrors of the Holocaust, the story of the Danish rescue is like a fairy tale. As you exit the hall of remembrance, columns tell the number of Jews who perished in each country. Denmark is the only country with a number I believe is under 10. As a group of Danish tourists were standing in front of a replica of one of the boats used for sailing boats to Sweden, I could not help myself but to say to them: "This place must make you proud to be Danish."•

(At the request of Mr. MITCHELL, the following statement was ordered to be printed in the RECORD at this point:)

EXPLANATION OF ABSENCE

• Mr. LEAHY. I will be absent from the Senate today because a member of my family is undergoing surgery at a hospital in New York City.•

THE TENSIONS BEHIND THE VIOLENCE IN EGYPT

• Mr. SIMON. Mr. President, recently, I had a chance to read an article by Dr. Mamoun Fandy, which appeared in the Middle East Policy magazine.

It gives additional background on the situation in Egypt.

I, frankly, am not familiar enough with the situation there to know whether the conclusions in his article are accurate.

I do not for a moment suggest that the United States should hesitate to continue to support President Mubarak, who has shown great courage.

But in Egypt and other places around the globe—as well as in the United States—we have to deal with the problems of poverty. The underclass problem that we have in the United States is clearly a magnified problem in Egypt; and in both countries, we ought to be dealing with it more effectively.

I ask to insert Dr. Fandy's article into the RECORD at this point.

The article follows:

THE TENSIONS BEHIND THE VIOLENCE IN EGYPT

(By Mamoun Fandy)

In spite of the recent government crackdown that resulted in the killing of ten and the arrest of thousands of members of Egypt's various Islamic groups, they seem determined not to give in. Most recently, these groups struck back by planting a crude bomb in one of Cairo's most popular cafes, killing four people and injuring more than 30 others, half of them tourists. This suggests that the struggle between President Hosni Mubarak's regime and the Islamists is not over and that getting tough with these groups may be counterproductive. What is puzzling is that in spite of the Egyptian government's relentless attempt to convince the public that these groups are terrorists who act at the behest of the Iranians and Sudanese, very few Egyptians seem to care. In this essay, I will attempt to explain the context of the current violence in Egypt as a way of shedding light on the basic question concerning why the Egyptian public does not come to the aid of the government in denouncing what could be labeled as flagrant violations of people's right to live in peace. In this effort, I will attempt to steer away from the dominant stereotypes in the Western mode of analysis which focuses on epithets and cliches.[1] The Islamic impulse in the Middle East in general and Egypt in particular is far too complex to be dealt with in such dismissive terms.

I grew up in a poor village in upper Egypt and am of the first generation of peasant-farmers' sons to benefit from Nasser's educational reforms. I went to university with many of the Islamic movement's leaders. They see themselves as part of a power struggle between the corrupt semi-Western Turkish Egyptians (i.e., the remnant of Turkish rule) and those who consider themselves to be natives of real Egyptians. I am not suggesting that what is happening in Egypt is a conflict over power and property only and denying its religious aspects. Yet if one looks at whom the Islamic groups target and whom they ignore, it becomes clear that the movement is not merely religious.

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[1] Footnotes at end of article.

Consider, for instance, that while the Islamists criticize the government for being un-Islamic, the deviation of those in government from orthodox Islam is far less than that of the Sufis and the villagers. The Sufis emphasize the Haqia (spirit) of Islam rather than its Sharia (letter). Some of the Sufis claim that the letter and the rituals of Islam are there to facilitate one's contact with God: the moment this contact is established, a person becomes one with God, and the means that established this connection are no longer necessary.[2] This is a heresy according to traditional Islamic theology, yet the Islamists ignore the Sufis and their practices. Nor are the Sufis a minor group. It is estimated that the Sufi order has six million members.[3] That is, the Sufi membership is larger than that of any active political party in the country. If the Islamists were truly motivated by Islamic "fundamentalism," these "heretics" would surely be among their first targets.

Furthermore, the Islamists do not seem to have any quarrel with the mixture of paganism, Christianity and Islam prevailing throughout the rural areas. Local celebrations still fall on Pharaonic holidays, and people celebrate them in the same way the ancient Egyptians did thousands of years ago. For example, during the fifteen-day Sidi Abu Al-Hajaj festival in Luxor, a festival in which thousands of Egyptians honor the Muslim saint Abu Al-Hajaj, the local people still carry the sun boats from the Karnak temple to the temple of Luxor, where the saint's shrine is located. In fact, one of my high-school classmates, who later became the emir (head) of one of the Islamic groups at the school of engineering at Assiut University, still takes his 65-year-old mother to the festival. While her son preaches that there is no mediation between people and God, the mother clings to the shrine and kisses the walls, asking Abu Al-Hajaj to intervene with God to speed her recovery from arthritis. The mother's practice is against everything that the son supposedly believes.

This by no means happens only in Luxor; similar festivals are held for Sidi Al-Faraghali in Assiut, Sidi Al-Hussein in Cairo and Sidi Abu Al-Abbas in Alexandria, to mention just a few. What is more telling is that the Islamists have never objected to the festival of Al-Azra (the Virgin Mary) in Cairo or the festival of Mar Jirjis Al-Ruzaiki in a small village near the southern town of Armant, in which both Christians and Muslims honor the same pre-Islamic saints.[4]

Childless Egyptian women, in addition, still pray to fertility goddesses in the Pharaonic temples. Furthermore, in the language of the Egyptian people, blasphemy seems commonplace. In fact in Egyptian proverbs God is capricious, a being whom you do not trust and who is prejudiced in favor of the rich. Take the Egyptian proverb Nass Ataha min Bazabizu wa Nass Ataha min Wara Tizu (God gives some people from the nipples and others from the behind, i.e., God gives some people milk and others manure), or Yidi Alhalik lili bela widan (God gives earrings to those without ears). What is astonishing is that God in the first proverb is conceptualized as a female; in the second God is bestowing women's jewelry. (Were these sayings originally about one of the Pharaonic goddesses?) Representing God as a female in a patriarchal culture is perhaps as blasphemous and challenging to orthodox Muslims as Rushdie's novel. Yet there is no single report of the Islamists objecting to these "un-Islamic" practices of the common folk. The difference is that these are the indigenous customs of the poor and powerless, whereas the practices of the government are part of the corrupt, pseudo-Westernized upper classes' monopoly of political and economic power.

Since Islamism is a social and political force, one can only understand it by looking at the social and political forces that produced it.

DISPARITY BETWEEN VISION AND ACTUALITY

First, Nasser's revolution allowed the sons of farmers to go to free public schools but denied them access to social and economic power. This produced a new generation of educated men and women who differ sharply from their illiterate, parochial parents. In this new generation fundamentalism took hold. The fundamentalists are not the violent fanatics many Westerners imagine. Instead, they are highly motivated, intelligent people. I knew many of them. During my years as a student at Assiut University, I listened to people like Najih Ibrahim and Asim Abdul Majid, the leaders of the Islamic movement, speak about corruption and favoritism. Ibrahim was at the top of his class in the school of medicine; Abdul Majid was his counterpart in engineering. In 1981, I heard both Ibrahim and Abdul Majid were implicated in the Sadat assassination.

However, the issue that originally concerned Ibrahim and Abdul Majid was that university professors, who were from the old aristocracy and often Christians, did not allow the peasants' sons to join the university faculty. As a student I personally heard numerous stories of top students from working-class backgrounds being denied government support in obtaining graduate degrees while mediocre students with the right social backgrounds were chosen instead. This is but one source of the Islamists anger.

The class prejudice and favoritism that operates at the provincial universities become even worse obstacles when the young graduates try to find employment in Cairo. For the educated rural poor, Cairo appears at first like a modern city in which people can advance themselves according to their merits. Yet this facade of modernity and meritocracy is only a veneer covering a decaying feudal structure. For these sons of peasants who have no connections, it is very difficult to penetrate the Cairo old-boy network. Family connections not only exist in the universities but also constitute an important factor in promotion in high positions in government. Mustapha Ameen, Egypt's most prominent columnist, narrates a story that precisely illustrates the point: "A highly educated Egyptian came to me distressed and defeated, cursing the times that put people who had no conscience and no honor into positions of honor. He told me that after spending 17 years in the West to receive the highest degrees, he came home to apply for an advertised government position. * * * When he went for the interview, the only questions he was asked were who are you, who is your father, who is your uncle, who are your in-laws, and do you have relatives in high government positions. * * * Nobody asked him about his experience, his degrees, or the foreign languages he spoke. All these things were not important. What was important was who his father and his uncles were. Their names and positions were the only degrees a person needed to qualify for the job. Of course, he did not get the job because his father is a minor clerk. * * * He wanted to complain about his injustice, but unfortunately, those to whom he went to complain asked him the same questions: who is your father, who is your uncle, and do you know people in high government positions."[5]

This network begins at the highest level of the Egyptian government. It is widely known in Egypt that the government is controlled by Mubarak's in-laws. The Islamists are automatically cast as outlaws. Thus, the Islamists emphasis on brotherhood is a mirror image of the family-centered Egyptian power elite.

People from working-class backgrounds who were raised in the belief that Nasser had reformed Egyptian society became bitter when they realized that Nasser's revolution did not change the old order. One of the Islamists told me, "You do not have to look very far. Look at the political parties. The Wafd is headed by Fouad Siraj Eddin, the very person Nasser revolted against." The man continued to say, "What is funny is that Khaled Mohei Eddin, the head of the socialist party and Nasser's comrade, is another feudal lord and a pasha. It is a joke."[6] What this man was essentially referring to is the fact that both the opposition and the government are part of the same class. Not only Islamists see this class split in Egyptian society. Westerners do too. An American journalist once said, "Nasser's revolution is like the revolving restaurant at the top of the Cairo tower. It spun around once and then stopped forever."

What further enrages and disheartens the educated poor is that even the so-called "leftists" are fighting over issues that interest Western liberals much more than they do the Egyptian poor. It is as if even these upper-class leftists need to prove to Westerners that they are civilized by taking up fashionable Western causes. One such cause is the struggle against the traditional Islamic practice of women covering their hair in public. And indeed it might be annoying to Westernized Egyptian women to feel pressured to adopt this custom to avoid harassment. But when one considers that millions of Egyptian peasants die of bilharzia, despite the fact that it is treatable in its early stages, and that Egypt's infant mortality rate is so high that virtually every peasant woman has lost at least one child, the feminists' priorities seem somewhat misplaced.

COPING WITH LIFE IN CAIRO

"Those who leave their homes should bear misery as well as insults," quoted a university graduate from Qena, a southern province, who came looking for a job in Cairo accompanied by his family, four brothers and an elderly mother. They are living in a one-bedroom apartment in Al-Zawaia Al-Hamra, the same area in which the assassins of Egyptian author Farug Fauda used to live. The proverb quoted, along with many others, seems to be this family's way of coping with their new life of misery and insults. Yet the man did not seem to express fatalism as much as anger.

All newly educated Egyptians must cope with the unjust division of wealth and the arrogant sense of entitlement among the upper class. While the old families live the life of the developed world in areas like Zamalik and Masr AlGidida, millions of Cairenes live as squatters in the city's cemeteries or in slums like Ain Shams and Al-Zawia Al-Hamra. Although the appalling disparity of incomes between those who have connections and those who do not is outrageous, poor but educated Egyptians are equally outraged by the patronizing attitude of the upper classes. Sonya Rami's novel Antiquity Street epitomizes the contemptuous attitude common among the upper class. For instance, the author, daughter of a pasha (feudal lord), seems appalled that the sons of farmers are no longer servants. She writes, "In these hard times, when the lack of servants was the primary concern of every self-respecting Egyptian housewife, when Nasser had stuffed the heads of the common folks with all kinds of ideas, and the slogan Irfa raasak ya akhi—raise up your head, brother—was painted on every wall, when the sons of cooks could be seen sitting next to the sons of former pashas in the now tuition-free universities, no one wanted to be a servant anymore."[7]

The contempt for the sons of the fallaheen (farmers) is an unquestioned, legitimate discourse among even the most sensitive Cairenes. As a saaidi (southerner) from Komeldaba, a small village 10 miles north of Luxor, I experienced these insults firsthand. When I graduated from college in 1981, I went to Cairo to take a test to be licensed as a tour guide. After I passed the written exam, I stood in line waiting for the personal interviews in which the candidate would be examined for style and etiquette. I went in and greeted my interviewer in Saaidi Arabic (the social equivalent of a hillbilly accent in the States). Her initial response was, "I hope you do not speak English the same way. Southerner, aren't you?" I said from a village on the west bank of the Nile across from Luxor. "Experience in selling scarabs to tourists does not qualify you to be a guide," she said. That was the end of my exam. No license for me.

Despite the poverty and the insults, villagers still pour into Cairo. The government obsession with Cairo and its neglect of the provinces leaves the people with little choice. Indeed, the way government services are distributed entrenches the superiority of those living in Cairo over those who live anywhere else in the country. Although the Egyptian government insists that its domain encompasses the area between Aswan in the south and Alexandria in the north, the cultural and economic focus of the government is the city of Cairo. The discrepancy between the cultural and economic boundaries of Egypt and its geographical and political boundaries is both a reality and a consciousness. Consider, for instance, that most Egyptians call Cairo Misr (the word misr literally means Egypt). Indeed Cairo is a country of its own; it has 14 million people (twice the population of Saudi Arabia, 14 times the population of Kuwait and about five times the population of Libya). It is in Misr (Cairo) where the government spends its money, builds its factories and institutes new programs. The rest of the country is economically and culturally neglected. One example epitomizes the situation: Until 1980, we did not have electricity or running water in my upper Egyptian village; the nearest first-aid unit was 10 miles away. If your only means of transportation is donkeyback, 10 miles is not a short distance. Northern towns were not any better off than the southern ones. Therefore, if anyone from the southern or northern parts of Egypt, but especially the poverty-stricken south, wants to better himself economically, he has to travel to Cairo, a foreign land for those who live outside it. The Islamic movements gain new members through the centripetal force that brings so many millions of these newly educated, desperate rural people to the capital.

THE ISLAMISTS' JOURNEY WITHIN THE SYSTEM

Despite their desperation and the Cairo government's blatant policies of exclusion and prejudice, the Islamists have been pragmatic and patient. At first, they attempted to work within the political system. With the emergence of Wafd as a political party, the Islamists joined hands with their leader, Fouad Siraj Eddin, a former pasha turned nationalist. The Islamists' marriage with the Wafd did not last long. It ended two years later. The reason for the Islamists inability to work within the Wafd ranks is that the social background of the Islamists differs sharply from those of the Wafdis. While the Wafdis represent old money and landed aristocracy, the Islamists represent a stratum of Egyptian society that emerged from Nasser's reforms and free education programs. They are the sons of the peasants who worked the land for the old Wafdis.

After their split with the Wafd, the Islamists joined the Amal, a political party led by Ibrahim Shoukri, a former aristrocrat who gave his land to the poor after the Nasser revolution in 1952. Shoukri's charitable action had made him attractive to many Egyptians of socialist or idealistic Islamic orientations. In fact, some of the Amal cadres could be both Marxist and Islamist at the same time without feeling any contradiction. Adel Hussein, the party theorist, is a case in point. Hussein gained his reputation among Egyptian intellectuals because of his commitment to Marxism and analysis of the local problems. Yet, in the early eighties, Hussein became an Islamist. For Hussein and many others, the transition from Marxism to Islamism was not all that difficult. In fact, Hussein's agenda did not change significantly. In his articles in Al-Shaab, his party's newspaper, he tackles the same issues: poverty, the underclass and government corruption. It appears that it is easier for a Marxist to become an Islamist than it is for a Sufi to become an Islamist. For one thing the Sufis are apolitical, whereas both the Islamists and Marxists are very politically active.

In 1987, the Islamists entered the parliamentary elections as part of the Amal ticket, though the elections were rigged in favor of Hosni Mubarak's Al-Hizb Al-Watani (Nationalist party) to give the government a clear majority (348 seats out of a total of 448 seats), the Islamist won 60 seats, while the Wafd acquired only 35.[8] During their stay in the parliament, the Islamists worked hard to convince the government to change the biased election laws. Other political parties like Al-Wafd and Al-Ahrar also called for election reform. They failed.

As a result, in the elections of 1990 virtually all the effective political parties in Egypt boycotted the process, leaving the government opposed by the communist-dominated fringe party Al-Tagamoua and the independents. Since Al-Tagamoua won two seats in that election, the government could claim to have a democracy, while in fact the major opposition parties were excluded. Hence, the political journey of the Islamists and their hope to work within the system to get their share of power seemed to have reached a dead end. This disenfranchisement is a primary reason for their anger. Currently, the government has established laws that prevent the Islamists from enjoying the control they used to have in professional associations such as the Egyptian Bar Association and the Association of Egyptian Engineers. These were the only places where free elections were held. Now they are under the control of the government. The members of these civic associations protested the power grab and organized a sit-in in front of the parliament on the day the offending laws were approved.

ANGER OVER POLITICS OF EXCLUSION

The anger of the excluded Egyptian poor takes various forms. Traditional people in the rural areas have long accepted their fate and tried somehow to ignore the government and further their own personal interests whenever they could. Farmers like my father, for example, get highly subsidized fertilizers and seeds for their crops provided that they sell the entire crop to the government. However, they sell only one-tenth of the crop to the government and the rest on the black market, where prices are ten times the amount of government offers. This is also true in cities, where people consider government property lawful spoils. Although Egyptians are quite honest concerning the property of individuals, government property from street lights to railway ties disappears as fast as it is replaced. Yet open rebellion has erupted only when the poor's very sustenance was at stake, as in the 1977 bread riots.

The Islamists do not share the fatalistic disaffection of the traditional Egyptian poor however. Their education has given them higher aspirations, as has their more rigorous religious training. The discrepancy between what they feel they are entitled to and what the government has given them is the source of their frustration. Unlike the farmers and uneducated urban poor, the Islamists are idealists. In addition to the complex web of social obstacles that the Islamists face, they are not even permitted to express their frustration. "If the Islamists were permitted to express their objections in ink, they would not resort to bullets," says Professor Badran of Assiut University.[9] Indeed, the three major papers in the country are owned by the government. Even the opposition papers are subject to censorship since they must use government-owned printing houses and are subject to government licensing.

Under these conditions, the motto "Islam is the solution" has appeared on every street corner in Cairo. While no one claims that there is some magic in Islam that will solve the economic crises, nevertheless Islam is a way of making new rules for society, namely that honesty and hard work rather than family connections should determine social advancement. And in the name of egalitarian Islam, the young graduates are waging war in Cairo against the old rules.

In the absence of an "honorable image," these groups have in Islam both the honorable identity and an alternative set of rules to restructure the unjust practices of the old feudal system. Islam also guarantees these people freedom of expression in at least one forum, the mosque. No one can object to their Islamic discourse without risking being called an atheist and risking death as a result.

EXTERNAL FACTORS

External factors also fuel Islamism. The fact that the Islamists often escape Cairo to work in the Gulf states, especially Saudi Arabia, has given Egyptian fundamentalism a more violent tone. I have seen Egyptians coming back from Saudi Arabia carrying with them free books of Hanbali literature, which includes the writings of Muhammad bin Abdul Wahhab and Ibn Taimiya. The Hanbali interpretation, especially Wahhabism, is very different from traditional Egyptian Islam. The Islamists' idea of takfeer wa kital (accusing people of being heretical and consequently licensing their killing), the essence of the ideology of the Takfeer wal Hijra group, comes from the Hanbali school, and is specifically Wahhabi. Thus Saudi Arabia's state fundamentalism has made Egyptian anti-government fundamentalism violent. The Takfeer notion become intense during the eighties, when many of the Islamists at Assiut University went to Al-Ummra (pilgrimage) in Saudi Arabia at the expense of the Saudi government. They returned with both money and books.

The Saudi role in encouraging Islamism is no secret in Egypt. Nadia Farrah, an Egyptian Copt who teaches economics at the American University in Cairo and the author of a recent book of Muslim and Coptic relations, explains the Saudi support of the Islamists as a way of preventing the emergence of another Nasser in Egypt. In a recent interview, Farah says, "The Saudis were providing financing for the Islamic laws, for scholarship to students, for writers to write, for intellectuals to be 'Islamic' thinkers. Saudi Arabia has always been very, very interested in preventing another Nasser from coming to power in Egypt. * * * so they're always pouring money into Egypt to prevent something like that from happening again."[10]

Although Saudi money and Wahhabi books contributed to the power of the Islamic movement, the return of the indoctrinated Muslim Brothers who had fled to Saudi Arabia during Nasser's year spurred an ideology of violence. It was Sadat who made the agreement with the Saudi to allow the Muslim Brothers to return.[11] Sadat estimated that nourishing an Islamic ideology would help to build his prestige, always lower than Nasser's among Egyptians, and help undermine Nasserist tendencies in the society. The convergence of Sadat's vision and that of the Saudis to undermine the power of the Nasserists created the tremendous upsurge in Islamism.

Egypt's internal violence is aggravated by the linkage of Mubarak's campaign against the Islamic groups to "the international assault on Islam." Many in Egypt view the Egyptian government as acting on behalf of the Western powers. This view has been further complicated by recent events like the Serbian genocide against the Muslims in Bosnia, the Hindu eradication of the Ayodja mosque and the Israeli expulsion of 415 Palestinians. Many ordinary Egyptians view Mubarak's crackdown on the Islamic group as part of this general trend, one reason why the government policies of mass arrests of Islamists have had little public support.

CONCLUSION

The government's violent measures are counterproductive in yet another respect. The imprisonment and torture of Islamists has personalized the struggle. In fact, Egyptians who knew Khalid Al-Islamboli, Sadat's assassin, claim that Al-Islamboli was more motivated by avenging the torture and death of his brother at the hands of Sadat's secret police than by any ideological fervor. Revenge assassinations are likely to be the norm in Egypt in the days ahead, especially after the brutal government campaign against Islamists in the south (Saeed) where revenge killing is an accepted custom. Currently, according to international human-rights organizations, there are 8,000 political prisoners in Egypt, the majority of whom are Islamic fundamentalists.

Once again, in the wake of the assassination of prominent Egyptian author Faruq Fauda, the deaths of more than 30 people in Assiut and tens in Cairo, the Mubarak government has enacted its long-contemplated anti-terrorist laws. Such laws cannot work in the current situation in Egypt. Egyptian columnist Mahmoud Al-Saddani says bluntly, "It is extremely difficult for the millions of hungry, diseased and homeless Egyptians to join with the government in its fight against 'terrorism.' For those who are suffering, terrorism is the only way out of their misery. * * * People who are drowning do not fear getting wet."[12] Other Egyptian authors I interviewed, such as Hussein Abdul Raziq, the editor of the weekly Al-Yassar, were suspicious of the government's motives. "The government wants to use this incident to have a free hand in arresting whoever does not agree with its policies," Mr. Abdul Raziq says. Indeed, these laws, added to the fact that Egypt has been governed by emergency laws since the assassination of President Sadat, probably will add fuel to the Islamists' anger. Further, because these measures will limit the freedom of the people, they may make many Egyptians side with the Islamists. It is unfortunate that the last 30 years have not seemed to alert the Egyptian government to the fact that mass arrests are not the solution to the Islamist violence. The solution lies somewhere else.

Unless the Egyptian government undertakes a serious reform program that focuses on (1) widening the spectrum of political participation to include the Islamists; (2) repealing the repressive 11-year-old emergency laws and (3) working toward more equitable distribution of goods and services not only between the rich and the poor but also between Misr and the peripheral provinces, political violence in Egypt is likely to increase dramatically. Unfortunately Mubarak's government shows no sign of taking these steps. Although Mubarak's second term is up in October, his party apparachiks who dominate the Egyptian parliament are currently advocating a Saudi-style Biaa (allegiance) to Mubarak instead of holding actual elections. Many in Egypt are worried about the government's lack of comprehension of the increasing anger of those excluded from power. "These days," as one Egyptian journalist put it, "the atmosphere looks like it did before Sadat was assassinated."[13]

Many Egyptians are unhappy about these unhealthy signs that threaten the basic fabric of Egyptian society. Unlike their government, the Egyptians do not see brutal force and the continuation of the same groups in power as the solution. Their solution is one of compromise. This becomes apparent if one looks at the way many Egyptians read the recent resignation of Abdul Haleem Abughazala, one of Mubarak's chief advisers and a very popular former minister of defense. One popular reading of this resignation was that Abughazala has been frustrated by Mubarak's unwillingness to open up the system and by the government's violent response to the Islamists. This, they believed, was why Abughazala has disassociated himself from a discredited regime. Although Abughazala has left Egypt, the scenario that is very popular in Egypt now is that when the regime collapses, the army will take over. The ideal candidate for the presidency would then be Abughazala. Those who argue for this scenario claim that Abughazala could accommodate all interests, since he is both pro-American and a religious man (his wife, for instance, wears Islamic dress) who can accommodate the Islamists. Others argue the Abughazala is also prepared to take a moderate Islamic leader as his prime minister. The point is not whether or not this scenario is likely to happen, rather, it reflects the desires and wishes of many Egyptian who are growing increasingly uncomfortable with watching their country going through a period of social and cultural decay that may eventually lead to disastrous civil strife.

FOOTNOTES

[1] Here I refer to clichés such as dar al-Islam/dar al-harb (the house of Islam/the house of war) division; the Islamists are driven by a desire to build a community like that built by the prophet in Madina and so on. These clichés dominate the writings of the Israeli lobby of American researchers (i.e., those of Daniel Pipes, Bernard Lewis and most studies manufactured at the Washington Institute for Near East Policy).

[2] These views are based on my conversations with Sheikh Ahmed Al-Khorma, the head of the Sufi order in Qena province in Upper Egypt.

[3] Shahida Al-Baz, "Said Uwais; Ashiq Misr Al-Mufakir," Al-Ahram, June 19, 1992, p. 12

[4] For more on this festival, see Tawfiq Hanna, "Mar Jirkis: Qaria min Al-Saaid," Ibda, June 1992, pp. 150–56.

[5] Mustapha Ameen, "Fikra, Asharq Al-Awast, no. 5014, August 20, 1992, p. 3.

[6] Field notes.

[7] Sonya Rami, Antiquity Street (New York: Farrar Straus Giroux, 1992), p. 28.

[8] Tom Porteous, "Now They Have a Louder Voice" Middle East International, April 17, 1987, p. 9.

[9] From a telephone interview conducted on June 15, 1992.

[10] Nadia Farrah in Kaven Dwyer, Arab Voices: The Human Rights Debate in the Middle East (Berkeley: University of California Press, 1991), p. 67.

[11] Ibid., p. 67.

[12] Mahmoud Al-Saddani, "Al-harb Al-Ihlia wal Am Ramboo," Asharq Al-Awsat, June 24, 1992, p. 14.

[13] See Mamoun Fandy, "The Tension behind the Violence in Egypt," The Christian Science Monitor, December 2, 1992, p. 18.●

THE CLINTON PR SMOKESCREEN

Mr. DOLE. Madam President, after ignoring Republicans during the entire budget process, the White House now cannot stop talking about Republican efforts to cut spending. That is right, the Republican alternative has become a centerpiece of the latest White House public relations blitz to sell its own terrible tax package. You must be asking, why so much attention on the Republican plan, when the budget conference is nothing but an all-Democrat taxathon?

The answer is easy. It is the oldest public relations gimmick in the book—when you want to shift the focus from your own terrible product, simply divert attention elsewhere, even if it means slamming a plan that is dead and gone. It is a smokescreen to obscure the biggest tax increase ever, because they know the closer anyone looks at the Clinton plan, the closer it comes to defeat.

On Tuesday, I could barely believe my ears when President Clinton said Congressional Republicans "Don't have the guts to stand up to the tough decisions." On Wednesday, Vice President GORE chimed in, saying Republicans "don't have the guts to face up to the tough decisions." Well, when it comes to raising taxes, we cannot compete with the White House—they win that contest hands down. They get the blue ribbon. They get all the ribbons. But when it comes to restraining Government spending, Republicans have the guts to make the cuts. It did not fit their public relations strategy to pay much attention then, but whether the White House likes it or not, Republicans offered the biggest package of spending cuts in history, a responsible alternative that—unlike the Clinton plan—sent the deficit heading downward every year.

The President, the Vice President, and various other administration officials on the front line of the new White House PR blitz are trying to convince taxpayers that the Clinton tax increase is good because the Republican alternative contains what they call $50 billion in "unspecified spending cuts." What they will not tell you is that the Republican plan includes every single spending cut the President proposes—and more.

What they do not tell you is that the Republican plan includes every single spending cut the President proposed, every one on that chart of 200 somebody had here a few weeks ago, and we do it by limiting the growth of entitlement programs.

We also try to address the root cause of the deficit, and we believe that is very important.

By limiting growth in entitlement programs, the Republican plan addresses the root cause of the deficit, while the Clinton program ignores it. That is why after all the taxes have been collected, the deficit shoots up again after 1997.

And while administration officials criticize the deficit reduction total of the Republican alternative, they do not tell you that the republican plan leaves a smaller deficit at the end of 5 years—and heading down—while the President's own charts reveal a disturbing fact—a bigger deficit that starts to shoot back up.

And when they talk about "reversing 12 years of fiscal irresponsibility," just remember this—in 1985, when Senate Republicans pushed through a huge package of spending cuts that capped entitlement programs and terminated outdated Federal programs, only one Democrat voted with us—and it was not the current Vice President, nor any other member of this administration. That's right, when it was gut-check time, then-Senator GORE had a historic opportunity to change the way Government does business, to back up rhetoric with a real vote, and he was nowhere to be found.

While the White House is busy telling you how fair their plan is, how most of it hits people who make "over $200,000," how it only "soaks the rich," they will never tell you how the Clinton tax increase on social security benefits will really sock retirees on a fixed income. Take a retired couple with $40,000 of pension income and $12,000 of social security benefits. That couple will pay a whopping $1,200 more in income taxes, not counting the hit they'll take from increased energy taxes and higher consumer prices. And while the President says his tax plan will cost no more than $50 per year for the average working family that was originally promised a tax cut, the Associated Press reports that the Congressional Budget Office estimated a higher price tag—for a family earning $45,000, the Senate bill will cost them $122, and the House bill more than twice that, $270. That's real money, and it will probably be worse by the time the Democrats are finished.

And of course, the biggest myth about the Clinton plan is that it cuts 1 dollar in spending for every dollar in tax increases. But when you blow away the smoke, blow away the double counting of President Bush's spending cuts, blow away the user fees and interest savings counted as spending cuts, you get a tax heavy package that raises taxes more than $2.00 for every $1.00 cut, hardly the kind of change the American people are demanding.

So we appreciate the White House's new interest in talking about the Republican alternative. But no matter how much they try to divert the American people's attention, the public relations gimmick will not work. The American people can spot a tax increase a mile away, especially when they see President Clinton and Vice President GORE smiling from atop Mount Taxmore. Its a job killing, economy-busting tax plan that is the last thing working and earning Americans need, or deserves.

I would say again, as I said before, if for some reason, some good reason, whatever reason, the President's plan does not survive, you will find a number of Republicans willing to sit down with the President of the United States and with Democrats—as we have done in the past, I might add—with Republicans and Democrats to work on meaningful deficit reduction. That offer has been made to the President weeks and weeks and weeks ago. It has been made orally; it has been made in writing. I just suggest he will find a number of responsible Republicans, hopefully, working with a number of very responsible Democrats, trying to put together a better package for the American people.

I must say, as I have said before, everything seems to be blamed on the last 12 years. Everything has gone to pot the last 12 years because we have had Republican Presidents. I keep saying to myself, I wonder who controlled Congress all that time: Did the Republicans control Congress? Certainly not. The Democrats have controlled the House of Representatives for 40 years. And they controlled it every one of the 12 years of President Reagan and President Bush. And they controlled the U.S. Senate 6 of those 12 years.

So I just suggest, when you talk about the past 12 years, do not leave out the Congress because the President of the United States cannot spend one dime that the Congress does not approve. If the Democrats controlled the Congress and Republicans controlled the White House, it may be there is a little blame to be pointed each way. I just remind the President which party has been in control and which party has had the opportunity.

I can recall a very tough vote we had here about 2 o'clock in 1985, when we cut spending and did a lot of things—froze COLA's, terminated programs, cut farm programs—did a lot of things that people said were politically unwise to do. Maybe they were correct, because we lost a number of seats the next year.

One Democrat, the late Ed Zorinsky, stood up and voted for us. The Vice President was here at the time, but he voted the other way. So there was a real vote there. We wanted to make a difference, to cut spending and reduce the deficit. We had the package in 1985.

It passed by a vote of 50 to 49, very much like the circumstances in which President Clinton's package passed by a vote of 50 to 49. Two Senators were in the hospital, or out with illness. The Vice President, then Vice President Bush, had to fly back from Phoenix, AZ, to break the tie. We had to bring one Senator in from the hospital late that night—now Governor of California, then Senator Pete Wilson—to make the tie 49 to 49. It was a very dramatic vote, just as the one we had 3 weeks ago was.

It just seems to me there are a lot of things we could say about anybody's plan, but everybody knows the Democrats control the White House; they control the House; they control the Senate. It is theirs. There is no excuse, no excuse. They cannot blame Republicans. We are on the outside looking in. We are hardly even invited to go to conferences, and we understand that. We are not complaining about that. That is the way the system works.

But I must say, it is a pretty lame excuse to say where is the Republican plan? We had a Republican plan. Nobody paid any attention to it. Now they say the Republican plan does not do enough.

It seems to me we ought to be focusing on the plan before the American people. We ought to talk about Social Security tax increases. We ought to be talking about the gas tax increases. We ought to talk about the user fees. We ought to be talking about the fact that 40 percent of the American people pay 90 percent of the Federal income taxes.

We are going to jack up all their taxes. We are going to make them retroactive to March 1—not when the bill passes, not August; it is going to be March 1. So you are already paying higher taxes. Many Americans do not know that, but they will find it out next April.

So there are a number of reasons I believe the President's plan should be defeated. But again, I suggest if it is defeated, that is not the end of the world or the end of his Presidency. It means we can sit down together in a bipartisan way, if the President wishes to do that, and see what happens.

Let me emphasize, most important is the hit on small business. Four percent of America's 21 million small businesses create 70 percent of the jobs. They are going to get hit with a marginal tax rate of 44 percent, while big corporations are going to get off with a 35-percent tax rate. And it is not fair. They are the small businessmen and businesswomen across America creating jobs. They are going to take the big hit. That is why we think we have an obligation to report that to the American people.

I know that my colleagues on the other side are very nervous about this. They have to go out and defend it. It is not always easy. I have had some of that duty, too. The American people can spot a tax a mile away, particularly when they see it coming and coming and coming and they know that after this big tax bill, we will probably have health care, which is more taxes for businessmen and businesswomen. It seems to me we have lost our direction, and we hope that it can be recovered. We will be willing to help recover that direction in a bipartisan way if the present package is defeated.

As far as I know, the only other speaker on this side of the aisle is the distinguished Senator from New Mexico.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

THE PRESIDENT'S DEFICIT REDUCTION PACKAGE

Mr. SARBANES. Madam President, we listen to this propaganda day in and day out. They are trying to befuddle the American people so they do not know what to think.

The Wall Street Journal on Tuesday of this week had an article. Listen to this headline: "Foes of Clinton's Tax-Boost Proposals Mislead Public and Firms on the Small Business Aspects."

We have these crocodile tears shed here about small business. The fact of the matter is that the Clinton program will affect only about 4 percent of small businesses. Those are the very prosperous. Those with very large incomes will pay a little more. The Clinton program will require additional taxes on the people at the top end of the income scale, people making over $200,000 a year. Yes they will pay some additional taxes.

But my Republican friends act as if there is going to be a huge tax imposed across the broad mass of the American people. Nothing could be further from the truth.

Listen to this article. They had a conference, apparently, in which a small business owner appeared and made a strong statement against President Clinton's proposed tax increase on how it would impact on her small business. They then analyzed her small business, and it turned out that her tax rate would not go up at all—not at all—on her business. In fact, there are provisions in the Clinton program addressed to small business that might, in fact, help her.

A lot of small businesses will get a reduction in their taxes. Only a small percentage will have any increase. The Treasury says 4.3 percent. That is what they said to Senator ROTH in the letter that they sent back to him, which he put in the RECORD.

Then the Republicans say, "We want to make deeper spending cuts." What they are doing with the cuts they propose to the extent they specify them—and they did not specify them—they were going to have a general entitlement cap which is used to disguise radical cuts. It is very clear that those cuts, if carried through, if actually imposed, would cut deeply into programs for the elderly, particularly health care for the elderly.

Let us be very clear about who is going to pay these taxes. Seventy-five percent of the additional revenues raised by taxes would fall on people at the very top of the income scale, the top 2 or 3 percent in the country.

It is then said, "These people pay a large percentage of the Federal taxes as it is." The reason they pick up a large percentage of the Federal taxes is because they have a very large percentage of the income and, in fact, throughout the 1980's, their percentage of the income rose at a tremendous rate. They paid a little more in taxes, but they had a huge jump in income, and because the tax rates were cut so drastically, they had a huge increase in after-tax income.

It seems to me the President's plan is fair. When we are trying to address the deficit problem, wealthy individuals ought to make some contribution in order to try to do that.

The Clinton plan is the largest deficit reduction plan in the Nation's history. It tries to do it in a balanced way. It does not seek, as my colleagues on the other side seek to do, to protect the wealthy at the expense of middle-income Americans. In fact, the Washington Post said about the Republican proposal:

> The signature of Reaganism was an enormous tax cut for the rich. The Republicans were trying to preserve that at the expense of the rest of the society.

What President Clinton has said is, we have to have a balanced program. We are going to cut spending in a very substantial way. That is more than half of the deficit reduction package. And we are going to raise some revenues, and the two put together are going to give us the biggest deficit reduction package in our history at about $500 billion over the next 5 years. Some have been enunciated on the floor but, nevertheless, in order to try to get this fiscal house in order, that is what we are seeking to do.

The alternative proposal would leave out from trying to do any part of the deficit reduction the very people who benefited so enormously from the economic policies of the 1980's. In fact, under the Clinton plan, the share of additional tax burden by income group, 78.8 percent of it will be by the people at $200,000 and over. The only burden that will fall on middle-income people is what is done on the energy tax. In the Senate, that was 4.3 cents a gallon on the gasoline tax, which works out at about $50 a year for most families, depending on the amount of travel.

So Clinton has a balanced program. Working people, middle-income people, are going to make a sacrifice because many of these spending cuts will impinge on the very programs that have been designed to be of some assistance to them.

The people at the very top end of the income scale who do not use those programs, who have incomes that transcend those programs—we are talking now about people with incomes over $200,000 a year—will make their contribution to the deficit reduction program through the increase in income tax rates. The combination of these spending cuts and the additional revenues will give us a balanced package to give us the largest deficit reduction in our history.

So it is very important to understand exactly what has happened here. There is a tremendous amount of misinformation being spread around. People are being scared, they are being made apprehensive, they are being made anxious. That is certainly the case with what has been done in terms of trying to scare the small business community, although now they are beginning to see through all of this and beginning to understand it.

Let me just quote from this article:

> The Treasury does not dispute the fact that well-off small business owners will pay higher income taxes just as will well-off bankers and well-off Exxon corporate executives. But only about 4 percent of those taxpayers who report some business income on their tax returns, and that includes partners in law firms and investment banks as well as owners of small companies, make sufficient money to be hit by the higher tax rates.

Now, I do not mind if we have the debate on what the facts are. If the other side wants to say we do not want to tax the people making more than $200,000 a year, we do not think they ought to make a contribution to this deficit reduction program, then let them say so. But do not come out and try to throw up this smoke and fog that in fact the taxes are going to hit people in a way that they will not hit.

In the end, it comes back to what is a fair and balanced package. I think what the President has put together meets that test. I very much hope the conference will reach a reasonable accommodation between the Senate and House versions and that it will be enacted into law before the Congress adjourns for the August recess.

I yield the floor.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOMENICI. Madam President, it is my understanding that I have 10 minutes to speak; is that correct?

The PRESIDING OFFICER. The Senator is correct.

RETROACTIVE TAX INCREASES

Mr. DOMENICI. Madam President, first, let me talk about what has happened so far in the conference to reduce the deficit. The one thing we know for sure is that we have increased the taxes. It is almost as if it is easier to tax the American people than it is to cut a Federal program. We agreed to $195 billion in new taxes and $5 billion in cuts.

Now, that is not bad enough. But this should tell some Americans as taxpayers what we really think about them, what those who are putting this reconciliation bill together really think about them. Not only for some Americans will the tax go from 31 percent to as high as 44 to 45 but, believe it or not, you already owe new taxes for the year 1993.

It used to be that you knew what you owed; as you worked and earned money, you figured out what you owed the Government based on the tax rates. Well, a new version of the ides of March is upon us because now the taxes are retroactive to March 15. I would put that before any group of Americans—moderate income, poor people, rich people—and ask them is it fair to tax the American people retroactive to March of this year in order to pick up enough revenue to say you have a major deficit reduction package.

Frankly, I do not think we ought to do that. I do not believe we ought to say to the American people come next April 15, and you think you have paid your taxes, you are going to get a nice, whopping, new bill from the Government because we put you in a new bracket and we said you are going to owe that in the year that you are already paying taxes and that you assumed your Government had the decency to tell you what you owed.

That is my first point. My second point is that much is said of facts. Well, perhaps we will just have to get the facts out on the whole package of tax and tax and tax. We will have to do that over again next week. We will bring our charts down. We will try very hard to make some new ones, Madam President, make them a little exciting. Some of the charts are kind of wearing out; they have been used so many times. But every time we speak, if there is going to be a batch of charts, we will just have to bring out some new ones. It might make your job more pleasant, Madam President.

Having said that, let me talk about the irony of today. Over there in the House, somewhere in the Chambers, in the back rooms, staffers are busily calculating how they can raise $250 billion to $300 billion in new taxes. The committees have stopped the open business now. They have made a few decisions. Now the staffs are all busily working: How can we raise some more taxes to get this deficit down.

On the floor of the Senate, we have just set aside a bill which we are coming back to on Tuesday that says we have a new idea for America.

No, I am sorry, we have an old idea for America but now we want the Government to pay for the old idea. We want to pay volunteers to do community work, and we call it a national service corps. The President says while I am busy taxing you to get the deficit down, I wish to spend $10.8 billion on this new program.

Mr. FORD. Will the Senator yield?

Mr. DOMENICI. In a moment. Now, frankly, Madam President, I do not think we have yet been given a better opportunity to tell the American people that we have living proof this is another year and another period of tax and spend, because here we have a new program. We are not eliminating a single program in the Federal inventory of programs but here is a new one coming along. I think the taxpayers should just feel exhilarated; they are getting clobbered with a new tax, all in the name of deficit reduction. It is going to apply backward to them so they are each going to pay it this year, not even know they owe it, and then at the same time here on the Senate floor, led principally by a request of our President, we are going to put into law a $10.8 billion program.

Now I would be pleased to yield for a question.

Mr. FORD. Madam President, the question is that the agreement yesterday on the reduction of this bill was $1.2 billion. It is not $10.8 billion. And the two sides had the agreement. Whether the Senator likes the bill or not is one thing, but the $10.8 billion is not correct. It was $1.2 and it was reduced from a 5-year to 3-year limitation and the Senator from Kansas, who was ranking on that, I believe offered the amendment that was accepted.

Mr. DOMENICI. If that is the case, I will have the statement stricken from the record, but I do not believe that is the case yet. It may be the case that people are talking about it, saying we might do it, but it has not been done.

Mr. FORD. They have not passed the bill.

Mr. DOMENICI. The bill before us is in response to the President's request, and it is right on target. It has the President's $389 million in for the first year, and then it nice and graciously, so we will not quite understand the costs, says "and thereafter such costs as may be needed."

But I take the President at his word. He thinks it is something we really ought to do, and it is $10.8 billion that he requested. If it is $5 billion, what I am telling the American people today, it makes sense; if it is $3 billion, it makes sense; if it is $10.8 billion, it makes real sense that it is tax and spend when we have not told the American people we will not cut programs for the new one we are going to add.

But I will tell you, the American people can rest assured that taxes will be imposed long before any cuts will be taken. In fact, the plan that is pending before the Congress to be finalized has about 80 percent of the cuts coming in the last 2 years of this 5-year plan. But do not forget, taxpayers, this $250 to $300 billion in new taxes is not coming in the fourth or fifth or sixth year. In fact, we are so excited about it that we are putting it in right now and making it work backward. That is how much we want to increase taxes for the American people.

Every time I say "we," I really should not because obviously some people might forget and think this Senator is for that. Might I say that is what the President wants and Democratic Senators and Representatives want. Put them on now, cut later. In essence, my position on all of this is very simple. We should cut spending first. And if in fact we do that well enough to convince the American we are serious, then we should look to other sources of deficit reduction.

I believe we have the cart before the horse in a very big, big way, to the extent that we will tax the American people almost $300 billion—that is the cart—and the horse is walking along behind, and we are going to cut things but we will do that mostly 3 years from now and 4 years from now. And there is no great record up here of doing in the third, fourth, and fifth year what we will tell the American people we are going to do in the first and second year.

I am grateful this morning, as that conference is about a week old, that we can have sort of a stopover point, sort of a watch-your-wallet day, and maybe we ought to do this every day and remind the American people in some kind of a watch what is happening to them. This might be an interesting way to do it. This is just sort of an abbreviated watch-your-wallet, but in a sense it is very important because the entire reconciliation bill thus far that has been agreed upon is taxes while they are having a very, very difficult time agreeing on deficit cuts.

Now, I have just confirmed—I was right, I say to my distinguished friend. Senator KASSEBAUM has not accepted the so-called Durenberger amendment.

Mr. FORD. May I read the record to my friend.

Mr. DOMENICI. The Senator can read it. If Senator KASSEBAUM accepted it, I retract my statement, but I do not think she has.

Mr. FORD. Let me get us both straight here. I will at least report on what I had. Mr. KENNEDY asked to be recognized after Senator D'AMATO of New York. And he said:

> I wish to point out for the record in the President's budget the national service program was put at $10.8 billion. That is not this bill.

That is the one before the Senate that the Senator referred to.

That is not the bill that was reported out of the committee. The bill reported out of the committee, according to CBO, is at $1.2 billion for 3 years, $2 billion for 5 years. We are prepared to accept a 3-year authorization so I think it is important that the record be recognized.

And so I wanted to be sure that I was right in listening, that instead of being the $10.8 in the budget it is $1.2 for 3 years and $2 billion for 5 years. That is somewhat different than the $10.8 billion the Senator from New Mexico was quoting.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. DOMENICI. Madam President, I have not seen an amendment that really has $1.2 or $2 billion in it. I do not want to waste any time talking about how they arrived at the number.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I want to make one point. I want to be very clear.

The American people, which the Senator from New Mexico is constantly referring to in terms of experiencing a tax burden, are the top 2 percent of the income scale that are going to pay 80 percent of the taxes under the Clinton program. That is the American people we are talking about.

What the Senator is saying is: Let us make even deeper cuts, first in health and education and other programs that vitally affect working and middle-income people who are making a sacrifice to achieve this deficit-reduction program. He is saying: Well, let us hit them even harder at first, and not do any of these taxes. So the top 2 percent, the people with incomes above $200,000, walk away scot-free from having to make any contribution to deficit reduction. This is what it amounts to. That is what the proposal was from the other side. Let us not get a contribution out of the people who are really benefited the most.

I respect them for being at the top of the income scale. But I do think they ought to help out in this deficit-reduction effort. He is constantly saying the American people on the taxes. The Clinton taxes are essential; 80 percent of them are people at above $200,000 a year.

So I just want to make that point. I think it is very important.

Mr. DOMENICI. Let me say that I lost 30 seconds.

We ought to get the record straight. It is not $200,000 income. It is $115,000, for starters. That is one thing that is wrong.

Second, we talk about taxing people who are wealthy and we forget that in the process we are taxing the people that create jobs. Eighty percent of the jobs in this country are from the small businesses that are going to get taxed by this. And who is going to get hurt? The American people, the working people.

Mr. SARBANES. Four percent of the small businesses will pay additional taxes. The Senator from New Mexico has terrified the small business community into thinking they are going to pay taxes. The Treasury has stated that only 4.3 percent of small businesses will pay additional. A lot of small businesses will pay less taxes.

Mr. DOMENICI. I do not know about any tax reduction.

A TRIBUTE TO NELSON LUPE, SR.

Mr. DECONCINI. Mr. President, my State of Arizona and the White Mountain Apache Tribe have lost a great leader and his family a wise and kind patriarch. Nelson Lupe, Sr., passed away on July 19 at the Indian Health Service Hospital in White River. He was 84 years of age.

Mr. Lupe served as chairman of the White Mountain Apache Tribe from 1950 through 1954, a time when the tribe was emerging as an economic force. He was a true visionary among his people, a leader who was the driving force behind tribal economic development. He was the guiding spirit behind the development of the White Mountain Apache Tribe's Fort Apache Timber Co. and the tribe's recreation enterprises such as Hawley Lake, which have provided many jobs for his people and wonderful recreational experiences for Arizona's campers, hunters, and fishermen. He was a member of the original board of directors of the Fort Apache Timber Co. and was regarded as an important and positive force on the board.

Mr. Lupe was also interested in the education of Apache young people and personally encouraged many to pursue a college education. And though he was very much a man knowledgeable of such things as current business practices, he was also a man who, as an old friend of his said, "* * * stressed Apache values." He always said, "If you get up early, you get strong. If you get up early you see the wild animals—the bear, the elk, the deer. If you get up late, all you see are the horses, dogs, and rabbits."

Mr. President, if there is an ultimate tribute to Nelson Lupe, Sr., it is to call him a true Apache leader, a man who had a deep concern for his people and their futures, as well as a deep and abiding love for his own family. He leaves behind his wife, Eva, and 14 children, including the current White Mountain Apache tribal chairman, Ronnie Lupe, 43 grandchildren, 49 great-grandchildren, and 5 great-great-grandchildren.

Mr. President, I know the many, many people in Arizona who were privileged to know and work with Nelson Lupe, Sr., are saddened by his passing, but I also know our State and our people, Apache and non-Apache alike, are better because of his work and his dedication.

My sympathy goes out to his wonderful family and the great people of the White Mountain Apache Tribe.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOX SCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,336,608,558,720.53 as of the close of business on Wednesday, July 21. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,883.23.

ORDERS FOR MONDAY, JULY 26, 1993

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Monday, July 26; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that the Senate then immediately proceed to H.R. 2493, the agriculture appropriations bill, as provided for under a previous unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, JULY 26, 1993, AT 10 A.M.

Mr. FORD. Madam President, I ask unanimous consent that the Senate now stand in recess based on a previous order.

There being no objection, the Senate, at 1:03 p.m., recessed until Monday, July 26, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 23, 1993:

DEPARTMENT OF STATE

WALTER F. MONDALE, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 23, 1993, withdrawing from further Senate consideration the following nomination:

IN THE AIR FORCE

THE U.S. AIR FORCE OFFICER NAMED HEREIN FOR APPOINTMENT IN THE U.S. AIR FORCE IN THE GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 629(A):

To be major general

BRIG. GEN. JOHN H. NAUSEEF xxx-xx-x...

HOUSE OF REPRESENTATIVES—*Friday, July 23, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, as You have blessed Your people with the potential for discernment in all things, we pray that we will dedicate ourselves to use our words in ways that promote justice and encourage mercy and compassion, so our words unite us in understanding. You have called us, O God, to be faithful in all things and we pray that we will translate that faithfulness into the words we use so they do not become weapons of discord, but vehicles of reconciliation and sensitivity and tolerance. We pray for the ability to listen and to speak with grace, to heed Your still, small voice of peace and so be the people You would have us be. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 156, not voting 46, as follows:

[Roll No. 359]

YEAS—232

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Combest
Condit
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Durbin
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Montgomery
Moran
Murtha
Myers
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—156

Allard
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Clinger
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Paxon
Petri
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (TX)
Smith (MI)
Smith (OR)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (WY)
Thomas (CA)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—46

Baker (LA)
Bevill
Bonior
Chapman
Collins (IL)
Conyers
Cooper
DeFazio
Dixon
Dooley
Edwards (CA)
Fields (LA)
Fields (TX)
Ford (MI)
Frost
Gallegly
Henry
Hinchey
Jefferson
Johnson, Sam
Kaptur
Markey
McCandless
McDermott
McKinney
Moakley
Mollohan
Nadler
Neal (NC)
Packard
Parker
Rangel
Rush
Sanders
Santorum
Schroeder
Skaggs
Slattery
Stokes
Tucker
Vento
Walsh
Washington
Whitten
Wilson
Young (AK)

□ 1023

Mr. TAYLOR of Mississippi changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. KING] please come forward and lead the House in the Pledge of Allegiance.

Mr. KING led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

amendment a bill of the House of the following title:

H.R. 847. An act to provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 1-minute requests from each side.

DISASTER RELIEF FOR THE VICTIMS OF THE FLOOD IN THE MIDWEST

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, yesterday, in an unfortunate turn of events, this House failed on a vote to consider disaster relief for the victims of the floods in the Midwest. People in my district, south of St. Louis, have tirelessly worked to protect their homes from the onslaught of the raging Mississippi, Missouri, and other rivers.

Members who voted "no" on bringing up the bill to provide these people assistance have strong feelings about their votes. But the feelings of those Members who represent flood victims are just as strong. We have been told by our colleagues on the other side that we must consider the plight of the people in the Midwest by a different standard than that of the victims of Hurricanes Andrew and Hugo, the victims of the Loma Prieta Earthquake, and of the eruption of Mount St. Helens.

When President Bush and the Congress enacted new budget rules in 1990, it was established that the tough new rules would be enforced in every case, except in the case of emergencies such as natural disasters or a threat to national security, or a recessionary economy. It was agreed, by all parties, that we could not budget for such unpredictable or unforeseen events and that, under those conditions where the President and Congress agreed, an emergency would be declared so that we could expedite funding without wreaking an economic calamity on ourselves. It was understood that there were such dire circumstances that warranted immediate action to relieve the suffering of citizens touched by tragedy or whose security is threatened by foreign interests.

Mr. Speaker, as we move forward to attempt to bring this very necessary relief bill to the floor next week, we do so with all deliberate speed. Fortunately, there will be no lapse in funding for the ongoing relief efforts, but we cannot afford to fail in this effort again. I hope that we can pass legislation next week without offsets for the budget under the emergency powers of the budget. The people in the region who are affected deserve the comfort of knowing that relief is on the way.

REPUBLICANS ARE COMMITTED TO PASSING AID FOR FLOOD VICTIMS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, let me say to my colleagues, first of all, that on the Republican side of the aisle we are committed to passing emergency aid to the victims of flooding in the Midwest. We are committed to passing it today. We are prepared to stay here today to pass it, if that is appropriate. We want to bring it up.

But let me also say to all of my colleagues that we should look very carefully at the rule that was brought in yesterday. They should ask why there are millions of dollars for one particular program in Los Angeles that has nothing to do with the flood. They should ask why we are redefining "teenager" to be 30 years of age. They should ask why we are going to give $100 a week to a number of people in Los Angeles who may or may not be part of a political machine, but who have nothing to do, nothing, with the flood in the Midwest, but everything to do with the Democratic leadership's efforts to pass the tax bill.

Mr. Speaker, I would simply say that I hope, I pray, that the Democrat leadership does not come back on this floor with the same rule, muscle a handful of Members into changing their votes and pass money for Los Angeles on the backs of the flood victims in the Midwest.

☐ 1030

DISASTER RELIEF FOR MIDWEST FLOOD VICTIMS

(Mr. DURBIN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include therein extraneous material.)

Mr. DURBIN. Mr. Speaker, yesterday was a sad day in the history of this House of Representatives. We considered disaster relief for tens of thousands of flood victims across America, and because of a vote that was heavily loaded by Republicans opposed to it, we were unable to bring a rule to the floor for disaster victims. There was not one single Republican vote. Not one single Republican Congressman would vote for a rule to bring to this floor flood disaster assistance.

But let me tell those within the sound of my voice that only 2 years ago this House considered in exactly the same parliamentary manner an emergency supplemental relief appropriation for Kurdish refugees, and 105 Republicans who voted against American flood disaster victims yesterday voted "yes" for Kurdish refugee disaster victims.

Mr. Speaker, I want to say this: It is unconscionable that Members would support foreign disaster victims and refuse help for victims of an American disaster.

Mr. WALKER. Regular order, Mr. Speaker.

Mr. GUNDERSON. Regular order, Mr. Speaker.

Mr. DURBIN. I ask for order in the House, Mr. Speaker.

The SPEAKER pro tempore (Mr. MURTHA). The Members will please desist.

Mr. DURBIN. Mr. Speaker, I include here a list of Republican House Members who voted against consideration of flood assistance, yet voted on May 9, 1991, to use the emergency provision of the Budget Act to provide $236 million in assistance to Kurdish refugees. The list is as follows:

Wayne Allard, Bill Archer, Richard Armey, Richard Baker, Cass Ballenger, Bill Barrett, Herbert Bateman, Helen Bentley; Doug Bereuter, Thomas Bliley, Sherwood Boehlert, John Boehner, Jim Bunning, Dan Burton, Sonny Callahan.

David Camp, William F. Clinger, Howard Coble, Chris Cox, Randy D. Cunningham, Tom DeLay, John Doolittle, David Drier, Bill Emerson, Harris W. Fawell, Jack Fields, Hamilton Fish, Gary Franks, Elton Gallegly, Dean A. Gallo.

George W. Gekas, Way Gilchrest, Paul Gillmor, Benjamin A. Gilman, Newt Gingrich, William F. Goodling, Porter Goss, Fred Grandy, Steve Gunderson, James V. Hansen, Dennis J. Hastert, Joel Hefley, Wally Herger, David Hobson, Stephen Horn.

Amo Houghton, Duncan Hunter, Henry J. Hyde, James Inhofe, Nancy Johnson, John R. Kasich, Scott Klug, Jim Kolbe, Jon L. Kyl, Jim Leach, Jerry Lewis, Tom Lewis, Jim Lightfoot, Bob Livingston, Ronald K. Machtley.

Alfred A. McCandless, Bill McCollum, James McCrey, Joseph M. McDade, J. Alex McMillan, Jan Meyers, Susan Molinari, Carlos J. Moorhead, John T. Myers, Michel G. Oxley, Bill Paxon, Thomas E. Petri, John E. Porter, James H. Quillen, Jim Ramstad.

Arthur Ravenel, Jr., Ralph Regula, Thomas J. Ridge, Pat Roberts, Harold Rogers, Lleana Ros-Lehtinen, Toby Roth, Marge Roukema, Rick Santorum, Jim Saxton, Dan Schaefer, Steven Schiff, E. Clay Shaw, Jr., Christopher Shays, Bud Shuster.

Joe Skeen, Christopher Smith, Lamar S. Smith, Olympia Snowe, Gerald B. Solomon, Floyd Spence, Don Sundquist, Charles Taylor, Frederick Upton, James Walsh, Curt Weldon, Frank R. Wolf, C.W. Bill Young, Don Young, Dick Zimmer.

The SPEAKER pro tempore. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

REAFFIRMING DESIRE TO PROVIDE DISASTER FLOOD RELIEF

(Mr. NUSSLE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. NUSSLE. Mr. Speaker, I rise today to reaffirm my support for disaster assistance for the Midwest. I rise to reaffirm my desire to reconstruct a coalition to make sure that disaster assistance arrives and is passed today.

I am also reaffirming my desire to do it in as fast a way and as quick a fashion as possible, but I am tired of the partisan politics played by this side on disaster relief, holding up millions and billions of dollars because they cannot get their act together. They were so preoccupied yesterday with playing post office that they cannot get their leadership to figure out a rule to bring disaster assistance to the floor. It is not Republicans; 45 Democrats voted for responsibility, voted for a fair rule, voted for fair debate, voted for an open process, and voted to get this aid there as quickly as possible, and we want to stay here today to get that job done.

CALLING FOR COOPERATION OF REPUBLICANS TO PRODUCE DISASTER RELIEF

(Mr. OBEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, yesterday 82 percent of the Democrats in this House and 0 percent of the Republicans in this House voted for the rule to bring up disaster aid. That rule was the leadership's best judgment of what could pass this House the fastest to provide disaster relief to people who need it.

For the gentleman from Iowa [Mr. NUSSLE] or any other Member on the minority side to vote "no" yesterday and then attack the majority party today that produced 82 percent of the votes is like the teen-ager who shot his parents and threw himself on the mercy of the court because he was an orphan.

The fact is that what you have going on, that side this morning, is the great smoke machine. We will produce the bill just as soon as you tell us that you will give us enough votes to turn yesterday's vote around.

My constituents need that help, your constituents need that help. We need fewer speeches from you and more votes.

RESTATEMENT OF DESIRE TO AID MIDWEST FLOOD VICTIMS

(Mr. DREIER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I am proud to stand here as a Representative of Los Angeles, CA, but I am extraordinarily embarrassed at the rule that was reported out yesterday which obviously does not provide us with the opportunity to do what we really want to do, and that is provide assistance to victims of the flood in the Midwest without spending for Los Angeles and an appropriate funding mechanism.

Those of us on the Rules Committee stated that last night we were prepared to move immediately so that we can address that other very pressing problem that the victims of the Midwest flood and the people in the rest of this country face, and that is the $4 trillion-plus national debt.

Mr. Speaker, we want to turn the corner on it. We want to bring a rules package forward immediately, and we want to help those victims of the flood.

MEMBERS URGED TO SUPPORT CLINTON'S ECONOMIC PLAN

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute.)

Mr. JOHNSTON of Florida. Mr. Speaker, I rise today in strong support of the President's economic plan. It is the largest deficit reduction package in our Nation's history and it is credible, balanced, and fair in its approach.

Credible because it calls for $500 billion in deficit reduction over the next 5 years.

Balanced because it calls for 50 percent of the deficit reduction to come from spending cuts and 50 percent from revenue.

Fair because it restores fairness to our Tax Code by requiring those who have benefited from the policies of the 1980's to pay a greater share of the tax burden.

The President's plan is the only responsible game in town. Its adoption means low interest rates, 8 million new jobs over 4 years, and a higher standard of living for all Americans. I urge my colleagues to support it. Our future depends on it.

PARLIAMENTARY INQUIRIES

Mr. GUNDERSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman will state his parliamentary inquiry.

Mr. GUNDERSON. Mr. Speaker, my parliamentary inquiry is this: Is it possible to ask unanimous consent to bring H.R. 2667 for its immediate consideration?

The SPEAKER pro tempore. The leadership on both sides of the aisle has to agree to allow that unanimous-consent request.

Mr. GUNDERSON. I have a further parliamentary inquiry, Mr. Speaker.

Is it possible to bring an appropriation bill to the floor for consideration without a rule?

The SPEAKER pro tempore. Yes, if it is privileged and it has been reported and available for 3 days and is called up by the committee.

Mr. GUNDERSON. Can the 3-day rule be waived?

The SPEAKER pro tempore. By unanimous consent, yes.

Mr. GUNDERSON. Mr. Speaker, is it possible to move that H.R. 2667 be brought up for immediate consideration?

The SPEAKER pro tempore. Only the committee can make that motion.

Mr. GUNDERSON. Any member of the committee, Mr. Speaker, could make that motion?

The SPEAKER pro tempore. The chairman or a member authorized by the committee.

Mr. GUNDERSON. I appreciate the Chair's response.

Mr. SMITH of Iowa. Mr. Speaker, I have a further parliamentary inquiry.

Is it possible to waive the emergency provisions by unanimous consent? In other words, to invoke the emergency provisions of the Budget Control Act, we would have to have a rule to do that? Is that right?

The SPEAKER pro tempore. That is a hypothetical question, and the Chair cannot comment on a hypothetical point of order or waiver thereof.

Mr. GUNDERSON. Mr. Speaker, I have one further parliamentary inquiry.

Is it possible to ask unanimous consent at any time during the day to bring up an appropriation bill for its immediate consideration?

The SPEAKER pro tempore. The chairman or his designee could bring the bill up.

Mr. GUNDERSON. And I have this further parliamentary inquiry:

If, for example, I were to move or ask unanimous consent to do that and the Chair did not recognize me, would it be possible at that point to literally appeal the ruling of the Chair for another Member to bring it up?

The SPEAKER pro tempore. Under a previous agreement between the leaderships of the Democrat and Republican side, only the chairman of the committee would be recognized to bring up the bill after agreement of both leaderships by a unanimous-consent request. Another Member would not be recognized for that reason, and the denial of recognition to make a unanimous-consent request is not applicable.

Mr. GUNDERSON. I have one final parliamentary inquiry.

The chairman of the Appropriations Committee can bring up H.R. 2667 for immediate consideration at any time?

The SPEAKER pro tempore. Prior to the 3-day availability, he could bring it up by unanimous consent, but as the gentleman knows, these things are traditionally handled with the concurrence of both leaderships and very carefully orchestrated before unanimous consent is requested in order to be sure that it is adhered to.

Mr. GUNDERSON. I appreciate the response, Mr. Speaker.

□ 1040

ALIEN SMUGGLING PROSECUTION ACT

(Mr. KING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING. Mr. Speaker, when the Chinese freighter—the *Goldern Venture*—ran aground off the coast of New York last month, it alerted the Nation to the evil reality of human smuggling and slave trade.

Last week's hearing of the congressional human rights caucus chaired by Congressman KENNEDY detailed the network of Chinese gangs in New York who amass great fortunes by trafficking in human flesh.

Despite the best efforts of Federal and city law enforcement officials, we are not winning the war against these gangs because, very simply, our laws are not tough enough.

Mr. Speaker, today I am introducing the Alien Smuggling Prosecution Act, which is being cosponsored by Congressman KENNEDY, to extend the RICO statute to human smuggling and give the Government the weapons to break the backs of these slave trade gangs. If RICO applies to the smuggling of tobacco, it should certainly apply to the smuggling of human beings.

Mr. Speaker, I thank Congressman KENNEDY for his assistance and cooperation and I am proud to cosponsor the comprehensive package of immigration legislation which he will also be introducing today.

DISASTERS OTHER THAN FLOODS EXIST

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, there are disasters around this country other than floods, and for some of my colleagues on the Republican side of the aisle, to sit there and sanctimoniously ask for assistance for their disasters and ignore the plight of urban youth and young people trying to make it through the hot summer seems to me to be coming to the Nation and saying "Only help us."

This is a national body, and we ought to help flood victims. But if it means we have an opportunity to help young people in our cities get through a hot summer at the same time, it is worth it.

Eighty-two percent of the Democrats voted for that rule. If you can give us 10 votes on the Republican side, we can take up the disaster relief bill that would help the center of this country and help young people, and we could pass it. But we need 10 votes from the flood victims on the Republican side of the aisle to the able to do that.

We have got 82 percent of the Democrats ready to act today, tomorrow, or any day that we can find 10 Republicans to join us.

BRING UP DISASTER RELIEF BILL NOW

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I take this time to point out that what the gentleman from Connecticut [Mr. GEJDENSON] just said is just plain wrong. We do not even need a rule. The colloquy between myself and the Speaker has articulated that we can bring up any appropriations bill without a rule, that the chairman of the Committee on Appropriations can bring it up at any time. The leadership on our side has said they are ready to take that bill up under a cleaner or fair rule, or without any rule, right now. So all the Democratic leadership has to do is go to the gentleman from Kentucky [Mr. NATCHER], the chairman of the Committee on Appropriations, and tell him to come out on the floor and ask unanimous consent to bring up H.R. 2667 for its immediate consideration, and it will be done. We do not need a rule that does irrelevant things on this particular issue.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman's side not object to waiving the emergency provisions that are in that? That is what the whole argument was about.

Mr. GUNDERSON. Mr. Speaker, reclaiming my time, no, the argument is not about waiving the rule on emergency provisions. The argument is about a provision by the gentlewoman from Los Angeles not relevant to disaster assistance at all. Bring it up and we will find out.

SUPPORT THE CLINTON ECONOMIC PLAN

(Mr. KREIDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KREIDLER. Mr. Speaker, those of us elected last year know that we were sent here to clean up our country's fiscal mess.

That mess began with a policy developed 12 years ago called Reaganomics.

In a recent article, former OMB Director David Stockman says the White House knew—even before their plan went through Congress—that it would raise the deficit and the national debt sky high.

"It would have been far better had it not happened," says the author of Reagan's borrow-and-spend strategy.

Our budget mess today is the direct result of a coldblooded, calculated attempt by the Reagan White House to score political points at the expense of the entire American economy.

And now, the Republicans stand up here and attack the Clinton plan—the only fiscally sane budget plan we have had in 12 years.

I agree with Mr. Stockman. The Republicans are being totally irresponsible.

Nobody said it better, back in 1981, than White House Chief of Staff James Baker. "You mean it really is voodoo economics, after all?" he asked.

You bet it was.

LET'S MOVE ON FLOOD RELIEF

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I am a member of the Rules Committee. The record shows we were asked for timely, and clean consideration of the emergency flood relief bill. We can and should pass the flood relief bill today—we have two bipartisan amending options on how to pay for it and the Republicans are ready to move now. The irony is the Democrat-controlled Rules Committee had a chance to make pay-as-you-go amendments in order to allow this bill to pass yesterday. But no—the Democrats polluted the rule with an unrelated provision designating 30-year-olds as youths—apparently some sort of deal to secure votes for their tax plan. If there are victims in the Midwest held hostage this morning, it is because of Democrat manipulation, not efforts by fiscally responsible Members on both sides to pay for what we do.

DO NOT PUT POLITICS ABOVE LEADERSHIP

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I, too, recommend to my colleagues the article about David Stockman in the July 19 New Yorker. David Stockman, a former Member of this body and the architect of Reaganomics is at it again. He is telling the truth about the Reagan program in 1981 that has caused so much misery in America. He talks about how the Reagan economic team projected a balanced budget in 1984 and a budget surplus 2 years later. But, guess what? They never believed it themselves.

Sure, they knew it would be politically popular, but they never, ever believed Reaganomics would actually work. They never believed it was the best thing for our country.

Mr. Speaker, let me quote from the David Stockman of 1993, who does not have to lie to the American people anymore:

> I would give Clinton credit for labeling the deficit as problem number one. He is addressing it in an honest way, putting tough measures on the table. It's a phony debate that the Republicans and some of the Democrats have put up. It's a cowardly display—not only cowardly, but intellectually ragged. Rather than look at what is needed, the response is how do we posture.

The Republicans, said fellow Republican David Stockman, are "totally responsible."

Mr. Speaker, we must not let that kind of mistake happen again.

CUT SPENDING DO NOT RAISE TAXES

(Mr. EWING asked and was given permission to address the House for 1 minutes and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, it was reported in the news this morning that the Democratic conferees on the tax bill may be considering a compromise to pass a combination of both the energy tax and a higher gas tax.

I guess we should have known it would come to this. The majority party cannot settle their fight over which tax to raise, so maybe they will just raise them both. That may be a compromise that the Democrat-controlled Congress can live with, but it is not one that middle-class Americans can live with.

Mr. Speaker, I have a radical idea for the conference committee: Cut spending; period. Instead of fighting over how much to raise taxes or which ones to raise, the majority party should eliminate all of the new spending in the tax bill and reduce current spending across the board. That would be a deal that all Americans can live with.

MEMBERS ATTACKED BY SO-CALLED CHRISTIAN COALITION FOR SUPPORT OF CLINTON PLAN

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, the so-called Christian coalition is at it again. This time they are running negative radio spots against me and other Members for supporting the President's deficit reduction package.

Since when is there a correlation between Christian belief and protecting tax breaks for the wealthy. As someone who has studied the Holy Scriptures, I am absolutely appalled—this action is an abomination. The so-called Christian coalition is an example of modern day money changers using Christianity as a guise to promote self-serving political goals.

To imply that Jesus Christ is exclusively on their side of the economic question is disgraceful. It is an abuse of the word "Christian" and misrepresents the meaning of true religious faith. Mr. Speaker, any individual or group has the right to criticize my performance as a Member of Congress, but to equate a vote on an economic issue as an un-Christian act is blasphemous.

Mr. Speaker, what we are hearing from the Christian coalition is not a message of faith and hope; it is the death rattle of Reaganomics. It is the death rattle from those that have given us a $4 trillion national debt. It is the death rattle of extreme rightwing groups that have banded together to form a coalition against change.

□ 1050

THE HOUSE POST OFFICE

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. COLLINS of Georgia. Mr. Speaker, as a freshman Member of this Congress, I am red-faced over the proceedings which occurred in this House yesterday.

I am having a difficult time accepting the idea that some Members of this House would even think about embezzling money through postage stamps purchased from the House post office with taxpayer dollars much less actually do such.

If some poor welfare recipient were to embezzle money using food stamps in such a manner, Members of this House would be demanding their prosecution.

Mr. Speaker, any Member of this body, Democrat or Republican, who has performed such unethical and unscrupulous acts should admit such to the people of this Nation.

And any such Member who is considered to be a leader in this body, Democrat or Republican, who has committed such unethical and unscrupulous acts should resign their leadership position.

IN SUPPORT OF DR. JOYCELYN ELDERS

(Ms. LAMBERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LAMBERT. Mr. Speaker, I rise in support of Dr. Joycelyn Elders, the nominee for U.S. Surgeon General.

As a pediatrician, public health official, and researcher in our home State of Arkansas, Dr. Elders has led a tireless campaign for preventive health care.

A true believer in educating folks about the health of their bodies and their minds, Dr. Elders took her campaign to the people through the media and our schools.

And she captured my deepest admiration by looking for resources at hand and utilizing them rather than creating new programs and more bureaucracy.

Within 3 years, Dr. Elders increased Arkansas' immunization rate for 2-year-olds from 34 to 60 percent.

In 4 years, Dr. Elders increased the number of early childhood screenings from 4,000 to over 45,000.

To fulfill her goal of educating our young people about health, Dr. Elders instituted school-based clinics. Some groups have criticized these clinics for promoting sexuality. But the success stories from the 12 clinics in eastern Arkansas tell a different story.

In Forrest City High School alone, nurses see 50 students a day with concerns ranging from headaches to thoughts of suicide.

Nurses at one of the eastern Arkansas clinics—in a town that has no other health care facility—discovered a heart murmur when giving a child a presports physical. They noticed a red-streaked cut on a child's arm that revealed blood poisoning. And when a teacher reported that a student with cerebral palsy was acting abnormally in class and had not walked in months, the nurse recognized signs of a brain hemorrhage. The student was treated and is now walking again.

By promoting these school-based clinics, Dr. Elders brought health care into towns that had no other options. And by bringing clinics to the schools, she helped to educate students and their parents.

In Arkansas, we have seen the health benefits of preventive care. And we know there are financial benefits as well.

We know that for every dollar spent on preventive health care, $10 is saved down the line. Dr. Elders has been a pioneer in proving the benefits of preventive health care.

I join my colleagues in expressing a heartfelt pledge of support for Dr. Elders' nomination as Surgeon General.

I encourage the distinguished Members of the Senate to speedily confirm Dr. Elders and let her begin sharing the expertise she developed in Arkansas with the rest of the Nation.

WORSE THINGS THAN LOSING

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, yesterday was a sad day in the House of Representatives and in America. This House post office scandal and the House Democratic leadership's coverup of a year-old investigation brings to mind something I heard from our colleague, the gentleman from Illinois [Mr. HYDE].

He told an incoming freshman class that there are worse things than losing an election, things like compromising your principles, falling out of touch and neglecting your obligation to America.

Well, let me add one more thing that is worse than losing an election, and that is allowing injustice to prevail to benefit a select, privilege few.

It is unjust, for the House to continue to cover up wrongdoing.

In the case of this post office scandal, especially because Members of this House are implicated, America's trust in this institution depends on swift, fair carriage of justice. Every other American is subject to the laws of this land. There is no exemption for the powerful.

We must release those records and end this coverup, allow justice to run its course.

Americans have had enough.

THE REAL OLD BOYS

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, in yesterday's debate on whether or not to release material which U.S. attorney Johnson warned us not to do, since release would have significant adverse effect on his ongoing criminal investigation, the Republican leader, the gentleman from Illinois [Mr. MICHEL], proclaimed, and I quote, he sensed a "Democratic coverup, secrets known to a select few, winks and nods among the old boys," and "Let's see what the insiders know."

Mr. Speaker, over the evening hours and after exhaustive research, I have discovered who the old boys are involved in this coverup. I have unearthed the insiders.

They are the gentleman from North Carolina [Mr. ROSE], the gentleman from California [Mr. THOMAS], the gentleman from Washington, [Mr. SWIFT], the gentleman from Kansas [Mr. ROBERTS], Mr BARRETT and myself, all members of the House task force which investigated the post office.

So if any Republican, including the gentleman from Illinois [Mr. MICHEL], wants in on the inside, wants to uncover the coverup, just interrogate the three Republican Members of Congress who by your accusations are part of the coverup.

Come on, old boys, stop rummaging through the garbage cans around here and share the facts with your Republican colleagues.

A MATTER OF TRUST

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, by now there should be no doubt why the American people hold Congress in such low regard. It is because the Democrat leadership of this body cannot come clean, or give a straight answer, to even the most elementary question.

On the House bank. The Democrat leadership said cover up the abuses. Only an American outcry forced the release of the records. Now we have the House post office. A year ago, a House committee completed an investigation. It was not released. As many as eight people pled guilty to fraud, drug trafficking, and other crimes. Still nothing from the Democrat leadership. The former Postmaster himself pleads guilty, and implicates two Members in wrongdoing. The Democrat leadership remains quieter than church mice.

Coverups, crimes, and embarrassments. That is why Americans do not trust Congress. And if the Democrat leadership cannot come clean on a little post office, Americans wonder. Are the Democrats telling the truth about the Clinton tax bill?

YESTERDAY'S DEBATE

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, we are not a court of law. We are a legislative body that makes the laws of the United States of America.

The debate yesterday was very simple. There was a move on this floor to let the records of the investigation be released. A letter was received from the U.S. attorney of the District of Columbia telling the Congress not to release these records.

A Member on the Republican side stood up and had all sorts of pieces of paper that have been leaked from various sources.

We understand that happens—it shouldn't, but it does. However, in the House that makes the laws, we should obey the laws.

The U.S. prosecutor said, "Don't officially release the records." That is what we voted not to do.

A court case will eventually come about. Justice will be served. But we could not release documents yesterday, because we are the ones that are supposed to care about the law. We are the ones who should carry out the explicit request of the U.S. attorney. That is what happened yesterday.

IN SUPPORT OF DEFICIT REDUCTION LEGISLATION

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise this morning to urge my colleagues on the Budget Reconciliation Conference Committee to please keep the burden of deficit reduction off the backs of children and families who are at or below the poverty line. I am particularly concerned about the working poor.

Of the children in this country, 14.3 million, or 21.8 percent are in poverty; 1 out of 4 African-Americans are poor; a substantial percent of American families are poor.

Over 26 percent of my constituents live in poverty. I urge that the deficit reduction legislation be sensitive by ensuring that childless workers receive the earned income tax credit and by adopting the House-passed Mickey Leland hunger provision.

I would like my colleagues to be aware that when taxes are raised on Social Security, gasoline, alcohol, and tobacco, it is the childless worker below the poverty line who shoulders the most significant burden of the tax. Other segments of our population have offsets to these tax increases and are not a severely impacted as are the childless workers.

To offset the proposed tax burdens, we need to provide both the EITC for childless workers and the Micky Leland hunger program increases.

I ask my colleagues to consider that only 28 percent of all poor nonelderly households would receive an offset from the regressive taxes if childless workers are not covered by the EITC. Further, only half of these households would receive an offset with the full House-passed EITC expansion. However, if the full EITC and Leland measures are included, 80 percent of nonelderly poor households would receive some relief from the energy tax.

Most of us will be asked to sacrifice to help the Federal Government get the deficit under control. I sincerely hope we do not ask more from those who have so little to give.

□ 1100

AID FOR VICTIMS OF WIND-RELATED DISASTERS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I would like to try to communicate calmly with members of the Committee on Rules, members of the Democratic leadership, and anybody who is listening in the White House.

The region I come from was hit by something weather experts had never seen before, by extraordinary wind that cut a 50-mile swath from Goodland, KS, to Denison, IA. That thunderstorm-related wind, called a Derecho, that I had never heard of before, did more damage to my State and more damage to my district than all of the flooding, which is very severe.

Various provisions of the emergency supplemental bill are available only to flood victims, not to wind-related victims. The forces of this wind exceeded

125 miles an hour, according to recorded elements. That is as bad as anything that hit the hurricane victims. The Midwest people, people in my State, Iowa, and Kansas, deserve the same fair treatment received by Hurricane Andrew, Hurricane Hugo, Typhoon Iniki citizens, nothing else. I hope this change can be made.

REVOLT AGAINST THE RULES COMMITTEE

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, yesterday, the House worked its will and decided to defeat the rule on the disaster supplemental spending.

This rule was defeated because the House realized that we must find a way to pay for all the money we spend, no matter how worthy, no matter how necessary.

Republicans supported the Nussle amendment which would have paid for the money in the disaster supplemental. Unfortunately, the Democrat-dominated Rules Committee declined to allow us this opportunity to pay for the money we spend. Instead they voted to place $3 billion more on the $4 trillion National Debt.

The Rules Committee decided that business as usual is good enough. It decided that even a discussion and a vote on the Nussle amendment was so revolutionary, so dangerous, that it could not be allowed.

Mr. Speaker, I urge the Committee on Rules to come back today with a rule that includes an amendment to pay for disaster relief without adding to the national debt.

We must stop deficit spending now.

URGING WITHDRAWAL OF AMERICAN FORCES FROM SCENE OF SLAUGHTER IN BOSNIA

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute.)

Mr. TORRICELLI. Mr. Speaker, the battle for Bosnia is about to become the slaughter of Sarajevo. Serbian forces have set the stage for this last great act, this unfolding tragedy. President Clinton recognized some time ago the arms embargo against Bosnian forces proportionately was putting them at a disadvantage, but tragically, our European allies refused to lift the embargo. As a consequence, Bosnia soon will be overrun by Serbian tanks.

Today in a letter that I will offer to the President, along with members of the Committee on Foreign Affairs, we will ask that if we reject the policy, at least we should not be enforcing it, and ask the President to withdraw the U.S. Navy from the Adriatic. If the Europeans refuse to allow others around the world to help Moslem forces, let them enforce it.

Let the United States come home, and let history at least record that we were not a part of this senseless slaughter.

IRAN'S CONTINUED REPRESSION OF THE BAHAI COMMUNITY

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, we have received recent distressing reports from Iran on the continued repression of the Bahai community, that the Tehran authorities are now destroying gravesites in the principal Bahai cemetery in Tehran. Bodies are being removed to unknown destinations, and the municipal authorities reportedly intend to build a cultural center on the cemetery site.

The acts are consistent with the secret Iranian Government plan which calls for suppression of the Bahai community in Iran and the destruction of its cultural roots.

The desecration of the Bahai cemetery in Tehran is not only a despicable attempt by the Iranian Government to add to the misery of the living by denying to their loved ones interred at this site the respect that all civilized peoples accord to the dead, but an attempt to obliterate the heritage of the Bahai and all traces of their culture which originated in Iran.

Our Nation has spoken out consistently on Iran's continued brutal repression of the Bahai. I urge the State Department to continue to speak out against these outrages in human rights forums, and to press those governments that conduct relations with Iran to use their influence to oppose this oppression. I invite my colleagues to join in supporting House Concurrent Resolution 124, which protests the continued repression of the Bahais by Iran.

A BALANCED TRADE PROGRAM, NOT MORE TAXES, WILL KEEP AMERICA FREE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, for the last 25 years Congress has sat back and watched American steel companies go bankrupt. On the other hand, Congress has watched chambers of commerce around America give awards for excellence to European and Japanese steelmakers.

Check this out. Documents now reveal that Japan and Europe conspired to develop illegal cartels, illegal trade, and price-fixing to take over the American steel industry. Unbelievable. The Constitution says that Congress shall regulate commerce with foreign nations, not regulate bankruptcy and unemployment for American workers.

It is about illegal trade, Congress, not more taxes. Let us straighten out this unbalanced, unfair trade program that is killing American freedoms.

UNFAIR RULES VOTED DOWN

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, President Clinton said, "It is the economy, stupid," we need to reduce the deficit. The majority leader said we were trying to look at a different standard than Hurricane Hugo. This is correct. In that vote, when Mr. Panetta was a Member, he stuck a nongermane language school in an emergency supplemental bill. A road between two military bases was stuck in that we had eliminated on this House floor.

In this particular rule, there was a project in there for the gentlewoman from Los Angeles, a nongermane project that changed the term of "teenager" from the age of 13 to 30 years old. A 30-year-old teenager. Why? So they could get a $100 stipend for good grooming.

The Democrats noted that they do not need a single Republican vote to pass a rule. They outnumber us. Forty-five Democrats voted against that rule. By the way, the majority leader said it was so important. Why did he skip that vote that was important to his district?

PARLIAMENTARY INQUIRY

Mr. HEFNER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. (Mr. MURTHA). The gentleman will state his parliamentary inquiry.

Mr. HEFNER. Mr. Speaker, I would ask, what is the extent of the 1-minute speeches? It was the understanding of a lot of us that there would be 15 on each side. Could we have some idea when this is going to end?

The SPEAKER pro tempore. Through mutual agreement, there are two more on each side, so we will have two more on this side and two more on the Republican side.

THE HIGH COST OF DRUGS FOR AIDS AND CANCER

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, yesterday brought some alarming news to the millions of Americans who cannot afford the high cost of medicines and drug therapies. The Burroughs Wellcome drug company won a big round in the fight for the rights to the AIDS drug AZT. This decision means that many suffering patients will continue to pay the exorbitant price of $2,500 a year for AZT.

AZT and a growing number of blockbuster cancer and AIDS drugs were developed in partnership with Government scientists. Unfortunately, the Government has not taken steps to protect its interests in these codeveloped drugs, and as a result, it will be tough, if not impossible to license these drugs to generic companies so that our consumers can get lower prices and our citizens full value for their tax dollar.

□ 1110

I have introduced legislation to require the Government to protect the interest of consumers and taxpayers in the codevelopment of pharmaceuticals. When we pass it, it will be in the interest of all Americans.

HOUSE ETHICS COMMITTEE NOT IN POSSESSION OF ALL FILES ON HOUSE POST OFFICE SCANDAL

(Mr. GRANDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRANDY. Mr. Speaker, I take the well at this time to clear up a misconception that I think occurred yesterday during the debate over the House post office investigation. It was alleged on separate occasions by the Speaker, by the majority leader, and by others that the House Ethics Committee has the file on the House post office scandal.

That is not completely accurate. We do not have a complete file.

Let me read from a letter from the Justice Department to the chairman of the House Administration Committee, Mr. CHARLIE ROSE, which is dated July 20 of this week. It says this:

> We have concluded that many House Post Office files are unaccounted for, that there are broad categories of files such as Mr. Rota's correspondence files from later years that were not included in either the task force materials or in the existing House post office files.

I say this now because I do not want the membership to believe there is an ongoing investigation in the Ethics Committee when indeed there is not, and I ask only for Members to be aware that the House Ethics Committee does not have a complete file, and apparently nobody else does either.

THE REPUBLICANS HAVE BECOME ROSS PEROT'S CRAZY OLD AUNT IN THE BASEMENT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the Republicans have become the crazy old aunt in the basement that Ross Perot talked about during the campaign last year. They suffer from delusions of imaginary spending cuts that never materialize. They spend their days having conversations with the long-gone ghosts of the Reagan-Bush years. Last week, we saw how serious the Republicans were about budget cutting. We coined a new word—"Republicans."

Last year, Americans told the Republicans to turn out the lights because the party is over. Well, the lights are still out and the Republicans are fumbling around in the darkness with a plan that will not work.

The Republicans are now asking us if we have ever heard of a country that taxed itself into prosperity. While I do not know of any country that has, I can show you one country and two Republican Presidential administrations that have borrowed themselves into a near economic disaster.

The Democrats have always been the party of the people, the party of inclusion, and the party that offers hope to Americans on their way up. The President's economic plan will mean growth in the economy and a reduction in the budget deficit. Let's get on with the budget process and leave those who would do nothing but whine and complain behind us.

SAME OLD SAME OLD

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I just heard the gentleman use that term "whine and complain" again, because Republicans want to cut, cut, cut, cut, cut; Democrats want to spend, spend, spend, spend, spend.

Let me give an example. The Democrat leadership has just informed me that the Rules Committee is going to meet again. That is where I am headed, to put out the same old rule that prevents this House from working its will and paying for the supplemental appropriation bill, and it will be back on this floor, the same old bill.

Let us see how many people are going to switch their vote.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. If I had the time I would. I would ask the gentleman to come up to the Rules Committee.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to House Resolution 193 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2200.

□ 1114

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2200) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes, with Mrs. UNSOELD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 23, 1993, the amendment offered by the gentleman from Indiana [Mr. ROEMER] had been disposed of and title I was open for amendment at any point.

Are there further amendments to title I?

Mr. WALKER. Madam Chairman, I move to strike the last word.

Madam Chairman, I am pleased that we have finally gotten this bill back to the floor. It has been kind of a long siege off the floor, given the open rule that we have.

I must say, however, that I am hopeful that the Democratic leadership will maybe pull us off the floor again in the near future, and by unanimous consent bring the supplemental appropriation to the floor.

As was established earlier today by parliamentary inquiry, it is entirely possible to take up the emergency supplemental flood relief program by unanimous consent here on the floor yet today, so that we could leave for the weekend having completed our work on the supplemental appropriation. It does not require a rule. It requires only the chairman of the House Appropriations Committee to come to the floor and ask unanimous consent to bring his bill to the floor.

I would hope that at that point that we would be as a committee prepared to rise to take up that particular matter, because while the subject matters that we will be discussing here today are in fact important to the House of Representatives, the matter of getting relief to the flood victims in the Midwest is certainly something that ought to be addressed by the House before we leave for our weekend recess.

So while, as I say, I am pleased that we will move forward now on NASA, hopefully before this day is over we will rise, the chairman of the Appropriations Committee will ask unanimous consent to bring the supplemental appropriation to the floor, and the supplemental appropriation will be taken up before the House adjourns this afternoon.

Madam Chairman, I yield the balance of my time.

AMENDMENTS OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Madam Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. SENSENBRENNER:

Page 11, lines 1 and 2, strike "and $35,000,000 for fiscal year 1995".

Page 11, lines 4 through 8, strike "and transferring the production" and all that follows through "Yellow Creek, Mississippi".

Page 11, line 25, insert "No Federal funds may be obligated for the continuation of the Advanced Solid Rocket Motor program, except as necessary to terminate such program." after "on the Space Shuttle.".

Page 14, lines 22 and 23, strike paragraph (24).

Page 14, line 24, through page 16, line 9, redesignate paragraphs (25) through (39) as paragraphs (24) through (38), respectively.

Page 16, line 11, strike "(39)" and insert in lieu thereof "(38)".

Mr. SENSENBRENNER (during the reading). Madam Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin to consider the amendments en bloc?

There was no objection.

Mr. SENSENBRENNER. Madam Chairman, my amendment is very simple, and I urge my colleagues to support it.

First, this amendment is not about the advanced solid rocket motor. It is about whether a Federal facility should become an entitlement program and whether or not Congress means what it says when it cancels an unneeded program.

The Committee on Science, Space, and Technology terminated the ASRM.

But it did not terminate funding for the ASRM facility.

And worse, it decided to throw 1,000 citizens in one State out of work, and transfer their jobs to Mississippi.

Observe that I voted for the ASRM when it had a mission to perform for the space program, in general, and space station in particular.

But the facts presented to Congress by NASA this year draw another conclusion:

The ASRM is a program in search of a mission. And the ASRM complex is a facility in search of a program.

If the ASRM has no mission, it begs the question, Why does the ASRM facility have a mission?

The leadership of the House Science Committee, Chairman BROWN and Mr. WALKER, oppose my amendment on the grounds that we must use the facility now that it's 90-percent built.

I agree with them:

If and when a good idea comes along and we can use that facility for something else, I say let it come before the Congress and compete with everything else for funding.

But I don't believe we in Congress should be wheeling and dealing, inventing uses for abandoned facilities, especially when it puts 1,000 people out of work.

H.R. 2200 as reported does something worse than continuing the ASRM program. It sets up a make-work jobs program that, if allowed to stand, throws 1,000 people out of work in one part of the country and moves those jobs to Mississippi.

Just think about it. The Science Committee has decided to, in effect, authorize using a $488 million facility that has no program for a different purpose than the one it is being built for.

I decided to bring this matter to the attention of the House because it raises serious questions about how we use taxpayer money.

The ASRM facility that my amendment shuts down was once intended to be a large nuclear power plant—that was also canceled.

I suspect this facility can wait again until a better use for it comes along.

The ASRM is not the only program Congress will cancel this year. So my amendment speaks to a broad range of taxpayer concern. For example:

From which State or States will we transfer jobs to Texas, if the supercollider is canceled?

Afterall, there's a facility that's nearly complete, too. According to the logic in H.R. 2200, we'd have to scrape up a bunch of jobs all over America and ship them to Texas.

My amendment asks, "why?"

Why should workers who are not involved with the ASRM be made to lose their jobs because the ASRM was canceled?

My amendment asks why is the facility of a canceled program in Mississippi more important than the rights of workers in 49 other States?

The people in Utah, who will lose their jobs now, have to be asking what they did to deserve this.

If you are not from Mississippi, you should be asking what have the people of your State done to deserve this, too, because they will be next.

This pork-swap is exactly the kind of inside baseball the American people are sick and tired of.

If every time the Congress tries to cut wasteful programs it must not only fund a pork-barrel replacement program, but should throw 1,000 people out of work doing it.

Better we should provide the savings from my amendment to the flood victims, and not reward the pork-barrel spending that has gone on since I have been in the House.

NATIONAL TAXPAYERS UNION,
June 16, 1993.

Hon. F. JAMES SENSENBRENNER, Jr.,
Committee on Science, Space, and Technology,
2332 Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE SENSENBRENNER: On behalf of the National Taxpayers Union, I am pleased to convey NTU's support for the Sensenbrenner Amendment to H.R. 2200 as reported.

Your amendment to close down the ASRM facilities finishes the job begun by the Committee when it zeroed funding for the Advanced Solid Rocket Motor program. NTU has urged termination of this unnecessary pork program for some time.

While we agree with the Committee on Science, Space and Technology's decision to cut the ASRM program, we were dismayed the door was left open for almost any pork project to be located at the ASRM facilities. In fact, H.R. 2200, as reported, specifically causes the immediate transfer of work being performed in the state of Utah.

We do not support the creation of make-work jobs programs every time a useless program is eliminated. Your amendment resolves our remaining concern, and we urge its adoption by the House next week.

Sincerely.

JILL LANCELOT,
Director of Congressional Affairs.

☐ 1120

Mr. BROWN of California. Madam Chairman, I rise in opposition to the amendment of the gentleman from Wisconsin [Mr. SENSENBRENNER].

May I say first that the gentleman from Wisconsin [Mr. SENSENBRENNER], is a very knowledgeable and important member of the Subcommittee on Space of the Committee on Science, Space, and Technology, and I respect his judgment a great deal with regard to every issue that comes before the committee, particularly those involving the space program.

In this situation I think that we have a little difficulty, perhaps a philosophical disagreement, more than anything else. We have invested very close to $500 million in a new, modern plant for the manufacturing of rocket motors in Mississippi. Mr. SENSENBRENNER wants to scrap that plant as well as the advanced solid rocket motor program, and he argues that, in a sense, what we are doing is a make-work program which we should not be trying to do.

I disagree very strongly with the gentleman with regard to that. We have a new and modern facility which can and should be used. The contractor would build solid rocket motors. The Thiokol Co. is operating an old, obsolescent or nearly obsolescent plant in Utah, as Mr. SENSENBRENNER indicates, with about a thousand employees. The company itself wishes to move into this new and modern plant. I am addressing this specifically because I think this was the key part of Mr. SENSENBRENNER'S argument. They are so anxious to move to this new plant, which would improve the quality of their production and reduce its costs, that they are willing to invest $100 million of their own money in doing that. Now, I think we should encourage them to do that and that we should be pleased at the opportunity to get the maximum return from essentially a $500 million investment that the U.S. Government and the taxpayers have already made, and at the same time to improve the productivity and the efficiency of a major part of the space program.

We are going to continue to need solid rocket motors. They will not be advanced solid rocket motors, which we are scrapping, but we will continue to need the motors which we are now using which have been redesigned. They are a very good motor, and we ought to be working on ways to produce them with maximum efficiency and the lowest possible cost. And that is what the provisions that we have in this bill which the gentleman proposes to strike would do.

I very strongly urge opposition to this amendment on the grounds that this is the best possible way to serve the needs of the people of this country. We are not creating jobs in some abstract way. This is the normal way in which we upgrade the industrial capability of this country. There will be some workers who may need to move or may be displaced as a result of it, but as Mr. SENSENBRENNER himself admits, this is normal, and he would of course prefer that we do not spend too much time worrying about the displacement of those workers that we already have in Mississippi, but he is deeply concerned about those in Utah, apparently.

I think he is mistaken on this.

Mr. WALKER. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, the issue here is really one of whether or not we are going to need solid rocket motors or whether or not we do not need solid rocket motors, and whether or not you want them built in the most efficient way possible, in the safest way possible or whether you do not.

The fact is we as a committee have decided to get rid of the ASRM. The ASRM is no longer a question here; the gentleman from Wisconsin was very accurate in what he said about that particular program. We have decided whatever the merits of that program may have been, it is not one that we should continue on. And so we are going to save several hundred millions of dollars by not building the ASRM.

Now, you get down to the question of whether or not you need solid rocket motors at all, and the answer to that question is you are going to continue to fly the rocket motors and you are going to continue to do certain military missions and you do indeed need to have solid rocket motors. The solid rocket motors that we are particularly addressing here are the ones that go on the shuttle.

Now, I believe that there are some people, not the gentleman from Wisconsin, but there are some people whose intention is to shut down the manned space program. So, they will be for this particular amendment because their intention is to stop us from producing solid rocket motors, period, with the hope that ultimately that shuts down the entire manned space program.

I think that that is a part of some people's agendas around here; certainly not the gentleman from Wisconsin. The gentleman from Wisconsin simply argues that we are better off continuing to build the solid rocket motors at the NASA facility in Utah or at the Thiokol facility in Utah rather than the new facility in Yellow Creek.

Now, I think that that needs to be examined in light of the argument the gentleman makes about expense. NASA is already having to put substantial sums of money into the Utah facility because it is old, it is growing obsolete, and it is incapable of maintaining the efficiency and safety standards necessary to produce solid rocket motors into the future.

We are going to be flying the shuttle perhaps for the next 25 years. That means that this facility is going to have to maintain that production capacity for 25 more years. Already NASA is beginning to expend resources in order to make that facility capable of handling this particular problem. That does not save money for NASA to continue to have to spend money to redo that which is in place at the present time.

In the case of the facility in Mississippi, we have a facility which is 90 percent complete, which does represent the most modern facility in the world for producing solid rocket motors.

□ 1130

The question is whether or not you are going to utilize that facility for some worthwhile national purpose or not.

The gentleman from Wisconsin has made a determination that instead of utilizing that facility, we ought to abandon it, and that instead of taking the world's most modern facility for solid rocket motors and utilizing it in our national interests, that it ought to be left vacant. That is certainly a judgment that this House can make.

I think it would be a bad judgment, because I think the long-term cost of doing this will be detrimental to the shuttle program and will be detrimental to our ability to maintain a good space effort.

As to the jobs, that is obviously a serious question. The gentleman from Wisconsin makes a very strong argument about the fact that jobs would be transferred on this. There is no doubt about that.

The company itself that wants to invest $100 million of their own money in this new facility has stated that that job transfer would take place. It is not a loss of jobs in one place that is going to another. The fact is that most of the jobs are going to be transferred out of Utah to Mississippi. I mean, these are highly trained technicians that the company probably is not going to want to move, so it is certainly going to offer them the opportunity to move; but there is no doubt that affects the economy of one State versus another State.

The real judgment for this House is whether or not you want to continue to pour money into an old obsolete facility that is going to drain us more and more over the years, or whether or not you want to use a state-of-the-art facility that is 90 percent done now, that one paid for is likely to be able to provide all the solid rocket motors that we need without substantial new investment through the life cycle of the space shuttle.

I do not know how the House will determine this. The gentleman says that people like the National Taxpayers Union and so on will score his amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. The National Taxpayers Union then will come along and they will not want the money spent, either, for upgrading the facility in Utah. That is a judgment that we will have to make in future years.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, I want to thank the gentleman for his very cogent statement. He has correctly described the situation and I think he has come to the correct decision with regard to whether to support or oppose the Sensenbrenner amendment.

Obviously, this is a case where a manufacturer wants to change from an old obsolete plant to another new upgraded plant built at taxpayers' expense which will improve the efficiency and reduce the cost of the product.

Now, I happen to have in my own district in southern California a lot of experience with contractors moving their plants to other places.

The Hughes Co., for example, is moving their missile plant from Pomona, which joins my district, to another State. it does not happen to be Utah. I think it is Arizona.

A number of other companies are making these same kinds of moves and they are doing it invariably for the purpose of consolidating operations, generally in facilities which are more efficient and where they can produce a better product at a lower cost. This is exactly what Thiokol is doing. We should be encouraging this, not trying to dip into this.

Mr. WALKER. My understanding is that Thiokol has already argued that they are going to be able to thereby retain jobs in Utah by operating this more efficient facility in Mississippi. So in terms of the people in Utah, it is a win situation. Otherwise, they may lose the entire production.

Mr. SENSENBRENNER. Madam Chairman, will the gentleman yield?

Mr. WALKER. Yes, I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Madam Chairman, since the gentleman from Pennsylvania made reference to the National Taxpayers Union position, let me read most of the letter that they sent to me in support of my amendment into the RECORD, which rebuts what the gentleman has said.

Mr. WALKER. Well, I only have a limited amount of time here.

(At the request of Mr. SENSENBRENNER, and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Madam Chairman, I think the gentleman can get his own time to read the letter.

Mr. SENSENBRENNER. Well, if the gentleman will yield, I have used my own time. I gave an argument in favor of my amendment. But if the gentleman refuses to yield, that is fine.

Mr. WALKER. Well, I yield to the gentleman, and I understand the point that he made with regard to the National Taxpayers Union. I said that they oppose this amendment.

The only point that I am making is that I rank as well as the gentleman does, or very close to what the gentleman does, with the National Taxpayers Union in most instances. He is usually the highest in the House, but I usually rank pretty well with the gentleman, too; but I do know what they do is they oppose any new spending items. That is a worthwhile position. That is good of them to do.

But my point is that in the future when we come along and want money to upgrade the facility in Utah, we can be assured that they will probably also be opposed to doing that. I am just suggesting that at some point along the way you will probably face the same situation.

Mr. SENSENBRENNER. Madam Chairman, if the gentleman will yield, if I may be permitted to read what they said, perhaps the committee will be able to work its will.

In the last paragraph of the letter, it says:

> We do not support the creation of make-work jobs every time a useless program is eliminated. Your amendment solves our remaining concern. We urge its adoption by the House.

Mr. WALKER. Well, Madam Chairman, the gentleman does not answer the point that I made. The gentleman has now made another good political statement about make-work jobs.

I am suggesting, however, that in the future that there are going to have to be substantial NASA investments in the facility in Utah.

Now, I do not know whether those are going to be make-work jobs as well, but I do know they are going to be expensive for us in our committee. We are going to have to find resources to do that, and it does not sound to me that the National Taxpayers Union even spoke to that issue.

Mr. SENSENBRENNER. Madam Chairman, if the gentleman will yield further, he may recall that he and I both opposed the National Taxpayer Union last year and voted to continue funding the ASRM when it came up. I did so because the ASRM was needed to send the space station up.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(At the request of Mr. SENSENBRENNER, and by unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. SENSENBRENNER. Madam Chairman, if the gentleman will continue to yield, according to Mr. Goldin's own testimony, the ASRM will not be completed until 3 years after the space station is completed.

Mr. WALKER. I joined the gentleman in support of money for the ASRM.

Mr. SENSENBRENNER. So that is why the committee killed the ASRM.

The question here is whether we will continue pouring money into a facility for a program that has already been killed and no new program has been authorized.

Mr. WALKER. The gentleman knows that that is not the question before the House. The question before the House is whether or not we are going to use this state-of-the-art world-class facility to build solid rocket motors in the safest and most efficient manner necessary, and the gentleman says he does not want to do that.

Mr. HANSEN. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Utah.

Mr. HANSEN. Madam Chairman, I really think there has been a misconception on what has been said, and I say that very respectfully to the chairman and also to the gentleman from Pennsylvania.

The $100 million going the Mississippi plant is to bring it up to the same place the Utah plant is right now. For anyone to believe that that is a dilapidated nonstate-of-the-art facility has not seen the facility. They are constantly pouring money into the that facility.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. RAMSTAD. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise today in strong support of the amendment offered by Mr. SENSENBRENNER, the ranking Republican on the Space Subcommittee.

At the beginning of this year, I introduced H.R. 999, which would require the Administrator of NASA to take all action necessary to terminate production of the advanced solid rocket motor.

The ASRM is unnecessary to our space program, harmful to the environment and could cost at least $3.7 billion according to NASA. My bill has 52 cosponsors from both sides of the aisle and the support of groups ranging from the National Taxpayers Union to the Friends of the Earth.

By now, the story of the ASRM is a familiar one. Last year, it had virtually no support in NASA or in Congress. It was not included in the President's budget request. It was successfully defeated on the House floor. It was not even included in the Senate bill. But funding for the ASRM was restored by the conference committee. This year, as you know, the Committee on Science, Space, and Technology approved an amendment which terminates the ASRM. There is no funding for continued construction of the ASRM in the NASA authorization bill. I applaud the committee on this wise and fiscally responsible action.

But the committee may have unknowingly set a dangerous and expensive precedent in the process. The ASRM may be terminated, but the pork-barrel nature of the project is alive and well.

□ 1140

The successful and efficient project is to be transferred from Utah into the ASRM facility in Mississippi, and that is hardly a way to run a railroad. The cost of the transfer that is being contemplated, that is being proposed, including upgrading the Mississippi facility, is projected to be $35 million, not to mention the job loss, very unfortunate job loss, that would occur in Utah.

Madam Chairman, I think Citizens Against Government Waste said it best when they said, and I am quoting, "the waste is not just the ASRM program, but in the pork barreling of the facilities and the transferring of meaningful work to an otherwise useless facility."

I urge the 52 cosponsors of the legislation I introduced, H.R. 999, and all of my colleagues to support the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] to end this $3.7 billion pork barrel project once and for all. Let us show the American people we can close down a wasteful project without creating another one in its place. Let us finally show some true fiscal responsibility.

Mr. HALL of Texas. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong opposition to the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER]. It does not please me to because the gentleman and I worked on the subcommittee very well together and agreed usually 80 or 90 percent of the time. I respectfully disagree with the gentleman on this amendment, and at the same time I want to commend the gentleman from Indiana [Mr. ROEMER] for actually structuring a very fair approach, I think, for dealing with this problem.

Several weeks ago I am aware of the fact that the House voted overwhelmingly to terminate the ASRM program. Today I think we have to make a decision on whether or not to salvage that that we have already invested in, and I think a few things need to be said.

Madam Chairman, we have spent $488 million building a very modern, highly efficient rocket motor production facility in Yellow Creek, MS, and within 2 months, I am told that will be almost 90 percent complete. There are other activities for which these new facilities at Yellow Creek could be beneficially used, so it seems to me it would be a mistake to walk away from a new, efficient, 90-percent complete production facility that can be productively used to support a major national program which will continue for decades.

Accordingly, Madam Chairman, I urge all Members to vote against the amendment.

Mr. CRAMER. Madam Chairman, will the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from Alabama.

Mr. CRAMER. Madam Chairman, I thank the gentleman from Texas [Mr. HALL], and I would like to point out as well that this facility will be 90-percent complete by the end of this year. We are in a state of negotiations now with the Russians with regard to other technology that we could use and develop together in the space program, and I think it would be a mistake for us to turn our backs on a project that we have invested this level of money in. I, too, reluctantly oppose this amendment, and not too often do I say to the gentleman from Indiana [Mr. ROEMER] that I support his alternative. Here I think it is a very reasonable one and one, under the circumstances, that I think the membership should look at.

Mr. ROEMER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] too. I would just like to clarify a couple of things that we have been talking about.

First of all, Madam Chairman, this amendment is not about continuing ASRM. My amendment in the committee cancelled ASRM, terminated ASRM. We will not continue to fund ASRM. That is the intention of the committee, that is the intention of this House. We spoke on that in the appropriations bill, and we will continue to abide by the funding that we put in the committee report on page 62 where we terminate the advanced solid rocket motor program.

Let me make that very, very clear to my colleagues. We are not voting on continuing that program at this point. That program is over budget. It was slipped in schedule by 42 months. That made it impossible to help deliver heavy lift capabilities or deliver space station loads if the space station continues to be funded in the future, which I hope it will not be, but if it does, ASRM could not have helped put those payloads in space.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, I just wanted to thank the gentleman for making the points that he is making here. He has played a very important role in drafting this amendment reflecting both his philosophy with regard to getting the most for our investment in this area, and of course, as he points out, he is opposed to the space station, and therefore he is not biased by following the leadership of the chairman on important issues like this. But just to clarify the history:

After the *Challenger* accident, which involved a failure on the part of one of the solid rocket motors, the whole process was reexamined, and the motors were redesigned. It is these redesigned motors that are now being manufactured in Utah. The advanced motors was an additional change which would have given another approximately 10,000-pound lift to the shuttle, as I recall, and we will not need that because that additional lift was necessary, as the gentleman from Indiana has pointed out, to help build the space station with fewer shuttle flights.

That is not going to be done at the present time. We will instead proceed with the redesigned motors, and we will use it for the next 25 years, and, if we assume that we will have 10 flights a year, that is 20 times 25 or 500 of these motors that we will need.

Now we rescue these casings that fall back into the ocean, we refurbish them, we add a new thingamajig, the thing at the end of it, and that is a scientific term, "thingamajig," so we are going to have a continuing operation to produce, we will say, 500 of these. For that we need the kind of advanced modern facility we have in this site, and I think the gentleman correctly analyzed this problem in structuring his amendment.

Mr. ROEMER. In continuing my statement, Madam Chairman, I thank the distinguished chairman, the gentleman from California [Mr. BROWN], for his support here. As somebody who is a proponent of this space station, somebody who is strongly opposed to this space station, we both agree that the advanced solid rocket motor should not continue to be funded.

The second point that I think we need to make here is that we are talking about NASA conversion. We have talked about defense conversion being a good thing, productive policy, investing in our workers and our workplaces. That is what this amendment is doing. It is trying to make the most out of our facilities and our skilled workers. These skilled workers in this facility happen to be in Mississippi. This is not something in Indiana, for this gentleman from Indiana, but I think in terms of good public policy and investing in people that have been doing some good work down there where we have spent $488 million, where a facility is 90-percent complete, we should be investing and using this state-of-the-art facility to continue to keep people working and continue to make good work products.

Second, I think that we also know in terms of this argument that we have seen the commercial on TV where the mechanic is working on the car, and he says, "Well, you didn't change your oil, and now you've busted your engine. You either pay me now or you pay me later." We can either pay now in good investments in public policy or pay lots of money later on down the road.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. ROEMER] has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for 1 additional minute.)

Mr. ROEMER. Madam Chairman, lastly I would just make the argument, too, that some people have said that this is wheeling and dealing. This is not wheeling and dealing. This is a bipartisan agreement. This is the distinguished Republican ranking member, the chairman, my amendment, coming together to try to plan ahead an investment in the future.

Second, it is not make-work. We are producing solid rocket nozzels. We should produce them in the state-of-the-art facility in Yellow Creek. We are refurbishing solid rocket motor cases. That will continue to take place. This is not make-work. Let us do it in a great facility.

Last, it is not a mandate for Congress. We are not saying we are mandating that they have to do this in the private sector. The private sector wants to do this. They want to spend money to do this. They want to work in a partnership with the Government and NASA to make good products here and to have good workers work on those good products.

This is a bipartisan investment in NASA, in workers, in a state-of-the-art manufacturing facility, and I urge my colleagues to defeat this amendment.

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Mr. HANSEN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, today I rise in strong support of the Sensenbrenner amendments to cut an additional $35 million in construction funds for the advanced solid rocket motor program.

Madam Chairman, I commend the gentleman from Wisconsin [Mr. SENSENBRENNER] for his leadership and willingness to take on this wasteful and unnecessary program.

The committee's action in voting to terminate the ASRM program was commendable and a recognition that ASRM was at best a low-priority program which funneled massive amounts of funding away from much higher priority NASA scientific programs.

I just stand amazed as I have been listening to this state-of-the-art bit around here. There is nothing that is state of the art about that, anymore than it is state of the art in Utah. And I notice that everybody who said that has not been in Utah. The most state-of-the-art nozzle program today is in the State of Utah and does not have to be built.

I would like to go along on the idea of the redesigned rocket motor. The redesigned rocket motor was redesigned after the space shuttle program that we had, and the president of that particular company we have been referring to, said that without any additional cost to the U.S. Government, without one more dime to NASA, "I will give you the exact same thrust out of the redesigned rocket motor that is presently going to go into the ASRM program, which is a pay-per-missile." It has not been built, and it is an inferior company we are looking at.

So I really stand amazed when I hear that.

With over 27 successful shuttle flights since the *Challenger* incident, the redesigned solid rocket motors have performed flawlessly. The obvious question had to be asked—why? Why do the American taxpayers need to spend an additional $4 billion on a redundant and wasteful program just to provide jobs for a certain region of the country when the existing motors work just fine and will continue to meet NASA's shuttle needs and requirements?

As pleased as I was with the committee's action, however, it did not go far enough.

The committee left in the bill language which authorizes $35 million for additional construction in ASRM facilities; and up to $150 million to be used for the transfer of existing RSRM nozzle work and rocket-motor-case refurbishment to the ASRM Yellow Creek facility which is still under construction.

This is a little pork barrel that we all have to look at. The effect of this language is to move over 1,000 jobs from northern Utah to northern Mississippi. And for no justifiable reason. Do we just have millions to burn around here to provide make-work projects and to play Robin Hood with jobs in everybody else's district?

I think the taxpayers have had enough. I ask the Members to please help me explain this sorry example of how not to legislate to my constituents back home.

I ask them to come out to Brigham City, UT, and look these thousands of workers and their families in the eye and say, "Yes, you do a great job, you have done it for years, you have been the very best, and you are the best in the world. You work hard, you pay taxes, and you raise your families, but your jobs are going to Mississippi."

There is no scientific or financial reason to make this move. I think this is just unacceptable.

The proponents of this ARSM nozzle transfer say, "Well, we have invested nearly $1 billion in this Yellow Creek facility. We should complete it and get some good use out of it."

This is like throwing good money after bad. That facility should never have been built in the first place.

Just to give the Members an example, out in my own district the Department of Defense has just recommended the closure of part of the Tooele Army Depot. It is brand new and was dedicated last Halloween. The Secretary of the Army and I stood there and cut the ribbon on the brand new facility. It is state-of-the-art, there is none better. It refurbished trucks, and generators better than any other place in the entire world.

We are closing it. It is the most modern state-of-the-art industrial plant, but everyone says we can save two-thirds on it. Are we going to cry about it and drag our feet? Heavens, no, we are going to move ahead and turn that lemon into lemonade. We will find something better for it to do. It is just like what can be done in Mississippi and all those countless places where we have just built a state-of-the-art facility.

We have been told by the Department of Defense, "Well, don't worry. You will find a reuse for that new facility, and you will be better off than ever before."

We are buying the language because we have to. The DOD is telling dozens of communities across this country affected by base closures the same thing.

Why is the rocket plant in Mississippi any different than the consolidated maintenance facility in Tooele, UT, or any other place? It is exactly the same. What is so special about it that it should be given special consideration? Is it not just like base closures? I ask that because I can testify that the 1993 base closure recommendations will result in the closure of the newest, most modern depot facility in the entire Department of Defense. And I am only uttering the words of John Shannon, the Acting Secretary.

Again I can tell the Members that my constituents back home, in Utah, are not going to buy that argument that we need to pump millions more into this unnecessary facility just so we can find a use for it.

Let the good folks down their in Mississippi have the same opportunity they are having all over the country. Let them worry over it and find a legitimate use for this facility and not take more money from the taxpayers. I am sure the people of that area can do a good job. They can probably make lemonade out of it. They can turn that into a fine facility to do a thousand different things. Why should the American taxpayers do it when we are trying to push this over into the free marketplace?

I have the greatest respect for the gentleman from Mississippi. I think he has been a admirable Member, and I know it is a little uncomfortable to go against someone of that stature, but I make this plea in the interest of the taxpayers.

The CHAIRMAN. The time of the gentleman from Utah [Mr. HANSEN] has expired.

Mr. SHEPHERD. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise today in support of the amendments offered by my esteemed colleague, the gentleman from Wisconsin [Mr. SENSENBRENNER], to terminate the advanced solid rocket motor program once and for all. I have stood here and testified before that ASRM is unnecessary, that it is massively over budget and behind schedule, and that it threatens the local and global environment. Just last month the House voted 379 to 43 to terminate all funds for ASRM. Now it is time to complete the unfinished business and to completely deauthorize ASRM as well.

I would like to applaud the decision by the Committee on Science, Space, and Technology to phase out the ASRM program. Unfortunately, the committee did not go far enough. Instead of eliminating the bill outright, which was the logical commonsense thing to do, the bill provides for the completion of the facility built to construct it and requires that part of the production of the current solid rocket motor, which is being manufactured perfectly well in Utah, be moved there.

It is argued that this is a state-of-the-art facility, and if it is a state-of-the-art facility, it is a state-of-the-art facility that is utterly broken. It is wet and leaking, and you cannot make advanced solid rocket motors in a damp climate. They are being currently manufactured in a dry climate where we do not have any of those construction problems, and that is where it should stay.

Not only would 32 million taxpayer dollars be required to complete this facility, but there would be enormous costs of retooling the facility for current production, and these costs would have to be passed onto the taxpayer as well.

There is a principle at stake here. This is a piece of pork that just will not go away. ASRM is an object lesson of how a program, regardless of its merits, is almost impossible to eliminate once it has been started. These amendments would send a clear message to the Senate, to the conference committee, to the White House, and to the American people that we will no longer tolerate this kind of blatant misuse of public funds.

In my business I learned how foolish it is, as the gentleman from Utah [Mr. HANSEN] just said very eloquently, to throw good money after bad.

Madam Chairman, the sensible thing is to stop and to go forward in the most economical way. Unless we adopt these amendments, ASRM will rise again.

Madam Chairman, I say to the Members of the House that it is time to extinguish this program once and for all. I urge the Members to support the Sensenbrenner amendments.

Mr. ORTON. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I say to my colleagues that we did vote a few weeks ago almost unanimously, 379 to 43, to cut the 1994 appropriations from the ASRM project.

☐ 1200

We made a slight error though. We should also have rescinded the continuing appropriation in 1993, because they continue to dump millions of dollars into that facility as we speak, building as fast as they can throw mortar and bricks together, to continue a facility which has no purpose.

I commend my colleague, the gentleman from Utah [Mr. HANSEN], and the gentlewoman from Utah [Ms. SHEPHERD] for their fine cogent statements. In fact, the gentleman from Utah [Mr. HANSEN] led us through step-by-step what has taken place.

At the time of the disastrous explosion of the shuttle, this body chose to provide for an advanced solid rocket motor to take the place of the motor which at that point was functioning. Thiokol redesigned it and has been building that motor ever since in that facility. That motor is functioning. That motor is providing everything necessary to NASA at this point in time.

We have decided there is no need for an advanced solid rocket motor to take the place of the redesigned solid rocket motor, and so how many bad decisions do we have to make? We made a bad decision years ago to create the ASRM. We made a bad decision to build a facility in Yellow Creek, MS. We made several bad decisions over the last few years to continue building that facility, to continue that project of the ASRM.

Finally, we made the right, good decision in this House last year and voted to kill it. The Senate, the other body, voted to keep it in. Again we came back this year and voted to kill it. How many times do we have to kill it before it is dead?

The argument has been made we need to use this state-of-the-art facility. What do you do with the state-of-the-art facility you are moving out of then, is my question.

Madam Chairman, Members should take up the gentleman from Utah [Mr. HANSEN] on his invitation. Come to Utah. Look at the facility. See those motors being built. We are not talking about doing anything different in Mississippi than is being done right now in Utah. All this is is a make-work project, spending an additional $185 million of taxpayer money to continue building this building so we can send 1,000 jobs from Utah to Mississippi to do the exact same thing we are doing in Utah right now. Then what do you do with the facility in Utah that we are using right now to build those nozzles?

It simply does not make sense. This project has to be killed dead, and killed now. I strongly support the Sensenbrenner amendment and urge my colleagues to vote for the taxpayers of this Nation. Do not vote just to shift jobs, just to make work.

My colleague from Utah made a very cogent point with regard to the many, many facilities that we are closing down in the Department of Defense, state-of-the-art facilities. If we go about in this body having to find make-work projects to put into every one of those facilities that we have now decided we cannot afford and do not need, we are not going to cut any budget. We are just going to continue expanding, ever and ever increasing our budget deficit.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. ORTON. I will be happy to yield to the gentleman from Pennsylvania for a question.

Mr. WALKER. Madam Chairman, I thank the gentleman for yielding. My question for the gentleman is, the gentleman mentioned $185 million is the cost here. As I understand it, the gentleman is willing to spend $150 million of that $185 million and get nothing, is that correct?

Mr. ORTON. Madam Chairman, reclaiming my time, I urge adoption of the Sensenbrenner amendment.

Mr. CRAMER. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise to speak specifically in opposition to this amendment. As I said earlier, I really do this reluctantly, because the gentleman offering this amendment has truly been a NASA supporter, has looked at NASA's programs very conscientiously, and has been down to the Marshall Space Flight Center, which happens to be in my district, a number of times. So, unfortunately, in this case I will have to oppose his effort here today, and I want to sum up some of the arguments that need to be made in support of this facility in Mississippi.

Madam Chairman, I suspect that many of the Members arguing here today that tell us we have not been to the Utah facility have not visited this facility either. I want to remind the Members that this program was born out of an effort to construct a new motor for the future, for NASA's future, for the heavy lift for NASA's future. It was a safety issue as well. We wanted to look at a safer process that would produce a safer motor that would lift the rockets for the next generation of NASA projects.

This facility is 90 percent complete. This is a Government-owned project. This is not a contractor-directed project, even though the contractors are involved there. This is a Government-owned facility.

We do not get the luxury ourselves, or we should not be permitted to decide that a house that we want to build for ourselves or an investment project that we want to build, when it is 90 percent complete, that we do not need it, and then we are ready to say let us walk away from that project. That is not what we should be about in this Congress. We should not now micromanage that project and say we want to walk away from it.

I also want to point out that while it is 90 percent complete, we have invested $490 million in that facility. We are involved in future technology development with the Russians that would mean that the angle of future lifts would be uncertain, and we may very well find ourselves in the next few years needing a facility like this.

Madam Chairman, so I think some of the arguments that have been made in support of this amendment have not been very responsible arguments at all. I urge the membership to remember that a few week ago when we voted to terminate funding for the ASRM project, we were not presented with this alternative. We did not finish our reauthorization bill. A vote to terminate the project and a vote against this amendment are not inconsistent.

Madam Chairman, I urge Members to pay attention to what is going on here today. Do not be irresponsible. Do not support this amendment.

Mr. BROWN of California. Madam Chairman, I move to strike the last word.

Madam Chairman, I do not want to belabor this point. I just want to make a few statements.

First of all, let me confess that I have visited the Utah facility. It was several years ago. It is a good facility. It was doing a good job. That is not a point in issue.

I want to also assure the Members from Utah who are vigorously defending the maintenance of this plant and these existing jobs in Utah that I will be more happy to work with them in any way that I can to conserve and protect the use of that facility for whatever reasonable purposes it can be used. It can be used for a lot of missile construction, as it has been in the past, and I will be delighted to work with them for that purpose.

Madam Chairman, Let me make a second point. There are a number of Members who have spoken who have indicated that they want to kill the ASRM Program for good. We are killing it for good. The committee is killing it for good. It cannot rise from the ashes. It is dead.

Mr. SENSENBRENNER. Madam Chairman, will the gentleman yield?

Mr. BROWN of California. I will be happy to yield to my friend.

Mr. SENSENBRENNER. Madam Chairman, is the gentleman from California [Mr. BROWN] aware that the NASA Administrator was over in the other body on July 1 testifying in favor of the ASRM? I see something rising over on the other side of the Capitol. Perhaps if we want to kill the ASRM dead, we might as well do it here and now. There is a clause in my amendment that specifically says that.

Mr. BROWN of California. Madam Chairman, reclaiming my time, if the gentleman from Wisconsin [Mr. SENSENBRENNER] is afraid of what the other side of the Capitol is going to do, then his amendment is not going to preserve it. They will not accept his amendment, as well as continuing the ASRM. I am asserting what I see the situation to be and what I will defend as vigorously as I can in my discussions with the other body. So I just want to make that clear, that from my standpoint there is no longer a justification for continuing with the program.

Madam Chairman, that does not mean that we do not try to capitalize on the investments we have made in manufacturing facilities. This is what is really at issue here, and I think that we should continue to do that. The amendment so carefully crafted by our colleague from Indiana does achieve that purpose.

Madam Chairman, I hope Members will oppose the amendment. As I indicated earlier, I am perfectly amenable to discussing with our colleagues from Utah, who I know have the best interests of the space program at heart, any way that we can capitalize on the investments we have made in Utah. That is not really the problem here.

Mr. WHITTEN. Madam Chairman, I rise in strong opposition to the amendment.

Regardless of what Congress finally decides to do about the Advanced Solid Rocket Motor Program, there were very sound reasons for locating that plant at Yellow Creek, MS, and those reasons are still valid.

First and foremost, there is the question of control. My colleagues will remember that following the *Challenger* accident, which claimed the lives of seven Americans, an independent commission recommended a state-of-the-art, Government-owned manufacturing facility to give NASA more control over its launches. This is still a valid concern.

And there were good reasons for selecting Yellow Creek for ASRM.

Since it was the site of an abandoned TVA nuclear powerplant, it was already owned by the Government.

It already had roads, power, water, and other utilities along with some buildings.

It was adjacent to a waterway transportation system.

Madam Chairman, it makes no sense to shut down an operation that is 70 percent completed and has already had an investment of $1.6 billion put into it.

Yellow Creek will stand as a monument to Government waste if we allow it to stand idle.

Mr. MONTGOMERY. Madam Chairman, I rise in strong opposition to the Sensenbrenner amendment. I would point out and reemphasize what some of my other colleagues have said that the work at Yellow Creek, MS, is almost 90 percent complete. We have spent nearly $500 million to build it and what we have there is a very modern and efficient operation.

It will prove to be cost effective in the manufacture of solid rocket motor nozzles and the reworking of the motor cases. The existing rocket motor facilities, on the other hand, are much more expensive to operate and are decades old.

We need this modern facility to carry these kinds of support services well into the 21st century. We are going to be using these rocket motors for at least the next 20 years. This facility was specifically designed for solid rocket motor production and will serve that mission well. It makes no sense to abandon this plant that is nearly finished, and then have to come back a couple of years down the road and spend more taxpayer dollars to renovate other, less modern facilities to do this job. We have a state-of-the-art operation very nearly complete at Yellow Creek. We ought to be using it.

I urge a "no" vote on the Sensenbrenner amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROWN of California. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 139, not voting 24, as follows:

[Roll No. 360]

AYES—276

Abercrombie
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Beilenson
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clinger
Clyburn
Coble
Collins (GA)
Collins (MI)
Combest
Condit
Costello
Cox
Coyne
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeLauro
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
English (AZ)
Evans
Ewing
Faleomavaega (AS)
Fawell
Fields (TX)
Fingerhut
Fish
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Gallo
Gejdenson
Gekas
Gilchrest
Gillmor
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lancaster
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lightfoot
Linder
Lipinski
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Moorhead
Murphy
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Oxley
Pallone
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Roukema
Rowland
Royce
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Swett
Synar
Talent
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Tucker
Unsoeld
Upton
Velazquez
Visclosky
Walsh
Weldon
Williams
Wise
Wolf
Wyden
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—139

Ackerman
Andrews (ME)
Bacchus (FL)
Bachus (AL)
Barlow
Barton
Becerra
Bentley
Berman
Bilirakis
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Byrne
Callahan
Calvert
Carr
Clay
Clement
Coleman
Coppersmith
Cramer
Darden
de Lugo (VI)
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Edwards (CA)
Emerson
Engel
English (OK)
Eshoo
Everett
Farr
Fazio
Filner
Flake
Ford (TN)
Furse
Gephardt
Geren
Gibbons
Gilman
Gingrich
Gonzalez
Green
Hall (TX)
Hamburg
Hayes
Hilliard
Hochbrueckner
Houghton
Hoyer
Hughes
Hutto
Jefferson
Johnson (GA)
Johnson, E. B.
Kaptur
Kennedy
Klein
Lambert
Lantos
Laughlin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Livingston
Lloyd
Long
Manton
Matsui
McCloskey
Meek
Menendez
Mica
Mineta
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Norton (DC)
Ortiz
Parker
Payne (NJ)
Peterson (FL)
Pickett
Pickle
Pomeroy
Quillen
Rangel
Reynolds
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sarpalius
Scott
Serrano
Skaggs
Smith (IA)
Stark
Stokes
Sundquist
Swift
Tanner
Tauzin
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Valentine
Volkmer
Vucanovich
Walker
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Woolsey
Wynn

NOT VOTING—24

Baker (LA)
Bevill
Clayton
Collins (IL)
Conyers
Cooper
DeFazio
Dooley
Fields (LA)
Frost
Gallegly
Henry
Kopetski
McCandless
McDermott
McKinney
Moakley
Packard
Roth
Santorum
Schroeder
Underwood (GU)
Vento
Washington

☐ 1232

The Clerk announced the following pair:

On this vote:

Mr. Roth for, with Ms. McKinney against.

Mr. EVERETT and Mr. BARTON of Texas changed their vote from "aye" to "no."

Mr. BROWN of Ohio, Mr. SISISKY, Ms. PELOSI, and Messrs. FRANKS of Connecticut, HASTINGS, BARCIA of Michigan, ABERCROMBIE, BAESLER, SANDERS, LAROCCO, and SAWYER changed their vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HOKE

Mr. HOKE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOKE: Page 16, after line 17, insert the following new subsection:

(c) ADDITIONAL USES.—The administrator may use up to a total of $5,000,000 of the funds authorized under paragraphs (26) and (33) of subsection (a) for the establishment of a Visitor Center for the Lewis Research Center if—

(1) at least—

(A) an equal amount of funding;

(B) in-kind resources of equivalent value; or

(C) a combination thereof,

are provided for such purposes from non-Federal sources; and

(2) the use of such funds for such purpose does not adversely affect the construction of the facilities described in such paragraphs (26) and (33).

Mr. HOKE (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOKE. Madam Chairman, I rise to offer an amendment coauthored by my distinguished colleague from northeast Ohio, Mr. FINGERHUT.

Very simply, our amendment would authorize construction of a much-needed visitor center at NASA's Lewis Research Center in Cleveland. I should note, however, that our amendment authorizes no new funds for this purpose. Instead, the NASA Administrator is granted flexibility to redistribute funds currently authorized for two other construction accounts at Lewis, if and only if he determines that such expenditure would not adversely affect any of the ongoing work funded through those accounts.

Although the amount authorized for a new visitor center is relatively small, the return on this modest investment will be substantial—both for NASA and for all those who visit the Lewis Center. This valuable educational facility will open to the general public a picture window on the wonders of space—while demonstrating to people in our part of the country the important work being done at Lewis and elsewhere.

Finally, Madam Chairman, my colleagues should know that not only does this amendment add not one penny of spending to the bill before us, but all funds authorized for the visitor center will be matched dollar for dollar in our community. Already, Brook Park and the city of Cleveland have committed to donate 3½ acres of prime land on which the visitor center will be built.

That's just one example of the strong commitment by State officials, local officials, private industry, and other community organizations who have joined together to help NASA make this new visitor center a reality. This amendment is critical to the success of that effort, and I urge my colleagues to support it.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Chairman, the minority leadership has reviewed the gentleman's amendment and we are prepared to accept the amendment, I would say to the gentleman.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, we have examined the amendment and, of course, our staff has worked with the gentleman in drafting the amendment, and we are willing to accept the amendment.

Mr. FINGERHUT. Madam Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from Ohio.

Mr. FINGERHUT. Madam Chairman, I would like to indicate my support for the amendment.

Mr. HOKE. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HOKE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 7, beginning on line 23, strike all through page 8, line 17 and insert in lieu thereof:

(A) $1,091,900,000 for fiscal year 1994, of which $5,000,000 are authorized for the development of instrumentation for and flight of remotely piloted aircraft, and $25,000,000 are authorized for the High Resolution Multispectral Stereo Imager for Landsat 7, if the Administrator determines and reports to Congress in writing that equivalent data will not be made available by private remote-sensing space systems at the time Landsat 7 will be launched, or for the purchase of equivalent data to be provided in the future by private remote-sensing space systems, except that none of the funds appropriated pursuant to this paragraph may be provided to the Consortium for International Earth Science Information Network; and

Page 10, line 7, strike "$74,500,000" and insert in lieu thereof "$92,500,000".

Mr. WALKER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BROWN of California. Madam Chairman, will the gentleman yield briefly?

Mr. WALKER. I am happy to yield briefly to the gentleman from California.

Mr. BROWN of California. Madam Chairman, does the gentleman feel there is a possibility we could limit the time on this debate to some reasonable amount?

Mr. WALKER. If the gentleman will yield, Madam Chairman, I would say to the gentleman, sure.

Mr. BROWN of California. Twenty minutes, 10 minutes on each side?

Mr. WALKER. Ten minutes controlled by the gentleman from Pennsylvania and 10 minutes controlled by the gentleman from California.

Mr. BROWN of California. Madam Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto cease in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] will be recognized for 10 minutes, and the gentleman from California [Mr. BROWN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, this amendment relates to the program known as the Consortium for International Earth Science Information Network, better known as CIESIN.

There is $18 million in this bill for this special project known as CIESIN. What my amendment would do is take that $18 million and transfer it to the academic program budget where you have peer review grants to universities and other academic institutions.

Why should this money be transferred there? Because CIESIN is one of those programs that is out of control and, in fact, borders on the scandalous. What I am attempting to do is to assure that CIESIN, if it is to get the money, would at least have to go to a peer review process and get the money through some system that assures that the money at CIESIN is being well spent.

Why do I have these concerns about CIESIN? Over the last couple of weeks we have taken a look at CIESIN's tax returns, and I think the House should be disturbed about what is going on within this program. For example, the tax return indicated that in 1990 CIESIN supposedly spent $27,619 for lobbying activities. However, the tax returns then turn around and indicate that they paid the chief lobbyist $113,363.

Now why is that important? Because not one dime of Federal money is supposed to be spent for lobbying. It turns out that all of the money contributed by those people who supposedly are members of this organization adds up to exactly $27,619. Every dime contributed by the member organization to CIESIN was spent on their professed amount of money for lobbying, and yet the chief lobbyist was paid more than three times that amount. In other words, $113,000, which means somewhere along the line, some other kind of money had to be spent for lobbyist activities, and guess what that money was? It was Federal money in violation of Federal law.

□ 1240

Was it just 1 year? No. If you take a look at the tax returns, what you find is that in 1991 they spent $40,000, according to their tax returns, for lobbying, and that year they paid their chief lobbyist $144,000, and in 1992 they spent $43,543 for lobbying activities, the same amount contributed by their member organizations.

How much do they show in 1992 as having been spent for lobbying activities? $43,544.

All of a sudden they caught up with the fact that what they had been doing previously was in fact wrong, and they had been spending Federal money in a misappropriated way. I would suggest that there is evidence here that this is just an absolutely bad organization out of control and that vast sums of money are being spent on lobbying activities and that those lobbying activities are being funded and have been funded in the past illegally.

Beyond that this is a very interesting organization. If you take a look at this organization, you find out that the members of the organization are the ones who get the grants. That is right. Out of the 13 trustees affiliated with the CIESIN board, 11 of them have grants from the organization. Now, does that sound like a process where they are looking at who is providing the best science, or does that sound like a process where the old-boy network within CIESIN simply gets together and divvies up the goodies amongst each other? Well, when 11 of the 13 board members each have a grant, I would suggest to you that the old-boy network is more at work than good science is at work.

Now given that situation, all I am suggesting is that CIESIN should have to compete for money just like every other academic organization has to compete for money.

I do not cut the money out of the bill. I simply take the $18 million that is presently in place for CIESIN, transfer it to the academic programs account, and say to CIESIN, If you are going to justify your programs, justify them on the basis of good science. Compete for them, but do not expect a special allocation from this Congress.

Given the record of scandal and mismanagement and malfeasance at CIESIN, I think this is the responsible thing to do.

I would urge the House to support the amendment.

Mr. BROWN of California. Madam Chairman, I yield myself 1 minute.

Madam Chairman, this issue with regard to CIESIN has been before the Science Committee for some time, and it was before the Committee on Appropriations.

The original project initiated was initiated by an earmark on an appropriation bill, and at that point the gentleman from Pennsylvania [Mr. WALKER] and I both felt that this constituted a problem for us.

Now, the gentleman from Pennsylvania [Mr. WALKER] has indicated a number of problems that he sees with the way CIESIN is operating. I very honestly have counseled with CIESIN now for some period of time about the problems they have and urged that they be corrected, and for the last 2 years the committee has authorized this program.

So I no longer have any reason to object to it on the procedural grounds that it is not an authorized program. I think it is a very important and necessary program if properly operated, and I see our role in the Congress as making sure it is properly operated.

I object to the same kinds of issues the gentleman from Pennsylvania [Mr. WALKER] raises and will try and have those corrected.

Madam Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Madam Chairman, I thank the gentleman very much for yielding me this time.

Madam Chairman, I would just like to address some of the points made by the gentleman from Pennsylvania.

The gentleman attempts to make some points against CIESIN as if the funding for the Consortium for International Earth Science Information Network is illegitimate. CIESIN was created to address a longstanding problem concerning data and information management.

The fact is that the gentleman also raises questions relative to the composition of the board. I am not sure if the gentleman knows what the definition of consortium is, but it is an organization consisting of universities of higher education who both make contributions as well as do work for the Consortium for the International Earth Science Information Network.

The gentleman attempts to impugn the character of the members of the consortium's board.

As he stated, people on the board are taking care of each other. Since the Member has refused the opportunity to meet with members of the consortium, I believe that he should refrain from passing judgment on their characters and ethics.

The fact is that NASA has authorized a routine audit, and that audit disclosed that everything was in impeccable order. Every single contract that is in excess of $10,000 has been preapproved by NASA, and NASA stands behind this program.

I would like to quote from a letter to Senator RIEGLE from NASA just recently in which they strongly support the $18-million appropriation for CIESIN.

I would also like to point out that we have been through these same arguments just a few weeks ago, and I think it is wasteful for the gentleman from Pennsylvania [Mr. WALKER] to get a revisiting of this issue with some of the same issues that we discussed and resolved on the House floor and in the committee just weeks ago.

Some of the other issues that the gentleman has brought up, it was that he made one of the most persuasive points for the existence of the consortium. As he stated, this is NASA doing social science data in support of research and human dimensions of global change. What does that mean? It means that an agency which is a hard-sciences agency has been put into something that they really do not have any expertise on at all.

This consortium is tasked with bringing together social scientists with the experience and expertise to create a data network that will integrate and disseminate human-dimensions data. The gentleman is correct, NASA is not a social science agency. That is why CIESIN is vital to the long-range mission of NASA.

So I would ask the Members certainly to oppose the Walker amendment, and I would address just a couple of more points since I have just a little bit of time left.

He says there is a lack of focus. All of CIESIN's efforts are consistent with its mission of integrating and disseminating data.

The Socioeconomic Data and Applications Center of the Earth Observing System Data and Information System will make available data beginning this September, and in just a few weeks there will be a conference held in Atlanta, GA, with the NASA community and scientific community from all over the country participating in that. CIESIN is a sponsor. That is just one example of what we are doing.

Another concern has been raised about the facility, and CIESIN initially received an appropriation of $42 million that has been reprogrammed down to some $37 million.

On the issue of conflict of interest, as with other organizations, when a member of the board has an interest in a decision that may benefit the members of the institution, they are required to recuse themselves from that decision.

So I would like to offer that as my response.

Mr. WALKER. Madam Chairman, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Madam Chairman, it is interesting to me how fearful supporters of this program are, I say to the gentleman from Pennsylvania [Mr. WALKER], with peer review. They must feel that if it is peer review, it will not stand the light of day.

Madam Chairman, the program before us seems to lead a charmed life. It appeared in NASA's budget in 1989 without a request from the space agency and without authorization from Congress, and despite this, CIESIN managed to spend $41 million in public funds from 1989 to 1992.

Last year we again discussed this at great length. CIESIN was again unauthorized. It was again unrequested. Nevertheless, it still ended up with more than $60 million for programs and construction.

This year for the first time it is being authorized. This is what we are dealing with now. Maybe NASA and the gentleman from California [Mr. BROWN] just got sick of fighting the thing.

But this year the space agency has asked for $10 million, and again OMB said no. At the very least, we ought to accept the Walker amendment and have peer review. Let it be determined if it is worthwhile or not.

□ 1250

Mr. WALKER. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I was fascinated by the arguments made by the gentleman from Michigan in whose district CIESIN exists. First of all, he said there was an audit to show that all the records of this agency are in impeccable order. Maybe this House ought to look at the impeccable order of those audits because their tax returns also are very revealing. They reveal, for instance, that the members of the consortium, Saginaw Valley, for instance, contributed $9,200 in 1990 to the consortium. What did Saginaw Valley get in return for that $9,200 of contribution? They got $904,000 of grants. That is a pretty good payoff.

Then you have the Environmental Research Institute of Michigan. They contributed $9,200, and in 1991 they got $2,373,000, another pretty good payoff.

Then you have the University of Michigan that contributed $9,200, and what did they get? They got $1,347,000 in return. That is a pretty good payoff.

That is the impeccable order that the audit finds this in.

Now, you also have that money that I just talked about being contributed; what was that money going for? Every penny of it that year went for lobbying activities. How do I know that? Because I know that they each contributed—that is, the total of them contributed—$27,619.38. And, guess what? The lobbying activities cost $27,619.38; to the penny, the contributions of the consortium members went for lobbying activities. And did the lobbying pay off? It sure did. It paid off in millions.

Has the pattern stopped since we went to authorizing it? No.

In 1992 they spent $10,000 at Saginaw Valley, and in 1992 they got $675,000 in grants; pretty good payoff.

How about the Environmental Research Institute of Michigan? In 1992 they gave $10,000 in contributions, and they got back $1.8 million in grants. Pretty good payoff. The University of Michigan paid $10,000 in subsidies to the institution; they got $1,600,000. Michigan State University entered into it in 1992. They paid $10,000 and got $425,000 back; pretty good payoff.

That is what is happening at this thing. These are all members of the group. They put in a little, they get back a lot. How do they get back a lot? By spending all of the money that the individual members put in on lobbying activities. That is pretty good lobbying, that is a pretty good old-boy network. This is something that we ought to stop. The way to stop it is with peer review. All I am suggesting is that they ought to go into a peer review process and have all of this looked at.

Mr. LEWIS of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding.

Madam Chairman, I am not sure whether I agree with the gentleman that we need peer review or not. But I am a little disconcerted by the dialog.

I know the gentleman and I may have received a political action committee contribution from Lockheed, let us say. To suggest that is the reason I support space station is just not acceptable.

The innuendo here is very similar to that. It does not help the process to presume that we are in the process of buying votes by way of contributions.

Please clarify for me.

Mr. WALKER. Well, all I am suggesting is that these organizations are a part of this consortium and what they are doing is spending all of their money to lobby. Now, why would they spend all of their money to lobby? They spend all of their money to lobby because they get something back. And they are the only people who are getting anything back in this. Of the 13 trustees, 11 of them have grants.

So, I mean this is a very internal kind of operation which goes to the whole situation of how you go about muscling Federal money. These people muscle it pretty well. All I am suggesting is that instead of muscle, we ought to have peer review.

Mr. BROWN of California. Madam Chairman, I yield myself the remainder of the time.

Madam Chairman, I am caught in a mixed situation here because, frankly, I agree with the gentleman from Pennsylvania [Mr. WALKER] on his interest in eliminating earmarked projects and in the importance of peer review. I hope that we will be able to continue to work together to reduce that because it does produce serious problems in the equitable allocation and oversight of projects for academic facilities, academic research programs, and so on.

Having said that and having already pointed out that this project originated as an unpeer-reviewed, earmarked program, which I objected to, as Mr. WALKER did, I have to say that most of the criticism that MR. WALKER is making today is of the situation that existed in prior years.

Today, CIESIN has the support of NASA, it has NASA review and oversight of everything that it does; it has an annual audit by a noted auditing firm with regard to both the funding and whether it is in conformance with Federal guidelines; it meets all of these requirements.

It is now recommended and supported by the administration through OMB. It was thoroughly discussed in our committee earlier this year. We went through this same debate in committee, and although the amendment at that point was not the same as Mr. WALKER is offering—this is a much better amendment, I will say—that amendment was defeated in committee. An amendment to strike CIESIN was offered in conjunction with the appropriation bill which was just taken up a short time ago, an amendment by Mr. HEFLEY to strike the funds for CIESIN was defeated by a rather overwhelming vote of 240 against, 176 for the amendment. It is not exactly overwhelming, but it is substantial, nevertheless.

What I am trying to get across to you is this project now is operating in the full light of day, with scrutiny from every involved agency.

And let me tell you that there is really no disagreement that the program itself is meritorious. Let me tell you that in the 1970's, when we wrote and approved a national climate research program—and this is the predecessor of the global warming program—we wrote into that bill, and I was personally responsible for it, a requirement that they conduct the kind of research which CIESIN is conducting today.

There is no question about it. They have changed their staff and their operations. Today they have an eminent scientist who is in charge, Dr. Roberta Miller, who was formerly, before she took the presidency of CIESIN, was Director of the Division of Social and Behavioral Sciences at NSF. If anyone should know what the parameters are, what the proper criteria for developing a science research program aimed at the potential problems created by global warming, this eminently qualified scientist should be able to do it.

Now, I want to keep the heat on them. I want Mr. WALKER and I together to keep the heat on them. But I want them to have the chance to go ahead under the new conditions that have been established and to demonstrate their worth or their lack of worth.

I am convinced they have the potential to do a worthwhile program. I want to give them the chance to do that. I want NASA to check on them. I want our committee to check on them. But I do not at this point want to endanger their future.

Now, Mr. WALKER's amendment does not preclude the continuation of CIESIN, it eliminates any reference to CIESIN in the legislation, but it does not reduce any money. It changes the money from the present category into another category where CIESIN would be peer-reviewed with all other programs.

I personally think that CIESIN could survive under that circumstance, but I do not see any reason to suddenly shift the terms of the debate that we have. I would like to indicate my full support for CIESIN and my feeling that it may end up being one of the preeminent national research programs in the entire global warming operation, and I ask my colleagues to vote "no" on the Walker amendment.

□ 1300

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 15, noes 18.

RECORDED VOTE

Mr. BROWN of California. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 226, not voting 24, as follows:

[Roll No. 361]

AYES—189

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoke
Horn
Houghton
Huffington
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Kasich
Kim
King
Kingston
Klug
Kolbe
Kyl
LaFalce
Lazio
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Long
Machtley
Mann
Manzullo
Margolies-
  Mezvinsky
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Murphy
Myers
Nussle
Ortiz
Orton
Oxley
Paxon
Penny
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Sharp
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stenholm
Stump
Sundquist
Synar
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Vucanovich
Walker
Walsh
Weldon
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—226

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Camp
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega
  (AS)
Farr
Fazio
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Knollenberg
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Lowey
Maloney
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Romero-Barcelo
  (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Smith (MI)
Spratt
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—24

Baker (LA)
Bevill
Collins (IL)
Conyers
Cooper
Dooley
Fields (LA)
Frost
Gallegly
Henry
Hunter
McCandless
McDermott
McKinney
Moakley
Moran
Packard
Roberts
Roth
Santorum
Schroeder
Underwood (GU)
Vento
Washington

□ 1322

The Clerk announced the following pair:

On this vote:

Mr. Roberts for, with Ms. McKinney against.

Messrs. HOAGLAND, EDWARDS of Texas, and MEEHAN changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. BYRNE

Ms. BYRNE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. Byrne:

Page 6, lines 1 and 2, strike "and will not result in increased annual funding requirements or schedule delays" and insert in lieu thereof ", will not result in increased annual funding requirements or schedule delays, and will minimize job loss. Any such certification shall include a plan for the proposed transition which—

"(A) details the number and types of jobs that will be lost;

"(B) provides for maximum retention in the program of employees with technical expertise;

"(C) if such retention is not possible, provides retraining for other comparable employment with the National Aeronautics and Space Administration; and

"(D) minimizes disruption in the lives of employees who lose their jobs, are required to move to a new location, or are otherwise affected by the transition".

Ms. BYRNE (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Ms. BYRNE. Madam Chairman, today I am introducing an amendment which reaffirms our commitment to the men and women of the space station program, and treats them with the respect and dignity they deserve.

My amendment would require NASA to consider the range and scope of job loss as it restructures space station management. NASA would provide Congress with a transition plan detailing the numbers and types of jobs lost. In addition, this transition plan would show NASA's efforts to place these workers in similar positions within the space station program or retrain workers to assume comparable positions within NASA.

As we deliberate the future of NASA's space station program, I would like to remind my colleagues that the single most impressive thing about this program is not its size or the technology it uses, but the men and women who make it work. Whether they are engineers at the Johnson Space Center, computer operators in Huntsville, AL, or technicians in Reston, VA, these are the people who each day bring us one step closer to a permanent and manned presence in space.

Anyone who suggests that space station personnel are the problem do not know the people I have come to know. Without the expertise of these highly skilled professionals, not only will a manned space station be unobtainable, but the future of the entire space program would be in jeopardy.

I cannot emphasize enough how important it is to retain the professionals who have guided this program since the beginning. By dismissing these people, we risk erasing NASA's corporate memory and we risk repeating mistakes like those that took seven lives in the *Challenger* disaster. The dedicated men and women of space station *Freedom* are a team, and I urge this body to show its support for this team by supporting my amendment.

We must reorganize NASA, and we must downsize this program to meet the goals laid down by the President. But we must make the right changes.

After the Apollo Program, NASA attempted a similar reorganization. That decision cost us hundreds of thousands of jobs. These were not victims of economic adjustments or technological advancements. These people were casualties of administrative decisions which failed to take into account which jobs NASA would need to move space exploration into the next century. The results of this action nearly destroyed America's manned space program, leaving it to languish for more than a decade. We cannot let this happen again.

In this era of international competition, when so many countries are developing the technology to reach space, we cannot afford to fall behind. Our advantage depends on trailblazing programs like the space station, and the space station depends on the people who make it come alive.

Unfortunately, Congress has turned this project into a political football, kicking it around, calling for wholesale alterations, sending it back for more additions and subtractions. In this meat-grinder process we are hurting decent, hard-working Americans all over this country.

Like it or not, Congress is a partner in space station development. By sitting back and doing nothing to help the people who give their heart and soul to this project every day, we send a message that our commitment to space exploration and 21st century technology is paper-thin.

I urge my colleagues not to walk away from the frontier of space by treating those who will make it happen in a cavalier way. This afternoon, we will most likely discuss the technology that has made the space station possible. By supporting this amendment you will show that you haven't forgotten the people behind the hardware who put us back in space and kept us flying safely.

I urge a "yes" vote on this amendment.

Mr. BROWN of California. Madam Chairman, will the gentlewoman yield?

Ms. BYRNE. I yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, I want to compliment the gentlewoman for the amendment and the concern which it reflects for the improved management of the space station *Freedom* program. We have tried to deal with this issue in the bill, but, admittedly, we do it in a rather perfunctory way.

Madam Chairman, I would like to tell the gentlewoman from Virginia [Ms. BYRNE] that we think her amendment is an improvement. We will try to work with the gentlewoman in perfecting it as the bill moves forward. I will support the amendment.

Mr. WALKER. Madam Chairman, will the gentlewoman yield?

Ms. BYRNE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Chairman, we too are prepared to accept the amendment. The gentleman from Virginia [Mr. WOLF] has talked to me about this amendment and about the need for this amendment to be included in the package. That is something I think should be done.

I will say to the gentlewoman from Virginia [Ms. BYRNE] that the new NASA Administrator has made it very clear that he intends, as part of the space station restructuring, to substantially reduce the number of Federal employees involved in the space station. That is one of the ways they are going to save money.

The amendment talks specifically about minimizing job loss. We all want to minimize job loss. But, on the other hand, NASA I think is determined to cut substantially the Federal portion of the work force in favor of a prime contractor as a way of getting the funding necessary.

So I just want to make clear that while we support the amendment of the gentlewoman from Virginia [Ms. BYRNE], there are some things in the works which are probably going to substantially reduce the number of Federal employees working on the space station project, not just on the Reston project but in total across the country.

Ms. BYRNE. Madam Chairman, reclaiming my time, I thank both gentlemen for their comments and support, as well as the support of the committee. I would also say to the gentleman from Pennsylvania [Mr. WALKER] that I understand the reorganization is going to go forward.

What we have got to make sure is that we do not lose the technical expertise, as we did after Apollo in that same reorganization, where those people were not treated with the dignity and respect that their expertise demanded. And that is what this amendment does.

Mr. HALL of Texas. Madam Chairman, I move to strike the last word.

Madam Chairman, although we agree with the intent of the amendment of the gentlewoman from Virginia [Ms. BYRNE], I would say to those who have some concern or misgivings about it that actually it is meaningless. It takes effect after the major decisions have been made. While it may give the gentlewoman some political cover at home, actually already steps have been taken to protect these people.

The gentleman from Virginia [Mr. WOLF], the gentleman from Virginia, [Mr. MORAN], and the gentleman from Virginia [Mr. BLILEY] all have talked to me, and I am sure the gentlewoman from Virginia [Ms. BYRNE] has talked to some of the other Members. But we have already intervened on this and sent a letter to Mr. Golden asking him for a transition plan and for cost assessments and personnel impact.

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It was signed by the gentleman from California [Mr. BROWN], the gentleman from Pennsylvania [Mr. WALKER], by myself, and by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia [Ms. BYRNE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Madam Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 8, line 10, strike "$18,000,000" and insert in lieu thereof "$10,000,000".

Page 8, line 15, strike "$18,000,000" and insert in lieu thereof "$10,000,000".

Mr. HEFLEY. Madam Chairman, while we are on the subject of the Consortium for International Earth Science Information Network, in Saginaw, MI, what we refer to as CIESIN, we ought to go ahead and deal with this and get it behind us, I think, for this year.

What this amendment would do is reduce the authorization from $18 million down to $10 million, which is the amount of the authorization, we would reduce the amount of the authorization from $18 million down to $10 million, which is the amount that NASA actually requested.

Now, our esteemed chairman has said that this now, for the first time, has the support of NASA. NASA has never really been very supportive of this. They did not request it initially. They have never been very supportive, but they do support it now, but they do not support it at the $18 million level. They support it at the $10 million level. That is what they requested, and that is what this amendment would do.

As we have seen last year, we had a long and interesting discussion about this project, which like a lot of others, simply appeared in the NASA budget 4 years ago, without their request.

As I have already stated, at that time, I quoted the distinguished chairman of the Committee on Science, Space, and Technology, the gentleman from California [Mr. BROWN] who said, in October 1991, that CIESIN had spent $41 million over 3 years and that NASA itself had no idea what the money was doing.

Well, another year has gone by and we have spent at least $60 million more on CIESIN.

Admittedly, CIESIN now is being included in the authorization process, but just now.

Even the committee report noted that CIESIN needs to work on refocusing its mission from local economic development and university support to international data collection. To do this, NASA asked for $10 million. OMB deleted the $10 million. But, at the NASA authorization the $10 million was put back in.

The committee then broke for lunch. By the time it returned, the White House decided that $18 million was needed to properly fund CIESIN.

It is hard to believe that CIESIN's needs could have grown by $8 million over the course of an 1½ hour lunchtime.

We have spent almost $100 million on CIESIN over the past 4 years in this account alone. As we saw earlier, an extra $2 million was tucked into the OSTP's account, inflating not one but two line items.

I say it is time we end this nonsense. If we are going to spend any money on CIESIN at all, let us limit it to the $10 million that was asked for by NASA, the agency that has to make some sense out of all this mess.

I ask for Members' support for this amendment.

Mr. BARCIA of Michigan. Madam Chairman, I move to strike the last word.

I would like to just respond, again, to the gentleman from Colorado and say that, as we all know, CIESIN is a consortium of universities and research institutes who have established a high-speed computer network to link environmental data for the broadcast science and decisionmaking uses. I say that the gentleman is wrong, if he is implying that the Office of Management and Budget has not recommended $18 million, along with the administration, and NASA itself has agreed to the $18 million figure and has indicated so in a letter to Senator DON RIEGLE.

So I would say that this is just a continuation. It seems that we have some sore losers here. We have had vote after vote after vote on this floor, both before I arrived as well as since I have arrived. The gentleman has not been successful in convincing the House to cut what is, in my opinion, a very integral part of the long-term mission of NASA.

CIESIN will save money by providing maximum use of science data obtained from billions of dollars that we have invested in scientific research. CIESIN is an example of the information highway at work, and CIESIN is supported by this administration.

I would also like to point out that some of the gentlemen there who supported the space station, as I did, support billions of dollars being spent on that program but are balking at $18 million. Yes, it sounds like a lot of money, $18 million, but we spent more attacking Baghdad in the recent strike on the community of Baghdad and the city of Baghdad than all of CIESIN's budget combined.

I would just like to ask my colleagues to, again, reject this amendment and say that we are very proud of the work that CIESIN does. It will, in the long term, I think, be very, very beneficial to NASA by disseminating the data that is collected by NASA on a global basis, to ensure that we are able to continue to monitor the impact of the human population on the Earth's natural resources and help us formulate more intelligent public policy.

Mr. LEWIS of California. Madam Chairman, I move to strike the requisite number of words.

By way of having a colloquy with the gentleman from Colorado, I rise to get more information regarding his sources of information that indicate the administration requested $10 million, not $18 million.

It is my understanding they requested $18 million. That is why we provided for that amount in the appropriations measure.

I am just wondering where his sources are and if he could check them for me.

Mr. HEFLEY. Madam Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Colorado.

Mr. HEFLEY. Madam Chairman, it is a little foggy how we got $18 million. I am glad the gentleman asked the question, because NASA has never wanted this program at all.

It is funny that the only people who really wanted this program are the people in the consortium and the people from Michigan and Mr. Traxler, who gave this nice present to his district before he left, and the gentleman who took his place who, of course, does not want to lose this nice present.

I understand all that. That is perfectly all right. But the NASA finally was coerced into requesting $10 million this year.

OMB struck that $10 million out, said no, we are not going to go with that.

Then the committee broke for lunch and sometime in that 1½ hour period of time, it went from not only did the White House come back and request $10 million, they added an extra $8 million to it.

I cannot tell the gentleman from California [Mr. LEWIS] what the reasoning was.

Mr. LEWIS of California. Madam Chairman, if I could respond, I was not at that particular luncheon, because I am not on the authorizing side. But at least when we looked at it in the appropriations bill, we were presuming that the request was $18 million, and that was the information that my professional staff gave to us.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Chairman, I think perhaps we need some history here and clarification. The administration originally requested $10 million for the program.

I have a transcript here of the hearing where they appeared at the NASA authorization process. The gentleman from Texas [Mr. HALL] asked them how much money they were recommending for CIESIN. This is NASA, when they were up. And the gentleman testifying from NASA at that point said, "We recommend $10 million for CIESIN." That was for 1994. That was the amount of money that was put in our authorization bill.

The committee, at least from my perspective, somewhat reluctantly agreed to that $10 million. It was then that we broke for lunch. By the time we got back from lunch, there was a magical letter that had appeared from the White House saying, "No, we don't want $10 million; we want $18 million."

And sure enough, the committee then proceeded to vote for $18 million for the project. Later on, from NASA, we then got a revision of their original request that then asked for $18 million.

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The present request from the administration is $18 million. That, I might say, came about as a result of some negotiating that surrounded the need for passage of the reconciliation bill, but as that negotiation moved forward it was obvious the administration decided that instead of saving money for CIESIN by having $10 million, they were, in fact, going to increase money for CIESIN.

Mr. LEWIS of California. If I could reclaim my time, I want the gentleman to understand that I am asking these questions because certainly we, on the Appropriations Committee, do not want to be in the authorizing business, and we are trying to be very careful about that which we are putting in our bills. There is an effort to reflect the administration's request.

Mr. WALKER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, we have just now gone through the history of how we got from $10 to $18 million on this project. It appeared as a magical letter from the White House to our committee. It was the first hint we had that the administration, that had previously testified in favor of a $10 million appropriation for this program as being an adequate amount of money, all of a sudden decided that $18 million was the right figure. That came about as a series of negotiations that took place in reconciliation.

Many of us thought that reconciliation was designed to try to reduce the amount of Federal debt and deficit by lowering the amount of spending, but in this particular case the reconciliation negotiations produced an increase in the administration's request from $10 to $18 million. We do have the situation that right now the administration has requested $18 million, but that is different from their original request of $10 million.

The gentleman from Colorado [Mr. HEFLEY] is suggesting that maybe the original request before the reconciliation negotiations took place was more in line with what the real needs of the CIESIN Program were. I would suggest that the gentleman from Colorado may have a good point; that he has certainly indicated in his remarks that this program can probably get along on the $10 million.

Based upon some of the figures that I brought to the floor when we previously debated this amendment, it seems to me that we can question whether or not an additional $8 million is really needed. The Members will remember that I suggested that there are numerous members of the board of this consortium that are getting the money. This is an internal operation with 11 of the 13 board members getting the money that comes from the Federal Government.

The question before the House with the amendment of the gentleman from Colorado is whether or not those board members can get along on $10 million rather than $18 million. My guess is that when they divvy it up, they can probably divvy it up and get along on $10 million rather than $18 million.

If the House wants to save $8 million of money that is going into an earmarked project that is spending money primarily to take care of the people who serve on their board, and is spending enormous amounts of money lobbying the Federal Government to get that money, then I would suggest that what the Members want to do is vote with the gentleman from Colorado, vote to save the $8 million, and vote to get a little bit back for the taxpayers.

This is a good "yes" vote. It will get us back to where we originally were in the authorization process when we originally decided that we were going to have $10 million for the project. The magical letter from the White House notwithstanding, I think the gentleman's amendment is absolutely in order and I certainly want to support it.

Mr. BARCIA of Michigan. Madam Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Michigan [Mr. BARCIA] is recognized for 5 minutes.

There was no objection.

Mr. BARCIA of Michigan. Madam Chairman, I would like to respond to the gentleman from Pennsylvania [Mr. WALKER].

First of all, I am not sure what discussions the two Members, the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Pennsylvania [Mr. WALKER] had on reconciliation relative to the $10 million figure that was recommended initially, or the assumption that whatever discussions they had regarding reconciliation resulted in a $10 million recommendation.

It was my assumption since I arrived in January and had spoken with both the Vice President as well as the President, that all along their recommendation would be some $18 million. I was astounded when we found out that, due to lack of communication, that the figure included in the markup was $10 million and not $18 million. Never at any point in the process did I agree to a figure of $10 million.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. BARCIA of Michigan. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Chairman, I assure the gentleman that the gentleman from Colorado [Mr. HEFLEY] and I had very little discussion about this subject matter, or any other subject matter, with regard to reconciliation. We have been pretty much cut out of the process. The reference was to the fact that I think the gentleman along the way had some fairly intense discussions with the administration with regard to reconciliation, and the amount that would ultimately be included in the process.

It was my understanding that the letter from the White House, as I referred to it, the magical letter, was in fact an attempt to bring to the committee the agreement that had been arrived at by the gentleman and the White Hose. I would ask the gentleman, is that not the case?

Mr. BARCIA of Michigan. Yes; that is certainly not the case. At no point did I discuss reconciliation and an $18 million appropriation for CIESIN. As a matter of fact, the statement which I made prior to my vote on reconciliation, which occurred, in fact, before the committee's action on the markup of the NASA authorization bill, clearly stipulates if the Btu tax and the other energy taxes were included, that I would be a solid "no" vote on the final passage of that reconciliation issue and resolution.

I am not sure who the gentleman has been talking to. I am sure it is politically expedient for whoever the gentleman has spoken with to implicate that in some way there was a trade for my support.

Mr. WALKER. If the gentleman will yield, I am not trying to be politically expedient. I am confused, then, because that was my understanding of why we got the magical letter from the White House. I understand it was done on the gentleman's behalf. That is not the case?

Mr. BARCIA of Michigan. That is not the case.

Mr. WALKER. Does the gentleman have an explanation as to why all of a sudden the magical letter arrived from the White House as we were marking up the bill? How did that come about? Who was in tough with the White House that achieved the magical letter?

Mr. BARCIA of Michigan. I had several meetings in my office with both NASA agency officials, as well as members of the administration, as well as others concerned with the future of CIESIN, and it was agreed upon that our figure would be $18 million. I was, as I mentioned, astounded when the markup discussions and work resulted in a $10 million appropriation. I immediately then called for clarification.

We were trying to reach OMB, and we were unsuccessful in getting a response quickly enough to the committee so we could correct the $10 million figure and make it reflect $18 million, which is what CIESIN had agreed to was the lowest amount of funding that they could accept.

Mr. WALKER. If the gentleman will continue to yield, so the gentleman was the one that was in touch with the White House that got the magical letter from the White House that arrived in our committee after lunch the day of the markup?

Mr. BARCIA of Michigan. I do not think it was any particular magical letter. I think it was a reaffirmation of what the administration's position was, and was since January, before the issue of reconciliation even came up.

Mr. STEARNS. Madam Chairman, I move to strike the requisite number of words.

Mr. HEFLEY. Madam Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Colorado.

Mr. HEFLEY. Madam Chairman, I do not want to prolong this, but let me just say in closing that why the magical letter appeared when it did I guess we are really not going to get to the bottom of. I would love to know, too, why it got there. I think the real issue is, though, when NASA was left alone on its own to make a decision, after they had been convinced they were going to have to authorize this at some level, the level was $10 million, not $18 million. That is all I am asking that we do today, is take it back to the $10 million level, not the inflated level that came out of the White House by a magical letter after an hour and a half lunch break.

I do not know how that happened. I do not really care how that happened, but let us go back to what NASA agreed on after evaluating what they thought they could spend logically on this program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and on a division (demanded by Mr. HEFLEY) there were—ayes 23; noes 26.

RECORDED VOTE

Mr. HEFLEY. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 220, not voting 31, as follows:

[Roll No. 362]

AYES—188

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kennedy
Kim
King
Kingston
Klug
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Long
Manzullo
Margolies-Mezvinsky
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Murphy
Neal (MA)
Nussle
Orton
Oxley
Paxon
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stenholm
Stump
Sundquist
Synar
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—220

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Camp
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Hoyer
Hughes
Inslee
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Klink
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lowey
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McHale
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Morella
Murtha
Nadler
Natcher
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Spratt
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—31

Baker (LA)
Ballenger
Bevill
Bilirakis
Collins (IL)
Conyers
Cooper
Dooley
Fields (LA)
Frost
Gallegly
Harman
Henry
Jefferson
Lloyd
Machtley
McCandless
McDermott
McKinney
Moakley
Moran
Myers
Packard
Roberts
Roth
Santorum
Schroeder
Underwood (GU)
Vento
Washington
Wilson

□ 1409

The Clerk announced the following pairs:

On this vote:

Mr. Bilirakis for, with Mrs. Collins of Illinois against.

Mr. Roberts for, with Mr. Conyers against.

Mr. Roth for, with Ms. McKinney against.

Mr. ACKERMAN changed his vote from "aye" to "no."

Mr. McCURDY and Mr. GOODLING changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1410

AMENDMENT OFFERED BY MR. COLLINS OF GEORGIA

Mr. COLLINS of Georgia. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLINS of Georgia: Page 25, after line 10, insert the following new section:

SEC. 121. OVERALL REDUCTION OF AUTHORIZATIONS.

Notwithstanding any other provision of this title, each of the authorization amounts contained in this title shall be reduced by 1.38 percent.

Mr. COLLINS of Georgia (during the reading). Madam Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COLLINS of Georgia. Madam Chairman, this amendment simply reduces the dollar amounts authorized in H.R. 2200 by 1.38 percent for a total reduction of approximately $500 million.

Madam Chairman, I appreciate the importance of our space programs but unlike the flood victims in the Midwest the coffers of the U.S. Treasury are dry. This is a minimal amount in this bill, and I hope we will begin making similar cuts on all bills that come to the floor in coming months, to free up funds that can be used to provide disaster assistance to the victims of the floods in the Midwest, as well as to other Americans who may fall victim to natural disasters.

Yesterday, we spent hours on the floor of this House discussing the pressing need to providing emergency relief to the Mississippi flood victims. The people of the Midwest United States need and deserve our help in this time of crisis. There has never been a better time to prioritize spending, and helping Americans who face natural disasters such as floods, hurricanes, drought, or any other natural disaster. I strongly support providing this assistance, and believe that all Members of this body would agree.

I am offering to cut approximately $500 million from the NASA authorization as a first step in prioritizing our spending. I realize that the rules of the House, once again, preclude us from really earmarking this money where it is needed most—to Americans who are hurting because of natural disasters, but I believe that it is important that we make this first step. Although funds cut from this bill will not go directly into the pockets of the citizens needing disaster relief. We must, Madam Chairman, step up to the plate and face the consequences of making priorities. We need to prepare for current and future disasters.

I along with a number of other freshman Members of Congress am sending a letter to President Clinton to ask him to make rescissions to offset the costs of the disaster assistance supplemental appropriation. But I want this House to put its money where its mouth is. I believe that we should start cutting spending right here. Let us get our eyes out of the clouds and find ways to help the hard working folks facing natural disasters down here on Earth.

When a typical American family faces a personal crisis such as the need to hospitalize a child, they cut back on other spending. They know their priorities, and they know that budgeting their finances is the only way to survive such a crisis. Why is it that the Federal Government plays by a different set of rules?

I remind you of the picture of the home that appeared in USA Today of a Midwestern family that had sandbags around their home, on the roof was an inverted American flag signaling distress, and a sign which read "Foreign Aid Here." They flew their flag with patriotism, they did not burn it—but they also asked that the taxes they had paid be used to help them. You can ask each one of them, are they a Republican flood victim or a Democratic flood victim. The fact is, they are flood victims and are looking to us in desperate need. Let us lay aside political differences to begin paying the bill for aiding the emergency victims immediately so it will not come back to haunt these and other victims as an economic disaster in the future.

Madam Chairman, let us encourage the leadership of this House, Democratic and Republican, to adjust all the authorization bills to set aside funds for victims of disasters.

Let us work together and cut slightly over 1 percent of the NASA authorization bill.

We are a product of our priorities. For a fiscally sound Nation that reaches out a helping hand to our brothers and sisters in need, we simply must begin to make those tough choices.

Mr. BROWN of California. Madam Chairman, I move to strike the last word.

Madam Chairman, I want to stall for a couple of minutes, so I am going to oppose the gentleman's amendment, but we may want to make a motion to rise in the very near future here.

May I say that I am well aware of the sentiment of the Members of the House to make an effort to cut spending at every possible opportunity. I share the views of these Members because I think we do have to act responsibly from an economic standpoint.

I am concerned that when we undertake action which purports to be a savings, that we understand the realities of what we are trying to do. Much of what we do in terms of offering cuts actually does not reduce the deficit or help to balance the budget. It frequently merely means that the money is spent for some other program and escapes the particular bill that we are talking about here.

□ 1420

Now, I want the Members to know what the situation is with regard to NASA funding. The appropriations for NASA for the current year, the year that we are in now, is $14,330 million. For next year, the budget request from the administration was $15,265 million.

This bill before us, the authorization bill cuts $476 million from the President's request. It authorized $14,789 million.

The Appropriations Committee has already reported out their bill and has passed it. The House has passed the appropriations bill for NASA and it contains $14,519 million.

Now, the gentleman's amendment, I cannot be precise about this, but I think it would bring the authorizing figure down to, or close to, the amount that we have already appropriated for this program.

While I have no objection to reducing the authorizing bill somewhere down to the level of appropriations, I think it is only reasonable, and practical, that when our appropriators go into conference with the Senate on this important legislation, that there be at least sufficient leeway in the authorizing legislation for reasonable compromises to be made.

So I am going to oppose this amendment and ask that the wisdom of the committee with regard to this authorization, which is only slightly above the appropriations anyway, be respected.

Mr. SMITH of Michigan. Madam Chairman, will the gentleman yield?

Mr. BROWN of California. I am glad to yield to my friend, the gentleman from Michigan, for any comments he would like to make.

Mr. SMITH of Michigan. Madam Chairman, I understand we are going to rise. Though it is not appropriate at this time to introduce my amendment, I will be introducing an amendment next Tuesday that calls for the Director/Administrator of NASA and the Secretary of Agriculture to work together to maximize and utilize existing land resource data for the benefit of agricultural production and agricultural management in this country.

Mr. BROWN of California. Madam Chairman, it is my judgment that we will not be able to finish debate on this amendment before we have made a commitment to rise at 2:30, and out of my respect for my friend who I know wants to have thorough discussion of this amendment, I would like to announce that we will resume discussion of this bill, I am assured by the leadership, early next week.

I would like to have as the pending business when we resume the gentleman's amendment so that we can discuss it in greater detail.

PARLIAMENTARY INQUIRY

Mr. COLLINS of Georgia. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLLINS of Georgia. Madam Chairman, I did not quite understand all the gentleman said.

If I understood correctly, we are just going to postpone the continuation of this amendment. This will first be coming up when we continue this bill next week. Is that what I understood?

Mr. BROWN of California. Madam Chairman, if I may respond, this will be the pending business, this amendment. We will take that up, I am assured, Tuesday or Wednesday of next week.

The CHAIRMAN. The gentleman's amendment will be the pending business when the Committee resumes next week.

Mr. BROWN of California. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mrs. UNSOELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2200) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2667, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RELIEF FROM THE MAJOR, WIDESPREAD FLOODING IN THE MIDWEST ACT OF 1993

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 103–189) on the resolution (H. Res. 226) providing for consideration of the bill (H.R. 2267) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, I was not aware of what was being filed. Could the Chair identify what that is?

The SPEAKER pro tempore. Without objection, the Clerk will re-read the title.

There was no objection.

The Clerk re-read the title of the bill.

Mr. SOLOMON. My parliamentary inquiry, Mr. Speaker, is this: is that the report on the rule dealing with the flood damage supplemental appropriation?

The SPEAKER pro tempore. That is correct.

Mr. SOLOMON. Could I propound a question to the Chair. Are we going to consider that rule today or is it going to be considered later?

The SPEAKER pro tempore. The Chair is going to recognize the acting leader, the gentleman from Oklahoma [Mr. SYNAR].

REQUEST FOR ADJOURNMENT TO MONDAY, JULY 26, 1993

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. WALKER. Reserving the right to object, Mr. Speaker, when we adjourn today will we have taken up the flood appropriations bill?

Mr. SYNAR. Mr. Speaker, if the gentleman will yield, it is the intention of the leadership to bring this matter to the attention of the House next Tuesday. Since we are unable at this time to secure the votes to pass the rule, we will proceed on that schedule, and we will adjourn until next Monday when we will be in session with votes and we will take up flood relief on Tuesday.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, it was made clear in a parliamentary colloquy earlier today that in fact the chairman of the appropriations bill could bring the disaster relief bill to the floor without a rule.

My question is whether or not there is any attempt going to be made to do it that way, rather than waiting for a rule that most of us understand cannot be passed.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I believe the gentleman is correct, but I also believe that if we followed that procedure that the bill because it contains emergency provisions would be subject to a point of order from any Member at any time in any section.

I believe it is the concern of both sides, certainly the concern on this side, that we not replay what happened yesterday.

If we could have some sort of understanding or agreement as to the outcome, then I think it would have made a difference, but I understand those deliberations have been futile this afternoon.

Mr. WALKER. Further reserving the right to object, I think it has been fairly widely checked on our side and we know of no one who would object in terms of points of order on our side that exist in the bill. Those points of order relate, I think, and the gentleman may correct me if I am wrong, they relate to legislation in an appropriation bill, in order to fund the various accounts.

We have checked fairly broadly on our side and we know of no one who would raise points of order with regard to those particular kinds of concerns. That is the reason why we believe that a unanimous-consent request could be brought because we do not think that in any way is going to interfere with the deliberations of the bill.

□ 1430

I am just asking, since we are going to lay over until Monday, whether or not there is any chance we could proceed with this today given those kinds of assurances.

Mr. DURBIN. Mr. Speaker, if the gentleman from Pennsylvania [Mr. WALKER] would yield further, I would hope that the gentleman, and I believe he is, is speaking in good faith in an effort to try and undo some of the things that were done yesterday, but I am not certain as to what the gentleman is saying in reference to this bill, including the provision relating to the summer youth program.

Now I understand that has been a controversial provision, and is that still a problem in terms of considering this legislation?

Mr. WALKER. Further reserving the right to object, Mr. Speaker, 'that is not in the supplemental appropriation bill, it is my understanding. It is an item which has absolutely nothing at all to do with the Midwest floods. It is an extraneous item with regard to Midwest flood victims, and there are concerns on our side about the fact that we Christmas tree these supplemental appropriation bills with totally extraneous matters.

And so my concern is that that would have a problem, but the fact is that the supplemental appropriation, as it came from the committee, can come to the floor at the present time, and I know of no objection to bringing that up.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. SOLOMON. If I may just clarify this for the membership:

The bill that we are referring to is H.R. 2667. That is a supplemental appropriation bill dealing with flood damage. This bill does not contain the so-called Waters language in it, and the Republican leadership had informed the Democrat leadership earlier, about a half hour ago, that we would not object to this unanimous-consent request which does waive all points of order against the consideration of this bill and against the provisions in this bill, and we could, within about 20 minutes, pass this bill right now on the floor.

Mr. Speaker, we not only have broad support; there is 100 percent support on our side. None of us object to this bill being brought up on the floor right now. Mr. Speaker, will the gentleman yield?

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker and Members, I have been quiet for the last 2 days as I have heard the Waters language misrepresented on this floor. I think it is important for all of the Members of this House to understand that the language that is in this bill is simply technical language to correct that which was left out in the conference committee. This is not an appropriation. This money was appropriated with the Summer Youth Program. This is simply language that describes how that money would be spent. That language passed this floor. It received the support of this House.

Mr. Speaker, there is no reason why this should stand in the way of those of my colleagues who wish to do something about flood victims in this country. I think it is outrageous to use this as any kind of a smoke screen. I say to my colleagues, If, in fact, you are saying that you're not at all interested in pay-as-you-go, that you have abandoned that, and that is not your reason for holding up this bill, I wish someone would let me know.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I would say to the gentlewoman from California [Ms. WATERS] that I think she would have to admit that her language has absolutely nothing to do with the Midwest flood victims, and, second, while she represents it as language having passed this House, and she is correct, it did not pass the Senate, and the conference committee specifically rejected the language to which the lady refers.

So, Mr. Speaker, the fact is that the House passed the conference report. It did not have the gentlewoman's language in it.

Ms. WATERS. With all due respect, that is not the case.

Mr. WALKER. The most recent House action is to reject the language which is principally relating to a hundred dollar a week stipend that the gentlewoman from California [Ms. WATERS] wishes to pay to 30-year-old teenagers. In my view that is extraneous to the Midwest flood disaster.

Mr. Speaker, I think that is the view of many on our side, and, if the gentlewoman from California [Ms. WATERS] wishes to pursue this policy issue in the future, there are certainly going to be other bills coming through here that relate to subject matters less of an emergency where she could have her language discussed. I think that is where we are.

Ms. WATERS. Mr. Speaker, that is an incorrect description of what has happened on this bill.

Mr. VOLKMER. Regular order, Mr. Speaker.

The SPEAKER pro tempore (Mr. MURTHA). Regular order is called for.

Is there objection to the request of the gentleman from Oklahoma?

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I did want to yield to the gentleman from Illinois [Mr. DURBIN].

The SPEAKER pro tempore. Regular order is called for.

Under regular order, unless the Member will withdraw the regular order request, then either an objection has to be heard, or the request is granted.

Is there objection to the request of the gentleman from Oklahoma?

Mr. ARMEY. Mr. Speaker, I reserve the right to object.

Mr. SYNAR. Mr. Speaker, I withdraw my unanimous-consent request.

MOTION TO FIX THE TIME TO WHICH THE HOUSE SHALL ADJOURN

Mr. SYNAR. Mr. Speaker, pursuant to clause 4 of rule XVI, I move that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma [Mr. SYNAR].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NUSSLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 169, not voting 50, as follows:

[Roll No. 363]

YEAS—215

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Edwards (CA)
Edwards (TX)
Engel
English (OK)
Eshoo
Farr
Fazio
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hochbrueckner
Horn
Hoyer
Hughes
Hutto
Inslee
Jacobs
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—169

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Emerson
English (AZ)
Evans
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hancock
Hansen
Hastert
Herger
Hoagland
Hobson
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Hyde
Istook
Johnson (CT)
Johnson (SD)
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Leach
Levy
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Nussle
Oxley
Parker
Paxon
Penny
Peterson (MN)
Petri

Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Rogers
Rohrabacher
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tanner
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Upton
Vucanovich
Walker
Weldon
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—50

Ackerman
Baker (LA)
Ballenger
Berman
Bevill
Bilirakis
Brown (CA)
Burton
Clay
Collins (IL)
Conyers
Cooper
Diaz-Balart
Dooley
Fields (LA)
Frost
Gallegly
Harman
Henry
Holden
Houghton
Inglis
Inhofe
Jefferson
Johnson, Sam
Klug
LaFalce
Laughlin
Lloyd
Machtley
McCandless
McDermott
McKinney
Mica
Moakley
Murphy
Myers
Owens
Packard
Pickle
Quillen
Roberts
Ros-Lehtinen
Roth
Santorum
Schroeder
Taylor (NC)
Vento
Walsh
Washington

☐ 1455

Mr. JOHNSON of South Dakota and Mr. EVANS changed their vote from "yea" to "nay."

So the motion to fix the time for adjournment was agreed to.

The result of the vote was announced as above recorded.

MORE THOUGHTS ON THE POST OFFICE SCANDAL

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. BURTON of Indiana. Mr. Speaker, my Democrat colleagues say they are not dragging their feet, that there is no coverup.

The fact of the matter is, they are dragging their feet, and there is a coverup.

I have here before me a letter from the U.S. Department of Justice, U.S. attorney for the District of Columbia, dated July 20, 1993, 3 days ago.

He says that since last August they have been trying to get information, last August, nearly 1 year ago, they have been trying to get information on this scandal in the post office without success. I would like to read from a paragraph of that letter. It says, "After repeated requests to Mr. Ross for such access, we were finally permitted to review the House post office files in May of 1993," 6 months later. "Following that review, we concluded that many House post office files are unaccounted for."

They cannot get them from the Democrats. Do Members know why? Because they have an agenda that they want to get through this Congress, and they do not want anything to impede that agenda.

These records should come forward now. The American people have a right to know, and the Justice Department should have those records so they can conclude this case.

Mr. Speaker, I include for the RECORD a copy of the letter from which I quoted:

U.S. DEPARTMENT OF JUSTICE,
U.S. ATTORNEY,
District of Columbia, July 20, 1993.

Hon. CHARLIE ROSE,
Chairman, Committee on House Administration, U.S. House of Representatives, U.S. Capitol, Washington, DC.

DEAR CHAIRMAN ROSE: I am writing with respect to the records obtained and generated by the House of Representatives Task Force to Investigate the Operation and Management of the Post Office. My purpose is to make certain that our office has received all such records, pursuant to House Resolution 518 and our previous communications.

By way of background, you wrote to former United States Attorney Jay Stephens on August 7, 1992, transmitting a copy of the Task Force report and inviting us to inspect the Task Force records. In response, Assistant U.S. Attorney Wendy Wysong and investigative agents reviewed the Task Force records and requested copies of various categories of documents. You transmitted those documents on August 28, 1992, with an accompanying letter to U.S. Attorney Stephens offering to keep the records available for future inspection and copying.

During the fall of 1992, during discussions with your staff, we requested copies of all of the remaining documents held by the Task Force. On November 16, 1992, we received the bulk of those documents and, in a letter to Chief Counsel Charles Howell, requested the remainder (which consisted of copies of spiral notebooks containing phone and other messages, interview transcripts, and certain other files). You responded in a November 24, 1992 letter to U.S. Attorney Stephens, assuring us that the remaining documents would be copied and sent to us promptly. After receiving those documents, we checked all of our documents against the index provided by the Committee staff to confirm that we had received all of the documents collected by the Task Force. By early December 1992, we assumed we were in possession of all Task Force records.

In early March of 1993, we asked House Counsel Steve Ross for access to all documents remaining in the House Post Office, which presumably had never been collected by the Task Force. Instead of issuing a subpoena for all House Post Office records, many of which would not be german to our investigation, we proposed to review the files and designate those we wanted copied. After repeated requests to Mr. Ross for such access, we were finally permitted to review the House Post Office files in May of 1993. Following that review, we concluded that many House Post Office files are unaccounted for. That is, there are broad categories of files (such as Mr. Rota's correspondence files from later years) that were not included in either the Task Force materials or the existing House Post Office files.

Because certain files appear to be missing from existing House records, we wanted to double-check with you and your staff to ensure that we do indeed have all House Post Office documents collected by the Task Force, as well as other records generated in connection with the Task Force inquiry. At this stage in our continuing investigation, we simply want to make sure that no records were overlooked or forgotten. In addition, we want to ensure that the Task Force records remain intact because we will need to obtain the originals of some of these records.

We continue to appreciate the opportunity to work cooperatively with you.

Sincerely,

J. RAMSEY JOHNSON,
U.S. Attorney.
JOHN M. CAMPBELL,
Chief, Public Corruption/ Government Fraud Section.

A TRIBUTE TO VINCE FOSTER

(Mr. THORNTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. THORNTON. Mr. Speaker, as a personal friend of Vince Foster, I have been searching for words to express the depth of the loss shared, not only by his family and his friends, but by all Americans who value integrity and who love justice.

This morning I found those words expressed in today's lead editorial of the Arkansas Democrat Gazette. I want to share with my colleagues that editorial in its entirety at this point in the RECORD.

VINCE FOSTER: ONE OF THE BEST AND BRIGHTEST

Arkansas has lost one of its best and brightest in Vince Foster. Indeed, America itself has suffered a setback with the loss of his invaluable counsel to Bill and Hillary Clinton during the first year of this new presidency.

Vince was one of a group of Arkansans who grew up in the Sixties with the opportunity to follow the allure of an out-of-state education, but who came back to Arkansas to make their own defining contributions. Maybe he, like Bill Clinton and so many others, was drawn back to his home—and roots—by the charm of this small, wonderful state. Whatever the reason, his return was Arkansas' gain.

His hard-working nature and keen intellect became quickly evident. He graduated first in his class in law school at Fayetteville. He made the highest score on the Arkansas bar exam. The start of his career was the fulfillment of a childhood dream to join the state's oldest law firm. Happily married, he settled in Little Rock to raise a family.

Quietly yet unmistakably, Vince became one of Arkansas' finest attorneys. His speciality was business litigation, which seems surprising for such a self-effacing and reserved gentleman. His clients always felt comfortable that whatever the outcome, they had the very best lawyer possible. Not only were they confident of his skills, they knew he was as committed to their case as they were. Vince had a love and reverence for the law. While he relished the challenge of litigation, he always remembered the client's best interest, especially if it involved a settlement. He usually recommended avoiding litigation if possible. He set an example for all of America's lawyers.

Vince's first love was not the law, but his family. As a husband, he loved his wife Lisa and respected her, realizing his partner in life was due as much credit as he for his accomplishments. This may have been best exemplified in the commencement speech he gave this year to the graduating class at the University of Arkansas School of Law, "I wish for each of you, a Lisa," he told an audience of hopeful new attorneys. He was what every father aspires to be: a man of honesty and integrity, yet a person who offered warm and gentle direction to his children.

His children had a role model that if duplicated in the rest of America's families might solve most of the country's problems.

Next to his family, Vince cherished his friends. To them, he was quiet, yet engaging. Even when taciturn, he had a gleam in his eye that told you he was listening, thinking, and enjoying your company. With Vince you could enjoy a real and rare rapport without needless chatter.

For many of Vince's clients and friends, he was often a calming influence to those distraught over bumps in life's road. His physical stature only accentuated his comforting presence as the epitome of stability, equanimity and integrity. Behind his quiet demeanor hid a keen sense of humor, bursting forth reassuringly with a hearty laugh at one of life's amusing twists or turns.

Friendship, loyalty, and dedication to his lifelong friend, Bill Clinton, took him to Washington to serve the President and the country. His great admiration for Hillary Clinton as a law partner made that choice all the more certain. But Vince's interest in Washington was not in fame or glory. He realized that his honed experience at the Rose Law Firm helping clients prepare for testimony could be very useful to the President and his many new appointees.

Whatever the reason for his premature death, Vince Foster added immeasurably to our state and its people. He enhanced the stature and practice of law in Arkansas. He gave Bill Clinton a stronger presidency. One can only speculate on how much wisdom he would have brought home to Arkansas when he returned from Washington.

For Arkansas to realize its potential, we need more Vince Fosters. He was exceptional. People of his caliber are few and far between.

The loss to his family and friends is also a loss to Arkansas.

Touching a few of the thoughts:

Vince had a love and reverence for the law * * *. He set an example for all of America's lawyers.

Vince's first love was not the law, but his family. As a husband, he loved his wife Lisa and respected her, realizing his partner in life was due as much credit as he for his accomplishments * * *. He was what every father aspires to be: A man of honesty and integrity, yet a person who offered warm and gentle direction to his children.

We need more Vince Fosters. He was exceptional. People of his caliber are few and far between.

Ms. LAMBERT. Mr. Speaker, will the gentleman yield?

Mr. THORNTON. I yield to my colleague, the gentlewoman from Arkansas.

Ms. LAMBERT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like to echo the gentleman's words of sorrow and regret on the deep loss that we all feel in the loss of Vince Foster, and the appreciation that we from the State of Arkansas and also the Nation have for a man who was so strong and who had such a love of justice.

Mr. THORNTON. Mr. Speaker, today our thoughts are with Lisa and their children, his mother, his sisters, and all his family members, and all those who share this loss.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1994–98

(Mr. SABO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1994 through 1998 and spending for fiscal year 1994. Spending levels for fiscal years 1995 through 1998 are not included because annual appropriations acts for those years have not been enacted.

This is the second report on the 103d Congress for fiscal year 1994. This report is based on the aggregate levels and committee allocations for fiscal years 1994 through 1998 as printed in the CONGRESSIONAL RECORD on March 31, 1993, page H1784.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available, or will be used, for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, July 14, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1994 through 1998 and spending estimates for fiscal year 1994, under H. Con. Res. 64, the Concurrent Resolution on the Budget for Fiscal Year 1994. Spending levels for fiscal years 1995 through 1998 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) allocation of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to the conference report on H. Con. Res. 64 were printed in the Congressional Record, March 31, 1993, page H. 1784.

Sincerely,
MARTIN OLAV SABO,
Chairman.

Enclosures

REPORT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1994 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 64

REFLECTING COMPLETED ACTION AS OF JULY 13, 1993

[On-budget amounts, in millions of dollars]

	Fiscal Years	
	1994	1994–98
Appropriate level:		
Budget authority	1,223,400	6,744,900
Outlays	1,218,300	6,629,300
Revenues	905,500	5,153,400
Current level:		
Budget authority	725,919	NA
Outlays	920,401	NA
Revenues	878,100	4,863,825
Current level over (+)/under(−) appropriate level:		
Budget authority	−497,481	NA
Outlays	−297,899	NA
Revenues	−27,400	−289,575

NA=Not applicable because annual Appropriations acts for those years have not been enacted.

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority, that is not included in the current level estimate, and that exceeds $497,481 million in budget authority for fiscal year 1994, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 64, to be exceeded.

OUTLAYS

Any measure that provides new budget or entitlement authority, that is not included in the current level estimate for fiscal year 1994, and exceeds $297,899 million in outlays for fiscal year 1994, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 64, to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1994, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 64. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1994 through 1998, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 64.

DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1994

[In millions of dollars]

	Filed 602(b) subdivisions		Current level		Difference	
	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay
Agriculture, Rural Development	14,629	14,340	0	3,577	−14,629	−10,763
Commerce, State, Judiciary	22,969	23,156	20	6,369	−22,949	−16,787
Defense	240,746	255,615	0	94,206	−240,746	−161,409

DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1994—Continued

[In millions of dollars]

	Filed 602(b) subdivisions		Current level		Difference	
	Budget authority	Outlay	Budget authority	Outlay	Budget authority	Outlay
District of Columbia	700	698	0	0	−700	−698
Energy and Water Development	22,017	21,702	0	8,775	−22,017	−12,927
Foreign Operations	13,783	13,918	0	8,302	−13,783	−5,616
Interior	13,736	13,731	400	4,957	−13,336	−8,774
Labor, Health & Human Services, and Education	66,983	68,290	1,716	38,062	−65,267	−30,228
Legislative	2,300	2,289	0	204	−2,300	−2,085
Military Construction	10,337	8,784	0	6,380	−10,337	−2,404
Transportation	13,134	34,739	0	22,784	−13,134	−11,955
Treasury-Postal Service	11,319	11,522	0	2,740	−11,319	−8,782
VA-HUD-Independent Agencies	68,311	69,973	720	40,472	−67,591	−29,501
Grand total	500,964	538,757	2,856	236,828	−498,108	−301,929

DIRECT SPENDING LEGISLATION

[Fiscal Years, in millions of dollars]

	1994			1994–98		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
HOUSE COMMITTEE:						
Agriculture:						
Appropriate level	−65	−66	−60	49,024	34,682	888
Current level	0	0	0	0	0	0
Difference	65	66	60	−49,024	−34,682	−888
Armed Services:						
Appropriate level	−128	−128	−128	−2,365	−2,357	−2,357
Current level	0	0	0	0	0	0
Difference	128	128	128	2,365	2,357	2,357
Banking, Finance and Urban Affairs:						
Appropriate level	0	−338	0	0	−2,792	0
Current level	0	17	0	0	87	0
Difference	0	355	0	0	2,879	0
District of Columbia:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Appropriate level	0	0	118	0	0	−4,048
Current level	0	0	0	0	0	0
Difference	0	0	−118	0	0	4,048
Energy and Commerce:						
Appropriate level	0	−1,700	−180	−1,169	−8,369	−7,798
Current level	0	0	0	0	0	0
Difference	0	1,700	180	1,169	8,369	7,798
Foreign Affairs:						
Appropriate level	0	0	0	−5	−5	−5
Current level	0	0	0	0	0	0
Difference	0	0	0	5	5	5
Government Operations:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Appropriate level	0	0	0	0	0	0
Current level	1	1	0	8	8	0
Difference	1	1	0	8	8	0
Judiciary:						
Appropriate level	0	0	0	0	−472	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	472	0
Merchant Marine and Fisheries:						
Appropriate level	0	0	0	−205	−205	−4
Current level	0	0	0	0	0	0
Difference	0	0	0	205	205	4
Natural Resources:						
Appropriate level	−117	−112	0	−709	−693	0
Current level	0	0	0	0	0	0
Difference	117	112	0	709	693	0
Post Office and Civil Service:						
Appropriate level	−66	−66	−77	−10,199	−10,547	−9,597
Current level	0	0	0	0	0	0
Difference	66	66	77	10,199	10,547	9,597
Public Works and Transportation:						
Appropriate level	2,092	−13	0	37,458	−85	0
Current level	0	0	0	0	0	0
Difference	−2,092	13	0	−37,458	85	0
Science, Space, and Technology:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Appropriate level	−11	−11	70	−1,356	−1,352	3,447
Current level	0	0	0	0	0	0
Difference	11	11	−70	1,356	1,352	−3,447
Ways and Means:						
Appropriate level	−2,876	−2,054	−2,036	−29,669	−24,422	−12,596
Current level	0	0	0	0	0	0
Difference	2,876	2,054	2,036	29,669	24,422	12,596
Perm. Select Committee on Intelligence:						
Appropriate level	0	0	0	0	0	0
Current level	7	7	7	15	15	15
Difference	7	7	7	15	15	15

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 14, 1993.
Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1994 in comparison with the appropriate levels for those items contained in the 1994 Concurrent Resolution on the Budget (H. Con. Res. 64), and is current through July 13, 1993. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 64)	Current level +/− resolution
Budget authority	725,919	1,223,400	−497,481
Outlays	920,401	1,218,300	−297,899
Revenues			
1994	878,100	905,500	−27,400
1994–98	4,863,825	5,153,400	−289,575

Since my last report, dated May 27, 1993, Congress has approved and the President has signed the CIA Voluntary Separation Incentive Act (P.L. 103–36), the Unclaimed Deposits Amendments Act (P.L. 103–44), and the 1993 Spring Supplemental (P.L. 103–50). Additionally, at the request of Committee staff, we have removed scoring of section 601 of P.L. 102–391, as provided for in Sec. 251(b)(2)(B)(5) of H.R. 2264, the Omnibus Budget Reconciliation Act of 1993 that passed the House on May 27, 1993. These actions changed the current level of budget authority and outlays.

Sincerely,
ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 103D CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS JULY 13, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			878,100
Permanents and other spending legislation	740,893	699,501	
Appropriation legislation		241,770	
Offsetting receipts	(183,477)	(183,477)	
Total previously enacted	557,415	757,794	878,100
ENACTED THIS SESSION			
Authorize Construction of World War II Memorial (P.L. 103–32)	1	1	
CIA Voluntary Separation Incentive Act (P.L. 103–36)	7	7	
Unclaimed Deposit Amendments Act (P.L. 103–44)		17	
1993 Spring Supplemental (P.L. 103–50)	10	(292)	
Total enacted this session	18	(267)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	168,488	162,874	
Total Current Level [1]	725,921	920,401	878,100
Total Budget Resolution	1,223,400	1,218,300	905,500
Amount remaining:			
Under Budget Resolution	497,479	297,899	27,400
Over Budget Resolution			

[1] In accordance with the Budget Enforcement Act, the total does not include $2,340 million in budget authority and outlays for emergency funding in P.L. 103–6, and $12 million in budget authority and $7 million in outlays for emergency funding in P.L. 103–50.

Notes: Amounts in parentheses are negative. Detail may not add due to rounding.

MOTION TO ADJOURN

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NUSSLE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The voted was taken by electronic device, and there were—ayes 200, noes 173, not voting 62, as follows:

[Roll No. 364]

AYES—200

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Collins (MI)
Coppersmith
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Farr
Fazio
Filner
Fingerhut
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Hoyer
Hughes
Hutto
Inslee
Jacobs
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Strickland
Stupak
Swett
Swift
Synar
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—173

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Barlow
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Danner
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Emerson
Evans
Everett
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Grams
Grandy
Green
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Istook
Johnson (CT)
Johnson (SD)
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Long
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Nussle
Oxley
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roemer
Rogers
Rohrabacher
Roukema
Royce
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tanner
Tauzin
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Towns
Upton
Vucanovich
Walker
Weldon
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—62

Ackerman
Baker (LA)
Ballenger
Bateman
Berman
Bevill
Bilirakis
Brown (CA)
Burton
Clay
Collins (IL)
Conyers
Cooper
Cunningham
Deutsch
Diaz-Balart
Dooley
Ewing
Fields (LA)
Frost
Gallegly
Gejdenson
Gingrich
Goodling
Gunderson
Hall (OH)
Harman
Henry
Holden
Houghton
Inglis
Inhofe
Jefferson
Johnson, Sam
Klug
LaFalce
Laughlin
Lloyd
Machtley
McCandless
McDermott
McKinney
McNulty
Mica
Moakley
Murphy
Myers
Owens

Packard
Quillen
Roberts
Ros-Lehtinen
Roth
Santorum
Schroeder
Shuster
Skeen
Studds
Taylor (NC)
Vento
Walsh
Washington

☐ 1514

So the motion was agreed to; accordingly (at 3 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until 12 noon on Monday, July 26, 1993.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I regret that I was unavoidably detained and did not vote on the rollcall vote No. 364. This vote was on adjournment and had I been present, I would have voted nay.

PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, had I been present for the following rollcall votes, I would have voted yes on rollcall votes numbered 360, 361, and 362.

I would have voted no on rollcall votes numbered 359, 363, and 364.

PERSONAL EXPLANATION

Mrs. SCHROEDER. Mr. Speaker, I was absent. Had I been present, I would have voted as follows:

Roll No. 360, Sensenbrenner amendment to cancel the Advanced Solid State Rocket Motor Program: Yea.

Roll No. 361, Walker amendment to eliminate the $18 million earmark for the Consortium for an International Earth Sciences Network: Yea.

Roll No. 362, Hefley amendment to cut the Consortium for an International Earth Sciences Network authorization to $10 million from $18 million: Yea.

Roll No. 363, Motion to fix the time to which the House shall adjourn: Yea.

Roll No. 364, Motion to adjourn: Yea.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, I had pending business in my congressional district and was forced to depart Washington, DC prior to Rollcall Votes 362, 363, and 364. Had I been present, I would have voted "aye" on Rollcall 362, an amendment by Representative HEFLEY to reduce funds for the Consortium for International Earth Science Information Network by $8 million. I would have voted "nay" on the procedural votes called for Rollcalls 363 and 364.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1642. A letter from the Secretary of Health and Human Services, transmitting a report on child maltreatment in alcohol abusing families, pursuant to 42 U.S.C. 5105 note; to the Committee on Education and Labor.

1643. A letter from the Vice President, Farm Credit Bank of Springfield, transmitting the annual report of the Group Retirement Plan for the Agricultural Credit Associations and the Farm Credit Banks in the First Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1644. A letter from the Clerk of the House, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to 2 U.S.C. 703(d)(1) and rule XLIV, clause 1 of House Rules (H. Doc. No. 103–122); to the Committee on Standards of Official Conduct and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHEAT: Committee on Rules, House Resolution 226. Resolution providing for consideration of the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes (Rept. 103–189). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COX:

H.R. 2717. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

H.R. 2718. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and the Solid Waste Disposal Act to limit the liability under those acts of lenders and fiduciaries; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. FAZIO:

H.R. 2719. A bill to provide for the use of an independent site manager, selected by the Secretary of Defense in consultation with local governments and residents of communities adversely affected by base closures, to perform management functions in connection with the closure or realignment of military installations; to the Committee on Armed Services.

By Mr. KING (for himself and Mr. KENNEDY):

H.R. 2720. A bill to amend title 18, United States Code, to include peonage and slavery offenses as RICO predicates; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Ms. NORTON, Mr. FORD of Michigan, Mr. CLAY, Mr. OWENS, Mr. MCCLOSKEY, Mrs. SCHROEDER, Mr. MILLER of California, Mr. KILDEE, Mrs MORELLA, Mr. SAWYER, Mrs. MINK, Mr. DELLUMS, Mr. CONYERS, Mr. STOKES, Mr. FOGLIETTA, Mrs. COLLINS of Illinois, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. TOWNS, Mr. OLVER, Mr. SANDERS, Mr. JEFFERSON, Mr. BLACKWELL, Mr. HASTINGS, Mr. FILNER, and Mr. RUSH):

H.R. 2721. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discriminations claims made by Federal employees; and for other purposes; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. OWENS (for himself and Mr. MURPHY):

H.R. 2722. A bill to amend the Age Discrimination in Employment Act of 1967 with respect to State and local firefighters, law enforcement officers, and incumbent elected judges; and to amend the Age Discrimination in Employment Amendments of 1986 to prevent the repeal of the exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; to the Committee on Education and Labor.

By Mr. OWENS (for himself, Mr. GOODLING, and Mr. BALLENGER):

H.R. 2723. A bill to amend the Rehabilitation Act of 1973 and the Education of the Deaf Act of 1986 to make technical and conforming amendments to the act, and for other purposes; to the Committee on Education and Labor.

By Mr. SAWYER:

H.R. 2724. A bill to provide assistance to States to enable such States to raise the quality of instruction in mathematics and science by providing equipment and materials necessary for hands-on instruction; to the Committee on Education and Labor.

H.R. 2725. A bill to amend the Elementary and Secondary Education Act of 1965 to strengthen and improve the quality of mathematics and science education, and for other purposes; to the Committee on Education and Labor.

H.R. 2726. A bill to provide for improved instructions in mathematics and science education; to the Committee on Education and Labor.

By Mr. PALLONE (for himself, Mr. DEFAZIO, Mr. GILCHREST, Mr. JACOBS, Mrs. MORELLA, Mr. KILDEE, and Ms. BYRNE):

H.R. 2727. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance program; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. SAWYER (for himself and Mr. KILDEE):

H.R. 2728. A bill to authorize a program of grants to States to improve the use of technology in elementary and secondary schools; to the Committee on Education and Labor.

By Mr. SHAYS (for himself, Mr. SWETT, Mr. DICKEY, Mr. MANN, Mr. BARTLETT of Maryland, and Mr. MCHALE):

H.R. 2729. A bill to provide for the application of certain employment protection laws to the Congress and for other purposes; jointly to the Committees on House Administration and Rules.

By Ms. SNOWE (for herself, Mr. MCCOLLUM, and Mr. GILMAN):

H.R. 2730. A bill to amend the Immigration and Nationality Act concerning exclusion from the United States on the basis of membership in a terrorist organization; to the Committee on the Judiciary.

By Mr. WALKER (for himself, Mr. FAWELL, Mr. SMITH of Michigan, and Mr. ROHRABACHER):

H.R. 2731. A bill to encourage the development of a commercial space industry in the United States, and for other purposes; jointly, to the Committees on Science, Space, and Technology, Ways and Means, Natural Resources, Agriculture, and the Judiciary.

By Mr. RANGEL:

H.J. Res. 236. Joint resolution designating August 7, 1993, as "Drug Free Day"; to the Committee on Post Office and Civil Service.

By Mr. ROHRABACHER (for himself, Mr. TORRICELLI, Mr. ARMEY, Mr. BARTLETT of Maryland, Mr. BLUTE, Mr. BOEHLERT, Mr. BOEHNER, Mr. CONDIT, Mr. COX, Mr. DIAZ-BALART, Mr. DREIER, Mr. DUNCAN, Mr. GALLEGLY, Mr. GILMAN, Mr. HERGER, Mr. HYDE, Mr. SAM JOHNSON of Texas, Mr. KYL, Mr. LANTOS, Mr. MACHTLEY, Mr. MCHALE, Mrs. MEYERS of Kansas, Mr. MOORHEAD, Mr. PAXON, Mr. PORTER, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. STEARNS, Mr. SWETT, and Mr. WILSON):

H.J. Res. 237. Joint resolution to authorize the construction of a international monument in the District of Columbia to honor the victims of communism; to the Committee on House Administration.

By Mr. SMITH of Oregon (for himself, Mr. WYDEN, Mr. DEFAZIO, Mr. KOPETSKI and Ms. FURSE):

H.J. Res. 238. Joint resolution to commemorate the sequicentennial of the Oregon Trail; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER of California:

H.R. 2732. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Dixie*; to the Committee on Merchant Marine and Fisheries.

By Mr. HALL of Ohio:

H.R. 2733. A bill to authorize the Secretary of Transportation to issue a certificate of documentation for the vessel *Tessa*; to the Committee on Merchant Marine and Fisheries.

By Mr. OBERSTAR:

H.R. 2734. A bill to authorize the Secretary of Transportation to issue a certificate of documentation for the vessel *Island Girl*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. RICHARDSON and Mrs. LLOYD.

H.R. 31: Mr. SMITH of New Jersey, Mr. BORSKI, Mr. GENE GREEN of Texas, and Mr. CASTLE.

H.R. 98: Mr. DICKS, Mr. STARK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VENTO, Ms. FURSE, Ms. WOOLSEY, and Ms. SCHENK.

H.R. 298: Mr. DURBIN.

H.R. 436: Mr. HOEKSTRA, Mr. COMBEST, Mr. LEWIS of Florida, Mr. THOMAS of Wyoming, Mrs. ROUKEMA, Mr. BONILLA, Mr. KNOLLENBERG, and Mr. SUNDQUIST.

H.R. 535: Mr. BEREUTER, and Mr. UPTON.

H.R. 667: Mr. LIGHTFOOT.

H.R. 702: Mr. LEACH, Mr. INHOFE, and Mr. CALVERT.

H.R. 789: Ms. KAPTUR, Mr. BILBRAY, Mr. COPPERSMITH, Mr. WAXMAN, Mr. SKELTON, and Mr. PASTOR.

H.R. 830: Mr. LIVINGSTON and Mr. SOLOMON.

H.R. 846: Mr. NEAL of Massachusetts, Mr. PASTOR, Mr. EMERSON, Mr. GALLEGLY, Mr. DREIER, Mr. BACCHUS of Florida, Mr. REED, Mr. BAKER of California, Mrs. MEEK, Mr. MENENDEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HARMAN, Mr. POMBO, Mr. HUTTO, and Mr. SAXTON.

H.R. 885: Mr. JOHNSON of Georgia.

H.R. 902: Ms. MALONEY and Mr. MCNULTY.

H.R. 967: Mrs. CUNNINGHAM, Mr. HOBSON, and Mr. MURTHA.

H.R. 1017: Mr. SPENCE, Mr. ENGEL, Ms. BYRNE, Mr. LEVY, and Ms. KAPTUR.

H.R. 1078: Mr. TAYLOR of North Carolina.

H.R. 1079: Mr. TAYLOR of North Carolina.

H.R. 1080: Mr. TAYLOR of North Carolina.

H.R. 1081: Mr. TAYLOR of North Carolina.

H.R. 1082: Mr. TAYLOR of North Carolina.

H.R. 1083: Mr. TAYLOR of North Carolina.

H.R. 1141: Mr. BONILLA.

H.R. 1181: Mrs. LLOYD, Mr. GOSS, and Mr. ORTON.

H.R. 1191: Mr. TAYLOR of North Carolina.

H.R. 1248: Mr. KOPETSKI.

H.R. 1279: Mr. PETERSON of Minnesota, Mr. ANDREWS of New Jersey, Mr. WYNN, Mr. BACCHUS of Florida, Mr. ENGEL, Mr. ROEMER, and Mr. GENE GREEN of Texas.

H.R. 1332: Mr. HALL of Texas and Mr. TORRES.

H.R. 1394: Mr. SAXTON.

H.R. 1519: Mr. TORRES.

H.R. 1538: Mr. WYNN, Mr. MARKEY, Mr. SAWYER, and Mr. ANDREWS of Maine.

H.R. 1551: Mr. KOLBE and Mrs. MEEK.

H.R. 1604: Mr. MACHTLEY.

H.R. 1796: Mr. WOLF, Mr. PARKER, Mr. GALLO, Mr. DORNAN, Mr. ACKERMAN, Mr. TANNER, Mr. HUGHES, Mr. FALEOMAVAEGA, Mrs. ROUKEMA, Mr. KOPETSKI, Mr. BISHOP, Ms. SNOWE, Mr. LANCASTER, and Mr. FILNER.

H.R. 1797: Mrs. MORELLA and Mr. PETERSON of Minnesota.

H.R. 1799: Mr. PETERSON of Minnesota.

H.R. 1816: Mr. WILSON.

H.R. 1900: Mr. FROST, Mr. SYNAR, Mr. TORRES, Mr. MCCURDY, and Mr. OBERSTAR.

H.R. 1910: Mr. MILLER of Florida, Mr. TRAFICANT, Mr. HOUGTON, Mr. HOKE, Mr. MCCOLLUM, Mr. INHOFE, Mr. ROHRABACHER, Mr. SPENCE, Mrs. VUCANOVICH, Mr. COLLINS of Georgia, and Mr. LEWIS of Florida.

H.R. 1981: Mr. BORSKI, Mr. INGLIS of South Carolina, Mr. SARPALIUS, Mr. DICKEY, Mr. BONILLA, Mr. DIXON, and Mr. HAMILTON.

H.R. 2076: Mr. SABO, Ms. FURSE, Mr. DIXON, Mr. SANDERS, and Mr. ENGEL.

H.R. 2137: Mr. PETRI.

H.R. 2434: Mr. ZIMMER.

H.R. 2447: Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. INSLEE, Mr. OWENS, and Mr. DELLUMS.

H.R. 2488: Mr. MINETA.

H.R. 2523: Mr. SOLOMON.

H.R. 2536: Mr. FRANK of Massachusetts, Mr. FROST, Mr. TUCKER, Mrs. MEEK, Mr. PETERSON of Minnesota, and Mr. FILNER.

H.R. 2537: Mr. FRANK of Massachusetts, Mr. FROST, Mr. TUCKER, Mrs. MEEK, Mr. PETERSON of Minnesota, and Mr. FILNER.

H.R. 2538: Mr. FRANK of Massachusetts, Mr. FROST, Mr. TUCKER, Mrs. MEEK, Mr. PETERSON of Minnesota, and Mr. FILNER.

H.R. 2539: Mr. FRANK of Massachusetts, Mr. FROST, Mr. TUCKER, Mrs. MEEK, Mr. PETERSON of Minnesota, and Mr. FILNER.

H.R. 2540: Mr. FRANK of Massachusetts, Mr. FROST, Mr. TUCKER, Mrs. MEEK, Mr. PETERSON of Minnesota, and Mr. FILNER.

H.R. 2572: Mr. DEFAZIO.

H.R. 2579: Mr. RAVENEL.

H.R. 2605: Mr. EVANS.

H.R. 2641: Mr. VISCLOSKY.

H.J. Res. 66: Mr. HASTINGS.

H.J. Res. 129: Mr. TAYLOR of North Carolina.

H.J. Res. 137: Mr. EVANS.

H.J. Res. 157: Mr. HALL of Texas, Ms. VELAZQUEZ, Mr. HASTINGS, Mrs. MEEK, Mr. HINCHEY, Mr. SCOTT, Mr. DURBIN, Mr. BAESLER, Mr. STUMP, Mr. CALLAHAN, and Mr. DELAY.

H.J. Res. 166: Mr. WYNN and Ms. MCKINNEY.

H.J. Res. 199: Mr. BRYANT, Mr. SKELTON, Mr. SPENCE, Mr. SWETT, Mr. EVERETT, Mr. ROYCE, Mr. BONIOR, Mr. CLEMENT, Mr. MILLER of California, Mr. BACHUS of Alabama, Mr. PETRI, Mr. GRANDY, Mr. TRAFICANT, Mr. WISE, Mr. REED, Mr. HANSEN, Mr. WELDON, Mr. RAHALL, Mr. BARTON of Texas, Mr. SCHIFF, Mr. BAKER of California, Mr. GUNDERSON, Mr. SPRATT, and Mr. SABO.

H. Con. Res. 66: Mr. FINGERHUT.

H. Con. Res. 80: Mr. MARTINEZ.

H. Res. 117: Mr. JOHNSON of Georgia.

SENATE—*Monday, July 26, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

In a moment of silence, let us remember those who mourn the sudden unexpected death of Leo Cates, who worked in the telecommunications department of the Sergeant at Arms, the great sadness of those in that department.

Commit thy way unto the Lord; trust also in him; and he shall bring it to pass.—Psalm 37:5.

Almighty God, Your Word declares that, "* * * there is no power but of God: the powers that be are ordained of God." (Romans 13:1) Those who occupy the high and powerful office of Senator are here by Your direction. Behind their decision to seek office and the people's choice was Your sovereign hand. You have not brought them here to abandon them, but to guide and use them to fulfill Your purpose in history. Make them aware of Your presence with them and Your availability to guide and empower them to fulfill the task to which they have been called.

Gracious Father, make real to Your servants the promise of the psalmist: "Commit thy way unto the Lord; trust also in him; and he shall bring it to pass." As the demands and pressure increase in anticipation of the August recess, may the Senators look beyond their own capacity and ability to the adequacy of divine providence.

In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 26, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, the Senate will, today, proceed to consider the Agriculture Appropriations Act pursuant to Order No. 146, which is printed at pages 2 and 3 of today's Senate Calendar. Under that order, the only amendments in order to the bill will be those printed in the order and any second degrees thereto.

All amendments must be offered today. There will be no amendments in order after the close of business today. And the votes on any amendments, which are ordered today, will occur tomorrow following the cloture vote on the national service bill. That cloture vote will occur at 10 a.m. and, therefore, any votes on the Agriculture Appropriations Act will occur beginning at approximately 10:20 a.m. It is my hope that we can complete action on that bill during the morning tomorrow.

Mr. President, in addition to the Agriculture Appropriations Act and the national service bill, it is my hope that the Senate can, in the near future, act on several pending appropriations bills. There are on the calendar now three such bills: One for the Commerce, State, Justice Department's appropriations; one for the District of Columbia appropriations; and one for the Treasury and Postal Department's appropriations. I expect additional appropriations bills to be reported by the Appropriations Committee in the near future.

So Senators can expect a very active and busy week this week and the following week, if we are to complete action on these and the other important measures on which we must act prior to the scheduled recess.

That recess is scheduled to begin at the close of business on Friday, August 6—that is a week from this coming Friday—and it is important that we complete action on as many appropriations bills as possible, in addition to a number of other measures including, hopefully, some nominations and, of course, the reconciliation bill. We must complete action on the reconciliation bill before any recess begins. And I hope that can all be done by the close of business on Friday, August 6.

Mr. President, I will be discussing the schedule, as is my usual practice, with the distinguished Republican leader in the next few days and will have further announcements to make following those discussions with respect to the schedule.

Mr. President, I note that the managers of the bill are present, the distinguished Senator from Arkansas, who is the manager, and the distinguished Senator from Mississippi, who is the ranking member and manager on the Republican side.

I, therefore, yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 2493, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

The Senate proceeded to consider the bill which was reported from the Committee on Appropriations with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $50,000 for employment under 5 U.S.C. 3109, **[**$2,320,000**]** *$2,295,000*: *Provided*, That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That the Secretary may transfer salaries and expenses funds in this Act sufficient to finance a total of not to exceed 35 staff years between agencies of the Department of Agriculture to meet workload requirements.

OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Office of the Deputy Secretary of Agriculture, including not to exceed $25,000 for employment under 5 U.S.C. 3109, [$553,000] *$546,000*: *Provided*, That not to exceed $3,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Deputy Secretary.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, [$5,954,000] *$5,781,000*.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, [$808,000] *$798,000*.

RENTAL PAYMENTS (USDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, $135,503,000, of which $30,804,000 shall be retained by the Department of Agriculture for the operation, maintenance, and repair of Agriculture buildings and for non-recurring repairs as determined by the Department of Agriculture, and an additional $19,700,000 shall be retained by the Department of Agriculture for renovation and repair of facilities at the Beltsville Agricultural Research Center: *Provided*, That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 per centum of the funds made available for space rental and related costs to or from this account.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, $940,000: *Provided*, That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $15,802,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Finance and Management, Operations, Information Resources Management, Advocacy and Enterprise, Administrative Law Judges and Judicial Officer, and Emergency Programs, [$26,301,000] *$25,960,000*, for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, [$1,333,000] *$1,317,000*.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work and programs authorized by Congress in the Department, [$8,629,000] *$8,510,000*, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins: *Provided*, That [none of the funds in this Act] *hereafter, none of the funds available to the Department of Agriculture* may be used to produce part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture).

INTERGOVERNMENTAL AFFAIRS

For necessary expenses for programs involving intergovernmental affairs and liaison within the executive branch, [$478,000] *$472,000*.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, [$65,932,000] *$65,127,000*, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978, as amended, and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, [$26,149,000] *$25,835,000*.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to carry out the programs funded in this Act, [$589,000] *$582,000*.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, [$57,702,000] *$51,219,000*; of which $500,000 shall be available for investigation, determination, and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided*, That this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further*, That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, [$82,069,000] *$81,458,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), [$2,582,000] *$2,550,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

Office of the Assistant Secretary for Science and Education

For necessary salaries and expenses of the Office of the Assistant Secretary for Science and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, [$569,000] *$562,000*.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), [$7,250,000] *$12,000,000* is appropriated to the Alternative Agricultural Research and Commercialization Revolving Fund.

Agricultural Research Service

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, [$688,805,000] *$680,165,000*: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That [appropriations hereunder] *hereafter, appropriations available to the Department of Agriculture* can be used to provide financial assistance to the organizers of national and international conferences, if such conferences are in support of agency programs: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations shall not apply to the purchase of land or the construction of facilities as may be necessary for the relocation of the United States Horticultural Crops Research Laboratory at Fresno to Parlier, California, and the relocation of the laboratories at Behoust, France and Rome, Italy to Montpelier, France, including the sale or exchange at fair market value of existing land and facilities at Fresno, California and Behoust, France; and the Agricultural Research Service may lease such existing land and facilities from the purchasers until completion of the replacement facilities and the foregoing limitations shall not apply to the purchase of land at Weslaco, Texas: *Provided further*, That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, $2,500,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, [$29,387,000] *$29,888,000*, to remain available until expended (7 U.S.C. 2209b): *Provided*, That *hereafter*, facilities to house bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94–129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) shall not apply to the construction of such facilities: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

Cooperative State Research Service

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $171,304,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended, including administration by the United States Department of Agriculture, penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); [$18,809,000] *$22,809,000* for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a–582–a7), as amended, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $28,157,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee University; [$50,070,000] *$71,117,000* for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); [$114,000,000] *$102,500,000* for competitive research grants under section 2(b) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(b)), including administrative expenses; $5,551,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95–113, including administrative expenses; [$2,168,000] *$650,000* for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d); [$400,000] *$600,000* for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; $3,500,000 for higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)), including administrative expenses; $1,500,000 for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses; $1,000,000 for a higher education minority scholar program under section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(5)), including administrative expenses; $4,000,000 for grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 and other Acts; [$6,825,000] *$8,000,000* for sustainable agriculture research and education, as authorized by section 1621 of Public Law 101–624 (7 U.S.C. 5811), including administrative expenses; and [$20,827,000] *$20,689,000* for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which $10,550,000 shall be for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, [$428,586,000] *$441,852,000*.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension, and teaching programs of the Department of Agriculture, where not otherwise provided, [$37,750,000] *$56,874,000*, to remain available until expended (7 U.S.C. 2209b).

Extension Service

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, [$274,582,000] *$270,593,000*; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, [$64,961,000] *$61,431,000*; payments for the pest management program under section 3(d) of the Act, $8,459,000; payments for the farm safety and rural health programs under section 3(d) of the Act, [$2,698,000] *$2,988,000*; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,363,000; payments to upgrade 1890 land-grant college research and extension facilities as authorized by section 1447 of Public Law 95–113, as amended (7 U.S.C. 3222b), $7,901,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, [$938,000] *$950,000*; payments for a groundwater quality program under section 3(d) of the Act, $11,234,000; payments for the Agricultural Telecommunications Program, as authorized by Public Law 101–624 (7 U.S.C. 5926), [$1,206,000] *$1,221,000*; payments for youth-at-risk programs under section 3(d) of the Act, $10,000,000; *payments for a Nutrition Education Initiative under section 3(d) of the Act, $5,000,000;* payments for a food safety program under section 3(d) of the Act, $1,975,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,341,000; payments for Indian reservation agents under section 3(d) of the Act, $1,750,000; *payments to establish and operate centers of rural technology development as authorized by section 2347 of Public Law 101–624 (7 U.S.C. 1932), $2,000,000;* payments for sustainable agriculture programs under section 3(d) of the Act, $2,963,000; *payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,000,000;* and payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, [$25,414,000] *$25,472,000*; in all, [$420,785,000] *$422,641,000*: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, [$8,390,000] *$11,000,000.*

National Agricultural Library

For necessary expenses of the National Agricultural Library, [$17,682,000] *$18,155,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $900,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements: *Provided further, That $462,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818), in addition to other funds available in this appropriation for grants under this section.*

Office of the Assistant Secretary for Marketing and Inspection Services

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, *Agricultural Cooperative Service*, Agricultural Marketing Service, and Packers and Stockyards Administration, [$691,000] *$682,000.*

Animal and Plant Health Inspection Service

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, [$439,042,000] *$443,653,000*, of which $91,460,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account, and of which $4,938,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That if the demand for Agricultural Quarantine Inspection (AQI) user fee financed services is greater than expected and/or other uncontrollable events occur, the Agency may exceed the AQI User Fee limitation by up to 10 per centum, provided such funds are available in the Agricultural Quarantine Inspection User Fee Account, and with notification to the Appropriations Committees: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: Provided further, That none of these funds shall be used to pay the salary of any Department veterinarian or Veterinary Medical Officer who, when conducting inspections at horse shows, exhibitions, sales, or auctions under the Horse Protection Act, as amended (15 U.S.C. 1821–1831), relies solely on the use of digital palpation as the only diagnostic test to determine whether or not a horse is sore under such Act.*

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $10,145,000, to remain available until expended (7 U.S.C. 2209b).

Food Safety and Inspection Service

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $516,738,000, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: *Provided*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

Federal Grain Inspection Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, [$11,554,000] *$11,509,000*: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That [none of the funds provided by this Act] *hereafter, none of the funds available to the Federal Grain Inspection Service* may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to any person or persons who require nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94–582 other than those necessary to fulfill the purposes of such Act.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,784,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 per centum with notification to the Appropriations Committees.

Agricultural Cooperative Service

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451–457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by *the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), $5,708,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109.*

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, agricultural cooperatives, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, **[**$61,614,000**]** *$56,887,000*; including $2,346,000 for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $55,953,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 per centum with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than **[**$10,309,000**]** *$10,670,000* for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

In fiscal years 1994 and 1995, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent authorized by section 1541 of Public Law 101–624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), **[**$1,735,000**]** *$1,300,000.*

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, **[**$12,194,000**]** *$12,052,000.*

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, *Office of International Cooperation and Development*, Foreign Agricultural Service, and the Commodity Credit Corporation, **[**$563,000**]** *$556,000.*

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970, as amended (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301–1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241–273); title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3811 et seq.); and laws pertaining to the Commodity Credit Corporation, $732,467,000; of which $730,842,000 is hereby appropriated, and $1,036,000 is transferred from the Public Law 480 Program Account in this Act and $589,000 is transferred from the Commodity Credit Corporation Program Account in this Act: *Provided*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

[For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), $290,116,000: *Provided*, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i): *Provided further*, That none of the funds in this Act may be used to offer a Federal crop insurance policy in counties on crops where a loss ratio, that has already been recalculated pursuant to law to reflect the premium rates issued by the Corporation for the 1993 crop year, is in excess of 1.10 more than 70 percent of the years that a policy has been offered since 1980: *Provided further*, That none of the funds in this Act may be used to pay operating and administrative costs that exceed 31 per centum of premium to insurers of policies on which the Corporation provides reinsurance, except to reimburse said insurers for excess loss adjustment expenses as provided for in the Standard Reinsurance Agreement issued by the Corporation: *Provided further*, That the second proviso shall not apply in any county affected if the Corporation has implemented a nonstandard classification system in such county for those individual farms that have experienced excessive losses since 1980 under which the premium rates, notwithstanding the provision of section 508(d) of the Federal Crop Insurance Act, are increased over comparable rates effective for the 1993 crop, or the insured yields are decreased from comparable yields for the 1993 crop, or a combination of both, by an amount or amounts sufficient to ensure that an estimated loss ratio will not exceed 1.1 for the crop produced on such farms during the 1994 crop year.**]**

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), $290,116,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i): Provided further, That none of the funds in this Act may be used to offer a Federal crop insurance policy in counties on crops where a loss ratio, that has already been recalculated pursuant to law to reflect the premium rates issued by the Corporation for the 1993 crop year, is in excess of 1.10 more than 70 percent of the years that a policy has been offered since 1980: Provided further, That none of the funds in this Act may be used to pay operating and administrative costs that exceed 31 per centum of premium to insurers of policies on which the Corporation provides reinsurance, except to reimburse said insurers for excess loss adjustment expenses as provided for in the Standard Reinsurance Agreement issued by the Corporation: Provided further, That the second proviso shall not apply in any county affected if the Corporation has implemented a nonstandard classification system in such county for those individual farms that have experienced excessive losses since 1980 under which the premium rates, notwithstanding the provision of section 508(d) of the Federal Crop Insurance Act, are increased over comparable rates effective for the 1993 crop, or the insured yields are decreased from comparable yields for the 1993 crop, or a combination of both, by an amount or amounts sufficient to ensure that an estimated loss ratio will *not exceed 1.1 for the crop produced on such farms during the 1994 crop year.*

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, $235,794,000, to remain available until expended (7 U.S.C. 2209b); of which $47,072,000 is to reimburse the Federal Crop Insurance Corporation Fund for agents' commissions and loss adjustment obligations incurred during prior years, but not previously reimbursed, as authorized by section 516(a) of the Act, as amended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1994, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $20,896,614,000 in the President's fiscal year 1994 Budget Request (H. Doc. 103–3)), but not to exceed $18,000,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1994, the Commodity Credit Corporation shall not expend more than $4,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, **[**$578,000**]** *$571,000*.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, **[**$588,262,000**]** *$593,835,000*, to remain available until expended (7 U.S.C. 2209b); of which not less than $5,820,000 is for snow survey and water forecasting and not less than $8,214,000 is for operation and establishment of the plant materials centers: *Provided*, That except for $2,399,000 for improvements of the plant materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $10,000, except for one building to be constructed at a cost not to exceed $100,000 and eight buildings to be constructed or improved at a cost not to exceed $50,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $2,000 per building: *Provided further*, That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006–1009), $13,482,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), **[**$9,721,000**]** *$10,921,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, **[**$228,915,000**]** *$258,615,000* to remain available until expended (7 U.S.C. 2209b), of which **[**$40,386,000**]** *$41,186,000* shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed **[**$22,881,000**]** *$34,381,000* shall be available for emergency measures as provided by sections 403–405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203–2205), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That $4,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010–1011; 76 Stat. 607), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), **[**$32,945,000**]** *$35,000,000*, to remain available until expended (7 U.S.C. 2209b): *Provided*, That $600,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $25,658,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q), and sections 1001–1004, 1006–1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501–1504, 1506–1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $194,650,000, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the Agricultural Conservation Program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20

(XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels: *Provided further*, That not to exceed **[$15,000,000]** *$22,000,000* of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3838 et seq.).

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $12,820,000, to remain available until expended, as authorized by that Act.

[WATER BANK PROGRAM

[For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301–1311), $18,620,000, to remain available until expended.

[EMERGENCY CONSERVATION PROGRAM

[For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205), $10,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.]

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, $13,783,000, to remain available until expended (7 U.S.C. 2209b), to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county ASC committees, approved by the State ASC committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided*, That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further*, That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831–3845), $1,743,274,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance.

WETLANDS RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Wetlands Reserve Program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), **[$44,450,000]** *$22,250,000*, to remain available until expended: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, **[$583,000]** *$576,000*.

RURAL DEVELOPMENT ADMINISTRATION

Notwithstanding any other provision of this Act, **[**except Sec. 722,**]** the Secretary may transfer funds from the Farmers Home Administration in this Act to fund the Rural Development Administration, as authorized by law.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the Rural Housing Insurance Fund, as follows: $2,550,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $750,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $16,300,000 for section 514 farm labor housing; **[$573,900,000]** *$540,107,000* for section 515 rental housing; $600,000 for site loans; and **[$166,863,000]** *$150,000,000* for credit sales of acquired property: *Provided*, That up to $50,664,000 of these funds shall be made available for section 502(g), Deferral Mortgage Demonstration.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: low-income housing section 502 loans, **[$366,360,000]** *$366,435,000*, of which **[$12,225,000]** *$12,300,000* shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $13,671,000; section 514 farm labor housing, $8,394,000; section 515 rental housing, **[$311,972,000]** *$309,967,000*; and credit sales of acquired property, **[$25,397,000]** *$22,830,000*.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $396,161,000.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, **[$417,523,000]** *$475,865,000*; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the Rental Assistance Program under section 521(a)(2) of the Act: *Provided*, That of this amount not more than **[$5,840,000]** *$11,210,000* shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: **[***Provided further*, That of this amount not less than $109,258,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than $5,214,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That $297,211,000 is available for expiring agreements and for servicing of existing units without agreements:**]** *Provided further*, That agreements entered into or renewed during fiscal year 1994 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

RURAL HOUSING VOUCHER PROGRAM

For necessary expenses to operate a rural housing voucher program as authorized by section 542 of title V of the Housing Act of 1949, as amended, $25,000,000, to be administered by the Secretary of Agriculture.

SELF-HELP HOUSING LAND DEVELOPMENT FUND PROGRAM ACCOUNT

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $622,000.

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $23,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $14,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, [$634,624,000] *$678,543,000*, of which $556,543,000 shall be for guaranteed loans; operating loans, [$2,750,000,000] *$4,046,252,000*, of which [$1,800,000,000] *$3,000,000,000* shall be for unsubsidized guaranteed loans and $250,000,000 shall be for subsidized guaranteed loans; [$4,909,000] *$4,312,000* for water development, use, and conservation loans, of which [$2,012,000] *$1,415,000* shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, [$1,163,000] *$1,000,000*; for emergency insured loans, $100,000,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, [$147,566,000] *$100,000,000*.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, [$34,080,000] *$41,507,000*, of which $20,870,000 shall be for guaranteed loans; operating loans, [$119,985,000] *$129,818,000*, of which [$9,360,000] *$15,747,000* shall be for unsubsidized guaranteed loans and [$29,425,000] *$29,445,000* shall be for subsidized guaranteed loans; [$506,000] *$494,000* for water development, use, and conservation loans, of which [$43,000] *$31,000* shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, [$229,000] *$197,000*; for emergency insured loans, $26,060,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, [$22,405,000] *$15,400,000*.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $275,392,000.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, [$835,000,000] *$903,886,000*, of which [$35,000,000] *$35,500,000* shall be for guaranteed loans; community facility loans, [$325,000,000] *$275,000,000*, of which $75,000,000 shall be for guaranteed loans; and guaranteed industrial development loans, [$298,762,000] *$200,000,000*: *Provided*, That none of the funds made available in this Act may be used to make transfers between the above limitations.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct water and sewer facility loans, [$111,040,000] *$120,532,000*; direct community facility loans, [$24,125,000] *$19,320,000*; guaranteed community facility loans, $3,803,000; and guaranteed industrial development loans, [$2,778,000] *$1,860,000*.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $58,194,000.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

For the cost of direct loans [$56,000,000] *$84,000,000*, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed [$100,000,000] *$150,000,000*.

In addition, for administrative expenses necessary to carry out the direct loan programs, $1,481,000.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), [$2,963,000] *$4,000,000*.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to section 306(a)(2) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), [$450,000,000] *$535,571,000*, to remain available until expended, pursuant to section 306(d) of the above Act: *Provided*, That of this amount, [$25,000,000] *$25,700,000* shall be available for water and waste disposal systems to benefit the Colonias along the U.S./Mexico border, including grants pursuant to section 306C*: Provided further, That of this amount, up to $15,000,000 shall be available for project grants to remedy the dire sanitation conditions in rural Alaska villages in which the median household income does not exceed 110 percent of the statewide non-metropolitan household income and that notwithstanding the Consolidated Farm and Rural Development Act, Public Law 87–128, such grants shall be for 50 percent of the development cost of the project upon a state or local contribution of 50 percent of the development cost of the project: Provided further*, That, with the exception of the foregoing [$25,000,000] *$25,700,000 and the foregoing $15,000,000*, these funds shall not be used for any purpose not specified in section 306(a) of the Consolidated Farm and Rural Development Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $25,000,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $11,000,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $12,750,000, to remain available until expended (7 U.S.C. 2209b).

SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

For grants pursuant to sections 509(g)(6) and 525 of the Housing Act of 1949, $2,500,000, to remain available until expended.

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $500,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98–181), $23,000,000.

RURAL DEVELOPMENT GRANTS

For grants authorized under section 310B(c) and 310B(j) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act to any qualified public or private nonprofit organization, [$35,000,000] *$50,000,000*: *Provided*, That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development.

SOLID WASTE MANAGEMENT GRANTS

For grants for pollution abatement and control projects authorized under section 310B(b) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act, $3,000,000: *Provided*, That such assistance shall include regional technical assistance for improvement of solid waste management.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For emergency community water assistance grants as authorized under section 306B (7 U.S.C. 1926b) of the Consolidated Farm and Rural Development Act, $10,000,000.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Farmers Home Administration, $600,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471–1490o); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440–444), for administering the loan program authorized by title III–A of the Economic Opportunity Act of 1964 (Public Law 88–452 approved August 20, 1964), as amended, and such other programs which the Farmers Home Administration has the responsibility for administering, $729,749,000; of which

$35,552,000 is hereby appropriated, $374,255,000 shall be derived by transfer from the Rural Housing Insurance Fund Program Account in this Act and merged with this account, $261,158,000 shall be derived by transfer from the Agricultural Credit Insurance Fund Program Account in this Act and merged with this account, $57,294,000 shall be derived by transfer from the Rural Development Insurance Fund Program Account in this Act and merged with this account, $1,476,000 shall be derived by transfer from the Rural Development Loan Fund Program Account in this Act and merged with this account, and $14,000 shall be derived by transfer from the Self-Help Housing Land Development Fund Program Account in this Act and merged with this account: *Provided*, That not to exceed $500,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed [$4,368,000] *$4,500,000* of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $125,000,000; 5 percent rural telephone loans, [$125,000,000] *$75,000,000*; cost of money rural telephone loans, $198,000,000; municipal rate rural electric loans, $600,000,000; and loans made pursuant to section 306 of that Act, $933,000,000; to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, [$36,265,000] *$30,043,000*; cost of municipal rate loans, $46,020,000; cost of money rural telephone loans, $40,000; cost of loans guaranteed pursuant to section 306, [$11,184,000] *$3,090,000*.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1994 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $199,847,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), [$40,000] *$3,118,000*.

In addition, for administrative expenses necessary to carry out the loan programs, $8,794,000.

DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

For necessary expenses to carry into effect the programs authorized in sections 2331–2335 of Public Law 101–624, $10,000,000, to remain available until expended.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $13,025,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans, [$3,381,000] *$3,423,000*.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–1995), and for which commitments were made prior to fiscal year 1994, including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $103,000 for employment under 5 U.S.C. 3109, $38,776,000; of which $29,982,000 shall be derived by transfer from the Rural Electrification and Telephone Loans Program Account in this Act and $8,794,000 shall be derived by transfer from the Rural Telephone Bank Program Account in this Act: *Provided*, That none of the funds in this Act may be used to authorize the transfer of additional funds to this account from the Rural Telephone Bank: *Provided further*, That none of the salaries and expenses provided to the Rural Electrification Administration, and none of the responsibilities assigned by law to the Administrator of the Rural Electrification Administration may be reassigned or transferred to any other agency or office.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service *and the Human Nutrition Information Service*, [$554,000] *$547,000*.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773–1785, and 1788–1789); $7,497,131,000, to remain available through September 30, 1995, of which $2,727,022,000 is hereby appropriated and $4,770,109,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That *hereafter*, funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That *hereafter*, if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further*, That *hereafter*, only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds [appropriated under this Act.] *available to the Department of Agriculture; in addition*, States may receive program funds [appropriated under this Act] *available to the Department of Agriculture* for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that [month. Exceptions] *month; and in addition, exceptions* to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further*, That up to $3,849,000 shall be available for independent verification of school food service claims: *Provided further*, That [$1,706,000] *$2,000,000* shall be available to provide financial and other assistance to operate the Food Service Management Institute.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $20,277,000, to remain available through September 30, [1995. Only] *1995: Provided, That hereafter, only* final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds [appropriated under this Act.] *available to the Department of Agriculture; in addition*, States may receive program funds [appropriated under this Act] *available to the Department of Agriculture* only if the final program operations report for such month is submitted to the Department within ninety days following that [month. Exceptions] *month; and in addition, exceptions* to these claims or reports submission requirements may be made at the discretion of the Secretary.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), [$3,210,000,000] *$3,213,500,000*, to remain available through September 30, 1995, of which up to [$4,000,000] *$8,000,000* may be used to carry out the farmer's market coupon program: *Provided*, That [none of the funds in this Act] *hereafter, none of the funds available to the Department of Agriculture* shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further, That until revised allocation regulations have been issued, the Secretary may waive regulations governing allocations as necessary to ensure funds are received by States most in need: Provided further, That hereafter, rebate funds received by States as part of a cost containment initiative for WIC are exempt from the interest provisions of the Cash Management Improvement Act of 1990, Public Law 101–453.*

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than $8,000,000 for the projects in Detroit, New Orleans, and Des Moines, $104,500,000 to remain available through September 30, 1995: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2029), $28,136,655,000: *Provided*, That funds provided herein shall remain available through September 30, 1994, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That $2,500,000,000 of the foregoing amount shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or work fare requirements as may be required by law: *Provided further*, That $345,000,000 of the funds provided herein shall be available after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program: *Provided further*, That $1,091,000,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by 7 U.S.C. 2028, of which $12,472,000 shall be transferred to the Animal and Plant Health Inspection Service for the Cattle Tick Eradication Project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013(b)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $218,641,000, to remain available through September 30, 1995: *Provided, That notwithstanding any other provision of law, for meals provided pursuant to the Older Americans Act of 1965, a maximum rate of reimbursement to States will be established by the Secretary, subject to reduction if obligations would exceed the amount of available funds, with any unobligated funds to remain available only for obligation in the fiscal year beginning October 1, 1994.*

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, $40,000,000.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Emergency Food Assistance Act of 1983, as amended, [$40,000,000] *$42,500,000*: *Provided*, That, in accordance with section 202 of Public Law 98–92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Emergency Food Assistance Act of 1983, as amended, [$80,000,000] *$107,500,000*.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $107,767,000; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

HUMAN NUTRITION INFORMATION SERVICE

For necessary expenses to enable the Human Nutrition Information Service to perform applied research and demonstrations relating to human nutrition and consumer use and economics of food utilization, and nutrition monitoring, $10,864,000: Provided, That funds made available by Public Law 102–341 under this head shall remain available for obligation from October 1, 1993, through September 30, 1994, only for the purpose of expenses necessary to conduct the Continuing Survey of Food Intakes by Individuals: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), [$117,812,000] *$110,284,000*: *Provided*, That this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis[: *Provided further*, That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581–3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further*, That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392)].

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the General Sales Manager, $9,158,000, of which $4,866,000 may be transferred from Commodity Credit Corporation funds, $2,792,000 may be transferred from the Commodity Credit Corporation Program Account in this Act, and $1,500,000 may be transferred from the Public Law 480 Program Account in this Act. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95–501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) [$450,446,000] *$503,635,000* for Public Law 480 title I credit, including Food for Progress credit; (2) [$45,927,000] *$51,641,000* is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $821,570,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $280,083,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided*, That not to exceed 10 per centum of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further*, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, [$346,889,000] *$387,849,000*.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $2,536,000.

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING DEMOCRACIES EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $200,000,000 in credit guarantees under its Export Guarantee Program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging democracies, as authorized by section 1542 of Public Law 101–624 (7 U.S.C. 5622 note).

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out CCC's Export Guarantee Program, GSM 102 and GSM 103, $3,381,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $2,792,000 may be transferred to and merged with the appropriation for the salaries and expenses of the General Sales Manager, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Agricultural Stabilization and Conservation Service.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, and international scientific and technical cooperation in the Department of Agriculture, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), $7,697,000: Provided, That not to exceed $3,000 of this amount shall be available for official reception and representation expenses as authorized by 7 U.S.C. 1766: Provided further, That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581–3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: Provided further, That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

LIMITATION ON EXPENSES

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed $1,062,000: *Provided*, That not to exceed $25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; [$867,339,000, of which not to exceed $54,000,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 1994 shall be subject to the fiscal year 1994 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That none of the funds in this Act may be used to pay for expenses of the Board of Experts on Tea] *$638,339,000; and in addition, $175,000,000 to be credited to this appropriation, from fees established and collected to cover the costs of regulation of products under the jurisdiction of the Food and Drug Administration, to remain available until expended.*

In addition, not to exceed $54,000,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended in accordance with section 736(g) of such Act: Provided, That this amount may be adjusted pursuant to section 736(c) of that Act: Provided further, That fees derived from applications received during fiscal year 1994 shall be credited to the appropriation current in the year in which the fees are collected and subject to the fiscal year 1994 limitation.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $8,350,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That the Food and Drug Administration may accept donated land in Montgomery and/or Prince George's Counties, Maryland.

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act, $48,575,000, of which $15,000,000 shall be retained by the Food and Drug Administration for repairs, improvements, and non-recurring repairs as determined by the Food and Drug Administration: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 per centum of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1993, as authorized, $62,696,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $47,485,000, including not to exceed $700 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $40,426,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1994 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 657 passenger motor vehicles, of which 653 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954, and (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. [No part of the funds contained in this Act] *Hereafter, none of the funds available to the Department of Agriculture* may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

SEC. 705. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 706. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, and Integrated Systems Acquisition Project; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; Foreign Agricultural Service, Middle-Income Country Training Program; higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)); and capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, including Tuskegee University.

New obligational authority for the Boll Weevil Program; up to 10 per centum of the Screwworm Program of the Animal and Plant Health Inspection Service; funds appropriated for Rental Payments; and higher education minority scholars programs under section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(5)) shall remain available until expended.

SEC. 707. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 708. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 709. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 710. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 711. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1993 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 712. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Food and Drug Administration, 9,824; Farmers Home Administration, 12,225; Agricultural Stabilization and Conservation Service, 2,550; Rural Electrification Administration, 550; and Soil Conservation Service, 14,177.

SEC. 713. Funds appropriated by this Act shall be applied only to the objects for which appropriations were made except as otherwise provided by law, as required by 31 U.S.C. 1301.

SEC. 714. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 715. [None of the funds provided in this Act] *Hereafter, none of the funds available to the Department of Agriculture* may be expended to release information acquired from any handler under the Agricultural Marketing Agreement Act of 1937, as amended: *Provided*, That this provision shall not prohibit the release of information to other Federal agencies for enforcement purposes: *Provided further*, That this provision shall not prohibit the release of aggregate statistical data used in formulating regulations pursuant to the Agricultural Marketing Agreement Act of 1937, as amended: *Provided further*, That this provision shall not prohibit the release of information submitted by milk handlers.

SEC. 716. Unless otherwise provided in this Act, none of the funds appropriated or otherwise made available in this Act may be used by the Farmers Home Administration to employ or otherwise contract with private debt collection agencies to collect delinquent payments from Farmers Home Administration borrowers.

SEC. 717. None of the funds in this Act, or otherwise made available by this Act, shall be used to sell loans made by the Agricultural Credit Insurance Fund. Further, Rural Development Insurance Fund loans offered for sale in fiscal year 1994 shall be first offered to the borrowers for prepayment.

SEC. 718. None of the funds in this Act may be used to establish any new office, organization, or center for which funds have not been provided in advance in Appropriations Acts, except the Department may carry out planning activities.

SEC. 719. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total Federal funds provided under each award.

SEC. 720. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal years 1992, 1993, and 1994 shall remain available until expended to cover obligations made in fiscal years 1992, 1993, and 1994 for the following accounts: Rural Development Insurance Fund Program Account; *Rural Development Loan Fund Program Account;* the Rural Telephone Bank Program Account; the Rural Electrification and Telephone Loans Program Account; and the Rural Economic Development Loans Program Account: *Provided, That hereafter, such appropriations are authorized to remain available until expended.*

SEC. 721. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

[SEC. 722. Notwithstanding any other provision of this Act, none of the funds in this Act may be used to operate the seven regional offices of the Rural Development Administration after April 1, 1994.]

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978, with respect to tobacco or if the aggregate amount of funds and/or commodities under such program exceeds [$127,734,000] *$75,000,000.*

SEC. 724. None of the funds appropriated or otherwise made available by this Act shall be used to enroll in excess of [50,000] *25,000* acres in the fiscal year 1994 Wetlands Reserve Program, as authorized by 16 U.S.C. 3837.

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to enroll additional acres in the Conservation Reserve Program authorized by 16 U.S.C. 3831–3845.

SEC. 726. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

[SEC. 727. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

[(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

[(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

[(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

[(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.]

SEC. 728. Notwithstanding the provisions of the constitution of any State or the laws of any State limiting the rate or amount of interest which may be charged, taken, received, or reserved, the rates of interest on loans guaranteed by the Farmers Home Administration and the

Rural Development Administration shall be the rates established pursuant to the applicable Federal statutes.

SEC. 729. Hereafter, the Food and Nutrition Service and the Human Nutrition Information Service may use incrementally funded nonseverable service contracts that are to be performed in two or more fiscal years to perform evaluations, studies and surveys related to food consumption, nutrition, or improving the administration and effectiveness of domestic food assistance programs.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994".

Mr. BUMPERS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas [Mr. BUMPERS] is recognized.

Mr. BUMPERS. Mr. President, I am pleased to present the fiscal year 1994 appropriations bill for agriculture, rural development, and related agencies.

The bill totals $70.98 billion in new obligational authority. Under CBO scoring, the bill includes $14.46 billion in discretionary authority and $56.21 billion in mandatory spending. Included in the mandatory total is $28.14 billion for food stamps, $18.0 billion for the commodity Credit Corporation reimbursement of losses, $7.5 billion for child nutrition programs, and $1.77 billion for the conservation reserve program and the wetlands reserve program; 77.5 percent of our total bill is for mandatory programs.

In terms of the subcommittee's 602(b) allocation for discretionary funds, we have just met that allocation without a dollar to spare. As the old saying goes, we just barely balanced the books.

Any amendments that add money to the bill or increase its cost in any way must be offset by an equal amount or they will be subject to a Budget Act point of order.

To highlight some of the programs in the bill, let me first mention the WIC Program which is the subcommittee's top priority. It has received by far the largest increase in the bill. For WIC, we are providing $3.214 billion, a $354 million increase over last year, or 12.4 percent.

Let me digress from my remarks and say that that is a program that is championed strongly as a bipartisan measure in this bill. It is the measure by which we provide prenatal care and a healthy protein diet for poor, pregnant women. It has one of the highest cost-benefit ratios of anything we appropriate money for in the Senate.

On the issue of nutrition programs, the bill contains a total of $39.5 billion for food programs, including WIC, food stamps, child nutrition, food donations, and emergency feeding. This amount represents 55.7 percent of the total bill. These programs actually benefit the urban areas more than they do the rural areas, simply because there are more people who qualify for this assistance in urban areas. It was somewhat of a misnomer to call this a bill for rural America when you consider how much of it is for urban areas.

Other increases to the 1993 level of funding include $23.94 million for the Food Safety and Inspection Service in order to provide better meat and poultry inspection and to fund the Secretary's pathogen reduction program.

Again, digressing from the formal remarks, this is an extremely important issue. We all know that the salmonella outbreak in Oregon and Washington last year at a food chain was a terrible tragedy for the country. Some of the members of the committee wanted to put language in saying that we would only tolerate a zero tolerance in food safety. There may come a happy day when we can have a zero tolerance with new technology but right now that would be very difficult though highly desirable.

The subcommittee is impressed with research conducted under the Alternative Agricultural Research and Commercialization Act and a $4.8 million increase is provided.

A $17.3 million increase is provided for the Soil Conservation Service so that it can better meet the conservation requirements of the 1985 and 1990 farm bills.

The President proposed significant increases for rural housing as does this bill. Included is a $675.5 million increase for section 502 rural housing loans and a $71.9 million increase for rural housing rental assistance payments in order to meet the estimated renewals and servicing of contracts.

The bill also contains significant increases for some of the other Farmers Home Administration loan programs including a $1.482 billion increase for farm operating loans; a $123 million increase for farm ownership loans; an $18.9 million increase for water and sewer loans; a $117.5 million increase for rural development loans; and a $29.3 million increase for rural development loans. To complement the loans, a $110.6 million increase is provided for water and sewer grants.

Bear in mind, all the increases I just mentioned are loans except for the last one which is for rural water and sewer grants. For my money that is just about the most important item in here.

I want to make special mention of what we did for the Food and Drug Administration. We provided an $85.3 million increase over this year's level which is the same as the President' request. The President proposed to collect $200 million in new user fees in 1994. The House did not provide for such a user fee. Our bill recommends that rather than $200 million in user fees we generate $175 million. The bill recommends that FDA generate $175 million in new user fees. The recommendation to include these user fees was particularly troublesome for me because I do question FDA's ability to collect them in time to be used in 1994.

And I might also say that this could have a devastating effect on small pharmaceutical companies and small prosthetic device companies. For example, many of the contact lens manufacturers in this country are small businesses with 20 employees or less. Since the House does not have this provision, obviously we are going to have a lot of blood on the floor before that becomes final.

We do not know yet how FDA will levy the fees and how they will be and who they will affect. While the administration has requested them, it has no specific plan for implementation to date. However, the fiscal constraints with which we are faced forced us to comply, in part, with the budget request.

Much interest has been expressed in the Market Promotion Program. This is the program by which we have American agricultural producers sell and compete with other countries who have much higher subsidies for agricultural exports than we have. The House cut this program from a $147.7 million funding level to $127.7 million. That is a $20 million cut. Our subcommittee recommended that we cut the program to $75 million for 1994.

I might say that a lot of that is my doing because I am not sure this program has been spending this money as wisely as we would like and, number two, I am not sure that the Government ought to be spending this much money for some of the things we heard about, and we will probably talk more about that later in the day.

The bill retains House language for the Federal Crop Insurance Program. That language limits participation by farmers who have significant and recurring losses and thereby produces savings in the bill. I know that Secretary Espy and others are looking at the program and are intent on making changes—changes that will coincide with alterations to the crop disaster assistance program. I hope that can happen quickly. If need be, we will revisit this issue in conference and make appropriate changes.

Like the House bill, no funds are provided for the Rural Development Administration; however, funds may be transferred from the Farmers Home Administration to RDA if necessary. While the House recommended that no funds be available to operate the RDA regional offices and there are about seven of them, I think, still in operation. The House said all of them must be closed by April 1, 1994, and the Senate bill would remove that provision. So that is going to be a hotly contested conferenceable item.

Secretary Espy is committed to reorganizing the department and the committee felt it would be best to await that recommendation prior to closing these offices.

Again, this issue needs to be resolved in conference.

Like the House bill, for the Conservation Reserve Program, no new sign-ups will be allowed in 1994.

For the Wetlands Reserve Program, the bill currently recommends an additional limited program of cost of $22.25 million. An additional 25,000 acres will be entered into the reserve from 18 States, including the 9 States within the pilot program. The cost per acre of the initial pilot program was $923 which, in my mind, is excessive.

Mr. President, you can buy some of the most fertile land in America in the Arkansas delta for $923, and under the Wetlands Reserve Program we are paying for an easement, a wetlands, easement to the tune of an average of $923.

Bear in mind, admittedly some of that land is very precious land in California and New York, and we have been paying as much as $2,300 and $2,400 an acre for it.

But to my distinguished colleague and ranking member, the Senator from Mississippi, let me say that one of the en bloc amendments that I will offer momentarily will put additional money into the wetlands reserve and increase the acres from 25,000 to 100,000, but we also have a proviso that no more than $700 average may be spent per acre for this program.

Saving wetlands is a highly desirable thing. Environmentalists love this program, and I like it, too, but I am just saying the cost per acre is getting high. And the reason we settled on $700 average, Mr. President, is you can still buy highly desirable land at a higher price but you are going to have to find some other desirable land at a lot less in order to average $700 an acre if you are going to reach the 100,000 acre level next year.

The bill contains no funding for the Water Bank Program because the subcommittee felt that it was too similar to the Wetlands Reserve Program.

Mr. President, I highly commend this bill to my colleagues and solicit their support.

Having said that, Mr. President, let me now defer and yield to my very distinguished colleague and ranking member, Senator COCHRAN.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi [Mr. COCHRAN] is recognized.

Mr. COCHRAN. Mr. President, today the Senate considers H.R. 2493, the Agriculture, rural development, Food and Drug Administration, and related agencies appropriations bill. This is the second of the thirteen fiscal year 1994 appropriations bills to be brought before the Senate.

As reported, this bill recommends total appropriations of $70.976 billion for the fiscal year beginning October 1, 1993. It includes funding for all programs and activities of the U.S. Department of Agriculture, with the exception of the Forest Service, as well as for the Food and Drug Administration, the Commodity Futures Trading Commission, and expenses and payments of the farm credit system.

I would like to point out to my colleagues that of the nearly $71 billion in total new appropriations recommended, $39.5 billion, or 56 percent, of the total spending is for domestic food programs. These programs include food stamps; child nutrition assistance, including the school lunch and breakfast programs; and the supplemental feeding program for Women, Infants, and Children [WIC] Program. In fact, this bill recommends $3.2 billion in total funding for the WIC program for fiscal year 1994. This is an increase of $353.5 million above the current level and puts us on track to reach the goal of providing full funding for WIC by the end of fiscal year 1996.

Including congressional budget scorekeeping adjustments and prior-year spending actions, the total discretionary spending recommended by this bill is $14.460 billion in budget authority and $14.139 billion in outlays. These amounts are consistent with the subcommittee's 602(b) discretionary spending allocations for fiscal year 1994.

The subcommittee is faced with extremely tight spending constraints this year. It received a discretionary spending allocation which was roughly the same as the total discretionary spending request of the President. Built into the President's request however, is approximately $300 million in savings from new user fee proposals; $1.1 billion in new program investments, $600 million in proposed discretionary program savings, and close to $500 million in program increases. The subcommittee has accepted a number of these proposals and rejected others. On balance, I believe we have produced a good bill given the limited resources available.

I would like to highlight some of the committee's recommendations for my colleagues.

The bill recommends an increase of $22.9 million for the Food and Safety Inspection Service to pay for additional meat and poultry inspectors and to fund the Pathogen Reduction Program to assure the safety of our food supply.

It provides for increased investments in rural housing and development programs to meet the needs of rural America and to improve the lives of those who live in our Nation's small rural towns and communities. These increases include: an additional $628 million in rural housing loan authorizations; an increase of $71.9 million to provide rental assistance to low and very low-income families; an increase of $194 million in rural water and sewer, community facility and industrial loan authorizations; and an additional $111 million for rural water and waste disposal grants.

It accepts the House bill reform in the Federal Crop Insurance Program, saving close to $70 million below the current level of funding required for this program, but $76 million less than the administration's proposal.

It rejects the administration's proposed savings from the creation of a new Farm Service Agency, retaining the current account structure for the Agricultural Stabilization and Conservation Service, the Soil Conservation Service, and the Farmers Home Administration. The committee has taken this action since the structure of this new agency will not be specifically defined until USDA's reorganization proposal is released sometime this fall.

For important agriculture research activities, an increase of nearly $30 million is provided, along with an additional $4.8 million for alternative agricultural research and commercialization.

An increase of $215 million is recommended for USDA land conservation activities, of which $165 million is for mandatory payments under the Conservation Reserve Program.

For farm operating loans, an additional $1.5 billion in loan authorizations is recommended, along with a $123 million increase in farm ownership loan authorizations.

The bill does not recommend approximately $105 million of the nearly $300 million in new user fee savings proposed by the President.

Given the subcommittee's discretionary spending constraints however, the bill does include $175 million of the $200 million in proposed new Food and Drug Administration [FDA] user fees on FDA-regulated activities. The subcommittee simply could not find the savings required to avoid this action.

The discretionary spending allocation received by our counterpart House subcommittee is $51 million in budget authority and $200 million in outlays above the Senate's. It is my hope that a higher conference mark will allow the Senate to recede to the House on this issue.

I do not believe that new user fees should be established on an appropriations bill. This new user fee proposal should have separate review and authorization from the Congress. More troubling is the fact that the administration has made this proposal but cannot explain it, indicating in responses to questions submitted by the subcommittee that the details of these additional fees are still under development.

I also seriously doubt that implementation of this proposal would generate the $200 million in fiscal year 1994 revenues claimed in the President's budget. If not authorized by an act of Congress, the FDA would have to implement such fees by regulation. FDA has previously testified before the subcommittee that it would take 18 to 24 months to develop any new user fee and begin fee collections if done in this manner.

I would also like to raise a concern about the level of funding provided by this bill for the Market Promotion Program [MPP]. This program plays a valuable role in expanding overseas markets for U.S. agricultural products. The $75 million recommended is far below the President's proposal of $147.7 million and the $127.7 million level contained in the House-passed appropriations bill. I believe a cut of nearly 50 percent in the current funding level for MPP is too severe. Here again, given the higher House bill level, I hope this program will receive more generous treatment in conference.

Mr. President, let me commend the distinguished chairman of the subcommittee, Senator BUMPERS. We have worked hard earlier in the year through hearings on this bill and the budget the President has submitted for the Department of Agriculture and related agencies, to get a wide range of input into the appropriations process.

As the chairman has stated, we have the responsibility under this legislation to provide the funds for the operation of the Department of Agriculture and other agencies for the fiscal year beginning October 1. I suppose the dilemma that the subcommittee faced and the Senate confronts today is how do you try to deal with all of the real and important needs that are funded in this legislation, but at the same time keep under consideration and try to deal with the ever-growing problem of the budget deficit that we face so that we will not undermine the economic well-being of our country in the process. We do not want to overspend in this bill, but we want to be responsive to those needs and, within the allocation of the funds given to this subcommittee under the budget process, to be responsible.

It was illustrated for me when I left my office this morning. There were several families in my office in the Russell Building visiting Washington with children to tour the Capitol and see the sights in Washington. I mentioned that I was on my way to the floor to help manage this agriculture appropriations bill.

One of the gentlemen there said, "Now don't forget we have got a big interest in trying to get an agriculture research center established in Mississippi. We are competing for funds for that. That is really important."

About that time, another person, who was in another family group, said, "And don't forget the budget deficit."

That is the point that we have to confront today: How do we allocate funds to meet the real needs and the concerns that many have for funding of different programs and projects and activities in this bill but still, at the same time, be responsible?

Well, I am prepared to recommend to the Senate that we approve this bill on both counts today. I think it does respond, as much as we can under our allocation, to many important activities, which range from food safety, to agriculture production support, to market development for agriculture commodities, to housing in rural areas, and various other programs administered by the Farmers Home Administration.

It, at the same time, recognizes that we cannot go overboard, though, in spending requests that we make of the Senate today.

One fact will illustrate what I think is an important consideration for the Senate. The subcommittee is recommending total discretionary spending, where we are not constrained with mandates of the law to provide funds for certain programs whether we want to or not but where we do have full discretion, $14.46 billion in budget authority for the next fiscal year. This is $80 million below the President's total discretionary funding request for the programs level of budget authority and activities included in this bill.

And so in a $70 billion bill, as far as the discretionary spending programs are concerned, we have gone below the level requested in budget authority and total appropriations recommended in this bill are $5.9 billion below the level requested.

There are a couple of areas that are dealt with in this bill that trouble me considerably. We discussed them in the subcommittee and full committee as well, but I want to bring them up for the information of Senators. They deal with the Food and Drug Administration user fee proposal that is contained in this bill and the substantial decrease in the funding level in this bill, as compared to the House and the President's budget request, for the market promotion program.

First of all, the Food and Drug Administration is directed by legislative language in this appropriations bill to implement a user fee program. I object to that strongly because that is the job for the legislative committee. We are here appropriating funds for existing programs that are already authorized by law, not to create new legislative authority for agencies that come within the jurisdiction of this bill.

So this committee, by directing the Food and Drug Administration to implement a user fee program to raise $175 million to help offset their budget needs for the next year, is going beyond what, in my judgment, should be our appropriate course of action in funding the activities of the FDA.

First of all, we asked the Agency in our hearings whether or not a program for user fee collection could be implemented in time to actually receive revenue in this next fiscal year. FDA said it would take from 18 to 24 months before any fees could actually be generated if done by rulemaking.

First, you would have to put the proposal in the Federal Register, there has to be a period for public comment, and then the process has to begin and the collections have to begin. Well, by the time you see the money coming into the Treasury, you are going to be well past the next fiscal year. That is the whole point.

And so to score the FDA user fees as an offset for spending in this next fiscal year strains the imagination. In other words, in this bill we are claiming credit on the revenue side for $175 million that we really are not going to see come into the Treasury until fiscal year 1995. So this needs to be addressed either on the floor of the Senate or in conference with the House.

We will have an opportunity to modify our proposal at some point in this process, and I strongly recommend that we do so. I know that there are Senators who are considering amendments on this subject and, under the unanimous-consent agreement that was entered into for consideration of this bill, there will be opportunities to take up proposed changes to this section of the bill. If and when those amendments are offered, I hope that we can resolve this issue in a way that is consistent with the authority of this committee and also with the realities of the budget process with respect to the funding for the Food and Drug Administration.

Like food safety, the activities of FDA are very important to everybody. Not only does that agency have the responsibility for establishing standards by which the nutritional values of food are measured—and the food labeling issue is one that is very important in providing information to people about what they are buying when they go shopping—they also have responsibility for licensing drugs and medical devices that can be sold here in the United States; very important work that this agency has. For a number of years, they really have not had the funds at the Agency that they need in order to do the kind of job that the American people have a right to expect and which is required of the agency under the law.

So this has been a dilemma and a problem, because the Agency is put in the position of competing with a lot of other popular programs that are funded in this bill, like the WIC Program, for example. We have a very generous appropriation for the Women, Infants, and Children Feeding Program. It has a health benefit that many recognize as a program that provides nutritional benefits to many in our country. We hope that by keeping on this funding track we will realize full funding for this program so that all those who are eligible can participate in it by 1996. And that is the track we are on in this bill.

A word about the market promotion program. I mentioned it as another part of the bill that troubles me considerably.

The administration had requested around $150 million in funding for the next fiscal year for this program. This was a program that was originally designed to target financial resources of the Federal Government to help deal with unfair trading practices in overseas markets.

The exporters and the farmers who sell their products in the international marketplace are confronted with some very serious problems. If you have the European Community and other countries using the treasuries of their countries to erect barriers or to subsidize their agriculture to the extent that we cannot compete, then we are out of business; we are out of the market.

We have seen, over the last 10 years particularly, a lot of aggressive competition in the use of Government funds in other countries to help deprive U.S. marketers and exporters of market access in various ways. So we created in the Congress, with the support of the previous administration, a Target Export Assistance Program. It was called the T Program. It provided funds to help exporters deal with these sometimes illegal but certainly unfair practices that were depriving U.S. marketers of access in the international marketplace.

A couple of years ago, the name of the program was changed to the Market Promotion Program. It still has the same purpose. And it has worked. It has proven to be very effective. Today, we should recognize the fact that a lot of our economic success in the United States is dependent upon our ability to compete effectively in the international marketplace. We have become the world's largest exporting country.

To get to that point, we have had to develop a partnership relationship with Government and business and agriculture and those who are interested in marketing what they produce in the overseas markets, because this is a very competitive and in many cases a highly subsidized enterprise for a lot of foreign government friends we compete with. But this program has served to give us more leverage, to provide the full resources of the U.S. Government to help ensure that there is fair dealing and fair play in international trade.

Of course, these commodities that are assisted by this program are agriculture commodities, by and large, food products and many related kinds of products that are supported in the export effort through this program. This bill provides only $75 million, compared with $147.7 million in requested funding by the administration. I hope we can address that sharp disparity in what the real needs are and what the bill we have here provides.

Let me at this point simply conclude by again saying I believe this is a bill that deserves the support of the Senate. Under the current fiscal constraints, the Appropriations Committee has produced a bill which is, first, responsible in the recognition of the deficit problem and trying to hold spending, particularly discretionary spending, in line with the previous year's level of spending. But it also responds to some very legitimate and real needs we have in the wide range of issue areas that are supported and funded by the bill.

I hope the Senate will approve the bill.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purposes of amendment as original text, provided that no point of order shall be waived by reason of the agreement with this request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendments were agreed to en bloc.

AMENDMENT NO. 635

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 635.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 24, strike "$29,888,000" and insert: "$32,788,000".

On page 15, line 8, strike "$71,117,000" and insert: "$72,467,000".

On page 17, line 8, strike "$441,852,000" and insert: "$443,202,000".

On page 20, line 3, strike "$11,000,000" and insert: "$11,187,000".

On page 46, line 17, strike "$22,250,000" and insert: "$70,000,000".

On page 53, between lines 14 and 15, insert:

"AGRICULTURAL RESOURCE CONSERVATION DEMONSTRATION PROGRAM ACCOUNT

"For loan guarantees authorized under sections 1465–1469 of Public Law 101–624, for the Agricultural Resource Conservation Demonstration Program, $6,799,000 to any State defined as eligible under section 1465(c)(3)(A) of that Act. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, $3,599,000.".

On page 72, line 11, strike "$503,635,000" and insert: "$490,184,000".

On page 72, line 13, strike "$51,641,000" and insert: "$50,261,000".

On page 73, line 9, strike "$387,849,000" and insert: "$377,490,000".

On page 88, line 1, strike "25,000,000" and insert: "100,000".

On page 88, line 3, between the period, insert: ": *Provided*, That average per acre costs shall not exceed $700".

On page 90, strike lines 3 through 9.

Mr. BUMPERS. Mr. President, I believe this amendment is not controversial and I will explain it briefly.

First, the amendment provides $2,900,000 for the Agricultural Research Service to begin construction of a research facility in Florida. This level is the same as the House and the Senators from Florida have asked us to comply with the House.

Second, the amendment, on behalf of the Senators from Michigan, provides $1,350,000 for research projects that were funded in the past. The amount is the same as the funding provided for 1993.

Third, the amendment provides $187,000 for an extension integrated pest management project in the State of Maine. This is the same amount as was provided in 1993 and it was inadvertently left out of the bill.

Fourth, the amendment changes the committee's recommendation with regard to the wetlands reserve program. Rather than providing $22,250,000 to enter 25,000 acres into the wetlands reserve, the amendment provides $70 million and allows 100,000 acres to be entered. In addition, the amendment caps the cost per acre at $700 on average. I am a big supporter of the wetlands reserve program and would like to see it successfully reach its goal of entering 1 million acres by way of permanent easements. My concern about the initial pilot was the cost per acre which was $923. By limiting this cost, I believe the program can go forward and will be just as beneficial.

Fifth, the amendment provides $3,599,000 for the Agriculture Resource Conservation Demonstration Program authorized in the 1990 farm bill. This program provides for the issuance of loan guarantees and interest assistance on loans made to State trust funds to assist eligible States in financing a farmland protection effort to preserve vital farmland resources for future generations. It is estimated that this amount will provide for $6,799,000 in loan guarantees.

The amendment also deletes language regarding contracting authority for the Food and Nutrition Service and the Human Nutrition Information Service. Due to concerns raised by OMB and CBO about this language, I recommend striking it from the bill.

Finally, because these changes increase funding in several areas, the amendment reduces funding for the Public Law 480 title I program level by $14.8 million. The resulting program level of $540,445,000 is still $44.1 million higher than the House and budget request levels.

Mr. President, I urge the adoption of this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the chairman offers an amendment which includes funding for a variety of programs and activities. We had a lot of requests from Senators and others to fund projects, but we ran up against the allocation level and the authority we had to spend for programs of this kind.

Even as we were discussing a lot of proposals and requests in our subcommittee markup, we had some very small projects that were turned down at the chairman's recommendation because we were up against the spending level. One project in my State cost $20,000; another project has suggested to be funded in Kansas; and another in Maine was funded. And there may be some others that we can revisit if we bring down the Public Law 480 funding. Some of these programs were left out intentionally, others were inadvertently left out as the chairman states, but still others have been reconfigured to fit within the definition of this amendment.

Before we clear this amendment on this side of the aisle, I hope the chairman will permit us to look at it a little more carefully and move to some other amendments that have been identified under the unanimous consent agreement for consideration.

I would have no objection to setting aside this amendment and proceeding to other amendments while we have a chance to look at these provisions and any other options that occur to us. That might be appropriate at this point.

Mr. BUMPERS. Mr. President, I have no objection to that. I would like to say all of these amendments are ongoing projects. These are not new ones. They are ongoing and they were, almost every one of them, an inadvertent omission on my part and the part of the subcommittee.

The other thing that I failed to say is the money we are going to spend for the wetlands reserve under these committee amendments makes it a nationwide program rather than a pilot program. It takes into consideration every State in the Nation.

With that, Mr. President, I ask unanimous consent the pending amendment be temporarily laid aside, and that it become the order of business immediately after each amendment to be offered hereafter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Nevada [Mr. REID] is recognized.

AMENDMENT NO. 636

(Purpose: To provide that none of the funds appropriated or otherwise made available by this act shall be used to operate a regional office of the Rural Development Administration after April 1, 1994)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I offer this amendment on my behalf, and on behalf of Senator BROWN and Senator BRYAN.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for himself, Mr. BROWN, and Mr. BRYAN, proposes an amendment numbered 636.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

> On page 87, between lines 12 and 13, insert the following new section:
>
> SEC. 722. None of the funds appropriated or otherwise made available by this Act shall be used to operate a regional office of the Rural Development Administration after April 1, 1994.

The ACTING PRESIDENT pro tempore. The Senator has 15 minutes.

Mr. REID. Mr. President, those Senators who are watching this debate and those staff members who are watching this debate should be advised that this is a rare opportunity. We always talk about saving money. We were here on this floor to Friday talking about a relatively small bill compared to this, the legislative branch bill. At that time, we were cutting literally nickels and dimes from the Library of Congress, the General Accounting Office, and other such agencies.

We always go home to townhall meetings and we respond to our constituents in mail and other fashions by saying, "I want to save money." It is a flag word throughout the United States; that there is too much bureaucracy, too much redtape, and we have to do something to do away with bureaucracies and levels of Government.

Here, Mr. President, is that opportunity. Here is that opportunity to save some money and also to do away with bureaucratic redtape and make Government more efficient.

What this amendment does is, in effect, phase out the Rural Development Administration. This was established in 1990. The reason it was established really no one knows. It was done during a conference committee, and it was done without the blessing of the Department of Agriculture.

The purpose, supposedly, has been unmet because no one knows what that purpose was to begin with. Instead of doing something to correct—as the language of the conference amendment said—to correct fragmented and haphazard rural development policy, we stood that on its head. We did everything but that. Instead, what we have done is the opposite. We have reinforced fragmentation and created overlap in jurisdiction, and that is an understatement.

There are seven of these RDA offices in the country. These offices are expected to handle loans for sewer and water systems, establishment of small businesses, and recreational uses and facilities. These are activities that previously the Farmers Home Administration handled, and they did it quite well.

One RDA office currently covers an area stretching from the northwest corner of Montana to the Missouri Boot Heel, hundreds and hundreds of miles, hundreds and hundreds of unnecessary miles.

During the hearings on this before the committee and during the debate that ensued in the other body, it was clearly established that this extra layer of Government does nothing but create trouble for someone wanting to borrow money. They used to be able to go to their local office. Now, as indicated, they have to travel hundreds and hundreds of miles to go to the RDA office first. That is wrong. It should not have to be that way.

As an economic unit, it is obvious that rural communities in Montana have much different needs than those in Missouri. Why do we have this kind of regional structure? No one knows. Chairman DURBIN, on April 21, was asking this question. This was April 21 a couple of years ago. He asked the RDA guy:

> Let me ask the question again. You have added another layer to the process * * * of a person seeking water and waste disposal * * * would showed up at the Farmers Home Administration, whether it is a county office, district office, or whatever, working their way to the State office and then finally the national office. You now have another stop in the office of the regional RDA, do you not?

And the man, Mr. Bennett, responds the only way he can: "We have a regional office."

He cannot defend the process because it is not defensible.

Further, Mr. DURBIN says:

> I am not quarreling with what the new law requires of you. I am just asking why we have a new layer, and I think I understand Congress requires it. Now let me ask you this question. What do we get for this? What did we buy for our regional offices? What is different about your approach? Why is it more efficient for loan applications to receive a regional office review in this huge area that you allotted, for example, in the Midwest that stretches from northwestern Montana to the Boot Heel of Missouri. That is certainly not an economic unit. I live in that area. We do not identify with the folks in Missoula * * * and they do not necessarily identify with us. Why do we have that kind of regional structure? What does it do? What does it add to the process?

And Bennett, in effect, with kind of a long, drawn-out answer had to acknowledge it does not add anything.

Let us look at what we have added to the bureaucracy already faced by rural communities. Mr. President, the reason people in rural Colorado, rural Nevada, rural America are upset with the bureaucracy is because of things just like this. They want to get things done. They do not want to have to travel hundreds and hundreds of miles to do something that is totally unnecessary. As I indicated, under the old system, a loan was filed with the Farmers Home Administration district office, then it went to the State office, and, if necessary, to DC.

Now we added a new process. I have explained that we have a regional RDA office. Some of these RDA offices—only seven of them—you have to travel long and hard to get there. It is clearly another bundle of redtape, clearly another area of bureaucracy. We cannot ignore the fact that the RDA is another layer of fat around the Federal Government's waistline.

Mr. ROBERTS—this is not a partisan issue, he is a Republican House Member from Kansas—on June 29, 1993 said:

> Two years ago, we decided that we would go forward with the RDA, this Rural Development Administration, and we put the rural development programs in that category under that banner. Then in keeping with that in terms of the decentralized policies, the gentlemen recommended we establish regional offices in Massachusetts, South Carolina, West Virginia, Missouri, Pennsylvania, Texas, and Oregon. The gentleman knows that the regional office that serves us in Kansas and Nebraska is located in St. Joseph, Missouri.

There will be an argument raised that it will cost money to phase these offices out, to close these offices, but that is the argument that is always used. We would not close a military base if we used that logic because it cost money to close a military base on the short term, but long term we save lots of money, and that is the point.

We need to phase these offices out. We will do it by next April. There functions will be taken over, as they were, by the FmHA. It worked fine before. So Members should not buy the argument that it costs money to phase these out. Of course it does. It costs money to close a military base, but long term we save lots of money.

Congress needs to give the new administration a chance if they want to make some changes during the next 6 months. That is why it is not terminated immediately. Allowing this program to stay in place is not the answer. We need to do away with this office. It is created without the blessing of the Department of Agriculture. It seems that there are hundreds of secretaries of agriculture within the Congress, and I think we should have only one Secretary of Agriculture.

To quote again Representative DURBIN during the House Agriculture Appropriations Committee hearing this year:

> What we did, in fact, by creating those regional offices was to create a new level of bureaucracy, a new stage in the approval process, and a great inconvenience to a lot of small communities.

I suggest that we would do a favor to small communities by adopting this amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BUMPERS. Mr. President, I yield myself such time as I may use.

I would like, first of all, to ask a question of the Senator from Nevada. I know what it costs to shut these offices down on April 1, 1994, but what would it cost to keep them open?

Mr. REID. My response to the manager of the bill is it costs far more than that, especially long term. I do not have the exact figures. It is about $4 million, $3.4 million to keep them open.

Mr. BUMPERS. For a year?

Mr. REID. Yes.

Mr. BUMPERS. If we leave them open from April 1, 1993, to April 1, 1994, that is—

Mr. REID. $3,487,500.

Mr. BUMPERS. Roughly $3.5 million.

Mr. REID. It would cost almost that same amount to shut them down.

Mr. BUMPERS. Mr. President, let me tell the Senator something. In the committee, I came down on the same side he did. The Senator from Mississippi, the ranking member of the subcommittee, felt strongly the other way. I finally acceded to the request of the Senator from Mississippi that we leave those offices open and deal with it at a later time for this reason:

No. 1, we did not have any good figures. The administration was insisting it would cost more to shut them down than to keep them open, which, I must confess, did not make much sense to me.

But having said that, as the Senator knows, the House provision shuts them down April 1, 1994. We did not. So we have a conferenceable item. We are going to go to conference with the House. They say shut them April 1. We say no. Let us wait until the Secretary of Agriculture comes with his whole agricultural reform proposal and see what he proposes.

Indications right now are that those proposals, which he is going to send to us in September, are probably going to recommend closing those offices, but they were the ones who asked us to leave them open until the Secretary's proposal was presented to us. That is the reason I finally agreed to not make the case, although the Senator has a strong ally in one of our Members; Senator HARKIN from Iowa feels very strongly that these offices ought to be closed immediately.

In any event, I must, in deference to my ranking member and as chairman of the committee, defend the position the committee took. And if the Senator was there—and I am sure he was—if he was in the full committee, I assured the chairman of the full committee, Senator BYRD, that we needed more cost data from the Department of Agriculture. We needed to know more about what the Secretary's proposals were likely to be, although we have been given indications that he, too, would close them. So I think the Senator would get his way in all probability. But we have a conferenceable item right now, and I am constrained to leave it that way for the time being.

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. I appreciate the Senator's statement. I was at the committee, and I did hear the Senator's statements. My problem is, though, it is my understanding that the House language was stricken.

Mr. BUMPERS. In the Senate bill.

Mr. REID. Stricken in the House. So there, in effect, is nothing to conference. So if we do not do this, this group goes on again and again.

Mr. BUMPERS. Mr. President, let me say that I do not believe that is correct. The language was not stricken in the House bill.

Mr. REID. It is my understanding in reading the information from the House, Chairman DURBIN indicates that he acceded to the wishes of the House.

Mr. BUMPERS. In section 722, on page 87 of our bill, we struck it. The Senator may be looking at the language that we struck.

Mr. REID. OK, perhaps so. My response in either case, I say to my friend from Arkansas, is that I think we should get rid of this now. I think it would be a lot better. This agriculture bill is a very important bill.

Mr. BUMPERS. Mr. President, whose time are we on right now?

Mr. REID. I have the floor, so it is my time.

The ACTING PRESIDENT pro tempore. We are on the time of the Senator from Nevada. He has 5 minutes and 4 seconds.

Mr. REID. This is a very important bill. I heard the manager's statement, and I acknowledge this bill is more important to Las Vegas, which is a major metropolitan community of 850,000, 900,000 people, than it is to Tonopah, a community of 2,000 people, because the agriculture bill has so many things in it that relate to cities.

I think we would be doing the people of this country a favor, and certainly the Congress, if we just got rid of this now so you could deal with more important items during the conference. I think this is a layer of bureaucracy about which we do not need to hear from the Secretary of Agriculture. I think we should put it to bed and forget about it; it is too costly; it is red tape; and I think it is something we in good Government should simply do away with.

Mr. COCHRAN. Mr. President, will the distinguished Senator from Arkansas yield time to me in opposition.

Mr. BUMPERS. Mr. President, I yield such time as the Senator from Mississippi may use.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I think it is important for the Senate to reject the amendment offered by the Senator from Nevada. I have a very high regard for my friend from Nevada, and he makes some very important arguments about how we need to make sure that the offices of the Department of Agriculture are accessible and actually provide important services before we fund them in this legislation.

The offices to which this amendment would apply are the regional offices of the Rural Development Administration. They are not local offices. So the distance a person would have to travel to get to an office addressed by this amendment is not the same as driving to a local county office.

In our area of the country, for example, a three-State area is under the jurisdiction of the regional Rural Development Administration Office. We would not want to provide funding in this bill for county offices and then call them regional offices. There is a different arrangement in the administration of the Rural Development Administration.

When legislation was originally enacted to establish the Rural Development Administration, it was very controversial. There were efforts in the House every year to zero out this new agency. The Agriculture Appropriations Committee in the House, for example, would never provide money to fund the administration, the RDA.

We finally worked out funding in conference one year, and this agency began its work. It established a Washington office and regional offices. The whole idea was to consolidate loan and grant programs that would make available funds to local communities to help spur economic growth and to try to revitalize small towns and rural communities throughout this country. Some traditional programs were made available for this purpose and some new programs were created which were specifically under the jurisdiction of the new Rural Development Administration.

This year the issue is raised again, and the House, once again in expressing its traditional sentiment toward this agency, included language in this appropriations bill that prohibited the funding of the seven regional RDA offices that had been established.

In my State, for example, there is a regional office in Vicksburg, MS. It got off to a great start. It has jurisdiction over the States of Arkansas, Louisiana and Mississippi, and has done a great job in spurring the allocation of funds and the development of programs and projects in that three-State area to help do something about the economic problems of the Lower Mississippi River Valley.

We had a commission several years ago. The distinguished Senator from Arkansas took a leading role in developing some initiatives to help deal with poverty and the problems of the delta area in our part of the country. The delta commission, one of the agencies which has been identified as especially important in helping to meet the goals and the challenges outlined by that regional commission, was established because of legislation introduced by the Senator from Arkansas.

The point is this: The House language is legislation. It seeks to define an organizational scheme for the Rural Development Administration. It says you do not need regional offices. As a matter of law, you are prohibited from having regional offices. That is the House position.

This Senator in the subcommittee raised the issue that this is legislation on an appropriations bill, which is inappropriate for us to carry forward in our bill. We had a debate in which we discussed fully this issue. There were some Senators in our subcommittee who argued very strongly that we should keep the House language while others argued against that recommendation.

In the full committee, we voted on this measure. The Senator from Nevada, who is a member of our full committee, was there and we discussed it. During a vote of the Appropriations Committee meeting in full committee, the Cochran amendment, which strikes the House language on this issue, was approved. I urge the Senate to support the recommendation of the Committee on Appropriations on this issue.

Another point is that the administration has suggested in its budget request that this bill provide for the consolidation of certain administrative agencies in the Department of Agriculture including the ASCS, the Farmers Home Administration, the Soil Conservation Service, and to form instead a farm service agency that would have the responsibility of administering programs at the local level that deal with local landowner and agriculture producer concerns, farm program applications, and other activities.

Both the House committee and the Senate committee declined to include that kind of language in this bill for one reason, because it is legislation. Even though it has funding consequences, it should be subject to hearings in legislative committees before that kind of mandate is included in an appropriations bill. The administration suggests that there would be substantial savings as a result of that consolidation.

But for the same reason we did not approve that request, we should not approve the suggestion now that the Rural Development Administration should be reorganized by a provision of the appropriations bill.

In support of that argument let me cite a letter dated July 16 that was written to the managers of the bill, to the chairman and ranking member of the full committee from the Executive Office of the President, and specifically to the Office of Management and Budget. Some of the administration's concerns with this bill are spelled out in this letter. The first item under funding issues is the Rural Development Administration. It states that the administration is pleased the House has funded the Rural Development Administration. The administration urges the subcommittee to delete section 722 which would prohibit the funding of the operation of the seven regional offices of the RDA after April 1, 1994. Because the Secretary is currently reviewing the structure of the RDA, it would be premature to limit his options for restructuring.

That is the point. The Secretary of Agriculture has embarked upon a review of the organization of not only the Rural Development Administration but also the Department of Agriculture. Senators may remember that under Secretary of Agriculture, Ed Madigan, there was a move to consolidate local, regional, State and some Federal offices of the Department of Agriculture. A lot of hearings were held, including many regional hearings throughout the country. After several meetings were held on that subject, a proposal came forward.

One of the first questions that the nominee for the new Secretary of Agriculture, my friend Mike Espy from Mississippi, was asked when he appeared before our Agriculture Committee was: "What are you going to do about the proposed consolidation of local agriculture offices?" They say that county offices will be closed, and farmers will have to drive longer distances in some cases to get their applications for farm operation loans approved.

To paraphrase what the nominee said, he would prefer to concentrate on the Washington organization of the Department of Agriculture and save money there. He wanted to become more efficient at the top first rather than to consolidate and close county and regional areas as a first order of business. He did not shut the door on the notion that he might recommend legislation to reorganize the department at those local levels, but he did not want to do that first.

Let us give Secretary Espy a chance to complete his review, and make his recommendations in an orderly process to legislative committees. They can then be carefully considered and approved if we have to approve legislation to do it. If not, at least give Congress an opportunity to consider a comprehensive proposal relating to the organization of the Department of Agriculture.

That is why this amendment is inappropriate. We all want the Department to be as efficient as possible so that services are made available to farmers and others who deal with the Department in an efficient way. We do not want overlapping of functions. We do not want any unnecessary inconvenience because of the way the Department is organized. But we are not going to solve all of those problems—or even some of them—by prematurely adopting a change in the organizational structure of this one agency within the Department.

It is my hope the Senate will refrain from jumping the gun, and refrain from imposing our view prematurely on the Department of Agriculture and its Secretary, Mike Espy, pending a full review of the organization and his recommendation.

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, the amendment should be adopted. It will cut down on paperwork which we all want. It would cut down on the time for approval. I think cutting the red tape will better serve the communities involved.

Mr. President, I want to read to this body a letter dated July 6. This man had to write it on or about the fourth of July because he is very patriotic. In fact he jeopardized his own job. This is written to Chairman Richard DURBIN, chairman of the House Agriculture Appropriations Subcommittee. It is handwritten, by the way.

Subj: Eliminating the Rural Development Admin.

DEAR CONGRESSMAN DURBIN: I am writing you as a private citizen, although I am a 30 year employee of U.S.D.A., presently a Farmers Home Admin. District Director in Ithaca, N.Y. I would like to thank you for your recent stand in not funding R.D.A., and starting the steps to eliminate the agency.

R.D.A. in my opinion, was a poorly thought out structure, unnecessary, costly, and another layer of bureaucracy. Farmers Home Admin. employees continued to make the loans and service the loans, while R.D.A. looked for all the credit. Instead of more layers of government, we need to streamline and eliminate.

I think it's terrible that an agency like R.D.A. can be brought into existence with so little planning. There was no need for a 42nd U.S.D.A. agency.

Anyway, thank you for your vigilance in this matter.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ITHACA, NY, *July 6, 1993.*

RICHARD DURBIN,
Congressman, Ag. Appropriations Comm., Washington, DC.

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Anyway, thank you for your vigilance in this matter.

Sincerely,

Mr. BUMPERS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator's time has just expired.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for 30 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BUMPERS. To the Senator from Nevada, who a moment ago said it would cost $3.847 million to keep these offices open, I would like for the record to show that those figures are the figures that it cost to open those offices, not to keep them going.

Mr. President, has all time expired?

The ACTING PRESIDENT pro tempore. The Senator from Nevada has 2 minutes.

Mr. REID. I yield my time.

Mr. BUMPERS. I move to table the amendment, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Under the previous order the vote on the motion to table will occur following the cloture vote in relation to S. 919 which has been scheduled for 10 a.m. on Tuesday.

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

AMENDMENT NO. 637

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act shall be used to operate the Board of Tea Experts)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BROWN, and Mr. BRYAN, proposes an amendment numbered 637.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 90, between lines 9 and 10, insert the following new section:

SEC. 730. None of the funds appropriated or otherwise made available by this Act shall be used to operate the Board of Tea Experts established under section 2 of the Act entitled "An Act to prevent the importation of impure and unwholesome tea", approved March 2, 1897 (21 U.S.C. 42) (commonly known as the "Tea Importation Act"). Except as specifically provided in the preceding sentence, the authority of the Commissioner of Food and Drugs shall not be affected by this section.

Mr. REID. Mr. President, everything I said in relation to the prior amendment applies a thousandfold to this amendment. I indicated there that we come to this floor and talk about saving money. We go home, we issue press releases talking about saving money. We are concerned about the deficit, yearly deficit. We are concerned about the debt that is accumulating. We are also concerned about redtape and bureaucracy.

I talked about that in regard to the RDA, why I think it is a waste of time and money and effort to continue that. I also, Mr. President, want everyone to know here that I think that the tea board that was established in 1897 is one of the biggest wastes that I could of imagined in Government.

We, in this country, in 1993, have a tea-tasting board that people—you can read the stuff. They swish tea around in their mouth to find out how it is. Well, there may have sometime been a reason for it. That escapes me. Certainly, there is no reason for it now. What this amendment does, not very cleverly, is abolishes the tea board. It should be done.

There are six outside experts, one from the Food and Drug Administration, that sit on this board. It is the board's duty to set standards for imported tea. Three people at the Food and Drug Administration also are involved in this—with taxpayers' money—in addition to these other three people. The cost of this program, by Washington standards, is not a lot of money—$200,000 a year—but as a matter of principle, it is very heavy in dollars.

Its offset is $200,000 a year. The industry fees are about $70,000; so the cost to the taxpayer is around $130,000. That may not seem like a lot of money when we are usually on this floor talking about hundreds of millions and billions of dollars. Why are we here talking about a couple hundred thousand? We are doing it because it sends the right message. It not only sends the right message to the American people in saving a couple hundred thousand dollars, it also does away with something that, in my opinion, should never have been created.

I do not often get to shop, but I went shopping the other day on one of the weekends I get to spend here in Washington, and I went to a Giant store and bought some beautiful plums. I got home, and they just tasted terrible. Their looks were deceiving. Maybe, based on that experience, we should have a plum-tasting board. Or we have watermelons. Picking a watermelon, I do not care if you farmed watermelons all your life, it is tough to get a watermelon that is just right. Sure enough, I got some guy to help me there and he plunked it. I took it home, and it was horrible. Well, should we have a watermelon tasting board? Coffee. I am not a coffee drinker, but I know people enjoy their coffee. Should we have a coffee-tasting board?

Does tea receive a higher ranking in the status of drinks in our society than coffee? Why do we need a tea board? I do not know. If it is so important, let the tea industry pay for it. Why should there be 1 penny of taxpayer money involved in tea tasting? Why are their employees at the Food and Drug Administration, who are also as part of their job requirement, involved in tea tasting?

I do not want the Food and Drug Administration to stop testing and evaluating imported agricultural products for safety, but I also do not want a tea-tasting board. The FDA can continue doing whatever is necessary to protect the integrity and quality of tea. But they can do that even if we abolish the tea-tasting board.

What we need, I think, is a congressional tea party, and we should dump the whole board of tea experts overboard. It seems inappropriate, Mr. President, and I think morally inappropriate to expend taxpayer money for such a program.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BUMPERS. Mr. President, I have very good news, indeed, for the Senator from Nevada. I am not about to stand here and defend an $8,000 appropriation for a tea-testing board. We will accept his amendment.

Mr. REID. I accept your acceptance.

The ACTING PRESIDENT pro tempore. Is all time yielded back on the amendment?

Mr. BUMPERS. Yes, we yield our time, Mr. President.

Mr. COCHRAN. Yes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 637) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, let me say, for the benefit of my colleagues who are either listening, or who are trying to wing their way back to Washington this morning, according to our count, there are roughly 27 colloquies and amendments in the unanimous consent agreement.

That means if things go like they usually do around here on a Monday, we will probably be here at midnight. When I say "we," I am talking about Senator COCHRAN and I, and everybody else will be home having a great time.

So I strongly urge my colleagues to come over here and offer their amendments or colloquies, or whatever. Obviously, some of these will not be offered. But I want to thank my friend from Nevada, Senator REID, for coming over and offering his amendments. We have disposed of those two.

I want to send a warning to all of my colleagues who are on this list that if they do not offer their amendments and some disposition is not made of them today, no amendments will be in order on this bill after today.

They either get them in now or they do not. If they wait until the usual time this afternoon at 3 or 6 o'clock this evening, somebody is going to be left holding the bag, because at the hour of midnight, under the unanimous consent agreement, as I read it, all time for offering amendments will have expired.

So I just issue that little admonition and hope that some of our colleagues are listening and will get over here to offer their amendments.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I have indicated that I will have an amendment to H.R. 2493, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill, 1994. I have visited with the chairman and ranking member of the Appropriations, Agriculture Subcommittee, Mr. BUMPERS and Mr. COCHRAN, regarding the subject I wished to address in this amendment and I may very well not offer that amendment. I would like to discuss for a moment the issue of concern to me and then ask for comments from the chairman and ranking member.

Mr. President, I, as well as every Member of the Senate, know that many worthwhile projects have been included in this legislation; also many have not been included in this legislation. The biotechnology wing at the University of Idaho is one such project. I would like to take a moment to give my colleagues the benefit of the history of this project.

At the beginning of the University of Idaho biotechnology project, Congress devised a step-by-step process for distributing available funds in an effort to equitably distribute limited funds available.

In fiscal year 1990, Congress appropriated $50,000 for the Cooperative State Research Service [CSRS] to conduct a feasibility study on the need for a biotechnology wing at the University of Idaho. As a result, a CSRS team visited the site and reported support for the facility.

Based on this recommendation, the Congress has appropriated over $1.5 million—$590,000 in fiscal year 1991; $500,000 in fiscal year 1992; $431,000 in fiscal year 1993—for this facility.

This Federal funding was based on a matching formula of not more than 50 percent Federal funding and not less than 50 percent non-Federal funding, including funds provided by State and private sources.

Mr. President, it should also be noted that the State of Idaho has to date contributed over half the money spent on this project, $1.7 million of State funds compared to $1.5 million in Federal funds, and has a commitment to fund well over half of the total project costs, $6.3 million of State funds compared to $5.9 million in Federal funds.

American agriculture has consistently produced abundantly to supply a variety of products for both domestic as well as foreign markets. There is great pressure on American agriculture to continue this high level of production. Research in general and biotechnological research in particular is essential to allow American agriculture to stay on the cutting edge of productive capacity. The biotechnology wing at the University of Idaho is designed to be an important part of that national effort.

It appears the dollars already appropriated to date for the Idaho facility represent a firm commitment to provide the remaining Federal funds necessary to complete this project.

Over the years, as the funding of this project has proceeded, we have seen the give and take in the appropriation process. Last year, for example, the House provided no funding, the Senate committee provided funding and the Senate conferees insured continued funding for this project. This year, H.R. 2493 provided $1,000,000 in the bill as passed by the House and the bill as it is presented to the Senate includes no funding for this project.

I have visited with the distinguished chairman and ranking member of the Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, Mr. BUMPERS and Mr. COCHRAN, regarding funding for this project and have received assurances that if this bill is passed as reported out of the Senate Appropriations Committee, they would strongly consider a proposal to preserve funding for a biotechnology wing at the University of

Idaho in the Conference with the House.

I would like to ask the chairman and ranking member of the subcommittee if that characterization of the discussion was correct?

Mr. BUMPERS. That is correct.

Mr. COCHRAN. That is correct.

Mr. CRAIG. I thank the chairman and ranking member, and with that assurance will not offer my amendment.

Mr. President, I had earlier on suggested that I might have an amendment to the agriculture, rural development, Food and Drug Administration, and related agencies appropriation that is now being considered here on the floor of the Senate. But I would like to announce that an accommodation has been worked out between myself and Senator COCHRAN, the ranking Republican, and the chairman, Senator BUMPERS, and I truly appreciate that being able to be accomplished so an amendment would not be necessary.

Mr. President, what that amendment related to and what our agreement has related to is an effort that has been going on for some time between the U.S. Government, the USDA, and the State of Idaho to develop a biotechnology project program at the University of Idaho and for the overall construction of a biotechnical wing and program on the campus in Moscow at the University of Idaho.

Over the last several years, from 1990 forward, we have done the necessary investigative work working with the Federal Government in establishing that this was the kind of program that the Government would want to participate in. And then, starting in 1991 and 1992 and 1993, fiscal 1993, the Federal Government began a long-term relationship with the State of Idaho in a 50-50, dollar-per-dollar match approach that has resulted to date in about $1.7 million in State funds being expended, and about 1.5 million in Federal dollars.

This project, upon completion, will reflect a total of about $11 million, with the State being the larger participant. These are the kinds of cooperative relationships that I think the Government and the Congress want to become involved in, where you have a partner who clearly is a partner and demonstrates the need and is willing to use the resources of the State, in this instance, to be a full participant.

We all understand the importance of biotechnology and the kind of work that is going on out there, that really is pushing American agriculture and the productivity of American agriculture further ahead. Where once we used to look at the application of fertilizers and herbicides and insecticides, and that brought us a quantum leap of production over the last many decades, now the whole effort in biotechnology is the one that probably moves us forward in the 21st century with the kind of productivity that we come to appreciate from American agriculture and, frankly, that the world has come to depend upon.

The House last year failed to fund, and we did. This year, the House spoke to it and we did not. The chairman and the ranking member agreed to work with me and strongly consider this effort as we move to conference, and certainly I appreciate that. It is an important project. We are well into it, as I mentioned, in the kind of relationship of partnership that we would want to have.

I thank both the ranking member, Senator COCHRAN, and the chairman, Senator BUMPERS, for participating with me in this effort.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me commend the distinguished Senator from Idaho for bringing this important activity to the attention of the mangers of the bill. This is a program that has had the support of the Cooperative State Research Service. A team visited the University of Idaho and found that this was an important program. And so funding has been provided over the last few years, and the managers have committed themselves to make every effort in conference with the House to continue funding for this project at an appropriate level.

We thank the distinguished Senator for reminding us of the importance of this initiative.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as if in morning business for no more than 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROMOTION OF AIR FORCE COL. CLAUDE M. BOLTON, JR.

Mr. GRASSLEY. Mr. President, last week, I came to the floor on Thursday and Friday to clarify my position and to express concern about the pending promotion of Air Force Col. Claude M. Bolton, Jr., to the rank of brigadier general.

Colonel Bolton was program manager of the advanced cruise missile or ACM from September 1989 to September 1992.

Mr. President, the ACM Program has come to a disastrous end, and we need to know who should be held accountable for what happened.

The DOD IG charges that the ACM Program violated the Antideficiency Act while Colonel Bolton was in charge.

The Armed Services Committees and the GAO have uncovered gross mismanagement in the program during Colonel Bolton's tenure as program manager.

We need to assemble all the facts and evaluate all the evidence before making a final decision on Colonel Bolton's promotion.

Mr. President, I would now like to resume my discussion of the ACM reprocurement scheme.

Mr. President, I would like to briefly review the facts bearing on the reprocurement scheme.

"In July 1991," according to the DOD IG, "program officials determined that the cost of the fiscal year 1987 and 1988 ACM contracts would exceed budgeted targets and would approach or exceed ceiling costs."

The Air Force had two big problems. First, the Air Force had only enough money to cover the target price in the contract, and no more.

Second, the Air Force was locked into a fixed-price contract with the contractor—General Dynamics/Convair. Under the contract, the Air Force paid 100 percent of all costs to the target price.

If costs exceeded the target price, then the Air Force paid 70 percent of those costs and the contractor paid 30 percent. The contractor was liable for all costs over the ceiling price.

How did the Air Force solve the problem?

The Air Force tore up those contracts for the convenience of the Government and instantaneously rewarded new ones to the same company, using money previously authorized and appropriated to buy other ACM missiles.

The terms and conditions in the new contracts were not favorable to the Government.

Mr. President, this was the essence of the reprocurement scheme, and the Senate Armed Services Committee took a dim view of it.

The committee's critical assessment of the ACM Program appears on pages 55 to 57 of the report on the fiscal year 1993 Defense authorization bill (Rept. No. 102-352).

The Senate Armed Services Committee's appraisal of the reprocurement scheme is very honest but damaging.

The committee is distressed by what has happened to the ACM Program. While the committee never mentions Colonel Bolton by name, the mismanagement described in the report clearly occurred on his watch.

The Senate Armed Services Committee said "the Air Force both gave up its negotiated ceiling cost cap and jeopardized the warranties on partially completed ACM's."

The Senate Armed Services Committee said: "had new contracts been completed, the Air Force would have had to pay both more profit to the contractor than would have been provided under the original contracts, and more than the ceiling amounts in the original contracts."

Mr. President, we do not yet know how all this finally played out, but it does not sound like a very good deal to me.

Listen to this. Here is some more from the Senate Armed Services Committee report.

This is the Senate Armed Services Committee talking: "the Air Force has dug itself a deep hole on the ACM program, and the committee does not intend to extricate the Air Force from its current predicament."

The committee expressed fear that the program would "end in expensive and wasteful disarray."

Those same concerns were echoed in last year's conference report on the Defense authorization bill—on page 538 of House Report No. 102-966—where ACM got another thumbs down appraisal.

The conferees expressed frustration and concern about the possibility of "repetitions of the ACM fiasco" in the future? Those are the conferees, exact words: "Repetitions of the ACM fiasco." That is how the conferees saw the ACM Program. It was a fiasco. A fiasco is a complete failure.

Those are strong words for the Armed Services Committees.

Even though the conference looked down on ACM as a fiasco, they were generous with the money.

The conference gave the Air Force another $127.1 million in fiscal year 1993 money "to deliver 450 operational ACM missiles to the using command."

I am puzzled by that move.

Why would Congress provide another $127.1 million to buy 450 ACM's when Congress had already authorized and appropriated enough money to buy 520 ACM missiles?

Guess what?

The taxpayers should be happy to hear this. They better grab their wallets.

The Air Force now wants another $482.9 million, one-half a billion dollars, to complete those 520 ACM missiles.

The extra one-half billion dollars is needed to finish the last 60 ACM missiles that are lying in pieces—abandoned—on a factory floor in San Diego, CA.

Those 60 ACM's are lying in pieces on the factory floor because the Air Force ripped the program apart to get some money.

The 60 missiles, which may never be delivered, are from the fiscal year 1990 and 1991 contracts. Those contracts were torn apart by Air Force officials to finish 120 missiles from the fiscal year 1987 and 1988 contracts.

Is this how the Air Force will raise money in the post-M account era.

They should have asked Congress for the money, but they did not. Instead, they chose to raise the money outside of the law. To do that, they had to rip the ACM Program apart.

Mr. President, we already paid for those 60 missiles. How many times over do we have to pay for those missiles?

The reprocurement scheme was not only very destructive and wasteful, it was also illegal.

It violated another very basic rule to control the use of public money.

It violated section 1502 of title 31 of the United States Code.

Section 1502 is the companion piece to the Antideficiency Act. The two statues work together to ensure that agencies maintain fiscal discipline and stay within funding limits set by Congress.

The Antideficiency Act and section 1502 are supposed to provide leak-proof control financial control.

If you run out of money as Colonel Bolton did then you come back to Congress with hat in hand and request legislative relief.

There is no escape clause.

You cannot draw on appropriations provided for other purposes and fiscal years to bail yourself out of trouble.

Once again the Air Force tried to use contracts to overturn the law of the land.

The Air Force attempted to make an end-run around Congress.

A distorted interpretation of section 1502 was the philosophical underpinning for the reprocurement scheme.

The Air Force attempted to launder old bills and old work through the reprocurement scheme to make them look new.

Well, the deception failed.

The nature of the underlying work never changed: man-hours and money were needed to complete work-in-progress—120 unfinished missiles from the fiscal years 1987 and 1988 contracts. That is old work.

No matter how you slice it, Mr. President, new money was used for old work.

Mr. President, why would the Air Force need to spend $600,000 to "relabel 120 fiscal year 1987 and 1988 ACM's?

I will tell you why.

Air Force officials spent $600,000 to make old missiles look like new missiles, like cosmetic surgery.

They had to make the year of manufacture match up with the money.

If this was indeed new work, there would have been no need to relabel. There would have been nothing to relabel.

Mr. President, the relabeling of the ACM missiles reeks of fraud.

Section 1502 specifies that appropriations can be used only to cover obligations properly incurred during their period of availability.

The reprocurement scheme, which was cooked up by Mr. Donley and Mr. Beach and carried out by Colonel Bolton, initially used fiscal year 1992 but eventually 1990 and 1991 money to cover obligations incurred in fiscal years 1987 and 1988—a clearcut violation of section 1502.

I have documents that show the Air Force officials knew they had to use fiscal years 1987 and 1988 funds to cover the ACM cost overrun. They knew it was wrong to use other moneys for that purpose.

DOD Comptroller O'Keefe disapproved the reprocurement scheme on March 31, 1992, because it was illegal.

But the Air Force went ahead and did it anyway.

Mr. President, I ask unanimous consent to have three documents printed in the RECORD: First, Mr. O'Keefe's March 31, 1992, memo to Mr. Donley; and second, two Air Force documents, dated October 1991, that show Air Force officials knew that they had to use fiscal years 1987 and 1988 money to fund the ACM cost overrun.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

COMPTROLLER OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, March 31, 1992.

Memorandum: For the Assistant Secretary of the Air Force (Financial Management and Comptroller).

Subject: Advanced Cruise Missile Program Funding.

It is evident from your memorandum of March 27, 1992, that you have not been kept informed of the ongoing staff level discussions relative to the appropriate use of prior and current year funds. In these discussions it has been clear that prior year contract adjustments to cover target to ceiling cost adjustments are chargeable only to the fiscal year appropriation of the contract.

Your staff has been asked on several occasions, to develop a paper supporting the position that the FY 1992 ACM program funds could be appropriately charged to cover the cost of the prior year programs. Until such time as a legal determination, based on the facts peculiar to this program, is approved by Counsel, you should not proceed to charge current year funds as proposed.

SEAN O'KEEFE.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AERONAUTICAL
SYSTEMS DIVISION (AFSC),
WRIGHT-PATTERSON AIR FORCE
BASE, OH
October 30, 1991.

Subject: Request for Expired Appropriations for Contract Overrun (FY88, Appn: 3020).

To SAF/FMBMB.

1. Request you provide Budget Authorization to fund a contract requirement. The following information provides the specifics concerning this request:

a. Amount Requested: $27,100,000 (FY88, Appn: 3020).

b. Date funds are needed, lead time away from obligation date, necessary to get contractual documents processed: May 1992.

c. Date approval is needed to preclude penalties from accruing: The contractor states current funding will cover work through

June 1992. Any work performed thereafter will be unbillable due to insufficient funding on the contract.

d. Amounts, nature, and dates of penalties that would accrue: Unknown.

e. Accounting Classification: 5783020 158 6045 20CLPG 010100 00000 659900 F59900.

f. Contract Number: F33657–88–C–0103.

g. Name of Contractor: General Dynamics, Convair Division.

h. Type of Contract: FPIF (70/30 percent overrun share).

i. Contract Purpose: Production of Advanced Cruise Missiles (AGM–129A) in the FY88 procurement contract.

j. Date of the original contract: 30 January 1990.

k. Contract change certification: This requirement is not for a contract change.

l. Amount of FY88 funds previously deobligated from the contract: None.

m. Within scope certification: This requirement is within the scope of the original contract.

n. Purpose of adjustment: To fund the Air Force share of over-target costs on this production contract. The latest estimate-to-complete conducted by the ACM Program Office in September 1991 indicates that the final contract price will be at contract ceiling price. The DCAA will provide an audit report concerning the contractor's overrun proposals. This report is due to the Program Office approximately 4 November 1991.

o. Justification for using the expired appropriation: Appropriations used to fund cost increases are the same as used to fund the original effort (i.e., FY88/3020) per DoD Directive 7200.4, Full Funding of DoD Procurement Programs, implemented by AFR 172–14. Cost overrun is attributable to: (1) unplanned efforts associated with the investigation, redesign, and replacement of missile components failing to meet required specifications or quality standards; and, (2) factory shutdown and restart impacts related to suspension of missile delivery.

p. Amount originally obligated for the contract: $133,603,000 (excludes $98,130,000, FY87 Advance Buy funds obligated for this purchase).

q. Program name: Advanced Cruise Missile (AGM–129).

r. Cumulative amount of restorations approved for program: None known at field level (i.e., ASD/VC). Appropriation records kept at SAF/FMBM.

s. Total amount obligated from FY88 for the program: Appn: 3020; BPAC: Multiple; Amount: $144,294,950.

t. Amount previously deobligated from FY88 for the program: None.

u. Source of deobligations: None known. Financial and contracting personnel in the ACM Program Office are auditing contractual and accounting records for this contract to reconcile with those of the contractor. Any excess obligations will be reapplied to fund this overrun.

2. My point of contact for this matter is Mr. David C. Engwall, ASD/VCPB, AV:785–7879.

MARK V. DAVIDSON,
Director of Program Control, Advanced Cruise Missile SPC.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AERONAUTICAL
SYSTEMS DIVISION (AFSC),
WRIGHT-PATTERSON AIR FORCE
BASE, OH

October 28, 1991.

Request for Expired Appropriations for Contract Overrun (FY87, Appn: 3020).

To: SAF/FMBMB.

1. Request you provide Budget Authorization to fund a contract requirement. The following information provides the specifics concerning this request:

a. Amount Requested: $71,500,000 (FY87, Appn: 3020).

b. Date funds are needed, lead time away from obligation date, necessary to get contractual documents processed: 16 December 1991.

c. Date approval is needed to preclude penalties from accruing: The contractor states current funding will cover work through December 1991. Any work performed thereafter will be unbillable due to insufficient funding on the contract.

d. Amounts, nature, and dates of penalties that would accrue: Unknown.

e. Accounting Classification: 5773020 157 6045 20CLPG 0012 659900.

f. Contract Number: F33657–88–C–0103.

g. Name of Contractor: General Dynamics, Convair Division.

h. Type of Contract: FPIF (70/30 percent overrun share).

i. Contract Purpose: Production of Advanced Cruise Missiles (AGM–129A) in the FY87 procurement contract.

j. Date of the original contract: 25 September 1989.

k. Contract change certification: This requirement is not for a contract change.

l. Amount of FY87 funds previously deobligated from the contract: None.

m. Within scope certification. This requirement is within the scope of the original contract.

n. Purpose of adjustment: To fund the Air Force share of over-target costs on this production contract. The latest estimate-to-complete conducted by the ACM Program Office in September 1991 indicates that the final contract price will be at contract ceiling price. The DCAA will provide an audit report concerning the contractor's overrun proposals. This report is due to the Program Office approximately 4 November 1991.

o. Justification for using the expired appropriation: Appropriations used to fund cost increases are the same as used to fund the effort (i.e., FY87/3020) per DoD Directive 7200.4, Full Funding of DoD Procurement Programs, implemented by AFR 172–14. Cost overrun is attributable to: (1) unplanned efforts associated with the investigation, redesign, and replacement of missile components failing to meet required specifications or quality standards; and, (2) factory shutdown and restart impacts related to suspension of missile delivery. The attached explanation of the overrun chronology is for your information.

p. Amount originally obligated for the contract: $537,200,000 (9/25/89).

q. Program name: Advanced Cruise Missile (AGM–129).

r. Cumulative amount of restorations approved for program: $2,524,950 was returned to the program via Amendment 11, OA–760–027, on 6 March 91. $3,236,000 was issued via Budget Authorization #35, issued 30 September 1991. These additions were provided for payment of Award Fee liabilities.

s. Total amount obligated from FY87 for the program: Appn: 3020; BPAC: Multiple; Amount: $555,600,000.

t. Amount previously deobligated from FY87 for the program: None.

u. Source of deobligations: None known. Financial and contracting personnel in the ACM Program Office are auditing contractual and accounting records for this contract to reconcile with those of the contractor. Any excess obligations will be reapplied to fund this overrun.

2. My point of contact for this matter is Mr. David C. Engwall, ASD/VCPB, AV:785–7879.

MARK V. DAVIDSON,
Director of Program Control, Advanced Cruise Missile SPC.

Mr. GRASSLEY. I yield the floor. I believe, Mr. President, that there is no quorum present, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 638

(Purpose: To provide that none of the funds appropriated or otherwise made available by the Act shall be used by the Secretary of Agriculture to make payments to a person to support the price of honey in excess of $50,000 per crop year)

Mr. BROWN. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is laid aside. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 638.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 90, between lines 9 and 10, insert the following new section:

SEC. 730. (a) None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide a total amount of payments to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of $50,000 in the 1994 crop year.

Mr. BROWN. Mr. President, this amendment is quite straightforward. It deals with the honey program. The honey program is one of those programs that the President has specified should be eliminated entirely.

As you are aware, and I think other Members of this body are aware, we did not eliminate the honey program in the reconciliation bill, although both the House and Senate in the reconciliation bill did act to limit the Government's exposure in this area. I believe significant savings will be achieved in the reconciliation bill. While that is not a portion of the conference that I think is finally decided, I think the Members of this body can look forward to some savings in this area. It will not, however, equal the request of the President, which was to eliminate the program entirely.

The program is one that shows more about our sense of humor than it does about our realistic determination to try and end the waste in the Federal Government. Some have said that without this program, bees simply would not pollinate crops. Without the subsidies, the U.S. fields would go unpollinated and that crop disasters would follow worldwide.

The reality is that bees will retain an interest in flowers, whether we have a Federal program or not. It might be of interest, I think, for the Members to look at what other countries around the world do.

Russia is the world's biggest producer of apples and flax, and yet they have no honey subsidy program. Brazil is the world's leading producer of oranges and casaba melons, and yet they have no honey program. China is the world's biggest producer of pears and the leading producer of apples, cabbages, carrots, melons, and oranges and, yet, they have no honey program.

Argentina is the world's biggest producer of flaxseed and the leading producer of sunflower seeds and, yet, they somehow survive without a honey subsidy program.

Mexico is one of the world's leading producers of oranges, avocado, mangoes and safflower seeds and, yet, they are able to maintain the interest of their bees in flowers and pollination without a subsidy program.

Mr. President, the suggestion that agriculture will end, where the bees will lose interest in flowers, or that our crops will go unpollinated if we do not have a Federal subsidy program in this area is ludicrous. The rest of the world makes that proof positive, and the history of our country, frankly, makes that the case.

What the amendment that is before the body does is simply says this: We are going to put a limit of $50,000 a year on the amount of subsidies that any one person can get from the Federal Government. It is a modest amendment. It does not eliminate the program, as frankly I would like to. But what I think it does do is limit the amount of money that any one producer can take out of this taxpayers' pockets. I believe it will help make America more competitive and this industry ultimately more productive and creative.

I might say, Mr. President, the group of honey producers that have been such strong advocates of this program over the years are good people. They are simply defending their own self-interest. I do not fault them for that at all. That is the way a democratic system works. But what I do find fault with is a Congress that has not been able, thus far, to face up to the realities in this area.

Ultimately, if you look at the American economy, the areas where we have the most problems are not areas where we have competition, it is areas where we have a lack of competition and subsidy programs that have kept our producers from participating in the market fully.

Less than 4 percent of U.S. honey producers participate in this program. This is a program where much of the receipts, much of the money goes to the big guy, not the individual small producer, but the small 4 percent that enjoy the program, while 96 percent do not. Among that 4 percent, it is only a handful of people who rake in the huge dollars.

This amendment would simply say this: We are going to limit the amount of money that you can take from the Federal Government in this program to $50,000 a year. I would like to see that much lower. I would like to see the program eliminated, but this is a modest step that I think will go a long way toward making this a more competitive, a more creative industry.

Mr. President, some have said that pollination will simply end if we do not have this subsidy program. I might mention that that has been dealt with in a number of ways. Not only do the leading countries not have a similar program, but it is also true in areas where pollination services are particularly needed and particularly valuable, the producers already help pay for pollination services.

My guess is if pollination services run short in any area, it will be the interest of the producers in that area to come up with their own fees to encourage additional pollination services. That is the way the market system works. The market system is far more efficient, far more productive at allocating resources than any Federal program, and certainly this one in particular.

What this amendment boils down to is a simple question: Are we going to continue huge subsidies to large producers in the honey industry, or are we going to help make this industry more competitive and ultimately, I believe, more productive? This amendment will accomplish that. This amendment will at least limit the amount of money that goes to the big producers.

We need to do far more work, and I anticipate that we will have additional amendments and debates on this subject on into the future.

But I hope the Senate will take this small modest step to limit the handouts to not more than $50,000 a year.

Mr. President, I as for the yeas and nays on this amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I reserve the remainder of my time.

Mr. BUMPERS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, we have debated this honey subsidy a number of times in the U.S. Senate and, quite frankly, it would be better if this were considered in reconciliation by the authorizing committee rather than putting it on the appropriations bill.

I have voted in the past to support this program which I think runs around $30 million a year. I am not sure. I have done so with some reservation and concern because it looks like a gigantic boondoggle. I do not know an awful lot about the honey program, but if I could have the Senator's attention for just a moment to ask him a series of questions.

No. 1, how many honey producers last year participated in the subsidy?

Mr. BROWN. My understanding is just over 4,000.

Mr. BUMPERS. Four thousand? Were most of those concentrated in a particular geographical area of the United States?

Mr. BROWN. There are producers all over the Nation, but I think they are, indeed, concentrated in our agricultural areas.

Mr. BUMPERS. What is the world price of honey right now? Can the Senator answer that?

Mr. BROWN. The world price varies from country to country. It is not as widely traded as perhaps others, but as the Senator knows, the reconciliation bill is contemplating dropping the target price below 50 cents into the area of 47 cents a pound. I would be happy to supply for the record the latest world target price.

Mr. BUMPERS. The Senator anticipated my next question. If you were a honey producer, how much subsidy do you get per pound of honey produced?

Mr. BROWN. This program operates in a variety of ways. One is a loan program. One is a deficiency payment.

Mr. BUMPERS. What is the deficiency payment?

Mr. BROWN. The deficiency payment will depend on the difference between the market price and the target price in any particular year. What we found, though, is that a small handful of producers have been getting a huge share of money, whereas the vast majority of honey producers do not receive anything from the program.

Mr. BUMPERS. The vast majority of honey producers do not receive what?

Mr. BROWN. Do not receive any assistance or subsidies under the program.

Mr. BUMPERS. Why not?

(Mrs. FEINSTEIN assumed the chair.)

Mr. BROWN. Apparently the paperwork involved is complicated enough for the amounts of money they produce, it is simply not worth their while.

Mr. BUMPERS. There are hundreds of bee producers, probably thousands across the country—I would say maybe hundreds in my State—who produce a small amount of honey and just sell it on the local market.

And the Senator is saying those people, many of them do not choose to fill out the paperwork to get a subsidy, is that what we are talking about?

Mr. BROWN. That is right. According to USDA, at least the numbers indicated that back in 1941 there were only 500 people who did so. The current estimates brought that closer to 4,000, which means literally less than 4 percent, if you take the new numbers, participate in the program at all.

Mr. BUMPERS. How much of the honey consumed in this country is imported?

Mr. BROWN. A significant portion is imported, and I would be glad to supply for the record the Finance Committee-USDA figures.

Mr. BUMPERS. Europe has some of the biggest exporters to this country.

Mr. BROWN. There are a number of foreign exporters, but among those exporters that supply honey into our market and, indeed, are challenged by the Honey Producers Association——

Mr. BUMPERS. For example, is not Romania a big producer of honey?

Mr. BROWN. Yes. I will be glad to supply for the RECORD the listing as supplied by the USDA. My understanding is that roughly 30 percent of the U.S. honey market is held by imports at this point.

Mr. BUMPERS. Would the Senator consider bees as a pollinator very important, rather important, not so important, not important at all?

Mr. BROWN. I would consider it very important.

Mr. BUMPERS. As pollinators.

Mr. BROWN. Indeed.

Mr. BUMPERS. Can the Senator tell us what the effect would be on the pollination of crops in this country if we did away with the provision of pollination?

Mr. BROWN. I believe there would be no change whatsoever.

Mr. BUMPERS. It is the Senator's opinion then that nobody would go out of the honey business if they did not get this subsidy?

Mr. BROWN. Yes. However, I think the nature of the honey business would change.

The Senator will appreciate my position at this point, but as one living in agriculture before I came to this body, one whose family has been involved in agriculture for a number of generations, I think I have some background in this area.

My own impression is that in those areas of commercial use and sales of hives; this is, moving hives into an area for a particular season, whether it is alfalfa in my part of the country or almonds in California or other crops, the commercial hive business may well grow in years to come. Where there is a significant and noticeable advantage of utilizing commercial hives for pollination, and where the producers in that area view the advantage of having people bring hives into their area, I think you will see the commercial hive market expand in years to come.

Mr. BUMPERS. Mr. President, I have seen stories, the last one I think being in the Wall Street Journal, on this issue, and it followed some of these people who had maybe 100 hives. They load those hives on a truck, and they go out and they put those hives, we will say, in an orchard or in a cranberry crop or whatever else may need pollinating. And the person who owns that land and is trying to produce those crops pays this owner of 100 hives so much per hive to leave those hives there for about 2 or 3 weeks during the pollination period. The Senator is familiar with that, is he not?

Mr. BROWN. I am familiar. The land I used to farm in Weld County—I might say it was particularly in an area where alfalfa was grown—people vied for the right to bring hives onto the farm; in fact, various farm interests would pay commercial bee hive operators to bring the hives there, but that varied from area to area. Yes, the Senator is correct. There are some areas where people do, indeed, pay beekeepers to bring in bee hives.

Mr. BUMPERS. In that same story, some of the people who own these hives are sort of like the people combining wheat, where these combine crews move from Texas to the Canadian border over the period of the wheat season. These people, as I understand it, do much the same thing. They move from one crop to the next, depending on the blooming period, the best pollination period.

Those people were quoted in the Wall Street Journal as saying they could not begin to make it if it were not for the subsidy. They said, for example, if they had to depend totally on the farmers who were paying them for the use of their bees, they would have to hang it up.

Now, the Senator would agree with me, I am quite sure, that if Romania and Hungary, for example, are willing to supply this country with all of its honey needs, at roughly 60 percent of what our honey producers say they have to have to stay alive, how would the Senator figure that any bee producer, any honey producer on this day could stay afloat and sell his honey to compete with Romania, for example, or Hungary?

Mr. BROWN. First of all, I freely acknowledge that the folks who get this money are delighted to receive it and are going to make as good a case as they can to keep getting it. I do not fault them for that. Everybody has to be their own advocate in this world, and these are all bright people. Indeed, if there is something they can do or say to continue to get money, they are going to do it.

But I think it is important to keep in mind that 96 percent of the producers in this Nation, albeit I think fairly the smaller producers, produce honey without any subsidy from the USDA's honey program. And second, that where commercially it is attractive for commercial bee interests to move from place to place to provide pollination services and it simply cannot be done without an assistance, that already happens—that is, people pay for the pollination services if they need them, and if they are advantageous. If they are not advantageous, I do not expect that the commercial bee interests will get paid for their services.

But it seems to me that rather than having the taxpayer stuck with the cost of subsidizing bee pollination services, or have an inefficient subsidy program, we are far better off to let the market dictate that result. And, indeed, if it is a plus agriculturally in those instances where they move bee hives in to pollinate almond trees, for example, it seems to me that that is more properly a cost that should be attributed to the producer, not to the taxpayer.

Mr. BUMPERS. Mr. President, let me say that I understand the issues like this, and I understand the political fallout. People will get 10 times more excited over $500,000 to restore Lawrence Welk's home than they will extending the test ban treaty or spending $100 billion for the space station. They do not understand a billion for the space station but they understand $500,000 to restore Lawrence Welk's home.

Last year I was up for reelection, and I went into a courthouse basement down in Hot Springs, AR, where a long line of people were waiting to register to vote. It was the last day to register. I was walking along the line shaking hands with the people. This fine looking young couple, I thought they would probably be interested in student loans, Pell grants, nuclear test ban, and that sort of thing, do you know what they said? "We just want to know one thing. How did you vote on that honey subsidy?"

So it is a hot political issue around the country. It is the sort of thing with which Rush Limbaugh can have a ball. He deals with everything that is irrelevant, and certainly he would have a picnic with the honey subsidy. But I happen to be an aficionado of bees.

I may vote with the Senator. I am not swearing I will not because I am not interested in taking all the political flap. But if this became law, can the Senator tell me that it will have no effect on the pollination of crops in this country?

Mr. BROWN. Yes. I think the Senator asks a very fair question, and I know he has brought a number of proposals to the floor of the Senate that focus on reducing spending. So I wish to acknowledge his sincere interest in that effort.

I believe it will have some slight impact on crop pollination. I think you will see in a very few areas with large commercial bee populations that there may well be assistance or payments made by large agricultural producers to people who supply bee hives in these areas. I do not think the impact of reducing our subsidy of pollination services will be major, but I think it would be a mistake to not acknowledge that without the Government subsidy you may well see some additional payments having to be made by large agricultural producers to beekeepers.

Mr. BUMPERS. Let me say to the Senator, No. 1, as a Senator from by far the biggest rice-producing State in the Nation—Arkansas produces almost 50 percent of all the rice produced in this Nation—it is my firm opinion if we did not have a rice program, there would not be a bushel of rice grown in Arkansas.

You can talk about agriculture subsidies. A lot of people love to talk about it. This is always their choice. If you want to do away with the subsidy, you can always do it. The talk show hosts have a ball with that one, too. But there are some things that are worth doing in this country. There are some things that Government ought to do. There is a role for Government in a whole host of areas, despite a lot of rhetoric you hear to the contrary today.

I am concerned about this. Can the Senator tell me whether or not the wind produces more pollination than bees, or the other way around?

Mr. BROWN. Let me first acknowledge that while there are many strong advocates of the honey program in the U.S. Senate, I am delighted to respond to your question.

I suspect that I may well in the time that remains today for this bill to be debated and amendments to be debated, that I may not be pictured as a fair advocate for the honey program. I do not believe in the program. I think it is a waste of money, and I think this is a waste for the U.S. taxpayers to support. There is no question there are other ways to pollinate plants. And I acknowledge that bees play a critical part in many of the areas.

Mr. BUMPERS. Madam President, let me say I may vote with the Senator on this, because the Senator is not trying to kill the program. The Senator, as I understand his amendment, is saying no honey producer may receive more than $50,000 as his subsidy for producing honey.

Mr. BROWN. Yes, that is correct. This puts the same limit on payments to individual honey producers that we voted for earlier this year in the reconciliation bill for limitations on payments for the wool and mohair price support programs.

Mr. BUMPERS. I think the Senator is going to eliminate some of the biggest honey producers in the country with this.

Mr. BROWN. It will limit the amount they get, and some have received as much as $150,000 a year. It will limit that.

Mr. BUMPERS. Can the Senator tell me what was the biggest subsidy paid to any honey producer last year?

Mr. BROWN. In the record, I have shown a payment of $154,000 to one of them. As the Senator knows, there are a variety of ways that this money can be received. But the best records as we have been able to obtain from the U.S. Department of Agriculture indicate that in 1991 Richard Dee and his family received $191,000; Horace Bell received $154,000. But these are dated figures from 1991.

Mr. BUMPERS. As I say, I am not going to move to table the amendment unless the Senator from Mississippi wishes to. We will give you an up-or-down vote on it. I reserve my own feelings about the thing because the reason I have been willing to take the political heat for a program which is seen nationwide as a gigantic boondoggle, one of those crazy things Congress does to get votes—it will not get many votes because there are not enough honey producers to amount to anything. I can tell you, the consumer of this country is already getting a bargain. The consumer is already paying essentially the price for imported honey. I am not concerned about that.

What I am concerned about is what the people in California are going to do. Their orange blooms, apple blossoms, all of those things have to be pollinated. Until this thing came to my attention 2 or 3 years ago, I thought bees were the only way you could pollinate. There are other ways, I find. I find that the wind itself is a pretty big pollinator, but a very uncertain pollinator. Bees are sure fire.

So it does cost quite a bit. But the Senator is not trying to eliminate the program. I may vote with him.

I yield the floor.

Mr. BROWN. Will the Senator yield for one last comment?

Mr. BUMPERS. I am happy to.

Mr. BROWN. Madam President, in response to the Senator, let me confess that while this amendment caps the payment limit at $50,000, my underlying intention is indeed less kind than that. I would not want the Senator to have voted for this amendment and not know that my only concern is that this program does not efficiently utilize honey producers. On the contrary, all the amendment does is limit the amounts paid to honey producers to $50,000.

Further, in response to the Senator's prior question about the U.S. market price for honey, I am advised the last figure we have from the USDA, indicates that the average price for U.S. honey per pound was 55.8 cents. That, as I say, is a dated figure. I know the Senator appreciates it is a changing market.

Mr. COCHRAN. Will the distinguished Senator yield?

Mr. BUMPERS. I am happy to yield to the Senator from Mississippi.

Mr. COCHRAN. Madam President, I asked for the time for the purpose of suggesting to the Senate that it may be more appropriate, rather than acting on the amendment on this bill that would deal with the payment limitation, to monitor closely the work of the legislative committee conferees who are meeting on reconciliation, the massive big bill that includes a lot of parts that are under the jurisdiction of certain committees. This very subject is being debated in the conference on the reconciliation bill.

It is in this context the Senate Committee on Agriculture, in our effort to meet the spending cut targets that were proscribed to the budget resolution for programs under the jurisdiction of the Agriculture Committee, has sought to reduce the cost of this program by about $41 million by reducing the loan rate that is available to honey producers.

We do that by moving the loan rate from 53.8 to 47 cents per pound. That is calculated by the Congressional Budget Office to save $41 million between fiscal years 1994 and 1998.

The House committee, on the other hand, dealt with it as the Senator from Colorado is seeking to deal with the problem, by reducing the limit in the payment to individual producers under this program. But rather than immediately capping the payment at $50,000 per producer, the House committee reduces progressively the payment limit from $125,000 to $50,000 a year.

There is also a modest adjustment in the loan rate from 53.8 to 50 cents per pound. The House provision is calculated to save only $23 million over this period of time, compared with the $41 million in savings of the approach of the Senate Agriculture Committee.

My point is this: This is subject to discussion right now, and Senators and House Members who are meeting on this conference are going to work out some savings. I think it is clear to everybody who would look at the House provision and the Senate provision in conference that at least $23 million would be saved if the least decisive or dramatic reduction in spending, which is the House side suggestion, is agreed to.

So there are ways to get at savings in this program. I simply point out to

Senators that adopting this amendment is not necessarily the best way to do it. It is a gesture toward reduction of the cost of the program. If the Senator later on wants to move to delete the entire program, of course that could be done, too, I suppose. But this is a matter of legislation. This is legislative authority. This is an Appropriations Committee bill that simply provides the funds to carry out the programs that are already authorized as a part of the 1990 farm bill.

So I am suggesting that there is a procedure that is underway to deal with savings in this program. It is being undertaken now by the legislative committees, which have jurisdiction over legislation.

The matter before the Senate is one of appropriation, and it is inappropriate to change the legislative authority of this program by amendment as the distinguished Senator from Colorado seeks to do. I admire what he is trying to do. We think, in the legislative committee, we are moving in that direction, as he would suggest we should. And we would even achieve greater savings by reducing the loan rate, as we proposed to do in conference with the House, by a greater savings than would be achieved if the Senator's provision right now is adopted.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, the distinguished Senator from Arkansas had inquired, in our earlier discussions, as to who participates in the beekeeping industry throughout the Nation.

The American Beekeeping Federation, who is, of course, interested in preserving the honey price support program, provided a handout; and while I have not had an opportunity to independently verify it, understand that their information on the individuals who compose the bee industry are reasonably accurate. Their handout shows Colorado with 52,000 bee colonies, 42 full-time employees, and 104 part-time employees. It shows Arkansas with 45,000 bee colonies, 36 full-time employees, and 90 part-time employees. The biggest honey producing State in the Nation is California. And the handout does indeed show that beekeeping activities take place throughout the Nation in every State of the Union. One of the very large honey producing States is South Dakota, with 240,000 bee colonies and 480 part-time employees and 192 full-time employees. The handout does identify those beekeeping activities taking place in every State.

Madam President, I think the key here is that all my amendment does is say there is a limit to how much you can take out of the Federal taxpayers' pockets. It simply limits the amount you take to $50,000. This hits a few of the "big boys" in the industry. And what it plainly suggest is that there is a limit to how much you are going to stick the taxpayers with in subsidizing the honey program.

Moreover, I'd like to note a couple of things: This is an appropriate and in-order amendment. It is simply a limitation on the amount that is spent on certain honey producers. Indeed, I think the distinguished Senator from Mississippi is quite correct. The authorizing committees, in conference, are going to modify the program. But his simply makes a different kind of limitation—that is, with regard to the total amount of money that any one person or entity can receive.

Madam President, I think this amendment makes sense. We do not know whether a majority of the Members of this body will want to eliminate the program or not. But I believe it is quite clear that the American people will want to limit the amount they have to pay out to any one producer. You can make a point about the family farm and those small individual operations that may need help. But that argument surely does not apply when you are getting more than $50,000 a year from the Federal Government.

There ought to be a limit as to how much in subsidies we hand out, and there ought to be a limit as to how much we put in the pockets of honey producers. I believe the American people would think $50,000 is too high a limit. They probably would prefer a much smaller amount. This is a modest proposal, one that I believe merits the approval of this body.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. How much time is remaining, Madam President?

The PRESIDING OFFICER. There are 8 minutes 54 seconds. Senator BROWN has 19 minutes 49 seconds.

Mr. BUMPERS. Madam President, a couple of brief remarks. This is one of those 1-hour amendments.

First of all, I misspoke myself earlier when I said the program costs $30 million. It does not. The cost of the program this year is $16,910,000. The cost in 1994 will come down still further to $12,246,000. So the cost of the program is dropping pretty dramatically, and I am not sure quite why.

In any event, I want to make a couple of points. The Senator from Colorado listed some countries who have an active bee industry and no subsidy. That is true. But if you have ever been to Romania, which is one of the biggest honey producers in the world, you can see why. We are not trying to compete with countries that pay $1 an hour in wages. Obviously, some of these countries, like Brazil and others, that sell a lot of honey to this country can do it because they can produce it for a lot less than we do.

Politically, it is probably good to just abolish the honey subsidy. That is one of those things you can never explain to people. The amendment of the Senator from Colorado is fairly minimal. But, in any event, as I say, I have been troubled by it. I am tempted to say that we ought to maybe take it on a voice vote and go to conference with it. The House does not have similar language.

Madam President, how much time is remaining?

The PRESIDING OFFICER. There are 6 minutes 37 seconds remaining.

Mr. BUMPERS. I yield 5 minutes to the Senator from North Dakota [Mr. DORGAN].

Mr. DORGAN. Let me thank the chairman of the subcommittee for yielding the time. We are going to get to where the Senator from Colorado wants us to get over time. The question is the method he proposes today. And the question I want to deal with is, What is the problem? We are always seeming to deal with the symptoms of the problem and not the problem.

If you are a honey producer—and I expect the Senator from Colorado is not, and I am not—you know what the problem is. We have a flood of cheap imports coming into this country, most notably and especially from China, that undercuts our honey program and the honey price. Well, not many people think about that, unless you produce honey.

I will talk for a minute about the situation with China. This is a very interesting situation, not just with honey, but with a massive amount of trade from China. This country has gone to nearly an $18 billion trade surplus with us in a very short period of time. They sell $18 billion more into our economy than we are able to sell into theirs. They buy a lot of wheat, and our wheat producers are thankful for that. But they do not buy nearly enough wheat. Do you know what they do? They are off shopping for wheat bargains from Canada and elsewhere. We used to be the major supplier of wheat to China. We are not anymore—the Canadians are—despite the fact that they have run up an $18 billion trade surplus with us.

So they are off price shopping for wheat from Canada and elsewhere. They ought not to be doing that. They have a responsibility to buy wheat from us. They flood our markets with imports, including honey, and that undercuts our price. If we did not have the Chinese imports, we would not need a honey program. But when you have inordinately cheap products coming in from a country like China, that undercuts your program, then we have the need for a minimum honey program. The fact is this is headed toward a no-cost program in 1994.

Again I say, if we do not have backdoor honey or cheap honey coming from China, we do not need a program. Let us deal with the trade problems we have. You would not have to be here on a honey amendment if it were not for Chinese exports to this country and the amount of Chinese honey on our shelves.

I say to the Senator from Colorado that I understand and sympathize with many of the things he tries to do in a range of areas dealing with Government costs and wastes, and so on. But the fact is, in a range of areas, with respect to trade, with China especially, it causes disruptions in our programs and causes dislocation in income to our producers in a way that I think is unfair. I prefer to say, let us put a tariff that is appropriate on Chinese honey, and then we do not need a honey program in this country. Get rid of the program right now and put a tariff on the Chinese honey that undercuts the price for our producers.

I appreciate the chairman's giving me the time to discuss my perspective on this. I hope that we will follow through on what we now have in law that requires us to be at a no-cost provision on honey and our Federal programs. It is where we are going, where we are going to be, and where we should be. I support that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Mr. President, virtually every year, Congress finds itself revisiting the issue of whether to continue the honey program. Each year we hear the same arguments. We hear that honey is a powerful special interest group that has Government in its back pocket, that money spent on honey is wasted money, and that bees will continue to make honey and provide adequate pollination service without the encouragement of a Government program. This year, I will again do my best to demonstrate why these arguments simply do not hold water.

VALUE OF THE PROGRAM

The beekeeping industry's significance to the rest of agriculture is often overlooked or even maligned. Beekeeping is vital to American agriculture. The U.S. Government has supported the price of honey since 1950 by providing market price stability to honey producers to encourage them to maintain sufficient honeybee populations to pollinate important agricultural crops.

More than 140 cultivated crops either require or benefit from bee pollination, including millions of acres of fruits, vegetables, oilseeds, and legume seed crops.

Pollination provided by honey bees has increased in importance to farmers in recent years as urbanization and other pressures on the environment have reduced the availability of other natural pollinators.

The United States is a net importer of honey. While we can import honey, we cannot import pollination. A vast majority of pollination is provided free to the public through the random movement of bees. It is not unreasonable that the public protect this pollination through a tiny loan program that is needed to keep this pollination service available.

A study several years ago by Cornell University placed the value added to pollinated crops by the U.S. honey bee at $9.7 billion.

The ratio of value added by the program, $9.7 billion, to the program cost, $17 million, is 570 to 1.

Bee culture is practiced throughout the United States, in areas with widely different types of climate and flora. Some beekeepers move their colonies 30 times or more a year—from several miles to several thousand miles—to provide pollination services or increase honey production. Consumers benefit from the honey program because it helps maintain the honey bee colonies that in turn pollinate important food and fiber crops. An estimated 15 percent of the plant-derived portion of the human diet comes from plants dependent upon or benefited by insect pollination. Much of the beef and dairy products consumed in the United States are produced from insect-pollinated legumes. About one-third of the human diet is derived directly or indirectly from insect-pollinated plants.

The value of the honey bees as pollinators far exceeds the value of the honey and beeswax produced. However, for most beekeepers, the receipts from honey and beeswax sales far exceed the fees received for pollination services.

Honey bees also provide benefits for home gardens, orchards, and natural ecosystems.

If the price support program is withdrawn or reduced, the supply of honey bee colonies will be jeopardized and much of U.S. agriculture that depends on pollination will be hurt. Honey production provides the incentive for beekeepers to maintain strong colonies of bees during the many months of the year that bees are not involved in commercial pollination.

The honey price support program has enabled beekeepers to continue operations and provide vital pollinating services while also assuring consumers of a stable supply of nutritious honey at reasonable prices.

Any decline in the number of honey bee colonies that may result from changes in the honey program will directly affect the number of honey bees available for pollination. Of most concern will be pollination of those agricultural crops that require large concentrations of bees for a commercial crop. It is unlikely that the areas where these crops are grown contain a sufficient number of wild bees, other pollinating insects, or honey bees managed by local beekeepers to provide adequate pollination without the assistance of commercial beekeepers. While some farmers do maintain a small number of honey bee colonies to pollinate their crops, it is unlikely that large producers of field crops would have the expertise, labor, capital, investment, or bee pasture needed to permanently maintain large numbers of honey bee colonies.

SUMMARY OF THE PROGRAM

The honey program has undergone extensive revisions in the last two farm bills. In the 1985 farm bill the loan rate for honey was reduced at the rate of 5 percent a year. The 1990 farm bill froze the loan rate at 53.8 cents per pound but lessened the benefits producers receive by increasing the price at which they are able to redeem honey that is under loan. The result is that the cost of the program has dropped from $100 million in 1988 to a cost of $17 million in fiscal year 1992. That is a decline of 83 percent over the space of 5 years.

Currently both the House and the Senate versions of the Reconciliation Act of 1993 reduce the amount of payments that may be received by a person from $125,000 in the 1994 crop year to $100,000 in the 1995 crop year, $75,000 in the 1996 crop year, and $50,000 in the 1997 and subsequent crop years. This is the same payment limit of $50,000 per producer as being proposed in the current amendment, but the payment reduction is phased in over a period of 3 years, giving the industry time to comply. In addition, the House and Senate reconciliation packages go beyond simply limiting payments. They also sharply reduce the minimum price support level for honey.

The net result of this action is a honey program whose total cost to the taxpayer as proposed by the House is minimal, and whose cost in its Senate version is zero.

DECLINE OF THE INDUSTRY

This will be a honey program that has been cut down to its bare bones. It will be the smallest program possible if we want to preserve any honey industry at all, because this is an industry already in serious decline. Despite the importance of bee colonies, the number has been dropping rapidly. Since the peak in 1947 of 5.9 million, the number has dropped to the most recent estimate of 3.2 million colonies, based on beekeepers with 5 or more colonies.

The decline in colonies is connected to the decline in the price for honey. Since 1981, the average price of honey has declined from a record 63.2 cents per pound to about 50 cents per pound, largely due to the declining support price.

Meanwhile, the costs of honey production have been rising. Honey producers also are facing increasing competition from imports of honey from countries such as China. Even though the program has been cut to very low levels, it is still necessary to help cope with these and other threats.

In addition to dealing with massive cuts in the support program, honey producers are struggling with two mites which are devastating the industry, and no viable control measures are available at this time. To add to these problems, the Africanized, or so-called killer bees have arrived in southern Texas. As the industry deals with the economic impact of these threats, now is a poor time to make other changes that will threaten the industry's survival.

Contrary to arguments that honey producers are all wealthy freeloaders, earlier testimony from a Michigan State University entomologist before the Agriculture Committee showed that most commercial beekeepers are operating at a loss. The commercial beekeepers are in serious financial difficulty. The average yields per colony do not allow a return on investment, or in some cases even a reasonable salary. Beekeeping supplies and equipment costs are rising at, or higher than, the inflation rate.

Mr. President, you have heard, or will hear, that the program benefits only a few beekeepers. But the beekeepers who participate in the program are precisely the ones who are commercial operators. Every one with an apple tree in their backyard is not operating a fruit orchard, likewise, everyone with a bee colony is not a commercial beekeeper. The roughly 4,500 to 5,300 commercial beekeepers who participate in the Honey Board programs account for 99 percent of the honey produced in the United States.

You also have heard, or will hear, that honey producers are receiving large payments. There are only a handful of producers in the United States that reach the current payment limits. Over half of the producers who participate in the program receive less than $5,000. The average commercial operation is only 2,400 colonies. Also keep in mind that beekeeping is labor intensive. The average commercial operation with 2,400 colonies is supporting a family and at least 3 full-time employees and their families. One hundred and twenty-five thousand dollars may sound like a lot of money for one person, but when it's spread over the costs of the operation, including labor, it's often not enough to cover expenses.

It is clear, Mr. President, that commercial beekeeping is vital to American agriculture. Benefits far outweigh the costs of the program. The honey industry has seen its prices drop while its costs are rising. It is struggling against imports and new threats. Commercial beekeepers are not getting rich off the honey program. They are losing money. The average beekeeper receives very modest payments from the honey program. Commercial beekeepers support not only themselves but other families through the jobs they provide.

For these reasons, Mr. President, I strongly oppose the Brown amendment.

Mr. BUMPERS. Madam President, I would like to inquire of the Senator from Colorado if he would be willing to vitiate the yeas and nays and let us accept the amendment?

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I appreciate the request of the distinguished Senator, and I would gladly agree. I think it is saving time of the Senate. I understand the Senator will be considering this in conference.

Mr. BUMPERS. Madam President, I ask unanimous consent that the request for the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BUMPERS. Madam President, I am prepared to yield back all of my time, and I think the Senator from Colorado has time remaining that will have to be yielded back, also.

Mr. BROWN. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Without objection, the amendment is agreed to.

So, the amendment (No. 638) was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I ask unanimous consent that I be permitted to proceed as if in morning business for not to exceed 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WAR IN BOSNIA

Mr. BUMPERS. Madam President, I just want to remark on a subject that is totally different from this bill. It deals with the war in Bosnia.

Yesterday, I saw a headline I think in the weekend review section of the New York Times, suggesting that since President Clinton had bombed out on Bosnia, the people in Bosnia had given up on Clinton. I would like to make a couple of comments about what I consider to be the absolute unfairness of that statement. Whether people agree or not is a different subject.

But my point is this: There were six of us who went to Yugoslavia at the request of the President a little over a month ago, maybe 6 weeks ago. At that time President Clinton was suggesting two things: First, that the arms embargo against the Bosnians be lifted and, second, that air strikes be permitted under an amended U.N. resolution.

Bear in mind, to either lift the arms embargo against the Bosnians or participate in air strikes both would have required approval of the United Nations by amending the U.N. resolution dealing with Bosnia; and, in my opinion, the second one dealing with air strikes with the United States Air Force and Navy participating would have required approval of Congress.

But President Clinton was proposing both of those actions. When we got to Moscow, Secretary Christopher arrived the next day. We spent an hour with him, and he told us in the category of "now it can be told" that his mission on behalf of the President and trying to get the European nations to go along with the President's proposal was meeting with flat out rejection by the British, the French, and the Germans.

We found that in Moscow the Russians certainly have a tendency to be much more sympathetic to the Serbs, their Slavic brothers. Incidentally, we found in Moscow the Russians were a lot more concerned and wanted to talk a lot more about the nuclear missiles in the Ukraine than they did about the war in Bosnia.

As a matter of fact, Secretary Christopher got a considerably better concession from Boris Yeltsin than he did from Helmut Kohl, François Mitterrand, or John Major, or any of them.

All I am saying, Madam President, is it may be that the President has been kept from getting deeply involved in Bosnia because the vast majority of the people of this country do not want American troops participating in that war in any way.

But when people say that Clinton reneged or bombed out or somehow or other is responsible for what is going on in the slaughter, the merciless unbelievable slaughter in Sarajevo at this moment, to suggest that President Clinton is responsible for that is palatably patently grossly unfair.

You can disagree or agree with him about the policies there or whether we should have been more deeply involved, but I can tell you the six of us went to the White House and sat for 2 hours talking to him, and I have never seen anybody any more troubled by such an intractable problem as he was.

He desperately wanted to alleviate the plight of the people who were being slaughtered there, men, women, and children, and quite frankly I am not suggesting that if the Moslems had the upperhand the atrocities would be any less. But I can tell you they do not have the upperhand and they are being slaughtered.

We went to Zagreb in Croatia where the United Nations is headquartered, and they handed me a book which I started reading. It is a story of atrocities, mostly against Moslem men, women, and children. And I got sick at my stomach and quit reading. It is a horrible, terrible thing.

My own belief though, in spite of all that, is our decision is probably still right, and I told the President. One fellow told me the other day: "You ought to quit talking about what you told the President. We are a lot more interested in what the President told you."

I told the President you cannot do any of these things unless you get the American people behind you. If you are going to have American men dying in Bosnia, you have to have the acquiescence, indeed the strong support of the people in America. That is what Desert Storm was all about. Everybody in America understood that.

If Bosnia had oil we would be there right now. They just do not happen to have any oil. All they have are poor men, women, and children being slaughtered.

I wanted to say those few words on behalf of the President because I think he genuinely wanted to do something that would at least keep the pressure on the Serbs and maybe stop some of the supply of arms coming out of Serbia to the Bosnian Serbs.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. BUMPERS. Madam President, having said that, we have just agreed to on a voice vote the amendment of the Senator from Colorado. But I see on the floor now a Senator who has a deep, abiding interest in the issue, Senator CONRAD from North Dakota.

I ask unanimous consent that he be permitted to proceed for 5 minutes in discussion of that amendment which has already been adopted because I know he feels very passionately about it.

The PRESIDING OFFICER. Without objection, the Senator from North Dakota is recognized for 5 minutes.

Mr. CONRAD. Madam President, I thank the chair and I thank the chairman of the Agricultural Appropriations Subcommittee.

First, I want to thank publicly the chairman and the ranking member for the really outstanding work that has been done in the Agricultural Appropriations subcommittee.

This has been a very difficult year, Madam President. Money is tight, demands are almost unlimited, agriculture has been hard pressed for an extended period of time, and yet the chairman and the ranking members have done, I think, a superb job of shoehorning these requests into the available funds.

I wish to comment for a moment on the amendment that was offered by the Senator from Colorado because the honey program has been the butt end of many jokes, not only in this Chamber, but inside the beltway. People who know nothing about the honey program know very little about rural America, know very little about the markets, know very little about the structure of agriculture, are always quick to pick on agriculture and I guess it is understandable. We do not represent an awful lot of people. We are out there in the rural areas, far from the media centers, and so people often do not have much information about how these programs really operate, who they benefit or how they make a difference in the lives of people. Madam President, the honey program has really been the recipient of enormous attention and it is interesting because the honey program this year will cost $17 million.

I did not misstate. I did not say it wrong. It is not $17 billion, with a b. It is $17 million with an m. That is the total cost of the honey program—$17 million. And what do we get for that?

Madam President, I chaired a hearing at which we had expert after expert come and tell us if we did not have a honey program in this country we would have to invent one, because the value added by the pollination of domesticated bees is $9 billion—billion with a b—a year. That is the advantage to this country because we have a honey industry.

We can destroy the honey industry in this country. It is no problem. We can do that.

I will tell you, there is country after country that is eager to have the honey industry that we enjoy in this country. In fact, we have the lowest tariff of any country on the honey industry in the world. Most countries protect their industry 20 to 30 times the rate at which we defend ours.

And what is the reason?

Madam President, they want the jobs. They want the economic activity. We in this country have been prosperous for so long that we do not worry much about a little industry like the honey industry. We especially do not worry about it if it is located in States like North Dakota and South Dakota.

Madam President, you know what has happened in your State, the great State of California, the most populous State in the Nation, that has been very hard pressed by difficult economic times. In fact, I have heard you speak eloquently, both on the floor of this Chamber as well as in private sessions, about what you are experiencing in California—the economic hard times, the need for jobs.

Madam President, I just say to you and say to our other colleagues that is true in the more rural parts of the country, as well.

The honey industry is a small one, but it makes a difference. It makes a difference in the lives of 125,000 beekeepers in this country. It makes a difference in a State like mine that is the third-largest producer of honey in this country.

Madam President, we have heard the complaints. We have heard those who say we should not spend one dime on a honey industry in this country. It would be interesting if those who advocate that position advocate the same position when it comes to industries that are critical to their States. We are going to have a chance to hear what they say when it comes to their industries.

Madam President, this honey program has been changed so that it will not cost one dime—no cost; not one penny. Those are the changes that we have made in order to meet the criticisms of those who have made a political industry, an industry, I guess, that spawns and helps political careers by attacking the honey industry. We have answered the criticisms and we said we will fashion and structure a program that will cost nothing. That is what is in place.

I say to the chairman and the ranking member of the committee, when you go to conference, I hope you will dump this amendment that was just adopted, because it is not necessary.

We have answered the criticisms, first, by cutting the program by 80 percent, and now by making it a totally no-cost program. What more do they want?

Madam President, I just want to summarize and conclude by saying the States which are the major honey States just happen to be some of the States that are most hard hit by the devastating floods and excess rains that we are now experiencing.

In the 5 States that are in the top 10 in honey production, we see massive flooding. We have already been hit by a blow by nature. The last thing we need is another blow by our colleagues here in Washington. That is the last thing we need.

We have 5 States of the top 10 honey-producing States that have been very hard hit: North Dakota, South Dakota, Minnesota, Wisconsin, and Nebraska.

Yes, they are rural States. Yes, there is not much population. And, yes, we do not have a lot of political clout here in Congress because of our reduced numbers. But we do have a need. We have a need for fair treatment. We have a need for jobs. We have a need for economic activity.

And so, Madam President, I urge the chairman and the ranking member, when you go to conference committee, I hope you will remember that we have agreed to a program here that does not cost anything—does not cost the taxpayers any money—and to resist further changes that would undermine and weaken an industry that, although small, makes a contribution to the economic health of rural parts of this country.

I thank the Chair and yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 635, AS MODIFIED

Mr. BUMPERS. Madam President, I send a modified manager's amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment number 635, as modified.

Mr. BUMPERS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 13, line 24, strike "$29,888,000" and insert: "$32,788,000".

On page 15, line 8, strike "$71,117,000" and insert: "$72,917,000".

On page 17, line 8, strike "$441,852,000" and insert: "$443,652,000".

On page 20, line 3, strike "$11,000,000" and insert: "$11,187,000".

On page 46, line 17, strike "$22,250,000" and insert: "$70,000,000".

On page 53, between lines 14 and 15, insert:

"AGRICULTURAL RESOURCE CONSERVATION DEMONSTRATION PROGRAM ACCOUNT

"For loan guarantees authorized under sections 1465–1469 of Public Law 101–624, for the Agricultural Resource Conservation Demonstration Program, $6,799,000 to any state defined as eligible under section 1465(c)(3)(A) of that Act. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, $3,599,000.".

On page 72, line 11, strike "$503,635,000" and insert: "$490,184,000".

On page 72, line 13, strike "$51,641,000" and insert: "$50,261,000".

On page 73, line 9, strike "$387,849,000" and insert: "$377,490,000".

On page 88, line 1, strike "25,000" and insert: "100,000".

On page 88, line 3, before the period, insert: ": *Provided*, That average per acre costs shall not exceed $700".

On page 90, strike lines 3 through 9.

On page 7, line 6, strike "$65,127,000" and insert: "$64,872,000".

At the appropriate place, insert:

SEC. 731. SENSE OF THE SENATE REGARDING JAPANESE TRADE BARRIERS TO UNITED STATES GROWN APPLES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States apple industry has worked for 22 years to export apples to Japan, answering every technical question, and fulfilling every test and trapping program required by the Japanese Government.

(2) During negotiations with United States growers, the Japanese Government has repeatedly added new technical requirements or delayed discussions to resolve technical disputes.

(3) United States apple growers currently export to 24 countries, none of which have phytosanitary standards as stringent as Japan's standards.

(4) The administration has provided exemplary support on this issue, expressing its dissatisfaction with the Japanese phytosanitary requirements at every possible occasion.

(b) POLICY.—It is the policy of the United States Senate that the current Japanese phytosanitary requirements on United States apples constitute an unnecessary trade barrier and the United States Senate urges the administration to continue to work toward removing the barrier, including initiation of an investigation under section 301 of the Trade Act of 1974.

Mr. BUMPERS. Madam President, this is identical to the original one except there are three changes in this one which will take care of an amendment by Senator DOLE, one by Senator GORTON, and one by the distinguished Senator from Mississippi, Mr. COCHRAN.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I thank the distinguished chairman of the subcommittee for agreeing to modify his amendment.

This modification would increase the Cooperative State Research Service appropriation to fund two additional special research projects—one for $250,000 for value-added wheat product development at Kansas State University and one for $200,000 for entomology acoustics research being undertaken at the Center for Physical Acoustics. The outlays from this additional funding would be offset through a $255,000 reduction in the additional $2 million above the President's request recommended in this bill for the USDA inspector general.

The amendment has also been modified to add sense-of-the-Senate language to the bill requested by Senator GORTON regarding Japanese trade barriers to United States-grown apples.

I urge adoption of the amendment, as modified.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 635), as modified, was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MIDWEST PLANT BIOTECHNOLOGY CONSORTIUM

Mr. KOHL. The fiscal year 1994 Agriculture appropriations bill includes a CSRS special grant for the Midwest Plant Biotechnology Consortium, which has been recently renamed the Consortium for Plant Biotechnology Research. In the past this program has operated on a competitive basis. Biotechnology researchers from throughout the midwestern region have submitted projects and proposals, which have then gone through a peer review process and identified for funding. Although the Senate bill does not specify details as to the operation of this grant for fiscal year 1994, it is the intent of the Committee that the funding provided by this grant be administered in the same competitive manner as it has in previous years. Would the chairman agree?

Mr. BUMPERS. Yes; it is the intent of the committee that the special grant for the Midwest Plant Biotechnology Consortium be managed competitively, as it has been in the past.

A BIOSCIENCE/ENGINEERING FEASIBILITY STUDY

Mr. DOLE. Madam President, I would like to thank the chairman and ranking member for the support they have shown these last several years for the construction of Throckmorton Hall at Kansas State University. This project will provide numerous benefits for agriculture.

Agriculture is an ever changing industry and it has recently been brought to my attention that efforts to keep up with the industry require the need for a bioscience/engineering complex at Kansas State. The agricultural interests at KSU have been integrated with, and facilitated by, other technologies and basic sciences throughout the university, providing enormous breadth to the programs through cooperative, cross-related programs. For example, biochemistry, biology, and chemistry are basic to the disciplines of agronomy, animal science, entomology and plant pathology.

I realize that since the full Appropriations Committee has acted on the Agriculture bill, it is not possible to add language to the report for a feasibility study of a new biosciences/engineering complex at Kansas State University. I would like to ask the chairman and ranking member of the Agriculture Appropriations Subcommittee to consider adding a feasibility study for this important project in conference. It is essential that we lay the ground work for a new biosciences/engineering complex in fiscal year 1994.

Mr. BUMPERS. Madam President, I will be pleased to consider adding a feasibility study for this project in Kansas. I also have a request for a feasibility study for a dairy expo center in Wisconsin. I hope this will be agreeable with the Senator from Mississippi.

Mr. COCHRAN. Yes, that would be agreeable. Every consideration will be given to adding language in conference requiring CSRS to undertake these feasibility studies.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against the 1 hour on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 648

(Purpose: To provide for the refinancing or repricing of loans made by the Federal Financing Bank and guaranteed by the Rural Electrification Administration)

Mr. DOMENICI. Madam President, I have an amendment that I have discussed with the chairman of the Agriculture Appropriations Subcommittee and with the ranking Republican. I am not yet certain whether the manager, the chairman is going to accept the amendment. But I certainly urge he let us accept this amendment by voice vote. I understand the ranking Republican is in accord with that.

Let me briefly tell you what this does. First of all, this does not apply to any one State or any single loan. It applies to any of them that fit the definition I will describe in a moment under the REA program. I will give an example from a powerplant in New Mexico.

In my home State, Plains Electric Generation and Transmission Cooperative is struggling with extremely high interest rates on its outstanding debt with the Federal Financing Bank. In the early 1980's, this co-op borrowed nearly $400 million from the Federal Financing Bank to construct a new coal-fired electric generation facility to meet the demands under some of the most stringent regulatory requirements of the Clean Air Act.

Of this amount, $269 million in loans was approved prior to 1982. Plains will be able to refinance this $269 million over the next few years under its current loan contracts for a modest premium. If Plains was allowed to refinance just $100 million of this amount, it would represent $4 million in savings to rural New Mexico electric customers. Since the eighties, Plains has seen two things occur: First, interest rates have plummeted, dropping to as low as 6 percent recently. At the same time, the downturn in the uranium, coal, carbon dioxide, molybdenum, and copper industries in New Mexico has weakened. Thus, the demands for electric power has weakened.

New Mexico is generally rural, and as everyone understands, not one of the richest States, with very high electric rates. While the United States is at 6.9 percent unemployment, we have a county that is supplied electricity by this Plains Electric with an unemployment rate of 37 percent. Most of New Mexico's rural area and poorest is served by this cooperative powerplant.

In the midst of Navajo Indian country is McKinley County. Its unemployment rate is extremely high, as much as 43 percent. It, too, gets much of its electricity from this source.

So electricity is a key ingredient in economic growth, and the efforts we take to reduce electric rates in rural America will produce jobs and economic growth for our people. But essentially in this case, it is not really a question of lowering the rates, it is a question of whether they are going to be able to raise rates high enough to take care of this very high interest rate.

So my amendment would require the refinancing of high cost debt held by the REA through 1982, loans made by the Federal Financing Bank and guarantees by the REA administration, provided in the contract for their refinancing under certain circumstances. These pre-1982 loans provided that the borrower could refinance these loans after 12 years, for a prepayment premium equal to 1 year's interest. The administration does not see fit at this point to refinance these loans and I understand there is a backlog. There is currently a rather substantial backlog of this kind of loans.

Because the loan contract provides for the refinancing of these loans according to the Congressional Budget Office, there is no budgetary cost associated with this amendment. So my amendment, that I will send to the desk in a minute, says to insert at a certain place the following language, "Provided, that notwithstanding any other provision, the Secretary of the Treasury and Administrator shall, on the request of the borrower, allow the prepayment or repricing of a loan made by the Federal Financing Bank and guaranteed by the Administrator, in accordance with the terms of the applicable loan contract."

Madam President, I hope the distinguished Senator from Arkansas will accept this amendment. I think it is clear it is going to help many rural customers, not only in my State but wherever they have very high interest rates and have an agreement saying they can refinance with a payment of 1 year's worth of interest, which they are willing to do. This may, indeed, permit them to continue to serve without dramatically increasing rates. And, as the Congressional Budget Office confirms, it has no budgetary impact with reference to how we account for the REA's activities or the refinancing of such loans.

I have nothing further on the subject. I will be pleased to answer any questions anyone has, whether it be the chairman or anyone else.

Will the manager be asking CBO, so I may leave and come back when he needs me here?

Mr. BUMPERS. So the Senator from New Mexico will understand what we are contemplating here, I think the amendment is a good amendment. My only objection to it is that his amendment only applies to REA contracts that were made prior to 1983.

Mr. DOMENICI. Prior to 1982.

Mr. BUMPERS. I would like to see it apply to all contracts. But I am not sure what the CBO effect of that is and that is what we are checking now.

Having said that, I also want to say if CBO says this scores—the Senator's does not, as I understand it. There is no budget impact of his amendment.

Mr. DOMENICI. Right.

Mr. BUMPERS. If CBO says ours scores somewhere, we have a second-degree amendment which will do the same thing without scoring. But, generally, we are in agreement on the thrust of what we are trying to do.

Mr. DOMENICI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 648.

Mr. DOMENICI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 59, at the end of line 13, insert the following ": *Provided*, That notwithstanding any other provision of law, the Secretary of the Treasury and the Administrator shall, on the request of the borrower, allow the prepayment or repricing of a loan made by the Federal Financing Bank and guaranteed by the Administrator in accordance with the terms of the applicable loan contract"

Mr. HATCH. Madam President, I ask unanimous consent that the pending amendment be set aside so that I may give a speech as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized for 10 minutes.

STRIKE VIOLENCE

Mr. HATCH. Madam President, I rise to notify Members of the Senate that Eddie York died last week.

Who is Eddie York?

Eddie York was 35 years old. He was from Dingess, WV. Killed by a single shot to the back of his head, Eddie York is the latest victim of strike violence.

Madam President, the United Mine Workers of America have been on strike for almost 3 months against the members of the Bituminous Coal Operators Association [BCOA]. Today, some 16,000 miners are on strike and are affecting operators who produce approximately 15 percent of the coal mined in the United States.

Eddie York is the latest example of how violence is often threatened and executed as a negotiating tool by some unions.

In the past, UMWA strikes have been dominated by shootings, arson, property destruction, and the intimidation of employees.

As a result of the union's tactics in its strike against Pittston, the union was fined $52 million by a State court in Virginia for contempt.

This year, the strike has again been dominated by shootings, arson, and vandalism. Strikers have derailed trains, shot electrical transformers, and burned vehicles and property. They have damaged or destroyed millions of dollars worth of property. They have physically attacked company personnel. The lives of the spouses and children of supervisors and other employees have been endangered.

One community lost its entire electrical service when someone disabled the power station that provided service to the Old Ben mine in Indiana; 2,000 people were without electricity, including 8 people who are on life support systems. Fortunately, the Red Cross and the local sheriff's department were able to provide temporary relief and shelter for these people, but it will cost more than $500,000 to fix the damage.

This latest tragedy is all the more senseless because Eddie York, a backhoe operator, did not even work for the mining company. He worked for an independent contractor, and he was cleaning a reclamation pond on the property, which he had done for years. This was not work performed by the union.

He was shot and killed in Logan County, WV, as he attempted to leave the mine. I understand that it is extremely dangerous to enter or exit most of the mines that are being struck. This mine was no exemption. People have to be escorted on and off the property, and most individuals will only drive in convoys for safety.

Two security vehicles escorted Mr. York and another person off the property. After the vehicles left the property and were driving on a public road, strikers began hurling rocks. Shots were fired from a wooded area; several shots hit other vehicles in the convoy. Eddie York's truck was hit at least three times according to the police. It was the third that appeared to be the fatal bullet.

Madam President, there is no possible justification for such a crime.

As one of the few Members of this body who has belonged to a union, I firmly believe in the right of employees to organize, to join a union, and to exercise their right to strike.

But, a union should not be permitted to wage a campaign of terror during a strike. A labor dispute should not be an excuse for violence. The right to strike is not a right to vandalize, harass, or commit murder.

Unfortunately, labor violence continues to occur.

On July 1, 1993, several companies petitioned the National Labor Relations Board to enjoin the UMWA from continuing to break the law by engaging in violence and other prohibited acts. Unfortunately, the NLRB has now taken three weeks to consider this request and may take many more. If the problem is as serious as many feel, then the Board should act immediately. If there is no truth to the petitioner's request, then the union has a right to have the petition rejected just as quickly. It is troubling to me that the NLRB drags its feet on this question. How much more time do they need? How much more time before someone else is killed?

For years, I have attempted to persuade this body to take the violence being committed during labor disputes more seriously. Unfortunately, my efforts have not been successful. Some have attempted to trivialize this issue, claiming that reports of violence are greatly exaggerated. Others have suggested that violence is simply part of the process, providing a kind of "boys will be boys" justification for this egregious behavior. These arguments are ridiculous.

Eddie York was not the first person to have died as a result of union violence. He was not the first person to have had rocks thrown at his car. He was not the first person to have been assaulted or to have had his family threatened. There are countless other American workers in other States who have been victims of these reprehensible union tactics whose names have never appeared in the newspaper.

Those of us in Congress must simply begin taking strike violence more seriously. We cannot justify it or sweep it under the rug.

Consequently, before this body considers new legislation to provide even greater powers to unions during a labor dispute, I urge that they take a careful look at the adequacy of current law to stop union violence. I hope Senators will remember Eddie York.

I have to say that this is serious stuff. I do not believe that union leaders want violence. I do not believe they can condone or justify the violence like what happened to Eddie York. I do not believe that good union leaders appreciate that type of conduct, but it is happening, and it is happening during what many feel is a legitimate strike. There are differences. People do have to fight it out from time to time, but there is no excuse for killing an innocent third party, like Eddie York. I, frankly, think we have to do something about it.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MURRAY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRYAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. BUMPERS. Will the Senator yield for a moment?

Mr. BRYAN. Yes, I will yield.

Mr. BUMPERS. Madam President, I ask unanimous consent that the Domenici amendment be temporarily laid aside so we can take up the first of two amendments by the Senator from Nevada; and that immediately upon the completion of both amendments, the Domenici amendment will again become the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 649

(Purpose: To provide that none of the funds appropriated or otherwise made available by this act shall be used to support the price of wool or mohair by means of loans, purchases, payments, or other operations)

Mr. BRYAN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mr. KERRY, and Mr. REID, proposes an amendment numbered 649.

On page 90, between lines 9 and 10, insert the following new section:

SEC. 730. None of the funds appropriated or otherwise made available by this Act shall be used to support the price of wool or mohair by means of loans, purchases, payments, or other operations.

Mr. BRYAN. Madam President, I would like the Chair to notify me when 10 of my 15 minutes has expired.

Madam President, the movie theaters in America this summer are playing to a record turnout for a movie about dinosaurs, "Jurassic Park." But the movie theaters in America are not the only place in which a number of dinosaurs are wandering around. The Federal budget is filled with them, and the amendment I offer this afternoon deals with a program that is nearly as old as the dinosaurs.

I am referring to the wool and mohair subsidy program. It is a program that has its origin back in 1954, when the determination was made, for national strategic purposes, that wool needed to be added to the strategic reserve so that the men and women of America's fighting forces would have adequate reserves for military uniforms. But many, many years ago, that was taken off the strategic reserve and, like all too many Federal programs, it continues to have been institutionalized and a part of the budget process.

The wool and mohair subsidy program hits consumers in two ways: First, the tariff that is a part of the program causes the American consumers to pay more money for wool and related products that otherwise would be paid and, second, the American taxpayers are called to subsidize those who are involved in the production of wool and mohair.

This year's budget would include an outlay for $190 million—$190 million. About 1 percent of those who are receiving benefits under this program receive about 54 percent of all of the moneys expended. In the last year, payments under the program were authorized at $150,000 for wool and $150,000 for mohair. So an individual farmer could receive as much as $300,000 in any fiscal year.

That is simply outrageous. At the same time we are dealing with a national budget debt that is approaching $4.3 trillion, many of my colleagues come to the floor periodically to decry the mounting level of that budget indebtedness. But when it comes to cutting programs, the American taxpayer is always on the short end of that. Sheep are not the only ones being sheared by this program. The American taxpayer is, as well.

The thrust of this amendment is to simply say that in this coming fiscal year, $190 million will be eliminated from this program and that money will inure to the Federal taxpayer and will help to ease this budget deficit.

When President Clinton sent his budget to Capitol Hill, he proposed to limit payments on wool and mohair to $50,000. This proposal would have saved the taxpayers nearly $270 million over 5 years. In the reconciliation bill, the Senate Agriculture Committee revised the President's proposal to reduce the payment limitation for wool and mohair producers from $125,000 in 1994, to $100,000 in 1995, to $75,000 in 1996, and to $50,000 in 1997.

This is not enough. The 1993 payment limitation is currently $150,000 each for both wool production and mohair production to a maximum of $300.000 per producer. In 1991, less than 1 percent of producers received 54 percent of the payments. Producers on average receive from the Federal Government almost 210 percent of the market value of their production. Over the years, the cost of this program has continued to rise. According to a report in the New York Times in February 1993, "market prices have collapsed, partly because mohair went out of fashion in the 1980's * * * Yet the Agriculture department continues to guarantee mohair producers a fixed price based on a complex formula of average farm costs in recent years and in the late 1950's. The formula, which is unique in American agriculture, locks in profits by virtually insuring that prices rise as fast as costs." Earlier this year, I cosponsored a bill introduced by Senator FEINGOLD to eliminate the price support program for wool and mohair.

Although this amendment would not accomplish the purpose of repealing the program, it would cease funding it in fiscal year 1994. This would reduce Federal spending an additional $190 million. This program has outlived its usefulness, and should be abolished.

The wool and mohair program is outdated. Supplements for the market price are no longer needed, and domestic production continues to be protected by the imposition of a tariff on foreign wool. Supporters of the program state that the program makes money, that the tariff on foreign wool raises money for the Treasury. However, according to a GAO report, most import tariffs were imposed by the Tariff Act of 1930, some 24 years before the wool program was established under the National Wool Act of 1954. An official of the International Trade Commission stated that even though the wool import tariffs are currently linked through legislation to the wool program, they were not initially established to fund the program. Therefore, without new legislation, the collection of the tariffs would continue regardless of the outcome of the wool program.

Mr. COCHRAN. Madam President, under the agreement, I am authorized by the chairman of the subcommittee to yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, this amendment is targeted to the program in the 1990 farm bill which supports wool producers in the United States. It is commonly referred to as the Wool Act, the original legislation that created this program.

One thing that needs to be remembered is that this program does not cost taxpayers, because the money that supports the program is derived from tariffs on imported wool. So the Federal Treasury does not actually support this program as a direct outlay. Funds come into the program through the tariffs. About $400 million a year goes into the Treasury, which is then used to support domestic wool and wool producers.

A portion of the funds distributed to the U.S. industry are allocated when prices are especially low because of overproduction or saturation of the market. But only $1 out of every $3 have been paid to producers—$2 of $3 go to the Treasury to support other programs. And so the tariffs from the imported wool exceed the amount needed to support this program.

The loss of the Wool Act and its provisions would destroy the stability of the domestic industry, and many of those who depend on the stability provided under this legislation would suffer some severe economic consequences.

It is estimated the domestic industry contributes more than $2 billion a year to the gross national product through farm and wholesale products. More than $7 billion a year is generated through the retail marketing of domestic products. So this industry is important to the U.S. economy. It is important to the farm economy in those States where there are wool producers still in business. I hope the Senate will look carefully at this amendment and try to balance our interest in maintaining strict control over spending with the realities of the economic marketplace and the domestic agriculture industries that might be affected by some of these amendments.

This program is fully supported by its own tariff fund, and I hope that the Senate will carefully consider the arguments that are available against the adoption of the amendment.

Mr. BRYAN. Madam President, let me respond to the distinguished senior Senator from Mississippi.

It is true that a tariff funds this program. What the senior Senator did not make clear is that the tariff that funds this program predates the establishment of the wool subsidy in 1954. So the tariff was not created to fund the subsidy, but the tariff is used to take advantage of that—or, rather, the funding is now taken from that tariff.

My point is that the tariff was in place long before the wool and mohair subsidy, and prior to the wool and mohair subsidy all of the tariff proceeds inured to the benefit of the Federal Treasury.

The proposal that I advance would permit that to continue to occur as it did prior to 1954 and the money collected from the tariff would be returned to the Federal Treasury. So it is not accurate to say that this program does not cost us anything. It costs us $190 million; and but for the wool and mohair subsidy program, that $190 million would help to go a long way toward offsetting some of the deficits that we experience in this budget process.

I know nobody likes to give up a program that has been established, and I share with my colleagues that there are Nevada ranchers who receive this subsidy. They are not happy with the measure which I offer. But if we are ever to get a handle on the deficit, if we are asking the American taxpayer to step up to the window and pay more in terms of taxes, I think it is incumbent upon the Congress to critically review these programs.

There is no justification for this program. Producers on average receive from the Federal Government almost 210 percent of the market value of their production, and, according to a report in the New York Times in February of this year, market prices have collapsed in the mohair industry partly because mohair went out of fashion in the 1980's. Yet the Agriculture Department continues to guarantee mohair producers based upon a very convoluted formula that dates back to the 1950's.

I reserve the remainder of my time and yield the floor.

Mr. COCHRAN. Madam President, I yield myself such time as I may consume under the previous authority granted by the chairman of the subcommittee.

Madam President, one final note on this amendment. Like the amendment offered by my friend and colleague from Colorado, it deals with a legislative matter. It is not strictly an appropriations subject that the Senator from Nevada raises at this point. It has legislative authority to make payments under the Wool Act, which is incorporated in the 1990 farm bill.

The reason I raise that issue is that we do not have jurisdiction in our Appropriations Committee to provide the kind of legislative language that is suggested by this amendment. That is the responsibility of the legislative committees, the Agriculture Committee of the House and the Agriculture Committee of the Senate.

At this time, those committees are involved in a discussion under the reconciliation process on how to save money in the way this program is constructed.

Let me cite a specific example. The Senate Agriculture Committee approved a provision under its reconciliation responsibility that would save $88 million in this program between fiscal year 1994 and fiscal year 1998. Over that period of time, by freezing support prices at the 1993 level, reducing the payment limitation from $125,000 to $50,000 per individual under this law, mandating a change in the formula for calculating the payment and eliminating a marketing assessment, the Senate committee would make changes in the law that would result in $88 million in savings. On the other hand, the House committee has suggested changes that would save some $47 million in this wool program.

What I am suggesting is that it would be more appropriate for the Senate at this point on this bill to refrain from preempting the ongoing discussions in the reconciliation conference. The Senator is, of course, motivated by the same forces we all are right now; that is to do something about the deficit, to cut back spending, and to streamline programs and eliminate waste at the Federal level. That is our job in the reconciliation conference.

I applaud the Senator for bringing this issue to the attention of the Senate but suggest that it may be appropriate for the legislative committees to work their will in the reconciliation conference rather than asking the Senate to do so. The Senate has not had the opportunity to review the details of the issue as those legislative committees members have and to act on the amendment in this way.

In conferring with the manager of the bill on the majority side, I do not know that we want to have a big, long, drawn-out battle over this amendment. We may do what we have done with the amendment relating to the honeybee program. We could take it to conference, discuss the options with the House conferees on the Appropriations Committee, and accept the amendment on a voice vote if that would be permitted.

I am suggesting that for the consideration of all Senators. If Senators have an objection to proceeding in that way, I hope they will come to the floor and express those objections.

Mr. BRYAN. Madam President, I thank the distinguished Senator from Mississippi for his comments and obviously, if we can work it that way and have it accepted by voice vote or otherwise, I would be amenable to that course of action.

I just would like to make the record clear in the context of this discussion that we are having, that the reauthorization for the agriculture bill does not come up until 1995. So that is some years distant. As I know my colleague and the distinguished Presiding Officer will recall, in the debate on the reconciliation bill this Senator offered an amendment to deal with the wool and mohair subsidy. We had 52 votes in support of the elimination of the program. A point of order was raised, and we were advised by the Parliamentarian that it would require a supermajority, namely 60 votes. So therefore we fell eight votes short of that.

The amendment before us this afternoon, as my colleague from Mississippi knows, does not eliminate the program. We cannot do that as the Senator suggests on an appropriations bill. What it does, however, is this year eliminates funding for the program which would result in a savings of $190 million in this year, projected over a 5-year period of time. If we were successful in each of the outyears thereafter, it would save the American taxpayers $1 billion.

I think that is something worth doing. I hope my colleagues will, tomorrow, give careful consideration and support to this amendment and that we can prevail in conference.

I thank the distinguished Senator from Mississippi for his consideration.

I yield the floor. If he does not desire to further engage us in debate or discussion, I am prepared to yield back the remainder of my time.

Mr. COCHRAN. Madam President, seeing no other Senator seeking recognition on this, we are prepared to yield back. How much time remains, as a matter of curiosity?

The PRESIDING OFFICER. The Senator from Nevada has 28 minutes and 20 seconds; the Senator from Mississippi has 7 minutes and 15 seconds.

Mr. COCHRAN. Madam President, I will reserve the remainder of my time and check to see if other Senators desire to be heard on the amendment.

Mr. BRYAN. Let me reserve the remainder of my time also.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Madam President, the taxpayers know, and so do we, that there is still a great deal of room to cut the budget without gravely harming our ability to meet pressing national needs—even after the $329 billion in cuts proposed by the President. There are programs that reflect economic priorities of the past, programs designed to protect the United States against cold war dangers, programs that were initiated only to satisfy powerful political constituencies, and many other programs that persist despite the fact that they benefit the few at the expense of the many.

That is the reality, and when we deny it we succeed only in making people cynical about their elected officials. We in Congress should not propose raising taxes or hurting those who need our help before we have cut all the expenditures that are unnecessary or wasteful.

The wool and mohair subsidy is an outdated program set up during the cold war and never eliminated despite the fact that it has outlived its original purpose. This program was designed to encourage increased production of wool, which was considered a strategic material in 1954 for uniform and blanket production. Wool is no longer a strategic material and, in fact, mohair is now needed for nothing other than the braids on uniforms.

Not only does the wool and mohair subsidy transfer taxpayer money to a group of ranchers for a purpose which is no longer considered strategic to the Nation's defense, but, according to a 1990 GAO report, the wool and mohair program does not even succeed in encouraging production of wool or in improving its quality.

Our political system is structured to prevent quick responses because the Founding Fathers did not want swings in policy. However, given climbing deficits and strangling interest rates, we must learn to respond to changing circumstances. We cannot afford to pay for old priorities when we have so many current priorities and so little money to fund them.

President Clinton is the first President in over a decade to truly demonstrate leadership by proposing to cut back some of these programs. As a result, his economic plan would cut the deficit in half as a percent of GDP by 1997. But the cuts he includes in his plan have been subject to endless attacks from the special interests, who propose that someone else's program be cut before theirs. Even in Congress, where members of both parties have chided the President for not cutting enough, many of the cuts he originally proposed were whittled away by Members protecting their parochial interests.

In light of the $300 billion annual Federal deficit and $4 trillion national debt, we can no longer be swayed by special interest pleading. At a time when we are asking middle-income Americans to pay more in taxes, we must face the tough choices. In fact, we should go even further than the President has suggested. This is a unique opportunity, while the Nation is focused on deficit reduction and crying out for change in how the Federal Government conducts its business. If we take a bold step now, we can restore some integrity to the Federal Government and its budget process.

Obviously, we cannot ask others to make sacrifices and refuse to make them ourselves. I introduced a bill that would make cuts in a variety of programs including many of importance to Massachusetts. Senator BRYAN introduced this amendment although there are wool producers in his State. The madness must end and to end it, we must each be willing to vote to eliminate programs that are not in the national interest.

I hope that this amendment, which would eliminate an outdated, wasteful program, will illustrate that there is much more that can be done to cut the deficit if we are willing to make choices and that, in addition, it will allow us to begin the process of making those choices.

Mrs. HUTCHISON. Mr. President, earlier today the Senate accepted an amendment to the Agriculture appropriations bill, without a recorded vote, which would eliminate the wool and mohair support program.

The elimination of the wool and mohair program would be bad news for American ranchers and for American taxpayers. Since its inception, the wool and mohair program has contributed over $4 billion to the U.S. Treasury. The elimination of this program would worsen our trade deficit and dry up a source of revenue for the U.S. Government.

Today's Senate action on this important agricultural program is shortsighted and unnecessary. The wool and mohair program does not cost American taxpayers a dime. It is funded through tariffs on foreign imported wool. Only one-third of the revenues raised from this program go to assist ranchers and payment caps ensure that they cannot get rich on this program.

Mr. President, the old adage "if it ain't broken don't fix it," applies to the wool and mohair program. We must reduce Federal spending and take on our massive Federal budget deficit. The elimination of the wool and mohair program, however, does not reduce Federal spending and will not lower the deficit.

The wool and mohair program generates revenue for the U.S. Treasury, it helps American ranchers, and it guards against foreign dumping of wool products. I urge my colleagues to reverse today's action and retain the wool and mohair program.

Mr. DASCHLE. Mr. President, the sheep industry contributes about $2 billion to the GNP, with wool and mohair sales alone contributing approximately $83 million to our rural economy in 1992, and 350,000 jobs to America. Farm programs, including the National Wool Act, are important to American consumers by ensuring a low-cost stable supply of food and fiber. Unilaterally eliminating farm programs would drive up consumer prices significantly, to the disadvantage of all Americans, and would devastate rural America as well.

The Wool Act is not an out-dated program left over from World War II efforts to provide wool products for the troops. The primary objective of the amended National Wool Act of 1954 is to encourage the production of wool and mohair at prices that allow producers to remain competitive and keep consumer prices fair. It is difficult for producers in my State to understand the continuous attack on the Wool Act when it is a self-funded program, one under which wool and mohair producers are paid for their production, rather than being paid not to produce.

Without the Wool Act, farmers and ranchers would experience lower incomes, domestic supplies of wool would decrease, and raw wool and mohair prices would increase, thereby further increasing costs to our struggling domestic textile industry.

A healthy sheep industry is vital to the economic security of our Nation. Eliminating funding of the wool and mohair program does not save the tax payer any tax dollars, but rather increases the Treasury's tariff revenues. It is highly doubtful that any tariff revenue increase created by killing this program will ever offset tax dollars lost from the further decline of our already struggling wool and mohair industry.

For these reasons, Mr. President, I strongly oppose the Bryan amendment.

Mr. COCHRAN. Madam President, we are prepared to move forward, accept the amendment in absence of any further discussion or request for time for debate, take the issue to conference and see if we can work out an appropriate provision in conference with our House counterparts on the Appropriations Committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 649) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BRYAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Madam President, we are proceeding under a unanimous-consent agreement as provided for amendments that are listed to be offered. We have dealt with a number of amendments. The chairman of the committee has urged Senators who have amendments under the agreement to come to the floor and offer the amendments. We will be happy to debate them and consider them with dispatch. We hope Senators will take advantage of this opportunity rather than waiting until the last of the hours of the afternoon before offering their amendments.

Madam President, I share with my colleague from Mississippi about 2 minutes. I intend to accept his offer and will offer another amendment.

In the meantime, if no one seeks recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 662

(Purpose: To reduce the amount of funds and commodities that may be used to carry out the market promotion program)

Mr. BRYAN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mr. KERRY, and Mr. REID, proposes an amendment numbered 662.

On page 87, line 23, strike "$75,000,000" and insert "$00,000,000".

Mr. COCHRAN. I ask unanimous consent that the pending Domenici amendment be temporarily set aside for the purpose of considering the amendment of the Senator from Nevada.

The PRESIDING OFFICER. Under the previous order, that has already been ordered.

Mr. BRYAN. Madam President, the Market Promotion Program [MPP] was created to encourage the development, maintenance, and expansion of exports of U.S. agricultural products. MPP is the successor to the Targeted Export Assistance Program, which was established in 1986. TEA was created in 1985 to "counter or offset the adverse effect of subsidies, import quotas, or other unfair trade practices of foreign competitors on U.S. agriculture exports." Since 1986, over $1.25 billion has been spent for TEA and MPP.

MPP is operated through about 64 organizations that either run market promotion programs themselves or pass the funds along to companies to spend on their own market promotion efforts. About 60 percent of all program activities involve generic promotions, 40 percent involves branded promotions.

GAO has pointed out that the entire Federal Government spends about $2.7

billion annually on export promotion. While agricultural products account for only 10 percent of total U.S. exports, the Department of Agriculture spends about $2 billion, or 75 percent of the total. Department of Commerce spends $195 million annually on trade promotion.

In 1992, Foreign Agriculture Service asked organizations to provide information on the domestic and foreign ownership of commercial firms funded under the MPP. Some $78 million—$84.6 million in 1992 dollars—of MPP funds went to foreign-based firms for fiscal years 1986–92. This amount represented nearly 20 percent of the total funds allocated for brand-name promotions during the 7-year period.

While the goal of MPP is to benefit U.S. farmers, the program can also benefit other enterprises. By funding foreign firms, GAO believes that MPP can make it more difficult for U.S. firms to compete and obtain a foothold in foreign markets. The funding of foreign companies may produce short-term gains in the exporting of U.S. agricultural commodities, but those gains may come at the expense of U.S. firms trying to compete in those markets.

Many problems exist with the MPP Program.

(1) ADDITIONALITY

There is no proof that MPP funds are not simply replacing funds that would have been spent anyway on advertising. Foreign Agriculture Service does not require commercial firms to demonstrate that MPP funds will be used to increase prior promotional activity. The lack of such a requirement affords commercial firms the opportunity to substitute MPP funds for promotional expenditures they would have otherwise undertaken with their own funds.

Example: A firm with 14 years of export experience requested MPP funds for a total of 31 markets. In 8 of the markets, the firm had at least 10 years of promotional experience with the brand name produce prior to participation in MPP.

Example: Ursula Hotchner, an official from Newman's Own, Paul Newman's food company was asked why the company was selected to receive TEA funding. "I don't know," she said. "Someone from the export council called me up one day from out of the blue and asked why don't we take the money. They said all we had to do was send in our advertising bills and they'd reimburse us. I figured, why not?"

(2) GRADUATION

MPP regulations do not include criteria as to when funding for specific programs may be phased out. Government funding may be of particular importance in some situations, but not in others. For example, assistance may be needed to overcome particularly burdensome barriers. However, once these barriers are overcome and the market is developed, Federal funding may no longer be justified. 136 firms have participated in the program for 5–7 years and have received the bulk of the brand-name funds.

This should not be a corporate entitlement program—once a barrier in a foreign nation to marketing a U.S. product has been bridged, there is no decision to sunset a particular company.

Example: Since 1986, the California Raisin Advisory Board has spent $47.4 million nationwide for market development, of that—$9.4 million was spent specifically for development in Japan. However, 80 percent of raisin imports in Japan are from the United States.

(3) EVALUATION

GAO states that taxpayers do not have reasonable assurances that the considerable public funds expended on export promotion are being effectively used to emphasize sectors and programs with the highest potential returns. MPP supporters use examples of increased exports. However, even if a brand-name promotion effort results in identifiable increases in exports, unless FAS can convincingly demonstrate that the promotion effort would not have been undertaken without MPP assistance, those increases in exports cannot be attributed to the program.

The Foreign Agriculture Service has completed only 12 program evaluations since the program began in 1986 while program participants have totaled 100. 26 participants had received more than $10 million and only 9 had been evaluated.

An example of an internal control weakness recently surfaced—one program participant's contractor received fraudulent reimbursements amounting to over $1,100,000.

(4) U.S. CONTENT

There is currently only limited information regarding the U.S. content and processing requirement for the MPP's branded products. In fiscal year 1992, practically all not-for-profit organizations stated that the brand-name products they funded had at least 50 percent U.S. content. Of the 59 MPP applicants, 37 said that the U.S. content was 100 percent, 7 stated that the U.S. content was at least 50 percent, 5 stated that the U.S. content ranged somewhere between 50 and 100 percent, and 1 stated that the U.S. content ranged from 14 to 100 percent.

In 1993, the Foreign Agriculture Service began to review the support for the certifications made regarding U.S. content during their audits of participants. Their work is limited to the not-for-profit organizations and do not as a rule audit the commercial entities performing brand-name promotions. Not-for-profit organizations relied on unverified statements regarding U.S. content. Also, Foreign Agriculture Service officials assumed the level of U.S. processing by the nature of the product and the presence or absence of foreign brands in the program.

Madam President, this amendment seeks to eliminate funding for a program known as the Market Promotion Program. This is another one of those sacred cows that have been around for a long time. Its progenitor was known as the Targeted Export Assistance Program. And its ostensible purpose is to provide additional money for corporate advertising, to help to promote the export of agricultural products in this country for sales abroad.

I have no objection to its ostensible purpose. I do have an objection to the fact that the American taxpayers, over the years, have been required to pay literally hundreds of millions of dollars for activities which essentially belong to the private sector.

Some of the largest companies in the United States have received rather extraordinary amounts of money as a result of this program. Let me just cite a few. These are household names to most of us. There is McDonald's who received, under this program, over 6 years, 1986 to 1992, $1.85 million; Tyson Foods, $9.96 million; Borden's, $354 million; ConAgra, $560,000; Brown-Forman, $1.26 million. It goes on and on.

Moreover, Madam President, to the astonishment, I am sure, of the American taxpayer, and perhaps to a number of our colleagues, not just American companies, but foreign companies have been entitled to receive these subsidy moneys as well. I have a list that is by no means exhaustive, but we are talking about the Finish honey producers; Toyoba, a Japanese company, in cotton; Sendo, a Korean company, in cotton; Extra Co., a company that deals in rice; Rifle, another company that is a European company that deals in cotton. Essentially, over 100 firms, over the years, have received money in this program.

Here again, just as we were talking about with respect to the previous amendment, I think most of us recognize that this country faces a financial crisis, and that we have to cut spending. I must say that, tested by that standard, the Congress does not do particularly well. The Congress loves to spend money but finds it very difficult to eliminate money. This program, as recently as 1½ years ago, was funded at a level of $200 million a year. Over a 5-year period of time—and that is the window we are talking about in the context of our budget debates—you are talking about $1 billion.

Admittedly, the funding level has decreased. I tried last year to get this program eliminated, and I was unsuccessful. This amendment seeks to eliminate its funding for this year. The funding level this year is $147 million and is proposed in the next fiscal year—the Senate agriculture mark is $75 million; the House agriculture mark is $127 million.

The point is that this is a program that can no longer be defended. The American taxpayer ought not to be asked to pay for responsibilities which essentially ought to be undertaken by the private sector.

Madam President, an article appeared in the Sunday Washington Post, dated July 11, entitled "Exporting Prunes But Not Democracy," in which the distinguished columnist, Mr. Will—revered by a number of our conservative colleagues, and I think respected as an analytical thinker by all—more articulately than this Senator is doing, makes the case for the elimination of this program.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Washington Post, July 11, 1993]

EXPORTING PRUNES, BUT NOT DEMOCRACY

(By George F. Will)

These are salad days for those conservatives whose philosophy is confirmed by, and whose agenda is advanced by, bad behavior of government.

Recently, for example, the House of Representatives, home of the most entrenched portion of the political class, voted to continue spending taxpayers' dollars to subsidize, for large corporations and wealthy trade associations, the overseas marketing of fruit juice and candy bars, whiskey and prunes, and many other profitable commodities. And the House did this after voting to terminate a less expensive program that helps export democracy.

The Agriculture Department's Market Promotion Program, begun in 1985, will, like the honey subsidy and the wool subsidy and much else, live forever. But the political class is currently insisting that the budget "crisis" requires the taxpayers to turn over more money to the political class. So that class is grudgingly making cosmetic cuts in some particularly egregious programs.

So the House did trim the MPP from $147 million to $127 million. That is government "austerity": a 13.6 percent cut in a program that is 100 percent indefensible. The MPP's survival says much about the ersatz "crisis" currently being used to justify tax increases.

The MPP funds both generic and brand-name advertising abroad for American agricultural products. This is yet another example of the government's solicitousness on behalf of the strong. Of the 200 U.S. corporations with the largest advertising budgets, 13 last year got a total of $9 million from the MPP, an average of $700,000 each. But the advertising budgets of those corporations range from $45 million to $538 million, so the taxpayers' contributions can hardly be said to represent the difference between competitive success and failure.

Defenders of these welfare payments to corporations say: Other nations do it for their companies. (Translation: We have a duty to be as foolish as foreigners are.) And defenders rely on the *post hoc, ergo propter hoc* fallacy (the rooster crows and the sun rises, therefore the crowing causes the sunrise). That is, defenders argue—actually, they just assert—that any increase in the exports of any commodity that is the subject of subsidized advertising must be caused by that advertising. Never mind the effects of many other variables, such as the export assisting fall in the value of the dollar since 1985.

Defenders of the MPP declare that it "creates" 38,000 American jobs. Amazing, is it not, the precision of the political class? It knows—simply knows—that without subsidized advertising (such as the $394,000 recently given to the National Association of Animal Breeders to market bull semen), demand for American products would sag and drag down 38,000—not 27,000, not 43,000—jobs.

But let us assume that the $450,000 given to the Campbell Soup Co. to entice Japanese, Koreans, Argentineans and Taiwanese to drink V-8 juice "worked." And that the $6.2 million given to the Blue Diamond company stimulated foreign desires for American almonds. When making such assumptions, defenders of the subsidies face the unanswerable challenge that always confounds "industrial policy" and other forms of socialism: When defenders argue that the subsidy dollars are profitably invested, they must also argue that for some reason private investors would not make these remunerative investments. So, government is wiser than the private market? Please.

On June 29 the House voted to pour this $127 million (with hundreds of millions more to come as the years roll by) into the private coffers of people who, thus subsidized, will have more resources freed up to use as campaign contributions. But seven days earlier, the House had a moment of parsimony. It did not just make a 13.6 percent nick in the National Endowment for Democracy, it voted to kill it. If the NED helped the export of prunes instead of democracy, it, too, could be immortal.

The NED helps democracy by means of small but life-giving grants for trade unions, student groups, publications, legal assistance for the persecuted, and other measures. It has a record of success in helping democracy put down roots in stony social soil. By voting to stop this cost-effective work, the House voted to save $50 million, less than half what it is eager to spend on handouts to corporations through the MPP.

Those two votes illustrate what most congressmen most care about. What is the salient difference between the MPP and the NED? The former can, and the latter cannot, serve the dominant desire of most House members. That desire is to protect their incumbency by enlarging the ranks of grateful recipients of government money.

The political class, confronted with a rising tide of public contempt, comforts itself with condescension. The public, says the political class, just does not understand what we do. Actually, that class is fortunate that the public is too busy to read the Congressional Record. As understanding of contemporary government increases, so does disdain for it.

Mr. COCHRAN. Madam President, under the authority of the chairman of our subcommittee, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, at the outset of today's consideration of this appropriations bill, both the chairman and I described the provisions of the bill. And during my remarks, I indicated there were two specific areas in this bill that gave me a great deal of concern. One was the market promotion program and its inadequacy of funding for those activities that have been so important to increasing our share of foreign markets for U.S. agriculture producers and exporters.

I mentioned the Food and Drug Administration user-fee issue as the other very serious problem in this bill. Now the Senator from Nevada comes in with an amendment to delete all the money provided in this bill for the market promotion program. There is a $75 million appropriation designated for this purpose.

The administration had requested $147.7 million in its budget submission. The House committee has provided $127.7 million in funds for this program. Our committee wrestled with the issue, and even though some of us wanted more, the committee finally settled on $75 million as the amount that would be provided this year. Now the Senator from Nevada wants to zero the program out completely. I think that is a very serious suggestion, and the Senate should not agree to it.

I respect my friend from Nevada very sincerely, and I know that in the effort to reduce spending, every program should be scrutinized. Well, this program has been. Because of that scrutiny and efforts to modify the program and eliminate abuses, that program has been brought down over the last few years in funding from the $200 million level, as he mentioned, to lower levels of funding.

But the fact is that this is an important effort to take up for U.S. business interests and U.S. farmers who are trying to compete in the international market. Keep in mind that they have to compete against Government subsidies and efforts to undermine our ability to compete fairly in foreign markets. That is what this program is designed to do, and it has worked. When we have been able to use it and target our funds to the specific grievances of our exporters—such as the manipulation of markets or subsidies that are targeted against U.S. interests—we have been successful. I wish we had more money for a program like this, but under the international trade rules, and under the constraints of our budget, we are limited. This is a limited and restrained effort to deal with a problem that is very real and strikes at the very heart of the health of the U.S. economy.

We have become a strong exporting country because of the new awareness of Government responsibility to take up for U.S. farmers and U.S. exporters in the international marketplace. For too long our Government said to them: You are on your own. If you have a problem out there, you have to deal with it.

Now we recognize that to use the resources of Government to protect and help ensure that American farmers and exporters are treated fairly, we are able to give our suppliers and our exporters a chance to compete.

We have proven that we can be efficient and competitive price suppliers of goods all over the world. There are many specific examples, Madam President, of this success story. Red meat exports were close to $1 billion in 1986. The market promotion program provided some resources to enable the industry to target certain export markets where we were being shut out of the marketplace. And now the export of red meat values reached an all-time high of $2.8 billion in 1992.

The same kind of experience has been realized in many other areas, from fruits to Alaskan seafood, where we have seen the salmon industry nearly double the volume of canned salmon exports to the United Kingdom over a 4-year period.

These are examples of success.

I hope the Senate will reject this amendment of the Senator from Nevada. It would destroy a very important program, and a very useful tool for U.S. interests that deal with unfair acts by foreign competitors or others who would deny U.S. access to markets overseas.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

AMENDMENT NO. 662, AS MODIFIED

Mr. BRYAN. Madam President, I ask unanimous consent to modify the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Madam President, the amendment, as submitted, was incorrect in technical form. I can assure my colleagues that it does precisely what we indicated the purpose of the amendment was, and it is simply to strike the appropriation from this fiscal year. The original amendment that was submitted to the desk was improperly drafted.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 662), as modified, is as follows:

On page 87, line 21, place a period after "Act of 1978" and strike everything thereafter through line 23.

Mr. BRYAN. Madam President, I want to respond to some of the comments that the distinguished Senator from Mississippi made about the success of the program.

I have some difficulty with the American taxpayer subsidizing the advertising accounts of some of the corporate giants in America. I think that is, at best, a use of Federal tax dollars that is difficult to defend. This Senator cannot. But it would certainly be more defensible if one could establish that there was, in fact, a correlation between the dollars expended and the results that were desired.

I must say that, based upon a critical analysis done by the General Accounting Office, June 1993, entitled the "Effectiveness of Market Promotion Program," remains unclear.

Let me just cite, without going into any great length, some of the problems that this program has, even if one believed that the outlay of public tax dollars was justified for this program, as I do not.

The first problem is one that is referred to as "additionality." There is no indication, no means to quantify whether or not the dollars that are being added to these accounts, these advertising accounts, are being supplemented to existing dollars to whether they are simply being traded out; that is, the money that comes into the advertising program to the Federal tax dollars simply reduces the amount of money that the producer would ordinarily spend if there were no program. So you do not get any additional bounce if, indeed, that is true. It is simply replacing dollars that would otherwise be spent. There is no impact to be gained.

This report indicates that there is no way to quantify whether that, in fact, is true.

Another aspect that is additionally troublesome is the so-called graduation program. They do not indicate, currently, at what point is the program or the particular producer, manufacturer, however, you want might characterize the recipient, when do they graduate? Do they stay in the program forever? Is it something that is guaranteed in perpetuity? There is no criteria for phasing out, again, assuming that there might be some justification for it in the first instances.

A third is a valuation. That is, is the dollars that are being spent actually accomplishing what the advocates of the program are contending? Once again the GAO report makes the point that there is no ability to quantify and to establish the correlation between dollars expended and increased sales of American agricultural products.

So, I would respectfully submit that without such a correlation, you cannot justify the program even if you philosophically support it.

Finally, with respect to the U.S. content; that is, how much of the product must contain a U.S. product? Once again, this appears to be very poorly defined, and it is unclear, as a practical matter, how much American product may be in a particular product that is receiving the advertising subsidy.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, will the Senator yield to me such time as I need for responding?

Mr. BUMPERS. Madam President, I yield to the Senator whatever time he takes.

Mr. COCHRAN. Madam President, the Senator makes a point that the allocations of funds under this program have been inappropriately diverted to large corporations that do not need the money or should not be given financial assistance to develop or expand overseas markets.

To answer that, I want to cite a letter that I received from the Acting Administrator of the Foreign Agricultural Service with regard to the allocations made for the 1993 year under this program.

I am going to just read a couple of things from that letter and then put the entire letter in the RECORD for the information of all Senators.

But he says in this letter to me:

In addition, we look forward to increased participation by small and medium-sized firms through the activities of the regional trade groups.

Then he says:

More than 375 companies (compared with 269 participants in 1992) have applied for participation in the 1993 branded programs through the regional trade groups. Nearly 80 percent of these companies have fewer than 500 employees.

Madam President, I ask unanimous consent that the entire letter to me be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FOREIGN AGRICULTURAL SERVICE,
Washington, DC, July 22, 1993.

Hon. THAD COCHRAN,
Ranking Minority Member, Subcommittee on Agriculture, Rural Development, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR COCHRAN: On December 18, 1992, the U.S. Department of Agriculture's Foreign Agricultural Service (FAS) announced allocations for the fiscal year 1993 Market Promotion Program (MPP). I am pleased to report that the allocations were announced 3 weeks earlier than the 1992 allocations.

The 1993 allocations total $147.7 million (including $1 million for evaluation), the maximum funding level authorized by Congress for this year. A list of the 66 commodity groups, industries, and regional trade organizations that received allocations is enclosed for your reference.

On this list are 13 first-time MPP participants. Among these new participants are the California Tomato Board, Catfish Institute, Mohair Council of America, National Dairy Promotion and Research Board, National Renderers Association, Northwest Wine Promotion Coalition, U.S. Dairy Genetic Council, and International Apple Institute.

In addition, we look forward to increased participation by small and medium-sized firms through the activities of the regional trade groups, such as the Eastern U.S. Agricultural Food Export Council, Mid-America International Agri-Trade Council, Southern United States Trade Association, and Western United States Agricultural Trade Association. More than 375 companies (compared with 269 participants in 1992) have applied for participation in the 1993 branded programs through the regional trade groups. Nearly 80 percent of these companies have fewer than 500 employees.

The 1993 MPP allocations announced by FAS in mid-December followed a thorough evaluation of 77 applications with funding requests totaling $349 million. The 73 proposals meeting the criteria and program requirements were then analyzed according to the administrative capability of the applicant, the strategic plan, program scope, anticipated program effectiveness, and the likelihood for future success in increasing U.S. agricultural exports.

Funding recommendations were further adjusted to match available funds based on the following factors: presence of an unfair trade practice; the applicant's contribution (cost-share); budget size in relation to export level and expected change in exports; market-share goals; prior year's export performance in relation to prior year's goals; percent of U.S.-origin content; and the degree of product processing in the United States. The last two factors were incorporated into the 1993 allocation process as a result of the guidance we received in the fiscal year 1993 Agriculture Appropriations Conference Report.

The barrage of criticism directed at the MPP has prompted us to look closely at the program to identify areas that need to be strengthened. The steps we have taken for the 1993 MPP allocations are evidence of our continuing commitment to improve the program and ensure that resources are used wisely and effectively to generate optimum returns to U.S. agriculture.

Sincerely,

STEPHEN L. CENSKY,
Acting Administrator.

Mr. COCHRAN. Madam President, let me say further in response to my friend's statements that the United States is not the world's largest exporting country today by accident. We have seen our exports grow in sharp contrast to previous years because of many factors such as increased productivity and a more aggressive approach toward opening foreign markets to our products. But with this market promotion program alone, U.S. exports in the agricultural sector have increased 36 percent since 1985, the year the targeted export assistance program was created. It was carried forward in the new legislation adopted in 1990.

This program works. It is cost effective. Exports mean jobs. This means greater health to our economy, generally.

According to the Department of Agriculture's estimates, each dollar in agriculture exports stimulates nearly $1.60 in general economic activity. Nearly 80 percent of the funding in this program is targeted to value-added products. Those are the high-value products, which sustain large numbers of jobs in our economy. That is why this program has undergone reform. It is now improved, streamlined, and modestly funded. We hope the Senate will reject the amendment of the Senator from Nevada.

I am constrained to move to table the amendment when all time has been used or yielded back. I do not want to cut off other Senators in their efforts to discuss the issue.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, today I rise in strong support of the Market Promotion Program within the Foreign Agricultural Service and against the Bryan amendment. The Market Promotion Program, and its predecessor, the Targeted Export Assistance Program were created to assist exporters in developing markets for U.S. agricultural products around the world. In my State, California, agriculture is often adversely affected by unfair foreign trade practices, and the Market Promotion Program has been a significant part of the effort to combat these activities.

Let me give you an example. California canned fruit exports have struggled to compete against subsidized Greek production. The California Cling Peach Advisory Board, as a beneficiary of the Market Promotion Program, has been able to increase the exports of canned cling peaches and fruit cocktail 75 percent and 47 percent, respectively, since 1985. With another successful implementation of a market development program in the middle of 1991, total product movement to Mexico alone has almost doubled from 58,000 cases to 113,000 cases.

Another success story for the Market Promotion Program in helping to combat unfair trade practices in the wine industry. In 1992, the European Community subsidized its wine sector in the amount of $2.5 billion, of which $84 million went directly toward price subsidies. In 1985, export sales for U.S. wine were $27 million. With the assistance of market promotion funds, export sales of U.S. wines grew to $174.7 million in 1992, even in the face of this level of subsidized competition.

There are many more success stories that could be told in my State alone. The point is that for many industries to continue to thrive, they must build and expand their exports, and the Market Promotion Program has proven to be a vital part of the ability to compete in the world market. Industries that compete successfully in world markets are also the industries that will be able to continue to create jobs.

It is important to understand that the Market Promotion Program is not a hand out. The industries that participate in this program must first spend their own funds for export development, before receiving up to 50 percent of certain promotional costs once their performance and expenditures have been documented.

During the subcommittee markup of this bill, there were concerns expressed over large corporations such as McDonalds receiving Market Promotion Program funds. Standards need to be evolved that state with specificity the uses to which Market Promotion Program funds can be put, and which prevent the impression or perception the Market Promotion Program provides opportunities for large companies to use these funds for frivolous pursuits.

This important program has already been cut significantly. The President's request for the Market Promotion Program was $148 million. The other body took $20 million away from that. The Agriculture Subcommittee has recommended $75 million.

To eliminate would cause great disruption to many companies trying to increase their exports. Building an overseas market takes time. Eliminating the program now would severely restrict current program participants since funds counted on for long-term marketing plans will no longer be available. Potential exporters will be put off from committing up-front expenses and long-term funds to seek overseas markets if market promotion funding is eliminated. The best reason not to eliminate the Market Promotion Program is that it works. It is a cost-effective program that increases exports, decreases the trade deficit, provides jobs, and returns money to the U.S. Treasury.

The Market Promotion Program is a true partnership of Government and business that provides incentive and motivation to compete against the industry and Government partnerships in the competitive world markets. I urge the defeat of the Bryan amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Madam President, may I inquire of the floor managers: In the motion to table that is about to be made, does the unanimous consent agreement provide that a rollcall will occur? If it does not, I would request the yeas and nays at that time.

Mr. COCHRAN. The Senator has assurance that we will attempt to help him get the yeas and nays on the motion to table.

Mr. BRYAN. I appreciate that. I assure colleagues I will not unduly prolong this debate.

I want to make the point, in response to the observation of the Senator from Mississippi, about who gets the money for these programs. That is part of the problem. There really are not any guidelines in the program as to the size of the company that will receive these market promotion moneys. For that reason, large corporations such as McDonald, Sun Maid, Welch's and Pillsbury can receive very large sums of money. In 1992, the average amount awarded to the top 50 firms was $1 million. Eight of those firms had sales of over $1 billion.

Those companies include, as I have just said, Welch's, they received over $5 million; Blue Diamond received over $35 million; Dole Fresh Fruit, $8,152,705; Pillsbury, $9,293,503. Parenthetically, Pillsbury is no longer an American company but part of a British subsidiary as I think most of my colleagues know.

My point being: Why, with companies that have sales over $1 billion and which have the full capability of developing their own advertising budget and determining how much they want to put into those budgets, why is the American taxpayer being asked to come up with money to supplement those advertising accounts, particularly when, as I say, returning to the former point, we really do not have an established track record that the additional funding has achieved its purpose?

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I know the point has been made, but I would like to reiterate this one point, and that is, as you know, the President requested $146 million for this program which, staff advises me, is precisely the same figure that we had in 1993, this present year. As you know, the House cut that by $20 million. And our subcommittee cut it, actually, to $75 million, which was over a $50 million cut.

And I did that—I will not say I did that—I proposed that cut and the subcommittee accepted it. And I proposed that because I have been troubled about the whole rationale for the program. I have been troubled about the way some of the money was spent.

But the Senator from Mississippi makes the point that we are competing with countries that subsidize their agriculture interests to a much greater degree than we do.

No. 2, many of us here—and I know the Senator from Missouri [Mr. BOND] has led the charge to try to do more further processing of foods before we send them overseas. If you send raw wheat abroad, you do not get very much for it. If you send a load of bread abroad, you increase the value of your export by about twentyfold.

The same way with chicken. That is a good way to get my attention—talk about chicken. We are the biggest in that business. The companies in my State that have done the best are the people that got ahead of the curve years ago and started cooking chicken instead of selling whole fryers.

My mother, were she alive, would be absolutely amazed at what we do with chicken now. Because always on Saturday, she killed the chicken, dressed it, and sliced it over the kitchen sink. I have seen her do it a million times. Now that takes just a split second in these chicken processing plants.

But one of the companies you mentioned, of course, is an Arkansas corporation, who is by far the biggest chicken processing company in the world. They are big in pork, too. That company has been successful because they have done further processing of chickens. And that is what they export.

They have always tried to sell the dark meat, the wings, the legs, and the thighs, to the Russians. It has just as much protein value, but very little attractiveness on the American market.

You would be amazed, I say to the Senator, at what they are willing to sell you what we call drumsticks and thighs and wings for. Now wings are a little more attractive in the market. But they will sell you drumsticks and thighs for little more than nothing.

So while I have been ambivalent about it, I am going to wait until we go to conference and see where we come out and make a decision at that point.

I admire the Senator. He is one of the ablest men in the U.S. Senate. Both of his amendments are well crafted, were will debated, and deserve the attention of the Senate.

Having said that, if the Senator is prepared to yield back his time, I am prepared to yield back my time, the Senator from Mississippi can make his motion to table, and we will get the yeas and nays.

Mr. BRYAN. I thank the Senator from Arkansas for his comments.

Let me commend him, as well. I recognize that this program 2 years ago was $200 million annually. So that is a substantial reduction, and I applaud those efforts.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Madam President, I am prepared to yield back the remainder of my time.

Mr. BUMPERS. I yield back the remainder of my time.

Mr. COCHRAN. Madam President, I move to table the amendment of the Senator from Nevada, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. As previously ordered, the vote ordered on this amendment will be postponed until Tuesday, July 27.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time for the quorum not be charged to the managers of the bill under the 1 hour provision of the unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I want to make this additional point.

Instead of making this request each time we have a quorum call, I ask unanimous consent that each time either of the floor managers puts in a request for a quorum call, the time not be charged against the managers under the 1 hour provision of the unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to speak for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I wanted to tell my colleagues of a letter I received from the President this morning.

Before I do, on this bill, I heard the Senator from Mississippi [Mr. COCHRAN], earlier express some reservations about a policy I had some reservations about, as well, and that is the FDA user fees.

I fully understand the dilemma of the subcommittee, but I think an open-ended user fee concept through FDA is troublesome, and I hope to be able to resolve that in a satisfactory way as this legislation moves forward.

RURAL AMERICA

Mr. DORGAN. Madam President, the Congressman from Illinois, Congressman DICK DURBIN, and I, about a year and a half ago, wrote to President Bush and asked him to consider holding a rural summit. The reason we did, is there is much discussion these days about inner-city problems, about urban policy problems, about the troubles in America's cities, but precious little discussion in a concentrated way about what is happening in rural America.

My own home county has lost almost 20 percent of its population in the last decade and a half. If you are trying to do business in that country, you are trying to do business in a near depression. It is pretty troublesome to do business in an area where people are moving out.

You can hardly sell a house in my old hometown. People are not moving in. They are moving out. That is not unusual. This is true in a lot of rural communities up and down the Farm Belt.

Family farmers are failing. Main Street businesses are boarding up. People are moving from our small towns. And what used to be an economy like a plum is now shrinking, like a prune, and nobody seems to mind it much.

We need to find out what is wrong and how to fix it. How do we establish a fundamental economic policy change that can restore some economic health and breathe some life into rural America?

Well, a year and a half ago, Congressman DURBIN and I asked President Bush to convene a summit on rural America. President Bush declined that request. Our intention was to ask if we could get, at least at one point, all of the spotlight shining on the same spot with respect to policy and how it affects rural America: What can we do in farm policy? What can we do in rural development policy to give communities and businessmen and farmers and others a chance, an opportunity to see an economy in rural America that grows?

About a month and a half ago, Congressman DURBIN and I wrote to President Clinton and asked him the same thing: Considering holding a rural summit to discuss rural American issues, discuss farm policy, discuss rural development issues.

We received a letter back from President Clinton. This President said, yes. He said, "Let's do it. It is necessary and important for us to talk about rural America."

Probably the reason he said yes is that he comes from rural America, understands the issues that affect our small towns and the people who live in and near them. I am really pleased today that this President says, yes, let us proceed to hold a rural summit of sorts.

The President has asked Secretary Espy to coordinate a summit of this type. As you know and as my colleagues know, Secretary Espy is also the point person on the tragic flooding that is going on, so I expect that means it is going to be some while before we develop details on a summit that deals with rural policy. But I cannot tell you how refreshing it is to have a President say, "Yes, let's do this. This makes sense. This is a problem, let us address it. If something is wrong, let us fix it." It makes me feel good that we have somebody who wants to look at these issues and say let us do something about it.

It is easy to talk about economic policy in the abstract, but I recall stopping by a farm sale a couple of years ago. There was a little tyke about 6 years old wearing tight Levis and a big old Western hat. You could barely see him for the cowboy boots and the hat. He lived there on the ranch with his dad and mom. They were having a farm ranch sale and this little boy had tears in his eyes, at age 6. They were losing their place. Another foreclosure, just another statistic. But this little boy with his cowboy hat was crying, and so were his folks because it was not just a business, it was their dream. It was what they had put everything in their lives into.

I got a call from a woman who runs a dairy operation south of Bismarck, ND, about to lose their dairy farm. She said, "My husband and I have been doing this since we got out of high school. It's the only thing we know, and we have done the best we could, and 15 years later we are going to lose the place," and she started to cry on the telephone.

All of us know these stories. We have seen them, we have heard them, we feel them—and something is wrong. That is why I am delighted this President has decided, yes, there is something wrong in rural America, but it is something we can fix with a change in policies. This President says let us have fundamental economic change, not just for the cities, for everybody, and especially for people who live and work in rural America.

Madam President, I yield the remainder of my time.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent I be permitted to proceed for 5 minutes as in morning business and it not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

VINCENT FOSTER

Mr. BUMPERS. Mr. President, I rise to pay tribute to a friend, Vince Foster, Jr., who was Deputy Counsel to the President of the United States. The rest of the story is relatively well known, that he took his life last Tuesday evening in a small park just off GW Parkway.

I was not a close friend. Just a good friend. I was also a friend of his father, who was a strong political supporter of mine, as was Vince, Jr.

The Fosters were a remarkable family. Vince's father, Vince, Sr., was one of the most respected men in Arkansas, a man whose success in virtually every endeavor was the envy of all the people in that area. A man of character, intellect, and public spiritedness. Vince's sister, Sheila Anthony, is the wife of former Congressman Beryl Anthony, with whom the Presiding Officer [Mr. DORGAN] served for several years in the House of Representatives. And now Sheila is an Assistant Attorney General of the United States.

Vince, as has been reported and widely discussed, was a soft-spoken, reserved person. He was brilliant. He was No. 1 in his law school class, No. 1 on the bar exam.

I saw an old picture of him over the weekend, which had him and President Clinton in Miss Mary Purkin's kindergarten. I guess they were 5 years old at the time. This was in Hope, AR. "Mack" McLarty, the President's Chief of Staff, was 1 year behind them; three very prominent people from Hope. Maybe some of their fantastic successes can be attributed to Ms. Purkin's kindergarten.

In any event, Vince was one of the last persons that I would have ever thought would get to a state of mind where he felt life was not worth continuing. He had a beautiful wife, Lisa, and three beautiful children, Vince III, Brugh, and Laura. Vince III has been interning in my office here in Washington this summer. They are all beautiful children, destined, in my opinion, to succeed just as their father had.

I was rather shocked when he left what we refer to as the Rose Law Firm in Little Rock to come to Washington. He was a senior partner and had become managing partner after 2 years in the firm. Two years out of law school in that firm, and he was such a profound success they made him a managing partner.

It was in that law firm that he and Hillary Clinton became trusted, close friends. I think I could say that the President and the First Lady probably relied as much on his counsel and advice as they did anybody, and I know that both of them considered him one of two or three of their very best friends.

He was not only brilliant, common sensical, he was also handsome. I would say Vince was probably 6 feet 3 inches tall, and I had told my wife two or three times since the first of the year that I thought Vince Foster was maybe the best looking guy I ever knew.

But he was also the kind of fellow whose big physical presence and handsomeness was of little importance to him. He was totally devoted to his family and his work, and that is what mattered to him.

I do not know what else I can say about Vince, except that it was shocking and that his death seems so senseless, inexplicable. But I have certainly lost a friend. The President and the First Lady have lost a right arm. My beloved State of Arkansas has lost one of its noblest, brightest sons, and the Nation also has lost a great public servant.

When you come here from the private sector and you are subjected, particularly at the White House, which is such a pressure cooker, to all of these tremendous pressures, your motives questioned, your integrity, everything attacked, it is unexpected, and sometimes traumatic.

I can relate to it because when I ran for Governor not expecting to win, and suddenly found myself elected suddenly, I am cast from small town lawyer to the Governor's mansion and the Governor's office. You talk about a country boy being out of his league, you are looking at one. It took me a long time to settle in to being Governor. I was terrified. But I know that for whatever reason, Vince made his decision, it was made, and I speak simply to say it is a terrible loss to all of us.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that I may have approximately 4 minutes to speak on the Bryan amendment to the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska, [Mr. STEVENS], is recognized for 4 minutes.

AMENDMENT NO. 662, AS MODIFIED

Mr. STEVENS. Mr. President, the Market Promotion Program used to be called the Targeted Export Assistance Program and was authorized by the Food Security Act of 1985. The new program, what we call the MPP, replaced the 1985 program as part of the 1990 Farm Act and was authorized at about $200 million annually.

This MPP has been one of the most profitable U.S. assistance programs we have devised, returning anywhere from $2 to $7 for each dollar that has been spent in promotion of our exports.

Let me point out to the Senate that between 1980 and 1992 Alaska went from supplying 41 percent of the world's salmon to supplying 31 percent, a substantial decline in the supply of the World's salmon from Alaska.

That decline was largely the result of the tremendous growth in foreign farmed salmon, a production that is subsidized by most foreign governments. We harvest wild salmon.

The MPP has been a significant help to the Alaska seafood industry in battling these subsidies, the subsidized foreign production, and in improving our foreign markets.

Despite the severe competition from this salmon that comes from foreign markets, Alaska, in 1992, increased its exports to Japan by 17 percent. Alaska salmon exports to France grew by 30 percent. Alaska canned salmon exports to the United Kingdom grew by 16.5 percent. That growth was the direct result of the Alaska Seafood Marketing Institute's program to educate foreign consumers, and they used MPP funds, the Market Promotion Program funds, to bring that about.

When countries like Norway, Chile, and Japan are subsidizing the production of their farmers and their harvesters of seafood with billions of dollars, I do not think we can expect our fishing industry to survive without some help from our Federal Government.

The MPP is one of the Federal programs that has assisted our exporters, and has particularly assisted our fishing industry in competing with subsidized suppliers on the world market. And this program, as I said, has increased our exports by $2 to $7 for each $1 spent on the MPP program.

Mr. President, I urge the defeat of the Bryan amendment.

BENEFITS OF THE MARKET PROMOTION PROGRAM

Mr. MURKOWSKI. Mr. President, I wanted to state for the record my strong support for the U.S. Department of Agriculture's Market Promotion Program [MPP]. I am no fan of subsidy programs that simply serve to increase the price of various agricultural products, but that is by no means the case here. The Market Promotion Program is a highly successful and cost-effective program that has been instrumental to the Alaska seafood industry's tremendous achievement in the export market in recent years.

As most of my colleagues know, the intent of the MPP is to help fund certain additional market promotion activities undertaken by U.S. industries and producers in foreign markets where U.S. products are unfairly treated. I want to make it clear that this is not a free ride for anyone who wants to use it—the private sector participants share the costs with the Federal Government for this program. Its value lies in the ability to increase promotion purchasing power, and thus effectiveness, over and above what the private sector can do by itself. This provides an effective counter to unfair trade practices and subsidies for competing producers from other countries.

MPP's cost-effectiveness a matter of record: for every dollar spent for promotional activities under MPP, the sales of participating U.S. agricultural products have increased an average of $2 to $7. Each dollar of increased sales benefits more than just the seller—its circulation through the nation's economy helps maintain stability and stimulate growth throughout the country. This program is paying for itself.

Let me offer some solid examples from my own State of Alaska. The Alaska Seafood Marketing Institute [ASMI] has participated in the MPP since 1987. Before entering the program, the Alaskan salmon industry was suffering great difficulty competing in Europe and the Pacific rim, where Alaskan salmon faced—and continues to face—unfair competition from heavily subsidized farm-raised salmon from Norway, Japan, Canada and elsewhere. Using MPP funds, ASMI has been able to develop a promotional campaign to differentiate Alaska salmon as uniquely natural and wild—carving out a niche market despite significant price disadvantages in comparison with subsidized foreign products. The campaign results have been impressive by any standard.

Alaska's 1992 canned salmon exports to the United Kingdom increased by 16.5 percent over the previous year, despite a slight overall decline in that country's total canned salmon imports. In France, Alaska salmon posted a remarkable 30 percent increase in 1992 over the prior year, making Alaska France's No. 2 supplier of imported salmon, second only to Norway, a country which provides extensive subsidies to its farmed salmon industry. And in Japan, despite severe competition from a growing number of countries including Norway, Chile, Russia, and others, MPP funds have helped Alaska continue to expand exports—last year by a margin of 17 percent.

Overall, the MPP has increased U.S. agricultural exports by as much as $1.4 billion annually, thus making a significant contribution the the agricultural sector's $18 billion trade surplus. At its former funding levels of just $200 million, MPP was generating nearly $2.2 billion annually in increased U.S. economic activity, supporting the creation of some 38,000 jobs in food processing, manufacturing and transportation, as well as other fields.

The MPP is an effective mechanism to counter unfair trade practices and subsidized competition by our foreign trade partners—and rivals—such as the members of the European Economic Community, which spends billions of dollars each year to protect and increase the market share of its agricultural producers.

This program has been a great success according to the rules established for it. I strongly support its continuation. In fact, I would go further and urge my colleagues to restore it to the full requested funding level of $147.7 million.

If there are problems with this program, then by all means they should be corrected. But, Mr. President, radical surgery is not the answer, and my colleagues know it. The proper place for that debate is in the authorization process.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair asks the Senator from Idaho to suspend briefly and advises the Senator from Idaho, we are operating under a time agreement. The Senator can ask to speak as in morning business or seek time to speak on the bill.

Mr. CRAIG. I appreciate the President bringing that to my attention. I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho is recognized for 5 minutes.

WOOL AND MOHAIR AMENDMENT TO H.R. 2493

Mr. CRAIG. Mr. President, I come to the floor this afternoon to talk about an amendment that is before this body in consideration of this particular appropriations bill that concerns me a great deal. It is very easy for us to take the sharp knife and look at programs and try to pare down this budget all in the name of fiscal responsibility, and it is the right thing to do. Certainly, the President and I have worked continually on those kinds of programs to try to solve that.

One such effort was brought this afternoon that I think deserves a broader explanation and a more critical look. And I say that in relation to an amendment that tends to cut back and reduce and, in this case, outright eliminate the wool and mohair program that is currently part of our agricultural policy in this country.

One very important item that should be reiterated again and again about this particular amendment to eliminate this program is that the program has a dedicated funding source. What does that mean to the average person who is looking at Government programs? In other words, are those tax dollars that are currently being expended for the funding of this program? The answer is no. They are not U.S. taxpayers' dollars. They are coming out of the hip pocket of no taxpayer in this country.

This is a program that is not funded by taxpayers' dollars. It is a program that comes from an import tariff on wool and wool products from foreign wool-producing countries. The U.S. Treasury then takes those dollars and funnels them through this program to the people who participate in this program.

What is unique about it is that less than half of the funds available that are collected annually that the program is entitled to use to pay to our domestic wool and mohair producers is not used. The rest is staying inside the General Treasury, or the general fund, of this Government and gets disbursed in other programs.

So not only does the taxpayer not have to pay for this, but the taxpayer is gaining the benefit of some of the money that is being collected through the program going out for other kinds of programs. Let me give a couple of examples.

In 1991, the tariffs collected were in excess of $401 million, with payments of just over $172 million to sheep and goat raisers in this country who are producing wool and mohair.

In the lifetime earnings of this program, it is $1.4 billion in a total period of time of 28 years and just over $2.3 billion paid out. In other words, it is a big money-maker for this country, while at the same time dealing with our domestic industry and keeping it alive as it struggled under some very adverse conditions and competition to stay in production.

As we know, the primary objective of amending the National Wool Act of 1954 was just that: To encourage wool and mohair production in our country, to deal with prices and producers, to try to keep a balanced and fair approach to this, and to keep our domestic sheep and Angora goat industry alive.

Mr. President, more than 350,000 Americans in small rural communities exist on income generated by the sheep industry.

Now, I am sure that fact was not given a few moments ago by the Senator who has introduced this amendment. He did not want this Senate to know that some 350,000 producers have some direct impact on this.

Now, that is not just a dollar in the hip pocket of an individual. That is a dollar to a small farmer which then gets used in the purchase of goods and services in a variety of the rural communities of your State and my State and around the country. Sheep production provides critical income for 70 percent of some 3,042 rural counties across this country.

In short, the U.S. sheep industry provides a major source of income for a very large part of rural America and the Navajo Indian Nation.

In this instance, it should also be noted, Mr. President, that there are payment caps included in the Wool Act. In other words, nobody gets rich off this. There is a spending or a payment limit. Large payments are simply not the norm under this overall program.

American consumers get the real benefit of the program with safe, quality lamb and wool products at affordable prices. This is accomplished through the subsidization of the product and the program again with money that is not paid by the taxpayer but is paid by the nation or the importing industry that is selling in this country.

Now, that is the kind of balance that we try to strike in much of our import legislation and much of our trade relationship which we develop with other countries. Here is a perfect example of it. But because someone, some Senator, in the name of reducing the deficit, has reached in and picked out this program because it does not have a broad-based constituency, I think he is saying I will gain a few points back home.

Well, he may gain a few points back home. In the process, 350,000 people in the industry will receive a little less money and their margins will be a little different. In the instance of the western rangeland sheep industry, it will probably put a few people out of business, people who are now being told they are going to have a grazing fee increase, people who have seen their costs of operation well above the return from their production over the last several years.

In other words, this was an important program when it was created in 1954. It has served the industry well at no expense to the taxpayers of this country, and it continues to serve the industry well in a way that I think we would like to design a lot of our programs.

That is why I came to the floor today, to add to the RECORD what I think is the other side of the story that the Senator from Nevada really should allow the American people to hear, and certainly for the taxpayers to know they are not going to get any benefit and their taxes are not going to be reduced because they do not pay into the program.

With those remarks, I will yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 648

The PRESIDING OFFICER. If there is no objection, the Domenici amendment No. 648 will be temporarily laid aside.

Mr. BUMPERS. Mr. President, I will shortly offer a colloquy which has been entered into between Senators KENNEDY, KASSEBAUM, HATCH, BUMPERS, and COCHRAN. The colloquy deals with a provision in our bill which requires the Food and Drug Administration to raise $175 million in user fees from the industries they regulate.

First, I want to say that I have been troubled by this, and we have rejected user fees in the past. But because of the budget constraints this year and the charitable demands on the subcommittee for various kinds of funding and increased funding, we had very little or no choice except to ask for this $175 million.

I might also say that the President had requested $200 million in user fees.

In any event, Senators KENNEDY, KASSEBAUM, and HATCH have raised serious and legitimate questions and concerns about the ability of the FDA to actually raise this amount of money in the short period of time in which they would have to raise it.

So, in the colloquy I say that I share their concerns and that we will do our very best, of course, to come up with a solution to their problem and at the same time meet what all of us consider to be our legitimate concerns.

Mr. KENNEDY. Mr. President, Senators KASSEBAUM, HATCH, and I wish to engage in a colloquy with my esteemed colleagues with regard to provisions in the legislation before us today authorizing the Food and Drug Administration [FDA] to collect $175 million in user fees from FDA-regulated industries.

We recognize the extraordinarily difficult funding constraints under which the chairman and his colleagues developed the fiscal year 1994 appropriations measure we are considering today. Nevertheless, we are very troubled by provisions in H.R. 2493, as reported by the subcommittee, authorizing the FDA to collect $175 million in user fees from the food, medical device, and other FDA-regulated industries.

Mrs. KASSEBAUM. I would also note that these provisions are a major change in public policy and should first be considered and, if appropriate, authorized by the Committee on Labor and Human Resources, which has jurisdiction over the FDA.

In the past, your subcommittee has recognized the importance of seeking such authorization before imposing user fees. Past agriculture and related agency appropriations bill reports have rejected administration proposals for user fees and directed the Secretary of Health and Human Services to seek authority for such user fees from the appropriate authorizing committees.

Furthermore, the committee report on another section of the appropriations measure we are considering today specifically rejects an administration budget proposal to fund the Food Safety and Inspection Service through user fees and directs the Secretary of Agriculture to seek authorization for such fees.

Mr. HATCH. I share these concerns. In addition, it is important to note that the proposed $175 million in user fees differs greatly from the prescription drug user fees authorized by the Committee on Labor and Human Resources in the last Congress after very careful, thorough deliberations.

The proposed $175 million in user fees, by contrast, supplant direct appropriations. They do not increase the revenues the FDA needs to fulfill its many and growing responsibilities. Nor are the proposed user fees dedicated to a specific purpose. They would not benefit the food industry, which is likely to bear the brunt of the fees. They are, in effect, a regressive tax on the food industry which will add to the cost of food for consumers. If implemented in their current form, these user fees could have a severe impact on many small businesses, especially the medical device industry, one of our most innovative and internationally competitive industries.

Mr. KENNEDY. It is my understanding that since the proposed $175 million in user fees replaces direct appropriations for the FDA, the resulting level of direct appropriations in the legislation may be too low to allow the FDA to collect prescription drug user fees under the Prescription Drug User Fee Act.

The Prescription Drug User Fee Act requires that appropriations for the FDA must be equal to or greater than the appropriations for fiscal year 1992, multiplied by an adjustment factor. The proposed appropriation of only $638.339 million—the net spending authority after all user fees are deducted—is far below this threshold.

Mr. COCHRAN. I am concerned that it will not be possible for FDA to collect $200 million in user fees in fiscal year 1994.

Previously, FDA officials have indicated that the implementation of a user fee program of this magnitude, including the development and implementation of regulations and the identification of companies and products subject to such fees, would take at least eighteen months. Further, since the proposed user fees replace rather than supplement FDA appropriations, the implementation of these processes would consume substantial FDA resources, which would have to come out of the fiscal year 1994 appropriation.

Mrs. KASSEBAUM. As the chairman knows, H.R. 2493, as approved by the House, does not include $175 million in new user fee authority and specifically directs the Secretary of Health and Human Services to seek authorization for such fees from the appropriate committees of Congress. We urge you to recede to this position in conference committee.

I would also like to submit statements from Senators DURENBERGER and COATS, who share the concerns we have raised today.

Mr. BUMPERS. Mr. President, I find myself agreeing with everything my colleagues have said. I found it very difficult making this recommendation for FDA user fees in the first place for exactly the reasons that have been outlined here today. In the past, we have rejected these user fees, and we have urged past administrations not to include them in their budgets until they are specifically authorized.

As you can well imagine, we had to consider many competing demands in trying to agree on an appropriations bill that could meet the targets with which we were presented. I intend to work in conference committee to find the resources necessary for the FDA to meet its many responsibilities without relying on new user fees.

Mr. COCHRAN. I concur with the concerns expressed by Senators KASSEBAUM, KENNEDY, and HATCH on the FDA user fee issue. This is most certainly an issue which should be addressed by the Committee on Labor and Human Resources, which has jurisdiction over this matter. I do not agree with the FDA user fee language in this bill, as I indicated earlier. It is my hope that we will be able to work in conference with the House to provide the necessary funding for the FDA so the need for these additional user fees will be eliminated.

Mr. DURENBERGER. Mr. President, I share the concerns of my distinguished colleagues, Senator BUMPERS from Arkansas and Senator COCHRAN of Mississippi regarding the imposition of user fees. I oppose the provision in H.R. 2493 that directs the Food and Drug Administration to collect $175 million of its budgetary request of $924 million through general purpose user fees.

There are many reasons for my opposition to the inclusion of this provision in the appropriations process. I am not generally opposed to user fees for recipients of public services. However, revenue raising of this magnitude by an agency charged with critically important regulatory responsibilities should not be imposed cavalierly. It is sufficiently important that it requires debate by the committee of jurisdiction—Labor and Human Resources—as well as public comment.

In fact, this provision statutorily precludes the implementation of a Labor Committee bill, the Prescription Drug User Fee Act of 1992. In fact, that bill specifically triggered the user fee provision only if the appropriations stay above a designated baseline. The purpose of that provision was to prevent precisely what is happening here—the assessment of user fees as a substitute for adequate appropriations for the Food and Drug Administration.

In addition, the provision before us allows for general purpose user fees. FDA regulates a wide several different industries with vastly different regulatory tools.

The medical device industry has been hard hit by the deterioration of the product review process in the last few years. New personnel have been brought on board to address the significant problems in the Center for Devices and Radiological Health, but as yet no significant progress has been made. It is a cruel irony to ask the device industry to subsidize this agency when the industry is so ill-served at this time. If user fees on the device industry were to be imposed, it should only occur with a full airing of the problems and challenges of the agency, and with specific, measurable steps to improve the system or product review.

With respect to food inspection, there is no doubt that the FDA is underfunded. Congress imposes mandates on the FDA's food inspection programs and then fails to appropriate sufficient funds for them to be adequately administered. Then, Congress charges that FDA won't do its job.

While it is true that user fees might partially address the funding problem, there is a larger question of whether FDA should continue jurisdiction over such diverse sectors of the economy as highly advanced medical technologies like drugs and medical devices, along with the very different, but equally important, questions of food safety.

I have proposed taking food inspection out of the FDA and placing it into a separate, independent Food Safety and Inspection Agency. By doing this, the public would be assured that critical issues of food safety were being handled by an agency completely committed to that task.

Forcing FDA to raise $175 million of its budget from user fees is a short-term piecemeal approach to basic structural and organizational problems at FDA.

The Labor and Human Resources Committee is best suited to a careful and indepth analysis of the present problems facing the FDA and the industries it oversees. Budgetary constraints have long hampered the agency and user fees may indeed be a solution to some of those problems. However, the Labor Committee must address this issue in its largest context. FDA and the industries it regulates must not be a tool for mere budget balancing. The stakes for the American public and the economy are simply too high.

Mr. HARKIN. Mr. President, I want to echo the comments made earlier and voice my serious concerns about the FDA user fees imposed in this bill. Under the bill, the FDA would be required to collect $175 million from the industries it regulates. That is in addition to the $54 million in user fees to be collected specifically on prescription drugs.

In noting my opposition to these fees, I do not in any way intend to deprecate the very difficult task that Chairman BUMPERS faced in crafting this bill to fall within his allocation. I do not mean to minimize the difficulty of resolving this particular item, but I am hopeful that the conference will adopt the House provision, which does not provide for the collection of such fees. And I would hope that the chairman will do all that he can to eliminate these user fees from the bill.

As has been noted, there is a problem insofar as this bill imposes fees that have not been considered by the authorizing committees. In fact, when Congress passed the Prescription Drug User Fee Act of 1992 last year, we specifically envisioned that FDA would not collect user fees on anything other than prescription drugs without explicit authorization. I raise this matter of authorization not so much to assert the jurisdiction of the Labor and Human Resources Committee, as to point out that the impact of these fees has not been fully considered.

What this bill does is cut the appropriation for FDA's operations, and then tell the agency to make up the difference by collecting user fees from the food, drug, medical device, feed, and animal health industries. Let's be clear about this. These new fees are intended to cover the costs of ongoing operating costs that have been appropriated in the past. This is in sharp contrast to the Prescription Drug User Fee Act, where the user fees for drugs and biologics are specifically dedicated to improving review and inspection programs in those industries. In other words, the fees will go to finance new and improved services. But that clearly is not the case of the $175 million in new user fees in this bill.

The FDA has been struggling for years to carry out its responsibilities with the limited funding it receives. This cut in appropriations will only compound its problems. GAO and the DHHS Advisory Committee have both expressed concern over the ability of the FDA to carry out its statutory mandates. The Advisory Committee stated that "the FDA has been placed in an almost untenable position in the past decade as Congress has relentlessly added new responsibilities without providing new resources to carry them out." I do not see how the solution to this problem can be to cut FDA's appropriation and then tell the agency to go out and find its funding elsewhere.

I am particularly doubtful that FDA can issue the regulations and collect the full amount of these fees during the 1994 fiscal year. That will take significant time. But under this bill, if the FDA is unable to get these fees collected, it will fall short in the money it needs to carry out its operations.

Moreover, the user fees are a backdoor regressive tax on the consumers who buy the products on which the new user fees will be collected. You can be sure that these costs will be passed along. And as is so often the case, it will be those least able to bear the cost who will end up paying these fees. So I strongly believe that the general funds of the Federal Government should pay for these services of the FDA that are of general benefit to our country as a whole.

Finally, let's put the matter of FDA funding in perspective. The FDA is responsible for regulating $960 billion worth of products each year. That means that 25 cents out of each $1 spent by consumers goes for products falling under the oversight of the FDA. That is a huge responsibility, and it is a mistake to think that the FDA can carry out its mission on the cheap. The FDA's operating budget is about one-tenth of a percent of the retail value of the products it regulates, at a cost of only about $2.40 on average for each American annually. I just think we need to be very careful before we start trying to cut corners in funding the FDA when the health and safety of our citizens are directly at stake.

I am confident that Chairman BUMPERS will do all he can to resolve this matter in conference. I thank him for his careful consideration and cooperation on this important issue.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. I thank the distinguished Senator from Arkansas for explaining as he did in the colloquy that that statement has been put in the RECORD relating to the user fees.

This has been a very difficult part of the bill for us to resolve. From this Senator's point of view, we appreciate having the input of this statement from Senators on the legislative committee which has jurisdiction over legislation, Senators KENNEDY, HATCH, and KASSEBAUM.

I share with the Senator from Arkansas the hope that we can resolve this issue. It troubles me as it does him that we are being asked to put forth legislation in this bill with such far-reaching ramifications and that we are striking out on completely a new course for the funding of the activities of the Food and Drug Administration.

I regret that we have come to this point in this budget process. I hope we can resolve it satisfactorily in conference.

Mr. COATS. Mr. President, I have strong concerns with the language in the Agriculture, Rural Development, FDA, and Related Agencies which directs the FDA to collect $175 million in general purpose user fees. I will submit for the RECORD a letter from John Cady, president and chief executive officer of the National Food Processors Association, which highlights how the envisioned user fee would negatively impact Indiana small businesses and Hoosiers with lower incomes.

My concerns are rooted in the fact that no hearings have been held on this issue in the Senate Committee on Labor and Human Resources. In the past, the House and Senate Appropriations Subcommittees on Agriculture and Related Agencies have specifically prohibited the FDA from levying user fees indicating that an authorization is needed from the authorizing committees. This year's House passed bill embodies this principle. The House report states:

> The recommendation * * * does not include $200,000,000 in unauthorized user fees as requested in the President's budget. The Committee continues to express its belief that

user fees for the Food and Drug Administration are such a significant policy change that the Department of Health and Human Services should work with the appropriate committees on Congress to have them specifically authorized. Accordingly, the Committee again has provided language prohibiting the use of 31 U.S.C. 9701 as the generic authority for the Food and Drug Administration to charge user fees.

I also have concerns with the current language embodied in the Senate Agriculture, Rural Development, FDA and Related Agencies fiscal year 1994 appropriations' bill because of its impact on the Prescription Drug User Fee Act for the upcoming fiscal year. Last year, when the Senate Labor and Human Resources Committee passed legislation to implement user fees through the Prescription Drug User Fee Act of 1992, I raised concerns that this money not be used to supplant future funding at the FDA for any industry. I said then, and I would like to repeat, if we are to meet the objectives set in the Prescription Drug User Fee Act—streamlining the review process and enhancing the efficiency of the FDA, we must appropriate with integrity.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FOOD
PROCESSORS ASSOCIATION,
Washington, DC, July 21, 1993.

Hon. DAN COATS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR COATS: The Senate will soon consider H.R. 2493, the FY 1994 appropriations bill for Agriculture, Rural Development, Food and Drug Administration and Related Agencies. NFPA strongly opposes the Senate Committee on Appropriations language that would provide funding to the Food and Drug Administration (FDA) in FY '94 through the collection of $175 million in so-called user fees from the food, medical device and non-prescription drug industries. This "user fee" would impose a tax on an industry simply because it is regulated by FDA. The regulatory tax proposal is contrary to clear Congressional intent and cannot generate the claimed revenues in FY '94. It would impose a highly regressive tax that would be inequitable in its design. Charging fees to an industry it regulates would undermine confidence in FDA's integrity and could inhibit private sector job growth.

NFPA supports H.R. 2493 as passed by the House of Representatives, which fully funds the FDA at $867 million, yet specifically prohibits the imposition of user fees, with the exception of those authorized by the Prescription Drug User Fee Act of 1992.

The notion of imposing FDA user fees based on the authority of 31 U.S.C. §9701 is a favorite theory of the Office of Management and Budget, but has been rejected by Congress on numerous occasions. For example, in 1993, as in years past, FDA appropriations carry the proviso that "none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. §9701." Moreover, Congress addressed FDA "user fees" last year by specifically authorizing user fees to be imposed only on the prescription drug industry. Congress has clearly expressed its will that any additional user fees imposed through the Food and Drug Administration be specifically authorized, thereby presumably providing an opportunity for Congress to address the significant issues inherent in developing a user fee system.

Establishment of user fees on the industries regulated by FDA would require rulemaking to resolve difficult issues that are central to maintaining equity within and between the industries subject to this tax. Such a rulemaking would generally require at least two years and would be extremely ambitious to complete in less than one year. Even after completion of a rulemaking that establishes the user fee policies, the mechanism for the collection of the fees would still have to be established. Therefore, if FDA were to propose a rule for establishment of user fees today, collection of fees in FY '94 would be doubtful. However, FDA is currently under a prohibition from engaging in activities to "develop, establish, or operate any program of user fees authorized by 31 U.S.C. §9701." Thus, FDA is legally prohibited from initiating drafting of a proposed rule to begin the rulemaking process for establishment of such so-called user fees. The proposed "user fees" are no more than a budget gimmick.

Imposition of fees on industries because they are regulated by FDA would establish a regulatory tax that is extremely regressive in character. Because regulated industries would pass the cost of this tax on to purchasers of their goods, low-income Americans who spend the highest proportion of their income on food would pay the highest proportion of their income on the tax to support FDA. Similarly, the cost of medical devices and non-prescription drugs would be increased to cover this regulatory tax.

Traditionally, advocates of FDA user fees have sought to allay concerns that the fees would merely displace appropriations for operation of the agency by insisting that user fees augment rather than supplant agency appropriations related to the taxed industry. This principle was embodied in the Prescription Drug User Fee Act of 1992. However, the Committee proposal, based on the Administration budget request of $200 million in user fees, will supplant appropriations. Moreover, the Administration Budget apparently reflects an intention to cut agency resources in areas where the newly-taxed industries look to the agency for leadership. The Administration Budget calls for a reduction in FDA full-time equivalents of 171 while proposing to substantially increase personnel working in the review of prescription drug applications and in medical devices. This makes it clear that a substantial portion of the personnel reduction would likely occur at the Center of Food Safety and Applied Nutrition, while the food industry would presumably be called upon to bear a large share of the proposed regulatory tax.

Both the reality and the perception of the integrity of FDA are important in maintaining public confidence in the agency. Yet, concerns have been raised by leaders from all points on the political spectrum regarding the effect of user fees on public confidence in the independence of FDA. This concern is in no small part why a 1947 user fee on meat and poultry inspections was repealed by the same Congress in 1948, with report language that read, "The cost of such inspection should be paid out of the general funds of the federal government—not only because such inspection is a proper charge against the people as a whole, but because it is the only way in which consumers can be assured of effective, uncompromising inspection in which they can repose the fullest confidence."

The vast majority of new jobs in the private sector have been created by small businesses. Small businesses are most vulnerable to the credit crunch and cash flow pressures, which would be aggravated by imposition of user fees. Small businesses are least able to pass the cost of so-called user fees on to their customers. As a result, this proposal would further restrict growth of small businesses, the best creator of new American jobs.

I urge you to provide *full* funding for the FDA through appropriations. Please reject the Committee on Appropriations proposal to fund these important public health programs through regulatory fees on the food industry.

Regards,

JOHN R. CADY,
President and CEO.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, is the pending business now the Domenici amendment?

The PRESIDING OFFICER (Mr. METZENBAUM). The Domenici amendment was set aside by consent.

Mr. BUMPERS. Mr. President, is it the pending business at this point?

The PRESIDING OFFICER. It is not the pending business.

AMENDMENT NO. 648

Mr. BUMPERS. Mr. President, I ask unanimous consent that it be made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 665 TO AMENDMENT NO. 648

Mr. BUMPERS. Mr. President, I send a second-degree amendment to the Domenici amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 665 to amendment No. 648.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted by said amendment, insert the following:

SEC. 306C. REFINANCING OF LOANS.

(a) IN GENERAL.—A borrower of a loan made by the Federal Financing Bank and guaranteed under section 306 of this Act may, at the option of the borrower, refinance such loan, loan advance, or any portion thereof.

(b) PENALTY.—

(1) DETERMINATION OF PENALTY.—A penalty shall be assessed against a borrower that refinances a loan, loan advance or any portion thereof under this section. Such penalty shall, except as provided by paragraph (2), be equal to the lesser of—

(A) the difference between the outstanding principal balance of the loan being refinanced and the present value of such loan discounted at a rate equal to the current cost of funds to the Department of the Treasury for obligations of comparable maturity to the loan being refinanced;

(B) one hundred percent (100%) of the amount of interest for one year on the outstanding principal balance of such loan, loan advance, or any portion thereof being refinanced, multiplied by the ratio which—

(i) the number of quarterly payment dates between the refinancing date and the maturity date of the loan advance,

bears to—

(ii) the number of quarterly payment dates between the first quarterly payment date that occurs 12 years after the end of the year in which the amount being refinanced was advanced and the maturity date of such loan advance;

(C) one hundred percent (100%) of the amount of interest for one year on the outstanding principal balance of such loan, loan advance, or any portion thereof being refinanced, plus, for the interval between the date of the refinancing and the first quarterly payment date that occurs 12 years after the end of the year in which the amount being refinanced was advanced, the present value of the difference between each payment scheduled for such interval on such loan amount being refinanced and the payment amounts that would be required during such interval on the amount being refinanced if the interest rate on the loan were equal to the current cost of funds to the Department of the Treasury for obligations of comparable maturity to the loan being refinanced.

(2) LIMITATION.—The penalty provided by section (b)(1)(A) shall be required for a refinancing under this section except that in the case of a loan advanced under an agreement executed before 1984 which permits the repayment or refinancing of such loan advance based on the payment of one year of interest on the outstanding principal balance of such loan advance, a borrower may, in lieu of the penalty required by section (b)(1)(A), pay a penalty as provided by—

(A) section (b)(1)(B) if such loan advance has reached the twelve year maturity required under such loan agreement for such prepayment or refinancing;

(B) section (b)(1)(C) if such loan advance has not reached the twelve year maturity required under such loan agreement for such prepayment or refinancing.

(3) FINANCING OF PENALTY.—A borrower may at its option meet the penalty requirements of paragraph (1) by either making a payment in the amount of such required penalty at the time of such refinancing or by increasing the outstanding principal balance of the loan advance that is being refinanced under this section by the amount of such penalty. If a borrower meets the penalty requirements of paragraph (1) by increasing the outstanding principal balance of the loan advance that is being refinanced, the borrower shall make a payment at the time of such refinancing equal to 2.5 percent of the amount of such penalty that is added to the outstanding principal balance of such loan.

(c) LOAN TERMS AND CONDITIONS AFTER REFINANCING.—

(1) IN GENERAL.—Upon the payment of a penalty as provided by subsection (b), the loan, loan advance, or any portion thereof shall be refinanced at the interest rate described in paragraph (2) for the term or terms selected by the borrower pursuant to paragraph (3).

(2) INTEREST RATE.—The interest rate on a loan refinanced under this section shall be determined to be equal to the current cost of funds to the Department of the Treasury for obligations of comparable maturity to the term selected by the borrower pursuant to paragraph (3), but the interest rate on such a refinanced loan shall not exceed 7 percent.

(3) LOAN TERM.—Subject to paragraph (4), the borrower of a loan that is refinanced under this section shall select the term for which an interest rate shall be determined pursuant to paragraph (2), and at the end of the term (and any succeeding term selected by the borrower under this paragraph), may renew the loan for another term selected by the borrower.

(4) MAXIMUM TERM.—The borrower may not select a term pursuant to paragraph (3) that ends after the maturity date set for such loan before its refinancing under this section.

(5) EXISTING LOAN.—The refinancing of a loan pursuant to this section and the inclusion of a penalty in the outstanding principal balance of such refinanced loan, pursuant to paragraph (3), shall not, notwithstanding any other provision of law, be considered the making of a new loan, new loan guarantee or other new credit activity, nor shall refinancing be subject to appropriations or limited by the amount provided during a fiscal year for new loans, loan guarantees or other credit activity, nor may the request of a borrower for such refinancing under this section be denied.

Mr. BUMPERS. Mr. President, this second-degree amendment—let me explain just briefly once again the Domenici-Lugar amendment gives the rural electrification cooperatives the privilege of refinancing their loans. Many of these loans were negotiated by REA cooperatives at a time when interest rates were very high in this country, and they carry a penalty for paying them off.

The Domenici amendment does not forgo the penalty. It simply gives them a right to refinance, but it also involves refinancing of the penalty.

It is just like refinancing a home. Everybody in the country is refinancing their homes these days.

My second-degree amendment differs from the Domenici amendment in this way: His amendment would only allow refinancing of those loans which were made prior to 1983. And my amendment says if you are going to extend this privilege to people who made loans prior to 1983, extend them to everybody, because it does not score. There is no cost to the Government, and we have CBO's statement that neither of these amendments carry any cost to the Government.

What it does do is just like everybody else it may extend the loan a little longer period of time at a lower interest rate right now but it also carries the penalty that is provided for in their loan contracts.

So, Mr. President, I understood that a Senator from the other side of the aisle objected to a small part of the amendment, and I will let Senator COCHRAN address that now.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate very much the Senator from Arkansas explaining the second-degree amendment as he has. We have been advised that while there are some concerns with certain provisions of the second-degree amendment, we feel confident that differences can be—and probably should be—resolved in conference.

The amendment originally offered by Senator DOMENICI seeks to provide a new opportunity to REA cooperatives and borrowers to take advantage of lower interest rate opportunities that exist for many of them as they do for those who have long-term loans at this time.

So, it is the hope on this side of the aisle that the provisions in the language relating to that issue can be resolved in such a way as to permit borrowers to refinance without any extra cost to the Government being incurred.

We can remember in previous years that we tried to provide this kind of opportunity. But periodically, we have had objections because of the long-term cost to the Government. But I think these issues can now be reconciled and resolved in a way that will benefit both REA borrowers and still protect the Government's interest in these loans.

We are going to recommend on this side of the aisle that the amendment and the amendment to the Domenici amendment be agreed to and we take this issue to the conference.

The PRESIDING OFFICER. Do the Senators yield back all their time?

Mr. BUMPERS. Mr. President, I yield back the remainder of my time.

Mr. COCHRAN. Mr. President, we are advised no other Senators seek recognition. We are prepared to yield back and do yield back all time on the amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 665) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 648, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended, of the Senator from New Mexico.

The amendment (No. 648), as amended, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I rise in support of the Agriculture, Rural Development, and Related Agencies appropriations bill as reported by the Senate Appropriations Committee.

The Senate-reported bill totals $59 billion in budget authority and $49 billion in outlays for fiscal year 1994 when outlays from prior-year budget authority and other completed actions and adjustments are taken into account.

This will be the second appropriations bill that is taken up by the Senate.

I have found that this appropriations bill includes duplicate savings to those that are in the Senate-passed reconciliation bill.

The appropriations bill saves $33.3 million for the Conservation Reserve/Wetlands Program, $13.7 million for crop insurance, and $62.5 million for the Market Promotion Program, totaling $109.5 million.

The Senate reconciliation bill saves $18 million for the Conservation Reserve/Wetlands Program, $14 million for crop insurance, and $45 million for the Market Promotion Program, totaling $77 million.

The House bill saves $18 million for the Conservation Reserve/Wetlands Program, and $26 million for the Market Promotion Program, totaling $44 million.

Both the appropriations and authorizing committees will be scored with duplicate savings until either the appropriations bill or reconciliation bill is enacted.

My Senate Budget Committee staff will keep track of the duplicate savings.

I recognize the difficulty of bringing this bill to the floor under its 602(b) allocation.

I commend the distinguished subcommittee chairman and ranking member for their support of $3.2 billion for the WIC Program, an increase of $353 million over 1993 levels.

I appreciate the subcommittee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep the bill within its allocation.

I urge the adoption of the bill.

SCRAPIE

Mr. BENNETT. Mr. President, I want to briefly bring to the attention of the Senate an important issue in animal health.

Scrapie, transmissible spongiform encephalophathy of sheep, is an untreatable, long-incubation infectious disease of the central nervous system of sheep and goats. Scientific investigation has associated Scrapie with other diseases of animals and man.

I understand that at this time, very little is know about the natural mode of Scrapie transmission. The regulation and eventual eradication of this disease depends on our knowledge of how and when Scrapie is transmitted. More information must be generated on the transmission and infection of natural Scrapie in sheep.

Although funding was not included in this legislation for funding to study Scrapie, I am hopeful that the Department of Agriculture will seriously consider funding, through competitive grant, studies that will answer the many unanswered questions about the disease transmission. The central and eventual eradication of Scrapie in the United States is a worthy goal.

AMENDMENT NO. 666

(Purpose: To restrict the use of funds made available by this act to carry out distance learning and medical link programs)

Mr. COCHRAN. Mr. President, on behalf of the distinguished Senator from Wyoming [Mr. SIMPSON] I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. SIMPSON, proposes an amendment numbered 666.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 60, line 15, before the period, insert the following: ": *Provided*, That none of the funds appropriated or otherwise made available by this Act for the programs authorized by chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.) may be used by the Administrator of the Rural Electrification Administration to carry out the programs unless, prior to allocating funds to carry out the programs, the Administrator consults with the Secretary of Education and the Secretary of Health and Human Services, acting through the Director of the Office of Rural Health Policy, concerning the review of applications to participate in the programs and the administration of the programs".

Mr. COCHRAN. Mr. President, this amendment deals with a program under the REA authority for distance learning, a rural development initiative, and suggests consultation is appropriate under this program with the Secretary of Education and the Secretary of Health and Human Services.

Mr. SIMPSON. Mr. President, I rise to offer an amendment that would restrict the use of funds made available by the Rural Electrification Act for distance learning and medical linkup programs.

I have watched this program bloom from zero funding in 1990 to the recommended level of $10 million in fiscal 1994. This is just another example of the expansion of the Rural Electrification Administration [REA] into nonutility programs. I can understand the merits of the program. However, I strongly object to the REA administering a program in which it has no expertise.

The amendment would require that the REA Administrator consult with the Secretary of Education and the Secretary of Health and Human Services, acting through the Director of the Office of Rural Health Policy, regarding the review of applications to participate in these programs. Consultations with the departments that have this specific expertise will best meet the needs of rural America.

Let's discuss health care for a moment. Rural health care is experiencing a renaissance of interest in the Congress. The last few years have witnessed an alarming number of hospital closures in rural areas, the loss of physicians to more sophisticated and profitable urban centers, and a shrinking pool of allied health and community service professionals in virtually every field. At the same time, the population of rural America is growing older—requiring more higher levels of service.

Mrs. Clinton and the President's health task force have devoted a great deal of time and resources to examining the rural health care situation. Rural health care will be a major component of the President's health care plan. The Senate Republicans have also focused on the health care problems of rural America during our deliberations on health care reform.

Our current challenge is to craft public policy which is appropriate to all rural and frontier regions. Most importantly, public Policy should not be legislated in a vacuum. The rural health care delivery system has become very fragmented over the past years.

This is substantially due to the fact that legislators with good intentions have written policies without considering existing programs or without considering the ramifications of instituting such policies. This is especially dangerous in health care policy. That is why I am so concerned with the Medical Linkup Program that has been authorized by the Agriculture Committee.

There is already in existence an Office of Rural Health Policy at the Department of Health and Human Services. This is the office that should have oversight for the Medical Linkup Program. This office has the knowledge and expertise on rural health care. The Agriculture Committee does not have the high degree of expertise on health care issues that is needed to develop and oversee such a program.

The same rationale is applicable to the education linkup side of this program. The Department of Education has the expertise to critically review applications for funding and to ensure that the priorities of the proposed program meet the needs of schools in rural areas.

Finally, returning to health care, many of us on Capitol Hill and in the administration are exploring the concept of managed competition in health care reform. This type of plan would increase the level of competition in the health care marketplace—something that is greatly needed. The whole idea of managed competition is that health care remain in the private sector—but with Government involvement to help control costs and to help ensure access to quality health care.

This is the type of competition that is missing from the Medical Linkup

Program. Instead of funding State specific medical linkup programs, States willing to develop medical linkup programs should have the option to apply for Federal moneys based upon a certain set of criteria. We need competition in every aspect of the health care system including these linkup programs. In addition, these programs should be developed as a part of health care system reform and should not be done in a vacuum without giving thought to how they will fit into the entire health care delivery system.

The Rural Electrification Administration is a utility agency and should be nothing else. They have expertise in telephone and electric utility infrastructure but not in reviewing the goals and benchmarks of health and education programs for rural areas.

I urge my fellow colleagues to support this amendment and thank my friend and colleague from Mississippi, THAD COCHRAN, for his support. I also thank the subcommittee chairman, Senator BUMPERS for his acceptance of my amendment.

Mr. COCHRAN. Mr. President, we urge approval of the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Mr. President, there is no objection on this side of the aisle.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 666) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 667

Mr. COCHRAN. Mr. President, on behalf of the distinguished Senator from Montana [Mr. BURNS] I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk will read as follows:

> The Senator from Mississippi [Mr. COCHRAN], for Mr. BURNS, proposes an amendment numbered 667.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

> None of the funds in this Act shall be available to pay indirect costs of research (other than Small Business Innovation Research grants) awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total direct costs under each award.

Mr. COCHRAN. Mr. President, the amendment of the Senator from Montana deals with a cap on a local project and program. We have not been able to get the amendment cleared in discussion with the managers of the bill, but I had agreed to bring this amendment to the attention of the Senate. It does deal with a problem that is very real and should be addressed.

So the amendment is offered in behalf of the Senator from Montana.

Mr. BUMPERS. Mr. President, the Senator from Mississippi is indeed correct. We do have some objection on this side of the aisle to the amendment. It deals with indirect costs, essentially, on research grants. We think there should be constraints on those grants, so at this point we are constrained to object.

I hope the Senator from Montana would allow this amendment to be withdrawn so we can talk to him about it. It is something that is worthy of discussion, but I would be very reluctant—indeed, I find it unacceptable at this point—to agree to this amendment.

Mr. COCHRAN. Mr. President, in view of the statement of the Senator from Arkansas, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 667) was withdrawn.

CANADIAN WHEAT SUBSIDIES

Mr. COCHRAN. Mr. President, the distinguished Senator from Montana [Mr. BURNS] suggests there is a study that should be done in connection with the wheat subsidies in Canada and the impact they have on American agriculture. There is a suggestion that Canadian wheat shipments that enter our markets are being subsidized. This is damaging to the U.S. economy, particularly to wheat producers.

I raise the issue with a request that it be considered by the Senate managers in conference and that some statement of the managers on this subject be included in a conference report. I encourage the Senate to urge that such a study be done and such a statement be made by the managers.

Mr. BUMPERS. Mr. President, I am quite sure we could work out some language in the conference report to satisfy the Senator from Montana. He is a very thoughtful Senator and very interested in wheat, obviously. I hope that we can work something out that will be amenable to the House, and certainly I will do my very best to do that.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator for his cooperation and his statement and assurance.

Mr. President, I know of no further amendments to be proposed under the unanimous-consent agreement on this side of the aisle, nor do I know of any Senators who wish to be heard on any issue under this bill.

I suggest that, if there are Senators who would like to have statements made or amendments offered under the agreement, now is the time to speak or forever hold your peace. We are about to wrap up consideration of the amendments under the agreement.

Mr. COCHRAN. Mr. President, I am advised that in the adoption of the REA amendment which Senator BUMPERS proffered—the amendment by Senator LEAHY to the Domenici amendment—we should have asked unanimous consent that it be placed at the appropriate place in the bill, actually at the end of the bill. That was not stated when the amendment was proposed. I ask unanimous consent that the amendment so appear at the proper place in the bill, at the end of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, today there are some 3,500 acres of apple orchards in eastern Washington that have been prepared according to specifications laid out by the Japanese Government to our agriculture officials and apple industry representatives in February of last year. At that time, the Japanese had agreed to allow this year's crop into their market in January of next year. Since that time, the Japanese delayed a technical meeting for over 6 months and added new, questionable phytosanitary requirements—some of which may be impossible to fulfill. As a result, the Japanese now say that the crop of Washington State apples that were grown according to their specifications will not be allowed into the Japanese market this year. If this is the case, these apples can only be sold at a considerable loss.

This is not only the most recent of many incidences of Japanese protectionism against United States apples, but only one case similar to many experienced by other nations. In fact, in the 22 years since Japan opened its market to apples, only a small number of Korean apples, for a short period of time, have been admitted into Japan. Other countries have encountered the same series of time-consuming phytosanitary requirements accompanied by changes in Japanese deadlines and delayed meetings. And, as I mentioned, this is only the most recent instance of our apples growers' problems with Japan; our industry has been negotiating intensively with the Japanese for 8 years now. They export to 24 countries, none of whose phytosanitary requirements are as stringent as Japan's requirements.

Mr. President, to date the administration has been extremely helpful in seeking a resolution to this issue. Ambassador Kantor and Secretary Espy have written letters and personally raised the issue with Japanese officials. USDA technical experts have negotiated tirelessly with their Japanese counterparts, frequently over technical concerns that were scientifically unjustifiable. However, it's become clear that the Japanese will not lower their ban unless further pressure is applied.

Earlier this month, the Northwest Fruit Exporters, an industry group representing the apple growers, asked that the Northwest Horticultural Council begin work drafting a section 301 complaint. While all concerned would prefer that this measure be avoided, I am convinced it is proper course for our apple growers, and the only way that they will win access to the Japanese market.

Today, I am offering an amendment, which has been agreed to by both sides, that expresses the sense of the Senate that Japan's phytosanitary requirements constitute an unnecessary trade barrier, and that the administration should continue work to remove it, including the initiation of a section 301 investigation. This measure will relay to the Japanese our seriousness over this issue, and encourage the United State Trade Representative's office to continue its exemplary work on this issue.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, as far as I am concerned, we are ready to go to third reading.

The PRESIDING OFFICER. Are there further amendments?

If not, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

MORNING BUSINESS

Mr. BUMPERS. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAUL KASSOUF'S INVESTITURE AS A KNIGHT COMMANDER IN THE ORDER OF ST. GREGORY

Mr. HEFLIN. Mr. President, I am proud to congratulate a long-time friend, Paul Kassouf, upon the occasion of his investiture in the Order of St. Gregory. Paul was formally invested as a Knight Commander on May 8 of this year by Archbishop Francis M. Zayek, head of the Diocese of St. Maron, United States of America. The ceremony took place at Saint Elias Maronite Church, where Paul is a member.

This award is a papal equestration honor bestowed by the Pope. It recognizes Paul's outstanding and dedicated service to his family, church, and community.

Born in Birmingham, Paul still resides there and is chairman of the board of the L. Paul Kassouf & Co. Professional Corp. He has enjoyed a long and successful career as a certified public accountant, and serves as a true leader in the field of accountancy. Paul and I attended Birmingham-Southern College together, and we currently sit on the school's board of trustees.

Last year, I had the pleasure of attending the golden anniversary celebration of Paul and his wife Naomi. That was a particularly special experience for me, since I was a member of their wedding party in 1942.

I know Naomi, their 4 children, and 11 grandchildren are extremely proud of Paul for receiving this prestigious distinction. I share their pride in commending him on such a high honor.

IN MEMORY OF JAMES D. BENNETT, A PIONEER FOR CIVIL RIGHTS

Mr. HARKIN. Mr. President, America recently lost one of its pioneers in the fight for equality for the 43 million Americans with disabilities. I was greatly saddened to learn of the recent death of James D. Bennett, who directed the Department of Justice's technical assistance program under the Americans With Disabilities Act. Jim shared my vision of a society where Americans with disabilities can live, learn, work, and play side by side with all Americans. Jim was a passionate civil rights advocate whose commitment to his work was total. Jim was incredibly talented: a master of grand ideas and the master of the hundreds of details that made these ideas a reality. His successes were numerous.

His efforts on behalf of people with disabilities began long before the passage of the ADA. During the 1970's at the Department of Health, Education, and Welfare, Jim's creative efforts defined the concept of technical assistance for the disability rights movement. He designed and then he implemented a multimillion-dollar technical assistance program for section 504 of the Rehabilitation Act of 1973, the first Federal civil rights legislation protecting people with disabilities from discrimination. Jim's efforts played a critical role in opening up the doors of elementary, secondary, and postsecondary education to students with disabilities across America. His program also was a key training ground for scores of men and women with disabilities who later became the leaders of the movement to enact the ADA.

During the 1980's, he spearheaded the Department of Justice's work on self-evaluation plans for the programs of all Federal agencies in order to make the Federal Government truly open to all persons with disabilities. Jim had a passionate love and respect for nature. Through his leadership, the Department of Justice and the National Park Service worked together to open this Nation's natural treasures to countless individuals with disabilities and their families. He launched the Department of Justice's own section 504 self-evaluation program—spreading good will and accessibility all across the Department—from the FBI training academy to the Great Hall of the Main Justice Building.

But all of these successes in the late 1970's and early 1980's were a mere prologue to his efforts on the landmark Americans With Disabilities Act, the most comprehensive civil rights law even enacted by Congress. I believe that the ADA is truly the Emancipation Proclamation for the more than 43 million people with disabilities. Jim understood that the promises of this historic law would only become a reality if a massive public education effort was undertaken to inform the public of its new rights and responsibilities. Jim was a true visionary. Creative ideas were for him the norm, not the exception. His efforts included the first nationwide TDD-accessible ADA information line that has answered over a quarter-million inquiries, a panoply of brochures and pamphlets, a distribution network that has sent out over 2 million ADA documents, an electronic bulletin board that has revolutionized access to information especially for persons requiring Braille or large-print formats, a technical assistance grant program that has tapped the information networks of the business and disabilities communities and brought them together in cooperative partnerships. He also worked tirelessly with the Equal Employment Opportunity Commission and the National Institute for Disability Rehabilitation and Research to make the Federal Government's technical assistance efforts consistent and effective Governmentwide.

The common thread in Jim's work was his selflessness, his desire to ensure that the discrimination and barriers that he faced would not endure; that men, women, and children with disabilities would have the chance to enjoy all the opportunities that life in this country has to offer; and that our society would be able to grow and benefit from the riches and talents that persons with disabilities can provide.

Although we will deeply miss him, we and generations to come have been immeasurably enriched by Jim's deep commitment and his pioneering work.

THE REBUILDING OF BRENT, AL

Mr. HEFLIN. Mr. President, I have on occasion had the opportunity during my frequent trips home to Alabama to visit the city of Brent, a living symbol of the cherished can-do spirit that helped build America. The citizens of Brent recently held a 20th-anniversary celebration.

This was a unique celebration, for Brent was not celebrating the 20th anniversary of its being built, but of its being rebuilt. On May 27, 1973, 20 years before the recent ceremonies, Brent was almost completely destroyed by a tornado.

That day, which I remember well, was a particularly destructive one for the whole State of Alabama and much of the country as several tornadoes struck many areas. In Alabama, 8 people died, 200 were injured, and millions of dollars' worth of damage occurred. The twister that hit Brent was one of the most damaging that Alabama has ever seen. It took an extraordinarily long 135-mile track across the State, and of the eight people who died that day, five were from Brent.

Brent fought its way back to become the largest town in Bibb County, located in the central part of the State. Over the last 20 years, the people of Brent have persevered and demonstrated great determination, community pride, and dedication.

The tornado which devastated Brent hit on a Sunday evening. Many of the towns people were at their evening worship services. About 150 took refuge in the basement of the First Baptist Church. After the ferocious storm swept past the city, citizens immediately began clearing debris from the streets to make way for emergency vehicles. That was the beginning of the town's reconstruction.

As we know, when a tragedy of this magnitude occurs, it is very difficult for any town to recover. But Brent has not only recovered and rebuilt, it has prospered and grown since that dark day back in May 1973. It was that recovery and growth that Brent celebrated just a few weeks ago.

Mr. President, I share the people of Brent's pride in their efforts over the last two decades. I am pleased to commend them for their tremendous sense of community pride. They stand as a shining example to the many communities who have in the past or will in the future be forced to deal with unexpected natural disasters.

RETIREMENT OF MAJ. GEN. DONALD G. HARD

Mr. NUNN. Mr. President, I want to take this opportunity to congratulate Maj. Gen. Donald G. Hard of the U.S. Air Force on the occasion of his upcoming retirement on August 1, 1993.

General Hard will be retiring with more than 31 years of distinguished service to his country. In his present position as director of space programs for the Air Force, he has appeared before the Armed Services Committee a number of times.

General Hard was born September 6, 1940, in Sunderland, VT, where he graduated from high school in 1958. He entered the U.S. Naval Academy's class of 1962, and according to Air Force colleagues had the vision and presence of mind to be commissioned an Air Force officer.

After graduate studies at the University of Illinois, he began his space career serving in the Dyna-Soar and the manned orbiting laboratory programs. Then he was selected to attend undergraduate pilot training and became qualified as a C-130 pilot. He was assigned to the 776th Tactical Airlift Squadron at Ching Chuan Kang Air Base, Taiwan, and flew many missions in Southeast Asia.

In 1969, General Hard was assigned to the 6594th Test Group at Hickam Air Force Base where he combined his knowledge of early space systems and his piloting skills in the recovery of space payloads. Subsequently, he served at Sunnyside and Los Angeles Air Force Stations in California in space operations. He returned to the C-130 cockpit in 1978 at Yokota Air Force Base in Japan, serving as assistant operations officer for the 345th Tactical Airlift Squadron and later as deputy commander for operations with the 316th Tactical Airlift Group.

In 1980, General Hard returned to the space world and worked security and policy issues associated with the use of the space shuttle for launch of national security payloads. Then he returned to Hickam AFB to command the 6594th Test Group, followed by a tour as commander of the Air Force Satellite Control Facility at Sunnyside, CA. He returned to Los Angeles, working as director of launch vehicle acquisition and as deputy director of special projects.

He relocated to the Pentagon in 1987, serving first as director of space systems, Office of the Secretary of the Air Force, then as deputy director of operations in the Office of the Deputy Chief of Staff, Plans and Operations, HQ USAF, and finally as the director of space programs, Office of the Assistant Secretary of the Air Force for Acquisition.

During General Hard's long and distinguished career, he has served both the air and space communities with rare talents and outstanding performance. He knows both operations and acquisition and has been at the forefront of transitioning our space programs from the research and development world to fully operational systems. He has been an articulate spokesman for the value of space technologies and space capabilities in modern warfare for which we owe him our debt of gratitude.

I want to congratulate General Hard for his outstanding career of service to the country. I know my colleagues join me in wishing General Hard continued success in the future and extending best wishes to him and his wife, June.

SIOUX FALLS, THE MOST POPULAR DESTINATION IN AMERICA

Mr. PRESSLER. Mr. President, today I have the pleasure of congratulating the city of Sioux Falls, SD. Once again, this fine city on the plains has received national recognition. Recently, Ryder Consumer Truck Rental rated Sioux Falls the Nation's No. 1 destination.

Ryder's No. 1 rating of Sioux Falls is based on a survey among cities with a population above 100,000. The rating is based on the ratio of people moving in compared to those moving out over the period of January to June of this year. Sioux Falls was so popular that more than two-thirds as many people moved into the city as moved away. For every 100 families that left the city, an additional 168 families from around the country were drawn in.

It is not surprising that Sioux Falls is ranked as the Nation's most popular destination. The city has many remarkable attributes. The quality of life is exceptional. It has a clean environment and a low crime rate. Its cost of living is below the national average. Its economy is one of the most varied and vibrant economies in the Nation, boosted by relatively low city taxes and no State corporate or personal income taxes. Most important of all are its people. Sioux Falls is a city of 123,000 friendly, honest, hard-working people. They are the reason the city is so popular, and they are the secret to the city's quality of life.

The Ryder survey is not the first survey to find Sioux Falls the best. The September 1992 Money magazine named it the best place to live in America. Today, thousands of people, as they move, are finding out for themselves what Money magazine and Ryder Truck Rental Co. already have discovered: Sioux Falls is one of our Nation's great cities and one of America's best kept secrets.

Mr. President, I ask unanimous consent that an article regarding Sioux Falls' No. 1 destination rating by the Ryder Co. be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RYDER RATES SIOUX FALLS NO. 1 AS PLACE TO MOVE

(By Anne-Marie Otey)

A national trend of moving from larger cities to relatively smaller ones helped make Sioux Falls the country's most popular place to move in the first half of 1993, a survey says.

Ryder Consumer Truck Rental rated Sioux Falls No. 1 for moves from January to June, with 168 households arriving for every 100 that left the city. The survey of metro areas with populations greater than 100,000 is based on census data and inquiries to Ryder's rental centers.

Mike and Mary McNulty moved to Sioux Falls from Sacramento, Calif., two weeks ago with their daughter, Maggie.

"We're very happy to be here," Mike McNulty, a technical program manager for Intel, said Tuesday. "Once we get settled, we want to contribute a little bit to the community. We plan to make this a permanent move."

The McNultys are one of many families leaving the East and West coasts. Mike McNulty is a New York native and his wife is from Nebraska.

He said they moved mainly for his job but also because they didn't want to stay in California.

"The socioeconomic problems didn't appeal to us as much," he said. "The people here are much friendlier and more sincere."

Jobs and quality of life are the main reasons people move, and they can find those in Sioux Falls, said Dave Dawson, Ryder's public relations director in Miami.

"People are relocating to places they find more palatable: less traffic, better schools, a lower cost of living, nicer amenities," he said.

Steve Metli, the city's planning director, said the survey shows that Sioux Falls is keeping the popularity it gained last year after being named the No. 1 place to live in the United States by Money magazine.

People still find a reason to move away, though, said Don Blumhoff, owner of Kedney Moving. He sees a 50–50 ratio of newcomers to those leaving.

"There are a lot going out, too—retirements, corporate moves, times when you have to move," Blumhoff said.

The city faces a challenge of finding housing for newcomers, said Evan Nolte, president of the Sioux Falls Area Chamber of Commerce. Some might have to live outside the town, he said.

"People are beginning to realize we have a greater interdependence, in the Sioux Falls area, with Lincoln County. Some areas will develop in smaller communities as this growth continues."

Harold and Doris Slinden found a tight real estate market when they moved here from Aberdeen a month ago.

"The real estate people told us, "You don't want to wait too long if that's the house you want,'" Doris Slinden said. In contrast, it took them several months to sell their Aberdeen home.

The family of five moved to Sioux Falls when Harold Slinden got a job as manager of a machinery company.

Doris Slinden said they won't live in a city bigger than Sioux Falls.

"This is a comfortable-sized city," she said. "It's very quiet in the evening."

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,340,981,032,082.67 as of the close of business on Thursday, July 22. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,900.25.

THE FUTURE OF THE AMERICAN WORKPLACE

Mrs. KASSEBAUM. Mr. President, today the President will convene a conference in Chicago to discuss the future of the American workplace. The subject is an important one, since our work force faces new and significant challenges in a globally competitive marketplace.

The conference will focus on high-performance workplaces. Participants will discuss innovative work practices, including employee empowerment, in order to encourage these practices throughout the private sector.

These are laudable goals, Mr. President. But the administration's legislative policies belie its stated intent to improve the quality of our Nation's workplace. In fact, the administration's current stand on critical workplace issues is not only contradictory, but may very well thwart existing efforts for innovation in the American workplace.

For example, the Secretary of Labor continues to support legislation to ban the hiring of permanent striker replacements. By diminishing incentives for labor and management to resolve their differences, this legislation will promote labor disputes and workplace discord—the exact opposite of labor/management cooperation.

Nevertheless, the administration persists in supporting this flawed legislation. It does so in spite of overwhelming and unified opposition from the business community and, I might say, among the majority of the American people as well. If our Nation's newspapers are any indication, well over 100 editorials have been written in opposition to S. 55.

I will not submit them all for the RECORD, but I would like to submit representative editorials—one which appeared recently in the Washington Post and one from the Kansas City Star.

Mr. President, opposition to this legislation is also bipartisan. I also submit for the RECORD an op-ed piece written by Senator HOLLINGS. In it, he says:

> To meet [the] international challenge, employers and employees need to realize they are fighting on the same team—the American team. We need a new vision of labor-management harmony and cooperation that will allow us to compete and win. What we don't need is a striker replacement bill that will cause more strikes, more strife, and more flight by U.S. firms to distant shores.

While promoting workplace divisiveness through S. 55, the administration has also failed to correct the principal legal obstacle to workplace innovation and cooperation. Two recent decisions, Electromation and DuPont, invalidated two employee involvement programs and thereby jeopardized all such programs.

Mr. President, there is widespread agreement that employee involvement is critical to the future of the American workplace. Businesses are realizing that their workers hold the key to improving quality, productivity, and efficiency in the workplace. And yet, the use of innovative programs to encourage worker involvement has been severely set back by these decisions.

In both cases, the National Labor Relations Board interpreted Federal labor law to assume that the interests of workers and management are adverse to each other. To overturn these decisions and assure that workers and management can work together, I introduced, along with several of my colleagues, the Teamwork for Employees And Management [TEAM] Act, S. 669.

To date, the administration has failed to take a position on this critical issue. Secretary Reich acknowledges the decisions present a problem, but has delegated the issue to his Labor Reform Commission, which will make no recommendations until next summer. In the meantime, companies are either dismantling beneficial, employee-involvement programs or left to ponder whether they are violating Federal labor law.

Monday's conference, and ones scheduled to follow, will discuss the issue, but no action will be taken. Frankly, we have had enough commissions, conferences, and discussions on this matter. The time has come for action. If the administration is truly concerned about the future of the American workplace, it will stop talking about it and take some meaningful action.

I strongly urge the administration to reconsider its position on S. 55 and to support the Team Act. These two steps would go a long way to advance positive relationships in the workplace and to assure a healthy future for our work force.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 17, 1993]

A BAD LABOR BILL

The House has reflexively passed, at labor's behest, a bill to alter, unwisely, the balance of power in labor-management relations. The measure now goes to the Senate, where Republicans plus some resisting Democrats may be in a better position to sidetrack it. We hope they do. This is wrongheaded legislation that in its present meat-ax form would do more economic harm than good and ought not pass.

The bill would strip employers of the right to hire permanent replacements when workers strike over economic issues. (Different rules apply when strikes are over unfair labor practices) Organized labor says that the hiring ban is necessary to protect a threatened right to strike and to restore a balance lost in labor-management law and relations in recent years. But in fact the objective is broader.

For a generation, organized labor has been losing membership and ground much less for legal than for international economic reasons. It wants to make up that ground and believes the change in labor law would help it do so. But that's not what labor law is for, and this legislation goes too far.

The law is now ambivalent; it has been for more than 50 years. The ambivalence may be a virtue for the mutual deterrence it provides. The National Labor Relations Act declared in 1935 that strikers could not be fired. The Supreme Court nonetheless said in 1938 that employers were free to hire permanent replacements, and the court has maintained that position since. For years the contradiction really came into play and wasn't a major issue. Lately it has been. Labor says there has been more use of permanent replacements than in earlier eras. The data on that are ragged, but certainly there has been more visible use in a number of celebrated cases. The issue has thus become a political symbol for both sides.

Labor law always walks a fine line. The goal is to keep collective bargaining fair without determining its outcomes—but of course for each side "fair" in part depends on outcomes. The unions are right that on occasion in recent years the power to hire permanent replacements has been abused to circumvent collective bargaining. If Congress can write a law that will bar abuses and no more—not an easy task—by all means it should. But to bar the hiring of such replacements entirely is also wrong. Occasions arise when a company ought to have the power to hire replacements; one such occasion arose in the 1970s in this newspaper's own dealings with one of its unions.

The bill the House has passed in the name of balancing labor law would tilt it instead. It ought to be greatly narrowed; if it can't be narrowed, it ought to be killed.

[From the Kansas City Star, Dec. 26, 1992]

COMPANY BUSTING

The first steps are already being taken in what will be one of the biggest legislative battles of the next Congress. Ohio Sen. Howard Metzenbaum plans to reintroduce a bill prohibiting companies from replacing striking workers.

In June, a similar measure nearly cleared the Senate despite the threat of a veto by President Bush. Now the equation has changed dramatically, because President-elect Clinton says he's in favor of a striker-replacement ban. This ill-considered time bomb may actually become law.

If so, it would be one of the most irresponsible acts of the modern Congress. It could radically tilt the balance toward unions, which would then have the power to tell employers: Settle on our terms or be destroyed.

The long-term damage a striker-replacement law would do to this country's competitiveness is beyond calculation, but the scope is suggested by a recent story in The Wall Street Journal.

The story detailed how productivity improvements by many companies have allowed workers to remain internationally competitive, even against many low-wage, Third World countries.

At Birmingham Steel Corp., for example a company spokesman said it didn't matter if foreign labor costs were "zero." His company could beat them, because investment and innovation had reduced per-ton labor costs below what foreigners pay to ship to the United States.

If organized labor is given the leverage to push up wages faster than productivity, it will surely use that leverage. If companies can never replace employees who refuse to work, unions will steadily undermine the very trends that are erasing America's labor disadvantage relative to developing countries.

Organized labor cannot have it both ways. It is inconsistent to complain that jobs are moving offshore, and then lobby for measures that will, over time, undermine the course that makes American workers more productive. If a striker-replacement ban becomes law, it will increase the incentive of employers to move work to overseas labor markets that are more flexible—and less hostile.

STRIKER REPLACEMENT BAN WOULD HURT WORKERS

(By Senator Fritz Hollings)

The U.S. House recently passed labor legislation that's bad for business and bad for labor, too. The "striker replacement" bill would strip businesses of the option to hire permanent replacements when workers go on strike. Supporters say the bill would restore employees "right to strike." In truth, its purpose is to stack the deck in favor of unions in future contract negotiations.

For half a century, U.S. labor laws have kept a painstaking balance between the interests of employers and employees. Think of it as a balance of power: workers have the right to strike for higher pay and benefits; employers have the right to respond by hiring replacements.

The striker replacement ban would destroy this delicate balance. Stripped of their most potent defense—the right to hire replacements for striking workers—businesses would have to pick their poison: either capitulate to union demands, or shut down operations and risk catastrophic financial losses.

Big labor is salivating at the prospect of gaining the upper hand in future contract talks. But the striker replacement bill is a snake that would come back to bite America's workers.

By handing a decisive advantage to unions, this bill would encourage a wave of new strikes and labor-management conflict. This would cost jobs in two big ways. If U.S. companies are forced to give in to excessive union demands, they will become less competitive in the global marketplace. Other companies will simply get fed up and move their operations to Mexico and other more favorable labor environments.

For all these reasons, I will work to kill the striker replacement bill in the Senate. For four decades in public life, I have fought to create a business climate in South Carolina that is pro-growth and hospitable to business. In the state legislature in the 1950's, I authored our state's right-to-work law. As Governor and Senator, I have repeatedly fought those who would overturn right-to-work laws at either the state or federal level.

This misbegotten striker replacement bill will not cure what ails America's wage earners. Yes, working people are hurting. Average wages have fallen steadily since 1973. But this is not because Ebenezer Scrooge has taken over the corporate board room. The real culprit is the dog-eat-dog global economic competition that increasingly pits U.S. workers against foreign labor earning $1 an hour.

To meet this international challenge, employers and employees need to realize they are fighting on the same team—the American team. We need a new vision of labor-management harmony and cooperation that will allow us to compete and win. What we don't need is a striker replacement bill that will cause more strikes, more strife, and more flight by U.S. firms to distant shores.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

THE PRESIDENT'S ECONOMIC PACKAGE

Mr. DOLE. Mr. President, I just read a report on the President's visit to Chicago today, in which he continues to blame Republicans for everything that has happened in America for the past 12 years and everything that has not happened in the first 6 months of this year. He ticked off examples of what he said were Republican delays. He starts with the new national service program, $10.8 billion the President requested for this program. It does not really do that much for very many young people. It makes no distinction between children from wealthy families or others who might really need the opportunity. Anyone can qualify for the $5,000 a year stipend, I guess it is called.

We believe there is an opportunity to work that problem out with the President, and there are a number of amendments we would like to see added to that bill.

But, again, I would say, whether it is that or whether it is the economic package—there cannot be any filibuster there because the law prescribes how many hours we have to debate. The great majority of Americans would like to have a filibuster. They would like to see some gridlock, because they do not want to see this big, big tax package passed.

The President was saying just the day before yesterday—and I noticed his administration people on talk shows yesterday. The Secretary of Treasury and the Under Secretary were talking about all the new jobs that are going to be created by this new tax bill, which the President calls his economic package.

They are claiming 8 million new jobs in the next 5 years if we pass this package. Now, in January the Congressional Budget Office said—this is the office the President told us to listen to carefully and take their figures—if nothing was done as far as an economic package is concerned, we would gain 9.4 million jobs over the next 5 years. So, apparently, by passing the President's plan, we lose 1.5 million jobs.

So it is difficult for me to see that the President has any credibility on this issue when the Congressional Budget Office, the one giving us all the figures now on the economic package, told us in January, if nothing is done, there would be 9.5 million new jobs created, and the President is saying, if you pass my package, we will create 8 million jobs, which the last time I checked was a loss of 1.4, 1.5 million jobs.

When the President is out attacking Republicans across the country, I notice he never mentions the Democratic

Congress. He talks about Republican Presidents for the past 12 years. In all of those 12 years, the Democrats controlled the House of Representatives. In fact, they have controlled the House of Representatives, if you believe, for 40 years. And they have controlled the Senate 32 out of 40 years. They have controlled the Senate 6 out of the 12 years of Ronald Reagan and George Bush as President.

So we are willing to debate any issue with the President of the United States, but he has to stick to the facts. And he has to mention the Democrats were in charge. No President of the United States, Democrat or Republican, can spend one dime more than the Congress appropriates.

I must say, if the President wants to criticize President Reagan and President Bush and their administrations, then to be fair—and I am certain the President wants to be fair—he ought to mention the fact that the Democrats controlled the House each 1 of those 12 years and they controlled the Senate 6 out of the 12 years.

Now, the story ends with probably the real key. Tonight, the President is going to attend a big fundraiser in Chicago. Maybe that is the kind of job we ought to be talking about. He is going to go out and raise a lot of money for the Democratic Party, and the fundraiser chairman, banker William Daly, is going to be named as the North American Free-Trade Agreement representative, White House officials said today.

So I guess the purpose of the trip to Chicago was a jobs conference, or maybe it was the fundraiser. I guess it makes a difference on who pays, depending on how it is categorized, whether it is paid for by the taxpayers or by the Democratic National Committee.

I would just remind the President again that we are here prepared to help. We are prepared to help on the North American Free-Trade Agreement. We believe every day we wait it is going to be more and more difficult to get a majority in the House and the Senate for the North American Free-Trade Agreement. We believe it means jobs for America, opportunities for America, and it seems to me it is something we ought to be taking up very quickly.

We also believe in deficit reduction, except we believe we ought to cut spending first. We do not believe in a package that is 2 to 1 taxes. It is not a $500 billion deficit reduction package. It is closer to $400 billion over the next 5 years, but it is mostly taxes. Again, I know the President wants to pass it because that is all there is. It is not fair to blame Republicans and say, "Where is your plan?" We had a plan, and it was criticized as we knew it would be criticized.

But if this package were to fail—in the view of this Senator, it is not the end of the world; it has happened before around here—then I believe there is an opportunity for bipartisan cooperation in dealing with the deficit in a real way, to reduce the deficit by cutting spending first and not by seeing how much in taxes the American people can absorb.

Keep in mind that 40 percent of the American people pay 90 percent of the Federal income taxes, and that most people who do not pay taxes see no reason why you should not pay taxes. If I do not have to pay taxes, why not raise taxes. Do not cut any spending program that might be helpful to me, but if I am not paying taxes, load it on my neighbor. Let my neighbor pay for all these programs.

I do not know how long we can continue that kind of class warfare, because the pot is going to get smaller and smaller. Today, it is 40 percent paying 90 percent of the Federal income tax. Who knows what it will be if we continue to try to tax our way into prosperity.

Also, keep in mind that small businessmen and small businesswomen are going to be the big losers in the Clinton tax package because 4 percent of the 21 million small businesses in America—4 percent—create 70 percent of the jobs. A lot of small businessmen and small businesswomen are sort of mom and pop operations. They will not be affected by new taxes. But that 4 percent—President Clinton said only 4 percent of businessmen and small businesswomen are going to pay more—they are the ones who create 70 percent of the new jobs in America.

Ask any small businessman or any small businesswoman anywhere in America what this tax package is going to do for them, and they will tell you very quickly it is not going to do anything in a positive way, and they are going to delay hiring any new people, expanding their business, until they know for certain the total impact the tax package might have.

So I just say finally to the President, we will do the best we can to cooperate, but we do not believe we are obligated to support every tax bill that comes up here just because the President of the United States believes it ought to be passed.

I am reminded again of what my colleague, the distinguished majority leader, said, I think it was February 8, 1992, that we do not live in a monarchy; the President is not a king.

At that time we were talking about President Bush's economic package. And the majority leader, Senator MITCHELL, properly stated that Congress has a role to play, too. If we have a disagreement and we do not believe that any President's package serves the national interest, we have a right to clarify it, amend it, or reject it.

So I would say to President Clinton he will have a lot of cooperation from Republicans, notwithstanding his continuing bashing of Republicans in Congress. We are going to be out there helping you, Mr. President, in many, many areas when you will be looking for votes, and I hope you will find a majority of Republicans voting with you. But when we have a fundamental difference in philosophy, I do not believe it is fair to expect us to vote for any package that is all taxes, or the package called the National Service Act for which the President requested $10.8 billion. That sort of underscores the tax and spend philosophy of this administration. They have a big tax bill in conference. We have a big spending bill on the Senate floor. That is tax and that is spend.

We would like to make some modifications to the bill that will be pending tomorrow morning. There will be a cloture vote at 10 o'clock. We hope cloture is not invoked. We hope, if it is not, we can sit down and work out some effective program that might really mean something when it comes to national service for America's young people.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

The Senator from Massachusetts.

NATIONAL SERVICE

Mr. KENNEDY. Mr. President, national service is a bipartisan issue because it relates to ideals which all Americans—Democrats and Republicans—know are important: Community, patriotism, responsibility, opportunity.

We have a history of bipartisanship on this issue. The 1990 National and Community Service Act was enacted with the strong bipartisan support of 78 Senators. This legislation builds on that act and has many of its same features: Service learning, full-time national service with educational awards, and a decentralized service program administered through grants to the States.

The national service bill currently under consideration, the 1993 National and Community Service Trust Act, deserves the same bipartisan support. The bill has Democratic and Republican cosponsors and was endorsed by all Democrats and a majority of the Republicans on the Senate Labor and Human Resources Committee.

Up until this point, the debate on the national service bill has been open and constructive. For 2½ days we have discussed the important issues, looking for opportunities to find further common ground and strengthen and improve the bill. We have accepted or agreed to accept 14 amendments already, almost all of them offered by Republicans.

These amendments have strengthened the bill in a number of ways:

By reducing the bill to a 3-year authorization so that Congress can revisit the question of how fast the programs should grow and what the final structure of the program should be;

Through having the Corporation for National and Community Service study questions relating to the need to provide for stipended service or post-service educational benefits to interest participants in serving; to see to what extent the national service program is opening up new opportunities for disadvantaged Americans; and to study how best to create an efficient and streamlined administrative structure for the program;

By ensuring that the program adequately sets priorities for national service programs so that the stipends and post-service educational awards can be tied to areas of greatest national need;

By including a provision to protect against any educational institution being able to raise educational fees as a result of the national service bill;

By limiting the living allowance to ensure that participants are not paid for more than 2 years of service;

By requiring the Corporation to deliver a business plan to Congress covering issues such as grant accountability and an appropriate high level management structure for the Corporation before any funds are distributed;

By authorizing a program for rural community service to ensure that rural areas can be adequately served through the program;

By reducing the role of the Corporation's representative on State Commissions for National and Community Service to ex oficio, nonvoting status to ensure that there is Federal oversight of the State commissions but that this oversight is not intrusive;

By placing proper ceilings on administrative costs under the program;

By further clarification that there is no entitlement to participate in the national service program while at the same time ensuring that any participant who is accepted into the program will receive a post-service educational award;

By limiting any child care expenditures to participants who demonstrate their need for such assistance; and

By simplifying the application requirements for service learning programs to ensure that they are not overly burdensome.

All of these changes have made the bill stronger and more bipartisan. We must continue to make this a constructive debate on how this bill can be improved and bring the debate to a final vote. Americans want this program and Senators should vote for cloture so that we can vote on whether to enact this important initiative.

I am hopeful that Republicans will not seek to obstruct an initiative with such broad public support as community service. We need to find ways to encourage citizens to work more effectively together to meet the challenges we face.

Earlier today, a rally in the Dirksen Senate Office Building, organized over the weekend in opposition to the proposed filibuster, drew close to 1,000 young people. Participants from Boston and many other cities could not understand why some are threatening to filibuster this measure. Hundreds of young people waited for hours in the hallways to hear the speakers.

At the rally, it was announced that 25,000 postcards have already been received from Americans who want the national service bill to be passed now.

Many of those at the rally were simply Americans who wanted to make a difference. Nicole Thomas, a young mother, noted that "it's strange how I am here today, because politics never really mattered to me before * * *." But she told the crowd that she was committed to national service because she wanted to make the world a better place for her daughter.

Adam Kreisel told the rally that "despite strong bipartisan support—this legislation is in grave danger." He said he "was outraged to learn that the Republican leadership has been pressuring Republican supporters of national service to break with their principles and join the filibuster. This is not just some political game; this is the future of the country. And we cannot allow a small group of Senators to hold national service hostage in order to score their own * * * political points."

This effort to block the national service legislation is an abuse of the Senate's rules and a disservice to the Americans we represent. I urge Senators to work together to move this legislation forward to final passage.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. The Senate is in morning business. The Senator is recognized.

NATIONAL LABOR RELATIONS BOARD INVESTIGATION

Mr. BROWN. Mr. President, today, I have written Attorney General Janet Reno and the inspector general of the National Labor Relations Board requesting their inquiry into allegations of possible governmental misconduct in an investigation by a regional office of the National Labor Relations Board. My purpose in this request is to ascertain the facts and ensure that the proper procedures are being followed.

The questions raised by the subject of the NLRB investigation, Monfort, Inc., are serious. Monfort, Inc., alleges that the regional office of the NLRB prepared their decision prior to having heard the evidence. This issue was raised when Monfort's attorney was inadvertantly faxed a copy of an NLRB regional office memorandum on July 13, 1993, 2 days before the NLRB investigator was to take evidence from the company.

Subsequently, the NLRB apparently demanded that all copies of its memo be returned to them, denying Monfort even one copy to use as evidence. If this is accurate, it is distressing to think that the NLRB might take action to cover up possible wrongful conduct by its personnel.

The company that is the subject of the NLRB investigation is Monfort, Inc., a subsidiary of ConAgra, Inc. Monfort, Inc., is a successor company to Monfort of Colorado, Inc. A little over 13 years ago, before entering Congress, I worked for Monfort of Colorado, Inc. I do not have any financial interest in ConAgra or Monfort, Inc., and our office has treated this matter in the same way we would for any other constituent.

THE NOMINATION OF CHARLES R. TETZLAFF TO BE U.S. ATTORNEY FOR THE DISTRICT OF VERMONT

Mr. LEAHY. Mr. President, sometime soon, either this evening or tomorrow, I expect that the Senate is going to confirm the nomination of Charles Robert Tetzlaff of Burlington, VT, to be the U.S. attorney for the district of Vermont. We are a small enough State that we have one U.S. attorney for our whole State. It gives me a great deal of pleasure to be able to tell the Senate that we will be confirming Mr. Tetzlaff for the U.S. attorney position, and I would like to tell the Senate why.

Last week, shortly before one of the hearings on Judge Ginsburg, the Senate Judiciary Committee went into executive session and voted unanimously to recommend to the U.S. Senate the name of Charles Tetzlaff to be U.S. attorney for the State of Vermont. It was noteworthy not only because of his own accomplishments but because this was the first U.S. attorney to be endorsed by the Judiciary Committee in the Clinton administration.

I have known Charlie Tetzlaff most of his life and mine. We grew up together in Montpelier, VT. He went on to the University of Vermont; I to St. Michael's College. He went on to get a law degree at Boston University and masters in criminal law at New York

University. He then served with distinction in the judge advocate corps with the U.S. Air Force.

After I practiced law for awhile, I became State's attorney of Chittenden County, a county covering about a quarter of our State's population. I held that position by myself for sometime. We did not have an assistant State's attorney at that time, nor did we have investigators, secretaries, or much else. Eventually because of the population, because of the nature of the job, and because we wanted to make it a professional full-time position, the State legislature voted to approve a chief deputy State's attorney for Chittenden County.

Charles Tetzlaff was the first such deputy State's attorney. I encouraged him to come back from the Air Force and to join me in that position. He served with great distinction and was seen as one of the best prosecutors our State has even had. He left that position to become a partner in a prestigious law firm in Burlington, VT, and has served there since.

After the Presidential election, I asked Charlie if he would consider being U.S. attorney because I felt that he would be the best person in the State to serve in this role. It initially took some coaxing on my part. It meant that he would have to give up his position as a partner in this law firm at significant personal and economic sacrifice.

To his credit and to the good of the Federal criminal justice system he said yes.

I am pleased that the President nominated him and that the Senate Judiciary Committee has approved of him, and I hope that within a very short time the U.S. Senate will confirm him.

He is a person equally respected by both the prosecutors bar and the defense bar in Vermont. I have heard from numerous lawyers who prosecute and numerous lawyers who defend who say that we could not have picked a better person to be U.S. attorney for Vermont. I heard from judges and other Vermonters interested in the judicial system who agree with this conclusion. Charlie has had a great career and was picked at one time as one of the top 10 trial lawyers in our State.

In the last 23 years he has been in private practice in Burlington, concentrating on Federal and State civil and criminal litigation. He has tried more cases before a jury than we can count and has tried criminal cases from first degree murder to drug prosecutions. He knows how to handle complex litigation expeditiously, whether civil or criminal.

We have spent nearly 2 years without a U.S. attorney in Vermont. But now we have the opportunity to finally have a U.S. attorney in our State. Law enforcement needs that. I have said many times on this floor my first love in public office was serving as a prosecutor. I still think it is among the best jobs any lawyer could possibly have. Certainly some of the most enjoyable times I have had in public life I had while serving as a prosecutor.

After I was asked by the administration to recommend a candidate for U.S. attorney, I took special interest in who I should recommend.

I can honestly say to the Senate, as I did to President Clinton, that I recommended the person I felt was most qualified in our whole State. And, incidentally, Mr. President, we have a lot of very good men and women in our State, both Republicans and Democrats, who are well qualified to be U.S. attorney for Vermont.

But I think that Charles Tetzlaff is the most qualified and as a Vermonter, it is very important to me who is there enforcing the Federal criminal code.

So when this vote comes before the Senate, I would urge my colleagues to vote unanimously for Charlie Tetzlaff as the Senate Judiciary Committee did last week.

I also wish to thank both Senator BIDEN and Senator HATCH of the Senate Judiciary Committee who moved with remarkable speed and with great courtesy to me as member of the Judiciary Committee to enable this nomination to go forward.

I also wish to thank my good friends, GEORGE MITCHELL and BOB DOLE, who have to finally sign off and say whether such nominations can come before the Senate.

Mr. President, I yield the floor.

RECOGNIZING THE ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Mr. HATCH. Mr. President, I rise today to recognize the third anniversary of the Americans With Disabilities Act becoming public law. This law is a milestone toward breaking down the remaining barriers to employment opportunity and access to public places for all of our citizens with disabilities. President Bush signed this bill on the south lawn of the White House 3 years ago today in the presence of the bill's bipartisan sponsors and its hundreds of supporters.

Disabilities affect, both directly and indirectly, individuals from every race, gender, and socioeconomic background, and the average person who is today able-bodied will spend 4 years with a disabling condition in the future.

Mr. President, individuals with disabilities are valuable members of our society. They have made and continue to make countless contributions to the growth, strength, and welfare of our Nation in both the compensated and volunteer work forces; they are a source of inspiration and determination for all Americans in overcoming barriers.

My home State of Utah is a fine example to the rest of the Nation in their efforts. Utah has been actively implementing and complying with both the spirit and letter of this law under the leadership of Governor Leavitt and ADA coordinator, Nancy Plant. Utah businesses, despite the costs involved in implementing this legislation, are making every effort to put the ADA into effect. I sincerely appreciate their dedication to making this legislation work well.

Additionally, I would like to commend Senator INOUYE for his introduction of a joint resolution, National Barrier Awareness Day, which sets aside September 29, 1993, and September 28, 1994, as days to pay recognition to individuals affected by disabilities. I am proud to be a cosponsor of this resolution and urge my colleagues to do the same.

Mr. President, I encourage the continued observance of this landmark law and support it wholeheartedly.

SENATE QUARTERLY MAIL COSTS

Mr. FORD. Mr. President, in accordance with section 318 of Public Law 101–520, I am submitting the summary tabulations of Senate mass mail costs for the third quarter of fiscal year 1993, that is the period of April 1, 1993, through June 30, 1993, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter.

I ask unanimous consent that the material mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING JUNE 30, 1993

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Akaka				
Baucus	22,502	0.02731	$17,679.99	$0.02146
Bennett				
Biden				
Bingaman	11,200	.00708	1,754.53	.00111
Bond				
Boren				
Boxer	92,800	.00301	13,109.37	.00042
Bradley	68,100	.00874	9,689.24	.00124
Breaux	7,525	.00176	1,402.77	.00033
Brown				
Bryan	46,250	.03485	6,586.27	.00496
Bumpers				
Burns	135,325	.16423	21,351.71	.02591
Byrd				
Campbell				
Chafee	35,710	.03553	5,457.42	.00543
Coats				
Cochran				
Cohen	68,750	.05567	11,945.83	.00967
Conrad	42,580	.06695	6,259.19	.00984
Coverdell				
Craig				
D'Amato	713,150	.03936	122,679.36	.00677
Danforth				
Daschle	22,500	.03165	3,201.47	.00450
DeConcini				
Dodd				
Dole				
Domenici				
Dorgan	9,950	.01564	1,416.52	.00223
Durenberger	18,900	.00422	3,697.18	.00083
Exon				

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING JUNE 30, 1993—Continued

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Faircloth				
Feingold				
Feinstein				
Ford				
Glenn				
Gorton	302,205	.05884	53,823.18	.01048
Graham				
Gramm	114,425	.00648	19,429.88	.00110
Grassley				
Gregg				
Harkin				
Hatch	650	.00036	143.43	.00008
Hatfield				
Heflin				
Helms				
Hollings				
Hutchison				
Inouye				
Jeffords				
Johnston				
Kassebaum				
Kempthorne				
Kennedy				
Kerey				
Kerry	77,000	.01284	10,966.68	.00183
Kohl				
Krueger				
Lautenberg	1,600	.00021	378.34	.00005
Leahy	5,200	.00912	996.04	.00175
Levin	11,724	.00124	2,342.50	.00025
Lieberman	138,034	.04207	20,782.13	.00633
Lott	8,800	.00337	1,251.69	.00048
Lugar	84,900	.01499	13,418.81	.00237
Mack				
Mathews				
McCain				
McConnell				
Metzenbaum				
Mikulski				
Mitchell	36,500	.02955	5,407.08	.00438
Moseley-Braun	753	.00006	596.70	.00005
Moynihan				
Murkowski				
Murray				
Nickles	36,150	.01125	5,570.38	.00173
Nunn				
Packwood	19,250	.00647	4,762.59	.00160
Pell				
Pressler	2,000	.00281	370.13	.00052
Pryor				
Reid				
Riegle	55,560	.00589	8,852.60	.00094
Robb				
Rockefeller				
Roth				
Sarbanes	28,325	.00577	5,564.04	.00113
Sasser				
Shelby				
Simon	526,925	.04530	75,111.85	.00646
Simpson	35,250	.07564	4,852.52	.01041
Smith				
Specter	370,700	.03087	52,785.60	.00440
Stevens	41,650	.07095	6,343.03	.01081
Thurmond				
Wallop	6,090	.01307	1,294.91	.00278
Warner	0			
Wellstone	173,570	.03874	30,706.75	.00685
Wofford	0			

Other offices	Total pieces	Total cost
The Vice President	0	0
The President pro-tempore	0	0
The Majority Leader	0	0
The Minority Leader	0	0
The Assistant Majority Leader	0	0
The Assistant Minority Leader	0	0
Secretary of Majority Conference	0	0
Secretary of Minority Conference	0	0
Agriculture Committee	0	0
Appropriations Committee	0	0
Armed Services Committee	0	0
Banking Committee	0	0
Budget Committee	0	0
Commerce Committee	0	0
Energy Committee	0	0
Environment Committee	0	0
Finance Committee	0	0
Foreign Relations Committee	0	0
Governmental Affairs Committee	0	0
Judiciary Committee	0	0
Labor Committee	0	0
Rules Committee	0	0
Small Business Committee	0	0
Veterans' Affairs Committee	0	0
Ethics Committee	0	0
Indian Affairs Committee	0	0
Intelligence Committee	0	0
Aging Committee	0	0
Joint Economic Committee	0	0
Joint Committee on Printing	0	0
Joint Committee on Congressional Inauguration	0	0
Democratic Policy Committee	0	0
Democratic Conference	0	0
Republican Policy Committee	0	0
Republican Conference	0	0
Legislative Counsel	0	0
Legal Counsel	0	0
Secretary of the Senate	0	0
Sergeant at Arms	0	0
Narcotics Caucus	0	0
SCMTE POW/MIA	0	0

MEMORANDUM

JULY 21, 1993.

To: Senator Ford.

From: Gary Winters.

Ref: Republican Policy Committee Request For An Additional Copier.

Senator Nickles, as Chairman of the Republican Policy Committee, is requesting approval for the allocation of an additional copier to the Committee.

Under current regulations, Leadership, Policy Committees, and Administrative offices are authorized one or more class I, II, or III copiers, as determined by the Sergeant at Arms based on a requirements analysis.

The Sergeant at Arms Service Department advised me that the Republican Policy Committee has the highest volume of coping of any office in the Senate. This large volume places a strain on their current machine, which results in several maintenance calls (maintenance log attached to letter). Other than reducing their volume of copying, the only solution would be an additional machine.

The Service Department has also advised me that they currently have a comparable size copier in stock, which the Senate owns. There is a $176/month maintenance fee on that machine and the Service Department has been trying to determine where it might be best used. They informed me that they are not opposed to providing it to the Republican Policy Committee.

Recommend the request be approved.

U.S. POSTAL SERVICE,
Washington, DC, July 16, 1993.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Detailed data on franked mail usage by the U.S. Senate for the third quarter, Fiscal Year 1993, is enclosed. Total postage and fees for the quarter is $2,099,894.

A summary of Senate franked mail usage, based upon the first three quarters of actual data for Fiscal Year 1993, is as follows:

Volume	28,776,120
Revenue per piece	$.2547
Revenue	$7,327,871.00
Provisional payments to date	$10,000,000.00
Excess in provisional payments	$2,672,129.00

The first three Postal Quarter results, when projected to an annual figure based upon an adaptation of historical trends for Senate franked mail activity, provide the following estimates for FY 1993:

Volume	52,074,050
Revenue per piece	$.2474
Total revenue	$12,885,302.00
Current appropriation	$20,000,000.00
Estimated surplus	$7,114,698.00

However, due to substantial deviations in Senate quarterly mailing patterns, these estimates are considered debatable.

If you or your staff have any questions, please call Tom Galgano of my staff on (202) 268–3255.

Sincerely,

ALFRED CARREON, Jr.,
Manager, Post Office Accounting, Finance and Planning.

FRANKED MAIL, POSTAL QUARTER III, FISCAL YEAR 1993

Subcategories	Pieces	Rate	Amount
1. Letters: 1st class (total)	2,498,267	$0.2900	724,497
2. Flats: 1st class (total)	125,883	1.1064	139,277
3. Parcels:			
Priority—up to 11 oz			
Priority—over 11 oz	22,133	4.3469	96,210
4th Class—regular	32,790	3.9547	129,674
Total	54,923	4.1128	225,885
4. Orange bag pouches:			
1st class	3,368	.3611	1,216
Priority—up to 11 oz	46	2.8913	133
Priority—over 11 oz	188	5.1011	959
Total	3,602	.6408	2,308
5. Agriculture bulletins:			
1st class			
Priority—up to 11 oz			
Priority—over 11 oz			
3rd class			
4th class special (Bk)			
4th class regular	40	9.5250	381
Total	40	9.5250	381
6. Yearbooks: 4th class special (Bk) (Total)	1,432	1.4798	2,119
7. Other (odd size parcels):			
Priority—up to 11oz			
Priority—over 11 oz	384	36.2057	13,903
4th class special (Bk)			
4th class regular	1,695	11.0649	18,755
Total	2,079	15.7085	32,658
Total outside DC	268,729	.5076	136,418
Permit imprint mailings:			
1st class single piece rate			
3d class bulk rate	[1]4,740,350	.1292	612,452
Parcel Post—PI			
1st class single piece—PI			
Address corrections (3547's)	9	.3333	3
Address corrections (3D CL)			
Mailing list corrections (10 names or less)			
Mailing list corrections (more than 10 names)			
Mailgrams:			
IPA—international priority airmail			
Mailing fees (registry, certified, and so forth)			
Postage due/short paid mail			17
Permit fees			
Miscellaneous charges/ADJ			
Express mail service			[2]223,879
Subtotal	7,695,314	.2729	2,099,894
Adjustments			
Grand total	7,695,314	.2729	2,099,894

[1] Reflects a reduction for mailing charged to Senator Bryan on Mar. 16, 1993 (23,605 pieces at $0.107/piece totalling $2,524.74).

[2] Reflects a reduction of $432.60 of the express mail drop-ship charges on Senator Bryan's mailing of Mar. 16, 1993.

SUPPLEMENTING JULY 21, 1993, STATEMENT OF SENATOR KENNEDY IN OPPOSITION TO TRIGGER AMENDMENT TO NATIONAL SERVICE ACT, OFFERED BY SENATOR DOMENICI

Mr. KENNEDY. Mr. President, on July 21, 1993 Senator DOMENICI offered an amendment to the National Service Act that would have made the funding of national service awards contingent, among other things, upon prior appropriations for the Pell Grant Program at the fiscal year 1993 maximum award level of $2,300. In opposing this amendment, I indicated that Pell grants will be funded this year, pursuant to the ordinary appropriations process, at the $2,300 maximum award level. Furthermore, I indicated that, because of program modifications made last year, the total number of students eligible for

Pell grants will increase beginning next year. The following figures reflect this increase in Pell Program eligibility:

Award year	Eligible applicants	Projected recipients
1992–93	5,204,000	4,171,000
1993–94	5,228,000	4,300,000
1994–95	5,367,000	4,449,000

A SALUTE TO RAYMOND BURR

Mr. HATFIELD. Mr. President, in our continuing discussion of the National and Community Service Trust Act, I would like to insert in the RECORD a recent letter that I received from my good friend, Raymond Burr, in which he shared the personal benefits he derived from being a veteran of the Civilian Conservation Corps. He wrote the following about his experience in the Civilian Conservation Corps:

> I look back on the experience as one of the most important periods in my life. Like millions of others * * * I was immeasurably changed by the sense of mission I felt in the CCC, as well as the hard work, the camaraderie, the opportunity to learn important crafts—and most of all by the feelings of accomplishment. I did not earn a great deal of money in the CCC, but the personal benefits I derived were priceless.

Although many Americans only know Raymond Burr as Perry Mason, his life off the television screen should be recognized. His record of service to his country is one that we hope young as well as older Americans will strive to emulate and achieve.

I would like to salute Raymond Burr—an American who has served, and continues to serve his country in such an honorable way.

I ask unanimous consent that a letter and message from Raymond Burr be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 13, 1993.

Senator MARK HATFIELD,
The U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: This comes as an urgent request. I was to have delivered the enclosed speech at a rally sponsored by the National Association of Civilian Conservation Corps Alumni on the steps of the Capitol this Friday July sixteenth. I am now too ill to do so.

So, respectfully I ask that you give these ideas and needs your immediate attention.

The country, I am sure will be grateful in full measure, as I will.

My thanks and high regard,

RAYMOND BURR.

FRIENDS AND FELLOW CCCER'S: I am sorry that I cannot be with you today. Only my doctor could have prevented me from joining you, but I am with you both in spirit and in the determination to help bring back the Civilian Conservation Corps.

I am a veteran of the CCC, and I look back on the experience as one of the most important periods in my life. Like millions of others, like many of you who are here today, I was immeasurably changed by the sense of mission I felt in the CCC, as well as the hard work, the camaraderie, the opportunity to learn important crafts * * * and most of all by the feelings of accomplishment. I did not earn a great deal of money in the CCC, but the personal benefits I derived were priceless.

And the benefits America derived were priceless as well. The CCC was one of the most successful conservation programs in our history. I consider the CCC and the Peace Corps two of America's greatest achievements.

In an age when our environment is deteriorating, when unemployment and social malaise are channeling millions of our youth into drugs and crime, I believe it is time to re-instate a proven solution. The jobs created by a new CCC program would not only engage hundreds of thousands of our young people in productive work, but would provide them with the self-respect, the values, and the sense of accomplishment they cannot gain today standing on street corners.

Moreover, the work itself is vitally needed to help revive our national parks, to resurrect our declining forests, to protect and restore the health of our waters, to halt the erosion of our precious soils. To me it seems so obvious: a herculean national task that demands a great deal of labor-intensive work, on the one hand, and a huge, energetic multitude of young people looking for something to do on the other hand. It made sense to Franklin Delano Roosevelt in 1933. It should make sense to Bill Clinton today!

Three times I have lent my voice before the Congress of the United States in support of a revitalized Civilian Conservation Corps, and I fully intend to help all of you press forward with this vital campaign until it is successful. The time is ripe. As discussions continue about the restructuring of the military and the redisbursement of funds, it makes perfect sense to incorporate a new CCC into such planning, to do as Roosevelt did and recruit a peace-time army to help us save our land and save our young people. I appeal directly to the President and the Congress to consider seriously the message of this rally by my fellow woodsmen, and to bring back the CCC camps in 1993.

God Bless you all!

RAYMOND BURR.

MESSAGES FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker had signed the following enrolled joint resolution:

S.J. Res. 54. Joint resolution designating April 9, 1994, as "National Former Prisoner of War Recognition Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1284. A communication from the Assistant Secretary (Legislative Affairs) transmitting, pursuant to law, two reports relative to the Chemical and Biological Weapons Control Act of 1991; to the Committee on Foreign Relations.

EC–1285. A communication from the Acting Secretary of State, transmitting, pursuant to law, a draft of proposed legislation entitled the "Act for Reform in Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine, and Other New Independent States"; to the Committee on Foreign Relations.

EC–1286. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to July 15, 1993; to the Committee on Foreign Relations.

EC–1287. A communication from the Acting Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of the Corporation relative to the Byrd Amendment; to the Committee on Governmental Affairs.

EC–1288. A communication from the Director of the Tennessee Valley Authority, transmitting, pursuant to law, the report of the Authority relative to the Government in the Sunshine Act for calendar years 1991 and 1992; to the Committee on Governmental Affairs.

EC–1289. A communication from a Member of the Board of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1992; to the Committee on Governmental Affairs.

EC–1290. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the Commission's opinion and recommended decision relative to pre-barcoded letter mail requirements; to the Committee on Governmental Affairs.

EC–1291. A communication from the Chairman of the First South Production Credit Association, transmitting, pursuant to law, the annual pension plan report for calendar year 1992; to the Committee on Governmental Affairs.

EC–1292. A communication from the Chief Judge of the United States Court of Veterans Appeals, transmitting, pursuant to law, a report relative to the Court's retirement fund; to the Committee on Governmental Affairs.

EC–1293. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–44, adopted by the Council on July 13, 1993; to the Committee on Governmental Affairs.

EC–1294. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–46, adopted by the Council on July 16, 1993; to the Committee on Governmental Affairs.

EC–1295. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–47, adopted by the Council on July 16, 1993; to the Committee on Governmental Affairs.

EC–1296. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–48, adopted by the Council on July 16, 1993; to the Committee on Governmental Affairs.

EC–1297. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–49, adopted by the Council on July 16, 1993; to the Committee on Governmental Affairs.

EC-1298. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-50, adopted by the Council on July 16, 1993; to the Committee on Governmental Affairs.

EC-1299. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-51, adopted by the Council on July 16, 1993; to the Committee on Governmental Affairs.

EC-1300. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-52, adopted by the Council on July 16, 1993; to the Committee on Governmental Affairs.

EC-1301. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-53, adopted by the Council on July 16, 1993; to the Committee on Governmental Affairs.

EC-1302. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-54, adopted by the Council on July 16, 1993; to the Committee on Governmental Affairs.

EC-1303. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-55, adopted by the Council on July 19, 1993; to the Committee on Governmental Affairs.

EC-1304. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-56, adopted by the Council on July 19, 1993; to the Committee on Governmental Affairs.

EC-1305. A communication from the Acting Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-57, adopted by the Council on July 16, 1993; to the Committee on Governmental Affairs.

EC-1306. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations relative to Historically Black Colleges; to the Committee on Labor and Human Resources.

EC-1307. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations relative to National Diffusion Network; to the Committee on Labor and Human Resources.

EC-1308. A communication from the Secretary of Education, transmitting, pursuant to law, notice of funding formula, allowable activities, and application procedures for fiscal year 1993; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HARKIN (by request):

S. 1285. A bill to reauthorize and improve a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN:

S. 1286. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to award grants to improve wastewater treatment for certain communities in the United States located close to the border between the United States and Mexico, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (by request):

S. 1285. A bill to reauthorize and improve a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES AMENDMENTS ACT OF 1993

Mr. HARKIN. Mr. President, by request of Secretary Riley, I am introducing the administration's proposal for reauthorization of the Technology-Related Assistance for Individuals with Disabilities Act of 1988. The amendments proposed by the administration would provide additional Federal support to help States complete the development and implementation of comprehensive, consumer-responsive statewide systems of technology assistance.

The bill would strengthen the act's focus on systems change and improve accountability. It would also increase the involvement of persons with disabilities in decisions relating to the provision of assistive technology devices and services. In addition, it would improve the capacity of States to develop their statewide systems by enhancing the provision of technical assistance and related activities.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Technology-Related Assistance for Individuals with Disabilities Amendments of 1993".

FINDINGS AND PURPOSE

SEC. 2. Section 2(b) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 *et seq.*; hereinafter referred to as "the Act") is amended—

(1) in paragraph (1)—

(A) in the material that precedes subparagraph (A), by inserting "comprehensive," after "implement a";

(B) in subparagraph (B), by striking out "policies, practices, and procedures" and inserting in lieu thereof "laws, regulations, policies, practices, procedures, and organizational structures";

(C) in subparagraph (C), by striking out "of and funding for the provision of" and inserting in lieu thereof "of, access to, provision of, and funding for";

(D) in subparagraph (F), by striking out "and" at the end thereof;

(E) in subparagraph (G), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(F) by adding at the end thereof a new subparagraph to read as follows:

"(H) increase the involvement of individuals with disabilities (and, if appropriate, their family members, guardians, advocates, and authorized representatives) in the planning, development, implementation, and assessment of technology-related assistance programs, and in decisions related to the provision of assistive technology devices and assistive technology services.";

(2) in paragraph (3)—

(A) in subparagraph (A), by striking out ", information, and training and public awareness" and inserting in lieu thereof "and information"; and

(B) by striking out subparagraph (B) and inserting in lieu thereof a new subparagraph to read as follows:

"(B) other assistance needed to ensure that the comprehensive, consumer-responsive statewide system developed with Federal support under this Act will continue after such support has ended."; and

(3) by adding at the end thereof a new paragraph to read as follows:

"(4) To promote systems change, in order to facilitate access to, provision of, and funding for technology-related assistance to individuals with disabilities.".

DEFINITIONS

SEC. 3. Section 3 of the Act is amended—

(1) by adding at the end thereof three new paragraphs to read as follows:

"(9) CONSUMER-RESPONSIVE.—The term "consumer-responsive" means—

"(A) accessible to individuals with disabilities and, if requested or required by such individuals, their family members, guardians, advocates, or authorized representatives;

"(B) meeting the needs of individuals with disabilities in a timely and appropriate manner; and

"(C) facilitating the full participation and inclusion of individuals with disabilities in decisions relating to—

(i) the provision of assistive technology devices and assistive technology services to particular individuals; and

(ii) the planning, development, implementation, and assessment of the statewide system of technology-related assistance to individuals with disabilities.

"(10) PROTECTION AND ADVOCACY SERVICES.—The term "protection and advocacy services" means services that are authorized under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 *et seq.*), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 *et seq.*), and section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) and that assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives to gain access to assistive technology devices and assistive technology services.

"(11) SYSTEMS CHANGE.—The term "systems change" means reform that results in laws, regulations, policies, procedures, practices, or organizational structures that facilitate access to, provision of, and funding for assistive technology devices and assistive technology services to individuals with disabilities and other appropriate individuals or organizations, in order to empower individuals with disabilities to achieve greater independence, productivity, and inclusion within the community and the work force."; and

(2) by striking out paragraph (4); and

(2) by redesignating paragraphs (3), (5), (6), (7), (8), (9), (10), and (11) as paragraphs (4), (6), (7), (9), (10), (3), (5), and (8), respectively.

MANDATED ACTIVITIES

SEC. 4. Section 101 of the Act is amended by striking out subsection (b) and inserting in lieu thereof a new subsection to read as follows:

"(b) MANDATED ACTIVITIES.—Any State that receives a grant under this title shall undertake activities to implement systems change, as defined in section 3. These activities shall include—

"(1) a review and, where appropriate, modification of laws, regulations, policies, practices, procedures, and organizational structures that affect access to, provision of, and funding for assistive technology devices and assistive technology services;

"(2) coordination among State agencies, in order to facilitate access to, provision of, and funding for assistive technology devices and assistive technology services; and

"(3) information dissemination and other activities, including training, that empower individuals with disabilities to obtain technology-related assistance and that facilitate a consumer-responsive system.".

AUTHORIZED ACTIVITIES

SEC. 5. Section 101(c) of the Act is amended—

(1) in the material preceding paragraph (1), by striking out "functions described in subsection (b)" and inserting in lieu thereof "purposes of this Act";

(2) in paragraph (1)—

(A) in subparagraph (B), by adding "and" at the end thereof;

(B) by striking out subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C);

(3) in paragraph (2)—

(A) by striking out subparagraph (G); and

(B) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively;

(4) in paragraph (4)—

(A) is subparagraph (B), by striking out "and" at the end thereof;

(B) in subparagraph (C), by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof a new subparagraph to read as follows:

"(D) outreach activities to underserved groups."

(5) in paragraph (6)—

(A) by inserting after the first sentence, a new sentence to read as follows: "The information system may be organized on an interstate basis or as part of a regional consortium of States, thereby facilitating the establishment of compatible, linked information systems."; and

(B) by striking out "preceding sentence" and inserting in lieu thereof "preceding sentences";

(6) by redesignating paragraph (8) as paragraph (15); and

(7) by inserting after paragraph (7) seven new paragraphs to read as follows:

"(8) ALTERNATIVE STATE-FINANCED SYSTEMS.—The State may support development and implementation of alternative State-financed systems of subsidies or loan mechanisms for the provision of assistive technology devices and assistive technology services to individuals with disabilities who need but cannot afford such devices or services without assistance, including—

"(A) a loan system for assistive technology devices;

"(B) a low-interest loan fund;

"(C) a revolving fund;

"(D) a loan insurance program; and

"(E) a partnership with private entities for the purchase, lease, or other acquisition or provision of such devices or services.

"(9) SUPPORT FOR EXPENSES.—The State may use funds under this title for program-related expenses of individuals with disabilities who are involved in the planning, development, implementation, or assessment of the statewide system, including payments for travel, qualified interpreters, readers, personal care assistants, and other services needed for participation by these individuals.

"(10) DEMONSTRATION OF EQUIPMENT.—The State may support a program of demonstration and try-outs of assistive technology devices, including a mechanism that allows the ultimate user of such device to use that device on a trial basis prior to its purchase, in order to determine whether the device meets the needs of that user.

"(11) PARTNERSHIPS.—The State may support partnerships with private non-profit agencies and organizations to promote greater participation by business and industry in the development, demonstration, and distributions of assistive technology devices, and in the on-going provision of information about new assistive technology devices to assist individuals with disabilities.

"(12) CASE MANAGEMENT.—The State may provide case management serices to help individuals with disabilities to identify and obtain access to the assistive technology devices and assistive technology services they need, including, as appropriate, sources of funding to obtain such devices and services.

"(13) ADA ASSISTANCE.—The State may support activities to assist employers and others who are subject to the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 *et seq.*) on the uses of technology-related assistance to meet the requirements of that Act.

"(14) RECYCLING ACTIVITIES.—The State may support activities, including the establishment of information systems and recycling centers, for the redistribution of assistive technology devices and other devices that may be used to create assistive technology devices.".

APPLICATION REQUIREMENTS

SEC. 6. (a) DESIGNATION OF RESPONSIBILITIES ENTITY.—Section 102(e)(1) is amended—

(1) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi);

(2) by inserting the subparagraph designation "(A)" after "DESIGNATION OF RESPONSIBLE ENTITY.—"; and

(3) by adding at the end thereof the following new subparagraph;

"(B) The entity designated under subparagraph (A) shall provide evidence of its ability to—

"(i) exercise leadership in identifying and responding statewide to the assistive technology needs of all individuals with disabilities in the State;

"(ii) promote and accomplish systems change;

"(iii) promote and accomplish public-private partnerships and interagency coordination;

"(iv) promote consumer confidence, responsiveness, and advocacy; and

"(v) exercise leadership in developing and implementing effective strategies for capacity building, including training, and enhancement of access to funding.

"(C) Subparagraphs (B) shall apply only at the time that a State is applying for a grant under this title, or wishes to redesignate its responsible State entity.".

(b) AGENCY INVOLVEMENT AND COORDINATION.—Section 102(e)(2) of the Act is amended—

(1) by inserting "AND COORDINATION" after "INVOLVEMENT";

(2) by inserting the subparagraph designation "(A)" after "AND COORDINATION.—"

(3) by striking out the period at the end of subparagraph (A) and inserting in lieu thereof a comma and "including the identification of the available resources and the responsibility of each agency for providing assistive technology devices and assistive technology services; and"; and

(4) by adding at the end thereof a new subparagraph to read as follows:

"(B) an assurance that the State will coordinate its activities under this grant with State councils established under the Developmental Disabilities Assistance and Bill of Rights Act, the Individuals with Disabilities Education Act, section 1916(e) of the Public Health Service Act, and the Rehabilitation Act of 1973.".

(c) CONSUMER INVOLVEMENT.—Section 102(e)(3) of the Act is amended to read as follows:

"(3) CONSUMER INVOLVEMENT.—A description of—

"(A) the nature and extent of involvement of individuals with disabilities, their family members, guardians, advocates, authorized representatives, and other appropriate individuals—

"(i) the development of the application for a grant under this Act;

"(ii) the designation of the responsible entity described in paragraph (1);

"(iii) the development of the plan for systems change described in paragraph (6); and

"(iv) the annual assessment described in paragraph (7);

"(B) the process the State engaged in (including outreach activities to obtain input from underserved groups) to obtain input on its application and plan for systems change from the individuals described in paragraph (A), a summary of the comments the State received from such individuals, and an analysis of how the State addressed these comments in preparing its application and plan for systems change; and

"(C) the ways in which the State will promote the involvement of individuals with disabilities or, if appropriate, their family members, guardians, advocates, or authorized representatives in—

"(i) decisions relating to the provision of assistive technology devices and assistive technology services to particular individuals; and

"(ii) the planning, development, implementation, and assessment of the statewide system of technology-related assistance.".

(d) PLAN FOR SYSTEMS CHANGE.—Section 102(e)(6) of the Act is amended to read as follows:

"(6) PLAN FOR SYSTEMS CHANGE.—A description of—

"(A) the goals and objectives for achieving systems change within the State, and the State's plan for accomplishing these goals and objectives, including a description of how the State will carry out the systems change activities required under section 101(b); and

"(B) the gaps that remain in the development or implementation of a comprehensive, consumer-responsive statewide system of technology-related assistance, and a description of the strategies that the State will pursue during the grant period to remedy these gaps.".

(e) ASSESSMENT.—Section 102(e)(7) of the Act is amended to read as follows:

"(7) ASSESSMENT.—An assurance that the State will conduct an annual assessment of the statewide system of technology-related assistance, in order to determine—

"(A) the extent to which the State's goals and objectives for systems change, as identified in the State plan under paragraph (6), have been achieved; and

"(B) the areas of need that require attention in the next year."

(f) ADDITIONAL REQUIREMENTS.—Section 102(e) of the Act is amended—

(1) by redesignating paragraph (17) as paragraph (21); and

(2) by inserting after paragraph (16) a new paragraph to read as follows:

"(17) UNDERSERVED GROUPS.—A description of how the State will address the needs of individuals with disabilities who are part of an underserved group, as defined in section 3, including a description of the State's plan to conduct outreach activities to these individuals.

"(18) TRAINING.—An assurance that the State will develop and implement strategies for incorporating training on assistive technology in the training that the State provides, using State or Federal funds, to special education teachers and related services personnel, rehabilitation professionals, and other appropriate service providers.

"(19) CONSUMER ASSISTANT, PROTECTION, AND ADVOCACY.—Assurances that the State will—

"(A) provide protection and advocacy services, as required under section 106, using not less than the amount specified by the Secretary each fiscal year for this purpose; and

"(B) inform individuals with disabilities, or, if appropriate, their family members, guardians, advocates, or authorized representatives, of the availability of protection and advocacy services, and of assistance under the client assistance program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732).

"(20) INDIRECT COSTS.—An assurance that no more than 15 percent of grant funds will be used for indirect costs.

EXTENSION GRANTS

SEC. 7. (a) ADDITIONAL GRANT; CORRECTIVE ACTION.—Section 103(a) of the Act is amended—

(1) by inserting the paragraph designation "(1) and "INITIAL EXTENSION GRANT.—"after "GENERAL AUTHORITY.—";

(2) by striking out "implementing" and all that follows through the end thereof and inserting in lieu thereof "implementing a comprehensive, consumer-responsive statewide system of technology-related assistance that incorporates the mandatory activities required by section 101(b) and other activities facilitating systems change.";

(3) by adding at the end thereof two new paragraphs to read as follows:

"(2) ADDITIONAL EXTENSION GRANT.—The Secretary may award an additional extension grant, of not more than 5 years, to any State that demonstrates to the Secretary that the State—

"(A) has made significant progress in meeting the goals of the initial extension grant it received under paragraph (1); and

"(B) needs additional Federal support to complete systems change activities and achieve the purposes of this Act.

"(3) LACK OF SIGNIFICANT PROGRESS.—If the Secretary determines that, at the time that the State applies for an extension grant under paragraph (1) or an additional extension grant under paragraph (2), the State has not made significant progress to warrant award of the applicable grant, the State may be subject to penalties or the Secretary may require the State to carry out a corrective action plan, as provided in section 201(b).".

(b) APPLICATION REQUIREMENTS.—Section 103(c) of the Act is amended—

(1) in the phrase preceding paragraph (1), by striking out "under this section" and all that follows through the colon and inserting in lieu thereof "under subsection (a)(1) or an additional extension grant under subsection (a)(2) shall submit an application that contains the information and assurances required for a development grant described in section 102(e), except the preliminary needs assessment described in section 102(e)(4). The State shall follow the requirements for the designation or redesignation of a responsible entity under subparagraphs (B) and (C) of section 102(e)(1). The application for an initial extension grant or additional extension grant shall also contain the following:";

(2) in paragraph (1), by striking out "families or" and inserting in lieu thereof "the family members, guardians, advocates, or authorized";

(3) by amending paragraph (2) to read as follows:

"(2) ACTIVITIES AND PROGRESS UNDER PREVIOUS GRANT.—A description of the specific activities carried out under the development grant received under section 102, or, if applicable, under the extension grant received under subsection (a)(1), including a description of the relationship of these activities to, and the progress made toward, the development and implementation of a comprehensive, consumer-responsive statewide system of technology related-assistance.";

(4) in paragraph (4)—

(A) in subparagraph (B), by inserting "under section 102 or the extension grant under section 103(a)(1), as appropriate" after "development grant"; and

(B) in subparagraph (C), by inserting "under section 102 or the extension grant under section 103(a)(1), as appropriate" after "development grant";

(5) by striking out paragraph (6); and

(6) by redesignating paragraph (7) as paragraph (6).

(c) ON-GOING EFFORTS AND FEDERAL CONTRIBUTION.—Section 103 of the Act is amended by adding at the end thereof two new subsections to read as follows:

"(d) APPLICATION FOR ADDITIONAL EXTENSION GRANT.—Any State that desires to receive an extension grant under section 103(a)(2) shall submit an application that contains, in addition to the requirements set forth in section (c), a description of the steps it has taken or will take to continue on a permanent basis a comprehensive, consumer-responsive statewide system of technology-related assistance to individuals with disabilities, which system shall be able to maintain, at a minimum, the activities mandated in section 101(b).

"(e) FEDERAL AWARD FOR ADDITIONAL GRANT.—(1) The amount awarded to a State under subsection (a)(2) for the fourth year of the grant period shall not exceed 80 percent of the amount awarded to the State for the third year of the grant period.

"(2) The amount awarded to a State under subsection (a)(2) for the fifth year of the grant period shall not exceed 60 percent of the amount awarded to the State for the third year of the grant period.".

PROGRESS REPORTS

SEC. 8. Section 104 of the Act is amended to read as follows:

"SEC. 104. PROGRESS REPORTS.

"Any State that receives a grant under this title shall annually submit to the Secretary a report that—

"(1) describes the progress the State has made, as determined in the State's annual assessment, in achieving the State's goals and objectives for systems change, as identified in the State plan under section 102(e)(6), and areas of need that require attention in the next year;

"(2) analyzes the laws, regulations, policies, practices, procedures, and organizational structures that the State has changed, has attempted to change, or will attempt to change during the next grant period, to facilitate the accessibility, provision, or funding of assistive technology devices and assistive technology services;

"(3) describes any written policies and procedures that the State has developed and implemented relating to the accessibility, provision, and funding of assistive technology devices and assistive technology services, including policies and procedures relating to the accessibility, provision, and funding of such devices and services under special education, rehabilitation, and medical assistance programs;

"(4) describes any interagency agreements that the State has developed and implemented relating to accessibility, provision, and funding of assistive technology devices and assistive technology services, including agreements that identify available resources for assistive technology devices and assistive technology services and the responsibility for providing for such devices and services;

"(5) describes activities undertaken to disseminate information about the documents or activities analyzed or described in paragraphs (1) through (4), including outreach activities to underserved groups;

"(6) describes the involvement of individuals with disabilities in the planning, development, implementation, and assessment of the statewide system, including activities undertaken to improve such involvement, such as consumer training and outreach activities; and

"(7) describes unanticipated problems with the achievement of the State's plan for systems change and activities the State has undertaken or plans to undertake to rectify these problems.".

STATE AND NATIONAL RESPONSIBILITIES

SEC. 9. The Act is amended—

(1) in title II—

(A) by amending the heading to read as follows: "STATE AND NATIONAL RESPONSIBILITIES"; and

(B) by repealing parts A through D; and

(2) by redesignating sections 105, 106, and 107, as sections 201, 204, and 202, respectively.

SYSTEMS CHANGE PLANS; PROTECTION AND ADVOCACY

SEC. 10. Title I of the Act is amended by adding at the end thereof two new sections to read as follows:

"SEC. 105. TIMETABLE FOR SYSTEMS CHANGE PLAN.

Any State that receives a grant under this title shall transmit to the Secretary a plan for systems change, as described in section 102(e)(6), by the earlier of—

"(1) 12 months after enactment of the Technology-Related Assistance Amendments of 1993"; or

"(2) the date on which the State submits an application for an extension grant under section 103(a)(1) or 103(a)(2).".

"SEC. 106. PROTECTION AND ADVOCACY SERVICES.

"(a) IN GENERAL.—Each State receiving a grant under this title shall provide protection and advocacy services relating to technology-related assistance to individuals with disabilities, using not less than the amount specified by the Secretary for this purpose, as provided in subsection (b).

"(b) CALCULATION OF EXPENDITURES.—(1) For fiscal years 1994 through 1996, the Secretary shall calculate the minimum amount each State receiving a grant under this title shall use to provide protection and advocacy services, based on the same ratio as the population of that State bears to the population of all States receiving funds under this title, subject to paragraph (2).

"(2) For fiscal years 1994 through 1996—

"(A) such minimum amount shall be not less than $40,000 or greater than $100,000; and

"(B) the total amount specified by the Secretary to be used by States for such services shall be not less than $2,500,000.

"(3) For fiscal year 1997, the minimum amount specified for each State by the Secretary shall equal 80 percent of the minimum amount specified to be used for fiscal year 1996 for such purpose.

"(4) For fiscal year 1998, the minimum amount specified for each State by the Secretary shall equal 60 percent of the minimum amount specified to be used for fiscal year 1996 for such purpose.

"(c) SELECTION OF ORGANIZATION.—(1) Except as provided under paragraph (2), from the minimum amount specified by the Secretary under subsection (b) and such other funds as the State may allocate, the responsible State entity designated under section 102(e)(1) shall award a contract or grant to the entity established for protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).

"(2)(A) The responsible State entity may select an organization other than the entity specified in paragraph (1), if the responsible State entity—

"(i) can demonstrate good cause for such selection, to the satisfaction of the Governor; and—

"(ii) has given the entity specified in paragraph (1) and individuals with disabilities, or, as appropriate, their family members, guardians, advocates, or authorized representatives, 30 days notice of its intention to make such a selection, including an explanation for making such a selection, and an opportunity to respond to the assertion that good cause has been shown.

"(B) The entity specified under paragraph (1) may appeal the selection provided in subparagraph (A) to the Secretary on the basis that the selection was not for good cause.

"(d) TERRITORIES.—For purposes of this section, the term 'State' does not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau.".

ASSISTANCE UNDER OTHER LAWS

SEC. 11. Section 201(c) of the Act (as redesignated in section 9 of this Act) is amended—

(1) by inserting "any other Federal laws, including" after "under"; and

(2) in paragraph (3), by striking out "or" and inserting in lieu thereof "and".

EVALUATION AND DATA COLLECTION

SEC. 12. Section 202 of the Act (as redesignated in section 9 of this Act) is amended—

(1) by striking out subsections (a) and (b);

(2) by redesignating subsection (c) as subsection (a); and

(3) by adding at the end thereof a new subsection to read as follows:

"(b) OTHER EVALUATION AND DATA COLLECTION ACTIVITIES.—The Secretary may conduct such evaluation activities as the Secretary deems necessary to monitor the progress of States and evaluate program effectiveness. In order to conduct such activities, the Secretary may collect data and other types of information from States receiving grants under this Act, or from other sources.".

TECHNICAL ASSISTANCE

SEC. 13. Title II of the Act is amended by inserting after section 202 a new section to read as follows:

"SEC. 203. TECHNICAL ASSISTANCE AND INFORMATION.

"(a) TECHNICAL ASSISTANCE.—(1) The Secretary shall provide technical assistance with respect to the planning, development, implementation, and assessment of comprehensive, consumer-responsive statewide systems of technology-related assistance. Such assistance shall include—

"(A) the provision of information and technical assistance regarding—

"(i) effective approaches to carrying out the activities mandated under section 101(b);

"(ii) effective approaches to carrying out the activities authorized under section 101(c), including effective approaches to carrying out outreach activities to underserved groups;

"(iii) mechanisms for making a successful transition from planning for systems change to its development and implementation, including mechanisms for assessing the effectiveness of the system;

"(iv) Federal, State, and local laws, regulations, and practices that facilitate access to, provision of, and funding for, assistive technology devices and assistive technology services; and

"(v) State and local initiatives that are directed toward achieving the goals of this Act; and

"(B) such other activities as the Secretary considers appropriate.

"(2) The Secretary shall make such assistance available to—

"(A) States;

"(B) organizations providing client assistance or protection and advocacy services for individuals with disabilities; and

"(C) other appropriate public or private organizations or agencies.

"(b) INFORMATION AND DISSEMINATION.—(1) The Secretary shall periodically collect, analyze, and disseminate, on a national basis, information on Federal, State, and local policies and decisions (including decisions as a result of administrative or judicial hearings) that relate to obtaining funding for assistive technology devices and assistive technology services for individuals with disabilities.

"(2) The Secretary shall make such information available to—

"(A) States;

"(B) organizations providing client assistance or protection and advocacy services for individuals with disabilities;

"(C) other appropriate public or private organization or agencies;

"(D) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(E) individuals who work in appropriate public or private organizations (including insurers);

"(F) employers; and

"(G) other appropriate individuals.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 14. (a) IN GENERAL.—Section 204(a) of the Act (as redesignated in section 9 of this Act) is amended by striking out "title $9,000,000" and all that follows through the end thereof and inserting in lieu thereof "Act $37,744,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

(b) RESERVATION OF FUNDS.—Section 204(b) of the Act is amended—

(1) in paragraph (1)—

(A) by striking out "reserve 1 percent" and inserting in lieu thereof "reserve at least 2 percent";

(B) by striking out "$500,000" and inserting in lieu thereof "not less than $1,500,000"; and

(C) by striking out "States" and all that follows through the end thereof and inserting in lieu thereof "technical assistance and information, as required by section 203."; and

(2) in paragraph (2)—

(A) by striking out "ONSITE VISITS" and inserting in lieu thereof "REVIEW AND EVALUATION"; and

(B) by striking out "conducting" and all that follows through the end thereof and inserting in lieu thereof "reviewing participating States, as required by section 201(a), including the conduct of onsite visits and use of field readers, and evaluating State programs, as provided in section 202, including data collection activities.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 15. The Act is further amended—

(1) by striking out "the Trust Territory of the Pacific Islands" each place it appears and inserting in lieu thereof "the Republic of Palau (until the Compact of Free Association with Palau takes effect)";

(2) by striking out "statewide programs" each place it appears and inserting in lieu thereof "statewide system";

(3) by striking out "statewide programs" each place it appears and inserting in lieu thereof "statewide systems";

(4) in section 1, by striking out "With" and inserting in lieu thereof "with";

(5) in section 3—

(A) in paragraph (2), by striking out "individual with a disability" and inserting in lieu thereof "individual with disabilities";

(B) in paragraph (7), by striking out "functions performed and"; and

(C) in paragraph (8), by striking out "have" and inserting in lieu thereof "has";

(6) in section 101—

(A) in subsection (a), by striking out "of Education"; and

(B) in subsection (c)—

(i) in paragraph (4), by striking out "a program" each place it appears and inserting in lieu thereof "program";

(ii) in paragraph (6)(B), by striking out "sources, conditions of and criteria for" and inserting in lieu thereof "sources, and conditions of, and criteria for,"; and

(iii) in paragraph (7), by striking out "of all ages";

(7) in section 102—

(A) by striking out "under section 106" each place it appears and inserting in lieu thereof "under section 204";

(B) in subsection (c)(3)(C), by striking out "State relating to the development of a statewide" and inserting in lieu thereof "State or territory concerned relating to the development of a statewide or territory-wide";

(C) in subsection (e)—

(i) in paragraph (4), by striking out "tentative" and inserting in lieu thereof "preliminary";

(ii) in paragraph (6)—

(I) by striking out "FUNCTIONS,";

(II) by striking out "functions,"; and

(III) by striking out "section 2(b)(1)" and inserting in lieu thereof "section 2(b)"; and

(iii) in paragraph (10), by striking out "title" and inserting in lieu thereof "Act";

(8) in section 103—

(A) in subsection (b), by striking out "under section 106" each place it appears and inserting in lieu thereof "under section 204";

(9) in section 201 (as redesignated in section 9 of this Act)—

(A) in subsection (a)(3)—

(i) by inserting a comma after "minimum"; and

(ii) by striking out "section 2(b)(1)" and inserting in lieu thereof "section 2(b)"; and

(B) in subsection (c)—

(i) by striking out "in this title" and inserting in lieu thereof "in this Act"; and

(ii) by inserting a comma after "available" and "eligibility";

(10) in section 202(a) (as redesignated in section 9 of this Act), by striking out "this title" and inserting in lieu thereof "title I";

EFFECTIVE DATE

SEC. 16. This Act shall take effect on October 1, 1993.

TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES AMENDMENTS OF 1993—SECTION-BY-SECTION ANALYSIS

SECTION 2. FINDINGS AND PURPOSE

Section 2 of the bill would amend section 2(b) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 *et seq.*; "the Act") by clarifying that the primary purpose of the Act is to help States develop and implement a comprehensive, consumer-responsive statewide system that facilitates access to, provision of, and funding for technology-related assistance to individuals with disabilities. This would be accomplished by promoting systems change in the State.

Consistent with an emphasis on systems change, section 2 of the bill would provide that one purpose of the Act would be to increase the involvement of individuals with disabilities (and others, if appropriate) in the planning, development, implementation, and assessment of statewide systems of technology-related assistance, and in decisions related to the provision of assistive technology devices and assistive technology services. This section of the bill would also state that a purpose of the Act would be to provide additional Federal assistance needed to ensure that the systems developed under this Act will continue after Federal support has ended.

Finally, section 2 of the bill would remove a provision in current law that one of the purposes of the Act is to enhance the ability of the Federal government to provide States with training and public awareness programs, as well as funding for model demonstration and innovation projects, since these types of activities are already authorized under several other Acts including titles II and III of the Rehabilitation Act of 1973.

SECTION 3. DEFINITIONS

Seciton 3 of the bill would add three definitions to the Act consistent with the emphasis on a comprehensive, consumer-responsive statewise system. This section of the bill would define "consumer-responsive" to encompass two concepts. The first concept involves the ability of the statewide system to accommodate the needs of individuals with disabilities. Thus, a "consumer-responsive" system would be accessible to individuals with disabilities (and, if requested or required by these individuals, their family members, guardians, advocates, or authorized representatives) who are seeking assistive technology devices or services, or information about these devices or services, including information about funding. As used in the bill, the term "advocate" would mean a person who has been authorized by an individual with disabilities to advocates on behalf of that individual. Such a system would also meet the needs of individuals with disabilities in a timely and appropriate manner. The second concept involves the empowerment of individuals with disabilities to influence decisions about meeting their own needs as well as to effect change in the system. Thus, a "consumer-responsive" system would facilitate the full participation and inclusion of these individuals in decisions relating to the provision of assistive technology to particular individuals and the planning, development, implementation, and assessment of the statewide system.

In addition, section 3 of the bill would define "protection and advocacy services" to mean those services that are authorized under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), and section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) and that assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives to gain access to assistive technology devices and assistive technology services.

This section of the bill would also define "systems change" to mean statewide reforms that results in laws, regulations, policies, procedures, practices, or organizational structures that facilitate access to, provision of, and funding for assistive technology devices and assistive technology services to individuals with disabilities, and other appropriate individuals or organizations, in order to empower individuals with disabilities to achieve greater independence, productivity, and inclusion within the community and the work force.

Finally, section 3 of the bill would remove the definition of the term "institution of higher education" since that term would no longer appear in the Act, and would renumber the definitions so that they are arranged in alphabetic order.

SECTION 4. MANDATED ACTIVITIES

Section 4 of the bill would amend section 101 of the Act by removing the authority for States to carry out certain functions under the Act. These functions are duplicative of the activities States are authorized to carry out under section 102 of the Act as well as application requirements in current law.

In accordance with the proposed primary purpose of the Act, this section of the bill would add a provision requiring any State that receives a grant under proposed title I of the Act to undertake activities to implement systems change. These activities would include: (1) a review and, where appropriate, modification of laws, regulations, policies, practices, procedures, and organizational structures that affect the accessibility, provision, and funding of assistive technology devices and assistive technology services; (2) coordination among State agencies, in order to facilitate the accessibility, provision, and funding of assistive technology devices and assistive technology services; and (3) information dissemination and other activities (including training of consumers of assistive technology) that empower individuals with disabilities to obtain technology-related services and that facilitate a consumer-responsive system. These activities comprise the minimum components needed to bring about systemic reform. It is expected that each State will identify other necessary activities in its plan for systems change, as required in proposed section 102(e)(6) of the Act.

SECTION 5. AUTHORIZED ACTIVITIES

Section 5 of the bill would amend and expand the list of authorized activities in section 101(c) of the Act. Since all States receiving a grant under the proposed Act would be required to involve individuals with disabilities in decisions affecting technology-related assistance, consistent with an increased emphasis on a consumer-responsive system, this section of the bill would remove a provision that merely authorizes States to support a model delivery system that demonstrates successful involvement of individuals with disabilities.

Similarly, this section of the bill would remove an authority in current law for the State to describe an alternative State-financed system of subsidies to provide assistive technology; instead the State would be authorized to provide support for the development and implementation of such a system. This system would include financial mechanisms for individuals with disabilities who need but cannot afford such assistive technology devices or services without assistance, including a loan system for assistive technology devices, a low-interest loan fund, a revolving fund, a loan insurance program, and a partnership with private entities for the purchase, lease, or other acquisition or provision of these devices or services.

Further, this section of the bill would expand the provision in current law regarding access to technology-related information, by authorizing a State to organize an information system on an interstate basis or as part of a regional consortium of States, thereby facilitating the establishment of compatible, linked information systems. This section of the bill would also expand the public awareness activities in current law to include outreach to underserved groups.

Finally, section 5 of the bill would add several authorized activities under the Act, consistent with a focus on systems change. These provisions would allow States to:

Pay for program-related expenses of individuals with disabilities who are involved in the planning, development, implementation, or assessment of the statewide system, including payments for travel, qualified interpreters, readers, personal care assistants, and other services needed for participation by these individuals;

Support a program of demonstration and try-outs of assistive technology devices, including a mechanism that allows the ultimate user of the device to use that device on a trial basis prior to its purchase in order to determine whether the device meets the needs of that user;

Support partnerships with private nonprofit and for-profit agencies and organizations to promote greater participation by business and industry in the development, demonstration, and distribution of assistive technology devices and in the on-going provision of information about new assistive technology devices to assist individuals with disabilities;

Provide case management services to help individuals with disabilities to identify and obtain access to the assistive technology devices and assistive technology services they need, including, as appropriate, sources of funding to obtain these devices and services;

Support activities to assist employers and others who are subject to the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 *et seq.*) on the uses of technology-related assistance to meet the requirements of that Act; and

Support activities, including the establishment of information systems and recycling centers, for the redistribution of assistive technology devices and other devices that may be used to create assistive technology devices.

SECTION 6. APPLICATION REQUIREMENTS

Section 6 of the bill would amend and expand application requirements in section 102(e) of the Act consistent with the focus on systems change. Except as provided in proposed section 103 of the Act, these requirements would to development grants and extension grants.

Section 6(a) of the bill would expand the requirements for the designation by the Governor of the State entity responsible for preparing the application and administering the grant in order to ensure that this entity has the capacity to accomplish the goals of the program. This "lead agency" would have to demonstrate ability to: (1) exercise leadership in identifying and responding statewide to the assistive technology needs of all individuals with disabilities in the State; (2) promote and accomplish systems change; (3) promote and accomplish public private partnerships; (4) promote consumer confidence, responsiveness, and advocacy; and (5) exercise leadership in developing and implementing effective strategies for capacity building, including training, and enhancement of access to funding. The State would be required to document the ability of the "lead agency" each time that the State applied for a grant (development or extension) under the Act and whenever the Governor chose to redesignate the State's "lead agency."

Section 6(b) of the bill would amend the agency involvement provisions in section 102(e)(b) of the Act by requiring the grant application to identify the available resources and the responsibility of each agency for providing assistive technology devices and assistive technology services. This section of the bill would also require an assurance that the State will coordinate its activities under the applicable grant with State councils established under the Rehabilitation Act of 1973, the Developmental Disabilities Assistance and Bill of Rights Act, the Individuals with Disabilities Education Act, and section 1916(e) of the Public Health Service Act.

Section 6(c) of the bill would add to the public involvement provision under section 102(e)(3) of the Act a requirement that the State describe the nature and extent of involvement of individuals with disabilities, their family members, guardians, advocates, authorized representatives, and other appropriate individuals in: (1) the development of the grant application; (2) the designation of the "lead agency;" (3) the development of the systems change plan; and (4) the annual assessment of the system. The State would also be required to include a description of the process the State engaged in to obtain input from these individuals (including a description of the State's outreach activities to obtain input from underserved groups) on the application and the systems change plan, a summary of the comments the State received from them, and an analysis of how the State addressed these comments in preparing its application and systems change plan. Finally the State would be required to describe how it will promote the involvement of individuals with disabilities or, if, appropriate, their family members, guardians, advocates, or authorized representatives in decisions relating to the provision of assistive technology devices and assistive technology services, and in the planning, development, implementation, and assessment of the statewide system of technology-related assistance.

Section 6(d) of the bill would remove the provision in current law that requires a State applying for a grant to identify its goals, objectives, functions, and activities under the grant. In its place, the bill would require the State to describe its plan for systems change, as well as any gaps in the development or implementation of a comprehensive, consumer-responsive statewide system and its strategies for removing those gaps. These gaps could be such deficiencies in the system as limited access to assistive technology devices or services for certain underserved populations.

Section 6(e) of the bill would replace the provision in section 102(e0(7) of the Act regarding a description of procedures for compiling information and conducting evaluations with a more specific requirement keyed to a consumer-responsive system. Thus, the State would be required in its application to provide an assurance that the State will conduct, for the duration of the grant period, an annual assessment of the statewide system in order to determine the extent to which the State's goals and objectives for systems change (as provided in the systems change plan under proposed section 105 of the Act) have been achieved, and the areas of need that require attention in the next year.

Section 6(f) of the bill would add the following application requirements:

A description of how the State will address the needs of individuals with disabilities who are part of an underserved group (which includes, for example, minority populations), including a description of the State's plan to conduct outreach activities to these individuals;

An assurance that the State will develop and implement strategies for incorporating training on assistive technology in the training that the State provides, using State or Federal funds, to special education teachers and related services personnel, rehabilitation professionals, and other appropriate service providers;

Assurances that the State will provide protection and advocacy services, as required under proposed section 106 of the Act, using not less than the amount specified by the Secretary each fiscal year for this purpose, and will inform individuals with disabilities (or other appropriate individuals) of the availability of protection and advocacy services, and of assistance under the client assistance program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732); and

An assurance that no more than 15 percent of grant funds will be used for indirect costs.

SECTION 7. EXTENSION GRANTS

Section 7(a) of the bill would expand the extension grant authority in section 103(a) of the Act to allow a State to receive an additional extension grant, for not more than 5 years, if the State demonstrates that it has made significant progress in meeting the goals of the initial extension grant (which would remain a 2-year grant) and needs additional Federal support to complete its systems change activities. This section of the bill would also clarify that, if the Secretary determines, at the time that the State applies for an extension grant or an additional extension grant, the State has not made significant progress to warrant award of the applicable grant, the Secretary may require the State to carry out a corrective action plan or impose penalties, as provided under section 105(b) of current law. The corrective action plan and penalties provisions in current law may be also be utilized at any time that a State fails to comply with the requirements of title I of the Act.

Section 7(b) of the bill would clarify that any State that is applying for an initial extension grant or an additional extension grant is required to submit an application that contains the information and assurances required for a development grant described in section 102(e) of the Act, except the preliminary needs assessment described in section 102(e)(4) of the Act. Applications for an initial extension grant or additional extension grant would be required to provide the supplementary information and assurances specified in section 103(c) of current law, with several proposed changes consistent with the bill's emphasis on systems change.

Section 7(c) of the bill would add provisions to section 103 of the Act that would apply to the proposed additional extension grant. This section of the bill would require any State that desires to receive an additional extension grant to submit an application that also contains a description of the steps the State has taken or will take to continue on a permanent basis a comprehensive, consumer-responsive statewide system of technology-related assistance that would be able to maintain, at a minimum, the activities mandated under proposed section 101(b) of the Act.

Consistent with the capacity building aspect of the Act, section 7(c) of the bill would also provide for a declining Federal contribution for the additional extension grant. In the fourth year of the grant period, the amount of the Federal grant would be not more than 80% of the amount awarded for the third year of the grant period; for the fifth year of the grant period, the amount of the Federal grant would decline to not more than 60% of the amount awarded for the third year of the grant period.

SECTION 8. PROGRESS REPORTS

Section 8 of the bill would incorporate into the reporting requirements in section 104 of the Act the descriptions and analyses that relate to progress made toward systems change. Proposed section 104 of the Act would require any State that receives a grant under proposed title I of the Act to submit to the Secretary an annual report that: (1) describes the progress the State has made, as determined in the State's annual assessment, in achieving the State's goals and objectives for systems change and areas of need that require attention in the next year; (2) analyzes the laws, regulations, policies, practices, procedures, and organizational structures that the State has changed, has attempted to change, or will attempt to change during the next grant period, to facilitate the accessibility, provision, or funding of assistive technology devices and assistive technology services; (3) describes any written policies and procedures that the State has developed and implemented relating to accessibility, provision, or funding of assistive technology devices and assistive technology services, including policies and procedures under special education, rehabilitation, and medical assistance programs; (4) describes any interagency agreements that the State has developed and implemented relating to accessibility, provision, and funding of assistive technology devices and assistive technology services, including agreements that identify available resources for assistive technology devices and assistive technology services and the responsibility for providing these devices and services; (5)

describes activities undertaken to disseminate information about the documents or activities analyzed or described in the progress report, including outreach activities to underserved groups; (6) describes the involvement of individuals with disabilities in the planning, development, implementation, and assessment of the statewide system, including activities undertaken to improve this involvement, such as consumer training and outreach activities; and (7) describes unanticipated problems with the achievement of the State plan and activities the State has undertaken or plans to undertake to rectify these problems.

SECTION 9. STATE AND NATIONAL RESPONSIBILITIES

Section 9 of the bill would amend the heading for title II of the Act to read "STATE AND NATIONAL RESPONSIBILITIES, repeal parts A through D of that title, and redesignate section 105, 106, and 107 of the Act as sections 201, 204, and 202.

Parts A and B of title II of the Act authorize studies and evaluations that have been completed. The training activities contained in part C of title II of the Act can be carried out under the other authorities, such as the Rehabilitation Act of 1973. Public awareness, currently a separate authority under part C of title II, is integral to the systems change activities undertaken by the States and, therefore, a separate national authority is no longer needed. The training in technology careers authority under part C of title II of the Act is unnecessarily duplicative of training authorities in other statutes. Finally, the national demonstration and innovation project authorities under part D of title II of the Act are not needed because they overlap other authorities such as those in title II of the Rehabilitation Act of 1973.

The redesignations proposed in section 9 of the bill would result in the following structure for the Act:

Sec. 1. Short title.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

Title I—Grants to States

Sec. 101. Program authorized.
Sec. 102. Development grants.
Sec. 103. Extension grants.
Sec. 104. Progress reports.
Sec. 105. Timetable for systems change plan.
Sec. 106. Protection and advocacy services.

Title II—State and National Responsibilities

Sec. 201. Administrative provisions.
Sec. 202. Evaluation.
Sec. 203. Technical assistance and information.
Sec. 204. Authorization of appropriations.

SECTION 10. SYSTEMS CHANGE PLANS; PROTECTION AND ADVOCACY

Section 10 of the bill would add two new sections to proposed title I of the Act.

The first new section (proposed section 105 of the Act) would require that any State that receives a grant under proposed title I of the Act transmit to the Secretary a plan for systems change within the State 12 months after enactment of this bill or when the State submits an application for an extension grant under proposed section 103(a)(1) or 103(a)(2) of the Act, whichever is earlier. This provision would ensure that all participating States focus on the specific areas needed to develop and implement a comprehensive, consumer-responsive statewide program, regardless of when these States began receiving Federal assistance under the Act.

The second new section (proposed section 106 of the Act) would require that each State receiving a grant under proposed title I to provide protective and advocacy services relating to technology-related assistance to individuals with disabilities, using not less than the amount specified by the Secretary for this purpose. For fiscal years 1994 through 1998, the Secretary would be required to calculate the minimum amount each State receiving a grant must use to provide protection and advocacy services, based on the same ratio as the population of that State bears to the population of all States receiving grants, except that for these fiscal years the minimum amount would be not less than $40,000 or greater than $100,000, and the total amount specified by the Secretary for these services would be not less than $2,500,000. For fiscal year 1997, the minimum amount specified for each State by the Secretary would equal 80% of the minimum amount specified to be used for fiscal year 1996 for this purpose, and for fiscal year 1998, the minimum amount specified would equal 60% of the minimum amount specified to be used for fiscal year 1996.

Proposed section 106(c) of the Act would require that, in general, the "lead agency" responsible for administering the State grant under the Act use at least the amount specified by the Secretary to award a contract or grant to the agency established for protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (the "P and A" agency). The "lead agency" would be authorized to select an organization other than the "P and A" agency (and other than any group within the "lead agency" itself) if the "lead agency" could demonstrate good cause for the selection, to the Governor's satisfaction, and gave the "P and A" agency and individuals with disabilities (or others, as appropriate) 30 days notice of the agency's intention to select another organization, including an explanation for selecting another organization, and an opportunity to respond to the assertion that good cause has been shown. The "P and A" agency would have an opportunity to appeal to the Secretary on the basis that the "lead agency's" selection was not for good cause.

Proposed section 106(d) of the Act would provide that the protection of advocacy requirements would not apply to the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau.

SECTION 11. ASSISTANCE UNDER OTHER LAWS

Section 11 of the bill would amend proposed section 201(c) of the Act (as redesignated) by providing that nothing in the Act as amended shall be construed to permit the State or any Federal agency to reduce medical or other assistance available, or alter eligibility, under any other Federal laws, including those laws noted in section 105(c) of current law.

SECTION 12. EVALUATION AND DATA COLLECTION

Section 12 of the bill would amend proposed section 202 of the Act (as redesignated) by removing provisions for an evaluation that the Department had already completed, and adding a provision allowing the Secretary to conduct such evaluation activities as the Secretary deems necessary to monitor progress of States and evaluate program effectiveness. This provision would authorize the Secretary to collect data and other types of information from sources that would include States receiving grants under the Act.

SECTION 13. TECHNICAL ASSISTANCE AND INFORMATION

Section 13 of the bill would amend proposed title II of the Act by adding a section concerning technical assistance and information. Under this new section (proposed section 203 of the Act), the Secretary would be required to provide technical assistance with respect to the planning, development, and implementation of comprehensive, consumer-responsive statewide systems of technology-related assistance.

These technical assistance activities would include, in addition to other activities the Secretary considered appropriate, the provision of information and technical assistance regarding: (1) effective approaches to carrying out the activities mandated or authorized under the Act, including effective approaches to carrying out outreach activities to underserved groups; (2) mechanisms for making a successful transition from planning for systems change to its development and implementation, including mechanisms for assessing the effectiveness of the system; (3) Federal, State, and local laws, regulations, and practices that facilitate access to, provision of, and funding for assistive technology devices and assistive technology services; and (4) State and local initiatives that are directed toward achieving the goals of the Act. The Secretary would be required to make this information and technical assistance available to States, organizations providing client assistance or protection and advocacy services for individuals with disabilities, and other appropriate public or private organizations or agencies.

Proposed section 203(b) of the Act would require the Secretary to periodically collect, analyze, and disseminate, on a national basis, information on Federal, State, and local policies and decisions (including decisions as a result of administrative or judicial hearings) that relate to access of funds for assistive technology devices and assistive technology services for individuals with disabilities. The Secretary would be required to make this information available to a variety of individuals in addition to the States, organizations, and agencies noted in proposed section 203(b) of the Act. These individuals would be: (1) individuals with disabilities and their family members, guardians, advocates, and authorized representatives; (2) individuals who work in appropriate public or private organizations or agencies (including insurers); (3) employers; and (4) other appropriate individuals. The inclusion of individuals in this proposed section would ensure access to information on policies and decisions directly by consumers of assistive technology.

SECTION 14. AUTHORIZATION OF APPROPRIATIONS

Section 14(a) of the bill would authorize an appropriation of $37,744,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998 to carry out the Act. This extension of the Act would allow any State that wished to participate in the technology-related assistance program to have a reasonable opportunity to do so.

Section 14(b) of the bill would increase the amount that the Secretary is required to reserve in current law for information and technical assistance from 1% of title I appropriations, or $500,000 (whichever is greater), to the greater of 2% of appropriations for the Act or $1.5 million. These funds would be used to provide technical assistance and information as required under proposed section 203 of the Act. This section of the bill would also expand the authority of the Secretary to reserve funds not only to conduct onsite visits, as in current law, but also for reviewing participating States (including the use of field readers) and evaluating State programs, (including data collection activities).

SECTION 15. TECHNICAL AND CONFORMING AMENDMENTS

Section 15 of the bill would make technical and conforming amendments to the Act. It would, for example, correct grammatical and typographic errors, update the Act, and amend references to sections of the Act that would be changed by the bill.

SECTION 16. EFFECTIVE DATE

Section 16 of the bill would provide that the amendments proposed under this bill take effect on October 1, 1993.

By Mr. BINGAMAN:

S. 1286. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to award grants to improve wastewater treatment for certain communities in the United States located close to the border between the United States and Mexico, and for other purposes; to the Committee on Environment and Public Works.

COLONIAS WASTEWATER TREATMENT ACT OF 1993

• Mr. BINGAMAN. Mr. President, today, I am introducing a bill that will help address basic wastewater treatment needs of extraordinarily poor and disadvantaged communities along the southwestern border of the United States.

Over 350,000 American citizens or permanent residents live in communities, generally known as colonias, without access to such basic services as indoor plumbing or sewage treatment facilities. The result of this lack of services is apparent in cholera rates higher than the national average and in the contamination of groundwater and rivers of the region by the untreated sewage.

This administration has recognized the need for Federal assistance for these communities and requested funds for EPA to make grants to help solve the wastewater treatment problems. However, debate exists here in Congress over whether there is a legal basis for EPA to make these grants, not whether such grants should be made, and this question of legal authority is currently jeopardizing our ability to carry out a course of action for which there is an immediate need.

I believe that the authority exists. However, I do not want to divert attention from the need to help these communities to a continuing debate over the appropriate legal way to do so. I am therefore proposing that the Clean Water Act be amended by the Colonias Wastewater Treatment Act of 1993 to provide authorization to fund wastewater projects in communities along the United States-Mexican border. By authorizing these programs, we preserve the health of our citizens and our environment.

Mr. President, I ask that the full text of my remarks and this legislation be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colonias Wastewater Treatment Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) as of the date of enactment of this Act, there is a severe lack of wastewater treatment facilities in the area of the border between the United States and Mexico;

(2) the lack of facilities is leading to the pollution of rivers and ground water in the area and to environmental degradation; and

(3) the pollution presents a grave threat to public health through the proliferation of gastrointestinal and infectious diseases.

SEC. 3. GRANTS TO CERTAIN COMMUNITIES.

Title V of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following new section:

"SEC. 521. GRANTS TO CERTAIN COMMUNITIES.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator is authorized to award a grant for wastewater treatment to—

"(1) a community that meets the requirements of subsection (b); or

"(2) a county, municipality, or other political subdivision of a State acting on behalf of a community that meets the requirements of subsection (b).

"(b) ELIGIBLE COMMUNITIES.—A community that meets the requirements of this subsection is a community that—

"(1) is designated by the State or county in which the community is located as a colonia;

"(2) is located in the region along the border between the United States and Mexico;

"(3) the Administrator determines is eligible to receive a grant under this subsection on the basis of objective criteria (including the lack of a potable water supply, an adequate sewage system, or decent, safe, and sanitary housing); and

"(4) before November 28, 1990, existed as a colonia (as determined by the Administrator).

"(c) USE OF GRANT.—A grant awarded under this section may be used for 1 or more of the following:

"(1)(A) The construction (including planning, design, repair, extension, improvement, alteration, or reconstruction) of a publicly owned treatment works (including collection lines or interceptor sewers, notwithstanding any limitation otherwise imposed with respect to the provision of assistance for collection lines or interceptor sewers).

"(B) The acquisition of land, or any easement or other right-of-way, to which the recipient of assistance is not the owner (at the time of receipt assistance), that is necessary to carry out the construction or operation of the publicly owned treatment works, or

"(2) the final disposal of residues resulting from the treatment of water or waste.

"(3) The disposal of wastewater by surface or underground methods, (or both).

"(d) GRANT AMOUNT.—A grant awarded under this section may be for an amount not to exceed 100 percent of the cost of the project that is the subject of the grant.

"(e) DEFINITIONS.—

"(1) BORDER AREA.—The term 'border area' means the area situated within 100 kilometers on another side of the United States-Mexican International boundary.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency, to carry out this section, such sums as may be necessary for each of fiscal years 1994 through 2000.".

ADDITIONAL COSPONSORS

S. 463

At the request of Mr. BUMPERS, the names of the Senator from Vermont [Mr. LEAHY], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 463, a bill to prohibit the expenditure of appropriated funds on the Superconducting Super Collider Program.

S. 487

At the request of Mr. MITCHELL, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1093

At the request of Mr. DURENBERGER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1093, a bill to amend the Internal Revenue Code of 1986 to repeal the special rule for treatment of foreign trade income of a FSC attributable to military property.

S. 1105

At the request of Mr. COATS, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses, to provide that the earnings on such accounts will not be taxable, to allow rollovers of such accounts into individual retirement accounts, and for other purposes.

S. 1118

At the request of Mr. HATFIELD, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1118, a bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

S. 1160

At the request of Mr. HATFIELD, the names of the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1160, a bill to amend the Public Health Service Act to provide grants to entities in rural areas that design and implement innovative approaches to improve the availability and quality of health care in such rural areas, and for other purposes.

S. 1213

At the request of Mr. NUNN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1213, a bill to make amendments to the Congressional charter for Group Hospitalization and Medical Services.

S. 1273

At the request of Mr. BOND, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1273, a bill to enhance the availability of credit in disaster areas by reducing the regulatory burden imposed upon insured depository institutions to the extent such action is consistent with the safety and soundness of the institutions.

S. 1274

At the request of Mr. BUMPERS, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Alabama [Mr. HEFLIN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 1274, a bill to authorize funding for certain Small Business Administration programs, and for other purposes.

S. 1276

At the request of Mr. LEAHY, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1276, a bill to extend for 3 years the moratorium on the sale, transfer or export of antipersonnel landmines abroad, and for other purposes.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 47

At the request of Mr. JOHNSTON, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. MOYNIHAN], the Senator from Tennessee [Mr. SASSER], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Washington [Mr. GORTON], the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mrs. HUTCHISON], the Senator from Oregon [Mr. PACKWOOD], the Senator from Missouri [Mr. BOND], the Senator from New York [Mr. D'AMATO], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week."

SENATE JOINT RESOLUTION 92

At the request of Mr. MOYNIHAN, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Delaware [Mr. ROTH], the Senator from Virginia [Mr. ROBB], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month."

AMENDMENTS SUBMITTED

NATIONAL SERVICE TRUST ACT OF 1993

DOLE AMENDMENTS NOS. 632 THROUGH 634

(Ordered to lie on the table.)

Mr. DOLE submitted three amendments intended to be proposed by him to the bill (S. 919) a bill to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for National Service, and provide national service educational awards to persons participating in such service, and for other purposes, as follows:

AMENDMENT NO. 632

On page 75, between lines 20 and 21, insert the following:

"(e) LIMITATION.—Notwithstanding any other provision of this Act, unless a participant would be eligible, on the first day of the first term of service described in section 139(b) of the participant, to receive a Federal Pell Grant under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) if such participant were a student on such date, the participant shall not be eligible to receive a national service educational award under this section on the basis of any such term of service.

AMENDMENT NO. 633

In title I of the Committee amendment, strike section 114 and insert the following:

SEC. 114. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177";

(2) in subsection (b)—

(A) by striking "Report to Congress"; and inserting "Report to Congress by Corporation"; and

(B) in paragraph (1), by striking "this title" and inserting "the national service laws"; and

(3) by adding at the end the following:

"(c) REPORT TO CONGRESS BY SECRETARY OF DEFENSE.—

"(1) STUDY.—The Secretary of Defense shall annually conduct a study of the effect of the programs carried out under this title on recruitment for the Armed Forces.

"(2) REPORT.—The Secretary of Defense shall annually submit a report to the appropriate committees of Congress containing the findings of the study described in paragraph (1) and such recommendations for legislative and administrative reform as the Secretary may determine to be appropriate.".

AMENDMENT NO. 634

On page 33, after line 24, add the following:

"(4) RESERVATION.—

"(A) SUPPLEMENTAL GRANTS.—In distributing the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of subsections (a) and (c), the Director shall reserve 80 percent of the funds available to make grants under paragraphs (1) and (2) in order to make supplemental grants to entities that—

"(i) receive a grant to carry out a national service program under paragraph (1) or (2);

"(ii) demonstrate that the entity has received a substantial number of applications for placement in the national service program of persons who are—

"(I) from an area that is an urban geographical area (as defined by the Secretary of Health and Human Services) in which 50 percent of the residents of the area have incomes below the poverty level and that is an area with a high incidence of violent crime (as determined by the Attorney General);

"(II) veterans, as defined in section 101(2) of title 38, United States Code; or

"(III) individuals with a disability, as defined in section 3(2) of the Americans with Disabilities Act of 1990; and

"(iii) demonstrate that additional funding would enable the national service program to place a substantial number of participants who are persons described in clause (ii).

"(B) REQUIREMENTS.—Funds made available through such a supplemental grant under subparagraph (A) shall be made available for the same purposes, and subject to the same requirements, as funds made available through a grant made under paragraph (1) or (2).

AGRICULTURE APPROPRIATIONS ACT OF 1993

BUMPERS AMENDMENT NO. 635

Mr. BUMPERS proposed an amendment to the bill (H.R. 2493) making appropriations for the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 13, line 24, strike "$29,888,000" and insert: "$32,788,000".

On page 15, line 8, strike "$71,117,000" and insert: "$72,467,000".

On page 17, line 8, strike "$441,852,000" and insert: "$443,202,000".

On page 20, line 3, strike "$11,000,000" and insert: "$11,187,000".

On page 46, line 17, strike "$22,250,000" and insert: "$70,000,000".

On page 53, between lines 14 and 15, insert:

"AGRICULTURAL RESOURCE CONSERVATION DEMONSTRATION PROGRAM ACCOUNT

"For loan guarantees authorized under sections 1465–1469 of Public Law 101–624, for the Agricultural Resource Conservation Demonstration Program, $6,799,000 to any state defined as eligible under section 1465(c)(3)(A) of that Act. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, $3,599,000.".

On page 72, line 11, strike "$503,635,000" and insert: "$490,184,000".

On page 72, line 13, strike "$51,641,000" and insert: "$50,261,000".

On page 73, line 9, strike "$387,849,000" and insert: "$377,490,000".

On page 88, line 1, strike "$25,000" and insert: "$100,000".

On page 88, line 3, before the period, insert: ": *Provided*, That average acre costs shall not exceed $700".

On page 90, strike lines 3 through 9.

REID (AND OTHERS) AMENDMENT NO. 636

Mr. REID (for himself, Mr. BROWN, and Mr. BRYAN) proposed an amendment to the bill, H.R. 2493, supra, as follows:

On page 87, between lines 12 and 13, insert the following new section:

SEC. 722. None of the funds appropriated or otherwise made available by this Act shall be used to operate a regional office of the Rural Development Administration after April 1, 1994.

REID (AND OTHERS) AMENDMENT NO. 637

Mr. REID (for himself, Mr. BROWN, and Mr. BRYAN) proposed an amendment to the bill, H.R. 2493, supra, as follows:

On page 90, between lines 9 and 10, insert the following new section:

SEC. 730. None of the funds appropriated or otherwise made available by this Act shall be used to operate the Board of Tea Experts established under section 2 of the Act entitled "An Act to prevent the importation of impure and unwholesome tea", approved March 2, 1897 (21 U.S.C. 42) (commonly known as the "Tea Importation Act"). Except as specifically provided in the preceding sentence, the authority of the Commissioner of Food and Drugs shall not be affected by this section.

BROWN AMENDMENT NO. 638

Mr. BROWN proposed an amendment to the bill H.R. 2493, supra; as follows:

On page 90, between lines 9 and 10, insert the following new section:

SEC. 730. (a) None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide a total amount of payments to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405a of such Act (7 U.S.C. 1425a) in excess of $50,000 in the 1994 crop year.

NATIONAL SERVICE TRUST ACT OF 1993

GRAMM AMENDMENTS NOS. 639 THROUGH 642

(Ordered to lie on the table.)

Mr. GRAMM submitted four amendments intended to be proposed by him to the bill, S. 919, supra, as follows:

AMENDMENT NO. 639

At the appropriate place, insert the following:

"( ) PROHIBITION ON POLITICAL ACTIVITIES.—

"(1) IN GENERAL.—An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out under section 121 will not be used to—

"(A) provide political seminars, training, instruction, lectures, classes or speeches;

"(B) assist political organizations, partisan organizations or political appointees;

except that, with respect to speeches, this subsection shall not apply to political appointees who are responsible for the administration of a national service program.

"(2) ENFORCEMENT.—If the Corporation determines that a national service program has failed to comply with the assurances provided under paragraph (1), the Corporation shall—

"(A) prohibit the program from recruiting or selecting individuals to participate in the program during the 2-year period beginning on the date the Corporation determines the non-compliance commenced; and

"(B) direct the program to terminate the employment of the supervisors determined to be involved in the noncompliance.

AMENDMENT NO. 640

At the appropriate place, insert the following:

"( ) PROHIBITION ON POLITICAL ACTIVITIES.—

"(1) IN GENERAL.—An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out under section 121 will not be used to—

"(A) provide political seminars, training, instruction, lectures, classes or speeches;

"(B) assist political organizations, partisan organizations or political appointees;

except that, with respect to speeches, this subsection shall not apply to political appointees who are responsible for the administration of a national service program.

"(2) ENFORCEMENT.—If the Corporation determines that a national service program has failed to comply with the assurances provided under paragraph (1), the Corporation shall—

"(A) prohibit the program from recruiting or selecting individuals to participate in the program during the 2-year period beginning on the date the Corporation determines the non-compliance commenced; and

"(B) direct the program to terminate the employment of the supervisors determined to be involved in the noncompliance.

AMENDMENT NO. 641

At the appropriate place, insert the following:

"( ) APPLICATION OF HATCH ACT.—The provisions of subchapter III of chapter 73 of title 5, United States Code, as in effect on July 10, 1993, shall apply to any employee of any entity that receives financial assistance under this Act, if such assistance directly benefits such employee, during any period in which—

"(1) the employee is employed by the entity; and

"(2) the entity is receiving such financial assistance.

AMENDMENT NO. 642

At the appropriate place, insert the following:

"( ) APPLICATION OF HATCH ACT.—The provisions of subchapter III of chapter 73 of title 5, United States Code, as in effect on July 10, 1993, shall apply to any employee of any entity that receives financial assistance under this Act, if such assistance directly benefits such employee, during any period in which—

"(1) the employee is employed by the entity; and

"(2) the entity is receiving such financial assistance.

DOLE AMENDMENT NO. 643

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 919, supra, as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. FULL FUNDING FOR COOPERATIVE EDUCATION.

No funds may be appropriated to carry out the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), or the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.), for a fiscal year unless the amount appropriated pursuant to the authority of section 802(a) of the Higher Education Act of 1965 (20 U.S.C. 1133a(a)) equals or exceeds $30,000,000 for such fiscal year.

SEC. 2. VOLUNTEERISM.

(a) SECONDARY SCHOOLS.—Section 1566(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2966(b)(1)) is amended by inserting after the first sentence the following new sentence: "Such categories shall include outstanding volunteer programs.".

(b) BACHELOR'S DEGREE GRANTING INSTITUTIONS OF HIGHER EDUCATION.—Title XII of the Higher Education Act of 1965 (20 U.S.C. 1141 et seq.) is amended by adding at the end the following new section:

"SEC. 1214. VOLUNTEERISM.

"Notwithstanding any other provision of law, an institution of higher education that provides an educational program for which such institution awards a bachelor's degree shall not be eligible to receive funds under this Act or participate in any student loan program under this Act unless such institution requires each student attending such institution to participate in a volunteer program in order to receive such a degree from such institution.".

SEC. 3. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended—

(1) in subsection (a)(1), in subparagraphs (A) and (B), by striking "for fiscal year 1993" and inserting "for each of the fiscal years 1993 through 1995"; and

(2) in subsection (b), by striking "for fiscal year 1993" and inserting "for each of the fiscal years 1993 through 1995".

(b) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(1) NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION.—Section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081) is amended—

(A) in subsection (a)—

(i) in paragraphs (1) and (2), by striking "for fiscal year 1993" and inserting "for each of the fiscal years 1993 through 1995"; and

(ii) in paragraph (3), by striking "through 1993" and inserting "through 1995";

(B) in subsection (b), by striking "for fiscal year 1993" and inserting "for each of the fiscal years 1993 through 1995";

(C) in subsection (c)—

(i) in the first and third sentences of paragraph (1), by striking "for fiscal year 1993" and inserting "for each of the fiscal years 1993 through 1995"; and

(ii) in paragraph (2), by striking "for 1993" and inserting "for each of the fiscal years 1993 through 1995"; and

(D) in subsection (d)—

(i) in paragraph (1)(G), by striking "in fiscal year 1993" and inserting "in each of the fiscal years 1993 through 1995"; and

(ii) in paragraph (4)(B), by striking "through 1993" and inserting "through 1995".

(2) OLDER AMERICANS VOLUNTEER PROGRAMS AUTHORIZATION.—Subsections (a), (b), and (c) of section 502 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082) are amended by striking "for fiscal year 1993" and inserting "for each of the fiscal years 1993 through 1995".

(3) ADMINISTRATION AND COORDINATION AUTHORIZATION.—Section 504(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5084(b)) is amended by striking "through 1993" and inserting "through 1995".

DOMENICI AMENDMENT NO. 644

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 919, supra; as follows:

On page 48, line 11, strike "or".

On page 48, line 20, strike the period and insert "; or".

On page 48, between lines 20 and 21, insert:

"(5) any not-for-profit organization, unless such service does not in any way relate to influencing legislation (within the meaning of section 4911(d) of the Internal Revenue Code of 1986).

DOMENICI AMENDMENT NO. 645

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 919, supra, as follows:

On page 28, line 21, strike "33⅓%" and insert "55%";

On page 31, line 19, strike "33⅓%" and insert "25%";

On page 33, line 11, strike "33⅓%" and insert "25%".

COHEN AMENDMENTS NOS. 646 THROUGH 647

(Ordered to lie on the table.)

Mr. COHEN submitted two amendments intended to be proposed by him to the bill, S. 919, supra, as follows:

AMENDMENT No. 646

Beginning on page 75, strike line 23 and all that follows through page 76, line 4, and insert the following:

"(a) AMOUNT GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of service in an approved national service position shall receive, for each of not more than 2 of such terms of service, a national service educational award between $1,500 and $5,000, depending on the expected family contribution for a student, calculated in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) as if the participant were a student at the time of such calculation.

AMENDMENT No. 647

Beginning on page 75, strike line 23 and all that follows through page 76, line 4, and insert the following:

"(a) AMOUNT GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of service in an approved national service position shall receive, for each of not more than 2 of such terms of service, a national service educational award between $0 and $5,000, depending on the expected family contribution for a student, calculated in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) as if the participant were a student at the time of such calculation.

AGRICULTURE APPROPRIATIONS ACT OF 1993

DOMENICI AMENDMENT NO. 648

Mr. DOMENICI proposed an amendment to the bill (H.R. 2493), supra; as follows:

On page 59, at the end of line 13, insert the following:

": *Provided*, that notwithstanding any other provision of law, the Secretary of the Treasury and the Administrator shall, on the request of the borrower, allow the prepayment or repricing of a loan made by the Federal Financing Bank and guaranteed by the Administrator in accordance with the terms of the applicable loan contract"

BRYAN (AND OTHERS) AMENDMENT NO. 649

Mr. BRYAN (for himself, Mr. KERRY, and Mr. REID) proposed an amendment to the bill, H.R. 2493, supra, as follows:

On page 90, between lines 9 and 10, insert the following new section:

SEC. 730. None of the funds appropriated or otherwise made available by this Act shall be used to support the price of wool or mohair by means of loans, purchases, payments, or other operations.

NATIONAL SERVICE TRUST ACT OF 1993

KASSEBAUM AMENDMENTS NOS. 650 THROUGH 652

(Ordered to lie on the table.)

Mrs. KASSEBAUM submitted three amendments intended to be proposed by her to the bill (S. 919), supra, as follows:

AMENDMENT No. 650

On page 191, line 7, strike "shall" and insert "may".

AMENDMENT No. 651

On page 140, lines 17 through 19, strike "to solicit funds for the National Service Trust and other programs and activities authorized under the national service laws and".

On page 226, line 18, strike "solicit and".

On page 228, line 23, strike "solicit,".

On page 229, line 12, strike "solicitation,".

On page 273, strike lines 19 through 22.

On page 273, line 23, strike "363" and insert "362".

On page 274, line 7, strike "364" and insert "363".

On page 274, line 9, strike "365" and insert "364".

On page 274, line 14, strike "366" and insert "365".

On page 275, line 10, strike "367" and insert "366".

On page 277, line 9, strike "368" and insert "367".

On page 277, line 12, strike "369" and insert "368".

On page 277, line 20, strike "370" and insert "369".

On page 278, line 9, strike "371" and insert "370".

On page 278, line 22, strike "372" and insert "371".

AMENDMENT No. 652

On page 182, line 22, insert ", which may be a State council or commission, or an identified State administrative entity (including a council, a commission, or an entity, in existence on the date of enactment of this section)," after "entity".

STEVENS AMENDMENTS NOS. 653 THROUGH 659

(Ordered to lie on the table.)

Mr. STEVENS submitted seven amendments intended to be proposed by him to the bill (S. 919), supra; as follows:

AMENDMENT No. 653

On page 96, line 23, strike "1 percent" and insert in lieu thereof "3 percent".

AMENDMENT No. 654

On page 48, between lines 20 and 21, insert the following:

(b) REGIONAL CORPORATION.—The requirement of subsection (a) relating to an assurance regarding direct benefits to businesses organized for profit shall not apply with respect to a Regional Corporation, as defined under section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)), that is established in accordance with such Act as a for-profit corporation but that is engaging in not-for-profit activities.".

AMENDMENT No. 655

On page 48, strike line 2 and insert the following:

"(a) IN GENERAL.—Except as provided in subsection (b), an application submitted to the Corporation under".

AMENDMENT No. 656

On page 16, line 9, insert "engineers," after "staff,".

AMENDMENT No. 657

On page 159, line 8, strike the period and insert the following: "or a 'Native' as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).".

AMENDMENT No. 658

On page 297, line 15, strike the period and insert "or a 'Native' as defined in Section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).".

AMENDMENT No. 659

On page 297, strike line 4 through 13, and insert the following:

"(3) INDIAN TRIBE.—The term 'Indian Tribe' means—

(A) an indian tribe, band, nation, or other organized group or community, including—

(i) any Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)), wether organized traditionally or pursuant to the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act'; 48 Stat. 984, chapter 576; 25 U.S.C. 461 et seq.); and

(ii) any Regional Corporation or Village Corporation, as defined in subsection (g) or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g) or (j)),

that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians; and

(B) any tribal organization controlled, sanctioned, or chartered by an entity described in subparagraph (A).

NICKLES AMENDMENTS NOS. 660 THROUGH 661

(Ordered to lie on the table)

Mr. NICKLES submitted two amendments intended to be proposed by him to the bill (S. 919), supra, as follows:

Amendment No. 660

Beginning on page 249, strike line 19 and all that follows through page 251, line 13, and insert the following:

"SEC. 501 AUTHORIZATION OF APPROPRIATIONS.

"(a) Title I.—

"(1) Subtitle B.—

"(A) In general.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994, $46,000,000 for fiscal year 1995, $47,000,000 for fiscal year 1996, $49,000,000 for fiscal year 1997, and $50,000,000 for fiscal year 1998.

"(B) Programs.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of part I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) Subtitles C, D, and H.—

"(A) In general.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, $100,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, $100,000,000 for fiscal year 1996, $100,000,000 for fiscal year 1997, and $100,000,000 for fiscal year 1998.

"(B) Programs.—Of the amount appropriated under subparagraph (A) for a fiscal year, 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) Subtitle E.—There are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) Administration.—There are authorized to be appropriated for the administration of this Act $10,000,000 for each of the fiscal years 1994 and 1995, and $11,000,000 for each of the fiscal years 1996 through 1998.

Beginning on page 286, strike line 17 and all that follows through page 290, line 24, and insert the following:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) Authorizations.—

"(1) Volunteers in service to America.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, $47,000,000 for fiscal year 1995, $48,000,000 for fiscal year 1996, $50,000,000 for fiscal year 1997, and $51,000,000 for fiscal year 1998.

"(2) Summer program.—There are authorized to be appropriated to carry out section 104(e), $1,000,000 for each of the fiscal years 1994 through 1998.

"(3) Literacy activities.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, $6,000,000 for each of the fiscal years 1995 through 1997, and $7,000,000 for fiscal year 1998.

"(4) University year for vista.—There are authorized to be appropriated to carry out part B of title I, $1,000,000 for each of the fiscal years 1994 through 1998.

"(5) Special volunteer programs.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(6) Literacy challenge grants.—There are authorized to be appropriated to carry out section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(b) Subsistence.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) Limitation.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) Availability.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) Volunteer Service Requirement.—

"(1) Volunteer service years.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including section 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) Plan.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) Retired and Senior Volunteer Program.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, $38,000,000 for fiscal year 1995, $39,000,000 for fiscal year 1996, $40,000,000 for fiscal year 1997, and $41,000,000 for fiscal year 1998.

"(b) Foster Grandparent Program.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, $73,000,000 for fiscal year 1995, $75,000,000 for fiscal year 1996, $77,000,000 for fiscal year 1997, and $78,000,000 for fiscal year 1998.

"(c) Senior Companion Program.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, $34,000,000 for fiscal year 1995, $35,000,000 for fiscal year 1996, and $36,000,000 for each of the fiscal years 1997 and 1998.

"(d) Demonstration Programs.—There are authorized to be appropriated to carry out part E of title II, $1,000,000 for each of the fiscal years 1994 through 1998.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended—

(1) by striking section 504;

(2) by inserting the following after section 502:

"SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) In General.—There are authorized to be appropriated for the administration of this Act as provided for in title IV, $40,000,000 for fiscal year 1994, $41,000,000 for fiscal year 1995, $42,000,000 for fiscal year 1996, $43,000,000 for fiscal year 1997, and $44,000,000 for fiscal year 1998.

"(b) Evaluation and Center for Research and Training.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426."; and

Amendment No. 661

At the appropriate place, insert the following new section:

"Sec. . Sunset of Spending Authority.—Notwithstanding any other provision of this Act, the spending authority to provide financial assistance under subtitles C and H of title I, and the spending authority to provide national service educational awards under subtitle D of title I, shall expire at the end of fiscal year 1996."

AGRICULTURE APPROPRIATIONS ACT OF 1993

BRYAN (AND OTHERS) AMENDMENT NO. 662

Mr. BRYAN (for himself, Mr. Kerry, and Mr. Reid) proposed an amendment to the bill (H.R. 2493), supra, as follows:

On page 87, line 21, place a period after Act of 1978 and strike everything thereafter through line 23.

NATIONAL SERVICE TRUST ACT OF 1993

NICKLES AMENDMENTS NOS. 663 THROUGH 664

(Ordered to lie on the table.)

Mr. NICKLES submitted two amendments intended to be proposed by him to the bill (S. 919), supra, as follows:

Amendment No. 663

At the appropriate place in the amendment, insert the following new section:

"Sec. . Sunset of Spending Authority.—Notwithstanding any other provision of this Act, the spending authority to provide financial assistance under subtitles C and H of title I, and the spending authority to provide national service educational awards under subtitle D of title I, shall expire at the end of fiscal year 1996."

Amendment No. 664

At the appropriate place in the amendment, insert the following new sections:

Beginning on page 249, strike line 19 and all that follows through page 251, line 13, and insert the following:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) Title I.—

"(1) Subtitle B.—

"(A) In general.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994, $46,000,000 for fiscal year 1995, $47,000,000 for fiscal year 1996, $49,000,000 for fiscal year 1997, and $50,000,000 for fiscal year 1998.

"(B) Programs.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of part I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) Subtitles c, d, and h.

"(A) In general.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, $100,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, $100,000,000 for fiscal year 1996, $100,000,000 for fiscal year 1997, and $100,000,000 for fiscal year 1998.

"(B) Programs.—Of the amount appropriated under subparagraph (A) for a fiscal year, 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) Subtitle e.—There are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) Administratoin.—There are authorized to be appropriated for the administration of this Act $10,000,000 for each of the fiscal years 1994 and 1995, and $11,000,000 for each of the fiscal years 1996 through 1998.

Beginning on page 286, strike line 17 and all that follows through page 290, line 24, and insert the following:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) Authorizations.—

"(1) Volunteers in service to america.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, $47,000,000 for fiscal year 1995, $48,000,000 for fiscal year 1996, $50,000,000 for fiscal year 1997, and $51,000,000 for fiscal year 1998.

"(2) Summer program.—There are authorized to be appropriated to carry out section 104(e), $1,000,000 for each of the fiscal years 1994 through 1998.

"(3) Literacy activities.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, $6,000,000 for each of the fiscal years 1995 through 1997, and $7,000,000 for fiscal year 1998.

"(4) University year for vista.—There are authorized to be appropriated to carry out part B of title I, $1,000,000 for each of the fiscal years 1994 through 1998.

"(5) Special volunteer programs.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(6) Literacy challenge grants.—There are authorized to be appropriated to carry out section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(b) Subsistence.—the minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(e) Limitation.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) Availability.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) Volunteer Service Requirement.—

"(1) Volunteer service years.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) Plan.—If the Director determines that funds appropriated to carry out part A, B, and C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) Retired and Senior Volunteer Program.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, $38,000,000 for fiscal year 1995, $39,000,000 for fiscal year 1996, $40,000,000 for fiscal year 1997, and $41,000,000 for fiscal year 1998.

"(b) Foster Grandparent Program.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, $73,000,000 for fiscal year 1995, $75,000,000 for fiscal year 1996, $77,000,000 for fiscal year 1997, and $78,000,000 for fiscal year 1998.

"(c) Senior Companion Program.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, $34,000,000 for fiscal year 1995, $35,000,000 for fiscal year 1996, and $36,000,000 for each of the fiscal years 1997 and 1998.

"(d) Demonstration Programs.—There are authorized to be appropriated to carry out part E of title II, $1,000,000 for each of the fiscal years 1994 through 1998.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended—

(1) by striking section 504;

(2) by inserting the following after section 502:

"SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) In General.—There are authorized to be appropriated for the administration of this Act as provided for in title IV, $40,000,000 for fiscal year 1994, $41,000,000 for fiscal year 1995, $42,000,000 for fiscal year 1996, $43,000,000 for fiscal year 1997, and $44,000,000 for fiscal year 1998.

"(b) Evaluation and Center for Research and Training.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426."; and

AGRICULTURE APPROPRIATIONS ACT OF 1993

BUMPERS AMENDMENT NO. 665

Mr. BUMPERS proposed an amendment to amendment No. 648 (proposed by Mr. Domenici) to the bill, H.R. 2493, supra; as follows:

In lieu of the language proposed to be inserted by said amendment, insert the following:

SEC. 306C. REFINANCING OF LOANS.

(a) In General.—A borrower of a loan made by the Federal Financing Bank and guaranteed under section 306 of this Act may, at the option of the borrower, refinance such loan, loan advance, or any portion thereof.

(b) Penalty.—

(1) Determination of penalty.—A penalty shall be assessed against a borrower that refinances a loan, loan advance or any portion thereof under this section. Such penalty shall, except as provided by paragraph (2), be equal to the lesser of—

(A) the difference between the outstanding principal balance of the loan being refinanced and the present value of such loan discounted at a rate equal to the current cost of funds to the Department of the Treasury for obligations of comparable maturity to the loan being refinanced;

(B) one hundred percent (100%) of the amount of interest for one year on the outstanding principal balance of such loan, loan advance, or any portion thereof being refinanced, multiplied by the ratio which—

(i) the number of quarterly payment dates between the refinancing date and the maturity date of the loan advance,

bears to—

(ii) the number of quarterly payment dates between the first quarterly payment date that occurs 12 years after the end of the year in which the amount being refinanced was advanced and the maturity date of such loan advance;

(C) one hundred percent (100%) of the amount of interest for one year on the outstanding principal balance of such loan, loan advance, or any portion thereof being refinanced, plus, for the interval between the date of the refinancing and the first quarterly payment date that occurs 12 years after the end of the year in which the amount being refinanced was advanced, the present value of the difference between each payment scheduled for such interval on such loan amount being refinanced and the payment amounts that would be required during such interval on the amount being refinanced if the interest rate on the loan were equal to the current cost of funds to the Department of the Treasury for obligations of comparable maturity to the loan being refinanced.

(2) LIMITATION.—The penalty provided by section (b)(1)(A) shall be required for a refinancing under this section except that in the case of a loan advanced under an agreement executed before 1984 which permits the repayment or refinancing of such loan advance based on the payment of one year of interest on the outstanding principal balance of such loan advance, a borrower may, in lieu of the penalty required by section (b)(1)(A), pay a penalty as provided by—

(A) section (b)(1)(B) if such loan advance has reached the twelve year maturity required under such loan agreement for such prepayment or refinancing;

(B) section (b)(1)(C) if such loan advance has not reached the twelve year maturity required under such loan agreement for such prepayment or refinancing.

(3) FINANCING OF PENALTY.—A borrower may at its option meet the penalty requirements of paragraph (1) by either making a payment in the amount of such required penalty at the time of such refinancing or by increasing the outstanding principal balance of the loan advance that is being refinanced under this section by the amount of such penalty. If a borrower meets the penalty requirements of paragraph (1) by increasing the outstanding principal balance of the loan advance that is being refinanced, the borrower shall make a payment at the time of such refinancing equal to 2.5 percent of the amount of such penalty that is added to the outstanding principal balance of such loan.

(c) LOAN TERMS AND CONDITIONS AFTER REFINANCING.—

(1) IN GENERAL.—Upon the payment of a penalty as provided by subsection (b), the loan, loan advance, or any portion thereof shall be refinanced at the interest rate described in paragraph (2) for the term or terms selected by the borrower pursuant to paragraph (3).

(2) INTEREST RATE.—The interest rate on a loan refinanced under this section shall be determined to be equal to the current cost of funds to the Department of the Treasury for obligations of comparable maturity to the term selected by the borrower pursuant to paragraph (3), but the interest rate on such a refinanced loan shall not exceed 7 percent.

(3) LOAN TERM.—Subject to paragraph (4), the borrower of a loan that is refinanced under this section shall select the term for which an interest rate shall be determined pursuant to paragraph (2), and at the end of the term (and any succeeding term selected by the borrower under this paragraph), may renew the loan for another term selected by the borrower.

(4) MAXIMUM TERM.—The borrower may not select a term pursuant to paragraph (3) that ends after the maturity date set for such loan before its refinancing under this section.

(5) EXISTING LOAN.—The refinancing of a loan pursuant to this section and the inclusion of a penalty in the outstanding principal balance of such refinanced loan, pursuant to paragraph (3), shall not, notwithstanding any other provision of law, be considered the making of a new loan, new loan guarantee or other new credit activity, nor shall refinancing be subject to appropriations or limited by the amount provided during a fiscal year for new loans, loan guarantees or other credit activity, nor may the request of a borrower for such refinancing under this section be denied.

SIMPSON AMENDMENT NO. 666

Mr. COCHRAN (for Mr. SIMPSON) proposed an amendment to the bill (H.R. 2493), supra, as follows:

On page 60, line 15, before the period, insert the followng: ": *Provided*, That none of the funds appropriated or otherwise made available by this Act for the programs authorized by chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.) may be used by the Administrator of the Rural Electrification Administration to carry out the programs unless, prior to allocating funds to carry out the programs, the Administrator consults with the Secretary of Education and the Secretary of Health and Human Services, acting through the Director of the Office of Rural Health Policy, concerning the review of applications to participate in the programs and the administration of the programs".

BURNS AMENDMENT NO. 667

Mr. COCHRAN (for Mr. BURNS) proposed an amendment to the bill (H.R. 2493), supra, as follows:

None of the funds in this Act shall be available to pay indirect cost on research (other than Small Business Innovation Research grants) awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total direct costs under each award.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that joint hearings have been rescheduled before the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations.

The purpose of the hearings is to receive testimony on the superconducting super collider.

The hearing will now take place on Wednesday, August 4, 1993, at 9:30 a.m. and continue at 2:30 p.m. on Wednesday, August 4, 1993. Both hearings will be held in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Paul Barnett and Mary Louise Wagner.

For further information, please control Paul Barnett or Mary Louise Wagner of the committee staff at 202/224-7569, or Proctor Jones of the Committee on Appropriations at 202/224-0335.

POSTPONEMENT—COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that the hearing originally scheduled before the Committee on Energy and Natural Resources for Monday, August 2, 1993 at 2 p.m. has been postponed. I regret any inconvenience this may have caused.

For further information, please contact Mary Louise Wagner of the committee staff at 202/224-7569.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee markup of S. 1274, the Small Business Guaranteed Credit Enhancement Act of 1993. The markup will be held on Wednesday, July 28, 1993, at 2:30 p.m., in room 428A of the Russell Senate Office Building.

For further information, please call Patricia Forbes, counsel to the Small Business Committee at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EDUCATION, ART AND THE HUMANITIES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Education, Art and the Humanities be authorized to meet for a hearing on School Finance: An Overview, during the session of the Senate on Monday, July 26, 1993, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO WEST VIRGINIA STUDENTS AND SONY STUDENT PROJECT ABROAD

• Mr. ROCKEFELLER. Mr. President, today I would like to offer my sincere praise and recognition to a program which has enabled several West Virginia students to participate in a spectacular learning experience. Thanks to the Sony Corp.'s Student Project Abroad [SSPA] two West Virginia students, Jennifer Patterson of Bluefield and Lisa Cook of Brenton, will join high school students from 24 other States on a 2-week educational excursion to Japan.

As a student years ago, I had the opportunity to study in Japan and it was an extraordinary educational opportunity. This is just one reason why I am so proud to have nominated these two young women to represent West Virginia this year. I am certain their encounter will be an enlightening cultural experience.

Lisa Cook is 17 years old and will be a senior at Baileysville High School. She is an exceptionally motivated student both in and out of the classroom, and is ranked first in her class of 117 students. Lisa has been studying Japanese for 2 years and on July 21, when she and her fellow SSPA participants arrive in Tokyo, she will finally have the chance to take advantage of her new language skills for the first time.

Jennifer Patterson, who is also 17 years old, will be a senior at Bluefield High School. She, too, is an outstanding student, and is ranked first in her class of 173. Jennifer has had a unique learning opportunity in her years at Bluefield High School; she has been studying Japanese by a satellite communications system. Like most high school students, Jennifer does not have access to firsthand Japanese tutoring in her high school but her determination to learn the language led her to use this innovative teaching program.

Judging from my own experience as a student abroad, I sincerely believe traveling to Japan provides a tremendous motivation to study the Japanese language and culture. The Sony program, and other quality student exchange programs are wonderful cultural and educational opportunities for students.

This is only the second time that I have had the opportunity to nominate students for the Sony program. The first student was in 1991, Tina Dunigan of Twin Branch, WV. Tina had 2 years of Japanese satellite courses before she participated in the Sony program. The following letter which I received from her upon her return to the United States clearly portrays the excitement that many exchange students feel:

> DEAR SENATOR ROCKEFELLER: I just wanted to write to let you know how much I appreciate your nominating me for the SSPA 191 trip to Japan. It was definitely a once-in-a-lifetime experience. Like you stated in your previous letter, this would be a great learning experience for me, and it was. The knowledge I gained while there is more than I ever dreamed possible.
>
> We did so many things in Japan, it seems that we were able to fit a year of Japan into two weeks. I stayed at the New Otani Inn in Tokyo, with the exception of a two day stay in Kyoto, where I was able to see the Gion Matsuri Festival, and a three-night stay with my host family. The most outstanding part of the trip was the homestay! My host family went out of their way to see that I had a great time. They took me to the top of Mt. Fuji. I purchased many souvenirs from all the places I went, but the hardened piece of lava I brought back from the top of Mt. Fuji seems to mean the most. To me it is priceless.
>
> I could never put into words what this trip meant to me because there are no words strong enough to express that. But I do consider myself very fortunate to have had this opportunity. I have gained many life-time friends, not only in the United States, but also in Japan. And now I have a greater knowledge of Japan and its culture. This trip has allowed me to realize the fact, that I would like to return to Japan for a year furthering studies, to become more fluent in the language. I am hoping to pursue a career in translating or something of the sort.
>
> Once again I would like to thank you for your nomination. Because if it were not for you, I would have never had this opportunity. I will never forget this experience, or the knowledge I have gained.
>
> Gratefully yours,
>
> TINA DUNIGAN.

As a result of Tina's experience with SSPA, she is continuing her Japanese studies at Salem-Teikyo University in West Virginia. She will be spending 6 months of the upcoming school year teaching English to both students and adults in Tokyo.

The Sony Student Project Abroad was initiated in 1990 to commemorate Sony Corp. of America's 30th anniversary. The program is geared toward American High School students who share an enthusiastic interest and understanding of science and math; Sony is committed to investing in students who may wish to pursue careers in industry-related and scientific activities. This program has, and will, continue to allow hundreds of students like Lisa, Jennifer, and Tina, who may never otherwise have such an opportunity, to spend 17 days in Japan; touring Sony facilities, witnessing design and engineering presentations, and visiting historical landmarks in the country.

The SSPA is more than a scientific, educational experience; it is also designed to foster a deeper awareness of Japanese custom and culture. The students spend a weekend with a Sony employee and his or her family. They also get the opportunity to spend the day with Japanese high school students, exchanging ideas and experiences and thus nurturing a clearer understanding for future relations between the United States and Japan.

I would like to commend my colleagues who have nominated students from their own States for this wonderful educational program. I am certain that those young men and women to whom you have extended this enriching opportunity will be able to share the same wonderful feelings about the Sony Student Project Abroad as Tina Dunigan has.

I once again, congratulate Lisa Cook and Jennifer Patterson and I wish them my best for their travels this week. I sincerely thank the Sony Corp. for its commitment to this exchange program and fostering awareness among young Americans of Japanese culture.•

COMMENDING WILLIAM "POPSIE" THOMPSON

• Mr. MACK. Mr. President, I would like to take this opportunity to recognize and congratulate one of my constituents, William "Popsie" Thompson, a onetime New York musical performer who is using his musical talents to keep kids off the streets and away from drugs.

In 1986, Popsie Thompson noticed a handful of bored kids hanging around his Sunrise Tailor Shop. It occurred to him that what these kids needed was an activity that would boost their self-esteem as well as encourage them to stay in school and avoid the ever-growing dangers of drug abuse.

Popsie Thompson has formed a nonprofit, multiethnic troupe of over 200 young singers and dancers ranging in ages from 2 to 20. This group, known as the Rainbow Crusaders and based in Broward County, FL, has become a fixture at local celebrations and parades and is dedicated to spreading the messages to stay away from drugs and to stay in school, as well as promoting brotherhood and racial harmony throughout the community. The Crusaders have also been honored as the first drug awareness program formally recognized by the Boy Scouts of America.

Popsie and his Crusaders have traveled throughout the State of Florida, as well as to Atlanta. On July 23 of this year, the Crusaders will be embarking on a trip that includes stops in Atlanta, Tennessee, and Washington, DC, where they will be performing on the Capitol Grounds and for the Department of Justice.

As Popsie Thompson and his Rainbow Crusaders are coming to Washington, DC, to perform, I believe it is proper that the U.S. Senate recognize Popsie Thompson for his service to his community and his country, and I am pleased to stand here today in honor of this fine citizen.•

MORE POLITICAL TRIALS IN UZBEKISTAN

• Mr. DECONCINI. Mr. President, it is with great regret that I once again return the attention of this body to the lamentable human rights situation in the former Soviet Republic of Uzbekistan. Despite numerous outcries from United States official and private human rights organizations, and protests from the Chairman-in-Office of the Conference on Security and Cooperation in Europe, Swedish Foreign Minister Magaretha of Ugglas, who visited the country in April 1993, the Uzbek Government continues to flout the international human rights agreements that it has signed.

Over the past year, the human rights situation in Uzbekistan has deteriorated alarmingly. At this moment, virtually all voices of opposition in that country have been silenced through arrest, exile, or violence, including near death from street beatings. Several leaders of the opposition movement

Birlik have been beaten, including as recently as this past May, when Shukhrat Ismatullaev was attacked in the capital of Tashkent. I myself met with Mr. Ismatullaev during my visit to this region in April 1992 and can report that he and other activists who have been arrested or beaten are not violent people; their crime, at least in the eyes of Uzbek President Karimov, is to oppose the one-man, one-party dictatorial rule that President Karimov is taking all measures to impose on that newly independent country.

Other members of opposition groups have been arrested on the basis of undemocratic laws which inhibit freedom of speech, such as the law against "insulting the dignity and honor of the President." Some of you are aware of the case of Mr. Abdumannob Pulatov, who was abducted from the neighboring country of Kyrgyzstan and forced to stand trial under this charge. Other opposition members have also been arrested, and many remain in jail without charge; there is particular concern about the fate of Mr. Abdulla Utaev, who was arrested last year and whose whereabouts and condition remain unknown.

On July 1 of this year, yet another political trial began in Tashkent. Six persons are on trial for their attempt last year to organize the Milli Majlis, Uzbek for National Council, which was to be a round table of political parties and movements that are in opposition to the policies of the current Uzbek Government. Their activities were peaceful, but the response of the Government was to arrest and charge them with "organized activity aimed at particularly dangerous crimes against the state, as well as participation in anticonstitutional activity." Furthermore, the punishment for this crime may even be the death penalty.

The six men currently on trial are: Bobur Shakirov, arrested August 1992; Khazratkul Khudaiberdee, arrested December 1992; Salavat Umurzakov, arrested May 1993; Olim Karimov and Orif Otanazarov, both of whom were arrested last year and then released due to their ill health after considerable pressure on the Uzbek Government from the international community; and Abdulaziz Makhmudov, a film producer who chronicled the activities of the political opposition in Uzbekistan until the government crackdown.

When Helsinki Commission staff met with the chairman of the Uzbek Parliament last month in Washington, the case of these men was raised. From that discussion it was clear that many in the Uzbek Government believe that to say openly that the current Government does not represent the views of all the citizens of Uzbekistan, is grounds for arrest. Perhaps they genuinely do not understand what constitutes the principle of freedom of speech, which holds that people are free not to accept the legitimacy of any government, as long as their methods are peaceful and they do not act to seek to overthrow through violent means. In Uzbekistan, such people are thrown in prison.

Mr. President, as chairman of the Helsinki Commission, I have felt it my duty to report to my colleagues about the poor situation for human rights in the countries of the CSCE. I supported the membership of all the former Soviet Republics into the CSCE, including the southern Central Asian Republic of Uzbekistan. Some people, both here and in Uzbekistan, have argued that for the United States to press these countries on human rights amounts to cultural imperialism, that we are imposing our values on other people whose values may be different. Yet I must point out to those who make such an argument that we are not pressing the Uzbeks on anything other than those commitments which the Uzbek Government itself signed on to when President Karimov signed the Helsinki Final Act in July 1992. In addition, upon joining the United Nations, the Uzbek Government agreed to abide by all of its documents, including the Universal Declaration on Human Rights. We are, therefore, only asking the Uzbek Government to uphold its commitment to principles to which it voluntarily agreed.

It is sad that the Government of Uzbekistan is so determined to extinguish all forms of political opposition. Indeed, the Government acts as if it is afraid of its own citizens, afraid of their freedom, and thus working actively to suffocate that freedom. It may be true, as President Karimov often claims, that his Government enjoys the widespread support of the citizens of Uzbekistan. If that is true, why then is he so afraid of a few voices of opposition?

Mr. President, in light of the persistent campaign of the Uzbek Government to repress all expression of dissent in that country, I submit that there is no alternative but for the U.S. Congress to deny that country all but humanitarian aid. The Helsinki Commission has already recommended, and will continue to recommend, that Uzbekistan be denied most-favored-nation status until such time as the Government ceases its repressive policies.

I call on President Karimov to cease this repression of the political opposition in his country, and to end the practice of silencing members of opposition groups by trying them on spurious charges. I call on the first president of the new country of Uzbekistan genuinely to implement the democratic principles that he has pledged to uphold.•

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2492

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 2:15 p.m. on Tuesday, July 27, the Senate proceed to the consideration of calendar No. 148, H.R. 2492, the D.C. appropriations bill; and that the following be the only first-degree floor amendments in order; that they be considered under the following time limitations, with second-degree amendments in order, if they are relevant to the first-degree amendment, and considered under the same time limitation as the first-degree amendment, if applicable; and that there be 1 hour for debate on the bill. The amendments are as follows: An amendment by Senator LOTT regarding domestic partners; and amendment by Senator KOHL that is relevant; an amendment by Senator KOHL that is relevant; an amendment by Senator BYRD that is relevant; an amendment by Senator HATFIELD that is relevant; an amendment by Senator HELMS that is relevant; an amendment by Senator COVERDELL that is relevant; an amendment by Senator NICKLES regarding D.C. statehood, on which there will be 1 hour for debate; an amendment by Senator MURRAY that is relevant; and amendment by Senator MURRAY that is relevant; an amendment by Senator MURRAY that is relevant; an amendment by Senator MURRAY that is relevant; an amendment by Senator MURRAY that is relevant; an amendment by Senator KERRY of Massachusetts that is relevant; an amendment by Senator KERRY of Massachusetts that is relevant; an amendment by Senator GREGG regarding contracting policies, on which there will be 30 minutes for debate; an amendment by Senator BURNS that is relevant; an amendment by Senator BURNS that is relevant.

I further ask unanimous consent that the committee amendments, with the exception of the committee amendment on page 36, line 8 through line 19 on domestic partners, be considered agreed to for purposes of further amendment, with no points of order waived by their adoption; that all amendments must be offered by the close of business on Tuesday, July 27, or they will no longer be in order; and that all time be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I did not want to raise the question before it was agreed to, but I assume, as we did in this case, if some Senator is necessarily absent, his or her amendment can be offered in his or her behalf.

Mr. MITCHELL. The distinguished Republican leader is correct.

Mr. DOLE. Is it the intent to finish the bill tomorrow, if possible?

Mr. MITCHELL. Yes, it is.

Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate resumed consideration of the bill.

Mr. MITCHELL. Mr. President, I call for the regular order and request that the national service bill be placed before the Senate.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 919) to amend the National Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the committee substitute to S. 919, the National and Community Service Trust Act of 1993:

Joseph Lieberman, Ben Nighthorse Campbell, Daniel K. Akaka, Barbara Mikulski, David Pryor, John Glenn, Harry Reid, Barbara Boxer, Wendell Ford, Russell D. Feingold, Dennis DeConcini, Tom Daschle, Carl Levin, Kent Conrad, Byron L. Dorgan, Sam Nunn, Edward Kennedy, Harris Wofford.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote occur at a time to be determined by the majority leader following consultation with the Republican leader and that the mandatory quorum be waived with respect to this cloture vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: calendar items numbered 289, 291, 292, 293, 294, and 295. I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Charles Robert Tetzlaff, of Vermont, to be U.S. Attorney for the District of Vermont for the term of 4 years.

EXECUTIVE OFFICE OF THE PRESIDENT

Alan S. Blinder, of New Jersey, to be a member of the Council of Economic Advisers.

Joseph E. Stiglitz, of California, to be a member of the Council of Economic Advisers.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

G. Edward DeSeve, of Pennsylvania, to be Chief Financial Officer, Department of Housing and Urban Development.

DEPARTMENT OF THE TREASURY

Richard Scott Carnell, of Florida, to be an Assistant Secretary of the Treasury.

SECURITIES AND EXCHANGE COMMISSION

Arthur Levitt, Jr., of New York, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1998.

STATEMENT ON THE NOMINATION OF ARTHUR LEVITT

Mr. DOMENICI. Mr. President, I am pleased to support my friend Arthur Levitt to be the next Chairman of the Securities and Exchange Commission. Taking on the helm of the SEC means becoming the primary guardian of more than 51 million Americans who directly own stock and the tens of million that own stock through institutional investors, which in aggregate totals over $5 trillion in securities. As our securities markets have become larger, global, and more complex, the role of the SEC's Chairman has become more challenging. In our ever-changing securities industry, Arthur will lead the SEC to meet the demands of the upcoming years.

From his military experience in the Air Force, becoming president of Shearson Hayden Stone, acting as chairman of the American Stock Exchange during 10 years of expansion, and involvement with Roll Call, Arthur Levitt will bring a wealth of experience to head the SEC. I cannot think of any other individual that is as qualified to guide the regulation of the securities industry.

The mission of the SEC is to protect the integrity of our marketplace. Arthur will continue the SEC tradition of protecting the public interest through an impartial and independent securities and exchange commission.

The SEC has a worldwide reputation for vigilant enforcement of the rules that have allowed our markets to grow without harming the confidence of investors. Under Arthur's command, the SEC will nurture an environment, in which, investor protection and the creation of capital will continue to be the highest priority. Most importantly, I have confidence that the SEC will let the securities exchanges remain efficient, while maintaining an agency of the highest integrity.

Our new SEC Chairman understands that encouragement of an environment that creates an impetus for growing businesses to raise capital is necessary to expand our economy. Having worked in the securities industry for over 30 years, Arthur knows that the SEC needs to be objective while accessible, in order for the Commission to maintain its credibility.

Having run Shearson, Hayden, Stone, Arthur brings an understanding that the SEC needs to function, not as a bureaucratic government agency, but as a business. If other Federal agencies had more leaders like Arthur, many problems of governmental inefficiency could be avoided.

Recently, many Americans have redeemed their insured certificate of deposits and have opted for the higher returns and greater risk of mutual funds. The SEC needs to protect the confidence of these small investors who have accepted more risk than many realize. Protection of companies and investors is paramount to our economic growth. Without investor confidence, it will be impossible for new capital formation to flourish.

Arthur understands that in the securities market, frivolous lawsuits have been a threat to investors and high-technology companies.

With the explosion of derivative products in the past decade, we need to have a direct line of communication between the marketplace and the regulators. Regulators must be able to preempt any situation which could trigger a crisis similar to the crash in 1987.

Unquestionably, the confirmation vote today has brought a leader from the securities industry to initiate a renewed spirit for the SEC. The protection of the investor and supervision of the issuer, along with the growth and stability of the marketplace are the tasks facing the Securities and Exchange Commission. In the upcoming years, under the guidance of Arthur Levitt, the SEC will continue to let our capital and equity markets expand while maintaining integrity in our markets that make them the finest in the world.

STATEMENT ON THE NOMINATION OF ARTHUR LEVITT

Mr. D'AMATO. Mr. President, I am pleased to rise today to support the confirmation of Arthur Levitt to be Chairman of the Securities and Exchange Commission.

Arthur Levitt has many outstanding qualities—not the least of which is that he is from my home State of New York. As was clear during the Banking Committee's hearing on his nomination, Arthur Levitt promises to be an outstanding Chairman of the SEC.

Over the years, Arthur has been active in the New York community and he has been involved in many aspects of the securities industry. He has been a successful entrepreneur, an effective regulator, and an active investor. As a result, Arthur has a unique perspective of the capital markets that will enable him to achieve the critical balance of fostering industry growth while maintaining investor protection.

The SEC is about to face some new important and complex issues involving market structure and investor protection. The SEC is expected to complete the Market 2000 study—a much anticipated review of the stock market structure—sometime this fall. The SEC, CFTC, and Federal Reserve are also currently studying market risk associated with derivative product trading and whether there is a need for additional regulation.

Questions have also arisen about the need for additional disclosure to and protection of investors who purchase mutual funds. Although the SEC conducted a study on the laws regulating mutual funds, no steps have yet been taken on the study's recommendations.

The SEC Chairman will have to deal with these domestic issues as well as foreign issues that arise as the global capital market continues to evolve. I am confident that Arthur Levitt has the expertise to balance these demands—in addition to developing an agenda of his own.

As SEC Chairman, Arthur Levitt will bring collegiality to the Commission that will benefit both the agency and the industry. It is essential that the Commissioners and staff have input in how to fulfill the agency's mission of ensuring the integrity of our securities markets. A Commission that is united in purpose will be that much more effective in ensuring a financial market that is safe for investors. In fact, I was pleased to note that Arthur Levitt emphasizes the importance of protecting shareholder's interest during his confirmation hearing.

Mr. President, I also expect that Arthur will bring a sense of new mission to the Commission and I look forward to working with him once he is confirmed to maintain the preeminence of our capital markets.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MODIFICATION OF AMENDMENT NO. 648, AS AMENDED

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Domenici amendment No. 648, as amended by the Bumpers amendment No. 665, for Senator LEAHY, be modified with the language I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

"The Rural Electrification Administration Act is amended by adding the following new section":

CAVE CREEK CANYON PROTECTION ACT OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 144; that the bill be read three times, passed, and the motion to reconsider the passage of this measure be laid upon the table; that any statements relative to this calendar item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 843) was passed.

ORDER OF PROCEDURE—VOTES ON S. 919

Mr. MITCHELL. Mr. President, I ask unanimous consent that with reference to the votes stacked relative to the Agriculture appropriations bill scheduled to occur on Tuesday, July 27 immediately following the cloture vote on the committee substitute to S. 919, the cloture vote be 15 minutes in duration with an additional 5 minutes under the normal voting rule, and that each succeeding vote in the sequence by 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of the Senate, the order just entered provides that the first rollcall vote with reference to the cloture motion will be 15 minutes plus an additional allowance of 5 minutes, if necessary, but the three remaining votes with reference to the Agriculture appropriations bill will be 10 minutes each. I repeat and emphasize that the last three votes in the voting sequence will be 10 minutes only. I ask that Senators remain in the Chamber during these votes tomorrow so that they may be completed as scheduled.

FILING OF SECOND-DEGREE AMENDMENTS TO S. 919

Mr. MITCHELL. Mr. President, I ask unanimous consent that with reference to the 10 a.m. cloture vote on the committee substitute to S. 919 Senators may file second-degree amendments until 9:30 a.m. on Tuesday, July 27.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JULY 27, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Tuesday, July 27; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume immediately consideration of S. 919 as provided for under a previous order; and that on Tuesday, tomorrow, the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:51 p.m. recessed until 9 a.m. Tuesday, July 27, 1993.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate July 26, 1993:

EXECUTIVE OFFICE OF THE PRESIDENT

ALAN S. BLINDER, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

JOSEPH E. STILITZ, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

G. EDWARD DESEVE, OF PENNSYLVANIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF THE TREASURY

RICHARD SCOTT CARNELL, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

SECURITIES AND EXCHANGE COMMISSION

ARTHUR LEVITT, JR., OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 1998.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

CHARLES ROBERT TETZLAFF, OF VERMONT, TO BE U.S. ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF 4 YEARS.

HOUSE OF REPRESENTATIVES—*Monday, July 26, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, that we will receive Your message of joy and the glorious opportunities of life, that we will hear Your word of healing instead of pain, of security instead of anxiety, of hope and faith instead of despair. We admit we have not been the people You would have us be, but we also know that Your spirit of good will is with us in all the moments of life and so we pray this day that Your blessing of peace will accompany us and all your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri [Mr. VOLKMER] please come forward and lead the House in the Pledge of Allegiance.

Mr. VOLKMER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2348. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2348), "An act making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REID, Ms. MIKULSKI, Mrs. MURRAY, Mr. BYRD, Mr. MACK, Mr. BURNS, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 92. Joint resolution to designate the month of October 1993 as "National Down Syndrome Awareness Month."

S.J. Res. 95. Joint resolution to designate October 1993 as "National Breast Cancer Awareness Month."

S.J. Res. 97. Joint resolution to commemorate the sesquicentennial of the Oregon Trail.

S.J. Res. 99. Joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

S.J. Res. 101. Joint resolution to designate the week of July 25 through July 31, 1993, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

S.J. Res. 102. Joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month."

S.J. Res. 111. Joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day."

THE FLOOD DISASTER

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I just returned from my district, and I cannot tell you the devastation and the heartbreak that is out there along the Missouri and Mississippi Rivers, both in my district, of the utter frustration of people along the Missouri who have seen their houses flooded and their businesses ruined. They have seen the water go down. They are starting to clean up and they just get word because of rains in Nebraska, St. Joe, and around Kansas City, heavy rains, it is coming right back up. It is all over again. This has been lasting for weeks.

I am going to ask the Congress to do differently than this House did last Thursday. This House last Thursday, I think, some Members put politics above helping the people.

We have an opportunity tomorrow to take up disaster relief again, to provide some hope for the people out there in my district and all along the Missouri and Mississippi Rivers.

Without the rule being passed, we cannot take up disaster legislation. For those of you who say we have to pay for it first, remember that we did not pay for it in Hurricane Hugo or Andrew or the earthquake in San Francisco. We did not even pay for it for the Kurds in Iraq.

Surely the American people, the people of my district, the people along the Mississippi and Missouri Rivers, surely they are just as important as the Kurds in Iraq.

THE STORY IN THE NUMBERS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the most important issue on the minds of the American people is jobs. Whether it be job security or job creation, the public is rightfully concerned about the impact of the Clinton tax plan on jobs.

Well, I have, unfortunately, some bad news. Whether the President knows it or not, he admitted Friday that his plan will not net any more jobs. In fact, his plan will lose jobs.

A report released by the White House shows that the Clinton tax plan supposedly will create 8 million jobs over the next 4 years, but CBO, the official economic judge of the Democratic majority, as the President himself acknowledged, has already concluded that if the administration did nothing, 9.4 million jobs would be created over the same time period.

What does this tell us about the President's plan? Well, it tells us it will kill 1.4 million jobs, and it tells us that the economy would be much better off if we killed the tax plan and started all over again.

This story is in the President's own numbers. If you are for jobs, you cannot be for the Clinton tax plan.

HELP FOR THE REAL ESTATE INDUSTRY

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, nearly 170 Democratic Members of this House have signed a letter urging the conferees who are currently meeting on the reconciliation bill to insist upon the House-passed real estate provisions.

Most of these real estate provisions were necessitated by the mistakes in the 1986 Tax Reform Act, the Senate version of which singled out the real estate industry for punitive treatment. That punitive treatment has resulted in the loss of over $500 billion of real estate value since that act was passed. More than any other reason, that is why hundreds of banks around the country have folded.

It is also, Mr. Speaker, the reason why our economy cannot fully recover until these provisions, these incentives for investing in real estate are restored. No economy can take a $500 billion hit and keep on ticking.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Also, Mr. Speaker, it should be known that 70 percent of schools, of police and fire protection, of all municipal services, are dependent upon real estate property taxes throughout the country.

Mr. Speaker, I urge my colleagues to insist on the restoration of the incentives that will bring capital back into the real estate industry.

I will further elaborate on these points in the Extension of Remarks today.

BIG TAXES FOR SMALL BUSINESS

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, Democrats working to raise taxes are talking about the latest changes to their tax bill. But to Americans working to pay taxes it still looks like the largest tax hike in American history.

No one knows this better than America's small business owners. Jack Faris, president of the 607,000 member National Federation of Independent Business, was right. He said the latest version, like the last version "Is a tax bill, pure and simple. It taxes working people. It taxes small business owners. It taxes Social Security. It taxes gasoline. That is not an echo we hear: It is taxes, taxes, taxes."

Mr. Faris accurately points out that the administration's tax bill ignores small business' role as the engine of America's economy. In the latest version, small business owners will have had a 60-percent increase in their tax burden since 1990.

Mr. Speaker, the Democrats' idea of change is big taxes for small business. If you want the car to go faster, you lighten the load, you do not tax the engine. If you want America to create jobs, you do not tax America's job creator—small business—out of business.

□ 1210

CONGRESS MIRED DOWN IN TECHNICALITIES WHEN IT COMES TO HELPING FLOOD VICTIMS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there were no technicalities when Congress gave money to the Kurds. There were no technicalities when Congress gave billions to protect Kuwait and Saudi Arabia. There were no technicalities when Congress each year gives $15 billion to everybody overseas And there were no technicalities when Congress gave billions and billions of dollars to Boris Yeltsin and Russia who need our help so desperately.

However, my colleagues, when it came down to helping American taxpayers who are literally drowning in 40 feet of water, Congress got mired down in technicalities.

I say today, my colleagues, that Russia, Israel, and Egypt have the best American Congress they could have ever dreamed of, and the American taxpayers better take their Government back.

FOOLING THE AMERICAN PEOPLE—BUT NOT AGAIN

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, you can fool some of the people some of the time, but you can't fool all of the people all of the time.

Last fall, candidate Bill Clinton promised tax relief for middle-income Americans.

But when he got to Washington, he said he had bad news: That the deficit was bigger than expected, and that he was going to break his promise and call for a record tax increase instead.

But just last week, Mr. Speaker, we found out that the deficit is now projected to be substantially less than the President claimed back in January.

So has the President reclaimed his promise to give middle-class people a tax break? The answer is no.

You see, Mr. Speaker, it looks like the Clinton administration planned to raise taxes all along, and that the deficit projections were just another smoke screen used to try and hoodwink the American people.

Well, the American people know better. In poll after poll, they have said they want the deficit reduced through spending cuts, not tax increases.

And they know it can be done. Republican proposals in the House and Senate such as the Putting Jobs and the American Family First Act have proven it.

Mr. Speaker, if the President and Democrats in Congress go forward with this unnecessary, massive tax increase, they will have a lot of explaining to do in November 1994. Because the American people will not be fooled again.

SHAME ON CONGRESS

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, last week I believe that we shamed this House, for indeed, as we come week after week, day after day, making packaged speeches about tax cuts and what Mr. Clinton has or has not done, the American people were looking at this House and the Members of this body to see whether or not we would act, and not whether or not Mr. Clinton would act. They were crying out from the rooftops in Missouri, Kansas, and Iowa to see whether or not this Congress was going to bite the bullet and move into action to save its constituents.

Well, Mr. Speaker, we did not do this, and I am woefully ashamed, as a Member of this House, that we did not move with alacrity to save our American people.

My constituents are not in Missouri; they are in California. But as I went back this weekend to talk to my constituents, Mr. Speaker, they could not understand how Members from those areas could not vote to move with all expedition to save America.

Now is the time, Mr. Speaker. We must do it, and we must do it right away.

THE AMERICANS NEED TO HAVE THE FACTS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I remind the gentleman that we were willing to stay until that was finished; they were not.

Mr. Speaker, democracy and self-government can only work if Americans have the facts. If citizens cannot be confident of what they hear from their Government, self-government will not work. This administration cannot succeed by relying on political spins and Gergen imagery.

Here is the cheerleader's handbook sent to the Cabinet and other administrative officers of the country. It is called "Hallelujah, Change Is Coming." These four words convey the central concepts we need to communicate.

Then they go on to say, "This is the largest deficit reduction in history." The fact is the national debt will rise a trillion dollars by 1997. It says, "It's the largest spending cut in history." The fact is there are no spending cuts. We will spend more every year than we spent last year. It says, "We will create 8 million jobs." The fact is we will create less jobs than if we did nothing.

Mr. Speaker, I say to my colleagues, You can't govern by the use of body language, and hype and political spin. There are only two things really wrong with this. One is substance, and the other is style.

Mr. Speaker, the Americans need to have the facts.

WASTEWATER TREATMENT FACILITIES FOR ALL

(Mr. COLEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COLEMAN. Mr. Speaker, the Nation's attention has focused on the problems experienced by the residents of the Midwest. I sympathize with the victims of the flood and support disaster relief for those families. I now ask my colleagues to join me to ensure that all Americans have sewage facilities. I am introducing legislation to address the lack of wastewater treatment facilities in communities in the southwest known as colonias.

The lack of sewage disposal means that residents are drinking, washing dishes, and bathing in their own refuse. Not surprisingly, this has serious health consequences. The incidence of hepatitis, shigellosis and amebiasis along the border is two to three times the national average; 15 percent of families in colonias report at least one family member suffers from diarrhea every week; and cholera continues to threaten border communities.

Sadly, some will try to cloud this debate with misinformation. I would just make two points: First, colonias are communities located in the United States; and second, the residents are American citizens and legal permanent residents. This is not about free trade; this legislation seeks nothing more than to protect poor children from becoming sick.

Mr. Speaker, I ask my colleagues to work to address the needs of Americans, wherever they live, and not bow to the misinformed arguments of those who do not know the needs of the region. I am asking for simple justice for children who live in poverty and squalor in the United States. We as a nation should own up to our responsibilities and take care of those least able to care for themselves.

PUTTING FLOOD VICTIMS FIRST

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, thousands of working Americans will be without shelter tonight, having lost their homes to the rising flood waters in the Midwest. Meanwhile, the Democratic leadership in the House is refusing to appropriate relief funds, if it means that they would have to cut a single one of their sacred social welfare programs and pet public work projects. It is time that House Democrats lived up to the campaign promises to put people first instead of putting big Government and their pet projects first. Projects that do not have the first thing to do with the Midwest or with the floods.

My Democratic colleagues would rather turn their backs on innocent flood victims than have to strip out what we all know has no business being in that bill—a social program for teenagers in Los Angeles—far from the Midwest and not flooded in the least. Mr. Speaker, my Republican colleagues and I implore the Democratic leadership to help the flood victims in the Midwest. Just as those in the Midwest must sacrifice in order to rebuild their homes and businesses, Congress must sacrifice those unrelated pet projects in order to lend a helping hand.

LEE BROWN BRINGS TALENT AND IDEALS TO THE NATIONAL DRUG CONTROL POLICY OFFICE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I was heartened by the appointment by President Clinton of Lee Brown as the Director of the National Drug Control Policy Office, the so-called drug czar. Mr. Brown brings great talent to the job. He also brings an ideal which I think is very fruitful, and that is that we need to look beyond law enforcement as a means of solving some of our drug problems. Mr. Brown wants to go beyond that, into education of our children about the evil of drugs, and also drug treatment for those who are addicted.

Mr. Brown would have been pleased, I believe, to have attended with me on Saturday, in Louisville, the fourth antidrug seminar put on by Alderman Bill Wilson in which we talk to young people about the horrors of drugs and about the need to stay off drugs.

Because of budgetary constraints here in the House, substantial money was cut from the Federal budget dealing with drug treatment and antidrug education.

□ 1220

Mr. Speaker, I am hopeful that those funds can be restored because I believe that is the secret of the future: Train our children not to get on drugs and then make sure that those who slip are given the chance to get back off drugs.

GET BACK

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, last week the House rejected the handiwork of the Rules Committee on the disaster supplemental rule. The reason was it did not allow the bipartisan Nussle-Penny amendment, which would have paid for the spending.

Then the Rules Committee took the rest of the week off and left the flood victims in the Midwest to wonder if the Federal Government was ever going to help them.

Mr. Speaker, to paraphrase an old Beatles song, "Get Back, Get Back to Where You Once Belonged."

It is a shame that many remain so isolated and so insulated that they cannot adapt to the changes going on in the country. The American people are tired of business as usual. They want us to act responsibly.

Mr. Speaker, I urge the Rules Committee to get back, and give us a rule the House can accept.

THE NATIONAL GUARD'S ROLE IN THE MIDWEST FLOODS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, National Guard units in the Midwestern States have been called to duty to help their fellow neighbors in these States.

The National Guard has two primary missions: First, when our country has been threatened by an invader here or around the world, they are available to be called to arms; and the second mission, which they are fulfilling today, is to help in domestic crises such as these floods. I am told that over 8,000 National Guardsmen are on duty.

Mr. Speaker, these military civilian-soldiers have the equipment and the proper training to use this equipment on the ground as well as in the air. We are very proud of the National Guard. This Congress over the years has been very generous to these citizen soldiers in making sure that they do have the right equipment, and they are coming through for us.

SEEKING FUNDS FOR OUR FIRST PRIORITY—AIDING DISASTER VICTIMS

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. COLLINS of Georgia. Mr. Speaker, on Friday, the pending order of business was an amendment to reduce the NASA authorization bill by 1.38 percent, or approximately $500 million.

Mr. Speaker, these funds need to be used for disaster assistance. Unfortunately, the rules of the House prohibit these funds from going directly to disaster assistance.

But, we should continue to reduce spending at every opportunity, so that critical disaster relief will not add further to a climbing deficit. We must prioritize spending, and helping Americans suffering from natural disasters should be first priority.

Mr. Speaker, as debated on the floor last Friday, this is indeed changing the way we do business—but I believe the American people have demanded a change—they support that amazing concept that we should be able to pay for our expenditures. And finally, Mr. Speaker, disaster relief funds should be just that—funds for relief to disaster victims and they should not be used for a welfare enhancement program.

FLOOD RELIEF NOW

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLOW. Mr. Speaker, let us move in quick march to free the money our flood-ravaged people now need in our Mississippi Valley. Let us reach out with the best of America in love and financial support to our suffering people. Let us move to confine unuseful rhetorical posturing in debate. Our people need help now. Thankfully, we have our House Rules Committee to help here.

Our Maker is pressing us powerfully with floods, tornadoes, hurricanes, and drought. Let us move quickly in uniting our American family. That is our challenge. That is our test. Let us take quickly this opportunity to inspire young people to help build in strife torn cities. Let us reach out. Recovery from the floods is going to require a series of outlays by Congress. Let us accumulate the sums separately and then move them into budget balancing when we can make prudent and considered offsets.

Mercifully, we rose in the House last week to avoid unhelpful bickering. Let us move with wisdom to reach out and help.

JOBS, JOBS, JOBS

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, the President says that we should pass his budget proposal so that it can create jobs, jobs, jobs.

The question is, How, how, how, can raising taxes possibly create jobs?

Fortunately, the media are catching on and starting to ask some questions of their own.

The Washington Times, today, asked "Where are the budget numbers?" OMB and CBO aren't giving us any.

The New York Times asked, today, "How is this proposal different than the 1990 tax bill?" It did not create jobs.

The Wall Street Journal, today, asked the question "What's the theory?" The President has not explained how it is supposed to create those jobs, jobs, jobs he keeps talking about.

Ladies and gentlemen, that is because the President's plan won't, won't, won't, and can't, can't, can't, create jobs, jobs, jobs.

Raising taxes can't and won't create thousands of jobs. It is impossible. Just ask any small business man or woman.

CAPITAL PUNISHMENT

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, as a Member of this body, I have a moral obligation to express my opposition to the death penalty. Of particular concern is the scheduled execution of Gary Graham in the State of Texas on August 17. Recent evidence—evidence Mr. Graham has never been allowed to use in court—indicates that he may be innocent of the crime of which he is accused.

Mr. Speaker, most nations have abolished the death penalty as a means of punishment. It is a tool of the past. It is barbaric and it is uncivilized. This vile act is not worthy of a great nation.

I believe that in every human being, there is a spark of divinity. As a nation and as a people, we do not have the right to destroy this spark of divinity.

I have written to Governor Richards to stay the execution of Gary Graham. I ask my colleagues to join me in making this appeal.

NET NUMBER OF JOBS SEEMS TO DWINDLE UNDER CLINTON PLAN

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, in January the Congressional Budget Office estimated that if we did nothing by way of economic policy, if we just let the economy follow its natural course, in 4 years we would create 9.4 million new jobs.

Of course, in February the President revealed his economic plan, and at that time many of us who analyzed it said this plan will destroy the job-creating capacity of the private sector of the economy.

The President now releases a new estimate by the White House staff that says if his plan is implemented, the economy will create 8 million new jobs. That is 1.4 million jobs that will not be created and that would have been created if his plan had not been implemented.

It sounds to me, Mr. Speaker, as though we have a perfect reason to believe that if we are to have only 1.4 million new jobs, we should not pass the President's plan. Think about it.

THE UBIQUITOUS SANDBAG

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, this is a sandbag. It is a sandbag that I brought to this House Chamber from Hardin, IL, in my district. I picked it up last Saturday.

For those who live in the Midwest, we have become well acquainted with these sandbags. We have spent hours, days, weeks, and for some people it seems like a lifetime filling these sandbags to fight this flood.

I went back to the sandbag lines last Saturday in my district, and the people asked me as they were filling these bags, "How could Congress vote against the rule to provide disaster aid for Americans? How could you have 45 Democrats and every single Republican Congressman vote against the rule for disaster aid for Americans?"

One fellow on the sandbag line asked me, "Would it help if we were a foreign country? If we were, could we get the disaster aid a little more quickly?" Another member on the sandbag line said, "Congressman, I have a piece of advice. Tell those Congressmen who don't believe we should help our own here in the United States that they ought to be wearing one of these sandbags over their heads."

□ 1230

DEMOCRAT DISASTER MOVIES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, once you understand that the Clinton administration has gone Hollywood, the strange things going on around this town become a whole lot clearer.

Evidently, President Clinton's Beverly Hills friends have convinced him that disaster movies will be the next hot ticket. The Democrats have taken this to heart, busily cranking out one disaster story after another. We have had Travelgate, Nannygate, Haircutgate, Guiniergate, Post-Office-gate, and Porkgate. This White House has made more gates than a fence company.

The strategy has worked too. The White House has America on the edge of its seat, wondering what will happen next. Well they will not have to wait long, because the administration has saved its biggest disaster epic for last. It's called "Taxman from Tinseltown." Boasting a cost of billions and a cast of millions, this one will have America reaching for its wallets like never before.

AN EXTRAORDINARY THING

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, amid all the tumult of last week's activities on the House floor, an extraordinary thing happened. The House decided not to spend unless it can find the money to pay for it.

By defeating the disaster supplemental rule because it did not allow the Nussle pay-as-you-go amendment, the House said that spending without funding is no longer an acceptable way of doing things.

That may not seem too radical, but in terms of this House, it is akin to the French Revolution.

Unfortunately, the majority leadership has not caught on. In fact, the majority leader said on the floor last week that we should pay for this emergency out of the national debt, because we have always put emergencies off budget.

Well, Mr. Speaker, because we have always put every emergency off budget in the past, we now have created an even bigger crisis: The national debt of $4 trillion.

I urge the Rules Committee to get back to work today to come up with a rule that will allow the pay-as-you-go amendment. We need to help the people in the Midwest, and we need to do it in a responsible fashion.

END NATIONAL HELIUM RESERVE'S MONOPOLY

(Mr. COX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX. Mr. Speaker, President Clinton and the liberal spenders among us here in the Congress have said we have got to raise taxes because we cannot find any wasteful spending to cut. Well, as chairman of the congressional Grace caucus, I have got a few suggestions. Today's suggestion for a nice way to cut down on the blimped-out Federal budget is to end the national helium reserve and turn it over to private industry.

The National Helium Program was started during the 1920's when, for national security reasons, we needed to be able to fill a fleet of blimps in time of war. The need has passed, but the National Helium Program lives on. Today it is deeply in debt, over $1 billion, to the Federal Treasury. It is too expensive, it is wasteful, and it is inefficient.

Mr. Speaker, tomorrow we will have the opportunity to end the national helium reserve's monopoly sales to the Government and turn those sales over to private industry, which already produces 90 percent of the helium in this country. The gentleman from Massachusetts [Mr. FRANK] and I will offer this amendment.

Mr. Speaker, vote "yes" on the Cox-Frank amendment to end the national helium reserve's monopoly on sales to NASA, and let us put an end to all of the hot air coming out of Washington.

BLIND SAILOR TO ATTEMPT SOLO JOURNEY ACROSS ATLANTIC

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, even though the all-star game and festivities are over, another day of celebration took place today in Baltimore. For today, in the Inner Harbor of downtown Baltimore, Capt. Hank Dekker launched his historic voyage—that of a blind man attempting to cross the Atlantic on a solo journey to England. Sponsored by the National Federation of the Blind, Mr. Dekker is sailing 3,400 nautical miles on his 30-foot sailboat and is carrying a silver spoon from Baltimore's Stieff Silver Co. to present to Queen Elizabeth upon his successful arrival across the Atlantic.

Senator TOM HARKIN, the author of the Americans with Disabilities Act, which was signed into law 3 years ago today by President George Bush, was on hand to wish a safe voyage to Captain Dekker along with myself, who, christened the sloop the NFB, the National Federation of the Blind. Through the efforts of such organizations like the National Federation for the Blind and men like Captain Dekker, the world can see that disabilities are no more than one more wall to climb over in arriving at their destination.

Mr. Speaker, We wish Captain Dekker and the NFB Godspeed and following seas.

BEST AND WORST COME FORWARD IN FLOOD RELIEF

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, we have seen a disaster, no, I would say a calamity, along the Mississippi River. St. Louis, MO, is flooded; so too Quincy, IL, and Des Moines, IA, and hundreds of other communities. But as the gentleman from California [Mr. TUCKER], my Democratic colleague, pointed out, the flood waters did not reach California. In particular, Los Angeles, CA, was not flooded.

In every calamity we have seen the best and the worst of human nature. On TV last night, I saw 11-year-old youngsters who for the last 3 days had worked on the levees, 300 miles away from their homes. But I also saw an account of unscrupulous con artists, and flim-flammers, descending on Mississippi River communities, attracted by an opportunity to take advantage of the people, distracted by the urgency of their plight.

Mr. Speaker, flood relief money for St. Louis is most appropriate. Flood relief money for Quincy and Des Moines in their time of need is necessary and well-deserved: an appropriate response by this body; the best response and a demonstration of our concern and to fulfill our commitment—the best of responses.

But at the same time, the fact that the flood waters did not reach Los Angeles, CA, did not prevent the gentlewoman from California [Ms. WATERS] from rushing in and putting in this appropriation, a program for teenagers in Los Angeles, which she incorrectly redefines as youth from 13 to 30 years old: a most inappropriate response to the misery and suffering along the Mississippi and Missouri Rivers.

Again, Mr. Speaker, we have seen the best and the worst of responses. We have seen people in this body respond with compassion and commitment, but at the same time, we have seen Members among us attempt to take advantage, to use this vehicle, intended to give relief to flood victims, to accomplish something very different—not intended.

Let us proceed to approve this relief legislation, but properly, in a form that offers what it should: Real flood relief for real flood victims.

GASOLINE TAX INCREASE WILL DO NATION HARM

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, over the weekend it was reported that the Democratic leadership of this House has now signed on to the idea of a 60 percent increase in the gas tax. We have heard all the way along that the economic program was supposed to move the economy forward. Well, gas taxes are recessionary, they are inflationary, and they will kill jobs by the hundreds of thousands. Yet this body is about to be asked to raise the Federal gas tax by over 60 percent.

We have also been told that gas taxes were only going to affect the rich. The rich do not pay gas taxes. Gas taxes are a regressive tax that hit hardest at the poor and hit hardest at the people who work for a living.

These gas taxes are a disaster. This economy will be destroyed by them. Anybody who votes for the economic package that includes a 60-percent increase in gas taxes I think will do the Nation a great deal of harm.

□ 1140

ON TAXES AND ECONOMIC GROWTH

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, my constituents are getting nervous. They are nervous because a disaster is looming on the horizon. I am not talking about floods, Mr. Speaker, but taxes.

Each day that goes by brings the American people closer to the largest tax increase in our Nation's history. We now are hearing that a new gas tax is all but certain. So much for the President's pledge that the middle class would not see a tax increase.

I hope our colleagues on the other side of the aisle are listening. A storm of public outrage will hit this town after a regressive gas tax, the Social Security tax, the restaurant tax, and the corporate and individual tax hikes take effect. And no amount of Federal aid will help many of my Democrat friends who voted for this boondoggle.

The President should take a helicopter tour of New Hampshire and assess the damage in my district. He would see businesses struggling in a sluggish economy and families worried about their economic future. He would also see shipyard workers worried that the next round of base closures and the Clinton defense cuts of $127 billion will take their jobs from them.

Unlike the mighty Mississippi, Mr. Speaker, the President's tax plan is a flood that we can hold back. Let us give America a break. Cut spending first. Let us vote on a plan which will make our economy stronger, not weaker. Let's put our people back to work.

MIDWEST FLOOD RELIEF

(Mr. MANZULLO asked and was given permission to address the House for 1 minute.)

Mr. MANZULLO. Mr. Speaker, I am very much concerned over the attempt by the other side of the aisle to politicize the bailout for flood relief in the Midwest.

The Republicans, this past week, joined by numerous Democrats, voted not to delay funding but to pay for that funding. As I went home to my congressional district, each of which county is a Federal disaster area, with the exception of one, I talked to people who have been affected by the flood. They all agreed that at a time of a national emergency we do not add to the national debt. We cut away from nonessential programs.

The $3 billion was found from nonessential spending in existing programs to pay for the flood relief. Any attempt to politicize that vote and say that the Republicans do not want flood relief is an outright lie and should not be tolerated in the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

EXTENDING OPERATION OF MIGRANT STUDENT RECORD TRANSFER SYSTEM

Mr. KILDEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2683) to extend the operation of the migrant student record transfer system.

The Clerk read as follows:

H.R. 2683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF RECORD TRANSFER SYSTEM.

(a) PROGRAM EXTENSION.—Notwithstanding any other provision of Federal law, the Secretary of Education shall extend the contract for the operation of the migrant student record transfer system under section 1203(a)(2)(A) of the Elementary and Secondary Education Act of 1965 to operate such system until such time as the Secretary of Education determines is necessary, but shall not extend such contract beyond June 30, 1995, without conducting a competition.

(b) PROGRAM MODIFICATION.—Major modification of such system may be made only after consultation with the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. KILDEE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2683 would allow the Secretary of Education to extend the existing contract for the operation of the Migrant Student Record Transfer System [MSRTS] until 1995.

The Subcommittee on Elementary, Secondary and Vocational Education, which I chair, is in the process of reauthorizing the Elementary and Secondary Education Act.

Among the recommendations being reviewed by the subcommittee is one which calls for the elimination of MSRTS, authorized under the Migrant Education Act.

This technical amendment provides the Department of Education a short-term extension to continue the existing contract, until the Congress has reached a more definitive position on MSRTS in the course of its reauthorization deliberations.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the enactment of H.R. 2683, continuing the Migrant Student Record Transfer System [MSRTS] until we have completed the reauthorization process for our Nation's elementary and secondary education programs.

Migrant children are among our Nation's neediest population, with approximately 50 percent of migrant students dropping out before graduation. Before the existence of MSRTS and the Migrant Education Program, migrant students were often ignored, inappropriately placed below their grade level, and denied access to school because of the absence of health records.

Although I have grave reservations about the ability of the Migrant Student Record Transfer System [MSRTS] to provide for the timely transfer of student records, I am opposed to the elimination of the current system until we have in place another mechanism for insuring the timely transfer of student records. Since the Department of Education, at our request, did not recompete the current MSRTS contract because it was so close to reauthorization of the chapter 1 Migrant Education Program, the current contract will expire in 6 months if we do not enact this legislation.

H.R. 2683 would continue the current program through June 30, 1995 at which time I would hope we would have in place a new, less costly, and more effective, method of transferring records. In addition, the legislation does not allow for major modifications in the current system as we feel we should not be allowing the use of additional funds for changes in a system which may not be continued. Finally, if MSRTS is continued after June 30, 1995, the Secretary is required to recompete the contract, thus insuring it will not automatically be returned to the same contractors.

I urge my colleagues to support this measure, which has the support of the administration.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania and I have agreement on the fact that we would like to see, if we do eliminate MSRTS, that we have some alternative. I look forward to working with him to see whether we can develop a more efficient alternative to that, because the needs of these students are a concern to both of us.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the bill, H.R. 2683.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter on H.R. 2683, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ACKNOWLEDGMENT OF FOND DU LAC COUNTY, WI, AS WORLD CAPITAL OF AEROBATICS

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 110) to authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond du Lac, WI, as the World Capital of Aerobatics, and for other purposes.

The Clerk read as follows:

H.J. RES. 110

Whereas the International Aerobatic Club, which was founded on February 6, 1970, held its first championships in August 1970 in the county of Fond du Lac, Wisconsin;

Whereas in 1992 the International Aerobatic Club had 5,342 members throughout the world, representatives of which gathered in Fond du Lac to compete in the 23d Annual Aerobatic Championships during the period of August 9–14, 1992;

Whereas in 1992 the Experimental Aircraft Association and the Board of Directors of the International Aerobatic Club named Fond du Lac as the "World Capital of Aerobatics";

Whereas participants and spectators drawn to the aerobatic championships in Fond du Lac stimulate the economic well-being of the community and provide a spectator event of international significance; and

Whereas Congress declares that the county of Fond du Lac, Wisconsin, is the "World Capital of Aerobatics": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the Federal Aviation Administration may conduct appropriate programs and activities at the Fond du Lac County Airport to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "World Capital of Aerobatics", and that the airport may display signs notifying the public of such status.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I support House Joint Resolution 110 and urge our colleagues to pass it. This resolution declares the county of Fond du Lac, WI, as the World Capital of Aerobatics. Ever since 1970, the International Aerobatics Club has held its annual championship competition in Fond du Lac. Last year the International Aerobatics Club designated Fond du Lac as the World Capital of Aerobatics and it is most appropriate that the House of Representatives make a similar designation. Aerobatics is an important part of aviation in this country as it inspires, excites, and entertains thousands of people at air shows with seemingly impossible maneuvers and tricks. Fond du Lac has contributed enormously to aerobatics, so I am most pleased to bring this resolution to the floor today.

Again, I urge our colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1250

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, As the sponsor of House Joint Resolution 110, I want to express my strong support for this resolution.

House Joint Resolution 110 would recognize Fond du Lac County, which is located in my district in Wisconsin, as the World Capital of Aerobatics.

Since 1970, when the International Aerobatic Club was founded in Fond du Lac, representatives have gathered there to compete in the annual aerobatic championships.

This year's contest, to be held August 8 through 13, will be the 24th annual competition.

Mr. Speaker, the annual international aerobatics championship in Fond du Lac is the world's largest contest held continuously in one location. The name Fond du Lac is known throughout the world among aerobatic pilots as representing excellence in aerobatics competition.

Similar resolutions acknowledging Fond du Lac as the World Capital of Aerobatics have been passed by the city of Fond du Lac, Fond du Lac County, and the Wisconsin State Legislature. It is appropriate that we, on the national level, also recognize Fond du Lac as the World Capital of Aerobatics.

Finally, I want to express my appreciation to the leadership of the Public Works and Transportation Committee and the Aviation Subcommittee for their cooperation in bringing this resolution to the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume, to conclude by urging our colleagues to support House Joint Resolution 110 and to express my appreciation to the gentleman from Wisconsin [Mr. PETRI], my colleague and neighbor, for his diligence in pursuing this issue and bringing the aerobatics program in Fond du Lac to the attention of the committee, and showing with very strong documentation the very substantive work and contribution to aviation that is accomplished through the International Aerobatic Club and the work of the branch in Fond du Lac, WI, where so many people work so hard each year to make this event a great success.

It is a tribute to Fond du Lac, it is a tribute to those daring aviators who show to us the skill and the promise and the opportunity of aviation every year in this program.

Again, I congratulate my colleague on bringing this resolution to the committee's attention, and I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the joint resolution House Joint Resolution 110.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 110, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ARSON PREVENTION ACT OF 1993

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1727) to establish a program of grants to States for arson research, prevention, and control, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arson Prevention Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) arson is a serious and costly problem in both rural and urban areas, and is responsible for approximately 25 percent of all fires in the United States;

(2) arson is a leading cause of fire deaths, accounting for approximately 700 deaths annually in the United States, and is the leading cause of property damage due to fire in the United States;

(3) estimates of arson property losses are in the range of $2,000,000,000 annually, or approximately 1 of every 4 dollars lost to fire;

(4) the incidence of arson in the United States is seriously underreported, in part because of the lack of adequate participation by local jurisdictions in the National Fire Incident Reporting System (NFIRS) and the Uniform Crime Reporting (UCR) program;

(5) there is a need for expanded training programs for arson investigators;

(6) there is a need for improved programs designed to enable volunteer firefighters to detect arson crimes and to preserve evidence vital to the investigation and prosecution of arson cases;

(7) according to the National Fire Protection Association, of all the suspicious and incendiary fires estimated to occur, only one-third are confirmed as arson; and

(8) improved training of arson investigators will increase the ability of fire departments to identify suspicious and incendiary fires, and will result in increased and more effective prosecution of arson offenses.

SEC. 3. ARSON PREVENTION GRANTS.

The Federal Fire Prevention and Control Act of 1974 is amended by adding after section 24 the following new section:

"ARSON PREVENTION GRANTS

"SEC. 25. (a) IN GENERAL.—The Administrator, through the Office, shall carry out a demonstration program of grant awards, not to exceed 10 in number, to States, or consortia thereof, for programs relating to arson research, prevention, and control. In carrying out the requirements of this section, the Administrator shall award 2-year grants on a competitive, merit basis to States for projects which have one or more of the following goals:

"(1) To improve the training by States leading to professional certification of arson investigators, in accordance with nationally recognized certification standards.

"(2) To provide resources for the formation of arson task forces or interagency organizational arrangements involving police and fire departments and other relevant local agencies such as State arson bureaus and the State fire marshal's office.

"(3) To combat fraud as a cause of arson and to advance research at the State and local levels on the significance and prevention of fraud as a motive for setting fires.

"(4) To provide for management of arson squads, including—

"(A) training courses for fire departments in arson case management, including standardization of investigative techniques and reporting methodology;

"(B) preparation of arson unit management guides; and

"(C) the development and dissemination of new public education materials relating to the arson problem.

"(5) To combat civil unrest as a cause of arson and to advance research at the State and local levels on the prevention and control of arson linked to urban disorders.

"(6) To combat juvenile arson, such as juvenile fire-setter counseling programs and similar intervention programs, and to advance research at the State and local levels on the prevention of juvenile arson.

"(7) To combat drug-related arson and to advance research at the State and local levels on the causes and prevention of drug-related arson.

"(8) To combat domestic violence as a cause of arson and to advance research at the State and local levels on the prevention of arson arising from domestic violence.

"(9) To combat arson in rural areas and to improve the capability of firefighters to identify and prevent arson initiated fires in rural areas and public forests.

"(10) To improve the capability of firefighters to identify and combat arson through expanded training programs, including—

"(A) training courses at the State fire academies; and

"(B) innovative courses developed with the National Fire Academy and made available to volunteer firefighters through regional delivery methods, including teleconferencing and satellite delivered television programs.

"(b) GOALS TO BE REFLECTED IN GRANT AWARDS.—The Administrator shall ensure that each goal described in subsection (a) is embodied within one or more grant awards.

"(c) STATE QUALIFICATION CRITERIA.—In order to qualify for a grant under this section, a State or consortium thereof shall provide assurances adequate to the Administrator that it—

"(1) will obtain at least 25 percent of the cost of programs funded by the grant, in cash or in kind, from non-Federal sources;

"(2) will not as a result of receiving the grant decrease its prior level of spending of funds from non-Federal sources for arson research, prevention, and control programs;

"(3) will use no more than 10 percent of funds provided under the grant for administrative costs of the programs; and

"(4) is making efforts to ensure that all local jurisdictions will provide arson data to the National Fire Incident Reporting System or the Uniform Crime Reporting program.

"(d) EXTENSION.—Grants awarded under this section may be extended for additional periods, at the discretion of the Administrator, subject to the availability of appropriations.

"(e) TECHNICAL ASSISTANCE.—The Office shall provide technical assistance to States in carrying out programs funded by grants under this section.

"(f) CONSULTATION AND COOPERATION.—In carrying out the requirements of this section, the Administrator shall consult and cooperate with other Federal agencies to enhance program effectiveness and avoid duplication of effort, including the conduct of regular meetings initiated by the Administrator with other Federal agencies concerned with arson and concerned with efforts to develop a more comprehensive profile of the magnitude of the national arson problem.

"(g) ASSESSMENT.—The Administrator shall, not later than 18 months after the date of enactment of this section, submit a report to the Congress identifying grants made, specifying the identity of grantees, stating the goals of each grant, and containing a preliminary assessment of the effectiveness of the grants program under this section.

"(h) REGULATIONS.—Within 180 days after the date of enactment of this section, the Administrator shall issue regulations to implement this section, which shall establish procedures for grant applications.

"(i) DEFINITIONS.—For purposes of this section—

"(1) the term 'arson' includes all incendiary and suspicious fires; and

"(2) the term 'Office' means the Office of Fire Prevention and Arson Control of the United States Fire Administration.

"(j) ADMINISTRATION.—The Administrator shall directly administer the grants program required by this section, and shall not enter into any contract under which the grants program or any portion thereof will be administered by another party.

"(k) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

"(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this section should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

"(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this section, the Administrator shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.".

SEC. 4. VOLUNTEER FIREFIGHTER TRAINING.

Section 24(a)(2) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2220(a)(2)) is amended by inserting ", with particular emphasis on the needs of volunteer firefighters for improved and more widely available arson training courses" after "detection, and control".

SEC. 5. CPR TRAINING.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

"SEC. 32. CPR TRAINING.

"No funds shall be made available to a State or local government under section 25 unless such government has a policy to actively promote the training of its firefighters in cardiopulmonary resuscitation.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator of the United States Fire Administration—

(1) $500,000 for fiscal year 1994 for basic research on the development of an advanced course on arson prevention;

(2) $2,000,000 for fiscal year 1995 for the expansion of arson investigator training programs at the National Fire Academy under section 24 of the Federal Fire Prevention and Control Act of 1974, at the Federal Law Enforcement Training Center, and at the Federal Bureau of Investigation Academy, or through regional delivery sites;

(3) $4,000,000 for each of the fiscal years 1994 and 1995 for carrying out section 25 of the Federal Fire Prevention and Control Act of 1974; and

(4) $250,000 for each of the fiscal years 1994 and 1995 for salaries and expenses for carrying out such section 25.

SEC. 7. SUNSET.

Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for any fiscal year after fiscal year 1995 for carrying out the programs for which funds are authorized by this Act, or the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BOUCHER] will be recognized for 20 minutes, and the gentleman from New York [Mr. BOEHLERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1727 was developed in response to requests from the fire service community nationally to provide Federal support to help stem a growing problem with the offense of arson. Each year more than 500,000 fires are intentionally set in the United States, resulting in more than 700 deaths and resulting in property losses that, on an annual basis, exceed $2 billion.

The crime poses very special problems for firefighters and for law enforcement officers alike. It is difficult to detect and it is even more difficult to prove in court, because often times the best evidence that an arson has occurred is incinerated with the building.

It is estimated that of all suspicious and incendiary fires that occur on an annual basis, only one-third can be confirmed as arson offenses, and only 2 percent of those offenses actually lead to conviction.

Better training for firefighters in knowing the science of arson and knowing how to preserve the evidence is obviously needed. H.R. 1727 is the

Federal response to that need. It establishes advanced courses in arson detection and expands investigator training programs at the National Fire Academy and at the National Law Enforcement Training Center.

It provides for demonstration program grants to States to devise new means of combatting arson and then establishes a mechanism for the sharing of information concerning most of those State-initiated programs with the firefighter community nationwide, and it authorizes a modest $4.8 million in fiscal year 1994 and $6.3 million for fiscal year 1995 in order to carry out these activities.

The legislation has been endorsed by the fire services community nationally, comprised of the professional and volunteer fire departments across the Nation, and it is the No. 1 legislative priority of the fire services community for the 103d Congress.

I would like to say a word of thanks to the gentleman from New York [Mr. BOEHLERT], the ranking Republican member of our Subcommittee on Science of the Committee on Science, Space, and Technology. Mr. BOEHLERT has been tremendously helpful over the years in terms of developing a variety of national responses to many problems concerning firefighting and fire prevention. He is an acknowledged national leader in this field, and he has contributed very significantly to the structure of this legislation through his suggestions and recommendations, which appear in the text of the bill.

I also want to acknowledge the contributions to this measure of the ranking Republican member of the full Committee on Science, Space, and Technology, the gentleman from Pennsylvania [Mr. WALKER]; to one of our subcommittee colleagues, the gentleman from Minnesota [Mr. MINGE]; to the gentleman from Minnesota [Mr. GRAMS]; to the gentleman from Pennsylvania [Mr. WELDON]; and the gentleman from Maryland [Mr. HOYER]; to other acknowledged leaders in the effort to stem the incidence of fire and associated offenses, such as arson, nationwide.

Mr. Speaker, I am pleased to commend H.R. 1727 to the House.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, arson is one of the most serious crimes facing our country—and one of the most difficult to combat. Each year more than 500,000 fires are purposely set in the United States, killing more than 700 Americans and destroying more than $2 billion in property. Yet only about 2 percent of the criminals who set these fires are ever convicted.

That's a startling statistic. If we expect to reduce these enormous losses, we have to do a much better job of catching and convicting the people who set these fires.

And improving enforcement will have another benefit as well. The FBI tells us that youths who set fires—including so-called nuisance fires—often turn to even more troubling criminal activities as they get older. Catching these teenagers may help us divert them from more serious crimes.

H.R. 1727, which I introduced with Mr. BOUCHER, offers a sensible, targeted approach to combatting arson. Passage of this bill will mean that our Nation will have better trained arson investigators, more effective arson prevention programs and a greater focus on the crime of arson within State and local law enforcement agencies.

The Congress has made great strides in recent years in preventing needless death and destruction from fire. We have passed laws encouraging the installation of fire sprinklers and smoke detectors in hotels, Federal office buildings and federally funded housing. But the United States still leads the industrialized world in fire losses. We must do more. This bill is the logical next step in protecting the public safety.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise in strong support of H.R. 1727, the Arson Prevention Act of 1993.

Arson is a threat to life and a financial drain on the national economy. Even in my district, arson looms as an increasing threat. Fire data from the San Bernardino County Fire Agency indicate that about 100 arson fires occurred in San Bernardino County this year, or 18 percent more than in 1992. Because of financial stress in my State, the San Bernardino County Fire Agency anticipates that arson fires will increase by 28 to 33 percent by the end of the year.

I want to thank the primary sponsors of the bill, Mr. BOUCHER, chairman of the Subcommittee on Science, and Mr. BOEHLERT, ranking Republican member of the Subcommittee on Science for crafting a bill which will enhance public safety. I also want to recognize Mr. WALKER, ranking Republican member of the Committee on Science, Space, and Technology for his efforts to bring this bill to the floor.

I urge my colleagues to support H.R. 1727, the Arson Prevention Act of 1993, which is the No. 1 priority of all major fire service organizations.

Mr. BOEHLERT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. WELDON], who is the founding father of the fire services caucus and a leader on this important issue in the Congress.

Mr. WELDON. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise today in strong support of H.R. 1727. As both the founder of the largest caucus and currently a cochairman of the largest caucus in the Congress dealing with fire and emergency services issues, it is especially appropriate we deal with this issue as we are in fact confronting a major disaster in America handled by many of these people who will directly benefit from this legislation, those emergency responders in the midwestern part of our country.

Before I speak to the specifics of the bill, however, Mr. Speaker, I would like to acknowledge the work of the chairman of the subcommittee, the gentleman from Virginia [Mr. BOUCHER], and the ranking member of the subcommittee, the gentleman from New York [Mr. BOEHLERT], who have been real leaders on issues affecting the emergency service community in this Nation since I have been in Congress and long before I got here. The 1½ million men and women who made up the emergency response network in this country appreciate the leadership of both of these men, and on behalf of all of them I thank both gentlemen for their aggressiveness in dealing with this issue. I also might mention the chairman of the full committee, the gentleman from California [Mr. BROWN], and the ranking member, the gentleman from Pennsylvania [Mr. WALKER], who have been equally supportive in issues involving fire and life safety, and have made this committee one of the most friendly committees in the emergency response community in this country.

Sometimes we have worked on contentious issues. I would like to comment about an amendment that was offered 2 weeks ago on the D.C. appropriation bill, where joining with our distinguished colleague, the gentleman from Maryland [Mr. HOYER], we attempted to block an amendment that in fact would cut back the amount of D.C. fire service personnel. The argument was somewhat heated, as many argued that we should not be dictating to the District of Columbia on life safety issues, and in fact we should not be micromanaging, and in fact, if we allowed the staffing level to stay at what we were hoping it would stay, it in fact would be featherbedding. We were told that we should listen to the will of the D.C. government.

I am pleased to announce to my colleagues that last week the D.C. City Council agreed with those of us who in fact supported the higher staffing level for the D.C. Fire Department because of the rightness of the issue. And in fact, we were vindicated on that issue.

The District of Columbia also has a major problem with arson, as does every major city in America. Many of our cities are being aggressive in establishing arson task forces. Seattle is one of those that has led the country. And many of our agency networks have come together. The Alcohol, Tobacco and Firearms, the Federal Bureau of Investigation, along with a group like the Insurance Committee for Arson and Control, and most importantly the International Association of Arson Investigators have come together to force America and to force this body to come to grips with a problem that is costing us a tremendous amount of our resources. We heard earlier we had $2 billion a year that is lost in terms of damage and destruction to property caused by arson. Some 700 people each year are killed directly as a result of arson fires out of a total of 6,000 deaths each year.

This is the first major legislation in recent years that deals with this issue and attempts to have the Federal Government, which is responsible for the National Fire Academy and the U.S. Fire Administration to provide some support in terms of furnishing the arson investigators, establishing a better reporting system so we can in fact identify the real size of the arson problem in America and begin to assist States and local governments in coming up with task forces and innovative ways to stop the problem of arson from occurring in the future.

This is a landmark piece of legislation for the American fire services. All of the emergency fire services groups, the International Association of Fire Firefighters, the National Volunteer Fire Council, the International Association of Fire Chiefs, the National Fire Protection Association, the Manufacturers of Fire Equipment, and all of those groups, especially led by the International Association of Arson Investigators are absolutely supportive of this piece of legislation.

I want to commend my colleagues for bringing it to the floor so quickly and so timely. I want to commend all of those who behind the scenes have worked to make sure that we in Washington are focusing on this terrible issue that is hitting our cities and towns all across America. I urge my colleagues to vote in favor of H.R. 1727 to allow this legislation to move through the process.

Mr. HOYER. Mr. Speaker, today I rise in strong support of H.R. 1727, the Arson Prevention Act of 1993. I rise not only as a Congressman who has experienced the deadly ravages of arson fire in my own district, but as the chairman of the largest caucus in Congress; the congressional fire services caucus.

In the past 10 months in Prince Georges County MD, two high-profile arson fires killed three children. Both fires were deliberately set: One to silence a witness to a shooting and the other possibly resulting from a domestic dispute.

While these childrens deaths are horrifying, they become mere statistics in the context of our country's terrible arson problems. It is estimated that during the past 10 years, nearly 5,000 Americans have died in arson fires. This statistic is terrible evidence of the human cost of these arson crimes.

In addition to the human cost, I believe it is also worth noting the economic impact of these crimes as well. Arson is the No. 1 cause of property damage in our country, costing our economy $2 billion of losses each year. In some of our country's largest cities—Chicago, Detroit, Los Angeles, San Antonio, and San Diego—arson is the primary cause of fires and fire-related deaths. I think this statistic above any other deserves emphasis. Most fires in many of our cities are not accidental. They are deliberately set for reasons that vary as much the communities they blight. These fires are set for revenge, for murder, for insurance fraud, and for profit. Like most fires, arson is not discriminating in its victims, and more often than not, those most vulnerable—the elderly and children—suffer the worst.

This arson legislation proposes a modest but vital approach to addressing this terrible problem. H.R. 1727 authorizes a number of grants designed to improve the training of the investigators we need to find and convict arsonists across the country and to provide preventative solutions to stopping those most likely to commit this crime.

Moreover, these grants will help local, State, and the Federal Government to pull their resources together in the effort to stop arson. Already the Bureau of Alcohol, Tobacco and Firearms in conjunction with the U.S. Fire Administration and others are beginning a new training program for arson investigators. I have worked hard with these Federal agencies to help start the design and construction of the training facility for this effort.

With H.R. 1727, and the new training initiatives being pushed by our Federal Government, our country can make a good-faith effort to stop the loss of life and property which has devastated and blighted communities in all of our congressional districts. Mr. Speaker, I urge my colleagues to strongly support the Arson Prevention Act of 1993.

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Virginia [Mr. BOUCHER] that the House suspend rules and pass the bill, H.R. 1727, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1727, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

NATIONAL INFORMATION INFRASTRUCTURE ACT OF 1993

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1757) to provide for a coordinated Federal program to accelerate development and dissemination of applications of high-performance computing and high-speed networking, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Information Infrastructure Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) high-performance computing and high-speed networks have proven to be powerful tools for improving America's national security, industrial competitiveness, research capabilities, and ability to make a wide array of information available for a variety of applications;

(2) Federal programs, such as the High-Performance Computing Program and National Research and Education Network established by Congress in 1991, are vital to the maintenance of United States leadership in high-performance computing and high-speed network development, particularly in the defense and research sectors;

(3) high-performance computing and high-speed networking have the potential to expand dramatically access to information in many fields, including education, libraries, government information dissemination, and health care, if adequate resources are devoted to the research and development activities needed to do so;

(4) high-performance computing and high-speed networking have the potential to expand opportunities for participation for Americans who have disabilities and to improve equality of opportunity, full participation, independent living, and economic self-sufficiency for Americans with disabilities;

(5) the Federal Government should ensure that the applications achieved through research and development efforts such as the High-Performance Computing Program directly benefit all Americans;

(6) the Federal Government should stimulate the development of computing and networking applications and support wider access to network resources so that the benefits of applications so developed can reach the intended users throughout the Nation, including users with disabilities; and

(7) a coordinated, interagency undertaking is needed to identify and promote applications of computing and networking advances developed by the High-Performance Computing Program which will provide large economic and social benefits to the Nation, including new tools for teaching, the creation of digital libraries of electronic information, the development of standards and protocols to make the stores of government information readily accessible by electronic means, and computer systems to improve the delivery of health care.

SEC. 3. APPLICATIONS OF THE HIGH-PERFORMANCE COMPUTING PROGRAM.

The High-Performance Computing Act of 1991 is amended by adding at the end the following new title:

"TITLE III—APPLICATIONS OF COMPUTING AND NETWORKING

"SEC. 301. ESTABLISHMENT OF APPLICATIONS PROGRAM.

"(a) ESTABLISHMENT.—The Director, through the Federal Coordinating Council for Science, Engineering, and Technology, shall, in accordance with this title—

"(1) establish a coordinated interagency applications program to develop applications of computing and networking advances achieved under the Program described in section 101, that are designed to be accessible and usable by all persons in the United States, including historically underserved populations and individuals with disabilities, in the fields of education, libraries, health care, the provision of government information, and other appropriate fields; and

"(2) develop a Plan for Computing and Networking Applications (hereafter in this title referred to as the 'Plan') describing the goals and proposed activities of the applications program established under paragraph (1), taking into consideration the recommendations of the advisory committee on high-performance computing and applications established under section 101(b).

The President shall designate the Federal agencies and departments which shall participate in the applications program established under paragraph (1). The applications program may be administered as part of the Program established under section 101.

"(b) COLLABORATION WITH NON-FEDERAL ENTITIES.—To the maximum extent possible, the applications program shall involve cost sharing and partnerships among participating Federal departments and agencies, State and local governments, and private sector entities.

"(c) INTEROPERABLE INFORMATION SYSTEMS.—In selecting projects for support under this title, special consideration shall be given to projects which will promote development of interconnected and interoperable information systems.

"(d) NONDEVELOPMENTAL ITEMS.—In carrying out activities under this Act, Federal departments and agencies shall purchase nondevelopmental items whenever possible.

"SEC. 302. PLAN FOR COMPUTING AND NETWORKING APPLICATIONS.

"(a) REQUIREMENT.—The Plan shall contain a statement of steps which should be taken to implement the applications program established under section 301(a)(1) for the fiscal year in which the Plan is submitted and the succeeding four fiscal years, and shall be submitted to the Congress within one year after the date of enactment of this title. The Plan shall be revised and resubmitted to the Congress at least once each two years thereafter.

"(b) CONTENTS.—The Plan shall—

"(1) establish the goals and priorities for the applications program established under section 301(a)(1), consistent with this Act;

"(2) set forth the specific responsibilities of each Federal agency and department participating in the applications program established under section 301(a)(1) to achieve the goals and priorities established under paragraph (1) of this subsection; and

"(3) describe the recommended levels of Federal funding required for each agency and department to carry out the specific responsibilities set forth in paragraph (2) of this subsection.

"(c) PROGRESS IN IMPLEMENTING PLAN.—(1) Accompanying the initial submission of the Plan shall be—

"(A) a summary of the achievements of Federal efforts during the preceding fiscal year to develop computing and networking applications and to advance the technologies on which the applications depend; and

"(B) any recommendations regarding additional action or legislation which may be required to assist in implementing the Plan.

"(2) Accompanying each subsequent submission of the Plan shall be—

"(A) a summary of the achievements of Federal efforts since the previous submission of the Plan to develop computing and networking applications and to advance the technologies on which the applications depend, including an estimate of the number and the demographic diversity of users served in each application;

"(B) an evaluation of the progress made toward achieving the goals and priorities established under subsection (b)(1);

"(C) a summary of problems encountered in implementing the Plan; and

"(D) any recommendations regarding additional action or legislation which may be required to assist in implementing the Plan.

"SEC. 303. RESPONSIBILITIES OF THE FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY.

"The Federal Coordinating Council for Science, Engineering, and Technology shall—

"(1) develop the Plan as provided in section 301(a)(2);

"(2) coordinate the activities of Federal agencies and departments undertaken pursuant to the Plan and report at least annually to the President, through the Chairman of the Council, on any recommended changes in agency or departmental roles that are needed better to implement the Plan; and

"(3) assess, prior to the President's submission to the Congress of the annual budget estimate, each agency and departmental budget estimate for consistency with the Plan and make the results of that assessment available to the appropriate elements of the Executive Office of the President, particularly the Office of Management and Budget.

"SEC. 304. NOTIFICATION REQUIREMENT.

"(a) REQUIREMENT.—Each Federal agency and department designated by the President under section 301(a) as a participant in the applications program shall, as part of its annual request for appropriations to the Office of Management and Budget—

"(1) identify each element of its activities which—

"(A) contributes primarily to the implementation of the Plan; or

"(B) contributes primarily to the achievement of other objectives but aids Plan implementation in important ways; and

"(2) identify the portion of its request for appropriations that is allocated to each such element.

"(b) OFFICE OF MANAGEMENT AND BUDGET REVIEW.—The Office of Management and Budget shall review each submission received under this section in light of the goals, priorities, and agency and departmental responsibilities set forth in the Plan. The President's annual budget request shall include a statement of the portion of each appropriate agency or department's annual budget request that is allocated to efforts to achieve the goals and priorities established under section 302(b)(1).

"SEC. 305. NETWORK ACCESS.

"(a) CONNECTIONS PROGRAM.—The Plan shall include programs administered by the National Science Foundation to—

"(1) foster the development of network services in local communities which will connect institutions of education at all levels, libraries, museums, and State and local governments to each other; and

"(2) provide funds for the purchase of network services to entities described in paragraph (1), or organizations representing such entities, to connect to the Internet.

Such program shall include funding for the acquisition of required hardware and software and for the establishment of broadband connections to the Internet. Not more than 75 percent of the cost of any project for which an award is made under this subsection shall be provided under this Act.

"(b) TRAINING.—The Plan shall include programs administered by the National Science Foundation and other appropriate agencies and departments to train teachers, students, librarians, and State and local government personnel in the use of computer networks and the Internet. Training programs for librarians shall be designed to provide skills and training materials needed by librarians to instruct the public in the use of hardware and software for accessing and using computer networks and the Internet. Training programs shall include programs designed for individuals with disabilities.

"(c) REPORT.—The Director shall, within one year after the date of enactment of this title, submit a report to Congress which shall include—

"(1) findings of an examination of the extent to which the education and library communities and State and local government have access to the Internet, including the numbers and the geographic distribution, by type, of institutions having access, and including the numbers of institutions having human/computer interfaces suitable for use by individuals with disabilities;

"(2) a statement of the extent to which broadband connections to the Internet exist for the education and library communities and State and local governments, including the numbers and the geographic distribution, by type, of institutions having access;

"(3) an assessment of the factors limiting access by institutions of education at all levels, libraries, and State and local governments to the Internet and an estimate of the cost of providing universal broadband access for those institutions to the Internet; and

"(4) recommendations for collaborative programs among Federal, State, and local governments and the private sector to expand connectivity to the Internet for educational institutions, libraries, and State and local governments.

"(d) AUTHORIZATION OF APPROPRIATIONS.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Science Foundation for the purposes of this section, $15,000,000 for fiscal year 1994, $30,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

"SEC. 306. RESEARCH IN SUPPORT OF APPLICATIONS.

"(a) IN GENERAL.—The Plan shall specify the basic and applied research and human resource development activities in areas, such as computer science and engineering, mathematics, computer visualization, and human cognition, that will provide the foundation for achieving the applications included in the Plan. The Plan shall include basic and applied research activities related to the long-range social and ethical implications of applications of high-speed networking and high-performance computing. The Plan shall specify those activities included in the Program under title I which contribute to the development of applications included in the Plan.

"(b) NETWORK SECURITY AND PRIVACY.—The Plan shall specify research programs needed to create means to—

"(1) ensure the security and privacy of transmissions over the Internet and the integrity of digital information accessed via the Internet; and

"(2) facilitate the management and protection of copyrighted information which is accessed via the Internet.

"(c) EASE OF INTERNET USE.—The Plan shall specify research programs needed to develop and demonstrate human/computer interfaces that will simplify access to and use of the Internet by nonspecialists in computing and networking technologies and by individuals with disabilities.

"(d) AUTHORIZATION OF APPROPRIATIONS.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated for the purposes of this section, $6,000,000 for fiscal year 1994, $15,000,000 for fiscal year 1995, $20,000,000 for fiscal year 1996, $20,000,000 for fiscal year 1997, and $20,000,000 for fiscal year 1998.

"SEC. 307. APPLICATIONS FOR EDUCATION.

"(a) IN GENERAL.—The Plan shall specify projects to develop and apply computing and networking technologies for use in education at all levels from early childhood education through higher education, including projects for the education and training of individuals with disabilities. The National Science Foundation shall be the lead agency for implementing the activities required by this section, and shall consult with the Department of Education in implementing those activities. Activities under this section shall include—

"(1) projects, including support for acquisition of required computer hardware and software, that demonstrate the educational value of the Internet, including cost effectiveness, in providing for advances in distance learning and electronic classrooms, facilitating nationwide communication among educators and students, access to databases of information in digital format, and access to innovative curricular materials;

"(2) development, testing, and evaluation of computer systems, computer software, and computer networks for—

"(A) teacher training, including teachers in special education programs; and

"(B) informal education outside of school, including workforce training in mathematics, science, and technology and in specific job-related skills, including literacy; and

"(3) development, testing, and evaluation of advanced educational software and of network-based information resources.

"(b) ELEMENTARY AND SECONDARY EDUCATION.—In accordance with subsection (a), applications for elementary, secondary, and vocational/technical education shall be designed to complement and strengthen ongoing national, State, and local educational restructuring and reform activities and shall include—

"(1) projects in computing and networking that—

"(A) provide for network connections among elementary and secondary schools in local regions and connections to the Internet to enable students and teachers to—

"(i) communicate with their peers;

"(ii) communicate with educators and students in institutions of higher education; and

"(iii) access educational materials and other computing resources;

"(B) address the needs of rural populations and of urban communities; and

"(C) address the needs of individuals with disabilities;

"(2) collection and dissemination of information about ongoing elementary and secondary educational projects, including special education projects, based on application of computing and networking technologies, and about other educational resources available over the Internet;

"(3) development and evaluation of undergraduate courses in the educational applications of computing and networking for the instruction of students preparing for teaching careers, including courses that will ensure the early familiarization and training of these students in the use of the Internet; and

"(4) development, testing, and evaluation of educational software designed for collaborative use over the Internet, including tools that will enable classroom teachers easily to adapt software to local conditions.

"(c) COOPERATION.—In carrying out the requirements of this section, the National Science Foundation, the Department of Education, and other Federal agencies participating in such activities shall work with the computer hardware, computer software, and communications industries, authors and publishers of educational materials, State education departments, and local school districts, as appropriate.

"(d) AUTHORIZATION OF APPROPRIATIONS.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Science Foundation for the purposes of this section, $16,000,000 for fiscal year 1994, $45,000,000 for fiscal year 1995, $60,000,000 for fiscal year 1996, $75,000,000 for fiscal year 1997, and $75,000,000 for fiscal year 1998.

"SEC. 308. APPLICATIONS FOR HEALTH CARE.

"(a) IN GENERAL.—The Plan shall specify projects to develop and apply high-performance computing and high-speed networking technologies for use in the health care sector, with the goal of improving the quality and enhancing the cost-effectiveness of health care. Special consideration shall be given to applications that are designed to lower health care costs. The Department of Health and Human Services, through the National Institutes of Health and the Centers for Disease Control and Prevention, shall be the lead agency for implementing the activities required by this section.

"(b) CLINICAL INFORMATION SYSTEMS.—In accordance with subsection (a), applications related to clinical information systems shall include—

"(1) testbed networks for linking hospitals, clinics, doctor's offices, medical schools, medical libraries, and universities to enable health care providers and researchers to share medical images and to develop computer-based records;

"(2) software and visualization technology for visualizing the human anatomy and analyzing diagnostic images and records;

"(3) virtual reality technology for simulating surgical and medical procedures;

"(4) collaborative technology to allow several health care providers in remote locations to provide real-time treatment to patients;

"(5) interactive technologies to allow health care providers to monitor, evaluate, and treat patients in nonclinical settings;

"(6) database technology to provide health care providers with access to relevant medical information and literature;

"(7) database technology for storing, accessing and transmitting patients' medical records while protecting the accuracy and privacy of those records;

"(8) numerical simulation of chemical interactions relevant to reducing the time and cost of drug development;

"(9) three dimensional geometric modeling and artificial intelligence methods for interpreting an array of medical images; and

"(10) complex simulations of sociological populations affected disproportionately by selected diseases or disorders.

"(c) HEALTH INFORMATION TO THE PUBLIC.—In accordance with subsection (a), applications related to delivery of health information to the public shall include—

"(1) development, testing, and evaluation of database and network technologies for the storage of consumer-oriented, interactive, multimedia materials for health promotion, and for the distribution of such materials to public access points, such as community health and human service agencies, Centers for Independent Living established by the Rehabilitation Act of 1973, organizations established by title I of the Technology-Related Assistance for Individuals with Disabilities Act of 1988, schools, and public libraries;

"(2) pilot programs to develop, test, and evaluate the effectiveness and cost efficiency of interactive, multimedia materials to assist patients in deciding among health care options;

"(3) development and demonstration of human/computer interfaces to allow nonspecialists in computing and networking technologies ease of access to and use of databases of health information and networks providing health information service; and

"(4) development, testing, and evaluation of database and network access technologies to provide individuals with health information, including health risk appraisal, preventative medical advice, and disease treatment options, which is oriented to nonhealth professionals and which is customized to take into consideration an individual's medical history.

"(d) HEALTH DELIVERY SYSTEMS AND POPULATION DATA SETS.—In accordance with subsection (a), applications for health delivery systems and for gathering population data sets shall include—

"(1) testbed networks and software that permits collaborative communication among local public and private health and human service providers, such as health centers, clinics, entitlement offices, and school-based clinics, to enable health and human service providers to work together in delivering coordinated services for at-risk populations;

"(2) pilot programs to develop high speed communications networks and software for providing health care providers with—

"(A) immediate, on-line access to up-to-date clinic-based health promotion and disease prevention recommendations from the Centers for Disease Control and Prevention and other Public Health Service agencies; and

"(B) a two-way communications link with prevention specialists in State and local health departments, and other agencies with information germane to clinic-based health promotion and disease prevention; and

"(3) development, testing, and evaluation of database technologies to provide clinicians with access to information to guide and assist them in providing diagnosis, providing treatment, and providing advice regarding health promotion and disease prevention to patients, and to facilitate the gathering of systematic population data sets in compatible formats on the efficacy of treatments and on national health trends.

"(e) Authorization of Appropriations.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Secretary of Health and Human Services for the purposes of this section, $22,000,000 for fiscal year 1994, $54,000,000 for fiscal year 1995, $72,000,000 for fiscal year 1996, $90,000,000 for fiscal year 1997, and $90,000,000 for fiscal year 1998.

"SEC. 309. APPLICATIONS FOR LIBRARIES.

"(a) In General.—The Plan shall specify projects to develop technologies for 'digital libraries' of electronic information. The National Science Foundation shall be the lead agency for implementing the activities required by this section, and in implementing this section shall take into account the needs of individuals with disabilities.

"(b) Digital Libraries.—In accordance with subsection (a), activities to support the development of digital libraries shall include—

"(1) development of advanced data storage systems capable of storing hundreds of trillions of bits of data and giving thousands of users simultaneous and nearly instantaneous access to that information;

"(2) development of high-speed, highly accurate systems for converting printed text, page images, graphics, and photographic images into electronic form;

"(3) development of database software capable of quickly searching, filtering, and summarizing large volumes of text, imagery, data, and sound;

"(4) encouragement of the development and adoption of common standards and, where appropriate, common formats for electronic data;

"(5) development of computer-based means to categorize and organize electronic information in a variety of formats;

"(6) training of database users and librarians in the use of and development of electronic databases;

"(7) development of means for simplifying the utilization of networked databases distributed around the Nation and around the world;

"(8) development of visualization methods for quickly browsing large volumes of imagery; and

"(9) development of means for protecting copyrighted material in electronic form, including, if technologically feasible, systems with capabilities for electronically identifying copyrighted works and for electronically indicating whether any permission which is required by title 17, United States Code, has been granted by the copyright owner.

"(c) Development of Prototypes.—In accordance with subsection (a), the Plan shall provide for the development of prototype digital libraries to serve as testbeds for the systems, software, standards, and methods developed under subsection (b). The development of prototype digital libraries may involve nonprofit, private institutions that collect and maintain specimens, materials, or other items used in research, such as natural history museums. The prototype digital libraries shall be accessible by the public via the Internet. In carrying out this subsection, an evaluation shall be conducted of the suitability and utility of distributing electronic information over the Internet, including cataloging and evaluating the kinds of uses and determining barriers that impair use of the Internet for this purpose.

"(d) Development of Databases of Remote-Sensing Images.—The National Aeronautics and Space Administration shall develop databases of software and remote-sensing images to be made available over computer networks.

"(e) Authorization of Appropriations.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated—

"(1) to the National Science Foundation for the purposes of this section, $8,000,000 for fiscal year 1994, $16,000,000 for fiscal year 1995, $22,000,000 for fiscal year 1996, $32,000,000 for fiscal year 1997, and $32,000,000 for fiscal year 1998; and

"(2) to the National Aeronautics and Space Administration for the purposes of this section, $4,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, $10,000,000 for fiscal year 1996, $12,000,000 for fiscal year 1997, and $12,000,000 for fiscal year 1998.

"SEC. 310. APPLICATIONS FOR GOVERNMENT INFORMATION.

"(a) In General.—The Plan shall specify projects needed to develop and apply high-performance computing and high-speed networking technologies to provide improved public access to information generated by Federal, State, and local governments, including access by individuals with disabilities.

"(b) Lead Agency.—The President shall designate a lead agency for implementing the activities required by this section. The lead agency shall issue policy guidelines designed to foster—

"(1) a diversity of public and private sources for, and a competitive marketplace in, information products and services based on government information; and

"(2) dissemination of government information to the public on a timely, equitable, and affordable basis and in a manner that will promote the usefulness of the information to the public.

"(c) Projects.—In accordance with subsection (a), projects shall be undertaken which—

"(1) connect depository libraries and other sources of government information to the Internet to enable—

"(A) access to Federal Government information and databases in electronic formats;

"(B) access to State or local government information;

"(C) access to related resources which enhance the use of government information, including databases available through State projects funded pursuant to the Technology-Related Assistance for Individuals with Disabilities Act of 1988; and

"(D) linkages with other libraries and institutions to enhance use of government information; and

"(2) demonstrate, test, and evaluate technologies to increase access to and to facilitate effective use of government information and databases for support of research and education, economic development, and an informed citizenry.

"(d) Federal Information Locator.—In accordance with subsection (a), an information locator system shall be established which is accessible by the public via the Internet and which provides citations to Federal information and guidance on how to obtain such information.

"(e) Authorization of Appropriations.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated for the purposes of this section, $4,000,000 for fiscal year 1994, $12,000,000 for fiscal year 1995, $16,000,000 for fiscal year 1996, $21,000,000 for fiscal year 1997, and $21,000,000 for fiscal year 1998.".

SEC. 4. HIGH-PERFORMANCE COMPUTING AND APPLICATIONS ADVISORY COMMITTEE.

Section 101(b) of the High-Performance Computing Act of 1991 is amended to read as follows:

"(b) High-Performance Computing and Applications Advisory Committee.—(1) The Director shall establish an advisory committee on high-performance computing and applications consisting of non-Federal members, including representatives of the research and library communities, education at all levels, consumer and public interest groups, network providers, and the computer hardware, computer software, telecommunications, publishing, and information industries, who are specially qualified to provide the Director with advice and information on high-performance computing and on applications of computing and networking. The recommendations of the advisory committee shall be considered in reviewing and revising the Program described in this section and the Plan required by section 301(a)(2). The advisory committee shall provide the Director with an independent assessment of—

"(A) progress in implementing the Program described in this section and the Plan required by section 301(a)(2);

"(B) the need to revise the Program described in this section and the Plan required by section 301(a)(2);

"(C) the balance between the components of the activities undertaken pursuant to this Act;

"(D) whether the research, development and demonstration projects undertaken pursuant to this Act are—

"(i) helping to maintain United States leadership in computing and networking technologies and in the application of those technologies; and

"(ii) promoting competitive private sector markets in the provision of products and services related to these technologies and their applications;

"(E) whether the applications developed under title III are successfully addressing the needs of the targeted populations, including assessment of the number of users served by those applications; and

"(F) other issues identified by the Director.

"(2) The advisory committee established under paragraph (1) shall meet not less than once annually, following notice in the Federal Register, for the purpose of receiving oral and written public testimony on the subjects identified in subparagraphs (A) through (F) of paragraph (1). The advisory committee shall compile and submit an annual report to the Director and to the Congress containing the findings and recommendations required under this subsection and summarizing the public testimony received. In addition, the advisory committee may meet periodically as determined by its members.

"(3) The Director shall provide such support as is required to allow the advisory committee established under paragraph (1) to meet and to carry out the responsibilities assigned by this subsection.".

SEC. 5. NATIONAL RESEARCH AND EDUCATION NETWORK AMENDMENTS.

Section 102 of the High-Performance Computing Act of 1991 is amended to read as follows:

"SEC. 102. NATIONAL RESEARCH AND EDUCATION NETWORK PROGRAM.

"(a) Establishment.—As part of the Program described in section 101, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, the Department of Education, and other agencies participating in the Program shall support the establishment of the National Research and Education Network Program. The Network Program shall consist of the following components:

"(1) Research and development of networking software and hardware required for developing high-performance data networking capabilities with the goal of achieving the transmission of data at a speed of one gigabit per second or greater.

"(2) Federal experimental test bed networks for—

"(A) developing and demonstrating advanced networking technologies resulting from the activities described in paragraph (1), including any reasonably necessary assessment of the reliability of such technologies under realistic operating conditions; and

"(B) providing connections and associated network services for purposes consistent with this Act which require levels of network capabilities not commercially available.

"(3) Provision of support for researchers, educators, and students to obtain access to and use of the Internet to allow for communication with other individuals in the research and education communities and to allow for access to high-performance computing systems, electronic information resources, other research facilities, and libraries.

"(b) Test Bed Network Characteristics.—The test bed networks shall—

"(1) be developed and deployed in coordination with the computer hardware, computer software, telecommunications, and information industries;

"(2) be designed, developed, and operated in collaboration with potential users in government, industry, and research institutions and educational institutions;

"(3) be designed, developed, and operated in a manner which fosters and maintains competition and private sector investment in high-speed data networking within the telecommunications industry;

"(4) be designed and operated in a manner which promotes and encourages research and development leading to the creation of commercial data transmission standards, enabling the establishment of privately developed high-speed commercial networks;

"(5) be designed and operated so as to ensure the application of laws that provide network and information resources security, including those that protect copyright and other intellectual property rights, and those that control access to data bases and protect national security;

"(6) have accounting mechanisms which allow users or groups of users to be charged for their usage of copyrighted materials available over the test bed networks and, where appropriate and technically feasible, for their usage of the test bed networks; and

"(7) be interoperable with Federal and non-Federal computer networks, to the extent appropriate, in a way that allows autonomy for each component network.

"(c) Network Access.—The Federal agencies and departments participating in activities under this section shall develop a plan with specific goals for implementing the requirements of subsection (a)(3), including provision for financial assistance to educational institutions, public libraries, and other appropriate entities. This plan shall be submitted to the Congress not later than one year after the date of enactment of the National Information Infrastructure Act of 1993. Each year thereafter, the Director shall report to Congress on progress in implementing subsection (a)(3).

"(d) Restriction on Use of Test Bed Networks.—(1) The Federal test bed networks shall not be used to provide network services that are not related to the activities under paragraphs (1) and (2) of subsection (a) and that could otherwise be provided satisfactorily using commercially available network services. Determination of satisfactory availability shall include consideration of geographic access to and affordability of service, and timeliness and technical performance standards in providing services.

"(2) The requirements of paragraph (1) shall take effect on the date set forth in the report required under paragraph (3).

"(3) Six months following the date of enactment of the National Information Infrastructure Act of 1993, the Director, after consultation with the Federal agencies and departments supporting Federal test bed networks, shall provide a report to Congress which—

"(A) describes the technical developments necessary to allow implementation of paragraph (1);

"(B) determines the earliest feasible date for implementing paragraph (1); and

"(C) sets forth that date as the date on which paragraph (1) shall take effect.

Should the Director subsequently determine that, for technical reasons, the requirements of paragraph (1) can not be imposed on that date, the Director shall, not less than 3 months prior to that date, report to Congress on the reasons for the delay in imposing the requirements of paragraph (1), and shall set forth a new date on which paragraph (1) shall take effect.

"(e) Advanced Research Projects Agency Responsibility.—As part of the Program, the Department of Defense, through the Advanced Research Projects Agency, shall support research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network Program.

"(f) Information Services.—The Director shall assist the President in coordinating the activities of appropriate agencies and departments to promote the development of information services that could be provided over the Internet consistent with the purposes of this Act. These services may include the provision of directories of the users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases and computer networks, and technology to support computer-based collaboration that allows researchers and educators around the Nation to share information and instrumentation.

"(g) Use of Grant Funds.—All Federal agencies and departments are authorized to allow recipients of Federal research grants to use grant moneys to pay for computer networking expenses.

"(h) Limitation on Use of Funds.—Development of data communications networks pursuant to this Act shall be through purchase of standard commercial transmission and network services from vendors whenever feasible, and by contracting for customized services when such purchase is not feasible, in order to minimize Federal investment in network hardware and software.".

SEC. 6. COMPETITIVE PROCUREMENTS.

Title II of the High-Performance Computing Act of 1991 is amended by adding at the end the following new section:

"SEC. 209. COMPETITIVE PROCUREMENTS.

"The Competition in Contracting Act shall apply to all procurements under this Act of $25,000 or greater.".

SEC. 7. CONFORMING AMENDMENTS.

The High-Performance Computing Act of 1991 is amended--

(1) in section 3(1)—

(A) by amending subparagraph (A) to read as follows:

"(A) accelerate progress toward a universally accessible high-capacity and high-speed data network for the Nation;"; and

(B) by striking "Network" and inserting in lieu thereof "Internet" in subparagraph (C);

(2) in section 4—

(A) by redesignating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (7), (8), (10), and (12), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following new paragraph:

"(1) 'broadband' means a transmission rate for digital information on a communications network which exceeds the maximum rate possible for transmission of digital information on normal copper telephone wires;";

(C) by inserting after paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following new paragraphs:

"(3) 'disabilities' means functional limitations of hearing, vision, movement, manipulation, speech, and interpretation of information;

"(4) 'educational institutions' includes institutions of early childhood education, elementary and secondary education, postsecondary education, and vocational/technical education;

"(5) 'education at all levels' includes early childhood education, elementary and secondary education, postsecondary education, and vocational/technical education;

"(6) 'Federal test bed networks' means the Federal experimental test bed networks described in section 102(a)(2);";

(D) by inserting after paragraph (8), as so redesignated by subparagraph (A) of this paragraph, the following new paragraph:

"(9) 'Internet' means the network of both Federal and non-Federal interoperable packet switched data networks;";

(E) by amending paragraph (10), as so redesignated by subparagraph (A) of this paragraph, to read as follows:

"(10) 'Network Program' means the National Research and Education Network Program established under section 102;"; and

(F) by inserting after such paragraph (10) the following new paragraph:

"(11) 'Nondevelopmental item' has the meaning given such term in section 2325(d) of title 10, United States Code; and";

(3) in section 101(a)(2)(A) and (B), by striking "Network" and inserting in lieu thereof "Federal test bed networks";

(4) in section 101(a)(2)(C), by inserting "the private sector, States, and" after "computer networks of";

(5) in section 101(a)(4)(C), by striking "establishment of the Network" and inserting in lieu thereof "Network Program";

(6) in section 201(a)(2), by striking "Network" both places it appears and inserting in lieu thereof "Internet";

(7) in section 201(a)(3), by striking "Network" and inserting in lieu thereof "Internet for the purposes of this Act";

(8) in section 201(a)(4), by inserting "consistent with section 102," before "assist regional networks";

(9) in section 202(b), by striking "$134,000,000" and inserting in lieu thereof "$111,000,000"; and

(10) in section 203(e)(1), by striking "$138,000,000" and inserting in lieu thereof "$124,000,000".

SEC. 8. USE OF DOMESTIC PRODUCTS.

(a) Prohibition Against Fraudulent Use of "Made in America" Labels.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act, or under any amendment made by this Act, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act, or by any amendment made by this Act, to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Director of the Office of Science and Technology Policy, before January 1, 1995, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITION.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

(d) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act, or under any amendment made by this Act, should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, or under any amendment made by this Act, the appropriate agency or department shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.

SEC. 9. SUNSET.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the High-Performance Computing Act of 1991 shall expire on October 1, 1998.

(b) EXCEPTION.—Title II and section 305 of the High-Performance Computing Act of 1991 shall expire on October 1, 1996.

(c) CONTINUING ADMINISTRATION.—Nothing in this section shall affect the continuing validity of any contract, grant, or cooperative agreement entered into prior to the relevant expiration dates referred to in subsection (a) and (b), and any such contract, grant, or cooperative agreement may continue to be administered under its terms as if the High-Performance Computing Act of 1991 had not expired.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BOUCHER] will be recognized for 20 minutes, and the gentleman from New York [Mr. BOEHLERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1757 embodies the President's vision for a national information highway capable of routing voice, video and data traveling at gigabit speeds to every school, every home, every research institute, and every business in the Nation. It clearly identifies the respective roles of the public and the private sectors in deploying, owning, and operating the information infrastructure, and it specifies the Federal research and development support that should be provided to enable the creation of new networking technologies and a variety of near-term applications of the information network.

In addressing the respective roles of the public and private sectors, H.R. 1757 makes it clear that we do not expect the Federal Government to own, manage, or deploy the information infrastructure. That will be a private sector responsibility. The physical network, including the fiber optic lines, the high-capacity switches, and the software that is necessary to route information at high speeds will be owned and deployed and maintained by private companies.

The Government's role, however, is also clearly defined and specified in H.R. 1757, and that role can be categorized in the following areas:

First, the legislation makes it clear that there is a Federal responsibility in ensuring that the network operates in accordance with a common set of protocols and standards so that information can be stored in compatible formats and can be retrieved from any point on the network using a common set of computer commands.

The Federal Government will not have the obligation of directly setting those standards, but it will serve as a convening agency to bring together the experts from areas external to the Government who will have the responsibility of recommending the standards upon which the network should operate.

The Government will also extend to research and development for new networking technologies, for research and development funds that will create a new generation of high-capacity switches and the software that is necessary to route information traveling on the network at gigabit speeds, with the Government having hundreds of thousands of packets of information all traveling simultaneously on the network at those higher speeds.

□ 1310

Then the legislation sets forth several near-term applications that I would suggest will be the most obvious uses of this network within the short term. Those are in four specified areas.

First, funding for education, and that falls into the category of electronic classrooms for distance learning so that the barriers of geography can be taken down and the best instruction that is available in any school in the Nation can potentially become available in every school in the Nation through the miracle of fiber optic communications, of fully interactive video transmissions and distance learning. That will have the effect of students in a variety of outlying classrooms listening to the instruction of a single teacher and being able to fully interact with each other and with that teacher at the same time. Funds are provided in the legislation for that application, as well as for teacher training and also for direct connections that will link secondary schools to the information infrastructure.

A second near-term application is in the area of digital libraries. We contemplate the day when even the millions of volumes of printed material that are stored today on library shelves will be converted into electronic form and made accessible to anyone who has a personal computer and seeks to understand and retrieve the information that is contained in those libraries.

The goal, very simply stated, is to have a person in a living room or in a classroom using a personal computer being able to access the electronic index of every library in the Nation, browse through that index, identify a specific document, and then if that is the document the person wants, peruse it and then even print it out on a laser printer there in the living room and perform all these functions within just a matter of minutes.

A third application is in the area of health care. We envision the day in the not too distant future when a patient in an examining room at one location where a CAT scan or MRI image has just been taken having the benefit of a distant diagnosis by a variety of specialists located throughout the United States who could see each other over a video link, who could talk to each other over an audio link, and who could simultaneously evaluate that CAT scan or MRI image transmitted to them over the network with the same clarity that the initial image contains, providing a service that is rarely available in rural areas today through diagnostics and helping people everywhere in the United States in terms of having their conditions evaluated in a very professional manner.

We also imagine the day in the near future and provide the funds for this when there could be remote sensing of vital signs so that a patient who today has to remain in a hospital or a nursing home in order to have their vital signs monitored could remain in their own homes, promoting convenience for the patient and lower costs in the delivery of medical services, having the vital signs monitored at a central monitoring unit from which health care delivery could be dispatched if that proved to be necessary.

Patient billing and patient records would also be made available over the network, providing for administrative flexibility and reductions in health care costs.

A fourth application is in the area of government information, and we seek through this legislation to make the vast stores of information maintained by government at all levels available over the network through means of an electronic index and a navigational aid that would ease the access to that information by any party who seeks it.

The legislation carries out another government function, and that is to create a test bed in which the new networking technologies can be demonstrated and which can also provide direct connections where the users of networking services require a higher level of network performance than is available from commercial providers.

I might add that in other instances where commercial service is readily and appropriately available, we would expect the commercial providers to provide connections for users of the information network.

The legislation sets up a High Performance Computing and Applications Advisory Committee from which periodic reports will be presented to the executive and legislative branches over time. Those reports will tell us about progress that is being made in developing the information infrastructure. They will tell us what additional requirements of Federal law are necessary from time to time in order to promote infrastructure development and will give us a reliable and continuing mechanism for obtaining information and recommendations from private sector experts about changes in Federal law that will be necessary in the future.

Mr. Speaker, this legislation enjoys very broad support from the private sector. It has received endorsements from a broad range of telecommunications companies and computer companies and health care providers.

The public sector also supports its enactment. We have strong support from universities and from the library community around the Nation.

I would like to say a special word of thanks to two individuals on the Republican side who have been of tremendous help to us and worked very cooperatively with us as this measure was structured, and that is the gentleman from Pennsylvania [Mr. WALKER], the ranking Republican member of the Committee on Science, Space, and Technology, and the gentleman from New York [Mr. BOEHLERT], who along with the gentleman from Pennsylvania [Mr. WALKER] has made a number of very constructive recommendations which appear in the text of this legislation.

I also want to thank the gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology, who has personally expressed a great deal of interest in this measure and who has devoted his time and effort to helping us perfect this product and whose staff resources applied to this undertaking have been absolutely invaluable.

The passage of this measure, Mr. Speaker, is very important to our Nation's future quality of life and to our Nation's future economic success. Just as canals were the major commercial arteries of the 19th century and just as railroads and interstate highways have been the major pathways of commerce during this century, in the 21st century the information highway will be the major commercial artery. It is essential that we begin that journey today and take this step in enacting H.R. 1757 to assure for our Nation the most modern communications network that will be enjoyed anywhere in the world.

Mr. Speaker, I am pleased to strongly recommend the passage of this legislation.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1757, which I have proudly coauthored.

Once again I wish to point out to my colleagues that here we have another example of the spirit of bipartisanship working so effectively in the Committee on Science, Space, and Technology, under the leadership of the gentleman from California [Mr. BROWN], and the ranking Republican, the gentleman from Pennsylvania [Mr. WALKER].

And, of course, I want to thank the chairman of our Subcommittee on Science, the gentleman from Virginia [Mr. BOUCHER] for his leadership.

I do not think that anyone doubts that computer networks are revolutionizing our society, and that their impact is only likely to become more pervasive in the years ahead. I can see this in my own area in central New York, where the progressive telecommunications company, Nynex, has teamed with one of the Air Force's premier super laboratories, the Rome Laboratory, and two of our great universities, Cornell and Syracuse to create new electronic links for researchers. They call it Nynet. It is 21st century stuff, the kind dreams are made of.

Congress has done much to promote this electronic revolution. We enacted the High-Performance Computing Act, which set up an inter-agency effort to sponsor and conduct the research needed to keep this revolution spinning along.

The bill we have before us today is the logical next step. It will promote a wide variety of applications for the expanded networks, and it will ensure that a wide variety of institutions benefit from the new technology. That is another way of saying that the public will be able to take advantage of the latest advances—through schools and libraries, and medical offices and businesses, as Chairman BOUCHER has so elequently described.

High performance computing networks are a prime example of the public-private partnerships that we need to encourage to keep our Nation's technological edge. I suspect that when we look back in a decade or so, bills like H.R. 1757 will prove to be the measures that have made the greatest difference in the way Americans lead their lives.

I urge my colleagues to vote for this very worthwhile legislation to plan and prepare for the future.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield such time as he may consume to the chairman of the Committee on Science, Space, and Technology, the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Speaker, I thank the chairman of the Subcommittee on Science of the Committee on Science, Space, and Technology, for yielding this time to me. Again, I will be brief.

I want to commend both the gentleman from Virginia [Mr. BOUCHER] and the gentleman from New York [Mr. BOEHLERT] for moving this bill along expeditiously.

I have a sentimental attachment to this bill because it stems from work that we have been doing in the Science Committee over a long period of years, going back at least 10 years or more. We are seeing the results of this effort brought to fruition with this legislation and with the similar legislation which we passed a year or so ago.

□ 1320

Mr. Speaker, I will not elaborate on the importance of this. The gentleman from Virginia [Mr. BOUCHER] has adequately dealt with that. But I do want to point out that this, as with many pieces of legislation we will deal with, could fall within the jurisdiction of other committees, and in this case the Committees on Education and Labor and on Armed Services both have roles to play in the development of the systems that we are talking about here, and in both cases the chairmen of these committees have graciously yielded their jurisdiction, and I would like to include in the RECORD letters from the chairmen of the Committee on Education and Labor and the Committee on Armed Services indicating that they will not ask for sequential referral of this legislation.

Mr. Speaker, research and development focused on high-performance computing and networking constitute a key ingredient necessary to ensure the Nation's future economic competitiveness. In addition, it is now feasible to use computing and networking technologies which have been developed for applications that will provide important benefits for all Americans.

In 1991 the Committee on Science, Space, and Technology played a major role in the passage of the High-Performance Computing Act to stimulate new advances in high-performance computing hardware and software and to develop high-speed computer networks linking research sites throughout the Nation. H.R. 1757 builds on the 1991 act by supporting new and wide-ranging applications of the accomplishments of research in high-performance computing and networking.

In particular, the National Information Infrastructure Act will develop and demonstrate applications of computing and networking technologies:

For education at all levels, including teacher training and retraining of workers;

For health care delivery, including development of testbed networks for sharing medical data and imagery among health care providers and for providing health promotion and disease-prevention information to the public; and

For creation of digital libraries of electronic information, including advanced storage and retrieval systems and standards for electronic data storage and transmission.

All of these applications are intended to be made widely accessible to all segments of society. The bill will support the development of user-friendly computer interfaces and will address the technical means to ensure the integrity and security of information in electronic form which is made available via communications networks.

I want to congratulate Mr. BOUCHER, the Science Subcommittee chairman, for his efforts to develop H.R. 1757, and I want to recognize his efforts and the efforts of the ranking Republican member of the subcommittee, Mr. BOEHLERT, in moving the measure forward in committee. In addition, I wish to acknowledge the contributions to strengthening the bill of the ranking Republican member of the full committee, the gentleman from Pennsylvania [Mr. WALKER] and his assistance in bringing the legislation to the floor.

I would like to thank Chairman FORD and the ranking Republican member of the Education and Labor Committee, Mr. GOODLING, for their assistance in developing the education provisions of the bill. I also thank Chairman FORD, Chairman DELLUMS of the Armed Services Committee, and Chairman DINGELL of the Energy and Commerce Committee for allowing the bill to move forward expeditiously by not seeking sequential referral for portions of the bill which are in their committees' jurisdictions. Copies of correspondence with the three committees are included with my statement.

Mr. Speaker, the National Information Infrastructure Act of 1993 in concert with the High-Performance Computing Act, enacted last year, will advance information technologies which are transforming the conduct of science and engineering and which offer unparalleled opportunities for improvement of education, health care delivery, and access to information. The public investment represented by these programs will provide an enormous return to society and to the welfare of all our citizens. I urge my colleagues to join me in supporting passage of H.R. 1757.

HOUSE OF REPRESENTATIVES, COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, June 10, 1993.

Hon. GEORGE E. BROWN, Jr.,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We are writing concerning sections 2, 3, 4, and 5 of H.R. 1757, the High Performance Computing and High Speed Networking Act of 1993, which we believe are under the shared jurisdiction of your committee and the Committee on Education and Labor.

These sections make numerous references to education at all levels and to libraries with respect to the application of high performance computing and high speed networking.

We understand the enclosed suggestions have been incorporated into a substitute bill to be marked up by the Subcommittee on Science. With these changes, we have no objection to the text of the bill. In order to expedite the consideration of H.R. 1757, we do not intend to seek referral of the bill, with the incorporated changes. However, in view of this committee's jurisdiction under clause 1(g) of House Rule X over education, generally, and in light of the continuing cooperation between our committees concerning such matters, we ask that you include this letter in the record of the debate on H.R. 1757 to protect this committee's jurisdictional interest.

With kind regards,

Sincerely,

BILL FORD,
Chairman.
BILL GOODLING,
Ranking Republican.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 28, 1993.

Hon. GEORGE BROWN,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I understand the Committee on Science, Space, and Technology is now marking up H.R. 1757, the High Performance Computing and High Speed Networking Applications Act of 1993. This legislation includes a provision establishing a National Research and Education Network Program and requiring the Department of Defense to support research and development of technologies associated with that program. The part of this provision pertaining to the Department of Defense falls within the jurisdiction of the Committee on Armed Services pursuant to House Rule X, clause 1(c).

In recognition of your committee's desire to bring this legislation expeditiously before the House of Representatives, the Committee on Armed Services will not seek a sequential referral of H.R. 1757 as a result of including the above described provision, without of course, waiving this committee's jurisdiction over the provision in question. This committee will also seek to be appointed conferees for this provision during any House-Senate conference.

I would appreciate your including this letter as a part of the report on H.R. 1757 and as part of the record during consideration of this bill by the House.

Sincerely,

RONALD V. DELLUMS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, RAYBURN HOUSE OFFICE BUILDING,
Washington, DC, June 24, 1993.

Hon. RONALD V. DELLUMS,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of June 28, 1993, expressing your Committee's views regarding jurisdiction over certain provisions contained in H.R. 1757, the High Performance Computer and High Speed Networking Applications Act of 1993, which the Committee on Science, Space, and Technology expects to be reported in the near future. I acknowledge the jurisdictional claim of the Committee on Armed Services over the provisions cited in your letter. I appreciate your cooperation in permitting these provisions to move ahead for floor consideration without a sequential referral, and would be pleased to include your letter in the Committee's legislative report on H.R. 1757, and to include it in the record during consideration of the bill on the House floor in order to preserve your Committee's jurisdictional claims.

I look forward to continuing to cooperate with you on issues of mutual concern.

Sincerely,

GEORGE E. BROWN, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 26, 1993.

Hon. GEORGE E. BROWN, Jr.,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 1757, the "National Information Infrastructure Act of 1993," which is scheduled for consideration by the House today, July 26, 1993, under suspension of the rules. I am pleased that through an exchange of letters our Committees can continue the close working relationship that we have established.

Section 308 of that bill creates a new program overseen by the Department of Health and Human Services to develop and apply high-speed networking technologies for use in the health care sector. The technologies are designed for use by health care providers, public health officials, and the general public.

Under the rules of the House, the Committee on Energy and Commerce has sole jurisdiction over health care and public health. This provision clearly falls within the jurisdiction of this committee. In order to expedite consideration of this measure, I would agree not to request a sequential referral for purposes of addressing the matters contained in section 308 provided you acknowledge the jurisdiction of this committee over that section and agree that it would be appropriate for this committee to be granted conferees in any conference on this bill. I trust that by working together the two committees could resolve any differences regarding this provision in that context. Thank you for your cooperation.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, July 26, 1993.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in reply to your letter of July 26, regarding consideration of H.R. 1757, the "National Information Infrastructure Act of 1993".

I agree that Section 308 of that bill is within the jurisdiction of the Committee on Energy and Commerce and appreciate your waiving right to a sequential referral in order to expedite consideration of this legislation. I also agree that it would be appropriate for the Committee on Energy and Commerce to be granted conferee status on Section 308. I also share your belief that by working together the two committees can resolve any differences regarding this provision and would intend to confer closely with you before reaching a resolution with the Senate regarding this legislation.

Sincerely,

GEORGE E. BROWN, Jr.,
Chairman.

Mr. BOEHLERT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Speaker, I rise to commend my colleagues for their efforts in crafting this piece of legislation, as well as their support for sunset language which has also been adopted.

As the majority of my colleagues know, the National Infrastructure Act and its predecessor, the High Performance Computing Act of 1991, is scheduled to expire after 5 years, with the exception of title II, section 305, which expires after 2 years. Now, during committee consideration of this bill, I had offered an amendment to sunset the legislation in accordance with that intent.

Mr. Speaker, it has been a pleasure to work with the authors of this legislation, and the committee chairman and ranking minority in crafting a compromise that I believe improves my original amendment, yet maintains the integrity of the sunset language. As always, I firmly believe that it is the responsibility of the authorizing committees to ensure that legislation is monitored and reauthorized in accordance with the rules of this House. Unfortunately that is not always the case. Too often government programs, which have outlived their usefulness, continue to be funded through unauthorized appropriations. I am pleased to see that my colleagues on the Committee on Science, Space, and Technology share my concern.

Mr. Speaker, I look forward to continuing to work together to ensure that the High Performance Act does not sunset after fiscal year 1998 and that we successfully turn its operation over to the private sector.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE]

Mr. MINGE. Mr. Speaker, I am pleased that Congress is promptly considering and is acting in a bipartisan manner on this important legislation. This bill will help usher our Nation into the 21st century.

Mr. Speaker, we are in an information age. All parts of America must be included. The establishment of an information highway system is critical to rural areas, as well as urban. Schools, libraries, and medical centers are all examples of the types of activities and institutions that utilize this information highway.

From personal experience, Mr. Speaker, I know the importance of this technology. Interactive television is being developed in rural Minnesota. It allows students to attend classes closer to their homes, yet these students are able to participate in classes that otherwise could only be offered in large urban areas. Similarly, I am pleased to have been able to participate in a town meeting in the community of Windom, MN, at the same time that I was here in Washington, DC. Again this type of presence in several places may have been considered a miracle two decades ago, but today it is possible due to the use of the information highway system that is being constructed in our country.

Finally, Mr. Speaker, I would like to say that this system also recognizes the importance of copyright law, which has historically been protected in our country. By opening up these information highways, we still recognize and protect private ownership rights that may exist with respect to the information that is being utilized.

Mr. Speaker, I think it is indeed a proud day when Congress can move promptly in this bipartisan fashion to pass this important legislation.

Mr. BOEHLERT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, first of all, I would like to thank the chairman and ranking member of the Science, Space, and Technology Committee for working with the Education and Labor Committee to develop amendments to this legislation to improve access of education to the programs and computer applications the bill establishes. Bipartisan amendments suggested by the members of our committee were adopted by the Science, Space and Technology Committee in its markup sessions.

Our efforts have focused on an attempt to confront the primary challenges facing education and its ever expanding uses of technology. First, that the best technology be made available to institutions of education at all levels, not just research laboratories. Already, as reported in a recent National Education Association report, over 50 percent of American classrooms have a computer. Our goal must be not only to expand the reach of technology, but to insure it is quality technology.

Equally, we have tried to stress that the future holds a technological impact on education in many diverse fields, not just research as I mentioned earlier. For example, one can readily see the benefit of technology for early childhood programs such as Head Start and Even Start, as well as for now-evolving school to work programs including youth apprenticeships.

We also included provisions which will provide for evaluations of the cost effectiveness of the technology programs under this legislation. Education clearly faces special challenges as its financial resources are severely stretched. These special cost factors must be evaluated as new systems are developed to insure that they are accessible to educational institutions at all levels, but not just physical access, but financial access as well.

Again, Mr. Speaker, I commend the chairman and ranking members for their efforts to work with our committee and look forward to continuing our efforts to improve technology in education in the future.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA of Michigan. Mr. Speaker, I am honored to have been asked to be a cosponsor of this bill, and I proudly lend my name to it. Indeed this bill is exceptional public policy. The subcommittee has done an extraordinary job of balancing the interests of academia, the private sector, and other interested parties. Furthermore, this bill charters a viable public/private partnership between the Federal Government, private enterprises, and the academic community. This partnership is structured so that each of the participants will contribute from its unique position.

The technological possibilities brought about by the translation of audio and video communications into digit signals, and the advent of fiber optics and new switching techniques will be further utilized through the technological advances brought about by this partnership. This bill will bring our Nation closer yet to the establishment of information superhighways.

These information superhighways will not only provide the American people greater choices in entertainment, but more importantly, will make it possible for new communications technologies to allow greater access to information and services from an unlimited number of places.

The thought that physicians may be able to use these technologies to consult with other physicians hundreds or thousands of miles away, or that business transactions can be conducted over these same highways is truly exciting. I thank the chairman for the time and his stewardship of this bill. And, I ask the Members of this House to support the bill.

Mr. BOEHLERT. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. BURTON].

□ 1330

Mr. BURTON of Indiana. First of all, Mr. Speaker, I think the thought behind this program is very good. The only problem I have with it is, why is the Federal Government going to pay $1 billion for a program that is already being worked on by the private sector?

In Indiana, not too long ago I was invited by one of the Ameritech companies to come down and see a demonstration, along with a lot of teachers and high school students and grade school students, on how the new technology in computers, and so forth, was evolving through the Ameritech and the AT&T systems. MCI is working on this, Sprint is working on it, and a great many private-sector communications companies are working on these very things right now. In fact, they have advanced so far that some of this is already being used in classrooms and in the health care industry, and so forth.

So my question is, Since the private sector is working very hard on this, since they are going to make a profit out of it, since every home in America at some time in the future is going to be able to order its groceries, work on its health care, do education right through their television sets, even answer the phone when the phone rings—they will be able to answer the phone without turning off the television set; they will just talk to their television set—since all this kind of computer stuff is evolving through the private sector, and since right now we have a $4.35 trillion national debt and for the next 5 or 6 years we are going to run somewhere between $200 billion and $350 billion a year in the red, would ask, why should we be coming up with a program that is going to cost $1 billion over the next few years when the private sector is already working on it?

There is money to be made in this industry, and because of that we may rest assured that the private sector is going to push ahead as rapidly as possible.

Somebody said to me a few minutes ago the AT&T and the Ameritech companies want this program. Obviously, if the Federal Government is going to pick up $1 billion of the tab that they will not have to pick up, they would be in favor of it. But make no mistake about it, this technology is going to evolve whether this program takes place through the Federal Government or not.

So my question to my colleagues is this—and I hope one of them will answer it—why should we authorize $1 billion over the next 5 years for programs that are already under way? We do not have the money. We are running deeply in debt. The tax package we are going to be talking about in the next couple of days is going to exacerbate the situation. It is going to raise taxes on the backs of the American people, and the projections are that it is going to raise the debt instead of lowering it.

So, Mr. Speaker, I say to my colleagues that if we are really concerned about this country, let us get our fiscal house in order. Let us not add something to the mix that is already being done by the private sector.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to my colleague, the gentleman from California.

Mr. BROWN of California. Mr. Speaker, the gentleman is correct in raising the question of why we should do something the private sector is already doing. As the gentleman indicated, the private sector does want it, and there could be a selfish reason for their wanting it. It is not that, really. This kind of research and development is going on all over the world.

What the private sector in this country is concerned about is getting to market fast enough with the new technologies to be able to compete in the world marketplace. This is a continuation of policies initiated under Reagan and Bush to support free competitive generic technologies that will aid U.S. businesses in competing better in the world marketplace.

Mr. BURTON of Indiana. Mr. Speaker, I appreciate the remarks of the gentleman from California, but this kind of argument was used on the super collider, and many of us who supported the super collider in the past voted for it because the technology that was going to be a spinoff from that program was going to help us get the edge on our competitors in world trade and give us a quantum leap into the 21st century.

The fact of the matter is that this is going to happen through the private sector. It is moving very, very rapidly right now. I have witnessed it myself, and it seems to me that we should not be putting another $1 billion of the Federal Government's money and the taxpayers' money into this program when it is already being done by the private sector.

Mr. Speaker, I thank the gentleman from New York [Mr. BOEHLERT] for yielding me this time.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 1757, the National Information Infrastructure Act. This legislation not only represents another milestone in the implementation of President Clinton's technology initiative but is a critical step toward our future.

As we close out the 20th century, many of us wonder what the year 2000 will hold for this Nation. Mr. Speaker, I submit that part of that future is contained here in this legislation. H.R. 1757 builds on existing electronic linkages, such as the Internet, to broaden access to information for school children, researchers, and health professionals. H.R. 1757 will expand the ways we can communicate, the manner in which our children learn, and the way businesses interact.

Today there are great disparities in basic educational resources that are available to low-income communities and more affluent communities. The Education Committees of both Chambers are currently debating how to reallocate Chapter 1 moneys so that those with the greatest need receive adequate resources.

The underlying issues of that debate go deeper than formulas and ratios and are manifested in concrete terms such as a district's ability to afford new textbooks and library books. Another important component is teacher morale.

A recent Department of Education study of the Chapter 1 Program found that students in high-poverty schools have less exposure to original works of literature and trade books and score lower in reading and math from anywhere between 27 and 32 percentage points than students in low-poverty schools. Teachers in high-poverty schools are four times likelier than their counterparts in more affluent areas to be absent.

Many would argue that computers are not the solution to these problems and that there are more fundamental issues to be addressed. But I suggest that electronic networking opens up an entirely new realm of resources for these students and their teachers and must be factored into our vision of education reform.

With the implementation of a national information infrastructure, the Library of Congress will become instantly accessible to teachers both in my district and places like rural east Texas, opening new horizons that otherwise would not be available. Furthermore, teachers and administrators nationwide will be able to communicate easily, discuss the many day-to-day challenges they face, and share creative solutions with their colleagues.

H.R. 1757 has further implications for our health care delivery system. Authorized under this legislation are projects which would establish testbed networks to link health care providers and facilitate the development of technologies to manipulate diagnostic images and explore new horizons such as virtual reality. With the development of the information infrastructure a physician could transmit an image and case history to the leading expert in a given field and obtain his assistance in making a diagnosis.

As we continue to be one of the most mobile societies on Earth, health care records in the future can be transferred electronically from a physician in New York to another in Seattle. Providers will also be able to access up-to-date health promotion and disease prevention recommendations from the public health service.

Over 150 years ago, the United States began the industrial revolution, a movement which defined the parameters of our society up until well into this century. Today, we stand at the brink of the information revolution, and we must support bold initiatives such as this one to shape the future in which we will live.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to provide some degree of comfort to my colleague, the gentleman from Indiana [Mr. BURTON], by pointing out that we are not talking about new dollars. All of this money comes out of the existing authorization for NASA, for Health and Human Services, and for the National Science Foundation. So we are going to have to take this funding out of existing authorization. We are not adding to the authorization.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 1757, the National Information Infrastructure Act of 1993. H.R. 1757 amends the High Performance Computing Act of 1991 to broaden the application and availability of high-speed computing networks.

I would like to convey my special appreciation to both the Subcommittee on Science and the full Committee on Science, Space, and Technology for working closely with the Committee on Education and Labor to address several concerns. As a result, the bill includes language which assures the involvement of the Department of Education in the application of technology for education, makes clear that education is inclusive of early childhood education through higher education, and makes clear through report language that the applicable disciplines in education are not restricted to math, engineering, and science.

I urge my colleagues to vote in support of this important legislation in order to accelerate our progress in achieving a sophisticated system of technology for all of our Nation's infrastructure.

Mr. JOHNSON of Texas. Mr. Speaker, today, we are about to vote on the National Information Infrastructure Act of 1993, a $1.3 billion bill. I am opposed to this bill for two reasons: First, because it was brought up under suspension, and second because of it's price tag.

I understand that a bill can only be brought up under suspension if it is under $100 million dollars unless the Democratic Steering and Policy Committee waives this rule.

I wonder what makes this bill different or what is being protected that it needs to be brought up under suspension instead of the regular rules of the House. Besides this, the bill has other questionable intentions.

This bill creates an information superhighway that would digitally link America. I agree that the Government should be involved in creating an information highway, but only to the extent of providing guidelines and standards or, in simple terms, a blueprint that industry can follow and implement. The Government should not be in the business of competing and duplicating programs that exist in the private sector.

In this bill I have counted the word "develop" over 20 times. I ask anyone to answer this question: What can the Government "develop" better than the private sector? From past experience, nothing better but definitely slower.

The real question comes down to dollars. Does the Congress need to pass a bill that authorizes $1.3 billion to develop interfaces, test beds for digital libraries, gigabit transmission, fiber optics, switches and data storage systems. I believe the answer is no. In fact, let me give you some examples of the duplication and wasted dollars that will come by authorizing this bill.

This bill wants to initiate the development of highways that connect all universities so they can communicate. In Texas, the universities and all K–12 teachers have access to or are already connected, and the Government should take notice, it was completed without Federal funds.

Second, a company called Cablevision is turning cable TV lines into data highways for computer networks. Their goal is to allow "hospitals, schools, State and local governments to move big data files around and take advantage of the already deployed cable network."

Let me again reiterate, I am not against the objectives of the bill, I am against spending over $1 billion for Government research and development when it already exists or is being developed by the private sector.

I am also against passing a $1.3 billion bill under the suspension of the rules. Every Member should be held accountable for a vote that authorizes this much of the taxpayers' money when the Government is currently operating under a $4 trillion debt.

I urge my colleagues to vote against this bill for these two reasons.

Mrs. LOWEY. Mr. Speaker, I rise in strong support for H.R. 1757, the National Information Infrastructure Act of 1993.

We stand on the cusp of a new era in information technology. We are only starting to understand all of this new era's implications. Within a short time, many Americans will be able to see friends and relatives who live far away, pay bills, or access the knowledge available in national libraries and research institutes, all from the comfort of their own homes. But this technology, although relatively expensive, is already available.

What is yet to come are vast information networks that will help American entrepreneurs to share ideas, enable medical doctors to confer instantly, and provide students with access to the latest research and scholarly writings. This technology has the potential to dramatically change the lives of Americans by making routine what a short time ago seemed impossible. Despite the promise of the technology, most Americans are not in a position to capitalize on its benefits.

We need not only to develop this technology but we must also make it practical for most Americans. To do so, the goal of our polices should be to ensure access for the average American, not just those who have computer science expertise. By authorizing demonstration projects in education, health care, libraries, and public access to Government information, this bill will open the door to the new wave of information technology that has only recently been developed.

H.R. 1757 will allow average citizens to utilize the vast power of information technology. for example, in New Rochelle, NY, Iona College is developing an information access center which will not only provide K–12 teachers with hands-on experience in the power of fiber optics and multimedia techniques, but it will also allow small businesses to come in and use this equipment.

If the owner of the hat store on the corner wants to learn more about personnel management or strategic marketing, he or she will have ready access to the latest information on these subjects simply by punching it up on a computer keyboard. And once interactive fiber optics become available, the small business owner will be able to directly communicate with these experts. This program will be especially beneficial to those business owners who cannot afford their own computer equipment. By giving small businesses access to the same technologies which are being used by major corporations, we will be vastly strengthening our entire economy and enhancing the potential of the major job-creating force in our society.

Another important use of this new technology is in the health care field. The New York Medical College, in Valhalla, NY, has undertaken an ambitious project made possible in part through a 1992 HUD special purpose grant. This project will enable doctors in impoverished urban areas and distant rural areas alike to utilize the vast resources of the New York Medical College. Medical offices which cannot afford the volumes and volumes of research available at the college will be able to gain access to this information through a computer network. By reducing research duplication, this project is a truly worthwhile investment in improving care and reducing costs.

The image of a society where any family doctor can receive the advice of the foremost medical experts instantly or the owner of a small business can undertake complicated cost-benefit analysis from his or her storefront will become a reality that will substantially improve the lives of all Americans. H.R. 1757 will help ensure opportunities to utilize this technology are as widely available as possible so that all—not just a few—reap the benefits.

I strongly urge my colleagues to support this legislation and bring us one step closer to the new era of technology.

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Virginia [Mr. BOUCHER] that the House suspend the rules and pass the bill, H.R. 1757, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks concerning H.R. 1757, the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SPRING MOUNTAINS NATIONAL RECREATION AREA ACT

Mr. VENTO. Mr. Speaker, I move that the House suspend the rules and concur in the Senate amendments to the bill (H.R. 63) to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 3, line 7, strike out "waters" and insert "interests therein".

Page 4, line 16, strike out "Federal and State".

Page 4, line 23, strike out "the management, utilization, and disposal of" and insert "the management and use of".

Page 5, line 7, strike out "after" and insert "in".

Page 5, line 13, after "livestock", insert "on Federal lands".

Page 6, line 4, strike out "conform to" and insert "be consistent with".

Page 8, line 15, strike out "of the 89,270 acres" and insert "those lands within the Recreation Area".

Page 9, strike out lines 4 to 9 and insert:

(a) IN GENERAL.—The Secretary is authorized to acquire lands and interests therein within the boundaries of the Recreation Area by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that such lands or interests owned by the State of Nevada or a political subdivision thereof may be acquired only by donation or exchange.

Page 9, line 11, strike out "or waters" and insert "or interests therein".

Page 10, line 1, strike out "lands, waters, and interests" and insert "lands and interests".

Page 10, line 6, strike out all after "Area" down to and including line 9 and insert "are withdrawn from—".

Page 10 strike out lines 20 to 24.

Page 11, line 1, strike out "10" and insert "9".

Page 11, line 8, strike out "in southern Nevada".

Page 11, line 9, strike out "11" and insert "10".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1340

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. (Mr. MONTGOMERY). The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, we seem to be jumping around here. I do not know how many more suspensions we have, but some of us are waiting on the floor to take up this China resolution. Now I see it has been postponed again.

Could the Chair give Members some idea of the schedule of these suspensions so we do not have to sit here for hours until we know when they are coming up?

The SPEAKER pro tempore. The Chair will address the gentleman's request by saying the next order of business under suspension following the current business is the resolution regarding China.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 63, The Spring Mountains National Recreation Area Act, was introduced by Mr. BILBRAY and passed the House in April. The legislation is very similar to a measure passed by the House in the 102d Congress but on which action was not completed prior to adjournment. The Senate has made a few technical amendments which change some of the wording, but not the substance. I urge the House to concur with these amendments.

The bill before us today would designate a 316,000-acre national recreation area in the Spring Mountains of southern Nevada. The national recreation area would encompass all of the lands of the Spring Mountains unit of the Toiyabe National Forest.

Located near two rapidly growing population centers, Las Vegas and Pahrump, the area receives approximately 5 million visitors a year. It is the only area readily accessible to southern Nevadans with forests and snow. At that hearing of the Subcommittee on National Parks, Forests and Public Lands, on March 3, 1993, we learned that the resources of the Spring Mountains are impressive. Dominating the area is Mount Charleston which, at 11,918 feet, is the third highest mountain in Nevada. Vegetation includes ancient bristlecone pines, which are the oldest living things on Earth, five vegetative life zones and 48 plant species found nowhere else in the world. Wildlife includes elk, deer, wild turkey, bighorn sheep, golden eagles, wild horses and burros, and the palmers chipmunk, which is found only in the Spring Mountains. Threatened species include the desert tortoise and Lahonton cutthroat trout. The Spring Mountains are also the beginning of the water aquifer for the city of Las Vegas.

I urge my colleagues to support H.R. 63 with the changes made by the Senate and, thus, protect and enhance this beautiful mountain range.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand today in support of H.R. 63, which will create the Spring Mountain National Recreation Area near Las Vegas, NV.

I want to thank my friends, Mr. BILBRAY and Mrs. VUCANOVICH, who represent the district wherein the Spring Mountain area lies for seeing this legislation through to final passage. This legislation is an appropriate way to preserve the natural resources of the Spring Mountains while respecting valid existing rights and allowing a wide variety of access and recreational uses by the public.

I urge my colleagues to support H.R. 63.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY], who has been a champion of this legislation. It is an important bill to his State. We appreciate the Nevada delegation working together on this.

Mr. BILBRAY. Mr. Speaker, this is a very special day for the citizens of Las Vegas and southern Nevada. I am pleased this legislation creating the Spring Mountains National Recreation Area is ready to be presented to President Clinton and signed into law.

This legislation enjoys endorsements from a very unique group of bodies and organizations: the Nevada congressional delegation, the Nevada State Legislature's Committee on Public Lands, the Nevada Mining Association, and many local citizens and users groups as well. Especially in the case of the last few, this list is not your usual collection of allies.

However, in this unique case, all were eager to come together to support the preservation of what is known locally to be a Nevada treasure.

The U.S. House of Representatives and the Senate have given their legislative seals of approval to my community's wish to create the Spring Mountains National Recreation Area.

This legislation could not have come about without the dedication and vision of the southern Nevada community. For more than 5 years, teams of Nevadans have worked tirelessly to coordinate widely diverse interests represented by the many users of the Spring Mountains.

Hunters, fishermen, hikers and campers, off-roaders, bikers, and ranchers all share in the benefits of this magnificent resource.

The Spring Mountains contain outstanding outdoor recreation opportunities in the immediate vicinity of one of the fastest growing urban centers in the West, Las Vegas.

The Spring Mountains hold a unique place in the lives of the people of southern Nevada.

Over 20 million visitors come to the Mt. Charleston area each year to escape the summer heat of the desert floor. In winter, these mountains offer skiing, sledding, and a full range of snow sports, just a short drive from the Las Vegas strip. For the 900,000 inhabitants of Las Vegas, the Spring Mountains offer our only forest experience.

As more and more people visit the Spring Mountains, ensuring their protection becomes critical. By providing trailheads and roads for RV's, backpackers, hikers, and offroaders, passage of this measure will greatly enhance Nevadans' existing recreational use of our public lands.

With this legislation in place, the entire southern Nevada community can protect and preserve these natural resources from the encroachment of both man and the metropolitan areas rapidly developing on both sides of this magnificent range of mountains.

I would like to reiterate and clarify for all Nevadans, our hikers, hunters, horseback riders, off-roaders, and campers that this new status will by no means restrict them from enjoying these lands as they have in the past.

It will eventually increase and improve access to this local treasure for all outdoor enthusiasts. It will also ensure that these Nevada mountains will be here for our children and our children's children to enjoy many years from now.

By creating the Spring Mountain National Recreation Area, the Spring Mountains will gain their deserved, national protection and recognition.

This elevated status will secure for this unique region the necessary Federal funds to effectively manage the area. Under present management methods, these valued resources will not be adequately preserved for future generations.

I thank Chairman VENTO and his excellent staff for their efforts and their hard work which has enabled this bill to come to its rightful conclusion, and be sent on to the President.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in strong support of this bill which would establish the Spring Mountains National Recreation Area in my congressional district. My colleague from Nevada, JIM BILBRAY, and I have worked to set aside for public recreational purposes this beautiful area managed by the U.S. Forest Service.

The Spring Mountains offer unique recreational opportunities to the growing Las Vegas Valley communities just a few miles to the southeast. I agree the public lands within the boundary of the NRA are best managed for these purposes and should be withdrawn from the operation of the mining and mineral leasing laws.

Mr. Speaker, this is no small admission coming from one of the strongest advocates in this body for the prevention of mining opportunities on the western public lands. But, there are much better places to prospect on Nevada's public lands, and perhaps no place better suited to meet the growing needs of Las Vegas Valley residents for hiking, fishing, camping, wildlife and sportsmen's activities year-round. When the 110 degree heat hits the valley floor, the Spring Mountains offer a welcome cool respite beneath the ponderosa pines. In winter, Mount Charleston provides skiing and snowmobiling opportunities but a few minutes from the valley.

Mr. Speaker, the other body made only the most minor technical corrections to this bill as previously passed by the House. I urge my colleagues to support H.R. 63 as amended so that we may send the bill on to the President for signature.

Mr. HANSEN. Mr. Speaker, I have no further requests from time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I commend the gentlewoman from Nevada [Mrs. VUCANOVICH] and the gentleman from Nevada [Mr. BILBRAY] for their work on this bill and their positions in this Congress. These are technical amendments. We should pass them.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and concur in the Senate amendments to H.R. 63.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE THAT THE OLYMPICS IN THE YEAR 2000 SHOULD NOT BE HELD IN CHINA

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 188) to express the sense of the House of Representatives that the Olympics in the year 2000 should not be held in Beijing or elsewhere in the People's Republic in China, as amended.

The Clerk read as follows:

H. RES. 188

Whereas the International Olympic Committee is now in the process of determining the venue of the Olympic Games in the year 2000;

Whereas the governments of the city of Beijing and of the People's Republic of China have made a proposal to the International Olympic Committee that the Summer Olympic Games in the year 2000 be held in Beijing;

Whereas the State Department's Country Reports on Human Rights Practices for 1992 specifies that the Chinese "government's human rights practices have remained repressive, falling far short of internationally accepted norms," "torture and degrading treatment of detained and imprisoned persons persisted," "conditions in all types of Chinese penal institutions are harsh and frequently degrading," and the Chinese "government still has not satisfactorily accounted for the thousands of persons throughout the country who were arrested or held in 'detention during the investigation' or 'administrative detention' status for activities related to the 1989 pro-democracy demonstrations";

Whereas the Government of China has failed to respect civil liberties and, according to the State Department's Country Reports on Human Rights Practices for 1992, "freedom of speech and self-expression remain severely restricted";

Whereas the Government of China has engaged in massive transfers of population in order to marginalize the Tibetans inside Tibet and has engaged in systematic suppression of the Tibetan people, their culture and religion;

Whereas the Government of China has imposed tighter control over religious practice and engaged in greater repression of religion;

Whereas the Government of China has engaged in ongoing pervasive human rights abuses of women and children, including the use of forced abortion and involuntary sterilizations as part of China's one child per couple policy;

Whereas the Government of China does not permit the establishment of independent Chinese organizations that publicly monitor or comment on human rights conditions in China, and Chinese authorities have refused requests by international human rights delegations to meet with political prisoners and former detainees and have expelled foreign visitors who have indicated an interest in monitoring human rights conditions;

Whereas workers in China are denied the right to organize independent trade unions and to bargain collectively, and products manufactured by forced labor have been exported to the United States;

Whereas, in the spring of 1989, then mayor of Beijing, Chen Xitong, called for a crackdown on the pro-democracy demonstrators in Tiananmen Square, and on May 20, 1989, signed a martial law decree authorizing the entry of troops into the city;

Whereas Chen Xitong is currently chairman of the Beijing 2000 Olympic Bid Committee, and Mr. Chen has assured the International Olympic Committee in China's formal application that "neither now, or in the future, will there emerge in Beijing organizations opposing Beijing's bid" to host the Olympics, thus boasting of the Chinese regime's determination to crush dissent; and

Whereas holding the Olympic games in countries, such as the People's Republic of China, which engage in massive violations of human rights serves to shift the focus from the high ideals behind the Olympic tradition and is counterproductive for the Olympic movement: Now, therefore, be it.

Resolved, That the House of Representatives—

(1) strongly opposes the holding of the Olympic Summer Games in the year 2000 in the city of Beijing or elsewhere in the People's Republic of China;

(2) urges the International Olympic Committee representative in the United States to vote against holding the Olympic Summer Games in the year 2000 in the city of Beijing or elsewhere in the People's Republic of China; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the International Olympic Committee representative in the United States with the request that it be circulated to members of the Committee.

□ 1350

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentleman from California [Mr. LANTOS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I want to express my deep appreciation to all of my colleagues on both sides of the aisle who have been so strongly supportive of this resolution.

I specifically want to express my appreciation to the original cosponsors of this resolution: the distinguished gentleman from Georgia [Mr. GINGRICH], Republican whip; chairman of the Democratic caucus, the gentleman from Maryland [Mr. HOYER]; the ranking Republican on the Committee on Foreign Affairs, the gentleman from New York [Mr. GILMAN]; my neighbor and colleague, the gentlewoman from California [Ms. PELOSI]; the Republican cochairman of the congressional human rights caucus, the gentleman from Illinois [Mr. PORTER]; my good friend, the gentlewoman from Maryland [Mrs. MORELLA]; the gentleman from New Jersey [Mr. SMITH]; the distinguished deputy whip, the gentleman from Georgia [Mr. LEWIS]; and my colleague, and my colleague, the gentleman from California [Mr. TORRES], a former ambassador to UNESCO.

Mr. Speaker, in 1996, we all look forward to celebrating the Olympics in Atlanta. And within less than 2 months, the International Olympic Committee will vote to decide the site of the Olympics in the year 2000.

Hard as this may be to believe, Communist China is one of the countries attempting to have the Olympics in its own city of Beijing. It is not unlike having proposals come before the Olympics Committee from other totalitarian countries. Maybe Mr. Milosevic would propose to hold the Olympics in Belgrade, notwithstanding ethnic cleansing and mass rapes, or Fidel Castro would like to have the Olympics in Havana, or perhaps Saddam Hussein in Baghdad.

The purpose of our resolution, Mr. Speaker, is to express the view of the Congress that in September of this year, given the abominable human rights record of Communist China, it would be unthinkable and unconscionable to agree to holding the Olympics, in the year 2000, in China.

I have the highest regard, Mr. Speaker, for the Chinese culture and civilization and for the Chinese people, and nothing would please me more than to be able to stand up in the future and in good conscience advocate the holding of the Olympics in Beijing in the year 2004, assuming that by the time that decision is made, China's human rights record will have improved to the point that we, in good conscience, can agree to holding the Olympics there. But not within 6 weeks.

All of the human rights abuses, that are practiced anyplace in this planet, are practiced in China. Let me just mention one, however, which is almost unique to Communist China. That, of course, is the practice of forced abortions. It is repugnant to all of us, whether we are in favor of choice or whether we are opposed to choice in this field. Forced abortions are not compatible with the concept of a civilized society.

I would like to suggest, Mr. Speaker, that the Olympics do not take place in a moral or a political vacuum. I remember, as an 8-year-old boy, being glued to my radio set, listening to the reports of the Berlin Olympics and developing in my own nonpolitical child's mind an image of Berlin, and not the Germany which was so totally at variance with the reality that existed in Hitler's empire.

Do we really want to give the hundreds of millions of people across this globe the magnificent image of the Olympics 2000 unfolding in Beijing, to have the memory of Tiananmen Square totally obliterated? Is this really the hidden agenda of some who are proposing that these Olympic games, unlike all other Olympic games, take place in a moral vacuum?

I find it particularly obnoxious, Mr. Speaker, that the man designated to head Beijing's bid for Olympics 2000 is the former mayor of Beijing, who issued the order that unleashed the massacre of Tiananmen Square. It boggles the mind to observe this degree of insensitivity to the concerns of the civilized world, to have the mastermind of Tiananmen Square now guarantee the International Olympic Committee that there will be no disturbances in Beijing. Such a promise can only turn our stomachs. I am sure there would be no disturbances, because this dictatorial regime would see to it that all protesters are immediately imprisoned.

I am very pleased, Mr. Speaker, that a number of distinguished Senators, including our distinguished former Olympian, Senator BRADLEY, are sponsoring a parallel resolution in the U.S. Senate. I would like to quote briefly from Senator BRADLEY's public testimony at a hearing, just last week, on this subject.

> This topic brings together two subjects of great interest to me: China and the Olympic games. I thank you for the opportunity to make my position clear and to explain why I am so opposed to allowing China to host the Olympics in the year 2000.
>
> One of the athletic experiences that I treasure the most is the opportunity I had to represent this country at the 1964 Summer Olympics in Tokyo. I remember the spirit of excitement and comradery that pervaded the Olympic Village. Participating in an activity which promotes so effectively the ideas of athletic excellence, sportsmanship and fairness was a great way for me to represent my country.
>
> It is in that spirit that nations should be awarded the Olympic games. To be selected as the site for the games is to be given a chance to put your nation on a pedestal, to associate yourself with its idealistic traditions and to broadcast these positive images around the globe. The games confer honor and respectability on the nation chosen to host them.
>
> That is why there is never a shortage of countries eager to bid for the games, despite the large public investment required to host them. It is for this reason that the Beijing government has submitted a bid for the 2000 games. By associating itself with the positive symbols of the Olympic movement, the Chinese leadership seeks to erase the memories of Tiananmen Square and divert attention from its human rights record.
>
> We do not believe that we should allow the Chinese Government a huge propaganda victory, while it routinely tortures and imprisons political dissidents, severely restricts freedom of assembly and freedom of expression, brutally suppresses religious practices and oppresses the native population of Tibet.
>
> As our own State Department stressed in its 1992 human rights report, China's human rights practices have remained repressive, falling far short of internationally recognized and accepted norms.

□ 1400

I therefore strongly urge my colleagues to approve this resolution and to reject the bid of the dictatorial regime in Beijing to hold the Olympic games in China in the year 2000.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before the House is really quite simple. The International Olympic Committee is considering naming the city of Beijing as the host of the year 2000 Olympic games. This is the same city where less than 4 years ago, a peaceful demonstration in support of democracy was ruthlessly crushed. Moreover, the individual in charge of securing the Beijing bid was the mayor who signed the martial law decree authorizing the troops into Tiananmen Square in 1989.

The House has before it a resolution expressing opposition to the Olympic

Committee's consideration of Beijing. Does the Olympic Committee really believe the Olympic games, a major event known for its symbolism, should be held in a nation notorious for human rights abuses, allegations of weapons proliferation, violations of sovereignty, and executions of its own people because of peaceful demonstrations? This House, a symbol of democracy worldwide, is going on record in opposition to such a preposterous idea.

I would like to thank the chairman, the gentleman from Indiana [Mr. HAMILTON] and the ranking member, the gentleman from New York [Mr. GILMAN] for their strong efforts in the promotion of human rights worldwide. I strongly support the resolution, and urge Members to lend it their overwhelming support.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am happy to yield to the gentleman from New York [Mr. SOLOMON].

Mr. GOODLING. Mr. Speaker, I am happy to yield 4 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank both gentlemen for being willing to yield time to me.

Mr. Speaker, I rise to express the strongest possible support for this resolution. I want to pay a special tribute to the author of this resolution, the gentleman from California [Mr. LANTOS], for whom I have great, great admiration and respect.

The conviction and the consistency that he brings to the task of promoting human rights around the world is an inspiration to me personally, as I am sure it is to every Member of this House; I say that with all sincerity.

I urge support of this resolution and, indeed, I hope it passes unanimously. I expect to ask for a vote in order to try to get that unanimous vote. I think the issue is that important. But I cannot let this occasion pass today without noting the irony of the situation.

Here we are, preparing to pass a resolution which contains one of the most blistering indictments against the human rights practices of a foreign government that I have ever read, as well it should. I served on the Committee on Foreign Affairs with the gentleman for many, many years, and this is the strongest indictment that I have ever heard. That is the way it should be.

Yet, many of the Members who will vote for this resolution today—and who will congratulate themselves for a job well done—are the very same Members who voted only 5 days ago for a business-as-usual relationship with this very same foreign government, the Chinese Communist regime, the People's Republic of China. The PRC continues to enslave a fifth of the world's population, over 1 billion people, behind the deadly atheistic philosophy called communism, which is still a threat to freedom and democracy everywhere in the world.

We only have to look at China and North Korea and Vietnam and Cambodia and Cuba and all of these other countries that are still enslaved under deadly atheistic communism. And then we see that the People's Republic of China is the only government in the world today that is increasing, and I repeat, increasing its spending on its military, having increased it almost 20 percent just this past year alone.

Why? America and the rest of the free world had better be asking themselves that question: Why, why, why, why, why? Mr. Speaker, I recall a former Communist dictator named Khrushchev, and I was just a young man at the time when he made a famous statement. In effect he said, "They," meaning the capitalists of the world, "will sell us the rope with which we will hang all of them," or something like that. I am sure the gentleman remembers it.

Mr. Speaker, again, with a fifth of the world enslaved under communism in China, I think it is about time that we not only pass this resolution, but that we also pay attention to what is happening over there and rethink our entire Asia policy. I urge unanimous support of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to thank my good friend, the gentleman from California [Mr. LANTOS], and the gentleman from New York [Mr. SOLOMON] for their leadership on this very, very important issue.

Mr. Speaker, the People's Republic of China has one of the worst human rights records in the world. Courageous Chinese activists who often pay a heavy price for speaking out, the State Department and independent human rights organizations have documented the far-reaching abuses in China. However, because China does not permit independent monitoring of its human rights activities, the abuses which are documented are only the tip of the iceberg of a pervasive government policy which seeks to control and suppress all aspects of an individual's life. In China today, workers have no rights, prisoners are tortured and beaten, religious expression is tightly controlled, many brave souls have been martyred, some are close to death in prisons as we speak, and a vast network of gulags, filled to overflowing with political prisoners, use forced labor to make goods for cheap export.

Now China wants to host an Olympic extravaganza in the summer of 2000. To permit this would make us party to a despicable showcase of hypocrisy.

Mr. Speaker, this resolution wisely urges the International Olympic Committee to seek a host more suitable to represent the Olympic spirit. It also sends a message to the Chinese Government that the United States and the world will not reward them for their past and present violations of internationally acceptable standards for human rights.

Mr. Speaker, if there is any doubt that the Chinese Government does not interfere with the most intimate aspects of human life, we only need to consider its coercive one child per couple population control policy, the most barbaric attack on women, children—the family—in the history of the world. This odious policy denies couples the right to determine the number and spacing of their children. Each couple is allowed only one child and the state further invades a couple's prerogative by dictating when, pursuant to an offensive birth quota system. Those who fail to follow the government's draconian policy are subjected to forced abortions, beatings, fines, confiscation or destruction of property, and heavy taxation. Under the Chinese system, if a child is not approved by the state, the child is murdered and the parents are cruelly punished.

Although the Chinese authorities deny that their population control policy is coercive—they deny all violations of rights—a recent story in the New York Times, which I have submitted to the RECORD, further documents vividly the tragic truth. On December 30, 1992, Li Qiuliang was 7 months pregnant. The local family planning official required that Ms. Li have her child in 1992 to meet the local quota. To enforce the policy Ms. Li was taken to an unsanitary first-aid station where the official ordered labor to be induced, over the protests of her family and doctor. The baby died 9 hours later and Ms. Li, who almost died during labor, is now incapacitated.

Millions of women like Ms. Li have been subjected to the abuse of this birth quota policy.

When I think of my own family, my four children, I am moved for the millions of Chinese who will never have the opportunity to choose the number of children they will have. If my wife and I lived in China, three of our kids would have been murdered by the Government. My concern over this issue is not academic nor political, it is intensely personal as I put myself in their situation.

The Chinese Government's birth quota policy is an affront against women. An article in last week's New York Times indicates that there is an alarming imbalance in the number of boys being born compared with the number of girls—118 boys are born for every 100 girls and 12 percent of all females are aborted or unaccounted for.

The use of ultrasound to determine the gender of the child in womb is increasingly on the rise because parents, faced with the government-ordered mandate of having only one child, place a higher value on having a male child than female. Even the title of the New York Times article expresses the utter disregard that the Chinese people are developing toward having girls: "Peasants of China Discover New Way to Weed Out Girls;" as if little girls were the weeds of the earth, simply to be uprooted and tossed into the trash bin.

This policy is a crime against women and children, it is an affront to the most fundamental of all rights, the right to life itself. Even Secretary of State Christopher called this coercive policy "really very abhorrent." Yet even with all the evidence, the Chinese Government continues to say that this policy is completely voluntary. If this were true, there would not be so many Chinese seeking asylum in the West so that they can escape this abuse.

The Chinese Government not only controls the bodies of its citizens through this coercive birth quota policy, it attempts to control the minds and beliefs of its people through religious discrimination and persecution. Last week I submitted for the RECORD a list of over 100 men and women, mostly Catholic and Protestant clergy who are currently in prison, being detained, or suffering harassment at the hands of the Chinese Government. Some who are elderly are currently being detained in old age homes where the government claims they are being cared for. Given the condition of a body of an elderly bishop who died while being detained, I can only wonder what type of care these people, whose only crime is adherence to the Christian faith, are receiving.

Mr. Speaker, these are only a few examples of the violence that the people of China experience at the hand of their government. Now China wants to be rewarded by the international community with the opportunity to host the Olympics in 2000.

The Olympics stand as a symbol of all that is good in international competition and cooperation. They afford the host nations the opportunity to speak to the world of hospitality, good cooperation, and the triumph of the human spirit. To reward China with the opportunity to host the Olympics would be a gross mistake.

□ 1410

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding the time. I want to thank the gentleman from California [Mr. LANTOS], chairman of the subcommittee, for his good work, as well as our ranking member of the Committee on Education and Labor, and the ranking member of the Committee on Rules. But I must say I disagree with them about this legislation and the effect that it will have, and so I rise to oppose it.

It was, as I recall, a Supreme Court Justice who had the habit in the morning when he would pick up his early newspaper to set aside the front page section and go immediately to the sports page, and when he asked why he had that habit he said, "Well, I prefer to read about people's successes first thing in the morning. I'll get around to their failures a little later in the day when I'm better up to it." Perhaps that delineates the difference between sports and politics. I am not sure in this instance that they are not like oil and water, and that we are incorrectly trying to mix them.

Are human rights important? Absolutely. Has China violated human rights? Yes, and they are wrong in doing that. But that is not the question before us now.

The question is whether or not we can help to change that by either boycotting the games, or as this resolution would say, put the House on record as saying the games should not be held in China. Some would have suggested and in fact did suggest on the floor here not long ago that it was a mistake for us to be involved in the Berlin games because of Naziism. What does America and the world remember of the Berlin games? Naziism? No. Jesse Owens, and the success of an American sports hero. America was right to have taken part in those games.

I may have cast many wrong votes since I have been in the House, but one vote I recognize was a vote that former President Jimmy Carter asked for, and that was to boycott the Moscow games. America did boycott them. I voted with President Carter and the vast majority of the Members of this House, and I have come to believe that that vote and that boycott was a mistake. It was a moot act on behalf of the United States. It disappointed our wonderful athletes, and it helped keep the Iron Curtain in place.

Let us not let another Iron Curtain descend this time, walling off freedom, and discussion, and sports, and coalition building, walling off the world's most populous nation, China. I urge my colleagues to oppose this resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the distinguished gentleman from New York for yielding the time.

Mr. Speaker, in 7 years Deng Xiaoping will be 95 years old. Will he be gone? Who knows? Will China have changed? Who knows? Will the rule of law, and basic human rights, the right of free speech, the right to worship as one chooses have taken hold in China? Who knows?

The decision of who will host the Olympics in the year 2000 must be made soon. The judgment of where the world's focus will be when the nations of the world send their athletes to compete some seven summers from now must be made based on what we know today.

What we know today is that China has never apologized for Tiananmen Square, has never apologized for the slaughter of hundreds of innocent students and academics and others longing for greater freedom, demonstrating peacefully for political freedom in a country that has none.

What we know is that today China holds thousands of political prisoners. What we know, Mr. Speaker, is that today's China uses prison labor to produce products which unfairly compete with those produced in societies like our own.

What we know is that today's China represses religious observance.

What we know is that today's China condones female infanticide and forced abortion.

What we know is that today's China sells weapons to rogue regimes around the world.

And what we know is that today's China is branded as a major human rights abuser by every credible human rights organization on Earth.

Should such a China be rewarded with the 2000 Olympics? Should today's China which says that human rights are an internal affair, and that standards of human rights are subject to cultural relativism be so rewarded?

Mr. Speaker, no. No, we cannot reward such a China.

We hope and pray that there will be a new China by the year 2000, that the political repressors will have gone, and that there will be a new regime and a new day in China. But we have no assurance that that will occur.

I commend the gentleman from California, the gentleman from New York, and all of those who have offered this resolution, because this is the right position for the United States to take. We must say no. China must join the world of civilized nations that live according to the rule of law, that respect human dignity, that protect individuals against excesses of the state. And when such a China emerges we will be more than happy to say yes, China should have the Olympics, China should be the host, China is a part of the world of civilized nations.

Until then, Mr. Speaker, no. No, China must not have the Olympics in the year 2000.

I urge Members to vote for this resolution.

Mr. GILMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I am pleased to rise in strong support for House Resolution 188 and I commend the gentleman from

California [Mr. LANTOS], the cochairman of our human rights caucus for introducing this important, timely legislation. I am pleased to join with him as a cosponsor of this initiative.

It is an outrage that a Communist nation which continues to violently suppress its own people, threatens Taiwan, Hong Kong, and the entire region with an enormous arms buildup, and sells nuclear and missile technology to tyrants around the globe, would suggest that its bloodstained capital host a global celebration.

It is especially insulting that the mayor of Beijing who signed the martial law degree authorizing the entry of troops into Tiananmen Square in 1989, is currently chairman of Beijing's 2000 Olympic bid committee.

Mr. Speaker, the notion to hold the year 2000 Olympics in Beijing should be treated more like a bad joke than any serious proposition. Accordingly, I fully support House Resolution 188 and I urge my colleagues to support this measure opposing selecting Beijing as the site for the Olympics in the year 2000.

□ 1420

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

First, Mr. Speaker, I want to thank all of my distinguished colleagues for their most eloquent and much-appreciated support.

Mr. Speaker, I agree with those who argue that we should have more contact with China, but I do not believe that having more contact with China means allowing this dictatorial regime to reap the benefits associated with securing the Olympics.

I would like to remind my colleagues that just before the 1990 Asian games that were held in Beijing, almost a million people were arrested by Chinese Communist public security authorities to prevent any disruption. Were we to hold the games, the Olympic games, in Beijing, this would be an enormous setback for the international Olympic movement.

We must not allow the Olympics to be associated with the dictatorial totalitarian regime. We must not stand idly by and allow this to happen.

Mr. Speaker, the Washington Post, in a recent editorial, came to the same conclusion, and I would like to quote its concluding paragraph:

> China took a chance by putting in its 2000 bid, and to lose our might embarrass sponsors of the initiative. But there is a useful lesson to be learned: This is 1993. The world is changing. Large-scale systemic human rights violations are incompatible with the conduct expected of a nation seeking status as a late-20th century Olympics host. It is nice to think of sport as a high community united by devotion to individual achievement. It is more realistic and urgent to see human rights as a higher community united by devotion to individual dignity. How exciting and wonderful it would be to have China earn the Olympics of 2004.

Mr. HAMILTON. House Resolution 188 demonstrates once again the commitment of the gentleman from California [Mr. LANTOS] to human rights issues and principles. I commend the gentleman for his strong leadership on this issue.

The committee received a letter from Assistant Secretary of State Wendy Sherman stating the administration's view on House Resolution 188. I would like to include Ms. Sherman's letter in the RECORD.

This resolution reflects the principle that the Olympic games and the abuse of human rights do not mix. Hosting the Olympic games is not a right of great power status but a privilege earned by civilized behavior. I am pleased that the administration endorses this principle. I know that the American people support it.

The resolution sends a powerful signal prior to the International Olympic Committee's decision scheduled for September on the site for the Summer Olympics in the year 2000. It also makes a statement about human rights principles and priorities that should endure beyond the present debate. I urge its adoption.

U.S. DEPARTMENT OF STATE,
Washington, DC, July 20, 1993.

Hon. LEE HAMILTON,
Chairman, Foreign Affairs Committee, House of Representatives.

DEAR MR. CHAIRMAN: This letter responds to your committee's request for views on H. Res. 188, expressing the sense of the House that the 2000 Olympics should not be held in the Beijing or elsewhere in China.

The Administration has made protection of human rights a fundamental tenet of its foreign policy. In particular, the Administration has expressed deep concern abut the human rights situation in China. On May 28, the President signed an historic Executive Order conditioning for the first time most favored nation tariff treatment for China on significant overall progress in China's human rights performance.

During the World Conference on Human Rights in Vienna last month, the United States delegation publicly opposed efforts by China to limit freedom of speech by the Dalai Lama at a parallel forum of nongovernmental organizations.

During the months ahead the United States intends to step up its efforts to persuade Chinese leaders to end human rights abuses. In particular it will press for the release of political prisoners, for a full accounting of those killed or imprisoned in the post-1989 crackdown on the democracy movement, for access to Chinese prisons by impartial international observers, and for evidence of significant progress on other issues highlighted by the President in his MFN executive order. These issues will be raised in a series of high-level meetings by Administration officials, beginning next month with a visit to China by Assistant Secretary of State for Human Rights and Humanitarian Affairs John Shattuck. The Administration intends to emphasize repeatedly to the Chinese leadership that significant human rights progress must occur if the current favored trading relations are to be extended.

Given the prestige that hosting the Olympic games confers on the host country as well as the goal of the Olympics to foster comity among nations, the Administration strongly believes that a country's human rights performance should be an important factor in the selection of a site for the 2000 Olympics. We welcome the statement by International Olympic Committee (IOC) President Juan Antonio Samaranch that the IOC will closely consider human rights in making its site selection. To that end the United States communicated to the International Olympic Committee, through the U.S. Committee member, our views by providing copies of our 1992 human rights reports on all candidates to host the 2000 Olympics.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this letter.

I hope we have been responsive to your inquiry. Please do not hesitate to contact me if you have additional questions.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

Mr. HOYER. Mr. Speaker, I rise today as a cosponsor and strong supporter of House Resolution 188, expressing the sense of the House that the Olympic games in the year 2000 should not be held in Beijing. As you know, a decision on a site for the games will be made within the next 3 months, and China is a leading candidate. Our resolution urges United States officials on the International Olympics Committee to vote against China's bid to host the Olympic games.

Mr. Speaker, all of us remember the massacre that took place in Tiananmen Square just 4 short years ago. In 1989, a year when the winds of democracy and freedom were sweeping the world, Chinese authorities persecuted and slaughtered thousands of brave civilians who had dared to challenge their policies. After the massacre a massive witch-hunt ensued; hundreds were summarily detained, and later dozens were executed. I raise these issues, Mr. Speaker, because they are not ancient history. The people responsible for the Tiananmen Square massacre are still the leaders of China today.

China is a society that remains tense, ruled by a government that has been successful in quashing virtually all open expression of dissent. Systematically depriving its citizens of any possibility to exercise the most fundamental human rights and robbing them of the social and economic rights it claims to champion, China is a nation engaged in a dangerous waiting game, each citizen seeking to outlive a regime almost universally viewed as illegitimate.

Our President has sought to extend most-favored-nation trade status to China for at least 1 year, and this body has overwhelmingly supported him. But implicit in our support is the understanding that 1 year from this time, China's human rights practices will be subject to serious scrutiny, and our trading relations reviewed. This is a not a question of the United States imposing its values and standards on a sovereign state. We are talking about basic notions of human rights and freedoms which the Chinese has itself endorsed in the Universal Declaration of Human Rights.

We have served notice to the Chinese authorities that our words will be matched by actions, that our own strong commitment to human rights and democracy will play an integral role in our foreign policy. We have given them 1 year to manifest action of their own.

Mr. Speaker, it is my strong hope that the Chinese authorities will rise to the challenge of history. It is my strong hope that the Chinese Government will recognize at last that true security and stability can only be achieved when respect for individual human rights is guaranteed. But until we see evidence of that recognition, until we see tangible improvement in what is by all accounts an atrocious human rights performance, then we must refrain from taking actions which grant legitimacy and sustenance to that brutal regime. To honor today's Beijing with the 2000 Olympic games—a year ripe with symbolic prestige and glamour—is dangerously perverse and premature. The Olympic games are a time-honored celebration of individual triumph and strength, of the human spirit, of national pride. How can we entrust this event to a state whose policies are directly opposed to the values the Olympics represent? If we see significant improvement in the years ahead, then China's bid to host could be considered. But to take this step today is a mistake.

I strongly urge my colleagues to join me in support on House Resolution 188.

Mr. TORRES. Mr. Speaker, I am grateful to my esteemed colleague, Mr. LANTOS, for authorizing House Resolution 188, which provides this Congress with the opportunity to focus our attention on the issue of human rights in China.

I have been a consistent supporter of free trade with China, and, I have voted against conditioning our most-favored-nation status with China. But, I rise today to support the resolution by my esteemed colleague, TOM LANTOS, communicating the serious concern of the U.S. Congress for China's human rights record. I feel that it is most appropriate, now that the United States has renewed most-favored-nation trade status with China, to remind our friends in China that privileged trading relationships must be based upon strong practices of human rights and justice.

As a member of the newly formed Congressional Task Force on United States-China Policy, I believe that we must encourage the leaders in Beijing to improve the treatment of their own people, to conduct economic relations with the rest of the world on a free and fair basis, and to refrain from destabilizing delicate regional conflicts by the profit-driven export of weapons of mass destruction, and the technology to produce them.

I support House Resolution 188 and believe that it sends an important message of United States policy, and of human decency, to the leaders of the People's Republic of China.

In order to participate in international activities, such as hosting the Olympic games, standards of human rights are criteria which will, and must be considered, by all free nations.

I urge that the leadership of the People's Republic of China, hear the statement being made by this resolution. The U.S. House of Representatives is on record: Systematic human rights violations by any nation, will be seen as a barrier that will prevent that nation from full participation in cooperative activities with the democratic people of this world.

Mr. Speaker, I urge my colleagues' support for House Resolution 188.

Mrs. MINK. Mr. Speaker, I join my colleagues in expressing my opposition to the People's Republic of China hosting the summer Olympic games in the year 2000.

The Olympic games were revived in 1896 to promote an interest in education and culture, and improve international understanding through the medium of athletics. The modern Olympic games have since grown greatly in stature and prestige, and, by virtue of that stature and prestige, seem to confer the world's approval on any nation privileged to host the games. I feel strongly that the People's Republic of China does not yet warrant such implicit international approval.

One of the world's worst violators of basic human rights, the Beijing Government:

Refuses to fully account for the thousands of persons who were arrested and detained in relation to the prodemocracy demonstrations of 1989;

Fails to respect civil liberties and continues to severely restrict speech and self-expression;

Engages in massive transfers of population in order to marginalize the Tibetans inside Tibet, and continues its efforts to suppress the Tibetan people and destroy their culture and religion;

Imposes tight control over religious practice and engages in greater repression of religion;

Prohibits the establishment of independent organizations to publicly monitor and comment on human rights conditions in China;

Refuses requests by international human rights delegations to meet with political prisoners and former detainees, and expels foreign visitors who express similar interests; and

Denies its workers the right to organize independent trade unions and to bargain collectively.

In addition to the above abuses and violations of internationally accepted norms of human rights, the former mayor of Beijing, Chen Xitong, the man who called for the crackdown of prodemocracy demonstrators and who signed the martial law decree authorizing the entry into Beijing of the troops that enforced the crackdown, is the Chair of the Beijing 2000 Olympic Bid Committee.

I strongly urge the House of Representatives adopt a resolution informing the International Olympic Committee that it opposes having the People's Republic of China host the Olympic summer games in the year 2000.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. LANTOS] that the House suspend the rules and agree to the resolution, House Resolution 188, as amended.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

The votes will be taken in the following order:

H.R. 1757, by the yeas and nays; and House Resolution 188, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 229

Mr. LINDER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill, House Joint Resolution 229, Cost of Government Day. While I support the intent of this legislation, I have made a commitment not to cosponsor commemorative legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

NATIONAL INFORMATION INFRASTRUCTURE ACT OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1757, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BOUCHER] that the House suspend the rules and pass the bill, H.R. 1757, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 326, nays 61, not voting 47, as follows:

[Roll No. 365]

YEAS—326

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bereuter
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher

Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Calvert
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Condit
Coppersmith
Costello
Coyne
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fish
Flake
Foglietta
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grams
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hilliard
Hinchey
Hoagland
Hobson
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hyde
Inslee
Istook
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Miller (CA)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—61

Archer
Armey
Bachus (AL)
Barrett (NE)
Boehner
Bonilla
Bunning
Burton
Callahan
Canady
Coble
Collins (GA)
Combest
Cox
Crane
Dickey
Doolittle
Dornan
Dreier
Duncan
Everett
Goss
Greenwood
Hancock
Hansen
Hefley
Herger
Hoekstra
Hoke
Hutchinson
Inglis
Inhofe
Johnson, Sam
Kasich
Kingston
Knollenberg
Kolbe
Kyl
Linder
Livingston
Manzullo
McKeon
McNulty
Mica
Michel
Miller (FL)
Moorhead
Myers
Nussle
Petri
Pombo
Royce
Schaefer
Shuster
Smith (OR)
Solomon
Spence
Stump
Thomas (WY)
Young (AK)
Zeliff

NOT VOTING—47

Ackerman
Baker (LA)
Bentley
Berman
Bilirakis
Brooks
Bryant
Buyer
Collins (IL)
Conyers
Cooper
Cramer
DeLay
Derrick
Dingell
Fingerhut
Ford (MI)
Ford (TN)
Gillmor
Hefner
Henry
Hochbrueckner
Hutto
Jefferson
Johnson (CT)
Kennedy
Lewis (FL)
Lightfoot
Manton
McCandless
McCollum
McDade
Mfume
Moakley
Owens
Packard
Pelosi
Quillen
Ridge
Rostenkowski
Sharp
Stokes
Sundquist
Taylor (NC)
Torricelli
Towns
Visclosky

☐ 1447

Messrs. HUTCHINSON, CANADY, PETRI, KASICH, and SPENCE changed their vote from “yea” to “nay.”

Messrs. HILLIARD, SMITH of Michigan, PICKETT, and PAXON changed their vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

EXPRESSING THE SENSE OF THE HOUSE THAT THE OLYMPICS IN THE YEAR 2000 SHOULD NOT BE HELD IN CHINA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 188, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. LANTOS] that the House suspend the rules and agree to the resolution, House Resolution 188, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 287, nays 99, answered “present” 2, not voting 46, as follows:

[Roll No. 366]

YEAS—287

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Beilenson
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Browder
Brown (FL)
Brown (OH)
Bunning
Burton
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Coppersmith
Costello
Cox
Coyne
Crapo
Cunningham
Danner
de la Garza
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fish
Flake
Foglietta
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gilchrest
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Harman
Hastings
Hayes
Hefley
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kildee
King
Kingston
Kleczka
Klein
Klug
Kopetski
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Lehman
Levin
Levy
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCrery
McHale
McHugh
McInnis
McKeon
McNulty
Meehan
Menendez
Meyers
Michel
Miller (CA)
Mineta
Mink
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Pallone
Pastor
Paxon
Payne (VA)
Peterson (FL)
Petri
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder

Schumer
Scott
Sensenbrenner
Serrano
Shays
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stearns
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Torkildsen
Torres
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Walker
Walsh
Waters
Waxman
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—99

Archer
Baesler
Barlow
Bateman
Boehner
Brewster
Brown (CA)
Callahan
Chapman
Clement
Collins (MI)
Crane
Darden
Deal
DeFazio
Dellums
Dooley
Dreier
English (OK)
Franks (NJ)
Gekas
Gibbons
Glickman
Gonzalez
Goss
Green
Hansen
Hastert
Herger
Hilliard
Hoagland
Hoekstra
Hoke
Hughes
Hyde
Inslee
Istook
Jacobs
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kennelly
Kim
Klink
Knollenberg
Kolbe
Kreidler
Laughlin
Leach
Lewis (CA)
Martinez
McCurdy
McDermott
McKinney
McMillan
Meek
Mica
Miller (FL)
Montgomery
Murphy
Myers
Nussle
Ortiz
Orton
Oxley
Parker
Payne (NJ)
Penny
Peterson (MN)
Pickett
Pickle
Pomeroy
Roberts
Roemer
Roth
Roukema
Schaefer
Shaw
Shepherd
Shuster
Skaggs
Slattery
Smith (IA)
Smith (MI)
Smith (OR)
Spence
Stenholm
Stump
Tanner
Thurman
Traficant
Volkmer
Vucanovich
Washington
Watt
Weldon
Williams
Yates

ANSWERED "PRESENT"—2

Becerra
Minge

NOT VOTING—46

Ackerman
Baker (LA)
Bentley
Berman
Brooks
Bryant
Buyer
Collins (IL)
Conyers
Cooper
Cramer
DeLay
Derrick
Dingell
Fingerhut
Ford (MI)
Ford (TN)
Gillmor
Hefner
Henry
Hochbrueckner
Hutto
Jefferson
Kaptur
Kennedy
Lewis (FL)
Lightfoot
Manton
McCandless
McCollum
McDade
Mfume
Moakley
Owens
Packard
Pelosi
Quillen
Ridge
Rostenkowski
Sharp
Stokes
Sundquist
Taylor (NC)
Torricelli
Towns
Visclosky

☐ 1458

Messrs. PAYNE of New Jersey, ENGLISH of Oklahoma, HERGER, SMITH of Michigan, and LEWIS of California, and Mrs. ROUKEMA changed their vote from "yea" to "nay."

Mr. POMBO changed his vote from "nay" to "yea."

Mr. INGLIS of South Carolina changed his vote from "present" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Resolution to express the sense of the House of Representatives that the Olympics in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, had I been present for the following rollcall vote, I would have voted "yes" on rollcall vote numbered 366.

I would have voted "no" on rollcall vote number 365.

PERSONAL EXPLANATION

Mr. HOCHBRUECKNER. Mr. Speaker, due to a family emergency, I was away from the House on official leave of absence. Therefore, I would like to place in the RECORD how I would have voted on the following votes:

Rollcall No. 365, "aye."
Rollcall No. 366, "aye."

PERSONAL EXPLANATION

Mr. FINGERHUT. Mr. Speaker, due to official business in my district, I was not present during the House session. Had I been present, I would have voted "yes" on H.R. 1757, the National Information Infrastructure Act, and "yes" on House Resolution 188, expressing the sense of the House that the Olympics in the year 2000 should not be held in China.

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, due to official business in Florida, I was not able to return today in time for two rollcall votes.

Had I been here, I would have voted "aye" on H.R. 1757, the National Information Infrastructure Act.

I also would have voted "aye" on House Resolution 188, expressing the sense of the House that the Olympics should not be held in Beijing, or anywhere else in the People's Republic of China.

☐ 1500

HELSINKI HUMAN RIGHTS DAY

Mr. LANTOS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 111) to designate August 1, 1993, as "Helsinki Human Rights Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I shall not object, and I yield to the gentleman from Maryland [Mr. HOYER], Cochairman of the Helsinki Commission, for an explanation of this measure.

Mr. HOYER. Mr. Speaker, as Cochairman of the Commission on Security and Cooperation in Europe, I am pleased that the House is taking up the pending resolution requesting and authorizing the President to designate August 1, 1993, as "Helsinki Human Rights Day."

On August 1, 1975, the leaders of 35 countries gathered in Helsinki, Finland, to sign the Final Act of the Conference on Security and Cooperation in Europe. The Final Act encompasses human rights and fundamental freedom as well as military security, trade, economic cooperation, environment concerns, scientific and cultural exchanges. The Final Act has been a vehicle for the promotion and preservation of human rights for the past 18 years. Since its inception, the Final Act has consistently served as a benchmark by which other countries' human rights records are measured. It has been an effective tool for constructive change.

Human rights have been the cornerstone of the Helsinki process. By signing the Final Act the participating states have recognized and affirmed that human rights and fundamental freedoms are the unalienable right of all human beings regardless of their national origin, race, religion, or gender. The CSCE remains vigilant and committed to human rights, democracy, the rule of law, and has consistently encouraged peaceful change through free and fair elections.

Throughout its history, the CSCE has served as a forum through which human rights cases could be aired. Hundreds of political prisoners have been released and families reunited as a result of the moral suasion brought to bear against offending states. The Helsinki process was a critical factor in bridging the gap that artificially divided Europe for nearly a half century.

Today, the number of signatory states has increased to 53 fully participating states with the former Yugoslav Republic of Macedonia participating in the process as an observer. Although the cold war has ended, many of the newly independent states are faced with perhaps greater challenges than their predecessors. The collapse of the totalitarian Communist regimes in Eastern Europe and the former Soviet Union has dramatically changed the CSCE and the political dynamics of the member states. The disintegration of the Communist bloc has, at the same time, allowed long-suppressed ethnic and religious animosities, extreme nationalism, territorial aggression, and xenophobia to rise to the surface. In many ways, the violation of human rights in Europe has never been worse in the post-World-War period.

In the former Yugoslavia, innocent people in Bosnia and Herzogovina have been systematically and brutally murdered, raped, and forcibly displaced as a result of armed Serb and Croat aggression. In the Caucasus, thousands of Armenians and Azeris have been killed in fighting over Nagorno-Karabakh, and in the Central Asian State of Tajikistan civil war continues to claim countless lives. Egregious human rights abuses have been reported in Turkmenistan, Uzbekistan, and Tajikistan.

Mr. Speaker, this legislation reaffirms and asserts the United States' commitment to the fulfillment of the Helsinki Accords by all the signatory states. It expresses the Congress' belief that human rights and foreign policy cannot be mutually exclusive. I thank my colleagues who joined me in sponsoring this resolution for their support and look forward to the timely adoption of this resolution.

In closing, Mr. Speaker, let me congratulate the gentleman from New York [Mr. GILMAN] and the gentleman from California [Mr. LANTOS], two of this body's strongest, outspoken proponents of the rule of law and of the observance of human rights.

I also note on the floor a member of the Helsinki Commission, my good friend, the gentleman from Illinois [Mr. PORTER], who is the cochairman, along with the gentleman from California [Mr. LANTOS] of the human rights caucus.

Mr. GILMAN. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Illinois [Mr. PORTER], cochairman of the human rights caucus.

Mr. PORTER. Mr. Speaker, as one of the original sponsors of the resolution, I rise in strong support of Senate Joint Resolution 111, which designates August 1, 1993, as "Helsinki Human Rights Day."

I commend the gentleman from California [Mr. LANTOS], the gentleman from New York [Mr. GILMAN], and the gentleman from Maryland [Mr. HOYER] and so many others who have taken very strong positions in support of this legislation.

With the adoption of this resolution, we are again reminded of the historic achievements which were made with the signing of the Helsinki Final Act on August 1, 1975. Nations which signed this important document pledged to respect human rights and fundamental freedoms and to strengthen democratic institutions in their countries.

Since that time, the Helsinki process has made an important contribution in fostering respect for human rights and fundamental freedoms in much of Central and Eastern Europe and the former Soviet Union.

□ 1510

Today, with ethnic tension and civil unrest on the rise in Central and Eastern Europe and with the tragic conflict in the former Yugoslavia and in Central Asian Republics ongoing, it is imperative that the commitment of the United States to the Helsinki process is reaffirmed. Our country, as the only remaining superpower in the world, has a responsibility to lead. We should take the opportunity to promote our values—freedom, human rights, democracy, and the rule of law—in order to help the spread of democratic principles in countries around the world. The Helsinki process provides us with a framework to advance the goals which we share with most of the signatory states of the Helsinki accords for a free, peaceful, and democratic Europe.

Mr. Speaker, one of the smartest public policy initiatives taken in this body was when Millicent Fenwick, a Representative from New Jersey, 18 years ago proposed the Helsinki Commission. It was a proposal to bring together representatives of the executive and legislative branches into a single body that would institutionalize our commitment to the Helsinki process, and particularly to the basket on human rights. Constitutional questions were raised as to whether the executive and legislative branches could come together in this way, but Millicent Fenwick persevered and overcame those objections, and got the legislation passed to create the commission.

The commission has been successful beyond her fondest dreams. It has kept the issues of human rights under the Helsinki Accords before us. It has kept our focus on them. It has kept us working to advance the cause and pressure Eastern Europe and the Soviet Union to stop human rights abuses through all these years.

Mrs. Fenwick served so ably here. She passed away a few years ago, Mr. Speaker, but she leaves the Helsinki Commission as one of her greatest legacies. It is a model for legislation I have instituted to create a similar commission to keep our focus on sustainable development, a Rio Commission that I hope we can adopt and can follow to keep that subject before this body in the same way that human rights have been in our focus for so many years.

Mr. Speaker, this is a very important resolution. I commend the leaders who have brought it before us. It should be adopted and I urge every Member to support it.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I thank the gentleman for his supportive remarks.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from California [Mr. LANTOS], the cochairman of the caucus on human rights.

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I want to salute the gentleman from Illinois [Mr. PORTER] and the gentleman from Maryland [Mr. HOYER] for bringing this important issue to our attention, and I strongly urge the approval of the resolution.

Mr. Speaker, I ask unanimous consent to include for the RECORD a letter from the chairman of the Committee on Post Office and Civil Service which relates to this issue.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
Washington, DC, July 23, 1993.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request of July 23, 1993, I am pleased to advise you that this Committee is willing to waive consideration, without prejudice to its jurisdiction, of S.J. Res. 111 ("Helsinki Human Rights Day"), which has been jointly referred to our Committees. I have no objection to your requesting the House to consider this matter.

With kind regards,
Sincerely,

WILLIAM L. CLAY,
Chairman.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I rise in enthusiastic support of Senate Joint Resolution 111 which designates August 1, 1993, as Helsinki Human Rights Day. That day will commemorate the unique, notable contribution which the Helsinki accords have made toward the remarkable developments we have seen in Eastern Europe and the former Soviet Union. It will afford the citizens of the United States an opportunity to reflect on those human rights enshrined in the Final Act of the Helsinki accords, rights which have guided the development of this country throughout its long and honorable history.

While we justly celebrate the significant advances made in the cause of democracy and of the widespread enjoyment of human rights in so much of Europe, we cannot help but note those regions where ethnic and nationalist tensions have spurred conflict. In the former Yugoslavia, Tajikistan, Nagorno-Karabakh, and the Republic of Georgia, the eruption of long submerged hostilities remind us that the full promise of the Helsinki agreement remains to be fulfilled.

We hope and pray that as we commemorate the signing of the Helsinki accords, each of us will renew our commitment to human rights and democracy and redouble our efforts to work with the citizens in other signatory states to ensure that this important document which provides the backbone for a peaceful, harmonious and prosperous Europe, is universally respected.

Mr. Speaker, I urge the adoption of Senate Joint Resolution 111.

Mr. GOODLING. Mr. Speaker, the resolution designating August 1, 1993, as Helsinki

Human Rights Day, in celebration of the anniversary of the signing of the Helsinki accords, is a worthy and appropriate measure.

The pledges and commitments made at Helsinki 18 years ago raised the meaning of the cold war to a higher plateau, undermining the legitimacy of those nations which violate human rights and deny basic freedoms.

The dissolution of the Soviet Empire has unleashed old animosities, some festering for decades and centuries, with the principles of Helsinki being tested and violated. Peoples of Europe, and signatories to the CSCE, must know the United States remains committed to the principles of Helsinki. This resolution reaffirms that ongoing commitment to the promotion of human rights and fundamental freedoms and emphasizes our belief that much more needs to be done. The battle for freedom won a great victory with the dissolution of the Soviet Empire, but the war for human rights and democracy is still being waged and has yet to be won. The mission of the CSCE is more important than ever, and I urge my colleagues to lend this fine resolution their full support.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 111

Whereas August 1, 1993, is the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter referred to as the "Helsinki Accords");

Whereas the participating States have declared that "the protection and promotion of human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security";

Whereas the participating States have declared that "respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice, and environmental responsibility are our common aims";

Whereas the participating States have acknowledged that "there is still much work to be done in building democratic and pluralistic societies, where diversity if fully protected and respected in practice";

Whereas the war in Bosnia-Hercegovina has resulted in organized, systematic, and premeditated war crimes and genocide and threatens stability and security in Europe;

Whereas growing ethnic tensions, civil unrest, and egregious human rights violations in several of the newly admitted CSCE states, most notably in Tajikistan, are resulting in significant violations of CSCE commitments; and

Whereas the CSCE has contributed to positive developments in Europe by promoting and furthering respect for the human rights and fundamental freedoms of all individuals and groups and provides an appropriate framework for the further development of such rights and freedoms and genuine security and cooperation among the participating States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HELSINKI HUMAN RIGHTS DAY.

(a) DESIGNATION.—August 1, 1993, the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day".

(b) PROCLAMATION.—The President is authorized and requested to issue a proclamation reasserting America's commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory States to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities.

(c) HUMAN RIGHTS.—The President is requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms continues to be a vital element of further progress in the ongoing Helsinki process; and to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain.

SEC. 2. TRANSMITTAL.

The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors or representatives to the United States of the other 52 Helsinki signatory States.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 111, the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CLINTON TAX PLAN WILL HURT SMALL BUSINESS

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, for the last several weeks we have heard about how the Clinton tax plan is good for small business. There is only one problem: the only people saying that are Democrat Members of Congress. Unfortunately for them, real live small business owners have something different to say.

Continuing my series highlighting the real impact of the Clinton tax plan on real people, I have here a letter from John Lieberman, president of Lieberman Realtors in Wayne, PA.

He talks about the challenges facing small businesses—a shortage of credit, an increase in health care costs, Federal and State over-regulations.

"Raising taxes will not solve this problem, only aggravate it," he writes. Remember, every small business will be hit by higher taxes, if they file as corporations or if they as individuals. Either way, we are taking money away from these people who are trying so hard to make ends meet.

So when it comes to taking the pulse of the small business community, I have got two choices. I can listen to my Democrat colleagues on the House floor, who tell me that the Clinton tax plan is good for small business; or I can listen to every business group in America, as well as small business leaders from my own district, who tell me it stinks. I wonder who I will believe.

Mr. Speaker, I include for the RECORD the letter from Mr. Lieberman.

LIEBERMAN, INC., REALTORS,
Wayne, PA, July 20, 1993.

Congressman CURT WELDON,
1554 Garrett Road,
Upper Darby, PA.

DEAR CONGRESSMAN WELDON: I am writing to you regarding my misgivings concerning the new budget being proposed by President Clinton. I believe this proposed budget does nothing towards solving the heart of the problem affecting small businesses today such as mine; that there is very little credit being extended by the financial institutions to allow small businesses to grow.

I am president of my own commercial and industrial real estate brokerage firm. Due to the regulations placed on banks and the fear created by the regulators who supervise them, banks are unwilling to lend the necessary funds many of our clients need to expand their operations. As a result, business conditions are stagnated and properties won't lease or sell without the proper credit going through the marketplace.

Raising taxes will not solve this problem, only aggravate it. I urge that a budget be adopted that includes less regulation on financial institutions, which in turn will encourage these same institutions to lend funds to the small businesses that desperately need it.

Respectfully yours,

JOHN E. LIEBERMAN,
President.

AUTHORIZING SPECIAL ORDER TIME

Mr. TUCKER. Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material:

Mr. BONIOR, for 5 minutes, on July 27.

Mr. DURBIN, for 60 minutes today.

Mr. MATSUI, for 60 minutes each day, on September 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, and November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, and December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. TUCKER]?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I will not object, except some years ago when there was an attempt on this side to reserve time well in advance, it seems to me that at that point there was opposition from the majority leadership, and the Chair ruled that there was going to be a question raised about these long durations of time for special orders to be reserved.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, do I understand that that is not a problem now, and I am propounding, I guess, a parliamentary inquiry, under my reservation, but that is not a problem, and in fact Members, if they do want to participate in special orders, should now take this route of reserving time for months in advance, and maybe each Member should prepare at the beginning of each session to reserve every day of the year for special orders?

□ 1520

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Pennsylvania brings up an interesting point. The Chair, for his part, certainly believes that this practice should not be encouraged.

However, this permission for long-term special orders has been granted on both sides of the aisle in the recent past. There is no policy, but perhaps a policy is required, and the Chair will convey the gentleman's concern to the Speaker.

Mr. WALKER. Further reserving the right to object, the Chair is absolutely correct, both sides have engaged in this practice. And I know there are Members on our side as well as Members on the other side who have reserved these long-term special orders.

I am just seeking some guidance as to whether or not that is a pattern that the rest of us ought to engage in to ensure that we also have our time set aside.

The SPEAKER pro tempore. The Chair certainly would not encourage that, and until the Chair establishes a policy, the Chair must grant the requests as asked.

However, the gentleman's concern will be made a part of the RECORD.

Mr. WALKER. The Chair is correct.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FLOOD RELIEF LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, it is my understanding that tomorrow we will have on the floor once again the rule on flood relief, which is exactly the same rule that was turned down by the House last week.

There has been quite a bit of comment about this particular rule and this matter over the weekend with regard to whether or not the House is seeking to engage in delaying tactics to get relief to flood victims. Nothing of the kind is involved. But in the case of this particular rule, it is a very strange rule, and one which should be focused on by the American people who want to do what is right for the flood victims.

Contained in this rule is a self-enacting provision that essentially says that we are going to adopt a new policy. The new policy will be to call 30-year-old teenagers, make them eligible for teenage programs, pay them $100 a week stipend for keeping themselves well-groomed. If that sounds like it is absolutely absurd, that is because it is absurd, and that absurd provision is being attempted to be tacked onto the emergency relief for flood victims.

Some of us have contended that it ought not be a matter which is a part of an emergency supplemental bill designed to help flood victims to change the social policy and extend the social welfare state in such an absurd manner. The Democratic leadership has moved heaven and Earth to try to make certain that the 30-year-old teenager provision goes into the rule, goes into the bill and is kept for the entire process. One has to assume that the Democratic leadership has their own reasons for making that kind of a commitment along the way. But it certainly does stand in the way of getting flood relief to the people who are in need and who deserve the attention of the Government in Washington.

I would suggest that the easiest way to get by this matter is not to bring the rule to the floor, just bring the bill to the floor. The fact is that the chairman of the Appropriations Committee can bring the bill to the floor without a rule. I am confident that that bill will be approved by the House, that we would get the flood relief to people, and we would not then have to deal with this policy change of having well-groomed teenagers 30 years old getting $100 a week of taxpayer money. In fact, some of my staff who are under 30 are wondering whether or not they will now qualify for a $100 a week stipend under the provision that the House is going to bring up. It is that absurd, and we need to focus on the real reason that this debate has gotten to this point.

The best thing for the House to do is take up the bill without this 30-year-old teenager provision.

One thing also needs to be said about this 30-year-old teenager provision. It has been represented to the House that what we are trying to do is correct a technical error that was made the last time this absurd idea passed the House of Representatives, and understand, there are some Members in the House of Representatives who have already voted for this absurdity. But it went to the Senate, and the Senate said no way, we are not going to put up with that. We may be able to hold our noses and say that 30-year-olds can now be counted as teenagers, but we are not going to pay them $100 a week stipend.

It is represented to us that that decision by the Senate, reflected in the conference committee, is a technical error. It is not a technical error. The Senate realized, as some of us in the House realized when this thing passed, that it is bad policy, it is a bad idea and it needs to be rejected outright. It should be rejected outright when the rule comes up tomorrow as well.

When the rule comes up tomorrow with the 30-year-old teenager provision in the rule, Members ought to vote against the rule, not because they are against aid to the flood victims, but because that is a bad idea. Then the appropriations bill, minus that provision, ought to be brought to the floor for immediate consideration.

I am confident that the House will pass then the flood relief for the victims of the flood in the Midwest, and we will do so without this extraneous, absurd provision. Hopefully the House now is prepared to do the right thing rather than the wrong thing.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROTH (at the request of Mr. MICHEL), for July 23 after 10:30 a.m., on account of family matters.

Mr. ROBERTS (at the request of Mr. MICHEL), for July 23, after 12:30 p.m, on account of viewing flooding in his district.

Mr. VENTO (at the request of Mr. GEPHARDT), for July 23, on account of personal business.

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT), for July 23, on account of official business.

Mr. FROST (at the request of Mr. GEPHARDT), for July 23, on account of illness.

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for July 23 and today, on account of official business.

Mr. HOCHBRUECKNER (at the request of Mr. GEPHARDT), for today and July 27, on account of a death in the family.

Mr. BUYER (at the request of Mr. MICHEL), for today, on account of a death in the family.

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of medical reasons.

Mr. DERRICK (at the request of Mr. GEPHARDT), for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EVERETT) to revise and extend their remarks and include extraneous matter:)

Mr. PAXON, for 5 minutes, on July 27.

Mr. QUINN, for 5 minutes, on July 27.

Mr. GOSS, for 5 minutes, today.

Mr. WALKER, for 5 minutes, today.

(The following Members (at the request of Mr. TUCKER) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, on July 27.

Mr. DURBIN, for 60 minutes, today.

Mr. MATSUI, for 60 minutes each day, on September 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, and 30, October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, and 29, November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16,17, 18, 19, 22, 23, 24, 25, 26, 29, and 30, and December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EVERETT) and to include extraneous matter:)

Mr. GOODLING in two instances.

Mr. GRAMS.

Mr. FRANKS of Connecticut.

Mrs. FOWLER.

Mrs. BENTLEY.

Mr. SCHAEFER.

Mr. MANZULIO.

Mr. GREENWOOD.

Mr. MCDADE.

Mr. COX.

Mr. PORTER.

Mr. WALSH.

Mr. EVERETT in two instances.

Mr. SMITH of Texas.

Mr. ROHRABACHER.

Mr. BERUETER in two instances.

Mr. KOLBE.

Mr. WELDON.

Mr. CAMP.

Mr. MCCANDLESS.

Mr. SAM JOHNSON of Texas.

Mr. SOLOMON.

Mr. GALLO.

Mr. KYL.

Mr. SHAW in two instances.

The following Members (at the request of Mr. TUCKER) and to include extraneous matter:

Mr. ACKERMAN in three instances.

Mr. FOGLIETTA in two instances.

Mr. CLEMENT.

Mr. LIPINSKI.

Mr. STUPAK.

Mr. LANTOS.

Mr. SWETT.

Mr. STOKES in two instances.

Mr. MANTON.

Mr. MFUME.

Mr. HOYER in two instances.

Mr. COYNE.

Mr. POSHARD.

Mr. MCCURDY.

Mr. KREIDLER.

Ms. HARMAN.

Mr. KILDEE.

Mr. SANGMEISTER.

Mr. FAZIO.

Mr. MINGE.

Ms. DELAURO.

Mr. BROWN of California.

Mr. MAZZOLI in two instances.

Mr. KANJORSKI.

Mr. STARK in two instances.

Mr. COSTELLO in three instances.

Mr. DARDEN.

Mr. BREWSTER.

Mrs. LLOYD.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mr. PRICE of North Carolina.

Mrs. SCHROEDER.

Mr. BARLOW.

Mr. SCHUMER.

Ms. LONG.

Mrs. MALONEY.

Mr. TRAFICANT.

Mr. COLEMAN.

Mr. RANGEL.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 184. An Act to provide for the exchange of certain lands within the State of Utah, and for other purposes; to the Committee on Natural Resources.

S.J. Res. 92. Joint resolution to designate the month of October 1993 as "National Down Syndrome Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 95. Joint resolution to designate October 1993 as "National Breast Cancer Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 99. Joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 97. Joint resolution to commemorate the sesquicentennial of the Oregon Trail; to the Committee on Post Office and Civil Service.

S.J. Res. 101. Joint resolution to designate the week of July 25 through July 31, 1993, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War" to the Committee on Post Office and Civil Service.

S.J. Res. 102. Joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month"; to the Committee on Post Office and Civil Service.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 54. Joint resolution designating April 9, 1994, as "National Former Prisoner of War Recognition Day."

ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 27, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1645. A letter from the Comptroller General, General Accounting Office, transmitting a review of the President's sixth special impoundment message for fiscal year 1993, pursuant to 2 U.S.C. 685; to the Committee on Appropriations and ordered to be printed.

1646. A letter from the Comptroller of the Department of Defense, transmitting a report of two violations of the Antideficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1647. A letter from the Chairperson, Advisory Committee on Student Financial Assistance, transmitting the final report on student loan program simplification, pursuant to 30 U.S.C. 1085; to the Committee on Education and Labor.

1648. A letter from the Secretary of Education, transmitting Final Regulations—Library Research and Demonstration Program; Improving Access to Research Library Resources Program; College Library Technology and Cooperation Grants Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1649. A letter from the Administrator, General Services Administration, transmitting notice of a proposal for new or altered Federal records systems or matching programs, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

1650. A letter from the Secretary, Department of Transportation, transmitting a report on foreign shipbuilding subsidies, pursuant to Public Law 102–484, section 1031(c) (106 Stat. 2489); jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. LONG:

H.R. 2735. A bill to limit the acceptance of gifts, meals, and travel by Members of Congress and congressional staff, and for other purposes; jointly, to the Committees on House Administration, the Judiciary, and Standards of Official Conduct.

By Mr. COLEMAN (for himself, Mr. PETE GEREN of Texas, Mr. BRYANT, Mr. SKEEN, Mr. TEJEDA, Mr. ORTIZ, Mr. TORRES, Mr. STENHOLM, Mr. CHAPMAN, Mr. GONZALEZ, Mr. RICHARDSON, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROOKS, Mr. HUNTER, Mr. SARPALIUS, Mr. FROST, Mr. PASTOR, and Mr. LAUGHLIN):

H.R. 2736. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants to address waste water needs of the residents of colonias in the southwest region of the United States, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. GALLO (for himself, Mr. ZIMMER, Ms. MOLINARI, and Mr. HOBSON):

H.R. 2737. A bill to require the Administrator of the Environmental Protection Agency to undertake a study of Superfund sites to assess the progress in reducing the health and environmental risks and to prioritize the need to clean up the remaining sites; to the Committee on Energy and Commerce.

By Mr. MARTINEZ:

H.R. 2738. A bill to amend the Immigration Reform and Control Act of 1986 to extend alien eligibility for educational assistance under the SLIAG Program; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. MINETA, Mr. SHUSTER, and Mr. CLINGER):

H.R. 2739. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SHAW (for himself, Mr. BACCHUS of Florida, Mr. SOLOMON, Mr. GIBBONS, Mr. ROHRABACHER, Mr. LEWIS of Florida, Mr. MICA, Mr. HUFFINGTON, Mr. WALKER, and Mr. MILLER of Florida):

H.R. 2740. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Ways and Means.

By Mr. TORRICELLI (for himself, Mr. GILMAN, and Mr. HINCHEY):

H.R. 2741. A bill to authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of lands in the Sterling Forest area of the New York/New Jersey Highlands Region; to the Committee on Natural Resources.

By Mr. WHEAT (for himself and Ms. DANNER):

H.R. 2742. A bill to amend the Small Business Act to reduce the interest rates on disaster loans provided by the Small Business Administration for losses resulting from flooding in Midwest communities participating in the national flood insurance program; to the Committee on Small Business.

By Ms. WOOLSEY:

H.R. 2743. A bill to require a reduction in the annual Department of Defense and Department of Transportation budgets by the total amount expended by those departments for pay and benefits and costs of investigation, administrative discharge, and any legal fees pertaining to such, for any member of the Armed Forces discharged during the preceding fiscal year on the basis of homosexual status or conduct for any grounds that do not apply equally to members of the Armed Forces who are heterosexual; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

By Mr. YATES:

H.J. Res. 239. Joint resolution to authorize the President to proclaim September 1994 as "Classical Music Month"; to the Committee on Post Office and Civil Service.

By Mr. SANTORUM:

H. Con. Res. 127. Concurrent resolution expressing the sense of the Congress that the President should award a medal of honor to Wayne T. Alderson in recognition of acts performed at the risk of his life and beyond the call of duty while serving in the U.S. Army during World War II; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRANK of Massachusetts:

H.R. 2744. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Swell Dancer*; to the Committee on Merchant Marine and Fisheries.

By Mr. SANTORUM:

H.R. 2745. A bill for the relief of Wayne T. Alderson; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 436: Mr. KASICH, Mr. ALLARD, Mr. BALLENGER, Mr. HOKE, Mr. DICKEY, Mrs. JOHNSON of Connecticut, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. BACHUS of Alabama, Mr. BOEHNER, Mr. SMITH of Michigan, Ms. PRYCE of Ohio, Mr. KIM, Mr. CRANE, and Mr. CASTLE.

H.R. 449: Mr. WASHINGTON.

H.R. 468: Mr. SHAYS.

H.R. 476: Mr. PETERSON of Minnesota.

H.R. 498: Mr. POMBO.

H.R. 561: Mr. POSHARD and Mr. SMITH of Texas.

H.R. 703: Mr. SCHIFF, Mr. KINGSTON, and Mr. MCMILLAN.

H.R. 746: Mr. MCMILLAN, Mr. MARTINEZ, Mr. HUGHES, and Mr. HORN.

H.R. 962: Mr. RIDGE, Mr. INSLEE, Ms. THURMAN, and Mr. DURBIN.

H.R. 1051: Ms. WATERS.

H.R. 1164: Miss COLLINS of Michigan.

H.R. 1172: Mr. TUCKER and Ms. ESHOO.

H.R. 1174: Mr. UPTON.

H.R. 1332: Mr. PRICE of North Carolina.

H.R. 1521: Mrs. MINK and Mr. SCOTT.

H.R. 1671: Mr. DUNCAN and Mr. SKELTON.

H.R. 1923: Ms. WATERS.

H.R. 1961: Mr. CASTLE.

H.R. 1987: Mr. HASTINGS and Mrs. MINK.

H.R. 1988: Mrs. MINK.

H.R. 2012: Mr. KREIDLER, Mr. DORNAN, Mr. STARK, Mr. MCDADE, Mrs. LLOYD, Mr. TUCKER, Mr. CAMP, Mr. FROST, Mr. HYDE, Mr. HASTERT, Mr. PAYNE of New Jersey, Ms. BYRNE, Mr. MURPHY, Mr. SCHIFF, Mr. ACKERMAN, Mr. MURTHA, Mr. SANDERS, Mr. HUGHES, Mr. GILMAN, Mr. PAYNE of Virginia, and Mr. GINGRICH.

H.R. 2137: Miss COLLINS of Michigan.

H.R. 2142: Ms. WOOLSEY.

H.R. 2144: Mr. SERRANO, Mr. OWENS, and Mr. HASTINGS.

H.R. 2241: Mr. SARPALIUS.

H.R. 2286: Mr. EDWARDS of Texas, Mr. CRAMER, Mr. HUGHES, Mr. PAXON, Mr. ZELIFF, Mr. PETE GEREN of Texas, Mr. ROWLAND, and Mr. FISH.

H.R. 2305: Mr. MARTINEZ and Mr. CHAPMAN.

H.R. 2346: Ms. LOWEY.

H.R. 2357: Ms. SLAUGHTER.

H.R. 2521: Mr. SOLOMON, Mr. RANGEL, Mr. BAESLER, Mr. LEVY, Mr. STUPAK, Mr. KING, Mr. BILBRAY, Mr. MCNULTY, Mr. KYL, Ms. MOLINARI, Mr. SCHIFF, Mr. BILIRAKIS, and Mr. MCCANDLESS.

H.R. 2523: Mr. ZELIFF.

H.R. 2543: Mr. HALL of Ohio and Mr. EVANS.

H.R. 2597: Mr. KINGSTON and Ms. LOWEY.

H.R. 2602: Mr. MACHTLEY, Mr. PETERSON of Minnesota, Mr. GOODLATTE, Mr. BEREUTER, and Mr. LEHMAN.

H.R. 2647: Mr. HERGER and Mr. DARDEN.

H.R. 2661: Mr. JEFFERSON and Mr. HASTINGS.

H.J. Res. 86: Mr. POSHARD, Mr. DICKEY, Mr. NATCHER, and Mr. YATES.

H.J. Res. 139: Mr. JOHNSON of Georgia.

H.J. Res. 155: Mr. MCDADE, Mr. BLACKWELL, Mr. PAYNE of New Jersey, Mr. CLINGER, Mr. MURPHY, Mr. GEKAS, Mr. LAFALCE, Mr. TRAFICANT, Mr. KREIDLER, Mr. KILDEE, Mr. KOPETSKI, Mr. FRANKS of New Jersey, Mr. FOGLIETTA, Mr. LANTOS, Mr. PALLONE, Mr. MURTHA, Mr. NEAL of Massachusetts, and Mr. MORAN.

H.J. Res. 198: Mr. UPTON, Mr. KNOLLENBERG, Mr. SMITH of Michigan, and Mr. TAYLOR of North Carolina.

H.J. Res. 206: Mr. HYDE, Mr. SANDERS, Mr. ROMERO-BARCELO, Ms. SLAUGHTER, Mr. BAESLER, Mr. MARTINEZ, Mr. STOKES, Mr. WALSH, Mr. GILLMOR, AND Mr. KLUG.

H.J. Res. 216: Mr. LIPINSKI, Mr. MARTINEZ, Ms. MCKINNEY, Mr. DICKEY, and Mrs. VUCANOVICH.

H.J. Res. 219: Mr. MICHEL, Mr. BILIRAKIS, Mr. VENTO, Mr. SANDERS, Mr. LAROCCO, Mr. DINGELL, Mr. ROYCE, Mr. GUNDERSON, Mr. VISCLOSKY, Mr. MORAN, Mr. HYDE, Mr. BILBRAY, Ms. MOLINARI, Mr. MCCOLLUM, Mrs. MORELLA, Mr. JACOBS, Mr. HUNTER, Mr. MCDERMOTT, Mr. QUINN, Ms. PELOSI, Mr. CLYBURN, Mr. KILDEE, Mr. KASICH, Mr. GALLEGLY, Mr. KOPETSKI, Mr. LANCASTER, Mr. TALENT, Mr. LAZIO, Mr. PETERSON of Minnesota, Mr. CLEMENT, Mr. WALSH, and Mr. MACHTLEY.

H. Con. Res. 109: Mr. KOPETSKI, Mr. HASTINGS, Mr. KLEIN, Mr. COBLE, Mr. DE LA GARZA, Mr. MCDERMOTT, Mr. LEACH, Mr. PALLONE, Ms. MOLINARI, Ms. MALONEY, Mr. SAXTON, Mr. CLAY, Mr. FALEOMAVAEGA, Ms. LOWEY, Mr. FINGERHUT, Mr. PASTOR, Ms. ROYBAL-ALLARD, Mr. COYNE, Mr. BERMAN, Mr. FRANK of Massachusetts, Mr. GORDON, Mr. JEFFERSON, Mr. HOCHBRUECKNER, Mr. DEUTSCH, Mr. LIPINSKI, Ms. PELOSI, Mr. WALSH, Mr. LAZIO, Mr. JACOBS, Mr. FILNER, Ms. BYRNE, Mr. BEILENSON, Mr. RANGEL, Mr. LEVY, Ms. SLAUGHTER, Mr. RAMSTAD, Mr. CARDIN, Mr. LEVIN, Mr. SCHUMER, Mr. FROST, Mr. SISISKY, Mr. MACHTLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARRETT of Wisconsin, Mr. TORRES, Mr. COX, Mr. ALLARD, Mr. ARCHER, Mr. TRAFICANT, Mr. HALL of Ohio, Mr. GREENWOOD, Mr. ACKERMAN, Mr. COLEMAN, Mr. MOLLOHAN, Mr. SWETT, Mr. NADLER, Mr. GINGRICH, Mrs. MEEK, Mr. OWENS, Mr. POMEROY, Mr. HAMILTON, Mr. PRICE of North Carolina, Mr. HUGHES, Mr. PARKER, Mrs. MEYERS of Kansas, Miss. COLLINS of Michigan, Mr. WAXMAN, Mr. VENTO, Mr. MATSUI, Mr. SCHIFF, Mr. EMERSON, Mr. HUTCHINSON, Mr. SCHAEFER, Mr. COOPERSMITH, Mr. DEFAZIO, Mr. BACCHUS of Florida, Mr. TUCKER, Mrs. KENNELLY, Mrs. MORELLA, Mr. PICKETT, Mr. FOGLIETTA, Mr. SHAYS, Mr. MARTINEZ, Mr. BACHUS of Alabama, Mr. CHAPMAN, Ms. MARGOLIES-MEZVINSKY, Mr. TORRICELLI, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Georgia, Mr. GENE GREEN of Texas, Mr. FISH, Mr. HOBSON, Mr. DIXON, Mr. TEJEDA, Mr. HILLIARD, Mr. KNOLLENBERG, Mr. INSLEE, Ms. VALAZQUEZ, Mr. GALLEGLY, Mr. NEAL of North Carolina, Mr. GILMAN, Mr. WHEAT, Mr. STUPAK, Ms. WOOLSEY, Mr. STUDDS, Mrs. UNSOELD, Mr. MCCLOSKEY, Mr. CRAMER, Mr. ROEMER, Mr. GLICKMAN, Mr. SMITH of Texas, Mr. PETERSON of Florida, Mr. NEAL of Massachusetts, Mr. KLECZKA, Mr. BLUTE, Mr. PETERSON of Minnesota, Mr. EWING, Mr. SUNDQUIST, Mr. ENGEL, Mr. SKELTON, Mr. KILDEE, Mr. MURPHY, Mr. HYDE, Mr. RAVENEL, Ms. THURMAN, Mr. CLEMENT, Mr. SMITH of New Jersey, Mr.

COSTELLO, Mr. DOOLITTLE, Mr. PETE GEREN of Texas, Mr. LANCASTER, Mr. BURTON of Indiana, Mr. WELDON, Mr. MARKEY, Mr. PAYNE of New Jersey, Mr. RICHARDSON, Mr. ROYCE, Mr. ANDREWS of Texas, Mr. KASICH, Mr. KENNEDY, Mr. HOLDEN, Mr. HINCHEY, Mr. GOODLING, Mr. ROMERO-BARCELO, Mr. BALLENGER, Mr. MANTON, Mr. GRAMS, Mr. TAUZIN, Mr. WYDEN, Mr. DURBIN, Mr. LANTOS, Ms. DUNN, Mr. BISHOP, Mr. GEJDENSON, Mr. PAXON, Mr. CARR, Mr. OBERSTAR, Mr. BORSKI, and Mr. GUNDERSON.

H. Con. Res. 113: Mr. FALEOMAVAEGA, Mr. GILMAN, Mr. HASTINGS, and Mr. PASTOR.

H. Con. Res. 122: Mr. TORKILDSEN, Mr. KENNEDY, Mr. SCHUMER, and Mr. HASTINGS.

H. Res. 188: Mr. VALENTINE and Mr. DIAZ-BALART.

H. Res. 202: Mr. SPRATT, Mr. TALENT, Ms. LOWEY, Mr. POSHARD, Mr. SERRANO, Mr. HASTINGS, and Mr. EMERSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 229: Mr. LINDER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

54. The SPEAKER presented a petition of Rubber Pavements Association, Washington, DC 20002, relative to paving material; which was referred jointly, to the Committee on Energy and Commerce and Public Works and Transportation.

EXTENSIONS OF REMARKS

RECOGNIZING THE 25TH ANNIVERSARY OF EAGLE VILLAGE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize Eagle Village in Hersey, MI, on the occasion of its 25th anniversary of services to children and families. Over the years Eagle Village has opened its doors to over 100,000 people. Today, I join the people of mid-Michigan in celebrating an organization dedicated to enhancing the lives of persons in need.

Eagle Village has enjoyed decades of continuous growth and program development. Founded in 1968 by the Honorable Donald E. Holbrook, and Kermit and Jean Hainley, the present codirectors, the village has gained a national reputation for its leadership in the areas of family-centered residential treatment and foster care, the experiential model, and, most recently, for the development of a Continuum of Care Program.

The original goal of Eagle Village was to be a facility which would provide growth, love, support, treatment, and opportunities for boys who had to be removed from their homes and communities due to special circumstances. As the facility expanded over the years, so did its focus. Programs were initiated which would provide a diversionary and growth experience for all children with behavioral and emotional needs. The results of this program were astounding. School attendance, attitudes, productivity, and delinquency showed significant improvement, and parents reported changed attitudes in the home toward themselves and siblings.

Mr. Speaker, I know you will join me in commending the outstanding individuals that have and continue to make Eagle Village a success. The village now provides such services as residential treatment, intensive foster care, community service, and alternative and family support programs, and is now providing its greatest service to children and families ever. The need for quality support and educational treatment services has never been greater, and Eagle Village stands ready to meet these challenges.

PERMANENT REGULATION OF D.C. BLUE CROSS AND BLUE SHIELD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. STARK. Mr. Speaker, I rise today, along with my colleague, Representative JIM MCDERMOTT, to introduce a bill amending the congressional charter for Group Hospitalization and Medical Services, Inc. [GHMSI], to ensure that it remain subject to regulation by its domiciliary jurisdiction, the District of Columbia. I cosponsored a similar bill last Congress with my colleague from California, Representative RON DELLUMS. That legislation became part of the District of Columbia 1992 supplemental appropriations and recissions and 1993 Appropriations Act, Public Law 102–382. Unfortunately, that provision was a stopgap measure with an effective date beginning on October 5, 1992, and expiring on September 30, 1993. Legislation is now needed to extend that legislation permanently.

In 1939, Congress granted a congressional not-for-profit charter to Group Hospitalization, Inc., GHMSI's predecessor. The unique charter exempts that health insurer from virtually all District of Columbia insurance regulation. For decades GHMSI was protected from regulatory jurisdiction otherwise exercised by the domiciliary States of other insurers.

GHMSI has grown well beyond original congressional expectation, and throughout the late 1980's, upper level management grossly mismanaged the company. They altered GHMSI's fundamental business plan and engaged in financially disastrous business practices marked by creation of unprofitable subsidiaries and ventures into unwise external business deals. These practices were brought to light in hearings held this past January before the Permanent Subcommittee on Investigations of the Senate Governmental Affairs Committee. Most outrageously, while GHMSI plummeted into fiscal chaos, corporate officials, at policyholder expense, wined, dined, and fiddled in luxury resorts and hotels. Were it not for the shield provided by Congress, common insurance regulation could have uncovered and prevented many abuses.

The bill I am introducing today will permanently accomplish several things. First, it will establish the District of Columbia as the legal domicile of GHMSI. Second, it will require that GHMSI be licensed and regulated by the District of Columbia. Third, it will repeal the provision of the charter that exempts GHMSI from regulation by the D.C. insurance superintendent. And, fourth, it will require GHMSI to reimburse the District of Columbia for the costs of its regulation.

Comprehensive health care reform must address ways to protect consumers from excessive health care costs exacerbated by poorly regulated health insurers and unscrupulous health insurance executives. The gaping regulatory loophole through which the proverbial MACK truck was driven in the case of GHMSI will be sealed permanently by passage of this legislation.

50TH WEDDING ANNIVERSARY OF MR. AND MRS. WILLIAM ZIPPER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. MAZZOLI. Mr. Speaker, I am pleased to announce to the House and to my colleagues the 50th wedding anniversary of two dear friends and gracious people: Bill and Florence Zipper of Louisville, KY.

Before his retirement, Bill Zipper was one of my hometown's most outstanding small business people. Zipper Heating and Air Conditioning did residential as well as commercial work, and Bill Zipper always gave his customers a dollar's worth of service for a dollar charged.

He and his partner for these past 50 years—Florence—who, I am sorry to relate, is not in excellent health, raised a fine family, supported their church and boosted Louisville higher, harder, and more energetically than any other couple I have ever had the privilege of knowing.

Mr. Speaker, in an era in which so many marriages fail, and so little permanence is evident in personal relationships, Bill and Florence Zipper and their long and steady marriage are examples of constancy and love which are inspiring to us all.

LIKE TAMMANY HALL

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. EVERETT. Mr. Speaker, remember when President Clinton took the extraordinary step of firing every single U.S. district attorney in the country. Why did he do that, Mr. Speaker? Was he trying to protect powerful Democrat Members of this House? And, when will he hire a new chief prosecutor for the District of Columbia?

Mr. Speaker, these questions must be answered. The American people need to know that the President isn't protecting leading Members of this House from criminal prosecution.

With Travelgate, the post office scandal and the firing of Bill Sessions, the Clinton White House is looking less like the Carter administration and more like Tammany Hall.

When will this political cronyism stop and real professionalism begin.

We don't need coverups and more taxes. We need honesty in government and less spending.

Mr. Speaker, the President's message team has promised the country change. And we need real change, but we also need full disclosure.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO JOHN B. "JACK" LEE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to bring to my colleagues' attention the outstanding contribution to the medical community and volunteer organizations in southwestern Illinois the career of Mr. John B. "Jack" Lee.

Jack Lee was one of the founders of the Hospice of Southern Illinois, and worked tirelessly for years to build this important program for the terminally ill. At the end of August 1993, Jack will retire as president and chief executive officer of the hospice after 11 years of dedicated service.

Jack began this program with the help of other committed individuals with a budget of $14,000. Today, Hospice of Southern Illinois is the second largest geographical hospice in the United States, with a projected 1994 budget of over $7 million.

As a personal friend of Jack Lee, I honor his work and commitment to the hospice. I also urge my colleagues to join me in saluting the outstanding contributions that the hospice provides to thousands of individuals each year.

HONORING THE UNITED JEWISH Y'S OF LONG ISLAND ON THE 11TH ANNUAL INTERNATIONAL JEWISH ARTS FESTIVAL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the United Jewish Y's of Long Island on the occasion of its 11th annual International Jewish Arts Festival of Long Island.

The International Jewish Arts Festival will take place on September 5 and 6 on the grounds of the Young Men and Young Women's Hebrew Association—YM and YWHA—of Suffolk County. The Long Island community will be entertained by the talents of over 200 internationally renowned artists and attended to by a vast array of craftsmen, vendors, and volunteers.

The UJY's of Long Island is the central organization for its six member YM and YWHA's on Long Island. Created in 1973 by the Federation of Jewish Philanthropies of New York, now UJA- Federation, the UJY's purposes are to raise capital and endowment funds to develop, plan, expand, and coordinate YM and YWHA services and program activities for the people of Long Island.

Since their first formation in Baltimore in 1854, YM and YWHA's have had a long association in fostering the cultural arts for the enrichment and enjoyment of the individual and the community. The UJY's assists its members and agencies in promoting the cultural arts through consultation and fundraising.

This year the International Jewish Arts Festival of Long Island will be honoring the extraordinary heroism of the Jewish resistance in the Warsaw ghetto, and showcasing the music, art, and literature of the Holocaust era.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join with me now in extending our best wishes and special thanks to the United States Y's of the Long Island for its 20 years of dedicated community service.

TRIBUTE TO THE HONEY BEE STINGERS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize the outstanding musical performers of the Honey Bee Stingers, on the occasion of their 1,100th performance. I am sure you will join me in appreciation of the entertaining and energetic performances they have been giving to the older Americans of mid Michigan for many years.

It all began when Mr. Bob Carriveau of Beaverton, MI, a honey farmer, had a dream. He woke up one morning and told his wife, Wilma, that they were going to have a band. Not only that, but he predicted that they would have a radio show and go to Nashville. One year later, the Honey Bee Stingers were enjoying one of the highlights of their musical careers, performing at the Ernest Tubb Jamboree in Nashville, TN. They are the only senior citizen band in the country to have been invited to play at this prestigious event. I have also heard their fine music on a number of occasions.

The Honey Bee Stingers have been together since 1980. As Mr. Carriveau also had foreseen in his dream, they have been performing for 7½ years over a half hour radio program, every Saturday and Sunday on WGDN, in Gladwin, MI. In addition, they play for charities at which they receive donations. These funds are then used to put on their annual community Christmas party, where they play for over 350 children of all ages. They even record this annual event, and send copies to the President and Vice President of the United States.

This is truly an outstanding group of individuals. The ages of the front four members of the band total over 320 years, and the majority of the players are from over the age of 70 years up to 88 years. They are thankful that the members are blessed with good health, and truly enjoy playing for senior citizens and for those who may be unable to get out to enjoy the beauty of music. There are several people in their 80's that come to enjoy the square dancing music that the group performs. The Honey Bee Stingers have dedicated their time and talent to music and all of the joys it can bring. Mr. Speaker, I know you will join me in congratulating and commending the outstanding individuals that make up the Honey Bee Stingers, for the service and enjoyment they have provided to the people of Michigan.

HOUSE PAYS POSTHUMOUS TRIBUTE TO CLARENCE L. WHITE OF STONY CREEK, NY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. SOLOMON. Mr. Speaker, Clarence L. White was like a second father to me, and now he's gone.

There has always been one man I would point to when critics say there is no such thing as a dedicated, honest public servant. That man was Clarence White of Stony Creek, NY, who died last night in Glens Falls Hospital. I have never met a more selfless, giving man, and I am not going to pretend that someone can take his place in my memory or my affection.

Clarence White took me under his wing when I first joined the Warren County Board of Supervisors in 1967, and ever since, no one has ever replaced him as my ideal public servant. He had only one personal ambition, and that was to help people. Until the very end, when I wanted to find out what the people back home were thinking, I called Clarence White. His advice was never wrong.

He was a lifelong resident of Stony Creek. After studying business administration at Albany Business College, he built up his own plumbing and heating business. He was a general contractor for a number of years. His private sector experience prepared him well for his public service. Whether you were a customer or a constituent, you got nothing but the best from Clarence White.

He was superintendent of highways from 1940 to 1946, justice of the peace from 1954 to 1965, and town supervisor from 1965 to 1975. From 1975 to the day he died he was a town councilman.

Apart from those official positions, his community involvement alone made him a special person to me. He was a member of the Knowlhurst Baptist Church in Stony Creek and a deacon for many years. He was one of the originators of Stony Creek Mountain Days. And, like so many community leaders, he played an important role in the Stony Creek Volunteer Fire Company and Emergency Squad. He was the fire company's first president, served in the fire police, and was a trustee at the time of his death. All together, he gave 42 years of his life to the fire company.

I wish I could be there tonight at his wake to tell surviving family members how much I and everyone else shares their loss. I wish I could be there to tell him myself, because somehow I feel he would hear me. He would hear my voice, and all the other voices of sincere respect and love for this great man.

Words fail me, Mr. Speaker. Hero, giant, great American, friend, leader—they all apply, but even they can't quite express what I feel about the man who has helped me, taught me, and inspired me for more than a quarter of a century.

He had no peer as a public servant, not in this body or any other. Mr. Speaker, I ask you and other Members to please join me, and let us pay our own tribute to Clarence L. White of Stony Creek, NY, who was not just a good man. He was a great, loved, and loving man, and I will miss him terribly.

STAYING WITH WHAT WORKS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. HOYER. Mr. Speaker, since the House vote of June 22 to eliminate all funding for the National Endowment for Democracy, there have been a number of editorial columns about that action by some of our most thoughtful commentators, among them David Broder, A.M. Rosenthal, and George Will. Many of my colleagues have seen these writings, which call attention to the consequences for the United States and for those struggling to promote human rights and democracy abroad if funding for NED is not restored.

Perhaps even more significant has been the outpouring of testimonials to NED that have been offered by the major democratic activists throughout the world, among them Dr. Elena Bonner, Dr. Sein Win, Prime Minister of Burma's government in exile, President Sali Berisha of Albania, Fang Lizhi, the distinguished Chinese human rights activist, Vyachaslav Chernovil, head of the democratic movement of Ukraine, and countless other democratic leaders from Chile, Iraq, Ivory Coast, Vietnam, and many other countries.

Mr. Speaker, I have selected one of these letters to share with my colleagues. It is from Vytautas Landsbergis, who led Lithuania's successful fight to reestablish democracy and independence after decades of Soviet domination and who served as its President until February of this year. Mr. Landsbergis is eloquent not only about the timely assistance provided by the National Endowment for Democracy to the democratic forces in his country during the dark days of Soviet occupation, but also about the critical work that remains to be done before democracy can be considered secure in the former Soviet Union. According to Mr. Landsbergis, the kind of assistance NED provides is needed as much today as it was in 1989 and 1990.

Mr. Speaker, I would like to submit President Landsbergis' letter for the RECORD and urge my colleagues to read his words.

VYTAUTAS LANDSBERGIS, M/P.,
Lithuania, July 5, 1993.

Mr. CARL GERSHMAN,
President, National Endowment for Democracy, Washington, DC.

DEAR MR. GERSHMAN: I was recently informed that the U.S. House of Representatives voted to deny continued funding for the National Endowment for Democracy. This was a great shock to me and I am convinced that, if the U.S. Senate were to concur on this issue, it would signify a great loss both for the United States of America as defender of democracy and for Lithuania because the process of democratization of our economical, social and political life suffers currently from various barriers.

From 1989 to 1991 NED played a critical role in support of Lithuania's drive to reestablish democracy and national independence. By supplying Sajudis and other grassroots democratic organizations in Lithuania with computers, telefax machines and other technical assistance as well as paper for its democratic press, NED made our enormous task of challenging, and ultimately defeating, the Soviet totalitarian empire much easier. I recall our meeting in 1989 in Washington when you not only provided me with a forum to address policymakers but also agreed to my request to increase the level of material support to Sajudis. One reason I remember this so well is because you and NED had the foresight and courage to support us at a time when others in the West preferred to sit on the sidelines or even to support Goliath against David.

If the U.S. House of Representatives has voted to abolish NED because it is convinced of the triumph of democracy in Eastern Europe and the former Soviet Union, then it is making a tragic mistake. Anti-democratic forces and anti-democratic tendencies in Lithuania and elsewhere in this region remain strong. There is no guarantee that democracy will flower in the soil of the land that was polluted for 50 years by Communism. One need only look at the current situation in Lithuania to understand that the battle for democracy is only half-complete.

Lithuania's democratic forces do need NED's assistance today as much as they needed its help in 1989 and 1990. I'm certain that you understand this. But I wonder if those U.S. legislators who voted against NED realize that the return of anti-democratic regimes in Eastern Europe and the former Soviet Union, and the resurgence of imperial forces in Russia is an ever-present threat not just to the citizens of these countries but also to those of the United States.

I wish you much success and hope that the U.S. Congress ultimately will decide to restore funding for NED so that it may continue its crucial work in support of democracy in Lithuania as well as elsewhere.

Sincerely,

VYTAUTAS LANDSBERGIS.

TRIBUTE TO SPENCER SUTCLIFFE

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. COX. Mr. Speaker, I rise today to pay tribute to one of my most extraordinary constituents. Spencer Sutcliffe of Irvine, CA, is no ordinary 8-year-old in the third grade at Westwood Basics Plus School. He is a truly remarkable karate champion who captured the gold medal at the recent 10th Ryobu-kai International Karate Championship in Tokyo, Japan.

In a field of 24 competitors from around the world, Spencer won first place in the 8- to 10-year-old division in this prestigious international competition. Holding the rank of second Kyu, Spencer is also the U.S. Karate Federation National Champion in his age division for each of the past 2 years.

For most 8-year-old kids, the summertime is full of athletic and sports activities. Spencer Sutcliffe's summer is that and more: He's again training for the U.S. National Karate Championship in August. As this next event draws near, I'm sure my colleagues will join me in congratulating Spencer Sutcliffe for winning the international karate championship and join me in wishing him and his instructor, Sensei Kiyoshi Yamazaki, best wishes for continued success.

CONGRESS MUST ADOPT UNIFORM FEDERAL SMOKING POLICY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. TRAFICANT. Mr. Speaker, last month the House Public Works and Transportation Committee approved, H.R. 881, legislation I introduced to restrict smoking in all federally owned and leased office buildings, including Congress and the U.S. courts. Mr. Speaker, I am extremely proud that the Public Works and Transportation Subcommittee on Public Buildings and Grounds, which I have the honor to chair, addressed this problem head on, held extensive hearings, and moved forward with a fair and reasonable legislative remedy. I also applaud the chairman of the full committee, my esteemed colleague NORMAN MINETA, for his leadership in tackling this issue. The committee stepped up to the plate and accepted its responsibility.

I am pleased that my distinguished colleague from California, Mr. WAXMAN, is also addressing the issue of environmental tobacco smoke [ETS]. I applaud Mr. WAXMAN's efforts and look forward to working with him to get meaningful legislation approved that effectively address the ETS problem.

As introduced, H.R. 881 would have called for a total ban on smoking in Federal buildings. After several hearings by the subcommittee, and numerous meetings on this issue, and in the spirit of bipartisan cooperation, I moved forward with a compromise amendment that will provide smokers with some latitude and at the same time protect the health of nonsmokers. Equally as important, the bill as amended will still accomplish a key goal: Protecting the U.S. taxpayer from future workers' compensation costs.

During the Subcommittee on Public Buildings and Grounds' markup of H.R. 881, the subcommittee approved one amendment, which I offered, that would permit smoking only in designated areas of Federal buildings, if the area is separately ventilated or ventilated in a manner determined by the General Services Administration to be as effective as separately ventilated, or the area is ventilated in accordance with Federal indoor air quality standards, if such standards are in effect. My amendment had bipartisan support and was approved by the subcommittee on a voice vote. The following day, the full committee approved H.R. 881, as amended, with one technical amendment.

Mr. Speaker, the subcommittee held three hearings on this issue and received testimony from the U.S. Surgeon General, the Environmental Protection Agency, the General Service Administration, the Department of Labor, the Occupational Safety and Health Administration, medical experts, building management executives, and representatives from the Tobacco Institute. Our hearings were fair, comprehensive, and balanced.

In addition to a wide range of expert testimony on the Environmental Protection Agency's recent findings that ETS is a group A carcinogen, and the methodology used in the EPA study, officials from the Department of Labor testified that the Federal Government has already paid out hundreds of thousands of dollars in workers' compensation claims to nonsmoking Federal employees who have been disabled or impaired due to exposure to ETS.

Mr. Speaker, whether or not one accepts the findings of the EPA study, the fact remains that if Congress does not act to restrict smoking in Federal buildings, the U.S. taxpayer will continue to pay out millions of dollars in workers' compensation claims. From a pure fiscal standpoint, adoption of H.R. 881, as amended, will save the Federal Government millions of dollars over the next 30 years. From a public health standpoint, the compromise crafted by the subcommittee represents a prudent policy, one that has already been adopted by numerous local governments, at least five States and a wide range of private businesses and restaurants.

My bill would provide Federal agencies with the flexibility to develop a smoking policy that respects the rights of smokers, and protects the health of nonsmokers. The legislation would not preclude a Federal agency from imposing a total smoking ban, as several agencies have already done.

Mr. Speaker, Congress has an opportunity to take the lead on this pressing issue and establish a uniform smoking policy for all branches of the Federal Government. H.R. 881 will do just that. The issues are clear and the stakes are high. Congress should approve H.R. 881 this year.

KURT WEISHAUPT CELEBRATES HIS 80TH BIRTHDAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and countless people throughout New York and, indeed, the world, in celebrating the 80th birthday of a most giving and selfless individual, Kurt Weishaupt.

The highest degree of dedication to others is exemplified by the person who gives of himself without thought of reward, personal gain, or recognition. Kurt Weishaupt's record of dedication to helping others overcome the most debilitating of handicaps is a prime example of just such dedication.

Kurt's charitable work has grown from local community projects to intensive medical and rehabilitative services that span the world. In 1941, he and his late wife, Trude, arrived penniless in the United States after a 4-year ordeal in which they successfully avoided capture by the Nazis. Through hard work and devotion, he soon fulfilled the American dream. He began a small business, which soon became one of the largest international stamp firms in the world.

Because of his unstinting desire to help others, Kurt has committed a large portion of his time and financial resources to major philanthropic efforts. Today, he is actively involved in leading or supporting more than 40 such humanitarian organizations.

Most noticeable of all his efforts, is that of chairman of the board of the Gift of Life Program. Organized by Rotarian volunteers in 1973, this project has provided open-heart surgery for more than 1,000 destitute children from 26 different countries. At present, the Gift of Life is supplying various hospitals in Russia with desperately needed medical supplies.

As a trustee of Booth Memorial Medical Center since 1974, Kurt has chaired the center's medical journal, which raises in excess of $250,000 a year. In addition, when he served as chairman of the community portion of the capital campaign, he raised $2 million to construct a community health center. Yet Kurt also gives of himself. He donated the hospital's first paramedic ambulance, and in 1984, to honor his late wife, Kurt built the Trude Weishaupt Memorial Satellite Dialysis Center, recognized today as one of the most outstanding such facilities in New York State.

Many other organizations have grown and benefited from Kurt Weishaupt's participation and support. He has served as president of the Flushing Boys Club; president and member of the board of managers of the Flushing YMCA; cochairman of the United Jewish Appeal, stamp and coin division; board member of the Flushing Council on Culture and the Arts; founding member of Philatelic Hobbies for the Wounded; cofounder of Boston's Cardinal Spellman Museum; and board member of the Russian Children's Fund.

In 1986, new joy came into Kurt's life, when he married Ethel Faye. Together, they have continued to enhance the many projects that have been Kurt's bequest to humanity.

Kurt Weishaupt will reach the age of 80 years on August 10, 1993. On Saturday, September 11, Kurt Weishupt will celebrate his 80th birthday. He will celebrate it the same way he has lived his life—by giving and by helping others. Indeed, Kurt will be donating more than $700,000 to more than 30 worthy organizations.

Mr. Speaker, I call upon all of our colleagues in the House of Representatives to rise and express our congratulations and our admiration for this great American, a truly outstanding humanitarian—Kurt Weishaupt—as he celebrates his 80th birthday.

TRIBUTE TO ANTONIA LOPEZ AND JAMES C. THOMPSON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to share with you a story of extraordinary generosity. Ms. Antonia Lopez and Mr. James C. Thompson have, at their own expense, been maintaining different vacant lots in the 35th precinct of the 23d ward in my district. This task consisted of purchasing lawnmowers, and other landscaping equipment in an attempt to preserve the appearance of their neighborhood. They have put years of efforts into this undertaking.

These two individuals have demonstrated an exemplary commitment to community service to the area. At a time, when the economy is growing at a slow pace, and money is hard to come by, these individuals have dug deep into their own pockets and not asked anything in return. The example set by these fine individuals can be one we all take to heart.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in saluting Ms. Lopez and Mr. Thompson for their tremendously unselfish efforts.

INTRODUCTION OF THE CONGRESSIONAL ETHICS REFORM ACT

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Ms. LONG. Mr. Speaker, today I am introducing legislation, the Congressional Ethics Reform Act, in order to limit the acceptance of any bonus or gift offered to a Member of either the House or Senate.

Specifically, the bill would disallow: gifts of any value; private financing of Congressional retreats; and Members from giving honoraria for speaking engagements to charities. The bill provides that gift limits would not apply to books or other informational materials, any gift accepted by the Congress under specific statutory authority, or any of the benefits granted to the general public or government employees.

In contrast with employees and officials of the executive branch who may accept gifts in certain instances, this legislation includes restrictions on Members receiving gifts from any person other than a family member or close personal friend.

Similar legislation has been introduced in the other body, by Senator LAUTENBERG. I also know that our colleague, Congressman JOHN BRYANT, the chairman of the Judiciary Subcommittee on Administrative Law and Governmental Relations has been working with a number of Members to craft a thoughtful legislative vehicle that can become law. I look forward to working with him and other members on this issue.

I offer the bill as a means to restore the public's confidence in its elected officials. I encourage Members to examine this measure and to support the bill.

TRIBUTE TO SCOTTSDALE, AZ

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. KYL. Mr. Speaker, it is with great pride that I stand today to recognize the city of Scottsdale. AZ.

In addition to being lauded as the top resort community in the United States, among the top 30 cities to raise children and one of the 50 fabulous places to retire, the city of Scottsdale has recently been named the Most Livable City in the United States by the U.S. Conference of Mayors.

This award is a tribute to the dedication and hard work of the many citizens of Scottsdale. More specifically, the award recognizes the leadership and vision of Mayor Herb Drinkwater and the city government in implementing the city's downtown redevelopment plan and bond program.

After several years of neglect, the redevelopment plan has helped to revitalize the city's downtown community. In doing so, it has retained Scottsdale's traditional small town feel while accommodating the increased number of visitors attracted to the many shops and tourist attractions offered in the city's center. The city's commitment to its downtown has also led to an increase of over $370 million in private investment, creating 6,800 new jobs in the city.

It is, therefore, with great pleasure that I recognize the accomplishments of Scottsdale, AZ.

TRIBUTE TO WILLIAM K. LAVIN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to pay tribute to William K. Lavin.

Mr. Lavin lives an active and busy life. He is the chairman of the Board of HeartShare Human Services, a provider of high quality services to the people of New York. He is also a trustee of St. John's University in Queens. From 1965 to 1970 he held the rank of sergeant in the New York State National Guard. St. John's University awarded him an honorary doctorate of commercial science in 1992. Bill currently lives with his wife and seven children in Belle Harbor, NY.

Mr. Lavin, recently appointed chair and chief executive officer of Woolworth, has had a very distinguished career. He is an extremely talented man as well as a true humanitarian. His hard work and dedication are an inspiration to all. He has given his time, his skill, and most of all, his heart, to the community. I wish to thank him for all of his efforts.

SUPPORT FOR THE FLOOD RELIEF BILL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of the fiscal year 1993 emergency supplemental flood relief bill. This legislation is vital to many areas in my congressional district, which has been the site of terrible flooding for several weeks.

I am particularly pleased that this legislation includes special funding for the reconstruction and repair of railroads which have been severely damaged by the floods. Railroads are essential to the commerce of the Nation and are a vital economic lifeline for the region.

I call particular attention to the damage done to the small, regional, and shortline railroads of the flood-stricken area. For example, in my district, the Gateway Western Railroad has been endangered by the flood. Its line has been cut and its service interrupted.

The future of Gateway Western's 220 employees have been put at risk and the future of the entire railroad is seriously jeopardized. The funding for the Local Rail Freight Assistance Program that is included in this emergency appropriation is important to the future of this railroad, and the economic strength of the entire region.

COMMUNITY LEADER, GEORGE DALY, IS REMEMBERED

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the sad passing of George Daly, who died on July 6.

Mr. Daly was president of the board of directors of the New York Foundation for Senior Citizens, a position in which he had served with tremendous distinction since 1983. Under his inspirational leadership and guidance, the foundation established over 35 different social service programs for older persons in our community.

Mr. Daly began his career as a newspaper reporter for the New York Herald Tribune, covering the White House and the State government in Albany. During the last year of the LaGuardia administration, he covered city hall. He later turned his attention and talents to both city and State Democratic politics. As director of publicity for the New York State Presidential election campaigns in 1948 and 1964, and for the Independent Citizens Committee in 1960, Mr. Daly worked tirelessly for the election of Presidents Truman, Kennedy, and Johnson.

Within our community, Mr. Daly served on Manhattan Community Board No. 8 and as a district leader in our area. Mr. Daly's work in the private sector included memberships on the board of directors of Struthers Wells and ABC Industries. He also served as a business consultant to Pan American World Airways and New York Law Journal, In addition, Mr. Daly was part of the group that organized New York Airways, Inc., the helicopter service for the New York metropolitan area.

However, I will always remember George as a mentor and as a friend who consistently inspired me and encouraged me to pursue public service. His commitment to making better public policy was as deep as his zeal was infectious. Right up to the end, George was fighting for the rights of senior citizens, to ensure that their golden years were just that.

That's why I believe it was especially fitting that the New York Foundation for Senior Citizens named its most recent facility for homeless seniors after George. The George Daly House will serve as a living monument to his character and to the outstanding contributions which he made to our community. He will be deeply missed.

TRIBUTE TO DR. MARIO BAUZA, THE FATHER OF AFRO-CUBAN JAZZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. SERRANO. Mr. Speaker, I rise today to mark the passing of and to pay tribute to Dr. Mario Bauza, a man of great musical talent and inspiration who was the creator of a vibrant and unique style of music known as Afro-Cuban jazz. Dr. Bauza died on Sunday, July 11.

Mr. Speaker, Mario Bauza came to our country from his native Cuba in 1930 at the age of 19. He had begun his musical training at the Municipal Academy of Havana at the age of 7, and was a seasoned oboist and a clarinetist for the Havana Philharmonic Orchestra when he made his first trip to New York in 1926 to record traditional Latin danzones for RCA. As a Cuban of African ancestry, Mario Bauza was struck by the relative freedom from racism that African-American musicians in Harlem enjoyed. As a talented and ambitious young musician, he was drawn by the jazz sound and the opportunities for work he discovered in New York.

Mario Bauza played with a number of different groups during his early years in New York. He taught himself to play trumpet to fill a vacancy in the band of his fellow Cuban, Antonio Machin, and soon became an accomplished soloist. Sitting in on trumpet one evening with another band, he was discovered by Chick Webb, who immediately asked him to join his band, and made him its musical director a year later. Mario Bauza also played with Cab Calloway's band, where he befriended and aided a young trumpeter who would later become famous as Dizzy Gillespie.

After playing in and directing an assortment of Cuban and jazz bands, Mario Bauza began to talk of creating a new sound by combining these two musical styles. In 1941 he gained an opportunity to advance his ideas when he became music and personnel director for the Machito Orchestra, a Cuban band headed by his brother-in-law and boyhood friend, Machito Grillo. Mario Bauza began by hiring jazz-oriented musicians to fill vacancies left by departing Cuban band members. After hearing two of these musicians improvising with the Cuban song "El Botellero" during a performance break one evening in May 1943, Mario Bauza decided to experiment further with the song during the band's rehearsal the following day. "Tanga," the fiery new work that he created, was the first Afro-Cuban jazz song.

Over the succeeding decades, working both in the Machito Orchestra and in a new band he formed with the Machito Orchestra's great female vocalist, Graciela, Mario Bauza continued to create and popularize the Afro-Cuban jazz sound. In addition to "Tanga," Mario Bauza composed such classics as "Cubop City," "Wild Jungle," "Kenya," "Imitations," and "Cubanola." His most recent recording, "My Time Is Now," was released just this month.

Mr. Speaker, the music Mario Bauza created has brought tremendous joy to people of all backgrounds around the world, and has been a unifying source of pride for Hispanics throughout our Nation. I hope my colleagues will join me now in appreciation of Mario Bauza for the lasting gift of great music he gave to us and to the world.

INTRODUCTION OF LEGISLATION TO AMEND SUGAR PROGRAM PENALTIES

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. POMEROY. Mr. Speaker, last week I introduced legislation to clarify that the civil penalties under section 359(d)(3), as amended, of the Agricultural Adjustment Act of 1938 do not apply to inadvertent violations.

In my State, the Minn-Dak Farmers Cooperative faces a possible penalty of $20 million because it inadvertently obligated itself to exceed its allocation imposed under the Secretary's recent announcement on marketing allotments. In Minn-Dak's case, the cooperative had pledged to the Commodity Credit Corporation, earlier in the day of the announcement, sugar as collateral that put it over its allocation by an estimated 14.857 thousand short tons raw value. Under a strict reading of the law, the CCC now says it must impose a civil penalty of three times the value of all sugar marketed.

Mr. Speaker, if allowed to stand, this penalty would devastate the members of the Minn-Dak Farmers Cooperative. We cannot allow that to happen. The bill I am introducing would simply make it clear that the penalty provisions of the law apply only to those who knowingly violate the law. I understand the bill has the support of both the Administration and the sugar industry. I urge the Congress to act quickly to correct this problem.

ASSESSING THE IMMEDIATE RISKS AT THE SUPERFUND SITES TO PRIORITIZE CLEANUP

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. GALLO. Mr. Speaker, today, I rise to reintroduce my legislation requiring the Federal Environmental Protection Agency to perform a comprehensive 1-year risk assessment of the Nation's 1,245 Superfund sites.

I have regularly toured the Superfund sites in my congressional district since I was elected to Congress in 1984, and I know from firsthand experience that some of these sites should be receiving more immediate attention than is currently being given to them while long-term cleanup engineering and design efforts are continuing.

My bill is aimed directly at the heart of this very real problem. The study required by my legislation will provide us with the information we need in order to set realistic priorities for cleanups that take into account the short-term, as well as the long-term, risks to the public and the environment at each of the Nation's Superfund sites, thereby enabling us all to better understand the magnitude of the remaining risks at these sites.

There are Superfund sites out there that pose very real threats to the offsite environment, but these sites are not among those that have received early mitigation under Superfund.

When the Superfund was created in 1981, our major priority was to identify specific sites where potential threats could be identified.

In 1986, we reauthorized and expanded the Superfund program, because we had discovered that the problems were bigger and more complicated than we thought in 1981. The No. 1 priority in 1986 was to get cleanups moving at as many sites as possible.

The unintended side effect of that decision was to slow progress on the most serious sites, so that the number of sites completed would be increased.

I believe we must now take the third logical step in the Superfund process—we must recognize that a number of serious problems remain unsolved and that we need to set priorities for site cleanups, based on their potential for hazard to our health and environment.

I first developed this legislation in response to efforts by an organization known as Clean Sites, which brought the issue to the attention of Congress and the public in testimony before the House Public Works and Transportation Committee. Clean Sites is an Alexandria, VA, based not-for-profit organization founded by a consortium of environmental and industrial leaders, as well as senior Government officials, in 1984, to help solve the Nation's hazardous waste problem.

We need better information on risks to keep the Superfund program on track. I ask my colleagues to join me as cosponsors of this important legislation to restore confidence in this important program and keep the important cleanups moving forward.

THE PROGRESSIVE CAUCUS LETTER ON THE BUDGET CONFERENCE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. SANDERS. Mr. Speaker, a few days ago, 52 members of the House wrote to Representative DAN ROSTENKOWSKI, who chairs the Ways and Means Committee, and Representative MARTIN OLAV SABO, who chairs the Budget Committee. In this letter, originated by the House Progressive Caucus, we asked the House conferees on the budget reconciliation bill to stand firm in support of the children's initiative and empowerment zone provisions in the bill, and in favor of progressive tax alternatives. I would like to enter this important letter into the RECORD.

DEAR COLLEAGUES: As you begin the conference on the budget reconciliation bill, we are writing to express to you the absolute necessity of protecting those components of the bill which are based on tax fairness and an effort to address some of the major, long-neglected social crises facing our nation. This is crucial in order to have a conference report that we can support.

The House version of the bill, while containing provisions that many of us disagreed with, was still a major step forward in implementing the President's proposals to invest in America and re-establish tax fairness. Its "children's initiative" provisions—on childhood immunization, family support and preservation, childhood hunger, and the Earned Income Tax Credit—as well as its funding for empowerment zones, are critical to protecting the most vulnerable members of our society. All of these were cut back or eliminated in the Senate. We strongly urge you to maintain the House position on these issues, which are of great importance to us.

Both the House and Senate versions of the bill have most of their tax increases falling on those who benefitted the most from the 1980s: the wealthy, whose incomes doubled while their share of the tax burden declined. However, important changes in other taxes were made by the Senate.

While we supported some of these changes, such as raising the thresholds for taxation of Social Security and reducing energy taxes, they do make it necessary to find alternative sources of revenue. It is crucial that these alternatives follow the principle of progressivity. In particular, we urge you to raise the top corporate and individual rates, rather than to accept cuts in Medicare, Medicaid, food stamps, and other programs for the elderly and the poor. We should also add that we believe that a new tax on consumers' utility bills would be extremely regressive, falling hardest on those least able to afford new taxes. We have enclosed an example of possible options that could be used to raise the necessary revenues. These types of approaches would guarantee that the principle of tax fairness is maintained.

We recognize that you will have a difficult task ahead of you. If you can craft a compromise which invests in our children and the most vulnerable members of our society, and maintains the principle of tax fairness, you will have our wholehearted support.

Sincerely,

Neil Abercrombie, Tom Andrews, Xavier Becerra, Lucien Blackwell, Sherrod Brown, Eva Clayton, James Clyburn, Barbara-Rose Collins, Cardiss Collins, Peter DeFazio, Ronald Dellums, Don Edwards, Anna Eshoo, Lane Evans, Eni Faleomavaega, Sam Farr, Bob Filner, Floyd Flake, Barney Frank, Elizabeth Furse, Luis Gutierrez, Tony Hall, Dan Hamburg, Maurice Hinchey, Eddie Bernice Johnson, Paul Kanjorski, Mike Kopetski.

John Lewis, Ed Markey, Matthew Martinez, Cynthia McKinney, Carrie Meek, George Miller, Kweisi Mfume, Patsy Mink, Jerrold Nadler, Eleanor Holmes Norton, John Olver, Major Owens, Ed Pastor, Donald Payne, Nancy Pelosi, Lucille Roybal-Allard, Bernard Sanders, Patricia Schroeder, José Serrano, Jolene Unsoeld, Nydia Velázquez, Craig Washington, Maxine Waters, Mel Watt, Lynn Woolsey.

EXAMPLES OF POSSIBLE PROGRESSIVE OPTIONS FOR BUDGET RECONCILIATION CONFERENCE

Revenue increases from Senate position:

Provision:	*Revenues (billions)*
1. Raise top individual rate an additional one percent	$9.0
2. Return to original Clinton top corporate rate of 36 percent, instead of 35 percent	15.4

	Revenues (billions)
3. Lower threshold of 10 percent surtax from $250,000 to $200,000	6.0
4. No indexing of tax on luxury automobiles	1.0
Total revenues over Senate bill	31.4

Spending increases from Senate position

Provision:	*Cost*
1. Medicare cuts: Adopt House position	$8.0
2. Adopt House position on Food Stamp expansion, Earned Income Tax Credit, Family Preservation, and Empowerment Zones	23.4
Total spending over Senate bill	31.4

By adopting provisions such as these, the Conference Committee would increase the proportion of taxes paid by the wealthiest Americans, making the tax provisions in the bill even more progressive, and restoring the investment proposals affecting middle- and low-income Americans. The conferees should also agree to the Senate's position with regard to the thresholds for the increased taxation of Social Security benefits."

IN HONOR OF THREE CUSTOMS OFFICERS AND ONE STATE LAW ENFORCEMENT OFFICER KILLED IN A NARCOTICS INVESTIGATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. RANGEL. Mr. Speaker, I would like to express my heartfelt condolences and deep sympathy to the families, loved ones, and coworkers of the four law enforcement officers killed in a helicopter accident on July 14 in Brunswick, GA. These men gave their lives in service to their country as they pursued a criminal investigation in southern Georgia.

Three of the men were employed by the U.S. Customs Service. They were Rick Talafous, Alan Klumpp, and David DeLoach. The fourth was Lee DeLoach, a special agent for the Georgia Bureau of Investigations. The men were in a helicopter which was part of Customs' drug smuggling interdiction airwing. The aircraft had been dispatched to search for suspect airstrips used for smuggling narcotics into the United States.

Having worked on the drug issue for many years, I know first hand of the dedication, commitment, and courage of customs enforcement personnel, as well as that of many State and local law enforcement agencies throughout the Nation. This tragic accident again demonstrates the risks and dangers faced by law enforcement personnel on the Federal, State, and local level, as they fight to keep our streets safe from crime and drugs. Our Nation owes them a debt of gratitude for their courageous and generous service.

To their families, friends, and colleagues, I can only say that we must ensure that their deaths not be in vain. We must continue to conduct with diligence the investigations of narcotics and other criminal organizations such as the one these men were pursuing. And we must remember with appreciation and gratitude the great service and sacrifice made by these dedicated public servants.

IN SUPPORT OF THE SPACEPORT FINANCING ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. SHAW. Mr. Speaker, today my Florida colleague JIM BACCHUS and I, along with a number of our other colleagues from around the country, are introducing legislation entitled the Spaceport Financing Act.

This legislation addresses an issue of extreme importance to this country's commercial space transportation industry—tax exempt status for spaceport facility bonds. Our proposal will enable the United States to develop the infrastructure necessary for a competitive commercial space launch industry. This industry includes not only the spaceports themselves and the providers of launch services, but also companies which manufacture and test launch vehicles and their components, as well as satellites and other payloads.

This legislation will simply clarify that spaceports are eligible for exempt facility and bond financing to the same extent as publicly-owned airports, docks, and wharves. This signal of Federal support is vital to the survival of the U.S. commercial space industry and our effort to maintain our competitiveness in the international marketplace.

Our Nation's newly created commercial space launch industry faces increasing government sponsored or subsidized competition from Europe, China, Japan, India, Australia, and the former Soviet Union. The U.S. share of this market is in serious decline.

Foreign competition is capturing and increasing share of the international space launch industry, in part because of the outdated condition or the unavailability of low cost U.S. facilities. With the help of this bill, and at an extremely low cost to the Federal Government, we can begin to rebuild our existing infrastructure as well as construct new launch and recovery facilities. To be state of the art in space requires state of the art financing on the ground.

I am also submitting with this statement, to be included as a part of the RECORD, a technical description of this legislation. I urge my colleagues in the House to join us in this important effort by cosponsoring this bill.

THE SPACEPORT FINANCING ACT

DESCRIPTION OF PRESENT LAW

Present law allows exempt facility bonds to be issued to finance certain transportation facilities, such as airports, docks and wharves, mass commuting facilities, high-speed intercity rail facilities, and storage of training facilities directly related to the foregoing. Except for high-speed intercity rail facilities, these facilities must be owned by a governmental unit to be eligible for such financing. Exempt facility bonds for airports and docks and wharves are not subject to the private activity bond volume cap. Only 25% of the exempt facility bonds for a high-speed intercity rail facility require private activity bond volume cap.

Airports.—Treasury Department regulations provide that airport property eligible for exempt facility bond financing includes facilities that are directly related and essential to servicing aircraft, enabling aircraft to take off and land, and transferring passengers or cargo to or from aircraft, but only if the facilities must be located at, or in close proximity to, the take-off and landing area to perform these functions. (See Treas. Reg. Sec. 1.103-8(e)(2)(ii)(a).) The regulations also provide that airports include other functionally related and subordinate facilities at or adjacent to the airport, such as terminals, hangers, loading facilities, repair shops, maintenance or overhaul facilities, and land-based navigational aids such as radar installations. (See Treas. Reg. Sec. 1.103-8(e)(2)(ii)(b).) Facilities the primary function of which is manufacturing rather than transportation are not eligible for exempt facility bond financing. (See IRC Sec. 142(c)(2)(E); see also Rev. Rul. 77-186, 1977-1, C.B. 22 (facility primarily used for constructing supertankers); Rev. Rul. 77-324, 1977-2, C.B. 37 (facility primarily used by a manufacturer for customizing and structurally modifying new aircraft).)

Public Use Requirement.—Treasury Department regulations provide generally that, in order to qualify as an exempt facility, the facility must serve or be available on a regular basis for general public use, or be a part of a facility so used, as contrasted with similar types of facilities that are constructed for the exclusive use of a limited number of nongovernmental persons in their trades or businesses. (See Treas. Reg. Sec. 1.103-8(e)(2) & 1.103-8(e)(1).) For example, a private dock or wharf leased to and serving only a single manufacturing plant would not qualify as a facility for general public use, but a hanger or repair facility at a municipal airport, or a dock or a wharf, would qualify even if it is leased or permanently assigned to a single nongovernmental person provided that such person directly serves the general public, such as a common passenger carrier or freight carrier. Certain facilities, such as sewage and solid waste disposal facilities, are treated in all events as serving a general public use although they may be part of a nonpublic facility, such as a manufacturing facility used in the trade or business of a single manufacturer.

Federally Guaranteed Bonds.—Bonds directly or indirectly guaranteed by the United States (or any agency or instrumentality thereof) are not tax-exempt. (See IRC Sec. 149(b).) The Treasury Department has not issued regulations interpreting the prohibition of federal guarantees and the scope of the prohibition is unclear.

EXPLANATION OF PROPOSED AMENDMENT

The proposed amendment clarifies that spaceports are eligible for exempt facility bond financing to the same extent as airports. As in the case of airports, the facilities must be owned by a governmental unit to be eligible for such financing.

The term "spaceport" includes facilities directly related and essential to servicing spacecraft, enabling spacecraft to take off or land, and transferring passengers or space cargo to or from spacecraft, but only if the facilities must be located at, or in close proximity to, the launch site to perform these functions. Space cargo includes satellites, scientific experiments, and other property transported into space, whether or not the cargo will return from space. The term "spaceport" also includes other functionally related and subordinate facilities at or adjacent to the spaceport, such as launch control centers, repair shops, maintenance or overhaul facilities, and rocket assembly facilities that must be located at or adjacent to the launch site. The term "spaceport" further includes storage facilities directly related to any governmentally-owned spaceport (including a spaceport owned by the U.S. Government).

It is intended that spaceports shall be treated in all events as serving the general public and will therefore satisfy the public use requirement contained in present Treasury Department regulations. It is also intended that the use of spaceport facilities by the federal government will not prevent the spaceport facilities from being treated as serving the general public, will not prevent the spaceport facilities from being treated as owned by a governmental unit, and will not otherwise render such facilities ineligible for exempt facility bond financing. In addition, the amendment specifies that payments by the federal government of rent, user fees, or other charges for the use of spaceport property will not be taken into account in determining whether bonds for spaceports are federally guaranteed as long as such payments are conditioned on the use of such property and are not payable unconditionally and in all events.

INTRODUCTION OF H.R. 2710, THE WAGE AND HOUR REFORM AND EQUITY ACT OF 1993

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. LANTOS. Mr. Speaker, on July 22, 1993, my colleague, Congressman CHRIS SHAYS, and I introduced H.R. 2710, the Wage and Hour Reform and Equity Act of 1993, to further protect employees' rights under the Fair Labor Standards Act [FLSA] of 1938.

During the 102d Congress the Government Operation's Subcommittee on Employment and Housing, which I chaired, conducted an investigation on the Food Lion supermarket chain in which we uncovered widespread violations of the FLSA. Food Lion workers appeared as witnesses at the subcommittee's investigative hearings and testified they were required to work as many as 30 hours of overtime a week without pay. The Department of Labor conceded it had experienced significant problems in enforcing many aspects of the FLSA. The Department also revealed that in the course of its nearly 2-year investigation of Food Lion, the Department had found substantial violations of overtime laws and child labor—including child labor in hazardous occupations—laws.

In the course of our investigation of Food Lion, we also found that in many cases the FLSA statute of limitations continues to run while the Labor Department investigates wage and hour complaints. As a result, bureaucratic delays can deprive an aggrieved employee of his or her rights and wages legally owed. Under current law, a worker can only recover back wages during the 2 years following the labor law violation, unless the employer agrees to waive this statute of limitations or unless the worker or the Labor Department files a lawsuit against the employer. If an employer does not agree to a waiver, the 2-year statute of limitations runs—and may run out—while the Labor Department investigates and attempts to resolve the employee's case. Thus, the longer it takes the Labor Department to investigate and try to resolve an employee's complaint, the smaller becomes the amount of back wages an aggrieved employee can collect. If the Labor Department takes longer than 2 years to investigate, the employee may lose all rights to recover back wages owed.

Mr. Speaker, this is no way to enforce our labor laws. An employee should not lose his or her right to be compensated for back wages while the Labor Department investigates his or her complaint. A worker's right to recover should not be subject to factors totally outside the employee's control; that is, whether or not the employer voluntarily agrees to a waiver of the statute of limitations, or bureaucratic delays in investigating complaints. And the Labor Department should not be negotiating with an employer to agree to waive the statute of limitations in order to preserve aggrieved employees' rights.

Our bill will strengthen worker's rights by causing the statute of limitations to stop running when an employee files an FLSA complaint with the Labor Department. This will make the FLSA complaint resolution process consistent with that of most other labor laws. Enactment of our bill will also free the Labor Department to conduct more expeditious investigation, settlement, and prosecution of labor law violation complaints. No longer will the Department need to use up precious time trying to persuade an employer, under investigation, to waive the statute of limitations. Clearly, our labor law dispute resolution process should not work to shortchange American workers of the legal protection and wages to which they are entitled. I urge my colleagues to join me in supporting this important legislation.

CITIZEN SOLDIERS IN TIME OF NEED

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. EVERETT. Mr. Speaker, America's heartland is suffering through a terrible disaster. Due to unprecedented flooding along the Mississippi River, many thousands have lost their homes and all of their possessions.

Such human tragedy pulls people together and serves to rekindle the true spirit of neighbor helping neighbor that has made this country great. It is also in trying times like as these that we realize the real worth of the Guard and Reserve. On the evening news, we have seen the images of these citizen soldiers standing shoulder to shoulder with whole towns laying sandbags, tirelessly staving off the raging, merciless waters.

In my congressional district in Alabama, the 1206th Water Purification Unit, the 1207th Tactical Water Distribution System Unit, and the 1209th Water Purification Unit from Wetumpka are providing desperately needed water purification for four large hospitals in the Des Moines, IA, area. When these unit commanders called for volunteers to go to Iowa the response was so great that many guardsmen had to be turned away.

Mr. Speaker, it is incumbent upon us to remember the role and dedication of such fine men and women in uniform who rise to the occasion during the unforeseen national emergencies. They should make us all proud to be Americans.

UNITED STATES AND UNITED NATIONS SHOULD RETURN TO HUMANITARIAN MISSION IN SOMALIA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following article from the Washington Post of July 22, 1993. The article reports the comments of Mr. Jan Eliasson, United Nations Undersecretary General for Humanitarian Affairs, that military operations in Somalia are now overshadowing the humanitarian mission which initially brought the United States and other nations of the United Nations to that troubled land last December.

Mr. Speaker, this article underscores my comments on the House floor last Tuesday, July 20, in which I said that United States military operations in Somalia need to be reconsidered, and at the very least, refocused back to their original mission of providing humanitarian assistance to the Somali people.

[From the Washington Post, July 23, 1993]

TOP U.N. RELIEF OFFICIAL WARNS SOMALIA OPERATIONS PUT AID AT RISK

GENEVA, July 21.—The top U.N. relief official warned today that military operations in Somalia risk overshadowing aid deliveries, and he complained that U.N. members are spending 10 times as much on the military effort as on aid.

The observations from Jan Eliasson, undersecretary general for humanitarian affairs, constitute a rare criticism of the U.N. operation by a high-ranking U.N. official.

They came at the height of a diplomatic row over the role of U.N. peace keepers in Somalia in which Italy has urged more emphasis on negotiations and less on military confrontation with fugitive Somali warlord Mohamed Farah Aideed.

Italy, with 2,400 soldiers on the ground, fields the third-largest contingent in the U.N. peace-keeping force.

It has complained of a lack of consultation by the United Nations and the United States with other countries that provide troops in the 20,850-man overall U.N. force and has urged a review of the Somalia mission's aims.

Eliasson, in a speech to the U.N. Economic and Social Council in Geneva, also seemed worried that the United Nations may be getting its priorities skewed.

He warned that the original aim of sending troops to Somalia—to protect aid—risks being forgotten in the eagerness to capture Aideed and crush his faction in the long-running civil war.

It is "essential that an equitable balance be maintained between political, military and humanitarian elements" in the U.N. mission in Somalia, he said.

The United States has identified Aideed as a major obstacle to its plans for imposing U.N. authority and beginning stabilization in the Horn of Africa nation. Aideed also has been blamed by U.N. and U.S. officials for a June 5 ambush in which 24 Pakistani troops in the U.N. peace-keeping force were killed.

U.S. helicopters and ground troops assaulted Aideed's military headquarters compound in south Mogadishu on July 12 during a meeting of his top commanders, killing several of them.

According to retired U.S. Adm. Jonathan Howe, the chief U.N. official in Mogadishu, U.N. troops have tried and failed several times to capture the elusive militia leader.

Since the flareup in fighting, some nongovernmental relief workers have complained to reporters that the streets of south Mogadishu, which is Aideed's stronghold, have become unsafe for Europeans and Americans, forcing a cutback in programs to provide food to the Somali people.

"While the recent fighting is confined to Mogadishu South, it has had the regrettable effect of making many relief workers relocate to Nairobi," Eliasson said.

"As a consequence, rehabilitation and relief activities have been reduced and disrupted, not only in Mogadishu but also in some other areas of the country."

Eliasson told officials in Geneva that, in any case, donor nations have given less than 15 percent of the $166 million needed for relief and rehabilitation in Somalia this year.

"As a comparison, approximately $1.5 billion will be spent on military operations in Somalia over a period of 12 months." Eliasson said.

"In other words, due to the security needs, the international community is spending $10 on military protection for every dollar of voluntary humanitarian assistance in Somalia, even if the 1993 Relief and Rehabilitation Programs were to be fully funded."

Eliasson added: "Unless sufficient funds are provided for rehabilitation activities, there is a risk that the military operation can be perceived as an end in itself, rather than as a means of ensuring security for rehabilitating the country's infrastructure and forging reconciliation."

Eliasson's criticism is not the first by U.N. officials of the world body's Somalia operation. Last October, two months before U.S. Marines led the first U.N. peace keepers into Mogadishu, U.S. special envoy Mohammed Sahnoun was forced to resign after accusing the United Nations of having sat back and watched "Somalia descend into this hell."

TAX BILLS HOLDS GREAT PROMISE FOR REAL ESTATE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. MORAN. Mr. Speaker, as I mentioned earlier today, the following is an elaboration and clarification of why it is so important that the House-passed real estate provisions remain in the reconciliation bill.

TAX BILL HOLDS GREAT PROMISE FOR REAL ESTATE

(By Congressman James P. Moran)

Over the past two years the nation's total real estate wealth declined in value from $13 trillion to $12 trillion. This $1 trillion loss has had a negative multiplier effect on our economy since real estate is used as collateral for most loans. When land and property values decline, banks are forced to call in loans or require more cash, forcing some businesses into bankruptcy and drying up credit for others. Nearly 75 percent of the revenues local governments use to finance schools, police and infrastructure come from real estate property taxes. Declining land and property values invariably mean cuts in vital public services.

REAL ESTATE VALUES

Since World War II, real estate has been a prime factor in the recovery from seven out of the past eight recessions. Today, as in the past, a healthy real estate industry is essential to the nation's economic recovery. Unlike previous recessions, however, the value of real estate, the average American's most important asset, is now caught in a declining spiral.

Unfortunately, the downward pressure on real estate values will continue as more than $340 billion of construction-miniperm and bullet loans come due. Industry experts estimate that up to $185 billion in commercial mortgages will need to be "repriced" before normal capital flows return to this market. This $185 billion does not include more than $70 billion in commercial REO already held by financial institutions and the federal government. If banks continue to show an aversion to making even good business and real estate loans, preferring to invest their depositors' money in safe government debt securities, the road to economy recovery will be very slow and painful. In their defense, banks were never in a sufficient position to refinance the more than $400 billion in multifamily, commercial, construction and development loans they have already extended. Without replacement capital the market will continue to collapse.

Recognizing the need to stabilize real estate values and attract outside capital, I introduced, as one of my first major legislative proposals, a Sense of the Congress Resolution on the Credit Crunch. The resolution, which was enacted on December 19, 1991 as part of the Bank Reform bill, identifies legislative and regulatory changes necessary to arrest the credit crisis and help revive the economy. Specifically, the resolution calls for restoration of the passive loss provision for real estate, liberalization of pension fund investment rules, securitization of commercial loans, removal of the tax penalties for loan restructuring and elimination of "mark-to-market" liquidation-based appraisals.

I am pleased to report that Congress and the federal regulatory agencies have come a long way toward adopting many of the resolution's elements. Most significant of this progress are the real estate related provisions contained in the House passed revision of the Reconciliation Bill.

In addition to the enterprise zone provision, both House and Senate versions: extend a number of expiring tax provisions including the Low Income Housing Tax Credit, Mortgage Revenue Bonds, Mortgage Credit Certificates and small issue Industrial Development Bonds; modify the passive loss rules for real estate activities; and modernize rules for pension funds investment in real estate.

In addition, the Senate bill contains provisions removing the tax penalties for loan restructuring.

EXPIRING TAX PROVISIONS

An important factor driving the tax bill is the need to extend a series of popular tax incentives cited above that expired on July 1, 1992. These incentives range from tax credits for research and development to a 25 percent credit for small business health insurance premiums. Three of these tax provisions are of particular interest to the real estate industry. The Low Income Housing Tax Credit and the Qualified Mortgage Bonds and Mortgage Credits (or Mortgage Revenue Bonds) provide tax incentives that encourage investment in new and renovated low and moderate income housing. Last year, state and local housing authorities used the mortgage revenue bonds to finance more than $8 billion in mortgages for 89,000 homes. In addition, the Low Income Housing Tax Credit helped encourage new construction or rehabilitation of 101,000 housing units.

The Industrial Development Bonds are private activity bonds issued by state and local governments to finance manufacturing facilities and equipment and land improvements. Under the House-passed bill, all three provisions would be made permanent.

PASSIVE LOSS

Perhaps of greatest significance for the owners, investors and local governments, who are affected by declining real estate values, is the fact that both bills reject the passive loss rules that were established as part of the 1986 Tax Reform Act. Since 1986, losses that result from passive business activities such as real estate transactions cannot be deducted against other income.

Beginning in 1981, the federal government began to distort the dynamics of the real estate market place. The Economic Recovery Act of 1981 provided powerful incentives for significant new real estate investment, while the federal deregulation of the thrift industry in 1982 flooded the market with massive amounts of unregulated capital. Then, federal tax policy reversed course with the enactment of the Tax Reform Act of 1986. Congress did the right thing by eliminating the real estate tax shelters that were created in the 1981 Act. Unfortunately, a number of provisions, including passive loss restrictions for real estate, that were added in the Senate, went too far. As a result of these changes there was a dramatic decrease in foreign investment, and an aversion in this country to placing capital even in worthwhile real estate investments.

Under the House bill, qualifying individuals, i.e., those who spend more than 50 percent of their work time in real estate related activities, would have their losses deducted against real estate related income only.

I strongly supported the House provision, which is more favorable, but either provision is a step in the right direction. Both will help encourage additional sources of credit and capital by making the properties more attractive for long term investment. This will help to stabilize real estate values.

PENSION FUND CHANGES

Another source of long term capital for real estate is pension funds, which hold close to $2 trillion in assets. Given their long term investment horizons, pensions can weather the cyclical changes in the real estate market and are a logical investment source. Both the House and Senate bills recognize the stabilizing influence pension funds can provide and seek to remove several major obstacles that penalized domestic pension funds from investing in real estate. Today, for example, domestic pension funds are considered as a single individual under the rule that five or fewer investors cannot own more than 50 percent of a Real Estate Investment Trusts (REITs) (the 5/50 rule); whereas foreign funds can consider their contributors as an individual and thus are not restricted by the 5/50 rule. Pension funds must also comply with very cumbersome Unrelated Business Income Tax (UBIT) restrictions to ensure that income from debt-financed real estate is tax-exempt.

Both tax bills level the playing field and treat U.S. and foreign pension funds in a similar manner. REITs offer great promise as a way to securitize commercial loans. Efforts to facilitate pension fund investment in REITs and remove the UBIT liabilities will bring much needed capital back into real estate while offering investors greater liquidity.

To finance the passive loss and pension fund changes, both bills extend the depreciable life on non-residential structures (including lease-hold improvements) from the current 31.5 year period to 38 or 39 years. While I have some concerns about this provision, it is necessary given our current budget deficit problems.

LOAN RESTRUCTURING

The bill also includes three additional provisions of interest to the real estate industry. One noteworthy provision helps remove the severe tax penalties that affect loan restructuring and cancellation of indebtedness. Under current law cancellation of indebtedness (COD) is treated as taxable income. The tax consequences associated with COD can lead to significant tax liability forcing borrowers to liquidate properties they otherwise would not sell and sometimes forces developers to return the properties to their lenders. The bill would enable individuals to defer COD as income by reducing the tax basis of the property by the amount of the COD. This deferment would be permitted as long as the debt is incurred in connection with real estate used in a business and the debt is secured by real estate.

The tax changes incorporated into both the House and Senate bill will help stabilize real estate values and revive the economy. They do not create any "tax shelters" but restore the balance real estate was denied in the 1986 Tax Reform Act by encouraging long term investment into our nation's largest and most important asset.

TRIBUTE TO THE MINISTRY TO THE SICK AND AGED

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. COSTELLO. Mr. Speaker, this month commemorates the 20th anniversary of the Ministry to the Sick and Aged, part of the Catholic Diocese of Belleville, IL.

Since its beginning, the Ministry to Sick and Aged has focused on the spiritual needs of its aging brothers and sisters. This important ministry has well served its aging congregation, and its committed team of volunteers continues to sacrifice to serve the aged and infirmed.

At this time, I would like to offer my strong congratulations to the Ministry to the Sick and Aged for its fine work done in the diocese. Their 20th anniversary celebration will begin on September 15, and I want to extend my best wishes to the Ministry to the Sick and Aged for their volunteer efforts to many of my constituents.

MORE GOOD NEWS FOR WOMEN IN THE MILITARY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mrs. SCHROEDER. Mr. Speaker, women have been an integral part of our military since the Revolutionary War. Two centuries ago, their role was often behind the scenes. Today, in 1993, women are front and center in active duty positions throughout the military, nobly applying their skills and talents to our country's defense.

Nevertheless, the military is very inconsistent when it comes to the unique health care needs of women. For instance, it is sometimes difficult for active duty women to get complete gynecological exams or comprehensive pregnancy services. Dependents may find themselves competing with active duty women for basic gender-specific health care services. Furthermore, women retirees may also confront obstacles in securing gender-specific care. This is especially ironic considering many women began their military careers as health care workers.

Today, MARILYN LLOYD, ELIZABETH FURSE, JANE HARMAN, and I are introducing the Defense Women's Health Improvement Act of 1993. This legislation provides desperately needed primary and preventive health services to women in active duty, women dependents, and women retirees. It also creates The Defense Women's Health Research Center to conduct ground breaking women's health research using state-of-the-art technology developed by the Army. Finally, our legislation establishes a Women's Health Curriculum Advisory Board and the Uniformed Services University of the Health Sciences in Bethesda, MD.

The bill gives women in the military the gender-specific health services they deserve. It will also help us identify and research health problems specifically displayed by women in the military. In short, The Defense Women's Health Improvement Act is good news for all women in the military—no matter when they served, or where they were stationed.

GEORGE AUGUSTINE BROWN, SR. "A CENTENNIAL CELEBRATION"

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. MFUME. Mr. Speaker, few achievements in one's life are as beautiful and as spectacular as a centennial birthday celebration. The joy of living and the relevant history are something to behold for those so blessed with long life and good health.

Saturday July 24, 1993, marked the 100th birthday of Mr. George Augustine Brown, Sr. Mr. Brown was born in Baltimore and has lived there continuously for this time.

In 1911, he began working as a chauffeur for the Sommers family of the historic Guildford section of Baltimore City. After 13 years of dedicated service, Mr. Brown was offered employment as a substitute mail carrier and parcel postman for the U.S. Postal Service.

Mr. Brown collected letters and delivered parcel packages by horse drawn carriage for a full year before being promoted to a full-time parcel postman using a motorized vehicle. He worked from 1924 until his retirement in 1958, at the Waverly Postal Station.

Since retiring 34 years ago, he has enjoyed his time with his family, which is 90 persons strong. This includes 10 children, 30 grandchildren, 43 great-grandchildren, and 7 great-great-grandchildren.

Mr. Brown lives in his own home with one of his daughters, in what is affectionately known as "Brown's Row" in west Baltimore. He is surrounded on all sides by homes belonging to his other children.

The Book of Psalms, book one, chapter 1 reads:

> Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful.
>
> But his delight is in the law of the Lord; and in his law doth he meditate day and night. And shall he be like a tree planted by the rivers and waters, that bringeth forth his fruit in his season; his leaf also shall not wither, and whatsoever he doeth shall prosper.

George Augustine Brown, Sr. has truly walked in the light of the Lord through good, honest living. He serves as an example for all who know him and demonstrates that life's travails as well as its achievements should be enjoyable and everlasting.

It is indeed an honor for me to have the opportunity to praise his tribute to him in the well of the House of Representatives.

Mr. Brown, I bid you a happy 100th birthday and wish you many, many more. May God continue to bless you with good health and a sincere caring extended family.

INTRODUCTION OF THE AGRICULTURAL ENVIRONMENTAL TAX CREDIT ACT

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. BREWSTER. Mr. Speaker, agriculture is arguably the most critical component of our economy. Without the farmer and agribusiness, no agricultural commodity gets grown, processed, bought, sold, exported, or even consumed. I believe it is important to keep this in mind as Federal, State, and local governments expand regulation in the environmental arena. It is critical that we provide the agricultural sector, which represents 16 percent of our gross national product, with adequate tools to address new environmental challenges.

Farmers and agriculture-related businesses with serious economic problems already, need financial assistance to build an infrastructure to meet current and proposed water and air quality regulations designed to improve the environmental health of rural areas. Therefore, with my colleague Mr. GRANDY, I am introducing the Agricultural Environmental Tax Credit Act, which creates a new environmental tax credit that is specific to agriculture and limited to situations where a farmer or agribusiness must comply with Government-imposed environmental requirements.

This tax measure will assist livestock and crop producers, together with agribusiness, to purchase environmental control equipment and in the construction of manure handling systems, terraces, filter strips, constructed wetlands, and other agricultural systems that will protect the environment. The construction and operation of these physical structures and equipment will not only help ensure attainment of our Nation's soil, water, and air quality objectives, but give rural America a much needed economic boost.

Specifically, this bill would provide a 15-percent agricultural environmental credit on machinery, equipment, and structures purchased primarily for the purpose of complying with Federal, State, and local environmental laws. With the Clean Water Act soon to be reauthorized, and more Federal environmental legislation in the offing, my bill will provide significant financial relief to those agricultural producers facing major capital expenditures to comply with Government-mandated environmental regulations.

If enacted, this bill will be an important first step in revitalizing our rural infrastructure and communities. Increasing economic and regulatory demands from Government on our farms and rural small businesses have forced the closing of thousands of once thriving family-owned enterprises. Empty stores and boarded up windows are all too common sights in rural America today. An agricultural tax credit is just the sort of ammunition that needs passed to fight off these increasing financial burdens.

Few issues before this Congress are as important as helping our rural infrastructure and economies. Therefore, I strongly urge passage of this bill to aid rural businesses, farmers, and families with environmental challenges.

FBI CHIEF'S PROUD DEPARTURE LEAVES CAUSE FOR GRATITUDE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues the following editorial from the July 21, 1993, edition of the Omaha World-Herald.

[From the Omaha World-Herald, July 21, 1993]

FBI CHIEF'S PROUD DEPARTURE LEAVES CAUSE FOR GRATITUDE

William Sessions made his final exit from the FBI headquarters with head held high. He was entitled to, even though President Clinton had just fired him. The FBI logged significant accomplishments during the five years Sessions spent in J. Edgar Hoover's old position.

Sessions led the bureau in providing more opportunities for women, African-American and Hispanic agents to advance. He improved cooperation with city and state law enforcement agencies. He established a relationship of mutual respect with Coretta Scott King and other civil rights leaders. They had been furious over Hoover's outrageous campaign of harassment and surveillance against Mrs. King's late husband, the Rev. Martin Luther King Jr.

Under Sessions, the FBI overhauled its fingerprint files, started using DNA testing to identify suspects and increased its emphasis on fighting violent crime. In recent days, the bureau has played a leading role in cracking the World Trade Center bombing case and breaking up terrorist organizations in New York and California.

Rep. Don Edwards, D-Calif., has called Sessions the best director the FBI ever had. Edwards, a former FBI agent, heads a congressional subcommittee that oversees FBI issues.

Are we saying that Clinton and Attorney General Janet Reno were wrong to fire Sessions? Not necessarily.

A whispering campaign to oust the director began while George Bush was still president and has continued ever since, bringing turmoil to the upper management ranks of the bureau. Last year, more than 100 agents gave sworn statements to Justice Department investigators. The statements went into a report accusing Sessions and his wife of making personal trips in government vehicles and airplanes, billing the government for a fence at their residence and refusing to turn over records that might have shed light on irregularities in their home mortgage.

The report was waiting for Clinton when he took office in January.

Sessions' alleged improprieties, as we noted last year, wouldn't have constituted a gross abuse of power even if all allegations were true. But perception all too often becomes reality. Sessions admitted that attacks on his judgment have compromised his effectiveness.

Clinton and Ms. Reno may have felt they had no choice but to start fresh with a new director, Louis Freeh.

But Sessions performed one last commendable service to his bureau. He insisted that he wouldn't leave office unless Clinton fired him. That accomplished two things:

It denied his accusers the validation they might have claimed if he had been forced to submit a quiet, seemingly embarrassed resignation.

It also allowed him to call attention to the danger of politicizing the bureau. Referring to the FBI, Sessions said: "I will speak out in the strongest terms about protecting it from being manipulated and politicized both from the inside and out."

That potential isn't something Sessions dreamed up. Clinton's people have already attempted to use the FBI to cover the political firings of Travelgate. At this time, the public can't be too vigilant. It's good to know that Sessions will be watching, too.

MAE McHUGH HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a remarkable woman and my good friend, Mrs. Mae McHugh. On July 30, 1993, Mae's friends, family, and colleagues will gather to honor her as the Pennsylvania Labor Alliance, District Three, "Woman of the Year."

Mae, the daughter of the late James and Margaret Coyne, was born in Dupont and raised in Pittston Township. A graduate of Pittston Township High School, Mae began her career in the garment industry at age 14 at Wyoming Frocks, a position she retained for 27 years. Upon retiring from the garment industry, Mae accepted a position with State Senator Raphel Musto as a legislative aide specializing in senior citizens affairs. Currently, Mae serves on the executive council of the Department of Aging.

An active and vibrant community leader, Mae has dedicated her life to the International Ladies Garment Workers Union. As State president of Elective Council of Retirees of the ILGWU, Mae has strived to improve working conditions for all members. Mae also serves on the advisory board of the Pennsylvania Gas and Water Co., and has headed political committees on the local, State, and Federal levels.

A tireless and dedicated worker, Mae was the first recipient of the Silver Needle Award. This award is presented to an individual who has contributed greatly to the well-being of their fellow man as well as the ILGWU. As president of ILGWU Retirees, better known as "Mae's Raiders," she serves retirees all across the Commonwealth of Pennsylvania.

Mae's large family, including her son, James, and two grandchildren are extremely proud of her. I, too, am proud to count myself among Mae's many friends who admire and respect her and her many achievements.

RESOLUTION TO HONOR VICTIMS OF COMMUNISM

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. ROHRABACHER. Mr. Speaker, I am introducing, along with Mr. TORRICELLI, a resolution to honor the victims of communism. This privately funded undertaking will be overseen by the National Captive Nations Committee and promises to be a worthy memorial to the millions who have lost their lives to Communist tyranny.

Since 1917, international communism, led by Vladimir Y. Lenin, Joseph Stalin, Mao Tse-tung, and others of their ilk, have been responsible for deaths of over 100 million victims through imperialist conquests, revolutions, civil wars, purges, mass starvation, wars by proxy, and other violent means.

Communist regimes have suppressed the human rights, national independence, religious liberty, intellectual freedom, and cultural life of the peoples of over 40 nations.

There is a danger that the heroic sacrifices of the victims of communism may be forgotten as international communism and its imperial bases continue to collapse.

Mr. Speaker, the memorial will be constructed without any Government money. It is fitting that the memorial be constructed here in Washington. This is not only the Capital of the United States, but it is also the capital of the free world. It was here in Washington where much of the cold war against communism was fought, and it is here where the sacrifice of the victims should be remembered.

IN SUPPORT OF THE GEPHARDT RESOLUTION DISCLOSURE OF HOUSE POST OFFICE RECORDS

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mrs. LLOYD. Mr. Speaker, I rise in support of the Gephardt resolution and in opposition to the Michel resolution.

My colleagues, we have a difficult and distressing situation before us. It is one that reflects upon each and every one us without regard to party. The decision is do we conduct ourselves within the boundaries of the law and cooperate with the U.S. attorney, or do we heed the calls of an angry minority who seek political capital over justice.

To allow short-term political gain to overrule the law as we know it is unacceptable. The situation with regard to the House post office is abhorrent. But rather than extract false salvation from immediate disclosure and risk jeopardizing the Department of Justice investigation, let justice take its course and the guilty be brought to trial.

The documentation in question will be released. Every Member of the House wants to ensure that the facts are known, but not at the expense of the current Department of Justice investigation.

The House has been given legal advice by the U.S. attorney conducting the investigation. Mr. Johnson has asked us to prevent premature disclosure for fear that it may hinder or disrupt his efforts to indict and convict the guilty.

The Republicans have chosen to make a bad situation even worse by impeding the investigation of the U.S. attorney. They want to disregard his sound legal advice in favor of blame laying and partisanship, when both sides agree that the guilty should be punished.

The investigation into the post office will continue regardless of the outcome of today's votes. The question is do we want to see this situation addressed properly and expeditiously and within the parameters of the law, or do we take the easy, political way out and risk our chances of getting a thorough investigation. I would suggest the former.

DISAGREEMENT WITH CLINTON ADMINISTRATION

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. SMITH of Texas. Mr. Speaker, my colleagues are aware that I frequently disagree with the Clinton administration. As ideological opposites, we were destined from the moment he moved into the White House to have different perspectives on national issues.

But it is important to note that there are also a number of significant issues on which we agree. Back in January, I was excited about the plans the President-elect had laid out in his campaign for the line-item veto, crime prevention, and reforms in education and welfare.

Unfortunately, these campaign promises have gone the way of so many of those that I disagreed with in the first place. Six months into his first Presidential year, Mr. Clinton continues to regularly break or abandon the campaign pledges on which he was elected—even the good ones.

A few examples:

LINE-ITEM VETO

This desperately needed element of fiscal discipline, specifically endorsed by Mr. Clinton during his campaign, would dramatically increase Presidential power to cut Federal spending. Wielding his power of veto over congressional bills, the President would be able to stop cold much wasteful pork-barrel legislation. Only a two-thirds majority vote in both the Senate and the House could overturn such a veto.

Once in office, however, Mr. Clinton ran straight into overwhelming resistance from the Democratic congressional leadership, and settled for supporting an Expedited Rescissions Act, that would only allow the President to list the things he does not like about the bills he must sign. This essentially toothless provision will have virtually no effect on the millions of tax dollars spent on pork-barrel projects every year.

CRIME

I applauded the promises of candidate Clinton on crime prevention, especially the ones to add 100,000 more police to the Nation's streets and establish boot camps for first-time nonviolent offenders. After 6 months in office, however, the Clinton administration has not yet produced a viable crime bill. Rather, President Clinton has stymied prisons and crime prevention with $331 million in budget cuts, virtually eliminating the chances of hiring more police or launching a successful boot camp program anytime soon.

EDUCATION

Reform in our education system should be a top priority to this administration, especially for a President who put so much stock in the country's youth during his campaign. While change is needed and Mr. Clinton's proposed Head Start plan certainly holds promise, I am disheartened by the administration's lack of vocal support for even a limited school choice program.

President Clinton's attempts to improve education by implementing new national standards and exams, however, are encouraging moves, as long as they are mandatory. They may not be cure-alls, but they exemplify a solid middle ground where policymakers from both sides can meet effectively.

WELFARE REFORM

During the 1992 campaign, this was an issue on which Mr. Clinton stood especially firm. He promised to "end welfare as we know it" by limiting welfare payments to 2 years and implementing new job training/placement services for those who are able to work. Also included on this agenda were health and child care benefits, as well as tax and welfare policies that would make work more attractive than the public dole. Unfortunately, we're still waiting for word from the White House on this promise as well.

A stronger administration response to these issues could remedy Mr. Clinton's record-low approval rating and rally the support of the American people.

TRIBUTE TO MATTHEW S. SHAPIRO

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. WELDON. Mr. Speaker, I rise today to congratulate Matthew S. Shapiro of Phoenixville, PA, for being elected as the 74th national president of the U.S. Junior Chamber of Commerce, the Jaycees. Matt Shapiro is a strong leader who has been a 12-year member of the Jaycees, and has demonstrated his commitment to leadership on the local, State, and national levels of the Junior Chamber. I am proud to say that he is a constituent of mine.

As 1987–88 president of the Phoenixville, PA, Jaycees, Mr. Shapiro led his chapter to its first No. 1 finish in its 40-year history. Shapiro went on to serve as district director, regional director, program manager, and management development vice president.

In 1991, Matthew Shapiro was elected Pennsylvania's 55th Jaycees president. With Mr. Shapiro's leadership, the Pennsylvania chapter was consistently recognized as the No. 1 growth State, and finished as the No. 2 growth State overall.

Mr. Shapiro has been elected to lead an organization that has consistently produced great leaders in all fields of business. The junior chamber is a non-profit corporation that was organized to promote educational and charitable growth as well as to develop friendship and understanding among young persons of all nations. The Jaycees have succeeded magnificently in fulfilling this charter. The junior chamber was founded in 1915, and since then has grown to approximately 4,300 chapters with some 200,000 members nationwide.

Matthew S. Shapiro majored in accounting and finance at Drexel University in Philadelphia. Shapiro left a 10-year career in finance to run a specialty advertising business he owns with his wife. Mr. Shapiro has been a leader in the community and in the Jaycees, and I can say with confidence that the U.S. Junior Chamber of Commerce has chosen its president wisely.

SUPPORT BAHAIS IN IRAN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. PORTER. Mr. Speaker, on Wednesday, July 21, I introduced the Baha'i community emancipation resolution which has 42 original cosponsors, including my distinguished cochair of the congressional human rights caucus, Tom Lantos. This resolution, which condemns Iran's ongoing repression of its Baha'i community, represents an important appeal for religious liberty in Iran. I urge my colleagues to join me in support of this resolution. I am inserting into the Record a copy of the resolution and other materials which demonstrate the urgency of congressional action on this important human rights issue.

H. Con. Res. —

Whereas in 1982, 1984, 1988, 1990, and 1992, the Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas in such resolutions and in numerous other appeals, the Congress condemned the Government of Iran's religious persecution of the Baha'i community, including the execution of more than 200 Baha'is, the imprisonment of additional thousands, and other repressive and discriminatory actions against Baha'is based solely upon their religious beliefs;

Whereas in 1992, the Government of Iran summarily executed a leading member of the Baha'i community, arrested and imprisoned several other Baha'is, condemned two Baha'i prisoners to death on account of their religion, and confiscated individual Baha'is' homes and personal properties in several cities;

Whereas the Government of Iran continues to deny the Baha'i community the right to organize, to elect its leaders, to hold community property for worship or assembly, to operate religious schools and to conduct other normal religious community activities, and

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian government document that constitutes a blueprint for the destruction of the Baha'i community and reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and other international agreements guaranteeing the civil and political rights of its citizens;

(2) condemns the repressive anti-Baha'i policy adopted by the Government of Iran, as set forth in a confidential official document which explicitly states that Baha'is shall be denied access to education and employment, and that the government's policy is to deal with Baha'is "in such a way that their progress and development are blocked";

(3) expresses concern that individual Baha'is continue to suffer from severely repressive and discriminatory government actions, solely on account of their religion, and that the Baha'i community continues to be denied legal recognition and the basic rights to organize, elect its leaders, educate its youth, and conduct the normal activities of a law-abiding religious community;

(4) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants of human rights, including the freedom of thought, conscience, and religion, and equal protection of the law; and

(5) calls upon the President to continue—

(A) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant factor in the development of the United States Government's relations with the Government of Iran;

(B) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights; and

(C) to encourage other governments to continue to appeal to the Government of Iran, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

In the Name of God!

The Islamic Republic of Iran, the Supreme Revolutionary Cultural Council

Number: 132.
Date: 6/12/69 [25 February 1991].
Enclosure: None.

CONFIDENTIAL

From: Dr. Seyyed Mohammed Golpaygani, Secretary of the Supreme Revolutionary Council.
To: Head of the Office of Esteemed Leader, Khamenei.

Greetings: After greetings, with reference to the letter #1/783 dated 10/10/69 [31 December 1990], concerning the instructions of the Esteemed Leader which had been conveyed to the Respected President regarding the Baha'i question, we inform you that, since the respected President and the Head of the Supreme Revolutionary Cultural Council had referred this question to this Council for consideration and study, it was placed on the Council's agenda of session #128 and 16/11/69 [5 February 1991], and session #119 of 2/11/69 [22 January 1991]. In addition to the above, and further to the [results of the] discussions held in this regard in session #112 of 2/5/66 [24 July 1987] presided over by the Esteemed Leader (head and member of the Supreme Council), the recent views and directives given by the Esteemed Leader regarding the Baha'i question were conveyed to the Supreme Council. In consideration of the contents of the Constitution of the Islamic Republic of Iran, as well as the religious and civil laws and general policies of the country, these matters were carefully studied and decisions pronounced.

In arriving at the decisions and proposing reasonable ways to deal with the above question, due consideration was given to the wishes of the Esteemed Leadership of the Islamic Republic of Iran [Khamenei], namely, that "in this regard a specific policy should be devised in such a way that everyone will understand what should or should not be done." Consequently, the following proposals and recommendations resulted from these discussions.

The respected President of the Islamic Republic of Iran [Rafsanjani], as well as the Head of the Supreme Revolutionary Cultural Council, while approving these recommendations, instructed us to convey them to the Esteemed Leader [Khamenei] so that appropriate action may be taken according to his guidance.

SUMMARY OF THE RESULTS OF THE DISCUSSIONS AND RECOMMENDATIONS

A. General status of the Baha'is within the country's system

1. They will not be expelled from the country without reason.

2. They will not be arrested, imprisoned, or penalized without reason.

3. The Government's dealings with them must be in such a way that their progress and development are blocked.

B. Educational and cultural status

1. They can be enrolled in schools provided they have not identified themselves as Baha'is.

2. Preferably, they should be enrolled in schools which have a strong and imposing religious ideology.

3. They must be expelled from universities, either in the admission process or during the course of their studies, once it becomes known that they are Baha'is.

4. Their political (espionage) activities must be dealt with according to appropriate Government laws and policies, and their religious and propaganda activities should be answered by giving them religious and cultural responses, as well as propaganda.

5. Propaganda institutions (such as the Islamic Propaganda Organization) must establish an independent section to deal with the propaganda and religious activities of the Baha'is.

6. A plan must be devised to confront and destroy their cultural roots outside the country.

C. Legal and social status

1. Permit them a modest livelihood as is available to the general population.

2. To the extent that it does not encourage them to be Baha'is, it is permissible to provide for them the means for ordinary living in accordance with the general rights given to every Iranian citizen, such as ration booklets, passports, burial certificates, work permits, etc.

3. Deny them employment if they identify themselves as Baha'is.

4. Deny them any position of influence, such as in the educational sector, etc.

Wishing you divine confirmations,

Dr. Seyyed Mohammad Golpaygani,
Secretary of the Supreme Revolutionary Cultural Council.

[Note in the handwriting of Mr. Khamenei.]

In the Name of God!

The decision of the Supreme Revolutionary Cultural Council seems sufficient. I thank you gentlemen for your attention and efforts.

Ali Khamenei.

[From the New York Times, July 8, 1993]

Iran Stoops to Grave-Robbing

After the election of President Hashemi Rafsanjani, a supposed harbinger of moderation, the world hoped for better from Iran. But the morality police still stalk the streets, jailing men for wearing T-shirts and women for wearing sunglasses. Even more upsetting is the recent bulldozing of grave sites and uprooting of bodies from a Bahai cemetery in Teheran, ostensibly to make way for a cultural center.

This officially sanctioned grave-robbing follows years of persecution of an estimated 300,000 Iranian Bahais, whose faith the mullahs treat with spite, since it is viewed as a heretical offshoot of Islam. Bahais were singled out for oppression in a secret 1991 order calling for their dismissal from jobs and universities. When the order became known this year, it was rightly condemned by the Clinton Administration and in U.N. debates.

With the death warrant on the novelist Salman Rushdie, the mullahs of Iran made plain their contempt for Western traditions of tolerance. True, those traditions are fragile. Islamic peoples have been persecuted in Germany and the Balkans. And in America, virtually every minority has been the target of hate crimes.

But there's a big difference between state-sponsored persecution and gutter bigotry. Reverence for the dead reaches across all cultures and religions. A regime that stoops to body-snatching can hardly reach lower.

[From the Houston Post, July 10, 1993]

RELIGIOUS PERSECUTION—IN IRAN, NON-POLITICAL BAHAIS ARE SEEN AS HERETICS TO ISLAM

(By Steve Brunsman)

Farah Khamsi Robinson still breaks down and cries when she describes the day a decade ago when her 55-year-old brother in Iran became a modern faith martyr.

"I couldn't believe it. When he was first captured. I was hoping he would not be tortured. I prayed for that," sobbed Robinson, of Houston.

Kamran Samimi, her brother was tortured, killed and later buried in an unmarked grave, she said.

His crime? According to Robinson and other Houston Bahais, Samimi refused to recant the gentle, non-political Bahai faith that emphasizes the unity of world religions, races and nations. Iran at the time had about 300,000 Bahais.

Today, as Iran's political leadership bids to be re-admitted into the world economy and international community. Bahais are speaking up again. Following a dozen years of radical Islamic rule, Iran's human-rights record has become key to the end of its isolation.

The leaders of the world's seven wealthiest nations, meeting in Japan this week, were expected to discuss whether to condemn Iran for its alleged support of terrorism, weapons-building programs and human rights abuses, among other political issues.

Shiite Muslims account for about 95 percent of Iran's 15 million people. The nation's radical clerics view Bahais as heretics to Islam.

As a secretary in the nine-member Bahai national spiritual assembly of Iran, Samimi was among 200 Bahais killed under the Ayatollah Rohollab Khomeini's regime following Iran's 1979 revolution. Hundreds of Bahais were imprisoned and tortured during the brutal period. Tens of thousands more fled or were forced into exile.

"His life and death are not in vain. The Bahai faith will grow," Robinson said of her brother. "But people in the West need to know what goes on—that people who weren't involved in politics died for their faith."

Iran's leaders contend that the nation's repressive years have ended. Bahia officials counter with accusations that Iran's human rights record is dismal. According to documents obtained recently by United Nations special envoy Reynaldo Galindo Pohl, Bahai persecution continues in Iran today.

The documents revealed that on Feb. 25, 1991, Iran's Supreme Revolutionary Cultural Council adopted a code under which Bahais would not be imprisoned or arrested "without reason" but also denied them employment and school access based on faith profession. The code was signed by Ali Khamenei, new spiritual leader in Iran.

Last week, U.S. Bahai officials said Tehran officials had destroyed graves and removed bodies from the city's Bahai cemetery, part of a planned effort to "destroy the Bahai community and its cultural roots, in the country in which the faith emerged." American faith spokesmen said.

Bahais have been persecuted in Iran since the religion was founded in 1844 in the Mideast nation. About 100,000 Bahais now live in the United States. As pacifists, they also shun political involvement.

"Instead of killing the Bahais, they don't give them jobs and the schools are closed to them. This is what one historian calls "cultural suicide" for the Bahais in Iran," said Houston Bahai spokesman Ajit Glani. "If persecution has changed, it has only moved underground."

As might be expected, the martyrdom of Bahais during Iran's revolution has only strengthened the beliefs and determination of Bahais living outside Iran today. Houston has about 800 Bahais, including several who lost family during the early 1960s in revolutionary Iran.

"I have a pride and joy in the sacrifice my husband has made. If there is anything in life to be proud of, it is our beliefs," said Forough Haghpeykar of her martyred husband, Badiullah, a Bahai leader who was killed May 8, 1982, following a 10-month imprisonment.

His father never renounced his faith although it was widely understood that to do so meant immediate release from Tehran's notorious Evin Prison, said his son, Kayvan Haghpeykar, 34, also of Houston. Kayban reexamined his own beliefs and values after his father was killed. "I am a stronger person," he said.

Iran's revolutionary guard shot to death Shiva Tirandaz's sister, Shidroukh Amir Kia, in 1982 after she declined to recant the Bahai faith. The mother of three children was only 46 years old.

Amir Kla was arrested with her husband and other Bahais in Tehran when their religious meeting place was revealed. Her husband renounced his faith and later was freed. "I'm proud of her. She was steadfast," said Tirandaz, who lives in Galveston today.

"These martyrdoms have made everyone stronger. It has reinforced our belief in the faith and its true message," said Riaz Masrour, a Houston Bahai.

Said spokesman Gianl, "We've always said we would rather give up our lives than give up our faith.

[From the Iran Times International, July 9, 1993]

BAHA'I BODIES ARE EXHUMED BY TEHRAN

WASHINGTON.—Tehran city employees are digging up the gravesites of Baha'is, according to the National Spiritual Assembly of the Baha'is in the United States.

An announcement said the bodies were being removed from Tehran's Baha'i cemetery to make way for a cultural center.

The Baha'i announcement said all Baha'i cemeteries were confiscated by the regime after the revolution. Gravesite markers and memorials were obliterated, but the bodies were not exhumed.

The Baha'i announcement said it was not known where the Tehran municipality was moving the bodies.

It described the destruction as "perhaps the most literal example of the Islamic regime's efforts to destroy the Baha'i community and its cultural roots in the country in which the faith emerged."

JAPAN-UNITED STATES TRADE DEFICIT TO GROW

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. BEREUTER. Mr. Speaker, if the President of Japan's largest shipping company is correct, the United States trade deficit with Japan is likely to grow both this year and the next. Mr. Jiro Nemoto of Japan's NYK line makes this ominous prediction despite the fact that President Clinton and the Prime Minister of Japan recently announced a new framework agreement on July 10 to resolve trade disputes between the two countries.

For those who believe that this agreement marks the beginning of reduced trade tensions between the United States and Japan, the following article from the July 21, 1993, edition of the Journal of Commerce is important reading.

[From the Journal of Commerce, July 21, 1993]

(By Don C. Becker)

I have mixed emotions about the probably accurate predictions of Jiro Nemoto, president of Nippon Yusen Kaisha Ltd., parent of NYK Line, Japan's largest ocean shipping company.

We met with the irrepressible Mr. Nemoto last week, and he was his usual outspoken and engaging self.

Mr. Nemoto's unqualified optimism about his company's outlook for 1994 and 1995 was good to hear, as was his conviction that Japan's economy has bottomed out. He also forecast strong economic growth for all of Asia in 1994.

What bothered me was Mr. Nemoto's belief that Japan's trade surplus with the United States will grow not only this year but next as well. While not surprising, it is nonetheless a disturbing reminder, since it almost certainly will contribute to increased tensions.

The danger is that the United States will take some tough unilateral action to force down the trade numbers and sour long-term relations. Most observers believe this is a more likely stance under the Democratic Clinton administration than it was under Ronald Reagan or George Bush, even though Mr. Clinton returned from the recent Tokyo summit with a more moderate stance than he had shown earlier.

That could just be temporary.

Assume that the U.S. economy fails to respond to President Clinton's euphemistically named "deficit reduction bill," which, in fact, is really a tax increase—the largest in history.

After all, higher taxes don't usually cause economic growth. Assuming the president's bill passes, it could push the nation back into recession.

In these circumstances, Japan could become a convenient scapegoat. Strong measures against Japan might be politically appealing for Mr. Clinton—whose party is already fretting about next year's congressional elections—especially if he perceives Japan is not keeping its summit pledges.

For its part, Japan has been talking much tougher in recent years, with some of its leaders speaking out with resentment about "meddling" by U.S. officials who have proscribed ways to open Japan's economy and lessen the deficit. The currently unsettled political situation in Japan probably doesn't help.

Thus, an exacerbation of the trade deficit with Japan, juxtaposed with a soft U.S. economy, has the potential to create a serious falling out.

Indeed, polls already show that 60% of the Japanese people think relations with the United States are not good. And there are plenty of folks in this country who believe Japan is unfair.

Mr. Nemoto likened Japan's trade surplus with the United States to a "J" curve. While it has come it has come down from the 1987 high of $56.3 billion, he believes it will rise this year and next.

See the accompanying chart for the Commerce Department's numbers since 1984 and its forecast for 1993.

Mr. Nemoto said Japan is now poised to reap the rewards of the heavy investment of the past several years, made possible by his country's high savings rate. This is one reason he foresees an even bigger Japanese trade surplus next year.

Happily, he believes that the U.S. economy will "come up" by 1995 and that it is possible the trade deficit with Japan will then decline. Indeed, given the sharp recent rise in the value of the yen and the usual two-year time lag before it begins to be felt in trade balances, Mr. Nemoto could be right on.

So the real point of danger is 1994 when Americans go to the polls in what will be a major test for the Clinton administration. Should U.S. unemployment be at 8 percent and Japan's surplus headed for an all-time record, things could get tough.

To head this off, the Japanese ought to work a little harder to avoid embarrassing growth in their trade surplus with this country as indeed was accomplished in May (which most believe is a one-time blip).

While progress has indeed been made in recent years it is no where near what most believe is possible. Estimates are that a level playing field could reduce the U.S. deficit with Japan by $18 billion.

Which is not to say that we Americans don't bear a large part of the blame for the deficit for a variety of reasons all too widely known to repeat here. And then there is the less-mentioned fact that there are twice as many Americans as there are Japanese, thus Japanese manufacturers have a much larger target.

But the bottom line is that tensions will continue and perhaps worsen, until it is as easy for Americans to do business in Japan as it is for Japanese to do business here. No one believes that the United States can pare the Japanese surplus below $30 billion any time soon. But achieving a level playing field is crucial.

Mr. Nemoto said, "Please don't harass us," although he quickly added, "We must be fair." But he, like most Japanese, believes the bulk of the blame is on the U.S. side, just the opposite of what most Americans think, which is the basis for the possible collision course.

INTRODUCTION OF LEGISLATION REGARDING SAFE DRINKING WATER AND WASTEWATER TREATMENT FACILITIES

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. COLEMAN. Mr. Speaker, today I introduced legislation to address a problem which has been forgotten and ignored for far too long. The lack of drinking water and wastewater treatment facilities in the southwestern United States, in communities known as colonias, has caused environmental degradation and has had a detrimental impact on public health. Colonias are communities in the southwestern region of the United States along the United States-Mexico border which are generally unincorporated and characterized by a lack of running water, sewage treatment facilities, and safe, sanitary housing. Why are people living in such desperate, and indeed third world conditions? The answer is a very long story about a lack of economic development.

Rather than go into an extensive history of the causes of the problem, I would just say to my colleagues the residents of these communities thought that in buying a piece of land upon which they could build a home that they were earning a piece of the American dream. Sadly, the dream has yet to come true for these hard-working Americans and their children. I have been fighting for many years, on many levels, to address this problem. Today I have introduced a measure specifically addressing the lack of sewage treatment facilities for the region. In the near future, I intend to also introduce a measure to address the lack of safe drinking water, so that my constituents will finally be able to enjoy the same basic standards of living which the rest of us take for granted every day.

I know there are some who will try to cloud this debate with misinformation. I would therefore like to assure my colleagues this legislation is in no way related to the North American Free Trade Agreement [NAFTA]. The bill seeks only to correct a problem which has existed for more than 30 years. Whether or not there is a trade agreement, this problem must be addressed. This legislation is most fundamentally about providing a healthy environment to poor Americans. I would also point out three other important facts: First, colonias are communities located wholly in the United States; second, the residents of colonias are American citizens and legal permanent residents; and third, the residents are not squatters, they purchased land, for which they have legal deeds, from unscrupulous developers who promised them everything and delivered nothing. I hope my colleagues will avail themselves to addressing the needs of Americans, irrespective of where they live, and not bow to the misinformed arguments of those who are not from the border and cannot possibly know the needs and concerns of the region. I am asking for simple justice and fairness for children who live in poverty and squalor in the United States.

Today, there are more than 350,000 Americans, many of them children, who live in colonias without any access to such basic services as indoor plumbing or safe sewage disposal. That's right Mr. Speaker, there are more than 350,000 people who live every single day in conditions far worse than those which people in the Midwest are currently being forced to endure. In my district alone there are nearly 48,000 people who live under these appalling conditions every day. Let me try to describe to my colleagues what life is like for these hard-working, albeit poor, Americans.

In the State of Texas there are nearly 300,000 people living in approximately 1,200 colonias which the State has been able to identify. The majority of these communities do not have paved roads and many do not even have names. Forty percent of these communities, or roughly 112,000 people, do not have access to public water, a precious and expensive commodity in the desert. Instead these people are forced to rely on water from wells or water which is transported from outside the community. Most of the wells are dug by hand and are no more than 15 feet deep, many are even more shallow than that. In my district the water table is only about 7 feet deep in sandy soil, which makes the water brackish and not suitable for drinking even under the best of circumstances. Only when we consider that many residents have equally crudely dug outhouses located less than 50 feet from these wells, can we begin to appreciate how truly unfit for drinking this water is. And even those who have their water brought in must find places to store it. Sadly, the storage container is all too often an old chemical container, generally with the skull and crossbones still visible. Not only is this extremely dangerous in itself, storing the water causes the chlorine, which is what keeps our drinking water safe, to dissipate. I ask my colleagues, Mr. Speaker, to try to imagine living every day of their lives having to constantly plan how much water would be required for every meal, every bath, every laundry day, every time they washed their dishes by hand. I think my colleagues will agree this would be very burdensome indeed.

Now add to that the fact that of the approximately 1,200 colonias in Texas, exactly three have public sewage disposal. Yes, three. Mr. Speaker, that means that only one quarter of 1 percent of the people who live in the colonias have access to sewage treatment facilities. The remaining 99.75 percent are forced to rely on septic systems or outhouses and cesspools. The Texas Water Development Board reports that 44 percent of colonia residents utilize the latter for their waste disposal needs. Many of these outhouses consist of little more than a toilet seat over a shallow hole in the ground. In other cases, people dispose of their waste in ditches and streams which flow into the regions rivers. Even in areas where there are septic systems, researchers have consistently found that these are usually not properly installed and therefore leak.

This lack of services has had a significant impact on the environment. American Rivers recently identified the Rio Grande as the most endangered river in the Nation. The American Rivers study also identified the major cause of pollution in the Rio Grande: a lack of proper sewage treatment facilities in the region. Perhaps even more disturbing to this member is the fact that the groundwater has also been contaminated. A recent study in my district found that nearly 100 percent of the groundwater samples in the colonias were contaminated with fecal bacteria.

It should be no surprise to my colleagues that this situation is also having very serious health consequences. The lack of public services means that the residents in these communities are, in effect, drinking, washing dishes and bathing in their own refuse. The incidence of hepatitis in the border region is two to three times higher than the national average, and in my district the hepatitis rate is five times the national average. Let me put that into perspective for my colleagues. Several years ago, one of the school districts in El Paso County tested the students for hepatitis. The results, Mr. Speaker, were shocking. By the age of 8 approximately 35 percent of the children had been infected with hepatitis A, and by the age of 35, up to 90 percent of colonias residents had been infected.

Unfortunately, hepatitis is not the only disease which threatens the residents of the colonias. Perhaps the most disturbing, and most widely publicized, consequence of the environmental problems associated with the lack of proper sewage and drinking water is the alarmingly high number of anencephalic, or brainless, babies which have been born in the region. Less dramatic but no less dangerous are two gastrointestinal infestations, amebiasis, caused by a parasite, and shigellosis, caused by bacteria, which are endemic in the region. The rates of these diseases are also two to three times the national average. In addition, 15 percent of families in colonias report that at least one family member suffers from diarrhea every week. Finally, Mr. Speaker, cholera, which is virtually unknown in the United States but is epidemic in parts of Mexico, continues to threaten border communities. Last year, cholera bacteria were found in the drinking water in Ciudad Juarez, El Paso's sister city. We all know that disease knows no international boundary, nor does it respect any internal divisions within this country. It is imperative that we take steps to eliminate the health hazards faced by the residents of the colonias.

Perhaps one of the cruelest ironies in all of this is the fact that both the Government of the United States and that of the Republic of Mexico understand the urgent need to address this and other environmental problems. In accordance with the binational environmental agreement of 1990, the Mexican Government has pledged to invest at least $460 million over 3 years to address environmental and health problems on its side of the border. Last year, in order to comply with that same agreement, EPA requested $170 million for wastewater treatment projects on the border. A total of $70 million was appropriated in fiscal year 1993 for grants to the colonias for wastewater treatment projects on the border.

This year, the administration included approximately $164 million for American communities along the United States-Mexico border in its fiscal year 1994 budget request. However, funding for the colonias was denied by the VA–HUD and Independent Agencies Appropriations subcommittee on the grounds that such an appropriation was not authorized. Despite that fact that there are currently four statutes in force which authorize such expenditures, it is my understanding that an additional, agency-specific authorization, is necessary in order to secure funding for these hard-working Americans. Mr. Speaker, this legislation does nothing more than provide the additional authorization the subcommittee on VA, HUD and Independent Agencies has requested.

Mr. Speaker, the Nation's attention has been focused on the problems experienced by approximately 250,000 people because of the breakdown of the water systems in Des Moines due to flooding. The victims of the flood have my fullest and deepest sympathies and I support disaster relief for those families. However, now that we have had our attention focused on the problems and difficulties that arise when we do not have access to these important services, I would ask that my colleagues join with me to ensure that all Americans are provided with safe water and sewage facilities. The victims of the floods in the Midwest will only have to endure these conditions for an estimated 30 days; the residents of the colonias have been enduring their hardships for more than 30 years. The time has come to finally address the needs of poor Americans who live along the international border between the United States and Mexico.

In recent weeks I have many of my colleagues tell us we need to take care of our own citizens. I agree, but I would just say to my colleagues that we need to take care of our citizens no matter where they live, no matter who they are, and no matter what their background may be. Every American citizen is entitled to a certain basic standard of living and we as a Nation should own up to our responsibilities to take care of those who are least able to take care of themselves. This is not about free trade, this legislation seeks nothing more than to protect poor children from becoming sick. I think it is a travesty that this problem has been left for so long.

TRIBUTE TO LOCKHEED-SANDERS RECIPIENT OF VALUE ENGINEERING ACHIEVEMENT

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to the employees of the Lockheed-Sanders Co. of Nashua, NH. Yesterday, they were a recipient of an annual Department of Defense Value Engineering Achievement Awards for the second time in as many years. Receiving the award for Lockheed-Sanders was Dr. John Kreick, the company's chief executive officer.

The value achievement award program is a Department of Defense initiative where cost efficiency and product productivity are the objectives. Each year the Department of Defense can submit one nominee for each of seven categories: Program management, individual, procurement/contract administration, professional, field command, installation, contractor. This year the Lockheed-Sanders Co. was nominated by the Navy for an award in the contractor category.

The award that Lockheed-Sanders received was for a value engineering change proposal [VECP] on their AN/ALQ–156A missile approach warning system. The VECP is a cost-reduction modification to an already existing program. The contractor provides the customer, in this case the Navy, with a plan to eliminate cost and increase output. The customer, in turn evaluates and approves the proposal and validates the cost savings.

The new additions and revisions to Lockheed-Sanders' missile approach warning system makes it not only less expensive to manufacture but also increases performance, allowing for smaller and more efficient parts.

Mr. Speaker, In these times of deficit reduction and budget cutting, the development of more effective technologies has been a goal of many industries. The Lockheed-Sanders Corp., through the efforts and leadership of Dr. Kreick, has provided an outstanding example of how that goal can be met. I ask my colleagues to join me in recognizing the achievements of the employees of Lockheed-Sanders.

TRIBUTE TO THE JET PROPULSION LABORATORY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Ms. HARMAN. Mr. Speaker, I rise to pay tribute to a NASA center that gets it: California's Jet Propulsion Laboratory.

We live in an era of hard choices and limited resources, and there is no agency that must undergo a more radical cultural shift to adapt to this different era than NASA. NASA was born with the goal of doing the impossible and was given the resources to accomplish any mission. America became the world's undisputed leader in space exploration because we set lofty goals and were willing to spend whatever it took to accomplish them.

Hire whomever it takes. Build whatever it takes. Spend whatever it takes. This attitude gave us the Apollo images that have become part of the human consciousness—the surge we all felt when Neil Armstrong took that first step on the Moon.

But, the world has changed, the cold war is over, and every Federal dollar counts. We can no longer afford a whatever it takes space program, and NASA has begun the painful cultural transition to scrutiny that every other Federal agency must endure. We have to learn how to accomplish the same amount of science and exploration for less money. An excellent example of how this can be done is the Jet Propulsion Laboratory under Dr. Ed Stone's leadership.

JPL has its share of NASA dreamers, but with a more practical bent. They dream of exploring the stars with equipment that you can buy at Radio Shack. Originally, JPL had plans for a $3.5 billion project to send a scientific rover to Mars to do soil experiments and photograph the surface. But, many saw the price and got sticker shock.

So JPL designers went back to the drawing board and began to think creatively about how they could send a rover to Mars for far less. They began to build a rover using off-the-shelf technology available on the commercial market rather than parts they would have to design and build themselves. They began to think of a design using airbags and lasers instead of orbiting and breaking technology—cheap enough so that it could be easily improved and new rovers could be sent to Mars every couple of years. Finally, they came up with Rocky IV, a Martian rover with a price tag of $150 million, a mere 4 percent of the original price.

The new concept is set out in the April 1993 issue of Road & Track, hardly an arcane journal, in the same format as descriptions of the latest auto technology.

And the same mindset is being applied to the Cassini probe to Saturn and the Galileo probe, en route to Jupiter. It is this same ethic that needs to be brought to the entire space agency.

Mr. Speaker, I congratulate Doctor Stone and his team at JPL for their commitment to both scientific and budgetary excellence.

The excerpts from Road & Track follow:

Meet Rocky IV. No, not the movie, but a small remote-controlled Mars rover. And she's a mighty interesting specimen—a product of slashed budgets, electronic miniaturization and just plain cleverness. (By the way, JPL scientists refer to Rocky in the feminine—as do we with cars and ships.)

She's small, but don't confuse Rocky IV with any ordinary remote-controlled car. For instance, consider that a two-way communication between here and Mars requires as much as 40 minutes—and that's at the speed of light. (Pause for perspective: At Mars' closest approach, it would take almost eight years to fly to there in a 747.)

Consequently, a good rover needs to be fairly independent-minded, able to amble around under its own good judgment and not jabber on the phone all day.

Rocky's experimental predecessor, big Robby, became pretty good at this in testing, capable of calculating distance, recognizing obstacles and reckoning the best path through rough terrain. A smart guy. But Robby grew to carlike dimensions and weight, and cost estimates put landing Robby on Mars at from $3 to $4 billion. Goodbye, Robby.

So JPL's rover team recalculated and realized that their ⅛-scale rover models were all NASA's shrinking budget could afford. Rocky's cost is capped at $25 million, while the spacecraft and transit to Mars should tally roughly $150 million. Peanuts in this business.

For its size (only 23.6 in. long and 16.5 lb.), Rocky's smart—say, equivalent to a desk-top computer. But no match for Robby's intellectual firepower, so some compromises have been made. Instead of being entirely self-directed, Rocky will first image the terrain with twin cameras (from Kodak), allowing 3-D goggle-wearing scientists in Pasadena (honestly) to get a feel for the landscape. Then they'll plot a short, promising course and tell Rocky to go try it.

What's interesting is that if trouble crops up, Rocky won't get too sophisticated in negotiating new routes around obstacles. Instead, it'll simple-mindedly begin observing a series of what are called IF-THEN statements.

For example, say Rocky's proximity detectors sense a big stone in the way. All the rest of its sensors—of which there are 12 types—then report in and Rocky reaches a simple IF-THEN conclusion: maybe, back up and turn right. If that doesn't work, another IF-THEN is tried, and if eventually the rover gets frustrated, it stops and calls for help. Admittedly, all this sounds simple, but it represents an original type of robotic control created by MIT's Rodney Brooks (and enhanced by JPL's David Miller) resembling ant behavior. (For R&T's first glimpse at this "Artificial Intelligence," see Tech Tidbits, August 1991.)

Rocky is similarly antlike in her agility over nasty, rock-strewn terrain. Powering each of her six wheels is a 2-Watt motor (totaling 0.016 bhp), driving 2000:1 planetary reduction gears, which limit Rocky to a meager but irrepressible 3.3 ft./minute. Each day, JPL operators expect Rocky to cover about 66 feet, including grades up to 26 degrees.

Additionally, Rocky can climb obstacles her own height using her spring and shockless pantograph suspension, which, oddly enough, favors small wheels in the rough stuff. And incidentally, Rocky's tires are steel because rubber would crumble at Mars' icy temperatures (see accompanying story). For the same reason, Rocky is lubricant-free.

The first mission is focused on proving all this hardware will really work. For example, just landing on the Martian surface entails penetrating the thin atmosphere behind a heat shield, deploying a parachute, being lowered from the chute on a 300-ft. tether, and finally crashing into the ground atop four inflated airbags that pop on impact. And even then she will smack the ground with a smart 50gs.

Once on the Mars-scape, Pathfinder will open like a tetrahedral flower displaying solar-cell covered petals with Rocky attached to one of them.

On mission number one, Rocky's assignment is to scramble away from the lander, snap a picture to judge how well she landed, test the sandy surface for shear resistance (by locking five wheels and spinning the sixth) and for density (by measuring the depth of her wheel tracks).

She might also blast a nearby rock with a tiny Gatling gun to expose the interior and spectroscopically analyze it: Nobody really knows what Mars' rock is made of. And when her little non-rechargeable batteries die, Rocky will sleep at night waiting for the next sunrise to illuminate her 2.2-sq.-ft. solar panel.

But that's if Rocky doesn't just quietly sink in a soft patch of red sand and disappear one day. JPL's scientists know so little about the soil, they shrug, "It's possible."

A silly kind of end, similar to H.G. Wells's Martians who died of simple earthly bacteria. But my bet's on Rocky pulling through, blasting little rocks, dodging boulders, collecting photos and roving very far indeed.

A SPECIAL TRIBUTE TO SIDNEY JAMES FAISON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to Sidney James Faison, a dedicated human being who recently lost his life while rescuing others. Many of my colleagues will recall that a few weeks ago, a natural gas explosion occurred on a busy street here in the District of Columbia. We know from accounts published in the Washington Post that the late Mr. Faison, an employee of the District of Columbia Department of Public Works, was en route home from work when the explosion occurred. This courageous human being saw the danger and immediately began directing vehicular and pedestrian traffic away from the area. Tragically, Sidney Faison was killed when an underground pipeline exploded.

In reflecting upon the life of Sidney Faison, family and friends recalled that helping others was just one of many admirable traits of this individual. Mr. Faison served as chairman of the Central Baptist Church Board of Trustees, and sang tenor in the male chorus. He was the den leader for Cub Scout Pack 778; and he spent countless hours working at the church and helping friends and neighbors make needed home repairs.

Mr. Speaker, as I pay tribute to the late Sideny Faison, I also recognize his long-time commitment to Masonry. In 1982, Mr. Faison became the Worshipful Master of St. John's Lodge No. 12. He was a member of the Jonathan Davis Consistory and a member of Mecca Temple Number 10. At the time of his death, Mr. Faison served as chairman of the Ritualistic Committee for St. John's. As a Brother in Masonry, I am aware of the tremendous amount of dedication, responsibility and sacrifice that is required of each member. I also know the personal satisfaction that is gained from serving others.

Mr. Speaker, Sidney James Faison gave up his life for others. The Washington community and our Nation pauses to recognize his selfless act of courage. I am honored to join my Brothers in Masonry, the Washington community and others in paying tribute to Mr. Faison during this time. I extend my deepest sympathy and prayers to his loving wife, Eurdine Faison, his family, relatives and many friends. Sidney Faison was a very special individual who will never be forgotten. I want to share with my colleagues an editorial which appeared in the Washington Post newspaper regarding Mr. Faison.

SIDNEY FAISON

It is rare enough for someone to lay down his life for his friends, rarer still to do so for strangers.

No one will ever know for sure how many lives Sidney Faison saved on Monday. Mr. Faison, a street engineer for the District, smelled gas and stood on Pennsylvania Avenue at 30th Street in Southeast Washington to direct traffic away from the leak. Mr. Faison must have had a clear idea of the danger he was in, because his frantic work of saving others involved urging them away from the peril he was courting himself. At 4;30 p.m., the underground pipeline exploded, engulfing him in flames. He died early Tuesday.

Mr. Faison was off duty; he had no formal obligation to do what he did. He was headed home to do some repair work and could have kept right on going. Most people would have, and no one would have judged them harshly for doing so.

Heroism is talked about a lot, but it's hard to define until you see it. It's often described as involving grand acts, but most of the time, heroes are people who do the right thing just because it's the right thing to do. When the testing time comes, they don't even notice they are being tested, so automatic is their response to help others—and in Mr. Faison's case, to save them. Heroes can't be preprogrammed or created by self-esteem or heroism classes. Heroes create themselves by steady, day-to-day practice. In Mr. Faison's case, this involved all manner of small acts—as a Cub Scout leader, as a leader of his church, as a man who did repairs for friends and relatives at no charge.

Because the small actions came so naturally, so did the large act that took Mr. Faison's life.

"Tell me, and I'll forget" goes the proverb, "show me, and I may remember." Mr. Faison showed that heroes think first not about costs or benefits or dangers but simply about doing right. For that, he will be remembered and honored.

KILDEE SALUTES OAKLAND COUNTY UNDERSHERIFF BILLY NOLIN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to an outstanding leader in the field of law enforcement, Undersheriff Billy Nolin, who is retiring after 35 years of distinguished service with the Oakland County Sheriff's Department.

Mr. Nolin's family moved to Lake Orion during World War II. Billy joined the U.S. Air Force in 1947 and was discharged honorably after a 4-year tour of duty. Mr. Nolin was appointed to the Oakland County Sheriff's Department on November 18, 1957.

When Billy joined the sheriff's department over 35 years ago, the force consisted of only 50 people. He was hired as a patrolman and served in this position until 1968, when he was promoted to the position of detective. His demonstrated leadership ability became instrumental in the continued progression of his career. Accordingly, in 1973 Billy was promoted to the position of chief of investigation.

In 1978 Billy Nolin was named to the position of captain. His distinguished service as a captain earned him the respect of his colleagues and the entire community. By recognizing Billy's leadership ability and achievements in the field of law enforcement, Sheriff Nichols appointed him undersheriff in 1985.

Today the Oakland County Sheriff's Department has grown to 800 employees. Undersheriff Billy Nolin's hard work and dedication have been instrumental in the department's expansion. He also helped in gaining recognition of the Oakland County Deputy Sheriff's Association as a bargaining unit in contract talks with the county.

Mr. Speaker, without a doubt Oakland County is a much better place in which to live because of the leadership provided by Undersheriff Billy Nolin. The Oakland County Sheriff's Department will lose a bright and committed individual when Billy Nolin retires after 35 years of dedicated service. I ask you and my fellow Members of the House of Representatives to join me in wishing the best for Billy Nolin and commending him for a job well done.

SIGNET AWARD GIVEN TO JAMES A. JOHNSON

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Ms. DeLAURO. Mr. Speaker, for the past 12 years, the trustees of my alma mater, Marymount College in Tarrytown, NY, have annually conferred the Signet Award to an individual who through his or her professional leadership and commitment to community service has significantly improved the quality of life of others. This year the signet was awarded to James A. Johnson, chairman and chief executive officer of the Federal National Mortgage Association [Fannie Mae], for his contributions as a public servant and corporate leader.

Fannie Mae is the vital force in the American home mortgage finance industry. An innovative and standard-setting corporation, Fannie Mae has assumed the leading role in the delivery of affordable housing to low-, moderate-, and middle-income families. But Fannie Mae not only provides housing opportunities for people from all backgrounds and areas across this Nation, but career opportunities as well.

Under the leadership of Jim Johnson, Fannie Mae is fast becoming a national example of what can happen when a company makes the best use of all its people. Instead of just talking about it, Fannie Mae has put women to work. Fifty-six percent of the employees at Fannie Mae are women, including 37 percent of its management group and 37 percent of its operating committee. In Jim's own words, "By valuing our differences through mutual respect and creating an environment in which each one of us can enjoy maximum opportunity, maximum growth, and maximum fulfillment, we will strengthen our economy and we will strengthen our society."

Marymount College was founded to provide affordable education to American women. Jim Johnson represents the standard of excellence and commitment to community that Marymount College expects of its students and alumni. To better understand Fannie Mae's record, I want to share with my colleagues the brief remarks Jim Johnson made as he accepted the Signet Award.

The text of those remarks follow:

ACCEPTANCE OF THE MARYMOUNT COLLEGE SIGNET AWARD BY JIM JOHNSON, CHAIRMAN AND CEO, FANNIE MAE, NEW YORK, NY, MAY 5, 1993

Fannie Mae's mission is to open doors of affordable housing to American families. Marymount's mission is to open doors to affordable education for American women—an education aimed at unlocking the doors to jobs that have for too long been closed to women. We should all be proud that our participation tonight helps make that kind of education possible.

Marymount faced great odds when it first opened its doors in 1907. That was the same year Professor William I. Thomas, a University of Chicago social scientist, espoused his theory that women were biologically incapable of becoming intellectual leaders or scholars.

But Marymount and women persevered. Professor Thomas's theory is now merely a toxic footnote in history. Marymount is a strong, effective, institution which stands out as a leader in "Preparing Women for Success." There is still a need to continue removing barriers to a productive future for women.

The glass ceiling of American institutions is slowly disappearing and women are providing leadership in so many of our human endeavors, thanks to institutions like Marymount and people like you.

In her kind remarks about me, Sister Brigid pointed out that Fannie Mae helped 2.9 million American families afford a home last year. I am very proud of the institution I have the privilege to lead.

Fannie Mae through the leadership of its Chief Credit Officer sets the standard of mortgage making in America.

Fannie Mae through the leadership of our Senior vice President and Treasurer is the largest corporate borrower in the U.S. capital markets.

We issue more Mortgage-Backed Securities than anyone.

We manage through our Senior Vice President for Operations a complex book of business including more than eight million mortgages.

And we deal with the complex legal and regulatory issues that correspond to the central role we play in the nation's largest financial market.

I am pleased to report to you tonight: that Chief Credit Officer, that Senior Vice President and Treasurer, that head of Mortgage-Backed Securities, that Senior Vice President for Operations, and that the Chief Legal Officer are named Ann and Linda and Donna and Lynda and Caryl.

Today, 56 percent of our 3,000 Fannie Mae employees are women. Thirty-seven percent of our management group are women. Thirty-seven percent of our Operating Committee, our most senior management group, are women. Thirty-four percent of all our officers are women.

I tell you this not to boast about what Fannie Mae is doing for women. I tell you this to boast about what women are doing for Fannie Mae.

We now have within our reach the goal of enabling women to populate all levels of our company in numbers equal to men. My fondest hope and most cherished dream is that Fannie Mae can be the permanent, living response to any who would say, "If our work were not so complicated or the financial stakes were not so high, we could move faster here on the issues of equality." I hope that Fannie Mae can soon be the response weapon of choice. Let them simply say, "I know of a place where it has been done."

By valuing our differences through mutual respect and creating an environment in which each one of us can enjoy maximum opportunity, maximum growth, and maximum fulfillment, we will strengthen our economy and we will strengthen our society.

We see the day, not too far away, when our country will achieve what Sister Brigid, the women of Marymount, and all of us in this room want—a world where equality and justice know no gender.

I thank you for this honor tonight. It will constantly remind me of how much more I have to do to really deserve it.

TRIBUTE TO THE AMERICAN MEN AND WOMEN WHO FOUGHT IN THE KOREAN WAR ON THE 40TH ANNIVERSARY OF ITS CESSATION

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. SANGMEISTER. Mr. Speaker, I rise today to pay tribute to the brave Americans who defended freedom and democracy in what is regrettably known as America's Forgotten War—the Korean war.

July 27, 1993, marks the 40th anniversary of the signing of the armistice that brought an end to the conflict on the Korean peninsula. America, South Korea and our other allies fought to a draw with the North Koreans and their communist allies, China and the Soviet Union, in the 3 year struggle. But our troops won a much more important victory than the one on the ground, they stopped Communist tryanny and expansion, proving that the cold war policy of containment could work. In essence, the end of communism began on July 27, 1953.

Not only do all Americans and South Koreans owe the 5.7 million men and women who fought in Korea a debt of gratitude, but so do all freedom-loving people the world over. We should also reserve a special place in our hearts and minds for the 54,246 Americans who lost their lives in Korea as well as the 328 prisoners of war still unaccounted for.

As one of the more than 30 members of the House who served in the Armed Forces during the Korean war, I find it especially tragic that many refer to this conflict as the "Forgotten War." Those who served and their families have not forgotten the sacrifices made in the defense of democracy. Certainly, our Nation should never forget those who fought and died on foreign soil.

Mr. Speaker, until we are able to set aside a permanent day of remembrance for those who fought in Korea, let us commemorate their sacrifices in our own way on this July 27, as well as on each and every 27 in the future.

USTR SHOULD ACCEPT PENDING GSP PETITION ON WORKER RIGHTS VIOLATIONS IN MEXICO

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. BROWN of California. Mr. Speaker, following is the third segment of the pending petition before the USTR alleging extensive worker rights violations in Mexico. It raises profound questions about systematic repression of labor lawyers and trade union leaders, nonenforcement of child labor laws, and a minimum wage law that falls far short of making affordable basic needs for many Mexican families. A public hearing on this petition is a must.

VI. Repression of labor lawyers and labor leaders.

(a) The arrest during labor-management negotiations in January, 1992 of Agapito Gonzalez Cavazos, head of the Matamoros regional CTM union, on three-year-old charges of tax fraud, is well known. The Country Report indicates that "his supporters charged harassment. Mexican government officials denied this." (1992 Country Report at 450) Other interpreters have been somewhat more voluble and detailed.

Jerome Levinson, former general counsel of the Inter-American Development Bank, writes of this incident:

"In January 1992, Agapito Gonzalez, head of the Day Laborers' and Industrial Workers Union in Matamoros . . . aggressively tried to negotiate higher wages than the official guidelines sanctioned by the government. Gonzalez was ruining the climate for foreign investment. Shortly thereafter, federal Judicial Police descended on Matamoros to arrest the 76-year-old labor leader."

"In a complaint to the Mexican National Human Rights Commission Gonzalez charged he was held incommunicado by agents who questioned him on tax evasion charges, despite the fact he claimed to have evidence of having paid his taxes. Gonzalez was later transferred to a hospital where he remained under police arrest. Though he was released a few months later, the message to union organizers was clear: aggressive representation of workers that hurt prospects for attracting foreign investment would not be tolerated by the Salinas administration." (*Unrequited Toil* at 10).

(b) The case of Aquiles Magana, who is the leader of the Union of State, Municipal and Public Employees of the State of Tabasco, in southeastern Mexico. On April 29, 1990, Magana led a demonstration of the workers of the municipality of Villahermosa, to demand payment of a wage rise already authorized by the state government. As the workers marched toward the Governor's Office, Magana was arrested without a warrant and was taken to the headquarters of the State Judiciary Police. He was accused of damaging the city's garbage trucks and of causing injuries to one worker, apparently one of those workers who participated in the protest.

After a vicious judicial process, Aquiles Magana was condemned to four years and two months' imprisonment simply on the grounds that, since he confessed to be the leader of the protesting workers, he was responsible for any possible damage caused by any of the workers. This was in spite the fact that the worker who supposedly was injured by Magana declared that he did not know Magana and that his injuries were caused when he accidentally fell. The identity of those persons who supposedly damaged the trucks feloniously for which Magana was held responsible was never established, or even investigated. The judge refused to allow defense counsel to make an inspection of the allegedly damaged truck, claiming that such an inspection had already been made by the public prosecutor, who had "proved the extent of the damage by his inspection." The prosecutor said that while he could see the damage to several trucks, when Aquiles Magana asked to participate in an inspection, the judge said it was irrelevant and denied the request. When Aquiles Magana attempted to present witnesses to testify that no damage to any trucks took place during the demonstration, the judge refused to allow their testimony on the grounds that they would just try to protect Magana. He was also convicted of causing damages and injuries to a worker's arm. The allegedly injured worker was illiterate and testified in the court that he had been taken to the prosecutor's office and forced to place his fingerprint on a blank sheet of paper. He denied that he had made the statement attributed to him in the court; instead, he testified, his injury had occurred from falling down. Nevertheless, Aquiles Magana was convicted of both charges and sentenced to four years and two months.[1] He was found to be "the intellectual perpetrator of the crimes," even though no investigation ever attempted to locate any person physically responsible for the alleged crime.

There were other irregularities. The inspection report on the allegedly damaged trucks was unsigned. It had no date and no detailed description of the trucks that were damaged. The number of damaged trucks was not indicated. Nor was any attempt made to prove the ownership of the supposedly damaged vehicles.

Aquiles Magana, when arrested, was denied bail. After 32 days a Federal judge finally ordered the state government to release him on bail.

(c) The case of the lawyer for Aquiles Magana, Joel Garcia, who also represented the oil workers union in its dispute with Pemex in 1991. While the dispute was underway, he was suddenly charged with fraud by a small group of workers on the basis that he had been paid his contracted fee with the union but that the dispute had been settled "politically," rather than as a result of his legal work. Although the government prosecutors were aware there was no legal basis for such charges, they proceeded to carry out a lengthy investigation and to issue a warrant for Garcia's arrest. He was forced into hiding for five months until a Federal judge ruled that the case had no basis. But the State prosecutor reissued his warrant without any alterations, and forced Garcia into hiding for another three months until a Federal tribunal ruled again that the prosecutor's case was without merit.

(d) Estela Rios and Maria Eugenia Meza, lawyers for workers at Siderurgica Lazaro Cardenas, state-owned company processing metal products, were charged during negotiations with falsifying workers' signatures on the letters requesting them to represent them. They were finally cleared of the charges, but because of the fear of being imprisoned, they spent several months when they could not represent their union adequately. While they were representing about 500 workers they were arrested in Mexico City and held incommunicado for 24 hours.

For lawyers representing workers in disputes with powerful companies or with the State this type of harassment is all too common in Mexico.

(g) Emilio Miron Isidro, leader of the union of the Tropico Brewery in Oaxaca state, was assassinated on April 30, 1992, by unknown assailants. This assassination occurred during a labor conflict and apparently was conducted under company orders. No investigation has been undertaken and no one has been arrested for the murder.

(h) In Mexico City, the Judicial Police detained Lilia Mejia and Jorge Torres, leaders of the democratic movement of the workers of the Ministry of Agriculture and Aquatic Resources, in March, 1992. They were detained for two days, after which they were reportedly released without charges being filed.

MINIMUM AGE FOR THE EMPLOYMENT OF CHILDREN

In the November 1991 resolution, the Subcommittee noted that the evidence provided by petitioners did not necessarily substantiate that the government condoned this behavior (underaged child employment), and that experts of the U.S., department of Labor as well as the GAO report they found that the number of Mexican inspectors per capita is roughly comparable with the numbers in the US.

In *Mask of Democracy*, Dan La Botz cites professor Hector Santos Azuela, who, "in an essay titled "Child Labor in Mexico", notes that child labor is widespread. "It is not difficult to find them working with high levels of risk in butcher shops, mills, tortillerias (shops which make tortillas), or in other shops of various sorts." While many legal protections exist for children in both Mexican law and ILO conventions, the problem is exacerbated by the authorities' willingness to look the other way:

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[1] Source: trial documents, including preliminary prosecutor's investigation, case No. 044/990, Tabasco; Tabasco State Court ruling No. 82/990; State Superior Tribunal Case No. 290/991; Federal Amparo 929/991.

Labor inspectors have an important social function which unfortunately they do not fulfill. Their activities are reduced to routinely imposing fines, rather than combating the problem.

Despite the complete suppression of the apprenticeship contract, reminiscent of medieval servitude, the employment of children as labor power, subject to excessively long work days, with low wages and in deplorable and unsanitary working conditions, is frequent.

Nothing has been done in reality to protect the children and prevent this exploitation. Many projects have been designated without any practical results.

Frequent modification and reorganization has seriously damaged labor statutes regarding children, carrying the law ever further away from the extensive protection that is required.[2]

In regard to the effectiveness of the Mexican authorities' enforcement of child labor legislation, the United States State Department reported:

". . . in the formal sector, enforcement is reasonably adequate for large and medium size companies; it is less certain for small companies. As with employee safety and health, the worst enforcement problem is with the many very small companies. Eighty five percent of all registered Mexican companies have 15 or less employees, and 80 percent have 5 or less employees, indicating the vast scope of the enforcement challenge just within the formal economy.

Illegal child labor is largely found in the informal economy, which includes significant numbers of underage street vendors, employees in very small businesses, and workers in rural areas. The ILO reports that approximately 18 percent of Mexican children aged 12 to 14 work. Often such children work for their parents or other close relatives. In addition, small-scale employers prepared to disregard company registration, social security, health, safety and tax laws are often equally prepared to violate child labor laws." (p. 450)

A progress report of the Tri-National Project on Children's Rights and Economic Integration sponsored by Defense of Children International notes as a result of an extensive field inquiry in the spring of 1993 that:

". . . among firms producing for the domestic market, we observed substantial child labor violations, including: (1) the employment of clearly underage children (we observed children who we estimated to be between nine and twelve years old working in several plants); (2) the employment of children in hazardous jobs, including the use of heavy leather and plastic cutting equipment and the application of adhesives to shoes by dipping fingers or whole hands into large cans of glue; and (3) overall conditions likely to be particularly detrimental to children, such as high noise levels, poor ventilation and lighting and inadequate facilities for eating and personal hygiene needs.

The worst conditions were found in San Francisco, a small town several miles from Leon that is the center for the production of athletic shoes. Employment of young children was most prevalent in smaller plants, but at least one very large manufacturer selling an extensive line of higher-quality shoes all over Mexico and possessed of a modern plant using advanced equipment had several child workers.

Children working in the San Francisco factories do not appear to attend school at all. When asked if the presence of children working indicated that there was worker turnover from children leaving to return to school, one producer emphasized that his work force is full time, year round with almost no turnover . . .

Although we do not offer any firm conclusions at this point in our investigation, several observations are warranted:

1. While the exploitation of child labor seems not to be prevalent in maquiladoras and plants currently manufacturing for export, young children continue to work under extremely adverse circumstance in firms currently manufacturing for the Mexican domestic market and for growers selling their product to processors for export.

2. Mexican manufacturers of different products who are involved in export or drawback production view the low wages prevalent in Mexico as one of their principle competitive advantages. They expect the NAFTA agreement to increase the significance of this advantage. Manufacturers not now engaged in export or drawback production, and who exploit child labor, are interested in the possibilities that NAFTA will offer them to break into the US market.

3. Economic integration has had effects on families and children that have not been analyzed systematically. Beyond the issue of direct employment of children in plants producing for export lies an important set of issues about the welfare of children whose parents work in such plants."

MINIMUM WAGES, HOURS OF WORK AND OCCUPATIONAL SAFETY AND HEALTH

1. Minimum wages.

Structural adjustment in Mexico has wreaked havoc on the living standards of Mexican workers during the past decade. Hundreds of thousands have been dismissed from state owned companies in the course of privatization, while other economic measures have undermined the benefits of a much broader segment of the Mexican workforce. As noted in a forthcoming study, "Structural Adjustment in Mexico, to be published by Equipo Pueblo, in Mexico City: "Workers who have kept their jobs have paid for the costs of adjustment through a decrease in their purchasing power, a decrease in benefits, and increase in prices of basic goods."

Mexico has one of the lowest minimum wages in the world.[3] In November 1992, the minimum wage in Mexico was approximately 13,300 pesos per day (US$4.42). According to a study by researchers at the National Autonomous University of Mexico (UNAM) the minimum wage capable of providing the basic needs of a family of five is 45,322 pesos per day—over three times the current minimum wage.[4] Government figures show that 41.4% of the economically active population receives between one and two times the minimum wage, 46.88% receive more than two times the minimum wage and 4.5% receive no wage.[5] Contractual salaries have grown more than the minimum wage in recent years, but have still been insufficient to regain the purchasing power lost in the eighties. The participation of wage labor in GDP fell from 36% to 22% during the eighties, while that of capital rose form 54 to 62%.

According with the report prepared by the U.S. State Department on Mexico for 1992:

"Wages set by collective bargaining agreements and white collar salaries in the private sector generally kept pace with inflation even though the minimum wage has not. Since the financial collapse of 1982, the minimum wage ceased being adequate. Recent data on urban areas indicate the 14 percent of urban workers earn less than one minimum wage, 41 percent earn between one and two minimum wages and 32 percent earn between two and five minimum wages."

The loss of purchasing power of wages is not only a consequence of the economic collapse in 1981–82, but a part of a wider adjustment carried out by the government. As Jerome Levinson expresses it:

". . . this policy has caused wage increases to lag behind inflation. The wage policy has been part of a broader agreement, the pact for stability and growth (PECE), orchestrated among representatives of labor, business, and government. As a result of this pact and other government actions to repress labor, real wages remain stuck at half what they were in 1982, despite Mexico's economic recovery under the Salinas administration . . .

"The government's tough wage policy, designed to make Mexico competitive with what it sees as its main competitors in Asia, has been enforced by the Ministry of Labor. Arsenio Farell Cubillas has been Secretary of Labor for the past seven years (the labor Ministry is formally known as the Secretariat of Labor and Social Welfare). He is the only member of the cabinet to have served in the same position under both the De la Madrid and Salinas administrations. According to a report on Mexican labor conditions prepared by the U.S. Embassy, 'Farell has maintained his reputation as a formidable labor opponent. He has maintained pressure on the labor sector in an effort to hold the line on wage demands . . .

"The basic problem with labor rights in Mexico, is not, as has so often been suggested, inadequate funding for enforcement. The government has found more than adequate financing for the National Solidarity Program which helped it win congressional and state elections in August 1991.

"The problem lies instead with a development model predicated on attracting foreign investment by undercutting wages elsewhere, particularly East Asia. That objective underlines the hostility to effective labor organizing. The worker rights issue in Mexico is fundamentally about government suppression of those rights in pursuit of short term economic gain."

IN MEMORY OF THAD EURE

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. PRICE. Mr. Speaker, North Carolina is mourning the death of one of the Nation's longest-serving public officials, former Secretary of State Thad Eure, who died Wednesday night following surgery in Raleigh.

Thaddeus Armie Eure, born November 15, 1899, began his career in State politics in

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[2] "El Trabajo de Menores," in Estudios de derecho sindical y del trabajo (Mexico, D.F.: Universidad Nacional Autonoma de Mexico, 1987) pp. 251ff.

[3] Barry, Tom (Editor) Mexico, A Country Guide, (The Resource Center: Albuquerque, N.M., 1992,) 98.

[4] El Financiero, November 30, 1992, p. 38.

[5] Ibid. p. 8.

1929, when he was elected to the North Carolina House of Representatives. He was elected secretary of state in 1936 and held that post until he retired some 52 years and 13 Governors later, in 1989.

My own association with Mr. Eure goes back to my days as executive director and chairman of the North Carolina Democratic Party, when I had the privilege of working with him and campaigning with him across North Carolina. He was invariably the star attraction at party rallies, even when Presidential contenders or other national luminaries were also on the podium. There has never been a finer orator in the old style, and Thad Eure, with his trademark red bow tie and his rich stock of political lore, added luster to any political event he attended. His knowledge as a parliamentarian was a vital resource to young lawmakers and party leaders who followed in his footsteps; we often relied on him to steer us through complicated credentials and platform battles at our State conventions. He often humorously referred to himself as "the oldest rat in the Democratic barn," but beneath that humor was a deep and abiding loyalty to our party and its principles and to the American political tradition.

Thad Eure's devotion to our State and to public service has been rivaled by few. His half century in office has become an American political legend, and thousands of us who continue in politics and public life are in his debt.

The accompanying Raleigh News and Observer profile of Thad Eure follows:

VENERABLE THAD EURE DIES

(By Treva Jones)

Former N.C. Secretary of State Thad Eure, the nation's longest-serving state official when he retired in 1989 after a half-century on the job, died Wednesday night in Raleigh.

Mr. Eure, 93, died at Raleigh Community Hospital about 8 p.m., after surgery to remove his gall bladder.

"He got through the operation beautifully" but never quite stabilized, said his daughter, Armecia Eure Black.

Funeral and burial will be Saturday in Raleigh.

Famous for oversize, red bow ties and for the straw boaters he wore every summer, Mr. Eure took office in 1936 after imploring voters to "Give a young man a chance." In his later years, he hoped to survive until 2000 so he could have lived in three centuries. He figured he signed his name 625,000 times on state documents and correspondence, using an estimated five gallons of his trademark green ink.

And he said he was glad he retired when he did. "Thank God I wasn't voted out, kicked out, or carried out," Mr. Eure told well-wishers at his 93rd birthday party in November.

"I think this state will always have a part of Thad Eure in it," said Gov. Jim Hunt, who credited Mr. Eure with exciting his own interest in politics in the mid-1950s.

"He believed in young people, believed in springtime, when you put on a straw hat, and being excited about the future and excited about what we can do."

John Dombolis, who owns the Mecca Restaurant in downtown Raleigh and knew Mr. Eure for 40 years, said, "He was an exemplary person, and he served the state with great honor and with great dignity."

Mr. Dombolis said Mr. Eure would come into the restaurant and order a small hamburger, which wasn't on the menu. For him, they made small hamburgers, while Mr. Eure chatted with customers at the counter and in the booths along the wall.

"I think he mostly wanted to come in and see everybody," said Mr. Dombolis' wife, Floye, who also works in the restaurant.

Born in 1899, Mr. Eure said he was "the oldest rat in the Democratic barn," a title bestowed on him by U.S. District Judge John D. Larkins Jr. sometime after the middle of the century. At a retirement party for him in 1988, Republican Gov. Jim Martin called Mr. Eure "one of North Carolina's great treasures." Even then-President Reagan acknowledged Mr. Eure's record of service.

Also known as "Mr. Democrat," Mr. Eure was fond of saying that he was "nursed from a Democratic breast and rocked in a Democratic cradle." Republicans were anathema to him, although he served alongside two Republican governors in his time, and many Republicans as well as Democrats sought his advice.

"Voting for the man instead of the party is nothing but hogwash," said Mr. Eure, adding that "the political facts of life of American government are that it is run through the medium of parties instead of individuals."

He had a craggy, deeply grooved face and a rich, booming voice and likely was one of the last true orators in the state.

Mr. Eure wouldn't have been upset if a public address system failed just before he was to speak. He could talk to a group of a few thousand people without the aid of a microphone and be heard in the last row.

Wherever he went, Mr. Eure shook hands, patted backs, kissed babies, hugged women, and reminded people that he would be up for re-election next time around.

As secretary of state, Mr. Eure was the keeper of many state and corporate records.

When he retired, he said he was "going to go back home where I've outlived all my enemies and start wearing out a rocking chair." He didn't. He stayed in Raleigh.

In the 1980s, when Mr. Eure's vision got too poor for him to drive, Mr. Martin directed security officers to transport him between his home and his office, and to other Raleigh locations where the secretary of state needed to go on business. Mr. Eure didn't surrender his driver's license until 1986, and only then because he couldn't read on a vision test machine. About 70 people gathered in the old House chambers in the State Capitol on Nov. 15, 1992, to wish Mr. Eure a happy 93rd birthday.

"The reason more people aren't here tonight is because my friends have long passed away and I'm still here," Mr. Eure joked. He and his wife, Minta Banks Eure, celebrated their 68th wedding anniversary on the same day as his birthday party.

Mrs. Eure spent part of the day Wednesday at the hospital with her husband.

Mr. Eure, named Thaddeus Armie Eure, was born in Gates County, the son of Tazewell A. and Armecia Langston Eure. He grew up on a cotton and peanut farm.

He attended Gatesville High School from 1913 until 1917, and the University of North Carolina from 1917 until 1919. He earned money for college by cutting students' hair for 25 cents, and selling them suits for $18. He was a private during World War I.

He went to law school at UNC from 1921 until 1922, and was admitted to the State Bar in 1922.

From 1923 until 1931, he was county attorney for Hertford County, and mayor of Winton from 1923 until 1928. Mr. Eure represented Hertford County in the state House of Representatives in 1929 and was Principal Clerk of the House during the sessions of 1931, 1933 and 1935, as well as an extra legislative session in 1936.

When the legislature wasn't in session, he was an escheats agent for UNC. He moved across the state making contacts. It paid off when he ran for secretary of state, beating the incumbent in a second primary.

He was elected secretary of state on Nov. 3, 1936, and when the incumbent resigned, he assumed office Dec. 21, 1936, 10 days before the term was supposed to begin.

He was re-elected every four years from then until 1984. He retired in January 1989, the day his successor took office.

The Eures were married Nov. 15, 1924, and had two children: Armecia Eure Black and Thad Eure Jr. Their son died of cancer in November 1988.

Mr. Eure always maintained his legal voting residence in Hertford County, and he remained a member of Eure Christian Church in the town of Eure, named for his family.

In biographical data sheets he sent routinely to The News & Observer, Mr. Eure listed his business address as State Capitol, Raleigh.

During the time he was secretary of state, Mr. Eure kept his office in the Capitol, refusing more than one offer to move him to more modern, spacious quarters. He bragged that his door was always open, and he delighted in dropping whatever he was doing to steer a group of schoolchildren through the historic building.

Ironically, when he retired, the space was turned over to Lt. Gov. Jim Gardner, a Republican, and only a ceremonial office for the secretary of state was maintained in the Capitol.

During his tenure, Mr. Eure saw the state take over the jobs of providing public education and of building roads, he saw the consolidation of the state universities into one system and the establishment of community colleges across the state. He survived criticism for his longtime practice of hiring only unmarried Democratic women to work in his office, and for writing the later-infamous state Speaker Ban Law, which attempted to prohibit Communists from speaking on any state-owned college campus. He was criticized as one of several members of the Council of State who advocated closed meetings of the council.

But the venerable politician drew more kudos than catcalls during his tenure.

He was given public service and merit awards from the N.C. Citizens for Business and Industry, N.C. State University, the N.C. State Elks Association, Elon College, Theta Chi fraternity and other organizations. In 1958, he received an honorary Doctor of Laws degree from Elon College. He served on the Elon College Board of Trustees 33 years, until he retired as chairman in 1988.

Surviving Mr. Eure, in addition to his daughter and his wife, are a brother, Dr. Darden J. Eure of Morehead City; a sister, Mrs. Donald S. Coeyman of Greensboro; four grandsons; three granddaughters, and four great-grandchildren.

After the funeral at 2 p.m. Saturday at St. Michael's Episcopal Church, 1520 Canterbury Road, Raleigh, burial will be in Oakwood Cemetery.

In lieu of flowers, the family suggests memorial contributions be made to The State Capitol Foundation, 109 E. Jones St. Raleigh, N.C. 27601, or to the Thad Eure Scholarship, Elon College, Elon College, N.C. 27244.

NOMINATION OF DR. JOYCELYN ELDERS SUPPORTED

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the nomination of Dr. Joycelyn Elders to the post of Surgeon General.

Dr. Elders brings to this post 20 years of experience as a pediatric endocrinologist and more than 5 years of experience as a public health official in the State of Arkansas.

In recent weeks several allegations have been made against Dr. Elders. Distortions of her character, ideals and achievements have been levied in an attempt by conservatives to perpetuate a narrow-minded ideology that is out of touch with reality.

Dr. Elders has distinguished herself many times through her tireless commitment and innovative approaches to the numerous public health problems that are facing our Nation. In Arkansas, Dr. Elders doubled the childhood immunization rate by opening clinics after hours for working families and instituted a form of one stop shopping so that working parents would not have to make multiple trips and lose time from work. She expanded Arkansas' prenatal care and childhood screening programs, placing the emphasis of health care on prevention not intervention.

Dr. Elders has brought compassion and understanding to the real-life issues that are currently confronting our teenagers. AIDS, the disease which has seen a five-fold increase in its incidence in teenagers between 1984 and 1991, is becoming a reality for our young people. Teenage pregnancy is on the rise again and teenage sexual activity has remained at the levels that followed the rapid increase during the eighties. Dr. Elders, unlike her critics, has not turned away in fear of these frightening trends but has taken bold steps to combat them. She has vigorously supported AIDS education and prevention programs and emphasized that abstinence is the best policy to prevent pregnancy.

One of the greatest pieces of misinformation being circulated by her opponents surrounds Dr. Elders' commitment to pragmatic approaches to health care issues. During her tenure as director of the Arkansas Department of Health, Dr. Elders established the concept of school-based clinics. The rationale behind this was that if children were not receiving adequate health care in clinics outside of schools, the clinics should be brought into the schools. Dr. Elders' opponents charge that these clinics would offer all kinds of medical and family planning services that would usurp a parent's right to determining what was best for their child's health and well being.

What these desperate ideologues fail to mention is that Dr. Elders also instituted a policy that ultimately became law which reinforced a locality's right to determine if it wanted a school-based clinic and what services were to be offered. More importantly, Dr. Elders' policy required that children obtain parental consent before receiving services at school-based clinics.

As is very apparent, Dr. Elders is not a radical or a threat to family values. She is an eminently qualified, proven professional and a dedicated public servant. I strongly urge my colleagues in the other body to support the nomination of Dr. Joycelyn Elders for the benefit of the children of this country and the health of the general public.

INTRODUCTION OF THE DEFENSE REUSE COMMUNITY PARTNERSHIP ACT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. FAZIO. Mr. Speaker, I am introducing legislation that I believe will go a long way toward helping communities expedite the reuse of closing military bases.

As you know, Mr. Speaker, our country has undertaken a significant effort to streamline and reduce our military bases over the last several years. Since 1988, we have closed 56 major military installations and over 60 minor facilities. Later this year, we will close another 35 major installations and 95 smaller facilities nationwide.

We all know that base closures cause significant economic hardship for affected communities. These communities have unselfishly supported our military forces for many years. We owe it to them to ensure that they are given the opportunity to recover the economic losses associated with a base closure.

Unfortunately, the current base closure reuse process is just not getting the job done. Bureaucratic delays, differing objectives, and poor understanding of community needs are severely restricting the ability of local communities to reuse the military sites. To date, Mr. Speaker, not one closed base has been successfully converted to a civilian application. I make this point simply to underscore the need to provide these communities, not with a handout, but with an opportunity to invest, create jobs, and promote economic growth.

The Defense Reuse Community Partnership Act gives the Secretary of Defense a new tool to respond more directly to the needs of local communities. This bill gives the Secretary of Defense the authority to contract with private sector site managers to manage the site planning, approval, preparation—including environmental remediation—and disposal of property at base closure sites. The site managers would be selected by the Secretary in consultation with affected communities.

As you know, Mr. Speaker, the private sector cleans up and develops contaminated industrial sites and other large tracts of land all the time. They do this successfully. Rather than try to recreate land development expertise in the Pentagon, this legislation puts the reuse process in the hands of private sector entities who already have broad experience in land use planning and development. Further, it enables the site managers to use sound business judgment in managing the reuse of military bases rather than require them to operate under cumbersome and lengthy procurement regulations which the Defense Department must do.

Closing bases is not an easy task. However, we all recognize that it is a necessary task. But, as we tell communities who have supported the military for decades that we no longer need their support, we should not at the same time condemn them to economic stagnation because the Federal bureaucracy impedes their ability to reuse base property.

This bill attempts to eliminate the bureaucratic delays by using a more streamlined, private sector approach to land use development. It will give communities a chance to quickly reuse military bases and revitalize their local economies.

Mr. Speaker, we must enact meaningful and workable initiatives that will spur economic growth and help communities throughout the country recover lost jobs caused by base closures. I commend this legislation to my colleagues and ask for their support in making it become a reality.

TRIBUTE TO LAGRANGE CHIEF OF PUBLIC SAFETY GARY B. SHEPHERD

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. DARDEN. Mr. Speaker, today I rise to honor one of Georgia's finest law enforcement officers, LaGrange chief of public safety, Gary B. Shepherd. Chief Shepherd retired earlier this month after 15 years at the helm of LaGrange law enforcement and a total of 34 years in Georgia law enforcement.

After serving 20 years with the Atlanta Police Department, where Chief Shepherd attained the rank of captain of the downtown precinct and head of the bank robbery division, he was named chief of police of LaGrange in 1978. In 1990, he was promoted to chief of public safety over the police and fire divisions of LaGrange.

Chief Shepherd has truly been an asset to Georgia, and he has been recognized by his professional colleagues as such. He has received executive certification by the State, the highest level of certification a law enforcement officer can attain. In 1989, he received the Georgia Chief of the Year Award. Last year, he received the National O.W. Wilson Award. Chief Shepherd is a past president of the Georgia Police Officers Standards and Training Council and he is the current president of the Georgia Chiefs Association.

Mr. Speaker, we need more law enforcement officers like Chief Shepherd. Fortunately, we may have them. Four of Chief Shepherd's five children are in law enforcement themselves. We all hope they have learned much from their father. He has distinguished himself as a great servant of the people.

SUPPORT FOR FLOOD RELIEF LEGISLATION

HON. THOMAS J. BARLOW III

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 1993

Mr. BARLOW. Mr. Speaker, I rise in strongest support for the rapid congressional passage of legislation to speed flood relief to the areas of our Nation now suffering from the disaster that is devastating not just the Mississippi Valley, but the entire United States. We are united as a nation in our determination to reach out quickly to the citizens along our troubled rivers and give them every aid and assist in bringing their families are their towns and cities, their economies, their livelihoods back to full and vigorous prosperity.

Let me focus the House's attention on 40,000 acres of prime farmland with standing crops in five counties along the Mississippi and the Ohio Rivers in far western Kentucky. I have introduced legislation which is now in the House Agriculture Committee to speed payments to farmers throughout the flood ravaged regions to make good their losses. As farmers tally their costs, including costs of emergency work to try to stem rising waters, I am urging the Congress and the Department of Agriculture to have every necessary measure in place to support them. I am also urging the Agriculture Committee to be fully aware and to provide in law for support of farmers who may suffer serious loss due to drought now plaguing central and western Kentucky and our Southeastern States even as the storms and rivers rampage in the Mississippi Valley. I am also asking for full consideration of relief for stunning tornado wind losses in west and central Kentucky this past spring.

We stand firmly by our farmers. Everyone in America benefits from their hard work. We support them in their hour of need. I commend the Government agencies and their leaders at the local, county, State, and national level who have moved quickly in recent days to provide for those who are suffering loss. We live in a great nation. We are great because we reach out to our fellow Americans in times of crisis with love, fellowship, and support.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 27, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 28

12:30 a.m.

Environment and Public Works

Superfund, Recycling, and Solid Waste Management Subcommittee

To hold hearings to examine the State and local community involvement in superfund cleanups.

SD-406

9:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the Department of Housing and Urban Development's 1993 legislative package.

SD-538

Environment and Public Works

To hold hearings on the nomination of Mollie H. Beattie, of Vermont, to be Director of the U.S. Fish and Wildlife Service, Department of the Interior.

SD-406

Foreign Relations

To hold hearings on the nomination of Donald C. Johnson, of Texas, to be Ambassador to Mongolia.

SD-419

Governmental Affairs

Regulation and Government Information Subcommittee

To hold hearings to examine at home business opportunity scams.

SD-342

Judiciary

To hold hearings on the nomination of Bruce A. Lehman, of Wisconsin, to be Commissioner of Patents and Trademarks, Department of Commerce.

SH-216

10:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings on the implementation of the Fastener Quality Act of 1990 (P.L. 101-592).

SR-253

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on proposed legislation to revise the Federal rules of civil procedures.

SD-226

1:00 p.m.

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for programs of the Marine Mammal Protection Act.

SR-253

2:30 p.m.

Small Business

Business meeting, to mark up S. 1274, authorizing funds for certain programs of the Small Business Administration.

SR-428A

3:00 p.m.

Foreign Relations

To hold hearings on the nomination of James R. Jones, of Oklahoma, to be Ambassador to Mexico.

S-116, Capitol

JULY 29

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the Department of Energy's efforts to clean up its nuclear weapons complex, focusing on the scope and cost of the cleanup program, the technological and managerial problems it faces, the standards governing the cleanup effort, and how priorities are set among competing cleanup projects.

SD-366

Environment and Public Works

Superfund, Recycling, and Solid Waste Management Subcommittee

To hold hearings on the Environmental Protection Agency's proposal to extend the municipal landfill criteria compliance deadline.

SD-406

Indian Affairs

Business meeting, to mark up S. 1156, to provide for the settlement of land claims of the Catawba Tribe of Indians in South Carolina, S. 1121, to authorize funds for fiscal years 1994-1996 to establish the National Indian Research Institute, S. 925, to reform the Bureau of Indian Affairs' accounting and management operations of the Native American Trust Fund, and S.J. Res. 19, to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii; to be followed by an oversight hearing on tribal college telecommunications and facility needs.

SR-485

10:00 a.m.

Foreign Relations

To hold hearings to examine United States policy in Somalia.

SD-419

10:30 a.m.

Judiciary

Business meeting, to consider the nomination of Ruth Bader Ginsburg, of New York, to be an Associate Justice of the Supreme Court of the United States.

SD-226

1:00 p.m.

Judiciary

To hold hearings on the nomination of Louis J. Freeh, of New York, to be Director of the Federal Bureau of Investigations, Department of Justice.

SD-226

2:00 p.m.

Armed Services

To hold hearings on the nominations of Shelia E. Widnall, of Massachusetts, to be Secretary of the Air Force, Department of Defense, and Graham T. Allison, of Massachusetts, to be Assistant Secretary of Defense for Policy and Plans, and on S.J. Res. 114, disapproving the recommendations of the Defense Base Closure and Realignment Commission.

SR-222

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 150, to provide for assistance in the preservation of Taliesin in the State of Wisconsin, S. 278, to authorize the establishment of the Chief Big Foot National Memorial Park and the Wounded Knee National Memorial in the State of South Dakota, S. 492 and H.R. 240, bills to provide for the protection of the Bodie Bowl area of the State of California, S. 845, to provide for the addition of the

Truman Farm Home to the Harry S. Truman National Historic Site in the State of Missouri, and S. 855, proposed Alaska Peninsula Subsurface Consolidation Act.

SD–366

3:30 p.m.

Select on Intelligence

To hold hearings on issues relating to Cuba.

SD–406

JULY 30

9:00 a.m.

Joint Economic

To hold hearings to examine the economy of China, focusing on recent efforts to control inflation, the continued increase in military spending, and the rising bilateral trade surplus with the United States.

SD–628

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to examine Federal government contracting procedures.

SD–342

10:00 a.m.

Armed Services

To hold hearings on the nomination of Victor H. Reis, of the District of Columbia, to be Assistant Secretary of Energy (Defense Programs).

SR–222

Labor and Human Resources

To hold hearings to examine issues relating to the diagnosis and treatment of lyme disease.

D–430

AUGUST 2

10:00 a.m.

Labor and Human Resources

Labor Subcommittee

To hold hearings to examine the effect of the Supreme Court's decision in "Mertens v. Hewitt Associates."

SD–430

2:00 p.m.

Energy and Natural Resources

To hold hearings to examine the status of the Department of Energy's civilian radioactive waste program.

SD–366

AUGUST 3

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Environment and Public Works

Clean Air and Nuclear Regulation Subcommittee

To hold hearings on State and local implementation of Title I of the Clean Air Act and other issues associated with the nonattainment provisions.

SD–406

10:00 a.m.

Veterans' Affairs

To hold oversight hearings on the Veterans Administration mental health programs.

SR–418

AUGUST 4

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold joint hearings with the Committee on Energy and Natural Resources on the Superconducting Super Collider.

SD–366

Commerce, Science, and Transportation

To hold hearings on proposed legislation to authorize funds for programs of the Magnuson Fishery and Conservation Act.

SR–253

Energy and Natural Resources

To hold joint hearings with the Committee on Appropriations' Subcommittee on Energy and Water Development on the Superconducting Super Collider.

SD–366

Indian Affairs

To hold hearings to examine the Bureau of Indian Affairs' proposal to reduce by 10% the funding for Indian programs for fiscal year 1995.

SR–485

2:30 p.m.

Appropriations

Energy and Water Development Subcommittee

To continue joint hearings with the Committee on Energy and Natural Resources on the Superconducting Super Collider.

SD–366

Energy and Natural Resources

To continue joint hearings with the Committee on Appropriations' Subcommittee on Energy and Water Development on the Superconducting Super Collider.

SD–366

AUGUST 5

9:30 a.m.

Energy and Natural Resources

To hold hearings on the actinide recycle program and the Department of Energy's advanced nuclear reactor program.

SD–366

10:00 a.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold oversight hearings on foreign-flagging requests of American shipping companies.

SR–253

3:00 p.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To hold joint hearings with the Committee on Indian Affairs on the implementation of the Job Training Partnership Act (P.L. 102–367), and the Indian Employment Training and Services Demonstration Act (P.L. 102–477).

SR–485

Indian Affairs

To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity on the implementation of the Job Training Partnership Act (P.L. 102–367), and the Indian Employment Training and Services Demonstration Act (P.L. 102–477).

SR–485

CANCELLATIONS

AUGUST 3

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 318, to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and S. 727, to establish a California Ocean Protection Zone.

SD–366

POSTPONEMENTS

JULY 29

9:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine abuses in Federal student grant programs.

SD–342

SENATE—*Tuesday, July 27, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.—Proverbs 3: 5, 6.

Eternal God, Lord of history, Ruler of the nations, democracy is often a very slow and tedious process because it represents the collision and conflict of many ideas, many agendas. In the words of Winston Churchill, "Democracy is the worst form of government * * * except for all the others." Often, conflict leads to stalemate which is especially possible as a long recess approaches.

God of light, grant special wisdom to the leadership at a time like this and remind them of the wisdom of the Proverb: "Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths." (Proverbs 3: 5, 6) Grant special wisdom and strength when the frustration of the democratic process prevails. Illuminate their way with the light of God.

We pray in His name who is the Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 27, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is now reserved.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 919 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 919) to amend the National Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The time between 9 a.m. and 10 a.m. shall be for debate on the motion to invoke cloture on the committee substitute to S. 919 with the time to be equally divided and controlled by the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mrs. KASSEBAUM].

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Madam President, under previous orders approved by the Senate there will now be 1 hour for debate on S. 919, the national service legislation. At 10 a.m. there will be a vote on a motion to end the filibuster against the bill. Immediately following that vote, regardless of the outcome of the vote, the Senate will return to the Agriculture Appropriations Act to vote on two pending amendments, and then on final passage of the act.

So beginning at 10 a.m. there will be four votes this morning. The first will be the regular time, the second, third, and fourth votes will be for 10 minutes each.

If the national service matter is resolved, either by agreement prior to 10 or by invoking cloture at 10, we would then, of course, complete action on that bill. If cloture is not invoked, why, then there will be another cloture vote on that bill tomorrow morning.

By separate order, the Senate will proceed to the consideration of the D.C. appropriations bill at 2:15 p.m. today. That order is printed at pages 2 and 3 of the calendar. There are a number of possible amendments to the bill and under the order action will occur on the bill during today's session.

Madam President, I note that the distinguished chairman and manager of the bill is present, and I, therefore, yield the floor.

Mr. KENNEDY. Madam President, as I understand it, there is a time allocation. Am I correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. KENNEDY. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator controls half the time until 10 o'clock.

Mr. KENNEDY. I yield 4 minutes to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. BOREN. Madam President, I thank my colleague from Massachusetts. Madam President, in just a few minutes we will be voting on whether or not to invoke cloture on this important matter. I urge my colleagues on both sides of the aisle to let us move forward with this legislation and let us move forward to final passage.

We have had our differences of opinion on both sides of the aisle on many issues in this Chamber this year. This is the time to demonstrate to the American people that we can put aside differences, we can put aside party labels, and we can work together in a bipartisan fashion for a program that will really help change the face of America for the better.

One of the things that people learn working together in Youth Corps is how to work together. One of the real strengths is that young people in our country learn that the real strength of this country is in the diversity of this country. Young people from the inner cities, many of them without family role models, many of them without mentors, have an opportunity for the first time to work with peers, those who have had a different background, those who have had more nurturing, those who can be role models and inspiration for them, those who appreciate for the first time in their own experience, for example, the fruits of hard work, of academic achievement. And with that kind of positive reinforcement, those young people from the inner city begin to realize, as they rub shoulders with those from different backgrounds, that they too can make it if they will work hard enough.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

At the same time, those from more privileged backgrounds, those from more affluent backgrounds have an opportunity for the first time to understand the real daily struggles in the lives of others who have not been given the opportunities that they have.

In essence, they learn that there is strength in our diversity, that we are part of the same American family, that we can work together in spite of racial backgrounds, in spite of ethnic backgrounds that are different, in spite of economic backgrounds that are different. We can work together for a common purpose.

Let us take those examples, those lessons that are learned by the young people that work together in the Conservation Corps, in the Youth Service Corps across this country, and let us apply those lessons in the U.S. Senate this morning, Madam President. Let us show that we can work together in a common purpose without regard to party label, without regard to party affiliation. Let us work together. Let us work together on a program that will make up for the deficit in our investment in human talent in this country.

How long are we going to debate, Madam President, before we do something about the fact that 29 percent of our young people are dropping out of school before they finish high school—talent is wasted—and are eight times as likely to end up in correctional institutions or public assistance than those that finish high school?

How long are we going to wait before we begin to repair the torn social fabric of this country, with 511 per 100,000 people in this country in prison compared with only 9 in Japan and about 25 in Europe? The highest imprisonment rate according to population in the world.

How long are we going to wait until we begin to have programs that bring us back together, that utilize our common talents?

Think of the benefits that flow also from the learning that comes from young people who are working together, the benefit that comes to the taxpayers. These are tight times for the budget. I will be talking more about that today.

I think it is well known that I am one of those that believes we must bring down the budget deficit. But let us get something for the tax dollars that we are already spending, particularly in the welfare system. It was found, for example, that in the Pennsylvania Conservation Corps $1.78 of benefits was returned to the taxpayers for every $1 that was expended; $2 was returned in benefits, for example, in the Washington Service Corps, because things are being built with the dollars that are being expended.

At the same time, young people are learning more because they are putting what they have heard in the classroom into practical work. For example, when Philadelphia had to lay off 1,200 teacher aides, a youth corps was organized and students, themselves, began to help tutor their peers 120 hours a semester. The school district was saved $250,000. The tutors themselves gained, and a much higher percentage of the students in that school began to go on to college and postsecondary education.

Madam President, let us invest in our people. It will have an enormous return to the taxpayers, and it will make an enormously positive difference in the budget deficit in the long run and help bring us together as one community. Let us show that we can come together as one community by voting in a bipartisan way to allow this debate and this vote on this bill to go forward by invoking cloture.

Mr. KENNEDY. Madam President, I yield myself 7 minutes.

I thank the Senator from Oklahoma for his statement and his strong support of the legislation which we are considering.

Madam President, I urge the Senate to invoke cloture on S. 919, the National and Community Service Trust Act of 1993. National service is a bipartisan issue. It relates to ideals which all Americans, Democrats, and Republicans, know are important: community, patriotism, responsibility, and opportunity.

We have a solid history of bipartisanship on this issue in Congress. It is regrettable that some Senators are now prepared to turn their backs on that tradition. The 1990 National and Community Service Act was enacted with a strong bipartisan support of 78 Senators. This legislation builds on that act and has many of its same features: Service learning, full-time national service with educational awards, and a decentralized service program administered through grants to the States.

The bill currently under consideration, the 1993 National and Community Service Trust Act, deserves the same bipartisan support. The bill has Democrat and Republican cosponsors and was endorsed by all Democrats and a majority of the Republicans on the Senate Labor and Human Resource Committee. I would like to have printed in the RECORD the excellent letter circulated by Republican Members of the House of Representatives. I ask unanimous consent that it be printed in the RECORD following my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

In part, the letter reads:

> DEAR REPUBLICAN COLLEAGUE: We believe national service is a basic Republican idea and that the President's proposal is structured as a Republican would have structured it, and it deserves broad Republican support.
>
> Establishing a program of national service promotes sound public values while providing a measure of college tuition assistance and a significant benefit to our communities, States and Nation. Young Americans across the country will participate in programs addressing the many challenges of our communities, including illiteracy, child immunization, environmental enhancement, crime prevention, and drug education.
>
> This program will produce young Americans with a sense of individual and civic responsibility and a keen understanding of the value of service * * *.
>
> While we currently provide grants and loans to students on a needs basis, this program embodies the truly Republican principle of having individuals earn the right to educational assistance.

Madam President, it points out that there were 19 Republican cosponsors when the bill was introduced in the House, a majority of the Republicans on the committee supporting it when it was voted out of committee.

Until now, the debate on national service has been open and constructive. Last week, we discussed the important issues, looking for opportunities to find common ground and strengthen and improve the bill. We have accepted or agreed to accept 14 amendments already, almost all of them offered by Republicans.

These amendments have strengthened the bill in many ways. We have reduced the bill to a 3-year authorization, so Congress can revisit the question of how fast the program should grow and what the final structure of the program should be.

The Corporation for National and Community Service will study questions relating to the need to provide payments for service and postservice educational benefits in order to encourage people to participate.

We debated whether this figure ought to be $5,000 and what the role of the stipend would be. We have structured a program to ensure that those matters will be thoroughly studied and reviewed and reported back to the Congress.

The Corporation will also examine the extent to which the program is opening new opportunities for disadvantaged Americans. We will find out exactly who this program appeals to, and whether we are reaching out to make the program inclusive and diverse. In addition, we will study how best to create an efficient and streamlined administrative structure for the program.

Another amendment will ensure that the program sets effective priorities for national service, so that the stipends and postservice educational awards can be tied to the areas of greatest national need.

We have included a provision to ensure that educational institutions do not raise educational fees as a result of the bill. We have limited the living allowance to ensure that participants are not paid for more than 2 years of service.

We have required the Corporation to deliver a business plan to Congress, covering issues such as grant accountability and an appropriate high-level management structure for the Corporation before any funds are distributed. This will ensure effective accounting and future evaluation of this program. The legislation includes every conceivable check to make sure that funds are monitored and well spent.

We have authorized a program for rural community service to ensure that rural areas can be adequately served by the program.

We have reduced the role of the Corporation's representative on State commissions to be ex officio, nonvoting status, to ensure that Federal oversight of the State commissions is not intrusive.

We have placed strict ceilings on administrative costs under the program to ensure that as much money as possible goes to program participants.

We have made it clear that this is not an entitlement program. That allegation was made by Republicans in the Senate, but even the letter from Republican Members of the House rebuts those charges.

We have limited the child-care expenditures to participants who demonstrate their need for such assistance.

We have simplified the application requirements for service learning programs to ensure that they are not excessively burdensome. That is a very useful and constructive change in the legislation.

All of these changes have improved the bill and made it stronger and more bipartisan. There is no justification for a filibuster.

We all know the challenges we face. Crime plagues our streets and neighborhoods; drug abuse is a national scandal; America has unprecedented numbers of homeless families; 1 in 5 children grow up in poverty; 23 million Americans are too illiterate to read the headlines of a daily newspaper; we have failed to preserve natural resources of clean air and water, and national forests are at risk through exploitation and pollution.

We cannot meet these challenges without the participation of citizens themselves. The modest investment proposed by this legislation can help to rekindle the sense of community service and commitment to others. This measure is an attempt to lay the groundwork for this task and provide more effective support in our common effort to reach these goals.

This legislation will achieve many purposes:

It will enable communities to respond to unmet needs with more citizens ready to combat drug abuse, homelessness and hunger, protect our forests, parks, and streams, improve their schools and child care centers, and assist elderly and disabled members of their communities.

It will remind all Americans of the responsibilities of citizenship, by starting service programs in the earliest grades.

It will benefit those who participate in service programs as well, by expanding access to higher education and job training for those who would not otherwise have these opportunities.

It will teach young people about the needs of their community. By teaching them to help others, we will also be teaching them that they can help themselves.

The service-learning portions of the bill will encourage educational reform in elementary and secondary schools. There is no better way to inspire a child's interest in science than by analyzing and cleaning up a polluted stream. There is no better way to help teenagers improve their reading skills than by helping a first grader learn to read.

Even as we debate this legislation, Americans are demonstrating their willingness to serve. For those of us who doubt that Americans will welcome this initiative, for those who doubt what it can do, for those who believe that national service benefits only participants, I ask that they look at how service programs even now are helping to protect the Midwest areas threatened by flooding, and to clean up in the flood's aftermath.

In Iowa, members of the Iowa Conservation Corps have placed sandbags along the Mississippi, Raccoon, and Des Moines Rivers. Corps members will be bringing drinking water to shut-ins and the elderly, and delivering pumps to low-income residents. There will be 150 young persons staffing emergency shelters and medical stations for those with flooded or destroyed homes. And scores of teenagers lined up at daybreak last week outside the job training office in Davenport, IA, for a chance to assist in the flood relief corps.

In Illinois, the Youth Volunteer Corps in the Quad Cities area made 400 calls and enlisted 75 teenagers in less than 24 hours. They sandbagged communities along the Mississippi as the river rose.

The Kansas City, MO, chapter of the Youth Volunteer Corps is working with the Salvation Army to remove debris and assist in relocating residents left homeless by the flooding.

In Kansas, the Kickapoo Tribal Nation Corps is working to ease the flooding in the eastern part of the State. The Youth Volunteer Corps in Omaha, NE, has provided food to relocated residents during the flood.

The Wisconsin Conservation Corps has two crews working in Black River Falls, cleaning out flooded basements and removing damaged plaster in homes. Corps members along the Wisconsin Fox River are working long hours, placing sandbags to prevent the river from overflowing its banks. Almost 33 crews, over 200 corps members, worked 2 weeks straight in 12- to 14-hour shifts without a break in Baraboo, WI, fighting a flash flood caused by 7 inches of rain which fell in 3 hours.

These stories are only the beginning of what citizens can accomplish if we call upon them to serve and make more opportunities available. We need to find ways to encourage citizens to work more effectively together, to rebuild our sense of community, and to deal with long-festering challenges, not just when disaster strikes.

Yesterday, a rally in the Dirksen Senate Office Building, organized over the weekend in opposition to the filibuster, drew close to 1,000 young people. Participants from Boston and many other cities could not understand why some are threatening to filibuster this measure. Hundreds of young people waited for hours in the hallways to hear the speakers and express their support. At the rally, it was announced that 25,000 postcards have already been received from Americans who want the national service bill to be passed now. And the same group has committed to collect signatures of over 100,000 Americans before this bill reaches the appropriations stage.

Many of those at the rally were simply Americans who wanted to make a difference. Nicole Thomas, a young mother, noted that "It's strange how I am here today, because politics never really mattered to me before." She said she was committed to national service, because she wanted to make the world a better place for her daughter.

Adam Kreisel told the rally that what is at stake is the future of the country.

This effort to block the national service legislation is an abuse of the Senate's rules and a disservice to the Americans we represent. We should be working together to refine this legislation further and bring it to final passage. This may well be one of the defining votes of this session of Congress. A vote for cloture is a vote for national service, and I want the Senate to go on record in solid support of service to our country.

EXHIBIT 1

HOUSE OF REPRESENTATIVES,
July 9, 1993.

NATIONAL SERVICE—TRULY REPUBLICAN

DEAR REPUBLICAN COLLEAGUE: As Republican cosponsors of H.R. 2010, the National Service Trust Act, we encourage you to take a close look at the legislation proposed by President Clinton and reported out of the Education and Labor Committee, with slight changes.

We believe national service is a basic Republican idea and that the President's proposal is structured as a Republican would have structured it and that is deserves broad Republican support.

Establishing a program of National Service promotes sound public values while providing a measure of college tuition assistance and a significant benefit to our communities, states, and nation. Young Americans across the country will participate in programs addressing the many challenges of our communities including illiteracy, child immunization, environmental enhancement, crime prevention, and drug education:

This program will produce young Americans with a sense of individual and civic responsibility and a keen understanding of the value of service.

National service participants all disperse throughout the country, carrying with them a belief that personal betterment results from contributing to the betterment of society and enriching the lives of others.

Some have said the President's national service proposal will compete with existing non-profit organizations—*not so*. In fact, the program's very structure builds upon these institutions and harnesses their energy to magnify the impact of service in local communities.

While we currently provide grants and loans to students on a needs basis, this program embodies the truly Republican principle of having individuals earn the right to educational assistance.

The decentralized nature of the organizational structure ensures decisions will be made at the state and local level by people who know what a community's needs are and the best ways to address these needs.

Lastly, we want to clear up any misunderstanding regarding the relationship of this legislation to the proposed restructuring of the guaranteed student loan program. H.R. 2010, the National Service Trust Act, contains no provisions providing for direct lending. These two proposals are contained in entirely separate pieces of legislation.

Finally, it should be noted this legislation contains a specific authorization only for fiscal year 1994 and authorizes "such sums" in the out years. Congress will need to appropriate funds each year based on the program's ability to support continued or increased funding.

When the Senate Labor and Human Resources Committee reported this legislation, it did so with the support of four of the Committee's seven Republicans. In the House, 19 Republicans signed on as original cosponsors of this legislation, which was reported by voice vote out of the Education and Labor Committee.

We hope you will carefully consider the impact this legislation will have and that it will have your support on the floor.

Sincerely,

Christopher Shays, Ben Gilman, Ron Machtley, Steve Horn, Connie Morella, Pete Hoekstra, Peter Torkildsen, Amo Houghton, Steve Gunderson, Rick Lazio, Jay Dickey, Doug Bereuter, Olympia Snowe, Tom Lewis, Peter Blute, Fred Upton.

Mr. KENNEDY. Madam President, How much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 14 minutes 45 seconds. The Senator from Kansas has 27 minutes 30 seconds.

Who yields time?

Mr. KENNEDY. Madam President, I yield 4 minutes to the Senator from Pennsylvania [Mr. WOFFORD].

Mr. WOFFORD. Madam President, this morning I would like to speak with you about costs and cloture and call for leadership.

Last week on this floor and over the weekend we heard some opponents of this bill engage in the politics of destruction and diversion, not construction and conversion. They floated myths and misinformation in the hopes that if you tell stories long enough and loud enough, someone might actually believe you. I want to address these issues this morning.

COST

Let me address the worst myth head on. Opponents of the bill keep saying that this bill will cost $10.8 billion. That simply is not true.

The truth is that this bill authorizes $394 million for the national service trust fund in fiscal year 1994.

The figures our opponents have been throwing around are simply not in this bill. I repeat: they are not in this bill.

This bill that passed 14 to 3 out of committee, with more Republicans voting in favor than against, did so in part because it says that the program must grow according to the market, according to demand and to the extent that the program proves that it is cost-effective.

Moreover, let us remember that national service produces benefits as well as costs. National service will leverage additional resources as it is in every respect a public-private partnership requiring matches from State and local sources on just about everything.

I submit for the RECORD, copies of letters from the leaders of Time-Warner, HASBRO, Circuit City, Ford, the Philadelphia Coca-Cola Bottling Co., and several other major companies endorsing national service as a bipartisan, public-private venture that even in these tough times makes sense for America. I also submit letters from leaders of the independent voluntary service sector in support of this bill, including the president of the American Red Cross, Elizabeth Dole.

I ask unanimous consent that these letters be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so added. (See exhibit 1.)

Mr. WOFFORD. Madam President, if we are going to talk about cost, let's do it honestly. And that means talking about return as well as cost.

THE COST-EFFECTIVENESS OF NATIONAL SERVICE

Let me cite some solid evidence demonstrating the cost-effectiveness of service programs.

NATIONAL SERVICE CORPS

The Pennsylvania Conservation Corps produces $1.81 for every dollar invested in program costs.

The Washington Service Corps returns an estimated $2.88 in community benefits for every dollar of program costs.

The California Conservation Corps returns a $1.77 in benefits for every dollar invested and this number jumps to $2.82 when they are doing disaster and emergency relief fighting forest fires and the effects of earthquakes.

The Michigan Conservation Corps estimates that $2.01 is returned in net benefits—welfare savings, income tax, and work products—for every dollar of appropriations over the first 6 years.

Since its founding 6 years ago, the Youth Volunteer Corps has had over 12,000 young participants generating more than 500,000 volunteer hours with a cost per program of only $35,000. In Kansas City last summer volunteers put in about 41,000 hours of volunteer service work which equates over $200,000 worth of service, if calculated at the minimum wage.

In Philadelphia, in 1990-91 the school district laid off 1,200 teacher aides due to severe budget pressures that so many of our urban school districts face. Through the high school literacy corps which now operate in 9 high schools, 165 student tutors were placed in elementary schools. They each tutored a minimum of 120 hours and received academic credit. This represents a benefit to the school district of $274,500. The out-of-pocket cost of the 165 Literacy Corps students is about $25,000—the cost of a VISTA volunteer and bus tokens for the students.

In New York City, the City Volunteer Corps has demonstrated remarkable results motivating students to serve, earn, and learn. In 1988, 45 percent of corpsmembers continued their education after CVC—81 percent were high school dropouts before joining. A later study showed that 80 percent were employed after CVC, mostly full-time, and almost half above minimum wage, compared to only 51 percent before joining. National service develops strong work ethics and rewards hard work and teamwork, not welfare.

SERVICE LEARNING

Service learning has proved to be a powerful and cost-effective means of improving student outcomes and reforming education. Look at what is happening in our Pennsylvania:

At Chestnut Ridge High School in rural Bedford County, PA, the post-secondary education rate went from 30 percent of all graduates to 80 percent in the 5 years during which community service was made almost universal.

We show similar numbers at Steel Valley and Lincoln.

At Overbrook High School attendance improved, and at Reading High School achievement and grade point averages soared when community service was integrated into the curriculum.

At Keystone Oaks High School in suburban Pittsburgh, the dropout rate which had averaged 28 students per year for 10 years has dropped to an average of 7 for the past 3 years since a 120-hour community service requirement was initiated.

There are similar results at the college level and in other programs supported under this act.

Our Pennsylvania campus compact, which has invested a modest $100,000 per year in private and public funds, has increased volunteer service on colleges throughout our Commonwealth from 500,000 hours to 1.5 million hours.

Hundreds of thousands of seniors will be challenged to serve through existing programs supported by this act. They are currently helping severely at-risk children, keeping other seniors healthy and at home, and doing the tough tasks needed all over the country. In Montgomery County our Retired Senior Volunteer Program estimates that it has saved the agencies in the county over $1 million per year. The average RSVP participant costs 0.45 per hour. The average foster grandparent and senior companion costs less than $3 an hour. Compare the $3,500 cost of a senior companion to the more than $30,000 average cost of a year in a nursing home. The three programs number close to 490,000 participants and touch the lives of hundreds of thousands more.

THE PEACE CORPS

Madam President, we have heard all the arguments that are being used against this bill before. We heard them in 1990 when President Bush created the Points of Light Foundation and the Commission on National and Community Service. We heard them when VISTA was created and we even heard them in 1961 when another young President tried to launch a national service initiative called the Peach Corps. It is only to be expected that we would hear the same arguments now when we attempt to bring the spirit of the Peace Corps home.

When I was working with Sargent Shiver and others to launch the Peace Corps in 1961, its opponents had all of the same concerns that are being voiced today.

The Peace Corps was accused of creating a large new bureaucracy that would "extravagantly and needlessly duplicate" the work of existing, taxpayer funded organizations. We have seen that this did not occur. The Peace Corps was antibureaucratic by design and it continues to be a streamlined model for other agencies today.

The opponents of the Peace Corps objected to its experimental status and the fact that it was unproven. In the end, most of them realized the value of the new initiative. Two smaller, stripped-down, lower cost versions were rejected by the Senate in order to implement the program in such a way that it would have a significant impact. But these amendments were defeated just as we wisely defeated the two substitute national service amendments last week.

The concept of voluntarism was also under debate in 1961, as it is today. There were those who objected to the Peace Corps because they felt it detracted from voluntarism—unpaid, unstipended, informal service—and was not really volunteering. They felt that the minimal stipend and postservice benefit removed the sacrifices normally associated with voluntarism. The Peace Corps was seen as an attempt to "glamorize and imitate the serious, dedicated work" that was already being done by private organizations.

This fear has proven unfounded. Any Peace Corps volunteer, just like any youth corps participant, will tell you that the work is anything but glamorous. The spirit of service and sacrifice are alive and well in the Peace Corps. The stipend and postservice benefit have done nothing to destroy this. Volunteers have kept right on serving, volunteering, and being involved long after their time in their stint in the full-time corps has ended. In fact, their dedication has multiplied the number of volunteers in this country by leading others to service.

The establishment of the Peace Corps was a bipartisan effort. The bill was recommended out of the Senate Foreign Relations Committee by a vote of 14–0. The final vote count showed that the ranking minority member of the committee, the Senate minority leader, and the Republican sponsor of both of the stripped-down substitute amendments all voted for the bill. In the end, the power of the idea outweighed their concerns and their hesitation to move dramatically forward.

The myths and fears that we are hearing today echo those used against the Peace Corps. They were overcome in 1961. Yet they resurface and threaten to cause gridlock today. The success of the Peace Corps should encourage and bolster our efforts today.

In closing, Madam President, this is not about politics, it is about people.

I spent over an hour yesterday with CHRIS SHAYS, a distinguished Republican House Member, and CHRIS DODD, and literally hundreds and hundreds of young people who came together on a moment's notice when they heard that there were some who were considering a filibuster.

They told us time and time again not to let politics stop or weaken this bill.

They told us that they had been excited that their bill had achieved such strong bipartisan support and that they hoped it would continue to do so.

One speaker after another said that their generation was ready, if we would just stop pointing fingers and allow them to lead. They are tired of politicians whose eyes are on the next election instead of the next generation.

One speaker after another said they were disillusioned about the labels of left and right, about paleo-this and neo-that, about Democrat and Republican, liberal and conservative. That they did not care about the posturing that takes so much time in this city and in this Chamber.

All they want is for us to invest in what works. And my friends, if you do not get it yet let me tell you: what works is our investing in them and investing in the people that are willing to invest in America; what works is empowering them and empowering local leadership to solve problems.

What I saw in that room yesterday was hope.

Hope that we would lead. That we would not let them down. Hope that we would pass this bill as it stands.

Hope that people would realize that in their minds we are starting too slow and too small already.

Hope that on their issue, on their bill, we would learn what they already know: our country is in trouble and it needs leadership not partisanship to get out of it.

The young people of America—and seniors too—are asking for the chance to serve. Do not tell them no.

Yesterday, with this huge overflowing crowd, and the over 20,000 postcards that they delivered to this body from others like them all over this great land ready to serve, the young people said emphatically that they are looking at our vote and they are eager for our response. They are expecting us to vote for people, not politics. They are ready to stand up and be counted and expect us to do the same. If we do our part then they will do theirs.

At this critical moment in our Nation's history, they are desperately looking to us for leadership, for us not to confirm their worst suspicions about this body.

EXHIBIT 1

STATEMENT OF GERALD M. LEVIN, PRESIDENT AND CEO OF TIME WARNER, IN SUPPORT OF THE NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. Senators would make a terrible mistake to filibuster this legislation.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative is an important step in meeting pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education to ensure an educated work force. And perhaps most importantly, it will help restore the individual discipline and community spirit that our country needs in order to succeed.

National service has always been a bipartisan issue. President Bush signed service legislation in 1990. The Clinton Administration worked hard to build bipartisan support for this initiative, developing a plan that limits costs, requires results, and cute bureaucracy. Republican principles of high outcomes and low overhead are strongly reflected in the bill. It is no surprise that four Republicans in the Senate and nineteen in the House are already cosponsors.

This proposal is not inherently Democratic or Republican. At its heart, it is bipartisan, and it is American. I hope that partisan politics will not interfere with this important initiative.

GERALD M. LEVIN,
Chairman and CEO.

BUSINESS LEADER STATEMENT IN SUPPORT OF THE NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. I believe

Republican Senators would be making a terrible mistake to filibuster this legislation. It is about time we stopped talking and filibustering, and did something for the American people.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative will meet pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education, to ensure an educated work force. And perhaps, most importantly, it will retore the individual discipline and community spirit that our country needs in order to succeed.

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Very truly yours,

ALAN G. HASSENFELD.

JULY 26, 1993.

STATEMENT OF ALAN L. WURTZEL, CHAIRMAN OF THE BOARD, CIRCUIT CITY STORES, INC.

As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. Republican Senators would make a terrible mistake to filibuster this legislation.

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FORD MOTOR CO.,
Dearborn, MI, July 26, 1993.

U.S. Senate,
Washington, DC.

DEAR SENATORS: As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. Senators would make a terrible mistake to filibuster this legislation.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative is an important step in meeting pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education, to ensure an educated work force. And perhaps most importantly, it will help restore the individual discipline and community spirit that our country needs in order to succeed.

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Sincerely,

RENEE S. LERCHE,
Manager, Employee Development and External Education, Employee Relations Staff.

THE PHILADELPHIA COCA-COLA BOTTLING CO.,
New York, NY, July 26, 1993.

U.S. SENATE,
Washington, DC.

DEAR UNITED STATES SENATORS: As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. Senators would make a terrible mistake to filibuster this legislation.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative is an important step in meeting pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education, to ensure an educated work force. And perhaps most importantly, it will help restore the individual discipline and community spirit that our country needs in order to succeed.

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Sincerely,

J. BRUCE LLEWELLYN.

ROCKEFELLER FINANCIAL SERVICES, INC.,
New York, NY, July 26, 1993.

As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. Republican Senators would make a terrible mistake to filibuster this legislation.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative will meet pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education, to ensure an educated work force. And perhaps most importantly, it will restore the individual discipline and community spirit that our country needs in order to succeed.

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DAVID ROCKEFELLER, Jr.

THE BODY SHOP,
July 26, 1993.

The PRESIDENT,
The White House,
Washington, DC.

MY DEAR MR. PRESIDENT: As a business leader and as a concerned American, I strongly support the National and Community Service Act of 1993. Republican Senators would make a terrible mistake to filibuster this legislation.

National service is a small investment—$394 million in 1994—but it promises to offer a large return. The initiative will meet pressing problems like illiteracy, crime and poor health that threaten the nation's competitiveness. It will help pay for young people's education, to ensure an educated work force. And perhaps most importantly, it will restore the individual discipline and community spirit that our country needs in order to succeed.

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This proposal is not inherently Democratic or Republican. At its heart, it is bipartisan, and it is American. I hope that partisan politics will not interfere with this important initiative.

Sincerely,

MARY ANN MILLS,
Co-Owner and Managing Director.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who yields time?

Mrs. KASSEBAUM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mrs. KASSEBAUM. Madam President, if I may just speak for a moment on the pros and cons that have been really fairly debated, I think, on the National and Community Service Trust Act, as we have said before, I do not think there is any disagreement on the importance of community service. But I would just like to point to a few figures and set out once again just briefly some of the differences.

We are talking about a new program. This is in addition to the thousands of participants, either full time such as in VISTA, or in the Peace Corps versus those who contribute part time such as Foster Grandparents and the RSVP Programs. These are an additional 25,000 for the first year number of participants who would give time to community service for an education voucher.

We have been discussing whether it should be $400 million, as has been laid out by the administration proposal, for the first year of funding versus what some of the rest of us believe would be a far better way to initiate a new program with the ability to look at a restructuring of the administrative structure.

Under the proposal that has been put forward by the administration, for instance, administrative costs—let me back up a minute. The administrative costs of the ACTION programs now ongoing are more than $30 million than is spent on VISTA.

I think that we ought to consider what we spend on the Peace Corps which is today less than what we are asking for the first year of the national and community service. The Peace Corps has worked extremely well. I think we would all agree with that.

But the very fact that we are starting out with the first year of a new program that is more costly than what we spend today on the Peace Corps again is an example, I think, of what we are trying to talk about.

I am convinced, Madam President, that if this program is going to succeed, it really should start smaller rather than larger and grow as the participation in the community needs to fill the program out so it can be a disciplined, reasonable approach to what I think we all wish to see achieved. But to start a new program on top of what we have without giving it some of the fiscal discipline as well as ability to look toward the restructuring, I think, is a mistake.

I think, Madam President, that there has been much positive negotiations that have taken place. There is a desire to reach some compromise, and it is my hope certainly from this side of the aisle that we can do so before too long.

I yield the floor, Madam President.

The ACTING PRESIDENT pro tempore. Who yields time?

Mrs. KASSEBAUM. Madam President, I suggest the absence of a quorum and suggest that we charge it to my time.

The ACTING PRESIDENT pro tempore. That is the regular order.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. KASSEBAUM. Madam President, I yield to the Senator from Pennsylvania 10 minutes, or such time as he would like.

Mr. SPECTER. I thank my colleague for yielding time.

THE PENNSYLVANIA HAT

Mr. SPECTER. Madam President, if I might take 20 seconds as a matter of personal privilege to explain my hat.

I had an operation a few weeks ago for an intracranial lesion. I am doing fine, all except for decor and appearance. I am taking the privilege of wearing this Pennsylvania hat.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. SPECTER. Madam President, I have long supported national service. I think it is an excellent idea to involve young Americans in the service of their country.

I am an original cosponsor of this bill. I have in the past supported ACTION, which is a national service matter of a sort. I have supported the Peace Corps.

Years ago, I served on the National Advisory Council of the Peace Corps and was asked to make a trip to Micronesia, when there was a dispute between the Peace Corps and the Air Force, when Micronesia was establishing a new constitution.

I took time to go halfway around the world to be an arbitrator. I had been in the Air Force. I was district attorney at the time.

The commanding general of the Air Force did not like the way the Peace Corps lawyer was representing the Micronesians. The general thought it was contrary to the national defense of the United States.

The young Peace Corps lawyer happened to be from Philadelphia. I sat down with the general and the Peace Corps lawyer and explained to the general that the lawyer was supposed to represent his clients, even though it might be contrary to the interests of what the general thought, just as when I was district attorney there were lawyers hired and paid for at public expense to represent defendants, even murderers, in the criminal court.

And after that experience, I worked extensively on the Peace Corps. So I have long been committed to the concept of national service.

I am concerned, Madam President, about the issue of cost. That was a factor which I cited the day this bill was introduced, expressing my concern about cost.

I am concerned as to whether we will be able to properly fund this measure and properly fund other important measures which are now pending before the Congress.

A debate is going on in conference over arriving at a budget to achieve a deficit reduction of $500 billion. And I hasten to point out that that calculation on deficit reduction is really only a reduction, allegedly, in the rate of increase; that the deficit will still be increased by some $1.1 trillion over the next 5 years, according to the projection of the President. But he calculates a $500-billion savings on some projections which were made by the previous President. But the problem of the deficit is well known.

I serve as the ranking Republican on the Appropriations Subcommittee on Labor, Health and Human Services, and Education, along with Senator HARKIN, who is the chairman. We go through the sheets in an effort to find funds for very vital matters—education accounts, education for big city schools, for minorities, the National Institutes of Health, safety in the mines, safety on OSHA, and we are very short of funds.

Last year, we raised the authorization for the Pell grants. Members of both bodies of the U.S. Congress went to the floor and patted themselves on the back for raising the authorization. And then the appropriation was cut.

We are looking high and low to find funds to meet our obligations.

I intend to vote against cloture this morning, because I believe that there can yet be savings on this bill.

I was distressed to see in the Sunday New York Times a report that the Republicans were engaging in a filibuster. The statement was made by a Democratic leader that "It is another example of Republican obstructionism."

Then I see in this morning's press that the President says that a filibuster was begun last Friday by Senate Republicans.

I would point out, Madam President, that last Friday this body was engaged in the appropriations bill of the legislative subcommittee. I would further point out that there has been relatively little time spent in this body, in the Senate, on this bill, and there certainly is not a filibuster in progress.

This bill was taken up late on Tuesday, after the Senate completed action on the Hatch Act.

We were on it on Wednesday. On Thursday, a good bit of the day was taken up by the issue of the Confederate flag, raised by the distinguished Senator from Illinois, [Ms. MOSELEY-BRAUN], a matter where I agreed with Senator MOSELEY-BRAUN. But there has been relatively little time spent on this measure. We are talking about a bill which would cost, in the first year, some $300 million, and would go soon to some $3 billion a year. So it is not a small matter.

When we turn to the issue of recrimination and criticism, as we saw yesterday from the President, it seems, at least to this Senator, it is a little difficult to deal with Vice President GORE and Eli Segal—as I did last week, and talked to Democrats yesterday—and then pick up the morning press and find partisan criticism for obstructionism and a filibuster when, in fact, there is no obstructionism and no filibuster.

I note that the President was complaining about the House of Representatives for delay in action on the $3 billion package of flood relief because of a debate on how to pay for it. I suggest that a debate about how to pay for the flood relief program is very appropriate. There is no doubt about the need of the Congress to respond to the terrible losses in the floods in the Midwest. But I think every effort should be made, as a first matter, to see if we can find offsetting cuts. If we cannot find offsetting cuts, before we declare an emergency and add to the deficit I think we ought to consider the issue of a specific tax. I believe the American people would be prepared to have a small surtax, which would be a very small fraction of the taxes in effect, in a specific way to pay for the flood relief.

Madam President, that is not my idea. The idea was first advanced to me by my son, Shanin Specter, who is a young lawyer, a conservative young Republican, who is very much opposed to taxation and increases in taxation. But when it comes to a matter which is clearly defined, like relief for the flood victims in the Midwest, that is something that my son Shanin Specter, as much as he is opposed to increases in taxation, would be willing to undertake.

I have found that when the American people see taxes going for a good purpose, that there is, I would not say no objection, but less of an objection than when we have a tax-and-spend policy in general. When the House of Representatives is considering how to pay for this flood relief program instead of adding it automatically to the deficit, it seems to this Senator that that is something that is worthwhile.

When we come to the criticism of the President, really directed against Republicans on the issue of gridlock, there is an interesting comment in this morning's paper attributed to Chairman ROSTENKOWSKI, who said, when referring to comments by the Clinton administration, I think perhaps by the President himself—this is Congressman ROSTENKOWSKI: "I wish the President would be President and let us negotiate," referring to some of the negotiations which were underway on the issue of taxes. So when you come down to the business which is being undertaken by the Congress, you even have someone like Chairman ROSTENKOWSKI making the point that he wishes the President would allow the Congress to negotiate.

Madam President, I ask for an additional 2 minutes from the distinguished Senator from Kansas.

Mrs. KASSEBAUM. Madam President, how much time is left on my side?

The ACTING PRESIDENT pro tempore. The Senator from Kansas has 6 minutes, the Senator from Massachusetts has 10 minutes 20 seconds.

Mrs. KASSEBAUM. I would be happy to yield 3 minutes to the Senator from Pennsylvania.

Mr. MITCHELL. Madam President, I wonder if the Senator will yield to permit me to propound a unanimous-consent request?

Mr. SPECTER. Yes; I yield to the distinguished majority leader.

The ACTING PRESIDENT pro tempore. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I have been discussing the pending measure with the distinguished Republican leader, the managers of the bill, the Senators from Massachusetts and Kansas, as well as the Senator from Pennsylvania and others interested in the bill. Discussions are underway in an effort to reach agreement and permit passage of the bill, hopefully today. Because a large number of Senators are involved, those discussions have not been concluded, but there is the expectation that they will be concluded in a relatively short time.

In an effort to permit those discussions to proceed we have agreed that the vote on cloture, now scheduled for 10 a.m., will be briefly postponed to occur at a time later in the day to be determined by myself following consultation with the Republican leader.

I might say it is my expectation, and that of all concerned, that the matter will be resolved one way or the other by early afternoon at the latest and that, if we are able to reach an agreement, we will proceed to final passage of the bill. If we are not able to reach an agreement, then we will proceed to have the cloture vote sometime during the early afternoon. That is my intention as of this time, based upon these discussions.

Accordingly, I now ask unanimous consent that the vote on cloture to terminate debate on S. 919, the national service bill, now scheduled to occur at 10 a.m. today, be postponed until such time as it is rescheduled today by the majority leader following consultation with the Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I next ask unanimous consent that the votes on the Agriculture Appropriations Act, now scheduled under the previous order to occur following the vote on cloture, instead now occur beginning at 10 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I further ask unanimous consent that the first vote be under the regular time as announced at the beginning of the year by me and that the second and third votes be for 10 minutes only.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Madam President, I will simply repeat and summarize where we now stand. At 10 a.m. there will be a vote on the first of two amendments on the Agriculture Appropriations Act. That will be in the regular time, a 20-minute vote. Immediately following that there will be a vote on a second amendment to that bill. That will be a 10-minute vote. Immediately following that there will be a vote on final passage of the Agriculture Appropriations Act. That will be a 10-minute vote.

The cloture vote on the national service bill, that is the vote on the motion to end the debate on the bill, previously scheduled for 10 a.m. will be postponed until a time later in the day, and I will announce that time in the near future if it is necessary to have a vote. If the matter is agreed to, then there will be an announcement of a vote on final passage of the bill. If it is not agreed to, there will be an announcement on the vote on the motion to terminate debate. I expect that matter to be resolved by no later than early this afternoon.

Madam President, I ask unanimous consent that my remarks appear in the RECORD so as not to interrupt the remarks of the Senator from Pennsylvania, and I thank him for his courtesy.

Mr. SPECTER. Madam President, I ask the distinguished majority leader to permit his remarks to interrupt mine because they very directly bear on what I have said and am about to say. It is an unusual situation. I see the distinguished majority leader nodding assent to that.

THE NATIONAL SERVICE ACT

Madam President, I thank the distinguished majority leader and distinguished Republican leader and the other Senators who have worked out the negotiations to at least postpone the cloture vote. It shows the peril of coming to the Senate floor and announcing the position, "I am going to vote in favor of cloture," when that vote is not now even going to occur. But I think that what has happened here this morning is illustrative of a very constructive effort that Republicans can make in trying to hold down costs. There has, in fact, been no filibuster, notwithstanding what the President said about filibuster on Friday. We were not even on this bill. And there certainly was not a filibuster on Tuesday, Wednesday, and Thursday, when a very limited period of time, only part of Tuesday and only part of Thursday, were devoted to this bill.

There had been nine amendments voted on, six related to this bill. So when the Republicans are in a position to raise an issue about costs, if cloture could be obtained by the Democrats without looking to the Republicans, this kind of careful analysis and this kind of reduction would not occur.

There are 56 Democrats, and it takes 60 to have a cloture vote to cut off debate. There are four Republican cosponsors. If you add the 56 and the 4, you come to 60 and enough to cut off debate.

There are a few of us on this side of the aisle, myself included, who find themselves characteristically in a position of being swing votes. After I took a look at the cost involved in this bill last week and discussed it with a number of Members on the other side of the aisle and the administration, including the Vice President, and Mr. Eli Segal who shepherded this bill for the Democrats, it seems to me it was too expensive. When I talked to some Members on the other side of the aisle yesterday and stated my intention to vote against cloture, it appeared that there probably would not be enough votes for cloture on this state of the record. So we have achieved consideration of cost reduction.

I will say that, similarly, when the President, as reported in today's New York Times, is criticizing the House for looking for a way to pay for flood relief, that that kind of an analysis is worthwhile. I do not think it is going to hold up the payment of money to the flood victims, and I think there is no doubt that the moneys ought to be paid. But we should take a look first to see if we can have cuts or, second, if we can have a specific designated tax and a small percentage of surtax before we look to declare everything is an emergency, to add to the deficit.

I think Chairman ROSTENKOWSKI gave the President good advice, generally referring to the negotiations on the budget, when he said, "I wish the President would be President and let us negotiate." Similarly, I think it is sound advice if the President would let the Senate work out, through our normal way, methods of trying to reduce costs to provide a better bill. I think we are in the process of doing that.

The ACTING PRESIDENT pro tempore. The time of the Senator from Pennsylvania has expired.

Mr. SPECTER. I thank the Chair and note my time has expired. I thank my distinguished colleague from Kansas, Senator KASSEBAUM.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. MOSELEY-BRAUN. Madam President, I rise today to express my strong support for the National and Community Service Trust Act of 1993. I support the National and Community Service Trust Act because it would unite all Americans—from the youngest elementary school students to our oldest citizens—in a common effort to rebuild our Nation's communities.

Madam President, the National and Community Service Trust Act is not an attempt to reinvest the wheel. It merely builds upon the accomplishments of the ACTION agency and the Commission on National and Community Service.

Since its inception, the ACTION agency has provided several meaningful opportunities for individuals to give back to their communities. I am proud to say that in my home State of Illinois over 15,000 individuals currently serve their country through ACTION programs. VISTA volunteers work with local service organizations throughout Illinois, helping low-income individuals change their lives and renew their communities. In Chicago, for example, VISTA volunteers serve in the Uptown Habitat for Humanity organization which buys old, ruined buildings and rehabilitates them with help from low-income individuals who are then able to move in and purchase them.

VISTA volunteers are also helping flood victims in East St. Louis, IL, by coordinating emergency housing at two local shelters. These committed individuals are recruiting local volunteers and obtaining food supplies for individuals displaced by the flood. Volunteers in the Retired Senior Volunteer Program in Moline and Quincy, IL, are also filling sandbags, assisting the Red Cross, and helping the Salvation Army address the needs of flood victims.

Madam President, the National and Community Service Act would also build on the successful programs currently being operated by the Commission on National Service, including the Serve-America program which allows students to earn academic credit while participating in service projects, and the Thousand Points of Light Foundation.

In 1990, the Thousand Points of Light Foundation recognized the efforts of the volunteers in the Midnight Basketball League program. A few weeks ago, I introduced S. 1005, the Midnight Basketball League Training and Partnership Act, in order to provide Federal assistance to midnight basketball leagues which offer recreational as well as educational opportunities to our Nation's youth.

I would like to submit for the RECORD an editorial which appeared today in the Chicago Sun-Times praising the Midnight Basketball League Program which serves the residents in the Chicago Housing Authority's Altgeld Gardens.

As you know, Madam President, this legislation would authorize a modest $394 million budget for a new national service initiative. This initiative would allow 25,000 individuals from different economic and social backgrounds to serve in programs designed to address the educational, environmental, public safety, and human needs of our communities and it would help our Nation's most distressed communities by requiring that 50 percent of program funding be targeted toward: Enterprise zones and redevelopment areas; areas that are environmentally distressed; areas adversely affected by reductions in defense spending; areas that have experienced a substantial reduction in population; and areas with a substantial number of economically disadvantaged older adults.

In addition to promoting public service, the National and Community Service Act would also provide educational opportunities for individuals who would not otherwise have the financial resources necessary to continue their education. This legislation would offer $5,000 education awards to all participants for every 1 year of full-time service or 2 years of part-time service. Participants could use these awards to repay college loans or to pay for a college education. Participants could also use these awards to pay for expenses in approved vocational education programs, job-training programs, or school-to-work transition programs.

In short, Madam President, I support the National and Community Service Trust Act because it is an investment in the future of our country, and because it unites all Americans in the work of rebuilding our communities. Once adopted, this legislation will remind us that every American can have a profound effect on the economic and social problems which plague our communities.

I believe that the National and Community Service Act will move our country in the right direction, and I urge my colleagues to support it.

Madam President, I ask unanimous consent that the editorial on the Chicago Midnight Basketball League be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MIDNIGHT BASKETBALL SCORES AT ALTGELD

(By Steve Neal)

Altgeld Gardens is a tough place.

More than 300 law-enforcement officers raided the CHA project on the far Southeast Side last fall and seized 44 guns, including assault weapons and rifles with laser scopes. There were more than 20 shootings in the Gardens last summer.

About 12,000 people live in the two-story CHA project at 840 E. 132nd, which has a history of gang and drug problems. But it is also a neighborhood that has produced basketball superstars, including Cazzie Russell of the University of Michigan and the New York Knicks and Terry Cummings of DePaul University and the San Antonio Spurs.

This summer, the Chicago Housing Authority and the Catholic Youth Organization are sponsoring a Midnight Basketball League in the Our Lady of the Gardens gym. The Rev. John P. Smyth; executive director of the CYO, and a former All-American at Notre Dame and 1957 first-round NBA draft selection of the old St. Louis Hawks, has initiated a year-round sports and recreation program at the Gardens, which is a beacon of hope in a tough neighborhood.

A crowd of more than 500 attended last Thursday's midnight basketball doubleheader in the Our Lady of the Gardens Gym, where Father Smyth recently installed glass backboards. Members of rival gangs play on the same teams. The CHA's Midnight Basketball League drafts players for the eight teams in each project. League officials seek to keep the teams evenly matched. The league uses the names of National Basketball Association teams. Players are also enrolled in job-training, drug-abuse and crisis-intervention programs. If a member of a team is arrested for any reason, he is suspended from the team. Gil Walker, commissioner of the CHA's Midnight Basketball League, said that gangs have an informal truce during basketball competition.

Basketball is more than a sport at Altgeld Gardens. It's something special. The crowd got into the action the other night as the Lakers came on strong in the closing minutes to upset the Bulls. There were fastbreaks, behind-the-back passes and slam dunks. It was a terrific game played by exceptional athletes. In the second game, the Clippers upset the previously undefeated Mavericks.

"Last summer, the kids couldn't sit outside because of the shootings," said Esther Wheeler, president of the Gardens advisory council. "Midnight basketball has been a wonderful thing for the Gardens. It gives people something to do on Tuesday and Thursday nights. When the kids come into the gym, there aren't any hand signs or signaling."

Gilbert Robinson, a resident of the Gardens who runs the gym at Our Lady of the Gardens, said that he's got a waiting list of kids who would like to participate in basketball and other programs. "This gives them an alternative, something to do," said Robinson.

Father Smyth, who looks like John Wayne in a Roman collar, is installing a boxing ring at the Gardens and is also launching bingo, roller-skating and drama programs. He also wants more midnight basketball. If there were more people with the Rev. Smyth's vision and leadership, Chicago would be a better place.

Mr. WOFFORD. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WOFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the clerk will report H.R. 2493.

The bill clerk read as follows:

A bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Reid amendment No. 636, to prohibit the use of funds to operate a regional office of the Rural Development Administration after April 1, 1994.

(2) Bryan modified amendment No. 662, to reduce the amount of funds and commodities that may be used to carry out the market promotion program.

AMENDMENT NO. 636

Mr. WOFFORD. Madam President, I rise today to address a very important issue to Pennsylvania—rural development. Both the House and Senate Agriculture Appropriations Committees have had considerable discussion about the future of the Rural Development Agency, especially the regional office structure. While I am very concerned about the elimination of regional offices, I am even more concerned about the direction of our rural development policies. We need a strong comprehensive rural development policy.

For many years rural policy was synonymous with production agriculture policy. This has changed. While production agriculture is certainly a cornerstone of our rural areas, everyone in rural Pennsylvania is not involved in agriculture. They benefit, but are not necessarily involved.

We must recognize that while small towns and communities have a favorable quality of life they also have unique infrastructure, employment, economic development, child care, and healthcare needs. They are too small to support specialized businesses or essential public services. That is why it is so important we have a central agency to focus on rural development.

I was pleased when my friend and colleague Mike Espy was appointed Secretary of Agriculture because I felt that for the first time, given his work in Congress and strong ties to rural America, that rural policy would get the attention it deserves. I am still hopeful and believe that when the Department of Agriculture releases its restructuring plan, rural development will be a key component.

This afternoon, I met with the Undersecretary for Small Community and Rural Development, Bob Nash, to discuss rural development and to press for a clearly defined rural development policy. This meeting was called in part because of the recent debate over the regional office structure of the Rural Development Agency, which was put in place about 2 years ago.

The northeast regional office in Sayre, PA, just opened in April 1993. Now just 4 months later, Congress is debating whether these offices should remain open. I do not believe these offices have been around long enough to be given the proper evaluation they deserve. I hope, at the very least, we allow Secretary Espy to review the structure, as part of the administration's comprehensive restructuring of the USDA.

I cannot speak for all the regional offices, but the northeast regional office in Sayre, has decentralized the decisionmaking from Washington to the field, resulting in a bottom-up approach to rural development. They have eliminated excess justification for loans and grants because decisionmakers, whether at the State or regional level, have a good understanding of local conditions and needs. This makes our Government more responsive. Something everyone wants.

Madam President, I believe it is absolutely essential that we have one agency—the Rural Development Agency with the regional office in Sayre—to focus on rural development so that all 3.7 million people who live in rural Pennsylvania are guaranteed the best rural development programs we have to offer. For this reason I must oppose the amendment to eliminate the RDA regional office structure.

Mr. BAUCUS. Madam President, I rise today in support of the Reid amendment to the Department of Agriculture Appropriations Act. This amendment would close the regional offices of the Rural Development Agency by April 1, 1994. This amendment represents the type of reform that I believe the American people are seeking.

The RDA was established in 1990. Instead of creating a more coordinated rural development effort, this action has generated administrative confusion and duplication in rural development programs. This Agency is a bureaucracy with no local delivery system—a cart without a horse. To maintain this Agency's regional office structure which has no local delivery mechanism is unacceptable. We must have reform.

Presently, my home State, Montana, is served by a regional office in St. Joseph, MO. This amendment will put rural development back into the hands of the Farmers Home Administration. Mr. President, I believe the Montana director of the Farmers Home Administration can better evaluate the development needs of Lewistown, MT than a regional supervisor in Missouri.

This amendment reaffirms a commitment to smarter, better Government. I support that goal and I urge my colleagues to join me in supporting this amendment. Madam President, I yield the floor.

VOTE ON MOTION TO TABLE AMENDMENT NO. 636

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to table the REID amendment No. 636. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BINGAMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—43

Akaka
Bennett
Biden
Boxer
Breaux
Bumpers

Burns
Byrd
Cochran
Conrad
Coverdell
Craig
Daschle
Dole
Domenici
Dorgan
Durenberger
Gramm
Hatch
Hatfield
Hollings
Hutchison
Jeffords
Johnston
Kempthorne
Kennedy
Lott
McConnell
Mikulski
Murray
Packwood
Pressler
Pryor
Rockefeller
Sarbanes
Sasser
Shelby
Simpson
Specter
Stevens
Thurmond
Wallop
Wofford

NAYS—57

Baucus
Bingaman
Bond
Boren
Bradley
Brown
Bryan
Campbell
Chafee
Coats
Cohen
D'Amato
Danforth
DeConcini
Dodd
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Heflin
Helms
Inouye
Kassebaum
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
McCain
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murkowski
Nickles
Nunn
Pell
Reid
Riegle
Robb
Roth
Simon
Smith
Warner
Wellstone

So the motion to table the amendment (No. 636) was rejected.

The PRESIDING OFFICER. Without objection, the Reid amendment (No. 636) is agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 662

Mr. WOFFORD. Mr. President, I oppose the amendment to eliminate the Market Promotion Program. I believe the Market Promotion Program serves an important role by helping domestic producers strengthen exports markets. It helps offset unfair trading practices that our producers encounter when trying to make inroads in foreign markets.

I also believe the Market Promotion Program should be reformed to ensure that priority be given to small- and medium-sized companies that need our help in establishing a foothold in foreign markets.

To cut funding for the Market Promotion Program does not reform the program, it simply shrinks the pot of available money for all participants. Without real reform, the public and Congress will continue to criticize the program. If we continue at the current rate of reducing the MPP moneys, we will not need to have this discussion in another year or two.

Unfortunately, the loser in all this is American agriculture. They are trying to be more competitive and respond to the markets by developing the value-added products that, many times, make the difference between profit and loss. At a time when we are negotiating trade agreements that will drastically change what we produce and who buys it, we should be certain our small- to medium-sized companies have the support they need. With reform, the Market Promotion Program is one tool that can help to do just that.

For this reason. Mr. President, I oppose the amendment to eliminate funding for the Market Promotion Program.

Mr. KERRY. Mr. President, the taxpayers know, and so do we, that there is still a great deal of room to cut the budget without gravely harming our ability to meet pressing national needs—even after the $329 billion in cuts proposed by the President. There are many programs that have outlived their original purposes but which are staunchly defended by the entrenched interests that benefit from the programs. There are many others that never served a legitimate national interest but were initiated only to satisfy powerful political constituencies.

That is the reality, Mr. President, and when we deny it we succeed only in making people cynical about their elected officials. Our constituents see these programs ridiculed on "Sixty Minutes" and on the evening news. And they feel ridiculed themselves—because it is their hard-earned money that pays for these programs. The amounts may not matter as much as the idea that the Government is careless with tax dollars. They understandably believe that we should not raise taxes or eliminate programs that help those who truly need our help before we have cut all the expenditures that are unnecessary or wasteful.

Senator BRYAN offered two amendments yesterday which would eliminate two of the programs which most deserve to be terminated: the wool and mohair subsidy and the Market Promotion Program.

The wool and mohair subsidy is an outdated program established 40 years ago and never eliminated despite the fact that it has outlived its original purpose. This program was designed to encourage increased production of wool, which was considered a strategic material in 1954 for military uniform and blanket production. Wool is no longer a strategic material and, in fact, the Defense Department no longer needs mohair for nothing other than the braids on uniforms.

Not only does the wool and mohair subsidy transfer taxpayer money to a group of ranchers for a purpose which is no longer considered strategic to the Nation's defense, but, according to a 1990 GAO report, it is not even successful in encouraging production of wool or in improving its quality.

This program, if retained, would cost the U.S. taxpayer almost $700 million over the next 5 years. I am gratified that my colleagues agreed yesterday tc accept the amendment to eliminate it which I was proud to consponsor, and I hope that the Senate conferees will work to ensure that the Senate-House conference agrees to the termination.

The Market Promotion Program was created in 1986 to increase exports of agricultural products. Despite the fact that agriculture constitutes only 10 percent of U.S. exports, it receives 74 percent of export promotion dollars. MPP funds have been used to promote such well-established brands as Sunkist Growers—which has received $86 million since 1986; Blue Diamond, $35.7 million; Dole, $14.9 million; and Ernest and Julio Gallo, $14.5 million.

The U.S. taxpayer paid for a failed media campaign by the California Raisins to introduce Japanese children to the dancing raisin—which failed because the dancing, shriveled raisins frightened the children. More important, the California Raisins already had the dominant market share in Japan. MPP money has been used to attempt to peddle Ernest and Julio Gallo Wine to the French; to advertise Japanese-made underwear—manufactured with American cotton—in Japan; to promote McDonald's Chicken McNuggets worldwide, and to sell Campbell's V–8 juice in Korea, Japan, and Taiwan.

Most of the companies receiving MPP funds are major firms with millions of dollars in profits. Taxpayers cannot be blamed for feeling that they are simply reimbursing companies for advertising they would have run in any case. M&M/Mars, which received $785,000 last year, has an annual advertising budget of $272.4 million. The Washington Post asked Mars why it bothered to apply for Federal funds. The company spokesman compared the program to a mortgage deduction. "If it's available, you would certainly take advantage of it," he said.

What adds insult to injury in the case of the MPP is the fact that the Department of Agriculture could do much more for exports of high value-added agricultural products—products made from basic farm commodities—if it simply ceased spending billions of dollars supporting high domestic prices on those commodities. If peanut prices were not held artificially high, U.S.-made peanut butter would be cheaper. So, too, would be products made from cotton, sugar, rice, and milk. Over the next 5 years, the American taxpayer will spend $46 billion on these price support programs.

Our political system is structured to make change difficult. The Founding Fathers wanted to avoid swings in policy. As long as the economy was growing, we could ignore failed programs and simply add programs that we hoped would work better. However, in these times of climbing deficits and strangling interest rates, we cannot afford to continue to fund wasteful programs when we have so many current priorities and so little money to fund them. We must force the system to respond to changing circumstances.

President Clinton is the first President in over a decade to demonstrate real leadership for cutting back some of these programs. He economic plan would cut the deficit in half as a percentage of GDP by 1997. But the cuts he includes in his plan have been subject to endless attacks from the special interests, who propose that someone else's program be cut before theirs. Even in Congress, where Members of both parties have chided the President for not cutting enough, many of the cuts he originally proposed were whittled away by Members protecting their parochial interests.

In light of the $300 billion annual Federal deficit and $4 trillion national debt, we not longer can be swayed by special interest pleading. At a time when we are asking middle-income Americans to pay more in taxes, we must face the tough choices. In fact, we should go even further than the President has suggested. This is unique opportunity while the Nation is focused on deficit reduction and crying out for change in how the Federal Government conducts its business. If we take a bold step now, we can restore some integrity to the Federal Government and its budget process.

Obviously, we cannot ask others to make sacrifices and refuse to make them ourselves. I introduced a bill that would make cuts in a variety of programs including several important to Massachusetts. Senator BRYAN introduced the amendment to terminate the wool and mohair program although there are wool producers in his State. The madness must end. And to end it, we each must be willing to vote to eliminate programs that we know are not in the national interest.

I hope that these amendments, which would eliminate two wasteful programs, will illustrate that there is much more that can be done to cut the deficit if we are willing to make choices and that, in addition, they will motivate us all to make many more of these choices.

Mrs. BOXER. Mr. President, I oppose the amendment offered by my colleague from Nevada, Senator BRYAN, to eliminate the Market Promotion Program.

The President's budget request freezes funding for the Market Promotion Program [MPP] at the fiscal year 1993 funding level of $148 million. I strongly support funding at this level and oppose any further cuts in this successful program. While recognizing the need to cut farm program spending, I believe that the MPP is an important tool in expanding markets for U.S. agricultural products. Continued funding for this program is an important step in redirecting farm spending away from price supports and toward expanding markets.

The U.S. Department of Agriculture estimates that each dollar of MPP money results in an increase in agricultural product exports of between $2 and $7. The program has provided much needed assistance to commodity groups comprised of small farmers who would be unable to break into these markets on their own. While the program has been the subject of criticism, some of it justified, I believe it would be a mistake to cut the program because of a few cases of poor judgment. Overall, the program has greatly benefited the small growers for whom it was intended.

The MPP is a wise investment in American agriculture and I urge my colleagues to support it at the highest possible level.

VOTE ON MOTION TO TABLE AMENDMENT NO. 662

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Bryan amendment, No. 662. The Chair reminds Senators that this will be a 10-minute vote.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—70

Akaka
Baucus
Bennett
Biden
Bond
Boren
Boxer
Breaux
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Craig
Danforth
Daschle
DeConcini
Dole
Domenici
Dorgan
Durenberger
Exon
Feinstein
Ford
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kohl
Leahy
Levin
Lott
Mathews
McConnell
Moseley-Braun
Murkowski
Murray
Nunn
Packwood
Pressler
Pryor
Riegle
Robb
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—30

Bingaman
Bradley
Brown
Bryan
Chafee
Coverdell
D'Amato
Dodd
Faircloth
Feingold
Glenn
Gregg
Kerry
Lautenberg
Lieberman
Lugar
Mack
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Pell
Reid
Rockefeller
Roth
Sarbanes
Smith
Wallop

So the motion to lay on the table the amendment (No. 662) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, first of all, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Will Senators take all conversations to the Cloakrooms?

Mr. CRAIG. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand that, before final passage, it would be appropriate to offer a motion to recommit with instructions, is that not correct?

The PRESIDING OFFICER. The motion to recommit would be in order.

Mr. CRAIG. Mr. President, I so move to recommit the pending bill to the Committee on Appropriations, with instructions to report back forthwith the status quo, with the single exception of the provision dealing with the wool and mohair program.

Mr. BUMPERS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Is that a debatable motion?

The PRESIDING OFFICER. No debate is in order at this time.

Mr. BUMPERS. Mr. President, I move to table the motion of the Senator from Idaho, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second

The yeas and nays were ordered.

VOTE ON THE MOTION TO TABLE THE MOTION TO RECOMMIT

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas [Mr. BUMPERS] to table the motion of the Senator from Idaho [Mr. CRAIG]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—63

Akaka
Biden
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Coats
Cohen
Coverdell
D'Amato
DeConcini
Dodd
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gregg
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth

Sarbanes
Sasser
Simon
Smith
Specter
Wofford

NAYS—36

Baucus
Bennett
Bingaman
Brown
Burns
Campbell
Cochran
Conrad
Craig
Danforth
Daschle
Dole
Domenici
Dorgan
Durenberger
Faircloth
Gramm
Grassley
Hatch
Heflin
Helms
Hutchison
Kassebaum
Kempthorne
Kerrey
Lott
McConnell
Murkowski
Pressler
Shelby
Simpson
Stevens
Thurmond
Wallop
Warner
Wellstone

NOT VOTING—1

Packwood

So the motion to lay on the table the motion to recommit was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. BRYAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHILD AND ADULT CARE FOOD PROGRAM

Mr. McCONNELL. Mr. President, I want to take a moment today to discuss a provision that is included in the committee report to the Agriculture appropriations bill. The committee has recommended that funds in the Child and Adult Care Food Program be used to continue the demonstration projects operating under section 17(p) of the National School Lunch Act. I want to express my strong support for this provision and look forward to the continuation of this successful demo project for another year.

Because of the section 17(p) pilot project, more than 10,000 children in Kentucky are receiving nutritious meals and snacks under the Child and Adult Care Food Program. This demo was initiated in the 1989 Child Nutrition and WIC reauthorization bill to address a discrepancy in law that prevents some low-income children from participating in the CACFP.

Under the current law, 25 percent of the children in a center must receive title XX social services block grant, funds in order for a proprietary center to be eligible for meal reimbursement. There was a time when this provision was appropriate; however, times have changed. Title XX is no longer an appropriate or accurate indication of the number of low-income children participating in child care programs. There are several other grant programs including the Child Care and Development Block Grant Program, the At-Risk Child Care Program and AFDC Child Care, which target funds for low-income child care purposes.

The demonstration project changes the eligibility criteria so that a for-profit center may participate in CACFP if 25 percent of the children qualify for free and reduced-price meals under the National School Lunch Act. This new provision allows participation to be based on income levels, rather than on receipt of other Federal money.

In Kentucky, over 200 centers now participate in the CACFP demo and are able to serve over 10,800 children healthy meals and snacks every day because of the pilot project.

The demonstration projects have been very effective and popular with the child care centers. More children are consuming nutritious, high-quality meals that they otherwise may not have received without the funds provided for this program.

USDA is currently evaluating the results from a study of the pilot project. I look forward to the continuation of this project and appreciate the committee's inclusion of language providing funding for the demo for fiscal year 1994.

BIOTECHNOLOGY FACILITY

Mr. KEMPTHORNE. Mr. President, I am on record supporting careful scrutiny of Federal spending to eliminate waste, to reduce the deficit and shift support to dynamic, efficient and effective programs. As my colleague from Idaho has pointed out, one such worthwhile project is the biotechnology facility at the University of Idaho.

In 1990, a study by the Cooperative State Research Service determined that inadequate laboratory and support facilities, most dating from the 1940's and 1950's, posed a real barrier to current and future agricultural research. Based on this recommendation, Congress authorized $5.9 million in fiscal year 1990, to be matched with State funds, to update the biotechnical facilities at the College of Agriculture. The $1.5 million which has been appropriated so far has been matched and even exceeded by the State of Idaho and the university's commitments of $1.7 million.

The University of Idaho College of Agriculture's function, as with all land grant institutions, is to bridge the technology gap and conduct research which directly benefits the State of Idaho, the Pacific Northwest and the Nation. This mission is supported by Congress' continuing commitment to apply advanced technologies to meet the challenges faced by the agricultural industry in food quality and nutrition, and environment and public health.

The University of Idaho stands poised, ready to take active part in cooperative research efforts to apply cutting edge technology to find the solutions to these challenges. We can reduce dependence on agricultural chemicals by engineering plants that are resistant to disease or tolerant of adverse conditions. Viruses can be altered to specifically attack weeks and insects, decreasing the need for herbicides and insecticides. Food nutritional quality can be improved, helping basic staples such as corn and wheat meet more nutritional needs. Crops can be altered so that their characteristics meet the specific demands of foreign markets.

The Federal Government must take its responsibility seriously. Waste and inefficiency should be eliminated, but we must not eliminate valuable programs essential to maintaining our country's technological edge. Biotechnology is an essential tool to improve our Nation's food quality, protect our environment and develop international markets. The biotechnology research facility at the University of Idaho is designed to be a key component of national cooperative research efforts in these areas. With these points in mind, I support the senior Senator of Idaho's endorsement of continued funding of the biotechnology facilities at the University of Idaho.

Mr. GORTON. Mr. President, as a member of the Senate Subcommittee on Agriculture Appropriations, I would like to discuss many of the items included in the bill upon which we will vote today. I congratulate Senator BUMPERS, the subcommittee's new chairman, and Senator COCHRAN, the ranking Republican, for putting together a good bill which includes important spending priorities and budget considerations. I would also like to thank both Senators for accommodating the requests of this Senator within the bill.

Included within the bill are many important items for the State of Washington. Washington State University's animal disease biotechnology facility, once completed, will house vital research on disease and bacteria. The bill includes funding for this important research facility. In addition, the bill includes research which will help Washington State's agriculture community produce high quality and high-yield crops for small fruit, barley, hops, wheat, peas, and lentils.

This bill also includes report language which I offered as an amendment to fund a special E.coli research initiative, in light of the E.coli epidemic which took the lives of three and sickened hundreds in my State earlier this year. This tragedy brought to light that research on this bacteria is inadequate. I hope that the language included within the bill will result in funding of this very important research proposal as part of the USDA Pathogen Reduction Program.

The subcommittee also took a very important step toward reforming our food safety system by increasing the funding level of the Food Safety and Inspection Service [FSIS]. The subcommittee provided FSIS an increase of $22.871 million over fiscal year 1993 appropriation—in part to fund the Secretary's PRP Program. It is clear that the subcommittee gave careful consideration to the tragic E.coli epidemic in Washington State earlier this year and acted in an effort to stop another tragedy from occurring.

I also appreciate the subcommittee's acceptance of an amendment which will help Pacific Northwest wheat growers get a foot in the door with Russian wheat purchasers. Pacific Northwest wheat represents nearly one-third of all United States wheat exports and, together with Senator HATFIELD, I was successful in amending the subcommittee report to include language which requests the Secretary to work with Russian officials to purchase a significant amount of Pacific Northwest wheat. This amendment should translate into jobs and economic opportunities for wheat growers in Washington State and throughout the Northwest.

I applaud the subcommittee's efforts to provide a substantial increase in funding for the Women, Infants, and Children Program [WIC] from last year. Senate appropriators funded the WIC Program at $3.214 billion, a $4 million increase over the House-recommended level. The WIC Program is cost effective and the return on our investment pays off in healthy babies, and healthy mothers whose health would otherwise be in jeopardy.

I have one frustration with the bill before us today, however, and that is the drastic reduction of the Market Promotion Program [MPP]. The reduction of this program will impact small growers and producers across the United States. The subcommittee elected to fund the MPP Program at $75 million, an amount which is $52.734 million less than the House and $73.734 million less than the fiscal year 1993 appropriation.

Mr. President, many of us read stories in the Washington Post, editorials and watched the news shows criticizing the MPP Program. In fact, I concur with those who have questioned the use of these funds arguing that many of these large corporations should have the financial resources to promote their own products abroad without help from the MPP Program.

But then again the news stories do not talk about the real successes of the MPP Program. These success stories come from across the country—including Washington State.

With the assistance of MPP funds, United States apple exports have skyrocketed in value from just $130 million in fiscal year 1988 to $344 million last year. Last year the Washington Apple Commission received $4.41 million in MPP funds—funds which were matched with $1.42 million by the apple industry—for promotional activities in 20 countries. Washington apple exports have grown from less than 10 percent in 1986–87 to 27 percent last year. Washington apple sales to Mexico—a market which opened last year—represents nearly $42 million in sales for apple growers in my State. MPP funds helped to promote and advertise apples in Mexico, which in turn spells more sales and more jobs for Washington State growers.

Undoubtedly funding for the MPP Program will be discussed during the House-Senate conference. At that time I will advocate for higher funding for the MPP Program. I understand that funding for the program and restrictions upon those who can apply for MPP funds is currently being discussed by conferees to the budget reconciliation package. In that effort, perhaps there are some recommendations which House and Senate Agriculture Appropriations conferees can make which will help eliminate many of the perceived misuses with the program and keep the program alive for those small growers and farmer cooperatives who would not be able to promote their products without it.

Lately, yesterday I offered a sense of the Senate resolution which criticizes the unfair actions of the Japanese Government to prohibit the import of United States apples for the past 22 years. The entire U.S. Senate agreed, and accepted this amendment by unanimous consent. This is an extremely important market for Washington apple growers and it has become crystal clear to this Senator, and others, that Japan's rationale for the prohibition is political and nothing more.

Mr. President, I am pleased to vote in favor of final passage of the fiscal year 1994 Agriculture appropriations bill. Both Senator BUMPERS and COCHRAN have done an outstanding job of balancing spending priorities with budget considerations and I urge my colleagues to vote in favor of final passage.

AMENDMENT NO. 638

Mr. CRAIG. Mr. President, yesterday there was some discussion regarding the honey program. When we consider the honey program I think that it would be more appropriately renamed the pollinator program. To restate a well-used phrase: "It's pollination stupid!"

In that regard I would like to make a few comments regarding bees, pollination, and their importance to agriculture.

There are several areas of concern currently within the honey bee industry:

First, the lack of understanding within the general population of this country, including agriculture, regarding the value of bees as pollinators.

Second, the funding for the scientists working on the problems associated with honey bee and nonhoney bee species.

Third, the impact caused by the potential loss of income from the honey price support program.

Fourth, the dramatic increase of imported honey, much of it being of inferior quality.

Mr. President, the monetary value of bee pollination in crop production has been estimated at $9.7 billion dollars per year. Production of some crops, such as almonds, is totally dependent upon bee pollination. Yet, the American consuming public has mostly been unaware of the benefits of bees in providing foods—more than honey—to their tables. They associate only the production of honey from the bees without realizing the far greater values provided through pollination.

The honey bee and its benefits are also currently threatened by the Africanized honey bee. This bee is now in more than 50 counties in Texas and last week was identified for the first time in Arizona. The well documented ferocity of the Africanized bee is sure to cause many problems in the United States. Interbreeding with domesticated honey bees will result in increased management problems for bee keepers as well as danger to the general public.

It should also be noted that two species of mites are also causing great damage to honey bee colonies through out the United States, resulting in grave concerns for the management of honey bees. The industry is facing more problems than any other time in recent history with limited research dollars.

It is my understanding that over 30 percent of our domestic sugar market is filled by foreign imports. My honey producers tell me that much of that is of inferior quality. Any adjustment to our domestic program that does not take this important factor into consideration would be shortsighted at best.

In short, there are many benefits the honey support program has provided, not the least of which is producer and consumer price stability. This has permitted fruit, vegetable, fiber, seed, and oil producers to depend upon a stable supply of pollinating insects, which in turn provides high-quality, low-cost produce and products to the consumer.

WIC FULL FUNDING

Mr. DECONCINI. Mr. President, I would inquire as to whether my good friend and manager of the bill, Senator BUMPERS, would consent to entering into a colloquy regarding the full funding schedule for WIC, the Special Supplemental Feeding Program for Women, Infants, and Children?

Mr. BUMPERS. Mr. President, I would be happy to yield to my good friend from Arizona, Senator DECONCINI, for that purpose.

Mr. DECONCINI. Mr. President, the WIC Program serves as a best example for what Government can do when its scarce resources are properly invested. The President understands this and that is why he has proposed WIC full funding by the end of 1996. The Senate also understands this and that is why 71 Senators joined Senator CHAFEE and me in our fiscal year 1994 WIC appropriations letter to Chairman BUMPERS urging the full $3,287 billion requested by the President for fiscal year 1994. Unfortunately, fiscal restraints stand in the way of achieving the fiscal year 1994 request, but that does not mean that the goal for full funding by the end of fiscal year 1996 need be abandoned.

Mr. President, it is this Senator's understanding that while the President's proposed $427 million increase for WIC could not be accommodated within the Senate subcommittee's 602(b) allocation for fiscal year 1994, the President's goal for full funding still can be achieved through three $350 million increases in each of the next 3 fiscal years.

I would inquire as to whether Senator BUMPERS would clarify for the record whether he believes that the funding level for WIC contained in the fiscal year 1994 Agriculture appropriations bill keeps the program on target for full funding by the end of fiscal year 1996?

Mr. BUMPERS. Mr. President, I would be happy to respond to the Senator from Arizona. The subcommittee was indeed confronted with a very tight 602(b) allocation for fiscal year 1994 which prevented it from providing the full $427 million increase over the fiscal year 1993 level requested by the President. The approach taken by both the Senate Appropriations Committee and approved by the House does not jeopardize the President's goal of WIC full funding by the end of fiscal year 1996. The President's goal for full funding can be achieved through even incremental increases of $350 million in each of the next 3 fiscal years 1994, 1995, and 1996.

While neither the Senate nor the House can ever guarantee what will occur in future appropriation's cycles, this Senator certainly is committed to the President's goal of full funding at the earliest possible time. As the Senator from Arizona knows very well, I have been working with him and others in this body on WIC full funding for many, many years. As the new chairman of the Agriculture subcommittee, I have made certain that WIC is the subcommittee's highest priority for fiscal year 1994. I pledge to my good friend from Arizona that I will do all I can to meet the President's goal for full funding.

Mr. DECONCINI. I thank the Senator from Arkansas, Senator BUMPERS, for that clarification and also for his continuing leadership on this vital nutrition program approximately 9 million eligible women, infants, and children.

Mr. ROTH. Mr. President, I intend to vote against the Agriculture appropriations bill because of its 17 percent increase in spending over the current year's amount. However, I do want to express my strongest support for two amendments adopted by the Senate which made improvements in the bill.

The first amendment eliminates the Federal Government's subsidy of the wool and mohair program and will save the Federal Government $190 million annually. This program is no longer needed. When the program was created in 1954, wool was considered a strategic material. This is no longer the case, and if we are going to reduce Federal spending, we must begin by eliminating outdated programs such as this. The second amendment reduces funding for honey subsidies by $1.5 million a year. Critics of this program, including the General Accounting Office, claim that price supports are no longer necessary to provide crop pollination services.

Mr. President, both of these proposals were contained in the deficit reduction plan I released on March 17 to reduce the Federal deficit by $558 billion over the next 5 years. In fact, with regard to the second amendment, I favor an elimination of this program.

Mr. President, as I travel throughout Delaware, my constituents have sent a clear message—"Cut spending first." Despite the progress made with these two amendments, the bill will still appropriate more than $70 billion, $10 billion more than is appropriated for the current fiscal year. Federal spending doubled during the 1980's. This bill continues along that trend.

POULTRY BIOCONTAINMENT FACILITY

Mr. BIDEN. Mr. President, I would like to take this opportunity to discuss with the chairman the poultry biocontainment facility that is being developed at the University of Delaware. The Agriculture Appropriations subcommittee provided $350,000 for planning of this facility. I would like to, again, express my appreciation to the chairman of the subcommittee for his support for this important project.

The poultry industry on the Delmarva Peninsula is critical to the economy of my State. Last year, the industry generated $1.2 billion in revenues and was directly responsible for 22,000 jobs. Poultry is far and away the single largest component of my State's agricultural economy.

However, diseases pose recurring threats to the health of the poultry industry and the regional economy. Avian influenza, for instance, which has threatened Delaware and the mid-Atlantic region in recent years, has the potential to devastate the poultry industry. Being from Arkansas, where the poultry industry also thrives, I know the chairman understands the magnitude of the problems such diseases can create.

The USDA also understands the need to combat these diseases. The agency evaluated the university's proposed $7 million lab and determined that it is required to continue the highly sophisticated research directed at solving poultry disease problems that have a national impact. The Federal share of this project is $3.5 million.

My State and the University of Delaware have made the facility a top priority. State and private funds have been secured with all the speed this situation demands. There should be no question about depth of the local commitment to complete and operate this lab. Nor should there be any question about its importance to the future growth of the poultry industry and the regional economy.

The Federal Government has also made an initial commitment of $350,000 to this worthy project. It is my understanding that this amount, 10 percent of the total Federal share of the facility's cost, is the standard allocation for the first year after a USDA feasibility study is completed. I am grateful for the committee's support, particularly in light of strict budget limitations the committee is operating under.

However, I ask the chairman and the USDA to take notice of the significant amount of preliminary progress that the university has already made on the facility using State and private funds. In short, the strong local commitment and foresight has resulted in a situation in which construction of the lab could move ahead of the normal timetable USDA would expect. I would hope that some accommodation could be reached in conference in recognition of the State's initiative to expedite the Federal funding schedule as much as possible.

Mr. BUMPERS. The Senator from Delaware makes a compelling case. As he noted, I am personally familiar with the vital importance of developing strategies and facilities to prevent and minimize the diseases that can cripple the poultry industry. The Senator from Delaware has made it clear to me and to others the importance the agricultural community in his State places on opening this lab as quickly as possible.

The Senator is aware of the budget constraints that guide our decisions. I assure the Senator that this initial funding represents a commitment on our part to provide additional funds in the future and to see the project through to completion. I cannot make promises about conference, but should additional funding become available, with the House's concurrence, I will be pleased to consider increasing the allocation for this facility in light of the progress that has been made to date.

RUSSIAN WHEAT APHID

Mr. CAMPBELL. I would like to engage Chairman BUMPERS in a colloquy on the issue of ongoing research into the impact of the Russian wheat aphid on our Nation's wheat crop. As the chairman knows, the Russian wheat aphid, discovered in North America in 1986, has rapidly become the most dangerous insect pest of wheat and barley in the western United States. Its total economic impact, according to the most recently available data, is in excess of $657 million. Since 1986, approximately 17.5 million pounds of insecticides have been used to control the Russian wheat aphid. Aside from the cost associated with these insecticides, their usage raises considerable concern about the impact on water quality, human health, food safety, and general environmental quality.

Colorado, unfortunately, has been particularly hard hit. Due to its climate, cropping systems, and geographical location, Colorado has accumulated losses from yield reductions and increased insecticide application costs in excess of $90 million.

As the State that has witnessed the single highest economic impact from the Russian wheat aphid, I believe there is a strong argument for including my State in the CSRS research program. Additionally, Colorado researchers are conducting research not being conducted in any other State. Researchers in my State are in the process of developing a wheat strain resistant to the aphid, as well as studying the migration of the aphids to better develop integrated pest management systems that are less dependent on insecticides.

Mr. BUMPERS. As I am sure the Senator from Colorado knows, the House did include funding for Russian wheat aphid research programs and included the State of Colorado in the list of eligible States. My subcommittee has also included funding for this program in the bill before the Senate today. My subcommittee, unfortunately, had many requests and was not able to include Colorado in the list of eligible States.

Mr. CAMPBELL. I would be interested to know if the chairman would be adverse to the conference committee supporting the funding priorities included in the House so that my State could participate in this important program.

Mr. BUMPERS. I would be pleased to consider the request of the Senator from Colorado to support the House position on the issue of research on the Russian wheat aphid in the conference committee on H.R. 2493

Mr. CAMPBELL. I appreciate the chairman's assistance and look forward to helping him with any issues that might come up between now and when the conference committee completes its work.

AGRICULTURAL QUARANTINE AND INSPECTION PROGRAM STAFFING SHORTAGES AT MIAMI INTERNATIONAL AIRPORT

Mr. GRAHAM. Mr. President, I commend the Agriculture Appropriations Subcommittee chairman and the members of his subcommittee for their efforts in compiling this comprehensive and fair bill, considering the many requests that they receive each year from individual members. As always, the subcommittee has recognized the many concerns of the State of Florida in such areas as sweet potato whitefly research, tropical and subtropical agricultural research, and continued support for the IR-4 Program.

Mr. BUMPERS. I thank the Senator from Florida for his comments.

Mr. GRAHAM. If the chairman would indulge this Senator, I would like to take a few moments now to pursue clarification from the chairman on one aspect of the budget for the Agricultural Quarantine and Inspection (AQI) Program, administered by the Animal and Plant Health Inspection Service.

In a May 17 letter, 15 members of the Florida congressional delegation wrote to the subcommittee regarding the serious problems that our State has experienced in preventing the entry of exotic pests and diseases through Florida's ports of entry. In 1991 alone, Florida welcomed 9.6 million international passengers and received 151,000 shipments of international cargo into its 10 deepwater ports and 8 international airports. In fact, Miami International Airport has now surpassed John F. Kennedy International Airport in terms of the volume of imported agricultural goods.

I note that the subcommittee has provided a $9.627 million increase over last year's appropriation for the AQI Program. Is it fair to assume that the $9.627 million funding increase in the AQI Program, as recommended by the subcommittee, is meant to help meet the increasing personnel needs of our Nation's busiest ports of entry? And that, as such, Miami International Airport can expect to receive additional staffing as a result of this appropriations bill?

Mr. BUMPERS. The Senator from Florida can be assured that the subcommittee carefully reviewed his correspondence and is aware that a shortage of personnel has occurred at major airports such as Miami International Airport and expects the increased funding to alleviate these staffing shortages.

Mr. GRAHAM. I thank the chairman for his time and his consideration of this request.

SENATE COMMITTEE ON THE BUDGET

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2493, the agriculture appropriations bill and has found that the bill is under its 602(B) budget authority allocation by $118 million and at its 602(b) outlay allocation of $48,981 million.

I compliment the distinguished manager of the bill, Senator BUMPERS, and the distinguished ranking member of the Agriculture Subcommittee, Senator COCHRAN, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the agriculture appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2493, FISCAL YEAR 1994 AGRICULTURE APPROPRIATIONS

[In millions of dollars]

	Budget authority	Outlays
BILL SUMMARY		
Discretionary total:		
New spending in bill	14,460	10,562
Outlays from prior years appropriations	....	3,588
Permanent/advance appropriations	0	0
Supplementals	0	−11
Subtotal, discretionary spending	14,460	14,139
Mandatory totals	44,502	34,842
Bill total	58,962	48,981
Senate 602(b) allocation	59,080	48,981
Difference	−118	0
Discretionary total above (+) or below (−):		
President's request	−80	9
House—passed bill	94	−90
Senate—reported bill	....	....
Senate—passed bill	....	....

Mr. HEFLIN. Mr. President, this is not the first time Congress has been asked to consider an appropriations bill that would seek to charge the regulated industry for enforcement and related activities that we authorize. It seems as if every time we run short of money to fund all the programs that we mandate, we look for ways to shift the costs of these programs, instead of trimming fat. User fees in the context of public health regulation is a misnomer; it is the public, not the regulated industry that receives a benefit from such programs, and it is the public that should pay for them. But it should be paid for through general funds, not through a hidden tax, and that is precisely what an extra cost of regulation will become. I strongly urge the conferees on this bill to strike the FDA user fees provision before producing a final bill.

Mr. SIMPSON. Mr. President, yesterday the Senate passed by voice vote an amendment by Senator BRYAN which would wholly eliminate the wool and mohair program. Throughout the course of my career in the Senate, I have been a strong and vocal supporter of this program. It is a program that works. Producer payments are derived from foreign tariffs on imported wool. It does not rely on the Treasury. It is not like some other fill-their-pockets farm subsidy programs. The largest payment allowed to producers under the program is $125,000. The sheep industry contributes $6.7 billion a year to our national GNP. It accounts for 350,000 jobs. Many of these jobs are filled by members of minorities in areas where other employment opportunities are limited. It is a program which is extremely important to the sheep producers in my home State of Wyoming.

Based on the foregoing facts and the program's cost efficiency, it has always been one of my legislative priorities to make certain that the wool and mohair programs were treated fairly in Congress. When Senator BRYAN offered his amendment yesterday, he did so under an agreed procedure in which Senators had been advised that no rollcall votes were to be conducted. When bills are brought before the Senate, the ranking member on the committee of jurisdiction, or the subcommittee of jurisdiction, serves as the manager of the bill. The Democratic bill manager—while they are in the majority—is the chairman of the committee or the chairman of the subcommittee with jurisdiction. Senator BRYAN'S amendment certainly did have significant opposition—however, the ranking member of the appropriations subcommittee, my good and able friend Senator THAD COCHRAN, concluded that the most effective defense of this program could be mounted in the House-Senate conference committee. It is there that the differences between the House version of the bill and the Senate version of the bill would be worked out. The wool and mohair program is strongly supported in the House version of the bill. Senator COCHRAN then agreed to have a voice vote on the Bryan amendment and, in his own words, "take the issue to conference and see if we can work out an appropriate provision in conference with our House counterparts." It is in the House that Agriculture Committee Chairman DE LA GARZA, is absolutely without peer in his support for the wool and mohair program. It is well known that Chairman DE LA GARZA is uniquely positioned to champion this program. So the strategy employed was for the Bryan amendment to prevail by voice vote, and then for the Senate to support the House version of the bill in conference as it related to wool and mohair. Much of that strategy was based on a vote which occurred in the Senate on June 25, 1993. On that date—on a purely procedural matter—supporters of the wool and mohair program in the Senate garnered only 45 votes to defeat a motion by Senator BRYAN to kill the program. Fortunately, on that procedural vote on the budget act, Senator BRYAN needed 60 votes, which, on that particular occasion, he was unable to obtain. On this present amendment to the agriculture appropriations bill, he would have only needed a majority vote to kill this program. Based on the June 25, 1993, vote, Senator COCHRAN made the decision to fight this battle in conference.

All of that may make a substantial amount of sense to a legislator. It may make less sense if you are an affected producer. It was a calculated strategy intended to save the program without forcing a recorded vote to indicate its support, or in this case, to conceal its lack of support.

After yesterday's voice vote, we began to receive telephone calls from various producers. As I have noted, the present level of support for the wool and mohair program in the Senate places it in a somewhat perilous condition. However, many of the producers who were affected called our offices and wanted to know just why it was that we did not force a recorded vote on this issue. Despite the strategy that I outlined and to which our floor manager subscribed—this is a representative democracy and we are here to listen and to respond to reasonable requests. Although it may have been the best strategy not to force a recorded vote, it certainly was a reasonable request by constituents to put the Senate on record as to how it stands on this issue. The parliamentary procedure utilized for this bill never precluded us from forcing a rollcall vote as we did today. The rollcall vote which we forced would have required the final version of the Senate passed agriculture appropriations bill to pass the Senate without any changes whatsoever in the wool and mohair programs. Senator BUMPERS moved to table, or kill, our effort. He was successful by a vote of 63-36. In other words, the Senate rejected our efforts to maintain the wool and mohair program as contained in the House version of the bill.

During the budget debate, the Senate voted for a 5-year phase down of the program with a payment cap to reach $50,000 in 1997. This phase down was agreed to by producers in the wool industry with an estimated savings of $40 million over 5 years. That was a process completed in good faith by all affected parties. Senator BRYAN's effort to eliminate the wool and mohair program, in view of the current good faith efforts by producers to save money, was entirely unfair, especially since this is such a cost effective program. No other agriculture subsidy program was reduced as much as the wool program in the budget bill.

However, 63 of my colleagues did not see it that way. Now, the bill will go to conference. Those of us who support the wool and mohair program will do everything we possibly can to make certain that the House provisions governing it remain in place, and that the program is restored by the conference committee. However, I think it is so very important that the producers who benefit from this program also do everything in their power to help us make the case for this cost efficient program, which not only greatly helps the local economies of so many States, but is truly in the best economic interest of our Nation.

The PRESIDING OFFICER. The bill, as amended, is deemed read a third time.

The bill (H.R. 2493) was deemed read a third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. MATHEWS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—90

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Thurmond
Wellstone
Wofford

NAYS—10

Gregg
Helms
Lieberman
Metzenbaum
Pell
Roth
Simpson
Smith
Wallop
Warner

So the bill (H.R. 2493), as amended, was passed.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I move that the Senate insist upon its amendments to H.R. 2493 and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. MATHEWS] appointed Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, Mrs. FEINSTEIN, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GRAMM, Mr. GORTON, and Mr. HATFIELD, conferees on the part of the Senate.

Mr. BUMPERS. Mr. President, I wish to pay a special thanks to my ranking member on the subcommittee, Senator COCHRAN. We have worked together extremely well. As you know, this is my first year to chair the subcommittee. I just could not have had finer cooperation in getting this bill out, and I wish to pay special thanks to him.

I wish to pay a special thanks to the minority staff, Rebecca Davies; and the majority staff, Rocky Kuhn, Dan Dager, and Carole Geagley.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased the Senate voted with such an overwhelming show of support for the passage of this bill. I express my sincere appreciation to the chairman of the subcommittee, the distinguished Senator from Arkansas [Mr. BUMPERS] for his leadership in the handling of the bill and for the many courtesies he extended to the Members on this side during the hearings, and markup of the bill on the floor.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. COCHRAN. I am happy to yield to the distinguished chairman.

Mr. BYRD. Mr. President, I wish to commend the managers of the bill, Mr. BUMPERS and Mr. COCHRAN, for the excellent work during the hearings, during the subcommittee markup, the full markup, and on the floor. Senator BUMPERS has been a member of the Appropriations Committee since 1978. This is his first year as chairman of the Agriculture Subcommittee. His knowledge and understanding of even the most minute details of this legislation have been evident since the first hearing he chaired this year. He should be proud of the outstanding work he has done on a very difficult bill.

In addition, the work of Senator COCHRAN, whose expertise in agricultural matters is well known and admired, is always appreciated.

Mr. President, the Senate is in debt to both of these Senators. I personally congratulate them and extend to them my thanks as chairman of the full committee for the excellent work they have done.

Mr. COCHRAN. Mr. President, I thank the distinguished chairman of the full committee for his very kind remarks.

Mr. GRAHAM. Mr. President, the Emergency Food Assistance Program [TEFAP] provides nutritional food to unemployed and needy people, serving, in many instances, as their lifeline during times of dire hardship. Through this program, poverty stricken individuals and their families go to a variety of charitable institutions, food banks, hunger centers, soup kitchens, and similar nonprofit food aid agencies to receive food.

In TEFAP funding, the State of Florida received $2.175 million in 1991 and $2.322 million in 1992, providing 180,000 families with nutritional assistance.

For the last several years, we have seen increasing cuts to TEFAP, including this year's proposal to decrease funding by 25 percent. I am concerned that many of these agencies will be forced to cut services or discontinue them altogether as a result of continuing cuts.

In the aftermath of Hurricane Andrew, TEFAP has provided critical support for the victims of this disaster, giving many devastated Floridians the chance to get back on their feet. With the seriousness of the disasters like Hurricane Andrew and the current one facing flood victims in the Midwest, TEFAP is a program that, if properly administered, can really help folks, long after the television cameras and emergency management professionals have left.

Mr. President, I would like to submit for the RECORD a letter from the commissioner of agriculture from the State of Florida, Bob Crawford, regarding this important issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES,
Tallahassee, FL, July 26, 1993.

Hon. BOB GRAHAM,
U.S. Senator, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: I am writing to request your assistance in restoring funding to the Emergency Food Assistance Program (TEFAP). The House Appropriations Bill (H.R. 2493) cut administrative funding from $45 million to $40 million and food purchased from $120 million to $90 million.

More than 180,000 needy families in Florida depend on the food provided through this program. These families, many of whom are elderly, simply can not accept a 25% reduction. The foods available through this program have already been cut from $1 billion in 1987 to only $200 million this year due to the elimination of cheese and other surplus foods. The need for these foods have increased due to the impact of Hurricane Andrew. Florida needs more food for these families, not less.

Local governmental and nonprofit agencies provide the distribution of food directly to families throughout the state. Many of these agencies will be forced to either reduce the frequency of their distributions or discontinue their services that not only provide these services on a regular basis, but are a vital part of the state's ability to respond to the food needs of victims of disasters. Florida needs the continued support and services of these agencies.

Please share these concerns with Senator Bumpers and other members of the Senate Agriculture Committee. Florida can not address the hunger needs of our citizens without this vital program.

Sincerely,

BOB CRAWFORD,
Commissioner of Agriculture.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent there now be a period for morning business not to extend beyond 12:30 p.m. today, with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senators BENNETT, BOND, and GRAMM of Texas, to be recognized for up to 10 minutes each; Senator BOREN, to be recognized for up to 30 minutes; and with the last 30 minutes of the morning business period under the control of Senator PRYOR or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair and I thank my colleague from Oklahoma, as well as the majority leader, for providing us this opportunity.

FLOODING IN THE MIDWEST

Mr. BOND. Mr. President, once again I wish to address this body on the situation of flooding in my State and through the upper Midwest. Unfortunately, the situation has not gotten any better, as those of you who have watched the news have seen. The crests are coming back higher. The flooding is longer than we have ever seen before.

I recently told this body that this flood was the worst I had seen in my career in public service, and it has only gotten worse. We have heard that the city of St. Joseph has lost its water supply. Water treatment plants are threatened up and down the Missouri River, and the flooding is bad along the Mississippi. But probably four-fifths of our damage is west of the Mississippi, the Missouri River and its tributaries. There is a great threat to Kansas City now as flood waters from the Kansas and Carl Rivers come in and meet cresting waters of the Missouri.

I visited small communities over the weekend in central Missouri when they were told that the flood crests would be 34 or 35 feet. They said that is higher than the levies they had. The floods will be covering farmland that has been protected and will be flooding cities that have not been flooded. The devastation is unbelievable.

We have just come from a meeting with Governor Carnahan of Missouri and the Missouri congressional delegation. Governor Carnahan has told us that his preliminary damages estimates for the State of Missouri alone are $2.7 billion. That is before the crests really moved down the Missouri through our State. That is before the water recedes so we can see the other damage that is not visible above the water.

Governor Carnahan, in his letter to the President, said water systems continue to fail, residents continue to be evacuated, levy systems are more unstable now than ever. As the situation worsens, the financial impact will grow. Unfortunately, I see no other alternative but that the situation will be worse.

We are hoping that the weather will break. There is some hope that maybe the weather patterns will change in the next day or so so the rain will stop. As long as it continues, the situation gets more serious.

With respect to agriculture, Gorvenor Carnahan has said we have already lost $1.6 billion in agriculture. Thirty-five percent of Missouri's agricultural crop production has already been lost due to the flood. There are a few levies that are still holding, but when these crests hit, those will be gone.

A chilling fact for those interested in the plight of agriculture, and, really, all of us as consumers of food and fiber should be, is the fact that the Soil Conservation Service advised us this weekend that when the flood waters go down, to dry out the fields, to clean out the silt and the sand, to clean out the debris, to get the scouring impact cleaned up, and to level the fields again may take up to 2 or 3 years. In many of our richest farm production areas it could be 1995 or 1996 before they get a crop in. For this reason, I urge my colleagues, please, to move expeditiously on the flood relief bill that is coming over from the House, we hope, very shortly.

We have to have a first flood relief bill before we leave for a recess. This will not be the last. Other damage will be assessed later on. But for agriculture, I urge my colleagues to appropriate the full amount authorized under the agriculture bill, the farm bill of 1990. It comes out in the best of circumstances to about 42 cents on the dollar.

In recent years OMB has followed the practice, and the initial recommendation from the President was, that that relief be cut to 50.04 percent. The magnitude of this disaster and the length of time before farmers will be able to get back in the field, I think, makes it extremely important that we give the full authorized amount, which is only 42 cents on the dollar.

We have asked also for waivers of local match. When you are looking at several billions of dollars of damage in our State, it is unlike the small area impacted by a tornado where other parts of the State can come together and assist. We could not come up with the 20 percent match for all the public assistance and for all the levies throughout the State. We hope there will be waivers of the required match as well, at least lowering the figures, because right now it is beyond the resources of our State to pursue it.

We hope that there will be waivers of Corps regulations and FEMA regulations and soil conservation regulations, which say that only publicly sponsored levies will be assisted, because the devastation is widespread.

Mr. President, the human toll of this flood is something that is of a greater magnitude even than the monetary loss, the fields flooded, the houses broken. I have seen people out sandbagging, fighting, working in 98°, 99° weather building sandbags to hold the river out. They succeeded the first few days, the first few weeks. But many of those levies have been saturated, and their work has been for naught. In the small community of Pattonsburg, they were flooded 4 feet high. They went back in, they were cleaning up when I visited last weekend. This week the flood is back up. All of the cleanup work they started has to be started again.

This is a tremendous burden on the people who are fighting to save their homes, to save their business earnings, to save their farms. We appreciate so much the expressions of concern that have come from my colleagues in this body and other places. People around this country have indicated a sincere desire to help. I urge my colleagues to pass the bill expeditiously. Please do not try to start a new precedent and say we must offset any emergency spending with cuts in this bill. We do not have time to do that.

I will join with my colleagues and set aside a precedent for the future so that we have a separate fund for disaster relief because we know disasters occur. We did not do it for previous disasters. Please do not hold us hostage on this one. We need to get the assistance out. It ought to be our top priority funding, and we ought to cut the lower funding programs later on.

Finally, we do say we appreciate the concern, the outreach, the commitment that people have made to help. I would say that, if you want to help the people of the flooded States of the Midwest and elsewhere, contributing to the Red Cross and the Salvation Army will assist the two organizations that are always there in large cities, in rural communities. No matter how hot, no matter how foul smelling, no matter the danger to their health, they are there for the people who need them.

We appreciate the thoughts and the concerns. We ask for the prayers of the people of this country as we seek to recover from an unprecedented and historic flood.

I thank the Chair. I yield the floor.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

BUDGET RECONCILIATION CONFERENCE COMMITTEE

Mr. BOREN. Mr. President, no one doubts that the work going on in the conference committee on the budget reconciliation bill is important. For Senate veterans as well as Senate freshmen, the votes they cast on this bill will be among the most important of their careers.

Some have suggested that it is an important vote because the outcome will have an impact on the current political landscape. They say that it will affect the momentum of other important proposals of the administration. Others say that it will demonstrate whether Democrats are united enough to beat Republicans, or that it will show whether Democrats can govern when they control both the executive and legislative branches.

While some of these short-term political perspectives have some validity, they miss the main point. They confuse form with substance. They elevate the short term over the long-term impact of the decisions we are called upon to make.

This decision is far too important to be defined by shortsighted partisan political considerations. It is a basic decision about the nature of our country. It is a decision that will demonstrate whether this generation of Americans will make the sacrifices necessary to pass on to the next generation an undiminished heritage and as much opportunity as our parents and our grandparents passed on to us.

As Barbara Jordan told us at the last Democrat National Convention, these kinds of decisions implicate issues of generational justice. In deciding how I will vote when the conference report comes to the Senate, I intend to do my very best to put aside short-term considerations and to make a decision based on whether or not this proposal that will be presented to us will preserve our country's economic and social strength as we enter the next century.

No one doubts that we must get the deficit under control. The Federal debt has increased, as you can see from this chart behind me, from $1 trillion in 1980 to over $4 trillion in 1992. If no action is taken, by the year 2000 interest payments on the Federal debt will take up 25 percent of all Federal spending, leaving no room to cope with unforeseen national emergencies. By the time we enter the new century, net interest payments will consume all private savings in this country, resulting in a dependence on an uncertain supply of foreign capital to finance any job-creating economic growth in the private sector.

Mr. President, if we want to pass on to our children the opportunity that has been passed on to us, there is no way that we can allow that to happen. There is no way that we can allow all the private savings in this country to be consumed just to pay the interest on a debt caused by our living beyond our means so there will not be anything left to create jobs for those in the next generation and for those that will follow.

All of this comes at a time when our ability to compete in the world marketplace has eroded considerably. We no longer have 9 of the 10 largest banks in the world. Indeed, we do not have any of the top 20. The jobs we lost in the 1980's averaged $440 per week while the jobs we added averaged only $280 per week.

There is an urgent need to revise our tax system to reduce our competitive cost of capital and to encourage long-term investment to create real economic growth in this country.

Under the current tax structure, an American company paying the alternative minimum tax recovers, on average, 34 percent of its investment in equipment over 5 years. A similar company in Germany recovers 87 percent. A Japanese company recovers 64 percent. A Korean company recovers 95 percent. We cannot continue to make our tax policy in a vacuum, ignoring the effect on our businesses' ability to compete in the global marketplace.

That also has to do with the opportunity that we will pass on to the next generation. Whether we have the courage and tenacity to face up to these problems will have a lasting effect on the legacy we pass on to our children. Every year we wait, the problems will only become more intractable. Nor will waiting further into this President's term make them easier. Dealing with the fundamental causes for the budget deficits and our declining ability to compete economically will not get easier the longer this administration is in office. Nor will it be easier to face these issues in the context of health care reform, welfare reform, or some other difficult issue.

So far, the White House and the conference committee members have not yet demonstrated a determination to take the inadequate bills passed by both Houses and transform them into a product that will face up to our real problems in a way that will merit public confidence and trust. But it is never too late to try. There is still time.

While I have had many misgivings about the Senate bill, which was certainly preferable to the House-passed measure, I voted to send it to conference in the hope that it would be changed in a major way through Presidential leadership and bipartisan cooperation. I made it clear at the time that voting to send a bill to a conference committee, hoping to see it improve significantly, did not in any way imply a promise on my part to vote for the conference report if the bill was not substantially improved.

So far, what I see moving through the conference committee does not do enough to put our economic house in order. It should be judged by three main criteria: Does it reduce spending enough? Does it deal with the underlying structural causes of the deficit, namely, the explosive growth of entitlement spending? Is it bipartisan in its approach, so that all Americans can unify behind it?

Let us examine these criteria. First, as the administration admits, this proposal is only a first step to reducing the burden of the Federal debt. Even if its meets its $500 billion goal, we will still be adding approximately $1 trillion more to the national debt in the next 5 years. It is clear that to finally balance the budget and to start actually reducing the national debt, far more will have to be done. A long, sustained effort will be required.

I believe that the American people will support such an effort, even if it involves more taxes, if—and this is an important if—the American people are convinced that their leaders really have the will to cut spending and make Government more cost efficient. That is why it is essential that this budget package be one in which spending cuts are substantially greater than tax increases.

So far, the conference committee is struggling to stay at the even one-to-one ratio. The people want us to have far more to show for $250 billion in tax increases than merely the same amount in spending cuts.

If we do not force more spending cuts now, I do not know when we will ever have a better opportunity. We are very unlikely to have, during this administration, greater leverage to force spending cuts than we have, in the context of the revenue provisions of this bill. Even if it means a slightly slower process, let us enact more cuts, taking advantage, for example, of the work already underway to reduce administrative overhead costs, including ideas discussed by the Vice President's task force, and other initiatives. If it takes another week, or even another month, to produce a better plan, even if it means we cannot vote until September, let us take advantage of these better ideas. Let us look at cutting overhead spending and do some other things we can do to cut the spending.

Second, the bill does not do nearly enough to control the real reason for the growth of the Federal deficit—explosive increases in the cost of entitlement programs.

The 1990 budget agreement—and those of us who were here at that time remember it very well—failed. Why did it fail? It failed primarily because entitlement spending was not controlled. Again, let us look at the facts. Surely we can learn from experience what happened after the 1990 budget agreement, as we look back over what happened since 1962.

Actually, since that budget agreement, defense spending has come down. Discretionary spending also came in at roughly current levels, which meant it was below what was anticipated in the 1990 budget agreement.

Why did the 1990 budget agreement fail when we brought down defense spending, as projected, and held down discretionary spending, as projected? It failed because the entitlement spending and the spending on mandatory programs has gone absolutely out of control. We must not make that same mistake again and have taxes included in budget agreements and, yet, not control entitlement spending, and see that explosive growth of entitlement spending cause us to fall short of our goals.

In the last decade, entitlement spending, excluding Social Security, went up from $175 billion to about $450 billion this year.

As you can see from the chart, it is now projected to go over $900 billion in less than 10 years. In fact, it will go to over $900 billion in about 7 years, and it is projected to go to almost $1.5 trillion by the year 2010.

With entitlement spending now consuming 46 percent of the budget, and growing, we all know we can never get the deficit down without controlling these costs; it is practically a mathematical impossibility. Our challenge is to show that we cannot only tax progressively but that we can also cut spending in a fair and responsible way.

If we are to be honest with ourselves, we must face the fact that we can no longer afford to give entitlement subsidies to those that do not need them. We cannot afford to pay 80 percent of the Medicare health insurance premiums, or give Social Security COLA's to millionaires and other very affluent Americans.

Mr. President, how long are we going to stand here and do nothing about that? How long are we going to continue to tax the hard-pressed middle-income taxpayers, struggling to find the money to educate their children and to pay for their homes—middle-income and lower-income taxpayers—so that we can pay 80 percent of the Medicare premiums, $3,600 a year, for millionaires, or to provide COLA's for Social Security checks on which those very affluent Americans do not depend.

It is not fair. It is not fair to continue to tax the hard-pressed middle-income taxpayers to pay for the benefits that are not needed, simply to put the cost on them of the debt tab for the next generation. We all know it.

When are we going to do something about it? Why not now, and demonstrate to the people that we are going to do something to get this runaway entitlement spending under control?

Why continue to play a game and try to convince the American people that if we just raise more taxes and cut the defense spending, or just freeze the discretionary spending, we can get the budget deficit under control when we all know it is not true. Let us do something to really get the deficit under control.

At a minimum, this bill, should at least make a modest start at means testing benefits to reduce them for those who do not depend upon them. There should also be placed in the bill a mechanism to force Congress and future administrations to make the tough choices, to use our limited resources where they are most needed. Unless we control entitlement costs, even if we pass large tax increases, deficits will really not come down.

We must also face the fact that until we deal with entitlement costs, there will be great pressure to reduce defense

Five days and my constituents are wondering when the help will come.

Mr. Speaker, 17 of the 21 counties that I represent have been declared Federal disaster areas. I can not express the devastation that I have witnessed. The reports on the television give an impersonal view of the devastation caused by the floods. They show flooded fields, houses and businesses under water, but they fail to show how the lives of the flood victims have changed. Thousands can no longer go home at night after a days work because their houses are flooded. Many more are without clean drinking water and power. Bridges have been washed away and roads are still under water.

I say to my colleagues, if you could go there and see the looks on the faces of the men and women who are victims of this flood you would realize that 5 days has been too long. We need to pass the disaster supplemental today so that we can help the thousands of Americans who have been affected by the floods.

FLOOD RELIEF

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, let me say that it is outrageous to have Democrats come to the floor and complain about how long it is taking to get flood relief to the Midwest.

I promised Congressman GEPHARDT last Monday that we would help pass flood relief. We asked on Thursday to come back and pass flood relief. We asked again on Friday to pass flood relief. We are prepared today to pass flood relief.

But listen to what the President said yesterday about the Congress. He said "Let's vote. I don't have to win them all, but let's make decisions."

Now, I do not know why the President is saying to his Democratic leadership, "Let's vote," but I agree with him. The President is right. Let us vote on things like the extra money for Los Angeles to take care of one politician, which is being put on the flood relief bill on the backs of the Midwest. Let us vote on whether or not to pay for flood relief now or have our grandchildren pay for it eventually.

Let us vote on passing flood relief today. But no Democrat should come here and complain about the Democratic leadership decision that they would not bring the bill up, they would not pass it, because they want to make sure they took care of a member of their coalition from California on the backs of the people of the Midwest.

THE PRESIDENT'S PLAN MEANS JOBS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, last week, as Republicans voted unanimously to block the consideration of emergency aid for the flood victims, and mounted a filibuster in the other body on the National Service bill, it became clear once again—they are the guardians of gridlock, willing to put the interests of millions of Americans behind the desire to play political games. You will hear from them why the President's economic plan won't work—while never presenting a viable plan of their own. You won't hear it from them, but the President's economic package is based on three basic concepts—deficit reduction, making the rich pay their fair share, and job creation.

Only an economy that puts people back to work will serve the American people. President Clinton has taken the bull by the horns and has built a plan that will create 8 million jobs over 4 years. In the first 5 months of this administration, 740,000 private sector jobs were created—a pace of 148,000 new jobs per month. That 148,000 per month compares to the Bush monthly average of only 21,000.

Interest rates and mortgage rates are at 20-year lows.

Mr. Speaker, President Clinton has presented his plan for economic growth—it's the only game in town and one that will work.

MISSTATEMENTS ON FLOOD RELIEF

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, I do not know how long we are going to have to put up with these misstatements from the other side. We have just heard the gentleman in the well before me say that the Republicans voted unanimously against flood relief, when he knows full well that we did not get to vote on flood relief.

What we voted on was an outrageous rule that provided relief for Californians, and I will remind you again, 30-year-old teenage Californians.

We want to vote for flood relief. We were prepared to do it Thursday. We were prepared to do it Friday.

Bring the bill forth with a rule that allows that amendment for California to be in order and we will vote on it, but you do not get away with saying the Republicans voted unanimously against flood relief. That bill was not brought before us, because the Democrats and the leadership of the Democrat side did not want to bring the bill before us.

□ 1210

SHAME ON CONGRESS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, two out of every three Americans are disgusted with Congress and believe that Congress is out of touch with the needs of the American people. Here, in my opinion, is one example:

Congress never asked where they were going to get the money for the Kurds, Congress never asked where they were going to get the money for Saudi Arabia, where they were going to get money for Russia, but Congress is now mired down in a disaster relief bill, in where we will get the money for Americans who are literally bobbing up and down in 50 feet of water in the Midwest.

Mr. Speaker, in a nutshell that describes why the American people are fed up with the Congress that is worried about everybody all over the world and has forgotten about its own people.

Shame on Congress, Mr. Speaker. Pass this disaster relief bill, and get off the technicalities.

BIG TAX INCREASE WILL HIT SMALL BUSINESS HARD

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, many of my Democrat colleagues have said that most small businesses will not be hit when they pass the largest tax increase in American history. They say that their tax increases will not harm small business—the job machine of America. Unfortunately, that just is not true.

According to business demographer David Birch, 5 to 10 percent of small firms are responsible for the vast majority of the new jobs created between 1987 and 1992. In fact the fastest growing 4 percent of all firms accounted for 70 percent of all new jobs created. These growth oriented, job-creating firms are the very firms that will be hit by the higher rates, and hit hard. The result: They will not be creating the volume of new jobs in the future that America so desperately needs.

The small business community is large and diverse. Yes, most small businesses will not pay increased taxes because they do not make much money—but neither do they create jobs. The statistics are clear: The minority of small businesses create the majority of new jobs in our society—4 percent create 70 percent of all new jobs. They will be hit—and hit hard.

Budget conferees have so far agreed to 195 billion dollars' worth of tax increases and just 5 billion dollars' worth budget must be a problem that is addressed by Republicans and Democrats alike. It must be a problem that is addressed by controlling spending, which has a component of increased taxes, and clearly it must be a program which controls the growth of entitlements. But for controlling entitlements, there is no effective economic program.

The President spoke yesterday about the problem of gridlock. The way to end gridlock, Mr. President, is to seek the center of America's political spectrum. There are Republicans in that center, as well as Democrats.

And if we can defeat this conference report, I will say to the Senator from Oklahoma that there are Republicans, there are people on this side of the aisle, who, in a bipartisan way, will sit down with the President and with interested Democrats to try to work out a program which is in the best interest of this country.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President I ask unanimous consent that I might be allowed to respond in morning business for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I thank my colleague from Missouri. I thank him for demonstrating the kind of patriotism and bipartisanship that he has demonstrated time and time again.

Let me just say, in addition to the hope he expressed, I would express an additional hope. I hope it would not come to defeating the President's plan or even voting on it until the effort to make the conference truly bipartisan. Let us just say "pause for a moment."

Let us invite the Republican leadership and Democratic leadership to the White House right now and see, while this conference committee is still going on, if we cannot work out a plan—within the context of the framework now in existence—that will really move this country forward. It might take another week or two. It might take working through the August recess to get this done. But let us do it in a way that will bring us together and do it in a way that will get the job done in terms of getting the deficit down.

I thank my colleague very much for his kind remarks.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry. Is the time allotted now to another Senator in morning business?

The PRESIDING OFFICER. Senator BENNETT has an order for 10 minutes, but any Senator may seek recognition.

Mr. DOMENICI. What follows the 10 minutes, Mr. President?

The PRESIDING OFFICER. A Senator may seek recognition for up to 5 minutes.

Mr. DOMENICI. I ask consent I be permitted to speak for 3 minutes.

First, I want to ask if that is all right with the Senator from Utah?

Mr. BENNETT. Certainly.

The PRESIDING OFFICER. Without objection, it is so ordered.

TWO CONCLUSIONS ABOUT THE DEFICIT

Mr. DOMENICI. Mr. President, first of all, while I am not sure what the process or procedure is that ought to be used, so in that sense I do not want to necessarily agree with my friend from Oklahoma, I know our leader on this side and the Senator from New Mexico said—if this plan dies, whether it die a violent death or whether it die a death by the President deciding to pull it—what we have said is that we would welcome the opportunity to meet with the President to try to do a better job.

Frankly, I want to tell the Senate and people who are interested what I have gleaned from 16 years of work on budgeting and from nigh on 14 years in this process of looking at the pieces of the budget. I have come up with two conclusions, and I regret that both of these conclusions, both of these facts I have concluded, are missing from the scheme that we are busy trying to sell to the American people from the White House and that we are busy trying to tell the American people will not work.

There are two things that have come to the surface and just stay there. One, without controlling the mandatory programs of this Government, and they are—I am not afraid to use the words —you cannot let Medicare continue to grow as it did in the past 5 years, or the past 10 years. Essentially, the cost to the Government and to our people is out of control. Second, you cannot continue to let Medicaid grow as it has been growing.

The combination of the growth of the two will eat up all of the taxes that are being sold across America as deficit reduction taxes. They will go into the growth spiral of those two programs and about 10 others that are less in size but growing at a rather incredible pace. That is No. 1.

What is proof of that? I say to my friend, Senator BOREN, if you look at the Dole-Domenici Republican proposal—obviously, on that side of the aisle I did not expect anybody to support it—but it shows one absolutely incredible fact. You can get the deficit down as far in 1998 as the President has, or more so, if you will control entitlements—without any taxes. I am not suggesting that is the answer. It is a fact. If you get those two programs coming down, where they are only growing at inflation plus 1 or 2 percent and all the new people who are entitled to be in, you get the deficit more under control in the fifth year than the new tax package. It is amazing.

Frankly, I want to tell the Senate, I did not know that. That is an accident of the facts. I said, "Produce this kind of format for the budget." It was put on paper, returned to me, and the answer was: Behold, the deficit is lower in 1998 because you control those and freeze discretionary a little more, which could be reconsidered. But you get it under control and guess what, it is coming down permanently. Point No. 1. You will not solve the deficit until you do that.

Second, try as we have to fix the budget deficit, another startling conclusion comes out. You cannot pass any significant deficit reduction that hits the target, that gets the real growth programs, unless it is bipartisan. That just happens to be the case. You cannot be the first party who puts on the table real, current, tomorrow morning cuts in any of those entitlement programs that are permanent. In this budget you have some temporary, around-the-edges cuts in Medicare and Medicaid, and they really amount to nothing. In fact, 75 percent are the extension of cuts we already made that were going to expire and we just put them on again. It is a very heroic vote. It is just leaving the law alone and taking credit for cuts. That is why they got by. That is why nobody got in trouble on that side with Medicare cuts.

So, point No. 2, you will not do it unless Democrats and Republicans stand up side by side, and I even coined a term for it, you have to apply the simultaneity test. They almost have to say yes together, at the same time. I am not trying to be political about this but this is the fact. They are so tough to vote for with such major population antagonism, because of the rhetoric of the day, you cannot do it without them.

Both are missing from this package, which in my experience—which I think is as much as anyone's here—will yield another truism. It will not work. What you have done will not work because, in essence, you have not taken on the hard things because you do not have it bipartisan.

Conclusion, we asked the President before he finished his package, Senator DOLE and I on behalf of the Republicans, "Set it aside and let us work together and do one bipartisan."

In his wisdom, newly elected, he chose to do what he has done. It has been modified somewhat and I must say the Senate has made a better package, better than the President's, when he submitted it. But it is still without a bipartisan approach because there is a genuine insistence that you can put on $300 billion in taxes and get this thing to work.

Frankly, I am ready to start over, but I am not ready to enter this reconciliation body over here and be a conferee at this stage. It is just conclusive to me you will not get deficit reduction and you will not fix that aspect of the economy unless you have those two things, and they are both missing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. If I could prevail on my colleague, asking unanimous consent for 1 minute additionally to respond?

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEFICIT

Mr. BOREN. Mr. President, I hope my colleague from New Mexico will not lock himself into what mechanism we will use, because if the two leaders get together and work with the President, they could use any mechanism, even if it has to be in recess for a period of time in order to go back in.

But let me say I agree with the two points he made, obviously, from the remarks he heard me just make. It has to be bipartisan. Those are two of my three points. We have to get entitlements under control and I think, in order to sustain the support of the American people, we have to have significantly more spending cuts than tax increases.

I think, however, to get bipartisanship, trying to be fair and trying to make sure the burdens are placed on the American people in a fair way, we are also going to have to have willingness on that side of the aisle—I heard the Senator from Missouri expected it and I also understand from talk shows over the weekend that the minority leader expected it—there has to be at least consideration of putting some revenues on the table. I underline with a big "if," if we really get spending under control, really attack entitlements, and really get a very large amount of spending cuts placed on the table to assure fairness, I hope I could interpret the remarks of my colleague from New Mexico saying, caveating the "if," that he would be willing to look ahead in a bipartisan way and look ahead to try to put together a package with greater balance.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I resist the temptation to comment on what has just come before. I find myself in agreement with what has been said and congratulate the Senator from Oklahoma for raising it, but I wish to use the time reserved for me to talk about another issue that I think has an impact on the deficit.

(The remarks of Mr. BENNETT pertaining to the introduction of S. 1287 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Who seeks recognition? The Senator from Arkansas.

Mr. PRYOR. Madam President, I thank the Chair for recognizing me.

Madam President, what is the time status, if I might inquire?

The PRESIDING OFFICER. The Senator may speak up until 12:30 under the time agreement.

Mr. PRYOR. I thank the Chair.

REPORT OF THE SENATE DEMOCRATIC TASK FORCE ON DEFENSE REINVESTMENT

Mr. PRYOR. Madam President, I rise today to announce the release of the 1993 report of the Senate Democratic Task Force on Defense Reinvestment. Our report is entitled "Reinventing Government To Help Defense-Impacted Communities." We have 30 specific recommendations that are good news for communities scheduled to lose military bases or other defense work. The 25 members of this task force have concluded that the barriers to economic redevelopment must be broken down before former military communities can fully prosper in a civilian setting. We believe also that this report will build on the work of the task force from last year, which laid down a basic blueprint for defense conversion that our country is now following. The task force also feels that the report will fully complement and assist the congressional passage of President Clinton's recently announced program entitled, "Revitalizing Base Closure Communities."

Last year, Madam President, Senate majority leader GEORGE MITCHELL created our group. He asked us to develop a plan to help soften the blow of defense reduction in our Nation and our Nation's many defense workers, communities, and industries. The task force then issued its first report in May of 1992. I am very pleased to say that the defense-impacted portions of our economy are now beginning to feel the benefit from last year's conversion blueprint. The worker retraining and placement programs are helping to put former defense employees back to work, and the Technology Reinvestment Project is currently identifying past military capabilities that can now be used to advance our competitiveness in nonmilitary markets.

Madam President, the men and women who helped us win the cold war now face a tremendous challenge as we continue to reduce our military spending. It has been estimated that 1,000 defense jobs will disappear every day through 1997. In addition, over 200 communities will be economically devastated by the loss of military bases or the termination of defense contracts.

To be certain, Madam President, bringing our Nation's potent and powerful cold war military machine down to size is not going to be an easy accomplishment.

In a decisive break from the past, the Clinton administration has dedicated a substantial amount of energy, enthusiasm, and resources toward helping our cold war veterans. In his recent announcement, President Clinton reaffirmed his commitment to helping those who fought and won the cold war for our Nation by clearly stating that defense conversion is a top priority of this administration and that its success is critical to our Nation's economic recovery. He is to be commended for his leadership and vision.

The recent announcement by the Base Closure and Realignment Commission to close 34 military installations has once again highlighted how devastating defense spending reduction can be in our economy.

As our chart shows, Madam President, military base closings are affecting communities all across the United States of America. In all, the Base Closure Commission has scheduled the closing of some 71 major installations and another list will be announced in 1995.

It is very important to note that these communities are just beginning to feel the painful effects of base closings. Of the 71 major installations targeted for closure since 1988, only 8 of these have actually closed their doors. One of those eight bases is the Eaker Air Force Base in Blytheville, AR, which closed on December 15 of last year. I have been closely following the redevelopment efforts at Eaker, and I can honestly say I have been less than impressed with the past cooperation and assistance the Federal Government has provided the citizens in this small Mississippi delta town. Since the 1991 closure announcement, our efforts to redevelop this Air Force base have been hindered by Government obstruction and endless bureaucratic redtape. We hope that these burdens will soon be lifted.

When our task force sought feedback from many other defense impacted communities, we learned that the Department of Defense and other Federal agencies in the past too often have placed their own narrow needs ahead of the needs of the communities. The task force report that we unveil today attempts to reverse this disturbing trend by giving communities a voice in the redevelopment process. We have concluded that money is not the answer to all of the problems experienced by defense-impacted communities. Instead, the answer lies in our ability to alter the Government's priorities and begin offering communities more help. Simply stated, bureaucratic needs must take a back seat to community economic redevelopment and job creation.

To give credit where credit is due, since President Clinton has announced that helping defense-impacted communities was a top priority of his administration, the leadership of the Pentagon has taken great strides to make the base closure process much more supportive of community development objectives. In addition, Commerce Secretary Ron Brown has expressed his desire to revitalize the Economic Development Administration to better assist communities. The task force strongly supports these and other efforts to help people and communities who are working to be prosperous in nonmilitary areas, and our report today is meant to complement these efforts.

The task force has also met and consulted with certain other key Clinton administration figures. In addition to Mr. Brown, the Secretary of Commerce, members of the task force have met with the Director of the National Economic Council, Mr. Robert Rubin; we have met with Secretary of Labor, Robert Reich, and we think that each meeting has produced constructive ideas that will ease the economic burden on defense-impacted communities.

To this end, our specific recommendations for assisting defense-impacted communities are consistent with the following broad principles:

First, to empower the communities in this difficult redevelopment process.

Second, to make redevelopment a higher priority in environmental cleanup.

Third, to give communities earlier control of land and buildings on closing military bases.

Fourth, leave bases development ready for communities.

Fifth, improve and streamline the Economic Development Administration's grant process.

We believe that our recommendations are constructive. We believe that these recommendations will help defense-dependent communities survive and compete in a civilian setting.

Make no mistake, Madam President. This is truly a community advocacy document. We want to help defense-impacted communities and now is the time to start.

Many of the task force's recommendations will require legislative changes. We intend to work with the appropriate committees in Congress to meet this end. I am pleased to say that our report has been endorsed by the Business Executives for National Security, National Association of Installation Developers, the National Commission for Economic Conversion and Disarmament, Americans for Democratic Action, Women's Action for New Directions, and others.

Madam President, I wish to thank the majority leader for providing me with the opportunity to assist in this effort. I also wish to thank all of the members of our task force for their assistance with this report. In addition, Dr. Robert Atkinson from the OTA provided us with invaluable assistance in preparing these recommendations. Also, I thank the Senate Armed Services Committee and the Defense Appropriations Subcommittee for their efforts. They have worked well with us in the past. We look forward to working with them in the future.

Finally, let me once again applaud the fine work and cooperation of the Clinton administration, especially the President's National Economic Council.

Their defense conversion and community redevelopment programs represent a decisive break from the past. I truly believe that their work will make the hardships of defense reductions much easier for the people involved.

Madam President, I ask unanimous consent that a copy of the task force report be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 26, 1993.

Hon. GEORGE MITCHELL,
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. MAJORITY LEADER: Enclosed are the 1993 recommendations of the Senate Democratic Defense Reinvestment Task Force, which you chartered on March 30, 1993. This year's recommendations are focused on solving many of the problems facing defense impacted communities, particularly ones experiencing base closures.

The Task Force believes that the federal government's response to defense impacted communities must be reinvented to eliminate bureaucratic barriers to economic redevelopment. Moreover, the Task Force believes that we must "Give communities a voice" to insure that their needs are the centerpiece of this reinvention. To that end, the 25 members of the Task Force have developed 30 specific recommendations which have the redevelopment of defense impacted communities and the creation of new jobs as their ultimate goal. The Task Force recommends little in the way of new spending, but much in the way of government efficiency.

To develop these recommendations, the Task Force held briefings and consulted with individuals from defense impacted communities and with experts from federal and state government, academia, and the private sector. Likewise, the Task Force consulted with the Clinton administration on these recommendations.

The Task Force applauds President Clinton's July 2, 1993 initiative, "Revitalizing Base Closure Communities." The President has developed a very constructive plan which will greatly assist in the redevelopment of communities losing military bases.

The recommendations of the Task Force are very consistent with and complimentary to the President's program. In the weeks to come, Task Force members intend to work with relevant congressional committees to secure legislative language, where necessary, to accomplish these and other changes.

Yours sincerely,

DAVID PRYOR,
Chairman.

1993 RECOMMENDATIONS, SENATE DEMOCRATIC DEFENSE REINVESTMENT TASK FORCE, JULY 26, 1993

EXECUTIVE SUMMARY

Reinventing Government to help defense impacted communities

The Task Force believes that helping redevelopment defense impacted communities should be the flagship of the effort to reinvent and improve government to benefit the people. Money is not the answer to all of the problems experienced by base closure communities and communities losing defense industries. Instead, the answer lies in shifting the government's focus from satisfying the needs of the bureaucracy to satisfying the needs of communities.

To this end, the following are the Task Force recommendations:

I. Empower Base Closure Communities.—The needs of the military and other federal agencies have driven the base closure process in the past. The process should be changed to give more leverage to communities.

Give communities a voice through base redevelopment committees in Washington and at each closing base.

Make the base closure process more open to communities.

Promote and support base reuse planning.

Make DOD transition coordinators independent of the military services.

Create a defense conversion and reinvestment clearinghouse.

II. Make Base Reuse a Higher Priority in Environmental Cleanup.—In the past environmental cleanup has not taken redevelopment needs into account, and community recovery has been slowed as a result. Environmental cleanup and successful redevelopment can be compatible, but the cleanup process must be reconsidered.

Require early environmental studies. Coordinate cleanup with reuse planning.

Divide bases into parcels for quicker reuse.

Prioritize cleanup according to reuse needs.

Allow cleanup and reuse to proceed simultaneously whenever possible.

Allow cleanup of bases to a level appropriate for reuse.

III. Give Communities Earlier and Easier Control of Land and Buildings on Base.—The process of disposing of real property has traditionally given little or no consideration to the communities who must market what remains. Community needs must figure more prominently.

Secure community interest in bases earlier.

Conduct McKinney Homeless Act screening earlier.

Show greater flexibility when negotiating sale or lease prices with communities.

Quickly determine leasing price of properties to meet business demands.

Speed, simplify and decentralize leasing.

Require the military to cover leasing costs.

Process leases with highest redevelopment potential on a priority basis.

Encourage "Section" leasing of bases.

IV. Leave Bases "Development Ready" for Communities.—Instead of stripping bases and hauling off the fixtures and equipment, the military services should take actions to ensure that redevelopment needs are recognized in removal decisions.

Narrow the category of equipment and fixtures the military can remove from bases.

Preserve the physical integrity of base buildings.

Leave equipment and fixtures on base for redevelopment.

would spend their money wisely. Well, in California I think we fooled them.

Mr. Speaker, how do you think they feel about spending a 9-cent gas tax increase to increase Federal spending? Well, the Democrats apparently have decided inflicting this gas tax on ourselves will somehow be less painful than the Btu tax.

Unfortunately, that is not the case. When the cost of gas dramatically increases, the result will be the same. Economic disaster. Disaster for the airlines, the truckers, the commuters, farmers, rural America, and all business.

Mr. Speaker, a sharp increase in gas tax is not the way to go. I urge my Democrat colleagues, think twice about a new gas tax.

MOVE FORWARD TOGETHER FOR THE BETTER

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today to voice support for President Clinton's economic growth plan. Clearly, we as a nation have to come to grips with the reality that although we are in a major deficit situation, there is a great need on the part of many of our cities and many of our communities for this bill to pass. It is time for us to deal with the reality of the need to reduce the deficit, invest in people's lives, invest in communities, many of which have become a part of an existing Third World nation within the borders of this Nation, invest in our businesses, restore economic growth and vitality, and create high-skilled and high-wage jobs.

Mr. Speaker, it is time for us to stop playing games and get serious about the reality that many of our people are suffering. The longer we delay moving through this reconciliation process, the greater the pain will be for so many of our citizens. It is time for us to move forward. Let us move forward together for the better of all American citizens.

THE GANG THAT COULD NOT SHOOT STRAIGHT

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, yesterday President Clinton blamed the Congress for the delay and gridlock in holding up some of his programs. Well, the President needs to remember one thing: His party holds the majority in both the House and the Senate.

Mr. Speaker, when it came to disaster assistance, the leadership reminded me of the gang that could not shoot straight. Only a pork-laden special interest rule could have slowed down money to the hard hit Midwest, and that is exactly what the leadership gave us. The Waters language for the youth program in L.A. has nothing to do with the waters in the Midwest.

Mr. Speaker, there are two disasters that face this country. One, yes, is in the Midwest, and it deserves our attention. But the other disaster is the budget deficit that this country faces and the growth of the national debt. The clearest signal that we could send to America that we are serious about deficit reduction and that business will no longer be conducted as usual in this institution would be to pay for the disaster relief. We should provide the disaster relief quickly, but we should also provide the relief responsibly.

REPUBLICANS ARE WATERED DOWN IN EXCUSES

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, the previous speaker was correct, the Waters amendment has nothing to do with the waters in the Midwest, particularly as it relates to the cost of flood relief. The Waters amendment will not impinge upon, will not affect, and does not have a fiscal impact on the flood relief in the Midwest.

But what is the case, Mr. Speaker, is that the Republicans on the other side of the aisle are watered down in excuses. First of all, they have the excuse that they needed to cut, that they needed to find where they could have spending cuts in order to afford this flood relief.

□ 1240

So obviously, the people in the Midwest are not the only ones drowning in water. The Republicans are drowning in the waters of excuses, excuses to move forward and to help the people in the Midwest.

Mr. Speaker, it is time that this House comes clean and gets away from the flood of excuses and moves today to help Americans out.

It reminds me, Mr. Speaker, of the parable of the Good Samaritan. The people are laying on the side of the road. They are dying. and we are wondering about the cost to save them.

DEFICIT SPENDING

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, the flood of deficit spending continues to rise. What is being argued is that the mistakes of the past would justify making mistakes in the present.

I am a freshman. I am not a part of the mistakes of the past and do not want to be a part of the problems of the present.

We can cut spending to pay for this disaster relief bill. Why do we not? I do not know. Why do we not even try? I do not know the answer.

But because I do not know the answer does not mean that I am going to ignore my business experience or my principles and vote for the disaster relief bill, even though I am compassionate with the people who are suffering. We can all sacrifice together, if we cut spending, and not pass this debt on to our children.

ANOTHER MEANING OF "GRIDLOCK"

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, this is the front page of New York's hometown newspaper, the Daily News. It says: "Georgia Pol Rips City Over Gas Tax. Blames it on New York."

They're at it again. President Ford once told New York to drop dead and now the minority whip blames New York for, of all things, the gas tax.

According to the Daily News, the House minority whip from Georgia "blames the proposed 9-cent-a-gallon gas tax on cities like New York, where most people ride subways and buses."

First, I would like to congratulate Mr. GINGRICH for knocking Donald Trump and Marla Maples off the front page.

Second, I would like the distinguished minority leader to ponder this question: If no one drives in New York, why does it take 2 hours to drive across midtown during rush hour?

It seems the latest Republican strategy to kill the largest deficit reduction plan in history is to turn one region of the country against another. In this case the villain is big cities like New York and, I guess Atlanta—both of which have subway systems that cost $1.25 a ride.

The term gridlock began in New York to describe a traffic jam so bad that no one can move.

Now gridlock is a subject that the minority whip from Georgia should know something about.

ENTITLEMENTS

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. COLLINS of Georgia. Mr. Speaker, several conservative Democrats voted for the Clinton deficit plan on the promise that entitlements will be capped.

Will such promise be fulfilled?

I do not think so.

during the 24 month period. During this period, the community will be formulating its redevelopment plan and must not have this activity undermined by unnecessary base disposal activities. This timetable could be shortened at the request of the community.

4. Make DOD Transition Coordinators Independent of the Military Services.—The Task Force strongly supports the Clinton Administration's creation of DOD Transition Coordinators to be located at each closing base. The feedback received by the Task Force from many closure communities firmly emphasizes the need for these coordinators to be independent of the military services. The Task Force strongly believes that such independence would allow the Transition Coordinators to be effective advocates for quicker, more successful redevelopment. To ensure that the transition coordinators can effectively represent the needs of their communities, the DOD should consult with communities when selecting the individuals to serve as coordinators.

5. Create a Defense Conversion and Reinvestment Clearinghouse.—The federal government has dozens of defense conversion programs run by a number of different agencies. A "one stop shop" information clearinghouse would help defense impacted workers, communities, and firms access the information they need to cope with defense downsizing. The office should be housed in the Commerce Department, and to be effective it must also have the involvement and cooperation of the Department of Defense, Department of Labor, and other related conversion agencies. This clearinghouse would disseminate information on programs and promote best practices on retraining, redevelopment, and conversion.

II. Make Base Reuse a Higher Priority in Environmental Cleanup.—Rapid and efficient cleanup of closing bases is of central importance to the pace and scope of a community's economic redevelopment. Unfortunately, when environmental barriers are not appropriately addressed, the entire redevelopment process can grind to a halt, causing unnecessary delay of interim leasing, and ultimately, the loss of businesses, revenue, and jobs on a former base.

The Task Force supports the action taken in the recent Supplemental Appropriations Act, signed into law on July 2, 1993, which eliminated the indemnification language enacted by the FY1993 Defense Appropriations Act. The FY93 Defense Appropriations language had expanded the military services' liability for environmental hazards on base so that they would have been responsible for contamination caused by a new tenant, after the base had been closed and the military had departed. By removing this legislative language, the unnecessary delays caused by the indemnification issue will be greatly diminished. However, the Task Force strongly believes that additional environmental barriers to successful redevelopment must now be addressed.

Recommendations: 1. Require Early Environmental Studies.—Coordinate Cleanup with Reuse Planning. When closing bases, the services are required to satisfy numerous environmental requirements which impact reuse planning. The services should consider a community's reuse plan as often as possible when satisfying these requirements. For instance, immediately after a Base Closure and Realignment Commission list becomes final, each service should conduct an initial "basewide" environmental baseline study which would identify areas that will require some kind of cleanup. The results of this study should be shared with the community and incorporated into its reuse plan. Such studies, which are currently being undertaken by the Air Force, would expedite cleanup and promote coordination between the military and the communities. Moreover, the military should consider which parts of the base of the community has prioritized for reuse when prioritizing its subsequent environmental studies. Businesses and other organizations considering relocating onto a closed base demand accurate and timely information on environmental hazards. These studies will allow communities and the military to be better prepared to meet these demands.

2. Divide Bases Into Parcels for Quicker Reuse.—In those cases where environmental or other problems prevent quick reuse of a base, the uncontaminated parts of the property should be split off into a separate parcel or parcels which can be quickly leased as part of the reuse plan.

3. Prioritize Cleanup According to Reuse Needs.—Communities must have more input into the cleanup process so that economic development issues can be better integrated with cleanup priorities. In order to be responsive to unpredictable business interest in base properties, the services and the environmental regulatory agencies should consult with the communities when prioritizing areas for cleanup, after, of course, immediate health and safety problems have been addressed.

4. Allow Cleanup and Reuse to Proceed Simulataneously Whenever Possible.—Some cleanup projects can take decades to finish, yet through intelligent remediation, threats to health and safety can be contained while cleanup takes place. In such cases, reuse of the contaminated parcels should be allowed to take place while cleanup is ongoing, in order to put these parcels back to a productive use sooner.

5. Allow Cleanup of Bases to a Level Appropriate for Reuse.—Cleaning every parcel to a pristine condition will result in unnecessary cost and delays if some of the parcels will be used for commercial purposes similar to their use by the services. The federal government should follow the lead of some of the states which place more emphasis on reuse plans when determining the extent of the cleanup they undertake.

III. Give Communities Earlier and Easier Control of Land and Buildings on Base.—The current process for disposing of real property (buildings, land, etc.) places community needs at the end of the line, and it provides little flexibility for taking account of the unique needs and resources of each community. In particular, the current interim leasing process for real property is too slow and often discourages businesses. Community needs must figure more prominently in the process.

Recommendations: 1. Secure Community Interest in Bases Earlier.—Currently, federal agencies are allowed to screen property (for possible use) until it is transferred, creating the potential for disruption of a reuse plan in the late stages of development. However, communities having trouble attracting businesses may want the screening process to continue in the hopes of attracting federal agencies. Therefore, the federal screening process should continue indefinitely, but local redevelopment authorities should have veto power over a federal reuse after 30 days of initial screening.

2. Conduct McKinney Homeless Act Screening Earlier.—The McKinney Act requires screening of closing bases for reuse to help the homeless, but the screening cannot take place more than eighteen months prior to the closure. This screening should be completed earlier, either as part of the reuse planning or before reuse planning, so that the planning can proceed with certainty.

3. Show Greater Flexibility When Negotiating Sale or Lease Prices with Communities.—In the past, federal officials have strictly interpreted "fair market value" (FMV) when leasing or selling property to extract a maximum return on the transaction. A clear policy should be established that permits and encourages the DOD to give communities discounts on the sale or lease of base properties. The resources of the community and the reuse potential for the base should be taken into account when determining if and to what extent discounts should be offered.

Federal decision makers should use protection and maintenance (P&M) costs, the cost of upkeep and maintenance for the base, as the baseline for discounting lease prices at closing bases. If P&M is used to determine a lease price, rather than FMV, costly and time consuming appraisals can be avoided and the leasing process can be expedited.

4. Quickly Determine Leasing Price of Properties to Meet Business Demands.—If the leasing price is not determined for specific property in a timely manner, the community risks losing jobs and revenue from a potential tenant. In the event that an appraisavent that an appraisal is necessary to determine the FMV of base property, the DOD should work expeditiously and provide communities with the information necessary to attract tenants.

6. Require the Military to Cover Leasing Costs.—There is currently no clear policy on the services' responsibility for covering costs associated with the leasing process. This uncertainty can substantially hinder a community's reuse planning ability. A clear policy should be established requiring the military services to pay for costs to execute proposed leases. Such activities typically include Environmental Baseline Studies, Environmental Assessments, and FMV appraisals.

7. Process Leases with Highest Redevelopment Potential on a Priority Basis.—Communities currently have no opportunity to prioritize which leases the military services process first. The DoD should respond appropriately to community needs when processing interim leases.

8. Encourage "Section" Leasing of Bases.—The goal of interim leasing is to allow communities flexibility in meeting the demands of businesses and other future tenants. However, going through the cumbersome leasing process for each prospect, significantly slows the turn around time of a lease. To partially address this problem the military services should identify and lease to communities sections or areas of bases which the communities can subsequently sublet to tenants. Many of the Task Force's previous recommendations, including those related to environmental parcelization and lease pricing, are essential to this concept.

IV. Leave Bases "Development Ready" for Communities.—Instead of stripping bases and hauling off the fixtures and equipment, the military services should take actions to ensure that redevelopment needs are recognized in removal decisions.

Recommendations: 1. Narrow the Category of Equipment and Fixtures the Military Can Remove from Bases. The military is currently allowed to remove from closing bases equipment and fixtures that they have a "need to buy" to carry out some other mission. The definition of "need to buy" has been abused, however, to the point that property removed under this criteria has been warehoused or moved to other bases slated for closure. This definition should be tightened, to discourage removal of property that the services do not have an urgent, real, documented "need to buy". The services should be prohibited from removing any property besides "need to buy" items, with the exception of mission essential items.

Personal property disputes can be openly discussed at the "on site" committees or, if not resolved there, exposed to Federal decision makers at Installations Redevelopment Board meetings in Washington.

2. Preserve the Physical Integrity of Base Buildings.—Numerous accounts exist of the services stripping buildings of vital components and severely damaging their reuse potential. Regardless of "Need to Buy" the military should be prohibited from taking items whose removal would undermine the safety and/or integrity of the building. Such items usually include fences, security systems, fire extinguishers, heating and cooling systems, windows, doors, hardware, wiring, lighting fixtures, and plumbing.

3. Leave Equipment and Fixtures on Base for Redevelopment.—Equipment not removed from a base by the military or declared "related" to the real property and left on base is first made available to other federal agencies and then distributed to the states under a General Services Administration process. Instead, base closure communities should have the first right of refusal on these items. Communities should be required, however, to demonstrate through their reuse plan that they have a legitimate redevelopment need for the property. The military services should transfer this property to the communities for free or at a reduced cost, according to a policy similar to the one that will apply for the transfer of land and buildings on base.

4. Ask DoD to Report on Options for Improving Property Disposal.—The current process for removing personal property from closing bases is confusing, and inconsistencies in the process exist among each military service. In addition, the role of the GSA is unclear. The Secretary of Defense should report to the Congress on the possibility of establishing a clear, uniform process for property disposal.

V. Improve the Economic Development Administration Grant Process.—The Commerce Department's Economic Development Administration (EDA) has been severely hindered over the last 12 years due to repeated attempts by past Administrations to kill the office. This neglect has severely hindered the EDA, which is one of the Federal government's primary economic development agencies. This neglect has translated into an EDA grant program that puts process concerns ahead of results. The EDA should be reinvented to make its programs work for communities and to help create new jobs more quickly.

Recommendations: 1. Fund Administrative Costs Necessary to Make EDA Defense Conversion Grants. Although the DOD transferred $80 million in FY93 funds to the EDA to assist defense impacted communities, the EDA claims it cannot use any of these monies for the overhead and administrative costs associated with the grants that will be made out of the $80 million. Congress should clarify that the use of these monies for this purpose is allowable.

2. Allow EDA to Fund Projects Earlier at Closing Bases.—The EDA claims that they cannot fund infrastructure on bases before they are formally transferred to communities. The EDA should be permitted to initiate projects before the actual transfer, perhaps through making grants to the DOD.

3. Give Grant Making Authority to EDA Regional Offices.—EDA grant applications are currently screened at the regional level and then sent to Washington, D.C., for another screening. This redundant process is costly and time consuming for communities in need of help. Give EDA regional offices the authority to approve grants.

4. Fund an Innovative State Grant Program.—Existing appropriations are probably inadequate to assist all the defense impacted communities beyond a minimal level. Moreover, the normal Economic Development Administration grant process is very slow, and its grants are often for very narrow, conventional projects. To address these problems, additional funds should be provided for a program of comprehensive redevelopment grants to defense impacted communities, states, or regions. Grant awards should be based on the extent of the defense impact in the state or region, and the innovativeness and quality of the proposal. Applicants should be required to provide matching funds to insure their commitment to effective projects.

5. Support Planning and Redevelopment in Defense Industry Communities.—In addition to base closure communities, those communities experiencing defense industry cutbacks will experience large job loss as well. The DoD's Office of Economic Adjustment should put more emphasis on promoting and facilitating comprehensive redevelopment planning in these defense industry communities.

6. Improve Identification of Defense Impacted Communities.—The impact of cutbacks on communities hosting small defense subcontractors is not as closely tracked as the impact on communities hosting prime contractors, but the effects can be severe nevertheless. The defense impact on small, and particularly rural, communities should be tracked more closely so that these communities can be considered for appropriate federal assistance.

For further information about this report or the Senate Democratic Defense Reinvestment Task Force, contact Desten Broach or Steve Ronnel in the office of Senator David Pryor, (202) 224-2353.

1993 Senate Democratic Defense Reinvestment Task Force (Appointed by Majority Leader George Mitchell, March 30, 1993)

Senator David Pryor, Arkansas, Chairman.
Senator Jeff Bingaman, New Mexico.
Senator Barbara Boxer, California.
Senator John Breaux, Louisiana.
Senator Christopher Dodd, Connecticut.
Senator Dianne Feinstein, California.
Senator Bob Graham, Florida.
Senator Ernest Hollings, South Carolina.
Senator Daniel Inouye, Hawaii.
Senator Bennett Johnston, Louisiana.
Senator Edward Kennedy, Massachusetts.
Senator Patrick Leahy, Vermont.
Senator Joseph Lieberman, Connecticut.
Senator Carl Levin, Michigan.
Senator Howard Metzenbaum, Ohio.
Senator Barbara Mikulski, Maryland.
Senate Majority Leader George Mitchell, Maine.
Senator Sam Nunn, Georgia.
Senator Claiborne Pell, Rhode Island.
Senator Donald Riegle, Michigan.
Senator Charles Robb, Virginia.
Senator John Rockefeller, West Virginia.
Senator Paul Sarbanes, Maryland.
Senator Jim Sasser, Tennessee.
Senator Harris Wofford, Pennsylvania.

RECOMMENDATIONS OF THE SENATE DEMOCRATIC DEFENSE REINVESTMENT TASK FORCE

Mr. BINGAMAN. Madam President, I rise today to bring to the attention of my colleagues the recommendations of the Senate Democratic defense reinvestment task force.

This task force is a continuation of the Senate Democratic task force on defense conversion which was instrumental in crafting the conversion initiative approved by Congress last year. This year, as was true last year, Senator PRYOR, the chairman of the task force, is to be commended for his leadership and the fine work of his staff. I would also like to commend Desten Broach and Steve Ronnel of Senator PRYOR'S staff for their work on the task force. In addition, special thanks should go to Rob Atkinson of the Office of Technology Assessment, who was instrumental in helping the task force develop these recommendations.

Madam President, as you know, the recommendations developed last year by this task force were the basis for the fiscal year 1993 defense conversion initiative approved by Congress. Those recommendations resulted in increased funding for reuse planning, economic development, and worker training; helped established military and civilian transition initiatives to ease the burden of defense cuts on Defense Department personnel; and established a broad-based package of technology and manufacturing partnership programs which are being implemented under the interagency technology reinvestment project.

These programs, endorsed by the Clinton administration earlier this year, have been a critical part of the administration's efforts to assist those people, companies, and communities impacted by the defense build down. Funding for worker training and economic development are at the core of the Commerce and Labor Department efforts to reinvest Federal programs in these areas. And the technology reinvestment project is a model for interagency efforts to develop new technologies for economic growth.

Proposals under the technology reinvestment project were submitted last Friday, and the initial results are very encouraging. The project reports receiving upwards of 2,800 proposals, involving a great number of large and small businesses, as well as States, colleges and universities, and Federal laboratories. Proposals also cover a range of critical technologies, from shipbuilding to medical technology. I believe that this initiative will be effective in developing new technologies and creating jobs, and I am pleased to report that the Senate Armed Services Committee continues funding for these programs in the committee markup we completed last week.

Madam President, this year the task force concentrated its efforts on the problems facing defense-impacted communities, particularly those which are hit the hardest by military base closures. The recommendations focus on five key areas: empowering communities hit by base closures; making base reuse a higher priority in environmental cleanup; giving communities earlier and easier access to closing bases; leaving bases development ready for the communities; and improving the economic development administration grant process.

This year, just as last year, the recommendations of this task force promise to lay the groundwork for Congress' actions in these areas, and Senator PRYOR is once again to be commended for his leadership in this area. I urge all of my colleagues to review the task force report, and look forward to continuing to work with the task force and the administration to implement these recommendations.

THE RELEASE OF THE TASK FORCE REPORT ON DEFENSE CONVERSION

Mr. DODD. Madam President, I rise today to make a few brief comments on the release of the 1993 Senate Democratic defense reinvestment task force report. I want to thank the Senator from Arkansas, Mr. PRYOR, for once again leading this task force here in the Senate and for helping to develop comprehensive, long-term solutions to this very important problem.

Madam President, in recent years, as the defense budget has begun to sharply decline, the economic impact of those cutbacks has become painfully clear in small towns and local communities across the Nation. It was with these difficulties in mind that the Senate Democratic defense reinvestment task force was chartered in 1992. Last year, the task force put forth a nearly $2 billion package of legislative proposals, most of which was approved by Congress and is being implemented by the Clinton administration today.

These efforts have brought us a long way toward developing programs that enable the skills and capabilities of the defense industry to be put to use in the commercial sector. However, as we all know, this task is certainly far from complete. We were reminded of this fact as recently as a few weeks ago, when the President submitted his list of proposed base closings to the Congress. For communities that are losing a major military installation, those base closings mean the loss of economic opportunity, an increase in unemployment, and a tragic and unnecessary strain on the fabric of working families.

Accordingly, Madam President, the task force focused this year on specific ways to help communities generate new economic growth after being hit with a major plant or base closure. Unlike last year, however, the task force does not recommend the establishment of new and potentially costly programs. Instead, the task force recommends a number of changes and improvements in existing legislation that will help to ensure that communities encounter the least possible resistance in developing alternatives to defense dependency.

The highlights of these recommendations are as follows:

Give communities a greater voice in base redevelopment activities by having Federal officials participate together with local officials in an on site committee.

Create a defense conversion and reinvestment clearinghouse to provide one stop shopping for those interested in defense conversion programs.

Make base reuse a higher priority in environmental cleanup.

Give communities earlier and easier control of land and buildings on base by showing flexibility when negotiating sale or lease prices.

Leave bases in a condition where they can be easily reused by communities.

Streamline the grantmaking process for the economic development administration by providing adequate administrative expenses, decentralizing grantmaking authority to regional offices, and improving the identification of defense-dependent communities.

Madam President, in Connecticut and across the country, thousands of defense workers are being told that after dedicating their working lives to our Nation's military security, their services are today no longer needed. The least we can do is to recognize their important contributions and to give them a modest amount of assistance in finding new careers and new livelihoods. The recommendations in today's task force report will bring us one step closer to this very important goal.

REPORTS OF THE SENATE DEMOCRATIC DEFENSE REINVESTMENT TASK FORCE

Mr. RIEGLE. Madam President, I rise in strong support of the recommendations of the Senate Democratic defense reinvestment task force and commend Senator PRYOR for his leadership as chairman of the task force.

In 1990, I had the pleasure of chairing the Senate Democratic task force on the U.S. economy in the 1990's: Defense conversion and productivity growth, established by the majority leader, Senator MITCHELL. The work of that task force resulted in an amendment, which I and Senator PELL offered to the 1991 defense bill, to help communities and workers hurt by defense cutbacks and base closings. The amendment established an advanced warning function in the Defense Department to give communities adequate notice of possible cutbacks. More importantly, the amendment transferred $150 million from the Defense Department to the Labor Department for worker retraining programs and $50 million from the Defense Department to the Economic Development Administration [EDA] of the Commerce Department for community adjustment assistance.

As it became clearer that defense downsizing would continue and that the Bush administration had no real plan to deal with the impacts of defense cuts and base closures, Senator MITCHELL formed a follow-on Senate Democratic defense conversion task force in 1992, under the chairmanship of Senator PRYOR, in his capacity as secretary of the Democratic conference. The task force, of which I was a member, expanded on the previous work and resulted in a $1.2 billion initiative to help workers, communities and industries affected by the downsizing. This initiative was at the heart of President Clinton's defense conversion program announced last March.

This year, the now-renamed Senate Democratic reinvestment task force has looked closely at the mechanisms of base closings. The overriding theme of the task force's report is "giving communities a voice." I heartily endorse that call. Too often in the base closing process, the community has been treated as a secondary, or even irrelevant, party. The emphasis within the system has been on shutting the base down, closing up, and getting out.

We need to change that emphasis and put economic conversion and base reuse first.

One of the keys to putting economic conversion and base reuse first is early reuse planning. During the past few months, the task force has heard over and over again about how important it is to develop a reuse plan quickly and to use that plan to ensure that important base property needed for successful reuse remains on base. We heard horror stories of fire extinguishers ripped off of building walls and beds thrown out as trash.

I am pleased that the task force report contains recommendations derived from my legislation on base reuse planning. The report recommends that no essential systems on a base be shut down, or any other steps taken that would detract from a community's reuse effort, for 2 years after the announcement. During that time, the nonmission essential property of the base must remain in place. This ban on shutting the base down and transferring the assets will give communities time to plan for reuse and economic development.

The report proposes a number of changes to give communities earlier and easier control of the base land and buildings and to leave the base in a more development-ready state. For example, under current law, Federal agencies have first right to base reuse up until the time that the property is actually transferred to local authorities. To prevent the disruption to the planning and reuse process created by this open-ended Federal right, the task force proposes giving local authorities a veto power over Federal use after 30 days of the initial Federal screening. Federal agencies will still be welcome, but they would be subject to the reuse needs of the community and would not be able to bump others who wish to use the site.

The report also recommends simplifying and decentralizing the interim leasing process and basing the process on the reuse plan. Successful reuse requires getting users on base as quickly as possible—even before the base is transferred to local control. However, in the past, this interim lease process has been slow, confusing and driven by the needs of the military, not the community. Changing the way in which interim leases are handled will go a long way to speeding up the base reuse process.

Likewise, environmental cleanup efforts should also be driven by the reuse plan. The report recommends a number of reuse-driven changes in the cleanup process, including early environmental studies tied to the development of the reuse plan and prioritizing the cleanup according to reuse needs.

Reuse planning will be useless, however, if no one listens to the communities and their needs. The report, therefore, also recommends a number of initiatives to give the communities a greater voice in the base closure process, both locally and in Washington. This includes the creation of local base closure communities and a multi-agency Installations Redevelopment Board to meet regularly with community representatives and Defense Department officials. The local committees and the Board will help resolve disputes between the community and the military.

These initiatives will put the redevelopment needs of the communities first and prevent many of the problems that occurred in the past. As we move into the latest round of base closings, these changes should help buffer some of the devastating impacts of a base closing on a community—and clearly prevent the process from becoming a bureaucratic nightmare for those already the hardest hit.

President Clinton has recognized the problems with the current system and is moving quickly to alleviate them. Earlier this month, the President announced a program to increase the size of community planning grants, establish a single Federal coordinator for each community, speed up the environmental cleanup process, refocus the property disposal and base closing process toward economic development, and revitalize community and worker assistance programs.

I applaud the President for his forceful action. The task force has consulted closely with the administration while developing our recommendations. I am sure that this coordinated attention on both executive actions and legislative changes will greatly improve the process. I intend to strongly support the enactment of these recommendations into law when we consider this year's Defense bill on the floor of the Senate.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank the Chair for the recognition.

THE NATIONAL COMMUNITY AND SERVICE TRUST ACT OF 1993

Mr. GRAMM. Madam President, I am often struck by paradoxes in this great deliberative body we serve in and in this great historic building. But today, I am especially struck by the paradox that in every dark, dingy corner of this Capitol Members of the House and Senate are gathered to conspire to raise taxes on the working men and women of America, all the while raising their voices in unison saying, we are not raising taxes to spend this money. We are raising taxes to deal with the deficit. We have to raise income taxes on small businesses and family farms. We have to raise marginal income tax rates by 30 percent. We have to tax Social Security benefits, and we have to tax gasoline, all to lower the deficit, to make the hard choices and to do what the country needs to be done.

Yet, we will soon go back to debate in this very body the President's National Community Service Trust Act of 1993.

Madam President, as we all know, the President has asked us to create a brand new program this year. Now, this week, the same week we are raising all these taxes that we are not going to spend. Yet this new program will spend $10.8 billion

If you listen to those who support this bill you get the idea that this is a bill to promote voluntarism in America. But when you look at the bill, what you find is that this bill is going to cost $45,000 per person that is engaged in doing all these voluntary activities over a 2-year period.

I think it is interesting to note that in many offices on this very Capitol Hill, newly-minted graduates of Harvard University do not make that much money. Yet we are going to create all these new positions and expend $10.8 billion to create this volunteer service corps that is going to cost $45,000 per volunteer.

What are these volunteers going to do? These volunteers are not going to take the place of civil servants. In fact, the bill specifically precludes them from substituting for people who are hired to do normal jobs by the Federal Government. So what we are going to do is basically go around making up new positions for people to do volunteer work.

Madam President, the problem with this, besides the fact that we do not have the $10.8 billion, is that we already have 40 million real volunteers in America who are actually doing volunteer services. In fact, we spend $1.5 billion a year promoting voluntarism now. I do not understand voluntarism when you are being paid for it.

But my point is very, very simple: That is, on the very day that we hope to begin to reach closure on a tax bill to raise taxes on income, Social Security, and gasoline, we are talking about creating a brand new program that costs $10.8 billion.

So if there is anybody who wonders why the American people do not trust Congress to raise taxes and apply the money to the deficit, all they have to do is to look at what we are doing this very day when people are hiding in all corners of the Capitol plotting to raise taxes, vowing not to spend the money, at the same moment that we on the floor of the Senate are debating a bill to create a new program to spend $10.8 billion.

My view is we do not need this program. My view is the last thing in the world we need to be doing is paying people $45,000 to do volunteer work. I think we ought to encourage voluntarism. I think it is part of America. I think it is a great and good thing. But I do not believe this is an efficient expenditure of the taxpayers' money. I think if we prevented this bill from passing that it would be a good indication that maybe we are serious about deficit reduction. That is why I never intend to see this bill passed, at least with my vote.

I intend to vote against bringing debate to a conclusion. I intend to see us continue to offer amendments. I hope this bill does not pass. We do not need to spend another $10.8 billion we do not have.

I thank the Chair.

TRUE PARENTS DAY

Mr. LOTT. Madam President, I rise today to offer remarks on "True Parents Day," which will be celebrated officially on July 28, 1993.

The breakdown of the family is a major factor contributing to the rise of crime, teen pregnancy, educational decline, substance abuse, and suicide among our Nation's youth;

The values of sacrificial love and truth are fundamental in developing the moral character necessary in forming and maintaining the family unit;

All parents, including single parents, have the responsibility to create an environment where true love can be expressed and imparted to our children;

Parents, by their example of sacrificial love and the transmission of moral and cultural values play a crucial and determinant role in the development of youth;

It is in the interest of society and government to adopt policies, strengthening and sustaining fathers and mothers and single parents in fulfilling their parental roles; and

The Women's Federation for World Peace will be sponsoring an event in Congress on July 28, calling for a renewal of our social commitment to sustain and strengthen families.

Therefore, I wish to join the Women's Federation for World Peace in celebrating July 28, 1993, as True Parents Day. I also urge my colleagues in the U.S. Senate, and all citizens of our Nation to recognize and support True Parents Day and the restoration of God-centered families in our society.

TRIBUTE TO TRACE THURLBY

Mr. PRYOR. Madam President, it is my pleasure to rise today and pay tribute to Trace Thurlby of Russellville, AR. Trace was recently named cadet wing commander for the fall 1993 semester at the Air Force Academy in Colorado Springs, CO. He is the first Arkansan to receive this honor.

When I nominated Trace to the Air Force Academy in 1990, I had no doubt that he would make an exceptional cadet. During his high school years in Russellville, this young man had shown himself to be an outstanding student, leader, and all-around athlete. However, his performance at the academy warrants special recognition. As my colleagues well know, some of the Nation's top students seek entrance to the Air Force Academy. Those few that are accepted face rigorous academic and personal challenges. To be named cadet wing commander, the highest position of responsibility and honor a cadet can achieve, is something special.

Given his obvious talents, Trace has many goals for the future, and is already forming plans for life after the Air Force. However, for now, he is looking forward to graduating next year and becoming an officer. As Trace phrased it, "Being an officer is the No. 1 thing, and having a desire to serve. If you have that desire, you'll be happy in whatever job you end up in." With such a positive attitude, there is no question that this young man will continue to excel.

I would like to ask that my colleagues join me in congratulating Trace Thurlby on this notable accomplishment, and wishing him much success next year as cadet wing commander at the Air Force Academy.

YEAR OF THE AMERICAN CRAFT

Mr. INOUYE. Madam President, as we celebrate the "Year of the American Craft," I proudly extend my warm wishes and heartfelt commendation to a special and select group of skilled laborers, the laborers of love.

Hawaii's handcrafters are blessed with skill, patience, creativity, and an eye for beauty. Our diverse ethnic cultures bring an added dimension to further complement this Year of the American Craft—from the Hawaiian feather leis and quilts, Japanese raku pottery and shashiko stitchery, to Chinese knotting and screening. These crafts are not only beautiful, they also instill pride and emphasize the importance of passing these age-old skills on to the younger generations, and in doing so, they perpetuate the traditions of the many cultures of our island State.

Madam President, it is the pride, perseverance, and self-discipline that we pay tribute to. It is a celebration of their commitment to excellence. It is the unification of mind and spirit which produces the precious and beautiful crafts we will enjoy.

I call upon my colleagues to join me in saluting and commending our Nation's laborers of love in this "Year of the American Craft" and "Celebration of the Creative Work of the Hand."

VENERABLE THAD EURE DIES

Mr. HELMS. Madam President, amidst an unusual amount of hurly-burly in the Senate last week, I lost a friend—a dear friend to thousands of others in addition to me. He was colorful, he was genuine, he was enjoyable—and, to me, always a faithful friend.

His name was Thaddeus Armie Eure, but nobody ever knew him by that name. And nobody ever called him that. He was Thad Eure. Period. He was North Carolina's secretary of state for more than a half century. And what a man he was, his life spanning two centuries; had he lived just 6½ more years, he would have been a part of three centuries.

Thad Eure was 93 when he passed away this past Wednesday, July 21. He was less than a year old when the 20th century began, but it was a century that he made the most of.

For one thing, Madam President, he became America's longest serving State official in 1986 when he passed the 50-year mark as secretary of state of North Carolina. He retired in January 1989.

Madam President, long ago when I was a fledgling news reporter in Raleigh, I made it a point to stop by every day for a visit with Secretary of State Thad Eure. He knew just about everything that was going on in North Carolina and he confided in me, telling me whom to call and often suggesting the best questions to be asked. We had an understanding that I was never to disclose the identity of my source. I never did.

In a moment, Madam President, I am going to ask that an excellent newspaper story about Thad Eure be printed in the RECORD. The story appeared in the Raleigh News and Observer on July 22 and was written by Treva Jones, a talented reporter.

But before I do that, Madam President, let me mention a couple of personal asides. Mr. Eure enjoyed working with the media people and they enjoyed working with him. Sometimes there would be joking exchanges—but it was almost impossible to get the better of Mr. Eure. There was, for example, the occasion when a horse that had won the Kentucky Derby was brought to Raleigh to be displayed on the State capitol grounds. Secretary of State Eure was among the state officials who went outside to admire the beautiful horse.

The news photographers urged Mr. Eure to step up and be photographed with the horse but he would have none of that. "I can just see the caption under the picture tomorrow morning—Horseman Eure," he said. He was right; that's precisely what the playful reporters had in mind.

Many of Mr. Eure's friends had hoped that he would one day serve in the U.S. Senate. In fact, there was one occasion in 1949, when it appeared that Mr. Eure would indeed be appointed by the Governor of North Carolina to succeed a recently deceased Senator from North Carolina. It did not happen and, looking back on it, I suspect that Thad Eure preferred to stay in North Carolina anyhow.

Madam President, I have always considered Thad Eure as one of nature's noblemen. He liked to call himself "the oldest rat in the Democratic barn"—but he was anything but a rat. He liked to poke fun at Republicans and did a lot of it. But he had an enormous number of Republican friends, including Jesse Helms. The last time I saw Thad Eure, he whispered in my ear: "You're doing fine. Keep on giving 'em hell." He squeezed my arm and I squeezed his, and that was the last conversation we would ever have.

Madam President, I ask unanimous consent that an article from the July 22, 1993, edition of the Raleigh News and Observer, written by Treva Jones, and headed, "Venerable Thad Eure Dies," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Raleigh News and Observer, July 22, 1993]

VENERABLE THAD EURE DIES

(By Treva Jones)

Former N.C. Secretary of State Thad Eure, the nation's longest-serving state official when he retired in 1989 after a half-century on the job, died Wednesday night in Raleigh.

Mr. Eure, 93, died at Raleigh Community Hospital about 8 p.m. after surgery to remove his gall bladder.

"He got through the operations beautifully" but never quite stabilized, said his daughter, Armecia Eure Black.

Funeral and burial will be Saturday in Raleigh.

Famous for oversize, red bow ties and for the straw boaters he wore every summer, Mr. Eure took office in 1936 after imploring voters to "Give a young man a chance." In his later years, he hoped to survive until 2000 so he could have lived in three centuries. He figured he signed his name 625,000 times on state documents and correspondence, using an estimated five gallons of his trademark green ink.

And he said he was glad he retired when he did. "Thank God I wasn't voted out, kicked out, or carried out." Mr. Eure told well-wishers at his 93rd birthday party in November.

"I think this state will always have a part of Thad Eure in it," said Gov. Jim Hunt, who credited Mr. Eure with exciting his own interest in politics in the mid-1950s.

"He believed in young people, believed in springtime, when you put on a straw hat, and being excited about the future and excited about what we can do."

John Dombolis, who owns the Mecca Restaurant in downtown Raleigh and knew Mr. Eure for 40 years, said, "he was an exemplary person, and he served the state with great honor and with great dignity."

John Dombolis said Mr. Eure would come into the restaurant and order a small hamburger, which wasn't on the menu. For him, they made small hamburgers, while Mr. Eure chatted with customers at the counter and in the booths along the wall.

"I think he mostly wanted to come in and see everybody," said Mr. Dombolis' wife, Floye, who also works in the restaurant.

Born in 1899, Mr. Eure said he was "the oldest rat in the Democratic barn," a title bestowed on him by U.S. District Judge John D. Larkins Jr. sometime after the middle of the century. At a retirement party for him in 1988, Republican Gov. Jim Martin called Mr. Eure "one of North Carolina's great treasures." Even then-President Reagan acknowledged Mr. Eure's record of service.

Also known as "Mr. Democrat," Mr. Eure was fond of saying that he was "nursed from a Democratic breast and rocked in a Democratic cradle." Republicans were anathema to him, although he served alongside two Republican governors in his time, and many Republicans as well as Democrats sought his advice.

"Voting for the man instead of the party is nothing but hogwash," said Mr. Eure, adding that "the political facts of life of American government are that it is run through the medium of parties instead of individuals."

He had a craggy, deeply grooved face and a rich, booming voice and likely was one of the last true orators in the state.

Mr. Eure wouldn't have been upset if a public address system failed just before he was to speak. He could talk to a group of a few thousand people without the aid of a microphone and be heard in the last row.

Wherever he went, Mr. Eure shook hands, patted backs, kissed babies, hugged women, and reminded people that he would be up for re-election next time around.

As secretary of state, Mr. Eure was the keeper of many state and corporate records.

When he retired, he said he was "going to go back home where I've outlived all my enemies and start wearing out a rocking chair." He didn't. He stayed in Raleigh.

In the 1980s, when Mr. Eure's vision got too poor for him to drive, Mr. Martin directed security officers to transport him between his home and his office, and to other Raleigh locations where the secretary of state needed to go on business. Mr. Eure didn't surrender his driver's license until 1986, and only then because he couldn't read on a vision test machine. About 70 people gathered in the old House chambers in the State Capitol on Nov. 15, 1992, to wish Mr. Eure a happy 93rd birthday.

"The reason more people aren't here tonight is because my friends have long passed away and I'm still here," Mr. Eure joked. He and his wife, Minta Banks Eure, celebrated their 68th wedding anniversary on the same day as his birthday party.

Mrs. Eure spent part of the day Wednesday at the hospital with her husband.

Mr. Eure, named Thaddeus Armie Eure, was born in Gates County, the son of Tazewell A. and Armecia Langston Eure. He grew up on a cotton and peanut farm.

He attended Gatesville High School from 1913 until 1917, and the University of North Carolina from 1917 until 1919. He earned money for college by cutting students' hair for 25 cents, and selling them suits for $18. He was a private during World War I.

He went to law school at UNC from 1921 until 1922, and was admitted to the State Bar in 1922.

From 1923 until 1931, he was county attorney for Hertford County, and mayor of Winton from 1923 until 1928, Mr. Eure represented Hertford County in the state House of Representatives in 1929 and was Principal Clerk of the House during the sessions of 1931, 1933 and 1935, as well as an extra legislative session in 1936.

When the legislature wasn't in session, he was an escheats agent for UNC. He moved across the state making contacts. It paid off when he ran for secretary of state, beating the incumbent in a second primary.

He was elected secretary of state on Nov. 3, 1936, and when the incumbent, resigned, he assumed office Dec. 21, 1936, 10 days before the term was supposed to begin.

He was re-elected every four years from then until 1984. He retired in January 1989, the day his successor took office.

The Eures were married Nov. 15, 1924, and had two children: Armecia Eure Black and Thad Eure Jr. Their son died of cancer in November 1988.

Mr. Eure always maintained his legal voting residence in Hertford County, and he remained a member of Eure Christian Church in the town of Eure, named for his family.

In biographical data sheets he sent routinely to The News & Observer, Mr. Eure listed his business address as State Capitol, Raleigh.

During the time he was secretary of state, Mr. Eure kept his office in the Capitol, refusing more than one offer to move him to more modern, spacious quarters. He bragged that his door was always open, and he delighted in dropping whatever he was doing to steer a group of schoolchildren through the historic building.

Ironically, when he retired, the space was turned over to Lt. Gov. Jim Gardner, a Republican, and only a ceremonial office for the secretary of state was maintained in the Capitol.

During his tenure, Mr. Eure saw the state take over the jobs of providing public education and of building roads, he saw the consolidation of the state universities into one system and the establishment of community colleges across the state. He survived criticism for his longtime practice of hiring only unmarried Democratic women to work in his office, and for writing the later-infamous state Speaker Ban Law, which attempted to prohibit Communists from speaking on any state-owned college campus. He was criticized as one of several members of the Council of State who advocated closed meetings of the council.

But the venerable politician drew more kudos than catcalls during his tenure.

He was given public service and merit awards from the N.C. Citizens for Business and Industry, N.C. State University, the N.C. State Elks Association, Elon College, Theta Chi fraternity and other organizations. In 1958, he received an honorary Doctor of Laws degree from Elon College. He served on the Elon College Board of Trustees 33 years, until he retired as chairman in 1988.

Surviving Mr. Eure, in addition to his daughter and his wife, are a brother, Dr. Darden J. Eure of Morehead City; a sister, Mrs. Donald S. Coeyman of Greensboro; four grandsons; three granddaughters, and four great-grandchildren.

THE KOREAN WAR

Mr. REID. Madam President, today marks the 40th anniversary of the cease-fire that ended the Korean war July 27, 1953.

This day is a reminder to all Americans of the gratitude we should have for Korean war veterans who suffered. In this Chamber, two Korean war heroes come to my mind—Marine pilot JOHN GLENN and Marine Capt. JOHN CHAFEE. Both were decorated for their valor in this conflict.

Korea's liberation from Japan after World War II was not a peaceful one. Divided at the 38th parallel and occupied by two superpowers with conflicting ideologies, Korea quickly became a victim of the cold war.

The fight to stop the spread of communism was staggering: 580,000 allied troops were killed; 150,000 Americans were either killed or injured; and 1.6 million Communist troops died during the conflict.

The Korean war was not a civil war between the People's Republic of Korea in the north and the Republic of Korea in the south. It was an attempt by Joseph Stalin to expand the Communist empire. North Korea's Kim Il Sung could not have launched the 1950 invasion without Soviet encouragement and support.

Due to the bravery of the American servicemen, this onslaught was halted and democracy in South Korea was preserved.

On June 24, 1950, just 1 year after the United States pulled a majority of its troops out of Korea, the People's Republic of Korea attacked the Republic of Korea. Led by Soviet tanks, the North Koreans captured Seoul, the capital of President Syngman Rhee's regime.

Clearly, the United States had to take quick action to prevent the complete takeover of South Korea by the Soviet-directed North Koreans. Without the support of the United States, the takeover of South Korea was imminent.

At the urging of Gen. Douglas MacArthur, President Truman quickly committed the United States to repel the Communist aggressor. It was the immediate deployment of United

States Armed Forces that halted the North Korean offensive at the southeastern city, Pusan.

With the North Korean offensive successfully stopped, MacArthur was able to launch his first attack. On September 15, 1950, the American forces reclaimed Seoul by attacking from the port of Inchon.

The war turned in South Korea's favor and it appeared the war would be short. MacArthur sent United States and Republic of Korea troops into North Korea and the offensive moved quickly up the Yalu River.

The "final offensive," as General MacArthur called it, was launched on November 25, 1950. Unfortunately, MacArthur was overoptimistic about the final offensive. The 200,000 Chinese soldiers massed on both sides of the Korean-Chinese border were not simply volunteers as asserted by the Chinese Government, but soldiers ready to fight. The Chinese counterattack struck a vicious blow to the 8th Army, which was ultimately forced to retreat south of Seoul.

During the next year, the two sides struggled in a seesaw fashion to gain the advantage. Finally, after the United Nations bowed to pressure for increased support, the Chinese and North Koreans retreated across the 38th parallel. Then, on July 27, the cease-fire agreement was signed.

The United States contribution in the Korean war cannot be argued. Due to the extraordinarily brave efforts of our American servicemen, the spread of communism was stopped right where it started, at the 38th parallel.

During the last 40 years, South Korean's economy has flourished under a democratic government. South Korean's toehold on democracy has made it a leading power in Asia.

The Korean war has been labeled the "Forgotten War" due to the importance placed on World War II and the Vietnam war. However, our American veterans from the Korean war must not be forgotten. They deserve to be honored and recognized as the men and women who preserved democracy and peace in Korea. This is a day to remember those veterans. This is a day to remember the Korean war as a victory against the Communist empire.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, July 23, the Federal debt stood at $4,342,543,241,528.91, meaning that on a per capita basis, every man, woman, and child in America owes $16,906.33 as his or her share of that debt.

TRIBUTE TO THE LATE COUNCIL MEMBER VAN WHITE

Mr. WELLSTONE. Mr. President, I rise to pay tribute to a dedicated public servant. With the passing of Van White, former Minneapolis Council member, the city has lost one of its distinguished political leaders. As Minneapolis' first African-American council member, Van White served with dedication. He fought hard for and enthusiastically devoted himself to the city he loved.

While representing the fifth ward during his 10 years as a council member, Mr. White worked hard to develop industry and jobs on the near north side of Minneapolis. He devoted his efforts to promoting economic development including a Target store, housing projects, new schools, and parks.

Van learned early about hard work and achieving one's goals. Growing up in poverty, he was 10 years old when his father died, leaving him with the responsibility of heading up a household of five children. He went on to graduate from Patrick Henry High School and worked as a construction laborer. Prior to running for public office, Van worked for about 25 years for the Minnesota Department of Economic Security as an employment interviewer and office manger. In 1971 he helped to found the Willard-Homewood Organization. He was involved in several community organizations and helped to develop a park and community center.

When he ran for the city council in 1979 it was not to break the color barrier but to help make Minneapolis a better place to live. White's bust was recently unveiled at the Minneapolis City Hall. It bears the inscription, "If I have helped just one somebody, then my life and my living have not been in vain." This is what we will remember about Van, that his life was not in vain.

Admired and loved by family, friends, and colleagues, I extend my deepest sympathies to his wife, Javanese, his son Perri, his daughter Javoni and his granddaughter Kapria. Van White leaves a rich legacy of contributions to the city of Minneapolis. We will all miss this dynamic individual.

TRIBUTE TO THE LATE PATRICK LIPPERT

Mr. WELLSTONE. Mr. President, I rise to pay tribute to the late Patrick Lippert, a dedicated Minnesota political activist who died July 13.

Patrick led the Rock the Vote campaign, a nationwide campaign devoted to registering young voters. The group was instrumental in registering 350,000 people to vote and claimed credit for an 18-percent increase among 18- to 24-year-olds in the 1992 Presidential election.

A native of Minnesota, Lippert was born in St. Paul. He was a 1980 graduate of the College of St. Thomas, now the University of St. Thomas, where his father was a literature professor. In 1981, he moved to Los Angeles and worked in the State assembly campaign of State senator Tom Hayden.

He later became director of a Hollywood political action group created by Hayden and his former wife, Jane Fonda. Well-known in Hollywood circles, Lippert was recognized for motivating people in the entertainment industry to become involved in politics. He also worked on the Presidential campaigns of Michael Dukakis and Gary Hart.

In 1989 he helped found the Hollywood Policy Center, a politically based entertainment group. In 1991, he became executive director of Rock the Vote which relied heavily on MTV to sign up young voters.

Optimistic and inspirational, Patrick tirelessly spearheaded the movement to involve young people in the political process by voting. Admired by family, friends, and colleagues, Patrick's commitment and dedication is an inspiration to all of us.

I extend my deepest condolences to Patrick's parents, Bob and Toni Lippert. Patrick leaves a rich legacy and he will be deeply missed.

REGARDING NEW DEFICIT ESTIMATE AND ENERGY TAX

Mr. HATCH. Mr. President, I rise today to add my voice to that of the Senator from New Mexico, Senator DOMENICI, and others, in calling on the Clinton administration to release immediately the Office of Management and Budget's midsession economic report.

This report, Mr. President, will show that the premise on which President Clinton sold middle-class tax increases to the American people is not true. The failure to release it suggests that the real reason the administration requested this tax hike—indeed is fighting for it against heavy congressional opposition—is to increase spending.

Last February, after new estimates were released showing a higher than expected deficit, President Clinton told the American people that the higher deficit estimate had forced him to propose raising taxes on the middle-class. This laid the groundwork work for the President's inclusion of a broad-based energy tax in his budget and tax proposal.

During the Presidential campaign last year, President Clinton repeatedly promised the American people that not only would he not raise taxes on the middle class, but that he would offer them a tax cut. Specifically, his campaign document, "Putting People First," promised:

> We will lower the tax burden on middle class Americans by asking the very wealthy to pay their fair share. Middle class taxpayers will have a choice between a children's tax credit or a significant reduction in their income tax rate.

As recently as his first postelection news conference, the President reaffirmed his pledge to lower the tax burden on the middle class. A few weeks after that, however, at a news conference on January 14, 1993, the President began to back away from this promise by stating that he had never met a voter who thought that the middle class tax cut was the most important issue in the race and that "the American people would think I was foolish if I said I will not respond to changing circumstances."

By February 17, 1993, in his televised address to the Nation, the President had fully departed from his middle class tax cut pledge when he said,

> I can't [avoid raising taxes on the middle class] because the deficit has increased so much, beyond my earlier estimates.

I find it ironic, Mr. President, that now that new estimates show the deficit to be about $40 billion lower, over 5 years, than was forecast in April, that the administration has chosen to, in effect, cover up these figures by not releasing the OMB midsession report.

Could it be that the administration is worried that the Nation's focus on the lower estimate, at the very time when Senate and House conferees are meeting to work out a compromise on the energy tax, might remove some of its so-called justification for this unwise tax?

Mr. President, it is obvious to even the most casual observer of this year's budget bill that the most difficult and controversial aspect of the conference is finding an acceptable compromise on the energy taxes. I submit that the energy tax, in either the House or Senate version, is also one of the most harmful tax increases proposed in the tax bills, not only for Utah but also for the Nation.

Therefore, I urge the conferees, as well as the President, to release the OMB midsession report and to use the new deficit estimate as a justification to remove the energy tax from the budget plan entirely. The administration used the higher deficit estimate as an excuse to raise middle-class taxes. Now that the deficit is lower, the President should again adjust to changing circumstances. Then energy taxes should be dropped. The only possible reasons for maintaining these tax provisions in the bill is to finance increased spending—spending for new programs that should be shelved until there has been some real progress toward reducing the deficit.

At $40 billion, the lower deficit is more than the revenue that the Senate version of the energy tax is projected to bring in, and is almost as much as is estimated for the House version, when the Btu tax is offset by the provisions that are included to dilute its harmful effects on the poor. Because of the hundreds of thousands of jobs that are estimated to be lost from either version of the energy tax, most of the projected revenue from the tax is unlikely to be realized.

I am just as concerned about the deficit as anyone in this body. No one wants to see a real deficit reduction plan passed this year more than I do. But, as I said at the time I voted against it, this bill will not be effective. I fear that many provisions will have the opposite effect from that which is intended, and the energy tax is one of them.

Let's be honest with the American people, Mr. President. Let us use this occasion to strike a blow against energy taxes and for the health of the economy.

STATEMENT ON THE NOMINATION OF ARTHUR LEVITT

Mr. PRESSLER. Mr. President, yesterday, the Senate confirmed the nomination of Arthur Levitt, Jr., to be the Chairman of the Securities and Exchange Commission. I rise in strong support of the confirmation. I have known Arthur both professionally and socially for more than 15 years. He is exceptionally well qualified by education, professional background, and experience to take on one of the most important positions in Government. To no one's surprise, his nomination was unanimously approved by the Senate Committee on Banking, Housing, and Urban Affairs.

Arthur is a graduate of Williams College, where he was elected to Phi Beta Kappa. After serving in the Air Force for 2 years, he held positions with Time, Inc., and Oppenheimer, Inc. In 1962, he joined Shearson Hayden Stone, Inc.—now Shearson Lehman Bros., Inc.—where he served as president from 1969 to 1978. From 1978 to 1989, he was chairman and chief executive officer of the American Stock Exchange, the third largest stock exchange in the United States.

Even while serving in these demanding business positions, Arthur somehow was able to serve on numerous governmental and public service boards and commissions. He, for example, has served on four executive branch commissions, including chairing the White House Small Business Task Force. This particularly is significant to me as one who has served on the Senate Small Business Committee for more than 14 years.

Hence, I was gratified—but not surprised—to note Arthur's statement before the Senate Banking Committee that the SEC should not concentrate only on big businesses and multinational conglomerates. Instead, he emphasized: "We must also help small, entrepreneurial businesses raise the capital that is the lifeblood of innovation. These emergent businesses have proved to be the engine of economic growth—creating a disproportionately large share of our jobs, our research and development breakthroughs and our higher living standards."

What I have said thus far about Arthur Levitt may suggest he devotes all of his time to keeping on top of what is happening in the financial world. But that is not the case. Arthur is a great outdoorsman, as well. Along with others, he and I have participated in Outward Bound excursions in the Rocky Mountains of Colorado. I assure you he is the sportsman who sets the pace on these trips. John C. Whitehead, well known investment executive and Outward Bound veteran, had this to say about Arthur and this nomination:

> Once a year, for nearly 20 years, Arthur and I have endured together the tortures of an Outward Bound trip, and have the temerity to describe it as "our favorite week of the year." He is an outstanding human being, ideally fitted professionally and personally for his new responsibilities as Chairman of the SEC. After running the rapids, climbing the mountains and riding the horses, the job will be easy for him.

Mr. President, I welcome this opportunity to speak in support of Arthur Levitt's confirmation as chairman of the Securities and Exchange Commission. I am confident he will serve with great distinction in this important post.

ELIMINATION OF THE WOOL AND MOHAIR PROGRAM

Mr. FEINGOLD. Madam President, I am very pleased that the Senate has taken a decisive step toward reducing the Federal deficit by eliminating a program—the Wool and Mohair Support Program—that is no longer justifiable in light of our Federal deficit. Earlier this year I introduced S. 477 which would have terminated the Wool and Mohair Program. Since that time I have been working with Senator BRYAN to find ways to eliminate this antiquated program in order to save taxpayers $760 million over the next 5 years.

I am extremely pleased that reason and common sense have prevailed in this debate and I commend Senators BUMPER and COCHRAN for accepting Senator BRYAN's amendment yesterday. By decisively tabling 63 to 36 the motion to send this bill back to the committee to reconsider the elimination of the Wool and Mohair Program the Senate has sent an overwhelming message to the conferees. That message is that this program should be eliminated.

This program, which began in 1954, is antiquated and simply can no longer be justified. There are commodity support programs which serve important purposes such as price and market stability, ensuring consumers a reasonably priced, ample and safe supply of food. We do not simply control the price, we control the production of those commodities through a combination of acreage and program controls. These controls keep the costs of the programs to taxpayers in check while still providing price stability to farmers. These programs also provide environmental benefits by requiring certain practices on lands enrolled in the Federal programs.

The case simply cannot be made for this program. Forty years ago, when this program was created, we may have been able to justify the program based on our needs for durable and warm wool clothing for the armed services. Now, however, there are a number of more practical alternatives for clothing our troops and we can't justify the Wool and Mohair Program.

The program is even more difficult to defend given the distribution of the benefits. Less than 3 percent of the wool producers receive over 55 percent of the program benefits. At the other extreme, 65 percent of the producers receive payments less than $500 which clearly suggests that the Federal taxpayers are handing out support payments to people who are not dependent on this support. We simply cannot justify supporting these producers at the expense of the U.S. taxpayers.

Once again, I commend Senator BRYAN for offering this amendment, the managers of the bill for accepting it, and the Senate for affirming that decision.

FORTIETH ANNIVERSARY OF THE SIGNING OF THE ARMISTICE ENDING THE KOREAN WAR

Mr. MITCHELL. Madam President, on this date 40 years ago the Korean war ended with the signing of the military cease-fire and armistice between the commander of the United Nations Command and the commanders of the North Korean Army and the Chinese Peoples Army.

Today the Korean people remain divided. The wartime armistice continues between a heavily armed north and south—a peace agreement has not been signed. American troops first arrived in Korea in September of 1945 and over 35,000 still remain there today to defend South Korea.

The Korean conflict has often been referred to as the forgotten war, but on this 40th anniversary of the end of 3 years of bloody fighting in the frozen hills of Korea, let us not forget today to remember the over 50,000 Americans and 17,000 soldiers from 14 countries of the United Nations, who gave their lives in this first international effort to keep world peace by fighting against aggression. Nor can we forget the families of the 8,177 Americans who remain unaccounted for from this war to preserve international peace.

As our Nation again faces threats to international peace in various places throughout the world, it is appropriate on this anniversary of the end of the fighting in Korea, to pause for a moment to remember the sacrifices of the 4 million Americans who served, and the thousands who selflessly gave their lives there 40 years ago in the cause of maintaining international peace.

STATEMENT ON THE NOMINATION OF ARTHUR LEVITT, JR.

Mr. DODD. Madam President, yesterday evening, the Senate unanimously confirmed the nomination of Arthur J. Levitt, Jr., to be Chairman of the Securities and Exchange Commission. I did not have an opportunity to come to the floor at that time, but would like to say a few words about his nomination today.

By naming Arthur Levitt Chairman of the SEC, the President has chosen someone with the experience, the skills, the intellect, and the temperament to serve in this important position. Arthur Levitt has been an entrepreneur and, as Chairman of the American Stock Exchange, he has been a regulator. And I am convinced he has what is perhaps the most important qualification for his job: A deep commitment to the notion that investor confidence is the foundation of strong capital markets. Arthur Levitt, perhaps more than anyone who has come to this job in many years, understands and appreciates the importance of protecting investors and maintaining that confidence.

I have confidence in Arthur Levitt. He was voted out of the Banking Committee unanimously. He is an outstanding appointment, I strongly support his nomination, and I look forward to working with him.

AGRICULTURE APPROPRIATIONS

Mr. LIEBERMAN. Madam President, I voted against the Agriculture appropriations bill and would like to explain why I did so. I want to make it clear that I still support key domestic food programs contained in this bill, including WIC, food stamps, and the school breakfast and lunch programs which all help those who need help the most in this country.

However, I find it difficult to support the wide range of agricultural subsidies contained in this bill—many of which fail to meet the test of common sense. While I was pleased that this Chamber eliminated a number of the more egregious subsidies, I do not think that we went far enough. I am pleased we slashed the honey program, delighted we stopped the wool and mohair funding, and supported cutting the market promotion program. My only wish is that we had gone further in cutting the other subsidies that this Government, as financially strapped as we are, offer to most successful agricultural sector in the world.

For this reason, I have voted against this bill. If there is one message I have received from the people of Connecticut, it is that we must tighten our belts in Washington, just as the people of Connecticut have been forced to tighten theirs. I believe this bill is a good place to start and I hope that the conference committee on this legislation will take steps to cut these subsidies further.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:26 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

DISTRICT OF COLUMBIA APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2492.

The legislative clerk read as follows:

A bill (H.R. 2492) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said district for the fiscal year ending September 30, 1994, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I

FISCAL YEAR 1994 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1994, $630,603,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000**[**, of which $2,000,000 shall not be available for obligation until September 30, 1994 and shall not be expended prior to October 1, 1994**]**.

FEDERAL CONTRIBUTION FOR CRIME AND YOUTH INITIATIVES

For a Federal contribution for crime and youth initiatives in the District of Columbia,

[$17,327,000] *$15,327,000: Provided, That the Mayor may use a portion of these funds for the operations of the Trauma Care Fund as established in Public Law 102–382 (106 Stat. 1428): Provided further, That no trauma center may receive an amount greater than its proportionate share of the total available in the fund, in any fiscal year, as determined by its proportionate share of total uncompensated care among Level I trauma centers in the District of Columbia for the most recent year such data is available: Provided further, That in no case may any trauma center receive more than 35 percent of the total amount available in any one fiscal year: Provided further, That these funds shall be subject to any modifications that may be enacted in authorizing legislation.*

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, [$118,543,000] *$114,781,000*: *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds $10,801,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided further*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, [$85,348,000] *$85,629,000*: *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, [$907,966,000] *$877,703,000, of which $1,100,000 for the District of Columbia National Guard; $1,848,000 for the Office of Emergency Preparedness; and $1,052,000 for object class 70 of the Metropolitan Police Department shall be derived from other Federal sources hereafter appropriated: Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1994, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1994, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1994, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1994, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: [*Provided further*, That none of the funds provided in this Act may be used to implement any staffing plan for the District of Columbia Fire Department that includes the elimination of any positions for Administrative Assistants to the Battalion Fire Chiefs of the Fire Fighting Division of the Department:] *Provided further, That none of the funds appropriated by this Act may be used to implement any plan that includes the closing of Engine Company 3, located at 439 New Jersey Avenue, Northwest: Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for the emergency services involved: *Provided further*, That the Mayor shall promulgate all necessary rules and regulations to provide that no police officer, firefighter, or correctional officer shall be permitted to work for more than ten (10) hours of overtime excluding court time in any one pay period, without the written approval of the Chief of Police, Chief of the Fire Department, or Director of the Department of Corrections: *Provided further*, That such approval shall clearly state specific reasons as to why such overtime was necessary.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, [$711,813,000] *$710,742,000*, to be allocated as follows: $517,682,000 for the public schools of the District of Columbia; $98,600,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; $65,739,000 for the University of the District of Columbia; $21,260,000 for the Public Library, of which $200,000 shall be transferred to the Children's Museum; [$3,540,000] *$3,474,000* for the Commission on the Arts and Humanities; [$4,500,000] *$3,500,000* for the District of Columbia School of Law; and [$492,000] *$487,000* for the Education Licensure Commission: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That no later than December 31, 1993, the Board of Trustees of the University of the District of Columbia shall implement resident and nonresident tuition rate increases of not less than 20 percent of the rates in effect on April 1, 1993: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1994, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

Human Support Services

Human support services, [$914,830,000] *$869,587,000*: *Provided*, That [$17,905,000] *$20,905,000* of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

Public Works

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, [$215,749,000] *$203,939,000*: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

Washington Convention Center Fund

For the Washington Convention Center Fund, $12,850,000.

Repayment of Loans and Interest

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note)*; section 6 of Public Law 101–590 (104 Stat. 2929)*, including interest as required thereby, [$312,948,000] *$316,948,000*.

Repayment of General Fund Recovery Debt

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,337,000, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

Optical and Dental Benefits

For optical and dental costs for nonunion employees, $3,423,000.

Pay Adjustment

For pay increases and related costs, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for fiscal year 1994 from which employees are properly payable, [$70,680,000] *$81,680,000*.

Severance Pay

For severance pay to employees who are involuntarily separated from service as a result of reductions-in-force or reorganizations, $11,033,000.

D.C. General Hospital Deficit Payment

For the purpose of reimbursing the General Fund for costs incurred for the operation of the D.C. General Hospital pursuant to D.C. Law 1–134, the D.C. General Hospital Commission Act of 1977, $20,000,000.

Personal and Nonpersonal Services Adjustments

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of [$27,062,000] *$7,000,000*, within one or several of the various appropriation headings in this Act.

Capital Outlay

For construction projects, [$108,743,000] *$158,743,000*, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, secs. 9–219 and 47–3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85–692; D.C. Code, sec. 40–805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91–143; D.C. Code, secs. 1–2451, 1–2452, 1–2454, 1–2456, and 1–2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $10,577,883 shall be reduced from the cumulative amount available for project management and $4,463,301 shall be available for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1995, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1995: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse: *Provided further, That $50,000,000 shall be solely for the purpose of carrying out section 6 of Public Law 101–590 (104 Stat. 2929) and shall be transferred within 45-days of receipt of bond proceeds: Provided further, That, once the Fish and Wildlife Service study on the fishway at Little Falls Dam is complete the Washington Aqueduct may use up to $500,000 of funds provided to it under this heading to initiate construction of modifications to the Little Falls Dam facility for the purpose of environmental restoration and improvements by providing passage for anadromous fish on the Potomac River.*

Water and Sewer Enterprise Fund

For the Water and Sewer Enterprise Fund, $240,929,000, of which $40,438,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $29,087,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $7,168,000, to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $2,353,000.

STARPLEX FUND

For the Starplex Fund, an amount necessary for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.) of which $1,742,000 shall be transferred to the general fund for the District of Columbia Courts and $35,000 shall be transferred to the Office of Cable Television: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1995, shall be transmitted to the Congress no later than April 15, 1994.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on General Services, Federalism, and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1993 shall be deemed to be the rate of pay payable for that position for September 30, 1993.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1994, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1994 revenue estimates as of the end of the first quarter of fiscal year 1994. These estimates shall be used in the budget request for the fiscal year ending September 30, 1995. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1993" and inserting "sold before October 1, 1994".

SEC. 125. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 126. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 128. Sec. 133(e) of the District of Columbia Appropriations Act, 1990, as amended, is amended by striking "December 31, 1993" and inserting "December 31, 1994".

SEC. 129. For the fiscal year ending September 30, 1994, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 130. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1993, of the required reorganization plans.

SEC. 131. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1994 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 132. (a) Up to 50 fire fighters or members of the Fire and Emergency Medical Services Department who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1993 shall be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979, as amended, approved September 30, 1983 (97 Stat. 727; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

(b) The Mayor, within 30 days after the enactment of this Act, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, D.C. Code, secs. 1-722(d) and 1-724(d)).

SEC. 133. At the end of fiscal year 1994, the number of FTE's shall not exceed the number of FTE's in the approved fiscal year 1994 budget, less a 1 percent attrition rate and the actual corresponding dollar savings.

SEC. 134. (a) The Mayor shall establish a program to offer incentives for employees to accept early-out retirement. The Mayor shall report to the Council for approval of the early-out retirement program by mid-fiscal year 1994 with an actuarial study to show the District's liability for the early-out program.

(b) Notwithstanding any other provision of law, no early-out program established pursuant to this section shall be exempt from the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, D.C. Code, secs. 1-722(d) and 1-724(d)).

[SEC. 135. (a) None of the funds provided in this Act or any other funds available to the District of Columbia shall be used for any contract to provide goods or services to or on behalf of the District of Columbia which currently are provided by employees, departments, or agencies of the District of Columbia until the Mayor submits to the Council and the Council approves revised contracting policies and procedures.

[(b) The revised contracting policies and procedures required by subsection (a) of this section shall provide that:

[(1) A cost analysis comparing the in-house costs of providing the service with the costs associated with contracting for the service shall be completed for each contract proposed pursuant to this section.

[(2) Contracting out will provide savings over the duration of the contract of at least 10 percent.]

SEC. 135. (a) None of the funds provided in this Act or any other funds available to the District of Columbia shall be used for any contract to provide goods or services to or on behalf of the District of Columbia which currently are provided by employees, departments, or agencies of the District of Columbia until the Mayor submits to the Council and the Council approves revised contracting policies and procedures.

(b) The revised contracting policies and procedures required by subsection (a) of this section shall provide that—

(1) a cost analysis comparing the in-house costs of providing the service with the costs associated with contracting for the service shall be completed for each contract proposed pursuant to this section;

(2) contracting out will provide savings over the duration of the contract of at least 10 percent; and

(3) any contractor who is awarded a contract that displaces District government employees shall offer comparable employment to these displaced employees at rates of wages and benefits that are comparable to the wages and benefits paid to District government employees.

[SEC. 136. (a) The Mayor shall not award the following types of contracts until after the Council has approved the proposed contract award as provided in this section:

[(1) Any contract for goods or services worth over $1,000,000 and any contract for any sum which, when added to other contracts awarded to the same contractor for the same or similar purposes within a fiscal year, exceeds $1,000,000 in contracts with the same contractor, except: (A) contracts awarded under the "competitive sealed bidding" provisions pursuant to section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, 1-1183.3); or (B) contracts to implement a Federal program where Federal law governs contracting procedures as a condition for the receipt of Federal assistance.

[(2) Any contract to provide goods or services, to or on behalf of the District of Columbia, which currently are or traditionally have been provided by employees, departments, or agencies of the District of Columbia.

[(b) Prior to the award of a contract covered by this section, the Mayor shall submit a proposed contract award to the Council. The proposed contract award shall be deemed approved 7 calendar days, excluding days of Council recess, after the proposal has been officially introduced in the Council according to its rules, unless during that time, an objection to the proposed award, by at least 3 members of the Council, is filed in the Office of the Secretary to the Council.

[(c) If an objection to the proposed contract award is filed, the proposed award shall be deemed approved 21 calendar days, excluding days of Council recess, after the proposed award was officially introduced in the Council, unless during that time, the Council adopts a resolution disapproving the proposed award.

[(d) The Council may approve or disapprove a proposed contract award by resolution prior to the expiration of the time periods provided in this section.

[(e) The approval required by this section shall be a condition precedent to the existence of a District of Columbia contract described in subsection (a) of this section. No contractor may undertake any work, and no District officer or employee may obligate or expend funds, with respect to the performance of a proposed contract prior to Council approval under this section.

[SEC. 137. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.]

SEC. 138. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

This title may be cited as the "District of Columbia Appropriations Act, 1994".

TITLE II

FISCAL YEAR 1993 SUPPLEMENTAL DISTRICT OF COLUMBIA FUNDS

Governmental Direction and Support

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", [$15,133,000] *$15,501,000*: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1423), [$4,760,000] *$7,162,000* are rescinded for a net increase of [$10,373,000] *$8,339,000*.

The following provision under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1423 is repealed: "*Provided further*, That $10,200,000 of the revenues realized from the 'Water and Sewer Utility Payment in Lieu of Taxes Act of 1992' shall be available for the Mayor's youth and crime initiative, but shall not be obligated or expended until the Mayor submits to the Council a plan for the allocation and use of the funds:".

Economic Development and Regulation

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", [$1,047,000] *$6,047,000*: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1423), $10,587,000 are rescinded for a net decrease of [$9,540,000] *$4,540,000*.

Public Safety and Justice

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $6,230,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1424), [$18,921,000] *$21,078,000* are rescinded for a net decrease of [$12,691,000] *$14,848,000*: *Provided further*, That any unspent funds remaining in the *Personal and* nonpersonal services budget of the Metropolitan Police Department at the end of fiscal year 1993 shall remain available for the exclusive use of the [Metropolitan Policy Department] *Metropolitan Police Department* for the purchase of equipment in fiscal year 1994.

Public Education System

(INCLUDING RESCISSION)

For an additional amount for "Public education system", *$4,000,000 for the public schools of the District of Columbia and* $246,000, for the Education Licensure Commission: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1426), $2,270,000 for the Public Schools of the District of Columbia, $4,199,000 for the University of the District of Columbia, $964,000 for the Public Library, and $70,000 for the Commission on the Arts and Humanities are rescinded for a net decrease of [$7,257,000] *$3,257,000*.

The following provision under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382, 106 Stat. 1426) is repealed: "of which $2,000,000 shall be derived from revenues realized from the 'Water and Sewer Utility Payment in Lieu of Taxes Act of 1992';".

Human Support Services

(INCLUDING RESCISSION)

For an additional amount for "Human support services", [$70,772,000] *$81,772,000*: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1426), $2,221,000 are rescinded for a net increase of [$68,551,000] *$79,551,000*.

Public Works

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1427), $3,271,000 are rescinded.

Repayment of Loans and Interest

For an additional amount for "Repayment of loans and interest", [$19,051,000] *$11,059,000*.

Repayment of General Fund Recovery Debt

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1427), $5,000 are rescinded.

Resizing

For the purpose of funding costs associated with the Temporary Appeals Panel pursuant to D.C. Law 9–47, the District of Columbia Government Merit Personnel Act of 1978 Temporary Amendment Act of 1991, $225,000.

Severance Pay

For severance pay to employees who are involuntarily separated from service as a result of reductions-in-force or reorganizations, $10,410,000.

Pay Adjustment

For pay increases and related costs to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $7,880,000.

Facilities Rent/Leases

The paragraph under the heading "Facilities Rent/Leases" in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1428), is repealed: *Provided*, That the appropriation of $16,682,000 provided by that paragraph is distributed within the appropriation titles above.

Furlough Adjustment

Each agency, office, and instrumentality of the District, except the District of Columbia Courts, shall furlough each employee of the respective agency, office, or instrumentality for one day in each month of the fiscal year ending September 30, 1993, or a proportionate number of hours for part-time employees. The personal services spending authority for each agency, office, and instrumentality subject to this section is reduced in an amount equal to the savings resulting from the employee furloughs required by this section, for a total reduction of $36,000,000, which is distributed within the appropriation titles above. The Council shall enact legislation to implement this section which may include but shall not be limited to procedures to ensure that public health and safety functions are carried out.

Within-Grade Salary Adjustments

Notwithstanding any other provision of law, no employee of any agency, office, or instrumentality of the District shall receive within-grade salary increases during the fiscal year ending September 30, 1993, and no time during the fiscal year ending September 30, 1993 shall accrue toward the waiting period for advancement to the following rate within the grade. The spending authority for each agency, office, and instrumentality is reduced in an amount equal to the savings resulting from the adjustments required by this section, for a total reduction of $13,000,000, which is distributed within the appropriation titles above.

Personal and Nonpersonal Services Adjustments

The paragraph under the heading "Personal and Nonpersonal Services Adjustments", in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1428), is repealed: *Provided*, That the reduction of $30,798,600 required by that paragraph is distributed within the appropriation titles above[: *Provided further*, That the Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $29,730,000, within one or several of the various appropriation headings in this Act].

CAPITAL OUTLAY

For an additional amount for "Capital outlay", $200,000, to remain available until expended.

WATER AND SEWER ENTERPRISE FUND

(INCLUDING RESCISSION)

For an additional amount for "Water and Sewer Enterprise Fund", $12,717,000: *Provided*, That of the funds appropriated under this heading in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1429), $41,482,000 are rescinded for a net decrease of $28,765,000.

The following provision under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1429) is repealed: ", and $12,200,000 collected as payment in lieu of taxes pursuant to the 'Water and Sewer Utility Payment in Lieu of Taxes Act of 1992' shall be transferred to the general fund to provide $10,200,000 for the Mayor's youth and crime initiative, and $2,000,000 for the University of the District of Columbia".

The following provision under this heading for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1430) is repealed: "*Provided further*, That not to exceed $22,705,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects".

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

(RESCISSION)

Of the funds appropriated under this heading for the Lottery and Charitable Games Enterprise Fund for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1430), $270,000 are rescinded.

CABLE TELEVISION ENTERPRISE FUND

(INCLUDING RESCISSION)

For an additional amount for "Cable Television Enterprise Fund", $35,000: *Provided*, That of the funds appropriated under this heading for the Cable Television Enterprise Fund for the fiscal year ending September 30, 1993 in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1430), $300,000 are rescinded and transferred to the general fund for a net decrease of $265,000.

STARPLEX FUND

The paragraph under the heading "Starplex Fund" in the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (Public Law 102–382; 106 Stat. 1430), is amended by inserting after the phrase "shall be transferred to the general fund" the following: "and an additional $200,000 shall be transferred to the University of the District of Columbia".

GENERAL PROVISIONS

SEC. 201. Section 114 of the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (106 Stat. 1432) is repealed.

SEC. 202. Section 134(a)(1) of the District of Columbia Appropriations Act, 1993, approved October 5, 1992 (106 Stat. 1435) is amended by inserting the following after the word "donation": ": *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor".

[COMPLIANCE WITH BUY AMERICAN ACT

[SEC. 203. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

[SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

[SEC. 204. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

[PROHIBITION OF CONTRACTS

[SEC. 205. If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.]

This title may be cited as the "District of Columbia Supplemental Appropriations and Rescissions Act, 1993".

The PRESIDING OFFICER. Debate on the bill is limited to 1 hour.

Who yields time?

Mr. KOHL. Mr. President, I yield to Senator AKAKA, who wants to speak for 5 minutes as in morning business.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak as in morning business, and that the time not be charged against debate on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 1288 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Mr. President, I am pleased to present to the Senate today the D.C. appropriations bill for fiscal year 1994. It is a good bill and I believe it deserves the Senate's support.

Let me outline a few features of this bill.

First, the bill provides a total of $698 million in Federal funds. This amount is consistent with our allocation from the full committee and is $2 million below the House allowance and $7 million below the President's request.

Of the Federal funds provided in this bill, $631 million is for the fully authorized Federal payment. In addition, the bill contains a $52 million Federal contribution to the retirement account, and $15 million for the Mayor's crime and youth initiative. This initiative will enable the District to put additional police officers on the street and increase funding for prevention and diversionary programs for at-risk youth.

In addition to the Federal funds provided, the bill also contains $3.7 billion in D.C. funds. These funds are from revenue raised locally through various taxes, fees, and assessments on local residents and businesses. It is worth noting that the District's budget for fiscal year 1994 is $200 million below the city's budget we approved last year.

Another significant feature of this year's district budget is that it continues Mayor Kelly's efforts to reduce the size of the city government's payroll. This year's budget provides for 3,000 fewer employees in 1994 than were on the payroll in 1993.

Mr. President, I believe this bill is balanced and reasonable, and I hope that we can pass it today in relatively short order.

That being said, I understand that several Senators have indicated an interest in offering amendments to the bill. And I would like to take a minute to explain why I hope my colleagues will refrain from making significant changes to this bill.

As we all know, the District is unique among cities in America, in that its budget must be approved annually by Congress. Because of this, the District—through the years—has been subjected to more congressional scrutiny and involvement into its internal affairs than any other major metropolitan area in the country.

Clearly, some Federal oversight of the city's budget is warranted—given the Federal payment that we provide to the District and the impact of the city's decisions and finances on the Federal Government.

However, I believe we have an obligation to respect the city's right—and the right of its residents—to live under their own home rule. As Congress does not interfere with statutes enacted by municipalities across this country, so too should we not interfere with the local policy decisions of the District.

Mr. President, an important objective of the bill before us is to maintain the spirit of home rule. This bill is consistent with current law in the District. It does not interfere with the local policies of the District. It does not take sides in issues of concern to the Mayor and the City Council. This bill allows the D.C. government to carry out its citizens' wishes and desires, as we allow other cities across the country to do.

I suspect that we will have several opportunities to debate the issue of home rule for the District as we move through this bill, so I will withhold further discussion on this subject pending the offering of specific amendments.

In closing, Mr. President, I would like to acknowledge the role of the Senator from Montana [Mr. BURNS], the ranking Republican member of the subcommittee, in shaping this bill. He has made meaningful suggestions to improve the product we bring to the floor today.

In addition, I also want to thank the other members of the subcommittee—Senator MURRAY, Senator FEINSTEIN, and Senator MACK—for their help and cooperation during the subcommittee's consideration. And, as always, I appreciate the able guidance and assistance we have been provided by both the chairman of the Appropriations Committee, Senator BYRD, and by Senator HATFIELD.

Mr. President, I yield to the Senator from Montana for any opening remarks he may wish to make.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank the chairman of this subcommittee.

I also want to thank him openly for his suggestions and his efforts in crafting the fiscal year 1994 District of Columbia appropriations bill and report. This is my first year on the Committee on Appropriations and this subcommittee highlights the bipartisan nature of the full committee.

This is the third fiscal year 1994 appropriations bill that is presented to the Senate under a unanimous consent.

The D.C. bill is unusual. It is charged with controversy—abortion, domestic partners, home rule, and the temptation by many people to modify local will.

It is also unusual because it is the only regular appropriations bill we will consider this year that is balanced. The revenues generated by the people of the District equal the local expenditures in this bill.

This bill authorizes $3,775,932,000 in District funding and $698 million in Federal funding. Of this local amount, $3,337,652,000 is for operating expenses which is $107,302,000 below the amount approved in fiscal year 1993. This reduction demonstrates that progress is being made by the city's leaders to get the District's fiscal house of cards in order.

Of the $698 million in Federal funds provided, $630,603,000 is the authorized level for Federal payment; $52,070,000 is the Federal commitment to the retirement fund; and $15,327,000 is for major crime and youth initiatives.

The Federal portion is $7,101,000 below the President's fiscal year 1994 request and $2 million below that amount recommended by the other body. So I urge my colleagues to support this bill.

I thank the chairman and all members of this committee in crafting a bill which I think basically is a very good bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Mr. President, I suggest the absence of a quorum. I request the time on the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 36, LINES 8 THROUGH 19

Mr. BURNS. Mr. President, under the unanimous consent, all the amendments in the committee amendment have been agreed to with the exception of one, and that is the domestic partners amendment.

I ask at this time that those offering that amendment come forward and offer the amendment at this time so we could get on with the business at hand here, in agreement with the chairman of the subcommittee, if that is agreeable.

Mr. KOHL. That is agreeable.

Mr. BURNS. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I am not sure now is the proper time for me to proceed. I understand you have cut out one amendment dealing with the domestic partners issues, and at an appropriate time I will be able to move to table that amendment; is that correct?

Mr. BURNS. That is correct.

Mr. LOTT. Mr. President, I ask I be able to speak at this point in opposition to that amendment.

The PRESIDING OFFICER. If the Senator will withhold, the Chair will announce the pending question is the committee amendment on page 36, which proposes to strike lines 8 through 19 of the bill.

The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I rise today to oppose the committee amendment which put into effect and called for implementation of the District of Columbia's Domestic Partners Act. I will take a few minutes to go into a little bit of the history and background on this amendment.

Let me again ask for clarification. I believe we will have an opportunity to defeat this amendment, vote on it up or down, rather than a motion to table? Is that the understanding of the chairman, the distinguished Senator from Wisconsin?

Mr. KOHL. We would expect an up-or-down vote.

Mr. LOTT. I thank the chairman for that clarification.

Last year, the Senate voted on this issue to prohibit the funding and implementation of the same Domestic Partners Act. The House has voted to recede to the Senate version and accept the prohibition. This year the House, in a bipartisan manner, voted overwhelmingly, 255 to 171, to maintain that prohibition. The vote in the Senate last year was 51 to 41 against this provision. Now we have a committee amendment that would lift that prohibition and ask this body to endorse the redefinition of "family," a redefinition which would greatly disturb, I believe, most Americans.

I want to repeat the history that is involved here. The Senate has already voted on this once, the full Senate. The House has voted on it twice. Yet the issue consistently keeps coming back. It is very hard to kill. I understand the District of Columbia has been very aggressive in trying to find ways to avoid this prohibition.

Majorities in both Chambers, and I believe the American people in general, oppose the implementation of this Domestic Partners Act and the redefinition of family and marriage. It would undermine the family. Instead of providing incentives for the support of the institution of marriage, it legitimizes and extends benefits to relationships outside marriage.

Mr. FORD. Mr. President, will the Senator yield without the time being charged to him?

Mr. LOTT. I am glad to yield to the Senator.

Mr. FORD. Mr. President, I do this in order to save some time. I would like to find out the parliamentary situation at this point. As I understand it, the bill was introduced, a comprehensive unanimous-consent agreement was reached, and there is an hour on the bill equally divided between the manager and ranking member. We understand that.

The Senator from Mississippi now is speaking. It is my understanding from the Parliamentarian that is being charged to the ranking member's 30 minutes, and I am not sure that is the intent of the Senator from Mississippi or the ranking member.

He has not offered an amendment and if he is speaking on the committee amendment, then we need to get the parliamentary procedure corrected.

Could the Chair help me, please?

The PRESIDING OFFICER. The Senator is correct. The parliamentary situation we find ourselves in requires that time used now be charged against the bill. That means it would have to be charged against the 1 hour that is provided, unless there is an amendment offered from the floor. Of course, the other alternative is consent be obtained.

Mr. FORD. How much time does the Senator from Mississippi want? He is speaking against the committee amendment?

Mr. LOTT. I am speaking against the committee amendment.

Mr. FORD. The committee amendment has no time; is that correct? Except time on the bill?

The PRESIDING OFFICER. Except the time on the bill; the Senator is correct.

Mr. FORD. How much time would the Senator from Mississippi want?

Mr. LOTT. We did not get a time agreement. I do not know that there is a need for a lot of time on our side.

Mr. FORD. The time is going to run against your ranking member here, unless we do something. That is what I am trying to work out.

Mr. LOTT. Mr. President, so we can get this clarified, would it not be wise for us to have a quorum call here?

Mr. FORD. Mr. President, I suggest the absence of a quorum and ask unanimous consent the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Mr. President, in order to facilitate this parliamentary position we are in, I ask unanimous consent that there be 30 minutes, equally divided, to be controlled between the manager of the bill and the ranking member, as it relates to the committee amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, I believe I had the floor and yielded to the distinguished Senator from Kentucky. I would like to thank him.

The PRESIDING OFFICER. If the Senator will suspend. We just had a unanimous-consent agreement under which we have agreed that the ranking member and the chairman control the time. So there will have to be a yielding of the time for us to proceed. Someone will have to yield time to the Senator from Mississippi for us to proceed.

Mr. BURNS. Mr. President, I yield a full 15 minutes to the Senator from Mississippi, or under his control.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 15 minutes.

Mr. LOTT. Mr. President, I thank the Senator. Again, let me attempt to clarify what we agreed to: A 30-minute time limit, after which there will be an up-or-down vote on the committee amendment to take out this prohibition on the Domestic Partners Act. I oppose the amendment which would take that language out and will ask for the yeas and nays at the appropriate time.

The PRESIDING OFFICER. If the Senator will suspend for a moment, just so everyone is clear as to the situation we confront at this moment, the unanimous-consent agreement only extended to the question of the amount of time reserved for this amendment. There was nothing in the unanimous-consent agreement that goes to the question of whether or not there is an up-or-down vote at that moment. It could be a tabling motion; it could be an up-or-down vote.

I just want to make clear that the only part that was covered under the unanimous-consent agreement was the amount of time that was reserved for consideration of the amendment.

Mr. LOTT. Mr. President, in view of that and, again, to help clarify the issue, I ask for the yeas and nays on the committee amendment which will take out the Domestic Partners Act language.

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Chair will inform the Senator from California there is no right to object on the question posed by the Senator from Mississippi.

Mrs. BOXER. I have a parliamentary inquiry. May I make that?

The PRESIDING OFFICER. The Senator may make the parliamentary inquiry.

Mrs. BOXER. If we agree on the yeas and nays, we do not have to—he has a right to that—does this Senator have the right to table?

The PRESIDING OFFICER. The Senator would have that right.

Mrs. BOXER. At any point during the debate?

The PRESIDING OFFICER. After all time has expired, the Senator would have a right to move to table.

Is there a sufficient second?

There is not a sufficient second.

Mr. LOTT. Mr. President, I think we have haggled around here enough about the procedure. I will go ahead and make my statement, and we will see what happens when we get to the end of it.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, the D.C. Domestic Partners Act sends the wrong message to families of Washington, DC, and the rest of the Nation. It was passed under pressure from special interest groups, not as a result of broad support in the community. In fact, the reason I became involved in this issue in the first place is because a group of Washington ministers came to me and asked me to work against the measure. A biracial group of ministers last year were very concerned about it.

The local legislation would allow both heterosexual and homosexual couples to register with the city as domestic partners. Those who work for the District government would be able to extend health care benefits to their domestic partner. The council act would further erode the need to enter a marital commitment and would reduce the relevance of the traditional American family.

This comes at a time when our Nation is crying out for strong and stable families, ways to try to keep family units together. A consensus has emerged among social scientists and community leaders that the health of the family unit determines the overall health of our society. Our educators, business community, social service and law enforcement agencies, and churches all cite that family is the key to all the societal problems we now face.

From a public policy point of view, we can pass emergency supplemental appropriations, increase our police forces, create innovative educational programs, but if our homes are not in order, we will never succeed. The public policy decisions we make should, more than anything else, support and undergird a strong family unit. They should provide incentives for marriage and commitment. Unfortunately, our policies have failed to do this. In fact, we have promoted policies that discourage performance, commitment, and responsibility. Now we are reaping the consequences.

A destructive, vicious cycle has developed over the past 25 years as we witnessed a steady deterioration of the family, a record divorce rate, children born out of wedlock and in poverty. We witness the manifestations every day with violent crime, drugs, educational failure, and a fragmented Nation.

We must begin to take a stand for the family. We must make the difficult moral decisions of right and wrong. We must reach the conclusion, based on evidence and moral precepts, that all lifestyles are not equal, that the institution of marriage is preferable and superior, and our policies should reflect that conclusion and its moral imperative.

I want to emphasize this is not an issue that just affects the District of Columbia.

This is not something that is limited to just here because it can affect the State of Virginia. People who are not citizens of the District of Columbia could come here, register their relationship, receive this designation and then go back and use the legal recognition to challenge the family and estate laws of other States.

What would its ramifications be? There is a lot of legal and judicial question about how this Domestic Partners Act will work.

And what about the families that are together? Would this act discriminate against married couples? What about the mother of children who works for the city, has a husband? She is not eligible for this.

There are those who might say, "Well, this is something that really should be left up to the District of Columbia." Yet, we have previously acted when other States may be affected by D.C. actions. So there is nothing new about this. We have done it in terms of gun control. We had the Shelby amendment last year on this same bill. Where there is a national issue or where there is a broader financial or overriding moral issue, we have spoken before.

So I urge my colleagues to oppose this committee amendment. Remember how we voted last year. Remember how the House has voted twice on this issue.

I reserve the remainder of my time so we can hear some of the other debate and continue to pursue this issue.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I want everyone to understand what the issue before us is and what I believe it is not. The issue is, in my view, simply home rule, nothing more, nothing less. The District has decided, either wisely or foolishly, to allow city employees to get insurance coverage for their domestic partners. That was their decision to make. They debated it openly, and they decided it lawfully. We may like it, we may not like it, but we ought to respect it, and that is what home rule requires.

Under home rule we are supposed to get out of the business of micromanaging the District. Under home rule we are supposed to look at the laws that the District passes. If those laws violate the Constitution or impinge in some way on the operation of the Federal Government, we can and we should overturn them. But if those laws are simply ones that we do not like, if they offend our sensibilities or are inconsistent with our own policy preferences, the right response is not to invalidate or veto them. The right response is simply to deny the District the ability to use Federal funds to implement or to enforce them.

That option recognizes that in some cases we do not want to give a Federal seal of approval to District decisions, but it also recognizes the right of the District to make those decisions. But that is not the option which the Senator from Mississippi has chosen. He has chosen to overturn a lawfully developed policy of the District. I cannot support that. And if the Senate cares about home rule, a policy that it approved, it will not support it either.

If the Senator from Mississippi wanted simply to deny the District the right to use Federal funds to implement their policy, I could support it; in fact, I would support it. But that is not the issue before us. The issue is just home rule, nothing more, nothing less.

There are other cities which have domestic partner laws. I look at the members of the District of Columbia Appropriations Subcommittee and I see Senator MURRAY. The city of Seattle, in her State, has a similar law.

I see Senator FEINSTEIN. In her State, the cities of San Francisco, Berkeley, and Santa Cruz have similar laws.

In my own State of Wisconsin, the city of Madison has a similar law. And so do dozens of other cities in other States. Local jurisdictions are not alone in dealing with this issue. Businesses have also considered this issue.

In an effort to adapt to the needs of their workers, a number of companies have policies which cover domestic partners. Home Box Office has a policy which allows workers to cover domestic partners under their insurance policy. So does Levi Strauss. So does Ben & Jerry's Homemade Ice Cream, Lotus Development, Borland International, MCA/Universal and Time/Warner.

Now, no one has introduced legislation to make the laws of those localities or the policies of those businesses illegal. But we do it when it comes to the District.

My point, Mr. President, is simply that we should not.

Again, home rule gives us a perfect recourse. When the District adopts policies we personally do not favor, we can and should deny them Federal funds to implement those policies. Home rule means we do not have the right—even though we have the ability—to invalidate the laws we do not like.

The denial of Federal funds makes a symbolic statement. It says the Federal Government does not endorse the policies of the District. Invalidating laws, however, makes a different statement. It says that the District Government is exercising its power at the pleasure of the Congress rather than its own citizens, and that, Mr. President, is not consistent with home rule. I rest my case.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. I yield to the Senator from Washington.

The PRESIDING OFFICER. Does the Senator yield time to the Senator from Washington?

Mr. KOHL. Five minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. Thank you, Mr. President. I thank my colleague for yielding me time. I thank him also for his words on this issue.

He is exactly right. This is an issue of home rule.

I urge my colleagues to support the committee amendment, to vote yes on this amendment, to do as the committee wisely did and to remain silent on the District of Columbia's 1992 Health Care Benefits Expansion Act. A vote yes will say that this Senate will remain silent on that issue. The District of Columbia debated the issue on its own. They decided how their own funds would be spent, and this Senate has to make sure that we do not have 100 mayors of the District of Columbia but, rather, allow them to use their funds as they see fit.

I think it is very important for all of us to understand that this issue affects a far greater population than often is debated on this floor. In fact, the District of Columbia's 1992 Health Care Benefits Expansion Act, which would be effectively eliminated if we voted no on this issue, helps women. It helps women who are heads of families, who make up the majority of families in the District and in this Nation. It will help women who take care of extended families in the District in the African-American, Latino and Asian-American communities.

The District Health Care Benefits Act helps seniors—for two widows who live together and care for each other. That is why that law was put into effect. Otherwise, one of those widows may end up in a nursing home costing all of us because there is no one to care for them. Two elderly sisters, a brother and a sister are helped by this act, caring for each other.

Is that not why all of us are here, so that we can allow families to stay at home and live independently and care for each other. That is what the District of Columbia's 1992 Health Care Benefits Expansion Act was all about and why we as a Senate should remain silent on this issue.

In fact, when the D.C. legislation was passed, it was supported by a number of groups: The District Gray Panthers, the National Council of Senior Citizens, the District Women's Legal Defense Fund, AFL-CIO Metropolitan Washington Council, District of Columbia Nurses Association, District Bar Section on Criminal Law and Individual Rights, Concerned Clergy of Washington, DC, the Washington offices of the Presbyterian Church, United Methodist Church, United Church of Christ, the Christian Church, Church Women United, Friends Committee on National Legislation, Union of American Hebrew Congregations, and many others.

This issue was debated fully by the D.C. Council and approved by them, and we cannot act as overseers of the decisions made on the D.C. Council and take away their home rule. But even more importantly, we have to remember that this issue goes right to the heart of what many senior citizens and women are living with today, being able to care for the people they love without being hurt by laws in the United States.

I urge my colleagues to vote yes and to be silent on this issue in the D.C. appropriations legislation.

I thank the Chair.

Mr. KOHL. I thank the Senator from Washington.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. I ask the Senator to yield me 5 minutes.

Mr. KOHL. I yield to the Senator from California [Mrs. BOXER] 4 minutes.

Mrs. BOXER. Four minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 4 minutes.

Mrs. BOXER. Mr. President, I urge support of the committee amendment. I think it is very important because it is about home rule. That is what we are considering.

I say to the good Senator from Mississippi, who raises this issue, that if a Senator got up on this Senate floor and tried to tell Jackson, MS, what to do, tried to tell the local elected officials there what to do, he would be justifiably outraged, I believe, just as I would be if a Senator got up on this floor and tried to tell the city council of any one of my hundreds of cities in California what to do, if they tried to tell Los Angeles, or Fresno, or San Diego, or San Francisco, or Sacramento what to do. Those people elect people at the local level, and they want them to enact the laws. Therefore, I think any Senator who believes in the right of their cities and their counties to pass and make laws should support this committee amendment.

We are really saying to keep Big Brother out of our lives here. I find it very interesting that we have members of the other side of the aisle who constantly talk about how Big Brother interferes in local politics supporting the right of the Senate to interfere in the local laws of the District of Columbia.

In my opinion, this is about families. As has been pointed out, we have in the District of Columbia many single mothers with extended family relatives living in the home. When we move to get ourselves involved in telling people what they can or cannot do in that extended family situation—many times those are very important relationships—I think we make a mistake.

What do the ministers think? Many more ministers support this domestic partners legislation in the District of Columbia than oppose it, and they do so on religious grounds as well as on home rule grounds. Even those ministers who oppose missing partners say the Senate of the United States and the Congress should stay out of this issue and let it be decided at the local level. It is very patronizing to tell the city council what to do. I do not think we have the right to do that.

We are really talking about a basic democratic issue, Mr. President, the right of people to elect local officials and for those local officials to make the rules. We do not have to agree with every single thing they have done. I happen to agree with them on this. Perhaps other Senators do not. That is not the issue.

The D.C. law enjoys wide community support from the Gray Panthers to the Women's Legal Defense Fund, from the AFL-CIO to the District Bar Section on Criminal Law and Individual Rights, from the United Church of Christ to the Union of American Hebrew Congregations, and the Mid-Atlantic Council. There is much support for this law.

I should point out that this law saves us money by providing access to insurance. The District law complements our health care reform initiatives by cutting down on the use of emergency rooms and lowering health care costs.

So I say to my colleagues who may be listening to this debate, please, think about what we are about to do if the Senator from Mississippi prevails. We will be sticking our nose into home rule. What is the next thing that is going to happen? Someone is going to get up on this Senate floor and attack one of the city councils in your State, and I can assure you we do not want to see that happen.

I thank the Senator for yielding to me, and I reserve the remainder of my time or give it back to the Senator.

Mr. LOTT. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Mississippi has 10 minutes, 6 seconds.

Mr. LOTT. Mr. President, how much time is left on the other side?

The PRESIDING OFFICER. Three minutes, six seconds.

Mr. LOTT. Mr. President, first of all, with regard to the home rule question, this is the District of Columbia, but it is also our Nation's Capital. It is a fact that what happens here goes way beyond just the city of the District of Columbia. It does affect our entire Nation. We put a lot of money into this city and there are very serious legal questions that are raised by this policy. This is a new policy that does not just affect the District of Columbia. It could very well affect Wisconsin, North Carolina, Nevada, and any other State.

So this is a case where there is serious justification for looking at the impact beyond just the District of Columbia. But I will say this, too. When you have an issue of this magnitude that sets a new policy involving health benefits and also the family unit, this goes way beyond the District of Columbia. This is one more step in a process to try to get the American people to not only accept but pay for a lifestyle that they do not approve of and cannot agree with.

Second point: The D.C. Domestic Act is not about the expansion of health benefits. Of the 38,000 full-time D.C. city employees, only 3,500 would be eligible. Of that 3,500, the District government estimates that only 50 to 100 would actually receive health benefits as a result of the Domestic Partners Act.

So it is something much broader than making these health benefits available that is involved with this issue. The bill is intended as a means to officially recognize and sanction homosexual unions and cohabitation outside of marriage. The Domestic Partners Act came as a direct result of a D.C. judge's decision not to grant a marriage license to homosexual couples. That is the history on this legislation in the District of Columbia.

The D.C. bill would not truly expand health care access but it would increase premiums by 15 to 20 percent. This is according to testimony provided by health care insurers operating in the District of Columbia.

In summary, this act has nothing to do with health care and everything to do with redefinition of family. It is about normalizing instability and changing the family unit. The Domestic Partners Act provides new incentives, extends benefits, recognition and legal status to homosexuals and heterosexuals outside a traditional form of marriage.

I want to emphasize again a point that I made a while ago. As a health benefit extension plan for D.C. employees, the act discriminates against married couples and may actually violate the equal protection clause of the Constitution. To the extent that the act is extended to health benefits to D.C. employees, it is ambiguous and lacks a rational basis, and in the case that I mentioned earlier, you could actually have an unmarried mother form a domestic partnership with her unemployed adult child and thus extend health care coverage to the child. A married mother could not do that.

Is this the kind of thing we want to start, not only in the District of Columbia, but, yes, in Jackson, MS, and San Francisco, CA? This is a policy that goes way beyond home rule and way beyond this city, our Nation's Capital. This is a new policy that will have much broader ramifications.

So I urge my colleagues, look at this again. Remember how you voted last year. You got it right last year. But under this convoluted process, I want to make sure you understand that you need to vote "no" on this committee amendment which would strike this prohibition out.

I reserve the balance of my time, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The time will be charged against the time of the Senator from Montana.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, this is the time I had thought perhaps there might be other Members who would want to speak on this issue. But we have not heard from them. They are not on the floor now. I am prepared to go ahead and vote. I would ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BURNS. Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator from Montana has 5 minutes 20 seconds remaining.

Mr. BURNS. Mr. President, I yield myself about 1 minute. I want to yield the remainder of the time over to my colleague from Wisconsin.

With regard to home rule, and this issue, we have to remember that the House of Representatives with an amendment voted to strike this domestic partners by 253 to 167. If we want to say we have 100 mayors over here on this side, we have 435 on the other side in the House who see the merits. Of course, when we talk about these kinds of situations, we are talking about a Congress that has to oversight every budget here in the District of Columbia. We start talking about health benefits, we are talking about oversight and costing American taxpayers not just here in the District of Columbia but taxpayers across the country.

So I would urge that we would support the Senator from Mississippi in his endeavor.

I yield the floor. I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Mr. President, I would like to make it clear for my colleagues who will be shortly voting on this issue that if you want to preserve D.C.'s domestic partners laws, you vote "aye" on the committee amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded.

The pending question, therefore, is on agreeing to the committee amendment on page 36 which proposes to strike lines 8 through 19.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—43

Akaka
Biden
Boren
Boxer
Breaux
Campbell
Chafee
Cohen
D'Amato
Daschle
Dodd
Feingold
Feinstein
Glenn
Gorton
Graham
Hatfield
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wofford

NAYS—55

Baucus
Bennett
Bingaman
Bond
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Conrad
Coverdell
Craig
Danforth
DeConcini
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Ford
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Johnston
Kassebaum
Kempthorne
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Roth
Sasser
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Bradley
Harkin

So the committee amendment on page 36, lines 8–19, was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the committee amendment was rejected.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire, [Mr. GREGG].

AMENDMENT NO. 693

(Purpose: To strike provisions relating to displaced District government employees)

Mr. GREGG. Mr. President, pursuant to a unanimous-consent agreement, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 693.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mrs. BOXER. Reserving the right to object, I want to know, under the rules, what the subject is of the amendment of the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Without taking from my time, if I could respond to the Senator from California, the subject of this amendment involves language in the bill which requires independent contractors with the city who have taken on a project which involves taking over some activity which the city is presently doing, to hire city employees who would be displaced by the independent contractor.

Mrs. BOXER. I withdraw my objection.

The PRESIDING OFFICER. Without objection, the reading is dispensed with.

The amendment is as follows:

On page 34, line 2, strike beginning with the semicolon through line 10 and insert the following: "; and

"(2) contracting out will provide savings over the duration of the contract of at least 10 percent.".

The PRESIDING OFFICER. Under the previous order, 30 minutes of time is allocated on debate on this amendment to be divided in the normal manner.

Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield myself such time as I may consume.

This amendment, as I mentioned to the Senator from California, is directed at language in the bill which basically requires a contractor who is awarded a contract with the city to hire the displaced employees of the city whose jobs might be eliminated or in some other way terminated because the contractor was coming in to undertake the activities which those employees were presently undertaking themselves.

The issue, really, is an issue of featherbedding. The language as drafted in the bill is classic featherbedding language. It says when the city is trying to downsize its payroll and it goes out into the private sector to hire private sector individuals to undertake activities which the city is presently doing because those private sector individuals can do a better job, even though it has hired outside private contractors those private contractors must find jobs for the displaced city employees. That is featherbedding by definition and is really inappropriate in trying to manage any type of activity, but especially activity in a municipality which is under such strain as the city of Washington.

The chairman of the subcommittee in discussing the purposes of this bill talked about the fact that the Mayor of the city is working very hard to reduce the city's payroll. But with language like this it will be very difficult for the Mayor to reduce the city's payroll. They may reduce the payroll but they will end up paying the same price because they will have transferred those employees onto the private contractor's back to carry.

The argument has been made that we should not get into this area because it is home rule. To begin with, this is a little different than most of the language which is in this bill. This is not statutory language for the city of the District of Columbia. This has not been put into law by the District of Columbia. This is an offer of their budget proposal. It is an offer which the Mayor did not support. In fact the Mayor rejected this when it was put forward by the council, but the council has included it in this budget proposal.

More important, what we have here at risk are our tax dollars, tax dollars not only that are raised in the District of Columbia but tax dollars that are raised throughout the country that go to support the District of Columbia. I am sure the people of the District of Columbia and the people from across the country would like to see those tax dollars used most efficiently.

It is not efficient to include language which requires, when you go out and contract with an independent contractor to do a function that the city government feels can be done more efficiently by an independent contractor, that independent contractor must, as a cost of doing business with the city, hire the employees which would be displaced in an attempt to create more efficiency in city government.

You are never going to get from here to there if your goal is to get from an inefficient government to an efficient government if you have this type of featherbedding language.

I also note the language in this section of the bill was eliminated in the House bill so my amendment conforms the Senate bill with the House bill.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. I reserve the remainder of my time.

Mr. KOHL. Mr. President, I rise in opposition to the amendment of the Senator from New Hampshire. The Senator from New Hampshire seeks to strike a provision that was included in the budget by the District Council over the objections of the Mayor. This is purely and simply a home rule argument.

His argument is not with our action but with the city council's. We may not agree with it but they have a right, just as does the State of New Hampshire or the State of Wisconsin, to make their own laws without us nitpicking every time they do. The Senator from New Hampshire apparently does not want displaced District employees to have the same ability to get a job with a contractor as do displaced Federal workers.

According to the authors of the book "Reinventing Government," Federal contractors are required to give displaced Federal workers first crack at job openings. The authors further note that careful studies indicate that wages paid by governments and private contractors are, on the average, fairly comparable. Contractors can be required to provide comparable wages and benefits, and to promote affirmative action, for example. This is important if the values we embrace through our Government are not to be lost when those governments use competitive contracts.

At the appropriate time I will move to table the amendment of the Senator and hope other Senators will support that motion.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 11 minutes remaining.

Mr. GREGG. Mr. President, let me address the issue of home rule, because I really think that is a red herring on this amendment. If the District Council wants to put this in place, they can do it by District statute—by creating a District statute. We are not talking about a District statute here. We are talking, by passing this bill as it is presently structured with this language in it, of federalizing the District language which is different, subtly but substantively different, from overruling a statutory city ordinance.

Second, it is pretty clear under the Constitution that we do have some obligation as a Congress for the District of Columbia. Let me just read the language of article I, section 8, paragraph 17 of the U.S. Constitution. It says in the powers of the Congress:

> To exercise exclusive Legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by Cession of particular States, and Acceptance of Congress, become the Seat of the Government of the United States.

If I may reinforce, it says "exercise exclusive Legislation in all cases whatsoever."

We have over the years developed an attitude that, OK, let us allow as much home rule as we can. I think that is appropriate. I think it is very appropriate in many of the instances that have already been cited. But this is not that type of issue. This is the federalizing of a local initiative.

When the statement is made this is like the Federal law, it is not like the Federal law. At least I do not believe it is like the Federal law. Because the proposed language of this is, "employers shall offer comparable employment." In other words, the contractor that displaces District government employees shall offer comparable employment.

There is no flexibility here. It is not an option. You do not say to the person, you have to find a job, and I will offer you this job. If you want this job, you can take this job. No, that is not the language at all.

The language is the employee who is going to be displaced has a right to a job with the private contractor.

I do not think this is good policy, and I think it would be a major mistake for this body to endorse this policy.

The House did not think it was a good policy. They eliminated this language. There are a lot of areas where we as a body are going to want to address issues that arise in the District of Columbia. Clearly, I think this is one of them, because what we are doing is federalizing featherbedding language, and we are creating an inefficiency in the city government which is going to cost not only the taxpayers of the District of Columbia a lot of money, it is going to cost our taxpayers back home a lot of money because they are going to be hiring a lot of people who would not otherwise be hired because of the terms of the language.

So I do think that in this instance where, No. 1, this is not a law in the city of the District of Columbia; No. 2, the House has already rejected this language because they recognize it is inappropriate; and No. 3, what we are putting at risk are tax dollars that come from across the country to fund these jobs which are not necessary and underwrite this featherbedding, for those reasons, we should reject this language and delete this section of the act.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, again, I would like to make it very clear that this is a matter of local interest only. There is no Federal issue involved. This language was passed unanimously twice and included in the District's fiscal year 1994 budget by the District council the second time, over the veto of the mayor.

I think we have to recognize that what we want to do here is micromanage the way in which they do their business in the District.

Mr. GREGG. Will the Senator yield?

Mr. KOHL. This is not a Federal issue; this is a local issue.

Mr. GREGG. Will the Senator from Wisconsin yield?

Mr. KOHL. Certainly.

Mr. GREGG. Mr. President, at what point do we cross the line? Let me ask, if the District of Columbia instituted gambling in the form of Las Vegas, would it then be appropriate for the

Congress to step in and say, "Hey, this is something we should not allow?"

Mr. KOHL. The Senator is right; there is a question of judgment. My judgment is that if they want to do something like this, it is not that serious for us to say we are going to step in and overturn something they want to do. It is a question of degree.

I think I would agree with the Senator; if they wanted to put a casino 3 blocks from here, I probably would want to step in as it not being in the best interest of our country because the seat of Government is here.

But this does not approach that in terms of degree. If we are prepared, in my opinion, to step in and overturn a council's decision of this sort, then we can make the argument that we can step in and overturn almost anything, and then the idea of home rule goes right by the boards.

Mr. GREGG. Mr. President, if I can ask the Senator from Wisconsin a further question; will he entertain a further question? If we are not going to allow gambling casinos because we think that would attack the character of the city, at what point do we say to the city: You are spending tax dollars that are not only raised locally but are raised nationally, and you should be responsible for those tax dollars; is there any instance in which we can do that?

Mr. KOHL. Mr. President, that line of reasoning, as you know, would apply to everything because virtually everything involves money. So if you say: You are spending Federal dollars so, therefore, we have a right to step in, that line of reasoning will take us into the management of virtually every part of the District of Columbia.

Mr. GREGG. If I might ask the Senator from Wisconsin a further question, if the District of Columbia has not yet passed a law, if it is just making a budget submission, by endorsing that budget submission with a Federal statute, are we not basically federalizing local activity?

Mr. KOHL. Mr. President, as you know, there is a Federal statute that does cover this. The Federal statute, as I said in my statement, that covers this says Federal contractors are required to give displaced Federal workers first crack at job openings. We are not cracking brandnew ground here. This is not a whole new situation that we are creating.

But, again, I make the point to my colleague from New Hampshire, I think we can reasonably argue that while we may disagree on this, that the decision should be left to the people of the District.

Mr. GREGG. If the Senator from Wisconsin is finished, I would like to reclaim my time.

Mr. KOHL. I would like to make one other point. The District of Columbia has a lottery. We prohibit the use of Federal funds to operate it. The District of Columbia has a lottery, but we have decided to prohibit the use of Federal funds to operate it. I just wanted to make that point.

Mr. GREGG. If I might proceed.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GREGG. How much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. GREGG. Mr. President, I think the point that the D.C. lottery is not sanctioned by the Federal Government is a good example of the Federal Government making a decision and this Congress making a decision that there are areas that we should step into and take charge. I cannot think of a better area to step into and take charge of, or at least express our viewpoint on, than one which spends taxpayers' dollars in what amounts to a featherbedding activity.

The fact that the House has already taken this position; the fact that we are not dealing here with a District of Columbia law—this is not overturning a District of Columbia law. I think that is an important point; it is a substantive one. We are taking an action which eliminates from their budget request language which would federalize a local action. But we are not overruling a District of Columbia statute.

The fact is that this really is a giant step further down the road of featherbedding than the Federal law, which really is not that at all. The Federal law says you have the option. It says you make the offer; you try to make it available. If it is available, and if the person qualifies, then the person has the first crack at it. That is really preference, and it is a reasonable preference proposal.

This is not preference. This says that the contractor—let me read it:

> Any contractor who is awarded a contract that displaces a District government employee shall offer comparable employment.

I do not know how you get to what is the goal that the chairman of the subcommittee, I think, so appropriately cited, which is the goal of assisting the Mayor of this city in being able to control the city payroll in order to try to downsize it and get some control over her costs. I do not know how you can be successful in giving her that support if you are going to federalize language, such as this, in this budget submission.

So I hope that people will oppose the motion to table and that they will support an elimination of this language which brings this bill into conformity with the House language and is totally appropriate, in an attempt to give the Mayor the flexibility to contract out and not be subjected to featherbedding.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. I am prepared to yield back the remainder of my time if the Senator from New Hampshire is prepared.

Mr. GREGG. I yield back the remainder of my time.

Mr. KOHL. I yield back the remainder of my time. I move to table the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. All time having been yielded back, the motion to table has been made. The yeas and nays have not been ordered.

Mr. KOHL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], is necessarily absent.

The PRESIDING OFFICER (Mrs. BOXER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—38

Akaka
Baucus
Biden
Boren
Boxer
Byrd
Campbell
DeConcini
Dodd
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—61

Bennett
Bingaman
Bond
Breaux
Brown
Bryan
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Bradley

So the motion to lay on the table the amendment (No. 693) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mrs. BOXER). The Chair advises that the yeas and nays have been ordered on the underlying amendment.

Mr. GREGG. Madam President, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 693) is agreed to without objection.

Mr. GREGG. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Madam President, has the underlying amendment now been agreed to?

The PRESIDING OFFICER. Yes, that is correct.

Mr. MITCHELL. The amendment has been agreed to, and the motion to reconsider the underlying amendment has been laid upon the table?

The PRESIDING OFFICER. That is correct.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, I now ask unanimous consent that upon the disposition of the pending bill, the Senate proceed to consideration of H.R. 2519, the Commerce, Justice, State, Judiciary appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I yield the floor.

Mr. KOHL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 694

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 694.

At the appropriate place, insert the following:

"The Mayor of the District of Columbia shall report back to the Congress within 90 days on the status of construction of a new Federal prison in the District of Columbia as previously authorized by Congress."

Mr. WARNER. Madam President, during the period I have been privileged to serve in this Chamber, I worked for several years on getting the authorization and the appropriations for the purpose of constructing a new Federal prison on land in the District of Columbia. This has been a long, long battle in this Chamber over a period of several years. And it occurred to me that this Senator and a number of others who have worked on this project throughout the years have not been informed either from the officials of the District of Columbia or, indeed, by other means as to the status of this project.

During the course of this day I made inquiry to a number of individuals and learned that the moneys that were authorized and appropriated were apparently taken back as part of a budget operation here recently. I wish I could better inform my colleagues, but it appears to me that as a consequence of the District of Columbia's not coming forward and designating a site and availing themselves of the opportunity to build a new prison, the Congress may now have removed these funds. This news I received with considerable disappointment because I and many others have worked for a long, long time to get the authorization and the appropriation.

We left it up to this government here in the Nation's Capital to follow the directions of the Congress, to work with the executive branch—primarily the Bureau of Prisons—to build a badly—I underline "badly"—needed facility. I am not prepared—speaking for myself—to accept the argument that there is no land within the perimeters of the Nation's Capital on which this facility could have been built—as a matter of fact, been built and in operation today.

As a consequence, the prison population of the Nation's Capital is now being exported to outlying jurisdictions in other States. I am not here to demagog and repeat the old debate in this Chamber, and primarily in the House, about the Lorton Prison facility in Virginia, which accepts a very considerable number of the prisoners that overflow from the Nation's Capital. I am not here to debate that.

I am here simply to debate how this decision was handled by the D.C. government and what is the status today and if this program has been abandoned, which I judge from the fact that the District did not come in to intervene—and I do not have all of the facts, but I will get them—to prevent the removal of this money from an existing budget. That indicates to me that it looked like an easy escape route to get around this decision which has been troubling the D.C. government for some several years.

So it is just a straightforward, simple request to the Mayor and the chief executive officer of the District of Columbia to come forward and report to the Congress on the status of that project.

If, in fact, that money has been returned to the Treasury, if, in fact, it was never requested by the District of Columbia for the use of this specific purpose, I hope that report contains a satisfactory explanation.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 694) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 695

(Purpose: To clarify and strengthen the prohibition on the use of funds to promote D.C. statehood)

Mr. WARNER. Madam President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. NICKLES, proposes an amendment numbered 695.

Mr. WARNER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 20, before the period insert ": *Provided further*, That the District of Columbia shall identify the sources of funding for admission to statehood from its own locally generated revenues".

Mr. NICKLES. Madam President, included in the D.C. appropriations bill for fiscal year 1994 is funding for the District of Columbia Statehood Commission. While I believe the District is free to use their local funds for this purpose, we certainly should not be asking the Federal taxpayers to pick up the tab. The amendment I am offering today, along with existing bill language, ensures that U.S. taxpayers from parts outside the District will not be footing the bill for this Commission. I must state that I do not support the District's decision to fund this Commission in light of the fiscal difficulties it faces.

Recommending funding for the District of Columbia Statehood Commission is not a regular occurrence. We have not had this request or recommendation for funding since we passed the District of Columbia funding bill for fiscal year 1989. The amendment I offer today restores language included in that fiscal year 1989 legislation creating safeguards that keep the District government from expending Federal funds to promote statehood.

This amendment simply says that District government must use only locally raised revenue to fund activities of the District of Columbia Statehood Commission and must identify sources of funding for admission to statehood.

I will ask to have printed in the RECORD an April 9, 1993, editorial from the Washington Post that outlines my worries about using tax dollars to promote statehood.

I truly believe that the District government could find better uses for this money than funding the Statehood Commission. I agree with the editorial's assertion that private funding for these programs makes more sense in a time when the District faces substantial budget woes.

As governments face budget crises throughout the country, it is imperative that every dollar be spent wisely and accountably. The amendment I offer seeks to ensure that funds spent on the District of Columbia Statehood Commission are not Federal dollars and are accounted for properly.

I ask unanimous consent that the April 9 Washington Post editorial that I referred to earlier be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 9, 1993]

TAX DOLLARS TO PUSH FOR STATEHOOD?

It's confusing enough, but at least it hasn't been costing the taxpayers any money: The District of Columbia elects three people who then call themselves "U.S. Senator" (there are two) and "U.S. Representative." Their job, loosely defined, is to press the cause of statehood. That's a legitimate pursuit, even though the current "representative" boasts that—ostensibly to protest against statelessness—he hasn't paid his taxes in years. No matter, the most effective elected local official pressing for statehood is someone else; D.C. Del. Eleanor Holmes Norton, who also happens to be an official if not fully privileged member of the U.S. Congress.

So far, the three lobbyists have been denied access to D.C. tax dollars for their operations. But now—just when budget troubles are forcing job cuts, curbing government services throughout the agencies and threatening to break the city government with unfunded pension liabilities in the future—Mayor Kelly seeks money in the budget for a statehood commission, Worsestill, the D.C. Council goes along with it: $100,000 for what's left of this fiscal year and another $200,000 for the fiscal year that starts Oct. 1.

By municipal standards, this isn't any back-breaking amount. And the proposal for a commission of volunteers from every ward is fine. The idea is to convene seminars and get out videos and literature about statehood. But why can't private organizations pick up this tab? Why should a sorely strapped government use its funds for these activities? Why not let the good offices of Mrs. Norton lead the charge with volunteers welcomed and directed to constructive assignments? The last thing residents need at this point is the start of another bureaucracy that surely wouldn't disappear—and more likely would expand in time.

Mr. WARNER. Madam President, this is an amendment submitted by the Senator from Oklahoma. As I understand, it has been cleared by the majority. If that be the case, I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 695) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 696

(Purpose: To make amendments to the congressional charter for Group Hospitalization and Medical Services)

Mr. KOHL. Madam President, I send an amendment to the desk on behalf of Senator NUNN and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. NUNN, proposes an amendment numbered 696.

Mr. KOHL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . AMENDMENTS TO CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES.

(a) LEGAL DOMICILE.—The first section of the Act entitled "An Act providing for the incorporation of certain persons as Group Hospitalization, Inc.", approved August 11, 1939 (referred to as "the Act"), is amended by adding at the end thereof the following: "The District of Columbia shall be the legal domicile of the corporation.".

(b) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 5 of the Act is amended to read as follows:

"SEC. 5. The corporation shall be licensed and regulated by the District of Columbia in accordance with the laws and regulations of the District of Columbia.".

(2) REPEAL.—The Act is amended by striking section 7.

(c) REIMBURSEMENT OF REGULATORY COSTS BY THE CORPORATION.—The Act (as amended by subsection (b)) is amended by inserting after section 6 the following new section:

"SEC. 7. The corporation shall reimburse the District of Columbia for the costs of insurance regulation (including financial and market conduct examinations) of the corporation and its affiliates and subsidiaries by the District of Columbia.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

Mr. NUNN. Madam President, I rise to offer a bill which will amend chapter 698 of Public Law 395, as amended, which is the Congressional Charter for Group Hospitalization and Medical Services, Inc., the Blue Cross and Blue Shield Plan located in the District of Columbia.

This bill is identical to a bill I introduced in the 102d Congress, S. 3092, which was enacted into law as part of the District of Columbia 1992 supplemental appropriations and rescissions and 1993 appropriations (Public Law 102-382—October 5, 1992). That legislation brought Group Hospitalization and Medical Services under the full regulatory authority of the insurance department of the District of Columbia. Unfortunately, that section of the law, section 137(d), calls for the provision to expire on September 30, 1993, making it necessary for the Congress to once again act. I am hopeful that this time, however, the Congress will make these changes permanent.

Madam President, since that time, on January 26 and 27 of this year, the Permanent Subcommittee on Investigations, of which I am chairman, of the Committee on Governmental Affairs, held investigative hearings relative to Group Hospitalization and Medical Services, Inc. The subcommittee heard testimony from a variety of witnesses, learning of management excesses and faulty business practices that may have been avoided had that Blue Cross and Blue Shield Plan been properly regulated by the District of Columbia. As we learned last year, the Congress had, in 1939, specifically exempted Group Hospitalization and Medical Services, Inc., from the insurance laws and regulations of the District of Columbia.

So, today I again introduce legislation to correct a problem whose scope is beyond the capability of any State, because the venue rests in the District of Columbia. Congress must act to permanently correct its own oversight, an oversight that was not foreseen in 1939, when the Congress chartered Group Hospitalization, Inc., the predecessor of the District of Columbia's Blue Cross and Blue Shield Plan, now known as Group Hospitalization and Medical Services, Inc. The 76th Congress, in Group Hospitalization's enabling legislation, exempted the corporation from the vast majority of the District's insurance regulation. Since then, and especially in the mid to late 1980's, the corporation grew, surely beyond anything that could have been envisioned in 1939.

Madam President, this piece of legislation is very simple and straightforward, and makes permanent what was already done just last year. It establishes the District of Columbia as the legal domicile for Group Hospitalization and Medical Services, Inc. It requires that the corporation be licensed in, and regulated by, the laws and regulations of the District of Columbia. It strikes article 7 of the charter, which exempted the corporation from regulation by the District of Columbia insurance commissioner, and it requires that the corporation reimburse the District of Columbia for the cost of examination and audit of the corporation, a standard requirement of the States in the regulation of this industry.

This legislation has been in place since October 5, 1992. The corporation, Group Hospitalization and Medical Services, Inc., and the government of the District of Columbia—specifically the Department of Insurance—have been operating under the statute since then. I believe the consumers, the Government, and the corporation have been better served by these changes to the congressional charter. I wholeheartedly feel that Congress must act now to make these changes permanent for the continued protection of the citizens who are served by this Blue Cross and Blue Shield Plan.

This bill addresses such a narrow, undisputed, and critically dangerous regulatory loophole that I do not believe that we can afford to let this situation lapse back to the situation we faced last year. We must not delay its consideration. To do so would cause a lapse in the regulatory structure that has been put in place to address the problems we have uncovered in the insurance industry. To cause a lapse would also severely undermine the superintendent of insurance for the District of Columbia.

This bill must be enacted before the provision contained in Public Law 102–382 expire so that the resulting havoc will be avoided altogether.

Mr. KOHL. Madam President, this provision was included in the 1993 D.C. bill. It brings the local Blue Cross-Blue Shield Corp. under the jurisdiction of the D.C. insurance commissioner until the authorizing committee has a chance to act.

The PRESIDING OFFICER. Is there any further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 696) was agreed to.

Mr. KOHL. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Madam President, the Senate Budget Committee has examined H.R. 2492, the District of Columbia appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $2 million and meets its 602(b) outlay allocation.

I compliment the distinguished manager of the bill, Senator KOHL, and the distinguished ranking member of the District of Columbia Subcommittee, Senator BURNS, on all of their hard work.

Madam President, I have a table prepared by the Budget Committee which shows the official scoring of the District of Columbia appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEES SCORING OF H.R. 2492: DISTRICT OF COLUMBIA APPROPRIATIONS

[In millions of dollars]

	Budget authority	Outlays
BILL SUMMARY		
Discretionary total:		
New spending in bill	698	698
Outlays from prior years appropriations		0
Permanent/advance appropriations	0	0
Supplemental	0	0
Subtotal, discretionary spending	698	698
Mandatory total:		
Bill total	698	698
Senate 602(b) allocation	700	698
Difference	−2	0
Discretionary total above (+) or below (−):		
President's request	−7	−7
House-Passed bill	−2	0
Senate-reported bill		
Senate-passed bill		

BILL HISTORY—H.R. 2492: DISTRICT OF COLUMBIA APPROPRIATIONS

[In thousands of dollars]

	President's request		House-passed		Senate-reported		Senate-passed		Conference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
BILL SUMMARY										
Discretionary total:										
New spending in bill	705,101	705,101	700,000	698,000	698,000	698,000				
Permanents/advances	0	0	0	0	0	0				
Outlays from prior years		0		0		0				
H.R. 2118, 1993 spring supplemental	0	0	0	0	0	0				
Subtotal, discretionary	705,101	705,101	700,000	698,000	698,000	698,000				
Mandatory total:										
Mandatory spending in bill	0	0	0	0	0	0				
Budget resolution adjustment	0	0	0	0	0	0				
Subtotal, mandatory	0	0	0	0	0	0				
Bill total	705,101	705,101	700,000	698,000	698,000	698,000				
602(b) allocation	700,000	698,000	700,000	698,000	700,000	698,000				
Difference	5,101	7,101	0	0	−2,000	0				

Mr. KOHL. Mr. President, I ask unanimous consent that a letter I received from Senator ROBB relative to the Georgetown University cogeneration plant be placed in the RECORD at an appropriate place.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 27, 1993.

Hon. HERB KOHL,
Chairman, Subcommittee on District of Columbia, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I wrote to you on July 6, 1993 concerning the prolonged review of a proposed cogeneration plant to be located on the campus of Georgetown University in the District of Columbia. I suggested that the District be requested to complete its final review of the project by a date certain in order to keep the process moving toward what I hope will be a positive conclusion.

The interest expressed by you and others on the Committee appears to have inspired the parties to develop a project review schedule. The attached letter summarizes the review process and timetable agreed to by Larry King, director of the District's Department of Consumer and Regulatory Affairs (DCRA) and Maureen Dwyer, the representative of Georgetown Cogeneration, L.P.

I appreciate the willingness of Mayor Sharon Pratt Kelly and the District government to work with Georgetown University and Dominion Resources on this crucial project. I hope the spirit of cooperation will result in a mutually acceptable resolution without incurring additional, unnecessary delays.

Sincerely,

CHARLES S. ROBB.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS,
July 22, 1993.

Mr. RONALD D. USHER,
Project Manager, Georgetown Cogeneration, L.P., Richmond, VA.

DEAR MR. USHER: On June 16, 1993 I wrote you a letter directing Georgetown Cogeneration, L.P. (the applicant) to prepare a supplemental Environmental Impact Statement (EIS) to address certain design changes and additions which had not been adequately addressed in the original EIS. Subsequently I met with your representative, Maureen

Dwyer, to discuss the timetable and process for the submittal and review of the supplemental EIS and separate study of the impact of overhead and undergrounding of electrical transmission lines.

This letter outlines the timetable and review process agreed to by the Director of DCRA and Maureen Dwyer the representative for Georgetown Cogeneration, L.P. for the supplemental EIS and separate study on transmission lines.

The Director of DCRA will select an independent environmental consultant firm to perform the EIS, which will be paid for by Georgetown Cogeneration, L.P. from a list of consultants the applicant has reviewed. Upon the development of an agreement between the environmental consulting firm and the applicant, the study will commence. It is expected that the process and timetable will be as follows:

Applicant files Supplemental EIS, July 30, 1993.

DCRA distributes for review, July 30, 1993.

Publish notice of hearing in D.C. Register and papers, deliver to ANC's, August 6, 1993.

Public Hearing, September 7, 1993.

End Public Comment Period, September 14, 1993.

Send Comments to Applicant, September 15, 1993.

Receive Response from Applicant, September 22, 1993.

Distribute Responses for Review, September 23, 1993.

Issue Findings, October 1, 1993.

The above described process and timetable is contingent on the applicant providing the Supplemental EIS on July 30, 1993 in the required format, which will be provided to the applicant, and promptly responding to any requests for information or data. DCRA will prepare and timely transmit all required notices and perform all reviews in a timely manner.

Nothing in this letter is intended to imply that completion of this process will definitely result in permits being given. The review may in fact require mitigation and or other actions. We firmly believe their are legitimate concerns about the issues we have requested to be explored/studied in the EIS and separate report on transmission lines.

Sincerely,

LARRY KING,
Director.

Mr. KOHL. Madam President, I know of no further amendment to this bill. I request we go to third reading.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. KOHL. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 70, nays 29, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—70

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cohen
Conrad
Coverdell
Danforth
Daschle
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Simpson
Specter
Stevens
Warner
Wellstone
Wofford

NAYS—29

Brown
Coats
Cochran
Craig
D'Amato
DeConcini
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Kempthorne
Lott
Lugar
McCain
McConnell
Nickles
Pressler
Roth
Shelby
Smith
Thurmond
Wallop

NOT VOTING—1

Bradley

So the bill (H.R. 2492), as amended, was passed.

Mr. KOHL. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Madam President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mrs. BOXER] appointed Mr. KOHL, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. BYRD, Mr. BURNS, Mr. MACK, and Mr. HATFIELD conferees on the part of the Senate.

Mr. KOHL. Madam President, I would like to offer my deep thanks and appreciation to members of the staff, who have been very supportive and helpful in crafting this piece of legislation. In particular, I would like to say thanks to Tim Leeth and Lula Joyce from the majority side, and Mark Van de Water from the minority side—all of them very good people and indispensable in the crafting of this legislation.

Madam President, I suggest the absence of a quorum.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I personally thank the chairman of this committee and Mr. GREGG, and folks who sat in on maneuvering this bill through today. Because of other commitments on Interior appropriations, I had to be gone and involved in that markup. I appreciate all the help, and what the chairman has done to pass this bill. I thank the staff.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I commend the managers of the bill, the ranking member, the Senator from Montana, and the manager and chairman of the subcommittee, the senior Senator from Wisconsin.

This appropriations bill was before the Senate for a total of 2 hours and 15 minutes. That is truly extraordinary for any appropriations bill, but especially for this one, which in past years has taken 2 days and 15 hours, as opposed to 2 hours and 15 minutes. It takes skill, hard work, and persuasiveness.

The result is all the more extraordinary since this is the first bill managed on the Senate floor by Senator KOHL. I think he has set a remarkable standard for brevity that other managers will be hard pressed to meet, and a remarkable standard for skill and perseverance and patience and cooperative effort with his ranking member, Senator BURNS, who also contributed significantly to this effort. So I thank them very much.

Madam President, I am used to standing up here making statements complaining about how slow the Senate is moving. It is a rare occasion, and therefore one in which I take great pleasure, when I can comment upon the Senate moving promptly and effectively to meet its public obligations. I know that is in no small part due to the tremendous job done by the Senator from Wisconsin. I thank him very much for his effort.

Madam President, under the previous order, the Senate is now to proceed to the consideration of the Commerce, Justice, State appropriations bill. I note the presence of the manager of that bill, Senator HOLLINGS, on the floor and wonder if he thinks he can do this in less than 2 hours 15 minutes.

Mr. HOLLINGS. I wish I could, Madam President. I cannot match the Kohl record. I wish I could. He is the all-time winner.

Mr. COATS. Madam President, I wonder if I could ask the majority leader if there is some reward for Senators in order, given the fact that we have expedited this bill, with some announcement perhaps of the schedule for this evening. Is there some good news on that front?

We do not want to give the Senators the impression if we move forward, it just simply brings a new item on the docket that keeps us here late anyway. That might not be incentive to move expeditiously.

Mr. MITCHELL. To paraphrase a great statesman and author, there is no greater reward in life than in doing one's job as well as one is supposed to do that job.

Mr. COATS. Madam President, I wonder how I am to interpret that in terms of the schedule this evening.

Mr. MITCHELL. I hope we can make some progress on the other bill, but I do not intend this to be a late night.

Mr. COATS. I thank the leader.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2519.

The legislative clerk read as follows:

A bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The Senate proceeded to consider the bill, which was reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Missing Children's Assistance Act, as amended, and the Victims of Crime Act of 1984, as amended, including salaries and expenses in connection therewith, **[**$91,300,000**]** *$89,564,000,* to remain available until expended, as authorized by section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $650,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate **[**a Missing Alzheimer Patient Alert**]** *The "Safe Return"* Program.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, **[**$427,000,000**]** *$493,750,000,* to remain available until expended, as authorized by section 1001(a) of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which: (a) **[**$356,000,000**]** *$371,750,000* shall be available to carry out the provisions of subpart 1 **[**and chapter A of subpart 2**]** *and an additional $50,000,000 shall be available to carry out the provisions of chapter A of subpart 2* of part E of title I of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; (b) **[**$15,000,000**]** *an additional $9,000,000* shall be available to carry out the provisions of chapter B of subpart 2 of part E of title I of said Act, for Correctional Options Grants; (c) *an additional* $25,000,000 shall be available pursuant to the provisions of chapter A of subpart 2 of part E of title I of said Act, for community policing; (d) *an additional* $13,000,000 shall be available to the Director of the Federal Bureau of Investigation for the National Crime Information Center 2000 project, as authorized by section 613 of Public Law 101–647 (104 Stat. 4824); **[**(e) $2,000,000 shall be available for the activities of the District of Columbia Metropolitan Area Drug Enforcement Task Force; and (f) $16,000,000 shall be available to reimburse any appropriation account, as designated by the Attorney General, for selected costs incurred by State and local law enforcement agencies which enter into cooperative agreements to conduct joint law enforcement operations with Federal agencies**]** *and (e) an additional $25,000,000 shall be available pursuant to the provisions of chapter A of subpart 2 of part E of title I of said Act, for criminal records upgrade projects, including $10,000,000 for reimbursement to the Federal Bureau of Investigation*: *Provided,* That funds made available in fiscal year 1994 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further, That funds made available in fiscal year 1994 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.*

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, **[**$123,000,000**]** *$95,000,000,* to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of said Act, as amended by Public Law 102–586, of which: (a) **[**$93,000,000**]** *$76,000,000* shall be available for expenses authorized by parts A, B, and C of title II of said Act; (b) **[**$6,000,000**]** *$5,000,000* shall be available for expenses authorized by sections 281 and 282 of part D of title II of said Act for prevention and treatment programs relating to juvenile gangs; (c) **[**$2,000,000**]** *$7,000,000* shall be available for expenses authorized by part G of title II of said Act for juvenile mentoring programs; and (d) **[**$22,000,000**]** *$7,000,000* shall be available for expenses authorized by title V of said Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, **[**$8,700,000**]** *$5,000,000,* to remain available until expended, as authorized by sections 214B, 218, and 224 of said Act, of which: (a) **[**$500,000 shall be available for expenses authorized by section 213 of said Act for regional children's advocacy centers; (b) $1,500,000 shall be available for expenses authorized by section 214 of said Act for local children's advocacy centers; (c) $1,600,000**]** *$1,500,000* shall be available for technical assistance and training, as authorized by section 214A of said Act, for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse; **[**(d)**]** *(b)* $1,000,000 shall be available for training and technical assistance, as authorized by section 217(b)(1) of said Act for a grant to the National Court Appointed Special Advocates program; **[**(e) $3,500,000**]** *(c) $2,000,000* shall be available for expenses authorized by section 217(b)(2) of said Act to initiate and expand local court appointed special advocate programs; and **[**(f) $600,000**]** *(d) $5,000,000,* notwithstanding section 224(b) of said Act, shall be available to develop model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized by section 223(a) of said Act, for a grant to the National Council of Juvenile and Family Court Judges.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340).

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, **[**$117,196,000**]** *$115,000,000*; of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, **[**$30,898,000**]** *$30,723,000*; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, **[**$12,829,000**]** *$13,150,000,* to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided,* That funds designated by Congress through language or through policy guidance in reports for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further,* That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section [605] *606* of this Act.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, [$9,385,000] *$9,123,000*.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; [$400,968,000] *$400,086,000*; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $50,099,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed [$1,900,000] *$2,000,000* to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101–509 (104 Stat. 1289).

[CIVIL LIBERTIES PUBLIC EDUCATION FUND

[For fiscal year 1994 and thereafter, after payments authorized by section 105 of the Civil Liberties Act of 1988 (Public Law 100–383) have been obligated for all known eligible individuals, any amounts remaining under the total authorized level for the Civil Liberties Public Education Fund, may be used by the Board of Directors of the Fund for research contracts and public educational activities, and for publication and distribution of the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians, pursuant to section 106(b) of the aforementioned Act, subject to appropriations provided for the purposes of section 106(b) of said Act.]

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, [$63,817,000] *$62,092,000*: *Provided*, That notwithstanding any other provision of law, not to exceed $19,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than [$44,817,000] *$43,092,000*: *Provided further*, That any fees received in excess of $19,000,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, [$808,797,000] *$818,797,000*, of which not to exceed $2,500,000 shall be available until September 30, 1995 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM

For the necessary expenses of the United States Trustee Program, [$94,008,000] *$99,837,000*, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), of which [$56,521,000] *$46,150,000* shall be derived from the United States Trustee System Fund: *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, not to exceed [$37,487,000] *$53,687,000* of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28 United States Code, as amended by section 111 of Public Law 102–140 (105 Stat. 795), shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the [$94,008,000] *$99,837,000* herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than [$56,521,000] *$46,150,000*: *Provided further*, That any of the aforementioned fees collected in excess of [$37,487,000] *$53,687,000* in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, [$940,000] *$898,000*.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; [$339,808,000] *$337,808,000*, as authorized by 28 U.S.C. 561(i), of which not to exceed $6,000 shall be available for official reception and representation expenses.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; [$307,700,000] *$312,884,000*, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $103,022,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, [$26,792,000] *$26,106,000*, of which not to exceed [$17,415,000] *$16,278,000* shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96–422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96–422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act: *Provided further*, That to expedite the outplacement of eligible Mariel Cubans or other aliens from Bureau of Prisons or Immigration and Naturalization Service operated or contracted facilities into Community Relations Service contracted hospital and halfway house facilities, the Attorney General may direct reimbursements to the Cuban Haitian Entrant Program from "Federal Prison System, Salaries and Expenses" or "Immigration and Naturalization Service, Salaries and Expenses": *Provided further*, That if such reimbursements described above exceed $500,000, they shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section [605] *606* of this Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, [$60,275,000] *$58,000,000* to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, [$2,586,000] *$2,668,000*.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, [$384,381,000] *$382,381,000*, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section [605] *606* of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,665 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; [$2,024,705,000] *$2,038,705,000*, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1995; of which not to exceed $8,000,000 for research and development related to investigative activities shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; of which [$75,400,000] *$84,400,000*, to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Identification Division and the automation of fingerprint identification services: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,117 passenger motor vehicles of which 1,117 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; [$718,684,000] *$725,161,000*, of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1995, and of which not to exceed $45,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 597 of which 302 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; [$1,059,000,000] *$1,048,538,000*, of which not to exceed $400,000 for research shall remain available until expended, and of which not to exceed $10,000,000 shall be available for costs associated with the Training program for basic officer training: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Land Border Fee Pilot Project scheduled to end September 30, 1993, is extended to September 30, 1996 *for projects on the northern border of the United States only*.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 770 of which 405 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; [$1,950,000,000] *$1,971,615,000*: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1995.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351–4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, [$10,211,000] *$9,995,000*, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; [$175,000,000] *$351,850,000*, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs, *and of which $75,000,000 shall be available for construction, renovation, and equipping of Immigration and Naturalization Service Service Processing Centers or other alien detention facilities*: *Provided*, That not to exceed $16,000,000 from unobligated balances shall be available for the Cooperative Agreement Program (CAP): *Provided further*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section [605] *606* of this Act: *Provided further*, That unless a notification as required under section [605] *606* of this Act is submitted to the Committee on Appropriations of the House and Senate, none of the funds in this Act for the CAP shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds $50,000, and in addition, any cooperative agreement with a cost per bed space that exceeds $25,000 must remain in effect for no less than 15 years.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed **[**$3,100,000**]** *$3,395,000* of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Subject to subsection (b) of section 102 of the Department of Justice and Related Agencies Appropriations Act, 1993, authorities contained in Public Law 96–132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Pursuant to the provisions of law set forth in 18 U.S.C. 3071–3077, not to exceed $2,000,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

SEC. 106. For fiscal year 1994 and thereafter, deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System may be used for the construction of correctional institutions, and the construction and renovation of Immigration and Naturalization Service and United States Marshals Service detention facilities, and for the authorized purposes of the Cooperative Agreement Program.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That this section shall not apply to any appropriation made available in title I of this Act under the heading, "Office of Justice Programs, Justice Assistance": *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section **[**605**]** *606* of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 108. Notwithstanding 31 U.S.C. 3302 or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the Department of Justice Working Capital Fund, for fiscal year 1994 and thereafter, up to three percent of all amounts collected pursuant to civil debt collection litigation activities of the Department of Justice. Such amounts in the Working Capital Fund shall remain available until expended and shall be subject to the terms and conditions of that fund, and shall be used only for paying the costs of processing and tracking such litigation.

[SEC. 109. (a) Section 524(c)(9)(E) of title 28, United States Code, as amended, is further amended by inserting "up to and including September 30, 1993," immediately after the phrase "and on September 30 of each fiscal year thereafter,".

[(b) Notwithstanding any other provision of law, the first $20,000,000 of the amounts made available in fiscal year 1994 from surplus amounts remaining on September 30, 1993, in accordance with section 524(c)(9)(E) of title 28, United States Code, as amended, shall be transferred to Federal Prison System, "Buildings and facilities".**]**

SEC. 109. Section 524(c)(9) of title 28, United States Code, as amended, is further amended by deleting subsection (E).

SEC. 110. During fiscal year 1994, from funds appropriated to the Department of Justice, the Attorney General may enter into reimbursable agreements with the Federal Judicial Branch, or reimburse a State or local government, if applicable, for the cost of managing prisoners or detainees, who are in the custody of the Attorney General, in a home confinement, electronic monitoring, or other such less costly alternative to incarceration when a Federal judicial official has determined this course of confinement to be viable and practicable: Provided, That this section shall not be applied in any way which is inconsistent with Federal law under titles 18 and 21, United States Code, including Federal sentencing guidelines and law related to minimum mandatory sentences.

SEC. 111. (a) 28 United States Code 1930(a)(1) is amended by striking "$120" and inserting in lieu thereof "$135"; and

(b) 28 United States Code 589 is amended in subsection (b), subparagraph (1) by striking "one-fourth" and inserting in lieu thereof "22.2 per centum", and in subsection (f), paragraph (2) by inserting after the word "title" the following:

"; and

"(3) 11.1 per centum of the fees collected under section 1930(a)(1) of this title".

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, **[**$7,565,000**]** *$7,923,000*, of which $2,000,000 is for regional offices and $700,000 is for civil rights monitoring activities authorized by section 5 of Public Law 98–183: *Provided*, That not to exceed $20,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed **[**$26,000,000**]** *$28,500,000*, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; **[**$230,000,000**]** *$227,305,000*: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $450,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $129,889,000, of which not to exceed $300,000 shall remain available until September 30, 1995, for research and policy studies: *Provided, That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 60 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 69 F.C.C. 2d 607 (Rev. Bd. 1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86–484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: Provided further, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): Provided further, That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the* *rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(c) of title 47 of the Code of Federal Regulations.*

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; **[**$18,383,000**]** *$19,450,000*: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $88,740,000: *Provided*, That notwithstanding any other provision of law, not to exceed $19,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1994, so as to result in a final fiscal year 1994 appropriation estimated at not more than $69,740,000: *Provided further*, That any fees received in excess of $19,000,000 in fiscal year 1994 shall remain available until expended, but shall not be available for obligation until October 1, 1994: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285): *Provided further, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96–252; 94 Stat. 374).*

[NATIONAL COMMISSION TO SUPPORT LAW ENFORCEMENT

[SALARIES AND EXPENSES

[For necessary expenses of the National Commission to Support Law Enforcement, $500,000, as authorized by section 211(B) of Public Law 101–515 (104 Stat. 2122), to remain available until expended.]

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $57,856,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one twenty-ninth of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation to recover costs of services of the securities registration process: Provided further, That such fees shall remain available until expended.*

In addition, upon enactment of legislation amending the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.), and subject to the schedule of fees contained in such legislation, the Commission may collect not to exceed $16,600,000 in fees, and such fees shall be deposited as an offsetting collection to this appropriation to recover the costs of registration, supervision, and regulation of investment advisers and their activities: *Provided*, That such fees shall remain available until expended.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of **[**1988 (Public Law 100–690 (102 Stat. 4466–4467)), $13,550,000**]** *1992 (Public Law 102–572 (106 Stat. 4515–4516)), $13,000,000*, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

This title may be cited as the "Department of Justice and Related Agencies Appropriations Act, 1994".

TITLE II—DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, **[**$210,000,000**]** *$240,988,000*, to remain available until expended, of which not to exceed $5,880,000 may be transferred to the "Working Capital Fund" *and $3,000,000 may be transferred to the Department of Commerce "Working Capital Fund"*.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership, the Advanced Technology Program and the Quality Outreach Program of the National Institute of Standards and Technology, $232,524,000, to remain available until expended, of which not to exceed $1,290,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $61,686,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 439 commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; **[**$1,650,000,000, to remain available until expended; and in addition, $55,544,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries"**]** *$1,685,000,000, to remain available until expended; of which $600,000 shall be available for operational expenses and cooperative agreements at the Fish Farming Experimental Laboratory at Stuttgart, Arkansas; and in addition, $54,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided, That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $500,000: Provided further, That in applying the provisions of section 606 of this Act to the programs, projects, and activities of the National Oceanic and Atmospheric Administration, the notification requirements of section 606 shall apply to the proposed reprogramming of funds in excess of $250,000 or 5 per centum, whichever is less, for each program, project, or activity: Provided further, That hereafter all receipts received from the sale of aeronautical charts that result from an increase in the price of individual charts above the level in effect for such charts on September 30, 1993, shall be deposited in this account as an offsetting collection and shall be available for obligation.*

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2).

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, **[**$89,775,000, to remain available until expended**]** *$109,703,000 to remain available until expended, of which $5,000,000 shall be available for acquisition of real property for national estuarine reserves (16 U.S.C. 1461): Provided, That $6,250,000 shall be made available and shall remain available until expended for the construction of the National Fisheries Marine Service Estuarine and Habitat Research Laboratory in Lafayette, Louisiana.*

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, construction, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, **[**$23,064,000**]** *$77,064,000*, to remain available until expended.

AIRCRAFT PROCUREMENT AND MODERNIZATION

For construction, procurement and modification of aircraft, including research equipment *and spare parts, necessary to acquire the next generation aircraft reconnaissance system for hurricane and severe storm forecasting and atmospheric research, $46,000,000, to remain available until expended.*

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $459,000.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $1,273,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627) and the American Fisheries Promotion Act (Public Law 96–561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $550,000, to remain available until expended.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, [$33,042,000] *$31,712,000.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), [$15,860,000] *$16,500,000.*

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, [$131,170,000] *$128,286,000.*

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, [$110,000,000] *$120,084,000*, to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $45,220,000, to remain available until September 30, 1995.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, *including expenses of grants and cooperative agreements to include those in support of the National Textile Center University Consortium and the Tailored Clothing Technology Corporation,* without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; [$221,445,000] *$251,103,000*, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $22,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $34,747,000, to remain available until expended, *of which not less than $1,880,000 shall be available for the Office of Antiboycott Compliance*: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, [$38,362,000, of which $22,800,000 shall remain available until expended: *Provided*, That not to exceed $15,562,000 shall be available for program management for fiscal year 1994] *$43,381,000, of which $29,000,000 shall remain available until expended.*

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to 44 U.S.C. 501, 3702 and 3703, including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $15,000 for official representation expenses abroad; $20,298,000, to remain available until expended, of which not to exceed $2,500,000 is to provide financial assistance under section 203(a) of the International Travel Act of 1961, as amended, notwithstanding the provisions of section 203(f)(1) of such Act: Provided further, That in addition to fees currently being assessed and collected, the Administration shall charge users of its services, products, and information, fees sufficient to result in an additional $3,000,000, to be deposited in the General Fund of the Treasury.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $88,329,000, to remain available until expended, to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 shall remain available until expended.

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Technology Administration, [$4,500,000] *$6,000,000.*

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, [$18,927,000] *$20,927,000*, to remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, [$20,254,000] *$28,000,000*, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of said Act: *Provided further*, That notwithstanding the provisions of section 391 of said Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further, That notwithstanding the provisions of sections 391 and 392 of the Communications Act, as amended, not to exceed $1,000,000 appropriated in this paragraph shall be available for the Pan-Pacific Educational and Cultural Experiments by Satellite program*

(PEACESAT): Provided further, That $500,000 shall be available for the American Indian Higher Education Consortium for utilization of telecommunications technologies.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, **[**$21,746,000**]** *$31,000,000*, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of said Act: *Provided further*, That notwithstanding the requirements of section 392 (a) and 392 (c) of such Act, these funds may be used for the planning and construction of telecommunications networks *for the provision of educational, cultural, health care, public information, public safety or other social services.*

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101–437, including costs for contracts, grants and administrative expenses, $1,000,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, $228,922,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration.

DEFENSE ECONOMIC ADJUSTMENT COMMUNITY ASSISTANCE

For economic adjustment grants and assistance as authorized by the Public Works and Economic Development Act of 1965, as amended, necessary to assist communities adversely affected by Department of Defense and Department of Energy contract reductions and installation realignments and closures, $80,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,151,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section **[**605**]** *606* of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This title may be cited as the "Department of Commerce Appropriations Act, 1994".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; **[**$22,326,000**]** *$23,217,000*.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), **[**$2,699,000**]** *$2,983,000*, of which $300,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, **[**$13,127,000**]** *$12,195,000*.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, **[**$11,100,000**]** *$10,718,000*.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, **[**$2,189,131,000**]** *$2,070,400,000* (including the purchase of firearms and ammunition); of which not to exceed $20,000,000 shall remain available until expended for space alteration projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed **[**$2,063,000**]** *$2,075,000* to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), **[**$297,252,000**]** *$286,170,000*, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided, That none of the funds contained herein may be used to increase the hourly rate paid panel attorneys above the rate in effect on July 2, 1993: Provided further, That not to exceed $11,524,000 shall be available for Death Penalty Resource Centers.*

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $77,095,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice

Act (Public Law 100–702); [$84,500,000] *$80,952,000*, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, [$44,612,000] *$43,358,000*, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, [$18,467,000] *$18,296,000*; of which $1,800,000 shall remain available through September 30, 1995, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund as authorized by 28 U.S.C. 377(o), [$20,000,000] *$20,000,000*, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), and in addition to the Claims Court Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $545,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, [$8,468,000] *$8,474,000*, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section [605] *606* of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

This title may be cited as "The Judiciary Appropriations Act, 1994".

TITLE IV—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $240,870,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $76,423,000, to remain available until expended, *of which $28,877,000 shall be available for the United States Merchant Marine Academy and $10,344,000 shall be available for State maritime academy programs*: *Provided*, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and for related programs, $300,000,000, to remain available until expended: *Provided*, That reimbursement may be made to the Operations and Training appropriation for expenses related to this program.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, [$900,000] *$500,000*, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, [$1,047,000] *$1,099,000*, to remain available until expended as authorized by section 3 of Public Law 99–7.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by section 5209 of the Omnibus Trade and Competitiveness Act of 1988, $1,140,000, to remain available until expended.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, [$1,226,000] *$1,290,000*.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98–399, as amended, [$300,000] *$500,000*.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, [$21,318,000] *$20,143,000*, of which $2,500,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 101–574, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, [$243,326,000 of which $71,266,000 is for grants for performance in fiscal year 1994 or fiscal year 1995 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended] *$215,000,000, of which $3,500,000 shall be available for the Service Corps of Retired Executives (SCORE), and of which $3,000,000 shall be available to the Small Business Institute program (SBI), and of which $9,500,000 shall be available until expended for Microloan technical assistance*: *Provided*, That not more than $500,000 of this amount shall be available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse Centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act. [None of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee, or any new or increased user fee or management assistance fee, except as otherwise provided in this Act.]

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $7,962,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, [$22,994,000] *$21,032,000, of which $5,135,000 shall be available until expended for the Microloan program,* and for the cost of guaranteed loans, [$219,459,000] *$191,955,000,* as authorized by 15 U.S.C. 631 note: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $94,737,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans, authorized by 15 U.S.C. 631 note, [$75,000,000] *$65,000,000,* to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That none of the funds provided in this or any other Act may be used for the cost of direct loans to any borrower under section 7(b) of the Small Business Act to relocate voluntarily outside the business area in which the disaster has occurred.

In addition, for administrative expenses to carry out the direct loan program, $76,101,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

In addition, for the cost of emergency disaster loans and associated administrative expenses, $75,000,000, to remain available until expended: Provided, That these funds, or any portion thereof, shall be available beginning in fiscal year 1994 to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under the Budget Enforcement Act of 1990: Provided further, That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D).

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $12,369,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

SBIC BANKRUPTCY PROVISION

None of the funds provided by this Act for the Small Business Administration may be used to guarantee any participating securities authorized by Public Law 102–366 until legislation has been enacted which directly or indirectly prohibits the filing of a petition under the Bankruptcy Code by a small business investment company licensed under subsection (c) or (d) of section 301 of the Small Business Investment Act of 1958 or regulations implemented to reduce risks to the Small Business Administration from companies licensed under section (c) or (d) of section 301 of the Small Business Investment Act of 1958.

[THOMAS JEFFERSON COMMEMORATION COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Thomas Jefferson Commemoration Commission as authorized by Public Law 102–343, $62,000: *Provided,* That any unobligated balances of amounts made available for fiscal year 1993 shall expire on September 30, 1994.]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $349,000,000; of which $298,904,000 is for basic field programs; $7,826,000 is for Native American programs; $10,808,000 is for migrant programs; $1,226,000 is for law school clinics; $1,113,000 is for supplemental field programs; $695,000 is for regional training centers; $8,056,000 is for national support; $9,236,000 is for State support; $963,000 is for the Clearinghouse; $569,000 is for computer assisted legal research regional centers; $9,555,000 is for Corporation management and administration; and $49,000 is for board initiatives.

[DEPARTMENT OF COMMERCE

[ECONOMIC DEVELOPMENT ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses of administering the economic development assistance programs as provided for by law, $26,284,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.]

TITLE V—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service *not otherwise provided for,* including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; [$1,612,206,000] *$1,658,184,000,* and in addition not to exceed $665,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717, and in addition not to exceed $1,185,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553, as amended by section 120 of Public Law 101–246), and in addition not to exceed $15,000 shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)) *and for expenses of general administration.*

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, [$481,416,000] *$455,816,000.*

BUYING POWER MAINTENANCE

To offset adverse fluctuations in foreign currency exchange rates and/or overseas wage and price changes, as authorized by section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696 (b)), [$3,800,000] *$3,000,000.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $23,469,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,780,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $10,551,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), [$381,481,000] *$410,000,000,* to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $7,805,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided,* That not more than $1,000,000 shall be available for representation expenses.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, [$186,000] *$593,000,* as authorized by 22 U.S.C. 2671: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. *In addition, for administrative expenses necessary to carry out the direct loan program, $183,000, which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.*

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,084,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $904,926,000, of which not to exceed $44,041,000 is available to pay arrearages, the payment of which shall be directed toward special activities that are mutually agreed upon by the United States and the respective *international organization: Provided, That none of the funds appropriated in this paragraph shall be available for arrearage payments to the United Nations until the Secretary of State certifies to the Congress that the United Nations has established an independent office of audits and inspections with responsibilities and powers substantially similar to offices of Inspectors General authorized by the Inspector General Act of 1978, as amended: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.*

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, as authorized by law, [$422,499,000] *$444,736,000*, of which not to exceed [$20,892,000] *$21,992,000* is available to pay arrearages: *Provided, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers, and that the United States Mission to the United Nations has established procedures to provide information on all United Nations procurement regulations and solicitations to American manufacturers and suppliers.*

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672, and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, [$5,463,000] *$6,600,000*, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, [$11,054,000] *$11,330,000*.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, [$14,051,000] *$14,790,000*, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed $9,000 for representation expenses incurred by the International Joint Commission, $4,290,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,200,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, $4,275,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, [$16,287,000] *$15,000,000*, to remain available until expended as authorized by 22 U.S.C. 2696(c).

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 501. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 502. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section [605] *606* of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided, for arms control and disarmament activities, including not to exceed $100,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), [$47,279,000] *$58,000,000, of which $14,000,000 is available only for payment of United States contributions to the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons.*

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated, as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871–2883), $210,000,000, of which not to exceed $52,000 may be made available for official reception and representation expenses.

[ISRAEL RELAY STATION

[(RESCISSION)

[Of the available funds under this heading, $180,000,000 are rescinded.]

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $200,000 as authorized by Public Law 99-83, section 1303.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, [$44,391,000] *$42,000,000*, to remain available until expended.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,250,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94-118.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); [$730,000,000] *$741,693,000*: *Provided*, That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed $1,200,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further*, That not to exceed $500,000 shall remain available until expended as authorized by 22 U.S.C. 1477b(a), for expenses and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535–1536: *Provided further*, That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, radio, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 3), and in accordance with the provisions of 31 U.S.C. 1105(a)(25), $4,247,000.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Citizen Exchange, Congress-Bundestag Exchange, and other exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), [$217,650,000] *$250,702,000*, to remain available until expended as authorized by 22 U.S.C. 2455.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated to be derived from interest and earnings from the Eisenhower Exchange Fellowship Program Trust Fund as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–05), $300,000, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1994, to remain available until expended.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, [$75,164,000] *$57,620,000*, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, [$23,000,000] *$26,000,000*: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), and the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, $28,351,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a): Provided, That such funds for television broadcasting to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

[NORTH/SOUTH CENTER

[To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991, (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $8,000,000, to remain available until expended.]

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $35,000,000, to remain available until expended.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. [605] *606*. (a) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

[SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

[SEC. 606. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, to the extent feasible, purchase only American-made equipment and products.

[(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Head of the agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.]

SEC. 607. (a) Funds appropriated under this Act to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1994 pursuant to the number of poor people determined by the Bureau of Census to be within its geographical area shall be distributed in the following order: grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation for basic field programs shall be maintained in fiscal year 1994 at not less than 97.903 per centum of the annual level at which each grantee and contractor was funded in fiscal year 1993 pursuant to Public Law 102–395;

(b) None of the funds appropriated under this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of—

(1) section 607 of Public Law 101–515, and that, except for the funding formula, all funds appropriated for the Legal Services Corporation shall be subject to the same terms and conditions set forth in section 607 of Public Law 101–515 and all references to "1991" in section 607 of Public Law 101–515 shall be deemed to be "1994" unless paragraph (2) or (3) applies;

(2) paragraph 1, except that, if a Board of eleven Directors is nominated by the President and confirmed by the Senate, provisos 20 and 22 shall not apply;

(3) authorizing legislation for fiscal year 1994 for the Legal Services Corporation is enacted into law.

SEC. 608. It is the sense of the Congress that entities purchasing goods or services with funds available under this Act should, to the maximum extent feasible where available, purchase only American-made equipment, products, and services.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1994".

Mr. HOLLINGS. Madam President, I am pleased to present the Senate with the committee-recommended fiscal year 1994 Commerce, Justice, and State, the judiciary, and related agencies appropriations bill.

The recommended bill, Madam President, provides $22.971 billion in discretionary budget authority, and $23.275

billion in outlays. This bill is at our 602(b) allocation. I should note that the bill is $1.210 billion in budget authority below the budget request, and $1.156 billion below the President's budget request. To get this bill down within our allocation, we have had to reduce a lot of programs. Many of these programs eliminated were proposed by the President.

This fiscal year has been one of the strangest since I have been chairman of the subcommittee. Our distinguished former colleague and now Director of the Office of Management and Budget, Mr. Leon Panetta, who knows better, sent us a budget that exceeded the discretionary budget caps in the 1990 Budget Enforcement Act by $6.7 billion in outlays.

The budget euphemistically calls this excess spending "investments." And for this bill, he sent us $987 million in program requests above the caps for Justice, Small Business, and Commerce programs. Yet, every Cabinet Secretary, and Mr. Panetta himself, have been telling us that even though they could not find the money for these programs, it is imperative that we must.

So we have gone back and done a lot of cutting, and this bill provides $728 million for these investment programs for Nexrad weather stations, small business loans, and National Institute of Standards and Technology programs like manufacturing technology centers and the advanced technology programs.

The bill also eliminates and cuts a lot of programs that the President proposed in his economic speech in February. The bill cuts or eliminates funding for such programs as the Export Administration, trade adjustment assistance for firms, and the North-South Center in Miami. And while Member after Member sent us requests for university research projects, and SBA or EDA earmarks, the recommended bill contains no such projects.

The bill contains a $131 million initiative above the President's budget request to control our borders and beef up the operations of the Immigration and Naturalization Service. It puts an additional 600 Border Patrol agents on the Southwest border and provides new facilities for alien detention and deportation. The bill contains an increase of $20 million above the budget for counterterrorism programs in the FBI and the State Department.

I think all anyone needs to do is turn on the television to see why we are recommending these particular initiatives. The bill contains $198 million for research facilities, equipment, and infrastructure at NOAA and NIST. The average age of the ships in the NOAA fleet is 28 years. And in the words of the Undersecretary for Oceans and Atmosphere, "the fleet is in terrible shape." During the 1980's, this country funded the construction of 242 Navy vessels and 65 Coast Guard ships, but no vessels were built for NOAA.

So our recommended bill includes $58 million for a new oceanographic research vessel, and we have included $46 million for high altitude NOAA hurricane research aircraft. The current NOAA aircraft were designed for antisubmarine warfare. They cannot fly high enough or fast enough to perform the kind of research that is needed to advance our prediction of hurricane intensity and direction.

Other bill highlights include: In total, we have provided $9.427 billion for the Department of Justice domestic discretionary programs. That is $404 million or 4.5 percent above this year's level. And we are $215 million above the House bill.

Our bill includes $683 million for justice assistance grants, including $431 million for State and local drug grants; $25 million for community policing; $25 million for criminal records upgrades; and $100 million for the juvenile justice program.

We fully funded the President's prison construction request of $277 million, and $1.972 billion is provided for salaries and expenses of the prison system—an increase of $290 million above this year.

$819 million is provided for U.S. attorneys, and $2.039 billion for the FBI. We have a $2 billion budget now for the Federal Bureau of Investigation.

$233 million is recommended for NIST external research programs, the President's budget request and $146 million above this year. This should finally get us on our way to developing a real program to modernize American manufacturing industry and make us more competitive.

$251 million is recommended for the International Trade Administration. We have fully funded the United States and Foreign Commercial Service which is charged with increasing U.S. business exports, and we have included $32.3 million for the Import Administration, an increase of $3 million, to improve its dumping investigations by getting some accountants and financial people in that agency.

$339 million is provided for EDA including $80 million for the defense economic adjustment assistance for communities and $45.6 million in title IX grants for communities in distress, such as Kauai, HI, which is still suffering the effects of Hurricane Iniki and the Pacific Northwest from reduced timber sales.

The bill provides $2.656 billion for the Federal judiciary. That is $122 million or 4.8 percent increase over this year. That is a higher percentage increase than the Justice Department received.

Fees of jurors and defender services are funded at a level that will avoid a repeat of this year's experience, when the payments ran out.

For the judiciary overall, the recommendation reflects application of the same management efficiencies and administrative reductions that all other agencies in this bill are required to achieve.

We have tried to do our very best to help out the State Department within the constraints placed on us by the authorization committee. Our recommended level of $4.135 billion is, however, $242 million below this year's level.

We have provided $10 million to modernize overseas processing of visas, and will enable the State Department to get rid of the antiquated methods of checking backgrounds of individuals trying to enter the United States. We have provided $410 million for maintenance and repairs of our embassies overseas.

$445 million is included for international peacekeeping, and $905 million is included for the United Nations and international organizations. And we have included two amendments suggested by Senator DOMENICI. The first requires that the United Nations give American companies a fair shot at procurement contracts, and the second withholds U.N. arrearage payments until the United Nations creates an inspector general.

For the USIA, we have included $251 million for exchange programs, like the Fulbright and Edmund Muskie scholarships and Mansfield programs. That is $33 million above the House bill.

We have provided $35 million for the National Endowment for Democracy and $28 million for Radio and TV Marti. The House has proposed zeroing out both of these programs.

And, we have provided $14 million for the implementation of the chemical weapons disarmament treaty. That is one of great concerns to our National Security Council pending the ongoing conference. The House bill proposed no appropriations for this purpose.

For SBA, we fully funded the President's request for loans and business loan guarantees. That is $213 million. And, of course, the Small Business Committee is just now making changes in the way the loan programs operate to make this money go farther in terms of the level of loans it finances.

We have provided instead of $3 billion, something over $6 billion in actual loan guarantees in this bill.

We have provided $67 million for small business development centers, $3.5 million for the SCORE program, and $14.6 million for the successful micro-loan program.

I want to point out to the Members that we are putting this bill together just as fast as possible. We have done that with the guidance of our distinguished ranking member, Senator PETE DOMENICI who has been a wonderful cooperator here in trying to iron out various concerns on either side of the aisle.

I want to thank Senator DOMENICI and our minority staff director, John Shank, who along with our staff director, Scott Gudes, and Liz Blevins, and Dorothy Seder—have been working around the clock just exactly the way Senator Warren Rudman and I did—developing a close bipartisan working relationship. I am proud to say that we have gotten that continued relationship with my distinguished friend from New Mexico.

We understand that there are a few amendments of concern, and I think we can more or less take most of them. But I have to confer of course with my leader on the other side.

Let me yield to Senator DOMENICI.

Mr. DOMENICI. Thank you very much.

Madam President, even though this bill funds a variety of major Federal agencies and departments, I think because of the times and because of what the American people are worried about, I can quite properly call this a crime fighting bill. I do not think there is any question about it. Wherever we could find additional money, and whatever we could cut, most of it, other than for economic development and technology in the Department of Commerce, most of the rest went to crime fighting. I am very pleased that that is the case.

Madam President, while I have been on the Appropriations Committee for awhile, this is my first year as the ranking Republican on the Commerce, Justice, and State Subcommittee. I want to express my sincere appreciation to my chairman, Senator HOLLINGS, and the majority staff for this easy transition. Obviously, the minority staff director for this subcommittee, John Shank, who sits here at my right, has been invaluable.

I think Senator HOLLINGS and I, and this subcommittee, have looked at this bill and the subject contained in it as thoroughly as we could, and we have come up with a reasonably good bill.

I will not explain it in any detail because that has been done by the chairman. But I will go over a few highlights and some areas that everybody should know are rather contentious with reference to the amount of funding that we have not given certain activities of the Government.

First, the committee recommends a total of $22.968 billion in discretionary budget authority, resulting in new and prior year outlays of $23,274,264,000. To put these numbers in context, they are almost $1.2 billion in outlays below the level of the budget requests pending before this subcommittee. In addition, the bill is almost $152 million in budget authority below the 1993 enacted level. Indeed, the subcommittee allocation—that is, the amount we have been given by the Appropriations Committee to spend—if we keep to ours and all of the other subcommittees keep to their allocations, we will be within the cap that was set in the 1990 agreement and applies to the Congress and the President this year.

So this subcommittee is $533.9 million in outlays below the current services level; current services being what you would spend if you left everything in the Government alone within this subcommittee and added inflation to it.

In regard to funding the Federal judiciary, the OMB included a plug cut of $573 million in budget authority and $506 million in outlays from the request which was submitted directly by the judiciary to the Congress. By that, I mean it was cut that much, but they did not tell us how with specificity. This reduction has, in effect, been sent over to us in what we call a crosswalk to the Commerce, Justice, and State Subcommittee by the committee in their overall allocation of what we have to spend. We have been able to provide an increase, nonetheless, for the judiciary of $64.9 million above this level only by cutting other requests in this bill.

Overall, the judiciary would receive an increase of almost 5 percent—4.8 percent. Working with new projections provided by the judiciary, sufficient funds have been provided to ensure that we should not run out of funds for fees of jurors or defender services during the coming year. That caused all of us with some real problems just a while ago, and we had to take care of it in a supplemental, as most Senators remember.

The State Department and other international affairs accounts within this bill generally conform to the levels included in the recently reported foreign affairs authorization bill. That is, for the State Department, it includes assessed contributions for international organizations. The level is $242 million less than the 1993 level and almost $500 million below the request.

The level for peacekeeping is $444.7 million in budget authority for this activity minus a requested contingency fund of $175 million. Senator HOLLINGS and I agree that this subcommittee cannot absorb larger levels for peacekeeping expenses without seriously impacting other programs, such as the Justice Department and NOAA, and the operations of the State Department itself. Frankly, it appears to this Senator that so long as we have no specific caps on domestic, defense, and foreign affairs appropriations, what we really need is for the President to set out officially and formally, within his budget, all of the money he wants for peacekeeping, and make sure that it is understood within the context of all of the other programs.

With regard to the international organizations and peacekeeping, we have included, as the chairman indicated, bill language which requires that the United Nations establish an inspector general prior to the release of any arrearage payments. I might say that it is not the intention of this committee or this Senator, who suggested this language, that we, with any kind of preciseness, say you must have an inspector general like we have in our big departments. But clearly, we intend to protect our commitment to the United Nations by making sure that they are not caught with some big abuse of resources within the United Nations. I am not making that accusation today, but there are plenty who say its bookkeeping methods, its accounting methods, are not up to snuff. At some point, a scandal will blow up on us, and the American people will say let us not contribute and be part of this. Obviously, in this new and different world, we need a number of years of experience in our peacekeeping effort and with the United Nations, in their expanded role to see exactly how it fits into this world, and we have to be players. And to be players we have to have the American people's support, and for that, they have to believe that the funding is handled with integrity and in a good workmanlike manner and that there is no waste, fraud, or abuse within the United Nations, or at least none that could be accounted for with some reasonable, good practices of ordinary accounting inspection and the like.

With regard to the international organizations and peacekeeping, we have included language which requires precisely that there be an inspector general, and I have just explained why. We have expanded bill language from last year which requires that the Secretary of State certify that U.S. firms are being given a fair chance at procurement contracts associated with peacekeeping. And we have included report language to indicate that the administration must do a better job in informing and consulting with Congress on the costs and scope of peacekeeping questions.

I believe in all three. Something in the nature of an inspector general, the language says: the United Nations, as it puts out contracts for acquisition of peacekeeping equipment or materiel, the United States must be given a fair chance to be among those selling or providing the products, services, or materiel. I think that is only fair.

Last, there has been some concern expressed on the floor about the President of the United States informing and consulting with the Congress on the cost and scope of peacekeeping operations. This is imperative. It is not an easy order, and the policy will be evolving. Frankly, I think we have to have our processes of trying to keep the budget under control so it is not subject to the sort of ups and downs and we do not really have any way to judge what it is going to cost. I think we have to have better exchanges between the executive branch and the legislative branch in that regard.

A few things that are very positive on the crime-fighting end. I do not think I have been part of an amendment that has received as many accolades as the one with reference to the Border Patrol and the Immigration and Naturalization Service. We would restore, as the chairman said, 93 positions that the President had cut out of his budget. We also allow them to hire an additional 600 officers. In addition, 254 new positions would expand detention and deportation activities, and $75 million for construction, renovation, and equipping of additional INS processing centers and other alien detention facilities, including $10 million for such facilities at international airports.

Now, Madam President, the airways are full of the problem of illegal aliens. Americans are concerned about this. Their heads are going back and forth wondering what are we up to when we read about what is going on in New York City, when we see illegal aliens coming in greater numbers with the new immigration law and when we find them able to escape our temporary confinement—even though they are illegal—wind up and on the streets of our cities. We cannot find them ever again, and we, in our good nature, think they will report to a judge someday to see if they are legal or illegal.

We want to give the Border Patrol and INS every opportunity to do their job. We think they need more, not less. And I am pleased to say to the Senate that, while I am not familiar with all the proposals that the President and the White House are going to submit in this regard, I can tell you with a great deal of confidence and some degree of pride, with reference to funding the Border Patrol and making sure we can incarcerate those that need to be incarcerated temporarily awaiting a decision on whether they are illegal or not, the President is proposing this program and we will have already have funded it.

I think that means we are all on the right track. There is no use giving up on this aspect of illegal aliens entering our country. When we read about what happens in Kennedy Airport, when illegals come in with no papers and then we say to them we have no place to keep you, you are entitled to a hearing. We let them go and say, report back in 6 months to this judge that will hear your case.

I see the Presiding Officer nodding her head in the positive.

They do not come back. They are out there in the streets of New York and our cities and, frankly, we just cannot continue this. If we need more, we need more, but we have to have that issue heard right then and if necessary put them right back on an airplane. Wherever they came from ought to take them back. The airplane, perhaps, ought to take them back. But I am not going to prejudge that because many are fooling the airlines, too, entering with papers and destroying them en route, throwing them down the toilet and some time even eating them, as I understand it. So they end up arriving on our shores with no papers, being illegal, getting this decent American treatment which turns them loose until they are supposed to report back, which is probably never. They are wreaking havoc in our cities, and we have seen much of that in the terrorism of New York City.

Frankly, I do not think we can go much longer without telling the American people we are going to do something about that. We are doing that in this bill.

In addition, a portion of this initiative that was embraced today by the President, as I indicated, is exactly the same as this. The President said, "The Border Patrol is drastically understaffed, breathtakingly understaffed," and our initiative attempts to correct that.

Those were quotes from the President. I believe he is acknowledging he made a mistake in his budget when they recommended cutting 93 positions and making no increases of personnel. He changed his mind.

We accommodated that in advance, and provided $10 million more for the FBI for enhanced counterterrorism, including the establishment of a second hostage rescue team. And the State Department would also receive $10 million to upgrade and automate its visa processing capability in order to halt entrance into this country of undesirable aliens who may attempt to engage in terrorist activities.

Frankly, we cannot afford to have anything but the best when it comes to counterterrorism, when it comes to computer capability. It has to be as automated as possible regarding visa processing. All the capability we can add to it must be there, and we have to develop a uniform system.

Hopefully, we are starting down that path. It is probably late, but it is better late than never.

We also provided the full budget request, as my friend, the chairman has indicated, for small business loans. There is a very big demand for guaranteed Small Business Administration loans. We all know why.

We all think that this program is working, as compared with other programs that give money away or give grants. This one lends money. The banks actually lend it on our behalf, and small business is taking advantage of it in many cases where they would not otherwise be able to borrow.

When the Committee on Small Business completes changes to some of the subsidy rates, we ought to have as much as $6.6 billion available for small business from the dollars that we are putting into this guarantee program, which is the amount that we think is necessary to make the program work.

There are many other items within this bill, but I am very pleased with it. We will go to conference and obviously some things will be changed. But from this Senator's standpoint I think we did a reasonably good job with the demands and requests that were put upon us by the administration, our commitments to the United Nations and other Senators who saw other needs which we could not accommodate.

I yield the floor at this time.

Mr. SASSER. Madam President, the Senate Budget Committee has examined H.R. 2519, the conference report on the commerce, justice, state appropriations bill as reported by the Appropriations Committee, and has found that the bill is under its 602(b) allocations in budget authority by $235 million and is under its 602(b) allocations in outlays by $1 million.

I compliment the distinguished manager of the bill, Senator HOLLINGS, and the distinguished ranking member of the subcommittee, Senator DOMENICI, for all of their hard work.

Madam President, I have a table from the Budget Committee showing the official scoring of the conference report on the commerce, justice, state appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2519: FISCAL YEAR 1994 COMMERCE, JUSTICE, STATE APPROPRIATIONS

[In millions of dollars]

	Budget authority	Outlays
BILL SUMMARY		
Discretionary total:		
New spending in bill	22,951	16,906
Outlays from prior years appropriations		6,350
Permanent/advance appropriations	20	18
Supplemental	0	1
Subtotal, discretionary spending	22,971	23,275
Mandatory total	561	546
Bill total	23,532	23,821
Senate 602(b) allocation	23,767	23,822
Difference	−235	−1
Discretionary total above (+) or below (−):		
President's request	−1,210	−1,156
House-passed bill	2,690	1,600
Senate-reported bill		
Senate-passed bill		

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Madam President, might I ask does the distinguished manager of the bill have other comments at this point? I have an amendment I would like to have considered.

Mr. HOLLINGS. We want to get the amendments up, all who have amendments, because I do not mind taking the rap of being precipitous and moving to third reading. We are not going to sit around this evening waiting and talking.

If the Senator has an amendment, we will be glad to hear it.

Mr. KERREY. Madam President, I have an amendment. I am going to hold for a minute sending it to the desk.

I discussed this amendment with the distinguished chairman of the subcommittee, the Senator from South Carolina, about a time limitation. I do not know if we discussed an hour or 30 minutes. I am not a long talker. I could talk for 15 or 20 minutes, however long it takes to describe this amendment, and not take very much longer after that.

Mr. HOLLINGS. On the amendment of the distinguished Senator from Nebraska, we agreed to 15 minutes to each side. I would not agree to the amendment, I tell my ranking member.

If I am correct, I think it has to do with instructions to the reconciliation conference. I do not think this is appropriate for this particular bill. Has the Senator from New Mexico seen the amendment?

Mr. KERREY. No. I can describe it. The Senator from South Carolina described it accurately. It instructs the conference committee relative to paying for the disaster program that we are going to consider at some point here.

Mr. DOMENICI. Madam President, might I ask my friend from Nebraska; I do not know whether it is, in his opinion, urgent that we do that, that he lay this down tonight. But I had told Senator HOLLINGS that we probably would have a D'Amato amendment, and I have sent for him.

There is nothing precluding the Senator from Nebraska proceeding as he is now. I was wondering if we could at least ask the Senator.

Mr. HOLLINGS. We could get right to it in half an hour.

Mr. DOMENICI. The amendment?

Mr. HOLLINGS. Yes.

Mr. DOMENICI. The committee amendments are still outstanding, are they not?

Mr. HOLLINGS. Yes. Get agreement on the committee amendment.

Mr. DOMENICI. We are trying to do that.

Mr. HOLLINGS. While waiting, I thought it would be a good use of time to hear the distinguished Senator from Nebraska.

Mr. DOMENICI. Could the Senator discuss the amendment without sending it to the desk, while I make a call to a Senator and come right back?

Mr. KERREY. I am glad to.

Mr. DOMENICI. I thank the Senator for accommodating.

Mr. KERREY. Madam President, this amendment essentially instructs the conference committee that it is the sense of this amendment.

The PRESIDING OFFICER. Has the Senator sent the amendment to the desk?

Mr. KERREY. He has not. He was asked by the Senator from New Mexico to withhold. I intend to send the amendment to the desk.

The PRESIDING OFFICER. The Senator may proceed.

Mr. KERREY. Madam President, the amendment that I will send to the desk soon expresses the sense of this Senate that we are going to change the way we do things; that instead of merely passing an appropriations bill, a supplemental bill, a dire and much needed appropriation bill, having to do with the disaster of the flood in the Midwest. Instead of merely passing the appropriations bill and figuring out how we are going to pay for it later, we are going to change the way we do business in that we are going to pay for this disaster.

Earlier in the House there was a vote that allowed for a rule to be accepted essentially avoided the need to have an offset. There were a number of Members of the House who were urging a slightly different course of action. They said if we are going to have an appropriation, we should have an offset.

Madam President, I am saying in this particular amendment that we place a temporary Federal tax on gasoline to generate the money that is necessary to pay for this particular disaster. Thus, we are essentially passing the collective hat.

We hear constantly that the American people are compassionate; they see the disaster in the Midwest and they are prepared to fund that disaster; they are prepared to provide assistance to people, to farmers in particular, who have lost an entire year's crop; they are prepared to fund loans and other sort of grants to communities and businesses and homes that have been negatively impacted. I think those who are expressing that sentiment, such as myself on many occasions, have been absolutely right. The American people are prepared to respond to this disaster. They see the tragedy, they understand the nature of the tragedy and they are prepared to respond.

What this amendment does, Madam President, is it says we are going to change the way we do things when we see a disaster of this kind. Given the urgent need to get our deficit under control, given the urgent need to stop the sort of blind borrowing that goes on here in Congress, given the urgent need to say to the American people that we are going to do some things differently, this amendment says that we are indeed going to do things differently.

Madam President, earlier today, the senior Senator from Nebraska presented to me a document having to do with the reconciliation bill, the President's economic plan. There are many myths that have been perpetuated about the President's economic plan, specifically, that the Senate deficit reduction bill will increase tax rates on most Americans and Nebraskans.

The Senator from Nebraska [Mr. EXON] accurately described that to be false and indicates that a relatively small number of people will pay more taxes and that, in fact, those will be completely offset by the much, much larger number of people who actually have a tax reduction.

He talks about the deficit reduction bill, that rather than hurting small business, it will actually help small business. He talks about the impact upon corporations. There are many people concerned about the impact upon raising the corporate rate, but it only impacts those corporations that have incomes over $10 million.

He talks about the impact upon agriculture. He talks about the very, very small impact upon Social Security recipients. He talks about the allegation that there are grassroots organizations out there that are opposing this, and he refutes that by identifying the dominant one as being controlled by, in fact, someone who is running for the Republican nomination for the Senate in Virginia. He talks about a number of other things that essentially says: Here is the myth and here, in fact, are the facts; here is the truth.

I ask unanimous consent that this myth versus fact document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SENATE DEFICIT REDUCTION BILL—MYTH VS. FACT

Myth: The Senate Deficit Reduction bill increases tax rates on most Americans and Nebraskans.

Fact: False. The only tax rate increases are on those individuals who have more than $115,000 in taxable income after deductions and those couples who have more than $140,000 in taxable income after deductions. Using the latest data available, as verified by the Nebraska Department of Revenue, this represents only 5,345 tax returns filed in Nebraska (0.76 percent) which would be subject to this tax rate increase.

Conversely, 82,772 tax returns filed in Nebraska (12 percent) could qualify for the Earned Income Tax Credit reduction in taxes. Depending on the number of children in a family, taxable income levels up to $27,000 per year could qualify for a tax break under this bill.

Myth: The Senate Deficit Reduction bill increases taxes on small business, killing the biggest engine of U.S. job growth.

Fact: False. There is no small business tax. Most small business owners file individual—not corporate—tax returns as owners of proprietorships, partnerships or so-called Subchapter S corporations. Only such small businesses and individuals who earn more than $115,000 or couples who earn more than $140,000 per year will see their taxes increase. These business owners pay taxes only on their profits after deductions are taken for expenses like paying wages and making new investments to expand. Further, the House and Senate are now negotiating tax breaks for small business. Jobs will be created not lost. Over 90 percent of small businesses would pay no more and some even less under the Deficit Reduction bill.

Myth: The corporate tax rate increase will take money out of businesses and cost jobs.

Fact: The corporate tax rate will only increase from 34 to 35 percent, and only for those corporations with profits of $10 million or more. Again, profits are computed after deductions are taken for expenses like paying wages and making new investments to expand.

Myth: The Btu tax will impact virtually every American and Nebraskan.

Fact: The Btu tax is dead. The Senate killed it and the Clinton administration now realizes it must be buried as well, but unfortunately many don't know this.

Myth: At a time of agricultural stress, this bill will hurt Nebraska agriculture.

Fact: False. The Btu tax is dead. The irrigation surcharge was killed by the Senate. The barge tax, which would have added 8 cents to the cost of each bushel of farm products, was killed by the Senate. Off-road agricultural use of gasoline or diesel fuel was exempted from the 4.3 cent per gallon transportation fuel tax. There is now no energy tax on agriculture in the Senate-passed bill.

Myth: The bill increases taxes on most or all Social Security recipients.

Fact: Wrong. The Social Security tax was changed in the Senate to exempt most middle-income seniors from the tax. Under the Senate bill only seniors with total income above $32,000 as individuals or $40,000 as couples per year will be subject to the tax increase. Clearly, only higher-income seniors will not have to pay any tax increase.

Myth: Many "grass roots" groups like the Citizens for a Sound Economy (CSE) are opposing this plan.

Fact: Let's look at a couple of the most prominent "grass roots" groups who are opposing this bill. The most prominent has been the Citizens for a Sound Economy, which has been running ads and holding press conferences in Nebraska and all over America. The Chairman of CSE is Mr. James Miller, who is currently running against Oliver North for the Republican Senate nomination in Virginia. Jim Miller was Director of the Office of Management and Budget from 1985 through 1988 when the national debt was increased by $784 billion.

The CSE was the brainchild of the Koch brothers who own the largest independent, privately-held oil company in America. David Koch is the Chairman of the CSE Foundation. David Koch ran for Vice President on the "Libertarian" party ticket in 1980. That party's platform included legalizing drugs and prostitution, ending public education, abolishing Social Security, Medicare, and Medicaid, repealing all taxes and privatizing almost everything in America. Koch Industries have a Political Action Committee (PAC) and are large Republican party contributors. That hardly describes a legitimate "grass roots" group.

Between 1986 and 1990 and Koch Foundation gave CSE $4.8 million. The CSE still receives more than $500,000 annually from the Koch Foundation. A CSE spokesman said the organization has 250,000 members who contribute somewhere between $4 and $10 million to its coffers. The CSE is not obligated to release any information about its membership or finances as is the case with other group spending thousands of dollars on advertising.

Myth: The enactment of the Senate-passed bill will simply be a repeat of the 1990 Budget Agreement experience and will not help Americans and Nebraskans.

Fact: One of the little-discussed aspects of this plan is that its enactment would help to keep interest rates at their current low level. Mortgage interest rates are at their lowest level in 20 years and interest rates across-the-board are very low as well. Low interest rates help virtually every American from farmers to business owners to home owners. Testimony from economic experts including the Chairman of the Federal Reserve Board has uniformly indicated that passage of this level of deficit reduction will help maintain low interest rates.

The 1990 Budget Agreement fell short of the mark mostly because of the recession which lowered revenues, the Persian Gulf War and greater-than-anticipated spending on entitlement programs such as Medicare and Medicaid. Both political parties agree that our current budget estimates are based upon honest and conservative economic assumptions. Additionally, the Senate and House are now negotiating on an agreement which will place a cap on both federal discretionary spending and entitlement spending, including Medicare and Medicaid. There are significant differences between the 1990 Budget Agreement and the 1993 Senate-passed bill.

Conclusion: This bill is easy to criticize but it's the only chance we have now to begin deficit reduction. Provided the House-Senate conference agrees on a report that generally follows the Senate-passed version, it is my best judgment it should pass.

Mr. KERREY. Madam President, in spite of the truth of the senior Senator from Nebraska, there is still a great deal of distrust out there, at least in the State of Nebraska and I suspect throughout the country, about what this deficit-reduction package does.

One of the reasons that there is distrust is that they look to Washington, DC, and they see, for the large part, that it is still sort of business as usual; that if we find something that we really want to spend money on, it is relatively easy to get a majority, it is relatively easy to put together a coalition.

I heard earlier the distinguished Senator from New Mexico talking about the need to have Republicans and Democrats coming together for deficit reduction. He is absolutely right. The problem, Madam President, is it is difficult to do that.

What is not difficult is to get a majority to come together when there is a dire emergency appropriation. When the time comes to spend money—particularly when we do not have to really go to the American people and ask them to pay for it—when the time comes to spend money, we get Republicans and Democrats coming together.

You do not hear any talk then about the President not consulting us. You do not hear any talk then about, "Gee, the President has not called me up lately and asked me to participate in this."

Quite the contrary, Madam President, you see Members on both sides of the aisle rushing as quickly as possible to embrace the President, thanking him for declaring the disaster, knowing that in the end we are not going to be held responsible for this; that in the end, all we are going to have to do is simply vote aye and issue our press releases and take credit for the hundreds of millions of dollars that will roll into the States that are affected and restoring the economic health, as we ought to, Madam President. And knowing, as well, that we are not going to be held accountable; that we are not really going to have to pay for it; that a full third of it, at least, is going to be paid for by selling bonds once again.

Of the $10 billion appropriation, Madam President, somewhere around $2 billion of that will be funded as a consequence of the Treasury going up to Wall Street and saying once again we are going to sell some more bonds.

I do not dispute the disaster. At least $300 million of that disaster exists in the State of Nebraska. I have argued for and will continue to argue that the Federal Government ought to provide a safety net to restore the economic health when there is a disaster that is outside of the control of human beings in our States.

Madam President, this is a 500-year disaster. It is similar to Hurricane Hugo and other sorts of disasters that have ravaged our countryside in the past.

We are saying to the American people that now is the time for change. We are saying to the American people we are going to change the way we do things.

Madam President, if that is the policy, if that is the principle, then it is time, in my judgment, for us to change and say, yes, we will pay for this disaster. We will provide resources to restore the health of our communities, but we are going to pass the hat today and not say to our children this is one more thing that we are going to spend. "Here is one more thing that we are going to spend in the current year and ask you to pay for it over the course of your working lives."

The most rapidly growing account in our budget, as both the distinguished chairman and ranking member of this subcommittee not only know but spoke very eloquently about, is the net interest on our debt, the amount of money that taxpayers have to pay merely to service the national debt. The net interest today is in excess of $215 billion a year and growing very rapidly. Compounding interest rates are working against us, Madam President, rather than working for us.

There is a very simple reason why. It has to do with the desire to get something for nothing. It has to do with the ability to basically say, "Yes, we are going to get together—Republicans and Democrats—one more time, because we see an opportunity to spend money. However, we are not going to be getting together when it comes time to pay the bills."

Madam President, does the distinguished chairman wish me to yield to him?

Mr. HOLLINGS. Will the distinguished Senator from Nebraska yield? I think we have a unanimous consent agreement.

Mr. KERREY. I am happy to yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. HOLLINGS. Madam President, I ask unanimous consent that the committee amendments to H.R. 2519 be considered and agreed to en bloc, with the exception of the amendment on page 83, lines 12 through 16; the amendment on page 8, line 16; the amendment on page 71, line 21 through page 72, line 18; the amendment on page 72, line 25 through page 73, line 10; provided that no points of order are waived thereon and that the measure, as amended, shall be considered as original text for the purpose of further amendment.

That has been cleared on both sides.

Mr. DOMENICI. Madam President, it has been cleared on this side.

Reserving the right to object, and I will not, I understand, however, that the Senator from Nebraska will not amend any of those 4; that he will amend the bill.

Mr. HOLLINGS. That is right.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, if the distinguished Senator from Nebraska would yield further, let me pick up a couple of points, if the Senator does not mind yielding for a minute.

We are going to have to send the amendment up.

AMENDMENT NO. 697

(Purpose: Expressing the sense of the Senate that disaster relief payments during 1993 be funded by a temporary gasoline tax)

Mr. KERREY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 697.

Mr. KERREY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

SEC. . FUNDING OF DISASTER RELIEF PAYMENTS.

It is the sense of the Senate that disaster relief assistance for disasters occurring during 1993 should be funded through the enactment in the Omnibus Budget Reconciliation Act of 1993 of a temporary Federal tax on gasoline.

Mr. HOLLINGS. Madam President, the distinguished Senator from Nebraska, as I understand it, has an amendment to the effect that we instruct the conferees of the omnibus budget reconciliation bill, that is now in conference, that the emergency funds for the flood victims in the Midwest be taken care of by a gasoline tax, if I remember correctly.

Mr. KERREY. By a temporary gasoline tax.

Mr. HOLLINGS. By a temporary gasoline tax. I did not want to misstate it.

Madam President, I admire the sincerity and dedication with which the Senator from Nebraska, as a former Governor, approaches these budget problems. There is not any question that he is a product of balanced budgets in his home State and has led the way and feels very keenly the disorder that we have here in Washington, just like this Senator from South Carolina, and at every opportunity he has turned to try to bring us to a sobriety and awareness of where we are headed. Perhaps now we may solve even a bit of the problem; in this particular instance, the emergency funds necessary for those flood victims.

I happen to disagree on this particular score, having been through the emergency just 4 years ago with Hurricane Hugo. We could not wait at that particular time. We should not be waiting now in light of the overall predicament in which we find ourselves; namely, under the present budget for this fiscal year the deficit would amount to some $341 billion. There has been a reestimate, they say on that, for some $25 billion less. So we have picked up $25 billion and we want to debate, and debate it will be, with respect to this particular direction to the conferees in the omnibus reconciliation conference, because I know, with respect to the gasoline tax, no one is objecting to a tax.

I have been running around here, trying to do more, as the distinguished Senator from Nebraska wants, on a broad-based consumption tax. But I emphasize, a broad-based consumption tax that falls on everybody. Knowing that from Federal highway trust fund we gain, from Federal taxes right now, about $19 billion, we spend $12 billion on highways and bridges but we cart off some $7 billion or more each year for the deficit. Working with the destroyed highways and fallen bridges and everything else of this kind, here I am not spending the money the traveling public has already contributed by way of their own tax payments into that particular fund, and here now we are going to use that particular fund, a gasoline tax, for a special assigned mission with respect to disasters. I think, yes, you are going to have to pay for the disasters. But I think we are all going to have to pay. That would be one of my objections.

But I do not think this is the appropriate legislation on which to address this matter—on State, Justice, Commerce, an appropriations bill—even if we could get it passed this week, the best we can do, perhaps, is reconcile the difference in the conference itself, after Labor Day: The reconciliation conference is bound to come out one way or the other before that time.

So on those two scores I would be prepared to move to table the amendment of the distinguished Senator, regretfully. Because, as I say, I admire his sincerity of purpose here. He has been very conscientious and very disturbed about bringing deficit spending under control. You can tell by his comments and the way he goes at these problems. I like it. I wish we could get him and others to get wrought up over this deficit tax for which we raise $1 billion a day.

We constantly talk about the largest tax increase, some $243 billion, in the reconciliation conference right at this moment. That is the way it stands, at $243 billion over 5 years—totally ignoring, of course, the $310 billion deficit tax increase by way of interest payments that is occurring right under our feet here.

So, with that I feel the same way, we cannot give instructions on this bill to the reconciliation conference. Anyway, I think it would have an adverse purpose if it worked. Using that logic, every Senator ought to come down and tell us how he thinks that amendment such and such ought to come out in the reconciliation conference and put his amendment on this bill and then we would really have a Christmas tree of amendments around here.

So either way it is a lose-lose situation.

But let me yield to my distinguished colleague to hear further on this amendment.

Mr. KERREY. I thank the Senator from South Carolina. I do not refute the difficulty in putting this on this particular bill. I must say I am troubled by it. But I am much more deeply troubled, Madam President, by the willingness to go along, the willingness to say this is something we have always done, we have always done it this way.

I have had lots of people with whom I have discussed this say, "You do not understand." They say, "We always do the disaster programs this way." That is the problem.

I acknowledge, in fact, the leadership of the Senator from South Carolina on a broad-based consumption tax. I support that idea deeply. I know the distinguished Senator from New Mexico has participated in an effort to get this body to consider a tax that is actually relatively similar, at least the foundation principle is that we ought not to be out there trying to figure out which income stream to tax. We ought to tax according to the disposition of that income. We ought to focus on the need for people to save and people to make productive investments in order to increase employment. I am prepared to go in that direction as well.

I was just looking, in this particular instance, for a way for us to pay given the current tax structure. I suspect there are going to be an awful lot of people in Nebraska who will say that they are against a tax increase on gasoline. I understand that. But my question right back would be how do you want to pay for it? How do you want to pay for this disaster program you are asking me to vote for? That is the problem.

I have lots of people coming to me saying, "Why do you not vote for national service? We want that program. Why do you not give me a little more money for Medicare. Give me just a little more money for Medicaid," they will say. "Senator, I have a couple of more bridges I would like to build. There are a couple of other things I would like to do."

It is time to look our citizens dead in the eye and say, "I love what you want to do but how are you going to pay for it? How are you going to pay the bills?" I think it is a good test for the American people right now, to allow the compassion they feel to be checked—checked with the requirement to pay for whatever it is they describe they want.

I believe strongly we must change the way we are doing things, change the attitude that we have toward expenditures, and that attitude has to carry over when we come face to face with somebody who needs help, regardless of what the origin of the help is. I fear, unless we begin to change in that fundamental way, change our attitude—we do not need to necessarily pass this constitutional amendment or that constitutional amendment. There have been all kinds of people coming down here to say what we need is a constitutional amendment to balance the budget, Democrats and Republicans, rejoicing at the idea that if we amend the sacred Constitution of the United States of America that will get the job done. All we need to do is amend the Constitution. Give the President of the United States a line-item veto. That will solve it. That will fix it. Once and for all, that is all we need to do.

That is not going to fix it at all unless we change our attitude, our personal, individual attitude, mustering the courage when people ask us for spending to say we are going to pay for it. Unless that attitude changes, it is going to be business as usual. It is going to be the same old stuff.

Not only do we suffer economically, not only do we suffer as a consequence of adding more and more debt, but the citizens lose confidence. The worst consequence of deficit financing, in my judgment, is the people lose confidence in our capacity to govern ourselves. Our ability to be able to make responsible decisions is eroded as a result of not being able to do anything about this fundamental problem that terrifies most Americans.

Madam President, I must say when it comes time to allow the distinguished Senator from South Carolina, which I am about ready to do, to move to table, it would not surprise me if there is only one vote in opposition. It would not surprise me to hear all kinds of reasons. "Basically I am for doing this in a responsible way," it will be said, "but you see I would rather do an offset." Or, "I would rather select a different taxing mechanism." Or, "We will do that next year." Or, "Maybe sometime out there in the future we will start doing it differently."

I think the time has come right now. This is about change. We talk about it every single day: Change, change, change. Madam President, it has come time for us to change our behavior, our actions, and say to the American people, "If you want, with compassionate hearts, to respond to a disaster, then we must pay for it."

I appreciate the time the distinguished Senator from South Carolina has allowed me. I am prepared now to yield.

Mr. HOLLINGS. Does the distinguished Senator want the yeas and nays or can we voice vote this? There will be a motion to table. We can record your one vote.

Mr. KERREY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Madam President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Madam President, I ask unanimous consent to speak 30 seconds on this before we vote?

The PRESIDING OFFICER. Without objection, the Senator may proceed for 30 seconds.

Mr. DOMENICI. Madam President, let me say to my friend from Nebraska, frankly, I hope that in the not-too-distant future we can join together in an effort to make some real changes. I am not sure that I can do this in the midst of a conference. I do not know that I would want to disturb that conference. Even though I do not want it to succeed, I would not want to throw another burden on it and be accused of making it more difficult for the President to get his package.

Let me suggest that we need to change the income tax law—the Senator from Nebraska is aware of that—so we get productivity from savings and investment. We need to address the entitlement programs in this country, and the Senator has shown an enormous willingness to do those kinds of things.

We are not finished, whether this package of the President passes or does not. There is still a fiscal problem; there is still a deficit problem. And I look forward, in all sincerity, in working with the Senator from Nebraska in the ensuing months and years to see if we cannot fix this once and for all.

I thank the Chair.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to table the amendment of the Senator from Nebraska. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], is necessarily absent.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 7, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—92

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—7

Campbell
Chafee
DeConcini
Durenberger
Kerrey
Murkowski
Robb

NOT VOTING—1

Bradley

So the motion to lay on the table the amendment (No. 697) was agreed to.

Mr. HOLLINGS. Mr. President, if we can get the attention of the colleagues—the distinguished leader, the Senator from Kentucky—it is my understanding now, the amendment that will come from this side, by the distinguished Senator from New York, relative to terrorism and the death penalty will be laid down. We would be prepared to debate it as long as the distinguished Senator from New York desires this evening.

The majority leader will be here shortly to confirm the arrangement whereby after we complete the debate we will probably put it for a vote tomorrow sometime.

So I yield to the distinguished Senator from New York.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Chair recognizes the Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, may I ask what the pending business is?

The PRESIDING OFFICER. The committee amendment is the pending amendment.

AMENDMENT NO. 698

(Purpose: To apply the constitutional drug kingpin death penalty procedures for terrorist activities and bombing offenses under section 844 of title 18, United States Code, that result in the death of a person.)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. STEVENS, Mr. DOMENICI, and Mr. LIEBERMAN, proposes an amendment numbered 698 to committee amendment on page 8, line 16.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of pending amendment, add the following:

. CONSTITUTIONAL DEATH PENALTY PROCEDURES FOR CAUSING DEATH BY TERRORIST ACTIVITY OR BOMBING.

(a) DEATH PENALTY PROCEDURES.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Definitions.
"3592. Sentence of death.

"§ 3591. Definitions

"In this chapter—

"'capital offense' means an offense that constitutes—

"(A) a violation of subsection (d), (f), or (i) of section 844; or

"(B) a terrorist activity.

"'terrorist activity' means—

"(A) the highjacking or sabotaging of an aircraft, vessel, vehicle, or other conveyance;

"(B) the seizing or detaining of a person and threatening to kill, injure, or continue to detain the person of the purpose of compelling another person (including a government organization) to perform or refrain from performing any act as an explicit or implicit condition for the release of the seized or detained person;

"(C) a violent attack on an internationally protected person (as defined in section 1116(b)(4)) or in the liberty of such a person;

"(D) an assassination; and

"(E) the use of a biological agent, chemical agent, or nuclear weapon or device with intent to endanger, directly or indirectly, the safety of a person or to cause substantial damage to property.

"§ 3592. Sentence of death

"(a) IN GENERAL.—A sentence of death for a capital offense may be imposed only if—

"(1) the defendant caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury; and

"(2) the sentence is imposed in accordance with the procedures set forth in section 408 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r) of the Controlled Substances Act (21 U.S.C. 848 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r)), except that for the purposes of a violation of that law, the references to "this section" in section 408(g) and (h)(1) and "subsection (e)" in section 408(i)(1), (j), (k) (each place it appears), and (p) of the Controlled Substances Act shall be deemed to be references to that subsection.

"(b) EXCLUSIVITY.—No rule of law, including a rule contained in a law under which an offense is committed, may be applied in determining whether a penalty of death shall be imposed in a particular case, other than the procedures described in subsection (a). Those procedures supersede all other provisions of law that pertain to whether a penalty of death shall be imposed in any particular case (not including the authorization of the penalty itself).".

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act notwithstanding any other provision of this Act.

Mr. D'AMATO. Mr. President, last year Senator STEVENS and I proposed legislation dealing with terrorist activities. Our legislation was intended to deal with a situation that should have been remedied and must be remedied, and the sooner the better; that is, although we have provided for that, although we have in the statutes on the books a death penalty for bombing, that death penalty is inapplicable. It has been found to be unconstitutional. I will tell you why.

It is because, unlike the legislation, which we passed, which provided for the death penalty for the drug kingpins who ordered the assassination—I know that my colleagues remember what gave us the impetus to do that. It was a young police officer, Officer Byrne in New York City, who was so brutally murdered, was assassinated as he sat behind the wheel of his automobile providing protection for a drug witness. Then we learned that he had been ordered, by a punk who was in prison, to be assassinated. They put out a contract on him. They came up, put a gun into his window, and he never had a chance. It could have been any officer, anyone on duty. And he was viciously, brutally slain.

We proposed at that point in time that enough was enough, and that we certainly had a duty and an obligation to see to it that those who had ordered the execution of someone else, the drug kingpin, whether it be a police officer or anyone else, any other citizen, that they would pay with their life.

In so doing, we designed the legislation so that we provided for those contingencies which the courts have said safeguards against the taking of a life without due regard to the Constitution —we provided constitutional guarantees and mitigation, where there are mitigating circumstances as it related to the death.

That was not the case in the legislation that covers bombing.

So, Mr. President, if there are convictions of those who have been accused of the malicious terrorist bombing of the World Trade Center that took 6 people's lives, that injured 1,000, that cost in economic terms almost half a billion dollars that held the Nation hostage and gripped it with fear, notwithstanding a conviction, the prosecutors in that case could not seek the death penalty because the Supreme Court has found, as it relates to bombing in the case, that there are not the provisions for mitigating circumstances.

Mr. President, what we are doing today with this legislation is seeing to it that we have provided a death penalty for terrorists and terrorist activities that result in death, whether it be by bombing, or by assassination. And I believe that the people of this Nation want to know that those who would be willing to hold our Nation hostage, those who would be willing to assassinate a head of state or a Federal official, will pay with their lives.

I believe that the events of the past 6 months provide us with a clear understanding of the dangers of terrorism. And this is just beginning.

Terrorism is a new form of warfare. We find state-sponsored terrorism has arrived on our shores. I must say to you that it was very gratifying when the President of the United States called this Senator. At first, I did not believe it was the President, because I have had some friends spoof me before. After the death threats had been made public against the Secretary General of the United Nations, President Mubarak of Egypt, and this Senator, as well as a New York State Legislator by the name of Dov Hikimd, I had a number of people who called and mimicked that they were not favorably disposed toward me and I better watch myself. Most were friends who were good-naturedly spoofing me.

So when, Friday, the 25th of June, my staff told me that the President was calling so, naturally I figured it was one of my friends who was continuing this spoof. So I answered the phone rather tentatively and said, "Yes." They said, "Hold on for a minute, Senator; it is the President." I figured again it would be Larry Elovich, a local lawyer and friend of mine back in Long Island, who has been known to pull these pranks on me. He said, "Al," with this southern drawl. I said, "Yes, Mr. President." He said, "I saw you poking that big pencil into me and the 'Taxasaurus.'" Then I knew it was the President. I said, "No, Mr. President, it was not you. It was my colleagues in the Congress."

He then went on to say—and I have to tell you some people might say it is good politics, but I say at least the

President took the time out—and I am deeply appreciative of that—to say he was concerned for my safety and the fact that I had to endure this kind of situation, a threat, a terrorist threat placed against me, or the possibility of an attempted assassination. It was more than politics. I think it was just wonderful that he took that time out to speak to me.

He went on to say that he intended to deal with terrorists in a very forceful manner, and those who sponsored terrorism. I could have predicted to you—as a matter of fact, I was interviewed later that evening for a program not shown until Sunday—that he was going to take tough action against Iraq. He did not tell me he was going to order the missile strike against Iraq. But I salute him for undertaking that act.

Maybe some will say, well, he did not go far enough, or he went too far. Let me tell you, we should not be second-guessing our President when it comes to these kinds of things.

Just as Ronald Reagan ordered an attack against Libya, because of terrorist attacks that were made against our young men serving in Germany, once it was determined that the Libyans were connected with the bombing of the LaBelle Night Club and a number of them were killed; he ordered a bombing attack at Mu'ammar Qadhafi's headquarters. We supported that action.

President Reagan was right, and I tell you that President Clinton was right in saying to these nations that you cannot plan an assassination of our former President, or any of our officials, or take the lives of our citizens and think that this Nation will not respond. He was right.

Mr. President, we better understand that the magnificent work of the FBI and the intelligence units of New York City in arresting almost a dozen—and I believe there may still be a warrant out for one or two of these characters—does not mean that this network is smashed, or that there are not many others, and that that is the end of state-spohsored terrorism or terrorist attacks that are undertaken by different fanatical groups.

We have to understand that this is a new kind of warfare and, indeed, the Iranians are deeply involved in this kind of activity, an activity where they will single out targets and people, an activity in which they have paid tens and tens of millions of dollars to various groups; and that our people must be prepared to undertake whatever is necessary to let these terrorists—whether it is state-sponsored terrorists or others—know that we will not bend to their will. We will not allow them to hold America hostage. We will not be intimidated and, indeed, we are going to fight it at every front here at home, by using the best counterintelligence tactics known, because we have the best domestic intelligence agency, and one that is mindful of people's rights and still does the job, and that is the Federal Bureau of Investigation.

They did an outstanding job in this situation. And we are going to see to it that on the international scene we send the right message to terrorist nations that they will be dealt with accordingly.

I am sure, Mr. President, as I had predicted back in 1991, that the assassination of Rabbi Meir Kahane, was not a case where one man had undertaken this action alone. Indeed, we are finding more and more compelling facts that are coming to the surface that indicate very clearly that there was a network. Since that time—and I regret very deeply that those who should have been investigating all of the circumstances around that killing did not. I am talking about here on the Federal level—were not looking to see just how far this conspiracy that deprived someone of their civil rights and life had gone, and that we did not go further in determining just how extensive this network was.

Now we have a situation where, indeed, many of the very people who were outside the courtroom protesting the prosecution of Sayyid Nosair, who while he was not convicted of killing Kahane, was convicted of weapons possessions and other crimes, and was sent to prison for 6 to 21 years. Indeed, we find that his cousin, is alleged to be one of the main culprits in the bomb plot and has been charged with planning to undertake a whole series of terrorist attacks that went beyond the World Trade Center.

We are talking about the bombing of the U.N. headquarters, bombing of the FBI Building, and the bombing of various highway tunnels in New York that people are dependent upon, and the mass destruction that could have been caused. As a result of this intelligence work undertaken by the FBI, they were precluded from undertaking these attacks, or the assassinations that they had contemplated.

Make no mistake that these bombings have been going on. I am not suggesting that all these bombings throughout the Nation have been bombings which are inspired by foreign governments. But I will tell you that there is no doubt in this Senator's mind that the Iranians are behind this new kind of warfare, and that the United States and our interests are being regularly targeted. Some of the groups that conduct terrorism are not even aware of where the funds are coming from; that there are funds coming to support their activities from the Iranians.

Let us look at the record. In 1991, according to the FBI, there were over 2,400 bombings. That is incredible. I wonder how many of us were aware that this is what is taking place. We are a Nation that is under assault by the use of these kinds of tactics—bombings. In 1991, there were 230 injuries and 289 people were killed. Property damage went into the millions. Of course, when we speak about the World Trade Center bombing, we have a different situation where in one incident we had the killing of 6 people, the wounding of 1,000, and over $500 million in losses to businesses and property damages.

Let me share with you what the numbers are as it relates to the latest report. From 1990 to 1991, according to the FBI, we had an increase in bombings of some 58 percent. But let me go over possibly I think in more graphic terms starting in the year 1982.

In 1982 we had a total number of 795 bombings. In 1983, we had 687. In 1984, we had 804. In 1985 we had 847. Let us go to 1988. We had 977. So from 1982 to 1988, we had maybe an increase of 100-plus bombings.

But take a look at 1989. We go from 977 up to 1,208. And the next year we go to 1,582; the next year, 1991, we go to 2,499. So over a period of 3 years we have an increase of well over 200 percent.

Mr. President, let us understand that this is not by coincidence. Let us understand that there are people who are unstable who are utilized in these terrorist attacks. Do not believe because you find a nest of people you might consider to be radical they may not be directly financed by a foreign government in terms of undertaking these kinds of attacks. As a matter of fact, that makes it much more difficult to ascertain who the prime mover—who the originator is in these kinds of attacks.

Indeed, when there was some who suggested, including this Senator, that the KGB was behind the attempted assassination of the Pope some 10 years ago, there were some who ridiculed that. Even our own intelligence agencies were putting out stories how was it that this fellow Mehmet Ali Agca, a half-crazed Turk, that he would be used in connection with this kind of such a visible figure, such a worldwide figure as the Pope. It made perfect sense because even if you were to capture this individual, what would his credibility be as it related to how he was financed, where he traveled, where he got his resources, where he got his training, if he was a person who was rather unstable.

So let us understand that in the arsenal of this new phenomena, rather than new, in terms of terrorist attacks by way of assassination or by the way of bombing, which is a way in which we see more and more of these activities carried out, that you will not always find the character that you see in the movie who moves with great stealth, who is an expert at munitions, who is an expert in martial arts, who is an expert in disguise, but indeed you will find in some cases some rather pathetic looking characters who have been utilized because they are never privy to the prime source and who the mover is and where the funds came from. When the authorities attempt to trace back who gave them their instructions, at some point in time it looks rather ridiculous and their stories lack credibility.

That was the case in the attempted assassination of the Pope. And I think more and more and, hopefully, we will get some help someday from the Bulgarians that will, I believe, substantiate those who have contended that the KGB by utilizing the Bulgarians and this pathetic, half-deranged Turk was behind that assassination.

Similarly, this Senator is suggesting to you that state-sponsored terrorism is real, that it is alive, and that while we have the ability to strike targets abroad, and the President in ordering the strike against the Iraqis for their attempted and foiled plot to assassinate former President Bush, while he was correct in doing that, we have a gaping hole in our domestic battle as it relates to dealing with those who are convicted of terrorist attacks; that is, we do not have the ability to impose the death penalty.

That is what this legislation will empower us to do. I think it is right, and I think it is just, and I think the American people demand this is something that should be undertaken.

Let me conclude by saying that I understand that there are some who may have doubts in terms of the effectiveness of this legislation—whether it will deter those who are indeed committed to carry out this kind of activity, who are willing to sacrifice their life in their blind adherence to their beliefs.

I think when innocent people are slain, just as in the case of Officer Byrne, just as in the case of those who died for no reason other than they found themselves in the World Trade Center when the bomb went off, the death penalty is appropriate for these kinds of cases where there are no mitigating circumstances, where you can show very clearly to the jury that this was done with total disregard for the lives of others, for innocent people.

I believe the American people want this legislation. I believe that in terms of us enacting parts of it heretofore which provided the death penalty in certain bombing cases that what we are doing is rectifying the omission of not providing those constitutional guarantees that the Supreme Court said must be contained in any such legislation.

That is the purpose in this Senator introducing it, and I would hope that we would pass it speedily along with this bill, and that we would hold out very strongly to see to it that our colleagues in the House also adopt this legislation.

Mr. President, I see the distinguished chairman of the committee rising.

Mr. HOLLINGS. I ask the distinguished colleague if he will yield for a question.

Mr. D'AMATO. Certainly.

Mr. HOLLINGS. Am I to understand that this particular amendment of his would compel the death penalty for those involved in terrorist activities that resulted in death; is that correct?

Mr. D'AMATO. It would make it possible for that to be sought, for the penalty to be sought.

Mr. HOLLINGS. Make it possible for it to be sought?

Mr. D'AMATO. Yes.

Mr. HOLLINGS. But not mandatory.

Mr. D'AMATO. Not mandatory, not at all.

Mr. HOLLINGS. As a matter of interest, the terrorism we recently witnessed up there in New York, since the terrorist definition, as I understand it, refers only to aliens——

Mr. D'AMATO. Pardon me?

Mr. HOLLINGS. Refers only to aliens.

Mr. D'AMATO. No.

Mr. HOLLINGS. American citizens alike?

Mr. D'AMATO. The source of this provision explaining the terrorist activity is the Immigration and Nationality Act. We refer to them.

Mr. HOLLINGS. One thing I was trying to understand and I was given, I think by your staff, a copy of the source of the definition of "terrorist activity" in your amendment. I am looking at section 212 of the Immigration and Nationality Act of 1990, "Terrorist Activities." In general, "any alien who has engaged in terrorist activities, or consular officer or attorney general knows or has reasonable ground to believe is likely to engage"—any alien, who is hijacking, seizing, obtaining, violent acts, assassination, the use of firearm, biological agent.

I am just wondering. Of the majority of those involved in the New York bombing that we know about now, that have been apprehended, are they aliens or citizens?

Mr. D'AMATO. No. This would cover people whether they were citizens or aliens and is not described as such in the definition of terrorist acts. The death penalty might be applied to people whether they are citizens because indeed even in this pending case, the matter in New York, I believe there may have been several citizens, although the death penalty is not applicable to them. Under this provision, it will be applicable to aliens, to citizens, to illegal aliens and legal aliens.

So it would cover the whole scope. We use terrorist as defined in our definition of terrorist activity. We describe the activity but not the individual. So it would apply to any individual, whether it is a citizen of the United States or an alien.

Mr. HOLLINGS. Very good.

If the Senator will yield, I will comment that this particular Senator, not as the manager, but as an individual Senator, is in sympathy with the amendment of the distinguished Senator from New York, and appreciates the initiative he gives to this serious problem at this particular time.

So I want to put the Senate on notice that those who really are opposed to the death penalty, period, they should be heard from or come to the floor and be heard on this score.

I can well foresee developing in our civilization where we will not need the death penalty someday. But, having had to operate, for example, the penitentiary, and knowing the inmates, and talking behind that wall and dealing with them over the years and everything else, if you did not have that death penalty, in many instances they would eat each other within the prison system itself.

There has to be that ultimate penalty. It is unfortunate we have not advanced to the understanding of society that many of our colleagues have that oppose the death penalty.

I do not go along with those that say it is not a deterrent. That is like telling this particular Senator that deregulation is working.

I had to buy a ticket last week for my wife to fly from Washington to Charleston and back. A round-trip ticket was $698, coach class—$698.

I saw where a ticket could be had to fly from Washington to Frankfurt, Germany, and back for $279.

But they are constantly coming up with these reports that deregulation is working. They have a wonderful commission, I say to the Senator, right now studying it. But I can give the result of the study in one word—deregulation. That is what has happened.

We had public convenience and necessity. Little cities and towns built the airports out in the counties. They went to the airlines. They came up to the CAB and made a presentation on the basis of convenience and necessity.

Now we have gone haywire, whereby, on the one hand, you have the study of trying to keep them competitive—namely, to keep them in business; it has nothing to do with the traveling public's convenience and necessity. Then on the other hand, we have the regulated taking over the deregulated—KLM taking over Northwest; British Air taking over USAir. And they will get the favorable routes, all in this great compulsion: "Got to get rid of the Government. The Government is the problem. The Government is not the solution."

So deregulate, deregulate. And we have come full circle. So the deregulators have taken them over.

And in a similar fashion—I do not mind aligning myself in the direction the Senator from New York is now moving—we will continue to have even a greater increase in the terrorist activity which we are now experiencing if we don't do otherwise. So I sympathize and support and would vote for the amendment of the distinguished Senator from New York.

Those who are opposed or want to debate it further, please come to the floor.

I thank the Senator.

Mr. D'AMATO. I thank the distinguished chairman and manager of this bill.

I think that I should not go further, because the Senator has said it well.

Indeed, without the death penalty, in circumstances that we now have, I think we would see far more in the way of killings.

Indeed, I think it sends a signal, though, that we are determined to take this on; that we have the national will and the national resolve, and that if you are going to undertake these kinds of activities, you will pay with your life. And, further, some of these acts are just so desperate, they are so depraved that the appropriate punishment for that kind of conduct is forfeiture of one's life.

I might say, Mr. President, that I hope we can have a debate for an hour tomorrow morning, if need be, on this before a vote occurs.

I would ask for the yeas and nays, if that would be appropriate.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HOLLINGS. I ask the Senator to withhold on that. I do not intend to object. We have to check it on our side. If he could give us a little time, maybe we would have to suggest the absence of a quorum to be able to check it on this side.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. D'AMATO. Mr. President, let me also say that I find myself in an unusual position, but you have to call them the way you see them.

Today I have been very critical of some of the President's economic policy, as it relates to spending and taxing. But as it relates to this battle against international terrorism, the President today advanced legislation that I think is part of this process. I hope that we will enact it as speedily as possible.

I am talking about that area of the law that also, again, has just a gaping hole as it relates to the failure to give to our Immigration and Naturalization Service sufficient help in the way of manpower, resources, and authority to close down smuggling rings that are operating just with an openness in front of all the officials, and the officials' hands are tied.

We see people who are coming from London, who get on an airplane, who come from a Third World nation, let us say Iran, or wherever, and get onto the plane in London, land in Kennedy, get off the plane, and they now have no documentation. Mysteriously, they lost it. Their passport is destroyed.

They say two words: "political asylum." Those two words guarantee them and give them a passport, literally, into this country, many of them not to be seen again.

The President today introduced legislation that will protect and keep this Nation—as it says on the Statue of Liberty, we welcome those huddled masses. We want to welcome the huddled masses, those who are in need of protection, but certainly not those who are drug dealers, those who employ people for drug smuggling, those who are involved in terrorist activities, and others who are entrapped in this.

I think the President made a significant contribution in advancing legislation that closes some of these loopholes. So I want to, at this point in time, when we are talking about trying to galvanize the Nation's resources, commend him for moving forward in this manner.

Mr. DECONCINI. Mr. President, Public Law 102–361 authorized the appointment of 35 new bankruptcy judges, including 2 for the Federal District of Arizona. These judgeships are needed to deal with the tremendous growth in bankruptcy filings which have occurred over the past 12 years. Factors such as major setbacks in real estate and construction and the general state of the economy led to a tripling of bankruptcy filings from 1980 to 1992. In 1992 alone, there were nearly 1 million bankruptcy filings representing over $100 billion in debt. While hearings on the legislation underscored the overwhelming need for the new judges, the funding has never been appropriated.

Without the relief of these additional judgeships, our bankruptcy court system will remain overloaded. As a consequence of the backlog, both debtors and creditors continue to suffer needlessly. The bankruptcy committee of the Judicial Conference states that the threshold for the creation of an additional judgeship is 1,500 weighted case hours per judge. All of the requests for permanent judgeships exceed that case load by at least 160 hours per judge, some by as much as 1,850 hours.

The District of Arizona set another record for bankruptcy filings in 1992—19,883 cases. Although bankruptcy filings in Arizona and the rest of the Nation dropped during the first quarter of 1993, these new judgeships remain fully justified based on current caseload. Furthermore, Arizona has a large number of complex chapter 11 filings which require significantly more resources than other types of cases.

Although there is no specific appropriation for these judges included in the bill before us today, I want to make it clear that I believe the courts should make funding of these judgeships a priority. I urge my colleagues in conference to support an appropriation which provides sufficient funds to the courts for these judges.

Funding new bankruptcy judges is critical to get cases involving bankrupt individuals and businesses resolved in a reasonable amount of time. The return of businesses and individuals to productive livelihoods ultimately benefits our country as a whole.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I am informed on this side that those who were not able tonight to clear the unanimous-consent agreement will be present and ready to debate—I do not believe from what I have been told that there is any intention to delay; they just do not want to agree this evening—will be present and ready to debate with the distinguished Senator from New York as soon as we come back to this bill in the morning.

Mr. D'AMATO. That is wonderful.

Mr. HOLLINGS. I am sure you and the others who now have that concern will be able to get together on a unanimous-consent agreement.

Mr. D'AMATO. Fine.

Mr. President, I thank the manager of the bill and look forward to proceeding tomorrow morning, or whatever time we take up the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination:

Calendar 287. Robert R. Nordhaus, to be general counsel of the Department of Energy;

I further ask unanimous consent that the Senate proceed to immediate consideration of the nomination, that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF ENERGY

Robert Riggs Nordhaus, of the District of Columbia, to be general counsel of the Department of Energy.

LEGISLATIVE SESSION

Mr. HOLLINGS. Mr. President, I ask unanimous consent the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF REFERRAL—S. 524

Mr. HOLLINGS. Mr. President, on behalf of the majority leader I ask unanimous consent the Energy Committee be discharged from further consideration of S. 524, a bill to designate Pittsburgh Aviary as the National Aviary of Pittsburgh, and that the measure then be referred to the appropriate committee of jurisdiction, Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

REHABILITATION ACT AMENDMENTS OF 1993

Mr. HOLLINGS. Mr. President, on behalf of the majority leader I ask unanimous consent the Senate proceed to the immediate consideration of S. 1295, the Rehabilitation Act Amendments introduced earlier today by Senators HARKIN, DURENBERGER, and DOLE; that the bill be read a third time, passed, the motion to reconsider be laid upon the table, any statements thereon appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1295) to amend the Rehabilitation Act of 1973 and the Education of the Deaf Act of 1986 to make technical and conforming amendments to the act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I rise today on behalf of myself and Senators DURENBERGER and DOLE to introduce the Rehabilitation Act Amendments of 1993. I urge its immediate consideration and passage.

During the 102d Congress, we passed Public Law 102-569, the Rehabilitation Act Amendments of 1992 and Public Law 102-421, the Education of the Deaf Act Amendments of 1992. The purpose of this bill is to make technical and conforming amendments to the Rehabilitation Act of 1973, as amended by Public Law 102-569 and the Education of the Deaf Act of 1986, as amended by Public Law 102-421.

This legislation has been reviewed by the members of the Committee on Labor and Human Resources from both sides of the aisle, the minority leader, who has been very active and supportive of legislation enhancing opportunities for individuals with disabilities, members of the House Education and Labor Committee from both sides of the aisle, the administration, and the disability community. This will enjoys the support of all parties.

I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

TITLE I—REHABILITATION ACT OF 1973

Title I of the bill includes technical amendments to the Rehabilitation Act Amendments of 1992 and the Rehabilitation Act of 1973.

Section 101. References

Section 101 of the bill provides that except as otherwise provided, references in the bill are considered made to a section or provision of the Rehabilitation Act of 1973.

Section 102. Rehabilitation Act Amendments of 1992

Section 102 of the bill includes technical and conforming amendments to the Rehabilitation Act Amendments of 1992, including a clarification that each State agency must comply with the amendments made to title I of the Act by the Rehabilitation Act Amendments of 1992 as soon as practicable, consistent with the effective and efficient administration of the Act, but not later than October 1, 1993.

Section 103. Definitions

Section 103 of the bill includes technical amendments to section 7 of the Act pertaining to definitions. These amendments clarify that the definition of "individual with a disability," as applied to titles II and VII, does not require an employment outcome. These amendments also make the definitions of "disability" in section 7(26) of the Act that are applicable to title III, VII, and VIII consistent with the definitions of "individual with a disability" in section 7(8) of the Act.

In addition, these amendments clarify that supported employment means work for individuals who require both intensive supported employment services provided by the designated State unit prior to transition to the extended services provider and also extended services provided by an extended service provider subsequent to the transition.

Section 104. Carryover

Section 104 of the bill clarifies that the carryover provision set forth in section 19 of the Act only applies to the Older Blind and PAIR programs when they become formula grant programs, and adds a provision making the carryover provision applicable to all program income received by recipients under the formula grant programs authorized under the Act, including reimbursement payments under the Social Security.

Section 105. Client assistance information

Section 105 of the bill amends section 20 of the Act pertaining to client assistance information by clarifying who is to receive client assistant information, i.e. applicants for services as well as recipients of services.

Section 106. Traditionally underserved populations

Section 106 of the bill makes editorial changes to section 21 of the Act pertaining to traditionally underserved populations.

Section 107. Vocational rehabilitation services

Section 107(a) of the bill makes technical amendments to section 101 of the Act pertaining to the State plan. These amendments change an incorrect subparagraph reference; clarify that States that have independent commissions, as well as States that establish Rehabilitation Advisory Councils, must describe in their State plans how their policies and procedures will be modified on the basis of consumer satisfaction surveys conducted by the State independent commission or the advisory council, as appropriate; and clarify that the allotment set-aside for section 123 purposes is to come from the allotment for the State vocational rehabilitation Services Grant program only and does not include the Client Assistance Program allotment;

In addition, section 107(a) of the bill clarifies that the independent commission is intended to be a designated State agency that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities; and clarifies that if a State has two agencies, one that administers the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind and designates a separate State agency to administer the remainder of the State plan and one of the agencies has an independent commission that is consumer-controlled, the State rehabilitation advisory council need only be established with respect to the agency that is not consumer-controlled.

Further, section 107(a) of the bill corrects and clarifies cross-references in section 101(a)(36)(C)(ii) (I) and (II) of the Act that are reversed with respect to the State agencies identified in subparagraph (C) and makes the requirements in section 101(a)(36)(C) of the Act consistent with those in section 101(a)(36)(B) of the Act; and changes an incorrect section reference.

Section 107(b) of the bill makes technical amendments to section 102 of the Act pertaining to the individualized written rehabilitation plan.

Section 107(c) of the bill includes conforming amendments to section 103 of the Act pertaining to the scope of vocational rehabilitation services by making generic references to "qualified personnel under State licensure laws."

Section 107(d) of the bill conforms provisions pertaining to advisory councils to Commissions for the Blind to the provisions applicable to advisory councils to general agencies under section 105 of the Act. These amendments also specify 10 rather than 13 as the minimum size of a council advising a Commission for the Blind under certain circumstances and allow until October 1, 1994 to make changes when the composition of the Council is specified in State legislation.

These amendments also change an incorrect section reference; clarify that while appointments may be made to a State Rehabilitation Advisory Council by an entity other than the Governor, that entity must have broad appointment authority under State law and not merely limited to appointment authority over personnel within its own agency. For example, the State vocational rehabilitation agency would not qualify as an appointing agency;

In addition, these amendments clarify that funds used to reimburse members of the

State Rehabilitation Advisory Council for expenses are not to come out of CAP or American Indian grant funds.

Section 107(e) of the bill correct inconsistencies in the reallotment provisions in section 110 of the Act and the carryover provision in section 19, and clarifies that reallotted funds may be carried over for obligation by the end of the subsequent fiscal year—just like a State's original allotment—provided matching is met.

Section 107(f) of the bill corrects the margins in section 111(b) of the Act pertaining to payments to States.

Section 107(g) of the bill makes a conforming change in section 112 of the Act pertaining to client assistance programs by striking "facilities" and inserting "community rehabilitation programs." In addition, the section makes technical and conforming clarifications to the formula for the client assistance program.

Section 107(h) of the bill makes technical and conforming clarifications to the formula for innovation and expansion grants.

Section 108. Client information

Section 108 of the bill makes two freestanding requirements in section 137 of the Rehabilitation Act Amendments of 1992 ("Review of Data Collection and Reporting System" and "Exchange of Data") more easily accessible by incorporating them within the Rehabilitation Act itself (new part E of title I).

Section 109. Research and training

Section 109 of the bill includes clarifying editorial and grammatical changes to section 202 of the Act.

Section 110. Training and demonstration projects

Section 110(a) of the bill clarifies that under section 302 of the Act pertaining to training and demonstrations, recruitment is not limited to persons already employed; clarifies that there is an employment goal that is the basis of the recruitment and training program; and provides an authorization of appropriations for the training authority in Title III of the Act. The authorization of appropriations for this authority was inadvertently left out during the reauthorization of the Act.

Section 110(b) of the bill corrects subsection references in section 310 of the Act pertaining to authorization of appropriations to reflect their redesignation. Section 110(c) of the bill makes a grammatical change and conforming changes to section 311 of the Act pertaining to special demonstration programs. Section 110(d) of the bill makes a conforming change to section 316 of the Act pertaining to special recreational programs.

Section 111. National Council on Disability

Section 111 of the bill increases from seven to eight the maximum number of staff of the Council authorized under section 403(a)(2) of the Act.

Section 112. Rights and advocacy

Section 112(a) of the bill makes a grammatical change to section 501(a) of the Act pertaining to employment of individuals with disabilities. Section 112(b) of the bill clarifies an erroneous reference in section 502 of the Act pertaining to the Access Board.

Section 112(c) of the bill clarifies that the purpose of the PAIR program established under section 509 of the Act is to support a system in each State to protect the legal and human rights of individuals with disabilities who need services that are beyond the scope of services authorized to be provided by the client assistance program.

In addition, this section of the bill clarifies that when the PAIR program is competitive, territories are eligible to compete; clarifies the operation of the formula; clarifies that States that receive continuation funds in FY 1993 are not eligible to apply for new awards in FY 1993; and clarifies that only States that have Protection and Advocacy systems housed in a State agency may take five percent for administrative costs.

Section 113. Availability of services

Section 113 of the bill corrects a cross reference in section 633 of the Act pertaining to the availability of services under the supported employment program.

Section 114. Independent living services and centers for independent living

Section 114(a) of the bill makes it clear that the reference in section 701(3) of the Act (purpose) is to authority for Federal programs other than the Rehabilitation Act.

Section 114(b) of the bill clarifies section 704(c)(2) of the Act that the requirement for the State designated unit to provide administrative services only applies when the Part C program is administered by the State under section 723.

Section 114(c) of the bill makes several clarifying amendments to section 705 of the Act pertaining to the Independent Living Council, including a clarification that the Council shall not be established as an entity within a State agency, and a clarification that the majority rule for the Council is with respect to voting members (i.e., individuals with disabilities not employed by any State agency or center for independent living).

Section 114(d) of the bill amends section 705(c) of the Act pertaining to the responsibilities of the Commissioner by requiring on-site compliance reviews by the Commissioner only when Federal funding exceeds State funding, and when States fail to submit and obtain approval of an application to administer the program. This amendment also clarifies that ED is required to provide on-site compliance reviews of at least one third of the State units that receive funding under section 723, but not duplicate the State on site compliance review requirement in section 723(g) and clarifies that the Secretary is to select designated State units, as well as centers for independent living, for review on a random basis.

Section 114(e) of the bill amends section 711 of the Act pertaining to allotments clarifies that: (1) the percent of funds to be set aside refers to the entire appropriation, not just to a percent of the excess; and (2) while the percentage of funds used for training and technical assistance is to be taken from the appropriation as a whole, the amount of funding available for allocation to centers shall not be less than the amount provided in the prior year appropriation.

Section 114(f) of the bill strikes an unnecessary paragraph from section 712(b) of the Act pertaining to payment to States under the Independent Living Services Program.

Section 114(g) of the bill makes a conforming change to section 713(3) of the Act pertaining to the authorization of uses of funds for centers under the Independent Living Services Program.

Section 114(h) of the bill makes several clarifying changes to section 721 of the Act pertaining to centers for independent living, including a clarification that funds are first to be calculated on the basis of population prior to application of the 1992 maintenance or minimum allotment requirements. As enacted, section 721(c)(B), maintenance of 1992 amounts, would not apply to the territories, two of which had substantial grants in fiscal year 1992. The change corrects this error while ensuring that they receive the minimum allotments intended by Congress.

In addition, this amendment would remove a nonsequitor and clarify that the amount of the training set-aside required by this subsection is to be within the specified percentage range rather than a set percentage. The current language is inconsistent with similar training provisions elsewhere in the Act.

Further, this amendment clarifies that any entity, not just private non-profit agencies, that previously received funding may continue to receive funding if the entity will meet all standards and assurances by a specified date.

This amendment also clarifies that the funding method required for fiscal year 1993 awards will be the same as for fiscal year 1994 awards. This clarification will ensure that the distribution in fiscal year 1993 will not conflict with the 1994 requirements.

Section 114(i) of the bill clarifies that under section 722 of the Act, grantees may not be receiving funds on September 30th because project periods typically begin October 1, 1993. However, all current year awards must be made by September 30th. This amendment also reconciles the requirements of paragraph (1) with those of paragraph (3). Further, this amendment provides a transition period for centers currently providing or managing residential housing to cease providing such housing or make alternative legal arrangements by October 1, 1994.

Section 114(j) of the bill provides flexibility to the Commissioner under section 723 to prevent States from falling out because of different budget cycles or late Federal appropriations; and provides that grantees may not be receiving funds on September 30th because project periods typically begin October 1, 1993. However, all current year awards must be made by September 30th.

Further, this amendment provides a transition period for centers currently providing or managing residential housing to cease providing such housing or make alternative legal arrangements by October 1, 1994.

This amendment also clarifies how many centers per year should be reviewed and limits the State's responsibility to those centers receiving Federal funds.

Section 114(k) of the bill corrects a fiscal year reference in section 724(b)(1)(A) of the Act.

Section 114(l) of the bill makes conforming changes to section 725(b) of the Act pertaining to standards and assurances.

Section 114(m) of the bill corrects a fiscal year reference in section 752 of the Act pertaining to Independent Living Services for Older Individuals Who Are Blind. This amendment also clarifies that grantees receiving continuation awards under Independent Living Services for Older Individuals who are Blind grants, would not be subject to the competition requirement during the period of their grant award. Further, this amendment clarifies that the minimum allotment to States for the Independent Living Services for Older Individuals who are Blind grants is either $250,000 or an amount equal to one-third of one percent of the amount appropriated under section 753 of the Act for the fiscal year and available for allotments under section 752(a) of the Act.

Section 116. Table of contents

Section 116 of the bill makes conforming changes to the table of contents.

TITLE II—EDUCATION OF THE DEAF ACT OF 1986

Title II of the bill makes technical and conforming changes to the Education of the Deaf Act.

TITLE III—OTHER ACTS

Title III of the bill makes technical and conforming changes to other Federal laws.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rehabilitation Act Amendments of 1993".

TITLE I—REHABILITATION ACT OF 1973

SEC. 101. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

SEC. 102. REHABILITATION ACT AMENDMENTS OF 1992.

The Rehabilitation Act Amendments of 1992 (Public Law 102–569; 106 Stat. 4344 et seq.) is amended—

(1) in section 102(a)(2) (relating to a section 7(3)), by adding closing quotations after "101(a)(1)(A).";

(2) in section 102(p)(7)(E) (relating to a section 101(a)(13)(B)), by striking "conditions" and inserting "condition";

(3) in section 138(b) (29 U.S.C. 701 note), to read as follows:

"(b) COMPLIANCE.—Each State agency subject to the provisions of title I of the Rehabilitation Act of 1973 shall comply with the amendments made by this subtitle, as soon as is practicable after the date of enactment of this Act, consistent with the effective and efficient administration of the Rehabilitation Act of 1973, but not later than October 1, 1993."; and

(4) in section 203(g)(5) (relating to a section 202(g)), by striking "adding at the end" and inserting "inserting after paragraph (3)".

SEC. 103. DEFINITIONS.

Section 7 (29 U.S.C. 706) is amended—

(1) in paragraph (3)—

(A) by striking "The term 'designated State unit' means" and inserting the following:

"(B) The term 'designated State unit' means"; and

(B) in subparagraph (B) (as designated by subparagraph (A) of this paragraph), in clause (ii), by striking "101(a)(B)(i)" and inserting "101(a)(1)(B)(i)";

(2) in paragraph (8)—

(A) in subparagraph (A), by striking "titles I, II, III, VI, and VIII" and inserting "title I, III, VI, or VIII"; and

(B) in subparagraph (B), by striking "IV and V" and inserting "II, IV, V, and VII";

(3) in paragraph (15)(A), in the matter preceding clause (i), by inserting a comma after "subparagraph (C)";

(4) in paragraph (18)(A)(ii)—

(A) by inserting "for the period, and any extension, described in paragraph (34)(C)" after "employment services";

(B) by striking "or" and inserting "and"; and

(C) by inserting "after the transition described in paragraph (27)(C)" after "extended services"; and

(5) in paragraph (26)(B), by striking "III, IV, V, and VIII" and inserting "IV, V, and VII".

SEC. 104. CARRYOVER.

Section 19(a) (29 U.S.C. 718(a)) is amended to read as follows:

"(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law—

"(1) any funds appropriated for a fiscal year to carry out any grant program under part B or C of title I, section 509 (except as provided in section 509(b)), part C of title VI, part B or C of chapter 1 of title VII, or chapter 2 of title VII (except as provided in section 752(b)), including any funds reallotted under any such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year; or

"(2) any amounts of program income, including reimbursement payments under the Social Security Act (42 U.S.C. 301 et seq.), received by recipients under any grant program specified in paragraph (1) that are not obligated and expended by recipients prior to the beginning of the fiscal year succeeding the fiscal year in which such amounts were received,

shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.".

SEC. 105. CLIENT ASSISTANCE INFORMATION.

Section 20 (29 U.S.C. 718a) is amended by striking "such individuals, or the parents," and inserting "such individuals who are applicants for or recipients of the services, or the parents,".

SEC. 106. TRADITIONALLY UNDERSERVED POPULATIONS.

Section 21(b) (29 U.S.C. 719b(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by redesignating the second paragraph (3) as paragraph (4).

SEC. 107. VOCATIONAL REHABILITATION SERVICES.

(a) STATE PLANS.—Section 101(a) (29 U.S.C. 721(a)) is amended—

(1) in paragraph (10)(A), by striking "described in subparagraph (C)" and inserting "described in subparagraph (D)";

(2) in paragraph (32), by inserting "or independent commission described in paragraph (36)" after "Council";

(3) in paragraph (34)(B) by striking "part B" and inserting "section 110"; and

(4) in paragraph (36)—

(A) by amending subparagraph (B)(i) to read as follows:

"(i) is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State;"; and

(B) in subparagraph (C)—

(i) by amending clause (i) to read as follows:

"(i) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation programs of both such agencies and meets the requirements of clauses (ii) and (iv) of subparagraph (B);"; and

(ii) by striking clause (ii) and inserting the following:

"(ii)(I) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State for individuals who are blind, is consumer-controlled by and represents individuals who are blind, and undertakes the function set forth in section 105(c)(3); and

"(II) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State for all individuals with disabilities except for individuals who are blind and meets the requirements of clauses (ii) and (iv) of subparagraph (B); or

"(iii)(I) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State for individuals who are blind, is consumer-controlled by and represents individuals who are blind, and undertakes the function set forth in section 105(c)(3); and

"(II) the State has established a State Rehabilitation Advisory Council that meets the criteria set forth in section 105 and carries out the duties of such a Council with respect to functions for, and services provided to, individuals with disabilities except for individuals who are blind.".

(b) INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM.—Section 102 (29 U.S.C. 722) is amended—

(1) in subsection (a)(5)(B), by striking "section 7(22)(A)(iii)" and inserting "section 7(22)(A)(ii)"; and

(2) in subsection (d)—

(A) in paragraph (2)(C)(ii)(I), by striking "who were appointed under one of subparagraphs (E) through (H) of section 105(b)(1);" and inserting "who were appointed under one of clauses (v) through (viii) of section 105(b)(1)(A), or under one of clauses (v) through (ix) of section 105(b)(1)(B), as appropriate;"; and

(B) in paragraph (6)(B), by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively.

(c) VOCATIONAL REHABILITATION SERVICES.—Section 103(a) (29 U.S.C. 723(a)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (D), by striking "a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select," and inserting "qualified personnel, under State licensure laws, that are selected by the individual,"; and

(B) in subparagraph (F), by striking "a physician or licensed psychologist" and all that follows and inserting "qualified personnel under State licensure laws;"; and

(2) in paragraph (6), by striking "those individuals" and all that follows and inserting "those individuals determined to be blind after an examination by qualified personnel under State licensure laws;".

(d) STATE REHABILITATION ADVISORY COUNCIL.—

(1) AMENDMENTS.—Section 105 (29 U.S.C. 725) is amended—

(A) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

"(1) COMPOSITION.—

"(A) IN GENERAL.—Except in the case of a separate Council established under subsection (a)(2), the Council shall be composed of—

"(i) at least one representative of the Statewide Independent Living Council established under section 705, which representative may be the chairperson or other designee of the Council;

"(ii) at least one representative of a parent training and information center established pursuant to section 631(e)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(e)(1));

"(iii) at least one representative of the client assistance program established under section 112;

"(iv) at least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of the designated State agency;

"(v) at least one representative of community rehabilitation program service providers;

"(vi) four representatives of business, industry, and labor;

"(vii) representatives of disability advocacy groups representing a cross section of—

"(I) individuals with physical, cognitive, sensory, and mental disabilities; and

"(II) parents, family members, guardians, advocates, or authorized representatives, of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves; and

"(viii) current or former applicants for, or recipients of, vocational rehabilitation services.

"(B) SEPARATE COUNCIL.—In the case of a separate Council established under subsection (a)(2), the Council shall be composed of—

"(i) at least one representative described in subparagraph (A)(i);

"(ii) at least one representative described in subparagraph (A)(ii);

"(iii) at least one representative described in subparagraph (A)(iii);

"(iv) at least one vocational rehabilitation counselor described in subparagraph (A)(iv), who shall serve as described in such subparagraph;

"(v) at least one representative described in subparagraph (A)(v);

"(vi) four representatives described in subparagraph (A)(vi);

"(vii) at least one representative of a disability advocacy group representing individuals who are blind;

"(viii) at least one parent, family member, guardian, advocate, or authorized representative, of an individual who—

"(I) is an individual who is blind and has multiple disabilities; and

"(II) has difficulty in representing himself or herself or is unable due to disabilities to represent himself or herself; and

"(ix) applicants or recipients described in subparagraph (A)(viii).

"(C) EXCEPTION.—In the case of a separate Council established under subsection (a)(2), any Council that is required by State law, as in effect on the date of enactment of the Rehabilitation Act Amendments of 1992, to have fewer than 13 members shall be deemed to be in compliance with subparagraph (B) if the Council—

"(i) meets the requirements of subparagraph (B), other than the requirements of clauses (vi) and (ix) of such subparagraph; and

"(ii) includes at least—

"(I) one representative described in subparagraph (B)(vi); and

"(II) one applicant or recipient described in subparagraph (B)(ix)."; and

(ii) in paragraph (3)—

(I) in the first sentence, by striking "or the appropriate entity within the State responsible for making appointments"; and

(II) by inserting after the first sentence the following: "In the case of a State that, under State law, vests appointment authority in an entity in lieu of, or in conjunction with, the Governor, such as one or more houses of the State legislature, or an independent board that has general appointment authority, that entity shall make the appointments."; and

(B) in subsection (g), by inserting "(except for funds appropriated to carry out the client assistance program under section 112 and funds reserved pursuant to section 110(d) to carry out part D of this title)" before "to reimburse members".

(2) EFFECTIVE DATE.—In the case of a State that demonstrates to the satisfaction of the Secretary of Education that the State has designated a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind under section 101(a)(1)(A)(i) of the Rehabilitation Act of 1973, and has established by State law a separate Council to perform the duties of a State Rehabilitation Advisory Council with respect to such State agency, the Secretary may delay the effective date of all or part of section 105(b)(1)(B), as amended by paragraph (1), until October 1, 1994.

(e) STATE ALLOTMENTS.—Section 110(c) (29 U.S.C. 730(c)) is amended—

(1) in paragraph (2)—

(A) by striking "to pay for initial expenditures during"; and

(B) by inserting at the end the following: "The Commissioner shall make such amount available only if such other State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated."; and

(2) by striking paragraph (4).

(f) PAYMENTS TO STATES.—Section 111(b) (29 U.S.C. 731(b)) is amended by moving paragraphs (1) and (2) 2 ems to the right.

(g) CLIENT ASSISTANCE PROGRAM.—Section 112 (29 U.S.C. 732) is amended—

(1) in the first sentence of subsection (a), by striking "facilities" and inserting "community rehabilitation programs"; and

(2) in subsection (e)(1)(D), by striking clause (ii) and inserting the following:

"(ii) For any fiscal year in which the total amount appropriated under subsection (h) exceeds the total amount appropriated under such subsection for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Secretary shall increase each of the minimum allotments under clause (i) by such percentage change in the Consumer Price Index For All Urban Consumers.".

(h) INNOVATION AND EXPANSION GRANTS.—Section 124 (29 U.S.C. 744) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (1)(B)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (1)(A)"; and

(B) by striking paragraph (3) and inserting the following:

"(3) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1994, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Commissioner shall increase the minimum allotment under paragraph (1)(B) by such percentage change in the Consumer Price Index For All Urban Consumers."; and

(2) by striking subsection (b) and inserting the following:

"(b) PROPORTIONAL REDUCTION.—To provide minimum allotments to States (as increased under subsection (a)(3)) under subsection (a)(1)(B), or to provide minimum allotments to States under subsection (a)(2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under subsection (a)(1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the minimum allotment for a State (as increased under subsection (a)(3)) under subsection (a)(1)(B), or the minimum allotment for a State under subsection (a)(2)(B), as appropriate.".

SEC. 108. CLIENT INFORMATION.

Title I (29 U.S.C. 721 et seq.) is amended by adding at the end the following:

"PART E—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

"SEC. 140. REVIEW OF DATA COLLECTION AND REPORTING SYSTEM.

"(a) REVIEW.—The Commissioner shall conduct a comprehensive review of the current system for collecting and reporting data on clients of programs carried out under this Act, particularly data on clients of the programs carried out under this title.

"(b) CONSIDERATIONS.—

"(1) CURRENT DATA.—In conducting the review, the Commissioner shall examine the kind, quantity, and quality of the data that are currently collected and reported, taking into consideration the range of purposes that the data serve at the Federal, State, and local levels.

"(2) ADDITIONAL INFORMATION.—In conducting the review, the Commissioner shall examine the feasibility of collecting and reporting under the system information, if such information can be determined, with respect to each client participating in a program under this Act, regarding—

"(A) other programs in which the client participated during the 3 years before the date on which the client applied to participate in a program under this Act;

"(B) the number of jobs held, hours worked, and earnings received by the client during such 3 years;

"(C) the types of major and secondary disabilities of the client;

"(D) the dates of the onset of the disabilities;

"(E) the severity of the disabilities;

"(F) the source from which the client was referred to a program under this Act;

"(G) the hours worked by the client;

"(H) the size and industry code of the place of employment of the client at the time of entry into such a program and at the termination of services under the program;

"(I) the number of services provided to the client under the programs and the cost of each service;

"(J) the types of public support received by the client;

"(K) the primary sources of economic support and amounts of public assistance received by the client before and after receiving the services;

"(L) whether the client is covered by health insurance from any source and whether health insurance is available through the employer of the client;

"(M) the supported employment status of the client; and

"(N) the reasons for terminating the services received by the client.

"(c) RECOMMENDATIONS.—Based on the review, the Commissioner shall recommend improvements in the data collection and reporting system.

"(d) VIEWS.—In developing the recommendations, the Commissioner shall seek views of persons and entities providing or using such data, including State agencies, State Rehabilitation Advisory Councils, providers of vocational rehabilitation services, professionals in the field of vocational rehabilitation, clients and organizations representing clients, the National Council on Disability, other Federal agencies, non-Federal researchers, other analysts using the data, and other members of the public.

"(e) PUBLICATION AND SUBMISSION OF REPORT.—Not later than 18 months after the date of the enactment of the Rehabilitation Act Amendments of 1992 (Public Law 102-569), the Commissioner shall publish the recommendations in the Federal Register and shall prepare and submit a report containing the recommendations to the appropriate committees of Congress. The Commissioner shall not implement the recommendations earlier than 90 days after the date on which the Commissioner submits the report.

"SEC. 141. EXCHANGE OF DATA.

"(a) EXCHANGE.—The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purposes of exchanging data of mutual importance—

"(1) that concern clients of State vocational rehabilitation agencies; and

"(2) that are data maintained either by—

"(A) the Rehabilitation Services Administration, as required by section 13; or

"(B) the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records.

"(b) TREATMENT OF INFORMATION.—For purposes of the exchange, the data described in subsection (a)(2)(B) shall not be considered return information (as defined in section 6103(b)(2) of the Internal Revenue Code of 1986) and, as appropriate, the confidentiality of all client information shall be maintained by both agencies.".

SEC. 109. RESEARCH AND TRAINING.

(a) NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION.—Section 202 (29 U.S.C. 761a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(D), by striking "the individuals" and inserting "such individuals"; and

(B) in paragraph (4)(D), by striking "individuals" and inserting "individuals described in subparagraph (C)";

(2) in the fourth sentence of subsection (c)(2), by striking "In case of any vacancy in the office of the Director, the" and inserting "The"; and

(3) in subsection (g) in paragraph (3), by striking "and" at the end.

(b) RESEARCH.—Section 204 (29 U.S.C. 762) is amended—

(1) in subsection (a)—

(A) in the second sentence, by inserting ", including projects addressing the needs described in the State plans submitted under section 101 or 704 by State agencies" before the period at the end; and

(B) in the third sentence, by striking ", as described in the State plans submitted by the State agencies,"; and

(2) in subsection (b)—

(A) in paragraph (2)(G)(i), by striking "rehabilitation related" and inserting "rehabilitation-related";

(B) in paragraph (3)—

(i) in subparagraph (B)(iii)(I), by striking "family centered" and inserting "family-centered"; and

(ii) in subparagraph (C)(i)—

(I) by striking "Assistance to Individuals" and inserting "Assistance for Individuals"; and

(II) by striking the comma after "representatives of the individuals"; and

(C) in paragraph (4)(A), by moving clause (iii) 2 ems to the right.

SEC. 110. TRAINING AND DEMONSTRATION PROJECTS.

(a) TRAINING.—Section 302 (29 U.S.C. 771a) is amended—

(1) in subsection (d)—

(A) in the second sentence, by striking "local employees, who are recruited from or reside in" and inserting "local residents, who are recruited from"; and

(B) by inserting after the second sentence a new sentence to read as follows: "Entities receiving grants to carry out projects under this subsection shall coordinate the activities carried out through the projects with the activities of State vocational rehabilitation agencies to promote the employment of the individuals trained to be rehabilitation technicians."; and

(2) in subsection (h), to read as follows:

"(h) There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1993 through 1997.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 310 (29 U.S.C. 777) is amended by striking "sections 311(d), 311(e)," and inserting "sections 311(c), 311(d),".

(c) SPECIAL DEMONSTRATION PROGRAMS.—Section 311 (29 U.S.C. 777a) is amended—

(1) in subsection (a)(1), by striking the comma at the end and inserting a semicolon; and

(2) in subsection (c)(1)(B) by inserting "and" before "(iii)".

(d) SPECIAL RECREATIONAL PROGRAMS.—Section 316(a)(1) (29 U.S.C. 777f(a)(1)) is amended in the first sentence, by striking "handicapped individuals" and inserting "individuals with disabilities".

SEC. 111. NATIONAL COUNCIL ON DISABILITY.

Section 403(a)(2) (29 U.S.C. 783(a)(2)) is amended by striking "seven" and inserting "eight".

SEC. 112. RIGHTS AND ADVOCACY.

(a) EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.—Section 501(a) (29 U.S.C. 791(a)) is amended in the first sentence, by inserting a comma after "Veterans Affairs".

(b) ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.—Section 502(a)(5)(A) (29 U.S.C. 792(a)(5)(A)) is amended by striking "the daily equivalent of the rate of pay for level 4 of the Senior Exec- utive Service Schedule under section 5382" and inserting "the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315".

(c) RIGHTS AND ADVOCACY.—Section 509 (29 U.S.C. 794e) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) need services that are beyond the scope of services authorized to be provided by the client assistance program under section 112; and";

(2) by striking subsection (b) and inserting the following:

"(b) APPROPRIATIONS LESS THAN $5,500,000.—For any fiscal year in which the amount appropriated to carry out this section is less than $5,500,000, the Commissioner may make grants from such amount to eligible systems within States to plan for, develop outreach strategies for, and carry out protection and advocacy programs authorized under this section for individuals with disabilities who meet the requirements of paragraphs (1) and (2) of subsection (a).";

(3) in subsection (c)—

(A) in paragraph (4)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (3)(B)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (3)(A)"; and

(B) by striking paragraph (5) and inserting the following:

"(5) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1994, in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Commissioner shall increase the minimum allotment under paragraphs (3)(B) and (4)(B) by such percentage change in the Consumer Price Index For All Urban Consumers.";

(4) by striking subsection (d) and inserting the following:

"(d) PROPORTIONAL REDUCTION.—To provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(3)(B), or to provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(4)(B), the Commissioner shall proportionately reduce the allotments of the remaining systems within States under subsection (c)(3), with such adjustments as may be necessary to prevent the allotment of any such remaining system within a State from being reduced to less than the minimum allotment for a system within a State (as increased under subsection (c)(5)) under subsection (c)(3)(B), or the minimum allotment for a State (as increased under subsection (c)(5)) under subsection (c)(4)(B), as appropriate.";

(5) by redesignating subsection (i) as subsection (n);

(6) in subsection (i), to read as follows:

"(i) Notwithstanding subsection (n), a protection and advocacy system that—

"(1) received funds for fiscal year 1992, under section 731 of this Act, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992, to carry out a project; and

"(2) receives a continuation award for such project for fiscal year 1993,

shall not be eligible to receive additional funds under this section for fiscal year 1993."; and

(7) by striking subsection (j) and inserting the following:

"(j) ADMINISTRATIVE COST.—In any State in which an eligible system is located within a State agency, a State may use a portion of any allotment under subsection (c) for the cost of the administration of the system required by this section. Such portion may not exceed 5 percent of the allotment.".

SEC. 113. AVAILABILITY OF SERVICES.

Section 633 (29 U.S.C. 7951) is amended by striking "subsection (c) or (f)" and inserting "subsection (b) or (c)".

SEC. 114. INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING.

(a) PURPOSE.—Section 701(3) (29 U.S.C. 796(3)) is amended by striking "other Federal programs" and inserting "other Federal law".

(b) STATE PLAN.—Section 704(c)(2) (29 U.S.C. 796c(c)(2)) is amended by striking "programs under parts B and C" and inserting "a program under part B, and a program under part C in a case in which the program is administered by the State under section 723".

(c) STATEWIDE INDEPENDENT LIVING COUNCIL.—Section 705 (29 U.S.C. 795d) is amended—

(1) in the second sentence of subsection (a), by striking "another" and inserting "a";

(2) in subsection (b)—

(A) by striking paragraph (4) and inserting the following:

"(4) QUALIFICATIONS.—

"(A) IN GENERAL.—The Council shall be composed of members—

"(i) who provide statewide representation;

"(ii) who represent a broad range of individuals with disabilities;

"(iii) who are knowledgeable about centers for independent living and independent living services; and

"(iv) a majority of whom are persons who are—

"(I) individuals with disabilities described in section 7(8)(B); and

"(II) not employed by any State agency or center for independent living.

"(B) VOTING MEMBERS.—A majority of the voting members of the Council shall be—

"(i) individuals with disabilities described in section 7(8)(B); and

"(ii) not employed by any State agency or center for independent living."; and

(B) in paragraph (5)—

(i) in subparagraph (A), by inserting "voting" before "membership"; and

(ii) in subparagraph (B), by inserting "voting" before "member" each place the term appears; and

(3) in subsection (c)(1)—

(A) by striking "submit" and inserting "sign"; and

(B) by striking "designated State agency" and inserting "designated State unit".

(d) RESPONSIBILITIES OF THE COMMISSIONER.—Section 706(c)(1) (29 U.S.C. 796d-1(c)(1)) is amended—

(1) in the first sentence, by striking "part C" and inserting "section 722";

(2) by inserting after the second sentence the following: "The Commissioner shall annually conduct onsite compliance reviews of at least one-third of the designated State units that receive funding under section 723, and, to the extent necessary to determine the compliance of such a State unit with subsections (f) and (g) of section 723, centers that receive funding under section 723 in such State."; and

(3) in the last sentence, by inserting "and such State units" after "select such centers".

(e) INDEPENDENT LIVING SERVICES ALLOTMENTS.—Section 711 (29 U.S.C. 796e) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (1)(C)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (1)(A)"; and

(B) by striking paragraph (3) and inserting the following:

"(3) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1994, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Commissioner shall increase the minimum allotment under paragraph (1)(C) by such percentage change in the Consumer Price Index For All Urban Consumers."; and

(2) by striking subsection (b) and inserting a new subsection (b) to read as follows:

"(b) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with subsection (a)(1)(B), to provide minimum allotments to States (as increased under subsection (a)(3)) under subsection (a)(1)(C), or to provide minimum allotments to States under subsection (a)(2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under subsection (a)(1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by subsection (a)(1)(B).".

(f) PAYMENTS TO STATES FROM ALLOTMENTS.—Section 712(b) (29 U.S.C. 796e–1(b)) is amended by striking paragraph (3).

(g) AUTHORIZED USES OF FUNDS.—Section 713(3) (29 U.S.C. 796e–2(3)) is amended by inserting "that are in compliance with the standards and assurances set forth in subsections (b) and (c) of section 725" after "living".

(h) CENTERS FOR INDEPENDENT LIVING.—Section 721 (29 U.S.C. 796f) is amended—

(1) in subsection (b)(1)—

(A) by inserting "to eligible agencies, centers for independent living, and Statewide Independent Living Councils" after "assistance"; and

(B) by striking "of such funds" and inserting "of the funds appropriated to carry out this part for the fiscal year involved";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "Except as provided in subparagraphs (B) and (C) and after" and inserting "After"; and

(ii) by inserting ", and except as provided in subparagraphs (B) and (C)," after "made";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (1)(C)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (1)(A)"; and

(C) by adding a new paragraph (4) to read as follows:

"(4) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with paragraph (1)(B), to provide minimum allotments to States (as increased under paragraph (3)) under paragraph (1)(C), or to provide minimum allotments to States under paragraph (2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under paragraph (1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by paragraph (1)(B)."; and

(3) in subsection (e)—

(A) in paragraph (1)(A), by striking ", whichever is greater,"; and

(B) in paragraph (2)(B)—

(i) in the first sentence of clause (i)—

(I) by striking "Private nonprofit agencies" and inserting "Entities";

(II) by striking "if the agencies submit" and inserting "if the entities submit"; and

(III) by striking "agencies will meet the standards described in section 725(b) and" and inserting "entities will be private nonprofit agencies that meet the standards described in section 725(b), and"; and

(ii) by adding a new clause (iii) to read as follows:

"(iii) FUNDING METHOD.—In making awards under this subsection, the Secretary shall distribute funds in accordance with paragraphs (1), (2), and (4) of subsection (c), and subsection (d).".

(i) GRANTS BY COMMISSIONER.—Section 722 (29 U.S.C. 796f–1) is amended—

(1) in subsection (c), by striking "is receiving funds under this part on" and inserting "has been awarded a grant under this part by";

(2) in subsection (d)(1), by inserting "proposing to serve such region" after "qualified applicant";

(3) by redesignating subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following:

"(f) NONRESIDENTIAL AGENCIES.—A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.".

(j) GRANTS BY DESIGNATED STATE UNIT.—Section 723 (29 U.S.C. 796f–2) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)(iii), by inserting before the period at the end the following: ", making such adjustments as may be necessary to accommodate State funding cycles such as 2-year funding cycles or State fiscal years that do not coincide with the Federal fiscal year"; and

(B) in paragraph (3), by inserting "eligible agencies in" before "the State in accordance";

(2) in subsection (c), by striking "is receiving funds under this part on" and inserting "has been awarded a grant under this part by";

(3) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively;

(4) by inserting after subsection (e) the following:

"(f) NONRESIDENTIAL AGENCIES.—A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.";

(5) in subsection (g) (as redesignated by paragraph (3) of this subsection), in paragraph (2)(B), by striking "(h)" each place the term appears and inserting "(i)"; and

(6) in subsection (h) (as redesignated by paragraph (3) of this subsection), by striking the first sentence and inserting the following: "The director of the designated State unit shall annually conduct onsite compliance reviews of at least 15 percent of the centers for independent living that receive funding under this section in the State.".

(k) CENTERS OPERATED BY STATE AGENCIES.—Section 724(b)(1)(A) (29 U.S.C. 796f–3(b)(1)(A)) is amended by striking "fiscal year 1993" and inserting "the fiscal year".

(l) STANDARDS AND ASSURANCES.—Section 725(b)(2) (29 U.S.C. 796f–4(b)(2)) is amended—

(1) in the second sentence—

(A) by inserting "severe" before "disabilities who are members of"; and

(B) by striking "Act" and inserting "title"; and

(2) in the third sentence, by inserting "shall be determined by the center, and" before "shall not be based".

(m) PROGRAMS OF GRANTS.—Section 752 (29 U.S.C. 796k) is amended—

(1) in subsection (a)(2), by striking "UNIT" and inserting "AGENCY";

(2) in subsection (b), to read as follows:

"(b) Contingent Competitive Grants.—Beginning with fiscal year 1993, in the case of any fiscal year for which the amount appropriated under section 753 is less than $13,000,000, grants made under subsection (a) shall be—

"(1) discretionary grants made on a competitive basis to States; or

"(2) grants made on a noncompetitive basis to pay for the continuation costs of activities for which a grant was awarded—

"(A) under this chapter; or

"(B) under part C, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992."; and

(3) in subsection (j)—

(A) by striking "and" at the end of paragraph (1)(A) and inserting "or"; and

(B) by striking "and" at the end of paragraph (2)(A)(i) and inserting "or".

SEC. 115. TABLE OF CONTENTS.

The table of contents (Public Law 93–112; 87 Stat. 356) is amended—

(1) by adding after the items relating to title I the following:

"Part E—Vocational Rehabilitation
Services Client Information

"Sec. 140. Review of data collection and reporting system.
"Sec. 141. Exchange of data.";
and

(2) by striking the item relating to part B of title III and inserting the following:

"Part B—Special Projects and
Supplementary Services".

TITLE II—EDUCATION OF THE DEAF ACT OF 1986

SEC. 201. SHORT TITLE; REFERENCES.

(a) Short Title.—This title may be cited as the "Education of the Deaf Act Amendments of 1993".

(b) References.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.).

SEC. 202. GENERAL AMENDMENT.

The Act (20 U.S.C. 4301 et seq.) is amended by striking "the Institute" each place that such appears and inserting "NTID".

SEC. 203. AMENDMENTS TO TITLE I.

(a) Section 101.—Section 101(a) (20 U.S.C. 4301(a)) is amended by inserting a comma after "Hereafter".

(b) Section 102.—Section 102(b) (20 U.S.C. 4302(b)) is amended—

(1) in paragraph (1), by striking "of Education"; and

(2) in paragraph (2), by striking "but if invested" and inserting "but, if invested,".

(c) Section 103.—Section 103 (20 U.S.C. 4303) is amended—

(1) in subsection (a)—

(A) by striking "members selected as follows:" in paragraph (1) and inserting "members who shall include—";

(B) by inserting a comma after "Association" in paragraph (1)(B);

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by redesignating the second sentence of paragraph (1) as paragraph (2); and

(2) in subsection (b)—

(A) by inserting a comma after "facilities)" in paragraph (1);

(B) in paragraph (4)—

(i) by striking "or individuals who are" and inserting "or"; and

(ii) by striking the period at the end thereof and inserting in lieu thereof a semicolon; and

(C) by striking out "the provisions of" in paragraph (8).

(d) Section 104.—Section 104 (20 U.S.C. 4304) is amended—

(1) in the section heading, by striking "**EDUCATIONAL**" and inserting "**EDUCATIONAL**";

(2) in subsection (a)(1)—

(A) by striking "elementary and secondary programs" each place that such appears and inserting "elementary and secondary education programs";

(B) by striking "and individuals who are" in subparagraph (A) and inserting "or";

(C) by striking "non-English speaking" in subparagraph (B) and inserting "non-English-speaking"; and

(D) in subparagraph (C)—

(i) by striking "individuals" each place that such appears and inserting "students";

(ii) in clause (i), by striking "deaf," and inserting "deaf from the age of onset of deafness to age fifteen, inclusive, but not beyond the eighth grade or its equivalent,"; and

(iii) in clause (ii), by striking "deaf," and inserting "deaf from grades nine through twelve, inclusive,";

(3) in subsection (b)(1)—

(A) by striking "infants and children" in subparagraph (A) and inserting "infants, children, and youth"; and

(B) by striking the semicolon at the end of subparagraph (C) and inserting a period; and

(4) in subsection (b)(4)—

(A) by striking "programs" in subparagraph (A) and inserting "program";

(B) by striking "students to and from those programs" in subparagraph (B) and inserting "the child to and from that program"; and

(C) by striking "decisions" in subparagraph (C)(iii) and inserting "a decision".

(e) Section 105.—Section 105(b) (20 U.S.C. 4305(b)) is amended—

(1) in paragraph (2), by striking "shall" and inserting "will"; and

(2) in paragraph (4)—

(A) by striking "Elementary School and the Model" and inserting "Elementary School or the Model"; and

(B) by striking "and the Secretary" and inserting "except that the Secretary".

(f) Section 111.—Section 111 (20 U.S.C. 4311) is amended by striking "title" and inserting "part".

(g) Section 112.—Section 112 (20 U.S.C. 4312) is amended—

(1) in the section heading by striking "**INSTITUTE**" and inserting in lieu thereof "**NATIONAL TECHNICAL INSTITUTE FOR THE DEAF**";

(2) in subsection (a)—

(A) by striking "Act" in paragraph (1) and inserting "part"; and

(B) by striking the first two commas in paragraph (2);

(3) in subsection (b)—

(A) in paragraph (3)—

(i) by striking "Secretary an annual report, including" and inserting "Secretary, not later than June 1 following the fiscal year for which the report is submitted, an annual report containing";

(ii) by striking "which report" and inserting "which accounting"; and

(iii) by striking the comma after "Representatives";

(B) by striking "and" at the end of paragraph (4);

(C) in paragraph (5)—

(i) by striking "and the Secretary" and inserting "except that the Secretary"; and

(ii) by striking the period at the end thereof and inserting a semicolon and "and"; and

(D) by striking "or individuals who are" in paragraph (6) and inserting "or"; and

(4) in subsection (c), by inserting a comma after "If".

SEC. 204. AMENDMENTS TO TITLE II.

(a) Section 201.—Section 201 (20 U.S.C. 4351) is amended—

(1) in paragraph (1)(B), by striking "United States; or" and inserting "United States; and"; and

(2) by striking paragraphs (3) and (5); and

(3) by redesignating paragraphs (4), (6), (7), (8), and (9) as paragraphs (3), (4), (5), (6), and (7), respectively.".

(b) Section 203.—Subsection (b) of section 203 (20 U.S.C. 4353(b)) is amended to read as follows:

"(b) Independent Audit.—Gallaudet University shall have an annual independent financial audit made of the programs and activities of the University. The institution of higher education with which the Secretary has an agreement under section 112 shall have an annual independent financial audit made of the programs and activities of such institution of higher education, including NTID, and containing specific schedules and analyses for all NTID funds, as determined by the Secretary.

(c) Section 204.—Section 204 (20 U.S.C. 4354) is amended—

(1) in paragraph (1), by striking "first time" and inserting "first-time";

(2) in paragraph (2)(G)—

(A) by striking "Individualized Education Programs" and inserting "individualized education programs"; and

(B) by inserting "or hard of hearing" after "children who are deaf";

(3) in paragraph (3), to read as follows:

"(3)(A) The annual audited financial statements and auditor's report of the University, as required under section 203, and (B) the annual audited financial statements and auditor's report of the institution of higher education with which the Secretary has an agreement under section 112, including specific schedules and analyses for all NTID funds, as required under section 203, and such supplementary schedules presenting financial information for NTID for the end of the Federal fiscal year as determined by the Secretary."; and

(4) in paragraph (6), by striking "Program is" and inserting "Program funds are".

(d) Section 205.—Section 205(a) (20 U.S.C. 4355(a)) is amended—

(1) by inserting "or hard of hearing" after "individuals who are deaf"; and

(2) by striking "the provisions of".

(e) Section 206.—Section 206(b) (20 U.S.C. 4356(b)) is amended by inserting "or hard of hearing" after "individuals who are deaf".

(f) Section 207.—Section 207 (20 U.S.C. 4357) is amended—

(1) in subsection (c)(3), by striking "Advisory Board of NTID" and inserting "advisory group established under section 112";

(2) in subsection (e), by striking "investment limitations and" and inserting "investment limitations or"; and

(3) in subsection (i), by striking "the provisions of the Education of the Deaf Act of 1986" and inserting "this Act as enacted on August 4, 1986".

(g) Section 209.—Section 209 (20 U.S.C. 4359) is amended—

(1) in subsection (a), by striking "title II" and inserting "part B of title I"; and

(2) in subsection (b), by striking "the provisions of".

(h) SECTION 210.—Section 210 (20 U.S.C. 4360) is amended—

(1) in subsection (b), by striking "75 percent beginning the academic year 1993–1994, and 90 percent beginning the academic year 1994–1995" and inserting "75 percent for the academic year 1993–1994 and 90 percent beginning with the academic year 1994–1995"; and

(2) in subsection (c)—

(A) by striking "Beginning the academic year 1993–1994 and thereafter" and inserting "Beginning with the academic year 1993–1994"; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(i) SECTION 211.—Section 211(a) (20 U.S.C. 4361(a)) is amended by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

TITLE III—OTHER ACTS

SEC. 301. COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.

Section 1 of the Act entitled "An Act to Create a Committee on Purchases of Blind-made Products, and for other purposes", approved June 25, 1938 (commonly known as the Wagner-O'Day Act; 41 U.S.C. 46) is amended by striking "From People Who Are Blind and Severely Disabled" and inserting "From People Who Are Blind or Severely Disabled".

SEC. 302. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 631(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)) is amended by redesignating the second paragraph (8), as added by section 912(a) of the Rehabilitation Act Amendments of 1992 (Public Law 102–569), as paragraph (9).

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, pursuant to Public Law 102-240, announces on behalf of the Republican leader his appointment of Thomas E. Mulinazzi, of Kansas, as a member of the National Council on Surface Transportation Research.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

REPORT OF PROPOSED LEGISLATION ENTITLED "EXPEDITED EXCLUSION AND ALIEN SMUGGLING ENHANCED PENALTIES ACT OF 1993—MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Expedited Exclusion and Alien Smuggling Enhanced Penalties Act of 1993." This legislative proposal is designed to address the growing abuse of our legal immigration and political asylum systems by illegal aliens holding fraudulent documents and by alien smugglers. Also transmitted is a section-by-section analysis. The proposal is part of a larger Administration initiative that I announced on June 18, 1993, to combat the illegal entry and smuggling of aliens into the United States.

The use of fraudulent documents by aliens seeking to enter the United States has increased dramatically. This proposal would expedite the exclusion and return of certain undocumented and fraudulently documented aliens who clearly are ineligible for admission to the United States, while ensuring that persons who have legitimate asylum claims receive full and fair hearings. In addition, the bill would increase the ability of the Immigration and Naturalization Service (INS) to prosecute alien smugglers and enhance the penalties for alien smuggling.

The expedited exclusion procedures would apply to an alien who, for example: (1) attempted to use a fraudulent passport to enter the United States; (2) came to the United States by commercial airplane and did not present a visa upon arrival; or (3) was encountered by the Coast Guard on the high seas and brought to the United States. To apply for asylum, these aliens first would have to establish that they had a credible fear either of persecution in the country from which they had departed or of return to persecution. If an asylum officer determined that the alien had such a credible fear, the alien then could apply for asylum. If the alien did not have the requisite fear of persecution, the alien would be subject to an immediate order of exclusion barring him or her from entering the United States. The bill would limit judicial review of such an exclusion order.

Alien smuggling has become an increasingly pervasive problem, as seen in the current wave of Chinese aliens being brought to the shores of this country by unscrupulous criminal organizations. These organizations seek to profit both from transporting these aliens and from their labors once in this country. The number of alien smugglers arrested in the past 3 years has tripled, and the number of smugglers convicted has doubled.

Alien smuggling not only violates our criminal and immigration laws, but it also takes a terrible toll on the lives of the aliens illegally brought into this country. Many of these individuals transfer their entire life savings and pledge thousands of additional dollars to smugglers. These aliens are often placed in deplorable conditions amounting to indentured servitude until they can pay the debts incurred for their passage to America. Moreover, organized criminal syndicates are becoming more frequently associated with this highly profitable traffic in human cargo.

The bill's criminal provisions are vital to help apprehend offenders and deter future criminal activity in this area. Under this proposal, the maximum penalty imposed against certain smugglers would be increased from 5 to 10 years in prison for each individual smuggled. Since clandestine means of investigation are often needed to build cases against alien smuggling rings, the bill would authorize INS to conduct wiretaps for alien smuggling investigations.

Finally, the Racketeer Influenced and Corrupt Organizations statute would be amended so its penalty and forfeiture provisions could be used against alien smuggling organizations. The proposal also would expand the ability of law enforcement personnel to forfeit the proceeds of illegal alien smuggling, such as cash and bank accounts.

In addition to this bill, our efforts to combat alien smuggling include strengthening law enforcement efforts and attacking smuggling operations at the source. The Federal Government already has begun interdicting and redirecting smuggling ships, where feasible, in transit to the United States. INS is detaining aliens who enter the United States in conjunction with criminal smuggling activities. The Department of Justice, consistent with due process and existing laws, is expediting the adjudication of entry claims raised by migrants who are the victims of organized criminal smuggling schemes.

All of these actions, taken together, signal the United States abhorrence of the trafficking in human beings for profit and our determination to combat this illegal activity. At the same time, they reaffirm our Nation's commitment to safeguarding the protection of bona fide refugees.

I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 27, 1993.*

MESSAGES FROM THE HOUSE

At 12:26 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 111. Joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day."

The message also announced that the House agreed to the amendments of the Senate to the bill (H.R. 63) to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes.

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1727. An Act to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

H.R. 1757. An Act to provide for a coordinated Federal program to accelerate development and dissemination of applications of high-performance computing and high-speed networking, and for other purposes.

H.R. 2683. An Act to extend the operation of the migrant student record transfer system.

H.J. Res. 110. Joint resolution to authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "World Capital of Acrobatics", and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 847. An Act to provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport.

The enrolled bill was subsequently signed by the Acting President pro tempore [Mrs. MURRAY].

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent and referred as indicated:

H.R. 1727. An Act to establish a program of grants to States for arson research, prevention, and control, and for other purposes; to the Committee on Commerce, Science and Transportation.

H.R. 1757. An Act to provide for a coordinated Federal program to accelerate development and dissemination of applications of high-performance computing and high-speed networking, and for other purposes; to the Committee on Labor and Human Resources.

H.J. Res. 110. Joint resolution to authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "World Capital of Acrobatics", and for other purposes; to the Committee on Commerce, Science and Transportation.

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Environment and Public Works:

S. 524. A bill to designate the Pittsburgh Aviary in Pittsburgh, Pennsylvania as the National Aviary in Pittsburgh.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-189. A resolution adopted by the Legislature of the State of New Jersey; to the Committee on Appropriations.

"ASSEMBLY RESOLUTION NO. 96

"Whereas, the federal government owes a debt of gratitude to this nation's veterans who have selflessly served during periods of war and preserved the liberties we possess; and

"Whereas, one way this debt can be repaid is by the establishment of hospitals to serve the medical needs of veterans; and

"Whereas, New Jersey, one of this country's most populous states, lacks sufficient veterans hospital facilities to adequately meet the demand for care; and

"Whereas, there is an urgent need to construct an additional veterans hospital in this State and to locate it in the populous and still growing shore area of New Jersey; and

"Whereas, the United States Congress can tangibly help veterans living in this State by appropriating funds to construct this necessary hospital facility: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

"1. This House memorializes the United States Congress to appropriate funds for the construction of a veterans hospital in Lakewood Township, Ocean County, New Jersey.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the Senate, the Speaker of the House of Representatives, and every member of Congress elected from this State.

"STATEMENT

"This resolution memorializes the United States Congress to appropriate funds for the construction of a veterans hospital in Lakewood Township, Ocean County, New Jersey."

POM-190. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Appropriations.

"Senate Resolution No. 29

"Whereas, there is a consensus among educators, business leaders, and policymakers that United States students are lagging far behind students of other industrialized nations in nearly every area of learning; and

"Whereas, it is also widely acknowledged that our country's future economic success and competitiveness are dependent upon a strong and productive educational system; and

"Whereas, the federal government contributes large sums of money to the states to fund welfare and other social programs, but contributes less than ten percent of the total funding necessary for educating our young people; and

"Whereas, the resources of the federal government would be better spent on educating our young people so that they can become productive members of our society, thereby relieving the demand for funds to be used to address problems caused by a deficient educational system; now, therefore, be it

"*Resolved by the Senate,* That we hereby memorialize the United States Congress to appropriate more money to the states for K-12 education; and be it further

"*Resolved,* That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-191. A resolution adopted by the City Council of the City of Henderson, Nevada relative to the Nevada Test Site; to the Committee on Armed Services.

POM-192. A resolution adopted by the Governing Board of the Northeast Ohio Areawide Coordinating Agency relative to the Defense Finance and Accounting Service; to the Committee on Armed Services.

POM-193. A concurrent resolution adopted by the House of Representatives of the Legislature of the Commonwealth of Puerto Rico relative to the U.S. Navy properties in Vieques; to the Committee on Armed Services.

"H.C.R. NO. 16

"For approximately fifty years, the United States Navy has controlled and held nearly two thirds of the land of the island municipality of Vieques.

"That is almost 26,000 "cuerdas" of land on the eastern and western portions of what we call with deep affection, the "Isla Nena". Said land is an extension of the Roosevelt Roads Naval Base in Ceiba.

"The development potential of the municipality of Vieques has been limited because of the scarcity of land and the fact that two thirds of the Island is used for military activities.

"In view of this problem, the Municipal Assembly of Vieques approved a Resolution last April 28, which requested the closing of all the military installations—to the East and to the West—and the restitution of the territory to the Commonwealth of Puerto Rico.

"This event coincides with the efforts of the Government of the United States to reduce defense and military spending.

"The abovestated situation makes the restitution of the land held by the Navy to the Government of Puerto Rico, mutually convenient. For the residents of Vieques, the restitution of these lands is more necessary than ever before: Be it

"*Resolved by the Legislature of Puerto Rico:*

"SECTION 1. The President of the United States, William J. Clinton, is hereby exhorted to include the properties of the U.S. Navy located in Vieques, in the proposed program to close military bases.

"SEC. 2. This Resolution shall be remitted to both official languages, to President William J. Clinton, to the Secretary of Defense, the Hon. Les Aspin, to the President and Floor Leaders of the Senate and the Speaker and floor leaders of the House of Representatives of the United States, to the Chairperson of the Advisory Committee for the Closing of Military Bases, to the Chairpersons and Spokepersons of the Congressional Committee for Armed Affairs, to the Governor of Puerto Rico, and to the Resident Commissioner of Puerto Rico in the United States.

"SEC. 3. This Concurrent Resolution shall take effect immediately after its approval."

POM-194. A joint resolution adopted by the Legislature of the State of Nevada urging the national designation of the month of May as United States Armed Forces History Month; to the Committee on Armed Services.

"ASSEMBLY JOINT RESOLUTION NO. 29

"Whereas, The history of the United States of America reveals that our peaceful tranquility and pursuit of happiness have often been threatened or interrupted by the enemies of freedom; and

"Whereas, Millions of Americans have defended our nation during peace and armed conflict; and

"Whereas, Military history and the sacrifices of our veterans have been an integral part of America's past; and

"Whereas, It is important for Nevadans to understand our military history and its role in keeping America free so our citizens can enjoy the blessings of liberty; and

"Whereas, Learning military history better prepares us to understand the complex problems which will be associated with the global challenges we will face in the future; and

"Whereas, It is fitting and proper that the residents of Nevada and all citizens of the United States of America recognize and honor the men and women in the United States Armed Forces for their loyalty, courage and determination; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That Congress is hereby urged to designate the month of May, each year, as United States Armed Forces History Month and to support actively the educational programs which teach that history within public and private schools; and be it further

"*Resolved*, That the members of the Nevada Legislature hereby designate the month of May as United States Armed Forces History Month; and be it further

"*Resolved*, That the residents of the State of Nevada and pupils in the schools throughout this state are urged to observe the month with appropriate ceremonies and activities; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the Superintendent of Public Instruction; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

S. 422. A bill to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the government securities market, in order to protect investors and facilitate government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of government securities (Rept. No. 103–109).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 55. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes (Rept. No. 103–110).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 578. A bill to protect the free exercise of religion (Rept. No. 103–111).

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 1298. An original bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 103–112).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENNETT:

S. 1287. A bill to reform the operations of Congress; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. AKAKA (for himself, Mr. LEAHY, Mr. CRAIG, Mr. GORTON, and Mr. PELL):

S. 1288. A bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 1289. A bill to suspend temporarily the duty on certain textile spinning machines; to the Committee on Finance.

S. 1290. A bill to suspend temporarily the duties on salmeterol xinafoate (bulk and dosage forms); to the Committee on Finance.

S. 1291. A bill to suspend temporarily the duties on cefuroxime axetil (bulk and dosage forms); to the Committee on Finance.

S. 1292. A bill to suspend temporarily the duty on ranitidine hydrochloride (bulk and dosage forms); to the Committee on Finance.

S. 1293. A bill to suspend temporarily the duties on ondansetron hydrochloride (bulk and dosage forms); to the Committee on Finance.

S. 1294. A bill to suspend temporarily the duties on sumatriptan succinate (bulk and dosage forms); to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. DURENBERGER, and Mr. DOLE):

S. 1295. A bill to amend the Rehabilitation Act of 1973 and the Education of the Deaf Act of 1986 to make technical and conforming amendments to the Act, and for other purposes; considered and passed.

By Mr. PELL (by request):

S. 1296. An act for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine and other new independent states; to the Committee on Foreign Relations.

By Mr. LAUTENBERG:

S. 1297. A bill to establish community-based partnerships to fight crime in public and assisted housing; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NUNN:

S. 1298. An original bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT:

S. 1287. A bill to reform the operations of Congress; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

CONGRESSIONAL REORGANIZATION ACT OF 1993

Mr. BENNETT. Mr. President, recalling a comment I made during the campaign that struck a very responsive chord among the voters when I said one of the reasons we have a deficit problem is because we have a Congress problem, I rise today to talk about the reorganization of Congress, and I send to the desk for referral to the appropriate committee, a bill which, if enacted, will be known as the Congressional Reorganization Act of 1993.

Some might feel it is very presumptuous of me as a new Member of this body to talk about reorganizing it. I understand that. However, I would point out I have spent a good portion of my adult life dealing with the Congress. I was the head of congressional liaison of the Nixon administration for the Department of Transportation and discovered many of the organizational bottlenecks that exist here.

One of the most serious of those bottlenecks is the question of overlapping jurisdiction. Somebody introduces a bill. One powerful committee chairman says, "I want that bill in my committee." Another powerful committee chairman says, "No, I want it in mine." Very often, it ends up in both. The result is, we spend years doing that which should take us months.

So out of my experience in dealing with this body from the outside, combined with the time that I have spent since I have been here, I stand today to offer this piece of legislation that has four elements to it. I have them listed on this chart. They correspond with the four sections or titles of my bill.

The first one would reduce the congressional budget by 25 percent: 10 percent in this year, 10 percent next, and 5 percent the following year. Money has a great disciplining effect and if we cut down the amount of money available to Congress, we get Congress' attention on the issue of reorganization.

The second has to do with the establishment of national priorities for legislative action. I have been involved in strategic plans for businesses. I have been involved in creating a strategic plan for the State of Utah in their education. I am interested that we come to Congress and we do not have a methodology for establishing our priorities at the beginning of each congressional session. We need that methodology if we are going to be up to date in our management practices. I have outlined a way whereby that can be done.

Then I propose in the third title of the bill a complete reorganization of the committees. I tell people my father served in this body. He was elected in 1950 and he came here to serve as the Congress was organized under the Government Reorganization Act of 1946; 4 years, a complete reorganization of Congress.

Now I come here 18 years after my father's retirement, 42 years after he began his service, and find that the committees are organized basically under the requirements of the Congressional Reorganization Act of 1946. We have not made the kinds of structural changes that I think we need to, and that is what I will do here.

Finally, I have added to the bill an idea that has been used here before, the adoption of a 2-year budget cycle.

Let me describe each of the four titles quickly in that order.

Reducing the congressional spending, I have already talked about. The one additional point I want to make is that all unused funds would go to the Treasury for the purposes of deficit reduction. I find it interesting that Congress adopts a budget for itself and then, when the money is not all spent, finds a way to keep it rather than make it available for deficit reduction. My bill would make sure that would not be the case.

Second, the issue of establishing national priorities. The bill would require that before any committees could meet, before any other legislation would be in order on the floor, the Senate—and I will confine my remarks to the Senate now for illustration purposes—would be required to debate and adopt no more than five national priorities. It could be two or three. But we should go through the process of discussing among ourselves as Senators—with all the Senators on the floor with no conflicting business—what are the major priorities we are going to talk about in the next 2 years? Which are we going to choose for our primary attention?

The bill would require that the decision would have to be made at least by 30 days after the Congress meets, and that in that time, the Congress has no authority to do anything but face the question and finally make a decision on national priorities.

Once these priorities are identified, now comes the question of what do we do about them? Here is an innovation that I would introduce into the Congress: The creation of task forces, one for each priority. Let me give an example of how this would work.

Let us suppose that this year this plan had been in effect and the Senate got together and decided that one of our national priorities would be health care. We would then create a task force on health care. That means the task force that is currently working through all of this huge mountain of information on health care would be a creation of the Congress. It would be a creature of the Congress, as the Founding Fathers intended that it be. More and more, the muscle-bound procedures that we have in this body are preventing us from carrying out our constitutional mandate to legislate. We have by default given the primary legislative function to a task force organized by Mrs. Clinton, headed by Mrs. Clinton, doing the basic work while we sit back and say, "Well, let us wait until they come up with their proposal." I think the task force idea is a logical one; it is sound management practice. Let us have it in the Congress.

So if we follow my procedure, the Congress would identify the issues of national priority and a task force would be set up around each issue. Each Senator would be allowed to serve on one task force only and the task forces, once established, would be given a budget from which they would hire the appropriate assistance. However, the task forces would choose their own leadership by a vote within the task force without regard to party or seniority.

So if we have 4 task forces in the Senate, each one with 25 Senators, those 25 Senators would sit down and say: We think on this issue this Senator knows more about it than anybody else; we will elect him or her as the chair of the task force. And it will not matter whether it is a Republican, Democrat, a freshman, or a senior person. I am not naive enough to believe seniority and party would not play a role, but institutionally it would not be required.

The task forces would have 1 year in which to report, and at the end of the year, they would issue their report, make their recommendation to the appropriate standing committee, and go out of existence. There would be no permanent bureaucracy; there would be no permanent staff, no permanent budget. They would be focused on getting the job done and getting it done in the time allotted.

To which standing committee would the task force refer its recommendations? I would reorganize the committees completely. We would have one committee for each Cabinet-level office in the executive branch so that if there is a Treasury Department, there is a Treasury committee; if there is a Transportation Department, there is a Transportation committee. And the committees would mirror the activities of the executive branch.

Frankly, that was the idea in the Government Reorganization Act of 1946. We have gotten away from it as powerful political chairmen over the decades have built their committee turf, and now we have a system that does not work very well. I would go back to the original idea and say that each committee has not only authorizing authority, but appropriations authority. I would abolish the Appropriations Committee. I say that to some Senators and they say, "You can't do that because the Appropriations Committee gives you a degree of control."

Out of each of the standing committees, I would take the chairman and the ranking member, and create another committee called the Committee on Leadership and National Priorities; 15 standing committees, and you have 30 members on that committee. That is not going to work because it is evenly divided, majority and minority. I would add an additional six members, four to be chosen by the majority leader and two by the minority leader.

This Committee on Leadership and National Priorities would take the functions of the Budget Committee and reconciliation. Sitting on it, therefore, are the chairman, the ranking member of each of the other standing committees, plus the other members appointed by leadership. They would provide the kind of overall budget discipline that currently the Appropriations Committee is supposed to provide, and you would have the competing interests from the standing committees represented in that Leadership Committee so that the kind of log-rolling activity that often goes on here would be prevented, or at least controlled. They would consolidate leadership functions, and so on.

Finally, the 2-year budget cycle. That is an idea that has been around here for a long time, and I have added that to this bill.

So that would be the way I would reorganize the body: Have us focus on national priorities before we do anything else. Once those priorities are determined, have us organize ourselves into task forces to deal with those priorities instead of depending on outside task forces, change our committee structure to reflect the structure of the executive branch, create a Leadership Committee so that the leadership controls the budget and appropriations process and, I think, clean out the hardened arteries of this institution that have been building up from over 50 years of inertia that have created many of the problems that we face.

I end with the observation with which I began. One of the reasons we have a deficit problem in this country is that we have a Congress problem in this country. We are not organized to function efficiently.

People say to me, well, that is great. You are a business executive. You go back and put business principles in and make this thing work.

That is what I have tried to do. But I have recognized that Government is not a business. It is important that we function efficiently and effectively. I hope this will help us do that. But that is not why we exist. Thomas Jefferson said we exist to secure the God-given rights of those who live in this country.

That is a function Government has that no business has, so we must have a balance between our governmental function as required by the philosophical underpinnings of this country and modern management methods that say we get about it in an efficient and proper sort of way.

This is the first bill I have introduced as a Member of this body. I have cosponsored many. I have offered amendments. But this is the first one, and it is a deliberate choice on my part to focus on this as my first priority because, as I say, I think, if we can get this body and the other body to function more effectively, break down some of the partisanship barriers that have been erected over the years, break down some of the accretions of seniority problems that have accumulated over the years, we can be about the public's business in an effective way and fulfill the charter that Jefferson gave us when he declared our independence from Great Britain.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Reorganization Act of 1993".

TITLE I—REDUCTIONS IN CONGRESSIONAL SPENDING

SEC. 101. REDUCTION IN CONGRESSIONAL COMMITTEE BUDGETS AND SUPPORT STAFF.

Budget authority and outlays for—

(1) committees of the Senate and the House of Representatives; and

(2) the supporting offices of the Congress (as listed in section 109(11) of the Ethics in Government Act of 1978),

shall not exceed—

(A) in fiscal year 1994, 90 percent of the levels for fiscal year 1993;

(B) in fiscal year 1995, 80 percent of the levels for fiscal year 1993; and

(C) in fiscal year 1996, 75 percent of the levels for fiscal year 1993.

SEC. 102. RETURN OF ALL FUNDS REMAINING IN THE SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT AT THE END OF A YEAR TO THE TREASURY.

All unobligated funds remaining in the Senators' Official Personnel and Office Expense Account and all unobligated funds available for House Members' personnel and office expenses on September 30 of a fiscal year shall be returned to the Treasury for the purpose of reducing the Federal deficit.

TITLE II—CONGRESSIONAL AGENDA AND PRIORITY NATIONAL ISSUES

SEC. 201. TASK FORCE.

(a) IN GENERAL.—At the beginning of each Congress and not later than February 15th, the Senate and the House of Representatives shall determine not more than 5 issues that need priority attention during such Congress, and by the vote of each House create not more than 5 independent task forces to study and recommend legislative remedies.

(b) TASK FORCE STAFF.—(1) Task forces are authorized to utilize professional staff from the standing committees and Federal agencies. Such staff shall serve the task force without additional compensation.

(2) Task forces are authorized to hire consultants and experts in related fields in order to accomplish their purposes. The funds for such expenses shall come from the Committee on Leadership and National Priorities.

(3) Task forces may not employ permanent staff.

SEC. 202. CONGRESSIONAL AGENDA.

The task forces created pursuant to section 201 shall submit recommendations to the appropriate committees of original jurisdiction no later than 12 months from the day of its creation.

SEC. 203. MEMBERSHIP.

Each Member of the Congress shall be appointed by party leadership to sit on one task force.

TITLE III—REORGANIZATION OF COMMITTEES OF THE HOUSE AND SENATE

SEC. 301. NEW COMMITTEE STRUCTURE.

(a) IN GENERAL.—The following standing committees shall be appointed at the commencement of each Congress in the House of Representatives and in the Senate, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(1)(A) Committee on Leadership and National Priorities, to which committee shall be referred—

(i) all concurrent resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and all other matters required to be referred to committee under titles III and IV of that Act, and messages, petitions, memorials, and other matters relating thereto; and

(ii) in the Senate—

(I) administration of the Senate office buildings and the Senate wing of the Capitol, including the assignment of office space;

(II) congressional organization relative to rules and procedures, and Senate rules and regulations, including floor and gallery rules;

(III) corrupt practices;

(IV) credentials and qualifications of Members of the Senate; contested elections, and acceptance of incompatible offices;

(V) Federal elections generally, including the election of the President, Vice President, and Members of Congress;

(VI) Government Printing Office, and the printing and correction of the Congressional Record, as well as those matters provided under rule XI;

(VII) meetings of the Congress and attendance of the Members;

(VIII) payments of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall first be referred to such committee);

(IX) Presidential succession;

(X) purchase of books and manuscripts and erection of monuments to the memory of individuals;

(XI) Senate Library and statuary, art, and pictures in the Capitol and Senate office buildings;

(XII) services to the Senate, including the Senate restaurant; and

(XIII) United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

(B) Such committee shall have the duty—

(i) to report the matters required to be reported by committee under titles III and IV of the Congressional Budget Act of 1974;

(ii) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Senate or House, as appropriate, on a recurring basis;

(iii) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Senate or House, as appropriate, on a recurring basis;

(iv) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties; and

(v) to establish legislative priorities and a schedule for the Senate or House, as appropriate, at the beginning of each Congress.

(2) Committee on Agriculture, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Agriculture.

(3) Committee on Commerce, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Commerce.

(4) Committee on Defense, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Defense.

(5) Committee on Education, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Education.

(6) Committee on Energy and Interior, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the following subjects:

(A) Department of Energy.

(B) Department of the Interior.

(7) Committee on the Environment, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Environmental Protection Agency.

(8) Committee on Foreign Relations, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of State.

(9) Committee on Governmental Affairs, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the following subjects:

(A) Executive branch general organization.

(B) Federal employees and the Post Office.

(10) Committee on Health and Human Services, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Health and Human Services.

(11) Committee on Housing and Urban Development, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Housing and Urban Development.

(12) Committee on the Judiciary, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the following subjects:

(A) Judicial Branch.

(B) Department of Justice.

(C) Elections.

(D) Law enforcement.

(E) Constitutional amendments.

(F) Civil liberties.

(13) Committee on Labor, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Labor.

(14) Committee on Transportation, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Transportation.

(15) Committee on Treasury, Banking, and Finance, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the following subjects:

(A) Department of the Treasury.

(B) Federal Service Board.

(C) Securities and Exchange Commission.

(16) Committee on Veterans Affairs, to which committee shall be referred all proposed legislation (including appropriations bills), messages, petitions, memorials, and other matters relating to the Department of Veterans Affairs.

(17) Other agencies. The Committees listed in paragraphs (2) through (16) shall have jurisdiction over any Federal agency not listed with such committee that is responsible for laws related to the committee's jurisdiction.

(b) COMMITTEE ON LEADERSHIP AND NATIONAL PRIORITIES.—The Committee on Leadership and National Priorities shall consist of—

(1) the chairman and ranking member of each standing committee; and

(2) 6 additional members, 4 from the majority party and 2 from the minority party.

(c) SERVICE ON COMMITTEES.—A Member of Congress may serve on not more than 2 committees except that members of the Committee on Leadership and National Priorities may serve on 3.

SEC. 302. TECHNICAL AND CONFORMING AMENDMENTS IN THE SENATE.

(a) REDESIGNATIONS.—Paragraphs 1, 2, 3, 4, 6, and 7 of rule XVI of the Standing Rules of the Senate are repealed, and paragraphs 5 and 8 are renumbered as paragraphs "1" and "2", respectively.

(b) COMMITTEE ON APPROPRIATIONS.—

(1) Subparagraph (b) of paragraph 4 of rule XVII of the Standing Rules of the Senate is amended by striking out "(except the Committee on Appropriations)".

(2) Rule XXVI of the Standing Rules of the Senate is amended—

(A) by striking out "(except the Committee on Appropriations)" in each instance where it appears,

(B) by striking out "(except the Committee on Appropriations and the Committee on the Budget)" in each instance where it appears, and inserting in lieu thereof the following "(except the Committee on National Priorities)",

(C) by striking out "The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget." in subparagraph 5(a) and inserting in lieu thereof "The prohibition contained in the preceding sentence shall not apply to the Committee on National Priorities.",

(D) by striking out the last sentence of subparagraph 10(b), and

(E) by striking out "(except those by the Committee on Appropriations)" in subparagraph 11(b).

SEC. 303. EFFECTIVE DATE.

The provisions of this title shall take effect on the first day of the first Congress following the date of enactment.

TITLE IV—BIENNIAL BUDGET

SEC. 401. SHORT TITLE.

This title may be cited as the "Biennial Budget Act of 1993".

SEC. 402. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that the present annual Federal budgeting process—

(1) allows insufficient time for the fulfillment by the Congress of its legislative and oversight responsibilities;

(2) allows insufficient time for the review and consideration by the Congress of authorizing legislation, budget resolutions, and appropriation bills and resolutions and other spending measures;

(3) allows insufficient time for the evaluation of costly and complicated Federal programs, and thereby contributes to the unrestrained growth of the Federal budget; and

(4) allows insufficient time for agencies and State and local governments to plan for the implementation of programs.

(b) PURPOSE.—It is the purpose of this title—

(1) to establish a process through which the Federal budget will be adopted for a two-year period;

(2) to improve congressional control over the Federal budget process;

(3) to streamline the requirements of the budget process in order to promote better accountability to the public;

(4) to improve the legislative and budgetary processes by providing additional time for congressional oversight and other vital legislative activities;

(5) to provide stability and coherence for recipients of Federal funds; and

(6) to implement other improvements in the Federal budget process.

SEC. 403. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the Congressional budget process for any Congress (beginning with the One Hundred Fourth Congress) is as follows:

"First Session

"On or before:	Action to be completed:
First Monday after January 3.	President submits budget recommendations.
February 15	Congressional Budget Office submits report to Committees on Leadership and National Priorities.
February 25	Committees submit views and estimates to Committees on Leadership and National Priorities.
March 31	Committees on Leadership and National Priorities report concurrent resolution on the biennial budget.
April 15	Congress completes action on concurrent resolution on the biennial budget.

"First Session—Continued

May 15	Biennial appropriation bills may be considered in the House.
June 10	House Committees report last biennial appropriation bill.
September 30 ..	Congress completes action on reconciliation legislation.
September 30 ..	Congress completes action on biennial appropriation bills.
October 1	Biennium begins.

"Second Session

"On or before:	Action to be completed:
May 15	Congressional Budget Office submits report to Committees on Leadership and National Priorities.
The last day of the session.	Congress completes action on bills and resolutions authorizing a new budget authority for the succeeding biennium.".

SEC. 404. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking "each year" and inserting "biennially".

(b) DEFINITIONS.—

(1) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(2) Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end the following new paragraph:

"(11) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.".

(c) DUTIES OF CBO.—

(1) Section 202(f)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(f)(1)) is amended—

(A) by striking "February 15 of each year" and inserting "February 15 of each odd-numbered calendar year";

(B) by striking "the fiscal year commencing" and inserting "each fiscal year in the biennium commencing";

(C) by striking "such fiscal year" the first place it appears and inserting "such biennium"; and

(D) by striking "such fiscal year" the second place it appears and inserting "each fiscal year in such biennium".

(2) Section 202(f) of such Act (2 U.S.C. 602(f)) is further amended—

(A) in paragraph (2) by striking "The Director shall from time to time" and inserting "On May 15 of each even numbered year and at such other times as he or she deems appropriate, the Director shall"; and

(B) in paragraph (3)—

(i) by striking "January 15" and inserting "February 15",

(ii) by striking "each year" and inserting "each even-numbered calendar year",

(iii) by striking "the fiscal year ending September 30 of that calendar year" in clause (A) and inserting "either fiscal year in the biennium beginning October 1 of the preceding calendar year",

(iv) by striking "the fiscal year ending September 30 of that calendar year" in clause (B) and inserting "either fiscal year of such biennium", and

(v) by striking "fiscal year beginning October 1 of that calendar year" and inserting "succeeding biennium".

(d) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) by striking "April 15 of each year" and inserting "April 15 of each odd-numbered year";

(B) by striking "the fiscal year beginning on October 1 of such year" the first place it appears and inserting "biennium beginning on October 1 of such year";

(C) by striking "the fiscal year beginning on October 1 of such year" the second place it appears and inserting "each fiscal year in such period; and

(D) by striking "each of the two ensuing fiscal years" and inserting "each fiscal year in the succeeding biennium".

(2) Section 301(b) of such Act (2 U.S.C. 632(b)) is amended—

(A) in the matter preceding paragraph (1) by inserting "for a biennium" after "concurrent resolution on the budget"; and

(B) in paragraph (3) by striking "for such fiscal year" and inserting "for either fiscal year in such biennium".

(3) Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by striking "February 25 of each year" and inserting "February 25 of each odd-numbered year".

(4) Section 301(e) of such Act (2 U.S.C. 632(e)) is amended—

(A) in the first sentence by striking "fiscal year" and inserting "biennium";

(B) by inserting between the second and third sentences the following new sentence: "On or before March 31 of each odd-numbered year the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year."; and

(C) in paragraph (6)—

(i) by striking "five" and inserting "four",

(ii) by striking "such fiscal year" and inserting "the first fiscal year of such biennium,", and

(iii) by striking "such period" and inserting "such four-fiscal-year period".

(5) Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(6) The section heading of section 301 of such Act is amended by striking "annual" and inserting "biennial".

(7) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Annual" in the item relating to section 301 and inserting "Biennial".

(e) Committee Allocations.—

(1) Paragraphs (1) and (2) of section 302(a) of such Act (2 U.S.C. 633(a)) are amended—

(A) by inserting "for a biennium" after "budget" the first place it appears in each such paragraph; and

(B) by inserting "for each fiscal year in such biennium" after "estimated allocation" each place it appears.

(2) Section 302(c) of such Act (2 U.S.C. 633(c)) is amended—

(A) by striking "for a fiscal year" each place it appears and inserting "for either fiscal year in a biennium"; and

(B) by striking "for such fiscal year" each place it appears and inserting "for such biennium".

(3) Section 302(f)(1) of such Act (2 U.S.C. 633(f)(1)) is amended—

(A) by striking "for a fiscal year" and inserting "for a biennium", and

(B) by striking "such fiscal year" each place it appears in the matter preceding subparagraph (A) and inserting "a fiscal year in such biennium".

(4) Section 302(f)(2) of such Act is amended—

(A) by striking "for a fiscal year" and inserting "for a biennium", and

(B) by striking "for such fiscal year" and inserting "for a biennium".

(f) Section 303 Point of Order.—

(1) Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(2) Section 303(b) of such Act (2 U.S.C. 634(b)) is amended—

(A) by striking "fiscal year" each place it appears and inserting "biennium"; and

(B) in the matter following paragraph (2) by striking "any calendar year" and inserting "any odd-numbered calendar year".

(g) Permissible Revisions of Concurrent Resolutions on the Budget.—Section 304 of such Act (2 U.S.C. 635) is amended—

(1) by striking "fiscal year" the first two places it appears and inserting "biennium";

(2) by striking "for such fiscal year"; and

(3) by inserting before the period "for such biennium".

(h) Procedures for Consideration of Budget Resolutions.—Section 305(b)(3) of such Act (2 U.S.C. 636(b)(3)) is amended—

(1) striking "the concurrent" and inserting "a concurrent"; and

(2) by striking "fiscal year" and inserting "biennium".

(i) Report and Summaries of Congressional Budget Actions.—

(1)(A) Section 308(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a)(1)) is amended—

(i) in the matter preceding subparagraph (A) by striking "fiscal year" and inserting "biennium",

(ii) in subparagraph (a) by striking "fiscal year" and inserting "biennium", and

(iii) in subparagraph (C) by striking "such fiscal year" and inserting "such biennium".

(B) Section 308(a)(2) of such Act is amended by striking "fiscal year" and inserting "biennium".

(2) Section 308(b)(1) of such Act (2 U.S.C. 639(b)(1)) is amended—

(A) by striking "fiscal year" the first place it appears and inserting "biennium";

(B) by inserting "for such biennium" after "concurrent resolution on the budget"; and

(C) by striking "the fiscal year preceding such fiscal year" and inserting "each fiscal year in the biennium preceding such biennium".

(3) Section 308(c) of such Act (2 U.S.C. 639(c)) is amended—

(A) by striking "Five" in the subsection heading and inserting "Four";

(B) by striking "fiscal year" each place it appears in the manner preceding paragraph (1) and inserting "biennium"; and

(C) by striking "5 fiscal years" and inserting "4 fiscal years".

(j) Completion of Action on Regular Appropriation Bills.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting "of any odd-numbered calendar year" after "July";

(2) by striking "annual" and inserting "regular"; and

(3) by striking "fiscal year" and inserting "biennium".

(k) Reconciliation Process.—

(1) Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(A) by striking "any fiscal year" in the matter preceding paragraph (1) and inserting "any biennium";

(B) in paragraph (1) by striking "such fiscal year" each place it appears and inserting "each fiscal year in such biennium"; and

(C) in paragraph (2) by inserting "for each fiscal year in such biennium" after "revenues".

(2) Section 310(e) of such Act (2 U.S.C. 641(e)) is amended—

(A) by striking "20 hours" in paragraph (2) and inserting "100 hours"; and

(B) by adding at the end the following new paragraph:

"(3) It shall not be in order in the Senate or the House of Representatives to consider any reconciliation bill or resolution or any amendment thereto or any conference report thereon which changes any provision of law other than provisions of law which—

"(A) provide new budget authority or spending authority described in section 401(c)(2);

"(B) relate to revenues; or

"(C) specify the amount of the statutory limit on the public debt.".

(3) Section 310(f) of such Act (2 U.S.C. 641(f)) is amended—

(A) by inserting "of any odd-numbered calendar year" after "July",

(B) by striking "fiscal year beginning on October 1 of the calendar year to which the adjournment resolution pertains" and inserting "biennium beginning on October 1 of such calendar year", and

(C) by striking "for such fiscal year" and inserting "for such biennium".

(l) Section 311 Point of Order.—

(1) Section 311(a) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking "for a fiscal year" and inserting "for a biennium";

(B) by striking "such fiscal year" the first, second, and third places it appears and inserting "a fiscal year in such biennium";

(C) by inserting "for such fiscal year" after "outlays";

(D) by striking "concurrent resolution on the budget for such fiscal year" and inserting "concurrent resolution on the budget for the biennium in which such fiscal year occurs";

(E) by inserting "for such fiscal year" after "revenues" the first place it appears; and

(F) by inserting "for such fiscal year" after "set forth" the second place it appears.

(2) Section 311(b) of such Act (2 U.S.C. 642(b)) is amended—

(A) by striking "such fiscal year" the first place it appears and inserting "a biennium"; and

(B) by striking "such fiscal year" the second place it appears and inserting "either fiscal year in such biennium".

(m) Bills Providing New Spending Authority.—Section 401(b)(2) of such Act (2 U.S.C. 651(b)(2)) is amended by striking "for such fiscal year" the second place it appears and inserting "for the biennium in which such fiscal year occurs".

(n) Analysis by CBO.—Section 403(a) of the Congressional Budget Act of 1974 (2 U.S.C. 653(a)) is amended—

(1) by striking "the fiscal year" in paragraph (1) and inserting "each fiscal year in the biennium";

(2) by striking "4 fiscal years following such year" in paragraph (1) and inserting "each fiscal year in the succeeding biennium";

(3) by striking "the fiscal year" in paragraph (2) and inserting "each fiscal year in the biennium"; and

(4) by striking "four fiscal years following such fiscal year" in paragraph (2) and inserting "each fiscal year in the succeeding biennium".

SEC. 405. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) Definition.—Section 1101 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(3) 'biennium' has the meaning given to such term in paragraph (11) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11).".

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) So much of section 1105(a) of title 31, United States Code, as precedes paragraph (1) is amended to read as follows:

"(a) On or before the first Monday after January 3 of each odd-numbered year, beginning with the One Hundred Fourth Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:".

(2) Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding biennium".

(3) Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding biennium".

(4) Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(5) Section 1105(a)(12) of title 31, United States Code, is amended—

(A) by striking "the fiscal year" in subparagraph (A) and inserting "each fiscal year in the biennium"; and

(B) by striking "4 fiscal years after that year" in subparagraph (B) and inserting "2 fiscal years immediately following the second fiscal year in such biennium".

(6) Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(7) Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting "each fiscal year in the biennium for which the budget is submitted".

(8) Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(9) Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "the fiscal year following the fiscal year" and inserting "each fiscal year in the biennium following the biennium";

(B) by striking "that following fiscal year" and inserting "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting "biennium before the biennium".

(10) Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to that fiscal year"; and

(C) by striking "in that year" and inserting "in that fiscal year".

(11) Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to that fiscal year"; and

(C) by striking "in that year" each place it appears and inserting "in that fiscal year".

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting "each even-numbered year".

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "fiscal year for" each place it appears and inserting "biennium for";

(2) by inserting "or current biennium, as the case may be," after "current fiscal year"; and

(3) by striking "that year" and inserting "that period".

(e) STATEMENT WITH RESPECT TO CERTAIN CHANGES.—Section 1105(d) of title 31, United States Code, is amended by striking "fiscal year" and inserting "biennium".

(f) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting "biennium to which such budget relates".

(g) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1) by striking "fiscal year" and inserting "biennium";

(B) in paragraph (1) by striking "that fiscal year" and inserting "each fiscal year in such biennium";

(C) in paragraph (2) by striking "4 fiscal years following the fiscal year" and inserting "2 fiscal years following the biennium";

(D) by striking "future fiscal years" in paragraph (3) and inserting "the 2 fiscal years following the biennium for which the budget is submitted"; and

(E) by striking "fiscal year" in paragraph (3) and inserting "biennium".

(2) Section 1106(b) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(h) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1994)" and inserting "At the same time the budget required by section 1105 is submitted for a biennium"; and

(B) by striking "the following fiscal year" and inserting "each fiscal year of such period".

(2) Section 1109(b) of title 31, United States Code, is amended by striking "March 1 of each year" and inserting "February 25 of each odd-numbered year".

(i) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended—

(1) by striking "fiscal year" and inserting "biennium (beginning on or after October 1, 1995)", and

(2) by striking "year before the year in which the fiscal year begins" and inserting "second calendar year preceding the calendar year in which the biennium begins".

(j) BUDGET INFORMATION ON CONSULTING SERVICES.—Section 1114 of title 31, United States Code, is amended—

(1) by striking "The" each place it appears and inserting "For each biennium beginning with the biennium beginning on October 1, 1995, the"; and

(2) by striking "each year" each place it appears.

SEC. 406. TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

"§ 105. Title and style of appropriation Acts

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for the biennium ending September 30 (here insert the odd-numbered calendar year).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

SEC. 407. AMENDMENTS TO RULES OF HOUSE OF REPRESENTATIVES.

(a) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(b) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by striking "such fiscal year" and inserting "the biennium in which such fiscal year begins".

(c) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended by striking "concurrent resolution on the budget for each fiscal year" and inserting "concurrent resolution on the budget required under section 301(a) of the Congressional Budget Act of 1974 for each biennium".

(d) Clause 4(f) of rule X of the Rules of the House of Representatives is amended by striking "annually" each place it appears and inserting "biennially".

(e) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(1) by striking "March 15 of each year" and inserting "March 15 of each odd-numbered year";

(2) by striking "fiscal year" the first place it appears and inserting "biennium"; and

(3) by striking "that fiscal year" and inserting "each fiscal year in such ensuing biennium".

(f) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting "biennium".

(g) Subdivision (C) of clause 2(l)(1) of rule XI of the Rules of the House of Representatives is repealed.

(h) Clause 4(a) of rule XI of the Rules of the House of Representatives is amended by striking "fiscal year if reported after September 15 preceding the beginning of such fiscal year" and inserting "biennium if reported after August 1 of the year in which such biennium begins".

(i) Clause 2 of rule XLIX of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting "biennium".

SEC. 408. EFFECTIVE DATE; APPLICATION.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall become effective January 1, 1995, and shall apply to bienniums beginning after September 30, 1995.

(b) FISCAL YEAR 1995.—Notwithstanding subsection (a), the provisions of—

(1) the Congressional Budget Act of 1974, and

(2) title 31, United States Code,

(as such provisions were in effect on the day before the effective date of this title) shall apply to the fiscal year beginning on October 1, 1994.

(c) DEFINITION.—For purposes of this section, the term "biennium" shall have the meaning given to such term in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)), as added by section 403(b)(2) of this Act.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The bill is entitled the "Congressional Reorganization Act of 1993."

TITLE I—REDUCTIONS IN CONGRESSIONAL SPENDING

Section 101. Reduction in congressional committee budgets and support staff. This section provides for a 25% budget reduction in Congressional committee and support staff over a three year period of time based on Fiscal Year 1993 levels.

A 10 percent reduction will be made during the first and second year and the final 5% reduction will be made the third year.

Section 102. Return of official funds to the Treasury. All unused funds remaining in the Senator's Official Personnel and Office Expense Account at the end of the fiscal year will be returned to the Treasury for the purpose of reducing the federal deficit.

TITLE II—CONGRESSIONAL AGENDA AND PRIORITY NATIONAL ISSUES

Section 201. Task Force. At the beginning of each Congress, the Senate and House of Representatives shall determine by February 15, no more than 5 issues that need priority attention during such Congress. Each body will then create no more than 5 task forces to study and recommend legislative remedies for Congress.

These task forces are authorized to utilize professional staff from the standing committees and federal agencies without providing additional compensation. In addition, the task forces may retain the services of consultants and experts in related fields in order to accomplish the mission of the task force. Funding for such consultants and experts will come from the Committee on Leadership and National Priorities.

The task forces are not authorized to maintain permanent staff.

Section 202. Congressional Agenda. The task forces created in section 201 will submit recommendations to the appropriate committees of original jurisdiction no later than 12 months after the creation of the task force.

Section 203. Membership. Each Member of Congress shall be appointed by party leadership to sit on one task force.

TITLE III—REORGANIZATION OF COMMITTEES OF THE HOUSE AND SENATE

Section 301. New committee structure. Section 301 establishes the Committee on Leadership and National Priorities. The Committee on Leadership and National Priorities will be responsible for the following areas:

Budget.

Rules and Administration.

Establish legislative priorities and scheduling.

Section 301 also establishes the following fifteen standing committees:

Committee on Agriculture. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Agriculture.

Committee on Commerce. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Commerce.

Committee on Defense. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Defense.

Committee on Education. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Education.

Committee on Energy and Interior. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Energy and the Department of the Interior.

Committee on the Environment. This committee will have jurisdiction over all matters (including appropriations) that relate to the Environmental Protection Agency.

Committee on Foreign Relations. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of State.

Committee on Governmental Affairs. This committee will have jurisdiction over all matters (including appropriations) that relate to the following subjects:

Executive branch general organization.

Federal employees and the Post Office.

Committee on Health and Human Services. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Health and Human Services.

Committee on Housing and Urban Development. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Housing and Urban Development.

Committee on the Judiciary. This committee will have jurisdiction over all matters (including appropriations) that relate to the following subjects:

Judicial Branch.

Department of Justice.

Elections.

Law Enforcement.

Constitutional amendments.

Civil liberties.

Committee on Labor. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Labor.

Committee on Transportation. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Transportation.

Committee on Treasury, Banking, and Finance. This committee will have jurisdiction over all matters (including appropriations) that relate to the following subjects:

Department of the Treasury.

Federal Service Board.

Securities and Exchange Commission.

Committee on Veterans Affairs. This committee will have jurisdiction over all matters (including appropriations) that relate to the Department of Veterans Affairs.

Section 301 also provides an accommodating clause for any federal agency or quasi-federal agency not previously mentioned in the legislation.

Section 301 states that the Committee on Leadership and National Priorities shall consist of the chairman and ranking member of each of the standing committees plus 6 additional members. The additional members shall be chosen by party leadership—4 from the majority party and 2 from the minority party.

Section 301 further states that Members may sit on no more than two standing committees. An exception to this rule is made for Members who sit on the Committee on Leadership and National Priorities. Members of this committee may reside on no more than three committees.

Section 302. Technical and conforming amendments. This section makes the necessary changes to existing Senate rules.

Section 303. Effective date. Makes the provisions of this title effective on the first day of the first Congress following the enactment of this legislation.

TITLE IV—BIENNIAL BUDGET

Section 401. Short title. This title may be cited as the "Biennial Budget Act of 1993".

Section 402. Findings and Purpose. This section states that the present annual federal budgeting process does not allow the Congress sufficient time to fulfill its legislative and oversight responsibilities. Further, the current federal budget process does not allow enough time for the review and consideration by the Congress of authorizing legislation, budget resolutions, appropriation bills and other spending measures. The annual federal budget process does not allow enough time for the Congress to properly evaluate costly and complicated federal programs, thereby contributing to unrestrained growth in the federal budget. Finally, the annual federal budget process places undue hardship on agencies and state and local governments by not allowing enough time to plan for the implementation of programs.

Section 402 further states that a biennial budget will improve Congressional control over the federal budget process and streamline this process in order to promote better accountability to the public. The biennial federal budget process will provide additional time for congressional oversight and other vital legislative activities. In addition, a biennial federal budget will provide stability and coherence for recipients of federal funds.

Section 403. Revision of timetable. This section revises the timetable so that all budget actions will reflect the change in committee structure and the change from an annual federal budget process to a biennial federal budget process.

Section 404. Amendments to the Congressional Budget and Impoundment Control Act of 1974. This section makes technical changes to the Congressional Budget and Impoundment Control Act of 1974 necessary for a biennial federal budget process.

Section 405. Amendments to title 31, United States Code. This section makes technical changes to title 31, USC necessary for a biennial federal budget process.

Section 406. Title and style of appropriations acts. This section makes technical changes to Section 105 of title 1, USC necessary for a biennial federal budget process.

Section 407. Amendments to the rules of the House of Representatives. This section makes technical changes to the rules of the House of Representatives necessary for a biennial federal budget process.

Section 408. Effective date; application. This section clarifies the effective dates for which this title shall apply.

By Mr. AKAKA (for himself, Mr. LEAHY, Mr. CRAIG, Mr. GORTON, and Mr. PELL):

S. 1288. A bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NATIONAL AQUACULTURE DEVELOPMENT, COMMERCIALIZATION AND PROMOTION ACT OF 1993

Mr. AKAKA. Mr. President, today I am introducing legislation to help the

United States become more competitive in the expanding global economy. My bill is designed to stimulate one of the fastest growing components of agriculture in the United States—aquaculture farming.

As the United States adjusts to the changing world economy and searches for new opportunities for economic development and job creation, the potential of aquaculture must be given more serious attention. Judged by world standards, however, the U.S. aquaculture industry lags far behind the competition. China, Japan, India, Indonesia, Korea, the Philippines, Norway, Thailand, and the former Soviet Union all enjoy a larger share of the global aquaculture market.

The United States currently imports 60 percent of its fish and shellfish, resulting in a $3.3 billion annual trade deficit for seafood. Clearly, there is potential to expand aquaculture production and increase U.S. market share. Aquaculture is a diverse industry that affects all regions of the country. More than 30 States produce at least two dozen commercially important aquaculture species. Indeed, the outlook for aquaculture is promising, if more can be done to stimulate its continued development and promote the commercialization of new aquaculture technologies.

According to industry sources, nearly one-quarter of global seafood consumption will come from fish farming by the year 2000. Based on population projections and assuming stable wild fishery harvests, world aquaculture production must double by the end of this decade and increase sevenfold in the next 35 years to keep pace with rising demand for seafood.

The international market for aquaculture is vast, and the United States is well-equipped to become a leader in aquaculture production and technology. Supported by a national commitment, American farmers have developed the most productive terrestrial agriculture system on Earth. A similar effort is needed to help the United States increase its share of the world aquaculture market. A national commitment is essential to the future success of aquaculture in the United States. We have the finest research institutions in the world. We simply need to redirect some of our research energy toward promising technologies like aquaculture.

The bill I have introduced would stimulate aquaculture development in a comprehensive fashion. Entitled the National Aquaculture Development, Commercialization, and Promotion Act, the bill would promote a coordinated Federal aquaculture policy to ensure the most efficient use of available resources. Senators LEAHY, CRAIG, GORTON, and PELL have joined me in cosponsoring this legislation.

The bill authorizes funds for research on the latest technologies for aquaculture farming. The bill would establish an international exchange program to allow our researchers to learn about successful production methods in countries where aquaculture is more highly developed. It would also improve education about aquaculture through programs for high school and vocational education students.

Efforts to expand the U.S. aquaculture industry will not go unrewarded. The current U.S. trade deficit for seafood stands at $3.3 billion. If we could reduce our seafood trade deficit by one-third through expanded aquaculture production, we would create 25,000 new jobs. That is what this aquaculture bill is about—creating jobs and putting Americans to work in new, promising industries.

The opportunity for job creation is unusually promising. Consumer demand for seafood has increased well beyond that which can be attributed to population growth. Rising demand coincides with the decline of many of the world's fisheries. Thus, the opportunity exists for U.S. aquaculture production to satisfy the increasing demand for seafood both at home and abroad.

Before the United States can effectively compete in the world market, however, we must increase the number of trained technicians able to serve in the aquaculture work force. As technology becomes more complex, the demand for a skilled work force will also increase. Education and extension programs must do a better job of interesting students in the potential of aquaculture. This will allow industry to recruit competent technicians, scientists, and engineers into the aquaculture work force. The U.S. aquaculture industry represents real job growth and opportunity for Americans.

Nowhere is the opportunity for aquaculture more promising than in Hawaii. We have a skilled labor force, access to Asian and North American markets, and a climate that permits harvesting throughout the year. Aquaculture can strengthen our employment base and help fill the gaps caused by the decline in sugar. With the right encouragement, aquaculture can become a cornerstone of diversified agriculture in Hawaii.

In Hawaii, the service components of the aquaculture industry benefit urban areas while commercial farms and private aquaculturists benefit rural communities. With the decline of sugar, commercial aquaculture offers many land-use advantages. Aquaculture is capable of supporting more jobs per acre than plantation agriculture, and aquaculture promotes jobs that are high-wage and high-technology.

More than 100 Hawaiian aquaculture production and service businesses generate annual sales of $25 million. Over the last 15 years, the State has spent $15.7 million to grow our aquaculture industry. This investment has helped generate cumulative revenues totaling $315.9 million during this period. Every $1 spent by the taxpayers of Hawaii generates $20 of aquaculture revenue.

The cost-benefit ratio is impressive, but we can do better. The industry in Hawaii, like many other regions in the United States, is poised to increase production, sales revenues, and demand for much needed jobs.

The road to success must be paved with pragmatic legislation. My bill would declare aquaculture to be a form of agriculture and would treat cultured aquatic plants and animals as livestock and agricultural commodities for the purpose of programs administered by the U.S. Department of Agriculture.

My bill would authorize the Secretary of Agriculture to make grants and award contracts to support highly focused applied research and the investigations of new products and processes that have the greatest potential for aquaculture commercialization.

The bill would authorize the Secretary of Agriculture to establish a program to improve instruction about aquaculture in agriculture curriculum and to educate high school and vocational education students about the basic principles of aquaculture farming.

Finally, my bill would authorize the Secretary of Agriculture to provide assistance to eligible aquaculture farmers who suffer losses of an aquatic crop as a result of damaging weather or related condition.

Aquaculture is truly an exciting endeavor. Outstanding research facilities, emerging high-tech opportunities, and a skilled work force will enable the United States to make a national commitment to aquaculture. The enactment of this legislation will allow U.S. aquaculture farms to compete successfully for an increased share of the world aquaculture market.

The National Aquaculture Development, Commercialization, and Promotion Act of 1993 is a road map for America's future success in aquaculture.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "National Aquaculture Development, Commercialization, and Promotion Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

Sec. 4. National aquaculture development plan.
Sec. 5. National Aquaculture Information Center; assignment of new programs; market development program.
Sec. 6. Coordination with the aquaculture industry.
Sec. 7. Aquaculture commercialization research.
Sec. 8. National policy for private aquaculture.
Sec. 9. Pollution assessment.
Sec. 10. Native American fishpond revitalization.
Sec. 11. Disaster assistance for aquaculture farms.
Sec. 12. Aquaculture education.
Sec. 13. International aquaculture scientific exchange.
Sec. 14. Authorization of appropriations.
Sec. 15. Eligibility of aquaculture farmers for farm credit assistance.
Sec. 16. International aquaculture information and data collection.
Sec. 17. Eligibility of aquaculture farms for emergency conservation program.
Sec. 18. Aquaculture information network report.
Sec. 19. Implementation report.

(c) REFERENCES TO NATIONAL AQUACULTURE ACT OF 1980.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.).

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Subsection (a) of section 2 (16 U.S.C. 2801(a)) is amended to read as follows:

"(a) FINDINGS.—Congress finds the following:

"(1) The wild harvest or capture fisheries of certain seafood species exceeds levels of optimum sustainable yield, thereby making it more difficult to meet the increasing demand for aquatic food.

"(2) To satisfy the domestic market for aquatic food, the United States imports more than 59 percent of its seafood. This dependence on imports adversely affects the national balance of payments and contributes to the uncertainty of supplies and product quality.

"(3) Although aquaculture currently contributes approximately 16 percent by weight of world seafood production, less than 9 percent by weight of current United States seafood production results from aquaculture. As a result, domestic aquaculture production has the potential for significant growth.

"(4) Aquaculture production of aquatic animals and plants can provide sources for food, industrial materials, pharmaceuticals, energy, and aesthetic enjoyment, and can assist in the control and abatement of pollution.

"(5) The rehabilitation and enhancement of fish and shellfish resources are desirable applications of aquaculture technology.

"(6) The principal responsibility for the development of aquaculture in the United States must rest with the private sector.

"(7) Despite its potential, the development of aquaculture in the United States has been inhibited by many scientific, economic, legal, and production factors, such as—

"(A) inadequate credit;

"(B) limited research and development programs;

"(C) diffused legal jurisdiction;

"(D) inconsistent interpretations between Federal agencies;

"(E) the lack of management information;

"(F) the lack of supportive policies of the Federal Government;

"(G) the lack of therapeutic compounds for treatment of the diseases of aquatic animals and plants; and

"(H) the lack of reliable supplies of seed stock.

"(8) Many areas of the United States are suitable for aquaculture, but are subject to land-use or water-use management policies and regulations that do not adequately consider the potential for aquaculture and may inhibit the development of aquaculture.

"(9) In 1990, the United States ranked only tenth in the world in aquaculture production based on total value of products.

"(10) Despite the current and increasing importance of private aquaculture to the United States economy and to rural areas in the United States, Federal efforts to nurture aquaculture development have failed to keep pace with the needs of fish and aquatic plant farmers.

"(11) The United States has a premier opportunity to develop an important new agricultural industry to serve national needs and the global marketplace.

"(12) United States aquaculture provides wholesome products for domestic consumers and contributes significantly to the quality of life in rural areas in the United States.

"(13) Since 1980, the United States trade deficit in edible fishery products foods has increased by 48 percent, from $1,777,921,000 to $2,634,738,000 in 1991.

"(14) Aquaculture is poised to become a major growth industry of the 21st century. With global seafood demand projected to increase 70 percent by 2025, and harvests from capture fisheries stable or declining, aquaculture would have to increase production by 700 percent, a total of 77 million metric tons annually.

"(15) Private aquaculture production in the United States has increased an average of 20 percent by weight annually since 1980, and is one of the fastest growing segments of United States and world agriculture.

"(16) In 1990, private United States aquaculture production was 860,750,000 pounds, worth $761,500,000 to United States fish farmers, up from 203,178,000 pounds, worth $191,977,000, in 1980.

"(17) Since 1960, per capita consumption of aquatic foods in the United States has increased by 49 percent to 14.9 pounds in 1991, and could reach 20 pounds by the year 2000. Total United States demand is projected to double by 2020.".

(b) PURPOSE.—Subsection (b) of section 2 (16 U.S.C. 2801(b)) is amended to read as follows:

"(b) PURPOSE.—It is the purpose of this Act to promote aquaculture in the United States by—

"(1) declaring a national aquaculture policy;

"(2) establishing private aquaculture as a form of agriculture;

"(3) establishing cultivated aquatic animals, plants, microorganisms, and their products produced by private persons and moving in standard commodity channels as agricultural livestock, crops, and commodities;

"(4) establishing the Department as the lead Federal agency for the development, implementation, promotion, and coordination of national policy and programs for private aquaculture by—

"(A) designating the Secretary as the permanent chairperson of a Federal interagency aquaculture coordinating group;

"(B) assigning overall responsibility to the Secretary for coordinating, developing, and carrying out policies and programs for private aquaculture; and

"(C) establishing a National Aquaculture Information Center within the Department to support the United States aquaculture industry; and

"(5) encouraging—

"(A) aquaculture activities and programs in both the public and private sectors of the economy of the United States;

"(B) the creation of new industries and job opportunities related to aquaculture activities;

"(C) the reduction of the fisheries trade deficit; and

"(D) other national policy benefits deriving from aquaculture activities.".

SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 2802) is amended—

(1) in paragraph (1), by striking "the propogation" and all that follows through the period at the end and inserting "the controlled cultivation of aquatic plants and animals.";

(2) in paragraph (3), by inserting before the period at the end the following: "or microorganism";

(3) by redesignating paragraphs (7) through (9) as paragraphs (9) through (11), respectively;

(4) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(5) by inserting after paragraph (4) the following new paragraph:

"(5) The term 'Department' means the United States Department of Agriculture"; and

(6) by inserting before paragraph (9) (as redesignated by paragraph (3)) the following new paragraph:

"(8) The term 'private aquaculture' means the controlled cultivation of aquatic plants and animals other than cultivation carried out by, or under contract with, the Federal Government or any State or local government.".

SEC. 4. NATIONAL AQUACULTURE DEVELOPMENT PLAN.

Section 4 (16 U.S.C. 2803) is amended—

(1) in the second sentence of subsection (c)—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C);

(2) in the second sentence of subsection (d), by striking "Secretaries determine" and inserting "Secretary, in consultation with the other Secretaries, determines";

(3) in subsection (e)—

(A) by striking "Secretaries" and inserting "Secretary"; and

(B) by inserting "and in consultation with the other Secretaries and representatives of other Federal agencies" after "coordinating group"; and

(4) by adding at the end the following new subsection:

"(f) ACCOMPLISHMENTS IN AQUACULTURE PROGRAMS.—Not later than December 31, 1994, the Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall submit to Congress a report evaluating the actions taken in accordance with subsection (d) with respect to the Plan, and making recommendations for updating and modifying the Plan. The report shall also contain a compendium on Federal regulations relating to aquaculture.".

SEC. 5. NATIONAL AQUACULTURE INFORMATION CENTER; ASSIGNMENT OF NEW PROGRAMS; MARKET DEVELOPMENT PROGRAM.

Section 5 (16 U.S.C. 2804) is amended—

(1) in subsection (b)(3), by striking "Secretaries deem" and inserting "Secretary, in consultation with the other Secretaries, considers";

(2) in subsection (c)(1)(B)—

(A) by striking clause (i) and inserting the following new clause:

"(i) establish, within the Department, within the National Agricultural Library, a National Aquaculture Information Center that shall—

"(I) serve as a repository and clearinghouse for the information collected under subparagraph (A) and other provisions of this Act;

"(II) carry out a program to notify organizations, institutions, and individuals known to be involved in aquaculture of the existence of the Center and the kinds of information that the Center can make available to the public; and

"(III) make available, on request, information described in subclause (I) (including information collected under subsection (e));"; and

(B) in clause (ii), by striking the comma and inserting a semicolon;

(3) in the first sentence of subsection (d), by striking "Interior,," and inserting "Interior,"; and

(4) by adding at the end the following new subsections:

"(e) ASSIGNMENT OF NEW PROGRAMS.—In consultation with representatives of the United States aquaculture industry and in coordination with the Secretary of the Interior, the Secretary of Commerce, and the heads of other appropriate Federal agencies, the Secretary shall assess Federal aquatic animal health programs and make recommendations as to the appropriate assignment to Federal agencies of new programs, initiatives, and activities in support of aquaculture and resource stewardship and management.

"(f) USE OF EXCESS SECTION 32 FUNDS.—(1)(A)(i) Subject to subparagraphs (B) and (C), the Secretary shall expend for aquaculture export promotion, research, development, education, market development, and demonstration projects, for each fiscal year, an amount equal to the aquaculture production percentage of the funds remaining available to the Department for the fiscal year under section 32 of the Act entitled 'An Act to amend the Agricultural Adjustment Act, and for other purposes', approved August 14, 1935 (7 U.S.C. 612c), after the application of the first 5 sentences of such section.

"(ii) As used in clause (i), the term 'aquaculture production percentage' means the annual weight of aquaculture products of the United States divided by the annual weight of fisheries landings of the United States (other than landings that are not used for human consumption).

"(B) The Secretary may expend all or part of the funds required to be expended pursuant to subparagraph (A)(i) for the purpose of strengthening aquaculture markets, income, and supply.

"(C) In determining the purposes for which the funds required to be expended pursuant to subparagraph (A)(i) are to be expended, the Secretary shall give high priority to carrying out subsection (e)(2).

"(2) For the purpose of carrying out this Act, for each fiscal year, the Secretary may expend the funds remaining available to the Department for the fiscal year under section 32 of the Act entitled 'An Act to amend the Agricultural Adjustment Act, and for other purposes', approved August 14, 1935 (7 U.S.C. 612c), after the application of paragraph (1).

"(3) For each fiscal year, if funds remain available to the Department for the fiscal year under section 32 of such Act after the exercise (if any) of authority under paragraph (2), the Secretary shall provide to the National Aquaculture Information Center established under subsection (c)(1)(B)(i) for activities of the Center during the fiscal year the lesser of—

"(A) the amount of the remaining funds; or

"(B)(i) $1,000,000; minus

"(ii) the lesser of—

"(I) any funds provided to the Center under paragraph (2); or

"(II) $1,000,000.".

SEC. 6. COORDINATION WITH THE AQUACULTURE INDUSTRY.

Section 6(b) (16 U.S.C. 2805(b)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(7) in order to facilitate improved communication and interaction among aquaculture producers, the aquaculture community, the Federal Government, and the coordinating group, establish a working relationship with—

"(A) the industry advisory councils of the regional aquaculture centers established by the Secretary under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)); and

"(B) national organizations, commodity associations, and professional societies representing aquaculture interests.".

SEC. 7. AQUACULTURE COMMERCIALIZATION RESEARCH.

The Act (16 U.S.C. 2801 et seq.) is amended—

(1) by redesignating sections 7 through 11 as sections 14 through 18, respectively; and

(2) by inserting after section 6 the following new section:

"SEC. 7. AQUACULTURE COMMERCIALIZATION RESEARCH.

"(a) DEFINITIONS.—As used in this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or private research or educational organization, private company, regional center, Federal, State, or regional agency, or individual that is eligible to receive a grant or enter into a contract under this section.

"(2) REGIONAL AQUACULTURE CENTER.—The term 'regional aquaculture center' means an aquacultural research, development, and demonstration center established under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)).

"(b) ASSISTANCE AND COORDINATION.—

"(1) IN GENERAL.—The Secretary—

"(A) may pay the Federal share of the cost of making grants and awarding contracts to eligible entities to support aquaculture research that—

"(i) demonstrates strong potential for aquaculture becoming commercially viable; or

"(ii) will assist the United States aquaculture industry in developing aquaculture products or processes that will be competitive with aquaculture products or processes of other countries; and

"(B) shall, acting through the executive committee of the interagency aquaculture coordinating group established pursuant to section 6, coordinate the implementation of a research program based on the findings contained in the report entitled 'Report of the Joint Committee on Aquaculture Task Force on Therapeutic Compounds', published in August 1988.

"(2) COST SHARE.—

"(A) FEDERAL SHARE.—Except as provided in subparagraph (B), the Federal share of the cost of a project carried out under—

"(i) paragraph (1)(A), shall be 80 percent; and

"(ii) paragraph (1)(B), shall be 100 percent.

"(B) REMAINING SHARE.—The remaining share of the cost of a project carried out under paragraph (1)(A) may be—

"(i) in the form of cash or in-kind payments, or both; and

"(ii) partially comprised of funds made available under other Federal programs, except that the non-Federal share of the project may not be less than 10 per cent of the cost of the project.

"(c) PRIORITIES.—In making grants or awarding contracts under subsection (b), the Secretary shall give priority to—

"(1) highly focused applied research;

"(2) investigations of new products or processes that demonstrate a high potential for aquaculture commercialization;

"(3) market development programs for new or improved aquaculture products or processes;

"(4) field testing, commercial field trials, and applications of aquaculture research to private aquaculture that would promote the transfer of promising aquaculture technologies to the marketplace;

"(5) activities that have strong potential to create employment opportunities; and

"(6) other activities that accelerate the commercialization of promising aquaculture technologies.

"(d) COMPETITIVE REVIEW.—

"(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under subsection (b), a proposal shall undergo competitive review.

"(2) COMPETITIVE REVIEW PANELS.—A competitive review panel shall be composed of individuals appointed by the Secretary, at least 50 percent of whom work in private aquaculture or are private sector representatives who understand sound business practices and are qualified to objectively evaluate the likelihood of a proposal being economically successful or promoting economic success within the aquaculture industry. Each competitive review panel shall contain at least 1 representative from a regional aquaculture center.

"(3) EVALUATION.—A competitive review panel shall base an evaluation of a proposal under this subsection on—

"(A) the quality of the proposal and the research methodology;

"(B) the capability of the participating organization to perform the proposed work;

"(C) the potential for fostering commercialization, job creation, and increased sales of aquaculture products;

"(D) the amount of matching funds provided by the supported entity or obtained from non-Federal sources;

"(E) the extent of collaboration with other Federal and State programs;

"(F) the existence of a business plan that reasonably projects the benefits of the support being requested;

"(G) in the case of a noncommercial entity, the existence of a cooperative agreement with a commercial entity;

"(H) whether the project would promote responsible environmental stewardship; and

"(I) such other factors as the competitive review panel determines to be appropriate.

"(e) LIMITATIONS.—

"(1) REGIONAL AQUACULTURE CENTERS.—Not less than 60 percent of the amounts made available to carry out this section during a fiscal year shall be used to carry out projects that will facilitate the commercialization of preliminary research or investigations that have been funded or coordinated by regional aquaculture centers.

"(2) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amounts made available to carry out this section during a fiscal year may be used by the Secretary for the expenses of administration and information collection and dissemination.

"(3) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

"(f) REPORTS.—An eligible entity that receives a grant or enters into a contract under a project carried out under this section shall submit an annual progress report, and a final report, to the Secretary that—

"(1) describes project activities and commercial and economic accomplishments and impacts; and

"(2) in the case of an annual progress report, includes a project plan for the subsequent year.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 8. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 7 (as added by section 7(2)) the following new section:

"SEC. 8. IMPLEMENTATION OF NATIONAL POLICY FOR PRIVATE AQUACULTURE.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the heads of other agencies, as appropriate, shall coordinate and implement a national policy for private aquaculture in accordance with this section.

"(b) DEPARTMENT AQUACULTURE PLAN.—

"(1) IN GENERAL.—The Secretary shall develop and implement a Department Aquaculture Plan (referred to in this section as the 'plan') for a unified Department aquaculture program, coordinated by the Director of the Office of Aquaculture of the Department, to support the development of private United States aquaculture.

"(2) ELEMENTS OF PLAN.—The plan shall address—

"(A) individual agency programs related to aquaculture in the Department that are consistent with Department programs applied to other agricultural programs, livestock, crops, products, and commodities under the jurisdiction of Department agencies;

"(B) the treatment of cultivated aquatic animals as livestock and cultivated aquatic plants as agricultural crops; and

"(C) means for effective coordination and implementation of aquaculture activities and programs within the Department, including individual agency commitments of personnel and resources.

"(3) DEADLINE.—Not later than 1 year after the date of enactment of the National Aquaculture Development, Commercialization, and Promotion Act of 1993, the Secretary shall submit the plan to Congress.

"(4) REPORTS.—Not later than 1 year after the date of the submission of the plan pursuant to paragraph (3), and annually thereafter, the Secretary shall report to Congress on actions taken to implement the plan during the year preceding the date of the report.

"(5) NATIONAL AQUACULTURE INFORMATION CENTER.—

"(A) IN GENERAL.—In carrying out section 5, the Secretary shall maintain and support the National Aquaculture Information Center (referred to in this paragraph as the 'Center') as a repository for information on national and international aquaculture.

"(B) PUBLIC ACCESS.—Information in the Center shall be made available to the public.

"(C) INTERNATIONAL EXCHANGE.—The head of the Center shall arrange with foreign nations for the exchange of information relating to aquaculture and shall support a translation service.

"(D) SUPPORT.—The Center shall provide direct support to the coordinating group.

"(c) NATIONAL AQUACULTURE DEVELOPMENT PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the National Aquaculture Development, Commercialization, and Promotion Act of 1993, the Secretary shall revise the National Aquaculture Development Plan required to be established under section 4.

"(2) COORDINATION.—The Secretary shall integrate and coordinate the aquaculture and related missions, major objectives, and program components of individual aquaculture plans of the coordinating group members.

"(3) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of the National Aquaculture Development, Commercialization, and Promotion Act of 1993, the Secretary shall submit a revised Plan to Congress.

"(4) UPDATES.—Not later than 5 years after the date of the submission of the revised Plan pursuant to paragraph (3), and annually thereafter, the Secretary shall revise the National Aquaculture Development Plan.

"(d) TREATMENT OF AQUACULTURE.—The Secretary shall, for all purposes, treat—

"(1) private aquaculture as a form of agriculture; and

"(2) aquaculture products produced by private persons and moving in standard commodity channels as agricultural commodities.

"(e) RESOLUTION OF INTERAGENCY CONFLICT.—In consultation with representatives of affected Federal agencies, the Secretary shall be responsible for resolving any interagency conflict in the coordination or implementation of the policy described in this section.

"(f) PRIVATE AQUACULTURE POLICY COORDINATION, DEVELOPMENT, AND IMPLEMENTATION.—

"(1) RESPONSIBILITY.—The Secretary shall have overall responsibility for coordinating, developing, and carrying out policies and programs for private aquaculture.

"(2) DUTIES.—The Director of the Office of Aquaculture of the Department shall—

"(A) represent the Secretary in all interdepartmental functions and activities relating to private aquaculture;

"(B) coordinate all intradepartmental functions and activities relating to private aquaculture;

"(C) establish formal structures and procedures for the coordination of functions, and consultation, with the coordinating group;

"(D) recommend to the National Agricultural Library methods by which the aquaculture resources of the Library can be made more easily retrievable and can be more widely disseminated; and

"(E) report directly to the Secretary in carrying out the duties of the Director.

"(3) LIAISON WITH THE OFFICE.—

"(A) AGENCIES OF THE DEPARTMENT.—To facilitate communication and interaction between the aquaculture community and the Department, the head of each agency of the Department shall designate an officer or employee of the agency to be the liaison of the agency with the Office of Aquaculture of the Department.

"(B) DEPARTMENTS OF COMMERCE AND INTERIOR.—The Secretary of Commerce and the Secretary of the Interior shall each designate an officer or employee of their respective Departments to be the liaison of their respective Departments with the Office of Aquaculture of the Department.".

SEC. 9. POLLUTION ASSESSMENT.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 8 (as added by section 8) the following new section:

"SEC. 9. POLLUTION ASSESSMENT.

"(a) ASSESSMENT.—The Administrator of the Environmental Protection Agency is authorized to carry out, in consultation with the Secretary, collaborative interagency programs that demonstrate the application of aquaculture to environmental enhancement and assessment, including a program to assess the impact of pollution on aquatic organisms and ecosystems using aquaculture-raised fish to serve as an indicator of environmental pollution.

"(b) GRANTS; COOPERATIVE AGREEMENTS.—The Administrator may provide grants or enter into cooperative agreements or contracts with private research organizations for research and demonstration of the technology authorized by this section.".

SEC. 10. NATIVE AMERICAN FISHPOND REVITALIZATION.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 9 (as added by section 9) the following new section:

"SEC. 10. NATIVE AMERICAN FISHPOND REVITALIZATION.

"(a) DEFINITION OF NATIVE AMERICAN.—As used in this section, the term 'Native American' means—

"(1) an Indian, as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d));

"(2) a Native Hawaiian, as defined in section 8(3) of the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11707(3)) or section 815(3) of the Native American Programs Act (42 U.S.C. 2992c(3));

"(3) an Alaska Native, within the meaning provided for the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and

"(4) a Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.)

"(b) AUTHORIZATION OF PROGRAM.—The Secretary of Agriculture is authorized to carry out a program to revitalize fishponds used by Native Americans to cultivate aquatic species.

"(c) GRANTS; COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements with individuals and organizations, including Native American organizations, to promote fishpond revitalization. Funds provided under this section may be used to engage in fishpond research, pond culture technology development, the application of traditional pond culture techniques and modern aquaculture practices to ancient fishponds, technical assistance and technology transfer, and such other activities as the Secretary determines are appropriate.".

SEC. 11. DISASTER ASSISTANCE FOR AQUACULTURE FARMS.

(a) In General.—The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 10 (as added by section 10) the following new section:

"SEC. 11. DISASTER ASSISTANCE FOR AQUACULTURE FARMS.

"(a) Definitions.—As used in this section:

"(1) Damaging weather.—The term 'damaging weather' includes drought, hail, excessive moisture, flooding, freeze, tornado, hurricane, earthquake, or excessive wind, or any combination thereof.

"(2) Eligible aquaculture farmer.—The term 'eligible aquaculture farmer' means a person who produces aquaculture crops for commercial purposes and devotes 100 acres or less to aquaculture cultivation.

"(3) Related condition.—The term 'related condition' includes insect infestations, plant diseases, or other deterioration of a crop of an aquatic species, including aflatoxin, that is accelerated or exacerbated naturally as a result of damaging weather occurring prior to or during harvest.

"(b) Eligibility.—

"(1) Loss.—Subject to the limitation in paragraph (2), the Secretary shall provide assistance, as specified in subsection (c), to eligible aquaculture farmers who suffered losses (including losses due to mortality, crop destruction, or unmarketability) of an aquatic crop as a result of damaging weather or related condition.

"(2) Limitation.—An eligible aquaculture farmer shall qualify for assistance under paragraph (1) only if the loss, as a result of damaging weather or related condition, exceeds 35 percent of the aquaculture yield, as determined under subsection (d), for the aquaculture crop.

"(c) Assistance.

"(1) Payment rate.—The Secretary shall make payments to eligible aquaculture farmers at a rate equal to 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any losses.

"(2) Payment level.—For the purposes of paragraph (1), the payment level for an aquaculture crop shall equal the simple average price received by producers of the commodity as determined by the Secretary.

"(3) Crop-by-crop basis.—The Secretary shall make disaster payments under this section on a crop-by-crop basis for each type of aquatic species produced.

"(d) Yields.—

"(1) Proven yields available.—If an eligible aquaculture farmer can provide satisfactory evidence to the Secretary of actual aquaculture crop yields on the farm for at least 1 of the immediately preceding 3 years, the aquaculture yield for the farm shall be based on proven yield.

"(2) Proven yields not available.—If the data referred to in paragraph (1) do not exist for any of the 3 preceding years, the Secretary shall establish a yield for the farm by using the historical average yield of all producers of the aquaculture crop.

"(3) Best available data.—In establishing historic average yields where proven yields are not available, the Secretary shall use the best available information concerning yields. The information may include Extension Service records, credible nongovernmental studies, and yields at similar aquaculture farms.

"(e) Regulations.—The Secretary shall issue regulations—

"(1) defining the term 'person' for the purposes of this section, which shall conform, to the extent practicable, to the regulations issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note); and

"(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of this section.".

(b) Report on Crop Insurance Program for Aquaculture Farming.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall report to the appropriate committees of Congress on the feasibility of establishing a crop insurance program for aquaculture farming.

SEC. 12. AQUACULTURE EDUCATION.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 11 (as added by section 11) the following new section:

"SEC. 12. AQUACULTURE EDUCATION.

"(a) Definitions.—As used in this section:

"(1) Postsecondary vocational institution.—The term 'postsecondary vocational institution' has the same meaning given the term by section 481(c) of the Higher Education Act of 1965 (20 U.S.C. 1088(c)), except that the term only includes an institution that awards an associates degree but does not award a bachelor's degree.

"(2) Secondary school.—The term 'secondary school' has the same meaning given the term by section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

"(b) Authorization of Program.—The Secretary is authorized to establish a program to expand and improve instruction, on aquaculture and the basic principles of aquaculture farming, in the agriculture curriculum for students attending secondary schools and postsecondary vocational institutions.

"(c) Grants and Curriculum.—In carrying out subsection (b), the Secretary may—

"(1) make grants to—

"(A) establish and maintain aquaculture learning centers in secondary schools and postsecondary vocational institutions;

"(B) promote aquaculture technology transfer; and

"(C) educate consumers and the public concerning the benefits of aquaculture; and

"(2) develop curriculum and supporting materials on aquaculture farming, field test the content of the curriculum, and supply training to educators at secondary schools and postsecondary vocational institutions on the aquaculture curriculum and materials developed.

"(d) Priority for Grants.—In awarding grants under subsection (c)(1), the Secretary shall give priority to—

"(1) the ability of the proposed aquaculture learning center to gain access to—

"(A) a commercial aquaculture farm;

"(B) a regional aquaculture center established by the Secretary under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d));

"(C) an aquaculture research facility; or

"(D) a similar venture that would afford students the opportunity to experience aquaculture research and development or commercialization;

"(2) the ability of the center to achieve outreach to minority audiences or students in inner-city schools;

"(3) the ability of the center to foster awareness of aquaculture among consumers and the general public;

"(4) the ability of the center to serve as an aquaculture education facility for visiting students participating in a field trip or a similar educational experience for inservice training; and

"(5) the level of assistance to be provided from non-Federal sources.

"(e) Limitation.—

"(1) In general.—Except as provided in paragraph (2), a grantee may not receive a grant under this section for more than 5 fiscal years.

"(2) Waiver.—In the case of grantees that receive grants under this section for fiscal year 1995, the Secretary may waive the application of paragraph (1) to the grantees for the fiscal year if the Secretary determines that the application of paragraph (1) to the grantees would result in the termination of an excessive number of grants.".

SEC. 13. INTERNATIONAL AQUACULTURE SCIENTIFIC EXCHANGE.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 12 (as added by section 12) the following new section:

"SEC. 13. INTERNATIONAL AQUACULTURE SCIENTIFIC EXCHANGE.

"(a) Definition of Eligible Entity.—As used in this section, the term 'eligible entity' means a regional aquaculture center, college, university, or nonprofit organization engaged in aquaculture research and education in the United States or a foreign country.

"(b) Grants.—The Secretary may make grants to eligible entities to defray the cost, in whole or in part, of allowing aquaculture researchers and aquaculture technologists to engage in research, education, and demonstration at the eligible entities for periods of up to 2 years.

"(c) Funding.—The Secretary may use proceeds from the payments referred to in section 104(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(a)) to carry out this section.".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

The first sentence of section 17 (as redesignated by section 7(1)) is amended to read as follows: "There are authorized to be appropriated to carry out this Act to the Department $3,000,000 for each of fiscal years 1994 through 2000 (of which not less than $500,000 shall be used for each fiscal year to carry out the Joint Subcommittee on Aquaculture established under section 6(a)), to the Department of Commerce $1,000,000 for each of fiscal years 1994 through 2000, and to the Department of the Interior $1,000,000 for each of fiscal years 1994 through 2000.".

SEC. 15. ELIGIBILITY OF AQUACULTURE FARMERS FOR FARM CREDIT ASSISTANCE.

Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended by striking "fish farming" both places it appears in paragraphs (1) and (2) and inserting "aquaculture (as the term is defined in section 3(1) of the National Aquaculture Act of 1980 (16 U.S.C. 2802(1)))".

SEC. 16. INTERNATIONAL AQUACULTURE INFORMATION AND DATA COLLECTION.

Section 502 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692) is amended by adding at the end the following new subsection:

"(d) International Aquaculture Information and Data Collection.—

"(1) In general.—The Administrator of the Foreign Agricultural Service shall establish and carry out a program of data collection, analysis, and dissemination of information to provide continuing and timely economic information concerning international aquaculture production.

"(2) Consultation.—In carrying out paragraph (1), the Administrator shall consult with the Joint Subcommittee on Aquaculture established under section 6(a) of the

National Aquaculture Act of 1980 (16 U.S.C. 2805(a)), and representatives of the United States aquaculture industry, concerning means of effectively providing data described in paragraph (1) to the Joint Subcommittee and the industry.".

SEC. 17. ELIGIBILITY OF AQUACULTURE FARMS FOR EMERGENCY CONSERVATION PROGRAM.

Section 401 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201) is amended—

(1) by inserting "or aquaculture farms" after "farmlands" both places it appears; and

(2) by inserting "or aquaculture farm" after "land" each place it appears.

SEC. 18. AQUACULTURE INFORMATION NETWORK REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall report to Congress on the feasibility and benefits of expanding current information systems at regional aquaculture centers established by the Secretary under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)), universities, research institutions, and the National Agricultural Library to permit an on-line link between those entities for the sharing of data, publication, and technical assistance information involving aquaculture.

SEC. 19. IMPLEMENTATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall report to Congress on the progress made in carrying out this Act and the amendments made by this Act.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a description of all programs and activities of the Department of Agriculture and all other agencies and Departments in support of private aquaculture;

(2) the specific authorities for the activities described in paragraph (1); and

(3) recommendations for such actions as the Secretary of Agriculture determines are necessary to improve recognition and support of private aquaculture in each agency of the Department of Agriculture.

Mr. GORTON. Mr. President, aquaculture has the potential to become a major growth industry for the United States, especially in the State of Washington. I am proud to say that the Washington aquaculture industry is one of the top three producers in the Nation. Washington is also ranked first in the Nation for production of trout eggs. Troutlodge, Inc., a privately owned company based in Sumner, WA, provides 250 to 300 million trout eggs to 25 foreign countries around the world.

However, I feel it is important to share some important but unsettling statistics. Aquaculture currently accounts for less than 9 percent of America's seafood production compared to the world average of 16 percent. Since the 1960's Americans have increased consumption of aquatic foods by 49 percent and consumer demand is projected to double by 2020. Unfortunately, since 1980, this expanded consumption has increased the U.S. trade deficit in edible fishery food products by 48 percent.

The question arises—Why hasn't the United States aquaculture industry grown to meet this consumer demand? The U.S. aquaculture industry has not grown to its potential because of inconsistent interpretations between Federal agencies, lack of supportive Government policies, and limited numbers of research and development programs.

Therefore, I am pleased to join my fellow Senators in cosponsoring the National Aquaculture Development, Commercialization and Promotion Act. There are many objectives in introducing this legislation, but most importantly, to reduce the current $4.9 billion trade deficit in aquaculture products. Doing so will require that we combine jurisdiction under one agency which will help to eliminate inconsistent interpretations between Federal agencies.

Currently, aquaculture falls under the jurisdiction of three separate Government agencies. This bill would establish the Department of Agriculture as the lead Federal agency for development, implementation, promotion, and coordination of a national policy and programs for private aquaculture.

Research and development funds would be directed to five existing regional aquaculture centers located around the country. Priority will be given to applied research, field testing that promotes technology transfer to the marketplace, and activities with strong potential to create employment opportunities.

This legislation also designates the Secretary of Agriculture as the permanent chairperson of a Federal interagency aquaculture coordinating group. I, and many leaders within the aquaculture industry, believe that the leadership of Secretary Mike Espy will send a strong message regarding the importance and potential of aquaculture to the United States and to the world. Under Secretary Espy's guidance, USDA will improve standards and regulations and eliminate inconsistent interpretation between our Federal agencies.

One only needs to look at the statistics to envision the enormous potential for growth in the aquaculture industry. This industry is poised to grow, to provide jobs in rural America and to bring economic benefit to our country. I believe that this legislation will ensure that America's aquaculture industry achieves its market potential in the decades ahead.

By Mr. HELMS:

S. 1289. A bill to suspend temporarily the duty on certain textile spinning machines; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. HELMS. Mr. President, I am today introducing a bill to suspend the duty on spinning machines and parts, used by du Pont de Nemours and Co., Du Pont, to manufacture partially oriented polyester fibers called Darcon, which are used in clothes and home furnishings.

Du Pont employs more than 1,700 employees at facilities in Kinston, NC. Unfortunately, none of these spinning machines is manufactured in the United States.•

By Mr. HELMS:

S. 1290. A bill to suspend temporarily the duties on salmeterol xinafoate (bulk and dosage forms); to the Committee on Finance.

SALMETEROL XINAFOATE DUTY SUSPENSION ACT

• Mr. HELMS. Mr. President, I am today introducing a bill to suspend the duty for salmeterol xinafoate. This product is manufactured by Glaxo, which has several facilities in North Carolina.

The product will likely be approved by the FDA very soon and it will be marketed under the name Severent. It will be used for the treatment of asthma.•

By Mr. HELMS:

S. 1291. A bill to suspend temporarily the duties on cefuroxime axetil (bulk and dosage forms); to the Committee on Finance.

S. 1292. A bill to suspend temporarily the duty on ranitidine hydrochloride (bulk and dosage forms); to the Committee on Finance.

S. 1293. A bill to suspend temporarily the duties on ondansetron hydrochloride (bulk and dosage forms); to the Committee on Finance.

S. 1294. A bill to suspend temporarily the duties on sumatriptan succinate (bulk and dosage forms); to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. HELMS. Mr. President, I am today introducing four bills to suspend until December 31, 1995, the duty on four products manufactured by Glaxo. These products are imported into North Carolina in bulk form and manufactured, packaged and/or labeled at the Glaxo facilities. Glaxo has several facilities in North Carolina which employ 3,800 people.

There is no U.S. production of these products. The products are:

Ranitidine hydrochloride.—Marketed under the tradename Zantac; it is used for the treatment of ulcers.

Ondansetron.—Marketed as Zofran, it is used for the prevention of nausea and vomiting associated with cancer chemotherapy treatment.

Cefuroxime axetil.—Marketed as Ceftin, it is a semisynthetic broad-spectrum cephalosporin for oral administration that is used for upper and lower respiratory infection, urinary tract, and skin infections.

Sumatriptan succinate.—Marketed as Imitrex Injection, it is a serotonin agonist which is used for the treatment of migraine.•

By Mr. PELL (by request):

S. 1296. An act for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine and other new Independent States; to the Committee on Foreign Relations.

EMERGING NEW DEMOCRACIES LEGISLATION

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference an act for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other New Independent States.

This proposed legislation has been requested by the Department of State, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the section-by-section analysis and the letter from the Acting Secretary of State, which was received on July 16, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLES.

This Act may be cited as the "Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine and Other New Independent States" or the "FRIENDSHIP with Russia, Ukraine and Other New Independent States Act".

TITLE I—POLICY OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND RUSSIA, UKRAINE AND THE OTHER INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 101. FINDINGS.

The Congress finds that—

(1) the Vancouver Declaration issued by President Clinton and President Yeltsin marked a new milestone in the development of the spirit of cooperation and partnership between the United States and Russia, and the Congress affirms its support for the principles contained therein;

(2) the Vancouver Declaration underscored—

(A) that a dynamic and effective partnership between the United States and Russia is vital to the success of Russia's historic transformation;

(B) that the rapid integration of Russia into the community of democratic nations and the world economy is important to the national interest of the United States;

(C) that cooperation between the United States and Russia is essential to the peaceful resolution of international conflicts and the promotion of democratic values, the protection of human rights, and the solution of global problems, such as environmental pollution, terrorism, and narcotics trafficking;

(3) the Congress passed the FREEDOM Support Act, as well as other legislation including the Soviet Nuclear Threat Reduction Act of 1991 and the Former Soviet Union Demilitarization Act of 1992, to help meet the historic opportunities and challenges presented by the transformation that has taken place, and is continuing to take place, in what once was the Soviet Union;

(4) the process of reform in Russia, Ukraine and the other independent states of the former Soviet Union is ongoing, and the holding of a referendum in Russia on April 25, 1993, that was free and fair, and that reflected the support of the Russian people for the process of continued and strengthened democratic and economic reform, represents an important and encouraging hallmark in this ongoing process;

(5) in support of this process, it is important that reformers and democrats in the independent states of the former Soviet Union recognize the resolve of the people of the United States to do business with these states in a new spirit of friendship and cooperation, and the support of the people of the United States for continued democratic and economic reform; and

(6) there remain in force many statutory provisions that are relics of the Cold War, and repeals or revisions of these provisions can play an important role in fostering and strengthening the bonds of trust and friendship, as well as mutually beneficial trade and economic relations, between the United States and Russia, the United States and Ukraine, and the United States and the other independent states of the former Soviet Union.

SEC. 102. STATUTORY PROVISIONS THAT HAVE BEEN APPLICABLE TO THE SOVIET UNION.

(a) IN GENERAL.—There are numerous statutory provisions that were enacted in the context of United States relations with a country, the Soviet Union, that are fundamentally different from the relations that now exist between the United States and Russia, between the United States and Ukraine, and between the United States and the other independent states of the former Soviet Union.

(b) EXTENT OF SUCH PROVISIONS.—(1) Many of the provisions referred to in subsection (a) imposed limitations specifically with respect to the Soviet Union, and its constituent republics, or utilized language that reflected the tension that existed at that time between the United States and the Soviet Union. Other such provisions did not refer specifically to the Soviet Union, but nonetheless were directed, or may be construed as having been directed, against the Soviet Union on the basis of the relations that existed at that time between the United States and the Soviet Union, particularly in its role as the leading communist country.

(2) The provisions referred to in paragraph (1) include, in addition to those revised or eliminated by this Act—

(A) the Joint Resolution providing for the designation of the third week of July as "Captive Nations Week" (Public Law 86–90);

(B) the Communist Control Act of 1954 (Public Law 83–637);

(C) provisions in the Immigration and Nationality Act (Public Law 82–414), including sections 101(a)(4), 101(e)(3) and 313(a)(3);

(D) section 2 of the Joint Resolution to promote peace and stability in the Middle East (Public Law 85–7);

(E) section 43 of the Bretton Woods Agreement Act (Public Law 79–171); and

(F) section 804 of the Foreign Relations Authorization Act, Fiscal Year 1986 and 1987 (Public Law 99–93).

(c) FINDING AND AFFIRMATION.—The Congress finds and affirms that provisions such as those described in this section should not be construed as being directed against Russia, Ukraine or the other independent states of the former Soviet Union, connoting an adversarial relationship between the United States and these states, or signifying or implying in any manner unfriendliness toward such states.

TITLE II—TRADING AND BUSINESS RELATIONS

SEC. 201. ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.

The table in section 502(b) of the Trade Act of 1974 (Public Law 93–618) is amended by striking out "Union of Soviet Socialist Republics".

SEC. 202. POLICY UNDER EXPORT ADMINISTRATION ACT.

The Export Administration Act of 1979 (Public Law 96–72) is amended—

(a) in section 2, by striking paragraph (11), and by renumbering paragraphs (12) and (13) as paragraphs (11) and (12), respectively; and

(b) by deleting section 3(15).

SEC. 203. PROHIBITIONS AND RESTRICTIONS ON IMPORTATIONS OF STRATEGIC AND CRITICAL MATERIALS INTO THE UNITED STATES.

Section 13 of the Strategic and Critical Materials Stock Piling Act (Public Law 76–117) is amended—

(a) by striking "The President" and inserting in lieu thereof "(a) Except as provided in subsection (b), the President";

(b) by inserting the following at the end thereof:

"(b) A country of Eastern Europe or the independent states of the former Soviet Union shall not be considered a Communist-dominated country or area for purposes of this section if the President determines that application of subsection (a) with respect to that country should be waived."

SEC. 204. REPRESENTATION OF COUNTRIES OF EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION IN LEGAL COMMERCIAL TRANSACTIONS.

Section 951(e) of title 18, United States Code, is amended by striking "the Soviet Union" and all that follows through "or Cuba" and inserting in lieu thereof "Cuba, or any other country that the President has determined and reported to Congress poses a threat to the national security interests of the United States for purposes of this section".

SEC. 205. PROCEDURES REGARDING TRANSFERS OF CERTAIN DEPARTMENT OF DEFENSE-FUNDED ITEMS.

(a) Section 709(d) of the Department of Defense Appropriations Authorization Act, 1975 (Public Law 93–365) is amended by striking "the Soviet Union" and all that follows through "countries as may be" and inserting in lieu thereof "any country so".

(b) Section 223 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180) is repealed.

SEC. 206. LEND LEASE.

The President may waive the application of the second sentence of section 404(b) of the Trade Act of 1974 (Public Law 93–618) to any of the independent states of the former Soviet Union for such period of time as he determines to be appropriate.

SEC. 207. SOVIET SLAVE LABOR.

Section 1906 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100–418) is repealed.

SEC. 208. MULTILATERAL EXPORT CONTROLS ENHANCEMENT AMENDMENTS ACT.

Section 2442 of the Multilateral Export Control Enhancement Amendments Act (Public Law 100–418) is amended—

(a) by deleting paragraph (1); and

(b) be redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

TITLE III—CULTURAL, EDUCATIONAL AND EXCHANGE PROGRAMS

SEC. 301. MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.

The Mutual Educational and Cultural Exchange Act of 1961, as amended (Public Law 87–256), is further amended—

(a) in section 112(a)(8), by striking "Soviet Union" both times it occurs, and in each case inserting in lieu thereof "independent states of the former Soviet Union"; and

(b) in section 113 by—

(1) amending the section heading to read "Exchanges Between the United States and the Independent States of the Former Soviet Union.";

(2) striking the phrase "an agreement with the Union of Soviet Socialist Republics" and inserting in lieu thereof "agreements with the independent states of the former Soviet Union";

(3) striking the phrase "made by the Soviet Union" and inserting in lieu thereof "made by such states";

(4) striking the phrase "the United States and the Soviet Union" and inserting in lieu thereof "the United States and those states"; and

(5) striking the phrase "Soviet citizens" and inserting in lieu thereof "citizens of such states".

SEC. 302. SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING.

The Soviet-Eastern European Research and Training of 1983 (Title VIII of Public Law 98–164) is amended—

(a) in section 801, by striking "'Soviet-Eastern European Research and Training" and inserting in lieu thereof "'Research and Training for Eastern Europe and the Independent States of the Former Soviet Union";

(b) in sections 803 and 804(a), by striking "Soviet-Eastern European Studies Advisory Committee" and in each case inserting in lieu thereof "Advisory Committee for Studies of Eastern Europe and the Independent States of the Former Soviet Union";

(c) in subsections (1), (2) and (3)(E) of section 802, by striking the phrase "Soviet Union and Eastern European countries" and in each case inserting in lieu thereof "the countries of Eastern Europe and the independent states of the former Soviet Union";

(d) in section 804(d), by striking the phrase "Soviet and Eastern European countries" and inserting in lieu thereof "the countries of Eastern Europe and the independent states of the former Soviet Union"

(e) in section 805(b)—

(1) in paragraphs (2)(A), (2)(B) and (6), by striking the phrase, "Soviet and Eastern European studies" and in each case inserting in lieu thereof "studies on the countries of Eastern Europe and the independent states of the former Soviet Union";

(2) in subparagraphs (A) and (B) of paragraph (3), by striking the phrase "the fields of Soviet and Eastern European studies" and in each case inserting in lieu thereof "the countries of Eastern Europe and the independent states of the former Soviet Union";

(3) in paragraph (3)(A) by striking the phrase "the Soviet Union and Eastern European countries" and inserting in lieu thereof "those countries";

(4) in paragraph (4), by striking "Union of Soviet Socialist Republics" the first time it appears and inserting in lieu thereof "independent states of the former Soviet Union"; and by striking the phrase "the Union of Soviet Socialist Republics and Eastern European countries" and inserting in lieu thereof "those countries"; and

(5) in paragraph (5), by striking everything in the first sentence following "support" and inserting in lieu thereof "training in the languages of the independent states of the former Soviet Union and the countries of Eastern Europe."; and in the last sentence by inserting immediately before the period "and, as appropriate, studies of other languages of the independent states of the former Soviet Union"; and

(e) by redesignating the title heading to read "Title VIII Research and Training for Eastern Europe and the Independent States of the Former Soviet Union".

SEC. 303. FASCELL FELLOWSHIP ACT.

The Fascell Fellowship Act (Title X of Public Law 99–399) is amended in the section heading for section 1002 by striking "Soviet Union and Eastern Europe" and inserting in lieu thereof "Countries of Eastern Europe and the Independent States of the Former Soviet Union".

SEC. 304. BOARD FOR INTERNATIONAL BROADCASTING.

(a) The Board for International Broadcasting Act of 1973 (Public Law 93–129) is amended—

(1) in paragraphs (3) and (5) of section 2, by striking the phrase "Union of Soviet Socialist Republics" and in each case inserting in lieu thereof "independent states of the former Soviet Union"; and

(2) in section 6, by striking the phrase "Soviet Union" and inserting in lieu thereof "independent states of the former Soviet Union".

(b) Sections 307 and 308 of the Board for International Broadcasting Authorization Act, Fiscal Years 1984 and 1985 (Title III of Public Law 98–164) are repealed.

SEC. 305. SCHOLARSHIP PROGRAMS FOR DEVELOPING COUNTRIES.

Section 601 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 89–93) is amended by—

(a) deleting subsections (6) and (7); and

(b) redesignating subsections (8), (9) and (10) as subsections (6), (7) and (8), respectively.

SEC. 306. ELIMINATION OF REPORT ON SOVIET PARTICIPANTS IN EXCHANGE PROGRAMS THAT JEOPARDIZE NATIONAL SECURITY INTERESTS.

Section 126 of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 97–241) is repealed.

TITLE IV—ARMS CONTROL

SEC. 401. ARMS CONTROL AND DISARMAMENT ACT.

The Arms Control and Disarmament Act (Public Law 87–297) is amended—

(a) in section 38, by striking "United States-Union of Soviet Socialist Republics";

(b) in section 51, by—

(1) striking "Soviet foreign and military policies" and inserting in lieu thereof "the foreign and military policies of the independent states of the former Soviet Union";

(2) striking everything following "affairs," and inserting in lieu thereof "who also demonstrate fluency in the Russian language or another language of the independent states of the former Soviet Union."; and

(3) amending the title of the section to read "Specialists Fluent in Russian or Other Languages of the Independent States of the Former Soviet Union";

(c) in section 52—

(1) by striking "the Soviet Union" each time it occurs, and in each case inserting in lieu thereof "Russia"; and

(2) by striking "Soviet adherence" and inserting in lieu thereof "Russian adherence"; and

(d) in section 61(4)—

(1) in subparagraph (A), by striking "the Soviet Union" and inserting in lieu thereof "Russia, Ukraine, Kazakhstan, Belarus, Turkmenistan, Uzbekistan";

(2) in subparagraphs (B) and (D), by striking "Soviet" each time it occurs; and

(3) in subparagraph (C), by striking "the Soviet Union" and inserting in lieu thereof "Russia".

SEC. 402. PROVISIONS IN ARMS EXPORT CONTROL ACT.

The Arms Export Control Act (Public Law 90–629) is amended—

(a) in section 94(b)(3)(B) and section 95(5), by striking "Warsaw Pact country" and in each case inserting in lieu thereof "country of the Eastern Group of States Parties"; and

(b) by replacing the period at the end of section 95 and inserting in lieu thereof "or a successor state to such a country.".

SEC. 403. REPORTS.

(a) Section 1002 of the Department of Defense Authorization Act, 1986 (Public Law 99–145) is repealed.

(b) Section 906 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456) is repealed.

SEC. 404. JOINT RESOLUTION ON U.S./SOVIET DIRECT COMMUNICATION LINK.

The Joint Resolution Authorizing the Secretary of Defense to provide to the Soviet Union, on a non-reimbursable basis, equipment and services necessary for an improved United States/Soviet Direct Communication Link for crisis control (Public Law 99–85) is amended—

(a) in the first unnumbered section—

(1) by striking "provide to the Soviet Union" and inserting in lieu thereof "provide to Russia";

(2) by striking "maintain the Soviet Union part" and inserting in lieu thereof "maintain the Russian part"; and

(3) by striking "service to the Soviet Union" and inserting in lieu thereof "services to Russia"; and

(b) in section 2(b), by inserting "or Russia" after "the Soviet Union".

TITLE V—PROVISIONS RELATED TO DIPLOMATIC RELATIONS

SEC. 501. TRAVEL RESTRICTIONS.

Section 216 of the State Department Basic Authorities Act of 1956 (Public Law 84–885) is amended—

(a) in subsection (a), by striking everything following the word "apply" and inserting in lieu thereof "appropriate restrictions to the travel while in the United States of the individuals described in subsection (b)."; and

(b) in subsection (e), by striking paragraph (1); and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 502. PERSONNEL LEVELS AND LIMITATIONS.

(a) Section 602 of the Intelligence Authorization Act for Fiscal Year 1990 (Public Law 101–193) is repealed.

(b) Section 154 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) is repealed.

(c) Section 501 of the Intelligence Authorization Act, Fiscal Year 1988 (Public Law 100–178) is repealed.

(d) Section 702 of the Intelligence Authorization Act for Fiscal Year 1987 (Public Law 99–569) is repealed.

(e) Section 136 and 813 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93) are repealed.

SEC. 503. OTHER PROVISIONS RELATED TO OPERATION OF EMBASSIES AND CONSULATES.

(a) The Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138) is amended—

(1) in section 132, by striking subsections (a) through (d) and subsections (h) through (j); and

(2) by deleting section 133.

(b) Section 134 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) is repealed.

(c) Section 1232 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456) is repealed.

(d) Section 151 through 153 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) are repealed.

(e) Section 1122 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180) is repealed.

(f) Section 901 of the Intelligence Authorization Act, Fiscal Year 1988 (Public Law 100–178) is repealed.

(g) Section 1364 of the National Defense Authorization Act, Fiscal Year 1987 (Public Law 99–661) is amended—

(1) by striking subsections (a) and (c); and

(2) by striking "(b)".

SEC. 504. FOREIGN SERVICE BUILDING ACT.

Section 4(j) of the Foreign Service Buildings Act, 1926 (Public Law 69–186) is repealed.

TITLE VI—PROVISONS RELATED TO OCEANS AND ENVIRONMENT

SEC. 601. ARCTIC RESEARCH AND POLICY ACT.

Section 102(a) of the Arctic Research and Policy Act of 1984 (Title I of Public Law 98–373) is amended—

(a) in paragraph (2), by striking "as" and all that follows through the comma; and

(b) in parargraph (10), by striking ", particularly the Soviet Union,".

SEC. 602. FUR SEAL MANAGEMENT.

Section 102 of the Fur Seal Act of 1966 (Public Law 89–702) is amended by striking "the Union of Soviet Socialist Republics" and inserting in lieu thereof "Russia".

SEC. 603. GLOBAL CLIMATE PROTECTION

Section 1106 of the Global Climate Protection Act of 1987 (Title XI of Public Law 100–204) is amended by—

(a) striking "Soviet Union" and inserting in lieu thereof "independent states of the former Soviet Union";

(b) striking "their joint role as the world's two major" and inserting in lieu thereof "the extent to which they are"; and

(c) striking "United States-Soviet relations" and inserting in lieu thereof "United States relations with these countries".

TITLE VII—REGIONAL AND GENERAL DIPLOMATIC ISSUES

SEC. 701. UNITED NATIONS ASSESSMENTS.

Section 717 of the International Security and Development Cooperation Act of 1981 (Public Law 97–113) is amended—

(a) in subsection (a) by—

(1) in paragraph (2), inserting "and" after the semicolon; and

(2) striking the semicolon in paragraph (3) and all that follows through "operations of the United Nations" in paragraph (4); and

(b) in subsection (b), by striking "undertake" and all that follows through "including its", and inserting in lieu thereof "appropriate diplomatic initiatives to ensure that members make payments of all their outstanding financial obligations to the United Nations, including their".

SEC. 702. AFGHANISTAN.

Section 1241 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) is repealed.

SEC. 703. ANGOLA.

(a) Section 1222 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) is repealed.

(b) Section 405 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329) is repealed.

SEC. 704 INDEPENDENCE OF ESTONIA, LATVIA AND LITHUANIA.

(a) Paragraph (1) of section 1206 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) is amended to read as follows:

"(1) the continuing desire and right of the people of the Baltic States of Estonia, Lativa, and Lithuania for freedom and independence should be recognized; and".

(b) The Joint Resolution Designating June 14, 1991, and June 14, 1992, each as "Baltic Freedom Day" (Public Law 102–17) is amended by striking the preamble.

SEC. 705. OBSOLETE REFERENCES IN FOREIGN ASSISTANCE ACT.

The Foreign Assistance Act of 1961, as amended (Public Law 87–197), is further amended—

(a) in section 501 by—

(1) striking the phrase "international communism and the countries it controls" and inserting in lieu thereof "hostile countries";

(2) striking the phrase "defeat Communist or Communist-supported aggression" and inserting in lieu thereof "defeat aggression"; and

(3) in the fifth paragraph, striking everything following "victims of" and inserting in lieu thereof "aggression or in which the internal security is threatened by internal subversion inspired or supported by hostile countries.";

(b) in section 614, by striking the phrase "active Communist or Communist-supported aggression" and inserting in lieu thereof "active aggression"; and

(c) by deleting section 620(h).

SEC. 706. SENSE OF CONGRESS ON REVIEW OF POLICY TOWARD USSR.

Section 24 of the International Security Assistance Act of 1978 (Public Law 95–384) is repealed.

TITLE VIII—INTERNAL SECURITY PROVISIONS; SOVIET CONSPIRACY TO ESTABLISH WORLDWIDE COMMUNIST DICTATORSHIP

SEC. 801. CIVIL DEFENSE.

Section 501(b)(2) of the Federal Civil Defense Act of 1950 (Public law 81–920) is amended by striking the first comma and all that follows through "balance".

SEC. 802. REPORT ON SOVIET PRESS MANIPULATION IN THE UNITED STATES.

Section 147 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93) is repealed.

SEC. 803. SUBVERSIVE ACTIVITIES CONTROL ACT.

The Subversive Activities Control Act of 1950 (Title I of Public Law 81–831) is amended—

(a) by deleting sections 1 through 3, 5, 6, and 9 through 16;

(b) in section 4, by—

(1) striking subsections (a) and (f);

(2) redesignating subsections (b) through (e) as subsections (a) through (d), respectively;

(3) in the subsection redesignated as subsection (a), striking "or an officer" and all that follows through "section 3 of this title"; and

(4) in the subsection redesignated as subsection (b), striking ", or any officer" and all that follows through "section 3 of this title,".

TITLE IX—MISCELLANEOUS

SEC. 901. FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989.

Sections 1201 through 1204 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) are repealed.

SEC. 902. FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987.

Sections 148 and 805 of the Foreign Relations Authorization Act, Fiscal years 1986 and 1987 (Public Law 99–93) are repealed.

DEPARTMENT OF STATE,
Washington, DC, July 9, 1993.

Hon. AL GORE,
President of the Senate.

DEAR MR. PRESIDENT: On behalf of President Clinton, I am pleased to transmit the enclosed Act for Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine and Other New Independent States—the "FRIENDSHIP with Russia, Ukraine and Other New Independent States Act." I am also enclosing a section-by-section analysis of the proposed legislation.

Submission of the bill follows a broad review of Cold War legislation ordered by the President on April 23 and reflects our consultations with Congress. The Administration welcomes the broad bipartisan support for the efforts to develop this legislation as expressed by the leaders in both Houses of Congress, and looks forward to similar support in consideration and passage of the bill during this session of Congress.

The bill represents a substantial step forward in the development of friendly and cooperative relations with Russia, Ukraine and the other independent states of the former Soviet Union. In eliminating or revising over seventy statutory provisions, it would go well beyond the substantial steps that Congress has previously taken in the FREEDOM Support Act and elsewhere. It would, for example, remove special requirements for registration of commercial representatives of the Soviet Union; special review procedures for exports of products developed in certain Department of Defense programs; ineligibility for benefits under the Generalized System of Preferences (GSP); provisions linking most-favored-nation trade status to lend lease arrearages; and provisions directed against the presence of Soviet diplomats or other nationals in the United States.

Perhaps as important, the bill proposes the elimination or revision of extensive Cold War languages that has political importance beyond the elimination of specific prohibitions and restrictions. In this way the legislation will demonstrate the resolve of the American people to build new relationships with Russia, Ukraine and the other independent states based on a spirit of friendship and partnership.

At the same time we are submitting this legislation, the Administration is continuing other efforts of interest to President Yeltsin and the other leaders of the independent states. Thus, we are actively engaged in discussions with our allies on how best to reorient the export control regime under the Coordinating Committee on Multilateral Export Controls (COCOM) in light of the new relationship with these states. Because the COCOM regime is multilateral, reform in this area must focus on diplomatic rather than legislative efforts, but we will remain in close contact with the Congress as negotiations with our COCOM partners evolve.

We are also engaged in discussions with the Russian Government on issues related to the Jackson-Vanik Amendment. The President has expressed his concerns about continuing restrictions on individuals wishing to emigrate from Russia. We have asked the Russians to explain how they intend to handle refusenik cases in the future, and requested that they resolve all current cases. President Yeltsin has assured President Clinton that he would look into outstanding refusenik cases and we are awaiting a full response from the Russian Government. We will continue to work intensively with the Russian Government, but a final decision on action related to Jackson-Vanik will depend on progress on these and related issues. The Administration will work closely with Congress as we move forward.

We are at a critical juncture in the development of relations with the independent states that will profoundly affect the welfare of our country for decades to come. The proposed legislation represents an important step forward in strengthening those relations and thereby contributing significantly to a world in which the United States is safe and can prosper. I urge its prompt and favorable consideration.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation to Congress and that its enactment would be in accord with the President's program.

Sincerely,

CLIFTON R. WHARTON, JR.,
Acting Secretary.

SECTION-BY-SECTION ANALYSIS

The Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine and Other New Independent States (the FRIENDSHIP with Russia, Ukraine and Other New Independent States Act) would revise or eliminate numerous statutory provisions that restrict or otherwise interfere with relations between the United States and the Russian Federation, Ukraine and the other independent states of the former Soviet Union.

Section 1—Short titles

This section entitles the bill the "Act For Reform In Emerging New Democracies and Support and Help for Improved Partnership with Russia, Ukraine and the Other New Independent States" or the "FRIENDSHIP with Russia, Ukraine and the Other New Independent States Act".

TITLE I—POLICY OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND RUSSIA, UKRAINE AND THE OTHER INDEPENDENT STATES OF THE FORMER SOVIET UNION

Section 101—Findings

The section sets forth a series of findings regarding the new spirit of cooperation and partnership between the United States and the independent states of the former Soviet Union, and emphasizes the importance of our cooperation with these countries. The findings note that many Cold War statutes remain in force, and that repeals or revisions of these provisions can play an important role in fostering and strengthening the bonds of trust and friendship, as well as mutually beneficial trade and economic relations, between the United States and the new independent states.

Section 102—Statutory provisions that have been applicable to the Soviet Union

This section notes the fundamental changes that have taken place since the enactment of many of the statutes that still remain in force regarding the Soviet Union, some of which do not refer specifically to the Soviet Union. For a variety of reasons, several such statutes (the provisions listed in subsection (b)(2) are illustrative) would not be repealed or revised directly under this bill—*e.g.*, a provision regarding U.S. treatment of communist dictatorships may in some cases still have relevance with respect to other countries that continue to be dominated by communist dictatorships. Subsection (c) sets forth a congressional finding and affirmation that such provisions should not be construed as being directed against Russia, Ukraine or the other independent states of the former Soviet Union, connoting an adversarial relationship between the United States and those states, or signifying or implying in any manner unfriendliness toward these countries.

TITLE II—TRADING AND BUSINESS RELATIONS

Section 201—Eligibility for generalized system of preferences

This section would repeal the provision that rendered the USSR ineligible for benefits under the Generalized System of Preferences (GSP).

Section 202—Policy under Export Administration Act

This section would repeal findings language contained in paragraph (11) of section 2 of the Export Administration Act, regarding acquisition by the Soviet Union of national security sensitive goods, while leaving intact language in the other paragraphs of section 2 that sets forth the importance of considering the contribution certain exports can have to the military potential of foreign countries; and paragraph (15) of section 3, which contains language stating that it is the policy of the United States to continue to object to exceptions to the International Control List for the USSR. At the same time that this legislation is being submitted, the United States is actively engaged in discussions with our allies on how best to re-orient the COCOM export control regime in light of the new relationship with these states. Because the COCOM regime is multilateral, reform in this area must focus on diplomatic rather than legislative efforts.

Section 203—Prohibitions and restrictions on importations of strategic and critical materials into the United States

This section authorizes exceptions for the countries of Eastern Europe or the independent states of the former Soviet Union to the restrictions contained in section 13 of the Strategic and Critical Materials Stock Piling Act.

Section 204—Representation of countries of Eastern Europe and the Independent States of the former Soviet Union in legal commercial transactions

Section 951 of title 18, United States Code, requires agents of foreign governments, acting in the United States, to notify the Attorney General of their agency relationship. Failure to do this is subject to a criminal penalty. The statute makes exceptions from this registration requirement for accredited diplomats and other officially acknowledged government representatives, and members of their staffs who are not United States citizens. It also makes exceptions for persons engaged in legal commercial transactions, but qualifies this exception by excluding from it representatives of the Soviet Union, the German Democratic Republic and Czechoslovakia, which no longer exist, as well as Hungary, Poland, Bulgaria, Rumania and Cuba, unless special exemption is authorized by the Attorney General. The amendment would eliminate the country-specific exceptions for all these countries except Cuba. Instead, the President would determine, in light of changing relationships, which countries pose threats to the national security interests of the United States that require application of the notification provisions of this statute to commercial representatives of foreign governments.

Section 205—Procedures regarding transfers of certain Department of Defense-funded items

Subsection (a) of this section would amend section 709(d) of the Department of Defense Appropriations Authorization Act, 1975, under which exports to controlled countries of goods, technology, and industrial techniques developed as a result of certain research and development programs are subject to special review procedures. The amendment would modify the definition of controlled countries to delete the reference to the Soviet Union and the countries of Eastern Europe, and replace it with a definition based on countries designated by the President.

Subsection (b) would repeal section 223 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, which prohibits the transfer of military technology developed with funds appropriated or otherwise made available for the Strategic Defense Initiative unless the President makes a determination regarding the transfer that Congress approves by joint resolution.

Section 206—Lend lease

This section authorizes the President to waive the application of the second sentence of section 404(b) of the Trade Act of 1974 (Public Law 93-618) to any of the independent states of the former Soviet Union for such period of time as he determines to be appropriate.

Section 207—Soviet slave labor

This section repeals section 1906 of the Omnibus Trade and Competitiveness Act of 1988, which contains a congressional statement that the President should express to Soviet Union moral opposition of the United States to the slave labor policies of the Soviet Union.

Section 208—Multilateral Export Controls Enhancement Amendments Act

This section eliminates findings language contained in section 2442(1) of the multilateral Export Control Enhancement Amendments Act.

TITLE III—CULTURAL, EDUCATIONAL AND EXCHANGE PROGRAMS

Section 301—Mutual Educational and Cultural Exchange Act of 1961

This section would amend the Mutual Educational and Cultural Exchange Act of 1961, as amended, to reflect the fact that the Soviet Union has dissolved, and there exist now independent states of the former Soviet Union.

Section 302—Soviet-Eastern European research and training

This section would amend the Soviet-Eastern European Research and Training of 1983 to redesignate the Soviet-Eastern European Studies Advisory Committee as the Advisory Committee for Studies of Eastern Europe and the Independent States of the Former Soviet Union, and making other changes that reflect the fact that the Soviet Union has dissolved, and there exist now independent states of the former Soviet Union.

Section 303—Fascell Fellowship Act

This section would amend the title heading of section 1002 of the Fascel Fellowship Act to reflect the fact that the Soviet Union has dissolved, and there exist now independent states of the former Soviet Union.

Section 304—Board for International Broadcasting

This section would amend the Board for International Broadcasting Act of 1973 (the "BIB Act") to reflect the fact that the Soviet Union has dissolved, and there exist now independent states of the former Soviet Union. It would also repeal sections 307 and 308 of the Board for International Broadcasting Authorization Act, Fiscal Years 1984 and 1985. The provisions of this section are without prejudice to the repeal of the BIB Act in the proposed United States International Broadcasting Act of 1993, which repeal would be effective no earlier than September 30, 1994.

Section 305—Scholarship programs for developing countries

This section would repeal subsections (6) and (7) of section 601 of the Foreign Authorization Act, Fiscal Years 1986 and 1987, which describe the risk that scholarship programs by Soviet-bloc governments entail in increasing the likelihood that potential future leaders of the developing world will be educated in Soviet-bloc countries.

Section 306—Elimination of report on Soviet participants in exchange programs that jeopardize national security interests

This section would repeal section 126 of the Department of State Authorization Act, Fiscal Years 1982 and 1983, under which the Secretary of State is required to submit annually to Congress a list of Soviet nationals participating during the upcoming year in certain US–USSR exchanges, and to include a determination that these programs will not jeopardize United States national security interests.

TITLE IV—ARMS CONTROL

Section 401—Arms Control and Disarmament Act

This section would make several amendments to the Arms Control and Disarmament Act to reflect the fact that the Soviet Union has dissolved, and there exist now independent states of the former Soviet Union.

Section 402—Provisions in Arms Export Control Act

This section would amend the provisions of the Arms Export Control Act related to transfers of certain CFE Treaty-Limited Equipment to NATO members. The proposed amendments would replace references to the "Warsaw Pact countries" with references to the countries of the Eastern Group of States Parties to the CFE Treaty.

Section 403—Reports

This section would repeal the reporting requirements contained in section 1002 of the Department of Defense Authorization Act, 1986 and section 906 of the National Defense Authorization Act, Fiscal Year 1989.

Section 404—Joint resolution on United States/Soviet direct communication link

This section would amend Public Law 99–85 to reflect the fact that the direct communication link is now with Russia.

TITLE V—PROVISIONS RELATED TO DIPLOMATIC RELATIONS

Section 501—Travel restrictions

This section would amend section 216 of the State Department Basic Authorities Act of 1956, under which the Secretary of State is required to apply the same generally applicable restrictions to the travel while in the United States of personnel (and family members and dependents) of certain missions as are applied under Title II of the Act to the members of missions of the USSR. With the dissolution of the USSR, it is not possible to apply this section by its terms. The proposed amendment would make clear nevertheless that appropriate controls may be imposed.

Section 502—Personnel levels and limitations

This section would repeal a series of provisions that are related to personnel levels and limitations. The provisions that would be repealed are section 602 of the Intelligence Authorization Act for Fiscal Year 1990, section 154 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, section 501 of the Intelligence Authorization Act, Federal Year 1988, section 702 of the Intelligence Authorization Act for Fiscal Year 1987, and sections 136 and 813 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987. The proposed deletion of these Soviet-specific provisions, e.g., section 702, does not signify a departure from the general principle that there should be, as nearly as possible and absent unusual circumstances, parity in the numbers of diplomatic personnel between the United States and the countries with which it maintains diplomatic relations. With respect to section 136, the United States fully realizes that foreign nationals employed at diplomatic establishments abroad may pose security concerns. These concerns, however, should be addressed in the selection and placement of such nationals rather than by a general prohibition directed at particular countries.

Section 503—Other provisions related to operation of embassies and consulates

This section would repeal additional provisions related to the operation of Embassies and Consulates. The provisions that would be repealed are sections 132 and 133 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (except for section 132(e)), section 134 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, section 1232 of the National Defense Authorization Act, Fiscal Year 1989, sections 151 through 153 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, section 1122 of the National Defense Authorization Act for Fiscal Years 1988 and 1989, section 901 of the Intelligence Authorization Act, Fiscal Year 1988, and subsections (a) and (c) of section 1364 of the National Defense Authorization Act, Fiscal Year 1987.

Section 504—Foreign Service Buildings Act

This section would repeal section 4(j) of the Foreign Service Buildings Act, 1926.

TITLE VI—PROVISIONS RELATED TO OCEANS AND ENVIRONMENT

Section 601—Arctic Research and Policy Act

This section would amend the Arctic Research and Policy Act of 1984 to eliminate congressional findings language referring to the Soviet Union, including language that tied the importance of the Arctic to its critical role to national defense as the only common border with the Soviet Union.

Section 602—Fur seal management

This section would amend section 102 of the Fur Seal Act to reflect the fact that the Soviet Union has dissolved, and there exist now independent states of the former Soviet Union.

Section 603—Global climate protection

This section would amend section 1106 of the Global Climate Protection Act of 1987, which contains a congressional statement that, in light of the leadership roles of the United States and the Soviet Union in this area, the President should accord climate protection a high priority on the agenda of US–USSR relations. The amendment would change the reference to indicate that climate protection should be accorded a high priority on the United States agenda with each of the independent states of the former Soviet Union.

TITLE VII—REGIONAL AND GENERAL DIPLOMATIC ISSUES

Section 701—U.N. assessments

This section would amend congressional findings language contained in section 717 of the International Security and Development Cooperation Act of 1981, which calls for the President to undertake a diplomatic initiative to obtain payment by the Soviet Union of all its outstanding financial obligations to the United Nations. Under the amendment, neither the Soviet Union nor its successor states would be singled out; instead, more general language would call for appropriate diplomatic initiatives to ensure that all members make payments of all their outstanding financial obligations to the United Nations.

Section 702—Afghanistan

This section would repeal language regarding Afghanistan and the Soviet role in that country contained in section 1241 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

Section 703—Angola

This section would repeal language regarding Angola and the Soviet role in that country contained in section 1222 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, and section 405 of the International Security Assistance and Arms Export Control Act of 1976.

Section 704—Independence of Estonia, Latvia and Lithuania

This section would amend two provisions dealing with the Baltics. First, it would delete preambular language contained in Public Law 102–17, which contains numerous obsolete references—*e.g.*, references indicating that the Soviet Union is not committed to the policies of Glasnost and Perestroika—and proceeds on the basis of the situation at the time that the Baltic countries remained forcefully incorporated in the Soviet Union. The amendment would leave in force the operational elements of the provision, under which the President was authorized and requested to issue proclamations calling upon the people of the United States to observe "Baltic Freedom Day." Second, this section would modify paragraph (1) of section 1206 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, to recognize that the "continuing desire and right of the people of the Baltic States of Estonia, Latvia, and Lithuania for freedom and independence should be recognized." This is similar to existing language, with the exception that the provision would refer to the desire of the Baltic people for freedom and independence (rather than to their desire for freedom and independence from the Soviet Union) in view of the fact that such freedom and independence has now been achieved and the fact that the Soviet Union has dissolved.

Section 705—Obsolete references in Foreign Assistance Act

This section would modify three provisions in the Foreign Assistance Act of 1961, as amended. Subsection (a) would replace the references in the policy language of section 501 to "international communism and the countries it controls," the need to "defeat

Communist or Communist-supported aggression," and the importance of giving priority to the needs of countries in danger of "becoming victims of active Communist or Communist-inspired aggression or those countries in which the internal security is threatened by Communist-inspired or communist-supported internal subversion." In each case a more general reference would be substituted. Subsection (b) would replace the reference in section 614 to victims of "active Communist or Communist-supported aggression" with a reference to "active aggression." Subsection (c) would repeal section 620(h), which calls upon the President to adopt regulations and establish procedures to insure that United States foreign aid is not used in a manner that promotes the foreign aid projects of activities of "the Communist-bloc countries."

Section 706—Sense of Congress on review of policy toward U.S.S.R.

This section would repeal section 24 of the International Security Assistance Act of 1978, which contains hortatory language that the President should make a full review of policy toward the Soviet Union.

TITLE VIII—INTERNAL SECURITY PROVISIONS; SOVIET CONSPIRACY TO ESTABLISH WORLDWIDE COMMUNIST DICTATORSHIP

Section 801—Civil defense

This section would amend a reference in section 501(b)(2) of the Federal Civil Defense Act of 1950 that highlights among the objectives of the civil defense system the need to contribute to perceptions of United States strategic balance with the Soviet Union, which has dissolved.

Section 802—Report on Soviet press manipulation in the United States

This section would repeal section 147 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, which required an unclassified report to Congress on Soviet and communist misinformation and press manipulation in the United States.

Section 803—Subversive Activities Control Act

This section would repeal most of the provisions of Title I of the Internal Security Act of 1950, as amended. In this Act Congress found, for example, that "there exists a world Communist movement which, in its origins, its development, and its present practice, is a worldwide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization." The Act imposed a variety of restrictions on Communist and Communist-front organizations, and created the Subversive Activities Control Board. Many of these provisions have already lapsed or been ruled to have various constitutional infirmities. The criminal provisions prohibiting disclosure of classified information by government officials to agents of foreign governments would be retained, with conforming changes to reflect other modifications being proposed by this section. In addition, section 17, specifying that the criminal provision is in addition to (not in modification of) other criminal laws, would be retained, as would be a general provision allowing the Secretary of Defense and military commanders to impose security restrictions on military facilities.

TITLE IX—MISCELLANEOUS

Section 901—Foreign Relations Authorization Act, fiscal years 1988 and 1989

This section would repeal sections 1201 through 1204 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

Section 902—Foreign Relations Authorization Act, fiscal years 1986 and 1987

This section would repeal sections 148 and 805 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.●

By Mr. LAUTENBERG:

S. 1297. A bill to establish community-based partnerships to fight crime in public and assisted housing; to the Committee on Banking, Housing, and Urban Affairs.

COMMUNITY PARTNERSHIPS AGAINST CRIME ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing the Community Partnerships Against Crime Act, or COMPAC, a bill to expand and strengthen the Federal Government's commitment to fighting crime in public and assisted housing. The bill is a product of a joint effort between myself and the Secretary of Housing and Urban Development, Henry Cisneros, who has included the proposal as part of a broader housing bill which is being submitted to the Congress.

Mr. President, the Community Partnership Against Crime Act builds on legislation I developed in 1988, the Public and Assisted Housing Drug Elimination Act, or PAHDEA, which established a competitive grant program that provides funds to housing authorities and residents for antidrug initiatives. Funds can be used to hire additional security personnel; to establish, equip, and train tenant patrols; to make physical improvements designed to enhance security; and for initiatives designed to reduce the use of illegal drugs, such as prevention, referral, and treatment programs.

PAHDEA has had a significant, positive impact in housing authorities throughout the country. Residents in many areas report substantial improvements in their living environments, as improved security programs have eliminated drug dealing and crime. However, the program remains limited in scope, and the need for assistance has overwhelmed available resources.

The Community Partnerships Against Crime Act would expand and enhance PAHDEA in several ways.

First, it would broaden PAHDEA's scope to apply to all types of crime, not simply crime that is drug related. While drugs remain a serious problem in many housing developments, and are directly related to many crimes, there are other types of criminal activity that also demand a response.

Second, COMPAC would significantly increase the resources available to fight crime. In the current fiscal year, $145.5 million was available for grants to public housing authorities under PAHDEA. This was sufficient to fund antidrug programs at only 438 of the roughly 3,200 housing authorities nationwide. The scarcity of funding has discouraged many authorities from even applying. Of those that do apply, 48 percent are rejected, including some with serious crime problems.

COMPAC proposes an authorization level of $265 million in fiscal year 1994 and $325 million in fiscal year 1995. This should better meet the demand for funding, though inevitably some needs would remain unmet.

A third feature of COMPAC is that it will encourage involvement of a broad range of community-based groups, and residents of neighboring HUD-owned or assisted housing, in the development and implementation of anticrime plans. This reflects Secretary Cisneros's commitment to working on problems through a broad-based, community-wide approach. I agree entirely with this approach, and believe it is essential to the success of anticrime programs. Under COMPAC, as under PAHDEA, authorities that involve the community will be at a significant competitive advantage in the grant selection process. The legislation goes beyond the existing program in highlighting the importance of involving not only community-based groups, but neighboring residents as well.

The next major element of COMPAC would target opportunities for long-term commitments of funding to housing authorities with serious crime problems. This is designed to respond to concerns that have been raised by some housing authorities about the current program, which makes grants available for 1- and 2-year periods. Many authorities have found that the lack of long-term certainty has made it more difficult to hire drug counselors and other personnel, and to plan their anticrime programs.

To respond to the need for greater certainty, COMPAC proposes two modifications to PAHDEA. First, the legislation would allow housing authorities with especially severe crime problems to apply for renewable grants. Winners of these grants, so long as they perform in a satisfactory manner, would be assured of funding for 5 years, without the necessity of competing against other housing authorities for the scarce resources available.

Housing authorities not eligible for renewable grants could compete for grants of up to 2 years. To assure greater certainty of continued funding, the Secretary would be authorized to provide a scoring preference to those housing authorities seeking to extend programs funded by a prior grant, if they are performing well.

While these two provisions will provide greater certainty for housing authorities that win grants, some have suggested that we go further, and automatically provide grants to all authorities with crime problems. I understand why some authorities would prefer such an entitlement, and I am sympathetic to their concerns. At the same time, a broad-based formula approach has some significant disadvantages.

Even with the increase proposed in COMPAC, there simply is not enough money to provide a meaningful allocation to all authorities with real needs. Therefore, either some needy authorities would have to be excluded from a formula altogether, or the amount of funding distributed would be insufficient to mount an effective anticrime program in many areas.

COMPAC would avoid the need to set an arbitrary cutoff, while allowing meaningful grant amounts, by targeting grants to housing authorities that score highest on four selection criteria: First, the extent of the applicant's crime problem, second, the quality of the applicant's anticrime plan, third, the capability of the applicant to carry out the plan, and fourth, the extent to which the applicant involves residents and the local community in the design and implementation of anticrime plans. Each of these factors deserves to be considered, to ensure that scarce resources are provided where the needs are greatest, and where grants will be put to their best use.

Beyond targeting scarce resources effectively, COMPAC's competitive mechanism creates an incentive for housing authorities to produce high quality anticrime plans. Research has shown that for anticrime programs to work, it is essential that authorities work closely with their residents and with the local community. This means, for example, involving youth groups, drug counseling centers, and schools, enlisting the support of local elected officials, and ensuring that local law enforcement agencies are committed to addressing the crime problem in public housing. Competition creates an often-needed incentive for authorities to invest their time and effort in this kind of outreach, since HUD evaluates outreach efforts in selecting applications.

I should note that the legislation does allow HUD considerable discretion in structuring the mechanism by which grants are selected, so long as that mechanism is consistent with the selection criteria established in the legislation. Thus, for example, HUD could choose to give greater weight to the extent of the crime problem, the first selection criterion, in the evaluation of applications, a step that I would support.

Mr. President, I want to thank Secretary Cisneros for his help and cooperation in putting together this legislation, and for his commitment to fighting crime in public housing. I appreciate it, and look forward to working closely with the Department as the bill moves through the legislative process, and as we seek funding for the program.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1297

Be it enacted by the Senate and House of Representatives of the United States of America assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Partnerships Against Crime Act", or "COMPAC".

SEC. 2. COMMUNITY PARTNERSHIPS AGAINST CRIME.

(a) CONFORMING PROVISIONS.—(1) Section 5001 of the Anti-Drug Abuse Act of 1988 is amended—

(A) by striking "CHAPTER 2—PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION" and inserting in lieu thereof the following: "CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME";

(B) by striking "Congressional findings." and inserting in lieu thereof the following: "Purposes."; and

(C) by adding after "SEC. 5130. Authorization of appropriations." the following: "SEC. 5131. Technical assistance.".

(2) The heading for chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 is amended to read as follows:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME".

(b) SHORT TITLE, PURPOSES, AND AUTHORITY TO MAKE GRANTS.—Sections 5121, 5122, and 5123 of the Public and Assisted Housing Drug Elimination Act of 1990 are amended to read as follows:

"SEC. 5121. SHORT TITLE.

"The chapter may be cited as the 'Community Partnerships Against Crime Act of 1993'.

"SEC. 5122. PURPOSES.

"The purposes of this chapter are to—

"(1) substantially expand and enhance the Federal government's commitment to eliminating crime in public housing;

"(2) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related;

"(3) target opportunities for long-term commitments of funding primarily to public housing agencies with serious crime problems;

"(4) encourage the involvement of a broad range of community-based groups, and residents of neighboring housing that is owned or assisted by the Secretary, in the development and implementation of anti-crime plans;

"(5) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving;

"(6) provide training, information services, and other technical assistance to program participants; and

"(7) establish a standardized assessment system to evaluate need among public housing agencies, and to measure progress in reaching crime reduction goals.

"SEC. 5123. AUTHORITY TO MAKE GRANTS.

"The Secretary of Housing and Urban Development, in accordance with the provisions of this chapter, may make grants, for use in eliminating crime in and around public and other federally assisted low-income housing projects (1) to public housing agencies (including Indian housing authorities) and (2) using amounts appropriated for fiscal year 1994 only, to private, for-profit and nonprofit owners of federally assisted low-income housing. In designing the program, the Secretary shall consult with the Attorney General.".

(c) ELIGIBLE ACTIVITIES.—Section 5124 of such Act is amended—

(1) by striking "(9a) PUBLIC AND ASSISTED HOUSING.—";

(2) by inserting in the introductory material, immediately after "used in", the following: "and around";

(3) in paragraph (3), by inserting immediately before the semicolon the following: ", such as fencing, lighting, locking, and surveillance systems";

(4) by striking paragraph (4)(A) and inserting in lieu thereof the following new subparagraph:

"(A) to investigate crime; and";

(5) in paragraph (6)—

(A) by striking "in and around public or other federally assisted low-income housing projects"; and

(B) by striking "and" after the semicolon;

(6) in paragraph (7)—

(A) by striking "where a public housing agency receives a grant,";

(B) by striking "drug abuse" and inserting in lieu thereof "crime"; and

(C) by striking the period at the end and inserting in lieu thereof a colon;

(7) by adding the following new paragraphs after paragraph (7):

"(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community on proactive crime control and prevention;"

"(9) youth initiatives, such as activities involving training, education, after school programs, cultural programs, recreation and sports, career planning, and entrepreneurship and employment; and

"(10) resident service programs, such as job training, education programs, and other appropriate social services which address the contributing factors of crime."; and

(8) by striking subsection (b).

(d) APPLICATIONS.—Section 5125 of such Act is amended—

(1) in subsection (a)—

(A) by adding the paragraph designation "(1)" immediately after "IN GENERAL.—";

(B) in the first sentence, by striking ", a public housing resident management corporation,";

(C) in the second sentence, by striking "drug-related crime on the premises of" and inserting in lieu thereof the following: "crime in and around"; and

(D) by adding the following new paragraphs at the end:

"(2) The Secretary shall, by regulation issued after notice and opportunity for public comment, set forth criteria for establishing a class of public housing agencies that have especially severe crime problems. Any public housing agency within this class may submit an application for a one-year grant under this chapter that, subject to the availability of appropriated amounts, shall be renewed for a period not exceeding the four subsequent years: *Provided*, That the Secretary finds, after an annual or more frequent performance review, that the public housing agency is performing under the terms of the grant and applicable laws in a satisfactory manner and meets such other requirements as the Secretary may prescribe.

"(3) Any eligible applicant may submit an application for a grant for a period of up to two years. The Secretary may accord a preference to applications seeking a subsequent grant under this paragraph if the grant is to be used to continue or expand activities assisted under a previous grant under this paragraph and the Secretary finds that the applicant's program under the prior grant is being managed soundly and demonstrates success. Any preferences under the preceding sentence shall not unreasonably prejudice the opportunities of other public housing agencies to be awarded grants under this paragraph.";

(2) in subsection (b)—

(A) in the introductory material, by striking "subsections (c) and (d)" and inserting in lieu thereof "subsections (a) and (c)";

(B) in paragraph (1), by striking "drug-related crime problem in" and inserting in lieu thereof the following: "crime problem in and around";

(C) in paragraph (2), by inserting immediately after "crime problem in" the following: "and around"; and

(D) in paragraph (4), by inserting after "local government" the following: ", local community-based non-profit organizations, local resident organizations that represent the residents of neighboring projects that are owned or assisted by the Secretary,";

(3) in subsection (c)(2) by striking "drug-related" the two places it appears; and

(4) by striking subsection (d).

(e) DEFINITIONS.—Section 5126 of such Act is amended by striking paragraphs (1) and (2), and renumbering paragraphs (3) and (4) as paragraphs (1) and (2), respectively.

(f) IMPLEMENTATION.—Section 5127 of such Act is amended to read as follows:

"SEC. 5127. IMPLEMENTATION.

"The Secretary shall issue regulations to implement this chapter within 180 days of the enactment of the Community Partnerships Against Crime Act.".

(g) REPORTS.—Section 5128 of such Act is amended by striking "drug-related crime in" and inserting in lieu thereof the following: "crime in and around".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 5130 of such Act is amended—

(1) in the first sentence of subsection (a), by striking "$175,000,000 for fiscal year 1993" and all that follows and inserting in lieu thereof: $265,000,000 for fiscal year 1994 and $325,000,000 for fiscal year 1995.";

(2) in subsection (b)—

(A) by striking "SET-ASIDES" and inserting in lieu thereof "SET-ASIDE";

(B) by striking the first sentence;

(C) by striking "drug elimination";

(D) by striking "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal year 1994"; and

(E) by striking "and 5.0 percent" and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(3) by striking subsection (c) and section 520(k) of the Cranston-Gonzalez National Affordable Housing Act.

(i) TECHNICAL ASSISTANCE.—Such Act is further amended by adding at the end thereof the following new section:

"SEC. 5131. TECHNICAL ASSISTANCE.

"Of the amounts appropriated annually for each of fiscal years 1994 and 1995 to carry out this chapter, the Secretary is authorized to use up to $10,000,000, directly or indirectly, under grants, contracts, cooperative agreements, or otherwise, to provide training, information services, and other technical assistance to public housing agencies and other entities with respect to their participation in the program authorized by this chapter. Such technical assistance may include the establishment and operation of the clearinghouse on drug abuse in public housing and the regional training program on drug abuse in public housing under sections 5143 and 5144 of this Act. The Secretary is also authorized to use the foregoing amounts for obtaining assistance in establishing and managing assessment and evaluation criteria and specifications, and obtaining the opinions of experts in relevant fields.".●

ADDITIONAL COSPONSORS

S. 30

At the request of Mr. MCCAIN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 30, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 364

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 364, a bill to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 725

At the request of Mr. KENNEDY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 725, a bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

S. 784

At the request of Mr. HATCH, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 833

At the request of Mr. GRASSLEY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 833, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 881

At the request of Mr. DODD, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 881, a bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make certain technical corrections in the Civic Education Program, and for other purposes.

S. 968

At the request of Mr. BRADLEY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 968, a bill to establish additional exchange and training programs with the independent states of the former Soviet Union and the Baltic states.

S. 985

At the request of Mr. INOUYE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 1005

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1005, a bill to amend section 520 of the Cranston-Gonzalez National Affordable Housing Act to authorize the Secretary of Housing and Urban Development to make grants to establish midnight basketball league training and partnership programs incorporating employment counseling, job-training, and other educational activities for residents of public housing and federally assisted housing and other low-income families.

S. 1125

At the request of Mr. DODD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1125, a bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

S. 1228

At the request of Mr. BROWN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1228, a bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 1229

At the request of Mr. BROWN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1229, a bill to repeal the provisions of the Service Contract Act of 1965.

S. 1263

At the request of Mr. HARKIN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1263, a bill to provide disaster assistance to agricultural producers, and for other purposes.

S. 1274

At the request of Mr. BUMPERS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1274, a bill to authorize funding for certain Small Business Administration programs, and for other purposes.

SENATE JOINT RESOLUTION 113

At the request of Mr. DECONCINI, the names of the Senator from Colorado [Mr. BROWN] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 113, a joint resolution designating October 1993 as "Italian-American Heritage and Culture Month."

SENATE CONCURRENT RESOLUTION 21

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible if offered in a State court by a defendant in a criminal case.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

AMENDMENT NO. 638

At the request of Mr. BROWN the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of amendment No. 638 proposed to H.R. 2493, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

AMENDMENT NO. 649

At the request of Mr. FEINGOLD his name was added as a cosponsor of amendment No. 649 proposed to H.R. 2493, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

AMENDMENTS SUBMITTED

NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

KENNEDY AMENDMENT NOS. 668–673

(Ordered to lie on the table.)

Mr. KENNEDY submitted six amendments intended to be proposed by him to the bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, as follows:

AMENDMENT NO. 668

In lieu of the matter proposed to be inserted, insert the following:

"(e) WAIVER.—Any participant in a national service program that receives assistance under section 121 may, at the option of the participant, waive the right of the participant to receive a national service educational award under this section, without receiving an alternative post-service benefit.

AMENDMENT NO. 669

In lieu of the matter proposed to be inserted, insert the following:

"(f) PROHIBITION ON CERTAIN POLITICAL ACTIVITIES.—

"(1) IN GENERAL.—An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out with assistance provided under this section will not be used to—

"(A) provide political seminars, training, instruction, lectures, classes, or speeches; or

"(B) assist political organizations, partisan organizations, or political appointees;

except that, with respect to speeches, this subsection shall not apply to political appointees who are responsible for the administration of a national service program.

"(2) ENFORCEMENT.—If the Corporation determines that a national service program has failed to comply with the assurances provided under paragraph (1), the Corporation shall—

"(A) prohibit the program from recruiting or selecting individuals to participate in the program during the 2-year period beginning on the date the Corporation determines the non-compliance commenced; and

"(B) direct the program to terminate the employment of the supervisors determined to be involved in the noncompliance.

AMENDMENT NO. 670

In lieu of the matter proposed to be inserted, insert the following:

"(f) PROHIBITION ON CERTAIN POLITICAL ACTIVITIES.—

"(1) IN GENERAL.—An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out with assistance provided under this section will not be used to—

"(A) provide political seminars, training, instruction, lectures, classes, or speeches; or

"(B) assist political organizations, partisan organizations, or political appointees;

except that, with respect to speeches, this subsection shall not apply to political appointees who are responsible for the administration of a national service program.

"(2) ENFORCEMENT.—If the Corporation determines that a national service program has failed to comply with the assurances provided under paragraph (1), the Corporation shall—

"(A) prohibit the program from recruiting or selecting individuals to participate in the program during the 2-year period beginning on the date the Corporation determines the noncompliance commenced; and

"(B) direct the program to terminate the employment of the supervisors determined to be involved in the noncompliance.

AMENDMENT NO. 671

In lieu of the matter proposed to be inserted, insert the following:

"SEC. . LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.

"Notwithstanding section 501(a)(2), no funds are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, for each of the fiscal years 1997 and 1998.

AMENDMENT NO. 672

In lieu of the matter proposed to be inserted, insert the following:

"SEC. . LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.

"Notwithstanding section 501(a)(2), no funds are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, for each of the fiscal years 1997 and 1998.

AMENDMENT NO. 673

In lieu of the matter proposed to be inserted, insert the following:

SEC. . RESTRICTION ON SERVICE.

Any organization or entity receiving funds under subtitle C of title I of the National and Community Service Act of 1990 shall deny the participation of any homosexual, heterosexual, or bisexual individual who has been convicted of or who is charged with a sexual offense involving a minor, in any program or activity under such Act that educates, coaches or trains any minor, or that holds out that individual as a role model, mentor, or companion to any minor.

NICKLES AMENDMENT NOS. 674–681

(Ordered to lie on the table.)

Mr. NICKLES submitted eight amendments intended to be proposed by him to the bill (S. 919) supra, as follows:

AMENDMENT NO. 674

At the appropriate place, insert the following new section:

"SEC. . SUNSET OF SPENDING AUTHORITY.—Notwithstanding any other provision of this Act, the spending authority to provide financial assistance under subtitles C and H of title I, and the spending authority to provide national service educational awards under subtitle D of title I, shall expire at the end of fiscal year 1996."

AMENDMENT NO. 675

At the appropriate place, insert the following new section:

"Sec. . Deficit Reduction Condition.—Notwithstanding any other provision of law, none of the funding provided by this Act shall be expended unless the Director of the Congressional Budget Office certifies that legislative action by Congress has reduced the federal budget deficit by $500 billion relative to CBO's March 1993 capped baseline.

Amendment No. 676

(1) On page 307, line 18, insert "(1)" before the word "An".

(2) On page 308 between lines 6 and 7 insert the following new subsection—

"(2) A participant in a national service program carried out using assistance provided under section 121 shall not—

(a) distribute condoms or other birth control devices,

(b) solicit participation in federal welfare programs, including but not limited to AFDC, Food Stamps, and Legal Aid,

(c) participate in the enforcement of federal environmental laws and regulations, including but not limited to those laws and regulations dealing with wetlands and endangered species, or

(d) participate in activities which encourage abortion.

Amendment No. 677

Beginning on page 249, strike line 19 and all that follows through page 251, line 13, and insert the following:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) Title I.—

"(1) Subtitle b.—

"(A) In general.—There are authorized to be appropriated to provide financial assistance under subtitle B of title, $45,000,000 for fiscal year 1994, $46,000,000 for fiscal year 1995, $47,000,000 for fiscal year 1996, $49,000,000 for fiscal year 1997, and $50,000,000 for fiscal year 1998.

"(B) Programs.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of part I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) Subtitles c, d, and h.—

"(A) In general.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, $100,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, $100,000,000 for fiscal year 1996, $100,000,000 for fiscal year 1997, and $100,000,000 for fiscal year 1998.

"(B) Programs.—Of the amount appropriated under subparagraph (A) for a fiscal year, 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) Subtitle e.—There are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) Administration.—There are authorized to be appropriated for the administration of this Act $10,000,000 for each of the fiscal years 1994 and 1995, and $11,000,000 for each of the fiscal years 1996 through 1998.

Beginning on page 286, strike line 17 and all that follows through page 290, line 24, and insert the following:

"SEC. 501. NATIONAL VOLUNTARY ANTIPOVERTY PROGRAMS.

"(a) Authorizations.—

"(1) Volunteers in service to America.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, $47,000,000 for fiscal year 1995, $48,000,000 for fiscal year 1996, $50,000,000 for fiscal year 1997, and $51,000,000 for fiscal year 1998.

"(2) Summer program.—There are authorized to be appropriated to carry out section 104(e), $1,000,000 for each of the fiscal years 1994 through 1998.

"(3) Literacy activities.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, $6,000,000 for each of the fiscal years 1995 through 1997, and $7,000,000 for fiscal year 1998.

"(4) University year for vista.—There are authorized to be appropriated to carry out part B of title I, $1,000,000 for each of the fiscal years 1994 through 1998.

"(5) Special volunteer programs.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(6) Literacy challenge grants.—There are authorized to be appropriated to carry out section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(b) Subsistence.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) Limitation.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) Availability.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) Volunteer Service Requirement.—

"(1) Volunteer service years.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) Plan.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) Retired and Senior Volunteer Program.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, $38,000,000 for fiscal year 1995, $39,000,000 for fiscal year 1996, $40,000,000 for fiscal year 1997, and $41,000,000 for fiscal year 1998.

"(b) Foster Grandparent Program.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, $73,000,000 for fiscal year 1995, $75,000,000 for fiscal year 1996, $77,000,000 for fiscal year 1997, and $78,000,000 for fiscal year 1998.

"(c) Senior Companion Program.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, $34,000,000 for fiscal year 1995, $35,000,000 for fiscal year 1996, and $36,000,000 for each of the fiscal years 1996 and 1998.

"(d) Demonstration Programs.—There are authorized to be appropriated to carry out part E of title II, $1,000,000 for each of the fiscal years 1994 through 1998.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended—

(1) by striking section 504;

(2) by inserting the following after section 502:

"SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) In General.—There are authorized to be appropriated for the administration of this Act as provided for in title IV, $40,000,000 for fiscal year 1994, $41,000,000 for fiscal year 1995, $42,000,000 for fiscal year 1996, $43,000,000 for fiscal year 1997, and $44,000,000 for fiscal year 1998.

"(b) Evaluation and Center for Research and Training.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426."; and

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Amendment No. 678

Beginning on page 249, strike line 19 and all that follows through page 251, line 13, and insert the following:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) Title I.—

"(1) Subtitle b.—

"(A) In general.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994, $46,000,000 for fiscal year 1995, $47,000,000 for fiscal year 1996, $49,000,000 for fiscal year 1997, and $50,000,000 for fiscal year 1998.

"(B) Programs.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) Subtitles C, D, and H.—

"(A) In general.—There are authorized to be appropriated to provide financial assistance under subtitle C and H of title I, and to provide national service educational awards under subtitle C and H of title I, and to provide national service educational awards under subtitle D of title I, $200,000,000 for fiscal year 1995, $200,000,000 for fiscal year 1996 $200,000,000 for fiscal year 1997, and $200,000,000 for fiscal year 1998.

"(B) Programs.—Of the amount appropriated under subparagraph (A) for a fiscal year, 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) SUBTITLE E.—There are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) ADMINISTRATION.—There are authorized to be appropriated for the administration of this Act $10,000,000 for each of the fiscal years 1994 and 1995, and $11,000,000 for each of the fiscal years 1996 through 1998.

Beginning on page 286, strike line 17 and all that follows through page 290, line 24, and insert the following:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) AUTHORIZATIONS.—

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, $47,000,000 for fiscal year 1995, $48,000,000 for fiscal year 1996, $50,000,000 for fiscal year 1997, and $51,000,000 for fiscal year 1998.

"(2) SUMMER PROGRAM.—There are authorized to be appropriated to carry out section 104(e), $1,000,000 for each of the fiscal years 1994 through 1998.

"(3) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, $6,000,000 for each of the fiscal years 1995 through 1997, and $7,000,000 for fiscal year 1998.

"(4) UNIVERSITY YEAR FOR VISTA.—There are authorized to be appropriated to carry out part B of title I, $1,000,000 for each of the fiscal years 1994 through 1998.

"(5) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(6) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, $38,000,000 for fiscal year 1995, $39,000,000 for fiscal year 1996, $40,000,000 for fiscal year 1997, and $41,000,000 for fiscal year 1998.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, $73,000,000 for fiscal year 1995, $75,000,000 for fiscal year 1996, $77,000,000 for fiscal year 1997, and $78,000,000 for fiscal year 1998.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, $34,000,000 for fiscal year 1995, $35,000,000 for fiscal years 1996, and $36,000,000 for each of the fiscal year 1997 and 1998.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, $1,000,000 for each of the fiscal years 1994 through 1998.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended—

(1) by striking section 504;

(2) by inserting the following after section 502:

"SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—There are authorized to be appropriated for the administration of this Act as provided for in title IV, $40,000,000 for fiscal year 1994, $41,000,000 for fiscal year 1995, $42,000,000 for fiscal year 1996, $43,000,000 for fiscal year 1997, and $44,000,000 for fiscal year 1998.

"(b) EVALUATION AND CENTER FOR RESEARCH AND TRAINING.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426."; and

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AMENDMENT NO. 679

Beginning on page 249, strike line 19 and all that follows through page 251, line 13, and insert the following:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) TITLE I.—

"(1) SUBTITLE B.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994, $46,000,000 for fiscal year 1995, $47,000,000 for fiscal year 1996, $49,000,000 for fiscal year 1997, and $50,000,000 for fiscal year 1998.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of part I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) SUBTITLES C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, $300,000,000 for fiscal year 1994, $300,000,000 for fiscal year 1995, $300,000,000 for fiscal year 1996, $300,000,000 for fiscal year 1997, and $300,000,000 for fiscal year 1998.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) SUBTITLE E.—There are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) ADMINISTRATION.—There are authorized to be appropriated for the administration of this Act $10,000,000 for each of the fiscal years 1994 and 1995, and $11,000,000 for each of the fiscal years 1996 through 1998.

Beginning on page 286, strike line 17 and all that follows through page 290, line 24, and insert the following:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) AUTHORIZATIONS.—

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, $47,000,000 for fiscal year 1995, $48,000,000 for fiscal year 1996, $50,000,000 for fiscal year 1997, and $51,000,000 for fiscal year 1998.

"(2) SUMMER PROGRAM.—There are authorized to be appropriated to carry out section 104(e), $1,000,000 for each of the fiscal years 1994 through 1998.

"(3) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, $6,000,000 for each of the fiscal years 1995 through 1997, and $7,000,000 for fiscal year 1998.

"(4) UNIVERSITY YEAR FOR VISTA.—There are authorized to be appropriated to carry out part B of title I, $1,000,000 for each of the fiscal years 1994 through 1998.

"(5) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(6) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, $38,000,000 for fiscal year 1995, $39,000,000 for fiscal year 1996, $40,000,000 for fiscal year 1997, and $41,000,000 for fiscal year 1998.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, $73,000,000 for fiscal year 1995, $75,000,000 for fiscal year 1996, $77,000,000 for fiscal year 1997, and $78,000,000 for fiscal year 1998.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, $34,000,000 for fiscal year 1995, $35,000,000 for fiscal year 1996, and $36,000,000 for each of the fiscal years 1997 and 1998.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, $1,000,000 for each of the fiscal years 1994 through 1998.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended—

(1) by striking section 504;

(2) by inserting the following after section 502:

"SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—There are authorized to be appropriated for the administration of this Act as provided for in title IV, $40,000,000 for fiscal year 1994, $41,000,000 for fiscal year 1995, $42,000,000 for fiscal year 1996, $43,000,000 for fiscal year 1997, and $44,000,000 for fiscal year 1998.

"(b) EVALUATION AND CENTER FOR RESEARCH AND TRAINING.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426."; and

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AMENDMENT NO. 680

Beginning on page 249, strike line 19 and all that follows through page 251, line 13, and insert the following:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) TITLE I.—

"(1) SUBTITLE B.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994, $46,000,000 for fiscal year 1995, $47,000,000 for fiscal year 1996, $49,000,000 for fiscal year 1997, and $50,000,000 for fiscal year 1998.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of part I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) SUBTITLES C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, and to provide national service educational awards under subtitle D of title I, $389,000,000 for fiscal year 1994, $399,000,000 for fiscal year 1995, $409,000,000 for fiscal year 1996, $419,000,000 for fiscal year 1997, and $430,000,000 for fiscal year 1998.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) SUBTITLE E.—Thee are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(4) ADMINISTRATION.—There are authorized to be appropriated for the administration of this Act $10,000,000 for each of the fiscal years 1994 and 1995 and $11,000,000 for each of the fiscal years 1996 through 1998.

Beginning on page 286, strike line 17 and all that follows through page 290, line 24, and insert the following:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) AUTHORIZATIONS.—

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, $47,000,000 for fiscal year 1995, $48,000,000 for fiscal year 1996, $50,000,000 for fiscal year 1997, and $51,000,000 for fiscal year 1998.

"(2) SUMMER PROGRAM.—There are authorized to be appropriated to carry out section 104(e), $1,000,000 for each of the fiscal year 1994 through 1998.

"(3) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, $6,000,000 for each of the fiscal years 1995 through 1997, and $7,00C,000 for fiscal year 1998.

"(4) UNIVERSITY YEAR FOR VISTA.—There are authorized to be appropriated to carry out part B of title I, $1,000,000 for each of the fiscal years 1994 through 1998.

"(5) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(6) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 124, $1,000,000 for each of the fiscal years 1994 through 1998.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, 4,500 volunteer service years in fiscal year 1996, 5,500 volunteer service years in fiscal year 1997, and 7,500 volunteer service years in fiscal year 1998.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502(42 U.S.C. 5082) is amended to read as follows:

SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, $38,000,000 for fiscal year 1995, $39,000,000 for fiscal year 1996, $40,000,000 for fiscal year 1997, and $41,000,000 for fiscal year 1998.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, $73,000,000 for fiscal year 1995, $75,000,000 for fiscal year 1996, $77,000,000 for fiscal year 1997, and $78,000,000 for fiscal year 1998.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, $34,000,000 for fiscal year 1995, $35,000,000 for fiscal year 1996, and $36,000,000 for each of the fiscal years 1997 and 1998.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, $1,000,000 for each of the fiscal years 1994 through 1998.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended)—

(1) by striking section 504;

(2) by inserting the following after section 502:

"SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—There are authorized to be appropriated for the administration of this Act as provided for in title IV, $40,000,000 for fiscal year 1994, $41,000,000 for fiscal year 1995, $42,000,000 for fiscal year 1996, $43,000,000 for fiscal year 1997, and $44,000,000 for fiscal year 1998.

"(b) EVALUATION AND CENTER FOR RESEARCH AND TRAINING.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502 for the purposes prescribed in sections 416 and 426."; and

AMENDMENT NO. 681

On page 68, after line 25, insert the following:

"(g) LIMITATION.—Notwithstanding any other provision of this Act, to be eligible to receive a living allowance under subsection (a), a health care policy under subsection (d), or child care or a child care allowance under subsection (e) a participant shall demonstrate that—

"(1)(A) the participant would, if enrolled in an institution of higher education, be considered to be a dependent student for purposes of determining the participant's needs for assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

"(B) the total income (as defined in section 480(a) of the Higher Education Act of 1965 (20 U.S.C. 2087vv(a)) of the family of the participant is less than or equal to $115,000, or

"(2)(A) the participant would, if enrolled in an institution of higher education, be considered to be an independent student (as defined in section 480(d) of such Act); and

"(B) the total income (as defined in section 480(a) of such Act) of the participant is less than or equal to $115,000.

On page 75, between lines 20 and 21, insert the following:

"(e) LIMITATION.—Notwithstanding any other provision of this Act, to be eligible to receive a national service educational award under this section, a participant shall make the demonstration required by section 140(g).

KENNEDY AMENDMENT NO. 682

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 919), supra, as follows:

On page 48, strike line 2 and insert the following:

"(a) IN GENERAL.—An application submitted to the Corporation under

On page 48, line 11, strike "or".

On page 48, line 20, strike the period and insert "; or".

On page 48, between lines 20 and 21, insert the following:

"(5) organization that expends more than 20 percent of the annual budget of the organization, or whose primary purpose is, to influence public policy or engage in legislative advocacy activities.

"(b) ADVOCACY ACTIVITIES.—Nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative.

KENNEDY (AND DURENBERGER) AMENDMENT NO. 683

(Ordered to lie on the table.)

Mr. KENNEDY (for himself and Mr. DURENBERGER) submitted an amendment intended to be proposed by them to the bill (S. 919), supra, as follows:

On page 204, line 9, strike "and".

On page 204, line 12, strike the period and insert "; and".

On page 204, between lines 12 and 13, insert the following:

"(10) prepare and make recommendations to the Congress and the President of the United States for changes in this Act resulting from the studies and demonstrations the President of the Corporation is required to carry out under section 193A(b)(10), which recommendations shall be submitted to the Congress and President of the United States not later than September 30, 1995.

On page 208, line 10, strike "and".

On page 208, line 24, strike the period and insert "; and".

On page 208, after line 24, insert the following:

"(10) provide for studies and demonstrations that evaluate, and prepare and submit to the Board by June 30, 1995 a report containing recommendations regarding, issues related to—

"(A) the administration and organization of programs authorized under the national service laws or under Public Law 91–378 (referred to in this subparagraph as 'service programs'), including—

"(i) whether the State and national priorities designed to meet the unmet human, education, environmental, or public safety needs described in section 122(c)(1) are being addressed by this Act;

"(ii) the manner in which—

"(I) educational and other outcomes of both stipended and nonstipended service and service-learning are defined and measured in such service programs; and

"(II) such outcomes should be defined and measured in such service programs;

"(iii) whether stipended service programs, and service programs providing educational benefits in return for service, should focus on economically disadvantaged individuals or at-risk youth or whether such programs should include a mix of individuals, including individuals from middle- and upper-income families;

"(iv) the role and importance of stipends and educational benefits in achieving desired outcomes in the service programs;

"(v) the potential for cost savings and coordination of support and oversight services from combining functions performed by ACTION State offices and State Commissions;

"(vi) the implications of the results from such studies and demonstrations for authorized funding levels for the service programs; and

"(vii) other issues that the Director determines to be relevant to the administration and organization of the service programs; and

"(B) the number, potential consolidation, and future organization of national service or domestic volunteer service programs that are authorized under Federal law, including VISTA, service corps assisted under subtitle C and other programs authorized by this Act, programs administered by the Public Health Service, the Department of Defense, or other Federal agencies, programs regarding teacher corps, and programs regarding work-study and higher education loan forgiveness or forbearance programs authorized by the Higher Education Act of 1965 related to community service.

On page 236, line 15, insert "(other than paragraph (10))" after "(b)".

On page 250, lines 1 and 2, strike "through 1998" and insert "through 1996".

On page 250, strike lines 22 through 25, and insert the following: under subtitle D of title I, $300,000,000 for fiscal year 1994, $500,000,000 for fiscal year 1995, and $700,000,000 for fiscal year 1996.

On page 251, line 9, strike "through 1998" and insert "through 1996".

On page 251, line 13, strike "through 1998" and insert "through 1996".

On page 251, line 16, strike "through 1998" and insert "through 1996".

On page 286, line 25, strike "through 1998" and insert "and 1996".

On page 287, line 4, strike "through 1998" and insert "through 1996".

On page 287, line 9, strike "through 1998" and insert "and 1996".

On page 287, line 13, strike "through 1998" and insert "through 1996".

On page 287, line 18, strike "through 1998" and insert "through 1996".

On page 287, line 22, strike "through 1998" and insert "through 1996".

On page 288, lines 22, through 25 and insert the following: years in fiscal year 1995, and 4,500 volunteer service years in fiscal year 1996.

On page 289, line 18, strike "through 1998" and insert "and 1996".

On page 289, line 22 and 23, strike "through 1998" and insert "and 1996".

On page 290, lines 2 and 3, strike "through 1998" and insert "and 1996".

On page 290, line 7, strike "through 1998" and insert "through 1996".

KENNEDY AMENDMENT NO. 684

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 919), supra, as follows:

On page 251, line 13, insert after "1998." the following: "For fiscal year 1994, such sums shall not exceed 15 percent of the amounts appropriated to carry out subtitles B, C, D, and H of title I of this Act for such fiscal year. For each subsequent fiscal year, such sums shall not exceed 10 percent of the amounts appropriated to carry out such subtitles for such subsequent fiscal year. Of the amounts appropriated under this paragraph for a fiscal year, 50 percent shall be made available to the State Commissions, and 50 percent shall be made available to the Corporation, for the administration of this Act.".

On page 290, line 17, strike "20 percent" and insert "15 percent".

GRAMM AMENDMENT NOS. 685–686

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill (S. 919), supra, as follows:

AMENDMENT NO. 685

At the appropriate place, insert the following:

"( ) LIMITATION.—

"(1) DEFINITION.—As used in this subsection, the term 'civil service employee' means an individual employed in a position in the civil service, as defined in section 2101(1) of title 5, United States Code.

"(2) EXPANDED WORK OPPORTUNITIES.—Notwithstanding any other provision of this Act, nothing in this act shall:

"(A) have the effect of protecting civil service employees from partial or full displacement by national service participants; or

"(B) require any person or entity who receives financial assistance for the purpose of carrying out a program under this act to consult with any local labor organization representing civil service employees who are engaged in the same or similar work in the same location as that proposed to be carried out by such program.

AMENDMENT NO. 686

At the appropriate place, insert the following:

"( ) LIMITATION.—

"(1) DEFINITION.—As used in this subsection, the term 'civil service employee' means an individual employed in a position in the civil service, as defined in section 2101(1) of title 5, United States Code.

"(2) EXPANDED WORK OPPORTUNITIES.—Notwithstanding any other provision of this Act, nothing in this act shall:

"(A) have the effect of protecting civil service employees from partial or full displacement by national service participants; or

"(B) require any person or entity who receives financial assistance for the purpose of carrying out a program under this act to consult with any local labor organization representing civil service employees who are engaged in the same or similar work in the same location as that proposed to be carried out by such program.

KENNEDY AMENDMENT NO. 687

(Ordered to lie on the table.)

Mr. Kennedy submitted an amendment intended to be proposed by him to the bill (S. 919), supra, as follows:

Page 191 add at the end of line 2, before the period: ", which shall not be unreasonably withheld. The Corporation shall approve an alternative administrative entity if such entity provides for individuals described in subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including preparation of a national service plan for the state and preparation of the applications of the state for financial assistance and approval of national service positions".

Page 191, lines 7 through 15, strike the sentence that begins "The Corporation shall reject a request * * *".

Page 192, line 10, add at the end:

"(6) An alternative administrative entity approved by the Corporation shall receive the same rights, benefits, and support provided to state commissions."

Page 21, line 12, add at the end:

"(d) Notwithstanding any other provision of this section, any program funded under subtitle C or D of the National and Community Service Act of 1990 shall be eligible for funding under this subtitle for a period of 30 months from the date of enactment."

Page 187, line 21, insert after "that": "may build on any comprehensive state plan submitted pursuant to the National and Community Service Act of 1990, and that".

STEVENS AMENDMENT NOS. 688–691

(Ordered to lie on the table.)

Mr. STEVENS submitted four amendments intended to be proposed by him to the bill (S. 919), supra, as follows:

AMENDMENT NO. 688

On page 151, strike line 3 and insert the following: 25 percent of the total cost of the conversion.".

"(d) SPECIAL DEMONSTRATION PROJECT FOR THE YUKON-KUSKOKWIM DELTA OF ALASKA.—Notwithstanding the requirements or limitations of subsection (c), the Director shall give priority consideration to applications which address significant human needs in the Yukon-Kuskokwim delta region of Alaska. Such applications should utilize VISTA volunteers, returning Peace Corps volunteers and other qualified persons, in partnership with the local non-profit organizations known as the Yukon-Kuskokwim Health Corporation and the Alaska Village Council Presidents. An application for funds under this subsection should consider the primarily non-cash economy of the region, as well as the needs and desires of the local communities, and shall include specific strategies for comprehensive and intensive community development for communities in the Yukon-Kuskokwim delta region. Such strategies shall be developed in cooperation with the Yupi'k speaking population who reside in such communities.".

AMENDMENT NO. 689

On page 151, strike line 4 and insert the following:

"(e) TABLE OF CONTENTS.—

AMENDMENT NO. 690

On page 152, strike line 1 and insert the following:

"(f) TECHNICAL AND CONFORMING AMENDMENTS.—

AMENDMENT NO. 691

On page 155, strike lines 7 and 8 and insert the following:

"(g) EXTENSION OF AUTHORITY TO CONDUCT CIVILIAN COMMUNITY CORPS.—Section 1092(c) of the National".

KENNEDY AMENDMENT NO. 692

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (S. 919), supra, as follows:

On page 21, between lines 12 and 13 insert the following:

"(d) EXISTING PROGRAMS.—Notwithstanding any other provisions of this section, any program that received financial assistance under subtitle C or D of the National and Community Service Act of 1990, as in effect on the day before the date of enactment of this subsection, shall be eligible to receive financial assistance under this subtitle for a period of 30 months from the date of enactment of this subsection.

On page 187, line 21, insert after "that" the following: "may build on any comprehensive State plan submitted pursuant to regulations issued under the National and Community Service Act of 1990, and that".

On page 191, strike the period at the end of line 2 and insert the following: ", which shall not be unreasonably withheld. The Corporation shall approve an alternative administrative entity of such entity provides for individuals described in subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including the duties described in paragraphs (1) through (4) of subsection (e).".

On page 191, lines 7 through 15, strike "The Corporation shall reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that use of the alternative administrative entity does not allow the individuals described in paragraph (1), and some of the individuals described in paragraph (2), of subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission." and insert "The Corporation may reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that the entity does not provide for individuals described in subsection (c) to play a significant policymaking role as described in paragraph (2).".

On page 192, between lines 10 and 11, insert the following:

"(6) RIGHTS, BENEFITS, AND SUPPORT.—An alternative administrative entity approved by the Corporation under this subsection shall have the same rights as a State Commission, and shall receive from the Corporation the same benefits and support as the Corporation provides to a State Commission.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1994 DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT, 1993

GREGG AMENDMENT NO. 693

Mr. GREGG proposed an amendment to the bill (H.R. 2492) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 34, line 2, strike beginning with the semicolon through line 10 and insert the following: "; and

"(2) contracting out will provide savings over the duration of the contract of at least 10 percent.".

WARNER AMENDMENT NO. 694

Mr. WARNER proposed an amendment to the bill (H.R. 2492), supra, as follows:

At the appropriate place, insert the following:

"The Mayor of the District of Columbia shall report back to the Congress within 90 days on the status of construction of a new Federal prison in the District of Columbia as previously authorized by Congress."

NICKLES AMENDMENT NO. 695

Mr. WARNER (for Mr. NICKLES) proposed an amendment to the bill (H.R. 2492), supra, as follows:

On page 4, line 20, before the period insert ": *Provided further*, That the District of Columbia shall identify the sources of funding for admission to statehood from its own locally generated revenues".

NUNN AMENDMENT NO. 696

Mr. KOHL (for Mr. NUNN) proposed an amendment to the bill (H.R. 2492), supra, as follows:

At the appropriate place, insert the following:

SEC. . AMENDMENTS TO CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES.

(a) LEGAL DOMICILE.—The first section of the Act entitled "An Act providing for the incorporation of certain persons as Group Hospitalization, Inc.", approved August 11, 1939 (referred to as "the Act"), is amended by adding at the end thereof the following: "The District of Columbia shall be the legal domicile of the corporation.".

(b) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 5 of the Act is amended to read as follows:

"SEC. 5. The corporation shall be licensed and regulated by the District of Columbia in accordance with the laws and regulations of the District of Columbia.".

(2) REPEAL.—The Act is amended by striking section 7.

(c) REIMBURSEMENT OF REGULATORY COSTS BY THE CORPORATION.—The Act (as amended by subsection (b)) is amended by inserting after section 6 of the following new section:

"SEC. 7. The corporation shall reimburse the District of Columbia for the costs of insurance regulation (including financial and market conduct examinations) of the corporation and its affiliates and subsidiaries by the District of Columbia.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

DEPARTMENT OF JUSTICE AND RELATED AGENCIES APPROPRIATIONS ACT, 1994 DEPARTMENT OF COMMERCE APPROPRIATIONS ACT, 1994 JUDICIARY APPROPRIATIONS ACT, 1994 DEPARTMENT OF STATE AND RELATED AGENCIES APPROPRIATIONS ACT, 1994 DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

KERREY AMENDMENT NO. 697

Mr. KERREY proposed an amendment to the bill (H.R. 2519) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the appropriate place insert:

SEC. . FUNDING OF DISASTER RELIEF PAYMENTS.

It is the sense of the Senate that disaster relief assistance for disasters occurring during 1993 should be funded through the enactment in the Omnibus Budget Reconciliation Act of 1993 of a temporary Federal tax on gasoline.

D'AMATO (AND OTHERS) AMENDMENT NO. 698

Mr. D'AMATO (for himself, Mr. STEVENS, Mr. DOMENICI, and Mr. LIEBERMAN) proposed an amendment to the bill (H.R. 2519), supra, as follows:

At the end of pending amendment, add the following:

• CONSTITUTIONAL DEATH PENALTY PROCEDURES FOR CAUSING DEATH BY TERRORIST ACTIVITY OR BOMBING.

(a) DEATH PENALTY PROCEDURES.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Definitions.
"3592. Sentence of death.

"§ 3591. Definitions

"In this chapter—

"'capital offense' means an offense that constitutes—

"(A) a violation of subsection (d), (f), or (i) of section 844; or

"(B) a terrorist activity.

"'terrorist activity' means—

"(A) the highjacking or sabotaging of an aircraft, vessel, vehicle, or other conveyance;

"(B) the seizing or detaining of a person and threatening to kill, injure, or continue to detain the person for the purpose of compelling another person (including a government organization) to perform or refrain from performing any act as an explicit or implicit condition for the release of the seized or detained person;

"(C) a violent attack on an internationally protected person (as defined in section 1116(b)(4) or on the liberty of such a person;

"(D) an assassination; and

"(E) the use of a biological agent, chemical agent, or nuclear weapon or device with intent to endanger, directly or indirectly, the safety of a person or to cause substantial damage to property.

"§ 3592. Sentence of death

"(a) IN GENERAL.—A sentence of death for a capital offense may be imposed only if—

"(1) the defendant caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury; and

"(2) the sentence is imposed in accordance with the procedures set forth in section 408 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r) of the Controlled Substances Act (21 U.S.C. 848 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) and (r)), except that for the purposes of a violation of that law, the reference to 'this section' in section 408 (g) and (h)(1) and 'subsection (e)' in section 408 (i)(1), (j), (k) (each place it appears), and (p) of the Controlled Substances Act shall be deemed to be references to that subsection.

"(b) FLEXIBILITY.—No rule of law, including a rule contained in a law under which an offense is committed, may be applied in determination whether a penalty of death shall be imposed in a particular case, other than the procedures described in subsection (a). Those procedures supersede all other provisions of law that pertain to whether a penalty of death shall be imposed in any particular case (not including the authorization of the penalty itself).".

"(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act notwithstanding any other provision of this Act.

GLENN AMENDMENT NO. 699

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (H.R. 2519), supra, as follows:

On page 28, add after line 22 the following new section:

SEC. 112. No funds appropriated under this Act or any other Act may be expended to implement or enforce Attorney General Order No. 1638–92, dated December 11, 1992 (relating to the jurisdiction of the Office of the Inspector General and certain allegations of misconduct).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, July 27, 1993, at 10 a.m. to conduct a hearing on the nominations of Nelson Diaz to be General Counsel of the Department of Housing and Urban Development, and Gordon J. Linton to be Federal Transit Administrator.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet at 10:30 a.m. July 27, 1993, on the nomination of Lionel Skipwith Johns, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet at 10:30 a.m. July 27, 1993, on the nomination of Mary Lowe Good, of New Jersey, to be Under Secretary of Commerce for Technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, July 27, 1993, at 2 p.m., to hold a nomination hearing on Stuart E. Eizenstat, to be U.S. Representative to the European Communities, with the rank of Ambassador.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Education, Art and the Humanities be authorized to meet for a hearing on "How We Pay Our Schools," during the session of the Senate on Tuesday, July 27, 1993, at 9:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HOLLINGS. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the report of the National Academy of Sciences' Committee To Review the Health Effects in Vietnam Veterans Exposure to Herbicides at 10 a.m. on Tuesday, July 27, 1993. The hearing will be held in room G50 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 27, 1993, at 2:30 p.m., to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN WATER

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, July 27, beginning at 2:15 p.m., to conduct a hearing on reauthorization of the Clean Water Act, focusing on the issues of watershed planning and enforcement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, July 27, 1993, at 3 p.m., to receive a closed briefing on the latest developments in United States-North Korea talks on the Nuclear Non-Proliferation Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. HOLLINGS. Mr. President, I would like to request that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be granted authority to meet during the session of the Senate on Tuesday, July 27, 1993, at 9:30 a.m., to hold a hearing on oversight of Federal property management.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL ENDOWMENT FOR DEMOCRACY (NED)

• Mr. LUGAR. Mr. President, sometime this week the full Senate will take up legislation that will ask Members to make a judgment on the National Endowment for Democracy [NED]. The legislation could be both an authorization bill and an appropriations bill. I strongly urge Members to support continued funding for the NED when these bills reach the floor.

The National Endowment for Democracy has been in existence for a decade and has been one of the most effective organizations in the world in supporting democracy and democratic institution-building. The NED and its core grantees have been involved globally in helping nondemocratic societies transition to open political systems, sustain those fledgling democratic societies once the transition has begun, and strengthen democratic institutions during the difficult post transition phase of democratic conversion. Whether supporting a free press, civic education, free and fair elections, government accountability, free market practices, or labor organizing, the NED has helped play a catalytic role in promoting open and pluralistic civil societies around the world.

I have been privileged to be a member of the NED board of directors for the past year and have been able to observe first hand and up close the vigorous review process on all proposals before the Board. I have been deeply impressed by the quality, diligence, and dedication of the entire NED family. I have been equally impressed by the fact that NED has been engaged in its worldwide activities with a comparatively small staff, low overhead costs, and a relatively modest budget. Much of the work of its core institutes is done by volunteers who are not paid, who give up free vacation time, and who wish to contribute to grass roots efforts to build democratic societies abroad.

There should be little doubt about NED's success in promoting democratic values and practices, about its international reputation, or about its contribution to beating back threats to democracy from authoritarianism, communism, repression, and statism. Letters, in the form of testimonials and endorsements, have come in from around the world urging continued support for NED. They come from national leaders, reformers, democrats, from people of all persuasions and orientations who share one common overarching value: that freedom and democracy are values worth having because they lead to a better and more enriching life with greater dignity and purpose. NED has been an important part of the experiences of these distinguished individuals as they grappled with problems in bringing democracy to their countries. Comparable endorsements have poured in from U.S. Government leaders, the press, and others in virtually every sector of our own society.

This global endorsement should not be surprising. The NED has enjoyed strong bipartisan support here in the United States and in the Congress ever since it was established. It received the enthusiastic support of Presidents Reagan and Bush and is now a major foreign policy priority of President Clinton. Democrats and Republicans, liberals and conservatives, academicians, practitioners, businessmen, political activists, amateurs and professionals openly and knowingly praise the work of NED and its four core institutes: the Free Trade Union Institute [FTUI], the Center for International Private Enterprise [CIPE], the International Republican Institute [IRI], and the National Democratic Institute [NDI].

Mr. President, I ask that a representative sample of excerpts from letters and testimonials about NED be included in the RECORD. They come from abroad and at home. It is my hope that these documents will help inform Members of NED's efficacy and that each Member will support the NED provisions in the Foreign Relations authorization bill and in the Commerce, Justice, and State appropriations bill when they come before this body.

The material follows:

NATIONAL ENDOWMENT FOR DEMOCRACY

MISCELLANEOUS ENDORSEMENTS

"NED played a critical role in support of Lithuania's drive to reestablish democracy and national independence. By supplying Sajudis and other grassroots democratic organizations in Lithuania with computers, telefax machines and other technical assistance as well as paper for its democratic press, NED made our enormous task of challenging, and ultimately defeating, the Soviet Empire much easier. * * * NED had the foresight and courage to support us at a time when others in the West preferred to sit on the sidelines or even to support Goliath against David * * * Lithuania's democratic forces need NED's assistance today as much as they needed its help in 1989 and 1990 * * * the return of anti-democratic regimes in Eastern Europe and the former Soviet Union and the resurgence of imperial forces in Russia is an ever-present threat not just to the citizens of those countries but also to those of the United States."—Vytautas Landsbergis, former President of Lithuania.

"We think the democratic revolution in Ukraine is not yet finished. The old communist nomenclature changed its name and called itself democratic. It is still in power and does its best against development of real democracy in Ukraine. So we are in the position that the help of the National Endowment for Democracy is still very important for Ukraine. We are grateful to NED for its contribution to the development of democracy. That is the best proof of the American peoples' devotion to democratic ideals."—From a letter signed by nine members of the Ukrainian parliament, including representatives of the Independent Miners Trade Union, the Ukrainian Legal Foundation, several independent publications and the Ukrainian Centre for Independent Political Research.

"Practically speaking, the endowment is the only grant-giving organization which focuses its activities in the post-totalitarian countries directly on supporting the work of non-governmental organizations. In this way, it promotes the emergence of civil society, which serves as the basic guarantee that the future development of these countries will follow along a democratic path. * * * The closing of the Endowment poses a danger * * * which can best be characterized by the proverb, "penny wise, pound foolish."—Elena Bonner, widow of Andrei Sakharov.

"Your organization provides important support to independent media organizations in Russia. * * * In contrast to the numerous other foreign aid programs * * * the Endowment has always economically and effectively used its allocated resources. * * * We would like to raise the hope that the activities of the Endowment, which pursue the noble goal of helping democracy triumph in Russia, will continue."—V. Davidov, Chairman of the press syndicate "The Globe," Moscow, Russia.

"I want to thank you for your ongoing support of the work of the Center for Anti-War Action and for your generous financial backing of our conference on war crimes and the International War Tribunal. * * * The National Endowment for Democracy not only made this important meeting and future contacts and collaboration possible, but also set a significant example for others committed to freedom and human rights to follow."—Vesna Pesic, Director, Center for Anti-War Action, Belgrade.

"NED's activity is the mortar which binds together the bricks which together make up the civil society we so much need * * * NED's support gives us the moral and material means to serve a cause dear to us all. * * * It isn't anymore a short, violent battle of arms. It is a long tenacious battle of arms. It is a long tenacious battle to change the mentality of a society. We shall win this struggle the day we shall be able to say truthfully that the people decided their future through their own will."—Luminita Petrescu, Executive Director, Humanitas Foundation, Romania.

"Because of what NED has done for Iraq since the Gulf War, it has been possible for Iraqi writers and human rights activists to get their ideas and aspirations into Iraq. * * * Reports still reach me of the effect of this kind of work in creating a new and enriching climate of ideas on issue of democracy and the imperative for a central focus on human rights in the building of a new order in Iraq. None of this would have been possible without the backing of the National Endowment for Democracy. * * * The work of the NED affects millions of lives and must continue."—Kanan Makiya, Iraqi author of Republic of Fear and Cruelty of Silence.

"In my experience, the Endowment is the only institution prepared to assist fledgling organizations committed and richer institutions, the Endowment does not look for glamorous or elaborate projects, but seeks hands-on sustained effort that works and can have an impact particularly at the grassroots level. It provides support, encouragement and hope for struggling democrats often working under difficult conditions. * * * The end of the Cold War offers an unprecedented chance of success for efforts by the endowment at strengthening a democratic culture among developing nations. * * * Such activity is now "pro-people" and can only be rejected by dictators who constitute a threat to their own countrymen and to world peace. It is in the interest of civilization as a whole to seize this opportunity and, through peaceful, cost-effective means, assist democratic groups to develop and sow the seeds of democracy. * * * I would like to thank the Endowment for having the vision to realize that supporting democracy is not merely a Cold War tool. Iraqi democrats, through the intermediary of the Iraq Foundation, have benefited from this vision and appreciate the Endowment's commitment."—Rend Franke, Executive Director, Iraq Foundation.

"The pro-democracy movements of many countries, including China, are directly encouraged by NED's efforts. It is true that the Cold War is over, but that does not mean that democracy has been achieved. In fact, many countries in today's world are still ruled by oligarchic dictatorships, still lack freedom of speech, still have no meaningful elections and still hold political prisoners. Therefore, NED's functions are still absolutely necessary for the leadership of the US in international affairs. * * * History has shown many times that a dictator who relies on massacre and suppression to maintain his rule at home is frequently untrustworthy in international affairs as well. In this sense the problem of democracy is one of the world-wide problems, like that of environment. Without step-by-step improvement in the world-wide environment for human rights and democracy one cannot expect a complete solution of many international problems."—Fang Lizhi, Chinese astrophysicist.

"We, the Third World people in Asia, Africa and Latin America, still have a life-and-death struggle for democracy, freedom and justice against ruthless dictatorships. The NED's support for our struggles, in the face of severely limited resources, is very crucial and could make a difference between total victory and defeat for the democratic forces. * * * We have achieved much in our struggle because of the support given by NED. * * * Reducing or cutting off NED's support would surely weaken to a great extent democratic movements in general and our struggle in particular."—Dr. Sein Win, Prime Minister, National Coalition Government of the Union of Burma.

"The NED is unique in recognizing the necessity for democratic political development as a global and long-range project. By giving concrete support in a coherent and continuous fashion to a wide diversity of grassroots indigenous movements, the Endowment is giving voice to the victims, providing them with the basic and indispensable tools with which they can set about constructing their democratic future. * * * NED supports a wide range of programs, large and small, provided that they are dynamic and original efforts which make a positive advancement toward democratic progress. * * * The NED, with its unique and far-sighted objectives, is truly pushing back the frontiers of democracy for present and future generations."—Vo Van Ai, President, Que Me, Vietnam Committee on Human Rights.

"Of all the American funding agencies, the Endowment deserves high praise for the quality of its staff, the level of understanding and awareness about the regions it serves, and the assistance and support it provides to its grantees. * * * The National Endowment for Democracy is not mired in paper, bureaucracy or inaccessibility. Operating as a professional foundation, the Endowment has been able to successfully address the needs of new democracies with energy, insight, commitment and dispatch."—Raymond Shonholtz, President, Partners for Democratic Change, San Francisco, CA.

"There is no other US government program which has done so much to secure democracy, freedom and peace in Latvia. The National Endowment for Democracy supported both morally and financially the efforts of the American Latvian Association to aid pro-democracy forces in Soviet-occupied Latvia. This support came at a time when other parts of the US government were unable or unwilling to provide overt help to groups and individuals seeking to reestablish freedom and democracy. * * * I feel it is not overstating the case to say that the National Endowment for Democracy is in part responsible for the victory of democracy in Latvia. The National Endowment for Democracy must be preserved, to help consolidate the gains democracy has made in our world. Latvia, other new or renewed democratic in Europe and around the world and the United States itself have too much at stake to allow America's most successful exponent of democracy reform to die."—Ints Rupners, President, American Latvian Association.

"We have a grant from the National Endowment for Democracy to place recycled computers in organizations to help develop democracy. Our work has had a profound impact on the target organizations. * * * The League of Women Voters in Prague, Czech Republic, keeps its membership list on a donated computer. The Congressional Research office of the Ukrainian parliament publishes 30 journals a week, all with donated computers. The Open Media Foundation in South Africa teaches freedom of speech with donated computers. Old Star Wars accounting computers are on-duty making freedom of speech a reality in Romania. The list goes on and on. Had NED purchased the equipment it would average $3,000 per system. We delivered the machines, on the ground, ready to use for $100 each. This is cheap. And it is indicative of the work being done with NED's money. NED is not a relic of the Cold War. It is a living organization working under different conditions to stimulate democracy."—Alexander Randall, President, East-West Education Development Foundation, Boston, MA.

"The NED is prepared to provide modest but crucial support to citizen projects too small to interest USAID and its ponderous mechanisms. Further, it has brought the skills and talents of many Wisconsin citizens together with those in other countries struggling to build democratic structures and understanding. Former Eau-Claire county administrators have taught regional governance in Belarus, for example * * * and I am sure there are many other Wisconsin leaders like me whose efforts have been engaged in translating US policy into human experience through the NED."—Sarah Harder, Office of the Vice-Chancellor, University of Wisconsin, Eau-Claire.

"The Mershon Center has underway with the Polish Ministry of National Education and major Polish universities the largest, most comprehensive project on democracy education in Central Europe—"Education for Democratic Citizenship in Poland." Among other things, this project is developing curriculum guides for civic education for primary and secondary schools, a civics course that will reach nearly one million primary school students a year, a university course for new teachers on "schools and a democratic society" and five centers for civic and economic education across Poland. This project would not exist without support from the National Endowment for Democracy. * * * Polish philosopher Leszek Kolakowski echoed our own founding fathers when he said "Freedom is never assured. It is always to be defended." In my judgment, the Endowment is worthy of strong, bi-partisan support; you are making an invaluable contribution to the development of democracy across the world and thereby to the defense of American democracy."—Charles Herman, Director, Professor of Political Science, Mershon Center, Ohio State University.

WHAT OTHERS ARE SAYING ABOUT THE NATIONAL ENDOWMENT FOR DEMOCRACY

"The NED has proved to be one of our most effective means for supporting grass-roots trade union, business and citizen groups, which form the basis for democratic reform. By fostering such reforms abroad, we not only project our own values, we also increase our own security and create better partners for trade and global problem solving."—President Bill Clinton, June 16, 1993.

"Backers of NED point out that the Cold War may be over, but the triumph of democracy in large parts of Asia, Africa and Eastern Europe is far from ensured. All sorts of hostile elements are ready to strangle democracy in the crib. * * * The Senate next month has a chance to undo the damage [of the House vote to kill NED] and keep the United States on the side of building democracy in the world."—David Broder, July 4, 1993.

"The Senate should reverse the House's shortsighted action and restore NED funding. The NED is a dynamic, flexible and cost-effective means of furthering U.S. interests by promoting the development of stable democracies in strategically important parts of the world. The U.S. cannot afford to disarm unilaterally in the international war of ideas."—Executive memorandum, The Heritage Foundation, July 8, 1993.

"The National Endowment has done very effective work. The fact of the matter is, establishing a democracy is a tough, difficult task. It is far more than just running an election. You are building the institutions of democracy, and that is what the Endowment has expertise in."—Congressman Lee Hamilton, June 22, 1993.

"We have observed the Endowment's programs first-hand. They work, and they are cost-effective. We unanimously urge continued funding for efforts that are contributing to the development of democratic institutions and free market economies abroad. * * * Now more than ever, the National Endowment for Democracy is an investment in America's future."—Tom C. Korologos, Chairman, U.S. Advisory Commission on Public Diplomacy, July 9, 1993.

"The work of the National Endowment for Democracy and its affiliates in promoting civic education and the transition to free market economies and pluralistic democracies has proven to be extremely cost-effective. The money spent in promoting democracy is money saved in responding to civil conflicts."—Former President Jimmy Carter, June 30, 1993.

"The NED helps democracy by means of small but life-giving grants for trade unions, student groups, publications, legal assistance for the persecuted, and other measures. It has a record of success in helping democracy put down roots in stony social soil."—George F. Will, July 11, 1993.

"How, in 1993, less than two years after the dissolution of the Soviet Union, less than four years after the fall of the Berlin Wall, less than 12 years after the National Endowment for Democracy started working with Lech Walesa and other believers in democracy in Eastern Europe, within 10 years after the National Endowment for Democracy went to the Philippines and went to Chile, went to Namibia, and went all over the world where the struggle for free elections and democracy was going on and winning support, how can we possibly contemplate wiping out the key part of America's program."—Congressman Howard Berman, June 22, 1993.

"Often mistakenly portrayed as an anti-communistic relic, NED is instead a pioneer of the pro-democracy activism that emerged on every continent in the 1980s."—Scripps Howard News Service editorial, July 3, 1993.

"The National Endowment embodies America's broad-based and bipartisan support for freedom. The Endowment's pioneering programs are models of how democratic principles can be given practical expression in every single region of the world."—Secretary of State Warren Christopher, April 26, 1993.

"The National Endowment for Democracy, during the Cold War, played a vital role from El Salvador to Poland. In the transition out of the Cold War, it plays an even more important role."—Congressman Dana Rohrabacher, June 22, 1993.

"Iraqis fighting Saddam Hussein say one American organization in particular helps keep alive their hopes that democracy has a chance in their country. China's dissidents, at home or in exile, know and bless its name—the National Endowment for Democracy."—A.M. Rosenthal, July 13, 1993.•

TRIBUTE TO KENTUCKY'S BLUE RIBBON HIGH SCHOOLS

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to six outstanding Blue Ribbon Kentucky high schools.

I would like to take this opportunity to congratulate Assumption High School, Belfry High School, Elizabethtown High School, Fort Campbell High School, St. Xavier High School, and Williamsburg High School for their exemplary achievement in secondary education. Recently, these fine Kentucky high schools were honored as Blue Ribbon Schools by the U.S. Department of Education. All six of these high schools will be formally recognized at a ceremony in Washington, DC, this September. I have had the distinct pleasure of visiting several of these schools in the past and I intend to visit more of these outstanding schools in the future to get a firsthand look at their accomplishments.

The recognition of these institutions as Blue Ribbon Schools is particularly laudable considering the vast number of nominations for the award. Only 260 high schools nationwide were awarded this Blue Ribbon honor. Each nominated school was carefully scrutinized by neutral educators. Their evaluation included consideration of curriculum, test scores, general school records, and the overall attitude of the student body. In light of these rigid standards, it is clear that these schools warrant even more praise and respect.

Mr. President, I applaud these Kentucky high schools, not only because they effectively meet local, State, and national education objectives, but also their diligent efforts to provide Kentucky's youth with superior opportunities and brighter futures. It is clear that these exceptional secondary schools have set the standard by which other Kentucky schools should be judged.•

RETROACTIVE ESTATE TAX A BAD IDEA

• Mr. DASCHLE. Mr. President, I have been troubled as a matter of policy by efforts to legislate tax policy retroactively, as it seems to me that the principle of fundamental fairness dictates that taxpayers should only incur tax liability prospectively so that they can plan accordingly. Therefore, I am concerned about a provision in the budget reconciliation bill (H.R. 2264) that provides for a retroactive increase in the Federal estate and gift tax.

While I support this provision if applied prospectively, estate planners, like all individuals and businesses, make financial decisions based on the existing tax rate, and we should not take actions that undermine their legitimate decisions based on current law.

I would like to bring to my colleagues' attention two editorials that recently appeared in the New York Times and Wall Street Journal that point out the various concerns about the retroactive clause. The first is written by Shirley Peterson, former Commissioner of Internal Revenue from 1992 to 1993; the second is written by Gregory Jenner, former tax counsel for minority staff of the Senate Finance Committee.

I believe that both authors eloquently argue against the retroactive application of this provision. Mr. President, I ask that these two editorials be printed in the RECORD.

The editorials follow:

[From the Wall Street Journal, July 15, 1993]

MORE BAD NEWS ABOUT DEATH AND TAXES

(By Gregory F. Jenner)

As the House and Senate conferees iron out the differences in their versions of President Clinton's deficit-reduction package, virtually no attention is being paid to an unfair, and potentially unconstitutional aspect of the package's estate tax rate increase.

The estates of certain individuals who have died since Jan. 1 face higher taxes even though the tax rate increase was not part of the law on the date they passed away. The estate tax is an excise tax imposed on the right to transfer property at the time of death. If this provision is enacted, it will be the first time in the 77-year history of the estate tax that the rates have been increased retroactively.

Contrary to popular opinion, the estate tax does not apply only to the very wealthy. Under current law, the tax begins to apply for taxable estates valued at $600,000 and above. Thus where the decedent has no surviving spouse (and thus no marital deduction), the ownership of a fairly decent home, a couple of life insurance policies, and a modest amount of savings will likely trigger the tax. Advocates for small business have long argued that the imposition of the estate tax beginning at $600,000 of assets is potentially ruinous to a small, family-owned operation.

But the issue raised by the retroactive increase goes beyond the appropriate level and threshold of the tax. (Estates with less than $2.5 million in assets will not be affected by the rate increases.) Rather, the question is one of fairness: Is it appropriate for Congress to increase the tax on the estate of an individual after that person is already deceased? Even to the most fervent supporter of wealth redistribution, there is something about a retroactive increase that is just not right.

In many cases, the assets that make up the estate are not the vast dynasties that people expect to be subject to the estate tax. Rather, they are businesses that the decedent and his spouse built over the years through hard work and the reinvestment of profits.

For example, a midsize farm of 3,000 acres in Iowa, where farmland is currently valued at approximately $2,500 an acre, would be valued at $7.5 million, plus the value of the equipment. An estate consisting primarily of such a farm would owe $250,000 in additional taxes because of a 5% retroactive increase. The likely outcome is that the farm would be sold off to pay the taxes.

The result is even more egregious if the transfer is subject to the generation skipping transfer (GST) tax. The GST tax applies to the same property, over and above the estate tax, when the property is left, for example, by grandparents to grandchildren. The GST tax rate equals the maximum estate tax rate. Thus for people leaving property to grandchildren, the retroactive increase would be 10% instead of 5%—on top of the current high rates.

Here the example might be, say, a small printing plant in Washington state that the decedent and her husband started from scratch and that eventually grew to a $20 million business. If the decedent left the plant equally to two grandchildren, the total tax (estate and GST) would be approximately $15 million, an effective rate of 75%.

For those heirs faced with selling off the family business in order to pay estate and GST taxes, the process of disposing of a lifetime of work takes a tremendous amount of planning. These taxes must be paid within nine months of the decedent's death; thus the planning decisions are made well in advance, since it often takes time to sell off the family business. For decedents dying after Jan. 1 of this year, many of these decisions have already been made and implemented, often at significant cost to the estate. Is it fair for Congress to ruin these planning decisions by imposing a higher tax rate retroactively?

Beyond the question of fairness is one of constitutionality. Many tax experts believe that a retroactive increase in the estate tax rates would violate the due process clause of the Constitution. Unlike income tax rates, which apply to income earned during a certain period, estate tax rates apply to assets owned at a particular moment in time—the date of death. Where the tax-rate increase could not have been anticipated—in this case, before the president's State of the Union address on Feb. 17, at the earliest—there is a serious question whether Congress has the power to impose a retroactive change in the rates.

The fairest decision would be to apply the tax rate increase prospectively only—beginning on the date the bill is signed by the president.

Most members of Congress would agree that increasing the estate tax rate retroactively is unfair. But to cancel out the retroactive part of the tax would reduce by $237 million the revenue that it would raise, and that loss would have to be made up somewhere else to meet the president's deficit-reduction target. Once again, Congress is faced with the choice of good policy or more revenue. In the past, Congress has usually made the right choice when confronted with this dilemma: For the past 77 years it has honored a tradition of prospective-only increases in the estate tax. With the serious questions about fairness and constitutionality that a retroactive change would raise, there is no good reason to change that pattern now merely for a one-time revenue increase.

[From the New York Times, July 24, 1993]

DEATH AND (RETROACTIVE!) TAXES

(By Shirley D. Peterson)

WASHINGTON.—Tucked away in the statutory language of President Clinton's budget reconciliation bill, now in a House-Senate conference, is a little noticed provision that would surprise many estate beneficiaries. The measure would unfairly impose a rate increase in estate, gift and generation-skipping taxes that would be retroactive to Jan. 1.

The proposed increase, which would raise the top rate from 50 percent to 55 percent, would hit many estates and beneficiaries, including many owners of family-owned businesses and farms.

Certainty and predictability, important virtues of a tax system, are especially important in estate taxes. Estate plans are usually designed taking into consideration anticipated tax consequences and cannot be altered following death—regardless of any retroactive change in the law.

Consider a man who wishes to provide equality for the children of his first and second marriages. He intends to leave his major asset, stock in the family business, to his son from his first marriage. He also intends to leave an equal provision to the children of his second marriage through life insurance. In January, he writes a will leaving the stock to his son and indicating that the estate taxes will be paid entirely from his son's share. He then buys a life insurance policy, payable to the other children, equal to the value of the stock after payment of taxes. The father dies later that month. If the estate taxes are raised retroactively, his intention to treat his children equally is defeated—the son will pay increased taxes and receive far less than his siblings.

The proposed change is a radical departure from tradition: No retractive change has been imposed since the estate tax was enacted in 1916. As Commissioner of Internal Revenue, I was scolded several times by members of Congress who insisted that retroactive changes should not be allowed under any circumstances.

When I testified at a Senate finance subcommittee hearing in February 1992, Senator David Pryor, Democrat of Arkansas, questioned the appropriateness of retroactive tax regulations. "One of the more disturbing trends that I see in the Federal system is the tendency to move toward more . . . retroactivity," he said. "I do not think it is justified. I do not think it is fair. In fact, I do not even think it is legal." The Senator had a good point. Congress should heed it.

It is remarkable that Congress would consider enacting a retroactive tax increase at the same time that there is legislation with strong support in the Senate and House that would, with few exceptions, deny the Treasury Department the power to apply tax regulations retroactively. That legislation is part of the Taxpayer Bill of Rights, which passed both houses last year but was vetoed by President George Bush.

If, last year members of Congress found it inappropriate for the Treasury to issue retroactive regulations that merely interpret Federal law, how can they now justify making retroactive changes in the law itself?

They should follow the lead of every previous Congress that has considered the issue and change the budget reconciliation bill so that it imposes the rate increase only on the estates of those who die after it becomes law.•

PRAISING THE ARREST OF SKINHEADS IN LOS ANGELES

• Mr. SIMON. Mr. President, hate crimes and acts of bigotry are tearing this Nation apart. Sadly, those who believe in racial and ethnic superiority continue to spread their hateful message through acts of sheer terror. This was recently illustrated by an Anti-Defamation League report which showed a rise in hate crimes committed by neo-Nazi skinheads. These ignorant and cowardly acts must be strongly and swiftly countered by law enforcement agencies throughout the country.

Today, I applaud the outstanding work performed by numerous agencies, including the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms, as well as numerous branches of the Los Angeles law enforcement community. In a coordinated effort, these talented and dedicated agents were able to infiltrate a number of Los Angeles area white supremacist hate groups.

The efforts of these courageous individuals led to the arrest of eight people on charges ranging from illegal weapons possession to conspiracy to manufacture pipe bombs to attack an African-American church in Los Angeles. These arrests may have saved countless innocent lives, and they send a strong message that such activity will not be tolerated, and those who fail to heed these warnings must be aware that they will be punished to the fullest extent of the law.

Our Nation owes a tremendous amount of gratitude to the agents and officers involved with the investigation, infiltration, and ultimate arrest of these individuals.•

PROJECT FUTURE FORCE

• Mr. DECONCINI. Mr. President, my deep commitment to combating juvenile justice prompts me to call to the attention of my colleagues a new program that brings law enforcement, business, school and community leaders together on behalf of children from at-risk environments. The program is Project Future Force and this week, in the high country of northern Arizona, it has brought together more than 100 youngsters to a special camp run by deputies and detention officers from one of Arizona's major law enforcement agencies—the Maricopa County sheriff's office.

At the camp, fourth- and fifth-grade boys and girls are engaging in activities designed to promote the values of family, community, and school over the negative pressures that can lead to drug abuse, gang activity, violent crime, and failure to complete a basic education. Camp participants include children from barrios, poor rural communities, and schools throughout the greater Phoenix area in which the Maricopa County sheriff's office conducts D.A.R.E. [Drug Abuse Resistance Education] programs. They are children who have not yet been in trouble, but who have been identified by sheriff's

D.A.R.E. officers and school teachers as youngsters facing serious risks. Activities to encourage self esteem, goal setting, conflict resolution, and team involvement are part of the camp's agenda. This week's program also includes sports, fishing, hiking, and other activities under supervision of sheriff's personnel. Yet, the camp is only one component of the Project Future Force concept.

With backing from the Sheriff's Youth Assistance Foundation and one of the Nation's leading public power and water utilities, the Salt River project, Project Future Force offers ongoing support and guidance to its participants. Through the fourth and fifth grade, deputies will meet weekly with individual youngsters and serve as advisers and leaders on Project Future Force outing to local museums, parks, sports events, and cultural sites. At the sixth grade, participants will be enrolled in formal D.A.R.E. courses, invited to become peer leaders to younger children and encouraged to enroll in career mentoring programs at the junior high and high school levels.

Behind Project Future Force is the view that early intervention and prevention are preferable by far to prosecution and detention. The program also takes the view that powerful community partnerships, not piecemeal endeavors, are needed to help today's youth overcome serious challenges and difficulties. In this vein, the sheriff's office and Salt River project deserve high commendations for their vision and commitment to creating a major community partnership on behalf of young people. With continued commitment and support, Project Future Force promises to become a model program for central Arizona and other communities around the Nation.•

NEW LEADERSHIP AT THE ACLU WASHINGTON OFFICE

• Mr. SIMON. Mr. President, I would like to include in the RECORD an article from the Los Angeles Daily Journal about Laura Murphy Lee. Ms. Lee became director of the Washington office of the American Civil Liberties Union on February 1 of this year. She has had a distinguished career thus far, and I am confident that she will do an excellent job in this important position. I ask that this article be printed in full in the RECORD in its entirety.

The article follows:

[From the Los Angeles Daily Journal, May 17, 1993]

LOBBYIST PLANS FOR NEW ROLE

(By Charley Roberts)

WASHINGTON.—The view out Laura Murphy Lee's window is a constant reminder of the challenges she faces in her new role.

Across the street from her second-floor office is what was once the home of Hiram Johnson, the senator from California from 1917 to 1945, stands the shimmering white marble temple of the U.S. Supreme Court.

Lee, who became director of the Washington office of the American Civil Liberties Union on Feb. 1, says the seemingly beautiful view makes her "sad."

That's because it reminds her that Justice Thurgood Marshall and William J. Brennan are no longer on the court.

"I wonder what the court will do to us now," she said.

Already, a Jan. 27, 1992, ruling—rendered by the court six months after Marshall retired—has created work for Lee as the ACLU's new chief lobbyist.

One of Lee's top priorities is to have Congress overturn the court's 6-3 decision in *Presley v. Etowah County Commission*, 92 Daily Journal D.A.R. 711.

In *Presley*, the court held that changes made by county commissioners regarding the distribution of power are not subject to prior approval by the Justice Department under Section 5 of the Voting Rights Act.

The case grew out of a federal court challenge in Alabama to the at-large election of county commissioners. Under a consent decree, the number of Etowah County commissioners was increased from five to six, to be elected by district.

In 1986, after the first black member since Reconstruction and a new white member were elected, the commission transferred control over county road and bridge maintenance in all six districts to the four white commissioners who had previously exercised this authority in their individual districts.

Lee said if this decision is allowed to stand, it could provide a loophole in the Voting Rights Act for local government entities seeking noncompliance.

'COMFORTABLE WITH CONFRONTATION'

While having to re-fight legislative battles to recoup earlier gains annoys her, Lee, who is separated and has a 3-year-old son, doesn't shrink from the test of wills ahead.

"This is the type of organization where I belong," she said. "I'm comfortable with confrontation and challenge."

In fact, she seems drawn to such situations.

As a teen in the late 1960s, Lee refused to recite the pledge of allegiance in junior high school in racially divided Baltimore. She didn't believe its message of "liberty and justice for all" was relevant to her as a black female.

"I'm willing to say the pledge today," Lee added, "because things have changed."

When the school tried to expel her, she fought back and won. This was no youthful rebellion against adult authority, however. It was a political and social statement born of experience.

"I come from a politically active family," she explained.

ACTIVIST ROOTS

Her father is a lawyer who later became a judge. Her mother is a social worker. Both are activists in Baltimore's black community.

Lee, the youngest of five children in the Murphy family, became an activist at an early age. During the civil unrest after Martin Luther King Jr.'s assassination, she worked the telephones while her parents went out into the community to help get people released from custody.

Later, when a brother encouraged her to seek admission to Ivy League universities, a white high school counselor ridiculed the notion and urged her to apply exclusively to predominantly black colleges. Offended, Lee won acceptance to three Ivy League schools and chose Wellesley College, an all-female bastion of wealth and privilege.

After graduating in 1976, she put aside plans to go to law school to join the staff of Rep. Parren J. Mitchell, D-Md., a family friend and brother of the late Clarence Mitchell, the legendary Washington Lobbyist for the NAACP.

"My father is still disappointed I didn't go to law school," she said, "but I couldn't wait. Mitchell offered me a chance to make things happen."

The following year, Lee became legislative assistant to Rep. Shirley Chisholm, D-N.Y., who was the first black woman candidate for president.

JOINED ACLU IN 1979

Lee joined the ACLU national staff as a congressional lobbyist in 1979. Over the next four years, she worked on various issues, but she said the high point of her tenure was the renewal and revision of the Voting Rights Act.

As finally adopted, the Voting Rights Amendments of 1982 extended the enforcement provisions of the landmark 1965 act that required preclearance of any changes in election laws in states with a history of discrimination. It also extended the bilingual ballot requirements first adopted in 1975 and established new procedures for states to win release from preclearance.

Additionally, it overturned a 1980 Supreme Court decision that had increased the plaintiff's burden of proof in voting rights cases.

"She demonstrated a real understanding of the complexities of the law," said Laughlin McDonald, director of the ACLU's Southern Regional office, who worked closely with Lee on the amendments.

Lee also demonstrated coolness under fire.

Antonia Hernandez, then a lobbyist for the Mexican American Legal Defense and Educational Fund, recalls attending a meeting where an arch-conservative congressman made anti-Latino comments.

"He was very condescending," remembers Hernandez, who is now president and general counsel of Los Angeles-based MALDEF. "But the reaction of Laura was to carry forward bilingual issues, my issues, and allow me to bring in other issues."

In addition, Hernandez said, Lee is "charming and one hell of a loyal friend."

BRINGS PEOPLE TOGETHER

"She is a good human being with a real sense of balance," Hernandez said. "She doesn't take herself too seriously. Laura is one of those unique individuals who transcends gender. She brings people together. She has a personality that brings out the best in people."

Lee also vividly recalls the incident with the lawmaker.

"That's the closest I have ever come to cussing out a congressman," she said. "But the day I do that is the day I quit."

In 1983, Lee moved to Los Angeles to become director of development for the ACLU Foundation of Southern California.

Ramona Ripston, Southern California ACLU's chief executive, remembers Lee as hard working with impressive people skills. She also recalls that Lee succeeded in meeting the foundation's fund-raising goal that year.

Lee joined a Los Angeles public relations firm, Mixner/Scott, Inc., in 1984. David Mixner is President Clinton's liaison to the homosexual community.

From 1986 to 1987, Lee headed the Southern California office of Assembly Speaker Willie L. Brown, Jr., D-San Francisco. Brown also recruited her to be national finance director for Jesse Jackson's presidential campaign in 1987–88.

Lee was recruited by District of Columbia Mayor Sharon Pratt Kelly in 1991 to establish and run a D.C. Office of Tourism and Promotion. Lee said she was taken aback when Kelly first proposed the idea. But she said she changed her mind for three reasons: Kelly represents change. Tourism is the capital city's number one private industry. And the job rounded out Lee's experience in all three levels of government—federal, state and local.

"PERFECT MATCH"

Although happy in that post, Lee said she jumped at the chance to head the ACLU's Washington office because it presented a perfect match with her interests and skills.

Since then, Lee and her staff have been extremely busy because, with the election of a Democratic president, groups like the ACLU suddenly have access to executive branch officials for the first time in 12 years.

However, that doesn't mean she expects to find an ideological soul mate in the White House.

"I hope that Clinton will be better than Reagan and Bush," she said warily.

The first test may come on an omnibus anti-crime bill. Clinton supports capital punishment, and the ACLU opposes it. The bill, like last year's, is expected to make the death penalty available for some 50 federal offenses. It also is expected to address the exclusionary rule and habeas corpus reform. The ACLU is opposed to extending the good-faith exception to warrantless searches and to curtailing post-conviction collateral appeals.

Clinton's new attorney general, Janet Reno, testified at her confirmation hearing in favor of reducing delays in capital cases caused by habeas appeals. However, she said competent counsel need to be provided at all proceedings.

The ACLU advocates requiring competency standards and adequate compensation for court-appointed lawyers in death-penalty cases. The ACLU also is active on privacy, abortion and free-speech issues.•

CENTENNIAL CELEBRATION, NOGALES, AZ

• Mr. McCAIN. Mr. President, I was extremely pleased to hear from Nogales, AZ, of its centennial celebration of the incorporation of this fair city. I would like to congratulate Nogales on this achievement.

Nogales, AZ, has blossomed from a tiny community in 1893 to its present population of 20,000-plus. The growth, not only in population, but in the construction of homes and businesses, speaks so well of the commitment and dedication of those responsible for its progress. Mr. President, I would like the Senate to take note of the great city of Nogales and all that has been achieved there.

Mr. President, again my heartfelt congratulations to all the residents and civic leaders of Nogales for the first 100 years as a true American community and on the next 100 years.•

EARLY GANG PREVENTION CENTERS

• Mr. SIMON. Mr. President, last year's reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 was an important step in focusing attention on our youth at risk. Adequate funding for the act is the next crucial step.

Last Congress, I introduced legislation to establish early gang prevention centers which would specifically target children at the elementary school level who are seriously thinking of gang membership. This program builds on my earlier efforts to address the gang problem, the Gang Prevention Grant Program, which became law in 1988. The success of programs funded under this effort pointed out two things: We desperately need to continue working with youth involved with gangs and, we must also broaden our focus to include effective prevention for younger children.

I was pleased when my early gang prevention center legislation passed as part of the reauthorization of the Juvenile Justice Act. Part D of that act allows the Administrator to make grants and to support programs for a wide array of anitgang efforts in schools and communities. While I am pleased to see the attention now given to the gang problem, I feel strongly that programs to target at-risk youth are the best answer to the gang problem. We must concentrate on prevention. We must educate our youth to let them understand that gangs are a dead end. They need support to resist gang membership, as well as alternatives that allow them to pursue healthy avenues for their lives.

It is crucial to focus our energies toward targeting at-risk elementary school children. While I certainly recognize the extent of gang violence in America and the need for programs to address all aspects of this problem, I very much hope that in funding antigang programs, the Administrator will focus on prevention programs for elementary school children.•

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

THE GOOD BUSINESS CLIMATE IN SOUTH DAKOTA

Mr. PRESSLER. Mr. President, a very complimentary article appeared in the Los Angeles Times concerning the business climate in my home State of South Dakota. South Dakota has attracted a lot of industry and new businesses by having no State income tax, no State corporate tax, and no special franchise taxes on small business. Our State depends heavily on small business, and we have been doing well in attracting new small businesses. Several newspapers and magazines have written about the enormous economic opportunities in South Dakota and now the Los Angeles Times has published a lengthy article about why several California firms are moving to South Dakota, further proof that South Dakota offers a good climate for entrepreneurship and economic development.

THE ESSENTIAL AIR SERVICE PROGRAM

Mr. PRESSLER. Mr. President, today I rise to discuss a topic that is certainly not new to this body—the Essential Air Service [EAS] Program.

The House Appropriations Committee recently eliminated all funding for the EAS program. As my colleagues know, the termination action by the House is not an unprecedented event. The U.S. Senate previously has had to restore funding for this vital program.

I speak today on behalf of South Dakotans and small rural communities all across the Nation. Airline attendants and executives, pilots and passengers have expressed concern over the possible termination of EAS. Their concern is well founded. Elimination of the EAS program could devastate numerous local economies across the country.

Mr. President, I voted against airline deregulation in 1978 when I was a Member of the House of Representatives. I had specific concerns back then about the effect of a deregulated airline industry on rural and small cities. These concerns have become realities in the years since the Airline Deregulation Act was enacted.

Before deregulation, the traveling public was accustomed to modern equipment and convenient scheduling and route structures. Rural communities quickly learned, however, that postderegulation environment meant small airplanes, limited schedules, and inconvenient routes. Delays and cancellations characterized the airline industry in the early 1980's. Air travelers had to pay hundreds of dollars more to travel from a local airport rather than from a larger airport. In some cases, South Dakotans actually had to pay more to travel within the State than to a foreign country.

In 1988, Congress decided to continue the EAS program for another 10 years. Now, with 5 years of authorization remaining in this vital program, the House Appropriations Committee has opted to eliminate essential air transportation funding from all communities presently receiving assistance. Is this action fair? No, it is not fair.

Thousands of constituents in South Dakota and surrounding States have contacted me to say, "Cut Spending First." Mr. President, these people are not talking about slashing the relatively small and inexpensive $38 million Essential Air Service Program. The Senate must remember that this program is, as its name indicates, essential to the economic development of numerous communities across our Nation.

Think back to the early 1960's. Government subsidies for air services peaked at $83 million in 1963. That was nearly 2½ times the amount appropriated annually from 1988 through 1998. Mr. President, the Essential Air Service Program is heading in the right direction. The House Appropriations Committee, in moving to eliminate EAS funding, is heading in the wrong direction.

Since the airline deregulation process began in 1978, small community air services have had numerous difficulties trying to maintain quality air transportation. Huron, SD, is an excellent example of a community providing air service in rural areas.

The Huron air service area covers a region 600 times larger than Washington, DC, yet it contains only a small percentage of Washington, DC's population. There are about 55,000 people in eastern South Dakota who are served by Huron's airport. As a result, the consumer base surrounding Huron clearly is not large enough to adequately fund an air carrier operating from the area. These same complications can be observed in the South Dakota communities of Brookings, Mitchell, and Yankton. Nonetheless, with assistance through EAS, air service from these four vital communities certainly is a major player in South Dakota's economy.

South Dakota has tried to diversify its economy beyond its traditional agricultural base. We have worked to expand and attract numerous industries. Huron, again, is a perfect example. During the past 2 years, Huron has added more jobs than in the previous 10-year period. The long-term loss or severe degradation of air service would affect seriously future economic development opportunities for Huron and other South Dakota communities. Further, a recent study of Fortune 500 companies indicates that 80 percent of those companies would not consider locating in a city without good air service.

Mr. President, I recognize that the EAS Program was enacted in 1978 to be a transition program providing an opportunity for air service from small communities to overcome the uncertainty of deregulation and to achieve prosperity in the future. The situation, however, is not that simple. Many communities must continue to receive such assistance in order to survive. Mr. President, in 1988, Congress made a 10-year pact with the American people to provide EAS assistance to smaller communities. Taking this funding away now would be unjust and unfair.

Mr. President, many problems are currently affecting the airline industry. Some suggested solutions for improving the industry include: Congress should continue EAS funding for communities currently receiving assistance. There should be no reduction in funding from this program unless appropriate measures are taken to reduce an air service's dependence on Federal assistance. Likewise, a structured commercial air service designed to remove the necessity of any EAS subsidy should be implemented. Government should provide guidance to all small communities. We need to emphasize programs, such as code-sharing between an air carrier and a local air service, as a means for rural airports to succeed.

Furthermore, specific Federal rules and regulations presently hinder the operations of airports like the one in Huron. For instance, passengers from Huron are required to travel through other South Dakota cities like Mitchell and Brookings before reaching Minneapolis. Long delays and layovers like these chase consumers away from rural airports.

The Senate once again is in a position to save the EAS Program. I invite my colleagues to support communities in the 35-States that need the EAS Program to ensure continued economic diversification and development. Mr. President, the cost of this vital program is small, but the economic return on this public investment is enormous.

TELECOMMUNICATIONS INFRASTRUCTURE ACT OF 1993

Mr. PRESSLER. Mr. President, today I would like to discuss a significant legislative initiative designed to accelerate private investment in our Nation's telecommunications networks—S. 1086, the Telecommunications Infrastructure Act of 1993. First, I commend the distinguished ranking member of the Commerce Committee, Senator DANFORTH, and the distinguished chairman of the Communications Subcommittee, Senator INOUYE, for their outstanding leadership. S. 1086 is a tribute to their bipartisan cooperation and tireless efforts to craft legislation in a complicated area. It is a good start.

Infrastructure surely is the buzzword of the 1990's. Traditionally, the term primarily was used to describe our transportation networks—moving people and products. Today the word infrastructure more often refers to cable, phone, and satellite networks transporting information and ideas at the speed of light. Every week seems to bring another major newspaper or magazine article describing how the information superhighway will revolutionize our lives. Advanced telecommunications networks promise to change the way we work, educate our children, provide health care, and spend our leisure time. Who will deliver these new services? Every day seems to reveal another strategic alliance between multibillion-dollar companies seeking to spearhead the delivery of services over the information superhighway.

The convergence of computers, telecommunications, and video technology is quickly outpacing our existing regulatory framework. Policies designed for disparate industries do not seem to make sense if multiple providers can offer competing services. Yesterday's rules are not likely to hasten delivery of tomorrow's services. In fact, the legal status quo is a formidable barrier to technological development. Congress has an opportunity to frame a policy for accelerating investment in the information superhighway. Our challenge is to ensure all Americans have access to an on-ramp.

Universal service always has been the touchstone for this Nation's telecommunications policy. Both Federal and State policymakers have tried to ensure that the benefits of communications technology are available to all citizens. As Congress develops policies to encourage further modernization of our telecommunications networks, we should ensure that improvements will be shared by all. We should upgrade the entire network. We should not create a two-tiered system of haves and have-nots.

S. 1086 is designed to stimulate private investment in our Nation's telecommunications networks in two significant ways. First, the proposal would open the local loop by permitting potential competitors, such as competitive access providers and cable television operators, to interconnect with the local telephone network. Second, it would remove the existing ban on telephone company operation of cable service within the telephone company's own service area.

Recent history shows that competition has spurred infrastructure investment in other sectors of the telecommunications market. For example, faced with stiff competition in the long distance market, AT&T accelerated optical fiber deployment and wrote off billions of dollars in older plant. Similarly, the opportunity to provide new services has encouraged new technologies. For example, Bell telephone company joint ventures in the United Kingdom pioneered delivery of telephone services over cable systems.

Although S. 1086 relies primarily on competition to bring new technologies and services to the consumer marketplace, it anticipates the limitations of market forces in particular circumstances. First, the proposal addresses the need to ensure that competition does not endanger universal service. All carriers would be required to contribute to the universal availability of affordable phone service. Second, the bill acknowledges that competition alone may not bring the benefits of new technologies to rural markets. Third, the proposal anticipates that telephone company dominance in the local telephone market may require certain safeguards. For example, S. 1086 would require a separate subsidiary for a telephone company's cable operations and for a Bell Co.'s electronic publishing services. It also would require other safeguards designed to prevent cross-subsidization and discrimination.

We need to examine carefully what effect local competition will have on universal service and the availability of advanced telecommunications services in small cities, towns, and rural areas. I am concerned with access to affordable phone service. I care about the quality and diversity of services available in small States like South Dakota. If access to the information superhighway becomes an essential means of fully participating in society, we may need to redefine universal service.

Earlier this year I joined my distinguished colleagues, Senator GRASSLEY and Senator EXON, as an original cosponsor of S. 570, the Local Exchange Infrastructure Modernization Act of 1993. This bill is designed to guarantee that small, local telephone companies will have access to new information services and technologies. I am pleased that my distinguished colleagues, Senator DANFORTH and Senator INOUYE, have included some similar infrastructure sharing provisions in their legislation.

S. 1086 would require the Federal Commuunications Commission (FCC) to ensure that local telephone companies in the same geographic area engage in joint coordinated planning and design of the telephone network. S. 1086 also would require the FCC and State regulators to ensure that rural customers obtain access to high-quality telecommunications services. I support these goals.

Mr. President, I congratulate my distinguished colleagues, Senator DANFORTH and Senator INOUYE, for their work on this proposal, and pledge my support to work with them to improve it. The distinguished ranking member and the distinguished chairman recognize that this legislation is a work in progress. We all know it raises many controversial policy issues. As I stated, I am particularly concerned about the universal service provisions and rural area protections. All consumers, regardless of location, should look forward to the benefits to competition and technological ingenuity.

In conclusion, we continue to hear there are many great technological innovations. We read article after article in the weekly news magazines and daily newspapers about the future telecommunications infrastructure and the information superhighway, but the fact is that we are paralyzed by inaction. We are paralyzed because we cannot decide who is going to do what. We have to start addressing some of these issues.

This is what Senator DANFORTH and Senator INOUYE are working to accomplish. Everyone will have to compromise and negotiate, if we are going to accomplish any changes. Otherwise, we are going to be frozen in indecision. Without action all these new, advanced technologies will not be available to the American people.

NIGERIA

Mr. PRESSLER. Mr. President, last April I traveled to eight African countries: Senegal, Cameroon, Kenya, Uganda, Central African Republic, Congo, Mauritania, and Nigeria. I returned from my travels with hope—hope for the future, particularly for the future of democracy in Nigeria. Its military leader, Gen. Ibrahim Babangida, had promised an end to military rule. Nigeria holds a key position on the African Continent. With more than 88.5 million people, Nigeria is Africa's most populous nation. With numerous opportunities for economic and social progress, Nigeria's potential as a role model for other African countries is indisputable. However, that can not occur unless democracy is realized.

Democracy is not the norm in Nigeria. It has been ruled by military dictators for 24 of the 33 years since its independence from Britain in 1960. It appeared that Nigeria was moving constructively toward independence from military rule. Originally, according to a timetable established by General Babangida himself in 1987, the military was scheduled to relinquish power to elected civilian officials by 1990. Since then, local and state government elections have been held and state and national legislatures have been successfully established. Elected civilian leadership appeared on the horizon. On June 12, Presidential elections were held. It appeared Moshood Abiola of the Social Democratic Party (SDP) would emerge victorious over Bashir Tofa of the National Republican Convention (NRC). However, it was not to be: a national court barred the release of election results due to a lawsuit initiated by Babangida's supporters. Not long after, General Babangida declared the election null and void—the third time General Babangida has obstructed Nigeria's quest for an elected leader.

There is a small faction in Nigeria that wishes Babangida to remain in power. However, the general must respect the wishes of the large number of Nigerians who cast their ballots for a civilian leader. Mr. President, the people of Nigeria fervently desire a democratically elected government. They want a say in the governance of their country. Where is the proof of that? The proof was demonstrated by the thousands of Nigerians who voted for democracy. Negatively, the proof was shown by thousands of students who rioted in the streets of Lagos. The situation is intensifying each and every day. Tens of thousands of people have set fires and erected barricades. Violent confrontations between police and rioting civilians have resulted in a number of Nigerians being killed. These people risked their lives in the name of democracy. If progress toward democracy remains impeded, we should consider reassessing our policies and our financial support for Nigeria.

General Babangida should allow the democratic process to function freely. He should allow the voters to speak for themselves. It should not be democracy at his discretion. It should not be majority rule by minority will. While visiting Abuja, Nigeria's new capital, our delegation was assured by Chief Ernest Shonekan, chairman of the transition council, that General Babangida was resolutely committed to completing the transition to civilian rule. I must say that upon my return I was hopeful Nigeria was truly on the road toward democracy and an end to 24 years of military rule. I sincerely hope General Babangida's future actions soon will disprove allegations that he is stalling the progress of democracy in order to remain in power. General Babangida and all his military officials must prove their commitment to the transition to civilian rule. Further attempts to block the fulfillment of democracy could thrust the country into anarchy.

Therefore, I strongly urge General Babangida to adhere to his own timetable and facilitate the swearing in of a democratically elected President on August 27. In response to his annulment of the June 12 election, President Clinton reduced assistance by roughly $1 million, and expelled Nigeria's military attaché here in Washington. Other tough measures could be taken if General Babangida continues to pay nothing more than lip service to democracy. Such measures would be most unfortunate but necessary.

Mr. President, this year alone, Burundi, Eritrea, Lesotho, Madagascar, Malawi, and Niger have conducted internationally supervised elections and referendums. However, Nigeria, a nation of enormous potential, once again has stalled on the road to democracy. This of all African countries has the potential to succeed. I hope that August 27, 1993, will be a day to celebrate Nigerian democracy. Now is the time for General Babangida to restore legitimacy to the Nigerian State.

Mr. President, in summary, my visit to Nigeria with Senator SPECTER was a very interesting experience but also very sad in some ways, because here you have a country with such enormous potential, where gasoline is sold for a few cents a gallon on the streets because of government subsidies, where the people want to have elections, where they were having the party conventions, and yet the elections were canceled.

All the countries we visited—we visited eight countries across Central Africa, starting in Senegal, and then to Kenya and going all the way back to Nigeria including the Central African Republic, Cameroon, Congo, Uganda, Kenya, and Mauritania—they were all a disappointment in terms of the development of democracy, except for Uganda, where the President, Yoweri Museveni, is trying hard to put democratic institutions in place. All the others, it is my judgment, except maybe the Congo, have kleptocratic governments; that is, governments that are stealing from the people. I believe, these government leaders get into power and their idea is to stay in power and to steal as much as possible.

I was told by our Foreign Service officers in the various stops we made that a number of African people were amazed at the transition of power from George Bush to Bill Clinton. In one country, the USIA representatives called in several local citizens to watch President Clinton's inauguration on TV. This transition is amazing to many people in Africa, because none of their leaders ever give up power.

That is what is happening in Nigeria. General Babingida just will not give up power. We should use our AID figures to influence democratic change as President Clinton has done. I commend President Clinton for his action. We also should threaten to use our influence with the international monetary organizations and elsewhere to insist on democracy in these countries.

But my great concern is that many countries in Africa currently are going backwards rather than forwards in terms of democratization. I wish that were not my assessment. But what is happening in Nigeria is another example of why that is so.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—S. 919

Mr. DECONCINI. Mr. President, I ask unanimous consent that, when the Senate resumes consideration on Wednesday, July 28, of S. 919, the national service bill, Senator KENNEDY be recognized to offer a substitute amendment; that a cloture motion filed on this amendment mature on Thursday, July 29, with the vote occurring at a time to be determined by the majority leader, after consultation with the Republican leader, with the mandatory live quorum being waived; and that the cloture motion filed on the committee substitute be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 28, 1993

Mr. DECONCINI. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8 a.m., Wednesday, July 28; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a time for morning business, not to extend beyond 11:15 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified and in the order listed, if present:

Senator MURKOWSKI for up to 30 minutes, Senator DORGAN for up to 10 minutes, Senator MITCHELL or his designee for up to 30 minutes, Senator WALLOP or his designee for up to 1 hour, Senator HOLLINGS for up to 30 minutes, and Senator GRASSLEY for up to 10 minutes; that at 11:15 a.m., the Senate immediately resume consideration of H.R. 2519, the State, Justice, Commerce appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8 A.M. TOMORROW

Mr. DECONCINI. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:51 p.m., recessed until Wednesday, July 28, 1993, at 8 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 27, 1993:

DEPARTMENT OF ENERGY

ROBERT RIGGS NORDHAUS, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, July 27, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are aware, O gracious God, that we are dependent on what others have done to make our lives and our society places of security and peace. We express our thanks to those whose dedication and commitment have strengthened the heritage of our Nation and whose good work demonstrated faithfulness in service to others. Even as we attempt to make our contribution with the responsibilities given us, we pause this day to remember those who have gone before and to acknowledge our grateful appreciation for their lives. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to rule I, the Chair will postpone the vote on the approval of the Journal until after the completion of 1-minute requests.

The point of order of no quorum is considered withdrawn.

The Chair will at the appropriate time limit 1-minute requests to 15 on each side.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wyoming [Mr. THOMAS] come forward and lead the House in the Pledge of Allegiance to the Flag.

Mr. THOMAS of Wyoming led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 15 Members on each side for 1-minute speeches.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 843. An act to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes.

TIME TO MOVE FORWARD ON PRESIDENT'S ECONOMIC PLAN

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, hopefully during this next week the Congress will be taking up the deficit reduction and economic growth plan, and the issue is whether we stay where we are and have been mired for the last 12 years or whether we bring change to this country.

Spending cuts are at least $1 for every tax increase. In other tax increases, at least 70 percent of those fall on those making over $200,000, and for those middle-income people the most tax burden they would see is an increase of $1 a week.

And yes, there are going to be lots of people telling us why they are against it. They are the same people who have been against change for the last 15 years. They are the same people who put off doing anything for at least a decade. They are the same people who say they are opposed to taxes, but do not tell you they are covering so that they do not have to put tax increases on the wealthy.

They are the same people who want to go after additional cuts out of the program that affect middle-income and low-income people and the same crowd finally that has brought us the worst economic growth record in the last 4 years.

The country wants change, Mr. Speaker, and indeed this plan, according to the Department of the Treasury, in my State alone would generate 23,000 new jobs as a cumulative result of this tax plan.

The choice is clear, Mr. Speaker, we have got to move forward.

WHO IS REALLY AGAINST FLOOD RELIEF?

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, last Thursday the House voted not to pass a rule which would have allowed the debate and possible passage of emergency supplemental aid to the flood-ravaged people of middle America.

The reason the House voted to reject that rule was that within it was a special self-enacting provision that would have provided millions of dollars to teenagers up to 30 years old in Los Angeles, so that they could have a stipend of $100 a week.

Two thousand miles away from the flood, Congresswoman WATERS had a special self-enacting measure put in the rule to take care of herself and her constituents. We rejected that.

Now I understand that the Rules Committee is going to bring the exact same rule back on behalf of Congresswoman WATERS.

I say to you, Mr. Speaker, if you want to provide relief to the flood victims of America, you must first stem the waters.

THE FLOOD DISASTER SUPPLEMENTAL

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, it has been 5 days since we considered the flood disaster supplemental. Five days for the constituents of my district to wonder why their Government will make allowances for every disaster around the globe yet hold up disaster relief for thousands of Americans that desperately need help. I agree that we must cut spending, we must control the deficit, but it is not appropriate to bog down the disaster relief supplemental in an attempt to find a way to pay for it.

I commend the Speaker's decision to establish a task force to determine ways to pay for disaster assistance in the future. I agree that it is prudent and wise to prepare for the inevitable need for additional funds to help our citizens when they are stricken by disasters beyond their control, such as the floods in the Midwest.

Five days, Mr. Speaker, and the rains are still falling, the rivers are still rising and the damage is still piling up.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Five days and my constituents are wondering when the help will come.

Mr. Speaker, 17 of the 21 counties that I represent have been declared Federal disaster areas. I can not express the devastation that I have witnessed. The reports on the television give an impersonal view of the devastation caused by the floods. They show flooded fields, houses and businesses under water, but they fail to show how the lives of the flood victims have changed. Thousands can no longer go home at night after a days work because their houses are flooded. Many more are without clean drinking water and power. Bridges have been washed away and roads are still under water.

I say to my colleagues, if you could go there and see the looks on the faces of the men and women who are victims of this flood you would realize that 5 days has been too long. We need to pass the disaster supplemental today so that we can help the thousands of Americans who have been affected by the floods.

FLOOD RELIEF

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, let me say that it is outrageous to have Democrats come to the floor and complain about how long it is taking to get flood relief to the Midwest.

I promised Congressman GEPHARDT last Monday that we would help pass flood relief. We asked on Thursday to come back and pass flood relief. We asked again on Friday to pass flood relief. We are prepared today to pass flood relief.

But listen to what the President said yesterday about the Congress. He said "Let's vote. I don't have to win them all, but let's make decisions."

Now, I do not know why the President is saying to his Democratic leadership, "Let's vote," but I agree with him. The President is right. Let us vote on things like the extra money for Los Angeles to take care of one politician, which is being put on the flood relief bill on the backs of the Midwest. Let us vote on whether or not to pay for flood relief now or have our grandchildren pay for it eventually.

Let us vote on passing flood relief today. But no Democrat should come here and complain about the Democratic leadership decision that they would not bring the bill up, they would not pass it, because they want to make sure they took care of a member of their coalition from California on the backs of the people of the Midwest.

THE PRESIDENT'S PLAN MEANS JOBS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, last week, as Republicans voted unanimously to block the consideration of emergency aid for the flood victims, and mounted a filibuster in the other body on the National Service bill, it became clear once again—they are the guardians of gridlock, willing to put the interests of millions of Americans behind the desire to play political games. You will hear from them why the President's economic plan won't work—while never presenting a viable plan of their own. You won't hear it from them, but the President's economic package is based on three basic concepts—deficit reduction, making the rich pay their fair share, and job creation.

Only an economy that puts people back to work will serve the American people. President Clinton has taken the bull by the horns and has built a plan that will create 8 million jobs over 4 years. In the first 5 months of this administration, 740,000 private sector jobs were created—a pace of 148,000 new jobs per month. That 148,000 per month compares to the Bush monthly average of only 21,000.

Interest rates and mortgage rates are at 20-year lows.

Mr. Speaker, President Clinton has presented his plan for economic growth—it's the only game in town and one that will work.

MISSTATEMENTS ON FLOOD RELIEF

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, I do not know how long we are going to have to put up with these misstatements from the other side. We have just heard the gentleman in the well before me say that the Republicans voted unanimously against flood relief, when he knows full well that we did not get to vote on flood relief.

What we voted on was an outrageous rule that provided relief for Californians, and I will remind you again, 30-year-old teenage Californians.

We want to vote for flood relief. We were prepared to do it Thursday. We were prepared to do it Friday.

Bring the bill forth with a rule that allows that amendment for California to be in order and we will vote on it, but you do not get away with saying the Republicans voted unanimously against flood relief. That bill was not brought before us, because the Democrats and the leadership of the Democrat side did not want to bring the bill before us.

□ 1210

SHAME ON CONGRESS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, two out of every three Americans are disgusted with Congress and believe that Congress is out of touch with the needs of the American people. Here, in my opinion, is one example:

Congress never asked where they were going to get the money for the Kurds, Congress never asked where they were going to get the money for Saudi Arabia, where they were going to get money for Russia, but Congress is now mired down in a disaster relief bill, in where we will get the money for Americans who are literally bobbing up and down in 50 feet of water in the Midwest.

Mr. Speaker, in a nutshell that describes why the American people are fed up with the Congress that is worried about everybody all over the world and has forgotten about its own people.

Shame on Congress, Mr. Speaker. Pass this disaster relief bill, and get off the technicalities.

BIG TAX INCREASE WILL HIT SMALL BUSINESS HARD

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, many of my Democrat colleagues have said that most small businesses will not be hit when they pass the largest tax increase in American history. They say that their tax increases will not harm small business—the job machine of America. Unfortunately, that just is not true.

According to business demographer David Birch, 5 to 10 percent of small firms are responsible for the vast majority of the new jobs created between 1987 and 1992. In fact the fastest growing 4 percent of all firms accounted for 70 percent of all new jobs created. These growth oriented, job-creating firms are the very firms that will be hit by the higher rates, and hit hard. The result: They will not be creating the volume of new jobs in the future that America so desperately needs.

The small business community is large and diverse. Yes, most small businesses will not pay increased taxes because they do not make much money—but neither do they create jobs. The statistics are clear: The minority of small businesses create the majority of new jobs in our society—4 percent create 70 percent of all new jobs. They will be hit—and hit hard.

Budget conferees have so far agreed to 195 billion dollars' worth of tax increases and just 5 billion dollars' worth of spending cuts. That is business as usual—more tax and spend—but, with a twist: A dagger at the heart of job growth and our future.

CLEARING THE WATERS

(Ms. WATERS asked and was given permission to address the House for 1 minute.)

Ms. WATERS. Mr. Speaker and Members, I have heard Member after Member from the other side of the aisle come and give information about what is going on with flood relief. Those same Members refuse to vote to help disaster victims on this country who are underwater. They said they were refusing to vote for them because they did not want to pay for it. They wanted to go and cut other programs in order to pay for it.

I say to my colleagues, "Now mind you, we haven't done this with any other disaster. All of a sudden they decided they wanted to use this disaster as budget reduction. When they discovered that the people back home didn't like that, didn't think that was fair, didn't think they should be used this way, then they decided that, aha, it's some language that MAXINE WATERS put in the bill that's the real problem."

Well, Mr. Speaker, that language is no problem. It is not language for California. It is for the entire Nation.

Mr. Speaker, it is already funded. It does not cost any money. It simply clarifies what was done in the budget conference committee.

So, I say to my colleagues, "Don't let the arguments that they are giving to you mean anything to you. The fact of the matter is they are either going to be for the flood victims or they are going to be against them."

WHY REPUBLICANS AND 45 DEMOCRATS VOTED "NO"

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, here we go again, the same lies being repeated once more. The fact is that on Thursday and Friday of this week, the previous week——

Mr. VOLKMER. Mr. Speaker, I demand that the gentleman's words be taken down with respect to the use of the word "lies."

The SPEAKER pro tempore. The Clerk will report the words.

Mr. VOLKMER. Mr. Speaker, rather than delay the House, I will withdraw my request.

The SPEAKER pro tempore (Mr. WISE). The gentleman may proceed.

Mr. SOLOMON. Mr. Speaker, the gentleman was interrupted. I would suggest that the Chair give him his 1-minute to speak.

The SPEAKER pro tempore. The time did not come out. The gentleman may proceed with the time he had left.

Mr. HOKE. I thank the Chair.

Mr. Speaker, we are once again subjected to allegations that somehow the Members on this side of the aisle were more concerned with a pay-as-you-go provision than they were with the fact that there was appended to the rule a specific appropriation for $50 million that 45 Democrats and all of the Republicans voted against. And why was it that we voted against that?

Because it has absolutely nothing whatsoever to do with flood relief for the Midwest, and we continue to hear this repeated over and over, that the Republicans do not care about the people in the Midwest.

In fact, Mr. Speaker, the amendment that should have been put in order was a bipartisan amendment by the gentleman from Iowa [Mr. NUSSLE] and by the gentleman from Minnesota [Mr. PENNY], a Democrat and a Republican, to pay-as-you-go. That was not in order. The problem was the $50 million of appropriations.

ADMINISTRATION'S BUDGET OFFERS HOPE OF ECONOMIC TURNAROUND, LOWER DEBT

(Mr. ENGEL asked ans was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, yesterday's lead editorial in the New York Times correctly noted that the budget conferees should not gut President Clinton's investment proposals.

A budget agreement that fails to include an enhanced earned income tax credit, empowerment zones, and other programs important to working families would not, as the Times said, "Be a budget that invests in the future and it would not be a victory for those who voted for an economic turnabout."

Our business leaders and opinion makers agree that we must produce a budget that not only slashes the Federal deficit, but also invests in the education and well-being of our people. We have been presented with an opportunity to pass just such a budget, and we must not let such an opportunity pass.

Our final budget plan can cut the deficit while also creating a climate where jobs will be generated and families will see a real chance to better their lives. The idea that these twin goals of deficit reduction and investment in people cannot be attained together is being put forth by the guardians of the status quo—the naysayers who are afraid to change and unwilling to build for the future.

Mr. Speaker, I urge the conferees to fight for the investment programs proposed by President Clinton and included in the House budget plan. If these programs are included in the final budget, we can proudly say that we helped restore hope for millions of Americans.

THE TRUTH WILL SET US FREE

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, here it is. Once again in today's USA Today it says on A-1, "Sixty-five Percent Say Congress Is Failing," and there is another one in the same newspaper, "Congress on Low End of Approval Poll."

Failing. What a tragedy.

Mr. Speaker, I am a freshman, and I was elected to come here and serve in a bipartisan way to solve the people's problems. But look at what has happened just in the last week:

Mr. Speaker, this House has voted to cover up an investigation into the Democrat House post office and sandbag a flood disaster relief bill because one Member cannot resist providing 30-year-old teenagers a $100-a-week stipend for good grooming habits. Meanwhile, the Democrats are in a House-Senate conference committee debating over which, not whether, to raise taxes, energy tax, gas tax, all the while the economy is dragging down because people are already paying too many taxes.

Mr. Speaker, what I know for sure is that the American people are sick of it. For a change let us dump this Clinton tax plan. Let us dump the pork barrel spending in the flood relief program. Let us clean up this House of corruption and insider sleaze. Let us get on with the business of this Nation.

□ 1220

REINVENTING GOVERNMENT: MAKING THE WET SIDE OF NOAA WORK BETTER

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, today I have introduced the Ocean and Coastal Management Improvement Act of 1993 in an effort to support the administration's initiative to make Government work better. My bill would transfer some of the wet programs of the National Oceanic and Atmospheric Administration [NOAA] from the Department of Commerce to the Department of the Interior and others to the new Department of Environmental Protection.

As clearly evidenced by its name, NOAA has two distinct, though not uncomplementary, functions. But in recent years the balance between the wet and dry sides of NOAA has been skewed by a troubling trend of increasing funding for satellite and weather functions at the expense of ocean, coastal, and fisheries programs.

The cumulative effect of the reductions of over $900 million in funding for these programs since the 1980's has left those functions strapped with a backlog of research, resource management, and monitoring needs.

Mr. Speaker, I believe that my bill will take the first step in achieving this reversal.

DO YOU BELIEVE IN MYTHS?

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, if you believe in Santa Claus, the Easter Bunny, and Peter Pan, then you believe that the Clinton tax plan will help small business.

Some of my Democratic colleagues actually tried to make that point last week. Despite the fact that the National Federation of Independent Business and the chamber of commerce vigorously oppose the Clinton plan, these Democratic Members came to floor and with a straight face said that higher taxes will actually help small business.

I guess their point was that not all small businesses will be hit by the 10-percent surtax or the capital gains tax increase. But just because all small business won't be wiped out by Clintonomics doesn't mean that any small businesses will be helped.

And indeed, the small businesses that will be hit the hardest by these taxes will be those we most need in this economy—the success stories that have created the bulk of new jobs.

Mr. Speaker, I won't say that I don't believe in Santa Claus or the Easter Bunny. But I will say that small business will be hit hard by the Clinton tax plan. And that's no myth.

THE NEED TO ENACT A CRIME BILL

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, Time magazine has a cover story this week about the growing problem of crime in cities like Omaha.

It is easy to exaggerate the situation in Omaha. We are a fine community, and we are certainly not having the difficulties other impacted urban areas are having. But it is clearly time that the Clinton administration sent comprehensive crime legislation to Congress.

We need to pass the Brady bill, we need to pass the Safe Schools Act, and we need to keep assault weapons and sawed-off shotguns out of the hands of 18-year-olds, as we read about in Time magazine, in Omaha.

We have got to get these things done. The Clinton administration has largely been silent on the issue. I have written the Attorney General weeks ago asking for a crime bill. I am meeting with her Monday. We really need to get these issues behind us.

Mr. Speaker, in the last session our crime bill got caught up in partisan gridlock and delay. We cannot let that happen this year. We need to get a crime bill passed quickly.

SLAM THE DOOR ON TERRORISTS

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, on Friday I introduced a bill with the gentleman from Florida [Mr. McCOLLUM] to slam the door on terrorists. My bill would restore our Government's ability to deny visas to known members of terrorist organizations.

This legislation was originally part of a bill I introduced 2 months ago, the Terrorist Interdiction Act of 1993. All the other provisions of that earlier bill passed the House as an amendment to the State Department authorization. But this provision is still awaiting action by the Judiciary Committee and I would urge the committee to include this provision in their immigration reform bill which may be marked up this week. In fact, the President is now unveiling his immigration package and I hope he would support this reform.

The bill I introduced Friday would correct a legislative mistake of breathtaking proportions. The Immigration Act of 1990 raised the threshold for denying visas to terrorists, so now the Government must prove an individual's direct involvement in a past terrorist act. Last Thursday, a State Department witness testified before the Foreign Affairs Committee on this problem. He stated that today, membership in a terrorist organization, or even a terrorist conviction abroad, is not sufficient to deny a visa request to come to the United States.

I urge the Judiciary Committee to take up my bill at the earliest possible opportunity. Each day of congressional inaction places American lives at risk. We cannot afford the price of apathy any longer.

THE WOMEN'S ECONOMIC EQUITY ACT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to encourage my colleagues to sign on as original cosponsors to the Women's Economic Equity Act which will be introduced tomorrow.

Twenty-five years ago, I was a divorced, working mother with three small children and no child support, unable to survive on my salary of only $580 a month, I went on aid-for-dependent-children.

I am proud to have two bills included in the women's economic equity package, bills which will help women facing situations similar to mine.

One bill would increase child support collection, and a second bill, would strengthen the Job Training Partnership Act by making sure it trains women for jobs that pay a family wage.

Too often, Mr. Speaker, women lose out in our economy because they are most likely to be responsible for dependents as single parents.

Mr. Speaker, the Women's Economic Equity Act will make sure that women and their families succeed, not just survive, in this difficult economy.

HOW WILL GAS TAX AFFECT AMERICANS?

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, these were the words of our President, Bill Clinton, on February 22 of this year:

> For years, there have been those who say we ought to reduce the deficit by raising the gas tax a whole lot. That's fine if you live in the city and ride mass transit to work. It's not so good if you live in the country and drive yourself to work * * * So I rejected a big gas tax.

Mr. Speaker, but the endless search for new taxes apparently has led the President to change his mind about the effects of a large gas tax increase. Reports I have seen today indicate that the Clinton administration is looking to recommend a gas tax increase of almost 10 cents per gallon as part of the budget negotiations.

As the President and members of his administration are touring the country trying to convince Americans that massive tax increases will create millions of jobs, we should keep in mind the words of President Clinton in February 1993, when he rejected a big gas tax.

The huge new gas tax increase now being recommended by the administration will cost Americans millions of jobs and be the final nail in the coffin of a once promising recovery. The time has come for President Clinton to admit he cannot tax away the deficit and start over with a deficit reduction plan that cuts spending first.

DISASTER AID FOR MIDWEST FLOOD VICTIMS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, today we will consider the disaster aid bill for the Midwest flood victims. The major question on the floor of the House is whether one Republican Congressman will step forward and break the party-line position against the rule for flood disaster aid.

Let me tell the Members why I hope that one will. The pay-as-you-go approach to flood disaster is bad policy. We have never followed it in any previous disaster, and the reason, of course, is that we have no idea what this disaster will cost us, and we certainly cannot ask the innocent victims trying to survive to wait until we have a congressional debate about raising taxes or spending cuts before we send disaster aid.

Finally, pay-as-you-go is an insult to the people in the Midwest. They know full well that this standard has never been used for any previous disaster, and they know that 105 Republican Congressmen who voted against the flood disaster bill last week voted 2 years ago for aid to the Kurdish refugees, not asking at any point whether or not it was a pay-as-you-go plan and certainly not asking whether any of the Kurdish refugees were over the age of 18.

□ 1230

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WISE). The Chair will announce that it will extend 1-minutes speeches by 1 on each side, making a total of 16 on each side.

HISTORY REINTERPRETED

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, we are getting some interesting reinterpretations on history here. First of all, the Kurdish refugee money was paid for. It was paid for out of monies we got from our allies. So it was pay as you go. We are suggesting maybe on this one we ought to have pay as you go, too, and what we ought to do is round up some of the money from next year's appropriations bills. We can deal with this money right now, but what about the billions that are going to have to be spent next year? The Democrats have turned that down as an idea as well.

But let us talk about what Republicans are really disturbed about. We are disturbed because the Democrats have decided to put absolutely extraneous material in this bill that has nothing to do with the floods; namely, language to pay $100 a week to 30-year-old teenagers to keep themselves well-groomed. That is what the money is being put in the bill toward out in Los Angeles.

Mr. Speaker, if one thinks that is the kind of thing we ought to put on the backs of flood relief victims, then you are with the Democrats. If you believe we ought to devote it to flood relief and do only help for the victims, then we can bring up the appropriation bill without any rule. You do not need a rule to bring the appropriation bill to the floor and do real flood relief. The only reason why you need a rule is so that we can give $100 a week to 30-year-old teenagers.

TRIBUTE TO GEN. MATTHEW RIDGWAY

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, I rise today to pay tribute on the passing of a great American, Gen. Matthew Ridgway. General Ridgway was one of the most outstanding combat leaders of our military history. He graduated from West Point in 1917 and took the values of Duty, Honor, and Country through 38 years of service to this country as a commissioned officer. He organized the 82d Airborne Division and instilled in those troops the spirit that he had, unrelenting valor and tenacity. In Korea he reorganized the beleaguered 8th Army and led it to victory.

Mr. Speaker, he is a distinguished American, who has given his country much, and we today salute his memory.

In the words of the alma mater of West Point:

> And when our work is done, our course on Earth is run, may it be said well done, be thou at peace.

To General Ridgway, well done.

TAX AND SPEND LESS

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, yesterday, President Clinton complained on national TV that he couldn't get flood relief passed because the Democrats don't control Congress.

Give me a break.

Mr. Speaker, I support flood relief, but you can't tell me we can't find $3 billion to cut out of a $1.5 trillion budget in order to pay for this now and not pass the bill on to our children.

It is no excuse to say we have done this before; when you are $4 trillion in debt, it is time to do something different!

Yet, the majority of Democrats in this House are so addicted to spending that they refuse to make even the small cuts necessary to help desperate flood victims.

And if the Democrats, who have controlled this House for four decades, don't control Congress, who does?

Obviously, not Republicans. If we did, we would have made the cuts and passed flood relief last week. And, right now the conference committee would be haggling over spending cuts, not the largest tax increase in American history.

If there is gridlock in this country, it is not between Democrats and Republicans; it's between a Democrat President and Democrats in Congress who want to tax and spend more, and the American people who want to tax and spend less.

VOTE FOR RULE ON DISASTER SUPPLEMENTAL

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, I ask the Congress to vote for the rule on the disaster supplemental. It is time for these games to stop. The real deal is not so much the Maxine Waters amendment, but it is the offset that you keep hearing, cuts. It is the smoke and mirrors that the Republicans are trying to put in front of you.

So why do they not admit to the real deal? The real deal is they want to be sure that people in the Midwest are delayed in getting their support for the flooding. They want to wait until they can find a way to cut spending on the backs of these poor people. Our friends and neighbors in the Midwest are having their lives destroyed by these silly games that we are playing here.

Mr. Speaker, if these floods of July are not an emergency, I do not know what is. So you are just going to have some offset for them. You are only looking for spending cuts to rely on for this part? Are you going to change the rules just for them? I want to know why. There must be some reason.

Mr. Speaker, the people out there are at risk. I am asking that Members not worry so much about hiding behind a smoke and mirror for disturbed adults or adults who need help in this country. This Congress is going to find a way to respond to natural disasters, but do not delay helping in this disaster. The lives of our western neighbors are too important.

LET'S PASS ON THE GAS TAX

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, the latest Democrat tax proposal is to increase the gas tax by 9 cents.

Mr. Speaker, increasing the gas tax encourages inflation, punishes the working class, hurts small business, slows economic growth, and increases the deficit. Otherwise it is a good idea.

In 1990 I supported a gas tax in California. Only this revenue was used to build rails and roads. It passed a vote of the people by only one-half of 1 percent, because the people did not feel we would spend their money wisely. Well, in California I think we fooled them.

Mr. Speaker, how do you think they feel about spending a 9-cent gas tax increase to increase Federal spending? Well, the Democrats apparently have decided inflicting this gas tax on ourselves will somehow be less painful than the Btu tax.

Unfortunately, that is not the case. When the cost of gas dramatically increases, the result will be the same. Economic disaster. Disaster for the airlines, the truckers, the commuters, farmers, rural America, and all business.

Mr. Speaker, a sharp increase in gas tax is not the way to go. I urge my Democrat colleagues, think twice about a new gas tax.

MOVE FORWARD TOGETHER FOR THE BETTER

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today to voice support for President Clinton's economic growth plan. Clearly, we as a nation have to come to grips with the reality that although we are in a major deficit situation, there is a great need on the part of many of our cities and many of our communities for this bill to pass. It is time for us to deal with the reality of the need to reduce the deficit, invest in people's lives, invest in communities, many of which have become a part of an existing Third World nation within the borders of this Nation, invest in our businesses, restore economic growth and vitality, and create high-skilled and high-wage jobs.

Mr. Speaker, it is time for us to stop playing games and get serious about the reality that many of our people are suffering. The longer we delay moving through this reconciliation process, the greater the pain will be for so many of our citizens. It is time for us to move forward. Let us move forward together for the better of all American citizens.

THE GANG THAT COULD NOT SHOOT STRAIGHT

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, yesterday President Clinton blamed the Congress for the delay and gridlock in holding up some of his programs. Well, the President needs to remember one thing: His party holds the majority in both the House and the Senate.

Mr. Speaker, when it came to disaster assistance, the leadership reminded me of the gang that could not shoot straight. Only a pork-laden special interest rule could have slowed down money to the hard hit Midwest, and that is exactly what the leadership gave us. The Waters language for the youth program in L.A. has nothing to do with the waters in the Midwest.

Mr. Speaker, there are two disasters that face this country. One, yes, is in the Midwest, and it deserves our attention. But the other disaster is the budget deficit that this country faces and the growth of the national debt. The clearest signal that we could send to America that we are serious about deficit reduction and that business will no longer be conducted as usual in this institution would be to pay for the disaster relief. We should provide the disaster relief quickly, but we should also provide the relief responsibly.

REPUBLICANS ARE WATERED DOWN IN EXCUSES

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, the previous speaker was correct, the Waters amendment has nothing to do with the waters in the Midwest, particularly as it relates to the cost of flood relief. The Waters amendment will not impinge upon, will not affect, and does not have a fiscal impact on the flood relief in the Midwest.

But what is the case, Mr. Speaker, is that the Republicans on the other side of the aisle are watered down in excuses. First of all, they have the excuse that they needed to cut, that they needed to find where they could have spending cuts in order to afford this flood relief.

□ 1240

So obviously, the people in the Midwest are not the only ones drowning in water. The Republicans are drowning in the waters of excuses, excuses to move forward and to help the people in the Midwest.

Mr. Speaker, it is time that this House comes clean and gets away from the flood of excuses and moves today to help Americans out.

It reminds me, Mr. Speaker, of the parable of the Good Samaritan. The people are laying on the side of the road. They are dying, and we are wondering about the cost to save them.

DEFICIT SPENDING

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, the flood of deficit spending continues to rise. What is being argued is that the mistakes of the past would justify making mistakes in the present.

I am a freshman. I am not a part of the mistakes of the past and do not want to be a part of the problems of the present.

We can cut spending to pay for this disaster relief bill. Why do we not? I do not know. Why do we not even try? I do not know the answer.

But because I do not know the answer does not mean that I am going to ignore my business experience or my principles and vote for the disaster relief bill, even though I am compassionate with the people who are suffering. We can all sacrifice together, if we cut spending, and not pass this debt on to our children.

ANOTHER MEANING OF "GRIDLOCK"

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, this is the front page of New York's hometown newspaper, the Daily News. It says: "Georgia Pol Rips City Over Gas Tax. Blames it on New York."

They're at it again. President Ford once told New York to drop dead and now the minority whip blames New York for, of all things, the gas tax.

According to the Daily News, the House minority whip from Georgia "blames the proposed 9-cent-a-gallon gas tax on cities like New York, where most people ride subways and buses."

First, I would like to congratulate Mr. GINGRICH for knocking Donald Trump and Marla Maples off the front page.

Second, I would like the distinguished minority leader to ponder this question: If no one drives in New York, why does it take 2 hours to drive across midtown during rush hour?

It seems the latest Republican strategy to kill the largest deficit reduction plan in history is to turn one region of the country against another. In this case the villain is big cities like New York and, I guess Atlanta—both of which have subway systems that cost $1.25 a ride.

The term gridlock began in New York to describe a traffic jam so bad that no one can move.

Now gridlock is a subject that the minority whip from Georgia should know something about.

ENTITLEMENTS

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. COLLINS of Georgia. Mr. Speaker, several conservative Democrats voted for the Clinton deficit plan on the promise that entitlements will be capped.

Will such promise be fulfilled?

I do not think so.

Look at the bill.

There has been no change in the criteria qualifying recipients for entitlement benefits. Until such criteria is changed there will be no reduction in the number of people qualifying for entitlement funds.

In fact the bill contains increases in entitlement funding.

Food stamp funding is increased by over $7 billion.

The earned income tax credit will be increased by $28 billion under the House provision. The EITC has the potential to be one of the most expensive entitlements in the budget. Under the House version 42 percent of working families will qualify for the EITC.

Mr. Speaker, those who bought the entitlement cap proposal bought a "pig in a poke" from a man from Arkansas, home of the Razorbacks.

THIS IS THE PEOPLE'S HOUSE

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, what is going on in the people's House. This is the U.S. House of Representatives. It is not the European house of representatives. It is not the Central American house of representatives. It is not the southeastern house of representatives, and it is not the middle eastern house of representatives.

It is American, and it is paid for by the American taxpayers, many who are drowning in the flood waters of middle America.

They are losing their homes, their businesses, their farms and, yes, their lives. And we are talking about technicalities and procedures.

Flood victims do not care one iota about technicalities and procedures. They want and they should expect their Government to come to their help, ASAP, today, and not a day later.

DISASTER RELIEF

(Mr. PORTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, yesterday the President labeled Republicans as obstructionists and practitioners of gridlock because of last week's vote to defeat the rule on the disaster assistance bill. He held Republicans responsible for standing in the way of disaster relief to flood victims in the Midwest.

Well, Mr. Speaker, I do not believe there is one person in this Congress, from either political party, who is not desperate to provide badly needed aid to the courageous flood victims in the Midwest. Most of my congressional district borders on the Ohio River, which has flooded communities along its banks many times in the past, so I am especially sensitive to the heartbreaking scenes we see on the news each night.

All we are asking for is the opportunity to try and pass a clean bill: Legislation without extraneous spending that will provide immediate assistance to flood victims on a pay-as-you-go basis. Instead, our only option will be to vote for more spending to be heaped on top of an already massive Federal debt with interest payments growing daily. The only option will be to vote for totally unrelated provision to authorize payments of $100 a week to inner-city youths up to 1,000 miles from the floods.

I understand that today we are to once again consider the same fiscally irresponsible rule that the Republicans and Democrats in the House wisely defeated last week.

By playing on the emotions of the public over the past 4 days, the leadership must feel that it is in a position to politically embarrass those in the House who are trying to do what the people have sent us here to do—to spend their tax dollars in a responsible way. Therefore, unless we are given the option to remove extraneous spending from the bill and to find a way to pay for the disaster relief, I will be forced again to oppose the rule. I am not happy about this. My colleagues and I deserve the right to deal with this disaster in the Midwest in a fiscally responsible way. I hope my colleagues will stick to their convictions today—vote no—and force the leadership to give us the option we deserve.

HOW THE MINORITY EMBARRASSED ITSELF

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I have been listening to the attacks by the minority on the floor today. What is striking is how negative a posture they have adopted. Throw a monkey wrench into the works, even if it is flood relief.

We are not trying to embarrass anybody. They have embarrassed themselves.

I ask, if it were President Bush asking for flood relief today, where would the minority be? Now it is attack the President on reconciliation, even if the minority have not presented a realistic alternative.

I feel good about what we are trying to do here today, from flood relief to deficit reduction. I am convinced the minority, with their negative approach at all costs, is out of step with the longing of the American people for constructive action on flood relief, deficit reduction and other serious issues facing this country.

RELIGIOUS RESTRICTIONS IN RUSSIA

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, on July 14, the Russian Parliament turned back the clock on reform and religious tolerance when it passed a new law on religion which, if signed by President Yeltsin, would severely restrict the activities of believers.

Article 14 of the proposed law bans independent activity by foreign religious organizations and all individuals who are not Russian citizens.

The new legislation is discriminatory and would severely restrict access to religious ideas and materials and will limit the free expression of religion. Requiring individuals to be accredited by the state—read that controlled by the state—will put clergy and missionaries under government control. That is the way it was done during the heyday of the Communist dictatorship. Such a policy has no place in a modern democracy.

Mr. Speaker, the fate of this antireligious legislation is now in the hands of Boris Yeltsin. I ask my colleagues to please join a number of us today in sending a letter to President Yeltsin, asking that he reject this legislation. Senators RICHARD LUGAR, PAUL SIMON, the gentleman from California [Mr. LANTOS], the gentleman from Virginia [Mr. WOLF], and I have signed. And respectfully ask you to join us.

Religious freedom is a fundamental human right that should not be weakened, or abridged, anywhere in the world.

□ 1250

THE JOURNAL

The SPEAKER pro tempore (Mr. WISE). Pursuant to rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VOLKMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 153, not voting 19, as follows:

[Roll No. 367]

YEAS—262

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate

Archer
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Dornan
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—153

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
McCandless
McCrery
McHugh
McKeon
Meyers
Mica
Michel
Molinari
Moorhead
Murphy
Nussle
Oxley
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Blackwell
Brown (CA)
Brown (OH)
Clay
Clyburn
Derrick
Ewing
Henry
Hochbrueckner
Johnson, Sam
McCollum
McDade
McMillan
Moakley
Packard
Parker
Ridge
Stokes
Washington

□ 1312

Mr. ROHRABACHER changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RELIEF FROM THE MAJOR, WIDESPREAD FLOODING IN THE MIDWEST ACT OF 1993

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 226 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 226

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed ninety minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. The modification to the bill printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. All points of order against the bill, as modified, are waived. No amendment to the bill, as modified, shall be in order except the amendment printed in part 2 of the report. The amendment printed in part 2 of the report may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as modified, to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit.

POINT OF ORDER

Mr. SOLOMON. Mr. Speaker, I make a point of order against House Resolution 226.

The SPEAKER pro tempore (Mr. WISE). The gentleman will state his point of order.

Mr. SOLOMON. Mr. Speaker, it is a longstanding practice of parliamentary law in this House that an amendment once rejected cannot be considered in identical form to the same bill.

I cite Cannon's Precedents, volume 8, section 2834, and I quote: "It is not in order to offer an amendment identical with one previously disagreed to."

And, quoting from Deschler's Precedents, volume 9, section 35, "It is not in order to offer an amendment identical to one previously rejected."

And finally, from Procedure in the House, 97th Congress, section 33.1, and again I quote: "It is not in order to offer an amendment identical to one previously rejected. An amendment once rejected cannot be re-offered in identical form."

Mr. Speaker, the pending resolution, House Resolution 226, provides, and I quote: "The modification to the bill printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole."

The so-called modification printed in part 1 of the Rules Committee report on House Resolution 226 proposes to insert at the appropriate place a new section entitled, "Youth Fair Chance Program."

On Thursday, July 22, 1993, the House rejected House Resolution 220, which provided on page 2, beginning at line 10, the following: "The modification to the bill printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole."

And part 1 of the report to accompany that resolution contains an identical modification to that contained in the report on this resolution.

The report on House Resolution 220 proposed to insert at the appropriate place a new section entitled, "Youth Fair Chance Program."

A careful examination of both reports will reveal that the modifications considered to be adopted in both the House and in the Committee of the Whole are identical—word-for-word.

This device of having an amendment considered as adopted upon the adoption of the rule is called a self-executing provision. At what point is the modification considered to be adopted? The rule makes clear that it is considered to be adopted in the House and in the Committee of the Whole, and not the reverse.

We are now in the House, and the adoption of the so-called modification takes place first in the House when we adopted this rule. Then it is considered as adopted in the Committee of the Whole, when the House resolves into Committee. And finally, the language of the rule presumably also extends to the final adoption of the modification when the bill is reported back to the House when it is reported from the Committee of the Whole.

But the Chair can hardly argue that this rule does not first adopt the modification in the House when the rule is adopted, since the order of adoption is quite clear—first in the House, then in the Committee of the Whole.

Mr. Speaker, in further support of this, I would cite the ruling of the Chair of February 24, 1993, on a similar point of order brought against the rule on the unemployment compensation bill.

At page H807, the Chair indicated that, and I quote, "the amendments are not adopted until such time as the rule is adopted." In other words, Mr. Speaker, the amendments are considered as adopted in the House upon adoption of the rule.

By the same token, when House Resolution 220 was rejected by the House last Thursday, the identical amendment to that being offered in this rule, was considered as rejected in the House. And the point of order lies against considering the same amendment once rejected.

I therefore urge the Chair to follow the logic of its previous ruling regarding the effect of the adoption of a rule by the House by upholding my point of order that this amendment has been previously rejected by the rejection of the prior rule on this bill.

The SPEAKER pro tempore (Mr. WISE). Does the gentleman from Missouri [Mr. WHEAT] wish to be heard?

Mr. WHEAT. Mr. Speaker, I ask to be heard on the point of order.

Mr. Speaker, the gentleman from New York [Mr. SOLOMON] makes a point of order that it would be inappropriate to consider legislation identical to that previously rejected by the House, and I have to congratulate the gentleman. He makes a clever argument when he suggests that because H.R. 220, last week in its entirety, included a self-executing provision that would have considered the Youth Fair Chance Act provision adopted had that rule passed. However, Mr. Speaker, that amendment was not, in fact, rejected by this House of Representatives. What failed to pass was H.R. 220 in its entirety, and in fact H.R. 220 included many other provisions besides the Youth Fair Chance Opportunity Act. The legislation that is being considered here today is not identical to the resolution previously reported from the Committee on Rules.

It is, in fact, true that some of the provisions are similar, however, Mr. Speaker, it is important to note that the general debate time, for instance, has been extended from 60 to 90 minutes, and this is a substantially different proposition. Therefore, Mr. Speaker, I would urge you to, in fact, be consistent with previous rulings and to reject this point of order.

The SPEAKER pro tempore. Are there other Members who wish to be heard on the point of order?

Mr. SOLOMON. Mr. Speaker, the gentleman from Missouri [Mr. WHEAT] is a good friend, and we respect him, but what he just said is that the only difference between this resolution before us now, this rule and the previous one, is the fact that they have extended debate by 30 minutes. That is the only difference between these two rules.

Therefore, Mr. Speaker, it stands to reason there is no significant difference. It is the identical amendment, the identical rule, that was before this body before, and the Chair should uphold my point of order.

Mr. WHEAT. Mr. Speaker, one of the major purposes of the Committee on Rules is to award time, of course time that has to be approved by this entire body, and it is, in fact, what we consider to be a significant difference, to differentiate significantly in the amount of time that is to be awarded on the floor of the House of Representatives. So, the addition of 30 additional minutes for debate on what we consider to be a very significant and substantive matter is, in fact, a significant difference from one rule to the next.

Mr. Speaker, this is not an identical rule to what was considered last week.

The SPEAKER pro tempore. Are there other Members wishing to be heard on the point of order propounded by the gentleman from New York [Mr. SOLOMON]?

Mr. WALKER. Mr. Speaker, there is a longstanding parliamentary tradition and practice in the House that one cannot do indirectly that which they were not permitted to do directly. That is precisely what the majority is attempting to do in this particular rule.

In this instance, if they were attempting to do this directly, there is no doubt that the Chair would have to rule that this amendment was not in order, having been previously rejected from the House. The indirect nature of this amendment should not preclude the Chair from ruling that this amendment is not eligible for consideration on the House floor.

The SPEAKER pro tempore (Mr. WISE). Are there any other Members wishing to be heard on this point of order?

If not, the Chair is prepared to rule on the point of order of the gentleman from New York [Mr. SOLOMON].

The resolution under consideration involves more than the self-executing adoption of the modification printed in the accompanying report. The pending resolution waives all points of order against provisions in the bill as modified and provides a different parameter of general debate from that contained in House Resolution 220. Thus House Resolution 226 constitutes a different proposition from House Resolution 220 as a special order of business.

The rule is more than the self-executing provision within it. It is the entire resolution, and the entire resolution, by virtue of having a different parameter of debate, is sufficiently different.

Therefore, the gentleman's point of order is overruled.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, do I understand that the Chair is saying that the language of the rule that states that the modification is, "considered as adopted in the House and in the Committee of the Whole," really means the opposite, that it is first considered adopted in the Committee of the Whole and then in the House?

The SPEAKER pro tempore. The Chair is not commenting on that. The Chair is commenting on the gentleman from New York's point and saying that there is a sufficient difference so that his point of order is not well taken.

Mr. WALKER. A further parliamentary inquiry, Mr. Speaker.

How does the Chair explain the inconsistency of the Chair's ruling with regard to the specific language of the rule?

The SPEAKER pro tempore. The Chair would say that this is a different resolution, with a different time of debate, which is a change of a substantive nature in the resolution before the House.

Mr. WALKER. I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. So, if it is the ruling of the Chair that the amendment or modification is not adopted upon the adoption of this rule in the House, could the Chair please enlighten the House as to what exact point in our proceedings the modification is considered to be adopted?

The SPEAKER pro tempore. The Chair is not ruling on that point, and that is not a point before the Chair at this time. The Chair has already made its ruling based upon the reason that it gave.

Mr. WALKER. Well, I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Is it the ruling of the Chair that the modification is not considered to be adopted until the Committee of the Whole begins to consider the bill for amendment under the 5-minute rule? Could a point of order or germaneness of legislating on the grounds of appropriations grounds be raised against the modification following general debate and just prior to the modification's announced adoption since the rule does not waive points of order against the modification?

The SPEAKER pro tempore. The Chair would point out that all points of order against the bill, as modified, are waived.

Mr. WALKER. Well, the rule does not waive points of order against the modification, so my question is: Before we get to that point, can we, in fact, raise a point of order against the amendment on the grounds of either germaneness or legislating on an appropriations bill?

The SPEAKER pro tempore. The Chair cannot comment on what the ruling might be in the Committee of the Whole. The Chair can only comment on the matter that is before it, and, as the Chair has already stated all points of order against consideration of the bill and against the bill, as modified, are waived.

Mr. WALKER. A further parliamentary inquiry.

Would a point of order lie against the bill before we go into the Committee of the Whole against the modification?

The SPEAKER pro tempore. The Chair would comment on that at that point, if the gentleman chooses to raise that.

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry, if I might.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. The big contention here, of course, is the self-executed, so-called Waters amendment into the rule, and can the Chair inform the membership as to what point a point of order might lie against striking that amendment from the rule?

The SPEAKER pro tempore. The Chair is not aware of any point of order that can be raised. The Chair has already read from the rule stating that all points of order against the bill, as modified, are waived.

Mr. SOLOMON. Well, Mr. Speaker, what we are driving at in the parliamentary inquiries is whether or not, let us say in a motion to recommit we wanted to strike the self-executed provision of the so-called Waters amendment, whether or not a point of order would lie against that kind of recommital.

The SPEAKER pro tempore. If the gentleman would suspend for just a moment, the Chair cannot rule at this point on what may come before the House in the motion to recommit. That would have to be raised at that time.

Mr. SOLOMON. That is certainly confusing to the membership because a lot will depend on whether or not the Waters amendment in the form of a self-executed amendment could be included in a motion to recommit.

□ 1330

The membership is entitled to know whether or not a point of order would lie against that kind of a motion. Perhaps the Parliamentarian could answer the question.

The SPEAKER pro tempore (Mr. WISE). The gentleman's questions are hypothetical and not properly raised at this time.

Does the gentleman from Pennsylvania [Mr. WALKER] have a further parliamentary inquiry?

Mr. WALKER. I do, Mr. Speaker.

The Chair has ruled that what the rules say is opposite from what they mean.

The SPEAKER pro tempore. The gentleman will state his point, please.

Mr. WALKER. My question is, at what point are the rights of the Members to their point of order protected in this process?

The SPEAKER pro tempore. The gentleman may raise a point of order obviously at any time. The question is whether or not it is properly raised at that time. The Chair has already responded to the point of order of the gentleman from New York [Mr. SOLOMON] and has said that the Chair cannot rule at this time on a point of order that he may raise later.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry.

I think the Chair just said a moment ago that he knows of no time that the Members' right is protected to raise a legitimate point of order. So, therefore, I am asking the Chair a specific question: When is the time, or has the Chair specifically ruled that in this case there are no times when the Members can legitimately raise a point of order on this matter?

The SPEAKER pro tempore. The Chair has not so ruled but has pointed out language in the rule that waives all points of order.

Mr. SOLOMON. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York will state it.

Mr. SOLOMON. Mr. Speaker, during the debate on the rule would the Chair be able to answer that question so that the Members are informed?

The SPEAKER pro tempore. The Chair will allow debate to proceed on the rule unless there are other points of order to be raised at this time.

Mr. WALKER. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SOLOMON. Mr. Speaker, throughout the rule, if we raise this as a point of order, will that be regarded as a legitimate point of order?

The SPEAKER pro tempore. The rule states that all points of order against the bill, as modified, are waived. The Chair is not going to rule in advance.

Mr. WALKER. The real question I would say, Mr. Speaker, is, at what point is the modification actually before the House?

The SPEAKER pro tempore. The Chair cannot make hypothetical rulings on points of order not yet raised.

Mr. WALKER. I am not asking for a hypothetical ruling. I am asking for a ruling by the Chair on this: At what point is the modification before the House? It is a parliamentary inquiry with regard to a matter pending before the House. At what point is that modification before the House?

The SPEAKER pro tempore. The Chair will read the language from the rule, stating as follows: "The modification to the bill printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole." That is upon the adoption of the resolution. "The bill, as modified, shall be considered as read. All points of order against the bill, as modified, are waived."

Mr. WALKER. I have another parliamentary inquiry, Mr. Speaker.

Then, based upon what the Chair has said, the matter is before the House at the present time, and so the modification is presently before the House, based upon the language the Chair has just read. Does that mean a point of order with regard to germaneness and legislating on an appropriation bill is presently a point of order that can be raised against the amendment, based upon the Chair's own ruling?

The SPEAKER pro tempore. At this point the Chair would say to the gentleman from Pennsylvania that the point of order cannot be raised against the modification. It can only be raised in the manner that the gentleman from New York has already raised it, and the Chair has ruled on that.

Mr. WALKER. I have a further parliamentary inquiry.

Mr. Speaker, the Chair now needs to go back and answer the question. The Chair quoted me something which indicated the modification is before the

House now. The Chair now says that is not the case.

When is the modification before the House and subject to a point of order?

The SPEAKER pro tempore. The Chair has already stated it cannot rule upon hypothetical points.

Mr. WALKER. This is not a hypothetical point, Mr. Speaker.

The SPEAKER pro tempore. The gentleman should raise that if he thinks he should in another form when the House is in consideration of that.

Mr. WALKER. I have a further parliamentary inquiry, Mr. Speaker.

We are not dealing in hypotheticals. We have a matter which is pending before the House. It is a part of the language before the House, a ruling that the Chair just quoted to me, and I am asking, at what point is that modification that the Chair just quoted to me from the rule before the House for a Member to legitimately raise points of order that are in my opinion legitimately to be brought against the amendment?

The SPEAKER pro tempore. The Chair would read from a ruling on February 24, 1993 by Speaker pro tempore MAZZOLI, stating, and I quote to the gentleman:

> The point of order under this rule does not apply to a special order reported from the Committee on Rules self-executing the adoption in the House to a reported bill of an amendment containing an appropriation, since the amendment is not separately before the House during consideration of a special order.

As the Chair said, that is a ruling of February 24 of this year by then Speaker pro tempore MAZZOLI.

The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 226 provides for the consideration of H.R. 2667, the disaster assistance supplemental appropriations bill.

The rule provides for 90 minutes of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The modification printed in part one of the report accompanying the rule shall be considered as adopted in the House and in the Committee of the Whole.

All points of order against the bill as modified and against its consideration are waived, including rule XXI, clause 2.

The resolution also makes in order the amendment printed in part 2 of the report, debatable for 20 minutes and not subject to amendment. And, finally, one motion to recommit is made in order.

Mr. Speaker, it is extraordinarily sad for me to stand here today because last week we, as a great legislative body, could not agree to the simple premise that tens of thousands, and perhaps hundreds of thousands, of American citizens in the Midwest are desperately in need of our help, and they need it now.

They are in the midst of a 100-year flood, the most devastating wreckage many of us have seen in our lifetimes, and we have not yet been able to accord them the same immediate compassionate response that we did to the victims of Hurricanes Andrew and Hugo, the Loma Prieta earthquake, and the Kurdish refugees.

When I was home in Kansas City last weekend, I was asked, "What in the world is the Congress doing? What makes us worth so much less than all the others who got aid seemingly without question? Isn't this a disaster?"

And Mr. Speaker, I could not answer that question. I literally had no answer why the House could not have approved this emergency aid package. But there is no doubt as to the extent of this disaster.

Mr. Speaker, St. Joseph, MO, has been without tap water for days and probably will not have any till next Saturday.

Currently there are heavy thunderstorms in Nebraska and Iowa, from Mason City to Waterloo. Water shortages exist in Tarkio, Lexington, Waverly, and in dozens more cities.

Levees are failing—at Perryville, MO, and near Quincy, IL, flooding thousands of acres of land. And once again floodwaters are surging in Kansas City, with the river expected to crest at about 11 feet above flood stage.

I talked to my parents just a little while ago, Mr. Speaker, and it is reflected by this headline in USA-Today that Kansas City is the next flood test.

The river is 1 foot from the top of the Kansas City levee and is expected to top it soon.

Mr. Speaker, it is not the people of Kansas City or the people of the Midwest who are facing a test. They have met every challenge. It is this Congress that is facing a test, and so far we have failed it.

The rising waters are threatening homes, businesses, and possibly the water supplies of a number of cities.

Downriver from Kansas City in St. Louis, St. Genevieve, Festus, and other cities, people are still adding several feet of sandbags to levees, trying to hold back an expected 2 more feet of rising river in the next cresting.

Cities in our area are completely under water, cities like Parkville, like Missouri City and Cedar City—highways have been washed away or flooded throughout the stricken States. Railroads are under water and service has been interrupted.

Levasy, Bonner Springs, Des Moines, Quincy, Jefferson City, Riverside, Lemay—I could go on and on, Mr. Speaker, reading a litany of the cities of the Midwest. These are not just cities and names of places, these are people, friends, family, and neighbors who are suffering and desperately need the assistance of this body. And, Mr. Speaker, they need it now.

Mr. Speaker, I reserve the balance of my time.

□ 1340

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I regret that the Rules Committee has chosen to ignore the clear wishes of a House majority by reporting this nearly identical rule to the one rejected by the House last Thursday.

The only difference between this rule and the one rejected is that general debate time will now be 90 minutes instead of 1 hour as the previous rule provided.

But the defeat of the previous rule was not over the issue of how much general debate time there should be. The defeat was over the issue of what additional amendments should be allowed.

And this rule makes no change in the amendment process. It self-executes the same nongermane amendment as the previous rule, and makes in order for a vote just one amendment to be offered by the gentleman from Missouri [Mr. VOLKMER], the same as the previous rule.

What the House was saying in defeating the previous rule was not that it wanted to kill the disaster relief bill. Only a fool would make that kind of an assertion since an overwhelming majority of this House favors providing that relief immediately.

What the House was saying was that we should at least be able to consider one or two additional amendments that were offered in the Rules Committee to provide for financing that disaster relief.

That is not an unreasonable request. We were only asking that at least one of those two major amendments should be considered for just an additional 20 minutes of debate—the same amount of time that is accorded the Volkmer amendment.

By reporting this nearly identical rule, the Rules Committee is ignoring and violating one of the oldest rules of this House found in section 43 of Jefferson's Manual.

That rule states that once a measure has been rejected by the House, "another of the same substance shall not be brought in again the same session."

This rule, in substance, has already been rejected by the House. And yet it is again being brought in the same session instead of a new rule that reflects the wishes of a bipartisan House majority that the amendment process be opened up just a little.

Mr. Speaker, why is the majority leadership so adamant against not even allowing us to consider the Nussle-Penny self-financing amendment, or the Slattery amendment that would also pay for this relief?

The answer, we are told, is that we have always done it another way in the past, and that such an amendment might delay the bill in conference.

The latter argument reveals the real fears of the majority leadership, and that is that such an amendment might pass. If that weren't the concern, then there would be no validity to the argument since the amendment wouldn't make it to conference.

To deny an amendment in the Rules Committee because it is feared it might pass is the height of political arrogance by a few since it defies the wishes of a majority. And majority rule is what our system is supposed to be all about.

At the same time the majority leadership was insisting that a self-financing amendment might delay the conference on this bill, the majority leadership continued to insist on self-executing into the bill another amendment that has nothing to do with Midwest flood relief—a provision that relates to a youth jobs demonstration program that extends the definition of a teenager to age 30 and provides stipends of $100 a week in another part of the country.

Ironically, it was an identical provision that ran into opposition from the other body in the conference on the ministimulus supplemental last month. And yet the majority claims that this is a mere technical amendment that was inadvertently left out of the other bill.

The fact is, Mr. Speaker, that the amendment ran into opposition in the other body on substantive grounds and was intentionally, not inadvertently, watered down. Do we really want to risk further delays in this bill over such a nongermane matter? I seriously doubt it.

Mr. Speaker, I have attempted both last week and this to keep the debate on these rules on a high plane, discussing the procedural problems involved, and the substantive alternatives, without engaging in personalities or motives.

But I must say I resent those on the other side who attempt to depict those who have raised legitimate procedural and substantive concerns as somehow being against aiding flood victims.

That is sheer nonsense, and it detracts from the dignity and integrity of this body and the sincere intentions of its Members.

Let us all admit that there are legitimate arguments on both sides of the issue of whether disaster relief should be paid for or should be allowed to add to the deficit—and that those arguments deserve to be debated on this floor.

Let us admit, as the White House has proudly proclaimed of its own deficit reduction efforts, that change is coming—that the mood of the administration, the Congress, and the American people has become more serious about resolving our deficit problem.

Mr. Speaker, I think my colleagues are aware of my efforts last Thursday and Friday to resolve this issue immediately, either through a more equitable rule, or by bringing the bill to the floor under unanimous consent, which our Republican leader had agreed to.

Both of those efforts were rejected by the leadership on the other side. I think either proposal for consideration could have produced a disaster relief law before the weekend was out.

I will again urge my colleagues to reject this rule because it is no different than the one previously rejected.

I am willing, if this rule is defeated, to renew my call for the unanimous-consent agreement the gentleman from Iowa [Mr. SMITH] was prepared to offer last Friday.

It would not have completely pleased everyone on either side of the issue, since it would simply call for consideration of a clean bill, without extraneous issues, in the House, without amendments except for one motion to recommit.

For those who still feel strongly that the bill should be self-financing, you can either vote against the bill or accept assurances from the leadership that a task force will be formed to address the matter of financing future emergency disaster assistance.

But, as a matter of basic principle over bringing an nearly identical rule to the floor as the one rejected, I would strongly urge a "no" vote on this rule so that we can renew that unanimous consent request for a clean bill.

I reserve the balance of my time.

ROLLCALL VOTES IN THE RULES COMMITTEE ON PROPOSED AMENDMENT TO THE RULE ON H.R. 2667, DISASTER ASSISTANCE SUPPLEMENTAL APPROPRIATIONS, FRIDAY, JULY 23, 1993

1. Open rule. This amendment in the nature of a substitute provides for a ninety-minute, open rule.

Vote (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Hall, Wheat, Gordon. Not voting: Moakley, Frost, Bonior, Slaughter.

2. Grandy (IA). (A) allow prevented planting crop insurance coverage for producers who have purchased federal crop insurance for corn or soybeans; and (B) strike unlimited borrowing authority from the Commodities Credit Corporation.

Vote (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Hall, Wheat, Gordon. Not voting: Moakley, Frost, Bonior, Slaughter.

3. Baker (LA). established tough federal penalties for price gouging in a disaster area.

Vote (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Hall, Wheat, Gordon. Not voting: Moakley, Frost, Bonior, Slaughter.

4. Slattery (KS). to pay for the costs of this bill out of fiscal year 1994 discretionary appropriations.

Vote (Defeated 4–6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Hall, Wheat, Gordon. Not voting: Moakley, Frost, Slaughter.

5. Nussle/Penny to offset the total funding in this bill by rescinding unobligated funds from previously approved legislation.

Vote (Defeated 4–6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Hall, Wheat, Gordon. Not voting: Moakley, Frost, Slaughter.

6. Grams (MN) to provide regulatory relief for depository institutions located in, or adjacent to, federally declared disaster areas.

Vote (Defeated 4–5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Hall, Gordon. Not voting: Moakley, Frost, Wheat, Slaughter.

7. Lazio (NY) to allocate $14 million for flood damage on Fire Island, New York.

Vote (Defeated 4–6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Hall, Wheat, Gordon. Not voting: Moakley, Frost, Slaughter.

8. Bereuter (NE) to make available for the HOME and CDBG programs, supplemental assistance to repair damage resulting from wind. Flooding is already covered.

Vote (Defeated 4–6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Hall, Wheat, Gordon. Not voting: Moakley, Frost, Slaughter.

9. Motion to strike the Waters amendment dealing with the Youth Fair Chance Program.

Vote (Defeated 4–6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Hall, Wheat, Gordon. Not voting: Moakley, Frost, Slaughter.

10. Motion to allow separate vote on Waters' amendment.

Vote (Defeated 4–6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Beilenson, Bonior, Hall, Wheat, Gordon. Not voting: Moakley, Frost, Slaughter.

11. Adoption of Rule (Adopted 6–3): Yeas—Derrick, Beilenson, Bonior, Hall, Wheat, Gordon; Nays—Solomon, Dreier, Goss. Not voting: Moakley, Frost, Slaughter, Quillen.

[*Note:* The individual amendments would be printed in the Rules Committee report, would not be subject to amendment, would be debatable for 20-minutes each, and appropriate points of order would be waived.]

OPEN VERSUS RESTRICTIVE RULES: 95TH–103D CONGRESSES

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	29	8	28	21	72

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Source: "Rules Committee Calendars & Surveys of Activities", 95th-102d Cong. "Notices of Action Taken," Committee on Rules, 103d Cong., through July 23, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONGRESS

Rule number, dated reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58 Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59 Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103 Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106 Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119 Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132 Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. Mar. 18, 1993).
H. Res. 133 Mar. 17, 1993	MC	H. Con. Res. 64: Budget Resolution	14 (D–2; R–12)	9 (D–4; R–5)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138 Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147 Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1: R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164 May 4, 1993	O	H.R. 820: National Competitiveness Act	NA	NA	A: Voice vote: (May 5, 1993).
H. Res. 171 May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172 May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0. (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States Forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice vote. (May 20, 1993).
H. Res. 183 May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186 May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194. (May 27, 1993).
H. Res. 192 June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193 June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice vote. (June 14, 1993).
H. Res. 195 June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; 4–3)	2 (D–1; R–1)	A: 244–176. (June 15, 1993).
H. Res. 197 June 15, 1993	MO	H.R. 2333: State Department; H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199 June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice vote. (June 22, 1993).
H. Res. 200 June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201 June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice vote. (June 17, 1993).
H. Res. 203 June 22, 1993	MO	H.R. 2445: Energy and water appropriations	NA	NA	A: Voice vote. (June 23, 1993).
H. Res. 206 June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	
H. Res. 217 June 23, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218 July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220 July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226 July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0).	

Note.—Code: C–Closed; MC–Modified closed; MO–Modified open; O–Open; D–Democrat; R–Republican; PQ: Previous question; A–Adopted; F–Failed.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, obviously, the gentleman from New York [Mr. SOLOMON] and I and many other Members have very strong feelings about not only this legislation, but about the rule that will allow us to proceed to consideration of the flood disaster relief bill.

Mr. Speaker, the gentleman from New York and I have discussed these procedural differences over a period of a number of days now, and I do want to commend the gentleman for being willing to maintain an argument that gets above personalities and above mischaracterizations of the motives of other Members.

Mr. Speaker, I will in fact admit to the gentleman from New York [Mr. SOLOMON] that there is a legitimate difference of agreement as to the procedure that ought to be followed. But I think one thing that is very clear to the Members here and to the people who are watching is that if this rule is passed, we will then be able to immediately proceed to the consideration of the flood disaster relief bill.

Mr. Speaker, I do not think the people in Kansas City, St. Louis, Genevieve, and elsewhere understand or care two bits worth about the procedural differences in the Congress. Let us understand at this point that the most important thing we can do is provide aid to the people that desperately need it, and the way in which we can proceed to do this is to pass this rule.

Now, there does seem to be a substantive question that has been raised about the youth fairness program, and I want to take this opportunity to clear up any misunderstandings or misinterpretations there may be about this program. No funds, I repeat, no funds from this appropriations bill will go to that program. Funds for the program were appropriated earlier this year when the entire House of Representatives by a vote on this floor passed this program.

It is not a Los Angeles-wide program. It is a nationwide program, a competitive grants program for both rural and urban communities. It is modeled after a successful program initiated by former Secretary of Labor Elizabeth Dole designed for hard to reach individuals, perhaps older than the gentleman from New York [Mr. SOLOMON] would like to apply this program to, but still a laudable goal, to reach unskilled dropouts, or at least it seems so to me.

□ 1350

As has been mentioned before, the Youth Fair Chance Program has been approved by the House several times. The majority whip has explained that this problem came out of the conference, that they had been led to believe that, in fact, this language had been included in the previous supplemental. And whether by design or by mistake, and we prefer to believe that this mistake was unintentional, this is needed to correct the deficiency.

Opponents of the substance of this provision will have the opportunity to vote against it. The motion to recommit can strike this provision.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WHEAT. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just say to the gentleman from Missouri [Mr. WHEAT], there seems to be some contention about whether or not the minority would have the right to have, as their motion to recommit, the striking of the self-executed provision which is the so-called Waters amendment. I was trying to propound that parliamentary inquiry to the Speaker, and he said he could not give me an answer on a hypothetical inquiry.

Mr. WHEAT. Mr. Speaker, reclaiming my time, let me suggest to the gentleman, I listened very carefully to the discussion that he was having with the Speaker. Let me suggest to the gentleman a way by which he can accomplish what he wants to accomplish, at least in terms of having a vote on this floor for the matter.

In order to recommit this bill to the committee, without the so-called Waters language, the instructions should also include a modification to the bill of some other kind, however slight, that would exceed the scope of the Waters amendment. In that way, the gentleman could, in fact, have a vote on the Waters amendment that he is, in fact, looking for.

And while I would not encourage Members to vote for the gentleman's motion to recommit, it would give us the opportunity to settle the question strictly on the amendment to which the gentleman objects.

Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, we sometimes like to say that there are two things that we should not watch being made: legislation and sausage. Unfortunately, on this occasion, I do hope people are watching. I hope people are watching all over America, because it gives them a good opportunity to see where the real gridlock lies.

I am rising today in support of this rule, because I do think we need to pass emergency disaster relief aid and we need to pass it now.

Let me tell Members, the people do not care about perks, and they do not care where we park. They care about action, and they care about results. And they want to know, can we deliver the goods when people need it. And they need it now.

The issue here is not whether we ought to be fiscally responsible and whether we ought to pay for our debts. That is not the issue at all.

The fact of the matter is, historically, in cases of emergency relief, we have not dealt with the budget question. We have dealt with the emergency.

In the case of Hurricane Andrew, in the case of Hurricane Iniki, in the case of Typhoon Omar, in the case of SBA relief, we have always said, put the emergency first and then deal with the budget discussions.

The folks on the other side want to change the rules of the game. I submit, Mr. Speaker, that if we asked the American in the Midwest that is paddling toward his living room or watching his business go down the drain whether he wants us to sit here today and have a budget discussion or a parliamentary discussion or whether he wants us to pass disaster aid, I submit he would say, "I want disaster aid."

Mr. Speaker, I believe in fiscal responsibility. I believe in paying our bills.

We have an opportunity to do that at a later date, but the issue is whether we respond today to the legitimate needs of people who are suffering in the Midwest.

I strongly urge all of my colleagues to support this rule so we can show the American people that, in fact, this is not a Congress of gridlock. This is a Congress of action.

Mr. SOLOMON. Mr. Speaker, we keep hearing a lot about gridlock and President Clinton, and now this gentleman in the well says that we Republicans are blocking something from passing. We only have 176 Members. They have 259. That is an 83-vote majority. If they cannot pass their bill, something must be wrong with their bill. That is why so many Democrats are voting with us.

Mr. Speaker, I yield 3 minutes and 30 seconds to the minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Let me say first, Mr. Speaker, that I want to pass emergency aid to the Midwest flood victims today. I wanted to pass emergency aid last Thursday or last Friday.

I called the Democratic majority leader 8 days ago and offered to help pass emergency aid to flood victims.

We could have gotten a unanimous 100-percent Republican vote for the rule with just two changes. There was a bipartisan majority, Democrats and Republicans, who last Thursday rejected this rule, bipartisan, Democrats and Republicans.

They voted against this rule, because they wanted to force a vote on paying for the relief. That is, our generation, not our grandchildren, should pay for it, and to give credit where it is due on a bipartisan basis.

The gentleman from Minnesota [Mr. PENNY] and the gentleman from Iowa [Mr. NUSSLE] had found the $3 billion in offsets to pay for it. They had done the work.

And second, there was a real desire to force a vote on the so-called Waters amendment.

I would just say to my good friend from Kansas City, if we look at page 2 of their bill, line 12, "the modification to the bill printed in part 1 of the report of the Committee on Rules," I think he would have to concede there is nothing in this provision which helps the flood victims. There is nothing in this provision which relates to the Missouri or the Mississippi.

In fact, the Waters amendment is being floated on the flood waters of the Midwest. Why? Because in a free-standing up or down vote, it would not survive the debate. It could not get 218 votes or at least, I assume, that is what the Democratic leadership believes. Because it will not allow it to come to a free debate, a free vote, to have a chance to see whether or not on its own merit it would survive.

Members say, "Oh, that is parliamentary wrangling. That is just the legislative process as usual." Well, I agree with that.

I thought the vote of 1992 said, no more deficit as usual, no more Congress as usual, no more messing around as usual. Get serious about saving our grandchildren from the debt. Get serious about saving our children from the deficit and be honest with the American people about what you are doing.

If any of my colleagues can stand with a straight face and explain to me that in Kansas City or Des Moines, in St. Louis, in Dubuque, in any part of the floodwaters that they are in any way going to be helped by this provision, that it is a significant part of any emergency relief, I would reconsider.

But the truth is, they cannot say that. They know why it was put in there. It was put in there for a California reason.

There are no floods in southern California this week. It has nothing to do with flood relief, and I think that it is a disgrace to the congressional process that we are hiding this down here.

Let me also say, if this rule goes down, and I hope it will, then on our side of the aisle, we are committed to working with the Democratic leadership today to bring up a good rule today. We will help pass it today. We will give it the solid Republican support today.

We want to help the people of the Midwest, but we do not want to help the people of the Midwest at their expense so the real help goes to the politicians of California. I think that is wrong.

Mr. WHEAT Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Georgia has raised a number of questions. I hope he will listen to the answers.

On one hand, those from the other side of the aisle complain that we are doing something significant and substantive with the Waters amendment. and in fact, we are, because we are including legislative language to allow this provision to be implemented. But the gentleman knows that there is no money in this bill for the Youth Fair Chance Program.

Not a dime of this bill is going to anyone except the flood disaster victims. The gentleman then suggests that this provision could not stand a vote on the floor, when the gentleman knows full well that this provision has already been voted on on the floor of the House of Representatives and has passed this body by a vote of 251 to 176. The House has time and time again affirmed its support for this provision and for this program.

The language that is included here, while not including any funds, merely allows this program to be implemented, after it was left out of a previous supplemental bill.

□ 1400

Mr. Speaker, I yield 3½ minutes to the gentlewoman from California [Ms. WATERS], who will discuss this national program.

Ms. WATERS. Mr. Speaker, I am pleased and proud to be part of this debate. I want the American people to pay close attention. I want the American people to understand who initiates good law, who maintains good law, and who is standing in the way, blocking the door for relief for flood victims.

We have people who need our help: Americans, working men and women who through no fault of their own find themselves in great distress. They are under water. Their lands are flooded. Their houses are flooded. We have people who would take this flood and would try to explain to the American people that somehow, some technical language caused by the lady from California is keeping them from voting relief for victims who need it.

These are the same people who have voted disaster relief whenever it has been needed since they have been elected. They did not stop when their States or when their communities were in trouble. They did not stop when any communities were in trouble across this country in the past. All of a sudden, while this great disaster is upon us, they have decided that they simply cannot help these victims because there is some technical amendment caused by the lady from California.

Let me just say this and explain to the American people, they started out wrong. They started out to use this issue as a deficit reduction situation. They wanted us to cut a lot of other programs in order to pay for it in ways that they have never done before. The people back home said, "Cut it out. It does not make good sense. We do not like what you are doing. Send us the money. We need help."

Because they got caught playing political games, they then turned toward the lady from California, because they thought they could divide and polarize this country and make people believe that the lady from California was doing something special for somebody in Los Angeles. The fact of the matter is, the technical correction that is in this bill, that is done time in and time out, the way we do business here, is a technical correction that helps everybody. Every community in this country benefits from my technical correction.

This is not a program that redefines who is a teenager. This is a program that says to the rural community, to the inner cities, to the farm communities, If you have some hardcore teenagers out there between the ages of 17 and 30 who may have dropped out of school, that are causing trouble, that need to be mainstreamed, that you can get them some help, get them enrolled in vocational education, give them a little support so they can have lunch money, give them a little support so they can get their clothes clean.

We passed that already. There is no money in this bill. That was funded already. There is no money in this bill, only technical language that triggers it and allows it to happen.

You cannot fool the people on this one. You are either for the flood victims or you are against them. If you are for them, you are going to vote for this rule. If you want to hold it up and you want to go home another weekend and explain to them that you did not care enough about them, to get past this nonsense, then you try it, because the American people will not stand for it.

In closing, let me just say to my colleagues, we on this side of the aisle are for the flood victims. We are going to vote for the rule. We are going to vote to make sure that we get to the debate, so we can say to the American people and to those people in the Midwest, those people under water, "We are with you. We, too, are Americans who want to see you have your fair share."

Those who do not want to do it, they have the opportunity to vote it up or down.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the gentlewoman's amendment were simply technical, the Senate would not have rejected the amendment. The Senate did reject the amendment. If it is included in this disaster relief bill, the Senate will refuse to act on the bill and there will be no disaster aid.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. PORTER], a member of the committee.

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this rule is outrageous and it is cynical in the extreme. It is almost exactly the same rule that was defeated last week. It means that the Committee on Rules did not accommodate the majority and their objections to that rule; it rather twisted some arms. It will be interesting to see who changes their votes.

The gentlewoman from California [Ms. WATERS] represents that this is some kind of technical amendment. Let me assure the House that this is simply not so. This is a provision that was included in the last supplemental by using a self-executing rule. It was then sent to the conference, and the conferees specifically decided this should not be part of the final conference report. It was specifically and thoughtfully rejected, rejected by the conferees.

Let me say also I object to the rule because there are no offsets. There is no recognition how this is going to be paid for. The rule, in fact, prevents an amendment to pay for disaster assistance. Why? Why can we not have offsetting spending reductions, Mr. Speaker? Why can we not have Penny-Nussle be in order?

In fact, I would think most Americans would agree that if we are to help others in an emergency, we ought also to pay for it. We might, for example, raise the gasoline tax by 3 cents for a year. It is a disaster that affects the entire country. Why do we not make a connection between the benefits given and the costs and the method of paying for them?

It is not really a question, Mr. Speaker, of whether to pay for disaster relief. We all agree it is a high priority. It is a necessity. The question really, Mr. Speaker, is when. We can pay for it today and cost ourselves $3 billion, or we can add it to the deficit and finance it. If we finance it over a 10-year period, the cost will be $5 billion to $8 billion. If we finance it over a 30-year period, the cost will be $13 billion to $52 billion.

The Members on the other side say it is outrageous that we are debating whether to pay for disaster assistance; this is an emergency, money should be no object.

However, no matter how we vote today, the American people will eventually have to pay for it. The question is, is it $3 billion today or $52 billion tomorrow. It seems to me responsibility ought to lead us to address that question and pay the $3 billion now.

The Committee on Rules, very frankly, Mr. Speaker, does not get it. They have held up a relief bill with unrelated provisions that have no business in this bill whatsoever. They have refused to consider the lowest cost option and paying as you go, paying now.

I urge the Members to reject this thoughtless, outrageous, cynical rule and give the Committee on Rules the further chance to get it right. It can be done today. Get relief for those who need it now, and let us get on with doing this responsibly.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, when the House voted to defeat the first rule for flood relief, it took the Democrat leadership by some surprise. In a House they have controlled with an iron hand for four decades, the Democrats do not have much experience with losing votes. So last week's 216-to-205 vote caused quite a stir—a stir many of us hoped would lead immediately to a better rule.

Unfortunately, but not surprisingly, those hopes have not materialized. Instead of changing the rule, the Democrat leadership is changing the vote. Instead of prompt relief for the victims, they get smoke and mirrors. Instead of receiving the message from the membership that it is a bad rule, the Democrat leadership apparently resorted to strong-arming Members and letting pressure build over the weekend to change enough votes to get their their way and their bad rule.

As a result, today we have essentially the same rule we defeated last week—minus any fiscal responsibility and still inexplicably wedded to a totally unrelated provision to pay $100 stipends for 30-year-old teenagers in Los Angeles. No brave new change here—same old business as usual.

The Democrat leadership has held on like a dog with a bone to this extraneous provision—even at the risk of delaying relief to the flood victims in the Midwest. It is no wonder some Members and the media are openly speculating about what dealmaking is going on behind the scenes of the Democrat leadership.

Mr. Speaker, a bipartisan trio representing flood victims nonetheless recognized that our Government is deeply in debt and that we have got to face the costs of flood relief in the context of our already debilitating national debt payments.

These Members asked and answered the question of how to pay for this flood relief bill—either from this year's budget or next—to avoid heaping additional debt onto our children and grandchildren. Twice they pleaded with the Democrat majority on the Rules Committee to allow the full House to debate their ideas and twice they were turned down.

I think it is fair to graphically compare the 1993 flood in the Mississippi River Valley to the Federal debt—both are swallowing up our livelihood. The vote on this rule cannot stop the flood, but it can reduce the national debt. Yet one of my colleagues on the Rules Committee went so far in avoiding specifics of how to pay for this $3 billion bill that he told Messrs. PENNY, SLATTERY, and NUSSLE to "Just go away and let us help you."

It is a quote almost as memorable as "Hello, I'm from the Government and I'm here to help you." We all have compassion for the flood victims—and we will help them. Helping people who have been hit by a natural disaster is one of our Government's greatest obligations.

But years of ignoring the costs of our actions, emergency and pseudoemergency, have sapped our resources. Administration spokesman Leon Panetta has stated that we cannot really afford to fully help these flood victims and that probably applies to other victims of other natural disasters yet to come—unless we change our patterns of spending more money than we have.

I am willing to cut spending in other Government accounts to ensure that we can help the flood victims. I know many of my colleagues feel the same way—and we should at least be allowed to have that debate on the House floor.

Vote "no" on this rule and maybe then the Democrat leadership will get the message. The flood victims will also get relief because we can be back here today with a rule that will work.

The SPEAKER pro tempore (Mr. WISE). The Chair would announce that the gentleman from Missouri [Mr. WHEAT] has 14½ minutes remaining and the gentleman from New York [Mr. SOLOMON] has 15½ minutes remaining.

Mr. WHEAT. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I do not wish to get into the argument about the amendment of the gentlewoman from California because I think it is a smokescreen. Let me just point out a couple of things.

Back here we had probably one of the best debates that ever took place on this floor when we were debating the Persian Gulf initiative. We did not say, "How are we going to have the offsets to pay for the Persian Gulf initiative?" Some of us voted against the Persian Gulf initiative. There are people that would tell the Members that we have recouped most of the money, the money we expended from the Persian Gulf. That is not true.

When President Bush went down to Florida, when they had the terrible hurricane there, they changed the formula on the hurricane relief from what we had on Hugo in North Carolina and South Carolina. We changed the formula from the States to the people that were getting the relief there, changed the formula.

We did not come in here and say, "How are you going to pay for this?" or "When are you going to pay for this?"

When we went to Somalia and we saw these pitiful individuals starving to death, we did not, in this well, say "We are going to have some offsets to pay for this relief in Somalia." When President Bush asked for it, we did it.

These people I saw on television this weekend, these children out filling these sandbags, it just rends your heart when you see these children trying to save their homes and help their communities. We are standing here in the well using a smokescreen about the amendment from the gentlewoman from California, where there is no money, and we are standing here and saying, "How are we going to pay for it in the future?"

We did not ask how we were going to pay for the Persian Gulf initiative. We did not ask how we were going to pay for the Somalia initiative. We said to the Egyptians, "We are going to forgive the $7 billion that you owe us." We did not say, "How are we going to offset that?" We thought there was a need and we addressed the need.

People in the Midwest are hurting. They are hurting, and they are hurting very badly. It makes little difference to them where we are going to have these offsets.

I want to mention one more thing. There are 44 people in this House, and some of them are Democrats, there are 44 people in this House that said, "We are not for anything." They did not vote for the Kasich budget.

□ 1410

They did not vote for the Republican budget. They did not vote for the Democratic budget. They did not vote for anything. They do not stand for anything.

So to these 44 I would say you do not have a stake in this argument because you do not stand for anything.

To me the people in the Midwest are hurting, and they are hurting bad. And they are our friends, they are citizens of this country, and we owe it to them to come to their aid in this dire circumstance. And it is hypocritical for us to throw up smoke screens and not do it.

I urge Members to vote for this rule.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER], our deputy minority whip.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I would simply say to the gentleman from North Carolina who just spoke, some of us did insist that those things be paid for, and in fact, the Persian Gulf war was paid for. So I am not certain just exactly what the hypocrisy is that he is talking about.

Mr. HEFNER. Will the gentleman yield?

Mr. WALKER. No, I do not yield. I did not ask the gentleman to yield.

I wanted to talk about the amendment.

The fact is the Waters amendment was discussed on the floor the last time we had this out. I know because I discussed it. The idea that the gentleman would suggest that there is hypocrisy, or there is a smokescreen here, this is something we have focused on from the outset. We have said this is an idea that ought not be included in a flood relief bill.

The fact is that this amendment is driving this process. The gentleman from North Carolina, who serves on the Appropriations Committee, knows you can bring that appropriation bill to the floor without the rule. There is no need for the rule. It can come to the floor without a rule immediately. There is no need for this rule.

The only reason why the rule exists is for one purpose and one purpose alone. That is to pass into law the provision that gives a $100 a week stipend to 30-year-old teenagers to keep themselves well groomed. That is the only reason why the rule is being passed. It has nothing to do with flood relief. There is no flood relief provision that cannot be brought to the floor directly and without a rule.

So, we are dealing with a matter here that is extraneous, that is unneeded, and is completely superfluous. And I am surprised to hear Democrats get up and say time and time again that that is what they are for. They are for taking that flood relief bill and making it into a Christmas tree with this particular amendment on it that does nothing for flood victims and does only things for people in Los Angeles. I have a hard time understanding that, and it seems to me that the American people are going to have a hard time understanding it.

I found a number of my constituents this weekend who want to do everything they can to help the people across this country who are in a desperate situation to find the aid that they do need. But they do not want to do it if we are going to Christmas tree it with things like the Waters amendment.

So I would suggest to the House the way to make certain that we do not have the Waters amendment in this bill is to turn down this rule.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Speaker, there is a very well-known poem, "Water, water everywhere and not a drop to drink." In my district in Missouri that is not a poem, it is a true story.

I have literally over 100,000 people with no water to drink. I have people without electricity. I have people whose homes are flooded to the roof. This is not a flood that has come up quickly and will recede quickly, but it is one that has come up slowly and is staying there, and it is raining in northwest Missouri today.

There is another well-known phrase, "Never change horses in the middle of the stream." As a freshman Member of Congress, that is what I hear Members talking about. You had the opportunity after all the natural disasters you have faced over these years, whether it was Hugo, or Andrew, or I could go on and on, to introduce legislation to offset catastrophes, but you have not done it. Why in the world are Members wanting to do it right now in the midst of this catastrophe?

Please let us pass this rule. Then let us address what is very truly an issue that we should address, which is pay for these catastrophes. But let us do it ahead of time, because we know that there will be future earthquakes in California, there will be hurricanes in Florida, there will be floods other places, there will be fires, there will be many natural disasters we need to pay for.

But let us do it at the appropriate time. That time is not now.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Minnesota [Mr. PENNY], who has an amendment that we all would like to support.

Mr. FINGERHUT. Mr. Speaker, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Ohio.

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman for yielding. I wanted to say to the gentleman, because there have been so many mischaracterizations of Members' motives in this House in the press that I wanted to say that this Member voted against the rule last time and is going to do so today because we want to see an amendment offered by the gentleman from Minnesota [Mr. PENNY], and we congratulate him on it, and we urge Members to bring it to the floor for a vote.

Mr. PENNY. Mr. Speaker, a "no" vote on the rule today is not a vote against disaster aid. Most Democrats and Republicans alike support assistance to the residents of the flood-ravaged Midwest, and most will vote for this aid on final passage.

The dispute is not about providing aid, but rather about paying for it. A "no" vote on the rule today will not delay disaster payments. It is important to stress that disaster aid money is already in the pipeline. This aid package simply makes available additional funds for FEMA, SBA, and other agencies, funds that will soon be required. There is no doubt that these additional amounts will be appropriated in plenty of time to keep aid flowing.

President Clinton said yesterday, "Let's vote. I don't have to win them all, but let's make decisions." The President is correct. We should vote and move on.

The dispute is caused by those who want to deny a vote on an amendment to honestly finance this aid package. We were sent here to cast votes and to make decisions. The rule before us today is designed to deny a vote and to avoid a decision.

That is not leadership. That is politics as usual. The American taxpayers deserve better.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, thousands of my neighbors in the heartland are suffering, and we need to respond. We need to respond today, and we need to respond decisively. And this Member wants to do that.

Today we have the opportunity to respond in a compassionate way but also in a fiscally responsible way. All this Member is suggesting is that we have an opportunity to vote up or down on a simple amendment, and that is to cut the discretionary budget next year across the board by 1 percent to pay for the first $3 billion package of disaster assistance requested. That is all this Member is requesting.

Beyond that, I think it is important for us to address this question of the Youth Fair Chance Program. No one in this body, I hope, will vote against this rule because of the language involving the Youth Fair Chance Program. I support the Youth Fair Chance Program. I support the language that the gentlewoman from California is urging us to include in this measure. Not one dime will be diverted from disaster assistance to the Youth Fair Chance Program.

So let us eliminate that smoke screen. Let us move quickly today. Let us not let the sun set on this proposition until we have passed it out of this House, and until this body has had the opportunity to vote on one simple amendment, and that is to cut by 1 percent discretionary spending next year across the board to pay for the first $3 billion.

I know in the past we have not done this. And I, frankly, in the past voted for things that I wish I would not have voted for on an emergency basis. But the people last fall said one thing: We want change. We want you to do things differently.

So if we did it wrong with the Kurds, if we did it wrong with the Persian Gulf, if we did it wrong with Hurricane Hugo or the earthquake or the droughts in the past, let us change the way we are doing business. Let us stop right now what we have been doing in the past, and let us vote on one amendment to pay for this $3 billion in disaster assistance. We can do it today. We can pass this measure out of the House, and we can respond to the victims of this terrible disaster in a compassionate and fiscally responsible manner.

Mr. SOLOMON. Mr. Speaker, let the record show that the last three speakers were all Democrats joining we Republicans in a bipartisan effort to try and pay for this disaster aid.

Mr. Speaker, I yield 1 minute to my good friend, the distinguished gentleman from California [Mr. DREIER], a member of the Committee on Rules.

□ 1420

Mr. DREIER. I thank my friend from Glens Falls for yielding to me.

Mr. Speaker, as has been pointed out by my colleagues on the other side of the aisle, this really comes down to one very simple and basic question: What is a bigger national priority, helping victims of a massive natural disaster or fully funding every single program in our discretionary budget?

It seem to me you have a very simple choice here. We should move in the direction of the Penny-Nussle amendment. Why? My State has benefited from aid here when we have suffered from devastating earthquakes in the past, and I hope we will be able to rely on this Congress again when we face them in the future.

But the fact of the matter is we cannot continue moving down that route without dealing with the deficit crisis that exists right here.

People in the Midwest want us to do both things. Like my friend from Kansas City, my parents are there, I talked to them, and they said, "David, get this aid package through, but don't do it by continuing to add to the Federal deficit."

I want to say this is a red-herring we have heard from our friend, the gentleman from Illinois [Mr. DURBIN], on the Kurdish question which Mr. SLATTERY just raised. He claimed that those of us who voted to finance aid to Kurdish refugees were in fact adding to the deficit. It was not. That humanitarian aid was funded from the interest earned on the Desert Storm cooperation account, funded by our allies. It did not add to the deficit.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman form Michigan [Mr. BONIOR], the majority whip.

Mr. BONIOR. I thank the gentleman for yielding time.

Mr. Speaker, throughout the Midwest swollen rivers are closing in, ravaging homes and farms. The rains keep coming.

Yet, the Republicans in the House continue to stall.

They voted for emergency relief for the Kurds, for the people of Bangladesh, for every other disaster that has come along.

Now when the people of eight flood-stricken States need their help, where are they?

Refusing to vote for this rule because we declare the raging rivers of the Midwest an emergency. If this isn't an emergency, if this isn't a disaster, what is?

Just ask the people of Missouri, the people of Illinois, the people of Iowa, is this an emergency?

My colleagues on the other side of the aisle have mentioned the Waters amendment.

Let me speak clearly to this issue. The Waters amendment is simply a technical correction to allow the implementation of a job training program that has already been approved by the House.

There is no money in this bill for this job training program, just simple authorizing language that we were told was in the last supplemental, that the vast majority of this House believed was already in law.

Every dime in this bill will go to flood victims.

This job training program is not limited to Los Angeles; any region of the country can qualify for this program.

I am outraged at some of the charges I have heard levied against this rule. If you don't like the job training language, you will have a chance to vote against it later.

But do not give us this weak excuse.

The flooded areas of this country need our help now; this is an emergency.

Throughout the towns of the Midwest we have seen acts of heroism, of cooperation, people working hand in hand to fight this raging natural disaster.

It is time for the Members of this House to join in, to help alleviate the pain and suffering afflicting our fellow constituents.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. I thank the gentleman for yielding this time to me.

Mr. Speaker, I will support H.R. 2667, and I hope that on final passage, we will have an unanimous vote in favor of providing this disaster assistance. But, I will vote "no" once again, on the rule before us now.

Last week, the House defeated a nearly identical rule, which was before us because we wanted the chance to at least consider a few amendments on reordering our spending priorities, in light of Mother Nature's decision to make weather history in the Midwest. And a great many of us did not think it was appropriate to force this House to greatly expand a program in Los Angeles, on the backs of the flood and weather victims hundreds of miles away.

In the short time since, the only things that have changed are that the flood waters are still rising and we have probably lost more points on the public approval meter.

Mr. Speaker, it is true, as the gentleman from Illinois stated, that we have recently declared a bookkeeping emergency for Hurricane Andrew, for the L.A. riots, for the flooding in Chicago, and even for certain relief efforts overseas. But that bookkeeping change did not wipe out the spending. We still spent the money, and we still added in real terms, to the deficit.

Nebraska has joined those States where it just will not stop raining. We have had hundred-mile-an-hour winds that flattened homes, businesses, crops, and power facilities. Roads and bridges are under water, or on their way to St. Louis. I guess 7 years of praying for rain has finally added up.

But I believe the Midwest is experiencing enough misery, without the added frustration of having their elected representatives once again refuse to even try to get things right back here. It is often said that, "if it's not one thing it's another—today it seems to be both.

We will get emergency aid out to the disaster victims in the Midwest. It is an immediate and real priority. So why can't we at least have the opportunity to shift it to where it is needed now, and needed so very desperately.

Mr. Speaker, I urge a vote against the rule and for a chance to show Americans that we really do care—that we care deeply about their current dire situation.

Mr. WHEAT. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, cutting 1 percent in the discretionary programs in this budget function does not sound like any big deal. But with 2 months left in the fiscal year, this is what it means: It is a big deal, it would take $115 million from the FBI. That means that you would have every FBI employee furloughed for 16 days. It would take $29 million from the U.S. attorney's office, resulting in a furlough of 9 days for U.S. attorneys, including those investigating the House post office scandal. It would take $9 million from the U.S. Marshals Service.

Mr. Speaker, this is a big deal, and it is not something that this budget can tolerate.

GENERAL REASON TO OPPOSE NUSSLE AMENDMENT

Federal employees are being singled out as the only taxpayers required to offset the cost of this supplemental.

For example, the Nussle amendment would result in a 16-day furlough of all FBI employees.

Is it fair to offset the cost of the flood by taking away the pay of our dedicated and hardworking Federal employees.

Why should the families of Federal employees be the only families who suffer from pay cuts to pay for this supplemental.

Simple fairness requires that all taxpayers and not just Federal employees bear the cost of this supplemental.

IMPACT OF NUSSLE AMENDMENT ON LAW ENFORCEMENT

The Nussle amendment would rescind an estimated $115 million from amounts previously appropriated to the FBI.

With only 2 months left in fiscal year 1993, a reduction of this magnitude would require a furlough of all FBI personnel for 16 days.

This cut would require FBI agents investigating the bombing of the World Trade Center to take an unpaid, 3-week vacation right in the middle of that investigation.

The Nussle amendment rescinds an estimated $28.9 million from amounts previously appropriated to the U.S. attorneys, resulting in a furlough of all U.S. attorney personnel for 9 days.

U.S. attorneys across the country would have to suspend the prosecution of numerous criminal trials with the real possibility of criminals being released due to violations of the Speedy Trial Act.

The U.S. attorney for the District of Columbia would have to delay the investigation and prosecution involving the House post office. If you are in favor of delaying this investigation, vote for this amendment.

The Nussle amendment rescinds $9 million from the U.S. marshals.

The resulting 12 days of furloughs would suspend the marshals efforts to apprehend fugitive felons and delay court hearings.

The Nussle amendment would rescind an estimated $72.4 million from amounts previously appropriated to construct new prisons.

This is not a paper cut. The Justice Department estimates that this rescission will eliminate at least 2 major prison facilities.

The loss of two or more prisons may create unacceptable overcrowding in the prisons resulting in the early release of convicted felons or the release of illegal aliens from detention.

The Nussle amendment would rescind an estimated $1.3 million from amounts previously appropriated for the U.S. trustees.

If you are in favor of furloughing trustees for over a week, and further delaying the backlog of bankruptcy cases, vote for this amendment.

The Nussle amendment would rescind an estimated $13.3 million from amounts previously appropriated for the various litigating divisions of the Justice Department, resulting in 12 days of furloughs.

If you are in favor of furloughing attorneys involved in critical prosecutions of major organized crime, vote for this amendment.

If you are in favor of furloughing attorneys involved in the enforcement of our environmental laws, vote for this amendment.

Justice delayed is justice denied.

Oppose the Nussle amendment.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I rise in strong opposition to this rule, but in support of the disaster aid.

Mr. Speaker, I rise in strong support of flood relief. I am fully committed to providing relief to the victims of the flood in the midwest, and in my home State of Illinois. I have visited flood-ravaged areas in Illinois, and this is a matter that requires the immediate attention of Congress. Unfortunately the Democrats in Congress have severely distorted the position of Republicans on this issue.

Most Americans don't realize that each bill considered by the House comes with a set of rules detailing the manner in which the bill will be considered and what amendments may be offered. Last Friday, a majority of the Members in the House—171 Republicans and 45 Democrats—voted against the rule on the flood relief bill because it denied Members an opportunity to vote on an amendment which would pay for the relief instead of adding the cost to the deficit. In this time of serious budgetary problems, we felt that an amendment to pay the bill for flood relief should at least be allowed to be voted on.

The Democratic leadership in the House refused to follow the desire of the majority in the House and allow a vote on that amendment. It would have taken only 15 minutes to complete this additional vote. Instead of resolving this dispute, the Democrats voted to go home for the weekend and play politics. They delayed the flood relief bill intentionally so they could try to embarrass Republicans in their districts over the weekend.

If a vote on the amendment to pay for the relief is defeated, I will vote for flood relief and I know almost all of my colleagues will too. All I want is the chance to vote to pay the bill.

On a side note, I am also upset that the House leadership used this vote on flood relief as a chance to pass a project of one of their party members entirely unrelated to flood relief. When it became clear Congress would need to appropriate money, we were told the bill would be kept clean and free of nonflood-related items. However, attached to the flood bill rule is a provision which would allow certain teenagers—up to the age of 30—to obtain a $100 a week stipend through a jobs program. This has nothing to do with the flood and should not be in the bill.

It's about time the American people got straight answers and honest work from their representatives. The American people are sick and tired of a Congress that won't do the people's work, and frankly so am I. Let's defeat this rule, again. Let's have a vote on an amendment to pay the bill for flood relief. Then let's pass the appropriation and do something to help the victims of flooding.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Speaker, no one disputes the urgent need for flood relief. Let me repeat this point very slowly so everyone can understand: No one, on either side of the aisle, disputes the urgent need to provide assistance to help the victims of the flood in the Midwest.

There is clear dispute, however, over whether we should pay for the aid or simply push the cost off onto the backs of our children and grandchildren.

Unfortunately, there seems to be a mindset which pervades this institution, Mr. Speaker, a mindset which prevents the leadership in the House from even considering ways to pay for new spending. We witnessed this mindset earlier this year during the debate over extended unemployment benefits. Very few Members questioned the need for extended benefits, but I and many of my colleagues objected to the fact that they were not paid for. This mindset to spend now and pay later is a sickness, Mr. Speaker, and for many of my Democrat friends the sickness is terminal.

We have heard frequently over the course of this debate that we have passed previous emergency spending bills for domestic and foreign policy needs and did so without spending offsets. This is true, but I question whether this justifies further deficit spending at a time when we simply cannot afford to do so.

If we are left with no choice but to raise the deficit to help the flood victims, Mr. Speaker, I will be willing to do so. The fact is, however, we do have a choice and we should be given the opportunity to vote on it.

But wait a minute, Mr. Speaker, I almost forgot. We are not just voting to help flood victims, we are also voting to pay 30-year-old youths in Los Angeles $100 a week. How can my Democratic colleagues honestly argue the desperate need for this package of flood assistance and at the same time include this boondoggle in the bill. The rule rejected by the House last Thursday would have allowed us to take this nongermane amendment out of the disaster relief bill. This vote incensed Democrats as well as Republicans.

The aid needs to be provided and done so quickly, but we should at least try to offset the new spending by cuts in other programs. For the sake of fiscal responsibility, what is wrong with providing offsets to pay for it. Why can we not put this question to a vote? Up or down and then get on with it.

If we are really serious about deficit reduction and the economic future of our country we should at least be given the opportunity to find ways to pay for all new spending programs, including emergency spending bills.

We all talk about reform and the need for change. Let us vote "no" on this rule and allow us to deal with a legitimate aid bill. Let us work the will of the House.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, we have two disasters in the Nation today—one is a natural disaster and the other is manmade. The flood in the Midwest is a natural disaster and helping people get back on their feet is the right thing to do. I lived through the devastating floods which struck mid-Michigan in 1986. And, I recognize the emotional and financial disaster a flood can bring to people's lives. Like others in this Chamber, I support assistance to help the families, farmers, and businesses get their lives back in order.

The manmade disaster is the budget deficit. It looms over our heads and the heads of future generations who will actually pay the bill.

We need the chance to do something about both disasters today. We can help flood-stricken victims in the Midwest and be responsible ensuring we can pay for the next disaster that comes down the road.

Republicans and many Democrats have joined together saying we need to allow amendments to be offered on the floor of the House that will offer spending cuts in other Government programs to pay for the disaster assistance. We have also said that other types of spending unrelated to the disaster should not be included in the bill.

Unfortunately, the Democrat leadership has failed on both counts. They will not even allow discussion and a vote to help find spending cuts in considering the disaster bill. They will not allow discussion and a vote to delete spending in the bill that is unrelated to the disaster. This rule subverts the very ability to debate ideas and vote on them—hallmarks of our Democracy.

Mr. Speaker, in the 1992 election, people across America told Congress, let us change business as usual by paying for spending and not creating new spending programs—especially loading up truly emergency spending like a Christmas tree with nondisaster spending.

Mr. Speaker, we should provide disaster assistance to these innocent flood victims, but not increase the deficit by borrowing the money on the backs of future generations.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. I thank the gentleman for yielding this time to me.

Mr. Speaker, today we have the opportunity to cast a vote for the victims of the horrible Midwest floods. Let me make this absolutely clear: I will vote for flood relief and I encourage my colleagues to do the same.

But this debate is not about whether to help the victims of the flood. This is a debate about priorities that Congress must face.

This has been brought to focus because of the overwhelming need of the flood victims. When I see the faces of those people in my district who are facing this loss, I have to look them in the eye and say that I did whatever was necessary to cut spending so that there would be money to spend on a true national crisis—the floods of the Midwest.

Most Americans have lost confidence in Congress, and I do not blame them. They see the need for relief for the flood victims. yet, they also see the reluctance of Congress to cut other programs that we simply cannot afford.

Mr. Speaker, some of my constituents do not have a roof over their head. Yet, Congress spent $500,000 to renovate Lawrence Welk's home even after the American people repudiated it.

Roads are buckled and destroyed. Yet, Congress will spend $450,000 on repairing a bike path in northern Virginia. Common sense says you do not spend money on bike paths when disaster strikes.

Railroad tracks are underwater. Yet, Congress will spend $18 million for an enclosed Senate subway system.

Many people cannot receive mail. Post offices are flooded in many towns in the Midwest. Yet, Congress will spend $40 million on free postage on itself.

In Sunday's Washington Post, we discovered that Congress spends $100,000 to train beagles in Hawaii to sniff out brown tree snakes. Congress also created seven—yes seven—different and redundant homeless programs.

And, yesterday's hearing before the Government Operations Committee revealed that the Defense Department squandered almost $16 million on unneeded computer equipment.

Can't Congress even come up with one spending cut to pay for disaster relief?

Since becoming a member of this body last January, I voted to cut spending 85 times that would have saved over $54 billion. Unfortunately, the majority in this House voted against most of these spending cuts. Imagine the help we could give to the flood victims if we used just a fraction of that money.

And that is not the worst of it. Not only does Congress dodge the tough spending choices but it expands the size and scope of the Federal Government. Just yesterday, this body voted to spend $1 billion on establishing a new computer network system. We will also debate a new program called national service to promote voluntarism that could cost ultimately tens of billions of dollars.

The people don't want new programs: They want a Congress that cuts programs and waste, that will do away with the excesses of a bloated bureaucracy.

Mr. Speaker, my congressional district is under water. The cries of the flood victims are loud and clear: Our homes are damaged, our livelihoods are destroyed. Our businesses are suffering. Our farms are devastated.

That's why this Nation has to reorder its priorities. Common sense dictates it. The flood victims demand it.

And that is why I am voting for flood relief.

□ 1430

Mr. WHEAT. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, we are concerned about the flood victims today. The prayers for the rain have been answered, but now the prayers for congressional responsibility must be answered.

If my colleagues on the other side of the aisle are concerned about cutting costs, then they will move with all expediency to pass this rule and to pass this bill, because every second, every minute, every day that we delay, the cost in lives, the cost of putting more money out to recover and relieve these flood victims is escalating. So now we must pass this rule and we must pass this bill, Mr. Speaker.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado [Mr. MCINNIS], a distinguished freshman Member of this body.

Mr. MCINNIS. Mr. Speaker, I do thank the gentleman from New York for yielding me this time.

I think it is about time we tell the American people procedurally exactly what is going on, and let me give you an example.

We have here a bill to assist the flood victims in this country. There is nobody in this country who does not have sympathy for the flood victims. All of us feel the sorrow, but what was successfully maneuvered by the other side was, gee, this is the only thing in that bill.

Well, let us talk about the other things. What do we have in this hand? In this hand, we have a Los Angeles jobs bill. Do not let them tell you it is for rural America. I am from rural America, and even if it was for rural America, we will give it up. It is not for rural America. It is for Los Angeles, CA.

What has happened here is that procedurally they have put the jobs bill for Los Angeles, CA, and they have tucked it in, tucked it inside the bill for emergency relief for the flood victims, even though it has absolutely nothing to do with the flood victims bill.

What we are asking here today is let us separate the two.

Do you know why they do not want to separate the two? Because the Los Angeles job bill could never stand on its own. So they want to play coattail on the tragedy of the people who are the flood victims of the country, and they are doing it very successfully by putting the blame on those who have the courage to stand up and say, "Don't put this nonessential bill into this flood victims bill. Don't take advantage of those people's misery and the disasters that have fallen upon them. Make it stand on its own merits." That is where the courage is in this body.

Let us all assist the flood victims, but let us do what the American people are saying that we should do in the U.S. Congress, and that is stand up and be honest with them and do not coattail. Do not put in Christmas trees. Keep the issues apart.

Mr. WHEAT. Mr. Speaker, very briefly and very quickly for those at home and in this Chamber, the so-called Waters amendment does not have any additional funds in this bill and the technical language applies to a program that is nationwide, not for Los Angeles.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me tell you why so many of us from flooded areas resent this debate about pay-as-you-go.

First, it is not an easy concept. The gentleman from Georgia said, "We'll stick around all afternoon if we have to, to resolve this pay-as-you-go."

Well, let me just tell you, when you lay off every FBI agent for 16 days, all the U.S. attorneys for 9 days, all the U.S. marshals for 12 days, and close down the Customs Service for 2 months in order to pay for this disaster, you are going to have a lot of debate on this floor. It will go on for weeks, and that is not fair to the flood victims.

Let me tell you something further. Heavyweight champion Joe Lewis used to say of his opponents, "They can run, but they can't hide."

Last week we could not get a single Republican vote to bring flood disaster assistance to the floor. I hope it changes today.

We know that 2 years ago 105 Republicans who voted against the rule for flood disaster assistance voted for disaster assistance for the Kurdish refugees.

And let me tell you something else. Two months ago on this floor we had a vote on paying for the defense costs to help the starving people in Somalia. One hundred twenty-eight Republicans who would not vote to bring the flood disaster bill to the floor voted to pay and increase the deficit for the cost of Somalian assistance, and they included the following five Members who have already spoken today:

The gentleman from Pennsylvania [Mr. WALKER].

The gentleman from New York [Mr. SOLOMON].

The gentleman from Georgia [Mr. GINGRICH].

The gentleman from California [Mr. DREIER], and in my own home State, the gentleman from Illinois [Mr. MANZULLO].

But I want to tell you this, Mr. Speaker. We understand in the Midwest there are some Members of Congress who would say yes to Mideast help, but no to Midwest help.

There are some Members of Congress who would say let us try to help Somalia, but let us not try to help some Americans.

We need a helping hand in the Midwest. We are not looking for your sympathy. We want some assistance to get back on our feet and we should not have to be embroiled in this partisan debate and see this kind of gridlock at the expense of needy people.

Mr. SOLOMON. Mr. Speaker, it is interesting that up until that point we had tried to keep politics out of this.

FEMA just called and said that no aid is being held up whatsoever. So why do we not get the record straight.

Mr. Reischauer says in answer to my good friend, the gentleman from Missouri [Mr. WHEAT], that this amendment, the Waters amendment, will expand the potential eligible population for the Youth Fair Chance Program and will result in requests for additional appropriation amounts.

Mr. Speaker, I yield the balance of my time to the gentleman from Iowa [Mr. NUSSLE].

Mr. WHEAT. Would the gentleman read the line in that letter, the previous sentence in that letter?

Mr. SOLOMON. The gentleman can read it on his own time.

The SPEAKER pro tempore (Mr. WISE). The gentleman from New York has the time.

Mr. SOLOMON. Mr. Speaker, I yield the balance of our time to the gentleman from Iowa [Mr. NUSSLE], a very reputable Member of this House.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. NUSSLE] is recognized for 3½ minutes.

Mr. NUSSLE. Mr. Speaker, a statement has been made that our constituents do not understand the actions of this body over the course of its deliberations these past few days. We should not be surprised by that fact, but rather be challenged as our Nation's Representatives to enlighten and explain our actions.

They may not understand our rules, yet those rules should be followed if adopted by the majority of its Members. If a rule is struck down because a majority has worked its will and based its decision on fundamental principles, then that dedication to that fundamental principle should not be swayed and should not be changed because of the passage of hours and days or the harassment by the majority, the minority, or the media.

Disaster aid is necessary and fundamental to the many victims I represent. Paying for that disaster is also necessary and fundamental to the future victims of deficits that cannot speak.

Thomas Jefferson once said:

> The question whether one generation has the right to bind another by a deficit it imposes is a question of such consequence as to place it among the fundamental principles of our government. We should consider ourselves unauthorized to saddle posterity with our debts and normally bound to pay for them ourselves.

The people's House has an obligation to be fair and have open debate on the fundamental principles that bind our Nation and keep it strong. To suggest it is playing politics or delaying action to first believe in principles and then to pursue those and preserve those principles is to pervert our democratic process.

We can be both compassionate and responsible and we can rule orderly.

Vote against this rule. Come up with a rule that provides for open and fair debate on the fundamental principles that bind this Nation, protect your principles from a minority that does not respect those principles.

□ 1440

Mr. WHEAT. Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker and my colleagues, I have sat through the whole debate, and I am perplexed and frustrated with the trend of the discussion.

The bulk of the moneys utilized in this legislation will go to help agriculture. We have paid for it already. In the past 12 years the Committee on Agriculture has reduced expenditures by $52 billion. We are asking here for $3 billion. We have given $4 billion every year for the past 4 years, and I say to those who stand here and say we have to be fiscally responsible, we have to find out where the money has to come from:

We gave you the money. It's already there.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore (Mr. WISE). The gentleman from New York has 30 seconds remaining.

Mr. SOLOMON. Mr. Speaker, after the gentleman from Missouri [Mr. WHEAT] moves the rule, I intend to reserve a point of order against the modification printed in part 1, and I hope that I will be recognized for that purpose.

I urge a "no" vote on this rule so we can bring this bill to the floor on a unanimous-consent request so that Members can vote up or down on this legislation.

Mr. WHEAT. Does the gentleman from New York yield back the balance of his time?

Mr. SOLOMON. Mr. Speaker, if the gentleman from Missouri [Mr. WHEAT] is intending to sum up, I would yield back the balance of my time, which is 10 seconds.

Mr. WHEAT. Mr. Speaker, for purposes of closing debate on this rule, I yield all time remaining to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 2¼ minutes.

Mr. GEPHARDT. Mr. Speaker, Members of the House, I urge Members to vote for this rule. What we are seeing in the Midwest today is not an emergency, it is not even a tragedy. It is, Mr. Speaker, a total catastrophe, and it is not over because the water-soaked levees have just begun to break up and down the Mississippi and Missouri Rivers. Twelve thousand people in Missouri are out of their houses and 20,000 people in Missouri alone are out of their jobs.

When we put an emergency provision into the Budget Act in 1990, Mr. Speaker, we did it because we realized there could be unforeseen circumstances that would require immediate action, and that is what we did for Hugo, a billion dollars. That is what we did for California's earthquake, $3 billion. And that is what we did for the hurricane in Florida, $9 billion.

Now we are going through a budget right now, and we are figuring out $500 billion of deficit reduction over the next 5 years. It is that setting in which we should consider and decide deficit reduction. But when we have unforeseen emergencies and circumstances that demand immediate action, we do not stop everything and go through a budget process. We do that in the reconciliation bill. We do that in the regular budget process, make those decisions, make those decisions in the proper context.

But not today, Mr. Speaker, not when people are out of their houses, not when people are unemployed, not when people are fighting day and night, putting up sandbags to save their lives; let us not have a budget discussion. Let us have an emergency discussion. Let us pass this rule and pass this bill. Let us pull this Congress together and pull this country behind the people that are out there fighting for their lives in the Mississippi Valley today.

Mr. STENHOLM. Mr. Speaker, I rise with disappointment to oppose H.R. 2667. I could not agree more with my colleagues who have spoken about the need for Congress to respond to the terrible suffering and damage caused by this flood. I do not in any way dispute the need for action by the Federal Government in response to this terrible tragedy. The Federal Government should provide assistance to people affected by unexpected natural disasters of this magnitude. But I must object to those who argue that we must declare an emergency—must deficit spend once again—to provide the money for it. I simply cannot believe that every dime of the Government's $1.5 trillion budget is absolutely vital and there is not room to cut spending to pay for this bill.

I sincerely regret that the Rules Committee declined to allow TIM PENNY and JIM NUSSLE to offer their amendment to offset the cost of this package by making specific cuts in existing spending programs despite the fact that the House expressed its will that this amendment should be considered when we defeated the rule last Thursday. Members may or may not agree with the specific cuts that were included in the Penny-Nussle amendment, but we should all be able to agree that there is room in our $1.5 trillion budget to pay for this bill. We must begin to resist the temptation to always duck the hard choices to pay for unexpected costs by declaring emergencies.

I am disappointed that many Members on the other side of the aisle have focused on the relatively minor issue of the Waters amendment, instead of the much more significant issue of whether or not this House will begin to pay for spending. I have stated my support for the concept behind the Youth Fair Chance Program in the past, and continue to believe that it is an idea worth pursuing. I must say, however, that in general I do not feel appropriations bills are the correct place for authorizing language and more specifically, an appropriations bill which intends to provide assistance for flood affected areas is not the appropriate place to consider this unrelated authorization change. I do want to stress that my vote against the rule last Thursday and my opposition to this rule is founded not on the Youth Fair Chance Program, but is based on the fact that the rule does not allow this House to even consider paying for the spending in the bill.

Last Thursday, the House voted to take a small step in changing business as usual, stepping in the direction of a balanced budget by defeating the rule that would have allowed us to spend $2.7 billion that we don't have. We must start setting priorities and making the tough choices that will pay for items we decide are priorities. Obviously, this natural disaster constitutes a priority. That means it also constitutes spending which we should pay for.

Perhaps the most exasperating argument I have heard during this debate is the one which states: Because we have a long history of fiscal irresponsibility—of not paying for our spending—we have an obligation to continue that fiscal irresponsibility. To those people I must ask, When is the right time to begin acting responsibly? The responsible action for us today is to rush support to the unfortunate flood victims with dollars achieved through cuts elsewhere. We will never achieve the balanced budget which Americans want if we continue to fund every good cause without considering where the money is coming from.

I urge my colleagues to take one small step toward a balanced budget by voting against this rule until the House is allowed to consider amendments paying for these urgent concerns. I urge my colleagues to embrace full responsibility, to lead and protect this country in the way our constituents elected us to lead.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri [Mr. WHEAT].

Mr. WHEAT. Mr. Speaker, I move the previous question on the resolution.

Mr. SOLOMON. Mr. Speaker, I reserve a point of order against the modification printed in part 1 of the report of the Committee on Rules and will raise it immediately after the vote on the rule.

The SPEAKER pro tempore. The statement of the gentleman from New York [Mr. SOLOMON] will appear in the RECORD.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 205, not voting 6, as follows:

[Roll No. 368]

YEAS—224

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Holden
Hoyer
Hughes
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—205

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Orton
Oxley
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Derrick
Henry
Hochbrueckner
McDade
Moakley
Packard

□ 1505

The Clerk announced the following pairs:

On this vote:

Mr. Derrick for, with Mr. McDade against.

Mr. Moakley for, with Mr. Packard against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

POINT OF ORDER

Mr. SOLOMON. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mr. WISE). The gentleman will state his point of order.

Mr. SOLOMON. Mr. Speaker, I renew my point of order against the modification printed in part 1 of the Committee on Rules report on the grounds that it is not germane and in violation of clause 7, rule XVI and constitutes legislating in an appropriations bill in violation of clause 2, rule XXI.

Mr. Speaker, a point of order was reserved prior to adoption of the rule, since, apparently, that is the point at which the modification was first to be in the House. I have offered this before the bill is called up, since I am aware that all points of order are waived against the bill, as modified, but no points of order are waived in the rule against the modification.

I would insist on my point of order.

The SPEAKER pro tempore. Does the gentleman from Kentucky [Mr. NATCHER], chairman of the committee, wish to be heard on the point of order?

Mr. NATCHER. Mr. Speaker, the bill is, obviously, protected by the rule just adopted. For instance, on page 3, Mr. Speaker, it provides in part as follows: "All points of order against consideration of the bill are waived."

In addition, further, "All points of order against the bill, as modified, are waived."

Mr. Speaker, the point raised by my friend, the gentleman from New York, is not a valid point of order.

□ 1510

PARLIAMENTARY INQUIRIES

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

My parliamentary inquiry is that prior to consideration of the rule which makes this bill in order, the Chair had said it was unable to render a decision on whether or not a point of order could be raised against this modification, which is the so-called Waters amendment.

Is the Chair now in a position to be able to tell us whether or not a point of order would stand against the motion to recommit that would include striking the Waters amendment?

The SPEAKER pro tempore (Mr. WISE). The Chair is ready to proceed to address the gentleman's point of order, and will address much of the gentleman's parliamentary inquiry.

Mr. SOLOMON. I stand ready to listen, Mr. Speaker.

The SPEAKER pro tempore. The point of order on a recommittal motion would have to be made when that motion is offered.

Referring to the gentleman's point of order, the gentleman from New York [Mr. SOLOMON] makes a point of order that a certain provision in the bill, as modified, constitutes, as the chairman understands it, a nongermane amendment and is legislation on a general appropriations bill.

The provision in question is the new section inserted in the bill by operation of House Resolution 226, the special order providing for its consideration. Thus, the bill is now pending consideration in that modified form. Moreover, House Resolution 226 waives all points of order against the bill, as modified. Consequently, the point of order made by the gentleman from New York [Mr. SOLOMON] has been waived.

Once again, the Chair would refer the gentleman in this question and others that have been raised to the decision on February 24, 1993, by Speaker pro tempore MAZZOLI.

In response to a parliamentary inquiry regarding the effect of adoption of a special order of business self-executing the adoption of an amendment which, if separately considered, might constitute a violation of a rule of the House, Speaker pro tempore MAZZOLI responded that "Once the bill—as so modified—is called up * * * because the rule which has by that time been adopted has in it waivers of points of order, that point of order could not be raised."

Therefore, the gentleman's point of order is not sustained.

PARLIAMENTARY INQUIRIES

Mr. SOLOMON. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, my interpretation of what the Chair just told the body is that on the motion to recommit containing a motion to strike the Waters amendment, the point of order has been waived against that and we would, then, be allowed to offer that without a point of order standing against it.

I would ask, is that what the Speaker just stated?

The SPEAKER pro tempore. The Chair will reserve that decision until that time arrives, should it arrive.

Mr. WALKER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, at what point in the process which just ensued was it appropriate to raise a point of order against the amendment?

The SPEAKER pro tempore. It is not appropriate after the rule has been adopted.

Mr. WALKER. Mr. Speaker, the point of order was reserved before that in the course of the rule, and it was reserved as the debate began.

My parliamentary inquiry is, at what point during that process was it in fact appropriate to raise a point of order similar to the one that the gentleman from New York [Mr. SOLOMON] just propounded.

The SPEAKER pro tempore. The point of order against the rule was properly raised when the rule was called up, and the Chair ruled on that point of order. The point of order now is not appropriate for the reasons that the Chair has already stated.

Mr. WALKER. Mr. Speaker, as a further parliamentary inquiry, I am not certain that the Chair is understanding we are talking about the language in the modification. I recognize that the Chair ruled on the rule and the point of order on the rule. I am not asking about a point of order on the modification.

When was the appropriate time for a Member to raise a point of order with regard to the nongermane legislating in an appropriations modification?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] is aware that the rule that was adopted waives all points of order.

Mr. WALKER. The gentleman is aware of that. The Chair is not answering the gentleman's question.

I am asking the Chair for a specific time when it was appropriate to raise the point of order, since it was not raised in the rule and the gentleman is now saying that it is not appropriate after the rule. I am asking the Chair when the appropriate time to raise that point of order was.

The SPEAKER pro tempore. Once again, the Chair ruled on the point of order that the gentleman from New York [Mr. SOLOMON] raised, and he raised it at an appropriate time the first time, when the rule was called up. The rule was adopted. That rule now waives all points of order. That should dispose of this question.

Other matters that may come before the Chair would have to be brought up at the appropriate time.

Mr. WALKER. I have a further parliamentary inquiry, Mr. Speaker.

The Chair at that time ruled against the gentleman from New York [Mr. SOLOMON] in part because his point of order was not timely. Now the Chair is saying that it is going to further rule that this is not timely.

The question that I have is, what is the appropriate time? The Chair did rule on the point of order at that point, but part of the ruling against the point of order was that it did not occur timely.

The inquiry of the gentleman from Pennsylvania is now, what is the time frame in which this modification can be in fact challenged by a point of order?

The SPEAKER pro tempore. The Chair is not aware of such a time, under the circumstances and the precedents.

Mr. WALKER. I thank the Chair.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2667, and that I may include tabular and extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 226 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2667.

□ 1517

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, with Mr. WILLIAMS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 45 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we bring to the floor H.R. 2667, the emergency supplemental appropriations bill providing relief from the flooding in the Upper Mississippi River Basin.

This flooding is unprecedented. Record stages have occurred all along the Upper Mississippi River. Other Mississippi River Basin communities, like Des Moines, have suffered extensively. Thousands of people need help and they need help now.

The Committee on Appropriations has acted promptly in response to this situation. Last Tuesday the committee reported out the $2.98 billion emergency supplemental bill. This was after we received a request from the President the previous Wednesday, July 14.

That request was further updated late Monday night just before our markup Tuesday morning. The subcommittees had to quickly hold meetings with administration officials. Some modifications to the request were made, but the bill before the House is nearly the same as the President's request. Even though damage estimates are still being developed, we need to provide relief now as the President has requested. Existing funds are rapidly being exhausted.

Some major items in the bill are: $1.15 billion for Commodity Credit Corporation crop loss payments, $815 million for FEMA disaster relief, $300 million of Small Business Administration disaster loans, $150 million for repair to levees and structures by the Corps of Engineers, $100 million for highway repairs by the Federal Highway Administration, $100 million for HOME housing programs, $100 million for Economic Development Administration assistance, $54 million for public health facility repairs and disease control, and $43.5 million for displaced worker employment opportunities.

All funding in this bill is declared an emergency requirement and is exempt from the 1990 Budget Act allocation restrictions. Emergency requirement designations in cases like this have always been used. This procedure was developed for exactly the situation we are in. It responds to our people. We're doing it right, and we are doing it quickly.

Mr. Chairman, when the President made his request he asked we move this bill quickly. I strongly urge adoption of this bill today so that relief from the devastation from this flood will not be interrupted.

☐ 1520

Mr. Chairman, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to oppose this legislation, and that is not an easy thing to do. We all have sympathy with those who are suffering on the river banks in the Midwest. I know something about it. I have lived in the floodplain along the Wabash River for all of my life. Three weeks ago I lost my river bottom farm to the river. I have insurance because I know I have a high risk, and I realize that a lot of people do not have insurance, and I am not taking issue with that or criticizing them for not having it.

But if we are not going to start to offset spending and be concerned about how we are going to pay for these things, when do we start? It is always down the road sometime. So we may kid ourselves today and say oh, it does not cost us anything today because it is off budget, and it is not going to be counted. But it does add to the national debt. All of these things continue to add to the national debt, and in the future that deficit is going to deny us some very high-priority items where we might say there is a real emergency some time in the future, or something we would like to have.

The argument has been made on the rule today that we can justify this by the fact that it has never been done before. Well never before have we had the national debt that we have today, and there comes some time when we have to start responding.

I can recall not too many years ago New York City leaders said do not worry about the national debt, we just owe it to ourselves. But the creditors finally said enough, and we had to bail them out.

Who is going to bail out the taxpayers of this country if we continue to just push off the day of responsibility?

So I regret that I must oppose this bill. Last Thursday we tried to bring the bill back immediately with offsets. To those who said this is gridlock, this is delay, I say that is not true. We tried to bring that bill back last week with an offset, and yes, offsets hurt too. But we are hurting the American taxpayers every day if we continue this practice of ignoring the responsibility of who is going to pay for it.

I do not think there would be a vote against this bill if it was offset and if we take out the legislation in this bill.

Incidentally, I just checked the RECORD a while ago on some of the arguments we have had critical of appropriations bills because we legislated, we authorized programs that were not authorized by law. I looked at some of the names who have taken the well and argued against legislation on an appropriations bill, and you know every one of them voted for this one because it does contain legislation, something that has nothing to do with the floods. It authorizes programs. They say it is not really an authorization, it just kind of makes it clear what the intent of Congress was, but it is legislation if it is intent.

So what do we do as taxpayers, as homeowners, as family members responsible for our family or our business if we have an emergency in the family? Can we run down to the bank every day and borrow more and more money because we have an emergency? We have to make adjustments as a family or as a business. And Government has to recognize that we must do the same thing.

So, regretfully today I must say that I oppose this bill. I would like to vote for it. If we have the offset taken care of, and if we know how we are going to pay for it I will support this for the farmers who need it in the Midwest, and for the people who lost their homes, and the infrastructure that must be repaired. I would vote for it if we could take out the legislation providing for the Youth Fair Chance Program somewhere in the country. If we were to take those two items out I could support this. But I regret that the way it is presented today with those two items in it that I must oppose the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. NATCHER. Mr. Chairman, I yield 6 minutes to the gentleman from Iowa [Mr. SMITH], chairman of the Subcommittee on Commerce, Justice, State, and Judiciary.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, last Saturday and Sunday I was in the district in Iowa where the flooding was the worst at that particular time. It happened to be down around Hamburg, IA, and several other areas in southwest Iowa. They had been fighting flood waters for 10 or 12 days, day and night. In the daytime the weather would look good, the sun would come out, some of the moisture evaporates into the air. At night it cools off, and the same moisture comes back down, sometimes as a downpour. It has been doing that for days.

The head of NOAA was in my office just yesterday, and he told me that they do not know of another time when we have had quite this phenomena we have today. We are getting moisture in the upper Midwest from the gulf, but the usual source is from the Southwest. The high in the Southeast will not permit the moisture from the gulf to move east where it should go in the normal pattern. It is a very sad situation.

Volunteers are coming in. They are working night and day. Volunteers are coming from other States. Busloads of people from Minneapolis came to Iowa. Some boys from Colorado used their savings and bought gas and came to Des Moines, IA, to help some people. Volunteers are coming in from Tennessee, Florida, and from other States. It is a great exhibition of what the American people can and will do when they know that people need help. And instead of looting or trying to take advantage of the situation, they are coming in and helping. We are not witnessing looting out there or excuses for breaking the law.

It is disheartening to hear that Congress under those conditions has not moved a bill. It is disheartening, whether there is enough money in the pipeline for next week or not, it is disheartening to be cleaning up a basement, and then to hear on the radio that Congress is tied up in some kind of an argument they have never had before. That is disheartening, and it should not occur.

We heard it said, and I have heard it around here a number of times, "why don't those people move out of the floodplain?" That is the common thing we hear from people upstream who dump the water on the people in the floodplain. When most of those people built their houses it was not so subject to flooding, or at least they were very seldom flooded and subject to less damage. But when those upstream rush more water downstream and into the floodplain, the floods come up to higher levels than they ever came up to before. It is not unusual for the ones who do not want to build the levees for the towns to be the same ones upstream who are causing the trouble. And then they say "why don't those people move out of the floodplain."

It is not that simple. Those downstream need some help, and we need to do more to stop increasing the problem by the upstream people. And when this is over, we should have a good task force appointed to look at what people are doing upstream from those who are downstream. That is where a lot of this problem is coming from, and there are things that we can do.

We talk about building large dams upstream, which we have done, but some people then are opposed to that and it consumes so much time under current procedures. But we could use the watershed program under the Agriculture Department to construct smaller structures which would hold the water back when there is flooding downstream. Here is what happened in 1986, 1987, 1988, and 1989: the administration asked for no funds for the watershed program, zero funds in the watershed program for the smaller structures.

In 1986, the administration even wanted to rescind the amount in the fund after it had been appropriated. This is another one of those farm programs some people include in their farm bashing as if it were a subsidy for individuals when, in fact, it helps urban areas and is a way to partially offset the extra runoff caused by building parking lots, houses, and commercial buildings and running the water rapidly through a storm sewer to the river.

☐ 1530

We appropriated from $176 million to $190 million but they wanted no funds. In every year for the last 10 years the administrations have asked for less funds than were needed and have been appropriated.

The same thing goes for the water retention programs that are on individual farms, including terraces and ponds. Too many who oppose large structures by saying we should stop the water in tributaries, they oppose the programs needed to construct the structures upstream.

In addition to that, when they build new housing developments, developers could either impound some water in a water basin on the development property or else be required to rent or buy a share in an upstream structure of some kind to hold back the amount of water they add to the fast runoff which will cause a problem downstream.

We help developers build storm sewers so that they can rush the water from the property into the river just as fast as it can go and get it there at the very time it should not be there. In so many cases, the upstream people are the ones pouring water on top of the people downstream. We ought to do something about that.

We had objections here that we do not have any offsets to pay for this disaster. Let me remind you that we just scrubbed all the accounts in the Government to finance a supplemental jobs and development bill about a month ago for a supplemental. We scrubbed the various accounts to get that money. That was the money that could have been used for partial offsets.

In addition to that, we had a fund of several billion dollars for disasters and it was eliminated a couple of years ago in the Credit Reform Act. It is distressing to me to see that the people—I did not vote for it—but some of the people who are so anxious now to say we need a fund voted to eliminate the fund when we had one.

We should decide: Does the Congress want a special fund or not? Some people seem to always want something different than what we have, whatever that is. That is what is going on here.

Some people apparently think inconsistency is a virtue around here, too.

A week ago Thursday when I was responsible for a bill on the floor there was an amendment in the motion to recommit to increase the FBI by $19 billion. It was defeated. Last Thursday, 1 week later, 106 Members who had voted for the increase of the $19 million that they did not secure, voted to cut the FBI by $115 million as an offset.

Now how inconsistent can one be? It is time, Mr. Chairman, to get down to business, to appropriate this money and quit playing games. The primary purpose of this Government ought to be to help people in a disaster and in emergencies whether the emergency comes from without or within. Let us pass this bill voted up and get it over to the Senate.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in very strong support of this legislation. At this very moment rain is still falling in Iowa, flood warnings are still in effect in many areas. This has really been the story since clear back in February when the ice started to break up on the Mississippi, and it continues to go on. Twenty percent or more of the crops never made it to the field, others have been lost. Thousands of families have been displaced from their homes and are without drinking water; businesses continue to be closed down and they are losing thousands of dollars each day. Public facilities are badly damaged and unusable. The water in some areas is not expected to recede until who knows when.

I want to express my deepest thanks to my colleagues and the staff on the Committee on Appropriations for reacting so quickly in drafting and moving this urgently needed legislation.

I have been gratified as well by the tremendous outpouring of cooperation and emergency assistance offered by individuals and organizations to assist the people of Iowa. I would like personally to thank them.

Just this weekend I had an opportunity to unload foodstuffs from the State of Vermont that were sent into Ames, IA. There are many more out there who are doing the same.

We spent a lot of hours out in this flood area. We live in it, my folks live in it, I live in it, and I guess the thing that was so difficult to do this past weekend in talking with people, many of whom have had less than 2 or 3 hours' sleep for the past few months, have been out fighting the levees and the sandbags, trying to move their families out, trying to save what little is left.

It was difficult to look those people in the eye and have to tell them that the reason that we were not able to vote on this package last week is because the Democratic leadership in this House decided to stick a provision back in which has been kicked out by the Senate once before and will be again, in order to make political hay. Because last week as the vote was taken the State Democratic Party had its press-release machine in action putting out press releases in our districts calling us by name saying that we had no feelings for the people in our districts.

Now how damned hypocritical can you get?

We had an agreement in the Appropriations Committee with Mr. NATCHER and we all honored it because we respect BILL NATCHER, that no amendments would be offered. I had some amendments that I wanted to offer to specify specific levees that needed to be repaired, to help us on specific issues in farm country not addressed in this bill.

In deference to and respect for Mr. NATCHER, all of us, Republicans and Democrats alike, refused to offer any amendments because we wanted a nice, clean bill to be passed in the House, that could be passed in the Senate and could put the money back in the pipeline.

When it got to the Committee on Rules, politics reared its ugly head and we stuck in—we did not, the leadership stuck in—this provision for Los Angeles which some of the most liberal Members of the Senate struck out of this package once before and will strike out once again. I cannot help but think it is nothing but cold, hard politics in order to try to defeat people in the upcoming election at the expense of people who are suffering from one of the biggest natural disasters in our Nation's history.

What is it going to cost? Nobody really knows. The $3 billion roughly that is in this package, we can easily consume that in the State of Iowa. There are additional millions of dollars that will not be paid for by insurance or by anyone else. My home is flooded in the basement and we are not covered by insurance because we live on a hill. My folks' farm is 90 percent under water as are most of my relatives and friends. Some of them have flood insurance, and some don't. But the whole problem that we have, I think, is keeping that basic infrastructure together which creates jobs and will get our country back on its feet because the effects of this flood will be felt from coast to coast for many months to come. It is time to quit playing politics and pass this emergency appropriation.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. BEVILL], the chairman of the Subcommittee on Energy and Water Development.

Mr. BEVILL. I thank the chairman for yielding this time to me.

Mr. Chairman, I rise in strong support of this emergency supplemental appropriations bill which will provide urgently needed assistance to our citizens who have been devastated by the flooding in the Midwest. Chapter III of the bill provides funding for the U.S. Army Corps of Engineers which falls under the jurisdiction of my Subcommittee on Energy and Water Development.

The funds provided in the bill for the Corps of Engineers include a total of $120 million for the flood control and coastal emergencies account. Of the total, $100 million has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 as amended. The remaining funds, $20 million, will be made available contingent upon submission by the President of a later budget request designated as an emergency requirement.

These funds represent the Corps of Engineers' estimate at this time of the funds that will be needed for the repair and restoration of levees, dikes, water-control structures, and similar facilities damaged by the sustained flooding on the Mississippi and Missouri Rivers and their tributaries. This work will be accomplished under the authority of Public Law 84-99, as amended.

The Corps of Engineers has advised our panel that over 700 levees have been breached or overtopped during this flood. If those flood-control facilities are not repaired, the citizens of the Midwest will continue to be exposed to the threat of flooding from events much smaller than the one we are addressing with this bill.

□ 1540

The bill also includes $30 million, which has been designated by the President as an emergency requirement, for the Corps of Engineers to make repairs to federally operated and maintained projects that have been damaged by the flooding in the Mississippi River basin. These funds will be used to restore locks and dams which have been flooded to operating condition; repair damages to flood control projects; and perform dredging of navigation channels. It is essential to the economy of the Nation that the locks and dams be restored to operating condition and the navigation channels be cleared as soon as possible.

Mr. Chairman, in spite of the terrible flooding that has occurred in the Midwest, the system of flood control projects that has been constructed by the Corps of Engineers in the upper Mississippi River basin has worked well. Of the 275 federally constructed levees in the flood area, only a few have been overtopped or breached. The levees that were overtopped simply were not designed for an event of this magnitude. The levees were also not designed to hold water for such an extended period of time. In contrast to that, over 700 non-Federal levees have been either breached or overtopped. In addition, Corps of Engineers reservoirs on tributary streams have stored runoff and reduced stages at a number of locations including Des Moines, IA, and St. Louis, MO.

Preliminary estimates are that Corps of Engineers flood control projects have prevented over $5 billion in damages during this flood event. The damages prevented by Corps of Engineers flood control projects in this single event exceed the total Federal investment in all flood control works, including construction and operation and maintenance, in the States of Wisconsin, Illinois, Iowa, Kansas, and Missouri.

Mr. Chairman, the funds we have invested and continue to invest in flood control works is a sound investment for our Nation.

I want to pay tribute to the U.S. Army Corps of Engineers that has been helping our Nation for 200 years. They have never built a dam that has failed. Of course, a few levees have failed because nobody anticipated that the flooding would continue for such an extended period of time.

So Mr. Chairman, I urge the House to pass this legislation. Let us get these people some help. They are in trouble. They are suffering. We have helped foreign countries without any hesitation. Let us help our own people. Let us get this money on the way to them.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I commend the Appropriations Committee for their prompt action in regard to this supplemental. Despite all the feuding and fussing we have had in regard to how to pay for this, I urge my colleagues now to put aside our partisan bickering and get on with the business at hand. We have human tragedy unfolding in the heartland that deserves immediate attention.

This weekend Senator DOLE and I traveled the flood area in Kansas. The Midwest is experiencing the worst flooding on record. We have flood water in areas where we have never seen water. I have at least 30 to 40 counties in my district where the 1993 winter wheat crop stands ready to be harvested but farmers are unable to get into the fields because of rain, soggy soil, and now flooding.

While the attention of the national news media in recent days has been focused on the Mississippi and Missouri Rivers, I call my colleagues' attention to the situation in Kansas, and the rivers and tributaries flowing into the mighty Mississippi. We are entering our fourth week of rain. The reservoirs built after the last great flood of 1951 are full and it continues to rain. We have whole communities isolated because roads are closed. We have water supply systems being shut down because of surface water flooding into the wells. We have communities where the sewer treatment systems are under water, adding further contamination. We have miles of agricultural levees that have been wiped out that will need to be rebuilt to protect cropland from future floods.

Given the magnitude of the human tragedy we are experiencing, I appreciate President Clinton's and Secretary Espy's swift action. But I do want to set the record straight on the level of assistance that is being offered here. Press accounts of the Secretary's and President's comments have alluded to the fact that farmers will receive 50 cents on the dollar. That is not accurate.

With the President's proration factor of 50.04 percent that the Appropriations Committee has included in this bill, the farmer will receive only 19 to 20 percent of his actual dollar loss. By recommending that the basic disaster payment formula be cut in half, the President's proposal, as far as I am concerned, is inadequate to meet the minimum needs of farmers hit by this disaster.

I would also like to warn my colleagues that the bill we have under consideration has an August 1 cutoff date for disaster assistance. It requires that before any assistance can be forthcoming after August 1, the President will have to declare a disaster for each specific area.

Now, it is inevitable that if this provision becomes final law, an individual farmer who suffered frost damage in Maine in March will be able to apply for disaster assistance, but another farmer in Texas who is hit by hail in September will have to hope that his individual loss will get a Presidential disaster designation before he can apply.

Hopefully, these two problems will be addressed before this legislation hits the President's desk for signature.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I thank the distinguished chairman of the full committee for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 2667, the emergency supplemental appropriations bill for relief from flooding in the Midwest. Chapter VI provides $970 million in emergency funds requested by the administration for HUD, FEMA, and the Commission on National and Community Service.

The $970 million consists of: $815 million for FEMA's disaster relief fund, $100 million for HUD's HOME investment partnerships program, $53 million for HUD's community development grants program, and $2 million for the Commission on National and Community Service.

On July 16, the VA, HUD, and Independent Agencies Subcommittee held meetings with both the Director of the Federal Emergency Management Agency and the Deputy Secretary of the Department of Housing and Urban Development. At these briefings, we discussed the disastrous floods in the Midwest and their consequences. It appears that the magnitude and severity of the damage caused by the flooding is increasing. The true extent of the damage will not be known until the waters recede. Additional funds may be required when the full extent of the damage is known.

To enable HUD, FEMA, and the Commission on National and Community Service to provide assistance at the earliest possible time, the bill includes the requested amounts for each of the three agencies under the jurisdiction of the VA-HUD Subcommittee. Also, as requested, the HUD and the Commission on National and Community Service funds are available only for use in areas affected by the flooding.

All of the funds are being provided as a direct appropriation. None of the funds are on a contingency basis. The administration indicates it has no objection to providing these funds by direct appropriation and declaring the entire amounts of each as emergency requirements.

There is one matter that I would like to bring to the Members' attention. A provision is included in the community development grants paragraph permitting the use of funds only to repair facilities damaged and to continue services interrupted by flooding that are essential to public health and safety. This provision should eliminate any concern regarding the uses of CDBG funding. The language will ensure that no funds are used for activities such as repairing swimming pools or golf courses.

Mr. Chairman, I urge Members to support H.R. 2667.

Mr. Chairman, I yield to the distinguished gentlewoman from Ohio [Ms. KAPTUR], a member of the subcommittee.

Ms. KAPTUR. Mr. Chairman, I would like to engage the chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee in a colloquy on the issue of flood insurance.

Mr. STOKES. I would be happy to engage in a colloquy with the gentlewoman from Ohio.

Ms. KAPTUR. I first want to express my support for this supplemental appropriations bill that provides emergency funding for victims of the flooding in the Midwest. This is truly a devastating situation and one that demands compassion and good judgment to assist the residents in the affected States immediately, and even more importantly, to minimize risk to them and their properties in the years to come.

□ 1550

Several questions must be raised in order to minimize the harm to people and communities in the case of future disasters.

Too often development has continued and been allowed by States and localities and by financial institutions in areas that are susceptible to flooding. The way the current system works, local governments are expected to enforce flood plain management regulations, but often, despite current policies, local governments do not enforce the regulations.

Where is proper land use enforcement as we watch our fellow citizens suffer? How many times must our people suffer before something new is done?

In fact, the current system will allow for policyholders to rebuild in many of the same areas where the flooding has occurred. We must ask why. According to data provided by the Federal Insurance Administration, during the period from 1980 through the end of 1989, the National Flood Insurance Program paid about 75,000 losses involving more than 30,500 repetitive loss buildings, as the August 2, 1993, issue of Newsweek magazine advises us and advises those receiving disaster grants that in the future they should be required to buy policies. Banks could be penalized for not enforcing insurance requirements, and Washington also needs to establish more incentives for communities to raze flood-vulnerable buildings. Careful and forward-thinking land-use planning must be encouraged at the local level with proper land-use planning. There would be less likelihood that structures would be built on a flood plain. Our Federal dollars must be used to end the suffering that these people are having in the midwestern part of our country, and we ought to move to more responsible behavior in the years ahead.

Mr. STOKES. I agree with the gentlewoman from Ohio that we need to work to provide more accountability on the local level to enforce flood plain management regulations as well as encouraging better land use planning. I would urge the gentlewoman from Ohio to work with the authorizing committee on legislation to reform the flood insurance program.

Ms. KAPTUR. I thank the gentleman from Ohio for his comments. I do plan to work with the Committee on Banking, Finance and Urban Affairs on this issue.

Mr. Chairman, I insert for the RECORD the Newsweek article entitled "On the Disaster Dole."

ON THE DISASTER DOLE

ENVIRONMENT: IS THE NATIONAL FLOOD INSURANCE PROGRAM THROWING MONEY DOWN THE DRAIN?

Oliver Ready of Grafton, IL, guided his flatboat down Water Street and paused at his two-story frame house, where the Mississippi River now inhabits the first floor. When it recedes, he'll be in good shape. Ready has purchased federal flood insurance since 1975, and it's been a sweet deal. He's paid about $6,000 in premiums and collected $24,000 in payouts after floods in 1979, 1982, 1986 and last April. He expects $32,000 more for this disaster. Ready is happy to take the money, but he wonders about a government program that rewards people for living in places that are frequently underwater. "You wouldn't run a business like this," says Ready, a 53-year-old fish-market owner. "If every three or four years you had to spend $10,000 to repair a business, you'd wise up and say, 'To hell with this location'."

Imagine a car-insurance policy that didn't raise your rates after an accident. Or a life-insurance policy that charged the same whether you were 25 years old or 70. That's the idea behind the National Flood Insurance Program (NFIP), where property near rivers or in vulnerable coastal areas is restored by the government again and again. "Repetitive loss" cases like Ready's amount to only 3 percent of all claims. But they account for more than a third of total payouts. Since 1974 the NFIP has paid nearly $2 billion to 63,000 flood-damaged properties. "Taxpayers have bought some of these people refrigerators and chainsaws 10 times over," says Tom Szilasi, building commissioner in St. Charles County, MO., across the river from Grafton.

Although the NFIP has done well by many Midwesterners, most of the payouts actually go to the coasts, where beachfront homes are regularly inundated by storms. Federal flood insurance is effectively an entitlement for "some of the wealthiest homeowners in

America," says Rep. Joe Kennedy, who is drafting legislation to tighten up the program. A 1991 measure passed the House but stalled in the Senate after banking, real-estate and home-building lobbies mobilized. Calamities this year might provide new impetus for reform. A punishing hurricane season this fall, combined with claims from the Mississippi flood (expected to reach about $50 million), could send the NFIP—already $18 million in the red—deeper into deficit.

Solid base: Federally subsidized flood insurance began in 1968 as a sound idea. It was a natural niche for government to fill. Private carriers won't offer it, they say, because the only buyers would be those at the worst risk. In exchange for low-cost policies, communities established rigorous building codes for new construction in flood-prone areas, limiting damage when the waters rise. That part of the program has worked. Federal officials say premiums from structures built in flood plains since 1974 have produced a net gain of $248 million for the NFIP. But Congress, reluctant to alienate property owners with older buildings in flood plains, "grandfathered" the structures. As long as flood damage is less than 50 percent of the property's market value, they are eligible for subsidized insurance. (Structures with more than 50 percent damage must be moved to higher ground, brought up to federal standards or razed.) With the average flood claim totaling $10,500, NFIP continually bails out the same older, poorly built properties.

That's certainly the case in tiny Grafton (population: 918), which hugs the bottom of a bluff just above the Mississippi's edge about 40 miles northwest of St. Louis. Kathy Rulo, 37, and her husband, Ron, are filing their fourth flood-insurance claim since buying their home in 1978. "I think the government has paid for our house about two times," she says. In St. Charles County north of St. Louis, one homeowner received 18 separate NFIP payments before this year's two floods. Insurance is remarkably easy to get. Flood-plain residents can rush to an agent at the last minute and buy a federally guaranteed policy. After that, the building need only remain dry for five days to qualify for reimbursement. Lowell Skeens, 77, a retired Grafton boatbuilder, says he bought insurance for his one-story house on July 2, when high crests were forecast. On July 11, floodwaters reached his door.

Compounding the problem are property owners who buy no flood insurance at all. Many simply choose to collect federal bailout grants of up to $11,900. Banks are also culprits. The NFIP requires mortgage lenders to insist that borrowers have flood insurance. But the provision is routinely ignored. Although most homeowners do purchase a policy, many later let premium payments lapse. When mortgages are sold to other lending institutions, there is no mechanism for tracking compliance. Lax enforcement allows 250,000 policyholders to drop out of the NFIP each year.

Critics say several changes would help. Those receiving disaster grants should be required to buy policies. Banks could be penalized for not enforcing insurance requirements. Washington also needs to establish more incentives for communities to raze flood-vulnerable buildings. It's not Oliver Ready's fault. But if Congress again ducks reform, he and thousands of other property owners will continue to benefit from a leaky federal program. "They set the rules," Ready says. "We didn't."

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in strong support of the measure before the House. I do so with a variety of emotions.

First of all, Mr. Chairman, I am glad we are now where we are and that this bill is before the House. I regret the nongermane issues that have been an impediment to our consideration of this measure prior to this time, but that is in the past, and let us go forward.

We are going to be dealing with this natural disaster in the Midwest, I am afraid, for a long time to come. I do not believe that this is the single measure that will be necessary to meet the needs of the devastation that is occurring in the Midwest. I believe that the flood in the area in which it exists, that no one now alive has seen such devastation. There may have been greater floods on the North American continent at some point in our history, but I do not believe that anyone now alive has seen what is now occurring in the Mississippi and Missouri River basins.

Mr. Chairman, this measure deserves the strong support of the House. I speak as one who has voted for relief for the victims of Andrew and Hugo and the San Francisco disaster several years ago, and I want to point out to the House that the Midwest, Missouri, is a natural-disaster-prone region. We have a lot of floods. We have a lot of tornadoes. We have earthquakes. But this is worse than anything that I have seen.

Mr. Chairman, it is entirely appropriate that the House is considering this measure at this time, and I urge my colleagues to give it their strongest support. I wish I could tell my colleagues that I thought this one measure was going to be all we are going to have to be talking about in the course of this year as we come to grips with this problem, but I am afraid that it is not. But this bill is a good first start, and I say to the gentleman from Kentucky [Mr. NATCHER], I want to thank you and your committee for the outstanding job that you have done, as you in particular, Mr. NATCHER, always do. Thank you very much.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Chairman, by truck, by car, by boat, by fire truck—I have traveled extensively in my district—and I have the tetanus shot to prove it.

In addition, I have flown, both by plane and helicopter, over my district, the 6th District of Missouri, several times—and when I did, I looked down on what appeared to be an ocean with treetops protruding here and there.

St. Joseph, MO, has joined the company of Des Moines, IA, as the entire town faces the next 7 to 10 days without water and the threat of a massive power outage.

I saw thousands of acres of farmland covered by waters that have risen relentlessly—taking with them homes, property, and, unfortunately, lives. And the rains have not stopped. As a matter of fact, rains continue to fall today in the Midwest.

The situation is desperate, the call for assistance is urgent and our swift action on this flood disaster bill is imperative.

The flood assistance bill recognizes that, as bad as the situation is at present, the most difficult times are ahead of us. Only when the rains stop and the water begins to recede will the true extent of the damage be known.

The problems of long-term recovery will confront the entire Midwest, not just those in flood plains.

Mr. Chairman, the help we request is for the people of the 6th district, as well as those throughout the entire Midwest who have thought of their communities first and themselves second. And I would be remiss if I did not mention the good samaritans throughout our country who have contributed their time, their money, and their prayers to help us.

I urge swift consideration and passage of H.R. 2667.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Indiana [Mr. MYERS] for yielding this time to me.

In 1972, Mr. Chairman, the people of central Pennsylvania suffered tremendous flood damage as a result of the then notorious storm Agnes, and 3 years later almost a duplicate of that event occurred also devastating the area influenced by the Susquehanna River in Pennsylvania, and, looking back on those disasters, I have a measure, of course, of empathy and sympathy for the people in the Mississippi and Missouri areas, and I know that in looking back to 1972 and 1975 that the Members of Congress up and down the Mississippi and Missouri did rally to the help of the Susquehanna Valley people in the votes that were subsequently taken on the floor of the House. For those reasons alone, Mr. Chairman, I want to and intend to support this piece of legislation. We are all one country, and each one of us is susceptible at some point or another to having to take back to our people a measure of relief that comes as a benefit from the remainder of Congress.

My trouble, my problem, comes from that extraneous material that I wish had not been entered into this debate. It really is worrisome. I wish we could have voted up or down on this aid for flood victims.

Mr. NATCHER. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. DURBIN].

□ 1600

Mr. DURBIN. Mr. Chairman, of the $2.9 billion included in this bill, approximately $1.2 billion is allocated from the Agriculture Department. Many people have seen the inundation of farms across the Midwest. I think there is a general misunderstanding as to what responsibility the Federal Government will shoulder in this disaster, and it has a lot to do with the fact there were very complicated formulas by which farmers are compensated when they face such a disaster.

One of the threshold questions that people might ask is why is the Federal Government paying any farmer anything? Well, first, from the viewpoint of our overall economy, many Americans are unaware of the fact that 17 percent of our gross national product in America, 17 percent of the value of all the goods and services in America, emerge from the agricultural sector.

As my friend, the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA] has said, many people overlook the critical economic importance of agriculture to the economy of this great Nation that we live in. We are blessed with great soil and great resources, and only on rare occasions do we see any disasters of this magnitude.

But our Federal Government, speaking for the entire Nation, steps up to help those agricultural producers who, because of the vagaries of weather, may find themselves totally decimated in any given crop year.

I would like to explain ever so briefly the approaches that are being used to help farmers in order to clear up any misunderstanding people might have as to what is available to a farmer who has suffered losses because of the flooding disaster or the drought disaster in the East or the wind disasters in Kansas and Nebraska.

In the first instance, for any farmer to qualify for any type of Federal disaster he must have lost between 35 and 40 percent of the value of his crop. So we are not talking about farmers who are just touched by this calamity, but in fact those who have seen real devastation and real losses.

Now, once that threshold requirement is reached, the amount that the farmer receives from the Federal Government depends entirely on his status. If a farmer is out farming somewhere in America, in the Mississippi Valley, for example, and said at the outset, "I am a rugged individualist. I do not need the Federal Government. Just give me my tractor and land and leave me alone," that farmer is going to have a pretty tough time of it, if in fact this disaster has touched his farm. As a matter of fact, it would be very difficult for that farmer to receive from our Government more than 15 percent of the value of his crop from disaster payments. That farmer is going to have a tough time even surviving under these circumstances.

Take the second farmer who said, "I am going to sign up for the Federal Government program. I will set aside certain acreage, I will comply with the requirements of the Federal law, and I want to, in this disaster, turn to the Federal Government and ask for a helping hand."

If that farmer has faced that kind of a circumstance, he is likely to recover about 22 percent of the value of his crop. Again, not a large sum in comparison to what the loss happens to be.

But now let us move to the next and final category. Assume we have a farmer who has signed up for the Government program and also bought crop insurance. This farmer looked ahead and said, "I don't know what is over the horizon, but I am going to prepare myself for this loss. I will be in the Government program. I will buy insurance."

Now, for that farmer the circumstance is much different. That farmer, because he has paid into the crop insurance program and because he signed up with the Federal Government, can see up to 85 percent of the value of his crop coming back.

In other words, we are rewarding and encouraging farmers to do the right thing, to sign up for our programs and also for crop insurance.

The crop insurance program itself is going to be very helpful to many farmers in that respect. But no farmer is going to get back everything he has lost, not should he. The President made clear from the outset that the Federal Government could not pay for all the losses that will be incurred in this disaster. But we are going to give a helping hand to producers who really have seen devastation in their areas.

Let me say at this point I want to salute the administration. President Clinton, Vice President GORE, Secretary Espy, Secretary Pena, and so many others have been visible in Illinois, my home State, and the surrounding flooded area. I cannot tell you how much it means to these people who have seen this kind of calamity occur to their business, their home, and their farm, to see the highest elected officials in the land not only visit, take a look from a helicopter, but to come time and again and ask how they can help. That kind of moral encouragement is needed. I want to salute the administration, and I say I am glad today we finally have come to the point where we are considering this bill to move forward with disaster aid.

Finally, if you will allow me a moment here to share with you a few personal experiences in my own district. This last Sunday we lost the second largest levee in the United States of America, the Sny Island levee, which is south of Quincy, IL. Because of the flooding, because of the pressure on the levees, the Sny has given way, and on Sunday, 40,000 agricultural acres were inundated and three small towns were literally wiped off the map.

Mr. Chairman, I worked on the sandbag lines this past Saturday. I worked between two retired farmers who had driven 100 miles to fill sandbags. One was 81 years old and one was 70 years old. They were out helping, sitting next to an unemployed young man, sleeping in his car overnight, and spending his days filling sandbags. Children, church groups, the National Guard. People visiting the city of St. Louis conventions are coming out to the sandbag lines. It really is a wonderful feeling of community in the Midwest as we rally to try to help one another.

What we are doing today with this disaster assistance is the definition of what Government is all about. When we cannot handle it as individuals, families, and communities, we come together in a larger group as a Nation, as a Government, to provide a helping hand.

Mr. Chairman, I encourage all my colleagues to vote in support of this disaster supplemental.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member rises in support of this supplemental appropriation; I wish I could do so without reservation. Unfortunately I cannot. We find ourselves today once again having to appropriate additional funds to come to the assistance of the victims of nature's harsh treatment. While this Member certainly supports cutting existing expenditures wherever possible to aid in funding this measure, we must treat victims of the flooding and storms in the Midwest in the same generous fashion that we treated the victims of Hurricane Hugo in South Carolina, Hurricane Andrew in Florida, the San Francisco Bay area earthquake, and Typhoon Iniki in Hawaii, even if offsets are not available. Certainly we must provide the same level of compassion, the same funding formulas and the same availability of assistance to victims of this crisis as we have to victims of Hurricanes Andrew and Hugo, the San Francisco Bay area earthquake, Typhoon Iniki in Hawaii, and other recent natural disasters.

Mr. Chairman, this Member has toured the areas of his State affected by flooding and wind damage. The damage this Member witnessed confirmed his impression that this is the broadest violent storm-related damage that has struck eastern Nebraska in his lifetime.

Damage to crops, infrastructure, and personal property is the most severe and wide-ranging anyone in the State anyone alive can remember.

In Nebraska, 35 counties have been affected, and it is expected that at least 18 of the 25 counties in this Member's district will be designated Federal disaster areas. Infrastructure damage includes an incredible number of bridges and roads washed away and extremely costly damage to power lines throughout the area. Much property damage cannot even be assessed until flood waters recede and total crop losses won't be known until after the fall harvest.

As severe and damaging as the devastating flooding has been throughout the Midwest, the wind damage experienced in Nebraska has been equally devastating. This Member witnessed damage from windstorms that can only be compared to that inflicted by a hurricane. It would be important and appropriate that this measure includes assistance for wind damaged areas. In some areas of the legislation, like the funds for housing and the CBDG funds, it does not—aid is restricted to flood damage. The wind damage related to these torrential rains are excluded.

Mr. Chairman, I am sure that President Clinton intended that constituents of mine and people living in Kansas, Iowa, and Nebraska, affected by these winds would be treated fairly, the same way as they are treated in areas damaged by hurricanes and typhoons in Florida, South Carolina, and Hawaii. But they are not treated equitably the way this legislation is drafted.

I would say to Secretary Cisneros, one of your people has committed a blunder when they eliminated the contingency request they excluded the possibility of helping people with wind-related problems, regarding the HUD program portion of this bill. They have sent up inadequate legislation. They have made an error. It is understandable that they may also have failed to include coverage for wind damage, but then at least they have the duty to admit the seemed error or oversight and help a Member of Congress in his attempt to assure equitable treatment for people of three States. Now someone in HUD is too blockheaded to admit they made an error, and the result is that people in my district and in those three States will not be treated equitably, as they are in other areas.

I tried to make a corrective amendment made in order through the Committee on Rules, but, of course, the Committee on Rules brought us a rule just exactly like the one we the House rejected last week. They expressed sympathy—indeed on both sides of the aisle, but sympathy is not enough to help a Member correct an important error or oversight in the bill drafted in the administrative.

In reality, a mistake was made, and no one at this stage is giving this Member any opportunity to correct it. The HUD people had better take a look at the basic errors in the legislation that caused this in the first place. Secondly, they ought to realize that people are just as damaged by 125-mile-per-hour winds as they are by flooding. The damage to an individual's farm, to his home, to school buildings, to the community's assets, is just as devastating.

Mr. Chairman, I would hope that since we cannot get justice for my constituents in this House, we will at least have it in the other body.

Mr. Chairman, it is vital that adequate funding be made available to assist Midwesterners in recovering from these devastating storms. Crises like these bring out the best in Midwesterners. The pioneer spirit of neighbor helping neighbor is still very much alive in this part of the country. Everyone has come together to work through this emergency, just as they have provided assistance to victims of other disasters in other parts of the country in the past. Mr. Chairman, just as the Federal Government has provided aid to victims of those other disasters, we must do so now for these citizens. This Member urges passage of this measure but regrets deeply that he was blocked from providing fully equitable treatment for Nebraskans who suffered severe damage as a result of the same storm system that brought the early big flooding in Nebraska.

The CHAIRMAN. The Chair would advise Members that the gentleman from Kentucky [Mr. NATCHER] has 16 minutes remaining, and the gentleman from Indiana [Mr. MYERS] has 27 minutes remaining.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I thank the distinguished Chairman for yielding.

Mr. Chairman, first let me commend and congratulate the Members of the appropriations subcommittee and the Committee on Appropriations as they help farmers. They have also addressed the issue of farm workers and seasonal workers who, when the farmers suffer, the farm worker also suffers. I appreciate their sensitivity and interest in this endeavor.

Second, Mr. Chairman, as I said on the debate on the rule, I am perplexed and frustrated. This debate should not be occurring. When anyone would ask where is the money coming from, I have stated that we on the Committee on Agriculture have cut expenses by $52 billion in the past 12 years.

□ 1610

But I think it would be insulting to ask who will pay for this. The only people who pay in our Government are the taxpayers. And the taxpayers of Iowa, the taxpayers of Missouri, the taxpayers of Kansas, the taxpayers of Illinois, they have already paid.

This next quarter there will be enough money to cover this bill from income tax advances from the people of Iowa. I think it is an insult for anyone to stand here and say, but who will pay for it. The people who always pay, the taxpayers who pay in every quarter, who pay every April.

Let me say that I think it is doubly insulting, if we take a person who is drowning and someone asks, throw the rope to him, throw the rope to him, and we ask, but who is going to pay for the rope, when someone is drowning.

Mr. Chairman, it is an insult to the taxpayers of this area who now ask for our assistance.

Finally, let me say, Mr. Chairman, I had in my area a very minuscule but nonetheless 750 houses under water. I saw the victims talking to the Red Cross, eyes down, face down, almost ashamed to be there, as if they had been the ones guilty of this God-given catastrophe, God-sent catastrophe.

We cannot let that happen. They are looking to us for assistance.

I keep repeating, I am perplexed. I am frustrated, and I think it is insulting to ask who is going to pay for it to the taxpayers who now are asking for a little relief of the money they have paid through the years.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I guess I come at it from a different perspective than my distinguished chairman of the Committee on Agriculture. Every American family, in an ideal situation, would reallocate resources in their family budget at a time of emergency. Frankly, I think the Government ought to do the same thing. But like every American family, if they do not have those resources on hand, they use the credit card. And so we will use the credit card today. I guess that is better than doing nothing at all.

I come from Wisconsin, one of those two States that was at the forefront of the disaster we have experienced in the Midwest over the past few weeks. It was on Father's Day, when I called home to my father to wish him a happy Father's Day, that he said, "I think you have got some problems in your district you need to be made aware of and you need to call the county emergency government people and begin offering your assistance."

That was the beginning of this experience. Before I go further, let me say thank you to the distinguished chairman of the committee and to all of our colleagues on the Committee on Appropriations for working in a timely and constructive fashion to bring this forward.

We in Wisconsin have, to date, calculated over $920 million in Federal disaster that ought to be eligible for assistance as a result of the flood and the rains. I give Members that number, because I think it is important to understand that we are passing a $3 billion bill, so if we attempted to make

Wisconsin whole, then we were certainly blessed compared to some of our colleagues downstream. We would use up one-third of the funds.

That ought to make it clear to everyone, no one here will be made whole. The tragedy is, and I think it is important today, that we send a signal, unfortunately, that nobody in this country is going to be made whole as a result of this.

As the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and related agencies of the Committee on Appropriations said, most farmers are going to get only 20 cents on the dollar, roughly. We, in Wisconsin, where we use our crops for our own feed, we have roughly a 4-to-5 percent sign up for flood insurance. So flood insurance is not even a viable program in Wisconsin and not an option here.

Mr. Chairman, I do rise in support of this legislation. I encourage its passage, and I forewarn my colleagues in the future, there are a lot of problems yet to be resolved on this flood that we will have to come back and address.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, very briefly, I am for this legislation. I do not think this is any secret. Most of us are for it.

I happen to believe that we should not try to pay for it. We do not ask people to pay for an emergency in a family, if they have a fire, have a flood. I tell Members why. I was in the terrible flood in 1972, the whole community around. This was from Hurricane Agnes. We suffered greatly, and one of the things that pulled us up was the willingness of the Government to throw all caution to the winds and come in with all their ability to help finance and help support all of us who were in desperate need.

I am in support of this. I think we are doing exactly the right thing.

I urge my fellow Congressmen and Congresswomen to support 2667.

Mr. NATCHER. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, I rise in strong support of this necessary legislation for flood disaster relief. In particular, I want to state my support for the appropriation of $21 million in contingency funding to help repair and return to service vital local and regional rail lines that have been damaged in the Midwest flooding.

The Transportation and Hazardous Materials Subcommittee has received extensive information from the Interstate Commerce Commission and from the carrier associations themselves as to the severity of the problem and the urgent need for financial assistance. The local and regional railroads in the flooded areas are major transportation arteries for the region, and these funds will be particularly important in the effort to clean up and rebuild the region when the floods recede.

These funds will be administered by the Department of Transportation through the Federal Railroad Administration. The measure also directs the Secretary to take into consideration as funds are made available to the railroads, the extent to which the individual States may have available unexpended local rail freight assistance funds or available repaid loan funds.

I commend the Appropriations Committee for bringing this matter to the floor. I support it; I support the funds that are to be allocated to help rebuild the regional rail infrastructure, which will be so important to the restoration of the Midwest economy. I urge my colleagues to support this emergency appropriation.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. LEWIS], a member of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding time to me. I will not take up as much as 4 minutes, I hope. I did have a 10-minute speech here, praising the committee, the House, and my colleagues for their effort on behalf of the people who have gone through this horrible circumstance in middle America.

But instead of giving that speech, I frankly want to use a piece of my time in a colloquy with my colleague, the gentleman from Ohio [Mr. STOKES].

Could we spend just a moment or two here together? My chairman, the gentleman from Ohio [Mr. STOKES], and I spent a good deal of time working on our piece of this that has to do with the HOME and CDBG side. We made every effort to get the money out there to people as quickly as possible.

I could not help but be struck by the remarks of my colleague, the gentleman from Nebraska [Mr. BEREUTER], as he expressed concern about people who were harmed severely by this same storm. I share his feeling that perhaps our language was of a form that people who were damaged by wind, would be excluded.

That clearly was not my intention, and I do not believe it was the intention of my chairman.

Mr. STOKES. Mr. chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, first let me say, the gentleman is absolutely correct. The gentleman has been extremely cooperative in terms of giving leadership on our subcommittee in terms of trying to meet the problems related to this disaster.

I appreciate very much the type of cooperation we have had from the gentleman.

I did listen intently to the comments of our colleague, the gentleman from Nebraska [Mr. BEREUTER], on the floor. The type of problem that he has brought to the attention of our colleagues today is something both the gentleman and I have discussed in the same sense that our intention is to try to get relief for the people who have been affected by the flood and not limit it by virtue of restrictive language as such.

There is a problem in terms of the current language, but I would certainly be willing to work with the gentleman to see in what manner, when we go to conference, we can try and alleviate the problem brought to our attention.

Mr. LEWIS of California. Mr. Chairman, I appreciate your response.

I would suggest that as we go to conference with Senator MIKULSKI and her committee and working with Senator KERREY, that we ought to be able to find a way to make certain that the people who receive direct damage as a result of this storm system, it is our intent to help those people where we can. It seems to me we can solve any technical problem that might have taken place as a result of language that did not reflect the agreement that the gentleman and I have shared.

□ 1620

Mr. Chairman, I rise today in support of the flood disaster supplemental.

This supplemental exemplifies the very best about the appropriations process. I want to thank Chairman STOKES for his efforts in putting together the FEMA and HUD portions of the bill. I am deeply impressed by the amount of effort that the Appropriations Committee devoted to making Government and our process truly responsive to those in need.

Those of us from California have seen this type of emergency response before when the committee and this House reached out to help us deal with the aftermath of the Loma Prieta earthquake. It would be a blessing indeed, if the dollars that we are providing today work as effectively and as quickly as in the Loma Prieta example.

I suspect that this is only the downpayment on responding to flood emergencies. While I am pleased with the initial response of both Congress and frontline agencies such as FEMA, I will be watching carefully to see that these monies are not only timely, but truly effective in meeting the urgent needs in the Midwest.

Nature's latest handiwork and the daily film from our news media have clearly illustrated the devastating effects that these floods have had on the people and land of the Midwest. But the cameras and videotape have also captured that uniquely American trait of pulling through and working together when times are at their toughest. The American people need a Federal response that is as effective, direct and compassionate as that which they have seen from the thousands of volunteers who have set everything else in their lives aside to address the Mississippi's latest and mightiest challenge.

The flood waters of the Mississippi and its many tributaries cover eight different States. Many of the hardest hit cities and towns are still under water and rain continues in many areas. The lives of millions of Americans have been affected by this flooding.

I want to compliment the many Federal agencies and especially the Red Cross for their work and rapid response to the disaster. FEMA has been leading the Federal flood response effort and should be recognized for quickly accommodating unforeseen circumstances, and avoiding delays with disaster assistance. In past disasters, FEMA has been criticized for its lack of preparedness, however with this disaster they have done a thorough job initially.

This $2.9 billion supplemental will bring much needed support to the impacted areas. Eight hundred fifteen million dollars will be distributed through FEMA's disaster relief fund. This FEMA money will provide individual assistance to disaster victims which will cover the costs for temporary housing assistance for up to 18 months, including rental assistance, mortgage payments, and manufactured housing. Direct family assistance grants will be distributed to meet urgent needs for up to a maximum of $11,900 per family plus additional home repair grants. There will also be public assistance programs for 75 percent Federal and 25 percent State/local share contribution, to cover costs of debris removal, and repair and renovation of any public owned building or facility.

In closing, Mr. Speaker, now is the time to move this package to the President's desk. Let's show the American people and particularly those in the Midwest that the Federal Government can address a major challenge and be a valued neighbor.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I read this language very carefully, and I find no language in there that makes anyone ineligible, that made anyone ineligible before the bill was written, so it perplexes me a little bit. It seems to me what the gentleman did was restore the money for anybody and everybody that is eligible under the disaster assistance laws in existence at the time this bill was written.

I would ask the gentleman, is that not correct?

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I would say to the gentleman, I think what the gentleman from California [Mr. LEWIS] is referencing is in terms of the speech made on the floor by the gentleman from Nebraska [Mr. BEREUTER], in that the language used in the bill with reference to flood damage——

Mr. SMITH of Iowa. Floods and other disasters.

Mr. STOKES. If the gentleman will yield further, that is precisely what the gentleman from California [Mr. LEWIS] and I think we were talking about, and other disasters. However, the language in the bill does make reference just to flood damage. It does not make reference to wind damage, while we realize that is a part of the whole flood problem.

Mr. LEWIS of California. If I may respond to my colleague, the gentleman from Iowa, it is our intention to make certain that technically the language does not exclude specific people with windstorm damage related to the flood disaster. Indeed, there is great concern that we may have done that in a technical way. We want to overcome it if we can.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to my colleague, the gentleman from Nebraska [Mr. BEREUTER], so he may enter into this dialog.

Mr. BEREUTER. Mr. Chairman, I want to sincerely thank both the chairman and ranking member for their comments and the concern and sentiments they have just expressed. I want to say to my colleague from Iowa, who is my neighbor, we have adjacent districts—if I could have the attention of my colleague from Iowa [Mr. SMITH], to say that the first provisions of the bill that are FEMA-related and are agriculture-related specify coverage of damage by flood, hail, and other natural disasters. No problem there.

However, the latter sections of the bill restrict it strictly to flood damage. At least two of those programs, housing and CDBG, are very relevant to the disaster needs of parts of my district and other parts of the three States affected by this uniquely strong and damaging wave.

Mr. LEWIS of California. Mr. Chairman, we are committed to try to overcome those difficulties in conference.

Mr. NATCHER. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I first want to thank the gentleman from Kentucky [Mr. NATCHER], the chairman of the Committee on Appropriations, and the gentleman from Iowa [Mr. SMITH] and the gentleman from Illinois [Mr. DURBIN] and all ranking members for bringing this legislation to the floor in such a timely fashion. Even though we may have disagreed on how and when it should be paid for, we certainly do not disagree on the question of its need.

Mr. Chairman, I am very pleased to rise in support of this legislation, and I want to make one point clear. I think this has been lost in a lot of the rhetoric on the floor, and also with the network coverage and the newspaper coverage of this legislation.

The fact is that if we enact this legislation and put it on the President's desk by the time we adjourn on August 6, my constituents in Kansas, the farmers, the business people, the homeowners that are suffering as a result of this flood, will not have lost $1 in aid and we would not have been delayed in the delivery of that aid one minute if we pass this legislation by August 6.

It is very important for us to communicate to the public that we are acting in a timely fashion, decisively, and there is not going to be a delay in the delivery of emergency assistance in this country. I appreciate the opportunity to make that point.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman from Indiana [Mr. MYERS] for yielding.

Mr. Chairman, flood assistance, or any disaster assistance, should be more readily available in our own country than similar money that we have provided through foreign aid.

However, natural disaster assistance programs, like any other assistance programs paid for with taxpayers' dollars, must be given out, not only equitably but in a way that encourages self-reliance and individual effort. Too often we hear of the unfairness of government programs that reward those individuals who have acted less responsibly. Congress needs to carefully review the eligibility requirements. We need to review the FEMA standards, some of which are 25 years old. In the agricultural area, aid programs too often are lacking in coordination, and overall, we certainly need to review the efficiency of administration of these disaster assistance programs and establish standards.

Because of the crisis of the growing Federal debt, even disaster assistance programs ought to be funded responsibly. The hurricane season is upon us. If we have another incident similar to Andrew of last year, it can significantly jeopardize the Federal debt of this country that is already projected to reach $6.2 billion by 1998.

A family that has an emergency compensates by reducing expenditures in other areas. It is reasonable, for the Federal Government to react likewise and offset some or all of the Federal disaster assistance with spending cuts, or at the very least using uncommitted funds that have been identified and are available.

Even with expenditures of this serious nature, we cannot continue to operate with this credit card mentality that requires future generations to pay today's bills.

The Midwest flood and this country's mounting debt, are both disasters.

Mr. NATCHER. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, I want to commend the Committee on Appropriations, as well as President Clinton, for their expeditious consideration of this flood disaster legislation on the same terms as our Nation responded to disasters in Florida, Hawaii, and other places around our country in recent years.

As I have had the opportunity in recent weeks to travel around South Dakota's flooded counties, the devastation is literally unprecedented. The Federal Reserve of Minneapolis has already indicated that the impact on the State of South Dakota is probably greater than other States, simply because of the heavy reliance in our State on the agricultural economy. We have homes that are damaged, we have crops that are flooded, we have still more crops that are unplanted because of the floods. We have businesses that are ruined, bridges down, we have dams that are burst, and we have roads that are damaged.

We know that no Federal program is going to make people whole, that only the hard work and the spirit of the people of South Dakota are going to do that. However, we have a bill before us that will go a long way towards providing at least that minimal help to help people help themselves to get back on their feet and get our economy going again.

I think we ought to look at this in the proper context in terms of the fiscal situation, that the agriculture budget has taken a $3 billion reduction in this year's budget bill on the heels of a $13 billion reduction in the 1990 farm program.

We have a $37 billion reduction in the deficit over what was projected earlier in the year. So while we need the task force that the Speaker, the gentleman from Washington [Mr. FOLEY] is talking about to find offsetting revenues, the fact is that we need to act now. The need is urgent.

I want to urge support for this badly needed legislation.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE], a member of the Committee on Appropriations.

Mr. KOLBE. Mr. Chairman, last winter my State experienced some severe flooding. Watching what has happened on television, I would have to say it is not of the extent that we have seen in the Midwest, but I do know something about flooding. No one can disagree with the intent of this bill. We need assistance. We needed assistance then. We need assistance still today for some of the disaster victims of that flooding.

This assistance today or the assistance then ought not ever to be held hostage to big city political pork barrel politics, politics that distort the will of Congress from offering amendments that have been suggested before to pay for disastrous spending, and that is exactly what the bill we have does.

It also, of course, includes a provision that we have had some argument about already, the Youth Fair Chance Program, that expands the definition of youth to include people up to the age of 30.

The truth is this is a program that is little more than a big city political payoff, keep the handouts coming, keep the patronage coming, keep the incumbent political machine going.

This is the kind of provision that has no place in this bill, and I think causes the rancor that exists in this House, and unfortunately, the distaste that so many Americans have for what we do around this body.

The trick to the deception is one that we have seen before. It is not very complicated. Bring a bill that no one can be opposed to the floor, then put something in it that is not acceptable to almost anyone, but is included in the legislation, and then it can be protected by the bulk of the legislation.

Besides that particular pork barrel spending game, the bill comes to the floor with a rule, as we know, that has prevented us from considering whether there should be offsets to this spending. I think even the people in the Midwest have spoken on this subject. They believe while we have disasters, we ought to be paying for them.

□ 1630

There are, it seems to me, some unfortunate parallels between the floods and this Congress. Like the floods, Congress is inundating people in a flood of red ink; like the heroic efforts of flood victims building and reinforcing levees, people have tried to stop the congressional flood damage by electing new Members, passing term limits, and demanding reform; but like the rains, the Congress just keeps coming down on the American people. Perhaps the time has come to put a stop to this flood and dam up the Congress.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO. Mr. Chairman, I would like to enter into a colloquy with the gentleman from Indiana [Mr. MYERS], the ranking member of the Subcommittee on Energy and Water Development in the Appropriations Committee.

As the gentleman knows, I had hoped to offer an amendment today to seek additional appropriations in the amount of $14 million for the Army Corps of Engineers construction general account, as authorized by the River and Harbor Act of 1960, to address flooding problems in my own district. While the Rules Committee declined to accept that amendment for consideration under this bill, I would like an opportunity to discuss the severity of the situation faced by my constituents.

I in no way want to diminish the tragedy faced in the Midwest by the severe flooding along the Mississippi, but I want to make clear the tremendous peril we face in my congressional district. Fire Island—part of New York's barrier island system—is the only thing protecting the south shore of Long Island from the pounding waves of the Atlantic. Two fierce storms of last winter caused tremendous damage to the barrier beaches of Fire Island, leading New York Governor Cuomo and former President Bush to declare the area a disaster, although these designations were not for the purposes of a BEA.

These storms not only resulted in the loss of some 90 homes, they left many areas on the island vulnerable to breaching during the next round of storms. If breaches occur in the barrier island, the Federal Government will undoubtedly be called in—just as they are now for the Midwest—to provide financial assistance. My message today is that an ounce of prevention now could protect us from literally billions of dollars in Federal outlays in the not-too-distant future.

Can I have the gentleman's assurance that you will work with this member to shore up Fire Island to protect both it and the south shore of Long Island from further damage?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I gave the gentleman some bad advice. I told him that we were going to keep this bill clean, that we were not going to add anything other than for the Midwest floods, and now we find out that the Rules Committee has added legislation for another program, so I did not give the gentleman very good advice.

Yes, Members of the committee are aware of the gentleman's situation, and most Members have visited the area, though not since the most recent incident. Under next year's regular bill we will take a look at this Fire Island problem. We are very much aware of it, and the gentleman has spoken to us about it.

Mr. LAZIO. I want to make the gentleman aware of the imminent danger that Fire Island faces if there is a need for emergency measures to shore that up.

Mr. MYERS of Indiana. Some Members of the committee will take a look at it as soon as we get out of here.

Mr. LAZIO. I thank the gentleman.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I simply want to take this time to thank the committee chairman for bringing this bill to the floor as rapidly as he has. I also want to thank the President for the high degree of attention he has given to this problem.

I happen to represent one of those districts where this flood started, as does the gentleman from Wisconsin [Mr. GUNDERSON], and I very much appreciate the fact that we are finally, after about 4 or 5 days of posturing, finally getting this bill on the road. I think it ought to be understood that this is simply the first installment on what is going to have to be a much larger final payment when we assess all of the damage which has occurred in the Midwest because of the flood, and I simply want to say that I for one do not agree with the mindset of those who seem to suggest that if we are providing emergency assistance to the Kurdish emergency, or to the Somali emergency, that it is fine to make an exception if it is coming out of the defense budget, and it is fine to make an exception to our general budget rules. But, if it is for domestic needs, then we should not be making these exceptions. I do not happen to agree with that kind of thinking.

It simply seems to me that floods are an act of God, and if we can make exceptions to our congressional budget rules because of the actions of foreign dictators, or because of the actions of Presidents, justified actions, then it seems to me that we also can make exceptions for acts of God. Not to do so I think would be the height of human arrogance, and I appreciate the fact that the committee does not fall into that trap. And I intend to fully support the legislation before us today.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding the time.

Given the partisan nature of some of the discussions earlier today, I think it particularly important as an Iowan whose district has been ravaged by this flood to express appreciation to the committee of jurisdiction, particularly Chairman NATCHER and Chairman SMITH, as well as our ranking members, JOHN MYERS and JOE MCDADE for the timely and compassionate nature of this legislative response, although I agree with the gentleman from Wisconsin [Mr. OBEY] that it may entail more consideration later.

Also, as a Republican who opposes much of the macroeconomics of this administration, I would like to assert as strongly as I can that it is important to express appreciation to Presidents when they are right, or do well, and in this context I think President Clinton has to date responded very impressively to the flood crisis. Secretary Espy and James Lee Witt, the FEMA Director, have on a timely basis put in place a very extensive operation in the Midwest, and we on our side should give them their due and their credit.

To say that this aid is badly needed is to indulge in something that seldom happens around here, and that is understatement.

It is also not an understatement to suggest that people in the Midwest have responded impressively. And as we think about it, the way rich people, poor people, highland people, lowland people, Democrats and Republicans have worked together in responding to the flood stands as a pretty good model by which this Congress ought to proceed in the future on this kind of issue. I see no reason whatsoever why we should not take inspiration from those directly affected and address emergency issues of this nature in a spirit of greater comity and integrity.

This observation aside, I want to say particularly to the majority that is responsible for running this body, our procedural spat aside, you have done a very fine job in bringing a very compassionate approach in a very timely way, and we in the minority, and we in the Midwest are particularly grateful.

Mr. NATCHER. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the chairman for yielding the time.

Last night volunteers worked throughout the night laying sandbags in my hometown of Valley City, ND. The actions of these concerned citizens reflect, as has happened so often throughout the Midwest, the very best in our national character, people coming together to help one another when they need it.

It is now time for us to come together and pass out today this desperately needed disaster relief. I know personally what it is like to get flooded. If you need to spend money to protect your property, or temporarily relocate your family you spend it. As the water recedes and the crisis ebbs, you rework your family budget to cover these unavoidable but unanticipated costs. This is precisely the action the House must take today, pass relief to those who so desperately need to know that help is on the way even while the rain keeps falling and the water keeps rising.

I implore Members to pass this measure this afternoon. The people of Valley City and millions of others throughout the water-ravaged Midwest on water-sloughed and water-logged farms are counting on you.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. NUSSLE].

Mr. NUSSLE. Mr. Chairman, I thank the gentleman from Indiana for yielding the time. I just want to start off the way I started off a few days ago when we were talking about this issue during the rules debate, and that is by thanking Chairman NATCHER for his excellent presentation, for drafting this bill and making sure that the people in the Midwest receive the help that they deserve, and also thank the other chairman of the Appropriations Subcommittee, the gentleman from my State, Iowa, Mr. SMITH, for his leadership and timeliness in bringing this matter to this floor.

☐ 1640

The fact that we paused for a moment to discuss how to pay for it, the fact that we paused for a moment to discuss some pork-barrel politics is not to diminish the need, is not to diminish our support, is not to suggest that we are callous or not compassionate to the people that we represent, but it is to suggest that if we had the time—and we do have the time, given the statements of the President and the director of FEMA—if we have the time to discuss how to pay for it, that that is a responsible thing to do.

I thank the gentleman from Iowa [Mr. SMITH], we have talked many times about this issue. I think both of us are frustrated that, while we may disagree with this particular issue and how it was handled, that we do have to redouble our efforts together and with the rest of the Members of Congress to find a way to solve the disastrous way that the Federal Government sometimes deals with disasters, whether it be by establishing the fund, whether it is setting aside money from time to time, whether it is a way to pay for it in future disasters.

While we may not have been able to discuss it this time, we do need to discuss it before the next time, the next time it happens for Iowa or the next time it happens for any State.

I believe this bill needs to pass today, although we hear that the other body may not take up this matter until as late as next week. Maybe that is a concern to us, another delay; we need to get this off dead center and on to the Senate as quickly as possible.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to H.R. 2667.

Mr. Chairman, I rise to oppose H.R. 2667, the Flood Disaster Supplemental Appropriations bill, which provides Federal assistance for those areas devastated by the recent flooding. This is not an easy vote for me or any of those Members who will oppose this bill. Indeed, part of my district, Lake County, has been hit hard by the unending rain and has been named as a county eligible for Federal financial assistance.

However, as much as I would like to support this bill I cannot do so for a number of reasons. First of all, I adamantly object to the rule which was adopted to consider this legislation. The rule prohibited Members of the House to offer amendments to H.R. 2667, amendments which in my view were fiscally responsible and would improve the bill. We face a national debt of over $4 trillion, and I believe it is absolutely incumbent upon this Congress to make an effort to pay for this legislation.

Congressman JIM NUSSLE and Congressman PENNY, whose districts are both directly affected by the flooding, had hoped to offer a proposal to pay for H.R. 2667, and I believe that the House should have had the opportunity to vote on their amendment. My Democrat colleagues have stated that since the Congress has provided emergency relief funds in the past without providing offsetting spending reductions elsewhere, we should just continue this practice. Mr. Chairman, we need not compound the mistakes of the past. I would like to suggest to my colleagues that such a practice is precisely one which the voters attempted to eradicate from this Chamber in the last election.

Although the public may not be aware of the fact, the vast majority of rules that provide for consideration of legislation on the House floor either drastically limit or prohibit the ability of House Members to offer amendments. It is absolutely outrageous that in the people's House the people's Representatives are not able to offer amendments which they feel are in the best interest of their constituents.

Moreover, this legislation incorporates unnecessarily and against the normal rules of the House a provision which is totally unrelated to the issue at hand. The so-called Waters amendment violates the rules by legislating on an appropriations bill and is not in any way germane to the present debate. Funding for stipends intended for teenagers and young adults in Los Angeles has no relation to helping the flood ravaged victims along the Mississippi River and other parts of the Midwest. This emergency exists for the farm, business, and home owners in the Midwest, not teenagers in California. Why this language must be included in the legislation before us is beyond me, and its necessity at this time has never been adequately explained by my colleagues on the other side of the aisle.

Mr. Chairman, it is for these reasons that I intend to vote against H.R. 2667, and I would like to urge my colleagues to do the same.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. I thank the gentleman for yielding this time to me.

Mr. Chairman, I represent part of the St. Louis area. I have two counties suffering from the flood now, St. Louis and St. Charles Counties. St. Charles County is in a very unique position. It has the dubious distinction of being almost exactly in between the Missouri and Mississippi Rivers and right now suffering, uniquely, flooding from both sides; backwater flooding from the Mississippi River and headwater flooding from the Missouri River.

The Missouri River, in effect, is flooding over St. Charles County. It is a 7- or- 8-mile lake if you fly over it. It is truly a terrible, dreadful, awesome experience to see that.

There are two points I want to make to the House today, Mr. Chairman. First of all, the devastation in my district is similar to the devastation in other people's districts around the country; 7,000 people out of their homes, people desperately in need of shelter, food, people dislocated, people concerned about the future. Farmers having lost their crops, at a time in the growing season when it is impossible to replant and recover as would be if this flood had occurred in April or May.

But the volunteer effort in response, Mr. Chairman, is the silver lining in this terrible cloud.

Fifty thousand people in my district alone have volunteered to help out. They have sandbagged, they have served food, they have taken people into their homes. They are doing the best they can to deal with this terrible problem.

I think everybody recognizes that the response is basically going to have to be on the local and State levels.

The second point I want to make, Mr. Chairman, I want to make to the people who believe as I believe, that we should have paid for this disaster relief by saving from other areas rather than by borrowing money. I think it is appropriate for us to raise those issues. I would have preferred that we pass the flood relief bill and that we do it through savings.

Now we have the opportunity to pass the flood relief bill, and the only opportunity we have is to do it through borrowing. I think that is appropriate now, as it was appropriate to raise those issues, and it is appropriate to put those behind us. But people in the Midwest are waiting to see if the Federal Government and the Congress can unite in an effort and can support them in what they are trying to do to help themselves and their neighbors. It is more than just the money, more than just the loans to the farmers; it is important at this time as the people are laboring under week after week after week of strain that we show that we can pull together.

I urge people in the House, people on both sides of the aisle, those who have doubts, as I have and still have, about how we are funding this measure, to pull together and to pass this measure overwhelmingly and to provide support for the people who so desperately need it.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, I thank the gentleman for yielding this time to me.

First, I want to stand in strong support of this legislation, and I want to thank the gentleman from Kentucky [Mr. NATCHER], for the efforts he made on behalf of so many victims of flood insurance and so many of the other programs that come under this jurisdiction. I thank him very much for the efforts he makes on behalf of the people of our country.

Mr. Chairman, there is all this wringing of hands and gnashing of teeth on the House floor here today about paying for this package.

Let me suggest to my colleagues a relatively simple response:

If more people had Federal flood insurance, there losses would be less, and so would the cost to the American taxpayer.

As chairman of the subcommittee with jurisdiction over the Flood Insurance Program, I am alarmed at the lack of participation in it.

The reality is that many communities do not sign up for this program even though it would protect its citizens. In the Midwest, only about 10 percent of the people who should be in the flood program are actually covered.

The reason is that it would require higher levees, elevated homes and buildings, and other measures that might cost money and obstruct scenic river views, but would, in the long run, save both money and heartache.

Never has it been more true that an ounce of prevention is worth a pound of cure.

To those who would say we have no right to ask communities to take these measures, to require participation in the flood insurance programs I issue this challenge:

Look into the eyes of crying victims now and tell them they're better of for not having flood insurance.

At best, people eligible for the disaster relief we are passing today will get $11,000 grant and maybe an SBA loan.

If they had flood insurance, they'd be made whole.

Mr. Chairman, flood insurance means peace of mind for people living in flood areas. And it means that disaster packages like this might not have to be so large in the future. I look forward to working with you and others to extend the protections of the Flood Insurance Program to the good people of our country who need it.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in strong support of the supplemental appropriation bill. My district in Wisconsin, like most of the Midwest, has been clobbered. Corn and soybean and hay and mint crops have been wiped out, roads and bridges have been wiped out, roads and bridges have been washed away, and business districts severely damaged by the worst flooding in southern Wisconsin in more than a century.

Quite frankly, my constituents in Wisconsin need help, and they need it immediately. Small businesses need SBA funding, farmers need agricultural aid, communities like Darlington and Portage need FEMA assistance to pay substantial cleanup bills.

A flash flood in the community of Baraboo just 10 days ago will give you a sense of just how bad things are. Eight inches of rain in only an hour and a half triggered the first flash flood in that city's history. In less than an hour that flood caused more than $3 million in damage, swamping the city's water treatment plant, tearing out walls in a manufacturing plant, and causing so much damage in Devil's Lake State Park that it was closed down for the first time in anyone's memory.

Like many of my midwestern colleagues, I am disappointed we will not have a chance to fund this relief with cuts in other programs because it is not only a question of doing the right thing but it is a question of doing it the right way. That debate and that vote is behind us, so beginning today let us get a flood of aid heading toward the Midwest to replace the flood of water.

Mr. NATCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 2667.

Last Friday my mother had radiation surgery in California. When I arrived at her bedside late that night she looked up at me and instead of complaining about her pain she asked me if the Congress had done anything to help the flood victims that day. I had to tell her "No."

She said "Look, this country has always come together during national tragedies, disaster and war. Americans care about each other and we pay to help each other out."

She said she heard the Republicans talking about finding cuts to offset the aid.

My mother, who is a woman of great common sense, thought that we had all lost ours.

She recounted that during World War II for example the Government sold war bonds to finance our efforts. "Why," she asked, "don't we issue flood bonds?"

Well, I think that is a pretty good idea—too late, maybe for this tragedy, but perhaps an idea to look at the next time.

The point is that I believe that Americans such as my mother are willing to borrow to help their fellow citizens during this time of crisis and tragedy. I urge us to act and act quickly to pass H.R. 2667.

□ 1650

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in strong support of passage of this emergency supplemental and salute our distinguished chairman for bringing this to the floor, but also I want to explain why I voted against the rule.

This is my third year serving Indiana in this body and this is at least the third emergency supplemental appropriations bill that has come before the House to assist victims of natural disasters. There is no question, Mr. Chairman, that this aid is desperately needed, and I will vote for this bill, but there is also little doubt that Congress needs to act responsibly and start a practice of paying for these necessary expenditures.

I salute the Speaker for starting a task force to study and act on this issue.

While it is important to pass this measure here today quickly so that flood victims can begin to rebuild their lives, perhaps we should be acting just as expeditiously to establish a framework to deal with these disasters in a manner that will not be disastrous to our Federal deficit.

There will always be a time when certain regions of our Nation desperately need our help, whether it is a drought in Indiana, a hurricane in Hawaii, or flooding in Missouri. We must begin to be proactive and plan for the unexpected natural disaster, because history has demonstrated that the unexpected is inevitable.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, unless one has experienced a flood, I do not think anyone really can realize the devastation that can come to a farmer, to a homeowner, to a business owner who has experienced a flood.

When river floodwaters get into a home, it is really ruined. The statement has been made that if we had flood insurance and the disaster payments, one could be made whole. That is impossible. Unless you have experienced having flooding in your home, you never know what it is like.

It is the consistency, after it dries, of face powder. It is everyplace.

Farmers who have lost their crops, their plans to send their children to college go down the river with the flood.

I expect I am the only one here who has ever waded through floodwaters up to my knees and up to my hips to shovel corn by hand for the pony pulling the wagon, so I do know something about a flood, but I also have some sympathy for the poor taxpayers and their children and grandchildren.

No one is trying to deny here the funds available for these needs, but we are also concerned about the taxpayers of the country who we just continually say, "Oh, yes, we are concerned about the taxpayer. We are concerned about doing something, but let's don't cut this year. We'll wait till next year."

All we are asking here is that we have the offsets. We all know that someday we are going to have to have those offsets. We are not going to be able continually to sweep them under the rug.

It has become an annual ritualism here, if not once or twice a year, for these emergencies. They are very real. I quite agree with them.

But the emergency to the American taxpayer today is very real, too.

What we are asking Congress to do is what every family has to experience sometime during their lifetimes when the emergency comes to the family. They have to somehow make adjustments in their budgets. Businesses have emergencies. The roof may go bad. Fire or water damage to a business comes that is uninsured. There is never enough insurance to cover a major loss, but there have to be adjustments in the way we live, in the way businesses are run.

We have to take out of one area of our planned budget to spend on the emergency. That is all we are asking to do, to help these people, but also help the taxpayers. There are more taxpayers than there are recipients on this. Think about the taxpayers. The day is coming someday when we will have to do it, but as we slow these things down we are just denying needed programs for the future.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. GRAMS].

Mr. GRAMS. Mr. Chairman, I thank the gentleman from Indiana for yielding me this time.

I would like to engage in a colloquy with the chairman of our Banking Committee, the gentleman from Texas [Mr. GONZALEZ] for some brief statements on some of the concerns we have regarding the flooding in the Midwest.

Mr. Chairman, a number of lenders in my district have approached me with their concerns about the impact that current Federal banking regulations may have on their ability to restructure existing loans and make new credit available in federally declared disaster areas.

In particular, they raised concerns that under current law, they would be unable to restructure loans for those who could not meet their payments because of flooding in the Midwest, and would be forced in some cases to foreclose on people who were severely harmed by the flood.

To address this, I and a bipartisan group of Members including the gentleman from Nebraska [Mr. BEREUTER] and also the gentleman from Missouri [Mr. WHEAT] introduced H.R. 2661, a bill to provide some flexibility for lenders in areas affected by the flooding disaster. Unfortunately, today's rule does not permit us to attach that language to the bill we are considering today.

Mr. Chairman, I know that when the 1992 hurricane disasters occurred last year, under the gentleman's leadership, the House responded by passing legislation to facilitate recovery from the hurricane by providing greater flexibility for depository institutions and their regulators.

And it is my understanding that the gentleman has already been in contact with Federal banking regulators to see if existing law is sufficient to address the problems raised by this year's Midwest flood.

Mr. GONZALEZ. Mr. Chairman, if the gentleman will yield, the gentleman is correct. I have not only written, but we have been in personal contact with the regulators with respect to their reaction on the adequacy of the Depository Institutions Disaster Relief Act of 1992, and what we need now in view of the current situation. They are responding. So we are very much on top of that.

Mr. GRAMS. It is also my understanding that if existing law and regulatory actions do not cover the concerns raised by the lenders in the flooded areas, such as credit availability and restructuring of loans, that we will work together in the Banking Committee to try to address these problems further.

Mr. GONZALEZ. Mr. Chairman, if the gentleman will yield further, yes. My understanding from the response we have gotten from the regulatory agencies is that they have issued guidelines already in specific response to the flood-affected areas. I believe those actions, coupled with last year's legislation, is sufficient for the moment. However, should specific additional actions be needed, as I have explained to the gentleman from Nebraska [Mr. BEREUTER], I certainly will work with the gentleman and with his colleagues on that approach ahead.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. WHEAT].

Mr. WHEAT. Mr. Chairman, I thank the gentleman for yielding me this time. I do not believe I will need all the time.

Mr. Chairman, I wanted to respond to the colloquy that was held on the floor just a moment ago. I thank the chairman of the Banking Committee for his response.

There are a number of my constituents, as well as constituents in the Midwest generally, who have approached many of us on both sides of the aisle about the need and the opportunity that we could give them in Federal law to be flexible in attempting to restructure loans. While this will not take care of most of the problems that will be created by the flood, this will be one step to demonstrate to our constituents that we are in fact concerned about the problems that have been created and to provide one more tool whereby both the Congress and the regulatory agencies can be responsive to the problems that exist.

I appreciate the fact that the chairman will work with us on putting this language into law.

Mr. Chairman, I yield to the gentleman from Kentucky [Mr. BARLOW].

Mr. BARLOW. Mr. Chairman, I just would like to comment briefly. I appreciate very much this colloquy.

I would ask the chairman of the Banking Committee, if we do find that the experience in south Florida with the relaxation of onerous guidelines, of paperwork and so forth is working down there in terms of taking care of the banking needs and banking situation, and now we take this up into the North Central States and find that this works well up there, if perhaps we could move across the country into the nondisaster areas in the months and years ahead and relieve our banking community from onerous paperwork.

☐ 1700

Mr. GONZALEZ. Well, yes, of course, when we get into the definitions of what is onerous, let me remind the gentleman that we have just had a response, I was informing the gentleman from Minnesota [Mr. GRAMS], from the regulator, Mr. Ludwig of OCC, and they have issued the necessary guidelines under their powers and residual powers that we have given them in the statutes, and other than minor restoration of some of the points of the statutes we passed last year that have expired, the President has issued instructions without asking for legislation to do the very thing the gentleman is seeking.

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 2667.

As someone who has seen firsthand the personal tragedy caused by flooding, I can honestly say there can be nothing more devastating than the destruction of a wall of water inundating our homes, cities, and farms. It destroys indiscriminately. It takes years to rebuild. And, the honest truth is, Mr. Speaker, that the assistance we provide here is a Band-Aid when a tourniquet is often needed. We can provide some emergency assistance. We can help businesses rebuild somewhat. But it will be the sheer will and perseverance and character of these people in the upper Midwest that will make the minor assistance we provide here today the difference in whether they survive economically or perish.

This is important assistance. It must be provided. But we must keep what we do here in perspective and not oversell the extent to which this will make a difference in the lives of those who have suffered so in the last few weeks.

Not only do we feel a sense of urgency to help now, but questions arise as to what we could have done to prevent such massive devastation. And, ironically enough, the Federal Government has been taking preventative action for some time. And, despite the devastation we have witnessed in the past several weeks, preventative action that has worked more often than not.

Specifically, the existing Corps of Engineers facilities have performed relatively well. Only 20 Corps of Engineers Federal levees have been overtopped or breached while over 770 non-Federal levees have been similarly disabled.

The corps has also played an integral role in emergency flood fighting efforts. Since the flooding began, the corps has distributed some 25.6 million sandbags to local flood fighting crews.

At the same time that we seek to repair the damage of this flood, we must also focus our attention on preventing future losses because severe flooding is something we live with yearly.

Just over 60 percent of all Presidential disaster declarations over the last 25 years have been the result of severe storms and flooding.

Even today, the Flood Insurance Administration estimates that 21,000 communities throughout the country are prone to flooding and have inadequate protection.

Hundreds of billions of dollars in property is currently at risk.

Sacramento, CA, in my own part of the country, sits at the confluence of two great rivers—the Sacramento and the American Rivers. Much like Des Moines, some 300,000 people and $35 billion in property reside in the 100-year flood plain. In fact, even a 67-year storm would overtop many of Sacramento's levees, inundating parts of the city and county with anywhere from 5 to 25 feet of water.

And, as I said, Sacramento is not alone in its need for additional flood protection. There are communities in every corner of the Nation that are under protected and face very serious flood threats.

The U.S. Army Corps of Engineers is spending about $1.5 to $1.7 billion a year to beef up flood protection nationwide.

But this tragic flood in the upper Midwest should be reminder to us all that we must invest more in the prevention of such natural disasters.

It's in the long-term interest of the taxpayers to do so. And it will allow us to fully meet a responsibility to our constituents that is in need of additional attention.

Our citizens have a right to be protected from such forces of nature just as they have a right to be protected from the weapons of a threatening army.

And, it is our responsibility as those who determine Federal priorities to find the resources to make these investments in prevention. I urge my colleagues to keep this in mind as we consider future investments in flood protection and similar public works projects.

I support the bill and I urge its adoption.

Mr. BONILLA. Mr. Chairman, I rise today in support of the much delayed emergency supplemental for the flood victims in the Midwest. I sympathize with the families who have lost their homes, farms, or businesses. I wish the Rules Committee would have allowed the Penny/Nussle amendment to cut the unobligated balances in 1993 accounts to pay for the emergency spending. We must get our deficit spending under control and if this country was not in debt we would not have to declare an emergency.

However, I don't want to forget a vital cog of the agriculture industry. Not only are farmers affected by this flood, but so are the migrant and seasonal farmworkers. These American workers have been devastated by the flooding. These workers are not permanent residents of the seven flooded States. They do not own farms or processing plants. These individuals are the backbone of agriculture that perform services like detassling corn, operating the combines and tractors, harvesting the fruits and vegetables, and packing and processing the commodities. In past disasters they have been stranded, overlooked, and forgotten. It is estimated that more than 15,000 farmworkers, in over 180 counties, in the seven States have been wiped out by the flood.

The life of a farmworker is that of hard work and dedication to make a decent living. After their children get out of school they board up their houses in south Texas, pack up all of their belongings in their cars and drive north to work along farms scattered on each side of the Mississippi River. They work small town to small town, family farm to family farm until they reach the Canadian border by the end of summer. The money they earn helps them through the winter, providing food, clothing, and shelter for their families. These laborers earn the majority of their annual income during the peak agricultural season which has been devastated by Mother Nature. This year will be a tough one for them due to the flood. The proud workers are only asking to be treated like other vital laborers to the Midwest region. The agriculture jobs have been swept away with the high water. These people are literally stranded without the resources and means to go home. I do not want to leave them stranded in their time of need.

Due to exemption under the law, farmworkers are not eligible for assistance under regular unemployment compensation. Also due to FEMA's restrictive definition of employment, many farmworkers are excluded from disaster unemployment compensation coverage because they have not actually started their farmwork at the time of the disaster. As a result, a farmworker cannot rely on the normal benefits for help in either the immediate or foreseeable future.

When the Appropriations Committee met last week, I raised this issue with my friend from Illinois, Mr. DURBIN, chairman of the Appropriations Subcommittee on Agriculture. Mr. DURBIN agreed with me that language should be included in the conference report including migrant and seasonal farmworkers to provide assistance to them. Mr. PASTOR of Arizona, a member of the Agriculture Appropriations committee, and I drafted report language with the help of Mr. DURBIN that we hope the Secretary of Agriculture will utilize.

The report language states that the Secretary of Agriculture may designate up to $20 million for emergency and related assistance for low-income migrant and seasonal farmworkers. Priority will be given for relocation and related transportation assistance for affected farmworkers.

The 1990 farm bill authorized emergency assistance in the form of food, clothing, housing, medical, and other related assistance. By agreeing to this bill today, the House is asking the Secretary to help these farmworkers with assistance to get them back home.

This assistance will help provide transportation to the farmworkers to go home or to locate alternative agricultural or nonagricultural employment in other regions of the country. The bottom line is these American workers should not fall between the cracks and assistance should be provided by Secretary Espy to get these people home.

Mr. KLECZKA. Mr. Chairman, I rise in support of H.R. 2667.

While some in this House obstruct and delay, there are Americans standing in knee deep water reinforcing levees that are the only protection for a lifetime's worth of work. We have a responsibility to help these brave and determined midwesterners. We have an obligation to let them know that relief is on the way. We have a duty to rise above partisan bickering and provide as much help as we can.

When Hurricane Andrew swept through Florida, there was no question whether Congress would pitch in and help the Americans struggling to recover from that disaster. When the Kurds in a far away land asked for our help, we delivered with bipartisan support for aid. The other side of the aisle didn't obstruct the aid in either of these cases, and they surely cannot gridlock this House now when so many Americans are counting on us. Have they no conscience?

Mr. Chairman, the part of Wisconsin that I represent has thankfully been untouched by the floods. But, as with the relief that went to Florida, I realize that a disaster of this magnitude could just as easily happen in my own district. Before voting, each of us should stop to consider the possibility that next time our constituents could be the ones waiting for Congress to help stop the suffering.

It is unbelievable that some would seek to finance this disaster by eliminating school lunches for our children and furloughing federal law enforcement officers. Let's prepare for the next disaster, but let's take care of these unfortunate people now.

Mr. Chairman, one Republican, Governor Thompson, has signaled Wisconsin's immediate need and support for this appropriation. Other members of his party must now share his good sense on this crisis. Let's do our job and get this relief to the Americans who so badly need it.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong support for H.R. 2667, the emergency supplemental appropriations bill for flood disaster relief. On behalf of my constituents, in Douglas, Johnson, and Wyandotte Counties—which were declared Federal disaster areas last Thursday—I urge my colleagues to support this bill so we can begin to alleviate the misery caused by the Midwest floods.

While the flooding Mississippi River has been the focus of our attention of late, today the Kansas River will crest at 55 feet—22 feet over flood stage—and converge into the crested Missouri River. Right now, it is too early to determine how extensive the damage will be. However, the flood is already having a real impact on the economy in the Kansas City area. All rail traffic through Kansas City, which is the second largest rail hub in the United States, has been halted, forcing rail traffic to be diverted through Montana or Texas.

In my district alone, Kansas City, KS, has been hard hit economically. The Santa Fe Railway has temporarily laid off 490 employees because of flood threats to its Kansas City, KS, rail yards. In addition, Colgate-Palmolive and Proctor and Gamble have begun idling their plants, affecting 850 employees.

Not only has this recurrent rainy weather pattern wrought destruction through flooding, it has harmed the Kansas wheat harvest. Wheat normally harvested in early July, still stands in the field because it is too wet for harvesting.

Mr. Chairman, Kansans are urgently waiting for the House to act. The Federal Emergency Management Agency, the Small Business Administration, and other Federal agencies have done a good job of establishing contact points and letting flood victims know of their services. It is now Congress' responsibility to ensure those who have sustained flood losses will have Federal disaster assistance available to them.

Mr. MYERS of Indiana. Mr. Chairman, I yield back the balance of my time.

Mr. NATCHER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the modification printed in part 1 of House Report 103–189 is considered as adopted and the bill, as modified, is considered as having been read for amendment under the 5-minute rule.

The text of the bill, as modified, is as follows:

H.R. 2667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

For an additional amount for the "Commodity Credit Corporation Fund" to cover 1993 crop losses resulting from excessive rainfall, hail, and floods associated with the Midwest floods of 1993, other 1993 natural disasters occurring prior to August 1, 1993, and natural disasters as declared by the President occurring in calendar year 1993, $850,000,000, and in addition $300,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, the total to remain available until June 30, 1994: *Provided*, That from funds previously made available in Public Law 102–368 by Presidential declaration, $100,000,000 to remain available until March 31, 1994, shall be for 1993 crop losses only: *Provided further*, That if prior to April 1, 1994, the President determines that extraordinary circumstances exist that warrant further assistance, the Secretary of Agriculture shall use such funds of the Commodity Credit Corporation as are necessary to make payments in an amount equal to 50.04 percent of each eligible claim as determined under title XXII of Public Law 101–624 and to make payments for catastrophic losses where the deficiency in production of the crop exceeds 75 percent: *Provided further*, That all additional amounts made available herein are subject to the terms and conditions in Public Law 101–624: *Provided further*, That no payments to producers under this

Act shall be at a rate greater than 50.04 percent of each eligible claim, except that for the deficiency in production of the crop in excess of 75 percent, the rate of payment shall be 90 percent: *Provided further*, That Congress hereby designates the entire amount provided herein as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any provision of Public Law 103-50, funds provided by such Act shall not be expended for 1993 crop losses resulting from 1993 natural disasters, and claims for assistance from funds provided by that Act by producers with 1990, 1991, and 1992 crop losses shall be paid only to the extent such claims are filed by September 17, 1993.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount to repair damages to the waterways and watersheds resulting from the Midwest floods and other natural disasters of 1993, $25,000,000, to remain available until June 30, 1994 to carry out the Emergency Watershed Protection Program of the Soil Conservation Service: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for emergency expenses resulting from the Midwest floods and other natural disasters of 1993, $20,000,000, to remain available until June 30, 1994: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters, $100,000,000, to remain available until expended, for disaster assistance grants pursuant to the Public Works and Economic Development Act of 1965, as amended: *Provided*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters, $1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation" for emergency assistance to Legal Services Corporation basic field programs in areas affected by the Midwest floods of 1993 and other disasters, $300,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, contingent upon the President designating the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans for the Midwest floods and other disasters, $60,000,000, to remain available until expended; and in addition, for associated administrative expenses to carry out the disaster loan program, an additional $10,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", $100,000,000, for the Midwest floods and other disasters, and in addition $20,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", $30,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER IV

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for disaster relief for the Midwest flood for activities authorized by part B of title III of the Job Training Partnership Act, $43,500,000, to be available for obligation for the period July 1, 1993, through June 30, 1994, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by Congress as an emergency requirement, pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ASSISTANT SECRETARY FOR HEALTH

PUBLIC HEALTH EMERGENCY FUND

For an additional amount for disaster relief for the Midwest floods of 1993, $54,000,000, to remain available until expended, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER V

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for emergency expenses resulting from the Midwest floods of 1993, $10,000,000, to remain available until March 31, 1994, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters, as authorized by 23 U.S.C. 125, $75,000,000, and in addition $25,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, all to be derived from the Highway Trust Fund and to remain available until September 30, 1996: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE

For additional expenses pursuant to section 5 of the Department of Transportation Act (49 U.S.C. app. 1654), to repair and rebuild rail lines of other than class I railroads as defined by the Interstate Commerce Commission or railroads owned or controlled by a class I railroad, having carried 5 million gross ton miles or less per mile during the prior year, and damaged as a result of the Midwest floods of 1993, *$11,000,000, and in addition, notwithstanding any other provision of law, $10,000,000 to repair and rebuild rail lines of any railroad subject to the discretion of the Secretary of Transportation on a case by case basis: Provided*, That for the purposes of administering this emergency relief, the Secretary of Transportation shall have authority to make funds available notwithstanding subsections (a), (b) (1) and (3), (c), (e)–(h) and (o) of 49 U.S.C. app. 1654 as the Secretary deems appropriate and shall consider the extent to which the State has available unexpended local rail freight assistance funds or available repaid loan funds: *Provided further*, That, notwithstanding 49 U.S.C. app. 1654(f), the Secretary may prescribe the form and time for applications for assistance made available herein: *Provided further*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until expended.

CHAPTER VI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the "HOME investment partnerships program", as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, for use only in areas affected by flooding in the Midwest, $100,000,000, to remain available until September 30, 1994: *Provided*, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except for provisions requiring nondiscrimination, in connection with the obligation by the Secretary or any use by the recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds and would not be in conflict with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for authorized community development activities only in areas affected by flooding in the Midwest, $53,000,000, to remain available until September 30, 1994: *Provided*, That in administering these funds, the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except for requirements relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes for which these funds are appropriated: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all of the funds provided under this head in this Act shall be used only to repair, replace, or restore facilities damaged or to continue services interrupted by flooding that are essential to public health or safety as defined by the Secretary.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief", $815,000,000, to remain available until expended, for the Midwest floods and other disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAMS AND ACTIVITIES

For use in carrying out Federal disaster relief programs, activities, and initiatives under subtitles C, E, F, and G of the National and Community Service Act of 1990 (Public Law 101–610), as the Board determines necessary to carry out programs related to the floods in the Midwest, $2,000,000, to remain available until September 30, 1994: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER VII

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

For an additional amount for "Construction and Anadromous Fish", $26,354,000, for the Midwest floods, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $850,000, for the Midwest floods, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS AND RESEARCH

For an additional amount for "Surveys, investigations and research", $851,000, for the Midwest floods, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER VIII

GENERAL PROVISIONS

SEC. 701. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. . YOUTH FAIR CHANCE PROGRAM.

Section 494(b) of the Job Training Partnership Act (29 U.S.C. 1782c(b)) is amended—

(1) in paragraph (3) to read as follows:

"(3) provide that funds received under this part will be used—

"(A) for services to youth and young adults ages 14 through 30 at the time of enrollment, including case management, life skills management, and crisis intervention services; and

"(B) to provide stipends to youth and young adults ages 17 to 30 at the time of enrollment for participant support in paid work experience and classroom programs (if such programs are combined with other education and training activities);";

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) contain assurances that—

"(A) in providing services under paragraph (3), the participating community will maintain a ratio of approximately 1 case worker for every 25 participants;

"(B) employment provided under such paragraph to any youth or young adult will be approximately 20 hours per week; and

"(C) the amount of a stipend provided under such paragraph to any youth or young adult will be approximately $100 per week and will reflect the cost of living in the participating community;".

This Act may be cited as the "Emergency Supplemental Appropriations for Relief From the Major, Widespread Flooding in the Midwest Act of 1993".

The CHAIRMAN. Pursuant to the rule, no amendment to the bill, as modified, is in order except the amendment printed in part 2 of House report 103–189, which may be offered only by the proponent of the amendment or a designee, shall be considered as read, and shall not be subject to amendment.

Debate time on the amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

For what purpose does the gentleman from Missouri [Mr. VOLKMER] rise?

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, pursuant to the rule, I offer the amendment designated in the report.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VOLKMER: Page 11, line 3, strike "$25,000,000" and insert "$50,000,000".

The CHAIRMAN. Pursuant to the rule, the gentleman from Missouri [Mr. VOLKMER] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Is the gentleman from Kentucky [Mr. NATCHER] opposed to the amendment?

Mr. NATCHER. No, we are not, Mr. Chairman, and at the appropriate time we will accept the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. VOLKMER. Mr. Chairman, Members of the House, before proceeding to the amendment itself I would like to address two other things, and it has been spoken here on the floor, both last Thursday and Friday, and today, about the floods in the Midwest, and I think it is appropriate at this time to give a lot of thanks to a lot of people, some of which are going to remain unknown to all of us, but they are out there anyway.

In particular I want to thank both the Speaker of the House and the majority whip, the majority floor leader, for the efforts they have made to bring this legislation to the floor expeditiously, starting last Thursday. I also want to thank personally the gentleman from Kentucky [Mr. NATCHER], the chairman of the committee, and the subcommittee chairmen, the gentleman from Illinois [Mr. DURBIN], the gentleman from Iowa [Mr. SMITH], and the gentleman from Alabama [Mr. BEVILL], and especially I want to thank Mr. BEVILL publicly for assisting me back several years ago when I asked him, even though back in the Reagan years the Reagan budget did not provide funds at all for a floodwall at Hannibal, MO. But because of his being able to listen to me in explaining the need to him, Mr. BEVILL, that floodwall has been built, and that floodwall had its first test just this year. The first test was in April. Our floodwall still stands. It has run through a 100-year flood and now a 500-year flood, so I want to thank the Committee on Appropriations for that work to get that floodwall.

Mr. Chairman, I also want to thank the President of the United States, and the Vice President, for showing their concern and visiting the areas on numerous occasions. They have become quite familiar with it so that they know exactly how devastating this actually is, and on that list of thanks, Mr. Chairman, I want to thank my Governor, Governor Mel Carnahan, for working with us and within the State of Missouri to help with this great disaster.

I cannot be remiss in not thanking especially the National Guard, and I am sure it is not just the Missouri National Guard, but also the Illinois, and Iowa, and other National Guard units, and, Mr. Chairman, it is interesting that we have more National Guard personnel helping out with this flood than we had over in Desert Storm, and they are doing an outstanding job.

And, yes, Mr. Chairman, on that list of thanks goes thanks to the Corps of Engineers for an outstanding job in helping to save some communities and trying to save many farm districts, and levee districts and others working day and night with the local citizenry, and along with that, of course, Mr. Witt of FEMA, Secretary Espy of the Agriculture Department. In other words, people everywhere. As my colleagues know, sometimes one does not even know where the help is coming from.

Mr. Chairman, in my home town of Hannibal I have had relief coming from Columbus, OH, people there, and it just became known to me over the weekend that relief came from a town in Indiana. A Kroger store in Kokomo, IN, south on Highway 31, they are sending contributions and donations for Hannibal, for people in my home town in Hannibal, MO. So, we appreciate that help from the Hoosiers.

Mr. Chairman, as said by someone else earlier and as my colleagues know, it is heartbreaking to see all of what is happening out there, but at the same time one cannot believe the feeling which one gets when seeing everyone in surrounding communities helping out a local community, helping out the farmers on the levees, just a great amount of work going on for hours, hours, and hours. Sometimes they go 48 hours without sleep to try to save a levee, to try to stop flooding. Sometimes it works. Sometimes levees have held, but very few. Others, after weeks and weeks of work, they finally lose it because, like the district of the gentleman from Illinois [Mr. DURBIN], on Sunday morning the Sny Island levee finally broke loose. That is the first time that that levee has broke in any flood, as I understand, since either 1897 or 1903. So, that gives my colleagues some idea of how devastating this flood is.

And it has been said earlier, too, there is not a person alive today, there is not a person alive today, that has seen what is happening in the Midwest in their lifetime. This is history, history being made. There has never been such a flood. And for those of my colleagues that may not know, and why I felt so strongly about getting this bill up and getting this rule passed, I not only have the Mississippi River bordering my district, but I also have the Missouri River, both of them for over a hundred miles each.

There is a view, Mr. Chairman, as has been said earlier, that we have got to pay for it, we should pay for this. Yes, that is true. I will not deny that. I agree with my colleagues. But this is not the time to do it. Some of my colleagues, the gentleman from Iowa, the gentleman from Minnesota, said they had an amendment. Well, they have an amendment. Other people I have talked to have other ideas of how to pay for it, and I am sure that if we asked every Member of this House how we were going to pay for this, we would probably find out that out of 435 we would find at least 50 to 100 ways to do it. So, if we were going to do it on this bill and haggle over how to do it, and then ask the Senate to agree to it, and they would probably have a way to do it or not to do it, we could probably spend at least a month or a month and a half here haggling over that. I much prefer to do it as the Speaker of the House has proposed, that a task force be set up, that legislation be promoted, a proposal be made to do it, that a trust fund be set up for disasters and for the future, and that we do come up with a methodology to pay for it, and I think that that is a proper way to do it. But do not bog down this legislation with that one little item because that is just what will happen.

Mr. Chairman, there is no question in my mind, having gone through the legislative process on numerous occasions, on numerous bills, that there has been a great deal of disagreement about exactly how we are going to pay for this. It is easy enough to make a proposal, but it is more difficult to get enough Members to agree to it.

Now to address the amendment itself, Mr. Chairman, and, by the way, I not only support the amendment, but strongly support the flood disaster supplemental appropriations. As my colleagues know, they have all reviewed reports of the flood damage along the Mississippi and Missouri Rivers.

☐ 1710

Thousands of acres of fertile farm land that should be growing with bountiful crops are now turned into unproductive lakes. Businesses along these swollen rivers are flooded, their inventory lost, and their livelihood in jeopardy as the rivers fail to yield. Thousands of families are displaced as the flood waters invade their homes. We have all seen these stark pictures. Mr. Chairman, the people in my district are galvanized in an effort to stop the flooding, support their neighbors, and provide comfort for those families that are displaced. However, as the initial shock from the flood starts to subside there is an urgency for life in this flood area to return to some sort of normalcy. The men and women in this flood plain must be able to get to work in order to maintain their livelihood.

Mr. Chairman, as it currently stands the only way to cross the Mississippi for many of my constituents is at St.

Louis or at Keokuk, IA. The closing of the bridges at Hannibal and Louisiana, MO, and Quincy, IL, make a trip that used to take only a few minutes now take hours one way. To put this in perspective I ask my colleagues to imagine if you had to travel almost to Richmond and back just to get to work. This is what is happening to people in my district that happen to work in Illinois.

Mr. Chairman, I am offering an amendment that will increase the amount of money for emergency expenses as a result of the floods for the Federal Highway Administration by $25 million. This money will only be available if an official budget request is made. This money is vital to restoring the damaged infrastructure of the Midwest so that the people of the Midwest can begin to put their lives back in order. Initial assessments estimate that miles of road must be rebuilt, approaches to bridges must be repaired, and several bridges may need replacing. Having this money available now will help ensure that the infrastructure that has been damaged will be repaired or replaced in an expeditious manner.

Mr. Chairman, I ask my colleagues to support this amendment and this legislation in order to help those men, women, and their families that have had their lives disrupted by the floods.

Mr. Chairman, in closing, I would just like to comment to those of you who say, act, or believe that this $3 billion is all we are going to need, I have here a report that some of the delegation from Missouri has. We had a meeting with our Governor here this morning here just downstairs on the first floor of this building. At that time the Governor gave us a preliminary report of damages in Missouri. It is right at $3 billion. Three billion dollars, about the same amount in this bill, and that is a preliminary figure. That is before what we know could very well happen tonight in Kansas City. That is before what has happened in St. Joseph.

Mr. Chairman, I am sure that you are going to find that this estimate, that the total amount later on is going to be many billions of dollars more, and we had just as well be prepared to do it. I do not think we are going to have the pay-for-it proposal ready at that time. So be prepared to spend some time later on this year on an additional amount, up to $10 billion.

The CHAIRMAN. Is there any Member seeking time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the speaker pro tempore (Mr. WHEAT) having assumed the chair, Mr. WILLIAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, pursuant to House Resolution 226, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PORTER. Mr. Speaker, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. PORTER moves to recommit the bill, H.R. 2667, to the Committee on Appropriations with instructions to report back the same to the House forthwith with the following amendment:
>
> Strike the modification printed in Part 1 of House Report 103–189 relating to legislative amendments to the Job Training Partnership Act, Youth Fair Chance Programs.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. VOLKMER. Mr. Speaker, reserving the right to object, could we have a copy of the motion.

Mr. PORTER. Mr. Speaker, if the gentleman will yield, we will provide a copy.

Mr. VOLKMER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. Mr. Speaker, this is a motion to recommit with instructions to eliminate the unrelated provisions regarding the Youth Fair Chance Program.

The rule contained a self-executing provision which added authorizing language to the bill that circumvented the jurisdiction of both the authorizing committee and the Committee on Appropriations. It prevented the House from considering or voting directly on this proposition.

Mr. Speaker, there are three basic reasons why Youth Fair Chance provisions should not be in this bill. First of all, because these provisions have nothing to do with flood relief. The gentleman from Kentucky [Mr. NATCHER], the chairman of the full committee and the subcommittee, and the gentleman from Pennsylvania [Mr. MCDADE], the ranking member on the full committee, and I, all asked the Committee on Rules for a clean bill.

Mr. Speaker, obviously we were ignored. An unrelated provision was snuck in through the rule that has absolutely no business here, and Members I believe are outraged that one Member would have special treatment not available to any others.

Youth Fair Chance should not be in the bill because it is authorizing on an appropriations bill. It adds three substantive provisions which would require the payment of stipends to trainees. The current authorizing law allows but does not require these stipends.

The program manager at the Department of Labor tells us the regulations would not allow participants to receive stipends without this change. But the current authorizing law creates an employment training program, Mr. Speaker, not a stipend program. And this is authorizing to make it a stipend program or a money bill that is dealing with flood relief.

Third, Mr. Speaker, Youth Fair Chance should not be in the bill because it circumvents the normal legislative process. Youth Fair Chance was first funded in a previous supplemental bill. The gentlewoman from California did not then go to the authorizing committee nor the Committee on Appropriations. She used the same egregious procedural end run to get it considered through another self-executing rule. It has therefore never properly been considered by the Committee on Appropriations, and it amends a program that not a single dollar has been spent on. We have no experience on which to base new changes in the law. These are simply inserted because the gentlewoman thinks they ought to be there.

Furthermore, it directly contravenes the judgment of the authorizing committee which passed the initial bill without the stipend requirement. In fact, the only committee that has ever considered the Waters amendment was the conference committee on the previous supplemental bill, which specifically rejected it.

Mr. Speaker, let me emphasize this was not some oversight of the conference committee. The waters provisions were considered and thoughtfully rejected by the conference committee. One can read the conference report and see it. Nor, as some claimed, is the Waters provision necessary to get Youth Fair Chance up and running. The Department of Labor tells us it will start the program with or without the Waters provision. It is again an employment training program, not a stipend program.

Mr. Speaker, it seems to me that this process shows a cynical disrespect for the authorizing committee, a cynical disrespect for the Appropriations Committee, a disrespect, if you will, Mr. Speaker, for the entire legislative process and for all Members who have to go through that normal process in order to have their provisions and their ideas considered on this floor.

☐ 1720

We should send a message, Mr. Speaker, in this motion to recommit that Members cannot use arcane procedure to capitalize on the suffering of others, to advance their own unrelated legislative agendas.

Let us make this a clean bill, to get relief to the thousands of Americans that need it. Let us ask the gentlwoman from California to do what all the rest of us have to do, to go to the authorizing committee, to go to the Committee on Appropriations, to use the normal legislative process.

I urge the Members to reject the Waters language and support the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. (Mr. WHEAT). The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, is it timely to raise a point of order on the motion to recommit?

The SPEAKER pro tempore. A point of order on the motion to recommit would have to be made prior to the time that debate began on the motion.

Mr. VOLKMER. Even though we did not have a copy and we did not know what it was. Some of us would have liked to raise a point of order. This motion is not in order. It is completely out of order, according to the rules of the House.

POINT OF ORDER

The SPEAKER pro tempore. Does the gentleman wish to state a point of order?

Mr. VOLKMER. Mr. Speaker, this amendment demands and strikes out language, an amendment that was previously adopted by the House. It is out of order.

The SPEAKER pro tempore. The point of order comes too late. The point of order is overruled.

Mr. NATCHER. Mr. Speaker, the author of this motion to recommit is one of the able Members of the House, and he is my friend, the gentleman from Illinois [Mr. PORTER].

The gentleman from Illinois [Mr. PORTER], as Members know, is the ranking minority member on the subcommittee on Labor-HHS-Education appropriations. He serves with me as chairman, and he helps make the recommendations for the important Departments of Labor, Health and Human Services and Education appropriations bill. I appreciate his help.

This flood disaster relief bill that we have had before the House today is one of the most important bills that has been presented during this session of Congress.

Mr. Speaker, I served with nine Presidents since I have been a Member of Congress. Our current President is a new President. He has been criticized from time to time about some of the issues that have been raised. But, Mr. Speaker, he is not afraid. He's doing just fine.

The issues in this bill that the President wants considered are basic issues pertaining to our people. They are important and should be solved.

The gentleman from Illinois, the ranking minority member on our subcommittee, has worked with me all down through the days on this particular flood relief bill, along with the other members of the subcommittee. The close cooperation from all members of the committee is the reason we have it here at this time as quickly as possible.

On July 14, the President submitted his flood relief request for $2,482,000,000. The following Monday, the President increased that amount to $2,983,000,000.

We held meetings on it with the executive branch immediately. We brought this bill to the House as quickly as we could and we recommend it to the House. It is a good bill.

Now, concerning the motion to recommit to strike out the provision pertaining to the Waters amendment, Mr. Speaker, as Members will recall, on May 26, the gentleman from Indiana [Mr. BURTON] offered an amendment to strike out the entire Youth Fair Chance Program in the bill at that time. That was in the second stimulus supplemental bill—H.R. 2244.

We had a rollcall vote on it, Mr. Speaker. As Members will recall, it went down 176 to 251.

I say, with all respect to my friend, the gentleman from Illinois, the motion that he has submitted today to recommit this legislation should be turned down. It should be defeated, Mr. Speaker, and I so request.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PORTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 201, nays 226, not voting 7, as follows:

[Roll No. 369]

YEAS—201

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Orton
Oxley
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—226

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant

Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Holden
Hoyer
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—7

Bentley
Derrick
Henry
Hochbrueckner
McDade
Moakley
Packard

☐ 1747

The Clerk announced the following pair:

On this vote:

Mrs. Bentley for, with Mr. Moakley against.

Messrs. STRICKLAND, MARTINEZ, and JOHNSON of Georgia changed their vote from "yea" to "nay."

Mrs. LLOYD and Messrs. PORTMAN, HUGHES, BARCIA of Michigan, and ANDREWS of Texas changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WHEAT). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MYERS of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the previous announcement of the Chair, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 27, not voting 7, as follows:

[Roll No. 370]

YEAS—400

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—27

Archer
Armey
Boehner
Crane
Crapo
Cunningham
DeLay
Doolittle
Duncan
Fields (TX)
Hancock
Herger
Hunter
Inhofe
Myers
Paxon
Porter
Quillen
Rohrabacher
Roth
Santorum
Sensenbrenner
Shuster
Smith (MI)
Solomon
Stump
Walker

NOT VOTING—7

Bentley
Derrick
Henry
Hochbrueckner
McDade
Moakley
Packard

☐ 1759

Mr. McCANDLESS changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOCHBRUECKNER. Mr. Speaker, due to a family emergency, I was away from the House on official leave of absence. Therefore, I would like to place in the RECORD how I would have voted on the following votes:

Rollcall No. 367, "aye."
Rollcall No. 368, "aye."
Rollcall No. 369, "nay."
Rollcall No. 370, "aye."

PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, had I been present for the following rollcall vote, I would have voted yes on rollcall vote numbered 370.

I would have voted no on rollcall votes numbered 367, 368, and 369.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

REPORT ON H.R. 2750, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1994

Mr. CARR of Michigan, from the Committee on Appropriations, submitted a privileged report (Rept. No. 103–190) on the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, which was referred to the Union Calendar and ordered to be printed.

Mr. WOLF reserved all points of order on the bill.

ANNOUNCEMENT REGARDING PREPRINTING OF AMENDMENTS ON H.R. 2330, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1994

(Mr. BEILENSON asked and was given permission to address the House for 1 minute.)

Mr. BEILENSON. Mr. Speaker, the Rules Committee has received a request from the Permanent Select Committee on Intelligence for a rule to H.R. 2330, the Intelligence Authorization Act for Fiscal Year 1994, that would require amendments to be printed in the CONGRESSIONAL RECORD prior to their consideration.

Although the Rules Committee has not decided upon this request, I wanted to alert Members of this possible requirement for H.R. 2330 so that Members are prepared with their amendments.

It is anticipated that this measure will come to the floor sometime in the near future. Therefore, to fully ensure Members' abilities to offer amendments under the requested rule, they should have those amendments appear in the CONGRESSIONAL RECORD prior to the consideration of their amendments.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WHEAT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken tomorrow, Wednesday, July 28, 1993.

LAW REVISION BILL TITLE 49

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1758) to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V–X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code, as amended.

The Clerk read as follows:

H.R. 1758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SUBTITLES II, III, AND V–X OF TITLE 49, UNITED STATES CODE

SECTION 1. (a) Certain general and permanent laws of the United States, related to transportation, are revised, codified, and enacted by subsections (c)–(e) of this section without substantive change as subtitles II, III, and V–X of title 49, United States Code, "Transportation". Those laws may be cited as "49 U.S.C. ———".

(b) Title 49, United States Code, is amended by striking the table of subtitles at the beginning of the title and substituting the following new table of subtitles:

"SUBTITLE	*Sec.*
"I. DEPARTMENT OF TRANSPORTATION	*101*
"II. OTHER GOVERNMENT AGENCIES	*1101*
"III. GENERAL AND INTERMODAL PROGRAMS	*5101*
"IV. INTERSTATE COMMERCE	*10101*
"V. RAIL PROGRAMS	*20101*
"VI. MOTOR VEHICLE AND DRIVER PROGRAMS	*30101*
"VII. AVIATION PROGRAMS	*40101*
"VIII. PIPELINES	*60101*
"IX. COMMERCIAL SPACE TRANSPORTATION	*70101*
"X. MISCELLANEOUS	*80101".*

(c) Title 49, United States Code, is amended by striking subtitle II, except that chapter 31 (comprising sections 3101–3104) of subtitle II is redesignated and restated as chapter 315 (comprising sections 31501–31504) of subtitle VI of title 49, as enacted by subsection (e) of this section.

(d) Title 49, United States Code, is amended by adding the following immediately after subtitle I:

SUBTITLE II—OTHER GOVERNMENT AGENCIES

CHAPTER	*Sec.*
11. NATIONAL TRANSPORTATION SAFETY BOARD	*1101*

CHAPTER 11—NATIONAL TRANSPORTATION SAFETY BOARD

SUBCHAPTER I—GENERAL

Sec.
1101. Definitions.

SUBCHAPTER II—ORGANIZATION AND ADMINISTRATIVE

1111. General organization.
1112. Special boards of inquiry on air transportation safety.
1113. Administrative.
1114. Disclosure, availability, and use of information.
1115. Training.
1116. Reports and studies.
1117. Annual report.
1118. Authorization of appropriations.

SUBCHAPTER III—AUTHORITY

1131. General authority.
1132. Civil aircraft accident investigations.
1133. Review of other agency action.
1134. Inspections and autopsies.
1135. Secretary of Transportation's responses to safety recommendations.

SUBCHAPTER IV—ENFORCEMENT AND PENALTIES

1151. Aviation enforcement.
1152. Joinder and intervention in aviation proceedings.
1153. Judicial review.
1154. Discovery and use of cockpit voice and other material.
1155. Aviation penalties.

SUBCHAPTER I—GENERAL

§1101. Definitions

Section 40102(a) of this title applies to this chapter.

SUBCHAPTER II—ORGANIZATION AND ADMINISTRATIVE

§1111. General organization

(a) ORGANIZATION.—The National Transportation Safety Board is an independent establishment of the United States Government.

(b) APPOINTMENT OF MEMBERS.—The Board is composed of 5 members appointed by the President, by and with the advice and consent of the Senate. Not more than 3 members may be appointed from the same political party. At least 3 members shall be appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation.

(c) TERMS OF OFFICE AND REMOVAL.—The term of office of each member is 5 years. An individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, is appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified. The President may remove a member for inefficiency, neglect of duty, or malfeasance in office.

(d) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate, by and with the advice and consent of the Senate, a Chairman of the Board. The President also shall designate a Vice Chairman of the Board. The terms of office of both the Chairman and Vice Chairman are 2 years. When the Chairman is absent or unable to serve or when the position of Chairman is vacant, the Vice Chairman acts as Chairman.

(e) DUTIES AND POWERS OF CHAIRMAN.—The Chairman is the chief executive and administrative officer of the Board. Subject to the general policies and decisions of the Board, the Chairman shall—

(1) appoint, supervise, and fix the pay of officers and employees necessary to carry out this chapter;

(2) distribute business among the officers, employees, and administrative units of the Board; and

(3) supervise the expenditures of the Board.

(f) QUORUM.—Three members of the Board are a quorum in carrying out duties and powers of the Board.

(g) OFFICES, BUREAUS, AND DIVISIONS.—The Board shall establish offices necessary to carry out this chapter, including an office to investigate and report on the safe transportation of hazardous material. The Board shall establish distinct and appropriately staffed bureaus, divisions, or offices to investigate and report on accidents involving each of the following modes of transportation:

(1) aviation.

(2) highway and motor vehicle.

(3) rail and tracked vehicle.

(4) pipeline.

(h) SEAL.—The Board shall have a seal that shall be judicially recognized.

§1112. Special boards of inquiry on air transportation safety

(a) ESTABLISHMENT.—If an accident involves a substantial question about public safety in air transportation, the National Transportation Safety Board may establish a special board of inquiry composed of—

(1) one member of the Board acting as chairman; and

(2) 2 members representing the public, appointed by the President on notification of the establishment of the special board of inquiry.

(b) QUALIFICATIONS AND CONFLICTS OF INTEREST.—The public members of a special board of inquiry must be qualified by training and experience to participate in the inquiry and may not have a pecuniary interest in an aviation enterprise involved in the accident to be investigated.

(c) AUTHORITY.—A special board of inquiry has the same authority that the Board has under this chapter.

§1113. Administrative

(a) GENERAL AUTHORITY.—(1) The National Transportation Safety Board, and when authorized by it, a member of the Board, an administrative law judge employed by or assigned to the Board, or an officer or employee designated by the Chairman of the Board, may conduct hearings to carry out this chapter, administer oaths, and require, by subpena or otherwise, necessary witnesses and evidence.

(2) A witness or evidence in a hearing under paragraph (1) of this subsection may be summoned or required to be produced from any place in the United States to the designated place of the hearing. A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(3) A subpena shall be issued under the signature of the Chairman or the Chairman's delegate but may be served by any person designated by the Chairman.

(4) If a person disobeys a subpena, order, or inspection notice of the Board, the Board may bring a civil action in a district court of the United States to enforce the subpena, order, or notice. An action under this paragraph may be brought in the judicial district in which the person against whom the action is brought resides, is found, or does business. The court may punish a failure to obey an order of the court to comply with the subpena, order, or notice as a contempt of court.

(b) ADDITIONAL POWERS.—(1) The Board may—

(A) procure the temporary or intermittent services of experts or consultants under section 3109 of title 5;

(B) make agreements and other transactions necessary to carry out this chapter without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(C) use, when appropriate, available services, equipment, personnel, and facilities of a department, agency, or instrumentality of the United States Government on a reimbursable or other basis;

(D) confer with employees and use services, records, and facilities of State and local governmental authorities;

(E) appoint advisory committees composed of qualified private citizens and officials of the Government and State and local governments as appropriate;

(F) accept voluntary and uncompensated services notwithstanding another law;

(G) accept gifts of money and other property;

(H) make contracts with nonprofit entities to carry out studies related to duties and powers of the Board; and

(I) require that the departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries provide appropriate consideration for the reasonable costs of goods and services supplied by the Board.

(2) The Board shall deposit in the Treasury amounts received under paragraph (1)(I) of this subsection to be credited to the appropriation of the Board.

(c) SUBMISSION OF CERTAIN COPIES TO CONGRESS.—When the Board submits to the President or the Director of the Office of Management and Budget a budget estimate, budget request, supplemental budget estimate, other budget information, a legislative recommendation, prepared testimony for congressional hearings, or comments on legislation, the Board must submit a copy to Congress at the same time. An officer, department, agency, or instrumentality of the Government may not require the Board to submit the estimate, request, information, recommendation, testimony, or comments to another officer, department, agency, or instrumentality of the Government for approval, comment, or review before being submitted to Congress.

(d) LIAISON COMMITTEES.—The Chairman may determine the number of committees that are appropriate to maintain effective liaison with other departments, agencies, and instrumentalities of the Government, State and local governmental authorities, and independent standard-setting authorities that carry out programs and activities related to transportation safety. The Board may designate representatives to serve on or assist those committees.

(e) INQUIRIES.—The Board, or an officer or employee of the Board designated by the Chairman, may conduct an inquiry to obtain information related to transportation safety after publishing notice of the inquiry in the Federal Register. The Board or designated officer or employee may require by order a department, agency, or instrumentality of the Government, a State or local governmental authority, or a person transporting individuals or property in commerce to submit to the Board a written report and answers to requests and questions related to a duty or power of the Board. The Board may prescribe the time within which the report and answers must be given to the Board or to the designated officer or employee. Copies of the report and answers shall be made available for public inspection.

(f) REGULATIONS.—The Board may prescribe regulations to carry out this chapter.

§1114. Disclosure, availability, and use of information

(a) GENERAL.—Except as provided in subsections (b) and (c) of this section, a copy of a record, information, or investigation submitted or received by the National Transportation Safety Board, or a member or employee of the Board, shall be made available to the public on identifiable request and at reasonable cost. This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.

(b) TRADE SECRETS.—(1) The Board may disclose information related to a trade secret referred to in section 1905 of title 18 only—

(A) to another department, agency, or instrumentality of the United States Government when requested for official use;

(B) to a committee of Congress having jurisdiction over the subject matter to which the information is related, when requested by that committee;

(C) in a judicial proceeding under a court order that preserves the confidentiality of the information without impairing the proceeding; and

(D) to the public to protect health and safety after giving notice to any interested person to whom the information is related and an opportunity for that person to comment in writing, or orally in closed session, on the proposed disclosure, if the delay resulting from notice and opportunity for comment would not be detrimental to health and safety.

(2) Information disclosed under paragraph (1) of this subsection may be disclosed only in a way designed to preserve its confidentiality.

(c) COCKPIT VOICE RECORDINGS AND TRANSCRIPTS.—(1) The Board may not disclose publicly any part of a cockpit voice recorder recording or transcript of oral communications by and between flight crew members and ground stations related to an accident or incident investigated by the Board. However, the Board shall make public any part of a transcript the Board decides is relevant to the accident or incident—

(A) if the Board holds a public hearing on the accident or incident, at the time of the hearing; or

(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident or incident are placed in the public docket.

(2) This subsection does not prevent the Board from referring at any time to cockpit voice recorder information in making safety recommendations.

(d) DRUG TESTS.—(1) Notwithstanding section 503(e) of the Supplemental Appropriations Act, 1987 (Public Law 100–71, 101 Stat. 471), the Secretary of Transportation shall provide the following information to the Board when requested in writing by the Board:

(A) any report of a confirmed positive toxicological test, verified as positive by a medical review officer, conducted on an officer or employee of the Department of Transportation under post-accident, unsafe practice, or reasonable suspicion toxicological testing requirements of the Department, when the officer or employee is reasonably associated with the circumstances of an accident or incident under the investigative jurisdiction of the Board.

(B) any laboratory record documenting that the test is confirmed positive.

(2) Except as provided by paragraph (3) of this subsection, the Board shall maintain the confidentiality of, and exempt from disclosure under section 552(b)(3) of title 5—

(A) a laboratory record provided the Board under paragraph (1) of this subsection that reveals medical use of a drug allowed under applicable regulations; and

(B) medical information provided by the tested officer or employee related to the test or a review of the test.

(3) The Board may use a laboratory record made available under paragraph (1) of this subsection to develop an evidentiary record in an investigation of an accident or incident if—

(A) the fitness of the tested officer or employee is at issue in the investigation; and

(B) the use of that record is necessary to develop the evidentiary record.

§1115. Training

(a) DEFINITION.—In this section, "Institute" means the Transportation Safety Institute of the Department of Transportation and any successor organization of the Institute.

(b) USE OF INSTITUTE SERVICES.—The National Transportation Safety Board may use, on a reimbursable basis, the services of the Institute. The Secretary of Transportation shall make the Institute available to—

(1) the Board for safety training of employees of the Board in carrying out their duties and powers; and

(2) other safety personnel of the United States Government, State and local governments, governments of foreign countries, interstate authorities, and private organizations the Board designates in consultation with the Secretary.

(c) FEES.—(1) Training at the Institute for safety personnel (except employees of the Government) shall be provided at a reasonable fee established periodically by the Board in consultation with the Secretary. The fee shall be paid directly to the Secretary, and the Secretary shall deposit the fee in the Treasury. The amount of the fee—

(A) shall be credited to the appropriate appropriation (subject to the requirements of any annual appropriation); and

(B) is an offset against any annual reimbursement agreement between the Board and the Secretary to cover all reasonable costs of providing training under this subsection that the Secretary incurs in operating the Institute.

(2) The Board shall maintain an annual record of offsets under paragraph (1)(B) of this subsection.

§1116. Reports and studies

(a) PERIODIC REPORTS.—The National Transportation Safety Board shall report periodically to Congress, departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities concerned with transportation safety, and other interested persons. The report shall—

(1) advocate meaningful responses to reduce the likelihood of transportation accidents similar to those investigated by the Board; and

(2) propose corrective action to make the transportation of individuals as safe and free from risk of injury as possible, including action to minimize personal injuries that occur in transportation accidents.

(b) STUDIES, INVESTIGATIONS, AND OTHER REPORTS.—The Board also shall—

(1) carry out special studies and investigations about transportation safety, including avoiding personal injury;

(2) examine techniques and methods of accident investigation and periodically publish recommended procedures for accident investigations;

(3) prescribe requirements for persons reporting accidents and aviation incidents that—

(A) may be investigated by the Board under this chapter; or

(B) involve public aircraft (except aircraft of the armed forces and the intelligence agencies);

(4) evaluate, examine the effectiveness of, and publish the findings of the Board about the transportation safety consciousness of other departments, agencies, and instrumentalities of the Government and their effectiveness in preventing accidents; and

(5) evaluate the adequacy of safeguards and procedures for the transportation of hazardous material and the performance of other departments, agencies, and instrumentalities of the Government responsible for the safe transportation of that material.

§1117. Annual report

The National Transportation Safety Board shall submit a report to Congress on July 1 of each year. The report shall include—

(1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the prior calendar year;

(2) a survey and summary of the recommendations made by the Board to reduce the likelihood of recurrence of those accidents together with the observed response to each recommendation;

(3) a detailed appraisal of the accident investigation and accident prevention activities of other departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities having responsibility for those activities under a law of the United States or a State; and

(4) an evaluation conducted every 2 years of transportation safety and recommendations for legislative and administrative action and change.

§1118. Authorization of appropriations

(a) GENERAL.—Not more than $38,800,000 may be appropriated to the National Transportation Safety Board for the fiscal year ending September 30, 1993, to carry out this chapter.

(b) EMERGENCY FUND.—The Board has an emergency fund of $1,000,000 available for necessary expenses of the Board, not otherwise provided for, for accident investigations. The following amounts may be appropriated to the fund:

(1) $1,000,000 to establish the fund.

(2) amounts equal to amounts expended annually out of the fund.

(c) AVAILABILITY OF AMOUNTS.—Amounts appropriated under this section remain available until expended.

SUBCHAPTER III—AUTHORITY

§1131. General authority

(a) GENERAL.—(1) The National Transportation Safety Board shall investigate or have investigated (in detail the Board prescribes) and establish the facts, circumstances, and cause or probable cause of—

(A) an aircraft accident the Board has authority to investigate under section 1132 of this title;

(B) a highway accident, including a railroad grade crossing accident, the Board selects in cooperation with a State;

(C) a railroad accident in which there is a fatality or substantial property damage, or that involves a passenger train;

(D) a pipeline accident in which there is a fatality, substantial property damage, or significant injury to the environment;

(E) a major marine casualty (except a casualty involving only public vessels) occurring on the navigable waters or territorial sea of the United States, or involving a vessel of the United States, under regulations prescribed jointly by the Board and the head of the department in which the Coast Guard is operating; and

(F) any other accident related to the transportation of individuals or property when the Board decides—

(i) the accident is catastrophic;

(ii) the accident involves problems of a recurring character; or

(iii) the investigation of the accident would carry out this chapter.

(2) An investigation by the Board under paragraph (1)(A)-(D) or (F) of this subsection has priority over any investigation by another department, agency, or instrumentality of the United States Government. The Board shall provide for appropriate participation by other departments, agencies, or instrumentalities in the investigation. However, those departments, agencies, or instrumentalities may not participate in the decision of the Board about the probable cause of the accident.

(3) This section and sections 1113, 1116(b), 1133, and 1134(a) and (c)-(e) of this title do not affect the authority of another department, agency, or instrumentality of the Government to investigate an accident under applicable law or to obtain information directly from the parties involved in, and witnesses to, the accident. The Board and other departments, agencies, and instrumentalities shall ensure that appropriate information developed about the accident is exchanged in a timely manner.

(b) ACCIDENTS INVOLVING PUBLIC VESSELS.—(1) The Board or the head of the department in which the Coast Guard is operating shall investigate and establish the facts, circumstances, and cause or probable cause of a marine accident involving a public vessel and any other vessel. The results of the investigation shall be made available to the public.

(2) Paragraph (1) of this subsection and subsection (a)(1)(E) of this section do not affect the responsibility, under another law of the United States, of the head of the department in which the Coast Guard is operating.

(c) ACCIDENTS NOT INVOLVING GOVERNMENT MISFEASANCE OR NONFEASANCE.—(1) When asked by the Board, the Secretary of Transportation may—

(A) investigate an accident described under subsection (a) or (b) of this section in which misfeasance or nonfeasance by the Government has not been alleged; and

(B) report the facts and circumstances of the accident to the Board.

(2) The Board shall use the report in establishing cause or probable cause of an accident described under subsection (a) or (b) of this section.

(d) ACCIDENT REPORTS.—The Board shall report on the facts and circumstances of each accident investigated by it under subsection (a) or (b) of this section. The Board shall make each report available to the public at reasonable cost.

§1132. Civil aircraft accident investigations

(a) GENERAL AUTHORITY.—(1) The National Transportation Safety Board shall investigate—

(A) each accident involving civil aircraft; and

(B) with the participation of appropriate military authorities, each accident involving both military and civil aircraft.

(2) A person employed under section 1113(b)(1) of this title that is conducting an investigation or hearing about an aircraft accident has the same authority to conduct the investigation or hearing as the Board.

(b) NOTIFICATION AND REPORTING.—The Board shall prescribe regulations governing the notification and reporting of accidents involving civil aircraft.

(c) PARTICIPATION OF SECRETARY.—The Board shall provide for the participation of the Secretary of Transportation in the investigation of an aircraft accident under this chapter when participation is necessary to carry out the duties and powers of the Secretary. However, the Secretary may not participate in establishing probable cause.

(d) ACCIDENTS INVOLVING ONLY MILITARY AIRCRAFT.—If an accident involves only military aircraft and a duty of the Secretary is or may be involved, the military authorities shall provide for the participation of the Secretary. In any other accident involving only military aircraft, the military authorities shall give the Board or Secretary information the military authorities decide would contribute to the promotion of air safety.

§1133. Review of other agency action

The National Transportation Safety Board shall review on appeal—

(1) the denial, amendment, modification, suspension, or revocation of a certificate issued by the Secretary of Transportation under section 44703, 44709, or 44710 of this title;

(2) the revocation of a certificate of registration under section 44106 of this title;

(3) a decision of the head of the department in which the Coast Guard is operating on an appeal from the decision of an administrative law judge denying, revoking, or suspending a license, certificate, document, or register in a proceeding under section 6101, 6301, or 7503, chapter 77, or section 9303 of title 46; and

(4) under section 46301(d)(5) of this title, an order imposing a penalty under section 46301.

§1134. Inspections and autopsies

(a) ENTRY AND INSPECTION.—An officer or employee of the National Transportation Safety Board—

(1) on display of appropriate credentials and written notice of inspection authority, may enter property where a transportation accident has occurred or wreckage from the accident is located and do anything necessary to conduct an investigation; and

(2) during reasonable hours, may inspect any record, process, control, or facility related to an accident investigation under this chapter.

(b) INSPECTION, TESTING, PRESERVATION, AND MOVING OF AIRCRAFT AND PARTS.—(1) In investigating an aircraft accident under this chapter, the Board may inspect and test, to the extent necessary, any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce.

(2) Any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce shall be preserved, and may be moved, only as provided by regulations of the Board.

(c) AVOIDING UNNECESSARY INTERFERENCE AND PRESERVING EVIDENCE.—In carrying out subsection (a)(1) of this section, an officer or employee may examine or test any vehicle, vessel, rolling stock, track, or pipeline component. The examination or test shall be conducted in a way that—

(1) does not interfere unnecessarily with transportation services provided by the owner or operator of the vehicle, vessel, rolling stock, track, or pipeline component; and

(2) to the maximum extent feasible, preserves evidence related to the accident, consistent with the needs of the investigation and with the cooperation of that owner or operator.

(d) EXCLUSIVE AUTHORITY OF BOARD.—Only the Board has the authority to decide on the way in which testing under this section will be conducted, including decisions on the person that will conduct the test, the type of test that will be conducted, and any individual who will witness the test. Those decisions are committed to the discretion of the Board. The Board shall make any of those decisions based on the needs of the investigation being conducted and, when applicable, subsections (a), (c), and (e) of this section.

(e) PROMPTNESS OF TESTS AND AVAILABILITY OF RESULTS.—An inspection, examination, or test under subsection (a) or (c) of this section shall be started and completed promptly, and the results shall be made available.

(f) AUTOPSIES.—(1) The Board may order an autopsy to be performed and have other tests made when necessary to investigate an accident under this chapter. However, local law protecting religious beliefs related to autopsies shall be observed to the extent consistent with the needs of the accident investigation.

(2) With or without reimbursement, the Board may obtain a copy of an autopsy report performed by a State or local official on an individual who died because of a transportation accident investigated by the Board under this chapter.

§1135. Secretary of Transportation's responses to safety recommendations

(a) GENERAL.—When the National Transportation Safety Board submits a recommendation about transportation safety to the Secretary of Transportation, the Secretary shall give a formal written response to each recommendation not later than 90 days after receiving the recommendation. The response shall indicate whether the Secretary intends—

(1) to carry out procedures to adopt the complete recommendation;

(2) to carry out procedures to adopt a part of the recommendation; or

(3) to refuse to carry out procedures to adopt the recommendation.

(b) TIMETABLE FOR COMPLETING PROCEDURES AND REASONS FOR REFUSALS.—A response under subsection (a)(1) or (2) of this section shall include a copy of a proposed timetable for completing the procedures. A response under subsection (a)(2) of this section shall detail the reasons for the refusal to carry out procedures on the remainder of the recommendation. A response under subsection (a)(3) of this section shall detail the reasons for the refusal to carry out procedures.

(c) PUBLIC AVAILABILITY.—The Board shall make a copy of each recommendation and response available to the public at reasonable cost.

(d) REPORTS TO CONGRESS.—The Secretary shall submit to Congress on January 1 of each year a report containing each recommendation on transportation safety made by the Board to the Secretary during the prior year and a copy of the Secretary's response to each recommendation.

SUBCHAPTER IV—ENFORCEMENT AND PENALTIES

§1151. Aviation enforcement

(a) CIVIL ACTIONS BY BOARD.—The National Transportation Safety Board may bring a civil action in a district court of the United States against a person to enforce section 1132, 1134(b) or (f)(1)(related to an aircraft accident), or 1155(a) of this title or a regulation prescribed or order issued under any of those sections. An action under this subsection may be brought in the judicial district in which the person does business or the violation occurred.

(b) CIVIL ACTIONS BY ATTORNEY GENERAL.—On request of the Board, the Attorney General may bring a civil action in an appropriate court—

(1) to enforce section 1132, 1134(b) or (f)(1)(related to an aircraft accident), or 1155(a) of this title or a regulation prescribed or order issued under any of those sections; and

(2) to prosecute a person violating those sections or a regulation prescribed or order issued under any of those sections.

(c) PARTICIPATION OF BOARD.—On request of the Attorney General, the Board may participate in a civil action to enforce section 1132, 1134(b) or (f)(1) (related to an aircraft accident), or 1155(a) of this title.

§1152. Joinder and intervention in aviation proceedings

A person interested in or affected by a matter under consideration in a proceeding or a civil action to enforce section 1132, 1134(b) or (f)(1) (related to an aircraft accident), or 1155(a) of this title, or a regulation prescribed or order issued under any of those sections, may be joined as a party or permitted to intervene in the proceeding or civil action.

§1153. Judicial review

(a) GENERAL.—The appropriate court of appeals of the United States or the United States Court of Appeals for the District of Columbia Circuit may review a final order of the National Transportation Safety Board under this chapter. A person disclosing a substantial interest in the order may apply for review by filing a petition not later than 60 days after the order of the Board is issued.

(b) PERSONS SEEKING JUDICIAL REVIEW OF AVIATION MATTERS.—(1) A person disclosing a substantial interest in an order related to an aviation matter issued by the Board under this chapter may apply for review of the order by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 60 days after the order is issued. The court may allow the petition to be filed after the 60 days only if there was a reasonable ground for not filing within that 60-day period.

(2) When a petition is filed under paragraph (1) of this subsection, the clerk of the court immediately shall send a copy of the petition to the Board. The Board shall file with the court a record of the proceeding in which the order was issued.

(3) When the petition is sent to the Board, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Board to conduct further proceedings. After reasonable notice to the Board, the court may grant interim relief by staying the order or taking other appropriate action when cause for its action exists. Findings of fact by the Board, if supported by substantial evidence, are conclusive.

(4) In reviewing an order under this subsection, the court may consider an objection to an order of the Board only if the objection was made in the proceeding conducted by the Board or if there was a reasonable ground for not making the objection in the proceeding.

(5) A decision by a court under this subsection may be reviewed only by the Supreme Court under section 1254 of title 28.

(c) ADMINISTRATOR SEEKING JUDICIAL REVIEW OF AVIATION MATTERS.—When the Administrator of the Federal Aviation Administration decides that an order of the Board under section 44709 or 46301(d)(5) of this title will have a significant adverse impact on carrying out this chapter related to an aviation matter, the Administrator may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

§1154. Discovery and use of cockpit voice and other material

(a) TRANSCRIPTS AND RECORDINGS.—(1) Except as provided by this subsection, a party in a judicial proceeding may not use discovery to obtain—

(A) any part of a cockpit voice recorder transcript that the National Transportation Safety Board has not made available to the public under section 1114(c) of this title; and

(B) a cockpit voice recorder recording.

(2)(A) Except as provided in paragraph (4)(A) of this subsection, a court may allow discovery by a party of a cockpit voice recorder transcript if, after an in camera review of the transcript, the court decides that—

(i) the part of the transcript made available to the public under section 1114(c) of this title does not provide the party with sufficient information for the party to receive a fair trial; and

(ii) discovery of additional parts of the transcript is necessary to provide the party with sufficient information for the party to receive a fair trial.

(B) A court may allow discovery, or require production for an in camera review, of a cockpit voice recorder transcript that the Board has not made available under section 1114(c) of this title only if the cockpit voice recorder recording is not available.

(3) Except as provided in paragraph (4)(A) of this subsection, a court may allow discovery by a party of a cockpit voice recorder recording if, after an in camera review of the recording, the court decides that—

(A) the parts of the transcript made available to the public under section 1114(c) of this title and to the party through discovery under paragraph (2) of this subsection do not provide the party with sufficient information for the party to receive a fair trial; and

(B) discovery of the cockpit voice recorder recording is necessary to provide the party with sufficient information for the party to receive a fair trial.

(4)(A) When a court allows discovery in a judicial proceeding of a part of a cockpit voice recorder transcript not made available to the public under section 1114(c) of this title or a cockpit voice recorder recording, the court shall issue a protective order—

(i) to limit the use of the part of the transcript or the recording to the judicial proceeding; and

(ii) to prohibit dissemination of the part of the transcript or the recording to any person that does not need access to the part of the transcript or the recording for the proceeding.

(B) A court may allow a part of a cockpit voice recorder transcript not made available to the public under section 1114(c) of this title or a cockpit voice recorder recording to be admitted into evidence in a judicial proceeding, only if the court places the part of the transcript or the recording under seal to prevent the use of the part of the transcript or the recording for purposes other than for the proceeding.

(5) This subsection does not prevent the Board from referring at any time to cockpit voice recorder information in making safety recommendations.

(b) REPORTS.—No part of a report of the Board, related to an accident or an investigation of an accident, may be admitted into evidence or used in a civil action for damages resulting from a matter mentioned in the report.

§1155. Aviation penalties

(a) CIVIL PENALTY.—(1) A person violating section 1132 or 1134(b) or (f)(1) (related to an aircraft accident) of this title or a regulation prescribed or order issued under either of those sections is liable to the United States Government for a civil penalty of not more than $1,000. A separate violation occurs for each day a violation continues.

(2) This subsection does not apply to a member of the armed forces of the United States or an employee of the Department of Defense subject to the Uniform Code of Military Justice when the member or employee is performing official duties. The appropriate military authorities are responsible for taking necessary disciplinary action and submitting to the National Transportation Safety Board a timely report on action taken.

(3) The Board may compromise the amount of a civil penalty imposed under this subsection.

(4) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(5) A civil penalty under this subsection may be collected by bringing a civil action against the person liable for the penalty. The action shall conform as nearly as practicable to a civil action in admiralty.

(b) CRIMINAL PENALTY.—A person that knowingly and without authority removes, conceals, or withholds a part of a civil aircraft involved in an accident, or property on the aircraft at the time of the accident, shall be fined under title 18, imprisoned for not more than 10 years, or both.

SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS

CHAPTER *Sec.*
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CHAPTER 51—TRANSPORTATION OF HAZARDOUS MATERIAL

Sec.
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§5101. Purpose

The purpose of this chapter is to provide adequate protection against the risks to life and property inherent in the transportation of hazardous material in commerce by improving the regulatory and enforcement authority of the Secretary of Transportation.

§5102. Definitions

In this chapter—

(1) "commerce" means trade or transportation in the jurisdiction of the United States—

(A) between a place in a State and a place outside of the State; or

(B) that affects trade or transportation between a place in a State and a place outside of the State.

(2) "hazardous material" means a substance or material the Secretary of Transportation designates under section 5103(a) of this title.

(3) "hazmat employee"—

(A) means an individual—

(i) employed by a hazmat employer; and

(ii) who during the course of employment directly affects hazardous material transportation safety as the Secretary decides by regulation;

(B) includes an owner-operator of a motor vehicle transporting hazardous material in commerce; and

(C) includes an individual, employed by a hazmat employer, who during the course of employment—

(i) loads, unloads, or handles hazardous material;

(ii) manufactures, reconditions, or tests containers, drums, and packages represented as qualified for use in transporting hazardous material;

(iii) prepares hazardous material for transportation;

(iv) is responsible for the safety of transporting hazardous material; or

(v) operates a vehicle used to transport hazardous material.

(4) "hazmat employer"—

(A) means a person using at least one employee of that person in connection with—

(i) transporting hazardous material in commerce;

(ii) causing hazardous material to be transported in commerce; or

(iii) manufacturing, reconditioning, or testing containers, drums, and packages represented as qualified for use in transporting hazardous material;

(B) includes an owner-operator of a motor vehicle transporting hazardous material in commerce; and

(C) includes a department, agency, or instrumentality of the United States Government, or an authority of a State, political subdivision of a State, or Indian tribe, carrying out an activity described in subclause (A)(i), (ii), or (iii) of this clause (4).

(5) "imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment.

(6) "Indian tribe" has the same meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) "motor carrier" means a motor common carrier, motor contract carrier, motor private carrier, and freight forwarder as those terms are defined in section 10102 of this title.

(8) "national response team" means the national response team established under the national contingency plan established under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

(9) "person", in addition to its meaning under section 1 of title 1—

(A) includes a government, Indian tribe, or authority of a government or tribe offering hazardous material for transportation in commerce or transporting hazardous material to further a commercial enterprise; but

(B) does not include—

(i) the United States Postal Service; and

(ii) in sections 5123 and 5124 of this title, a department, agency, or instrumentality of the Government.

(10) "public sector employee"—

(A) means an individual employed by a State, political subdivision of a State, or Indian tribe and who during the course of employment has responsibilities related to responding to an accident or incident involving the transportation of hazardous material;

(B) includes an individual employed by a State, political subdivision of a State, or Indian tribe as a firefighter or law enforcement officer; and

(C) includes an individual who volunteers to serve as a firefighter for a State, political subdivision of a State, or Indian tribe.

(11) "State" means—

(A) except in section 5119 of this title, a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, and any other territory or possession of the United States designated by the Secretary; and

(B) in section 5119 of this title, a State of the United States and the District of Columbia.

(12) "transports" or "transportation" means the movement of property and loading, unloading, or storage incidental to the movement.

(13) "United States" means all of the States.

§5103. General regulatory authority

(a) DESIGNATING MATERIAL AS HAZARDOUS.—The Secretary of Transportation shall designate material (including an explosive, radioactive material, etiologic agent, flammable or combustible liquid or solid, poison, oxidizing or corrosive material, and compressed gas) or a group or class of material as hazardous when the Secretary decides that transporting the material in

commerce in a particular amount and form may pose an unreasonable risk to health and safety or property.

(b) REGULATIONS FOR SAFE TRANSPORTATION.—(1) The Secretary shall prescribe regulations for the safe transportation of hazardous material in intrastate, interstate, and foreign commerce. The regulations—

(A) apply to a person—

(i) transporting hazardous material in commerce;

(ii) causing hazardous material to be transported in commerce; or

(iii) manufacturing, fabricating, marking, maintaining, reconditioning, repairing, or testing a package or container that is represented, marked, certified, or sold by that person as qualified for use in transporting hazardous material in commerce; and

(B) shall govern safety aspects of the transportation of hazardous material the Secretary considers appropriate.

(2) A proceeding to prescribe the regulations must include an opportunity for informal oral presentations.

§5104. Representation and tampering

(a) REPRESENTATION.—A person may represent, by marking or otherwise, that—

(1) a container or package for transporting hazardous material is safe, certified, or complies with this chapter only if the container or package meets the requirements of each regulation prescribed under this chapter; or

(2) hazardous material is present in a package, container, motor vehicle, rail freight car, aircraft, or vessel only if the material is present.

(b) TAMPERING.—A person may not alter, remove, destroy, or otherwise tamper unlawfully with—

(1) a marking, label, placard, or description on a document required under this chapter or a regulation prescribed under this chapter; or

(2) a package, container, motor vehicle, rail freight car, aircraft, or vessel used to transport hazardous material.

§5105. Transporting certain highly radioactive material

(a) DEFINITIONS.—In this section, "high-level radioactive waste" and "spent nuclear fuel" have the same meanings given those terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) TRANSPORTATION SAFETY STUDY.—In consultation with the Secretary of Energy, the Nuclear Regulatory Commission, potentially affected States and Indian tribes, representatives of the rail transportation industry, and shippers of high-level radioactive waste and spent nuclear fuel, the Secretary of Transportation shall conduct a study comparing the safety of using trains operated only to transport high-level radioactive waste and spent nuclear fuel with the safety of using other methods of rail transportation for transporting that waste and fuel. The Secretary of Transportation shall submit to Congress not later than November 16, 1991, a report on the results of the study.

(c) SAFE RAIL TRANSPORTATION REGULATIONS.—Not later than November 16, 1992, after considering the results of the study conducted under subsection (b) of this section, the Secretary of Transportation shall prescribe amendments to existing regulations that the Secretary considers appropriate to provide for the safe rail transportation of high-level radioactive waste and spent nuclear fuel, including trains operated only for transporting high-level radioactive waste and spent nuclear fuel.

(d) ROUTES AND MODES STUDY.—Not later than November 16, 1991, the Secretary of Transportation shall conduct a study to decide which factors, if any, shippers and carriers should consider when selecting routes and modes that would enhance overall public safety related to the transportation of high-level radioactive waste and spent nuclear fuel. The study shall include—

(1) notice and opportunity for public comment; and

(2) an assessment of the degree to which at least the following affect the overall public safety of the transportation:

(A) population densities.

(B) types and conditions of modal infrastructures (including highways, railbeds, and waterways).

(C) quantities of high-level radioactive waste and spent nuclear fuel.

(D) emergency response capabilities.

(E) exposure and other risk factors.

(F) terrain considerations.

(G) continuity of routes.

(H) available alternative routes.

(I) environmental impact factors.

(e) INSPECTIONS OF MOTOR VEHICLES TRANSPORTING CERTAIN MATERIAL.—(1) Not later than November 16, 1991, the Secretary of Transportation shall require by regulation that before each use of a motor vehicle to transport a highway-route-controlled quantity of radioactive material in commerce, the vehicle shall be inspected and certified as complying with this chapter and applicable United States motor carrier safety laws and regulations. The Secretary may require that the inspection be carried out by an authorized United States Government inspector or according to appropriate State procedures.

(2) The Secretary of Transportation may allow a person, transporting or causing to be transported a highway-route-controlled quantity of radioactive material, to inspect the motor vehicle used to transport the material and to certify that the vehicle complies with this chapter. The inspector qualification requirements the Secretary prescribes for an individual inspecting a motor vehicle apply to an individual conducting an inspection under this paragraph.

§5106. Handling criteria

The Secretary of Transportation may prescribe criteria for handling hazardous material, including—

(1) a minimum number of personnel;

(2) minimum levels of training and qualifications for personnel;

(3) the kind and frequency of inspections;

(4) equipment for detecting, warning of, and controlling risks posed by the hazardous material;

(5) specifications for the use of equipment and facilities used in handling and transporting the hazardous material; and

(6) a system of monitoring safety procedures for transporting the hazardous material.

§5107. Hazmat employee training requirements and grants

(a) TRAINING REQUIREMENTS.—The Secretary of Transportation shall prescribe by regulation requirements for training that a hazmat employer must give hazmat employees of the employer on the safe loading, unloading, handling, storing, and transporting of hazardous material and emergency preparedness for responding to an accident or incident involving the transportation of hazardous material. The regulations—

(1) shall establish the date, as provided by subsection (b) of this section, by which the training shall be completed; and

(2) may provide for different training for different classes or categories of hazardous material and hazmat employees.

(b) BEGINNING AND COMPLETING TRAINING.—A hazmat employer shall begin the training of hazmat employees of the employer not later than 6 months after the Secretary of Transportation prescribes the regulations under subsection (a) of this section. The training shall be completed within a reasonable period of time after—

(1) 6 months after the regulations are prescribed; or

(2) the date on which an individual is to begin carrying out a duty or power of a hazmat employee if the individual is employed as a hazmat employee after the 6-month period.

(c) CERTIFICATION OF TRAINING.—After completing the training, each hazmat employer shall certify, with documentation the Secretary of Transportation may require by regulation, that the hazmat employees of the employer have received training and have been tested on appropriate transportation areas of responsibility, including at least one of the following:

(1) recognizing and understanding the Department of Transportation hazardous material classification system.

(2) the use and limitations of the Department hazardous material placarding, labeling, and marking systems.

(3) general handling procedures, loading and unloading techniques, and strategies to reduce the probability of release or damage during or incidental to transporting hazardous material.

(4) health, safety, and risk factors associated with hazardous material and the transportation of hazardous material.

(5) appropriate emergency response and communication procedures for dealing with an accident or incident involving hazardous material transportation.

(6) the use of the Department Emergency Response Guidebook and recognition of its limitations or the use of equivalent documents and recognition of the limitations of those documents.

(7) applicable hazardous material transportation regulations.

(8) personal protection techniques.

(9) preparing a shipping document for transporting hazardous material.

(d) COORDINATION OF TRAINING REQUIREMENTS.—In consultation with the Administrator of the Environmental Protection Agency and the Secretary of Labor, the Secretary of Transportation shall ensure that the training requirements prescribed under this section do not conflict with—

(1) the requirements of regulations the Secretary of Labor prescribes related to hazardous waste operations and emergency response that are contained in part 1910 of title 29, Code of Federal Regulations; and

(2) the regulations the Agency prescribes related to worker protection standards for hazardous waste operations that are contained in part 311 of title 40, Code of Federal Regulations.

(e) TRAINING GRANTS.—In consultation with the Secretaries of Transportation and Labor and the Administrator, the Director of the National Institute of Environmental Health Sciences may make grants to train hazmat employees under this section. A grant under this subsection shall be made to a nonprofit organization that demonstrates—

(1) expertise in conducting a training program for hazmat employees; and

(2) the ability to reach and involve in a training program a target population of hazmat employees.

(f) RELATIONSHIP TO OTHER LAWS.—(1) Chapter 35 of title 44 does not apply to an activity of the Secretary of Transportation under subsections (a)-(d) of this section.

(2) An action of the Secretary of Transportation under subsections (a)-(d) of this section and sections 5106, 5108(a)-(g)(1) and (h), and 5109 of this title is not an exercise, under section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), of statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

§5108. Registration

(a) Persons Required to File.—(1) A person shall file a registration statement with the Secretary of Transportation under this subsection if the person is transporting or causing to be transported in commerce any of the following:

(A) a highway-route-controlled quantity of radioactive material.

(B) more than 25 kilograms of a class A or B explosive in a motor vehicle, rail car, or transport container.

(C) more than one liter in each package of a hazardous material the Secretary designates as extremely toxic by inhalation.

(D) hazardous material in a bulk package, container, or tank, as defined by the Secretary, if the package, container, or tank has a capacity of at least 3,500 gallons or more than 468 cubic feet.

(E) a shipment of at least 5,000 pounds (except in a bulk packaging) of a class of hazardous material for which placarding of a vehicle, rail car, or freight container is required under regulations prescribed under this chapter.

(2) The Secretary of Transportation may require any of the following persons to file a registration statement with the Secretary under this subsection:

(A) a person transporting or causing to be transported hazardous material in commerce and not required to file a registration statement under paragraph (1) of this subsection.

(B) a person manufacturing, fabricating, marking, maintaining, reconditioning, repairing, or testing a package or container the person represents, marks, certifies, or sells for use in transporting in commerce hazardous material the Secretary designates.

(3) A person required to file a registration statement under this subsection may transport or cause to be transported, or manufacture, fabricate, mark, maintain, recondition, repair, or test a package or container for use in transporting, hazardous material, only if the person has a statement on file as required by this subsection.

(b) Form, Contents, and Limitation on Filings.—(1) A registration statement under subsection (a) of this section shall be in the form and contain information the Secretary of Transportation requires by regulation. The Secretary may use existing forms of the Department of Transportation and the Environmental Protection Agency to carry out this subsection. The statement shall include—

(A) the name and principal place of business of the registrant;

(B) a description of each activity the registrant carries out for which filing a statement under subsection (a) of this section is required; and

(C) each State in which the person carries out the activity.

(2) A person carrying out more than one activity, or an activity at more than one location, for which filing is required only has to file one registration statement to comply with subsection (a) of this section.

(c) Filing Deadlines and Amendments.—(1) Each person required to file a registration statement under subsection (a) of this section must file the first statement not later than March 31, 1992. The Secretary of Transportation may extend that date to September 30, 1992, for activities referred to in subsection (a)(1) of this section. A person shall renew the statement periodically consistent with regulations the Secretary prescribes, but not more than once each year and not less than once every 5 years.

(2) The Secretary of Transportation shall decide by regulation when and under what circumstances a registration statement must be amended and the procedures to follow in amending the statement.

(d) Simplifying the Registration Process.—The Secretary of Transportation may take necessary action to simplify the registration process under subsections (a)–(c) of this section and to minimize the number of applications, documents, and other information a person is required to file under this chapter and other laws of the United States.

(e) Cooperation With Administrator.—The Administrator of the Environmental Protection Agency shall assist the Secretary of Transportation in carrying out subsections (a)–(g)(1) and (h) of this section by providing the Secretary with information the Secretary requests to carry out the objectives of subsections (a)–(g)(1) and (h).

(f) Availability of Statements.—The Secretary of Transportation shall make a registration statement filed under subsection (a) of this section available for inspection by any person for a fee the Secretary establishes. However, this subsection does not require the release of information described in section 552(f) of title 5 or otherwise protected by law from disclosure to the public.

(g) Fees.—(1) The Secretary of Transportation may establish, impose, and collect from a person required to file a registration statement under subsection (a) of this section a fee necessary to pay for the costs of the Secretary in processing the statement.

(2)(A) In addition to a fee established under paragraph (1) of this subsection, the Secretary of Transportation shall establish and impose by regulation and collect an annual fee. Subject to subparagraph (B) of this paragraph, the fee shall be at least $250 but not more than $5,000 from each person required to file a registration statement under this section. The Secretary shall determine the amount of the fee under this paragraph on at least one of the following:

(i) gross revenue from transporting hazardous material.

(ii) the type of hazardous material transported or caused to be transported.

(iii) the amount of hazardous material transported or caused to be transported.

(iv) the number of shipments of hazardous material.

(v) the number of activities that the person carries out for which filing a registration statement is required under this section.

(vi) the threat to property, individuals, and the environment from an accident or incident involving the hazardous material transported or caused to be transported.

(vii) the percentage of gross revenue derived from transporting hazardous material.

(viii) the amount to be made available to carry out sections 5107(e), 5108(g)(2), 5115, and 5116 of this title.

(ix) other factors the Secretary considers appropriate.

(B) The Secretary of Transportation shall adjust the amount being collected under this paragraph to reflect any unexpended balance in the account established under section 5116(i) of this title. However, the Secretary is not required to refund any fee collected under this paragraph.

(C) The Secretary of Transportation shall transfer to the Secretary of the Treasury amounts the Secretary of Transportation collects under this paragraph for deposit in the account the Secretary of the Treasury establishes under section 5116(i) of this title.

(h) Maintaining Proof of Filing and Payment of Fees.—The Secretary of Transportation may prescribe regulations requiring a person required to file a registration statement under subsection (a) of this section to maintain proof of the filing and payment of fees imposed under subsection (g) of this section.

(i) Relationship to Other Laws.—(1) Chapter 35 of title 44 does not apply to an activity of the Secretary of Transportation under subsections (a)–(g)(1) and (h) of this section.

(2)(A) This section does not apply to an employee of a hazmat employer.

(B) Subsections (a)–(h) of this section do not apply to a department, agency, or instrumentality of the United States Government, an authority of a State or political subdivision of a State, or an employee of a department, agency, instrumentality, or authority carrying out official duties.

§5109. Motor carrier safety permits

(a) Requirement.—A motor carrier may transport or cause to be transported by motor vehicle in commerce hazardous material only if the carrier holds a safety permit the Secretary of Transportation issues under this section authorizing the transportation and keeps a copy of the permit, or other proof of its existence, in the vehicle. The Secretary shall issue a permit if the Secretary finds the carrier is fit, willing, and able—

(1) to provide the transportation to be authorized by the permit;

(2) to comply with this chapter and regulations the Secretary prescribes to carry out this chapter; and

(3) to comply with applicable United States motor carrier safety laws and regulations and applicable minimum financial responsibility laws and regulations.

(b) Applicable Transportation.—The Secretary shall prescribe by regulation the hazardous material and amounts of hazardous material to which this section applies. However, this section shall apply at least to transportation by a motor carrier, in amounts the Secretary establishes, of—

(1) a class A or B explosive;

(2) liquefied natural gas;

(3) hazardous material the Secretary designates as extremely toxic by inhalation; and

(4) a highway-route-controlled quantity of radioactive material, as defined by the Secretary.

(c) Applications.—A motor carrier shall file an application with the Secretary for a safety permit to provide transportation under this section. The Secretary may approve any part of the application or deny the application. The application shall be under oath and contain information the Secretary requires by regulation.

(d) Amendments, Suspensions, and Revocations.—(1) After notice and an opportunity for a hearing, the Secretary may amend, suspend, or revoke a safety permit, as provided by procedures prescribed under subsection (e) of this section, when the Secretary decides the motor carrier is not complying with a requirement of this chapter, a regulation prescribed under this chapter, or an applicable United States motor carrier safety law or regulation or minimum financial responsibility law or regulation.

(2) If the Secretary decides an imminent hazard exists, the Secretary may amend, suspend, or revoke a permit before scheduling a hearing.

(e) Procedures.—The Secretary shall prescribe by regulation—

(1) application procedures, including form, content, and fees necessary to recover the complete cost of carrying out this section;

(2) standards for deciding the duration, terms, and limitations of a safety permit;

(3) procedures to amend, suspend, or revoke a permit; and

(4) other procedures the Secretary considers appropriate to carry out this section.

(f) Shipper Responsibility.—A person offering hazardous material for motor vehicle transportation in commerce may offer the material to a motor carrier only if the carrier has a safety permit issued under this section authorizing the transportation.

(g) Conditions.—A motor carrier may provide transportation under a safety permit issued

under this section only if the carrier complies with conditions the Secretary finds are required to protect public safety.

(h) Regulations.—The Secretary shall prescribe regulations necessary to carry out this section not later than November 16, 1991.

§5110. Shipping papers and disclosure

(a) Providing Shipping Papers.—Each person offering for transportation in commerce hazardous material to which the shipping paper requirements of the Secretary of Transportation apply shall provide to the carrier providing the transportation a shipping paper that makes the disclosures the Secretary prescribes under subsection (b) of this section.

(b) Considerations and Requirements.—In carrying out subsection (a) of this section, the Secretary shall consider and may require—

(1) a description of the hazardous material, including the proper shipping name;

(2) the hazard class of the hazardous material;

(3) the identification number (UN/NA) of the hazardous material;

(4) immediate first action emergency response information or a way for appropriate reference to the information (that must be available immediately); and

(5) a telephone number for obtaining more specific handling and mitigation information about the hazardous material at any time during which the material is transported.

(c) Keeping Shipping Papers on the Vehicle.—(1) A motor carrier, and the person offering the hazardous material for transportation if a private motor carrier, shall keep the shipping paper on the vehicle transporting the material.

(2) Except as provided in paragraph (1) of this subsection, the shipping paper shall be kept in a location the Secretary specifies in a motor vehicle, train, vessel, aircraft, or facility until—

(A) the hazardous material no longer is in transportation; or

(B) the documents are made available to a representative of a department, agency, or instrumentality of the United States Government or a State or local authority responding to an accident or incident involving the motor vehicle, train, vessel, aircraft, or facility.

(d) Disclosure to Emergency Response Authorities.—When an incident involving hazardous material being transported in commerce occurs, the person transporting the material, immediately on request of appropriate emergency response authorities, shall disclose to the authorities information about the material.

§5111. Rail tank cars

A rail tank car built before January 1, 1971, may be used to transport hazardous material in commerce only if the air brake equipment support attachments of the car comply with the standards for attachments contained in sections 179.100-16 and 179.200-19 of title 49, Code of Federal Regulations, in effect on November 16, 1990.

§5112. Highway routing of hazardous material

(a) Application.—(1) This section applies to a motor vehicle only if the vehicle is transporting hazardous material in commerce for which placarding of the vehicle is required under regulations prescribed under this chapter. However, the Secretary of Transportation by regulation may extend application of this section or a standard prescribed under subsection (b) of this section to—

(A) any use of a vehicle under this paragraph to transport any hazardous material in commerce; and

(B) any motor vehicle used to transport hazardous material in commerce.

(2) Except as provided by subsection (d) of this section and section 5125(c) of this title, each State and Indian tribe may establish, maintain, and enforce—

(A) designations of specific highway routes over which hazardous material may and may not be transported by motor vehicle; and

(B) limitations and requirements related to highway routing.

(b) Standards for States and Indian Tribes.—(1) The Secretary, in consultation with the States, shall prescribe by regulation standards for States and Indian tribes to use in carrying out subsection (a) of this section. The standards shall include—

(A) a requirement that a highway routing designation, limitation, or requirement of a State or Indian tribe shall enhance public safety in the area subject to the jurisdiction of the State or tribe and in areas of the United States not subject to the jurisdiction of the State or tribe and directly affected by the designation, limitation, or requirement;

(B) minimum procedural requirements to ensure public participation when the State or Indian tribe is establishing a highway routing designation, limitation, or requirement;

(C) a requirement that, in establishing a highway routing designation, limitation, or requirement, a State or Indian tribe consult with appropriate State, local, and tribal officials having jurisdiction over areas of the United States not subject to the jurisdiction of that State or tribe establishing the designation, limitation, or requirement and with affected industries;

(D) a requirement that a highway routing designation, limitation, or requirement of a State or Indian tribe shall ensure through highway routing for the transportation of hazardous material between adjacent areas;

(E) a requirement that a highway routing designation, limitation, or requirement of one State or Indian tribe affecting the transportation of hazardous material in another State or tribe may be established, maintained, and enforced by the State or tribe establishing the designation, limitation, or requirement only if—

(i) the designation, limitation, or requirement is agreed to by the other State or tribe within a reasonable period or is approved by the Secretary under subsection (d) of this section; and

(ii) the designation, limitation, or requirement is not an unreasonable burden on commerce;

(F) a requirement that establishing a highway routing designation, limitation, or requirement of a State or Indian tribe be completed in a timely way;

(G) a requirement that a highway routing designation, limitation, or requirement of a State or Indian tribe provide reasonable routes for motor vehicles transporting hazardous material to reach terminals, facilities for food, fuel, repairs, and rest, and places to load and unload hazardous material;

(H) a requirement that a State be responsible—

(i) for ensuring that political subdivisions of the State comply with standards prescribed under this subsection in establishing, maintaining, and enforcing a highway routing designation, limitation, or requirement; and

(ii) for resolving a dispute between political subdivisions; and

(I) a requirement that, in carrying out subsection (a) of this section, a State or Indian tribe shall consider—

(i) population densities;

(ii) the types of highways;

(iii) the types and amounts of hazardous material;

(iv) emergency response capabilities;

(v) the results of consulting with affected persons;

(vi) exposure and other risk factors;

(vii) terrain considerations;

(viii) the continuity of routes;

(ix) alternative routes;

(x) the effects on commerce;

(xi) delays in transportation; and

(xii) other factors the Secretary considers appropriate.

(2) The Secretary may not assign a specific weight that a State or Indian tribe shall use when considering the factors under paragraph (1)(I) of this subsection.

(c) List of Route Designations.—In coordination with the States, the Secretary shall update and publish periodically a list of currently effective hazardous material highway route designations.

(d) Dispute Resolution.—(1) The Secretary shall prescribe regulations for resolving a dispute related to through highway routing or to an agreement with a proposed highway route designation, limitation, or requirement between or among States, political subdivisions of different States, or Indian tribes.

(2) A State or Indian tribe involved in a dispute under this subsection may petition the Secretary to resolve the dispute. The Secretary shall resolve the dispute not later than one year after receiving the petition. The resolution shall provide the greatest level of highway safety without being an unreasonable burden on commerce and shall ensure compliance with standards prescribed under subsection (b) of this section.

(3)(A) After a petition is filed under this subsection, a civil action about the subject matter of the dispute may be brought in a court only after the earlier of—

(i) the day the Secretary issues a final decision; or

(ii) the last day of the one-year period beginning on the day the Secretary receives the petition.

(B) A State or Indian tribe adversely affected by a decision of the Secretary under this subsection may bring a civil action for judicial review of the decision in an appropriate district court of the United States not later than 89 days after the day the decision becomes final.

(e) Relationship to Other Laws.—This section and regulations prescribed under this section do not affect sections 31111 and 31113 of this title or section 127 of title 23.

(f) Existing Radioactive Material Routing Regulations.—The Secretary is not required to amend or again prescribe regulations related to highway routing designations over which radioactive material may and may not be transported by motor vehicles, and limitations and requirements related to the routing, that were in effect on November 16, 1990.

§5113. Unsatisfactory safety rating

(a) Prohibited Transportation.—A motor carrier receiving an unsatisfactory safety rating from the Secretary of Transportation has 45 days to improve the rating to conditional or satisfactory. Beginning on the 46th day and until the motor carrier receives a conditional or satisfactory rating, a motor carrier not having received a conditional or satisfactory rating during the 45-day period may not operate a commercial motor vehicle (as defined in section 31132 of this title)—

(1) to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under this chapter; or

(2) to transport more than 15 individuals.

(b) Rating Review.—The Secretary shall review the factors that resulted in a motor carrier receiving an unsatisfactory rating not later than 30 days after the motor carrier requests a review.

(c) Prohibited Government Use.—A department, agency, or instrumentality of the United States Government may not use a motor carrier that has an unsatisfactory rating from the Secretary—

(1) to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under this chapter; or

(2) to transport more than 15 individuals.

(d) PUBLIC AVAILABILITY AND UPDATING OF RATINGS.—The Secretary, in consultation with the Interstate Commerce Commission, shall prescribe regulations amending the motor carrier safety regulations in subchapter B of chapter III of title 49, Code of Federal Regulations, to establish a system to make readily available to the public, and update periodically, the safety ratings of motor carriers that have unsatisfactory ratings from the Secretary.

§5114. Air transportation of ionizing radiation material

(a) TRANSPORTING IN AIR COMMERCE.—Material that emits ionizing radiation spontaneously may be transported on a passenger-carrying aircraft in air commerce (as defined in section 40102(a) of this title) only if the material is intended for a use in, or incident to, research or medical diagnosis or treatment and does not present an unreasonable hazard to health and safety when being prepared for, and during, transportation.

(b) PROCEDURES.—The Secretary of Transportation shall prescribe procedures for monitoring and enforcing regulations prescribed under this section.

(c) NONAPPLICATION.—This section does not apply to material the Secretary decides does not pose a significant hazard to health or safety when transported because of its low order of radioactivity.

§5115. Training curriculum for the public sector

(a) DEVELOPMENT AND UPDATING.—Not later than November 16, 1992, in coordination with the Director of the Federal Emergency Management Agency, Chairman of the Nuclear Regulatory Commission, Administrator of the Environmental Protection Agency, Secretaries of Labor, Energy, and Health and Human Services, and Director of the National Institute of Environmental Health Sciences, and using the existing coordinating mechanisms of the national response team and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee, the Secretary of Transportation shall develop and update periodically a curriculum consisting of a list of courses necessary to train public sector emergency response and preparedness teams. Only in developing the curriculum, the Secretary of Transportation shall consult with regional response teams established under the national contingency plan established under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605), representatives of commissions established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001), persons (including governmental entities) that provide training for responding to accidents and incidents involving the transportation of hazardous material, and representatives of persons that respond to those accidents and incidents.

(b) REQUIREMENTS.—The curriculum developed under subsection (a) of this section—

(1) shall include—

(A) a recommended course of study to train public sector employees to respond to an accident or incident involving the transportation of hazardous material and to plan for those responses;

(B) recommended basic courses and minimum number of hours of instruction necessary for public sector employees to be able to respond safely and efficiently to an accident or incident involving the transportation of hazardous material and to plan those responses; and

(C) appropriate emergency response training and planning programs for public sector employees developed under other United States Government grant programs, including those developed with grants made under section 126 of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9660a); and

(2) may include recommendations on material appropriate for use in a recommended basic course described in clause (1)(B) of this subsection.

(c) TRAINING ON COMPLYING WITH LEGAL REQUIREMENTS.—A recommended basic course described in subsection (b)(1)(B) of this section shall provide the training necessary for public sector employees to comply with—

(1) regulations related to hazardous waste operations and emergency response contained in part 1910 of title 29, Code of Federal Regulations, prescribed by the Secretary of Labor;

(2) regulations related to worker protection standards for hazardous waste operations contained in part 311 of title 40, Code of Federal Regulations, prescribed by the Administrator; and

(3) standards related to emergency response training prescribed by the National Fire Protection Association.

(d) DISTRIBUTION AND PUBLICATION.—With the national response team—

(1) the Director of the Federal Emergency Management Agency shall distribute the curriculum and any updates to the curriculum to the regional response teams and all committees and commissions established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001); and

(2) the Secretary of Transportation may publish a list of programs that uses a course developed under this section for training public sector employees to respond to an accident or incident involving the transportation of hazardous material.

§5116. Planning and training grants, monitoring, and review

(a) PLANNING GRANTS.—(1) The Secretary of Transportation shall make grants to States—

(A) to develop, improve, and carry out emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.), including ascertaining flow patterns of hazardous material in a State and between States; and

(B) to decide on the need for a regional hazardous material emergency response team.

(2) The Secretary of Transportation may make a grant to a State under paragraph (1) of this subsection in a fiscal year only if the State—

(A) certifies that the total amount the State expends (except amounts of the United States Government) to develop, improve, and carry out emergency plans under the Act will at least equal the average level of expenditure for the last 2 fiscal years; and

(B) agrees to make available at least 75 percent of the amount of the grant under paragraph (1) of this subsection in the fiscal year to local emergency planning committees established under section 301(c) of the Act (42 U.S.C. 11001(c)) to develop emergency plans under the Act.

(b) TRAINING GRANTS.—(1) The Secretary of Transportation shall make grants to States and Indian tribes to train public sector employees to respond to accidents and incidents involving hazardous material.

(2) The Secretary of Transportation may make a grant under paragraph (1) of this subsection in a fiscal year—

(A) to a State or Indian tribe only if the State or tribe certifies that the total amount the State or tribe expends (except amounts of the Government) to train public sector employees to respond to an accident or incident involving hazardous material will at least equal the average level of expenditure for the last 2 fiscal years;

(B) to a State or Indian tribe only if the State or tribe makes an agreement with the Secretary that the State or tribe will use in that fiscal year, for training public sector employees to respond to an accident or incident involving hazardous material—

(i) a course developed or identified under section 5115 of this title; or

(ii) another course the Secretary decides is consistent with the objectives of this section; and

(C) to a State only if the State agrees to make available at least 75 percent of the amount of the grant under paragraph (1) of this subsection in the fiscal year for training public sector employees a political subdivision of the State employs or uses.

(3) A grant under this subsection may be used—

(A) to pay—

(i) the tuition costs of public sector employees being trained;

(ii) travel expenses of those employees to and from the training facility;

(iii) room and board of those employees when at the training facility; and

(iv) travel expenses of individuals providing the training;

(B) by the State, political subdivision, or Indian tribe to provide the training; and

(C) to make an agreement the Secretary of Transportation approves authorizing a person (including an authority of a State or political subdivision of a State or Indian tribe) to provide the training—

(i) if the agreement allows the Secretary and the State or tribe to conduct random examinations, inspections, and audits of the training without prior notice; and

(ii) if the State or tribe conducts at least one on-site observation of the training each year.

(4) The Secretary of Transportation shall allocate amounts made available for grants under this subsection for a fiscal year among eligible States and Indian tribes based on the needs of the States and tribes for emergency response training. In making a decision about those needs, the Secretary shall consider—

(A) the number of hazardous material facilities in the State or on land under the jurisdiction of the tribe;

(B) the types and amounts of hazardous material transported in the State or on that land;

(C) whether the State or tribe imposes and collects a fee on transporting hazardous material;

(D) whether the fee is used only to carry out a purpose related to transporting hazardous material; and

(E) other factors the Secretary decides are appropriate to carry out this subsection.

(c) COMPLIANCE WITH CERTAIN LAW.—The Secretary of Transportation may make a grant to a State under this section in a fiscal year only if the State certifies that the State complies with sections 301 and 303 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001, 11003).

(d) APPLICATIONS.—A State or Indian tribe interested in receiving a grant under this section shall submit an application to the Secretary of Transportation. The application must be submitted at the time, and contain information, the Secretary requires by regulation to carry out the objectives of this section.

(e) GOVERNMENT'S SHARE OF COSTS.—A grant under this section is for 80 percent of the cost the State or Indian tribe incurs in the fiscal year to carry out the activity for which the grant is made. Amounts of the State or tribe under subsections (a)(2)(A) and (b)(2)(A) of this section are not part of the non-Government share under this subsection.

(f) MONITORING AND TECHNICAL ASSISTANCE.—In coordination with the Secretaries of Transportation and Energy, Administrator of the Environmental Protection Agency, and Director of

the National Institute of Environmental Health Sciences, the Director of the Federal Emergency Management Agency shall monitor public sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, the Secretaries, Administrator, and Directors each shall provide technical assistance to a State, political subdivision of a State, or Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the national response team and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee.

(g) Delegation of Authority.—To minimize administrative costs and to coordinate Government grant programs for emergency response training and planning, the Secretary of Transportation may delegate to the Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, Chairman of the Nuclear Regulatory Commission, Administrator of the Environmental Protection Agency, and Secretaries of Labor and Energy any of the following:

(1) authority to receive applications for grants under this section.

(2) authority to review applications for technical compliance with this section.

(3) authority to review applications to recommend approval or disapproval.

(4) any other ministerial duty associated with grants under this section.

(h) Minimizing Duplication of Effort and Expenses.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, Chairman of the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

(i) Annual Registration Fee Account and Its Uses.—The Secretary of the Treasury shall establish an account in the Treasury into which the Secretary of the Treasury shall deposit amounts the Secretary of Transportation collects under section 5108(g)(2)(A) of this title and transfers to the Secretary of the Treasury under section 5108(g)(2)(C) of this title. Without further appropriation, amounts in the account are available—

(1) to make grants under this section and section 5107(e) of this title;

(2) to monitor and provide technical assistance under subsection (f) of this section; and

(3) to pay administrative costs of carrying out this section and sections 5107(e), 5108(g)(2), and 5115 of this title, except that not more than 10 percent of the amounts made available from the account in a fiscal year may be used to pay those costs.

§5117. Exemptions and exclusions

(a) Authority To Exempt.—(1) As provided under procedures prescribed by regulation, the Secretary of Transportation may issue an exemption from this chapter or a regulation prescribed under section 5103(b), 5104, 5110, or 5112 of this title to a person transporting, or causing to be transported, hazardous material in a way that achieves a safety level—

(A) at least equal to the safety level required under this chapter; or

(B) consistent with the public interest and this chapter, if a required safety level does not exist.

(2) An exemption under this subsection is effective for not more than 2 years and may be renewed on application to the Secretary.

(b) Applications.—When applying for an exemption or renewal of an exemption under this section, the person must provide a safety analysis prescribed by the Secretary that justifies the exemption. The Secretary shall publish in the Federal Register notice that an application for an exemption has been filed and shall give the public an opportunity to inspect the safety analysis and comment on the application. This subsection does not require the release of information protected by law from public disclosure.

(c) Exclusions.—(1) The Secretary shall exclude, in any part, from this chapter and regulations prescribed under this chapter—

(A) a public vessel (as defined in section 2101 of title 46);

(B) a vessel exempted under section 3702 of title 46 from chapter 37 of title 46; and

(C) a vessel to the extent it is regulated under the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.).

(2) This chapter and regulations prescribed under this chapter do not prohibit—

(A) or regulate transportation of a firearm (as defined in section 232 of title 18), or ammunition for a firearm, by an individual for personal use; or

(B) transportation of a firearm or ammunition in commerce.

(d) Limitation on Authority.—Unless the Secretary decides that an emergency exists, an exemption or renewal granted under this section is the only way a person subject to this chapter may be exempt from this chapter.

§5118. Inspectors

(a) General Requirement.—The Secretary of Transportation shall maintain the employment of 30 hazardous material safety inspectors more than the total number of safety inspectors authorized for the fiscal year that ended September 30, 1990, for the Federal Railroad Administration, the Federal Highway Administration, and the Research and Special Programs Administration.

(b) Allocation To Promote Safety in Transporting Radioactive Material.—(1) The Secretary shall ensure that 10 of the 30 additional inspectors focus on promoting safety in transporting radioactive material, as defined by the Secretary, including inspecting—

(A) at the place of origin, shipments of high-level radioactive waste or nuclear spent material (as those terms are defined in section 5105(a) of this title); and

(B) to the maximum extent practicable shipments of radioactive material that are not high-level radioactive waste or nuclear spent material.

(2) In carrying out their duties, those 10 additional inspectors shall cooperate to the greatest extent possible with safety inspectors of the Nuclear Regulatory Commission and appropriate State and local government officials.

(3) Those 10 additional inspectors shall be allocated as follows:

(A) one to the Research and Special Programs Administration.

(B) 3 to the Federal Railroad Administration.

(C) 3 to the Federal Highway Administration.

(D) the other 3 among the administrations referred to in clauses (A)–(C) of this paragraph as the Secretary decides.

(c) Allocation of Other Inspectors.—The Secretary shall allocate, as the Secretary decides, the 20 additional inspectors authorized under this section and not allocated under subsection (b) of this section among the administrations referred to in subsection (b)(3)(A)–(C) of this section.

§5119. Uniform forms and procedures

(a) Working Group.—The Secretary of Transportation shall establish a working group of State and local government officials, including representatives of the National Governors' Association, the National Association of Counties, the National League of Cities, the United States Conference of Mayors, and the National Conference of State Legislatures. The purposes of the working group are—

(1) to establish uniform forms and procedures for a State—

(A) to register persons that transport or cause to be transported hazardous material by motor vehicle in the State; and

(B) to allow the transportation of hazardous material in the State; and

(2) to decide whether to limit the filing of any State registration and permit forms and collection of filing fees to the State in which the person resides or has its principal place of business.

(b) Consultation and Reporting.—The working group—

(1) shall consult with persons subject to registration and permit requirements described in subsection (a) of this section; and

(2) not later than November 16, 1993, shall submit to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Public Works and Transportation of the House of Representatives a final report that contains—

(A) a detailed statement of its findings and conclusions; and

(B) its joint recommendations on the matters referred to in subsection (a) of this section.

(c) Regulations on Recommendations.—(1) The Secretary shall prescribe regulations to carry out the recommendations contained in the report submitted under subsection (b) of this section with which the Secretary agrees. The regulations shall be prescribed by the later of the last day of the 3-year period beginning on the date the working group submitted its report or the last day of the 90-day period beginning on the date on which at least 26 States adopt all of the recommendations of the report. A regulation prescribed under this subsection may not define or limit the amount of a fee a State may impose or collect.

(2) A regulation prescribed under this subsection takes effect one year after it is prescribed. The Secretary may extend the one-year period for an additional year for good cause. After a regulation is effective, a State may establish, maintain, or enforce a requirement related to the same subject matter only if the requirement is the same as the regulation.

(3) In consultation with the working group, the Secretary shall develop a procedure to eliminate differences in how States carry out a regulation prescribed under this subsection.

(d) Relationship to Other Laws.—The Federal Advisory Committee Act (5 App. U.S.C.) does not apply to the working group.

§5120. International uniformity of standards and requirements

(a) Participation in International Forums.—Subject to guidance and direction from the Secretary of State, the Secretary of Transportation shall participate in international forums that establish or recommend mandatory standards and requirements for transporting hazardous material in international commerce.

(b) Consultation.—The Secretary of Transportation may consult with interested authorities to ensure that, to the extent practicable, regulations the Secretary prescribes under sections 5103(b), 5104, 5110, and 5112 of this title are consistent with standards related to transporting hazardous material that international authorities adopt.

(c) Differences With International Standards and Requirements.—This section—

(1) does not require the Secretary of Transportation to prescribe a standard identical to a standard adopted by an international authority

if the Secretary decides the standard is unnecessary or unsafe; and

(2) does not prohibit the Secretary from prescribing a safety requirement more stringent than a requirement included in a standard adopted by an international authority if the Secretary decides the requirement is necessary in the public interest.

§5121. Administrative

(a) GENERAL AUTHORITY.—To carry out this chapter, the Secretary of Transportation may investigate, make reports, issue subpenas, conduct hearings, require the production of records and property, take depositions, and conduct research, development, demonstration, and training activities. After notice and an opportunity for a hearing, the Secretary may issue an order requiring compliance with this chapter or a regulation prescribed under this chapter.

(b) RECORDS, REPORTS, AND INFORMATION.—A person subject to this chapter shall—

(1) maintain records, make reports, and provide information the Secretary by regulation or order requires; and

(2) make the records, reports, and information available when the Secretary requests.

(c) INSPECTION.—(1) The Secretary may authorize an officer, employee, or agent to inspect, at a reasonable time and in a reasonable way, records and property related to—

(A) manufacturing, fabricating, marking, maintaining, reconditioning, repairing, testing, or distributing a package or container for use by a person in transporting hazardous material in commerce; or

(B) the transportation of hazardous material in commerce.

(2) An officer, employee, or agent under this subsection shall display proper credentials when requested.

(d) FACILITY, STAFF, AND REPORTING SYSTEM ON RISKS, EMERGENCIES, AND ACTIONS.—(1) The Secretary shall—

(A) maintain a facility and technical staff sufficient to provide, within the United States Government, the capability of evaluating a risk related to the transportation of hazardous material and material alleged to be hazardous;

(B) maintain a central reporting system and information center capable of providing information and advice to law enforcement and firefighting personnel, other interested individuals, and officers and employees of the Government and State and local governments on meeting an emergency related to the transportation of hazardous material; and

(C) conduct a continuous review on all aspects of transporting hazardous material to decide on and take appropriate actions to ensure safe transportation of hazardous material.

(2) Paragraph (1) of this subsection does not prevent the Secretary from making a contract with a private entity for use of a supplemental reporting system and information center operated and maintained by the contractor.

(e) ANNUAL REPORT.—The Secretary shall submit to the President, for submission to Congress, not later than June 15th of each year, a report about the transportation of hazardous material during the prior calendar year. The report shall include—

(1) a statistical compilation of accidents and casualties related to the transportation of hazardous material;

(2) a list and summary of applicable Government regulations, criteria, orders, and exemptions;

(3) a summary of the basis for each exemption;

(4) an evaluation of the effectiveness of enforcement activities and the degree of voluntary compliance with regulations;

(5) a summary of outstanding problems in carrying out this chapter in order of priority; and

(6) recommendations for appropriate legislation.

§5122. Enforcement

(a) GENERAL.—At the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including punitive damages.

(b) IMMINENT HAZARDS.—(1) If the Secretary has reason to believe that an imminent hazard exists, the Secretary may bring a civil action in an appropriate district court of the United States—

(A) to suspend or restrict the transportation of the hazardous material responsible for the hazard; or

(B) to eliminate or ameliorate the hazard.

(2) On request of the Secretary, the Attorney General shall bring an action under paragraph (1) of this subsection.

§5123. Civil penalty

(a) PENALTY.—(1) A person that knowingly violates this chapter or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of at least $250 but not more than $25,000 for each violation. A person acts knowingly when—

(A) the person has actual knowledge of the facts giving rise to the violation; or

(B) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge.

(2) A separate violation occurs for each day the violation, committed by a person that transports or causes to be transported hazardous material, continues.

(b) HEARING REQUIREMENT.—The Secretary of Transportation may find that a person has violated this chapter or a regulation prescribed under this chapter only after notice and an opportunity for a hearing. The Secretary shall impose a penalty under this section by giving the person written notice of the amount of the penalty.

(c) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Secretary shall consider—

(1) the nature, circumstances, extent, and gravity of the violation;

(2) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue to do business; and

(3) other matters that justice requires.

(d) CIVIL ACTIONS TO COLLECT.—The Attorney General may bring a civil action in an appropriate district court of the United States to collect a civil penalty under this section.

(e) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section before referral to the Attorney General.

(f) SETOFF.—The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(g) DEPOSITING AMOUNTS COLLECTED.—Amounts collected under this section shall be deposited in the Treasury as miscellaneous receipts.

§5124. Criminal penalty

A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 5 years, or both.

§5125. Preemption

(a) GENERAL.—Except as provided in subsections (b), (c), and (e) of this section, a requirement of a State, political subdivision of a State, or Indian tribe is preempted if—

(1) complying with a requirement of the State, political subdivision, or tribe and a requirement of this chapter or a regulation prescribed under this chapter is not possible; or

(2) the requirement of the State, political subdivision, or tribe, as applied or enforced, is an obstacle to accomplishing and carrying out this chapter or a regulation prescribed under this chapter.

(b) SUBSTANTIVE DIFFERENCES.—(1) Except as provided in subsection (c) of this section, a law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe about any of the following subjects, that is not substantively the same as a provision of this chapter or a regulation prescribed under this chapter, is preempted:

(A) the designation, description, and classification of hazardous material.

(B) the packing, repacking, handling, labeling, marking, and placarding of hazardous material.

(C) the preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents.

(D) the written notification, recording, and reporting of the unintentional release in transportation of hazardous material.

(E) the design, manufacturing, fabricating, marking, maintenance, reconditioning, repairing, or testing of a package or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

(2) If the Secretary of Transportation prescribes or has prescribed under section 5103(b), 5104, 5110, or 5112 of this title or prior comparable provision of law a regulation or standard related to a subject referred to in paragraph (1) of this subsection, a State, political subdivision of a State, or Indian tribe may prescribe, issue, maintain, and enforce only a law, regulation, standard, or order about the subject that is substantively the same as a provision of this chapter or a regulation prescribed or order issued under this chapter. The Secretary shall decide on and publish in the Federal Register the effective date of section 5103(b) of this title for any regulation or standard about any of those subjects that the Secretary prescribes after November 16, 1990. However, the effective date may not be earlier than 90 days after the Secretary prescribes the regulation or standard nor later than the last day of the 2-year period beginning on the date the Secretary prescribes the regulation or standard.

(3) If a State, political subdivision of a State, or Indian tribe imposes a fine or penalty the Secretary decides is appropriate for a violation related to a subject referred to in paragraph (1) of this subsection, an additional fine or penalty may not be imposed by any other authority.

(c) COMPLIANCE WITH SECTION 5112(b) REGULATIONS.—(1) Except as provided in paragraph (2) of this subsection, after the last day of the 2-year period beginning on the date a regulation is prescribed under section 5112(b) of this title, a State or Indian tribe may establish, maintain, or enforce a highway routing designation over which hazardous material may or may not be transported by motor vehicles, or a limitation or requirement related to highway routing, only if the designation, limitation, or requirement complies with section 5112(b).

(2)(A) A highway routing designation, limitation, or requirement established before the date a regulation is prescribed under section 5112(b) of this title does not have to comply with section 5112(b)(1)(B), (C), and (F).

(B) This subsection and section 5112 of this title do not require a State or Indian tribe to comply with section 5112(b)(1)(I) if the highway routing designation, limitation, or requirement was established before November 16, 1990.

(C) The Secretary may allow a highway routing designation, limitation, or requirement to

continue in effect until a dispute related to the designation, limitation, or requirement is resolved under section 5112(d) of this title.

(d) DECISIONS ON PREEMPTION.—(1) A person (including a State, political subdivision of a State, or Indian tribe) directly affected by a requirement of a State, political subdivision, or tribe may apply to the Secretary, as provided by regulations prescribed by the Secretary, for a decision on whether the requirement is preempted by subsection (a), (b)(1), or (c) of this section. The Secretary shall publish notice of the application in the Federal Register. After notice is published, an applicant may not seek judicial relief on the same or substantially the same issue until the Secretary takes final action on the application or until 180 days after the application is filed, whichever occurs first.

(2) After consulting with States, political subdivisions of States, and Indian tribes, the Secretary shall prescribe regulations for carrying out paragraph (1) of this subsection.

(3) Subsection (a) of this section does not prevent a State, political subdivision of a State, or Indian tribe, or another person directly affected by a requirement, from seeking a decision on preemption from a court of competent jurisdiction instead of applying to the Secretary under paragraph (1) of this subsection.

(e) WAIVER OF PREEMPTION.—A State, political subdivision of a State, or Indian tribe may apply to the Secretary for a waiver of preemption of a requirement the State, political subdivision, or tribe acknowledges is preempted by subsection (a), (b)(1), or (c) of this section. Under a procedure the Secretary prescribes by regulation, the Secretary may waive preemption on deciding the requirement—

(1) provides the public at least as much protection as do requirements of this chapter and regulations prescribed under this chapter; and

(2) is not an unreasonable burden on commerce.

(f) JUDICIAL REVIEW.—A party to a proceeding under subsection (d) or (e) of this section may bring a civil action in an appropriate district court of the United States for judicial review of the decision of the Secretary not later than 60 days after the decision becomes final.

(g) FEES.—A State, political subdivision of a State, or Indian tribe may impose a fee related to transporting hazardous material only if the fee is fair and used for a purpose related to transporting hazardous material, including enforcement and planning, developing, and maintaining a capability for emergency response.

§5126. Relationship to other laws

(a) CONTRACTS.—A person under contract with a department, agency, or instrumentality of the United States Government that transports or causes to be transported hazardous material, or manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container that the person represents, marks, certifies, or sells as qualified for use in transporting hazardous material must comply with this chapter, regulations prescribed and orders issued under this chapter, and all other requirements of the Government, State and local governments, and Indian tribes (except a requirement preempted by a law of the United States) in the same way and to the same extent that any person engaging in that transportation, manufacturing, fabricating, marking, maintenance, reconditioning, repairing, or testing that is in or affects commerce must comply with the provision, regulation, order, or requirement.

(b) NONAPPLICATION.—This chapter does not apply to—

(1) a pipeline subject to regulation under chapter 601 of this title; or

(2) any matter that is subject to the postal laws and regulations of the United States under this chapter or title 18 or 39.

§5127. Authorization of appropriations

(a) GENERAL.—Not more than $18,000,000 may be appropriated to the Secretary of Transportation for the fiscal year ending September 30, 1993, to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119).

(b) HAZMAT EMPLOYEE TRAINING.—Not more than $250,000 is available to the Director of the National Institute of Environmental Health Sciences from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1993–1998, to carry out section 5107(e) of this title.

(c) TRAINING CURRICULUM.—(1) Not more than $1,000,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1993–1998, to carry out section 5115 of this title.

(2) The Secretary of Transportation may transfer to the Director of the Federal Emergency Management Agency from amounts available under this subsection amounts necessary to carry out section 5115(d)(1) of this title.

(d) PLANNING AND TRAINING.—(1) Not more than $5,000,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1993–1998, to carry out section 5116(a) of this title.

(2) Not more than $7,800,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1993–1998, to carry out section 5116(b) of this title.

(3) Not more than the following amounts are available from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1993–1998, to carry out section 5116(f) of this title:

(A) $750,000 each to the Secretaries of Transportation and Energy, Administrator of the Environmental Protection Agency, and Director of the Federal Emergency Management Agency.

(B) $200,000 to the Director of the National Institute of Environmental Health Sciences.

(e) UNIFORM FORMS AND PROCEDURES.—Not more than $400,000 may be appropriated to the Secretary of Transportation for the fiscal year ending September 30, 1993, to carry out section 5119 of this title.

(f) CREDITS TO APPROPRIATIONS.—The Secretary of Transportation may credit to any appropriation to carry out this chapter an amount received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

(g) AVAILABILITY OF AMOUNTS.—Amounts available under subsections (c)–(e) of this section remain available until expended.

CHAPTER 53—MASS TRANSPORTATION

Sec.

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§5301. Policies, findings, and purposes

(a) DEVELOPMENT OF TRANSPORTATION SYSTEMS.—It is in the interest of the United States to encourage and promote the development of transportation systems that embrace various modes of transportation and efficiently maximize mobility of individuals and goods in and through urbanized areas and minimize transportation-related fuel consumption and air pollution.

(b) GENERAL FINDINGS.—Congress finds that—

(1) more than 70 percent of the population of the United States is located in rapidly expanding urban areas that generally cross the boundary lines of local jurisdictions and often extend into at least 2 States;

(2) the welfare and vitality of urban areas, the satisfactory movement of people and goods within those areas, and the effectiveness of programs aided by the United States Government are jeopardized by deteriorating or inadequate urban transportation service and facilities, the intensification of traffic congestion, and the lack of coordinated, comprehensive, and continuing development planning;

(3) transportation is the lifeblood of an urbanized society, and the health and welfare of an urbanized society depend on providing efficient, economical, and convenient transportation in and between urban areas;

(4) for many years the mass transportation industry capably and profitably satisfied the transportation needs of the urban areas of the United States but in the early 1970's continuing even minimal mass transportation service in urban areas was threatened because maintaining that transportation service was financially burdensome;

(5) ending that transportation, or the continued increase in its cost to the user, is undesirable and may affect seriously and adversely the welfare of a substantial number of lower income individuals;

(6) some urban areas were developing preliminary plans for, or carrying out, projects in the early 1970's to revitalize their mass transportation operations;

(7) significant mass transportation improvements are necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly individuals, individuals with disabilities,

and economically disadvantaged individuals in urban and rural areas of the United States;

(8) financial assistance by the Government to develop efficient and coordinated mass transportation systems is essential to solve the urban transportation problems referred to in clause (2) of this subsection; and

(9) immediate substantial assistance by the Government is needed to enable mass transportation systems to continue providing vital transportation service.

(c) RAPID URBANIZATION AND CONTINUING POPULATION DISPERSAL.—Rapid urbanization and continuing dispersal of the population and activities in urban areas have made the ability of all citizens to move quickly and at a reasonable cost an urgent problem of the Government.

(d) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.—It is the policy of the Government that elderly individuals and individuals with disabilities have the same right as other individuals to use mass transportation service and facilities. Special efforts shall be made in planning and designing mass transportation service and facilities to ensure that mass transportation can be used by elderly individuals and individuals with disabilities. All programs of the Government assisting mass transportation shall carry out this policy.

(e) PRESERVING THE ENVIRONMENT.—It is the policy of the Government that special effort shall be made to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges, and important historical and cultural assets when planning, designing, and carrying out an urban mass transportation capital project with assistance from the Government under sections 5309 and 5310 of this title.

(f) GENERAL PURPOSES.—The purposes of this chapter are—

(1) to assist in developing improved mass transportation equipment, facilities, techniques, and methods with the cooperation of public and private mass transportation companies;

(2) to encourage the planning and establishment of areawide urban mass transportation systems needed for economical and desirable urban development with the cooperation of public and private mass transportation companies;

(3) to assist States and local governments and their authorities in financing areawide urban mass transportation systems that are to be operated by public or private mass transportation companies as decided by local needs;

(4) to provide financial assistance to State and local governments and their authorities to help carry out national goals related to mobility for elderly individuals, individuals with disabilities, and economically disadvantaged individuals; and

(5) to establish a partnership that allows a community, with financial assistance from the Government, to satisfy its urban mass transportation requirements.

§5302. Definitions

(a) GENERAL.—In this chapter—

(1) "capital project" means a project for—

(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in mass transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights of way), relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

(B) rehabilitating a bus that extends the economic life of a bus for at least 5 years;

(C) remanufacturing a bus that extends the economic life of a bus for at least 8 years; or

(D) overhauling rail rolling stock.

(2) "chief executive officer of a State" includes the designee of the chief executive officer.

(3) "emergency regulation" means a regulation—

(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(b) of this title; and

(B) prescribed by the Secretary of Transportation as the result of a finding that a delay in the effective date of the regulation—

(i) would injure seriously an important public interest;

(ii) would frustrate substantially legislative policy and intent; or

(iii) would damage seriously a person or class without serving an important public interest.

(4) "fixed guideway" means a mass transportation facility—

(A) using and occupying a separate right of way or rail for the exclusive use of mass transportation and other high occupancy vehicles; or

(B) using a fixed catenary system and a right of way usable by other forms of transportation.

(5) "handicapped individual" means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use effectively, without special facilities, planning, or design, mass transportation service or a mass transportation facility.

(6) "local governmental authority" includes—

(A) a political subdivision of a State;

(B) an authority of at least one State or political subdivision of a State;

(C) an Indian tribe; and

(D) a public corporation, board, or commission established under the laws of a State.

(7) "mass transportation" means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include schoolbus, charter, or sightseeing transportation.

(8) "net project cost" means the part of a project that reasonably cannot be financed from revenues.

(9) "new bus model" means a bus model (including a model using alternative fuel)—

(A) that has not been used in mass transportation in the United States before the date of production of the model; or

(B) used in mass transportation in the United States but being produced with a major change in configuration or components.

(10) "regulation" means any part of a statement of general or particular applicability of the Secretary of Transportation designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

(11) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(12) "urban area" means an area that includes a municipality or other built-up place that the Secretary of Transportation, after considering local patterns and trends of urban growth, decides is appropriate for a local mass transportation system to serve individuals in the locality.

(13) "urbanized area" means an area—

(A) encompassing at least an urbanized area within a State that the Secretary of Commerce designates; and

(B) designated an urbanized area within boundaries fixed by State and local officials and approved by the Secretary of Transportation.

(b) AUTHORITY TO MODIFY "HANDICAPPED INDIVIDUAL".—The Secretary of Transportation by regulation may modify the definition of subsection (a)(5) of this section as it applies to section 5307(d)(1)(D) of this title.

§5303. Metropolitan planning

(a) DEVELOPMENT REQUIREMENTS.—To carry out section 5301(a) of this title, metropolitan planning organizations designated under subsection (c) of this section, in cooperation with States, shall develop transportation plans and programs for State urbanized areas. The plans and programs for each area shall provide for developing transportation facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State, metropolitan area, and United States. The development process shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.

(b) PLAN AND PROGRAM FACTORS.—In developing plans and programs under this section and sections 5304–5306 of this title, each metropolitan planning organization at least shall consider the following factors:

(1) preserving existing transportation facilities and, where practical, ways to meet transportation needs by using existing transportation facilities more efficiently.

(2) the consistency of transportation planning with United States Government, State, and local energy conservation programs, goals, and objectives.

(3) the need to relieve congestion and prevent congestion from occurring.

(4) the likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with short- and long-term land use and development plans.

(5) programming expenditures on transportation enhancement activities, as required under section 133 of title 23.

(6) the effects of all transportation projects to be undertaken in the metropolitan area, without regard to whether the projects are publicly financed.

(7) international border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments and historic sites, and military installations.

(8) the need for connecting roads in the metropolitan area with roads outside the area.

(9) the transportation needs identified by using the management systems required by section 303 of title 23.

(10) preserving rights of way for constructing future transportation projects, including identifying—

(A) unused rights of way that may be needed for future transportation corridors; and

(B) corridors where action is needed most to prevent destruction or loss.

(11) ways to enhance the efficient movement of freight.

(12) using life-cycle costs in designing and engineering bridges, tunnels, and pavement.

(13) the overall social, economic, energy, and environmental effects of transportation decisions.

(14) ways to expand and enhance mass transportation services and to increase usage of those services.

(15) capital investments that will result in increased security in mass transportation systems.

(c) DESIGNATING METROPOLITAN PLANNING ORGANIZATIONS.—(1) To carry out the planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000—

(A) by agreement of the chief executive officer of a State and units of general local government representing at least 75 percent of the affected population (including the central city as defined by the Secretary of Commerce); or

(B) under procedures established by State or local law.

(2) In a metropolitan area designated as a transportation management area, the designated metropolitan planning organization, if redesignated after December 18, 1991, shall include local elected officials, officials of authorities that administer or operate major modes of transportation in the metropolitan area (including all transportation authorities included in the organization on June 1, 1991), and appropriate State officials.

(3) More than one metropolitan planning organization may be designated in an urbanized area (as defined by the Secretary of Commerce) only if the chief executive officer decides that the size and complexity of the urbanized area make designation of more than one organization appropriate.

(4) A designation is effective until—

(A) the organization is redesignated under paragraph (3) of this subsection; or

(B) revoked—

(i) by agreement of the chief executive officer and units of general local government representing at least 75 percent of the affected population; or

(ii) as otherwise provided by State or local procedures.

(5)(A) The chief executive officer and units of general local government representing at least 75 percent of the affected population (including the central city as defined by the Secretary of Commerce) may redesignate by agreement a metropolitan planning organization when appropriate to carry out this section.

(B) A metropolitan planning organization shall be redesignated on request of one or more units of general local government representing at least 25 percent of the affected population (including the central city as defined by the Secretary of Commerce) in an urbanized area with a population of more than 5,000,000, but less than 10,000,000 or that is an extreme nonattainment area for ozone or carbon monoxide (as defined in the Clean Air Act (42 U.S.C. 7401 et seq.)).

(C) A metropolitan planning organization shall be redesignated using procedures established to carry out this paragraph.

(6) This subsection does not affect the authority, under State law in effect on December 18, 1991, of a public authority with multimodal transportation responsibilities—

(A) to develop plans and programs for a metropolitan planning organization to adopt; and

(B) to develop long-range capital plans, coordinate mass transportation services and projects, and carry out other activities under State law.

(d) METROPOLITAN AREA BOUNDARIES.—To carry out this section, the metropolitan planning organization and the chief executive officer shall decide by agreement on the boundaries of a metropolitan area. The area shall cover at least the existing urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period and may include the Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area, as defined by the Secretary of Commerce. An area designated as an nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) shall include at least the boundaries of the nonattainment area, except as the chief executive officer and metropolitan planning organization otherwise agree.

(e) COORDINATION.—(1) The Secretary of Transportation shall establish requirements the Secretary considers appropriate to encourage chief executive officers and metropolitan planning organizations with responsibility for part of a multi-State metropolitan area to provide coordinated transportation planning for the entire area.

(2) Congress consents to at least 2 States making an agreement, not in conflict with a law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreement effective.

(3) If more than one metropolitan planning organization has authority in a metropolitan area or an area designated a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each organization shall consult with the other organizations designated for the area and the State to coordinate plans and projects required by this section and sections 5304–5306 of this title.

(f) DEVELOPING LONG-RANGE PLANS.—(1) Each metropolitan planning organization shall prepare and update periodically, according to a schedule the Secretary of Transportation decides is appropriate, a long-range plan for its metropolitan area under the requirements of this section. The plan shall be in the form the Secretary considers appropriate and at least shall—

(A) identify transportation facilities (including major roadways, mass transportation, and multimodal and intermodal facilities) that should function as an integrated metropolitan transportation system, emphasizing transportation facilities that serve important United States and regional transportation functions;

(B) include a financial plan that—

(i) demonstrates how the long-range plan can be carried out;

(ii) indicates resources from public and private sources reasonably expected to be made available to carry out the plan; and

(iii) recommends innovative financing techniques, including value capture, tolls, and congestion pricing, to finance needed projects and programs;

(C) assess capital investment and other measures necessary—

(i) to ensure the preservation of the existing metropolitan transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, and operations, maintenance, modernization, and rehabilitation of existing and future mass transportation facilities; and

(ii) to use existing transportation facilities most efficiently to relieve vehicular congestion and maximize the mobility of individuals and goods; and

(D) indicate appropriate proposed transportation enhancement activities.

(2) When formulating a long-range plan, the metropolitan planning organization shall consider the factors described in subsection (e) of this section as they are related to a 20-year forecast period.

(3) In a metropolitan area that is in a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of the long-range plan with the development of the transportation control measures of the State Implementation Plan required by the Act.

(4) Before approving a long-range plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of mass transportation authority employees, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the plan in a way the Secretary of Transportation considers appropriate.

(5) A long-range plan shall be—

(A) made readily available for public review; and

(B) submitted for information purposes to the chief executive officer of the State at the time and in the way the Secretary of Transportation establishes.

(g) GRANTS.—Under criteria the Secretary of Transportation establishes, the Secretary may make contracts for, and grants to, States, local governmental authorities, and authorities of the States and governmental authorities, or may make agreements with other departments, agencies, and instrumentalities of the Government, to plan, engineer, design, and evaluate a mass transportation project and for other technical studies, including—

(1) studies related to management, operations, capital requirements, and economic feasibility;

(2) evaluating previously financed projects; and

(3) other similar and related activities preliminary to and in preparation for constructing, acquiring, or improving the operation of facilities and equipment.

(h) BALANCED AND COMPREHENSIVE PLANNING.—(1) To the extent practicable, the Secretary of Transportation shall ensure that amounts made available under section 5338(g)(1) of this title to carry out this section and sections 5304–5306 of this title are used to support balanced and comprehensive transportation planning that considers the relationships among land use and all transportation modes, without regard to the programmatic source of the planning amounts.

(2)(A) The Secretary of Transportation shall apportion 80 percent of the amount made available under section 5338(g)(1) of this title to States in a ratio equal to the population in urbanized areas in each State divided by the total population in urbanized areas in all States, as shown by the latest available decennial census. A State may not receive less than .5 percent of the amount apportioned under this subparagraph.

(B) Amounts apportioned to a State under subparagraph (A) of this paragraph shall be allocated to metropolitan planning organizations in the State designated under this section under a formula—

(i) the State develops in cooperation with the metropolitan planning organizations;

(ii) the Secretary of Transportation approves; and

(iii) that considers population in urbanized areas and provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in this section.

(C) A State shall make amounts available promptly to eligible metropolitan planning organizations according to procedures the Secretary of Transportation approves.

(3)(A) The Secretary of Transportation shall apportion 20 percent of the amount made available under section 5338(g)(1) of this title to States to supplement allocations made under paragraph (2)(B) of this subsection for metropolitan planning organizations.

(B) Amounts under this paragraph shall be allocated under a formula that reflects the additional cost of carrying out planning, programming, and project selection responsibilities under this section and sections 5304–5306 of this title in those areas.

(4) To the maximum extent practicable, the Secretary of Transportation shall ensure that no metropolitan planning organization is allocated less than the amount it received by administrative formula under this section in the fiscal year that ended September 30, 1991. To carry out this subsection, the Secretary may make a proportionate reduction in other amounts made available to carry out section 5338(g)(1) of this title.

(5) Amounts available for an activity under this subsection are for 80 percent of the cost of the activity unless the Secretary of Transportation decides it is in the interests of the Government not to require a State or local match.

(6) An amount apportioned under this subsection—

(A) remains available for 3 years after the fiscal year in which the amount is apportioned, and

(B) that is unobligated at the end of the 3-year period shall be reapportioned among the States for the next fiscal year.

§5304. Transportation improvement program

(a) DEVELOPMENT AND UPDATE.—In cooperation with the State and affected mass transportation operators, a metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area. In developing the program, the organization shall provide citizens, affected public agencies, representatives of transportation authority employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program. The program shall be updated at least once every 2 years and shall be approved by the organization and the chief executive officer of the State.

(b) CONTENTS.—A transportation improvement program for a metropolitan area shall include—

(1) a priority list of projects and parts of projects to be carried out in each 3-year period after the program is adopted; and

(2) a financial plan that—

(A) demonstrates how the program can be carried out;

(B) indicates resources from public and private sources that reasonably are expected to be made available to carry out the plan; and

(C) recommends innovative financing techniques, including value capture, tolls, and congestion pricing, to finance needed projects.

(c) PROJECT SELECTION.—(1) Except as provided in section 5305(d)(1) of this title, the State, in cooperation with the metropolitan planning organization, shall select projects in a metropolitan area that involves United States Government participation. Selection shall comply with the transportation improvement program for the area.

(2) A transportation improvement program for a metropolitan area shall include—

(A) projects within the area that are proposed for financing under this chapter and title 23 and that are consistent with the long-range plan developed under section 5303(f) of this title; and

(B) a project or an identified phase of a project only if full financing reasonably can be anticipated to be available for the project in the period estimated for completion.

(d) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice and an opportunity to comment on the proposed program.

(e) REGULATORY PROCEEDING.—Not later than June 18, 1992, the Secretary of Transportation shall begin a regulatory proceeding to conform review requirements for mass transportation projects under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to comparable requirements under that Act applicable to highway projects. This section and sections 5303, 5305, and 5306 of this title do not affect the applicability of the Act to mass transportation or highway projects. A mass transportation project that has an approved draft Environmental Impact Statement is exempt from complying with requirements under the Act applicable to highway projects.

§5305. Transportation management areas

(a) DESIGNATION.—The Secretary of Transportation shall designate as a transportation management area—

(1) each urbanized area with a population of more than 200,000; and

(2) any other area, including the Lake Tahoe Basin as defined in the Act of December 19, 1980 (Public Law 96–551, 94 Stat. 3233), when requested by the chief executive officer and the metropolitan organization designated for the area or the affected local officials.

(b) TRANSPORTATION PLANS AND PROGRAMS.—Transportation plans and programs in a transportation management area shall be based on a continuing and comprehensive transportation planning process the metropolitan planning organization carries out in cooperation with the State and mass transportation operators.

(c) CONGESTION MANAGEMENT SYSTEM.—The transportation planning process under sections 5303, 5304, and 5306 of this title in a transportation management area shall include a congestion management system providing for effective management, through travel demand reduction and operational management strategies, of new and existing transportation facilities eligible for financing under this chapter and title 23. The Secretary shall establish a phase-in schedule to comply with sections 5303, 5304, and 5306.

(d) PROJECT SELECTION.—(1)(A) In consultation with the State, the metropolitan planning organization designated for a transportation management area shall select the projects to be carried out in the area with United States Government participation under this chapter or title 23, except projects of the National Highway System or under the Bridge and Interstate Maintenance programs.

(B) In cooperation with the metropolitan planning organization designated for a transportation management area, the State shall select the projects to be carried out in the area of the National Highway System or under the Bridge and Interstate Maintenance programs.

(2)(A) A selection under this subsection must comply with the transportation improvement program for the area.

(B) A selection under paragraph (1)(A) of this subsection must comply with priorities established in the program.

(e) CERTIFICATION.—(1) At least once every 3 years, the Secretary shall ensure and certify that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable laws of the United States. The Secretary may make the certification only if the organization is complying with section 134 of title 23 and other applicable requirements of laws of the United States and the organization and chief executive officer have approved a transportation improvement program for the area.

(2) If the Secretary does not certify before October 1, 1993, that a metropolitan planning organization is carrying out its responsibilities, the Secretary may withhold any part of the apportionment under section 104(b)(3) of title 23 attributed to the relevant metropolitan area under section 133(d)(3) of title 23 and capital amounts apportioned under section 5336 of this title. If an organization remains uncertified for more than 2 consecutive years after September 30, 1994, 20 percent of that apportionment and capital amounts shall be withheld. The withheld apportionments shall be restored when the Secretary certifies the organization.

(3) The Secretary may not withhold certification based on the policies and criteria a metropolitan planning organization or mass transportation grant recipient establishes under section 5306(a) of this title for deciding the feasibility of private enterprise participation.

(f) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—Government amounts may be made available for a mass transportation project resulting in a significant increase in carrying capacity for single occupant vehicles in a transportation management area classified as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) only if the project is part of an approved congestion management system.

(g) AREAS NOT DESIGNATED TRANSPORTATION MANAGEMENT AREAS.—(1) The Secretary may provide for the development of abbreviated metropolitan transportation plans and programs the Secretary decides are appropriate to carry out this section and sections 5303, 5304, and 5306 of this title for metropolitan areas not designated transportation management areas under this section. The Secretary shall consider the complexity of transportation problems in those areas, including transportation-related air quality problems.

(2) The Secretary may not provide an abbreviated plan or program for a metropolitan area in a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

§5306. Private enterprise participation in metropolitan planning and transportation improvement programs and relationship to other limitations

(a) PRIVATE ENTERPRISE PARTICIPATION.—A plan or program required by section 5303, 5304, or 5305 of this title shall encourage to the maximum extent feasible the participation of private enterprise. If equipment or a facility already being used in an urban area is to be acquired under this chapter, the program shall provide that it be improved so that it will better serve the transportation needs of the area.

(b) RELATIONSHIP TO OTHER LIMITATIONS.—Sections 5303–5305 of this title do not authorize—

(1) a metropolitan planning organization to impose a legal requirement on a transportation facility, provider, or project not eligible under this chapter or title 23; and

(2) intervention in the management of a transportation authority.

§5307. Block grants

(a) DEFINITIONS.—In this section—

(1) "associated capital maintenance items" means equipment, tires, tubes, and material, each costing at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment, tires, tubes, and material are to be used.

(2) "designated recipient" means—

(A) a person designated, consistent with the planning process under sections 5303–5306 of this title, by the chief executive officer of a State, responsible local officials, and publicly owned operators of mass transportation to receive and apportion amounts under section 5336 of this title that are attributable to transportation management areas established under section 5305(a) of this title;

(B) a State or regional authority if the authority is responsible under the laws of a State for a capital project and for financing and directly providing mass transportation; or

(C) a recipient designated under section 5(b)(1) of the Federal Transit Act not later than January 5, 1983.

(b) GENERAL AUTHORITY.—(1) The Secretary of Transportation may make grants under this section for capital projects and to finance the planning, improvement, and operating costs of equipment, facilities, and associated capital maintenance items for use in mass transportation, including the renovation and improvement of historic transportation facilities with related private investment.

(2) In a transportation management area designated under section 5305(a) of this title, amounts that cannot be used to pay operating expenses under this section also are available for a highway project if—

(A) that use is approved by the metropolitan planning organization under section 5303 of this

title after appropriate notice and an opportunity for comment and appeal is provided to affected mass transportation providers; and

(B) the Secretary decides the amounts are not needed for investment required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(3) A grant for a capital project under this section also is available to finance the leasing of equipment and facilities for use in mass transportation, subject to regulations the Secretary prescribes limiting the grant to leasing arrangements that are more cost effective than acquisition or construction.

(4) A project for the reconstruction of equipment and material, each of which after reconstruction will have a fair market value of at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and material will be used, is a capital project for an associated capital maintenance item under this section.

(5) Amounts under this section are available for a highway project under title 23 only if amounts used for the State or local share of the project are eligible to finance either a highway or mass transportation project.

(c) PUBLIC PARTICIPATION REQUIREMENTS.—Each recipient of a grant shall—

(1) make available to the public information on amounts available to the recipient under this section and the program of projects the recipient proposes to undertake;

(2) develop, in consultation with interested parties, including private transportation providers, a proposed program of projects for activities to be financed;

(3) publish a proposed program of projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the performance of the recipient;

(4) provide an opportunity for a public hearing in which to obtain the views of citizens on the proposed program of projects;

(5) ensure that the proposed program of projects provides for the coordination of mass transportation services assisted under section 5336 of this title with transportation services assisted from other United States Government sources;

(6) consider comments and views received, especially those of private transportation providers, in preparing the final program of projects; and

(7) make the final program of projects available to the public.

(d) GRANT RECIPIENT REQUIREMENTS.—A recipient may receive a grant in a fiscal year only if—

(1) the recipient, within the time the Secretary prescribes, submits a final program of projects prepared under subsection (c) of this section and a certification for that fiscal year that the recipient (including a person receiving amounts from a chief executive officer of a State under this section)—

(A) has or will have the legal, financial, and technical capacity to carry out the program;

(B) has or will have satisfactory continuing control over the use of equipment and facilities;

(C) will maintain equipment and facilities;

(D) will ensure that elderly and handicapped individuals, or an individual presenting a medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. 401 et seq., 1395 et seq.), will be charged during non-peak hours for transportation using or involving a facility or equipment of a project financed under this chapter not more than 50 percent of the peak hour fare;

(E) in carrying out a procurement under this section—

(i) will use competitive procurement (as defined or approved by the Secretary);

(ii) will not use a procurement that uses exclusionary or discriminatory specifications; and

(iii) will comply with applicable Buy-American laws in carrying out a procurement;

(F) has complied with subsection (c) of this section;

(G) has available and will provide the required amounts as provided by subsection (e) of this section;

(H) will comply with sections 5301(a) and (d), 5303–5306, and 5310(a)–(d) of this title;

(I) has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation; and

(J)(i) will expend for each fiscal year for mass transportation security projects, including increased lighting in or adjacent to a mass transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned mass transportation system, at least one percent of the amount the recipient receives for each fiscal year under section 5336 of this title; or

(ii) has decided that the expenditure for security projects is not necessary; and

(2) the Secretary accepts the certification.

(e) GOVERNMENT'S SHARE OF COSTS.—A grant of the Government for a capital project (including associated capital maintenance items) under this section is for 80 percent of the net project cost of the project. A recipient may provide additional local matching amounts. A grant for operating expenses may not be more than 50 percent of the net project cost of the project. The remainder of the net project cost shall be provided in cash from sources other than amounts of the Government or revenues from providing mass transportation (excluding revenues derived from the sale of advertising and concessions that are more than the amount of those revenues in the fiscal year that ended September 30, 1985). Transit system amounts that make up the remainder shall be from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(f) STATEWIDE OPERATING ASSISTANCE.—(1) A State authority that is a designated recipient and providing mass transportation in at least 2 urbanized areas may apply for operating assistance in an amount not more than the amount for all urbanized areas in which it provides transportation.

(2) When approving an application under paragraph (1) of this subsection, the Secretary may not reduce the amount of operating assistance approved for another State or a local transportation authority within the affected urbanized areas.

(g) UNDERTAKING PROJECTS IN ADVANCE.—(1) When a recipient obligates all amounts apportioned to it under section 5336 of this title and then carries out a part of a project described in this section (except a project for operating expenses) without amounts of the Government and according to all applicable procedures and requirements (except to the extent the procedures and requirements limit a State to carrying out a project with amounts of the Government previously apportioned to it), the Secretary may pay to the recipient the Government's share of the cost of carrying out that part when additional amounts are apportioned to the recipient under section 5336 if—

(A) the recipient applies for the payment;

(B) the Secretary approves the payment; and

(C) before carrying out that part, the Secretary approves the plans and specifications for the part in the same way as for other projects under this section.

(2) The Secretary may approve an application under paragraph (1) of this subsection only if an authorization for this section is in effect for the fiscal year to which the application applies. The Secretary may not approve an application if the payment will be more than—

(A) the recipient's expected apportionment under section 5336 of this title if the total amount authorized to be appropriated for the fiscal year to carry out this section is appropriated; less

(B) the maximum amount of the apportionment that may be made available for projects for operating expenses under this section.

(3) The cost of carrying out that part of a project includes the amount of interest earned and payable on bonds issued by the recipient to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest allowed under this paragraph may not be more than the amount by which the estimated cost of carrying out the part (if it would be carried out at the time the part is converted to a regularly financed project) exceeds the actual cost (except interest) of carrying out the part.

(4) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (3) of this subsection.

(h) STREAMLINED ADMINISTRATIVE PROCEDURES.—The Secretary shall prescribe streamlined administrative procedures for complying with the certification requirement under subsection (d)(1)(B) and (C) of this section for track and signal equipment used in existing operations.

(i) REVIEWS, AUDITS, AND EVALUATIONS.—(1)(A) At least annually, the Secretary shall carry out, or require a recipient to have carried out independently, reviews and audits the Secretary considers appropriate to establish whether the recipient has carried out—

(i) the activities proposed under subsection (d) of this section in a timely and effective way and can continue to do so; and

(ii) those activities and its certifications and has used amounts of the Government in the way required by law.

(B) An audit of the use of amounts of the Government shall comply with the auditing procedures of the Comptroller General.

(2) At least once every 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient's program, specifically referring to compliance with statutory and administrative requirements and the extent to which actual program activities are consistent with the activities proposed under subsection (d) of this section and the planning process required under sections 5303–5306 of this title.

(3) The Secretary may take appropriate action consistent with a review, audit, and evaluation under this subsection, including making an appropriate adjustment in the amount of a grant or withdrawing the grant.

(j) REPORTS.—A recipient (including a person receiving amounts from a chief executive officer of a State under this section) shall submit annually to the Secretary a report on the revenues the recipient derives from the sale of advertising and concessions.

(k) SUBMISSION OF CERTIFICATIONS.—A certification under subsection (d) of this section and any additional certification required by law to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of the grant application under this section. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(e)(2) of this title.

(l) Procurement System Approval.—A recipient may request the Secretary to approve its procurement system. The Secretary shall approve the system for use for procurements financed under section 5336 of this title if, after consulting with the Administrator for Federal Procurement Policy, the Secretary decides the system provides for competitive procurement. Approval of a system under this subsection does not relieve a recipient of the duty to certify under subsection (d)(1)(E) of this section.

(m) Operating Ferries Outside Urbanized Areas.—A vessel used in ferryboat operations financed under section 5336 of this title that is part of a State-operated ferry system may be operated occasionally outside the urbanized area in which service is provided to accommodate periodic maintenance if existing ferry service is not reduced significantly by operating outside the area.

(n) Relationship to Other Laws.—(1) Section 1001 of title 18 applies to a certificate or submission under this section. The Secretary may end a grant under this section and seek reimbursement, directly or by offsetting amounts available under section 5336 of this title, when a false or fraudulent statement or related act within the meaning of section 1001 is made in connection with a certification or submission.

(2) Sections 5302, 5318, 5323(a)(1), (d), and (f), 5332, and 5333 of this title apply to this section and to a grant made under this section. Except as provided in this section, no other provision of this chapter applies to this section or to a grant made under this section.

§5308. Mass Transit Account block grants

(a) General Authority.—The Secretary of Transportation may make grants under this section to be used only for capital projects (including capital maintenance items).

(b) Application of Other Sections.—(1) Sections 5307(a)–(d), (h)–(l), and (n) and 5336(a)–(c), (f), (g), and (j) of this title apply to amounts made available under section 5338(a) of this title to carry out this section.

(2) Sections 5307(e) and 5336(d) of this title apply to grants under this section.

§5309. Discretionary grants and loans

(a) General Authority.—The Secretary of Transportation may make grants and loans under this section to assist State and local governmental authorities in financing—

(1) capital projects for new fixed guideway systems, and extensions to existing fixed guideway systems, including the acquisition of real property, the initial acquisition of rolling stock for the systems, alternatives analysis related to the development of the systems, and the acquisition of rights of way, and relocation, for fixed guideway corridor development for projects in the advanced stages of alternatives analysis or preliminary engineering;

(2) capital projects, including property and improvements (except public highways other than fixed guideway facilities), needed for an efficient and coordinated mass transportation system;

(3) the capital costs of coordinating mass transportation with other transportation;

(4) the introduction of new technology, through innovative and improved products, into mass transportation;

(5) transportation projects that enhance urban economic development or incorporate private investment, including commercial and residential development, because the projects—

(A) enhance the effectiveness of a mass transportation project and are related physically or functionally to that mass transportation project; or

(B) establish new or enhanced coordination between mass transportation and other transportation;

(6) mass transportation projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities; and

(7) the development of corridors to support fixed guideway systems, including protecting rights of way through acquisition, construction of dedicated bus and high occupancy vehicle lanes and park and ride lots, and other nonvehicular capital improvements that the Secretary may decide would result in increased mass transportation usage in the corridor.

(b) Loans for Real Property Interests.—(1) The Secretary of Transportation may make loans under this section to State and local governmental authorities to acquire interests in real property for use on urban mass transportation systems as rights of way, station sites, and related purposes, including reconstruction, renovation, the net cost of property management, and relocation payments made under section 5324(a) of this title.

(2) The Secretary of Transportation may make a loan under paragraph (1) of this subsection for an approved project only after finding that the property reasonably is expected to be required for a mass transportation system and that it will be used for that system within a reasonable time.

(3) An applicant for a loan under this subsection shall provide a copy of the application to the planning agency for the community affected by the project at the same time the application is submitted to the Secretary of Transportation. If the planning agency submits comments to the Secretary not later than 30 days after the application is submitted, or, if the agency requests more time within those 30 days, within a period the Secretary establishes, the Secretary shall consider those comments before taking final action on the application.

(4) A loan agreement under this subsection shall provide that a capital project on the property will be started not later than 10 years after the fiscal year in which the agreement is made. If an interest in property acquired under this subsection is not used for the purpose for which it was acquired, an appraisal of the current value of the property or interest shall be made when a decision is made about the use. The decision shall be made within the 10-year period. Two-thirds of the increase in value shall be paid to the Secretary of Transportation for deposit in the Treasury as miscellaneous receipts.

(5) A loan under this subsection must be repaid not later than 10 years after the date of the loan agreement or on the date a grant agreement for a capital project on the property is made, whichever is earlier. Payments made to repay the loan shall be deposited in the Treasury as miscellaneous receipts.

(c) Consideration of Decreased Commuter Rail Transportation.—The Secretary of Transportation shall consider the adverse effect of decreased commuter rail transportation when deciding whether to approve a grant or loan under this section to acquire a rail line and all related facilities—

(1) owned by a rail carrier subject to reorganization under title 11; and

(2) used to provide commuter rail transportation.

(d) Project as Part of Approved Program of Projects.—Except as provided in subsections (b)(2) and (e) of this section, the Secretary of Transportation may approve a grant or loan for a project under this section only after finding that the project is part of the approved program of projects required under sections 5303–5306 of this title and that an applicant—

(1) has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of equipment or facilities, and the capability to maintain the equipment or facilities; and

(2) will maintain the equipment or facilities.

(e) Criteria for Grants and Loans for Fixed Guideway Systems.—(1) This subsection applies to a project—

(A) for which a letter of intent or contract for the complete amount is issued under subsection (g) of this section after April 1, 1987; or

(B) not in the preliminary engineering, final design, or construction stage on January 1, 1987.

(2) The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary decides that the proposed project is—

(A) based on the results of an alternatives analysis and preliminary engineering;

(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

(3) In making a decision under paragraph (2) of this subsection, the Secretary of Transportation shall—

(A) consider the direct and indirect costs of relevant alternatives;

(B) account for costs related to factors such as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

(C) identify and consider mass transportation supportive existing land use policies and future patterns;

(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development; and

(E) consider other factors the Secretary considers appropriate to carry out this chapter.

(4)(A) The Secretary of Transportation shall issue guidelines on how the Secretary will evaluate results of alternatives analysis, project justification, and the degree of local financial commitment.

(B) The project justification under paragraph (1)(B) of this subsection shall be adjusted to reflect differences in local land, construction, and operating costs.

(C) The degree of local financial commitment is acceptable only if—

(i) the proposed project plan provides for the availability of contingency amounts the Secretary of Transportation determines to be reasonable to cover unanticipated cost overruns;

(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

(D) In assessing the stability, reliability, and availability of proposed sources of local financing, the Secretary of Transportation shall consider—

(i) existing grant commitments;

(ii) the degree to which financing sources are dedicated to the purposes proposed; and

(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose.

(5) A proposed project may advance from alternatives analysis to preliminary engineering only if the Secretary of Transportation finds that the project meets the requirements of this section and there is a reasonable chance that the project will continue to meet the requirements at the end of preliminary engineering.

(6)(A) A new fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if—

(i) the project is located in an extreme or severe nonattainment area and is a transportation control measure (as defined by the Clean Air Act (42 U.S.C. 7401 et seq.)) required to carry out an approved State Implementation Plan; or

(ii) assistance provided under this section is less than $25,000,000 or one-third of the total cost of the project or an appropriate program of projects as decided by the Secretary of Transportation.

(B) The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary of Transportation shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

(i) located in a nonattainment area that is not an extreme or severe nonattainment area;

(ii) a transportation control measure (as defined by the Clean Air Act (42 U.S.C. 7401 et seq.)); and

(iii) required to carry out the State Implementation Plan.

(C) This subsection does not apply to a part of a project (including a commuter rail transportation project on an existing right of way) financed completely with amounts for highways made available under part A of title I of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 1915).

(7) A project financed under this subsection shall be carried out through a full financing grant agreement.

(f) Required Payments and Eligible Costs of Projects That Enhance Urban Economic Development or Incorporate Private Investment.—(1) Each grant or loan under subsection (a)(5) of this section shall require that a person making an agreement to occupy space in a facility pay a reasonable share of the costs of the facility through rental payments and other means.

(2) Eligible costs for a project under subsection (a)(5) of this section—

(A) include property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; but

(B) do not include construction of a commercial revenue-producing facility or a part of a public facility not related to mass transportation.

(g) Letters of Intent, Full Financing Grant Agreements, and Early Systems Work Agreements.—(1)(A) The Secretary of Transportation may issue a letter of intent to an applicant announcing an intention to obligate, for a project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. The amount shall be sufficient to complete at least an operable segment when a letter is issued for a fixed guideway project.

(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph, the Secretary of Transportation shall notify in writing the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the proposed issuance of the letter.

(C) The issuance of a letter is deemed not to be an obligation under sections 1108(c) and (d), 1501, and 1502(a) of title 31 or an administrative commitment.

(D) An obligation or administrative commitment may be made only when amounts are appropriated.

(2)(A) The Secretary of Transportation may make a full financing grant agreement with an applicant. The agreement shall—

(i) establish the terms of participation by the United States Government in a project under this section;

(ii) establish the maximum amount of Government financial assistance for the project;

(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

(iv) make timely and efficient management of the project easier according to the law of the United States.

(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full financing grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary of Transportation, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. The amount stipulated in an agreement under this paragraph for a fixed guideway project shall be sufficient to complete at least an operable segment.

(3)(A) The Secretary of Transportation may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

(i) a full financing grant agreement for the project will be made; and

(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary of Transportation decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full financing grant agreements, and early systems work agreements may be not more than the greater of the amount authorized under section 5338(a) of this title to carry out this section or 50 percent of the uncommitted cash balance remaining in the Mass Transit Account of the Highway Trust Fund (including amounts received from taxes and interest earned that are more than amounts previously obligated), less an amount the Secretary of Transportation reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full financing grant agreements and early systems work agreements may be not more than a limitation specified in law.

(h) Government's Share of Net Project Cost.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary of Transportation shall estimate the net project cost. A grant for the project is for 80 percent of the net project cost, unless the grant recipient requests a lower grant percentage. The remainder shall be provided in cash from a source other than amounts of the Government. Transit system amounts that make up the remainder must be from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital. The remainder for a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts of the Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

(i) Loan Term Requirements.—Except for a loan under subsection (b) of this section, a loan, including a renewal or extension of the loan, may be made, and a security or obligation may be bought, only if it has a maturity date of not more than 40 years. Interest on a loan may not be less than—

(1) a rate the Secretary of the Treasury establishes, considering the current average yield on outstanding marketable obligations of the Government that have remaining periods of maturity comparable to the average maturity of the loan, adjusted to the nearest .125 percent; plus

(2) an allowance the Secretary of Transportation considers adequate to cover administrative costs and probable losses.

(j) Loan Payment Forgiveness.—A grant agreement for a capital project may forgive repaying the loan and interest in place of a cash grant for the amount forgiven. The amount is part of the grant and part of the contribution of the Government to the cost of the project.

(k) Limitation on Making Loans and Grants for Projects.—The Secretary of Transportation may not make a loan under this section for a project for which a grant (except a relocation payment grant) is made under this section. However, the Secretary may make a project grant even though real property for the project has been or will be acquired through a loan under subsection (b) of this section.

(l) Fiscal Capacity Considerations.—If the Secretary of Transportation gives priority consideration to financing projects that include

more than the non-Government share required under subsection (h) of this section, the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.

(m) ALLOCATING AMOUNTS.—(1) Of the amounts available for grants and loans under this section for each of the fiscal years ending September 30, 1993–1997—

(A) 40 percent is available for fixed guideway modernization;

(B) 40 percent is available for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems; and

(C) 20 percent is available to replace, rehabilitate, and buy buses and related equipment and to construct bus-related facilities.

(2) At least 5.5 percent of the amounts available in each fiscal year under paragraph (1)(C) of this subsection is available for areas other than urbanized areas.

(3) Not later than January 20 of each year, the Secretary of Transportation shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

(4) A person applying for, or receiving, assistance for a project described in clause (A), (B), or (C) of paragraph (1) of this subsection may receive assistance for a project described in another of those clauses.

(n) UNDERTAKING PROJECTS IN ADVANCE.—(1) The Secretary of Transportation may pay the Government's share of the net project cost to a State or local governmental authority that carries out any part of a project described in this section or a substitute transit project described in section 103(e)(4) of title 23 without the aid of amounts of the Government and according to all applicable procedures and requirements if—

(A) the State or local governmental authority applies for the payment;

(B) the Secretary approves the payment; and

(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section or section 103(e)(4) of title 23.

(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the State or local governmental authority to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary of Transportation, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

(3) The Secretary of Transportation shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

(o) USE OF DEOBLIGATED AMOUNTS.—An amount available under this section that is deobligated may be used for any purpose under this section.

§5310. Grants and loans for special needs of elderly individuals and individuals with disabilities

(a) GENERAL AUTHORITY.—The Secretary of Transportation may make grants and loans to—

(1) State and local governmental authorities to help them provide mass transportation service planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities; and

(2) the chief executive officer of each State for allocation to—

(A) private nonprofit corporations and associations to help them provide that transportation service when the transportation service provided under clause (1) of this subsection is unavailable, insufficient, or inappropriate; or

(B) governmental authorities—

(i) approved by the State to coordinate services for elderly individuals and individuals with disabilities; or

(ii) that certify to the chief executive officer that no nonprofit corporation or association readily is available in an area to provide service under this subsection.

(b) APPORTIONING AND TRANSFERRING AMOUNTS.—The Secretary shall apportion amounts made available under section 5338(a) of this title under a formula the Secretary administers that considers the number of elderly individuals and individuals with disabilities in each State. Any State's apportionment remaining available for obligation at the beginning of the 90-day period before the end of the period of availability of the apportionment is available to the chief executive officer of the State for transfer to supplement amounts apportioned to the State under section 5311(c) or 5336(a)(1) of this title.

(c) STATE PROGRAM OF PROJECTS.—Amounts made available for this section may be used for transportation projects to assist in providing transportation services for elderly individuals and individuals with disabilities that are included in a State program of projects. A program shall be submitted annually to the Secretary for approval and shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other United States Government sources.

(d) ELIGIBLE CAPITAL EXPENSES.—A recipient of amounts under this section may include acquiring transportation services as an eligible capital expense.

(e) APPLICATION OF SECTION 5309.—(1) A grant or loan under subsection (a)(1) of this section is subject to all requirements of a grant or loan under section 5309 of this title, and is deemed to have been made under section 5309.

(2) A grant or loan under subsection (a)(2) of this section is subject to requirements similar to those under paragraph (1) of this subsection to the extent the Secretary considers appropriate.

(f) MINIMUM REQUIREMENTS AND PROCEDURES FOR RECIPIENTS.—In carrying out section 5301(d) of this title, section 165(b) of the Federal-Aid Highway Act of 1973 (Public Law 93–87, 87 Stat. 282), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (consistent with Government-wide standards to carry out section 504), the Secretary shall prescribe regulations establishing minimum criteria a recipient of Government financial assistance under this chapter or a law referred to in section 165(b) shall comply with in providing mass transportation service to elderly individuals and individuals with disabilities and procedures for the Secretary to monitor compliance with the criteria. The regulations shall include provisions for ensuring that organizations and groups representing elderly individuals and individuals with disabilities are given adequate notice of, and an opportunity to comment on, the proposed activity of a recipient to achieve compliance with the regulations.

(g) LEASING VEHICLES.—The Secretary shall prescribe guidelines allowing vehicles bought under this section to be leased to local governmental authorities to improve transportation services designed to meet the special needs of elderly individuals and individuals with disabilities.

(h) MEAL DELIVERY SERVICE TO HOMEBOUND INDIVIDUALS.—Mass transportation service providers receiving assistance under this section or section 5311(c) of this title may coordinate and assist in regularly providing meal delivery service for homebound individuals if the delivery service does not conflict with providing mass transportation service or reduce service to mass transportation passengers.

(i) TRANSFER OF FACILITIES AND EQUIPMENT.—With the consent of the recipient currently having a facility or equipment acquired with assistance under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

(j) FARES NOT REQUIRED.—This chapter does not require that elderly individuals and individuals with disabilities be charged a fare.

§5311. Financial assistance for other than urbanized areas

(a) DEFINITION.—In this section, "recipient" includes a State authority, a local governmental authority, a nonprofit organization, and an operator of mass transportation service.

(b) GENERAL AUTHORITY.—(1) The Secretary of Transportation may make grants for transportation projects that are included in a State program of mass transportation service projects (including service agreements with private providers of mass transportation service) for areas other than urbanized areas. The program shall be submitted annually to the Secretary. The Secretary may approve the program only if the Secretary finds that the program provides a fair distribution of amounts in the State, including Indian reservations, and the maximum feasible coordination of mass transportation service assisted under this section with transportation service assisted by other United States Government sources.

(2) The Secretary of Transportation shall carry out a rural transportation assistance program in nonurbanized areas. In carrying out this paragraph, the Secretary may make grants and contracts for transportation research, technical assistance, training, and related support services in nonurbanized areas.

(c) APPORTIONING AMOUNTS.—The Secretary of Transportation shall apportion amounts made available under section 5338(a) of this title so that the chief executive officer of each State receives an amount equal to the total amount apportioned multiplied by a ratio equal to the population of areas other than urbanized areas in a State divided by the population of all areas other than urbanized areas in the United States, as shown by the most recent of the following: the latest Government census, the population estimate the Secretary of Commerce prepares after the 4th year after the date the latest census is published, or the population estimate the Secretary of Commerce prepares after the 8th year after the date the latest census is published. The amount may be obligated by the chief executive officer for 2 years after the fiscal year in which the amount is apportioned. An amount that is not obligated at the end of that period shall be reapportioned among the States for the next fiscal year.

(d) USE FOR LOCAL TRANSPORTATION SERVICE.—A State may use an amount apportioned under this section for a project included in a program under subsection (b) of this section and eligible for assistance under this chapter if the project will provide local transportation service, as defined by the Secretary of Transportation, in an area other than an urbanized area.

(e) USE FOR ADMINISTRATION AND TECHNICAL ASSISTANCE.—(1) The Secretary of Transportation may allow a State to use not more than 15 percent of the amount apportioned under this section to administer this section and provide

technical assistance to a recipient, including project planning, program and management development, coordination of mass transportation programs, and research the State considers appropriate to promote effective delivery of mass transportation to an area other than an urbanized area.

(2) Except as provided in this section, a State carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

(f) Intercity Bus Transportation.—(1) A State shall expend at least 10 percent of the amount made available in the fiscal year ending September 30, 1993, and 15 percent of the amount made available in each fiscal year after September 30, 1993, to carry out a program to develop and support intercity bus transportation. Eligible activities under the program include—

(A) planning and marketing for intercity bus transportation;

(B) capital grants for intercity bus shelters;

(C) joint-use stops and depots;

(D) operating grants through purchase-of-service agreements, user-side subsidies, and demonstration projects; and

(E) coordinating rural connections between small mass transportation operations and intercity bus carriers.

(2) A State does not have to comply with paragraph (1) of this subsection in a fiscal year in which the chief executive officer of the State certifies to the Secretary of Transportation that the intercity bus service needs of the State are being met adequately.

(g) Government's Share of Costs.—(1) In this subsection, "amounts of the Government or revenues" do not include amounts received under a service agreement with a State or local social service agency or a private social service organization.

(2) A grant of the Government for a capital project under this section may not be more than 80 percent of the net cost of the project, as determined by the Secretary of Transportation. A grant to pay a subsidy for operating expenses may not be more than 50 percent of the net cost of the operating expense project. At least 50 percent of the remainder shall be provided in cash from sources other than amounts of the Government or revenues from providing mass transportation. Transit system amounts that make up the remainder shall be from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(h) Amounts for Operating Assistance.—An amount made available under this section may be used for operating assistance.

(i) Transfer of Facilities and Equipment.—With the consent of the recipient currently having a facility or equipment acquired with assistance under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

(j) Relationship to Other Laws.—(1) Sections 5323(a)(1)(D) and 5333(b) of this title apply to this section but the Secretary of Labor may waive the application of section 5333(b).

(2) This subsection does not affect or discharge a responsibility of the Secretary of Transportation under a law of the United States.

§5312. Research, development, demonstration, and training projects

(a) Research, Development, and Demonstration Projects.—The Secretary of Transportation (or the Secretary of Housing and Urban Development when required by section 5334(i) of this title) may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the United States Government) for, research, development, and demonstration projects related to urban mass transportation that the Secretary decides will help reduce urban transportation needs, improve mass transportation service, or help mass transportation service meet the total urban transportation needs at a minimum cost. The Secretary may request and receive appropriate information from any source. This subsection does not limit the authority of the Secretary under another law.

(b) Research, Investigations, and Training.—(1) The Secretary of Transportation (or the Secretary of Housing and Urban Development when required by section 5334(i) of this title) may make grants to nonprofit institutions of higher learning—

(A) to conduct competent research and investigations into the theoretical or practical problems of urban transportation; and

(B) to train individuals to conduct further research or obtain employment in an organization that plans, builds, operates, or manages an urban transportation system.

(2) Research and investigations under this subsection include—

(A) the design and use of urban mass transportation systems and urban roads and highways;

(B) the interrelationship between various modes of urban and interurban transportation;

(C) the role of transportation planning in overall urban planning;

(D) public preferences in transportation;

(E) the economic allocation of transportation resources; and

(F) the legal, financial, engineering, and esthetic aspects of urban transportation.

(3) When making a grant under this subsection, the appropriate Secretary shall give preference to an institution that brings together knowledge and expertise in the various social science and technical disciplines related to urban transportation problems.

(c) Training Fellowships and Innovative Techniques and Methods.—(1) The Secretary of Transportation may make grants to States, local governmental authorities, and operators of mass transportation systems to provide fellowships to train personnel employed in managerial, technical, and professional positions in the mass transportation field.

(2) The Secretary of Transportation may make grants to State and local governmental authorities for projects that will use innovative techniques and methods in managing and providing mass transportation.

(3) A fellowship under this subsection may be for not more than one year of training in an institution that offers a program applicable to the mass transportation industry. The recipient of the grant shall select an individual on the basis of demonstrated ability and for the contribution the individual reasonably can be expected to make to an efficient mass transportation operation. A grant for a fellowship may not be more than the lesser of $24,000 or 75 percent of—

(A) tuition and other charges to the fellowship recipient;

(B) additional costs incurred by the training institution and billed to the grant recipient; and

(C) the regular salary of the fellowship recipient for the period of the fellowship to the extent the salary is actually paid or reimbursed by the grant recipient.

§5313. State planning and research programs

(a) Cooperative Research Program.—(1) Fifty percent of the amounts made available under section 5338(g)(3) of this title are available for a mass transportation cooperative research program. The Secretary of Transportation shall establish an independent governing board for the program. The board shall recommend mass transportation research, development, and technology transfer activities the Secretary considers appropriate.

(2) The Secretary may make grants to, and cooperative agreements with, the National Academy of Sciences to carry out activities under this subsection that the Secretary decides are appropriate.

(b) State Planning and Research.—(1) Fifty percent of the amounts made available under section 5338(g)(3) of this title shall be apportioned to States for grants and contracts consistent with the purposes of sections 5303–5306, 5312, 5315, 5317, and 5322 of this title. The amounts shall be apportioned so that each State receives an amount equal to the population in urbanized areas in the State, divided by the population in urbanized areas in all States, as shown by the latest available decennial census. However, a State must receive at least .5 percent of the amount apportioned under this subsection.

(2) A State, as the State considers appropriate, may authorize part of the amount made available under this subsection to be used to supplement amounts available under subsection (a) of this section.

(3) An amount apportioned under this subsection—

(A) remains available for 3 years after the fiscal year in which the amount is apportioned; and

(B) that is unobligated at the end of the 3-year period shall be reapportioned among the States for the next fiscal year.

(c) Government's Share.—When there would be a clear and direct financial benefit to an entity under a grant or contract financed under subsection (a) of this section, the Secretary shall establish a United States Government share consistent with the benefit.

§5314. National planning and research programs

(a) Program.—(1) The amounts made available under section 5338(g)(4) of this title are available to the Secretary of Transportation for grants and contracts for the purposes of sections 5303–5306, 5312, 5315, 5317, and 5322 of this title, as the Secretary considers appropriate.

(2) Of the amounts made available under paragraph (1) of this subsection, the Secretary shall make available at least $2,000,000 to provide mass transportation-related technical assistance, demonstration programs, research, public education, and other activities the Secretary considers appropriate to help mass transportation providers comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). To the extent practicable, the Secretary shall carry out this paragraph through a contract with a national nonprofit organization serving individuals with disabilities that has a demonstrated capacity to carry out the activities.

(3) Not more than 25 percent of the amounts available under paragraph (1) of this subsection is available to the Secretary for special demonstration initiatives, subject to terms the Secretary considers consistent with this chapter, except that section 5323(a)(1)(D) of this title applies to an operational grant financed in carrying out section 5312(a) of this title. For a nonrenewable grant of not more than $100,000, the Secretary shall provide expedited procedures on complying with the requirements of this chapter.

(4)(A) The Secretary may undertake a program of mass transportation technology development in coordination with affected entities.

(B) The Secretary shall establish an Industry Technical Panel composed of representatives of transportation suppliers and operators and others involved in technology development. A majority of the Panel members shall represent the

supply industry. The Panel shall assist the Secretary in identifying priority technology development areas and in establishing guidelines for project development, project cost sharing, and project execution.

(C) The Secretary shall develop guidelines for cost sharing in technology development projects financed under this paragraph. The guidelines shall be flexible and reflect the extent of technical risk, market risk, and anticipated supplier benefits and payback periods.

(5) The Secretary may use amounts appropriated under this subsection to supplement amounts available under section 5313(a) of this title, as the Secretary considers appropriate.

(b) GOVERNMENT'S SHARE.—When there would be a clear and direct financial benefit to an entity under a grant or contract financed under subsection (a) of this section, the Secretary shall establish a United States Government share consistent with the benefit.

§5315. National mass transportation institute

(a) ESTABLISHMENT AND DUTIES.—The Secretary of Transportation shall make grants to Rutgers University to establish a national mass transportation institute. In cooperation with the Federal Transit Administration, State transportation departments, public mass transportation authorities, and national and international entities, the institute shall develop and conduct training programs of instruction for United States Government, State, and local transportation employees, United States citizens, and foreign nationals engaged or to be engaged in Government-aid mass transportation work. The programs may include courses in recent developments, techniques, and procedures related to—

(1) mass transportation planning;

(2) management;

(3) environmental factors;

(4) acquisition and joint use of rights of way;

(5) engineering;

(6) procurement strategies for mass transportation systems;

(7) turnkey approaches to carrying out mass transportation systems;

(8) new technologies;

(9) emission reduction technologies;

(10) ways to make mass transportation accessible to individuals with disabilities;

(11) construction;

(12) maintenance;

(13) contract administration; and

(14) inspection.

(b) RELATED EDUCATIONAL AND TRAINING PROGRAMS.—The Secretary shall delegate to the institute the authority of the Secretary to develop and conduct educational and training programs related to mass transportation.

(c) PROVIDING EDUCATION AND TRAINING.—Education and training of Government, State, and local transportation employees under this section shall be provided—

(1) by the Secretary at no cost to the States and local governments for subjects that are a Government program responsibility; or

(2) when the education and training are paid under subsection (d) of this section, by the State, with the approval of the Secretary, through grants and contracts with public and private agencies, other institutions, individuals, and the institute.

(d) AVAILABILITY OF AMOUNTS.—Not more than .5 percent of the amounts made available for a fiscal year beginning after September 30, 1991, to a State or public mass transportation authority in the State to carry out sections 5304 and 5306 of this title is available for expenditure by the State and public mass transportation authorities in the State, with the approval of the Secretary, to pay not more than 80 percent of the cost of tuition and direct educational expenses related to educating and training State and local transportation employees under this section.

§5316. University research institutes

(a) INSTITUTE FOR NATIONAL SURFACE TRANSPORTATION POLICY.—The Secretary of Transportation shall make grants to San Jose State University to establish and operate an institute for national surface transportation policy studies. The institute shall—

(1) include male and female students of diverse socioeconomic and ethnic backgrounds who are seeking careers in developing and operating surface transportation programs; and

(2) conduct research and development activities to analyze ways of improving aspects of developing and operating surface transportation programs of the United States.

(b) INFRASTRUCTURE TECHNOLOGY INSTITUTE.—The Secretary shall make grants to Northwestern University to establish and operate an institute to study techniques—

(1) to evaluate and monitor infrastructure conditions;

(2) to improve information systems for infrastructure construction and management; and

(3) to study advanced materials and automated processes for constructing and rehabilitating public works facilities.

(c) URBAN TRANSIT INSTITUTE.—The Secretary shall make grants to North Carolina A. and T. State University through the Institute for Transportation Research and Education, the University of South Florida, and a consortium of Florida A. and M., Florida State University, and Florida International University to establish and operate an interdisciplinary institute to study and disseminate techniques on the diverse transportation problems of urban areas experiencing significant and rapid growth.

(d) INSTITUTE FOR INTELLIGENT VEHICLE-HIGHWAY CONCEPTS.—The Secretary shall make grants to the University of Minnesota, Center for Transportation Studies, to establish and operate a national institute for intelligent vehicle-highway concepts. The institute shall conduct research and recommend development activities that focus on methods to increase roadway capacity, enhance safety, and reduce negative environmental effects of transportation facilities by using intelligent vehicle-highway systems technologies.

(e) INSTITUTE FOR TRANSPORTATION RESEARCH AND EDUCATION.—The Secretary shall make grants to the University of North Carolina to conduct research and development and to direct technology transfer and training for State and local transportation authorities to improve the overall surface transportation infrastructure.

(f) APPLICABILITY OF TITLE 23.—Amounts authorized by section 5338(d) of this title may be obligated in the same way as amounts are apportioned under chapter 1 of title 23.

§5317. Transportation centers

(a) GRANTS FOR REGIONAL TRANSPORTATION CENTERS.—(1) The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate regional transportation centers in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

(2) A nonprofit institution of higher learning interested in receiving a grant under this subsection shall submit an application to the Secretary in the way and containing the information the Secretary prescribes. The Secretary shall select each recipient on the basis of the following:

(A) the regional transportation center is located in a State that is representative of the needs of the Government region for improved transportation and facilities.

(B) the demonstrated research and extension resources available to the recipient to carry out this subsection.

(C) the capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

(D) the recipient has an established transportation program encompassing several modes of transportation.

(E) the recipient has a demonstrated commitment of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing transportation research programs.

(F) the recipient has a demonstrated ability to disseminate results of transportation research and educational programs through a statewide or regionwide continuing educational program.

(G) the projects the recipient proposes to carry out under the grant.

(3)(A) At each regional transportation center, the following shall be carried out:

(i) infrastructure research on transportation.

(ii) research and training on transportation safety and the transportation of passengers and property and the interpretation, publication, and dissemination of the results of the research.

(B) Each transportation center—

(i) should carry out research on more than one mode of transportation; and

(ii) should consider the proportion of amounts for this subsection from amounts available to carry out urban mass transportation projects under this chapter and from the Highway Trust Fund.

(C) At one of the transportation centers, research may be carried out on the testing of new bus models.

(4) Before making a grant under this subsection, the Secretary may require the recipient to make an agreement with the Secretary to ensure that the recipient will maintain total expenditures from all other sources to establish and operate a regional transportation center and related research activities at a level at least equal to the average level of those expenditures in its 2 fiscal years prior to April 2, 1987.

(5) A grant under this subsection is for 50 percent of the cost of establishing and operating the regional transportation center and related research activities the recipient carries out.

(b) GRANTS FOR UNIVERSITY TRANSPORTATION CENTERS.—(1) To accelerate the involvement and participation of minority individuals and women in transportation-related professions, particularly in the science, technology, and engineering disciplines, the Secretary shall make grants to Morgan State University to establish a national center for transportation management, research, and development. The center shall give special attention to designing, developing, and carrying out research, training, and technology transfer activities to increase the number of highly skilled minority individuals and women entering the transportation workforce.

(2) The Secretary shall make grants to the New Jersey Institute of Technology to establish and operate a center for transportation and industrial productivity. The center shall conduct research and development activities that focus on ways to increase surface transportation capacity, reduce congestion, and reduce costs for transportation system users and providers through the use of transportation management systems.

(3) The Secretary shall make a grant to Monmouth College, West Long Branch, New Jersey, to modify and rebuild Building Number 500 at Monmouth College. Before making the grant, the Secretary shall receive assurances from Monmouth College that the building will be known and designated as the James and Marlene Howard Transportation Information Center and that transportation-related instruction and research in computer science, electronic engineering, mathematics, and software engineering conducted at the building will be coordinated

with the Center for Transportation and Industrial Productivity at the New Jersey Institute of Technology.

(4) The Secretary shall make grants to the University of Arkansas to establish a national rural transportation center. The center shall conduct research, training, and technology transfer activities in the development, management, and operation of intermodal transportation systems in rural areas.

(5)(A) The Secretary shall make grants to the University of Idaho to establish a National Center for Advanced Transportation Technology. The Center shall be established and operated in partnership with private industry and shall conduct industry-driven research and development activities that focus on transportation-related manufacturing and engineering processes, materials, and equipment.

(B) The Secretary shall make grants to the University of Idaho to plan, design, and construct a building in which to conduct the research and development activities of the Center.

(C) Amounts authorized by section 5338(e)(2) of this title may be obligated in the same way as amounts apportioned under chapter 1 of title 23 (except that the Government share of the cost of the activities conducted under this paragraph is 80 percent and the amounts remain available until expended) and are not subject to an obligational limitation.

(D) A grant made under this paragraph is not subject to the requirements of this section (except this paragraph).

(c) PROGRAM COORDINATION.—The Secretary shall provide for coordinating research, education, training, and technology transfer activities that grant recipients carry out under this section, the dissemination of the results of the research, and the establishment and operation of a clearinghouse between the centers and the transportation industry. At least annually, the Secretary shall review and evaluate programs the grant recipients carry out. The Secretary may use not more than one percent of amounts made available from Government sources to carry out this section to carry out this subsection.

(d) OBLIGATION CEILING.—Amounts authorized to carry out this section (except subsection (b)(3)) are subject to obligational limitations established under section 1002 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 1916).

(e) AMOUNTS AVAILABLE FOR TECHNOLOGY TRANSFER ACTIVITIES.—At least 5 percent of the amounts made available to carry out this section in a fiscal year are available to carry out technology transfer activities.

(f) ALLOCATION AMONG GOVERNMENT REGIONS.—The Secretary shall allocate amounts available to carry out this section equitably among the Government regions.

§5318. Bus testing facility

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish one facility for testing a new bus model for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise. The facility shall be established by renovating a facility built with assistance of the United States Government to train rail personnel.

(b) OPERATION AND MAINTENANCE.—The Secretary shall make a contract with a qualified person to operate and maintain the facility. The contract may provide for the testing of rail cars and other vehicles at the facility.

(c) FEES.—The person operating and maintaining the facility shall establish and collect fees for the testing of vehicles at the facility. The Secretary must approve the fees.

(d) AVAILABILITY OF AMOUNTS TO PAY FOR TESTING.—The Secretary shall make a contract with the operator of the facility under which the Secretary shall pay 80 percent of the cost of testing a vehicle at the facility from amounts available under section 5338(j)(5) of this title. The entity having the vehicle tested shall pay 20 percent of the cost.

(e) REVOLVING LOAN FUND.—The Secretary has a bus testing revolving loan fund consisting of amounts authorized for the fund under section 317(b)(5) of the Surface Transportation and Relocation Assistance Act of 1987. The Secretary shall make available as repayable advances from the fund to the person operating and maintaining the facility amounts to operate and maintain the facility.

§5319. Bicycle facilities

A project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in or around mass transportation facilities, or to install equipment for transporting bicycles on mass transportation vehicles is a capital project eligible for assistance under sections 5307, 5309, and 5311 of this title. Notwithstanding sections 5307(e), 5309(h), and 5311(g) of this title, a grant of the United States Government under this chapter for a project under this section is for 90 percent of the cost of the project.

§5320. Suspended light rail system technology pilot project

(a) PURPOSE.—The purpose of this section is to provide for the construction by a public entity of a suspended light rail system technology pilot project—

(1) to assess the state of new technology for a suspended light rail system; and

(2) to establish the feasibility, costs, and benefits of using the system to transport passengers.

(b) GENERAL REQUIREMENTS.—The project shall—

(1) use new rail technology with individual vehicles on a prefabricated elevated steel guideway;

(2) be stability-seeking with a center of gravity for the detachable passenger vehicles located below the point of wheel-rail contact; and

(3) use vehicles that are driven by overhead bogies with high efficiency, low maintenance electric motors for each wheel, operating in a slightly sloped plane from vertical for the wheels and the running rails, to further increase stability, acceleration, and braking performance.

(c) COMPETITION.—(1) The Secretary of Transportation shall conduct a national competition to select a public entity with which to make a full financing grant agreement to construct the project. Not later than April 16, 1992, the Secretary shall select 3 public entities to be finalists in the competition. In conducting the competition and selecting public entities, the Secretary shall consider—

(A) the public entity's demonstrated understanding and knowledge of the project and its technical, managerial, and financial capacity to construct, manage, and operate the project; and

(B) maximizing potential contributions to the cost of the project by State, local, and private sector entities, including donation of in-kind services and materials.

(2) The Secretary shall award a grant to each finalist to be used to participate in the final phase of the competition under procedures the Secretary prescribes. A grant may not be more than 80 percent of the cost of participating. A finalist may not receive more than one-third of the amount made available under subsection (h)(1)(A) of this section.

(3) Not later than July 15, 1992, the Secretary shall select from among the 3 finalists a public entity with which to make a full financing grant agreement.

(d) ENVIRONMENTAL IMPACT.—Not later than 270 days after a public entity is selected under subsection (c) of this section, the Secretary shall approve and publish in the Federal Register a notice announcing either a finding of no significant impact or a draft environmental impact statement for the project. The alternatives analysis for the project shall include a decision on whether to construct the project. If a draft statement is published, the Secretary, not later than 180 days after publication, shall approve and publish in the Federal Register a notice of completion of a final environmental impact statement.

(e) FULL FINANCING GRANT AGREEMENT.—Not later than 60 days after carrying out the requirements of subsection (d) of this section, the Secretary shall make a full financing grant agreement under section 5309 of this title with the public entity selected under subsection (c) of this section to construct the project. The agreement shall provide that the system vendor for the project shall finance—

(1) 100 percent of any deficit incurred in operating the project in the first 2 years of revenue operations of the project; and

(2) 50 percent of any deficit incurred in operating the project in the 3d year of revenue operations of the project.

(f) NOTICE TO PROCEED.—Not later than 30 days after making the full financing grant agreement, the Secretary shall issue a notice to proceed with construction.

(g) OPTION NOT TO CONSTRUCT AND REAWARDING THE GRANT.—(1) Not later than 30 days after completing preliminary engineering and design, the selected public entity shall decide whether to proceed to constructing the project. If the entity decides not to proceed—

(A) the Secretary shall not make the full financing grant agreement;

(B) remaining amounts received shall be returned to the Secretary and credited to the Mass Transit Account of the Highway Trust Fund; and

(C) the Secretary shall use the credited amount and other amounts to be provided under this section to award to another entity selected under subsection (c)(1) of this section a grant under section 5309 of this title to construct the project.

(2) Not later than 60 days after a decision is made under paragraph (1) of this subsection, a grant shall be awarded under paragraph (1)(C) of this section after completing a competitive process for selecting the grant recipient.

(h) FINANCING.—(1) The Secretary shall pay from amounts provided under section 5309 of this title the following:

(A) at least $1,000,000 for the fiscal year ending September 30, 1992, for grants under subsection (c)(2) of this section.

(B) at least $4,000,000 for the fiscal year ending September 30, 1993, for the United States Government share of the costs (as determined under section 5309 of this title) if the systems planning, alternatives analysis, preliminary engineering, and design and environmental impact statement are required by law for the project.

(C) at least $30,000,000 for the fiscal year ending September 30, 1994, as provided in the grant agreement under subsection (e) of this section, for the Government share of the construction costs of the project.

(2) The grant agreement under subsection (e) of this section shall provide that for the 3d year of revenue operations of the project, the Secretary shall pay from amounts provided under this section the Government share of operating costs in an amount equal to the lesser of 50 percent of the deficit incurred in operating the project in that year or $300,000.

(3) Amounts not expended under paragraph (1)(A) of this subsection are available for the Government share of costs described in paragraph (1)(B) and (C) of this subsection.

(4) Amounts under paragraph (1)(B) and (C) of this subsection remain available until expended.

(i) Government's Share of Costs.—The Government share of the cost of constructing the project is 80 percent of the net cost of the project.

(j) Project Not Subject to Major Capital Investment Policy.—The project is not subject to the major capital investment policy of the Federal Transit Administration.

(k) Report.—Not later than January 30, 1993, and each year after that date, the Secretary shall submit to Congress a report on the progress and results of the project.

§5321. Crime prevention and security

The Secretary of Transportation may make capital grants from amounts available under section 5338 of this title to mass transportation systems for crime prevention and security. This chapter does not prevent the financing of a project under this section when a local governmental authority other than the grant applicant has law enforcement responsibilities.

§5322. Human resource programs

The Secretary of Transportation may undertake, or make grants and contracts for, programs that address human resource needs as they apply to mass transportation activities. A program may include—

(1) an employment training program;

(2) an outreach program to increase minority and female employment in mass transportation activities;

(3) research on mass transportation personnel and training needs; and

(4) training and assistance for minority business opportunities.

§5323. General provisions on assistance

(a) Interests in Property.—(1) Financial assistance provided under this chapter to a State or a local governmental authority may be used to acquire an interest in, or buy property of, a private mass transportation company, for a capital project for property acquired from a private mass transportation company after July 9, 1964, or to operate mass transportation equipment or a mass transportation facility in competition with, or in addition to, transportation service provided by an existing mass transportation company, only if—

(A) the Secretary of Transportation finds the assistance is essential to a program of projects required under sections 5303–5306 of this title;

(B) the Secretary of Transportation finds that the program, to the maximum extent feasible, provides for the participation of private mass transportation companies;

(C) just compensation under State or local law will be paid to the company for its franchise or property; and

(D) the Secretary of Labor certifies that the assistance complies with section 5333(b) of this title.

(2) A governmental authority may not use financial assistance of the United States Government to acquire land, equipment, or a facility used in mass transportation from another governmental authority in the same geographic area.

(b) Notice and Public Hearing.—(1) An application for a grant or loan under this chapter (except section 5307) for a capital project that will affect substantially a community, or the mass transportation service of a community, must include a certificate of the applicant that the applicant has—

(A) provided an adequate opportunity for a public hearing with adequate prior notice;

(B) held that hearing unless no one with a significant economic, social, or environmental interest requested one;

(C) considered the economic, social, and environmental effects of the project; and

(D) found that the project is consistent with official plans for developing the urban area.

(2) Notice of a hearing under this subsection shall include a concise description of the proposed project and shall be published in a newspaper of general circulation in the geographic area the project will serve. If a hearing is held, a copy of the transcript of the hearing shall be submitted with the application.

(c) Acquiring New Bus Models.—Amounts appropriated or made available under this chapter (except section 5307) after September 30, 1989, may be obligated or expended to acquire a new bus model only if a bus of the model has been tested at the facility established under section 5318 of this title.

(d) Buying and Operating Buses.—(1) Financial assistance under this chapter may be used to buy or operate a bus only if the applicant, governmental authority, or publicly owned operator that receives the assistance agrees that, except as provided in the agreement, the governmental authority or an operator of mass transportation for the governmental authority will not provide charter bus transportation service outside the urban area in which it provides regularly scheduled mass transportation service. An agreement shall provide for a fair arrangement the Secretary of Transportation considers appropriate to ensure that the assistance will not enable a governmental authority or an operator for a governmental authority to foreclose a private operator from providing intercity charter bus service if the private operator can provide the service.

(2) On receiving a complaint about a violation of an agreement, the Secretary of Transportation shall investigate and decide whether a violation has occurred. If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement. In addition to a remedy specified in the agreement, the Secretary may bar a recipient under this subsection or an operator from receiving further assistance when the Secretary finds a continuing pattern of violations of the agreement.

(e) Bus Passenger Seat Functional Specifications.—The initial advertising by a State or local governmental authority for bids to acquire buses using financial assistance under this chapter (except section 5307) may include passenger seat functional specifications that are at least equal to performance specifications the Secretary of Transportation prescribes. The specifications shall be based on a finding by the State or local governmental authority of local requirements for safety, comfort, maintenance, and life cycle costs.

(f) Schoolbus Transportation.—(1) Financial assistance under this chapter may be used for a capital project, or to operate mass transportation equipment or a mass transportation facility, only if the applicant agrees not to provide schoolbus transportation that exclusively transports students and school personnel in competition with a private schoolbus operator. This subsection does not apply—

(A) to an applicant that operates a school system in the area to be served and a separate and exclusive schoolbus program for the school system;

(B) unless a private schoolbus operator can provide adequate transportation that complies with applicable safety standards at reasonable rates; and

(C) to a State or local governmental authority if it or a direct predecessor in interest from which it acquired the duty of transporting school children and personnel, and facilities to transport them, provided schoolbus transportation at any time after November 25, 1973, but before November 26, 1974.

(2) An applicant violating an agreement under this subsection may not receive other financial assistance under this chapter.

(g) Buying Buses Under Other Laws.—Subsections (d) and (f) of this section apply to financial assistance to buy a bus under sections 103(e)(4) and 142(a) or (c) of title 23. However, subsection (f)(1)(C) of this section applies to sections 103(e)(4) and 142(a) or (c) only if schoolbus transportation was provided at any time after August 12, 1972, but before August 13, 1973.

(h) Grant and Loan Prohibitions.—A grant or loan may not be used to—

(1) pay ordinary governmental or nonproject operating expenses; or

(2) support a procurement that uses an exclusionary or discriminatory specification.

(i) Government's Share of Costs for Certain Projects.—A Government grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment required by the Clean Air Act (42 U.S.C. 7401 et seq.) or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) is for 90 percent of the net project cost of the equipment that is attributable to complying with those Acts. The Secretary of Transportation, through practicable administrative procedures, may determine the costs attributable to that equipment.

(j) Buy American.—(1) The Secretary of Transportation may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

(2) The Secretary of Transportation may waive paragraph (1) of this subsection if the Secretary finds that—

(A) applying paragraph (1) would be inconsistent with the public interest;

(B) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

(C) when procuring rolling stock (including train control, communication, and traction power equipment) under this chapter—

(i) the cost of components and subcomponents produced in the United States is more than 60 percent of the cost of all components of the rolling stock; and

(ii) final assembly of the rolling stock has occurred in the United States; or

(D) including domestic material will increase the cost of the overall project by more than 25 percent.

(3) In this subsection, labor costs involved in final assembly are not included in calculating the cost of components.

(4) The Secretary of Transportation may not make a waiver under paragraph (2) of this subsection for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

(A) has an agreement with the United States Government under which the Secretary has waived the requirement of this subsection; and

(B) has violated the agreement by discriminating against goods to which this subsection applies that are produced in the United States and to which the agreement applies.

(5) A person is ineligible under subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, to receive a contract or subcontract made with amounts authorized under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 1914) if a court or department, agency, or instrumentality of the Government decides the person intentionally—

(A) affixed a "Made in America" label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this

subsection applies but not produced in the United States; or

(B) represented that goods described in clause (A) of this paragraph were produced in the United States.

(6) The Secretary of Transportation may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

(7) Not later than January 1, 1995, the Secretary of Transportation shall submit to Congress a report on purchases from foreign entities waived under paragraph (2) of this subsection in the fiscal years ending September 30, 1992, and September 30, 1993. The report shall indicate the dollar value of items for which waivers were granted.

(k) APPLICATION OF SECTION 135 OF TITLE 23.—The planning and programming requirements of section 135 of title 23 apply to a grant made under sections 5307–5311 of this title.

§5324. Limitations on discretionary and special needs grants and loans

(a) RELOCATION PROGRAM REQUIREMENTS.—Financial assistance may be provided under section 5309 of this title only if the Secretary of Transportation decides that—

(1) an adequate relocation program is being carried out for families displaced by a project; and

(2) an equal number of decent, safe, and sanitary dwellings are being, or will be, provided to those families in the same area or in another area generally not less desirable for public utilities and public and commercial facilities, at rents or prices within the financial means of those families, and with reasonable access to their places of employment.

(b) ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS.—(1) In carrying out section 5301(e) of this title, the Secretary of Transportation shall cooperate and consult with the Secretaries of Agriculture, Health and Human Services, Housing and Urban Development, and the Interior and the Council on Environmental Quality on each project that may have a substantial impact on the environment.

(2) In carrying out section 5309 of this title, the Secretary of Transportation shall review each transcript of a hearing submitted under section 5323(b) of this title to establish that an adequate opportunity to present views was given to all parties with a significant economic, social, or environmental interest and that the project application includes a statement on—

(A) the environmental impact of the proposal;

(B) adverse environmental effects that cannot be avoided;

(C) alternatives to the proposal; and

(D) irreversible and irretrievable impacts on the environment.

(3)(A) The Secretary of Transportation may approve an application for financial assistance under section 5309 of this title only if the Secretary makes written findings, after reviewing the application and any hearings held before a State or local governmental authority under section 5323(b) of this title, that—

(i) an adequate opportunity to present views was given to all parties with a significant economic, social, or environmental interest;

(ii) the preservation and enhancement of the environment, and the interest of the community in which a project is located, were considered; and

(iii) no adverse environmental effect is likely to result from the project, or no feasible and prudent alternative to the effect exists and all reasonable steps have been taken to minimize the effect.

(B) If a hearing has not been conducted or the Secretary of Transportation decides that the record of the hearing is inadequate for making the findings required by this subsection, the Secretary shall conduct a hearing on an environmental issue raised by the application after giving adequate notice to interested persons.

(C) A finding of the Secretary of Transportation under subparagraph (A) of this paragraph shall be made a matter of public record.

(c) PROHIBITIONS AGAINST REGULATING OPERATIONS AND CHARGES.—The Secretary of Transportation may not regulate the operation of a mass transportation system for which a grant is made under section 5309 of this title and, after a grant is made, may not regulate any charge for the system. However, the Secretary may require the local governmental authority, corporation, or association to comply with any undertaking provided by it related to its grant application.

§5325. Contract requirements

(a) NONCOMPETITIVE BIDDING.—A capital project or improvement contract for which a grant or loan is made under this chapter, if the contract is not made through competitive bidding, shall provide that records related to the contract shall be made available to the Secretary of Transportation and the Comptroller General, or an officer or employee of the Secretary or Comptroller General, when conducting an audit and inspection.

(b) ACQUIRING ROLLING STOCK.—A recipient of financial assistance of the United States Government under this chapter may make a contract to expend that assistance to acquire rolling stock—

(1) based on—

(A) initial capital costs; or

(B) performance, standardization, life cycle costs, and other factors; or

(2) with a party selected through a competitive procurement process.

(c) PROCURING ASSOCIATED CAPITAL MAINTENANCE ITEMS.—A recipient of a grant under section 5307 of this title procuring an associated capital maintenance item under section 5307(b) may make a contract directly with the original manufacturer or supplier of the item to be replaced, without receiving prior approval of the Secretary, if the recipient first certifies in writing to the Secretary that—

(1) the manufacturer or supplier is the only source for the item; and

(2) the price of the item is no more than the price similar customers pay for the item.

(d) MANAGEMENT, ARCHITECTURAL, AND ENGINEERING CONTRACTS.—A contract for program management, construction management, a feasibility study, and preliminary engineering, design, architectural, engineering, surveying, mapping, or related services for a project for which a grant or loan is made under this chapter shall be awarded in the same way as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.) or an equivalent qualifications-based requirement of a State. This subsection does not apply to the extent a State has adopted or adopts by law a formal procedure for procuring those services.

§5326. Special procurements

(a) TURNKEY SYSTEM PROJECTS.—(1) In this subsection, "turnkey system project" means a project under which a recipient makes a contract with a seller, firm, or consortium of firms to construct a mass transportation system that meets specific performance criteria and that the seller operates for a period of time.

(2) To advance new technologies and lower the cost of a capital project for a new mass transportation system, the Secretary of Transportation shall allow solicitation for a turnkey system project to be financed under this chapter to be awarded conditionally before United States Government requirements have been met on the project if the award is made without prejudice to carrying out those requirements. Government financial assistance under this chapter may be made available for the project after the recipient complies with Government requirements.

(3) To develop regulations applying generally to turnkey system projects, the Secretary may approve at least 2 projects for an initial demonstration phase. The results of the demonstration projects (and other projects using this procurement method on December 18, 1991) shall be considered in developing guidelines to carry out this subsection.

(b) MULTIYEAR ROLLING STOCK.—(1) A recipient procuring rolling stock with Government financial assistance under this chapter may make a multiyear contract to buy the rolling stock and replacement parts under which the recipient has an option to buy additional rolling stock or replacement parts for not more than 5 years after the date of the original contract.

(2) The Secretary shall allow at least 2 recipients to act on a cooperative basis to procure rolling stock in compliance with this subsection and other Government procurement requirements.

(c) EFFICIENT PROCUREMENT.—A recipient may award a procurement contract under this chapter to other than the lowest bidder when the award furthers an objective consistent with the purposes of this chapter, including improved long-term operating efficiency and lower long-term costs. Not later than March 17, 1992, the Secretary shall—

(1) make appropriate changes in existing procedures to make the policy stated in this subsection readily practicable for all mass transportation authorities; and

(2) prescribe guidance that clarifies and carries out the policy.

§5327. Project management oversight

(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive United States Government financial assistance for a major capital project under this chapter or the National Capital Transportation Act of 1969 (Public Law 91–143, 83 Stat. 320), a recipient must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

(3) a construction schedule for the project;

(4) a document control procedure and recordkeeping system;

(5) a change order procedure that includes a documented, systematic approach to the handling of construction change orders;

(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

(8) material testing policies and procedures;

(9) internal plan implementation and reporting requirements;

(10) criteria and procedures to be used for testing the operational system or its major components;

(11) periodic updates of the plan, especially related to project budget and project schedule, financing, ridership estimates, and the status of local efforts to enhance ridership where ridership estimates partly depend on the success of those efforts; and

(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

(b) PLAN APPROVAL.—(1) The Secretary shall approve a plan not later than 60 days after it is submitted. If the approval cannot be completed within 60 days, the Secretary shall notify the recipient, explain the reasons for the delay, and estimate the additional time that will be required.

(2) The Secretary shall inform the recipient of the reasons when a plan is disapproved.

(c) LIMITATIONS ON USE OF AVAILABLE AMOUNTS.—(1) The Secretary may use not more than .5 percent of amounts made available for a fiscal year to carry out section 5307, 5309, or 5311 of this title, an interstate transfer mass transportation project under section 103(e)(4) of title 23 as in effect on September 30, 1991, or a project under the National Capital Transportation Act of 1969 (Public Law 91–143, 83 Stat. 320) to make a contract to oversee the construction of a major project under section 5307, 5309, 5311, or 103(e)(4) of that Act. The Secretary may use when necessary not more than an additional .25 percent of amounts made available in a fiscal year to carry out a major project under section 5307 to make a contract to oversee the construction of the project.

(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1). Subsections (a), (b), and (e) of this section do not apply to contracts under this paragraph.

(3) The Government shall pay the entire cost of carrying out a contract under this subsection.

(d) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this chapter or section 14(b) of the National Capital Transportation Act of 1969 (Public Law 91–143, 83 Stat. 320), as added by section 2 of the National Capital Transportation Amendments of 1979 (Public Law 96–184, 93 Stat. 1320), shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

(e) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out this section. The regulations shall include—

(1) a definition of "major capital project" for subsection (c) of this section that excludes a project to acquire rolling stock or to maintain or rehabilitate a vehicle; and

(2) a requirement that oversight begin during the preliminary engineering stage of a project, unless the Secretary finds it more appropriate to begin the oversight during another stage of the project, to maximize the transportation benefits and cost savings associated with project management oversight.

§5328. Project review

(a) SCHEDULE.—(1) When the Secretary of Transportation allows a new fixed guideway project to advance into the alternatives analysis stage of project review, the Secretary shall cooperate with the applicant in alternatives analysis and in preparing a draft environmental impact statement and shall approve the draft for circulation not later than 45 days after the applicant submits the draft to the Secretary.

(2) After the draft is circulated and not later than 30 days after the applicant selects a locally preferred alternative, the Secretary shall allow the project to advance to the preliminary engineering stage if the Secretary finds the project is consistent with section 5309(e)(1)–(6) of this title.

(3) The Secretary shall issue a record of decision and allow a project to advance to the final design stage of construction not later than 120 days after the final environmental impact statement for the project is completed.

(4) The Secretary shall make a full financing grant agreement under section 5309 of this title for a project not later than 120 days after the project enters the final design stage of construction. The agreement shall provide for a United States Government share of the construction cost at least equal to the Government share estimated in the Secretary's most recent report required under section 5309(m)(2) of this title or an update of the report unless the applicant requests otherwise.

(b) ALLOWED DELAYS.—(1) Advancement of a project under the time requirements of subsection (a) of this section may be delayed only—

(A) for the time the applicant may request; or

(B) during the time the Secretary finds, after reasonable notice and an opportunity for comment, that the applicant, for reasons attributable only to the applicant, has not complied substantially with the provisions of this chapter applicable to the project.

(2) Not more than 10 days after imposing a delay under paragraph (1)(B) of this subsection, the Secretary shall give the applicant a written statement explaining the reasons for the delay and describing actions the applicant must take to end the delay.

(3) At least once every 6 months, the Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on each situation in which the Secretary has not met a time requirement of subsection (a) of this section or delayed a time requirement under paragraph (1)(B) of this subsection. The report shall explain the reasons for the delay and include a plan for achieving timely completion of the Secretary's review.

(c) PROGRAM OF INTERRELATED PROJECTS.—(1) In this subsection, a program of interrelated projects includes the following:

(A) the New Jersey Urban Core Project (as defined in title III of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2087)).

(B) the San Francisco Bay Area Rail Extension Program, consisting of at least an extension of the San Francisco Bay Area Rapid Transit District to the San Francisco International Airport (Phase 1a to Colma and Phase 1b to San Francisco Airport), the Santa Clara County Transit District Tasman Corridor Project, a program element designated by a change to the Metropolitan Transportation Commission Resolution No. 1876, and a program element financed completely with non-Government amounts, including the BART Warm Springs Extension, Dublin Extension, and West Pittsburg Extension.

(C) the Los Angeles Metro Rail Minimum Operable Segment-3 Program, consisting of 7 stations and approximately 11.6 miles of heavy rail subway on the following lines:

(i) one line running west and northwest from the Hollywood/Vine station to the North Hollywood station, with 2 intermediate stations.

(ii) one line running west from the Wilshire/Western station to the Pico/San Vicente station, with one intermediate station.

(iii) the East Side Extension, consisting of an initial line of approximately 3 miles, with at least 2 stations, beginning at Union Station and running generally east.

(D) the Baltimore-Washington Transportation Improvement Program, consisting of 3 extensions of the Baltimore Light Rail to Hunt Valley, Penn Station, and Baltimore-Washington Airport, MARC extensions to Frederick and Waldorf, Maryland, and an extension of the Washington Subway system to Largo, Maryland.

(E) the Tri-County Metropolitan Transportation District of Oregon Westside Light Rail Program, consisting of the locally preferred alternative for the Westside Light Rail Project, including system related costs, contained in the Department of Transportation and Related Agencies Appropriations Act, 1991 (Public Law 101–516, 104 Stat. 2155), and defined in House Report 101–584, and the Hillsboro extension to the Westside Light Rail Project contained in that Act.

(F) the Queens Local/Express Connector Program, consisting of the locally preferred alternative for the connection of the 63d Street tunnel extension to the Queens Boulevard lines, the bell-mouth part of the connector that will allow for future access by commuter rail trains and other subway lines to the 63d Street tunnel extension, planning elements for connecting the upper and lower levels to commuter and subway lines in Long Island City, and planning elements for providing a connector for commuter rail transportation to the East side of Manhattan and subway lines to the proposed Second Avenue subway.

(G) the Dallas Area Rapid Transit Authority light rail elements of the New System Plan, consisting of the locally preferred alternative for the South Oak Cliff corridor, the South Oak Cliff corridor extension-Camp Wisdom, the West Oak Cliff corridor-Westmoreland, the North Central corridor-Park Lane, the North Central corridor-Richardson, Plano, and Garland extensions, the Pleasant Grove corridor-Buckner, and the Carrollton corridors-Farmers Branch and Las Colinas terminal.

(H) other programs designated by law or the Secretary.

(2) Consistent with the time requirements of subsection (a) of this section or as otherwise provided by law, the Secretary shall make at least one full financing grant agreement for each program described in paragraph (1) of this subsection. The agreement shall include commitments to advance each of the applicant's program elements (in the program of interrelated projects) through the appropriate program review stages as provided in subsection (a) or as otherwise provided by law and to provide Government financing for each element. The agreement may be changed to include design and construction of a particular element.

(3) When reviewing a project in a program of interrelated projects, the Secretary shall consider the local financial commitment, transportation effectiveness, and other assessment factors of all program elements to the extent consideration expedites carrying out the project.

(4) Including a program element not financed by the Government in a program of interrelated projects does not impose Government requirements that otherwise would not apply to the element.

§5329. Investigation of safety hazards

(a) GENERAL.—The Secretary of Transportation may investigate a condition in equipment, a facility, or an operation financed under this chapter that the Secretary believes causes a serious hazard of death or injury to establish the nature and extent of the condition and how to eliminate or correct it. If the Secretary establishes that a condition causes a hazard, the Secretary shall require the local governmental authority receiving amounts under this chapter to submit a plan for correcting it. The Secretary may withhold further financial assistance under this chapter until a plan is approved and carried out.

(b) REPORT.—Not later than June 15, 1992, the Secretary shall submit to Congress a report containing—

(1) a description of actions taken to identify and investigate conditions in a facility, equipment, or way of operating as part of the findings and decisions required of the Secretary in providing a grant or loan under this chapter;

(2) a description of actions of the Secretary to correct or eliminate, as a requirement for making an amount available through a grant or loan under this chapter, a condition found to create a serious hazard of death or injury;

(3) a summary of all passenger-related deaths and injuries resulting from an unsafe condition in a facility, equipment, or way of operating a facility or equipment at least partly financed under this chapter;

(4) a summary of all employee-related deaths and injuries resulting from an unsafe condition in a facility, equipment, or way of operating a facility or equipment at least partly financed under this chapter;

(5) a summary of action of the Secretary to correct or eliminate the unsafe condition to which the deaths and injuries referred to in clauses (3) and (4) of this subsection were attributed;

(6) a summary of actions of the Secretary to alert mass transportation operators of the nature of the unsafe condition found to create a serious hazard of death or injury; and

(7) recommendations of the Secretary to Congress of any legislative or administrative actions necessary to ensure that all recipients of amounts under this chapter will undertake the best way available to correct or eliminate hazards of death or injury, including—

(A) a timetable for undertaking actions;

(B) an estimate of the capital and operating cost to take the actions; and

(C) minimum standards for establishing and carrying out safety plans by recipients of amounts under this chapter.

§5330. Withholding amounts for noncompliance with safety requirements

(a) APPLICATION.—This section applies only to States that have rail fixed guideway mass transportation systems not subject to regulation by the Federal Railroad Administration.

(b) GENERAL AUTHORITY.—The Secretary of Transportation may withhold not more than 5 percent of the amount required to be appropriated for use in a State or urbanized area in the State under section 5307 of this title for a fiscal year beginning after September 30, 1994, if the State in the prior fiscal year has not met the requirements of subsection (c) of this section and the Secretary decides the State is not making an adequate effort to comply with subsection (c).

(c) STATE REQUIREMENTS.—A State meets the requirements of this section if the State—

(1) establishes and is carrying out a safety program plan for each fixed guideway mass transportation system in the State that establishes at least safety requirements, lines of authority, levels of responsibility and accountability, and methods of documentation for the system; and

(2) designates a State authority as having responsibility—

(A) to require, review, approve, and monitor the carrying out of each plan;

(B) to investigate hazardous conditions and accidents on the systems; and

(C) to require corrective action to correct or eliminate those conditions.

(d) MULTISTATE INVOLVEMENT.—When more than one State is subject to this section in connection with a single mass transportation authority, the affected States may designate an entity (except the mass transportation authority) to ensure uniform safety standards and enforcement and to meet the requirements of subsection (c) of this section.

(e) AVAILABILITY OF WITHHELD AMOUNTS.—(1) An amount withheld under subsection (b) of this section remains available for apportionment for use in the State until the end of the 2d fiscal year after the fiscal year for which the amount may be appropriated.

(2) If a State meets the requirements of subsection (c) of this section before the last day of the period for which an amount withheld under subsection (b) of this section remains available under paragraph (1) of this subsection, the Secretary, on the first day on which the State meets the requirements, shall apportion to the State the amount withheld that remains available for apportionment for use in the State. An amount apportioned under this paragraph remains available until the end of the 3d fiscal year after the fiscal year in which the amount is apportioned. An amount not obligated at the end of the 3-year period shall be apportioned for use in other States under section 5336 of this title.

(3) If a State does not meet the requirements of subsection (c) of this section at the end of the period for which an amount withheld under subsection (b) of this section remains available under paragraph (1) of this subsection, the amount shall be apportioned for use in other States under section 5336 of this title.

(f) REGULATIONS.—Not later than December 18, 1992, the Secretary shall prescribe regulations stating the requirements for complying with subsection (c) of this section.

§5331. Alcohol and controlled substances testing

(a) DEFINITIONS.—In this section—

(1) "controlled substance" means any substance under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) whose use the Secretary of Transportation decides has a risk to transportation safety.

(2) "person" includes any entity organized or existing under the laws of the United States, a State, territory, or possession of the United States, or a foreign country.

(3) "mass transportation" means any form of mass transportation, except a form the Secretary decides is covered adequately, for employee alcohol and controlled substances testing purposes, under subchapter III of chapter 201 or section 31306 of this title.

(b) TESTING PROGRAM FOR MASS TRANSPORTATION EMPLOYEES.—(1)(A) In the interest of mass transportation safety, the Secretary of Transportation shall prescribe regulations not later than October 28, 1992, that establish a program requiring mass transportation operations that receive financial assistance under section 5307, 5309, or 5311 of this title or section 103(e)(4) of title 23 to conduct preemployment, reasonable suspicion, random, and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of alcohol or a controlled substance in violation of law or a United States Government regulation.

(B) When the Secretary of Transportation considers it appropriate in the interest of safety, the Secretary may prescribe regulations for conducting periodic recurring testing of mass transportation employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of alcohol or a controlled substance in violation of law or a Government regulation.

(2) In prescribing regulations under this subsection, the Secretary of Transportation—

(A) shall require that post-accident testing of such a mass transportation employee be conducted when loss of human life occurs in an accident involving mass transportation; and

(B) may require that post-accident testing of such a mass transportation employee be conducted when bodily injury or significant property damage occurs in any other serious accident involving mass transportation.

(c) DISQUALIFICATIONS FOR USE.—(1) When the Secretary of Transportation considers it appropriate, the Secretary shall require disqualification for an established period of time or dismissal of any employee referred to in subsection (b)(1) of this section who is found—

(A) to have used or been impaired by alcohol when on duty; or

(B) to have used a controlled substance, whether or not on duty, except as allowed for medical purposes by law or regulation.

(2) This section does not supersede any penalty applicable to a mass transportation employee under another law.

(d) TESTING AND LABORATORY REQUIREMENTS.—In carrying out subsection (b) of this section, the Secretary of Transportation shall develop requirements that shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimens;

(2) for laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any amendments to those guidelines, including mandatory guidelines establishing—

(A) comprehensive standards for every aspect of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards requiring the use of the best available technology to ensure the complete reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimens collected for controlled substances testing;

(B) the minimum list of controlled substances for which individuals may be tested; and

(C) appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that a laboratory involved in controlled substances testing under this section have the capability and facility, at the laboratory, of performing screening and confirmation tests;

(4) provide that all tests indicating the use of alcohol or a controlled substance in violation of law or a Government regulation be confirmed by a scientifically recognized method of testing capable of providing quantitative information about alcohol or a controlled substance;

(5) provide that each specimen be subdivided, secured, and labeled in the presence of the tested individual and that a part of the specimen be retained in a secure manner to prevent the possibility of tampering, so that if the individual's confirmation test results are positive the individual has an opportunity to have the retained part tested by a 2d confirmation test done independently at another certified laboratory if the individual requests the 2d confirmation test not later than 3 days after being advised of the results of the first confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations that may be necessary and in consultation with the Secretary of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (except information about alcohol or a controlled substance) of employees, except that this clause does not prevent the use of test results for the orderly imposition of appropriate sanctions under this section; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(e) REHABILITATION.—The Secretary of Transportation shall prescribe regulations establishing requirements for rehabilitation programs

that provide for the identification and opportunity for treatment of any mass transportation employee referred to in subsection (b)(1) of this section who is found to have used alcohol or a controlled substance in violation of law or a Government regulation. The Secretary shall decide on the circumstances under which employees shall be required to participate in a program. This subsection does not prevent a mass transportation operation from establishing a program under this section in cooperation with another mass transportation operation.

(f) Relationship to Other Laws, Regulations, Standards, and Orders.—(1) A State or local government may not prescribe, issue, or continue in effect a law, regulation, standard, or order that is inconsistent with regulations prescribed under this section. However, a regulation prescribed under this section does not preempt a State criminal law that imposes sanctions for reckless conduct leading to loss of life, injury, or damage to property.

(2) In prescribing regulations under this section, the Secretary of Transportation—

(A) shall establish only requirements that are consistent with international obligations of the United States; and

(B) shall consider applicable laws and regulations of foreign countries.

(3) This section does not prevent the Secretary of Transportation from continuing in effect, amending, or further supplementing a regulation prescribed before October 28, 1991, governing the use of alcohol or a controlled substance by mass transportation employees.

(g) Ineligibility for Assistance.—A person is not eligible for financial assistance under section 5307, 5309, or 5311 of this title or section 103(e)(4) of title 23 if the person is required, under regulations the Secretary of Transportation prescribes under this section, to establish a program of alcohol and controlled substances testing and does not establish the program.

§5332. Nondiscrimination

(a) Definition.—In this section, "person" includes a governmental authority, political subdivision, authority, legal representative, trust, unincorporated organization, trustee, trustee in bankruptcy, and receiver.

(b) Prohibitions.—A person may not be excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance under this chapter because of race, color, creed, national origin, sex, or age.

(c) Compliance.—(1) The Secretary of Transportation shall take affirmative action to ensure compliance with subsection (b) of this section.

(2) When the Secretary decides that a person receiving financial assistance under this chapter is not complying with subsection (b) of this section, a civil rights law of the United States, or a regulation or order under that law, the Secretary shall notify the person of the decision and require action be taken to ensure compliance with subsection (b).

(d) Authority of Secretary for Noncompliance.—If a person does not comply with subsection (b) of this section within a reasonable time after receiving notice, the Secretary shall—

(1) direct that no further financial assistance of the United States Government under this chapter be provided to the person;

(2) refer the matter to the Attorney General with a recommendation that a civil action be brought;

(3) proceed under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); and

(4) take any other action provided by law.

(e) Civil Actions by Attorney General.—The Attorney General may bring a civil action for appropriate relief when—

(1) a matter is referred to the Attorney General under subsection (d)(2) of this section; or

(2) the Attorney General believes a person is engaged in a pattern or practice in violation of this section.

(f) Application and Relationship to Other Laws.—This section applies to an employment or business opportunity and is in addition to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

§5333. Labor standards

(a) Prevailing Wages Requirement.—The Secretary of Transportation shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed with a grant or loan under this chapter be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a-5). The Secretary of Transportation may approve a grant or loan only after being assured that required labor standards will be maintained on the construction work. For a labor standard under this subsection, the Secretary of Labor has the same duties and powers stated in Reorganization Plan No. 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(b) Employee Protective Arrangements.—(1) As a condition of financial assistance under sections 5307–5312, 5318(d), 5323(a)(1), (b), (d), and (e), 5328, 5337, and 5338(j)(5) of this title, the interests of employees affected by the assistance shall be protected under arrangements the Secretary of Labor concludes are fair and equitable. The agreement granting the assistance under sections 5307–5312, 5318(d), 5323(a)(1), (b), (d), and (e), 5328, 5337, and 5338(j)(5) shall specify the arrangements.

(2) Arrangements under this subsection shall include provisions that may be necessary for—

(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise;

(B) the continuation of collective bargaining rights;

(C) the protection of individual employees against a worsening of their positions related to employment;

(D) assurances of employment to employees of acquired mass transportation systems;

(E) assurances of priority of reemployment of employees whose employment is ended or who are laid off; and

(F) paid training or retraining programs.

(3) Arrangements under this subsection shall provide benefits at least equal to benefits established under section 11347 of this title.

§5334. Administrative

(a) General Authority.—In carrying out this chapter, the Secretary of Transportation may—

(1) prescribe terms for a project under sections 5307 and 5309–5311 of this title (except terms the Secretary of Labor prescribes under section 5333(b) of this title);

(2) sue and be sued;

(3) foreclose on property or bring a civil action to protect or enforce a right conferred on the Secretary of Transportation by law or agreement;

(4) buy property related to a loan under this chapter;

(5) agree to pay an annual amount in place of a State or local tax on real property acquired or owned under this chapter;

(6) sell, exchange, or lease property, a security, or an obligation;

(7) obtain loss insurance for property and assets the Secretary of Transportation holds;

(8) consent to a modification in an agreement under this chapter; and

(9) include in an agreement or instrument under this chapter a covenant or term the Secretary of Transportation considers necessary to carry out this chapter.

(b) Procedures for Prescribing Regulations.—(1) The Secretary of Transportation shall prepare an agenda listing all areas in which the Secretary intends to propose regulations governing activities under this chapter within the following 12 months. The Secretary shall publish the proposed agenda in the Federal Register as part of the Secretary's semiannual regulatory agenda that lists regulatory activities of the Federal Transit Administration. The Secretary shall submit the agenda to the Committees on Public Works and Transportation and Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate on the day the agenda is published.

(2) Except for emergency regulations, the Secretary of Transportation shall give interested parties at least 60 days to participate in a regulatory proceeding under this chapter by submitting written information, views, or arguments, with or without an oral presentation, except when the Secretary for good cause finds that public notice and comment are unnecessary because of the routine nature or insignificant impact of the regulation or that an emergency regulation should be issued. The Secretary may extend the 60-day period if the Secretary decides the period is insufficient to allow diligent individuals to prepare comments or that other circumstances justify an extension.

(3) An emergency regulation ends 120 days after it is issued.

(4) The Secretary of Transportation shall comply with this section (except subsections (h) and (i)) and sections 5323(a)(2), (c) and (e), 5324(c), and 5325 of this title when proposing or carrying out a regulation governing an activity under this chapter, except for a routine matter or a matter with no significant impact.

(c) Budget Program and Set of Accounts.—The Secretary of Transportation shall—

(1) submit each year a budget program as provided in section 9103 of title 31; and

(2) maintain a set of accounts the Comptroller General shall audit under chapter 35 of title 31.

(d) Depository and Availability of Amounts.—The Secretary of Transportation shall deposit amounts made available to the Secretary under this chapter in a checking account in the Treasury. Receipts, assets, and amounts obtained or held by the Secretary to carry out this chapter are available for administrative expenses to carry out this chapter.

(e) Binding Effect of Financial Transaction.—A financial transaction of the Secretary of Transportation under this chapter and a related voucher are binding on all officers and employees of the United States Government.

(f) Dealing With Acquired Property.—Notwithstanding another law related to the Government acquiring, using, or disposing of real property, the Secretary of Transportation may deal with property acquired under subsection (a)(3) or (4) of this section in any way. However, this subsection does not—

(1) deprive a State or political subdivision of a State of jurisdiction of the property; or

(2) impair the civil rights, under the laws of a State or political subdivision of a State, of an inhabitant of the property.

(g) Transfer of Assets No Longer Needed.—(1) If a recipient of assistance under this chapter decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which it was acquired, the Secretary of Transportation may authorize the recipient to transfer the asset

to a local governmental authority to be used for a public purpose with no further obligation to the Government. The Secretary may authorize a transfer for a public purpose other than mass transportation only if the Secretary decides—

(A) the asset will remain in public use for at least 5 years after the date the asset is transferred;

(B) there is no purpose eligible for assistance under this chapter for which the asset should be used;

(C) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

(D) through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land.

(2) A decision under paragraph (1) of this section must be in writing and include the reason for the decision.

(3) This subsection is in addition to another law related to using and disposing of a facility or equipment under an assistance agreement.

(h) TRANSFER OF AMOUNTS AND NON-GOVERNMENT SHARE.—(1) Amounts made available for a mass transportation project under title 23 shall be transferred to and administered by the Secretary of Transportation under this chapter. Amounts made available for a highway project under this chapter shall be transferred to and administered by the Secretary under title 23.

(2) The provisions of title 23 related to the non-Government share apply to amounts under title 23 used for mass transportation projects. The provisions of this chapter related to the non-Government share apply to amounts under this chapter used for highway projects.

(i) AUTHORITY OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development shall—

(1) carry out section 5312(a) and (b)(1) of this title related to—

(A) urban transportation systems and planned development of urban areas; and

(B) the role of transportation planning in overall urban planning; and

(2) advise and assist the Secretary of Transportation in making findings under section 5323(a)(1)(A) of this title.

(j) RELATIONSHIP TO OTHER LAWS.—(1) Section 9107(a) of title 31 applies to the Secretary of Transportation under this chapter.

(2) Section 3709 of the Revised Statutes (41 U.S.C. 5) applies to a contract for more than $1,000 for services or supplies related to property acquired under this chapter.

§5335. Reports and audits

(a) REPORTING SYSTEM AND UNIFORM SYSTEM OF ACCOUNTS AND RECORDS.—(1) To help meet the needs of individual mass transportation systems, the United States Government, State and local governments, and the public for information on which to base mass transportation service planning, the Secretary of Transportation shall maintain a reporting system, by uniform categories, to accumulate mass transportation financial and operating information and a uniform system of accounts and records. The reporting and uniform systems shall contain appropriate information to help any level of government make a public sector investment decision. The Secretary may request and receive appropriate information from any source.

(2) The Secretary may make a grant under section 5307 of this title only if the applicant, and any person that will receive benefits directly from the grant, are subject to the reporting and uniform systems.

(b) QUARTERLY REPORTS.—Not later than 30 days after the last day of each calendar quarter, the Secretary shall submit to the Committees on Public Works and Transportation and Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate a report on—

(1) obligations by State, designated recipient, and applicant made under this chapter during the quarter;

(2) the balance of unobligated apportionments under this chapter on the last day of the quarter;

(3) the balance of unobligated amounts under this chapter on the last day of the quarter that the Secretary may expend;

(4) letters of intent issued during the quarter;

(5) letters of intent outstanding on the last day of the quarter; and

(6) grant contracts executed and reimbursement authority established for amounts obligated for each State, designated recipient, and applicant.

(c) BIENNIAL NEEDS REPORT.—In January 1993 and in January of every 2d year after 1993, the Comptroller General shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing an evaluation of the extent to which current mass transportation needs are addressed adequately and an estimate of the future mass transportation needs of the United States, including mass transportation needs in rural areas (particularly access to health care facilities). The report shall include—

(1) an assessment of needs related to rail modernization, guideway modernization, replacing, rehabilitating, and buying buses and related equipment, constructing bus related facilities, and constructing new fixed guideway systems and extensions to existing fixed guideway systems;

(2) a 5-year projection of maintenance and modernization needs resulting from aging of existing equipment and facilities, including the need to overhaul or replace existing bus fleets and rolling stock used on fixed guideway systems;

(3) a 5-year projection of the need to invest in the expansion of existing mass transportation systems to meet changing economic, commuter, and residential patterns;

(4) an estimate of the level of expenditure needed to satisfy the needs identified in clauses (1)–(3) of this paragraph;

(5) an examination of existing Government, State, local, and private resources that are or reasonably can be expected to be made available to support public mass transportation; and

(6) the gap between the level of expenditure estimated under clause (4) of this paragraph and the level of resources identified under clause (5) of this paragraph that are available to meet the needs.

(d) BIENNIAL TRANSFERABILITY REPORT.—In January 1993 and in January of every 2d year after 1993, the Comptroller General shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on carrying out section 5307(b)(5) of this title. The report shall—

(1) identify, by State, the amount of mass transportation money transferred for non-mass transportation purposes under section 5307(b)(5) of this title during the prior fiscal year;

(2) include an assessment of the impact of the transfers on the mass transportation needs of individuals and communities in the State, including the impact on—

(A) the State's ability to meet the mass transportation needs of elderly individuals and individuals with disabilities;

(B) efforts to meet the objectives of the Clean Air Act (42 U.S.C. 7401 et seq.) and the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

(C) the State's efforts to extend public mass transportation services to unserved rural areas; and

(3) examine the relative levels of Government mass transportation assistance and services in urban and rural areas in the fiscal year that ended September 30, 1991, and the extent to which the assistance and service has changed in later fiscal years because of mass transportation resources made available under this chapter and the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 1914).

§5336. Apportionment of appropriations for block grants

(a) BASED ON URBANIZED AREA POPULATION.—Of the amount made available or appropriated under section 5338(f) of this title—

(1) 9.32 percent shall be apportioned each fiscal year only in urbanized areas with a population of less than 200,000 so that each of those areas is entitled to receive an amount equal to—

(A) 50 percent of the total amount apportioned multiplied by a ratio equal to the population of the area divided by the total population of all urbanized areas with populations of less than 200,000 as shown in the latest United States Government census; and

(B) 50 percent of the total amount apportioned multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary of Transportation, of the number of inhabitants in each square mile; and

(2) 90.68 percent shall be apportioned each fiscal year only in urbanized areas with populations of at least 200,000 as provided in subsections (b) and (c) of this section.

(b) BASED ON FIXED GUIDEWAY REVENUE VEHICLE-MILES, ROUTE-MILES, AND PASSENGER-MILES.—(1) In this subsection, "fixed guideway revenue vehicle-miles" and "fixed guideway route-miles" include ferry boat operations directly or under contract by the designated recipient.

(2) Of the amount apportioned under subsection (a)(2) of this section, 33.29 percent shall be apportioned as follows:

(A) 95.61 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

(i) 60 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway revenue vehicle-miles attributable to the area, as established by the Secretary of Transportation, divided by the total number of all fixed guideway revenue vehicle-miles attributable to all areas; and

(ii) 40 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway route-miles attributable to the area, established by the Secretary, divided by the total number of all fixed guideway route-miles attributable to all areas.

(B) 4.39 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

(i) the number of fixed guideway vehicle passenger-miles traveled multiplied by the number of fixed guideway vehicle passenger-miles traveled for each dollar of operating cost in an area; divided by

(ii) the total number of fixed guideway vehicle passenger-miles traveled multiplied by the total number of fixed guideway vehicle passenger-miles traveled for each dollar of operating cost in all areas.

(C) An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subsection.

(D) Under subparagraph (A) of this paragraph, fixed guideway revenue vehicle- or route-miles, and passengers served on those miles, in an urbanized area with a population of less than 200,000, where the miles and passengers served otherwise would be attributable to an urbanized area with a population of at least 1,000,000 in an adjacent State, are attributable to the governmental authority in the State in which the urbanized area with a population of less than 200,000 is located. The authority is deemed an urbanized area with a population of at least 200,000 if the authority makes a contract for the service.

(E) A recipient's apportionment under subparagraph (A)(i) of this paragraph may not be reduced if the recipient, after satisfying the Secretary of Transportation that energy or operating efficiencies would be achieved, reduces revenue vehicle-miles but provides the same frequency of revenue service to the same number of riders.

(c) BASED ON BUS REVENUE VEHICLE-MILES AND PASSENGER-MILES.—Of the amount apportioned under subsection (a)(2) of this section, 66.71 percent shall be apportioned as follows:

(1) 90.8 percent of the total amount apportioned under this subsection shall be apportioned as follows:

(A) 73.39 percent of the 90.8 percent apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 1,000,000 is entitled to receive an amount equal to—

(i) 50 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the total bus revenue vehicle-miles operated in or directly serving the urbanized area divided by the total bus revenue vehicle-miles attributable to all areas;

(ii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown by the latest Government census; and

(iii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary of Transportation, of the number of inhabitants in each square mile.

(B) 26.61 percent of the 90.8 percent apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 200,000 but not more than 999,999 is entitled to receive an amount equal to—

(i) 50 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio equal to the total bus revenue vehicle-miles operated in or directly serving the urbanized area divided by the total bus revenue vehicle-miles attributable to all areas;

(ii) 25 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown by the latest Government census; and

(iii) 25 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary of Transportation, of the number of inhabitants in each square mile.

(2) 9.2 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

(A) the number of bus passenger-miles traveled multiplied by the number of bus passenger-miles traveled for each dollar of operating cost in an area; divided by

(B) the total number of bus passenger-miles traveled multiplied by the total number of bus passenger-miles traveled for each dollar of operating cost in all areas.

(d) OPERATING ASSISTANCE.—(1) The total amount apportioned under this section that may be used for operating assistance may not be more than—

(A) 80 percent of the total amount apportioned in the fiscal year ending September 30, 1982, under section 5(a)(1)(A), (2)(A), and (3)(A) of the Urban Mass Transportation Act of 1964 to urbanized areas with populations of at least 1,000,000;

(B) 90 percent of the total amount apportioned in that year under section 5(a)(1)(A), (2)(A), and (3)(A) to urbanized areas with populations of at least 200,000 but not more than 999,999;

(C) 95 percent of the total amount apportioned in that year under section 5(a)(1)(A), (2)(A), and (3)(A) to urbanized areas with populations of less than 200,000; or

(D) two-thirds of the total amount apportioned under this section during the first complete year an urbanized area received amounts under this section if the area first became an urbanized area under the 1980 Government census or later.

(2) Amounts apportioned under paragraph (1) of this subsection shall be increased on October 1 of each year by an amount equal to the amount applicable to each urbanized area under paragraph (1) (except increases under this paragraph), multiplied by the percentage increase in the Consumer Price Index for all-urban consumers published by the Secretary of Labor during the most recent calendar year. However, the increase may not be more than the percentage increase of amounts made available under section 5338(f) of this title in the current fiscal year and amounts made available under section 5338(f) in the prior fiscal year.

(e) DATE OF APPORTIONMENT.—The Secretary of Transportation shall—

(1) apportion amounts appropriated under section 5338(f) of this title to carry out section 5307 of this title not later than the 10th day after the date the amounts are appropriated or October 1 of the fiscal year for which the amounts are appropriated, whichever is later; and

(2) publish apportionments of the amounts, including amounts attributable to each urbanized area with a population of more than 50,000 and amounts attributable to each State of a multistate urbanized area, on the apportionment date.

(f) AMOUNTS NOT APPORTIONED TO DESIGNATED RECIPIENTS.—The chief executive officer of a State may expend in an urbanized area with a population of less than 200,000 an amount apportioned under this section that is not apportioned to a designated recipient as defined in section 5307(a) of this title.

(g) TRANSFERS OF APPORTIONMENTS.—(1) The chief executive officer of a State may transfer any part of the State's apportionment under subsection (a)(1) of this section to supplement amounts apportioned to the State under section 5311(c) of this title or amounts apportioned to urbanized areas under this subsection. The chief executive officer may make a transfer only after consulting with responsible local officials and publicly owned operators of mass transportation in each area for which the amount originally was apportioned under this section.

(2) The chief executive officer of a State may transfer any part of the State's apportionment under section 5311(c) of this title to supplement amounts apportioned to the State under subsection (a)(1) of this section.

(3) The chief executive officer of a State may use throughout the State amounts of a State's apportionment remaining available for obligation at the beginning of the 90-day period before the period of the availability of the amounts expires.

(4) A designated recipient for an urbanized area with a population of at least 200,000 may transfer a part of its apportionment under this section to the chief executive officer of a State. The chief executive officer shall distribute the transferred amounts to urbanized areas under this section.

(5) Capital and operating assistance limitations applicable to the original apportionment apply to amounts transferred under this subsection.

(h) CHANGES OF APPORTIONMENTS.—If sufficient amounts are available, the Secretary of Transportation shall change apportionments under this section between the Mass Transit Account of the Highway Trust Fund and the general fund to ensure that each recipient receives from the general fund at least as much operating assistance made available each fiscal year under this section as the recipient is eligible to receive.

(i) PERIOD OF AVAILABILITY TO RECIPIENTS.—An amount apportioned under this section may be obligated by the recipient for 3 years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 3-year period, an amount that is not obligated at the end of that period shall be added to the amount that may be apportioned under this section in the next fiscal year.

(j) APPLICATION OF OTHER SECTIONS.—Sections 5302, 5318, 5323(a)(1), (d), and (f), 5332, and 5333 of this title apply to this section and to a grant made under this section. Except as provided in this section, no other provision of this chapter applies to this section or to a grant made under this section.

(k) CERTAIN URBANIZED AREAS GRANDFATHERED.—An area designated an urbanized area under the 1980 census and not designated an urbanized area under the 1990 census for the fiscal year ending September 30, 1993, is eligible to receive—

(1) 50 percent of the amount the area would have received if the area had been an urbanized area as defined by section 5302(a)(13) of this title; and

(2) an amount equal to 50 percent of the amount that the State in which the area is located would have received if the area had been an area other than an urbanized area.

§5337. Apportionment of appropriations for fixed guideway modernization

(a) PERCENTAGE DISTRIBUTION.—The Secretary of Transportation shall apportion amounts made available for fixed guideway modernization under section 5309 of this title for each of the fiscal years ending September 30, 1993–1997, as follows:

(1) The first $455,000,000 shall be apportioned in the following urbanized areas as follows:

(A) Baltimore, 1.84 percent.

(B) Boston, 8.56 percent.

(C) Chicago/Northwestern Indiana, 17.18 percent.

(D) Cleveland, 2.09 percent.

(E) New York, 35.57 percent.

(F) Northeastern New Jersey, 9.04 percent.

(G) Philadelphia/Southern New Jersey, 12.41 percent.

(H) San Francisco, 7.21 percent.

(I) Southwestern Connecticut, 6.10 percent.

(2) The next $42,700,000 shall be apportioned in the following urbanized areas as follows:

(A) New York, 33.2341 percent.

(B) Northeastern New Jersey, 22.1842 percent.

(C) Philadelphia/Southern New Jersey, 5.7594 percent.

(D) San Francisco, 2.7730 percent.

(E) Pittsburgh, 31.9964 percent.

(F) New Orleans, 4.0529 percent.

(3) The next $70,000,000 shall be apportioned as follows:

(A) 50 percent in the urbanized areas listed in paragraphs (1) and (2) as provided in section 5336(b)(2)(A) of this title.

(B) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) of this title if the areas contain fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available and in any other urbanized area if, before the first day of the fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot be met adequately with amounts received as provided in section 5336(b)(2)(A).

(4) Remaining amounts shall be apportioned in each urbanized area eligible for assistance under paragraphs (1)–(3) of this subsection as provided in section 5336(B)(2)(A).

(b) TOTAL AMOUNTS NOT AVAILABLE.—In a fiscal year in which the total amounts authorized under subsection (a)(1) and (2) of this section are not available, the Secretary shall reduce on a proportionate basis the apportionments of all urbanized areas eligible under subsection (a)(1) or (2) to adjust for the amount not available.

(c) NEW JERSEY TRANSIT CORPORATION.—Rail modernization amounts allocated to the New Jersey Transit Corporation under this section may be spent in any urbanized area in which the New Jersey Transit Corporation operates rail transportation, regardless of which urbanized area generates the financing.

(d) AVAILABILITY OF AMOUNTS.—An amount apportioned under this section—

(1) remains available for 3 years after the fiscal year in which the amount is apportioned; and

(2) that is unobligated at the end of the 3-year period shall be reapportioned for the next fiscal year among urbanized areas eligible under subsection (a)(1)–(3) of this section using the apportionment formula of this section.

§5338. Authorizations

(a) FOR SECTIONS 5303–5306, 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5327, AND 5334(a) AND (c) AND SECTION 103(e)(4) OF TITLE 23.—(1) Not more than the following amounts are available from the Mass Transit Account of the Highway Trust Fund for the Secretary of Transportation to carry out sections 5303–5306, 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5327, and 5334(a) and (c) of this title:

(A) $1,150,000,000 for the fiscal year ending September 30, 1993.

(B) $1,190,000,000 for the fiscal year ending September 30, 1994.

(C) $1,150,000,000 for the fiscal year ending September 30, 1995.

(D) $1,110,000,000 for the fiscal year ending September 30, 1996.

(E) $1,920,000,000 for the fiscal year ending September 30, 1997.

(2) In addition to amounts made available under paragraph (1) of this subsection, not more than the following amounts may be appropriated to the Secretary to carry out sections 5303–5306, 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5327, and 5334(a) and (c) of this title and substitute transit projects under section 103(e)(4) of title 23:

(A) $2,055,000,000 for the fiscal year ending September 30, 1993.

(B) $1,885,000,000 for the fiscal year ending September 30, 1994.

(C) $1,925,000,000 for the fiscal year ending September 30, 1995.

(D) $1,965,000,000 for the fiscal year ending September 30, 1996.

(E) $2,430,000,000 for the fiscal year ending September 30, 1997.

(b) SECTION 5309.—(1) Not more than the following amounts are available from the Account for the Secretary to carry out section 5309 of this title:

(A) $1,725,000,000 for the fiscal year ending September 30, 1993.

(B) $1,785,000,000 for the fiscal year ending September 30, 1994.

(C) $1,725,000,000 for the fiscal year ending September 30, 1995.

(D) $1,665,000,000 for the fiscal year ending September 30, 1996.

(E) $2,880,000,000 for the fiscal year ending September 30, 1997.

(2) In addition to amounts made available under paragraph (1) of this subsection, not more than the following amounts may be appropriated to the Secretary to carry out section 5309 of this title:

(A) $305,000,000 for the fiscal year ending September 30, 1993.

(B) $265,000,000 for the fiscal year ending September 30, 1994.

(C) $325,000,000 for the fiscal year ending September 30, 1995.

(D) $385,000,000 for the fiscal year ending September 30, 1996.

(E) $20,000,000 for the fiscal year ending September 30, 1997.

(c) SECTION 5315.—The Secretary shall make available in equal amounts from amounts provided under subsections (f) and (g) of this section not more than $3,000,000 for each of the fiscal years ending September 30, 1993–1997, to carry out section 5315 of this title.

(d) SECTION 5316.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for each of the fiscal years ending September 30, 1993–1997:

(1) $250,000 to carry out section 5316(a) of this title.

(2) $3,000,000 to carry out section 5316(b) of this title.

(3) $1,000,000 to carry out section 5316(c) of this title.

(4) $1,000,000 to carry out section 5316(d) of this title.

(5) $1,000,000 to carry out section 5316(e) of this title.

(e) SECTION 5317.—(1) Not more than $6,000,000 is available from the Fund (except the Account) for the Secretary for each of the fiscal years ending September 30, 1993–1997, to carry out section 5317 of this title.

(2) Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for making grants under section 5317(b)(5)(B) of this title:

(A) $3,000,000 for the fiscal year ending September 30, 1993.

(B) $2,500,000 for the fiscal year ending September 30, 1994.

(f) SECTION 5307.—Amounts remaining available each fiscal year under subsection (a)(1) of this section, after allocation under subsections (g)–(i) and (j)(4) of this section, are available under section 5307 of this title.

(g) PLANNING, PROGRAMMING, AND RESEARCH.—Before apportioning in each fiscal year amounts made available or appropriated under subsection (a) of this section, an amount equal to 3 percent of amounts made available or appropriated under subsections (a) and (b) of this section is available as follows:

(1) 45 percent for metropolitan planning activities under section 5303(g) of this title.

(2) 5 percent to carry out section 5308(b)(2) of this title.

(3) 20 percent to carry out State programs under section 5313 of this title.

(4) 30 percent to carry out the national program under section 5314 of this title.

(h) OTHER SET-ASIDES.—Before apportioning in each fiscal year amounts made available or appropriated under subsection (a) of this section, of amounts made available or appropriated under subsections (a) and (b) of this section—

(1) not more than .96 percent is available for administrative expenses to carry out section 5334(a) and (c)–(f) of this title;

(2) not more than 1.34 percent is available for transportation services to elderly individuals and individuals with disabilities under the formula under section 5310(a) of this title; and

(3) $7,000,000 is available for section 5317 for each of the fiscal years ending September 30, 1993–1997.

(i) COMPLETING INTERSTATE TRANSFER TRANSIT PROJECTS.—Of the amounts remaining available each year under subsections (a) and (b) of this section, after allocation under subsections (g) and (h) of this section, not more than $164,843,000 for the fiscal year ending September 30, 1993, is available for substitute transit projects under section 103(e)(4) of title 23.

(j) LIMITATIONS.—Of the amounts available—

(1) under subsection (a)(2) of this section, 3.5 percent is available to finance programs and activities, including administrative costs, under section 5310 of this title;

(2) 1.5 percent of the amounts available to finance research, development, and demonstration projects under section 5312(a) of this title is available to increase the information and technology available to provide improved mass transportation service and facilities planned and designed to meet the special needs of elderly individuals and individuals with disabilities;

(3) not more than 12.5 percent is available for grants to any one State under section 5312(c)(2) of this title;

(4) 5.5 percent of the amount remaining available each year under subsection (a)(1) of this section, after allocation under subsections (g)–(i) of this section, is available under the formula under section 5311 of this title; and

(5) under section 5309(m)(1)(C) of this title—

(A) $2,000,000 is available for the fiscal year ending September 30, 1993;

(B) the lesser of $2,000,000 or an amount the Secretary determines is necessary for each fiscal year is available for each of the fiscal years ending September 30, 1994–1996; and

(C) the lesser of $3,000,000 or an amount the Secretary determines is necessary is available for the fiscal year ending September 30, 1997.

(k) GRANTS AS CONTRACTUAL OBLIGATIONS.—(1) A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(1), (b)(1), (c), or (e) of this section, is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

(2) A grant or contract, approved by the Secretary, that is financed with amounts made available under subsection (a)(2) or (b)(2) of this section, is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent amounts are provided in advance in an appropriations law.

(l) EARLY APPROPRIATIONS AND AVAILABILITY OF AMOUNTS.—(1) Amounts appropriated under subsection (a)(2) of this section to carry out section 5311 of this title may be appropriated in the fiscal year before the fiscal year in which the appropriation is available for obligation.

(2) Amounts made available or appropriated under subsections (a), (b), (g), (h)(1) and (2), and (j)(4) of this section remain available until expended.

(3) An amount apportioned under section 5308 of this title—

(A) remains available for 3 years after the fiscal year in which the amount is apportioned; and

(B) that is unobligated at the end of the 3-year period shall be added to the amount available for apportionment for the next fiscal year not later than 30 days after the end of the 3-year period.

CHAPTER 55—INTERMODAL TRANSPORTATION

SUBCHAPTER I—GENERAL

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SUBCHAPTER I—GENERAL

§5501. National Intermodal Transportation System policy

(a) GENERAL.—It is the policy of the United States Government to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the United States to compete in the global economy, and will move individuals and property in an energy efficient way.

(b) SYSTEM CHARACTERISTICS.—(1) The National Intermodal Transportation System shall consist of all forms of transportation in a unified, interconnected manner, including the transportation systems of the future, to reduce energy consumption and air pollution while promoting economic development and supporting the United States' preeminent position in international commerce.

(2) The National Intermodal Transportation System shall include a National Highway System consisting of the Dwight D. Eisenhower System of Interstate and Defense Highways and those principal arterial roads that are essential for interstate and regional commerce and travel, national defense, intermodal transfer facilities, and international commerce and border crossings.

(3) The National Intermodal Transportation System shall include significant improvements in public transportation necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly individuals, individuals with disabilities, and economically disadvantaged individuals in urban and rural areas of the United States.

(4) The National Intermodal Transportation System shall provide improved access to ports and airports, the Nation's link to commerce.

(5) The National Intermodal Transportation System shall give special emphasis to the contributions of the transportation sectors to increased productivity growth. Social benefits must be considered with particular attention to the external benefits of reduced air pollution, reduced traffic congestion, and other aspects of the quality of life in the United States.

(6) The National Intermodal Transportation System must be operated and maintained with insistent attention to the concepts of innovation, competition, energy efficiency, productivity, growth, and accountability. Practices that resulted in the lengthy and overly costly construction of the Dwight D. Eisenhower System of Interstate and Defense Highways must be confronted and stopped.

(7) The National Intermodal Transportation System shall be adapted to "intelligent vehicles", "magnetic levitation systems", and other new technologies, wherever feasible and economical, with benefit cost estimates given special emphasis on safety considerations and techniques for cost allocation.

(8) When appropriate, the National Intermodal Transportation System will be financed, as regards Government apportionments and reimbursements, by the Highway Trust Fund. Financial assistance will be provided to State and local governments and their instrumentalities to help carry out national goals related to mobility for elderly individuals, individuals with disabilities, and economically disadvantaged individuals.

(9) The National Intermodal Transportation System must be the centerpiece of a national investment commitment to create the new wealth of the United States for the 21st century.

(c) DISTRIBUTION AND POSTING.—The Secretary of Transportation shall distribute copies of the policy in subsections (a) and (b) of this section to each employee of the Department of Transportation and ensure that the policy is posted in all offices of the Department.

§5502. Intermodal Transportation Advisory Board

(a) ORGANIZATION.—The Intermodal Transportation Advisory Board is a board in the Office of the Secretary of Transportation.

(b) MEMBERSHIP.—The Board consists of the Secretary, who serves as chairman, and the Administrator, or the Administrator's designee, of—

(1) the Federal Highway Administration;

(2) the Federal Aviation Administration;

(3) the Maritime Administration;

(4) the Federal Railroad Administration; and

(5) the Federal Transit Administration.

(c) DUTIES AND POWERS.—The Board shall provide recommendations for carrying out the duties of the Secretary described in section 301(3) of this title.

§5503. Office of Intermodalism

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish in the Office of the Secretary an Office of Intermodalism.

(b) DIRECTOR.—The head of the Office is a Director who shall be appointed by the Secretary.

(c) DUTIES AND POWERS.—The Director shall carry out the duties of the Secretary described in section 301(3) of this title.

(d) INTERMODAL TRANSPORTATION DATA BASE.—(1) The Director shall develop, maintain, and disseminate intermodal transportation data through the Bureau of Transportation Statistics. The Director shall coordinate the collection of data for the data base with the States and metropolitan planning organizations. The data base shall include information on—

(A) the volume of property and number of individuals carried in intermodal transportation by relevant classification;

(B) patterns of movement of property and individuals in intermodal transportation by relevant classification by origin and destination; and

(C) public and private investment in intermodal transportation facilities and services.

(2) The Director shall make information from the data base available to the public.

(e) RESEARCH.—The Director shall—

(1) coordinate United States Government research on intermodal transportation as provided in the plan developed under section 6009(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 2177); and

(2) carry out additional research needs identified by the Director.

(f) TECHNICAL ASSISTANCE.—The Director shall provide technical assistance to States and to metropolitan planning organizations for urban areas having a population of at least 1,000,000 in collecting data related to intermodal transportation to facilitate the collection of the data by States and metropolitan planning organizations.

(g) ADMINISTRATIVE AND CLERICAL SUPPORT.—The Director shall provide administrative and clerical support to the Intermodal Transportation Advisory Board.

§5504. Model intermodal transportation plans

(a) GRANTS.—The Secretary of Transportation shall make grants to States to develop model State intermodal transportation plans that are consistent with the policy set forth in section 302(e) of this title. The model plans shall include systems for collecting data related to intermodal transportation.

(b) DISTRIBUTION.—The Secretary shall award grants to States under this section that represent a variety of geographic regions and transportation needs, patterns, and modes.

(c) PLAN SUBMISSION.—As a condition to a State receiving a grant under this section, the Secretary shall require that the State provide assurances that the State will submit to the Secretary a State intermodal transportation plan not later than 18 months after the date of receipt of the grant.

(d) GRANT AMOUNTS.—The Secretary shall reserve, from amounts deducted under section 104(a) of title 23, $3,000,000 to make grants under this section. The total amount that a State may receive in grants under this section may not be more than $500,000.

SUBCHAPTER II—TERMINALS

§5561. Definition

In this chapter, "civic and cultural activities" includes libraries, musical and dramatic presentations, art exhibits, adult education programs, public meeting places, and other facilities for carrying on an activity any part of which is supported under a law of the United States.

§5562. Assistance projects

(a) REQUIREMENTS TO PROVIDE ASSISTANCE.—The Secretary of Transportation shall provide financial, technical, and advisory assistance under this chapter to—

(1) promote, on a feasibility demonstration basis, the conversion of at least 3 rail passenger terminals into intermodal transportation terminals;

(2) preserve rail passenger terminals that reasonably are likely to be converted or maintained pending preparation of plans for their reuse;

(3) acquire and use space in suitable buildings of historic or architectural significance but only if use of the space is feasible and prudent when compared to available alternatives; and

(4) encourage State and local governments, local and regional transportation authorities, common carriers, philanthropic organizations, and other responsible persons to develop plans to convert rail passenger terminals into intermodal transportation terminals and civic and cultural activity centers.

(b) EFFECT ON ELIGIBILITY.—This chapter does not affect the eligibility of any rail passenger terminal for preservation or reuse assistance under another program or law.

(c) ACQUIRING SPACE.—The Secretary may acquire space under subsection (a)(3) of this section only after consulting with the Advisory Council on Historic Preservation and the Chairman of the National Endowment for the Arts.

§5563. Conversion of certain rail passenger terminals

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Transportation may provide financial assistance to convert a rail passenger terminal to an intermodal transportation terminal under section 5562(a)(1) of this title only if—

(1) the terminal can be converted to accommodate other modes of transportation the Secretary of Transportation decides are appropriate, including—

(A) motorbus transportation;

(B) mass transit (rail or rubber tire); and

(C) airline ticket offices and passenger terminals providing direct transportation to area airports;

(2) the terminal is listed on the National Register of Historic Places maintained by the Secretary of the Interior;

(3) the architectural integrity of the terminal will be preserved;

(4) to the extent practicable, the use of the terminal facilities for transportation may be combined with use of those facilities for other civic and cultural activities, especially when another activity is recommended by—

(A) the Advisory Council on Historic Preservation;

(B) the Chairman of the National Endowment for the Arts; or

(C) consultants retained under subsection (b) of this section; and

(5) the terminal and the conversion project meet other criteria prescribed by the Secretary of Transportation after consultation with the Council and Chairman.

(b) ARCHITECTURAL INTEGRITY.—The Secretary of Transportation must employ consultants on whether the architectural integrity of the rail passenger terminal will be preserved under subsection (a)(3) of this section. The Secretary may decide that the architectural integrity will be preserved only if the consultants concur. The Council and Chairman shall recommend consultants to be employed by the Secretary. The consultants also may make recommendations referred to in subsection (a)(4) of this section.

(c) GOVERNMENT'S SHARE OF COSTS.—The Secretary of Transportation may not make a grant under this section for more than 80 percent of the total cost of converting a rail passenger terminal into an intermodal transportation terminal.

§5564. Interim preservation of certain rail passenger terminals

(a) GENERAL GRANT AUTHORITY.—Subject to subsection (b) of this section, the Secretary of Transportation may make a grant of financial assistance to a responsible person (including a governmental authority) to preserve a rail passenger terminal under section 5562(a)(2) of this title. To receive assistance under this section, the person must be qualified, prepared, committed, and authorized by law to maintain (and prevent the demolition, dismantling, or further deterioration of) the terminal until plans for its reuse are prepared.

(b) GRANT REQUIREMENTS.—The Secretary of Transportation may make a grant of financial assistance under this section only if—

(1) the Secretary decides the rail passenger terminal has a reasonable likelihood of being converted to, or conditioned for reuse as, an intermodal transportation terminal, a civic or cultural activities center, or both; and

(2) planning activity directed toward conversion or reuse has begun and is proceeding in a competent way.

(c) MAXIMIZING PRESERVATION OF TERMINALS.—(1) Amounts appropriated to carry out this section and section 5562(a)(2) of this title shall be expended in the way most likely to maximize the preservation of rail passenger terminals that are—

(A) reasonably capable of conversion to intermodal transportation terminals;

(B) listed in the National Register of Historic Places maintained by the Secretary of the Interior; or

(C) recommended (on the basis of architectural integrity and quality) by the Advisory Council on Historic Preservation or the Chairman of the National Endowment for the Arts.

(2) The Secretary of Transportation may not make a grant under this section for more than 80 percent of the total cost of maintaining the terminal for an interim period of not more than 5 years.

§5565. Encouraging the development of plans for converting rail passenger terminals

(a) GENERAL GRANT AUTHORITY.—The Secretary of Transportation may make a grant of financial assistance to a qualified person (including a governmental authority) to encourage the development of plans for converting a rail passenger terminal under section 5562(a)(4) of this title. To receive assistance under this section, the person must—

(1) be prepared to develop practicable plans that meet zoning, land use, and other requirements of the applicable State and local jurisdictions in which the terminal is located;

(2) incorporate into the designs and plans proposed for converting the terminal, features that reasonably appear likely to attract private investors willing to carry out the planned conversion and its subsequent maintenance and operation; and

(3) complete the designs and plans for the conversion within the period of time prescribed by the Secretary.

(b) PREFERENCE.—In making a grant under this section, the Secretary of Transportation shall give preferential consideration to an applicant whose completed designs and plans will be carried out within 3 years after their completion.

(c) MAXIMIZING CONVERSION AND CONTINUED PUBLIC USE.—(1) Amounts appropriated to carry out this section and section 5562(a)(4) of this title shall be expended in the way most likely to maximize the conversion and continued public use of rail passenger terminals that are—

(A) listed in the National Register of Historic Places maintained by the Secretary of the Interior; or

(B) recommended (on the basis of architectural integrity and quality) by the Advisory Council on Historic Preservation or the Chairman of the National Endowment for the Arts.

(2) The Secretary of Transportation may not make a grant under this section for more than 80 percent of the total cost of the project for which the financial assistance is provided.

§5566. Records and audits

(a) RECORD REQUIREMENTS.—Each recipient of financial assistance under this chapter shall keep records required by the Secretary of Transportation. The records shall disclose—

(1) the amount, and disposition by the recipient, of the proceeds of the assistance;

(2) the total cost of the project for which the assistance was given or used;

(3) the amount of that part of the cost of the project supplied by other sources; and

(4) any other records that will make an effective audit easier.

(b) AUDITS AND INSPECTIONS.—For 3 years after a project is completed, the Secretary and the Comptroller General may audit and inspect records of a recipient that the Secretary or Comptroller General decides may be related or pertinent to the financial assistance.

§5567. Preference for preserving buildings of historic or architectural significance

Amtrak shall give preference to the use of rail passenger terminal facilities that will preserve buildings of historic or architectural significance.

§5568. Authorization of appropriations

(a) GENERAL.—The following amounts may be appropriated to the Secretary of Transportation:

(1) not more than $15,000,000 to carry out section 5562(a)(1) and (3) of this title.

(2) not more than $2,500,000 to carry out section 5562(a)(2) of this title.

(3) not more than $2,500,000 to carry out section 5562(a)(4) of this title.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated to carry out this chapter remain available until expended.

CHAPTER 57—SANITARY FOOD TRANSPORTATION

Sec.
5701. Findings.
5702. Definitions.
5703. General regulation.
5704. Tank trucks, rail tank cars, and cargo tanks.
5705. Motor and rail transportation of nonfood products.
5706. Dedicated vehicles.
5707. Waiver authority.
5708. Food transportation inspections.
5709. Consultation.
5710. Administrative.
5711. Enforcement and penalties.
5712. Relationship to other laws.
5713. Application of sections 5711 and 5712.
5714. Coordination procedures.

§5701. Findings

Congress finds that—

(1) the United States public is entitled to receive food and other consumer products that are not made unsafe because of certain transportation practices;

(2) the United States public is threatened by the transportation of products potentially harmful to consumers in motor vehicles and rail vehicles that are used to transport food and other consumer products; and

(3) the risks to consumers by those transportation practices are unnecessary and those practices must be ended.

§5702. Definitions

In this chapter—

(1) "cosmetic", "device", "drug", "food", and "food additive" have the same meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(2) "nonfood product" means (individually or by class) a material, substance, or product that is not a cosmetic, device, drug, food, or food additive, or is deemed a nonfood product under section 5703(a)(2) of this title, including refuse and solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(3) "refuse" means discarded material that is, or is required by law, to be transported to or disposed of in a landfill or incinerator.

(4) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, and any other territory or possession of the United States.

(5) "transports" and "transportation" mean any movement of property in commerce (including intrastate commerce) by motor vehicle or rail vehicle.

(6) "United States" means all of the States.

§5703. General regulation

(a) GENERAL REQUIREMENTS.—(1) Not later than July 31, 1991, the Secretary of Transportation, after consultation required by section 5709 of this title, shall prescribe regulations on the transportation of cosmetics, devices, drugs, food, and food additives in motor vehicles and rail vehicles that are used to transport nonfood products that would make the cosmetics, devices, drugs, food, or food additives unsafe to humans or animals.

(2) The Secretary shall deem a cosmetic, device, or drug to be a nonfood product if—

(A) the cosmetic, device, or drug is transported in a motor vehicle or rail vehicle before, or at the same time as, a food or food additive; and

(B) transportation of the cosmetic, device, or drug would make the food or food additive unsafe to humans or animals.

(b) SPECIAL REQUIREMENTS.—In prescribing regulations under subsection (a)(1) of this section, the Secretary, after consultation required by section 5709 of this title, shall establish requirements for appropriate—

(1) recordkeeping, identification, marking, certification, or other means of verification to comply with sections 5704–5706 of this title;

(2) decontamination, removal, disposal, and isolation to comply with regulations carrying out sections 5704 and 5705 of this title; and

(3) material for the construction of tank trucks, rail tank cars, cargo tanks, and accessory equipment to comply with regulations carrying out section 5704 of this title.

(c) CONSIDERATIONS AND ADDITIONAL REQUIREMENTS.—In prescribing regulations under subsection (a)(1) of this section, the Secretary, after consultation required by section 5709 of this title, shall consider, and may establish requirements related to, each of the following:

(1) the extent to which packaging or similar means of protecting and isolating commodities are adequate to eliminate or ameliorate the potential risks of transporting cosmetics, devices, drugs, food, or food additives in motor vehicles or rail vehicles used to transport nonfood products.

(2) appropriate compliance and enforcement measures to carry out this chapter.

(3) appropriate minimum insurance or other liability requirements for a person to whom this chapter applies.

(d) PACKAGES MEETING PACKAGING STANDARDS.—If the Secretary finds packaging standards to be adequate, regulations under subsection (a)(1) of this section may not apply to cosmetics, devices, drugs, food, food additives, or nonfood products packaged in packages that meet the standards.

§5704. Tank trucks, rail tank cars, and cargo tanks

(a) PROHIBITIONS.—The regulations prescribed under section 5703(a)(1) of this title shall include provisions prohibiting a person from—

(1) using, offering for use, or arranging for the use of a tank truck, rail tank car, or cargo tank used in motor vehicle or rail transportation of cosmetics, devices, drugs, food, or food additives if the tank truck, rail tank car, or cargo tank is used to transport a nonfood product, except a nonfood product included in a list published under subsection (b) of this section;

(2) using, offering for use, or arranging for the use of a tank truck or cargo tank to provide motor vehicle transportation of cosmetics, devices, drugs, food, food additives, or nonfood products included in the list published under subsection (b) of this section unless the tank truck or cargo tank is identified, by a permanent marking on the tank truck or cargo tank, as transporting only cosmetics, devices, drugs, food, food additives, or nonfood products included in the list;

(3) using, offering for use, or arranging for the use of a tank truck or cargo tank to provide motor vehicle transportation of a nonfood product that is not included in the list published under subsection (b) of this section if the tank truck or cargo tank is identified, as provided in clause (2) of this subsection, as a tank truck or cargo tank transporting only cosmetics, devices, drugs, food, food additives, or nonfood products included in the list; or

(4) receiving, except for lawful disposal purposes, any cosmetic, device, drug, food, food additive, or nonfood product that has been transported in a tank truck or cargo tank in violation of clause (2) or (3) of this subsection.

(b) LIST OF NONFOOD PRODUCTS NOT UNSAFE.—After consultation required by section 5709 of this title, the Secretary of Transportation shall publish in the Federal Register a list of nonfood products the Secretary decides do not make cosmetics, devices, drugs, food, or food additives unsafe to humans or animals because of transportation of the nonfood products in a tank truck, rail tank car, or cargo tank used to transport cosmetics, devices, drugs, food, or food additives. The Secretary may amend the list periodically by publication in the Federal Register.

(c) DISCLOSURE.—A person that arranges for the use of a tank truck or cargo tank used in motor vehicle transportation for the transportation of a cosmetic, device, drug, food, food additive, or nonfood product shall disclose to the motor carrier or other appropriate person if the cosmetic, device, drug, food, food additive, or nonfood product being transported is to be used—

(1) as, or in the preparation of, a food or food additive; or

(2) as a nonfood product included in the list published under subsection (b) of this section.

§5705. Motor and rail transportation of nonfood products

(a) PROHIBITIONS.—The regulations prescribed under section 5703(a)(1) of this title shall include provisions prohibiting a person from using, offering for use, or arranging for the use of a motor vehicle or rail vehicle (except a tank truck, rail tank car, or cargo tank described in section 5704 of this title) to transport cosmetics, devices, drugs, food, or food additives if the vehicle is used to transport nonfood products included in a list published under subsection (b) of this section.

(b) LIST OF UNSAFE NONFOOD PRODUCTS.—(1) After consultation required by section 5709 of this title, the Secretary of Transportation shall publish in the Federal Register a list of nonfood products the Secretary decides would make cosmetics, devices, drugs, food, or food additives unsafe to humans or animals because of transportation of the nonfood products in a motor vehicle or rail vehicle used to transport cosmetics, devices, drugs, food, or food additives. The Secretary may amend the list periodically by publication in the Federal Register.

(2) The list published under paragraph (1) of this subsection may not include cardboard, pallets, beverage containers, and other food packaging except to the extent the Secretary decides that the transportation of cardboard, pallets, beverage containers, or other food packaging in a motor vehicle or rail vehicle used to transport cosmetics, devices, drugs, food, or food additives would make the cosmetics, devices, drugs, food, or food additives unsafe to humans or animals.

§5706. Dedicated vehicles

(a) PROHIBITIONS.—The regulations prescribed under section 5703(a)(1) of this title shall include provisions prohibiting a person from using, offering for use, or arranging for the use of a motor vehicle or rail vehicle to transport asbestos, in forms or quantities the Secretary of Transportation decides are necessary, or products that present an extreme danger to humans or animals, despite any decontamination, removal, disposal, packaging, or other isolation procedures, unless the motor vehicle or rail vehicle is used only to transport one or more of the following: asbestos, those extremely dangerous products, or refuse.

(b) LIST OF APPLICABLE PRODUCTS.—After consultation required by section 5709 of this title, the Secretary shall publish in the Federal Register a list of the products to which this section applies. The Secretary may amend the list periodically by publication in the Federal Register.

§5707. Waiver authority

(a) GENERAL AUTHORITY.—After consultation required by section 5709 of this title, the Secretary of Transportation may waive any part of this chapter or regulations prescribed under this chapter for a class of persons, motor vehicles, rail vehicles, cosmetics, devices, drugs, food, food additives, or nonfood products, if the Secretary decides that the waiver—

(1) would not result in the transportation of cosmetics, devices, drugs, food, or food additives that would be unsafe to humans or animals; and

(2) would not be contrary to the public interest and this chapter.

(b) PUBLICATION OF WAIVERS.—The Secretary shall publish in the Federal Register any waiver and the reasons for the waiver.

§5708. Food transportation inspections

(a) GENERAL AUTHORITY.—For commercial motor vehicles, the Secretary of Transportation may carry out this chapter and assist in carrying out compatible State laws and regulations through means that include inspections conducted by State employees that are paid for with money authorized under section 31104 of this title, if the recipient State agrees to assist in the enforcement of this chapter or is enforcing compatible State laws and regulations.

(b) PROVIDING ASSISTANCE.—On the request of the Secretary of Transportation, the Secretaries of Agriculture and Health and Human Services, the Administrator of the Environmental Protection Agency, and the heads of other appropriate departments, agencies, and instrumentalities of the United States Government shall provide assistance, to the extent available, to the Secretary of Transportation to carry out this chapter, including assistance in the training of personnel under a program established under subsection (c) of this section.

(c) TRAINING PROGRAM.—After consultation required by section 5709 of this title and consultation with the heads of appropriate State transportation and food safety authorities, the Secretary of Transportation shall develop and carry out a training program for inspectors to conduct vigorous enforcement of this chapter and regulations prescribed under this chapter or compatible State laws and regulations. As part of the training program, the inspectors, including State inspectors or personnel paid with money authorized under section 31104 of this title, shall be trained in the recognition of adulteration problems associated with the transportation of cosmetics, devices, drugs, food, and food additives and in the procedures for obtaining assistance of the appropriate departments, agencies, and instrumentalities of the Government and State authorities to support the enforcement.

§5709. Consultation

As provided by sections 5703–5708 of this title, the Secretary of Transportation shall consult with the Secretaries of Agriculture and Health and Human Services and the Administrator of the Environmental Protection Agency.

§5710. Administrative

The Secretary of Transportation has the same duties and powers in regulating transportation under this chapter as the Secretary has under section 5121(a)–(c) (except subsection (c)(1)(A)) of this title in regulating transportation under chapter 51 of this title.

§5711. Enforcement and penalties

(a) ACTIONS.—The Secretary of Transportation shall request that a civil action be brought and take action to eliminate or ameliorate an imminent hazard related to a violation of a regulation prescribed or order issued under

this chapter in the same way and to the same extent as authorized by section 5122 of this title.

(b) APPLICABLE PENALTIES AND PROCEDURES.—The penalties and procedures in sections 5123 and 5124 of this title apply to a violation of a regulation prescribed or order issued under this chapter.

§5712. Relationship to other laws

Section 5125 of this title applies to the relationship between this chapter and a requirement of a State, a political subdivision of a State, or an Indian tribe.

§5713. Application of sections 5711 and 5712

Sections 5711 and 5712 of this title apply only to transportation occurring on or after the date that regulations prescribed under section 5703(a)(1) of this title are effective.

§5714. Coordination procedures

Not later than November 3, 1991, the Secretary of Transportation, after consultation with appropriate State officials, shall establish procedures to promote more effective coordination between the departments, agencies, and instrumentalities of the United States Government and State authorities with regulatory authority over motor carrier safety and railroad safety in carrying out and enforcing this chapter.

CHAPTER 59—INTERMODAL SAFE CONTAINER TRANSPORTATION

Sec.
5901. Definitions.
5902. Notifications and certifications.
5903. Prohibitions.
5904. State enforcement.
5905. Liens.
5906. Perishable agricultural commodities.
5907. Regulations and effective date.

§5901. Definitions

In this chapter—

(1) the definitions in section 10102 of this title apply.

(2) "beneficial owner" means a person not having title to property but having ownership rights in the property, including a trustee of property in transit from an overseas place of origin that is domiciled or doing business in the United States, except that a carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouser, or terminal operator is not a beneficial owner only because of providing or arranging for any part of the intermodal transportation of property.

(3) "carrier" means—

(A) a motor carrier, water carrier, and rail carrier providing transportation of property in commerce; and

(B) an ocean common carrier (as defined in section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702)) providing transportation of property in commerce.

(4) "container" has the meaning given the term "freight container" by the International Standards Organization in Series 1, Freight Containers, 3d Edition (reference number ISO668–1979(E)), including successive revisions, and similar containers that are used in providing transportation in interstate commerce.

(5) "first carrier" means the first carrier transporting a loaded container or trailer in intermodal transportation.

(6) "intermodal transportation" means the successive transportation of a loaded container or trailer from its place of origin to its place of destination by more than one mode of transportation in interstate or foreign commerce, whether under a single bill of lading or under separate bills of lading.

(7) "trailer" means a nonpower, property-carrying, trailing unit that is designed for use in combination with a truck tractor.

§5902. Notifications and certifications

(a) PRIOR NOTIFICATION.—Before a person tenders to a first carrier for intermodal transportation a loaded container or trailer having a projected gross cargo weight of more than 10,000 pounds (including packing material and pallets), the person shall give the carrier a written notification of the gross cargo weight and a reasonable description of the contents of the container or trailer. The notification may be transmitted electronically.

(b) CERTIFICATION.—Not later than when a person tenders to a first carrier for intermodal transportation a container or trailer to which subsection (a) of this section applies or a loaded container or trailer having an actual gross cargo weight of more than 10,000 pounds (including packing material and pallets), the person shall certify to the carrier in writing the actual gross cargo weight and a reasonable description of the contents of the container or trailer.

(c) FORWARDING CERTIFICATIONS TO SUBSEQUENT CARRIERS.—A carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouser, or terminal operator shall forward the certification provided under subsection (b) of this section to a subsequent carrier transporting the container or trailer in intermodal transportation. The act of forwarding the certification may not be construed as a verification or affirmation of the accuracy or completeness of the information in the certification.

(d) NONAPPLICATION.—(1) Subsections (a) and (b) of this section and section 5903(c) of this title do not apply to a carrier when the carrier is transferring a loaded container or trailer to another carrier during intermodal transportation, unless the carrier is also the person tendering the loaded container or trailer to the first carrier.

(2) A carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouser, or terminal operator is deemed not to be a person tendering a loaded container or trailer to a first carrier under this section, unless the carrier, agent, broker, customs broker, freight forwarder, warehouser, or terminal operator assumes legal responsibility for loading property into the container or trailer.

§5903. Prohibitions

(a) PROVIDING ERRONEOUS INFORMATION.—A person tendering a loaded container or trailer may not provide erroneous information in a certification required by section 5902(b) of this title.

(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—A motor carrier may not transport a loaded container or trailer to which section 5902(b) of this title applies before receiving the certification required by section 5902(b).

(c) UNLAWFUL COERCION.—(1) A person may not coerce or attempt to coerce a person participating in intermodal transportation to transport a loaded container or trailer having an actual gross cargo weight of more than 10,000 pounds (including packing materials and pallets) before the certification required by section 5902(b) of this title is provided.

(2) A person, knowing that the weight of a loaded container or trailer or the weight of a tractor-trailer combination carrying the container or trailer is more than the weight allowed by applicable State law, may not coerce or attempt to coerce a carrier to transport the container or trailer or to operate the tractor-trailer combination in violation of that State law.

§5904. State enforcement

(a) GENERAL.—A State may enact a law to permit the State or a political subdivision of the State—

(1) to impose a fine or penalty, for a violation of a State highway weight law or regulation by a tractor-trailer combination carrying a loaded container or trailer for which a certification is required by section 5902(b) of this title, against the person tendering the loaded container or trailer to the first carrier if the violation results from the person's having provided erroneous information in the certification in violation of section 5903(a) of this title; and

(2) to impound the container or trailer until the fine or penalty has been paid by the owner or beneficial owner of the contents of the container or trailer or the person tendering the loaded container or trailer to the first carrier.

(b) LIMITATION.—This chapter does not require a person tendering a loaded container or trailer to a first carrier to ensure that the first carrier or any other carrier involved in the intermodal transportation will comply with any State highway weight law or regulation, other than as required by this chapter.

§5905. Liens

(a) GENERAL.—If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required under State law to post a bond or pay any fine, penalty, cost, or interest resulting from providing erroneous information in the certification to the first carrier in violation of section 5903(a) of this title, the person has a lien against the contents equal to the amount of the bond, fine, penalty, cost, or interest incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents or from the person responsible for making the certification.

(b) LIMITATIONS.—(1) A lien under this section does not authorize a person to dispose of the contents of a loaded container or trailer until the person who tendered the container or trailer to the first carrier is given a reasonable opportunity to establish responsibility for the bond, fine, penalty, cost, or interest.

(2) In this section, an owner or beneficial owner of the contents of a container or trailer or a person tendering a container or trailer to the first carrier is deemed not to be a person involved in the intermodal transportation of the container or trailer.

§5906. Perishable agricultural commodities

Sections 5904(a)(2) and 5905 of this title do not apply to a container or trailer the contents of which are perishable agricultural commodities (as defined in the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a et seq.)).

§5907. Regulations and effective date

(a) REGULATIONS.—Not later than July 25, 1993, the Secretary of Transportation shall prescribe final regulations to enforce this chapter. The Secretary may establish by regulation exemptions to the regulations that are in the public interest and consistent with the purposes of this chapter.

(b) EFFECTIVE DATE.—This chapter is effective on the date final regulations to enforce this chapter are prescribed.

(c) Title 49, United States Code, is amended by adding the following immediately after subtitle IV:

SUBTITLE V—RAIL PROGRAMS

PART A—SAFETY

CHAPTER Sec.
201. GENERAL 20101
203. SAFETY APPLIANCES 20301
205. SIGNAL SYSTEMS 20501
207. LOCOMOTIVES 20701
209. ACCIDENTS AND INCIDENTS 20901
211. HOURS OF SERVICE 21101
213. PENALTIES 21301

PART B—ASSISTANCE

221. LOCAL RAIL FREIGHT ASSISTANCE 22101

PART C—PASSENGER TRANSPORTATION

241. GENERAL 24101
243. AMTRAK 24301
245. AMTRAK COMMUTER 24501
247. AMTRAK ROUTE SYSTEM 24701
249. NORTHEAST CORRIDOR IMPROVEMENT PROGRAM 24901

PART D—MISCELLANEOUS

261. LAW ENFORCEMENT 26101

PART A—SAFETY

CHAPTER 201—GENERAL

SUBCHAPTER I—GENERAL

Sec.
20101. Purpose.
20102. Definitions.
20103. General authority.
20104. Emergency authority.
20105. State participation.
20106. National uniformity of regulation.
20107. Inspection and investigation.
20108. Research, development, testing, and training.
20109. Employee protections.
20110. Effect on employee qualifications and collective bargaining.
20111. Enforcement by the Secretary of Transportation.
20112. Enforcement by the Attorney General.
20113. Enforcement by the States.
20114. Judicial procedures.
20115. User fees.
20116. Annual report.
20117. Authorization of appropriations.

SUBCHAPTER II—PARTICULAR ASPECTS OF SAFETY

20131. Restricted access to rolling equipment.
20132. Visible markers for rear cars.
20133. Passenger equipment.
20134. Grade crossings and railroad rights of way.
20135. Licensing or certification of locomotive operators.
20136. Automatic train control and related systems.
20137. Event recorders.
20138. Tampering with safety and operational monitoring devices.
20139. Maintenance-of-way operations on railroad bridges.
20140. Alcohol and controlled substances testing.
20141. Power brake safety.
20142. Track safety.
20143. Locomotive visibility.
20144. Blue signal protection for on-track vehicles.

SUBCHAPTER I—GENERAL

§20101. Purpose

The purpose of this chapter is to promote safety in every area of railroad operations and reduce railroad-related accidents and incidents.

§20102. Definitions

In this part—

(1) "railroad"—

(A) means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways, including—

(i) commuter or other short-haul railroad passenger service in a metropolitan or suburban area and commuter railroad service that was operated by the Consolidated Rail Corporation on January 1, 1979; and

(ii) high speed ground transportation systems that connect metropolitan areas, without regard to whether those systems use new technologies not associated with traditional railroads; but

(B) does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

(2) "railroad carrier" means a person providing railroad transportation.

§20103. General authority

(a) REGULATIONS AND ORDERS.—The Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970.

(b) REGULATIONS OF PRACTICE FOR PROCEEDINGS.—The Secretary shall prescribe regulations of practice applicable to each proceeding under this chapter. The regulations shall reflect the varying nature of the proceedings and include time limits for disposition of the proceedings. The time limit for disposition of a proceeding may not be more than 12 months after the date it begins.

(c) CONSIDERATION OF INFORMATION AND STANDARDS.—In prescribing regulations and issuing orders under this section, the Secretary shall consider existing relevant safety information and standards.

(d) WAIVERS.—The Secretary may waive compliance with any part of a regulation prescribed or order issued under this chapter if the waiver is in the public interest and consistent with railroad safety. The Secretary shall make public the reasons for granting the waiver.

(e) HEARINGS.—The Secretary shall conduct a hearing as provided by section 553 of title 5 when prescribing a regulation or issuing an order under this chapter, including a regulation or order establishing, amending, or waiving compliance with a railroad safety regulation prescribed or order issued under this chapter. An opportunity for an oral presentation shall be provided.

§20104. Emergency authority

(a) ORDERING RESTRICTIONS AND PROHIBITIONS.—(1) If, through testing, inspection, investigation, or research carried out under this chapter, the Secretary of Transportation decides that an unsafe condition or practice, or a combination of unsafe conditions and practices, causes an emergency situation involving a hazard of death or personal injury, the Secretary immediately may order restrictions and prohibitions, without regard to section 20103(e) of this title, that may be necessary to abate the situation.

(2) The order shall describe the condition or practice, or a combination of conditions and practices, that causes the emergency situation and prescribe standards and procedures for obtaining relief from the order. This paragraph does not affect the Secretary's discretion under this section to maintain the order in effect for as long as the emergency situation exists.

(b) REVIEW OF ORDERS.—After issuing an order under this section, the Secretary shall provide an opportunity for review of the order under section 554 of title 5. If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the order was issued, the order stops being effective at the end of that period unless the Secretary decides in writing that the emergency situation still exists.

(c) CIVIL ACTIONS TO COMPEL ISSUANCE OF ORDERS.—An employee of a railroad carrier engaged in interstate or foreign commerce who may be exposed to imminent physical injury during that employment because of the Secretary's failure, without any reasonable basis, to issue an order under subsection (a) of this section, or the employee's authorized representative, may bring a civil action against the Secretary in a district court of the United States to compel the Secretary to issue an order. The action must be brought in the judicial district in which the emergency situation is alleged to exist, in which that employing carrier has its principal executive office, or for the District of Columbia. The Secretary's failure to issue an order under subsection (a) of this section may be reviewed only under section 706 of title 5.

§20105. State participation

(a) INVESTIGATIVE AND SURVEILLANCE ACTIVITIES.—The Secretary of Transportation may prescribe investigative and surveillance activities necessary to enforce the safety regulations prescribed and orders issued by the Secretary that apply to railroad equipment, facilities, rolling stock, and operations in a State. The State may participate in those activities when the safety practices for railroad equipment, facilities, rolling stock, and operations in the State are regulated by a State authority and the authority submits to the Secretary an annual certification as provided in subsection (b) of this section.

(b) ANNUAL CERTIFICATION.—(1) A State authority's annual certification must include—

(A) a certification that the authority—

(i) has regulatory jurisdiction over the safety practices for railroad equipment, facilities, rolling stock, and operations in the State;

(ii) was given a copy of each safety regulation prescribed and order issued by the Secretary, that applies to the equipment, facilities, rolling stock, or operations, as of the date of certification; and

(iii) is conducting the investigative and surveillance activities prescribed by the Secretary under subsection (a) of this section; and

(B) a report, in the form the Secretary prescribes by regulation, that includes—

(i) the name and address of each railroad carrier subject to the safety jurisdiction of the authority;

(ii) each accident or incident reported during the prior 12 months by a railroad carrier involving a fatality, personal injury requiring hospitalization, or property damage of more than $750 (or a higher amount prescribed by the Secretary), and a summary of the authority's investigation of the cause and circumstances surrounding the accident or incident;

(iii) the record maintenance, reporting, and inspection practices conducted by the authority to aid the Secretary in enforcing railroad safety regulations prescribed and orders issued by the Secretary, including the number of inspections made of railroad equipment, facilities, rolling stock, and operations by the authority during the prior 12 months; and

(iv) other information the Secretary requires.

(2) An annual certification applies to a safety regulation prescribed or order issued after the date of the certification only if the State authority submits an appropriate certification to provide the necessary investigative and surveillance activities.

(3) If, after receipt of an annual certification, the Secretary decides the State authority is not complying satisfactorily with the investigative and surveillance activities prescribed under subsection (a) of this section, the Secretary may reject any part of the certification or take other appropriate action to achieve adequate enforcement. The Secretary must give the authority notice and an opportunity for a hearing before taking action under this paragraph. When the Secretary gives notice, the burden of proof is on the authority to show that it is complying satisfactorily with the investigative and surveillance activities prescribed by the Secretary.

(c) AGREEMENT WHEN CERTIFICATION NOT RECEIVED.—(1) If the Secretary does not receive an annual certification under subsection (a) of this section related to any railroad equipment, facility, rolling stock, or operation, the Secretary may make an agreement with a State authority for the authority to provide any part of the investigative and surveillance activities prescribed by the Secretary as necessary to enforce the safety regulations and orders applicable to the equipment, facility, rolling stock, or operation.

(2) The Secretary may terminate any part of an agreement made under this subsection on finding that the authority has not provided every part of the investigative and surveillance activities to which the agreement relates. The Secretary must give the authority notice and an opportunity for a hearing before making such a finding. The finding and termination shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication.

(d) AGREEMENT FOR INVESTIGATIVE AND SURVEILLANCE ACTIVITIES.—In addition to providing for State participation under this section, the Secretary may make an agreement with a State to provide investigative and surveillance activities related to the Secretary's duties under chapters 203–213 of this title.

(e) PAYMENT.—On application by a State authority that has submitted a certification under subsections (a) and (b) of this section or made an agreement under subsection (c) or (d) of this section, the Secretary shall pay not more than 50 percent of the cost of the personnel, equipment, and activities of the authority needed, during the next fiscal year, to carry out a safety program under the certification or agreement. However, the Secretary may pay an authority only when the authority assures the Secretary that it will provide the remaining cost of the safety program and that the total State money expended for the safety program, excluding grants of the United States Government, will be at least as much as the average amount expended for the fiscal years that ended June 30, 1969, and June 30, 1970.

(f) MONITORING.—The Secretary may monitor State investigative and surveillance practices and carry out other inspections and investigations necessary to help enforce this chapter.

§20106. National uniformity of regulation

Laws, regulations, and orders related to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force a law, regulation, or order related to railroad safety until the Secretary of Transportation prescribes a regulation or issues an order covering the subject matter of the State requirement. A State may adopt or continue in force an additional or more stringent law, regulation, or order related to railroad safety when the law, regulation, or order—

(1) is necessary to eliminate or reduce an essentially local safety hazard;

(2) is not incompatible with a law, regulation, or order of the United States Government; and

(3) does not unreasonably burden interstate commerce.

§20107. Inspection and investigation

(a) GENERAL.—To carry out this part, the Secretary of Transportation may take actions the Secretary considers necessary, including—

(1) conduct investigations, make reports, issue subpenas, require the production of documents, take depositions, and prescribe recordkeeping and reporting requirements; and

(2) delegate to a public entity or qualified person the inspection, examination, and testing of railroad equipment, facilities, rolling stock, operations, and persons.

(b) ENTRY AND INSPECTION.—In carrying out this part, an officer, employee, or agent of the Secretary, at reasonable times and in a reasonable way, may enter and inspect railroad equipment, facilities, rolling stock, operations, and relevant records. When requested, the officer, employee, or agent shall display proper credentials. During an inspection, the officer, employee, or agent is an employee of the United States Government under chapter 171 of title 28.

§20108. Research, development, testing, and training

(a) GENERAL.—The Secretary of Transportation shall carry out, as necessary, research, development, testing, evaluation, and training for every area of railroad safety.

(b) CONTRACTS.—To carry out this part, the Secretary may make contracts for, and carry out, research, development, testing, evaluation, and training (particularly for those areas of railroad safety found to need prompt attention).

(c) AMOUNTS FROM NON-GOVERNMENT SOURCES FOR TRAINING SAFETY EMPLOYEES.—The Secretary may request, receive, and expend amounts received from non-United States Government sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities, except State rail safety inspectors participating in training under section 20105 of this title.

§20109. Employee protections

(a) FILING COMPLAINTS AND TESTIFYING.—A railroad carrier engaged in interstate or foreign commerce may not discharge or in any way discriminate against an employee because the employee, whether acting for the employee or as a representative, has—

(1) filed a complaint or brought or caused to be brought a proceeding related to the enforcement of this part or, as applicable to railroad safety, chapter 51 or 57 of this title; or

(2) testified or will testify in that proceeding.

(b) REFUSING TO WORK BECAUSE OF HAZARDOUS CONDITIONS.—(1) A railroad carrier engaged in interstate or foreign commerce may not discharge or in any way discriminate against an employee for refusing to work when confronted by a hazardous condition related to the performance of the employee's duties, if—

(A) the refusal is made in good faith and no reasonable alternative to the refusal is available to the employee;

(B) a reasonable individual in the circumstances then confronting the employee would conclude that—

(i) the hazardous condition presents an imminent danger of death or serious injury; and

(ii) the urgency of the situation does not allow sufficient time to eliminate the danger through regular statutory means; and

(C) the employee, where possible, has notified the carrier of the hazardous condition and the intention not to perform further work unless the condition is corrected immediately.

(2) This subsection does not apply to security personnel employed by a carrier to protect individuals and property transported by railroad.

(c) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim, the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

(e) DISCLOSURE OF IDENTITY.—(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this part or, as applicable to railroad safety, chapter 51 or 57 of this title or a regulation prescribed or order issued under any of those provisions.

(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.

§20110. Effect on employee qualifications and collective bargaining

This chapter does not—

(1) authorize the Secretary of Transportation to prescribe regulations and issue orders related to qualifications of employees, except qualifications specifically related to safety; or

(2) prohibit the bargaining representatives of railroad carriers and their employees from making collective bargaining agreements under the Railway Labor Act (45 U.S.C. 151 et seq.), including agreements related to qualifications of employees, that are not inconsistent with regulations prescribed and orders issued under this chapter.

§20111. Enforcement by the Secretary of Transportation

(a) EXCLUSIVE AUTHORITY.—The Secretary of Transportation has exclusive authority—

(1) to impose and compromise a civil penalty for a violation of a railroad safety regulation prescribed or order issued by the Secretary;

(2) except as provided in section 20113 of this title, to request an injunction for a violation of a railroad safety regulation prescribed or order issued by the Secretary; and

(3) to recommend appropriate action be taken under section 20112(a) of this title.

(b) COMPLIANCE ORDERS.—The Secretary may issue an order directing compliance with this part or with a railroad safety regulation prescribed or order issued under this part.

(c) ORDERS PROHIBITING INDIVIDUALS FROM PERFORMING SAFETY-SENSITIVE FUNCTIONS.—If an individual's violation of a regulation prescribed or order issued by the Secretary under this chapter is shown to make that individual unfit for the performance of safety-sensitive functions, the Secretary, after notice and opportunity for a hearing, may issue an order prohibiting the individual from performing safety-sensitive functions in the railroad industry for a specified period of time or until specified conditions are met. This subsection does not affect the Secretary's authority under section 20104 of this title to act on an emergency basis.

(d) REGULATIONS REQUIRING REPORTING OF REMEDIAL ACTIONS.—(1) The Secretary shall prescribe regulations to require that a railroad carrier notified by the Secretary that imposition of a civil penalty will be recommended for a failure to comply with this part, chapter 51 or 57 of this title, or a regulation prescribed or order issued under any of those provisions, shall report to the Secretary, not later than the 30th day after the end of the month in which the notification is received—

(A) actions taken to remedy the failure; or

(B) if appropriate remedial actions cannot be taken by that 30th day, an explanation of the reasons for the delay.

(2) The Secretary—

(A) not later than June 3, 1993, shall issue a notice of a regulatory proceeding for proposed regulations to carry out this subsection; and

(B) not later than September 3, 1994, shall prescribe final regulations to carry out this subsection.

§20112. Enforcement by the Attorney General

(a) CIVIL ACTIONS.—At the request of the Secretary of Transportation, the Attorney General may bring a civil action in a district court of the United States—

(1) to enjoin a violation of, or to enforce, a railroad safety regulation prescribed or order issued by the Secretary;

(2) to collect a civil penalty imposed or an amount agreed on in compromise under section 21301 of this title; or

(3) to enforce a subpena issued by the Secretary under this chapter.

(b) VENUE.—(1) Except as provided in paragraph (2) of this subsection, a civil action under this section may be brought in the judicial district in which the violation occurred or the defendant has its principal executive office. If an

action to collect a penalty is against an individual, the action also may be brought in the judicial district in which the individual resides.

(2) A civil action to enforce a subpena issued by the Secretary or a compliance order issued under section 20111(b) of this title may be brought in the judicial district in which the defendant resides, does business, or is found.

§20113. Enforcement by the States

(a) Injunctive Relief.—If the Secretary of Transportation does not begin a civil action under section 20112 of this title to enjoin the violation of a railroad safety regulation prescribed or order issued by the Secretary not later than 15 days after the date the Secretary receives notice of the violation and a request from a State authority participating in investigative and surveillance activities under section 20105 of this title that the action be brought, the authority may bring a civil action in a district court of the United States to enjoin the violation. This subsection does not apply if the Secretary makes an affirmative written finding that the violation did not occur or that the action is not necessary because of other enforcement action taken by the Secretary related to the violation.

(b) Imposition and Collection of Civil Penalties.—If the Secretary does not impose the applicable civil penalty for a violation of a railroad safety regulation prescribed or order issued by the Secretary not later than 60 days after the date of receiving notice from a State authority participating in investigative and surveillance activities under section 20105 of this title, the authority may bring a civil action in a district court of the United States to impose and collect the penalty. This paragraph does not apply if the Secretary makes an affirmative written finding that the violation did not occur.

(c) Venue.—A civil action under this section may be brought in the judicial district in which the violation occurred or the defendant has its principal executive office. However, a State authority may not bring an action under this section outside the State.

§20114. Judicial procedures

(a) Criminal Contempt.—In a trial for criminal contempt for violating an injunction or restraining order issued under this chapter, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(b) Subpenas For Witnesses.—A subpena for a witness required to attend a district court of the United States in an action brought under this chapter may be served in any judicial district.

(c) Review of Agency Action.—Except as provided in section 20104(c) of this title, a proceeding to review a final action of the Secretary of Transportation under this part or, as applicable to railroad safety, chapter 51 or 57 of this title shall be brought in the appropriate court of appeals as provided in chapter 158 of title 28.

§20115. User fees

(a) Schedule of Fees.—The Secretary of Transportation shall prescribe by regulation a schedule of fees for railroad carriers subject to this chapter. The fees—

(1) shall cover the costs of carrying out this chapter (except section 20108(a));

(2) shall be imposed fairly on the railroad carriers, in reasonable relationship to an appropriate combination of criteria such as revenue ton-miles, track miles, passenger miles, or other relevant factors; and

(3) may not be based on that part of industry revenues attributable to a railroad carrier or class of railroad carriers.

(b) Collection Procedures.—The Secretary shall prescribe procedures to collect the fees. The Secretary may use the services of a department, agency, or instrumentality of the United States Government or of a State or local authority to collect the fees, and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

(c) Collection, Deposit, and Use.—(1) The Secretary shall impose and collect fees under this section for each fiscal year before the end of the fiscal year.

(2) Fees collected under this section shall be deposited in the general fund of the Treasury as offsetting receipts. The fees may be used, to the extent provided in advance in an appropriation law, only to carry out this chapter.

(3) Fees prescribed under this section shall be imposed in an amount sufficient to pay for the costs of activities under this chapter. However, the total fees received for a fiscal year may not be more than 105 percent of the total amount of the appropriations for the fiscal year for activities to be financed by the fees.

(d) Annual Report.—(1) Not later than 90 days after the end of each fiscal year in which fees are collected under this section, the Secretary shall report to Congress on—

(A) the amount of fees collected during that fiscal year;

(B) the impact of the fees on the financial health of the railroad industry and its competitive position relative to each competing mode of transportation; and

(C) the total cost of Government safety activities for each other competing mode of transportation, including any part of that total cost defrayed by Government user fees.

(2) Not later than 90 days after submitting a report for a fiscal year, the Secretary shall submit to Congress recommendations for corrective legislation if the report includes a finding that—

(A) there has been an impact from the fees on the financial health of the railroad industry or its competitive position relative to each competing mode of transportation; or

(B) there is a significant difference in the burden of Government user fees on the railroad industry and other competing modes of transportation.

(e) Expiration.—This section expires on September 30, 1995.

§20116. Annual report

The Secretary of Transportation shall submit to the President for submission to Congress not later than July 1 of each year a report on carrying out this chapter for the prior calendar year. The report shall include the following information about the prior year:

(1) a thorough statistical compilation of railroad accidents, incidents, and casualties by cause.

(2) a list of railroad safety regulations and orders prescribed, issued, or in effect under this chapter.

(3) a summary of the reasons for each waiver granted under section 20103(d) of this title.

(4) an evaluation of the degree of compliance with railroad safety regulations prescribed and orders issued under this chapter.

(5) a summary of outstanding problems in carrying out railroad safety regulations prescribed and orders issued under this chapter, in order of priority.

(6) an analysis and evaluation of research and related activities completed, including their policy implications, and technological progress achieved.

(7) a list, with a brief statement of the issues, of completed or pending civil actions to enforce railroad safety regulations prescribed and orders issued under this chapter.

(8) the extent to which technical information was distributed to the scientific community and consumer-oriented information was made available to the public.

(9) a compilation of certifications filed under section 20105(a) of this title that were—

(A) in effect; or

(B) rejected in any part by the Secretary, and a summary of the reasons for each rejection.

(10) a compilation of agreements made under section 20105(c) of this title that were—

(A) in effect; or

(B) terminated in any part by the Secretary, and a summary of the reasons for each termination.

(11) recommendations for legislation the Secretary considers necessary to strengthen the national railroad safety program.

§20117. Authorization of appropriations

(a) General.—(1) Not more than the following amounts may be appropriated to the Secretary of Transportation to carry out this chapter:

(A) $68,283,000 for the fiscal year ending September 30, 1993.

(B) $71,690,000 for the fiscal year ending September 30, 1994.

(2) Not more than $5,000,000 may be appropriated to the Secretary for the fiscal year ending September 30, 1993, to carry out section 20105 of this title.

(b) Grade Crossing Safety.—Not more than $1,000,000 may be appropriated to the Secretary for improvements in grade crossing safety, except demonstration projects under section 20134(c) of this title. Amounts appropriated under this subsection remain available until expended.

(c) Research and Development, Automated Track Inspection, and State Participation Grants.—Amounts appropriated under this section for research and development, automated track inspection, and grants under section 20105(e) of this title remain available until expended.

(d) Minimum Available for Certain Purposes.—At least 50 percent of the amounts appropriated to the Secretary for a fiscal year to carry out railroad research and development programs under this chapter or another law shall be available for safety research, improved track inspection and information acquisition technology, improved railroad freight transportation, and improved railroad passenger systems.

SUBCHAPTER II—PARTICULAR ASPECTS OF SAFETY

§20131. Restricted access to rolling equipment

The Secretary of Transportation shall prescribe regulations and issue orders that may be necessary to require that when railroad carrier employees (except train or yard crews) assigned to inspect, test, repair, or service rolling equipment have to work on, under, or between that equipment, every manually operated switch, including each crossover switch, providing access to the track on which the equipment is located is lined against movement to that track and secured by an effective locking device that can be removed only by the class or craft of employees performing the inspection, testing, repair, or service.

§20132. Visible markers for rear cars

(a) General.—The Secretary of Transportation shall prescribe regulations and issue orders that may be necessary to require that—

(1) the rear car of each passenger and commuter train has at least one highly visible marker that is lighted during darkness and when weather conditions restrict clear visibility; and

(2) the rear car of each freight train has highly visible markers during darkness and when weather conditions restrict clear visibility.

(b) Preemption.—Notwithstanding section 20106 of this title, subsection (a) of this section does not prohibit a State from continuing in force a law, regulation, or order in effect on July 8, 1976, related to lighted markers on the

rear car of a freight train except to the extent it would cause the car to be in violation of this section.

§20133. Passenger equipment

(a) GENERAL.—The Secretary of Transportation shall prescribe regulations and issue orders that may be necessary to ensure that the construction, maintenance, and operation of railroad equipment used to transport railroad passengers, whether in commuter or intercity service, maximize the safety of those passengers. The Secretary periodically shall review the regulations and orders and make amendments that may be necessary.

(b) CONSIDERATIONS AND AREAS OF CONCENTRATION.—In prescribing regulations, issuing orders, and making amendments under this section, the Secretary shall—

(1) consider comparable regulations and procedures of the United States Government that apply to other modes of transportation, especially those regulations and procedures carried out by the Administrator of the Federal Aviation Administration;

(2) consider relevant differences between commuter and intercity passenger service;

(3) concentrate on those areas that the Secretary believes present the greatest opportunity for enhancing the safety of the equipment; and

(4) give significant weight to the expenditures that would be necessary to retrofit existing equipment and to change specifications for equipment on order.

(c) CONSULTATION.—In prescribing regulations, issuing orders, and making amendments under this section, the Secretary may consult with Amtrak, public authorities operating railroad passenger service, other railroad carriers transporting passengers, organizations of passengers, and organizations of employees. A consultation is not subject to the Federal Advisory Committee Act (5 App. U.S.C.), but minutes of the consultation shall be placed in the public docket of the regulatory proceeding.

§20134. Grade crossings and railroad rights of way

(a) GENERAL.—To the extent practicable, the Secretary of Transportation shall maintain a coordinated effort to develop and carry out solutions to the railroad grade crossing problem and measures to protect pedestrians in densely populated areas along railroad rights of way. To carry out this subsection, the Secretary may use the authority of the Secretary under this chapter and over highway, traffic, and motor vehicle safety and over highway construction.

(b) SIGNAL SYSTEMS AND OTHER DEVICES.—Not later than June 22, 1989, the Secretary shall prescribe regulations and issue orders to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings.

(c) DEMONSTRATION PROJECTS.—(1) The Secretary shall establish demonstration projects to evaluate whether accidents and incidents involving trains would be reduced by—

(A) reflective markers installed on the road surface or on a signal post at railroad grade crossings;

(B) stop signs or yield signs installed at grade crossings; and

(C) speed bumps or rumble strips installed on the road surfaces at the approaches to grade crossings.

(2) Not later than June 22, 1990, the Secretary shall submit a report on the results of the demonstration projects to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

§20135. Licensing or certification of locomotive operators

(a) GENERAL.—The Secretary of Transportation shall prescribe regulations and issue orders to establish a program requiring the licensing or certification, after one year after the program is established, of any operator of a locomotive.

(b) PROGRAM REQUIREMENTS.—The program established under subsection (a) of this section—

(1) shall be carried out through review and approval of each railroad carrier's operator qualification standards;

(2) shall provide minimum training requirements;

(3) shall require comprehensive knowledge of applicable railroad carrier operating practices and rules;

(4) except as provided in subsection (c)(1) of this section, shall require consideration, to the extent the information is available, of the motor vehicle driving record of each individual seeking licensing or certification, including—

(A) any denial, cancellation, revocation, or suspension of a motor vehicle operator's license by a State for cause within the prior 5 years; and

(B) any conviction within the prior 5 years of an offense described in section 30304(a)(3) (A) or (B) of this title;

(5) may require, based on the individual's driving record, disqualification or the granting of a license or certification conditioned on requirements the Secretary prescribes; and

(6) shall require an individual seeking a license or certification—

(A) to request the chief driver licensing official of each State in which the individual has held a motor vehicle operator's license within the prior 5 years to provide information about the individual's driving record to the individual's employer, prospective employer, or the Secretary, as the Secretary requires; and

(B) to make the request provided for in section 30305(b)(4) of this title for information to be sent to the individual's employer, prospective employer, or the Secretary, as the Secretary requires.

(c) WAIVERS.—(1) The Secretary shall prescribe standards and establish procedures for waiving subsection (b)(4) of this section for an individual or class of individuals who the Secretary decides are not currently unfit to operate a locomotive. However, the Secretary may waive subsection (b)(4) for an individual or class of individuals with a conviction, cancellation, revocation, or suspension described in paragraph (2) (A) or (B) of this subsection only if the individual or class, after the conviction, cancellation, revocation, or suspension, successfully completes a rehabilitation program established by a railroad carrier or approved by the Secretary.

(2) If an individual, after the conviction, cancellation, revocation, or suspension, successfully completes a rehabilitation program established by a railroad carrier or approved by the Secretary, the individual may not be denied a license or certification under subsection (b)(4) of this section because of—

(A) a conviction for operating a motor vehicle when under the influence of, or impaired by, alcohol or a controlled substance; or

(B) the cancellation, revocation, or suspension of the individual's motor vehicle operator's license for operating a motor vehicle when under the influence of, or impaired by, alcohol or a controlled substance.

(d) OPPORTUNITY FOR HEARING.—An individual denied a license or certification or whose license or certification is conditioned on requirements prescribed under subsection (b)(4) of this section shall be entitled to a hearing under section 20103(e) of this title to decide whether the license has been properly denied or conditioned.

(e) OPPORTUNITY TO EXAMINE AND COMMENT ON INFORMATION.—The Secretary, employer, or prospective employer, as appropriate, shall make information obtained under subsection (b)(6) of this section available to the individual. The individual shall be given an opportunity to comment in writing about the information. Any comment shall be included in any record or file maintained by the Secretary, employer, or prospective employer that contains information to which the comment is related.

§20136. Automatic train control and related systems

The Secretary of Transportation shall prescribe regulations and issue orders to require that—

(1) an individual performing a test of an automatic train stop, train control, or cab signal apparatus required by the Secretary to be performed before entering territory where the apparatus will be used shall certify in writing that the test was performed properly; and

(2) the certification required under clause (1) of this subsection shall be maintained in the same way and place as the daily inspection report for the locomotive.

§20137. Event recorders

(a) DEFINITION.—In this section, "event recorder" means a device that—

(1) records train speed, hot box detection, throttle position, brake application, brake operations, and any other function the Secretary of Transportation considers necessary to record to assist in monitoring the safety of train operation, such as time and signal indication; and

(2) is designed to resist tampering.

(b) REGULATIONS AND ORDERS.—Not later than December 22, 1989, the Secretary shall prescribe regulations and issue orders that may be necessary to enhance safety by requiring that a train be equipped with an event recorder not later than one year after the regulations are prescribed and the orders are issued. However, if the Secretary finds it is impracticable to equip trains within that one-year period, the Secretary may extend the period to a date that is not later than 18 months after the regulations are prescribed and the orders are issued.

§20138. Tampering with safety and operational monitoring devices

(a) GENERAL.—The Secretary of Transportation shall prescribe regulations and issue orders to prohibit the willful tampering with, or disabling of, any specified railroad safety or operational monitoring device.

(b) PENALTIES.—(1) A railroad carrier operating a train on which a safety or operational monitoring device is tampered with or disabled in violation of a regulation prescribed or order issued under subsection (a) of this secticn is liable to the United States Government for a civil penalty under section 21301 of this title.

(2) An individual tampering with or disabling a safety or operational monitoring device in violation of a regulation prescribed or order issued under subsection (a) of this section, or knowingly operating or allowing to be operated a train on which such a device has been tampered with or disabled, is liable for penalties established by the Secretary. The penalties may include—

(A) a civil penalty under section 21301 of this title;

(B) suspension from work; and

(C) suspension or loss of a license or certification issued under section 20135 of this title.

§20139. Maintenance-of-way operations on railroad bridges

Not later than June 22, 1989, the Secretary of Transportation shall prescribe regulations and issue orders for the safety of maintenance-of-way employees on railroad bridges. The Secretary at least shall provide in those regulations standards for bridge safety equipment, including nets, walkways, handrails, and safety lines, and requirements for the use of vessels when work is performed on bridges located over bodies of water.

§20140. Alcohol and controlled substances testing

(a) DEFINITION.—In this section, "controlled substance" means any substance under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) specified by the Secretary of Transportation.

(b) GENERAL.—(1) In the interest of safety, the Secretary of Transportation shall prescribe regulations and issue orders, not later than October 28, 1992, related to alcohol and controlled substances use in railroad operations. The regulations shall establish a program requiring—

(A) a railroad carrier to conduct preemployment, reasonable suspicion, random, and post-accident testing of all railroad employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of alcohol or a controlled substance in violation of law or a United States Government regulation; and

(B) when the Secretary considers it appropriate, disqualification for an established period of time or dismissal of any employee found—

(i) to have used or been impaired by alcohol when on duty; or

(ii) to have used a controlled substance, whether or not on duty, except as allowed for medical purposes by law or a regulation or order under this chapter.

(2) When the Secretary of Transportation considers it appropriate in the interest of safety, the Secretary may prescribe regulations and issue orders requiring railroad carriers to conduct periodic recurring testing of railroad employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of alcohol or a controlled substance in violation of law or a Government regulation.

(c) TESTING AND LABORATORY REQUIREMENTS.—In carrying out this section, the Secretary of Transportation shall develop requirements that shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimens;

(2) for laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any amendments to those guidelines, including mandatory guidelines establishing—

(A) comprehensive standards for every aspect of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards requiring the use of the best available technology to ensure the complete reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimens collected for controlled substances testing;

(B) the minimum list of controlled substances for which individuals may be tested; and

(C) appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that a laboratory involved in controlled substances testing under this section have the capability and facility, at the laboratory, of performing screening and confirmation tests;

(4) provide that all tests indicating the use of alcohol or a controlled substance in violation of law or a Government regulation be confirmed by a scientifically recognized method of testing capable of providing quantitative information about alcohol or a controlled substance;

(5) provide that each specimen be subdivided, secured, and labeled in the presence of the tested individual and that a part of the specimen be retained in a secure manner to prevent the possibility of tampering, so that if the individual's confirmation test results are positive the individual has an opportunity to have the retained part tested by a 2d confirmation test done independently at another certified laboratory if the individual requests the 2d confirmation test not later than 3 days after being advised of the results of the first confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations that may be necessary and in consultation with the Secretary of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (other than information about alcohol or a controlled substance) of employees, except that this clause does not prevent the use of test results for the orderly imposition of appropriate sanctions under this section; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(d) REHABILITATION.—The Secretary of Transportation shall prescribe regulations or issue orders establishing requirements for rehabilitation programs that at least provide for the identification and opportunity for treatment of railroad employees responsible for safety-sensitive functions (as decided by the Secretary) in need of assistance in resolving problems with the use of alcohol or a controlled substance in violation of law or a Government regulation. The Secretary shall decide on the circumstances under which employees shall be required to participate in a program. Each railroad carrier is encouraged to make such a program available to all of its employees in addition to employees responsible for safety-sensitive functions. This subsection does not prevent a railroad carrier from establishing a program under this subsection in cooperation with another railroad carrier.

(e) INTERNATIONAL OBLIGATIONS AND FOREIGN LAWS AND REGULATIONS.—In carrying out this section, the Secretary of Transportation—

(1) shall establish only requirements that are consistent with international obligations of the United States; and

(2) shall consider applicable laws and regulations of foreign countries.

(f) OTHER REGULATIONS ALLOWED.—This section does not prevent the Secretary of Transportation from continuing in effect, amending, or further supplementing a regulation prescribed or order issued before October 28, 1991, governing the use of alcohol or a controlled substance in railroad operations.

§20141. Power brake safety

(a) REVIEW AND REVISION OF EXISTING REGULATIONS.—The Secretary of Transportation shall review existing regulations on railroad power brakes and, not later than December 31, 1993, revise the regulations based on safety information presented during the review. Where applicable, the Secretary shall prescribe regulations that establish standards on dynamic braking equipment.

(b) 2-WAY END-OF-TRAIN DEVICES.—(1) The Secretary shall require 2-way end-of-train devices (or devices able to perform the same function) on road trains, except locals, road switchers, or work trains, to enable the initiation of emergency braking from the rear of a train. The Secretary shall prescribe regulations as soon as possible, but not later than December 31, 1993, requiring the 2-way end-of-train devices. The regulations at least shall—

(A) establish standards for the devices based on performance;

(B) prohibit a railroad carrier, on or after the date that is one year after the regulations are prescribed, from acquiring any end-of-train device for use on trains that is not a 2-way device meeting the standards established under clause (A) of this paragraph;

(C) require that the trains be equipped with 2-way end-of-train devices meeting those standards not later than 4 years after the regulations are prescribed; and

(D) provide that any 2-way end-of-train device acquired for use on trains before the regulations are prescribed shall be deemed to meet the standards.

(2) The Secretary may consider petitions to amend the regulations prescribed under paragraph (1) of this subsection to allow the use of alternative technologies that meet the same basic performance requirements established by the regulations.

(3) In developing the regulations required by paragraph (1) of this subsection, the Secretary shall consider information presented under subsection (a) of this section.

(c) EXCLUSIONS.—The Secretary may exclude from regulations prescribed under subsections (a) and (b) of this section any category of trains or rail operations if the Secretary decides that the exclusion is in the public interest and is consistent with railroad safety. The Secretary shall make public the reasons for the exclusion. The Secretary at least shall exclude from the regulations prescribed under subsection (b)—

(1) trains that have manned cabooses;

(2) passenger trains with emergency brakes;

(3) trains that operate only on track that is not part of the general railroad system;

(4) trains that do not exceed 30 miles an hour and do not operate on heavy grades, except for any categories of trains specifically designated by the Secretary; and

(5) trains that operate in a push mode.

§20142. Track safety

(a) REVIEW OF EXISTING REGULATIONS.—Not later than March 3, 1993, the Secretary of Transportation shall begin a review of Department of Transportation regulations related to track safety standards. The review at least shall include an evaluation of—

(1) procedures associated with maintaining and installing continuous welded rail and its attendant structure;

(2) the need for revisions to regulations on track excepted from track safety standards; and

(3) employee safety.

(b) REVISION OF REGULATIONS.—Not later than September 3, 1994, the Secretary shall prescribe regulations and issue orders to revise track safety standards, considering safety information presented during the review under subsection (a) of this section and the report of the Comptroller General submitted under subsection (c) of this section.

(c) COMPTROLLER GENERAL'S STUDY AND REPORT.—The Comptroller General shall study the effectiveness of the Secretary's enforcement of track safety standards, with particular attention to recent relevant railroad accident experience and information. Not later than September 3, 1993, the Comptroller General shall submit a report to Congress and the Secretary on the results of the study, with recommendations for improving enforcement of those standards.

§20143. Locomotive visibility

(a) DEFINITION.—In this section, "locomotive visibility" means the enhancement of day and night visibility of the front end unit of a train, considering in particular the visibility and perspective of a driver of a motor vehicle at a grade crossing.

(b) INTERIM REGULATIONS.—Not later than December 31, 1992, the Secretary of Transportation shall prescribe temporary regulations identifying ditch, crossing, strobe, and oscillating lights as temporary locomotive visibility *measures and authorizing and encouraging the installation and use of those lights. Subchapter II of chapter 5 of title 5 does not apply to a temporary regulation or to an amendment to a temporary regulation.*

(c) REVIEW OF REGULATIONS.—The Secretary shall review the Secretary's regulations on locomotive visibility. Not later than December 31, 1993, the Secretary shall complete the current research of the Department of Transportation on locomotive visibility. In conducting the review, the Secretary shall collect relevant information from operational experience by rail carriers using enhanced visibility measures.

(d) REGULATORY PROCEEDING.—Not later than June 30, 1994, the Secretary shall begin a regulatory proceeding to prescribe final regulations requiring substantially enhanced locomotive visibility measures. In the proceeding, the Secretary shall consider at least—

(1) revisions to the existing locomotive headlight standards, including standards for placement and intensity;

(2) requiring the use of reflective material to enhance locomotive visibility;

(3) requiring the use of additional alerting lights, including ditch, crossing, strobe, and oscillating lights;

(4) requiring the use of auxiliary lights to enhance locomotive visibility when viewed from the side;

(5) the effect of an enhanced visibility measure on the vision, health, and safety of train crew members; and

(6) separate standards for self-propelled, push-pull, and multi-unit passenger operations without a dedicated head end locomotive.

(e) FINAL REGULATIONS.—(1) Not later than June 30, 1995, the Secretary shall prescribe final regulations requiring enhanced locomotive visibility measures. The Secretary shall require that not later than December 31, 1997, a locomotive not excluded from the regulations be equipped with temporary visibility measures under subsection (b) of this section or the visibility measures the final regulations require.

(2) In prescribing regulations under paragraph (1) of this subsection, the Secretary may exclude a category of trains or rail operations from a specific visibility requirement if the Secretary decides the exclusion is in the public interest and is consistent with rail safety, including grade-crossing safety.

(3) A locomotive equipped with temporary visibility measures prescribed under subsection (b) of this section when final regulations are prescribed under paragraph (1) of this subsection is deemed to be complying with the final regulations for 4 years after the final regulations are prescribed.

§20144. Blue signal protection for on-track vehicles

The Secretary of Transportation shall prescribe regulations applying blue signal protection to on-track vehicles where rest is provided.

CHAPTER 203—SAFETY APPLIANCES

Sec.
20301. Definition and nonapplication.
20302. General requirements.
20303. Moving defective and insecure vehicles needing repairs.
20304. Assumption of risk by employees.
20305. Inspection of mail cars.
20306. Exemption for technological improvements.

§20301. Definition and nonapplication

(a) DEFINITION.—In this chapter, "vehicle" means a car, locomotive, tender, or similar vehicle.

(b) NONAPPLICATION.—This chapter does not apply to the following:

(1) a train of 4-wheel coal cars.

(2) a train of 8-wheel standard logging cars if the height of each car from the top of the rail to the center of the coupling is not more than 25 inches.

(3) a locomotive used in hauling a train referred to in clause (2) of this subsection when the locomotive and cars of the train are used only to transport logs.

§20302. General requirements

(a) GENERAL.—Except as provided in subsection (c) of this section and section 20303 of this title, a railroad carrier may use or allow to be used on any of its railroad lines—

(1) a vehicle only if it is equipped with—

(A) couplers coupling automatically by impact, and capable of being uncoupled, without the necessity of individuals going between the ends of the vehicles;

(B) secure sill steps and efficient hand brakes; and

(C) secure ladders and running boards when required by the Secretary of Transportation, and, if ladders are required, secure handholds or grab irons on its roof at the top of each ladder;

(2) except as otherwise ordered by the Secretary, a vehicle only if it is equipped with secure grab irons or handholds on its ends and sides for greater security to individuals in coupling and uncoupling vehicles;

(3) a vehicle only if it complies with the standard height of drawbars required by regulations prescribed by the Secretary;

(4) a locomotive only if it is equipped with a power-driving wheel brake and appliances for operating the train-brake system; and

(5) a train only if—

(A) enough of the vehicles in the train are equipped with power or train brakes so that the engineer on the locomotive hauling the train can control the train's speed without the necessity of brake operators using the common hand brakes for that purpose; and

(B) at least 50 percent of the vehicles in the train are equipped with power or train brakes and the engineer is using the power or train brakes on those vehicles and on all other vehicles equipped with them that are associated with those vehicles in the train.

(b) REFUSAL TO RECEIVE VEHICLES NOT PROPERLY EQUIPPED.—A railroad carrier complying with subsection (a)(5)(A) of this section may refuse to receive from a railroad line of a connecting railroad carrier or a shipper a vehicle that is not equipped with power or train brakes that will work and readily interchange with the power or train brakes in use on the vehicles of the complying railroad carrier.

(c) COMBINED VEHICLES LOADING AND HAULING LONG COMMODITIES.—Notwithstanding subsection (a)(1)(B) of this section, when vehicles are combined to load and haul long commodities, only one of the vehicles must have hand brakes during the loading and hauling.

(d) AUTHORITY TO CHANGE REQUIREMENTS.—The Secretary may—

(1) change the number, dimensions, locations, and manner of application prescribed by the Secretary for safety appliances required by subsection (a)(1)(B) and (C) and (2) of this section only for good cause and after providing an opportunity for a full hearing;

(2) amend regulations for installing, inspecting, maintaining, and repairing power and train brakes only for the purpose of achieving safety; and

(3) increase, after an opportunity for a full hearing, the minimum percentage of vehicles in a train that are required by subsection (a)(5)(B) of this section to be equipped and used with power or train brakes.

(e) SERVICES OF ASSOCIATION OF AMERICAN RAILROADS.—In carrying out subsection (d)(2) and (3) of this section, the Secretary may use the services of the Association of American Railroads.

§20303. Moving defective and insecure vehicles needing repairs

(a) GENERAL.—A vehicle that is equipped in compliance with this chapter whose equipment becomes defective or insecure nevertheless may be moved when necessary to make repairs, without a penalty being imposed under section 21302 of this title, from the place at which the defect or insecurity was first discovered to the nearest available place at which the repairs can be made—

(1) on the railroad line on which the defect or insecurity was discovered; or

(2) at the option of a connecting railroad carrier, on the railroad line of the connecting carrier, if not farther than the place of repair described in clause (1) of this subsection.

(b) USE OF CHAINS INSTEAD OF DRAWBARS.—A vehicle in a revenue train or in association with commercially-used vehicles may be moved under this section with chains instead of drawbars only when the vehicle contains livestock or perishable freight.

(c) LIABILITY.—The movement of a vehicle under this section is at the risk only of the railroad carrier doing the moving. This section does not relieve a carrier from liability in a proceeding to recover damages for death or injury of a railroad employee arising from the movement of a vehicle with equipment that is defective, insecure, or not maintained in compliance with this chapter.

§20304. Assumption of risk by employees

An employee of a railroad carrier injured by a vehicle or train used in violation of section 20302(a)(1)(A), (2), (4), or (5)(A) of this title does not assume the risk of injury resulting from the violation, even if the employee continues to be employed by the carrier after learning of the violation.

§20305. Inspection of mail cars

The Secretary of Transportation shall inspect the construction, adaptability, design, and condition of mail cars used on railroads in the United States. The Secretary shall make a report on the inspection and submit a copy of the report to the United States Postal Service.

§20306. Exemption for technological improvements

(a) GENERAL.—Subject to subsection (b) of this section, the Secretary of Transportation may exempt from the requirements of this chapter railroad equipment or equipment that will be operated on rails, when those requirements preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under existing law.

(b) CONDITIONS FOR EXEMPTION.—The Secretary may grant an exemption under subsection (a) of this section only on the basis of—

(1) findings based on evidence developed at a hearing; or

(2) an agreement between national railroad labor representatives and the developer of the new equipment or technology.

CHAPTER 205—SIGNAL SYSTEMS

Sec.
20501. Definition.
20502. Requirements for installation and use.
20503. Amending regulations and changing requirements.
20504. Inspection, testing, and investigation.
20505. Reports of malfunctions and accidents.

§20501. Definition

In this chapter, "signal system" means a block signal system, an interlocking, automatic train stop, train control, or cab-signal device, or a similar appliance, method, device, or system intended to promote safety in railroad operations.

§20502. Requirements for installation and use

(a) INSTALLATION.*—(1) When the Secretary of Transportation decides after an investigation that it is necessary in the public interest, the Secretary may order a railroad carrier to install, on any part of its railroad line, a signal system that complies with requirements of the Secretary. The order must allow the carrier a reasonable time to complete the installation. A carrier may discontinue or materially alter a signal system required under this paragraph only with the approval of the Secretary.*

(2) A railroad carrier ordered under paragraph (1) of this subsection to install a signal system on one part of its railroad line may not be held negligent for not installing the system on any part of its line that was not included in the order. If an accident or incident occurs on a part of the line on which the signal system was not required to be installed and was not installed, the use of the system on another part of the line may not be considered in a civil action brought because of the accident or incident.

(b) USE.*—A railroad carrier may allow a signal system to be used on its railroad line only when the system, including its controlling and operating appurtenances—*

(1) may be operated safely without unnecessary risk of personal injury; and

(2) has been inspected and can meet any test prescribed under this chapter.

§20503. Amending regulations and changing requirements

The Secretary of Transportation may amend a regulation or change a requirement applicable to a railroad carrier for installing, maintaining, inspecting, or repairing a signal system under this chapter—

(1) when the carrier files with the Secretary a request for the amendment or change and the Secretary approves the request; or

(2) on the Secretary's own initiative for good cause shown.

§20504. Inspection, testing, and investigation

(a) SYSTEMS IN USE.*—(1) The Secretary of Transportation may—*

(A) inspect and test a signal system used by a railroad carrier; and

(B) decide whether the system is in safe operating condition.

(2) In carrying out this subsection, the Secretary may employ only an individual who—

(A) has no interest in a patented article required to be used on or with a signal system; and

(B) has no financial interest in a railroad carrier or in a concern dealing in railroad supplies.

(b) SYSTEMS SUBMITTED FOR INVESTIGATION AND TESTING.*—The Secretary may investigate, test, and report on the use of and need for a signal system, without cost to the United States Government, when the system is submitted in completed shape for investigation and testing.*

§20505. Reports of malfunctions and accidents

In the way and to the extent required by the Secretary of Transportation, a railroad carrier shall report to the Secretary a failure of a signal system to function as intended. If the failure results in an accident or incident causing injury to an individual or property that is required to be reported under regulations prescribed by the Secretary, the carrier owning or maintaining the signal system shall report to the Secretary immediately in writing the fact of the accident or incident.

CHAPTER 207—LOCOMOTIVES

Sec.

20701. Requirements for use.
20702. Inspections, repairs, and inspection and repair reports.
20703. Accident reports and investigations.

§20701. Requirements for use

A railroad carrier may use or allow to be used a locomotive or tender on its railroad line only when the locomotive or tender and its parts and appurtenances—

(1) are in proper condition and safe to operate without unnecessary danger of personal injury;

(2) have been inspected as required under this chapter and regulations prescribed by the Secretary of Transportation under this chapter; and

(3) can withstand every test prescribed by the Secretary under this chapter.

§20702. Inspections, repairs, and inspection and repair reports

(a) GENERAL.*—The Secretary of Transportation shall—*

(1) become familiar, so far as practicable, with the condition of every locomotive and tender and its parts and appurtenances;

(2) inspect every locomotive and tender and its parts and appurtenances as necessary to carry out this chapter, but not necessarily at stated times or at regular intervals; and

(3) ensure that every railroad carrier makes inspections of locomotives and tenders and their parts and appurtenances as required by regulations prescribed by the Secretary and repairs every defect that is disclosed by an inspection before a defective locomotive, tender, part, or appurtenance is used again.

(b) NONCOMPLYING LOCOMOTIVES, TENDERS, AND PARTS.*—(1) When the Secretary finds that a locomotive, tender, or locomotive or tender part or appurtenance owned or operated by a railroad carrier does not comply with this chapter or a regulation prescribed under this chapter, the Secretary shall give the carrier written notice describing any defect resulting in noncompliance. Not later than 5 days after receiving the notice of noncompliance, the carrier may submit a written request for a reinspection. On receiving the request, the Secretary shall provide for the reinspection by an officer or employee of the Department of Transportation who did not make the original inspection. The reinspection shall be made not later than 15 days after the date the Secretary gives the notice of noncompliance.*

(2) Immediately after the reinspection is completed, the Secretary shall give written notice to the railroad carrier stating whether the locomotive, tender, part, or appurtenance is in compliance. If the original finding of noncompliance is sustained, the carrier has 30 days after receipt of the notice to file an appeal with the Secretary. If the carrier files an appeal, the Secretary, after providing an opportunity for a proceeding, may revise or set aside the finding of noncompliance.

(3) A locomotive, tender, part, or appurtenance found not in compliance under this subsection may be used only after it is—

(A) repaired to comply with this chapter and regulations prescribed under this chapter; or

(B) found on reinspection or appeal to be in compliance.

(c) REPORTS.*—A railroad carrier shall make and keep, in the way the Secretary prescribes by regulation, a report of every—*

(1) inspection made under regulations prescribed by the Secretary; and

(2) repair made of a defect disclosed by such an inspection.

(d) CHANGES IN INSPECTION PROCEDURES.*—A railroad carrier may change a rule or instruction of the carrier governing the inspection by the carrier of the locomotives and tenders and locomotive and tender parts and appurtenances of the carrier when the Secretary approves a request filed by the carrier to make the change.*

§20703. Accident reports and investigations

(a) ACCIDENT REPORTS AND SCENE PRESERVATION.*—When the failure of a locomotive, tender, or locomotive or tender part or appurtenance results in an accident or incident causing serious personal injury or death, the railroad carrier owning or operating the locomotive or tender—*

(1) immediately shall file with the Secretary of Transportation a written statement of the fact of the accident or incident; and

(2) when the locomotive is disabled to the extent it cannot be operated under its own power, shall preserve intact all parts affected by the accident or incident, if possible without interfering with traffic, until an investigation of the accident or incident is completed.

(b) INVESTIGATIONS.*—The Secretary shall—*

(1) investigate each accident and incident reported under subsection (a) of this section;

(2) inspect each part affected by the accident or incident; and

(3) make a complete and detailed report on the cause of the accident or incident.

(c) PUBLICATION AND USE OF INVESTIGATION REPORTS.*—When the Secretary considers publication to be in the public interest, the Secretary may publish a report of an investigation made under this section, stating the cause of the accident or incident and making appropriate recommendations. No part of a report may be admitted into evidence or used in a civil action for damages resulting from a matter mentioned in the report.*

CHAPTER 209—ACCIDENTS AND INCIDENTS

Sec.

20901. Reports.
20902. Investigations.
20903. Reports not evidence in civil actions for damages.

§20901. Reports

(a) GENERAL REQUIREMENTS.*—Not later than 30 days after the end of each month, a railroad carrier shall file a report with the Secretary of Transportation on all accidents and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising from the carrier's operations during the month. The report shall be under oath and shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.*

(b) MONETARY THRESHOLD FOR REPORTING.*—(1) In establishing or changing a monetary threshold for the reporting of a railroad accident or incident, the Secretary shall base damage cost calculations only on publicly available information obtained from—*

(A) the Bureau of Labor Statistics; or

(B) another department, agency, or instrumentality of the United States Government if the information has been collected through objective, statistically sound survey methods or has been previously subject to a public notice and comment process in a proceeding of a Government department, agency, or instrumentality.

(2) If information is not available as provided in paragraph (1)(A) or (B) of this subsection, the Secretary may use any other source to obtain the information. However, use of the information shall be subject to public notice and an opportunity for written comment.

§20902. Investigations

(a) GENERAL AUTHORITY.*—The Secretary of Transportation, or an impartial investigator authorized by the Secretary, may investigate—*

(1) an accident or incident resulting in serious injury to an individual or to railroad property, occurring on the railroad line of a railroad carrier; and

(2) an accident or incident reported under section 20505 of this title.

(b) OTHER DUTIES AND POWERS.—In carrying out an investigation, the Secretary or authorized investigator may subpena witnesses, require the production of records, exhibits, and other evidence, administer oaths, and take testimony. If the accident or incident is investigated by a commission of the State in which it occurred, the Secretary, if convenient, shall carry out the investigation at the same time as, and in coordination with, the commission's investigation. The railroad carrier on whose railroad line the accident or incident occurred shall provide reasonable facilities to the Secretary for the investigation.

(c) REPORTS.—When in the public interest, the Secretary shall make a report of the investigation, stating the cause of the accident or incident and making recommendations the Secretary considers appropriate. The Secretary shall publish the report in a way the Secretary considers appropriate.

§20903. Reports not evidence in civil actions for damages

No part of an accident or incident report filed by a railroad carrier under section 20901 of this title or made by the Secretary of Transportation under section 20902 of this title may be used in a civil action for damages resulting from a matter mentioned in the report.

CHAPTER 211—HOURS OF SERVICE

Sec.
21101. Definitions.
21102. Nonapplication and exemption.
21103. Limitations on duty hours of train employees.
21104. Limitations on duty hours of signal employees.
21105. Limitations on duty hours of dispatching service employees.
21106. Limitations on employee sleeping quarters.
21107. Maximum duty hours and subjects of collective bargaining.

§21101. Definitions

In this chapter—

(1) "designated terminal" means the home or away-from-home terminal for the assignment of a particular crew.

(2) "dispatching service employee" means an operator, train dispatcher, or other train employee who by the use of an electrical or mechanical device dispatches, reports, transmits, receives, or delivers orders related to or affecting train movements.

(3) "employee" means a dispatching service employee, a signal employee, or a train employee.

(4) "signal employee" means an individual employed by a railroad carrier who is engaged in installing, repairing, or maintaining signal systems.

(5) "train employee" means an individual engaged in or connected with the movement of a train, including a hostler.

§21102. Nonapplication and exemption

(a) GENERAL.—This chapter does not apply to a situation involving any of the following:

(1) a casualty.

(2) an unavoidable accident.

(3) an act of God.

(4) a delay resulting from a cause unknown and unforeseeable to a railroad carrier or its officer or agent in charge of the employee when the employee left a terminal.

(b) EXEMPTION.—The Secretary of Transportation may exempt a railroad carrier having not more than 15 employees covered by this chapter from the limitations imposed by this chapter. The Secretary may allow the exemption after a full hearing, for good cause shown, and on deciding that the exemption is in the public interest and will not affect safety adversely. The exemption shall be for a specific period of time and is subject to review at least annually. The exemption may not authorize a carrier to require or allow its employees to be on duty more than a total of 16 hours in a 24-hour period.

§21103. Limitations on duty hours of train employees

(a) GENERAL.—Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow a train employee to remain or go on duty—

(1) unless that employee has had at least 8 consecutive hours off duty during the prior 24 hours; or

(2) after that employee has been on duty for 12 consecutive hours, until that employee has had at least 10 consecutive hours off duty.

(b) DETERMINING TIME ON DUTY.—In determining under subsection (a) of this section the time a train employee is on or off duty, the following rules apply:

(1) Time on duty begins when the employee reports for duty and ends when the employee is finally released from duty.

(2) Time the employee is engaged in or connected with the movement of a train is time on duty.

(3) Time spent performing any other service for the railroad carrier during a 24-hour period in which the employee is engaged in or connected with the movement of a train is time on duty.

(4) Time spent in deadhead transportation to a duty assignment is time on duty, but time spent in deadhead transportation from a duty assignment to the place of final release is neither time on duty nor time off duty.

(5) An interim period available for rest at a place other than a designated terminal is time on duty.

(6) An interim period available for less than 4 hours rest at a designated terminal is time on duty.

(7) An interim period available for at least 4 hours rest at a place with suitable facilities for food and lodging is not time on duty when the employee is prevented from getting to the employee's designated terminal by any of the following:

(A) a casualty.

(B) a track obstruction.

(C) an act of God.

(D) a derailment or major equipment failure resulting from a cause that was unknown and unforeseeable to the railroad carrier or its officer or agent in charge of that employee when that employee left the designated terminal.

(c) EMERGENCIES.—A train employee on the crew of a wreck or relief train may be allowed to remain or go on duty for not more than 4 additional hours in any period of 24 consecutive hours when an emergency exists and the work of the crew is related to the emergency. In this subsection, an emergency ends when the track is cleared and the railroad line is open for traffic.

§21104. Limitations on duty hours of signal employees

(a) GENERAL.—(1) In paragraph (2)(C) of this subsection, "24-hour period" means the period beginning when a signal employee reports for duty immediately after 8 consecutive hours off duty or, when required under paragraph (2)(B) of this subsection, after 10 consecutive hours off duty.

(2) Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow a signal employee to remain or go on duty—

(A) unless that employee has had at least 8 consecutive hours off duty during the prior 24 hours;

(B) after that employee has been on duty for 12 consecutive hours, until that employee has had at least 10 consecutive hours off duty; or

(C) after that employee has been on duty a total of 12 hours during a 24-hour period, or after the end of that 24-hour period, whichever occurs first, until that employee has had at least 8 consecutive hours off duty.

(b) DETERMINING TIME ON DUTY.—In determining under subsection (a) of this section the time a signal employee is on duty or off duty, the following rules apply:

(1) Time on duty begins when the employee reports for duty and ends when the employee is finally released from duty.

(2) Time spent performing any other service for the railroad carrier during a 24-hour period in which the employee is engaged in installing, repairing, or maintaining signal systems is time on duty.

(3) Time spent returning from a trouble call, whether the employee goes directly to the employee's residence or by way of the employee's headquarters, is neither time on duty nor time off duty, except that up to one hour of that time spent returning from the final trouble call of a period of continuous or broken service is time off duty.

(4) If, at the end of scheduled duty hours, an employee has not completed the trip from the final outlying worksite of the duty period to the employee's headquarters or directly to the employee's residence, the time after the scheduled duty hours necessarily spent in completing the trip to the residence or headquarters is neither time on duty nor time off duty.

(5) If an employee is released from duty at an outlying worksite before the end of the employee's scheduled duty hours to comply with this section, the time necessary for the trip from the worksite to the employee's headquarters or directly to the employee's residence is neither time on duty nor time off duty.

(6) Time spent in transportation on an ontrack vehicle, including time referred to in paragraphs (3)–(5) of this subsection, is time on duty.

(7) A regularly scheduled meal period or another release period of at least 30 minutes but not more than one hour is time off duty and does not break the continuity of service of the employee under this section, but a release period of more than one hour is time off duty and does break the continuity of service.

(c) EMERGENCIES.—A signal employee may be allowed to remain or go on duty for not more than 4 additional hours in any period of 24 consecutive hours when an emergency exists and the work of that employee is related to the emergency. In this subsection, an emergency ends when the signal system is restored to service.

§21105. Limitations on duty hours of dispatching service employees

(a) APPLICATION.—This section applies, rather than section 21103 or 21104 of this title, to a train employee or signal employee during any period of time the employee is performing duties of a dispatching service employee.

(b) GENERAL.—Except as provided in subsection (d) of this section, a dispatching service employee may not be required or allowed to remain or go on duty for more than—

(1) a total of 9 hours during a 24-hour period in a tower, office, station, or place at which at least 2 shifts are employed; or

(2) a total of 12 hours during a 24-hour period in a tower, office, station, or place at which only one shift is employed.

(c) DETERMINING TIME ON DUTY.—Under subsection (b) of this section, time spent performing any other service for the railroad carrier during a 24-hour period in which the employee is on duty in a tower, office, station, or other place is time on duty in that tower, office, station, or place.

(d) EMERGENCIES.—When an emergency exists, a dispatching service employee may be allowed *to remain or go on duty for not more than 4 additional hours during a period of 24 consecutive hours for not more than 3 days during a period of 7 consecutive days.*

§21106. Limitations on employee sleeping quarters

A railroad carrier and its officers and agents—

(1) may provide sleeping quarters (including crew quarters, camp or bunk cars, and trailers) for employees, and any individuals employed to maintain the right of way of a railroad carrier, only if the sleeping quarters are clean, safe, and sanitary and give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier; and

(2) may not begin, after July 7, 1976, construction or reconstruction of sleeping quarters referred to in clause (1) of this section in an area or in the immediate vicinity of an area, as determined under regulations prescribed by the Secretary of Transportation, in which railroad switching or humping operations are performed.

§21107. Maximum duty hours and subjects of collective bargaining

The number of hours established by this chapter that an employee may be required or allowed to be on duty is the maximum number of hours consistent with safety. Shorter hours of service and time on duty of an employee are proper subjects for collective bargaining between a railroad carrier and its employees.

CHAPTER 213—PENALTIES

SUBCHAPTER I—CIVIL PENALTIES

Sec.

21301. Chapter 201 general violations.

21302. Chapter 201 accident and incident violations and chapter 203–209 violations.

21303. Chapter 211 violations.

21304. Willfulness requirement for penalties against individuals.

SUBCHAPTER II—CRIMINAL PENALTIES

21311. Records and reports.

SUBCHAPTER I—CIVIL PENALTIES

§21301. Chapter 201 general violations

(a) PENALTY.—(1) Subject to section 21304 of this title, a person violating a regulation prescribed or order issued by the Secretary of Transportation under chapter 201 of this title is liable to the United States Government for a civil penalty. The Secretary shall impose the penalty applicable under paragraph (2) of this subsection. A separate violation occurs for each day the violation continues.

(2) The Secretary shall include in, or make applicable to, each regulation prescribed and order issued under chapter 201 of this title a civil penalty for a violation. The amount of the penalty shall be at least $500 but not more than $10,000. However, when a grossly negligent violation or a pattern of repeated violations has caused an imminent hazard of death or injury to individuals, or has caused death or injury, the amount may be not more than $20,000.

(3) The Secretary may compromise the amount of a civil penalty imposed under this subsection to not less than $500 before referring the matter to the Attorney General for collection. In determining the amount of a compromise, the Secretary shall consider—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, and any effect on the ability to continue to do business; and

(C) other matters that justice requires.

(b) SETOFF.—The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(c) DEPOSIT IN TREASURY.—A civil penalty collected under this section or section 20113(b) of this title shall be deposited in the Treasury as miscellaneous receipts.

§21302. Chapter 201 accident and incident violations and chapter 203–209 violations

(a) PENALTY.—(1) Subject to section 21304 of this title, a person violating a regulation prescribed or order issued under chapter 201 of this title related to accident and incident reporting or investigation, or violating chapters 203–209 of this title or a regulation or requirement prescribed or order issued under chapters 203–209, is liable to the United States Government for a civil penalty. An act by an individual that causes a railroad carrier to be in violation is a violation. A separate violation occurs for each day the violation continues.

(2) The Secretary of Transportation imposes a civil penalty under this subsection. The amount of the penalty shall be at least $500 but not more than $10,000. However, when a grossly negligent violation or a pattern of repeated violations has caused an imminent hazard of death or injury to individuals, or has caused death or injury, the amount may be not more than $20,000.

(3) The Secretary may compromise the amount of the civil penalty under section 3711 of title 31. In determining the amount of a compromise, the Secretary shall consider—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, and any effect on the ability to continue to do business; and

(C) other matters that justice requires.

(4) If the Secretary does not compromise the amount of the civil penalty, the Secretary shall refer the matter to the Attorney General for collection.

(b) CIVIL ACTIONS TO COLLECT.—The Attorney General shall bring a civil action in a district court of the United States to collect a civil penalty that is referred to the Attorney General for collection under subsection (a) of this section. The action may be brought in the judicial district in which the violation occurred or the defendant has its principal executive office. If the action is against an individual, the action also may be brought in the judicial district in which the individual resides.

§21303. Chapter 211 violations

(a) PENALTY.—(1) Subject to section 21304 of this title, a person violating chapter 211 of this title is liable to the United States Government for a civil penalty. An act by an individual that causes a railroad carrier to be in violation is a violation. For a violation of section 21106 of this title, a separate violation occurs for each day a facility is not in compliance.

(2) The Secretary of Transportation imposes a civil penalty under this subsection. The amount of the penalty shall be at least $500 but not more than $10,000. However, when a grossly negligent violation or a pattern of repeated violations has caused an imminent hazard of death or injury to individuals, or has caused death or injury, the amount may be not more than $20,000.

(3) The Secretary may compromise the amount of the civil penalty under section 3711 of title 31. In determining the amount of a compromise, the Secretary shall consider—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, and any effect on the ability to continue to do business; and

(C) other matters that justice requires.

(4) If the Secretary does not compromise the amount of the civil penalty, the Secretary shall refer the matter to the Attorney General for collection.

(b) CIVIL ACTIONS TO COLLECT.—(1) The Attorney General shall bring a civil action in a district court of the United States to collect a civil penalty that is referred to the Attorney General for collection under subsection (a) of this section after satisfactory information is presented to the Attorney General. The action may be brought in the judicial district in which the violation occurred or the defendant has its principal executive office. If the action is against an individual, the action also may be brought in the judicial district in which the individual resides.

(2) A civil action under this subsection must be brought not later than 2 years after the date of the violation unless administrative notification under section 3711 of title 31 is given within that 2-year period to the person committing the violation. However, even if notification is given, the action must be brought within the period specified in section 2462 of title 28.

(c) IMPUTATION OF KNOWLEDGE.—In any proceeding under this section, a railroad carrier is deemed to know the acts of its officers and agents.

§21304. Willfulness requirement for penalties against individuals

A civil penalty under this subchapter may be imposed against an individual only for a willful violation. An individual is deemed not to have committed a willful violation if the individual was following the direct order of a railroad carrier official or supervisor under protest communicated to the official or supervisor. The individual is entitled to document the protest.

SUBCHAPTER II—CRIMINAL PENALTIES

§21311. Records and reports

(a) RECORDS AND REPORTS UNDER CHAPTER 201.—A person shall be fined under title 18, imprisoned for not more than 2 years, or both, if the person knowingly and willfully—

(1) makes a false entry in a record or report required to be made or preserved under chapter 201 of this title;

(2) destroys, mutilates, changes, or by another means falsifies such a record or report;

(3) does not enter required specified facts and transactions in such a record or report;

(4) makes or preserves such a record or report in violation of a regulation prescribed or order issued under chapter 201 of this title; or

(5) files a false record or report with the Secretary of Transportation.

(b) ACCIDENT AND INCIDENT REPORTS.—A railroad carrier not filing the report required by section 20901 of this title shall be fined not more than $500 for each violation and not more than $500 for each day during which the report is overdue.

PART B—ASSISTANCE

CHAPTER 221—LOCAL RAIL FREIGHT ASSISTANCE

Sec.

22101. Financial assistance for State projects.

22102. Eligibility.

22103. Applications.

22104. State rail plan financing.

22105. Sharing project costs.

22106. Limitations on financial assistance.

22107. Records, audits, and information.

22108. Authorization of appropriations.

§22101. Financial assistance for State projects

(a) GENERAL.—The Secretary of Transportation shall provide financial assistance to a State, as provided under this chapter, for a rail freight assistance project of the State when a rail carrier subject to subchapter I of chapter 105 of this title maintains a rail line in the State. The assistance is for the cost of—

(1) acquiring, in any way the State considers appropriate, an interest in a rail line or rail property to maintain existing, or to provide future, rail freight transportation, but only if the Interstate Commerce Commission has authorized, or exempted from the requirements of that authorization, the abandonment of, or the discontinuance of rail transportation on, the rail line related to the project;

(2) improving and rehabilitating rail property on a rail line to the extent necessary to allow adequate and efficient rail freight transportation on the line, but only if the rail carrier certifies that the rail line related to the project carried not more than 5,000,000 gross ton-miles of freight a mile in the prior year; and

(3) building rail or rail-related facilities (including new connections between at least 2 existing rail lines, intermodal freight terminals, sidings, bridges, and relocation of existing lines) to improve the quality and efficiency of the rail freight transportation, but only if the rail carrier certifies that the rail line related to the project carried not more than 5,000,000 gross ton-miles of freight a mile in the prior year.

(b) CALCULATING COST-BENEFIT RATIO.—The Secretary shall establish a methodology for calculating the ratio of benefits to costs of projects proposed under this chapter. In establishing the methodology, the Secretary shall consider the need for equitable treatment of different regions of the United States and different commodities transported by rail. The establishment of the methodology is committed to the discretion of the Secretary.

(c) CONDITIONS.—(1) Assistance for a project shall be provided under this chapter only if—

(A) a rail carrier certifies that the rail line related to the project carried more than 20 carloads a mile during the most recent year during which transportation was provided by the carrier on the line; and

(B) the ratio of benefits to costs for the project, as calculated using the methodology established under subsection (b) of this section, is more than 1.0.

(2) If the rail carrier that provided the transportation on the rail line is no longer in existence, the applicant for the project shall provide the information required by the certification under paragraph (1)(A) of this subsection in the way the Secretary prescribes.

(3) The Secretary may waive the requirement of paragraph (1)(A) or (2) of this subsection if the Secretary—

(A) decides that the rail line has contractual guarantees of at least 40 carloads a mile for each of the first 2 years of operation of the proposed project; and

(B) finds that there is a reasonable expectation that the contractual guarantees will be fulfilled.

(d) LIMITATIONS ON AMOUNTS.—A State may not receive more than 15 percent of the amounts provided in a fiscal year under this chapter. Not more than 20 percent of the amounts available under this chapter may be provided in a fiscal year for any one project.

§22102. Eligibility

A State is eligible to receive financial assistance under this chapter only when the State complies with regulations the Secretary of Transportation prescribes under this chapter and the Secretary decides that—

(1) the State has an adequate plan for rail transportation in the State and a suitable process for updating, revising, and modifying the plan;

(2) the State plan is administered or coordinated by a designated State authority and provides for a fair distribution of resources;

(3) the State authority—

(A) is authorized to develop, promote, supervise, and support safe, adequate, and efficient rail transportation;

(B) employs or will employ sufficient qualified and trained personnel;

(C) maintains or will maintain adequate programs of investigation, research, promotion, and development with opportunity for public participation; and

(D) is designated and directed to take all practicable steps (by itself or with other State authorities) to improve rail transportation safety and reduce energy use and pollution related to transportation; and

(4) the State has ensured that it maintains or will maintain adequate procedures for financial control, accounting, and performance evaluation for the proper use of assistance provided by the United States Government.

§22103. Applications

(a) FILING.—A State must file an application with the Secretary of Transportation for financial assistance for a project described under section 22101(a) of this title not later than January 1 of the fiscal year for which amounts have been appropriated. However, for a fiscal year for which the authorization of appropriations for assistance under this chapter has not been enacted by the first day of the fiscal year, the State must file the application not later than 90 days after the date of enactment of a law authorizing the appropriations for that fiscal year. The Secretary shall prescribe the form of the application.

(b) CONSIDERATIONS.—In considering an application under this subsection, the Secretary shall consider the following:

(1) the percentage of rail lines that rail carriers have identified to the Interstate Commerce Commission for abandonment or potential abandonment in the State.

(2) the likelihood of future abandonments in the State.

(3) the ratio of benefits to costs for a proposed project calculated using the methodology established under section 22101(b) of this title.

(4) the likelihood that the rail line will continue operating with assistance.

(5) the impact of rail bankruptcies, rail restructuring, and rail mergers on the State.

§22104. State rail plan financing

(a) ENTITLEMENT AND USES.—On the first day of each fiscal year, each State is entitled to $36,000 of the amounts made available under section 22108 of this title during that fiscal year to be used—

(1) to establish, update, revise, and modify the State plan required by section 22102 of this title; or

(2) to carry out projects described in section 22101(a)(1), (2), or (3) of this title, as designated by the State, if those projects meet the requirements of section 22101(c)(1)(B) of this title.

(b) APPLICATIONS.—Each State must apply for amounts under this section not later than the first day of the fiscal year for which the amounts are available. However, for any fiscal year for which the authorization of appropriations for financial assistance under this chapter has not been enacted by the first day of the fiscal year, the State must apply for amounts under this section not later than 60 days after the date of enactment of a law authorizing the appropriations for that fiscal year. Not later than 60 days after receiving an application, the Secretary of Transportation shall consider the application and notify the State of the approval or disapproval of the application.

(c) AVAILABILITY OF AMOUNTS.—Amounts provided under this section remain available to a State for obligation for the first 3 months after the end of the fiscal year for which the amounts were made available. Amounts not applied for under this section or that remain unobligated after the first 3 months after the end of the fiscal year for which the amounts were made available are available to the Secretary for projects meeting the requirements of this chapter.

§22105. Sharing project costs

(a) GENERAL.—(1) The United States Government's share of the costs of financial assistance for a project under this chapter is 50 percent, except that for assistance provided under section 22101(a)(2) of this title, the Government's share is 70 percent. The State may pay its share of the costs in cash or through the following benefits, to the extent that the benefits otherwise would not be provided:

(A) forgiveness of taxes imposed on a rail carrier or its property.

(B) real and tangible personal property (provided by the State or a person for the State) necessary for the safe and efficient operation of rail freight transportation.

(C) track rights secured by the State for a rail carrier.

(D) the cash equivalent of State salaries for State employees working on the State project, except overhead and general administrative costs.

(2) A State may pay more than its required percentage share of the costs of a project under this chapter. When a State, or a person acting for a State, pays more than the State share of the costs of its projects during a fiscal year, the excess amount shall be applied to the State share for the costs of the State projects for later fiscal years.

(b) AGREEMENTS TO COMBINE AMOUNTS.—States may agree to combine any part of the amounts made available under this chapter to carry out a project that is eligible for assistance under this chapter when—

(1) the project will benefit each State making the agreement; and

(2) the agreement is not a violation of State law.

§22106. Limitations on financial assistance

(a) GRANTS AND LOANS.—A State shall use financial assistance for projects under this chapter to make a grant or lend money to the owner of rail property, or a rail carrier providing rail transportation, related to a project being assisted. The State shall decide on the financial terms of the grant or loan, except that the time for making grant advances shall comply with regulations of the Secretary of the Treasury.

(b) HOLDING AND USE OF GOVERNMENT'S SHARE.—The State shall place the United States Government's share of money that is repaid in an interest-bearing account. However, the Secretary of Transportation may allow a borrower to place that money, for the benefit of the State, in a bank designated by the Secretary of the Treasury under section 10 of the Act of June 11, 1942 (12 U.S.C. 265). The State shall use the money and accumulated interest to make other grants and loans under this chapter.

(c) PAYMENT OF UNUSED MONEY AND ACCUMULATED INTEREST.—The State may pay the Secretary of Transportation the Government's share of unused money and accumulated interest at any time. However, the State must pay the unused money and accumulated interest to the Secretary when the State ends its participation under this chapter.

(d) ENCOURAGING PARTICIPATION.—To the maximum extent possible, the State shall encourage the participation of shippers, rail carriers, and local communities in paying the State share of assistance costs.

(e) RETENTION OF CONTINGENT INTEREST.—Each State shall retain a contingent interest (redeemable preference shares) for the Government's share of amounts in a rail line receiving assistance under this chapter. The State may collect its share of the amounts used for the rail line if—

(1) an application for abandonment of the rail line is filed under chapter 109 of this title; or

(2) the rail line is sold or disposed of after it has received assistance under this chapter.

§22107. Records, audits, and information

(a) RECORDS.—Each recipient of financial assistance through an arrangement under this chapter shall keep records required by the Secretary of Transportation. The records shall be kept for 3 years after a project is completed and shall disclose—

(1) the amount of, and disposition by the recipient, of the assistance;

(2) the total costs of the project for which the assistance was given or used;

(3) the amount of that part of the costs of the project paid by other sources; and

(4) any other records that will make an effective audit easier.

(b) AUDITS.—The Secretary and the Comptroller General shall make regular financial and performance audits, as provided under chapter 75 of title 31, of activities and transactions assisted under this chapter.

(c) INFORMATION.—The Interstate Commerce Commission shall provide the Secretary with information the Secretary requests to assist in carrying out this chapter. The Commission shall provide the information not later than 30 days after receiving a request from the Secretary.

(d) LIST OF RAIL LINES.—Not later than August 1 of each year, each rail carrier subject to subchapter I of chapter 105 of this title shall submit to the Secretary a list of the rail lines of the carrier that carried not more than 5,000,000 gross ton-miles of freight a mile in the prior year.

§22108. Authorization of appropriations

(a) GENERAL.—(1) Not more than the following amounts may be appropriated to the Secretary of Transportation to carry out this chapter:

(A) $25,000,000 for the fiscal year ending September 30, 1993.

(B) $30,000,000 for the fiscal year ending September 30, 1994.

(2) Amounts appropriated under paragraph (1) of this subsection remain available until expended.

(3) No amount may be appropriated to the Secretary for any period after September 30, 1994, to carry out this chapter.

(b) DISTRIBUTION OF AMOUNTS.—The Secretary shall establish procedures necessary to ensure that amounts available to the Secretary for projects under this chapter are distributed not later than April 1 of the fiscal year for which the amounts are appropriated. If any amounts are not distributed by April 1, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of those amounts and the reasons for the delay in distribution.

(c) AVAILABILITY OF OTHER AMOUNTS.—Amounts appropriated to carry out section 5(i) of the Department of Transportation Act for fiscal year 1990 that are not applied for or that remain unobligated on January 1, 1991, are available to the Secretary for projects under this chapter.

PART C—PASSENGER TRANSPORTATION

CHAPTER 241—GENERAL

Sec.
24101. Findings, purpose, and goals.
24102. Definitions.
24103. Enforcement.
24104. Authorization of appropriations.

§24101. Findings, purpose, and goals

(a) FINDINGS.—(1) Public convenience and necessity require that Amtrak, to the extent its budget allows, provide modern, cost-efficient, and energy-efficient intercity rail passenger transportation between crowded urban areas and in other areas of the United States.

(2) Rail passenger transportation can help alleviate overcrowding of airways and airports and on highways.

(3) A traveler in the United States should have the greatest possible choice of transportation most convenient to the needs of the traveler.

(4) A greater degree of cooperation is necessary among Amtrak, other rail carriers, State, regional, and local governments, the private sector, labor organizations, and suppliers of services and equipment to Amtrak to achieve a performance level sufficient to justify expending public money.

(5) Modern and efficient commuter rail passenger transportation is important to the viability and well-being of major urban areas and to the energy conservation and self-sufficiency goals of the United States.

(6) As a rail passenger transportation entity, Amtrak should be available to operate commuter rail passenger transportation through its subsidiary, Amtrak Commuter, under contract with commuter authorities that do not provide the transportation themselves as part of the governmental function of the State.

(7) The Northeast Corridor is a valuable resource of the United States used by intercity and commuter rail passenger transportation and freight transportation.

(8) Greater coordination between intercity and commuter rail passenger transportation is required.

(b) PURPOSE.—By using innovative operating and marketing concepts, Amtrak shall provide intercity and commuter rail passenger transportation that completely develops the potential of modern rail transportation to meet the intercity and commuter passenger transportation needs of the United States.

(c) GOALS.—Amtrak shall—

(1) use its best business judgment in acting to minimize United States Government subsidies, including—

(A) increasing fares;

(B) increasing revenue from the transportation of mail and express;

(C) reducing losses on food service;

(D) improving its contracts with operating rail carriers;

(E) reducing management costs; and

(F) increasing employee productivity;

(2) minimize Government subsidies by encouraging State, regional, and local governments and the private sector to share the cost of providing rail passenger transportation, including the cost of operating facilities;

(3) carry out strategies to achieve immediately maximum productivity and efficiency consistent with safe and efficient transportation;

(4) operate Amtrak trains, to the maximum extent feasible, to all station stops within 15 minutes of the time established in public timetables;

(5) develop transportation on rail corridors subsidized by States and private parties;

(6) implement schedules based on a system-wide average speed of at least 60 miles an hour that can be achieved with a degree of reliability and passenger comfort;

(7) encourage rail carriers to assist in improving intercity rail passenger transportation;

(8) improve generally the performance of Amtrak through comprehensive and systematic operational programs and employee incentives;

(9) carry out policies that ensure equitable access to the Northeast Corridor by intercity and commuter rail passenger transportation;

(10) coordinate the uses of the Northeast Corridor, particularly intercity and commuter rail passenger transportation; and

(11) maximize the use of its resources, including the most cost-effective use of employees, facilities, and real property.

(d) MINIMIZING GOVERNMENT SUBSIDIES.—To carry out subsection (c)(11) of this section, Amtrak is encouraged to make agreements with the private sector and undertake initiatives that are consistent with good business judgment and designed to maximize its revenues and minimize Government subsidies.

§24102. Definitions

In this part—

(1) "auto-ferry transportation" means intercity rail passenger transportation—

(A) of automobiles or recreational vehicles and their occupants; and

(B) when space is available, of used unoccupied vehicles.

(2) "avoidable loss" means the avoidable costs of providing rail passenger transportation, less revenue attributable to the transportation, as determined by the Interstate Commerce Commission under section 553 of title 5.

(3) "basic system" means the system of intercity rail passenger transportation designated by the Secretary of Transportation under section 4 of the Amtrak Improvement Act of 1978 and approved by Congress, and transportation required to be provided under section 24705(a) of this title and section 4(g) of the Act, including changes in the system or transportation that Amtrak makes using the route and service criteria.

(4) "commuter authority" means a State, local, or regional entity established to provide, or make a contract providing for, commuter rail passenger transportation.

(5) "commuter rail passenger transportation" means short-haul rail passenger transportation in metropolitan and suburban areas usually having reduced fare, multiple-ride, and commuter tickets and morning and evening peak period operations.

(6) "intercity rail passenger transportation" means rail passenger transportation, except commuter rail passenger transportation.

(7) "Northeast Corridor" means Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

(8) "rail carrier" means a person providing rail transportation for compensation.

(9) "rate" means a rate, fare, or charge for rail transportation.

(10) "regional transportation authority" means an entity established to provide passenger transportation in a region.

(11) "route and service criteria" means the criteria and procedures for making route and service decisions established under section 404(c)(1)-(3)(A) of the Rail Passenger Service Act.

§24103. Enforcement

(a) GENERAL.—(1) Except as provided in paragraph (2) of this subsection, only the Attorney General may bring a civil action for equitable relief in a district court of the United States when Amtrak or a rail carrier—

(A) engages in or adheres to an action, practice, or policy inconsistent with this part;

(B) obstructs or interferes with an activity authorized under this part;

(C) refuses, fails, or neglects to discharge its duties and responsibilities under this part; or

(D) threatens—

(i) to engage in or adhere to an action, practice, or policy inconsistent with this part;

(ii) to obstruct or interfere with an activity authorized by this part; or

(iii) to refuse, fail, or neglect to discharge its duties and responsibilities under this part.

(2) An employee affected by any conduct or threat referred to in paragraph (1) of this subsection, or an authorized employee representative, may bring the civil action if the conduct or threat involves a labor agreement.

(b) REVIEW OF DISCONTINUANCE OR REDUCTION.—A discontinuance of a route, a train, or *transportation, or a reduction in the frequency of transportation, by Amtrak is reviewable only in a civil action for equitable relief brought by the Attorney General.*

(c) VENUE.—Except as otherwise prohibited by law, a civil action under this section may be brought in the judicial district in which Amtrak or the rail carrier resides or is found.

§24104. Authorization of appropriations

(a) CAPITAL ACQUISITION AND CORRIDOR DEVELOPMENT.—(1) Not more than $250,000,000 may be appropriated to the Secretary of Transportation for each of the fiscal years ending September 30, 1993, and September 30, 1994, for the benefit of Amtrak to make capital expenditures under chapters 243–247 of this title.

(2) In addition to amounts that may be appropriated under section 24909 of this title, not more than the following amounts may be appropriated to the Secretary for the benefit of Amtrak to make capital expenditures under chapter 249 of this title:

(A) $220,000,000 for the fiscal year ending September 30, 1993.

(B) $250,000,000 for the fiscal year ending September 30, 1994.

(3)(A) Not more than 15 percent of each of the amounts appropriated under paragraphs (1) and (2) of this subsection is available for transportation described in subparagraphs (B) and (C) of this paragraph.

(B) Amounts made available under subparagraph (A) of this paragraph shall be used to develop new intercity rail passenger transportation on corridors between cities undergoing significant population growth and in which the transportation reasonably can be expected to provide travel times comparable with other surface transportation modes. An amount may be expended for the transportation only if a State requests the transportation and the State and Amtrak agree that—

(i) Amtrak will pay at least 90 percent of the cost of acquiring rolling stock for the transportation; and

(ii) the State will pay at least 90 percent of the cost of improving the right of way, including track structure, signal systems, passenger station facilities, highway and pedestrian grade crossings, and other safety equipment and facilities.

(C) Amounts made available under subparagraph (A) of this paragraph shall be used to begin new long distance intercity rail passenger transportation. An amount may be expended for the transportation only if a State requests the transportation and the State and Amtrak agree that—

(i) Amtrak will pay at least 75 percent of the cost of acquiring rolling stock for the transportation; and

(ii) the State will pay at least 90 percent of the cost of improving the right of way, including track structure, signal systems, passenger station facilities, highway and pedestrian grade crossings, and other safety equipment and facilities.

(D) Section 24704 of this title applies to the operating expenses of transportation described in subparagraphs (B) and (C) of this paragraph.

(b) OPERATING EXPENSES.—(1) Not more than $381,000,000 may be appropriated to the Secretary for each of the fiscal years ending September 30, 1993, and September 30, 1994, for the benefit of Amtrak for operating expenses. Not more than 5 percent of the amounts appropriated for each fiscal year shall be used to pay operating expenses under section 24704 of this title for transportation in operation on September 30, 1992.

(2)(A) Not more than the following amounts may be appropriated to the Secretary for the benefit of Amtrak for operating losses under section 24704 of this title for transportation beginning after September 30, 1992:

(i) $7,500,000 for the fiscal year ending September 30, 1993.

(ii) $9,500,000 for the fiscal year ending September 30, 1994.

(B) The expenditure by Amtrak of an amount appropriated under subparagraph (A) of this paragraph is deemed not to be an operating expense when calculating the revenue-to-operating expense ratio of Amtrak.

(c) MANDATORY PAYMENTS.—(1) Not more than $150,000,000 for the fiscal year ending September 30, 1993, and amounts that may be necessary for the fiscal year ending September 30, 1994, may be appropriated to the Secretary to pay—

(A) tax liabilities under section 3221 of the Internal Revenue Code of 1986 (26 U.S.C. 3221) due in those fiscal years that are more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries;

(B) obligations of Amtrak under section 8(a) of the Railroad Unemployment Insurance Act (45 U.S.C. 358(a)) due in those fiscal years that are more than obligations of Amtrak calculated on an experience-related basis; and

(C) obligations of Amtrak due under section 3321 of the Code (26 U.S.C. 3321).

(2) Amounts appropriated under this subsection are not a United States Government subsidy of Amtrak.

(d) PAYMENT TO AMTRAK.—Amounts appropriated under this section shall be paid to Amtrak under the budget request of the Secretary as approved or modified by Congress when the amounts are appropriated. A payment may not be made more frequently than once every 90 days, unless Amtrak, for good cause, requests more frequent payment before a 90-day period ends. In each fiscal year in which amounts are authorized to be appropriated under this section, amounts appropriated shall be paid to Amtrak as follows:

(1) 50 percent on October 1.

(2) 25 percent on January 1.

(3) 25 percent on April 1.

(e) AVAILABILITY OF AMOUNTS AND EARLY APPROPRIATIONS.—(1) Amounts appropriated under this section remain available until expended.

(2) Amounts for capital acquisitions and improvements may be appropriated in a fiscal year before the fiscal year in which the amounts will be obligated.

(f) LIMITATIONS ON USE.—Amounts appropriated under this section may not be used to subsidize operating losses of commuter rail passenger or rail freight transportation.

CHAPTER 243—AMTRAK

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§24301. Status and applicable laws

(a) STATUS.—Amtrak—

(1) is a rail carrier under section 10102 of this title;

(2) shall be operated and managed as a for-profit corporation; and

(3) is not a department, agency, or instrumentality of the United States Government.

(b) PRINCIPAL OFFICE AND PLACE OF BUSINESS.—The principal office and place of business of Amtrak are in the District of Columbia. Amtrak is qualified to do business in each State in which Amtrak carries out an activity authorized under this part. Amtrak shall accept service of process by certified mail addressed to the secretary of Amtrak at its principal office and place of business. Amtrak is a citizen only of the District of Columbia when deciding original jurisdiction of the district courts of the United States in a civil action.

(c) APPLICATION OF SUBTITLE IV.—(1) Subtitle IV of this title applies to Amtrak, except for provisions related to the—

(A) regulation of rates;

(B) abandonment or extension of rail lines used only for passenger transportation and the abandonment or extension of operations over those lines;

(C) regulation of routes and service;

(D) discontinuance or change of rail passenger transportation operations; and

(E) issuance of securities or the assumption of an obligation or liability related to the securities of others.

(2) Notwithstanding this subsection—

(A) sections 10721–10724 of this title apply to Amtrak; and

(B) on application of an adversely affected motor carrier, the Interstate Commerce Commission under any provision of subtitle IV of this title applicable to a carrier subject to subchapter I of chapter 105 of this title may hear a complaint about an unfair or predatory rate or marketing practice of Amtrak for a route or service operating at a loss.

(d) APPLICATION OF SAFETY AND EMPLOYEE RELATIONS LAWS AND REGULATIONS.—Laws and regulations governing safety, employee representation for collective bargaining purposes, the handling of disputes between carriers and employees, employee retirement, annuity, and unemployment systems, and other dealings with employees that apply to a common carrier subject to subchapter I of chapter 105 of this title apply to Amtrak.

(e) APPLICATION OF CERTAIN ADDITIONAL LAWS.—Section 552 of title 5, this part, and, to the extent consistent with this part, the District of Columbia Business Corporation Act (D.C. Code § 29–301 et seq.) apply to Amtrak.

(f) LAWS GOVERNING LEASES AND CONTRACTS.—The laws of the District of Columbia govern leases and contracts of Amtrak, regardless of where they are executed.

(g) NONAPPLICATION OF RATE, ROUTE, AND SERVICE LAWS.—A State or other law related to rates, routes, or service does not apply to Amtrak in connection with rail passenger transportation.

(h) NONAPPLICATION OF PAY PERIOD LAWS.—A State or local law related to pay periods or days for payment of employees does not apply to Amtrak. Except when otherwise provided under a collective bargaining agreement, an employee of Amtrak shall be paid at least as frequently as the employee was paid on October 1, 1979.

(i) PREEMPTION RELATED TO EMPLOYEE WORK REQUIREMENTS.—A State may not adopt or continue in force a law, rule, regulation, order, or standard requiring Amtrak to employ a specified number of individuals to perform a particular task, function, or operation.

(j) NONAPPLICATION OF LAWS ON JOINT USE OR OPERATION OF FACILITIES AND EQUIPMENT.—Prohibitions of law applicable to an agreement for the joint use or operation of facilities and equipment necessary to provide quick and efficient rail passenger transportation do not apply to a person making an agreement with Amtrak to the extent necessary to allow the person to

make and carry out obligations under the agreement.

(k) EXEMPTION FROM ADDITIONAL TAXES.—(1) In this subsection—

(A) "additional tax" means a tax or fee—

(i) on the acquisition, improvement, ownership, or operation of personal property by Amtrak; and

(ii) on real property, except a tax or fee on the acquisition of real property or on the value of real property not attributable to improvements made, or the operation of those improvements, by Amtrak.

(B) "Amtrak" includes a rail carrier subsidiary of Amtrak and a lessor or lessee of Amtrak or one of its rail carrier subsidiaries.

(2) Amtrak is not required to pay an additional tax because of an expenditure to acquire or improve real property, equipment, a facility, or right-of-way material or structures used in providing rail passenger transportation, even if that use is indirect.

(l) EXEMPTION FROM TAXES LEVIED AFTER SEPTEMBER 30, 1981.—(1) Amtrak or a rail carrier subsidiary of Amtrak is exempt from a tax or fee imposed by a State, a political subdivision of a State, or a local taxing authority and levied on it after September 30, 1981. However, Amtrak is not exempt under this subsection from a tax or fee that it was required to pay as of September 10, 1982.

(2) The district courts of the United States have original jurisdiction over a civil action Amtrak brings to enforce this subsection and may grant equitable or declaratory relief requested by Amtrak.

(m) WASTE DISPOSAL.—(1) An intercity rail passenger car manufactured after October 14, 1990, shall be built to provide for the discharge of human waste only at a servicing facility. Amtrak shall retrofit each of its intercity rail passenger cars that was manufactured after May 1, 1971, and before October 15, 1990, with a human waste disposal system that provides for the discharge of human waste only at a servicing facility. Subject to appropriations—

(A) the retrofit program shall be completed not later than October 15, 1996; and

(B) a car that does not provide for the discharge of human waste only at a servicing facility shall be removed from service after that date.

(2) Section 361 of the Public Health Service Act (42 U.S.C. 264) and other laws of the United States, States, and local governments do not apply to waste disposal from rail carrier vehicles operated in intercity rail passenger transportation. The district courts of the United States have original jurisdiction over a civil action Amtrak brings to enforce this paragraph and may grant equitable or declaratory relief requested by Amtrak.

(n) RAIL TRANSPORTATION TREATED EQUALLY.—When authorizing transportation in the continental United States for an officer, employee, or member of the uniformed services of a department, agency, or instrumentality of the Government, the head of that department, agency, or instrumentality shall consider rail transportation (including transportation by extra-fare trains) the same as transportation by another authorized mode. The Administrator of General Services shall include Amtrak in the contract air program of the Administrator in markets in which transportation provided by Amtrak is competitive with other carriers on fares and total trip times.

§24302. Board of directors

(a) COMPOSITION AND TERMS.—(1) The board of directors of Amtrak is composed of the following 9 directors, each of whom must be a citizen of the United States:

(A) the Secretary of Transportation.

(B) the President of Amtrak.

(C) 3 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, as follows:

(i) one individual selected from a list of 3 qualified individuals submitted by the Railway Labor Executives Association.

(ii) one chief executive officer of a State selected from among the chief executive officers of States with an interest in rail transportation. The chief executive officer may select an individual to act as the officer's representative at board meetings.

(iii) one individual selected as a representative of business with an interest in rail transportation.

(D) 2 individuals selected by the President of the United States from a list of names consisting of one individual nominated by each commuter authority for which Amtrak Commuter provides commuter rail passenger transportation under section 24505 of this title and one individual nominated by each commuter authority in the region (as defined in section 102 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 702)) that provides its own commuter rail passenger transportation or makes a contract with an operator (except Amtrak Commuter), except that—

(i) one of the individuals selected must have been nominated by a commuter authority for which Amtrak Commuter provides commuter rail transportation; or

(ii) if Amtrak Commuter does not provide commuter rail passenger transportation for any authority, the 2 individuals shall be selected from a list of 5 individuals submitted by commuter authorities providing transportation over rail property of Amtrak.

(E) 2 individuals selected by the holders of the preferred stock of Amtrak.

(2) An individual appointed under paragraph (1)(C) of this subsection serves for 4 years or until the individual's successor is appointed and qualified. Not more than 2 individuals appointed under paragraph (1)(C) may be members of the same political party.

(3) An individual selected under paragraph (1)(D) of this subsection serves for 2 years or until the individual's successor is selected.

(4) An individual selected under paragraph (1)(E) of this subsection serves for one year or until the individual's successor is selected.

(5) The President of Amtrak serves as Chairman of the board.

(6) The Secretary may be represented at a meeting of the board only by the Deputy Secretary of Transportation, the Administrator of the Federal Railroad Administration, or the General Counsel of the Department of Transportation.

(b) CUMULATIVE VOTING.—The articles of incorporation of Amtrak shall provide for cumulative voting for all stockholders.

(c) CONFLICTS OF INTEREST.—When serving on the board, a director appointed by the President of the United States may not have—

(1) a financial or employment relationship with a rail carrier; and

(2) a significant financial relationship or an employment relationship with a person competing with Amtrak in providing passenger transportation.

(d) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing board duties and powers. Each director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending board meetings.

(e) VACANCIES.—A vacancy on the board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

(f) BYLAWS.—The board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.

§24303. Officers

(a) APPOINTMENT AND TERMS.—Amtrak has a President and other officers that are named and appointed by the board of directors of Amtrak. An officer of Amtrak must be a citizen of the United States. Officers of Amtrak serve at the pleasure of the board.

(b) PAY.—The board may fix the pay of the officers of Amtrak. An officer may not be paid more than the general level of pay for officers of rail carriers with comparable responsibility.

(c) CONFLICTS OF INTEREST.—When employed by Amtrak, an officer may not have a financial or employment relationship with another rail carrier, except that holding securities issued by a rail carrier is not deemed to be a violation of this subsection if the officer holding the securities makes a complete public disclosure of the holdings and does not participate in any decision directly affecting the rail carrier.

§24304. Capitalization

(a) STOCK.—Amtrak may have outstanding one issue of common stock and one issue of preferred stock. Each type of stock is eligible for a dividend. The articles of incorporation of Amtrak shall provide that—

(1) each type of stock must be fully paid and nonassessable;

(2) common stock has a par value of $10 a share; and

(3) preferred stock has a par value of $100 a share.

(b) LIMITATIONS ON OWNERSHIP AND VOTING.—(1) A rail carrier or person controlling a rail carrier—

(A) may not hold preferred stock of Amtrak; and

(B) may vote not more than one-third of the total number of shares of outstanding common stock of Amtrak.

(2) Additional common stock owned by a rail carrier or person controlling a rail carrier is deemed to be not outstanding for voting and quorum purposes.

(c) PREFERRED STOCK DIVIDENDS AND LIQUIDATION PREFERENCES.—The articles of incorporation of Amtrak shall provide that—

(1) its preferred stock has a cumulative dividend of at least 6 percent a year;

(2) if a dividend on the preferred stock is not declared and paid or set aside for payment, the deficiency shall be declared and paid or set aside for payment before a dividend or other distribution is made on its common stock;

(3) the preferred stock has a liquidation preference over the common stock entitling holders of preferred stock to receive a liquidation payment of at least par value plus all accrued unpaid dividends before a liquidation payment is made to holders of common stock; and

(4) the preferred stock may be converted to common stock.

(d) ISSUANCE OF PREFERRED STOCK TO SECRETARY.—(1) Not later than 30 days after the close of each fiscal quarter, Amtrak shall issue to the Secretary of Transportation preferred stock equal, to the nearest whole share, to the amount paid to Amtrak under section 24104(d) of this title during the quarter.

(2) Preferred stock issued under this subsection or section 304(c)(1) of the Rail Passenger Service Act is deemed to be issued on the date Amtrak receives the amounts for which the stock is issued.

(3) An amendment to the articles of incorporation of Amtrak is not required for issuing preferred stock under this subsection.

(e) TAXES AND FEES ON PREFERRED STOCK.—A tax or fee applies to preferred stock issued under this section only if specifically prescribed by Congress.

(f) NONVOTING CERTIFICATES OF INDEBTEDNESS.—Amtrak may issue nonvoting certificates of indebtedness, except that an obligation with a liquidation interest superior to preferred stock issued to the Secretary or secured by a lien on property of Amtrak may be incurred when preferred stock issued to the Secretary is outstanding only if the Secretary consents.

(g) INSPECTION RIGHTS.—Stockholders of Amtrak have the rights of inspecting and copying set forth in section 45(b) of the District of Columbia Business Corporation Act (D.C. Code §29-345(b)) regardless of the amount of stock they hold.

§24305. General authority

(a) ACQUISITION AND OPERATION OF EQUIPMENT AND FACILITIES.—(1) Amtrak may acquire, operate, maintain, and make contracts for the operation and maintenance of equipment and facilities necessary for intercity and commuter rail passenger transportation, the transportation of mail and express, and auto-ferry transportation.

(2) Amtrak shall operate and control directly, to the extent practicable, all aspects of the rail passenger transportation it provides.

(b) MAINTENANCE AND REHABILITATION.—Amtrak may maintain and rehabilitate rail passenger equipment and shall maintain a regional maintenance plan that includes—

(1) a review panel at the principal office of Amtrak consisting of members the President of Amtrak designates;

(2) a systemwide inventory of spare equipment parts in each operational region;

(3) enough maintenance employees for cars and locomotives in each region;

(4) a systematic preventive maintenance program;

(5) periodic evaluations of maintenance costs, time lags, and parts shortages and corrective actions; and

(6) other elements or activities Amtrak considers appropriate.

(c) MISCELLANEOUS AUTHORITY.—Amtrak may—

(1) make and carry out appropriate agreements;

(2) transport mail and express and shall use all feasible methods to obtain the bulk mail business of the United States Postal Service;

(3) improve its reservation system and advertising;

(4) provide food and beverage services on its trains only if revenues from the services each year at least equal the cost of providing the services;

(5) conduct research, development, and demonstration programs related to the mission of Amtrak; and

(6) buy or lease rail rolling stock and develop and demonstrate improved rolling stock.

(d) THROUGH ROUTES AND JOINT FARES.—(1) Establishing through routes and joint fares between Amtrak and other intercity rail passenger carriers and motor carriers of passengers is consistent with the public interest and the transportation policy of the United States. Congress encourages establishing those routes and fares.

(2) Amtrak may establish through routes and joint fares with any domestic or international motor carrier, air carrier, or water carrier.

(e) RAIL POLICE.—Amtrak may employ rail police to provide security for rail passengers and property of Amtrak. Rail police employed by Amtrak who have complied with a State law establishing requirements applicable to rail police or individuals employed in a similar position may be employed without regard to the law of another State containing those requirements.

(f) DOMESTIC BUYING PREFERENCES.—(1) In this subsection, "United States" means the States, territories, and possessions of the United States and the District of Columbia.

(2) Amtrak shall buy only—

(A) unmanufactured articles, material, and supplies mined or produced in the United States; or

(B) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

(3) Paragraph (2) of this subsection applies only when the cost of those articles, material, or supplies bought is at least $1,000,000.

(4) On application of Amtrak, the Secretary of Transportation may exempt Amtrak from this subsection if the Secretary decides that—

(A) for particular articles, material, or supplies—

(i) the requirements of paragraph (2) of this subsection are inconsistent with the public interest;

(ii) the cost of imposing those requirements is unreasonable; or

(iii) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; or

(B) rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time.

§24306. Mail, express, and auto-ferry transportation

(a) ACTIONS TO INCREASE REVENUES.—Amtrak shall take necessary action to increase its revenues from the transportation of mail and express. To increase its revenues, Amtrak may provide auto-ferry transportation as part of the basic passenger transportation authorized by this part. When requested by Amtrak, a department, agency, or instrumentality of the United States Government shall assist in carrying out this section.

(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—(1) A person primarily providing auto-ferry transportation and any other person not a rail carrier may provide auto-ferry transportation over any route under a certificate issued by the Interstate Commerce Commission if the Commission finds that the auto-ferry transportation—

(A) will not impair the ability of Amtrak to reduce its losses or increase its revenues; and

(B) is required to meet the public demand.

(2) A rail carrier that has not made a contract with Amtrak to provide rail passenger transportation may provide auto-ferry transportation over its own rail lines.

(3) State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.

§24307. Special transportation

(a) REDUCED FARE PROGRAM.—Amtrak shall maintain a reduced fare program for the following:

(1) individuals at least 65 years of age.

(2) individuals (except alcoholics and drug abusers) who—

(A) have a physical or mental impairment that substantially limits a major life activity of the individual;

(B) have a record of an impairment; or

(C) are regarded as having an impairment.

(b) ACTIONS TO ENSURE ACCESS.—Amtrak may act to ensure access to intercity transportation for elderly or handicapped individuals on passenger trains operated by or for Amtrak. That action may include—

(1) acquiring special equipment;

(2) conducting special training for employees;

(3) designing and acquiring new equipment and facilities;

(4) eliminating barriers in existing equipment and facilities to comply with the highest standards of design, construction, and alteration of property to accommodate elderly and handicapped individuals; and

(5) providing special assistance to elderly and handicapped individuals when getting on and off trains and in terminal areas.

(c) EMPLOYEE TRANSPORTATION.—(1) In this subsection, "rail carrier employee" means—

(A) an active full-time employee of a rail carrier or terminal company and includes an employee on furlough or leave of absence;

(B) a retired employee of a rail carrier or terminal company; and

(C) a dependent of an employee referred to in clause (A) or (B) of this paragraph.

(2) Amtrak shall ensure that a rail carrier employee eligible for free or reduced-rate rail transportation on April 30, 1971, under an agreement in effect on that date is eligible, to the greatest extent practicable, for free or reduced-rate intercity rail passenger transportation provided by Amtrak under this part, if space is available, on terms similar to those available on that date under the agreement. However, Amtrak may apply to all rail carrier employees eligible to receive free or reduced-rate transportation under any agreement a single systemwide schedule of terms that Amtrak decides applied to a majority of employees on that date under all those agreements. Unless Amtrak and a rail carrier make a different agreement, the carrier shall reimburse Amtrak at the rate of 25 percent of the systemwide average monthly yield of each revenue passenger-mile. The reimbursement is in place of costs Amtrak incurs related to free or reduced-rate transportation, including liability related to travel of a rail carrier employee eligible for free or reduced-rate transportation.

(3) This subsection does not prohibit the Interstate Commerce Commission from ordering retroactive relief in a proceeding begun or reopened after October 1, 1981.

§24308. Use of facilities and providing services to Amtrak

(a) GENERAL AUTHORITY.—(1) Amtrak may make an agreement with a rail carrier or regional transportation authority to use facilities of, and have services provided by, the carrier or authority under terms on which the parties agree. The terms shall include a penalty for untimely performance.

(2)(A) If the parties cannot agree and if the Interstate Commerce Commission finds it necessary to carry out this part, the Commission shall—

(i) order that the facilities be made available and the services provided to Amtrak; and

(ii) prescribe reasonable terms and compensation for using the facilities and providing the services.

(B) When prescribing reasonable compensation under subparagraph (A) of this paragraph, the Commission shall consider quality of service as a major factor when determining whether, and the extent to which, the amount of compensation shall be greater than the incremental costs of using the facilities and providing the services.

(C) The Commission shall decide the dispute not later than 90 days after Amtrak submits the dispute to the Commission.

(3) Amtrak's right to use the facilities or have the services provided is conditioned on payment of the compensation. If the compensation is not

paid promptly, the rail carrier or authority entitled to it may bring an action against Amtrak to recover the amount owed.

(4) Amtrak shall seek immediate and appropriate legal remedies to enforce its contract rights when track maintenance on a route over which Amtrak operates falls below the contractual standard.

(b) OPERATING DURING EMERGENCIES.—To facilitate operation by Amtrak during an emergency, the Commission, on application by Amtrak, shall require a rail carrier to provide facilities immediately during the emergency. The Commission then shall promptly prescribe reasonable terms, including indemnification of the carrier by Amtrak against personal injury risk to which the carrier may be exposed. The rail carrier shall provide the facilities for the duration of the emergency.

(c) PREFERENCE OVER FREIGHT TRANSPORTATION.—Except in an emergency, intercity and commuter rail passenger transportation provided by or for Amtrak has preference over freight transportation in using a rail line, junction, or crossing unless the Secretary of Transportation orders otherwise under this subsection. A rail carrier affected by this subsection may apply to the Secretary for relief. If the Secretary, after an opportunity for a hearing under section 553 of title 5, decides that preference for intercity and commuter rail passenger transportation materially will lessen the quality of freight transportation provided to shippers, the Secretary shall establish the rights of the carrier and Amtrak on reasonable terms.

(d) ACCELERATED SPEEDS.—If a rail carrier refuses to allow accelerated speeds on trains operated by or for Amtrak, Amtrak may apply to the Secretary for an order requiring the carrier to allow the accelerated speeds. The Secretary shall decide whether accelerated speeds are unsafe or impracticable and which improvements would be required to make accelerated speeds safe and practicable. After an opportunity for a hearing, the Secretary shall establish the maximum allowable speeds of Amtrak trains on terms the Secretary decides are reasonable.

(e) ADDITIONAL TRAINS.—(1) When a rail carrier does not agree to provide, or allow Amtrak to provide, for the operation of additional trains over a rail line of the carrier, Amtrak may apply to the Secretary for an order requiring the carrier to provide or allow for the operation of the requested trains. After a hearing on the record, the Secretary may order the carrier, within 60 days, to provide or allow for the operation of the requested trains on a schedule based on legally permissible operating times. However, if the Secretary decides not to hold a hearing, the Secretary, not later than 30 days after receiving the application, shall publish in the Federal Register the reasons for the decision not to hold the hearing.

(2) The Secretary shall consider—

(A) when conducting a hearing, whether an order would impair unreasonably freight transportation of the rail carrier, with the carrier having the burden of demonstrating that the additional trains will impair the freight transportation; and

(B) when establishing scheduled running times, the statutory goal of Amtrak to implement schedules that attain a system-wide average speed of at least 60 miles an hour that can be adhered to with a high degree of reliability and passenger comfort.

(3) Unless the parties have an agreement that establishes the compensation Amtrak will pay the carrier for additional trains provided under an order under this subsection, the Commission shall decide the dispute under subsection (a) of this section.

§24309. Retaining and maintaining facilities

(a) DEFINITIONS.—In this section—

(1) "facility" means a rail line, right of way, fixed equipment, facility, or real property related to a rail line, right of way, fixed equipment, or facility, including a signal system, passenger station and repair tracks, a station building, a platform, and a related facility, including a water, fuel, steam, electric, and air line.

(2) downgrading a facility means reducing a track classification as specified in the Federal Railroad Administration track safety standards or altering a facility so that the time required for rail passenger transportation to be provided over the route on which a facility is located may be increased.

(b) APPROVAL REQUIRED FOR DOWNGRADING OR DISPOSAL.—A facility of a rail carrier or regional transportation authority that Amtrak used to provide rail passenger transportation on February 1, 1979, may be downgraded or disposed of only after approval by the Secretary of Transportation under this section.

(c) NOTIFICATION AND ANALYSIS.—(1) A rail carrier intending to downgrade or dispose of a facility Amtrak currently is not using to provide transportation shall notify Amtrak of its intention. If, not later than 60 days after Amtrak receives the notice, Amtrak and the carrier do not agree to retain or maintain the facility or to convey an interest in the facility to Amtrak, the carrier may apply to the Secretary for approval to downgrade or dispose of the facility.

(2) After a rail carrier notifies Amtrak of its intention to downgrade or dispose of a facility, Amtrak shall survey population centers with rail passenger transportation facilities to assist in preparing a valid and timely analysis of the need for the facility and shall update the survey as appropriate. Amtrak also shall maintain a system for collecting information gathered in the survey. The system shall collect the information based on geographic regions and on whether the facility would be part of a short haul or long haul route. The survey should facilitate an analysis of—

(A) ridership potential by ascertaining existing and changing travel patterns that would provide maximum efficient rail passenger transportation;

(B) the quality of transportation of competitors or likely competitors;

(C) the likelihood of Amtrak offering transportation at a competitive fare;

(D) opportunities to target advertising and fares to potential classes of riders;

(E) economic characteristics of rail passenger transportation related to the facility and the extent to which the characteristics are consistent with sound economic principles of short haul or long haul rail transportation; and

(F) the feasibility of applying effective internal cost controls to the facility and route served by the facility to improve the ratio of passenger revenue to transportation expenses (excluding maintenance of tracks, structures, and equipment and depreciation).

(d) APPROVAL OF APPLICATION AND PAYMENT OF AVOIDABLE COSTS.—(1) If Amtrak does not object to an application not later than 30 days after it is submitted, the Secretary shall approve the application promptly.

(2) If Amtrak objects to an application, the Secretary shall decide by not later than 180 days after the objection those costs the rail carrier may avoid if it does not have to retain or maintain a facility in the condition Amtrak requests. If Amtrak does not agree by not later than 60 days after the decision to pay the carrier these avoidable costs, the Secretary shall approve the application. When deciding whether to pay a carrier the avoidable costs of retaining or maintaining a facility, Amtrak shall consider—

(A) the potential importance of restoring rail passenger transportation on the route on which the facility is located;

(B) the market potential of the route;

(C) the availability, adequacy, and energy efficiency of an alternate rail line or alternate mode of transportation to provide passenger transportation to or near the places that would be served by the route;

(D) the extent to which major population centers would be served by the route;

(E) the extent to which providing transportation over the route would encourage the expansion of an intercity rail passenger system in the United States; and

(F) the possibility of increased ridership on a rail line that connects with the route.

(e) COMPLIANCE WITH OTHER OBLIGATIONS.—Downgrading or disposing of a facility under this section does not relieve a rail carrier from complying with its other common carrier or legal obligations related to the facility.

§24310. Assistance for upgrading facilities

(a) TO CORRECT DANGEROUS CONDITIONS.—(1) Amtrak or the owner of a facility presenting a danger to the employees, passengers, or property of Amtrak may petition the Secretary of Transportation for assistance to the owner for relocation or other measures undertaken after December 31, 1977, to minimize or eliminate the danger.

(2) The Secretary shall recommend to Congress that Congress authorize amounts for the relocation or other measures if the Secretary decides that—

(A) the facility presents a danger of death or serious injury to an employee or passenger or of serious damage to that property; and

(B) the owner should not be expected to bear the cost of that relocation or other measures.

(b) TO CORRECT STATE AND LOCAL VIOLATIONS.—(1) Amtrak, by itself or jointly with an owner or operator of a rail station Amtrak uses to provide rail passenger transportation, may apply to the Secretary for amounts that may be appropriated under paragraph (2) of this subsection to pay or reimburse expenses incurred after October 1, 1987, related to the station complying with an official notice received before October 1, 1987, from a State or local authority stating that the station violates or allegedly violates the building, construction, fire, electric, sanitation, mechanical, or plumbing code.

(2) Not more than $1,000,000, may be appropriated to the Secretary to carry out paragraph (1) of this subsection. Amounts appropriated under this paragraph remain available until expended.

§24311. Acquiring interests in property by eminent domain

(a) GENERAL AUTHORITY.—(1) To the extent financial resources are available, Amtrak may acquire by eminent domain under subsection (b) of this section interests in property—

(A) necessary for intercity rail passenger transportation, except property of a rail carrier, a State, a political subdivision of a State, or a governmental authority; or

(B) requested by the Secretary of Transportation in carrying out the Secretary's duty to design and build an intermodal transportation terminal at Union Station in the District of Columbia if the Secretary assures Amtrak that the Secretary will reimburse Amtrak.

(2) Amtrak may exercise the power of eminent domain only if it cannot—

(A) acquire the interest in the property by contract; or

(B) agree with the owner on the purchase price for the interest.

(b) CIVIL ACTIONS.—(1) A civil action to acquire an interest in property by eminent domain under subsection (a) of this section must be brought in the district court of the United States for the judicial district in which the property is located or, if a single piece of property is located in more than one judicial district, in any judicial district in which any piece of the property

is located. An interest is condemned and taken by Amtrak for its use when a declaration of taking is filed under this subsection and an amount of money estimated in the declaration to be just compensation for the interest is deposited in the court. The declaration may be filed with the complaint in the action or at any time before judgment. The declaration must contain or be accompanied by—

(A) a statement of the public use for which the interest is taken;

(B) a description of the property sufficient to identify it;

(C) a statement of the interest in the property taken;

(D) a plan showing the interest taken; and

(E) a statement of the amount of money Amtrak estimates is just compensation for the interest.

(2) When the declaration is filed and the deposit is made under paragraph (1) of this subsection, title to the property vests in Amtrak in fee simple absolute or in the lesser interest shown in the declaration, and the right to the money vests in the person entitled to the money. When the declaration is filed, the court may decide—

(A) the time by which, and the terms under which, possession of the property is given to Amtrak; and

(B) the disposition of outstanding charges related to the property.

(3) After a hearing, the court shall make a finding on the amount that is just compensation for the interest in the property and enter judgment awarding that amount and interest on it. The rate of interest is 6 percent a year and is computed on the amount of the award less the amount deposited in the court from the date of taking to the date of payment.

(4) On application of a party, the court may order immediate payment of any part of the amount deposited in the court for the compensation to be awarded. If the award is more than the amount received, the court shall enter judgment against Amtrak for the deficiency.

(c) AUTHORITY TO CONDEMN RAIL CARRIER PROPERTY INTERESTS.—(1) If Amtrak and a rail carrier cannot agree on a sale to Amtrak of an interest in property of a rail carrier necessary for intercity rail passenger transportation, Amtrak may apply to the Interstate Commerce Commission for an order establishing the need of Amtrak for the interest and requiring the carrier to convey the interest on reasonable terms, including just compensation. The need of Amtrak is deemed to be established, and the Commission, after holding an expedited proceeding and not later than 120 days after receiving the application, shall order the interest conveyed unless the Commission decides that—

(A) conveyance would impair significantly the ability of the carrier to carry out its obligations as a common carrier; and

(B) the obligations of Amtrak to provide modern, efficient, and economical rail passenger transportation can be met adequately by acquiring an interest in other property, either by sale or by exercising its right of eminent domain under subsection (a) of this section.

(2) If the amount of compensation is not determined by the date of the Commission's order, the order shall require, as part of the compensation, interest at 6 percent a year from the date prescribed for the conveyance until the compensation is paid.

(3) Amtrak subsequently may reconvey to a third party an interest conveyed to Amtrak under this subsection or prior comparable provision of law if the Commission decides that the reconveyance will carry out the purposes of this part, regardless of when the proceeding was brought (including a proceeding pending before a United States court on November 28, 1990).

§24312. Labor standards

(a) PREVAILING WAGES AND HEALTH AND SAFETY STANDARDS.—(1) Amtrak shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed under an agreement made under section 24308(a), 24701(a), or 24704(b)(2) of this title will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a-5). Amtrak may make such an agreement only after being assured that required labor standards will be maintained on the construction work. Health and safety standards prescribed by the Secretary under section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) apply to all construction work performed under such an agreement, except for construction work performed by a rail carrier.

(2) Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a-5).

(b) CONTRACTING OUT.—(1) Amtrak may not contract out work normally performed by an employee in a bargaining unit covered by a contract between a labor organization and Amtrak or a rail carrier that provided intercity rail passenger transportation on October 30, 1970, if contracting out results in the layoff of an employee in the bargaining unit.

(2) This subsection does not apply to food and beverage services provided on trains of Amtrak.

§24313. Rail safety system program

In consultation with rail labor organizations, Amtrak shall maintain a rail safety system program for employees working on property owned by Amtrak. The program shall be a model for other rail carriers to use in developing safety programs. The program shall include—

(1) periodic analyses of accident information, including primary and secondary causes;

(2) periodic evaluations of the activities of the program, particularly specific steps taken in response to an accident;

(3) periodic reports on amounts spent for occupational health and safety activities of the program;

(4) periodic reports on reduced costs and personal injuries because of accident prevention activities of the program;

(5) periodic reports on direct accident costs, including claims related to accidents; and

(6) reports and evaluations of other information Amtrak considers appropriate.

§24314. Demonstration of new technology

(a) PLAN.—Amtrak shall develop a plan for demonstrating new technology in rail passenger equipment. The plan shall provide that new equipment that Amtrak procures that may increase train speed significantly over existing rail facilities shall be demonstrated, to the extent practicable, throughout the intercity rail passenger system.

(b) REPORT.—Not later than September 30, 1993, Amtrak shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the plan developed under subsection (a) of this section, including its goals, locations for technology demonstration, and a schedule for carrying out the plan.

(c) COOPERATION.—To make efforts to increase train speed throughout the intercity rail passenger system easier, Amtrak shall consult and cooperate, to the extent feasible, on request of eligible applicants proposing a technology demonstration authorized and financed under a law of the United States, with those applicants.

§24315. Reports and audits

(a) AMTRAK ANNUAL OPERATIONS REPORT.—Not later than February 15 of each year, Amtrak shall submit to Congress a report that—

(1) for each route on which Amtrak provided intercity rail passenger transportation during the prior fiscal year, includes information on—

(A) ridership;

(B) passenger-miles;

(C) the short-term avoidable profit or loss for each passenger-mile;

(D) the revenue-to-cost ratio;

(E) revenues;

(F) the United States Government subsidy;

(G) the subsidy not provided by the United States Government; and

(H) on-time performance;

(2) provides relevant information about a decision to pay an officer of Amtrak more than the rate for level I of the Executive Schedule under section 5312 of title 5; and

(3) specifies—

(A) significant operational problems Amtrak identifies; and

(B) proposals by Amtrak to solve those problems.

(b) AMTRAK GENERAL AND LEGISLATIVE ANNUAL REPORT.—(1) Not later than February 15 of each year, Amtrak shall submit to the President and Congress a complete report of its operations, activities, and accomplishments, including a statement of revenues and expenditures for the prior fiscal year. The report—

(A) shall include a discussion and accounting of Amtrak's success in meeting the goal of section 24902(b) of this title; and

(B) may include recommendations for legislation, including the amount of financial assistance needed for operations and capital improvements, the method of computing the assistance, and the sources of the assistance.

(2) Amtrak may submit reports to the President and Congress at other times Amtrak considers desirable.

(c) SECRETARY'S REPORT ON EFFECTIVENESS OF THIS PART.—The Secretary of Transportation shall prepare a report on the effectiveness of this part in meeting the requirements for a balanced transportation system in the United States. The report may include recommendations for legislation. The Secretary shall include this report as part of the annual report the Secretary submits under section 308(a) of this title.

(d) INDEPENDENT AUDITS.—An independent certified public accountant shall audit the financial statements of Amtrak each year. The audit shall be carried out at the place at which the financial statements normally are kept and under generally accepted auditing standards. A report of the audit shall be included in the report required by subsection (a) of this section.

(e) COMPTROLLER GENERAL AUDITS.—The Comptroller General may conduct performance audits of the activities and transactions of Amtrak. Each audit shall be conducted at the place at which the Comptroller General decides and under generally accepted management principles. The Comptroller General may prescribe regulations governing the audit.

(f) AVAILABILITY OF RECORDS AND PROPERTY OF AMTRAK AND RAIL CARRIERS.—Amtrak and, if required by the Comptroller General, a rail carrier with which Amtrak has made a contract for intercity rail passenger transportation shall make available for an audit under subsection (d) or (e) of this section all records and property of, or used by, Amtrak or the carrier that are necessary for the audit. Amtrak and the carrier shall provide facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. Amtrak and the carrier may keep all reports and property.

(g) COMPTROLLER GENERAL'S REPORT TO CONGRESS.—The Comptroller General shall submit to

Congress a report on each audit, giving comments and information necessary to inform Congress on the financial operations and condition of Amtrak and recommendations related to those operations and conditions. The report also shall specify any financial transaction or undertaking the Comptroller General considers is carried out without authority of law. When the Comptroller General submits a report to Congress, the Comptroller General shall submit a copy of it to the President, the Secretary, and Amtrak at the same time.

CHAPTER 245—AMTRAK COMMUTER

Sec.

24501. Status and applicable laws.
24502. Board of directors.
24503. Officers.
24504. General authority.
24505. Commuter rail passenger transportation.
24506. Certain duties and powers unaffected.

§24501. Status and applicable laws

(a) STATUS.—Amtrak Commuter—

(1) is a wholly-owned subsidiary of Amtrak;

(2) provides by contract commuter rail passenger transportation for a commuter authority with which Amtrak Commuter makes a contract to provide the transportation under this chapter;

(3) has no common carrier obligations to provide rail passenger or rail freight transportation; and

(4) is not a department, agency, or instrumentality of the United States Government.

(b) APPLICATION OF SAFETY AND EMPLOYEE RELATIONS LAWS AND REGULATIONS.—Chapter 105 of this title does not apply to Amtrak Commuter. However, laws and regulations governing safety, employee representation for collective bargaining purposes, the handling of disputes between carriers and employees, employee retirement, annuity, and unemployment systems, and other dealings with employees that apply to a rail carrier providing transportation subject to subchapter I of chapter 105 apply to Amtrak Commuter.

(c) APPLICATION OF CERTAIN ADDITIONAL LAWS.—This part and, to the extent consistent with this part, the District of Columbia Business Corporation Act (D.C. Code §29–301 et seq.) apply to Amtrak Commuter.

(d) NONAPPLICATION OF RATE, ROUTE, AND SERVICE LAWS.—A State or other law related to rates, routes, or service in connection with rail passenger transportation does not apply to Amtrak Commuter.

(e) PREEMPTION RELATED TO EMPLOYEE WORK REQUIREMENTS.—A State may not adopt or continue in force a law, rule, regulation, order, or standard requiring Amtrak Commuter to employ a specified number of individuals to perform a particular task, function, or operation.

(f) EXEMPTION FROM ADDITIONAL TAXES.—(1) In this subsection, "additional tax" means a tax or fee—

(A) on the acquisition, improvement, ownership, or operation of personal property by Amtrak Commuter; and

(B) on real property, except a tax or fee on the acquisition of real property or on the value of real property not attributable to improvements made, or the operation of those improvements, by Amtrak Commuter.

(2) Amtrak Commuter is not required to pay an additional tax because of an expenditure to acquire or improve real property, equipment, a facility, or right-of-way material or structures used to provide rail passenger transportation.

(g) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority with which Amtrak Commuter could have made a contract to provide commuter rail passenger transportation under this chapter but which decided to provide its own rail passenger transportation beginning on January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.

(h) NONAPPLICATION OF AGREEMENTS FOR FINANCIAL SUPPORT AND TRACKAGE RIGHTS.—An agreement under which financial support was provided on January 2, 1974, to a commuter authority to continue rail passenger transportation does not apply to Amtrak Commuter. However, Amtrak and the Consolidated Rail Corporation retain appropriate trackage rights over rail property owned or leased by the authority. Compensation for the rights shall be reasonable.

§24502. Board of directors

(a) COMPOSITION.—The board of directors of Amtrak Commuter is composed of the following directors:

(1) the President of Amtrak Commuter.

(2) one individual from the board of directors of Amtrak selected as a representative of commuter authorities that make contracts with Amtrak Commuter for the operation of commuter rail passenger transportation.

(3) 2 individuals selected by the board of directors of Amtrak.

(4) 2 individuals selected by commuter authorities for which Amtrak Commuter provides commuter rail transportation under this chapter. However, only one individual shall be selected under this clause if Amtrak Commuter provides the transportation for only one authority.

(b) TERMS.—Except as otherwise provided in this section, individuals shall serve for 2 years.

(c) CHAIRMAN.—The board shall select annually one of its members to serve as Chairman.

(d) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing board duties and powers. Each director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending board meetings.

(e) VACANCIES.—A vacancy on the board is filled in the same way as the original selection.

(f) BYLAWS.—The board may adopt and amend bylaws governing the operation of Amtrak Commuter. The bylaws shall be consistent with this part and the articles of incorporation.

§24503. Officers

(a) APPOINTMENT AND TERMS.—Amtrak Commuter has a President and other officers that are named and appointed by the board of directors of Amtrak Commuter. An officer of Amtrak Commuter must be a citizen of the United States. Officers of Amtrak Commuter serve at the pleasure of the board.

(b) PAY.—The board may fix the pay of the officers of Amtrak Commuter. An officer may be paid not more than the general level of pay for officers of rail carriers with comparable responsibility.

(c) CONFLICTS OF INTEREST.—When employed by Amtrak Commuter, an officer may not have a financial or employment relationship with a rail carrier, except that holding securities issued by a rail carrier is not deemed to be a violation of this subsection if the officer holding the securities makes a complete public disclosure of the holdings and does not participate in any decision directly affecting the rail carrier.

§24504. General authority

(a) GENERAL.—Amtrak Commuter may—

(1) acquire, operate, maintain, and make contracts for the operation of equipment and facilities necessary for commuter rail passenger transportation;

(2) conduct research and development related to the mission of Amtrak Commuter; and

(3) issue common stock to Amtrak.

(b) OPERATION AND CONTROL.—To the extent consistent with this part and with an agreement with a commuter authority, Amtrak Commuter shall operate and control all aspects of the commuter rail passenger transportation it provides.

(c) AGREEMENT TO AVOID DUPLICATING EMPLOYEE FUNCTIONS.—To the maximum extent practicable, Amtrak Commuter and Amtrak shall make an agreement that avoids duplicating employee functions and voluntarily establishes a consolidated work force.

§24505. Commuter rail passenger transportation

(a) GENERAL AUTHORITY.—Amtrak Commuter—

(1) shall provide commuter rail passenger transportation that the Consolidated Rail Corporation was obligated to provide on August 13, 1981, under section 303(b)(2) or 304(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743(b)(2), 744(e)); and

(2) may provide other commuter rail passenger transportation if the commuter authority for which the transportation will be provided offers to provide a commuter rail passenger transportation payment equal to the—

(A) avoidable costs of providing the transportation (including the avoidable cost of necessary capital improvements) and a reasonable return on the value; less

(B) revenue attributable to the transportation.

(b) OFFER REQUIREMENTS.—(1) A commuter authority making an offer under subsection (a)(2) of this section shall—

(A) show that it has obtained access to all rail property necessary to provide the additional commuter rail passenger transportation; and

(B) make the offer according to regulations the Rail Services Planning Office prescribes under section 10362(b)(5)(A) and (6) of this title.

(2) The Office may revise and update the regulations when necessary to carry out this section.

(c) ADDITIONAL EMPLOYEE REQUIREMENTS.—Additional employee requirements shall be met through existing seniority arrangements agreed to in the implementing agreement negotiated under section 508 of the Rail Passenger Service Act.

(d) WHEN OBLIGATION DOES NOT APPLY.—Amtrak Commuter is not obligated to provide commuter rail passenger transportation if a commuter authority provides the transportation or makes a contract under which a person, except Amtrak Commuter, will provide the transportation. When appropriate, Amtrak Commuter shall give the authority or person access to the rail property needed to provide the transportation.

(e) DISCONTINUANCE OF COMMUTER RAIL PASSENGER TRANSPORTATION.—(1) Amtrak Commuter may discontinue commuter rail passenger transportation provided under this section on 60 days' notice if—

(A) a commuter authority does not offer a commuter rail passenger transportation payment under subsection (a)(2) of this section; or

(B) a payment is not paid when due.

(2) The Office shall prescribe regulations on the necessary contents of the notice required under this subsection.

(f) COMPENSATION FOR RIGHT-OF-WAY RELATED COSTS.—Compensation by a commuter authority to Amtrak or Amtrak Commuter for right-of-way related costs for transportation over property Amtrak owns shall be determined under a method the Interstate Commerce Commission establishes under section 1163 of the Omnibus Budget Reconciliation Act of 1981 (45 U.S.C. 1111) or to which the parties agree.

(g) APPLICATION OF OTHER LAWS.—All laws related to commuter rail passenger transportation apply to a commuter authority providing commuter rail passenger transportation under this section.

§24506. Certain duties and powers unaffected

This chapter does not affect a duty or power of the Consolidated Rail Corporation or its successor and any bi-state commuter authority under an agreement, lease, or contract under which property was conveyed to the Corporation under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.).

CHAPTER 247—AMTRAK ROUTE SYSTEM

Sec.
24701. Operation of basic system.
24702. Improving rail passenger transportation.
24703. Route and service criteria.
24704. Transportation requested by States, authorities, and other persons.
24705. Additional qualifying routes.
24706. Discontinuance.
24707. Cost and performance review.
24708. Special commuter transportation.
24709. International transportation.

§24701. Operation of basic system

(a) BY AMTRAK.—Amtrak shall provide intercity rail passenger transportation within the basic system unless the transportation is provided by—

(1) a rail carrier with which Amtrak did not make a contract under section 401(a) of the Rail Passenger Service Act; or

(2) a regional transportation authority under contract with Amtrak.

(b) BY OTHERS WITH CONSENT OF AMTRAK.—Except as provided in section 24306 of this title, a person may provide intercity rail passenger transportation over a route over which Amtrak provides scheduled intercity rail passenger transportation under a contract under section 401(a) of the Act only with the consent of Amtrak.

§24702. Improving rail passenger transportation

(a) PLAN TO IMPROVE TRANSPORTATION.—Amtrak shall continue to carry out its plan, submitted under section 305(f) of the Rail Passenger Service Act, to improve intercity rail passenger transportation provided in the basic system. The plan shall include—

(1) a zero-based assessment of all operating practices;

(2) changes to achieve the minimum use of employees consistent with safe operations and adequate transportation;

(3) a systematic program for achieving the greatest ratio of train size to passenger demand;

(4) a systematic program to reduce trip time in the basic system;

(5) establishing training programs to achieve on-time departures;

(6) establishing priorities for passenger trains over freight trains;

(7) adjusting the buying and pricing of food and beverages so that food and beverage services ultimately will be profitable;

(8) cooperative marketing opportunities between Amtrak and governmental authorities that have intercity rail passenger transportation; and

(9) cooperative marketing campaigns sponsored by Amtrak and the Secretary of Energy, the Administrator of the Federal Highway Administration, and the Administrator of the Environmental Protection Agency.

(b) STATE AND LOCAL SPEED RESTRICTIONS.—Amtrak shall—

(1) identify any speed restriction a State or local government imposes on a train of Amtrak that Amtrak decides impedes Amtrak from achieving high-speed intercity rail passenger transportation; and

(2) consult with that State or local government—

(A) to evaluate alternatives to the speed restriction, considering the local safety hazard that is the basis for the restriction; and

(B) to consider modifying or eliminating the restriction to allow safe operation at higher speeds.

(c) HIGH-SPEED RAIL TRANSPORTATION DEVELOPMENT.—On reasonable request by a State, political subdivision of a State, regional partnership, private sector representative, or other qualified person, Amtrak shall consult and cooperate to the extent feasible with that person to assist the efforts of that person to achieve high-speed rail transportation through equipment upgrades, grade-crossing safety improvements, and incremental infrastructure improvements on existing rail facilities that Amtrak uses (except the Northeast Corridor facilities). Not later than September 30, 1993, Amtrak shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on its efforts under this subsection.

(d) ROUTES CONNECTING CORRIDORS.—Amtrak shall begin or improve appropriate rail passenger transportation on a route between corridors that Amtrak decides is justified because it will increase ridership on trains of Amtrak on the route and in the connecting corridors.

§24703. Route and service criteria

(a) ROUTE DISCONTINUANCES AND ADDITIONS.—Except as provided in this part, route discontinuances and route additions shall comply with the route and service criteria.

(b) CONGRESSIONAL REVIEW OF CRITERIA AMENDMENTS.—(1) Amtrak shall submit to Congress a draft of an amendment to the route and service criteria when Amtrak decides an amendment is appropriate. The amendment is effective at the end of the first period of 120 calendar days of continuous session of Congress after it is submitted unless there is enacted into law during the period a joint resolution stating Congress does not approve the amendment.

(2) In this subsection—

(A) a continuous session of Congress is broken only by an adjournment sine die; and

(B) the 120-day period does not include days on which either House is not in session because of adjournment of more than 3 days to a day certain.

(c) NONAPPLICATION.—The route and service criteria do not apply to—

(1) increasing or, because of construction schedules or other temporary disruptive facts or seasonal fluctuations in ridership, decreasing the number of trains on an existing route or a part of an existing route or on a route on which additional trains are being tested;

(2) carrying out the recommendations developed under section 4 of the Amtrak Improvement Act of 1978;

(3) rerouting transportation between major population centers on an existing route; or

(4)(A) modifying transportation operations under section 24707(a) of this title; and

(B) modifying the route system or discontinuing transportation under section 24707(b) of this title.

§24704. Transportation requested by States, authorities, and other persons

(a) APPLICATIONS TO BEGIN OR KEEP TRANSPORTATION.—(1) A State, a regional or local authority, or another person may apply to Amtrak and request Amtrak to provide rail passenger transportation or keep any part of a train, route, or service that Amtrak intends to discontinue under section 24706(a) or (b) or 24707(a) or (b) of this title. An application shall—

(A) assure Amtrak that the State, authority, or person has sufficient resources to meet its share of the cost of the transportation for the time the transportation will be provided;

(B) contain a market analysis acceptable to Amtrak to ensure that there is adequate demand for the transportation; and

(C) commit the State, authority, or person to provide at least 45 percent of the short term avoidable loss of providing the transportation the first year the transportation is provided and at least 65 percent of the short term avoidable loss each of the following years, and, except as provided in section 24104(a) of this title, at least 50 percent of associated capital costs each year the transportation is provided.

(2) An application submitted by more than one State shall be considered in the same way as an application submitted by one State, without it being necessary for each State to comply with paragraph (1) of this subsection.

(b) ACTIONS ON APPLICATIONS.—(1) Amtrak shall review each application submitted under subsection (a) of this section to decide whether—

(A) the application complies with subsection (a); and

(B) there is a reasonable probability that Amtrak can provide the transportation from available resources.

(2) Amtrak may make an agreement with an applicant under this section to begin or keep the transportation if Amtrak decides that the transportation can be provided with resources available to Amtrak. An agreement may be renewed for additional periods of not more than 2 years each.

(c) SELECTING AMONG COMPETING APPLICATIONS.—If more than one application is made for transportation consistent with the requirements of subsection (a) of this section, but all the transportation applied for cannot be provided with the available resources of Amtrak, the board of directors of Amtrak shall select the transportation that best serves the public interest and can be provided with the available resources of Amtrak.

(d) FARE INCREASES.—(1) Before increasing a fare applicable to transportation provided under subsection (b)(2) of this section by more than 5 percent during a 6-month period, Amtrak shall consult with officials of each State affected by the increase and explain why the increase is necessary.

(2) Except as provided in paragraph (3) of this subsection, a fare increase described in paragraph (1) of this subsection takes effect 90 days after Amtrak first consults with the affected States. However, not later than 30 days after the first consultation, a State may submit proposals to Amtrak for reducing costs and increasing revenues of the transportation. Amtrak shall consider the proposals in deciding how much of the proposed increase shall go into effect.

(3)(A) Amtrak may increase a fare without regard to the restrictions of this subsection during—

(i) the first month of a fiscal year if the authorization of appropriations and the appropriations for Amtrak are not enacted at least 90 days before the beginning of the fiscal year; or

(ii) the 30 days following enactment of an appropriation for Amtrak or a rescission of an appropriation.

(B) Amtrak shall notify each affected State of an increase under subparagraph (A) of this paragraph as soon as possible after Amtrak decides to increase a fare.

(e) DETERMINING LOSS, COSTS, AND REVENUES.—After consulting with officials of each State contributing to providing transportation under subsection (b)(2) of this section, the board shall establish the basis for determining short term avoidable loss and associated capital costs of, and revenues from, the transportation. Amtrak shall give State officials the basis for determining the loss, cost, and revenue for each route on which transportation is provided under subsection (b)(2).

(f) AVAILABILITY OF AMOUNTS.—Amounts provided by Amtrak under an agreement with an *applicant under subsection (b)(2) of this section that are allocated for associated capital costs remain available until expended.*

(g) ADVERTISING AND PROMOTION.—At least 2 percent but not more than 5 percent of the revenue generated by transportation provided under subsection (b)(2) of this section shall be used for advertising and promotion at the local level.

§24705. Additional qualifying routes

(a) ROUTES RECOMMENDED FOR DISCONTINUANCE.—(1) To maintain a national intercity rail passenger system in the United States and if a reduction in operating expenses can be achieved, Amtrak shall provide rail passenger transportation over each route the Secretary of Transportation recommended be discontinued under section 4 of the Amtrak Improvement Act of 1978 and may restructure a route to serve a major population center as an ending place or principal intermediate place. Transportation over a long distance route shall be maintained if the Amtrak estimate for the fiscal year ending September 30, 1980, was that the short term avoidable loss for each passenger mile on the route was not more than 7 cents. Transportation over a short distance route shall be maintained if the Amtrak estimate for the fiscal year ending September 30, 1980, was that the short term avoidable loss for each passenger mile on the route was not more than 9 cents.

(2) For all routes, Amtrak shall calculate short term avoidable loss for each passenger-mile based on consistently defined factors. Calculations shall be based on the most recent available statistics for a 90-day period, except that Amtrak may use historical information adjusted to reflect the most recent available statistics.

(b) DEFERRAL OF SECRETARY'S RECOMMENDATIONS.—(1) To provide equivalent or improved transportation consistent with the goals of section 4(a) of the Act, Amtrak may defer carrying out a recommendation of the Secretary under section 4 of the Act that requires providing transportation over a rail line not used in intercity rail passenger transportation on May 24, 1979, requires using a new facility, or requires making a new labor agreement, until any necessary capital improvements are made in the line or facility or the agreement is made.

(2) Notwithstanding another law and the route and service criteria, during the period a decision of the Secretary under section 4 of the Act is deferred, Amtrak shall provide substitute transportation over existing routes recommended for restructuring and over other existing feasible routes. Except for transportation concentrating on commuter ridership over a short haul route, transportation provided under this paragraph may be provided only if the route complies with subsection (a) of this section, adjusted to reflect constant 1979 dollars.

(c) SHORT HAUL DEMONSTRATION ROUTES.—Notwithstanding this part, Amtrak may provide short haul trains on additional routes totaling not more than 200 miles that link at least 2 major metropolitan areas—

(1) on a demonstration basis to establish the feasibility and benefits of the transportation; and

(2) to the extent available resources allow.

(d) ROUTES DISCONTINUED BY RAIL CARRIERS.—Amtrak may undertake to provide rail passenger transportation between places served by a rail carrier filing a notice of discontinuance under section 10908 or 10909 of this title.

§24706. Discontinuance

(a) NOTICE OF DISCONTINUANCE.—(1) Except as provided in subsection (b) of this section, at least 90 days before a discontinuance under section 24704 or 24707(a) or (b) of this title, Amtrak shall give notice of the discontinuance in the way Amtrak decides will give a State, a regional or local authority, or another person the opportunity to agree to share the cost of any part of the train, route, or service to be discontinued.

(2) Notice of the discontinuance under section 24704 or 24707(a) or (b) of this title shall be posted in all stations served by the train to be discontinued at least 14 days before the discontinuance.

(b) DISCONTINUANCE FOR LACK OF APPROPRIATIONS.—(1) Amtrak may discontinue service under section 24704 or 24707(a) or (b) of this title during—

(A) the first month of a fiscal year if the authorization of appropriations and the appropriations for Amtrak are not enacted at least 90 days before the beginning of the fiscal year; and

(B) the 30 days following enactment of an appropriation for Amtrak or a rescission of an appropriation.

(2) Amtrak shall notify each affected State or regional or local transportation authority of a discontinuance under this subsection as soon as possible after Amtrak decides to discontinue the service.

(c) EMPLOYEE PROTECTIVE ARRANGEMENTS.—(1) Amtrak or a rail carrier (including a terminal company) shall provide fair and equitable arrangements to protect the interests of employees of Amtrak or a rail carrier, as the case may be, affected by a discontinuance of intercity rail passenger service, including a discontinuance of service provided by a rail carrier under a facility or service agreement under section 24308(a) of this title under a modification or ending of the agreement or because Amtrak begins providing that service. Arrangements shall include provisions that may be necessary for—

(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise;

(B) the continuation of collective bargaining rights;

(C) the protection of individual employees against a worsening of their positions related to employment;

(D) assurances of priority of reemployment of employees whose employment is ended or who are laid off; and

(E) paid training and retraining programs.

(2) With respect to Amtrak's obligations under this subsection and in an agreement to carry out this subsection involving only Amtrak and its employees, a discontinuance of intercity rail passenger service does not include an adjustment in frequency, or seasonal suspension of intercity rail passenger trains that causes a temporary suspension of service, unless the adjustment or suspension reduces passenger train operations on a particular route to fewer than 3 round trips a week at any time during a calendar year.

(3) Arrangements under this subsection shall provide benefits at least equal to benefits established under section 11347 of this title.

(4) A contract under this chapter or section 24308(a) of this title shall specify the terms of protective arrangements.

(5) This subsection does not impose on Amtrak an obligation of a rail carrier related to a right, privilege, or benefit earned by an employee because of previous service performed for the carrier.

(6) This subsection does not apply to Amtrak Commuter.

§24707. Cost and performance review

(a) ROUTE REVIEWS.—Amtrak shall review annually each route in the basic system to decide if the route meets the long distance or short distance route criterion, as appropriate, under section 24705(a)(1) of this title, adjusted to reflect constant 1979 dollars. The review shall include an evaluation of the potential market demand for, and the cost of providing transportation on, a part of the route and an alternative route. Amtrak shall submit the results of the review to the House of Representatives, the Senate, and the Secretary of Transportation. If Amtrak decides that a route will not meet the criterion under section 24705(a)(1), as adjusted, Amtrak shall modify or discontinue rail passenger transportation operations on the route so that it will meet the criterion.

(b) FINANCIAL REQUIREMENTS AND PERFORMANCE STANDARDS.—Not later than 30 days after the beginning of each fiscal year, Amtrak shall evaluate the financial requirements for operating the basic system and the progress in achieving the system-wide performance standards prescribed under this part during the fiscal year. If Amtrak decides amounts available for the fiscal year are not enough to meet estimated operating costs, or if Amtrak estimates it cannot meet the performance standards, Amtrak shall act to reduce costs and improve performance. Action under this subsection shall be designed to continue the maximum level of transportation practicable, including—

(1) changing the frequency of transportation;

(2) increasing fares;

(3) reducing the cost of sleeper car and dining car service on certain routes;

(4) increasing the passenger capacity of cars used on certain routes; and

(5) modifying the route system or discontinuing transportation over routes, considering short term avoidable loss and the number of passengers served on those routes.

(c) COST LIMITATIONS AND REVENUE GOALS.—Annual costs of Amtrak may not be more than amounts, including grants made under section 24104 of this title, contributions of States, regional and local authorities, and other persons, and revenues, available to Amtrak in the fiscal year. Amtrak annually shall set a goal of recovering an amount so that its revenues, including contributions, is at least 61 percent of its costs, except capital costs.

(d) CONDUCTOR REPORTS.—To assess the operational performance of trains, the President of Amtrak may direct the conductor on any train of Amtrak to report to Amtrak any inadequacy of train operation. The report shall be signed by the conductor, contain sufficient information to locate equipment or personnel failures, and be submitted promptly to Amtrak.

§24708. Special commuter transportation

(a) TRANSPORTATION TO BE CONTINUED IF CRITERION MET.—Amtrak shall continue to provide rail passenger transportation provided under section 403(d) of the Rail Passenger Service Act before October 1, 1981, if, after considering estimated fare increases and State and local contributions to the transportation, the transportation meets the short distance route criterion under section 24705(a)(1) of this title, as adjusted. Transportation continued under this section shall be financed consistent with the method of financing in effect on September 30, 1981. If the transportation is not estimated to meet the criterion, as adjusted, Amtrak may modify or discontinue the transportation so that the criterion is met.

(b) TRANSPORTATION WITH SHORT-TERM AVOIDABLE LOSS.—Notwithstanding subsection (a) of this section, if after September 30, 1993, and before October 1, 1995, transportation provided under subsection (a) on a route during the prior 6 months has a short-term avoidable loss (excluding the cost of providing passenger equipment needed to provide the transportation), Amtrak may choose to consider modifying or discontinuing the transportation. If Amtrak does make such a choice, Amtrak shall solicit public comment for at least 30 days on alternatives to the modification or discontinuance. Not later than 60 days after the comment period ends, Amtrak may modify or discontinue the

transportation so that there is no short-term avoidable loss under this section for providing the transportation on the route.

§24709. International transportation

Amtrak may develop and operate international intercity rail passenger transportation between the United States and Canada and between the United States and Mexico. The Secretary of the Treasury and the Attorney General, in cooperation with Amtrak, shall maintain, consistent with the effective enforcement of the immigration and customs laws, en route customs inspection and immigration procedures for international intercity rail passenger transportation that will—

(1) be convenient for passengers; and

(2) result in the quickest possible international intercity rail passenger transportation.

CHAPTER 249—NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

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§24901. Definitions

In this chapter—

(1) "final system plan" means the final system plan (including additions) adopted by the United States Railway Association under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.).

(2) "rail carrier" means an express carrier and a rail carrier as defined in section 10102 of this title, including Amtrak.

§24902. Goals and requirements

(a) NORTHEAST CORRIDOR IMPROVEMENT PLAN.—To the extent of amounts appropriated under section 24909 of this title, Amtrak shall carry out a Northeast Corridor improvement program to achieve the following goals:

(1) establish not later than September 30, 1985, regularly scheduled and dependable intercity rail passenger transportation between—

(A) Boston, Massachusetts, and New York, New York, in not more than 3 hours and 40 minutes, including intermediate stops; and

(B) New York, New York, and the District of Columbia, in not more than 2 hours and 40 minutes, including intermediate stops;

(2) improve facilities, under route criteria approved by Congress, on routes to Harrisburg, Pennsylvania, Albany, New York, and Atlantic City, New Jersey, from the Northeast Corridor main line, and to Boston, Massachusetts, and New Haven, Connecticut, from Springfield, Massachusetts, to make those facilities more compatible with improved high-speed transportation provided on the Northeast Corridor main line;

(3) improve nonoperational parts of stations, related facilities, and fencing used in intercity rail passenger transportation;

(4) facilitate improvements in, and usage of, commuter rail passenger, rail rapid transit, and local public transportation, to the extent compatible with clauses (1)–(3) of this subsection and subsections (f) and (h) of this section;

(5) maintain and improve rail freight transportation in or adjacent to the Northeast Corridor and through-freight transportation in the Northeast Corridor, to the extent compatible with clauses (1)–(4) of this subsection and subsections (f) and (h) of this section;

(6) continue and improve passenger radio mobile telephone service on high-speed rail passenger transportation between Boston, Massachusetts, and the District of Columbia, to the extent compatible with clauses (1)–(3) of this subsection and subsections (f) and (h) of this section; and

(7) eliminate to the maximum extent practicable congestion in rail freight and rail passenger transportation at the Baltimore and Potomac Tunnel in Baltimore, Maryland, by rehabilitating and improving the tunnel and the rail lines approaching the tunnel.

(b) MANAGING COSTS AND REVENUES.—Amtrak shall manage its operating costs, pricing policies, and other factors with the goal of having revenues derived each fiscal year from providing intercity rail passenger transportation over the Northeast Corridor route between the District of Columbia and Boston, Massachusetts, equal at least the operating costs of providing that transportation in that fiscal year.

(c) COST SHARING FOR NONOPERATIONAL FACILITIES.—(1) Fifty percent of the cost of improvements under subsection (a)(3) of this section shall be paid by a State, local or regional transportation authority or other responsible party. However, Amtrak may finance entirely a safety-related improvement.

(2) When a part of the cost of improvements under subsection (a)(3) of this section will be paid by a responsible party under paragraph (1) of this subsection, Amtrak may make an agreement with the party under which Amtrak—

(A) shall carry out the improvements with amounts appropriated under section 24909 of this title and the party shall reimburse Amtrak; and

(B) to the extent provided in an appropriation law, may incur obligations for contracts to carry out the improvements in anticipation of reimbursement.

(3) Amounts reimbursed to Amtrak under paragraph (2) of this subsection shall be credited to the appropriation originally charged for the cost of the improvements and are available for further obligation.

(d) PASSENGER RADIO MOBILE TELEPHONE SERVICE.—The President and departments, agencies, and instrumentalities of the United States Government shall assist Amtrak under subsection (a)(6) of this section, subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.) and radio services standards, when the Federal Communications Commission decides the assistance is in the public interest, convenience, and necessity.

(e) PRIORITIES IN SELECTING AND SCHEDULING PROJECTS.—When selecting and scheduling specific projects, Amtrak shall apply the following considerations, in the following order of priority:

(1) Safety-related items should be completed before other items because the safety of the passengers and users of the Northeast Corridor is paramount.

(2) Activities that benefit the greatest number of passengers should be completed before activities involving fewer passengers.

(3) Reliability of intercity rail passenger transportation must be emphasized.

(4) Trip-time requirements of this section must be achieved to the extent compatible with the priorities referred to in paragraphs (1)–(3) of this subsection.

(5) Improvements that will pay for the investment by achieving lower operating or maintenance costs should be carried out before other improvements.

(6) Construction operations should be scheduled so that the fewest possible passengers are inconvenienced, transportation is maintained, and the on-time performance of Northeast Corridor commuter rail passenger and rail freight transportation is optimized.

(7) Planning should focus on completing activities that will provide immediate benefits to users of the Northeast Corridor.

(f) COMPATIBILITY WITH FUTURE IMPROVEMENTS AND PRODUCTION OF MAXIMUM LABOR BENEFITS.—Improvements under this section shall be compatible with future improvements in transportation and shall produce the maximum labor benefit from hiring individuals presently unemployed.

(g) AUTOMATIC TRAIN CONTROL SYSTEMS.—A train operating on the Northeast Corridor main line or between the main line and Atlantic City shall be equipped with an automatic train control system designed to slow or stop the train in response to an external signal.

(h) HIGH-SPEED TRANSPORTATION.—If practicable, Amtrak shall establish intercity rail passenger transportation in the Northeast Corridor that carries out section 703(1)(E) of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210, 90 Stat. 121).

(i) EQUIPMENT DEVELOPMENT.—Amtrak shall develop economical and reliable equipment compatible with track, operating, and marketing characteristics of the Northeast Corridor, including the capability to meet reliable trip times under section 703(1)(E) of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210, 90 Stat. 121) in regularly scheduled revenue transportation in the Corridor, when the Northeast Corridor improvement program is completed. Amtrak must decide that equipment complies with this subsection before buying equipment with financial assistance of the Government. Amtrak shall submit a request for an authorization of appropriations for production of the equipment.

(j) AGREEMENTS FOR OFF-CORRIDOR ROUTING OF RAIL FREIGHT TRANSPORTATION.—(1) Amtrak may make an agreement with a rail freight carrier or a regional transportation authority under which the carrier will carry out an alternate off-corridor routing of rail freight transportation over rail lines in the Northeast Corridor between the District of Columbia and New York metropolitan areas, including intermediate points. The agreement shall be for at least 5 years.

(2) Amtrak shall apply to the Interstate Commerce Commission for approval of the agreement and all related agreements accompanying the application as soon as the agreement is made. If the Commission finds that approval is necessary to carry out this chapter, the Commission shall approve the application and related agreements not later than 90 days after receiving the application.

(3) If an agreement is not made under paragraph (1) of this subsection, Amtrak, with the consent of the other parties, may apply to the Interstate Commerce Commission. Not later than 90 days after the application, the Commission shall decide on the terms of an agreement if it decides that doing so is necessary to carry out this chapter. The decision of the Commission is binding on the other parties.

(k) COORDINATION.—(1) The Secretary of Transportation shall coordinate—

(A) transportation programs related to the Northeast Corridor to ensure that the programs are integrated and consistent with the Northeast Corridor improvement program; and

(B) amounts from departments, agencies, and instrumentalities of the Government to achieve urban redevelopment and revitalization in the vicinity of urban rail stations in the Northeast Corridor served by intercity and commuter rail passenger transportation.

(2) If the Secretary finds significant noncompliance with this section, the Secretary may deny financing to a noncomplying program until the noncompliance is corrected.

(l) COMPLETION.—Amtrak shall give the highest priority to completing the program.

§24903. Program master plan for Boston-New York main line

(a) CONTENTS.—Not later than October 27, 1993, in consultation with Amtrak and the commuter and freight rail carriers operating over the Northeast Corridor main line between Boston, Massachusetts, and New York, New York, the Secretary of Transportation shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a program master plan for a coordinated program of improvements to that main line that will allow the establishment of regularly scheduled, safe, and dependable rail passenger transportation between Boston, Massachusetts, and New York, New York, in not more than 3 hours, including intermediate stops. The plan shall include—

(1) a description of the implications of the improvements for the regional transportation system, including the probable effects on general travel trends and on travel volumes in other transportation modes and the implications for State and local governments in achieving compliance with the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) an identification of the coordinated program of improvements and the specific projects of that program, including the estimated costs, schedules, timing, and relationship of those projects with other projects;

(3) an identification of the financial responsibility for the specific projects of that program and the sources of the amounts for the projects;

(4) an operating plan for the construction period of the improvements that shows a coordinated approach to scheduling intercity and commuter trains;

(5) an operating plan for the coordinated scheduling of intercity and commuter trains for the period after the program is completed, including priority scheduling, dispatching, and occupancy of tracks for appropriately frequent, regularly scheduled intercity rail passenger transportation between Boston, Massachusetts, and New York, New York, in not more than 3 hours, including intermediate stops;

(6) a comprehensive plan to control future congestion in the Northeast Corridor attributable to increases in intercity and commuter rail passenger transportation;

(7) an assessment of long-term operational safety needs and a list of specific projects designed to maximize operational safety; and

(8) comments that Amtrak submits to the Secretary on the plan.

(b) SUBMITTING MODIFICATIONS OF PLAN TO CONGRESS.—The Secretary shall submit to Congress any modification made to the program master plan and comments that Amtrak submits on the modification.

§24904. General authority

(a) GENERAL.—To carry out this chapter and the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), Amtrak may—

(1) acquire, maintain, and dispose of any interest in property used to provide improved high-speed rail transportation under section 24902 of this title;

(2) acquire any interest in real property that Amtrak considers necessary to carry out the goals of section 24902;

(3) provide for rail freight, intercity rail passenger, and commuter rail passenger transportation over property acquired under this section;

(4) improve rail rights of way between Boston, Massachusetts, and the District of Columbia (including the route through Springfield, Massachusetts, and routes to Harrisburg, Pennsylvania, and Albany, New York, from the Northeast Corridor main line) to achieve the goals of section 24902 of providing improved high-speed rail passenger transportation between Boston, Massachusetts, and the District of Columbia, and intermediate intercity markets;

(5) acquire, build, improve, and install passenger stations, communications and electric power facilities and equipment, public and private highway and pedestrian crossings, and other facilities and equipment necessary to provide improved high-speed rail passenger transportation over rights of way improved under clause (4) of this subsection;

(6) make agreements with other carriers and commuter authorities to grant, acquire, or make arrangements for rail freight or commuter rail passenger transportation over, rights of way and facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.);

(7) appoint a general manager of the Northeast Corridor improvement program; and

(8) make agreements with telecommunications common carriers, subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.), to continue existing, and establish new and improved, passenger radio mobile telephone service in the high-speed rail passenger transportation area specified in section 24902(a)(1) and (2).

(b) COMPENSATORY AGREEMENTS.—Rail freight and commuter rail passenger transportation provided under subsection (a)(3) of this section shall be provided under compensatory agreements with the responsible carriers.

(c) COMPENSATION FOR TRANSPORTATION OVER CERTAIN RIGHTS OF WAY AND FACILITIES.—(1) An agreement under subsection (a)(6) of this section shall provide for reasonable reimbursement of costs but may not cross-subsidize intercity rail passenger, commuter rail passenger, and rail freight transportation.

(2) If the parties do not agree, the Interstate Commerce Commission shall order that the transportation continue over facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.) and shall determine compensation (without allowing cross-subsidization between intercity rail passenger and rail freight transportation) for the transportation not later than 120 days after the dispute is submitted. The Commission shall assign to a rail freight carrier obtaining transportation under this subsection the costs Amtrak incurs only for the benefit of the carrier, plus a proportionate share of all other costs of providing transportation under this paragraph incurred for the common benefit of Amtrak and the carrier. The proportionate share shall be based on relative measures of volume of car operations, tonnage, or other factors that reasonably reflect the relative use of rail property covered by this subsection.

(3) This subsection does not prevent the parties from making an agreement under subsection (a)(6) of this section after the Commission makes a decision under this subsection.

§24905. Coordination board and safety committee

(a) NORTHEAST CORRIDOR COORDINATION BOARD.—(1) The Northeast Corridor Coordination Board is composed of the following members:

(A) one individual from each commuter authority (as defined in section 1135(a) of the Omnibus Budget Reconciliation Act of 1981 (45 U.S.C. 1104)) that provides or makes a contract to provide commuter rail passenger transportation over the main line of the Northeast Corridor.

(B) 2 individuals selected by Amtrak.

(C) one individual selected by the Consolidated Rail Corporation.

(2) The Board shall recommend to Amtrak—

(A) policies that ensure equitable access to the Northeast Corridor, considering the need for equitable access by commuter and intercity rail passenger transportation and the requirements of section 24308(c) of this title; and

(B) equitable policies for the Northeast Corridor related to—

(i) dispatching;

(ii) public information;

(iii) maintaining equipment and facilities;

(iv) major capital facility investments; and

(v) harmonizing equipment acquisitions, rates, and schedules.

(3) The Board may recommend to the board of directors and President of Amtrak action necessary to resolve differences on providing transportation, except for facilities and transportation matters under section 24308(a) or 24904(a)(5) and (c) of this title.

(b) NORTHEAST CORRIDOR SAFETY COMMITTEE.—(1) The Northeast Corridor Safety Committee is composed of members appointed by the Secretary of Transportation. The members shall be representatives of—

(A) the Secretary;

(B) Amtrak;

(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

(D) commuter agencies;

(E) rail passengers;

(F) rail labor; and

(G) other individuals and organizations the Secretary decides have a significant interest in rail safety.

(2) The Secretary shall consult with the Committee about safety improvements on the Northeast Corridor main line. The Committee shall meet at least once every 2 years to consider safety matters on the main line.

(3) At the beginning of the first session of each Congress, the Secretary shall submit a report to Congress on the status of efforts to improve safety on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.

(4) The Committee shall cease to exist on January 1, 1999, or on another date the Secretary decides is appropriate. The Secretary shall notify Congress in writing of a decision to terminate the Committee on another date.

§24906. Eliminating highway at-grade crossings

(a) PLAN.—In consultation with the States on the main line of the Northeast Corridor, the Secretary of Transportation shall develop a plan not later than September 30, 1993, to eliminate all highway at-grade crossings of the main line by not later than December 31, 1997. The plan may provide that eliminating a crossing is not required if—

(1) impracticable or unnecessary; and

(2) using the crossing is consistent with conditions the Secretary considers appropriate to ensure safety.

(b) AMTRAK'S SHARE OF COSTS.—Amtrak shall pay 20 percent of the cost of eliminating each highway at-grade crossing under the plan.

§24907. Note and mortgage

(a) GENERAL AUTHORITY.—To secure amounts expended by the United States Government to acquire and improve rail property designated under section 206(c)(1)(C) and (D) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 716(c)(1)(C) and (D)), the Secretary of Transportation may obtain a note of indebtedness from, and make a mortgage agreement with, Amtrak to establish a mortgage lien on the property for the Government. The note and mortgage may not supersede section 24904 of this title.

(b) EXEMPTIONS FROM LAWS AND REGULATIONS.—The note and agreement under subsection (a) of this section, and a transaction related to the note or agreement, are exempt from

any United States, State, or local law or regulation that regulates securities or the issuance of securities. The note, agreement, or transaction under this section has the same immunities from other laws that section 601 of the Act (45 U.S.C. 791) gives to transactions that comply with or carry out the final system plan. The transfer of rail property because of the note, agreement, or transaction has the same exemptions, privileges, and immunities that the Act (45 U.S.C. 701 et seq.) gives to a transfer ordered or approved by the special court under section 303(b) of the Act (45 U.S.C. 743(b)).

(c) IMMUNITY FROM LIABILITY AND INDEMNIFICATION.—Amtrak, its board of directors, and its individual directors are not liable because Amtrak has given or issued the note or agreement to the Government under subsection (a) of this section. Immunity granted under this subsection also applies to a transaction related to the note or agreement. The Government shall indemnify Amtrak, its board, and individual directors against costs and expenses actually and reasonably incurred in defending a civil action testing the validity of the note, agreement, or transaction.

§24908. Transfer taxes and levies and recording charges

A transfer of an interest in rail property under this chapter is exempt from a tax or levy related to the transfer that is imposed by the United States Government, a State, or a political subdivision of a State. On payment of the appropriate and generally applicable charge for the service performed, a transferee or transferor may record an instrument and, consistent with the final system plan, the release or removal of a pre-existing lien or encumbrance of record related to the interest transferred.

§24909. Authorization of appropriations

(a) GENERAL.—(1) Not more than $2,313,000,000 may be appropriated to the Secretary of Transportation to achieve the goals of section 24902(a)(1) of this title. From this amount, the following amounts shall be expended by Amtrak:

(A) at least $27,000,000 for equipment modification and replacement that a State or a local or regional transportation authority must bear because of the electrification conversion system of the Northeast Corridor under this chapter.

(B) $30,000,000—

(i) to improve the main line track between the Northeast Corridor main line and Atlantic City, New Jersey, to ensure that the track, consistent with a plan New Jersey developed in consultation with Amtrak to provide rail passenger transportation between the Northeast Corridor main line and Atlantic City, New Jersey, would be of sufficient quality to allow safe rail passenger transportation at a minimum of 79 miles an hour not later than September 30, 1985; and

(ii) to promote rail passenger use of the track.

(C) necessary amounts to—

(i) develop Union Station in the District of Columbia;

(ii) install 189 track-miles, and renew 133 track-miles, of concrete ties with continuously welded rail between the District of Columbia and New York, New York;

(iii) install reverse signaling between Philadelphia, Pennsylvania, and Morrisville, Pennsylvania, on numbers 2 and 3 track;

(iv) restore ditch drainage in concrete tie locations between the District of Columbia and New York, New York;

(v) undercut 83 track-miles between the District of Columbia and New York, New York;

(vi) rehabilitate bridges between the District of Columbia and New York, New York (including Hi line);

(vii) develop a maintenance of way equipment repair facility between the District of Columbia and New York, New York, and build maintenance of way bases at Philadelphia, Pennsylvania, Sunnyside, New York, and Cedar Hill, Connecticut;

(viii) stabilize the roadbed between the District of Columbia and New York, New York;

(ix) automate the Bush River Drawbridge at milepost 72.14;

(x) improve the New York Service Facility to develop rolling stock repair capability;

(xi) install a rail car washer facility at Philadelphia, Pennsylvania;

(xii) restore storage tracks and buildings at the Washington Service Facility;

(xiii) install centralized traffic control from Landlith, Delaware, to Philadelphia, Pennsylvania;

(xiv) improve track, including high speed surfacing, ballast cleaning, and associated equipment repair and material distribution;

(xv) rehabilitate interlockings between the District of Columbia and New York, New York;

(xvi) paint the Connecticut River, Groton, and Pelham Bay bridges;

(xvii) provide additional catenary renewal and power supply upgrading between the District of Columbia and New York, New York;

(xviii) rehabilitate structural, electrical, and mechanical systems at the 30th Street Station in Philadelphia, Pennsylvania;

(xix) install evacuation and fire protection facilities in tunnels in New York, New York;

(xx) improve the communication and signal systems between Wilmington, Delaware, and Boston, Massachusetts, on the Northeast Corridor main line, and between Philadelphia, Pennsylvania, and Harrisburg, Pennsylvania, on the Harrisburg Line;

(xxi) improve the electric traction systems between Wilmington, Delaware, and Newark, New Jersey;

(xxii) install baggage rack restraints, seat back guards, and seat lock devices on 348 passenger cars operating in the Northeast Corridor;

(xxiii) install 44 event recorders and 10 electronic warning devices on locomotives operating within the Northeast Corridor; and

(xxiv) acquire cab signal test boxes and install 9 wayside loop code transmitters for use within the Northeast Corridor.

(2) The following additional amounts may be appropriated to the Secretary for expenditure by Amtrak:

(A) not more than $150,000,000 to achieve the goal of section 24902(a)(3) of this title.

(B) not more than $120,000,000 to acquire interests in property in the Northeast Corridor.

(C) not more than $650,000 to develop and use mobile radio frequencies for passenger radio mobile telephone service on high-speed rail passenger transportation.

(D) not more than $20,000,000 to acquire and improve interests in rail property designated under section 206(c)(1)(D) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 716(c)(1)(D)).

(E) not more than $37,000,000 to carry out section 24902(a)(7) and (j) of this title.

(b) EMERGENCY MAINTENANCE.—Not more than $25,000,000 of the amount appropriated under the Act of February 28, 1975 (Public Law 94-6, 89 Stat. 11), may be used by Amtrak for emergency maintenance on rail property designated under section 206(c)(1)(C) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 716(c)(1)(C)).

(c) PRIORITY IN USING CERTAIN AMOUNTS.—Amounts appropriated under subsection (a)(2)(B) and (D) of this section shall be used first to repay, with interest, obligations guaranteed under section 602 of the Rail Passenger Service Act, if the proceeds of those obligations were used to pay the expenses of acquiring interests in property referred to in subsection (a)(2)(B) and (D).

(d) PROHIBITION ON SUBSIDIZING COMMUTER AND FREIGHT OPERATING LOSSES.—Amounts appropriated under this section may not be used to subsidize operating losses of commuter rail or rail freight transportation.

(e) SUBSTITUTING AND DEFERRING CERTAIN IMPROVEMENTS.—(1) A project for which amounts are authorized under subsection (a)(1)(C) of this section is a part of the Northeast Corridor improvement program and is not a substitute for improvements specified in the document "Corridor Master Plan II, NECIP Restructured Program" of January, 1982. However, Amtrak may defer the project to carry out the improvement and rehabilitation for which amounts are authorized under subsection (a)(1)(B) of this section. The total cost of the project that Amtrak defers may not be substantially more than the amount Amtrak is required to expend or reserve under subsection (a)(1)(B).

(2) Section 24902 of this title is deemed not to be fulfilled until the projects under subsection (a)(1)(C) of this section are completed.

(f) AVAILABILITY OF AMOUNTS.—Amounts appropriated under subsection (a)(1) and (2)(A) and (C)-(E) of this section remain available until expended.

(g) AUTHORIZATIONS INCREASED BY PRIOR YEAR DEFICIENCIES.—An amount greater than that authorized for a fiscal year may be appropriated to the extent that the amount appropriated for any prior fiscal year is less than the amount authorized for that year.

PART D—MISCELLANEOUS

CHAPTER 261—LAW ENFORCEMENT

Sec.

26101. Rail police officers.

26102. Limit on certain accident or incident liability.

§26101. Rail police officers

Under regulations prescribed by the Secretary of Transportation, a rail police officer who is employed by a rail carrier and certified or commissioned as a police officer under the laws of a State may enforce the laws of any jurisdiction in which the rail carrier owns property, to the extent of the authority of a police officer certified or commissioned under the laws of that jurisdiction, to protect—

(1) employees, passengers, or patrons of the rail carrier;

(2) property, equipment, and facilities owned, leased, operated, or maintained by the rail carrier;

(3) property moving in interstate or foreign commerce in the possession of the rail carrier; and

(4) personnel, equipment, and material moving by rail that are vital to the national defense.

§26102. Limit on certain accident or incident liability

(a) GENERAL.—When a publicly financed commuter transportation authority established under Virginia law makes a contract to indemnify Amtrak for liability for operations conducted by or for the authority or to indemnify a rail carrier over whose tracks those operations are conducted, liability against Amtrak, the authority, or the carrier for all claims (including punitive damages) arising from an accident or incident in the District of Columbia related to those operations may not be more than the limits of the liability coverage the authority maintains to indemnify Amtrak or the carrier.

(b) MINIMUM REQUIRED LIABILITY COVERAGE.—A publicly financed commuter transportation authority referred to in subsection (a) of this section must maintain a total minimum liability coverage of at least $200,000,000.

(c) EFFECTIVENESS.—This section is effective only after Amtrak or a rail carrier seeking an indemnification contract under this section makes an operating agreement with a publicly

financed commuter transportation authority established under Virginia law to provide access to its property for revenue transportation related to the operations of the authority.

SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

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PART A—GENERAL

CHAPTER 301—MOTOR VEHICLE SAFETY

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SUBCHAPTER I—GENERAL

§30101. Purpose and policy

The purpose of this chapter is to reduce traffic accidents and deaths and injuries resulting from traffic accidents. Therefore it is necessary—

(1) to prescribe motor vehicle safety standards for motor vehicles and motor vehicle equipment in interstate commerce; and

(2) to carry out needed safety research and development.

§30102. Definitions

(a) GENERAL DEFINITIONS.—In this chapter—

(1) "dealer" means a person selling and distributing new motor vehicles or motor vehicle equipment primarily to purchasers that in good faith purchase the vehicles or equipment other than for resale.

(2) "defect" includes any defect in performance, construction, a component, or material of a motor vehicle or motor vehicle equipment.

(3) "distributor" means a person primarily selling and distributing motor vehicles or motor vehicle equipment for resale.

(4) "interstate commerce" means commerce between a place in a State and a place in another State or between places in the same State through another State.

(5) "manufacturer" means a person—

(A) manufacturing or assembling motor vehicles or motor vehicle equipment; or

(B) importing motor vehicles or motor vehicle equipment for resale.

(6) "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(7) "motor vehicle equipment" means—

(A) any system, part, or component of a motor vehicle as originally manufactured;

(B) any similar part or component manufactured or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a motor vehicle; or

(C) any device or an article or apparel (except medicine or eyeglasses prescribed by a licensed practitioner) that is not a system, part, or component of a motor vehicle and is manufactured, sold, delivered, offered, or intended to be used only to safeguard motor vehicles and highway users against risk of accident, injury, or death.

(8) "motor vehicle safety" means the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle.

(9) "motor vehicle safety standard" means a minimum standard for motor vehicle or motor vehicle equipment performance.

(10) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(11) "United States district court" means a district court of the United States, a United States court for Guam, the Virgin Islands, and American Samoa, and the district court for the Northern Mariana Islands.

(b) LIMITED DEFINITIONS.—(1) In sections 30117(b), 30118–30121, and 30166(f) of this title—

(A) "adequate repair" does not include repair resulting in substantially impaired operation of a motor vehicle or motor vehicle equipment;

(B) "first purchaser" means the first purchaser of a motor vehicle or motor vehicle equipment other than for resale;

(C) "original equipment" means motor vehicle equipment (including a tire) installed in or on a motor vehicle at the time of delivery to the first purchaser;

(D) "replacement equipment" means motor vehicle equipment (including a tire) that is not original equipment;

(E) a brand name owner of a tire marketed under a brand name not owned by the manufacturer of the tire is deemed to be the manufacturer of the tire;

(F) a defect in original equipment, or noncompliance of original equipment with a motor vehicle safety standard prescribed under this chapter, is deemed to be a defect or noncompliance of the motor vehicle in or on which the equipment was installed at the time of delivery to the first purchaser;

(G) a manufacturer of a motor vehicle in or on which original equipment was installed when delivered to the first purchaser is deemed to be the manufacturer of the equipment; and

(H) a retreader of a tire is deemed to be the manufacturer of the tire.

(2) The Secretary of Transportation may prescribe regulations changing paragraph (1)(C), (D), (F), or (G) of this subsection.

§30103. Relationship to other laws

(a) UNIFORMITY OF REGULATIONS.—The Secretary of Transportation may not prescribe a safety regulation related to a motor vehicle subject to subchapter II of chapter 105 of this title that differs from a motor vehicle safety standard prescribed under this chapter. However, the Secretary may prescribe, for a motor vehicle operated by a carrier subject to subchapter II of chapter 105, a safety regulation that imposes a higher standard of performance after manufacture than that required by an applicable standard in effect at the time of manufacture.

(b) PREEMPTION.—(1) When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. However, the United States Government, a State, or a political subdivision of a State may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the otherwise applicable standard under this chapter.

(2) A State may enforce a standard that is identical to a standard prescribed under this chapter.

(c) ANTITRUST LAWS.—This chapter does not—

(1) exempt from the antitrust laws conduct that is unlawful under those laws; or

(2) prohibit under the antitrust laws conduct that is lawful under those laws.

(d) WARRANTY OBLIGATIONS AND ADDITIONAL LEGAL RIGHTS AND REMEDIES.—Sections 30117(b), 30118–30121, 30166(f), and 30167(a) and (b) of this title do not establish or affect a warranty obligation under a law of the United States or a State. A remedy under those sections and sections 30161 and 30162 of this title is in addition to other rights and remedies under other laws of the United States or a State.

(e) COMMON LAW LIABILITY.—Compliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.

§30104. Authorization of appropriations

The following amounts may be appropriated to the Secretary of Transportation for the National Highway Traffic Safety Administration to carry out this chapter:

(1) $71,333,436 for the fiscal year ending September 30, 1993.

(2) $74,044,106 for the fiscal year ending September 30, 1994.

(3) $76,857,782 for the fiscal year ending September 30, 1995.

SUBCHAPTER II—STANDARDS AND COMPLIANCE

§30111. Standards

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall prescribe motor vehicle safety standards. Each standard shall be practicable, meet the need for motor vehicle safety, and be stated in objective terms.

(b) CONSIDERATIONS AND CONSULTATION.—When prescribing a motor vehicle safety standard under this chapter, the Secretary shall—

(1) consider relevant available motor vehicle safety information;

(2) consult with the agency established under the Act of August 20, 1958 (Public Law 85–684, 72 Stat. 635), and other appropriate State or interstate authorities (including legislative committees);

(3) consider whether a proposed standard is reasonable, practicable, and appropriate for the particular type of motor vehicle or motor vehicle equipment for which it is prescribed; and

(4) consider the extent to which the standard will carry out section 30101 of this title.

(c) COOPERATION.—The Secretary may advise, assist, and cooperate with departments, agencies, and instrumentalities of the United States Government, States, and other public and private agencies in developing motor vehicle safety standards.

(d) EFFECTIVE DATES OF STANDARDS.—The Secretary shall specify the effective date of a motor vehicle safety standard prescribed under this chapter in the order prescribing the standard. A standard may not become effective before the 180th day after the standard is prescribed or later than one year after it is prescribed. However, the Secretary may prescribe a different effective date after finding, for good cause shown, that a different effective date is in the public interest and publishing the reasons for the finding.

(e) 5-YEAR PLAN FOR TESTING STANDARDS.—The Secretary shall establish and periodically review and update on a continuing basis a 5-year plan for testing motor vehicle safety standards prescribed under this chapter that the Secretary considers capable of being tested. In developing the plan and establishing testing priorities, the Secretary shall consider factors the Secretary considers appropriate, consistent with section 30101 of this title and the Secretary's other duties and powers under this chapter. The Secretary may change at any time those priorities to address matters the Secretary considers of greater priority. The initial plan may be the 5-year plan for compliance testing in effect on December 18, 1991.

§30112. Prohibitions on manufacturing, selling, and importing noncomplying motor vehicles and equipment

(a) GENERAL.—Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter, a person may not manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, any motor vehicle or motor vehicle equipment manufactured on or after the date an applicable motor vehicle safety standard prescribed under this chapter takes effect unless the vehicle or equipment complies with the standard and is covered by a certification issued under section 30115 of this title.

(b) NONAPPLICATION.—This section does not apply to—

(1) the sale, offer for sale, or introduction or delivery for introduction in interstate commerce of a motor vehicle or motor vehicle equipment after the first purchase of the vehicle or equipment in good faith other than for resale;

(2) a person—

(A) establishing that the person had no reason to know, despite exercising reasonable care, that a motor vehicle or motor vehicle equipment does not comply with applicable motor vehicle safety standards prescribed under this chapter; or

(B) holding, without knowing about the noncompliance and before the vehicle or equipment is first purchased in good faith other than for resale, a certificate issued by a manufacturer or importer stating the vehicle or equipment complies with applicable standards prescribed under this chapter;

(3) a motor vehicle or motor vehicle equipment intended only for export, labeled for export on the vehicle or equipment and on the outside of any container of the vehicle or equipment, and exported;

(4) a motor vehicle the Secretary of Transportation decides under section 30141 of this title is capable of complying with applicable standards prescribed under this chapter;

(5) a motor vehicle imported for personal use by an individual who receives an exemption under section 30142 of this title;

(6) a motor vehicle under section 30143 of this title imported by an individual employed outside the United States;

(7) a motor vehicle under section 30144 of this title imported on a temporary basis;

(8) a motor vehicle or item of motor vehicle equipment under section 30145 of this title requiring further manufacturing; or

(9) a motor vehicle that is at least 25 years old.

§30113. General exemptions

(a) DEFINITION.—In this section, "low-emission motor vehicle" means a motor vehicle meeting the standards for new motor vehicles applicable to the vehicle under section 202 of the Clean Air Act (42 U.S.C. 7521) when the vehicle is manufactured and emitting an air pollutant in an amount significantly below one of those standards.

(b) AUTHORITY TO EXEMPT AND PROCEDURES.—(1) The Secretary of Transportation may exempt, on a temporary basis, motor vehicles from a motor vehicle safety standard prescribed under this chapter on terms the Secretary considers appropriate. An exemption may be renewed. A renewal may be granted only on reapplication and must conform to the requirements of this subsection.

(2) The Secretary may begin a proceeding under this subsection when a manufacturer applies for an exemption or a renewal of an exemption. The Secretary shall publish notice of the application and provide an opportunity to comment. An application for an exemption or for a renewal of an exemption shall be filed at a time and in the way, and contain information, this section and the Secretary require.

(3) The Secretary may act under this subsection on finding that—

(A) an exemption is consistent with the public interest and this chapter; and

(B)(i) compliance with the standard would cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith;

(ii) the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard;

(iii) the exemption would make the development or field evaluation of a low-emission motor vehicle easier and would not unreasonably lower the safety level of that vehicle; or

(iv) compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles.

(c) CONTENTS OF APPLICATIONS.—A manufacturer applying for an exemption under subsection (b) of this section shall include the following information in the application:

(1) if the application is made under subsection (b)(3)(B)(i) of this section, a complete financial statement describing the economic hardship and a complete description of the manufacturer's good faith effort to comply with each motor vehicle safety standard prescribed under this chapter from which the manufacturer is requesting an exemption.

(2) if the application is made under subsection (b)(3)(B)(ii) of this section, a record of the research, development, and testing establishing the innovative nature of the safety feature and a detailed analysis establishing that the safety level of the feature at least equals the safety level of the standard.

(3) if the application is made under subsection (b)(3)(B)(iii) of this section, a record of the research, development, and testing establishing that the motor vehicle is a low-emission motor vehicle and that the safety level of the vehicle is not lowered unreasonably by exemption from the standard.

(4) if the application is made under subsection (b)(3)(B)(iv) of this section, a detailed analysis showing how the vehicle provides an overall safety level at least equal to the overall safety level of nonexempt vehicles.

(d) ELIGIBILITY.—A manufacturer is eligible for an exemption under subsection (b)(3)(B)(i) of this section only if the Secretary determines that the manufacturer's total motor vehicle production in the most recent year of production is not more than 10,000. A manufacturer is eligible for an exemption under subsection (b)(3)(B)(ii), (iii), or (iv) of this section only if the Secretary determines the exemption is for not more than 2,500 vehicles to be sold in the United States in any 12-month period.

(e) MAXIMUM PERIOD.—An exemption or renewal under subsection (b)(3)(B)(i) of this section may be granted for not more than 3 years. An exemption or renewal under subsection (b)(3)(B)(ii), (iii), or (iv) of this section may be granted for not more than 2 years.

(f) DISCLOSURE.—The Secretary may make public, by the 10th day after an application is filed, information contained in the application or relevant to the application unless the information concerns or is related to a trade secret or other confidential information not relevant to the application.

(g) NOTICE OF DECISION.—The Secretary shall publish in the Federal Register a notice of each decision granting an exemption under this section and the reasons for granting it.

(h) PERMANENT LABEL REQUIREMENT.—The Secretary shall require a permanent label to be fixed to a motor vehicle granted an exemption under this section. The label shall either name or describe each motor vehicle safety standard prescribed under this chapter from which the vehicle is exempt. The Secretary may require that written notice of an exemption be delivered by appropriate means to the dealer and the first purchaser of the vehicle other than for resale.

§30114. Special exemptions

The Secretary of Transportation may exempt a motor vehicle or item of motor vehicle equipment from section 30112(a) of this title on terms the Secretary decides are necessary for research, investigations, demonstrations, training, or competitive racing events.

§30115. Certification of compliance

A manufacturer or distributor of a motor vehicle or motor vehicle equipment shall certify to the distributor or dealer at delivery that the vehicle or equipment complies with applicable motor vehicle safety standards prescribed under this chapter. A person may not issue the certificate if, in exercising reasonable care, the person has reason to know the certificate is false or misleading in a material respect. Certification of a vehicle must be shown by a label or tag permanently fixed to the vehicle. Certification of equipment may be shown by a label or tag on the equipment or on the outside of the container in which the equipment is delivered.

§30116. Defects and noncompliance found before sale to purchaser

(a) Actions Required of Manufacturers and Distributors.—If, after a manufacturer or distributor sells a motor vehicle or motor vehicle equipment to a distributor or dealer and before the distributor or dealer sells the vehicle or equipment, it is decided that the vehicle or equipment contains a defect related to motor vehicle safety or does not comply with applicable motor vehicle safety standards prescribed under this chapter—

(1) the manufacturer or distributor immediately shall repurchase the vehicle or equipment at the price paid by the distributor or dealer, plus transportation charges and reasonable reimbursement of at least one percent a month of the price paid prorated from the date of notice of noncompliance or defect to the date of repurchase; or

(2) if a vehicle, the manufacturer or distributor immediately shall give to the distributor or dealer at the manufacturer's or distributor's own expense, the part or equipment needed to make the vehicle comply with the standards or correct the defect.

(b) Distributor or Dealer Installation.—The distributor or dealer shall install the part or equipment referred to in subsection (a)(2) of this section. If the distributor or dealer installs the part or equipment with reasonable diligence after it is received, the manufacturer shall reimburse the distributor or dealer for the reasonable value of the installation and a reasonable reimbursement of at least one percent a month of the manufacturer's or distributor's selling price prorated from the date of notice of noncompliance or defect to the date the motor vehicle complies with applicable motor vehicle safety standards prescribed under this chapter or the defect is corrected.

(c) Establishing Amount Due and Civil Actions.—The parties shall establish the value of installation and the amount of reimbursement under this section. If the parties do not agree, or if a manufacturer or distributor refuses to comply with subsection (a) or (b) of this section, the distributor or dealer purchasing the motor vehicle or motor vehicle equipment may bring a civil action. The action may be brought in a United States district court for the judicial district in which the manufacturer or distributor resides, is found, or has an agent, to recover damages, court costs, and a reasonable attorney's fee. An action under this section must be brought not later than 3 years after the claim accrues.

§30117. Providing information to, and maintaining records on, purchasers

(a) Providing Information and Notice.—The Secretary of Transportation may require that each manufacturer of a motor vehicle or motor vehicle equipment provide technical information related to performance and safety required to carry out this chapter. The Secretary may require the manufacturer to give the following notice of that information when the Secretary decides it is necessary:

(1) to each prospective purchaser of a vehicle or equipment before the first sale other than for resale at each location at which the vehicle or equipment is offered for sale by a person having a legal relationship with the manufacturer, in a way the Secretary decides is appropriate.

(2) to the first purchaser of a vehicle or equipment other than for resale when the vehicle or equipment is bought, in printed matter placed in the vehicle or attached to or accompanying the equipment.

(b) Maintaining Purchaser Records and Procedures.—(1) A manufacturer of a motor vehicle or tire (except a retreaded tire) shall cause to be maintained a record of the name and address of the first purchaser of each vehicle or tire it produces and, to the extent prescribed by regulations of the Secretary, shall cause to be maintained a record of the name and address of the first purchaser of replacement equipment (except a tire) that the manufacturer produces. The Secretary may prescribe by regulation the records to be maintained and reasonable procedures for maintaining the records under this subsection, including procedures to be followed by distributors and dealers to assist the manufacturer in obtaining the information required by this subsection. A procedure shall be reasonable for the type of vehicle or tire involved, and shall provide reasonable assurance that a customer list of a distributor or dealer, or similar information, will be made available to a person (except the distributor or dealer) only when necessary to carry out this subsection and sections 30118–30121, 30166(f), and 30167(a) and (b) of this title. Availability of assistance from a distributor or dealer does not affect an obligation of a manufacturer under this subsection.

(2)(A) Except as provided in paragraph (3) of this subsection, the Secretary may require a distributor or dealer to maintain a record under paragraph (1) of this subsection only if the business of the distributor or dealer is owned or controlled by a manufacturer of tires.

(B) The Secretary shall require each distributor and dealer whose business is not owned or controlled by a manufacturer of tires to give a registration form (containing the tire identification number) to the first purchaser of a tire. The Secretary shall prescribe the form, which shall be standardized for all tires and designed to allow the purchaser to complete and return it directly to the manufacturer of the tire. The manufacturer shall give sufficient copies of forms to distributors and dealers.

(3)(A) The Secretary shall evaluate from time to time how successful the procedures under paragraph (2) of this subsection have been in helping to maintain records about first purchasers of tires. After each evaluation, the Secretary shall decide—

(i) the extent to which distributors and dealers have complied with the procedures;

(ii) the extent to which distributors and dealers have encouraged first purchasers of tires to register the tires; and

(iii) whether to prescribe for manufacturers, distributors, or dealers other requirements that the Secretary decides will increase significantly the percentage of first purchasers of tires about whom records are maintained.

(B) The Secretary may prescribe a requirement under subparagraph (A) of this paragraph only if the Secretary decides it is necessary to reduce the risk to motor vehicle safety, after considering—

(i) the cost of the requirement to manufacturers and the burden of the requirement on distributors and dealers, compared to the increase in the percentage of first purchasers of tires about whom records would be maintained as a result of the requirement;

(ii) the extent to which distributors and dealers have complied with the procedures in paragraph (2) of this subsection; and

(iii) the extent to which distributors and dealers have encouraged first purchasers of tires to register the tires.

(C) A manufacturer of tires shall reimburse distributors and dealers of that manufacturer's tires for all reasonable costs incurred by the distributors and dealers in complying with a requirement prescribed by the Secretary under subparagraph (A) of this paragraph.

(D) After making a decision under subparagraph (A) of this paragraph, the Secretary shall submit to each House of Congress a report containing a detailed statement of the decision and an explanation of the reasons for the decision.

§30118. Notification of defects and noncompliance

(a) Notification by Secretary.—The Secretary of Transportation shall notify the manufacturer of a motor vehicle or replacement equipment immediately after making an initial decision (through testing, inspection, investigation, or research carried out under this chapter, examining communications under section 30166(f) of this title, or otherwise) that the vehicle or equipment contains a defect related to motor vehicle safety or does not comply with an applicable motor vehicle safety standard prescribed under this chapter. The notification shall include the information on which the decision is based. The Secretary shall publish a notice of each decision under this subsection in the Federal Register. Subject to section 30167(a) of this title, the notification and information are available to any interested person.

(b) Defect and Noncompliance Proceedings and Orders.—(1) The Secretary may make a final decision that a motor vehicle or replacement equipment contains a defect related to motor vehicle safety or does not comply with an applicable motor vehicle safety standard prescribed under this chapter only after giving the manufacturer an opportunity to present information, views, and arguments showing that there is no defect or noncompliance or that the defect does not affect motor vehicle safety. Any interested person also shall be given an opportunity to present information, views, and arguments.

(2) If the Secretary decides under paragraph (1) of this subsection that the vehicle or equipment contains the defect or does not comply, the Secretary shall order the manufacturer to—

(A) give notification under section 30119 of this title to the owners, purchasers, and dealers of the vehicle or equipment of the defect or noncompliance; and

(B) remedy the defect or noncompliance under section 30120 of this title.

(c) Notification by Manufacturer.—A manufacturer of a motor vehicle or replacement equipment shall notify the Secretary by certified mail, and the owners, purchasers, and dealers of the vehicle or equipment as provided in section 30119(d) of this section, if the manufacturer—

(1) learns the vehicle or equipment contains a defect and decides in good faith that the defect is related to motor vehicle safety; or

(2) decides in good faith that the vehicle or equipment does not comply with an applicable motor vehicle safety standard prescribed under this chapter.

(d) Exemptions.—On application of a manufacturer, the Secretary shall exempt the manufacturer from this section if the Secretary decides a defect or noncompliance is inconsequential to motor vehicle safety. The Secretary may take action under this subsection only after notice in the Federal Register and an opportunity for any interested person to present information, views, and arguments.

(e) Hearings About Meeting Notification Requirements.—On the motion of the Secretary or on petition of any interested person, the Secretary may conduct a hearing to decide whether the manufacturer has reasonably met the notification requirements under this section. Any interested person may make written and oral presentations of information, views, and arguments *on whether the manufacturer has reasonably met the notification requirements. If the Secretary decides that the manufacturer has not reasonably met the notification requirements, the Secretary shall order the manufacturer to take specified action to meet those requirements and may take any other action authorized under this chapter.*

§30119. Notification procedures

(a) CONTENTS OF NOTIFICATION.—Notification by a manufacturer required under section 30118 of this title of a defect or noncompliance shall contain—

(1) a clear description of the defect or noncompliance;

(2) an evaluation of the risk to motor vehicle safety reasonably related to the defect or noncompliance;

(3) the measures to be taken to obtain a remedy of the defect or noncompliance;

(4) a statement that the manufacturer giving notice will remedy the defect or noncompliance without charge under section 30120 of this title;

(5) the earliest date on which the defect or noncompliance will be remedied without charge, and for tires, the period during which the defect or noncompliance will be remedied without charge under section 30120 of this title;

(6) the procedure the recipient of a notice is to follow to inform the Secretary of Transportation when a manufacturer, distributor, or dealer does not remedy the defect or noncompliance without charge under section 30120 of this title; and

(7) other information the Secretary prescribes by regulation.

(b) EARLIEST REMEDY DATE.—The date specified by a manufacturer in a notification under subsection (a)(5) of this section or section 30121(c)(2) of this title is the earliest date that parts and facilities reasonably can be expected to be available to remedy the defect or noncompliance. The Secretary may disapprove the date.

(c) TIME FOR NOTIFICATION.—Notification required under section 30118 of this title shall be given within a reasonable time—

(1) prescribed by the Secretary, after the manufacturer receives notice of a final decision under section 30118(b) of this title; or

(2) after the manufacturer first decides that a safety-related defect or noncompliance exists under section 30118(c) of this title.

(d) MEANS OF PROVIDING NOTIFICATION.—(1) Notification required under section 30118 of this title about a motor vehicle shall be sent by first class mail—

(A) to each person registered under State law as the owner and whose name and address are reasonably ascertainable by the manufacturer through State records or other available sources; or

(B) if a registered owner is not notified under clause (A) of this paragraph, to the most recent purchaser known to the manufacturer.

(2) Notification required under section 30118 of this title about replacement equipment (except a tire) shall be sent by first class mail to the most recent purchaser known to the manufacturer. In addition, if the Secretary decides that public notice is required for motor vehicle safety, public notice shall be given in the way required by the Secretary after consulting with the manufacturer.

(3) Notification required under section 30118 of this title about a tire shall be sent by first class mail (or, if the manufacturer prefers, by certified mail) to the most recent purchaser known to the manufacturer. In addition, if the Secretary decides that public notice is required for motor vehicle safety, public notice shall be given in the way required by the Secretary after consulting with the manufacturer. In deciding whether public notice is required, the Secretary shall consider—

(A) the magnitude of the risk to motor vehicle safety caused by the defect or noncompliance; and

(B) the cost of public notice compared to the additional number of owners the notice may reach.

(4) A dealer to whom a motor vehicle or replacement equipment was delivered shall be notified by certified mail or quicker means if available.

(e) SECOND NOTIFICATION.—If the Secretary decides that a notification sent by a manufacturer under this section has not resulted in an adequate number of motor vehicles or items of replacement equipment being returned for remedy, the Secretary may order the manufacturer to send a 2d notification in the way the Secretary prescribes by regulation.

(f) NOTIFICATION BY LESSOR TO LESSEE.—(1) In this subsection, "leased motor vehicle" means a motor vehicle that is leased to a person for at least 4 months by a lessor that has leased at least 5 motor vehicles in the 12 months before the date of the notification.

(2) A lessor that receives a notification required by section 30118 of this title about a leased motor vehicle shall provide a copy of the notification to the lessee in the way the Secretary prescribes by regulation.

§30120. Remedies for defects and noncompliance

(a) WAYS TO REMEDY.—(1) Subject to subsections (f) and (g) of this section, when notification of a defect or noncompliance is required under section 30118(b) or (c) of this title, the manufacturer of the defective or noncomplying motor vehicle or replacement equipment shall remedy the defect or noncompliance without charge when the vehicle or equipment is presented for remedy. Subject to subsections (b) and (c) of this section, the manufacturer shall remedy the defect or noncompliance in any of the following ways the manufacturer chooses:

(A) if a vehicle—

(i) by repairing the vehicle;

(ii) by replacing the vehicle with an identical or reasonably equivalent vehicle; or

(iii) by refunding the purchase price, less a reasonable allowance for depreciation.

(B) if replacement equipment, by repairing the equipment or replacing the equipment with identical or reasonably equivalent equipment.

(2) The Secretary of Transportation may prescribe regulations to allow the manufacturer to impose conditions on the replacement of a motor vehicle or refund of its price.

(b) TIRE REMEDIES.—(1) A manufacturer of a tire, including an original equipment tire, shall remedy a defective or noncomplying tire if the owner or purchaser presents the tire for remedy not later than 60 days after the later of—

(A) the day the owner or purchaser receives notification under section 30119 of this title; or

(B) if the manufacturer decides to replace the tire, the day the owner or purchaser receives notification that a replacement is available.

(2) If the manufacturer decides to replace the tire and the replacement is not available during the 60-day period, the owner or purchaser must present the tire for remedy during a subsequent 60-day period that begins only after the owner or purchaser receives notification that a replacement will be available during the subsequent period. If tires are available during the subsequent period, only a tire presented for remedy during that period must be remedied.

(c) ADEQUACY OF REPAIRS.—(1) If a manufacturer decides to repair a defective or noncomplying motor vehicle or replacement equipment and the repair is not done adequately within a reasonable time, the manufacturer shall—

(A) replace the vehicle or equipment without charge with an identical or reasonably equivalent vehicle or equipment; or

(B) for a vehicle, refund the purchase price, less a reasonable allowance for depreciation.

(2) Failure to repair a motor vehicle or replacement equipment adequately not later than 60 days after its presentation is prima facie evidence of failure to repair within a reasonable time. However, the Secretary may extend, by order, the 60-day period if good cause for an extension is shown and the reason is published in the Federal Register before the period ends. Presentation of a vehicle or equipment for repair before the date specified by a manufacturer in a notice under section 30119(a)(5) or 30121(c)(2) of this title is not a presentation under this subsection.

(d) FILING MANUFACTURER'S REMEDY PROGRAM.—A manufacturer shall file with the Secretary a copy of the manufacturer's program under this section for remedying a defect or noncompliance. The Secretary shall make the program available to the public and publish a notice of availability in the Federal Register.

(e) HEARINGS ABOUT MEETING REMEDY REQUIREMENTS.—On the motion of the Secretary or on application by any interested person, the Secretary may conduct a hearing to decide whether the manufacturer has reasonably met the remedy requirements under this section. Any interested person may make written and oral presentations of information, views, and arguments on whether the manufacturer has reasonably met the remedy requirements. If the Secretary decides a manufacturer has not reasonably met the remedy requirements, the Secretary shall order the manufacturer to take specified action to meet those requirements and may take any other action authorized under this chapter.

(f) FAIR REIMBURSEMENT TO DEALERS.—A manufacturer shall pay fair reimbursement to a dealer providing a remedy without charge under this section.

(g) NONAPPLICATION.—(1) The requirement that a remedy be provided without charge does not apply if the motor vehicle or replacement equipment was bought by the first purchaser more than 8 calendar years, or the tire, including an original equipment tire, was bought by the first purchaser more than 3 calendar years, before notice is given under section 30118(c) of this title or an order is issued under section 30118(b) of this title, whichever is earlier.

(2) This section does not apply during any period in which enforcement of an order under section 30118(b) of this title is restrained or the order is set aside in a civil action to which section 30121(d) of this title applies.

(h) EXEMPTIONS.—On application of a manufacturer, the Secretary shall exempt the manufacturer from this section if the Secretary decides a defect or noncompliance is inconsequential to motor vehicle safety. The Secretary may take action under this subsection only after notice in the Federal Register and an opportunity for any interested person to present information, views, and arguments.

(i) LIMITATION ON SALE OR LEASE.—(1) If notification is required by an order under section 30118(b) of this title or is required under section 30118(c) of this title and the manufacturer has provided to a dealer notification about a new motor vehicle or new item of replacement equipment in the dealer's possession at the time of notification that contains a defect related to motor vehicle safety or does not comply with an applicable motor vehicle safety standard prescribed under this chapter, the dealer may sell or lease the motor vehicle or item of replacement equipment only if—

(A) the defect or noncompliance is remedied as required by this section before delivery under the sale or lease; or

(B) when the notification is required by an order under section 30118(b) of this title, enforcement of the order is restrained or the order

is set aside in a civil action to which section 30121(d) of this title applies.

(2) This subsection does not prohibit a dealer from offering for sale or lease the vehicle or equipment.

§30121. Provisional notification and civil actions to enforce

(a) PROVISIONAL NOTIFICATION.—(1) The Secretary of Transportation may order a manufacturer to issue a provisional notification if a civil action about an order issued under section 30118(b) of this title has been brought under section 30163 of this title. The provisional notification shall contain—

(A) a statement that the Secretary has decided that a defect related to motor vehicle safety or noncompliance with a motor vehicle safety standard prescribed under this chapter exists and that the manufacturer is contesting the decision in a civil action in a United States district court;

(B) a clear description of the Secretary's stated basis for the decision;

(C) the Secretary's evaluation of the risk to motor vehicle safety reasonably related to the defect or noncompliance;

(D) measures the Secretary considers necessary to avoid an unreasonable risk to motor vehicle safety resulting from the defect or noncompliance;

(E) a statement that the manufacturer will remedy the defect or noncompliance without charge under section 30120 of this title, but that the requirement to remedy without charge is conditioned on the outcome of the civil action; and

(F) other information the Secretary prescribes by regulation or includes in the order requiring the notice.

(2) A notification under this subsection does not relieve a manufacturer of liability for not giving notification required by an order under section 30118(b) of this title.

(b) CIVIL ACTIONS FOR NOT NOTIFYING.—(1) A manufacturer that does not notify owners and purchasers under section 30119(c) and (d) of this title is liable to the United States Government for a civil penalty, unless the manufacturer prevails in a civil action referred to in subsection (a) of this section or the court in that action enjoins enforcement of the order. Enforcement may be enjoined only if the court decides that the failure to notify is reasonable and that the manufacturer has demonstrated the likelihood of prevailing on the merits. If enforcement is enjoined, the manufacturer is not liable during the time the order is stayed.

(2) A manufacturer that does not notify owners and purchasers as required under subsection (a) of this section is liable for a civil penalty regardless of whether the manufacturer prevails in an action on the validity of the order issued under section 30118(b) of this title.

(c) ORDERS TO MANUFACTURERS.—If the Secretary prevails in a civil action referred to in subsection (a) of this section, the Secretary shall order the manufacturer—

(1) to notify each owner, purchaser, and dealer described in section 30119(d) of this title of the outcome of the action and other information the Secretary requires, and notification under this clause may be combined with notification required under section 30118(b) of this title;

(2) to specify the earliest date under section 30119(b) of this title on which the defect or noncompliance will be remedied without charge under section 30120 of this title; and

(3) if notification was required under subsection (a) of this section, to reimburse an owner or purchaser for reasonable and necessary expenses (in an amount that is not more than the amount specified in the order of the Secretary under subsection (a)) incurred for repairing the defect or noncompliance during the period beginning on the date that notification was required to be issued and ending on the date the owner or purchaser receives the notification under this subsection.

(d) VENUE.—Notwithstanding section 30163(c) of this title, a civil action about an order issued under section 30118(b) of this title must be brought in the United States district court for a judicial district in the State in which the manufacturer is incorporated or the District of Columbia. On motion of a party, the court may transfer the action to another district court if good cause is shown. All actions related to the same order under section 30118(b) shall be consolidated in an action in one judicial district under an order of the court in which the first action was brought. If the first action is transferred to another court, that court shall issue the consolidation order.

§30122. Making safety devices and elements inoperative

(a) DEFINITION.—In this section, "motor vehicle repair business" means a person holding itself out to the public to repair for compensation a motor vehicle or motor vehicle equipment.

(b) PROHIBITION.—A manufacturer, distributor, dealer, or motor vehicle repair business may not knowingly make inoperative any part of a device or element of design installed on or in a motor vehicle or motor vehicle equipment in compliance with an applicable motor vehicle safety standard prescribed under this chapter unless the manufacturer, distributor, dealer, or repair business reasonably believes the vehicle or equipment will not be used (except for testing or a similar purpose during maintenance or repair) when the device or element is inoperative.

(c) REGULATIONS.—The Secretary of Transportation may prescribe regulations—

(1) to exempt a person from this section if the Secretary decides the exemption is consistent with motor vehicle safety and section 30101 of this title; and

(2) to define "make inoperative".

(d) NONAPPLICATION.—This section does not apply to a safety belt interlock or buzzer designed to indicate a safety belt is not in use as described in section 30124 of this title.

§30123. Tires

(a) LABELING REQUIREMENT.—The Secretary of Transportation shall require that a pneumatic tire subject to a motor vehicle safety standard prescribed under this chapter be labeled permanently and conspicuously with safety information the Secretary decides is necessary to carry out section 30101 of this title.

(b) CONTENTS OF LABEL.—Labeling required on a tire under subsection (a) of this section shall include—

(1)(A) identification of the manufacturer;

(B) for a retreaded tire, identification of the retreader; or

(C) for a tire containing a brand name (other than the name of the manufacturer), a code mark allowing a seller to identify the manufacturer to the purchaser;

(2) the composition of material used in the ply of the tire;

(3) the number of plies in the tire;

(4) the maximum allowable load for the tire; and

(5)(A) a statement that the tire complies with minimum safe performance standards prescribed under this chapter; or

(B) a mark or symbol the Secretary prescribes for use by a manufacturer or retreader complying with those standards.

(c) ADDITIONAL INFORMATION.—The Secretary may require that additional safety information be disclosed to a purchaser when a tire is sold.

(d) REGROOVED TIRE LIMITATIONS.—(1) In this subsection, "regrooved tire" means a tire with a new tread produced by cutting into the tread of a worn tire.

(2) The Secretary may authorize the sale, offer for sale, introduction for sale, or delivery for introduction in interstate commerce, of a regrooved tire or a motor vehicle equipped with regrooved tires if the Secretary decides the tires are designed and made in a way consistent with section 30101 of this title. A person may not sell, offer for sale, introduce for sale, or deliver for introduction in interstate commerce, a regrooved tire or a vehicle equipped with regrooved tires unless authorized by the Secretary.

(e) UNIFORM QUALITY GRADING SYSTEM, NOMENCLATURE, AND MARKETING PRACTICES.—The Secretary shall prescribe through standards a uniform quality grading system for motor vehicle tires to help consumers make an informed choice when purchasing tires. The Secretary also shall cooperate with industry and the Federal Trade Commission to the greatest extent practicable to eliminate deceptive and confusing tire nomenclature and marketing practices. A tire standard or regulation prescribed under this chapter supersedes an order or administrative interpretation of the Commission.

(f) MAXIMUM LOAD STANDARDS.—The Secretary shall require a motor vehicle to be equipped with tires that meet maximum load standards when the vehicle is loaded with a reasonable amount of luggage and the total number of passengers the vehicle is designed to carry. The vehicle shall be equipped with those tires by the manufacturer or by the first purchaser when the vehicle is first bought in good faith other than for resale.

§30124. Buzzers indicating nonuse of safety belts

A motor vehicle safety standard prescribed under this chapter may not require or allow a manufacturer to comply with the standard by using a safety belt interlock designed to prevent starting or operating a motor vehicle if an occupant is not using a safety belt or a buzzer designed to indicate a safety belt is not in use, except a buzzer that operates only during the 8-second period after the ignition is turned to the "start" or "on" position.

§30125. Schoolbuses and schoolbus equipment

(a) DEFINITIONS.—In this section—

(1) "schoolbus" means a passenger motor vehicle designed to carry a driver and more than 10 passengers, that the Secretary of Transportation decides is likely to be used significantly to transport preprimary, primary, and secondary school students to or from school or an event related to school.

(2) "schoolbus equipment" means equipment designed primarily for a schoolbus or manufactured or sold to replace or improve a system, part, or component of a schoolbus or as an accessory or addition to a schoolbus.

(b) STANDARDS.—The Secretary shall prescribe motor vehicle safety standards for schoolbuses and schoolbus equipment manufactured in, or imported into, the United States. Standards shall include minimum performance requirements for—

(1) emergency exits;

(2) interior protection for occupants;

(3) floor strength;

(4) seating systems;

(5) crashworthiness of body and frame (including protection against rollover hazards);

(6) vehicle operating systems;

(7) windows and windshields; and

(8) fuel systems.

(c) TEST DRIVING BY MANUFACTURERS.—The Secretary may require by regulation a schoolbus to be test-driven by a manufacturer before introduction in commerce.

§30126. Used motor vehicles

To ensure a continuing and effective national safety program, it is the policy of the United

States Government to encourage and strengthen State inspection of used motor vehicles. Therefore, the Secretary of Transportation shall prescribe uniform motor vehicle safety standards applicable to all used motor vehicles. The standards shall be stated in terms of motor vehicle safety performance.

§30127. Automatic occupant crash protection and seat belt use

(a) Definitions.—In this section—

(1) "bus" means a motor vehicle with motive power (except a trailer) designed to carry more than 10 individuals.

(2) "multipurpose passenger vehicle" means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) "passenger car" means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

(4) "truck" means a motor vehicle with motive power (except a trailer) designed primarily to transport property or special purpose equipment.

(b) Inflatable Restraint Requirements.—(1) Not later than September 1, 1993, the Secretary of Transportation shall prescribe under this chapter an amendment to Federal Motor Vehicle Safety Standard 208 issued under the National Traffic and Motor Vehicle Safety Act of 1966. The amendment shall require that the automatic occupant crash protection system for both of the front outboard seating positions for each of the following vehicles be an inflatable restraint (with lap and shoulder belts) complying with the occupant protection requirements under section 4.1.2.1 of Standard 208:

(A) 95 percent of each manufacturer's annual production of passenger cars manufactured after August 31, 1996, and before September 1, 1997.

(B) 80 percent of each manufacturer's annual production of buses, multipurpose passenger vehicles, and trucks (except walk-in van-type trucks and vehicles designed to be sold only to the United States Postal Service) with a gross vehicle weight rating of not more than 8,500 pounds and an unloaded vehicle weight of not more than 5,500 pounds manufactured after August 31, 1997, and before September 1, 1998.

(C) 100 percent of each manufacturer's annual production of passenger cars manufactured after August 31, 1997.

(D) 100 percent of each manufacturer's annual production of vehicles described in clause (B) of this paragraph manufactured after August 31, 1998.

(2) Manufacturers may not use credits and incentives available before September 1, 1998, under the provisions of Standard 208 (as amended by this section) to comply with the requirements of paragraph (1)(D) of this subsection after August 31, 1998.

(c) Owner Manual Requirements.—In amending Standard 208, the Secretary of Transportation shall require, to be effective as soon as possible after the amendment is prescribed, that owner manuals for passenger cars, buses, multipurpose passenger vehicles, and trucks equipped with an inflatable restraint include a statement in an easily understandable format stating that—

(1) either or both of the front outboard seating positions of the vehicle are equipped with an inflatable restraint referred to as an "airbag" and a lap and shoulder belt;

(2) the "airbag" is a supplemental restraint and is not a substitute for lap and shoulder belts;

(3) lap and shoulder belts also must be used correctly by an occupant in a front outboard seating position to provide restraint or protection from frontal crashes as well as other types of crashes or accidents; and

(4) occupants should always wear their lap and shoulder belts, if available, or other safety belts, whether or not there is an inflatable restraint.

(d) Seat Belt Use Laws.—Congress finds that it is in the public interest for each State to adopt and enforce mandatory seat belt use laws and for the United States Government to adopt and enforce mandatory seat belt use regulations.

(e) Temporary Exemptions.—(1) On application of a manufacturer, the Secretary of Transportation may exempt, on a temporary basis, motor vehicles of that manufacturer from any requirement under subsections (b) and (c) of this section on terms the Secretary considers appropriate. An exemption may be renewed.

(2) The Secretary of Transportation may grant an exemption under paragraph (1) of this subsection if the Secretary finds that there has been a disruption in the supply of any component of an inflatable restraint or in the use and installation of that component by the manufacturer because of an unavoidable event not under the control of the manufacturer that will prevent the manufacturer from meeting its anticipated production volume of vehicles with those restraints.

(3) Only an affected manufacturer may apply for an exemption. The Secretary of Transportation shall prescribe in the amendment to Standard 208 required under this section the information an affected manufacturer must include in its application under this subsection. The manufacturer shall specify in the application the models, lines, and types of vehicles affected. The Secretary may consolidate similar applications from different manufacturers.

(4) An exemption or renewal of an exemption is conditioned on the commitment of the manufacturer to recall the exempted vehicles for installation of the omitted inflatable restraints within a reasonable time that the manufacturer proposes and the Secretary of Transportation approves after the components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

(5) The Secretary of Transportation shall publish in the Federal Register a notice of each application under this subsection and each decision to grant or deny a temporary exemption and the reasons for the decision.

(6) The Secretary of Transportation shall require a label for each exempted vehicle that can be removed only after recall and installation of the required inflatable restraint. The Secretary shall require that written notice of the exemption be provided to the dealer and the first purchaser of each exempted vehicle other than for resale, with the notice being provided in a way, and containing the information, the Secretary considers appropriate.

(f) Application.—(1) This section revises, but does not replace, Standard 208 as in effect on December 18, 1991, including the amendment of March 26, 1991 (56 Fed. Reg. 12472), to Standard 208, extending the requirements for automatic crash protection, with incentives for more innovative automatic crash protection, to trucks, buses, and multipurpose passenger vehicles. This section may not be construed as—

(A) affecting another provision of law carried out by the Secretary of Transportation applicable to passenger cars, buses, multipurpose passenger vehicles, or trucks; or

(B) establishing a precedent related to developing or prescribing a Government motor vehicle safety standard.

(2) This section and amendments to Standard 208 made under this section may not be construed as indicating an intention by Congress to affect any liability of a motor vehicle manufacturer under applicable law related to vehicles with or without inflatable restraints.

(g) Report.—(1) On October 1, 1992, and every 6 months after that date through October 1, 2000, the Secretary of Transportation shall submit reports on the effectiveness of occupant restraint systems expressed as a percentage reduction in fatalities or injuries of restrained occupants compared to unrestrained occupants for—

(A) a combination of inflated restraints and lap and shoulder belts;

(B) inflated restraints only; and

(C) lap and shoulder belts only.

(2) In consultation with the Secretaries of Labor and Defense, the Secretary of Transportation also shall provide information and analysis on lap and shoulder belt use, nationally and in each State by—

(A) military personnel;

(B) Government, State, and local law enforcement officers;

(C) other Government and State employees; and

(D) the public.

(h) Airbags for Government Cars.—In cooperation with the Administrator of General Services and the heads of appropriate departments, agencies, and instrumentalities of the Government, the Secretary of Transportation shall establish a program, consistent with applicable procurement laws of the Government and available appropriations, requiring that all passenger cars acquired—

(1) after September 30, 1994, for use by the Government be equipped, to the maximum extent practicable, with driver-side inflatable restraints; and

(2) after September 30, 1996, for use by the Government be equipped, to the maximum extent practicable, with inflatable restraints for both front outboard seating positions.

SUBCHAPTER III—IMPORTING NON-COMPLYING MOTOR VEHICLES AND EQUIPMENT

§30141. Importing motor vehicles capable of complying with standards

(a) General.—Section 30112(a) of this title does not apply to a motor vehicle if—

(1) on the initiative of the Secretary of Transportation or on petition of a manufacturer or importer registered under subsection (c) of this section, the Secretary decides—

(A) the vehicle is—

(i) substantially similar to a motor vehicle originally manufactured for import into and sale in the United States;

(ii) certified under section 30115 of this title;

(iii) the same model year (as defined under regulations of the Secretary of Transportation) as the model of the motor vehicle it is being compared to; and

(iv) capable of being readily altered to comply with applicable motor vehicle safety standards prescribed under this chapter; or

(B) if there is no substantially similar United States motor vehicle, the safety features of the vehicle comply with or are capable of being altered to comply with those standards based on destructive test information or other evidence the Secretary of Transportation decides is adequate;

(2) the vehicle is imported by a registered importer; and

(3) the registered importer pays the annual fee the Secretary of Transportation establishes under subsection (e) of this section to pay for the costs of carrying out the registration program for importers under subsection (c) of this section and any other fees the Secretary of Transportation establishes to pay for the costs of—

(A) processing bonds provided to the Secretary of the Treasury under subsection (d) of this section; and

(B) making the decisions under this subchapter.

(b) PROCEDURES ON DECIDING ON MOTOR VEHICLE CAPABILITY.—(1) The Secretary of Transportation shall establish by regulation procedures for making a decision under subsection (a)(1) of this section and the information a petitioner must provide to show clearly that the motor vehicle is capable of being brought into compliance with applicable motor vehicle safety standards prescribed under this chapter. In establishing the procedures, the Secretary shall provide for a minimum period of public notice and written comment consistent with ensuring expeditious, but complete, consideration and avoiding delay by any person. In making a decision under those procedures, the Secretary shall consider test information and other information available to the Secretary, including any information provided by the manufacturer. If the Secretary makes a negative decision, the Secretary may not make another decision for the same model until at least 3 calendar months have elapsed after the negative decision.

(2) The Secretary of Transportation shall publish each year in the Federal Register a list of all decisions made under subsection (a)(1) of this section. Each published decision applies to the model of the motor vehicle for which the decision was made. A positive decision permits another importer registered under subsection (c) of this section to import a vehicle of the same model under this section if the importer complies with all the terms of the decision.

(c) REGISTRATION.—(1) The Secretary of Transportation shall establish procedures for registering a person who complies with requirements prescribed by the Secretary by regulation under this subsection, including—

(A) recordkeeping requirements;

(B) inspection of records and facilities related to motor vehicles the person has imported, altered, or both; and

(C) requirements that ensure that the importer (or a successor in interest) will be able technically and financially to carry out responsibilities under sections 30117(b), 30118–30121, and 30166(f) of this title.

(2) The Secretary of Transportation shall deny registration to a person whose registration is revoked under paragraph (4) of this subsection.

(3) The Secretary of Transportation may deny registration to a person that is or was owned or controlled by, or under common ownership or control with, a person whose registration was revoked under paragraph (4) of this subsection.

(4) The Secretary of Transportation shall establish procedures for—

(A) revoking or suspending a registration issued under paragraph (1) of this subsection for not complying with a requirement of this subchapter or section 30112, 30115, 30117–30122, 30125(c), 30127, or 30166 of this title or regulations prescribed under this subchapter or those sections;

(B) automatically suspending a registration for not paying a fee under subsection (a)(3) of this section in a timely manner or for knowingly filing a false or misleading certification under section 30146 of this title; and

(C) reinstating suspended registrations.

(d) BONDS.—(1) A person importing a motor vehicle under this section shall provide a bond to the Secretary of the Treasury (acting for the Secretary of Transportation) and comply with the terms the Secretary of Transportation decides are appropriate to ensure that the vehicle—

(A) will comply with applicable motor vehicle safety standards prescribed under this chapter within a reasonable time (specified by the Secretary of Transportation) after the vehicle is imported; or

(B) will be exported (at no cost to the United States Government) by the Secretary of the Treasury or abandoned to the Government.

(2) The amount of the bond provided under this subsection shall be at least equal to the dutiable value of the motor vehicle (as determined by the Secretary of the Treasury) but not more than 150 percent of that value.

(e) FEE REVIEW, ADJUSTMENT, AND USE.—The Secretary of Transportation shall review and make appropriate adjustments at least every 2 years in the amounts of the fees required to be paid under subsection (a)(3) of this section. The Secretary of Transportation shall establish the fees for each fiscal year before the beginning of that year. All fees collected remain available until expended without fiscal year limit to the extent provided in advance by appropriation laws. The amounts are only for use by the Secretary of Transportation—

(1) in carrying out this section and sections 30146(a)–(c)(1), (d), and (e) and 30147(b) of this title; and

(2) in advancing to the Secretary of the Treasury amounts for costs incurred under this section and section 30146 of this title to reimburse the Secretary of the Treasury for those costs.

§30142. Importing motor vehicles for personal use

(a) GENERAL.—Section 30112(a) of this title does not apply to an imported motor vehicle if—

(1) the vehicle is imported for personal use, and not for resale, by an individual (except an individual described in sections 30143 and 30144 of this title);

(2) the vehicle is imported after January 31, 1990; and

(3) the individual takes the actions required under subsection (b) of this section to receive an exemption.

(b) EXEMPTIONS.—(1) To receive an exemption under subsection (a) of this section, an individual must—

(A) provide the Secretary of the Treasury (acting for the Secretary of Transportation) with—

(i) an appropriate bond in an amount determined under section 30141(d) of this title;

(ii) a copy of an agreement with an importer registered under section 30141(c) of this title for bringing the motor vehicle into compliance with applicable motor vehicle safety standards prescribed under this chapter; and

(iii) a certification that the vehicle meets the requirement of section 30141(a)(1)(A) or (B) of this title; and

(B) comply with appropriate terms the Secretary of Transportation imposes to ensure that the vehicle—

(i) will be brought into compliance with those standards within a reasonable time (specified by the Secretary of Transportation) after the vehicle is imported; or

(ii) will be exported (at no cost to the United States Government) by the Secretary of the Treasury or abandoned to the Government.

(2) For good cause shown, the Secretary of Transportation may allow an individual additional time, but not more than 30 days after the day on which the motor vehicle is offered for import, to comply with paragraph (1)(A)(ii) of this subsection.

§30143. Motor vehicles imported by individuals employed outside the United States

(a) DEFINITION.—In this section, "assigned place of employment" means—

(1) the principal location at which an individual is permanently or indefinitely assigned to work; and

(2) for a member of the uniformed services, the individual's permanent duty station.

(b) GENERAL.—Section 30112(a) of this title does not apply to a motor vehicle imported for personal use, and not for resale, by an individual—

(1) whose assigned place of employment was outside the United States as of October 31, 1988, and who has not had an assigned place of employment in the United States from that date through the date the vehicle is imported into the United States;

(2) who previously had not imported a motor vehicle into the United States under this section or section 108(g) of the National Traffic and Motor Vehicle Safety Act of 1966 or, before October 31, 1988, under section 108(b)(3) of that Act;

(3) who acquired, or made a binding contract to acquire, the vehicle before October 31, 1988;

(4) who imported the vehicle into the United States not later than October 31, 1992; and

(5) who satisfies section 108(b)(3) of that Act as in effect on October 30, 1988.

(c) CERTIFICATION.—Subsection (b) of this section is carried out by certification in the form the Secretary of Transportation or the Secretary of the Treasury may prescribe.

§30144. Importing motor vehicles on a temporary basis

(a) GENERAL.—Section 30112(a) of this title does not apply to a motor vehicle imported on a temporary basis for personal use by an individual who is a member of—

(1)(A) the personnel of the government of a foreign country on assignment in the United States or a member of the Secretariat of a public international organization designated under the International Organization Immunities Act (22 U.S.C. 288 et seq.); and

(B) the class of individuals for whom the Secretary of State has authorized free importation of motor vehicles; or

(2) the armed forces of a foreign country on assignment in the United States.

(b) VERIFICATION.—The Secretary of Transportation or the Secretary of the Treasury may require verification, that the Secretary of Transportation considers appropriate, that an individual is a member described under subsection (a) of this section. The Secretary of Transportation shall ensure that a motor vehicle imported under this section will be exported (at no cost to the United States Government) or abandoned to the Government when the individual no longer—

(1) resides in the United States; and

(2) is a member described under subsection (a) of this section.

(c) SALE IN THE UNITED STATES.—A motor vehicle imported under this section may not be sold when in the United States.

§30145. Importing motor vehicles or equipment requiring further manufacturing

Section 30112(a) of this title does not apply to a motor vehicle or motor vehicle equipment if the vehicle or equipment—

(1) requires further manufacturing to perform its intended function as decided under regulations prescribed by the Secretary of Transportation; and

(2) is accompanied at the time of importation by a written statement issued by the manufacturer indicating the applicable motor vehicle safety standard prescribed under this chapter with which it does not comply.

§30146. Release of motor vehicles and bonds

(a) COMPLIANCE CERTIFICATION AND BOND.—(1) Except as provided in subsections (c) and (d) of this section, an importer registered under section 30141(c) of this title may license or register an imported motor vehicle for use on public streets, roads, or highways, or release custody of a motor vehicle imported by the registered importer or imported by an individual under section 30142 of this title and altered by the registered importer to meet applicable motor vehicle

safety standards prescribed under this chapter to a person for license or registration for use on public streets, roads, or highways, only after 30 days after the registered importer certifies to the Secretary of Transportation, in the way the Secretary prescribes, that the motor vehicle complies with each standard prescribed in the year the vehicle was manufactured and that applies in that year to that vehicle. A vehicle may not be released if the Secretary gives written notice before the end of the 30-day period that the Secretary will inspect the vehicle under subsection (c) of this section.

(2) The Secretaries of Transportation and the Treasury shall prescribe regulations—

(A) ensuring the release of a motor vehicle and bond required under section 30141(d) of this title at the end of the 30-day period, unless the Secretary of Transportation issues a notice of an inspection under subsection (c) of this section; and

(B) providing that the Secretary of Transportation shall release the vehicle and bond promptly after an inspection under subsection (c) of this section showing compliance with the standards applicable to the vehicle.

(3) Each registered importer shall include on each motor vehicle released under this subsection a label prescribed by the Secretary of Transportation identifying the importer and stating that the vehicle has been altered by the importer to comply with the standards applicable to the vehicle.

(b) RELIANCE ON MANUFACTURER'S CERTIFICATION.—In making a certification under subsection (a)(1) of this section, the registered importer may rely on the manufacturer's certification for the model to which the motor vehicle involved is substantially similar if the importer certifies that any alteration made by the importer did not affect the compliance of the safety features of the vehicle and the importer keeps records verifying the certification for the period the Secretary of Transportation prescribes.

(c) EVIDENCE OF COMPLIANCE.—(1) The Secretary of Transportation may require that the certification under subsection (a)(1) of this section be accompanied by evidence of compliance the Secretary considers appropriate or may inspect the certified motor vehicle, or both. If the Secretary gives notice of an inspection, an importer may release the vehicle only after—

(A) an inspection showing the motor vehicle complies with applicable motor vehicle safety standards prescribed under this chapter for which the inspection was made; and

(B) release of the vehicle by the Secretary.

(2) The Secretary of Transportation shall inspect periodically a representative number of motor vehicles for which certifications have been filed under subsection (a)(1) of this section. In carrying out a motor vehicle testing program under this chapter, the Secretary shall include a representative number of motor vehicles for which certifications have been filed under subsection (a)(1).

(d) CHALLENGING THE CERTIFICATION.—A motor vehicle or bond may not be released under subsection (a) of this section if the Secretary of Transportation, not later than 30 days after receiving a certification under subsection (a)(1) of this section, gives written notice that the Secretary believes or has reason to believe that the certification is false or contains a mispresentation. The vehicle and bond may be released only after the Secretary is satisfied with the certification and any modification of the certification.

(e) BOND RELEASE.—A release of a bond required under section 30141(d) of this title is deemed an acceptance of a certification or completion of an inspection under this section but is not a decision by the Secretary of Transportation under section 30118(a) or (b) of this title of compliance with applicable motor vehicle safety standards prescribed under this chapter.

§30147. Responsibility for defects and noncompliance

(a) DEEMING DEFECT OR NONCOMPLIANCE TO CERTAIN VEHICLES AND IMPORTER AS MANUFACTURER.—(1) In carrying out sections 30117(b), 30118–30121, and 30166(f) of this title—

(A) for a defect or noncompliance with an applicable motor vehicle safety standard prescribed under this chapter for a motor vehicle originally manufactured for import into the United States, an imported motor vehicle having a valid certification under section 30146(a)(1) of this title and decided to be substantially similar to that motor vehicle shall be deemed as having the same defect or as not complying with the same standard unless the manufacturer or importer registered under section 30141(c) of this title demonstrates otherwise to the Secretary of Transportation; and

(B) the registered importer shall be deemed to be the manufacturer of any motor vehicle that the importer imports or brings into compliance with the standards for an individual under section 30142 of this title.

(2) The Secretary shall publish in the Federal Register notice of any defect or noncompliance under paragraph (1)(A) of this subsection.

(b) FINANCIAL RESPONSIBILITY REQUIREMENT.—The Secretary shall require by regulation each registered importer (including any successor in interest) to provide and maintain evidence, satisfactory to the Secretary, of sufficient financial responsibility to meet its obligations under sections 30117(b), 30118–30121, and 30166(f) of this title.

SUBCHAPTER IV—ENFORCEMENT AND ADMINISTRATIVE

§30161. Judicial review of standards

(a) FILING AND VENUE.—A person adversely affected by an order prescribing a motor vehicle safety standard under this chapter may apply for review of the order by filing a petition for review in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 59 days after the order is issued.

(b) NOTIFYING SECRETARY.—The clerk of the court shall send immediately a copy of the petition to the Secretary of Transportation. The Secretary shall file with the court a record of the proceeding in which the order was prescribed.

(c) ADDITIONAL PROCEEDINGS.—(1) On request of the petitioner, the court may order the Secretary to receive additional evidence and evidence in rebuttal if the court is satisfied that the additional evidence is material and there were reasonable grounds for not presenting the evidence in the proceeding before the Secretary.

(2) The Secretary may modify findings of fact or make new findings because of the additional evidence presented. The Secretary shall file a modified or new finding, a recommendation to modify or set aside the order, and the additional evidence with the court.

(d) CERTIFIED COPIES OF RECORDS OF PROCEEDINGS.—The Secretary shall give any interested person a certified copy of the transcript of the record in a proceeding under this section on request and payment of costs. A certified copy of the record of the proceeding is admissible in a proceeding arising out of a matter under this chapter, regardless of whether the proceeding under this section has begun or becomes final.

(e) FINALITY OF JUDGMENT AND SUPREME COURT REVIEW.—A judgment of a court under this section is final and may be reviewed only by the Supreme Court under section 1254 of title 28.

§30162. Petitions by interested persons for standards and enforcement

(a) FILING.—Any interested person may file a petition with the Secretary of Transportation requesting the Secretary to begin a proceeding—

(1) to prescribe a motor vehicle safety standard under this chapter; or

(2) to decide whether to issue an order under section 30118(b) of this title.

(b) STATEMENT OF FACTS.—The petition must state facts that the person claims establish that a motor vehicle safety standard or order referred to in subsection (a) of this section is necessary and briefly describe the order the Secretary should issue.

(c) PROCEEDINGS.—The Secretary may hold a public hearing or conduct an investigation or proceeding to decide whether to grant the petition.

(d) ACTIONS OF SECRETARY.—The Secretary shall grant or deny a petition not later than 120 days after the petition is filed. If a petition is granted, the Secretary shall begin the proceeding promptly. If a petition is denied, the Secretary shall publish the reasons for the denial in the Federal Register.

§30163. Actions by the Attorney General

(a) CIVIL ACTIONS TO ENFORCE.—The Attorney General may bring a civil action in a United States district court to enjoin—

(1) a violation of this chapter or a regulation prescribed or order issued under this chapter; and

(2) the sale, offer for sale, or introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of a motor vehicle or motor vehicle equipment for which it is decided, before the first purchase in good faith other than for resale, that the vehicle or equipment—

(A) contains a defect related to motor vehicle safety about which notice was given under section 30118(c) of this title or an order was issued under section 30118(b) of this title; or

(B) does not comply with an applicable motor vehicle safety standard prescribed under this chapter.

(b) PRIOR NOTICE.—When practicable, the Secretary of Transportation shall notify a person against whom a civil action under subsection (a) of this section is planned, give the person an opportunity to present that person's views, and, except for a knowing and willful violation of this chapter, give the person a reasonable opportunity to remedy the defect or comply with the applicable motor vehicle safety standard prescribed under this chapter. Failure to give notice and an opportunity to remedy the defect or comply with the applicable motor vehicle safety standard prescribed under this chapter does not prevent a court from granting appropriate relief.

(c) VENUE.—Except as provided in section 30121(d) of this title, a civil action under this section or section 30165(a) of this title may be brought in the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found.

(d) JURY TRIAL DEMAND.—In a trial for criminal contempt for violating an injunction or restraining order issued under subsection (a) of this section, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(e) SUBPENAS FOR WITNESSES.—In a civil action brought under this section, a subpena for a witness may be served in any judicial district.

§30164. Service of process

(a) DESIGNATING AGENTS.—A manufacturer offering a motor vehicle or motor vehicle equipment for import shall designate an agent on

whom service of notices and process in administrative and judicial proceedings may be made. The designation shall be in writing and filed with the Secretary of Transportation. The designation may be changed in the same way as originally made.

(b) SERVICE.—An agent may be served at the agent's office or usual place of residence. Service on the agent is deemed to be service on the manufacturer. If a manufacturer does not designate an agent, service may be made by posting the notice or process in the office of the Secretary.

§30165. Civil penalty

(a) PENALTY.—A person that violates section 30112, 30115, 30117–30122, 30123(d), 30125(c), 30127, 30141–30147, or 30166 of this title or a regulation prescribed under those sections is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by those sections. The maximum penalty under this subsection for a related series of violations is $800,000.

(b) COMPROMISE AND SETOFF.—(1) The Secretary of Transportation may compromise the amount of a civil penalty imposed under this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(c) CONSIDERATIONS.—In determining the amount of a civil penalty or compromise, the appropriateness of the penalty or compromise to the size of the business of the person charged and the gravity of the violation shall be considered.

(d) SUBPENAS FOR WITNESSES.—In a civil action brought under this section, a subpena for a witness may be served in any judicial district.

§30166. Inspections, investigations, and records

(a) DEFINITION.—In this section, "motor vehicle accident" means an occurrence associated with the maintenance or operation of a motor vehicle or motor vehicle equipment resulting in personal injury, death, or property damage.

(b) AUTHORITY TO INSPECT AND INVESTIGATE.—(1) The Secretary of Transportation may conduct an inspection or investigation—

(A) that may be necessary to enforce this chapter or a regulation prescribed or order issued under this chapter; or

(B) related to a motor vehicle accident and designed to carry out this chapter.

(2) The Secretary of Transportation shall cooperate with State and local officials to the greatest extent possible in an inspection or investigation under paragraph (1)(B) of this subsection.

(c) MATTERS THAT CAN BE INSPECTED AND IMPOUNDMENT.—In carrying out this chapter, an officer or employee designated by the Secretary of Transportation—

(1) at reasonable times, may inspect and copy any record related to this chapter;

(2) on request, may inspect records of a manufacturer, distributor, or dealer to decide whether the manufacturer, distributor, or dealer has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter; and

(3) at reasonable times, in a reasonable way, and on display of proper credentials and written notice to an owner, operator, or agent in charge, may—

(A) enter and inspect with reasonable promptness premises in which a motor vehicle or motor vehicle equipment is manufactured, held for introduction in interstate commerce, or held for sale after introduction in interstate commerce;

(B) enter and inspect with reasonable promptness premises at which a vehicle or equipment involved in a motor vehicle accident is located;

(C) inspect with reasonable promptness that vehicle or equipment; and

(D) impound for not more than 72 hours a vehicle or equipment involved in a motor vehicle accident.

(d) REASONABLE COMPENSATION.—When a motor vehicle (except a vehicle subject to subchapter II of chapter 105 of this title) or motor vehicle equipment is inspected or temporarily impounded under subsection (c)(3) of this section, the Secretary of Transportation shall pay reasonable compensation to the owner of the vehicle if the inspection or impoundment results in denial of use, or reduction in value, of the vehicle.

(e) RECORDS AND MAKING REPORTS.—The Secretary of Transportation reasonably may require a manufacturer of a motor vehicle or motor vehicle equipment to keep records, and a manufacturer, distributor, or dealer to make reports, to enable the Secretary to decide whether the manufacturer, distributor, or dealer has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter. This subsection does not impose a recordkeeping requirement on a distributor or dealer in addition to those imposed under subsection (f) of this section and section 30117(b) of this title or a regulation prescribed or order issued under subsection (f) or section 30117(b).

(f) PROVIDING COPIES OF COMMUNICATIONS ABOUT DEFECTS AND NONCOMPLIANCE.—A manufacturer shall give the Secretary of Transportation a true or representative copy of each communication to the manufacturer's dealers or to owners or purchasers of a motor vehicle or replacement equipment produced by the manufacturer about a defect or noncompliance with a motor vehicle safety standard prescribed under this chapter in a vehicle or equipment that is sold or serviced.

(g) ADMINISTRATIVE AUTHORITY ON REPORTS, ANSWERS, AND HEARINGS.—(1) In carrying out this chapter, the Secretary of Transportation may—

(A) require, by general or special order, any person to file reports or answers to specific questions, including reports or answers under oath; and

(B) conduct hearings, administer oaths, take testimony, and require (by subpena or otherwise) the appearance and testimony of witnesses and the production of records the Secretary considers advisable.

(2) A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(h) CIVIL ACTIONS TO ENFORCE AND VENUE.—A civil action to enforce a subpena or order under subsection (g) of this section may be brought in the United States district court for the judicial district in which the proceeding is conducted. The court may punish a failure to obey an order of the court to comply with a subpena or order as a contempt of court.

(i) GOVERNMENTAL COOPERATION.—The Secretary of Transportation may request a department, agency, or instrumentality of the United States Government to provide records the Secretary considers necessary to carry out this chapter. The head of the department, agency, or instrumentality shall provide the record on request, may detail personnel on a reimbursable basis, and otherwise shall cooperate with the Secretary. This subsection does not affect a law limiting the authority of a department, agency, or instrumentality to provide information to another department, agency, or instrumentality.

(j) COOPERATION OF SECRETARY.—The Secretary of Transportation may advise, assist, and cooperate with departments, agencies, and instrumentalities of the Government, States, and other public and private agencies in developing a method for inspecting and testing to determine compliance with a motor vehicle safety standard.

(k) PROVIDING INFORMATION.—The Secretary of Transportation shall provide the Attorney General and, when appropriate, the Secretary of the Treasury, information obtained that indicates a violation of this chapter or a regulation prescribed or order issued under this chapter.

§30167. Disclosure of information by the Secretary of Transportation

(a) CONFIDENTIALITY OF INFORMATION.—Information obtained under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only in the following ways:

(1) to other officers and employees carrying out this chapter.

(2) when relevant to a proceeding under this chapter.

(3) to the public if the confidentiality of the information is preserved.

(4) to the public when the Secretary of Transportation decides that disclosure is necessary to carry out section 30101 of this title.

(b) DEFECT AND NONCOMPLIANCE INFORMATION.—Subject to subsection (a) of this section, the Secretary shall disclose information obtained under this chapter related to a defect or noncompliance that the Secretary decides will assist in carrying out sections 30117(b) and 30118–30121 of this title or that is required to be disclosed under section 30118(a) of this title. A requirement to disclose information under this subsection is in addition to the requirements of section 552 of title 5.

(c) INFORMATION ABOUT MANUFACTURER'S INCREASED COSTS.—A manufacturer opposing an action of the Secretary under this chapter because of increased cost shall submit to the Secretary information about the increased cost, including the manufacturer's cost and the cost to retail purchasers, that allows the public and the Secretary to evaluate the manufacturer's statement. The Secretary shall evaluate the information promptly and, subject to subsection (a) of this section, shall make the information and evaluation available to the public. The Secretary shall publish a notice in the Federal Register that the information is available.

(d) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

§30168. Research, testing, development, and training

(a) GENERAL AUTHORITY.—(1) The Secretary of Transportation shall conduct research, testing, development, and training necessary to carry out this chapter. The research, development, testing, and training shall include—

(A) collecting information to determine the relationship between motor vehicle or motor vehicle equipment performance characteristics and—

(i) accidents involving motor vehicles; and

(ii) the occurrence of death or personal injury resulting from those accidents;

(B) obtaining experimental and other motor vehicles and motor vehicle equipment for research or testing; and

(C) selling or otherwise disposing of test motor vehicles and motor vehicle equipment and crediting the proceeds to current appropriations available to carry out this chapter.

(2) The Secretary may carry out this subsection through grants to States, interstate authorities, and nonprofit institutions.

(b) USE OF PUBLIC AGENCIES.—In carrying out this chapter, the Secretary shall use the services, research, and testing facilities of public

agencies to the maximum extent practicable to avoid duplication.

(c) FACILITIES.—The Secretary may plan, design, and build a new facility or modify an existing facility to conduct research, development, and testing in traffic safety, highway safety, and motor vehicle safety. An expenditure of more than $100,000 for planning, design, or construction may be made only if the planning, design, or construction is approved by substantially similar resolutions by the Committees on Energy and Commerce and Public Works and Transportation of the House of Representatives and the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate. To obtain that approval, the Secretary shall submit to Congress a prospectus on the proposed facility. The prospectus shall include—

(1) a brief description of the facility being planned, designed, or built;

(2) the location of the facility;

(3) an estimate of the maximum cost of the facility;

(4) a statement identifying private and public agencies that will use the facility and the contribution each agency will make to the cost of the facility; and

(5) a justification of the need for the facility.

(d) INCREASING COSTS OF APPROVED FACILITIES.—The estimated maximum cost of a facility approved under subsection (c) of this section may be increased by an amount equal to the percentage increase in construction costs from the date the prospectus is submitted to Congress. However, the increase in the cost of the facility may not be more than 10 percent of the estimated maximum cost included in the prospectus. The Secretary shall decide what increase in construction costs has occurred.

(e) AVAILABILITY OF INFORMATION, PATENTS, AND DEVELOPMENTS.—When the United States Government makes more than a minimal contribution to a research or development activity under this chapter, the Secretary shall include in the arrangement for the activity a provision to ensure that all information, patents, and developments related to the activity are available to the public. However, the owner of a background patent may not be deprived of a right under the patent.

§30169. Annual reports

(a) GENERAL REPORT.—The Secretary of Transportation shall submit to the President to submit to Congress on July 1 of each year a report on the administration of this chapter for the prior calendar year. The report shall include—

(1) a thorough statistical compilation of accidents and injuries;

(2) motor vehicle safety standards in effect or prescribed under this chapter;

(3) the degree of observance of the standards;

(4) a summary of current research grants and contracts and a description of the problems to be considered under those grants and contracts;

(5) an analysis and evaluation of research activities completed and technological progress achieved;

(6) enforcement actions;

(7) the extent to which technical information was given the scientific community and consumer-oriented information was made available to the public; and

(8) recommendations for legislation needed to promote cooperation among the States in improving traffic safety and strengthening the national traffic safety program.

(b) REPORT ON IMPORTING MOTOR VEHICLES.—Not later than 18 months after regulations are first prescribed under section 2(e)(1)(B) of the Imported Vehicle Safety Compliance Act of 1988, the Secretary shall submit to Congress a report of the actions taken to carry out subchapter III of this chapter and the effectiveness of those actions, including any testing by the Secretary under section 30146(c)(2) of this title. After the first report, the Secretary shall submit a report to Congress under this subsection not later than July 31 of each year.

CHAPTER 303—NATIONAL DRIVER REGISTER

Sec.

30301. Definitions.
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30303. State participation.
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30305. Access to Register information.
30306. National Driver Register Advisory Committee.
30307. Criminal penalties.
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§30301. Definitions

In this chapter—

(1) "alcohol" has the same meaning given that term in regulations prescribed by the Secretary of Transportation.

(2) "chief driver licensing official" means the official in a State who is authorized to—

(A) maintain a record about a motor vehicle operator's license issued by the State; and

(B) issue, deny, revoke, suspend, or cancel a motor vehicle operator's license issued by the State.

(3) "controlled substance" has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(4) "motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle operated only on a rail line.

(5) "motor vehicle operator's license" means a license issued by a State authorizing an individual to operate a motor vehicle on public streets, roads, or highways.

(6) "participating State" means a State that has notified the Secretary under section 30303 of this title of its participation in the National Driver Register.

(7) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(8) "State of record" means a State that has given the Secretary a report under section 30304 of this title about an individual who is the subject of a request for information made under section 30305 of this title.

§30302. National Driver Register

(a) ESTABLISHMENT AND CONTENTS.—The Secretary of Transportation shall establish as soon as practicable and maintain a National Driver Register to assist chief driver licensing officials of participating States in exchanging information about the motor vehicle driving records of individuals. The Register shall contain an index of the information reported to the Secretary under section 30304 of this title. The Register shall enable the Secretary (electronically or, until all States can participate electronically, by United States mail)—

(1) to receive information submitted under section 30304 of this title by the chief driver licensing official of a State of record;

(2) to receive a request for information made by the chief driver licensing official of a participating State under section 30305 of this title;

(3) to refer the request to the chief driver licensing official of a State of record; and

(4) in response to the request, to relay information provided by a chief driver licensing official of a State of record to the chief driver licensing official of a participating State, without interception of the information.

(b) ACCURACY OF INFORMATION.—The Secretary is not responsible for the accuracy of information relayed to the chief driver licensing official of a participating State. However, the Secretary shall maintain the Register in a way that ensures against inadvertent alteration of information during a relay.

(c) TRANSITION FROM PRIOR REGISTER.—(1) The Secretary shall provide by regulation for the orderly transition from the register maintained under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), to the Register maintained under this chapter.

(2)(A) The Secretary shall delete from the Register a report or information that was compiled under the Act of July 14, 1960 (Public Law 86-660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), and transferred to the Register, after the earlier of—

(i) the date the State of record removes it from the State's file;

(ii) 7 years after the date the report or information is entered in the Register; or

(iii) the date a fully electronic Register system is established.

(B) The report or information shall be disposed of under chapter 33 of title 44.

(3) If the chief driver licensing official of a participating State finds that information provided for inclusion in the Register is erroneous or is related to a conviction of a traffic offense that subsequently is reversed, the official immediately shall notify the Secretary. The Secretary shall provide for the immediate deletion of the information from the Register.

(d) ASSIGNMENT OF PERSONNEL.—In carrying out this chapter, the Secretary shall assign personnel necessary to ensure the effective operation of the Register.

§30303. State participation

(a) NOTIFICATION.—A State may become a participating State under this chapter by notifying the Secretary of Transportation of its intention to be bound by section 30304 of this title.

(b) WITHDRAWAL.—A participating State may end its status as a participating State by notifying the Secretary of its withdrawal from participation in the National Driver Register.

(c) FORM AND WAY OF NOTIFICATION.—Notification by a State under this section shall be made in the form and way the Secretary prescribes by regulation.

§30304. Reports by chief driver licensing officials

(a) INDIVIDUALS COVERED.—As soon as practicable, the chief driver licensing official of each participating State shall submit to the Secretary of Transportation a report containing the information specified by subsection (b) of this section for each individual—

(1) who is denied a motor vehicle operator's license by that State for cause;

(2) whose motor vehicle operator's license is revoked, suspended, or canceled by that State for cause; or

(3) who is convicted under the laws of that State of any of the following motor vehicle-related offenses or comparable offenses:

(A) operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance.

(B) a traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways.

(C) failing to give aid or provide identification when involved in an accident resulting in death or personal injury.

(D) perjury or knowingly making a false affidavit or statement to officials about activities governed by a law or regulation on the operation of a motor vehicle.

(b) CONTENTS.—(1) Except as provided in paragraph (2) of this subsection, a report under subsection (a) of this section shall contain—

(A) the individual's legal name, date of birth, sex, and, at the Secretary's discretion, height, weight, and eye and hair color;

(B) the name of the State providing the information; and

(C) the social security account number if used by the State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number if different from the social security account number.

(2) A report under subsection (a) of this section about an event that occurs during the 2-year period before the State becomes a participating State is sufficient if the report contains all of the information that is available to the chief driver licensing official when the State becomes a participating State.

(c) TIME FOR FILING.—If a report under subsection (a) of this section is about an event that occurs—

(1) during the 2-year period before the State becomes a participating State, the report shall be submitted not later than 6 months after the State becomes a participating State; or

(2) after the State becomes a participating State, the report shall be submitted not later than 31 days after the motor vehicle department of the State receives any information specified in subsection (b)(1) of this section that is the subject of the report.

(d) EVENTS OCCURRING BEFORE PARTICIPATION.—This section does not require a State to report information about an event that occurs before the 2-year period before the State becomes a participating State.

§30305. Access to Register information

(a) REFERRALS OF INFORMATION REQUESTS.—(1) To carry out duties related to driver licensing, driver improvement, or transportation safety, the chief driver licensing official of a participating State may request the Secretary of Transportation to refer, electronically or by United States mail, a request for information about the motor vehicle driving record of an individual to the chief driver licensing official of a State of record.

(2) The Secretary of Transportation shall relay, electronically or by United States mail, information received from the chief driver licensing official of a State of record in response to a request under paragraph (1) of this subsection to the chief driver licensing official of the participating State requesting the information. However, the Secretary may refuse to relay information to the chief driver licensing official of a participating State that does not comply with section 30304 of this title.

(b) REQUESTS TO OBTAIN INFORMATION.—(1) The Chairman of the National Transportation Safety Board and the Administrator of the Federal Highway Administration may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual who is the subject of an accident investigation conducted by the Board or the Administrator. The Chairman and the Administrator may receive the information.

(2) An individual who is employed, or is seeking employment, as a driver of a motor vehicle may request the chief driver licensing official of the State in which the individual is employed or seeks employment to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer. An employer or prospective employer may receive the information and shall make the information available to the individual. Information may not be obtained from the National Driver Register under this paragraph if the information was entered in the Register more than 3 years before the request.

(3) An individual who has received, or is applying for, an airman's certificate may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Administrator of the Federal Aviation Administration. The Administrator may receive the information and shall make the information available to the individual for review and written comment. The Administrator may use the information to verify information required to be reported to the Administrator by an airman applying for an airman medical certificate and to evaluate whether the airman meets the minimum standards prescribed by the Administrator to be issued an airman medical certificate. The Administrator may not otherwise divulge or use the information. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(4) An individual who is employed, or is seeking employment, by a rail carrier as an operator of a locomotive may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer or to the Secretary of Transportation. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(5) An individual who holds, or is applying for, a license or certificate of registry under section 7101 of title 46, or a merchant mariner's document under section 7302 of title 46, may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Secretary of the department in which the Coast Guard is operating. The Secretary may receive the information and shall make the information available to the individual for review and written comment before denying, suspending, or revoking the license, certificate, or document of the individual based on the information and before using the information in an action taken under chapter 77 of title 46. The Secretary may not otherwise divulge or use the information, except for purposes of section 7101, 7302, or 7703 of title 46. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(6) An individual may request the chief driver licensing official of a State to obtain information about the individual under subsection (a) of this section—

(A) to learn whether information about the individual is being provided;

(B) to verify the accuracy of the information; or

(C) to obtain a certified copy of the information.

(7) A request under this subsection shall be made in the form and way the Secretary of Transportation prescribes by regulation.

(c) RELATIONSHIP TO OTHER LAWS.—A request for, or receipt of, information from the Register is subject to sections 552 and 552a of title 5, and other applicable laws of the United States or a State, except that—

(1) the Secretary of Transportation may not relay or otherwise provide information specified in section 30304(b)(1)(A) or (C) of this title to a person not authorized by this section to receive the information;

(2) a request for, or receipt of, information by a chief driver licensing official, or by a person authorized by subsection (b) of this section to request and receive the information, is deemed to be a routine use under section 552a(b) of title 5; and

(3) receipt of information by a person authorized by this section to receive the information is deemed to be a disclosure under section 552a(c) of title 5, except that the Secretary of Transportation is not required to retain the accounting made under section 552a(c)(1) for more than 7 years after the disclosure.

(d) AVAILABILITY OF INFORMATION PROVIDED UNDER PRIOR LAW.—Information provided by a State under the Act of July 14, 1960 (Public Law 86–660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89–563, 80 Stat. 730), and under this chapter, shall be available under this section during the transition from the register maintained under that Act to the Register maintained under this chapter.

§30306. National Driver Register Advisory Committee

(a) ORGANIZATION.—There is a National Driver Register Advisory Committee.

(b) DUTIES.—The Committee shall advise the Secretary of Transportation on—

(1) the efficiency of the maintenance and operation of the National Driver Register; and

(2) the effectiveness of the Register in assisting States in exchanging information about motor vehicle driving records.

(c) COMPOSITION AND APPOINTMENT.—The Committee is composed of 15 members appointed by the Secretary as follows:

(1) 3 members appointed from among individuals who are specially qualified to serve on the Committee because of their education, training, or experience, and who are not officers or employees of the United States Government or a State.

(2) 3 members appointed from among groups outside the Government that represent the interests of bus and trucking organizations, enforcement officials, labor, or safety organizations.

(3) 9 members, geographically representative of the participating States, appointed from among individuals who are chief driver licensing officials of participating States.

(d) TERMS.—(1) Except as provided in paragraph (2) of this subsection, the term of each member is 3 years.

(2) A vacancy on the Committee shall be filled in the same way as an original appointment. A member appointed to fill a vacancy serves for the remainder of the term of that member's predecessor. After a member's term ends, the member may continue to serve until a successor takes office.

(e) PAY AND EXPENSES.—Members of the Committee serve without pay. However, the Secretary may reimburse a member for reasonable travel expenses incurred by the member in attending meetings of the Committee.

(f) MEETINGS, CHAIRMAN, VICE CHAIRMAN, AND QUORUM.—(1) The Committee shall meet at least once a year.

(2) The Committee shall elect a Chairman and a Vice Chairman from among its members.

(3) Eight members are a quorum.

(4) The Committee shall meet at the call of the Chairman or a majority of the members.

(g) PERSONNEL AND SERVICES.—The Secretary may provide the Committee with personnel, penalty mail privileges, and similar services the Secretary considers necessary to assist the Committee in carrying out its duties and powers under this section.

(h) REPORTS.—At least once a year, the Committee shall submit to the Secretary a report on

the matters specified in subsection (b) of this section. The report shall include any recommendations of the Committee for changes in the Register.

(i) RELATIONSHIP TO OTHER LAWS.—The Committee is exempt from sections 10(e) and (f) and 14 of the Federal Advisory Committee Act (5 App. U.S.C.).

§30307. Criminal penalties

(a) GENERAL PENALTY.—A person (except an individual described in section 30305(b)(6) of this title) shall be fined under title 18, imprisoned for not more than one year, or both, if—

(1) the person receives under section 30305 of this title information specified in section 30304(b)(1)(A) or (C) of this title;

(2) disclosure of the information is not authorized by section 30305 of this title; and

(3) the person willfully discloses the information knowing that disclosure is not authorized.

(b) INFORMATION PENALTY.—A person knowingly and willfully requesting, or under false pretenses obtaining, information specified in section 30304(b)(1)(A) or (C) of this title from a person receiving the information under section 30305 of this title shall be fined under title 18, imprisoned for not more than one year, or both.

§30308. Authorization of appropriations

(a) GENERAL.—The Secretary of Transportation shall make available from amounts made available to carry out section 402 of title 23 $4,000,000 for each of the fiscal years ending September 30, 1993, and September 30, 1994, to carry out this chapter.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under this section remain available until expended.

CHAPTER 305—NATIONAL AUTOMOBILE TITLE INFORMATION SYSTEM

Sec.
30501. Definitions.
30502. National Automobile Title Information System.
30503. State participation.
30504. Reporting requirements.
30505. Penalties and enforcement.

§30501. Definitions

In this chapter—

(1) "automobile" has the same meaning given that term in section 32901(a) of this title.

(2) "certificate of title" means a document issued by a State showing ownership of an automobile.

(3) "insurance carrier" means an individual or entity engaged in the business of underwriting automobile insurance.

(4) "junk automobile" means an automobile that—

(A) is incapable of operating on public streets, roads, and highways; and

(B) has no value except as a source of parts or scrap.

(5) "junk yard" means an individual or entity engaged in the business of acquiring or owning junk automobiles for—

(A) resale in their entirety or as spare parts; or

(B) rebuilding, restoration, or crushing.

(6) "operator" means the individual or entity authorized or designated as the operator of the National Automobile Title Information System under section 30502(b) of this title, or the Secretary of Transportation, if there is no authorized or designated individual or entity.

(7) "salvage automobile" means an automobile that is damaged by collision, fire, flood, accident, trespass, or other event, to the extent that its fair salvage value plus the cost of repairing the automobile for legal operation on public streets, roads, and highways would be more than the fair market value of the automobile immediately before the event that caused the damage.

(8) "salvage yard" means an individual or entity engaged in the business of acquiring or owning salvage automobiles for—

(A) resale in their entirety or as spare parts; or

(B) rebuilding, restoration, or crushing.

(9) "State" means a State of the United States or the District of Columbia.

§30502. National Automobile Title Information System

(a) ESTABLISHMENT OR DESIGNATION.—(1) In cooperation with the States and not later than January 31, 1996, the Secretary of Transportation shall establish a National Automobile Title Information System that will provide individuals and entities referred to in subsection (e) of this section with instant and reliable access to information maintained by the States related to automobile titling described in subsection (d) of this section. However, if the Secretary decides that the existing information system meets the requirements of subsections (d) and (e) of this section and will permit the Secretary to carry out this chapter as early as possible, the Secretary, in consultation with the Attorney General, may designate an existing information system as the National Automobile Title Information System.

(2) In cooperation with the Attorney General and the States, the Secretary shall ascertain the extent to which title and related information to be included in the system established under paragraph (1) of this subsection will be adequate, timely, reliable, uniform, and capable of assisting in efforts to prevent the introduction or reintroduction of stolen vehicles and parts into interstate commerce.

(b) OPERATION.—The Secretary may authorize the operation of the System established or designated under subsection (a)(1) of this section by agreement with one or more States, or by designating, after consulting with the States, a third party that represents the interests of the States.

(c) USER FEES.—Operation of the System established or designated under subsection (a)(1) of this section shall be paid for by user fees and should be self-sufficient and not be dependent on amounts from the United States Government. The amount of fees the operator collects and keeps under this subsection subject to annual appropriation laws, excluding fees the operator collects and pays to an entity providing information to the operator, may be not more than the costs of operating the System.

(d) INFORMATION REQUIREMENTS.—The System established or designated under subsection (a)(1) of this section shall permit a user of the System at least to establish instantly and reliably—

(1) the validity and status of a document purporting to be a certificate of title;

(2) whether an automobile bearing a known vehicle identification number is titled in a particular State;

(3) whether an automobile known to be titled in a particular State is or has been a junk automobile or a salvage automobile;

(4) for an automobile known to be titled in a particular State, the odometer mileage disclosure required under section 32705 of this title for that automobile on the date the certificate of title for that automobile was issued and any later mileage information, if noted by the State; and

(5) whether an automobile bearing a known vehicle identification number has been reported as a junk automobile or a salvage automobile under section 30504 of this title.

(e) AVAILABILITY OF INFORMATION.—(1) The operator shall make available—

(A) to a participating State on request of that State, information in the System about any automobile;

(B) to a Government, State, or local law enforcement official on request of that official, information in the System about a particular automobile, junk yard, or salvage yard;

(C) to a prospective purchaser of an automobile on request of that purchaser, including an auction company or entity engaged in the business of purchasing used automobiles, information in the System about that automobile; and

(D) to a prospective or current insurer of an automobile on request of that insurer, information in the System about that automobile.

(2) The operator may release only the information reasonably necessary to satisfy the requirements of paragraph (1) of this subsection. The operator may not collect an individual's social security account number or permit users of the System to obtain an individual's address or social security account number.

§30503. State participation

(a) STATE INFORMATION.—Each State shall make titling information maintained by that State available for use in operating the National Automobile Title Information System established or designated under section 30502 of this title.

(b) VERIFICATION CHECKS.—Each State shall establish a practice of performing an instant title verification check before issuing a certificate of title to an individual or entity claiming to have purchased an automobile from an individual or entity in another State. The check shall consist of—

(1) communicating to the operator—

(A) the vehicle identification number of the automobile for which the certificate of title is sought;

(B) the name of the State that issued the most recent certificate of title for the automobile; and

(C) the name of the individual or entity to whom the certificate of title was issued; and

(2) giving the operator an opportunity to communicate to the participating State the results of a search of the information.

(c) GRANTS TO STATES.—(1) In cooperation with the States and not later than January 1, 1994, the Secretary of Transportation shall—

(A) conduct a review of systems used by the States to compile and maintain information about the titling of automobiles; and

(B) determine for each State the cost of making titling information maintained by that State available to the operator to meet the requirements of section 30502(d) of this title.

(2) The Secretary may make grants to participating States to be used in making titling information maintained by those States available to the operator if—

(A) the grant to a State is not more than the lesser of—

(i) 25 percent of the cost of making titling information maintained by that State available to the operator as determined by the Secretary under paragraph (1)(B) of this subsection; or

(ii) $300,000; and

(B) the Secretary decides that the grants are reasonable and necessary to establish the System.

(d) REPORT TO CONGRESS.—Not later than January 1, 1997, the Secretary shall report to Congress on which States have met the requirements of this section. If a State has not met the requirements, the Secretary shall describe the impediments that have resulted in the State's failure to meet the requirements.

§30504. Reporting requirements

(a) JUNK YARD AND SALVAGE YARD OPERATORS.—(1) Beginning at a time established by the Secretary of Transportation that is not sooner than the 3d month before the establishment or designation of the National Automobile Title Information System under section 30502 of this title, an individual or entity engaged in the business of operating a junk yard or salvage yard shall file a monthly report with the operator of the System. The report shall contain an

inventory of all junk automobiles or salvage automobiles obtained by the junk yard or salvage yard during the prior month. The inventory shall contain—

(A) the vehicle identification number of each automobile obtained;

(B) the date on which the automobile was obtained;

(C) the name of the individual or entity from whom the automobile was obtained; and

(D) a statement of whether the automobile was crushed or disposed of for sale or other purposes.

(2) Paragraph (1) of this subsection does not apply to an individual or entity—

(A) required by State law to report the acquisition of junk automobiles or salvage automobiles to State or local authorities if those authorities make that information available to the operator; or

(B) issued a verification under section 33110 of this title stating that the automobile or parts from the automobile are not reported as stolen.

(b) INSURANCE CARRIERS.—Beginning at a time established by the Secretary that is not sooner than the 3d month before the establishment or designation of the System, an individual or entity engaged in business as an insurance carrier shall file a monthly report with the operator. The report may be filed directly or through a designated agent. The report shall contain an inventory of all automobiles of the current model year or any of the 4 prior model years that the carrier, during the prior month, has obtained possession of and has decided are junk automobiles or salvage automobiles. The inventory shall contain—

(1) the vehicle identification number of each automobile obtained;

(2) the date on which the automobile was obtained;

(3) the name of the individual or entity from whom the automobile was obtained; and

(4) the name of the owner of the automobile at the time of the filing of the report.

(c) PROCEDURES AND PRACTICES.—The Secretary shall establish by regulation procedures and practices to facilitate reporting in the least burdensome and costly fashion.

§30505. Penalties and enforcement

(a) PENALTY.—An individual or entity violating this chapter is liable to the United States Government for a civil penalty of not more than $1,000 for each violation.

(b) COLLECTION AND COMPROMISE.—(1) The Secretary of Transportation shall impose a civil penalty under this section. The Attorney General shall bring a civil action to collect the penalty. The Secretary may compromise the amount of the penalty. In determining the amount of the penalty or compromise, the Secretary shall consider the appropriateness of the penalty to the size of the business of the individual or entity charged and the gravity of the violation.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual or entity liable for the penalty.

PART B—COMMERCIAL

CHAPTER 311—COMMERCIAL MOTOR VEHICLE SAFETY

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SUBCHAPTER I—STATE GRANTS

§31101. Definitions

In this subchapter—

(1) "commercial motor vehicle" means (except in section 31106) a self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle—

(A) has a gross vehicle weight rating of at least 10,000 pounds;

(B) is designed to transport more than 10 passengers including the driver; or

(C) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title.

(2) "employee" means a driver of a commercial motor vehicle (including an independent contractor when personally operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

(A) directly affects commercial motor vehicle safety in the course of employment by a commercial motor carrier; and

(B) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of employment.

(3) "employer"—

(A) means a person engaged in a business affecting commerce that owns or leases a commercial motor vehicle in connection with that business, or assigns an employee to operate the vehicle in commerce; but

(B) does not include the Government, a State, or a political subdivision of a State.

(4) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

§31102. Grants to States

(a) GENERAL AUTHORITY.—Subject to this section and the availability of amounts, the Secretary of Transportation may make grants to States for the development or implementation of programs for the enforcement of regulations, standards, and orders of the United States Government on commercial motor vehicle safety and compatible State regulations, standards, and orders.

(b) STATE PLAN PROCEDURES AND CONTENTS.—(1) The Secretary shall prescribe procedures for a State to submit a plan under which the State agrees to adopt and assume responsibility for enforcing regulations, standards, and orders of the Government on commercial motor vehicle safety or compatible State regulations, standards, and orders. The Secretary shall approve the plan if the Secretary decides the plan is adequate to promote the objectives of this section and the plan—

(A) designates the State motor vehicle safety agency responsible for administering the plan throughout the State;

(B) contains satisfactory assurances the agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

(C) contains satisfactory assurances the State will devote adequate amounts to the administration of the plan and enforcement of the regulations, standards, and orders;

(D) provides that the total expenditure of amounts of the State and its political subdivisions (not including amounts of the Government) for commercial motor vehicle safety programs for enforcement of commercial motor vehicle size and weight limitations, drug interdiction, and State traffic safety laws and regulations under subsection (c) of this section will be maintained at a level at least equal to the average level of that expenditure for its last 3 full fiscal years before December 18, 1991;

(E) provides a right of entry and inspection to carry out the plan;

(F) provides that all reports required under this section be submitted to the agency and that the agency will make the reports available to the Secretary on request;

(G) provides that the agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations the Secretary prescribes;

(H) requires registrants of commercial motor vehicles to make a declaration of knowledge of applicable safety regulations, standards, and orders of the Government and the State;

(I) provides that the State will grant maximum reciprocity for inspections conducted under the North American Inspection Standard through the use of a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles;

(J) ensures that activities described in subsection (c) of this section, if financed with grants under subsection (a) of this section, will not diminish the effectiveness of the development and implementation of commercial motor vehicle safety programs described in subsection (a);

(K) ensures that fines imposed and collected by the State for violations of commercial motor vehicle safety regulations will be reasonable and appropriate and that, to the maximum extent practicable, the State will attempt to implement the recommended fine schedule published by the Commercial Vehicle Safety Alliance;

(L) ensures that the State agency will coordinate the plan prepared under this section with the State highway safety plan under section 402 of title 23;

(M) ensures participation by the 48 contiguous States in SAFETYNET not later than January 1, 1994;

(N) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

(O) provides satisfactory assurances that the State will promote activities—

(i) to remove impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

(ii) to provide an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances;

(iii) to promote enforcement of the requirements related to the licensing of commercial motor vehicle drivers, including checking the status of commercial drivers' licenses; and

(iv) to improve enforcement of hazardous material transportation regulations by encouraging more inspections of shipper facilities affecting highway transportation and more comprehensive inspection of the loads of commercial motor vehicles transporting hazardous material; and

(P) provides satisfactory assurances that the State will promote effective—

(i) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities; and

(ii) use of trained and qualified officers and employees of political subdivisions and local governments, under the supervision and direction of the State motor vehicle safety agency, in the enforcement of regulations affecting commercial motor vehicle safety and hazardous material transportation safety.

(2) If the Secretary disapproves a plan under this subsection, the Secretary shall give the State a written explanation and allow the State to modify and resubmit the plan for approval.

(3) In estimating the average level of State expenditure under paragraph (1)(D) of this subsection, the Secretary—

(A) may allow the State to exclude State expenditures for Government-sponsored demonstration or pilot programs; and

(B) shall require the State to exclude Government amounts and State matching amounts used to receive Government financing under subsection (a) of this section.

(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—A State may use amounts received under a grant under subsection (a) of this section for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

(1) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States.

(2) detection of the unlawful presence of a controlled substance (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of the vehicle.

(3) enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles.

(d) CONTINUOUS EVALUATION OF PLANS.—On the basis of reports submitted by a State motor vehicle safety agency of a State with a plan approved under this section and the Secretary's own investigations, the Secretary shall make a continuing evaluation of the way the State is carrying out the plan. If the Secretary finds, after notice and opportunity for comment, the State plan previously approved is not being followed or has become inadequate to ensure enforcement of the regulations, standards, or orders, the Secretary shall withdraw approval of the plan and notify the State. The plan stops being effective when the notice is received. A State adversely affected by the withdrawal may seek judicial review under chapter 7 of title 5. Notwithstanding the withdrawal, the State may retain jurisdiction in administrative or judicial proceedings begun before the withdrawal if the issues involved are not related directly to the reasons for the withdrawal.

§31103. United States Government's share of costs

The Secretary of Transportation shall reimburse a State, from a grant made under this subchapter, an amount that is not more than 80 percent of the costs incurred by the State in a fiscal year in developing and implementing programs to enforce commercial motor vehicle regulations, standards, or orders adopted under this subchapter or subchapter II of this chapter. In determining those costs, the Secretary shall include in-kind contributions by the State. Amounts of the State and its political subdivisions required to be expended under section 31102(b)(1)(D) of this title may not be included as part of the share not provided by the United States Government. The Secretary may allocate among the States whose applications for grants have been approved those amounts appropriated for grants to support those programs, under criteria that may be established.

§31104. Availability of amounts

(a) GENERAL.—Subject to section 9503(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(1)), the following amounts are available from the Highway Trust Fund (except the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 of this title:

(1) not more than $76,000,000 for the fiscal year ending September 30, 1993.

(2) not more than $80,000,000 for the fiscal year ending September 30, 1994.

(3) not more than $83,000,000 for the fiscal year ending September 30, 1995.

(4) not more than $85,000,000 for the fiscal year ending September 30, 1996.

(5) not more than $90,000,000 for the fiscal year ending September 30, 1997.

(b) AVAILABILITY AND REALLOCATION OF AMOUNTS.—(1) Amounts made available under subsection (a) of this section remain available until expended. Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are released to the Secretary for reallocation.

(2) Amounts made available under section 404(a)(2) of the Surface Transportation Assistance Act of 1982 before October 1, 1991, that are not obligated on October 1, 1992, are available for reallocation and obligation under paragraph (1) of this subsection.

(c) REIMBURSEMENT FOR GOVERNMENT'S SHARE OF COSTS.—Amounts made available under subsection (a) of this section shall be used to reimburse States proportionately for the United States Government's share of costs incurred.

(d) GRANTS AS CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant to a State under section 31102 of this title is a contractual obligation of the Government for payment of the Government's share of costs incurred by the State in developing, implementing, or developing and implementing programs to enforce commercial motor vehicle regulations, standards, and orders.

(e) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—On October 1 of each fiscal year or as soon after that date as practicable, the Secretary may deduct, from amounts made available under subsection (a) of this section for that fiscal year, not more than 1.25 percent of those amounts for administrative expenses incurred in carrying out section 31102 of this title in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Government employees and to develop related training materials in carrying out section 31102.

(f) ALLOCATION CRITERIA.—On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after making the deduction described in subsection (e) of this section, shall allocate under criteria the Secretary establishes the amounts available for that fiscal year among the States with plans approved under section 31102 of this title. However, the Secretary may designate specific eligible States among which to allocate those amounts in allocating amounts available—

(1) for research, development, and demonstration under subsection (g)(1)(F) of this section; and

(2) for public education under subsection (g)(1)(G) of this section.

(g) SPECIFIC ALLOCATIONS.—(1) Of amounts made available under subsection (a) of this section—

(A) for each fiscal year beginning after September 30, 1992, the Secretary shall obligate at least $1,500,000 to make grants to States for training inspectors to enforce regulations prescribed by the Secretary related to the transportation of hazardous material by commercial motor vehicles;

(B) for each of the fiscal years ending September 30, 1993–1997, the Secretary may obligate not more than $2,000,000 to carry out section 31106 of this title;

(C) for each of the fiscal years ending September 30, 1993–1997, the Secretary may obligate not more than $2,000,000 to carry out section 31107 of this title;

(D) for each of the fiscal years ending September 30, 1993–1995, the Secretary shall obligate at least $4,250,000, and for each of the fiscal years ending September 30, 1996, and 1997, the Secretary shall obligate at least $5,000,000, for traffic enforcement activities related to commercial motor vehicle drivers that are carried out in conjunction with an appropriate inspection of a commercial motor vehicle for compliance with Government or State commercial motor vehicle safety regulations;

(E) for each of the fiscal years ending September 30, 1993–1995, the Secretary shall obligate at least $1,000,000 to increase enforcement of the licensing requirements of chapter 313 of this title by motor carrier safety assistance program officers and employees, including the cost of purchasing equipment for, and conducting, inspections to check the current status of licenses issued under chapter 313;

(F) for each fiscal year, the Secretary shall obligate at least $500,000 for research, development, and demonstration of technologies, methodologies, analyses, or information systems designed to carry out section 31102 of this title and that are beneficial to all jurisdictions; and

(G) for each fiscal year, the Secretary shall obligate at least $350,000 to educate the motoring public on how to share the road safely with commercial motor vehicles.

(2) The Secretary shall announce publicly amounts obligated under paragraph (1)(F) of this subsection and award those amounts competitively, when practicable, to any eligible State for up to 100 percent of the State costs or to other persons as the Secretary decides.

(3) In carrying out educational activities referred to in paragraph (1)(G) of this subsection, the Secretary shall consult with appropriate industry representatives.

(h) PAYMENT TO STATES FOR COSTS.—Each State shall submit vouchers for costs the State

incurs under this section and section 31102 of this title. The Secretary shall pay the State an amount not more than the Government share of costs incurred as of the date of the vouchers.

(i) IMPROVED ALLOCATION FORMULA.—The Secretary shall prescribe regulations to develop an improved formula and process for allocating amounts made available for grants under section 31102(a) of this title among States eligible for those amounts. In prescribing those regulations, the Secretary shall—

(1) consider ways to provide incentives to States that demonstrate innovative, successful, cost-efficient, or cost-effective programs to promote commercial motor vehicle safety and hazardous material transportation safety;

(2) place special emphasis on incentives to States that conduct traffic safety enforcement activities that are coupled with motor carrier safety inspections; and

(3) consider ways to provide incentives to States that increase compatibility of State commercial motor vehicle safety and hazardous material transportation regulations with Government safety regulations and promote other factors intended to promote effectiveness and efficiency the Secretary decides are appropriate.

(j) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws and regulations with Government motor carrier safety regulations to be enforced under section 31102(a) of this title. To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring the degree of uniformity that will not diminish transportation safety. In reviewing State plans and allocating amounts or making grants under section 153 of title 23, the Secretary shall ensure that the guidelines and standards are applied uniformly.

§31105. Employee protections

(a) PROHIBITIONS.—(1) A person may not discharge an employee, or discipline or discriminate against an employee regarding pay, terms, or privileges of employment, because—

(A) the employee, or another person at the employee's request, has filed a complaint or begun a proceeding related to a violation of a commercial motor vehicle safety regulation, standard, or order, or has testified or will testify in such a proceeding; or

(B) the employee refuses to operate a vehicle because—

(i) the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety or health; or

(ii) the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's unsafe condition.

(2) Under paragraph (1)(B)(ii) of this subsection, an employee's apprehension of serious injury is reasonable only if a reasonable individual in the circumstances then confronting the employee would conclude that the unsafe condition establishes a real danger of accident, injury, or serious impairment to health. To qualify for protection, the employee must have sought from the employer, and been unable to obtain, correction of the unsafe condition.

(b) FILING COMPLAINTS AND PROCEDURES.—(1) An employee alleging discharge, discipline, or discrimination in violation of subsection (a) of this section, or another person at the employee's request, may file a complaint with the Secretary of Labor not later than 180 days after the alleged violation occurred. On receiving the complaint, the Secretary shall notify the person alleged to have committed the violation of the filing of the complaint.

(2)(A) Not later than 60 days after receiving a complaint, the Secretary shall conduct an investigation, decide whether it is reasonable to believe the complaint has merit, and notify the complainant and the person alleged to have committed the violation of the findings. If the Secretary decides it is reasonable to believe a violation occurred, the Secretary shall include with the decision findings and a preliminary order for the relief provided under paragraph (3) of this subsection.

(B) Not later than 30 days after the notice under subparagraph (A) of this paragraph, the complainant and the person alleged to have committed the violation may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of objections does not stay a reinstatement ordered in the preliminary order. If a hearing is not requested within the 30 days, the preliminary order is final and not subject to judicial review.

(C) A hearing shall be conducted expeditiously. Not later than 120 days after the end of the hearing, the Secretary shall issue a final order. Before the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary, the complainant, and the person alleged to have committed the violation.

(3)(A) If the Secretary decides, on the basis of a complaint, a person violated subsection (a) of this section, the Secretary shall order the person to—

(i) take affirmative action to abate the violation;

(ii) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and

(iii) pay compensatory damages, including back pay.

(B) If the Secretary issues an order under subparagraph (A) of this paragraph and the complainant requests, the Secretary may assess against the person against whom the order is issued the costs (including attorney's fees) reasonably incurred by the complainant in bringing the complaint. The Secretary shall determine the costs that reasonably were incurred.

(c) JUDICIAL REVIEW AND VENUE.—A person adversely affected by an order issued after a hearing under subsection (b) of this section may file a petition for review, not later than 60 days after the order is issued, in the court of appeals of the United States for the circuit in which the violation occurred or the person resided on the date of the violation. The review shall be heard and decided expeditiously. An order of the Secretary subject to review under this subsection is not subject to judicial review in a criminal or other civil proceeding.

(d) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order issued under subsection (b) of this section, the Secretary shall bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

§31106. Commercial motor vehicle information system program

(a) DEFINITION.—In this section, "commercial motor vehicle" means a self-propelled or towed vehicle used on highways in intrastate or interstate commerce to transport passengers or property, if the vehicle—

(1) has a gross vehicle weight rating of at least 10,001 pounds;

(2) is designed to transport more than 15 passengers, including the driver; or

(3) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and that material is transported in a quantity requiring placarding under regulations the Secretary prescribes under section 5103.

(b) INFORMATION SYSTEM.—(1) In cooperation with the States, the Secretary may establish as part of the motor carrier safety information network system of the Department of Transportation and similar State systems, an information system to serve as a clearinghouse and depository of information related to State registration and licensing of commercial motor vehicles and the safety fitness of the commercial motor vehicle registrants. The Secretary shall include in the system information on the safety fitness of each of the registrants and other information the Secretary considers appropriate, including information on vehicle inspections and out-of-service orders.

(2) The operation of the information system established under paragraph (1) of this subsection shall be paid for by a schedule of user fees. The Secretary may authorize the operation of the information system by contract, through an agreement with one or more States, or by designating, after consulting with the States, a third party that represents the interests of the States.

(3) The Secretary shall prescribe standards to ensure—

(A) uniform information collection and reporting by the States necessary to carry out this section; and

(B) the availability and reliability of the information to the States and the Secretary from the information system.

(c) DEMONSTRATION PROJECT.—The Secretary shall make grants to States to carry out a project to demonstrate ways of establishing an information system that will link the motor carrier safety information network system of the Department and similar State systems with the motor vehicle registration and licensing systems of the States. The project shall be designed—

(1) to allow a State when issuing license plates for a commercial motor vehicle to establish through use of the information system the safety fitness of the person seeking to register the vehicle; and

(2) to decide on types of sanctions that may be imposed on the registrant, or the types of conditions or limitations that may be imposed on the operations of the registrant, to ensure the safety fitness of the registrant.

(d) REVIEW OF STATE SYSTEMS.—Not later than December 18, 1992, the Secretary, in cooperation with the States, shall review State motor vehicle registration systems related to license tags for commercial motor vehicles to decide whether those systems can be used in carrying out this section.

(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

(f) REPORT TO CONGRESS.—Not later than January 1, 1995, the Secretary shall submit a report to Congress on the cost, benefits, and feasibility of the information system established under subsection (b) of this section. If the Secretary decides that the system would be beneficial on a nationwide basis, the Secretary shall include in the report recommendations on legislation to implement a nationwide system.

(g) AUTHORIZATION OF APPROPRIATIONS.—Amounts necessary to carry out this section may be made available to the Secretary under section 31104(g)(1)(B) of this title.

§31107. Truck and bus accident grant program

(a) STATE GRANTS.—The Secretary of Transportation shall make grants to States that agree to adopt or have adopted the recommendations of the National Governors' Association related to police accident reports for truck and bus accidents. The Secretary may make a grant under this section only to assist a State in carrying out those recommendations, including—

(1) assisting the State in designing appropriate forms;

(2) drafting instruction manuals;

(3) training appropriate State and local officers on matters, including training on accident investigation techniques to decide on the probable cause of truck and bus accidents;

(4) analyzing and evaluating safety information to develop recommended changes to existing safety programs necessary to address more effectively the causes of truck and bus accidents; and

(5) other activities the Secretary decides are appropriate to carry out this section.

(b) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate grants made under this section with highway safety programs under section 402 of title 23. The Secretary may require that the information from police reports for truck and bus accidents be included in reports made to the Secretary under the uniform information collection and reporting program under section 402.

(c) AUTHORIZATION OF APPROPRIATIONS.—Amounts necessary to carry out this section may be made available to the Secretary under section 31104(g)(1)(C) of this title.

§31108. Authorization of appropriations

Not more than $———— may be appropriated to the Secretary of Transportation for the fiscal year ending September 30, 19—, to carry out the safety duties and powers of the Federal Highway Administration.

SUBCHAPTER II—LENGTH AND WIDTH LIMITATIONS

§31111. Length limitations

(a) DEFINITIONS.—In this section—

(1) "maxi-cube vehicle" means a truck tractor combined with a semitrailer and a separable property-carrying unit designed to be loaded and unloaded through the semitrailer, with the length of the separable property-carrying unit being not more than 34 feet and the length of the vehicle combination being not more than 65 feet.

(2) "truck tractor" means—

(A) a non-property-carrying power unit that operates in combination with a semitrailer or trailer; or

(B) a power unit that carries as property only motor vehicles when operating in combination with a semitrailer in transporting motor vehicles.

(b) GENERAL LIMITATIONS.—(1) Except as provided in this section, a State may not prescribe or enforce a regulation of commerce that—

(A) imposes a vehicle length limitation of less than 45 feet on a bus, of less than 48 feet on a semitrailer operating in a truck tractor-semitrailer combination, or of less than 28 feet on a semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (f) of this section) and those classes of qualifying Federal-aid Primary System highways designated by the Secretary of Transportation under subsection (e) of this section;

(B) imposes an overall length limitation on a commercial motor vehicle operating in a truck tractor-semitrailer or truck tractor-semitrailer-trailer combination;

(C) has the effect of prohibiting the use of a semitrailer or trailer of the same dimensions as those that were in actual and lawful use in that State on December 1, 1982; or

(D) has the effect of prohibiting the use of an existing semitrailer or trailer, of not more than 28.5 feet in length, in a truck tractor-semitrailer-trailer combination if the semitrailer or trailer was operating lawfully on December 1, 1982, within a 65-foot overall length limit in any State.

(2) A length limitation prescribed or enforced by a State under paragraph (1)(A) of this subsection applies only to a semitrailer or trailer and not to a truck tractor.

(c) MAXI-CUBE AND VEHICLE COMBINATION LIMITATIONS.—A State may not prohibit a maxi-cube vehicle or a commercial motor vehicle combination consisting of a truck tractor and 2 trailing units on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (f) of this section) and those classes of qualifying Federal-aid Primary System highways designated by the Secretary under subsection (e) of this section.

(d) EXCLUSION OF SAFETY AND ENERGY CONSERVATION DEVICES.—Length calculated under this section does not include a safety or energy conservation device the Secretary decides is necessary for safe and efficient operation of a commercial motor vehicle. However, such a device may not have by its design or use the ability to carry cargo.

(e) QUALIFYING HIGHWAYS.—The Secretary by regulation shall designate as qualifying Federal-aid Primary System highways those highways of the Federal-aid Primary System in existence on June 1, 1991, that can accommodate safely the applicable vehicle lengths provided in this section.

(f) EXEMPTIONS.—(1) If the chief executive officer of a State, after consulting under paragraph (2) of this subsection, decides a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section, the chief executive officer may notify the Secretary of that decision and request the Secretary to exempt that segment from either or both provisions.

(2) Before making a decision under paragraph (1) of this subsection, the chief executive officer shall consult with units of local government in the State in which the segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is located and with the chief executive officer of any adjacent State that may be directly affected by the exemption. As part of the consultations, consideration shall be given to any potential alternative route that serves the area in which the segment is located and can safely accommodate a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section.

(3) A chief executive officer's notification under this subsection must include specific evidence of safety problems supporting the officer's decision and the results of consultations about alternative routes.

(4)(A) If the Secretary decides, on request of a chief executive officer or on the Secretary's own initiative, a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section, the Secretary shall exempt the segment from either or both of those provisions. Before making a decision under this paragraph, the Secretary shall consider any possible alternative route that serves the area in which the segment is located.

(B) The Secretary shall make a decision about a specific segment not later than 120 days after the date of receipt of notification from a chief executive officer under paragraph (1) of this subsection or the date on which the Secretary initiates action under subparagraph (A) of this paragraph, whichever is applicable. If the Secretary finds the decision will not be made in time, the Secretary immediately shall notify Congress, giving the reasons for the delay, information about the resources assigned, and the projected date for the decision.

(C) Before making a decision, the Secretary shall give an interested person notice and an opportunity for comment. If the Secretary exempts a segment under this subsection before the final regulations under subsection (e) of this section are prescribed, the Secretary shall include the exemption as part of the final regulations. If the Secretary exempts the segment after the final regulations are prescribed, the Secretary shall publish the exemption as an amendment to the final regulations.

(g) ACCOMMODATING SPECIALIZED EQUIPMENT.—In prescribing regulations to carry out this section, the Secretary may make decisions necessary to accommodate specialized equipment, including automobile and vessel transporters and maxi-cube vehicles.

§31112. Property-carrying unit limitation

(a) DEFINITIONS.—In this section—

(1) "property-carrying unit" means any part of a commercial motor vehicle combination (except the truck tractor) used to carry property, including a trailer, a semitrailer, or the property-carrying section of a single unit truck.

(2) the length of the property-carrying units of a commercial motor vehicle combination is the length measured from the front of the first property-carrying unit to the rear of the last property-carrying unit.

(b) GENERAL LIMITATIONS.—A State may not allow by any means the operation, on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways and those classes of qualifying Federal-aid Primary System highways designated by the Secretary of Transportation under section 31111(e) of this title, of any commercial motor vehicle combination (except a vehicle or load that cannot be dismantled easily or divided easily and that has been issued a special permit under applicable State law) with more than one property-carrying unit (not including the truck tractor) whose property-carrying units are more than—

(1) the maximum combination trailer, semitrailer, or other type of length limitation allowed by law or regulation of that State before June 2, 1991; or

(2) the length of the property-carrying units of those commercial motor vehicle combinations, by specific configuration, in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State before June 2, 1991.

(c) SPECIAL RULES FOR WYOMING, OHIO, AND ALASKA.—In addition to the vehicles allowed under subsection (b) of this section—

(1) Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, but authorized by State law not later than November 3, 1992, if the vehicle configurations comply with the single axle, tandem axle, and bridge formula limits in section 127(a) of title 23 and are not more than 117,000 pounds gross vehicle weight;

(2) Ohio may allow the operation of commercial motor vehicle combinations with 3 property-carrying units of 28.5 feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated in Ohio on the 1-mile segment of Ohio State Route 7 that begins at and is south of exit 16 of the Ohio Turnpike; and

(3) Alaska may allow the operation of commercial motor vehicle combinations that were not in actual operation on June 1, 1991, but were in actual operation before July 6, 1991.

(d) ADDITIONAL LIMITATIONS.—(1) A commercial motor vehicle combination whose operation in a State is not prohibited under subsections (b) and (c) of this section may continue to operate in the State on highways described in subsection (b) only if at least in compliance with all State laws, regulations, limitations, and conditions, including routing-specific and configuration-

specific designations and all other restrictions in force in the State on June 1, 1991. However, subject to regulations prescribed by the Secretary under subsection (g)(2) of this section, the State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 1991, for specific safety purposes and road construction.

(2) This section does not prevent a State from further restricting in any way or prohibiting the operation of any commercial motor vehicle combination subject to this section, except that a restriction or prohibition shall be consistent with this section and sections 31113(a) and (b) and 31114 of this title.

(3) A State making a minor adjustment of a temporary and emergency nature as authorized by paragraph (1) of this subsection or further restricting or prohibiting the operation of a commercial motor vehicle combination as authorized by paragraph (2) of this subsection shall advise the Secretary not later than 30 days after the action. The Secretary shall publish a notice of the action in the Federal Register.

(e) LIST OF STATE LENGTH LIMITATIONS.—(1) Not later than February 16, 1992, each State shall submit to the Secretary for publication a complete list of State length limitations applicable to commercial motor vehicle combinations operating in the State on the highways described in subsection (b) of this section. The list shall indicate the applicable State laws and regulations associated with the length limitations. If a State does not submit the information as required, the Secretary shall complete and file the information for the State.

(2) Not later than March 17, 1992, the Secretary shall publish an interim list in the Federal Register consisting of all information submitted under paragraph (1) of this subsection. The Secretary shall review for accuracy all information submitted by a State under paragraph (1) and shall solicit and consider public comment on the accuracy of the information.

(3) A law or regulation may not be included on the list submitted by a State or published by the Secretary merely because it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations not in actual operation on a regular or periodic basis before June 2, 1991.

(4) Except as revised under this paragraph or paragraph (5) of this subsection, the list shall be published as final in the Federal Register not later than June 15, 1992. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under paragraph (2) of this subsection. After publication of the final list, commercial motor vehicle combinations prohibited under subsection (b) of this section may not operate on the Dwight D. Eisenhower System of Interstate and Defense Highways and other Federal-aid Primary System highways designated by the Secretary except as published on the list. The list may be combined by the Secretary with the list required under section 127(d) of title 23.

(5) On the Secretary's own motion or on request by any person (including a State), the Secretary shall review the list published under paragraph (4) of this subsection. If the Secretary decides there is reason to believe a mistake was made in the accuracy of the list, the Secretary shall begin a proceeding to decide whether a mistake was made. If the Secretary decides there was a mistake, the Secretary shall publish the correction.

(f) LIMITATIONS ON STATUTORY CONSTRUCTION.—This section may not be construed—

(1) to allow the operation on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways of a longer combination vehicle prohibited under section 127(d) of title 23;

(2) to affect in any way the operation of a commercial motor vehicle having only one property-carrying unit; or

(3) to affect in any way the operation in a State of a commercial motor vehicle with more than one property-carrying unit if the vehicle was in actual operation on a regular or periodic basis (including seasonal operation) in that State before June 2, 1991, that was authorized under State law or regulation or lawful State permit.

(g) REGULATIONS.—(1) In carrying out this section only, the Secretary shall define by regulation loads that cannot be dismantled easily or divided easily.

(2) Not later than June 15, 1992, the Secretary shall prescribe regulations establishing criteria for a State to follow in making minor adjustments under subsection (d) of this section.

§31113. Width limitations

(a) GENERAL LIMITATIONS.—(1) Except as provided in subsection (e) of this section, a State (except Hawaii) may not prescribe or enforce a regulation of commerce that imposes a vehicle width limitation of more or less than 102 inches on a commercial motor vehicle operating on—

(A) a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (e) of this section);

(B) a qualifying Federal-aid highway designated by the Secretary of Transportation, with traffic lanes designed to be at least 12 feet wide; or

(C) a qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary decides the designation is consistent with highway safety.

(2) Notwithstanding paragraph (1) of this subsection, a State may continue to enforce a regulation of commerce in effect on April 6, 1983, that applies to a commercial motor vehicle of more than 102 inches in width, until the date on which the State prescribes a regulation of commerce that complies with this subsection.

(3) A Federal-aid highway (except an interstate highway) not designated under this subsection on June 5, 1984, may be designated under this subsection only with the agreement of the chief executive officer of the State in which the highway is located.

(b) EXCLUSION OF SAFETY AND ENERGY CONSERVATION DEVICES.—Width calculated under this section does not include a safety or energy conservation device the Secretary decides is necessary for safe and efficient operation of a commercial motor vehicle.

(c) SPECIAL USE PERMITS.—A State may grant a special use permit to a commercial motor vehicle that is more than 102 inches in width.

(d) STATE ENFORCEMENT.—Consistent with this section, a State may enforce a commercial motor vehicle width limitation of 102 inches on a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (e) of this section) or other qualifying Federal-aid highway designated by the Secretary.

(e) EXEMPTIONS.—(1) If the chief executive officer of a State, after consulting under paragraph (2) of this subsection, decides a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having the width provided in subsection (a) of this section, the chief executive officer may notify the Secretary of that decision and request the Secretary to exempt that segment from subsection (a) to allow the State to impose a width limitation of less than 102 inches for a vehicle (except a bus) on that segment.

(2) Before making a decision under paragraph (1) of this subsection, the chief executive officer shall consult with units of local government in the State in which the segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is located and with the chief executive officer of any adjacent State that may be directly affected by the exemption. As part of the consultations, consideration shall be given to any potential alternative route that serves the area in which the segment is located and can safely accommodate a commercial motor vehicle having the width provided for in subsection (a) of this section.

(3) A chief executive officer's notification under this subsection must include specific evidence of safety problems supporting the officer's decision and the results of consultations about alternative routes.

(4)(A) If the Secretary decides, on request of a chief executive officer or on the Secretary's own initiative, a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a width provided in subsection (a) of this section, the Secretary shall exempt the segment from subsection (a) to allow the State to impose a width limitation of less than 102 inches for a vehicle (except a bus) on that segment. Before making a decision under this paragraph, the Secretary shall consider any possible alternative route that serves the area in which the segment is located.

(B) The Secretary shall make a decision about a specific segment not later than 120 days after the date of receipt of notification from a chief executive officer under paragraph (1) of this subsection or the date on which the Secretary initiates action under subparagraph (A) of this paragraph, whichever is applicable. If the Secretary finds the decision will not be made in time, the Secretary immediately shall notify Congress, giving the reasons for the delay, information about the resources assigned, and the projected date for the decision.

(C) Before making a decision, the Secretary shall give an interested person notice and an opportunity for comment. If the Secretary exempts a segment under this subsection before the final regulations under subsection (a) of this section are prescribed, the Secretary shall include the exemption as part of the final regulations. If the Secretary exempts the segment after the final regulations are prescribed, the Secretary shall publish the exemption as an amendment to the final regulations.

§31114. Access to the Interstate System

(a) PROHIBITION ON DENYING ACCESS.—A State may not enact or enforce a law denying to a commercial motor vehicle subject to this subchapter or subchapter I of this chapter reasonable access between—

(1) the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under section 31111(f) or 31113(e) of this title) and other qualifying Federal-aid Primary System highways designated by the Secretary of Transportation; and

(2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers, motor carriers of passengers, or any truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in section 31111(c) of this title.

(b) EXCEPTION.—This section does not prevent a State or local government from imposing reasonable restrictions, based on safety considerations, on a truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in section 31111(c) of this title.

§31115. Enforcement

On the request of the Secretary of Transportation, the Attorney General shall bring a civil *action for appropriate injunctive relief to ensure compliance with this subchapter or subchapter I of this chapter. The action may be brought in a district court of the United States in any State in which the relief is required. On a proper showing, the court shall issue a temporary restraining order or preliminary or permanent injunction. An injunction under this section may order a State or person to comply with this subchapter, subchapter I, or a regulation prescribed under this subchapter or subchapter I.*

SUBCHAPTER III—SAFETY REGULATION

§31131. Purposes and findings

(a) PURPOSES.—The purposes of this subchapter are—

(1) to promote the safe operation of commercial motor vehicles;

(2) to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety; and

(3) to ensure increased compliance with traffic laws and with the commercial motor vehicle safety and health regulations and standards prescribed and orders issued under this chapter.

(b) FINDINGS.—Congress finds—

(1) it is in the public interest to enhance commercial motor vehicle safety and thereby reduce highway fatalities, injuries, and property damage;

(2) improved, more uniform commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations;

(3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) interested State governments can provide valuable assistance to the United States Government in ensuring that commercial motor vehicle operations are conducted safely and healthfully.

§31132. Definitions

In this subchapter—

(1) "commercial motor vehicle" means a self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers or property, if the vehicle—

(A) has a gross vehicle weight rating of at least 10,001 pounds;

(B) is designed to transport more than 15 passengers including the driver; or

(C) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.

(2) "employee" means an operator of a commercial motor vehicle (including an independent contractor when operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

(A) directly affects commercial motor vehicle safety in the course of employment; and

(B) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of the employment by the Government, a State, or a political subdivision of a State.

(3) "employer"—

(A) means a person engaged in a business affecting interstate commerce that owns or leases a commercial motor vehicle in connection with that business, or assigns an employee to operate it; but

(B) does not include the Government, a State, or a political subdivision of a State.

(4) "interstate commerce" means trade, traffic, or transportation in the United States between a place in a State and—

(A) a place outside that State (including a place outside the United States); or

(B) another place in the same State through another State or through a place outside the United States.

(5) "intrastate commerce" means trade, traffic, or transportation in a State that is not interstate commerce.

(6) "regulation" includes a standard or order.

(7) "State" means a State of the United States, the District of Columbia, and, in sections 31136 and 31140–31142 of this title, a political subdivision of a State.

(8) "State law" includes a law enacted by a political subdivision of a State.

(9) "State regulation" includes a regulation prescribed by a political subdivision of a State.

(10) "United States" means the States of the United States and the District of Columbia.

§31133. General powers of the Secretary of Transportation

(a) GENERAL.—In carrying out this subchapter and regulations prescribed under section 31102 of this title, the Secretary of Transportation may—

(1) conduct inspections and investigations;

(2) compile statistics;

(3) make reports;

(4) issue subpenas;

(5) require production of records and property;

(6) take depositions;

(7) hold hearings;

(8) prescribe recordkeeping and reporting requirements;

(9) conduct or make contracts for studies, development, testing, evaluation, and training; and

(10) perform other acts the Secretary considers appropriate.

(b) CONSULTATION.—In conducting inspections and investigations under subsection (a) of this section, the Secretary shall consult, as appropriate, with employers and employees and their authorized representatives and offer them a right of accompaniment.

(c) DELEGATION.—The Secretary may delegate to a State receiving a grant under section 31102 of this title those duties and powers related to enforcement (including conducting investigations) of this subchapter and regulations prescribed under this subchapter that the Secretary considers appropriate.

§31134. Commercial Motor Vehicle Safety Regulatory Review Panel

(a) ESTABLISHMENT AND GENERAL DUTY.—The Secretary of Transportation shall establish the Commercial Motor Vehicle Safety Regulatory Review Panel. The Panel shall analyze and review State laws and regulations under sections 31140 and 31141 of this title.

(b) SPECIFIC DUTIES.—The Panel shall—

(1) carry out those duties and powers designated to be carried out by the Panel under sections 31140 and 31141 of this title;

(2) conduct a study to—

(A) evaluate the need, if any, for additional assistance from the United States Government to the States to enable them to enforce the regulations prescribed by the Secretary under section 31136 of this title; and

(B) decide on other methods of furthering the purposes of this subchapter; and

(3) make recommendations to the Secretary based on the results of the study conducted under clause (2) of this subsection.

(c) COMPOSITION, APPOINTMENT, AND TERMS.—(1) The Panel shall be composed of 15 members as follows:

(A) the Secretary or the Secretary's delegate.

(B) 7 individuals appointed by the Secretary from among individuals who represent the interests of States and political subdivisions of States and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

(C) 7 individuals appointed by the Secretary from among individuals who represent the interests of business, consumer, labor, and safety groups and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

(2) The Secretary shall select the individuals to be appointed under this subsection on the basis of their knowledge, expertise, or experience related to commercial motor vehicle safety. Half of the appointments shall be made from names submitted by the Committee on Commerce, Science, and Transportation of the Senate, and the other half from names submitted by the Committee on Public Works and Transportation of the House of Representatives. Each of these committees shall submit to the Secretary the names of 20 individuals qualified to serve on the Panel.

(3) The term of each member of the Panel appointed under paragraph (1)(B) and (C) of this subsection is 7 years.

(4) A vacancy on the Panel shall be filled in the way the original appointment was made. The vacancy does not affect the Panel's powers.

(d) CHAIRMAN, QUORUM, MEETINGS, AND PAY.—(1) The Secretary is the Chairman of the Panel.

(2) Eight members of the Panel are a quorum, but the Panel may establish a lesser number as a quorum to hold hearings, take testimony, and receive evidence.

(3) The Panel shall meet at the call of the Chairman or a majority of its members.

(4) Members of the Panel shall serve without pay, except that they shall receive expenses under section 5703 of title 5.

(e) PERSONNEL, OFFICE SPACE, AND SUPPORT SERVICES.—On request of the Panel, the Secretary shall—

(1) detail personnel of the Department of Transportation to the Panel as necessary to assist the Panel in carrying out its duties and powers; and

(2) provide office space, supplies, equipment, and other support services to the Panel as necessary for the Panel to carry out its duties and powers.

(f) HEARINGS AND OTHER ACTIONS.—To carry out the duties and powers of the Panel under this subchapter, the Panel or any member authorized by the Panel may hold hearings, sit and act at times and places, take testimony, and take other actions the Panel or the member considers advisable. A member of the Panel may administer oaths to witnesses appearing before the Panel or the member.

(g) TEMPORARY AND INTERMITTENT SERVICES.—Subject to regulations the Panel may prescribe, the Chairman may procure the temporary or intermittent services of experts or consultants under section 3109 of title 5.

§31135. Duties of employers and employees

Each employer and employee shall comply with regulations on commercial motor vehicle safety prescribed by the Secretary of Transportation under this subchapter that apply to the employer's or employee's conduct.

§31136. United States Government regulations

(a) MINIMUM SAFETY STANDARDS.—Subject to section 30103(a) of this title, the Secretary of Transportation shall prescribe regulations on commercial motor vehicle safety. The regulations shall prescribe minimum safety standards for commercial motor vehicles. At a minimum, the regulations shall ensure that—

(1) commercial motor vehicles are maintained, equipped, loaded, and operated safely;

(2) the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely;

(3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely; and

(4) the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators.

(b) ELIMINATING AND AMENDING EXISTING REGULATIONS.—The Secretary may not eliminate or amend an existing motor carrier safety regulation related only to the maintenance, equipment, loading, or operation (including routing) of vehicles carrying material found to be hazardous under section 5103 of this title until an equivalent or more stringent regulation has been prescribed under section 5103.

(c) PROCEDURES AND CONSIDERATIONS.—(1) A regulation under this section shall be prescribed under section 553 of title 5 (without regard to sections 556 and 557 of title 5).

(2) Before prescribing regulations under this section, the Secretary shall consider, to the extent practicable and consistent with the purposes of this chapter—

(A) costs and benefits; and

(B) State laws and regulations on commercial motor vehicle safety, to minimize their unnecessary preemption.

(d) EFFECT OF EXISTING REGULATIONS.—If the Secretary does not prescribe regulations on commercial motor vehicle safety under this section, regulations on commercial motor vehicle safety prescribed by the Secretary before October 30, 1984, and in effect on October 30, 1984, shall be deemed in this subchapter to be regulations prescribed by the Secretary under this section.

(e) WAIVERS.—After notice and an opportunity for comment, the Secretary may waive any part of a regulation prescribed under this section as it applies to a person or class of persons, if the Secretary decides that the waiver is consistent with the public interest and the safe operation of commercial motor vehicles. Under this subsection, the Secretary shall waive the regulations prescribed under this section as they apply to schoolbuses (as defined in section 30125(a) of this title) unless the Secretary decides that making the regulations applicable to schoolbuses is necessary for public safety, considering all laws of the United States and States applicable to schoolbuses. A waiver under this subsection shall be published in the Federal Register, with the reasons for the waiver.

(f) LIMITATIONS ON MUNICIPALITY AND COMMERCIAL ZONE EXEMPTIONS AND WAIVERS.—(1) The Secretary may not—

(A) exempt a person or commercial motor vehicle from a regulation related to commercial motor vehicle safety only because the operations of the person or vehicle are entirely in a municipality or commercial zone of a municipality; or

(B) waive application to a person or commercial motor vehicle of a regulation related to commercial motor vehicle safety only because the operations of the person or vehicle are entirely in a municipality or commercial zone of a municipality.

(2) If a person was authorized to operate a commercial motor vehicle in a municipality or commercial zone of a municipality in the United States for the entire period from November 19, 1987, through November 18, 1988, and if the person is otherwise qualified to operate a commercial motor vehicle, the person may operate a commercial motor vehicle entirely in a municipality or commercial zone of a municipality notwithstanding—

(A) paragraph (1) of this subsection;

(B) a minimum age requirement of the United States Government for operation of the vehicle; and

(C) a medical or physical condition that—

(i) would prevent an operator from operating a commercial motor vehicle under the commercial motor vehicle safety regulations in title 49, Code of Federal Regulations;

(ii) existed on July 1, 1988;

(iii) has not substantially worsened; and

(iv) does not involve alcohol or drug abuse.

(3) This subsection does not affect a State commercial motor vehicle safety law applicable to intrastate commerce.

§31137. Monitoring device and brake maintenance regulations

(a) USE OF MONITORING DEVICES.—If the Secretary of Transportation prescribes a regulation about the use of monitoring devices on commercial motor vehicles to increase compliance by operators of the vehicles with hours of service regulations of the Secretary, the regulation shall ensure that the devices are not used to harass vehicle operators. However, the devices may be used to monitor productivity of the operators.

(b) BRAKES AND BRAKE SYSTEMS MAINTENANCE REGULATIONS.—Not later than December 31, 1990, the Secretary shall prescribe regulations on improved standards or methods to ensure that brakes and brake systems of commercial motor vehicles are maintained properly and inspected by appropriate employees. At a minimum, the regulations shall establish minimum training requirements and qualifications for employees responsible for maintaining and inspecting the brakes and brake systems.

§31138. Minimum financial responsibility for transporting passengers

(a) GENERAL REQUIREMENT.—The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for compensation by motor vehicle in the United States between a place in a State and—

(1) a place in another State;

(2) another place in the same State through a place outside of that State; or

(3) a place outside the United States.

(b) MINIMUM AMOUNTS.—The level of financial responsibility established under subsection (a) of this section for a motor vehicle with a seating capacity of—

(1) at least 16 passengers shall be at least $5,000,000; and

(2) not more than 15 passengers shall be at least $1,500,000.

(c) EVIDENCE OF FINANCIAL RESPONSIBILITY.—(1) Subject to paragraph (2) of this subsection, financial responsibility may be established by evidence of one or a combination of the following if acceptable to the Secretary of Transportation:

(A) insurance, including high self-retention.

(B) a guarantee.

(C) a surety bond issued by a bonding company authorized to do business in the United States.

(2) A person domiciled in a country contiguous to the United States and providing transportation to which a minimum level of financial responsibility under this section applies shall have evidence of financial responsibility in the motor vehicle when the person is providing the transportation. If evidence of financial responsibility is not in the vehicle, the Secretary of Transportation and the Secretary of the Treasury shall deny entry of the vehicle into the United States.

(d) CIVIL PENALTY.—(1) If, after notice and an opportunity for a hearing, the Secretary of Transportation finds that a person (except an employee acting without knowledge) has knowingly violated this section or a regulation prescribed under this section, the person is liable to the United States Government for a civil penalty of not more than $10,000 for each violation. A separate violation occurs for each day the violation continues.

(2) The Secretary of Transportation shall impose the penalty by written notice. In determining the amount of the penalty, the Secretary shall consider—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(C) other matters that justice requires.

(3) The Secretary of Transportation may compromise the penalty before referring the matter to the Attorney General for collection.

(4) The Attorney General shall bring a civil action in an appropriate district court of the United States to collect a penalty referred to the Attorney General for collection under this subsection.

(5) The amount of the penalty may be deducted from amounts the Government owes the person. An amount collected under this section shall be deposited in the Treasury as miscellaneous receipts.

(e) NONAPPLICATION.—This section does not apply to a motor vehicle—

(1) transporting only school children and teachers to or from school;

(2) providing taxicab service, having a seating capacity of not more than 6 passengers, and not being operated on a regular route or between specified places; or

(3) carrying not more than 15 individuals in a single, daily round trip to and from work.

§31139. Minimum financial responsibility for transporting property

(a) DEFINITIONS.—In this section—

(1) "farm vehicle" means a vehicle—

(A) designed or adapted and used only for agriculture;

(B) operated by a motor private carrier (as defined in section 10102 of this title); and

(C) operated only incidentally on highways.

(2) "interstate commerce" includes transportation between a place in a State and a place outside the United States, to the extent the transportation is in the United States.

(3) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) GENERAL REQUIREMENT AND MINIMUM AMOUNT.—(1) The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability, property damage, and environmental restoration for the transportation of property for compensation by motor vehicle in the United States between a place in a State and—

(A) a place in another State;

(B) another place in the same State through a place outside of that State; or

(C) a place outside the United States.

(2) The level of financial responsibility established under paragraph (1) of this subsection shall be at least $750,000.

(c) REQUIREMENTS FOR HAZARDOUS MATTER AND OIL.—(1) The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability, property damage, and environmental restoration for the transportation by motor vehicle in interstate or intrastate commerce of—

(A) hazardous material (as defined by the Secretary);

(B) oil or hazardous substances (as defined by the Administrator of the Environmental Protection Agency); or

(C) hazardous wastes (as defined by the Administrator).

(2)(A) Except as provided in subparagraph (B) of this paragraph, the level of financial responsibility established under paragraph (1) of this subsection shall be at least $5,000,000 for the transportation—

(i) of hazardous substances (as defined by the Administrator) in cargo tanks, portable tanks, or hopper-type vehicles, with capacities of more than 3,500 water gallons;

(ii) in bulk of class A explosives, poison gas, liquefied gas, or compressed gas; or

(iii) of large quantities of radioactive material.

(B) The Secretary of Transportation by regulation may reduce the minimum level in subparagraph (A) of this paragraph (to an amount not less than $1,000,000) for transportation described in subparagraph (A) in any of the territories of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands if—

(i) the chief executive officer of the territory requests the reduction;

(ii) the reduction will prevent a serious disruption in transportation service and will not adversely affect public safety; and

(iii) insurance of $5,000,000 is not readily available.

(3) The level of financial responsibility established under paragraph (1) of this subsection for the transportation of a material, oil, substance, or waste not subject to paragraph (2) of this subsection shall be at least $1,000,000. However, if the Secretary of Transportation finds it will not adversely affect public safety, the Secretary by regulation may reduce the amount for—

(A) a class of vehicles transporting such a material, oil, substance, or waste in intrastate commerce (except in bulk); and

(B) a farm vehicle transporting such a material or substance in interstate commerce (except in bulk).

(d) FOREIGN MOTOR CARRIERS AND PRIVATE CARRIERS.—Regulations prescribed under this section may allow foreign motor carriers and foreign motor private carriers (as those terms are defined in section 10530 of this title) providing transportation of property under a certificate of registration issued under section 10530 to meet the minimum levels of financial responsibility under this section only when those carriers are providing transportation for property in the United States.

(e) EVIDENCE OF FINANCIAL RESPONSIBILITY.—(1) Subject to paragraph (2) of this subsection, financial responsibility may be established by evidence of one or a combination of the following if acceptable to the Secretary of Transportation:

(A) insurance.

(B) a guarantee.

(C) a surety bond issued by a bonding company authorized to do business in the United States.

(D) qualification as a self-insurer.

(2) A person domiciled in a country contiguous to the United States and providing transportation to which a minimum level of financial responsibility under this section applies shall have evidence of financial responsibility in the motor vehicle when the person is providing the transportation. If evidence of financial responsibility is not in the vehicle, the Secretary of Transportation and the Secretary of the Treasury shall deny entry of the vehicle into the United States.

(f) CIVIL PENALTY.—(1) If, after notice and an opportunity for a hearing, the Secretary of Transportation finds that a person (except an employee acting without knowledge) has knowingly violated this section or a regulation prescribed under this section, the person is liable to the United States Government for a civil penalty of not more than $10,000 for each violation. A separate violation occurs for each day the violation continues.

(2) The Secretary of Transportation shall impose the penalty by written notice. In determining the amount of the penalty, the Secretary shall consider—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(C) other matters that justice requires.

(3) The Secretary of Transportation may compromise the penalty before referring the matter to the Attorney General for collection.

(4) The Attorney General shall bring a civil action in an appropriate district court of the United States to collect a penalty referred to the Attorney General for collection under this subsection.

(5) The amount of the penalty may be deducted from amounts the Government owes the person. An amount collected under this section shall be deposited in the Treasury as miscellaneous receipts.

(g) NONAPPLICATION.—This section does not apply to a motor vehicle having a gross vehicle weight rating of less than 10,000 pounds if the vehicle is not used to transport in interstate or foreign commerce—

(1) class A or B explosives;

(2) poison gas; or

(3) a large quantity of radioactive material.

§31140. Submission of State laws and regulations for review

(a) GENERAL.—A State that enacts a State law or issues a regulation on commercial motor vehicle safety shall submit a copy of the law or regulation to the Secretary of Transportation and the Commercial Motor Vehicle Safety Regulatory Review Panel immediately after the enactment or issuance.

(b) ADDITIONAL INFORMATION.—As soon as practicable but not later than a date the Panel may establish, a State that submits a State law or regulation under this section to the Panel shall—

(1) indicate in writing to the Panel whether the law or regulation—

(A) has the same effect as a regulation prescribed by the Secretary under section 31136 of this title;

(B) is less stringent than that regulation; or

(C) is additional to or more stringent than that regulation; and

(2) submit to the Panel other information the Panel or the Secretary may require to carry out this subchapter.

§31141. Review and preemption of State laws and regulations

(a) PREEMPTION AFTER DECISION.—A State may not enforce a State law or regulation on commercial motor vehicle safety that the Secretary of Transportation decides under this section may not be enforced.

(b) ANALYSIS AND DECISIONS BY THE PANEL.—(1) The Commercial Motor Vehicle Safety Regulatory Review Panel annually shall analyze State laws and regulations and decide which of those laws and regulations are related to commercial motor vehicle safety.

(2) Not later than one year after the date the Secretary prescribes a regulation under section 31136 of this title or one year after the date the Panel decides under paragraph (1) of this subsection that a State law or regulation is related to commercial motor vehicle safety, whichever is later, the Panel shall—

(A) decide whether the State law or regulation—

(i) has the same effect as the regulation prescribed by the Secretary;

(ii) is less stringent than that regulation; or

(iii) is additional to or more stringent than that regulation;

(B) decide, for each State law or regulation that the Panel decides is additional to or more stringent than the regulation prescribed by the Secretary, whether—

(i) the State law or regulation has no safety benefit;

(ii) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

(iii) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce; and

(C) notify the Secretary of the Panel's decisions under this subsection.

(c) REVIEW AND DECISIONS BY SECRETARY.—(1) The Secretary shall review each State law and regulation on commercial motor vehicle safety. Not later than 18 months after the date the Panel notifies the Secretary of a decision under subsection (b) of this section, the Secretary shall—

(A) conduct a regulatory proceeding to decide under this subsection whether the State law or regulation may be enforced; and

(B) prescribe a final regulation.

(2) If the Secretary decides a State law or regulation has the same effect as a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced.

(3) If the Secretary decides a State law or regulation is less stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may not be enforced.

(4) If the Secretary decides a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced unless the Secretary also decides that—

(A) the State law or regulation has no safety benefit;

(B) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

(C) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

(5)(A) In deciding about a State law or regulation under this subsection, the Secretary shall give great weight to the corresponding decision made by the Panel about that law or regulation under subsection (b) of this section.

(B) In deciding under paragraph (4) of this subsection whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of that law or regulation with the implementation of all similar laws and regulations of other States.

(d) WAIVERS.—(1) A person (including a State) may petition the Secretary for a waiver of a decision of the Secretary that a State law or regulation may not be enforced under this section. The Secretary shall grant the waiver, as expeditiously as possible, if the person demonstrates to the satisfaction of the Secretary that the waiver is consistent with the public interest and the safe operation of commercial motor vehicles.

(2) Before deciding whether to grant or deny a petition for a waiver under this subsection, the Secretary shall give the petitioner an opportunity for a hearing on the record.

(e) CONSOLIDATING PROCEEDINGS.—The Secretary may consolidate regulatory proceedings under this section if the Secretary decides that the consolidation will not adversely affect a party to a proceeding.

(f) WRITTEN NOTICE OF DECISIONS.—Not later than 10 days after making a decision under subsection (c) of this section that a State law or

regulation may not be enforced, the Secretary shall give written notice to the State of that decision.

(g) JUDICIAL REVIEW AND VENUE.—(1) Not later than 60 days after the Secretary makes a decision under subsection (c) of this section, or grants or denies a petition for a waiver under subsection (d) of this section, a person (including a State) adversely affected by the decision, grant, or denial may file a petition for judicial review. The petition may be filed in the court of appeals of the United States for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business.

(2) The court has jurisdiction to review the decision, grant, or denial and to grant appropriate relief, including interim relief, as provided in chapter 7 of title 5.

(3) A judgment of a court under this subsection may be reviewed only by the Supreme Court under section 1254 of title 28.

(4) The remedies provided for in this subsection are in addition to other remedies provided by law.

(h) INITIATING REVIEW PROCEEDINGS.—To review a State law or regulation on commercial motor vehicle safety under this section, the Secretary may initiate a regulatory proceeding on the Secretary's own initiative or on petition of an interested person (including a State).

§31142. Inspection of vehicles

(a) INSPECTION OF SAFETY EQUIPMENT.—On the instruction of an authorized enforcement official of a State or of the United States Government, a commercial motor vehicle is required to pass an inspection of all safety equipment required under part 393 of title 49, Code of Federal Regulations.

(b) INSPECTION OF VEHICLES AND RECORD RETENTION.—The Secretary of Transportation shall prescribe regulations on Government standards for inspection of commercial motor vehicles and retention by employers of records of an inspection. The standards shall provide for annual or more frequent inspections of a commercial motor vehicle unless the Secretary finds that another inspection system is as effective as an annual or more frequent inspection system. Regulations prescribed under this subsection are deemed to be regulations prescribed under section 31136 of this title.

(c) PREEMPTION.—(1) Except as provided in paragraph (2) of this subsection, this subchapter and section 31102 of this title do not—

(A) prevent a State or voluntary group of States from imposing more stringent standards for use in their own periodic roadside inspection programs of commercial motor vehicles;

(B) prevent a State from enforcing a program for inspection of commercial motor vehicles that the Secretary decides is as effective as the Government standards prescribed under subsection (b) of this section;

(C) prevent a State from enforcing a program for inspection of commercial motor vehicles that meets the requirements for membership in the Commercial Vehicle Safety Alliance, as those requirements were in effect on October 30, 1984; or

(D) require a State that is enforcing a program described in clause (B) or (C) of this paragraph to enforce a Government standard prescribed under subsection (b) of this section or to adopt a provision on inspection of commercial motor vehicles in addition to that program to comply with the Government standards.

(2) The Government standards prescribed under subsection (b) of this section shall preempt a program of a State described in paragraph (1)(C) of this subsection as the program applies to the inspection of commercial motor vehicles in that State. The State may not enforce the program if the Secretary—

(A) decides, after notice and an opportunity for a hearing, that the State is not enforcing the program in a way that achieves the objectives of this section; and

(B) after making a decision under clause (A) of this paragraph, provides the State with a 6-month period to improve the enforcement of the program to achieve the objectives of this section.

(d) INSPECTION TO BE ACCEPTED AS ADEQUATE IN ALL STATES.—A periodic inspection of a commercial motor vehicle under the Government standards prescribed under subsection (b) of this section or a program described in subsection (c)(1)(B) or (C) of this section that is being enforced shall be recognized as adequate in every State for the period of the inspection. This subsection does not prohibit a State from making random inspections of commercial motor vehicles.

(e) EFFECT OF GOVERNMENT STANDARDS.—The Government standards prescribed under subsection (b) of this section may not be enforced as the standards apply to the inspection of commercial motor vehicles in a State enforcing a program described in subsection (c)(1)(B) or (C) of this section if the Secretary decides that it is in the public interest and consistent with public safety for the Government standards not to be enforced as they apply to that inspection.

(f) APPLICATION OF STATE REGULATIONS TO GOVERNMENT-LEASED VEHICLES AND OPERATORS.—A State receiving financial assistance under section 31102 of this title in a fiscal year may enforce in that fiscal year a regulation on commercial motor vehicle safety adopted by the State as the regulation applies to commercial motor vehicles and operators leased to the Government.

§31143. Investigating complaints and protecting complainants

(a) INVESTIGATING COMPLAINTS.—The Secretary of Transportation shall conduct a timely investigation of a nonfrivolous written complaint alleging that a substantial violation of a regulation prescribed under this subchapter is occurring or has occurred within the prior 60 days. The Secretary shall give the complainant timely notice of the findings of the investigation. The Secretary is not required to conduct separate investigations of duplicative complaints.

(b) PROTECTING COMPLAINANTS.—Notwithstanding section 552 of title 5, the Secretary may disclose the identity of a complainant only if disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical means within the Secretary's authority to ensure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss because of the disclosure.

§31144. Safety fitness of owners and operators

(a) PROCEDURE.—(1) In cooperation with the Interstate Commerce Commission, the Secretary of Transportation shall prescribe regulations establishing a procedure to decide on the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under sections 10922 and 10923 of this title. The procedure shall include—

(A) specific initial and continuing requirements to be met by the owners, operators, and persons to prove safety fitness;

(B) a means of deciding whether the owners, operators, and persons meet the safety fitness requirements under clause (A) of this paragraph; and

(C) specific time deadlines for action by the Secretary and the Commission in making fitness decisions.

(2) Regulations prescribed under this subsection supersede all regulations of the United States Government on safety fitness and safety rating of motor carriers in effect on October 30, 1984.

(b) FINDINGS AND ACTION ON APPLICATIONS.—The Commission shall—

(1) find an applicant for authority to operate as a motor carrier unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section; and

(2) deny the application.

§31145. Coordination of Governmental activities and paperwork

The Secretary of Transportation shall coordinate the activities of departments, agencies, and instrumentalities of the United States Government to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to ensure maximum coordination and to avoid overlap and the imposition of unreasonable burdens on persons subject to regulations under this subchapter.

§31146. Relationship to other laws

Except as provided in section 31136(b) of this title, this subchapter and the regulations prescribed under this subchapter do not affect chapter 51 of this title or a regulation prescribed under chapter 51.

§31147. Limitations on authority

(a) TRAFFIC REGULATIONS.—This subchapter does not authorize the Secretary of Transportation to prescribe traffic safety regulations or preempt State traffic regulations. However, the Secretary may prescribe traffic regulations to the extent their subject matter was regulated under parts 390–399 of title 49, Code of Federal Regulations, on October 30, 1984.

(b) REGULATING THE MANUFACTURING OF VEHICLES.—This subchapter does not authorize the Secretary to regulate the manufacture of commercial motor vehicles for any purpose, including fuel economy, safety, or emission control.

SUBCHAPTER IV—MISCELLANEOUS

§31161. Procedures to ensure timely correction of safety violations

(a) DEFINITION.—Section 31132(1) of this title applies to this section.

(b) GENERAL.—Not later than August 3, 1991, the Secretary of Transportation shall prescribe regulations establishing procedures to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with money authorized under section 31104 of this title.

(c) VERIFICATION PROGRAM.—The regulations shall establish a verification program for United States Government inspectors and States participating under section 31102 of this title to ensure that commercial motor vehicles and their operators found in violation of safety requirements have been brought into compliance with those requirements. The regulations shall include—

(1) a nationwide system for random reinspection of the commercial motor vehicles and their operators that have been declared out-of-service because of those safety violations, with the main purpose of the system being to verify that the violations have been corrected on a timely basis;

(2) a program of accountability for correcting all safety violations that shall provide that—

(A) the operator of a commercial motor vehicle for which a safety violation has been noted shall be issued a form prescribed by the Secretary;

(B) the person making the repairs necessary to correct the violation shall certify on the form the making of repairs and the date, location, and time of the repairs;

(C) the motor carrier responsible for the commercial motor vehicle or operator shall certify on the form that, based on the carrier's knowledge, the repairs necessary to correct the violation have been made; and

(D) appropriate State penalties shall be imposed for a false statement on the form or a failure to return the form to the appropriate State entity; and

(3) a system for ensuring that appropriate State penalties are imposed for failure to correct any of those safety violations.

§31162. Compliance review priority

If the Secretary of Transportation identifies a pattern of violations of State or local traffic safety laws or regulations or commercial motor vehicle safety regulations, standards, or orders among drivers of commercial motor vehicles employed by a particular motor carrier, the Secretary or a State representative shall ensure that the motor carrier receives a high priority for review of that carrier's compliance with applicable United States Government and State commercial motor vehicle safety regulations.

CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

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§31301. Definitions

In this chapter—

(1) "alcohol" has the same meaning given the term "alcoholic beverage" in section 158(c) of title 23.

(2) "commerce" means trade, traffic, and transportation—

(A) in the jurisdiction of the United States between a place in a State and a place outside that State (including a place outside the United States); or

(B) in the United States that affects trade, traffic, and transportation described in subclause (A) of this clause.

(3) "commercial driver's license" means a license issued by a State to an individual authorizing the individual to operate a class of commercial motor vehicles.

(4) "commercial motor vehicle" means a motor vehicle used in commerce to transport passengers or property that—

(A) has a gross vehicle weight rating of at least 26,001 pounds or a lesser gross vehicle weight rating the Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds;

(B) is designed to transport at least 16 passengers including the driver; or

(C) is used to transport material found by the Secretary to be hazardous under section 5103 of this title, except that a vehicle shall not be included as a commercial motor vehicle under this subclause if—

(i) the vehicle does not satisfy the weight requirements of subclause (A) of this clause;

(ii) the vehicle transporting material listed as hazardous under section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9656(a)) and not otherwise regulated by the Secretary or transporting a consumer commodity or limited quantity of hazardous material as defined in section 171.8 of title 49, Code of Federal Regulations; and

(iii) the Secretary does not deny the application of this exception to the vehicle (individually or as part of a class of motor vehicles) in the interest of safety.

(5) except in section 31306, "controlled substance" has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(6) "driver's license" means a license issued by a State to an individual authorizing the individual to operate a motor vehicle on highways.

(7) "employee" means an operator of a commercial motor vehicle (including an independent contractor when operating a commercial motor vehicle) who is employed by an employer.

(8) "employer" means a person (including the United States Government, a State, or a political subdivision of a State) that owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle.

(9) "felony" means an offense under a law of the United States or a State that is punishable by death or imprisonment for more than one year.

(10) "hazardous material" has the same meaning given that term in section 5102 of this title.

(11) "motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(12) "serious traffic violation" means—

(A) excessive speeding, as defined by the Secretary by regulation;

(B) reckless driving, as defined under State or local law;

(C) a violation of a State or local law on motor vehicle traffic control (except a parking violation) and involving a fatality; and

(D) any other similar violation of a State or local law on motor vehicle traffic control (except a parking violation) that the Secretary designates by regulation as serious.

(13) "State" means a State of the United States and the District of Columbia.

(14) "United States" means the States of the United States and the District of Columbia.

§31302. Limitation on the number of driver's licenses

An individual operating a commercial motor vehicle may have only one driver's license at any time, except during the 10-day period beginning on the date the individual is issued a driver's license.

§31303. Notification requirements

(a) VIOLATIONS.—An individual operating a commercial motor vehicle, having a driver's license issued by a State, and violating a State or local law on motor vehicle traffic control (except a parking violation) shall notify the individual's employer of the violation. If the violation occurred in a State other than the issuing State, the individual also shall notify a State official designated by the issuing State. The notifications required by this subsection shall be made not later than 30 days after the date the individual is found to have committed the violation.

(b) REVOCATIONS, SUSPENSIONS, AND CANCELLATIONS.—An employee who has a driver's license revoked, suspended, or canceled by a State, who loses the right to operate a commercial motor vehicle in a State for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify the employee's employer of the action not later than 30 days after the date of the action.

(c) PREVIOUS EMPLOYMENT.—(1) Subject to paragraph (2) of this subsection, an individual applying for employment as an operator of a commercial motor vehicle shall notify the prospective employer, at the time of the application, of any previous employment as an operator of a commercial motor vehicle.

(2) The Secretary of Transportation shall prescribe by regulation the period for which notice of previous employment must be given under paragraph (1) of this subsection. However, the period may not be less than the 10-year period ending on the date of the application.

§31304. Employer responsibilities

An employer may not knowingly allow an employee to operate a commercial motor vehicle in the United States during a period in which the employee—

(1) has a driver's license revoked, suspended, or canceled by a State, has lost the right to operate a commercial motor vehicle in a State, or has been disqualified from operating a commercial motor vehicle; or

(2) has more than one driver's license (except as allowed under section 31302 of this title).

§31305. General driver fitness and testing

(a) MINIMUM STANDARDS FOR TESTING AND FITNESS.—The Secretary of Transportation shall prescribe regulations on minimum standards for testing and ensuring the fitness of an individual operating a commercial motor vehicle. The regulations—

(1) shall prescribe minimum standards for written and driving tests of an individual operating a commercial motor vehicle;

(2) shall require an individual who operates or will operate a commercial motor vehicle to take a driving test in a vehicle representative of the type of vehicle the individual operates or will operate;

(3) shall prescribe minimum testing standards for the operation of a commercial motor vehicle and may prescribe different minimum testing standards for different classes of commercial motor vehicles;

(4) shall ensure that an individual taking the tests has a working knowledge of—

(A) regulations on the safe operation of a commercial motor vehicle prescribed by the Secretary and contained in title 49, Code of Federal Regulations; and

(B) safety systems of the vehicle;

(5) shall ensure that an individual who operates or will operate a commercial motor vehicle carrying a hazardous material—

(A) is qualified to operate the vehicle under regulations on motor vehicle transportation of hazardous material prescribed under chapter 51 of this title; and

(B) has a working knowledge of—

(i) those regulations;

(ii) the handling of hazardous material;

(iii) the operation of emergency equipment used in response to emergencies arising out of the transportation of hazardous material; and

(iv) appropriate response procedures to follow in those emergencies;

(6) shall establish minimum scores for passing the tests;

(7) shall ensure that an individual taking the tests is qualified to operate a commercial motor vehicle under regulations prescribed by the Secretary and contained in title 49, Code of Federal Regulations, to the extent the regulations apply to the individual; and

(8) may require—

(A) issuance of a certification of fitness to operate a commercial motor vehicle to an individual passing the tests; and

(B) the individual to have a copy of the certification in the individual's possession when the individual is operating a commercial motor vehicle.

(b) Requirements for Operating Vehicles.—(1) Except as provided in paragraph (2) of this subsection, an individual may operate a commercial motor vehicle only if the individual has passed written and driving tests to operate the vehicle that meet the minimum standards prescribed by the Secretary under subsection (a) of this section.

(2) The Secretary may prescribe regulations providing that an individual may operate a commercial motor vehicle for not more than 90 days if the individual—

(A) passes a driving test for operating a commercial motor vehicle that meets the minimum standards prescribed under subsection (a) of this section; and

(B) has a driver's license that is not suspended, revoked, or canceled.

§31306. Alcohol and controlled substances testing

(a) Definition.—In this section, "controlled substance" means any substance under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) specified by the Secretary of Transportation.

(b) Testing Program for Operators of Commercial Motor Vehicles.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations not later than October 28, 1992, that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of alcohol or a controlled substance in violation of law or a United States Government regulation.

(B) When the Secretary of Transportation considers it appropriate in the interest of safety, the Secretary may prescribe regulations for conducting periodic recurring testing of operators of commercial motor vehicles for the use of alcohol or a controlled substance in violation of law or a Government regulation.

(2) In prescribing regulations under this subsection, the Secretary of Transportation—

(A) shall require that post-accident testing of an operator of a commercial motor vehicle be conducted when loss of human life occurs in an accident involving a commercial motor vehicle; and

(B) may require that post-accident testing of such an operator be conducted when bodily injury or significant property damage occurs in any other serious accident involving a commercial motor vehicle.

(c) Testing and Laboratory Requirements.—In carrying out subsection (b) of this section, the Secretary of Transportation shall develop requirements that shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimens;

(2) for laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any amendments to those guidelines, including mandatory guidelines establishing—

(A) comprehensive standards for every aspect of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards requiring the use of the best available technology to ensure the complete reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimens collected for controlled substances testing;

(B) the minimum list of controlled substances for which individuals may be tested; and

(C) appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that a laboratory involved in testing under this section have the capability and facility, at the laboratory, of performing screening and confirmation tests;

(4) provide that any test indicating the use of alcohol or a controlled substance in violation of law or a Government regulation be confirmed by a scientifically recognized method of testing capable of providing quantitative information about alcohol or a controlled substance;

(5) provide that each specimen be subdivided, secured, and labeled in the presence of the tested individual and that a part of the specimen be retained in a secure manner to prevent the possibility of tampering, so that if the individual's confirmation test results are positive the individual has an opportunity to have the retained part tested by a 2d confirmation test done independently at another certified laboratory if the individual requests the 2d confirmation test not later than 3 days after being advised of the results of the first confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations that may be necessary and in consultation with the Secretary of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (except information about alcohol or a controlled substance) of employees, except that this clause does not prevent the use of test results for the orderly imposition of appropriate sanctions under this section; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(d) Testing as Part of Medical Examination.—The Secretary of Transportation may provide that testing under subsection (a) of this section for operators subject to subpart E of part 391 of title 49, Code of Federal Regulations, be conducted as part of the medical examination required under that subpart.

(e) Rehabilitation.—The Secretary of Transportation shall prescribe regulations establishing requirements for rehabilitation programs that provide for the identification and opportunity for treatment of operators of commercial motor vehicles who are found to have used alcohol or a controlled substance in violation of law or a Government regulation. The Secretary shall decide on the circumstances under which those operators shall be required to participate in a program. This section does not prevent a motor carrier from establishing a program under this section in cooperation with another motor carrier.

(f) Sanctions.—The Secretary of Transportation shall decide on appropriate sanctions for a commercial motor vehicle operator who is found, based on tests conducted and confirmed under this section, to have used alcohol or a controlled substance in violation of law or a Government regulation but who is not under the influence of alcohol or a controlled substance as provided in this chapter.

(g) Effect on State and Local Government Regulations.—A State or local government may not prescribe or continue in effect a law, regulation, standard, or order that is inconsistent with regulations prescribed under this section. However, a regulation prescribed under this section may not be construed to preempt a State criminal law that imposes sanctions for reckless conduct leading to loss of life, injury, or damage to property.

(h) International Obligations and Foreign Laws.—In prescribing regulations under this section, the Secretary of Transportation—

(1) shall establish only requirements that are consistent with international obligations of the United States; and

(2) shall consider applicable laws and regulations of foreign countries.

(i) Other Regulations Allowed.—This section does not prevent the Secretary of Transportation from continuing in effect, amending, or further supplementing a regulation prescribed before October 28, 1991, governing the use of alcohol or a controlled substance by commercial motor vehicle employees.

(j) Application of Penalties.—This section does not supersede a penalty applicable to an operator of a commercial motor vehicle under this chapter or another law.

§31307. Minimum training requirements for operators of longer combination vehicles

(a) Definition.—In this section, "longer combination vehicle" means a vehicle consisting of a truck tractor and more than one trailer or semitrailer that operates on the Dwight D. Eisenhower System of Interstate and Defense Highways with a gross vehicle weight of more than 80,000 pounds.

(b) Requirements.—Not later than December 18, 1994, the Secretary of Transportation shall prescribe regulations establishing minimum training requirements for operators of longer combination vehicles. The training shall include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary.

§31308. Commercial driver's license

After consultation with the States, the Secretary of Transportation shall prescribe regulations on minimum uniform standards for the issuance of commercial drivers' licenses by the States and for information to be contained on each of the licenses. The standards shall require at a minimum that—

(1) an individual issued a commercial driver's license pass written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards prescribed by the Secretary under section 31305(a) of this title;

(2) the license be tamperproof to the maximum extent practicable; and

(3) the license contain—

(A) the name and address of the individual issued the license and a physical description of the individual;

(B) the social security account number or other number or information the Secretary decides is appropriate to identify the individual;

(C) the class or type of commercial motor vehicle the individual is authorized to operate under the license;

(D) the name of the State that issued the license; and

(E) the dates between which the license is valid.

§31309. Commercial driver's license information system

(a) General Requirement.—The Secretary of Transportation shall make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section, an information system that will serve as a clearinghouse and depository of information about the licensing, identification, and disqualification of operators of commercial motor vehicles. The Secretary shall consult with the States in carrying out this section.

(b) State Agreements.—If the Secretary decides that an information system used by a State or States about the driving status of operators of motor vehicles or another State-operated information system could be used to carry out this section, and the State or States agree to the use of the system for carrying out this section, the Secretary may make an agreement with the State or States to use the system as provided in

this section and section 31311(c) of this title. An agreement made under this subsection shall contain terms the Secretary considers necessary to carry out this chapter.

(c) ESTABLISHMENT BY SECRETARY.—If the Secretary does not make an agreement under subsection (b) of this section, the Secretary shall establish an information system about the driving status and licensing of operators of commercial motor vehicles as provided in this section.

(d) CONTENTS.—(1) At a minimum, the information system under this section shall include for each operator of a commercial motor vehicle—

(A) information the Secretary considers appropriate to ensure identification of the operator;

(B) the name, address, and physical description of the operator;

(C) the social security account number of the operator or other number or information the Secretary considers appropriate to identify the operator;

(D) the name of the State that issued the license to the operator;

(E) the dates between which the license is valid; and

(F) whether the operator had a commercial motor vehicle driver's license revoked, suspended, or canceled by a State, lost the right to operate a commercial motor vehicle in a State for any period, or has been disqualified from operating a commercial motor vehicle.

(2) Not later than December 31, 1990, the Secretary shall prescribe regulations on minimum uniform standards for a biometric identification system to ensure the identification of operators of commercial motor vehicles.

(e) AVAILABILITY OF INFORMATION.—(1) On request of a State, the Secretary or the operator of the information system, as the case may be, may make available to the State information in the information system under this section.

(2) On request of an employee, the Secretary or the operator of the information system, as the case may be, may make available to the employee information in the information system about the employee.

(3) On request of an employer or prospective employer of an employee and after notification to the employee, the Secretary or the operator of the information system, as the case may be, may make available to the employer or prospective employer information in the information system about the employee.

(4) On the request of the Secretary, the operator of the information system shall make available to the Secretary information about the driving status and licensing of operators of commercial motor vehicles (including information required by subsection (d)(1) of this section).

(f) FEE SYSTEM.—If the Secretary establishes an information system under this section, the Secretary shall establish a fee system for using the information system. Fees collected under this subsection in a fiscal year shall equal as nearly as possible the costs of operating the information system in that fiscal year. The Secretary shall deposit fees collected under this subsection in the Highway Trust Fund (except the Mass Transit Account).

§31310. Disqualifications

(a) BLOOD ALCOHOL CONCENTRATION LEVEL.—In this section, the blood alcohol concentration level at or above which an individual when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol is .04 percent.

(b) FIRST VIOLATION OR COMMITTING FELONY.—(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Secretary of Transportation shall disqualify from operating a commercial motor vehicle for at least one year an individual—

(A) committing a first violation of driving a commercial motor vehicle under the influence of alcohol or a controlled substance;

(B) committing a first violation of leaving the scene of an accident involving a commercial motor vehicle operated by the individual; or

(C) using a commercial motor vehicle in committing a felony (except a felony described in subsection (d) of this section).

(2) If the vehicle involved in a violation referred to in paragraph (1) of this subsection is transporting hazardous material required to be placarded under section 5103 of this title, the Secretary shall disqualify the individual for at least 3 years.

(c) SECOND AND MULTIPLE VIOLATIONS.—(1) Subject to paragraph (2) of this subsection, the Secretary shall disqualify from operating a commercial motor vehicle for life an individual—

(A) committing more than one violation of driving a commercial motor vehicle under the influence of alcohol or a controlled substance;

(B) committing more than one violation of leaving the scene of an accident involving a commercial motor vehicle operated by the individual;

(C) using a commercial motor vehicle in committing more than one felony arising out of different criminal episodes; or

(D) committing any combination of single violations or use described in clauses (A)–(C) of this paragraph.

(2) The Secretary may prescribe regulations establishing guidelines (including conditions) under which a disqualification for life under paragraph (1) of this subsection may be reduced to a period of not less than 10 years.

(d) CONTROLLED SUBSTANCE VIOLATIONS.—The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(e) SERIOUS TRAFFIC VIOLATIONS.—(1) The Secretary shall disqualify from operating a commercial motor vehicle for at least 60 days an individual who, in a 3-year period, commits 2 serious traffic violations involving a commercial motor vehicle operated by the individual.

(2) The Secretary shall disqualify from operating a commercial motor vehicle for at least 120 days an individual who, in a 3-year period, commits 3 serious traffic violations involving a commercial motor vehicle operated by the individual.

(f) STATE DISQUALIFICATION.—Notwithstanding subsections (b)–(e) of this section, the Secretary does not have to disqualify an individual from operating a commercial motor vehicle if the State that issued the individual a license authorizing the operation has disqualified the individual from operating a commercial motor vehicle under subsections (b)–(e). Revocation, suspension, or cancellation of the license is deemed to be disqualification under this subsection.

(g) OUT-OF-SERVICE ORDERS.—(1)(A) To enforce section 392.5 of title 49, Code of Federal Regulations, the Secretary shall prescribe regulations establishing and enforcing an out-of-service period of 24 hours for an individual who violates section 392.5. An individual may not violate an out-of-service order issued under those regulations.

(B) The Secretary shall prescribe regulations establishing and enforcing requirements for reporting out-of-service orders issued under regulations prescribed under subparagraph (A) of this paragraph. Regulations prescribed under this subparagraph shall require at least that an operator of a commercial motor vehicle who is issued an out-of-service order to report the issuance to the individual's employer and to the State that issued the operator a driver's license.

(2) Not later than December 18, 1992, the Secretary shall prescribe regulations establishing sanctions and penalties related to violations of out-of-service orders by individuals operating commercial motor vehicles. The regulations shall require at least that—

(A) an operator of a commercial motor vehicle found to have committed a first violation of an out-of-service order shall be disqualified from operating such a vehicle for at least 90 days and liable for a civil penalty of at least $1,000;

(B) an operator of a commercial motor vehicle found to have committed a 2d violation of an out-of-service order shall be disqualified from operating such a vehicle for at least one year and not more than 5 years and liable for a civil penalty of at least $1,000; and

(C) an employer that knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall be liable for a civil penalty of not more than $10,000.

§31311. Requirements for State participation

(a) GENERAL.—To avoid having amounts withheld from apportionment under section 31314 of this title, a State shall comply with the following requirements:

(1) The State shall adopt and carry out a program for testing and ensuring the fitness of individuals to operate commercial motor vehicles consistent with the minimum standards prescribed by the Secretary of Transportation under section 31305(a) of this title.

(2) The State may issue a commercial driver's license to an individual only if the individual passes written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards.

(3) The State shall have in effect and enforce a law providing that an individual with a blood alcohol concentration level at or above the level established by section 31310(a) of this title when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol.

(4) The State shall authorize an individual to operate a commercial motor vehicle only by issuing a commercial driver's license containing the information described in section 31308(3) of this title.

(5) At least 60 days before issuing a commercial driver's license (or a shorter period the Secretary prescribes by regulation), the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, of the proposed issuance of the license and other information the Secretary may require to ensure identification of the individual applying for the license.

(6) Before issuing a commercial driver's license to an individual, the State shall request from any other State that has issued a commercial driver's license to the individual all information about the driving record of the individual.

(7) Not later than 30 days after issuing a commercial driver's license, the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, of the issuance.

(8) Not later than 10 days after disqualifying the holder of a commercial driver's license from operating a commercial motor vehicle (or after revoking, suspending, or canceling the license) for at least 60 days, the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, and the State that issued the license, of the disqualification, revocation, suspension, or cancellation.

(9) If an individual operating a commercial motor vehicle violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual has a driver's license issued by another State, the State in which the violation occurred shall notify a State official designated by the issuing State of the violation not later than 10 days after the date

the individual is found to have committed the violation.

(10) The State may not issue a commercial driver's license to an individual during a period in which the individual is disqualified from operating a commercial motor vehicle or the individual's driver's license is revoked, suspended, or canceled.

(11) The State may issue a commercial driver's license to an individual who has a commercial driver's license issued by another State only if the individual first returns the driver's license issued by the other State.

(12) The State may issue a commercial driver's license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State, except that, under regulations the Secretary shall prescribe, the State may issue a commercial driver's license to an individual who operates or will operate a commercial motor vehicle and is not domiciled in a State that issues commercial drivers' licenses.

(13) The State shall impose penalties the State considers appropriate and the Secretary approves for an individual operating a commercial motor vehicle when the individual—

(A) does not have a commercial driver's license;

(B) has a driver's license revoked, suspended, or canceled; or

(C) is disqualified from operating a commercial motor vehicle.

(14) The State shall allow an individual to operate a commercial motor vehicle in the State if—

(A) the individual has a commercial driver's license issued by another State under the minimum standards prescribed by the Secretary under section 31305(a) of this title;

(B) the license is not revoked, suspended, or canceled; and

(C) the individual is not disqualified from operating a commercial motor vehicle.

(15) The State shall disqualify an individual from operating a commercial motor vehicle for the same reasons and time periods for which the Secretary shall disqualify the individual under section 31310(b)–(e) of this title.

(16)(A) Before issuing a commercial driver's license to an individual, the State shall request the Secretary for information from the National Driver Register maintained under chapter 303 of this title (after the Secretary decides the Register is operational) on whether the individual—

(i) has been disqualified from operating a motor vehicle (except a commercial motor vehicle);

(ii) has had a license (except a license authorizing the individual to operate a commercial motor vehicle) revoked, suspended, or canceled for cause in the 3-year period ending on the date of application for the commercial driver's license; or

(iii) has been convicted of an offense specified in section 30304(a)(3) of this title.

(B) The State shall give full weight and consideration to that information in deciding whether to issue the individual a commercial driver's license.

(17) The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(g)(1)(A) and (2) of this title.

(b) STATE SATISFACTION OF REQUIREMENTS.—A State may satisfy the requirements of subsection (a) of this section that the State disqualify an individual from operating a commercial motor vehicle by revoking, suspending, or canceling the driver's license issued to the individual.

(c) NOTIFICATION.—Not later than 30 days after being notified by a State of the proposed issuance of a commercial driver's license to an individual, the Secretary or the operator of the information system under section 31309 of this title, as the case may be, shall notify the State whether the individual has a commercial driver's license issued by another State or has been disqualified from operating a commercial motor vehicle by another State or the Secretary.

§31312. Grants for testing and ensuring the fitness of operators of commercial motor vehicles

(a) BASIC GRANTS.—(1) The Secretary of Transportation may make a grant to a State under this subsection if the State—

(A) makes an agreement with the Secretary—

(i) to adopt and carry out in the fiscal year in which the grant is made a program for testing and ensuring the fitness of individuals who operate commercial motor vehicles under the minimum standards prescribed by the Secretary under section 31305(a) of this title; and

(ii) to require that operators of commercial motor vehicles have passed written and driving tests that meet the minimum standards; and

(B) has in effect and enforces in that fiscal year a law providing that an individual with a blood alcohol concentration of at least .10 percent when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol.

(2) A State may—

(A) administer driving tests referred to in paragraph (1) of this subsection and section 31311(a) of this title; or

(B) make an agreement, approved by the Secretary, for the tests to be administered by a person (including a department, agency, or instrumentality of a local government) that meets minimum standards the Secretary prescribes by regulation if—

(i) the agreement allows the Secretary and the State each to conduct random examinations, inspections, and audits of the testing without prior notification; and

(ii) the State annually conducts at least one onsite inspection of the testing.

(3) The Secretary shall decide on the amount of a grant in a fiscal year to be made under this subsection to a State eligible to receive the grant in the fiscal year. However—

(A) a grant to a State under this subsection shall be at least $100,000 in a fiscal year; and

(B) to the extent each State grant under this subsection is more than $100,000 in a fiscal year, the Secretary shall ensure that those States are treated equitably.

(4) A State receiving a grant under this subsection may use the amounts provided under the grant only to test operators of commercial motor vehicles.

(5) There is available to the Secretary to carry out this subsection $________ from amounts made available under section 31104 of this title for the fiscal year ending September 30, 19__.

(b) SUPPLEMENTAL GRANTS.—(1) The Secretary may make a grant under this subsection in a fiscal year to a State eligible to receive a grant under subsection (a) of this section in that fiscal year. A grant made under this subsection shall be used for testing operators of commercial motor vehicles.

(2) Amounts of grants under this subsection shall be distributed among the States eligible to receive grants under subsection (a) of this section in the fiscal year on the basis of the number of written and driving tests administered, and the number of drivers' licenses for the operation of commercial motor vehicles issued, in the prior fiscal year.

(3) There is available to the Secretary to carry out this subsection $________ from amounts made available under section 31104 of this title for the fiscal year ending September 30, 19__.

(c) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this section only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of United States Government amounts, for testing operators of commercial motor vehicles will be maintained at a level at least equal to the average level of that expenditure for its last 2 fiscal years before October 27, 1986.

(d) AVAILABILITY OF AMOUNTS.—(1) Amounts made available to a State under this section remain available for obligation by the State for the fiscal year for which the amounts are made available. Any of those amounts not obligated before the last day of that fiscal year are no longer available for obligation by the State and are available to the Secretary to carry out this chapter.

(2) Amounts made available to the Secretary under this section remain available until expended.

(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant to a State under this section is a contractual obligation of the Government for payment of the amount of the grant.

(f) TESTING AND FITNESS PROGRAM STUDIES.—In this section, development of a program for testing and ensuring the fitness of individuals who operate commercial motor vehicles includes studies of—

(1) the number of vehicles that will need to be tested under the program in a calendar year;

(2) facilities at which testing of those individuals could be conducted; and

(3) additional resources (including personnel) that will be necessary to conduct the testing.

§31313. Grants for issuing commercial drivers' licenses and complying with State participation requirements

(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant under this section to a State in a fiscal year if the State makes an agreement with the Secretary to participate in that fiscal year in the commercial driver's license program established by this chapter and the information system required by section 31309 of this title and to comply with the requirements of section 31311(a) of this title.

(b) AMOUNTS OF GRANTS.—The Secretary shall decide on the amount of a grant in a fiscal year to be made under this section to a State eligible to receive the grant in the fiscal year. However—

(1) a grant to a State under this section shall be at least $100,000 in a fiscal year; and

(2) to the extent each State grant under this section is more than $100,000 in a fiscal year, the Secretary shall ensure that those States are treated equitably.

(c) LIMITATION ON USE.—A State receiving a grant under this section may use the amounts provided under the grant only for issuing commercial drivers' licenses and complying with the requirements of section 31311(a) of this title.

(d) AVAILABILITY OF AMOUNTS.—(1) Amounts made available to a State under this section remain available for obligation by the State for the fiscal year for which the amounts are made available. Any of those amounts not obligated before the last day of that fiscal year are no longer available for obligation by the State and are available to the Secretary to carry out this chapter.

(2) Amounts made available to the Secretary under this section remain available until expended.

(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant to a State under this section is a contractual obligation of the United States Government for payment of the amount of the grant.

(f) AUTHORIZATION.—There is available to the Secretary to carry out this section $________ from amounts made available under section 31104 of this title for the fiscal year ending September 30, 19__.

§31314. Withholding amounts for State noncompliance

(a) First Fiscal Year.—The Secretary of Transportation shall withhold 5 percent of the amount required to be apportioned to a State under section 104(b)(1), (2), (5), and (6) of title 23 on the first day of the fiscal year after the first fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

(b) Second Fiscal Year.—The Secretary shall withhold 10 percent of the amount required to be apportioned to a State under section 104(b)(1), (2), (5), and (6) of title 23 on the first day of each fiscal year after the 2d fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

(c) Availability for Apportionment.—(1) Amounts withheld under this section from apportionment to a State before October 1, 1995, remain available for apportionment to the State as follows:

(A) If the amounts would have been apportioned under section 104(b)(5)(B) of title 23 but for this section, the amounts remain available until the end of the 2d fiscal year following the fiscal year for which the amounts are authorized to be appropriated.

(B) If the amounts would have been apportioned under section 104(b)(1), (2), or (6) of title 23 but for this section, the amounts remain available until the end of the 3d fiscal year following the fiscal year for which the amounts are authorized to be appropriated.

(2) Amounts withheld under this section from apportionment to a State after September 30, 1995, are not available for apportionment to the State.

(d) Apportionment After Compliance.—(1) If, before the last day of the period for which amounts withheld under this section from apportionment are to remain available for apportionment to a State under subsection (c)(1) of this section, the State substantially complies with all of the requirements of section 31311(a) of this title for a period of 365 days, the Secretary, on the day following the last day of that period, shall apportion to the State the withheld amounts remaining available for apportionment to that State.

(2) Amounts apportioned under paragraph (1) of this subsection remain available for expenditure until the end of the 3d fiscal year following the fiscal year in which the amounts are apportioned. Amounts not obligated at the end of that period lapse or, for amounts apportioned under section 104(b)(5) of title 23, lapse and are available for projects under section 118(b) of title 23.

(e) Lapse.—If, at the end of the period for which amounts withheld under this section from apportionment are available for apportionment to a State under subsection (c)(1) of this section, the State has not substantially complied with all of the requirements of section 31311(a) of this title for a 365-day period, the amounts lapse or, for amounts withheld from apportionment under section 104(b)(5) of title 23, the amounts lapse and are available for projects under section 118(b) of title 23.

§31315. Waiver authority

After notice and an opportunity for comment, the Secretary of Transportation may waive any part of this chapter or a regulation prescribed under this chapter as it applies to a class of individuals or commercial motor vehicles if the Secretary decides the waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. A waiver under this section shall be published in the Federal Register with reasons for the waiver.

§31316. Limitation on statutory construction

This chapter does not affect the authority of the Secretary of Transportation to regulate commercial motor vehicle safety involving motor vehicles with a gross vehicle weight rating of less than 26,001 pounds or a lesser gross vehicle weight rating the Secretary decides is appropriate under section 31301(4)(A) of this title.

§31317. Procedure for prescribing regulations

Regulations prescribed by the Secretary of Transportation to carry out this chapter (except section 31307) shall be prescribed under section 553 of title 5 without regard to sections 556 and 557 of title 5.

CHAPTER 315—MOTOR CARRIER SAFETY

Sec.

31501. Definitions.
31502. Requirements for qualifications, hours of service, safety, and equipment standards.
31503. Research, investigation, and testing.
31504. Identification of motor vehicles.

§31501. Definitions

In this chapter—

(1) "migrant worker" means an individual going to or from employment in agriculture as provided under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)) or section 203(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)).

(2) "motor carrier", "motor common carrier", "motor private carrier", "motor vehicle", and "United States" have the same meanings given those terms in section 10102 of this title.

(3) "motor carrier of migrant workers"—

(A) means a person (except a motor common carrier) providing transportation referred to in section 10521(a) of this title by a motor vehicle (except a passenger automobile or station wagon) for at least 3 migrant workers at a time to or from their employment; but

(B) does not include a migrant worker providing transportation for migrant workers and their immediate families.

§31502. Requirements for qualifications, hours of service, safety, and equipment standards

(a) Application.—This section applies to transportation—

(1) described in sections 10521 and 10522 of this title; and

(2) to the extent the transportation is in the United States and is between places in a foreign country, or between a place in a foreign country and a place in another foreign country.

(b) Motor Carrier and Private Motor Carrier Requirements.—The Secretary of Transportation may prescribe requirements for—

(1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and

(2) qualifications and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation.

(c) Migrant Worker Motor Carrier Requirements.—The Secretary may prescribe requirements for the comfort of passengers, qualifications and maximum hours of service of operators, and safety of operation and equipment of a motor carrier of migrant workers. The requirements only apply to a carrier transporting a migrant worker—

(1) at least 75 miles; and

(2) across the boundary of a State, territory, or possession of the United States.

(d) Considerations.—Before prescribing or revising any requirement under this section, the Secretary shall consider the costs and benefits of the requirement.

§31503. Research, investigation, and testing

(a) General Authority.—The Secretary of Transportation may investigate and report on the need for regulation by the United States Government of sizes, weight, and combinations of motor vehicles and qualifications and maximum hours of service of employees of a motor carrier subject to subchapter II of chapter 105 of this title and a motor private carrier. The Secretary shall use the services of each department, agency, or instrumentality of the Government and each organization of motor carriers having special knowledge of a matter being investigated.

(b) Use of Services.—In carrying out this chapter, the Secretary may use the services of a department, agency, or instrumentality of the Government having special knowledge about safety, to conduct scientific and technical research, investigation, and testing when necessary to promote safety of operation and equipment of motor vehicles. The Secretary may reimburse the department, agency, or instrumentality for the services provided.

§31504. Identification of motor vehicles

(a) General Authority.—The Secretary of Transportation may—

(1) issue and require the display of an identification plate on a motor vehicle used in transportation provided by a motor private carrier and a motor carrier of migrant workers subject to section 31502(c) of this title, except a motor contract carrier; and

(2) require each of those motor private carriers and motor carriers of migrant workers to pay the reasonable cost of the plate.

(b) Limitation.—A motor private carrier or a motor carrier of migrant workers may use an identification plate only as authorized by the Secretary.

CHAPTER 317—PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT

Sec.

31701. Definitions.
31702. Working group.
31703. Grants.
31704. Vehicle registration.
31705. Fuel use tax.
31706. Enforcement.
31707. Limitations on statutory construction.
31708. Authorization of appropriations.

§31701. Definitions

In this chapter—

(1) "commercial motor vehicle", with respect to—

(A) the International Registration Plan, has the same meaning given the term "apportionable vehicle" under the Plan; and

(B) the International Fuel Tax Agreement, has the same meaning given the term "qualified motor vehicle" under the Agreement.

(2) "fuel use tax" means a tax imposed on or measured by the consumption of fuel in a motor vehicle.

(3) "International Fuel Tax Agreement" means the interstate agreement on collecting and distributing fuel use taxes paid by motor carriers, developed under the auspices of the National Governors' Association.

(4) "International Registration Plan" means the interstate agreement on apportioning vehicle registration fees paid by motor carriers, developed by the American Association of Motor Vehicle Administrators.

(5) "Regional Fuel Tax Agreement" means the interstate agreement on collecting and distributing fuel use taxes paid by motor carriers in the States of Maine, Vermont, and New Hampshire.

(6) "State" means the 48 contiguous States and the District of Columbia.

§31702. Working group

(a) Establishment.—The Secretary of Transportation shall establish a working group of State and local government officials, including

representatives of the National Governors' Association, the American Association of Motor Vehicle Administrators, the National Conference of State Legislatures, the Federation of Tax Administrators, and the Board of Directors for the International Fuel Tax Agreement, and a representative of the Regional Fuel Tax Agreement.

(b) PURPOSES.—The purposes of the working group are—

(1) to propose procedures to resolve disputes among States participating in the International Registration Plan and among States participating in the International Fuel Tax Agreement, including designating the Secretary or any other person to resolve the disputes; and

(2) to provide technical assistance to States participating or seeking to participate in the Plan or Agreement.

(c) CONSULTATION REQUIREMENT.—In carrying out subsection (b) of this section, the working group shall consult with members of the motor carrier industry.

(d) REPORT.—(1) Not later than December 18, 1993, the working group shall submit a report to—

(A) the Secretary;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Public Works and Transportation of the House of Representatives;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the States participating in the International Registration Plan; and

(F) the States participating in the International Fuel Tax Agreement.

(2) The report shall contain a detailed statement of the working group's findings and conclusions and its joint recommendations about the matters referred to in subsection (b) of this section. After submitting the report, the working group periodically may review and modify the findings and conclusions and the joint recommendations as appropriate and submit a report containing the modifications to the Secretary and the committees specified in paragraph (1) of this subsection.

(e) RELATIONSHIP TO OTHER LAWS.—The Federal Advisory Committee Act (5 App. U.S.C.) does not apply to the working group.

§31703. Grants

(a) GENERAL AUTHORITY.—The Secretary of Transportation may make grants to States and appropriate persons to facilitate participation in the International Registration Plan and the International Fuel Tax Agreement and to make administrative improvements in any other base State fuel use tax agreement in existence as of January 1, 1991. A grant may include amounts for technical assistance, personnel training, travel costs, and technology and equipment associated with the participation.

(b) CONTRACTUAL OBLIGATION.—Approval by the Secretary of a grant with amounts made available under this section is a contractual obligation of the United States Government for payment of the Government's share of the grant.

§31704. Vehicle registration

After September 30, 1996, a State that is not participating in the International Registration Plan may not establish, maintain, or enforce a commercial motor vehicle registration law, regulation, or agreement that limits the operation in that State of a commercial motor vehicle that is not registered under the laws of the State, if the vehicle is registered under the laws of a State participating in the Plan.

§31705. Fuel use tax

(a) REPORTING REQUIREMENTS.—After September 30, 1996, a State may establish, maintain, or enforce a law or regulation that has a fuel use tax reporting requirement (including any tax reporting form) only if the requirement conforms with the International Fuel Tax Agreement.

(b) PAYMENT.—After September 30, 1996, a State may establish, maintain, or enforce a law or regulation that provides for the payment of a fuel use tax only if the law or regulation conforms with the International Fuel Tax Agreement as it applies to collection of a fuel use tax by a single base State and proportional sharing of fuel use taxes charged among the States where a commercial motor vehicle is operated.

(c) LIMITATION.—If the International Fuel Tax Agreement is amended, a State not participating in the Agreement when the amendment is made is not subject to the conformity requirements of subsections (a) and (b) of this section in regard to the amendment until after a reasonable time, but not earlier than the expiration of—

(1) the 365-day period beginning on the first day that States participating in the Agreement are required to comply with the amendment; or

(2) the 365-day period beginning on the day the relevant office of the State receives written notice of the amendment from the Secretary of Transportation.

(d) NONAPPLICATION.—This section does not apply to a State that was participating in the Regional Fuel Tax Agreement on January 1, 1991, and that continues to participate in that Agreement after that date.

§31706. Enforcement

(a) CIVIL ACTIONS.—On request of the Secretary of Transportation, the Attorney General may bring a civil action in a court of competent jurisdiction to enforce compliance with sections 31704 and 31705 of this title.

(b) VENUE.—An action under this section may be brought only in the State in which an order is required to enforce compliance.

(c) RELIEF.—Subject to section 1341 of title 28, the court, on a proper showing—

(1) shall issue a temporary restraining order or a preliminary or permanent injunction; and

(2) may require by the injunction that the State or any person comply with sections 31704 and 31705 of this title.

§31707. Limitations on statutory construction

Sections 31704 and 31705 of this title do not limit the amount of money a State may charge for registration of a commercial motor vehicle or the amount of any fuel use tax a State may impose.

§31708. Authorization of appropriations

(a) GENERAL.—From amounts made available under section 31104 of this title, the Secretary of Transportation shall provide the following amounts for each of the fiscal years ending September 30, 1993-1997:

(1) $1,000,000 for activities of the working group under section 31702 of this title.

(2) $5,000,000 for grants under section 31703 of this title.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under this section remain available until expended.

PART C—INFORMATION, STANDARDS, AND REQUIREMENTS

CHAPTER 321—GENERAL

Sec.
32101. Definitions.
32102. Authorization of appropriations.

§32101. Definitions

In this part (except section 32304 and chapter 329)—

(1) "bumper standard" means a minimum performance standard that substantially reduces—

(A) the damage to the front or rear end of a passenger motor vehicle from a low-speed collision (including a collision with a fixed barrier) or from towing the vehicle; or

(B) the cost of repairing the damage.

(2) "insurer" means a person in the business of issuing, or reinsuring any part of, a passenger motor vehicle insurance policy.

(3) "interstate commerce" means commerce between a place in a State and—

(A) a place in another State; or

(B) another place in the same State through another State.

(4) "make", when describing a passenger motor vehicle, means the trade name of the manufacturer of the vehicle.

(5) "manufacturer" means a person—

(A) manufacturing or assembling passenger motor vehicles or passenger motor vehicle equipment; or

(B) importing motor vehicles or motor vehicle equipment for resale.

(6) "model", when describing a passenger motor vehicle, means a category of passenger motor vehicles based on the size, style, and type of a make of vehicle.

(7) "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(8) "motor vehicle accident" means an accident resulting from the maintenance or operation of a passenger motor vehicle or passenger motor vehicle equipment.

(9) "multipurpose passenger vehicle" means a passenger motor vehicle constructed on a truck chassis or with special features for occasional off-road operation.

(10) "passenger motor vehicle" means a motor vehicle with motive power designed to carry not more than 12 individuals, but does not include—

(A) a motorcycle; or

(B) a truck not designed primarily to carry its operator or passengers.

(11) "passenger motor vehicle equipment" means—

(A) a system, part, or component of a passenger motor vehicle as originally made;

(B) a similar part or component made or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a passenger motor vehicle; or

(C) a device made or sold for use in towing a passenger motor vehicle.

(12) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(13) "United States district court" means a district court of the United States, a United States court for Guam, the Virgin Islands, and American Samoa, and the district court for the Northern Mariana Islands.

§32102. Authorization of appropriations

The following amounts may be appropriated to the Secretary of Transportation for the National Highway Traffic Safety Administration to carry out this part:

(1) $6,731,430 for the fiscal year ending September 30, 1993.

(2) $6,987,224 for the fiscal year ending September 30, 1994.

(3) $7,252,739 for the fiscal year ending September 30, 1995.

CHAPTER 323—CONSUMER INFORMATION

Sec.
32301. Definitions.
32302. Passenger motor vehicle information.
32303. Insurance information.
32304. Passenger motor vehicle country of origin labeling.
32305. Information and assistance from other departments, agencies, and instrumentalities.
32306. Personnel.
32307. Investigative powers.
32308. General prohibitions, civil penalty, and enforcement.
32309. Criminal penalty for labeling violations.

§32301. Definitions

In this chapter—

(1) "crashworthiness" means the protection a passenger motor vehicle gives its passengers against personal injury or death from a motor vehicle accident.

(2) "damage susceptibility" means the susceptibility of a passenger motor vehicle to damage in a motor vehicle accident.

§32302. Passenger motor vehicle information

(a) INFORMATION PROGRAM.—The Secretary of Transportation shall maintain a program for developing the following information on passenger motor vehicles:

(1) damage susceptibility.

(2) crashworthiness.

(3) the degree of difficulty of diagnosis and repair of damage to, or failure of, mechanical and electrical systems.

(4) vehicle operating costs dependent on the characteristics referred to in clauses (1)–(3) of this subsection, including insurance information obtained under section 32303 of this title.

(b) MOTOR VEHICLE INFORMATION.—To assist a consumer in buying a passenger motor vehicle, the Secretary shall provide to the public information developed under subsection (a) of this section. The information shall be in a simple and understandable form that allows comparison of the characteristics referred to in subsection (a)(1)–(3) of this section among the makes and models of passenger motor vehicles. The Secretary may require passenger motor vehicle dealers to distribute the information to prospective buyers.

(c) INSURANCE COST INFORMATION.—The Secretary shall prescribe regulations that require passenger motor vehicle dealers to distribute to prospective buyers information the Secretary develops and provides to the dealers that compares insurance costs for different makes and models of passenger motor vehicles based on damage susceptibility and crashworthiness.

§32303. Insurance information

(a) GENERAL REPORTS AND INFORMATION REQUIREMENTS.—(1) In carrying out this chapter, the Secretary of Transportation may require an insurer, or a designated agent of the insurer, to make reports and provide the Secretary with information. The reports and information may include accident claim information by make, model, and model year of passenger motor vehicle about the kind and extent of—

(A) physical damage and repair costs; and

(B) personal injury.

(2) In deciding which reports and information are to be provided under this subsection, the Secretary shall—

(A) consider the cost of preparing and providing the reports and information;

(B) consider the extent to which the reports and information will contribute to carrying out this chapter; and

(C) consult with State authorities and public and private agencies the Secretary considers appropriate.

(3) To the extent possible, the Secretary shall obtain reports and information under this subsection on a voluntary basis.

(b) REQUESTED INFORMATION ON CRASHWORTHINESS, DAMAGE SUSCEPTIBILITY, AND REPAIR AND PERSONAL INJURY COST.—When requested by the Secretary, an insurer shall give the Secretary information—

(1) about the extent to which the insurance premiums charged by the insurer are affected by damage susceptibility, crashworthiness, and the cost of repair and personal injury, for each make and model of passenger motor vehicle; and

(2) available to the insurer about the effect of damage susceptibility, crashworthiness, and the cost of repair and personal injury for each make and model of passenger motor vehicle on the risk incurred by the insurer in insuring that make and model.

(c) DISCLOSURE.—In distributing information received under this section, the Secretary may disclose identifying information about a person that may be an insured, a claimant, a passenger, an owner, a witness, or an individual involved in a motor vehicle accident, only with the consent of the person.

§32304. Passenger motor vehicle country of origin labeling

(a) DEFINITIONS.—In this section—

(1) "allied supplier" means a supplier of passenger motor vehicle equipment that is wholly owned by the manufacturer, or if a joint venture vehicle assembly arrangement, a supplier that is wholly owned by one member of the joint venture arrangement.

(2)(A) "carline"—

(i) means a name given a group of passenger motor vehicles that has a degree of commonality in construction such as body and chassis;

(ii) does not consider a level of decor or opulence; and

(iii) except for light duty trucks, is not generally distinguished by characteristics such as roof line, number of doors, seats, or windows; and

(B) light duty trucks are different carlines than passenger motor vehicles.

(3) "country of origin", when referring to the origin of an engine or transmission, means the country from which the largest share of the dollar value added to an engine or transmission has originated—

(A) with the United States and Canada treated as separate countries; and

(B) the estimate of the percentage of the dollar value shall be based on the purchase price of direct materials, as received at individual engine or transmission plants, of engines of the same displacement and transmissions of the same transmission type.

(4) "dealer" means a person residing or located in the United States, including the District of Columbia or a territory or possession of the United States, and engaged in selling or distributing new passenger motor vehicles to the ultimate purchaser.

(5) "final assembly place" means the plant, factory, or other place at which a new passenger motor vehicle is produced or assembled by a manufacturer, and from which the vehicle is delivered to a dealer or importer with all component parts necessary for the mechanical operation of the vehicle included with the vehicle, whether or not the component parts are permanently installed in or on the vehicle.

(6) "foreign content" means passenger motor vehicle equipment that is not of United States/Canadian origin.

(7) "manufacturer" means a person—

(A) engaged in manufacturing or assembling new passenger motor vehicles;

(B) importing new passenger motor vehicles for resale; or

(C) acting for and under the control of such a manufacturer, assembler, or importer in connection with the distribution of new passenger motor vehicles.

(8) "new passenger motor vehicle" means a passenger motor vehicle for which a manufacturer, distributor, or dealer has never transferred the equitable or legal title to the vehicle to an ultimate purchaser.

(9) "of United States/Canadian origin", when referring to passenger motor vehicle equipment, means—

(A) for an outside supplier, passenger motor vehicle equipment whose purchase price contains at least 70 percent value added in the United States and Canada; and

(B) for an allied supplier, that part of the individual passenger motor vehicle equipment whose purchase price the manufacturer determines remains after subtracting the total of the purchase prices of all material of foreign content purchased from outside suppliers, with the determination of the United States/Canadian origin or of the foreign content from outside suppliers being consistent with subclause (A) of this clause.

(10) "outside supplier" means a supplier of passenger motor vehicle equipment to a manufacturer's allied supplier, or a person other than an allied supplier, who ships directly to the manufacturer's final assembly place.

(11) "passenger motor vehicle" means a motor vehicle with motive power, manufactured primarily for use on public streets, roads, and highways, and designed to carry not more than 12 individuals—

(A) including a multipurpose vehicle or light duty truck when the vehicle or truck is rated at not more than 8,500 pounds gross vehicle weight; but

(B) not including—

(i) a motorcycle;

(ii) a truck not designed primarily to carry its operator or passengers; or

(iii) a vehicle operated only on a rail line.

(12) "passenger motor vehicle equipment"—

(A) means a system, subassembly, or component received at the final vehicle assembly place for installation on, or attachment to, a passenger motor vehicle at the time of its first shipment by the manufacturer to a dealer for sale to an ultimate purchaser; but

(B) does not include minor parts (including nuts, bolts, clips, screws, pins, braces, and other attachment hardware) and other similar items the Secretary of Transportation may prescribe by regulation after consulting with manufacturers and labor.

(13) "percentage (by value)", when referring to passenger motor vehicle equipment of United States/Canadian origin, means the percentage remaining after subtracting the percentage (by value) of passenger motor vehicle equipment that is not of United States/Canadian origin that will be installed or included on those vehicles produced in a carline, from 100 percent—

(A) with value being expressed in terms of the purchase price; and

(B) for outside suppliers and allied suppliers, the value used is the purchase price of the equipment paid at the final assembly place.

(14) "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Canal Zone, American Samoa, and the Virgin Islands.

(15) "value added in the United States and Canada" means a percentage determined by subtracting the total purchase price of foreign content from the total purchase price, and dividing the remainder by the total purchase price, excluding costs incurred or profits made at the final assembly place and beyond (including advertising, assembly, labor, interest payments, and profits), with the following groupings being used:

(A) engines of same displacement produced at the same plant.

(B) transmissions of the same type produced at the same plant.

(b) MANUFACTURER REQUIREMENT.—(1) Each manufacturer of a new passenger motor vehicle manufactured after September 30, 1994, and distributed in commerce for sale in the United States, shall establish each year for each model year and cause to be attached in a prominent place on each of those vehicles, at least one label. The label shall contain the following information:

(A) the percentage (by value) of passenger motor vehicle equipment of United States/Canadian origin installed on vehicles in the carline to which that vehicle belongs, identified by the words "U.S./Canadian content".

(B) the final assembly place for that vehicle by city, State (where appropriate) and country.

(C) if at least 15 percent (by value) of equipment installed on passenger motor vehicles in a carline originated in any country other than the United States and Canada, the names of at least the 2 countries in which the greatest amount (by value) of that equipment originated and the percentage (by value) of the equipment originating in each country.

(D) the country of origin of the engine and the transmission for each vehicle.

(2) At the beginning of each model year, each manufacturer shall establish the percentages required for each carline to be indicated on the label under this subsection. Those percentages are applicable to that carline for the entire model year. A manufacturer may round those percentages to the nearest 5 percent.

(3) A manufacturer complying with the requirement of paragraph (1)(B) of this subsection satisfies the disclosure requirement of section 3(b) of the Automobile Information Disclosure Act (15 U.S.C. 1232(b)).

(c) DEALER REQUIREMENT.—Each dealer engaged in the sale or distribution of a new passenger motor vehicle manufactured after September 30, 1994, shall cause to be maintained on that vehicle the label required to be attached to that vehicle under subsection (b) of this section.

(d) FORM AND CONTENT OF LABEL.—The Secretary of Transportation shall prescribe by regulation the form and content of the label required under subsection (b) of this section and the manner and location in which the label is attached. The Secretary shall permit a manufacturer to comply with this section by allowing the manufacturer to disclose the information required under subsection (b)(1) on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232), on the label required by section 32908 of this title, or on a separate label that is readily visible.

(e) REGULATIONS.—In consultation with the Secretaries of Commerce and the Treasury, the Secretary of Transportation shall prescribe regulations necessary to carry out this section, including regulations establishing a procedure to verify the label information required under subsection (b)(1) of this section. Those regulations shall provide the ultimate purchaser of a new passenger motor vehicle with the best and most understandable information possible about the foreign content and United States/Canadian origin of the equipment of the vehicles without imposing costly and unnecessary burdens on the manufacturers. The Secretary of Transportation shall prescribe the regulations promptly to provide adequate lead time for each manufacturer to comply with this section. The regulations shall include provisions applicable to outside suppliers and allied suppliers to require those suppliers to certify whether passenger motor vehicle equipment provided by those suppliers is of United States origin, of United States/Canadian origin, or of foreign content and to provide other information the Secretary of Transportation decides is necessary to allow each manufacturer to comply reasonably with this section and to rely on that certification and information.

(f) PREEMPTION.—(1) When a label content requirement prescribed under this section is in effect, a State or a political subdivision of a State may not adopt or enforce a law or regulation related to the content of vehicles covered by a requirement under this section.

(2) A State or a political subdivision of a State may prescribe requirements related to the content of passenger motor vehicles obtained for its own use.

§32305. Information and assistance from other departments, agencies, and instrumentalities

(a) AUTHORITY TO REQUEST.—The Secretary of Transportation may request information necessary to carry out this chapter from a department, agency, or instrumentality of the United States Government. The head of the department, agency, or instrumentality shall provide the information.

(b) DETAILING PERSONNEL.—The head of a department, agency, or instrumentality may detail, on a reimbursable basis, personnel to assist the Secretary in carrying out this chapter.

§32306. Personnel

(a) GENERAL AUTHORITY.—In carrying out this chapter, the Secretary of Transportation may—

(1) appoint and fix the pay of employees without regard to the provisions of title 5 governing appointment in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5; and

(2) make contracts with persons for research and preparation of reports.

(b) STATUS OF ADVISORY COMMITTEE MEMBERS.—A member of an advisory committee appointed under section 325 of this title to carry out this chapter is a special United States Government employee under chapter 11 of title 18.

§32307. Investigative powers

(a) GENERAL AUTHORITY.—In carrying out this chapter, the Secretary of Transportation may—

(1) inspect and copy records of any person at reasonable times;

(2) order a person to file written reports or answers to specific questions, including reports or answers under oath; and

(3) conduct hearings, administer oaths, take testimony, and require (by subpena or otherwise) the appearance and testimony of witnesses and the production of records the Secretary considers advisable.

(b) WITNESS FEES AND MILEAGE.—A witness summoned under subsection (a) of this section is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(c) CIVIL ACTIONS TO ENFORCE.—A civil action to enforce a subpena or order of the Secretary under subsection (a) of this section may be brought in the United States district court for the judicial district in which the proceeding by the Secretary is conducted. The court may punish a failure to obey an order of the court to comply with the subpena or order of the Secretary as a contempt of court.

(d) CONFIDENTIALITY OF INFORMATION.—Information obtained by the Secretary under this section related to a confidential matter referred to in section 1905 of title 18 may be disclosed only to another officer or employee of the United States Government for use in carrying out this chapter. This subsection does not authorize information to be withheld from a committee of Congress authorized to have the information.

§32308. General prohibitions, civil penalty, and enforcement

(a) PROHIBITIONS.—A person may not—

(1) fail to provide the Secretary of Transportation with information requested by the Secretary in carrying out this chapter; or

(2) fail to comply with applicable regulations prescribed by the Secretary in carrying out this chapter.

(b) CIVIL PENALTY.—(1) A person that violates subsection (a) of this section is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each failure to provide information or comply with a regulation in violation of subsection (a) is a separate violation. The maximum penalty under this subsection for a related series of violations is $400,000.

(2) The Secretary may compromise the amount of a civil penalty imposed under this section.

(3) In determining the amount of a penalty or compromise, the appropriateness of the penalty or compromise to the size of the business of the person charged and the gravity of the violation shall be considered.

(4) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(c) CIVIL ACTIONS TO ENFORCE.—(1) The Attorney General may bring a civil action in a United States district court to enjoin a violation of subsection (a) of this section.

(2) When practicable, the Secretary shall—

(A) notify a person against whom an action under this subsection is planned;

(B) give the person an opportunity to present that person's views; and

(C) give the person a reasonable opportunity to comply.

(3) The failure of the Secretary to comply with paragraph (2) of this subsection does not prevent a court from granting appropriate relief.

(d) VENUE AND SERVICE.—A civil action under this section may be brought in the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found. A subpena for a witness in the action may be served in any judicial district.

§32309. Criminal penalty for labeling violations

(a) DEFINITIONS.—The definitions in section 32304 of this title apply to this section.

(b) PENALTIES.—A manufacturer of a passenger motor vehicle distributed in commerce for sale in the United States that willfully fails to attach the label required under section 32304 of this title to a new passenger motor vehicle that the manufacturer manufactures or imports, or a dealer that fails to maintain that label as required under section 32304, is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each failure to attach or maintain that label for each vehicle is a separate violation.

CHAPTER 325—BUMPER STANDARDS

Sec.

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§32501. Purpose

The purpose of this chapter is to reduce economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents by providing for the maintenance and enforcement of bumper standards.

§32502. Bumper standards

(a) GENERAL REQUIREMENTS AND NONAPPLICATION.—The Secretary of Transportation shall prescribe by regulation bumper standards for passenger motor vehicles and may prescribe by regulation bumper standards for passenger motor vehicle equipment manufactured in, or imported into, the United States. A standard does not apply to a passenger motor vehicle or passenger motor vehicle equipment—

(1) intended only for export;

(2) labeled for export on the vehicle or equipment and the outside of any container of the vehicle or equipment; and

(3) exported.

(b) LIMITATIONS.—A standard under this section—

(1) may not conflict with a motor vehicle safety standard prescribed under chapter 301 of this title;

(2) may not specify a dollar amount for the cost of repairing damage to a passenger motor vehicle; and

(3) to the greatest practicable extent, may not preclude the attachment of a detachable hitch.

(c) EXEMPTIONS.—For good cause, the Secretary may exempt from any part of a standard—

(1) a multipurpose passenger vehicle; or

(2) a make, model, or class of a passenger motor vehicle manufactured for a special use, if the standard would interfere unreasonably with the special use of the vehicle.

(d) COST REDUCTION AND CONSIDERATIONS.—When prescribing a standard under this section, the Secretary shall design the standard to obtain the maximum feasible reduction of costs to the public, considering—

(1) the costs and benefits of carrying out the standard;

(2) the effect of the standard on insurance costs and legal fees and costs;

(3) savings in consumer time and inconvenience; and

(4) health and safety, including emission standards.

(e) PROCEDURES.—Section 553 of title 5 applies to a standard prescribed under this section. However, the Secretary shall give an interested person an opportunity to make oral and written presentations of information, views, and arguments. A transcript of each oral presentation shall be kept. Under conditions prescribed by the Secretary, the Secretary may conduct a hearing to resolve an issue of fact material to a standard.

(f) EFFECTIVE DATE.—The Secretary shall prescribe an effective date for a standard under this section. That date may not be earlier than the date the standard is prescribed nor later than 18 months after the date the standard is prescribed. However, the Secretary may prescribe a later date when the Secretary submits to Congress and publishes the reasons for the later date. A standard only applies to a passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the effective date.

(g) RESEARCH.—The Secretary shall conduct research necessary to carry out this chapter.

§32503. Judicial review of bumper standards

(a) FILING AND VENUE.—A person that may be adversely affected by a standard prescribed under section 32502 of this title may apply for review of the standard by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 59 days after the standard is prescribed.

(b) NOTIFYING SECRETARY.—The clerk of the court shall send immediately a copy of the petition to the Secretary of Transportation. The Secretary shall file with the court a record of the proceeding in which the standard was prescribed.

(c) ADDITIONAL PROCEEDINGS.—(1) On request of the petitioner, the court may order the Secretary to receive additional evidence and evidence in rebuttal if the court is satisfied the additional evidence is material and there were reasonable grounds for not presenting the evidence in the proceeding before the Secretary.

(2) The Secretary may modify findings of fact or make new findings because of the additional evidence presented. The Secretary shall file a modified or new finding, a recommendation to modify or set aside a standard, and the additional evidence with the court.

(d) SUPREME COURT REVIEW AND ADDITIONAL REMEDIES.—A judgment of a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28. A remedy under this section is in addition to any other remedies provided by law.

§32504. Certificates of compliance

Under regulations prescribed by the Secretary of Transportation, a manufacturer or distributor of a passenger motor vehicle or passenger motor vehicle equipment subject to a standard prescribed under section 32502 this title shall give the distributor or dealer at the time of delivery a certificate that the vehicle or equipment complies with the standard.

§32505. Information and compliance requirements

(a) GENERAL AUTHORITY.—(1) To enable the Secretary of Transportation to decide whether a manufacturer of passenger motor vehicles or passenger motor vehicle equipment is complying with this chapter and standards prescribed under this chapter, the Secretary may require the manufacturer to—

(A) keep records;

(B) make reports;

(C) provide items and information, including vehicles and equipment for testing at a negotiated price not more than the manufacturer's cost; and

(D) allow an officer or employee designated by the Secretary to inspect vehicles and relevant records of the manufacturer.

(2) To enforce this chapter, an officer or employee designated by the Secretary, on presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, may inspect a facility in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, held for introduction in interstate commerce, or held for sale after introduction in interstate commerce. An inspection shall be conducted at a reasonable time, in a reasonable way, and with reasonable promptness.

(b) POWERS OF SECRETARY AND CIVIL ACTIONS TO ENFORCE.—(1) In carrying out this chapter, the Secretary may—

(A) inspect and copy records of any person at reasonable times;

(B) order a person to file written reports or answers to specific questions, including reports or answers under oath; and

(C) conduct hearings, administer oaths, take testimony, and require (by subpena or otherwise) the appearance and testimony of witnesses and the production of records the Secretary considers advisable.

(2) A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(3) A civil action to enforce a subpena or order of the Secretary under this subsection may be brought in the United States district court for the judicial district in which the proceeding by the Secretary was conducted. The court may punish a failure to obey an order of the court to comply with the subpena or order of the Secretary as a contempt of court.

(c) CONFIDENTIALITY OF INFORMATION.—(1) Information obtained by the Secretary under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only—

(A) to another officer or employee of the United States Government for use in carrying out this chapter; or

(B) in a proceeding under this chapter.

(2) This subsection does not authorize information to be withheld from a committee of Congress authorized to have the information.

(3) Subject to paragraph (1) of this subsection, the Secretary, on request, shall make available to the public at cost information the Secretary submits or receives in carrying out this chapter.

§32506. Prohibited acts

(a) GENERAL.—Except as provided in this section, a person may not—

(1) manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, a passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date an applicable standard under section 32502 of this title takes effect, unless it conforms to the standard;

(2) fail to comply with an applicable regulation prescribed by the Secretary of Transportation under this chapter;

(3) fail to keep records, refuse access to or copying of records, fail to make reports or provide items or information, or fail or refuse to allow entry or inspection, as required by this chapter or a regulation prescribed under this chapter; or

(4) fail to provide the certificate required by section 32504 of this title, or provide a certificate that the person knows, or in the exercise of reasonable care has reason to know, is false or misleading in a material respect.

(b) NONAPPLICATION.—Subsection (a)(1) of this section does not apply to—

(1) the sale, offer for sale, or introduction or delivery for introduction in interstate commerce of a passenger motor vehicle or passenger motor vehicle equipment after the first purchase of the vehicle or equipment in good faith other than for resale (but this clause does not prohibit a standard from requiring that a vehicle or equipment be manufactured to comply with the standard over a specified period of operation or use); or

(2) a person—

(A) establishing that the person had no reason to know, by exercising reasonable care, that the vehicle or equipment does not comply with the standard; or

(B) holding, without knowing about a noncompliance and before that first purchase, a certificate issued under section 32504 of this title stating that the vehicle or equipment complies with the standard.

(c) IMPORTING NONCOMPLYING VEHICLES AND EQUIPMENT.—(1) The Secretaries of Transportation and the Treasury may prescribe joint regulations authorizing a passenger motor vehicle or passenger motor vehicle equipment not complying with a standard prescribed under section 32502 of this title to be imported into the United States subject to conditions (including providing a bond) the Secretaries consider appropriate to ensure that the vehicle or equipment will—

(A) comply, after importation, with the standards prescribed under section 32502 of this title;

(B) be exported; or

(C) be abandoned to the United States Government.

(2) The Secretaries may prescribe joint regulations that allow a passenger motor vehicle or passenger motor vehicle equipment to be imported into the United States after the first purchase in good faith other than for resale.

(d) LIABILITY UNDER OTHER LAW.—Compliance with a standard under this chapter does not exempt a person from liability provided by law.

§32507. Penalties and enforcement

(a) CIVIL PENALTY.—(1) A person that violates section 32506(a) of this title is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. A separate violation occurs for each passenger motor vehicle or item of passenger motor vehicle equipment involved in a violation of section 32506(a)(1) or (4) of this title—

(A) that does not comply with a standard prescribed under section 32502 of this title; or

(B) for which a certificate is not provided, or for which a false or misleading certificate is provided, under section 32504 of this title.

(2) The maximum civil penalty under this subsection for a related series of violations is $800,000.

(3) The Secretary of Transportation imposes a civil penalty under this subsection. The Attorney General or the Secretary, with the concurrence of the Attorney General, shall bring a civil action in a United States district court to collect the penalty.

(b) CRIMINAL PENALTY.—A person knowingly and willfully violating section 32506(a)(1) of this title after receiving a notice of noncompliance from the Secretary shall be fined under title 18, imprisoned for not more than one year, or both. If the person is a corporation, the penalties of this subsection also apply to a director, officer, or individual agent of the corporation who, with knowledge of the Secretary's notice, knowingly and willfully authorizes, orders, or performs an act that is any part of the violation.

(c) CIVIL ACTIONS TO ENFORCE.—(1) The Secretary or the Attorney General may bring a civil action in a United States district court to enjoin a violation of this chapter or the sale, offer for sale, introduction or delivery for introduction in interstate commerce, or importation into the United States, of a passenger motor vehicle or passenger motor vehicle equipment that is found, before the first purchase in good faith other than for resale, not to comply with a standard prescribed under section 32502 of this title.

(2) When practicable, the Secretary shall—

(A) notify a person against whom an action under this subsection is planned;

(B) give the person an opportunity to present that person's views; and

(C) except for a knowing and willful violation, give the person a reasonable opportunity to comply.

(3) The failure of the Secretary to comply with paragraph (2) of this subsection does not prevent a court from granting appropriate relief.

(d) JURY TRIAL DEMAND.—In a trial for criminal contempt for violating an injunction or restraining order issued under subsection (c) of this section, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(e) VENUE.—A civil action under subsection (a) or (c) of this section may be brought in the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found. A subpena for a witness in the action may be served in any judicial district.

§32508. Civil actions by owners of passenger motor vehicles

When an owner of a passenger motor vehicle sustains damages as a result of a motor vehicle accident because the vehicle did not comply with a standard prescribed under section 32502 of this title, the owner may bring a civil action against the manufacturer to recover the damages. The action may be brought in the United States District Court for the District of Columbia or in the United States district court for the judicial district in which the owner resides. The action must be brought not later than 3 years after the date of the accident. The court shall award costs and a reasonable attorney's fee to the owner when a judgment is entered for the owner.

§32509. Information and assistance from other departments, agencies, and instrumentalities

(a) GENERAL AUTHORITY.—The Secretary of Transportation may request information necessary to carry out this chapter from a department, agency, or instrumentality of the United States Government. The head of the department, agency, or instrumentality shall provide the information.

(b) DETAILING PERSONNEL.—The head of a department, agency, or instrumentality may detail, on a reimbursable basis, personnel to assist the Secretary in carrying out this chapter.

§32510. Annual report

Not later than March 31 of each year, the Secretary of Transportation shall submit to Congress and the President a report on the progress in carrying out section 32501 of this title. The report shall include—

(1) a statement of the cost savings resulting from carrying out this chapter; and

(2) recommendations for legislative or other action the Secretary decides may be appropriate.

§32511. Relationship to other motor vehicle standards

(a) PREEMPTION.—Except as provided in this section, a State or a political subdivision of a State may prescribe or enforce a bumper standard for a passenger motor vehicle or passenger motor vehicle equipment only if the standard is identical to a standard prescribed under section 32502 of this title.

(b) ENFORCEMENT.—This chapter and chapter 301 of this title do not affect the authority of a State to enforce a bumper standard about an aspect of performance of a passenger motor vehicle or passenger motor vehicle equipment not covered by a standard prescribed under section 32502 of this title if the State bumper standard—

(1) does not conflict with a standard prescribed under chapter 301 of this title; and

(2) was in effect or prescribed by the State on October 20, 1972.

(c) ADDITIONAL AND HIGHER STANDARDS OF PERFORMANCE.—The United States Government, a State, or a political subdivision of a State may prescribe a bumper standard for a passenger motor vehicle or passenger motor vehicle equipment obtained for its own use that imposes additional or higher standards of performance than a standard prescribed under section 32502 of this title.

CHAPTER 327—ODOMETERS

Sec.

32701. Findings and purposes.
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32703. Preventing tampering.
32704. Service, repair, and replacement.
32705. Disclosure requirements on transfer of motor vehicles.
32706. Inspections, investigations, and records.
32707. Administrative warrants.
32708. Confidentiality of information.
32709. Penalties and enforcement.
32710. Civil actions by private persons.
32711. Relationship to State law.

§32701. Findings and purposes

(a) FINDINGS.—Congress finds that—

(1) buyers of motor vehicles rely heavily on the odometer reading as an index of the condition and value of a vehicle;

(2) buyers are entitled to rely on the odometer reading as an accurate indication of the mileage of the vehicle;

(3) an accurate indication of the mileage assists a buyer in deciding on the safety and reliability of the vehicle; and

(4) motor vehicles move in, or affect, interstate and foreign commerce.

(b) PURPOSES.—The purposes of this chapter are—

(1) to prohibit tampering with motor vehicle odometers; and

(2) to provide safeguards to protect purchasers in the sale of motor vehicles with altered or reset odometers.

§32702. Definitions

In this chapter—

(1) "auction company" means a person taking possession of a motor vehicle owned by another to sell at an auction.

(2) "dealer" means a person that sold at least 5 motor vehicles during the prior 12 months to buyers that in good faith bought the vehicles other than for resale.

(3) "distributor" means a person that sold at least 5 motor vehicles during the prior 12 months for resale.

(4) "leased motor vehicle" means a motor vehicle leased to a person for at least 4 months by a lessor that leased at least 5 vehicles during the prior 12 months.

(5) "odometer" means an instrument for measuring and recording the distance a motor vehicle is driven, but does not include an auxiliary instrument designed to be reset by the operator of the vehicle to record mileage of a trip.

(6) "repair" and "replace" mean to restore to a sound working condition by replacing any part of an odometer or by correcting any inoperative part of an odometer.

(7) "title" means the certificate of title or other document issued by the State indicating ownership.

(8) "transfer" means to change ownership by sale, gift, or other means.

§32703. Preventing tampering

A person may not—

(1) advertise for sale, sell, use, install, or have installed, a device that makes an odometer of a motor vehicle register a mileage different from the mileage the vehicle was driven, as registered by the odometer within the designed tolerance of the manufacturer of the odometer;

(2) disconnect, reset, alter, or have disconnected, reset, or altered, an odometer of a motor vehicle intending to change the mileage registered by the odometer;

(3) with intent to defraud, operate a motor vehicle on a public street, road, or highway if the person knows that the odometer of the vehicle is disconnected or not operating; or

(4) conspire to violate this section or section 32704 or 32705 of this title.

§32704. Service, repair, and replacement

(a) ADJUSTING MILEAGE.—A person may service, repair, or replace an odometer of a motor vehicle if the mileage registered by the odometer remains the same as before the service, repair, or replacement. If the mileage cannot remain the same—

(1) the person shall adjust the odometer to read zero; and

(2) the owner of the vehicle or agent of the owner shall attach a written notice to the left door frame of the vehicle specifying the mileage before the service, repair, or replacement and the date of the service, repair, or replacement.

(b) REMOVING OR ALTERING NOTICE.—A person may not, with intent to defraud, remove or alter a notice attached to a motor vehicle as required by this section.

§32705. Disclosure requirements on transfer of motor vehicles

(a) WRITTEN DISCLOSURE REQUIREMENTS.—(1) Under regulations prescribed by the Secretary of Transportation, a person transferring ownership of a motor vehicle shall give the transferee a written disclosure—

(A) of the cumulative mileage registered by the odometer; or

(B) that the mileage is unknown if the transferor knows that the mileage registered by the odometer is incorrect.

(2) A person making a written disclosure required by a regulation prescribed under paragraph (1) of this subsection may not make a false statement in the disclosure.

(3) A person acquiring a motor vehicle for resale may accept a disclosure under this section only if it is complete.

(4) The regulations prescribed by the Secretary shall provide the way in which information is disclosed and retained under this section.

(b) Mileage Statement Requirement for Licensing.—(1) A motor vehicle the ownership of which is transferred may not be licensed for use in a State unless the transferee, in submitting an application to a State for the title on which the license will be issued, includes with the application the transferor's title and, if that title contains the space referred to in paragraph (3)(A)(iii) of this subsection, a statement, signed and dated by the transferor, of the mileage disclosure required under subsection (a) of this section. This paragraph does not apply to a transfer of ownership of a motor vehicle that has not been licensed before the transfer.

(2)(A) Under regulations prescribed by the Secretary, if the title to a motor vehicle issued to a transferor by a State is in the possession of a lienholder when the transferor transfers ownership of the vehicle, the transferor may use a written power of attorney (if allowed by State law) in making the mileage disclosure required under subsection (a) of this section. Regulations prescribed under this paragraph—

(i) shall prescribe the form of the power of attorney;

(ii) shall provide that the form be printed by means of a secure printing process (or other secure process);

(iii) shall provide that the State issue the form to the transferee;

(iv) shall provide that the person exercising the power of attorney retain a copy and submit the original to the State with a copy of the title showing the restatement of the mileage;

(v) may require that the State retain the power of attorney and the copy of the title for an appropriate period or that the State adopt alternative measures consistent with section 32701(b) of this title, after considering the costs to the State;

(vi) shall ensure that the mileage at the time of transfer be disclosed on the power of attorney document;

(vii) shall ensure that the mileage be restated exactly by the person exercising the power of attorney in the space referred to in paragraph (3)(A)(iii) of this subsection;

(viii) may not require that a motor vehicle be titled in the State in which the power of attorney was issued;

(ix) shall consider the need to facilitate normal commercial transactions in the sale or exchange of motor vehicles; and

(x) shall provide other conditions the Secretary considers appropriate.

(B) Section 32709(a) and (b) applies to a person granting or granted a power of attorney under this paragraph.

(3)(A) A motor vehicle the ownership of which is transferred may be licensed for use in a State only if the title issued by the State to the transferee—

(i) is produced by means of a secure printing process (or other secure process);

(ii) indicates the mileage disclosure required to be made under subsection (a) of this section; and

(iii) contains a space for the transferee to disclose the mileage at the time of a future transfer and to sign and date the disclosure.

(B) Subparagraph (A) of this paragraph does not require a State to verify, or preclude a State from verifying, the mileage information contained in the title.

(c) Leased Motor Vehicles.—(1) For a leased motor vehicle, the regulations prescribed under subsection (a) of this section shall require written disclosure about mileage to be made by the lessee to the lessor when the lessor transfers ownership of that vehicle.

(2) Under those regulations, the lessor shall provide written notice to the lessee of—

(A) the mileage disclosure requirements of subsection (a) of this section; and

(B) the penalties for failure to comply with those requirements.

(3) The lessor shall retain the disclosures made by a lessee under paragraph (1) of this subsection for at least 4 years following the date the lessor transfers the leased motor vehicle.

(4) If the lessor transfers ownership of a leased motor vehicle without obtaining possession of the vehicle, the lessor, in making the disclosure required by subsection (a) of this section, may indicate on the title the mileage disclosed by the lessee under paragraph (1) of this subsection unless the lessor has reason to believe that the disclosure by the lessee does not reflect the actual mileage of the vehicle.

(d) State Alternate Vehicle Mileage Disclosure Requirements.—The requirements of subsections (b) and (c)(1) of this section on the disclosure of motor vehicle mileage when motor vehicles are transferred or leased apply in a State unless the State has in effect alternate motor vehicle mileage disclosure requirements approved by the Secretary. The Secretary shall approve alternate motor vehicle mileage disclosure requirements submitted by a State unless the Secretary decides that the requirements are not consistent with the purpose of the disclosure required by subsection (b) or (c), as the case may be.

(e) Auction Sales.—If a motor vehicle is sold at an auction, the auction company conducting the auction shall maintain the following records for at least 4 years after the date of the sale:

(1) the name of the most recent owner of the motor vehicle (except the auction company) and the name of the buyer of the motor vehicle.

(2) the vehicle identification number required under chapter 301 or 331 of this title.

(3) the odometer reading on the date the auction company took possession of the motor vehicle.

(f) Application and Revision of State Law.—(1) Except as provided in paragraph (2) of this subsection, subsections (b)–(e) of this section apply to the transfer of a motor vehicle after April 28, 1989.

(2) If a State requests, the Secretary shall assist the State in revising its laws to comply with subsection (b) of this section. If a State requires time beyond April 28, 1989, to revise its laws to achieve compliance, the Secretary, on request of the State, may grant additional time that the Secretary considers reasonable by publishing a notice in the Federal Register. The notice shall include the reasons for granting the additional time. In granting additional time, the Secretary shall ensure that the State is making reasonable efforts to achieve compliance.

§32706. Inspections, investigations, and records

(a) Authority To Inspect and Investigate.—Subject to section 32707 of this title, the Secretary of Transportation may conduct an inspection or investigation necessary to carry out this chapter or a regulation prescribed or order issued under this chapter. The Secretary shall cooperate with State and local officials to the greatest extent possible in conducting an inspection or investigation. The Secretary may give the Attorney General information about a violation of this chapter or a regulation prescribed or order issued under this chapter.

(b) Entry, Inspection, and Impoundment.—(1) In carrying out subsection (a) of this section, an officer or employee designated by the Secretary, on display of proper credentials and written notice to the owner, operator, or agent in charge, may—

(A) enter and inspect commercial premises in which a motor vehicle or motor vehicle equipment is manufactured, held for shipment or sale, maintained, or repaired;

(B) enter and inspect noncommercial premises in which the Secretary reasonably believes there is a motor vehicle or motor vehicle equipment that is an object of a violation of this chapter;

(C) inspect that motor vehicle or motor vehicle equipment; and

(D) impound for not more than 72 hours for inspection a motor vehicle or motor vehicle equipment that the Secretary reasonably believes is an object of a violation of this chapter.

(2) An inspection or impoundment under this subsection shall be conducted at a reasonable time, in a reasonable way, and with reasonable promptness. The written notice may consist of a warrant issued under section 32707 of this title.

(c) Reasonable Compensation.—When the Secretary impounds for inspection a motor vehicle (except a vehicle subject to subchapter II of chapter 105 of this title) or motor vehicle equipment under subsection (b)(1)(D) of this section, the Secretary shall pay reasonable compensation to the owner of the vehicle or equipment if the inspection or impoundment results in denial of use, or reduction in value, of the vehicle or equipment.

(d) Records and Information Requirements.—(1) To enable the Secretary to decide whether a dealer or distributor is complying with this chapter and regulations prescribed and orders issued under this chapter, the Secretary may require the dealer or distributor—

(A) to keep records;

(B) to provide information from those records if the Secretary states the purpose for requiring the information and identifies the information to the fullest extent practicable; and

(C) to allow an officer or employee designated by the Secretary to inspect relevant records of the dealer or distributor.

(2) This subsection and subsection (e)(1)(B) of this section do not authorize the Secretary to require a dealer or distributor to provide information on a regular periodic basis.

(e) Administrative Authority and Civil Actions To Enforce.—(1) In carrying out this chapter, the Secretary may—

(A) inspect and copy records of any person at reasonable times;

(B) order a person to file written reports or answers to specific questions, including reports or answers under oath; and

(C) conduct hearings, administer oaths, take testimony, and require (by subpena or otherwise) the appearance and testimony of witnesses and the production of records the Secretary considers advisable.

(2) A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(3) A civil action to enforce a subpena or order of the Secretary under this subsection may be brought in the United States district court for the judicial district in which the proceeding by the Secretary was conducted. The court may punish a failure to obey an order of the court to comply with the subpena or order of the Secretary as a contempt of court.

(f) Prohibitions.—A person may not fail to keep records, refuse access to or copying of records, fail to make reports or provide information, fail to allow entry or inspection, or fail to permit impoundment, as required under this section.

§32707. Administrative warrants

(a) DEFINITION.—In this section, "probable cause" means a valid public interest in the effective enforcement of this chapter or a regulation prescribed under this chapter sufficient to justify the inspection or impoundment in the circumstances stated in an application for a warrant under this section.

(b) WARRANT REQUIREMENT AND ISSUANCE.—(1) Except as provided in paragraph (4) of this subsection, an inspection or impoundment under section 32706 of this title may be carried out only after a warrant is obtained.

(2) A judge of a court of the United States or a State court of record or a United States magistrate may issue a warrant for an inspection or impoundment under section 32706 of this title within the territorial jurisdiction of the court or magistrate. The warrant must be based on an affidavit that—

(A) establishes probable cause to issue the warrant; and

(B) is sworn to before the judge or magistrate by an officer or employee who knows the facts alleged in the affidavit.

(3) The judge or magistrate shall issue the warrant when the judge or magistrate decides there is a reasonable basis for believing that probable cause exists to issue the warrant. The warrant must—

(A) identify the premises, property, or motor vehicle to be inspected and the items or type of property to be impounded;

(B) state the purpose of the inspection, the basis for issuing the warrant, and the name of the affiant;

(C) direct an individual authorized under section 32706 of this title to inspect the premises, property, or vehicle for the purpose stated in the warrant and, when appropriate, to impound the property specified in the warrant;

(D) direct that the warrant be served during the hours specified in the warrant; and

(E) name the judge or magistrate with whom proof of service is to be filed.

(4) A warrant under this section is not required when—

(A) the owner, operator, or agent in charge of the premises consents;

(B) it is reasonable to believe that the mobility of the motor vehicle to be inspected makes it impractical to obtain a warrant;

(C) an application for a warrant cannot be made because of an emergency;

(D) records are to be inspected and copied under section 32706(e)(1)(A) of this title; or

(E) a warrant is not constitutionally required.

(c) SERVICE AND IMPOUNDMENT OF PROPERTY.—(1) A warrant issued under this section must be served and proof of service filed not later than 10 days after its issuance date. The judge or magistrate may allow additional time in the warrant if the Secretary of Transportation demonstrates a need for additional time. Proof of service must be filed promptly with a written inventory of the property impounded under the warrant. The inventory shall be made in the presence of the individual serving the warrant and the individual from whose possession or premises the property was impounded, or if that individual is not present, a credible individual except the individual making the inventory. The individual serving the warrant shall verify the inventory. On request, the judge or magistrate shall send a copy of the inventory to the individual from whose possession or premises the property was impounded and to the applicant for the warrant.

(2) When property is impounded under a warrant, the individual serving the warrant shall—

(A) give the person from whose possession or premises the property was impounded a copy of the warrant and a receipt for the property; or

(B) leave the copy and receipt at the place from which the property was impounded.

(3) The judge or magistrate shall file the warrant, proof of service, and all documents filed about the warrant with the clerk of the United States district court for the judicial district in which the inspection is made.

§32708. Confidentiality of information

(a) GENERAL.—Information obtained by the Secretary of Transportation under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only—

(1) to another officer or employee of the United States Government for use in carrying out this chapter; or

(2) in a proceeding under this chapter.

(b) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

§32709. Penalties and enforcement

(a) CIVIL PENALTY.—(1) A person that violates this chapter or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than $2,000 for each violation. A separate violation occurs for each motor vehicle or device involved in the violation. The maximum penalty under this subsection for a related series of violations is $100,000.

(2) The Secretary of Transportation shall impose a civil penalty under this subsection. The Attorney General shall bring a civil action to collect the penalty. Before referring a penalty claim to the Attorney General, the Secretary may compromise the amount of the penalty. Before compromising the amount of the penalty, the Secretary shall give the person charged with a violation an opportunity to establish that the violation did not occur.

(3) In determining the amount of a civil penalty under this subsection, the Secretary shall consider—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(C) other matters that justice requires.

(b) CRIMINAL PENALTY.—A person that knowingly and willfully violates this chapter or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 3 years, or both. If the person is a corporation, the penalties of this subsection also apply to a director, officer, or individual agent of a corporation who knowingly and willfully authorizes, orders, or performs an act in violation of this chapter or a regulation prescribed or order issued under this chapter without regard to penalties imposed on the corporation.

(c) CIVIL ACTIONS BY ATTORNEY GENERAL.—The Attorney General may bring a civil action to enjoin a violation of this chapter or a regulation prescribed or order issued under this chapter. The action may be brought in the United States district court for the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found. A subpena for a witness in the action may be served in any judicial district.

(d) CIVIL ACTIONS BY STATES.—(1) When a person violates this chapter or a regulation prescribed or order issued under this chapter, the chief law enforcement officer of the State in which the violation occurs may bring a civil action—

(A) to enjoin the violation; or

(B) to recover amounts for which the person is liable under section 32710 of this title for each person on whose behalf the action is brought.

(2) An action under this subsection may be brought in an appropriate United States district court or in a State court of competent jurisdiction. The action must be brought not later than 2 years after the claim accrues.

§32710. Civil actions by private persons

(a) VIOLATION AND AMOUNT OF DAMAGES.—A person that violates this chapter or a regulation prescribed or order issued under this chapter, with intent to defraud, is liable for 3 times the actual damages or $1,500, whichever is greater.

(b) CIVIL ACTIONS.—A person may bring a civil action to enforce a claim under this section in an appropriate United States district court or in another court of competent jurisdiction. The action must be brought not later than 2 years after the claim accrues. The court shall award costs and a reasonable attorney's fee to the person when a judgment is entered for that person.

§32711. Relationship to State law

Except to the extent that State law is inconsistent with this chapter, this chapter does not—

(1) affect a State law on disconnecting, altering, or tampering with an odometer with intent to defraud; or

(2) exempt a person from complying with that law.

CHAPTER 329—AUTOMOBILE FUEL ECONOMY

Sec.

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§32901. Definitions

(a) GENERAL.—In this chapter—

(1) "alternative fuel" means—

(A) methanol;

(B) denatured ethanol;

(C) other alcohols;

(D) except as provided in subsection (b) of this section, a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

(E) natural gas;

(F) liquefied petroleum gas;

(G) hydrogen;

(H) coal derived liquid fuels;

(I) fuels (except alcohol) derived from biological materials;

(J) electricity (including electricity from solar energy); and

(K) any other fuel the Secretary of Transportation prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits.

(2) "alternative fueled automobile" means an automobile that is a—

(A) dedicated automobile; or

(B) dual fueled automobile.

(3) except as provided in section 32908 of this title, "automobile" means a 4-wheeled vehicle

that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways (except a vehicle operated only on a rail line), and rated at—

(A) not more than 6,000 pounds gross vehicle weight; or

(B) more than 6,000, but less than 10,000, pounds gross vehicle weight, if the Secretary decides by regulation that—

(i) an average fuel economy standard under this chapter for the vehicle is feasible; and

(ii) an average fuel economy standard under this chapter for the vehicle will result in significant energy conservation or the vehicle is substantially used for the same purposes as a vehicle rated at not more than 6,000 pounds gross vehicle weight.

(4) "automobile manufactured by a manufacturer" includes every automobile manufactured by a person that controls, is controlled by, or is under common control with the manufacturer, but does not include an automobile manufactured by the person that is exported not later than 30 days after the end of the model year in which the automobile is manufactured.

(5) "average fuel economy" means average fuel economy determined under section 32904 of this title.

(6) "average fuel economy standard" means a performance standard specifying a minimum level of average fuel economy applicable to a manufacturer in a model year.

(7) "dedicated automobile" means an automobile that operates only on alternative fuel.

(8) "dual fueled automobile" means an automobile that—

(A) is capable of operating on alternative fuel and on gasoline or diesel fuel;

(B) provides equal or superior energy efficiency, as calculated for the applicable model year during fuel economy testing for the United States Government, when operating on alternative fuel as when operating on gasoline or diesel fuel;

(C) for model years 1993–1995 for an automobile capable of operating on a mixture of an alternative fuel and gasoline or diesel fuel and if the Administrator of the Environmental Protection Agency decides to extend the application of this subclause, for an additional period ending not later than the end of the last model year to which section 32905(b) and (d) of this title applies, provides equal or superior energy efficiency, as calculated for the applicable model year during fuel economy testing for the Government, when operating on a mixture of alternative fuel and gasoline or diesel fuel containing exactly 50 percent gasoline or diesel fuel as when operating on gasoline or diesel fuel; and

(D) for a passenger automobile, meets or exceeds the minimum driving range prescribed under subsection (c) of this section.

(9) "fuel" means—

(A) gasoline;

(B) diesel oil; or

(C) other liquid or gaseous fuel that the Secretary decides by regulation to include in this definition as consistent with the need of the United States to conserve energy.

(10) "fuel economy" means the average number of miles traveled by an automobile for each gallon of gasoline (or equivalent amount of other fuel) used, as determined by the Administrator under section 32904(c) of this title.

(11) "import" means to import into the customs territory of the United States.

(12) "manufacture" (except under section 32902(d) of this title) means to produce or assemble in the customs territory of the United States or to import.

(13) "manufacturer" means—

(A) a person engaged in the business of manufacturing automobiles, including a predecessor or successor of the person to the extent provided under regulations prescribed by the Secretary; and

(B) if more than one person is the manufacturer of an automobile, the person specified under regulations prescribed by the Secretary.

(14) "model" means a class of automobiles as decided by regulation by the Administrator after consulting and coordinating with the Secretary.

(15) "model year", when referring to a specific calendar year, means—

(A) the annual production period of a manufacturer, as decided by the Administrator, that includes January 1 of that calendar year; or

(B) that calendar year if the manufacturer does not have an annual production period.

(16) "passenger automobile" means an automobile that the Secretary decides by regulation is manufactured primarily for transporting not more than 10 individuals, but does not include an automobile capable of off-highway operation that the Secretary decides by regulation—

(A) has a significant feature (except 4-wheel drive) designed for off-highway operation; and

(B) is a 4-wheel drive automobile or is rated at more than 6,000 pounds gross vehicle weight.

(b) AUTHORITY TO CHANGE PERCENTAGE.—The Secretary may prescribe regulations changing the percentage referred to in subsection (a)(1)(D) of this section to not less than 70 percent because of requirements relating to cold start, safety, or vehicle functions.

(c) MINIMUM DRIVING RANGES FOR DUAL FUELED PASSENGER AUTOMOBILES.—(1) The Secretary shall prescribe by regulation the minimum driving range that dual fueled automobiles that are passenger automobiles must meet when operating on alternative fuel to be dual fueled automobiles under sections 32905 and 32906 of this title. A determination whether a dual fueled automobile meets the minimum driving range requirement under this paragraph shall be based on the combined Agency city/highway fuel economy as determined for average fuel economy purposes for those automobiles.

(2)(A) The Secretary may prescribe a lower range for a specific model than that prescribed under paragraph (1) of this subsection. A manufacturer may petition for a lower range than that prescribed under paragraph (1) for a specific model.

(B) The minimum driving range prescribed for dual fueled automobiles (except electric automobiles) under subparagraph (A) of this paragraph or paragraph (1) of this subsection must be at least 200 miles.

(C) If the Secretary prescribes a minimum driving range of 200 miles for dual fueled automobiles (except electric automobiles) under paragraph (1) of this subsection, subparagraph (A) of this paragraph does not apply to dual fueled automobiles (except electric automobiles).

(3) In prescribing a minimum driving range under paragraph (1) of this subsection and in taking an action under paragraph (2) of this subsection, the Secretary shall consider the purpose set forth in section 3 of the Alternative Motor Fuels Act of 1988 (Public Law 100–494, 102 Stat. 2442), consumer acceptability, economic practicability, technology, environmental impact, safety, drivability, performance, and other factors the Secretary considers relevant.

§32902. Average fuel economy standards

(a) NON-PASSENGER AUTOMOBILES.—At least 18 months before the beginning of each model year, the Secretary of Transportation shall prescribe by regulation average fuel economy standards for automobiles (except passenger automobiles) manufactured by a manufacturer in that model year. Each standard shall be the maximum feasible average fuel economy level that the Secretary decides the manufacturers can achieve in that model year. The Secretary may prescribe separate standards for different classes of automobiles.

(b) PASSENGER AUTOMOBILES.—Except as provided in this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year after model year 1984 shall be 27.5 miles a gallon.

(c) AMENDING PASSENGER AUTOMOBILE STANDARDS.—(1) Subject to paragraph (2) of this subsection, the Secretary of Transportation may prescribe regulations amending the standard under subsection (b) of this section for a model year to a level that the Secretary decides is the maximum feasible average fuel economy level for that model year. Section 553 of title 5 applies to a proceeding to amend the standard. However, any interested person may make an oral presentation and a transcript shall be taken of that presentation.

(2) If an amendment increases the standard above 27.5 miles a gallon or decreases the standard below 26.0 miles a gallon, the Secretary of Transportation shall submit the amendment to Congress. The procedures of section 551 of the Energy Policy and Conservation Act (42 U.S.C. 6421) apply to an amendment, except that the 15 calendar days referred to in section 551(c) and (d) of the Act (42 U.S.C. 6421(c), (d)) are deemed to be 60 calendar days, and the 5 calendar days referred to in section 551(f)(4)(A) of the Act (42 U.S.C. 6421(f)(4)(A)) are deemed to be 20 calendar days. If either House of Congress disapproves the amendment under those procedures, the amendment does not take effect.

(d) EXEMPTIONS.—(1) Except as provided in paragraph (3) of this subsection, on application of a manufacturer that manufactured (whether in the United States or not) fewer than 10,000 passenger automobiles in the model year 2 years before the model year for which the application is made, the Secretary of Transportation may exempt by regulation the manufacturer from a standard under subsection (b) or (c) of this section. An exemption for a model year applies only if the manufacturer manufactures (whether in the United States or not) fewer than 10,000 passenger automobiles in the model year. The Secretary may exempt a manufacturer only if the Secretary—

(A) finds that the applicable standard under those subsections is more stringent than the maximum feasible average fuel economy level that the manufacturer can achieve; and

(B) prescribes by regulation an alternative average fuel economy standard for the passenger automobiles manufactured by the exempted manufacturer that the Secretary decides is the maximum feasible average fuel economy level for the manufacturers to which the alternative standard applies.

(2) An alternative average fuel economy standard the Secretary of Transportation prescribes under paragraph (1)(B) of this subsection may apply to an individually exempted manufacturer, to all automobiles to which this subsection applies, or to classes of passenger automobiles, as defined under regulations of the Secretary, manufactured by exempted manufacturers.

(3) Notwithstanding paragraph (1) of this subsection, an importer registered under section 30141(c) of this title may not be exempted as a manufacturer under paragraph (1) for a motor vehicle that the importer—

(A) imports; or

(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 of this title for an individual under section 30142 of this title.

(4) The Secretary of Transportation may prescribe the contents of an application for an exemption.

(e) EMERGENCY VEHICLES.—(1) In this subsection, "emergency vehicle" means an automobile manufactured primarily for use—

(A) as an ambulance or combination ambulance-hearse;

(B) by the United States Government or a State or local government for law enforcement; or

(C) for other emergency uses prescribed by regulation by the Secretary of Transportation.

(2) A manufacturer may elect to have the fuel economy of an emergency vehicle excluded in applying a fuel economy standard under subsection (a), (b), (c), or (d) of this section. The election is made by providing written notice to the Secretary of Transportation and to the Administrator of the Environmental Protection Agency.

(f) CONSIDERATIONS ON DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—When deciding maximum feasible average fuel economy under this section, the Secretary of Transportation shall consider technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy.

(g) REQUIREMENTS FOR OTHER AMENDMENTS.—(1) The Secretary of Transportation may prescribe regulations amending an average fuel economy standard prescribed under subsection (a) or (d) of this section if the amended standard meets the requirements of subsection (a) or (d), as appropriate.

(2) When the Secretary of Transportation prescribes an amendment under this section that makes an average fuel economy standard more stringent, the Secretary shall prescribe the amendment (and submit the amendment to Congress when required under subsection (c)(2) of this section) at least 18 months before the beginning of the model year to which the amendment applies.

(h) LIMITATIONS.—In carrying out subsections (c), (f), and (g) of this section, the Secretary of Transportation—

(1) may not consider the fuel economy of dedicated automobiles; and

(2) shall consider dual fueled automobiles to be operated only on gasoline or diesel fuel.

(i) CONSULTATION.—The Secretary of Transportation shall consult with the Secretary of Energy in carrying out this section and section 32903 of this title.

(j) SECRETARY OF ENERGY COMMENTS.—(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (a), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy at least 10 days from the receipt of the notice during which the Secretary of Energy may, if the Secretary of Energy concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.

(2) Before taking final action on a standard or an exemption from a standard under this section, the Secretary of Transportation shall notify the Secretary of Energy and provide the Secretary of Energy a reasonable time to comment.

§32903. Credits for exceeding average fuel economy standards

(a) EARNING AND PERIOD FOR APPLYING CREDITS.—When the average fuel economy of passenger automobiles manufactured by a manufacturer in a particular model year exceeds an applicable average fuel economy standard under section 32902(b)–(d) of this title (determined by the Secretary of Transportation without regard to credits under this section), the manufacturer earns credits. The credits may be applied to—

(1) any of the 3 consecutive model years immediately before the model year for which the credits are earned; and

(2) to the extent not used under clause (1) of this subsection, any of the 3 consecutive model years immediately after the model year for which the credits are earned.

(b) PERIOD OF AVAILABILITY AND PLAN FOR FUTURE CREDITS.—(1) Except as provided in paragraph (2) of this subsection, credits under this section are available to a manufacturer at the end of the model year in which earned.

(2)(A) Before the end of a model year, if a manufacturer has reason to believe that its average fuel economy for passenger automobiles will be less than the applicable standard for that model year, the manufacturer may submit a plan to the Secretary of Transportation demonstrating that the manufacturer will earn sufficient credits under this section within the next 3 model years to allow the manufacturer to meet that standard for the model year involved. Unless the Secretary finds that the manufacturer is unlikely to earn sufficient credits under the plan, the Secretary shall approve the plan. Those credits are available for the model year involved if—

(i) the Secretary approves the plan; and

(ii) the manufacturer earns those credits as provided by the plan.

(B) If the average fuel economy of a manufacturer is less than the applicable standard under section 32902(b)–(d) of this title after applying credits under subsection (a)(1) of this section, the Secretary of Transportation shall notify the manufacturer and give the manufacturer a reasonable time (of at least 60 days) to submit a plan.

(c) DETERMINING NUMBER OF CREDITS.—The number of credits a manufacturer earns under this section equals the product of—

(1) the number of tenths of a mile a gallon by which the average fuel economy of the passenger automobiles manufactured by the manufacturer in the model year in which the credits are earned exceeds the applicable average fuel economy standard under section 32902(b)–(d) of this title; times

(2) the number of passenger automobiles manufactured by the manufacturer during that model year.

(d) APPLYING CREDITS FOR PASSENGER AUTOMOBILES.—The Secretary of Transportation shall apply credits to a model year on the basis of the number of tenths of a mile a gallon by which the manufacturer involved was below the applicable average fuel economy standard for that model year and the number of passenger automobiles manufactured that model year by the manufacturer. Credits applied to a model year are no longer available for another model year. Before applying credits, the Secretary shall give the manufacturer written notice and reasonable opportunity to comment.

(e) APPLYING CREDITS FOR NON-PASSENGER AUTOMOBILES.—Credits for a manufacturer of automobiles that are not passenger automobiles are earned and applied to a model year in which the average fuel economy of that class of automobiles is below the applicable average fuel economy standard under section 32902(a) of this title, to the same extent and in the same way as provided in this section for passenger automobiles.

(f) REFUND OF COLLECTED PENALTY.—When a civil penalty has been collected under this chapter from a manufacturer that has earned credits under this section, the Secretary of the Treasury shall refund to the manufacturer the amount of the penalty to the extent the penalty is attributable to credits available under this section.

§32904. Calculation of average fuel economy

(a) METHOD OF CALCULATION.—(1) The Administrator of the Environmental Protection Agency shall calculate the average fuel economy of a manufacturer subject to—

(A) section 32902(a) of this title in a way prescribed by the Administrator; and

(B) section 32902(b)–(d) of this title by dividing—

(i) the number of passenger automobiles manufactured by the manufacturer in a model year; by

(ii) the sum of the fractions obtained by dividing the number of passenger automobiles of each model manufactured by the manufacturer in that model year by the fuel economy measured for that model.

(2)(A) In this paragraph, "electric vehicle" means a vehicle powered primarily by an electric motor drawing electrical current from a portable source.

(B) If a manufacturer manufactures an electric vehicle, the Administrator shall include in the calculation of average fuel economy under paragraph (1) of this subsection equivalent petroleum based fuel economy values determined by the Secretary of Energy for various classes of electric vehicles. The Secretary shall review those values each year and determine and propose necessary revisions based on the following factors:

(i) the approximate electrical energy efficiency of the vehicle, considering the kind of vehicle and the mission and weight of the vehicle.

(ii) the national average electrical generation and transmission efficiencies.

(iii) the need of the United States to conserve all forms of energy and the relative scarcity and value to the United States of all fuel used to generate electricity.

(iv) the specific patterns of use of electric vehicles compared to petroleum-fueled vehicles.

(b) SEPARATE CALCULATIONS FOR PASSENGER AUTOMOBILES MANUFACTURED DOMESTICALLY AND NOT DOMESTICALLY.—(1) In this subsection—

(A) a passenger automobile is deemed to be manufactured domestically in a model year if at least 75 percent of the cost to the manufacturer is attributable to value added in the United States or Canada, unless the assembly of the automobile is completed in Canada and the automobile is imported into the United States more than 30 days after the end of the model year; and

(B) the fuel economy of a passenger automobile that is not manufactured domestically is deemed to be equal to the average fuel economy of all passenger automobiles manufactured by the same manufacturer that are not manufactured domestically.

(2)(A) Except as provided in paragraphs (4) and (5) of this subsection, the Administrator shall make separate calculations under subsection (a)(1)(B) of this section for—

(i) passenger automobiles manufactured domestically by a manufacturer (or included in this category under paragraph (3) of this subsection); and

(ii) passenger automobiles not manufactured domestically by that manufacturer (or excluded from this category under paragraph (3) of this subsection).

(B) Passenger automobiles described in subparagraph (A)(i) and (ii) of this paragraph are deemed to be manufactured by separate manufacturers under this chapter.

(3)(A) A manufacturer may submit to the Secretary of Transportation for approval a plan, including supporting material, stating the actions and the deadlines for taking the actions, that will ensure that the model or models referred to in subparagraph (B) of this paragraph will be manufactured domestically before the end of the 4th model year covered by the plan. The Secretary promptly shall consider and act on the plan. The Secretary shall approve the plan unless—

(i) the Secretary finds that the plan is inadequate to meet the requirements of this paragraph; or

(ii) the manufacturer previously has submitted a plan approved by the Secretary under this paragraph.

(B) If the plan is approved, the Administrator shall include under paragraph (2)(A)(i) and exclude under paragraph (2)(A)(ii) of this subsection, for each of the 4 model years covered by the plan, not more than 150,000 passenger automobiles manufactured by that manufacturer but not qualifying as domestically manufactured if—

(i) the model or models involved previously have not been manufactured domestically;

(ii) at least 50 percent of the cost to the manufacturer of each of the automobiles is attributable to value added in the United States or Canada;

(iii) the automobiles, if their assembly was completed in Canada, are imported into the United States not later than 30 days after the end of the model year; and

(iv) the model or models are manufactured domestically before the end of the 4th model year covered by the plan.

(4)(A) A manufacturer may file with the Secretary of Transportation a petition for an exemption from the requirement of separate calculations under paragraph (2)(A) of this subsection if the manufacturer began automobile production or assembly in the United States—

(i) after December 22, 1975, and before May 1, 1980; or

(ii) after April 30, 1980, if the manufacturer has engaged in the production or assembly in the United States for at least one model year ending before January 1, 1986.

(B) The Secretary of Transportation shall grant the exemption unless the Secretary finds that the exemption would result in reduced employment in the United States related to motor vehicle manufacturing during the period of the exemption. An exemption under this paragraph is effective for 5 model years or, if requested by the manufacturer, a longer period provided by the Secretary in the order granting the exemption. The exemption applies to passenger automobiles manufactured by that manufacturer during the period of the exemption.

(C) Before granting an exemption, the Secretary of Transportation shall provide notice of, and reasonable opportunity for, written or oral comment about the petition. The period for comment shall end not later than 60 days after the petition is filed, except that the Secretary may extend the period for not more than another 30 days. The Secretary shall decide whether to grant or deny the exemption, and publish notice of the decision in the Federal Register, not later than 90 days after the petition is filed, except that the Secretary may extend the time for decision to a later date (not later than 150 days after the petition is filed) if the Secretary publishes notice of, and reasons for, the extension in the Federal Register. If the Secretary does not make a decision within the time provided in this subparagraph, the petition is deemed to have been granted. Not later than 30 days after the end of the decision period, the Secretary shall submit a written statement of the reasons for not making a decision to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(5)(A) A person adversely affected by a decision of the Secretary of Transportation granting or denying an exemption may file, not later than 30 days after publication of the notice of the decision, a petition for review in the United States Court of Appeals for the District of Columbia Circuit. That court has exclusive jurisdiction to review the decision and to affirm, remand, or set aside the decision under section 706(2)(A)–(D) of title 5.

(B) A judgment of the court under this subparagraph may be reviewed by the Supreme Court under section 1254 of title 28. Application for review by the Supreme Court must be made not later than 30 days after entry of the court's judgment.

(C) A decision of the Secretary of Transportation on a petition for an exemption under this paragraph may be reviewed administratively or judicially only as provided in this paragraph.

(6) Notwithstanding section 32903 of this title, during a model year when an exemption under this paragraph is effective for a manufacturer—

(A) credit may not be earned under section 32903(a) of this title by the manufacturer; and

(B) credit may not be made available under section 32903(b)(2) of this title for the manufacturer.

(c) TESTING AND CALCULATION PROCEDURES.—The Administrator shall measure fuel economy for each model and calculate average fuel economy for a manufacturer under testing and calculation procedures prescribed by the Administrator. However, except under section 32908 of this title, the Administrator shall use the same procedures for passenger automobiles the Administrator used for model year 1975 (weighted 55 percent urban cycle and 45 percent highway cycle), or procedures that give comparable results. A measurement of fuel economy or a calculation of average fuel economy (except under section 32908) shall be rounded off to the nearest .1 of a mile a gallon. The Administrator shall decide on the quantity of other fuel that is equivalent to one gallon of gasoline. To the extent practicable, fuel economy tests shall be carried out with emissions tests under section 206 of the Clean Air Act (42 U.S.C. 7525).

(d) EFFECTIVE DATE OF PROCEDURE OR AMENDMENT.—The Administrator shall prescribe a procedure under this section, or an amendment (except a technical or clerical amendment) in a procedure, at least 12 months before the beginning of the model year to which the procedure or amendment applies.

(e) REPORTS AND CONSULTATION.—The Administrator shall report measurements and calculations under this section to the Secretary of Transportation and shall consult and coordinate with the Secretary in carrying out this section.

§32905. Manufacturing incentives for alternative fuel automobiles

(a) DEDICATED AUTOMOBILES.—Except as provided in subsection (c) of this section or section 32904(a)(2) of this title, for any model of dedicated automobile manufactured by a manufacturer after model year 1992, the fuel economy measured for that model shall be based on the fuel content of the alternative fuel used to operate the automobile. A gallon of a liquid alternative fuel used to operate a dedicated automobile is deemed to contain .15 gallon of fuel.

(b) DUAL FUELED AUTOMOBILES.—Except as provided in subsection (d) of this section or section 32904(a)(2) of this title, for any model of dual fueled automobile manufactured by a manufacturer in model years 1993–2004, the Administrator of the Environmental Protection Agency shall measure the fuel economy for that model by dividing 1.0 by the sum of—

(1) .5 divided by the fuel economy measured under section 32904(c) of this title when operating the model on gasoline or diesel fuel; and

(2) .5 divided by the fuel economy measured under subsection (a) of this section when operating the model on alternative fuel.

(c) GASEOUS FUEL DEDICATED AUTOMOBILES.—For any model of gaseous fuel dedicated automobile manufactured by a manufacturer after model year 1992, the Administrator shall measure the fuel economy for that model based on the fuel content of the gaseous fuel used to operate the automobile. One hundred cubic feet of natural gas is deemed to contain .823 gallon equivalent of natural gas. The Secretary of Transportation shall determine the appropriate gallon equivalent of other gaseous fuels. A gallon equivalent of gaseous fuel is deemed to have a fuel content of .15 gallon of fuel.

(d) GASEOUS FUEL DUAL FUELED AUTOMOBILES.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model years 1993–2004, the Administrator shall measure the fuel economy for that model by dividing 1.0 by the sum of—

(1) .5 divided by the fuel economy measured under section 32904(c) of this title when operating the model on gasoline or diesel fuel; and

(2) .5 divided by the fuel economy measured under subsection (c) of this section when operating the model on gaseous fuel.

(e) FUEL ECONOMY CALCULATIONS.—The Administrator shall calculate the manufacturer's average fuel economy under section 32904(a)(1) of this title for each model described under subsections (a)–(d) of this section by using as the denominator the fuel economy measured for each model under subsections (a)–(d).

(f) EXTENDING APPLICATION OF SUBSECTIONS (b) AND (d).—Not later than December 31, 2001, the Secretary of Transportation shall—

(1) extend by regulation the application of subsections (b) and (d) of this section for not more than 4 consecutive model years immediately after model year 2004 and explain the basis on which the extension is granted; or

(2) publish a notice explaining the reasons for not extending the application of subsections (b) and (d) of this section.

(g) STUDY AND REPORT.—Not later than September 30, 2000, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator, shall complete a study of the success of the policy of subsections (b) and (d) of this title, and submit to the Committees on Commerce, Science, and Transportation and Governmental Affairs of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study, including preliminary conclusions on whether the application of subsections (b) and (d) should be extended for up to 4 more model years. The study and conclusions shall consider—

(1) the availability to the public of alternative fueled automobiles and alternative fuel;

(2) energy conservation and security;

(3) environmental considerations; and

(4) other relevant factors.

§32906. Maximum fuel economy increase for alternative fuel automobiles

(a) MAXIMUM INCREASES.—(1)(A) For each of the model years 1993–2004 for each category of automobile (except an electric automobile), the maximum increase in average fuel economy for a manufacturer attributable to dual fueled automobiles is 1.2 miles a gallon.

(B) If the application of section 32905(b) and (d) of this title is extended under section 32905(f) of this title, for each category of automobile (except an electric automobile) the maximum increase in average fuel economy for a manufacturer for each of the model years 2005–2008 attributable to dual fueled automobiles is .9 mile a gallon.

(2) In applying paragraph (1) of this subsection, the Administrator of the Environmental Protection Agency shall determine the increase in a manufacturer's average fuel economy attributable to dual fueled automobiles by subtracting from the manufacturer's average fuel economy calculated under section 32905(e) of this title the number equal to what the manufacturer's average fuel economy would be if it

were calculated by the formula in section 32904(a)(1) of this title by including as the denominator for each model of dual fueled automobile the fuel economy when the automobiles are operated on gasoline or diesel fuel. If the increase attributable to dual fueled automobiles for any model year described—

(A) in paragraph (1)(A) of this subsection is more than 1.2 miles a gallon, the limitation in paragraph (1)(A) applies; and

(B) in paragraph (1)(B) of this subsection is more than .9 mile a gallon, the limitation in paragraph (1)(B) applies.

(b) Offsets.—Notwithstanding this section and sections 32901(c) and 32905 of this title, if the Secretary of Transportation reduces the average fuel economy standard for passenger automobiles for any model year below 27.5 miles a gallon, an increase in average fuel economy for passenger automobiles of more than .7 mile a gallon to which a manufacturer of dual fueled automobiles would otherwise be entitled is reduced by an amount equal to the amount of the reduction in the standard. However, the increase may not be reduced to less than .7 mile a gallon.

§32907. Reports and tests of manufacturers

(a) Manufacturer Reports.—(1) A manufacturer shall report to the Secretary of Transportation on—

(A) whether the manufacturer will comply with an applicable average fuel economy standard under section 32902 of this title for the model year for which the report is made;

(B) the actions the manufacturer has taken or intends to take to comply with the standard; and

(C) other information the Secretary requires by regulation.

(2) A manufacturer shall submit a report under paragraph (1) of this subsection during the 30 days—

(A) before the beginning of each model year; and

(B) beginning on the 180th day of the model year.

(3) When a manufacturer decides that actions reported under paragraph (1)(B) of this subsection are not sufficient to ensure compliance with that standard, the manufacturer shall report to the Secretary additional actions the manufacturer intends to take to comply with the standard and include a statement about whether those actions are sufficient to ensure compliance.

(4) This subsection does not apply to a manufacturer for a model year for which the manufacturer is subject to an alternative average fuel economy standard under section 32902(d) of this title.

(b) Records, Reports, Tests, Information, and Inspection.—(1) Under regulations prescribed by the Secretary or the Administrator of the Environmental Protection Agency to carry out this chapter, a manufacturer shall keep records, make reports, conduct tests, and provide items and information. On request and display of proper credentials, an officer or employee designated by the Secretary or Administrator may inspect automobiles and records of the manufacturer. An inspection shall be made at a reasonable time and in a reasonable way.

(2) The district courts of the United States may—

(A) issue an order enforcing a requirement or request under paragraph (1) of this subsection; and

(B) punish a failure to obey the order as a contempt of court.

§32908. Fuel economy information

(a) Definitions.—In this section—

(1) "automobile" includes an automobile rated at not more than 8,500 pounds gross vehicle weight regardless of whether the Secretary of Transportation has applied this chapter to the automobile under section 32901(a)(3)(B) of this title.

(2) "dealer" means a person residing or located in a State, the District of Columbia, or a territory or possession of the United States, and engaged in the sale or distribution of new automobiles to the first person (except a dealer buying as a dealer) that buys the automobile in good faith other than for resale.

(b) Labeling Requirements and Contents.—(1) Under regulations of the Administrator of the Environmental Protection Agency, a manufacturer of automobiles shall attach a label to a prominent place on each automobile manufactured in a model year. The dealer shall maintain the label. The label shall contain the following information:

(A) the fuel economy of the automobile.

(B) the estimated annual fuel cost of operating the automobile.

(C) the range of fuel economy of comparable automobiles of all manufacturers.

(D) a statement that a booklet is available from the dealer to assist in making a comparison of fuel economy of other automobiles manufactured by all manufacturers in that model year.

(E) the amount of the automobile fuel efficiency tax imposed on the sale of the automobile under section 4064 of the Internal Revenue Code of 1986 (26 U.S.C. 4064).

(F) other information required or authorized by the Administrator that is related to the information required by clauses (A)-(D) of this paragraph.

(2) The Administrator may allow a manufacturer to comply with this subsection by—

(A) disclosing the information on the label required under section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232); and

(B) including the statement required by paragraph (1)(E) of this subsection at a time and in a way that takes into account special circumstances or characteristics.

(3) For dedicated automobiles manufactured after model year 1992, the fuel economy of those automobiles under paragraph (1)(A) of this subsection is the fuel economy for those automobiles when operated on alternative fuel, measured under section 32905(a) or (c) of this title, multiplied by .15. Each label required under paragraph (1) of this subsection for dual fueled automobiles shall—

(A) indicate the fuel economy of the automobile when operated on gasoline or diesel fuel;

(B) clearly identify the automobile as a dual fueled automobile;

(C) clearly identify the fuels on which the automobile may be operated; and

(D) contain a statement informing the consumer that the additional information required by subsection (c)(2) of this section is published and distributed by the Secretary of Energy.

(c) Fuel Economy Information Booklet.—(1) The Administrator shall prepare the booklet referred to in subsection (b)(1)(D) of this section. The booklet—

(A) shall be simple and readily understandable;

(B) shall contain information on fuel economy and estimated annual fuel costs of operating automobiles manufactured in each model year; and

(C) may contain information on geographical or other differences in estimated annual fuel costs.

(2)(A) For dual fueled automobiles manufactured after model year 1992, the booklet published under paragraph (1) shall contain additional information on—

(i) the energy efficiency and cost of operation of those automobiles when operated on gasoline or diesel fuel as compared to those automobiles when operated on alternative fuel; and

(ii) the driving range of those automobiles when operated on gasoline or diesel fuel as compared to those automobiles when operated on alternative fuel.

(B) For dual fueled automobiles, the booklet published under paragraph (1) also shall contain—

(i) information on the miles a gallon achieved by the automobiles when operated on alternative fuel; and

(ii) a statement explaining how the information made available under this paragraph can be expected to change when the automobile is operated on mixtures of alternative fuel and gasoline or diesel fuel.

(3) The Secretary of Energy shall publish and distribute the booklet. The Administrator shall prescribe regulations requiring dealers to make the booklet available to prospective buyers.

(d) Disclosure.—A disclosure about fuel economy or estimated annual fuel costs under this section does not establish a warranty under a law of the United States or a State.

(e) Violations.—A violation of subsection (b) of this section is—

(1) a violation of section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232); and

(2) an unfair or deceptive act or practice in or affecting commerce under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), except sections 5(m) and 18 (15 U.S.C. 45(m), 57a).

(f) Consultation.—The Administrator shall consult with the Federal Trade Commission and the Secretaries of Transportation and Energy in carrying out this section.

§32909. Judicial review of regulations

(a) Filing and Venue.—(1) A person that may be adversely affected by a regulation prescribed in carrying out section 32901–32904 or 32908 of this title may apply for review of the regulation by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business.

(2) A person adversely affected by a regulation prescribed under section 32912(c)(1) of this title may apply for review of the regulation by filing a petition for review in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business.

(b) Time for Filing and Judicial Procedures.—The petition must be filed not later than 59 days after the regulation is prescribed, except that a petition for review of a regulation prescribing an amendment of a standard submitted to Congress under section 32902(c)(2) of this title must be filed not later than 59 days after the end of the 60-day period referred to in section 32902(c)(2). The clerk of the court shall send immediately a copy of the petition to the Secretary of Transportation or the Administrator of the Environmental Protection Agency, whoever prescribed the regulation. The Secretary or the Administrator shall file with the court a record of the proceeding in which the regulation was prescribed.

(c) Additional Proceedings.—(1) When reviewing a regulation under subsection (a)(1) of this section, the court, on request of the petitioner, may order the Secretary or the Administrator to receive additional submissions if the court is satisfied the additional submissions are material and there were reasonable grounds for not presenting the submissions in the proceeding before the Secretary or Administrator.

(2) The Secretary or the Administrator may amend or set aside the regulation, or prescribe a new regulation because of the additional submissions presented. The Secretary or Administrator shall file an amended or new regulation

and the additional submissions with the court. The court shall review a changed or new regulation.

(d) SUPREME COURT REVIEW AND ADDITIONAL REMEDIES.—A judgment of a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28. A remedy under subsections (a)(1) and (c) of this section is in addition to any other remedies provided by law.

§32910. Administrative

(a) GENERAL POWERS.—(1) In carrying out this chapter, the Secretary of Transportation or the Administrator of the Environmental Protection Agency may—

(A) inspect and copy records of any person at reasonable times;

(B) order a person to file written reports or answers to specific questions, including reports or answers under oath; and

(C) conduct hearings, administer oaths, take testimony, and subpena witnesses and records the Secretary or Administrator considers advisable.

(2) A witness summoned under paragraph (1)(C) of this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(b) CIVIL ACTIONS TO ENFORCE.—A civil action to enforce a subpena or order of the Secretary or Administrator under subsection (a) of this section may be brought in the district court of the United States for the judicial district in which the proceeding by the Secretary or Administrator was conducted. The court may punish a failure to obey an order of the court to comply with the subpena or order of the Secretary or Administrator as a contempt of court.

(c) DISCLOSURE OF INFORMATION.—The Secretary and the Administrator each shall disclose information obtained under this chapter (except information obtained under section 32904(c) of this title) under section 552 of title 5. However, the Secretary or Administrator may withhold information under section 552(b)(4) of title 5 only if the Secretary or Administrator decides that disclosure of the information would cause significant competitive damage. A matter referred to in section 552(b)(4) and relevant to an administrative or judicial proceeding under this chapter may be disclosed in that proceeding. A measurement or calculation under section 32904(c) of this title shall be disclosed under section 552 of title 5 without regard to section 552(b).

(d) REGULATIONS.—The Administrator may prescribe regulations to carry out duties of the Administrator under this chapter.

§32911. Compliance

(a) GENERAL.—A person commits a violation if the person fails to comply with this chapter and regulations and standards prescribed and orders issued under this chapter (except sections 32902, 32903, 32908(b), and 32917(b) and regulations and standards prescribed and orders issued under those sections). The Secretary of Transportation shall conduct a proceeding, with an opportunity for a hearing on the record, to decide whether a person has committed a violation. Any interested person may participate in a proceeding under this subsection.

(b) AUTOMOBILE MANUFACTURERS.—A manufacturer of automobiles commits a violation if the manufacturer fails to comply with an applicable average fuel economy standard under section 32902 of this title. Compliance is determined after considering credits available to the manufacturer under section 32903 of this title. If average fuel economy calculations under section 32904(c) of this title indicate that a manufacturer has violated this subsection, the Secretary shall conduct a proceeding, with an opportunity for a hearing on the record, to decide whether a violation has been committed. The Secretary may not conduct the proceeding if further measurements of fuel economy, further calculations of average fuel economy, or other information indicates a violation has not been committed. The results of the measurements and calculations and the information shall be published in the Federal Register. Any interested person may participate in a proceeding under this subsection.

§32912. Civil penalties

(a) GENERAL PENALTY.—A person that violates section 32911(a) of this title is liable to the United States Government for a civil penalty of not more than $10,000 for each violation. A separate violation occurs for each day the violation continues.

(b) PENALTY FOR MANUFACTURER VIOLATIONS OF FUEL ECONOMY STANDARDS.—Except as provided in subsection (c) of this section, a manufacturer that violates a standard prescribed for a model year under section 32902 of this title is liable to the Government for a civil penalty of $5 multiplied by each .1 of a mile a gallon by which the applicable average fuel economy standard under that section exceeds the average fuel economy—

(1) calculated under section 32904(a)(1)(A) or (B) of this title for automobiles to which the standard applies manufactured by the manufacturer during the model year;

(2) multiplied by the number of those automobiles; and

(3) reduced by the credits available to the manufacturer under section 32903 of this title for the model year.

(c) HIGHER PENALTY AMOUNTS.—(1)(A) The Secretary of Transportation shall prescribe by regulation a higher amount for each .1 of a mile a gallon to be used in calculating a civil penalty under subsection (b) of this section, if the Secretary decides that the increase in the penalty—

(i) will result in, or substantially further, substantial energy conservation for automobiles in model years in which the increased penalty may be imposed; and

(ii) will not have a substantial deleterious impact on the economy of the United States, a State, or a region of a State.

(B) The amount prescribed under subparagraph (A) of this paragraph may not be more than $10 for each .1 of a mile a gallon.

(C) The Secretary may make a decision under subparagraph (A)(ii) of this paragraph only when the Secretary decides that it is likely that the increase in the penalty will not—

(i) cause a significant increase in unemployment in a State or a region of a State;

(ii) adversely affect competition; or

(iii) cause a significant increase in automobile imports.

(D) A higher amount prescribed under subparagraph (A) of this paragraph is effective for the model year beginning at least 18 months after the regulation stating the higher amount becomes final.

(2) The Secretary shall publish in the Federal Register a proposed regulation under this subsection and a statement of the basis for the regulation and provide each manufacturer of automobiles a copy of the proposed regulation and the statement. The Secretary shall provide a period of at least 45 days for written public comments on the proposed regulation. The Secretary shall submit a copy of the proposed regulation to the Federal Trade Commission and request the Commission to comment on the proposed regulation within that period. After that period, the Secretary shall give interested persons and the Commission an opportunity at a public hearing to present oral information, views, and arguments and to direct questions about disputed issues of material fact to—

(A) other interested persons making oral presentations;

(B) employees and contractors of the Government that made written comments or an oral presentation or participated in the development or consideration of the proposed regulation; and

(C) experts and consultants that provided information to a person that the person includes, or refers to, in an oral presentation.

(3) The Secretary may restrict the questions of an interested person and the Commission when the Secretary decides that the questions are duplicative or not likely to result in a timely and effective resolution of the issues. A transcript shall be kept of a public hearing under this subsection. A copy of the transcript and written comments shall be available to the public at the cost of reproduction.

(4) The Secretary shall publish a regulation prescribed under this subsection in the Federal Register with the decisions required under paragraph (1) of this subsection.

(5) An officer or employee of a department, agency, or instrumentality of the Government violates section 1905 of title 18 by disclosing, except in an in camera proceeding by the Secretary or a court, information—

(A) provided to the Secretary or the court during consideration or review of a regulation prescribed under this subsection; and

(B) decided by the Secretary to be confidential under section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796(d)).

(d) WRITTEN NOTICE REQUIREMENT.—The Secretary shall impose a penalty under this section by written notice.

§32913. Compromising and remitting civil penalties

(a) GENERAL AUTHORITY AND LIMITATIONS.—The Secretary of Transportation may compromise or remit the amount of a civil penalty imposed under section 32912(a) or (b) of this title. However, the amount of a penalty imposed under section 32912(b) may be compromised or remitted only to the extent—

(1) necessary to prevent the insolvency or bankruptcy of the manufacturer of automobiles;

(2) the manufacturer shows that the violation was caused by an act of God, a strike, or a fire; or

(3) the Federal Trade Commission certifies under subsection (b)(1) of this section that a reduction in the penalty is necessary to prevent a substantial lessening of competition.

(b) PENALTY REDUCTION BY COMMISSION.—(1) A manufacturer liable for a civil penalty under section 32912(b) of this title may apply to the Commission for a certification that the penalty should be reduced to prevent a substantial lessening of competition in the segment of the motor vehicle industry subject to the standard that was violated. The Commission shall make the certification when it finds that reduction is necessary to prevent the lessening. The Commission shall state in the certification the maximum amount by which the penalty may be reduced.

(2) An application under this subsection must be made not later than 30 days after the Secretary decides that the manufacturer has violated section 32911(b) of this title. To the maximum extent practicable, the Commission shall make a decision on an application by the 90th day after the application is filed. A proceeding under this subsection may not delay the manufacturer's liability for the penalty for more than 90 days after the application is filed.

(3) When a civil penalty is collected in a civil action under this chapter before a decision of the Commission under this subsection is final, the payment shall be paid to the court in which the action was brought. The court shall deposit the payment in the general fund of the Treasury on the 90th day after the decision of the Commission becomes final. When the court is holding payment of a penalty reduced under subsection

(a)(3) of this section, the Secretary shall direct the court to remit the appropriate amount of the penalty to the manufacturer.

§32914. Collecting civil penalties

(a) CIVIL ACTIONS.—If a person does not pay a civil penalty after it becomes a final order of the Secretary of Transportation or a judgment of a court of appeals of the United States for a circuit, the Attorney General shall bring a civil action in an appropriate district court of the United States to collect the penalty. The validity and appropriateness of the final order imposing the penalty is not reviewable in the action.

(b) PRIORITY OF CLAIMS.—A claim of a creditor against a bankrupt or insolvent manufacturer of automobiles has priority over a claim of the United States Government against the manufacturer for a civil penalty under section 32912(b) of this title when the creditor's claim is for credit extended before a final judgment (without regard to section 32913(b)(1) and (2) of this title) in an action to collect under subsection (a) of this section.

§32915. Appealing civil penalties

Any interested person may appeal a decision of the Secretary of Transportation to impose a civil penalty under section 32912(a) or (b) of this title, or of the Federal Trade Commission under section 32913(b)(1) of this title, in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. A person appealing a decision must file a notice of appeal with the court not later than 30 days after the decision and, at the same time, send a copy of the notice by certified mail to the Secretary or the Commission. The Secretary or the Commission promptly shall file with the court a certified copy of the record of the proceeding in which the decision was made.

§32916. Reports to Congress

(a) ANNUAL REPORT.—Not later than January 15 of each year, the Secretary of Transportation shall submit to each House of Congress, and publish in the Federal Register, a report on the review by the Secretary of average fuel economy standards prescribed under this chapter.

(b) JOINT EXAMINATIONS AFTER GRANTING EXEMPTIONS.—(1) After an exemption has been granted under section 32904(b)(4) of this title, the Secretaries of Transportation and Labor shall conduct annually a joint examination of the extent to which section 32904(b)(4)—

(A) achieves the purposes of this chapter;

(B) improves fuel efficiency (thereby facilitating conservation of petroleum and reducing petroleum imports);

(C) has promoted employment in the United States related to automobile manufacturing;

(D) has not caused unreasonable harm to the automobile manufacturing sector in the United States; and

(E) has permitted manufacturers that have assembled passenger automobiles deemed to be manufactured domestically under section 32904(b)(1)(A) of this title thereafter to assemble in the United States passenger automobiles of the same model that have less than 75 percent of their value added in the United States or Canada, together with the reasons.

(2) The Secretary of Transportation shall include the results of the examination under paragraph (1) of this subsection in each report submitted under subsection (a) of this section more than 180 days after an exemption has been granted under section 32904(b)(4) of this title, or submit the results of the examination directly to Congress before the report is submitted when circumstances warrant.

§32917. Standards for executive agency automobiles

(a) DEFINITION.—In this section, "executive agency" has the same meaning given that term in section 105 of title 5.

(b) FLEET AVERAGE FUEL ECONOMY.—(1) The President shall prescribe regulations that require passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year to achieve a fleet average fuel economy (determined under paragraph (2) of this subsection) for that year of at least the greater of—

(A) 18 miles a gallon; or

(B) the applicable average fuel economy standard under section 32902(b) or (c) of this title for the model year that includes January 1 of that fiscal year.

(2) Fleet average fuel economy is—

(A) the total number of passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year (except automobiles designed for combat-related missions, law enforcement work, or emergency rescue work); divided by

(B) the sum of the fractions obtained by dividing the number of automobiles of each model leased or bought by the fuel economy of that model.

§32918. Preemption

(a) GENERAL.—When an average fuel economy standard prescribed under this chapter is in effect, a State or a political subdivision of a State may not adopt or enforce a law or regulation related to fuel economy standards or average fuel economy standards for automobiles covered by an average fuel economy standard under this chapter.

(b) REQUIREMENTS MUST BE IDENTICAL.—When a requirement under section 32908 of this title is in effect, a State or a political subdivision of a State may adopt or enforce a law or regulation on disclosure of fuel economy or fuel operating costs for an automobile covered by section 32908 only if the law or regulation is identical to that requirement.

(c) STATE AND POLITICAL SUBDIVISION AUTOMOBILES.—A State or a political subdivision of a State may prescribe requirements for fuel economy for automobiles obtained for its own use.

CHAPTER 331—THEFT PREVENTION

Sec.

33101. Definitions.

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33103. Theft prevention standard for other lines.

33104. Designation of high theft vehicle lines and parts.

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§33101. Definitions

In this chapter—

(1) "chop shop" means a building, lot, facility, or other structure or premise at which at least one person engages in receiving, concealing, destroying, disassembling, dismantling, reassembling, or storing a passenger motor vehicle or passenger motor vehicle part that has been unlawfully obtained—

(A) to alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity of the vehicle or part, including the vehicle identification number or a derivative of that number; and

(B) to distribute, sell, or dispose of the vehicle or part in interstate or foreign commerce.

(2) "covered major part" means a major part selected under sections 33102(c)(1) and 33104 of this title for coverage by the vehicle theft prevention standard prescribed under section 33102 or 33103.

(3) "existing line" means a line introduced into commerce before January 1, 1990.

(4) "first purchaser" means the person making the first purchase other than for resale.

(5) "line" means a name that a manufacturer of motor vehicles applies to a group of motor vehicle models of the same make that have the same body or chassis, or otherwise are similar in construction or design.

(6) "major part" means—

(A) the engine;

(B) the transmission;

(C) each door to the passenger compartment;

(D) the hood;

(E) the grille;

(F) each bumper;

(G) each front fender;

(H) the deck lid, tailgate, or hatchback;

(I) each rear quarter panel;

(J) the trunk floor pan;

(K) the frame or, for a unitized body, the supporting structure serving as the frame; and

(L) any other part of a passenger motor vehicle that the Secretary of Transportation by regulation specifies as comparable in design or function to any of the parts listed in subclauses (A)-(K) of this clause.

(7) "major replacement part" means a major part that is—

(A) an original major part in or on a completed motor vehicle and customized or modified after manufacture of the vehicle but before the time of its delivery to the first purchaser; or

(B) not installed in or on a motor vehicle at the time of its delivery to the first purchaser and the equitable or legal title to the vehicle has not been transferred to a first purchaser.

(8) "model year" has the same meaning given that term in section 32901(a) of this title.

(9) "new line" means a line introduced into commerce after December 31, 1989.

(10) "passenger motor vehicle" includes a multipurpose passenger vehicle or light duty truck when that vehicle or truck is rated at not more than 6,000 pounds gross vehicle weight.

(11) "vehicle theft prevention standard" means a minimum performance standard for identifying major parts of new motor vehicles and major replacement parts by inscribing or affixing numbers or symbols on those parts.

§33102. Theft prevention standard for high theft lines

(a) GENERAL.—(1) The Secretary of Transportation by regulation shall prescribe a vehicle theft prevention standard that conforms to the requirements of this chapter. The standard shall apply to—

(A) covered major parts that manufacturers install in passenger motor vehicles in lines designated under section 33104 of this title as high theft lines; and

(B) major replacement parts for the major parts described in clause (A) of this paragraph.

(2) The standard may apply only to—

(A) major parts that manufacturers install in passenger motor vehicles having a model year designation later than the calendar year in which the standard takes effect; and

(B) major replacement parts manufactured after the standard takes effect.

(b) STANDARD REQUIREMENTS.—The standard shall be practicable and provide relevant objective criteria.

(c) LIMITATIONS ON MAJOR PART AND REPLACEMENT PART STANDARDS.—(1) For a major part installed by the manufacturer of the motor vehicle, the standard may not require a part to have more than one identification.

(2) For a major replacement part, the standard may not require—

(A) identification of a part not designed as a replacement for a major part required to be identified under the standard; or

(B) the inscribing or affixing of identification except a symbol identifying the manufacturer and a common symbol identifying the part as a major replacement part.

(d) RECORDS AND REPORTS.—This chapter does not authorize the Secretary to require a person to keep records or make reports, except as provided in sections 33104(c), 33106(c), 33108(a), and 33112 of this title.

§33103. Theft prevention standard for other lines

(a) GENERAL.—Not later than October 25, 1994, the Secretary of Transportation shall prescribe a vehicle theft standard that conforms to the requirements of this chapter for covered major parts that manufacturers install in passenger motor vehicles (except light duty trucks) in not more than 50 percent of the lines not designated under section 33104 of this title as high theft lines.

(b) EXTENSION OF APPLICATION.—(1) Not later than 3 years after the standard is prescribed under subsection (a) of this section and based on the finding of the Attorney General under subsection (c) of this section to apply the standard, the Secretary shall apply that standard to covered major parts and major replacement parts for covered parts that manufacturers install in the lines of passenger motor vehicles (except light duty trucks)—

(A) not designated under section 33104 of this title as high theft lines; and

(B) not covered by the standard prescribed under subsection (a) of this section.

(2) The Secretary shall include as part of the regulatory proceeding under this subsection the finding of, and the record developed by, the Attorney General under subsection (c) of this section.

(c) INITIAL REVIEW OF EFFECTIVENESS.—Before the Secretary begins a regulatory proceeding under subsection (b) of this section, the Attorney General shall make a finding that the Secretary shall apply the standard prescribed under subsection (a) of this section unless the Attorney General finds, based on information collected and analyzed under section 33112 of this title and other information the Attorney General develops after providing notice and an opportunity for a public hearing, that applying the standard prescribed in subsection (a) to the remaining lines of passenger motor vehicles (except light duty trucks) not covered by that standard would not substantially inhibit chop shop operations and motor vehicle thefts. The Attorney General also shall consider and include in the record additional costs, effectiveness, competition, and available alternative factors. The Attorney General shall submit to the Secretary the finding and record on which the finding is based.

(d) LONG RANGE REVIEW OF EFFECTIVENESS.—(1) Not later than December 31, 1999, the Attorney General shall make separate findings, after notice and an opportunity for a public hearing, on the following:

(A) whether the application of the standard under subsection (a) or (b) of this subsection, or both, have been effective in substantially inhibiting the operation of chop shops and motor vehicle theft.

(B) whether the anti-theft devices for which the Secretary has granted exemptions under section 33106 of this title are an effective substitute for parts marking in substantially inhibiting motor vehicle theft.

(2)(A) In making the finding under paragraph (1)(A) of this subsection, the Attorney General shall—

(i) consider the additional cost, competition, and available alternatives;

(ii) base that finding on information collected and analyzed under section 33112 of this title;

(iii) consider the effectiveness, the extent of use, and the extent to which civil and criminal penalties under section 33115(b) of this title and section 2322 of title 18 on chop shops have been effective in substantially inhibiting operation of chop shops and motor vehicle theft;

(iv) base that finding on the 3-year and 5-year reports issued by the Secretary under section 33113 of this title; and

(v) base that finding on other information the Attorney General develops and includes in the public record.

(B) The Attorney General shall submit a finding under paragraph (1)(A) of this subsection promptly to the Secretary. If the Attorney General finds that the application of the standard under subsection (a) or (b) of this section, or both, has not been effective, the Secretary shall issue, not later than 180 days after receiving that finding, an order terminating the standard the Attorney General found was ineffective. The termination is effective for the model year beginning after the order is issued.

(3) In making a finding under paragraph (1)(B) of this subsection, the Secretary shall consider the additional cost, competition, and available alternatives. If the Attorney General finds that the anti-theft devices are an effective substitute, the Secretary shall continue to grant exemptions under section 33106 of this title for the model years after model year 2000 at one of the following levels that the Attorney General decides: at the level authorized before October 25, 1992, or at the level provided in section 33106(b)(2)(C) of this title for model year 2000.

(e) EFFECTIVE DATE OF STANDARD.—A standard prescribed under this section takes effect at least 6 months after the date the standard is prescribed, except that the Secretary may prescribe an earlier effective date if the Secretary—

(1) decides with good cause that the earlier date is in the public interest; and

(2) publishes the reasons for the decision.

(f) NOTIFICATION OF CONGRESS.—The Secretary and the Attorney General shall inform the appropriate legislative committees of Congress with jurisdiction over this part and section 2322 of title 18 of actions taken or planned under this section.

§33104. Designation of high theft vehicle lines and parts

(a) DESIGNATION, NONAPPLICATION, SELECTION, AND PROCEDURES.—(1) For purposes of the standard under section 33102 of this title, the following are high theft lines:

(A) a passenger motor vehicle line determined under subsection (b) of this section to have had a new passenger motor vehicle theft rate in the 2-year period covering calendar years 1990 and 1991 greater than the median theft rate for all new passenger motor vehicle thefts in that 2-year period.

(B) a passenger motor vehicle line initially introduced into commerce in the United States after December 31, 1989, that is selected under paragraph (3) of this subsection as likely to have a theft rate greater than the median theft rate referred to in clause (A) of this paragraph.

(C) subject to paragraph (2) of this subsection, a passenger motor vehicle line having (for existing lines) or likely to have (for new lines) a theft rate below the median theft rate referred to in clause (A) of this paragraph, if the major parts in the vehicles are selected under paragraph (3) of this subsection as interchangeable with the majority of the major parts that are subject to the standard and are contained in the motor vehicles of a line described in clause (A) or (B) of this paragraph.

(2) The standard may not apply to any major part of a line described in paragraph (1)(C) of this subsection if all the passenger motor vehicles of lines that are, or are likely to be, below the median theft rate, and that contain parts interchangeable with the major parts of the line involved, account (for existing lines), or the Secretary of Transportation determines they are likely to account (for new lines), for more than 90 percent of the total annual production of all lines of that manufacturer containing those interchangeable parts.

(3) The lines, and the major parts of the passenger motor vehicles in those lines, that are to be subject to the standard may be selected by agreement between the manufacturer and the Secretary. If the manufacturer and the Secretary disagree on the selection, the Secretary shall select the lines and parts, after notice to the manufacturer and opportunity for written comment, and subject to the confidentiality requirements of this chapter.

(4) To the maximum extent practicable, the Secretary shall prescribe reasonable procedures designed to ensure that a selection under paragraph (3) of this subsection is made at least 6 months before the first applicable model year beginning after the selection.

(5) A manufacturer may not be required to comply with the standard under a selection under paragraph (3) of this subsection for a model year beginning earlier than 6 months after the date of the selection.

(6) A passenger motor vehicle line subject on October 25, 1992, to parts marking requirements under sections 602 and 603 of the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, 86 Stat. 947), as added by section 101(a) of the Motor Vehicle Theft Law Enforcement Act of 1984 (Public Law 98–547, 98 Stat. 2756), continues to be subject to the requirements of this section and section 33102 of this title unless the line is exempted under section 33106 of this title.

(b) DETERMINING THEFT RATE FOR PASSENGER VEHICLES.—(1) In this subsection, "new passenger motor vehicle thefts", when used in reference to a calendar year, means thefts in the United States in that year of passenger motor vehicles with the same model-year designation as that calendar year.

(2) Under subsection (a) of this section, the theft rate for passenger motor vehicles of a line shall be determined by a fraction—

(A) the numerator of which is the number of new passenger motor vehicle thefts for that line during the 2-year period referred to in subsection (a)(1)(A) of this section; and

(B) the denominator of which is the sum of the respective production volumes of all passenger motor vehicles of that line (as reported to the Administrator of the Environmental Protection Agency under chapter 329 of this title) that are of model years 1990 and 1991 and are distributed for sale in commerce in the United States.

(3) Under subsection (a) of this section, the median theft rate for all new passenger motor vehicle thefts during that 2-year period is the theft rate midway between the highest and the lowest theft rates determined under paragraph (2) of this subsection. If there is an even number of theft rates determined under paragraph (2), the median theft rate is the arithmetic average of the 2 adjoining theft rates midway between the highest and the lowest of those theft rates.

(4) In consultation with the Director of the Federal Bureau of Investigation, the Secretary periodically shall obtain from the most reliable source accurate and timely theft and recovery information and publish the information for review and comment. To the greatest extent possible, the Secretary shall use theft information reported by United States Government, State, and local police. After publication and opportunity for comment, the Secretary shall use the theft information to determine the median theft rate under this subsection. The Secretary and the Director shall take any necessary actions to improve the accuracy, reliability, and timeliness of the information, including ensuring that vehicles represented as stolen are really stolen.

(5) The Secretary periodically (but not more often than once every 2 years) may redetermine and prescribe by regulation the median theft rate under this subsection.

(c) Providing Information.—The Secretary by regulation shall require each manufacturer to provide information necessary to select under subsection (a)(3) of this section the high theft lines and the major parts to be subject to the standard.

(d) Application.—Except as provided in section 33106 of this title, the Secretary may not make the standard inapplicable to a line that has been subject to the standard.

§33105. Cost limitations

(a) Maximum Manufacturer Costs.—A standard under section 33102 or 33103 of this title may not impose—

(1) on a manufacturer of motor vehicles, compliance costs of more than $15 a motor vehicle; or

(2) on a manufacturer of major replacement parts, compliance costs for each part of more than the reasonable amount (but less than $15) that the Secretary of Transportation specifies in the standard.

(b) Costs Involved in Engines and Transmissions.—For a manufacturer engaged in identifying engines or transmissions on October 25, 1984, in a way that substantially complies with the standard—

(1) the costs of identifying engines and transmissions may not be considered in calculating the manufacturer's costs under subsection (a) of this section; and

(2) the manufacturer may not be required under the standard to conform to any identification system for engines and transmissions that imposes greater costs on the manufacturer than are incurred under the identification system used by the manufacturer on October 25, 1984.

(c) Cost Adjustments.—(1) In this subsection—

(A) "base period" means calendar year 1984.

(B) "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Secretary of Labor.

(2) At the beginning of each calendar year, as necessary data become available from the Bureau of Labor Statistics, the Secretary of Labor shall certify to the Secretary of Transportation and publish in the Federal Register the percentage difference between the price index for the 12 months before the beginning of the calendar year and the price index for the base period. For model years beginning in that calendar year, the amounts specified in subsection (a) of this section shall be adjusted by the percentage difference.

§33106. Exemption for passenger motor vehicles equipped with anti-theft devices

(a) Definitions.—In this section—

(1) "anti-theft device" means a device to reduce or deter theft that—

(A) is in addition to the theft-deterrent devices required by motor vehicle safety standard numbered 114 in section 571.114 of title 49, Code of Federal Regulations;

(B) the manufacturer believes will be effective in reducing or deterring theft of motor vehicles; and

(C) does not use a signaling device reserved by State law for use on police, emergency, or official vehicles, or on schoolbuses.

(2) "standard equipment" means equipment already installed in a motor vehicle when it is delivered from the manufacturer and not an accessory or other item that the first purchaser customarily has the option to have installed.

(b) Granting Exemptions and Limitations.—(1) A manufacturer may petition the Secretary of Transportation for an exemption from a requirement of a standard prescribed under section 33102 or 33103 of this title for a line of passenger motor vehicles equipped as standard equipment with an anti-theft device that the Secretary decides is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the standard.

(2) The Secretary may grant an exemption—

(A) for model year 1987, for not more than 2 lines of a manufacturer;

(B) for each of the model years 1988–1996, for not more than 2 additional lines of a manufacturer;

(C) for each of the model years 1997–2000, for not more than one additional line of a manufacturer; and

(D) for each of the model years after model year 2000, for the number of lines that the Attorney General decides under section 33103(d)(3) of this title.

(3) An additional exemption granted under subparagraph (2)(B) or (C) of this paragraph does not affect an exemption previously granted.

(c) Petitioning Procedure.—A petition must be filed not later than 8 months before the start of production for the first model year covered by the petition. The petition must include—

(1) a detailed description of the device;

(2) the reasons for the manufacturer's conclusion that the device will be effective in reducing and deterring theft of motor vehicles; and

(3) additional information the Secretary reasonably may require to make the decision described in subsection (b)(1) of this section.

(d) Decisions and Approvals.—The Secretary shall make a decision about a petition filed under this section not later than 120 days after the date the petition is filed. A decision approving a petition must be based on substantial evidence. The Secretary may approve a petition in whole or in part. If the Secretary does not make a decision within the 120-day period, the petition shall be deemed to be approved and the manufacturer shall be exempt from the standard for the line covered by the petition for the subsequent model year.

(e) Rescissions.—The Secretary may rescind an exemption if the Secretary decides that the anti-theft device has not been as effective in reducing and deterring motor vehicle theft as compliance with the standard. A rescission may be effective only—

(1) for a model year after the model year in which the rescission occurs; and

(2) at least 6 months after the manufacturer receives written notice of the rescission from the Secretary.

§33107. Voluntary vehicle identification standards

(a) Election To Inscribe or Affix Identifying Marks.—The Secretary of Transportation by regulation may prescribe a vehicle theft prevention standard under which a person may elect to inscribe or affix an identifying number or symbol on major parts of a motor vehicle manufactured or owned by the person for purposes of section 511 of title 18 and related provisions. The standard may include provisions for registration of the identification with the Secretary or a person designated by the Secretary.

(b) Standard Requirements.—The standard under this section shall be practicable and provide relevant objective criteria.

(c) Voluntary Compliance.—Compliance with the standard under this section is voluntary. Failure to comply does not subject a person to a penalty or enforcement under this chapter.

(d) Compliance With Other Standards.—Compliance with the standard under this section does not relieve a manufacturer from a requirement of a standard prescribed under section 33102 or 33103 of this title.

§33108. Monitoring compliance of manufacturers

(a) Records, Reports, Information, and Inspection.—To enable the Secretary of Transportation to decide whether a manufacturer of motor vehicles containing a part subject to a standard prescribed under section 33102 or 33103 of this title, or a manufacturer of major replacement parts subject to the standard, is complying with this chapter and the standard, the Secretary may require the manufacturer to—

(1) keep records;

(2) make reports;

(3) provide items and information; and

(4) allow an officer or employee designated by the Secretary to inspect the vehicles and parts and relevant records of the manufacturer.

(b) Entry and Inspection.—To enforce this chapter, an officer or employee designated by the Secretary, on presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, may inspect a facility in which motor vehicles containing major parts subject to the standard, or major replacement parts subject to the standard, are manufactured, held for introduction into interstate commerce, or held for sale after introduction into interstate commerce. An inspection shall be conducted at a reasonable time, in a reasonable way, and with reasonable promptness.

(c) Certification of Compliance.—(1) A manufacturer of a motor vehicle subject to the standard, and a manufacturer of a major replacement part subject to the standard, shall provide at the time of delivery of the vehicle or part a certification that the vehicle or part conforms to the applicable motor vehicle theft prevention standard. The certification shall accompany the vehicle or part until its delivery to the first purchaser. The Secretary by regulation may prescribe the type and form of the certification.

(2) This subsection does not apply to a motor vehicle or major replacement part that is—

(A) intended only for export;

(B) labeled only for export on the vehicle or replacement part and the outside of any container until exported; and

(C) exported.

(d) Notification of Error.—A manufacturer shall notify the Secretary if the manufacturer discovers that—

(1) there is an error in the identification (required by the standard) applied to a major part installed by the manufacturer in a motor vehicle during its assembly, or to a major replacement part manufactured by the manufacturer; and

(2) the motor vehicle or major replacement part has entered interstate commerce.

§33109. National Stolen Passenger Motor Vehicle Information System

(a) General Requirements.—(1) Not later than July 25, 1993, the Attorney General shall establish, and thereafter maintain, a National Stolen Passenger Motor Vehicle Information System containing the vehicle identification numbers of stolen passenger motor vehicles and

stolen passenger motor vehicle parts. The System shall be located in the National Crime Information Center and shall include at least the following information on each passenger motor vehicle reported to a law enforcement authority as stolen and not recovered:

(A) the vehicle identification number.

(B) the make and model year.

(C) the date on which the vehicle was reported as stolen.

(D) the location of the law enforcement authority that received the report of the theft of the vehicle.

(E) the identification numbers of the vehicle parts (or derivatives of those numbers), at the time of the theft, if those numbers are different from the vehicle identification number of the vehicle.

(2) In establishing the System, the Attorney General shall consult with—

(A) State and local law enforcement authorities; and

(B) the National Crime Information Center Policy Advisory Board to ensure the security of the information in the System and that the System will not compromise the security of stolen passenger motor vehicle and passenger motor vehicle parts information in the System.

(3) If the Attorney General decides that the Center is not able to perform the functions of the System, the Attorney General shall make an agreement for the operation of the System separate from the Center.

(4) The Attorney General shall prescribe by regulation the effective date of the System.

(b) REQUESTS FOR INFORMATION.—(1) The Attorney General shall prescribe by regulation procedures under which an individual or entity intending to transfer a passenger motor vehicle or passenger motor vehicle part may obtain information on whether the vehicle or part is listed in the System as stolen.

(2) On request of an insurance carrier, a person lawfully selling or distributing passenger motor vehicle parts in interstate commerce, or an individual or enterprise engaged in the business of repairing passenger motor vehicles, the Attorney General (or the entity the Attorney General designates) immediately shall inform the insurance carrier, person, individual, or enterprise whether the System has a record of a vehicle or vehicle part with a particular vehicle identification number (or derivative of that number) being reported as stolen. The Attorney General may require appropriate verification to ensure that the request is legitimate and will not compromise the security of the System.

(c) ADVISORY COMMITTEE.—(1) Not later than December 24, 1992, the Attorney General shall establish in the Department of Justice an advisory committee. The Attorney General shall develop the System with the advice and recommendations of the committee.

(2)(A) The committee is composed of the following 10 members:

(i) the Attorney General.

(ii) the Secretary of Transportation.

(iii) one individual who is qualified to represent the interests of the law enforcement community at the State level.

(iv) one individual who is qualified to represent the interests of the law enforcement community at the local level.

(v) one individual who is qualified to represent the interests of the automotive recycling industry.

(vi) one individual who is qualified to represent the interests of the automotive repair industry.

(vii) one individual who is qualified to represent the interests of the automotive rebuilders industry.

(viii) one individual who is qualified to represent the interests of the automotive parts suppliers industry.

(ix) one individual who is qualified to represent the interests of the insurance industry.

(x) one individual who is qualified to represent the interests of consumers.

(B) The Attorney General shall appoint the individuals described in subparagraph (A)(iii)–(x) of this paragraph and shall serve as chairman of the committee.

(3) The committee shall make recommendations on developing and carrying out—

(A) the National Stolen Passenger Motor Vehicle Information System; and

(B) the verification system under section 33110 of this title.

(4) Not later than April 25, 1993, the committee shall submit to the Attorney General, the Secretary, and Congress a report including the recommendations of the committee.

§33110. Verifications involving junk and salvage motor vehicles

(a) DEFINITION.—In this section, "vehicle identification number" means a unique identification number (or derivative of that number) assigned to a passenger motor vehicle by a manufacturer in compliance with applicable regulations.

(b) GENERAL REQUIREMENTS.—(1) If an insurance carrier selling comprehensive motor vehicle insurance coverage obtains possession of and transfers a junk motor vehicle or a salvage motor vehicle, the carrier shall—

(A) under procedures the Attorney General prescribes by regulation under section 33109 of this title in consultation with the Secretary of Transportation, verify whether the vehicle is reported as stolen; and

(B) provide the purchaser or transferee of the vehicle from the insurance carrier verification identifying the vehicle identification number and verifying that the vehicle has not been reported as stolen or, if reported as stolen, that the carrier has recovered the vehicle and has proper legal title to the vehicle.

(2)(A) This subsection does not prohibit an insurance carrier from transferring a motor vehicle if, within a reasonable period of time during normal business operations (as decided by the Attorney General under section 33109 of this title) using reasonable efforts, the carrier—

(i) has not been informed under the procedures prescribed in section 33109 of this title that the vehicle has not been reported as stolen; or

(ii) has not otherwise established whether the vehicle has been reported as stolen.

(B) When a carrier transfers a motor vehicle for which the carrier has not established whether the vehicle has been reported as stolen, the carrier shall provide written certification to the transferee that the carrier has not established whether the vehicle has been reported as stolen.

(c) REGULATIONS.—In consultation with the Secretary, the Attorney General shall prescribe regulations necessary to ensure that verification performed and provided by an insurance carrier under subsection (b)(1)(B) of this section is uniform, effective, and resistant to fraudulent use.

§33111. Verifications involving motor vehicle major parts

(a) GENERAL REQUIREMENTS.—A person engaged in the business of salvaging, dismantling, recycling, or repairing passenger motor vehicles may not knowingly sell in commerce or transfer or install a major part marked with an identification number without—

(1) first establishing, through a procedure the Attorney General by regulation prescribes in consultation with the Secretary of Transportation under section 33109 of this title, that the major part has not been reported as stolen; and

(2) providing the purchaser or transferee with a verification—

(A) identifying the vehicle identification number (or derivative of that number) of that major part; and

(B) verifying that the major part has not been reported as stolen.

(b) NONAPPLICATION.—(1) Subsection (a) of this section does not apply to a person that—

(A) is the manufacturer of the major part;

(B) has purchased the major part directly from the manufacturer; or

(C) has received a verification from an insurance carrier under section 33110 of this title that the motor vehicle from which the major part is derived has not been reported as stolen, or that the carrier has not established whether that vehicle has been stolen.

(2) A person described under paragraph (1)(C) of this subsection that subsequently transfers or sells in commerce the motor vehicle or a major part of the vehicle shall provide the verification received from the carrier to the person to whom the vehicle or part is transferred or sold.

(c) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this section. The regulations shall include regulations prescribed in consultation with the Secretary that are necessary to ensure that a verification a person provides under subsection (a)(2) of this section is uniform, effective, and resistant to fraudulent use.

§33112. Insurance reports and information

(a) PURPOSES.—The purposes of this section are—

(1) to prevent or discourage the theft of motor vehicles, particularly those stolen for the removal of certain parts;

(2) to prevent or discourage the sale and distribution in interstate commerce of used parts that are removed from those vehicles; and

(3) to help reduce the cost to consumers of comprehensive insurance coverage for motor vehicles.

(b) DEFINITIONS.—In this section—

(1) "insurer" includes a person (except a governmental authority) having a fleet of at least 20 motor vehicles that are used primarily for rental or lease and are not covered by a theft insurance policy issued by an insurer of passenger motor vehicles.

(2) "motor vehicle" includes a truck, a multipurpose passenger vehicle, and a motorcycle.

(c) ANNUAL INFORMATION REQUIREMENT.—(1) An insurer providing comprehensive coverage for motor vehicles shall provide annually to the Secretary of Transportation information on—

(A) the thefts and recoveries (in any part) of motor vehicles;

(B) the number of vehicles that have been recovered intact;

(C) the rating rules and plans, such as loss information and rating characteristics, used by the insurer to establish premiums for comprehensive coverage, including the basis for the premiums, and premium penalties for motor vehicles considered by the insurer as more likely to be stolen;

(D) the actions taken by the insurer to reduce the premiums, including changing rate levels for comprehensive coverage because of a reduction in thefts of motor vehicles;

(E) the actions taken by the insurer to assist in deterring or reducing thefts of motor vehicles; and

(F) other information the Secretary requires to carry out this chapter and to make the report and findings required by this chapter.

(2) The information on thefts and recoveries shall include an explanation on how the information is obtained, the accuracy and timeliness of the information, and the use made of the information, including the extent and frequency of reporting the information to national, public, and private entities such as the Federal Bureau of Investigation and State and local police.

(d) REPORTS ON REDUCED CLAIMS PAYMENTS.—An insurer shall report promptly in writing to the Secretary if the insurer, in paying *a claim under an adjustment or negotiation between the insurer and the insured for a stolen motor vehicle—*

(1) reduces the payment to the insured by the amount of the value, salvage or otherwise, of a recovered part subject to a standard prescribed under section 33102 or 33103 of this title; and

(2) the reduction is not made at the express election of the insured.

(e) GENERAL EXEMPTIONS.—The Secretary shall exempt from this section, for one or more years, an insurer that the Secretary decides should be exempted because—

(1) the cost of preparing and providing the information is excessive in relation to the size of the insurer's business; and

(2) the information from that insurer will not contribute significantly to carrying out this chapter.

(f) SMALL INSURER EXEMPTIONS.—(1) In this subsection, "small insurer" means an insurer whose premiums for motor vehicle insurance issued directly or through an affiliate, including a pooling arrangement established under State law or regulation for the issuance of motor vehicle insurance, account for—

(A) less than one percent of the total premiums for all forms of motor vehicle insurance issued by insurers in the United States; and

(B) less than 10 percent of the total premiums for all forms of motor vehicle insurance issued by insurers in any State.

(2) The Secretary shall exempt by regulation a small insurer from this section if the Secretary finds that the exemption will not significantly affect the validity or usefulness of the information collected and compiled under this section, nationally or State-by-State. However, the Secretary may not exempt an insurer under this paragraph that is considered an insurer only because of subsection (b)(1) of this section.

(3) Regulations under this subsection shall provide that eligibility as a small insurer shall be based on the most recent calendar year for which adequate information is available, and that, once attained, the eligibility shall continue without further demonstration of eligibility for one or more years, as the Secretary considers appropriate.

(g) PRESCRIBED FORM.—Information required by this section shall be provided in the form the Secretary prescribes.

(h) PERIODIC COMPILATIONS.—Subject to section 552 of title 5, the Secretary periodically shall compile and publish information obtained by the Secretary under this section, in a form that will be helpful to the public, the police, and Congress.

(i) CONSULTATION.—In carrying out this section, the Secretary shall consult with public and private agencies and associations the Secretary considers appropriate.

§33113. Theft reports

(a) TRUCK, MULTIPURPOSE PASSENGER VEHICLE, AND MOTORCYCLE REPORT.—Not later than October 25, 1995, the Secretary of Transportation shall submit a report to Congress that includes—

(1) information on the number of trucks, multipurpose passenger vehicles, and motorcycles distributed for sale in interstate commerce that are stolen and recovered annually, compiled by model, make, and line;

(2) information on the extent to which trucks, multipurpose passenger vehicles, and motorcycles stolen annually are dismantled to recover parts or are exported;

(3) a description of the market for the stolen parts;

(4) information on the premiums charged by insurers of comprehensive coverage of trucks, multipurpose passenger vehicles, or motorcycles, including any increase in the premiums charged because any of those motor vehicles is a likely candidate for theft;

(5) an assessment of whether the identification of parts of trucks, multipurpose passenger vehicles, and motorcycles is likely—

(A) to decrease the theft rate of those motor vehicles;

(B) to increase the recovery rate of those motor vehicles;

(C) to decrease the trafficking in stolen parts of those motor vehicles;

(D) to stem the export and import of those stolen motor vehicles or parts; or

(E) to have benefits greater than the costs of the identification; and

(6) recommendations on whether, and to what extent, the identification of trucks, multipurpose passenger vehicles, and motorcycles should be required by law.

(b) MOTOR VEHICLE REPORT.—Not later than October 25, 1997, the Secretary shall submit a report to Congress that includes—

(1) information on—

(A) the methods and procedures used by public and private entities to collect, compile, and disseminate information on the theft and recovery of motor vehicles, including classes of motor vehicles; and

(B) the reliability and timeliness of the information and how the information can be improved;

(2) information on the number of motor vehicles distributed for sale in interstate commerce that are stolen and recovered annually, compiled by class, model, make, and line;

(3) information on the extent to which motor vehicles stolen annually are dismantled to recover parts or are exported;

(4) a description of the market for the stolen parts;

(5) information on—

(A) the costs to manufacturers and purchasers of passenger motor vehicles of compliance with the standards prescribed under this chapter;

(B) the beneficial impacts of the standards and the monetary value of the impacts; and

(C) the extent to which the monetary value is greater than the costs;

(6) information on the experience of officials of the United States Government, States, and localities in—

(A) making arrests and successfully prosecuting persons for violating a law set forth in title II or III of the Motor Vehicle Theft Law Enforcement Act of 1984;

(B) preventing or reducing the number and rate of thefts of motor vehicles that are dismantled for parts subject to this chapter; and

(C) preventing or reducing the availability of used parts that are stolen from motor vehicles subject to this chapter;

(7) information on the premiums charged by insurers of comprehensive coverage of motor vehicles subject to this chapter, including any increase in the premiums charged because a motor vehicle is a likely candidate for theft, and the extent to which the insurers have reduced for the benefit of consumers the premiums, or foregone premium increases, because of this chapter;

(8) information on the adequacy and effectiveness of laws of the United States and the States aimed at preventing the distribution and sale of used parts that have been removed from stolen motor vehicles and the adequacy of systems available to enforcement personnel for tracing parts to determine if they have been stolen from a motor vehicle;

(9) an assessment of whether the identification of parts of other classes of motor vehicles is likely—

(A) to decrease the theft rate of those vehicles;

(B) to increase the recovery rate of those vehicles;

(C) to decrease the trafficking in stolen parts of those vehicles;

(D) to stem the export and import of those stolen vehicles, parts, or components; or

(E) to have benefits greater than the costs of the identification; and

(10) other relevant and reliable information available to the Secretary about the impact, including the beneficial impact, of the laws set forth in titles II and III of the Motor Vehicle Theft Law Enforcement Act of 1984 on law enforcement, consumers, and manufacturers; and

(11) recommendations (including, as appropriate, legislative and administrative recommendations) for—

(A) continuing without change the standards prescribed under this chapter;

(B) amending this chapter to cover more or fewer lines of passenger motor vehicles;

(C) amending this chapter to cover other classes of motor vehicles; or

(D) ending the standards for all future motor vehicles.

(c) BASES OF REPORTS.—(1) The reports under subsections (a) and (b) of this section each shall be based on—

(A) information reported under this chapter by insurers of motor vehicles and manufacturers of motor vehicles and major replacement parts;

(B) information provided by the Federal Bureau of Investigation;

(C) experience obtained in carrying out this chapter;

(D) experience of the Government under the laws set forth in titles II and III of the Motor Vehicle Theft Law Enforcement Act of 1984; and

(E) other relevant and reliable information available to the Secretary.

(2) In preparing each report, the Secretary shall consult with the Attorney General and State and local law enforcement officials, as appropriate.

(3) The report under subsection (b) of this section shall—

(A) cover a period of at least 4 years after the standards required by this chapter are prescribed; and

(B) reflect any information, as appropriate, from the report under subsection (a) of this section, updated from the date of the report.

(4) At least 90 days before submitting each report to Congress, the Secretary shall publish a proposed report for public review and an opportunity of at least 45 days for written comment. The Secretary shall consider those comments in preparing the report to be submitted and include a summary of the comments with the submitted report.

§33114. Prohibited acts

(a) GENERAL.—A person may not—

(1) manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, a motor vehicle or major replacement part subject to a standard prescribed under section 33102 or 33103 of this title, unless it conforms to the standard;

(2) fail to comply with a regulation prescribed by the Secretary of Transportation or Attorney General under this chapter;

(3) fail to keep specified records, refuse access to or copying of records, fail to make reports or provide items or information, or fail or refuse to allow entry or inspection, as required by this chapter;

(4) fail to provide the certification required by section 33108(c) of this title, or provide a certification that the person knows, or in the exercise of reasonable care has reason to know, is false or misleading in a material respect; or

(5) knowingly—

(A) own, operate, maintain, or control a chop shop;

(B) conduct operations in a chop shop; or

(C) transport a passenger motor vehicle or passenger motor vehicle part to or from a chop shop.

(b) NONAPPLICATION.—Subsection (a)(1) of this section does not apply to a person establishing

that in the exercise of reasonable care the person did not have reason to know that the motor vehicle or major replacement part was not in conformity with the standard.

§33115. Civil penalties and enforcement

(a) GENERAL PENALTY AND CIVIL ACTIONS TO COLLECT.—(1) A person that violates section 33114(a)(1)–(4) of this title is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. The failure of more than one part of a single motor vehicle to conform to an applicable standard under section 33102 or 33103 of this title is only a single violation. The maximum penalty under this subsection for a related series of violations is $250,000.

(2) The Secretary of Transportation imposes a civil penalty under this subsection. The Secretary may compromise the amount of a penalty.

(3) In determining the amount of a civil penalty or compromise under this subsection, the Secretary shall consider the size of the person's business and the gravity of the violation.

(4) The Attorney General shall bring a civil action in a United States district court to collect a civil penalty imposed under this subsection.

(5) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(b) CHOP SHOP PENALTY AND ENFORCEMENT.—(1) A person that violates section 33114(a)(5) of this title is liable to the Government for a civil penalty of not more than $100,000 a day for each violation.

(2) As appropriate and in consultation with the Attorney General, the Secretary shall—

(A) bring a civil action for a temporary or permanent injunction to restrain a person violating section 33114(a)(5) of this section;

(B) impose and recover the penalty described in paragraph (1) of this subsection; or

(C) take both the actions described in clauses (A) and (B) of this paragraph.

(c) CIVIL ACTIONS TO ENFORCE.—(1) The Attorney General may bring a civil action in a United States district court to enjoin a violation of this chapter or the sale, offer for sale, introduction or delivery for introduction in interstate commerce, or importation into the United States, of a passenger motor vehicle containing a major part, or of a major replacement part, that is subject to the standard and is determined before the sale of the vehicle or part to a first purchaser not to conform to the standard.

(2)(A) When practicable, the Secretary—

(i) shall notify a person against whom an action under this subsection is planned;

(ii) shall give the person an opportunity to present that person's views; and

(iii) except for a knowing and willful violation, shall give the person a reasonable opportunity to comply.

(B) The failure of the Secretary to comply with subparagraph (A) of this paragraph does not prevent a court from granting appropriate relief.

(d) JURY TRIAL DEMAND.—In a trial for criminal contempt for violating an injunction or restraining order issued under subsection (c) of this section, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(e) VENUE.—A civil action under subsection (a) or (c) of this section may be brought in the judicial district in which the violation occurred or the defendant resides, is found, or transacts business. Process in the action may be served in any other judicial district in which the defendant resides or is found. A subpena for a witness in the action may be served in any judicial district.

§33116. Confidentiality of information

(a) GENERAL.—Information obtained by the Secretary of Transportation under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only—

(1) to another officer or employee of the United States Government for use in carrying out this chapter; or

(2) in a proceeding under this chapter (except a proceeding under section 33104(a)(3)).

(b) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

§33117. Judicial review

A person that may be adversely affected by a regulation prescribed under this chapter may obtain judicial review of the regulation under section 32909 of this title. A remedy under this section is in addition to any other remedies provided by law.

§33118. Preemption of State and local law

When a motor vehicle theft prevention standard prescribed under section 33102 or 33103 of this title is in effect, a State or political subdivision of a State may not have a different motor vehicle theft prevention standard for a motor vehicle or major replacement part.

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PART A—AIR COMMERCE AND SAFETY

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CHAPTER 401—GENERAL PROVISIONS

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§40101. Policy

(a) ECONOMIC REGULATION.—In carrying out subpart II of this part and those provisions of subpart IV applicable in carrying out subpart II, the Secretary of Transportation shall consider the following matters, among others, as being in the public interest and consistent with public convenience and necessity:

(1) assigning and maintaining safety as the highest priority in air commerce.

(2) before authorizing new air transportation services, evaluating the safety implications of those services.

(3) preventing deterioration in established safety procedures, recognizing the clear intent, encouragement, and dedication of Congress to further the highest degree of safety in air transportation and air commerce, and to maintain the safety vigilance that has evolved in air transportation and air commerce and has come to be expected by the traveling and shipping public.

(4) the availability of a variety of adequate, economic, efficient, and low-priced services without unreasonable discrimination or unfair or deceptive practices.

(5) coordinating transportation by, and improving relations among, air carriers, and encouraging fair wages and working conditions.

(6) placing maximum reliance on competitive market forces and on actual and potential competition—

(A) to provide the needed air transportation system; and

(B) to encourage efficient and well-managed air carriers to earn adequate profits and attract capital, considering any material differences between interstate air transportation and foreign air transportation.

(7) developing and maintaining a sound regulatory system that is responsive to the needs of the public and in which decisions are reached promptly to make it easier to adapt the air transportation system to the present and future needs of—

(A) the commerce of the United States;

(B) the United States Postal Service; and

(C) the national defense.

(8) encouraging air transportation at major urban areas through secondary or satellite airports if consistent with regional airport plans of regional and local authorities, and if endorsed by appropriate State authorities—

(A) encouraging the transportation by air carriers that provide, in a specific market, transportation exclusively at those airports; and

(B) fostering an environment that allows those carriers to establish themselves and develop secondary or satellite airport services.

(9) preventing unfair, deceptive, predatory, or anticompetitive practices in air transportation.

(10) avoiding unreasonable industry concentration, excessive market domination, monopoly powers, and other conditions that would tend to allow at least one air carrier or foreign air carrier unreasonably to increase prices, reduce services, or exclude competition in air transportation.

(11) maintaining a complete and convenient system of continuous scheduled interstate air transportation for small communities and isolated areas with direct financial assistance from the United States Government when appropriate.

(12) encouraging, developing, and maintaining an air transportation system relying on actual and potential competition—

(A) to provide efficiency, innovation, and low prices; and

(B) to decide on the variety and quality of, and determine prices for, air transportation services.

(13) encouraging entry into air transportation markets by new and existing air carriers and the continued strengthening of small air carriers to ensure a more effective and competitive airline industry.

(14) promoting, encouraging, and developing civil aeronautics and a viable, privately-owned United States air transport industry.

(15) strengthening the competitive position of air carriers to at least ensure equality with foreign air carriers, including the attainment of the opportunity for air carriers to maintain and increase their profitability in foreign air transportation.

(b) ALL-CARGO AIR TRANSPORTATION CONSIDERATIONS.—In carrying out subpart II of this part and those provisions of subpart IV applicable in carrying out subpart II, the Secretary of Transportation shall consider the following matters, among others and in addition to the matters referred to in subsection (a) of this section, as being in the public interest for all-cargo air transportation:

(1) encouraging and developing an expedited all-cargo air transportation system provided by private enterprise and responsive to—

(A) the present and future needs of shippers;

(B) the commerce of the United States; and

(C) the national defense.

(2) encouraging and developing an integrated transportation system relying on competitive market forces to decide the extent, variety, quality, and price of services provided.

(3) providing services without unreasonable discrimination, unfair or deceptive practices, or predatory pricing.

(c) GENERAL SAFETY CONSIDERATIONS.—In carrying out subpart III of this part and those provisions of subpart IV applicable in carrying out subpart III, the Administrator of the Federal Aviation Administration shall consider the following matters:

(1) the requirements of national defense and commercial and general aviation.

(2) the public right of freedom of transit through the navigable airspace.

(d) SAFETY CONSIDERATIONS IN PUBLIC INTEREST.—In carrying out subpart III of this part and those provisions of subpart IV applicable in carrying out subpart III, the Administrator shall consider the following matters, among others, as being in the public interest:

(1) regulating air commerce in a way that best promotes its development and safety and fulfills national defense requirements.

(2) promoting, encouraging, and developing civil aeronautics.

(3) controlling the use of the navigable airspace and regulating civil and military operations in that airspace in the interest of the safety and efficiency of both of those operations.

(4) consolidating research and development for air navigation facilities and the installation and operation of those facilities.

(5) developing and operating a common system of air traffic control and navigation for military and civil aircraft.

(6) providing assistance to law enforcement agencies in the enforcement of laws related to regulation of controlled substances, to the extent consistent with aviation safety.

(e) INTERNATIONAL AIR TRANSPORTATION.—In formulating United States international air transportation policy, the Secretaries of State and Transportation shall develop a negotiating policy emphasizing the greatest degree of competition compatible with a well-functioning international air transportation system, including the following:

(1) strengthening the competitive position of air carriers to ensure at least equality with foreign air carriers, including the attainment of the opportunity for air carriers to maintain and increase their profitability in foreign air transportation.

(2) freedom of air carriers and foreign air carriers to offer prices that correspond to consumer demand.

(3) the fewest possible restrictions on charter air transportation.

(4) the maximum degree of multiple and permissive international authority for air carriers so that they will be able to respond quickly to a shift in market demand.

(5) eliminating operational and marketing restrictions to the greatest extent possible.

(6) integrating domestic and international air transportation.

(7) increasing the number of nonstop United States gateway cities.

(8) opportunities for carriers of foreign countries to increase their access to places in the United States if exchanged for benefits of similar magnitude for air carriers or the traveling public with permanent linkage between rights granted and rights given away.

(9) eliminating discrimination and unfair competitive practices faced by United States airlines in foreign air transportation, including—

(A) excessive landing and user fees;

(B) unreasonable ground handling requirements;

(C) unreasonable restrictions on operations;

(D) prohibitions against change of gauge; and

(E) similar restrictive practices.

(10) promoting, encouraging, and developing civil aeronautics and a viable, privately-owned United States air transport industry.

(f) STRENGTHENING COMPETITION.—In selecting an air carrier to provide foreign air transportation from among competing applicants, the Secretary of Transportation shall consider, in addition to the matters specified in subsections (a) and (b) of this section, the strengthening of competition among air carriers operating in the United States to prevent unreasonable concentration in the air carrier industry.

§40102. Definitions

(a) GENERAL DEFINITIONS.—In this part—

(1) "aeronautics" means the science and art of flight.

(2) "air carrier" means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation.

(3) "air commerce" means foreign air commerce, interstate air commerce, the transportation of mail by aircraft, the operation of aircraft within the limits of a Federal airway, or the operation of aircraft that directly affects, or may endanger safety in, foreign or interstate air commerce.

(4) "air navigation facility" means a facility used, available for use, or designed for use, in aid of air navigation, including—

(A) a landing area;

(B) a light;

(C) apparatus or equipment for distributing weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and

(D) another structure or mechanism for guiding or controlling flight in the air or the landing and takeoff of aircraft.

(5) "air transportation" means foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.

(6) "aircraft" means any contrivance invented, used, or designed to navigate, or fly in, the air.

(7) "aircraft engine" means an engine used, or intended to be used, to propel an aircraft, including a part, appurtenance, and accessory of the engine, except a propeller.

(8) "airman" means an individual—

(A) in command, or as pilot, mechanic, or member of the crew, who navigates aircraft when under way;

(B) except to the extent the Administrator of the Federal Aviation Administration may provide otherwise for individuals employed outside the United States, who is directly in charge of inspecting, maintaining, overhauling, or repairing aircraft, aircraft engines, propellers, or appliances; or

(C) who serves as an aircraft dispatcher or air traffic control-tower operator.

(9) "airport" means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

(10) "all-cargo air transportation" means the transportation by aircraft in interstate air transportation of only property or only mail, or both.

(11) "appliance" means an instrument, equipment, apparatus, a part, an appurtenance, or an accessory used, capable of being used, or intended to be used, in operating or controlling aircraft in flight, including a parachute, communication equipment, and another mechanism installed in or attached to aircraft during flight, and not a part of an aircraft, aircraft engine, or propeller.

(12) "cargo" means property, mail, or both.

(13) "charter air carrier" means an air carrier holding a certificate of public convenience and necessity that authorizes it to provide charter air transportation.

(14) "charter air transportation" means charter trips in air transportation authorized under this part.

(15) "citizen of the United States" means—

(A) an individual who is a citizen of the United States;

(B) a partnership each of whose partners is an individual who is a citizen of the United States; or

(C) a corporation or association organized under the laws of the United States or a State, the District of Columbia, or a territory or possession of the United States, of which the president and at least two-thirds of the board of directors and other managing officers are citizens of the United States, and in which at least 75 percent of the voting interest is owned or controlled by persons that are citizens of the United States.

(16) "civil aircraft" means an aircraft except a public aircraft.

(17) "civil aircraft of the United States" means an aircraft registered under chapter 441 of this title.

(18) "conditional sales contract" means a contract—

(A) for the sale of an aircraft, aircraft engine, propeller, appliance, or spare part, under which the buyer takes possession of the property but title to the property vests in the buyer at a later time on—

(i) paying any part of the purchase price;

(ii) performing another condition; or

(iii) the happening of a contingency; or

(B) to bail or lease an aircraft, aircraft engine, propeller, appliance, or spare part, under which the bailee or lessee—

(i) agrees to pay an amount substantially equal to the value of the property; and

(ii) is to become, or has the option of becoming, the owner of the property on complying with the contract.

(19) "conveyance" means an instrument, including a conditional sales contract, affecting title to, or an interest in, property.

(20) "Federal airway" means a part of the navigable airspace that the Administrator designates as a Federal airway.

(21) "foreign air carrier" means a person, not a citizen of the United States, undertaking by any means, directly or indirectly, to provide foreign air transportation.

(22) "foreign air commerce" means the transportation of passengers or property by aircraft for compensation, the transportation of mail by aircraft, or the operation of aircraft in furthering a business or vocation, between a place in the United States and a place outside the United States when any part of the transportation or operation is by aircraft.

(23) "foreign air transportation" means the transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft, between a place in the United States and a place outside the United States when any part of the transportation is by aircraft.

(24) "interstate air commerce" means the transportation of passengers or property by aircraft for compensation, the transportation of mail by aircraft, or the operation of aircraft in furthering a business or vocation—

(A) between a place in—

(i) a State, territory, or possession of the United States and a place in the District of Columbia or another State, territory, or possession of the United States;

(ii) a State and another place in the same State through the airspace over a place outside the State;

(iii) the District of Columbia and another place in the District of Columbia; or

(iv) a territory or possession of the United States and another place in the same territory or possession; and

(B) when any part of the transportation or operation is by aircraft.

(25) "interstate air transportation" means the transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft—

(A) between a place in—

(i) a State, territory, or possession of the United States and a place in the District of Columbia or another State, territory, or possession of the United States;

(ii) Hawaii and another place in Hawaii through the airspace over a place outside Hawaii;

(iii) the District of Columbia and another place in the District of Columbia; or

(iv) a territory or possession of the United States and another place in the same territory or possession; and

(B) when any part of the transportation is by aircraft.

(26) "intrastate air carrier" means a citizen of the United States undertaking by any means to provide only intrastate air transportation.

(27) "intrastate air transportation" means the transportation by a common carrier of passengers or property for compensation, entirely in the same State, by turbojet-powered aircraft capable of carrying at least 30 passengers.

(28) "landing area" means a place on land or water, including an airport or intermediate landing field, used, or intended to be used, for the takeoff and landing of aircraft, even when facilities are not provided for sheltering, servicing, or repairing aircraft, or for receiving or discharging passengers or cargo.

(29) "mail" means United States mail and foreign transit mail.

(30) "navigable airspace" means airspace above the minimum altitudes of flight prescribed by regulations under subparts I and III of this part, including airspace needed to ensure safety in the takeoff and landing of aircraft.

(31) "navigate aircraft" and "navigation of aircraft" include piloting aircraft.

(32) "operate aircraft" and "operation of aircraft" mean using aircraft for the purposes of air navigation, including—

(A) the navigation of aircraft; and

(B) causing or authorizing the operation of aircraft with or without the right of legal control of the aircraft.

(33) "person", in addition to its meaning under section 1 of title 1, includes a governmental authority and a trustee, receiver, assignee, and other similar representative.

(34) "predatory" means a practice that violates the antitrust laws as defined in the first section of the Clayton Act (15 U.S.C. 12).

(35) "price" means a rate, fare, or charge for air transportation.

(36) "propeller" includes a part, appurtenance, and accessory of a propeller.

(37) "public aircraft"—

(A) means an aircraft—

(i) used only for the United States Government; or

(ii) owned and operated (except for commercial purposes), or exclusively leased for at least 90 continuous days, by a government (except the United States Government), including a State, the District of Columbia, or a territory or possession of the United States, or political subdivision of that government; but

(B) does not include a government-owned aircraft transporting passengers or property for commercial purposes.

(38) "spare part" means an accessory, appurtenance, or part of an aircraft (except an aircraft engine or propeller), aircraft engine (except a propeller), propeller, or appliance, that is to be installed at a later time in an aircraft, aircraft engine, propeller, or appliance.

(39) "State authority" means an authority of a State designated under State law—

(A) to receive notice required to be given a State authority under subpart II of this part; or

(B) as the representative of the State before the Secretary of Transportation in any matter about which the Secretary is required to consult with or consider the views of a State authority under subpart II of this part.

(40) "ticket agent" means a person (except an air carrier, a foreign air carrier, or an employee of an air carrier or foreign air carrier) that as a principal or agent sells, offers for sale, negotiates for, or holds itself out as selling, providing, or arranging for, air transportation.

(41) "United States" means the States of the United States, the District of Columbia, and the territories and possessions of the United States, including the territorial sea and the overlying airspace.

(b) LIMITED DEFINITION.—In subpart II of this part, "control" means control by any means.

§40103. Sovereignty and use of airspace

(a) SOVEREIGNTY AND PUBLIC RIGHT OF TRANSIT.—(1) The United States Government has exclusive sovereignty of airspace of the United States.

(2) A citizen of the United States has a public right of transit through the navigable airspace. To further that right, the Secretary of Transportation shall consult with the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) before prescribing a regulation or issuing an order or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for handicapped individuals.

(b) USE OF AIRSPACE.—(1) The Administrator of the Federal Aviation Administration shall develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. The Administrator may modify or revoke an assignment when required in the public interest.

(2) The Administrator shall prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for—

(A) navigating, protecting, and identifying aircraft;

(B) protecting individuals and property on the ground;

(C) using the navigable airspace efficiently; and

(D) preventing collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

(3) To establish security provisions that will encourage and allow maximum use of the navigable airspace by civil aircraft consistent with national security, the Administrator, in consultation with the Secretary of Defense, shall—

(A) establish areas in the airspace the Administrator decides are necessary in the interest of national defense; and

(B) by regulation or order, restrict or prohibit flight of civil aircraft that the Administrator cannot identify, locate, and control with available facilities in those areas.

(4) Notwithstanding the military exception in section 553(a)(1) of title 5, subchapter II of chapter 5 of title 5 applies to a regulation prescribed under this subsection.

(c) FOREIGN AIRCRAFT.—A foreign aircraft, not part of the armed forces of a foreign country, may be navigated in the United States as provided in section 41703 of this title.

(d) AIRCRAFT OF ARMED FORCES OF FOREIGN COUNTRIES.—Aircraft of the armed forces of a foreign country may be navigated in the United States only when authorized by the Secretary of State.

(e) NO EXCLUSIVE RIGHTS AT CERTAIN FACILITIES.—A person does not have an exclusive right to use an air navigation facility on which Government money has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

(1) it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and

(2) allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

§40104. Promotion of civil aeronautics and air commerce

The Administrator of the Federal Aviation Administration shall encourage the development of civil aeronautics and air commerce in and outside the United States. In carrying out this section, the Administrator shall take action that the Administrator considers necessary to establish, within available resources, a program to distribute civil aviation information in each region served by the Administration. The program shall provide, on request, informational material and expertise on civil aviation to State and local school administrators, college and university officials, and officers of other interested organizations.

§40105. International negotiations, agreements, and obligations

(a) ADVICE AND CONSULTATION.—The Secretary of State shall advise the Administrator of the Federal Aviation Administration and the Secretaries of Transportation and Commerce, and consult with them as appropriate, about negotiations for an agreement with a government of a foreign country to establish or develop air

navigation, including air routes and services. The Secretary of Transportation shall consult with the Secretary of State in carrying out this part to the extent this part is related to foreign air transportation.

(b) ACTIONS OF SECRETARY AND ADMINISTRATOR.—(1) In carrying out this part, the Secretary of Transportation and the Administrator—

(A) shall act consistently with obligations of the United States Government under an international agreement;

(B) shall consider applicable laws and requirements of a foreign country; and

(C) may not limit compliance by an air carrier with obligations or liabilities imposed by the government of a foreign country when the Secretary takes any action related to a certificate of public convenience and necessity issued under chapter 411 of this title.

(2) This subsection does not apply to an agreement between an air carrier or an officer or representative of an air carrier and the government of a foreign country, if the Secretary of Transportation disapproves the agreement because it is not in the public interest. Section 40106(b)(2) of this title applies to this subsection.

(c) CONSULTATION ON INTERNATIONAL AIR TRANSPORTATION POLICY.—In carrying out section 40101(e) of this title, the Secretaries of State and Transportation, to the maximum extent practicable, shall consult on broad policy goals and individual negotiations with—

(1) the Secretaries of Commerce and Defense;

(2) airport operators;

(3) scheduled air carriers;

(4) charter air carriers;

(5) airline labor;

(6) consumer interest groups;

(7) travel agents and tour organizers; and

(8) other groups, institutions, and governmental authorities affected by international aviation policy.

(d) CONGRESSIONAL OBSERVERS AT INTERNATIONAL AVIATION NEGOTIATIONS.—The President shall grant to at least one representative of each House of Congress the privilege of attending international aviation negotiations as an observer if the privilege is requested in advance in writing.

§40106. Emergency powers

(a) DEVIATIONS FROM REGULATIONS.—Appropriate military authority may authorize aircraft of the armed forces of the United States to deviate from air traffic regulations prescribed under section 40103(b)(1) and (2) of this title when the authority decides the deviation is essential to the national defense because of a military emergency or urgent military necessity. The authority shall—

(1) give the Administrator of the Federal Aviation Administration prior notice of the deviation at the earliest practicable time; and

(2) to the extent time and circumstances allow, make every reasonable effort to consult with the Administrator and arrange for the deviation in advance on a mutually agreeable basis.

(b) SUSPENSION OF AUTHORITY.—(1) When the President decides that the government of a foreign country is acting inconsistently with the Convention for the Suppression of Unlawful Seizure of Aircraft or that the government of a foreign country allows territory under its jurisdiction to be used as a base of operations or training of, or as a sanctuary for, or arms, aids, or abets, a terrorist organization that knowingly uses the unlawful seizure, or the threat of an unlawful seizure, of an aircraft as an instrument of policy, the President may suspend the authority of—

(A) an air carrier or foreign air carrier to provide foreign air transportation to and from that foreign country;

(B) a person to operate aircraft in foreign air commerce to and from that foreign country;

(C) a foreign air carrier to provide foreign air transportation between the United States and another country that maintains air service with the foreign country; and

(D) a foreign person to operate aircraft in foreign air commerce between the United States and another country that maintains air service with the foreign country.

(2) The President may act under this subsection without notice or a hearing. The suspension remains in effect for as long as the President decides is necessary to ensure the security of aircraft against unlawful seizure. Notwithstanding section 40105(b) of this title, the authority of the President to suspend rights under this subsection is a condition to a certificate of public convenience and necessity, air carrier operating certificate, foreign air carrier or foreign aircraft permit, or foreign air carrier operating specification issued by the Secretary of Transportation under this part.

(3) An air carrier or foreign air carrier may not provide foreign air transportation, and a person may not operate aircraft in foreign air commerce, in violation of a suspension of authority under this subsection.

§40107. Presidential transfers

(a) GENERAL AUTHORITY.—The President may transfer to the Administrator of the Federal Aviation Administration a duty, power, activity, or facility of a department, agency, or instrumentality of the executive branch of the United States Government, or an officer or unit of a department, agency, or instrumentality of the executive branch, related primarily to selecting, developing, testing, evaluating, establishing, operating, or maintaining a system, procedure, facility, or device for safe and efficient air navigation and air traffic control. In making a transfer, the President may transfer records and property and make officers and employees from the department, agency, instrumentality, or unit available to the Administrator.

(b) DURING WAR.—If war occurs, the President by executive order may transfer to the Secretary of Defense a duty, power, activity, or facility of the Administrator. In making the transfer, the President may transfer records, property, officers, and employees of the Administration to the Department of Defense.

§40108. Training schools

(a) AUTHORITY TO OPERATE.—The Administrator of the Federal Aviation Administration may operate schools to train officers and employees of the Administration to carry out duties, powers, and activities of the Administrator.

(b) ATTENDANCE.—The Administrator may authorize officers and employees of other departments, agencies, or instrumentalities of the United States Government, officers and employees of governments of foreign countries, and individuals from the aeronautics industry to attend those schools. However, if the attendance of any of those officers, employees, or individuals increases the cost of operating the schools, the Administrator may require the payment or transfer of amounts or other consideration to offset the additional cost. The amount received may be credited to the appropriation current when the expenditures are or were paid, the appropriation current when the amount is received, or both.

§40109. Authority to exempt

(a) AIR CARRIERS AND FOREIGN AIR CARRIERS NOT ENGAGED DIRECTLY IN OPERATING AIRCRAFT.—(1) The Secretary of Transportation may exempt from subpart II of this part—

(A) an air carrier not engaged directly in operating aircraft in air transportation; or

(B) a foreign air carrier not engaged directly in operating aircraft in foreign air transportation.

(2) The exemption is effective to the extent and for periods that the Secretary decides are in the public interest.

(b) SAFETY REGULATION.—The Administrator of the Federal Aviation Administration may grant an exemption from a regulation prescribed in carrying out sections 40103(b)(1) and (2), 40119, 44901, 44903, 44906, and 44935–44937 of this title when the Administrator decides the exemption is in the public interest.

(c) OTHER ECONOMIC REGULATION.—Except as provided in this section, the Secretary may exempt to the extent the Secretary considers necessary a person or class of persons from a provision of chapter 411, sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, and 41731–41742, chapter 419, subchapter II of chapter 421, and section 46301(b) of this title, or a regulation or term prescribed under any of those provisions, when the Secretary decides that the exemption is consistent with the public interest.

(d) LABOR REQUIREMENTS.—The Secretary may not exempt an air carrier from section 42112 of this title. However, the Secretary may exempt from section 42112(b)(1) and (2) an air carrier not providing scheduled air transportation, and the operations conducted during daylight hours by an air carrier providing scheduled air transportation, when the Secretary decides that—

(1) because of the limited extent of, or unusual circumstances affecting, the operation of the air carrier, the enforcement of section 42112(b)(1) and (2) of this title is or would be an unreasonable burden on the air carrier that would obstruct its development and prevent it from beginning or continuing operations; and

(2) the exemption would not affect adversely the public interest.

(e) MAXIMUM FLYING HOURS.—The Secretary may not exempt an air carrier under this section from a provision referred to in subsection (c) of this section, or a regulation or term prescribed under any of those provisions, that sets maximum flying hours for pilots or copilots.

(f) SMALLER AIRCRAFT.—(1) An air carrier is exempt from section 41101(a)(1) of this title, and the Secretary may exempt an air carrier from another provision of subpart II of this part, if the air carrier—

(A)(i) provides passenger transportation only with aircraft having a maximum capacity of 55 passengers; or

(ii) provides the transportation of cargo only with aircraft having a maximum payload of less than 18,000 pounds; and

(B) complies with liability insurance requirements and other regulations the Secretary prescribes.

(2) The Secretary may increase the passenger or payload capacities when the public interest requires.

(3)(A) An exemption under this subsection applies to an air carrier providing air transportation between 2 places in Alaska, or between Alaska and Canada, only if the carrier is authorized by Alaska to provide the transportation.

(B) The Secretary may limit the number or location of places that may be served by an air carrier providing transportation only in Alaska under an exemption from section 41101(a)(1) of this title, or the frequency with which the transportation may be provided, only when the Secretary decides that providing the transportation substantially impairs the ability of an air carrier holding a certificate issued by the Secretary to provide its authorized transportation, including the minimum transportation requirement for Alaska specified under section 41732(b)(1)(B) of this title.

(g) EMERGENCY AIR TRANSPORTATION BY FOREIGN AIR CARRIERS.—(1) To the extent that the Secretary decides an exemption is in the public

interest, the Secretary may exempt by order a foreign air carrier from the requirements and limitations of this part for not more than 30 days to allow the foreign air carrier to carry passengers or cargo in interstate air transportation in certain markets if the Secretary finds that—

(A) because of an emergency created by unusual circumstances not arising in the normal course of business, air carriers holding certificates under section 41102 of this title cannot accommodate traffic in those markets;

(B) all possible efforts have been made to accommodate the traffic by using the resources of the air carriers, including the use of—

(i) foreign aircraft, or sections of foreign aircraft, under lease or charter to the air carriers; and

(ii) the air carriers' reservations systems to the extent practicable;

(C) the exemption is necessary to avoid unreasonable hardship for the traffic in the markets that cannot be accommodated by the air carriers; and

(D) granting the exemption will not result in an unreasonable advantage to any party in a labor dispute where the inability to accommodate traffic in a market is a result of the dispute.

(2) When the Secretary grants an exemption to a foreign air carrier under this subsection, the Secretary shall—

(A) ensure that air transportation that the foreign air carrier provides under the exemption is made available on reasonable terms;

(B) monitor continuously the passenger load factor of air carriers in the market that hold certificates under section 41102 of this title; and

(C) review the exemption at least every 30 days to ensure that the unusual circumstances that established the need for the exemption still exist.

(3) The Secretary may renew an exemption (including renewals) under this subsection for not more than 30 days. An exemption may continue for not more than 5 days after the unusual circumstances that established the need for the exemption cease.

(h) NOTICE AND OPPORTUNITY FOR HEARING.—The Secretary may act under subsections (d) and (f)(3)(B) of this section only after giving the air carrier notice and an opportunity for a hearing.

§40110. General procurement authority

(a) GENERAL.—In carrying out this part, the Administrator of the Federal Aviation Administration may—

(1) acquire, to the extent that amounts are available for obligation, services or an interest in property, including an interest in airspace immediately adjacent to and needed for airports and other air navigation facilities owned by the United States Government and operated by the Administrator;

(2) dispose of an interest in property for adequate compensation; and

(3) construct and improve laboratories and other test facilities.

(b) DUTIES AND POWERS.—When carrying out subsection (a) of this section, the Administrator of the Federal Aviation Administration—

(1) is the senior procurement executive referred to in section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) for approving the justification for using procedures other than competitive procedures, as required under section 303(f)(1)(B)(iii) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B)(iii)); and

(2) may—

(A) lease an interest in property for not more than 20 years;

(B) consider the reasonable probable future use of the underlying land in making an award for a condemnation of an interest in airspace;

(C) construct, or acquire an interest in, a public building (as defined in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612)) only under a delegation of authority from the Administrator of General Services;

(D) use procedures other than competitive procedures, as provided under section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c));

(E) use procedures other than competitive procedures only when the property or services needed by the Administrator of the Federal Aviation Administration are available from only one responsible source or only from a limited number of responsible sources and no other type of property or services will satisfy the needs of the Administrator; and

(F) dispose of property under subsection (a)(2) of this section, except for airport and airway property and technical equipment used for the special purposes of the Administration, only under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

§40111. Multiyear procurement contracts for services and related items

(a) GENERAL AUTHORITY.—Notwithstanding section 1341(a)(1)(B) of title 31, the Administrator of the Federal Aviation Administration may make a contract of not more than 5 years for the following types of services and items of supply related to those services for which amounts otherwise would be available for obligation only in the fiscal year for which appropriated:

(1) operation, maintenance, and support of facilities and installations.

(2) operation, maintenance, and modification of aircraft, vehicles, and other highly complex equipment.

(3) specialized training requiring high quality instructor skills, including training of pilots and aircrew members and foreign language training.

(4) base services, including ground maintenance, aircraft refueling, bus transportation, and refuse collection and disposal.

(b) REQUIRED FINDINGS.—The Administrator may make a contract under this section only if the Administrator finds that—

(1) there will be a continuing requirement for the service consistent with current plans for the proposed contract period;

(2) providing the service will require a substantial initial investment in plant or equipment, or will incur a substantial contingent liability for assembling, training, or transporting a specialized workforce; and

(3) the contract will promote the best interests of the United States by encouraging effective competition and promoting economies in operation.

(c) CONSIDERATIONS.—When making a contract under this section, the Administrator shall be guided by the following:

(1) The part of the cost of a plant or equipment amortized as a cost of contract performance may not be more than the ratio between the period of contract performance and the anticipated useful commercial life (instead of physical life) of the plant or equipment, considering the location and specialized nature of the plant or equipment, obsolescence, and other similar factors.

(2) The Administrator shall consider the desirability of—

(A) obtaining an option to renew the contract for a reasonable period of not more than 3 years, at a price that does not include charges for nonrecurring costs already amortized; and

(B) reserving in the Administrator the right, on payment of the unamortized part of the cost of the plant or equipment, to take title to the plant or equipment under appropriate circumstances.

(d) ENDING CONTRACTS.—A contract made under this section shall be ended if amounts are not made available to continue the contract into a subsequent fiscal year. The cost of ending the contract may be paid from—

(1) an appropriation originally available for carrying out the contract;

(2) an appropriation currently available for procuring the type of service concerned and not otherwise obligated; or

(3) amounts appropriated for payments to end the contract.

§40112. Multiyear procurement contracts for property

(a) GENERAL AUTHORITY.—Notwithstanding section 1341(a)(1)(B) of title 31 and to the extent that amounts otherwise are available for obligation, the Administrator of the Federal Aviation Administration may make a contract of more than one but not more than 5 fiscal years to purchase property, except a contract to construct, alter, or make a major repair or improvement to real property or a contract to purchase property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies.

(b) REQUIRED FINDINGS.—The Administrator may make a contract under this section if the Administrator finds that—

(1) the contract will promote the safety or efficiency of the national airspace system and will result in reduced total contract costs;

(2) the minimum need for the property to be purchased is expected to remain substantially unchanged during the proposed contract period in terms of production rate, procurement rate, and total quantities;

(3) there is a reasonable expectation that throughout the proposed contract period the Administrator will request appropriations for the contract at the level required to avoid cancellation;

(4) there is a stable design for the property to be acquired and the technical risks associated with the property are not excessive; and

(5) the estimates of the contract costs and the anticipated savings from the contract are realistic.

(c) REGULATIONS.—The Administrator shall prescribe regulations for acquiring property under this section to promote the use of contracts under this section in a way that will allow the most efficient use of those contracts. The regulations may provide for a cancellation provision in the contract to the extent the provision is necessary and in the best interest of the United States. The provision may include consideration of recurring and nonrecurring costs of the contractor associated with producing the item to be delivered under the contract. The regulations shall provide that, to the extent practicable—

(1) to broaden the aviation industrial base—

(A) a contract under this section shall be used to seek, retain, and promote the use under that contract of subcontractors, vendors, or suppliers; and

(B) on accrual of a payment or other benefit accruing on a contract under this section to a subcontractor, vendor, or supplier participating in the contract, the payment or benefit shall be delivered in the most expeditious way practicable; and

(2) this section and regulations prescribed under this section may not be carried out in a way that precludes or curtails the existing ability of the Administrator to provide for—

(A) competition in producing items to be delivered under a contract under this section; or

(B) ending a prime contract when performance is deficient with respect to cost, quality, or schedule.

(d) CONTRACT PROVISIONS.—(1) A contract under this section may—

(A) be used for the advance procurement of components, parts, and material necessary to manufacture equipment to be used in the national airspace system;

(B) provide that performance under the contract after the first year is subject to amounts being appropriated; and

(C) contain a negotiated priced option for varying the number of end items to be procured over the period of the contract.

(2) If feasible and practicable, an advance procurement contract may be made to achieve economic-lot purchases and more efficient production rates.

(e) CANCELLATION PAYMENT AND NOTICE OF CANCELLATION CEILING.—(1) If a contract under this section provides that performance is subject to an appropriation being made, it also may provide for a cancellation payment to be made to the contractor if the appropriation is not made.

(2) Before awarding a contract under this section containing a cancellation ceiling of more than $100,000,000, the Administrator shall give written notice of the proposed contract and cancellation ceiling to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The contract may not be awarded until the end of the 30-day period beginning on the date of the notice.

(f) ENDING CONTRACTS.—A contract made under this section shall be ended if amounts are not made available to continue the contract into a subsequent fiscal year. The cost of ending the contract may be paid from—

(1) an appropriation originally available for carrying out the contract;

(2) an appropriation currently available for procuring the type of property concerned and not otherwise obligated; or

(3) amounts appropriated for payments to end the contract.

§40113. Administrative

(a) GENERAL AUTHORITY.—The Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may take action the Secretary or Administrator, as appropriate, considers necessary to carry out this part, including conducting investigations, prescribing regulations, standards, and procedures, and issuing orders.

(b) HAZARDOUS MATERIAL.—In carrying out this part, the Secretary has the same authority to regulate the transportation of hazardous material by air that the Secretary has under section 5103 of this title. However, this subsection does not prohibit or regulate the transportation of a firearm (as defined in section 232 of title 18) or ammunition for a firearm, when transported by an individual for personal use.

(c) GOVERNMENTAL ASSISTANCE.—The Secretary (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may use the assistance of the Administrator of the National Aeronautics and Space Administration and any research or technical department, agency, or instrumentality of the United States Government on matters related to aircraft fuel and oil, and to the design, material, workmanship, construction, performance, maintenance, and operation of aircraft, aircraft engines, propellers, appliances, and air navigation facilities. Each department, agency, and instrumentality may conduct scientific and technical research, investigations, and tests necessary to assist the Secretary or Administrator of the Federal Aviation Administration in carrying out this part. This part does not authorize duplicating laboratory research activities of a department, agency, or instrumentality.

(d) INDEMNIFICATION.—The Administrator of the Federal Aviation Administration may indemnify an officer or employee of the Administration against a claim or judgment arising out of an act that the Administrator decides was committed within the scope of the official duties of the officer or employee.

§40114. Reports and records

(a) WRITTEN REPORTS.—(1) Except as provided in this part, the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) shall make a written report of each proceeding and investigation under this part in which a formal hearing was held and shall provide a copy to each party to the proceeding or investigation. The report shall include the decision, conclusions, order, and requirements of the Secretary or Administrator as appropriate.

(2) The Secretary (or the Administrator with respect to aviation safety duties and powers designated to be carried out by the Administrator) shall have all reports, orders, decisions, and regulations the Secretary or Administrator, as appropriate, issues or prescribes published in the form and way best adapted for public use. A publication of the Secretary or Administrator is competent evidence of its contents.

(b) PUBLIC RECORDS.—Except as provided in subpart II of this part, copies of tariffs and arrangements filed with the Secretary under subpart II, and the statistics, tables, and figures contained in reports made to the Secretary under subpart II, are public records. The Secretary is the custodian of those records. A public record, or a copy or extract of it, certified by the Secretary under the seal of the Department of Transportation is competent evidence in an investigation by the Secretary and in a judicial proceeding.

§40115. Withholding information

(a) OBJECTIONS TO DISCLOSURE.—(1) A person may object to the public disclosure of information—

(A) in a record filed under this part; or

(B) obtained under this part by the Secretary of Transportation or State or the United States Postal Service.

(2) An objection must be in writing and must state the reasons for the objection. The Secretary of Transportation or State or the Postal Service shall order the information withheld from public disclosure when the appropriate Secretary or the Postal Service decides that disclosure of the information would—

(A) prejudice the United States Government in preparing and presenting its position in international negotiations; or

(B) have an adverse effect on the competitive position of an air carrier in foreign air transportation.

(b) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

§40116. State taxation

(a) DEFINITION.—In this section, "State" includes the District of Columbia, a territory or possession of the United States, and a political authority of at least 2 States.

(b) PROHIBITIONS.—Except as provided in subsection (c) of this section and section 40117 of this title, a State or political subdivision of a State may not levy or collect a tax, fee, head charge, or other charge on—

(1) an individual traveling in air commerce;

(2) the transportation of an individual traveling in air commerce;

(3) the sale of air transportation; or

(4) the gross receipts from that air commerce or transportation.

(c) AIRCRAFT TAKING OFF OR LANDING IN STATE.—A State or political subdivision of a State may levy or collect a tax on or related to a flight of a commercial aircraft or an activity or service on the aircraft only if the aircraft takes off or lands in the State or political subdivision as part of the flight.

(d) UNREASONABLE BURDENS AND DISCRIMINATION AGAINST INTERSTATE COMMERCE.—(1) In this subsection—

(A) "air carrier transportation property" means property (as defined by the Secretary of Transportation) that an air carrier providing air transportation owns or uses.

(B) "assessment" means valuation for a property tax levied by a taxing district.

(C) "assessment jurisdiction" means a geographical area in a State used in determining the assessed value of property for ad valorem taxation.

(D) "commercial and industrial property" means property (except transportation property and land used primarily for agriculture or timber growing) devoted to a commercial or industrial use and subject to a property tax levy.

(2)(A) A State, political subdivision of a State, or authority acting for a State or political subdivision may not do any of the following acts because those acts unreasonably burden and discriminate against interstate commerce:

(i) assess air carrier transportation property at a value that has a higher ratio to the true market value of the property than the ratio that the assessed value of other commercial and industrial property of the same type in the same assessment jurisdiction has to the true market value of the other commercial and industrial property.

(ii) levy or collect a tax on an assessment that may not be made under clause (i) of this subparagraph.

(iii) levy or collect an ad valorem property tax on air carrier transportation property at a tax rate greater than the tax rate applicable to commercial and industrial property in the same assessment jurisdiction.

(B) Subparagraph (A) of this paragraph does not apply to an in lieu tax completely used for airport and aeronautical purposes.

(e) OTHER ALLOWABLE TAXES AND CHARGES.—Except as provided in subsection (d) of this section, a State or political subdivision of a State may levy or collect—

(1) taxes (except those taxes enumerated in subsection (b) of this section), including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and

(2) reasonable rental charges, landing fees, and other service charges from aircraft operators for using airport facilities of an airport owned or operated by that State or subdivision.

(f) PAY OF AIR CARRIER EMPLOYEES.—(1) In this subsection—

(A) "pay" means money received by an employee for services.

(B) "State" means a State of the United States, the District of Columbia, and a territory or possession of the United States.

(C) an employee is deemed to have earned 50 percent of the employee's pay in a State or political subdivision of a State in which the scheduled flight time of the employee in the State or subdivision is more than 50 percent of the total scheduled flight time of the employee when employed during the calendar year.

(2) The pay of an employee of an air carrier having regularly assigned duties on aircraft in at least 2 States is subject to the income tax laws of only the following:

(A) the State or political subdivision of the State that is the residence of the employee.

(B) the State or political subdivision of the State in which the employee earns more than 50

percent of the pay received by the employee from the carrier.

§40117. Passenger facility fees

(a) DEFINITIONS.—In this section—

(1) "airport", "commercial service airport", and "public agency" have the same meanings given those terms in section 47102 of this title.

(2) "eligible agency" means a public agency that controls a commercial service airport.

(3) "eligible airport-related project" means a project—

(A) for airport development or airport planning under subchapter I of chapter 471 of this title;

(B) for terminal development described in section 47110(d) of this title;

(C) for airport noise capability planning under section 47505 of this title;

(D) to carry out noise compatibility measures eligible for assistance under section 47504 of this title, whether or not a program for those measures has been approved under section 47504; and

(E) for constructing gates and related areas at which passengers board or exit aircraft.

(4) "passenger facility fee" means a fee imposed under this section.

(5) "passenger facility revenue" means revenue derived from a passenger facility fee.

(b) GENERAL AUTHORITY.—(1) The Secretary of Transportation may authorize under this section an eligible agency to impose a passenger facility fee of $1, $2, or $3 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, to be carried out in connection with the airport or any other airport the agency controls.

(2) A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not regulate or prohibit the imposition or collection of a passenger facility fee or the use of the passenger facility revenue.

(3) A passenger facility fee may be imposed on a passenger of an air carrier or foreign air carrier originating or connecting at the commercial service airport that the agency controls.

(c) APPLICATIONS.—(1) An eligible agency must submit to the Secretary an application for authority to impose a passenger facility fee. The application shall contain information and be in the form that the Secretary may require by regulation.

(2) Before submitting an application, the eligible agency must provide reasonable notice to, and an opportunity for consultation with, air carriers and foreign air carriers operating at the airport. The Secretary shall prescribe regulations that define reasonable notice and contain at least the following requirements:

(A) The agency must provide written notice of individual projects being considered for financing by a passenger facility fee and the date and location of a meeting to present the projects to air carriers and foreign air carriers operating at the airport.

(B) Not later than 30 days after written notice is provided under subparagraph (A) of this paragraph, each air carrier and foreign air carrier operating at the airport must provide to the agency written notice of receipt of the notice. Failure of a carrier to provide the notice may be deemed certification of agreement with the project by the carrier under subparagraph (D) of this paragraph.

(C) Not later than 45 days after written notice is provided under subparagraph (A) of this paragraph, the agency must conduct a meeting to provide air carriers and foreign air carriers with descriptions of projects and justifications and a detailed financial plan for projects.

(D) Not later than 30 days after the meeting, each air carrier and foreign air carrier must provide to the agency certification of agreement or disagreement with projects (or total plan for the projects). Failure to provide the certification is deemed certification of agreement with the project by the carrier. A certification of disagreement is void if it does not contain the reasons for the disagreement.

(3) After receiving an application, the Secretary shall provide notice and an opportunity to air carriers, foreign air carriers, and other interested persons to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.

(d) LIMITATIONS ON APPROVING APPLICATIONS.—The Secretary may approve an application that an eligible agency has submitted under subsection (c) of this section to finance a specific project only if the Secretary finds, based on the application, that—

(1) the amount and duration of the proposed passenger facility fee will result in revenue (including interest and other returns on the revenue) that is not more than the amount necessary to finance the specific project; and

(2) each project is an eligible airport-related project that will—

(A) preserve or enhance capacity, safety, or security of the national air transportation system;

(B) reduce noise resulting from an airport that is part of the system; or

(C) provide an opportunity for enhanced competition between or among air carriers and foreign air carriers.

(e) LIMITATIONS ON IMPOSING FEES.—(1) An eligible agency may impose a passenger facility fee only—

(A) if the Secretary approves an application that the agency has submitted under subsection (c) of this section; and

(B) subject to terms the Secretary may prescribe to carry out the objectives of this section.

(2) A passenger facility fee may not be collected from a passenger—

(A) for more than 2 boardings on a one-way trip or a trip in each direction of a round trip;

(B) for the boarding to an eligible place under subchapter II of chapter 417 of this title for which essential air service compensation is paid under subchapter II; and

(C) for a project the Secretary does not approve under this section before October 1, 1993, if, during the fiscal year ending September 30, 1993, the amount available for obligation under subchapter II of chapter 417 of this title is less than $38,600,000, except that this clause—

(i) does not apply if the amount available for obligation under subchapter II of chapter 417 of this title is less than $38,600,000 because of sequestration or other general appropriations reductions applied proportionately to appropriations accounts throughout an appropriation law; and

(ii) does not affect the authority of the Secretary to approve the imposition of a fee or the use of revenues, derived from a fee imposed under an approval made under this section, by a public agency that has received an approval to impose a fee under this section before September 30, 1993, regardless of whether the fee is being imposed on September 30, 1993.

(f) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—(1) A contract between an air carrier or foreign air carrier and an eligible agency made at any time may not impair the authority of the agency to impose a passenger facility fee or to use the passenger facility revenue as provided in this section.

(2) A project financed with a passenger facility fee may not be subject to an exclusive long-term lease or use agreement of an air carrier or foreign air carrier, as defined by regulations of the Secretary.

(3) A lease or use agreement of an air carrier or foreign air carrier related to a project whose construction or expansion was financed with a passenger facility fee may not restrict the eligible agency from financing, developing, or assigning new capacity at the airport with passenger facility revenue.

(g) TREATMENT OF REVENUE.—(1) Passenger facility revenue is not airport revenue for purposes of establishing a price under a contract between an eligible agency and an air carrier or foreign air carrier.

(2) An eligible agency may not include in its price base the part of the capital costs of a project paid for by using passenger facility revenue to establish a price under a contract between the agency and an air carrier or foreign air carrier.

(3) For a project for terminal development, gates and related areas, or a facility occupied or used by at least one air carrier or foreign air carrier on an exclusive or preferential basis, a price payable by an air carrier or foreign air carrier using the facilities must at least equal the price paid by an air carrier or foreign air carrier using a similar facility at the airport that was not financed with passenger facility revenue.

(h) COMPLIANCE.—(1) As necessary to ensure compliance with this section, the Secretary shall prescribe regulations requiring recordkeeping and auditing of accounts maintained by an air carrier or foreign air carrier and its agent collecting a passenger facility fee and by the eligible agency imposing the fee.

(2) The Secretary periodically shall audit and review the use by an eligible agency of passenger facility revenue. After review and a public hearing, the Secretary may end any part of the authority of the agency to impose a passenger facility fee to the extent the Secretary decides that the revenue is not being used as provided in this section.

(3) The Secretary may set off amounts necessary to ensure compliance with this section against amounts otherwise payable to an eligible agency under subchapter I of chapter 471 of this title if the Secretary decides a passenger facility fee is excessive or that passenger facility revenue is not being used as provided in this section.

(i) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out this section. The regulations—

(1) may prescribe the time and form by which a passenger facility fee takes effect; and

(2) shall—

(A) require an air carrier or foreign air carrier and its agent to collect a passenger facility fee that an eligible agency imposes under this section;

(B) establish procedures for handling and remitting money collected;

(C) ensure that the money, less a uniform amount the Secretary determines reflects the average necessary and reasonable expenses (net of interest accruing to the carrier and agent after collection and before remittance) incurred in collecting and handling the fee, is paid promptly to the eligible agency for which they are collected; and

(D) require that the amount collected for any air transportation be noted on the ticket for that air transportation.

§40118. Government-financed air transportation

(a) TRANSPORTATION BY AIR CARRIERS HOLDING CERTIFICATES.—A department, agency, or instrumentality of the United States Government shall take necessary steps to ensure that the transportation of passengers and property by air is provided by an air carrier holding a certificate under section 41102 of this title if—

(1) the department, agency, or instrumentality—

(A) obtains the transportation for itself or in carrying out an arrangement under which payment is made by the Government or payment is made from amounts provided for the use of the Government; or

(B) provides the transportation to or for a foreign country or international or other organization without reimbursement;

(2) the transportation is authorized by the certificate or by regulation or exemption of the Secretary of Transportation; and

(3) the air carrier is—

(A) available, if the transportation is between a place in the United States and a place outside the United States; or

(B) reasonably available, if the transportation is between 2 places outside the United States.

(b) TRANSPORTATION BY FOREIGN AIR CARRIERS.—This section does not preclude the transportation of passengers and property by a foreign air carrier if the transportation is provided under a bilateral or multilateral air transportation agreement to which the Government and the government of a foreign country are parties if the agreement—

(1) is consistent with the goals for international aviation policy of section 40101(e) of this title; and

(2) provides for the exchange of rights or benefits of similar magnitude.

(c) PROOF.—The Comptroller General shall allow the expenditure of an appropriation for transportation in violation of this section only when satisfactory proof is presented showing the necessity for the transportation.

(d) TRANSPORTATION BY FOREIGN AIR CARRIERS.—Notwithstanding subsections (a) and (c) of this section, any amount appropriated to the Secretary of State, the Director of the United States Information Agency, the Director of the United States International Development Cooperation Agency, or the Director of the Arms Control and Disarmament Agency may be used to pay for the transportation of an officer or employee of the Department of State or one of those agencies, a dependent of the officer or employee, and accompanying baggage, by a foreign air carrier when the transportation is between 2 places outside the United States.

(e) RELATIONSHIP TO OTHER LAWS.—This section does not affect the application of the antidiscrimination provisions of this part.

§40119. Security and research and development activities

(a) GENERAL REQUIREMENTS.—The Administrator of the Federal Aviation Administration shall conduct research (including behavioral research) and development activities appropriate to develop, modify, test, and evaluate a system, procedure, facility, or device to protect passengers and property against acts of criminal violence and aircraft piracy.

(b) DISCLOSURE.—(1) Notwithstanding section 552 of title 5, the Administrator shall prescribe regulations prohibiting disclosure of information obtained or developed in carrying out security or research and development activities under section 44501(a) or (c), 44502(a)(1) or (3), (b), or (c), 44504, 44505, 44507, 44508, 44511, 44512, 44513, 44901, 44903(a), (b), (c), or (e), 44905, 44912, 44935, 44936, or 44938(a) or (b) of this title if the Administrator decides disclosing the information would—

(A) be an unwarranted invasion of personal privacy;

(B) reveal a trade secret or privileged or confidential commercial or financial information; or

(C) be detrimental to the safety of passengers in air transportation.

(2) Paragraph (1) of this subsection does not authorize information to be withheld from a committee of Congress authorized to have the information.

(c) TRANSFERS OF DUTIES AND POWERS PROHIBITED.—Except as otherwise provided by law, the Administrator may not transfer a duty or power under this section to another department, agency, or instrumentality of the United States Government.

§40120. Relationship to other laws

(a) NONAPPLICATION.—Except as provided in the International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.), the navigation and shipping laws of the United States and the rules for the prevention of collisions do not apply to aircraft or to the navigation of vessels related to those aircraft.

(b) EXTENDING APPLICATION OUTSIDE UNITED STATES.—The President may extend (in the way and for periods the President considers necessary) the application of this part to outside the United States when—

(1) an international arrangement gives the United States Government authority to make the extension; and

(2) the President decides the extension is in the national interest.

(c) ADDITIONAL REMEDIES.—A remedy under this part is in addition to any other remedies provided by law.

SUBPART II—ECONOMIC REGULATION

CHAPTER 411—AIR CARRIER CERTIFICATES

Sec.

41101. Requirement for a certificate.
41102. General, temporary, and charter air transportation certificates of air carriers.
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§41101. Requirement for a certificate

(a) GENERAL.—Except as provided in this chapter or another law—

(1) an air carrier may provide air transportation only if the air carrier holds a certificate issued under this chapter authorizing the air transportation;

(2) a charter air carrier may provide charter air transportation only if the charter air carrier holds a certificate issued under this chapter authorizing the charter air transportation; and

(3) an air carrier may provide all-cargo air transportation only if the air carrier holds a certificate issued under this chapter authorizing the all-cargo air transportation.

(b) THROUGH SERVICE AND JOINT TRANSPORTATION.—A citizen of the United States providing transportation in a State of passengers or property as a common carrier for compensation with aircraft capable of carrying at least 30 passengers, under authority granted by the appropriate State authority—

(1) may provide transportation for passengers and property that includes through service by the citizen over its routes in the State and in air transportation by an air carrier or foreign air carrier; and

(2) subject to sections 41309 and 42111 of this title, may make an agreement with an air carrier or foreign air carrier to provide the joint transportation.

(c) PROPRIETARY OR EXCLUSIVE RIGHT NOT CONFERRED.—A certificate issued under this chapter does not confer a proprietary or exclusive right to use airspace, an airway of the United States, or an air navigation facility.

§41102. General, temporary, and charter air transportation certificates of air carriers

(a) ISSUANCE.—The Secretary of Transportation may issue a certificate of public convenience and necessity to a citizen of the United States authorizing the citizen to provide any part of the following air transportation the citizen has applied for under section 41108 of this title:

(1) air transportation as an air carrier.

(2) temporary air transportation as an air carrier for a limited period.

(3) charter air transportation as a charter air carrier.

(b) FINDINGS REQUIRED FOR ISSUANCE.—(1) Before issuing a certificate under subsection (a) of this section, the Secretary must find that the citizen is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this part and regulations of the Secretary.

(2) In addition to the findings under paragraph (1) of this subsection, the Secretary, before issuing a certificate under subsection (a) of this section for foreign air transportation, must find that the transportation is consistent with the public convenience and necessity.

(c) TEMPORARY CERTIFICATES.—The Secretary may issue a certificate under subsection (a) of this section for interstate air transportation (except the transportation of passengers) or foreign air transportation for a temporary period of time (whether the application is for permanent or temporary authority) when the Secretary decides that a test period is desirable—

(1) to decide if the projected services, efficiencies, methods, and prices and the projected results will materialize and remain for a sustained period of time; or

(2) to evaluate the new transportation.

(d) FOREIGN AIR TRANSPORTATION.—The Secretary shall submit each decision authorizing the provision of foreign air transportation to the President under section 41307 of this title.

§41103. All-cargo air transportation certificates of air carriers

(a) APPLICATIONS.—A citizen of the United States may apply to the Secretary of Transportation for a certificate authorizing the citizen to provide all-property air transportation. The application must contain information and be in the form the Secretary by regulation requires.

(b) ISSUANCE.—Not later than 180 days after an application for a certificate is filed under this section, the Secretary shall issue the certificate to a citizen of the United States authorizing the citizen, as an air carrier, to provide any part of the all-cargo air transportation applied for unless the Secretary finds that the citizen is not fit, willing, and able to provide the all-cargo air transportation to be authorized by the certificate and to comply with regulations of the Secretary.

(c) TERMS.—The Secretary may impose terms the Secretary considers necessary when issuing a certificate under this section. However, the Secretary may not impose terms that restrict the places served or prices charged by the holder of the certificate.

(d) EXEMPTIONS AND STATUS.—A citizen issued a certificate under this section—

(1) is exempt in providing the transportation under the certificate from the requirements of—

(A) section 41101(a)(1) of this title and regulations or procedures prescribed under section 41101(a)(1); and

(B) other provisions of this part and regulations or procedures prescribed under those provisions when the Secretary finds under regulations of the Secretary that the exemption is appropriate; and

(2) is an air carrier under this part except to the extent the carrier is exempt under this section from a requirement of this part.

§41104. Additional limitations and requirements of charter air carriers

(a) RESTRICTIONS.—The Secretary of Transportation may prescribe a regulation or issue an order restricting the marketability, flexibility, accessibility, or variety of charter air transportation provided under a certificate issued under section 41102 of this title only to the extent required by the public interest. A regulation prescribed or order issued under this subsection may not be more restrictive than a regulation related to charter air transportation that was in effect on October 1, 1978.

(b) ALASKA.—An air carrier holding a certificate issued under section 41102 of this title may provide charter air transportation between places in Alaska only to the extent the Secretary decides the transportation is required by public convenience and necessity. The Secretary may make that decision when issuing, amending, or modifying the certificate. This subsection does not apply to a certificate issued under section 41102 to a citizen of the United States who, before July 1, 1977—

(1) maintained a principal place of business in Alaska; and

(2) conducted air transport operations between places in Alaska with aircraft with a certificate for gross takeoff weight of more than 40,000 pounds.

(c) SUSPENSIONS.—(1) The Secretary shall suspend for not more than 30 days any part of the certificate of a charter air carrier if the Secretary decides that the failure of the carrier to comply with the requirements described in sections 41110(e) and 41112 of this title, or a regulation or order of the Secretary under section 41110(e) or 41112, requires immediate suspension in the interest of the rights, welfare, or safety of the public. The Secretary may act under this paragraph without notice or a hearing.

(2) The Secretary shall begin immediately a hearing to decide if the certificate referred to in paragraph (1) of this subsection should be amended, modified, suspended, or revoked. Until the hearing is completed, the Secretary may suspend the certificate for additional periods totaling not more than 60 days. If the Secretary decides that the carrier is complying with the requirements described in sections 41110(e) and 41112 of this title and regulations and orders under sections 41110(e) and 41112, the Secretary immediately may end the suspension period and proceeding begun under this subsection. However, the Secretary is not prevented from imposing a civil penalty on the carrier for violating the requirements described in section 41110(e) or 41112 or a regulation or order under section 41110(e) or 41112.

§41105. Transfers of certificates

(a) GENERAL.—A certificate issued under section 41102 of this title may be transferred only when the Secretary of Transportation approves the transfer as being consistent with the public interest.

(b) CERTIFICATION TO CONGRESS.—When a certificate is transferred, the Secretary shall certify to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives that the transfer is consistent with the public interest. The Secretary shall include with the certification a report analyzing the effects of the transfer on—

(1) the viability of each carrier involved in the transfer;

(2) competition in the domestic airline industry; and

(3) the trade position of the United States in the international air transportation market.

§41106. Airlift service

(a) GENERAL.—(1) Except as provided in subsection (b) of this section, the transportation of passengers or property by transport category aircraft in interstate air transportation obtained by the Secretary of Defense or the Secretary of a military department through a contract of at least 31 days for airlift service in the United States may be provided only by an air carrier that—

(A) has aircraft in the civil reserve air fleet or offers to place the aircraft in that fleet; and

(B) holds a certificate issued under section 41102 of this title.

(2) The Secretary of Transportation shall act as expeditiously as possible on an application for a certificate under section 41102 of this title to provide airlift service.

(b) EXCEPTION.—When the Secretary of Defense decides that no air carrier holding a certificate under section 41102 is capable of providing, and willing to provide, the airlift service, the Secretary of Defense may make a contract to provide the service with an air carrier not having a certificate.

§41107. Transportation of mail

When the United States Postal Service finds that the needs of the Postal Service require the transportation of mail by aircraft in foreign air transportation or between places in Alaska, in addition to the transportation of mail authorized under certificates in effect, the Postal Service shall certify that finding to the Secretary of Transportation with a statement about the additional transportation and facilities necessary to provide the additional transportation. A copy of each certification and statement shall be posted for at least 20 days in the office of the Secretary. After notice and an opportunity for a hearing, the Secretary shall issue a new certificate under section 41102 of this title, or amend or modify an existing certificate under section 41110(a)(2)(A) of this title, to provide the additional transportation and facilities if the Secretary finds the additional transportation is required by the public convenience and necessity.

§41108. Applications for certificates

(a) FORM, CONTENTS, AND PROOF OF SERVICE.—To be issued a certificate of public convenience and necessity under section 41102 of this title, a citizen of the United States must apply to the Secretary of Transportation. The application must—

(1) be in the form and contain information required by regulations of the Secretary; and

(2) be accompanied by proof of service on interested persons as required by regulations of the Secretary and on each community that may be affected by the issuance of the certificate.

(b) NOTICE, RESPONSE, AND ACTIONS ON APPLICATIONS.—(1) When an application is filed, the Secretary shall post a notice of the application in the office of the Secretary and give notice of the application to other persons as required by regulations of the Secretary. An interested person may file a response with the Secretary opposing or supporting the issuance of the certificate. Not later than 90 days after the application is filed, the Secretary shall—

(A) provide an opportunity for a public hearing on the application;

(B) begin the procedure under section 41111 of this title; or

(C) dismiss the application on its merits.

(2) An order of dismissal issued by the Secretary under paragraph (1)(C) of this subsection is a final order and may be reviewed judicially under section 46110 of this title.

(3) If the Secretary provides an opportunity for a hearing under paragraph (1)(A) of this subsection, an initial or recommended decision shall be issued not later than 150 days after the date the Secretary provides the opportunity. The Secretary shall issue a final order on the application not later than 90 days after the decision is issued. However, if the Secretary does not act within the 90-day period, the initial or recommended decision on an application to provide—

(A) interstate air transportation is a final order and may be reviewed judicially under section 46110 of this title; and

(B) foreign air transportation shall be submitted to the President under section 41307 of this title.

(4) If the Secretary acts under paragraph (1)(B) of this subsection, the Secretary shall issue a final order on the application not later than 180 days after beginning the procedure on the application.

(5) If a citizen applying for a certificate does not meet the procedural schedule adopted by the Secretary in a proceeding, the Secretary may extend the period for acting under paragraphs (3) and (4) of this subsection by a period equal to the period of delay caused by the citizen. In addition to an extension under this paragraph, an initial or recommended decision under paragraph (3) of this subsection may be delayed for not more than 30 days in extraordinary circumstances.

(c) PROOF REQUIREMENTS.—(1) A citizen applying for a certificate must prove that the citizen is fit, willing, and able to provide the transportation referred to in section 41102 of this title and to comply with this part.

(2) A person opposing a citizen applying for a certificate must prove that the transportation referred to in section 41102(b)(2) of this title is not consistent with the public convenience and necessity. The transportation is deemed to be consistent with the public convenience and necessity unless the Secretary finds, by a preponderance of the evidence, that the transportation is not consistent with the public convenience and necessity.

§41109. Terms of certificates

(a) GENERAL.—(1) Each certificate issued under section 41102 of this title shall specify the type of transportation to be provided.

(2) The Secretary of Transportation—

(A) may prescribe terms for providing air transportation under the certificate that the Secretary finds may be required in the public interest; but

(B) may not prescribe a term preventing an air carrier from adding or changing schedules, equipment, accommodations, and facilities for providing the authorized transportation to satisfy business development and public demand.

(3) A certificate issued under section 41102 of this title to provide foreign air transportation shall specify the places between which the air carrier is authorized to provide the transportation only to the extent the Secretary considers practicable and otherwise only shall specify each general route to be followed. The Secretary shall authorize an air carrier holding a certificate to provide foreign air transportation to handle and transport mail of countries other than the United States.

(4) A certificate issued under section 41102 of this title to provide foreign charter air transportation shall specify the places between which the air carrier is authorized to provide the transportation only to the extent the Secretary considers practicable and otherwise only shall specify each geographical area in which, or between which, the transportation may be provided.

(b) MODIFYING TERMS.—(1) An air carrier may file with the Secretary an application to modify any term of its certificate issued under section 41102 of this title to provide interstate or foreign

air transportation. Not later than 60 days after an application is filed, the Secretary shall—

(A) provide the carrier an opportunity for an oral evidentiary hearing on the record; or

(B) begin to consider the application under section 41111 of this title.

(2) The Secretary shall modify each term the Secretary finds to be inconsistent with the criteria under section 40101(a) and (b) of this title.

(3) An application under this subsection may not be dismissed under section 41108(b)(1)(C) of this title.

§41110. Effective periods and amendments, modifications, suspensions, and revocations of certificates

(a) GENERAL.—(1) Each certificate issued under section 41102 of this title is effective from the date specified in it and remains in effect until—

(A) the Secretary of Transportation suspends or revokes the certificate under this section;

(B) the end of the period the Secretary specifies for an air carrier having a certificate of temporary authority issued under section 41102(a)(2) of this title; or

(C) the Secretary certifies that transportation is no longer being provided under a certificate.

(2) On application or on the initiative of the Secretary and after notice and an opportunity for a hearing or, except as provided in paragraph (4) of this subsection, under section 41111 of this title, the Secretary may—

(A) amend, modify, or suspend any part of a certificate if the Secretary finds the public convenience and necessity require amendment, modification, or suspension; and

(B) revoke any part of a certificate if the Secretary finds that the holder of the certificate intentionally does not comply with this chapter, sections 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, and 41731–41742, chapter 419, subchapter II of chapter 421, and section 46301(b) of this title, a regulation or order of the Secretary under any of those provisions, or a term of its certificate.

(3) The Secretary may revoke a certificate under paragraph (2)(B) of this subsection only if the holder of the certificate does not comply, within a reasonable time the Secretary specifies, with an order to the holder requiring compliance.

(4) A certificate to provide foreign air transportation may not be amended, modified, suspended, or revoked under section 41111 of this title if the holder of the certificate requests an oral evidentiary hearing or the Secretary finds, under all the facts and circumstances, that the hearing is required in the public interest.

(b) ALL-CARGO AIR TRANSPORTATION.—The Secretary may order that a certificate issued under section 41103 of this title authorizing all-cargo air transportation is ineffective if, after notice and an opportunity for a hearing, the Secretary finds that the transportation is not provided to the minimum extent specified by the Secretary.

(c) FOREIGN AIR TRANSPORTATION.—(1) Notwithstanding subsection (a)(2)–(4) of this section, after notice and a reasonable opportunity for the affected air carrier to present its views, but without a hearing, the Secretary may suspend or revoke the authority of an air carrier to provide foreign air transportation to a place under a certificate issued under section 41102 of this title if the carrier—

(A) notifies the Secretary, under section 41734(a) of this title or a regulation of the Secretary, that it intends to suspend all transportation to that place; or

(B) does not provide regularly scheduled transportation to the place for 90 days immediately before the date the Secretary notifies the carrier of the action the Secretary proposes.

(2) Paragraph (1)(B) of this subsection does not apply to a place provided seasonal transportation comparable to the transportation provided during the prior year.

(d) TEMPORARY CERTIFICATES.—On application or on the initiative of the Secretary, the Secretary may—

(1) review the performance of an air carrier issued a certificate under section 41102(c) of this title on the basis that the air carrier will provide innovative or low-priced air transportation under the certificate; and

(2) amend, modify, suspend, or revoke the certificate or authority under subsection (a)(2) or (c) of this section if the air carrier has not provided, or is not providing, the transportation.

(e) CONTINUING REQUIREMENTS.—After notice and an opportunity for a hearing, the Secretary shall amend, modify, suspend, or revoke any part of a certificate issued under section 41102 of this title if the Secretary finds that the air carrier—

(1) is not fit, willing, and able to continue to provide the transportation authorized by the certificate and to comply with this part and regulations of the Secretary; or

(2) does not file reports necessary for the Secretary to decide if the carrier is complying with the requirements of clause (1) of this subsection.

(f) ILLEGAL IMPORTATION OF CONTROLLED SUBSTANCES.—The Secretary—

(1) in consultation with appropriate departments, agencies, and instrumentalities of the United States Government, shall reexamine immediately the fitness of an air carrier that—

(A) violates the laws and regulations of the United States related to the illegal importation of a controlled substance; or

(B) does not adopt available measures to prevent the illegal importation of a controlled substance into the United States on its aircraft; and

(2) when appropriate, shall amend, modify, suspend, or revoke the certificate of the carrier issued under this chapter.

(g) RESPONSES.—An interested person may file a response with the Secretary opposing or supporting the amendment, modification, suspension, or revocation of a certificate under subsection (a) of this section.

§41111. Simplified procedure to apply for, amend, modify, suspend, and transfer certificates

(a) GENERAL REQUIREMENTS.—(1) The Secretary of Transportation shall prescribe regulations that simplify the procedure for—

(A) acting on an application for a certificate to provide air transportation under section 41102 of this title; and

(B) amending, modifying, suspending, or transferring any part of that certificate under section 41105 or 41110(a) or (c) of this title.

(2) Regulations under this section shall provide for notice and an opportunity for each interested person to file appropriate written evidence and argument. An oral evidentiary hearing is not required to be provided under this section.

(b) WHEN SIMPLIFIED PROCEDURE USED.—The Secretary may use the simplified procedure to act on an application for a certificate to provide air transportation under section 41102 of this title, or to amend, modify, suspend, or transfer any part of that certificate under section 41105 or 41110(a) or (c) of this title, when the Secretary decides the use of the procedure is in the public interest.

(c) CONTENTS.—(1) To the extent the Secretary finds practicable, regulations under this section shall include each standard the Secretary will apply when—

(A) deciding whether to use the simplified procedure; and

(B) making a decision on an action in which the procedure is used.

(2) The regulations may provide that written evidence and argument may be filed under section 41108(b) of this title as a part of a response opposing or supporting the issuance of a certificate.

§41112. Liability insurance and financial responsibility

(a) LIABILITY INSURANCE.—The Secretary of Transportation may issue a certificate to a citizen of the United States to provide air transportation as an air carrier under section 41102 of this title only if the citizen complies with regulations and orders of the Secretary governing the filing of an insurance policy or self-insurance plan approved by the Secretary. The policy or plan must be sufficient to pay, not more than the amount of the insurance, for bodily injury to, or death of, an individual or for loss of, or damage to, property of others, resulting from the operation or maintenance of the aircraft under the certificate. A certificate does not remain in effect unless the carrier complies with this subsection.

(b) FINANCIAL RESPONSIBILITY.—To protect passengers and shippers using an aircraft operated by an air carrier issued a certificate under section 41102 of this title, the Secretary may require the carrier to file a performance bond or equivalent security in the amount and on terms the Secretary prescribes. The bond or security must be sufficient to ensure the carrier adequately will pay the passengers and shippers when the transportation the carrier agrees to provide is not provided. The Secretary shall prescribe the amounts to be paid under this subsection.

CHAPTER 413—FOREIGN AIR TRANSPORTATION

Sec.

41301. Requirement for a permit.
41302. Permits of foreign air carriers.
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41305. Applications for permits.
41306. Simplified procedure to apply for, amend, modify, and suspend permits.
41307. Presidential review of actions about foreign air transportation.
41308. Exemption from the antitrust laws.
41309. Cooperative agreements and requests.
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§41301. Requirement for a permit

A foreign air carrier may provide foreign air transportation only if the foreign air carrier holds a permit issued under this chapter authorizing the foreign air transportation.

§41302. Permits of foreign air carriers

The Secretary of Transportation may issue a permit to a person (except a citizen of the United States) authorizing the person to provide foreign air transportation as a foreign air carrier if the Secretary finds that—

(1) the person is fit, willing, and able to provide the foreign air transportation to be authorized by the permit and to comply with this part and regulations of the Secretary; and

(2)(A) the person is qualified, and has been designated by the government of its country, to provide the foreign air transportation under an agreement with the United States Government; or

(B) the foreign air transportation to be provided under the permit will be in the public interest.

§41303. Transfers of permits

A permit issued under section 41302 of this title may be transferred only when the Secretary of Transportation approves the transfer because the transfer is in the public interest.

§41304. Effective periods and amendments, modifications, suspensions, and revocations of permits

(a) GENERAL.—The Secretary of Transportation may prescribe the period during which a permit issued under section 41302 of this title is in effect. After notice and an opportunity for a hearing, the Secretary may amend, modify, suspend, or revoke the permit if the Secretary finds that action to be in the public interest.

(b) SUSPENSIONS AND RESTRICTIONS.—Without a hearing, but subject to the approval of the President, the Secretary—

(1) may suspend summarily the permits of foreign air carriers of a foreign country, or amend, modify, or limit the operations of the foreign air carriers under the permits, when the Secretary finds—

(A) the action is in the public interest; and

(B) the government, an aeronautical authority, or a foreign air carrier of the foreign country, over the objection of the United States Government, has—

(i) limited or denied the operating rights of an air carrier; or

(ii) engaged in unfair, discriminatory, or restrictive practices that have a substantial adverse competitive impact on an air carrier related to air transportation to, from, through, or over the territory of the foreign country; and

(2) to make this subsection effective, may restrict operations between the United States and the foreign country by a foreign air carrier of a third country.

(c) ILLEGAL IMPORTATION OF CONTROLLED SUBSTANCES.—The Secretary—

(1) in consultation with appropriate departments, agencies, and instrumentalities of the Government, shall reexamine immediately the fitness of a foreign air carrier that—

(A) violates the laws and regulations of the United States related to the illegal importation of a controlled substance; or

(B) does not adopt available measures to prevent the illegal importation of a controlled substance into the United States on its aircraft; and

(2) when appropriate, shall amend, modify, suspend, or revoke the permit of the carrier issued under this chapter.

(d) RESPONSES.—An interested person may file a response with the Secretary opposing or supporting the amendment, modification, suspension, or revocation of a permit under subsection (a) of this section.

§41305. Applications for permits

(a) FORM, CONTENTS, NOTICE, RESPONSE, AND ACTIONS ON APPLICATIONS.—(1) A person must apply in writing to the Secretary of Transportation to be issued a permit under section 41302 of this title. The Secretary shall prescribe regulations to require that the application be—

(A) verified;

(B) in a certain form and contain certain information;

(C) served on interested persons; and

(D) accompanied by proof of service on those persons.

(2) When an application is filed, the Secretary shall post a notice of the application in the office of the Secretary and give notice of the application to other persons as required by regulations of the Secretary. An interested person may file a response with the Secretary opposing or supporting the issuance of the permit. The Secretary shall act on an application as expeditiously as possible.

(b) TERMS.—The Secretary may impose terms for providing foreign air transportation under the permit that the Secretary finds may be required in the public interest.

§41306. Simplified procedure to apply for, amend, modify, and suspend permits

(a) REGULATIONS.—The Secretary of Transportation shall prescribe regulations that simplify the procedure for—

(1) acting on an application for a permit to provide foreign air transportation under section 41302 of this title; and

(2) amending, modifying, or suspending any part of that permit under section 41304(a) or (b) of this title.

(b) NOTICE AND OPPORTUNITY TO RESPOND.—Regulations under this section shall provide for notice and an opportunity for each interested person to file appropriate written evidence and argument. An oral evidentiary hearing is not required to be provided under this section.

§41307. Presidential review of actions about foreign air transportation

The Secretary of Transportation shall submit to the President for review each decision of the Secretary to issue, deny, amend, modify, suspend, revoke, or transfer a certificate issued under section 41102 of this title authorizing an air carrier, or a permit issued under section 41302 of this title authorizing a foreign air carrier, to provide foreign air transportation. The President may disapprove the decision of the Secretary only if the reason for disapproval is based on foreign relations or national defense considerations that are under the jurisdiction of the President. The President may not disapprove a decision of the Secretary if the reason is economic or related to carrier selection. A decision of the Secretary—

(1) is void if the President disapproves the decision and publishes the reasons (to the extent allowed by national security) for disapproval not later than 60 days after it is submitted to the President; or

(2)(A) takes effect as a decision of the Secretary if the President does not disapprove the decision not later than 60 days after the decision is submitted to the President; and

(B) when effective, may be reviewed judicially under section 46110 of this title.

§41308. Exemption from the antitrust laws

(a) DEFINITION.—In this section, "antitrust laws" has the same meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

(b) EXEMPTION AUTHORIZED.—When the Secretary of Transportation decides it is required by the public interest, the Secretary, as part of an order under section 41309 or 42111 of this title, may exempt a person affected by the order from the antitrust laws to the extent necessary to allow the person to proceed with the transaction specifically approved by the order and with any transaction necessarily contemplated by the order.

(c) EXEMPTION REQUIRED.—In an order under section 41309 of this title approving an agreement, request, modification, or cancellation, the Secretary, on the basis of the findings required under section 41309(b)(1), shall exempt a person affected by the order from the antitrust laws to the extent necessary to allow the person to proceed with the transaction specifically approved by the order and with any transaction necessarily contemplated by the order.

§41309. Cooperative agreements and requests

(a) FILING.—An air carrier or foreign air carrier may file with the Secretary of Transportation a true copy of or, if oral, a true and complete memorandum of, an agreement (except an agreement related to interstate air transportation), or a request for authority to discuss cooperative arrangements (except arrangements related to interstate air transportation), and any modification or cancellation of an agreement, between the air carrier or foreign air carrier and another air carrier, a foreign carrier, or another carrier.

(b) APPROVAL.—The Secretary of Transportation shall approve an agreement, request, modification, or cancellation referred to in subsection (a) of this section when the Secretary finds it is not adverse to the public interest and is not in violation of this part. However, the Secretary shall disapprove—

(1) or, after periodic review, end approval of, an agreement, request, modification, or cancellation, that substantially reduces or eliminates competition unless the Secretary finds that—

(A) the agreement, request, modification, or cancellation is necessary to meet a serious transportation need or to achieve important public benefits (including international comity and foreign policy considerations); and

(B) the transportation need cannot be met or those benefits cannot be achieved by reasonably available alternatives that are materially less anticompetitive; or

(2) an agreement that—

(A) is between an air carrier not directly operating aircraft in foreign air transportation and a common carrier subject to subtitle IV of this title; and

(B) governs the compensation the common carrier may receive for the transportation.

(c) NOTICE AND OPPORTUNITY TO RESPOND OR FOR HEARING.—(1) When an agreement, request, modification, or cancellation is filed, the Secretary of Transportation shall give the Attorney General and the Secretary of State written notice of, and an opportunity to submit written comments about, the filing. On the initiative of the Secretary of Transportation or on request of the Attorney General or Secretary of State, the Secretary of Transportation may conduct a hearing to decide whether an agreement, request, modification, or cancellation is consistent with this part whether or not it was approved previously.

(2) In a proceeding before the Secretary of Transportation applying standards under subsection (b)(1) of this section, a party opposing an agreement, request, modification, or cancellation has the burden of proving that it substantially reduces or eliminates competition and that less anticompetitive alternatives are available. The party defending the agreement, request, modification, or cancellation has the burden of proving the transportation need or public benefits.

(3) The Secretary of Transportation shall include the findings required by subsection (b)(1) of this section in an order of the Secretary approving or disapproving an agreement, request, modification, or cancellation.

§41310. Discriminatory practices

(a) PROHIBITION.—An air carrier or foreign air carrier may not subject a person, place, port, or type of traffic in foreign air transportation to unreasonable discrimination.

(b) REVIEW AND NEGOTIATION OF DISCRIMINATORY FOREIGN CHARGES.—(1) The Secretary of Transportation shall survey charges imposed on an air carrier by the government of a foreign country or another foreign entity for the use of airport property or airway property in foreign air transportation. If the Secretary of Transportation decides that a charge is discriminatory, the Secretary promptly shall report the decision to the Secretary of State. The Secretaries of State and Transportation promptly shall begin negotiations with the appropriate government to end the discrimination. If the discrimination is not ended in a reasonable time through negotiation, the Secretary of Transportation shall establish a compensating charge equal to the discriminatory charge. With the approval of the Secretary of State, the Secretary of the Treasury shall impose the compensating charge on a foreign air carrier of that country as a condition to accepting the general declaration of the aircraft of the foreign air carrier when it lands or takes off.

(2) The Secretary of the Treasury shall maintain an account to credit money collected under

paragraph (1) of this subsection. An air carrier shall be paid from the account an amount certified by the Secretary of Transportation to compensate the air carrier for the discriminatory charge paid to the government.

(c) ACTIONS AGAINST DISCRIMINATORY ACTIVITY.—(1) The Secretary of Transportation may take actions the Secretary considers are in the public interest to eliminate an activity of a government of a foreign country or another foreign entity, including a foreign air carrier, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity—

(A) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against an air carrier; or

(B) imposes an unjustifiable or unreasonable restriction on access of an air carrier to a foreign market.

(2) The Secretary of Transportation may deny, amend, modify, suspend, revoke, or transfer under paragraph (1) of this subsection a foreign air carrier permit or tariff under section 41302, 41303, 41304(a), 41504(c), 41507, or 41509 of this title.

(d) FILING OF, AND ACTING ON, COMPLAINTS.—(1) An air carrier or a department, agency, or instrumentality of the United States Government may file a complaint under subsection (c) of this section with the Secretary of Transportation. The Secretary shall approve, deny, or dismiss the complaint, set the complaint for a hearing or investigation, or begin another proceeding proposing remedial action not later than 60 days after receiving the complaint. The Secretary may extend the period for acting for additional periods totaling not more than 30 days if the Secretary decides that with additional time it is likely that a complaint can be resolved satisfactorily through negotiations with the government of the foreign country or foreign entity. The Secretary must act not later than 90 days after receiving the complaint. However, the Secretary may extend this 90-day period for not more than an additional 90 days if, on the last day of the initial 90-day period, the Secretary finds that—

(A) negotiations with the government have progressed to a point that a satisfactory resolution of the complaint appears imminent;

(B) an air carrier has not been subjected to economic injury by the government or entity as a result of filing the complaint; and

(C) the public interest requires additional time before the Secretary acts on the complaint.

(2) In carrying out paragraph (1) of this subsection and subsection (c) of this section, the Secretary of Transportation shall—

(A) solicit the views of the Secretaries of Commerce and State and the United States Trade Representative;

(B) give an affected air carrier or foreign air carrier reasonable notice and an opportunity to submit written evidence and arguments within the time limits of this subsection; and

(C) submit to the President under section 41307 or 41509(f) of this title actions proposed by the Secretary of Transportation.

(e) REVIEW.—(1) The Secretaries of State, the Treasury, and Transportation and the heads of other departments, agencies, and instrumentalities of the Government shall keep under review, to the extent of each of their jurisdictions, each form of discrimination or unfair competitive practice to which an air carrier is subject when providing foreign air transportation. Each Secretary and head shall—

(A) take appropriate action to eliminate any discrimination or unfair competitive practice found to exist; and

(B) request Congress to enact legislation when the authority to eliminate the discrimination or unfair practice is inadequate.

(2) The Secretary of Transportation shall report to Congress annually on each action taken under paragraph (1) of this subsection and on the continuing program to eliminate discrimination and unfair competitive practices. The Secretaries of State and the Treasury each shall give the Secretary of Transportation information necessary to prepare the report.

(f) REPORTS.—Not later than 30 days after acting on a complaint under this section, the Secretary of Transportation shall report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on action taken under this section on the complaint.

CHAPTER 415—PRICING

Sec.
41501. Establishing reasonable prices, classifications, rules, practices, and divisions of joint prices for foreign air transportation.
41502. Establishing joint prices for through routes with other common carriers.
41503. Establishing joint prices for through routes provided by State authorized carriers.
41504. Tariffs for foreign air transportation.
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41507. Authority of the Secretary of Transportation to change prices, classifications, rules, and practices for foreign air transportation.
41508. Authority of the Secretary of Transportation to adjust divisions of joint prices for foreign air transportation.
41509. Authority of the Secretary of Transportation to suspend, cancel, and reject tariffs for foreign air transportation.
41510. Required adherence to foreign air transportation tariffs.
41511. Special prices for foreign air transportation.

§41501. Establishing reasonable prices, classifications, rules, practices, and divisions of joint prices for foreign air transportation

Every air carrier and foreign air carrier shall establish, comply with, and enforce—

(1) reasonable prices, classifications, rules, and practices related to foreign air transportation; and

(2) for joint prices established for foreign air transportation, reasonable divisions of those prices among the participating air carriers or foreign air carriers without unreasonably discriminating against any of those carriers.

§41502. Establishing joint prices for through routes with other common carriers

(a) JOINT PRICES.—An air carrier may establish reasonable joint prices and through service with another common carrier. However, an air carrier not directly operating aircraft in air transportation (except an air express company) may not establish under this section a joint price for the transportation of property with a common carrier subject to subtitle IV of this title.

(b) PRICES, CLASSIFICATIONS, RULES, AND PRACTICES AND DIVISIONS OF JOINT PRICES.—For through service by an air carrier and a common carrier subject to subtitle IV of this title, the participating carriers shall establish—

(1) reasonable prices and reasonable classifications, rules, and practices affecting those prices or the value of the transportation provided under those prices; and

(2) for joint prices established for the through service, reasonable divisions of those joint prices among the participating carriers.

(c) STATEMENTS INCLUDED IN TARIFFS.—An air carrier and a common carrier subject to subtitle IV of this title that are participating in through service and joint prices shall include in their tariffs, filed with the Secretary of Transportation, a statement showing the through service and joint prices.

§41503. Establishing joint prices for through routes provided by State authorized carriers

Subject to sections 41309 and 42111 of this title, a citizen of the United States providing transportation under section 41101(b) of this title may make an agreement with an air carrier or foreign air carrier for joint prices for that transportation. The joint prices agreed to must be the lowest of—

(1) the sum of the applicable prices for—

(A) the part of the transportation provided in the State and approved by the appropriate State authority; and

(B) the part of the transportation provided by the air carrier or foreign air carrier;

(2) a joint price established and filed under section 41504 of this title; or

(3) a joint price prescribed by the Secretary of Transportation under section 41507 of this title.

§41504. Tariffs for foreign air transportation

(a) FILING AND CONTENTS.—In the way prescribed by regulation by the Secretary of Transportation, every air carrier and foreign air carrier shall file with the Secretary, publish, and keep open to public inspection, tariffs showing the prices for the foreign air transportation provided between places served by the carrier and provided between places served by the carrier and places served by another air carrier or foreign air carrier with which through service and joint prices have been established. A tariff—

(1) shall contain—

(A) to the extent the Secretary requires by regulation, a description of the classifications, rules, and practices related to the foreign air transportation;

(B) a statement of the prices in money of the United States; and

(C) other information the Secretary requires by regulation; and

(2) may contain—

(A) a statement of the prices in money that is not money of the United States; and

(B) information that is required under the laws of a foreign country in or to which the air carrier or foreign air carrier is authorized to operate.

(b) CHANGES.—(1) Except as provided in paragraph (2) of this subsection, an air carrier or foreign air carrier may change a price or a classification, rule, or practice affecting that price or the value of the transportation provided under that price, specified in a tariff of the carrier for foreign air transportation only after 30 days after the carrier has filed, published, and posted notice of the proposed change in the same way as required for a tariff under subsection (a) of this section. However, the Secretary may prescribe an alternative notice requirement, of at least 25 days, to allow an air carrier or foreign air carrier to match a proposed change in a passenger fare or a charge of another air carrier or foreign air carrier. A notice under this paragraph must state plainly the change proposed and when the change will take effect.

(2) If the effect of a proposed change would be to begin a passenger fare that is outside of, or not covered by, the range of passenger fares specified under section 41509(e)(2) and (3) of this title, the proposed change may be put into effect only on the expiration of 60 days after the notice is filed under regulations prescribed by the Secretary.

(c) REJECTION OF CHANGES.—The Secretary may reject a tariff or tariff change that is not

consistent with this section and regulations prescribed by the Secretary. A tariff or change that is rejected is void.

§41505. Uniform methods for establishing joint prices, and divisions of joint prices, applicable to commuter air carriers

(a) DEFINITION.—In this section, "commuter air carrier" means an air carrier providing transportation under section 40109(f) of this title that provides at least 5 scheduled roundtrips a week between the same 2 places.

(b) GENERAL.—Except as provided in subsection (c) of this section, when the Secretary of Transportation prescribes under section 41508 or 41509 of this title a uniform method generally applicable to establishing joint prices and divisions of joint prices for and between air carriers holding certificates issued under section 41102 of this title, the Secretary shall make that uniform method apply to establishing joint prices and divisions of joint prices for and between air carriers and commuter air carriers.

(c) NOTICE REQUIRED BEFORE MODIFYING, SUSPENDING, OR ENDING TRANSPORTATION.—A commuter air carrier that has an agreement with an air carrier to provide transportation for passengers and property that includes through service by the commuter air carrier over the commuter air carrier's routes and air transportation provided by the air carrier shall give the air carrier and the Secretary at least 90 days' notice before modifying, suspending, or ending the transportation. If the commuter air carrier does not give that notice, the uniform method of establishing joint prices and divisions of joint prices referred to in subsection (b) of this section does not apply to the commuter air carrier.

§41506. Price division filing requirements for foreign air transportation

Every air carrier and foreign air carrier shall keep currently on file with the Secretary of Transportation, if the Secretary requires, the established divisions of all joint prices for foreign air transportation in which the carrier participates.

§41507. Authority of the Secretary of Transportation to change prices, classifications, rules, and practices for foreign air transportation

(a) GENERAL.—When the Secretary of Transportation decides that a price charged or received by an air carrier or foreign air carrier for foreign air transportation, or a classification, rule, or practice affecting that price or the value of the transportation provided under that price, is or will be unreasonably discriminatory, the Secretary may—

(1) change the price, classification, rule, or practice as necessary to correct the discrimination; and

(2) order the air carrier or foreign air carrier to stop charging or collecting the discriminatory price or carrying out the discriminatory classification, rule, or practice.

(b) WHEN SECRETARY MAY ACT.—The Secretary may act under this section on the Secretary's own initiative or on a complaint filed with the Secretary and only after notice and an opportunity for a hearing.

§41508. Authority of the Secretary of Transportation to adjust divisions of joint prices for foreign air transportation

(a) GENERAL.—When the Secretary of Transportation decides that a division between air carriers, foreign air carriers, or both, of a joint price for foreign air transportation is or will be unreasonable or unreasonably discriminatory against any of those carriers, the Secretary shall prescribe a reasonable division of the joint price among those carriers. The Secretary may order the adjustment in the division of the joint price to be made retroactively to the date the complaint was filed, the date the order for an investigation was made, or a later date the Secretary decides is reasonable.

(b) WHEN SECRETARY MAY ACT.—The Secretary may act under this section on the Secretary's own initiative or on a complaint filed with the Secretary and only after notice and an opportunity for a hearing.

§ 41509. Authority of the Secretary of Transportation to suspend, cancel, and reject tariffs for foreign air transportation

(a) CANCELLATION AND REJECTION.—(1) On the initiative of the Secretary of Transportation or on a complaint filed with the Secretary, the Secretary may conduct a hearing to decide whether a price for foreign air transportation contained in an existing or newly filed tariff of an air carrier or foreign air carrier, a classification, rule, or practice affecting that price, or the value of the transportation provided under that price, is lawful. The Secretary may begin the hearing at once and without an answer or another formal pleading by the air carrier or foreign air carrier, but only after reasonable notice. If, after the hearing, the Secretary decides that the price, classification, rule, or practice is or will be unreasonable or unreasonably discriminatory, the Secretary may cancel or reject the tariff and prevent the use of the price, classification, rule, or practice.

(2) With or without a hearing, the Secretary may cancel or reject an existing or newly filed tariff of a foreign air carrier and prevent the use of a price, classification, rule, or practice when the Secretary decides that the cancellation or rejection is in the public interest.

(3) In deciding whether to cancel or reject a tariff of an air carrier or foreign air carrier under this subsection, the Secretary shall consider—

(A) the effect of the price on the movement of traffic;

(B) the need in the public interest of adequate and efficient transportation by air carriers and foreign air carriers at the lowest cost consistent with providing the transportation;

(C) the standards prescribed under law related to the character and quality of transportation to be provided by air carriers and foreign air carriers;

(D) the inherent advantages of transportation by aircraft;

(E) the need of the air carrier and foreign air carrier for revenue sufficient to enable the air carrier and foreign air carrier, under honest, economical, and efficient management, to provide adequate and efficient air carrier and foreign air carrier transportation;

(F) whether the price will be predatory or tend to monopolize competition among air carriers and foreign air carriers in foreign air transportation;

(G) reasonably estimated or foreseeable future costs and revenues for the air carrier or foreign air carrier for a reasonably limited future period during which the price would be in effect; and

(H) other factors.

(b) SUSPENSION.—(1)(A) Pending a decision under subsection (a)(1) of this section, the Secretary may suspend a tariff and the use of a price contained in the tariff or a classification, rule, or practice affecting that price.

(B) The Secretary may suspend a tariff of a foreign air carrier and the use of a price, classification, rule, or practice when the suspension is in the public interest.

(2) A suspension becomes effective when the Secretary files with the tariff and delivers to the air carrier or foreign air carrier affected by the suspension a written statement of the reasons for the suspension. To suspend a tariff, reasonable notice of the suspension must be given to the affected carrier.

(3) The suspension of a newly filed tariff may be for periods totaling not more than 365 days after the date the tariff otherwise would go into effect. The suspension of an existing tariff may be for periods totaling not more than 365 days after the effective date of the suspension. The Secretary may rescind at any time the suspension of a newly filed tariff and allow the price, classification, rule, or practice to go into effect.

(c) EFFECTIVE TARIFFS AND PRICES WHEN TARIFF IS SUSPENDED, CANCELED, OR REJECTED.—(1) If a tariff is suspended pending the outcome of a proceeding under subsection (a) of this section and the Secretary does not take final action in the proceeding during the suspension period, the tariff goes into effect at the end of that period subject to cancellation when the proceeding is concluded.

(2)(A) During the period of suspension, or after the cancellation or rejection, of a newly filed tariff (including a tariff that has gone into effect provisionally), the affected air carrier or foreign air carrier shall maintain in effect and use—

(i) the corresponding seasonal prices, or the classifications, rules, and practices affecting those prices or the value of transportation provided under those prices, that were in effect for the carrier immediately before the new tariff was filed; or

(ii) another price provided for under an applicable intergovernmental agreement or understanding.

(B) If the suspended, canceled, or rejected tariff is the first tariff of the carrier for the covered transportation, the carrier, for the purpose of operations during the period of suspension or pending effectiveness of a new tariff, may file another tariff containing a price or another classification, rule, or practice affecting the price, or the value of the transportation provided under the price, that is in effect (and not subject to a suspension order) for any air carrier providing the same transportation.

(3) If an existing tariff is suspended or canceled, the affected air carrier or foreign air carrier, for the purpose of operations during the period of suspension or pending effectiveness of a new tariff, may file another tariff containing a price or another classification, rule, or practice affecting the price, or the value of the transportation provided under the price, that is in effect (and not subject to a suspension order) for any air carrier providing the same transportation.

(d) RESPONSE TO REFUSAL OF FOREIGN COUNTRY TO ALLOW AIR CARRIER TO CHARGE A PRICE.—When the Secretary finds that the government or an aeronautical authority of a foreign country has refused to allow an air carrier to charge a price contained in a tariff filed and published under section 41504 of this title for foreign air transportation to the foreign country—

(1) the Secretary, without a hearing—

(A) may suspend any existing tariff of a foreign air carrier providing transportation between the United States and the foreign country for periods totaling not more than 365 days after the date of the suspension; and

(B) may order the foreign air carrier to charge, during the suspension periods, prices that are the same as those contained in a tariff (designated by the Secretary) of an air carrier filed and published under section 41504 of this title for foreign air transportation to the foreign country; and

(2) a foreign air carrier may continue to provide foreign air transportation to the foreign country only if the government or aeronautical authority of the foreign country allows an air carrier to start or continue foreign air transportation to the foreign country at the prices designated by the Secretary.

(e) STANDARD FOREIGN FARE LEVEL.—(1)(A) In this subsection, "standard foreign fare level" means—

(i) for a class of fares existing on October 1, 1979, the fare between 2 places (as adjusted under subparagraph (B) of this paragraph) filed for and allowed by the Civil Aeronautics Board to go into effect after September 30, 1979, and before August 13, 1980 (with seasonal fares adjusted by the percentage difference that prevailed between seasons in 1978), or the fare established under section 1002(j)(8) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 731), as added by section 24(a) of the International Air Transportation Competition Act of 1979 (Public Law 96–192, 94 Stat. 46); or

(ii) for a class of fares established after October 1, 1979, the fare between 2 places in effect on the effective date of the establishment of the new class.

(B) At least once every 60 days for fuel costs, and at least once every 180 days for other costs, the Secretary shall adjust the standard foreign fare level for the particular foreign air transportation to which the standard foreign fare level applies by increasing or decreasing that level by the percentage change from the last previous period in the actual operating cost for each available seat-mile. In adjusting a standard foreign fare level, the Secretary may not make an adjustment to costs actually incurred. In establishing a standard foreign fare level and making adjustments in the level under this paragraph, the Secretary may use all relevant or appropriate information reasonably available to the Secretary.

(2) The Secretary may not decide that a proposed fare for foreign air transportation is unreasonable on the basis that the fare is too low or too high if the proposed fare is neither more than 5 percent higher nor 50 percent lower than the standard foreign fare level for the same or essentially similar class of transportation. The Secretary by regulation may increase the 50 percent specified in this paragraph.

(3) Paragraph (2) of this subsection does not apply to a proposed fare that is not more than—

(A) 5 percent higher than the standard foreign fare level when the Secretary decides that the proposed fare may be unreasonably discriminatory or that suspension of the fare is in the public interest because of an unreasonable regulatory action by the government of a foreign country that is related to a fare proposal of an air carrier; or

(B) 50 percent lower than the standard foreign fare level when the Secretary decides that the proposed fare may be predatory or discriminatory or that suspension of the fare is required because of an unreasonable regulatory action by the government of a foreign country that is related to a fare proposal of an air carrier.

(f) SUBMISSION OF ORDERS TO PRESIDENT.—The Secretary shall submit to the President an order made under this section suspending, canceling, or rejecting a price for foreign air transportation, and an order rescinding the effectiveness of such an order, before publishing the order. Not later than 10 days after its submission, the President may disapprove the order on finding disapproval is necessary for United States foreign policy or national defense reasons.

(g) COMPLIANCE AS CONDITION OF CERTIFICATE OR PERMIT.—This section and compliance with an order of the Secretary under this section are conditions to any certificate or permit held by an air carrier or foreign air carrier. An air carrier or foreign air carrier may provide foreign air transportation only as long as the carrier maintains prices for that transportation that comply with this section and orders of the Secretary under this section.

§41510. Required adherence to foreign air transportation tariffs

(a) PROHIBITED ACTIONS BY AIR CARRIERS, FOREIGN AIR CARRIERS, AND TICKET AGENTS.—An air carrier, foreign air carrier, or ticket agent may not—

(1) charge or receive compensation for foreign air transportation that is different from the price specified in the tariff of the carrier that is in effect for that transportation;

(2) refund or remit any part of the price specified in the tariff; or

(3) extend to any person a privilege or facility, related to a matter required by the Secretary of Transportation to be specified in a tariff for foreign air transportation, except as specified in the tariff.

(b) PROHIBITED ACTIONS BY ANY PERSON.—A person may not knowingly—

(1) pay compensation for foreign air transportation of property that is different from the price specified in the tariff in effect for that transportation; or

(2) solicit, accept, or receive—

(A) a refund or remittance of any part of the price specified in the tariff; or

(B) a privilege or facility, related to a matter required by the Secretary to be specified in a tariff for foreign air transportation of property, except as specified in the tariff.

§41511. Special prices for foreign air transportation

(a) FREE AND REDUCED PRICING.—This chapter does not prohibit an air carrier or foreign air carrier, under terms the Secretary of Transportation prescribes, from issuing or interchanging tickets or passes for free or reduced-price foreign air transportation to or for the following:

(1) a director, officer, or employee of the carrier (including a retired director, officer, or employee who is receiving retirement benefits from an air carrier or foreign air carrier).

(2) a parent or the immediate family of such an officer or employee or the immediate family of such a director.

(3) a widow, widower, or minor child of an employee of the carrier who died as a direct result of a personal injury sustained when performing a duty in the service of the carrier.

(4) a witness or attorney attending a legal investigation in which the air carrier is interested.

(5) an individual injured in an aircraft accident and a physician or nurse attending the individual.

(6) a parent or the immediate family of an individual injured or killed in an aircraft accident when the transportation is related to the accident.

(7) an individual or property to provide relief in a general epidemic, pestilence, or other emergency.

(8) other individuals under other circumstances the Secretary prescribes by regulation.

(b) SPACE-AVAILABLE BASIS.—Under terms the Secretary prescribes, an air carrier or foreign air carrier may grant reduced-price foreign air transportation on a space-available basis to the following:

(1) a minister of religion.

(2) an individual who is at least 60 years of age and no longer gainfully employed.

(3) an individual who is at least 65 years of age.

(4) an individual who has severely impaired vision or hearing or another physical or mental handicap and an accompanying attendant needed by that individual.

CHAPTER 417—OPERATIONS OF CARRIERS

SUBCHAPTER I—REQUIREMENTS

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SUBCHAPTER I—REQUIREMENTS

§41701. Classification of air carriers

The Secretary of Transportation may establish—

(1) reasonable classifications for air carriers when required because of the nature of the transportation provided by them; and

(2) reasonable requirements for each class when the Secretary decides those requirements are necessary in the public interest.

§41702. Interstate air transportation

An air carrier shall provide safe and adequate interstate air transportation.

§41703. Navigation of foreign civil aircraft

(a) PERMITTED NAVIGATION.—A foreign aircraft, not part of the armed forces of a foreign country, may be navigated in the United States only—

(1) if the country of registry grants a similar privilege to aircraft of the United States;

(2) by an airman holding a certificate or license issued or made valid by the United States Government or the country of registry;

(3) if the Secretary of Transportation authorizes the navigation; and

(4) if the navigation is consistent with terms the Secretary may prescribe.

(b) REQUIREMENTS FOR AUTHORIZING NAVIGATION.—The Secretary may authorize navigation under this section only if the Secretary decides the authorization is—

(1) in the public interest; and

(2) consistent with any agreement between the Government and the government of a foreign country.

(c) PROVIDING AIR COMMERCE.—The Secretary may authorize an aircraft permitted to navigate in the United States under this section to provide air commerce in the United States. However, the aircraft may take on for compensation, at a place in the United States, passengers or cargo destined for another place in the United States only if—

(1) specifically authorized under section 40109(g) of this title; or

(2) under regulations the Secretary prescribes authorizing air carriers to provide otherwise authorized air transportation with foreign registered aircraft under lease or charter to them without crew.

(d) PERMIT REQUIREMENTS NOT AFFECTED.—This section does not affect section 41301 or 41302 of this title. However, a foreign air carrier

holding a permit under section 41302 does not need to obtain additional authorization under this section for an operation authorized by the permit.

§41704. Transporting property not to be transported in aircraft cabins

Under regulations or orders of the Secretary of Transportation, an air carrier shall transport as baggage the property of a passenger traveling in air transportation that may not be carried in an aircraft cabin because of a law or regulation of the United States. The carrier is liable to pay an amount not more than the amount declared to the carrier by that passenger for actual loss of, or damage to, the property caused by the carrier. The carrier may impose reasonable charges and conditions for its liability.

§41705. Discrimination against handicapped individuals

In providing air transportation, an air carrier may not discriminate against an otherwise qualified individual on the following grounds:

(1) the individual has a physical or mental impairment that substantially limits one or more major life activities.

(2) the individual has a record of such an impairment.

(3) the individual is regarded as having such an impairment.

§41706. Prohibitions against smoking on scheduled flights

(a) GENERAL.—An individual may not smoke in the passenger cabin or lavatory of an aircraft on a scheduled airline flight segment in air transportation or intrastate air transportation that is—

(1) between places in a State of the United States, the District of Columbia, Puerto Rico, or the Virgin Islands;

(2) between a place in any jurisdiction referred to in clause (1) of this subsection (except Alaska and Hawaii) and a place in any other of those jurisdictions; or

(3)(A) scheduled for not more than 6 hours' duration; and

(B)(i) between a place referred to in clause (1) of this subsection (except Alaska and Hawaii) and Alaska or Hawaii; or

(ii) between Alaska and Hawaii.

(b) REGULATIONS.—The Secretary of Transportation shall prescribe regulations necessary to carry out this section.

§41707. Incorporating contract terms into written instrument

To the extent the Secretary of Transportation prescribes by regulation, an air carrier may incorporate by reference in a ticket or written instrument any term of the contract for providing interstate air transportation.

§41708. Reports

(a) APPLICATION.—To the extent the Secretary of Transportation finds necessary to carry out this subpart, this section and section 41709 of this title apply to a person controlling an air carrier or affiliated (within the meaning of section 11343(c) of this title) with a carrier.

(b) REQUIREMENTS.—The Secretary may require an air carrier or foreign air carrier—

(1)(A) to file annual, monthly, periodical, and special reports with the Secretary in the form and way prescribed by the Secretary; and

(B) to file the reports under oath;

(2) to provide specific answers to questions on which the Secretary considers information to be necessary; and

(3) to file with the Secretary a copy of each agreement, arrangement, contract, or understanding between the carrier and another carrier or person related to transportation affected by this subpart.

§41709. Records of air carriers

(a) REQUIREMENTS.—The Secretary of Transportation shall prescribe the form of records to be kept by an air carrier, including records on the movement of traffic, receipts and expenditures of money, and the time period during which the records shall be kept. A carrier may keep only records prescribed or approved by the Secretary. However, a carrier may keep additional records if the additional records do not impair the integrity of the records prescribed or approved by the Secretary and are not an unreasonable financial burden on the carrier.

(b) INSPECTION.—(1) The Secretary at any time may—

(A) inspect the land, buildings, and equipment of an air carrier or foreign air carrier when necessary to decide under subchapter II of this chapter or section 41102, 41103, or 41302 of this title whether a carrier is fit, willing, and able; and

(B) inspect records kept or required to be kept by an air carrier, foreign air carrier, or ticket agent.

(2) The Secretary may employ special agents or auditors to carry out this subsection.

§41710. Time requirements

When a matter requiring action of the Secretary of Transportation is submitted under section 40109(a) or (c)–(h), 41309, or 42111 of this title and an evidentiary hearing—

(1) is ordered, the Secretary shall make a final decision on the matter not later than the last day of the 12th month that begins after the date the matter is submitted; or

(2) is not ordered, the Secretary shall make a final decision on the matter not later than the last day of the 6th month that begins after the date the matter is submitted.

§41711. Air carrier management inquiry and cooperation with other authorities

In carrying out this subpart, the Secretary of Transportation may—

(1) inquire into the management of the business of an air carrier and obtain from the air carrier, and a person controlling, controlled by, or under common control with the carrier, information the Secretary decides reasonably is necessary to carry out the inquiry;

(2) confer and hold a joint hearing with a State authority; and

(3) exchange information related to aeronautics with a government of a foreign country through appropriate departments, agencies, and instrumentalities of the United States Government.

§41712. Unfair and deceptive practices and unfair methods of competition

On the initiative of the Secretary of Transportation or the complaint of an air carrier, foreign air carrier, or ticket agent, and if the Secretary considers it is in the public interest, the Secretary may investigate and decide whether an air carrier, foreign air carrier, or ticket agent has been or is engaged in an unfair or deceptive practice or an unfair method of competition in air transportation or the sale of air transportation. If the Secretary, after notice and an opportunity for a hearing, finds that an air carrier, foreign air carrier, or ticket agent is engaged in an unfair or deceptive practice or unfair method of competition, the Secretary shall order the air carrier, foreign air carrier, or ticket agent to stop the practice or method.

§41713. Preemption of authority over prices, routes, and service

(a) DEFINITION.—In this section, "State" means a State, the District of Columbia, and a territory or possession of the United States.

(b) PREEMPTION.—(1) Except as provided in this subsection, a State, political subdivision of a State, or political authority of at least 2 States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier that may provide air transportation under this subpart.

(2) Paragraph (1) of this subsection does not apply to air transportation provided entirely in Alaska unless the transportation is air transportation (except charter air transportation) provided under a certificate issued under section 41102 of this title.

(3) This subsection does not limit a State, political subdivision of a State, or political authority of at least 2 States that owns or operates an airport served by an air carrier holding a certificate issued by the Secretary of Transportation from carrying out its proprietary powers and rights.

SUBCHAPTER II—SMALL COMMUNITY AIR SERVICE

§41731. Definitions

(a) GENERAL.—In this subchapter—

(1) "eligible place" means a place in the United States that—

(A) was an eligible point under section 419 of the Federal Aviation Act of 1958 before October 1, 1988;

(B) received scheduled air transportation at any time after January 1, 1990; and

(C) is not listed in Department of Transportation Orders 89–9–37 and 89–12–52 as a place ineligible for compensation under this subchapter.

(2) "enhanced essential air service" means scheduled air transportation to an eligible place of a higher level or quality than basic essential air service described in section 41732 of this title.

(3) "hub airport" means an airport that each year has at least .25 percent of the total annual boardings in the United States.

(4) "nonhub airport" means an airport that each year has less than .05 percent of the total annual boardings in the United States.

(5) "small hub airport" means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

(b) LIMITATION ON AUTHORITY TO DECIDE A PLACE NOT AN ELIGIBLE PLACE.—The Secretary of Transportation may not decide that a place described in subsection (a)(1) of this section is not an eligible place on the basis of a passenger subsidy at that place or on another basis that is not specifically stated in this subchapter.

§41732. Basic essential air service

(a) GENERAL.—Basic essential air service provided under section 41733 of this title is scheduled air transportation of passengers and cargo—

(1) to a hub airport that has convenient connecting or single-plane air service to a substantial number of destinations beyond that airport; or

(2) to a small hub or nonhub airport, when in Alaska or when the nearest hub airport is more than 400 miles from an eligible place.

(b) MINIMUM REQUIREMENTS.—Basic essential air service shall include at least the following:

(1)(A) for a place not in Alaska, 2 daily round trips 6 days a week, with not more than one intermediate stop on each flight; or

(B) for a place in Alaska, a level of service at least equal to that provided in 1976 or 2 round trips a week, whichever is greater, except that the Secretary of Transportation and the appropriate State authority of Alaska may agree to a different level of service after consulting with the affected community.

(2) flights at reasonable times considering the needs of passengers with connecting flights at the airport and at prices that are not excessive compared to the generally prevailing prices of other air carriers for like service between similar places.

(3) for a place not in Alaska, service provided in an aircraft with an effective capacity of at least 15 passengers if the average daily

boardings at the place in any calendar year from 1976-1986 were more than 11 passengers unless—

(A) that level-of-service requirement would require paying compensation in a fiscal year under section 41733(d) or 41734(d) or (e) of this title for the place when compensation otherwise would not have been paid for that place in that year; or

(B) the affected community agrees with the Secretary in writing to the use of smaller aircraft to provide service to the place.

(4) service accommodating the estimated passenger and property traffic at an average load factor, for each class of traffic considering seasonal demands for the service, of not more than—

(A) 50 percent; or

(B) 60 percent when service is provided by aircraft with more than 14 passenger seats.

(5) service provided in aircraft with at least 2 engines and using 2 pilots, unless scheduled air transportation has not been provided to the place in aircraft with at least 2 engines and using 2 pilots for at least 60 consecutive operating days at any time since October 31, 1978.

(6) service provided by pressurized aircraft when the service is provided by aircraft that regularly fly above 8,000 feet in altitude.

§41733. Level of basic essential air service

(a) Decisions Made Before October 1, 1988.—For each eligible place for which a decision was made before October 1, 1988, under section 419 of the Federal Aviation Act of 1958, establishing the level of essential air transportation, the level of basic essential air service for that place shall be the level established by the Secretary of Transportation for that place by not later than December 29, 1988.

(b) Decisions Not Made Before October 1, 1988.—(1) The Secretary shall decide on the level of basic essential air service for each eligible place for which a decision was not made before October 1, 1988, establishing the level of essential air transportation, when the Secretary receives notice that service to that place will be provided by only one air carrier. The Secretary shall make the decision by the last day of the 6-month period beginning on the date the Secretary receives the notice. The Secretary may impose notice requirements necessary to carry out this subsection. Before making a decision, the Secretary shall consider the views of any interested community and the appropriate State authority of the State in which the community is located.

(2) Until the Secretary has made a decision on a level of basic essential air service for an eligible place under this subsection, the Secretary, on petition by an appropriate representative of the place, shall prohibit an air carrier from ending, suspending, or reducing air transportation to that place that appears to deprive the place of basic essential air service.

(c) Availability of Compensation.—(1) If the Secretary decides that basic essential air service will not be provided to an eligible place without compensation, the Secretary shall provide notice that an air carrier may apply to provide basic essential air service to the place for compensation under this section. In selecting an applicant, the Secretary shall consider, among other factors—

(A) the demonstrated reliability of the applicant in providing scheduled air service;

(B) the contractual and marketing arrangements the applicant has made with a larger carrier to ensure service beyond the hub airport;

(C) the interline arrangements that the applicant has made with a larger carrier to allow passengers and cargo of the applicant at the hub airport to be transported by the larger carrier through one reservation, ticket, and baggage check-in;

(D) the preferences of the actual and potential users of air transportation at the eligible place, giving substantial weight to the views of the elected officials representing the users; and

(E) for an eligible place in Alaska, the experience of the applicant in providing, in Alaska, scheduled air service, or significant patterns of non-scheduled air service under an exemption granted under section 40109(a) and (c)-(h) of this title.

(2) Under guidelines prescribed under section 41737(a) of this title, the Secretary shall pay the rate of compensation for providing basic essential air service under this section and section 41734 of this title.

(d) Compensation Payments.—The Secretary shall pay compensation under this section at times and in the way the Secretary decides is appropriate. The Secretary shall end payment of compensation to an air carrier for providing basic essential air service to an eligible place when the Secretary decides the compensation is no longer necessary to maintain basic essential air service to the place.

(e) Review.—The Secretary shall review periodically the level of basic essential air service for each eligible place. Based on the review and consultations with an interested community and the appropriate State authority of the State in which the community is located, the Secretary may make appropriate adjustments in the level of service.

§41734. Ending, suspending, and reducing basic essential air service

(a) Notice Required.—An air carrier may end, suspend, or reduce air transportation to an eligible place below the level of basic essential air service established for that place under section 41733 of this title only after giving the Secretary of Transportation, the appropriate State authority, and the affected communities at least 90 days' notice before ending, suspending, or reducing that transportation.

(b) Continuation of Service for 30 Days After Notice Period.—If at the end of the notice period under subsection (a) of this section the Secretary has not found another air carrier to provide basic essential air service to the eligible place, the Secretary shall require the carrier providing notice to continue to provide basic essential air service to the place for an additional 30-day period or until another carrier begins to provide basic essential air service to the place, whichever occurs first.

(c) Continuation of Service for Additional 30-Day Periods.—If at the end of the 30-day period under subsection (b) of this section the Secretary decides another air carrier will not provide basic essential air service to the place on a continuing basis, the Secretary shall require the carrier providing service to continue to provide service for additional 30-day periods until another carrier begins providing service on a continuing basis. At the end of each 30-day period, the Secretary shall decide if another carrier will provide service on a continuing basis.

(d) Continuation of Compensation After Notice Period.—If an air carrier receiving compensation under section 41733 of this title for providing basic essential air service to an eligible place is required to continue to provide service to the place under this section after the 90-day notice period under subsection (a) of this section, the Secretary shall continue to pay that compensation after the last day of that period. The Secretary shall pay the compensation until the Secretary finds another carrier to provide the service to the place or the 90th day after the end of that notice period, whichever is earlier. If, after the 90th day after the end of the 90-day notice period, the Secretary has not found another carrier to provide the service, the carrier required to continue to provide that service shall receive compensation sufficient—

(1) to pay for the fully allocated actual cost to the carrier of performing the basic essential air service that was being provided when the 90-day notice was given under subsection (a) of this section plus a reasonable return on investment that is at least 5 percent of operating costs; and

(2) to provide the carrier an additional return that recognizes the demonstrated additional lost profits from opportunities foregone and the likelihood that those lost profits increase as the period during which the carrier is required to provide the service continues.

(e) Compensation to Air Carriers Originally Providing Service Without Compensation.—If the Secretary requires an air carrier providing basic essential air service to an eligible place without compensation under section 41733 of this title to continue providing that service after the 90-day notice period required by subsection (a) of this section, the Secretary shall provide the carrier with compensation after the end of the 90-day notice period that is sufficient—

(1) to pay for the fully allocated actual cost to the carrier of performing the basic essential air service that was being provided when the 90-day notice was given under subsection (a) of this section plus a reasonable return on investment that is at least 5 percent of operating costs; and

(2) to provide the carrier an additional return that recognizes the demonstrated additional lost profits from opportunities foregone and the likelihood that those lost profits increase as the period during which the carrier is required to provide the service continues.

(f) Finding Replacement Carriers.—When the Secretary requires an air carrier to continue to provide basic essential air service to an eligible place, the Secretary shall continue to make every effort to find another carrier to provide at least that basic essential air service to the place on a continuing basis.

(g) Transfer of Authority.—If an air carrier, providing basic essential air service under section 41733 of this title between an eligible place and an airport at which the Administrator of the Federal Aviation Administration limits the number of instrument flight rule takeoffs and landings of aircraft, provides notice under subsection (a) of this section of an intention to end, suspend, or reduce that service and another carrier is found to provide the service, the Secretary shall require the carrier providing notice to transfer any operational authority the carrier has to land or take off at that airport related to the service to the eligible place to the carrier that will provide the service, if—

(1) the carrier that will provide the service needs the authority; and

(2) the authority to be transferred is being used only to provide air service to the eligible place.

§41735. Enhanced essential air service

(a) Proposals.—(1) A State or local government may submit a proposal to the Secretary of Transportation for enhanced essential air service to an eligible place for which basic essential air service is being provided under section 41733 of this title. The proposal shall—

(A) specify the level and type of enhanced essential air service the State or local government considers appropriate; and

(B) include an agreement related to compensation required for the proposed service.

(2) The agreement submitted under paragraph (1)(B) of this subsection shall provide that—

(A) the State or local government or a person pay 50 percent of the compensation required for the proposed service and the United States Government pay the remaining 50 percent; or

(B)(i) the Government pay 100 percent of the compensation; and

(ii) if the proposed service is not successful for at least a 2-year period under the criteria prescribed by the Secretary under paragraph (3) of

this subsection, the eligible place is not eligible for air service or air transportation for which compensation is paid by the Secretary under this subchapter.

(3) The Secretary shall prescribe by regulation objective criteria for deciding whether enhanced essential air service to an eligible place under this section is successful in terms of—

(A) increasing passenger usage of the airport facilities at the place; and

(B) reducing the amount of compensation provided by the Secretary under this subchapter for that service.

(b) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) of this section, the Secretary shall—

(1) approve the proposal if the Secretary decides the proposal is reasonable; or

(2) if the Secretary decides the proposal is not reasonable, disapprove the proposal and notify the State or local government of the disapproval and the reasons for the disapproval.

(c) COMPENSATION PAYMENTS.—(1) The Secretary shall pay compensation under this section when and in the way the Secretary decides is appropriate. Compensation for enhanced essential air service under this section may be paid only for the costs incurred in providing air service to an eligible place that are in addition to the costs incurred in providing basic essential air service to the place under section 41733 of this title. The Secretary shall continue to pay compensation under this section only as long as—

(A) the air carrier maintains the level of enhanced essential air service;

(B) the State or local government or person agreeing to pay compensation under this section continues to pay the compensation; and

(C) the Secretary decides the compensation is necessary to maintain the service to the place.

(2) The Secretary may require the State or local government or person agreeing to pay compensation under this section to make advance payments or provide other security to ensure that timely payments are made.

(d) REVIEW.—(1) The Secretary shall review periodically the enhanced essential air service provided to each eligible place under this section.

(2) For service for which the Government pays 50 percent of the compensation, based on the review and consultation with the affected community and the State or local government or person paying the remaining 50 percent of the compensation, the Secretary shall make appropriate adjustments in the type and level of service to the place.

(3) For service for which the Government pays 100 percent of the compensation, based on the review and consultation with the State or local government submitting the proposal, the Secretary shall decide whether the service has succeeded for at least a 2-year period under the criteria prescribed under subsection (a)(3) of this section. If unsuccessful, the place is not eligible for air service or air transportation for which compensation is paid by the Secretary under this subchapter.

(e) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—An air carrier may end, suspend, or reduce air transportation to an eligible place below the level of enhanced essential air service established for that place by the Secretary under this section only after giving the Secretary, the affected community, and the State or local government or person paying compensation for that service at least 30 days' notice before ending, suspending, or reducing the service. This subsection does not relieve the carrier of an obligation under section 41734 of this title.

§41736. Air transportation to noneligible places

(a) PROPOSALS AND DECISIONS.—(1) A State or local government may propose to the Secretary of Transportation that the Secretary provide compensation to an air carrier to provide air transportation to a place that is not an eligible place under this subchapter. Not later than 90 days after receiving a proposal under this section, the Secretary shall—

(A) decide whether to designate the place as eligible to receive compensation under this section; and

(B)(i) approve the proposal if the State or local government or a person is willing and able to pay 50 percent of the compensation for providing the transportation, and notify the State or local government of the approval; or

(ii) disapprove the proposal if the Secretary decides the proposal is not reasonable under paragraph (2) of this subsection, and notify the State or local government of the disapproval and the reasons for the disapproval.

(2) In deciding whether a proposal is reasonable, the Secretary shall consider, among other factors—

(A) the traffic-generating potential of the place;

(B) the cost to the United States Government of providing the proposed transportation; and

(C) the distance of the place from the closest hub airport.

(b) APPROVAL FOR CERTAIN AIR TRANSPORTATION.—Notwithstanding subsection (a)(1)(B) of this section, the Secretary shall approve a proposal under this section to compensate an air carrier for providing air transportation to a place in the 48 contiguous States or the District of Columbia and designate the place as eligible for compensation under this section if—

(1) at any time before October 23, 1978, the place was served by a carrier holding a certificate under section 401 of the Federal Aviation Act of 1958;

(2) the place is more than 50 miles from the nearest small hub airport or an eligible place;

(3) the place is more than 150 miles from the nearest hub airport; and

(4) the State or local government submitting the proposal or a person is willing and able to pay 25 percent of the cost of providing the compensated transportation.

(c) LEVEL OF AIR TRANSPORTATION.—(1) If the Secretary designates a place under subsection (a)(1) of this section as eligible for compensation under this section, the Secretary shall decide, not later than 6 months after the date of the designation, on the level of air transportation to be provided under this section. Before making a decision, the Secretary shall consider the views of any interested community, the appropriate State authority of the State in which the place is located, and the State or local government or person agreeing to pay compensation for the transportation under subsection (b)(4) of this section.

(2) After making the decision under paragraph (1) of this subsection, the Secretary shall provide notice that any air carrier that is willing to provide the level of air transportation established under paragraph (1) for a place may submit an application to provide the transportation. In selecting an applicant, the Secretary shall consider, among other factors—

(A) the factors listed in section 41733(c)(1) of this title; and

(B) the views of the State or local government or person agreeing to pay compensation for the transportation.

(d) COMPENSATION PAYMENTS.—(1) The Secretary shall pay compensation under this section when and in the way the Secretary decides is appropriate. The Secretary shall continue to pay compensation under this section only as long as—

(A) the air carrier maintains the level of air transportation established by the Secretary under subsection (c)(1) of this section;

(B) the State or local government or person agreeing to pay compensation for transportation under this section continues to pay that compensation; and

(C) the Secretary decides the compensation is necessary to maintain the transportation to the place.

(2) The Secretary may require the State or local government or person agreeing to pay compensation under this section to make advance payments or provide other security to ensure that timely payments are made.

(e) REVIEW.—The Secretary shall review periodically the level of air transportation provided under this section. Based on the review and consultation with any interested community, the appropriate State authority of the State in which the community is located, and the State or local government or person paying compensation under this section, the Secretary may make appropriate adjustments in the level of transportation.

(f) WITHDRAWAL OF ELIGIBILITY DESIGNATIONS.—After providing notice and an opportunity for interested persons to comment, the Secretary may withdraw the designation of a place under subsection (a)(1) of this section as eligible to receive compensation under this section if the place has received air transportation under this section for at least 2 years and the Secretary decides the withdrawal would be in the public interest. The Secretary by regulation shall prescribe standards for deciding whether the withdrawal of a designation under this subsection is in the public interest. The standards shall include the factors listed in subsection (a)(2) of this section.

(g) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—An air carrier providing air transportation for compensation under this section may end, suspend, or reduce that transportation below the level of transportation established by the Secretary under this section only after giving the Secretary, the affected community, and the State or local government or person paying compensation under this section at least 30 days' notice before ending, suspending, or reducing the transportation.

§41737. Compensation guidelines, limitations, and claims

(a) COMPENSATION GUIDELINES.—(1) The Secretary of Transportation shall prescribe guidelines governing the rate of compensation payable under this subchapter. The guidelines shall be used to determine the reasonable amount of compensation required to ensure the continuation of air service or air transportation under this subchapter. The guidelines shall—

(A) provide for a reduction in compensation when an air carrier does not provide service or transportation agreed to be provided;

(B) consider amounts needed by an air carrier to promote public use of the service or transportation for which compensation is being paid; and

(C) include expense elements based on representative costs of air carriers providing scheduled air transportation of passengers, property, and mail on aircraft of the type the Secretary decides is appropriate for providing the service or transportation for which compensation is being provided.

(2) Promotional amounts described in paragraph (1)(B) of this subsection shall be a special, segregated element of the compensation provided to a carrier under this subchapter.

(b) REQUIRED FINDING.—The Secretary may pay compensation to an air carrier for providing air service or air transportation under this subchapter only if the Secretary finds the carrier is able to provide the service or transportation in a reliable way.

(c) CLAIMS.—Not later than 15 days after receiving a written claim from an air carrier for

compensation under this subchapter, the Secretary shall—

(1) pay or deny the United States Government's share of a claim; and

(2) if denying the claim, notify the carrier of the denial and the reasons for the denial.

(d) AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS.—(1) The Secretary may make agreements and incur obligations from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to pay compensation under this subchapter. An agreement by the Secretary under this subsection is a contractual obligation of the Government to pay the Government's share of the compensation.

(2) Not more than $38,600,000 is available to the Secretary out of the Fund for each of the fiscal years ending September 30, 1993–1998, to incur obligations under this section. Amounts made available under this section remain available until expended.

§41738. Fitness of air carriers

Notwithstanding section 40109(a) and (c)–(h) of this title, an air carrier may provide air service to an eligible place or air transportation to a place designated under section 41736 of this title only when the Secretary of Transportation decides that—

(1) the carrier is fit, willing, and able to perform the service or transportation; and

(2) aircraft used to provide the service or transportation, and operations related to the service or transportation, conform to the safety standards prescribed by the Administrator of the Federal Aviation Administration.

§41739. Air carrier obligations

If at least 2 air carriers make an agreement to operate under or use a single carrier designator code to provide air transportation, the carrier whose code is being used shares responsibility with the other carriers for the quality of transportation provided the public under the code by the other carriers.

§41740. Joint proposals

The Secretary of Transportation shall encourage the submission of joint proposals by 2 or more air carriers for providing air service or air transportation under this subchapter through arrangements that maximize the service or transportation to and from major destinations beyond the hub.

§41741. Insurance

The Secretary of Transportation may pay an air carrier compensation under this subchapter only when the carrier files with the Secretary an insurance policy or self-insurance plan approved by the Secretary. The policy or plan must be sufficient to pay for bodily injury to, or death of, an individual, or for loss of or damage to property of others, resulting from the operation of aircraft, but not more than the amount of the policy or plan limits.

§41742. Ending effective date

This subchapter is not effective after September 30, 1998.

CHAPTER 419—TRANSPORTATION OF MAIL

Sec.

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§41901. General authority

(a) TITLE 39.—The United States Postal Service may provide for the transportation of mail by aircraft in interstate air transportation under section 5402(d) and (f) of title 39.

(b) AUTHORITY TO PRESCRIBE PRICES.—Except as provided in section 5402 of title 39, on the initiative of the Secretary of Transportation or on petition by the Postal Service or an air carrier, the Secretary shall prescribe and publish—

(1) after notice and an opportunity for a hearing on the record, reasonable prices to be paid by the Postal Service for the transportation of mail by aircraft in foreign air transportation or between places in Alaska, the facilities used in and useful for the transportation of mail, and the services related to the transportation of mail for each carrier holding a certificate that authorizes that transportation;

(2) the methods used, whether by aircraft-mile, pound-mile, weight, space, or a combination of those or other methods, to determine the prices for each air carrier or class of air carriers; and

(3) the effective date of the prices.

(c) OTHER TRANSPORTATION.—In prescribing prices under subsection (b) of this section, the Secretary may include transportation other than by aircraft that is incidental to transportation of mail by aircraft or necessary because of emergency conditions related to aircraft operations.

(d) AUTHORITY TO PRESCRIBE DIFFERENT PRICES.—Considering conditions peculiar to transportation by aircraft and to particular air carriers or classes of air carriers, the Secretary may prescribe different prices under this section for different air carriers or classes of air carriers and for different classes of service. In prescribing a price for a carrier under this section, the Secretary shall consider, among other factors, the following:

(1) the condition that the carrier may hold and operate under a certificate authorizing the transportation of mail only by providing necessary and adequate facilities and service for the transportation of mail.

(2) standards related to the character and quality of service to be provided that are prescribed by or under law.

(e) STATEMENTS ON PRICES.—A petition for prescribing a reasonable price under this section must include a statement of the price the petitioner believes is reasonable.

(f) STATEMENTS ON REQUIRED SERVICES.—The Postal Service shall introduce as part of the record in every proceeding under this section a comprehensive statement of the services to be required of the air carrier and other information the Postal Service has that the Secretary considers material to the proceeding.

(g) EXPIRATION DATE.—The authority of the Secretary under this part and section 5402 of title 39 providing for the transportation of mail by aircraft between places in Alaska expires on the date specified in section 5402(f) of title 39.

§41902. Schedules for certain transportation of mail

(a) REQUIREMENT.—Except as provided in section 41906 of this title and section 5402 of title 39, an air carrier may transport mail by aircraft in foreign air transportation or between places in Alaska only under a schedule designated or required to be established under subsection (c) of this section for the transportation of mail.

(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the Secretary of Transportation and the United States Postal Service a statement showing—

(1) the places between which the carrier is authorized to provide foreign air transportation;

(2) the places between which the carrier is authorized to transport mail in Alaska;

(3) every schedule of aircraft regularly operated by the carrier between places described in clauses (1) and (2) of this subsection and every change in each schedule; and

(4) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each place.

(c) DESIGNATING AND ADDITIONAL SCHEDULES.—The Postal Service may—

(1) designate any schedule of an air carrier filed under subsection (b)(3) of this section for the transportation of mail between the places between which the carrier is authorized by its certificate to transport mail; and

(2) require the carrier to establish additional schedules for the transportation of mail between those places.

(d) CHANGING SCHEDULES.—A schedule designated or required to be established for the transportation of mail under subsection (c) of this section may be changed only after 10 days' notice of the change is filed as provided in subsection (b)(3) of this section. The Postal Service may disapprove a proposed change in a schedule or amend or modify the schedule or proposed change.

(e) ORDERS.—An order of the Postal Service under this section may become effective only after 10 days after the order is issued. A person adversely affected by the order may appeal the order to the Secretary before the end of the 10-day period under regulations the Secretary prescribes. If the public convenience and necessity require, the Secretary may amend, modify, suspend, or cancel the order. Pending a decision about the order, the Secretary may postpone the effective date of the order.

(f) PROCEEDINGS PREFERENCES.—The Secretary shall give preference to a proceeding under this section over all other proceedings before the Secretary under this subpart.

§41903. Duty to provide certain transportation of mail

(a) AIR CARRIERS.—Subject to subsection (b) of this section, an air carrier authorized by its certificate to transport mail by aircraft in foreign air transportation or between places in Alaska shall—

(1) provide facilities and services necessary and adequate to provide that transportation; and

(2) transport mail between the places authorized in the certificate for transportation of mail when required, and under regulations prescribed, by the United States Postal Service.

(b) MAXIMUM MAIL LOAD.—The Secretary of Transportation may prescribe the maximum mail load for a schedule or for an aircraft or type of aircraft for the transportation of mail by aircraft in foreign air transportation or between places in Alaska. If the Postal Service tenders to an air carrier mail exceeding the maximum load for transportation by the carrier under a schedule designated or required to be established for the transportation of mail under section 41902(c) of this title, the carrier, as nearly in accordance with the schedule as the Secretary decides is possible, shall—

(1) provide facilities sufficient to transport the mail to the extent the Secretary decides the carrier reasonably is able to do so; and

(2) transport that mail.

§41904. Noncitizens transporting mail to or in foreign countries

When the United States Postal Service decides that it may be necessary to have a person not a citizen of the United States transport mail by *aircraft to or in a foreign country, the Postal Service may make an arrangement with the person, without advertising, to provide the transportation.*

§41905. Regulating air carrier transportation of foreign mail

An air carrier holding a certificate that authorizes foreign air transportation and transporting mail of a foreign country shall transport that mail under the control of, and subject to regulation by, the United States Government.

§41906. Emergency mail transportation

(a) CONTRACT AUTHORITY.—In an emergency caused by a flood, fire, or other disaster, the United States Postal Service may make a contract without advertising to transport mail by aircraft to or from a locality affected by the emergency when the available facilities of persons authorized to transport mail to or from the locality are inadequate to meet the requirements of the Postal Service during the emergency. The contract may be only for periods necessary to maintain mail service because of the inadequacy of the facilities. Payment for transportation provided under the contract shall be made at prices provided in the contract.

(b) TRANSPORTATION NOT AIR TRANSPORTATION.—Transportation provided under a contract made under subsection (a) of this section is not air transportation within the meaning of this part.

§41907. Prices for foreign transportation of mail

(a) LIMITATIONS.—When air transportation is provided between the United States and a foreign country both by aircraft owned or operated by an air carrier holding a certificate under chapter 411 of this title and by aircraft owned or operated by a foreign air carrier, the United States Postal Service may not pay to or for the account of the foreign air carrier a price for transporting mail by aircraft between the United States and the foreign country that the Postal Service believes will result (over a reasonable period determined by the Postal Service considering exchange fluctuations and other factors) in the foreign air carrier receiving a price for transporting the mail that is higher than the price—

(1) the government of a foreign country or foreign postal administration pays to air carriers for transporting mail of the foreign country by aircraft between the foreign country and the United States; or

(2) determined by the Postal Service to be comparable to the price the government of a foreign country or foreign postal administration pays to air carriers for transporting mail of the foreign country by aircraft between the foreign country and an intermediate country on the route of the air carrier between the foreign country and the United States.

(b) CHANGES.—The Secretary of Transportation shall act expeditiously on proposed changes in prices for transporting mail by aircraft in foreign air transportation. When prescribing those prices, the Secretary shall consider—

(1) the prices paid for transportation of mail under the Universal Postal Union Convention as ratified by the United States Government;

(2) the price-making elements used by the Universal Postal Union in prescribing its airmail prices; and

(3) the competitive disadvantage to United States flag air carriers resulting from foreign air carriers receiving Universal Postal Union prices for transporting United States mail and national origin mail of their own countries.

§41908. Prices for transporting mail of foreign countries

(a) PRICE DETERMINATIONS.—The United States Postal Service shall determine the prices that an air carrier holding a certificate that authorizes foreign air transportation must charge a government of a foreign country or foreign postal administration for transporting mail of the foreign country. The Postal Service shall put those prices into effect under the postal convention regulating postal relations between the United States and the foreign country or as provided under this section.

(b) CHANGES.—The Postal Service may authorize an air carrier holding a certificate that authorizes foreign air transportation, under limitations the Postal Service prescribes, to change the prices the carrier charges a government of a foreign country or foreign postal administration for transporting mail of the foreign country in the foreign country or between the foreign country and another foreign country.

(c) COLLECTING COMPENSATION.—(1) When an air carrier holding a certificate that authorizes foreign air transportation transports mail of a foreign country—

(A) under an arrangement with a government of a foreign country or foreign postal administration made or approved under this section, the carrier must collect its compensation for the transportation from the foreign country under the arrangement; and

(B) without having an arrangement with a government of a foreign country or foreign postal administration consistent with this section, the compensation collected by the United States Government for the transportation shall be for the account of the air carrier.

(2) An air carrier holding a certificate that authorizes foreign air transportation is not entitled to receive compensation from both a government of a foreign country or foreign postal administration and the United States Government for transporting the same mail of the foreign country.

§41909. Duty to oppose unreasonable prices under the Universal Postal Union Convention

The Secretary of State and the United States Postal Service shall—

(1) take appropriate action to ensure that the prices paid for transporting mail under the Universal Postal Union Convention are not higher than reasonable prices for transporting mail; and

(2) oppose any existing or proposed Universal Postal Union price that is higher than a reasonable price for transporting mail.

§41910. Weighing mail

The United States Postal Service may weigh mail transported by aircraft and make statistical and administrative computations necessary in the interest of mail service. When the Secretary of Transportation decides that additional or more frequent weighings of mail are advisable or necessary to carry out this part, the Postal Service shall provide the weighings, but it is not required to provide them for continuous periods of more than 30 days.

§41911. Evidence of providing mail service

When and in the form required by the United States Postal Service, an air carrier transporting or handling—

(1) United States mail shall submit evidence, signed by an authorized official, that the transportation or handling has been provided; and

(2) mail of a foreign country shall submit evidence, signed by an authorized official, of the amount of mail transported or handled and the compensation payable and received for that transportation or handling.

§41912. Effect on foreign postal arrangements

This part does not—

(1) affect an arrangement made by the United States Government with the postal administration of a foreign country related to the transportation of mail by aircraft; or

(2) impair the authority of the United States Postal Service to make such an arrangement.

CHAPTER 421—LABOR-MANAGEMENT PROVISIONS

SUBCHAPTER I—EMPLOYEE PROTECTION PROGRAM

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SUBCHAPTER I—EMPLOYEE PROTECTION PROGRAM

§42101. Definitions

(a) GENERAL.—In this subchapter—

(1) "eligible protected employee" means a protected employee who is deprived of employment, or who is adversely affected related to compensation, because of a qualifying dislocation.

(2) "major contraction" means a reduction (except as provided in subsection (b) of this section) of at least 7.5 percent in the number of full-time employees of an air carrier within a 12-month period, except for employees deprived of employment because of a strike or whose employment is ended for cause.

(3) "protected employee" means an individual who on October 24, 1978, had been employed for at least 4 years by an air carrier that held a certificate under section 401 of the Federal Aviation Act of 1958, but does not include a director or officer of a corporation.

(4) "qualifying dislocation" means a bankruptcy or major contraction of an air carrier holding a certificate under section 41102 of this title when the Secretary of Transportation finds the bankruptcy or contraction occurred after December 31, 1978, and before January 1, 1989, the major cause of which was the change in regulatory structure provided by the Airline Deregulation Act of 1978.

(b) MAJOR CONTRACTION.—The Secretary may find a reduction of less than 7.5 percent of the number of full-time employees is part of a major contraction if the Secretary decides another reduction is likely to occur within the 12-month period in which the first reduction occurs that, when included with the first reduction, will result in a total reduction of more than 7.5 percent.

§42102. Payments to eligible protected employees

(a) AUTHORITY TO PAY AND APPLICATIONS FOR PAYMENTS.—Subject to amounts provided in an appropriation law, the Secretary of Labor shall make monthly assistance payments, moving expense payments, and reimbursement payments as provided under this section to an eligible protected employee whose employment is not ended for cause. The employee must apply to receive the payments and cooperate with the Secretary in finding other employment.

(b) NUMBER AND AMOUNT OF PAYMENTS.—(1) Subject to amounts provided in an appropriation law, an eligible protected employee shall receive 72 monthly assistance payments. However, an eligible protected employee deprived of employment may not receive a payment after obtaining other employment. For each class or craft of protected employees, the Secretary of Labor, after consulting with the Secretary of Transportation, shall prescribe by regulation

guidelines for computing the amount of each monthly assistance payment to be made to a member of the class or craft and what percentage of salary that payment represents.

(2) The amount of a monthly payment payable under paragraph (1) of this subsection to an eligible protected employee shall be reduced—

(A) by unemployment compensation the employee receives; or

(B) if the employee does not accept reasonably comparable employment, to an amount the employee would be entitled to receive if the employee had accepted the employment.

(3) If accepting comparable employment to avoid a reduction in the monthly assistance payment under paragraph (2) of this subsection would force an eligible protected employee to relocate, the employee may decide not to relocate. Instead of the payments provided under this section, the employee may receive the lesser of 3 payments or the maximum number of payments that remain to be paid under paragraph (1) of this subsection.

(c) MOVING EXPENSES AND REIMBURSEMENTS.—(1) Subject to amounts provided in an appropriation law, an eligible protected employee who relocates shall receive—

(A) reasonable moving expense payments to move the employee and the employee's immediate family; and

(B) reimbursement payments for a loss incurred in selling the employee's principal place of residence for less than fair market value or in cancelling a lease on, or contract to buy, the residence.

(2) The Secretary of Labor shall decide on the amount of the moving expenses and the fair market value of the residence.

§42103. Duty to hire protected employees

(a) REHIRING PROTECTED EMPLOYEES.—A protected employee of an air carrier regulated by the Secretary of Transportation who was furloughed or whose employment was ended by the carrier (except for cause) before October 23, 1988, is entitled to be the first employed in the occupational specialty of the employee, regardless of the employee's age, by any other air carrier holding a certificate under section 41102 of this title before October 24, 1978. However, the air carrier may recall its furloughed employees before hiring a protected employee of another air carrier regulated by the Secretary who was furloughed or whose employment was ended by the other carrier (except for cause) before October 23, 1988. An employee hired by an air carrier under this section retains seniority and recall rights with the air carrier that furloughed or ended the employment of the employee.

(b) DUTIES OF SECRETARY OF LABOR.—The Secretary of Labor—

(1) shall establish and publish periodically a list of jobs available with an air carrier holding a certificate under section 41102 of this title that includes necessary information and detail;

(2) shall assist eligible protected employees to find other employment;

(3) shall encourage negotiations between air carriers and representatives of employees on rehiring practices and seniority; and

(4) may require an air carrier to file with the Secretary information necessary to carry out this section.

§42104. Congressional review of regulations

(a) DEFINITION.—In this section, "legislative day" means a calendar day on which both Houses of Congress are in session.

(b) SUBMISSION TO CONGRESS.—The Secretary of Labor may not prescribe a regulation under this subchapter until 30 legislative days after the regulation is submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(c) EFFECTIVENESS OF REGULATIONS.—A proposed regulation under this subchapter shall be submitted to Congress and becomes effective only if, during the period of 60 legislative days after the regulation is submitted to Congress, either House does not pass a resolution disapproving the regulation. However, if Congress adopts a resolution approving the regulation during the 60-day period, the regulation is effective on that date.

§42105. Airline Employees Protective Account

The Department of Labor has an Airline Employees Protective Account consisting of amounts appropriated to it. An amount necessary to carry out this subchapter, including administrative expenses, may be appropriated to the Account annually.

§42106. Ending effective date

This subchapter is not effective after the last day the Secretary of Labor must make a payment under this subchapter.

SUBCHAPTER II—MUTUAL AID AGREEMENTS AND LABOR REQUIREMENTS OF AIR CARRIERS

§42111. Mutual aid agreements

An air carrier that will receive payments from another air carrier under an agreement between the air carriers for the time the one air carrier is not providing foreign air transportation, or is providing reduced levels of foreign air transportation, because of a labor strike must file a true copy of the agreement with the Secretary of Transportation and have it approved by the Secretary under section 41309 of this title. Notwithstanding section 41309, the Secretary shall approve the agreement only if it provides that—

(1) the air carrier will receive payments of not more than 60 percent of direct operating expenses, including interest expenses, but not depreciation or amortization expenses;

(2) benefits may be paid for not more than 8 weeks, and may not be for losses incurred during the first 30 days of a strike; and

(3) on request of the striking employees, the dispute will be submitted to binding arbitration under the Railway Labor Act (45 U.S.C. 151 et seq.).

§42112. Labor requirements of air carriers

(a) DEFINITIONS.—In this section—

(1) "copilot" means an employee whose duties include assisting or relieving the pilot in manipulating an aircraft and who is qualified to serve as, and has in effect an airman certificate authorizing the employee to serve as, a copilot.

(2) "pilot" means an employee who is—

(A) responsible for manipulating or who manipulates the flight controls of an aircraft when under way, including the landing and takeoff of an aircraft; and

(B) qualified to serve as, and has in effect an airman certificate authorizing the employee to serve as, a pilot.

(b) DUTIES OF AIR CARRIERS.—An air carrier shall—

(1) maintain rates of compensation, maximum hours, and other working conditions and relations for its pilots and copilots who are providing interstate air transportation in the 48 contiguous States and the District of Columbia to conform with decision number 83, May 10, 1934, National Labor Board, notwithstanding any limitation in that decision on the period of its effectiveness;

(2) maintain rates of compensation for its pilots and copilots who are providing foreign air transportation or air transportation only in one territory or possession of the United States; and

(3) comply with title II of the Railway Labor Act (45 U.S.C. 181 et seq.) as long as it holds its certificate.

(c) MINIMUM ANNUAL RATE OF COMPENSATION.—A minimum annual rate under subsection (b)(2) of this section may not be less than the annual rate required to be paid for comparable service to a pilot or copilot under subsection (b)(1) of this section.

(d) COLLECTIVE BARGAINING.—This section does not prevent pilots or copilots of an air carrier from obtaining by collective bargaining higher rates of compensation or more favorable working conditions or relations.

SUBPART III—SAFETY

CHAPTER 441—REGISTRATION AND RECORDATION OF AIRCRAFT

Sec.
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44102. Registration requirements.
44103. Registration of aircraft.
44104. Registration of aircraft components and dealers' certificates of registration.
44105. Suspension and revocation of aircraft certificates.
44106. Revocation of aircraft certificates for controlled substance violations.
44107. Recordation of conveyances, leases, and security instruments.
44108. Validity of conveyances, leases, and security instruments.
44109. Reporting transfer of ownership.
44110. Information about aircraft ownership and rights.
44111. Modifications in registration and recordation system for aircraft not providing air transportation.
44112. Limitation of liability.

§44101. Operation of aircraft

(a) REGISTRATION REQUIREMENT.—Except as provided in subsection (b) of this section, a person may operate an aircraft only when the aircraft is registered under section 44103 of this title.

(b) EXCEPTIONS.—A person may operate an aircraft in the United States that is not registered—

(1) when authorized under section 40103(d) or 41703 of this title;

(2) when it is an aircraft of the national defense forces of the United States and is identified in a way satisfactory to the Administrator of the Federal Aviation Administration; and

(3) for a reasonable period of time after a transfer of ownership, under regulations prescribed by the Administrator.

§44102. Registration requirements

(a) ELIGIBILITY.—An aircraft may be registered under section 44103 of this title only when the aircraft is—

(1) not registered under the laws of a foreign country and is owned by—

(A) a citizen of the United States;

(B) an individual citizen of a foreign country lawfully admitted for permanent residence in the United States; or

(C) a corporation not a citizen of the United States when the corporation is organized and doing business under the laws of the United States or a State, and the aircraft is based and primarily used in the United States; or

(2) an aircraft of—

(A) the United States Government; or

(B) a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of a State, territory, or possession.

(b) DUTY TO DEFINE CERTAIN TERM.—In carrying out subsection (a)(1)(C) of this section, the Secretary of Transportation shall define "based and primarily used in the United States".

§44103. Registration of aircraft

(a) GENERAL.—(1) On application of the owner of an aircraft that meets the requirements of section 44102 of this title, the Administrator of the Federal Aviation Administration shall—

(A) register the aircraft; and

(B) issue a certificate of registration to its owner.

(2) The Administrator may prescribe the extent to which an aircraft owned by the holder of a dealer's certificate of registration issued under section 44104(2) of this title also is registered under this section.

(b) CONTROLLED SUBSTANCE VIOLATIONS.—(1) The Administrator may not issue an owner's certificate of registration under subsection (a)(1) of this section to a person whose certificate is revoked under section 44106 of this title during the 5-year period beginning on the date of the revocation, except—

(A) as provided in section 44106(e)(2) of this title; or

(B) that the Administrator may issue the certificate to the person after the one-year period beginning on the date of the revocation if the Administrator decides that the aircraft otherwise meets the requirements of section 44102 of this title and that denial of a certificate for the 5-year period—

(i) would be excessive considering the nature of the offense or the act committed and the burden the denial places on the person; or

(ii) would not be in the public interest.

(2) A decision of the Administrator under paragraph (1)(B)(i) or (ii) of this subsection is within the discretion of the Administrator. That decision or failure to make a decision is not subject to administrative or judicial review.

(c) CERTIFICATES AS EVIDENCE.—A certificate of registration issued under this section is—

(1) conclusive evidence of the nationality of an aircraft for international purposes, but not conclusive evidence in a proceeding under the laws of the United States; and

(2) not evidence of ownership of an aircraft in a proceeding in which ownership is or may be in issue.

(d) CERTIFICATES AVAILABLE FOR INSPECTION.—An operator of an aircraft shall make available for inspection a certificate of registration for the aircraft when requested by a United States Government, State, or local law enforcement officer.

§44104. Registration of aircraft components and dealers' certificates of registration

The Administrator of the Federal Aviation Administration may prescribe regulations—

(1) in the interest of safety for registering and identifying an aircraft engine, propeller, or appliance; and

(2) in the public interest for issuing, suspending, and revoking a dealer's certificate of registration under this chapter and for its use by a person manufacturing, distributing, or selling aircraft.

§44105. Suspension and revocation of aircraft certificates

The Administrator of the Federal Aviation Administration may suspend or revoke a certificate of registration issued under section 44103 of this title when the aircraft no longer meets the requirements of section 44102 of this title.

§44106. Revocation of aircraft certificates for controlled substance violations

(a) DEFINITION.—In this section, "controlled substance" has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(b) REVOCATIONS.—(1) The Administrator of the Federal Aviation Administration shall issue an order revoking the certificate of registration for an aircraft issued to an owner under section 44103 of this title and any other certificate of registration that the owner of the aircraft holds under section 44103, if the Administrator finds that—

(A) the aircraft was used to carry out, or facilitate, an activity that is punishable by death or imprisonment for more than one year under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance); and

(B) the owner of the aircraft permitted the use of the aircraft knowing that the aircraft was to be used for the activity described in clause (A) of this paragraph.

(2) An aircraft owner that is not an individual is deemed to have permitted the use of the aircraft knowing that the aircraft was to be used for the activity described in paragraph (1)(A) of this subsection only if a majority of the individuals who control the owner of the aircraft or who are involved in forming the major policy of the owner permitted the use of the aircraft knowing that the aircraft was to be used for the activity described in paragraph (1)(A).

(c) ADVICE TO HOLDERS AND OPPORTUNITY TO ANSWER.—Before the Administrator revokes a certificate under subsection (b) of this section, the Administrator shall—

(1) advise the holder of the certificate of the charges or reasons on which the Administrator bases the proposed action; and

(2) provide the holder of the certificate an opportunity to answer the charges and state why the certificate should not be revoked.

(d) APPEALS.—(1) A person whose certificate is revoked by the Administrator under subsection (b) of this section may appeal the revocation order to the National Transportation Safety Board. The Board shall affirm or reverse the order after providing notice and a hearing on the record. In conducting the hearing, the Board is not bound by the findings of fact of the Administrator.

(2) When a person files an appeal with the Board under this subsection, the order of the Administrator revoking the certificate is stayed. However, if the Administrator advises the Board that safety in air transportation or air commerce requires the immediate effectiveness of the order—

(A) the order remains effective; and

(B) the Board shall dispose of the appeal not later than 60 days after notification by the Administrator under this paragraph.

(3) A person substantially affected by an order of the Board under this subsection may seek judicial review of the order under section 46110 of this title. The Administrator shall be made a party to that judicial proceeding.

(e) ACQUITTAL.—(1) The Administrator may not revoke, and the Board may not affirm a revocation of, a certificate of registration under this section on the basis of an activity described in subsection (b)(1)(A) of this section if the holder of the certificate is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity.

(2) If the Administrator has revoked a certificate of registration of a person under this section because of an activity described in subsection (b)(1)(A) of this section, the Administrator shall reissue a certificate to the person if the person—

(A) subsequently is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity; and

(B) otherwise meets the requirements of section 44102 of this title.

§44107. Recordation of conveyances, leases, and security instruments

(a) ESTABLISHMENT OF SYSTEM.—The Administrator of the Federal Aviation Administration shall establish a system for recording—

(1) conveyances that affect an interest in civil aircraft of the United States;

(2) leases and instruments executed for security purposes, including conditional sales contracts, assignments, and amendments, that affect an interest in—

(A) a specifically identified aircraft engine having at least 750 rated takeoff horsepower or its equivalent;

(B) a specifically identified aircraft propeller capable of absorbing at least 750 rated takeoff shaft horsepower;

(C) an aircraft engine, propeller, or appliance maintained for installation or use in an aircraft, aircraft engine, or propeller, by or for an air carrier holding a certificate issued under section 44705 of this title; and

(D) spare parts maintained by or for an air carrier holding a certificate issued under section 44705 of this title; and

(3) releases, cancellations, discharges, and satisfactions related to a conveyance, lease, or instrument recorded under clause (1) or (2) of this subsection.

(b) GENERAL DESCRIPTION REQUIRED.—A lease or instrument recorded under subsection (a)(2)(C) or (D) of this section only has to describe generally the engine, propeller, appliance, or spare part by type and designate its location.

(c) ACKNOWLEDGMENT.—Except as the Administrator otherwise may provide, a conveyance, lease, or instrument may be recorded under subsection (a) of this section only after it has been acknowledged before—

(1) a notary public; or

(2) another officer authorized under the laws of the United States, a State, the District of Columbia, or a territory or possession of the United States to acknowledge deeds.

(d) RECORDS AND INDEXES.—The Administrator shall—

(1) keep a record of the time and date that each conveyance, lease, and instrument is filed and recorded with the Administrator; and

(2) record each conveyance, lease, and instrument filed with the Administrator, in the order of their receipt, and index them by—

(A) the identifying description of the aircraft, aircraft engine, or propeller, or location specified in a lease or instrument recorded under subsection (a)(2)(C) or (D) of this section; and

(B) the names of the parties to each conveyance, lease, and instrument.

§44108. Validity of conveyances, leases, and security instruments

(a) VALIDITY BEFORE FILING.—Until a conveyance, lease, or instrument executed for security purposes that may be recorded under section 44107(a)(1) or (2) of this title is filed for recording, the conveyance, lease, or instrument is valid only against—

(1) the person making the conveyance, lease, or instrument;

(2) that person's heirs and devisees; and

(3) a person having actual notice of the conveyance, lease, or instrument.

(b) PERIOD OF VALIDITY.—When a conveyance, lease, or instrument is recorded under section 44107 of this title, the conveyance, lease, or instrument is valid from the date of filing against all persons, without other recordation, except that—

(1) a lease or instrument recorded under section 44107(a)(2)(A) or (B) of this title is valid for a specifically identified engine or propeller without regard to a lease or instrument previously or subsequently recorded under section 44107(a)(2)(C) or (D); and

(2) a lease or instrument recorded under section 44107(a)(2)(C) or (D) of this title is valid only for items at the location designated in the lease or instrument.

(c) APPLICABLE LAWS.—(1) The validity of a conveyance, lease, or instrument that may be recorded under section 44107 of this title is subject to the laws of the State, the District of Columbia, or the territory or possession of the United States at which the conveyance, lease, or instrument is delivered, regardless of the place at which the subject of the conveyance, lease, or

instrument is located or delivered. If the conveyance, lease, or instrument specifies the place at which delivery is intended, it is presumed that the conveyance, lease, or instrument was delivered at the specified place.

(2) This subsection does not take precedence over the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830).

(d) NONAPPLICATION.—This section does not apply to—

(1) a conveyance described in section 44107(a)(1) of this title that was made before August 22, 1938; or

(2) a lease or instrument described in section 44107(a)(2) of this title that was made before June 20, 1948.

§44109. Reporting transfer of ownership

(a) FILING NOTICES.—A person having an ownership interest in an aircraft for which a certificate of registration was issued under section 44103 of this title shall file a notice with the Secretary of the Treasury that the Secretary requires by regulation, not later than 15 days after a sale, conditional sale, transfer, or conveyance of the interest.

(b) EXEMPTIONS.—The Secretary—

(1) shall prescribe regulations that establish guidelines for exempting a person or class from subsection (a) of this section; and

(2) may exempt a person or class under the regulations.

§44110. Information about aircraft ownership and rights

The Administrator of the Federal Aviation Administration may provide by regulation for—

(1) endorsing information on each certificate of registration issued under section 44103 of this title and each certificate issued under section 44704 of this title about ownership of the aircraft for which each certificate is issued; and

(2) recording transactions affecting an interest in, and for other records, proceedings, and details necessary to decide the rights of a party related to, a civil aircraft of the United States, aircraft engine, propeller, appliance, or spare part.

§44111. Modifications in registration and recordation system for aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.

(b) AUTHORITY TO MAKE MODIFICATIONS.—The Administrator of the Federal Aviation Administration shall make modifications in the system for registering and recording aircraft necessary to make the system more effective in serving the needs of—

(1) buyers and sellers of aircraft;

(2) officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)); and

(3) other users of the system.

(c) NATURE OF MODIFICATIONS.—Modifications made under subsection (b) of this section—

(1) may include a system of titling aircraft or registering all aircraft, even aircraft not operated;

(2) shall ensure positive, verifiable, and timely identification of the true owner; and

(3) shall address at least each of the following deficiencies in and abuses of the existing system:

(A) the registration of aircraft to fictitious persons.

(B) the use of false or nonexistent addresses by persons registering aircraft.

(C) the use by a person registering an aircraft of a post office box or "mail drop" as a return address to evade identification of the person's address.

(D) the registration of aircraft to entities established to facilitate unlawful activities.

(E) the submission of names of individuals on applications for registration of aircraft that are not identifiable.

(F) the ability to make frequent legal changes in the registration markings assigned to aircraft.

(G) the use of false registration markings on aircraft.

(H) the illegal use of "reserved" registration markings on aircraft.

(I) the large number of aircraft classified as being in "self-reported status".

(J) the lack of a system to ensure timely and adequate notice of the transfer of ownership of aircraft.

(K) the practice of allowing temporary operation and navigation of aircraft without the issuance of a certificate of registration.

(d) REGULATIONS.—(1) The Administrator of the Federal Aviation Administration shall prescribe regulations to carry out this section and provide a written explanation of how the regulations address each of the deficiencies and abuses described in subsection (c) of this section. In prescribing the regulations, the Administrator of the Federal Aviation Administration shall consult with the Administrator of Drug Enforcement, the Commissioner of Customs, other law enforcement officials of the United States Government, representatives of State and local law enforcement officials, representatives of the general aviation aircraft industry, representatives of users of general aviation aircraft, and other interested persons.

(2) Regulations prescribed under this subsection shall require that—

(A) each individual listed in an application for registration of an aircraft provide with the application the individual's driver's license number; and

(B) each person (not an individual) listed in an application for registration of an aircraft provide with the application the person's taxpayer identifying number.

§44112. Limitation of liability

(a) DEFINITIONS.—In this section—

(1) "lessor" means a person leasing for at least 30 days a civil aircraft, aircraft engine, or propeller.

(2) "owner" means a person that owns a civil aircraft, aircraft engine, or propeller.

(3) "secured party" means a person having a security interest in, or security title to, a civil aircraft, aircraft engine, or propeller under a conditional sales contract, equipment trust contract, chattel or corporate mortgage, or similar instrument.

(b) LIABILITY.—A lessor, owner, or secured party is liable for personal injury, death, or property loss or damage on land or water only when a civil aircraft, aircraft engine, or propeller is in the actual possession or control of the lessor, owner, or secured party, and the personal injury, death, or property loss or damage occurs because of—

(1) the aircraft, engine, or propeller; or

(2) the flight of, or an object falling from, the aircraft, engine, or propeller.

CHAPTER 443—INSURANCE

Sec.

44301. Definitions.
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44305. Insuring United States Government property.
44306. Premiums and limitations on coverage and claims.
44307. Revolving fund.
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§44301. Definitions

In this chapter—

(1) "American aircraft" means—

(A) a civil aircraft of the United States; and

(B) an aircraft owned or chartered by, or made available to—

(i) the United States Government; or

(ii) a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of the State, territory, or possession.

(2) "insurance carrier" means a person authorized to do aviation insurance business in a State, including a mutual or stock insurance company and a reciprocal insurance association.

§44302. General authority

(a) INSURANCE AND REINSURANCE.—(1) Subject to subsection (b) of this section and section 44305(a) of this title, the Secretary of Transportation may provide insurance and reinsurance against loss or damage arising out of any risk from the operation of an American aircraft or foreign-flag aircraft—

(A) in foreign air commerce; or

(B) between at least 2 places, all of which are outside the United States.

(2) An aircraft may be insured or reinsured for not more than its reasonable value as determined by the Secretary. Insurance or reinsurance may be provided only when the Secretary decides that the insurance cannot be obtained on reasonable terms from an insurance carrier.

(b) PRESIDENTIAL APPROVAL.—The Secretary may provide insurance or reinsurance under subsection (a) of this section only with the approval of the President. The President may approve the insurance or reinsurance only after deciding that the continued operation of the American aircraft or foreign-flag aircraft to be insured or reinsured is necessary to carry out the foreign policy of the United States Government.

(c) CONSULTATION.—The President may require the Secretary to consult with interested departments, agencies, and instrumentalities of the Government before providing insurance or reinsurance under this chapter.

(d) ADDITIONAL INSURANCE.—With the approval of the Secretary, a person having an insurable interest in an aircraft may insure with other underwriters in an amount that is more than the amount insured with the Secretary. However, the Secretary may not benefit from the additional insurance. This subsection does not prevent the Secretary from making contracts of coinsurance.

§44303. Coverage

The Secretary of Transportation may provide insurance and reinsurance authorized under section 44302 of this title for the following:

(1) an American aircraft or foreign-flag aircraft engaged in aircraft operations the President decides are necessary to carry out the foreign policy of the United States Government.

(2) property transported or to be transported on aircraft referred to in clause (1) of this section, including—

(A) shipments by express or registered mail;

(B) property owned by citizens or residents of the United States;

(C) property—

(i) imported to, or exported from, the United States; and

(ii) bought or sold by a citizen or resident of the United States under a contract putting the risk of loss or obligation to provide insurance against risk of loss on the citizen or resident; and

(D) property transported between—

(i) a place in a State or the District of Columbia and a place in a territory or possession of the United States;

(ii) a place in a territory or possession of the United States and a place in another territory or possession of the United States; or

(iii) 2 places in the same territory or possession of the United States.

(3) the personal effects and baggage of officers and members of the crew of an aircraft referred to in clause (1) of this section and of other individuals employed or transported on that aircraft.

(4) officers and members of the crew of an aircraft referred to in clause (1) of this section and other individuals employed or transported on that aircraft against loss of life, injury, or detention.

(5) statutory or contractual obligations or other liabilities, customarily covered by insurance, of an aircraft referred to in clause (1) of this section or of the owner or operator of that aircraft.

§44304. Reinsurance

(a) GENERAL AUTHORITY.—To the extent the Secretary of Transportation is authorized to provide insurance under this chapter, the Secretary may reinsure any part of the insurance provided by an insurance carrier. The Secretary may reinsure with, transfer to, or transfer back to, the carrier any insurance or reinsurance provided by the Secretary under this chapter.

(b) PREMIUM LEVELS.—The Secretary may provide reinsurance at premiums not less than, or obtain reinsurance at premiums not higher than, the premiums the Secretary establishes on similar risks or the premiums the insurance carrier charges for the insurance to be reinsured by the Secretary, whichever is most advantageous to the Secretary. However, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practice, except for payments by the carrier for the stimulation or solicitation of insurance business.

§44305. Insuring United States Government property

(a) GENERAL.—With the approval of the President, a department, agency, or instrumentality of the United States Government may obtain—

(1) insurance under this chapter, including insurance for risks from operating an aircraft in intrastate or interstate air commerce, but not including insurance on valuables subject to sections 1 and 2 of the Government Losses in Shipment Act (40 U.S.C. 721, 722); and

(2) insurance for risks arising from providing goods or services directly related to and necessary for operating an aircraft covered by insurance obtained under clause (1) of this subsection if the aircraft is operated—

(A) in carrying out a contract of the department, agency, or instrumentality; or

(B) to transport military forces or materiel on behalf of the United States under an agreement between the Government and the government of a foreign country.

(b) PREMIUM WAIVERS AND INDEMNIFICATION.—With the approval required under subsection (a) of this section, the Secretary of Transportation may provide the insurance without premium at the request of the Secretary of Defense or the head of a department, agency, or instrumentality designated by the President when the Secretary of Defense or the designated head agrees to indemnify the Secretary of Transportation against all losses covered by the insurance. The Secretary of Defense and any designated head may make indemnity agreements with the Secretary of Transportation under this section.

§44306. Premiums and limitations on coverage and claims

(a) PREMIUMS BASED ON RISK.—To the extent practical, the premium charged for insurance or reinsurance under this chapter shall be based on consideration of the risk involved.

(b) TIME LIMITS.—The Secretary of Transportation may provide insurance and reinsurance under this chapter for a period of not more than 60 days. The period may be extended for additional periods of not more than 60 days each only if the President decides, before each additional period, that the continued operation of the aircraft to be insured or reinsured is necessary to carry out the foreign policy of the United States Government.

(c) MAXIMUM INSURED AMOUNT.—The insurance policy on an aircraft insured or reinsured under this chapter shall specify a stated amount that is not more than the value of the aircraft, as determined by the Secretary. A claim under the policy may not be paid for more than that stated amount.

§44307. Revolving fund

(a) EXISTENCE, DISBURSEMENTS, APPROPRIATIONS, AND DEPOSITS.—(1) There is a revolving fund in the Treasury. The Secretary of the Treasury shall disburse from the fund payments to carry out this chapter.

(2) Necessary amounts to carry out this chapter may be appropriated to the fund. The amounts appropriated and other amounts received in carrying out this chapter shall be deposited in the fund.

(b) INVESTMENT.—On request of the Secretary of Transportation, the Secretary of the Treasury may invest any part of the amounts in the revolving fund in interest-bearing securities of the United States Government. The interest on, and the proceeds from the sale or redemption of, the securities shall be deposited in the fund.

(c) EXCESS AMOUNTS.—The balance in the revolving fund in excess of an amount the Secretary of Transportation determines is necessary for the requirements of the fund and for reasonable reserves to maintain the solvency of the fund shall be deposited at least annually in the Treasury as miscellaneous receipts.

(d) EXPENSES.—The Secretary of Transportation shall deposit annually an amount in the Treasury as miscellaneous receipts to cover the expenses the Government incurs when the Secretary of Transportation uses appropriated amounts in carrying out this chapter. The deposited amount shall equal an amount determined by multiplying the average monthly balance of appropriated amounts retained in the revolving fund by a percentage that is at least the current average rate payable on marketable obligations of the Government. The Secretary of the Treasury shall determine annually in advance the percentage applied.

§44308. Administrative

(a) COMMERCIAL PRACTICES.—The Secretary of Transportation may carry out this chapter consistent with commercial practices of the aviation insurance business.

(b) ISSUANCE OF POLICIES AND DISPOSITION OF CLAIMS.—(1) The Secretary may issue insurance policies to carry out this chapter. The Secretary may prescribe the forms, amounts insured under the policies, and premiums charged. The Secretary may change an amount of insurance or a premium for an existing policy only with the consent of the insured.

(2) For a claim under insurance authorized by this chapter, the Secretary may—

(A) settle and pay the claim made for or against the United States Government; and

(B) pay the amount of a judgment entered against the Government.

(c) UNDERWRITING AGENT.—(1) The Secretary may, and when practical shall, employ an insurance carrier or group of insurance carriers to act as an underwriting agent. The Secretary may use the agent to adjust claims under this chapter, but claims may be paid only when approved by the Secretary.

(2) The Secretary may pay reasonable compensation to an underwriting agent for servicing insurance the agent writes for the Secretary. Compensation may include payment for reasonable expenses incurred by the agent but may not include a payment by the agent for stimulation or solicitation of insurance business.

(3) Except as provided by this subsection, the Secretary may not pay an insurance broker or other person acting in a similar capacity any consideration for arranging insurance when the Secretary directly insures any part of the risk.

(d) BUDGET.—The Secretary shall submit annually a budget program for carrying out this chapter as provided for wholly owned Government corporations under chapter 91 of title 31.

(e) ACCOUNTS.—The Secretary shall maintain a set of accounts. The Comptroller General shall audit those accounts under chapter 35 of title 31. Notwithstanding chapter 35, the Comptroller General shall allow credit for expenditures under this chapter made consistent with commercial practices in the aviation insurance business when shown to be necessary because of the business activities authorized by this chapter.

§44309. Civil actions

(a) DISPUTED LOSSES.—A person may bring a civil action in a district court of the United States against the United States Government when a loss insured under this chapter is in dispute. A civil action involving the same matter (except the action authorized by this subsection) may not be brought against an agent, officer, or employee of the Government carrying out this chapter. To the extent applicable, the procedure in an action brought under section 1346(a)(2) of title 28 applies to an action under this subsection.

(b) VENUE AND JOINDER.—(1) A civil action under subsection (a) of this section may be brought in the judicial district for the District of Columbia or in the judicial district in which the plaintiff or the agent of the plaintiff resides if the plaintiff resides in the United States. If the plaintiff does not reside in the United States, the action may be brought in the judicial district for the District of Columbia or in the judicial district in which the Attorney General agrees to accept service.

(2) An interested person may be joined as a party to a civil action brought under subsection (a) of this section initially or on motion of either party to the action.

(c) TIME REQUIREMENTS.—When an insurance claim is made under this chapter, the period during which, under section 2401 of title 28, a civil action must be brought under subsection (a) of this section is suspended until 60 days after the Secretary of Transportation denies the claim. The claim is deemed to be administratively denied if the Secretary does not act on the claim not later than 6 months after filing, unless the Secretary makes a different agreement with the claimant when there is good cause for an agreement.

(d) INTERPLEADER.—(1) If the Secretary admits the Government owes money under an insurance claim under this chapter and there is a dispute about the person that is entitled to payment, the Government may bring a civil action of interpleader in a district court of the United States against the persons that may be entitled to payment. The action may be brought in the judicial district for the District of Columbia or in the judicial district in which any party resides.

(2) The district court may order a party not residing or found in the judicial district in which the action is brought to appear in a civil action under this subsection. The order shall be served in a reasonable manner decided by the district court. If the court decides an unknown person might assert a claim under the insurance that is the subject of the action, the court may order service on that person by publication in the Federal Register.

(3) Judgment in a civil action under this subsection discharges the Government from further

liability to the parties to the action and to all other persons served by publication under paragraph (2) of this subsection.

§44310. Ending effective date

The authority of the Secretary of Transportation to provide insurance and reinsurance under this chapter is not effective after September 30, 1997.

CHAPTER 445—FACILITIES, PERSONNEL, AND RESEARCH

Sec.
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§44501. Plans and policy

(a) LONG RANGE PLANS AND POLICY REQUIREMENTS.—The Administrator of the Federal Aviation Administration shall make long range plans and policy for the orderly development and use of the navigable airspace, and the orderly development and location of air navigation facilities, that will best meet the needs of, and serve the interests of, civil aeronautics and the national defense, except for needs of the armed forces that are peculiar to air warfare and primarily of military concern.

(b) AIRWAY CAPITAL INVESTMENT PLAN.—The Administrator of the Federal Aviation Administration shall review, revise, and publish a national airways system plan, known as the Airway Capital Investment Plan, before the beginning of each fiscal year. The plan shall set forth—

(1) for a 10-year period, the research, engineering, and development programs and the facilities and equipment that the Administrator considers necessary for a system of airways, air traffic services, and navigation aids that will—

(A) meet the forecasted needs of civil aeronautics;

(B) meet the requirements that the Secretary of Defense establishes for the support of the national defense; and

(C) provide the highest degree of safety in air commerce;

(2) for the first and 2d years of the plan, detailed annual estimates of—

(A) the number, type, location, and cost of acquiring, operating, and maintaining required facilities and services;

(B) the cost of research, engineering, and development required to improve safety, system capacity, and efficiency; and

(C) personnel levels required for the activities described in subclauses (A) and (B) of this clause;

(3) for the 3d, 4th, and 5th years of the plan, estimates of the total cost of each major program for the 3-year period, and additional major research programs, acquisition of systems and facilities, and changes in personnel levels that may be required to meet long range objectives and that may have significant impact on future funding requirements; and

(4) a 10-year investment plan that considers long range objectives that the Administrator considers necessary to—

(A) ensure that safety is given the highest priority in providing for a safe and efficient airway system; and

(B) meet the current and projected growth of aviation and the requirements of interstate commerce, the United States Postal Service, and the national defense.

(c) NATIONAL AVIATION RESEARCH PLAN.—(1) The Administrator of the Federal Aviation Administration shall prepare and publish annually a national aviation research plan and submit the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives. The plan shall be submitted not later than the date of submission of the President's budget to Congress.

(2)(A) The plan shall describe, for a 15-year period, the research, engineering, and development that the Administrator of the Federal Aviation Administration considers necessary—

(i) to ensure the continued capacity, safety, and efficiency of aviation in the United States, considering emerging technologies and forecasted needs of civil aeronautics; and

(ii) to provide the highest degree of safety in air travel.

(B) The plan shall cover all research conducted under sections 40119, 44504, 44505, 44507, 44511–44513, and 44912 of this title and shall identify complementary and coordinated research efforts that the Administrator of the National Aeronautics and Space Administration conducts with amounts specifically appropriated to the Administration. For projects for which the Administrator of the Federal Aviation Administration anticipates requesting an appropriation, the plan shall include—

(i) for the first 2 years of the plan, detailed annual estimates of the schedule, cost, and work-force levels for each research project, including a description of the scope and content of each major contract, grant, or interagency agreement;

(ii) for the 3d, 4th, and 5th years of the plan, estimates of the total cost of each major project and any additional major research projects that may be required to meet long-term objectives and that may have significant impact on future appropriations requirements;

(iii) for the 6th and subsequent years of the plan, the long-term objectives the Administrator of the Federal Aviation Administration considers necessary to ensure that aviation safety will be given the highest priority; and

(iv) details of a program to disseminate to the private sector the results of aviation research conducted by the Administrator of the Federal Aviation Administration, including any new technologies developed.

(3) Subject to section 40119(b) of this title and regulations prescribed under section 40119(b), the Administrator of the Federal Aviation Administration shall submit to the committees named in paragraph (1) of this subsection an annual report on the accomplishments of the research completed during the prior fiscal year. The report shall be submitted with the plan required under paragraph (1) and be organized to allow comparison with the plan in effect for the prior fiscal year.

§44502. General facilities and personnel authority

(a) GENERAL AUTHORITY.—(1) The Administrator of the Federal Aviation Administration may—

(A) acquire, establish, improve, operate, and maintain air navigation facilities; and

(B) provide facilities and personnel to regulate and protect air traffic.

(2) The cost of site preparation work associated with acquiring, establishing, or improving an air navigation facility under paragraph (1)(A) of this subsection shall be charged to amounts available for that purpose appropriated under section 48101(a) of this title. The Secretary of Transportation may make an agreement with an airport owner or sponsor (as defined in section 47102 of this title) so that the owner or sponsor will provide the work and be paid or reimbursed by the Secretary from the appropriated amounts.

(3) The Secretary of Transportation may authorize a department, agency, or instrumentality of the United States Government to carry out any duty or power under this subsection with the consent of the head of the department, agency, or instrumentality.

(b) CERTIFICATION OF NECESSITY.—Except for Government money expended under this part or for a military purpose, money may be expended to acquire, establish, construct, operate, repair, alter, or maintain an air navigation facility only if the Administrator of the Federal Aviation Administration certifies in writing that the facility is reasonably necessary for use in air commerce or for the national defense. An interested person may apply for a certificate for a facility to be acquired, established, constructed, operated, repaired, altered, or maintained by or for the person.

(c) ENSURING CONFORMITY WITH PLANS AND POLICIES.—(1) To ensure conformity with plans and policies for, and allocation of, airspace by the Administrator of the Federal Aviation Administration under section 40103(b)(1) of this title, a military airport, military landing area, or missile or rocket site may be acquired, established, or constructed, or a runway may be altered substantially, only if the Administrator of the Federal Aviation Administration is given reasonable prior notice so that the Administrator of the Federal Aviation Administration may advise the appropriate committees of Congress and interested departments, agencies, and instrumentalities of the Government on the effect of the acquisition, establishment, construction, or alteration on the use of airspace by aircraft. A disagreement between the Administrator of the Federal Aviation Administration and the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration may be appealed to the President for a final decision.

(2) To ensure conformity, an airport or landing area not involving the expenditure of Government money may be established or constructed, or a runway may be altered substantially, only if the Administrator of the Federal Aviation Administration is given reasonable prior notice so that the Administrator may provide advice on the effects of the establishment, construction, or alteration on the use of airspace by aircraft.

(d) PUBLIC USE AND EMERGENCY ASSISTANCE.—(1) The head of a department, agency, or instrumentality of the Government having jurisdiction over an air navigation facility owned or operated by the Government may provide, under regulations the head of the department, agency, or instrumentality prescribes, for public use of the facility.

(2) The head of a department, agency, or instrumentality of the Government having jurisdiction over an airport or emergency landing field owned or operated by the Government may provide, under regulations the head of the department, agency, or instrumentality prescribes, for assistance, and the sale of fuel, oil, equipment, and supplies, to an aircraft, but only when necessary, because of an emergency, to allow the aircraft to continue to the nearest airport operated by private enterprise. The head of the department, agency, or instrumentality shall

provide for the assistance and sale at the prevailing local fair market value as determined by the head of the department, agency, or instrumentality. An amount that the head decides is equal to the cost of the assistance provided and the fuel, oil, equipment, and supplies sold shall be credited to the appropriation from which the cost was paid. The balance shall be credited to miscellaneous receipts.

(e) CONSENT OF CONGRESS.—Congress consents to a State making an agreement, not in conflict with a law of the United States, with another State to develop or operate an airport facility.

(f) TRANSFERS OF INSTRUMENT LANDING SYSTEMS.—An airport may transfer, without consideration, to the Administrator of the Federal Aviation Administration an instrument landing system (and associated approach lighting equipment and runway visual range equipment) that conforms to performance specifications of the Administrator if a Government airport aid program, airport development aid program, or airport improvement project grant was used to assist in purchasing the system. The Administrator shall accept the system and operate and maintain it under criteria of the Administrator.

§44503. Reducing nonessential expenditures

The Secretary of Transportation shall attempt to reduce the capital, operating, maintenance, and administrative costs of the national airport and airway system to the maximum extent practicable consistent with the highest degree of aviation safety. At least annually, the Secretary shall consult with and consider the recommendations of users of the system on ways to reduce nonessential expenditures of the United States Government for aviation. The Secretary shall give particular attention to a recommendation that may reduce, with no adverse effect on safety, future personnel requirements and costs to the Government required to be recovered from user charges.

§44504. Improved aircraft, aircraft engines, propellers, and appliances

(a) DEVELOPMENTAL WORK AND SERVICE TESTING.—The Administrator of the Federal Aviation Administration may conduct or supervise developmental work and service testing to improve aircraft, aircraft engines, propellers, and appliances.

(b) RESEARCH.—The Administrator shall conduct or supervise research—

(1) to develop technologies and analyze information to predict the effects of aircraft design, maintenance, testing, wear, and fatigue on the life of aircraft and air safety;

(2) to develop methods of analyzing and improving aircraft maintenance technology and practices, including nondestructive evaluation of aircraft structures;

(3) to assess the fire and smoke resistance of aircraft material;

(4) to develop improved fire and smoke resistant material for aircraft interiors;

(5) to develop and improve fire and smoke containment systems for inflight aircraft fires;

(6) to develop advanced aircraft fuels with low flammability and technologies that will contain aircraft fuels to minimize post-crash fire hazards; and

(7) to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, processes, and articles manufactured for use in aircraft, aircraft engines, propellers, and appliances that could result in a catastrophic failure of an aircraft.

(c) AUTHORITY TO BUY ITEMS OFFERING SPECIAL ADVANTAGES.—In carrying out this section, the Administrator, by negotiation or otherwise, may buy or exchange experimental aircraft, aircraft engines, propellers, and appliances that the Administrator decides may offer special advantages to aeronautics.

§44505. Systems, procedures, facilities, and devices

(a) GENERAL REQUIREMENTS.—(1) The Administrator of the Federal Aviation Administration shall—

(A) develop, alter, test, and evaluate systems, procedures, facilities, and devices, and define their performance characteristics, to meet the needs for safe and efficient navigation and traffic control of civil and military aviation, except for needs of the armed forces that are peculiar to air warfare and primarily of military concern; and

(B) select systems, procedures, facilities, and devices that will best serve those needs and promote maximum coordination of air traffic control and air defense systems.

(2) The Administrator may make contracts to carry out this subsection without regard to section 3324 (a) and (b) of title 31.

(3) When a substantial question exists under paragraph (1) of this subsection about whether a matter is of primary concern to the armed forces, the Administrator shall decide whether the Administrator or the Secretary of the appropriate military department has responsibility. The Administrator shall be given technical information related to each research and development project of the armed forces that potentially applies to, or potentially conflicts with, the common system to ensure that potential application to the common system is considered properly and that potential conflicts with the system are eliminated.

(b) RESEARCH ON HUMAN FACTORS AND SIMULATION MODELS.—The Administrator shall conduct or supervise research—

(1) to develop a better understanding of the relationship between human factors and aviation accidents and between human factors and air safety;

(2) to enhance air traffic controller, mechanic, and flight crew performance;

(3) to develop a human-factor analysis of the hazards associated with new technologies to be used by air traffic controllers, mechanics, and flight crews;

(4) to identify innovative and effective corrective measures for human errors that adversely affect air safety; and

(5) to develop dynamic simulation models of the air traffic control system and airport design and operating procedures that will provide analytical technology—

(A) to predict airport and air traffic control safety and capacity problems;

(B) to evaluate planned research projects; and

(C) to test proposed revisions in airport and air traffic control operations programs.

(c) RESEARCH ON DEVELOPING AND MAINTAINING A SAFE AND EFFICIENT SYSTEM.—The Administrator shall conduct or supervise research on—

(1) airspace and airport planning and design;

(2) airport capacity enhancement techniques;

(3) human performance in the air transportation environment;

(4) aviation safety and security;

(5) the supply of trained air transportation personnel, including pilots and mechanics; and

(6) other aviation issues related to developing and maintaining a safe and efficient air transportation system.

§44506. Air traffic controllers

(a) RESEARCH ON EFFECT OF AUTOMATION ON PERFORMANCE.—To develop the means necessary to establish appropriate selection criteria and training methodologies for the next generation of air traffic controllers, the Administrator of the Federal Aviation Administration shall conduct research to study the effect of automation on the performance of the next generation of air traffic controllers and the air traffic control system. The research shall include investigating—

(1) methods for improving and accelerating future air traffic controller training through the application of advanced training techniques, including the use of simulation technology;

(2) the role of automation in the air traffic control system and its physical and psychological effects on air traffic controllers;

(3) the attributes and aptitudes needed to function well in a highly automated air traffic control system and the development of appropriate testing methods for identifying individuals with those attributes and aptitudes;

(4) innovative methods for training potential air traffic controllers to enhance the benefits of automation and maximize the effectiveness of the air traffic control system; and

(5) new technologies and procedures for exploiting automated communication systems, including Mode S Transponders, to improve information transfers between air traffic controllers and aircraft pilots.

(b) RESEARCH ON HUMAN FACTOR ASPECTS OF AUTOMATION.—The Administrators of the Federal Aviation Administration and National Aeronautics and Space Administration may make an agreement for the use of the National Aeronautics and Space Administration's unique human factor facilities and expertise in conducting research activities to study the human factor aspects of the highly automated environment for the next generation of air traffic controllers. The research activities shall include investigating—

(1) human perceptual capabilities and the effect of computer-aided decision making on the workload and performance of air traffic controllers;

(2) information management techniques for advanced air traffic control display systems; and

(3) air traffic controller workload and performance measures, including the development of predictive models.

(c) COLLEGIATE TRAINING INITIATIVE.—(1) The Administrator of the Federal Aviation Administration may maintain the Collegiate Training Initiative program by making new agreements and continuing existing agreements with institutions of higher education (as defined by the Administrator) under which the institutions prepare students for the position of air traffic controller with the Department of Transportation (as defined in section 2109 of title 5). The Administrator may establish standards for the entry of institutions into the program and for their continued participation.

(2)(A) The Administrator of the Federal Aviation Administration may appoint an individual who has successfully completed a course of training in a program described in paragraph (1) of this subsection to the position of air traffic controller noncompetitively in the excepted service (as defined in section 2103 of title 5). An individual appointed under this paragraph serves at the pleasure of the Administrator, subject to section 7511 of title 5. However, an appointment under this paragraph may be converted from one in the excepted service to a career conditional or career appointment in the competitive civil service (as defined in section 2102 of title 5) when the individual achieves full performance level air traffic controller status, as decided by the Administrator.

(B) The authority under subparagraph (A) of this paragraph to make appointments in the excepted service expires on October 6, 1997, except that the Administrator of the Federal Aviation Administration may extend the authority for one or more successive one-year periods.

(d) STAFFING REPORT.—The Administrator of the Federal Aviation Administration shall submit annually to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science,

and Transportation of the Senate a report containing—

(1) the staffing standards used to determine the number of air traffic controllers needed to operate the air traffic control system of the United States;

(2) a 3-year projection of the number of controllers needed to be employed to operate the system to meet the standards; and

(3) a detailed plan for employing the controllers, including projected budget requests.

§44507. Civil aeromedical research

The Civil Aeromedical Institute established by section 106(j) of this title may—

(1) conduct civil aeromedical research, including research related to—

(A) the protection and survival of aircraft occupants;

(B) medical accident investigation and airman medical certification;

(C) toxicology and the effects of drugs on human performance;

(D) the impact of disease and disability on human performance;

(E) vision and its relationship to human performance and equipment design;

(F) human factors of flight crews, air traffic controllers, mechanics, inspectors, airway facility technicians, and other individuals involved in operating and maintaining aircraft and air traffic control equipment; and

(G) agency work force optimization, including training, equipment design, reduction of errors, and identification of candidate tasks for automation;

(2) make comments to the Administrator of the Federal Aviation Administration on human factors aspects of proposed air safety regulations;

(3) make comments to the Administrator on human factors aspects of proposed training programs, equipment requirements, standards, and procedures for aviation personnel;

(4) advise, assist, and represent the Federal Aviation Administration in the human factors aspects of joint projects between the Administration and the National Aeronautics and Space Administration, other departments, agencies, and instrumentalities of the United States Government, industry, and governments of foreign countries; and

(5) provide medical consultation services to the Administrator about medical certification of airmen.

§44508. Research advisory committee

(a) ESTABLISHMENT AND DUTIES.—(1) There is a research advisory committee in the Federal Aviation Administration. The committee shall—

(A) provide advice and recommendations to the Administrator of the Federal Aviation Administration about needs, objectives, plans, approaches, content, and accomplishments of the aviation research program carried out under sections 40119, 44504, 44505, 44507, 44511–44513, and 44912 of this title;

(B) assist in ensuring that the research is coordinated with similar research being conducted outside the Administration; and

(C) review the operations of the regional centers of air transportation excellence established under section 44513 of this title.

(2) The Administrator may establish subordinate committees to provide advice on specific areas of research conducted under sections 40119, 44504, 44505, 44507, 44511–44513, and 44912 of this title.

(b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.—(1) The committee is composed of not more than 30 members appointed by the Administrator from among individuals who are not employees of the Administration and who are specially qualified to serve on the committee because of their education, training, or experience. In appointing members of the committee, the Administrator shall ensure that the regional centers of air transportation excellence, universities, corporations, associations, consumers, and other departments, agencies, and instrumentalities of the United States Government are represented.

(2) The Administrator shall designate the chairman of the committee.

(3) A member of the committee serves without pay. However, the Administrator may allow a member, when attending meetings of the committee or a subordinate committee, expenses as authorized under section 5703 of title 5.

(c) SUPPORT STAFF, INFORMATION, AND SERVICES.—The Administrator shall provide support staff for the committee. On request of the committee, the Administrator shall provide information, administrative services, and supplies that the Administrator considers necessary for the committee to carry out its duties and powers.

(d) NONAPPLICATION.—Section 14 of the Federal Advisory Committee Act (5 App. U.S.C.) does not apply to the committee.

(e) USE AND LIMITATION OF AMOUNTS.—(1) Not more than .1 percent of the amounts made available to conduct research under sections 40119, 44504, 44505, 44507, 44511–44513, and 44912 of this title may be used by the Administrator to carry out this section.

(2) A limitation on amounts available for obligation by or for the committee does not apply to amounts made available to carry out this section.

§44509. Demonstration projects

The Secretary of Transportation may carry out under this chapter demonstration projects that the Secretary considers necessary for research and development activities under this chapter.

§44510. Airway science curriculum grants

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make competitive grant agreements with institutions of higher education having airway science curricula for the United States Government's share of the allowable direct costs of the following categories of items to the extent that the items are in support of airway science curricula:

(1) the construction, purchase, or lease with an option to purchase, of buildings and associated facilities.

(2) instructional material and equipment.

(b) COST GUIDELINES.—The Administrator shall establish guidelines to determine the direct costs allowable under a grant to be made under this section. The Government's share of the allowable cost of a project assisted by a grant under this section may not be more than 65 percent.

§44511. Aviation research grants

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make grants to institutions of higher education and nonprofit research organizations to conduct aviation research in areas the Administrator considers necessary for the long-term growth of civil aviation.

(b) APPLICATIONS.—An institution of higher education or nonprofit research organization interested in receiving a grant under this section may submit an application to the Administrator. The application must be in the form and contain the information the Administrator requires.

(c) SOLICITATION, REVIEW, AND EVALUATION PROCESS.—The Administrator shall establish a solicitation, review, and evaluation process that ensures—

(1) providing grants under this section for proposals having adequate merit and relevancy to the mission of the Administration;

(2) a fair geographical distribution of grants under this section; and

(3) the inclusion of historically black institutions of higher education and other minority nonprofit research organizations for grant consideration under this section.

(d) RECORDS.—Each person receiving a grant under this section shall maintain records that the Administrator requires as being necessary to facilitate an effective audit and evaluation of the use of money provided under the grant.

(e) ANNUAL REPORT.—The Administrator shall submit an annual report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on carrying out this section.

§44512. Catastrophic failure prevention research grants

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make grants to institutions of higher education and nonprofit research organizations—

(1) to conduct aviation research related to the development of technologies and methods to assess the risk of, and prevent, defects, failures, and malfunctions of products, parts, processes, and articles manufactured for use in aircraft, aircraft engines, propellers, and appliances that could result in a catastrophic failure of an aircraft; and

(2) to establish centers of excellence for continuing the research.

(b) SOLICITATION, APPLICATION, REVIEW, AND EVALUATION PROCESS.—The Administrator shall establish a solicitation, application, review, and evaluation process that ensures providing grants under this section for proposals having adequate merit and relevancy to the research described in subsection (a) of this section.

§44513. Regional centers of air transportation excellence

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make grants to institutions of higher education to establish and operate regional centers of air transportation excellence. The locations shall be distributed in a geographical fairway.

(b) RESPONSIBILITIES.—(1) The responsibilities of each center established under this section shall include—

(A) conducting research on—

(i) airspace and airport planning and design;

(ii) airport capacity enhancement techniques;

(iii) human performance in the air transportation environment;

(iv) aviation safety and security;

(v) the supply of trained air transportation personnel, including pilots and mechanics; and

(vi) other aviation issues related to developing and maintaining a safe and efficient air transportation system; and

(B) interpreting, publishing, and disseminating the results of the research.

(2) In conducting research described in paragraph (1)(A) of this subsection, each center may make contracts with nonprofit research organizations and other appropriate persons.

(c) APPLICATIONS.—An institution of higher education interested in receiving a grant under this section may submit an application to the Administrator. The application must be in the form and contain the information that the Administrator requires by regulation.

(d) SELECTION CRITERIA.—The Administrator shall select recipients of grants under this section on the basis of the following criteria:

(1) the extent to which the needs of the State in which the applicant is located are representative of the needs of the region for improved air transportation services and facilities.

(2) the demonstrated research and extension resources available to the applicant to carry out this section.

(3) the ability of the applicant to provide leadership in making national and regional contributions to the solution of both long-range and immediate air transportation problems.

(4) the extent to which the applicant has an established air transportation program.

(5) the demonstrated ability of the applicant to disseminate results of air transportation research and educational programs through a statewide or regionwide continuing education program.

(6) the projects the applicant proposes to carry out under the grant.

(e) EXPENDITURE AGREEMENTS.—A grant may be made under this section in a fiscal year only if the recipient makes an agreement with the Administrator that the Administrator requires to ensure that the recipient will maintain its total expenditures from all other sources for establishing and operating the center and related research activities at a level at least equal to the average level of those expenditures in the 2 fiscal years of the recipient occurring immediately before November 5, 1990.

(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of a grant under this section is 50 percent of the costs of establishing and operating the center and related research activities that the grant recipient carries out.

(g) ALLOCATING AMOUNTS.—The Administrator shall allocate amounts made available to carry out this section in a geographically fair way.

§44514. Flight service stations

(a) HOURS OF OPERATION.—(1) The Secretary of Transportation may close, or reduce the hours of operation of, a flight service station in an area only if the service provided in the area after the closing or during the hours the station is not in operation is provided by an automated flight service station with at least model 1 equipment.

(2) The Secretary shall reopen a flight service station closed after March 24, 1987, but before July 15, 1987, as soon as practicable if the service in the area in which the station is located has not been provided since the closing by an automatic flight service station with at least model 1 equipment. The hours of operation for the reopened station shall be the same as were the hours of operation for the station on March 25, 1987. After reopening the station, the Secretary may close, or reduce the hours of operation of, the station only as provided in paragraph (1) of this subsection.

(b) MANNED AUXILIARY STATIONS.—The Secretary and the Administrator of the Federal Aviation Administration shall establish a system of manned auxiliary flight service stations. The manned auxiliary flight service stations shall supplement the services of the planned consolidation to 61 automated flight service stations under the flight service station modernization program. A manned auxiliary flight service station shall be located in an area of unique weather or operational conditions that are critical to the safety of flight.

§44515. Advanced training facilities for maintenance technicians for air carrier aircraft

(a) GENERAL AUTHORITY.—The Administrator of the Federal Aviation Administration may make grants to not more than 4 vocational technical educational institutions to acquire or construct facilities to be used for the advanced training of maintenance technicians for air carrier aircraft.

(b) ELIGIBILITY.—The Administrator may make a grant under this section to a vocational technical educational institution only if the institution has a training curriculum that prepares aircraft maintenance technicians who hold airframe and power plant certificates under subpart D of part 65 of title 14, Code of Federal Regulations, to maintain, without direct supervision, air carrier aircraft.

(c) LIMITATION.—A vocational technical educational institution may not receive more than a total of $5,000,000 in grants under this section.

CHAPTER 447—SAFETY REGULATION

Sec.

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§44701. General requirements

(a) PROMOTING SAFETY.—The Administrator of the Federal Aviation Administration shall promote safe flight of civil aircraft in air commerce by prescribing—

(1) minimum standards required in the interest of safety for appliances and for the design, material, construction, quality of work, and performance of aircraft, aircraft engines, and propellers;

(2) regulations and minimum standards in the interest of safety for—

(A) inspecting, servicing, and overhauling aircraft, aircraft engines, propellers, and appliances;

(B) equipment and facilities for, and the timing and manner of, the inspecting, servicing, and overhauling; and

(C) a qualified private person, instead of an officer or employee of the Administration, to examine and report on the inspecting, servicing, and overhauling;

(3) regulations required in the interest of safety for the reserve supply of aircraft, aircraft engines, propellers, appliances, and aircraft fuel and oil, including the reserve supply of fuel and oil carried in flight;

(4) regulations in the interest of safety for the maximum hours or periods of service of airmen and other employees of air carriers; and

(5) regulations and minimum standards for other practices, methods, and procedure the Administrator finds necessary for safety in air commerce and national security.

(b) PRESCRIBING MINIMUM SAFETY STANDARDS.—The Administrator may prescribe minimum safety standards for—

(1) an air carrier to whom a certificate is issued under section 44705 of this title; and

(2) operating an airport serving any passenger operation of air carrier aircraft designed for at least 31 passenger seats.

(c) REDUCING AND ELIMINATING ACCIDENTS.—The Administrator shall carry out this chapter in a way that best tends to reduce or eliminate the possibility or recurrence of accidents in air transportation. However, the Administrator is not required to give preference either to air transportation or to other air commerce in carrying out this chapter.

(d) CONSIDERATIONS AND CLASSIFICATION OF REGULATIONS AND STANDARDS.—When prescribing a regulation or standard under subsection (a) or (b) of this section or section 44702–44716 of this title, the Administrator shall—

(1) consider—

(A) the duty of an air carrier to provide service with the highest possible degree of safety in the public interest; and

(B) differences between air transportation and other air commerce; and

(2) classify a regulation or standard appropriate to the differences between air transportation and other air commerce.

(e) EXEMPTIONS.—The Administrator may grant an exemption from a requirement of a regulation prescribed under subsection (a) or (b) of this section or section 44702–44716 of this title if the Administrator finds the exemption is in the public interest.

§44702. Issuance of certificates

(a) GENERAL AUTHORITY AND APPLICATIONS.—The Administrator of the Federal Aviation Administration may issue airman certificates, type certificates, production certificates, airworthiness certificates, air carrier operating certificates, airport operating certificates, air agency certificates, and air navigation facility certificates under this chapter. An application for a certificate must—

(1) be under oath when the Administrator requires; and

(2) be in the form, contain information, and be filed and served in the way the Administrator prescribes.

(b) CONSIDERATIONS.—When issuing a certificate under this chapter, the Administrator shall—

(1) consider—

(A) the duty of an air carrier to provide service with the highest possible degree of safety in the public interest; and

(B) differences between air transportation and other air commerce; and

(2) classify a certificate according to the differences between air transportation and other air commerce.

(c) PRIOR CERTIFICATION.—The Administrator may authorize an aircraft, aircraft engine, propeller, or appliance for which a certificate has been issued authorizing the use of the aircraft, aircraft engine, propeller, or appliance in air transportation to be used in air commerce without another certificate being issued.

(d) DELEGATION.—(1) Subject to regulations, supervision, and review the Administrator may prescribe, the Administrator may delegate to a qualified private person, or to an employee under the supervision of that person, a matter related to—

(A) the examination, testing, and inspection necessary to issue a certificate under this chapter; and

(B) issuing the certificate.

(2) The Administrator may rescind a delegation under this subsection at any time for any reason the Administrator considers appropriate.

(3) A person affected by an action of a private person under this subsection may apply for reconsideration of the action by the Administrator. On the Administrator's own initiative, the Administrator may reconsider the action of a private person at any time. If the Administrator decides on reconsideration that the action is unreasonable or unwarranted, the Administrator shall change, modify, or reverse the action. If the Administrator decides the action is warranted, the Administrator shall affirm the action.

§44703. Airman certificates

(a) GENERAL.—The Administrator of the Federal Aviation Administration shall issue an airman certificate to an individual when the Administrator finds, after investigation, that the individual is qualified for, and physically able to perform the duties related to, the position to be authorized by the certificate.

(b) CONTENTS.—(1) An airman certificate shall—

(A) be numbered and recorded by the Administrator of the Federal Aviation Administration;

(B) contain the name, address, and description of the individual to whom the certificate is issued;

(C) contain terms the Administrator decides are necessary to ensure safety in air commerce, including terms on the duration of the certificate, periodic or special examinations, and tests of physical fitness;

(D) specify the capacity in which the holder of the certificate may serve as an airman with respect to an aircraft; and

(E) designate the class the certificate covers.

(2) A certificate issued to a pilot serving in scheduled air transportation shall have the designation "airline transport pilot" of the appropriate class.

(c) APPEALS.—(1) An individual whose application for the issuance or renewal of an airman certificate has been denied may appeal the denial to the National Transportation Safety Board, except if the individual holds a certificate that—

(A) is suspended at the time of denial; or

(B) was revoked within one year from the date of the denial.

(2) The Board shall conduct a hearing on the appeal at a place convenient to the place of residence or employment of the applicant. The Board is not bound by findings of fact of the Administrator of the Federal Aviation Administration but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law. At the end of the hearing, the Board shall decide whether the individual meets the applicable regulations and standards. The Administrator is bound by that decision.

(d) RESTRICTIONS AND PROHIBITIONS.—The Administrator of the Federal Aviation Administration may—

(1) restrict or prohibit issuing an airman certificate to an alien; or

(2) make issuing the certificate to an alien dependent on a reciprocal agreement with the government of a foreign country.

(e) CONTROLLED SUBSTANCE VIOLATIONS.—The Administrator of the Federal Aviation Administration may not issue an airman certificate to an individual whose certificate is revoked under section 44710 of this title except—

(1) when the Administrator decides that issuing the certificate will facilitate law enforcement efforts; and

(2) as provided in section 44710(e)(2) of this title.

(f) MODIFICATIONS IN SYSTEM.—(1) The Administrator of the Federal Aviation Administration shall make modifications in the system for issuing airman certificates necessary to make the system more effective in serving the needs of pilots and officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)). The modifications shall ensure positive and verifiable identification of each individual applying for or holding a certificate and shall address at least each of the following deficiencies in, and abuses of, the existing system:

(A) the use of fictitious names and addresses by applicants for those certificates.

(B) the use of stolen or fraudulent identification in applying for those certificates.

(C) the use by an applicant of a post office box or "mail drop" as a return address to evade identification of the applicant's address.

(D) the use of counterfeit and stolen airman certificates by pilots.

(E) the absence of information about physical characteristics of holders of those certificates.

(2) The Administrator of the Federal Aviation Administration shall prescribe regulations to carry out paragraph (1) of this subsection and provide a written explanation of how the regulations address each of the deficiencies and abuses described in paragraph (1). In prescribing the regulations, the Administrator of the Federal Aviation Administration shall consult with the Administrator of Drug Enforcement, the Commissioner of Customs, other law enforcement officials of the United States Government, representatives of State and local law enforcement officials, representatives of the general aviation aircraft industry, representatives of users of general aviation aircraft, and other interested persons.

§44704. Type certificates, production certificates, and airworthiness certificates

(a) TYPE CERTIFICATES.—(1) The Administrator of the Federal Aviation Administration shall issue a type certificate for an aircraft, aircraft engine, or propeller, or for an appliance specified under paragraph (2)(A) of this subsection when the Administrator finds that the aircraft, aircraft engine, propeller, or appliance is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a) of this title. On receiving an application for a type certificate, the Administrator shall investigate the application and may conduct a hearing. The Administrator shall make, or require the applicant to make, tests the Administrator considers necessary in the interest of safety.

(2) The Administrator may—

(A) specify in regulations those appliances that reasonably require a type certificate in the interest of safety;

(B) include in a type certificate terms required in the interest of safety; and

(C) record on the certificate a numerical specification of the essential factors related to the performance of the aircraft, aircraft engine, or propeller for which the certificate is issued.

(b) PRODUCTION CERTIFICATES.—The Administrator shall issue a production certificate authorizing the production of a duplicate of an aircraft, aircraft engine, propeller, or appliance for which a type certificate has been issued when the Administrator finds the duplicate will conform to the certificate. On receiving an application, the Administrator shall inspect, and may require testing of, a duplicate to ensure that it conforms to the requirements of the certificate. The Administrator may include in a production certificate terms required in the interest of safety.

(c) AIRWORTHINESS CERTIFICATES.—(1) The registered owner of an aircraft may apply to the Administrator for an airworthiness certificate for the aircraft. The Administrator shall issue an airworthiness certificate when the Administrator finds that the aircraft conforms to its type certificate and, after inspection, is in condition for safe operation. The Administrator shall register each airworthiness certificate and may include appropriate information in the certificate. The certificate number or other individual designation the Administrator requires shall be displayed on the aircraft. The Administrator may include in an airworthiness certificate terms required in the interest of safety.

(2) A person applying for the issuance or renewal of an airworthiness certificate for an aircraft for which ownership has not been recorded under section 44107 or 44110 of this title must submit with the application information related to the ownership of the aircraft the Administrator decides is necessary to identify each person having a property interest in the aircraft and the kind and extent of the interest.

§44705. Air carrier operating certificates

The Administrator of the Federal Aviation Administration shall issue an air carrier operating certificate to a person desiring to operate as an air carrier when the Administrator finds, after investigation, that the person properly and adequately is equipped and able to operate safely under this part and regulations and standards prescribed under this part. An air carrier operating certificate shall—

(1) contain terms necessary to ensure safety in air transportation; and

(2) specify the places to and from which, and the airways of the United States over which, a person may operate as an air carrier.

§44706. Airport operating certificates

(a) GENERAL.—The Administrator of the Federal Aviation Administration shall issue an airport operating certificate to a person desiring to operate an airport—

(1) that serves an air carrier operating aircraft designed for at least 31 passenger seats;

(2) that the Administrator requires to have a certificate; and

(3) when the Administrator finds, after investigation, that the person properly and adequately is equipped and able to operate safely under this part and regulations and standards prescribed under this part.

(b) TERMS.—An airport operating certificate issued under this section shall contain terms necessary to ensure safety in air transportation. Unless the Administrator decides that it is not in the public interest, the terms shall include conditions related to—

(1) operating and maintaining adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any part of the airport used for landing, takeoff, or surface maneuvering of an aircraft; and

(2) friction treatment for primary and secondary runways that the Secretary of Transportation decides is necessary.

(c) EXEMPTIONS.—The Administrator may exempt from the requirements of this section, related to firefighting and rescue equipment, an operator of an airport described in subsection (a) of this section having less than .25 percent of the total number of passenger boardings each year at all airports described in subsection (a) when the Administrator decides that the requirements are or would be unreasonably costly, burdensome, or impractical.

§44707. Examining and rating air agencies

The Administrator of the Federal Aviation Administration may examine and rate the following air agencies:

(1) civilian schools giving instruction in flying or repairing, altering, and maintaining aircraft, aircraft engines, propellers, and appliances, on the adequacy of instruction, the suitability and airworthiness of equipment, and the competency of instructors.

(2) repair stations and shops that repair, alter, and maintain aircraft, aircraft engines, propellers, and appliances, on the adequacy and suitability of the equipment, facilities, and materials for, and methods of, repair and overhaul, and the competency of the individuals doing the work or giving instruction in the work.

(3) other air agencies the Administrator decides are necessary in the public interest.

§44708. Inspecting and rating air navigation facilities

The Administrator of the Federal Aviation Administration may inspect, classify, and rate an air navigation facility available for the use of civil aircraft on the suitability of the facility for that use.

§44709. Amendments, modifications, suspensions, and revocations of certificates

(a) REINSPECTION AND REEXAMINATION.—The Administrator of the Federal Aviation Administration may reinspect at any time a civil aircraft, aircraft engine, propeller, appliance, air navigation facility, or air agency, or reexamine an airman holding a certificate issued under section 44703 of this title.

(b) ACTIONS OF THE ADMINISTRATOR.—The Administrator may issue an order amending, modifying, suspending, or revoking—

(1) any part of a certificate issued under this chapter if—

(A) the Administrator decides after conducting a reinspection, reexamination, or other investigation that safety in air commerce or air transportation and the public interest require that action; or

(B) the holder of the certificate has violated an aircraft noise or sonic boom standard or regulation prescribed under section 44715(a) of this title; and

(2) an airman certificate when the holder of the certificate is convicted of violating section 13(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742j-1(a)).

(c) ADVICE TO CERTIFICATE HOLDERS AND OPPORTUNITY TO ANSWER.—Before acting under subsection (b) of this section, the Administrator shall advise the holder of the certificate of the charges or other reasons on which the Administrator relies for the proposed action. Except in an emergency, the Administrator shall provide the holder an opportunity to answer the charges and be heard why the certificate should not be amended, modified, suspended, or revoked.

(d) APPEALS.—(1) A person adversely affected by an order of the Administrator under this section may appeal the order to the National Transportation Safety Board. After notice and an opportunity for a hearing, the Board may amend, modify, or reverse the order when the Board finds—

(A) if the order was issued under subsection (b)(1)(A) of this section, that safety in air commerce or air transportation and the public interest do not require affirmation of the order; or

(B) if the order was issued under subsection (b)(1)(B) of this section—

(i) that control or abatement of aircraft noise or sonic boom and the public health and welfare do not require affirmation of the order; or

(ii) the order, as it is related to a violation of aircraft noise or sonic boom standards and regulations, is not consistent with safety in air commerce or air transportation.

(2) The Board may modify a suspension or revocation of a certificate to imposition of a civil penalty.

(3) When conducting a hearing under this subsection, the Board is not bound by findings of fact of the Administrator but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law.

(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—When a person files an appeal with the Board under subsection (d) of the section, the order of the Administrator is stayed. However, if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately—

(1) the order is effective; and

(2) the Board shall make a final disposition of the appeal not later than 60 days after the Administrator so advises the Board.

(f) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this section, or the Administrator when the Administrator decides that an order of the Board under this section will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence

§44710. Revocations of airman certificates for controlled substance violations

(a) DEFINITION.—In this section, "controlled substance" has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(b) REVOCATION.—(1) The Administrator of the Federal Aviation Administration shall issue an order revoking an airman certificate issued an individual under section 44703 of this title after the individual is convicted, under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance), of an offense punishable by death or imprisonment for more than one year if the Administrator finds that—

(A) an aircraft was used to commit, or facilitate the commission of, the offense; and

(B) the individual served as an airman, or was on the aircraft, in connection with committing, or facilitating the commission of, the offense.

(2) The Administrator shall issue an order revoking an airman certificate issued an individual under section 44703 of this title if the Administrator finds that—

(A) the individual knowingly carried out an activity punishable, under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance), by death or imprisonment for more than one year;

(B) an aircraft was used to carry out or facilitate the activity; and

(C) the individual served as an airman, or was on the aircraft, in connection with carrying out, or facilitating the carrying out of, the activity.

(3) The Administrator has no authority under paragraph (1) of this subsection to review whether an airman violated a law of the United States or a State related to a controlled substance.

(c) ADVICE TO HOLDERS AND OPPORTUNITY TO ANSWER.—Before the Administrator revokes a certificate under subsection (b) of this section, the Administrator must—

(1) advise the holder of the certificate of the charges or reasons on which the Administrator relies for the proposed revocation; and

(2) provide the holder of the certificate an opportunity to answer the charges and be heard why the certificate should not be revoked.

(d) APPEALS.—(1) An individual whose certificate is revoked by the Administrator under subsection (b) of this section may appeal the revocation order to the National Transportation Safety Board. The Board shall affirm or reverse the order after providing notice and an opportunity for a hearing on the record. When conducting the hearing, the Board is not bound by findings of fact of the Administrator but shall be bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law.

(2) When an individual files an appeal with the Board under this subsection, the order of the Administrator revoking the certificate is stayed. However, if the Administrator advises the Board that safety in air transportation or air commerce requires the immediate effectiveness of the order—

(A) the order remains effective; and

(B) the Board shall make a final disposition of the appeal not later than 60 days after the Administrator so advises the Board.

(3) An individual substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse effect on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(e) ACQUITTAL.—(1) The Administrator may not revoke, and the Board may not affirm a revocation of, an airman certificate under subsection (b)(2) of this section on the basis of an activity described in subsection (b)(2)(A) if the holder of the certificate is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity.

(2) If the Administrator has revoked an airman certificate under this section because of an activity described in subsection (b)(2)(A) of this section, the Administrator shall reissue a certificate to the individual if—

(A) the individual otherwise satisfies the requirements for a certificate under section 44703 of this title; and

(B)(i) the individual subsequently is acquitted of all charges related to a controlled substance in an indictment or information arising from the activity; or

(ii) the conviction on which a revocation under subsection (b)(1) of this section is based is reversed.

(f) WAIVERS.—The Administrator may waive the requirement of subsection (b) of this section that an airman certificate of an individual be revoked if—

(1) a law enforcement official of the United States Government or of a State requests a waiver; and

(2) the Administrator decides that the waiver will facilitate law enforcement efforts.

§44711. Prohibitions and exemption

(a) PROHIBITIONS.—A person may not—

(1) operate a civil aircraft in air commerce without an airworthiness certificate in effect or in violation of a term of the certificate;

(2) serve in any capacity as an airman with respect to a civil aircraft, aircraft engine, propeller, or appliance used, or intended for use, in air commerce—

(A) without an airman certificate authorizing the airman to serve in the capacity for which the certificate was issued; or

(B) in violation of a term of the certificate or a regulation prescribed or order issued under section 44701(a) or (b) or 44702–44716 of this title;

(3) employ for service related to civil aircraft used in air commerce an airman who does not have an airman certificate authorizing the airman to serve in the capacity for which the airman is employed;

(4) operate as an air carrier without an air carrier operating certificate or in violation of a term of the certificate;

(5) operate aircraft in air commerce in violation of a regulation prescribed or certificate issued under section 44701(a) or (b) or 44702–44716 of this title;

(6) operate a seaplane or other aircraft of United States registry on the high seas in violation of a regulation under section 3 of the International Navigational Rules Act of 1977 (33 U.S.C. 1602);

(7) violate a term of an air agency or production certificate or a regulation prescribed or order issued under section 44701(a) or (b) or 44702–44716 of this title related to the holder of the certificate;

(8) operate an airport without an airport operating certificate required under section 44706 of this title or in violation of a term of the certificate; or

(9) manufacture, deliver, sell, or offer for sale any aviation fuel or additive in violation of a regulation prescribed under section 44714 of this title.

(b) EXEMPTION.—On terms the Administrator of the Federal Aviation Administration prescribes as being in the public interest, the Administrator may exempt a foreign aircraft and airmen serving on the aircraft from subsection (a) of this section. However, an exemption from observing air traffic regulations may not be granted.

§44712. Emergency locator transmitters

(a) INSTALLATION.—An emergency locator transmitter must be installed on a fixed-wing powered civil aircraft for use in air commerce.

(b) NONAPPLICATION.—Subsection (a) of this section does not apply to—

(1) turbojet-powered aircraft;

(2) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

(3) aircraft when used in training operations conducted entirely within a 50 mile radius of the airport from which the training operations begin;

(4) aircraft when used in flight operations related to design and testing, the manufacture, preparation, and delivery of the aircraft, or the aerial application of a substance for an agricultural purpose;

(5) aircraft holding certificates from the Administrator of the Federal Aviation Administration for research and development;

(6) aircraft when used for showing compliance with regulations, crew training, exhibition, air racing, or market surveys; and

(7) aircraft equipped to carry only one individual.

(c) REMOVAL.—The Administrator shall prescribe regulations specifying the conditions under which an aircraft subject to subsection (a) of this section may operate when its emergency locator transmitter has been removed for inspection, repair, alteration, or replacement.

§44713. Inspection and maintenance

(a) GENERAL EQUIPMENT REQUIREMENTS.—An air carrier shall make, or cause to be made, any inspection, repair, or maintenance of equipment used in air transportation as required by this part or regulations prescribed or orders issued by the Administrator of the Federal Aviation Administration under this part. A person operating, inspecting, repairing, or maintaining the equipment shall comply with those requirements, regulations, and orders.

(b) DUTIES OF INSPECTORS.—The Administrator of the Federal Aviation Administration shall employ inspectors who shall—

(1) inspect aircraft, aircraft engines, propellers, and appliances designed for use in air transportation, during manufacture and when in use by an air carrier in air transportation, to enable the Administrator to decide whether the aircraft, aircraft engines, propellers, or appliances are in safe condition and maintained properly; and

(2) advise and cooperate with the air carrier during that inspection and maintenance.

(c) UNSAFE AIRCRAFT, ENGINES, PROPELLERS, AND APPLIANCES.—When an inspector decides that an aircraft, aircraft engine, propeller, or appliance is not in condition for safe operation, the inspector shall notify the air carrier in the form and way prescribed by the Administrator of the Federal Aviation Administration. For 5 days after the carrier is notified, the aircraft, engine, propeller, or appliance may not be used in air transportation or in a way that endangers air transportation unless the Administrator or the inspector decides the aircraft, engine, propeller, or appliance is in condition for safe operation.

(d) MODIFICATIONS IN SYSTEM.—(1) The Administrator of the Federal Aviation Administration shall make modifications in the system for processing forms for major repairs or alterations to fuel tanks and fuel systems of aircraft not used to provide air transportation that are necessary to make the system more effective in serving the needs of users of the system, including officials responsible for enforcing laws related to the regulation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)). The modifications shall address at least each of the following deficiencies in, and abuses of, the existing system:

(A) the lack of a special identification feature to allow the forms to be distinguished easily from other major repair and alteration forms.

(B) the excessive period of time required to receive the forms at the Airmen and Aircraft Registry of the Administration.

(C) the backlog of forms waiting for processing at the Registry.

(D) the lack of ready access by law enforcement officials to information contained on the forms.

(2) The Administrator of the Federal Aviation Administration shall prescribe regulations to carry out paragraph (1) of this subsection and provide a written explanation of how the regulations address each of the deficiencies and abuses described in paragraph (1). In prescribing the regulations, the Administrator of the Federal Aviation Administration shall consult with the Administrator of Drug Enforcement, the Commissioner of Customs, other law enforcement officials of the United States Government, representatives of State and local law enforcement officials, representatives of the general aviation aircraft industry, representatives of users of general aviation aircraft, and other interested persons.

§44714. Aviation fuel standards

The Administrator of the Federal Aviation Administration shall prescribe—

(1) standards for the composition or chemical or physical properties of an aircraft fuel or fuel additive to control or eliminate aircraft emissions the Administrator of the Environmental Protection Agency decides under section 231 of the Clean Air Act (42 U.S.C. 7571) endanger the public health or welfare; and

(2) regulations providing for carrying out and enforcing those standards.

§44715. Controlling aircraft noise and sonic boom

(a) STANDARDS AND REGULATIONS.—(1) To relieve and protect the public health and welfare from aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration shall prescribe—

(A) standards to measure aircraft noise and sonic boom; and

(B) regulations to control and abate aircraft noise and sonic boom.

(2) The Administrator of the Federal Aviation Administration may prescribe standards and regulations under this subsection only after consulting with the Administrator of the Environmental Protection Agency. The standards and regulations shall be applied when issuing, amending, modifying, suspending, or revoking a certificate authorized under this chapter.

(3) An original type certificate may be issued under section 44704(a) of this title for an aircraft for which substantial noise abatement can be achieved only after the Administrator of the Federal Aviation Administration prescribes standards and regulations under this section that apply to that aircraft.

(b) CONSIDERATIONS AND CONSULTATION.—When prescribing a standard or regulation under this section, the Administrator of the Federal Aviation Administration shall—

(1) consider relevant information related to aircraft noise and sonic boom;

(2) consult with appropriate departments, agencies, and instrumentalities of the United States Government and State and interstate authorities;

(3) consider whether the standard or regulation is consistent with the highest degree of safety in air transportation or air commerce in the public interest;

(4) consider whether the standard or regulation is economically reasonable, technologically practicable, and appropriate for the applicable aircraft, aircraft engine, appliance, or certificate; and

(5) consider the extent to which the standard or regulation will carry out the purposes of this section.

(c) PROPOSED REGULATIONS OF ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency shall submit to the Administrator of the Federal Aviation Administration proposed regulations to control and abate aircraft noise and sonic boom (including control and abatement through the use of the authority of the Administrator of the Federal Aviation Administration) that the Administrator of the Environmental Protection Agency considers necessary to protect the public health and welfare. The Administrator of the Federal Aviation Administration shall consider those proposed regulations and shall publish them in a notice of proposed regulations not later than 30 days after they are received. Not later than 60 days after publication, the Administrator of the Federal Aviation Administration shall begin a hearing at which interested persons are given an opportunity for oral and written presentations. Not later than 90 days after the hearing is completed and after consulting with the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration shall—

(1) prescribe regulations as provided by this section—

(A) substantially the same as the proposed regulations submitted by the Administrator of the Environmental Protection Agency; or

(B) that amend the proposed regulations; or

(2) publish in the Federal Register—

(A) a notice that no regulation is being prescribed in response to the proposed regulations of the Administrator of the Environmental Protection Agency;

(B) a detailed analysis of, and response to, all information the Administrator of the Environmental Protection Agency submitted with the proposed regulations; and

(C) a detailed explanation of why no regulation is being prescribed.

(d) CONSULTATION AND REPORTS.—(1) If the Administrator of the Environmental Protection Agency believes that the action of the Administrator of the Federal Aviation Administration under subsection (c)(1)(B) or (2) of this section does not protect the public health and welfare from aircraft noise or sonic boom, consistent with the considerations in subsection (b) of this section, the Administrator of the Environmental Protection Agency shall consult with the Administrator of the Federal Aviation Administration and may request a report on the advisability of prescribing the regulation as originally

proposed. The request, including a detailed statement of the information on which the request is based, shall be published in the Federal Register.

(2) The Administrator of the Federal Aviation Administration shall report to the Administrator of the Environmental Protection Agency within the time, if any, specified in the request. However, the time specified must be at least 90 days after the date of the request. The report shall—

(A) be accompanied by a detailed statement of the findings of the Administrator of the Federal Aviation Administration and the reasons for the findings;

(B) identify any statement related to an action under subsection (c) of this section filed under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(C) specify whether and where that statement is available for public inspection; and

(D) be published in the Federal Register unless the request proposes specific action by the Administrator of the Federal Aviation Administration and the report indicates that action will be taken.

(e) SUPPLEMENTAL REPORTS.—The Administrator of the Environmental Protection Agency may request the Administrator of the Federal Aviation Administration to file a supplemental report if the report under subsection (d) of this section indicates that the proposed regulations under subsection (c) of this section, for which a statement under section 102(2)(C) of the Act (42 U.S.C. 4332(2)(C)) is not required, should not be prescribed. The supplemental report shall be published in the Federal Register within the time the Administrator of the Environmental Protection Agency specifies. However, the time specified must be at least 90 days after the date of the request. The supplemental report shall contain a comparison of the environmental effects, including those that cannot be avoided, of the action of the Administrator of the Federal Aviation Administration and the proposed regulations of the Administrator of the Environmental Protection Agency.

(f) EXEMPTIONS.—An exemption from a standard or regulation prescribed under this section may be granted only if, before granting the exemption, the Administrator of the Federal Aviation Administration consults with the Administrator of the Environmental Protection Agency. However, if the Administrator of the Federal Aviation Administration finds that safety in air transportation or air commerce requires an exemption before the Administrator of the Environmental Protection Agency can be consulted, the exemption may be granted. The Administrator of the Federal Aviation Administration shall consult with the Administrator of the Environmental Protection Agency as soon as practicable after the exemption is granted.

§44716. Collision avoidance systems

(a) DEVELOPMENT AND CERTIFICATION.—The Administrator of the Federal Aviation Administration shall—

(1) complete the development of the collision avoidance system known as TCAS–II so that TCAS–II can operate under visual and instrument flight rules and can be upgraded to the performance standards applicable to the collision avoidance system known as TCAS–III;

(2) develop and carry out a schedule for developing and certifying TCAS–II that will result in certification not later than June 30, 1989; and

(3) submit to Congress monthly reports on the progress being made in developing and certifying TCAS–II.

(b) INSTALLATION AND OPERATION.—The Administrator shall require by regulation that, not later than 30 months after the date certification is made under subsection (a)(2) of this section, TCAS–II be installed and operated on each civil aircraft that has a maximum passenger capacity of at least 31 seats and is used to provide air transportation of passengers, including intrastate air transportation of passengers. The Administrator may extend the deadline in this subsection for not more than 2 years if the Administrator finds the extension is necessary to promote—

(1) a safe and orderly transition to the operation of a fleet of civil aircraft described in this subsection equipped with TCAS–II; or

(2) other safety objectives.

(c) OPERATIONAL EVALUATION.—Not later than December 30, 1990, the Administrator shall establish a one-year program to collect and assess safety and operational information from civil aircraft equipped with TCAS–II for the operational evaluation of TCAS–II. The Administrator shall encourage foreign air carriers that operate civil aircraft equipped with TCAS–II to participate in the program.

(d) AMENDING SCHEDULE FOR WINDSHEAR EQUIPMENT.—The Administrator shall consider the feasibility and desirability of amending the schedule for installing airborne low-altitude windshear equipment to make the schedule compatible with the schedule for installing TCAS–II.

(e) DEADLINE FOR DEVELOPMENT AND CERTIFICATION.—(1) The Administrator shall complete developing and certifying TCAS–III as soon as possible.

(2) Necessary amounts may be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to carry out this subsection.

(f) INSTALLING AND USING TRANSPONDERS.—The Administrator shall prescribe regulations requiring that, not later than December 30, 1990, operating transponders with automatic altitude reporting capability be installed and used for aircraft operating in designated terminal airspace where radar service is provided for separation of aircraft. The Administrator may provide for access to that airspace (except terminal control areas and airport radar service areas) by nonequipped aircraft if the Administrator finds the access will not interfere with the normal traffic flow.

§44717. Aging aircraft

(a) INSPECTIONS AND REVIEWS.—The Administrator of the Federal Aviation Administration shall prescribe regulations that ensure the continuing airworthiness of aging aircraft. The regulations prescribed under subsection (a) of this section—

(1) at least shall require the Administrator to make inspections, and review the maintenance and other records, of each aircraft an air carrier uses to provide air transportation that the Administrator decides may be necessary to enable the Administrator to decide whether the aircraft is in safe condition and maintained properly for operation in air transportation;

(2) at least shall require an air carrier to demonstrate to the Administrator, as part of the inspection, that maintenance of the aircraft's age-sensitive parts and components has been adequate and timely enough to ensure the highest degree of safety;

(3) shall require the air carrier to make available to the Administrator the aircraft and any records about the aircraft that the Administrator requires to carry out a review; and

(4) shall establish procedures to be followed in carrying out an inspection.

(b) WHEN AND HOW INSPECTIONS AND REVIEWS SHALL BE CARRIED OUT.—(1) Inspections and reviews required under subsection (a)(1) of this section shall be carried out as part of each heavy maintenance check of the aircraft conducted after the 14th year in which the aircraft has been in service.

(2) Inspections under subsection (a)(1) of this section shall be carried out as provided under section 44701(a)(2)(B) and (C) of this title.

(c) AIRCRAFT MAINTENANCE SAFETY PROGRAMS.—The Administrator shall establish—

(1) a program to verify that air carriers are maintaining their aircraft according to maintenance programs approved by the Administrator;

(2) a program—

(A) to provide inspectors and engineers of the Administration with training necessary to conduct auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue; and

(B) to enhance participation of those inspectors and engineers in those inspections; and

(3) a program to ensure that air carriers demonstrate to the Administrator their commitment and technical competence to ensure the airworthiness of aircraft that the carriers operate.

(d) FOREIGN AIR TRANSPORTATION.—(1) The Administrator shall take all possible steps to encourage governments of foreign countries and relevant international organizations to develop standards and requirements for inspections and reviews that—

(A) will ensure the continuing airworthiness of aging aircraft used by foreign air carriers to provide foreign air transportation to and from the United States; and

(B) will provide passengers of those foreign air carriers with the same level of safety that will be provided passengers of air carriers by carrying out this section.

(2) Not later than September 30, 1994, the Administrator shall report to Congress on carrying out this subsection.

§44718. Structures interfering with air commerce

(a) NOTICE.—By regulation or by order when necessary, the Secretary of Transportation shall require a person to give adequate public notice, in the form and way the Secretary prescribes, of the construction, alteration, establishment, or expansion, or the proposed construction, alteration, establishment, or expansion, of a structure or sanitary landfill when the notice will promote—

(1) safety in air commerce; and

(2) the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports.

(b) STUDIES.—(1) Under regulations prescribed by the Secretary, if the Secretary decides that constructing or altering a structure may result in an obstruction of the navigable airspace or an interference with air navigation facilities and equipment or the navigable airspace, the Secretary shall conduct an aeronautical study to decide the extent of any adverse impact on the safe and efficient use of the airspace, facilities, or equipment. In conducting the study, the Secretary shall consider factors relevant to the efficient and effective use of the navigable airspace, including—

(A) the impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;

(B) the impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;

(C) the impact on existing public-use airports and aeronautical facilities;

(D) the impact on planned public-use airports and aeronautical facilities; and

(E) the cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures.

(2) On completing the study, the Secretary shall issue a report disclosing completely the extent of the adverse impact on the safe and efficient use of the navigable airspace that the Secretary finds will result from constructing or altering the structure.

(c) BROADCAST APPLICATIONS AND TOWER STUDIES.—In carrying out laws related to a broadcast application and conducting an aeronautical study related to broadcast towers, the Administrator of the Federal Aviation Administration and the Federal Communications Commission shall take action necessary to coordinate efficiently—

(1) the receipt and consideration of, and action on, the application; and

(2) the completion of any associated aeronautical study.

§44719. Standards for navigational aids

The Secretary of Transportation shall prescribe regulations on standards for installing navigational aids, including airport control towers. For each type of facility, the regulations shall consider at a minimum traffic density (number of aircraft operations without consideration of aircraft size), terrain and other obstacles to navigation, weather characteristics, passengers served, and potential aircraft operating efficiencies.

§44720. Meteorological services

(a) RECOMMENDATIONS.—The Administrator of the Federal Aviation Administration shall make recommendations to the Secretary of Commerce on providing meteorological services necessary for the safe and efficient movement of aircraft in air commerce. In providing the services, the Secretary shall cooperate with the Administrator and give complete consideration to those recommendations.

(b) PROMOTING SAFETY AND EFFICIENCY.—To promote safety and efficiency in air navigation to the highest possible degree, the Secretary shall—

(1) observe, measure, investigate, and study atmospheric phenomena, and maintain meteorological stations and offices, that are necessary or best suited for finding out in advance information about probable weather conditions;

(2) provide reports to the Administrator to persons engaged in civil aeronautics that are designated by the Administrator and to other persons designated by the Secretary in a way and with a frequency that best will result in safety in, and facilitating, air navigation;

(3) cooperate with persons engaged in air commerce in meteorological services, maintain reciprocal arrangements with those persons in carrying out this clause, and collect and distribute weather reports available from aircraft in flight;

(4) maintain and coordinate international exchanges of meteorological information required for the safety and efficiency of air navigation;

(5) in cooperation with other departments, agencies, and instrumentalities of the United States Government, meteorological services of foreign countries, and persons engaged in air commerce, participate in developing an international basic meteorological reporting network, including the establishment, operation, and maintenance of reporting stations on the high seas, in polar regions, and in foreign countries;

(6) coordinate meteorological requirements in the United States to maintain standard observations, to promote efficient use of facilities, and to avoid duplication of services unless the duplication tends to promote the safety and efficiency of air navigation; and

(7) promote and develop meteorological science and foster and support research projects in meteorology through the use of private and governmental research facilities and provide for publishing the results of the projects unless publication would not be in the public interest.

§44721. Aeronautical maps and charts

(a) PUBLICATION.—(1) The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

(2) In carrying out paragraph (1) of this subsection, the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

(1) prescribed by the Administrator;

(2) depicted accurately on the map or chart; and

(3) not obviously defective or deficient.

§44722. Aircraft operations in winter conditions

The Administrator of the Federal Aviation Administration shall prescribe regulations requiring procedures to improve safety of aircraft operations during winter conditions. In deciding on the procedures to be required, the Administrator shall consider at least aircraft and air traffic control modifications, the availability of different types of deicing fluids (considering their efficacy and environmental limitations), the types of deicing equipment available, and the feasibility and desirability of establishing timeframes within which deicing must occur under certain types of inclement weather.

§44723. Annual report

Not later than January 1 of each year, the Secretary of Transportation shall submit to Congress a comprehensive report on the safety enforcement activities of the Federal Aviation Administration during the fiscal year ending the prior September 30th. The report shall include—

(1) a comparison of end-of-year staffing levels by operations, maintenance, and avionics inspector categories to staffing goals and a statement on how staffing standards were applied to make allocations between air carrier and general aviation operations, maintenance, and avionics inspectors;

(2) schedules showing the range of inspector experience by various inspector work force categories, and the number of inspectors in each of the categories who are considered fully qualified;

(3) schedules showing the number and percentage of inspectors who have received mandatory training by individual course, and the number of inspectors by work force categories, who have received all mandatory training;

(4) a description of the criteria used to set annual work programs, an explanation of how these criteria differ from criteria used in the prior fiscal year and how the annual work programs ensure compliance with appropriate regulations and safe operating practices;

(5) a comparison of actual inspections performed during the fiscal year to the annual work programs by field location and, for any field location completing less than 80 percent of its planned number of inspections, an explanation of why annual work program plans were not met;

(6) a statement of the adequacy of Administration internal management controls available to ensure that field managers comply with Administration policies and procedures, including those on inspector priorities, district office coordination, minimum inspection standards, and inspection followup;

(7) the status of efforts made by the Administration to update inspector guidance documents and regulations to include technological, management, and structural changes taking place in the aviation industry, including a listing of the backlog of all proposed regulatory amendments;

(8) a list of the specific operational measures of effectiveness used to evaluate—

(A) the progress in meeting program objectives;

(B) the quality of program delivery; and

(C) the nature of emerging safety problems;

(9) a schedule showing the number of civil penalty cases closed during the 2 prior fiscal years, including the total initial and final penalties imposed, the total number of dollars collected, the range of dollar amounts collected, the average case processing time, and the range of case processing time;

(10) a schedule showing the number of enforcement actions taken (except civil penalties) during the 2 prior fiscal years, including the total number of violations cited, and the number of cited violation cases closed by certificate suspensions, certificate revocations, warnings, and no action taken; and

(11) schedules showing the safety record of the aviation industry during the fiscal year for air carriers and general aviation, including—

(A) the number of inspections performed when deficiencies were identified compared with inspections when no deficiencies were found;

(B) the frequency of safety deficiencies for each air carrier; and

(C) an analysis based on data of the general status of air carrier and general aviation compliance with aviation regulations.

CHAPTER 449—SECURITY

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SUBCHAPTER I—REQUIREMENTS

§44901. Screening passengers and property

(a) GENERAL REQUIREMENTS.—The Administrator of the Federal Aviation Administration shall prescribe regulations requiring screening of all passengers and property that will be carried in a cabin of an aircraft in air transportation or intrastate air transportation. The

screening must take place before boarding and be carried out by a weapon-detecting facility or procedure used or operated by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier.

(b) AMENDING REGULATIONS.—Notwithstanding subsection (a) of this section, the Administrator may amend a regulation prescribed under subsection (a) to require screening only to ensure security against criminal violence and aircraft piracy in air transportation and intrastate air transportation.

(c) EXEMPTIONS AND ADVISING CONGRESS ON REGULATIONS.—The Administrator—

(1) may exempt from this section air transportation operations, except scheduled passenger operations of an air carrier providing air transportation under a certificate issued under section 41102 of this title or a permit issued under section 41302 of this title; and

(2) shall advise Congress of a regulation to be prescribed under this section at least 30 days before the effective date of the regulation, unless the Administrator decides an emergency exists requiring the regulation to become effective in fewer than 30 days and notifies Congress of that decision.

§44902. Refusal to transport passengers and property

(a) MANDATORY REFUSAL.—The Administrator of the Federal Aviation Administration shall prescribe regulations requiring an air carrier, intrastate air carrier, or foreign air carrier to refuse to transport—

(1) a passenger who does not consent to a search under section 44901(a) of this title establishing whether the passenger is carrying unlawfully a dangerous weapon, explosive, or other destructive substance; or

(2) property of a passenger who does not consent to a search of the property establishing whether the property unlawfully contains a dangerous weapon, explosive, or other destructive substance.

(b) PERMISSIVE REFUSAL.—Subject to regulations of the Administrator, an air carrier, intrastate air carrier, or foreign air carrier may refuse to transport a passenger or property the carrier decides is, or might be, inimical to safety.

(c) AGREEING TO CONSENT TO SEARCH.—An agreement to carry passengers or property in air transportation or intrastate air transportation by an air carrier, intrastate air carrier, or foreign air carrier is deemed to include an agreement that the passenger or property will not be carried if consent to search the passenger or property for a purpose referred to in this section is not given.

§44903. Air transportation security

(a) DEFINITION.—In this section, "law enforcement personnel" means individuals—

(1) authorized to carry and use firearms;

(2) vested with the degree of the police power of arrest the Administrator of the Federal Aviation Administration considers necessary to carry out this section; and

(3) identifiable by appropriate indicia of authority.

(b) PROTECTION AGAINST VIOLENCE AND PIRACY.—The Administrator shall prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy. When prescribing a regulation under this subsection, the Administrator shall—

(1) consult with the Secretary of Transportation, the Attorney General, the heads of other departments, agencies, and instrumentalities of the United States Government, and State and local authorities;

(2) consider whether a proposed regulation is consistent with—

(A) protecting passengers; and

(B) the public interest in promoting air transportation and intrastate air transportation;

(3) to the maximum extent practicable, require a uniform procedure for searching and detaining passengers and property to ensure—

(A) their safety; and

(B) courteous and efficient treatment by an air carrier, an agent or employee of an air carrier, and Government, State, and local law enforcement personnel carrying out this section; and

(4) consider the extent to which a proposed regulation will carry out this section.

(c) SECURITY PROGRAMS.—(1) The Administrator shall prescribe regulations under subsection (b) of this section that require each operator of an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation to establish an air transportation security program that provides a law enforcement presence and capability at each of those airports that is adequate to ensure the safety of passengers. The regulations shall authorize the operator to use the services of qualified State, local, and private law enforcement personnel. When the Administrator decides, after being notified by an operator in the form the Administrator prescribes, that not enough qualified State, local, and private law enforcement personnel are available to carry out subsection (b), the Administrator may authorize the operator to use, on a reimbursable basis, personnel employed by the Administrator, or by another department, agency, or instrumentality of the Government with the consent of the head of the department, agency, or instrumentality, to supplement State, local, and private law enforcement personnel. When deciding whether additional personnel are needed, the Administrator shall consider the number of passengers boarded at the airport, the extent of anticipated risk of criminal violence or aircraft piracy at the airport or to the air carrier aircraft operations at the airport, and the availability of qualified State or local law enforcement personnel at the airport.

(2)(A) The Administrator may approve a security program of an airport operator, or an amendment in an existing program, that incorporates a security program of an airport tenant (except an air carrier separately complying with part 108 or 129 of title 14, Code of Federal Regulations) having access to a secured area of the airport, if the program or amendment incorporates—

(i) the measures the tenant will use, within the tenant's leased areas or areas designated for the tenant's exclusive use under an agreement with the airport operator, to carry out the security requirements imposed by the Administrator on the airport operator under the access control system requirements of section 107.14 of title 14, Code of Federal Regulations, or under other requirements of part 107 of title 14; and

(ii) the methods the airport operator will use to monitor and audit the tenant's compliance with the security requirements and provides that the tenant will be required to pay monetary penalties to the airport operator if the tenant fails to carry out a security requirement under a contractual provision or requirement imposed by the airport operator.

(B) If the Administrator approves a program or amendment described in subparagraph (A) of this paragraph, the airport operator may not be found to be in violation of a requirement of this subsection or subsection (b) of this section when the airport operator demonstrates that the tenant or an employee, permittee, or invitee of the tenant is responsible for the violation and that the airport operator has complied with all measures in its security program for securing compliance with its security program by the tenant.

(d) AUTHORIZING INDIVIDUALS TO CARRY FIREARMS AND MAKE ARRESTS.—With the approval of the Attorney General and the Secretary of State, the Secretary of Transportation may authorize an individual who carries out air transportation security duties—

(1) to carry firearms; and

(2) to make arrests without warrant for an offense against the United States committed in the presence of the individual or for a felony under the laws of the United States, if the individual reasonably believes the individual to be arrested has committed or is committing a felony.

(e) EXCLUSIVE RESPONSIBILITY OVER PASSENGER SAFETY.—The Administrator has the exclusive responsibility to direct law enforcement activity related to the safety of passengers on an aircraft involved in an offense under section 46502 of this title from the moment all external doors of the aircraft are closed following boarding until those doors are opened to allow passengers to leave the aircraft. When requested by the Administrator, other departments, agencies, and instrumentalities of the Government shall provide assistance necessary to carry out this subsection.

§44904. Domestic air transportation system security

(a) ASSESSING THREATS.—The Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation jointly shall assess current and potential threats to the domestic air transportation system. The assessment shall include consideration of the extent to which there are individuals with the capability and intent to carry out terrorist or related unlawful acts against that system and the ways in which those individuals might carry out those acts. The Administrator and the Director jointly shall decide on and carry out the most effective method for continuous analysis and monitoring of security threats to that system.

(b) ASSESSING SECURITY.—In coordination with the Director, the Administrator shall carry out periodic threat and vulnerability assessments on security at each airport that is part of the domestic air transportation system. Each assessment shall include consideration of—

(1) the adequacy of security procedures related to the handling and transportation of checked baggage and cargo;

(2) space requirements for security personnel and equipment;

(3) separation of screened and unscreened passengers, baggage, and cargo;

(4) separation of the controlled and uncontrolled areas of airport facilities; and

(5) coordination of the activities of security personnel of the Administration, the United States Customs Service, the Immigration and Naturalization Service, and air carriers, and of other law enforcement personnel.

(c) IMPROVING SECURITY.—The Administrator shall take necessary actions to improve domestic air transportation security by correcting any deficiencies in that security discovered in the assessments, analyses, and monitoring carried out under this section.

§44905. Information about threats to civil aviation

(a) PROVIDING INFORMATION.—Under guidelines the Secretary of Transportation prescribes, an air carrier, airport operator, ticket agent, or individual employed by an air carrier, airport operator, or ticket agent, receiving information (except a communication directed by the United States Government) about a threat to civil aviation shall provide the information promptly to the Secretary.

(b) FLIGHT CANCELLATION.—If a decision is made that a particular threat cannot be addressed in a way adequate to ensure, to the extent feasible, the safety of passengers and crew

of a particular flight or series of flights, the Administrator of the Federal Aviation Administration shall cancel the flight or series of flights.

(c) GUIDELINES ON PUBLIC NOTICE.—(1) The President shall develop guidelines for ensuring that public notice is provided in appropriate cases about threats to civil aviation. The guidelines shall identify officials responsible for—

(A) deciding, on a case-by-case basis, if public notice of a threat is in the best interest of the United States and the traveling public;

(B) ensuring that public notice is provided in a timely and effective way, including the use of a toll-free telephone number; and

(C) canceling the departure of a flight or series of flights under subsection (b) of this section.

(2) The guidelines shall provide for consideration of—

(A) the specificity of the threat;

(B) the credibility of intelligence information related to the threat;

(C) the ability to counter the threat effectively;

(D) the protection of intelligence information sources and methods;

(E) cancellation, by an air carrier or the Administrator, of a flight or series of flights instead of public notice;

(F) the ability of passengers and crew to take steps to reduce the risk to their safety after receiving public notice of a threat; and

(G) other factors the Administrator considers appropriate.

(d) GUIDELINES ON NOTICE TO CREWS.—The Administrator shall develop guidelines for ensuring that notice in appropriate cases of threats to the security of an air carrier flight is provided to the flight crew and cabin crew of that flight.

(e) LIMITATION ON NOTICE TO SELECTIVE TRAVELERS.—Notice of a threat to civil aviation may be provided to selective potential travelers only if the threat applies only to those travelers.

(f) RESTRICTING ACCESS TO INFORMATION.—In cooperation with the departments, agencies, and instrumentalities of the Government that collect, receive, and analyze intelligence information related to aviation security, the Administrator shall develop procedures to minimize the number of individuals who have access to information about threats. However, a restriction on access to that information may be imposed only if the restriction does not diminish the ability of the Government to carry out its duties and powers related to aviation security effectively, including providing notice to the public and flight and cabin crews under this section.

(g) DISTRIBUTION OF GUIDELINES.—The guidelines developed under this section shall be distributed for use by appropriate officials of the Department of Transportation, the Department of State, the Department of Justice, and air carriers.

§44906. Foreign air carrier security programs

The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator may approve a security program of a foreign air carrier under section 129.25 only if the Administrator decides the security program provides passengers of the foreign air carrier a level of protection similar to the level those passengers would receive under the security programs of air carriers serving the same airport. The Administrator shall require a foreign air carrier to use procedures equivalent to those required of air carriers serving the same airport if the Administrator decides that the procedures are necessary to provide a level of protection similar to that provided passengers of the air carriers serving the same airport. The Administrator shall prescribe regulations to carry out this section.

§44907. Security standards at foreign airports

(a) ASSESSMENT.—(1) At intervals the Secretary of Transportation considers necessary, the Secretary shall assess the effectiveness of the security measures maintained at—

(A) a foreign airport—

(i) served by an air carrier;

(ii) from which a foreign air carrier serves the United States; or

(iii) that poses a high risk of introducing danger to international air travel; and

(B) other foreign airports the Secretary considers appropriate.

(2) The Secretary of Transportation shall conduct an assessment under paragraph (1) of this subsection—

(A) in consultation with appropriate aeronautic authorities of the government of a foreign country concerned and each air carrier serving the foreign airport for which the Secretary is conducting the assessment;

(B) to establish the extent to which a foreign airport effectively maintains and carries out security measures; and

(C) by using a standard that will result in an analysis of the security measures at the airport based at least on the standards and appropriate recommended practices contained in Annex 17 to the Convention on International Civil Aviation in effect on the date of the assessment.

(3) Each report to Congress required under section 44938(b) of this title shall contain a summary of the assessments conducted under this subsection.

(b) CONSULTATION.—In carrying out subsection (a) of this section, the Secretary of Transportation shall consult with the Secretary of State—

(1) on the terrorist threat that exists in each country; and

(2) to establish which foreign airports are not under the de facto control of the government of the foreign country in which they are located and pose a high risk of introducing danger to international air travel.

(c) NOTIFYING FOREIGN AUTHORITIES.—When the Secretary of Transportation, after conducting an assessment under subsection (a) of this section, decides that an airport does not maintain and carry out effective security measures, the Secretary of Transportation, after advising the Secretary of State, shall notify the appropriate authorities of the government of the foreign country of the decision and recommend the steps necessary to bring the security measures in use at the airport up to the standard used by the Secretary of Transportation in making the assessment.

(d) ACTIONS WHEN AIRPORTS NOT MAINTAINING AND CARRYING OUT EFFECTIVE SECURITY MEASURES.—(1) When the Secretary of Transportation decides under this section that an airport does not maintain and carry out effective security measures—

(A) the Secretary of Transportation shall—

(i) publish the identity of the airport in the Federal Register;

(ii) have the identity of the airport posted and displayed prominently at all United States airports at which scheduled air carrier operations are provided regularly; and

(iii) notify the news media of the identity of the airport;

(B) each air carrier and foreign air carrier providing transportation between the United States and the airport shall provide written notice of the decision, on or with the ticket, to each passenger buying a ticket for transportation between the United States and the airport;

(C) notwithstanding section 40105(b) of this title, the Secretary of Transportation, after consulting with the appropriate aeronautic authorities of the foreign country concerned and each air carrier serving the airport and with the approval of the Secretary of State, may withhold, revoke, or prescribe conditions on the operating authority of an air carrier or foreign air carrier that uses that airport to provide foreign air transportation; and

(D) the President may prohibit an air carrier or foreign air carrier from providing transportation between the United States and any other foreign airport that is served by aircraft flying to or from the airport with respect to which a decision is made under this section.

(2)(A) Paragraph (1) of this subsection becomes effective—

(i) 90 days after the government of a foreign country is notified under subsection (c) of this section if the Secretary of Transportation finds that the government has not brought the security measures at the airport up to the standard the Secretary used in making an assessment under subsection (a) of this section; or

(ii) immediately on the decision of the Secretary of Transportation under subsection (c) of this section if the Secretary of Transportation decides, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from the airport.

(B) The Secretary of Transportation immediately shall notify the Secretary of State of a decision under subparagraph (A)(ii) of this paragraph so that the Secretary of State may issue a travel advisory required under section 44908(a) of this title.

(3) The Secretary of Transportation promptly shall submit to Congress a report (and classified annex if necessary) on action taken under paragraph (1) or (2) of this subsection, including information on attempts made to obtain the cooperation of the government of a foreign country in meeting the standard the Secretary used in assessing the airport under subsection (a) of this section.

(4) An action required under paragraph (1)(A) and (B) of this subsection is no longer required only if the Secretary of Transportation, in consultation with the Secretary of State, decides that effective security measures are maintained and carried out at the airport. The Secretary of Transportation shall notify Congress when the action is no longer required to be taken.

(e) SUSPENSIONS.—Notwithstanding sections 40105(b) and 40106(b) of this title, the Secretary of Transportation, with the approval of the Secretary of State and without notice or a hearing, shall suspend the right of an air carrier or foreign air carrier to provide foreign air transportation, and the right of a person to operate aircraft in foreign air commerce, to or from a foreign airport when the Secretary of Transportation decides that—

(1) a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from that airport; and

(2) the public interest requires an immediate suspension of transportation between the United States and that airport.

(f) CONDITION OF CARRIER AUTHORITY.—This section is a condition to authority the Secretary of Transportation grants under this part to an air carrier or foreign air carrier.

§44908. Travel advisory and suspension of foreign assistance

(a) TRAVEL ADVISORIES.—On being notified by the Secretary of Transportation that the Secretary of Transportation has decided under section 44907(d)(2)(A)(ii) of this title that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from a foreign airport that the Secretary of Transportation has decided under section 44907

of this title does not maintain and carry out effective security measures, the Secretary of State—

(1) immediately shall issue a travel advisory for that airport;

(2) shall publish the advisory in the Federal Register; and

(3) shall publicize the advisory widely.

(b) SUSPENDING ASSISTANCE.—The President shall suspend assistance provided under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.) to a country in which is located an airport with respect to which section 44907(d)(1) of this title becomes effective if the Secretary of State decides the country is a high terrorist threat country. The President may waive this subsection if the President decides, and reports to Congress, that the waiver is required because of national security interests or a humanitarian emergency.

(c) ACTIONS NO LONGER REQUIRED.—An action required under this section is no longer required only if the Secretary of Transportation has made a decision as provided under section 44907(d)(4) of this title. The Secretary shall notify Congress when the action is no longer required to be taken.

§44909. Passenger manifests

(a) AIR CARRIER REQUIREMENTS.—(1) Not later than March 16, 1991, the Secretary of Transportation shall require each air carrier to provide a passenger manifest for a flight to an appropriate representative of the Secretary of State—

(A) not later than one hour after that carrier is notified of an aviation disaster outside the United States involving that flight; or

(B) if it is not technologically feasible or reasonable to comply with clause (A) of this paragraph, then as expeditiously as possible, but not later than 3 hours after the carrier is so notified.

(2) The passenger manifest shall include the following information:

(A) the full name of each passenger.

(B) the passport number of each passenger, if required for travel.

(C) the name and telephone number of a contact for each passenger.

(3) In carrying out this subsection, the Secretary of Transportation shall consider the necessity and feasibility of requiring air carriers to collect passenger manifest information as a condition for passengers boarding a flight of the carrier.

(b) FOREIGN AIR CARRIER REQUIREMENTS.—The Secretary of Transportation shall consider imposing a requirement on foreign air carriers comparable to that imposed on air carriers under subsection (a)(1) and (2) of this section.

§44910. Agreements on aircraft sabotage, aircraft hijacking, and airport security

The Secretary of State shall seek multilateral and bilateral agreement on strengthening enforcement measures and standards for compliance related to aircraft sabotage, aircraft hijacking, and airport security.

§44911. Intelligence

(a) DEFINITION.—In this section, "intelligence community" means the intelligence and intelligence-related activities of the following units of the United States Government:

(1) the Department of State.

(2) the Department of Defense.

(3) the Department of the Treasury.

(4) the Department of Energy.

(5) the Departments of the Army, Navy, and Air Force.

(6) the Central Intelligence Agency.

(7) the National Security Agency.

(8) the Defense Intelligence Agency.

(9) the Federal Bureau of Investigation.

(10) the Drug Enforcement Administration.

(b) POLICIES AND PROCEDURES ON REPORT AVAILABILITY.—The head of each unit in the intelligence community shall prescribe policies and procedures to ensure that intelligence reports about international terrorism are made available, as appropriate, to the heads of other units in the intelligence community, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration.

(c) UNIT FOR STRATEGIC PLANNING ON TERRORISM.—The heads of the units in the intelligence community shall consider placing greater emphasis on strategic intelligence efforts by establishing a unit for strategic planning on terrorism.

(d) DESIGNATION OF INTELLIGENCE OFFICER.—At the request of the Secretary, the Director of Central Intelligence shall designate at least one intelligence officer of the Central Intelligence Agency to serve in a senior position in the Office of the Secretary.

(e) WRITTEN WORKING AGREEMENTS.—The heads of units in the intelligence community, the Secretary, and the Administrator shall review and, as appropriate, revise written working agreements between the intelligence community and the Administrator.

§44912. Research and development

(a) PROGRAM REQUIREMENT.—(1) The Administrator of the Federal Aviation Administration shall establish and carry out a program to accelerate and expand the research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation. The program shall provide for developing and having in place, not later than November 16, 1993, new equipment and procedures necessary to meet the technological challenges presented by terrorism. The program shall include research on, and development of, technological improvements and ways to enhance human performance.

(2) In designing and carrying out the program established under this subsection, the Administrator shall—

(A) consult and coordinate activities with other departments, agencies, and instrumentalities of the United States Government doing similar research;

(B) identify departments, agencies, and instrumentalities that would benefit from that research; and

(C) seek cost-sharing agreements with those departments, agencies, and instrumentalities.

(3) In carrying out the program established under this subsection, the Administrator shall review and consider the annual reports the Secretary of Transportation submits to Congress on transportation security and intelligence.

(4) The Administrator may—

(A) make grants to institutions of higher learning and other appropriate research facilities with demonstrated ability to carry out research described in paragraph (1) of this subsection, and fix the amounts and terms of the grants; and

(B) make cooperative agreements with governmental authorities the Administrator decides are appropriate.

(b) REVIEW OF THREATS.—(1) The Administrator shall complete an intensive review of threats to civil aviation, with particular focus on—

(A) explosive material that presents the most significant threat to civil aircraft;

(B) the minimum amounts, configurations, and types of explosive material that can cause, or would reasonably be expected to cause, catastrophic damage to commercial aircraft in service and expected to be in service in the 10-year period beginning on November, 16, 1990;

(C) the amounts, configurations, and types of explosive material that can be detected reliably by existing, or reasonably anticipated, near-term explosive detection technologies;

(D) the feasibility of using various ways to minimize damage caused by explosive material that cannot be detected reliably by existing, or reasonably anticipated, near-term explosive detection technologies;

(E) the ability to screen passengers, carry-on baggage, checked baggage, and cargo; and

(F) the technologies that might be used in the future to attempt to destroy or otherwise threaten commercial aircraft and the way in which those technologies can be countered effectively.

(2) The Administrator shall use the results of the review under this subsection to develop the focus and priorities of the program established under subsection (a) of this section.

(c) SCIENTIFIC ADVISORY PANEL.—The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering and Development Advisory Committee, to review, comment on, advise on the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft by the next generation of terrorist weapons. The panel shall consist of individuals with scientific and technical expertise in—

(1) the development and testing of effective explosive detection systems;

(2) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective technology must be capable of detecting;

(3) technologies involved in minimizing airframe damage to aircraft from explosives; and

(4) other scientific and technical areas the Administrator considers appropriate.

§44913. Explosive detection

(a) DEPLOYMENT AND PURCHASE OF EQUIPMENT.—(1) A deployment or purchase of explosive detection equipment under section 108.7(b)(8) or 108.20 of title 14, Code of Federal Regulations, or similar regulation is required only if the Administrator of the Federal Aviation Administration certifies that the equipment alone, or as part of an integrated system, can detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material that would likely be used to cause catastrophic damage to commercial aircraft. The Administrator shall base the certification on the results of tests conducted under protocols developed in consultation with expert scientists outside of the Administration. Those tests shall be completed not later than April 16, 1992.

(2) Before completion of the tests described in paragraph (1) of this subsection, but not later than April 16, 1992, the Administrator may require deployment of explosive detection equipment described in paragraph (1) if the Administrator decides that deployment will enhance aviation security significantly. In making that decision, the Administrator shall consider factors such as the ability of the equipment alone, or as part of an integrated system, to detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material that would likely be used to cause catastrophic damage to commercial aircraft. The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives of a deployment decision made under this paragraph.

(3) This subsection does not prohibit the Administrator from purchasing or deploying explosive detection equipment described in paragraph (1) of this subsection.

(b) GRANTS.—The Secretary of Transportation may provide grants to continue the Explosive Detection K-9 Team Training Program to detect explosives at airports and on aircraft.

§44914. Airport construction guidelines

In consultation with air carriers, airport authorities, and others the Administrator of the Federal Aviation Administration considers appropriate, the Administrator shall develop guidelines for airport design and construction to allow for maximum security enhancement. In developing the guidelines, the Administrator shall consider the results of the assessment carried out under section 44904(a) of this title.

§44915. Exemptions

The Administrator of the Federal Aviation Administration may exempt from sections 44901, 44903(a)–(c) and (e), 44906, 44935, and 44936 of this title airports in Alaska served only by air carriers that—

(1) hold certificates issued under section 41102 of this title;

(2) operate aircraft with certificates for a maximum gross takeoff weight of less than 12,500 pounds; and

(3) board passengers, or load property intended to be carried in an aircraft cabin, that will be screened under section 44901 of this title at another airport in Alaska before the passengers board, or the property is loaded on, an aircraft for a place outside Alaska.

SUBCHAPTER II—ADMINISTRATION AND PERSONNEL

§44931. Director of Intelligence and Security

(a) ORGANIZATION.—There is in the Office of the Secretary of Transportation a Director of Intelligence and Security. The Director reports directly to the Secretary.

(b) DUTIES AND POWERS.—The Director shall—

(1) receive, assess, and distribute intelligence information related to long-term transportation security;

(2) develop policies, strategies, and plans for dealing with threats to transportation security;

(3) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

(4) serve as the primary liaison of the Secretary to the intelligence and law enforcement communities; and

(5) carry out other duties and powers the Secretary decides are necessary to ensure, to the extent possible, the security of the traveling public.

§44932. Assistant Administrator for Civil Aviation Security

(a) ORGANIZATION.—There is an Assistant Administrator for Civil Aviation Security. The Assistant Administrator reports directly to the Administrator of the Federal Aviation Administration and is subject to the authority of the Administrator.

(b) DUTIES AND POWERS.—The Assistant Administrator shall—

(1) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933 of this title;

(2) enforce security-related requirements;

(3) identify the research and development requirements of security-related activities;

(4) inspect security systems;

(5) report information to the Director of Intelligence and Security that may be necessary to allow the Director to carry out assigned duties and powers;

(6) assess threats to civil aviation; and

(7) carry out other duties and powers the Administrator considers appropriate.

(c) REVIEW AND DEVELOPMENT OF WAYS TO STRENGTHEN SECURITY.—The Assistant Administrator shall review and, as necessary, develop ways to strengthen air transportation security, including ways—

(1) to strengthen controls over checked baggage in air transportation, including ways to ensure baggage reconciliation and inspection of items in passenger baggage that could potentially contain explosive devices;

(2) to strengthen control over individuals having access to aircraft;

(3) to improve testing of security systems;

(4) to ensure the use of the best available x-ray equipment for air transportation security purposes; and

(5) to strengthen preflight screening of passengers.

§44933. Federal Security Managers

(a) ESTABLISHMENT, DESIGNATION, AND STATIONING.—The Administrator of the Federal Aviation Administration shall establish the position of Federal Security Manager at each airport in the United States at which the Administrator decides a Manager is necessary for air transportation security. The Administrator shall designate individuals as Managers for, and station those Managers at, those airports. The Administrator may designate a current field employee of the Administration as a Manager. A Manager reports directly to the Assistant Administrator for Civil Aviation Security. The Administrator shall station an individual as Manager at each airport in the United States that the Secretary of Transportation designates as a category X airport.

(b) DUTIES AND POWERS.—The Manager at each airport shall—

(1) receive intelligence information related to aviation security;

(2) ensure, and assist in, the development of a comprehensive security plan for the airport that—

(A) establishes the responsibilities of each air carrier and airport operator for air transportation security at the airport; and

(B) includes measures to be taken during periods of normal airport operations and during periods when the Manager decides that there is a need for additional airport security, and identifies the individuals responsible for carrying out those measures;

(3) oversee and enforce the carrying out by air carriers and airport operators of United States Government security requirements, including the security plan under clause (2) of this subsection;

(4) serve as the on-site coordinator of the Administrator's response to terrorist incidents and threats at the airport;

(5) coordinate the day-to-day Government aviation security activities at the airport;

(6) coordinate efforts related to aviation security with local law enforcement; and

(7) coordinate activities with other Managers.

(c) LIMITATION.—A Civil Aviation Security Field Officer may not be assigned security duties and powers at an airport having a Manager.

§44934. Foreign Security Liaison Officers

(a) ESTABLISHMENT, DESIGNATION, AND STATIONING.—The Administrator of the Federal Aviation Administration shall establish the position of Foreign Security Liaison Officer for each airport outside the United States at which the Administrator decides an Officer is necessary for air transportation security. In coordination with the Secretary of State, the Administrator shall designate an Officer for each of those airports. In coordination with the Secretary, the Administrator shall designate an Officer for each of those airports where extraordinary security measures are in place. The Secretary shall give high priority to stationing those Officers.

(b) DUTIES AND POWERS.—An Officer reports directly to the Assistant Administrator for Civil Aviation Security. The Officer at each airport shall—

(1) serve as the liaison of the Assistant Administrator to foreign security authorities (including governments of foreign countries and foreign airport authorities) in carrying out United States Government security requirements at that airport; and

(2) to the extent practicable, carry out duties and powers referred to in section 44933(b) of this title.

(c) COORDINATION OF ACTIVITIES.—The activities of each Officer shall be coordinated with the chief of the diplomatic mission of the United States to which the Officer is assigned. Activities of an Officer under this section shall be consistent with the duties and powers of the Secretary and the chief of mission to a foreign country under section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802) and section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

§44935. Employment standards and training

(a) EMPLOYMENT STANDARDS.—The Administrator of the Federal Aviation Administration shall prescribe standards for the employment and continued employment of, and contracting for, air carrier personnel and, as appropriate, airport security personnel. The standards shall include—

(1) minimum training requirements for new employees;

(2) retraining requirements;

(3) minimum staffing levels;

(4) minimum language skills; and

(5) minimum education levels for employees, when appropriate.

(b) REVIEW AND RECOMMENDATIONS.—In coordination with air carriers, airport operators, and other interested persons, the Administrator shall review issues related to human performance in the aviation security system to maximize that performance. When the review is completed, the Administrator shall recommend guidelines and prescribe appropriate changes in existing procedures to improve that performance.

(c) SECURITY PROGRAM TRAINING, STANDARDS, AND QUALIFICATIONS.—(1) The Administrator—

(A) may train individuals employed to carry out a security program under section 44903(c) of this title; and

(B) shall prescribe uniform training standards and uniform minimum qualifications for individuals eligible for that training.

(2) The Administrator may authorize reimbursement for travel, transportation, and subsistence expenses for security training of non-United States Government domestic and foreign individuals whose services will contribute significantly to carrying out civil aviation security programs. To the extent practicable, air travel reimbursed under this paragraph shall be on air carriers.

(d) EDUCATION AND TRAINING STANDARDS FOR SECURITY COORDINATORS, SUPERVISORY PERSONNEL, AND PILOTS.—(1) The Administrator shall prescribe standards for educating and training—

(A) ground security coordinators;

(B) security supervisory personnel; and

(C) airline pilots as in-flight security coordinators.

(2) The standards shall include initial training, retraining, and continuing education requirements and methods. Those requirements and methods shall be used annually to measure the performance of ground security coordinators and security supervisory personnel.

§44936. Employment investigations and restrictions

(a) EMPLOYMENT INVESTIGATION REQUIREMENT.—(1) The Administrator of the Federal Aviation Administration shall require by regulation that an employment investigation, including a criminal history record check, shall be

conducted, as the Administrator decides is necessary to ensure air transportation security, of each individual employed in, or applying for, a position in which the individual has unescorted access, or may permit other individuals to have unescorted access, to—

(A) aircraft of an air carrier or foreign air carrier; or

(B) a secured area of an airport in the United States the Administrator designates that serves an air carrier or foreign air carrier.

(2) An air carrier, foreign air carrier, or airport operator that employs, or authorizes or makes a contract for the services of, an individual in a position described in paragraph (1) of this subsection shall ensure that the investigation the Administrator requires is conducted.

(b) Prohibited Employment.—(1) Except as provided in paragraph (3) of this subsection, an air carrier, foreign air carrier, or airport operator may not employ, or authorize or make a contract for the services of, an individual in a position described in subsection (a)(1) of this section if—

(A) the investigation of the individual required under this section has not been conducted; or

(B) the results of that investigation establish that, in the 10-year period ending on the date of the investigation, the individual was convicted of—

(i) a crime referred to in section 46306, 46308, 46312, 46314, or 46315 or chapter 465 of this title or section 32 of title 18;

(ii) murder;

(iii) assault with intent to murder;

(iv) espionage;

(v) sedition;

(vi) treason;

(vii) rape;

(viii) kidnapping;

(ix) unlawful possession, sale, distribution, or manufacture of an explosive or weapon;

(x) extortion;

(xi) armed robbery;

(xii) distribution of, or intent to distribute, a controlled substance; or

(xiii) conspiracy to commit any of the acts referred to in clauses (i)–(xii) of this paragraph.

(2) The Administrator may specify other factors that are sufficient to prohibit the employment of an individual in a position described in subsection (a)(1) of this section.

(3) An air carrier, foreign air carrier, or airport operator may employ, or authorize or contract for the services of, an individual in a position described in subsection (a)(1) of this section without carrying out the investigation required under this section, if the Administrator approves a plan to employ the individual that provides alternate security arrangements.

(c) Fingerprinting and Record Check Information.—(1) If the Administrator requires an identification and criminal history record check, to be conducted by the Attorney General, as part of an investigation under this section, the Administrator shall designate an individual to obtain fingerprints and submit those fingerprints to the Attorney General. The Attorney General may make the results of a check available to an individual the Administrator designates. Before designating an individual to obtain and submit fingerprints or receive results of a check, the Administrator shall consult with the Attorney General.

(2) The Administrator shall prescribe regulations on—

(A) procedures for taking fingerprints; and

(B) requirements for using information received from the Attorney General under paragraph (1) of this subsection—

(i) to limit the dissemination of the information; and

(ii) to ensure that the information is used only to carry out this section.

(3) If an identification and criminal history record check is conducted as part of an investigation of an individual under this section, the individual—

(A) shall receive a copy of any record received from the Attorney General; and

(B) may complete and correct the information contained in the check before a final employment decision is made based on the check.

(d) Fees and Charges.—The Administrator and the Attorney General shall establish reasonable fees and charges to pay expenses incurred in carrying out this section. The employer of the individual being investigated shall pay the costs of a record check of the individual. Money collected under this section shall be credited to the account in the Treasury from which the expenses were incurred and are available to the Administrator and the Attorney General for those expenses.

(e) When Investigation or Record Check Not Required.—This section does not require an investigation or record check when the investigation or record check is prohibited by a law of a foreign country.

§44937. Prohibition on transferring duties and powers

Except as specifically provided by law, the Administrator of the Federal Aviation Administration may not transfer a duty or power under section 44903(a), (b), (c), or (e), 44906(a)(1) or (b), 44912, 44935, 44936, or 44938(b)(3) of this title to another department, agency, or instrumentality of the United States Government.

§44938. Reports

(a) Transportation Security.—Not later than December 31 of each year, the Secretary of Transportation shall submit to Congress a report on transportation security with recommendations the Secretary considers appropriate. The report shall be prepared in conjunction with the annual report the Administrator of the Federal Aviation Administration submits under subsection (b) of this section, but may not duplicate the information submitted under subsection (b) or section 44907(a)(3) of this title. The Secretary may submit the report in classified and unclassified parts. The report shall include—

(1) an assessment of trends and developments in terrorist activities, methods, and other threats to transportation;

(2) an evaluation of deployment of explosive detection devices;

(3) recommendations for research, engineering, and development activities related to transportation security, except research engineering and development activities related to aviation security to the extent those activities are covered by the national aviation research plan required under section 44501(c) of this title;

(4) identification and evaluation of cooperative efforts with other departments, agencies, and instrumentalities of the United States Government;

(5) an evaluation of cooperation with foreign transportation and security authorities;

(6) the status of the extent to which the recommendations of the President's Commission on Aviation Security and Terrorism have been carried out and the reasons for any delay in carrying out those recommendations;

(7) a summary of the activities of the Director of Intelligence and Security in the 12-month period ending on the date of the report;

(8) financial and staffing requirements of the Director;

(9) an assessment of financial and staffing requirements, and attainment of existing staffing goals, for carrying out duties and powers of the Administrator related to security; and

(10) appropriate legislative and regulatory recommendations.

(b) Screening and Foreign Air Carrier and Airport Security.—The Administrator shall submit annually to Congress a report—

(1) on the effectiveness of procedures under section 44901 of this title;

(2) that includes a summary of the assessments conducted under section 44907(a)(1) and (2) of this title; and

(3) that includes an assessment of the steps being taken, and the progress being made, in ensuring compliance with section 44906 of this title for each foreign air carrier security program at airports outside the United States—

(A) at which the Administrator decides that Foreign Security Liaison Officers are necessary for air transportation security; and

(B) for which extraordinary security measures are in place.

(c) Domestic Air Transportation System Security.—The Administrator shall submit to Congress an annual report for each of the calendar years 1991 and 1992 on the progress being made, and the problems occurring, in carrying out section 44904 of this title. The report shall include recommendations for improving domestic air transportation security.

CHAPTER 451—ALCOHOL AND CONTROLLED SUBSTANCES TESTING

Sec.

45101. Definition.
45102. Alcohol and controlled substances testing programs.
45103. Prohibited service.
45104. Testing and laboratory requirements.
45105. Rehabilitation.
45106. Relationship to other laws, regulations, standards, and orders.

§45101. Definition

In this chapter, "controlled substance" means any substance under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) specified by the Administrator of the Federal Aviation Administration.

§45102. Alcohol and controlled substances testing programs

(a) Program for Employees of Air Carriers and Foreign Air Carriers.—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations not later than October 28, 1992, that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol or a controlled substance in violation of law or a United States Government regulation.

(2) When the Administrator considers it appropriate in the interest of safety, the Administrator may prescribe regulations for conducting periodic recurring testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions for the use of alcohol or a controlled substance in violation of law or a Government regulation.

(b) Program for Employees of the Federal Aviation Administration.—(1) The Administrator shall establish a program of preemployment, reasonable suspicion, random, and post-accident testing for the use of alcohol or a controlled substance in violation of law or a Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions.

(2) When the Administrator considers it appropriate in the interest of safety, the Administrator may prescribe regulations for conducting periodic recurring testing of employees of the

Administration responsible for safety-sensitive functions for use of alcohol or a controlled substance in violation of law or a Government regulation.

(c) SANCTIONS.—In prescribing regulations under the programs required by this section, the Administrator shall require, as the Administrator considers appropriate, the suspension or revocation of any certificate issued to an individual referred to in this section, or the disqualification or dismissal of the individual, under this chapter when a test conducted and confirmed under this chapter indicates the individual has used alcohol or a controlled substance in violation of law or a Government regulation.

§45103. Prohibited service

(a) USE OF ALCOHOL OR A CONTROLLED SUBSTANCE.—An individual may not use alcohol or a controlled substance after October 28, 1991, in violation of law or a United States Government regulation and serve as an airman, crewmember, airport security screening contract employee, air carrier employee responsible for safety-sensitive functions (as decided by the Administrator of the Federal Aviation Administration), or employee of the Administration with responsibility for safety-sensitive functions.

(b) REHABILITATION REQUIRED TO RESUME SERVICE.—Notwithstanding subsection (a) of this section, an individual found to have used alcohol or a controlled substance after October 28, 1991, in violation of law or a Government regulation may serve as an airman, crewmember, airport security screening contract employee, air carrier employee responsible for safety-sensitive functions (as decided by the Administrator), or employee of the Administration with responsibility for safety-sensitive functions only if the individual completes a rehabilitation program described in section 45105 of this title.

(c) PERFORMANCE OF PRIOR DUTIES PROHIBITED.—An individual who served as an airman, crewmember, airport security screening contract employee, air carrier employee responsible for safety-sensitive functions (as decided by the Administrator), or employee of the Administration with responsibility for safety-sensitive functions and who was found by the Administrator to have used alcohol or a controlled substance after October 28, 1991, in violation of law or a Government regulation may not carry out the duties related to air transportation that the individual carried out before the finding of the Administrator if the individual—

(1) used the alcohol or controlled substance when on duty;

(2) began or completed a rehabilitation program described in section 45105 of this title before using the alcohol or controlled substance; or

(3) refuses to begin or complete a rehabilitation program described in section 45105 of this title after a finding by the Administrator under this section.

§45104. Testing and laboratory requirements

In carrying out section 45102 of this title, the Administrator of the Federal Aviation Administration shall develop requirements that—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimens;

(2) for laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any amendments to those guidelines, including mandatory guidelines establishing—

(A) comprehensive standards for every aspect of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this chapter, including standards requiring the use of the best available technology to ensure the complete reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimens collected for controlled substances testing;

(B) the minimum list of controlled substances for which individuals may be tested; and

(C) appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this chapter;

(3) require that a laboratory involved in controlled substances testing under this chapter have the capability and facility, at the laboratory, of performing screening and confirmation tests;

(4) provide that all tests indicating the use of alcohol or a controlled substance in violation of law or a United States Government regulation be confirmed by a scientifically recognized method of testing capable of providing quantitative information about alcohol or a controlled substance;

(5) provide that each specimen be subdivided, secured, and labeled in the presence of the tested individual and that a part of the specimen be retained in a secure manner to prevent the possibility of tampering, so that if the individual's confirmation test results are positive the individual has an opportunity to have the retained part tested by a 2d confirmation test done independently at another certified laboratory if the individual requests the 2d confirmation test not later than 3 days after being advised of the results of the first confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations that may be necessary and in consultation with the Secretary of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (except information about alcohol or a controlled substance) of employees, except that this clause does not prevent the use of test results for the orderly imposition of appropriate sanctions under this chapter; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

§45105. Rehabilitation

(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—The Administrator of the Federal Aviation Administration shall prescribe regulations establishing requirements for rehabilitation programs that at least provide for the identification and opportunity for treatment of employees of air carriers and foreign air carriers referred to in section 45102(a)(1) of this title who need assistance in resolving problems with the use of alcohol or a controlled substance in violation of law or a United States Government regulation. Each air carrier and foreign air carrier is encouraged to make such a program available to all its employees in addition to the employees referred to in section 45102(a)(1)(A). The Administrator shall decide on the circumstances under which employees shall be required to participate in a program. This subsection does not prevent an air carrier or foreign air carrier from establishing a program under this subsection in cooperation with another air carrier or foreign air carrier.

(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—The Administrator shall establish and maintain a rehabilitation program that at least provides for the identification and opportunity for treatment of employees of the Administration whose duties include responsibility for safety-sensitive functions who need assistance in resolving problems with the use of alcohol or a controlled substance.

§45106. Relationship to other laws, regulations, standards, and orders

(a) EFFECT ON STATE AND LOCAL GOVERNMENT LAWS, REGULATIONS, STANDARDS, OR ORDERS.—A State or local government may not prescribe, issue, or continue in effect a law, regulation, standard, or order that is inconsistent with regulations prescribed under this chapter. However, a regulation prescribed under this chapter does not preempt a State criminal law that imposes sanctions for reckless conduct leading to loss of life, injury, or damage to property.

(b) INTERNATIONAL OBLIGATIONS AND FOREIGN LAWS.—(1) In prescribing regulations under this chapter, the Administrator of the Federal Aviation Administration—

(A) shall establish only requirements applicable to foreign air carriers that are consistent with international obligations of the United States; and

(B) shall consider applicable laws and regulations of foreign countries.

(2) The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to strengthen and enforce existing standards to prohibit crewmembers in international civil aviation from using alcohol or a controlled substance in violation of law or a United States Government regulation.

(c) OTHER REGULATIONS ALLOWED.—This section does not prevent the Administrator from continuing in effect, amending, or further supplementing a regulation prescribed before October 28, 1991, governing the use of alcohol or a controlled substance by airmen, crewmembers, airport security screening contract employees, air carrier employees responsible for safety-sensitive functions (as decided by the Administrator), or employees of the Administration with responsibility for safety-sensitive functions.

CHAPTER 453—FEES

Sec.
45301. Authority to impose fees.
45302. Fees involving aircraft not providing air transportation.
45303. Maximum fees for private person services.

§45301. Authority to impose fees

(a) GENERAL AUTHORITY.—The Secretary of Transportation may impose a fee for an approval, test, authorization, certificate, permit, registration, transfer, or rating related to aviation that has not been approved by Congress only when the fee—

(1)(A) was in effect on January 1, 1973; and

(B) is not more than the fee in effect on January 1, 1973, adjusted in proportion to changes in the Consumer Price Index of All Urban Consumers published by the Secretary of Labor between January 1, 1973, and the date the fee is imposed; or

(2) is imposed under section 45302 of this title.

(b) NONAPPLICATION.—This section does not apply to a fee for a test, authorization, certificate, permit, or rating related to an airman or repair station administered or issued outside the United States.

§45302. Fees involving aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.

(b) GENERAL AUTHORITY AND MAXIMUM FEES.—The Administrator of the Federal Aviation Administration may impose fees to pay for the costs of issuing airman certificates to pilots and certificates of registration of aircraft and processing forms for major repairs and alterations of fuel tanks and fuel systems of aircraft.

The following fees may not be more than the amounts specified:

(1) $12 for issuing an airman's certificate to a pilot.

(2) $25 for registering an aircraft after the transfer of ownership.

(3) $15 for renewing an aircraft registration.

(4) $7.50 for processing a form for a major repair or alteration of a fuel tank or fuel system of an aircraft.

(c) ADJUSTMENTS.—The Administrator shall adjust the maximum fees established by subsection (b) of this section for changes in the Consumer Price Index of All Urban Consumers published by the Secretary of Labor.

(d) CREDIT TO ACCOUNT AND AVAILABILITY.—Money collected from fees imposed under this section shall be credited to the account in the Treasury from which the Administrator incurs expenses in carrying out chapter 441 and sections 44701–44716 of this title (except sections 44701(c), 44703(f)(2), and 44713(d)(2)). The money is available to the Administrator to pay expenses for which the fees are collected.

§45303. Maximum fees for private person services

The Administrator of the Federal Aviation Administration may establish maximum fees that private persons may charge for services performed under a delegation to the person under section 44702(d) of this title.

SUBPART IV—ENFORCEMENT AND PENALTIES

CHAPTER 461—INVESTIGATIONS AND PROCEEDINGS

Sec.
46101. Complaints and investigations.
46102. Proceedings.
46103. Service of notice, process, and actions.
46104. Evidence.
46105. Regulations and orders.
46106. Enforcement by the Secretary of Transportation and Administrator of the Federal Aviation Administration.
46107. Enforcement by the Attorney General.
46108. Enforcement of certificate requirements by interested persons.
46109. Joinder and intervention.
46110. Judicial review.

§46101. Complaints and investigations

(a) GENERAL.—(1) A person may file a complaint in writing with the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) about a person violating this part or a requirement prescribed under this part. Except as provided in subsection (b) of this section, the Secretary or Administrator shall investigate the complaint if a reasonable ground appears to the Secretary or Administrator for the investigation.

(2) On the initiative of the Secretary of Transportation or the Administrator, as appropriate, the Secretary or Administrator may conduct an investigation, if a reasonable ground appears to the Secretary or Administrator for the investigation, about—

(A) a person violating this part or a requirement prescribed under this part; or

(B) any question that may arise under this part.

(3) The Secretary of Transportation or Administrator may dismiss a complaint without a hearing when the Secretary or Administrator is of the opinion that the complaint does not state facts that warrant an investigation or action.

(4) After notice and an opportunity for a hearing and subject to section 40105(b) of this title, the Secretary of Transportation or Administrator shall issue an order to compel compliance with this part if the Secretary or Administrator finds in an investigation under this subsection that a person is violating this part.

(b) COMPLAINTS AGAINST MEMBERS OF ARMED FORCES.—The Secretary of Transportation or Administrator shall refer a complaint against a member of the armed forces of the United States performing official duties to the Secretary of the department concerned for action. Not later than 90 days after receiving the complaint, the Secretary of that department shall inform the Secretary of Transportation or Administrator of the action taken on the complaint, including any corrective or disciplinary action taken.

§46102. Proceedings

(a) CONDUCTING PROCEEDINGS.—Subject to subchapter II of chapter 5 of title 5, the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may conduct proceedings in a way conducive to justice and the proper dispatch of business.

(b) APPEARANCE.—A person may appear and be heard before the Secretary and the Administrator in person or by an attorney. The Secretary may appear and participate as an interested party in a proceeding the Administrator conducts under section 40113(a) of this title.

(c) RECORDING AND PUBLIC ACCESS.—Official action taken by the Secretary and Administrator under this part shall be recorded. Proceedings before the Secretary and Administrator shall be open to the public on the request of an interested party unless the Secretary or Administrator decides that secrecy is required because of national defense.

(d) CONFLICTS OF INTEREST.—The Secretary, the Administrator, or an officer or employee of the Administration may not participate in a proceeding referred to in subsection (a) of this section in which the individual has a pecuniary interest.

§46103. Service of notice, process, and actions

(a) DESIGNATING AGENTS.—(1) Each air carrier and foreign air carrier shall designate an agent on whom service of notice and process in a proceeding before, and an action of, the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may be made.

(2) The designation—

(A) shall be in writing and filed with the Secretary or Administrator; and

(B) may be changed in the same way as originally made.

(b) SERVICE.—(1) Service may be made—

(A) by personal service;

(B) on a designated agent; or

(C) by certified or registered mail to the person to be served or the designated agent of the person.

(2) The date of service made by certified or registered mail is the date of mailing.

(c) SERVING AGENTS.—Service on an agent designated under this section shall be made at the office or usual place of residence of the agent. If an air carrier or foreign air carrier does not have a designated agent, service may be made by posting the notice, process, or action in the office of the Secretary or Administrator.

§46104. Evidence

(a) GENERAL.—In conducting a hearing or investigation under this part, the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may—

(1) subpena witnesses and records related to a matter involved in the hearing or investigation from any place in the United States to the designated place of the hearing or investigation;

(2) administer oaths;

(3) examine witnesses; and

(4) receive evidence at a place in the United States the Secretary or Administrator designates.

(b) COMPLIANCE WITH SUBPENAS.—If a person disobeys a subpena, the Secretary, the Administrator, or a party to a proceeding before the Secretary or Administrator may petition a court of the United States to enforce the subpena. A judicial proceeding to enforce a subpena under this section may be brought in the jurisdiction in which the proceeding or investigation is conducted. The court may punish a failure to obey an order of the court to comply with the subpena as a contempt of court.

(c) DEPOSITIONS.—(1) In a proceeding or investigation, the Secretary or Administrator may order a person to give testimony by deposition and to produce records. If a person fails to be deposed or to produce records, the order may be enforced in the same way a subpena may be enforced under subsection (b) of this section.

(2) A deposition may be taken before an individual designated by the Secretary or Administrator and having the power to administer oaths.

(3) Before taking a deposition, the party or the attorney of the party proposing to take the deposition must give reasonable notice in writing to the opposing party or the attorney of record of that party. The notice shall state the name of the witness and the time and place of taking the deposition.

(4) The testimony of a person deposed under this subsection shall be under oath. The person taking the deposition shall prepare, or cause to be prepared, a transcript of the testimony taken. The transcript shall be subscribed by the deponent. Each deposition shall be filed promptly with the Secretary or Administrator.

(5) If the laws of a foreign country allow, the testimony of a witness in that country may be taken by deposition—

(A) by a consular officer or an individual commissioned by the Secretary or Administrator or agreed on by the parties by written stipulation filed with the Secretary or Administrator; or

(B) under letters rogatory issued by a court of competent jurisdiction at the request of the Secretary or Administrator.

(d) WITNESS FEES AND MILEAGE AND CERTAIN FOREIGN COUNTRY EXPENSES.—A witness summoned before the Secretary or Administrator or whose deposition is taken under this section and the individual taking the deposition are each entitled to the same fee and mileage that the witness and individual would have been paid for those services in a court of the United States. Under regulations of the Secretary or Administrator, the Secretary or Administrator shall pay the necessary expenses incident to executing, in another country, a commission or letter rogatory issued at the initiative of the Secretary or Administrator.

(e) DESIGNATING EMPLOYEES TO CONDUCT HEARINGS.—When designated by the Secretary or Administrator, an employee appointed under section 3105 of title 5 may conduct a hearing, subpena witnesses, administer oaths, examine witnesses, and receive evidence at a place in the United States the Secretary or Administrator designates. On request of a party, the Secretary or Administrator shall hear or receive argument.

§46105. Regulations and orders

(a) EFFECTIVENESS OF ORDERS.—Except as provided in this part, a regulation prescribed or order issued by the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) takes effect within a reasonable time prescribed by the Secretary or Administrator. The regulation or order remains in

effect under its own terms or until superseded. Except as provided in this part, the Secretary or Administrator may amend, modify, or suspend an order in the way, and by giving the notice, the Secretary or Administrator decides.

(b) CONTENTS AND SERVICE OF ORDERS.—An order of the Secretary or Administrator shall include the findings of fact on which the order is based and shall be served on the parties to the proceeding and the persons affected by the order.

(c) EMERGENCIES.—When the Administrator is of the opinion that an emergency exists related to safety in air commerce and requires immediate action, the Administrator, on the initiative of the Administrator or on complaint, may prescribe regulations and issue orders immediately to meet the emergency, with or without notice and without regard to this part and subchapter II of chapter 5 of title 5. The Administrator shall begin a proceeding immediately about an emergency under this subsection and give preference, when practicable, to the proceeding.

§46106. Enforcement by the Secretary of Transportation and Administrator of the Federal Aviation Administration

The Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) may bring a civil action against a person in a district court of the United States to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part. The action may be brought in the judicial district in which the person does business or the violation occurred.

§46107. Enforcement by the Attorney General

(a) CIVIL ACTIONS TO ENFORCE SECTION 40106(b).—The Attorney General may bring a civil action in a district court of the United States against a person to enforce section 40106(b) of this title. The action may be brought in the judicial district in which the person does business or the violation occurred.

(b) CIVIL ACTIONS TO ENFORCE THIS PART.—(1) On request of the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator), the Attorney General may bring a civil action in an appropriate court—

(A) to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part; and

(B) to prosecute a person violating this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part.

(2) The costs and expenses of a civil action shall be paid out of the appropriations for the expenses of the courts of the United States.

(c) PARTICIPATION OF SECRETARY OR ADMINISTRATOR.—On request of the Attorney General, the Secretary or Administrator, as appropriate, may participate in a civil action under this part.

§46108. Enforcement of certificate requirements by interested persons

An interested person may bring a civil action in a district court of the United States against a person to enforce section 41101(a)(1) of this title. The action may be brought in the judicial district in which the defendant does business or the violation occurred.

§46109. Joinder and intervention

A person interested in or affected by a matter under consideration in a proceeding before the Secretary of Transportation or civil action to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part may be joined as a party or permitted to intervene in the proceeding or civil action.

§46110. Judicial review

(a) FILING AND VENUE.—Except for an order related to a foreign air carrier subject to disapproval by the President under section 41307 or 41509(f) of this title, a person disclosing a substantial interest in an order issued by the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) under this part may apply for review of the order by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary or Administrator, as appropriate. The Secretary or Administrator shall file with the court a record of any proceeding in which the order was issued, as provided in section 2112 of title 28.

(c) AUTHORITY OF COURT.—When the petition is sent to the Secretary or Administrator, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary or Administrator to conduct further proceedings. After reasonable notice to the Secretary or Administrator, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary or Administrator, if supported by substantial evidence, are conclusive.

(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing an order under this section, the court may consider an objection to an order of the Secretary or Administrator only if the objection was made in the proceeding conducted by the Secretary or Administrator or if there was a reasonable ground for not making the objection in the proceeding.

(e) SUPREME COURT REVIEW.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28.

CHAPTER 463—PENALTIES

Sec.

46301. Civil penalties.
46302. False information.
46303. Carrying a weapon.
46304. Liens on aircraft.
46305. Actions to recover civil penalties.
46306. Registration violations involving aircraft not providing air transportation.
46307. Violation of national defense airspace.
46308. Interference with air navigation.
46309. Concession and price violations.
46310. Reporting and recordkeeping violations.
46311. Unlawful disclosure of information.
46312. Transporting hazardous material.
46313. Refusing to appear or produce records.
46314. Entering aircraft or airport area in violation of security requirements.
46315. Lighting violations involving transporting controlled substances by aircraft not providing air transportation.
46316. General criminal penalty when specific penalty not provided.

§46301. Civil penalties

(a) GENERAL PENALTY.—(1) A person is liable to the United States Government for a civil penalty of not more than $1,000 for violating—

(A) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 411, section 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, or 41731–41742, chapter 419, subchapter II of chapter 421, chapter 441 (except section 44109), or section 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44909(a), 44912–44915, 44932–44938, 46302, or 46303 of this title;

(B) a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies;

(C) any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title; or

(D) a regulation of the United States Postal Service under this part.

(2) A person operating an aircraft for the transportation of passengers or property for compensation (except an airman serving as an airman) is liable to the Government for a civil penalty of not more than $10,000 for violating—

(A) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117) or section 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44912–44915, or 44932–44938 of this title; or

(B) a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies.

(3) A civil penalty of not more than $10,000 may be imposed for each violation under paragraph (1) of this subsection related to—

(A) the transportation of hazardous material; or

(B) the registration or recordation under chapter 441 of this title of an aircraft not used to provide air transportation.

(4) A separate violation occurs under this subsection for each day the violation continues or, if applicable, for each flight involving the violation.

(b) SMOKE ALARM DEVICE PENALTY.—(1) A passenger may not tamper with, disable, or destroy a smoke alarm device located in a lavatory on an aircraft providing air transportation or intrastate air transportation.

(2) An individual violating this subsection is liable to the Government for a civil penalty of not more than $2,000.

(c) PROCEDURAL REQUIREMENTS.—(1) The Secretary of Transportation may impose a civil penalty for the following violations only after notice and an opportunity for a hearing:

(A) a violation of subsection (b) of this section or chapter 411, section 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, or 41731–41742, chapter 419, or subchapter II of chapter 421 of this title.

(B) a violation of a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies.

(C) a violation of any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title.

(D) a violation under subsection (a)(1) of this section related to the transportation of hazardous material.

(2) The Secretary shall give written notice of the finding of a violation and the civil penalty under paragraph (1) of this subsection.

(d) ADMINISTRATIVE IMPOSITION OF PENALTIES.—(1) In this subsection—

(A) "flight engineer" means an individual who holds a flight engineer certificate issued under part 63 of title 14, Code of Federal Regulations.

(B) "mechanic" means an individual who holds a mechanic certificate issued under part 65 of title 14, Code of Federal Regulations.

(C) "pilot" means an individual who holds a pilot certificate issued under part 61 of title 14, Code of Federal Regulations.

(D) "repairman" means an individual who holds a repairman certificate issued under part 65 of title 14, Code of Federal Regulations.

(2) The Administrator of the Federal Aviation Administration may impose a civil penalty for a violation of chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), chapter 441 (except section 44109), or section 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44912–44915, 44932–44938, 46302, or 46303 of this title or a regulation prescribed or order issued under any of those provisions. The Administrator shall give written notice of the finding of a violation and the penalty.

(3) In a civil action to collect a civil penalty imposed by the Administrator under this subsection, the issues of liability and the amount of the penalty may not be reexamined.

(4) Notwithstanding paragraph (2) of this subsection, the district courts of the United States have exclusive jurisdiction of a civil action involving a penalty the Administrator initiates if—

(A) the amount in controversy is more than $50,000;

(B) the action is in rem or another action in rem based on the same violation has been brought;

(C) the action involves an aircraft subject to a lien that has been seized by the Government; or

(D) another action has been brought for an injunction based on the same violation.

(5)(A) The Administrator may issue an order imposing a penalty under this subsection against an individual acting as a pilot, flight engineer, mechanic, or repairman only after advising the individual of the charges or any reason the Administrator relied on for the proposed penalty and providing the individual an opportunity to answer the charges and be heard about why the order shall not be issued.

(B) An individual acting as a pilot, flight engineer, mechanic, or repairman may appeal an order imposing a penalty under this subsection to the National Transportation Safety Board. After notice and an opportunity for a hearing on the record, the Board shall affirm, modify, or reverse the order. The Board may modify a civil penalty imposed to a suspension or revocation of a certificate.

(C) When conducting a hearing under this paragraph, the Board is not bound by findings of fact of the Administrator but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law.

(D) When an individual files an appeal with the Board under this paragraph, the order of the Administrator is stayed.

(6) An individual substantially affected by an order of the Board under paragraph (5) of this subsection, or the Administrator when the Administrator decides that an order of the Board under paragraph (5) will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. Findings of fact of the Board are conclusive if supported by substantial evidence.

(7)(A) The Administrator may impose a penalty on an individual (except an individual acting as a pilot, flight engineer, mechanic, or repairman) only after notice and an opportunity for a hearing on the record.

(B) In an appeal from a decision of an administrative law judge as the result of a hearing under subparagraph (A) of this paragraph, the Administrator shall consider only whether—

(i) each finding of fact is supported by a preponderance of reliable, probative, and substantial evidence;

(ii) each conclusion of law is made according to applicable law, precedent, and public policy; and

(iii) the judge committed a prejudicial error that supports the appeal.

(C) Except for good cause, a civil action involving a penalty under this paragraph may not be initiated later than 2 years after the violation occurs.

(8) The maximum civil penalty the Administrator or Board may impose under this subsection is $50,000.

(9) This subsection applies only to a violation occurring after August 25, 1992.

(e) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under subsection (a)(3) of this section related to transportation of hazardous material, the Secretary shall consider—

(1) the nature, circumstances, extent, and gravity of the violation;

(2) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(3) other matters that justice requires.

(f) COMPROMISE AND SETOFF.—(1)(A) The Secretary may compromise the amount of a civil penalty imposed for violating—

(i) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 441 (except section 44109), or section 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44912–44915, or 44932–44938 of this title; or

(ii) a regulation prescribed or order issued under any provision to which clause (i) of this subparagraph applies.

(B) The Postal Service may compromise the amount of a civil penalty imposed under subsection (a)(1)(D) of this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(g) JUDICIAL REVIEW.—An order of the Secretary imposing a civil penalty may be reviewed judicially only under section 46110 of this title.

(h) NONAPPLICATION.—(1) This section does not apply to the following when performing official duties:

(A) a member of the armed forces of the United States.

(B) a civilian employee of the Department of Defense subject to the Uniform Code of Military Justice.

(2) The appropriate military authority is responsible for taking necessary disciplinary action and submitting to the Secretary (or the Administrator with respect to aviation safety duties and powers designated to be carried out by the Administrator) a timely report on action taken.

§46302. False information

(a) CIVIL PENALTY.—A person that, knowing the information to be false, gives, or causes to be given, under circumstances in which the information reasonably may be believed, false information about an alleged attempt being made or to be made to do an act that would violate section 46502(a), 46504, 46505, or 46506 of this title, is liable to the United States Government for a civil penalty of not more than $10,000 for each violation.

(b) COMPROMISE AND SETOFF.—(1) The Secretary of Transportation may compromise the amount of a civil penalty imposed under subsection (a) of this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

§46303. Carrying a weapon

(a) CIVIL PENALTY.—An individual who, when on, or attempting to board, an aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about the individual or the property of the individual a concealed dangerous weapon that is or would be accessible to the individual in flight is liable to the United States Government for a civil penalty of not more than $10,000 for each violation.

(b) COMPROMISE AND SETOFF.—(1) The Secretary of Transportation may compromise the amount of a civil penalty imposed under subsection (a) of this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual liable for the penalty.

(c) NONAPPLICATION.—This section does not apply to—

(1) a law enforcement officer of a State or political subdivision of a State, or an officer or employee of the Government, authorized to carry arms in an official capacity; or

(2) another individual the Administrator of the Federal Aviation Administration by regulation authorizes to carry arms in an official capacity.

§46304. Liens on aircraft

(a) AIRCRAFT SUBJECT TO LIENS.—When an aircraft is involved in a violation referred to in section 46301(a)(1)(A)–(C), (2), or (3) of this title and the violation is by the owner of, or individual commanding, the aircraft, the aircraft is subject to a lien for the civil penalty.

(b) SEIZURE.—An aircraft subject to a lien under this section may be seized summarily and placed in the custody of a person authorized to take custody of it under regulations of the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator). A report on the seizure shall be submitted to the Attorney General. The Attorney General promptly shall bring a civil action in rem to enforce the lien or notify the Secretary or Administrator that the action will not be brought.

(c) RELEASE.—An aircraft seized under subsection (b) of this section shall be released from custody when—

(1) the civil penalty is paid;

(2) a compromise amount agreed on is paid;

(3) the aircraft is seized under a civil action in rem to enforce the lien;

(4) the Attorney General gives notice that a civil action will not be brought under subsection (b) of this section; or

(5) a bond (in an amount and with a surety the Secretary or Administrator prescribes), conditioned on payment of the penalty or compromise, is deposited with the Secretary or Administrator.

§46305. Actions to recover civil penalties

A civil penalty under this chapter may be collected by bringing a civil action against the person subject to the penalty, a civil action in rem against an aircraft subject to a lien for a penalty, or both. The action shall conform as nearly as practicable to a civil action in admiralty, regardless of the place an aircraft in a civil action in rem is seized. However, a party may demand a jury trial of an issue of fact in an action involving a civil penalty under this chapter (except a penalty imposed by the Secretary of Transportation that formerly was imposed by the Civil Aeronautics Board) if the value of the matter in controversy is more than $20. Issues of fact tried by a jury may be reexamined only under common law rules.

§46306. Registration violations involving aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.

(b) GENERAL CRIMINAL PENALTY.—Except as provided by subsection (c) of this section, a person shall be fined under title 18, imprisoned for not more than 3 years, or both, if the person—

(1) knowingly and willfully forges or alters a certificate authorized to be issued under this part;

(2) knowingly sells, uses, attempts to use, or possesses with the intent to use, such a certificate;

(3) knowingly and willfully displays or causes to be displayed on an aircraft a mark that is false or misleading about the nationality or registration of the aircraft;

(4) obtains a certificate authorized to be issued under this part by knowingly and willfully falsifying or concealing a material fact, making a false, fictitious, or fraudulent statement, or making or using a false document knowing it contains a false, fictitious, or fraudulent statement or entry;

(5) owns an aircraft eligible for registration under section 44102 of this title and knowingly and willfully operates, attempts to operate, or allows another person to operate the aircraft when—

(A) the aircraft is not registered under section 44103 of this title or the certificate of registration is suspended or revoked; or

(B) the owner knows or has reason to know that the other person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

(6) knowingly and willfully operates or attempts to operate an aircraft eligible for registration under section 44102 of this title knowing that—

(A) the aircraft is not registered under section 44103 of this title;

(B) the certificate of registration is suspended or revoked; or

(C) the person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

(7) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity;

(8) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity; or

(9) operates an aircraft with a fuel tank or fuel system that has been installed or modified knowing that the tank, system, installation, or modification does not comply with regulations and requirements of the Administrator of the Federal Aviation Administration.

(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—(1) In this subsection, "controlled substance" has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(2) A person violating subsection (b) of this section shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and the transporting, aiding, or facilitating—

(A) is punishable by death or imprisonment of more than one year under a law of the United States or a State; or

(B) provided is related to an act punishable by death or imprisonment for more than one year under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance).

(3) A term of imprisonment imposed under paragraph (2) of this subsection shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual.

(d) SEIZURE AND FORFEITURE.—(1) The Administrator of Drug Enforcement or the Commissioner of Customs may seize and forfeit under the customs laws an aircraft whose use is related to a violation of subsection (b) of this section, or to aid or facilitate a violation, regardless of whether a person is charged with the violation.

(2) An aircraft's use is presumed to have been related to a violation of, or to aid or facilitate a violation of—

(A) subsection (b)(1) of this section if the aircraft certificate of registration has been forged or altered;

(B) subsection (b)(3) of this section if there is an external display of false or misleading registration numbers or country of registration;

(C) subsection (b)(4) of this section if—

(i) the aircraft is registered to a false or fictitious person; or

(ii) the application form used to obtain the aircraft certificate of registration contains a material false statement;

(D) subsection (b)(5) of this section if the aircraft was operated when it was not registered under section 44103 of this title; or

(E) subsection (b)(9) of this section if the aircraft has a fuel tank or fuel system that was installed or altered—

(i) in violation of a regulation or requirement of the Administrator of the Federal Aviation Administration; or

(ii) if a certificate required to be issued for the installation or alteration is not carried on the aircraft.

(3) The Administrator of the Federal Aviation Administration, the Administrator of Drug Enforcement, and the Commissioner shall agree to a memorandum of understanding to establish procedures to carry out this subsection.

(e) RELATIONSHIP TO STATE LAWS.—This part does not prevent a State from establishing a criminal penalty, including providing for forfeiture and seizure of aircraft, for a person that—

(1) knowingly and willfully forges or alters an aircraft certificate of registration;

(2) knowingly sells, uses, attempts to use, or possesses with the intent to use, a fraudulent aircraft certificate of registration;

(3) knowingly and willfully displays or causes to be displayed on an aircraft a mark that is false or misleading about the nationality or registration of the aircraft; or

(4) obtains an aircraft certificate of registration from the Administrator of the Federal Aviation Administration by—

(A) knowingly and willfully falsifying or concealing a material fact;

(B) making a false, fictitious, or fraudulent statement; or

(C) making or using a false document knowing it contains a false, fictitious, or fraudulent statement or entry.

§46307. Violation of national defense airspace

A person that knowingly or willfully violates section 40103(b)(3) of this title or a regulation prescribed or order issued under section 40103(b)(3) shall be fined under title 18, imprisoned for not more than one year, or both.

§46308. Interference with air navigation

A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person—

(1) with intent to interfere with air navigation in the United States, exhibits in the United States a light or signal at a place or in a way likely to be mistaken for a true light or signal established under this part or for a true light or signal used at an air navigation facility;

(2) after a warning from the Administrator of the Federal Aviation Administration, continues to maintain a misleading light or signal; or

(3) knowingly interferes with the operation of a true light or signal.

§46309. Concession and price violations

(a) CRIMINAL PENALTY FOR OFFERING, GRANTING, GIVING, OR HELPING TO OBTAIN CONCESSIONS AND LOWER PRICES.—An air carrier, foreign air carrier, ticket agent, or officer, agent, or employee of an air carrier, foreign air carrier, or ticket agent shall be fined under title 18 if the air carrier, foreign air carrier, ticket agent, officer, agent, or employee—

(1) knowingly and willfully offers, grants, or gives, or causes to be offered, granted, or given, a rebate or other concession in violation of this part; or

(2) by any means knowingly and willfully assists, or willingly allows, a person to obtain transportation or services subject to this part at less than the price lawfully in effect.

(b) CRIMINAL PENALTY FOR RECEIVING REBATES, PRIVILEGES, AND FACILITIES.—A person shall be fined under title 18 if the person by any means—

(1) knowingly and willfully solicits, accepts, or receives a rebate of a part of a price lawfully in effect for the foreign air transportation of property, or a service related to the foreign air transportation; or

(2) knowingly solicits, accepts, or receives a privilege or facility related to a matter the Secretary of Transportation requires be specified in a currently effective tariff applicable to the foreign air transportation of property.

§46310. Reporting and recordkeeping violations

(a) GENERAL CRIMINAL PENALTY.—An air carrier or an officer, agent, or employee of an air carrier shall be fined under title 18 for intentionally—

(1) failing to make a report or keep a record under this part;

(2) falsifying, mutilating, or altering a report or record under this part; or

(3) filing a false report or record under this part.

(b) SAFETY REGULATION CRIMINAL PENALTY.—An air carrier or an officer, agent, or employee of an air carrier shall be fined under title 18, imprisoned for not more than 5 years, or both, for intentionally falsifying or concealing a material fact, or inducing reliance on a false statement of material fact, in a report or record under section 44701(a) or (b) or 44702–44716 of this title.

§46311. Unlawful disclosure of information

(a) CRIMINAL PENALTY.—The Secretary of Transportation, the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator, or an officer or employee of the Secretary or Administrator shall be fined under title 18, imprisoned for not more than 2 years, or both, if the Secretary, Administrator, officer, or employee knowingly and willfully discloses information that—

(1) the Secretary, Administrator, officer, or employee acquires when inspecting the records of an air carrier; or

(2) is withheld from public disclosure under section 40115 of this title.

(b) NONAPPLICATION.—Subsection (a) of this section does not apply if—

(1) the officer or employee is directed by the Secretary or Administrator to disclose information that the Secretary or Administrator had ordered withheld; or

(2) the Secretary, Administrator, officer, or employee is directed by a court of competent jurisdiction to disclose the information.

(c) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize the Secretary or Administrator to withhold information from a committee of Congress authorized to have the information.

§46312. Transporting hazardous material

A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person, in violation of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary of Transportation under this part—

(1) willfully delivers, or causes to be delivered, property containing hazardous material to an air carrier or to an operator of a civil aircraft for transportation in air commerce; or

(2) recklessly causes the transportation in air commerce of the property.

§46313. Refusing to appear or produce records

A person not obeying a subpena or requirement of the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) to appear and testify or produce records shall be fined under title 18, imprisoned for not more than one year, or both.

§46314. Entering aircraft or airport area in violation of security requirements

(a) PROHIBITION.—A person may not knowingly and willfully enter, in violation of security requirements prescribed under section 44901, 44903(b) or (c), or 44906 of this title, an aircraft or an airport area that serves an air carrier or foreign air carrier.

(b) CRIMINAL PENALTY.—(1) A person violating subsection (a) of this section shall be fined under title 18, imprisoned for not more than one year, or both.

(2) A person violating subsection (a) of this section with intent to commit, in the aircraft or airport area, a felony under a law of the United States or a State shall be fined under title 18, imprisoned for not more than 10 years, or both.

§46315. Lighting violations involving transporting controlled substances by aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.

(b) CRIMINAL PENALTY.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if—

(1) the person knowingly and willfully operates an aircraft in violation of a regulation or requirement of the Administrator of the Federal Aviation Administration related to the display of navigation or anticollision lights;

(2) the person is knowingly transporting a controlled substance by aircraft or aiding or facilitating a controlled substance offense; and

(3) the transporting, aiding, or facilitating—

(A) is punishable by death or imprisonment for more than one year under a law of the United States or a State; or

(B) is provided in connection with an act punishable by death or imprisonment for more than one year under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance).

§46316. General criminal penalty when specific penalty not provided

(a) CRIMINAL PENALTY.—Except as provided by subsection (b) of this section, when another criminal penalty is not provided under this chapter, a person that knowingly and willfully violates this part, a regulation prescribed or order issued by the Secretary of Transportation (or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) under this part, or any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title shall be fined under title 18. A separate violation occurs for each day the violation continues.

(b) NONAPPLICATION.—Subsection (a) of this section does not apply to chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 441 (except section 44109), chapter 445, and sections 44701(a) and (b), 44702–44716, 44901, 44903(b) and (c), 44905, 44906, 44912–44915, and 44932–44938 of this title.

CHAPTER 465—SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

Sec.
46501. Definitions.
46502. Aircraft piracy.
46503. Death penalty sentencing procedure for aircraft piracy.
46504. Interference with flight crew members and attendants.
46505. Carrying a weapon or explosive on an aircraft.
46506. Application of certain criminal laws to acts on aircraft.
46507. False information and threats.

§46501. Definitions

In this chapter—

(1) "aircraft in flight" means an aircraft from the moment all external doors are closed following boarding—

(A) through the moment when one external door is opened to allow passengers to leave the aircraft; or

(B) until, if a forced landing, competent authorities take over responsibility for the aircraft and individuals and property on the aircraft.

(2) "special aircraft jurisdiction of the United States" includes any of the following aircraft in flight:

(A) a civil aircraft of the United States.

(B) an aircraft of the armed forces of the United States.

(C) another aircraft in the United States.

(D) another aircraft outside the United States—

(i) that has its next scheduled destination or last place of departure in the United States, if the aircraft next lands in the United States;

(ii) on which an individual commits an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) if the aircraft lands in the United States with the individual still on the aircraft; or

(iii) against which an individual commits an offense (as defined in subsection (d) or (e) of article I, section I of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation) if the aircraft lands in the United States with the individual still on the aircraft.

(E) any other aircraft leased without crew to a lessee whose principal place of business is in the United States or, if the lessee does not have a principal place of business, whose permanent residence is in the United States.

(3) an individual commits an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) when the individual, when on an aircraft in flight—

(A) by any form of intimidation, unlawfully seizes, exercises control of, or attempts to seize or exercise control of, the aircraft; or

(B) is an accomplice of an individual referred to in subclause (A) of this clause.

§46502. Aircraft piracy

(a) IN SPECIAL AIRCRAFT JURISDICTION.—(1) In this subsection—

(A) "aircraft piracy" means seizing or exercising control of an aircraft in the special aircraft jurisdiction of the United States by force, violence, threat of force or violence, or any form of intimidation, and with wrongful intent.

(B) an attempt to commit aircraft piracy is in the special aircraft jurisdiction of the United States although the aircraft is not in flight at the time of the attempt if the aircraft would have been in the special aircraft jurisdiction of the United States had the aircraft piracy been completed.

(2) An individual committing or attempting to commit aircraft piracy—

(A) shall be imprisoned for at least 20 years; or

(B) if the death of another individual results from the commission or attempt, shall be put to death or imprisoned for life.

(b) OUTSIDE SPECIAL AIRCRAFT JURISDICTION.—(1) An individual committing an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) on an aircraft in flight outside the special aircraft jurisdiction of the United States and later found in the United States—

(A) shall be imprisoned for at least 20 years; or

(B) if the death of another individual results from the commission or attempt, shall be put to death or imprisoned for life.

(2) This subsection applies only if the place of takeoff or landing of the aircraft on which the individual commits the offense is located outside the territory of the country of registration of the aircraft.

§46503. Death penalty sentencing procedure for aircraft piracy

(a) GOVERNMENT STIPULATIONS.—An individual convicted of violating section 46502 of this title may not be sentenced to death if the United States Government stipulates that at least one of the mitigating factors specified in subsection (c)(1) of this section exists or none of the aggravating factors specified in subsection (c)(2) of this section exists. If the Government does not stipulate, the judge presiding at the trial or accepting the guilty plea of the individual shall hold a separate hearing to decide on the punishment to be imposed.

(b) PUNISHMENT HEARINGS.—(1) The hearing under this section shall be conducted—

(A) before the jury that found the defendant guilty;

(B) before a jury impaneled for the hearing when—

(i) the defendant was convicted by a guilty plea;

(ii) the defendant was convicted by a judge without a jury; or

(iii) the jury finding the defendant guilty was discharged by the judge for good cause; or

(C) before the judge, on motion of the defendant and with the approval of the judge and the Government.

(2) At the hearing, the judge shall disclose to the defendant or counsel for the defendant all material contained in any presentence report, except material the judge decides is required to be withheld to protect human life or national security. Presentence information withheld from the defendant may not be considered in deciding whether the factors specified in subsection (c) of this section exist.

(3) Information relevant to the mitigating factors specified in subsection (c)(1) of this section may be presented by the Government or the defendant without regard to the rules governing the admissibility of evidence at criminal trials. The burden of establishing the existence of a mitigating factor specified in subsection (c)(1) is on the defendant.

(4) Information relevant to the aggravating factors specified in subsection (c)(2) of this section is admissible only under rules governing the admissibility of evidence at criminal trials. The

burden of establishing the existence of an aggravating factor specified in subsection (c)(2) is on the Government.

(5) The Government and the defendant may rebut information presented at the hearing. They shall be given an opportunity to present arguments on the adequacy of the information to establish the existence of the factors specified in subsection (c) of this section.

(c) MITIGATING AND AGGRAVATING FACTORS.—(1) The judge may not impose the death penalty on a defendant if the jury or, if there is no jury, the judge finds under this section that at the time of the violation of section 46502 of this title—

(A) the defendant was not yet 18 years of age;

(B) the capacity of the defendant to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was impaired significantly, but the capacity was not impaired sufficiently to be a defense to prosecution;

(C) the defendant was under unusual and substantial duress, but the duress was not sufficient to be a defense to prosecution;

(D) the defendant was a principal (as defined in section 2(a) of title 18) in a violation committed by another individual, but the participation of the defendant was relatively minor, although not sufficiently minor to be a defense to prosecution; or

(E) the defendant reasonably could not have foreseen that the conduct of the defendant in the violation would cause or create a grave risk of causing death to another individual.

(2) If none of the factors specified in paragraph (1) of this subsection exists, the judge shall impose the death penalty on the defendant if the jury or, if there is no jury, the judge finds under this section that—

(A) the death of another individual resulted from the violation after the defendant had seized or exercised control of the aircraft; or

(B) the death of another individual resulted from the violation and—

(i) the defendant has been convicted of another United States or State offense (committed before or at the time of the violation) for which punishment of life imprisonment or death could be imposed;

(ii) the defendant has been convicted of at least 2 United States or State offenses with a penalty of more than one year of imprisonment (committed on different occasions before the time of the violation) that involved inflicting serious bodily injury on another individual;

(iii) in committing the violation, the defendant knowingly created a grave risk of death to an individual in addition to the individual whose death resulted from the violation; or

(iv) the defendant committed the violation in an especially heinous, cruel, or depraved manner.

(d) DEATH PENALTY REQUIREMENTS.—(1) If the jury or, if there is no jury, the judge finds by a preponderance of the information that none of the mitigating factors specified in subsection (c)(1) of this section exists and that at least one of the aggravating factors specified in subsection (c)(2) of this section exists, the judge shall impose the death penalty on the defendant. If the jury or judge finds that at least one of the mitigating factors specified in subsection (c)(1) exists, or that none of the aggravating factors specified in subsection (c)(2) exists, the judge may not impose the death penalty on the defendant but shall impose another penalty provided for the defendant's violation of section 46502 of this title.

(2) The jury or, if there is no jury, the judge shall return a special verdict containing findings on whether each of the factors specified in subsection (c) of this section exists.

§46504. Interference with flight crew members and attendants

An individual on an aircraft in the special aircraft jurisdiction of the United States who, by assaulting or intimidating a flight crew member or flight attendant of the aircraft, interferes with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties, shall be fined under title 18, imprisoned for not more than 20 years, or both. However, if a dangerous weapon is used in assaulting or intimidating the member or attendant, the individual shall be imprisoned for any term of years or for life.

§46505. Carrying a weapon or explosive on an aircraft

(a) DEFINITION.—In this section, "loaded firearm" means a starter gun or a weapon designed or converted to expel a projectile through an explosive, that has a cartridge, a detonator, or powder in the chamber, magazine, cylinder, or clip.

(b) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18, imprisoned for not more than one year, or both, if the individual—

(1) when on, or attempting to get on, an aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about the individual or the property of the individual a concealed dangerous weapon that is or would be accessible to the individual in flight;

(2) has placed, attempted to place, or attempted to have placed a loaded firearm on that aircraft in property not accessible to passengers in flight; or

(3) has on or about the individual, or has placed, attempted to place, or attempted to have placed on that aircraft, an explosive or incendiary device.

(c) CRIMINAL PENALTY INVOLVING DISREGARD FOR HUMAN LIFE.—An individual who willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, violates subsection (b) of this section, shall be fined under title 18, imprisoned for not more than 5 years, or both.

(d) NONAPPLICATION.—Subsection (b)(1) of this section does not apply to—

(1) a law enforcement officer of a State or political subdivision of a State, or an officer or employee of the United States Government, authorized to carry arms in an official capacity;

(2) another individual the Administrator of the Federal Aviation Administration by regulation authorizes to carry a dangerous weapon in air transportation or intrastate air transportation; or

(3) an individual transporting a weapon (except a loaded firearm) in baggage not accessible to a passenger in flight if the air carrier was informed of the presence of the weapon.

§46506. Application of certain criminal laws to acts on aircraft

An individual on an aircraft in the special aircraft jurisdiction of the United States who commits an act that—

(1) if committed in the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18) would violate section 113, 114, 661, 662, 1111, 1112, 1113, or 2111 or chapter 109A of title 18, shall be fined under title 18, imprisoned under that section or chapter, or both; or

(2) if committed in the District of Columbia would violate section 9 of the Act of July 29, 1892 (D.C. Code §22-1112), shall be fined under title 18, imprisoned under section 9 of the Act, or both.

§46507. False information and threats

An individual shall be fined under title 18, imprisoned for not more than 5 years, or both, if the individual—

(1) knowing the information to be false, willfully and maliciously or with reckless disregard for the safety of human life, gives, or causes to be given, under circumstances in which the information reasonably may be believed, false information about an alleged attempt being made or to be made to do an act that would violate section 46502(a), 46504, 46505, or 46506 of this title; or

(2)(A) threatens to violate section 46502(a), 46504, 46505, or 46506 of this title, or causes a threat to violate any of those sections to be made; and

(B) has the apparent determination and will to carry out the threat.

PART B—AIRPORT DEVELOPMENT AND NOISE

CHAPTER 471—AIRPORT DEVELOPMENT

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SUBCHAPTER I—AIRPORT IMPROVEMENT

§47101. Policies

(a) GENERAL.—It is the policy of the United States—

(1) that the safe operation of the airport and airway system is the highest aviation priority;

(2) that aviation facilities be constructed and operated to minimize current and projected noise impact on nearby communities;

(3) to give special emphasis to developing reliever airports;

(4) that appropriate provisions should be made to make the development and enhancement of cargo hub airports easier;

(5) to encourage the development of transportation systems that use various modes of transportation in a way that will serve the States and local communities efficiently and effectively;

(6) that airport development projects under this subchapter provide for the protection and enhancement of natural resources and the quality of the environment of the United States;

(7) that airport construction and improvement projects that increase the capacity of facilities to accommodate passenger and cargo traffic be undertaken to the maximum feasible extent so that safety and efficiency increase and delays decrease;

(8) to ensure that nonaviation usage of the navigable airspace be accommodated but not allowed to decrease the safety and capacity of the airspace and airport system;

(9) that artificial restrictions on airport capacity—

(A) are not in the public interest;

(B) should be imposed to alleviate air traffic delays only after other reasonably available and less burdensome alternatives have been tried; and

(C) should not discriminate unjustly between categories and classes of aircraft; and

(10) that special emphasis should be placed on converting appropriate former military air bases to civil use and identifying and improving additional joint-use facilities.

(b) NATIONAL TRANSPORTATION POLICY.—(1) It is a goal of the United States to develop a national intermodal transportation system that transports passengers and property in an efficient manner. The future economic direction of the United States depends on its ability to confront directly the enormous challenges of the global economy, declining productivity growth, energy vulnerability, air pollution, and the need to rebuild the infrastructure of the United States.

(2) United States leadership in the world economy, the expanding wealth of the United States, the competitiveness of the industry of the United States, the standard of living, and the quality of life are at stake.

(3) A national intermodal transportation system is a coordinated, flexible network of diverse but complementary forms of transportation that transports passengers and property in the most efficient manner. By reducing transportation costs, these intermodal systems will enhance the ability of the industry of the United States to compete in the global marketplace.

(4) All forms of transportation, including aviation and other transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development.

(5) An intermodal transportation system consists of transportation hubs that connect different forms of appropriate transportation and provides users with the most efficient means of transportation and with access to commercial centers, business locations, population centers, and the vast rural areas of the United States, as well as providing links to other forms of transportation and to intercity connections.

(6) Intermodality and flexibility are paramount issues in the process of developing an integrated system that will obtain the optimum yield of United States resources.

(7) The United States transportation infrastructure must be reshaped to provide the economic underpinnings for the United States to compete in the 21st century global economy. The United States can no longer rely on the sheer size of its economy to dominate international economic rivals and must recognize fully that its economy is no longer a separate entity but is part of the global marketplace. The future economic prosperity of the United States depends on its ability to compete in an international marketplace that is teeming with competitors but in which a full one-quarter of the economic activity of the United States takes place.

(8) The United States must make a national commitment to rebuild its infrastructure through development of a national intermodal transportation system. The United States must provide the foundation for its industries to improve productivity and their ability to compete in the global economy with a system that will transport passengers and property in an efficient manner.

(c) CAPACITY EXPANSION AND NOISE ABATEMENT.—It is in the public interest to recognize the effects of airport capacity expansion projects on aircraft noise. Efforts to increase capacity through any means can have an impact on surrounding communities. Noncompatible land uses around airports must be reduced and efforts to mitigate noise must be given a high priority.

(d) CONSISTENCY WITH AIR COMMERCE AND SAFETY POLICIES.—Each airport and airway program should be carried out consistently with section 40101(a), (b), (d), and (f) of this title to foster competition, prevent unfair methods of competition in air transportation, maintain essential air transportation, and prevent unjust and discriminatory practices, including as the practices may be applied between categories and classes of aircraft.

(e) ADEQUACY OF NAVIGATION AIDS AND AIRPORT FACILITIES.—This subchapter should be carried out to provide adequate navigation aids and airport facilities for places at which scheduled commercial air service is provided. The facilities provided may include—

(1) reliever airports; and

(2) heliports designated by the Secretary of Transportation to relieve congestion at commercial service airports by diverting aircraft passengers from fixed-wing aircraft to helicopter carriers.

(f) MAXIMUM USE OF SAFETY FACILITIES.—This subchapter should be carried out consistently with a comprehensive airspace system plan, giving highest priority to commercial service airports, to maximize the use of safety facilities, including installing, operating, and maintaining, to the extent possible with available money and considering other safety needs—

(1) electronic or visual vertical guidance on each runway;

(2) grooving or friction treatment of each primary and secondary runway;

(3) distance-to-go signs for each primary and secondary runway;

(4) a precision approach system, a vertical visual guidance system, and a full approach light system for each primary runway;

(5) a nonprecision instrument approach for each secondary runway;

(6) runway end identifier lights on each runway that does not have an approach light system;

(7) a surface movement radar system at each category III airport;

(8) a taxiway lighting and sign system;

(9) runway edge lighting and marking; and

(10) radar approach coverage for each airport terminal area.

(g) COOPERATION.—To carry out the policy of subsection (a)(5) of this section, the Secretary of Transportation shall cooperate with State and local officials in developing airport plans and programs that are based on overall transportation needs. The airport plans and programs shall be developed in coordination with other transportation planning and considering comprehensive long-range land-use plans and overall social, economic, environmental, system performance, and energy conservation objectives. The process of developing airport plans and programs shall be continuing, cooperative, and comprehensive to the degree appropriate to the complexity of the transportation problems.

(h) CONSULTATION.—To carry out the policy of subsection (a)(6) of this section, the Secretary of Transportation shall consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency about any project included in a project grant application involving the location of an airport or runway, or a major runway extension, that may have a significant effect on—

(1) natural resources, including fish and wildlife;

(2) natural, scenic, and recreation assets;

(3) water and air quality; or

(4) another factor affecting the environment.

§47102. Definitions

In this subchapter—

(1) "air carrier airport" means a public airport regularly served by—

(A) an air carrier certificated by the Secretary of Transportation under section 41102 of this title (except a charter air carrier); or

(B) at least one air carrier—

(i) operating under an exemption from section 41101(a)(1) of this title that the Secretary grants; and

(ii) having at least 2,500 passenger boardings at the airport during the prior calendar year.

(2) "airport"—

(A) means—

(i) an area of land or water used or intended to be used for the landing and taking off of aircraft;

(ii) an appurtenant area used or intended to be used for airport buildings or other airport facilities or rights of way; and

(iii) airport buildings and facilities located in any of those areas; and

(B) includes a heliport.

(3) "airport development" means the following activities, if undertaken by the sponsor, owner, or operator of a public-use airport:

(A) constructing, repairing, or improving a public-use airport, including—

(i) removing, lowering, relocating, marking, and lighting an airport hazard; and

(ii) preparing a plan or specification, including carrying out a field investigation.

(B) acquiring for, or installing at, a public-use airport—

(i) a navigation aid or another aid (including a precision approach system) used by aircraft for landing at or taking off from the airport, including preparing the site as required by the acquisition or installation;

(ii) safety or security equipment the Secretary requires by regulation for, or approves as contributing significantly to, the safety or security of individuals and property at the airport;

(iii) equipment to remove snow, to measure runway surface friction, or for aviation-related weather reporting;

(iv) firefighting and rescue equipment at an airport that serves scheduled passenger operations of air carrier aircraft designed for more than 20 passenger seats;

(v) aircraft deicing equipment and structures (except aircraft deicing fluids and storage facilities for the equipment and fluids); and

(vi) interactive training systems.

(C) acquiring an interest in land or airspace, including land for future airport development, that is needed—

(i) to carry out airport development described in subclause (A) or (B) of this clause; or

(ii) to remove or mitigate an existing airport hazard or prevent or limit the creation of a new airport hazard.

(D) acquiring land for, or constructing, a burn area training structure on or off the airport to provide live fire drill training for aircraft

rescue and firefighting personnel required to receive the training under regulations the Secretary prescribes, including basic equipment and minimum structures to support the training under standards the Administrator of the Federal Aviation Administration prescribes.

(E) relocating after December 31, 1991, an air traffic control tower and any navigational aid (including radar) if the relocation is necessary to carry out a project approved by the Secretary under this subchapter.

(F) constructing, reconstructing, repairing, or improving an airport, or purchasing capital equipment for an airport, if paid for by a grant under this subchapter and necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), except constructing or purchasing capital equipment that would benefit primarily a revenue-producing area of the airport used by a nonaeronautical business.

(G) acquiring land for, or work necessary to construct, a pad suitable for deicing aircraft before takeoff at a commercial service airport, including constructing or reconstructing paved areas, drainage collection structures, treatment and discharge systems, appropriate lighting, paved access for deicing vehicles and aircraft, but not including acquiring aircraft deicing fluids or constructing or reconstructing storage facilities for aircraft deicing equipment or fluids.

(4) "airport hazard" means a structure or object of natural growth located on or near a public-use airport, or a use of land near the airport, that obstructs or otherwise is hazardous to the landing or taking off of aircraft at or from the airport.

(5) "airport planning" means planning as defined by regulations the Secretary prescribes and includes integrated airport system planning.

(6) "amount made available under section 48103 of this title" means the amount authorized for grants under section 48103 of this title as reduced by any law enacted after September 3, 1982.

(7) "commercial service airport" means a public airport in a State that the Secretary determines has at least 2,500 passenger boardings each year and is receiving scheduled passenger aircraft service.

(8) "integrated airport system planning" means developing for planning purposes information and guidance to decide the extent, kind, location, and timing of airport development needed in a specific area to establish a viable, balanced, and integrated system of public-use airports, including—

(A) identifying system needs;

(B) developing an estimate of systemwide development costs;

(C) conducting studies, surveys, and other planning actions, including those related to airport access, needed to decide which aeronautical needs should be met by a system of airports; and

(D) standards prescribed by a State, except standards for safety of approaches, for airport development at nonprimary public-use airports.

(9) "landed weight" means the weight of aircraft transporting only cargo in intrastate, interstate, and foreign air transportation, as the Secretary determines under regulations the Secretary prescribes.

(10) "passenger boardings"—

(A) means revenue passenger boardings on an aircraft in service in air commerce as the Secretary determines under regulations the Secretary prescribes; and

(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.

(11) "primary airport" means a commercial service airport the Secretary determines to have more than 10,000 passenger boardings each year.

(12) "project" means a project, separate projects included in one project grant application, or all projects to be undertaken at an airport in a fiscal year, to achieve airport development or airport planning.

(13) "project cost" means a cost involved in carrying out a project.

(14) "project grant" means a grant of money the Secretary makes to a sponsor to carry out at least one project.

(15) "public agency" means—

(A) a State or political subdivision of a State;

(B) a tax-supported organization; or

(C) an Indian tribe or Pueblo.

(16) "public airport" means an airport used or intended to be used for public purposes—

(A) that is under the control of a public agency; and

(B) of which the area used or intended to be used for the landing, taking off, or surface maneuvering of aircraft is publicly owned.

(17) "public-use airport" means—

(A) a public airport; or

(B) a privately-owned airport used or intended to be used for public purposes that is—

(i) a reliever airport; or

(ii) determined by the Secretary to have at least 2,500 passenger boardings each year and to receive scheduled passenger aircraft service.

(18) "reliever airport" means an airport the Secretary designates to relieve congestion at a commercial service airport and to provide more general aviation access to the overall community.

(19) "sponsor" means—

(A) a public agency that submits to the Secretary under this subchapter an application for financial assistance; and

(B) a private owner of a public-use airport that submits to the Secretary under this subchapter an application for financial assistance for the airport.

(20) "State" means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and Guam.

§47103. National plan of integrated airport systems

(a) GENERAL REQUIREMENTS AND CONSIDERATIONS.—The Secretary of Transportation shall maintain the plan for developing public-use airports in the United States, named "the national plan of integrated airport systems". The plan shall include the kind and estimated cost of eligible airport development the Secretary of Transportation considers necessary to provide a safe, efficient, and integrated system of public-use airports adequate to anticipate and meet the needs of civil aeronautics, to meet the national defense requirements of the Secretary of Defense, and to meet identified needs of the United States Postal Service. Airport development included in the plan may not be limited to meeting the needs of any particular classes or categories of public-use airports. In maintaining the plan, the Secretary of Transportation shall consider the needs of each segment of civil aviation and the relationship of each airport to—

(1) the rest of the transportation system in the particular area;

(2) forecasted technological developments in aeronautics; and

(3) forecasted developments in other modes of intercity transportation.

(b) SPECIFIC REQUIREMENTS.—In maintaining the plan, the Secretary of Transportation shall—

(1) to the extent possible and as appropriate, consult with departments, agencies, and instrumentalities of the United States Government, with public agencies, and with the aviation community;

(2) consider tall structures that reduce safety or airport capacity; and

(3) make every reasonable effort to address the needs of air cargo operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations, and rotary wing aircraft operations.

(c) AVAILABILITY OF DOMESTIC MILITARY AIRPORTS AND AIRPORT FACILITIES.—To the extent possible, the Secretary of Defense shall make domestic military airports and airport facilities available for civil use. In advising the Secretary of Transportation under subsection (a) of this section, the Secretary of Defense shall indicate the extent to which domestic military airports and airport facilities are available for civil use.

(d) PUBLICATION.—The Secretary of Transportation shall publish the status of the plan every 2 years.

§47104. Project grant authority

(a) GENERAL AUTHORITY.—To maintain a safe and efficient nationwide system of public-use airports that meets the present and future needs of civil aeronautics, the Secretary of Transportation may make project grants under this subchapter from the Airport and Airway Trust Fund.

(b) INCURRING OBLIGATIONS.—The Secretary may incur obligations to make grants from amounts made available under section 48103 of this title as soon as the amounts are apportioned under section 47114(c) and (d)(2) of this title.

(c) EXPIRATION OF AUTHORITY.—After September 30, 1993, the Secretary may not incur obligations under subsection (b) of this section, except for obligations of amounts remaining available after that date under section 47117(b) of this title.

§47105. Project grant applications

(a) SUBMISSION AND CONSULTATION.—(1) An application for a project grant under this subchapter may be submitted to the Secretary of Transportation by—

(A) a sponsor; or

(B) a State, as the only sponsor, for an airport development project benefitting at least 2 airports in the State or for airport planning for similar projects for at least 2 airports in the State if—

(i) the sponsor of each airport gives written consent that the State be the applicant;

(ii) the Secretary is satisfied there is administrative merit and aeronautical benefit in the State being the sponsor; and

(iii) an acceptable agreement exists that ensures that the State will comply with appropriate grant conditions and other assurances the Secretary requires.

(2) Before deciding to undertake an airport development project at an airport under this subchapter, a sponsor shall consult with the airport users that will be affected by the project.

(3) This subsection does not authorize a public agency that is subject to the laws of a State to apply for a project grant in violation of a law of the State.

(b) CONTENTS AND FORM.—An application for a project grant under this subchapter—

(1) shall describe the project proposed to be undertaken;

(2) may propose a project only for a public-use airport included in the current national plan of integrated airport systems;

(3) may propose airport development only if the development complies with standards the Secretary prescribes or approves, including standards for site location, airport layout, site preparation, paving, lighting, and safety of approaches; and

(4) shall be in the form and contain other information the Secretary prescribes.

(c) STATE STANDARDS FOR AIRPORT DEVELOPMENT.—The Secretary may approve standards (except standards for safety of approaches) that a State prescribes for airport development at nonprimary public-use airports in the State. On approval under this subsection, a State's standards apply to the nonprimary public-use airports in the State instead of the comparable standards prescribed by the Secretary under subsection (b)(3) of this section. The Secretary, or the State with the approval of the Secretary, may revise standards approved under this subsection.

(d) CERTIFICATION OF COMPLIANCE.—The Secretary may require a sponsor to certify that the sponsor will comply with this subchapter in carrying out the project. The Secretary may rescind the acceptance of a certification at any time. This subsection does not affect an obligation or responsibility of the Secretary under another law of the United States.

(e) NOTIFICATION.—The sponsor of an airport for which an amount is apportioned under section 47114(c) of this title shall notify the Secretary of the fiscal year in which the sponsor intends to submit a project grant application for the apportioned amount. The notification shall be given by the time and contain the information the Secretary prescribes.

§47106. Project grant application approval conditioned on satisfaction of project requirements

(a) PROJECT GRANT APPLICATION APPROVAL.—The Secretary of Transportation may approve an application under this subchapter for a project grant only if the Secretary is satisfied that—

(1) the project is consistent with plans (existing at the time the project is approved) of public agencies authorized by the State in which the airport is located to plan for the development of the area surrounding the airport;

(2) the project will contribute to carrying out this subchapter;

(3) enough money is available to pay the project costs that will not be paid by the United States Government under this subchapter;

(4) the project will be completed without unreasonable delay; and

(5) the sponsor has authority to carry out the project as proposed.

(b) AIRPORT DEVELOPMENT PROJECT GRANT APPLICATION APPROVAL.—The Secretary may approve an application under this subchapter for an airport development project grant for an airport only if the Secretary is satisfied that—

(1) the sponsor, a public agency, or the Government holds good title to the areas of the airport used or intended to be used for the landing, taking off, or surface maneuvering of aircraft, or that good title will be acquired;

(2) the interests of the community in or near which the project may be located have been given fair consideration; and

(3) the application provides touchdown zone and centerline runway lighting, high intensity runway lighting, or land necessary for installing approach light systems that the Secretary, considering the category of the airport and the kind and volume of traffic using it, decides is necessary for safe and efficient use of the airport by aircraft.

(c) ENVIRONMENTAL REQUIREMENTS.—(1) The Secretary may approve an application under this subchapter for an airport development project involving the location of an airport or runway or a major runway extension—

(A) only if the sponsor certifies to the Secretary that—

(i) an opportunity for a public hearing was given to consider the economic, social, and environmental effects of the location and the location's consistency with the objectives of any planning that the community has carried out; and

(ii) the airport management board has voting representation from the communities in which the project is located or has advised the communities that they have the right to petition the Secretary about a proposed project;

(B) only if the chief executive officer of the State in which the project will be located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated in compliance with applicable air and water quality standards, except that the Administrator of the Environmental Protection Agency shall make the certification instead of the chief executive officer if—

(i) the State has not approved any applicable State or local standards; and

(ii) the Administrator has prescribed applicable standards; and

(C) if the application is found to have a significant adverse effect on natural resources, including fish and wildlife, natural, scenic, and recreation assets, water and air quality, or another factor affecting the environment, only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect.

(2) The Secretary may approve an application under this subchapter for an airport development project that does not involve the location of an airport or runway, or a major runway extension, at an existing airport without requiring an environmental impact statement related to noise for the project if—

(A) completing the project would allow operations at the airport involving aircraft complying with the noise standards prescribed for "stage 2" aircraft in section 36.1 of title 14, Code of Federal Regulations, to replace existing operations involving aircraft that do not comply with those standards; and

(B) the project meets the other requirements under this subchapter.

(3) At the Secretary's request, the sponsor shall give the Secretary a copy of the transcript of any hearing held under paragraph (1)(A) of this subsection.

(4)(A) Notice of certification or of refusal to certify under paragraph (1)(B) of this subsection shall be provided to the Secretary not later than 60 days after the Secretary receives the application.

(B) The Secretary shall condition approval of the application on compliance with the applicable standards during construction and operation.

(5) The Secretary may make a finding under paragraph (1)(C) of this subsection only after completely reviewing the matter. The review and finding must be a matter of public record.

(d) GENERAL AVIATION AIRPORT PROJECT GRANT APPLICATION APPROVAL.—(1) In this subsection, "general aviation airport" means a public airport that is not an air carrier airport.

(2) The Secretary may approve an application under this subchapter for an airport development project included in a project grant application involving the construction or extension of a runway at a general aviation airport located on both sides of a boundary line separating 2 counties within a State only if, before the application is submitted to the Secretary, the project is approved by the governing body of each village incorporated under the laws of the State and located entirely within 5 miles of the nearest boundary of the airport.

(e) WITHHOLDING APPROVAL.—(1) The Secretary may withhold approval of an application under this subchapter for amounts apportioned under section 47114(c) and (e) of this title for violating an assurance or requirement of this subchapter only if—

(A) the Secretary provides the sponsor an opportunity for a hearing; and

(B) not later than 180 days after the later of the date of the application or the date the Secretary discovers the noncompliance, the Secretary finds that a violation has occurred.

(2) The 180-day period may be extended by—

(A) agreement between the Secretary and the sponsor; or

(B) the hearing officer if the officer decides an extension is necessary because the sponsor did not follow the schedule the officer established.

(3) A person adversely affected by an order of the Secretary withholding approval may obtain review of the order by filing a petition in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the project is located. The action must be brought not later than 60 days after the order is served on the petitioner.

§47107. Project grant application approval conditioned on assurances about airport operations

(a) GENERAL WRITTEN ASSURANCES.—The Secretary of Transportation may approve a project grant application under this subchapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that—

(1) the airport will be available for public use on reasonable conditions and without unjust discrimination;

(2) air carriers making similar use of the airport will be subject to substantially comparable charges—

(A) for facilities directly and substantially related to providing air transportation; and

(B) regulations and conditions, except for differences based on reasonable classifications, such as between—

(i) tenants and nontenants; and

(ii) signatory and nonsignatory carriers;

(3) the airport operator will not withhold unreasonably the classification or status of tenant or signatory from an air carrier that assumes obligations substantially similar to those already imposed on air carriers of that classification or status;

(4) a person providing, or intending to provide, aeronautical services to the public will not be given an exclusive right to use the airport, with a right given to only one fixed-base operator to provide services at an airport deemed not to be an exclusive right if—

(A) the right would be unreasonably costly, burdensome, or impractical for more than one fixed-base operator to provide the services; and

(B) allowing more than one fixed-base operator to provide the services would require reducing the space leased under an existing agreement between the one fixed-base operator and the airport owner or operator;

(5) fixed-base operators similarly using the airport will be subject to the same charges;

(6) an air carrier using the airport may service itself or use any fixed-base operator allowed by the airport operator to service any carrier at the airport;

(7) the airport and facilities on or connected with the airport will be operated and maintained suitably, with consideration given to climatic and flood conditions;

(8) a proposal to close the airport temporarily for a nonaeronautical purpose must first be approved by the Secretary;

(9) appropriate action will be taken to ensure that terminal airspace required to protect instrument and visual operations to the airport (including operations at established minimum flight altitudes) will be cleared and protected by mitigating existing, and preventing future, airport hazards;

(10) appropriate action, including the adoption of zoning laws, has been or will be taken to the extent reasonable to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations;

(11) each of the airport's facilities developed with financial assistance from the United States Government and each of the airport's facilities usable for the landing and taking off of aircraft always will be available without charge for use by Government aircraft in common with other aircraft, except that if the use is substantial, the Government may be charged a reasonable share, proportionate to the use, of the cost of operating and maintaining the facility used;

(12) the airport owner or operator will provide, without charge to the Government, property interests of the sponsor in land or water areas or buildings that the Secretary decides are desirable for, and that will be used for, constructing at Government expense, facilities for carrying out activities related to air traffic control or navigation;

(13) the airport owner or operator will maintain a schedule of charges for use of facilities and services at the airport—

(A) that will make the airport as self-sustaining as possible under the circumstances existing at the airport, including volume of traffic and economy of collection; and

(B) without including in the rate base used for the charges the Government's share of costs for any project for which a grant is made under this subchapter or was made under the Federal Airport Act or the Airport and Airway Development Act of 1970;

(14) the project accounts and records will be kept using a standard system of accounting that the Secretary, after consulting with appropriate public agencies, prescribes;

(15) the airport owner or operator will submit any annual or special airport financial and operations reports to the Secretary that the Secretary reasonably requests;

(16) the airport owner or operator will maintain a current layout plan of the airport that meets the following requirements:

(A) the plan will be in a form the Secretary prescribes;

(B) the Secretary will approve the plan and any revision or modification before the plan, revision, or modification takes effect;

(C) the owner or operator will not make or allow any alteration in the airport or any of its facilities if the alteration does not comply with the plan the Secretary approves, and the Secretary is of the opinion that the alteration may affect adversely the safety, utility, or efficiency of the airport; and

(D) when an alteration in the airport or its facility is made that does not conform to the approved plan and that the Secretary decides adversely affects the safety, utility, or efficiency of any property on or off the airport that is owned, leased, or financed by the Government, the owner or operator, if requested by the Secretary, will—

(i) eliminate the adverse effect in a way the Secretary approves; or

(ii) bear all cost of relocating the property or its replacement to a site acceptable to the Secretary and of restoring the property or its replacement to the level of safety, utility, efficiency, and cost of operation that existed before the alteration was made;

(17) each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services will be awarded in the same way that a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.) or an equivalent qualifications-based requirement prescribed for or by the sponsor; and

(18) the airport and each airport record will be available for inspection by the Secretary on reasonable request, and a report of the airport budget will be available to the public at reasonable times and places.

(b) WRITTEN ASSURANCES ON USE OF REVENUE.—(1) The Secretary of Transportation may approve a project grant application under this subchapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that local taxes on aviation fuel (except taxes in effect on December 30, 1987) and the revenues generated by a public airport will be expended for the capital or operating costs of—

(A) the airport;

(B) the local airport system; or

(C) other local facilities owned or operated by the airport owner or operator and directly and substantially related to the air transportation of passengers or property.

(2) Paragraph (1) of this subsection does not apply if a provision enacted not later than September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator.

(3) This subsection does not prevent the use of a State tax on aviation fuel to support a State aviation program or the use of airport revenue on or off the airport for a noise mitigation purpose.

(c) WRITTEN ASSURANCES ON ACQUIRING LAND.—(1) In this subsection, land is needed for an airport purpose (except a noise compatibility purpose) if—

(A)(i) the land may be needed for an aeronautical purpose (including runway protection zone) or serves as noise buffer land; and

(ii) revenue from interim uses of the land contributes to the financial self-sufficiency of the airport; and

(B) for land purchased with a grant the owner or operator received not later than December 30, 1987, the Secretary of Transportation or the department, agency, or instrumentality of the Government that made the grant was notified by the owner or operator of the use of the land and did not object to the use and the land is still being used for that purpose.

(2) The Secretary of Transportation may approve an application under this subchapter for an airport development project grant only if the Secretary receives written assurances, satisfactory to the Secretary, that if an airport owner or operator has received or will receive a grant for acquiring land and—

(A) if the land was or will be acquired for a noise compatibility purpose—

(i) the owner or operator will dispose of the land at fair market value at the earliest practicable time after the land no longer is needed for a noise compatibility purpose;

(ii) the disposition will be subject to retaining or reserving an interest in the land necessary to ensure that the land will be used in a way that is compatible with noise levels associated with operating the airport; and

(iii) the part of the proceeds from disposing of the land that is proportional to the Government's share of the cost of acquiring the land will be paid to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) or, as the Secretary prescribes, reinvested in an approved noise compatibility project; or

(B) if the land was or will be acquired for an airport purpose (except a noise compatibility purpose)—

(i) the owner or operator, when the land no longer is needed for an airport purpose, will dispose of the land at fair market value or make available to the Secretary an amount equal to the Government's proportional share of the fair market value;

(ii) the disposition will be subject to retaining or reserving an interest in the land necessary to ensure that the land will be used in a way that is compatible with noise levels associated with operating the airport; and

(iii) the part of the proceeds from disposing of the land that is proportional to the Government's share of the cost of acquiring the land will be reinvested, on application to the Secretary, in another eligible airport development project the Secretary approves under this subchapter or paid to the Secretary for deposit in the Fund if another eligible project does not exist.

(3) Proceeds referred to in paragraph (2)(A)(iii) and (B)(iii) of this subsection and deposited in the Airport and Airway Trust Fund are available as provided in subsection (f) of this section.

(d) ASSURANCES OF CONTINUATION AS PUBLIC-USE AIRPORT.—The Secretary of Transportation may approve an application under this subchapter for an airport development project grant for a privately owned public-use airport only if the Secretary receives appropriate assurances that the airport will continue to function as a public-use airport during the economic life (that must be at least 10 years) of any facility at the airport that was developed with Government financial assistance under this subchapter.

(e) WRITTEN ASSURANCES OF OPPORTUNITIES FOR SMALL BUSINESS CONCERNS.—(1) The Secretary of Transportation may approve a project grant application under this subchapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that the airport owner or operator will take necessary action to ensure, to the maximum extent practicable, that at least 10 percent of all businesses at the airport selling consumer products or providing consumer services to the public are small business concerns (as defined by regulations of the Secretary) owned and controlled by a socially and economically disadvantaged individual (as defined in section 47113(a) of this title).

(2) An airport owner or operator may meet the percentage goal of paragraph (1) of this subsection by including any business operated through a management contract or subcontract. The dollar amount of a management contract or subcontract with a disadvantaged business enterprise shall be added to the total participation by disadvantaged business enterprises in airport concessions and to the base from which the airport's percentage goal is calculated. The dollar amount of a management contract or subcontract with a non-disadvantaged business enterprise and the gross revenue of business activities to which the management contract or subcontract pertains may not be added to this base.

(3) Except as provided in paragraph (4) of this subsection, an airport owner or operator may meet the percentage goal of paragraph (1) of this subsection by including the purchase from disadvantaged business enterprises of goods and services used in businesses conducted at the airport, but the owner or operator and the businesses conducted at the airport shall make good faith efforts to explore all available options to achieve, to the maximum extent practicable, compliance with the goal through direct ownership arrangements, including joint ventures and franchises.

(4)(A) In complying with paragraph (1) of this subsection, an airport owner or operator shall include the revenues of car rental firms at the airport in the base from which the percentage goal in paragraph (1) is calculated.

(B) An airport owner or operator may require a car rental firm to meet a requirement under paragraph (1) of this subsection by purchasing or leasing goods or services from a disadvantaged business enterprise. If an owner or operator requires such a purchase or lease, a car rental firm shall be permitted to meet the requirement by including purchases or leases of vehicles from any vendor that qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual.

(C) This subsection does not require a car rental firm to change its corporate structure to provide for direct ownership arrangements to meet the requirements of this subsection.

(5) This subsection does not preempt—

(A) a State or local law, regulation, or policy enacted by the governing body of an airport owner or operator; or

(B) the authority of a State or local government or airport owner or operator to adopt or enforce a law, regulation, or policy related to disadvantaged business enterprises.

(6) An airport owner or operator may provide opportunities for a small business concern owned and controlled by a socially and economically disadvantaged individual to participate through direct contractual agreement with that concern.

(7) An air carrier that provides passenger or property-carrying services or another business that conducts aeronautical activities at an airport may not be included in the percentage goal of paragraph (1) of this subsection for participation of small business concerns at the airport.

(8) Not later than April 29, 1993, the Secretary of Transportation shall prescribe regulations to carry out this subsection.

(f) AVAILABILITY OF AMOUNTS.—An amount deposited in the Airport and Airway Trust Fund under—

(1) subsection (c)(2)(A)(iii) of this section is available to the Secretary of Transportation to make a grant for airport development or airport planning under section 47104 of this title;

(2) subsection (c)(2)(B)(iii) of this section is available to the Secretary—

(A) to make a grant for a purpose described in section 47115(b) of this title; and

(B) for use under section 47114(d)(2) of this title at another airport in the State in which the land was disposed of under subsection (c)(2)(B)(ii) of this section; and

(3) subsection (c)(2)(B)(iii) of this section is in addition to an amount made available to the Secretary under section 48103 of this title and not subject to apportionment under section 47114 of this title.

(g) ENSURING COMPLIANCE.—(1) To ensure compliance with this section, the Secretary of Transportation—

(A) shall prescribe requirements for sponsors that the Secretary considers necessary; and

(B) may make a contract with a public agency.

(2) The Secretary of Transportation may approve an application for a project grant only if the Secretary is satisfied that the requirements prescribed under paragraph (1)(A) of this subsection have been or will be met.

(h) MODIFYING ASSURANCES AND REQUIRING COMPLIANCE WITH ADDITIONAL ASSURANCES.—Before modifying an assurance required of a person receiving a grant under this subchapter and in effect after December 29, 1987, or to require compliance with an additional assurance from the person, the Secretary of Transportation must—

(1) publish notice of the proposed modification in the Federal Register; and

(2) provide an opportunity for comment on the proposal.

(i) RELIEF FROM OBLIGATION TO PROVIDE FREE SPACE.—When a sponsor provides a property interest in a land or water area or a building that the Secretary of Transportation uses to construct a facility at Government expense, the Secretary may relieve the sponsor from an obligation in a contract made under this chapter, the Airport and Airway Development Act of 1970, or the Federal Airport Act to provide free space to the Government in an airport building, to the extent the Secretary finds that the free space no longer is needed to carry out activities related to air traffic control or navigation.

(j) USE OF REVENUE IN HAWAII.—(1) In this subsection—

(A) "duty-free merchandise" and "duty-free sales enterprise" have the same meanings given those terms in section 555(b)(8) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(8)).

(B) "highway" and "Federal-aid system" have the same meanings given those terms in section 101(a) of title 23.

(2) Notwithstanding subsection (b)(1) of this section, Hawaii may use, for a project for construction or reconstruction of a highway on a Federal-aid system that is not more than 10 miles by road from an airport and that will facilitate access to the airport, revenue from the sales at off-airport locations in Hawaii of duty-free merchandise under a contract between Hawaii and a duty-free sales enterprise. However, the revenue resulting during a Hawaiian fiscal year may be used only if the amount of the revenue, plus amounts Hawaii receives in the fiscal year from all other sources for costs Hawaii incurs for operating all airports it operates and for debt service related to capital projects for the airports (including interest and amortization of principal costs), is more than 150 percent of the projected costs for the fiscal year.

(3)(A) Revenue from sales referred to in paragraph (2) of this subsection in a Hawaiian fiscal year that Hawaii may use may not be more than the amount that is greater than 150 percent as determined under paragraph (2).

(B) The maximum amount of revenue Hawaii may use under paragraph (2) of this subsection is $250,000,000.

(4) If a fee imposed or collected for rent, landing, or service from an aircraft operator by an airport operated by Hawaii is increased during the period from May 4, 1990, through December 31, 1994, by more than the percentage change in the Consumer Price Index of All Urban Consumers for Honolulu, Hawaii, that the Secretary of Labor publishes during that period and if revenue derived from the fee increases because the fee increased, the amount under paragraph (3)(B) of this subsection shall be reduced by the amount of the projected revenue increase in the period less the part of the increase attributable to changes in the Index in the period.

(5) Hawaii shall determine costs, revenue, and projected revenue increases referred to in this subsection and shall submit the determinations to the Secretary of Transportation. A determination is approved unless the Secretary disapproves it not later than 30 days after it is submitted.

(6) Hawaii is not eligible for a grant under section 47115 of this title in a fiscal year in which Hawaii uses under paragraph (2) of this subsection revenue from sales referred to in paragraph (2). Hawaii shall repay amounts it receives in a fiscal year under a grant it is not eligible to receive because of this paragraph to the Secretary of Transportation for deposit in the discretionary fund established under section 47115.

(7)(A) This subsection applies only to revenue from sales referred to in paragraph (2) of this subsection from May 5, 1990, through December 30, 1994, and to amounts in the Airport Revenue Fund of Hawaii that are attributable to revenue before May 4, 1990, on sales referred to in paragraph (2).

(B) Revenue from sales referred to in paragraph (2) of this subsection from May 5, 1990, through December 30, 1994, may be used under paragraph (2) in any Hawaiian fiscal year, including a Hawaiian fiscal year beginning after December 31, 1994.

§47108. Project grant agreements

(a) OFFER AND ACCEPTANCE.—On approving a project grant application under this subchapter, the Secretary of Transportation shall offer the sponsor a grant to pay the United States Government's share of the project costs allowable under section 47110 of this title. The Secretary may impose terms on the offer that the Secretary considers necessary to carry out this subchapter and regulations prescribed under this subchapter. An offer shall state the obligations to be assumed by the sponsor and the maximum amount the Government will pay for the project from the amounts authorized under chapter 481 of this title (except sections 48102(e), 48106, 48107, and 48110). At the request of the sponsor, an offer of a grant for a project that will not be completed in one fiscal year shall provide for the obligation of amounts apportioned or to be apportioned to a sponsor under section 47114(c) of this title for the fiscal years necessary to pay the Government's share of the cost of the project. An offer that is accepted in writing by the sponsor is an agreement binding on the Government and the sponsor. The Government may pay or be obligated to pay a project cost only after a grant agreement for the project is signed.

(b) INCREASING GOVERNMENT'S SHARE UNDER THIS SUBCHAPTER OR CHAPTER 475.—(1) When an offer has been accepted in writing, the amount stated in the offer as the maximum amount the Government will pay may be increased only as provided in paragraphs (2) and (3) of this subsection.

(2)(A) For a project receiving assistance under a grant approved under the Airport and Airway Improvement Act of 1982 before October 1, 1987, the amount may be increased by not more than—

(i) 10 percent for an airport development project, except a project for acquiring an interest in land; and

(ii) 50 percent of the total increase in allowable project costs attributable to acquiring an interest in land, based on current creditable appraisals.

(B) An increase under subparagraph (A) of this paragraph may be paid only from amounts the Government recovers from other grants made under this subchapter.

(3) For a project receiving assistance under a grant approved under the Act, this subchapter, or chapter 475 of this title after September 30, 1987, the amount may be increased—

(A) for an airport development project, by not more than 15 percent; and

(B) for a grant after September 30, 1992, to acquire an interest in land for an airport (except a primary airport), by not more than the greater of the following, based on current creditable appraisals or a court award in a condemnation proceeding:

(i) 15 percent; or

(ii) 25 percent of the total increase in allowable project costs attributable to acquiring an interest in land.

(c) INCREASING GOVERNMENT'S SHARE UNDER AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970.—For a project receiving assistance under a grant made under the Airport and Airway Development Act of 1970, the maximum amount the Government will pay may be increased by not more than 10 percent. An increase under this

subsection may be paid only from amounts the Government recovers from other grants made under the Act.

(d) CHANGING WORKSCOPE.—With the consent of the sponsor, the Secretary may amend a grant agreement made under this subchapter to change the workscope of a project financed under the grant if the amendment does not result in an increase in the maximum amount the Government may pay under subsection (b) of this section.

§47109. United States Government's share of project costs

(a) GENERAL.—Except as provided in subsections (b) and (c) of this section, the United States Government's share of allowable project costs is—

(1) 75 percent for a project at a primary airport having at least .25 percent of the total number of passenger boardings each year at all commercial service airports; and

(2) 90 percent for a project at any other airport.

(b) INCREASED GOVERNMENT SHARE.—If, under subsection (a) of this section, the Government's share of allowable costs of a project in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, is less than the share applied on June 30, 1975, under section 17(b) of the Airport and Airway Development Act of 1970, the Government's share under subsection (a) of this section shall be increased by the lesser of—

(1) 25 percent;

(2) one-half of the percentage that the area of unappropriated and unreserved public lands and nontaxable Indian lands in the State is of the total area of the State; or

(3) the percentage necessary to increase the Government's share to the percentage that applied on June 30, 1975, under section 17(b) of the Act.

(c) LIMITATION.—Notwithstanding subsections (a) and (b) of this section, the Government's share of project costs allowable under section 47110(d) of this title may not be more than 75 percent, except that the Government's share shall be 85 percent for a project at a commercial service airport that does not have more than .05 percent of the total annual passenger boardings in the United States..

§47110. Allowable project costs

(a) GENERAL AUTHORITY.—Except as provided in section 47111 of this title, the United States Government may pay or be obligated to pay, from amounts appropriated to carry out this subchapter, a cost incurred in carrying out a project under this subchapter only if the Secretary of Transportation decides the cost is allowable.

(b) ALLOWABLE COST STANDARDS.—A project cost is allowable—

(1) if the cost necessarily is incurred in carrying out the project in compliance with the grant agreement made for the project under this subchapter, including any cost a sponsor incurs related to an audit the Secretary requires under section 47121(b) or (d) of this title;

(2) if the cost is incurred—

(A) after the grant agreement is executed and is for airport development or airport planning carried out after the grant agreement is executed; or

(B) after June 1, 1989, by the airport operator (regardless of when the grant agreement is executed) as part of a Government-approved noise compatibility program (including project formulation costs) and is consistent with all applicable statutory and administrative requirements;

(3) to the extent the cost is reasonable in amount;

(4) if the cost is not incurred in a project for airport development or airport planning for which other Government assistance has been granted; and

(5) if the total costs allowed for the project are not more than the amount stated in the grant agreement as the maximum the Government will pay (except as provided in section 47108(b) of this title).

(c) CERTAIN PRIOR COSTS AS ALLOWABLE COSTS.—The Secretary may decide that a project cost under subsection (b)(2)(A) of this section incurred after May 13, 1946, and before the date the grant agreement is executed is allowable if it is—

(1) necessarily incurred in formulating an airport development project, including costs incurred for field surveys, plans and specifications, property interests in land or airspace, and administration or other incidental items that would not have been incurred except for the project; or

(2) necessarily and directly incurred in developing the work scope of an airport planning project.

(d) TERMINAL DEVELOPMENT COSTS.—(1) The Secretary may decide that the cost of terminal development (including multi-modal terminal development) in a nonrevenue-producing public-use area of a commercial service airport is allowable for an airport development project at the airport—

(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

(i) all the safety equipment required for certification of the airport under section 44706 of this title;

(ii) all the security equipment required by regulation; and

(iii) provided for access, to the area of the airport for passengers for boarding or exiting aircraft, to those passengers boarding or exiting aircraft, except air carrier aircraft;

(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

(C) under terms necessary to protect the interests of the Government.

(2) In making a decision under paragraph (1) of this subsection, the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

(A) the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and

(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary's approval.

(e) LETTERS OF INTENT.—(1) The Secretary may issue a letter of intent to the sponsor stating an intention to obligate from future budget authority an amount, not more than the Government's share of allowable project costs, for an airport development project (including costs of formulating the project) at a primary or reliever airport. The letter shall establish a schedule under which the Secretary will reimburse the sponsor for the Government's share of allowable project costs, as amounts become available, if the sponsor, after the Secretary issues the letter, carries out the project without receiving amounts under this subchapter.

(2) Paragraph (1) of this subsection applies to a project—

(A) about which the sponsor notifies the Secretary, before the project begins, of the sponsor's intent to carry out the project;

(B) that will comply with all statutory and administrative requirements that would apply to the project if it were carried out with amounts made available under this subchapter; and

(C) the Secretary decides will enhance system-wide airport capacity significantly and meets the criteria of section 47115(d) of this title.

(3) A letter of intent issued under paragraph (1) of this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriation laws.

(4) The total estimated amount of future Government obligations covered by all outstanding letters of intent under paragraph (1) of this subsection may not be more than the amount authorized to carry out section 48103 of this title, less an amount reasonably estimated by the Secretary to be needed for grants under section 48103 that are not covered by a letter.

(5) A letter of intent issued under paragraph (1) of this subsection may not condition the obligation of amounts on the imposition of a passenger facility fee.

(f) NONALLOWABLE COSTS.—Except as provided in subsection (d) of this section and section 47118(f) of this title, a cost is not an allowable airport development project cost if it is for—

(1) constructing a public parking facility for passenger automobiles;

(2) constructing, altering, or repairing part of an airport building, except to the extent the building will be used for facilities or activities directly related to the safety of individuals at the airport;

(3) decorative landscaping; or

(4) providing or installing sculpture or art works.

§47111. Payments under project grant agreements

(a) GENERAL AUTHORITY.—After making a project grant agreement under this subchapter and consulting with the sponsor, the Secretary of Transportation may decide when and in what amounts payments under the agreement will be made. Payments totaling not more than 90 percent of the United States Government's share of the project's estimated allowable costs may be made before the project is completed if the sponsor certifies to the Secretary that the total amount expended from the advance payments at any time will not be more than the cost of the airport development work completed on the project at that time.

(b) RECOVERING PAYMENTS.—If the Secretary determines that the total amount of payments made under a grant agreement under this subchapter is more than the Government's share of the total allowable project costs, the Government may recover the excess amount. If the Secretary finds that a project for which an advance payment was made has not been completed within a reasonable time, the Government may recover any part of the advance payment for which the Government received no benefit.

(c) PAYMENT DEPOSITS.—A payment under a project grant agreement under this subchapter may be made only to an official or depository designated by the sponsor and authorized by law to receive public money.

(d) WITHHOLDING PAYMENTS.—(1) The Secretary may withhold a payment under a grant agreement under this subchapter for more than 180 days after the payment is due only if the Secretary—

(A) notifies the sponsor and provides an opportunity for a hearing; and

(B) finds that the sponsor has violated the agreement.

(2) The 180-day period may be extended by—

(A) agreement of the Secretary and the sponsor; or

(B) the hearing officer if the officer decides an extension is necessary because the sponsor did not follow the schedule the officer established.

(3) A person adversely affected by an order of the Secretary withholding a payment may apply for review of the order by filing a petition in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the project is located. The petition must be filed not later than 60 days after the order is served on the petitioner.

§47112. Carrying out airport development projects

(a) CONSTRUCTION WORK.—The Secretary of Transportation may inspect and approve construction work for an airport development project carried out under a grant agreement under this subchapter. The construction work must be carried out in compliance with regulations the Secretary prescribes. The regulations shall require the sponsor to make necessary cost and progress reports on the project. The regulations may amend or modify a contract related to the project only if the contract was made with actual notice of the regulations.

(b) PREVAILING WAGES.—A contract for more than $2,000 involving labor for an airport development project carried out under a grant agreement under this subchapter must require contractors to pay labor minimum wage rates as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a-5). The minimum rates must be included in the bids for the work and in the invitation for those bids.

(c) VETERANS' PREFERENCE.—(1) In this subsection—

(A) "disabled veteran" has the same meaning given that term in section 2108 of title 5.

(B) "Vietnam-era veteran" means an individual who served on active duty (as defined in section 101 of title 38) in the armed forces for more than 180 consecutive days, any part of which occurred after August 4, 1964, and before May 8, 1975, and who was separated from the armed forces under honorable conditions.

(2) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that preference in the employment of labor (except in executive, administrative, and supervisory positions) be given to Vietnam-era veterans and disabled veterans when they are available and qualified for the employment.

§47113. Minority and disadvantaged business participation

(a) DEFINITIONS.—In this section—

(1) "small business concern"—

(A) has the same meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632); but

(B) does not include a concern, or group of concerns controlled by the same socially and economically disadvantaged individual, that has average annual gross receipts over the prior 3 fiscal years of more than $16,015,000, as adjusted by the Secretary of Transportation for inflation.

(2) "socially and economically disadvantaged individual" has the same meaning given that term in section 8(c) of the Act (15 U.S.C. 637(c)) and relevant subcontracting regulations prescribed under section 8(c), except that women are presumed to be socially and economically disadvantaged.

(b) GENERAL REQUIREMENT.—Except to the extent the Secretary decides otherwise, at least 10 percent of amounts available in a fiscal year under section 48103 of this title shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(c) UNIFORM CRITERIA.—The Secretary shall establish minimum uniform criteria for State governments and airport sponsors to use in certifying whether a small business concern qualifies under this section. The criteria shall include on-site visits, personal interviews, licenses, analyses of stock ownership and bonding capacity, listings of equipment and work completed, resumes of principal owners, financial capacity, and type of work preferred.

(d) SURVEYS AND LISTS.—Each State or airport sponsor annually shall survey and compile a list of small business concerns referred to in subsection (b) of this section and the location of each concern in the State.

§47114. Apportionments

(a) DEFINITION.—In this section, "amount subject to apportionment" means the amount newly made available under section 48103 of this title for a fiscal year.

(b) APPORTIONMENT DATE.—On the first day of each fiscal year, the Secretary of Transportation shall apportion the amount subject to apportionment for that fiscal year as provided in this section.

(c) AMOUNTS APPORTIONED TO SPONSORS.—(1)(A) The Secretary shall apportion to the sponsor of each primary airport for each fiscal year an amount equal to—

(i) $7.80 for each of the first 50,000 passenger boardings at the airport during the prior calendar year;

(ii) $5.20 for each of the next 50,000 passenger boardings at the airport during the prior calendar year;

(iii) $2.60 for each of the next 400,000 passenger boardings at the airport during the prior calendar year; and

(iv) $.65 for each additional passenger boarding at the airport during the prior calendar year.

(B) Not less than $400,000 nor more than $22,000,000 may be apportioned under subparagraph (A) of this paragraph to an airport sponsor for a primary airport for each fiscal year.

(2)(A) The Secretary shall apportion to the sponsors of airports served by aircraft providing air transportation of only cargo with a total annual landed weight of more than 100,000,000 pounds for each fiscal year an amount equal to 3.5 percent of the amount subject to apportionment each year, allocated among those airports in the proportion that the total annual landed weight of those aircraft landing at each of those airports bears to the total annual landed weight of those aircraft landing at all those airports. However, not more than 8 percent of the amount apportioned under this paragraph may be apportioned for any one airport.

(B) Landed weight under subparagraph (A) of this paragraph is the landed weight of aircraft landing at each of those airports and all those airports during the prior calendar year.

(3) The total of all amounts apportioned under paragraphs (1) and (2) of this subsection may not be more than 44 percent of the amount subject to apportionment for a fiscal year. If this paragraph requires reduction of an amount that otherwise would be apportioned under this subsection, the Secretary shall reduce proportionately the amount apportioned to each sponsor of an airport under paragraphs (1) and (2) until the 44 percent limit is achieved.

(d) AMOUNTS APPORTIONED TO STATES.—(1) In this subsection—

(A) "area" includes land and water.

(B) "population" means the population stated in the latest decennial census of the United States.

(2) The Secretary shall apportion to the States 12 percent of the amount subject to apportionment for each fiscal year as follows:

(A) one percent of the apportioned amount to Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(B) except as provided in paragraph (3) of this subsection, 49.5 percent of the apportioned amount for airports, except primary airports and airports described in section 47117(e)(1)(C) of this title, in States not named in clause (A) of this paragraph in the proportion that the population of each of those States bears to the total population of all of those States.

(C) except as provided in paragraph (3) of this subsection, 49.5 percent of the apportioned amount for airports, except primary airports and airports described in section 47117(e)(1)(C) of this title, in States not named in clause (A) of this paragraph in the proportion that the area of each of those States bears to the total area of all of those States.

(3) An amount apportioned under paragraph (2) of this subsection for an airport in—

(A) Alaska may be made available by the Secretary for a public airport described in section 47117(e)(1)(C)(ii) of this title to which section 15(a)(3)(A)(II) of the Airport and Airway Development Act of 1970 applied during the fiscal year that ended September 30, 1981; and

(B) Puerto Rico may be made available by the Secretary for a primary airport and an airport described in section 47117(e)(1)(C) of this title.

(e) ALTERNATIVE APPORTIONMENT FOR ALASKA.—(1) Instead of apportioning amounts for airports in Alaska under subsections (c) and (d) of this section, the Secretary may apportion amounts for those airports in the way in which amounts were apportioned in the fiscal year ending September 30, 1980, under section 15(a) of the Act. However, in apportioning amounts for a fiscal year under this subsection, the Secretary shall apportion—

(A) for each primary airport at least as much as would be apportioned for the airport under subsection (c)(1) of this section; and

(B) a total amount at least equal to the minimum amount required to be apportioned to airports in Alaska in the fiscal year ending September 30, 1980, under section 15(a)(3)(A) of the Act.

(2) This subsection does not prohibit the Secretary from making project grants for airports in Alaska from the discretionary fund under section 47115 of this title.

(3) Airports referred to in this subsection include those public airports that received scheduled service as of September 3, 1982, but were not apportioned amounts in the fiscal year ending September 30, 1980, under section 15(a) of the Act because the airports were not under the control of a State or local public agency.

(f) REDUCING APPORTIONMENTS.—An amount that would be apportioned under this section (except subsection (c)(2)) in a fiscal year to the sponsor of an airport having at least .25 percent of the total number of boardings each year in the United States and for which a fee is imposed in the fiscal year under section 40117 of this title shall be reduced by an amount equal to 50 percent of the projected revenues from the fee in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section.

§47115. Discretionary fund

(a) EXISTENCE AND AMOUNTS IN FUND.—The Secretary of Transportation has a discretionary fund. The fund consists of—

(1) amounts subject to apportionment for a fiscal year that are not apportioned under section 47114(c)–(e) of this title; and

(2) 25 percent of amounts not apportioned under section 47114 of this title because of section 47114(f).

(b) AVAILABILITY OF AMOUNTS.—Subject to subsection (c) of this section and section 47117(e) of this title, the fund is available for making grants for any purpose for which amounts are

made available under section 48103 of this title that the Secretary considers most appropriate to carry out this subchapter. However, 50 percent of amounts not apportioned under section 47114 of this title because of section 47114(f) and added to the fund is available for making grants for projects at small hub airports (as defined in section 41731 of this title).

(c) MINIMUM PERCENTAGE FOR PRIMARY AND RELIEVER AIRPORTS.—At least 75 percent of the amount in the fund and distributed by the Secretary in a fiscal year shall be used for making grants—

(1) to preserve and enhance capacity, safety, and security at primary and reliever airports; and

(2) to carry out airport noise compatibility planning and programs at primary and reliever airports.

(d) CONSIDERATIONS.—In selecting a project for a grant to preserve and enhance capacity as described in subsection (c)(1) of this section, the Secretary shall consider—

(1) the effect the project will have on the overall national air transportation system capacity;

(2) the project benefit and cost; and

(3) the financial commitment from non-United States Government sources to preserve or enhance airport capacity.

(e) WAIVING PERCENTAGE REQUIREMENT.—If the Secretary decides the Secretary cannot comply with the percentage requirement of subsection (c) of this section in a fiscal year because there are insufficient qualified grant applications to meet that percentage, the amount the Secretary determines will not be distributed as required by subsection (c) is available for obligation during the fiscal year without regard to the requirement.

§47116. Small airport fund

(a) EXISTENCE AND AMOUNTS IN FUND.—The Secretary of Transportation has a small airport fund. The fund consists of 75 percent of amounts not apportioned under section 47114 of this title because of section 47114(f).

(b) DISTRIBUTION OF AMOUNTS.—The Secretary may distribute amounts in the fund in each fiscal year for any purpose for which amounts are made available under section 48103 of this title as follows:

(1) one-third for grants to sponsors of public-use airports (except commercial service airports).

(2) two-thirds for grants to sponsors of each commercial service airport that each year has less than .05 percent of the total boardings in the United States in that year.

(c) AUTHORITY TO RECEIVE GRANT NOT DEPENDENT ON PARTICIPATION IN BLOCK GRANT PILOT PROGRAM.—An airport in a State participating in the State block grant pilot program under section 47128 of this title may receive a grant under this section to the same extent the airport may receive a grant if the State were not participating in the program.

§47117. Use of apportioned amounts

(a) GRANT PURPOSE.—Except as provided in this section, an amount apportioned under section 47114(c)(1) or (d)(2) of this title is available for making grants for any purpose for which amounts are made available under section 48103 of this title.

(b) PERIOD OF AVAILABILITY.—An amount apportioned under section 47114 of this title is available to be obligated for grants under the apportionment only during the fiscal year for which the amount was apportioned and the 2 fiscal years immediately after that year. If the amount is not obligated under the apportionment within that time, it shall be added to the discretionary fund.

(c) PRIMARY AIRPORTS.—(1) An amount apportioned to a sponsor of a primary airport under section 47114(c)(1) of this title is available for grants for any public-use airport of the sponsor included in the national plan of integrated airport systems.

(2) A sponsor of a primary airport may make an agreement with the Secretary of Transportation waiving any part of the amount apportioned for the airport under section 47114(c)(1) of this title if the Secretary makes the waived amount available for a grant for another public-use airport in the same State or geographical area as the primary airport.

(d) STATE USE.—An amount apportioned to a State under—

(1) section 47114(d)(2)(A) of this title is available for grants for airports located in the State; and

(2) section 47114(d)(2)(B) or (C) of this title is available for grants for airports described in section 47114(d)(2)(B) or (C) and located in the State.

(e) SPECIAL APPORTIONMENT CATEGORIES.—(1) The Secretary shall use amounts made available under section 48103 of this title for each fiscal year as follows:

(A) at least 10 percent for grants for reliever airports.

(B) at least 12.5 percent for grants for airport noise compatibility planning under section 47505(a)(2) of this title and for carrying out noise compatibility programs under section 47504(c)(1) of this title.

(C) at least 2.5 percent for grants for—

(i) nonprimary commercial service airports; and

(ii) public airports (except commercial service airports) that were eligible for United States Government assistance from amounts apportioned under section 15(a)(3) of the Airport and Airway Development Act of 1970, and to which section 15(a)(3)(A)(I) or (II) of the Act applied during the fiscal year that ended September 30, 1981.

(D) at least .5 percent for integrated airport system planning grants to planning agencies designated by the Secretary and authorized by the laws of a State or political subdivision of a State to do planning for an area of the State or subdivision in which a grant under this chapter is to be used.

(E) at least 2.25 percent for the fiscal year ending September 30, 1993, and at least 2.5 percent for each of the fiscal years ending September 30, 1994, and 1995, to sponsors of current or former military airports designated by the Secretary under section 47118(a) of this title for grants for developing current and former military airports to improve the capacity of the national air transportation system.

(2) A grant from the amount apportioned under section 47114(e) of this title may not be included as part of the 2.5 percent required to be used for grants under paragraph (1)(C) of this subsection.

(3) If the Secretary decides that an amount required to be used for grants under paragraph (1) of this subsection cannot be used for a fiscal year because there are insufficient qualified grant applications, the amount the Secretary determines cannot be used is available during the fiscal year for grants for other airports or for other purposes for which amounts are authorized for grants under section 48103 of this title.

(f) LIMITATION FOR COMMERCIAL SERVICE AIRPORT IN ALASKA.—The Secretary may not make a grant for a commercial service airport in Alaska of more than 110 percent of the amount apportioned for the airport for a fiscal year under section 47114(e) of this title.

(g) DISCRETIONARY USE OF APPORTIONMENTS.—(1) Subject to paragraph (2) of this subsection, if the Secretary finds, based on the notices the Secretary receives under section 47105(e) of this title or otherwise, that an amount apportioned under section 47114 of this title will not be used for grants during a fiscal year, the Secretary may use an equal amount for grants during that fiscal year for any of the purposes for which amounts are authorized for grants under section 48103 of this title.

(2) The Secretary may make a grant under paragraph (1) of this subsection only if the Secretary decides that—

(A) the total amount used for grants for the fiscal year under section 48103 of this title will not be more than the amount made available under section 48103 for that fiscal year; and

(B) the amounts authorized for grants under section 48103 of this title for later fiscal years are sufficient for grants of the apportioned amounts that were not used for grants under the apportionment during the fiscal year and that remain available under subsection (b) of this section.

(h) LIMITING AUTHORITY OF SECRETARY.—The authority of the Secretary to make grants during a fiscal year from amounts that were apportioned for a prior fiscal year and remain available for approved airport development project grants under subsection (b) of this section may be impaired only by a law enacted after September 3, 1982, that expressly limits that authority.

§47118. Designating current and former military airports

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall designate not more than 12 current or former military airports for which grants may be made under section 47117(e)(1)(E) of this title.

(b) SURVEY.—Not later than September 30, 1991, the Secretary shall complete a survey of current and former military airports to identify which airports have the greatest potential to improve the capacity of the national air transportation system. The survey shall identify the capital development needs of those airports to make them part of the system and which of those qualify for grants under section 47104 of this title.

(c) CONSIDERATIONS.—In carrying out this section, the Secretary shall consider only current or former military airports that, when at least partly converted to civilian commercial or reliever airports as part of the national air transportation system, will enhance airport and air traffic control system capacity in major metropolitan areas and reduce current and projected flight delays.

(d) GRANTS.—Grants under section 47117(e)(1)(E) of this title may be made for an airport designated under subsection (a) of this section for the 5 fiscal years following the designation. If an airport does not have a level of passengers getting on aircraft during that 5-year period that qualifies the airport as a small hub airport (as defined on January 1, 1990) or reliever airport, the Secretary may redesignate the airport for grants for additional fiscal years that the Secretary decides.

(e) TERMINAL BUILDING FACILITIES.—Notwithstanding section 47109(c) of this title, not more than $5,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for a fiscal year is available to the sponsor of a current or former military airport the Secretary designates under this section to construct, improve, or repair a terminal building facility, including terminal gates used for revenue passengers getting on or off aircraft. A gate constructed, improved, or repaired under this subsection—

(1) may not be leased for more than 10 years; and

(2) is not subject to majority in interest clauses.

(f) PARKING LOTS, FUEL FARMS, AND UTILITIES.—Not more than a total of $4,000,000 for

each airport from amounts the Secretary distributes under section 47115 of this title for the fiscal years ending September 30, 1993–1995, is available to the sponsor of a current or former military airport the Secretary designates under this section to construct, improve, or repair airport surface parking lots, fuel farms, and utilities.

§47119. Terminal development costs

(a) REPAYING BORROWED MONEY.—An amount apportioned under section 47114 of this title and made available to the sponsor of an air carrier airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for terminal development at the airport, if those costs would be allowable project costs under section 47110(d) of this title if they had been incurred after September 3, 1982. An amount is available for a grant under this subsection—

(1) only if—

(A) the sponsor submits the certification required under section 47110(d) of this title;

(B) the Secretary of Transportation decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 3 years beginning on the date the grant is used to repay the borrowed money; and

(2) subject to the limitations in subsection (b)(1) and (2) of this section.

(b) AVAILABILITY OF AMOUNTS.—In a fiscal year, the Secretary may make available—

(1) to a sponsor of a primary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(c)(1) of this title to pay project costs allowable under section 47110(d) of this title;

(2) to a sponsor of a nonprimary commercial service airport, not more than $200,000 of the amount that may be distributed for the fiscal year from the discretionary fund to pay project costs allowable under section 47110(d) of this title; or

(3) not more than $25,000,000 to pay project costs allowable for the fiscal year under section 47110(d) of this title for projects at commercial service airports that were not eligible for assistance for terminal development during the fiscal year ending September 30, 1980, under section 20(b) of the Airport and Airway Development Act of 1970.

§47120. Grant priority

In making a grant under this subchapter, the Secretary of Transportation may give priority to a project that is consistent with an integrated airport system plan.

§47121. Records and audits

(a) RECORDS.—A sponsor shall keep the records the Secretary of Transportation requires. The Secretary may require records—

(1) that disclose—

(A) the amount and disposition by the sponsor of the proceeds of the grant;

(B) the total cost of the plan or program for which the grant is given or used; and

(C) the amounts and kinds of costs of the plan or program provided by other sources; and

(2) that make it easier to carry out an audit.

(b) AUDITS AND EXAMINATIONS.—The Secretary and the Comptroller General may audit and examine records of a sponsor that are related to a grant made under this subchapter.

(c) AUTHORITY OF COMPTROLLER GENERAL.—When an independent audit is made of the accounts of a sponsor under this subchapter related to the disposition of the proceeds of the grant or related to the plan or program for which the grant was given or used, the sponsor shall submit a certified copy of the audit to the Comptroller General not more than 6 months after the end of the fiscal year for which the audit was made. Not later than April 15 of each year, the Comptroller General shall report to Congress describing the results of each audit conducted or reviewed by the Comptroller General under this section during the prior fiscal year. The Comptroller General shall prescribe regulations necessary to carry out this subsection.

(d) AUDIT REQUIREMENT.—The Secretary may require a sponsor to conduct an appropriate audit as a condition for receiving a grant under this subchapter.

(e) ANNUAL REVIEW.—The Secretary shall review annually the recordkeeping and reporting requirements under this subchapter to ensure that they are the minimum necessary to carry out this subchapter.

(f) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize the Secretary or the Comptroller General to withhold information from a committee of Congress authorized to have the information.

§47122. Administrative

(a) GENERAL.—The Secretary of Transportation may take action the Secretary considers necessary to carry out this subchapter, including conducting investigations and public hearings, prescribing regulations and procedures, and issuing orders.

(b) CONDUCTING INVESTIGATIONS AND PUBLIC HEARINGS.—In conducting an investigation or public hearing under this subchapter, the Secretary has the same authority the Secretary has under section 46104 of this title. An action of the Secretary in exercising that authority is governed by the procedures specified in section 46104 and shall be enforced as provided in section 46104.

§47123. Nondiscrimination

The Secretary of Transportation shall take affirmative action to ensure that an individual is not excluded because of race, creed, color, national origin, or sex from participating in an activity carried out with money received under a grant under this subchapter. The Secretary shall prescribe regulations necessary to carry out this section. The regulations shall be similar to those in effect under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). This section is in addition to title VI of the Act.

§47124. Agreements for State and local operation of airport facilities

(a) GOVERNMENT RELIEF FROM LIABILITY.—The Secretary of Transportation shall ensure that an agreement under this subchapter with a State or a political subdivision of a State to allow the State or subdivision to operate an airport facility in the State or subdivision relieves the United States Government from any liability arising out of, or related to, acts or omissions of employees of the State or subdivision in operating the airport facility.

(b) AIR TRAFFIC CONTROL CONTRACT PROGRAM.—(1) The Secretary shall continue the low activity (Visual Flight Rules) level I air traffic control tower contract program established under subsection (a) of this section for towers existing on December 30, 1987, and extend the program to other towers as practicable.

(2) The Secretary may make a contract, on a sole source basis, with a State or a political subdivision of a State to allow the State or subdivision to operate an airport traffic control tower classified as a level I (Visual Flight Rules) tower if the Secretary decides that the State or subdivision has the capability to comply with the requirements of this paragraph. The contract shall require that the State or subdivision comply with applicable safety regulations in operating the facility and with applicable competition requirements in making a subcontract to perform work to carry out the contract.

§47125. Conveyances of United States Government land

(a) CONVEYANCES TO PUBLIC AGENCIES.—Except as provided in subsection (b) of this section, the Secretary of Transportation shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems. The head of the department, agency, or instrumentality shall decide whether the requested conveyance is consistent with the needs of the department, agency, or instrumentality and shall notify the Secretary of that decision not later than 4 months after receiving the request. If the head of the department, agency, or instrumentality decides that the requested conveyance is consistent with its needs, the head of the department, agency, or instrumentality, with the approval of the Attorney General and without cost to the Government, shall make the conveyance. A conveyance may be made only on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance.

(b) NONAPPLICATION.—Except as specifically provided by law, subsection (a) of this section does not apply to land or airspace owned or controlled by the Government within—

(1) a national park, national monument, national recreation area, or similar area under the administration of the National Park Service;

(2) a unit of the National Wildlife Refuge System or similar area under the jurisdiction of the United States Fish and Wildlife Service; or

(3) a national forest or Indian reservation.

§47126. Criminal penalties for false statements

A person (including an officer, agent, or employee of the United States Government or a public agency) shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person, with intent to defraud the Government, knowingly makes—

(1) a false statement about the kind, quantity, quality, or cost of the material used or to be used, or the quantity, quality, or cost of work performed or to be performed, in connection with the submission of a plan, map, specification, contract, or estimate of project cost for a project included in a grant application submitted to the Secretary of Transportation for approval under this subchapter;

(2) a false statement or claim for work or material for a project included in a grant application approved by the Secretary under this subchapter; or

(3) a false statement in a report or certification required under this subchapter.

§47127. Ground transportation demonstration projects

(a) GENERAL AUTHORITY.—To improve the airport and airway system of the United States consistent with regional airport system plans financed under section 13(b) of the Airport and Airway Development Act of 1970, the Secretary of Transportation may carry out ground transportation demonstration projects to improve ground access to air carrier airport terminals. The Secretary may carry out a demonstration project independently or by grant or contract, including an agreement with another department, agency, or instrumentality of the United States Government.

(b) PRIORITY.—In carrying out this section, the Secretary shall give priority to a demonstration project that—

(1) affects an airport in an area with an operating regional rapid transit system with existing facilities reasonably near the airport;

(2) includes connection of the airport terminal to that system;

(3) is consistent with and supports a regional airport system plan adopted by the planning agency for the region and submitted to the Secretary; and

(4) improves access to air transportation for individuals residing or working in the region by encouraging the optimal balance of use of airports in the region.

§47128. State block grant pilot program

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall prescribe regulations to carry out a State block grant pilot program. The regulations shall provide that the Secretary may designate not more than 7 qualified States to assume administrative responsibility for all airport grant amounts available under this subchapter, except for amounts designated for use at primary airports.

(b) APPLICATIONS AND SELECTION.—(1) A State wishing to participate in the program must submit an application to the Secretary. The Secretary shall select a State on the basis of its application only after—

(A) deciding the State has an organization capable of effectively administering a block grant made under this section;

(B) deciding the State uses a satisfactory airport system planning process;

(C) deciding the State uses a programming process acceptable to the Secretary;

(D) finding that the State has agreed to comply with United States Government standard requirements for administering the block grant; and

(E) finding that the State has agreed to provide the Secretary with program information the Secretary requires.

(2) For the fiscal years ending September 30, 1993-1996, the States selected shall include Illinois, Missouri, and North Carolina.

(c) SAFETY AND SECURITY NEEDS AND NEEDS OF SYSTEM.—Before deciding whether a planning process is satisfactory or a programming process is acceptable under subsection (b)(2) or (3) of this section, the Secretary shall ensure that the process provides for meeting critical safety and security needs and that the programming process ensures that the needs of the national airport system will be addressed in deciding which projects will receive money from the Government.

(d) ENDING EFFECTIVE DATE AND REPORT.—This section is effective only through September 30, 1996.

§47129. Annual report

Not later than April 1 of each year, the Secretary of Transportation shall submit to Congress a report on activities carried out under this subchapter during the prior fiscal year. The report shall include—

(1) a detailed statement of airport development completed;

(2) the status of each project undertaken;

(3) the allocation of appropriations; and

(4) an itemized statement of expenditures and receipts.

SUBCHAPTER II—SURPLUS PROPERTY FOR PUBLIC AIRPORTS

§47151. Authority to transfer an interest in surplus property

(a) GENERAL AUTHORITY.—Subject to sections 47152 and 47153 of this title, a department, agency, or instrumentality of the executive branch of the United States Government or a wholly owned Government corporation may give a State, political subdivision of a State, or tax-supported organization any interest in surplus property—

(1) that the Secretary of Transportation decides is—

(A) desirable for developing, improving, operating, or maintaining a public airport (as defined in section 47102 of this title);

(B) reasonably necessary to fulfill the immediate and foreseeable future requirements for developing, improving, operating, or maintaining a public airport; or

(C) needed for developing sources of revenue from nonaviation businesses at a public airport; and

(2) if the Administrator of General Services approves the gift and decides the interest is not best suited for industrial use.

(b) ENSURING COMPLIANCE.—Only the Secretary may ensure compliance with an instrument giving an interest in surplus property under this subchapter. The Secretary may amend the instrument to correct the instrument or to make the gift comply with law.

(c) DISPOSING OF INTERESTS NOT GIVEN UNDER THIS SUBCHAPTER.—An interest in surplus property that could be used at a public airport but that is not given under this subchapter shall be disposed of under other applicable law.

§47152. Terms of gifts

Except as provided in section 47153 of this title, the following terms apply to a gift of an interest in surplus property under this subchapter:

(1) A State, political subdivision of a State, or tax-supported organization receiving the interest may use, lease, salvage, or dispose of the interest for other than airport purposes only after the Secretary of Transportation gives written consent that the interest can be used, leased, salvaged, or disposed of without materially and adversely affecting the development, improvement, operation, or maintenance of the airport at which the property is located.

(2) The interest shall be used and maintained for public use and benefit without unreasonable discrimination.

(3) A right may not be vested in a person, excluding others in the same class from using the airport at which the property is located—

(A) to conduct an aeronautical activity requiring the operation of aircraft; or

(B) to engage in selling or supplying aircraft, aircraft accessories, equipment, or supplies (except gasoline and oil), or aircraft services necessary to operate aircraft (including maintaining and repairing aircraft, aircraft engines, propellers, and appliances).

(4) The State, political subdivision, or tax-supported organization accepting the interest shall clear and protect the aerial approaches to the airport by mitigating existing, and preventing future, airport hazards.

(5) During a national emergency declared by the President or Congress, the United States Government is entitled to use, control, or possess, without charge, any part of the public airport at which the property is located. However, the Government shall—

(A) pay the entire cost of maintaining the part of the airport it exclusively uses, controls, or possesses during the emergency;

(B) contribute a reasonable share, consistent with the Government's use, of the cost of maintaining the property it uses nonexclusively, or over which the Government has nonexclusive control or possession, during the emergency; and

(C) pay a fair rental for use, control, or possession of improvements to the airport made without Government assistance.

(6) The Government is entitled to the nonexclusive use, without charge, of the landing area of an airport at which the property is located. The Secretary may limit the use of the landing area if necessary to prevent unreasonable interference with use by other authorized aircraft. However, the Government shall—

(A) contribute a reasonable share, consistent with the Government's use, of the cost of maintaining and operating the landing area; and

(B) pay for damages caused by its use of the landing area if its use of the landing area is substantial.

(7) The State, political subdivision, or tax-supported organization accepting the interest shall release the Government from all liability for damages arising under an agreement that provides for Government use of any part of an airport owned, controlled, or operated by the State, political subdivision, or tax-supported organization on which, adjacent to which, or in connection with which, the property is located.

(8) When a term under this section is not satisfied, any part of the interest in the property reverts to the Government, at the option of the Government, as the property then exists.

§47153. Waiving and adding terms

(a) GENERAL AUTHORITY.—(1) The Secretary of Transportation may waive, without charge, a term of a gift of an interest in property under this subchapter if the Secretary decides that—

(A) the property no longer serves the purpose for which it was given; or

(B) the waiver will not prevent carrying out the purpose for which the gift was made and is necessary to advance the civil aviation interests of the United States.

(2) The Secretary of Transportation shall waive a term under paragraph (1) of this subsection on terms the Secretary considers necessary to protect or advance the civil aviation interests of the United States.

(b) WAIVERS AND INCLUSION OF ADDITIONAL TERMS ON REQUEST.—On request of the Secretary of Transportation or the Secretary of a military department, a department, agency, or instrumentality of the executive branch of the United States Government or a wholly owned Government corporation may waive a term required by section 47152 of this title or add another term if the appropriate Secretary decides it is necessary to protect or advance the interests of the United States in civil aviation or for national defense.

CHAPTER 473—INTERNATIONAL AIRPORT FACILITIES

Sec.
47301. Definitions.
47302. Providing airport and airway property in foreign territories.
47303. Training foreign citizens.
47304. Transfer of airport and airway property.
47305. Administrative.
47306. Criminal penalty.

§47301. Definitions

In this chapter—

(1) "airport property" means an interest in property used or useful in operating and maintaining an airport.

(2) "airway property" means an interest in property used or useful in operating and maintaining a ground installation, facility, or equipment desirable for the orderly and safe operation of air traffic, including air navigation, air traffic control, airway communication, and meteorological facilities.

(3) "foreign territory" means an area—

(A) over which no government or a government of a foreign country has sovereignty;

(B) temporarily under military occupation by the United States Government; or

(C) occupied or administered by the Government or a government of a foreign country under an international agreement.

(4) "territory outside the continental United States" means territory outside the 48 contiguous States and the District of Columbia.

§47302. Providing airport and airway property in foreign territories

(a) GENERAL AUTHORITY.—Subject to the concurrence of the Secretary of State and the consideration of objectives of the International Civil Aviation Organization—

(1) the Secretary of Transportation may acquire, establish, and construct airport property and airway property (except meteorological facilities) in foreign territory; and

(2) the Secretary of Commerce may acquire, establish, and construct meteorological facilities in foreign territory.

(b) SPECIFIC APPROPRIATIONS REQUIRED.—Except for airport property transferred under section 47304(b) of this title, an airport (as defined in section 40102(a) of this title) may be acquired, established, or constructed under subsection (a) of this section only if amounts have been appropriated specifically for the airport.

(c) ACCEPTING FOREIGN PAYMENTS.—The Secretary of Transportation or Commerce, as appropriate, may accept payment from a government of a foreign country or international organization for facilities or services sold or provided the government or organization under this chapter. The amount received may be credited to the appropriation current when the expenditures are or were paid, the appropriation current when the amount is received, or both.

§47303. Training foreign citizens

Subject to the concurrence of the Secretary of State, the Secretary of Transportation or Commerce, as appropriate, may train a foreign citizen in a subject related to aeronautics and essential to the orderly and safe operation of civil aircraft. The training may be provided—

(1) directly by the appropriate Secretary or jointly with another department, agency, or instrumentality of the United States Government;

(2) through a public or private agency of the United States (including a State or municipal educational institution); or

(3) through an international organization.

§47304. Transfer of airport and airway property

(a) GENERAL AUTHORITY.—When requested by the government of a foreign country or an international organization, the Secretary of Transportation or Commerce, as appropriate, may transfer to the government or organization airport property and airway property operated and maintained under this chapter by the appropriate Secretary in foreign territory. The transfer shall be on terms the appropriate Secretary considers proper, including consideration agreed on through negotiations with the government or organization.

(b) PROPERTY INSTALLED OR CONTROLLED BY MILITARY.—Subject to terms to which the parties agree, the Secretary of a military department may transfer without charge to the Secretary of Transportation airport property and airway property (except meteorological facilities), and to the Secretary of Commerce meteorological facilities, that the Secretary of the military department installed or controls in territory outside the continental United States. The transfer may be made if consistent with the needs of national defense and—

(1) the Secretary of the military department finds that the property or facility is no longer required exclusively for military purposes; and

(2) the Secretary of Transportation or Commerce, as appropriate, decides that the transfer is or may be necessary to carry out this chapter.

(c) REPUBLIC OF PANAMA.—(1) The Secretary of Transportation may provide, operate, and maintain facilities and services for air navigation, airway communications, and air traffic control in the Republic of Panama subject to—

(A) the approval of the Secretary of Defense; and

(B) each obligation assumed by the United States Government under an agreement between the Government and the Republic of Panama.

(2) The Secretary of a military department may transfer without charge to the Secretary of Transportation property located in the Republic of Panama when the Secretary of Transportation decides that the transfer may be useful in carrying out this chapter.

(3) Subsection (b) of this section (related to the Secretary of Transportation) and section 47302(a) and (b) of this title do not apply in carrying out this subsection.

(d) RETAKING PROPERTY FOR MILITARY REQUIREMENT.—(1) When necessary for a military requirement, the Secretary of a military department immediately may retake property (with any improvements to it) transferred by the Secretary under subsection (b) or (c) of this section. The Secretary shall pay reasonable compensation to each person (or its successor in interest) that made an improvement to the property that was not made at the expense of the Government. The Secretary or a delegate of the Secretary shall decide on the amount of compensation.

(2) On the recommendation of the Secretary of Transportation or Commerce, as appropriate, the Secretary of a military department may decide not to act under paragraph (1) of this subsection.

§47305. Administrative

(a) GENERAL AUTHORITY.—The Secretary of Transportation shall consolidate, operate, protect, maintain, and improve airport property and airway property (except meteorological facilities), and the Secretary of Commerce may consolidate, operate, protect, maintain, and improve meteorological facilities, that the appropriate Secretary has acquired and that are located in territory outside the continental United States. In carrying out this section, the appropriate Secretary may—

(1) adapt the property or facility to the needs of civil aeronautics;

(2) lease the property or facility for not more than 20 years;

(3) make a contract, or provide directly, for facilities and services;

(4) make reasonable charges for aeronautical services; and

(5) acquire an interest in property.

(b) CREDITING APPROPRIATIONS.—Money received from the direct sale or charge that the Secretary of Transportation or Commerce, as appropriate, decides is equivalent to the cost of facilities and services sold or provided under subsection (a)(3) and (4) of this section is credited to the appropriation from which the cost was paid. The balance shall be deposited in the Treasury as miscellaneous receipts.

(c) USING OTHER GOVERNMENT FACILITIES AND SERVICES.—To carry out this chapter and to use personnel and facilities of the United States Government most advantageously and without unnecessary duplication, the Secretary of Transportation or Commerce, as appropriate, shall request, when practicable, to use a facility or service of an appropriate department, agency, or instrumentality of the Government on a reimbursable basis. A department, agency, or instrumentality receiving a request under this section may provide the facility or service.

(d) ADVERTISING NOT REQUIRED.—Section 3709 of the Revised Statutes (41 U.S.C. 5) does not apply to a lease or contract made by the Secretary of Transportation or Commerce under this chapter.

§47306. Criminal penalty

A person that knowingly and willfully violates a regulation prescribed by the Secretary of Transportation to carry out this chapter shall be fined under title 18, imprisoned for not more than 6 months, or both.

CHAPTER 475—NOISE

SUBCHAPTER I—NOISE ABATEMENT

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47503. Noise exposure maps.
47504. Noise compatibility programs.
47505. Airport noise compatibility planning grants.
47506. Limitations on recovering damages for noise.
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SUBCHAPTER II—NATIONAL AVIATION NOISE POLICY

47521. Findings.
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47531. Penalties for violating sections 47528–47530.
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SUBCHAPTER I—NOISE ABATEMENT

§47501. Definitions

In this subchapter—

(1) "airport" means a public-use airport as defined in section 47102 of this title.

(2) "airport operator" means—

(A) for an airport serving air carriers that have certificates from the Secretary of Transportation, any person holding an airport operating certificate issued under section 44706 of this title; and

(B) for any other airport, the person operating the airport.

§47502. Noise measurement and exposure systems and identifying land use compatible with noise exposure

After consultation with the Administrator of the Environmental Protection Agency and United States Government, State, and interstate agencies that the Secretary of Transportation considers appropriate, the Secretary shall by regulation—

(1) establish a single system of measuring noise that—

(A) has a highly reliable relationship between projected noise exposure and surveyed reactions of individuals to noise; and

(B) is applied uniformly in measuring noise at airports and the surrounding area;

(2) establish a single system for determining the exposure of individuals to noise resulting from airport operations, including noise intensity, duration, frequency, and time of occurrence; and

(3) identify land uses normally compatible with various exposures of individuals to noise.

§47503. Noise exposure maps

(a) SUBMISSION AND PREPARATION.—An airport operator may submit to the Secretary of Transportation a noise exposure map showing the noncompatible uses in each area of the map on the date the map is submitted, a description of estimated aircraft operations during 1985, and how those operations will affect the map. The map shall—

(1) be prepared in consultation with public agencies and planning authorities in the area surrounding the airport; and

(2) comply with regulations prescribed under section 47502 of this title.

(b) REVISED MAPS.—If a change in the operation of an airport will establish a substantial new noncompatible use in an area surrounding the airport, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use.

§47504. Noise compatibility programs

(a) SUBMISSIONS.—(1) An airport operator that submitted a noise exposure map and related information under section 47503(a) of this title may submit a noise compatibility program to the Secretary of Transportation after—

(A) consulting with public agencies and planning authorities in the area surrounding the airport, United States Government officials having local responsibility for the airport, and air carriers using the airport; and

(B) notice and an opportunity for a public hearing.

(2) A program submitted under paragraph (1) of this subsection shall state the measures the operator has taken or proposes to take to reduce existing noncompatible uses and prevent introducing additional noncompatible uses in the area covered by the map. The measures may include—

(A) establishing a preferential runway system;

(B) restricting the use of the airport by a type or class of aircraft because of the noise characteristics of the aircraft;

(C) constructing barriers and acoustical shielding and soundproofing public buildings;

(D) using flight procedures to control the operation of aircraft to reduce exposure of individuals to noise in the area surrounding the airport; and

(E) acquiring land, air rights, easements, development rights, and other interests to ensure that the property will be used in ways compatible with airport operations.

(b) APPROVALS.—(1) The Secretary shall approve or disapprove a program submitted under subsection (a) of this section (except as the program is related to flight procedures referred to in subsection (a)(2)(D) of this section) not later than 180 days after receiving it. The Secretary shall approve the program (except as the program is related to flight procedures referred to in subsection (a)(2)(D)) if the program—

(A) does not place an unreasonable burden on interstate or foreign commerce;

(B) is reasonably consistent with achieving the goal of reducing noncompatible uses and preventing the introduction of additional noncompatible uses; and

(C) provides for necessary revisions because of a revised map submitted under section 47503(b) of this title.

(2) A program (except as the program is related to flight procedures referred to in subsection (a)(2)(D) of this section) is deemed to be approved if the Secretary does not act within the 180-day period.

(3) The Secretary shall submit any part of a program related to flight procedures referred to in subsection (a)(2)(D) of this section to the Administrator of the Federal Aviation Administration. The Administrator shall approve or disapprove that part of the program.

(c) GRANTS.—(1) The Secretary may incur obligations to make grants from amounts available under section 48103 of this title to carry out a project under a part of a noise compatibility program approved under subsection (b) of this section. A grant may be made to—

(A) an airport operator submitting the program;

(B) a unit of local government in the area surrounding the airport, if the Secretary decides the unit is able to carry out the project;

(C) an airport operator or unit of local government referred to in clause (A) or (B) of this paragraph to carry out any part of a program developed before February 18, 1980, or before implementing regulations were prescribed, if the Secretary decides the program is substantially consistent with reducing existing noncompatible uses and preventing the introduction of additional noncompatible uses and the purposes of this chapter will be furthered by promptly carrying out the program; and

(D) an airport operator or unit of local government referred to in clause (A) or (B) of this paragraph to soundproof a building in the noise impact area surrounding the airport that is used primarily for educational or medical purposes and that the Secretary decides is adversely affected by airport noise.

(2) An airport operator may agree to make a grant made under paragraph (1)(A) of this subsection available to a public agency in the area surrounding the airport if the Secretary decides the agency is able to carry out the project.

(3) The Government's share of a project for which a grant is made under paragraph (1) of this subsection is the greater of—

(A) 80 percent of the cost of the project; or

(B) the Government's share that would apply if the amounts available for the project were made available under subchapter I of chapter 471 of this title for a project at the airport.

(4) The provisions of subchapter I of chapter 471 of this title related to grants apply to a grant made under this chapter, except—

(A) section 47109(a) and (b) of this title; and

(B) any provision that the Secretary decides is inconsistent with, or unnecessary to carry out, this chapter.

(d) GOVERNMENT RELIEF FROM LIABILITY.—The Government is not liable for damages from aviation noise because of action taken under this section.

§47505. Airport noise compatibility planning grants

(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant to a sponsor of an airport to develop, for planning purposes, information necessary to prepare and submit—

(1) a noise exposure map and related information under section 47503 of this title, including the cost of obtaining the information; or

(2) a noise compatibility program under section 47504 of this title.

(b) AVAILABILITY OF AMOUNTS AND GOVERNMENT'S SHARE OF COSTS.—A grant under subsection (a) of this section may be made from amounts available under section 48103 of this title. The United States Government's share of the grant is the percent for which a project for airport development at an airport would be eligible under section 47109(a) and (b) of this title.

§47506. Limitations on recovering damages for noise

(a) GENERAL LIMITATIONS.—A person acquiring an interest in property after February 18, 1980, in an area surrounding an airport for which a noise exposure map has been submitted under section 47503 of this title and having actual or constructive knowledge of the existence of the map may recover damages for noise attributable to the airport only if, in addition to any other elements for recovery of damages, the person shows that—

(1) after acquiring the interest, there was a significant—

(A) change in the type or frequency of aircraft operations at the airport;

(B) change in the airport layout;

(C) change in flight patterns; or

(D) increase in nighttime operations; and

(2) the damages resulted from the change or increase.

(b) CONSTRUCTIVE KNOWLEDGE.—Constructive knowledge of the existence of a map under subsection (a) of this section shall be imputed, at a minimum, to a person if—

(1) before the person acquired the interest, notice of the existence of the map was published at least 3 times in a newspaper of general circulation in the county in which the property is located; or

(2) the person is given a copy of the map when acquiring the interest.

§47507. Nonadmissibility of noise exposure map and related information as evidence

No part of a noise exposure map or related information described in section 47503 of this title that is submitted to, or prepared by, the Secretary of Transportation and no part of a list of land uses the Secretary identifies as normally compatible with various exposures of individuals to noise may be admitted into evidence or used for any other purpose in a civil action asking for relief for noise resulting from the operation of an airport.

§47508. Noise standards for air carriers and foreign air carriers providing foreign air transportation

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall require each air carrier and foreign air carrier providing foreign air transportation to comply with noise standards—

(1) the Secretary prescribed for new subsonic aircraft in regulations of the Secretary in effect on January 1, 1977; or

(2) of the International Civil Aviation Organization that are substantially compatible with standards of the Secretary for new subsonic aircraft in regulations of the Secretary at parts 36 and 91 of title 14, Code of Federal Regulations, prescribed between January 2, 1977, and January 1, 1982.

(b) COMPLIANCE AT PHASED RATE.—The Secretary shall require each air carrier and foreign air carrier providing foreign air transportation to comply with the noise standards at a phased rate similar to the rate for aircraft registered in the United States.

(c) NONDISCRIMINATION.—The requirement for air carriers providing foreign air transportation may not be more stringent than the requirement for foreign air carriers.

SUBCHAPTER II—NATIONAL AVIATION NOISE POLICY

§47521. Findings

Congress finds that—

(1) aviation noise management is crucial to the continued increase in airport capacity;

(2) community noise concerns have led to uncoordinated and inconsistent restrictions on aviation that could impede the national air transportation system;

(3) a noise policy must be carried out at the national level;

(4) local interest in aviation noise management shall be considered in determining the national interest;

(5) community concerns can be alleviated through the use of new technology aircraft and the use of revenues, including those available from passenger facility fees, for noise management;

(6) revenues controlled by the United States Government can help resolve noise problems and carry with them a responsibility to the national airport system;

(7) revenues derived from a passenger facility fee may be applied to noise management and increased airport capacity; and

(8) a precondition to the establishment and collection of a passenger facility fee is the prescribing by the Secretary of Transportation of a regulation establishing procedures for reviewing airport noise and access restrictions on operations of stage 2 and stage 3 aircraft.

§47522. Definitions

In this subchapter—

(1) "air carrier", "air transportation", and "United States" have the same meanings given those terms in section 40102(a) of this title.

(2) "stage 3 noise levels" means the stage 3 noise levels in part 36 of title 14, Code of Federal Regulations, in effect on November 5, 1990.

§47523. National aviation noise policy

(a) GENERAL REQUIREMENTS.—Not later than July 1, 1991, the Secretary of Transportation shall establish by regulation a national aviation noise policy that considers this subchapter, including the phaseout and nonaddition of stage 2 aircraft as provided in this subchapter and dates for carrying out that policy and reporting requirements consistent with this subchapter and law existing as of November 5, 1990.

(b) DETAILED ECONOMIC ANALYSIS.—The policy shall be based on a detailed economic analysis of the impact of the phaseout date for stage 2 aircraft on competition in the airline industry, including—

(1) the ability of air carriers to achieve capacity growth consistent with the projected rate of growth for the airline industry;

(2) the impact of competition in the airline and air cargo industries;

(3) the impact on nonhub and small community air service; and

(4) the impact on new entry into the airline industry.

§47524. Airport noise and access restriction review program

(a) GENERAL REQUIREMENTS.—The national aviation noise policy established under section 47523 of this title shall provide for establishing by regulation a national program for reviewing airport noise and access restrictions on the operation of stage 2 and stage 3 aircraft. The program shall provide for adequate public notice and opportunity for comment on the restrictions.

(b) STAGE 2 AIRCRAFT.—Except as provided in subsection (d) of this section, an airport noise or access restriction may include a restriction on the operation of stage 2 aircraft proposed after October 1, 1990, only if the airport operator publishes the proposed restriction and prepares and makes available for public comment at least 180 days before the effective date of the proposed restriction—

(1) an analysis of the anticipated or actual costs and benefits of the existing or proposed restriction;

(2) a description of alternative restrictions;

(3) a description of the alternative measures considered that do not involve aircraft restrictions; and

(4) a comparison of the costs and benefits of the alternative measures to the costs and benefits of the proposed restriction.

(c) STAGE 3 AIRCRAFT.—(1) Except as provided in subsection (d) of this section, an airport noise or access restriction on the operation of stage 3 aircraft not in effect on October 1, 1990, may become effective only if the restriction has been agreed to by the airport proprietor and all aircraft operators or has been submitted to and approved by the Secretary of Transportation after an airport or aircraft operator's request for approval as provided by the program established under this section. Restrictions to which this paragraph applies include—

(A) a restriction on noise levels generated on either a single event or cumulative basis;

(B) a restriction on the total number of stage 3 aircraft operations;

(C) a noise budget or noise allocation program that would include stage 3 aircraft;

(D) a restriction on hours of operations; and

(E) any other restriction on stage 3 aircraft.

(2) Not later than 180 days after the Secretary receives an airport or aircraft operator's request for approval of an airport noise or access restriction on the operation of a stage 3 aircraft, the Secretary shall approve or disapprove the restriction. The Secretary may approve the restriction only if the Secretary finds on the basis of substantial evidence that—

(A) the restriction is reasonable, nonarbitrary, and nondiscriminatory;

(B) the restriction does not create an unreasonable burden on interstate or foreign commerce;

(C) the restriction is not inconsistent with maintaining the safe and efficient use of the navigable airspace;

(D) the restriction does not conflict with a law or regulation of the United States;

(E) an adequate opportunity has been provided for public comment on the restriction; and

(F) the restriction does not create an unreasonable burden on the national aviation system.

(3) Paragraphs (1) and (2) of this subsection do not apply if the Administrator of the Federal Aviation Administration, before November 5, 1990, has formed a working group (outside the process established by part 150 of title 14, Code of Federal Regulations) with a local airport operator to examine the noise impact of air traffic control procedure changes at the airport. However, if an agreement on noise reductions at that airport is made between the airport proprietor and one or more air carriers or foreign air carriers that constitute a majority of the carrier use of the airport, this paragraph applies only to a local action to enforce the agreement.

(4) The Secretary may reevaluate an airport noise or access restriction previously agreed to or approved under this subsection on request of an aircraft operator able to demonstrate to the satisfaction of the Secretary that there has been a change in the noise environment of the affected airport that justifies a reevaluation. The Secretary shall establish by regulation procedures for conducting a reevaluation. A reevaluation—

(A) shall be based on the criteria in paragraph (2) of this subsection; and

(B) may be conducted only after 2 years after a decision under paragraph (2) of this subsection has been made.

(d) NONAPPLICATION.—Subsections (b) and (c) of this section do not apply to—

(1) a local action to enforce a negotiated or executed airport noise or access agreement between the airport operator and the aircraft operators in effect on November 5, 1990;

(2) a local action to enforce a negotiated or executed airport noise or access restriction agreed to by the airport operator and the aircraft operators before November 5, 1990;

(3) an intergovernmental agreement including an airport noise or access restriction in effect on November 5, 1990;

(4) a subsequent amendment to an airport noise or access agreement or restriction in effect on November 5, 1990, that does not reduce or limit aircraft operations or affect aircraft safety;

(5)(A) an airport noise or access restriction adopted by an airport operator not later than October 1, 1990, and stayed as of October 1, 1990, by a court order or as a result of litigation, if any part of the restriction is subsequently allowed by a court to take effect; or

(B) a new restriction imposed by an airport operator to replace any part of a restriction described in subclause (A) of this clause that is disallowed by a court, if the new restriction would not prohibit aircraft operations in effect on November 5, 1990; or

(6) a local action that represents the adoption of the final part of a program of a staged airport noise or access restriction if the initial part of the program was adopted during 1988 and was in effect on November 5, 1990.

(e) GRANT LIMITATIONS.—Beginning on the 91st day after the Secretary prescribes a regulation under subsection (a) of this section, a sponsor of a facility operating under an airport noise or access restriction on the operation of stage 3 aircraft that first became effective after October 1, 1990, is eligible for a grant under section 47104 of this title and is eligible to impose a passenger facility fee under section 40117 of this title only if the restriction has been—

(1) agreed to by the airport proprietor and aircraft operators;

(2) approved by the Secretary as required by subsection (c)(1) of this section; or

(3) rescinded.

§47525. Decision about airport noise and access restrictions on certain stage 2 aircraft

The Secretary of Transportation shall conduct a study and decide on the application of section 47524(a)–(d) of this title to airport noise and access restrictions on the operation of stage 2 aircraft with a maximum weight of not more than 75,000 pounds. In making the decision, the Secretary shall consider—

(1) noise levels produced by those aircraft relative to other aircraft;

(2) the benefits to general aviation and the need for efficiency in the national air transportation system;

(3) the differences in the nature of operations at airports and the areas immediately surrounding the airports;

(4) international standards and agreements on aircraft noise; and

(5) other factors the Secretary considers necessary.

§47526. Limitations for noncomplying airport noise and access restrictions

Unless the Secretary of Transportation is satisfied that an airport is not imposing an airport noise or access restriction not in compliance with this subchapter, the airport may not—

(1) receive money under subchapter I of chapter 471 of this title; or

(2) impose a passenger facility fee under section 40117 of this title.

§47527. Liability of the United States Government for noise damages

When a proposed airport noise or access restriction is disapproved under this subchapter, the United States Government shall assume liability for noise damages only to the extent that a taking has occurred as a direct result of the disapproval. The United States Court of Federal Claims has exclusive jurisdiction of a civil action under this section.

§47528. Prohibition on operating certain aircraft not complying with stage 3 noise levels

(a) PROHIBITION.—Except as provided in subsection (b) of this section and section 47530 of this title, a person may operate after December 31, 1999, a civil subsonic turbojet with a maximum weight of more than 75,000 pounds to or from an airport in the United States only if the Secretary of Transportation finds that the aircraft complies with the stage 3 noise levels.

(b) WAIVERS.—(1) If, not later than July 1, 1999, at least 85 percent of the aircraft used by an air carrier to provide air transportation comply with the stage 3 noise levels, the carrier may apply for a waiver of subsection (a) of this section for the remaining aircraft used by the carrier to provide air transportation. The application must be filed with the Secretary not later than January 1, 1999, and must include a plan with firm orders for making all aircraft used by the carrier to provide air transportation comply

with the noise levels not later than December 31, 2003.

(2) The Secretary may grant a waiver under this subsection if the Secretary finds it would be in the public interest. In making the finding, the Secretary shall consider the effect of granting the waiver on competition in the air carrier industry and on small community air service.

(3) A waiver granted under this subsection may not permit the operation of stage 2 aircraft in the United States after December 31, 2003.

(c) SCHEDULE FOR PHASED-IN COMPLIANCE.—The Secretary shall establish by regulation a schedule for phased-in compliance with subsection (a) of this section. The phase-in period shall begin on November 5, 1990, and end before December 31, 1999. The regulations shall establish interim compliance dates. The schedule for phased-in compliance shall be based on—

(1) a detailed economic analysis of the impact of the phaseout date for stage 2 aircraft on competition in the airline industry, including—

(A) the ability of air carriers to achieve capacity growth consistent with the projected rate of growth for the airline industry;

(B) the impact of competition in the airline and air cargo industries;

(C) the impact on nonhub and small community air service; and

(D) the impact on new entry into the airline industry; and

(2) an analysis of the impact of aircraft noise on individuals residing near airports.

(d) ANNUAL REPORT.—Beginning with calendar year 1992—

(1) each air carrier shall submit to the Secretary an annual report on the progress the carrier is making toward complying with the requirements of this section and regulations prescribed under this section; and

(2) the Secretary shall submit to Congress an annual report on the progress being made toward that compliance.

(e) HAWAIIAN OPERATIONS.—(1) In this subsection, "turnaround service" means a flight between places only in Hawaii.

(2)(A) An air carrier or foreign air carrier may not operate in Hawaii, or between a place in Hawaii and a place outside the 48 contiguous States, a greater number of stage 2 aircraft with a maximum weight of more than 75,000 pounds than it operated in Hawaii, or between a place in Hawaii and a place outside the 48 contiguous States, on November 5, 1990.

(B) An air carrier that provided turnaround service in Hawaii on November 5, 1990, using stage 2 aircraft with a maximum weight of more than 75,000 pounds may include in the number of aircraft authorized under subparagraph (A) of this paragraph all stage 2 aircraft with a maximum weight of more than 75,000 pounds that were owned or leased by that carrier on that date, whether or not the aircraft were operated by the carrier on that date.

(3) An air carrier may provide turnaround service in Hawaii using stage 2 aircraft with a maximum weight of more than 75,000 pounds only if the carrier provided the service on November 5, 1990.

§47529. Nonaddition rule

(a) GENERAL LIMITATIONS.—Except as provided in subsection (b) of this section and section 47530 of this title, a person may operate a civil subsonic turbojet aircraft with a maximum weight of more than 75,000 pounds that is imported into the United States after November 4, 1990, only if the aircraft—

(1) complies with the stage 3 noise levels; or

(2) was purchased by the person importing the aircraft into the United States under a legally binding contract made before November 5, 1990.

(b) EXEMPTIONS.—The Secretary of Transportation may provide an exemption from subsection (a) of this section to permit a person to obtain modifications to an aircraft to meet the stage 3 noise levels.

(c) AIRCRAFT DEEMED NOT IMPORTED.—In this section, an aircraft is deemed not to have been imported into the United States if the aircraft—

(1) was owned on November 5, 1990, by—

(A) a corporation, trust, or partnership organized under the laws of the United States or a State (including the District of Columbia);

(B) an individual who is a citizen of the United States; or

(C) an entity that is owned or controlled by a corporation, trust, partnership, or individual described in subclause (A) or (B) of this clause; and

(2) enters the United States not later than 6 months after the expiration of a lease agreement (including any extension) between an owner described in clause (1) of this subsection and a foreign carrier.

§47530. Nonapplication of sections 47528(a)–(d) and 47529 to aircraft outside the 48 contiguous States

Sections 47528(a)–(d) and 47529 of this title do not apply to aircraft used only to provide air transportation outside the 48 contiguous States. A civil subsonic turbojet aircraft with a maximum weight of more than 75,000 pounds that is imported into a noncontiguous State or a territory or possession of the United States after November 4, 1990, may be used to provide air transportation in the 48 contiguous States only if the aircraft complies with the stage 3 noise levels.

§47531. Penalties for violating sections 47528–47530

A person violating sections 47528, 47529, or 47530 of this title or a regulation prescribed under those sections is subject to the same civil penalties and procedures under chapter 463 of this title as a person violating section 44701(a) or (b) or 44702–44716 of this title.

§47532. Judicial review

An action taken by the Secretary of Transportation under sections 47528–47531 of this title is subject to judicial review as provided under section 46110 of this title.

§47533. Relationship to other laws

Except as provided by section 47524 of this title, this subchapter does not affect—

(1) law in effect on November 5, 1990, on airport noise or access restrictions by local authorities;

(2) any proposed airport noise or access restriction at a general aviation airport if the airport proprietor has formally initiated a regulatory or legislative process before October 2, 1990; or

(3) the authority of the Secretary of Transportation to seek and obtain legal remedies the Secretary considers appropriate, including injunctive relief.

PART C—FINANCING

CHAPTER 481—AIRPORT AND AIRWAY TRUST FUND AUTHORIZATIONS

Sec.
48101. Air navigation facilities.
48102. Research and development.
48103. Airport planning and development and noise compatibility planning and programs.
48104. Certain direct costs and joint air navigation services.
48105. Weather reporting services.
48106. Airway science curriculum grants.
48107. Civil aviation security research and development.
48108. Availability and uses of amounts.
48109. Submission of budget information and legislative recommendations and comments.
48110. Facilities for advanced training of maintenance technicians for air carrier aircraft.

§48101. Air navigation facilities

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Not more than a total of the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to acquire, establish, and improve air navigation facilities under section 44502(a)(1)(A) of this title:

(1) for the fiscal years ending September 30, 1991–1993, $8,200,000,000.

(2) for the fiscal years ending September 30, 1991–1994, $11,100,000,000.

(3) for the fiscal years ending September 30, 1991–1995, $14,000,000,000.

(b) MAJOR AIRWAY CAPITAL INVESTMENT PLAN CHANGES.—If the Secretary decides that it is necessary to augment or substantially modify elements of the Airway Capital Investment Plan referred to in section 44501(b) of this title (including a decision that it is necessary to establish more than 23 area control facilities), not more than $100,000,000 may be appropriated to the Secretary out of the Fund for the fiscal year ending September 30, 1994, to carry out the augmentation or modification.

(c) AVAILABILITY OF AMOUNTS.—Amounts appropriated under this section remain available until expended.

§48102. Research and development

(a) AUTHORIZATION OF APPROPRIATIONS.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to carry out sections 44504, 44505, 44507, 44509, and 44511–44513 of this title:

(1) for the fiscal year ending September 30, 1993—

(A) $14,700,000 only for management and analysis projects and activities.

(B) $87,000,000 only for capacity and air traffic management technology projects and activities.

(C) $28,000,000 only for communications, navigation, and surveillance projects and activities.

(D) $7,700,000 only for weather projects and activities.

(E) $6,800,000 only for airport technology projects and activities.

(F) $44,000,000 only for aircraft safety technology projects and activities.

(G) $41,100,000 only for system security technology projects and activities.

(H) $31,000,000 only for human factors and aviation medicine projects and activities.

(I) $4,500,000 for environment and energy projects and activities.

(J) $5,200,000 for innovative and cooperative research projects and activities.

(2) for the fiscal year ending September 30, 1994, $297,000,000.

(b) AVAILABILITY FOR RESEARCH.—(1) At least 15 percent of the amount appropriated under subsection (a) of this section shall be for long-term research projects.

(2) At least 3 percent of the amount appropriated under subsection (a) of this section shall be available to the Administrator of the Federal Aviation Administration to make grants under section 44511 of this title.

(c) TRANSFERS BETWEEN CATEGORIES.—(1) Not more than 10 percent of the net amount authorized for a category of projects and activities in a fiscal year under subsection (a) of this section may be transferred to or from that category in that fiscal year.

(2) The Secretary may transfer more than 10 percent of an authorized amount to or from a category only after—

(A) submitting a written explanation of the proposed transfer to the Committees on Science,

Space, and Technology and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

(B) 30 days have passed after the explanation is submitted or each Committee notifies the Secretary in writing that it does not object to the proposed transfer.

(d) AIRPORT CAPACITY RESEARCH AND DEVELOPMENT.—(1) Of the amounts made available under subsection (a) of this section, at least $25,000,000 may be appropriated each fiscal year for research and development under section 44505(a) and (c) of this title on preserving and enhancing airport capacity, including research and development on improvements to airport design standards, maintenance, safety, operations, and environmental concerns.

(2) The Administrator shall submit to the Committees on Science, Space, and Technology and Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on expenditures made under paragraph (1) of this subsection for each fiscal year. The report shall be submitted not later than 60 days after the end of the fiscal year.

(e) AIR TRAFFIC CONTROLLER PERFORMANCE RESEARCH.—Necessary amounts may be appropriated to the Secretary out of amounts in the Fund available for research and development to conduct research under section 44506(a) and (b) of this title.

(f) AVAILABILITY OF AMOUNTS.—Amounts appropriated under subsection (a) of this section remain available until expended.

§48103. Airport planning and development and noise compatibility planning and programs

Not more than a total of $15,966,700,000 is available to the Secretary of Transportation for the fiscal years ending September 30, 1982–1993, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to make grants for airport planning and airport development under section 47104 of this title, airport noise compatibility planning under section 47505(a)(2) of this title, and carrying out noise compatibility programs under section 47504(c) of this title.

§48104. Certain direct costs and joint air navigation services

(a) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in this section, the balance of the money available in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) may be appropriated to the Secretary of Transportation out of the Fund for—

(1) direct costs the Secretary incurs to flight check, operate, and maintain air navigation facilities referred to in section 44502(a)(1)(A) of this title safely and efficiently; and

(2) the costs of services provided under international agreements related to the joint financing of air navigation services assessed against the United States Government.

(b) LIMITATION.—The amount that may be appropriated out of the Fund for each of the fiscal years ending September 30, 1993–1995, may not be more than an amount equal to—

(1) 75 percent of the amount made available under sections 106(k) and 48101–48103 of this title for that fiscal year; less

(2) the amount made available under sections 48101–48103 of this title for that fiscal year.

§48105. Weather reporting services

To reimburse the Secretary of Commerce for the cost incurred by the National Oceanic and Atmospheric Administration of providing weather reporting services to the Federal Aviation Administration, the Secretary of Transportation may expend from amounts available under section 48104 of this title not more than the following amounts:

(1) for the fiscal year ending September 30, 1993, $35,596,000.

(2) for the fiscal year ending September 30, 1994, $37,800,000.

(3) for the fiscal year ending September 30, 1995, $39,000,000.

§48106. Airway science curriculum grants

Amounts are available from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to carry out section 44510 of this title. The amounts remain available until expended.

§48107. Civil aviation security research and development

After the review under section 44912(b) of this title is completed, necessary amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to make grants under section 44912(a)(4)(A).

§48108. Availability and uses of amounts

(a) AVAILABILITY OF AMOUNTS.—Amounts equal to the amounts authorized under sections 48101–48105 of this title remain in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) until appropriated for the purposes of sections 48101–48105.

(b) LIMITATIONS ON USES.—(1) Amounts in the Fund may be appropriated only to carry out a program or activity referred to in this chapter.

(2) Amounts in the Fund may be appropriated for administrative expenses of the Department of Transportation or a component of the Department only to the extent authorized by section 48104 of this title.

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—In a fiscal year beginning after September 30, 1995, the Secretary of Transportation may obligate or expend an amount appropriated out of the Fund under section 48104 of this title only if a law expressly amends section 48104.

§48109. Submission of budget information and legislative recommendations and comments

When the Administrator of the Federal Aviation Administration submits to the Secretary of Transportation, the President, or the Director of the Office of Management and Budget any budget information, legislative recommendation, or comment on legislation about amounts authorized in section 48101 or 48102 of this title, the Administrator concurrently shall submit a copy of the information, recommendation, or comment to the Speaker of the House of Representatives, the Committees on Public Works and Transportation and Appropriations of the House, the President of the Senate, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

§48110. Facilities for advanced training of maintenance technicians for air carrier aircraft

For the fiscal years ending September 30, 1993–1995, amounts necessary to carry out section 44515 of this title may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502). The amounts remain available until expended.

PART D—MISCELLANEOUS

CHAPTER 491—BUY-AMERICAN PREFERENCES

Sec.
49101. Buying goods produced in the United States.
49102. Restricting contract awards because of discrimination against United States goods or services.
49103. Contract preference for domestic firms.
49104. Restriction on airport projects using products or services of foreign countries denying fair market opportunities.
49105. Fraudulent use of "Made in America" label.

§49101. Buying goods produced in the United States

(a) PREFERENCE.—The Secretary of Transportation may obligate an amount that may be appropriated to carry out section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 (except sections 47106(d) and 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title for a project only if steel and manufactured goods used in the project are produced in the United States.

(b) WAIVER.—The Secretary may waive subsection (a) of this section if the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) the steel and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

(3) when procuring a facility or equipment under section 44502(a)(2) or 44509, subchapter I of chapter 471 (except sections 47106(d) and 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title—

(A) the cost of components and subcomponents produced in the United States is more than 60 percent of the cost of all components of the facility or equipment; and

(B) final assembly of the facility or equipment has occurred in the United States; or

(4) including domestic material will increase the cost of the overall project by more than 25 percent.

(c) LABOR COSTS.—In this section, labor costs involved in final assembly are not included in calculating the cost of components.

§49102. Restricting contract awards because of discrimination against United States goods or services

A person or enterprise domiciled or operating under the laws of a foreign country may not make a contract or subcontract under section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 (except sections 47106(d) and 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title or subtitle B of title IX of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508, 104 Stat. 1388–353) if the government of that country unfairly maintains, in government procurement, a significant and persistent pattern of discrimination against United States goods or services that results in identifiable harm to United States businesses, that the President identifies under section 305(g)(1)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)(A)).

§49103. Contract preference for domestic firms

(a) DEFINITIONS.—In this section—

(1) "domestic firm" means a business entity incorporated, and conducting business, in the United States.

(2) "foreign firm" means a business entity not described in clause (1) of this subsection.

(b) PREFERENCE.—Subject to subsections (c) and (d) of this section, the Administrator of the Federal Aviation Administration may make, with a domestic firm, a contract related to a grant made under section 44511, 44512, or 44513 of this title that, under competitive procedures, would be made with a foreign firm, if—

(1) the Administrator decides, and the Secretary of Commerce and the United States Trade

Representative concur, that the public interest requires making the contract with the domestic firm, considering United States international obligations and trade relations;

(2) the difference between the bids submitted by the foreign firm and the domestic firm is not more than 6 percent;

(3) the final product of the domestic firm will be assembled completely in the United States; and

(4) at least 51 percent of the final product of the domestic firm will be produced in the United States.

(c) NONAPPLICATION.—Subsection (b) of this section does not apply if—

(1) compelling national security considerations require that subsection (b) of this section not apply; or

(2) the Trade Representative decides that making the contract would violate the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(d) APPLICATION TO CERTAIN GRANTS.—This section applies only to a contract related to a grant made under section 44511, 44512, or 44513 of this title for which—

(1) an amount is authorized by section 48102(a), (b), or (d) of this title to be made available for the fiscal years ending September 30, 1991, and September 30, 1992; and

(2) a solicitation for bid is issued after November 5, 1990.

(e) REPORT.—The Administrator shall submit a report to Congress on—

(1) contracts to which this section applies that are made with foreign firms in the fiscal years ending September 30, 1991, and September 30, 1992;

(2) the number of contracts that meet the requirements of subsection (b) of this section, but that the Trade Representative decides would violate the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(3) the number of contracts made under this section.

§49104. Restriction on airport projects using products or services of foreign countries denying fair market opportunities

(a) DEFINITION AND RULES FOR CONSTRUING SECTION.—In this section—

(1) "project" has the same meaning given that term in section 47102 of this title.

(2) each foreign instrumentality and each territory and possession of a foreign country administered separately for customs purposes is a separate foreign country.

(3) an article substantially produced or manufactured in a foreign country is a product of the country.

(4) a service provided by a person that is a national of a foreign country or that is controlled by a national of a foreign country is a service of the country.

(b) LIMITATION ON USE OF AVAILABLE AMOUNTS.—(1) An amount made available under subchapter I of chapter 471 of this title (except sections 47106(d) and 47127) may not be used for a project that uses a product or service of a foreign country during any period the country is on the list maintained by the United States Trade Representative under subsection (d)(1) of this section.

(2) Paragraph (1) of this subsection does not apply when the Secretary of Transportation decides that—

(A) applying paragraph (1) to the product, service, or project is not in the public interest;

(B) a product or service of the same class or type and of satisfactory quality is not produced or offered in the United States, or in a foreign country not listed under subsection (d)(1) of this section, in a sufficient and reasonably available amount; and

(C) the project cost will increase by more than 20 percent if the product or service is excluded.

(c) DECISIONS ON DENIAL OF FAIR MARKET OPPORTUNITIES.—Not later than 30 days after a report is submitted to Congress under section 181(b) of the Trade Act of 1974 (19 U.S.C. 2241(b)), the Trade Representative, for a construction project of more than $500,000 for which the government of a foreign country supplies any part of the amount, shall decide whether the foreign country denies fair market opportunities for products and suppliers of the United States in procurement or for United States bidders. In making the decision, the Trade Representative shall consider information obtained in preparing the report and other information the Trade Representative considers relevant.

(d) LIST OF COUNTRIES DENYING FAIR MARKET OPPORTUNITIES.—(1) The Trade Representative shall maintain a list of each foreign country the Trade Representative finds under subsection (c) of this section is denying fair market opportunities. The country shall remain on the list until the Trade Representative decides the country provides fair market opportunities.

(2) The Trade Representative shall publish in the Federal Register—

(A) annually the list required under paragraph (1) of this subsection; and

(B) any modification of the list made before the next list is published.

§49105. Fraudulent use of "Made in America" label

If the Secretary of Transportation decides that a person intentionally affixed a "Made in America" label to goods sold in or shipped to the United States that are not made in the United States, the Secretary shall declare the person ineligible, for not less than 3 nor more than 5 years, to receive a contract or grant from the United States Government related to a contract made under section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 (except sections 47106(d) and 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title or subtitle B of title IX of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508, 104 Stat. 1388–353). The Secretary may bring a civil action to enforce this section in any district court of the United States.

SUBTITLE VIII—PIPELINES

CHAPTER *Sec.*
601. SAFETY *60101*
603. USER FEES *60301*
605. INTERSTATE COMMERCE REGULATION *60501*

CHAPTER 601—SAFETY

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§60101. Definitions

(a) In this chapter—

(1) "existing liquefied natural gas facility"—

(A) means a liquefied natural gas facility for which an application to approve the site, construction, or operation of the facility was filed before March 1, 1978, with—

(i) the Federal Energy Regulatory Commission (or any predecessor); or

(ii) the appropriate State or local authority, if the facility is not subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.); but

(B) does not include a facility on which construction is begun after November 29, 1979, without the approval.

(2) "gas" means natural gas, flammable gas, or toxic or corrosive gas.

(3) "gas pipeline facility" includes a pipeline, a right of way, a facility, a building, or equipment used in transporting gas or treating gas during its transportation.

(4) "hazardous liquid" means—

(A) petroleum or a petroleum product; and

(B) a substance the Secretary of Transportation decides may pose an unreasonable risk to life or property when transported by a hazardous liquid pipeline facility in a liquid state (except for liquefied natural gas).

(5) "hazardous liquid pipeline facility" includes a pipeline, a right of way, a facility, a building, or equipment used or intended to be used in transporting hazardous liquid.

(6) "interstate gas pipeline facility"—

(A) means a gas pipeline facility—

(i) used to transport gas; and

(ii) subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.); but

(B) does not include a gas pipeline facility transporting gas from an interstate gas pipeline in a State to a direct sales customer in that State buying gas for its own consumption.

(7) "interstate hazardous liquid pipeline facility" means a hazardous liquid pipeline facility used to transport hazardous liquid in interstate or foreign commerce.

(8) "interstate or foreign commerce"—

(A) related to gas, means commerce—

(i) between a place in a State and a place outside that State; or

(ii) that affects any commerce described in subclause (A)(i) of this clause; and

(B) related to hazardous liquid, means commerce between—

(i) a place in a State and a place outside that State; or

(ii) places in the same State through a place outside the State.

(9) "intrastate gas pipeline facility" means—

(A) a gas pipeline facility and transportation of gas within a State not subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.); and

(B) a gas pipeline facility transporting gas from an interstate gas pipeline in a State to a direct sales customer in that State buying gas for its own consumption.

(10) "intrastate hazardous liquid pipeline facility" means a hazardous liquid pipeline facility that is not an interstate hazardous liquid pipeline facility.

(11) "liquefied natural gas" means natural gas in a liquid or semisolid state.

(12) "liquefied natural gas accident" means a release, burning, or explosion of liquefied natural gas from any cause, except a release, burning, or explosion that, under regulations prescribed by the Secretary, does not pose a threat

to public health or safety, property, or the environment.

(13) "liquefied natural gas conversion" means conversion of natural gas into liquefied natural gas or conversion of liquefied natural gas into natural gas.

(14) "liquefied natural gas pipeline facility"—

(A) means a gas pipeline facility used for transporting or storing liquefied natural gas, or for liquefied natural gas conversion, in interstate or foreign commerce; but

(B) does not include any part of a structure or equipment located in navigable waters (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)).

(15) "municipality" means a political subdivision of a State.

(16) "new liquefied natural gas pipeline facility" means a liquefied natural gas pipeline facility except an existing liquefied natural gas pipeline facility.

(17) "person", in addition to its meaning under section 1 of title 1 (except as to societies), includes a State, a municipality, and a trustee, receiver, assignee, or personal representative of a person.

(18) "pipeline facility" means a gas pipeline facility and a hazardous liquid pipeline facility.

(19) "pipeline transportation" means transporting gas and transporting hazardous liquid.

(20) "State" means a State of the United States, the District of Columbia, and Puerto Rico.

(21) "transporting gas"—

(A) means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce; but

(B) does not include gathering gas in a rural area outside a populated area designated by the Secretary as a nonrural area.

(22) "transporting hazardous liquid"—

(A) means the movement of hazardous liquid by pipeline, or the storage of hazardous liquid incidental to the movement of hazardous liquid by pipeline, in or affecting interstate or foreign commerce; but

(B) does not include moving hazardous liquid through—

(i) gathering lines in a rural area;

(ii) onshore production, refining, or manufacturing facilities; or

(iii) storage or in-plant piping systems associated with onshore production, refining, or manufacturing facilities.

(b) GATHERING LINES.—(1)(A) Not later than October 24, 1994, the Secretary shall define by regulation the term "gathering line".

(B) In defining "gathering line" for gas, the Secretary—

(i) shall consider functional and operational characteristics of the lines to be included in the definition; and

(ii) is not bound by a classification the Commission establishes under the Natural Gas Act (15 U.S.C. 717 et seq.).

(2)(A) Not later than October 24, 1995, the Secretary shall define by regulation the term "regulated gathering line". In defining the term, the Secretary shall consider factors such as location, length of line from the well site, operating pressure, throughput, and the composition of the transported gas or hazardous liquid, as appropriate, in deciding on the types of lines that functionally are gathering but should be regulated under this chapter because of specific physical characteristics.

(B)(i) The Secretary also shall consider diameter when defining "regulated gathering line" for hazardous liquid.

(ii) The definition of "regulated gathering line" for hazardous liquid may not include a crude oil gathering line that has a nominal diameter of not more than 6 inches, is operated at low pressure, and is located in a rural area that is not unusually sensitive to environmental damage.

§60102. General authority

(a)(1) MINIMUM SAFETY STANDARDS.—The Secretary of Transportation shall prescribe minimum safety standards for pipeline transportation and for pipeline facilities. The standards—

(A) apply to transporters of gas and hazardous liquid and to owners and operators of pipeline facilities;

(B) may apply to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities; and

(C) shall include a requirement that all individuals responsible for the operation and maintenance of pipeline facilities be tested for qualifications and certified to operate and maintain those facilities.

(2) As the Secretary considers appropriate, the operator of a pipeline facility may make the certification under paragraph (1)(C) of this subsection. Testing and certification under paragraph (1)(C) shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits.

(b) PRACTICABILITY AND SAFETY NEEDS STANDARDS.—A standard prescribed under subsection (a) of this section shall be practicable and designed to meet the need for gas pipeline safety, for safely transporting hazardous liquid, and for protecting the environment. Except as provided in section 60103 of this title, when prescribing the standard the Secretary shall consider—

(1) relevant available—

(A) gas pipeline safety information; or

(B) hazardous liquid pipeline information;

(2) the appropriateness of the standard for the particular type of pipeline transportation or facility;

(3) the reasonableness of the standard; and

(4) the extent to which the standard will contribute to public safety and the protection of the environment.

(c) PUBLIC SAFETY PROGRAM REQUIREMENTS.—(1) The Secretary shall include in the standards prescribed under subsection (a) of this section a requirement that an operator of a gas pipeline facility participate in a public safety program that—

(A) notifies an operator of proposed demolition, excavation, tunneling, or construction near or affecting the facility;

(B) requires an operator to identify a pipeline facility that may be affected by the proposed demolition, excavation, tunneling, or construction, to prevent damaging the facility; and

(C) the Secretary decides will protect a facility adequately against a hazard caused by demolition, excavation, tunneling, or construction.

(2) To the extent a public safety program referred to in paragraph (1) of this subsection is not available, the Secretary shall prescribe standards requiring an operator to take action the Secretary prescribes to provide services comparable to services that would be available under a public safety program.

(3) The Secretary may include in the standards prescribed under subsection (a) of this section a requirement that an operator of a hazardous liquid pipeline facility participate in a public safety program meeting the requirements of paragraph (1) of this subsection or maintain and carry out a damage prevention program that provides services comparable to services that would be available under a public safety program.

(d) FACILITY OPERATION INFORMATION STANDARDS.—The Secretary shall prescribe minimum standards requiring an operator of a pipeline facility subject to this chapter to maintain, to the extent practicable, information related to operating the facility and, when requested, to provide the information to the Secretary and an appropriate State official. The information shall include—

(1) the business name, address, and telephone number, including an operations emergency telephone number, of the operator;

(2) accurate maps and a supplementary geographic description, including an identification of areas described in regulations prescribed under section 60109 of this title, that show the location in the State of—

(A) major gas pipeline facilities of the operator, including transmission lines and significant distribution lines; and

(B) major hazardous liquid pipeline facilities of the operator;

(3) a description of—

(A) the characteristics of the operator's pipelines in the State; and

(B) products transported through the operator's pipelines in the State;

(4) the manual that governs operating and maintaining pipeline facilities in the State;

(5) an emergency response plan describing the operator's procedures for responding to and containing releases, including—

(A) identifying specific action the operator will take on discovering a release;

(B) liaison procedures with State and local authorities for emergency response; and

(C) communication and alert procedures for immediately notifying State and local officials at the time of a release; and

(6) other information the Secretary considers useful to inform a State of the presence of pipeline facilities and operations in the State.

(e) PIPE INVENTORY STANDARDS.—The Secretary shall prescribe minimum standards requiring an operator of a pipeline facility subject to this chapter and, to the extent the Secretary considers necessary, an operator of a gathering line that is not a regulated gathering line (as defined under section 60101(b)(2) of this title), to maintain for the Secretary, to the extent practicable, an inventory with appropriate information about the types of pipe used for the transmission of gas or hazardous liquid, as appropriate, in the operator's system and additional information, including the material's history and the leak history of the pipe. The inventory—

(1) for a gas pipeline facility, shall include an identification of each facility passing through an area described in regulations prescribed under section 60109 of this title but shall exclude equipment used with the compression of gas; and

(2) for a hazardous liquid pipeline facility, shall include an identification of each facility and gathering line passing through an area described in regulations prescribed under section 60109 of this title, whether the facility or gathering line otherwise is subject to this chapter, but shall exclude equipment associated only with the pipeline pumps or storage facilities.

(f) STANDARDS AS ACCOMMODATING "SMART PIGS".—(1) The Secretary shall prescribe minimum safety standards requiring that the design and construction of a new gas pipeline transmission facility or hazardous liquid pipeline facility, and the required replacement of an existing gas pipeline transmission facility, hazardous liquid pipeline facility, or equipment, be carried out, to the extent practicable, in a way that accommodates the passage through the facility of an instrumented internal inspection device (commonly referred to as a "smart pig"). The Secretary may apply the standard to an existing gas or hazardous liquid transmission facility and require the facility to be changed to allow the facility to be inspected with an instrumented

internal inspection device if the basic construction of the facility will accommodate the device.

(2) Not later than October 24, 1995, the Secretary shall prescribe regulations requiring the periodic inspection of each pipeline the operator of the pipeline identifies under section 60109 of this title. The regulations shall include any circumstances under which an inspection shall be conducted with an instrumented internal inspection device and, if the device is not required, use of an inspection method that is at least as effective as using the device in providing for the safety of the pipeline.

(g) EFFECTIVE DATES.—A standard prescribed under this section and section 60110 of this title is effective on the 30th day after the Secretary prescribes the standard. However, the Secretary for good cause may prescribe a different effective date when required because of the time reasonably necessary to comply with the standard. The different date must be specified in the regulation prescribing the standard.

(h) SAFETY CONDITION REPORTS.—(1) The Secretary shall prescribe regulations requiring each operator of a pipeline facility (except a master meter) to submit to the Secretary a written report on any—

(A) condition that is a hazard to life, property, or the environment; and

(B) safety-related condition that causes or has caused a significant change or restriction in the operation of a pipeline facility.

(2) The Secretary must receive the report not later than 5 working days after a representative of a person to which this section applies first establishes that the condition exists. Notice of the condition shall be given concurrently to appropriate State authorities.

(i) CARBON DIOXIDE REGULATION.—The Secretary shall regulate carbon dioxide transported by a hazardous liquid pipeline facility. The Secretary shall prescribe regulations related to hazardous liquid to ensure the safe transportation of carbon dioxide by such a facility.

(j) EMERGENCY FLOW RESTRICTING DEVICES.—(1) Not later than October 24, 1994, the Secretary shall survey and assess the effectiveness of emergency flow restricting devices (including remotely controlled valves and check valves) and other procedures, systems, and equipment used to detect and locate hazardous liquid pipeline ruptures and minimize product releases from hazardous liquid pipeline facilities.

(2) Not later than 2 years after the survey and assessment are completed, the Secretary shall prescribe regulations on the circumstances under which an operator of a hazardous liquid pipeline facility must use an emergency flow restricting device or other procedure, system, or equipment described in paragraph (1) of this subsection on the facility.

(k) PROHIBITION AGAINST LOW INTERNAL STRESS EXCEPTION.—The Secretary may not provide an exception to this chapter for a hazardous liquid pipeline facility only because the facility operates at low internal stress.

§60103. Standards for liquefied natural gas pipeline facilities

(a) LOCATION STANDARDS.—The Secretary of Transportation shall prescribe minimum safety standards for deciding on the location of a new liquefied natural gas pipeline facility. In prescribing a standard, the Secretary shall consider the—

(1) kind and use of the facility;

(2) existing and projected population and demographic characteristics of the location;

(3) existing and proposed land use near the location;

(4) natural physical aspects of the location;

(5) medical, law enforcement, and fire prevention capabilities near the location that can cope with a risk caused by the facility; and

(6) need to encourage remote siting.

(b) DESIGN, INSTALLATION, CONSTRUCTION, INSPECTION, AND TESTING STANDARDS.—The Secretary of Transportation shall prescribe minimum safety standards for designing, installing, constructing, initially inspecting, and initially testing a new liquefied natural gas pipeline facility. When prescribing a standard, the Secretary shall consider—

(1) the characteristics of material to be used in constructing the facility and of alternative material;

(2) design factors;

(3) the characteristics of the liquefied natural gas to be stored or converted at, or transported by, the facility; and

(4) the public safety factors of the design and of alternative designs, particularly the ability to prevent and contain a liquefied natural gas spill.

(c) NONAPPLICATION.—(1) Except as provided in paragraph (2) of this subsection, a design, location, installation, construction, initial inspection, or initial testing standard prescribed under this chapter after March 1, 1978, does not apply to an existing liquefied natural gas pipeline facility if the standard is to be applied because of authority given—

(A) under this chapter; or

(B) under another law, and the standard is not prescribed at the time the authority is applied.

(2)(A) Any design, installation, construction, initial inspection, or initial testing standard prescribed under this chapter after March 1, 1978, may provide that the standard applies to any part of a replacement component of a liquefied natural gas pipeline facility if the component or part is placed in service after the standard is prescribed and application of the standard—

(i) does not make the component or part incompatible with other components or parts; or

(ii) is not impracticable otherwise.

(B) Any location standard prescribed under this chapter after March 1, 1978, does not apply to any part of a replacement component of an existing liquefied natural gas pipeline facility.

(3) A design, installation, construction, initial inspection, or initial testing standard does not apply to a liquefied natural gas pipeline facility existing when the standard is adopted.

(d) OPERATION AND MAINTENANCE STANDARDS.—The Secretary of Transportation shall prescribe minimum operating and maintenance standards for a liquefied natural gas pipeline facility. In prescribing a standard, the Secretary shall consider—

(1) the conditions, features, and type of equipment and structures that make up or are used in connection with the facility;

(2) the fire prevention and containment equipment at the facility;

(3) security measures to prevent an intentional act that could cause a liquefied natural gas accident;

(4) maintenance procedures and equipment;

(5) the training of personnel in matters specified by this subsection; and

(6) other factors and conditions related to the safe handling of liquefied natural gas.

(e) EFFECTIVE DATES.—A standard prescribed under this section is effective on the 30th day after the Secretary of Transportation prescribes the standard. However, the Secretary for good cause may prescribe a different effective date when required because of the time reasonably necessary to comply with the standard. The different date must be specified in the regulation prescribing the standard.

(f) CONTINGENCY PLANS.—A new liquefied natural gas pipeline facility may be operated only after the operator submits an adequate contingency plan that states the action to be taken if a liquefied natural gas accident occurs. The Secretary of Energy or appropriate State or local authority shall decide if the plan is adequate.

(g) EFFECT ON OTHER STANDARDS.—This section does not preclude applying a standard prescribed under section 60102 of this title to a gas pipeline facility (except a liquefied natural gas pipeline facility) associated with a liquefied natural gas pipeline facility.

§60104. Requirements and limitations

(a) OPPORTUNITY TO PRESENT VIEWS.—The Secretary of Transportation shall give an interested person an opportunity to make oral and written presentations of information, views, and arguments when prescribing a standard under this chapter.

(b) NONAPPLICATION.—A design, installation, construction, initial inspection, or initial testing standard does not apply to a pipeline facility existing when the standard is adopted.

(c) PREEMPTION.—A State authority that has submitted a current certification under section 60105(a) of this title may adopt additional or more stringent safety standards for intrastate pipeline facilities and intrastate pipeline transportation only if those standards are compatible with the minimum standards prescribed under this chapter. A State authority may not adopt or continue in force safety standards for interstate pipeline facilities or interstate pipeline transportation.

(d) CONSULTATION.—(1) When continuity of gas service is affected by prescribing a standard or waiving compliance with standards under this chapter, the Secretary of Transportation shall consult with and advise the Federal Energy Regulatory Commission or a State authority having jurisdiction over the affected gas pipeline facility before prescribing the standard or waiving compliance. The Secretary shall delay the effective date of the standard or waiver until the Commission or State authority has a reasonable opportunity to grant an authorization it considers necessary.

(2) In a proceeding under section 3 or 7 of the Natural Gas Act (15 U.S.C. 717b or 717f), each applicant for authority to import natural gas or to establish, construct, operate, or extend a gas pipeline facility subject to an applicable safety standard shall certify that it will design, install, inspect, test, construct, operate, replace, and maintain a gas pipeline facility under those standards and plans for inspection and maintenance under section 60108 of this title. The certification is binding on the Secretary of Energy and the Commission except when an appropriate enforcement agency has given timely written notice to the Commission that the applicant has violated a standard prescribed under this chapter.

(e) LOCATION AND ROUTING OF FACILITIES.—This chapter does not authorize the Secretary of Transportation to prescribe the location or routing of a pipeline facility.

§60105. State certifications

(a) GENERAL REQUIREMENTS AND SUBMISSION.—Except as provided in this section and sections 60114 and 60121 of this title, the Secretary of Transportation may not prescribe or enforce safety standards and practices for an intrastate pipeline facility or intrastate pipeline transportation to the extent that the safety standards and practices are regulated by a State authority (including a municipality if the standards and practices apply to intrastate gas pipeline transportation) that submits to the Secretary annually a certification for the facilities and transportation that complies with subsections (b) and (c) of this section.

(b) CONTENTS.—Each certification submitted under subsection (a) of this section shall state that the State authority—

(1) has regulatory jurisdiction over the standards and practices to which the certification applies;

(2) has adopted, by the date of certification, each applicable standard prescribed under this chapter or, if a standard under this chapter was prescribed not later than 120 days before certification, is taking steps to adopt that standard;

(3) is enforcing each adopted standard through ways that include inspections conducted by State employees meeting the qualifications the Secretary prescribes under section 60107(d)(1)(C) of this title;

(4) is encouraging and promoting programs designed to prevent damage by demolition, excavation, tunneling, or construction activity to the pipeline facilities to which the certification applies;

(5) may require record maintenance, reporting, and inspection substantially the same as provided under section 60117 of this title;

(6) may require that plans for inspection and maintenance under section 60108 (a) and (b) of this title be filed for approval; and

(7) may enforce safety standards of the authority under a law of the State by injunctive relief and civil penalties substantially the same as provided under sections 60120 and 60122(a)(1) and (b)-(f) of this title.

(c) REPORTS.—(1) Each certification submitted under subsection (a) of this section shall include a report that contains—

(A) the name and address of each person to whom the certification applies that is subject to the safety jurisdiction of the State authority;

(B) each accident or incident reported during the prior 12 months by that person involving a fatality, personal injury requiring hospitalization, or property damage or loss of more than an amount the Secretary establishes (even if the person sustaining the fatality, personal injury, or property damage or loss is not subject to the safety jurisdiction of the authority), any other accident the authority considers significant, and a summary of the investigation by the authority of the cause and circumstances surrounding the accident or incident;

(C) the record maintenance, reporting, and inspection practices conducted by the authority to enforce compliance with safety standards prescribed under this chapter to which the certification applies, including the number of inspections of pipeline facilities the authority made during the prior 12 months; and

(D) any other information the Secretary requires.

(2) The report included in the first certification submitted under subsection (a) of this section is only required to state information available at the time of certification.

(d) APPLICATION.—A certification in effect under this section does not apply to safety standards prescribed under this chapter after the date of certification. This chapter applies to each applicable safety standard prescribed after the date of certification until the State authority adopts the standard and submits the appropriate certification to the Secretary under subsection (a) of this section.

(e) MONITORING.—The Secretary may monitor a safety program established under this section to ensure that the program complies with the certification. A State authority shall cooperate with the Secretary under this subsection.

(f) REJECTIONS OF CERTIFICATION.—If after receiving a certification the Secretary decides the State authority is not enforcing satisfactorily compliance with applicable safety standards prescribed under this chapter, the Secretary may reject the certification, assert United States Government jurisdiction, or take other appropriate action to achieve adequate enforcement. The Secretary shall give the authority notice and an opportunity for a hearing before taking final action under this subsection. When notice is given, the burden of proof is on the authority to demonstrate that it is enforcing satisfactorily compliance with the prescribed standards.

§60106. State agreements

(a) GENERAL AUTHORITY.—If the Secretary of Transportation does not receive a certification under section 60105 of this title, the Secretary may make an agreement with a State authority (including a municipality if the agreement applies to intrastate gas pipeline transportation) authorizing it to take necessary action. Each agreement shall—

(1) establish an adequate program for record maintenance, reporting, and inspection designed to assist compliance with applicable safety standards prescribed under this chapter; and

(2) prescribe procedures for approval of plans of inspection and maintenance substantially the same as required under section 60108 (a) and (b) of this title.

(b) NOTIFICATION.—Each agreement shall require the State authority to notify the Secretary promptly of a violation or probable violation of an applicable safety standard discovered as a result of action taken in carrying out an agreement under this section.

(c) MONITORING.—The Secretary may monitor a safety program established under this section to ensure that the program complies with the agreement. A State authority shall cooperate with the Secretary under this subsection.

(d) ENDING AGREEMENTS.—The Secretary may end an agreement made under this section when the Secretary finds that the State authority has not complied with any provision of the agreement. The Secretary shall give the authority notice and an opportunity for a hearing before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication.

§60107. State grants

(a) GENERAL AUTHORITY.—If a State authority files an application not later than September 30 of a calendar year, the Secretary of Transportation shall pay not more than 50 percent of the cost of the personnel, equipment, and activities the authority reasonably requires during the next calendar year—

(1) to carry out a safety program under a certification under section 60105 of this title or an agreement under section 60106 of this title; or

(2) to act as an agent of the Secretary on interstate gas pipeline facilities or interstate hazardous liquid pipeline facilities.

(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent—

(1) for a gas safety program, for the fiscal years that ended June 30, 1967, and June 30, 1968; and

(2) for a hazardous liquid safety program, for the fiscal years that ended September 30, 1978, and September 30, 1979.

(c) APPORTIONMENT AND METHOD OF PAYMENT.—The Secretary shall apportion the amount appropriated to carry out this section among the States. A payment may be made under this section in installments, in advance, or on a reimbursable basis.

(d) ADDITIONAL AUTHORITY AND CONSIDERATIONS.—(1) The Secretary may prescribe—

(A) the form of, and way of filing, an application under this section;

(B) reporting and fiscal procedures the Secretary considers necessary to ensure the proper accounting of money of the Government; and

(C) qualifications for a State to meet to receive a payment under this section, including qualifications for State employees who perform inspection activities under section 60105 or 60106 of this title.

(2) The qualifications prescribed under paragraph (1)(C) of this subsection may—

(A) consider the experience and training of the employee;

(B) order training or other requirements; and

(C) provide for approval of qualifications on a conditional basis until specified requirements are met.

§60108. Inspection and maintenance

(a) PLANS.—(1) Each person transporting gas or hazardous liquid or owning or operating an intrastate gas pipeline facility or hazardous liquid pipeline facility shall carry out a current written plan (including any changes) for inspection and maintenance of each facility used in the transportation and owned or operated by the person. A copy of the plan shall be kept at any office of the person the Secretary of Transportation considers appropriate. The Secretary also may require a person transporting gas or hazardous liquid or owning or operating a pipeline facility subject to this chapter to file a plan for inspection and maintenance for approval.

(2) If the Secretary or a State authority responsible for enforcing standards prescribed under this chapter decides that a plan required under paragraph (1) of this subsection is inadequate for safe operation, the Secretary or authority shall require the person to revise the plan. Revision may be required only after giving notice and an opportunity for a hearing. A plan required under paragraph (1) must be practicable and designed to meet the need for pipeline safety and must include terms designed to enhance the ability to discover safety-related conditions described in section 60102(h)(1) of this title. In deciding on the adequacy of a plan, the Secretary or authority shall consider—

(A) relevant available pipeline safety information;

(B) the appropriateness of the plan for the particular kind of pipeline transportation or facility;

(C) the reasonableness of the plan; and

(D) the extent to which the plan will contribute to public safety and the protection of the environment.

(3) A plan required under this subsection shall be made available to the Secretary or State authority on request under section 60117 of this title.

(b) INSPECTION AND TESTING.—(1) The Secretary shall inspect and require appropriate testing of a pipeline facility subject to this chapter that is not covered by a certification under section 60105 of this title or an agreement under section 60106 of this title. The Secretary shall decide on the frequency and type of inspection and testing under this subsection on a case-by-case basis after considering the following:

(A) the location of the pipeline facility.

(B) the type, size, age, manufacturer, method of construction, and condition of the pipeline facility.

(C) the nature and volume of material transported through the pipeline facility.

(D) the pressure at which that material is transported.

(E) climatic, geologic, and seismic characteristics (including soil characteristics) and conditions of the area in which the pipeline facility is located.

(F) existing and projected population and demographic characteristics of the area in which the pipeline facility is located.

(G) for a hazardous liquid pipeline facility, the proximity of the area in which the facility is located to an area that is unusually sensitive to environmental damage.

(H) the frequency of leaks.

(I) other factors the Secretary decides are relevant to the safety of pipeline facilities.

(2) To the extent and in amounts provided in advance in an appropriation law, the Secretary shall decide on the frequency of inspection under paragraph (1) of this subsection. However, an inspection must occur at least once every 2 years. The Secretary may reduce the frequency of an inspection of a master meter system.

(3) Testing under this subsection shall use the most appropriate technology practicable.

(c) Pipeline Facilities Offshore and in Navigable Waters.—(1) In this subsection—

(A) "abandoned" means permanently removed from service.

(B) "pipeline facility" includes an underwater abandoned pipeline facility.

(C) if a pipeline facility has no operator, the most recent operator of the facility is deemed to be the operator of the facility.

(2)(A) Not later than May 16, 1993, on the basis of experience with the inspections under section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, and any other information available to the Secretary, the Secretary shall establish a mandatory, systematic, and, where appropriate, periodic inspection program of—

(i) all offshore pipeline facilities; and

(ii) any other pipeline facility crossing under, over, or through navigable waters (as defined by the Secretary) if the Secretary decides that the location of the facility in those navigable waters could pose a hazard to navigation or public safety.

(B) In prescribing regulations to carry out subparagraph (A) of this paragraph—

(i) the Secretary shall identify what is a hazard to navigation with respect to an underwater abandoned pipeline facility; and

(ii) for an underwater pipeline facility abandoned after October 24, 1992, the Secretary shall include requirements that will lessen the potential that the facility will pose a hazard to navigation and shall consider the relationship between water depth and navigational safety and factors relevant to the local marine environment.

(3)(A) The Secretary shall establish by regulation a program requiring an operator of a pipeline facility described in paragraph (2) of this subsection to report a potential or existing navigational hazard involving that pipeline facility to the Secretary through the appropriate Coast Guard office.

(B) The operator of a pipeline facility described in paragraph (2) of this subsection that discovers any part of the pipeline facility that is a hazard to navigation shall mark the location of the hazardous part with a Coast-Guard-approved marine buoy or marker and immediately shall notify the Secretary as provided by the Secretary under subparagraph (A) of this paragraph. A marine buoy or marker used under this subparagraph is deemed a pipeline sign or right-of-way marker under section 60123(c) of this title.

(4)(A) The Secretary shall require by regulation that each pipeline facility described in paragraph (2) of this subsection that is a hazard to navigation is buried not later than 6 months after the date the condition of the facility is reported to the Secretary. The Secretary may extend that 6-month period for a reasonable period to ensure compliance with this paragraph.

(B) In prescribing regulations for subparagraph (A) of this paragraph for an underwater pipeline facility abandoned after October 24, 1992, the Secretary shall include requirements that will lessen the potential that the facility will pose a hazard to navigation and shall consider the relationship between water depth and navigational safety and factors relevant to the local marine environment.

(5)(A) Not later than October 24, 1994, the Secretary shall establish standards on what is an exposed offshore pipeline facility and what is a hazard to navigation under this subsection.

(B) Not later than 6 months after the Secretary establishes standards under subparagraph (A) of this paragraph, or October 24, 1995, whichever occurs first, the operator of each offshore pipeline facility not described in section 3(h)(1)(A) of the Natural Gas Pipeline Safety Act of 1968 or section 203(l)(1)(A) of the Hazardous Liquid Pipeline Safety Act of 1979, as appropriate, shall inspect the facility and report to the Secretary on any part of the facility that is exposed or is a hazard to navigation. This subparagraph applies only to a facility that is between the high water mark and the point at which the subsurface is under 15 feet of water, as measured from mean low water. An inspection that occurred after October 3, 1989, may be used for compliance with this subparagraph if the inspection conforms to the requirements of this subparagraph.

(C) The Secretary may extend the time period specified in subparagraph (B) of this paragraph for not more than 6 months if the operator of a facility satisfies the Secretary that the operator has made a good faith effort, with reasonable diligence, but has been unable to comply by the end of that period.

(6)(A) The operator of a pipeline facility abandoned after October 24, 1992, shall report the abandonment to the Secretary in a way that specifies whether the facility has been abandoned properly according to applicable United States Government and State requirements.

(B) Not later than October 24, 1995, the operator of a pipeline facility abandoned before October 24, 1992, shall report to the Secretary reasonably available information related to the facility, including information that a third party possesses. The information shall include the location, size, date, and method of abandonment, whether the facility has been abandoned properly under applicable law, and other relevant information the Secretary may require. Not later than April 24, 1994, the Secretary shall specify how the information shall be reported. The Secretary shall ensure that the Government maintains the information in a way accessible to appropriate Government agencies and State authorities.

(C) The Secretary shall request that a State authority having information on a collision between a vessel and an underwater pipeline facility report the information to the Secretary in a timely way and make a reasonable effort to specify the location, date, and severity of the collision. Chapter 35 of title 44 does not apply to this subparagraph.

(7) The Secretary may not exempt from this chapter an offshore hazardous liquid pipeline facility only because the pipeline facility transfers hazardous liquid in an underwater pipeline between a vessel and an onshore facility.

(d) Replacing Cast Iron Gas Pipelines.—(1) The Secretary shall publish a notice on the availability of industry guidelines, developed by the Gas Piping Technology Committee, for replacing cast iron pipelines. Not later than 2 years after the guidelines become available, the Secretary shall conduct a survey of gas pipeline operators with cast iron pipe in their systems to establish—

(A) the extent to which each operator has adopted a plan for the safe management and replacement of cast iron;

(B) the elements of the plan, including the anticipated rate of replacement; and

(C) the progress that has been made.

(2) Chapter 35 of title 44 does not apply to the conduct of the survey.

(3) This subsection does not prevent the Secretary from developing Government guidelines or regulations for cast iron gas pipelines as the Secretary considers appropriate.

§60109. High-density population areas and environmentally sensitive areas

(a) Identification Requirements.—Not later than October 24, 1994, the Secretary of Transportation shall prescribe regulations that—

(1) establish criteria for identifying—

(A) by operators of gas pipeline facilities, each gas pipeline facility (except a natural gas distribution line) located in a high-density population area; and

(B) by operators of hazardous liquid pipeline facilities and gathering lines—

(i) each hazardous liquid pipeline facility, whether otherwise subject to this chapter, that crosses a navigable waterway (as the Secretary defines by regulation) or that is located in an area described in the criteria as a high-density population area; and

(ii) each hazardous liquid pipeline facility and gathering line, whether otherwise subject to this chapter, located in an area that the Secretary, in consultation with the Administrator of the Environmental Protection Agency, describes as unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident; and

(2) provide that the identification be carried out through the inventory required under section 60102(c) of this title.

(b) Areas To Be Included as Unusually Sensitive.—When describing an area that is unusually sensitive to environmental damage if there is a hazardous liquid pipeline accident, the Secretary shall consider including—

(1) earthquake zones and areas subject to landslides and other substantial ground movements;

(2) areas of likely ground water contamination if a hazardous liquid pipeline facility ruptures;

(3) freshwater lakes, rivers, and waterways; and

(4) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action where a hazardous liquid pipeline facility is likely to become exposed or undermined.

§60110. Excess flow valves

(a) Application.—This section applies only to—

(1) a natural gas distribution system installed after the effective date of regulations prescribed under this section; and

(2) any other natural gas distribution system when repair to the system requires replacing a part to accommodate installing excess flow valves.

(b) Installation Requirements and Considerations.—Not later than April 24, 1994, the Secretary of Transportation shall prescribe regulations on the circumstances under which an operator of a natural gas distribution system must install excess flow valves in the system. The Secretary shall consider—

(1) the system design pressure;

(2) the system operating pressure;

(3) the types of customers to which the distribution system supplies gas, including hospitals, schools, and commercial enterprises;

(4) the technical feasibility and cost of installing the valve;

(5) the public safety benefits of installing the valve;

(6) the location of customer meters; and

(7) other factors the Secretary considers relevant.

(c) Notification of Availability.—(1) Not later than October 24, 1994, the Secretary shall prescribe regulations requiring an operator of a

natural gas distribution system to notify in writing its customers having lines in which excess flow valves are not required by law but can be installed according to the standards prescribed under subsection (e) of this section, of—

(A) the availability of excess flow valves for installation in the system;

(B) safety benefits to be derived from installation; and

(C) costs associated with installation.

(2) The regulations shall provide that, except when installation is required under subsection (b) of this section, excess flow valves shall be installed at the request of the customer if the customer will pay all costs associated with installation.

(d) REPORT.—If the Secretary decides under subsection (b) of this section that there are no circumstances under which an operator must install excess flow valves, the Secretary shall submit to Congress a report on the reasons for the decision not later than 30 days after the decision is made.

(e) PERFORMANCE STANDARDS.—Not later than April 24, 1994, the Secretary shall develop standards for the performance of excess flow valves used to protect lines in a natural gas distribution system. The standards shall be incorporated into regulations the Secretary prescribes under this section. All excess flow valves shall be installed according to the standards.

§60111. Financial responsibility for liquefied natural gas facilities

(a) NOTICE.—When the Secretary of Transportation believes that an operator of a liquefied natural gas facility does not have adequate financial responsibility for the facility, the Secretary may issue a notice to the operator about the inadequacy and the amount of financial responsibility the Secretary considers adequate.

(b) HEARINGS.—An operator receiving a notice under subsection (a) of this section may have a hearing on the record not later than 30 days after receiving the notice. The operator may show why the Secretary should not issue an order requiring the operator to demonstrate and maintain financial responsibility in at least the amount the Secretary considers adequate.

(c) ORDERS.—After an opportunity for a hearing on the record, the Secretary may issue the order if the Secretary decides it is justified in the public interest.

§60112. Pipeline facilities hazardous to life and property

(a) GENERAL AUTHORITY.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides the facility is—

(1) hazardous to life, property, or the environment; or

(2) constructed or operated, or a component of the facility is constructed or operated, with equipment, material, or a technique the Secretary decides is hazardous to life, property, or the environment.

(b) CONSIDERATIONS.—In making a decision under subsection (a) of this section, the Secretary shall consider, if relevant—

(1) the characteristics of the pipe and other equipment used in the pipeline facility, including the age, manufacture, physical properties, and method of manufacturing, constructing, or assembling the equipment;

(2) the nature of the material the pipeline facility transports, the corrosive and deteriorative qualities of the material, the sequence in which the material are transported, and the pressure required for transporting the material;

(3) the aspects of the area in which the pipeline facility is located, including climatic and geologic conditions and soil characteristics;

(4) the proximity of the area in which the hazardous liquid pipeline facility is located to environmentally sensitive areas;

(5) the population density and population and growth patterns of the area in which the pipeline facility is located;

(6) any recommendation of the National Transportation Safety Board made under another law; and

(7) other factors the Secretary considers appropriate.

(c) OPPORTUNITY FOR STATE COMMENT.—The Secretary shall provide, to any appropriate official of a State in which a pipeline facility is located and about which a proceeding has begun under this section, notice and an opportunity to comment on an agreement the Secretary proposes to make to resolve the proceeding. State comment shall incorporate comments of affected local officials.

(d) CORRECTIVE ACTION ORDERS.—If the Secretary decides under subsection (a) of this section that a pipeline facility is hazardous, the Secretary shall order the operator of the facility to take necessary corrective action.

(e) WAIVER OF NOTICE AND HEARING IN EMERGENCY.—The Secretary may waive the requirements for notice and an opportunity for a hearing under this section and issue expeditiously an order under this section if the Secretary decides failure to issue the order expeditiously will result in likely serious harm to life, property, or the environment. An order under this subsection shall provide an opportunity for a hearing as soon as practicable after the order is issued.

§60113. Customer-owned natural gas service lines

(a) MAINTENANCE INFORMATION.—Not later than October 24, 1993, the Secretary of Transportation shall prescribe regulations requiring an operator of a natural gas distribution pipeline that does not maintain customer-owned natural gas service lines up to building walls to advise its customers of—

(1) the requirements for maintaining those lines;

(2) any resources known to the operator that could assist customers in carrying out the maintenance;

(3) information the operator has on operating and maintaining its lines that could assist customers; and

(4) the potential hazards of not maintaining the lines.

(b) ACTIONS TO PROMOTE SAFETY.—Not later than one year after submitting the report required under section 115(b) of the Pipeline Safety Act of 1992 (Public Law 102–508, 106 Stat. 3296), the Secretary, considering the report and in cooperation and coordination with appropriate State and local authorities, shall take appropriate action to promote the adoption of measures to improve the safety of customer-owned natural gas service lines.

§60114. One-call notification systems

(a) MINIMUM REQUIREMENTS.—The Secretary of Transportation shall prescribe regulations providing minimum requirements for establishing and operating a one-call notification system for a State to adopt that will notify an operator of a pipeline facility of activity in the vicinity of the facility that could threaten the safety of the facility. The regulations shall include the following:

(1) a requirement that the system apply to all areas of the State containing underground pipeline facilities.

(2) a requirement that a person intending to engage in an activity the Secretary decides could cause physical damage to an underground facility must contact the appropriate system to establish if there are underground facilities present in the area of the intended activity.

(3) a requirement that all operators of underground pipeline facilities participate in an appropriate one-call notification system.

(4) qualifications for an operator of a facility, a private contractor, or a State or local authority to operate a system.

(5) procedures for advertisement and notice of the availability of a system.

(6) a requirement about the information to be provided by a person contacting the system under clause (2) of this subsection.

(7) a requirement for the response of the operator of the system and of the facility after they are contacted by an individual under this subsection.

(8) a requirement that each State decide whether the system will be toll free.

(9) a requirement for sanctions substantially the same as provided under sections 60120, 60122, and 60123 of this title.

(b) GRANTS.—The Secretary may make a grant to a State under this section to develop and establish a one-call notification system consistent with subsection (a) of this section.

(c) MARKING FACILITIES.—On notification by an operator of a damage prevention program or by a person planning to carry out demolition, excavation, tunneling, or construction in the vicinity of a pipeline facility, the operator of the facility shall mark accurately, in a reasonable and timely way, the location of the pipeline facilities in the vicinity of the demolition, excavation, tunneling, or construction.

(d) APPORTIONMENT.—When apportioning the amount appropriated to carry out section 60107 of this title among the States, the Secretary—

(1) shall consider whether a State has adopted or is seeking adoption of a one-call notification system under this section; and

(2) shall withhold part of a payment under section 60107 of this title when the Secretary decides a State has not adopted, or is not seeking adoption of, a one-call notification system.

(e) RELATIONSHIP TO OTHER LAWS.—This section and regulations prescribed under this section do not affect the liability established under a law of the United States or a State for damage caused by an activity described in subsection (a)(2) of this section.

§60115. Technical safety standards committees

(a) ORGANIZATION.—The Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee are committees in the Department of Transportation.

(b) COMPOSITION AND APPOINTMENT.—(1) The Technical Pipeline Safety Standards Committee is composed of 15 members appointed by the Secretary of Transportation after consulting with public and private agencies concerned with the technical aspect of transporting gas or operating a gas pipeline facility. Each member must be experienced in the safety regulation of transporting gas and of gas pipeline facilities or technically qualified, by training, experience, or knowledge in at least one field of engineering applicable to transporting gas or operating a gas pipeline facility, to evaluate gas pipeline safety standards.

(2) The Technical Hazardous Liquid Pipeline Safety Standards Committee is composed of 15 members appointed by the Secretary after consulting with public and private agencies concerned with the technical aspect of transporting hazardous liquid or operating a hazardous liquid pipeline facility. Each member must be experienced in the safety regulation of transporting hazardous liquid and of hazardous liquid pipeline facilities or technically qualified, by training, experience, or knowledge in at least one field of engineering applicable to transporting hazardous liquid or operating a hazardous liquid pipeline facility, to evaluate hazardous liquid pipeline safety standards.

(3) The members of each committee are appointed as follows:

(A) 5 individuals selected from departments, agencies, and instrumentalities of the United States Government and of the States.

(B) 4 individuals selected from the natural gas or hazardous liquid industry, as appropriate, after consulting with industry representatives.

(C) 6 individuals selected from the general public.

(4)(A) Two of the individuals selected for each committee under paragraph (3)(A) of this subsection must be State commissioners. The Secretary shall consult with the national organization of State commissions (referred to in section 10344(f) of this title) before selecting those 2 individuals.

(B) At least 3 of the individuals selected for each committee under paragraph (3)(B) of this subsection must be currently in the active operation of natural gas pipelines or hazardous liquid pipeline facilities, as appropriate.

(C) Two of the individuals selected for each committee under paragraph (3)(C) of this subsection must have education, background, or experience in environmental protection or public safety. At least one individual selected for each committee under paragraph (3)(C) may not have a financial interest in the pipeline, petroleum, or natural gas industries.

(c) COMMITTEE REPORTS ON PROPOSED STANDARDS.—(1) The Secretary shall give to—

(A) the Technical Pipeline Safety Standards Committee each standard proposed under this chapter for transporting gas and for gas pipeline facilities; and

(B) the Technical Hazardous Liquid Pipeline Safety Standards Committee each standard proposed under this chapter for transporting hazardous liquid and for hazardous liquid pipeline facilities.

(2) Not later than 90 days after receiving the proposed standard, the appropriate committee shall prepare a report on the technical feasibility, reasonableness, and practicability of the proposed standard. The Secretary shall publish each report, including minority views. The report if timely made is part of the proceeding for prescribing the standard. The Secretary is not bound by the conclusions of the committee. However, if the Secretary rejects the conclusions of the committee, the Secretary shall publish the reasons.

(3) The Secretary may prescribe a standard after the end of the 90-day period.

(d) PROPOSED COMMITTEE STANDARDS AND POLICY DEVELOPMENT RECOMMENDATIONS.—(1) The Technical Pipeline Safety Standards Committee may propose to the Secretary a safety standard for transporting gas and for gas pipeline facilities. The Technical Hazardous Liquid Pipeline Safety Standards Committee may propose to the Secretary a safety standard for transporting hazardous liquid and for hazardous liquid pipeline facilities.

(2) If requested by the Secretary, a committee shall make policy development recommendations to the Secretary.

(e) MEETINGS.—Each committee shall meet with the Secretary at least twice annually. Each committee proceeding shall be recorded. The record of the proceeding shall be available to the public.

(f) PAY AND EXPENSES.—The Secretary may establish the pay for each member of a committee for each day (including travel time) when performing duties of the committee. However, a member may not be paid more than the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of title 5. A member is entitled to expenses under section 5703 of title 5. A payment under this subsection does not make a member an officer or employee of the Government. This subsection does not apply to members regularly employed by the Government.

§60116. Public education programs

Under regulations the Secretary of Transportation prescribes, each person transporting gas shall carry out a program to educate the public on the possible hazards associated with gas leaks and the importance of reporting gas odors and leaks to the appropriate authority. The Secretary may develop material suitable for use in the program.

§60117. Administrative

(a) GENERAL AUTHORITY.—To carry out this chapter, the Secretary of Transportation may conduct investigations, make reports, issue subpenas, conduct hearings, require the production of records, take depositions, and conduct research, testing, development, demonstration, and training activities. The Secretary may not charge a tuition-type fee for training State or local government personnel in the enforcement of regulations prescribed under this chapter.

(b) RECORDS, REPORTS, AND INFORMATION.—To enable the Secretary to decide whether a person transporting gas or hazardous liquid or operating a pipeline facility is complying with this chapter and standards prescribed or orders issued under this chapter, the person shall—

(1) maintain records, make reports, and provide information the Secretary requires; and

(2) make the records, reports, and information available when the Secretary requests.

(c) ENTRY AND INSPECTION.—An officer, employee, or agent of the Department of Transportation designated by the Secretary, on display of proper credentials to the individual in charge, may enter premises to inspect the records and property of a person at a reasonable time and in a reasonable way to decide whether a person is complying with this chapter and standards prescribed or orders issued under this chapter.

(d) CONFIDENTIALITY OF INFORMATION.—Information related to a confidential matter referred to in section 1905 of title 18 that is obtained by the Secretary or an officer, employee, or agent in carrying out this section may be disclosed only to another officer or employee concerned with carrying out this chapter or in a proceeding under this chapter.

(e) USE OF ACCIDENT REPORTS.—(1) Each accident report made by an officer, employee, or agent of the Department may be used in a judicial proceeding resulting from the accident. The officer, employee, or agent may be required to testify in the proceeding about the facts developed in investigating the accident. The report shall be made available to the public in a way that does not identify an individual.

(2) Each report related to research and demonstration projects and related activities is public information.

(f) TESTING FACILITIES INVOLVED IN ACCIDENTS.—The Secretary may require testing of a part of a pipeline facility subject to this chapter that has been involved in or affected by an accident only after—

(1) notifying the appropriate State official in the State in which the facility is located; and

(2) attempting to negotiate a mutually acceptable plan for testing with the owner of the facility and, when the Secretary considers appropriate, the National Transportation Safety Board.

(g) PROVIDING SAFETY INFORMATION.—On request, the Secretary shall provide the Federal Energy Regulatory Commission or appropriate State authority with information the Secretary has on the safety of material, operations, devices, or processes related to pipeline transportation or operating a pipeline facility.

(h) COOPERATION.—The Secretary may—

(1) advise, assist, and cooperate with other departments, agencies, and instrumentalities of the United States Government, the States, and public and private agencies and persons in planning and developing safety standards and ways to inspect and test to decide whether those standards have been complied with;

(2) consult with and make recommendations to other departments, agencies, and instrumentalities of the Government, State and local governments, and public and private agencies and persons to develop and encourage activities, including the enactment of legislation, that will assist in carrying out this chapter and improve State and local pipeline safety programs; and

(3) participate in a proceeding involving safety requirements related to a liquefied natural gas facility before the Commission or a State authority.

(i) PROMOTING COORDINATION.—After consulting with appropriate State officials, the Secretary shall establish procedures to promote more effective coordination between departments, agencies, and instrumentalities of the Government and State authorities with regulatory authority over pipeline facilities about responses to a pipeline accident.

(j) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

§60118. Compliance and waivers

(a) GENERAL REQUIREMENTS.—A person transporting gas or hazardous liquid or owning or operating a pipeline facility shall—

(1) comply with applicable safety standards prescribed under this chapter, except as provided in this section;

(2) prepare and carry out a plan for inspection and maintenance required under section 60108(a) and (b) of this title; and

(3) allow access to or copying of records, make reports and provide information, and allow entry or inspection required under section 60117(a)-(d) of this title.

(b) COMPLIANCE ORDERS.—The Secretary of Transportation may issue orders directing compliance with this chapter or a regulation prescribed under this chapter. An order shall state clearly the action a person must take to comply.

(c) WAIVERS BY SECRETARY.—On application of a person transporting gas or hazardous liquid or operating a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter on terms the Secretary considers appropriate, if the waiver is not inconsistent with pipeline safety. The Secretary shall state the reasons for granting a waiver under this subsection. The Secretary may act on a waiver only after notice and an opportunity for a hearing.

(d) WAIVERS BY STATE AUTHORITIES.—If a certification under section 60105 of this title or an agreement under section 60106 of this title is in effect, the State authority may waive compliance with a safety standard to which the certification or agreement applies in the same way and to the same extent the Secretary may waive compliance under subsection (c) of this section. However, the authority must give the Secretary written notice of the waiver at least 60 days before its effective date. If the Secretary makes a written objection before the effective date of the waiver, the waiver is stayed. After notifying the authority of the objection, the Secretary shall provide a prompt opportunity for a hearing. The Secretary shall make the final decision on granting the waiver.

§60119. Judicial review

(a) REVIEW OF REGULATIONS AND WAIVER ORDERS.—(1) Except as provided in subsection (b) of this section, a person adversely affected by a regulation prescribed under this chapter or an order issued about an application for a waiver under section 60118 (c) or (d) of this title may apply for review of the regulation or order by filing a petition for review in the United States Court of Appeals for the District of Columbia

Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 89 days after the regulation is prescribed or order is issued. The clerk of the court immediately shall send a copy of the petition to the Secretary of Transportation.

(2) A judgment of a court under paragraph (1) of this subsection may be reviewed only by the Supreme Court under section 1254 of title 28. A remedy under paragraph (1) is in addition to any other remedies provided by law.

(b) REVIEW OF FINANCIAL RESPONSIBILITY ORDERS.—(1) A person adversely affected by an order issued under section 60111 of this title may apply for review of the order by filing a petition for review in the appropriate court of appeals of the United States. The petition must be filed not later than 60 days after the order is issued. Findings of fact the Secretary makes are conclusive if supported by substantial evidence.

(2) A judgment of a court under paragraph (1) of this subsection may be reviewed only by the Supreme Court under section 1254(1) of title 28.

§60120. Enforcement

(a) CIVIL ACTIONS.—(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including punitive damages.

(2) At the request of the Secretary, the Attorney General may bring a civil action in a district court of the United States to require a person to comply immediately with a subpena or to allow an officer, employee, or agent authorized by the Secretary to enter the premises, and inspect the records and property, of the person to decide whether the person is complying with this chapter. The action may be brought in the judicial district in which the defendant resides, is found, or does business. The court may punish a failure to obey the order as a contempt of court.

(b) JURY TRIAL DEMAND.—In a trial for criminal contempt for violating an injunction issued under this section, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(c) EFFECT ON TORT LIABILITY.—This chapter does not affect the tort liability of any person.

§60121. Actions by private persons

(a) GENERAL AUTHORITY.—(1) A person may bring a civil action in an appropriate district court of the United States for an injunction against another person (including the United States Government and other governmental authorities to the extent permitted under the 11th amendment to the Constitution) for a violation of this chapter or a regulation prescribed or order issued under this chapter. However, the person—

(A) may bring the action only after 60 days after the person has given notice of the violation to the Secretary of Transportation or to the appropriate State authority (when the violation is alleged to have occurred in a State certified under section 60105 of this title) and to the person alleged to have committed the violation;

(B) may not bring the action if the Secretary or authority has begun and diligently is pursuing an administrative proceeding for the violation; and

(C) may not bring the action if the Attorney General of the United States, or the chief law enforcement officer of a State, has begun and diligently is pursuing a judicial proceeding for the violation.

(2) The Secretary shall prescribe the way in which notice is given under this subsection.

(3) The Secretary, with the approval of the Attorney General, or the Attorney General may intervene in an action under paragraph (1) of this subsection.

(b) COSTS AND FEES.—The court may award costs, reasonable expert witness fees, and a reasonable attorney's fee to a prevailing plaintiff in a civil action under this section. The court may award costs to a prevailing defendant when the action is unreasonable, frivolous, or meritless. In this subsection, a reasonable attorney's fee is a fee—

(1) based on the actual time spent and the reasonable expenses of the attorney for legal services provided to a person under this section; and

(2) computed at the rate prevailing for providing similar services for actions brought in the court awarding the fee.

(c) STATE VIOLATIONS AS VIOLATIONS OF THIS CHAPTER.—In this section, a violation of a safety standard or practice of a State is deemed to be a violation of this chapter or a regulation prescribed or order issued under this chapter only to the extent the standard or practice is not more stringent than a comparable minimum safety standard prescribed under this chapter.

(d) ADDITIONAL REMEDIES.—A remedy under this section is in addition to any other remedies provided by law. This section does not restrict a right to relief that a person or a class of persons may have under another law or at common law.

§60122. Civil penalties

(a) GENERAL PENALTIES.—(1) A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has violated section 60114(c) or 60118(a) of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than $25,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of violations is $500,000.

(2) A person violating a standard or order under section 60103 or 60111 of this title is liable to the Government for a civil penalty of not more than $50,000 for each violation. A penalty under this paragraph may be imposed in addition to penalties imposed under paragraph (1) of this subsection.

(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Secretary shall consider—

(1) the nature, circumstances, and gravity of the violation;

(2) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on ability to continue doing business;

(3) good faith in attempting to comply; and

(4) other matters that justice requires.

(c) COLLECTION AND COMPROMISE.—(1) The Secretary may request the Attorney General to bring a civil action in an appropriate district court of the United States to collect a civil penalty imposed under this section.

(2) The Secretary may compromise the amount of a civil penalty imposed under this section before referral to the Attorney General.

(d) SETOFF.—The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(e) DEPOSIT IN TREASURY.—Amounts collected under this section shall be deposited in the Treasury as miscellaneous receipts.

(f) PROHIBITION ON MULTIPLE PENALTIES FOR SAME ACT.—Separate penalties for violating a regulation prescribed under this chapter and for violating an order under section 60112 or 60118(b) of this title may not be imposed under this chapter if both violations are based on the same act.

§60123. Criminal penalties

(a) GENERAL PENALTY.—A person knowingly and willfully violating section 60114(c) or 60118(a) of this title or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 5 years, or both.

(b) PENALTY FOR DAMAGING OR DESTROYING FACILITY.—A person knowingly and willfully damaging or destroying, or attempting to damage or destroy, an interstate gas pipeline facility or interstate hazardous liquid pipeline facility shall be fined under title 18, imprisoned for not more than 15 years, or both.

(c) PENALTY FOR DAMAGING OR DESTROYING SIGN.—A person knowingly and willfully defacing, damaging, removing, or destroying a pipeline sign or right-of-way marker required by a law or regulation of the United States shall be fined under title 18, imprisoned for not more than one year, or both.

(d) PENALTY FOR NOT USING ONE-CALL NOTIFICATION SYSTEM OR NOT HEEDING LOCATION INFORMATION OR MARKINGS.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person knowingly and willfully—

(1) engages in an excavation activity—

(A) without first using an available one-call notification system to establish the location of underground facilities in the excavation area; or

(B) without paying attention to appropriate location information or markings the operator of a pipeline facility establishes; and

(2) subsequently damages—

(A) a pipeline facility that results in death, serious bodily harm, or actual damage to property of more than $50,000; or

(B) a hazardous liquid pipeline facility that results in the release of more than 50 barrels of product.

§60124. Annual reports

(a) SUBMISSION AND CONTENTS.—The Secretary of Transportation shall submit to Congress not later than August 15 of each year a report on carrying out this chapter for the prior calendar year for gas and a report on carrying out this chapter for the prior calendar year for hazardous liquid. Each report shall include the following information about the prior year for gas or hazardous liquid, as appropriate:

(1) a thorough compilation of the leak repairs, accidents, and casualties and a statement of cause when investigated and established by the National Transportation Safety Board.

(2) a list of applicable pipeline safety standards prescribed under this chapter including identification of standards prescribed during the year.

(3) a summary of the reasons for each waiver granted under section 60118 (c) and (d) of this title.

(4) an evaluation of the degree of compliance with applicable safety standards, including a list of enforcement actions and compromises of alleged violations by location and company name.

(5) a summary of outstanding problems in carrying out this chapter, in order of priority.

(6) an analysis and evaluation of—

(A) research activities, including their policy implications, completed as a result of the United States Government and private sponsorship; and

(B) technological progress in safety achieved.

(7) a list, with a brief statement of the issues, of completed or pending judicial actions under this chapter.

(8) the extent to which technical information was distributed to the scientific community and consumer-oriented information was made available to the public.

(9) a compilation of certifications filed under section 60105 of this title that were—

(A) in effect; or

(B) rejected in any part by the Secretary and a summary of the reasons for each rejection.

(10) a compilation of agreements made under section 60106 of this title that were—

(A) in effect; or

(B) ended in any part by the Secretary and a summary of the reasons for ending each agreement.

(11) a description of the number and qualifications of State pipeline safety inspectors in each State for which a certification under section 60105 of this title or an agreement under section 60106 of this title is in effect and the number and qualifications of inspectors the Secretary recommends for that State.

(12) recommendations for legislation the Secretary considers necessary—

(A) to promote cooperation among the States in improving—

(i) gas pipeline safety; or

(ii) hazardous liquid pipeline safety programs; and

(B) to strengthen the national gas pipeline safety program.

(b) SUBMISSION OF ONE REPORT.—The Secretary may submit one report to carry out subsection (a) of this section.

§60125. Authorization of appropriations

(a) GAS.—Not more than the following amounts may be appropriated to the Secretary of Transportation to carry out this chapter (except sections 60107 and 60114(b)) related to gas:

(1) $6,857,000 for the fiscal year ending September 30, 1993.

(2) $7,000,000 for the fiscal year ending September 30, 1994.

(3) $7,500,000 for the fiscal year ending September 30, 1995.

(b) HAZARDOUS LIQUID.—Not more than the following amounts may be appropriated to the Secretary to carry out this chapter (except sections 60107 and 60114(b)) related to hazardous liquid:

(1) $1,728,500 for the fiscal year ending September 30, 1993.

(2) $1,866,800 for the fiscal year ending September 30, 1994.

(3) $2,000,000 for the fiscal year ending September 30, 1995.

(c) STATE GRANTS.—(1) Not more than the following amounts may be appropriated to the Secretary to carry out section 60107 of this title:

(A) $7,750,000 for the fiscal year ending September 30, 1993.

(B) $9,000,000 for the fiscal year ending September 30, 1994.

(C) $10,000,000 for the fiscal year ending September 30, 1995.

(2) At least 5 percent of amounts appropriated to carry out United States Government grants-in-aid programs for a fiscal year are available only to carry out section 60107 of this title related to hazardous liquid.

(3) Not more than 20 percent of a pipeline safety program grant under section 60107 of this title may be allocated to indirect expenses.

(d) GRANTS FOR ONE-CALL NOTIFICATION SYSTEMS.—Not more than $________ may be appropriated to the Secretary for the fiscal year ending September 30, 19__, to carry out section 60114(b) of this title. Amounts under this subsection remain available until expended.

(e) CREDITING APPROPRIATIONS FOR EXPENDITURES FOR TRAINING.—The Secretary may credit to an appropriation authorized under subsection (a) or (b) of this section amounts received from sources other than the Government for reimbursement for expenses incurred by the Secretary in providing training.

(f) AVAILABILITY OF UNUSED AMOUNTS FOR GRANTS.—(1) The Secretary shall make available for grants to States amounts appropriated for each of the fiscal years that ended September 30, 1986, and 1987, that have not been expended in making grants under section 60107 of this title.

(2) A grant under this subsection is available to a State that after December 31, 1987—

(A) undertakes a new responsibility under section 60105 of this title; or

(B) implements a one-call damage prevention program established under State law.

(3) This subsection does not authorize a State to receive more than 50 percent of its allowable pipeline safety costs from a grant under this chapter.

(4) A State may receive not more than $75,000 under this subsection.

(5) Amounts under this subsection remain available until expended.

CHAPTER 603—USER FEES

Sec.
60301. User fees.

§60301. User fees

(a) SCHEDULE OF FEES.—The Secretary of Transportation shall prescribe a schedule of fees for all natural gas and hazardous liquids transported by pipelines subject to chapter 601 of this title. The fees shall be based on usage (in reasonable relationship to volume-miles, miles, revenues, or a combination of volume-miles, miles, and revenues) of the pipelines. The Secretary shall consider the allocation of resources of the Department of Transportation when establishing the schedule.

(b) IMPOSITION AND TIME OF COLLECTION.—A fee shall be imposed on each person operating a gas pipeline transmission facility, a liquefied natural gas pipeline facility, or a hazardous liquid pipeline facility to which chapter 601 of this title applies. The fee shall be collected before the end of the fiscal year to which it applies.

(c) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

(d) USE OF FEES.—A fee collected under this section—

(1)(A) related to a gas pipeline facility may be used only for an activity related to gas under chapter 601 of this title; and

(B) related to a hazardous liquid pipeline facility may be used only for an activity related to hazardous liquid under chapter 601 of this title; and

(2) may be used only to the extent provided in advance in an appropriation law.

(e) LIMITATIONS.—Fees prescribed under subsection (a) of this section shall be sufficient to pay for the costs of activities described in subsection (d) of this section. However, the total amount collected for a fiscal year may not be more than 105 percent of the total amount of the appropriations made for the fiscal year for activities to be financed by the fees.

CHAPTER 605—INTERSTATE COMMERCE REGULATION

Sec.
60501. Secretary of Energy.
60502. Federal Energy Regulatory Commission.
60503. Effect of enactment.

§60501. Secretary of Energy

Except as provided in section 60502 of this title, the Secretary of Energy has the duties and powers related to the transportation of oil by pipeline that were vested on October 1, 1977, in the Interstate Commerce Commission or the chairman or a member of the Commission.

§60502. Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission has the duties and powers related to the establishment of a rate or charge for the transportation of oil by pipeline or the valuation of that pipeline that were vested on October 1, 1977, in the Interstate Commerce Commission or an officer or component of the Interstate Commerce Commission.

§60503. Effect of enactment

The enactment of the Act of October 17, 1978 (Public Law 95-473, 92 Stat. 1337), the Act of January 12, 1983 (Public Law 97-449, 96 Stat. 2413), and the Act enacting this section does not repeal, and has no substantive effect on, any right, obligation, liability, or remedy of an oil pipeline, including a right, obligation, liability, or remedy arising under the Interstate Commerce Act or the Act of August 29, 1916 (known as the Pomerene Bills of Lading Act), before any department, agency, or instrumentality of the United States Government, an officer or employee of the Government, or a court of competent jurisdiction.

SUBTITLE IX—COMMERCIAL SPACE TRANSPORTATION

CHAPTER *Sec.*
701. COMMERCIAL SPACE LAUNCH ACTIVITIES 70101
703. SPACE TRANSPORTATION INFRASTRUCTURE MATCHING GRANTS ... 70301

CHAPTER 701—COMMERCIAL SPACE LAUNCH ACTIVITIES

Sec.
70101. Findings and purposes.
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70115. Enforcement and penalty.
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70117. Relationship to other executive agencies, laws, and international obligations.
70118. User fees.
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§70101. Findings and purposes

(a) FINDINGS.—Congress finds that—

(1) the peaceful uses of outer space continue to be of great value and to offer benefits to all mankind;

(2) private applications of space technology have achieved a significant level of commercial and economic activity and offer the potential for growth in the future, particularly in the United States;

(3) new and innovative equipment and services are being sought, produced, and offered by entrepreneurs in telecommunications, information services, and remote sensing technologies;

(4) the private sector in the United States has the capability of developing and providing private satellite launching and associated services that would complement the launching and associated services now available from the United States Government;

(5) the development of commercial launch vehicles and associated services would enable the United States to retain its competitive position internationally, contributing to the national interest and economic well-being of the United States;

(6) providing launch services by the private sector is consistent with the national security and foreign policy interests of the United States and would be facilitated by stable, minimal, and appropriate regulatory guidelines that are fairly and expeditiously applied;

(7) the United States should encourage private sector launches and associated services and, only to the extent necessary, regulate those launches and services to ensure compliance with international obligations of the United States and to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States;

(8) space transportation, including the establishment and operation of launch sites and complementary facilities, the providing of launch services, the establishment of support facilities, and the providing of support services, is an important element of the transportation system of the United States, and in connection with the commerce of the United States there is a need to develop a strong space transportation infrastructure with significant private sector involvement; and

(9) the participation of State governments in encouraging and facilitating private sector involvement in space-related activity, particularly through the establishment of a space transportation-related infrastructure, including launch sites, complementary facilities, and launch site support facilities, is in the national interest and is of significant public benefit.

(b) PURPOSES.—The purposes of this chapter are—

(1) to promote economic growth and entrepreneurial activity through use of the space environment for peaceful purposes;

(2) to encourage the United States private sector to provide launch vehicles and associated services by—

(A) simplifying and expediting the issuance and transfer of commercial launch licenses; and

(B) facilitating and encouraging the use of Government-developed space technology;

(3) to provide that the Secretary of Transportation is to oversee and coordinate the conduct of commercial launch operations, issue and transfer commercial launch licenses authorizing those operations, and protect the public health and safety, safety of property, and national security and foreign policy interests of the United States; and

(4) to facilitate the strengthening and expansion of the United States space transportation infrastructure, including the enhancement of United States launch sites and launch-site support facilities, with Government, State, and private sector involvement, to support the full range of United States space-related activities.

§70102. Definitions

In this chapter—

(1) "citizen of the United States" means—

(A) an individual who is a citizen of the United States;

(B) an entity organized or existing under the laws of the United States or a State; or

(C) an entity organized or existing under the laws of a foreign country if the controlling interest (as defined by the Secretary of Transportation) is held by an individual or entity described in subclause (A) or (B) of this clause.

(2) "executive agency" has the same meaning given that term in section 105 of title 5.

(3) "launch" means to place or try to place a launch vehicle and any payload—

(A) in a suborbital trajectory;

(B) in Earth orbit in outer space; or

(C) otherwise in outer space.

(4) "launch property" means an item built for, or used in, the launch preparation or launch of a launch vehicle.

(5) "launch services" means—

(A) activities involved in the preparation of a launch vehicle and payload for launch; and

(B) the conduct of a launch.

(6) "launch site" means the location on Earth from which a launch takes place (as defined in a license the Secretary issues or transfers under this chapter) and necessary facilities.

(7) "launch vehicle" means—

(A) a vehicle built to operate in, or place a payload in, outer space; and

(B) a suborbital rocket.

(8) "payload" means an object that a person undertakes to place in outer space by means of a launch vehicle, including components of the vehicle specifically designed or adapted for that object.

(9) "person" means an individual and an entity organized or existing under the laws of a State or country.

(10) "State" means a State of the United States, the District of Columbia, and a territory or possession of the United States.

(11) "third party" means a person except—

(A) the United States Government or the Government's contractors or subcontractors involved in launch services;

(B) a licensee or transferee under this chapter;

(C) a licensee's or transferee's contractors, subcontractors, or customers involved in launch services; or

(D) the customer's contractors or subcontractors involved in launch services.

(12) "United States" means the States of the United States, the District of Columbia, and the territories and possessions of the United States.

§70103. General authority

(a) GENERAL.—The Secretary of Transportation shall carry out this chapter.

(b) FACILITATING COMMERCIAL LAUNCHES.—In carrying out this chapter, the Secretary shall—

(1) encourage, facilitate, and promote commercial space launches by the private sector; and

(2) take actions to facilitate private sector involvement in commercial space transportation activity, and to promote public-private partnerships involving the United States Government, State governments, and the private sector to build, expand, modernize, or operate a space launch infrastructure.

(c) EXECUTIVE AGENCY ASSISTANCE.—When necessary, the head of an executive agency shall assist the Secretary in carrying out this chapter.

§70104. Restrictions on launches and operations

(a) LICENSE REQUIREMENT.—A license issued or transferred under this chapter is required for the following:

(1) for a person to launch a launch vehicle or to operate a launch site in the United States.

(2) for a citizen of the United States (as defined in section 70102(1)(A) or (B) of this title) to launch a launch vehicle or to operate a launch site outside the United States.

(3) for a citizen of the United States (as defined in section 70102(1)(C) of this title) to launch a launch vehicle or to operate a launch site outside the United States and outside the territory of a foreign country unless there is an agreement between the United States Government and the government of the foreign country providing that the government of the foreign country has jurisdiction over the launch or operation.

(4) for a citizen of the United States (as defined in section 70102(1)(C) of this title) to launch a launch vehicle or to operate a launch site in the territory of a foreign country if there is an agreement between the United States Government and the government of the foreign country providing that the United States Government has jurisdiction over the launch or operation.

(b) COMPLIANCE WITH PAYLOAD REQUIREMENTS.—The holder of a launch license under this chapter may launch a payload only if the payload complies with all requirements of the laws of the United States related to launching a payload.

(c) PREVENTING LAUNCHES.—The Secretary of Transportation shall establish whether all required licenses, authorizations, and permits required for a payload have been obtained. If no license, authorization, or permit is required, the Secretary may prevent the launch if the Secretary decides the launch would jeopardize the public health and safety, safety of property, or national security or foreign policy interest of the United States.

§70105. License applications and requirements

(a) APPLICATIONS.—A person may apply to the Secretary of Transportation for a license or transfer of a license under this chapter in the form and way the Secretary prescribes. Consistent with the public health and safety, safety of property, and national security and foreign policy interests of the United States, the Secretary, not later than 180 days after receiving an application, shall issue or transfer a license if the Secretary decides in writing that the applicant complies, and will continue to comply, with this chapter and regulations prescribed under this chapter. The Secretary shall inform the applicant of any pending issue and action required to resolve the issue if the Secretary has not made a decision not later than 120 days after receiving an application.

(b) REQUIREMENTS.—(1) Except as provided in this subsection, all requirements of the laws of the United States applicable to the launch of a launch vehicle or the operation of a launch site are requirements for a license under this chapter.

(2) The Secretary may prescribe—

(A) any term necessary to ensure compliance with this chapter, including on-site verification that a launch or operation complies with representations stated in the application;

(B) an additional requirement necessary to protect the public health and safety, safety of property, national security interests, and foreign policy interests of the United States; and

(C) by regulation that a requirement of a law of the United States not be a requirement for a license if the Secretary, after consulting with the head of the appropriate executive agency, decides that the requirement is not necessary to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States.

(3) The Secretary may waive a requirement for an individual applicant if the Secretary decides that the waiver is in the public interest and will not jeopardize the public health and safety, safety of property, and national security and foreign policy interests of the United States.

(c) PROCEDURES AND TIMETABLES.—The Secretary shall establish procedures and timetables that expedite review of a license application and reduce the regulatory burden for an applicant.

§70106. Monitoring activities

(a) GENERAL REQUIREMENTS.—A licensee under this chapter must allow the Secretary of Transportation to place an officer or employee of the United States Government or another individual as an observer at a launch site the licensee uses, at a production facility or assembly site a contractor of the licensee uses to produce or assemble a launch vehicle, or at a site at which a payload is integrated with a launch vehicle. The observer will monitor the activity of the licensee or contractor at the time and to the extent the Secretary considers reasonable to ensure compliance with the license or to carry out the duties of the Secretary under section 70104(c) of this title. A licensee must cooperate with an observer carrying out this subsection.

(b) CONTRACTS.—To the extent provided in advance in an appropriation law, the Secretary *may make a contract with a person to carry out subsection (a) of this section.*

§70107. Effective periods, and modifications, suspensions, and revocations, of licenses

(a) EFFECTIVE PERIODS OF LICENSES.—The Secretary of Transportation shall specify the period for which a license issued or transferred under this chapter is in effect.

(b) MODIFICATIONS.—On the initiative of the Secretary or on application of the licensee, the Secretary may modify a license issued or transferred under this chapter if the Secretary decides the modification will comply with this chapter.

(c) SUSPENSIONS AND REVOCATIONS.—The Secretary may suspend or revoke a license if the Secretary decides that—

(1) the licensee has not complied substantially with a requirement of this chapter or a regulation prescribed under this chapter; or

(2) the suspension or revocation is necessary to protect the public health and safety, the safety of property, or a national security or foreign policy interest of the United States.

(d) EFFECTIVE PERIODS OF MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS.—Unless the Secretary specifies otherwise, a modification, suspension, or revocation under this section takes effect immediately and remains in effect during a review under section 70110 of this title.

(e) NOTIFICATION.—The Secretary shall notify the licensee in writing of the decision of the Secretary under this section and any action the Secretary takes or proposes to take based on the decision.

§70108. Prohibition, suspension, and end of launches and operation of launch sites

(a) GENERAL AUTHORITY.—The Secretary of Transportation may prohibit, suspend, or end immediately the launch of a launch vehicle or the operation of a launch site licensed under this chapter if the Secretary decides the launch or operation is detrimental to the public health and safety, the safety of property, or a national security or foreign policy interest of the United States.

(b) EFFECTIVE PERIODS OF ORDERS.—An order under this section takes effect immediately and remains in effect during a review under section 70110 of this title.

§70109. Preemption of scheduled launches

(a) GENERAL.—With the cooperation of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation shall act to ensure that a launch of a payload is not preempted from access to a United States Government launch site or launch property, except for imperative national need, when a launch date commitment from the Government has been obtained for a launch licensed under this chapter. A licensee or transferee preempted from access to a launch site or launch property does not have to pay the Government any amount for launch services attributable only to the scheduled launch prevented by the preemption.

(b) IMPERATIVE NATIONAL NEED DECISIONS.—In consultation with the Secretary of Transportation, the Secretary of Defense or the Administrator shall decide when an imperative national need requires preemption under subsection (a) of this section. That decision may not be delegated.

(c) REPORTS.—In cooperation with the Secretary of Transportation, the Secretary of Defense or the Administrator, as appropriate, shall submit to Congress not later than 7 days after a decision to preempt under subsection (a) of this section, a report that includes an explanation of the circumstances justifying the decision and a schedule for ensuring the prompt launching of a preempted payload.

§70110. Administrative hearings and judicial review

(a) ADMINISTRATIVE HEARINGS.—The Secretary of Transportation shall provide an opportunity for a hearing on the record to—

(1) an applicant under this chapter, for a decision of the Secretary under section 70105(a) of this title to issue or transfer a license with terms or deny the issuance or transfer of a license;

(2) an owner or operator of a payload under this chapter, for a decision of the Secretary under section 70104(c) of this title to prevent the launch of the payload; and

(3) a licensee under this chapter, for a decision of the Secretary under—

(A) section 70107 (b) or (c) of this title to modify, suspend, or revoke a license; or

(B) section 70108(a) of this title to prohibit, suspend, or end a launch or operation of a launch site licensed by the Secretary.

(b) JUDICIAL REVIEW.—A final action of the Secretary under this chapter is subject to judicial review as provided in chapter 7 of title 5.

§70111. Acquiring United States Government property and services

(a) GENERAL REQUIREMENTS AND CONSIDERATIONS.—(1) The Secretary of Transportation shall facilitate and encourage the acquisition by the private sector and State governments of—

(A) launch property of the United States Government that is excess or otherwise is not needed for public use; and

(B) launch services, including utilities, of the Government otherwise not needed for public use.

(2) In acting under paragraph (1) of this subsection, the Secretary shall consider the commercial availability on reasonable terms of substantially equivalent launch property or launch services from a domestic source.

(b) PRICE.—(1) In this subsection, "direct costs" means the actual costs that—

(A) can be associated unambiguously with a commercial launch effort; and

(B) the Government would not incur if there were no commercial launch effort.

(2) In consultation with the Secretary, the head of the executive agency providing the property or service under subsection (a) of this section shall establish the price for the property or service. The price for—

(A) acquiring launch property by sale or transaction instead of sale is the fair market value;

(B) acquiring launch property (except by sale or transaction instead of sale) is an amount equal to the direct costs, including specific wear and tear and property damage, the Government incurred because of acquisition of the property; and

(C) launch services is an amount equal to the direct costs, including the basic pay of Government civilian and contractor personnel, the Government incurred because of acquisition of the services.

(c) COLLECTION BY SECRETARY.—The Secretary may collect a payment under this section with the consent of the head of the executive agency establishing the price. Amounts collected under this subsection shall be deposited in the Treasury. Amounts (except for excess launch property) shall be credited to the appropriation from which the cost of providing the property or services was paid.

(d) COLLECTION BY OTHER GOVERNMENTAL HEADS.—The head of a department, agency, or instrumentality of the Government may collect a payment for an activity involved in producing a launch vehicle or its payload for launch if the activity was agreed to by the owner or manufacturer of the launch vehicle or payload.

§70112. Liability insurance and financial responsibility requirements

(a) GENERAL REQUIREMENTS.—(1) When a license is issued or transferred under this chapter, the licensee or transferee shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

(A) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out under the license; and

(B) the United States Government against a person for damage or loss to Government property resulting from an activity carried out under the license.

(2) The Secretary of Transportation shall determine the amounts required under paragraph (1) (A) and (B) of this subsection, after consulting with the Administrator of the National Aeronautics and Space Administration, the Secretary of the Air Force, and the heads of other appropriate executive agencies.

(3) For the total claims related to one launch, a licensee or transferee is not required to obtain insurance or demonstrate financial responsibility of more than—

(A)(i) $500,000,000 under paragraph (1)(A) of this subsection; or

(ii) $100,000,000 under paragraph (1)(B) of this subsection; or

(B) the maximum liability insurance available on the world market at reasonable cost if the amount is less than the applicable amount in clause (A) of this paragraph.

(4) An insurance policy or demonstration of financial responsibility under this subsection shall protect the following, to the extent of their potential liability for involvement in launch services, at no cost to the Government:

(A) the Government.

(B) executive agencies and personnel, contractors, and subcontractors of the Government.

(C) contractors, subcontractors, and customers of the licensee or transferee.

(D) contractors and subcontractors of the customer.

(b) RECIPROCAL WAIVER OF CLAIMS.—(1) A license issued or transferred under this chapter shall contain a provision requiring the licensee or transferee to make a reciprocal waiver of claims with its contractors, subcontractors, and customers, and contractors and subcontractors of the customers, involved in launch services under which each party to the waiver agrees to be responsible for property damage or loss it sustains, or for personal injury to, death of, or property damage or loss sustained by its own employees resulting from an activity carried out under the license.

(2) The Secretary of Transportation shall make, for the Government, executive agencies of the Government involved in launch services, and contractors and subcontractors involved in launch services, a reciprocal waiver of claims with the licensee or transferee, contractors, subcontractors, and customers of the licensee or transferee, and contractors and subcontractors of the customers, involved in launch services under which each party to the waiver agrees to be responsible for property damage or loss it sustains, or for personal injury to, death of, or property damage or loss sustained by its own employees resulting from an activity carried out under the license. The waiver applies only to the extent that claims are more than the amount of insurance or demonstration of financial responsibility required under subsection (a)(1)(B) of this section. After consulting with the Administrator and the Secretary of the Air Force, the Secretary of Transportation may waive, for the Government and a department, agency, and instrumentality of the Government, the right to recover damages for damage or loss to Government property to the extent insurance is not available because of a policy exclusion the Secretary of Transportation decides is usual for the type of insurance involved.

(c) DETERMINATION OF MAXIMUM PROBABLE LOSSES.—The Secretary of Transportation shall

determine the maximum probable losses under subsection (a)(1) (A) and (B) of this section associated with an activity under a license not later than 90 days after a licensee or transferee requires a determination and submits all information the Secretary requires. The Secretary shall amend the determination as warranted by new information.

(d) ANNUAL REPORT.—(1) Not later than November 15 of each year, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on current determinations made under subsection (c) of this section related to all issued licenses and the reasons for the determinations.

(2) Not later than May 15 of each year, the Secretary of Transportation shall review the amounts specified in subsection (a)(3)(A) of this section and submit a report to Congress that contains proposed adjustments in the amounts to conform with changed liability expectations and availability of insurance on the world market. The proposed adjustment takes effect 30 days after a report is submitted.

(e) LAUNCHES INVOLVING GOVERNMENT FACILITIES AND PERSONNEL.—The Secretary of Transportation shall establish requirements consistent with this chapter for proof of financial responsibility and other assurances necessary to protect the Government and its executive agencies and personnel from liability, death, bodily injury, or property damage or loss as a result of a launch or operation of a launch site involving a facility or personnel of the Government. The Secretary may not relieve the Government of liability under this subsection for death, bodily injury, or property damage or loss resulting from the willful misconduct of the Government or its agents.

(f) COLLECTION AND CREDITING PAYMENTS.—The head of a department, agency, or instrumentality of the Government shall collect a payment owed for damage or loss to Government property under its jurisdiction or control resulting from an activity carried out under a license issued or transferred under this chapter. The payment shall be credited to the current applicable appropriation, fund, or account of the department, agency, or instrumentality.

§70113. Paying claims exceeding liability insurance and financial responsibility requirements

(a) GENERAL REQUIREMENTS.—(1) To the extent provided in advance in an appropriation law or to the extent additional legislative authority is enacted providing for paying claims in a compensation plan submitted under subsection (d) of this section, the Secretary of Transportation shall provide for the payment by the United States Government of a successful claim (including reasonable litigation or settlement expenses) of a third party against a licensee or transferee under this chapter, a contractor, subcontractor, or customer of the licensee or transferee, or a contractor or subcontractor of a customer, resulting from an activity carried out under the license issued or transferred under this chapter for death, bodily injury, or property damage or loss resulting from an activity carried out under the license. However, claims may be paid under this section only to the extent the total amount of successful claims related to one launch—

(A) is more than the amount of insurance or demonstration of financial responsibility required under section 70112(a)(1)(A) of this title; and

(B) is not more than $1,500,000,000 (plus additional amounts necessary to reflect inflation occurring after January 1, 1989) above that insurance or financial responsibility amount.

(2) The Secretary may not provide for paying a part of a claim for which death, bodily injury, or property damage or loss results from willful misconduct by the licensee or transferee. To the extent insurance required under section 70112(a)(1)(A) of this title is not available to cover a successful third party liability claim because of an insurance policy exclusion the Secretary decides is usual for the type of insurance involved, the Secretary may provide for paying the excluded claims without regard to the limitation contained in section 70112(a)(1).

(b) NOTICE, PARTICIPATION, AND APPROVAL.—Before a payment under subsection (a) of this section is made—

(1) notice must be given to the Government of a claim, or a civil action related to the claim, against a party described in subsection (a)(1) of this section for death, bodily injury, or property damage or loss;

(2) the Government must be given an opportunity to participate or assist in the defense of the claim or action; and

(3) the Secretary must approve any part of a settlement to be paid out of appropriations of the Government.

(c) WITHHOLDING PAYMENTS.—The Secretary may withhold a payment under subsection (a) of this section if the Secretary certifies that the amount is not reasonable. However, the Secretary shall deem to be reasonable the amount of a claim finally decided by a court of competent jurisdiction.

(d) SURVEYS, REPORTS, AND COMPENSATION PLANS.—(1) If as a result of an activity carried out under a license issued or transferred under this chapter the total of claims related to one launch is likely to be more than the amount of required insurance or demonstration of financial responsibility, the Secretary shall—

(A) survey the causes and extent of damage; and

(B) submit expeditiously to Congress a report on the results of the survey.

(2) Not later than 90 days after a court determination indicates that the liability for the total of claims related to one launch may be more than the required amount of insurance or demonstration of financial responsibility, the President, on the recommendation of the Secretary, shall submit to Congress a compensation plan that—

(A) outlines the total dollar value of the claims;

(B) recommends sources of amounts to pay for the claims;

(C) includes legislative language required to carry out the plan if additional legislative authority is required; and

(D) for a single event or incident, may not be for more than $1,500,000,000.

(3) A compensation plan submitted to Congress under paragraph (2) of this subsection shall—

(A) have an identification number; and

(B) be submitted to the Senate and the House of Representatives on the same day and when the Senate and House are in session.

(e) CONGRESSIONAL RESOLUTIONS.—(1) In this subsection, "resolution"—

(A) means a joint resolution of Congress the matter after the resolving clause of which is as follows: "That the Congress approves the compensation plan numbered ______ submitted to the Congress on ________ ____, 19____.", with the blank spaces being filled appropriately; but

(B) does not include a resolution that includes more than one compensation plan.

(2) The Senate shall consider under this subsection a compensation plan requiring additional appropriations or legislative authority not later than 60 calendar days of continuous session of Congress after the date on which the plan is submitted to Congress.

(3) A resolution introduced in the Senate shall be referred immediately to a committee by the President of the Senate. All resolutions related to the same plan shall be referred to the same committee.

(4)(A) If the committee of the Senate to which a resolution has been referred does not report the resolution within 20 calendar days after it is referred, a motion is in order to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of the plan.

(B) A motion to discharge may be made only by an individual favoring the resolution and is highly privileged (except that the motion may not be made after the committee has reported a resolution on the plan). Debate on the motion is limited to one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order. A motion to reconsider the vote by which the motion is agreed to or disagreed to is not in order.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed and another motion to discharge the committee from another resolution on the same plan may not be made.

(5)(A) After a committee of the Senate reports, or is discharged from further consideration of, a resolution, a motion to proceed to the consideration of the resolution is in order at any time, even though a similar previous motion has been disagreed to. The motion is highly privileged and is not debatable. An amendment to the motion is not in order. A motion to reconsider the vote by which the motion is agreed to or disagreed to is not in order.

(B) Debate on the resolution referred to in subparagraph (A) of this paragraph is limited to not more than 10 hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(6) The following shall be decided in the Senate without debate:

(A) a motion to postpone related to the discharge from committee.

(B) a motion to postpone consideration of a resolution.

(C) a motion to proceed to the consideration of other business.

(D) an appeal from a decision of the chair related to the application of the rules of the Senate to the procedures related to resolution.

(f) APPLICATION.—This section applies to a license issued or transferred under this chapter for which the Secretary receives a complete and valid application not later than December 31, 1999.

§70114. Disclosing information

The Secretary of Transportation, an officer or employee of the United States Government, or a person making a contract with the Secretary under section 70106(b) of this title may disclose information under this chapter that qualifies for an exemption under section 552(b)(4) of title 5 or is designated as confidential by the person or head of the executive agency providing the information only if the Secretary decides withholding the information is contrary to the public or national interest.

§70115. Enforcement and penalty

(a) PROHIBITIONS.—A person may not violate this chapter, a regulation prescribed under this chapter, or any term of a license issued or transferred under this chapter.

(b) GENERAL AUTHORITY.—(1) In carrying out this chapter, the Secretary of Transportation may—

(A) conduct investigations and inquiries;

(B) administer oaths;

(C) take affidavits; and

(D) under lawful process—

(i) enter at a reasonable time a launch site, production facility, assembly site of a launch vehicle, or site at which a payload is integrated with a launch vehicle to inspect an object to which this chapter applies or a record or report the Secretary requires be made or kept under this chapter; and

(ii) seize the object, record, or report when there is probable cause to believe the object, record, or report was used, is being used, or likely will be used in violation of this chapter.

(2) The Secretary may delegate a duty or power under this chapter related to enforcement to an officer or employee of another executive agency with the consent of the head of the agency.

(c) CIVIL PENALTY.—(1) After notice and an opportunity for a hearing on the record, a person the Secretary finds to have violated subsection (a) of this section is liable to the United States Government for a civil penalty of not more than $100,000. A separate violation occurs for each day the violation continues.

(2) In conducting a hearing under paragraph (1) of this subsection, the Secretary may—

(A) subpena witnesses and records; and

(B) enforce a subpena in an appropriate district court of the United States.

(3) The Secretary shall impose the civil penalty by written notice. The Secretary may compromise or remit a penalty imposed, or that may be imposed, under this section.

(4) The Secretary shall recover a civil penalty not paid after the penalty is final or after a court enters a final judgment for the Secretary.

§70116. Consultation

(a) MATTERS AFFECTING NATIONAL SECURITY.—The Secretary of Transportation shall consult with the Secretary of Defense on a matter under this chapter affecting national security. The Secretary of Defense shall identify and notify the Secretary of Transportation of a national security interest relevant to an activity under this chapter.

(b) MATTERS AFFECTING FOREIGN POLICY.—The Secretary of Transportation shall consult with the Secretary of State on a matter under this chapter affecting foreign policy. The Secretary of State shall identify and notify the Secretary of Transportation of a foreign policy interest or obligation relevant to an activity under this chapter.

(c) OTHER MATTERS.—In carrying out this chapter, the Secretary of Transportation shall consult with the head of another executive agency—

(1) to provide consistent application of licensing requirements under this chapter;

(2) to ensure fair treatment for all license applicants; and

(3) when appropriate.

§70117. Relationship to other executive agencies, laws, and international obligations

(a) EXECUTIVE AGENCIES.—Except as provided in this chapter, a person is not required to obtain from an executive agency a license, approval, waiver, or exemption to launch a launch vehicle or operate a launch site.

(b) FEDERAL COMMUNICATIONS COMMISSION AND SECRETARY OF COMMERCE.—This chapter does not affect the authority of—

(1) the Federal Communications Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.); or

(2) the Secretary of Commerce under the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.).

(c) STATES AND POLITICAL SUBDIVISIONS.—A State or political subdivision of a State—

(1) may not adopt or have in effect a law, regulation, standard, or order inconsistent with this chapter; but

(2) may adopt or have in effect a law, regulation, standard, or order consistent with this chapter that is in addition to or more stringent than a requirement of, or regulation prescribed under, this chapter.

(d) CONSULTATION.—The Secretary of Transportation is encouraged to consult with a State to simplify and expedite the approval of a space launch activity.

(e) FOREIGN COUNTRIES.—The Secretary of Transportation shall—

(1) carry out this chapter consistent with an obligation the United States Government assumes in a treaty, convention, or agreement in force between the Government and the government of a foreign country; and

(2) consider applicable laws and requirements of a foreign country when carrying out this chapter.

(f) LAUNCH NOT AN EXPORT.—A launch vehicle or payload that is launched is not, because of the launch, an export for purposes of a law controlling exports.

(g) NONAPPLICATION.—This chapter does not apply to—

(1) a launch, operation of a launch vehicle or launch site, or other space activity the Government carries out for the Government; or

(2) planning or policies related to the launch, operation, or activity.

§70118. User fees

The Secretary of Transportation may collect a user fee for a regulatory or other service conducted under this chapter only if specifically authorized by this chapter.

§70119. Authorization of appropriations

The following amounts may be appropriated to the Secretary of Transportation for the fiscal year ending September 30, 1993:

(1) $4,900,000 to carry out this chapter.

(2) $20,000,000 for a program to ensure the resiliency of the space launch infrastructure of the United States if a law is enacted to establish that program in the Department of Transportation.

CHAPTER 703—SPACE TRANSPORTATION INFRASTRUCTURE MATCHING GRANTS

Sec.
70301. Definitions.
70302. Grant authority.
70303. Grant applications.
70304. Environmental requirements.
70305. Authorization of appropriations.

§70301. Definitions

In this chapter—

(1) the definitions in section 502 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5802) apply.

(2) "commercial space transportation infrastructure development" includes—

(A) construction, improvement, design, and engineering of space transportation infrastructure in the United States; and

(B) technical studies to define how new or enhanced space transportation infrastructure can best meet the needs of the United States commercial space transportation industry.

(3) "project" means a project (or separate projects submitted together) to carry out commercial space transportation infrastructure development, including the combined submission of all projects to be undertaken at a particular site in a fiscal year.

(4) "project grant" means a grant of an amount by the Secretary of Transportation to a sponsor for one or more projects.

(5) "public agency" means a State or an agency of a State, a political subdivision of a State, or a tax-supported organization.

(6) "sponsor" means a public agency that, individually or jointly with one or more other public agencies, submits to the Secretary under this chapter an application for a project grant.

§70302. Grant authority

(a) GENERAL AUTHORITY.—To ensure the resiliency of the space transportation infrastructure of the United States, the Secretary of Transportation may make project grants to sponsors as provided in this chapter.

(b) LIMITATIONS.—The Secretary may make a project grant under this chapter only if—

(1) at least 10 percent of the total cost of the project will be paid by the private sector; and

(2) the grant will not be for more than 50 percent of the total cost of the project.

§70303. Grant applications

(a) GENERAL.—A sponsor may submit to the Secretary of Transportation an application for a project grant. The application must state the project to be undertaken and be in the form and contain the information the Secretary requires.

(b) CONSIDERATIONS AND CONSULTATION.—(1) In selecting proposed projects for grants under this section, the Secretary of Transportation shall consider—

(A) the contribution of the project to industry capabilities that serve the United States Government's space transportation needs;

(B) the extent of industry's financial contribution to the project;

(C) the extent of industry's participation in the project;

(D) the positive impact of the project on the international competitiveness of the United States space transportation industry;

(E) the extent of State contributions to the project; and

(F) the impact of the project on launch operations and other activities at Government launch ranges.

(2) The Secretary of Transportation shall consult with the Secretary of Defense, the Administrator of the National Space and Aeronautics Administration, and the heads of other appropriate agencies of the Government about paragraph (1)(A) and (F) of this subsection.

(c) REQUIREMENTS.—The Secretary of Transportation may approve an application only if the Secretary is satisfied that—

(1) the project will contribute to the purposes of this chapter;

(2) the project is reasonably consistent with plans (existing at the time of approval of the project) of public agencies that are—

(A) authorized by the State in which the project is located; and

(B) responsible for the development of the area surrounding the project site;

(3) if the application proposes to use Government property, the specific consent of the head of the appropriate agency has been obtained;

(4) the project will be completed without unreasonable delay;

(5) the sponsor submitting the application has the legal authority to engage in the project; and

(6) any additional requirements prescribed by the Secretary have been met.

(d) PREFERENCE FOR INDUSTRY CONTRIBUTIONS.—The Secretary of Transportation shall give preference to applications for projects for which there will be greater industry financial contributions, all other factors being equal.

§70304. Environmental requirements

(a) POLICY.—It is the policy of the United States that projects selected under this chapter shall provide for the protection and enhancement of the natural resources and the quality of the environment of the United States. In carrying out this policy, the Secretary of Transportation shall consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency about a project that may have a significant effect on natural resources, including fish and wildlife, natural,

scenic, and recreational assets, water and air quality, and other factors affecting the environment. If the Secretary of Transportation finds that a project will have a significant adverse effect, the Secretary may approve the application for the project only if, after a complete review that is a matter of public record, the Secretary makes a written finding that no feasible and prudent alternative to the project exists and that all reasonable steps have been taken to minimize the adverse effect.

(b) PUBLIC HEARING REQUIREMENT.—The Secretary of Transportation may approve an application only if the sponsor of the project certifies to the Secretary that an opportunity for a public hearing has been provided to consider the economic, social, and environmental effects of the project and its consistency with the goals of any planning carried out by the community. When a hearing is held under this paragraph, the sponsor shall submit a copy of the transcript of the hearing to the Secretary.

(c) COMPLIANCE WITH AIR AND WATER QUALITY STANDARDS.—(1) The Secretary of Transportation may approve an application only if the chief executive officer of the State in which the project is located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated to comply with applicable air and water quality standards. If the Administrator has not prescribed those standards, certification shall be obtained from the Administrator. Notice of certification or refusal to certify shall be provided not later than 60 days after the Secretary receives the application.

(2) The Secretary of Transportation shall condition the approval of an application on compliance with applicable air and water quality standards during construction and operation.

(d) COMPLIANCE WITH LAWS AND REGULATIONS.—The Secretary of Transportation may require a certification from a sponsor that the sponsor will comply with all applicable laws and regulations. The Secretary may rescind at any time acceptance of a certification from a sponsor under this subsection. This subsection does not affect any responsibility of the Secretary under another law, including—

(1) section 303 of this title;

(2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(3) title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.);

(4) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(5) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

§70305. Authorization of appropriations

Not more than $10,000,000 may be appropriated to the Secretary of Transportation to make grants under this chapter. Amounts appropriated under this section remain available until expended.

SUBTITLE X—MISCELLANEOUS

CHAPTER	*Sec.*
801. BILLS OF LADING	*80101*
803. CONTRABAND	*80301*
805. MISCELLANEOUS	*80501*

CHAPTER 801—BILLS OF LADING

Sec.
80101. Definitions.
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80103. Negotiable and nonnegotiable bills.
80104. Form and requirements for negotiation.
80105. Title and rights affected by negotiation.
80106. Transfer without negotiation.
80107. Warranties and liability.
80108. Alterations and additions.
80109. Liens under negotiable bills.
80110. Duty to deliver goods.
80111. Liability for delivery of goods.
80112. Liability under negotiable bills issued in parts, sets, or duplicates.
80113. Liability for nonreceipt, misdescription, and improper loading.
80114. Lost, stolen, and destroyed negotiable bills.
80115. Limitation on use of judicial process to obtain possession of goods from common carriers.
80116. Criminal penalty.

§80101. Definitions

In this chapter—

(1) "consignee" means the person named in a bill of lading as the person to whom the goods are to be delivered.

(2) "consignor" means the person named in a bill of lading as the person from whom the goods have been received for shipment.

(3) "goods" means merchandise or personal property that has been, is being, or will be transported.

(4) "holder" means a person having possession of, and a property right in, a bill of lading.

(5) "order" means an order by indorsement on a bill of lading.

(6) "purchase" includes taking by mortgage or pledge.

(7) "State" means a State of the United States, the District of Columbia, and a territory or possession of the United States.

§80102. Application

This chapter applies to a bill of lading when the bill is issued by a common carrier for the transportation of goods—

(1) between a place in the District of Columbia and another place in the District of Columbia;

(2) between a place in a territory or possession of the United States and another place in the same territory or possession;

(3) between a place in a State and a place in another State;

(4) between a place in a State and a place in the same State through another State or a foreign country; or

(5) from a place in a State to a place in a foreign country.

§80103. Negotiable and nonnegotiable bills

(a) NEGOTIABLE BILLS.—(1) A bill of lading is negotiable if the bill—

(A) states that the goods are to be delivered to the order of a consignee; and

(B) does not contain on its face an agreement with the shipper that the bill is not negotiable.

(2) Inserting in a negotiable bill of lading the name of a person to be notified of the arrival of the goods—

(A) does not limit its negotiability; and

(B) is not notice to the purchaser of the goods of a right the named person has to the goods.

(b) NONNEGOTIABLE BILLS.—(1) A bill of lading is nonnegotiable if the bill states that the goods are to be delivered to a consignee. The indorsement of a nonnegotiable bill does not—

(A) make the bill negotiable; or

(B) give the transferee any additional right.

(2) A common carrier issuing a nonnegotiable bill of lading must put "nonnegotiable" or "not negotiable" on the bill. This paragraph does not apply to an informal memorandum or acknowledgment.

§80104. Form and requirements for negotiation

(a) GENERAL RULES.—(1) A negotiable bill of lading may be negotiated by indorsement. An indorsement may be made in blank or to a specified person. If the goods are deliverable to the order of a specified person, then the bill must be indorsed by that person.

(2) A negotiable bill of lading may be negotiated by delivery when the common carrier, under the terms of the bill, undertakes to deliver the goods to the order of a specified person and that person or a subsequent indorsee has indorsed the bill in blank.

(3) A negotiable bill of lading may be negotiated by a person possessing the bill, regardless of the way in which the person got possession, if—

(A) a common carrier, under the terms of the bill, undertakes to deliver the goods to that person; or

(B) when the bill is negotiated, it is in a form that allows it to be negotiated by delivery.

(b) VALIDITY NOT AFFECTED.—The validity of a negotiation of a bill of lading is not affected by the negotiation having been a breach of duty by the person making the negotiation, or by the owner of the bill having been deprived of possession by fraud, accident, mistake, duress, loss, theft, or conversion, if the person to whom the bill is negotiated, or a person to whom the bill is subsequently negotiated, gives value for the bill in good faith and without notice of the breach of duty, fraud, accident, mistake, duress, loss, theft, or conversion.

(c) NEGOTIATION BY SELLER, MORTGAGOR, OR PLEDGOR TO PERSON WITHOUT NOTICE.—When goods for which a negotiable bill of lading has been issued are in a common carrier's possession, and the person to whom the bill has been issued retains possession of the bill after selling, mortgaging, or pledging the goods or bill, the subsequent negotiation of the bill by that person to another person receiving the bill for value, in good faith, and without notice of the prior sale, mortgage, or pledge has the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

§80105. Title and rights affected by negotiation

(a) TITLE.—When a negotiable bill of lading is negotiated—

(1) the person to whom it is negotiated acquires the title to the goods that—

(A) the person negotiating the bill had the ability to convey to a purchaser in good faith for value; and

(B) the consignor and consignee had the ability to convey to such a purchaser; and

(2) the common carrier issuing the bill becomes obligated directly to the person to whom the bill is negotiated to hold possession of the goods under the terms of the bill the same as if the carrier had issued the bill to that person.

(b) SUPERIORITY OF RIGHTS.—When a negotiable bill of lading is negotiated to a person for value in good faith, that person's right to the goods for which the bill was issued is superior to a seller's lien or to a right to stop the transportation of the goods. This subsection applies whether the negotiation is made before or after the common carrier issuing the bill receives notice of the seller's claim. The carrier may deliver the goods to an unpaid seller only if the bill first is surrendered for cancellation.

(c) MORTGAGEE AND LIEN HOLDER RIGHTS NOT AFFECTED.—Except as provided in subsection (b) of this section, this chapter does not limit a right of a mortgagee or lien holder having a mortgage or lien on goods against a person that purchased for value in good faith from the owner, and got possession of the goods immediately before delivery to the common carrier.

§80106. Transfer without negotiation

(a) DELIVERY AND AGREEMENT.—The holder of a bill of lading may transfer the bill without negotiating it by delivery and agreement to transfer title to the bill or to the goods represented by it. Subject to the agreement, the person to whom the bill is transferred has title to the goods against the transferor.

(b) COMPELLING INDORSEMENT.—When a negotiable bill of lading is transferred for value by delivery without being negotiated and

indorsement of the transferor is essential for negotiation, the transferee may compel the transferor to indorse the bill unless a contrary intention appears. The negotiation is effective when the indorsement is made.

(c) EFFECT OF NOTIFICATION.—(1) When a transferee notifies the common carrier that a nonnegotiable bill of lading has been transferred under subsection (a) of this section, the carrier is obligated directly to the transferee for any obligations the carrier owed to the transferor immediately before the notification. However, before the carrier is notified, the transferee's title to the goods and right to acquire the obligations of the carrier may be defeated by—

(A) garnishment, attachment, or execution on the goods by a creditor of the transferor; or

(B) notice to the carrier by the transferor or a purchaser from the transferor of a later purchase of the goods from the transferor.

(2) A common carrier has been notified under this subsection only if—

(A) an officer or agent of the carrier, whose actual or apparent authority includes acting on the notification, has been notified; and

(B) the officer or agent has had time, exercising reasonable diligence, to communicate with the agent having possession or control of the goods.

§80107. Warranties and liability

(a) GENERAL RULE.—Unless a contrary intention appears, a person negotiating or transferring a bill of lading for value warrants that—

(1) the bill is genuine;

(2) the person has the right to transfer the bill and the title to the goods described in the bill;

(3) the person does not know of a fact that would affect the validity or worth of the bill; and

(4) the goods are merchantable or fit for a particular purpose when merchantability or fitness would have been implied if the agreement of the parties had been to transfer the goods without a bill of lading.

(b) SECURITY FOR DEBT.—A person holding a bill of lading as security for a debt and in good faith demanding or receiving payment of the debt from another person does not warrant by the demand or receipt—

(1) the genuineness of the bill; or

(2) the quantity or quality of the goods described in the bill.

(c) DUPLICATES.—A common carrier issuing a bill of lading, on the face of which is the word "duplicate" or another word indicating that the bill is not an original bill, is liable the same as a person that represents and warrants that the bill is an accurate copy of an original bill properly issued. The carrier is not otherwise liable under the bill.

(d) INDORSER LIABILITY.—Indorsement of a bill of lading does not make the indorser liable for failure of the common carrier or a previous indorser to fulfill its obligations.

§80108. Alterations and additions

An alteration or addition to a bill of lading after its issuance by a common carrier, without authorization from the carrier in writing or noted on the bill, is void. However, the original terms of the bill are enforceable.

§80109. Liens under negotiable bills

A common carrier issuing a negotiable bill of lading has a lien on the goods covered by the bill for—

(1) charges for storage, transportation, and delivery (including demurrage and terminal charges), and expenses necessary to preserve the goods or incidental to transporting the goods after the date of the bill; and

(2) other charges for which the bill expressly specifies a lien is claimed to the extent the charges are allowed by law and the agreement between the consignor and carrier.

§80110. Duty to deliver goods

(a) GENERAL RULES.—Except to the extent a common carrier establishes an excuse provided by law, the carrier must deliver goods covered by a bill of lading on demand of the consignee named in a nonnegotiable bill or the holder of a negotiable bill for the goods when the consignee or holder—

(1) offers in good faith to satisfy the lien of the carrier on the goods;

(2) has possession of the bill and, if a negotiable bill, offers to indorse and give the bill to the carrier; and

(3) agrees to sign, on delivery of the goods, a receipt for delivery if requested by the carrier.

(b) PERSONS TO WHOM GOODS MAY BE DELIVERED.—Subject to section 80111 of this title, a common carrier may deliver the goods covered by a bill of lading to—

(1) a person entitled to their possession;

(2) the consignee named in a nonnegotiable bill; or

(3) a person in possession of a negotiable bill if—

(A) the goods are deliverable to the order of that person; or

(B) the bill has been indorsed to that person or in blank by the consignee or another indorsee.

(c) COMMON CARRIER CLAIMS OF TITLE AND POSSESSION.—A claim by a common carrier that the carrier has title to goods or right to their possession is an excuse for nondelivery of the goods only if the title or right is derived from—

(1) a transfer made by the consignor or consignee after the shipment; or

(2) the carrier's lien.

(d) ADVERSE CLAIMS.—If a person other than the consignee or the person in possession of a bill of lading claims title to or possession of goods and the common carrier knows of the claim, the carrier is not required to deliver the goods to any claimant until the carrier has had a reasonable time to decide the validity of the adverse claim or to bring a civil action to require all claimants to interplead.

(e) INTERPLEADER.—If at least 2 persons claim title to or possession of the goods, the common carrier may—

(1) bring a civil action to interplead all known claimants to the goods; or

(2) require those claimants to interplead as a defense in an action brought against the carrier for nondelivery.

(f) THIRD PERSON CLAIMS NOT A DEFENSE.—Except as provided in subsections (b), (d), and (e) of this section, title or a right of a third person is not a defense to an action brought by the consignee of a nonnegotiable bill of lading or by the holder of a negotiable bill against the common carrier for failure to deliver the goods on demand unless enforced by legal process.

§80111. Liability for delivery of goods

(a) GENERAL RULES.—A common carrier is liable for damages to a person having title to, or right to possession of, goods when—

(1) the carrier delivers the goods to a person not entitled to their possession unless the delivery is authorized under section 80110(b)(2) or (3) of this title;

(2) the carrier makes a delivery under section 80110(b)(2) or (3) of this title after being requested by or for a person having title to, or right to possession of, the goods not to make the delivery; or

(3) at the time of delivery under section 80110(b)(2) or (3) of this title, the carrier has information it is delivering the goods to a person not entitled to their possession.

(b) EFFECTIVENESS OF REQUEST OR INFORMATION.—A request or information is effective under subsection (a)(2) or (3) of this section only if—

(1) an officer or agent of the carrier, whose actual or apparent authority includes acting on the request or information, has been given the request or information; and

(2) the officer or agent has had time, exercising reasonable diligence, to stop delivery of the goods.

(c) FAILURE TO TAKE AND CANCEL BILLS.—Except as provided in subsection (d) of this section, if a common carrier delivers goods for which a negotiable bill of lading has been issued without taking and canceling the bill, the carrier is liable for damages for failure to deliver the goods to a person purchasing the bill for value in good faith whether the purchase was before or after delivery and even when delivery was made to the person entitled to the goods. The carrier also is liable under this paragraph if part of the goods are delivered without taking and canceling the bill or plainly noting on the bill that a partial delivery was made and generally describing the goods or the remaining goods kept by the carrier.

(d) EXCEPTIONS TO LIABILITY.—A common carrier is not liable for failure to deliver goods to the consignee or owner of the goods or a holder of the bill if—

(1) a delivery described in subsection (c) of this section was compelled by legal process;

(2) the goods have been sold lawfully to satisfy the carrier's lien;

(3) the goods have not been claimed; or

(4) the goods are perishable or hazardous.

§80112. Liability under negotiable bills issued in parts, sets, or duplicates

(a) PARTS AND SETS.—A negotiable bill of lading issued in a State for the transportation of goods to a place in the 48 contiguous States or the District of Columbia may not be issued in parts or sets. A common carrier issuing a bill in violation of this subsection is liable for damages for failure to deliver the goods to a purchaser of one part for value in good faith even though the purchase occurred after the carrier delivered the goods to a holder of one of the other parts.

(b) DUPLICATES.—When at least 2 negotiable bills of lading are issued in a State for the same goods to be transported to a place in the 48 contiguous States or the District of Columbia, the word "duplicate" or another word indicating that the bill is not an original must be put plainly on the face of each bill except the original. A common carrier violating this subsection is liable for damages caused by the violation to a purchaser of the bill for value in good faith as an original bill even though the purchase occurred after the carrier delivered the goods to the holder of the original bill.

§80113. Liability for nonreceipt, misdescription, and improper loading

(a) LIABILITY FOR NONRECEIPT AND MISDESCRIPTION.—Except as provided in this section, a common carrier issuing a bill of lading is liable for damages caused by nonreceipt by the carrier of any part of the goods by the date shown in the bill or by failure of the goods to correspond with the description contained in the bill. The carrier is liable to the owner of goods transported under a nonnegotiable bill (subject to the right of stoppage in transit) or to the holder of a negotiable bill if the owner or holder gave value in good faith relying on the description of the goods in the bill or on the shipment being made on the date shown in the bill.

(b) NONLIABILITY OF CARRIERS.—A common carrier issuing a bill of lading is not liable under subsection (a) of this section—

(1) when the goods are loaded by the shipper;

(2) when the bill—

(A) describes the goods in terms of marks or labels, or in a statement about kind, quantity, or condition; or

(B) is qualified by "contents or condition of contents of packages unknown", "said to contain", "shipper's weight, load, and count", or words of the same meaning; and

(3) to the extent the carrier does not know whether any part of the goods were received or conform to the description.

(c) LIABILITY FOR IMPROPER LOADING.—A common carrier issuing a bill of lading is not liable for damages caused by improper loading if—

(1) the shipper loads the goods; and

(2) the bill contains the words "shipper's weight, load, and count", or words of the same meaning indicating the shipper loaded the goods.

(d) CARRIER'S DUTY TO DETERMINE KIND, QUANTITY, AND NUMBER.—(1) When bulk freight is loaded by a shipper that makes available to the common carrier adequate facilities for weighing the freight, the carrier must determine the kind and quantity of the freight within a reasonable time after receiving the written request of the shipper to make the determination. In that situation, inserting the words "shipper's weight" or words of the same meaning in the bill of lading has no effect.

(2) When goods are loaded by a common carrier, the carrier must count the packages of goods, if package freight, and determine the kind and quantity, if bulk freight. In that situation, inserting in the bill of lading or in a notice, receipt, contract, rule, or tariff, the words "shipper's weight, load, and count" or words indicating that the shipper described and loaded the goods, has no effect except for freight concealed by packages.

§80114. Lost, stolen, and destroyed negotiable bills

(a) DELIVERY ON COURT ORDER AND SURETY BOND.—If a negotiable bill of lading is lost, stolen, or destroyed, a court of competent jurisdiction may order the common carrier to deliver the goods if the person claiming the goods gives a surety bond, in an amount approved by the court, to indemnify the carrier or a person injured by delivery against liability under the outstanding original bill. The court also may order payment of reasonable costs and attorney's fees to the carrier. A voluntary surety bond, without court order, is binding on the parties to the bond.

(b) LIABILITY TO HOLDER.—Delivery of goods under a court order under subsection (a) of this section does not relieve a common carrier from liability to a person to whom the negotiable bill has been or is negotiated for value without notice of the court proceeding or of the delivery of the goods.

§80115. Limitation on use of judicial process to obtain possession of goods from common carriers

(a) ATTACHMENT AND LEVY.—Except when a negotiable bill of lading was issued originally on delivery of goods by a person that did not have the power to dispose of the goods, goods in the possession of a common carrier for which a negotiable bill has been issued may be attached through judicial process or levied on in execution of a judgment only if the bill is surrendered to the carrier or its negotiation is enjoined.

(b) DELIVERY.—A common carrier may be compelled by judicial process to deliver goods under subsection (a) of this section only when the bill is surrendered to the carrier or impounded by the court.

§80116. Criminal penalty

A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person—

(1) violates this chapter with intent to defraud; or

(2) knowingly or with intent to defraud—

(A) falsely makes, alters, or copies a bill of lading subject to this chapter;

(B) utters, publishes, or issues a falsely made, altered, or copied bill subject to this chapter; or

(C) negotiates or transfers for value a bill containing a false statement.

CHAPTER 803—CONTRABAND

Sec.

80301. Definitions.
80302. Prohibitions.
80303. Seizure and forfeiture.
80304. Administrative.
80305. Availability of certain appropriations.
80306. Relationship to other laws.

§80301. Definitions

In this chapter—

(1) "aircraft" means a contrivance used, or capable of being used, for transportation in the air.

(2) "vehicle" means a contrivance used, or capable of being used, for transportation on, below, or above land, but does not include aircraft.

(3) "vessel" means a contrivance used, or capable of being used, for transportation in water, but does not include aircraft.

§80302. Prohibitions

(a) DEFINITION.—In this section, "contraband" means—

(1) a narcotic drug (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)), including marihuana (as defined in section 102 of that Act (21 U.S.C. 802)), that—

(A) is possessed with intent to sell or offer for sale in violation of the laws and regulations of the United States;

(B) is acquired, possessed, sold, transferred, or offered for sale in violation of those laws;

(C) is acquired by theft, robbery, or burglary and transported—

(i) in the District of Columbia or a territory or possession of the United States; or

(ii) from a place in a State, the District of Columbia, or a territory or possession of the United States, to a place in another State, the District of Columbia, or a territory or possession; or

(D) does not bear tax-paid internal revenue stamps required by those laws or regulations;

(2) a firearm involved in a violation of chapter 53 of the Internal Revenue Code of 1986 (26 U.S.C. 5801 et seq.);

(3) a forged, altered, or counterfeit—

(A) coin or an obligation or other security of the United States Government (as defined in section 8 of title 18); or

(B) coin, obligation, or other security of the government of a foreign country;

(4) material or equipment used, or intended to be used, in making a coin, obligation, or other security referred to in clause (3) of this subsection; or

(5) a cigarette involved in a violation of chapter 114 of title 18 or a regulation prescribed under chapter 114.

(b) PROHIBITIONS.—A person may not—

(1) transport contraband in an aircraft, vehicle, or vessel;

(2) conceal or possess contraband on an aircraft, vehicle, or vessel; or

(3) use an aircraft, vehicle, or vessel to facilitate the transportation, concealment, receipt, possession, purchase, sale, exchange, or giving away of contraband.

§80303. Seizure and forfeiture

The Secretary of the Treasury or the Governor of Guam or of the Northern Mariana Islands as provided in section 80304 of this title, or a person authorized by another law to enforce section 80302 of this title, shall seize an aircraft, vehicle, or vessel involved in a violation of section 80302 and place it in the custody of a person designated by the Secretary or appropriate Governor, as the case may be. The seized aircraft, vehicle, or vessel shall be forfeited, except when the owner establishes that a person except the owner committed the violation when the aircraft, vehicle, or vessel was in the possession of a person who got possession by violating a criminal law of the United States or a State. However, an aircraft, vehicle, or vessel used by a common carrier to provide transportation for compensation may be forfeited only when—

(1) the owner, conductor, driver, pilot, or other individual in charge of the aircraft or vehicle (except a rail car or engine) consents to, or knows of, the alleged violation when the violation occurs;

(2) the owner of the rail car or engine consents to, or knows of, the alleged violation when the violation occurs; or

(3) the master or owner of the vessel consents to, or knows of, the alleged violation when the violation occurs.

§80304. Administrative

(a) GENERAL.—Except as provided in subsections (b) and (c) of this section, the Secretary of the Treasury—

(1) may designate officers, employees, agents, or other persons to carry out this chapter; and

(2) shall prescribe regulations to carry out this chapter.

(b) IN GUAM.—The Governor of Guam—

(1) or officers of the government of Guam designated by the Governor shall carry out this chapter in Guam;

(2) may carry out laws referred to in section 80306(b) of this title with modifications the Governor decides are necessary to meet conditions in Guam; and

(3) may prescribe regulations to carry out this chapter in Guam.

(c) IN NORTHERN MARIANA ISLANDS.—The Governor of the Northern Mariana Islands—

(1) or officers of the government of the Northern Mariana Islands designated by the Governor shall carry out this chapter in the Northern Mariana Islands;

(2) may carry out laws referred to in section 80306(b) of this title with modifications the Governor decides are necessary to meet conditions in the Northern Mariana Islands; and

(3) may prescribe regulations to carry out this chapter in the Northern Mariana Islands.

(d) CUSTOMS LAWS ON SEIZURE AND FORFEITURE.—The Secretary, or the Governor of Guam or of the Northern Mariana Islands as provided in subsections (b) and (c) of this section, shall carry out the customs laws on the seizure and forfeiture of aircraft, vehicles, and vessels under this chapter.

§80305. Availability of certain appropriations

Appropriations for enforcing customs, narcotics, counterfeiting, or internal revenue laws are available to carry out this chapter.

§80306. Relationship to other laws

(a) CHAPTER AS ADDITIONAL LAW.—This chapter is in addition to another law—

(1) imposing, or authorizing the compromise of, fines, penalties, or forfeitures; or

(2) providing for seizure, condemnation, or disposition of forfeited property, or the proceeds from the property.

(b) LAWS APPLICABLE TO SEIZURES AND FORFEITURES.—To the extent applicable and consistent with this chapter, the following apply to a seizure or forfeiture under this chapter:

(1) provisions of law related to the seizure, forfeiture, and condemnation of vehicles and vessels violating the customs laws.

(2) provisions of law related to the disposition of those vehicles or vessels or the proceeds from the sale of those vehicles or vessels.

(3) provisions of law related to the compromise of those forfeitures or claims related to those forfeitures.

(4) provisions of law related to the award of compensation to an informer about those forfeitures.

CHAPTER 805—MISCELLANEOUS

Sec.
80501. Damage to transported property.
80502. Transportation of animals.
80503. Payments for inspection and quarantine services.
80504. Medals of honor.

§80501. Damage to transported property

(a) CRIMINAL PENALTY.—A person willfully damaging, or attempting to damage, property in the possession of an air carrier, motor carrier, or rail carrier and being transported in interstate or foreign commerce, shall be fined under title 18, imprisoned for not more than 10 years, or both. In a criminal proceeding under this section, a shipping document for the property is prima facie evidence of the places to which and from which the property was being transported.

(b) PROHIBITION AGAINST MULTIPLE PROSECUTIONS FOR SAME ACT.—A person may not be prosecuted for an act under this section when the person has been convicted or acquitted on the merits for the same act under the laws of a State, the District of Columbia, or a territory or possession of the United States.

§80502. Transportation of animals

(a) CONFINEMENT.—(1) Except as provided in this section, a rail carrier, express carrier, or common carrier (except by air or water), a receiver, trustee, or lessee of one of those carriers, or an owner or master of a vessel transporting animals from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a place in another State, the District of Columbia, or a territory or possession, may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest.

(2) Sheep may be confined for an additional 8 consecutive hours without being unloaded when the 28-hour period of confinement ends at night. Animals may be confined for—

(A) more than 28 hours when the animals cannot be unloaded because of accidental or unavoidable causes that could not have been anticipated or avoided when being careful; and

(B) 36 consecutive hours when the owner or person having custody of animals being transported requests, in writing and separate from a bill of lading or other rail form, that the 28-hour period be extended to 36 hours.

(3) Time spent in loading and unloading animals is not included as part of a period of confinement under this subsection.

(b) UNLOADING, FEEDING, WATERING, AND REST.—Animals being transported shall be unloaded in a humane way into pens equipped for feeding, water, and rest for at least 5 consecutive hours. The owner or person having custody of the animals shall feed and water the animals. When the animals are not fed and watered by the owner or person having custody, the rail carrier, express carrier, or common carrier (except by air or water), the receiver, trustee, or lessee of one of those carriers, or the owner or master of a vessel transporting the animals—

(1) shall feed and water the animals at the reasonable expense of the owner or person having custody, except that the owner or shipper may provide food;

(2) has a lien on the animals for providing food, care, and custody that may be collected at the destination in the same way that a transportation charge is collected; and

(3) is not liable for detaining the animals for a reasonable period to comply with subsection (a) of this section.

(c) NONAPPLICATION.—This section does not apply when animals are transported in a vehicle or vessel in which the animals have food, water, space, and an opportunity for rest.

(d) CIVIL PENALTY.—A rail carrier, express carrier, or common carrier (except by air or water), a receiver, trustee, or lessee of one of those carriers, or an owner or master of a vessel that knowingly and willfully violates this section is liable to the United States Government for a civil penalty of at least $100 but not more than $500 for each violation. On learning of a violation, the Attorney General shall bring a civil action to collect the penalty in the district court of the United States for the judicial district in which the violation occurred or the defendant resides or does business.

§80503. Payments for inspection and quarantine services

(a) GENERAL.—(1) In this subsection—

(A) "private aircraft" means a civilian aircraft not being used to transport passengers or property for compensation.

(B) "private vessel" means a civilian vessel not being used—

(i) to transport passengers or property for compensation; or

(ii) in fishing or fish processing operations.

(2) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), the owner, operator, or agent of a private aircraft or private vessel may pay not more than $25 for the services of an officer or employee of the Department of Agriculture, the Customs Service, the Immigration and Naturalization Service, or the Public Health Service (including an independent contractor performing an inspection service for the Public Health Service) when the services are performed on a Sunday, holiday, or from 5 p.m. through 8 a.m. on a weekday, and are related to the aircraft's or vessel's arrival in, or departure from, the United States. However, the owner, operator, or agent does not have to pay for the services from 5 p.m. through 8 a.m. on a weekday when an officer or employee on regular duty is available at the place of arrival or departure to perform services.

(3) The head of a department, agency, or instrumentality of the United States Government providing services under paragraph (2) of this subsection shall collect the amount paid for the services and deposit the amount in the Treasury. The amount shall be credited to the appropriation of the department, agency, or instrumentality against which the expense of those services was charged.

(b) LIMITATIONS ON REIMBURSEMENT.—(1) An owner or operator of an aircraft is required to reimburse the head of a department, agency, or instrumentality of the Government for the expenses of performing an inspection or quarantine service related to the aircraft at a place of inspection during regular service hours on a Sunday or holiday only to the same extent that an owner or operator makes reimbursement for the service during regular service hours on a weekday. The head of the department, agency, or instrumentality may not assess an owner or operator of an aircraft for administrative overhead expenses for inspection or quarantine service provided by the department, agency, or instrumentality at an entry airport.

(2) This subsection does not require reimbursement for costs incurred by the Secretary of the Treasury in providing customs services described in section 13031(e)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(1)).

§80504. Medals of honor

(a) MEDALS.—The President may prepare and give a bronze medal of honor with emblematic devices to an individual who by extreme daring endangers that individual's life in trying to prevent, or save the life of another in, a grave accident in the United States involving a rail carrier providing transportation in interstate commerce or involving a motor vehicle on the public streets, roads, or highways. The President may give a medal only when sufficient evidence that the individual deserves the medal has been filed under regulations prescribed by the President.

(b) RIBBONS, KNOTS, AND ROSETTES.—The President may give an individual who receives a medal a ribbon to be worn with the medal and a knot or rosette to be worn in place of the medal. The President shall prescribe the design for the ribbon, knot, and rosette. If the ribbon is lost, destroyed, or made unfit for use and the individual receiving the medal is not negligent, the President shall issue a new ribbon without charge to the individual.

(c) AVAILABILITY OF APPROPRIATIONS.—Appropriations made to the Secretary of Transportation are available to carry out this section.

PORTS OF ENTRY

Sec. 2. (a) The definitions in section 40102(a) of title 49, United States Code, apply to this section.

(b)(1) The Secretary of the Treasury may—

(A) designate ports of entry in the United States for civil aircraft arriving in the United States from a place outside the United States and property transported on that aircraft;

(B) detail to ports of entry officers and employees of the United States Customs Service the Secretary considers necessary;

(C) give an officer or employee of the United States Government stationed at a port of entry (with the consent of the head of the department, agency, or instrumentality of the Government with jurisdiction over the officer or employee) duties and powers of officers or employees of the Customs Service;

(D) by regulation, apply to civil air navigation the laws and regulations on carrying out the customs laws, to the extent and under conditions the Secretary considers necessary; and

(E) by regulation, apply to civil aircraft the laws and regulations on entry and clearance of vessels, to the extent and under conditions the Secretary considers necessary.

(2) A person violating a customs regulation prescribed under paragraph (1)(A)-(D) of this subsection or a public health or customs law or regulation made applicable to aircraft by a regulation under paragraph (1)(A)-(D) is liable to the Government for a civil penalty of $5,000 for each violation. An aircraft involved in the violation may be seized and forfeited under the customs laws. The Secretary of the Treasury may remit or mitigate a penalty and forfeiture under this paragraph.

(3) A person violating a regulation made applicable under paragraph (1)(E) of this subsection or an immigration regulation prescribed under paragraph (1)(E) is liable to the Government for a civil penalty of $5,000 for each violation. The Secretary of the Treasury or the Attorney General may remit or mitigate a penalty under this paragraph.

(4) In addition to any other penalty, when a controlled substance described in section 584 of the Tariff Act of 1930 (19 U.S.C. 1584) is found on, or to have been unloaded from, an aircraft to which this subsection applies, the owner of, or individual commanding, the aircraft is liable to the Government for the penalties provided in section 584 for each violation unless the owner or individual, by a preponderance of the evidence, demonstrates that the owner or individual did not know, and by exercising the highest degree of care and diligence, could not have known, that a controlled substance was on the aircraft.

(5) If a violation under this subsection is by the owner or operator of, or individual commanding, the aircraft, the aircraft is subject to a lien for the penalty.

(c)(1) The Secretary of Agriculture by regulation may apply laws and regulations on animal and plant quarantine (including laws and regulations on importing, exporting, transporting, and quarantining animals, plants, animal and plant products, insects, bacterial and fungus

cultures, viruses, and serums) to civil air navigation to the extent and under conditions the Secretary considers necessary.

(2) A person violating a law or regulation made applicable under paragraph (1) of this subsection is liable for the penalties provided under that law or regulation.

(d) A decision to remit or mitigate a civil penalty under this section is final. When libel proceedings are pending during a proceeding to remit or mitigate a penalty, the appropriate Secretary shall notify the Attorney General of the remission or mitigation proceeding.

(e)(1) An aircraft subject to a lien under this section may be seized summarily by and placed in the custody of a person authorized by regulations of the appropriate Secretary or the Attorney General. A report of the case shall be sent to the Attorney General. The Attorney General shall bring promptly a civil action in rem to enforce the lien or notify the appropriate Secretary that the action will not be brought.

(2) An aircraft seized under this section shall be released from custody when—

(A) the civil penalty or amount not remitted or mitigated is paid;

(B) the aircraft is seized under process of a court in a civil action in rem to enforce the lien;

(C) the Attorney General gives notice that a civil action will not be brought under paragraph (1) of this subsection; or

(D) a bond is deposited with the appropriate Secretary or the Attorney General in an amount and with a surety the appropriate Secretary or the Attorney General prescribes, conditioned on payment of the penalty or amount not remitted or mitigated.

(f) A civil penalty under this section may be collected by bringing a civil action against the person subject to the penalty, a civil action in rem against an aircraft subject to a lien for a penalty, or both. The action shall conform as nearly as practicable to a civil action in admiralty, regardless of the place an aircraft in a civil action in rem is seized. However, a party may demand a trial by jury of an issue of fact if the value of the matter in controversy is more than $20. An issue of fact tried by jury may be reexamined only under common law rules.

(g) Necessary amounts may be appropriated to allow the head of a department, agency, or instrumentality of the Government to acquire space at a public airport (as defined in section 47102 of title 49) when the head decides the space is necessary to carry out inspections, clearance, collection of taxes or duties, or a similar responsibility of the head, related to transporting passengers or property in air commerce. The head must consult with the Secretary of Transportation before making a decision on space.

MASS TRANSPORTATION EXEMPTION

Sec. 3. Chapter 105 of title 49, United States Code, is amended as follows:

(1) Insert immediately after section 10530 the following new section:

"§10531. Mass transportation exemption

"(a) DEFINITIONS.—The definitions in section 5302(a) of this title apply to this section.

"(b) PETITION FOR GRANTING EXEMPTIONS.—A State or local governmental authority may petition the Interstate Commerce Commission for an exemption from the jurisdiction of the Commission under this subchapter for mass transportation the authority provides or has provided to it by contract. Not later than 180 days after the Commission receives a petition and after notice and a reasonable opportunity for a proceeding, the Commission shall exempt the State, local governmental authority, or contractor unless the Commission finds that—

"(1) the public interest would not be served by an exemption;

"(2) the exemption would result in an unreasonable burden on interstate or foreign commerce; or

"(3) a State or local governmental authority may not regulate the mass transportation to be exempt under this section.

"(c) APPLICATION OF OTHER LAWS.—All applicable laws of the United States related to safety and to representation of employees for collective bargaining purposes, retirement, annuities, and unemployment systems, and all other laws related to employee-employer relations, apply to a State or local governmental authority that was granted, or whose contractor was granted, an exemption under this section.

"(d) CHANGING AND REVOKING EXEMPTIONS.—The Commission may change or revoke an exemption if it finds that new evidence, material error, or changed circumstances exist that materially affect the original order. The Commission may act on its own initiative or on application of an interested party.".

(2) Insert immediately below item 10530 in the analysis of the chapter the following new item:

"10531. Mass transportation exemption.".

CONFORMING PROVISIONS

Sec. 4. (a) Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451) is amended by striking "Civil Aeronautics Board" and "Board or Commission" and substituting "Secretary of Transportation" and "Secretary under subpart II of part A of subtitle VII of title 49, United States Code, or such Commission,", respectively.

(b) Title 5, United States Code, is amended as follows:

(1) In section 5109, add at the end of the section the following new subsection:

"(c)(1) The position held by a fully experienced and qualified railroad safety inspector of the Department of Transportation shall be classified in accordance with this chapter, but not lower than GS–12.

"(2) The position held by a railroad safety specialist of the Department shall be classified in accordance with this chapter, but not lower than GS–13.".

(2) In section 5315, strike—

"Administrator of the St. Lawrence Seaway Development Corporation."

and substitute—

"Administrator of the Saint Lawrence Seaway Development Corporation.".

(3) In section 8172, strike "Secretary of the Treasury" and substitute "Secretary of Transportation".

(c) Section 511(e) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(e)) is amended to read as follows:

"(e) For purposes of this section—

"(1) 'retrofit device' means any component, equipment, or other device—

"(A) which is designed to be installed in or on an automobile (as an addition to, as a replacement for, or through alteration or modification of, any original component, equipment, or other device); and

"(B) which any manufacturer, dealer, or distributor of such device represents will provide higher fuel economy than would have resulted with the automobile as originally equipped,

as determined under rules of the Administrator. Such term also includes a fuel additive for use in an automobile.

"(2) the definitions in section 32901(a) of title 49, United States Code, apply.".

(d) Section 6001(1) of title 18, United States Code, is amended by striking "the Civil Aeronautics Board,".

(e) Chapter 33 of title 28, United States Code, is amended as follows:

(1) Insert immediately after section 537 the following new section:

"§538. Investigation of aircraft piracy and related violations

"The Federal Bureau of Investigation shall investigate any violation of section 46314 or chapter 465 of title 49.".

(2) In the analysis of chapter 33, insert immediately after item 537 the following new item:

"538. Investigation of aircraft piracy and related violations.".

(f)(1) Title 31, United States Code, is amended as follows:

(A) In section 309, strike "section 2A(a)" and substitute "section 3(a)".

(B) In section 503(b)(9), strike "perform" and substitute "Perform".

(C) In the analysis of chapter 7, immediately above item 781, strike—

"Sec.".

(D) In section 782, strike "612a)." and substitute "612a)).".

(E) In section 1105(a), strike—

"(26) a separate"

and substitute—

"(27) a separate".

(F) Section 1352 is amended as follows:

(i) Immediately below subsection (b)(7), strike—

"(C)(1) Any"

and substitute—

"(c)(1) Any".

(ii) In subsection (e)(1)(C), strike "appropirated" and "law" and substitute "appropriated" and "law.", respectively.

(iii) In subsection (h)(7), strike "agency" and "guaranty" and substitute "agency." and "guaranty.", respectively.

(G) The analysis of chapter 33 is amended by inserting below item 3333 the following new item:

"3334. Cancellation and proceeds distribution of Treasury checks.".

(H) In section 3302(c)(1), strike the comma at the end and substitute a period.

(I) In section 3330(d)(1)(B), strike "Administrator" and substitute "Secretary of Veterans Affairs".

(J)(i) In section 3512(c)(1), strike "subsection (a)(3)" and substitute "subsection (b)(3)".

(ii) In section 3512(d)(1) and (2), strike "subsection (b)" wherever it appears and substitute "subsection (c)".

(K) In section 3551(1), strike "an Federal" and substitute "a Federal".

(L) In section 3552, strike "section 111(h)" and "(40 U.S.C. 759(h))" and substitute "section 111(f)" and "(40 U.S.C. 759(f))", respectively.

(M) In section 3718(b)(3)(A), strike "15 U.S.C. 6376(d)(3)(C)(i)" and substitute "15 U.S.C. 637(d)(3)(C)(i)".

(N) In section 3726(d), strike "miscellaneous receipt" and substitute "miscellaneous receipts".

(O) In section 3729(e), strike "1954" and substitute "1986".

(P) In section 3730(e)(2)(B), strike "section paragraphs (1)" and substitute "paragraphs (1)".

(Q) In section 3801(a)(7)(B)(ii), strike "section 3803 of such title" and substitute "section 3803 of this title".

(R) In section 5112(h), strike "title 31, United States Code" and substitute "this title".

(S) In section 6101(4)(B), strike "agency" and substitute "agency.".

*(T) In the catchline of section 6202, strike "**form**" and substitute "**form,**".*

(U)(i) At the end of the analysis of chapter 69, add the following new item:

"6907. State legislation requiring reallocation or redistribution of payments to smaller units of general purpose government.".

(ii) Section 6907 is amended by adding before subsection (a) the following:

"§6907. State legislation requiring reallocation or redistribution of payments to smaller units of general purpose government".

(V) In section 7102(3), strike "politicial" and substitute "political".

(W) Section 7502 is amended as follows:

(i) In subsection (b)(2)(A), strike "the date of enactment of this chapter" and substitute "October 19, 1984".

(ii) In subsection (b)(2)(B), strike "such date" and substitute "October 19, 1984".

(iii) In subsection (d), strike paragraph (5) and redesignate paragraph (6) as paragraph (5).

(iv) In subsection (g), strike "section 3512(b)" and substitute "section 3512(c)".

(X) In section 7503(a), strike "To the extend" and substitute "To the extent".

(Y)(i) Subtitle V is amended by adding at the end of the subtitle the following new chapter:

"CHAPTER 77—LOAN REQUIREMENTS

"Sec.
"7701. Taxpayer identifying number.

"§7701. Taxpayer identifying number

"(a) In this section—

"(1) 'included Federal loan program' has the same meaning given that term in section 6103(l)(3)(C) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(3)(C)).

"(2) 'taxpayer identifying number' means the identifying number required under section 6109 of the Internal Revenue Code of 1986 (26 U.S.C. 6109).

"(b) The head of an agency administering an included Federal loan program shall require a person applying for a loan under the program to provide that person's taxpayer identifying number.".

(ii) The analysis of subtitle V is amended by adding immediately after item 75 the following new item:

"77. Loan Requirements .... 7701".

(Z) In section 9101(2)(K), strike "The" and substitute "the".

(AA) In section 9110(e)(1), strike "subparagraph" and substitute "section".

(2) Effective December 22, 1987, section 407 of The Judiciary Appropriation Act, 1988 (Public Law 100–202, 101 Stat. 1329–26), is amended to read as follows:

"Sec. 407. Section 1344 of title 31, United States Code, is amended as follows:

"(1) In subsection (b)—

"(A) redesignate clauses (2)–(8) as clauses (3)–(9), respectively;

"(B) insert below clause (1) the following:

"'(2) the Chief Justice and the Associate Justices of the Supreme Court;';

"(C) in clause (3)(B), as redesignated by clause (A) of this paragraph, strike 'subparagraph (A) of this paragraph' and substitute 'subclause (A) of this clause'; and

"(D) in the last sentence, strike 'paragraph (8)' and substitute 'clause (9)'.

"(2) In subsection (d)—

"(A) in paragraphs (1) and (2), strike 'paragraph (8) of subsection (b)' wherever it appears and substitute 'subsection (b)(9) of this section';

"(B) in paragraph (3), strike 'subsections (a)(2), (b)(2)(B), and (b)(8)' and 'subsection (b)(8)' and substitute 'subsections (a)(2) and (b)(3)(B) and (9)' and 'subsection (b)(9)', respectively; and

"(C) in paragraph (4), strike 'paragraphs (1), (2)(B), and (8) of subsection (b)' and 'paragraph (8) of subsection (b), and the expected duration of any authorization under such paragraph' and substitute 'subsection (b)(1), (3)(B), and (9) of this section' and 'subsection (b)(9), and the expected duration of any authorization under subsection (b)(9)', respectively.

"(3) In subsection (e)(1), strike '(b)(8)' and substitute '(b)(9)'.".

(3) Effective September 27, 1988, the last sentence of the paragraph headed "PAYMENTS IN LIEU OF TAXES" in title I of the Act of September 27, 1988 (Public Law 100–446, 102 Stat. 1775), is amended to read as follows: "Section 6901(2)(A) of title 31, United States Code, is amended by striking 'existing in Alaska on October 20, 1976'.".

(g) Title 39, United States Code, is amended as follows:

(1) In section 5007—

(A) insert the subsection designation "(a)" at the beginning of the text of the section; and

(B) add at the end of the section the following new subsection:

"(b)(1) In this subsection, 'air carrier' and 'aircraft' have the same meanings given those terms in section 40102(a) of title 49.

"(2) An air carrier engaged in transporting mail shall carry without charge on any plane it operates those agents and officers of the Postal Service traveling on official business related to transporting mail by aircraft, as prescribed by regulations of the Secretary of Transportation, on exhibiting credentials.".

(2) Amend section 5402 as follows:

(A) In subsection (a), strike "section 1302" and substitute "section 40101(a)".

(B) In subsection (b), strike "sections 1371(k) and 1386(b)", "sections 1301–1542", and "sections 1371–1386" and substitute "sections 40109(a) and (c)–(h) and 42112", "part A of subtitle VII", and "chapters 411 and 413", respectively.

(C) In subsection (d)—

(i) insert "determine rates and" after "may"; and

(ii) strike "and overseas".

(D) In subsection (e)—

(i) strike "'overseas air transportation',"; and

(ii) strike "section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)" and substitute "section 40102(a) of title 49".

(h) Section 382 of the Energy Policy and Conservation Act (42 U.S.C. 6362) is amended as follows:

(1) Strike subsection (a) and substitute the following:

"(a) In this section, 'agency' means—

"(1) the Department of Transportation with respect to part A of subtitle VII of title 49, United States Code;

"(2) the Interstate Commerce Commission;

"(3) the Federal Maritime Commission; and

"(4) the Federal Power Commission.".

(2) In subsection (b), strike "subsection (a)(1)" and substitute "subsection (a)".

(i) The Act of April 22, 1908 (45 U.S.C. 51 et seq.), is amended by inserting immediately after section 4 the following new section:

"SEC. 4A. A regulation, standard, or requirement in force, or prescribed by the Secretary of Transportation under chapter 201 of title 49, United States Code, or by a State agency that is participating in investigative and surveillance activities under section 20105 of title 49, is deemed to be a statute under sections 3 and 4 of this Act.".

(j) Title 49, United States Code, is amended as follows:

(1) In section 102, redesignate subsection (e), as enacted by section 1(b) of the Act of January 12, 1983 (Public Law 97–449, 96 Stat. 2414), as subsection (f).

(2) In section 104(b)(1), strike "Admininstrator" and substitute "Administrator".

(3) Amend section 106 as follows:

(A) In subsection (f), strike "Secretary shall" and substitute "Secretary of Transportation shall".

(B) Subsection (g) is amended to read as follows:

"(g) DUTIES AND POWERS OF ADMINISTRATOR.—(1) Except as provided in paragraph (2) of this subsection, the Administrator shall carry out—

"(A) duties and powers of the Secretary of Transportation under subsection (f) of this section related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous material) and stated in sections 308(b), 1132(c) and (d), 40101(c), 40103(b), 40106(a), 40108, 40109(b), 40113(a), (c), and (d), 40114(a), 40119, 44501(a) and (c), 44502(a)(1), (b), and (c), 44504, 44505, 44507, 44508, 44511–44513, 44701–44716, 44718(c), 44721(a), 44901, 44902, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, and 44938(a) and (b), chapter 451, sections 45302, 45303, 46104, 46301(d) and (h)(2), 46303(c), 46304–46308, 46310, 46311, and 46313–46316, chapter 465, and sections 47504(b)(related to flight procedures), 47508(a), and 48107 of this title; and

"(B) additional duties and powers prescribed by the Secretary of Transportation.

"(2) In carrying out sections 40119, 44901, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, 44938(a) and (b), and 48107 of this title, paragraph (1)(A) of this subsection does not apply to duties and powers vested in the Director of Intelligence and Security by section 44931 of this title.".

(C) In subsection (k), insert "to the Secretary of Transportation" immediately after "appropriated".

(4) In section 108(a)—

(A) strike—

"(a) Except when operating as a service in the Navy, the"

and substitute—

"(a)(1) The"; and

(B) add at the end of subsection (a) the following new paragraph:

"(2) Notwithstanding paragraph (1) of this subsection, the Coast Guard, together with the duties and powers of the Coast Guard, shall operate as a service in the Navy as provided under section 3 of title 14.".

(5)(A) In section 110(a), strike "St. Lawrence" and substitute "Saint Lawrence".

(B) In the analysis of chapter 1, strike—

"110. St. Lawrence Seaway Development Corporation.
"110. Saint Lawrence Seaway Development Corporation.
"111. Bureau of Transportation Statistics.".

and substitute—

"110. Saint Lawrence Seaway Development Corporation.
"111. Bureau of Transportation Statistics.".

(6)(A) Chapter 3 is amended by inserting immediately after section 303 the following new section:

"§303a. Development of water transportation

"(a) POLICY.—It is the policy of Congress—

"(1) to promote, encourage, and develop water transportation, service, and facilities for the commerce of the United States; and

"(2) to foster and preserve rail and water transportation.

"(b) DEFINITION.—In this section, 'inland waterway' includes the Great Lakes.

"(c) REQUIREMENTS.—The Secretary of Transportation shall—

"(1) investigate the types of vessels suitable for different classes of inland waterways to promote, encourage, and develop inland waterway transportation facilities for the commerce of the United States;

"(2) investigate water terminals, both for inland waterway traffic and for through traffic by water and rail, including the necessary docks, warehouses, and equipment, and investigate railroad spurs and switches connecting with those water terminals, to develop the types most appropriate for different locations and for transferring passengers or property between

water carriers and rail carriers more expeditiously and economically;

"(3) consult with communities, cities, and towns about the location of water terminals, and cooperate with them in preparing plans for terminal facilities;

"(4) investigate the existing status of water transportation on the different inland waterways of the United States to learn the extent to which—

"(A) the waterways are being used to their capacity and are meeting the demands of traffic; and

"(B) water carriers using those waterways are interchanging traffic with rail carriers;

"(5) investigate other matters that may promote and encourage inland water transportation; and

"(6) compile, publish, and distribute information about transportation on inland waterways that the Secretary considers useful to the commercial interests of the United States.".

(B) The analysis of chapter 3 is amended by inserting immediately after item 303 the following new item:

"303a. Development of water transportation.".

(7) Amend section 329 as follows:

(A) In subsection (b)(1)—

(i) strike "title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441 et seq.)" and substitute "chapter 11 of this title";

(ii) strike "and overseas" and "or overseas" wherever it appears; and

(iii) strike "section 419 of the Federal Aviation Act of 1958" and substitute "subchapter II of chapter 417 of this title".

(B) In subsection (d), strike "the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.)" and substitute "part A of subtitle VII of this title".

(8) In section 331(b), strike "services, supplies, and facilities provided under subsection (a)(1), (2), and (3) of this section" and substitute "medical treatment provided under subsection (a)(1) of this section and for supplies and services provided under subsection (a)(2) and (3) of this section".

(9)(A) Sections 334 and 335 are repealed.

(B) Items 334 and 335 in the analysis of chapter 3 are repealed.

(10)(A) Chapter 3 is amended by adding immediately after section 336 the following:

"§337. Budget request for the Director of Intelligence and Security

"The annual budget the Secretary of Transportation submits shall include a specific request for the Office of the Director of Intelligence and Security. In deciding on the budget request for the Office, the Secretary shall consider recommendations in the annual report submitted under section 44938(a) of this title.

"SUBCHAPTER III—MISCELLANEOUS

"§351. Judicial review of actions in carrying out certain transferred duties and powers

"(a) JUDICIAL REVIEW.—An action of the Secretary of Transportation in carrying out a duty or power transferred under the Department of Transportation Act (Public Law 89–670, 80 Stat. 931), or an action of the Administrator of the Federal Railroad Administration, the Federal Highway Administration, or the Federal Aviation Administration in carrying out a duty or power specifically assigned to the Administrator by that Act, may be reviewed judicially to the same extent and in the same way as if the action had been an action by the department, agency, or instrumentality of the United States Government carrying out the duty or power immediately before the transfer or assignment.

"(b) APPLICATION OF PROCEDURAL REQUIREMENTS.—A statutory requirement related to notice, an opportunity for a hearing, action on the record, or administrative review that applied to a duty or power transferred by the Act applies to the Secretary or Administrator when carrying out the duty or power.

"(c) NONAPPLICATION.—This section does not apply to a duty or power transferred from the Interstate Commerce Commission to the Secretary under section 6(e)(1)–(4) and (6)(A) of the Act.

"§352. Authority to carry out certain transferred duties and powers

"In carrying out a duty or power transferred under the Department of Transportation Act (Public Law 89–670, 80 Stat. 931), the Secretary of Transportation and the Administrators of the Federal Railroad Administration, the Federal Highway Administration, and the Federal Aviation Administration have the same authority that was vested in the department, agency, or instrumentality of the United States Government carrying out the duty or power immediately before the transfer. An action of the Secretary or Administrator in carrying out the duty or power has the same effect as when carried out by the department, agency, or instrumentality.

"§353. Toxicological testing of officers and employees

"(a) COLLECTING SPECIMENS.—When the Secretary of Transportation or the head of a component of the Department of Transportation conducts post-accident or post-incident toxicological testing of an officer or employee of the Department, the Secretary or head shall collect the specimen from the officer or employee as soon as practicable after the accident or incident. The Secretary or head shall try to collect the specimen not later than 4 hours after the accident or incident.

"(b) REPORTS.—The head of each component shall submit a report to the Secretary on the circumstances about the amount of time required to collect the specimen for a toxicological test conducted on an officer or employee who is reasonably associated with the circumstances of an accident or incident under the investigative jurisdiction of the National Transportation Safety Board.

"(c) NONCOMPLIANCE NOT A DEFENSE.—An officer or employee required to submit to toxicological testing may not assert failure to comply with this section as a claim, cause of action, or defense in an administrative or judicial proceeding.".

(B) The analysis of chapter 3 is amended by adding immediately after item 336 the following:

"337. Budget request for the Director of Intelligence and Security.

"SUBCHAPTER III—MISCELLANEOUS

"351. Judicial review of actions in carrying out certain transferred duties and powers.

"352. Authority to carry out certain transferred duties and powers.

"353 Toxicological testing of officers and employees.".

(11)(A) In section 501(a), strike clauses (4)–(9).

(B) Strike section 508.

(C) In the analysis of chapter 105, strike the item related to section 508.

(D) In section 521(b)(2)(A), strike "section 508" and substitute "chapter 59".

(12) In sections 502(e)(2) and 10321(d)(3), insert "judge" after "United States magistrate".

(13) Section 10362(b)(5) is amended to read as follows:

"(5) prescribe regulations that contain standards for the computation of subsidies for rail passenger transportation (except passenger transportation compensation disputes subject to the jurisdiction of the Commission under sections 24308(a) and 24903(c)(2) of this title) that are consistent with the compensation principles described in the final system plan established under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and that avoid cross-subsidization among commuter, intercity, and freight rail transportation;".

(14) In sections 10363(c) and 10383(c), strike "rate for GS–18" and substitute "maximum rate payable under section 5376 of title 5".

(15) In section 10501(d)—

(A) strike "procedures of this title" and substitute "procedures of this subtitle"; and

(B) strike "provided in this title" and substitute "provided in this subtitle".

(16) In section 10504—

(A) strike "local public body" wherever it appears and substitute "local governmental authority";

(B) strike "rail mass transportation" wherever it appears and substitute "mass transportation";

(C) in subsection (a)(1)(A), strike "section 1608(c)(2)" and substitute "section 5302(a)"; and

(D) in subsection (a)(2), strike "section 1608(c)(5)" and substitute "section 5302(a)".

(17) In section 10526(a)—

(A) in clause (8)(B), strike "Civil Aeronautics Board or its successor agency" and substitute "Secretary of Transportation";

(B) in clause (10), strike "work." and substitute "work;";

(C) in clause (13), strike "or"; and

(D) in clause (14), strike "title." and substitute "title; or".

(18) In section 10530(i)(3), strike "notifed" and substitute "notified".

(19) In section 10701a(b)(3), strike "policy of this title" and substitute "policy of this subtitle".

(20) In section 10705a(g)(3)—

(A) before clause (A), strike "provision of this title" and substitute "provision of this subtitle"; and

(B) in clause (A), strike "service over any rate" and substitute "service over any route".

(21) In section 10707(d)—

(A) in paragraph (2), strike "under this title" and substitute "under this subtitle"; and

(B) in paragraph (3), strike "title" wherever it appears and substitute "subtitle".

(22) In section 10707a(b)(1), strike "paragraph (2)" and substitute "paragraph (3)".

(23) In section 10731(e), strike "provision of this title" and substitute "provision of this subtitle".

(24) In section 10749(b)(2), strike "Civil Aeronautics Board under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.)" and substitute "Secretary of Transportation under part A of subtitle VII of this title".

(25) In section 10751(b), strike "purposes of this title" and substitute "purposes of this subtitle".

(26) In section 10905(d)(1) and (e), strike "government authority" and substitute "governmental authority".

(27) In section 10910—

(A) in subsection (a)(1), strike "government authority" and substitute "governmental authority"; and

(B) in subsection (g)(1), strike "provisions of this title" and substitute "provisions of this subtitle".

(28) In section 10924(e), insert "of" after "protection".

(29) In the analysis of chapter 111—

(A) in item 11128, strike "Water" and substitute "War"; and

(B) in item 11142, strike "systems" and substitute "system".

(30) In section 11162(a), strike "proceedings under this title" and substitute "proceedings under this subtitle".

(31) In section 11163, strike "purposes of this title" and substitute "purposes of this subtitle".

(32) In section 11166(a), strike "pursuant to this title" and substitute "under this subtitle".

(33) In section 11167, strike "under this title" and substitute "under this subtitle".

(34) In section 11501(b)(3)(A), strike "title" and substitute "subtitle".

(35) In section 11909(b), strike "1966,," and substitute "1966,".

(k) Effective January 1, 1999, the following sections of title 49, United States Code, as enacted by section 1 of this Act, are amended as follows:

(1) In sections 41107, 41901(b)(1), 41902(a), and 41903, strike "transportation or between places in Alaska" wherever it appears and substitute "transportation".

(2) Strike section 41901(g).

(3) In section 41902(b)—

(A) strike clause (3); and

(B) in clause (4), strike "clauses (1)–(3)" and substitute "clauses (1) and (2)".

(l) The Act of June 29, 1940 (ch. 444, 54 Stat. 686), is amended as follows:

(1) Except as provided in paragraphs (2) and (3) of this subsection, strike "Administrator" wherever it appears and substitute "Secretary".

(2) In subsection (a) of the first section, strike "'Administrator' means the Administrator of the Federal Aviation Agency" and substitute "'Secretary' means the Secretary of Transportation".

(3) In section 4(a), strike "Administrator, and any Federal Aviation Agency" and substitute "Secretary, and any Department of Transportation".

(4) In section 6, strike "United States commissioner" wherever it appears and substitute "United States magistrate judge".

(m) The Act of September 7, 1950 (ch. 905, 64 Stat. 770), is amended as follows:

(1) Except as provided in paragraph (2) of this subsection, strike "Administrator" wherever it appears and substitute "Secretary".

(2) In the first section, strike "Administrator of the Federal Aviation Agency" and "'Administrator'" and substitute "Secretary of Transportation" and "'Secretary'", respectively.

(3) In sections 4 and 8(a), strike "Federal Aviation Agency" and substitute "Department of Transportation".

(4) In section 8(d), strike "United States Commissioner" wherever it appears and substitute "United States magistrate judge".

(n) Section 101(1st complete par. on p. 646) of the Act of August 30, 1964 (Public Law 88–507, 78 Stat. 646), is amended by striking "Administrator of the Federal Aviation Agency" and substituting "Secretary of Transportation".

(o) Section 9111 of the Anti-Drug Abuse Act of 1988 (Public Law 100–690, 102 Stat. 4531) is amended as follows:

(1) In the introductory language of subsection (b)(1), strike "Subsection (b) of section 10530 of such title is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:" and substitute "Subsection (b)(1) of section 10530 of title 49 is amended to read as follows:".

(2) In subsection (b)(2), strike "Such subsection" and substitute "Subsection (b) of section 10530".

(3) In the introductory language of subsection (f)(1), strike "Subsection (g) of such section is amended by striking out paragraph (1) and inserting in lieu thereof the following:" and substitute "Subsection (g)(1) of section 10530 of title 49 is amended to read as follows:".

(4) In subsection (f)(2), strike "Such subsection" and substitute "Subsection (g) of section 10530".

(p) Section 4007(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2153) is amended by inserting "and section 31307 of title 49, United States Code" immediately after "this section".

(q) The revision of regulations, referred to in section 32705(b)(2)(A) of title 49, United States Code, as enacted by section 1 of this Act, that is required by section 7 of the Independent Safety Board Act Amendments of 1990 (Public Law 101–641, 104 Stat. 4657) shall be prescribed not later than May 28, 1991.

(r) Section 165 of the Surface Transportation Assistance Act of 1982 (Public Law 97–424, 96 Stat. 2136) is amended as follows:

(1) In subsections (a) and (d), strike "the Urban Mass Transportation Act of 1964,".

(2) In subsection (b)—

(A) after the semicolon at the end of clause (2), add "or"; and

(B) strike clause (3).

(s) Effective on the date the regulations required under section 60101(b) of title 49, United States Code, as enacted by section 1 of this Act, are effective, section 60101(a)(21) and (22) of title 49, as enacted by section 1, is amended to read as follows:

"(21) 'transporting gas'—

"(A) means—

"(i) the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce; and

"(ii) the movement of gas through regulated gathering lines; but

"(B) does not include gathering gas (except through regulated gathering lines) in a rural area outside a populated area designated by the Secretary as a nonrural area.

"(22) 'transporting hazardous liquid'—

"(A) means—

"(i) the movement of hazardous liquid by pipeline, or the storage of hazardous liquid incidental to the movement of hazardous liquid by pipeline, in or affecting interstate or foreign commerce; and

"(ii) the movement of hazardous liquid through regulated gathering lines; but

"(B) does not include moving hazardous liquid through—

"(i) gathering lines (except regulated gathering lines) in a rural area;

"(ii) onshore production, refining, or manufacturing facilities; or

"(iii) storage or in-plant piping systems associated with onshore production, refining, or manufacturing facilities.".

(t)(1) Not later than March 3, 1995, the Secretary of Transportation shall complete a regulatory proceeding to consider prescribing regulations to improve the safety and working conditions of locomotive cabs. The proceeding shall assess—

(A) the adequacy of Locomotive Crashworthiness Requirements Standard S–580, or any successor standard, adopted by the Association of American Railroads in 1989 in improving the safety of locomotive cabs; and

(B) the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect productivity, health, and the safe operation of locomotives.

(2) SUPPORTING RESEARCH AND ANALYSIS.—In support of the proceeding required under paragraph (1) of this subsection, the Secretary shall conduct research and analysis, including computer modeling and full-scale crash testing, as appropriate, to consider—

(A) the costs and benefits associated with equipping locomotives with—

(i) braced collision posts;

(ii) rollover protection devices;

(iii) deflection plates;

(iv) shatterproof windows;

(v) readily accessible crash refuges;

(vi) uniform sill heights;

(vii) anticlimbers, or other equipment designed to prevent overrides resulting from head-on locomotive collisions;

(viii) equipment to deter post-collision entry of flammable liquids into locomotive cabs;

(ix) any other devices intended to provide crash protection for occupants of locomotive cabs; and

(x) functioning and regularly maintained sanitary facilities; and

(B) the effects on train crews of the presence of asbestos in locomotive components.

(3) REPORT.—If, on the basis of the proceeding required under paragraph (1) of this subsection, the Secretary decides not to prescribe regulations, the Secretary shall report to Congress on the reasons for that decision.

(u) Not later than April 25, 1993, the Attorney General shall prescribe the regulations required under section 33110(c) of title 49, United States Code, as enacted by section 1 of this Act. Section 33110(b) of title 49 is effective not later than 3 months after those regulations are prescribed but not before the date on which the National Stolen Passenger Motor Vehicle Information System established under section 33109 of title 49 is operational.

(v) Section 33111 of title 49, United States Code, as enacted by section 1 of this Act, is effective on the date on which the National Stolen Passenger Motor Vehicle Information System is established under section 33109 of title 49.

CONFORMING CROSS-REFERENCES

Sec. 5. (a) Sections 551(1)(H) and 701(b)(1)(H) of title 5, United States Code, are amended by striking "or sections 1622," and substituting "subchapter II of chapter 471 of title 49; or sections".

(b) Title 10, United States Code, is amended as follows:

(1) In section 2640—

(A) in subsections (a)(1)(A) and (d)(1)(B)(i), strike "title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421 et seq.)" and substitute "chapter 447 of title 49"; and

(B) in subsection (i), strike "sections 101(3), 101(5), 101(10), and 101(15), respectively, of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(3), 1301(5), 1301(10), and 1301(15))" and substitute "section 40102(a) of title 49".

(2) In section 9511(1), strike "section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)" and substitute "section 40102(a) of title 49".

(3) In section 9512(b)(4), strike "section 501 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401)" and substitute "section 44103 of title 49".

(c) Section 1110(a) of title 11, United States Code, is amended by striking "section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)", "subsection B(4) of the Ship Mortgage Act, 1920 (46 U.S.C. 911(4))", and "Civil Aeronautics Board" and substituting "section 40102(a) of title 49", "section 30101 of title 46", and "Secretary of Transportation", respectively.

(d) The last sentence of section 82 of title 14, United States Code, is amended to read as follows: "Nothing in this title shall be deemed to limit the authority granted by chapter 167 of title 10 or part A of subtitle VII of title 49.".

(e) Title 18, United States Code, is amended as follows:

(1) In section 31, strike "the Federal Aviation Act of 1958, as amended" and substitute "sections 40102(a) and 46501 of title 49".

(2) In the last sentence of sections 112(e), 878(d), 1116(c), and 1201(e), strike "section" and all that follows and substitute "section 46501(2) of title 49.".

(3) In section 511(c)—

(A) in clause (1), strike "the National Traffic and Motor Vehicle Safety Act of 1966, or the Motor Vehicle Information and Cost Savings Act" and substitute "chapter 301 and part C of subtitle VI of title 49"; and

(B) in clause (2), strike "section 2 of the Motor Vehicle Information and Cost Savings Act" and substitute "section 32101 of title 49".

(4) In section 512(a)(2)(A), strike "the National Traffic and Motor Vehicle Safety Act of 1966" and substitute "chapter 301 of title 49".

(5) In section 553(c)—

(A) in clause (1), strike "section 2 of the Motor Vehicle Information and Cost Savings Act" and substitute "section 32101 of title 49"; and

(B) in clause (4), strike "section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301)" and substitute "section 40102(a) of title 49".

(6) In section 831(c)(1), strike "section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)" and substitute "section 46501 of title 49".

(7) In section 844(g)(2)(B), strike "the Hazardous Materials Transportation Act (49 App. U.S.C. 1801, et seq.)" and substitute "chapter 51 of title 49".

(8) In section 1201(a)(3), strike "section" and all that follows and substitute "section 46501 of title 49;".

(9) In section 1366(c), strike "interstate transmission facilities, as defined in section 2 of the Natural Gas Pipeline Safety Act of 1968" and substitute "an interstate gas pipeline facility as defined in section 60101 of title 49".

(10) In section 2318(c)(1), strike "section 101 of the Federal Aviation Act of 1958" and substitute "section 46501 of title 49".

(11) In section 2516(1)(j), strike "section" and all that follows and substitute "section 60123(b) (relating to destruction of a natural gas pipeline) or 46502 (relating to aircraft piracy) of title 49;".

(12) In section 3663(a)(1), strike "under subsection (h), (i), (j), or (n) of section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472)" and substitute "section 46312, 46502, or 46504 of title 49".

(f) Title 23, United State Code, is amended as follows:

(1) In section 103(e)(4)(L)—

(A) in clause (i), strike "the Urban Mass Transportation Act of 1964" and substitute "chapter 53 of title 49"; and

(B) in clause (ii), strike "section 3(e)(4) of the Urban Mass Transportation Act of 1964" and substitute "section 5323(a)(1)(D) of title 49".

(2) In section 142—

(A) in subsection (a)(2), strike "the Federal Transit Act" and substitute "chapter 53 of title 49";

(B) in subsection (h), strike "the Urban Mass Transportation Act of 1964, as amended" and substitute "chapter 53 of title 49"; and

(C) in subsection (i), strike "section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended," and substitute "section 5323(a)(1)(D) of title 49".

(3) In section 157(a)(2) and (3)(A), strike "section 404 of the Surface Transportation Assistance Act of 1982" and substitute "section 31104 of title 49".

(g) The Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.) is amended as follows:

(1) In section 4064(b)(1)(B), strike "section 501 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001)" and substitute "section 32901 of title 49, United States Code,".

(2) In section 4261(e) and (f)(2), strike "the Airport and Airway Improvement Act of 1982" and substitute "section 44509 or 44913(b) or subchapter I of chapter 471 of title 49, United States Code,".

(3) In section 9502(d)(1)(B), strike "the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.)," and substitute "part A of subtitle VII of title 49, United States Code,".

(h) Section 2342(7) of title 28, United States Code, is amended by striking "section 202(f) of the Federal Railroad Safety Act of 1970" and substituting "section 20114(c) of title 49".

(i) Title 31, United States Code, is amended as follows:

(1) In section 3711(c)(2), strike "section 6 of the Act of March 2, 1893 (45 U.S.C. 6), section 4 of the Act of April 14, 1910 (45 U.S.C. 13), section 9 of the Act of February 17, 1911 (45 U.S.C. 34), and section 25(h) of the Interstate Commerce Act (49 App. U.S.C. 26(h))" and substitute "section 21302 of title 49 for a violation of chapter 203, 205, or 207 of title 49 or a regulation or requirement prescribed or order issued under any of those chapters".

(2) In section 3726(b)(1), strike "the Federal Aviation Act of 1958" and substitute "section 40102(a) of title 49".

(j) Section 210(a)(4) of title 35, United States Code, is amended by striking "section 106(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1395(c); 80 Stat. 721)" and substituting "section 30168(e) of title 49".

(k) Title 39, United States Code, is amended as follows:

(1) In section 3401(b) and (c), strike "section 1376" and substitute "section 41901".

(2) In section 5005(b)(3), strike "section 101 of the Federal Aviation Act of 1958" and substitute "section 40102(a) of title 49".

(3) In section 5401(b), strike "sections 1301–1542" and substitute "part A of subtitle VII".

(l) Section 2101(14)(C) of title 46, United States Code, is amended by striking "section 104 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1803)" and substituting "section 5103(a) of title 49".

(m) Title 49, United States Code, is amended as follows:

(1) In section 103(c)(1), strike "section 6(e)(1), (2), and (6)(A) of the Department of Transportation Act (49 App. U.S.C. 1655(e) (1), (2), and (6)(A))" and substitute "section 20134(c) and chapters 203–211 of this title, and chapter 213 of this title in carrying out chapters 203–211".

(2) In section 104(c)(2), strike "31" and substitute "315".

(3) In section 105(d), strike "the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.)" and substitute "chapter 301 of this title".

(4) In section 106—

(A) in subsection (h), strike "Section 103 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1303)" and substitute "Section 40101(d) of this title"; and

(B) in subsection (j), strike "section 312(e) of the Federal Aviation Act of 1958" and substitute "section 44507 of this title".

(5) In section 109(a) and (b), insert "App." immediately after "(46".

(6) In section 302(b), strike "Subtitle I and chapter 31 of subtitle II of this title and the Department of Transportation Act (49 App. U.S.C. 1651 et seq.)" and substitute "This subtitle and chapters 221 and 315 of this title".

(7) In section 306(b), strike "section 332 or 333 of this title, section 211 or 216 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721, 726), title V or VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq., 851 et seq.), or section 4(i) or 5 of the Department of Transportation Act (49 App. U.S.C. 1653(i), 1654)" and substitute "section 332 or 333 or chapter 221 or 249 of this title, section 211 or 216 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721, 726), or title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)".

(8) In section 321, strike "section 101 (2), (4), and (8) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 (2), (4), (8))" and substitute "section 40102(a) of this title".

(9) In section 501—

(A) in subsection (a)(2), strike "section 3101" and substitute "section 31501";

(B) in subsection (a)(3), strike "section 3102(c)" and substitute "section 31502(c)"; and

(C) strike subsection (b) and substitute the following:

"(b) APPLICATION.—This chapter only applies in carrying out sections 20302(a)(1) (B) and (C), (2), and (3), (c), and (d)(1) and 20303 and chapters 205 (except section 20504(b)), 211, 213 (in carrying out those sections and chapters), and 315 of this title.".

(10) In section 507(c), strike "section 3102 of this title or the Motor Carrier Safety Act of 1984" and "such section or Act" and substitute "subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title" and "any of those provisions", respectively.

(11) In section 521(b)—

(A) in paragraph (1)(A), strike "section 3102 of this title or the Motor Carrier Safety Act of 1984 or section 12002, 12003, 12004, 12005(b), or 12008(d)(2) of the Commercial Motor Vehicle Safety Act of 1986" and "such sections or Act" and substitute "a provision of subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502 of this title" and "any of those provisions", respectively;

(B) in paragraph (2)(A), strike "pursuant to section 3102 of this title or the Motor Carrier Safety Act of 1984" and substitute "under subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title";

(C) in paragraph (2)(B), strike "section 12002, 12003, 12004, 12005(b), or 12008(d)(2) of the Commercial Motor Vehicle Safety Act of 1986" and substitute "section 31302, 31303, 31304, 31305(b), or 31310(g)(1)(A) of this title";

(D) in paragraph (3), strike "section 3102 of this title or the Motor Carrier Safety Act of 1984 or section 12002, 12003, 12004, or 12005(b) of the Commercial Motor Vehicle Safety Act of 1986" and substitute "subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), or 31502 of this title";

(E) in paragraph (5)(A), strike "section 3102 of this title or the Motor Carrier Safety Act of 1984 or section 12002, 12003, 12004, or 12005(b) of the Commercial Motor Vehicle Safety Act of 1986" and "such sections or Act" and substitute "a provision of subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), or 31502 of this title" and "any of those provisions", respectively;

(F) in paragraph (6)(A), strike "section 3102 of this title, the Motor Carrier Safety Act of 1984", "such section or Act", and "liable" and substitute "subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title", "any of those provisions", and "subject", respectively;

(G) in paragraph (6)(B)(i), strike "section 12002, 12003(b), 12003(c), 12004, 12005(b), or 12008(d)(2) of the Commercial Motor Vehicle Safety Act of 1986" and substitute "section 31302, 31303 (b) or (c), 31304, 31305(b), or 31310(g)(1)(A) of this title";

(H) in paragraph (6)(B)(ii), strike "section 12019 of such Act", "section 12003(a) of such Act", and "such section 12003(a)" and substitute "section 31301 of this title", "section 31303(a) of this title", and "section 31303(a)", respectively;

(I) in paragraph (12), strike "any provision of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801–1812)" and "such Act" and substitute "chapter 51 of this title" and "chapter 51", respectively; and

(J) in paragraph (13), strike "section 204 of the Motor Carrier Safety Act of 1984" and substitute "section 31132 of this title".

(12) In section 526, strike "this chapter, section 3102 of this title, or the Motor Carrier Safety Act of 1984, a person that knowingly and willfully violates a provision of this chapter or such section or Act, or a regulation or order of the Secretary of Transportation under this chapter or such section or Act" and substitute "a provision of this chapter, subchapter III of chapter 311 (except sections 31138 and 31139), or

section 31502 of this title, a person that knowingly and willfully violates any of those provisions or a regulation or order of the Secretary of Transportation under any of those provisions".

(13) In section 10102(9), strike "the Federal Aviation Act of 1958" and substitute "part A of subtitle VII of this title".

(14) In section 10322(a), strike "subtitle" wherever it appears and substitute "title".

(15) In sections 10364(a) and 10385(a), strike "section 5 of title 41" and substitute "section 3709 of the Revised Statutes (41 U.S.C. 5)".

(16) In sections 10527(a), strike "subchapter" and substitute "title".

(17) In section 10528, strike "subchapter" and "subtitle" wherever either word appears and substitute "title".

(18) In section 10529(a), strike "(12 U.S.C. 1141j(a))" and substitute "(12 U.S.C. 1141j(a)))".

(19) In sections 10542(a)(2) and 10544(d)(1)(B), insert "App." immediately after "(46" wherever it appears.

(20) In section 10561(b)(1), strike "chapter 20" and substitute "part A of subtitle VII".

(21) In section 10703(a)(4)—

(A) in paragraph (D)(ii), insert "App." immediately after "(46" wherever it appears; and

(B) in paragraph (E), strike "(46 U.S.C. 801 et seq.)" and "(46 U.S.C. 843–848)" and substitute "(46 App. U.S.C. 801 et seq.)" and "(46 App. U.S.C. 843 et seq.)", respectively.

(22) In section 10721(a)(1), strike "Section 5 of title 41" and substitute "Section 3709 of the Revised Statutes (41 U.S.C. 5)".

(23) In section 10735(b)(1), strike "under this title" and substitute "under this subtitle".

(24) In section 10903(b)(2), strike "section 11347 of this title and section 405(b) of the Rail Passenger Service Act (45 U.S.C. 565(b))" and substitute "sections 11347 and 24706(c) of this title".

(25) In section 10922—

(A) in subsection (c)(1)(E), strike "provisions of section 12(f) of the Urban Mass Transportation Act of 1964" and substitute "section 10531 of this title";

(B) in subsection (c)(2)(D), strike "subtitle" wherever it appears and substitute "title";

(C) in subsection (c)(4)(C) and (j)(1), strike "subchapter" wherever it appears and substitute "title"; and

(D) in subsection (j)(2)(C), strike "subtitle" and substitute "title".

(26) In section 10927(a)(1), insert "section" before "10923".

(27) In section 10935(a) and (e)(3), strike "subchapter" and substitute "title".

(28) In section 11125(b)(2)(A), strike "the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.)" and substitute "chapter 201 of this title".

(29) In section 11126(a), strike "11501(c)" and substitute "11501(f)".

(30) In section 11303(a), strike "the Ship Mortgage Act, 1920" wherever it appears and substitute "chapter 313 of title 46".

(31) In section 11347, strike "section 405 of the Rail Passenger Service Act (45 U.S.C. 565)" and substitute "sections 24307(c), 24312, and 24706(c) of this title".

(32) In section 11348(a), strike "section 504(f)," and substitute "sections 504(f) and".

(33) In section 11504(b)(2), strike "section 204 of the Motor Carrier Safety Act of 1984 (49 App. U.S.C. 2503)" and substitute "section 31132 of this title".

(34) In section 11701(a), strike "section 10530 of this subtitle" and substitute "section 10530 of this title".

LEGISLATIVE PURPOSE AND CONSTRUCTION

Sec. 6. (a) Sections 1–4 of this Act restate, without substantive change, laws enacted before July 1, 1993, that were replaced by those sections. Those sections may not be construed as making a substantive change in the laws replaced. Laws enacted after June 30, 1993, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) A reference to a law replaced by sections 1–4 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) An order, rule, or regulation in effect under a law replaced by sections 1–4 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) An action taken or an offense committed under a law replaced by sections 1–4 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) An inference of legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

(f) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

REPEALS

Sec. 7. (a) The repeal of a law by this Act may not be construed as a legislative implication that the provision was or was not in effect before its repeal.

(b) The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1864						
July 2	216	15	13	362	45	83
1873						
Mar. 3	226	2(words after 2d semicolon)	17	508		
1874						
June 20	331		18	111	45	83
June 22	414		18	200	45	89
1879						
Mar. 3	183	1(4th par. on p. 420)	20	420	45	90
1887						
Feb. 4	104	25	24	379	49 App.	26
Mar. 3	345		24	488	45	94, 95
1893						
Mar. 2	196		27	531	45	1–7
1896						
Apr. 1	87		29	85	45	6
1897						
Mar. 3	386	(proviso under heading "Transportation and Recruiting, Marine Corps").	29	663	45	91
1901						
Mar. 3	831	(last proviso of last par. under heading "Pay Department")	31	1023	45	92
1903						
Mar. 2	976		32	943	45	10
1905						
Feb. 23	744		33	743	49 App.	1201–1203
1906						
June 29	3594		34	607	45	71–74
June 30	P.R. 46		34	838	45	35
1907						
Mar. 4	2939		34	1415	45	61–64b
1908						
May 27	200	1(6th par. last sentence under heading "Interstate Commerce Commission", 1st complete par. on p. 325).	35	325	45	36, 37
1909						
Mar. 4	299	1(6th par. last sentence under heading "Interstate Commerce Commission").	35	965	45	37
1910						
Apr. 14	160		36	298	45	11–16
May 6	208		36	350	45	38–43

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1911						
Feb. 17	103		36	913	45	22–29, 31–34
1915						
Mar. 4	169		38	1192	45	23, 30
1916						
May 4	109		39	61	45	63
Aug. 29	415		39	538	49 App.	81–124
1920						
Feb. 28	91	441, 500	41	498, 499	49 App.	26, 142
1921						
Mar. 4	161	1(last proviso in par. under heading "Transportation Facilities on Inland and Coastal Waterways").	41	1392	49 App.	141
Dec. 15	1	1(last par. under heading "Board of Mediation and Conciliation")	42	328	45	126
1924						
June 7	355		43	659	45	22, 23, 25, 27
1927						
Mar. 4	510		44	1446	49 App.	102
1929						
Feb. 28	369		45	1404	49 App.	173
1931						
Feb. 14	189		46	1162	49 App.	231
1934						
June 13	498		48	954	49 App.	264
June 19	654		48	1113	49 App.	171–173a, 175, 179–184
	656	2	48	1116	49 App.	181
1935						
Aug. 7	455		49	540	49 App.	231
1937						
Aug. 26	818		50	835	49 App.	26
1939						
June 27	244		53	855	49 App.	751–757
Aug. 9	618		53	1291	49 App.	781–789
	633	1(1st. par. under heading "Civil Aeronautics Authority.")	53	1302	49 App.	682
1940						
Apr. 22	124		54	148	45	24–34
July 2	526		54	735	49 App.	485
Sept. 18	722	14(b)	54	919	49 App.	26
1941						
June 28	258	201(last par. under heading "Civil Aeronautics Board")	55	282	49 App.	422a
1942						
July 24	522		56	704	49 App.	752
1943						
May 7	94	(par. under heading "Office of Administrator of Civil Aeronautics")	57	80	49 App.	758
June 10	121		57	150	49 App.	752
1944						
June 30	333		58	648	49 App.	757
July 1	373	813(5th, 6th complete pars. on p. 718)	58	718	49 App.	177, 181
Oct. 3	479	13(g)			50 App.	1622
1946						
Aug. 8	911		60	944	49 App.	603
1947						
May 27	85		61	120	45	24–26
July 30	404	2	61	678	50 App.	1622
Aug. 4	471		61	743	49 App.	643
1948						
Apr. 17	192		62	173	49 App.	1101, 1102, 1106, 1108, 1109
June 16	473		62	450	49 App.	1151, 1151(note), 1152–1159a, 1160
	482		62	470	49 App.	524
June 19	523		62	493	49 App.	401, 523
June 25	646	4	62	986	45	87
June 29	713		62	1093	49 App.	452
	738		62	1111	49 App.	1116
July 1	792		62	1216	49 App.	452, 459, 551
1949						
July 25	359		63	478	49 App.	1111
July 26	362		63	480	49 App.	622
	363		63	480	49 App.	1114
Aug. 12	423		63	603	49 App.	1113
Aug. 15	426		63	605	49 App.	1109
Aug. 30	520		63	678	49 App.	427
Oct. 1	589		63	700	50 App.	1622–1622c
Oct. 25	724		63	903	49 App.	1105
Oct. 26	751		63	925	49 App.	1104
1950						
Feb. 9	5		64	4	49 App.	1107
Mar. 18	72	6, 7	64	28	49 App.	1102, 1108
Aug. 3	517		64	395	49 App.	622
Aug. 5	591		64	414	49 App.	177, 181
Aug. 8	643		64	417	49 App.	457
Aug. 9	655		64	427	49 App.	781
Sept. 9	938		64	825	49 App.	701–705
Sept. 27	1055		64	1071	49 App.	1104
Sept. 29	1107		64	1079	49 App.	460
Sept. 30	1117		64	1090	49 App.	1181–1185
1951						
Jan. 9	1214		64	1237	49 App.	1109

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
June 14	123		65	65	49 App.	401, 711–722
Oct. 11	495	3, 4	65	407	49 App.	177, 560
Oct. 31	655	55(b)	65	729	49 App.	787
1952						
June 28	485	1(5)	66	286	49 App.	485
July 14	740		66	628	49 App.	401, 491, 622
1953						
July 8	181		67	140	49 App.	1116
Aug. 8	379		67	489	49 App.	176
1955						
May 19	41		69	49	49 App.	481
Aug. 3	494		69	441	49 App.	1101–1103, 1104, 1105, 1107, 1108, 1111
1956						
July 20	650		70	591	49 App.	481
	655		70	594	49 App.	722
Aug. 1	816		70	784	49 App.	483
	852	22	70	911	49 App.	789
1957						
June 13	85–50		71	69	49 App.	1201–1203
Aug. 14	85–135		71	352	45	6, 13, 34, 63
Aug. 26	85–166		71	415	49 App.	481
Sept. 7	85–307		71	629	49 App.	1324(note)
1958						
Apr. 9	85–373		72	84	49 App.	486
Apr. 11	85–375		72	86	45	9
July 7	85–507	21(b)(3), (c)	72	337, 338	49 App.	457, 603
Aug. 23	85–726	(less 613(a), (b), 1402(a), (e)–(g), 1404, 1406, 1411)	72	731	49 App.	1301–1308, 1321–1325, 1341–1346, 1347–1356, 1357–1359, 1371, 1372–1376, 1377–1389, 1401–1406, 1421–1434, 1441–1443, 1461–1463, 1471–1474, 1481, 1482, 1483–1490, 1501–1515, 1516–1518, 1531–1542, 1551
1959						
Mar. 18	86–3	21	73	13	49 App.	1324(note)
June 25	86–70	39	73	150	49 App.	1324(note)
June 29	86–72		73	155	49 App.	1101, 1102, 1104, 1106, 1108, 1109, 1112
July 8	86–81		73	180	49 App.	1403, 1404
Aug. 11	86–154		73	333	49 App.	1743
Aug. 25	86–199		73	427	49 App.	1485
Sept. 21	86–295		73	572	49 App.	1105
1960						
June 29	86–546	1	74	255	49 App.	1486
July 12	86–624	37	74	421	49 App.	1324(note)
	86–627		74	445	49 App.	1373
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July 20	87–89		75	210	49 App.	1542
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July 10	87–528		76	143	49 App.	1301, 1371, 1371(note), 1376, 1387, 1471, 1472
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1964						
Mar. 11	88–280		78	158	49 App.	1101–1106, 1107a, 1108–1111, 1113, 1120
June 30	88–346		78	236	49 App.	1403, 1406, 1406(note)
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Sept. 9	*89–563*	*(less 401)*	*80*	*718*	*15*	*1301–1303, 1321–1323, 1381, 1381(note), 1391–1403, 1403(note), 1404–1431*
Oct. 13	*89–647*		*80*	*894*	*49 App.*	*1104, 1105*
Oct. 15	*89–670*	*1–8(a), (f), (i), 9, 10(e), 13–16*	*80*	*931, 943, 944, 948, 949*	*15*	*1404*
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May 25	*90–19*	*20*	*81*	*25*	*49 App.*	*1602, 1603, 1605, 1606, 1608–1610*
June 28	*90–34*		*81*	*81*	*49 App.*	*1604*
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Oct. 12	*90–568*		*82*	*1003*	*49 App.*	*1324(note)*
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May 21	*91–258*	*31, 51, 52(a), (b)(4), (6), (c), (d), 53, 209*	*84*	*234, 235, 236, 252*	*49 App.*	*1101–1103, 1104–1106, 1107a–1120, 1354, 1430, 1430(note), 1432, 1509, 1622, 1701(note), 1731, 1741, 1742(note)*
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Oct. 16	*91–458*		*84*	*971*	*45*	*421, 421(note), 431–441, 443, 444*
Oct. 27	*91–513*	*1102(r)*	*84*	*1294*	*49 App.*	*787*
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Apr. 2	100–17	133(a)(7), (c)(2), 135(h), 205, 209, 301–328	101	171, 172, 174, 220, 222	49 App.	1601(note), 1602, 1602(note), 1603, 1604, 1607a, 1607a–1, 1607c, 1608, 1608(note), 1612–1614, 1617, 1619–1621, 1655, 2204(note), 2311, 2314, 2716
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Dec. 22	100–202	317(a), 328, 106	101	1329–380, 1329–382, 1329–433.	49	308(note)
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The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from New York [Mr. FISH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, H.R. 1758, as amended, restates without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V–X of Title 49, United States Code, "Transportation," and makes other technical improvements in the code. The bill was prepared for the House Judiciary Committee by the Office of the Law Revision Counsel. In addition to the amendment in the nature of a substitute, there are also additional minor technical amendments of a further clarifying nature. I would request that the text of conforming changes to House Report 103–180 be printed in the CONGRESSIONAL RECORD at the end of my remarks.

The present bill, H.R. 1758, as amended, is the latest of several bills circulated during the past several years for comment among departments and agencies concerned with transportation as well as among interested members of the public. As the result of comments received and transportation legislation enacted subsequent to the introduction of the bill, a substitute amendment was prepared and reported by the House Judiciary Committee to the House of Representatives.

Since the bill makes no change in the substance of existing law, no additional cost to the Government would be incurred as a result of enactment of H.R. 1758, 1758, as amended. Enactment of H.R. 1758 would not affect direct spending or receipts.

CONFORMING CHANGES TO HOUSE REPORT 103–180

(1) In the revision notes for section 5333, in the paragraph related to subsection (b)(2) on pages 60 and 61, strike the last two sentences of the paragraph.

(2) In the revision notes for section 24706, in the paragraph related to subsection (c)(1) on page 142, strike the next-to-last sentence and substitute the following:

The words "whether occurring before, on, or after January 1, 1975" are omitted as surplus. The words "without being limited to" are omitted as being included in "include".

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1758, a bill to codify without substantive change the eight subtitles of title 49, "Transportation," that have not been previously codified. These subtitles relate to railroads, motor vehicles, aviation, pipelines, and other transportation matters. This measure replaces over 300 underlying laws with a single law, the balance of title 49. I wish to emphasize again, however, that no change is made in the substantive meaning of the existing statutes.

The objective of the codification process is to provide ease of reference and cross reference, simplification, uniformity of language, uniformity of style, and ease of amendment in our general and permanent laws. Simple language has been substituted for awkward and obsolete terminology and laws that have been superseded, executed, or made obsolete have been eliminated in order to enhance the availability and utility of our statutory law.

H.R. 1758 is part of a continuing program by the Office of the Law Revision Counsel, mandated by 2 U.S.C. 285, without which it would be considerably more difficult to interpret, apply, enforce and amend our laws. Commencing on July 25, 1868, precisely 125 years ago this week, the law revision counsel function was vested in an independent standing committee of the House, the Committee on the Revision of the Laws. This committee was responsible for preparing and publishing the United States Code. Under the Legislative Reorganization Act of 1946, the law revision function became a statutory office of the House Judiciary Committee at the beginning of the 80th Congress in 1947. Since 1975, when the 94th Congress began, it has been an independent office within the House of Representatives. As set forth in 2 U.S.C. 285(b)(1), one of its primary functions is:

> To prepare, and submit to the Committee on the Judiciary one title at a time, a complete compilation, restatement and revision of the general and permanent laws of the United States which conforms to the understood policy, intent, and purpose of the Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections both of substance and of form, separately stated, with a view to the enactment of each title as positive law.

The Office is charged by statute with maintaining impartiality as to issues of legislative policy to be determined by the House (2 U.S.C. §285a).

To date, Mr. Speaker, the Office of the Law Revision Counsel has completed the codification of approximately half of the titles in the United States Code.

As an updated restatement of general and permanent laws relating to transportation, H.R. 1758 was circulated for comment to the Departments of Transportation, Justice, and Labor, among others, as well as to other affected agencies, such as the Environmental Protection Agency, the Postal Service, and Amtrak. It was also forwarded to the House and Senate committees with subject matter jurisdiction and to interested private parties. These entities have either made suggestions to the Law Revision Counsel or have voiced no objections. In cases of conflict, the law revision counsel worked with them until agreement was reached on a text that avoided substantive change.

The law revision counsel, Mr. Edward F. Willett, Jr., has advised the Judiciary Committee that he is satisfied that H.R. 1758 is in fact an accurate restatement of existing law without substantive change. As stated in our committee report (Rept. 103–180, 103d Cong., 1st Sess., 4 (1993)):

> It is sometimes feared that mere changes in terminology and style will result in changes in substance or impair the precedent value of earlier judicial decisions and other interpretations. This fear might have some weight if this were the usual kind of amendatory legislation when it can be inferred that a change of language is intended to change substance. In a codification law, however, the courts uphold the contrary presumption: the law is intended to remain substantively unchanged.

This statement is followed by citations to some 16 authorities affirming this principle, ranging in time from *Stewart* v. *Kahn* (11 Wall. 493, 502 (1871)) to *Finley* v. *United States* (490 U.S. 545, (1989)).

Mr. Speaker, this bill was passed through the Judiciary Committee without opposition. I would conclude my remarks, therefore, by urging my colleagues in the House to support enactment of H.R. 1758.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 1758, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPEDITED EXCLUSION AND ALIEN SMUGGLING ENHANCED PENALTIES ACT OF 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–124)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the judiciary and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Expedited exclusion and Alien Smuggling Enhanced Penalties Act of 1993." This legislative proposal is designed to address the growing abuse of our legal immigration and political asylum systems by illegal aliens holding fraudulent documents and by alien smugglers. Also transmitted is a section-by-section analysis. The proposal is part of a larger Administration initiative that I announced on June 18, 1993, to combat the illegal entry and smuggling of aliens into the United States.

The use of fraudulent documents by aliens seeking to enter the United States has increased dramatically. This proposal would expedite the exclusion and return of certain undocumented and fraudulently documented aliens who clearly are ineligible for admission to the United States, while ensuring that persons who have legitimate asylum claims receive full and fair hearings. In addition, the bill would increase the ability of the Immigration and Naturalization Service (INS) to prosecute alien smugglers and enhance the penalties for alien smuggling.

The expedited exclusion procedures would apply to an alien who, for example: (1) attempted to use a fraudulent passport to enter the United States; (2) came to the United States by commercial airplane and did not present a visa upon arrival; or (3) was encountered by the Coast Guard on the high seas and brought to the United States. To apply for asylum, these aliens first would have to establish that they had a credible fear either of persecution in the country from which they had departed or of return to persecution. If an asylum officer determined that the alien had such a credible fear, the alien then could apply for asylum. If the alien did not have the requisite fear of persecution, the alien would be subject to an immediate order of exclusion barring him or her from entering the United States. The bill would limit judicial review of such an exclusion order.

Alien smuggling has become an increasingly pervasive problem, as seen in the current wave of Chinese aliens being brought to the shores of this country by unscrupulous criminal organizations. These organizations seek to profit both from transporting these aliens and from their labors once in this country. The number of alien smugglers arrested in the past 3 years has tripled, and the number of smugglers convicted has doubled.

Alien smuggling not only violates our criminal and immigration laws, but it also takes a terrible toll on the lives of the aliens illegally brought into this country. Many of these individuals transfer their entire life savings and pledge thousands of additional dollars to smugglers. These aliens are often placed in deplorable conditions amounting to indentured servitude until they can pay the debts incurred for their passage to America. Moreover, organized criminal syndicates are becoming more frequently associated with this highly profitable traffic in human cargo.

The bill's criminal provisions are vital to help apprehend offenders and deter future criminal activity in this area. Under this proposal, the maximum penalty imposed against certain smugglers would be increased from 5 to 10 years in prison for each individual smuggled. Since clandestine means of investigation are often needed to build cases against alien smuggling rings, the bill would authorize INS to conduct wiretaps for alien smuggling investigations.

Finally, the Racketeer Influenced and Corrupt Organizations statute would be amended so its penalty and forfeiture provisions could be used against alien smuggling organizations. The proposal also would expand the ability of law enforcement personnel to forfeit the proceeds of illegal alien smuggling, such as cash and bank accounts.

In addition to this bill, our efforts to combat alien smuggling include strengthening law enforcement efforts and attacking smuggling operations at the source. The Federal Government already has begun interdicting and redirecting smuggling ships, where feasible, in transit to the United States. INS is detaining aliens who enter the United States in conjunction with criminal smuggling activities. The Department of Justice, consistent with due process and existing laws, is expediting the adjudication of entry claims raised by migrants who are the victims of organized criminal smuggling schemes.

All of these actions, taken together, signal the United States abhorrence of the trafficking in human beings for profit and our determination to combat this illegal activity. At the same time, they reaffirm our Nation's commitment to safeguarding the protection of bona fide refugees.

I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 27, 1993.*

□ 1810

TRANSPOSITION OF SPECIAL ORDER TIME

Mrs. MEEK. Madam Speaker, I ask unanimous consent to transpose the time allotted to the gentlewoman from North Carolina [Mrs. CLAYTON] on the special order calendar with that of the gentleman from Washington [Mr. McDERMOTT], and I do this with the concurrence of my colleague, the gentleman from Washington.

The SPEAKER pro tempore (Ms. BROWN of Florida). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

TRIBUTE TO GEN. MATTHEW RIDGWAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. Madam Speaker, yesterday America lost one of its great heroes and the last of the great World War II leaders, Gen. Matthew Ridgway, who died at the age of 98.

It is a coincidence, Madam Speaker, that General Ridgway should pass away 1 day short of the 40th anniversary of the armistice that ended fighting in Korea, where General Ridgway served as Allied Commander.

I'll have more to say later about this outstanding soldier, because my main purpose today is to set the record straight about the Korean war.

Almost every history book tells us the Korean war ended in a draw.

It was not a draw, Madam Speaker. We won.

Perhaps because the fighting ended with an armistice—not an unconditional surrender—Korea has been known as the forgotten war, forgotten between the triumph of World War II and the frustration of Vietnam.

Only recently, historians and the general public alike have started taking a second look at the Korean war.

It's as if the free world suddenly woke up and recalled that Korea was where we made our stand. Korea was where we shattered the myth of Communist invincibility.

Beginning with our show of resolve in Korea, Madam Speaker, and finally with the peace-through-strength policies of Ronald Reagan, the Soviet Union was forced to concede that it could not expand its empire by aggression.

In fact, Madam Speaker, it could be said, with all fairness and accuracy, that the Berlin Wall began to crumble, not in 1989, but in 1950.

I've talked to veterans who fought in two wars, veterans who have gone through both Korea and jungle warfare. Most of them say Korea was the most brutal war in our history.

A lot of it was fought in 30-below-zero winters. Our haste to demobilize after World War II made a hollow shell of the Army. And so, 540 ill-trained and ill-equipped troops found themselves overwhelmed by the 90,000-man North Korean Army that poured across the 38th parallel on June 25, 1950.

The U.S.-led United Nations troops were nearly pushed off the peninsula. But the North Korean offensive was halted at the Pusan perimeter on September 10, and 5 days later the Marine assault at Inchon—history's last great amphibious landing—began the rollback of Communist aggressors.

Our Marines and soldiers pushed the enemy all the way back across the border, and all the way back to the Yalu River.

Pyongyang, North Korea was the only Communist capital ever liberated by the West.

But then the Communist Chinese entered the war, and drove Allied Forces back on a 275-mile withdrawal. The 1st Marine Division fought its way out of a trap at the Chosin Reservoir, writing one of the most glorious chapters in Marine Corps history.

It allowed American-led forces to rally a second time driving the Communists back across the 38th parallel. And while peace talks dragged on for 2 years, both sides slugged it out in fighting that recalled the trench warfare of World War I.

Much of the credit for the rollback should go to General Ridgway. He took over U.N. forces when they were reeling under the Communist assault, and restored morale that had been strained by heavy losses and bitter cold.

He was a front line soldier, Madam Speaker. And with a series of well-planned counter offensives, he pushed the Communists back.

That rollback was the sum of countless acts of incredible heroism. I would like to say a few words about one of them.

Capt. William E. Barber was the commander of Company F, 2nd Battalion, 7th Marines, First Marine Division. On November 28, 1950, Captain Barber and his battle-weary troops were assigned to defend a 3-mile mountain pass along the division's main supply line. Just after the Marines dug in along a frozen, snow-covered hillside, they were attacked by a Communist regiment.

After seven hours of bitter fighting the Marines were surrounded. Although ordered to fight his way back to a relieving force, Captain Barber asked to stand fast and risk his entire command rather than abandon his wounded and sever contact with 8,000 other Marines trapped at Yudam-Ni.

Although severely wounded, Captain Barber remained in personal control, moving up and down the lines in a stretcher to inspire his men and direct the defense.

Throughout 5 days and 6 nights of savage fighting in subzero weather, the marines pushed back wave after wave by a determined enemy.

When the company finally was relieved, only 82 of Captain Barber's 220 men were able to walk away from their positions.

This heroic stand accounted for approximately 1,000 enemy dead. Witnesses said that frozen enemy bodies were stacked nine deep in the snow around the embattled Marines.

More importantly, Captain Barber's action was a decisive factor in the successful withdrawal of the division from the Chosin Reservoir deathtrap. He was awarded the Congressional Medal of Honor.

This, Madam Speaker, is what heroes are made of.

Our involvement in the Korean war was symbolized by the brilliance and strategic leadership of Gen. Matthew Ridgway, and the battlefield valor of Capt. William Barber. Alongside these two heroes were hundreds of thousands of soldiers, sailors, airmen and marines, who suffered, sacrificed, fought, and in 54,000 cases, died to protect the freedoms we enjoy today.

And that is the point I would like to stress. Wars should be judged not by surrenders or by victories in set battles.

Wars should be judged on the basis of who imposes his will on whom. On that basis, we won, Madam Speaker, and the world knows it.

The North Koreans wanted to enslave the South, to unify the country under their harsh totalitarian rule. And we stopped them. It was the first time the tide of communism was turned.

It was proof that the free world had the will, not only to defend itself, but to advance the cause of freedom throughout the world.

It was the turning point in Asia. The war boosted Japan's recovery from World War II. South Korea was left free to transform itself into one of the Pacific rim's several great economic powers.

Through 10 Presidents, the United States has kept its commitment to preserve that freedom.

And we will continue to keep that commitment, because we must. North Korea has not abandoned its dream of conquest, and until it does, it will continue to face the will and resolve of free people.

Years after the armistice, we began to reap the harvest of what we sowed by marines at Chosin or the 23rd Infantry Regiment at Heartbreak Ridge. It was on those desolate, freezing hills so far away from home that the first hammer blows were made against the Berlin Wall and the Statues of Lenin and Stalin.

It was Korea that inspired the Contras of Nicaragua, the mountain fighters in Afghanistan, and the peasants of El Salvador to resist the Communists.

I would further argue that there is a connection between the sacrifices made on Pork Chop Hill and the blossoming democracies in Budapest, Prague, Warsaw, and other former Communist countries, besides Seoul itself.

Those newly liberated cities can take comfort from the progress of Seoul from those dangerous days more than 40 years ago. What a contrast between the two States North and South of the 38th parallel on the Korean Peninsula, the South boasting of a $200 billion gross national product while the socialist workers paradise of North Korea stagnates with a GNP less than one-tenth the size.

It was a lesson for the whole world to see. In the laboratory of Korea, free market principles proved superior to the unfeeling rigidity of Marxism.

But those gains were not made without sacrifices. And the people of South Korea have not forgotten the sacrifices our troops shared with them to preserve their freedom and secure their future prosperity.

When Edward Reeves, a quadruple-amputee from wounds suffered at Chosin returned to Korea for the 1988 Olympics, people would come out on the street to thank this American in a wheel chair.

"If I had to do it all over again," Reeves said, "Yes, I would."

That, Madam Speaker, is the voice of America's Korean war veterans.

And I would hope that all future history books reflect the truth of the Korean war, that it was a great victory, the first victory in the ultimate defeat of communism.

□ 1820

Mr. Speaker, I yield to the distinguished ranking Republican on the Committee on Foreign Affairs, the gentleman from New York [Mr. GILMAN], who has been so active in veteran affairs for his entire political career.

Mr. GILMAN. Mr. Speaker, I am pleased to rise during this special order in honor of the Korean war memorial and I commend the gentleman from New York [Mr. SOLOMON] for presenting this special order. As we remember the courageous, dedicated service of those who fought during the Korean war let us remember the 54,246 Americans who were killed in action.

In the early 1950's our Nation faced a menacing enemy. However, with the brave service and support of our Nation's servicemen and women, the United States conquered tyranny and oppression. Today we pay tribute to those heroes, and remember the ideals, the principles, and the dreams that they fought for.

I am proud that recently in my congressional district we dedicated a permanent memorial to the 52 fallen heroes of that conflict from Rockland County, NY. It is an impressive memorial, fitting for the soldiers who unselfishly gave so much for freedom. I am also pleased that our Nation's Capitol will soon be the home to the national monument dedicated to those who served in the Korean war. Construction is underway for the Korean War Veterans Memorial, which is scheduled to be completed in July 1995. I am pleased that plans are underway to include the names and biographies of the fallen heroes in an interactive computer network program that will be accessible to all who visit the monument.

As we join this evening to honor the Korean veterans, let us bear in mind that history demonstrates that the ideals that we fought for, during the Korean war, were not in vain. However, as democracy continues to flourish throughout the world, let us also bear in mind that there are 8,177 soldiers who fought in Korea and who are still listed as missing in action.

I thank Mr. SOLOMON for giving us this opportunity to pay tribute to the valiant service of our brave Korean war veterans who fought back against the oppression of the Communist North.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for his remarks.

Mr. Speaker, earlier today in the Committee on Rules we had a discussion about the necessity for maintaining a strong intelligence network throughout the world. I would simply point out that although communism has been stopped in Eastern and Central Europe, the fact is that one-quarter of the world's population is still enslaved under the deadly, atheistic philosophy of communism. There are still those that would take away our freedoms. Because of that, it is absolutely imperative that we maintain a strong national defense that is capable of standing up to this threat to the American freedoms that we love and cherish so much.

Mr. Speaker, certainly those 54,000 men and women who gave their lives during that Korean war 40 years ago deserve so much of the credit for what has happened throughout this world. Because without their sacrifices, certainly we would not be a free Nation today, and democracy would not be breaking out all over the world. So we take our hats off to those who did give the ultimate sacrifice, to all of those young men and women who back in the early 1950's sacrificed themselves for this great country of ours.

JOBS AND THE CLINTON ECONOMIC PLAN

The SPEAKER pro tempore (Mr. KLEIN). Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 60 minutes.

Ms. DELAURO. Mr. Speaker, we are here tonight to talk about jobs. About how many hundreds of thousands disappeared during the last 4 years of the Bush administration. About how the Republicans have repeatedly refused to support President Clinton's plans to create new jobs. And about how the economy, spurred by the President's economic plan, will create more than 8 million new jobs over the next 4 years.

That's 8 million real jobs. Jobs that three major economic forecasters—Data Resources, L.H. Meyer, and Wharton Econometrics—predicted would be created over the next 4 years.

□ 1830

Nearly 40,000 of those jobs will be created in my State of Connecticut, and that is not a moment too soon. In Connecticut, where we have lost nearly 180,000 jobs in the past 4 years, jobs are the No. 1 issue. Jobs are the No. 1 issue for the increasing numbers of unemployed who are used to working, who have always worked hard and who have played by the rules. But now they have lost their jobs, because my State and this country were racked by a recession from which Connecticut has not yet recovered.

Mr. Speaker, every month I go over to the unemployment line in my district, to the unemployment office, and I look there. And I talk to people who are on that line, sometimes 200, 250 people who want to work.

Jobs are also the No. 1 issue for Connecticut economists, who say that job growth may be the most important part of any economic recovery in the State. Without jobs, people don't earn a decent wage, and consumer spending—necessary for any increased economic activity—is absent.

And jobs have been conspicuous in their absence from the economic recovery presided over by President Bush.

The chart to my right shows that this recovery has been a jobless one. The bottom line shows what has happened in the Bush recovery. Virtually no growth in employment during the 22 months since the recession has ended.

The people in my district want to know, what is a recovery without jobs?

We cannot afford to sit back any longer. We have to act. To back a plan that creates growth and creates jobs. For 4 long years we suffered under the worst private sector job growth at any time since Herbert Hoover's administration. During his term in office, President Bush managed to create only 20,000 jobs a month or 1 million jobs overall. And despite the fact that the Republicans continue to fight any attempt at job creation, we owe it to the working men and women of this country to restore their faith, to spur economic growth and to create new jobs.

That is what President Clinton's economic plan is all about. For the first time in over a decade a President has offered a serious plan that will cut Government spending, cut the deficit, restore faith in this country's economy and, as a result, spur the investment that will create millions of new jobs.

As you can see by this chart, simply the idea that there was a plan to reduce the deficit and exercise a firm hand over the economy caused a sharp drop in long term interest rates and earned the President the praise of economists and Nobel laureates Robert Solow and James Tobin.

Members can see the decline in the interest rates. This is the date of the President's State of the Union address in February, and it is a continuous decline through July. And in recent testimony on Capitol Hill, Federal Reserve Chairman Alan Greenspan said that passage of serious deficit reduction was critical to the country's economic future.

The Washington Post recently reported that Chairman Greenspan "urged Congress to pass a $500 billion deficit reduction package" and told Members that "financial markets and the economy would suffer if the legislators fail to act on cutting the deficit."

"I think we have run out of time," Greenspan told the House Banking Committee. "If we don't come to grips with this issue now, we'll always find the means not to do it."

This is not just Washington wisdom. Back home in Connecticut, the head of the Connecticut Business and Industry Association, Mike Serpe, told me: "passing this budget plan is a positive and strong action that will send the right signal to business and banking * * * to give them the confidence they need to invest in creating jobs again."

Greenspan also said that if we show courage now, it will pay dividends in the long run, and I quote:

> A credible and effective fiscal package would promise an improved outlook for sustained lower long-term interest rates, and a better environment for private sector investment. All told, the productive capacity of the economy will doubtless be higher and its resilience greater.

Translated, that means jobs. First, as Chairman Greenspan pointed out, credible deficit reduction leads to lower long-term interest rates. After the President first presented his plan interest rates have continued to drop. They are now at their lowest level in 16 years—6.6 percent. That is the lowest since 1977.

Low interest rates are a powerful force for jobs. They make buying a home attractive and affordable. For example, if you make about $40,000 a year and refinance a $100,000 mortgage down from 10 to 7.5 percent, you will save $175 a month.

Mortgage rates are now at a 22-year low and now hover around 7 percent for a 30-year fixed mortgage. That compares to 8.1 percent a year ago. and when people buy homes, construction jobs are created.

According to Hoyt Suppes, head of the Connecticut Realtors Association,

> lower interest rates translate directly into new home building and new jobs. These rates make homes affordable to more families. This spurs both the resale market and new home construction.

That means construction jobs, jobs for building materials manufacturers, jobs for building home appliances and furniture.

Lower interest rates also make it easier to buy new cars—creating jobs for automakers and auto parts manufacturers. And lower interest rates make investment more attractive for businesses, again creating new jobs.

Second, reducing the deficit by $500 billion frees up that $500 billion for private investment. That money, which would otherwise be borrowed by the Government, can now be used by the private sector to create jobs. As economists Tobin and Solow pointed out, the President's deficit reduction plan would result in

> a 40 percent increase in spending on capital equipment, financed by private saving that would otherwise be absorbed by Government securities.

Again, greater investment by businesses mean more jobs for American workers.

Finally, the President's plan contains incentives for small business that encourage them to expand, to invest and to create jobs. As the main engine of job growth in our economy, help for small businesses is a critical element of economic growth.

A number of my colleagues who are here tonight are going to speak again on this issue and spoke last week about small business and the Clinton economic plan. We now have help on the horizon for small businesses.

President Clinton's plan would cut the capital gains rate for small business investment, increases expensing provisions, and provides health deductions for the self-employed. It fosters economic growth, technological development, and international competitiveness by permanently extending the research and experimentation tax credit. And it includes an extension of the ability of State and local governments to issue tax-exempt bonds for small businesses.

These key incentives, combined with lower borrowing costs mentioned earlier and the fact that 96 percent of small businesses which file individual returns are exempt from the increase in individual income tax rates, make this plan an important factor in the ability of small business to help create new jobs.

Ninety percent of small businesses are going to be eligible for a tax cut. It is an incredible statistic and one that we should focus our attention on.

The President has shown his commitment to creating jobs, both in his budget, and in the initiatives that are part of his entire economic plan. He has pushed for job training to provide workers the skills they need for the high-technology jobs of the future. He has called for aid to dislocated workers to help working men and women get new and better jobs.

The President clearly understands the problems we face in Connecticut, and he has offered a plan that has real potential for answering some of the grave problems we face.

The plan provides $246 million for Connecticut in worker training and higher education. It invests $162 million in my State for our schools and children. There is a critical $155 million for building and rebuilding our highways, mass transit and environmental infrastructure.

□ 1840

It contains $372 million in tax incentives to spur businesses. It has $150 million for the earned income tax credits to help the working poor and welfare. There are others tonight that are going to talk about the earned income tax credit.

It puts forward a massive defense conversion plan that is going to aid defense workers, like the thousands in my State of Connecticut who have already lost their jobs to a shrinking defense budget and to a changing world.

Mr. Speaker, it is clear that the President's economic plan is vital to the creation of jobs for millions of Americans. We owe it to those who have sent us here to pass it into law. We cannot back away from our obligation as leaders. We cannot let this country be controlled by gridlock and drift as it has been for the last 12 years.

Mike Serpe, who I mentioned earlier, put it well. He pointed out that "a big problem is the negative drum beat by people who oppose the plan."

Mr. Speaker, let those who oppose it explain their stand to the failing small business man or woman, the unemployed worker, the would-be homeowner. Let them argue for continued high deficits. And, above all, let them offer evidence that they have had the courage in the past to provide the same leadership for the economy as the President has now.

The choice, Mr. Speaker, is between gridlock and continued economic stagnation on the one hand and action and economic growth. It is time to get past the rhetoric and partisan bickering and focus on the reality. Over the past 4 years, this country created precious few jobs. In my State, we lost jobs and people are leaving to be able to care for their families. Those who preach gridlock today are standing on 4 years of near zero job growth. They must answer to the American people, if the best they can say is, "do nothing."

Gridlock and no economic growth is just not an acceptable alternative—not for me and not for the rest of my colleagues here tonight. Some people say gridlock is okay. In my district some people are working on their own, asking us to do something about unemployment.

Let me show the Members this. I was given this on Saturday at my office. People in my district are going to march on August 1, "March with us to support the unemployed, join the American march for jobs."

That is what is at issue in this country today, jobs. Some on the other side of the aisle would have us just continue as before, more of the same.

Mr. Speaker, I urge everyone in this House to rise to the challenge, to assume responsibility, and to play a part in breaking gridlock. Help us change the direction of the economy. Help us to create jobs. That is why people sent us to Washington. They sent us here to be able to get the job done.

Mr. Speaker, I yield to my colleague, the gentlewoman from California [Ms. PELOSI]. I want to thank her for being here tonight, as she was last week.

Ms. PELOSI. Mr. Speaker, I thank our colleague for yielding to me.

Mr. Speaker, I rise today in strong support of the President's plan for deficit reduction, economic growth, and most importantly, the creation of jobs.

As we all know, during the past 12 years the deficit grew from under $1 trillion to almost $4 trillion, productivity lagged, real wages declined, and the average American paid the bill. On a brighter note, we have an opportunity to put America on track toward a better future by passing President Clinton's economic plan, which will:

Reduce the deficit by $500 billion, with $250 billion in net spending cuts and $250 billion in tax increases.

Restore equity to our tax system; 70 percent of the tax increases fall on those with incomes over $200,000.

Create a stable economic platform for private sector growth by increasing investments in our people.

Since January of this year, jobs in the private sector are being created at a rate of over 140,000 per month and independent analysts have found that if the President's plan is enacted, the economy will create 8.3 million jobs over the next 4 years.

The President's plan will accomplish this first by reducing the deficit by an historic $500 billion. This significant reduction in the deficit will lead to lower interest rates. In fact, expectations of real deficit reduction have already brought long-term interest rates to a 16-year low. When interest rates are low, businesses invest, businesses grow and businesses create jobs because there is more capital available. At the recent G–7 summit, the President confirmed his claim that serious deficit reduction would lead to renewed respect internationally which will open markets and increase demand for the products that Americans produce. If we control our budget deficit, to quote Federal Reserve Chairman Alan Greenspan, "the United States economy should eventually emerge healthier and more vibrant than in decades."

The growth that I speak of is long term and will provide our Nation with the stable economic platform needed to support the job creation which will determine the course of our future as a nation. The plan provides 200 specific program cuts, eliminating enough fiscal deadwood to allow for increased investment in education, technology, children, worker training, defense conversion and people. Full funding for Head Start, WIC, national service and dislocated worker initiatives represent investments with high returns for our future.

The majority of new jobs in the last few years have been created by small businesses. The Clinton plan will support this growth and job creation by targeting incentives for growth and expansion. Over 90 percent of small businesses will see unprecedented incentives for job creation and sustained growth. This is achieved through lower interest rates, an increased expansion provision, a targeted capital gains cut and an easing of the credit crunch.

The so-called recovery we have been in during the last 2 years has been a jobless one because there has been inadequate encouragement for businesses to invest and hire. In my State of California, we have been unable to see even mild signs of recovery from the recession. The Clinton plan will create over 1.9 million jobs in California alone before the end of 1996. If the plan passes, in the next 4 years California will receive: $2.3 billion in tax incentives for business investment; $2.6 billion for worker training and higher education; $1.8 billion to invest in children and schools; and $1.2 billion earmarked for defense conversion.

These types of investments will lead to the growth that is desperately needed.

California is home to high-technology companies whose products are innovative and on the cutting edge of technology. These companies need an environment in which they are encouraged to expand and change with the times, not an economy handcuffed by policies which ignore the changing profile of the region and the realities of a stalled recovery. The President has unveiled a plan for defense conversion which will expedite the transfer of closed military bases for reuse by the local communities. Federal assistance will emphasize the use of the closed facilities for economic development purposes so that the communities who contributed to the strength of the U.S. military will benefit from the current downsizing. The President has also identified the need to ensure that the technological and scientific know-how that once went into winning the cold war will now be directed toward creating civilian jobs.

As investment increases, the labor force will grow at a healthy pace. More private investment leads to higher wages and pulls more Americans into the workforce. Additional investments in schools, infrastructure, housing and health research will provide the necessary foundation for this growth to continue during the years to come. I urge my colleagues to join me in support of the President's plan for responsible investment, long-term growth and the creation of jobs.

A little later this evening, our colleague, the gentlewoman from North Carolina [Mrs. CLAYTON], has called a special order on children, and everything that has been said about the President's economic plan and investing in people supports what the gentlewoman from North Carolina [Mrs. CLAYTON] and our other colleagues will be presenting there.

I would like to add my support to their special order by encouraging the Congress of the United States to support the enactment of the empowerment zones; funding for the immunization program for children, so all children in our country have the opportunity to be immunized; funding of the Mickey Leland hunger legislation, so we can eliminate the shame of hungry children in our country; the Family Preservation Act, that would not take very much money and it would go a long way in investing in children in our country, and the earned income tax credit.

In the campaign, Mr. Speaker, the President said that no families with children who work should live in poverty. With this proposal that he is putting forward and with the earned income tax credit investment in the President's plan, he will honor that pledge.

He also said in the campaign that not only should our full economic recovery allow for the full participation of every American, he said, "We could not succeed without the fullest participation of every American." It is important for us, therefore, to invest in people and in their health and well-being, to define the strengths of our country not only by our military might, but by the health, education, and well-being of our people, and in doing so, in passing the Clinton plan, we will join the President in putting people first.

□ 1850

Ms. DELAURO. I want to thank my colleague from California because in fact we do share the same difficulties in terms of the downsizing of the defense industry, and we know what that means to people in our communities. My colleague is an outstanding Member of this body, and also an outstanding member of the Appropriations Committee, and I thank her for being here tonight.

Ms. PELOSI. I thank the gentlewoman for calling this special order and for her leadership.

Ms. DELAURO. I yield to my colleague, the gentleman from Florida [Mr. BACCHUS], who will talk about his community, again which is in serious need of job creation.

Mr. BACCHUS. Mr. Speaker, I want to begin too by commending the gentlewoman from Connecticut for organizing this special order. This gives us an opportunity to point out how President Clinton's economic plan will create jobs for the American people.

There has been much misinformation about this plan, especially about its impact on small businesses. So I am pleased we have this chance to set the record straight.

The President's plan is not perfect. Like many of my colleagues, I would like to see more deficit reduction, more spending cuts, and more incentives for business, such as a generous investment tax credit and deeper and broader cuts in the capital gains tax. In truth, I believe that President Clinton would like to see those additional changes as well.

But the President's plan, as it stands, is a real beginning toward real deficit reduction, and a real start on the new direction that President Clinton, and I believe America desperately needs.

This plan is far better than the status quo, and far better than any other budget proposal that has been made. In particular, this plan is good for business. It is good for all business. It is especially good for small business, and it will create jobs.

High real interest rates are by far the biggest obstacle to business investment and job creation. There is no surer sign of the merit of the President's plan than the fact that in anticipation of the passage of this plan long-term interest rates already have fallen to their lowest level in 20 years.

This plan will reduce the annual Federal budget deficit. The annual deficit will be cut in half. The amount of the gross national product going toward paying for the deficit will be cut in half as well. And as the deficit falls, interest rates and the cost of capital will continue to fall as well, and real jobs and real growth will result.

There is much more in the President's plan that will also help create jobs. The plan will at least double the current dollars, $10,000 a small business can deduct in full each year for new equipment. The expensing provision will inspire capital investments by growing businesses, and will provide a substantial sales boost to machine tool and other equipment manufacturers.

The plan provides a targeted capital gains exclusion for investors in qualified small- and medium-sized businesses who hold their stock for at least 5 years. This will provide much needed venture capital, and moreover, much needed patient capital for promising enterprises.

These two provisions have been endorsed by the National Federation of Independent Businesses. These two provisions of the plan alone would create 200,000 jobs in small businesses over the next 5 years, according to two independent studies released last week by the Joint Economic Committee and the National Venture Capital Association.

The plan also makes permanent the 20 percent tax credit for new expenditures on research and experimentation, the R&D tax credit. this step will stimulate growth of many of the high-technology firms that are so important to the future of my district in central Florida and to the future of all America.

The real estate industry has led our country out of every recession since World War II, yet real estate construction remains in the doldrums in Florida and across this land. The House bill is full of needed incentives for real estate, passive loss relief, permanent extension of low-income housing tax credit, permanent extension of the mortgage revenue bond program, provisions to facilitate pension fund investment in real estate and debt restructuring, giving taxpayers a greater opportunity to work out loans and avoid bankruptcy, all steps needed to rekindle construction and other job growth relating to real estate. The unemployment rate in the construction industry in my district alone is 30 percent.

The plan makes permanent the targeted jobs tax credit to help many businesses move hard-to-place workers from the welfare rolls to the jobs rolls. Likewise, making permanent the exclusion for employer-provided educational assistance will help many businesses continue to help their workers learn the new skills that are needed to compete in the new world.

No wonder this plan has the support of so many business groups, organizations such as the National Association of Home Builders, the National Association of Realtors, the National Marine Manufacturers Association, the International Council of Shopping Centers, and many others. They know this plan is good for business, and that it will help create jobs.

In closing, Mr. Speaker, I want to address the myth that the President's plan will hurt small business by raising their taxes. I received a letter this morning from a gentleman who owns a transmission shop in Merritt Island, my hometown. He is against the plan. He is afraid that it will put him out of a job, and he is afraid that it will bankrupt his company.

He will profit from this plan. In truth, only 4 percent of all business owners that file individual returns, those taking home less than $180,000 a year, will pay more than they pay now. And all small business owners will receive, or will be eligible for many of the tax benefits, the tax cuts and the tax incentives that I have described, including increased expensing, the targeted capital gains cut, and the extension of the 25 percent deduction of health insurance premiums for the self-employed.

The bottom line is that the average business owner affected by the higher income tax rates in the President's plan makes $560,000 a year. Nearly half of all of the income of these taxpayers goes to people who make more than $1 million a year. And that does not, I am afraid, include my friend who owns the transmission shop on Merritt Island.

In summary, while only 4 percent of the small businesses will pay higher taxes, more than 90 percent will receive or will be eligible for a tax cut. No wonder eight small business groups endorsed the plan recently, including the National Small Business United, and the National Association for the Self-Employed.

In conclusion, Mr. Speaker, I want to say this: I am pro-business. That is why I am for this plan. The President's plan is pro-business. Passage of the President's plan will help businesses and will create jobs in my district and throughout America.

Ms. DELAURO. I want to thank my colleague from Florida, particularly for debunking the myth that this plan is going to hurt small businesses. And in fact, I would like to repeat a statistic that I mentioned before, which is that 90 percent of the small businesses are going to be eligible for a tax cut, and that is through expensing or through the 25 percent health deduction for the self-employed, or through targeted capital gains. And that is the message that we have to try to get out. And I thank the gentleman for doing that. I know how hard hit his community is. I was interested in his construction numbers. In my State as well we have about 35 or 40 percent of our construction workers who are out of work. That is why it is imperative for us to proceed forward and to pass this plan.

Mr. Speaker, I yield now to my colleague, the gentleman from Rhode Island [Mr. REED], who shares the plight of the Northeast and New England which has been so hard hit by the recession, and is really looking at unemployment in a recession that is probably the worst since the Great Depression.

Mr. REED. Mr. Speaker, I want to thank the gentlewoman from Connecticut for yielding the time, and also commend her for her organization of this special order focusing on very critical aspects of the President's plan.

Like her, in Rhode Island I see the same phenomenon, people losing their jobs at record rates, people losing hope at record rates, because without action by the Government there just does not seem to be any chance of pulling our region or our Nation out of the terrible doldrum of unemployment recession, and worse.

I rise also to, of course, support the President's plan to reduce the deficit and to reinvest in our economy, and most particularly to reinvest in jobs for our citizens. The version of the President's plan that the House passed included many incentives which have been discussed tonight. I would like to mention a few of them.

First of all, the low interest rates which have been generated by this plan have already resulted in the creation of 800,000 jobs. That is a result of the President's bold action to tackle this deficit issue head on, to declare and set as a target $500 billion of deficit reduction over the next 5 years. That has stimulated the markets. That has lowered the investment rate and interest rates to historic lows, and that is creating jobs. But that alone will not sustain job expansion and growth which is necessary of this country.

□ 1900

The President is also suggesting many other initiatives which are very, very important, doubling the small-business expensing options so that small businesses can go out and acquire and invest in equipment, and essentially deduct those costs from their tax liability.

Also, new preferential treatment for small-business capital gains so that we can induce investment in small businesses to expand job opportunities.

Tax-exempt financing for small businesses so once again we can allow them access to capital so that they can increase their employment, create new opportunities for work.

Research and experimentation tax credits so that we can look at new products, new processes, new techniques to put Americans to work.

In the area of the real estate industry, restoration of the passive loan loss treatment which is so critical to the Northeast since so much of our economy depends on an active, viable, and vibrant real estate industry.

These incentives are also very reasonable and responsible because they are paid for. We have listened over the last few days to a barrage of complaints about paying for Government programs. Well, these programs will be paid for, paid for by a dollar of cuts in existing programs together with a dollar of revenue increases, which will allow us to reinvest in our people and, most importantly, in jobs for our people.

Now, I think it is important to consider what happens if the President's plan does not pass this House and the other body. What it means is that once again we continue with a very dispiriting and indeed depressing status quo. For those people who oppose this plan, they in effect endorse the status quo. What does that mean?

It means the continued deterioration of our standard of living, which is manifested most personally and dramatically in the continuing loss of jobs for American citizens. This is not merely a cyclical phenomenon of the market which will be cured simply by waiting. President Bush hoped that that was the course, but it was not.

This is a result of profound structural changes in our economy. We have seen many of these changes. One immediate one is the decrease in defense production which is causing, particularly in our region, in the Northeast, Connecticut and Rhode Island, increased pressures on jobs, the good jobs that we have.

But there are other phenomena:

Technology, which moves at a rapid pace; international competition, which has forced our companies to compete against other places in the world that do not have our standards of environmental quality and worker protections and the host of other things that make the competition much more severe today.

Now, as you look at the private markets' response to these phenomena, they employ a very clear business logic, a logic which I think we would probably use if we were running small or large businesses. In the face of this increased competition, demonstrating lower cost production in many cases because of new technologies or because of low-wage production offshore, they are laying off people to continue to maximize and maintain their profits. Indeed it is alarming that they are not in and of themselves investing in new technology, in many cases, or investing in worker training or doing those things that will maintain employment. Rather, they are reacting to the short-run, bottom-line demands of business "make a profit, make it bigger, keep the shareholders happy."

Well, if that individual logic for the small firm makes sense in that particular case, it does not make a lot of sense collectively, because as more firms reduce their employment levels, put more people out on the street, that effectively lowers the number of people who have disposable income to consume, to buy, decreasing demand, putting further pressure on firms across this country to send more people out on layoffs, many never to be called back.

All of this phenomenon increases the real fear that people have and inhibits their ability to buy, to consume. To once again be full partners in our economy.

Nowhere is this more evident than up in the Northeast, in Rhode Island and Connecticut. When you talk to people, they may have a job, but unlike 5 or 10 years ago, they just do not know how long they will be able to keep it. As a result of this phenomenon, there is a very perverse national phenomenon of decreasing employment. The market itself will not fix this problem. We have to act decisively to give the incentives, to act as a catalyst to get our people back to work.

If you look at national statistics, all of this is borne out; wages are falling as a percentage of national income; corporate profits are increasing. As more people are let go in order to maintain profits, fewer people can buy.

So, it is a vicious circle, which we can break, which we must break, and that is by supporting the President's plan, by targeting those investment provisions so that we put people back to work.

Again, I think in the longrun the key challenge of this Government is to control the deficit and at the same time to put our people back to work. The President has outlined a bold, responsible, and decisive plan to do that; we must support him, not for ourselves or for our party, but for the thousands and thousands of Americans who ask us simply, "Give me a chance to work."

Ms. DELAURO. I thank the gentleman from Rhode Island. He mentioned a word in his comments that really struck a chord with me, and that is fear. You look at people as I do when they come in to see me in the shopping centers back home every Saturday, every Saturday morning. The lines are long, and people stand there, and you look into their eyes and you see fear. Places where families, two people in each family are working, mothers and fathers working, working hard for that automobile or to send their kids to school, or for that home. Now, one and potentially two are out of work or they are scared to death they are going to lose their job. That is what is so striking. And that is why we do not have any time left, we have to pass this package so we can begin to let people know those of us who sit in this body care about what their lives are about, and understand what their lives are about, and understand the fear which is so real to them.

I thank the gentleman so much for participating.

Mr. Speaker, I yield now to the honorable gentleman from Maryland [Mr. HOYER], chairman of the Subcommittee on Treasury, Postal Service and General Government of the Committee on Appropriations.

Mr. HOYER. I thank the gentlewoman from Connecticut for yielding to me.

I congratulate her not just for taking this special order, not just for articulating the concerns of her constituents, which we find in common throughout this country.

Fear is the proper word; apprehension, concern, hopes and aspirations for their families and for their children. The gentlewoman has articulated that very well. The gentleman from Rhode Island [Mr. REED] also has spoken well to the challenge that we have in this body to show the courage to look tough decisions in the eye and to make those tough decisions so that we can allay those fears and make the future better.

I have asked that a chart be put up that I think the gentlewoman has already shown, which shows that interest rates on Treasury bonds have gone consistently down.

I think those interest rates are a very telling arbiter for the substance of the President's plan. Now, they are not politicians setting those interest rates; they are not people who want to put good spins on policy; they are not public relations people. They are very tough-minded business people who are putting at risk their capital and they are charging people for it. They make a judgment on what they need to charge people for it, as to what they think the future is going to be.

On election day we had pretty high interest rates, historically high in some respects, as we had during the 1980's. They had been coming down because of the economic depression in which we found ourselves. But the fact is they continued to come down, and continued to come down after the President offered his plan.

Now, what we have seen during the 1980's, very frankly, is a lot of people say "no" to tough decisions. President Reagan offered his budget plan to the Congress, and the overwhelming majority of his party said "no" to his economic plan; forget about a plan that might have been put forward by the other party, by us, the Democrats. They said "no."

In fact, when President Bush put forward his plans, the best he ever got was approximately 55 percent of his own party voting for his plans.

We have not been able as a country to face very, very tough decisions. This President has done so. The gentlewoman has talked about some of the incidences that will impact favorably on small business; that is, parts of this plan. It is critical that we impact favorably on small businesses because they are the ones who are going to create jobs. We know the Fortune 500 companies are losing jobs over the last 10 years. It is the small businesses of America and the medium-size businesses of America that have given opportunity to people to participate in a positive economic sense in supporting themselves, their families and giving dignity to their lives and security to their children.

□ 1910

I am very concerned about the deficit that confronts this Nation. It is an irresponsible deficit.

As President Clinton said in his State of the Union, "The time for blame is over."

The American public knows that we have perhaps all been to blame, Republicans, Democrats, Independents, people in Government, out of Government, in the private sector, in every sector.

We have not confronted the reality of paying for what we buy.

This President has said we are going to cut the deficit and we are going to invest in our future. We are going to cut spending in the process. That is a program that makes sense.

Not only has he proposed I think an excellent economic program for which I am going to vote next week, because I think it would be irresponsible to my 6-year-old grandchild not to vote for that program, to leave Judy, my 6-year-old grandchild, with a debt incurred by this generation not for capital expenditures that she might be able to use, an aircraft carrier, a building, a road or a bridge, but today's spending, salaries and things we consume today that she will not be able to use 20 years from now.

It is one thing for me to buy a capital project for her. She can use that, but once we spend today's money, it is gone. If we create debt upon debt, from $945 billion in 1980 to over $4 trillion today, she and her generation will have no money to spend. They will simply be paying the interest on our debts.

So I congratulate the President. I congratulate the gentlewoman for support of this program.

Let me talk about one final aspect. Legislation alone is not enough, nor is this bill enough. This bill will not be the final step. We have enacted a very tough budget in record time which says we are going to freeze spending at 1993 levels.

Now, that is going to constrain a lot of things we would like to do, but it is appropriate to do so because we need to bring down that deficit.

But another thing that has been a real problem for the growth of our economy has been the credit crunch. President Clinton has spoken to the credit crunch. He, early on, when he became President, said to regulators and to lending institutions, "I want to solve this problem. I want to do business a different way. I want to tell regulators to understand that banks need to take risks."

It is not a risk-free economy. If nobody takes risks, there will be no growth, there will be no new jobs, there will be no great successes. Risk is inherent in the free enterprise system which all of us support.

As a result of the 1980's, an overly aggressive lending policy, a really hyper economy, banks made some bad decisions. They got overextended, so they have now pulled in their horns.

We also had an S&L crisis which occurred in many respects because we underregulated. We underrefered, if you will, in the system.

The President said, well, if we just get out of the way, everything will be fine.

Well, just like when the Redskins play Dallas, the referee just cannot get out of the way because they will elbow one another pretty hard and they will not play perhaps exactly by the rules and somebody will get hurt. That is what happened in the S&L crisis. We pretended that we did not need a referee and we got out of the way. Things went very badly wrong. Some people stole. In a majority of ways, just bad loans were made in real estate that could not sustain the loans and they went bad.

The President has dealt with this credit crunch. I think that is an important observation for us to make. He is committed to ending this crunch that has waged an aggressive assault, by implementing more than 10 regulatory initiatives. We know we need regulatory reform. We hear it from the State of Connecticut. Too many mandates, you constrain us too much. You require too much and do not pay for it. You hear that from medium and large businesses. You certainly hear it from the small business person.

AL GORE in reinventing government wants to look at the impact and give small business some room and make government agencies operate more efficiently.

Mr. Speaker, I do not want to take more time, but I will put some remarks in the RECORD in the "Extensions".

But I want to say, I think the gentlewoman's leadership, along with others, but her tenacity and concern for the people of Connecticut who are facing high unemployment, lack of opportunity, fear for the children, fear for their health care, fear for educational opportunities for their kids, and fear for keeping their homes and being able to pay their mortgage payments, and keep that car running, much less buy a new car, just repair it, keep it going.

I want to congratulate the gentlewoman.

I hope that our colleagues on both sides of the aisle will consider this vote next week on this reconciliation bill, which is about a better America, a successful America, an America that has the courage and toughness to face its problems head on and say, "We can and we will solve them," not by a no vote, not by pretending that there is some magic bullet out there. There is none, only tough choices and we need to make those tough choices next week.

I look forward to joining the gentlewoman from Connecticut in making those though choices and explaining to the American public why that vote for all of us and for all our children and for America's economic well-being in the century ahead.

For the past few years, small business owners and the home builders in my district have told me about the credit crunch which has severely restricted the flow of credit in their communities. Sound borrowers have been unable to obtain new bank loans or roll over existing bank loans.

As a result of banks' aggressive lending policies during the lax 1980's, general trends in the economy, and the attractiveness of other types of investments, banks tightened their lending practices. In addition, overzealous regulators have been blamed for the stringent implementation of new supervisory policies, and examination practices, and the increase in regulation mandated by the Financial Institutions Reform, Recovery, and Enforcement Act and the Federal Deposit Insurance Corporation Improvement Act. These all have been contributing factors to the reduced availability of credit.

The credit crunch has been devastating business growth in our country and some believe it was a primary cause of the recession that began in July 1990.

President Clinton is committed to ending the credit crunch and has waged an aggressive assault by implementing more than 10 regulatory initiatives designed to increase lending to small and medium-sized businesses. These initiatives have cut unnecessary paperwork and regulations, increased bankers' ability to make character loans, and created an ombudsman so that regulatory mistakes get corrected. The end result is more business loans at lower interest rates which frees up capital for business to invest and grow.

The program removes regulatory barriers to lending, such as unnecessary costly real estate appraisal requirements and mortgage loan discrimination. In a short period of time, Federal bank and thrift regulators have revised a number of the regulations and examiner procedures that have constricted credit.

Now that many of the impediments to lending have been removed, the administration is committed to ensuring that the examination staffs of the bank and thrift regulatory agencies carry out the program. As the economy moves out of the recession, the examiners must cease their overly cautious approach to risk-taking. Instead, they must permit depository institutions to engage in prudent risk-taking.

The President's efforts are not complete. The administration will continue to search for and eliminate any additional barriers to lending. in addition, attention will be given to regulatory burdens that have not impeded lending directly, but have unnecessarily raised the cost of lending, such as excessive documentation. In addition, attention is now being focused on regulatory burdens that have not impeded lending directly, but have unnecessarily raised the cost of lending, such as excessive documentation. Some may require legislative changes so regulatory relief bills introduced in Congress are being evaluated.

Reducing the deficit and ending the credit crunch will create jobs.

During the last 12 years, the annual deficit quadrupled from $74 billion to nearly $300 billion. The debt quadrupled from $1 to $4 trillion. If we do not make some tough decisions about the way that we spend money, the deficit will continue to grow past $600 billion in 10 years; $500 billion in deficit reduction is the largest deficit reduction package ever proposed by a President.

Deficit reduction brings lower interest rates. After the announcement of the Clinton-Gore budget, long-term interest rates dropped to its lowest levels in 20 years; 813,000 new jobs have been added to the economy in the first 5 months of the Clinton administration—90 percent in the private sector.

With the lower interest rates and increased building, construction jobs have increased. The construction sector, which lost 721,000 jobs during President Bush's term of office, has gained over 112,000 jobs so far during the first 5 months of President Clinton's term.

What does the President's economic growth plan mean for Maryland? It means 187,480 new jobs under the Clinton plan in the next 3 years. That is 148 percent more jobs than were created 1989–92.

It also means investments in Maryland. It invests in schools and children, in the Head Start Program, in nutrition assistance, in child immunization, and in Goals 2000: Education reform.

This plan invests $386 million in Maryland workers' training and higher education.

This includes: national service, dislocated worker training, and the school-to-work initiative. This plan invests $223 million in Maryland's highways, mass transit, and environmental infrastructure. It invests $216 million in Maryland's technology base.

The plan invests $196 million in Maryland's housing and communities. The plan invests $271 million in Maryland's health and AIDS research.

It rewards work by offering an earned income tax credit of $362 million for working families. And it provides $245 million in tax incentives for Maryland's investment.

I do not support this plan just because it is good for Maryland. I support it because it makes the tough choices we have avoided for too long. I support it because my granddaughter deserves a future of opportunity, unburdened by the debts of this generation. I support it because it is good for America.

Ms. DELAURO. Mr. Speaker, I want to thank my colleague. I think he has hit on something so important, tough decisions which we have to make here. Families all over this country are making tough decisions every single day about how they are going to live their lives and they are looking to us to make the tough decisions.

Everything that I have heard said, make it fair, make it equitable. We understand how hard it is. That is all we ask of you.

But they know what it is to make the tough decisions and they want us now to belly up to the bar and make those tough decisions the way they do in their lives every single day.

I also want to mention, I think the gentleman hit a very important point which is the easing of some of the regulations as they have to do with the extension of credit, which is a very important problem, which is especially critical to have that in addition to the incentives that we are providing for small businesses, the opportunity once again to look at character lending based on the strength of the bank and not giving up safety for the future so that we do not get into another S&L crisis, but to look at character lending again for banks that are sound, to look at less documentation as it has to do with the appraisal process, to look at an appeals process. Those are new initiatives which we should watch over the next several months. We ought to be talking to our banking communities and our small business communities to make sure that these are working in the way they were intended to.

I want to really thank the gentleman from Maryland for participating tonight and for his contribution.

Mr. Speaker, I am now happy to yield to the gentlewoman from New York [Mrs. LOWEY], my good friend and colleague on the Appropriations Committee, and thank her for being here tonight, as she was last week.

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman for arranging this special order.

My good colleague, the gentlewoman from Connecticut [Ms. DELAURO] has been an important factor in this Congress to emphasize that what this debate is all about is jobs.

In the Presidential campaign, the slogan was, "It's the economy, Stupid."

I think right now it is important that we give a more precise definition. "It's jobs, Stupid," because that is what it is all about.

After 5 months of debating the President's budget proposal, it is time to turn our attention to the fundamental reason that we must act now to strengthen our economy: Jobs. The American people did not send us here to sit idly by while 9 million of our citizens remain trapped in unemployment.

Those who point to hopeful economic indicators as a reason to back away from our commitment to tough deficit reduction and to targeted investments in economic growth are missing the point: This recession is not over until we put our people back to work; 7 percent unemployment is just not good enough for America.

We must tame the monstrous budget deficit which devours scarce investment capital and drives up long-term interest rates. At the same time, we must invest in the potential of our people, in education and job-training, in child care and preventive medicine, and in our Nation's crumbling infrastructure.

For over 5 months the American people have been waiting for us to act—it is time to deliver.

☐ 1920

For people like Vincent Trifiletti, an unemployed operating engineer from Mamaroneck, NY, the clock is ticking. He has been unemployed for over a year and is now having to dip into his pension fund in order to pay his family's daily bills. Over 100 of the 750 operating engineers in Mr. Trifiletti's union local have had to borrow from their pension plans just to get by. People like Mr. Trifiletti, who have talked to me, have worked all of their lives to save for their retirements are seeing their long-term economic security gutted.

Now what does this mean? Remember this is mortgages, home mortgages. This is tuition for his children. This is going to the grocery store. This is paying the bills. This is people's lives. These are not numbers on a chart. This is not 7-percent unemployment. It is somebody over there. Mr. Trifiletti is a real person, with a real family, with a real home, with real problems. That is the kind of person we have to think about.

Overall, Mr. Speaker, the unemployment rate in the construction industry in the New York metropolitan area is around 50 percent, and according to New York's Construction Industry Council, since 1989 the number of construction contractors and suppliers has been cut in half. The construction industry and its workers are suffering not a recession, but a genuine depression.

Mr. Speaker, we have an opportunity to address this situation by enacting the economic growth plan proposed by President Clinton. The plan would reduce the budget deficit by approximately $500 million over the next 5 years and help bring down long-term interest rates which make it impossible for businesses to invest in growth.

By freeing up precious capital for investment, instead of debt service, we can put people like Mr. Trifiletti back to work, we can enhance local tax bases, and we can reduce the burden of unemployment insurance on the States and Federal Government, and, most important, we can restore security and peace of mind to the working families of this country that have had their economic foundations shaken to the core.

I want to focus a moment on the overall impact of this plan on my own State, New York. It is projected that the President's plan will create 342,337 jobs. This will reverse the trends of the 1980's in which 342,700 New Yorkers lost their jobs. The investment package's impact on New York includes: $1.5 billion in worker training and education, $1.3 billion in tax incentives for business investments, $1.3 billion in tax credits for the working poor, and I want to stop for a minute because we hear a lot about EITC, earned income tax credits. I want to tell my friends out there what that means is helping people who are trying to work to survive. It means helping people stay off welfare. I just had someone come into my office just last week. She has three jobs, two children, lives with her parents on Social Security. She makes $12,000 a year. She has to pay her bills. She has to go to the doctor. She is not eligible for Medicaid. We have to help these people work. That is what government is all about, giving people the incentive to work and helping them support their families so they can have dreams, and they can live, and they can be part of this great democracy of ours.

It is time to restore hope and opportunity in our economy. In countless communities in New York, residents have responded to the challenge of mass layoffs by trying to start their own businesses. The Clinton budget plan includes a series of incentives aimed at empowering communities to take hold of their economic futures.

For example, last July the Stroehmanns Corp. announced that because of the difficult economic times, they would close their New York City Tastybread Bakery in Queens—putting over 500 New Yorkers out of work with little warning. These workers were never offered relocation possibilities or any alternatives with the company: they were simply laid off.

But these hard-working people have not given up. They know that they can do the job, and they were not about to allow the recession to swallow their lives along with their jobs.

They have started organizing their own independent bakery. They have the skills. All they lack is the capital and the equipment to compete. They are currently trying to obtain grants from both public and private sources, but like all new, small business today, they need more help.

The budget package which we are discussing will help them form and start their own bakery in a number of ways:

The workers will need to buy baking ovens and other equipment. Under the package, small business would be able to expense up to $25,000 of the cost of new equipment put into service. Currently, businesses can only deduct $10,000 for eligible equipment. For a new bakery to compete with the larger companies, they will certainly need to start off with costly equipment. The package will make this possible.

If the new bakery was to incorporate, one half of the capital gains earned from investments in their business would be tax-free. This policy would help the fledgling business and others like it attract outside investment in order to become competitive.

Mr. Speaker, there are many other ways that this business is going to be helped by this plan. So, whether it is the bread factory in Queens or the construction workers in Westchester County, there are countless people who are waiting for us to take action, to get something done, so they can begin to feel a sense of pride by having a job.

That is what this is all about: Jobs, jobs, jobs, creating jobs, putting people to work.

Mr. Speaker, I'm going to enter the rest of my statement in the RECORD, but I want to thank the gentlewoman from Connecticut [Ms. DELAURO] again. My distinguished colleague from Connecticut and I have worked together on the Committee on Appropriations, on a whole range of legislation, but nothing is more important than putting our people to work. I thank her very, very much.

Because of the $500 billion in deficit reduction, interest rates will be kept low enabling the new bakery to obtain affordable loans for their startup costs. Federal Reserve Chairman Greenspan has testified that without the package, interest rates will rise. If the bakers are forced to pay high interest on their loans, they will never be able to make the new investment which is essential in creating a competitive small business.

The package would also extend permanently the Targeted Jobs Tax Credit Program which would enable the bakers to receive tax benefits for hiring disadvantaged workers. Many of the 500 workers who used to work for Stroehmmans are of modest means, many risk falling into the welfare trap. TJTC pulls people out of the trap by helping businesses to afford hiring them.

The bakers will not be able to put in the long hours that a bakery requires if they are forced to worry about their families having enough to eat. The budget package contains an expanded earned income tax credit to help families with children.

So instead of discussing the overall faceless statistics, lets remember the real people who will be affected by this package. Let's think about the 500 unemployed bakers, struggle to launch a small business during these trying times. They are the ones who need to know that we understand their difficulties and are willing to help.

Ms. DELAURO. Mr. Speaker, I want to thank my colleague, the gentlewoman from New York [Mrs. LOWEY], and I would say that we also share those same numbers of unemployed in the construction industry. Connecticut is about 40 percent, and New York is about 50 percent. I suggest to the naysayers, the people who say, "Do nothing," to go to the unemployment lines once a month, look those people in the eye and tell them that we are not going to do anything here in the next couple of weeks.

I would like to yield now to the gentlewoman from California [Ms. ESHOO] who also was here last week talking about small business and the economic plan. I thank her for coming again tonight and for being such an outstanding Member of the House of Representatives.

Ms. ESHOO. Mr. Speaker, I thank my distinguished colleague, the gentlewoman from Connecticut [Ms. DELAURO], who is sharing so many of the problems that we have in California. The economies of Connecticut and California are ravaged by the recession and by joblessness, and so I commend her and I salute her for her unrelenting advocacy on this issue, understanding that we have been given a job to do, and that is to create jobs.

So, Mr. Speaker, I rise in support of the President's plan and for all of my colleagues as we consider this budget for our Nation. It must contain what the people of this country need, and that is jobs. Clearly, we need to reduce our Nation's deficit because that burden really is passed on to everyone in a shortage of dollars, a shortage of dollars that needs to be invested for our people. The President's plan does address this deficit with the largest deficit reduction plan in the history of our Nation. It is a half a trillion dollar deficit reduction plan.

However, Mr. Speaker, if this is all we do, our economic recovery will be a hollow one. It will be a jobless recovery, and that is not a recovery for those who want to work, those who are looking or jobs and job opportunities, job creation. Our people need more than deficit reduction, and actually the best deficit reduction plan for our country is jobs, jobs, jobs. Our people want to buy homes, they want to be able to educate their children, and they want jobs that cannot be found today.

Why? Because the policies in the last administration resulted from the worst private sector job growth since the Great Depression, and that is the truth, and there have been consequences to that truth. We need to move beyond these policies of the past and make the necessary investments in our people, our communities and our businesses to help the economy grow.

We can only remain competitive in the future with a skilled work force—this plan invests in our people and their education.

It provides incentives for employer-provided educational assistance by enabling employers to exclude from their gross income, amounts paid for their workers' educational assistance.

It provides training for dislocated workers.

It provides economic development assistance for defense conversion, so that the talented women and men who helped make our country a military superpower, can use their skills to help us regain our economic preeminence.

The plan will also spur private-sector investment and job growth with its targeted tax incentives.

Many of these provisions are what my friends on the other side of the aisle have been fighting for for years, including: R&D tax credits; capital gains tax cuts; and an expansion of expensing for small businesses.

It is these provisions that will grow our economy and create jobs.

How? The small business capital gains exclusion will give investors generous tax incentives to invest in productive small businesses, thus encouraging risk-taking and innovation.

Extending the research and development tax credit ensures long-term job growth by creating an environment conducive to long term planning and research.

Doubling small business expensing incentives will free up cash flow for small businesses and allow them to make new investments in training and equipment and to create new jobs.

I represent California's 14th Congressional District, which includes Silicon Valley.

Small business is the backbone of our local economy and it is these companies which are responsible for making the United States unbeatable in cutting edge high-technology.

It is these companies which have grown into some of the largest companies in our country, employing thousands of Americans.

These companies need the incentives in the reconciliation plan not just to thrive, but to survive.

And the plan does not only benefit my district.

In California alone, the plan will create over 1.9 million jobs by 1996.

California needs these jobs and our country needs the 8 million jobs that will be created nationwide if the President's plan is enacted.

Mr. Speaker, more of the same is not what we need—we need change, we need to invest in our people, our communities, and our businesses.

These investments, combined with $500 billion in deficit reduction, will create jobs and restore economic growth.

I urge my colleagues to support this reconciliation plan and the millions of working men and women across the country and those who want to work.

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Mr. Speaker, I would say to my colleague, the president of our freshman class, the gentlewoman from North Carolina [Mrs. CLAYTON], who is here to speak on behalf of children, I commend the gentlewoman and salute her, because for the first time in the last 12 years, they are finally included in a plan. It does not leave them out. It says we love them, we care for them, and that we want them to be part of this economic recovery too.

Mr. Speaker, I would give thanks to my colleague, the gentlewoman from Connecticut [Ms. DELAURO], who organized this special order, and to my colleagues who will join me in voting for this package that is so vital to the well-being of our Nation.

CHILDREN AND FAMILY INITIATIVES

The SPEAKER pro tempore (Mr. REED). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 60 minutes.

Mrs. CLAYTON. Mr. Speaker, I rise this evening to bring before the House a most urgent matter, one that not only determines the course of our future, but whether we will indeed, have a future. I'm happy to say that several Members of this body have joined me in this call of support for our children.

The families and children of America are suffering and we cannot rescue one without saving the other. As a noted child advocate has said, and I quote: "It a community values its children, it must cherish their parents." My colleagues, the care and nurturing of our families and children must become a national priority.

It is no longer acceptable to pay lip service to this issue, not when 22 percent of all children—more than 1 out of 5—live in poverty. As a woman of color, I cannot in good conscience keep silent when I know that more than half of those children—55 percent to be exact—are African-American or Hispanic.

In this land where the American dream still looms large as the one thing for which we should all strive, there are people who toil at hard labor every day of the week, and only to find themselves still below the poverty level. Almost 12 percent of the families in this rich Nation of ours make up the working poor. And again, for families of color the figure doubles to over 25 percent.

Mr. Speaker, Members of the House, it is mean-spirited and disgraceful that we continue to allow these conditions to exist. There are those Members in this body who would vote against any initiatives to help families and children, while at the same time professing a deep love and devotion to our Nation and this democracy. To those Members I say, this is a shortsighted and hypocritical way to do business. If you want to prove your allegiance to America, then do it by standing up for those who will lead her into the 21 century.

Members of the conference committee will have the opportunity to do that over the next few days as the budget reconciliation bill takes shape. The measure that was approved by the House held four provisions that would put both our children and our families first. Those programs are: Childhood immunization; earned income tax credit; the Mickey Leland Hunger Program; and the Family Preservation and Support Program. I ask the Members of the House for their continued support for these programs.

Let's start with the Immunization Program. Don't let anybody tell you that parents can get their children immunized if they simply would make the effort to do it. The numbers don't support that myth. Right now, the rate of immunization against deadly childhood diseases in this country is a measly 55 percent.

How can we look ourselves in the mirror and say it's OK for 55,000 children to be crippled, or killed by a preventable disease like measles? It happened in 1991 and will most certainly happen again. How can we simply stand by and allow polio, mumps, rubella and meningitis to take this terrible toll on our children? I submit to you that we cannot.

And, before you tell yourself that the vaccines are available to everyone, so we really don't need to do anything about this problem, let me quickly tell you that the cost of immunizing a child jumped from $11 in 1977 to $133 in 1992. It's called an economic deterrent; many low- and middle-income families who lack health insurance simply can't afford the service.

Included in the House reconciliation legislation is a universal vaccine assurance system which would serve 11.1 million children who are now currently uninsured or underinsured, Medicaid-eligible, or native American. In North Carolina, 290,000 children would receive vaccinations, 116,000 more than are currently eligible under Medicaid.

I argue that providing vaccines for children is not only the morally right thing to do it is also fiscally sound. Let me remind my colleagues that $1 spent on immunizations now, saves at least $10 in treatment down the road.

To sum it up briefly, we can pay the bill now, or pay it later. The choice is ours. With the issue of hunger I make the same plea. We can provide children with the proper nutrition to grow strong bodies and healthy minds now, or pay the consequences later. The Mickey Leland food stamp provisions are critical to addressing the grievous problem of hunger.

The nationwide community childhood hunger identification project released in 1991 reported that 5.5 million American children under age 12 are hungry. This means 1 out of every 12. Furthermore, an additional 6 million children find themselves in families that are at risk of hunger because sometimes these families, in order to pay their utility bills in the winter, can not afford to buy food. These figures are astonishing in light of the abundance that we find in American agriculture.

One-half of the recipients of food stamp benefits are children, while 80 percent of the benefits in the program go to families with children. Put simply, the Food Stamp Program is the front-line of defense for preventing hunger in America. Over 96 percent of the benefits go to people at or below the poverty line. Most—58 percent—go to households that are so poor that their income does not exceed half of the poverty line.

We must not accept hunger as a standard in this country. The Mickey Leland provisions of the reconciliation bill speak to the problem of hunger by providing basic subsistence to those who are in desperate need. I deeply urge my colleagues to support the efforts of individuals like the late Mickey Leland who died while attempting to address the deplorable conditions faced by the hungry on the African Continent.

After we have fed our children and provided for their health, we must help empower their working parents to lift themselves out of poverty. That is the goal of the earned income tax credit program.

Currently, about 5 million Americans work 40-hour weeks and still remain below the poverty line. It is a disgrace that individuals in America can work full time and never rise out of poverty.

In the House reconciliation bill, families with two or more children that earn up to $8,500 a year—what full-time minimum wage work now pays—would receive a wage supplement to bring them to the poverty line. I believe that an expanded EITC is essential to reward work and pave the way for welfare reform. Further, the EITC would be of great benefit to low and moderate income working families in North Carolina. Some 485,000 working families with children in North Carolina received the EITC in 1992.

The expanded EITC program in the House passed reconciliation bill would have ensured that those workers with families and childless workers were brought up to the poverty line. This is especially important in light of the increasing tax burden on the poor.

Without an expanded EITC program, which includes childless workers, we will be taxing those poorest among us deeper into poverty. I urge all Members to show their support for this program especially to the Finance Committee of the Senate and the Ways and Means Committee of the House, to work for its inclusion in the conference report.

Finally, I ask that my colleagues on the conference committee pay special attention to the family preservation and support provision contained in the House-passed reconciliation legislation.

Last year, 2.9 million children, an average of about 8,000 a day, were reported abused and neglected. More than three children a day died of maltreatment. The $1.5 billion included in the House package would help prevent this neglect and abuse and possibly offset more expansive social service programs by providing funds for family support programs that teach parents early how to protect, nurture, and support their children.

The funding will help States develop and expand programs for families in crisis to help keep children and parents together and will improve the quality of foster care for those children who cannot be protected at home.

The Senate did not include the Family Preservation and Support Program in its version of the budget reconciliation legislation. It is my sincerest hope that my House colleagues will prevail with the House provisions.

Mr. Speaker, today we have the opportunity to tell the world that America values its children and families above all other things; that we respect the sanctity of the family unit, and will do all we can to support and encourage families to stay together and work for their goals. With a vote for the initiatives I have outlined this evening we can begin to erase the social deficits that have plagued our society for more than two decades. Mr. Speaker, my dear colleagues, let us begin today to secure America's future.

Mr. Speaker, I yield to the gentleman from Washington [Mr. McDERMOTT], who is here to support me in this discussion.

Mr. McDERMOTT. Mr. Speaker, I want to thank my distinguished colleague from North Carolina for this opportunity to speak on what I consider to be an important part of the Budget Reconciliation Act, the earned income tax credit [EITC].

I strongly endorse the Presidents proposal to increase the earned income tax credit for low-income working families, and create a new tax credit for low-income workers without children.

Since 1975, the earned income tax credit program has assisted millions of low-wage working parents in providing for their families. It is the second largest program of income tested cash aid in the United States. Last year alone, some 14 million families qualified for the EITC, with an average annual benefit of just over $800. To a family where the head of household works full time at a minimum wage job, $800 is more than a month's pay.

The fact that the head of a household can work for a year, full time, at the minimum wage, and still find their family living below the poverty line persuaded President Clinton to expand and improve the EITC. His goal for the EITC is to raise the credit amount so that a family with one parent working full time at the minimum wage will be assured an income at least as high as the poverty line.

The EITC acts as a work incentive. It helps to ensure that the benefits of work surpass the benefits of public assistance. The EITC rewards additional work to a certain maximum. Then as the earnings continue to increase approaching the poverty rate, the EITC begins to slowly decline.

In my own State of Washington, the earned income credit benefits low-earning families everywhere. Many of our industries are seasonal in nature: fishing, agriculture, and wood products. The people working in those industries have incomes that may vary widely from one season to another. The EITC focuses on how much those families earned over the course of the year, a design feature that makes it particularly helpful to working people in seasonal or undependable jobs.

They are not alone. The earned income tax credit is also a special boon to women and disabled workers, two categories of workers that continue to earn lower wages. Like the rest of the Nation, Washington State has seen our child poverty rates climb in recent years, and the situation is particularly serious for children living with a single parent as they only support. Nearly 60 percent of the female-headed families with preschool children are living below the poverty line. If we care about our children, then we should care about expanding and strengthening a benefit like the earned income tax credit.

And finally, by supplementing the incomes of low-wage earners, seasonal workers, and the recently unemployed, the EITC also provides a bit of an economic cushion for the businesses in the communities where these workers live. Last year, in the State of Washington, the earned income tax credit gave an average of $850 to over 190,000 working families, and brought a total of roughly $150 million to families in the State. That's money that not only helped those families, it was also put into the hands of the landlords and grocers and the people who sell children's shoes and clothes.

That is why the earned income tax credit is regarded as a win-win-win proposition: It helps working families, it helps the businesses in their communities, and it brings much-needed revenues into the hard-hit areas of every State in the Nation.

Congress should be supporting the important expansion and improvement of the earned income tax credit as the President has requested. It is an important aspect the Presidents budget plan, and we know it works.

□ 1940

We have not done enough in this budget. We ought to push it up so that we actually lift people out of poverty, if they work. That ought to be our goal as a Congress.

We have come a long way, and I want to say that it is important, I think, that you have made this opportunity available tonight for us to talk about the things that are in this important bill, which is going to come before the Congress.

This is a bill that is dealing with fairness in society. We are taxing people who have the ability to pay.

We are also helping people who are trying in this society. I think it is very important that if we want people to work, we want to encourage people, that we also have to make it possible for them to live a decent life and to make it decent for their children.

It is incredible, the number of children who live in poverty in this country. In the richest country in the world, there is no excuse for us allowing our kids to be in that kind of situation.

This earned income tax credit is a very important part of making it possible for us to raise our children in a decent fashion. I thank the gentlewoman very much for this opportunity to come and talk tonight.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Washington, too.

I just want to share with you that in North Carolina, as well, we have over 485,000 persons who participated in 1992 in earned income, and thousands and thousands more who are eligible in that area.

As you probably know in your own State, there is $103 million that was spent in earned income for the State of Washington.

Let me just ask, also, you emphasized the fact that earned income should be expanded to include the childless workers. That part of the tax burden is going to be greater on the lower income.

Particularly, I wanted to just bring up this chart to you. Here you see the greatest part of it is the childless worker, who is going to bear 15 percent of it.

If we pass the taxes, which we expect we will pass, particularly the gasoline and others, that the disproportionate burden will be on the nonelderly, childless person.

So I just want to emphasize, we do want to expand it.

I thank the gentleman for entering into this supportive statement for children and families.

Mr. Speaker, I now yield to the gentlewoman from Florida [Mrs. MEEK], and I am delighted that she has joined us.

Mrs. MEEK. Mr. Speaker, I thank the president of the freshman class, one who has done such an illustrious job of demonstrating leadership. I thank her for having me here tonight.

Madam President of the class, I think that an opportunity to address the children and to save the children is something that our country should have as its dictum, save the children, because if we do not save the children, we will have lost a valuable resource, which we cannot afford to lose.

Bricks and mortar are fine, but it is human lives, Madam President CLAYTON, that we must invest in, and we must continue this initiative.

I think our President Clinton has taken a bold and venturesome step and outlined in his budget plans, plans for children. I do not think in my lifetime I have seen such a strong push from the Executive Office for our children.

It is extremely important that we understand that we must have these things, because if we do not get these things up front, then we can look for quite a few disastrous results in the end.

I often think of what our U.S. Attorney General Reno always said when she was the district attorney in Dade County, how if we do not intervene early in a child's life, certainly they will become a statistic in the juvenile justice system and from there into the criminal justice system.

□ 1950

We must insist that we get the four pieces of the entire plan for children which the President has placed in the reconciliation bill. We must have that.

The House has passed in their budget this plan. It must come back to us from the Senate. You know and all of us understand the importance of childhood immunizations. Those of us who have been around a long time know what happens when we have epidemics like measles, which would naturally hurt our children and hurt our generations to come.

We know, those of us who know how hard it is when we see families being destroyed throughout this country, and the foster care system is growing and growing until it has become a quagmire of confusion, when lists are longer than the end of the door, Madam President. We are so concerned that that facet of the President's plan not be compromised, but should be kept so we can be sure we can preserve the family, to provide the kind of resources within the family to keep those children in the homes.

I am sure this can be done. America is the most highly industrialized country, and I am sure we can do all of these things. We must also understand that we must keep the Mickey Leland child hunger initiative there. It has to be kept there in the earned income tax credit.

I am so concerned that we support all of these initiatives, because our children are our main resources. I wanted to call the Members' attention primarily to focus on the fact that children are being killed every day; that is, from drive-by shootings, from the crime in our streets. The people that are being really impacted most are our children.

We must be very, very sure that we work very hard toward gun control in this country, because when they go particularly through many low-income areas, they do what they call spraying. They use these AK-47's and these very dangerous guns, and they shoot and they wipe out children.

I remember little Peaches in Florida. Her name was Peaches. She was a very innocent girl. Peaches was out in her yard playing hopscotch. Along came a drive-by shooter. That shooter shot down innocent Peaches, not because he hated her or not because he wanted to shoot Peaches, but because of the violence with guns in this country. Children are the ones who are being impacted negatively.

We know that one in five parents surveyed said they knew someone who had a child who was either killed or wounded by another child. As parents, as public servants, as legislators, as Congresspeople, as human beings, and as Americans we have a responsibility to our children to protect them. We must create an environment that educates them, that nurtures them. We have a responsibility in this country to create an environment where every American child can grow up and not be shot down early in life by a wanton gunman, without the threat of violence being caused to them.

We must create an environment where all of God's children can live out this American dream that Martin Luther King spoke about, that over the course of the past 12 years has increasingly become an American nightmare.

We have reduced several things that children should have. The Clinton administration is trying to put these pieces back together. We must help them. Violence is devastating this generation as surely as polio, which was once a great epidemic and a great endemic, cut down young people 40 years ago. We cannot have it happen now because of lack of gun control.

Too often today when we turn on the television and we learn of the daily havoc that has been wrought by teenagers as young as 13, and between 1987 and 1991, the last year for which statistics were available, the number of teenagers that were arrested for murder around the country increased by an astounding 85 percent.

I want to say, Madam President, these are children. These are our children. We must do whatever we can to protect them and protect the other children. The official count is what I just listed, but I am sure the numbers are even higher. It is so important that every day when we pick up the paper we see that schools are not learning-safe. Our children are going to school carrying knives, guns, stabbing each other, and wiping each other out. It is almost like genocide. We must save the children.

How do we save them? By bringing in some of these kinds of resources early in life, intervention. On one end it was mentioned, family preservation. We mentioned childhood intervention, family preservation. We mentioned childhood immunization. We have mentioned the kinds of things, the earned income tax credit.

We can easily use a cliche and say there has been a feminization of poverty in this country, in that in my district there are many woman who are heads of their households and they do not have the typical nuclear family we hear so much of, because they are the heads of their families. They have these children to look out for. They love their children. They want to protect their children. We must help them.

Teenage pregnancy is also something that we have to look at. We get them traditional social support, home, school, and community. We are trying to fall away from this old role that you and my parents used to have of everyone being responsible for everyone else, and we have to get back to that, Madam President CLAYTON. I know you will. You have experienced all of this in your generation.

I think it was an old African proverb that says that it takes an entire village to raise a child. Let me go back to that, this entire village, helping to raise a child. We will see that our children will be much better. For many of the children I am talking about, the village is not there any more. That village of protection which is needed, the kind of services and resources that they need, the kind of education they need, that village is not there any more. We must restore it. I think that the Clinton budget and the reconciliation budget should do that.

We must do what their peers on the street are not doing for them. We must do for them what the local drug pusher is not doing for them. We must do for them what many schools are not doing, because they do not have the kind of discipline which they need.

Sadly, when it comes to creating opportunities for our youth and our children, we have been heading in the wrong direction. We must turn this around now. We know what the figures are. We know what the statistics are. Because we know that, we must use these figures and these statistics to bring programs in to save our children.

President Clinton's reconciliation package offers this new direction which I am appealing for here. It offers the children of America new opportunities, new choices. We used to ignore children because we did not think they have a vote, but they do have a vote. Their voices should be heard. They have a vote in the quality of life which they need in this country. They have a vote because they are growing up and they are becoming citizens, and they understand that much can be done with them and much more is expected of each of us.

Kids who grow up in families where there is child abuse and maltreatment, spouse abuse and a history of violent behavior, learn how to act out physically when they are frustrated or upset. I could go on and on talking about saving our children. It is a dictum that each of us has to have here in the Congress. It is a dictum that should go out all over this country, that if we save our children, if we do the things for them now which it takes to make them responsible children, we will spend less money in the end.

There was once a story about an old man who had to cross a bridge at twilight time. Someone questioned this old man by saying,

> Old man, why do you stop here to build a bridge at twilight time: You are too old. By the time you get this bridge built or by the time you do something valuable, you will be dead and gone.

The old man turned around and he looked at a fair-haired boy who was standing there next to him. He said,

> Let me tell you something, young man. I know that I will be gone, and I don't build this bridge for myself, young man. I build this bridge for you.

I am asking the people of this country to build these bridges, to get this village that I have talked about, and be sure that we support the Clinton reconciliation budget. Let us not compromise our children. Let us save them.

Mrs. CLAYTON. Mr. Speaker, I want to thank the gentlewoman from Florida, and thank her for her wisdom and challenge to us all, and also to note, as he said, that the trend is going up. We have more children in poverty than we have ever had. I think that is astounding.

I think she had spoken eloquently about the village. I know she wants to emphasize that it takes all of us to improve the lives of children, not just government; all forms of participation, all forms of private citizens as well as organizations and the religious community.

The Federal Government has a role and the Federal Government should be part of that village that gives that support.

□ 2000

So I want to thank the gentlewoman for challenging us to do that.

I yield to the gentlewoman from California [Ms. ROYBAL-ALLARD], and thank her also for adding her voice for support of children.

Ms. ROYBAL-ALLARD. Mr. Speaker, let me join with my colleagues to commend the gentlewoman from North Carolina for arranging this special order and bringing attention to the needs of children and families in this country.

Mr. Speaker, the ability of a nation to care for its families and especially its children is the hallmark of a successful nation.

It is the benchmark by which we judge our country's core moral fiber and success as a people.

Judged against this standard today, as a nation we would not fare well. For we would find few successful programs that help families stay together, or reward families who are struggling to work. Each and every night we would find that 3 million children under the age of 12 go to bed hungry and we would find children dying of preventable diseases.

These circumstances in the richest and most powerful country in the world, are simply unacceptable.

We, however, as Members of Congress, have an excellent opportunity to change this record of shameful harm inflicted on the innocence of our Nation by adopting the House version of the budget bill that contains substantial and important programs to address the critical needs of children and families.

We must address the shockingly low immunization rate in this country and adopt the House universal vaccine assurance system. We are the only industrialized nation in the world that does not guarantee universal childhood vaccination. Only 55 percent of our 2-year-olds are fully immunized. The House version will help protect millions of children from needless suffering and even death who are at present falling through the cracks of a flawed system.

The Mickey Leland Childhood Hunger Relief Act will help prevent families from having to make cruel decisions such as whether to choose between food or shelter, or other of life's barest necessities.

The family preservation and support provisions will help to assist the nearly 3 million helpless children who were abused or neglected last year alone. Families will have access to family support, family preservation, reunification, and abuse prevention programs. Federal foster care will be expanded to provide better quality foster care or adoption assistance. These provisions represent the most significant Federal reforms in this area in over a decade.

Finally, earned income tax credits will reward people for their dedicated labor and will help to raise the working poor out of poverty by effectively increasing their take-home pay to improve their families' quality of life.

Because of their overwhelmingly positive benefits, many of these provisions of the children and family initiatives have been passed earlier by the House of Representatives with strong bipartisan support. These initiatives must be included in the reconciliation bill if we are to enable our children and our families to have their fair chance at the American dream.

With the demonstrated leadership of Congress that dream can become a reality for them as individuals and for our Nation as a whole. As the world's leader, how can we afford to do less?

Mrs. CLAYTON. I thank the gentlewoman from California. I just want to say she probably knows better than I, that you have 933,000 persons who are eligible for immunization, and if the President's reconciliation plan, the one the House passed, passes, you will have at least 651,000 children who will get immunization, and those are children who are either eligible for Medicaid or are uninsured children. So I support your efforts in raising the issue about immunization and about the Mickey Leland Program, as well as the earned income tax credit, and I thank the gentlewoman for her participation.

Mr. Speaker, I am pleased to yield to the gentleman from Maryland [Mr. WYNN], and I am pleased that he is joining us this evening.

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding. I too would like to add my commendation for our class president. I think it is an excellent idea that you have convened this special order to give us an opportunity to address the concerns that we have regarding our young people. And I want to concur with all that has gone on before with respect to the various programs such as Mickey Leland and immunization.

I want to focus on another program that deals with our young people, and that is Head Start, and this occasion gives me a good opportunity to talk about family values. And I do not mean the "Leave It To Beaver" family values of the 1950's. I am talking about family values that are applicable in 1993. I am talking about the value that we place on our young people, and the investment we are willing to make in our young people's future as exemplified by our commitment to the Head Start Program.

I think the gentlewoman well knows that Head Start has been one of the most successful domestic programs, what we call a holdover from the Great Society. It is one of the true success stories in domestic policy in the United States. The question is, do we go forward with this program, or do we go backward.

What is Head Start? It is a children's program that has provided health services and education to our Nation's lower-income children for almost two decades. Head Start promotes school readiness, the social skills, the discipline, the language proficiency, the motivation and cultural exposure that will enable our young people to succeed in the classroom.

Head Start helps kids 3 and 4 years old, and importantly, it is run by community-based organizations and run out of our local schools and churches, not necessarily the national bureaucracy that has not always worked for us.

Head Start serves a mix of children. A third are white, about 4 in 10 are black, 2 in 10 are Hispanic, 4 percent are native American, and 3 percent are Asian. Ninety percent of the children who participate in Head Start come from families with incomes below the poverty level.

In fiscal year 1993, we spent $2.8 billion on Head Start and served almost three-quarters of a million children. That is an investment of about $3,700 per child. This year, the House passed the fiscal year 1994 Head Start budget as part of the Health and Human Services appropriation bill to the tune of $3.3 billion, an increase of about half a billion. That measure is currently pending in the Senate, and my message tonight is simply to call upon the Senate to pass this legislation. If they would like to add to it, that would be fine. But we certainly would not like to see any reduction in the funds that the House has already appropriated for this measure.

And there is a second measure. We cannot stop there. We need to look forward to the day when we can provide full funding for Head Start. That should be our goal for next year.

Let us talk about what we get from this investment.

Research has shown that for every dollar we spend on quality early childhood development programs, such as Head Start, we save $3 down the road in education, prisons, and health care spending.

Past Congresses have debated full funding for Head Start, but the figures indicate that would cost about $13 billion. We do not have it at this time, but that should be our goal.

What would full funding for Head Start do? First of all, it would make it a full-day program instead of a half-day program so parents could go out and work. It is a work incentive for parents while providing services for young people. Second, it would provide full-year services so students would not slip back after spending 9 months in the program and lose the gains that they have already made. Third, it would provide support services for families such as parenting skills and literacy. Clearly full funding should be our goal.

Now let us talk about what Head Start really does for children for a moment. I had the opportunity to engage a school principal in my district, and she talked about what was happening in her school. About 40 4-year-olds come to school for half a day. They play games with other children from different cultures, non-English speakers practice English with new friends, and disadvantaged kids get to go to the zoo and local museums. It also encourages the parents to get involved, to stop by the classroom and work with the children. They are taught parenting skills which helps at home. This principal went on to explain to me that these kids often come from poor, single-parent homes, or homes where both parents work two or three jobs each, and the television is often the babysitter. These kids do not get to go to the zoo or to the museum.

By having the opportunity to leave the home for half a day, and spending time in the classroom, according to my principal friend, these kids literally get a head start when they begin kindergarten.

She told me many of her kids had never seen a doctor until they started the Head Start Program, that many of them do not go to the dentist, but in the Head Start Program, dental care is provided.

These kids can also get a free lunch every day. They can work with a social worker if they have emotional problems, or a speech teacher if they need language skills.

My friend also pointed out that these kids are behind, and this program gives them a chance.

As I indicated earlier, next year the national budget for Head Start will increase by half a billion dollars. I would like to see this money used to add more teachers, or extend the Head Start hours, or offer the program year-round. But realistically, Mr. Speaker, we only have enough money to keep the current program level, and keep it operating, and to keep up with the enormous demand for services.

For example, between fiscal years 1992 and 1993, there was approximately a 16-percent increase in the number of Head Start participants. Still, less than a third of all of the Head Start-eligible young people participate in the program.

□ 2010

We clearly have a long way to go. My friend, the school principal, says she needs more teachers and more space. She has two classes of Head Start students with 18 children per class. Remember these are 3-year-olds and 4-year-olds. She just received a request from parents in the community for another class, but she just does not have the room in her school, nor the money to pay the teachers.

Madam Speaker, if the sky was the limit, this educator would have liked to expand Head Start to all Navy kids and all Navy parents, but the funding determines how many 3-year-olds and 4-year-olds will get a free lunch, and the dollars determine how many youngsters get to visit a zoo.

Single parents depend and rely on Head Start to help; in fact, more than half the families with children enrolled are headed by a single parent.

Madam Speaker, this is a good program. Unlike other Federal programs, the Department of Health and Human Services funds Head Start with grants directly to local agencies at the community level. Under the funding formula, certain amounts are designated for specific activities, including teacher training services for handicapped children and migrant and Indian children.

Madam Speaker, I would like to cite one study that looked at the program's success in Michigan. That study found that Head Start kids tended to do better during the first few weeks in school, which led to more highly motivated children. Another study also noted improvements in child health, in motor development, nutrition, and dental care.

Let me say that we must do more, not less. We must encourage more participation in the program, and eventually, full funding of Head Start so that we can truly give all children a head start on life.

I thank the gentlewoman for yielding.

Mrs. CLAYTON. I thank the gentleman for his comments and for bringing up Head Start. Head Start is not a part of the reconciliation package, but it is so important to use that as a cost-efficient, effective way of being fiscally responsible and being socially responsible. The investment in Head Start saves us money that we spend later. The gentleman said that we spend about $3,700 per child for Head Start. Well, you will spend $25,000 per prisoner. And there have been other studies to show the correlation between Head Start, young people, and young people who find themselves in trouble.

I thank the gentleman for his comments.

Madam Speaker, I am a very, very strong supporter of Head Start.

Madam Speaker, I yield to the gentleman from the State of Washington, [Mr. KREIDLER]. I thank him for coming and for staying with us this hour and participating.

Mr. KREIDLER. I thank the gentleman for yielding to me.

Madam Speaker, I want to thank my colleague Congresswoman EVA CLAYTON for organizing this special order and for her leadership on behalf of children in need.

As a member of the conference committee on the reconciliation bill, I am pleased to speak in support of the Children's Initiative. The programs that comprise this initiative—for childhood immunization, childhood hunger, family preservation, and the earned income tax credit—these are all excellent programs designed to address some of the most urgent needs of our children today.

I am particularly concerned about the provisions on child immunizations

and the differences that must be reconciled in conference. As a member of the Subcommittee on Health and the Environment, I know that Chairman WAXMAN and others worked hard to craft a reasonable compromise based on the President's initial proposal that expanded our vaccine program to children who needed it the most.

Unfortunately, the Senate has significantly changed the program and in so doing it may actually hurt the children of Washington State. Currently, Washington State participates in a universal purchase program that enables it to buy vaccines at bulk rates and distribute them to clinics, hospitals, and private practitioners. The House proposal built on this concept and allowed States to continue universal purchase systems.

But the Senate changed the provision to require discounts for bulk purchase of vaccines only for Medicaid-eligible children. This may result in wiping out Washington State's universal purchase program. Under the Senate version, Washington State might actually have to spend more to immunize the same number of children.

That's wrong. The Senate bill also does not offer vaccine to the 4 million children with no health insurance. That's wrong too, and that is why I urge my colleagues to reject these Senate changes on child immunizations.

I would also like to say a few words about the family preservation provisions. Family preservation is one of the best investments we can possibly make in our children.

Much of the original work in developing strategies to keep families together was done by a group in my district called Homebuilders. They created the model for early crisis intervention, offering intensive support services to help the families at the greatest risk get through the roughest times. Homebuilders has received national attention for its pioneering success in keeping troubled families together. These kinds of programs are among the most cost-effective efforts we have.

Last year, President Bush vetoed a measure containing new funding for programs like Homebuilders. This year, we have the chance to make a new commitment to our children, and especially our most vulnerable children, by passing the Family Preservation Act as part of the reconciliation bill.

A recent study in my State of Washington reported that the number of juvenile arrests for violent offenses has doubled since 1982. More than 18,000 children were held in detention facilities in Washington State in 1 year. Many of our children are growing up amid a war zone of violence, with no certainty about their future. If they have not been victims of violence directly, they have witnessed violence, or lost friends to violence.

Children need stability, security, certainty, trust, and safety. Instead, too many of our children live in a world where nothing is certain, nowhere is safe, no one can be trusted, and the only continuity they have is the utter chaos surrounding them.

It is a wonder as many families survive as do. But is it any wonder our children are growing up angry, lashing out at a world that neglected their suffering? There was an excellent article in the Washington Post recently that discussed this issue and the urgent need for early intervention with at-risk children. I ask unanimous consent to insert the text of this article at the end of my remarks.

I applaud President Clinton and his administration for its commitment to our children and families. And I especially commend Attorney General Janet Reno for her outspoken advocacy on behalf of children. She knows that when we do not take care of our kids, they will not be able to take care of themselves, and in one way or another, society will have to take care of them as adults as well.

In my district, we have a number of innovative programs to help our children. The Children's Home Society, the Childhaven therapeutic day care centers, Auburn Youth Resources, and the Washington Children Learning Centers of Pierce County are just a few of our successful programs. But they are waging a huge battle, and they cannot win it alone.

Mr. Speaker, I cannot promise you that feeding hungry children will make them stay in school longer. I cannot promise you that helping to keep fragile families together will make children grow up less angry and alienated. And I cannot promise you that giving poor working families a tax break will keep children's spirits from breaking later on.

But I can promise you that if we do not start paying attention to our children today, we will pay an even heavier and more tragic price tomorrow. It is time for society to make the commitment to these children that they urgently need. The Children's Initiative in the reconciliation bill is the first step in that commitment. I urge the conferees to adopt the House provisions.

The article referred to is as follows:

[From the Washington Post, July 25, 1993]

THE KIDS WHO WILL BE KILLERS

(By Stanley Greenspan and Amy Cunningham)

In another neighborhood, this lovely, old brick building would pass as one of Washington's more stylish addresses. But here on Chapin Street NW, it's a homeless shelter with a shadow hanging over it.

Upstairs, in June, an unsupervised 8-year-old boy is alleged to have murdered a 12-week-old infant by swinging him around the room and repeatedly smacking his small, soft head on the floor. The boy "said he was playing with the baby like Robocop," explains another resident of the shelter.

When the infant, Neco Joshua Clowe, died of his injuries three days later, the 8-year-old became the youngest person ever charged with a slaying in the District of Columbia. As social service workers sadly trail into and out of the shelter to meet with the boy, his mother and two brothers, the rest of us are left to ponder what might have provoked a child to behave this way.

While some of us may consider such cases utter mysteries—totems, perhaps, of simple evil—the field of child development offers some revealing, and often neglected, insights. Eight-year-olds don't just kill without having been emotionally derailed some years earlier. We now have the ability to understand more fully just how anger, fear and violence are fostered in highly stressed families. We can see how parents who don't respond to their children's emerging needs and emotional challenges intensify feelings of frustration and hopelessness. We also know more about how constitutional and physical characteristics ultimately contribute to the use of aggressive behavior patterns as a general coping style.

And while we can't, at present, know exactly what might have caused this child's behavior, we can offer a few insights about people who are habitually violent—insights that might help government and the independent sector develop an anti-violent policy that works.

It's well known that a relatively small number of people are responsible for a great deal of crime. And many of that small, volatile group have a few things in common.

They can't care for others because no one has consistently cared for them.

This ancient liberal saw also happens to be true. The process of forming a pattern of engagement with someone, anyone—which should begin in infancy and continue through childhood—is an essential foundation for developing a sense of shared humanity, a feeling of compassion and concern for others. Without loving contact in infancy and early childhood, a sense of human connectedness may never materialize and other people can soon become viewed as things to be kicked or destroyed when they stand in the way. Multiple foster care placements that shuttle an essentially orphaned child from one home to another, unavailable parents and caretakers who can't engage with their child—these can easily contribute to that child's failure to connect with the rest of humanity.

They can't purposefully communicate their desires, intentions and feelings.

Learning to communicate a full range of emotions in an intentional manner—first nonverbally and then verbally—is an ability all children must master to get their needs met without undue frustration. Healthy children learn to let their parents know what they're feeling and wanting in a number of ways—including reaching out to be picked up, making flirtatious glances or babbling in angry, gutteral tones. In turn, such infants and toddlers reciprocally learn to understand their caregiver's emotional cues and facial expressions. When—for whatever reason—a caretaker doesn't or can't respond to a child's gestures with gestures, or their words with words, trouble begins.

When an unavailable, angry parent, for instance, sees a toddler's reaching out to be picked up as an aggressive demand, the parent might say, "Leave me alone!" and the child may withdraw in confusion, in its own way wondering: "Is my request for love really an angry assault?" Though the child is hardly fluent verbally, he has developed his own set of emotional expectations. As the child's sense of frustration mounts and his faith that the parent will meet his needs collapses, he may turn to disorganized, aggressive behaviors.

Children whose constitutional makeups lead them to opt for hitting, striking or other physical movements when frustrated are especially vulnerable to showing aggressive, disorganized behaviors under these circumstances. Having been prevented from fully developing a vocabulary of gestures to communicate emotional needs, these children will have even greater difficulty communicating needs with words and symbols.

They can't construct internal dialogues.

If you ask people who behave impulsively and aggressively how they're feeling, they probably won't express their feelings at all and may speak only of sequencing actions. For example, "I hit him six times" becomes the answer to the question "How did you feel?" instead of the more feeling-based response, "I was angry." In good circumstances, the capacity to form a mental picture of wishes and feelings develops between 18 and 30 months and keeps developing in more complicated ways thereafter. But many young people never acquire the ability to picture their feelings and are thereby unable to fully contemplate their actions in advance. When challenged, such individuals respond with impulses and behavior—they hit, for instance—instead of simply feeling.

They may have constitutional makeups that predispose them to act before contemplating.

Recent clinical observation at the University of Maryland and the Lourie Center in Rockville indicates that infants and children have different sensory patterns. Some, for example, overreact to touch, sound and movement. Others, however, crave these very sensations. Interestingly enough, some sensation-seeking children crave physical input to such a degree that, once they're mobile, they try to grasp every object in sight—Mommy's hair, Daddy's nose—often knocking the furniture over en route. As toddlers or preschoolers, they may enjoy going down the slide head first. They may also be less sensitive to pain. While such children sometimes appear to be troublemakers, this isn't quite the case: This is the way they experience the world around them.

Many children with this constitutional makeup may go on to be great football players, pilots, soldiers, marine biologists, archeologists or anything that integrates cerebral activity with hands-on doing. What in part determines whether such individuals become violent involves how many important milestones in their emotional development they never reach. For example, when we couple a sensationseeking, daredevil child with emotional neglect and/or physical abuse, we obviously have a worrisome situation. On the other hand, when we combine these physical characteristics with empathetic nurturing and communication, we may have a child who is energetic, creative and reflective.

By tracking the important emotional milestones never reached by children like this, we can see with some precision just how we manufacture violent people at such a brisk clip. More importantly, we can see that some violence can be prevented through the promotion of such admittedly amorphous things as loving, empathizing and thinking ahead.

While it is encouraging to see the Clinton administration viewing violence as a health issue and forging an alliance between the attorney general's office and the Department of Health and Human Services, the likelihood of disillusionment in efforts of this sort is high. You can't just inoculate the violence-prone, and large-scale government initiatives are seldom flexible and personalized enough to be effective for individual families and children.

Improving the economic lives of impoverished families alone won't solve our problems. Neither will making the penalties for violence harsher or putting children on trial as adults. A successful preventative effort will have to be built around a philosophy that emphasizes highly personal relationships and patterns of care. Such a philosophy might begin with initiatives that:

Help the most vulnerable parents become better caregivers to their kids. A tall order, certainly, but results of a 15-year study by the Syracuse University Family Development Research Program are promising. Of the low-income families visited by child development trainers every week for five years to work on individualized parenting skills, only 6 percent of the study group kids went on to have probation records, as opposed to 22 percent of a control group.

Make pediatricians and other health care providers as aware of the emotional state of infants, children and families as they are of physical well-being. While the American Academy of Pediatrics has recognized the importance of a child's emotional life in the guidelines it prepares for health care professionals, those professionals still don't routinely focus on the emotional lives of their young patients.

Increase the continuity of the relationships between adult caretakers and children—espcially when the children are at risk. For example, day care staff should stay on with the same children throughout their infancy and early childhood, instead of changing each year for administrative ease. The same school teacher might work with an at-risk child for all seven grade school years to form a relationship that child might never get at home.

Create programs for children at critical points in their childhood and adolescence—for instance, once a pattern of absenteeism from school is established, or after the first criminal offense—that foster relationships with mentors. A Newton, Mass., psychotherapy program run by Milton Shore and Joseph Massimo worked with young delinquents immediately after they dropped out of high school. The program significantly reduced the incidents of criminal incarceration and mental health difficulties.

Now that more detailed emotional roadmaps are available to help us analyze with precision where a child's emotional development can become derailed, we can see how the conditions of our society are contributing to the problem of violence, and not solving it.

Mrs. CLAYTON. I want to thank the gentleman from the State of Washington for that very, very, very poignant and precise statement. I think the gentleman is absolutely right, we cannot guarantee that things will be right, what we can guarantee is that if we do nothing, we know they will do wrong. I therefore express my appreciation to the gentleman for his remarks.

□ 2220

Madam Speaker, I yield to the gentleman from Vermont [Mr. SANDERS] who has joined us and is going to share also in this special order on children and families and the statement of priorities that we need to get back to. I thank the gentleman for coming.

Mr. SANDERS. Madam Speaker, I want to congratulate the gentlewoman from North Carolina [Mrs. CLAYTON] for having organized this special order.

Let me begin my remarks by quoting a very profound proverb that the gentlewoman from Florida just mentioned a few moments ago, and that is an African proverb which says, "It takes an entire village to raise a child." That is a very beautiful statement.

What that means is that in a certain sense we are all responsible for everyone else and that if we turn our backs on children who are hungry, who are living out on the streets, then we are causing a part of that problem. We must take responsibility for all the people in our country in order to make this once again a great nation.

Madam Speaker, we are all concerned about the budget deficit, but I think we are even more concerned about the national disgrace that has the United States of America leading the entire industrialized world by double in terms of the rate of poverty amongst our children. Twenty-two percent of our children are today living in poverty, which is the highest rate by double in the entire industrialized world.

I think as Americans we are not satisfied, we cannot accept that 5 million children today are hungry, that hundreds of thousands of our children are sleeping out in the streets, that 10 million children lack access to health care, and that many millions more are unable to receive the help they need to deal with the horrors of child abuse.

Further, we are concerned that many of the low-income communities in this country with very high unemployment rates are unable to deal with the enormous problems in terms of illiteracy, homelessness, and unemployment that their communities face. That is why we gather today to speak in favor of the children's initiative and in favor of the empowerment zones.

As part of the children's initiative, we are speaking for the Children's Immunization Program.

What does it say about the United States of America when 45 percent of our kids in 1991 were not fully immunized? That figure is below what exists in many Third World countries.

The money that we are asking for in terms of what the House passed would cover immunization programs for 11 million children.

What does it say about America when millions of kids are getting diseases today which are easily avoidable? What does that say? We are here today as a group to speak in favor of the Family Preservation Act.

In my own State of Vermont we have very serious problems regarding child abuse, child neglect, and our public agencies and our private children's preservation agencies are stretched to the limit, so that you have families falling apart, families which cannot cope with the problems of child abuse, and yet the public and private agencies do not have the funds to hire the social workers to provide the programs to help these kids. We must pass the Family Preservation Act.

I think we also speak in favor of the House provision for a $7 billion expansion in the Food Stamp Program so that once and for all we can begin to move forward to eliminate hunger in the United States of America.

This, fellow Americans, is not a black problem. It is not an Hispanic problem. It is not a white problem. It is not a native American problem. It is an American problem.

In my home city of Burlington, VT, the private food shelters, the private food banks are being overwhelmed by people, by families, by children who today do not have enough food to take care of their basic existence.

Sometimes, Madam Speaker, we begin to take for granted things that happen. One of the problems of human nature is that when we see things in front of us day after day, we begin to say, Well, that is normal. I just stepped over three bodies to get in here of people sleeping out on the streets. Well, no problem. There are 2 million homeless people in America. That is the way it is. So what?

There are 5 million children in America who are hungry. So what? There is widespread hunger in our country. That is the way it is.

Well, I think we have got to take a deep step backward, reexamine our priorities and try to redetermine what this country is supposed to be about.

In this country children and adults are not supposed to be hungry. That is not what this country is about. That is not what people have fought wars for.

I think clearly that the expansion of the food stamp problem will not solve all the problems, but at the very least this U.S. Congress must go on record as saying that we are going to eliminate hunger in America. Everybody is at least entitled to that.

Madam Speaker, we speak today in full support of the $28 billion expansion of the earned income tax credit that was passed by the House.

Today the gap between the rich and the poor in America is wider than in any other industrialized Nation on earth, and the working poor have seen a significant decline in their standard of living during the last 20 years.

Now, we are not talking about people on welfare. We are not talking about people who are unemployed. We are talking about millions and millions of working people in this country who are working for $4.25 an hour—and by the way, I think we have got to raise the minimum wage significantly. They are working for $5 an hour, they are working 40, 50, 60 hours a week. And they are still in poverty. The earned income tax credit begins to recognize that if you work in this country, you have got to live an existence above poverty and it will provide a tax refund to those workers. It is a very important program and we have got to support it.

Now, I want to say a word, and I do not know that it has been touched upon earlier, and that is people may say, people in the listening audience may say, "Well, that sounds good. Good idea. But how can we afford it? That costs so much money."

It seems to me that we can afford it if we begin to deal with some of the economic realities of America, and that is, Madam Speaker, that the wealthiest 1 percent of our population owns 37 percent of the wealth of America. That is significantly more than the bottom 90 percent of Americans own.

As I indicated earlier, the gap between the rich and poor is wider than in any other country on earth. Therefore, we have to ask some deep moral questions.

Is it appropriate for the wealthiest 1 percent to own more than the bottom 90 percent? Is it appropriate that during the eighties the richest 1 percent saw an almost doubling in their real income, at the same time people began to sleep out on the streets and people began to go hungry? That is a moral question.

I think there is no question but that if we develop a progressive approach to funding these programs, we can do that without hurting the middle class, the working class. We are not asking middle-class and working people to help the poor.

What has happened during the eighties, the rich got much richer. Their taxes went down. If we raise, as President Clinton has asked, the corporate tax alone to 36 percent, that brings in, if my memory is correct, $17 billion of additional revenue. That is what the President initially asked. We only passed it at 35 percent. The Senate is at 35 percent.

I think it is not inappropriate to ask the wealthiest people in this country to pay more than President Clinton has asked. He has come forward with a progressive program. We should do better.

There are ways to bring in this revenue which will not impact on middle income and working people.

Let me simply conclude by mentioning to you. Madam Speaker, that 52 Members of the House in a letter sponsored by the progressive caucus have urged Chairman SABO and Chairman ROSTENKOWSKI to fight to retain the Children's Initiative, to protect what we did in Medicare against what the Senate did, and not to give in to the Senate's demand.

So ultimately my hope is that out of this reconciliation package will come a strong step forward to protect working people and the children of this country. We can do no less.

Mrs. CLAYTON. Madam Speaker, I want to thank the gentleman from the State of Vermont for joining us and challenging us to have the right priorities, and also challenging the moral equation of the vast majority of the American people being the suffering part of America.

Democracy requires all of us to share, but a disproportion of the burden should not be on working Americans, or the working poor. I think the gentleman appropriately has stated that we need to do better, to get to the right priorities. I thank the gentleman for being with us.

Madam Speaker, I also want to enter the testimony from the gentlewoman from Illinois [Mrs. COLLINS] who has asked to enter material into the RECORD.

Madam Speaker, I want to use my last 1 minute talking about earned income, if I may, Madam Speaker.

Currently about 5 million Americans work 40 hours a week and still remain below the poverty line. That is a national disgrace. It is a disgrace that individuals in America who work full time plus and never rise out of poverty or have the opportunity to cause their children to rise out of poverty.

□ 2030

In the House reconciliation bill families with two children that earn $8,500 a year, which is a full-time minimum wage, would receive a wage supplement. It would bring them to the poverty line. I believe the expended earned income is essential to reward work and to pave the way for welfare reform.

Further, Madam Speaker, the EITC would be of great benefit to low and moderate income working families in North Carolina. Some 385,000 working families with children in North Carolina received earned income tax credits in 1992. We need to expand this program to also include those who are childless.

Madam Speaker, I urge that the Members show their support for this program, and especially I urge the Finance Committee of the Senate and the Committee on Ways and Means of the House to work for the inclusion of this in the conference bill.

Finally, Madam Speaker, I ask my colleagues of the conference committee to pay special attention to family preservation and support the provision contained in this House. Obviously I am in support of Mickey Leland.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to voice my strong support for important provisions of the Omnibus Budget Reconciliation Act of 1993. This year, for the first time in many years, Congress has passed a budget bill that recognizes that American children are our most precious resource and they must be protected and assisted at any cost. By including critical children/family provisions in the budget bill, Congress is investing in our children and investing in our future and, believe me, the pay off will be immeasurable.

In my district in Illinois, almost a quarter of the families are living in poverty. Unfortunately, my district is not unique in this respect.

Many districts and many children across the country are impoverished and without adequate housing, health care, or schooling.

We, in Congress, have the unique responsibility and opportunity to address this situation. We can do so by simply recognizing that our children are our future and if we support the important children/family provisions of the budget bill, we will take a giant first step towards helping our children.

Some of these important provisions include $1.2 billion for the childhood immunizations, $7.1 billion for the Mickey Leland Childhood Hunger Relief Act for food assistance to low-income families, $1.5 billion for support to improve the quality of services to children in out-of-home care and encourage families to remain together and $28 billion to provide tax credit for working families to help them stay above the poverty line.

Mr. Speaker, Congress was wise and compassionate to include these provisions in the Omnibus Budget Reconciliation Act of 1993 and I urge the budget conferees to remain so by keeping these provisions intact.

THE BALLONA WETLANDS RESTORATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 60 minutes.

Mr. HORN. Madam Speaker, today I introduce H.R. 2764 the Ballona Wetlands Restoration Act. Drafted in conjunction with the city of Los Angeles, the local community, and interested environmental parties, and nearly identical to legislation introduced by Congressman GLENN ANDERSON last year, this bill will establish a demonstration program to encourage the full restoration of the Ballona Wetlands, the last remaining major wetland ecosystem in the city of Los Angeles.

The Ballona Wetlands, located near Marina Del Rey, have become significantly degraded and are in real danger of ecosystem collapse if steps are not taken to reverse their condition. The restoration of these wetlands will increase habitat for several endangered species living there and for the 185 migratory and nonmigratory birds that depend upon Ballona as a refuge. Furthermore, Ballona acts as a major fish nursery habitat for the adjoining Santa Monica Bay and improves water quality for the bay by acting as a natural filtration system.

The restoration of the Ballona wetlands offers the opportunity to combine environmental protection policies with the need for economic growth, thus bringing together elements that are too often opposed. A private developer has offered to fund a portion of the restoration project in return for development credits. However, the private developer can fund only approximately one-fourth of the total cost. The Port of Los Angeles has tentatively agreed to provide the remaining funds—in return for which it hopes to receive credits for future expansion activities necessary to accommodate shipping and trade growth in Los Angeles.

The problem is that the U.S. Environmental Protection Agency has been unwilling to provide the port with an estimate of how many credits it might receive for its restoration funding. Unless the port can be provided with an estimate of credits, it will be unable to justify the funding needed for the Ballona restoration project. Instead of restoring this habitat in Los Angeles, the port will spend its expansion mitigation money elsewhere along the California coast.

Therefore, my colleagues and I have decided to introduce legislation to nudge the EPA into action. Our bill would establish an EPA demonstration program to create a mitigation bank for the Ballona restoration. Under the provisions of the bill, the port could fund the restoration project and receive credits which would be held until needed for port expansion. The bill clearly states that the port could not draw these credits until it clears all the usual State and Federal permit requirements for expansion.

A unique feature of our proposal is that following the allocation or assigning of credits by EPA, wetland restoration would begin prior to the development activities so that results could be measured and guaranteed. With this bill, environmental protection, not development, comes first. We believe that this demonstration project would offer an excellent model, demonstrating how environmental goals can be combined with economic growth activities. Under our bill, the Ballona Wetlands and the Santa Monica Bay are winners and so is the local economy. I urge all of my colleagues throughout this House to join me in support of this important wetlands.

The bipartisan group which are joint authors of this wetlands legislation include JANE HARMAN, JULIAN DIXON, WALTER TUCKER, ANTHONY BEILENSON, HOWARD BERMAN, HENRY WAXMAN, ESTEBAN TORRES, and CARLOS MOORHEAD.

Madam Speaker, I submit the text of this legislation to be printed in the RECORD.

The text of the legislation is as follows:

H.R. 2764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ballona Wetlands Restoration Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares the following:

(1) Wetlands perform a number of valuable functions which are important to the ecological and economic well-being of the Nation, including—

(A) providing contributions to food and water supplies, flood control, and wildlife resources;

(B) maintaining biological diversity; and

(C) providing natural habitats for many migratory and resident fish and wildlife species, including migratory birds, endangered species, and fish species in commercial and recreational fisheries.

(2) Over ⅔ of the wetlands that once existed in the State of California have been severely degraded or no longer exist.

(3) Over 9/10 of the wetlands that once existed in the city of Los Angeles, California, have been severely degraded or no longer exist.

(4) The Ballona Wetlands constitute the last remaining wetlands ecosystem of significant proportion located in the city of Los Angeles.

(5) The Ballona Wetlands, though significantly degraded, support 185 species of birds along the Pacific Flyway.

(6) The Ballona Wetlands are in imminent danger of an ecosystem collapse.

(7) If fully restored, the Ballona Wetlands could—

(A) provide a major fish nursery habitat for the adjoining Santa Monica Bay;

(B) improve the water quality of Santa Monica Bay by acting as a natural filtration system;

(C) provide increased habitat for endangered species and migratory birds; and

(D) provide significant educational opportunities regarding wetlands functions for persons in surrounding urban areas.

(8) It should be a high priority of the Federal Government to encourage the full restoration of degraded wetlands.

(b) PURPOSE.—The purpose of this Act is to establish a demonstration program to encourage the full tidal restoration of the Ballona Wetlands.

SEC. 3. DISCHARGE OF DREDGED OR FILL MATERIAL AT BALLONA WETLANDS.

(a) EXPEDITED PERMITTING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall issue regulations to provide for expedited consideration of permit applications submitted under section 404 of the Federal Water Pollution Control Act for the discharge of dredged or fill material into navigable waters at the Ballona Wetlands, Los Angeles, California.

(b) PUBLIC HEARINGS.—Regulations issued under subsection (a) shall provide for notice and opportunity for public hearings in accordance with section 404(a) of the Federal Water Pollution Control Act.

SEC. 4. BALLONA WETLANDS DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of the Army and the heads of other Federal departments and agencies, shall establish, in accordance with the requirements of this section, a demonstration program to encourage the full restoration of the Ballona Wetlands, Los Angeles, California.

(b) MITIGATION CREDITS.—

(1) AWARDS.—Under the demonstration program to be established under subsection (a), the Administrator shall award mitigation credits to persons who conduct activities for the restoration of the Ballona Wetlands.

(2) USE.—Mitigation credits awarded under the demonstration program may be used in obtaining permits under section 404 of the Federal Water Pollution Control Act for activities to be conducted between Point Conception, California, and the Mexican Border.

(3) BANKING.—The Administrator shall establish a mitigation banking system in order to keep an accounting of mitigation credits awarded under the demonstration program.

(4) SALE.—Mitigation credits awarded under the demonstration program may be sold to third parties with the approval of the Administrator. The Administrator shall give priority to third parties who are engaged in water dependent development in San Pedro Bay and who are located in the county of Los Angeles in approving the sale of mitigation credits under this paragraph.

(c) REGULATIONS.—

(1) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall be issue regulations to carry out the demonstration program to be established under subsection (a).

(2) CONTENTS.—Regulations to be issued under this subsection shall contain the following:

(A) SCALE FOR AWARDING OF CREDITS.—A scale for awarding mitigation credits under the demonstration program. Such scale shall take into account the degree to which an activity will contribute to the full restoration of the Ballona Wetlands and the availability of other mitigation options.

(B) GUIDELINES FOR USE OF CREDITS.—Guidelines for determining how mitigation credits awarded under the demonstration program may be used in obtaining permits under section 404 of the Federal Water Pollution Control Act. Such guidelines shall take into account the relation between the ecological and economic benefits of an activity for which mitigation credits are to be awarded under the demonstration program and the loss of habitat associated with the issuance of a permit for an activity on the basis of such mitigation credits.

(d) LIMITATION.—The award of mitigation credits under the demonstration program to be established under subsection (a) shall not be construed to constitute prior approval by any Federal or State agency of any application for a permit for which such credits may ultimately be used.

SEC. 5. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 5 years, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of the Army and the Secretary of the Interior, shall transmit to Congress a report on the results of the demonstration program to be established under section 4.

(b) CONTENTS.—Each report to be transmitted to Congress under subsection (a) shall at a minimum contain the following:

(1) An estimate of the total number of acres of wetlands which have been restored under the demonstration program to be established under section 4.

(2) An assessment of the effectiveness of the demonstration program in achieving the policy set forth in section 2(a)(7).

(3) An assessment of the functions of the wetlands which have been restored under the demonstration programs.

(4) An assessment of whether or not establishment of the demonstration program has resulted in more timely completion of mitigation activities under section 404 of the Federal Water Pollution Control Act or in greater ease of administration of permitting programs under such section.

(5) A description of the costs associated with administering the demonstration program.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DERRICK (at the request of Mr. GEPHARDT), for today.

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOODLATTE) to revise and extend their remarks and include extraneous material:)

Mr. BOEHLERT, for 5 minutes, today.

Mr. QUINN, for 5 minutes, on August 3.

Mr. LIVINGSTON, for 60 minutes each day, on July 29 and 30.

(The following Members (at the request of Mrs. MEEK) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today, and on July 29.

Mr. RICHARDSON, for 5 minutes each day, on July 28, 29, and 30, and August 2, 3, 4, 5, and 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOODLATTE) and to include extraneous matter:)

Mr. YOUNG of Alaska.
Mr. CLINGER.
Mr. FIELDS of Texas.
Mr. CALLAHAN.
Mr. COX.
Mr. COBLE.
Mrs. VUCANOVICH.
Mr. DUNCAN.
Mr. MICA.
Mr. GOODLING.
Mr. PORTER.
Mr. DIAZ-BALART.
Mr. CUNNINGHAM.
Mr. GINGRICH.

(The following Members (at the request of Mrs. MEEK) and to include extraneous matter:)

Mr. FORD of Michigan.
Mr. OWENS.
Mr. KANJORSKI.
Mr. STARK.
Ms. BYRNE.
Mr. DE LUGO.
Mr. YATES.
Ms. WOOLSEY.
Ms. HARMAN.
Mr. HOYER in two instances.
Mr. TRAFICANT.
Mr. OBERSTAR.
Mr. FAZIO.
Mr. KLECZKA.
Mr. STUDDS.

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mr. BAKER of Louisiana.
Mr. SANTORUM.
Mr. GEPHARDT.
Mr. KENNEDY.
Mr. FINGERHUT.
Mr. MENENDEZ.
Mr. LIPINSKI.
Mr. GONZALEZ.
Mr. MINGE.
Mr. CONYERS.
Ms. ROS-LEHTINEN.
Mr. STARK.
Mr. KOPETSKI.
Mrs. UNSOELD.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 847. An act, to provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On July 15, 1993:

H.R. 588. An act to designate the facility of the United States Postal Service located at 20 South Main in Beaver, Utah, as the "Abe Murdock United States Post Office Building"; and

H.J. Res. 213. Joint resolution designating July 2, 1993 and July 2, 1994 as "National Literacy Day."

On July 16, 1993:

H.R. 1189. An act to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company; and

H.J. Res. 190. Joint resolution designating July 17 through July 23, 1993, as "National Veterans Golden Age Games Week."

On July 23, 1993:

H.R. 1347. An act to modify the boundary of Hot Springs National Park; and

H.R. 2561. An act to authorize the transfer on naval vessels to certain foreign countries.

ADJOURNMENT

Mr. HORN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 28, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

1651. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Antideficiency Act, in a U.S. Army Intelligence and Security Command activity, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

1652. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting certified materials supplied to the Commission, pursuant to Public Law 101-510, section 2903(d)(3) (104 Stat. 1812); to the Committee on Armed Services.

1653. A letter from the National Commission on Financial Institution Reform, Recovery, and Enforcement, transmitting findings, conclusions, and recommendations of the Commission, pursuant to Public Law 101-647, section 2556(a) (104 Stat. 4892); to the Committee on Banking, Finance and Urban Affairs.

1654. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled, "Housing and Community Development Act of 1993"; to the Committee on Banking, Finance and Urban Affairs.

1655. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-59, "District of Columbia Regional Interstate Banking Act of 1985 Clarification Temporary Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1656. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-60, "District of Columbia Expenditure Prohibition Temporary Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1657. A letter from the Director of Employee Benefits, Farm Credit Bank of Baltimore, transmitting the annual pension plan report for the plan year ending December 31, 1992, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1658. A letter from the Director, Financial Services, Library of Congress, transmitting the financial statements of the Capitol Preservation Fund for the first quarter of the fiscal years 1994 and 1993; to the Committee on House Administration.

1659. A letter from the Director, Office of Management and Budget, transmitting a soil conservation service plan for the Doyle Creek Watershed of Kansas, pursuant to 16 U.S.C. 1005; to the Committee on Public Works and Transportation.

1660. A letter from the Director, Office of Management and Budget, transmitting a soil conservation service plan for the McCoy Wash Watershed of California, pursuant to 16 U.S.C. 1005; to the Committee on Public Works and Transportation.

1661. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation entitled, "National Aeronautics and Space Administration Management Reorganization Act of 1993"; jointly, to the Committees on Science, Space, and Technology and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARR: Committee on Appropriations. H.R. 2750. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103-190). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 2152. A bill to amend the Merchant Marine Act, 1936, to encourage merchant marine investment, and for other purposes; with an amendment (Rept. 103-194, Pt. 1). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 572. A bill for the relief of Melissa Johnson (Rept. 103-191). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2625. A bill for the relief of Olga D. Zhondetskaya (Rept. 103-192). Referred to the Committee of the Whole House.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 1845. A bill to establish the Biological Survey in the Department of the Interior; with an amendment; referred jointly to the Committees on Natural Resources, and Science, Space and Technology for a period ending not later than July 30, 1993, for consideration such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clauses 1(n) and 1(r) of rule X, respectively (Rept. 103-193, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LAFALCE (for himself and Mrs. MEYERS of Kansas):

H.R. 2746. A bill to amend the White House Conference on Small Business Authorization Act; to the Committee on Small Business.

By Mr. LAFALCE:

H.R. 2747. A bill to increase the authorization for the development company loan and debenture guarantee program administered by the Small Business Administration; to the Committee on Small Business.

H.R. 2748. A bill to amend the Small Business Development Center Program, and for other purposes; to the Committee on Small Business.

By Mr. GONZALEZ:

H.R. 2749. A bill to prohibit the transportation in interstate commerce or from any foreign country into the United States of services provided by convicts or prisoners, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. CARR:

H.R. 2750. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

By Mr. ACKERMAN (for himself, Mr. HOYER, Mr. WOLF, Mr. YOUNG of Florida, Mr. HYDE, and Mrs. MORELLA):

H.R. 2751. A bill to amend title 5, United States Code, to provide for the granting of leave to Federal employees wishing to serve as bone-marrow or organ donors, and to allow Federal employees to use sick leave for purposes relating to the adoption of a child; to the Committee on Post Office and Civil Service.

By Mr. CARR:

H.R. 2752. A bill to amend the Solid Waste Disposal Act to prohibit the transportation of solid waste from the State in which the waste was generated to another State for purposes of treatment, storage, or disposal, unless the State in which the waste was generated has in effect a law prohibiting nonreturnable beverage containers; to the Committee on Energy and Commerce.

By Mr. FOGLIETTA:

H.R. 2753. A bill to provide for public access to information regarding the availability of insurance, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. GINGRICH:

H.R. 2754. A bill to extend until January 1, 1998, the previously existing suspension of duty on lactulose; to the Committee on Ways and Means.

H.R. 2755. A bill to suspend until January 1, 1998, the duty on fluvoxamine; to the Committee on Ways and Means.

By Mr. KENNEDY:

H.R. 2756. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to establish a toll free telephone number for the collection of complaints concerning violence on broadcast and cable television, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KENNEDY (for himself, Mr. KING, Mr. LANTOS, Mr. PORTER, Ms. PELOSI, Mr. GILMAN, and Mr. DORNAN):

H.R. 2757. A bill to amend the Immigration and Nationality Act regarding alien smuggling, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. TORRICELLI, Mr. DIAZ-BALART, Mr. MCCURDY, Mr. DEUTSCH, Mr. HASTINGS, Mr. ANDREWS of New Jersey, Mr. MCHALE, Mr. ROMERO-BARCELÓ, Ms. ROS-LEHTINEN, Mr. WYNN, Mr. BURTON of Indiana, Ms. MCKINNEY, Mr. GUTIERREZ, Mr. ENGEL, Mr. SMITH of New Jersey, and Mr. RICHARDSON):

H.R. 2758. A bill to provide for assistance to the people of Cuba once a transitional government is in power, and for other purposes; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, Agriculture, and Ways and Means.

By Mr. PAYNE of Virginia (for himself and Mrs. JOHNSON of Connecticut):

H.R. 2759. A bill to amend the Internal Revenue Code of 1986 to allow corporations to issue performance stock options to employees, and for other purposes; jointly to the Committees on Ways and Means and Energy and Commerce.

By Mr. STUDDS (for himself, Mr. YOUNG of Alaska, Mr. FIELDS of Texas, Mr. MANTON, and Mr. SAXTON):

H.R. 2760. A bill to authorize the Marine Mammal Protection Act for a period of 6 years, to establish a new regime to govern the incidental taking of marine mammals in the course of commercial fishing operations, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. UNSOELD:

H.R. 2761. A bill to transfer certain offices of the National Oceanic and Atmospheric Administration to the Department of the Interior, and to transfer coastal assessment, science, and management components of the National Ocean Service of that Administration to the Department of Environmental Protection; to the Committee on Merchant Marine and Fisheries.

By Mr. VOLKMER:

H.R. 2762. A bill to authorize a program of supplementary grants to States to promote excellence by recognizing and rewarding experienced, effective teachers and enhance student performance; to the Committee on Education and Labor.

By Mr. HORN (for himself, Ms. HARMAN, Mr. DIXON, Mr. TUCKER, Mr. BEILENSON, Mr. BERMAN, Mr. WAXMAN, Mr. TORRES, and Mr. MOORHEAD):

H.R. 2764. A bill to establish a demonstration program to encourage the full restoration of the Ballona Wetlands, Los Angeles, CA, and for other purposes; to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. KENNEDY (for himself, Mr. SANGMEISTER, Mr. EVANS, Mr. WALSH, Mr. GUTIERREZ, and Mr. SCHUMER):

H.J. Res. 240. Joint resolution to authorize the placement of a memorial cairn in Arlington National Cemetery, Arlington, VA, to honor the 270 victims of the terrorist bombing of Pan Am Flight 103; to the Committee on Veterans' Affairs.

By Mr. STARK:

H.J. Res. 241. Joint resolution to ensure all residents equal access to quality health care services if a managed competition health plan is enacted; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio:

H. Res. 227. Resolution expressing the sense of the House of Representatives that United States Armed Forces should be withdrawn from Somalia as expeditiously as possible; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana:

H. Res. 228. Resolution to declare that July 28, 1993, be recognized as Parents Day; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

229. The SPEAKER presented a memorial of the Legislature of Virgin Islands, relative to Haiti; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. THURMAN introduced a bill (H.R. 2763) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Sidewinder*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 52: Mr. HYDE and Mr. HOUGHTON.

H.R. 106: Mr. HINCHEY.

H.R. 133: Mr. FARR and Mr. PETE GEREN of Texas.

H.R. 140: Mr. EWING, Mr. LIVINGSTON, Mr. JOHNSON of Georgia, and Ms. THURMAN.

H.R. 150: Mr. BALLENGER.

H.R. 302: Mr. SARPALIUS.

H.R. 417: Mr. BARCIA of Michigan and Mr. BAKER of Louisiana.

H.R. 431: Mr. WYNN.

H.R. 437: Ms. THURMAN.

H.R. 535: Mr. LEHMAN.

H.R. 586: Mr. VENTO and Mr. INSLEE.

H.R. 656: Mr. TORRICELLI.

H.R. 786: Mr. DURBIN and Mr. TORRICELLI.

H.R. 794: Mr. BAKER of California, Mr. TANNER, and Mr. TAUZIN.

H.R. 821: Mr. MONTGOMERY, Mr. PENNY, Mr. BISHOP, Mr. KING, Mr. HEFNER, Mr. RICHARDSON, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 830: Mr. CALVERT, Mr. CRAPO, Mr. HUTCHINSON, Mr. PORTMAN, Ms. PRYCE of Ohio, and Mr. JOHNSON of Georgia.

H.R. 840: Mr. FILNER and Mr. ROMERO-BARCELÓ.

H.R. 911: Mr. GINGRICH, Mr. RANGEL, and Mr. LAFALCE.

H.R. 916: Mr. DELLUMS.

H.R. 943: Mr. LANTOS, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Mr. BISHOP, Mr. GRAMS, and Mr. QUINN.

H.R. 949: Mr. MONTGOMERY, Mr. KING, Mr. PENNY, Mr. TEJEDA, Mr. BISHOP, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 999: Mr. MACHTLEY.

H.R. 1012: Mr. BILBRAY, Mr. BROWN of California, Mr. KLUG, Mr. PETRI, Mr. ROHRABACHER, and Mr. UPTON.

H.R. 1036: Ms. MALONEY.

H.R. 1103: Mr. SPRATT.

H.R. 1141: Mr. KLINK.

H.R. 1154: Mr. RIDGE.

H.R. 1270: Mr. GINGRICH.

H.R. 1352: Mr. FINGERHUT and Mr. PARKER.

H.R. 1438: Mr. BOEHLERT.

H.R. 1493: Mr. GINGRICH.

H.R. 1552: Mr. BARRETT of Wisconsin.

H.R. 1565: Mr. GINGRICH.

H.R. 1604: Mr. HYDE.

H.R. 1617: Mr. LIPINSKI, Mr. MANZULLO, Mr. RUSH, and Mr. SANGMEISTER.

H.R. 1627: Mr. BONILLA, and Mr. GONZALEZ.

H.R. 1683: Mr. KOPETSKI, Mr. VENTO, and Mr. BOEHLERT.

H.R. 1697: Mr. KLUG, Mr. HOEKSTRA, and Mr. ROWLAND.

H.R. 1709: Mr. NEAL of Massachusetts, Mr. TAUZIN, Mr. MEEHAN, Mr. BEVILL, and Mr. MCHALE.

H.R. 1765: Mr. DOOLEY and Mr. UPTON.

H.R. 1833: Mr. JOHNSTON of Florida.

H.R. 1886: Mr. BORSKI and Mr. Flake.

H.R. 1930: Mr. TORRES.

H.R. 1967: Mr. SMITH of New Jersey, and Miss COLLINS of Michigan.

H.R. 1968: Ms. THURMAN and Ms. SNOWE.

H.R. 1969: Mr. VISCLOSKY and Mr. TORRES.

H.R. 1970: Mr. BEILENSON, and Miss COLLINS of Michigan.

H.R. 1999: Mr. KOPETSKI, Mr. QUINN, Mr. JOHNSON of South Dakota, and Mr. BOEHLERT.

H.R. 2043: Mr. MACHTLEY, Ms. BYRNE, Mr. FOGLIETTA, Mr. RICHARDSON, Mr. BROWN of California, and Mr. EDWARDS of California.

H.R. 2062: Mrs. ROUKEMA.

H.R. 2076: Mr. HASTINGS, Ms. PELOSI, and Mr. KENNEDY.

H.R. 2077: Mr. MCDERMOTT.

H.R. 2111: Mr. COYNE, Mr. KOPETSKI, and Mr. MATSUI.

H.R. 2171: Ms. KAPTUR, Mr. BISHOP, Mr. WATT, Mr. CONYERS, Mr. WYNN, Mr. EVANS, Mr. COLLINS of Georgia, Mr. HASTINGS, Mr. DEUTSCH, Mr. FRANK of Massachusetts, and Ms. NORTON.

H.R. 2187: Mr. COMBEST.

H.R. 2292: Mr. DEAL, Mr. GREENWOOD, and Mr. JOHNSON of Georgia.

H.R. 2327: Mr. THOMAS of California.

H.R. 2338: Ms. BYRNE.

H.R. 2346: Mr. LANCASTER and Mr. GINGRICH.

H.R. 2368: Mrs. VUCANOVICH.

H.R. 2379: Mr. CUNNINGHAM and Mr. CALVERT.

H.R. 2427: Mr. SWIFT.

H.R. 2443: Mr. HASTINGS, Mr. SANDERS, Mr. RAHALL, Mr. THOMAS of Wyoming, Mr. WATT, Ms. SHEPHERD, Mr. KLEIN, Mr. SMITH of Iowa, Mr. OXLEY, Mr. PASTOR, Mr. JEFFERSON, Mr. PETERSON of Florida, Mr. BEREUTER, Mr. VALENTINE, and Mr. BARRETT of Wisconsin.

H.R. 2456: Miss COLLINS of Michigan and Mr. GINGRICH.

H.R. 2494: Mrs. MEEK, Ms. THURMAN, Mr. JEFFERSON, and Mr. BARLOW.

H.R. 2525: Mr. MATSUI, Mr. BREWSTER, Mr. CRANE, Mr. SUNDQUIST, Mr. ZIMMER, Mr. LIGHTFOOT, Mr. BLUTE, Mr. BURTON of Indiana, Mr. PETERSON of Minnesota, Mr. MCCRERY, Mr. DOOLEY, and Mr. FROST.

H.R. 2529: Mr. JOHNSON of Georgia and Mr. SKEEN.

H.R. 2535: Mr. STEARNS, Mr. EVERETT, Mr. PENNY, Mr. QUINN, Mr. RUSH, Mr. HEFNER, Mr. KING, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 2554: Mr. KLINK, Mr. OLVER, Mr. SCHAEFER, Mr. BARLOW, Mr. CONDIT, Mr. JEFFERSON, Mr. BLUTE, Mr. HOBSON, Mr. DICKS, Mr. HUTCHINSON, Mr. HOCHBRUECKNER, Ms. LONG, and Mr. GILLMOR.

H.R. 2602: Mr. WOLF, Mr. HUGHES, Mr. KOPETSKI, Mr. FROST, Ms. THURMAN, and Mr. HYDE.

H.R. 2612: Ms. PELOSI.

H.R. 2623: Mr. GLICKMAN.

H.R. 2631: Mr. MINGE and Mr. PETERSON of Minnesota.

H.R. 2638: Mr. KENNEDY, Ms. MOLINARI, Mr. CARR, Mr. PORTER, Ms. ESHOO, Ms. BYRNE, Ms. WOOLSEY, Mr. MARKEY, Mr. CARDIN, and Ms. VELÁZQUEZ.

H.R. 2640: Mr. SANTORUM.

H.R. 2647: Mr. PENNY, Mr. BISHOP, Mr. QUINN, Mr. KING, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, and Mr. WILLIAMS.

H.R. 2654: Mr. HEFLEY and Mr. LANCASTER.

H.J. Res. 11: Mr. FAZIO, Ms. FURSE, Mr. MCCANDLESS, and Mr. MCKEON.

H.J. Res. 44: Mr. GINGRICH.

H.J. Res. 79: Mr. BREWSTER, Mr. DIAZ-BALART, Mr. DUNCAN, Mr. FAZIO, Mr. FISH, Mr. GALLEGLY, Mr. GONZALEZ, Mr. HILLIARD, Mr. MCCRERY, Mr. MICHEL, Mr. MILLER of Florida, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. PICKLE, Mr. QUINN, Mr. ROYCE, and Mr. SHAW.

H.J. Res. 86: Ms. ESHOO, Mr. SMITH of Oregon, and Mr. KLINK.

H.J. Res. 133: Mr. FAZIO.

H.J. Res. 157: Mr. SHAW, Mr. PORTER, Ms. SLAUGHTER, Mr. HORN, Mr. PAXON, Mr. BOEHLERT, Ms. COLLINS of Illinois, Ms. MOLINARI, and Mr. SKEEN.

H.J. Res. 175: Mr. FISH.

H.J. Res. 184: Mr. BISHOP, Mr. EVANS, Ms. FURSE, Mr. GALLEGLY, Mr. HOBSON, Mr. HUTCHINSON, Mr. MARKEY, Mrs. MINK, Mr. NEAL of Massachusetts, Mr. PAYNE of Virginia, Mr. QUILLEN, Mr. RAVENEL, Mr. REED, Mr. ROBERTS, Mr. SAWYER, Mr. SKEEN, Mr. VOLKMER, Mrs. VUCANOVICH, and Mr. WOLF.

H.J. Res. 185: Miss COLLINS of Michigan, Ms. ESHOO, Mr. HALL of Ohio, Mr. KASICH, Mr. LEACH, Mrs. MEEK, Ms. NORTON, Mr. OBERSTAR, Mr. PARKER, Ms. PELOSI, Mr. YOUNG of Florida, Mr. BARRETT of Wisconsin, Mrs. VUCANOVICH.

H.J. Res. 198: Mr. HOLDEN, Mr. CLEMENT, Mr. CONYERS, and Mr. GREENWOOD.

H.J. Res. 204: Ms. ROYBAL-ALLARD, Mr. BERMAN, Mr. PAYNE of New Jersey, Mr. BROWDER, Mr. FORD of Tennessee, Mr. APPLEGATE, Mr. BLILEY, Mr. CONYERS, Ms. LOWEY, Mr. DORNAN, Mr. BAKER of Louisiana, Mr. DICKS, Mr. DURBIN, Mr. MICHEL, Mr. ROBERTS, Mr. JEFFERSON, Mr. MACHTLEY and Mr. SCHUMER.

H.J. Res. 214: Mr. TAYLOR of North Carolina, Mr. EWING, Mr. LAUGHLIN, Mr. KANJORSKI, Ms. SNOWE, Mr. DICKEY, Mr. TRAFICANT, Mr. EVERETT, Mr. SKEEN, Mr. EMERSON, Mr. THOMAS of Wyoming, Mr. SANGMEISTER, Mr. VISCLOSKY, and Mr. COLEMAN.

H.J. Res. 226: Mr. MONTGOMERY, Mr. GILMAN, Mr. SWETT, Mr. ROMERO-BARCELÓ, and Miss COLLINS of Michigan.

H. Con. Res. 14: Mr. CUNNINGHAM, Mr. BONILLA, Mr. THOMAS of Wyoming, Mr. HUNTER, Mr. PETRI, Mr. FLAKE, Mr. SCHAEFER, Ms. FURSE, Mr. PAYNE of Virginia, Mr. LANCASTER, Mr. SOLOMON, Mr. MCCRERY, Mr. GOODLING, Mr. CLINGER, Mr. HUTCHINSON, Mr. GEKAS, Mr. DE LUGO, Mr. SKEEN, Mr. INHOFE, Mr. RIDGE, Mr. GENE GREEN of Texas, Mr. CASTLE, Mr. COOPER, Mr. PETERSON of Florida, Ms. MARGOLIES-MEZVINSKY, Ms. BYRNE, Ms. ROYBAL-ALLARD, Mr. KANJORSKI, Mr. CRAMER, Mr. GLICKMAN, Mr. PAXON, Mr. ROMERO-BARCELÓ, Mr. SWETT, Mr. HALL of Texas, Mr. ROTH, Ms. WOOLSEY, Mr. MCDADE, Mr. COLEMAN, Mr. CONYERS, Mr. GOODLATTE, Mr. HOYER, Mr. UPTON, Mr. LIGHTFOOT, Mr. GILCHREST, Mr. BILBRAY, Mr. JOHNSON of South Dakota, Mr. HOUGHTON, Mr. MORAN, Mr. PASTOR, Mr. BEREUTER, Mr. TOWNS, Mr. GRANDY, Mr. TEJEDA, Mr. TAYLOR of Mississippi, Mr. MANZULLO, Mr. DARDEN, Mr. ANDREWS of Maine, Ms. VELÁZQUEZ, Mr. DERRICK, Mr. REYNOLDS, Mr. KREIDLER, Mr. GIBBONS, Mr. SKELTON, Mr. PORTMAN, Mr. VENTO, Mr. BLUTE, Mr. FINGERHUT, Mr. CONDIT, Mr. HAYES, Mr. CAMP, Mr. KING, Mr. COMBEST, Mr. DURBIN, Mr. MARKEY, Mr. HASTINGS, Mr. DOOLEY, Mr. FILNER, Mr. QUILLEN, Mr. QUINN, Mr. BISHOP, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCOLLUM, Mr. GILMAN, Mr. HOEKSTRA, Mr. CALLAHAN, Mr. PICKLE, Mr. ZELIFF, Mr. KLEIN, Miss COLLINS of Michigan, and Mr. BROWN of California.

H. Con. Res. 52: Mr. SOLOMON, Ms. THURMAN, Mr. DE LUGO, Mr. DICKEY, Mr. RICHARDSON, Mr. DEUTSCH, Mr. HOUGHTON, Mr. PORTER, Mr. SCHIFF, Mr. TRAFICANT, Mrs. LLOYD, Mr. FALEOMAVAEGA, Mr. ROWLAND, Mr. HAMBURG, Mr. GOSS, Ms. DANNER, Ms. SHEPHERD, Mr. GORDON, Mr. JOHNSTON of Florida, Mr. UPTON, Mr. KANJORSKI, and Mr. MATSUI.

H. Con. Res. 66: Mr. SLATTERY.

H. Con. Res. 83: Mr. MENENDEZ.

H. Con. Res. 100: Mr. SCHUMER, Mr. WILLIAMS, and Mr. GINGRICH.

H. Con. Res. 103: Mr. HASTINGS, Mr. ENGEL, Ms. SLAUGHTER, Mr. KOPETSKI, and Mr. LAFALCE.

H. Con. Res. 120: Mr. MCKEON, Mr. COMBEST, Mr. PORTMAN, and Mrs. VUCANOVICH.

H. Con. Res. 124: Mrs. MEYERS of Kansas and Mr. TORRICELLI.

H. Res. 49: Mr. FAWELL.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2330

By Mr. SANDERS:

—Page 5, after line 11, insert the following:

SEC. 105. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2330 of the One Hundred and Third Congress, there is authorized to be appropriated for fiscal year 1994 to carry out this Act not more than 90 percent of the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1993.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund.

EXTENSIONS OF REMARKS

CAMPAIGN OF POLITICAL REPRESSION CONTINUES AGAINST CROATIAN PARLIAMENT OPPOSITION LEADER, DOBROSLAV PARAGA

HON. JAMES A. TRAFICANT, JR.

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 27, 1993

Mr. TRAFICANT. Mr. Speaker, I take this opportunity to update my colleagues on the situation of Dobroslav Paraga, an opposition member of the Croatian Parliament, who visited Members of Congress recently to share his concerns regarding the authoritarian tendencies of the Croatian Government.

Unfortunately, since Mr. Paraga's return to Croatia, he has been the subject of nonstop harassment by the Croatian Government. This has included his removal as vice president of the Commission on Human Rights, charges of high treason based on his statements while in the United States and the takeover of his party's headquarters by the Croatian police. Mr. Paraga is an elected member of an opposition party and, as such, he should be able to exercise his right to free speech without harassment.

In response, Mr. Paraga has peacefully protested in a series of statements, sit-ins, and rallies which reflect his history as a human rights activist who was arrested, jailed, and tortured as a student protester.

Additionally, Mr. Paraga is undergoing his third political trial, charged with the same transgression as in two previous trials that were dismissed by the head of the Croatian Supreme Court. The head of the Croatian Supreme Court was later dismissed himself. Assisting Mr. Paraga's noted criminal attorney, Svonimir Hodak, is the prominent U.S. attorney, Mr. Joseph Morris.

At this point, I wish to include several relevant materials for consideration by my colleagues. Please note that the text of the letter to President Tudjman from the American Muslim Council is identical to the text of the letter sent to Democracy International that follows:

STATEMENT OF DEMOCRACY INTERNATIONAL CONCERNING THE TRIAL OF DOBROSLAV PARAGA, MEMBER OF PARLIAMENT OF CROATIA

The trial of Dobroslav Paraga is a matter of concern to us from the standpoint of human rights, irrespective of our opinion of the politics of Paraga. We do not say this either to support or to criticize the political views and affiliations of Paraga, or anyone else's political views and affiliations. The whole point of human rights is that they are for everyone, those with whom we agree and those with whom we disagree, those whose friends and affiliations we like and those whose friends and affiliations we abhor. This is the very cornerstone of freedom of speech and of association. If human rights do not exist in this way for everyone, then they do not exist in reality for anyone.

Our concern in this message is with the quality of freedom and the quality of justice in Croatia. We note that Paraga has suffered in the jails of the former Communist Yugoslavia. Today in Serbia, Mr. Vuk Draskovic is being tormented and charged on the identical accusation of trying to overthrow the Government by violence, when in fact all of the evidence is that Draskovic has proceeded by normal political means and that it is the Government of Milosevic that has proceeded by political violence and illegality. We do not want the same thing to happen in Croatia.

The burden of the evidence thus far indicates that the trial of Paraga is primarily a political trial and that its main purpose is to punish Paraga and his colleagues for normal political opposition to the Government of President Tudjman. In light of some of the charges against Paraga and the tactics used by the Government against him, the burden of proof is now upon that Government to show that the trial is truly concerned with the alleged conspiracy for illegal and violent overthrow of the Government. Also, in light of the past dismissal of the President of the Supreme Court after the Supreme Court had dismissed past charges against Paraga, the burden of proof is upon that Government to show that its judges are objective and independent, and that the verdict will be dependent upon an honest and independent judicial determination of the truth or falsity of the charge of conspiracy for violent overthrow of the Government. Otherwise the whole world will feel confirmed in the impression—and it has already gained this impression—that the judicial system of Croatia can be and is being turned to use for the partisan interests of the Government, and that a fair trial is not something that people can expect in Croatia if they disagree with the Government.

In these circumstances, the following facts are particularly disturbing and objectionable:

1. This case is being put to a military court.

2. Paraga has been stripped of his parliamentary immunity as a Member of the Croatian Parliament by the vote of the majority which belongs to the party of the Government.

3. Paraga has been removed from a senior parliamentary post, that of Vice Chairman of the Committee on Human Rights and Minority Rights, because of his criticism on May 25, 1993 at the Washington Press Club of human rights practices of the Government of Croatia. This removal is a serious violation of freedom of speech and gravely damages the credibility henceforth of the Parliamentary Committee on Human Rights and Minority Rights. This would be the case even if Paraga's criticisms had been without foundation, as the Government claims; but unfortunately the criticisms did have foundation, and the punishment of Paraga for making them only serves to close the circle and make this evident even to outside laypeople.

4. Charges are being raised against Paraga for his political criticisms of the Government of Croatia and in particular his criticisms of its human rights practices. Paraga's statement at the Washington Press Club has been

(a) discussed at a meeting of the Central Committee of the ruling CDU party, with President Tudjman presiding. The Central Committee has declared that it "considers the attacks by some individuals in opposition circles, not part of the regular partisan disputes but rather aggressive attacks not only against President Tudjman and the Croatian Democratic Union but also against the foundations of the Croatian State." (Vecernji list, Zagreb, June 3, 1993)

(b) characterized by the Committee for Internal Policy and National Security as highly treasonous and an offense against his parliamentary oath to uphold the honor and reputation of Croatia and its Parliament. (Vecernji list, Zagreb, June 3, 1993)

(c) denounced in a Statement of the Croatian Government (printed in Vjesnik, Zagreb, June 3, 1993) as "political sabotage par excellence against the Government of Croatia, the Croatian President and the Croatian State . . . "

Paraga has been indicted for "spreading false reports," a criminal offense in Croatia. (Associated Press, June 5, 1993)

These actions have a threatening character toward all freedom of speech. Mr. Dubravko Vidovic of the opposition Social Democratic party stated that "they could be using him [Paraga] as an excuse to silence all critics." The fact that Mr. Vidovic prefaced his comment with a statement of dissociation—that "Paraga was too harsh in his criticism"—is itself indicative of the chilling effect of the Government's measures against that criticism.

In regard to the sullying of the statehood and reputation of Croatia, we would like to bring the following facts to the attention of the Government of Croatia. We are completely familiar with the statement of Paraga at the Washington Press Club, since it was an open public event. That statement supported the statehood and independence of Croatia. It contained no attack whatsoever against that statehood and independence, nor against anything that could legitimately be considered a foundation of Croatian statehood and independence. The event was attended mostly by representatives and supporters of the Croatian government it was not reported in the Western media. Paraga's making of this statement did very little if any political damage in the West to the Government of Croatia, and did no damage at all to the people of Croatia and their independence. However, the subsequent persecution of Paraga, which is being widely reported in the West, is doing considerable damage to the reputation of Croatia in the West.

If the Government of Croatia wishes this trial to be a fair trial, and for it to be perceived as such in the eyes of the world, then it will have to:

1. Withdraw all charges against Paraga for political activities and statements critical of the Government and person of Mr. Tudjman.

2. Restore the parliamentary immunity of Paraga and his Vice Chairmanship of the Parliamentary Committee on Human Rights and Minority Rights.

3. Conduct the trial in a non-military court, in a large enough courtroom, without excluding portions of the public and press

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that the Government might rather not have present.

4. Conduct the trial under a judge whose independence is demonstrable and unsullied; and reinforce the independence of the Croatian judiciary by restoring the President of the Supreme Court who lost his position after the Supreme Court had dismissed charges against Paraga.

These four measures are needed to ensure freedom and justice in Croatia, to strengthen the democratic legitimacy of Croatian statehood, and to protect the reputation of Croatia around the world. We strongly urge the Government of Croatia to take these four measures.

Signed for Democracy International on June 23, 1993 by

IRA LOUIS STRAUS,
Executive Director.

THE MUSLIM PARLIAMENT
OF GREAT BRITAIN,
April 14, 1993.
His EXCELLENCY PRESIDENT FRANJO TUDJMAN OF CROATIA,
Parliament (Sabor) RH, Zagreb, Croatia.

DEAR PRESIDENT TUDJMAN: We are concerned about the Bill of Indictment that has been issued before the Court Martial against the leaders of the Croatian Party of Rights, the Leader and the President Mr. Dobroslav Paraga and the Vice-President Mr. Ante Dapic, who are members of the Parliament (Sabor) of Croatia and who are also democratically-elected members of the Parliament, respectively.

In particular, Mr. Dobroslav Paraga is the Vice-President of the Committee for Human Rights and the Minority Rights in the Croatian Parliament and Mr. Dapic is the President of the Committee for Grievances and Complaints in the same Parliament.

As the human rights activities of these members of Parliament are well-known and respected, we, the Human Rights Campaigners, deplore the act of their Court-Martial. This act of prosecuting one's own members of Parliament simply because they hold opposing views has never been exercised before in any democratic country and it is in defiance of the application of human rights.

The development of human rights in Croatia should be encouraged and not discouraged at the beginning with action that targets the opposition and tries to prossecute the legally and democratically elected members of Parliament.

Yours sincerely,
MASSOUD SHADJAREH,
Chairman, The Human Rights Committee and The Muslim Parliament of Great Britain.

SDA CHICAGO U.S.A. FOR
BOSNIA-HERZEGOVINA,
Northbrook, IL, June 16, 1993.
His Excellency President FRANJO TUDJMAN,
Zabreb, Croatia.

DEAR MR. PRESIDENT: This is to bring to your attention the outrage and protest that our community feels against the ongoing prosecution of the Hon. Dobroslav Paraga and his associates at the hands of your Court and Military Prosecutor, as well as the undemocratic and illegal procedures of the Court and the Parliament.

The Hon. Dobroslav Paraga is a democratically elected representative of the Croatian people, the elected Vice-President of the Committee for Human Rights and Minority Rights, the well-known and respected human rights campaigner who was previously prosecuted under the Serbo-Communist regime, a supporter of Muslim-Croatian friendship and cooperation, a supporter of the integrity and sovereignity of the sovereign Republic of Bosnia and Herzegovina, and a well-known Croatian patriot with vision and leadership who understands the dangers, the motives and designs of Serbian aggression. His only sin was to fully understand Serbian intentions and to not trust in their promises in Karadjordjevo or elsewhere. His prosecution is a stain on democracy, the legal system, the Presidency, the Parliament, and the freedom of Croatia.

Mr. President, if you continue to prosecute Mr. Paraga you would confirm the darkest suspicion of many Western observers that an autocracy and dictatorship is in the making to inhibit and oppress the freedom loving people of Croatia. Mr. President, we are asking you to stop this charade and prosecution of Mr. Paraga and his innocent associates. Instead, you should use his good offices to help you build trust, cooperation and alliances with the Bosnian Muslims.

Sincerely,
BECIR TANOVIC, *President.*

[Democracy Bulletin—Vol. 4, No. 2—Summer 1993, The National Council to Support the Democracy Movements]

SAVE THE CHILDREN OF CROATIA FUND

Miroslav Kovacevic is a professor of pediatrics accredited to the Loyola University Stritch School of Medicine in Chicago. He is a Croatian-American who immigrated to the United States 20 years ago. In March, 1992 he established a "Save The Children Of Croatia Fund" under the auspices of St. Jerome's Church in Chicago. Its purpose was to provide assistance to Croatian war orphans who lost one or both parents in the Balkan war. The relief campaign initiated by Dr. Kovacevic was simple and effective. The orphans were identified by a group of volunteers in Croatia, who reported their names to fellow volunteers in the United States. Each child's name would then be matched with a sponsor in the United States or Canada who would pledge a monthly support contribution of $50. This money was deposited in a special bank account of the St. Jerome's Church, approved by the Diocese. Each month, the Church would receive a list of eligible children from Zagreb, and a sum equal to $50 per child was transferred to the Privedna Bank in Zagreb, where an individual account was opened for each child and put under the control of its guardian.

The task of identifying eligible children was not always simple. Sometimes there was interference by government officials. In order to facilitate the process Dr. Kovacevic invited President Tudjman's wife to be Honorary Chairperson of the Croatian side of the operation. The program functioned successfully between March and November, 1992. Approximately $600,000 was transferred during this period, and provided aid to some 2,000 Croatian orphans. Dr. Kovacevic planned to extend the program to children in Bosnia-Herzegovina.

Then the trouble started. Franjo Tudjman's authoritarian regime intervened to halt their work. Why this happened is not altogether clear, but some suspect that the reason lies in a rivalry between the regime and an opposition party led by a friend of Dr. Kovacevic.

On November 10, 1992 Dr. Kovacevic received a faxed message from the President's wife, announcing that the headquarters of the fund had been arbitrarily moved from Chicago to Zagreb, that sole signature on the bank account had been taken over by a person unknown to Dr. Kovacevic, and that henceforth only children approved by the Ministry of Defense could receive assistance. In response to Dr. Kovacevic's urgent calls to the bank in Zagreb, top officials at the bank reported that on orders from Mrs. Tudjman, no further information regarding the account was to be given to him.

He later found out that the person to whom Mrs. Tudjman had given sole authority over the bank account was a certain Ivanka Zoric, a close personal friend and confindente.

These arbitrary and unilateral acts left Dr. Kovacevic with no other conclusion than that the St. Jerome's Church of Chicago "Save the Children of Croatia Fund" had been stolen.

In a 45 minute telephone conversion with Mrs. Tudjman on November 16, 1992, Dr. Kovacevic pleaded for restitution of the fund—to no effect.

On November 22, a detailed written communication repeating the request was faxed to Zagreb, but no reply was received.

On November 24, a Dominican priest in Zagreb, Fra. Zadro, armed with a written authorization from St. Jerome's Church in Chicago requested permission to examine the Fund's bank account at the Privedna Bank, and was refused. On December 3, a Zagreb attorney, Mr. Madunic, similarly authorized by St. Jerome's Church, requested access to examine the account and was refused.

On the same date a new fax was sent to Mrs. Tudjman, demanding an immediate resolution of the matter, and her resignation as Honorary Chairperson. Again no reply.

On December 15, 1992 full details of this affair were communicated to the Croatian Ambassador in Washington, Peter Sarcevic, and requesting his urgent mediation. This communication was transferred to Mrs. Tudjman and Ambassador Sacrevic has refused further comment.

On December 31, 1992 Dr. Kovacevic received a fax message from Mrs. Tudjman demanding that all monies belonging to the Church Fund in the United States be immediately transferred to the expropriated account at the Privedna Bank in Zagreb. The message also demanded that all further communication in the matter be directed to her personal fax number, and that none be sent via the Croatian Embassy in Washington or the Office of the President in Zagreb.

Officials of St. Jerome's Church in Chicago refused to transfer any further funds to the expropriated account in Zagreb pending restitution.

On January 7, 1993, Dr. Kovacevic received a visit from two messengers at his Chicago home. They were expressly sent by Mrs. Tudjman. They had one message: stop being stubborn. The doctor replied that he would immediately start organizing a new network for the delivery of aid to the children, and if that failed, he would return all monies at the St. Jerome bank account to their sponsors.

Then followed the enormous task of setting up an alternative organization in Croatia. A new bank account was opened on January 28, 1993, at "Slavonska Banka d.d." in Osijek. The reconstitution of childrens' names and addresses was a particularly difficult in the war-ravaged countryside where addresses change constantly. The Privedna Bank in Zagreb refused to provide any information. Nonetheless by March 9, some 1,938 individual accounts were opened for each child, and St. Jerome's Church in Chicago resumed the transfer of funds: on March 15, $100 per account; on April 6, $50 per account; on May 17, $50 per account.

But the troubles were not over. On March 24, 1993, the "Slavonska Bank" in Osijek advised Chicago they had received an order from the Privedna Bank in Zagreb, signed by Mrs. Ivanka Zoric on orders from Mrs. Tudjman, that all funds they were holding in the name of St. Jerome's Church—"Save the Children of Croatia Fund" be transferred immediately to Privedna Bank in Zagreb. "Slavonska Bank" refused to accede to this order.

Dr. Kovacevic continued to be harassed by phone calls and "visitors" at his Chicago home, until one day the mystery surrounding this bizarre series of events was made clear.

That was May 16, 1993, when the individual donors in the United States who had sponsored children under the program, received a personal letter from Mrs. Tudjman. Its contents leave no doubt that behind all this was a political machination, namely the Tudjman Administration's long-standing battle with a man called Dobroslav Paraga, a friend of Dr. Kovacevic.

Paraga is a pro-democracy human rights activist, and leader of the Croatian Party of Rights. He has a long record of activism, first against the Communist government of Yugoslavia, where he was jailed as a "counterrevolutionary," and later, in opposition to Tudjman and his ruling party, the Croatian Democratic Community (HDZ). He is an outspoken critic of their authoritarian methods. This has earned him Tudjman's undisguised hostility, including arrest, imprisonment, charges of insurrection and treason, and a continual barrage of disinformation against him and his party—most notably that they are fascists.

Paraga has twice been adopted by Amnesty International as a prisoner of conscience.

Mrs. Tudjman's letter to the fund donors makes it quite clear that Paraga's friendship with Dr. Kovacevic is the real reason behind her actions concerning the children's fund. She links Paraga's name with the Doctor's in denying the allegations catalogued hereinabove. She cites a press conference held in Zagreb on April 21st, by the Party of Rights, in which the dispute over the children's fund was publicly aired. The following day, the local press carried the story with the headline "Where Did Help For The Orphans Disappear?" She states that the untrue allegations damage the reputation of Croatia, and implies that this was intentional.

In an address to the National Press Club in Washington, D.C. on May 25, 1993, Dobroslav Paraga critized the Tudjman administration for its poor human rights record and non-respect for democratic principles. After his speech, 12 congressmen wrote to President Clinton calling his attention to "authoritarian tendencies of President Franjo Tudjman and his intolerance towards free press and political expression in Croatia."

On June 4, the Croatian Parliament voted to remove Paraga from the Commission for Human Rights for having "slandered" Croatia during his visit to the United States.

On June 5, before a Military Court in Zagreb, a criminal trial was opened in which Paraga was charged with offenses against the state, political subversion and high treason. Paraga's Croatian attorney, Zvonimir Hodak will be assisted by a prominent U.S. legal counsel, Joseph Morris, President of the Lincoln Legal Foundation.

The war-orphans in Croatia and the private citizens in America who want to help them are thus caught in the middle of a political squabble in which they should never have been involved. Without entering into the merits of the case the Croatian government feels it has against Paraga, the least one can say is that the heavy-handed methods it has shown here do not speak well for its public relations expertise! Too bad, for there is a very large reservoir of sympathy in the United States for the people of Croatia in their time of suffering—a valuable resource Croatia can ill afford to jeopardize.

PRESERVATION OF CEMETERIES, PARKS, AND HISTORICAL SITES

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mrs. VUCANOVICH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

PRESERVATION OF CEMETERIES, PARKS AND HISTORICAL SITES

Whereas, Increased demands on federal, state and local budgets have resulted in the lack of proper funding for the preservation of cemeteries, parks and historical sites; and

Whereas, The National Society Daughters of the American Revolution has always stood for the preservation of sites which bear historic significance and serve as memorials and reminders of our American heritage; and

Whereas, Efforts are being made to locate a New York City incinerator at the Brooklyn Navy Yard over a burial site of 8,000 American prisoners captured by the British during the American Revolution without proper archeological studies having been conducted; and

Whereas, The site of the 1780 Battle of Piqua, where General George Rogers Clark defeated the British in Clark County, Ohio, is being proposed for a housing development; and

Whereas, The Texas Parks and Wildlife Department has announced that five historic parks, which are memorials and museums, have been contractually transferred to a relatively unknown non-profit organization for management; and

Whereas, Many states have no laws protecting cemeteries from road building or other construction and as a result, vandalism, desecration and bulldozing are common;

Resolved, That the members of the National Society Daughters of the American Revolution, as individuals, urge their federal, state and local officials to adequately fund cemeteries, parks and historical sites, work to recognize areas not previously designated as national historical sites and guard against encroachment on our national treasures.

THE GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993 CORRECTION TO HOUSE REPORT NO. 103-106, PART 1

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. CONYERS. Mr. Speaker, on July 15, 1993, the House passed S. 20, the "Government Performance and Results Act of 1993," companion legislation to H.R. 826, which the House passed on March 25, 1993. On page 13 of House Report 103–106, Part 1, to accompany H.R. 826, the paragraph under the heading, "Consideration of Views," should read as follows:

> The strategic plan is intended to be principal means for obtaining and reflecting, as appropriate, the views of Congress, and those governmental and non-governmental entities potentially affected by or interested in the agencies' activities. Although development of the plan is not subject to formal procedural requirements such as the Administrative Procedure Act, the agency shall solicit and consider views of interested members of the public in the process of preparing the plan. An agency's strategic plan shall be a matter of public record, and shall be disseminated as appropriate, with the public being offered an opportunity to obtain copies of the completed plan. Copies shall also be disseminated to Congress, including the Senate Committee on Governmental Affairs, the House Committee on Government Operations, and the appropriate authorization and appropriations committees and subcommittees.

HOUSTON TELEVISION VIEWERS CHEER RETURN OF DAVE WARD

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. FIELDS of Texas. Mr. Speaker, television viewers in the greater Houston area are applauding the return of veterans news anchor Dave Ward who recently completed his recovery from a severe fall he suffered back in early May.

Ward's return to KTRK–TV, Houston's ABC affiliate, has cheered hundreds of thousands of us who have long appreciated and admired his professionalism and his dedication, and who are familiar with his unabashed love affair with the city of Houston.

During his 27-year career with channel 13, Ward has earned the trust and respect not only of Houston-area residents, but of his competitors as well. Today, his is simply a news institution in the Bayou City. All of us are glad to have him back in our living rooms at 6 and 10 p.m.

Back in May, Ward suffered a bad fall due to a pair of faulty boots and a slick spot in a parking lot in southwest Houston. He hit his head on the pavement, causing a blood vessel to rupture in the front left lobe of his brain. Doctors later discovered that the resulting blood clot was the size of a good-sized cherry tomato. The blood clot was so large, in fact, that Ward's doctors were mystified how he managed to walk or speak or even remain conscious.

Just 10 weeks after he suffered his fall, Dave Ward is back delivering the news, at 6 and 10 p.m., on channel 13. Those of us who watch him are grateful that he's back on the job in which he excels—thanks to good luck, and the love of his wife of 17 years, Debbie, and his two sons: 5 year-old Jonathan and 2 year-old Christopher.

Ward joined KTRK-TV in 1966 as an on-the-street reporter and photographer before serving as the anchor for channel 13's 7 a.m. weekday newscast. Later that same year, he became the host of the popular Dialing for Dollars program, which eventually evolved into Good Morning Houston. In 1968, Ward settled in as the co-anchor of the station's 6 and 10 p.m. newscasts; he's been there for the past 21 years.

A radio news veteran in Tyler, Waco and Houston, Dave Ward has won more awards for journalistic excellence that I can list here. But just as important to Dave is the awards he has earned in the field of community service.

Dave has served as president of the local chapter of the Easter Seals Society and is still on the organization's board of directors. He has chaired the Public Affairs Advisory Board of the Houston Business Council, is a former member of the Public Information Committee of the American Cancer Society, was a board member of the Leukemia Society of America, and is a board member of the Press Club of Houston.

Dave Ward's remarkable recovery from his injuries demonstrates that good things happen to good people. Those of us who have become accustomed to his familiar face and voice in our living rooms welcome him back to channel 13, congratulate him on his remarkable recovery, and wish him and his family the very best in the years ahead.

CONSERVATION OF MARINE MAMMALS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. YOUNG of Alaska. Mr. Speaker, today I am joining with my colleagues on the Merchant Marine and Fisheries Committee in a bipartisan effort to conserve marine mammals while allowing the U.S. commercial fishing industry to continue supplying food for our Nation.

As you may recall, in 1988, the Congress enacted amendments to the Marine Mammal Protection Act, which provided a 5-year data gathering program to assess the impact that commercial fishing is having on marine mammal populations. That program and the authorization to incidentally take marine mammals expires on September 30 of this year. Thus, new legislation is needed to protect marine mammal species and allow American fishermen to operate.

Earlier this year, representatives of the commercial fishing industry and the environmental community negotiated an agreement that will establish a long-term program governing the interaction between commercial fishermen and marine mammals. The bill that I am introducing today, along with Congressman STUDDS, Congressman FIELDS, Congressman SAXTON, and Congressman MANTON, will make that agreement part of the law.

I want to make clear that the bill we are introducing is still subject to change. Our committee intends to hold a hearing on this bill before the August district work period. We will take into account all of the changes suggested by witnesses at the hearing, especially those that may involve observer coverage on fishing vessels and means of paying for observers. We will then mark up the bill as soon as possible. We expect to have a final piece of legislation on the President's desk prior to the expiration of the current interim exemption on September 30.

I want to compliment my colleagues who are working with me on this legislation for their efforts to produce a good bill. I also want to congratulate the fishing industry, the environmental community, and the representatives of various States, including my own State of Alaska, who worked so hard to reach an agreement.

UNITED STATES SOVEREIGNTY

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mrs. VUCANOVICH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

UNITED NATIONS VERSUS UNITED STATES SOVEREIGNTY

Whereas, Currently the United Nations is seriously threatening the sovereignty of the United States by taking over the military command of the Armed Services and pressuring for ratification of the United Nations Treaty on the Rights of the Child; and

Whereas, When the United States government agreed to place the military under United Nations control in Somalia, it was beginning to fulfill Public Law 87-287 entitled United States Arms Control and Disarmament Act published as State Department Document 7277, a plan to turn all of our military forces over to the United Nations and not to replace them, leaving the United States entirely without a National Defense Force; and

Whereas, The United Nations Treaty on the Rights of the Child views all rights not as God-given and unalienable, as guaranteed by our Constitution, but as United Nations decreed and conditional, and the intention of our Constitution is to limit the powers of government itself and to make the government the servant, not the master of the people; and

Whereas, The United Nations Treaty on the Rights of the Child would give the United Nations enormous powers over children, families and schools, even to stipulating that the child has a right to use his own language, to receive information and ideas of all kinds through any media of the child's choice and the child's freedom to select his associates, thus destroying parental authority—powers that we as Americans would refuse to give our own Federal Government; and

Whereas, It is always important to scrutinize proposed treaties even more carefully than ordinary legislation, first, because treaties can be ratified at any time by two-thirds of the United States Senators present and voting (i.e., with only four Senators present, one Senator presiding, two Senators voting "yes" and one Senator voting "no"), and second, because of the preferential status treaties enjoy in the American system of government, so that when ratified they become part of the "supreme law of the land," along with the United States Constitution and federal laws;

Resolved, That the National Society Daughters of the American Revolution, as individuals, remind their United States Senators that the United States should not forfeit its sovereignty by completely surrendering control of the splendid United States Military Forces and equipment to a committee of the United Nations, thus allowing our fighting men to be commanded by foreign officers, intermingled with foreign troops and assigned around the world without regard to the needs or national interest of the United States; nor should our nation lose its sovereignty by ratifying the United Nation Treaty on the Rights of the Child, a treaty endangering the Constitution of the United States of America.

VA-HUD APPROPRIATIONS FOR FISCAL YEAR 1994

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. CLINGER. Mr. Speaker, for the benefit of my constituents, I rise to explain my vote on an amendment to the fiscal year 1994 appropriations bill for the Departments of Veterans Affairs and Housing and Urban Development, and independent agencies, H.R. 2491.

In the fiscal year 1994 VA-HUD bill, the Appropriations Committee increased HUD's policy research and development account by 240 percent while eliminating nearly all funding for the Selective Service System. The amendment offered by Congressman SOLOMON sought to transfer $20 million from the HUD account to the Selective Service. I regret that I mistakenly voted against the Solomon amendment, Roll No. 278, when I intended to support it.

As demonstrated by my voting history, I am a strong supporter of the Selective Service System. As far back as 1980 when President Carter proposed reinstating draft registration, I voted for House Joint Resolution 521 to transfer $13.3 million from the Air Force to the Selective Service in order to begin draft registration of 19- and 20-year-old men. Just last year, during consideration of the fiscal year 1993 VA-HUD appropriations bill, I voted against the Atkins amendment which would have eliminated all appropriations for the Selective Service.

Opponents of peacetime draft registration claim that the end of the cold war warrants elimination of the Selective Service System. However, I believe the need for the Selective Service System is currently as great, if not greater, considering the instability and unpredictability in the world today.

With the end of the cold war, the United States has begun dramatically slashing the defense budget, canceling weapons programs, closing military bases, and reducing troop levels. Under President Clinton's proposed defense budget, the active military force will shrink from approximately 2 million service-members in 1990 to 1.4 million in 1996. Continuing peacetime registration under the Selective Service System will allow our Armed Forces to mobilize and draft people quickly in the event of national emergency which is absolutely necessary if we are to protect our national security while we downsize our active forces.

Once again, I would like the record to reflect that I meant to vote "aye" on the Solomon amendment to restore funding to the Selective Service System. I hope that the funds are restored when the bill is considered in the Senate, and that funding for the Selective Service is included in the final version of the fiscal year 1994 VA-HUD bill as reported by conference committee.

A FRAMEWORK FOR COMPREHENSIVE HEALTH CARE REFORM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. OBERSTAR. Mr. Speaker, as the executive branch and the Congress move closer to closure on setting forth both the principles which will guide health care reform and the legislation to enact it, I believe it will be useful for policymakers to give careful consideration to and be motivated by the recent statement of the U.S. Catholic Bishops on this subject entitled: "A Framework for Comprehensive Health Care Reform: Protecting Human Life, Promoting Human Dignity, Pursuing the Common Good."

The Catholic Church in America has very solid credentials with which to speak on health care reform: The church has been involved in the delivery of health care since the earliest days of our Nation; today, health care institutions operated by the church serve some 20 million people a day. The health care debate generally takes place in the context of an economic challenge to the Nation; the bishops see it also as a moral imperative and in their resolution set forth values-based principles to guide the reform process.

The bishops' statement defines health care as more than a commodity, affirming it as a basic human right, essential to human dignity and to the protection of all human life.

The church ministers to the sick and the dying and comforts and counsels their families. Pastors experience first hand the physical pain of those in ill health, as well as the mental anguish of families attempting to meet the financial pressures of providing for the health care of a stricken family member. Underscoring the inequality of burdens in our health care system upon blacks, Hispanics, rural communities, inner cities, the poor and the vulnerable, the bishops' statement focuses on the moral and social dimension of health care, seeking to bring a moral perspective and an ethnical framework to the health care debate in a context otherwise dominated by economic concerns.

The message of the bishops in this resolution is cogent, relevant and instructive to all policy makers, particularly at this timely juncture in the formulation of the specific legislative initiative for health care reform. My colleagues in the Congress and the policy makers in the executive branch will benefit from a careful reading and analysis of the Bishops' statement.

A Resolution of the Catholic Bishops of the United States, June 18, 1993

A FRAMEWORK FOR COMPREHENSIVE HEALTH CARE REFORM: PROTECTING HUMAN LIFE, PROMOTING HUMAN DIGNITY, PURSUING THE COMMON GOOD

I. INTRODUCTION

Our nation's health care system serves too few and costs too much. A major national debate on how to assure access for all, restrain costs and increase quality is moving to the center of American public life. This resolution is addressed to the Catholic community and the leaders of our Nation. We seek to outline the values, criteria and priorities which are guiding our Conference's participation in this vital dialogue. We hope to offer a constructive and distinctive contribution reflecting the Catholic community's strong convictions and broad experience in health care.

The debate and decisions will not be easy. They will touch every family and business, every community and parish. Health care reform represents an effort to redirect a seventh of our national economy and to reshape our society's response to a basic human need. It is not only an economic challenge, it is a moral imperative.

The Catholic community has much at stake and much to contribute to this vital national dialog. For decades, we have advocated sweeping reform. In communities across our land, we serve the sick and pick up the pieces of a failing system. We are pastors, teachers and leaders of a community deeply committed to comprehensive health reform. Our urgency for reform reflects both on our traditional principles and everyday experience.

A. A TRADITION OF TEACHING

Our approach to health care is shaped by a simple, but fundamental principle: "Every person has a right to adequate health care. This right flows from the sanctity of human life and the dignity that belongs to all human persons, who are made in the image of God." Health care is more than a commodity; it is a basic human right, an essential safeguard of human life and dignity. We believe our people's health care should not depend on where they work, how much their parents earn or where they live. Our constant teaching that each human life must be protected and human dignity promoted leads us to insist that all people have a right to health care. This right is explicitly affirmed in Pacem in Terris and is the foundation of our advocacy for health care reform. When millions of Americans are without health coverage, when rising costs threaten the coverage of millions more, when infant mortality remains shockingly high, the right to health care is seriously undermined and our health care system is in need of fundamental reform.

Our call for health care reform is rooted in the biblical call to heal the sick and to serve "the least of these," the priorities of social justice, and the principle of the common good. The existing patterns of health care in the United States do not meet the minimal standard of social justice and the common good. The substantial inequity of our health care system can no longer be ignored or explained away. The principal defect is that more than 35 million persons do not have guaranteed access to basic health care. Others have some access, but their coverage is too limited or too costly to offer health security for their families. High health care costs contribute to a declining standard of living for many American families. The current health care system is so inequitable, and the disparities between rich and poor and those with access and those without are so great that it is clearly unjust.

The burdens of this system are not shared equally. One out of three Hispanics and one of five African Americans are uninsured. The health care in our inner cities and some rural communities leads to third world rates of infant mortality. The virtue of solidarity and our teaching on the option for the poor and vulnerable require us to measure our health system in terms of how it affects the weak and disadvantaged. In seeking the fundamental changes which are necessary, we focus especially on the impact of national health policies on the poor and the vulnerable.

The traditional value of stewardship also contributes to our call for reform. It is predicted that health care costs will more than double between 1980 and 2000. Our nation pays far more for health care than other industrialized countries and that strains the private economy and leaves too few resources for housing, education and other economic and social needs. Stewardship demands that we address the duplication, waste and other factors that make our system so expensive.

For three quarters of a century, the Catholic Bishops of the U.S. have called for national action to assure decent health care for all Americans. We seek to bring a moral perspective in an intensely political debate; we offer an ethical framework in an arena dominated by powerful economic interests.

B. A COMMUNITY OF CARING

The Catholic community in states, cities and towns all across our country, brings not only strong convictions, but also broad experience as providers and purchasers of health care. The Church has been involved in the delivery of health care services since the early days of this nation. Catholic health care facilities are now the largest network of non-profit hospitals and nursing homes in the U.S., serving more than 20 million people in a single year.

As pastors we see the strains and stresses related to inadequate health care, the human consequences of a failing system. In approximately 600 Catholic hospitals and 1500 long term and specialized care settings, in our parishes and schools, Catholic Charities shelters and services, Campaign for Human Development funded groups, we see the consequences of failed and confused policy: families without insurance, sick without options, children without care, the plight of real people behind the statistics. We seek to offer a human perspective in an often overly technical discussion.

C. OUR EXPERIENCE AS EMPLOYERS

Catholic dioceses, parishes, schools, agencies and hospitals are major purchasers of insurance and health care. The rapidly escalating costs of coverage are impacting almost every diocese, agency, parish and school. The increasing resources we spend on health care are dollars that don't fund much needed ministry, services and personnel. We know well the fiscal consequences of the rising health costs which are hurting our economy and diverting precious resources.

D. A CAPACITY FOR ADVOCACY

Our community also brings to this debate expertise and credibility rooted in our experience and values, a history and record of active support for health care reform which goes back decades, active ministry in inner city, suburban and rural communities, an institutional presence in every state and congressional district. We are a very diverse community of believers and citizens who could make a big difference in the health care debate.

The Catholic Health Association, which serves Catholic-sponsored health care facilities, has developed a comprehensive framework for a reformed health care system. This plan reflects the experience and expertise of Catholic leaders who are deeply involved in meeting the health care needs of the nation. We welcome CHA's impressive initiative in developing this plan which includes important values and policy directions to help guide the debate and decisions in the months ahead.

Health care reform is an issue that unites the Catholic community. We need to continue to work together to help make the case for comprehensive reform, share our values and experience and urge our representatives to adopt health care reform which will protect the life and dignity of all. We offer a potential constituency of conscience in the midst of a debate too often dominated by special interests and partisan needs. The debate over national health care reform will test both our Church and our country.

II. CRITERIA FOR REFORM

Applying our experience and principles to the choices before the nation, our bishops' conference strongly supports comprehensive reform that will ensure a decent level of health care for all without regard to their ability to pay. This will require concerted action by federal and other levels of government and by the diverse providers and consumers of health care. We believe government, an instrument of our common purpose called to pursue the common good, has an essential role to play in assuring that the rights of all people to adequate health care are respected.

We believe reform of the health care system which is truly fundamental and enduring must be rooted in values which reflect the essential dignity of each person, ensure that basic human rights are protected, and recognize the unique needs and claims of the poor. We commend to the leaders of our nation the following criteria for reform:

Respect for Life. Whether it preserves and enhances the sanctity and dignity of human life from conception to natural death.

Priority Concern for the Poor. Whether it gives special priority to meeting the most pressing health care needs of the poor and underserved, insuring that they receive quality health services.

Universal Access. Whether it provides ready universal access to comprehensive health care for every person living in the United States.

Comprehensive Benefits. Whether it provides comprehensive benefits sufficient to maintain and promote good health, to provide preventive care, to treat disease, injury, and disability appropriately, and to care for persons who are chronically ill or dying.

Pluralism. Whether it allows and encourages the involvement of the public and private sectors, including the voluntary, religious, and non-profit sectors, in the delivery of care and services; and whether it ensures respect for religious and ethical values in the delivery of health care for consumers and for individual and institutional providers.

Quality. Whether it promotes the development of processes and standards that will help to achieve quality and equity in health services, in the training of providers, and in the informed participation of consumers in decision-making on health care.

Cost Containment and Controls. Whether it creates effective cost containment measures that reduce waste, inefficiency, and unnecessary care; measures that control rising costs of competition, commercialism, and administration; and measures that provide incentives to individuals and providers for effective and economical use of limited resources.

Equitable Financing. Whether it assures society's obligation to finance universal access to comprehensive health care in an equitable fashion, based on ability to pay; and whether proposed cost-sharing arrangements are designed to avoid creating barriers to effective care for the poor and vulnerable.

III. KEY POLICY PRIORITIES

We hope Catholics and others will use this criteria to assess proposals for reform. In applying these criteria, we have chosen to focus our advocacy on several essential priorities:

Priority Concern for the Poor/Universal Access.—We look at health care reform from the bottom up, how it touches the unserved and underserved. Genuine health care reform must especially focus on the basic health needs of the poor (i.e. those who are unable through private resources, employer support, or public aid to provide payment for health care services, or those unable to gain access to health care because of limited resources, inadequate education or discrimination).

When there is a question of allocating scarce resources, the vulnerable and the poor have a compelling claim to first consideration. Special attention must be given to ensuring that those who have suffered from inaccessible and inadequate health care (e.g. in central cities, isolated rural areas and migrant camps) are first brought back into an effective system of quality care. Therefore, we will strongly support measures to ensure true universal access and rapid steps to improve the health care of the poor and unserved. Universal access must not be significantly postponed, since coverage delayed may well be coverage denied. We do not support a two-tiered health system since separate health care coverage for the poor usually results in poor health care. Linking the health care of poor and working class families to the health care of those with greater resources is probably the best assurance of comprehensive benefits and quality care.

Respect for Human Life and Human Dignity.—Real health care reform must protect and enhance human life and human dignity. Every member of the human family has the right to life and to the means which are suitable for the full development of life. This is why we insist that every human being has the right to quality health services, regardless of age, income, illness or condition of life. Government statistics on infant mortality are evidence that lack of access and inadequate care are literally matters of life and death. The needs of the frail elderly, the unborn child, the person living with AIDS, and the undocumented immigrant must be addressed by health care reform.

Neither the violence of abortion and euthanasia nor the growing advocacy for assisted suicide is consistent with respect for human life. When destructive practices such as abortion or euthanasia seek acceptance as aspects of "health care" alongside genuine elements of the healing art, the very meaning of health care is distorted and threatened. A consistent concern for human dignity is strongly demonstrated by providing access to quality care from the prenatal period throughout infancy and childhood, into adult life and, at the end of life, when care is possible even if cure is not. Therefore, we are convinced it would be a moral tragedy, a serious policy misjudgment and a major political mistake to burden health care reform with abortion coverage that most Americans oppose and the federal government has not funded for the last 17 years. Consequently, we continue to oppose unequivocally the inclusion of abortion as a health care benefit, as do three out of four Americans (April 6, 1993 New York Times poll).

As long time advocates of health care reform, we appeal to the leaders of the nation to avoid a divisive and polarizing dispute which could jeopardize passage of national health reform. We strongly believe it would be morally wrong and counter-productive to compel individuals, institutions or state to pay for or participate in procedures that fundamentally violate basic moral principles and the consciences of millions of Americans. The common good is not advanced when advocate of so-called "choice" compel taxpayers to fund what we and many others are convinced is the destruction of human life.

Pursuing the Common Good and Preserving Pluralism.—We fear the cause of real reform can be undermined by special interest conflict and the resistance of powerful forces who have a major stake in maintaining the status quo. It also can be thwarted by unnecessary partisan political combat. We believe the debate can be advanced by a continuing focus on the common good and a healthy respect for genuine pluralism. A reformed system must encourage the creative and renewed involvement of both the public and private sectors, including voluntary, religious and non-profit providers of care. It must also respect the religious and ethical values of both individuals and institutions involved in the health care system. We are deeply concerned that Catholic and other institutions with strong moral foundations may face increasing economic and regulatory pressures to compromise their moral principles and to participate in practices inconsistent with their commitment to human life. The Catholic community is strongly committed to continuing to meet the health needs of the nation in a framework of genuine reform, which respects the essential role and values of religiously affiliated providers of health care.

Restraining Costs.—We have the best health care technology in the world, but tens of millions have little or no access to it and the costs of the system are straining our nation, our economy, our families and our Church to the breaking point. We insist that any acceptable plan must include effective mechanisms to restrain rising health care costs. By bringing health care cost inflation down we could cut the federal deficit, improve economic competitiveness, and help stem the decline in living standards for many working families. Without cost containment, we cannot hope to make health care affordable and direct scarce national resources to other pressing problems which, in turn, worsen health problems, (e.g., inadequate housing, poverty, joblessness and poor education).

IV. CONCLUSION

The Catholic Bishops' Conference will continue to work with our people and others for reform of the U.S. health care system, especially on these key priorities. In our view,

> the best measure of any proposed health care initiative is the extent to which it combines universal access to comprehensive quality health care with cost control, while ensuring quality care for the poor and preserving human life and dignity.
>
> We welcome the signs that our nation and our leaders are beginning to face up to the challenge of reform. We will assess the Clinton Administration's plan and the alternatives to it on the basis of our criteria and experience. We will be active and involved participants in this vital national debate.
>
> New public policy is essential to address the health care crisis, but it is not sufficient. Each of us must examine how we contribute to this crisis—how our own attitudes and behavior demonstrate a lack of respect for our own health and the dignity of all. Are we prepared to make the changes, address the neglect, accept the sacrifices and practice the discipline that can lead to better health care for all Americans? In our own lives and in this vital health care debate we are all called to protect human life, promote human dignity and pursue the common good. In particular, we call on Catholics involved in the health care system to play leadership roles in shaping health care reform which respects human life and enhances human dignity.
>
> Now is the time for real health care reform. It is a matter of fundamental justice. For so many, it is literally a matter of life and death, of lives cut short and dignity denied. We urge our national leaders to look beyond special interest claims and partisan differences to unite our nation in a new commitment to meeting the health care needs of our people, especially the poor and vulnerable. This is a major political task, a significant policy challenge, and a moral imperative.

TRIBUTE TO SPENCER SUTCLIFFE

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. COX. Mr. Speaker, I rise today to pay tribute to one of my most extraordinary constituents. Spencer Sutcliffe of Irvine, CA, is no ordinary 8-year-old in the third grade at Westwood Basics Plus School. He is a truly remarkable karate champion who captured the gold medal at the recent 10th Ryobu-kai International Karate Championship in Tokyo, Japan.

In a field of 24 competitors from around the world, Spencer won first place in the 8- to 10-year-old division in this prestigious international competition. Holding the rank of second Kyu, Spencer is also the U.S. Karate Federation National Champion in his age division for each of the past 2 years.

For most 8-year-old kids, the summertime is full of athletic and sports activities. Spencer Sutcliffe's summer is that and more: he's again training for the U.S. National Karate Championship in August. As this next event draws near, I'm sure my colleagues will join me in congratulating Spencer Sutcliffe for winning the international karate championship and join me in wishing him and his instructor, Sensei Kiyoshi Yamazaki, best wishes for continued success.

NATIONAL DEFENSE—PEACE THROUGH STRENGTH

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mrs. VUCANOVICH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

> NATIONAL DEFENSE—PEACE THROUGH STRENGTH
>
> Whereas, The Preamble to the Constitution states that a primary duty of the government is to provide for the common defense; and
>
> Whereas, After nearly every war the United States has precipitately disarmed just as though there would never be another war or threat to our national security; and
>
> Whereas, In line with this costly tradition which resulted in many more casualties than necessary in World Wars I and II and Korea, the government is now proposing a drastic cut-back of military bases and reduced funding for such high-technology systems as a non-nuclear space-based missile defense system (the Strategic Defense Initiative), the Stealth bomber which performed so brilliantly in the Gulf War, and the Condor Spy plane, which is also valuable for atmospheric research; and
>
> Whereas, The unsettled conditions in the former Soviet Union, the arms buildup in China, North Korea, Syria, and Iran, and the rapidly expanding missile capabilities in third-world countries around the world which require an instant defense and retaliatory capacity on the part of the United States do not justify the drastic curtailment of our military forces and our defense industries; and
>
> Whereas, The overwhelming superiority of the United States in the Gulf War with resultant low casualties in the Armed Forces demonstrated the value of high-technology weapons and general preparedness; and
>
> Whereas, American safety demands continued American supremacy in air, sea, land and space and a military force sufficiently strong and ready to deter potential aggressors around the world;
>
> *Resolved,* That the National Society of Daughters of the American Revolution, as individuals, oppose further cuts in our high-technology military budget, urge the development of a non-nuclear spaced-based anti-missile defense system, recommend caution in cutting military bases and military personnel, and support a program of peace through strength.

MASSACHUSETTS KOREAN WAR VETERANS MEMORIAL

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. KENNEDY. Mr. Speaker, 43 years ago this summer the Korean war began. On July 27, the 40th anniversary of the armistice, we will be dedicating the Korean war veterans memorial in the historic Charlestown Navy Yard in my Massachusetts district. Through the hard work and dedication of thousands of Massachusetts Korean war veterans, this memorial will serve to honor and remember the men and women who gave their lives in what has become America's forgotten war. Without the tireless assistance of the Korean War Veterans of Massachusetts, its chairman William Mason, Jr., president Edward Duff, and Jim Conway this effort would not have become a reality.

This memorial will serve as a reminder of the struggles and sacrifices made by those who lived in an uncertain world dominated by a cold war. It will instill a sense of pride and acknowledgement in our children, who, living in an equally uncertain world, will be directly affected by the challenges we face and the decisions we make.

I deeply regret that I cannot join the participants at the dedication ceremony due to the House of Representatives being in session. However, I do want my colleagues and the Nation to be aware of this important event.

PEOPLE WITH HIV DISEASE AND TAXPAYERS LOSE AS RESOLUTION OF AZT PATENT ISSUE IS DELAYED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. STARK. Mr. Speaker, there was some disappointing news last week for people with HIV disease. The judge presiding over the AZT patent case abruptly ended the jury trial without hearing any of the defendant's witnesses. The case now moves to the Court of Appeals for the Federal Circuit. It could be more than 1 year before the appeal is heard after which the case may resume.

As you know, Federal court in New Bern, NC was to hear arguments concerning the question of who discovered that AZT could be developed into an effective AIDS treatment drug. The British-based Burroughs Wellcome Co., argues that Government scientists at National Institutes of Health [NIH] has no role in the discovery. On the other side, generic drug manufacturers, Barr Laboratories, Inc., and Novopharm, Ltd., are trying to prove that NIH did have a significant role in the discovery. What is up for grabs are patent rights over the drug.

It is ultimately determined that NIH scientists did have a role in the discovery, rights to the drug could then be licensed to the generic drug companies. This would result in significant savings to taxpayers who are funding Government drug reimbursement programs and to individuals paying rising insurance premiums. More importantly, it would mean that people requiring treatment with AZT would not be faced with the tremendous financial burden imposed upon them by the extremely high price of the drug.

This twist in the case is a setback for people afflicted by the HIV disease. The following statement was made by Mr. Jeff Levi, director of public policy with the AIDS Action Foundation:

> The court's defense of Burroughs Wellcome's patent rights to AZT closes off

an important avenue of reasserting the U.S. taxpayers rights to a fair price for the antiviral drug. The U.S. Government contributed significantly to the discovery of AZT's value in treating HIV disease; Burroughs Wellcome's continued overpricing and unwillingness to allow the market to set the price for AZT forces taxpayers to pay yet again for AZT through Government subsidies to patients who cannot afford its inflated price. Patent protections are designed to encourage and reward original and risky investment in discovering new treatment. They should not be used as a shield against legitimate competition, especially when the Government played such an important role in developing the product.

Where does this leave us now? We can only hope that the scheduling personnel and judges at the court of appeals recognize the broad societal importance of this case and ensure that a decision is rendered as quickly as possible.

Patent rights will always be the subject of disputes. I believe however, that the issues of fairness in drug pricing, especially for products codeveloped by the NIH, will be addressed in the future by a prescription drug prices review board such as that proposed in H.R. 916 which is currently before this House.

THIRD ANNUAL PIONEER SENIOR LUNCHEON

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. COBLE. Mr. Speaker, we often hear about the bad things which occur in this world, but the good deeds often go unnoticed. I would like to take a moment, Mr. Speaker, to highlight one good deed which recently occurred in my congressional district.

On July 8, 1993, I had the good fortune to attend the third annual Pioneer Senior Luncheon in Archdale, NC. More than 300 senior citizens were invited to participate in a free luncheon. Mr. Mike Liner, the owner of Pioneer Family Restaurant & Steakhouse, closed his establishment to offer good food and fellowship to hundreds of senior citizens. This is the third straight year that Mr. Liner has offered these free meals. Since this is the first year that I have had the privilege to represent Randolph County, it was my first opportunity to attend.

At 1:30 p.m. on July 8, Mr. Liner closed his restaurant to his paying customers and began serving his free meals. It was a joy to watch as Mike Liner, his family members, and his employees served nutritious and delicious meals to hundreds of smiling faces on that day. Mike Liner says his free meal idea is his way to say "thank you" to the senior citizens of Randolph County.

Watching the festivities that day was a thrill for me, too. I was able to see some old friends and meet many new ones. It was obvious to me that Mike, his family, and coworkers also had a good time at this annual luncheon. Mike would hand out a place mat to each arriving senior citizen containing the seven rules which had to be followed in order to obtain a free meal. Those rules were: (1) No swinging from the chandeliers; (2) No dancing on tables; (3) No spitting tobacco juice on the floor; (4) No fist fights; (5) No food fights; (6) Police will be called for violators of the above rules; (7) Enjoy yourself. I can attest that all the rules, particularly No. 7, were observed with delight.

On behalf of the citizens of the Sixth District of North Carolina, I want to thank Mike Liner, his family, and coworkers at Pioneer Family Restaurant & Steakhouse, for such a gracious good deed. It was obvious to me that they care about the senior citizens who live in Randolph county. Mike was doing his part to say "thank you" to those men and women who have meant so much to all of us. An additional word of thanks should go to Englewood Printing Co. for its assistance in making the third annual Pioneer Senior Luncheon such a rip-roaring success. I look forward to attending the fourth annual gathering next year.

TRIBUTE TO D. ANTOINETTE HANDY

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. YATES. Mr. Speaker, D. Antoinette Handy, the very effective and well-loved director of the music program at the National Endowment for the Arts [NEA], is retiring this week and I want to take a moment to congratulate her and thank her for her many contributions to music, education, and the arts.

During her tenure with the NEA, Antoinette Handy has provided strong leadership to the Endowment's largest discipline program and has skillfully strengthened its ties with a diverse music field which includes, among others, symphony orchestras, chamber ensembles, choruses, jazz musicians and organizations, music festivals, recording, and solo recitalists. She established close communications with the jazz field by helping to set up the National Jazz Service Organization and brought a higher level of recognition to jazz by initiating an annual honorary event for recipients of the Endowment's American Jazz Masters Awards, an honors program for those living jazz legends who have made significant contributions to that art form.

In line with her long-standing commitment to education, Ms. Handy was instrumental in bringing together five historically black colleges and universities [HBCU's] to participate in a project designed to improve the quality of music education for elementary and secondary students in Nashville, TN; Greensboro, NC; Montgomery, AL; Atlanta, GA; and Jackson, MS. Representatives from five HBCU's located in these cities are working with the State and local departments of education and classroom teachers from each of the cities to design and implement a plan which would achieve the aims of the project.

Antoinette Handy represents the very best in public service and I wish her a most happy and productive retirement.

THE WOMEN'S FEDERATION FOR WORLD PEACE IS FIGHTING FOR AMERICA'S FAMILIES

HON. LESLIE L. BYRNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Ms. BYRNE. Mr. Speaker, the family is the vessel through which we nurture our children and prepare them to be productive adults. The family provides a shelter of unconditional love and support for our most vulnerable citizens. Today many families are struggling under the weight of economic hardship and many families are finding a nurturing environment difficult to provide. Too many families are struggling against terrible odds, and the bonds that hold children to their families are being broken. Now, more than ever, we need to reaffirm our support for the American family.

Millions of America's children desperately need help. While most children grow up in healthy, loving households, far too many lives in turmoil, with parents unable to provide their children with the tools necessary to reach full potential. We all agree that a civilized society must treat its future leaders with dignity and respect.

When we see statistics about how our children are growing up in poverty and are contracting diseases we should have eradicated years ago, we usually blame the breakdown of the family and parents' abdication of responsibility for their children. But we need to understand that we are failing our children precisely because we are also failing our families.

Too many parents are forced to take two or three jobs at a time to provide their children with the basic necessities. Too many parents are forced to stay in jobs they do not like for fear of losing health insurance their children might need. Too many parents go to bed at night wondering how they will pay for their children's food and shelter and clothing the next day. Clearly, we have been failing our families.

But I am heartened by the number of mothers and fathers who make incredible sacrifices each and every day so that their children can reach their full potential. Many parents must go it alone, working for 10 or 12 hours a day and then going home to feed their sons and daughters, help them with their homework, and tuck them into bed. Many of these parents do this without child support or any assistance from the Government. Most do it without asking for our sympathy or our charity. They do it because they know that our Nation's future lies with our children, and without providing for our childrens' welfare, this country has no future.

Many people have told me that it is the ultimate responsibility of our Federal Government to ensure our children grow up healthy and strong. I do not believe that is the Government's role. But I do believe it is everyone's responsibility to make sure that any parent who works does not have to see his or her child go hungry or go sick. We agree that parents bear primary responsibility for meeting their children's needs and nurturing their growth and development. Let us reaffirm our support and encouragement for parents and families around the Nation.

Our Nation must reaffirm our commitment to creating and supporting strong and stable families, not merely through words, but through actions. The pitfalls and obstacles that block our children will not go away until we ensure that every family is able to provide their children with affordable health care, quality child care services, and a good education. We need to pay more attention to high drop-out rates, children giving birth to children, juvenile delinquency, and alcohol and drug abuse, and how these crises thrive on the breakdown of our families. We must strengthen efforts to protect abused and neglected children, with an emphasis on keeping children with their families or providing them with a permanent positive alternative.

We must also reaffirm our belief that families come in all shapes and sizes. The qualities that make a family special are love, generosity, and sacrifice for each member. Families can be mothers and fathers, aunts and uncles, grandparents, foster parents, even entire communities that seek to uplift children and give them the chance to thrive.

I would like to close by expressing my gratitude to the Women's Federation for World Peace for their efforts in designating July 28 as Parents Day, and for leading us in a renewal of our shared commitment to sustain and strengthen families. Their contributions are invaluable, since America's children will never succeed unless America's families succeed.

RECOGNITION OF CLINIC OPENING

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. KOPETSKI. Mr. Speaker, I rise today to recognize the June 15 opening of a Planned Parenthood Clinic in Salem, a city in my district and the capital of Oregon. This clinic, the ninth in the State of Oregon, will be the first Planned Parenthood Clinic in the State to offer abortions.

The nurses and volunteers here offer information on all methods of birth control, pregnancy tests and options counseling, gynecological exams, testing and treatment for sexually transmitted diseases, and testing for HIV/AIDS. The clinic operates on a sliding scale fee program, so noninsured patients with low incomes are able to afford these services. The affordability and confidentiality of the clinic is especially important to young adults, those who most need these health services.

The clinic's offer of pregnancy prevention measures to women is not a concession to the anti-abortionists in the community, who see the clinic as primarily an abortion clinic. Rather, it is consistent with the overall purpose of Planned Parenthood's mission to offer a full range of options to women so that they may make their own decisions concerning pregnancy and childbirth. That is why clinics such as this one are vital resources to every community: They allow women to take responsibility and control over their bodies. Here women are informed, diagnosed, and presented with their choices.

I applaud the peaceful way in which protesters and supporters of the clinic have conducted themselves. Controversy is inevitable with the abortion issue, and in Salem, both sides voiced their opinions. No violence or need for police action has occurred.

This clinic meets a vital need in the Salem community. Mr. Speaker, I cannot say enough about the need to make such resources available to women. Unwanted pregnancy prevention is foremost in Planned Parenthood's agenda.

I thank and recognize those members of the Salem community who saw a need for this Planned Parenthood Clinic, and took action—putting in time and energy to ensure the clinic's prompt opening. Specifically I applaud: Bonnie Hietsch, Becky Rasmussen, State Senator Tricia Smith, Jacqueline Zimmer, Susan Gordon, Allie Stickney, the executive director of Planned Parenthood of the Columbia-Willamette region; Lauren Hartmann, the patient services director for Planned Parenthood of the Columbia-Willamette region; Jan Sutton, the registered nurse and manager of the clinic; the clinic's receptionist, Rosalinda Arevalo; and all of the volunteers who put in their time and energy to make the clinic a success.

MOUNT CARMEL RESIDENTS RECOGNIZED FOR HEROIC ACTS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. KANJORSKI. Mr. Speaker, I am honored today to recognize a number of individuals who came to the aid of their Mount Carmel neighbors in a way that is above and beyond the normal call of duty.

On July 4, an 18-unit apartment building was struck by a fire, in which 3 people were killed. This tragedy would have been even more devastating if it were not for the valiant efforts of many people in the community.

An offduty police officer, Dominic McGinley, first noticed smoke rising from the building on his way home from work. He and John Olearnick ran into the building, sounding the alarms, alerting the families, and leading them to safety.

Three gentleman, James Wagner, Frank Amarose, and Ronald James, spotted a 85-year-old woman desperately hanging onto a balcony and quickly climbed the fire escape and put up several ladders to get to a subroof in order to bring her to safety.

Fire Chief Frank Wydra coordinated the whole effort on behalf of the Mount Carmel Fire Department and the additional 150 fire fighters from 31 neighboring fire companies that were necessary to control the raging fire.

The ladies auxiliary and the auxiliary from the Clover House Fire Company coordinated other efforts to provide food and drink to the firefighters during the long hours and the intense heat that was compounded by the high temperatures and humidity. In total, the ordeal lasted 6 days and 3 lives were lost. It is unfortunate that there was any loss of life, but everyone agrees that the fire could have been even more tragic were it not for these brave individuals.

Mr. Speaker, the residents of Mount Carmel proved this July 4 what a real community is. These many individuals gave of themselves to aid and protect their neighbors, not thinking of their own personal safety. I commend these brave individuals here today for their actions and their good deeds. They are truly American heroes.

CRUISE SHIP DUMPING

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. DE LUGO. Mr. Speaker, year after year I have spoken out—here in Congress, in my district, and directly to those at fault—to decry the senseless, wanton destruction caused by some ships in the cruise industry by their willful dumping of trash and waste into our oceans.

Our oceans are an enormous receptacle for our human refuse. We have believed that as we toss our waste into the seas that it sinks beneath the surface and is gone forever. Hardly.

In my district, the beautiful Virgin Islands, waste from cruise ships, cargo ships, even U.S. military ships, regularly washes onto our shores, fouling our beaches, damaging our reefs, and killing our marine life. The ships and their captains who allow this to happen then sail away, leaving their filth for us.

Since 1988, the MARPOL Annex V treaty has prohibited at least one type of ocean dumping, plastics, which are particularly nefarious because they strangle unsuspecting wildlife that ingest them or become tangled in them, and because most plastic takes so long to biodegrade.

But who is to catch the violators? Citizens like you and me, Mr. Speaker, who must be informed of the problem, care enough to help stop it, and be aware enough to be able to punish the dumpers.

I want to commend Clarence Cuthbertson, a staff writer for the Tradewinds Newspaper of St. John, VI, for his informative article on illegal ocean dumping and what we can do to stop it, and commend Tradewinds for publishing it.

All of us who live near the ocean must work to make ocean dumping so prohibitive that shippers will realize it's far more practical, as well as being morally right, to dispose of their waste properly and not leave it behind in their last port of call. Individuals and communities like mine can stop this menace if they care enough to act.

I submit for the RECORD Mr. Cuthbertson's informative article which so well explains this important issue.

CRUISE SHIP TRASH FINDS CAN BE PROFITABLE

(By Clarence Cuthbertson)

Illegal dumping of plastics in territorial waters by cruise ships visiting the Caribbean is cause of concern for marine environmental organizations and the U.S. Coast Guard.

Uncovering illegal dumping can be profitable for the average citizen.

The couple who videotaped cruise ship crew members throwing bags of trash into the ocean off Florida in October 1991 and turned their evidence over to authorities were awarded a $250,000 share of the fine levied against the operators of the Regal Princess.

In April 1993, the Princess Cruise Lines pleaded guilty to a felony violation for illegally dumping plastics and agreed to pay the maximum allowable penalty of $500,000—the largest fine ever imposed by such a violation. The videotaping couple received the maximum amount of reward from a judge July 9.

Will a St. John resident earn anything for turning over cruise ship trash found floating offshore to authorities?

"One cruise company, COSTA Lines, is currently under investigation for alleged illegal disposal of plastics in Virgin Islands waters," said Chief Breck Smith of the U.S. Coast Guard Marine Safety Detachment headquartered on St. Thomas.

"And there is reasonable evidence to believe a violation may have occurred," he added.

The incident referred to by Chief Smith occurred in January when Miles Stair a resident of St. John recovered objects floating in the water on Hart Bay near his home.

A Coast Guard unit was dispatched and two plastic bags were retrieved, according to Chief Smith.

"Almost all reports we've received from cruise line crew members indicate that orders to dump illegally come from officers, and that the captain is fully aware of the practice," Schrader testified.

"Most cruise ships have incinerators designed to dispose of plastics and, even if they do not, for a minimal fee disposal can occur once the ships dock," Chief Smith says.

"Two thousand people on one ship generate a lot of waste, which is easier and cheaper to dispose of overboard than pay even the minimal charges of port disposal," said John Bell of the Caribbean Hotel Association(CHA).

The matter as one of "life and death, since it is the clear waters of the Caribbean, its unspoiled beaches that are irresistible magnets drawing the visitors to our shores," according to the Association, which recently hosted a meeting in San Juan to deal with cruise ships impact on tourism.

Michael Manley former Prime Minister of Jamaica, currently heads the Caribbean Tourism Development Task Force, a regional group formed by CHA.

Manley recently met with Governor Alexander Farrelly and other Caribbean leaders to discuss plans "focusing on the importance of protecting the Caribbean environment from the cruise ships which have repeatedly been caught dumping garbage and other wastes into the oceans," according to a CHA press release.

"One cruise company, COSTA Lines, is currently under investigation for alleged disposal of plastics in Virgin Islands waters," said Chief Breck Smith of the U.S. Coast Guard Marine Safety Detachment headquartered on St. Thomas.

"And there is reasonable evidence to believe a violation may have occurred," he added.

The incident referred to by Chief Smith occurred in January when Miles Stair a resident of St. John recovered objects floating in the water on Hart Bay near his home.

A Coast Guard unit was dispatched and two plastic bags were retrieved, according to Chief Smith.

"The bags contained napkins and sugar packets with clear markings that they were from a COSTA Lines cruise ship," the Chief said.

Such debris thrown overboard is a clear violation of MARPOL Annex V, an international treaty in effect since 1988 which prohibits the disposal of plastic trash at sea.

An executive from COSTA Lines corporate offices, which operates out of Miami, declined to comment on the matter while it was under investigation.

"I am unaware of any investigation," said John Battle, local resident agent for COSTA Lines.

"A twenty-five thousand dollar fine for each incident of dumping is assessed against a violator," said Lt. Jennifer Croot of the San Juan U.S. Coast Guard Station.

Whether the trash discovered by Stair results in a fine remains to be seen. Stair said he wasn't contemplating a reward when he called authorities and hadn't thought about it since the incident.

"In Puerto Rico, ten alleged violations of MARPOL V are currently under investigation involving small island hoppers," Lt. Croot said, And the illegal practice seems widespread, she added.

The Center for Marine Conservation (CMC), the nation's foremost marine environmental organization, was instrumental in bringing the Regal Princess case to court.

"The matter as one of life and death, since it is the clear waters of the Caribbean, its unspoiled beaches that are irresistible magnets drawing the visitors to our shores," according to the Association, which recently hosted a meeting in San Juan to deal with cruise ships impact on tourism.

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The problem is not limited to cruise ships, according to testimony before Congress by Betsy Schrader, marine debris specialist for the Center for Marine Conservation.

"Cruise lines, merchant ships, commercial and recreational fishing boats, and even our own U.S. Navy, must clean up their act," Schrader testified.

The U.S. Navy, as well as other public vessels, are currently exempt from MARPOL Annex V.

"By 1994 all government vessels will be required to be on line with proposed plastic waste disposal plans," the Coast Guard's Lt. Croot said.

The Coast Guard is also proposing rules to require captains to maintain logs of everything thrown overboard on the high seas. The proposed rules would cover all ocean-going ships of at least 40 feet, as well as oil rigs and other platforms.

Until then the Center for Maine Conservation advocates "citizen monitoring" as the most effective way to police marine waters.

"Without citizen involvement, successful prosecution of Princess Cruise Line would have been impossible," the Center said in a press release. "We call on the cruise line industry and the U.S. Coast Guard to foster citizen monitoring and reporting of pollution violations."

The fact that citizens who report illegal dumping of plastics can be awarded half the fine assessed against a violator of MARPOL Annex V could be just the thing to help foster citizen participation.

Or, you could do it because it's the right thing.

EDUCATION—BEYOND ORWELL

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mrs. VUCANOVICH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

EDUCATION—BEYOND ORWELL

Whereas, The Bill of Rights of the United States Constitution guarantees the right to privacy and religious freedom, the General Education Provision Act prohibits the Federal Government from exercising any direct supervision or control over the public school system, and the Hatch Amendment to the Act prohibits secret psychological testing; and

Whereas, In apparent contradiction to these laws, some new federal and state programs mandate teaching "proper" environmental attitudes, adaptability to change, positive attitudes for learning, self-esteem, behaviors for family living, understanding others, cooperation and interpersonal relationships, but give little emphasis to teaching basic subjects and skills such as reading, history, geography, civics, science, mathematics and physical education; and

Whereas, A major concern is that these programs are part of a recent trend in education called Outcomes Based Education (OBE) which has a combination of charter reeducation curriculum and arbitrary tests of questionable reliability and validity that focus on teaching and measuring changes in values from our national heritage to individual emotional development, all at a tremendous cost above current educational funding; and

Whereas, The results (exit outcomes) of these evaluations will be recorded in a nation-wide fiber optic federal system, which is a non-secured and accessible data bank, thus invading student privacy—a violation of the student's and his or her family's Constitutional rights; and

Whereas, The long-range effects of Outcomes Based Education (OBE) can provide to be detrimental to students' progress, college admission and career opportunities as well as cause financial entrapment of local school districts for non-compliance and increase frustrations for our many inspired and effective teachers;

Resolved, That the members of the National Society Daughters of the American Revolution, as individuals, call for an end to all intrusive attitude and psychological testing, ask that the laws of the land be followed, urge their state legislators to pass a pupilparent protection act based on the Hatch Amendment to the General Education Provision Act, request that legislators return schools to local control and encourage traditional education.

SERVING NOTICE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. FORD of Michigan. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice on my colleagues that I may seek less than an open rule for the consideration by the House of Representatives of the bill H.R. 2351, Arts, Humanities, and Museums Amendments of 1993.

THIRD ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. OWENS. Mr. Speaker, today we celebrate the third anniversary of the signing into law of the Americans with Disabilities Act of 1990 [ADA]—landmark civil rights legislation which provides a clear and comprehensive mandate for the elimination of discrimination against individuals with disabilities and for their inclusion in the mainstream of society. No longer are individuals with disabilities considered second-class citizens. Instead, they have been enfranchised with parallel civil rights protections as are afforded all other Americans.

The power of the ADA is impressive in that it is a declaration in support of human possibility and capability and—in spirit and substance—represents a compelling national commitment upon which we must build in the years to come. With the ADA, the boundaries of prejudice and paternalism have been pushed back but obstacles to equality for individuals with disabilities still exist. We must continue to work on changing people's attitudes so someday soon this Nation's 43 million citizens with disabilities can realize the true promise of the ADA: Total integration into the social and economic mainstream of American life.

Furthermore, as new technologies continue to shape the way in which Americans learn in school, perform their jobs, and communicate with one another, we must make sure that a chasm does not develop between those who are information rich and those who are information poor. All information which passes through the computer highways and telecommunications systems of the future must be available in a variety of formats which respond to the needs of individuals with the full range of functional limitations.

The early record on voluntary compliance with the ADA is mixed: Some covered entities have offered exemplary models for accommodating the needs of individuals with disabilities, many have done what is necessary to meet the ADA requirements; and some others have largely ignored the ADA or have been ignorant of it. Although all of the entities that have complied have incurred some costs, it does not appear that any of the dire economic consequences predicted by some have materialized. Overall, the ADA continues to be a major success of American public policy. Countries throughout the world are looking at the ADA and our efforts in implementing it as a model to improve the quality of life for their citizens with disabilities.

Three years ago, with the leadership of 43 million Americans with disabilities, we chose the path of enlightenment over the path of ignorance. Since that time, our country has made tremendous progress toward eradicating the legacy of disability discrimination. The ADA now serves as a worldwide model for what can be accomplished when determined people work together to alleviate injustice. Our continued efforts will show the world that the flame of liberty burns brightly in America.

OLYMPIC GAMES SHOULD NOT BE POLITICIZED

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. MINGE. Mr. Speaker, yesterday we voted on House Resolution 188, expressing the sense of the House that the Olympics in the year 2000 should not be held in China. I voted "present" for several reasons. While I certainly share concerns about the continuing human rights abuses in the People's Republic of China, there must be better ways of sending a message to their Government. China has problems, but it is moving toward a more open society and democratization. We cannot determine what situation will exist there in 2000. We should try to move away from politicizing the Olympic games, especially when the next Olympic games will be held in Atlanta in 1996.

Voting against House Resolution 188 would have been unreasonable because we cannot condone suppression and the abuse of human rights in any nation. Voting for the resolution would have been an easy vote confirming that Congress should spend their time, energy, and resources on such resolutions. The fact of the matter is we have a number of problems in our own country to take care of now—not in the year 2000. While I commend the Congressional Human Rights Caucus and other international organizations for leading the way in sending messages that may improve international human rights, our business should be working on the deficit, the flood disaster in the Midwest, and health care right now and here in this country.

DECLINING CULTURAL AND FAMILY VALUES

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mrs. VUCANOVICH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

DECLINING CULTURAL AND FAMILY VALUES

Whereas, There is no more important problem confronting America than the need to recapture the sense of personal and family responsibility that has dramatically eroded since the 1960's; and

Whereas, The "Index of Leading Social Indicators," by William J. Bennett, an objective assessment of the moral, social, and behavioral condition of modern American society, cites a 560-percent increase in violent crime; more than a 400-percent increase in illegitimate births; a quadrupling of divorce rates; more than a 200-percent increase in the teen-age suicide rate; and a drop of almost 80 points in the Scholastic Aptitude Test (SAT) scores; and

Whereas, The trends in society away from religious and traditional values, the bedrock upon which America was built, has caused behavioral modification on a massive scale threatening our beliefs, our behavior and our philosophy; and

Whereas, The unique strength of America found in the civic virtue of its people and counted on by our founding fathers in devising our form of self-government, must be restored for the preservation of society;

Resolved, That the National Society Daughters of the American Revolution calls upon its members to rededicate themselves to help restore the principles upon which our government was founded—the values of faith, family and responsibility—and work to restore in our schools the teaching of self-control, honor, fortitude, frugality, thereby providing future generations with the intellectual wisdom and moral courage to affect a cultural change that will maintain our capability to endure and prosper as a free people.

REMARKS BY MR. DALE CROWLEY, JR.

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. DUNCAN. Mr. Speaker, at times I listen to WFAX, a Christian radio station in Fairfax, VA. Off and on for several years, I have heard messages by two very fine men who are father and son evangelists, Dale Crowley, Sr., and Dale Crowley, Jr.

As I was driving to Tennessee with my two sons on Friday, July 2, I heard the broadcast that day by the younger Mr. Crowley. I was so impressed by what I heard that I pulled off the interstate and called my office to ask them to get me a copy.

I spoke in three churches on Sunday, July 4, and I used several of the quotations in each of my speeches. I wish all Americans could hear the message reiterated by Mr. Crowley. Our Founding Fathers came here to get freedom of religion, not freedom from religion. I think they would be shocked to know that now even nondenominational prayers at high school graduation ceremonies are being prohibited.

At any rate, I would like to place these remarks by Dale Crowley, Jr., in today's RECORD and call them to the attention of my colleagues and other readers of this publication.

VIRTUE, MORALITY, AND THE CHRISTIAN FAITH WERE ABSOLUTELY ESSENTIAL TO THE ESTABLISHMENT AND FUTURE OF AMERICA

FIVE OF AMERICA'S FIRST SIX PRESIDENTS LINKED "VIRTUE," "MORALITY," AND "RELIGION" WITH GOOD GOVERNMENT AND A HAPPY AND SUCCESSFUL FUTURE FOR THE COUNTRY

Before reading their sure and certain words, please note:

1. They spoke of "virtue," "morality," and "religion" without hesitation or apology.
2. When they said "religion" they meant the Christian faith.
3. They said that "morality" springs from "religion," that is, from the Christian faith.
4. They said that the successful working of the Constitution depended upon the "morality" and "religion" of citizens.
5. They said that good citizenship, and the future welfare of the nation depended upon the "virtue," "morality," and "religion" of its citizens.
6. Their words would neither be approved nor accepted today. But in view of the fact that while these good men established a great nation, evil men are destroying it today, who is right?

GEORGE WASHINGTON (PRESIDENT FROM 1789 TO 1797)

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports."

"Let us with caution indulge the supposition that morality can be maintained without religion * * * reason and experience both forbid us to expect that national morality can prevail, in exclusion of religious principle."

"Virtue, or morality is a necessary spring of popular government."

"Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct."

JOHN ADAMS (PRESIDENT FROM 1797 TO 1801)

"It is religion and morality alone, which can establish the principles upon which Freedom can securely stand * * * the only foundation of a free Constitution is pure Virtue, and if this cannot be inspired into our people * * * they will not obtain a lasting liberty."

"Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

To his wife Abigail on July 3, 1776: "* * * this great anniversary ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty."

THOMAS JEFFERSON (PRESIDENT FROM 1801 TO 1809)

"God who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble for my country when I reflect that God is just, that His justice cannot sleep forever."

"Almighty God hath created the mind free * * * the plan of the holy Author of our religion." (A clear reference to our Lord Jesus Christ)

Jefferson produced a book—excerpts from the New Testament—which he titled The Life and Morals of Jesus of Nazareth. The purpose of this compilation of New Testament scriptures was to serve as a guide to citizens and leaders alike into the paths of "virtue," "morality," and "religion," which his fellow early American patriots had done through their speeches and writings. It was not for the purpose (as some say) to denigrate and disparage our Lord Jesus Christ or the Bible.

JAMES MADISON (PRESIDENT FROM 1809 TO 1817)

"Religion is the basis and foundation of government."

"We have staked the whole future of American civilization, not upon the power of government, far from it. We have staked the future upon the capacity of each and all of us to govern ourselves, to sustain ourselves according to the Ten Commandments of God."

"It is the duty of every man to render to the Creator * * * homage. This duty is precedent, both in order of time and degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governor of the Universe."

JOHN QUINCY ADAMS (PRESIDENT FROM 1825 TO 1829)

He was the son of John and Abigail Adams.

"Is it not that the Declaration of Independence first organized the social compact on the foundation of the Redeemer's mission upon earth? That it laid the cornerstone of human government upon the first precepts of Christianity?"

"The highest glory of the American Revolution was this: It connected in one indissoluble bond, the principles of civil government with the principles of Christianity. From the day of the Declaration * * * they [the American people] were bound by the laws of God, which they all, and by the laws of the Gospel, which they nearly all, acknowledged as the rules of their conduct."

In a letter from his mother, Abigail Adams: "The only sure and permanent foundation of virtue is religion."

Patrick Henry was never president, but he was the friend and advisor to all our early presidents. He wrote:

"It cannot be emphasized too strongly or too often that this great nation was founded, not by religionists, but by Christians, not on religions but on the Gospel of Jesus Christ. For this very reason peoples of other faiths have been afforded asylum, prosperity, and freedom of worship here."

"The Bible is worth all the other books that have ever been written."

Patrick Henry is most famous for these words delivered at St. John's Church in Richmond, Virginia: "Is life so dear or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God. I know not what course others may take; but as for me, give me liberty or give me death."

Supreme Court Justice Joseph Story, appointed by James Madison, wrote:

"The real objective of the First Amendment was not to countenance, much less advance, Mohammedanism, or Judaism, or infidelity, by prostrating Christianity, but to exclude rivalry among Christian sects, and to prevent any national ecclesiastical establishment . . ."

"Christianity ought to receive encouragement by the state . . . Any attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference would have created universal disapprobation, if not universal indignation."

Supreme Court Justice David J. Brewer said in a speech at Harvard 1905:

"This Republic is classified among the Christian nations of the world. It was so formally declared by the Supreme Court of the United States. In the case of Holy Trinity Church vs. the United States, 143 U.S. 471: 'these and many other matters which might be noticed, add a volume of unoffical declarations to the mass of organic utterances that this is a Christian nation'."

"Nevertheless, we constantly speak of this Republic as a Christian nation—in fact, as the leading Christian nation of the world. The popular use of the term certainly has significance. It is not a mere creation of the imagination."

Supreme Court Chief Justice William Rehnquist declared that Christianity and government were intended to be entwined:

"The wall of separation between church and state is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned."

When the righteous are in authority, the
people rejoice:
but when the wicked beareth rule, the people
mourn.—Proverbs 29:2.
Blessed is that nation whose God is the
Lord.—Psalm 33:12.
Righteousness exalteth a nation; but sin is a
reproach to any people.—Proverbs
14:34.
The wicked shall be turned into hell, and all
the nations that forget God.—Psalm
9:17.

REMEMBERING THOMAS JEFFERSON

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mrs. VUCANOVICH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

THOMAS JEFFERSON'S 250TH BIRTHDAY COMMEMORATION

Thomas Jefferson was born on April 13, 1743, in Albemarle County, Virginia where he was reared, lived, died and is buried.

From Patrick Henry, he imbibed the spirit of Revolution and engraved his seal with his motto "Resistance to tyrants is obedience to God".

Mr. Jefferson was a profound thinker. Others also believed that all men were born free, but it was he who phrased the Declaration of Independence.

He was widely proclaimed as a great statesman and leader of the Sons of Liberty, believing that goodness lay at the heart of things. He was Secretary of State under George Washington and third President of the United States of America. His proudest achievement was establishing the University of Virginia and he sought in vain to bring some education within the reach of every child.

From the Declaration of Independence, written by Mr. Jefferson, the following expression speaks for itself and has provided inspiration to all succeeding generations, "With a firm reliance on the protection of divine Providence, we mutually pledge to each other our lives, our fortunes and sacred honor."

TRIBUTE TO CLAYTON FEIG

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to extend my condolences to Steve and Eva Feig for the loss of their dear 18-year-old son, Clayton Feig.

Although young in years, Clayton left a lasting impression on those who knew him. Clayton was deeply interested in political affairs, especially those relating to Israel. Clayton was the founder and president of Betar Youth at the Temple Emanu-El in Miami Beach. Additionally, Clayton was a member of the temple's choir and worked as camp counselor for young children in Israel. Clayton was also an involved member of the American Israel Public Affairs Committee. His lifetime membership in the Protection of the Environment of Israel was a clear testament of his love for Israel, and its environment.

While Clayton was vigorously involved with extracurricular activities, he maintained an outstanding academic status as well. Clayton was an honor student at Maplebrook Academy, located in New York. He was highly skilled in the use of computers and was a superior science student. Clayton was also interested and involved in sports, having participated in Maplebrook's equestrian and track teams, and was an avid fan of the Florida Marlins and the Miami Heat.

Clayton's death is a great loss for our south Florida community and for this great country. It is a tremendous tragedy to lose such a promising young man. Clayton will be greatly missed by his brother Ryan Feig, who serves in the Israeli Army, his family, and those who were fortunate, as I was, to know him.

Additionally, Mr. Speaker, I wish to further extend my condolences to Steve and Eva Feig for the subsequent passing of Elisa Feldenkrais, Eva's mother. Elisa Feldenkrais was 84 years old, a survivor of the Bolshevik Revolution who fled Russia at the age of 14, immigrating to Cuba in search of freedom. Elisa was a humanitarian, constantly and selflessly contributing to others who were in need. As a mother, a grandmother, and a great-grandmother, Elisa will be deeply missed by her surviving family, which includes her son, George Feldenkrais, who is an outstanding citizen in our community.

TRIBUTE TO HAL BROWN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most popular and dedicated elected officials, Marin County Supervisor, Harold C. Brown. Hal Brown represents the 2d Supervisorial District in Marin. He is a resident of San Anselmo and a graduate of Lowell High School and the University of San Francisco. He is also the father of two sons, Michael and Christopher.

Hal has served with distinction ever since he was appointed to the board of supervisors in 1983, and has twice served as chair, in 1986 and again in 1992. On the 10-year anniversary of his joining the board of supervisors, I wish to recognize Supervisor Brown for his commitment to the people of Marin and to thank him for his decade of public service.

Hal has demonstrated great leadership on a wide variety of issues, ranging from waste management, environmental protection, and transportation to cable regulation, child care, and education. He is an active supporter of women's rights and an effective advocate for children, seniors, and people with disabilities.

As an example of his commitment to the county, Hal currently chairs the County Waste Management Advisory Committee, the Hazardous Waste Management Plan Advisory Committee, Hazardous Materials and Waste Subcommittee, and the Solid Waste and Resource Recovery Committee.

Hal has also been involved in protecting the environment and agricultural land in Marin as director of the Marin County Open Space District, and as a member of the Marin Conservation League. He is a member of the Marin County Transit District and on the board of directors of the Bay Area Air Quality Management District, and the Golden Gate Bridge, Highway & Transportation District, where Hal serves as vice chair of the Transportation Committee.

As a member of the Marin Housing Authority, and chair of the Redevelopment Agency, Hal has been working to promote economic growth and stability for the region. He is also a member of the Local Government Commission, Inc.

Hal is the former director of Marin Senior Day Services, Disabled Students Advisory Board at the College of Marin, the Marin Catholic High School Board of Regents, and the Sleepy Hollow Homeowners Association. He is now a member of the Brain Injury Task Force, and was active as both a coach and member of the board for the San Anselmo Youth Soccer and Little League.

Hal has been active on other numerous boards and commissions throughout Marin County, and earned a reputation for being a thoughtful and effective elected official. In 1988 he was nominated as "Public Official of the Year" by the Marin Commission on Aging. Marin County owes a great deal of gratitude for the tireless efforts or Supervisor Hal Brown over the years. Time and time again he has extended himself on behalf of so many people and for so many causes.

Mr. Speaker, it is my great pleasure to pay tribute to Supervisor Harold C. Brown on this anniversary. I regret that I am not able to join Hal and his many friends and fans during the July 29, 1993, celebration at the Deer Park Villa in Fairfax, but I extend my hearty congratulations and best wishes to Hal Brown for continued success now, and in the years to come.

PROJECT TELETECH—A VISION IN EDUCATION EXPLORATION

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. BAKER of Louisiana. Mr. Speaker, I rise today to acknowledge the Louisiana educators for their tremendous achievements through Project Teletech. I would like to commend their efforts in seeking ways to meet the special needs of limited English proficient [LEP] students throughout Louisiana. The project is geared toward those parishes impacted most by an increasing number of LEP students, such as East Baton Rouge, Jefferson, St. Mary, Vernon, Iberia, Lafayette, and Caddo.

Project Teletech is a 3-year project to train teachers of Math, Science, and Social Studies at the elementary, middle, and senior high school levels in order that they are equipped to meet the educational needs of LEP students and parents. The program exposes Louisiana educators to the benefits of instructional television and multimedia technology designed to confront the specialized needs to LEP students, and to facilitate the students' success in the mainstream of the education system.

I would also like to recognize an exciting training institute to be held in Baton Rouge, LA on August 3–5, 1993 as part of Project Teletech. The training program, Harnessing the Power: Technology for the ESL Classroom, will provide in-depth information in the field of ESL methodology, and afford educators the opportunity to sample state of the art technology and innovative computer software programs. The knowledge and experience gained from this program will benefit many teachers, students, and parents throughout the Sixth Congressional District and Louisiana.

It is my pleasure to applaud the diligent work of these educators willing to pursue techniques to help those students requiring extra attention due to their limited English proficiency. We must seek ways to enable all Americans obtain the skills necessary to prosper in today's competitive society. Education is vital to insuring the success of our future generations.

TRIBUTE TO FREDERICK R. WEISMAN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Ms. HARMAN. Mr. Speaker, I ask my colleagues to join me in congratulating Frederick R. Weisman, who has been inspirational in his support of the Venice Family Clinic. Mr. Weisman will be honored on July 29 for his generosity in securing a newly acquired building for the clinic, which will be named the Frederick R. Weisman Family Center.

As a longtime and passionate supporter of the Venice Family Clinic, I am committed to helping it succeed. During the times that I have personally visited the clinic and seen it in action, I have come to believe it is the model of an effective community-based, community-supported family center. My district office is decorated with posters from the Venice Art Walk which helps fund the clinic.

This clinic provides topnotch services in a variety of fields, having the capacity to assist low-income, uninsured people with problems that would otherwise go unattended. The Venice Family Clinic is the largest free clinic in the country and its staff, which includes my daughter Hilary this summer, serves over

50,000 patients a year. It is apparent that such a successful organization is run by dedicated, driven people. Frederick Weisman is a leader among them.

At the Venice Family Clinic, the goal is always to reach for more people and to bring care to thousands who are forced to go without. Mr. Weisman transformed this desire into reality by his generous donation of a new facility adjacent to the VFC's main building. This new facility will house programs that are vitally needed: providing psychosocial support, counseling, and family centered activities. These services will be provided without charge to over 11,000 patients in the South Bay area. I am glad that this newly acquired building carries Mr. Weisman's name, because it personifies his ideal of giving back to the community where it is most needed.

By itself, any government does not have the capacity to find solutions to a nation's problems—it must rely on the experience and initiatives of private citizens for innovative ventures beginning at the community level. Those with low income or without insurance are neglected by our current health care system, and groups such as the Venice Family Clinic provide a lifeline. I am moved by Mr. Weisman's strong desire to play a vital role in providing access to comprehensive health care to low-income and homeless families in the South Bay area.

Mr. Speaker, I hope my colleagues will join me in wishing the Venice Family Clinic the best of success in expanding its facilities, and in commending Frederick Weisman for his generosity and dedication to a most noble cause.

IMPACT OF ILLEGAL IMMIGRATION

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mrs. VUCANOVICH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

IMPACT OF ILLEGAL IMMIGRATION

Whereas, The United States government social budget increased from over $778 billion in 1991 to more than $859 billion in 1992, due largely to the increase in the number of illegal aliens, thus over-burdening our national, state and local health, welfare and educational systems; and

Whereas, Some immigrants, including illegal aliens, unlike those of the past, now decline to assimilate, and demand the right to vote and to have ballots written in their own language; and

Whereas, our nation, which is experiencing an increase in terrorism, lacks adequate safeguards insuring immediate hearings and deportation of immigrants without proper credentials or documentation, and few facilities for detention where appropriate or for the monitoring of undocumented aliens seeking political asylum; and

Whereas, Admission of immigrants with communicable diseases, such as tuberculosis and AIDS, results in health problems of epidemic proportions and the care of the infected and contagious aliens adds to our disease control problems and strains the health care system;

Resolved, That members of the National Society Daughters of the American Revolution, as individuals, urge their legislators to retain the ban on prospective immigrants with communicable diseases and to provide adequate personnel to perform the necessary physical examinations;

Resolved, That members of the National Society Daughters of the American Revolution, as individuals, recommend to their national legislators that Section 301(a) of the Immigration and Nationality Act be amended, thereby refusing entry to immigrants seeking political asylum who do not have proper documentation and/or verification.

HUMAN RIGHTS VIOLATIONS IN UZBEKISTAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. HOYER. Mr. Speaker, recent events in the newly independent, former Soviet Republic of Uzbekistan compel me to bring the attention of this body to the situation there. A repressive campaign against the members of all opposition groups and movements was begun by Uzbek President Karimov last year, and regrettably, has continued to this day. Opposition activists are routinely beaten up, arrested or exiled to such a degree that today, there is virtually no voice of genuine opposition left or allowed to function in Uzbekistan.

At this very moment, trails are continuing in the Uzbek cities of Tashkent and Andijan of six men accused of dangerous crimes against the state. Mr. Speaker, it is apparent that the crime that these men committed was to attempt to organize a roundtable discussion of parties and groups that do not agree with the policies of the current Uzbek Government. Though their activities were peaceful, the Uzbek Government responded with a series of arrests and other forms of harassment.

The Helsinki Commission, which I co-chair, has actively followed events in all the former republics, and has been particularly concerned about the deteriorating situation in Uzbekistan. Most recently, Helsinki Commission Chairman Senator DECONCINI and I wrote a letter to President Karimov protesting this criminal trial of people who were arrested for their political activities. Mr. Speaker, I would like to submit the contents of this letter for the RECORD.

The letter follows:

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE,
Washington, DC, July 26, 1993.

ISLAM KARIMOV,
President, Republic of Uzbekistan, Tashkent, Uzbekistan.

DEAR MR. PRESIDENT, it is regrettable that we must again write to you to express our concern about the trial of six men that began on July 1 in Tashkent and Andijan. The men on trial, Bobur Shakirov, Khazratkul Khudaiberdee, Salavat Umurzakov, Olim Karimov, Orif Otanazarov and Abdulaziz Makhmudov, are being charged with "organized activity" aimed at particularly "dangerous crimes against the state."

Mr. President, it is our understanding that the true "crime" that these men committed was to dare to organize a round table, which they termed the "Milli Majlis," of political parties and movements which do not agree with all of the policies of your government. Their attempt to create a public forum for discussion, and not a legislative body, should not be the basis of criminal prosecution. Your government's determination to try them for having committed "dangerous crimes" is a serious violation of their right to freedom of speech as enshrined in the Helsinki Final Act.

At the same time, we remain concerned about the fate of other members of political opposition groups that have been arrested and sentenced under spurious charges, including Inamjan Tursunov, Pulat Akhunov and Abdulla Utaev. Each of these men, as well as the men currently on trial, were involved in peaceful activities. Mr. Tursunov and Mr. Akhunov have been charged with "hooliganism." an old Soviet-style charge used in the past to discredit Soviet dissidents. The charges against Mr. Utaev, though he has been in prison since last year, have not even been made clear.

Mr. President, you have frequently made reference to the need to "maintain stability" in your country. However, the repression of all opposition voices in Uzbekistan will not serve the cause of stability; on the contrary, it will ensure that political resentment and instability will continue to mount. We call on you, Mr. President, to cease these repressive actions against Uzbek citizens and allow them their democratic rights as stated in the Helsinki Final Act, which you signed in Helsinki last summer, and pledged to uphold.

Sincerely,

STENY H. HOYER,
Co-Chairman.
DENNIS DECONCINI,
Chairman.

WORKING PEOPLE FOR FLOOD RELIEF

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. GEPHARDT. Mr. Speaker, I want to take a moment to thank all of the working men and women across the country who have responded with enormous generosity to the flood disaster facing the Midwest.

In communities across the Midwest, neighbors have helped neighbors: sandbagging, serving meals, and giving a helping hand, wherever needed.

Much help has come from people in other regions of the country as well. To all of the people across the country who have pitched in to help us, we extend our deepest thanks. Many of you have sent money, food, and cleaning supplies. Many have traveled long distances to help us sandbag. Many have helped bring comfort to families who have lost everything.

We are grateful for your generosity. You've shown us that the ordinary people of America care. That alone has strengthened our resolve to get through these difficult times.

In many instances, our combined efforts have not sufficed to hold back the water. People are tired. Many are broke. I am pleased that the working men and women have rallied to the support of this important relief legislation before Congress. I submit for the RECORD a copy of a letter from the AFL–CIO in support of this flood relief package.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, July 27, 1993.

DEAR REPRESENTATIVE: The House of Representatives has both the opportunity and the obligation this week to provide desperately needed help to the victims of the worst flooding in more than a century in America's midwestern heartland. The AFL–CIO, on behalf of its 1.5 million members and their families in flood-ravaged areas of Iowa, Illinois, Kansas, Missouri and Nebraska, urges you to quickly approve the package of substantial emergency flood relief contained in H.R. 2667, the emergency supplemental appropriations bill.

Homes have been destroyed, water and other public works systems crippled. Farms have been flooded and businesses devastated. The lives of millions of citizens have been torn asunder.

Unions, union members, volunteers, charities and service groups are doing their best to provide help. But this record-breaking flood's vast and damaging impact can only be countered by generous and swift help from the federal government.

The AFL–CIO urges you to move as quickly as possible in approving this emergency supplemental appropriation.

Sincerely,
ROBERT M. MCGLOTTEN,
Director,
Department of Legislation.

HIALEAH-MIAMI LAKES ADULT EDUCATION CENTER

HON. LINCOLN DIAZ-BALART

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 27, 1993

Mr. DIAZ-BALART. Mr. Speaker, I wish to congratulate the efforts of the administration of the Hialeah-Miami Lakes Adult Education Center, Mr. Robert Villano, principal, and Mr. Manny Gonzalez, assistant principal, of the center, who have helped further the opportunities of qualified applicants to become U.S. citizens by offering the New Citizens Project.

Hialeah-Miami Lakes Adult Education Center is currently the only school in Florida that offers the NCP examination. The New Citizens Projects examination has been officially approved by the Immigration and Naturalization Service [INS]. The NCP examination is sponsored by the Educational Testing Service. A passing score is valid for 1 year from the test date. It will satisfy all requirements of the INS for knowledge of English, reading and writing proficiency, history and government for naturalization.

The philosophy of the center is that the academic atmosphere in the school reduces the anxiety and tension associated with this exam. The center also offers preparation classes for those persons interested in taking the NCP examination. The center has displayed commitment to furthering the opportunities of all citizens and to adult education in particular by facilitating the execution of the Immigration and Naturalization Service citizenship exam.

Mr. Speaker, I commend the office of vocational, adult, career, and community education assistant superintendent, Mr. Joseph Mathos for his leadership in providing the New Citizens Project to their community. I also commend the Dade County public school superintendent, Mr. Octavio Visiedo for his efforts on behalf of the center. Many residents have benefitted, and will continue to benefit through the hard work of those administrators. I wish them much success in the NCP examination.

INTRODUCTION OF THE FREE AND INDEPENDENT CUBA ASSISTANCE ACT OF 1993

HON. ROBERT MENENDEZ

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 27, 1993

Mr. MENDENDEZ. Mr. Speaker, for the first time in its history, Castro's revolution stands not only isolated but exposed. Due to a severe reduction in trade and subsidies from the former Soviet Union and the Eastern Bloc trading partners, Cuba's Communist system has been left to stand on its own two feet. Castro has little to show for it.

Left to its resources the Communist economy will not be able to survive. In its waning moments Castro turns to the most hated symbol of the revolution, the one thing that was illegal to possess for over three decades—the American dollar.

I have looked long and hard at United States-Cuban relations. Based on the conclusions that I have drawn, I am today introducing a bill which presents a comprehensive proactive and balanced United States policy toward a post-Castro Cuba.

Perhaps foremost among several conclusions, I have determined that the United States Government must be prepared for a possible change of government in Cuba during the Clinton administration. The question is no longer will Castro fall, but rather, how soon!

The bill that we are introducing today puts the Congress on record as having recognized the need for a plan to deal effectively and constructively with both a transitional government pledged to democracy and a democratic government in Cuba.

This legislation would represent the first comprehensive policy effort by the United States Government at dealing with a post-Castro Cuba.

The Free and Independent Cuba Assistance Act suggests the self-determination of the Cuban people, and in solidarity with the Cuban people, provides assistance first to a transition government and ultimately to a democratically elected government to facilitate a transition from the current regime, with both actions being triggered by Presidential certification.

The following specific provisions define what we mean by a transition and a democratic government:

SECTION 8: REQUIREMENTS FOR A TRANSITION GOVERNMENT

Defines a transition government in Cuba as one which

excludes Fidel or Raul Castro or their appointed subordinates;

is "demonstrably in transition from communist totalitarian dictatorship to democracy" and "makes public commitments to and is making demonstrable progress" in:

(1) releasing political prisoners and allowing international human rights groups to investigate Cuban prisons; (2) establishing an independent judiciary; (3) respecting internationally recognized human rights; (4) dissolving the Cuban state security apparatus; (5) organizing free and fair elections to be held within 1 year under the supervision of internationally recognized observers, including the participation by independent political parties with full access to the media; (6) granting permits to privately owned indigenous telecommunications companies; (7) allowing the establishment of an independent labor movement and social, economic, and political associations; and (8) allows speedy and efficient distribution of assistance to the Cuban people.

Assistance to a transition government consists of emergency relief, humanitarian and military adjustment assistance.

SECTION 9: REQUIREMENTS FOR A DEMOCRATIC GOVERNMENT

A democratic government in Cuba:

(1) must be the product of free and fair elections; (2) has permitted opposition parties sufficient time to organize and has provided them full access to the media; (3) respects basic human rights and civil liberties; (4) is moving toward a market-oriented economy; (5) has made or is committed to constitutional change that would ensure regular and free and fair elections.

The section on Assistance to a Democratic Government in Cuba defines economic assistance to a democratic government to include developmental assistance, food aid, Export-Import Bank guarantees, Overseas Private Investment Corporation projects, Trade Development Agency assistance, Peace Corps programs, military adjustment assistance, and other appropriate assistance.

It provides a strategy for distributing assistance, enables United States, international, or indigenous nongovernmental organizations, and private voluntary organizations to distribute assistance, and requires the President to seek the cooperation of other countries and international financial institutions to assist a transition and democratic government in Cuba.

It provides that assistance to a democratic government in Cuba may include a pursuit of a free trade agreement with Cuba and inclusion of Cuba in the Caribbean Basin Initiative.

It requires the President to submit to Congress within 180 days of enactment a report describing in detail the plan of assistance.

Today my bill sets the record straight of what U.S. intentions are. For too long we have sat idly by while Castro uses to maximum effect hysterical anti-imperialist demagoguery to instill fear and insecurity among the Cuban people. Hence a 65-year-old woman participated just a month ago in a mock invasion exercise. Our message to her: You have nothing to fear but your own dictatorship.

We want to express our solidarity with the Cuban people, with Cuban dissidents, with Cuban human rights activists. Let the Cuban people understand that we are willing to help them in their struggle for freedom and genuine independence.

We want to send a clear message to the Cuban Armed Forces, that we will help them adjust to a new life in a democracy. Like their Russian counterparts, Cuban soldiers who have returned from adventures abroad will need housing, and this bill provides for that.

We are not your enemy, we are willing to help. Remember this when your brothers and sisters in Cuba seek through a peaceful and civil means to change from the present tyranny to a democracy based on self-determination. When you are called by Fidel or Raul Castro and their puppet security forces to turn your rifles against your fellow Cubans, refuse to do so.

The Free and Independent Cuba Assistance Act of 1993 will send a beacon of hope to the Cuban people. It will say to them that the possibility of a free, independent, and sovereign Cuba is in their hands.

Castro may be in his final hours of oppression, but the Cuban people stand at the threshold of a new century that can promise to be their finest hour.

Cuba's time has come.

TRIBUTE TO GEN. MATTHEW RIDGWAY

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. SANTORUM. Mr. Speaker, it is with great sadness that I rise to speak about the death of one of my constituents, Gen. Matthew Ridgway. General Ridgway was not only a great leader and proud soldier but also a responsible citizen. He touched the lives of soldiers, leaders, and the public alike with his strength and commitment to military service and the United States of America.

His service to his country started at West Point, where he graduated in 1917. He began his long and distinguished career with the U.S. Army by serving in China, Panama, and the Philippines and supervising elections in Nicaragua. After working for Col. George Marshall, Ridgway led the first major airborne division operation through Italy and later through France on D-Day. During the Korean conflict, Ridgway was elevated to four commands simultaneously—supreme commander for the allied powers in Japan, United States commander-in-chief for Korea and commanding general of the United States Army in the Far East. In 1952, he relieved Gen. Dwight D. Eisenhower as supreme commander of allied forces in Europe.

Standing alone behind German lines near Ste. Mere Eglise, he saw a shadow looming nearby, as General Ridgway told the story, and pulled his sidearm. He said the division's codeword, "Thunder" and strained to hear the countersign, "Flash." There was no response. Ridgway tensed. The object moved and Ridgway realized it was a cow.

"I could have kissed her," he said.

Experiences like these, and the willingness to share them, are indicative of the kind of person Ridgway was. He felt that comraderie and good morale was essential for the troops fighting in the battle fields. The General demonstrated this leadership in Korea by touring the front lines and sharing the miserable conditions of snow, sleet, mud that American soldiers had to survive.

General Ridgway earned numerous medals and honors including the Presidential Medal of Freedom in 1991, the Distinguished Service Cross, the Silver Star Medal, and the Bronze Star Medal. In 1991, Army Gen. Colin Powell, the current Joint Chiefs Chairman, presented General Ridgway with the Congressional Gold Medal. What meant more to him, however, was that General Powell also awarded him with the Combat Infantryman's Badge worn by thousands of foot soldiers during World War II. Traditionally, this medal was awarded to soldiers who had served 90 days of combat, but not to officers above the rank of lieutenant colonel. This medal, above all of them, best exemplified the kind of military man he was. An officer who didn't ask a soldier to do anything he wasn't willing to do himself.

Gen. Matthew Ridgway was a real soldier in a time when a soldier knew the clearly defined goals and could be more certain of his ability to achieve them. Pittsburgh was honored to have a true hero in its city and will feel this loss for years to come. He will be forever identified with the great military leaders of this century and as a great American who devoted his life to his country.

REINVENTING GOVERNMENT: MAKING THE "WET" SIDE OF NOAA WORK BETTER

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mrs. UNSOELD. Mr. Speaker, today I have introduced the Ocean and Coastal Management Improvement Act of 1993 in an effort to support the administration's initiative to make Government work better. My bill would transfer some of the wet programs of the National Oceanic and Atmospheric Administration [NOAA] from the Department of Commerce to the Department of the Interior and others to the new Department of Environmental Protection.

As clearly evidenced by its name, NOAA has two distinct, though not uncomplementary, missions. However, in recent years, the balance between the wet and dry sides of NOAA has been skewed by a troubling trend of increasing funding for satellite and weather functions at the expense of ocean, coastal, and fisheries [OCF] programs.

The Reagan and Bush years were not good ones for the marine programs of the agency. In fiscal year 1980, OCF programs comprised 46 percent of the NOAA budget; this dropped to a low of 22 percent in the fiscal year 1989 budget request. In the last few years, the Bush administration did a slightly better job in its request for OCF programs with increases in fiscal year 1991 and thereafter, although none exceeded the value of the last Carter request in 1980, adjusted for inflation. Presidential requests for the dry side of the agency, in contrast, have consistently outpaced inflation since 1984.

Although allowances must be given to the Clinton-Gore administration in assembling its first budget, it continued this trend in the fiscal year 1994 budget request which sought an increase of 26 percent for the National Weather Service and the National Environmental Satellite, Data, and Information Service while the request for oceanic programs was below current funding levels.

Congress has historically tried to fight the tide of reductions in OCF programs and has consistently raised appropriations over requested levels, although at modest levels. I would like to point out to my colleagues that last week the Appropriations Committee and its Subcommittee on Commerce, Justice, State, and the Judiciary brought to the House floor a bill that, for fiscal year 1994, begins to restore some of the past losses in oceans programs, moving them more in the direction of authorization levels. The defeat in the House, by an overwhelming vote of 70–356, of the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] to cut wet side programs certainly helped in this regard I would like to commend Chairman NATCHER and Subcommittee Chairman NEAL SMITH, for their fine work on that bill and, in particular, for the additional assistance provided for NOAA's ocean, coastal, and fisheries programs.

Nevertheless, the serious erosion of funding for our OCF programs over the years cannot be constantly turned around by congressional action or rectified by a single appropriations bill, however meritorious. The fact is that the fundamental problem is institutional, that is, the way the executive branch is organized with respect to such programs.

The cumulative effect of the reductions in oceans programs since the early 1980's has been calculated at a loss of over $900 million in funding for OCF programs. Because of this lost funding, NOAA has a backlog of research, resource management, and monitoring needs. Moreover, the agency has only about 94 percent of its 1980 spending power for OCF programs. As a result, neither the backlog of addressing ecosystem degradation nor the new problems caused by ever increasing demands on coastal and marine resources are being addressed.

I firmly believe that this trend must not be allowed to continue and, in fact, must be reversed. I believe that my bill will take the first step—a significant step—in achieving this reversal.

For the sake of governmental efficiency and economy, this realignment seeks to match like functions between the sister agencies. For instance, my bill would blend the responsibilities of NOAA's National Marine Fisheries Service and the National Marine Sanctuary Program with those of the U.S. Fish and Wildlife Service. In addition, it would direct other programs to the Office of the Secretary—NOAA fleet and NOAA Corps, the U.S. Geological Survey—mapping, charting, and the new National Biological Survey—research, sea grant, at the Interior Department. Finally, the bill would turn NOAA's coastal management, estuarine, and coastal pollution programs over to an Assistant Secretary at the Department of Environmental Protection.

This legislation would accomplish several goals. First, it would remove primarily environmental programs from the cabinet department tasked with business and trade promotion. Second, it would transfer critical ocean, coastal, and fisheries responsibilities to a more compatible location where they would no longer be ignored and for which the budget process of the Office of Management and Budget would be more rational. And third, a reorganization should enhance the efficiency and effectiveness of both the recipient and donor department thereby increasing the likelihood that adequate funding will be made available for the transferred functions.

Finally, I would simply note that the placement of NOAA in the Department of Commerce in 1970 was, in a very real sense, a starkly political decision. Many members of the Committee on Merchant Marine and Fisheries and outside ocean policy specialists wanted the agency to be independent. Secretary of the Interior Hickel thought that it was going to his department. But, through a combination of Hickel's public criticism of the Vietnam war and the intervention of Attorney General John Mitchell, NOAA was given to President Nixon's chief fundraiser and Secretary of Commerce, Maurice Stans. The time has come, in my judgment, to place the oceans programs in more appropriate and compatible agencies and to correct the political deal of 1970.

I have included with this statement a summary of the Ocean and Coastal Management Improvement Act of 1993.

OCEAN AND COASTAL MANAGEMENT IMPROVEMENT ACT OF 1933—SUMMARY

Transfers "wet" offices of NOAA to Department of the Interior and the New Department of Environmental Protection:

Transfer of some NOAA "wet" offices (and their functions) to the Department of the Interior:

From the National Ocean Service:

National Marine Fisheries Service and the Marine Sanctuary Program are delegated to the Fish and Wildlife Service;

Mapping, Charting, and Geodesy activities are delegated to U.S. Geological Survey;

Coastal Ocean Science functions are delegated to the new National Biological Survey.

From the Office of Oceanic and Atmospheric Research:

Oceans and Great Lakes Programs, Marine prediction research, Sea Grant, and the undersea research programs are delegated to the National Biological Survey.

From NOAA Program Support:

The NOAA fleet of research and survey vessels; and

The NOAA Corps are delegated directly to the Secretary of the Interior who shall determine where in the organizational structure of the Department they should be placed.

Transfer of other NOAA "wet" offices (and their functions) to the new Department of Environmental Protection:

From the National Ocean Service:

Observation and Assessment functions;

Estuarine and Coastal Assessment functions;

Coastal Zone Management Program.

Estuarine Reserve Research System.

Coastal Nonpoint Pollution Control Program.

The Secretary of the Environment shall designate an Assistant Secretary to be responsible for administering these programs.

The bill includes administrative provisions to transfer advisory committees, property, records, and personnel; savings provisions to protect the status of legal documents, lawsuits, proceedings; reference sections to change federal law from the Secretary of Commerce to the Secretaries of the Interior or the Environment and Department of Commerce or NOAA to Departments of the Interior or Environmental Protection, as appropriate.

Under the bill, the transferred NOAA offices would line up in their new agencies as follows:

DEPARTMENT OF THE INTERIOR

Office of the Secretary:

NOAA fleet of research and survey vessels; and

NOAA Corps.

U.S. Fish and Wildlife Service:

The National Marine Fisheries Service (NMFS); and

The Marine Sanctuary Program.

U.S. Geological Survey:

Mapping;

Charting; and

Geodesy functions.

National Biological Survey:

Coastal Ocean Science;

Oceans and Great Lakes Programs;

Marine Prediction Research;

National Sea Grant College Program; and

The Undersea Research Program.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

To an Assistant Secretary designated by the Secretary of the Environment:

Observation and Assessment functions;

Estuarine and Coastal Assessment functions;

Coastal Zone Management Program;

Estuarine Reserve Research System; and

Coastal Nonpoint Pollution Control Program.

THE C-17 FILES INTO HEAVY FLAK

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. CONYERS. Mr. Speaker, as the Armed Services Committee begins the process of marking up the 1994 Defense authorization bill, all of us are preparing to vote on how we should best allocate our limited resources for the Nation's defense.

Over the past 2 years, the Committee on Government Operations, which I chair, has repeatedly examined the financially and technically troubled Air Force C-17 Airlifter Program, which is fast proving to be one of the most troubled procurements in our Nation's history.

In its budget submissions, the Pentagon is seeking over $2 billion for the C-17, and the program's supporters are readying a lobbying blitz to win full funding for purchase of 120 C-17's, no matter what the cost.

Recently an excellent column by David Evans appeared in the Chicago Tribune. Mr. Evans cogently describes the lengths to which McDonnell Douglas and its subcontractors will go to save the C-17 program.

Mr. Evans has discovered that the POW bracelet, which evoked so much emotion from many Americans during the Vietnam war, is now being exploited by a subcontractor to advertise the C-17 to every Member of Congress. The bracelet, which in years gone by carried the name of a missing or captured American serviceman, now proclaims, "Preserve Our Freedom—C-17."

In addition, Mr. Evans reports new data that cast serious doubts upon C-17 supporters' claims about the aircraft's highly touted short field landing capability. It appears that in the landing charts from the C-17 flight manual, there is not a single combination of airplane weight, temperature, or field altitude which shows 3,000 foot landing-takeoff capability.

Mr. Speaker, we owe it to our constituents to consider the facts and not be swayed by emotional ploys like the recycled POW bracelets. If we have a true concern for the well-being of our service men and women, then we should make sure the plans they fly in are safe and efficient.

I ask that the enclosed article, "Push Is On To Save the Troubled C-17, From Heavy Flak" by David Evans, be placed in the RECORD, and I strongly urge my colleagues to study it carefully before we take final action on this troubled program.

[From the Chicago Tribune, July 23, 1993]

PUSH IS ON TO SAVE THE TROUBLED C-17 FROM HEAVY FLAK

(By David Evans)

WASHINGTON.—The shiny aluminum bracelet looks much like those worn during the Vietnam War era to remind us of our prisoners and missing-in-action, but this one, the 1993 model, was emblazoned with a picture of the C-17 jet transport and the call to "Preserve Our Freedom."

"Preserve Our Program" might have been a more appropriate slogan, since the bracelets were sent to every member of Congress in hopes of shoring up support for an Air Force program that is faring badly in the Pentagon budget war.

The bracelets were produced by Gloria Coppin, owner and president of a small company in Chatsworth, Calif., that manufactures parts for the C-17.

"I have a vested interest, but I'm also an emotional, patriot-type and I believe very sincerely" in the C-17 program, she said in a telephone interview.

Coppin claims she started the whole POW-bracelet movement during the Vietnam War. Since then, she inherited ownership of her late husband's company, which is one of hundreds of subcontractors feeding C-17 components to the prime contractor, McDonnell Douglas.

The program is in trouble. Top Pentagon officials have slated a key meeting for August, at which they just might decide to cancel the C-17 outright. There is restive talk in Congress about stopping the $40 billion program well short of the 120 planes the Air Force wants to buy.

The company recently distributed a glossy folder—dubbed "the political atlas" by one Senate aide—featuring maps showing the number of companies and the dollar value of C-17 work in each state. These maps had the same effect as a scratch-and-sniff advertisement, in this case offering the deep aroma of pork.

However, this late-June effort was just part of an orchestrated marketing campaign.

Coppin recounted that three weeks ago worried McDonnell Douglas officials arranged for a nationwide telephone conference with their loyal suppliers.

"They talked about a letter-writing campaign to let Congress know how you feel" about the C–17 program, Coppin recalled. One is reminded that a sinking ship blows all its whistles.

To save the C–17, Coppin decided to further exploit the POW bracelet concept. She produced 1,000 of the C–17 bracelets, and packaged them for shipment to Congress and to a list of her company's suppliers and customers, with a card urging recipients to "please wear this bracelet to help remind all Americans to write or call their elected officials urging them to retain the C–17."

The card also explained that "millions of dollars and man-hours already have been spent perfecting the C–17 as the only means to make every area in the world accessible for defense or humanitarian needs." This part of the message was a pointed reference to the C–17's proclaimed ability to land and take off on dirt airstrips just 3,000 feet long.

However, the first C–17 recently delivered to the Air Force isn't capable of operating on 3,000-foot runways, according to the takeoff and landing tables in the airplane's flight manual.

The heavier the plane, the higher the altitude of the runway and the hotter the temperature, the more length is required. There is not a single combination of airplane weight, temperature or field altitude in these tables that yields a 3,000-foot capability.

For example, a C–17 combat-loaded with its advertised 86-ton payload, plus a one-quarter load of fuel, landing on a hot day at, say, Mogadishu airport in Somalia, which is at sea level, requires a 6,500-foot runway.

As the sportscaster says, let's go to Denver: same C–17 landing weight, but now on a cool day, on a runway a mile above sea level. Required length: 7,000 feet.

Under controlled test conditions, a C–17 did land in 2,800 feet in April, but that was with just a token fuel and cargo load. However, in a landing test in March, a C–17 banked sharply into an unexpected stall and came within about 20 seconds of crashing.

Until further testing is completed, Air Force pilots are being told to fly faster in their landing approaches ("add 10 knots for the wife and kids") to avoid stalling the airplane. The higher speed increases the required runway length.

If the stall problem cannot be corrected, not to mention eliminating current limitations with brakes and flaps and thrust reversers, the vaunted 3,000-foot airstrip capability cannot be achieved.

Not only are there real problems of aeronautical engineering here, which no amount of political engineering can conceal, but it also looks like the Air Force song may need different lyrics. Instead of "off we go into the wild blue yonder," how about "coming in on a wing and a prayer"?

LETTER FROM GRANDDAUGHTER OF LEO TOLSTOY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. MICA. Mr. Speaker, I am pleased to enter into the record a letter from my constituent, Vera Tolstoy, the granddaughter of Leo Tolstoy. I wanted to share with my colleagues her serious warning about the risks of moving too quickly to embrace former communists still in positions of leadership in Russia.

Her personal insight, historical perspective, and first hand knowledge of Russia and former Soviet officials is reflected in her letter to me which I am pleased to make part of the CONGRESSIONAL RECORD.

New Smyrna Beach, FL.

MY DEAR CONGRESSMAN MICA: The other day I was deeply shocked to see on my T–V our congressmen negotiating with the criminals and crooks entrenched in the Russian "parliament", claiming to represent Russia and actually still dreaming to reestablish the old Lenin-Stalin Red Terror, spreading its pollution all over the world, including us in the United States.

Can we not understand that by negotiating with the old communist crooks we undermine the authority of Boris Yeltsin, the only truly elected leader of the slowly recuperating Russia? By undermining his authority and prestige we are supporting not only his enemies but also our own. Do we cherish the return of the Cold War?

Two years ago I was invited to participate in the festivities commemorating Leo Tolstoy, my grandfather. While in Russia I met all the officials (then still Soviet officials) participating in the festivities. I met cultural people sincerely dedicated to the revival of civilization in their fatherland. And I also met some of the communist rats still surviving in the garbage dumps not yet cleaned up by the new national forces. Please, dear Congressman Mica, try to explain to your colleagues that feeding the communist rats in Moscow may help develop the secret bank accounts in the Swiss banks but do only harm elsewhere.

Being an unswerving Republican in all my years in the U.S.A. I am happy that our district is represented by you and let me wish you the best of luck in your tenure in Washington, the best of luck and health to you and your family.

Sincerely yours,

VERA TOLSTOY.

MEMORIAL FOR PAN AM FLIGHT 103 VICTIMS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. KENNEDY. Mr. Speaker, today I am introducing a joint resolution to honor the victims of the terrorist bombing of Pan Am Flight 103. Placing a memorial in Arlington National Cemetery in their honor will bring national recognition to our quest against terrorism.

We are all aware that the tides of terrorism are encroaching upon our shores—our own soil is not immune from terrorist threats. The World Trade Center bombing in February and the recent plot on the United Nations building and the Holland and Lincoln Tunnels drive home the fact that we as a nation must maintain our resolve against future terrorist acts.

On December 21, 1988, 189 United States citizens were killed by the terrorist bombing of Pan Am Flight 103 over Lockerbie, Scotland. Fifteen active duty and at least 10 veterans of the U.S. armed services were on the flight. Thousands of Americans were chilled by the loss of a family member, a friend, a loved one—many of whom were traveling home to the United States for the holidays. Together, they were innocent victims of a truly heinous act.

The families left behind have suffered an incalculable loss. They loved ones were senselessly killed in an act of war; a terrorist war in which none of them played a role until they became its casualties. I admire the strength that the relatives and friends of the victims have demonstrated by working to prevent further terrorist acts against the United States, and also to prosecute the terrorists responsible for the bombing.

The families have selected a small, vacant tract of land, unsuitable for gravesites, for the cairn's location in Arlington National Cemetery. The people of Scotland have graciously donated the memorial cairn. Any of the funds required for placing the cairn will be raised through fundraising by the families at no Federal expense.

This monument will serve as a point of healing, a point of remembrance, and a point of reference in our continuing quest to prevent terrorist acts. The placement of this memorial in Arlington National Cemetery is appropriate for an act of war against the United States, and it will serve to heighten national recognition against terrorism.

The sorrow and pain caused by terrorist acts will never be erased. However, our determination to end terrorism must remain strong. the memorial cairn will always serve as a powerful symbol that the vigilance against terrorism must be maintained. I urge my colleagues to support this important initiative.

INTRODUCTION OF PRISON SERVICE LABOR BILL

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. GONZALEZ. Mr. Speaker, I am introducing a bill today to ban the importation of products serviced by prison labor in foreign countries. Last year I was deeply disturbed to learn that maquiladora operations were being set up inside Mexican prisons to provide services to be exported back to the United States. At that time, the U.S. Customs Service ruled that services were not covered in the existing ban on the importation into the United States of goods made by prison, forced, or slave labor. This ruling left a gaping hole in the protection for both working people in the United States from the unfair competition of prison labor overseas and for workers and prisoners abroad from exploitation.

This gap in the law must be filled. I have introduced the Convict Service Labor Prohibition Act of 1993 to do just that.

So-called free trade with Mexico or any other country cannot be based on imprisoned labor. Right now, prisoners in Mexican jails are producing services that are exported back into the United States. Workers in the United States cannot compete with workers in Mexico who are paid only one-tenth the wages, let alone incarcerated Mexican labor. At stake is what the new, increasingly internationalized world economy is going to mean—whether it will be based on profits from labor that is literally shackled to the factories in which workers toil, without minimum pay, without basic levels of work standards, and without any semblance of freedom of association, or whether we will make sure that everyone plays by the rules of fair trade.

The unrelenting push for the proposed North American Free-Trade Agreement has put thousands of jobs in the United States at risk of export. Already, for over 10 years, we have seen the impact of increased liberalization of trade as millions of jobs have been lost in the United States. My hometown of San Antonio has felt the impact of this new international economy, as over a thousand workers lost their jobs when their garment plant closed up and moved to Central America. The use of prison labor in Mexico is symptomatic of this bottom-line, fat-cat approach to international trade and will only increase the number of jobs that will be lost under NAFTA.

On July 15, 1992, the U.S. Customs Service ruled that the existing ban on the importation of goods made with prison or forced labor under the Tariff Act of 1930 does not apply to services. The ruling was made in conjunction with the establishment of a maquiladora operation in a prison in Juarez, Mexico. This particular operation sorts coupons from U.S. retailers and provides the U.S. companies the resulting information. However, this is not an isolated incident. The operation was also set up explicitly as a pilot project. And this ruling by Customs is so broad that service jobs from laundry to auto-repair can now be exported to Mexican prisons. I have denounced all along the Customs Service's decision as being very questionable. This is proof of what can happen and what will happen. All these service jobs that have been coming with great fanfare to San Antonio can easily be translated to the Nuevo Laredo jails. The precedent has been set and U.S. workers will suffer. Mexican workers will suffer, as well, as this lowers wages in Mexico and workers may have to get themselves arrested just to get a job. If this is free trade, I am against it.

THE MARINE MAMMAL PROTECTION ACT AMENDMENTS OF 1993

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. STUDDS. Mr. Speaker, today, along with my colleagues Mr. FIELDS, Mr. SAXTON, Mr. YOUNG, and Mr. MANTON, I am introducing the Marine Mammal Protection Act Amendments of 1993. This legislation has a crucial goal: To allow our commercial fishermen to continue to make their living from the sea, while also continuing protection for the whales and dolphins that call the marine environment home.

Since the Marine Mammal Protection Act [MMPA] was enacted in 1972, one of our greatest challenges has been minimizing incidental takes of marine mammals in commercial fisheries. Seals and dolphins are drawn to the sea's bounty for the same reasons we are. They make their living from herring, crab, and salmon just as some of us do. We compete with them, not only for food resources, but for space. From Massachusetts to Alaska, fishing vessels and marine mammals are frequently in the same place at the same time. Given the circumstances, we have managed to share the oceans with remarkably few disastrous consequences. That we have been able to do it at all is largely due to the MMPA.

That is not to say that the history of the MMPA has been all smooth sailing. For the past 5 years, our fishing industry has been operating under an interim exemption from the take prohibitions of the MMPA—an exemption designed to give us all some breathing room while we determined how best to react to a change in policy forced upon us by a 1987 court decision. That exemption expires on October 1 of this year. An entirely new approach to managing interactions between commercial fisheries and marine mammals must become law by then.

The bill represents that new approach. It incorporates much of the good work done by the fishing industry and the environmental community in their efforts to reach mutually acceptable solutions. It encourages far greater public participation in the management process, and provides for sound management decisions based on the status of marine mammal stocks. And although we believe that this legislation is a good, sound compromise of economic need and conservation strategy, I and my colleagues remain open to suggestions to improve the bill even further.

In short, this legislation represents yet another instance of the bipartisan approach to solving problems which this committee consistently strives to achieve. In this legislation the various parties—Congress, industry, and conservationists—have come together in a fine example of cooperation and mutual respect on a very tough, very controversial issue. I am proud to introduce this legislation today, and I look forward to working toward making it an even better bill.

MARRIAGE OF KIMBERLY ANNE KORCZYNSKI AND TERENCE BOERSMA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. LIPINSKI. Mr. Speaker, it seems that the moral fiber of America is being tested. At this time more than ever before, it is vital that we encourage the traditional values that have made our country strong—values best learned and practiced within the family unit based on the holy, loving union of a man and a woman.

It is for this reason that I rise today to recognize the union of two individuals from the Chicagoland region. Kimberly Anne Korczynski, daughter of Edwin J. and Diane M. Korczynski of Inverness, IL, and Terence Boersma, son of Judge Mary L. Verdier and Attorney Steven Feola of Phoenix, AZ, will be married on August 7, 1993. The wedding will take place at St. Theresa's Catholic Church in Palatine, IL.

I know that both families are pleased to share in the happiness of this union. The commitment of this couple is impressive and deserving of special recognition and honor. I am sure that my colleagues join me in congratulating Kimberly and Terence on this special occasion—one that they will remember forever. May their life together be full of joy and excitement.

LETTER TO MY LEGISLATOR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. KLECZKA. Mr. Speaker, I receive hundreds of calls and letters each week from my constituents. Every once in a while, I come across a letter which makes me reflect on how proud I am to be a public servant.

In his "Letter to my Legislator," Dennis Redovich, who lives in Wisconsin's Fourth Congressional District, says more about the American political system than most of us do in a week. I am proud to represent Mr. Redovich, and thought my colleagues would be interested in reading his inspiring words:

LETTER TO MY LEGISLATOR

> Being a legislator is almost an impossible job. The mood of the day is no taxes. If you have to raise taxes then it must be on someone else and everyone must pay the same whether you are poor or rich. (That's only fair!) Progressive taxes like the income tax and sharing of tax burdens among wealthy and poor areas are un-American. (If you give more money to poor people or communities they just waste the money anyway). It's almost come to the point where people on 43rd Street don't want to help pay for street improvements on 51st Street and people with no children in schools should not have to pay school taxes. However, increasing benefits to senior citizens like me (without raising taxes for those who can pay) is wonderful. (We earned it!)
>
> And then you have kooks like the writer who are willing to pay higher income taxes and share taxes with areas less fortunate. These people actually believe that the major reason for our perceived financial dilemmas are that income taxes and taxes on business have been decreased too much on a state, national and local level. The result is the rich have gotten richer while the workers are working longer hours for less money with increased tax burdens. Of course if taxes are too high or workers demand too much pay the American patriots of business will just

move their manufacturing operations to Mexico or a rural area. They will also buy foreign products and materials to save money. At the same time they might pay a lot more money for a foreign car to show how smart and prosperous they are.

The business interests and the rich do not have a monopoly on personal greed. When labor organizations and individual workers have it made they too often forget about those less fortunate. The schools are a convenient scapegoat for everyone to take potshots at. The schools are expected to solve the economic and social problems of the state and nation. Schools have been complete failures in stopping the perceived breakup of American families. Teachers should be doing miracles just like business people and the school basher supreme Mayor Norquist do every day. (Norquist and too many other politicians, like Governor Thompson, pander to the privileged political donors and power brokers who believe that progressive taxes to help poor kids are un-American obscenities.) Excellent schools in the suburbs have more money to spend than poor urban and rural areas. (That's the new American way, "survival of the fittest", poor schools just waste any money you give them anyway. Money is too precious to be spent on poor people.)

Boy am I glad nobody would be stupid enough to vote for me for anything. I don't envy your job.

Dennis W. Redovich,
June 1993.

CONGRATULATIONS TO CONGRESSMAN REYNOLDS AND HIS WIFE

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. GEPHARDT. Mr. Speaker, I rise today to congratulate Representive Mel Reynolds and his wife, Marisol, on the birth of their twins. Melvin J. Reynolds II and Marisol Elizabeth Reynolds were born on July 8. Melvin weighted in at 7 pounds and a one-half ounce. Marisol weighted 7 pounds 1 ounce. The twins were born at Michael Reefe hospital in Chicago. They join their big sister Corean who is 22 months old.

Once again, I want to congratulate Congressman Reynolds and his wife on the birth of their twins. I am sure they are very proud of the two new additions to their family. I want to extend the best wishes of this body to his two most recent arrivals and I wish the family well.

INTRODUCTION OF LEGISLATION REGARDING DUTY SUSPENSION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. GINGRICH. Mr. Speaker, today I am introducing legislation to temporarily suspend the duty on two items used in the manufacture of pharmaceutical products: Fluvoxamine and lactulose.

Because there are no domestic sources for Fluvoxamine and lactulose, they must be imported. Suspending the duty on these two products will significantly help make a fine American company, Solvay Pharmaceuticals, of Marietta, GA, much more competitive in the international marketplace by allowing them to reduce their costs, and, consequently, help to maintain jobs here in the United States.

JESUIT COLLEGES AND UNIVERSITIES' POSITION ON THE MOLINARI AMENDMENT

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. CALLAHAN. Mr. Speaker, I rise today to clarify my statements during the debate on H.R. 2010 on Wednesday, July 21. During the discussion on the Molinari amendment, I stated that " * * * the Jesuit colleges have been very successful in their educational opportunities for all American people without the help of the Federal Government." This refers specifically to volunteer community service programs sponsored by U.S. colleges and universities, and other Jesuit sponsored social action projects which have been very successful without Federal funds. However, I affirm the fact that U.S. Jesuit colleges and universities have shared with other colleges and universities, both public and private, in receiving Federal funds for student financial aid and other programs and projects. Mr. Speaker, I thank you for allowing me to make this clarification.

PARENTS TELEVISION EMPOWERMENT ACT OF 1993

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. KENNEDY. Mr. Speaker, today I am introducing the Parents Television Empowerment Act of 1993, legislation that will give parents back a measure of control over the violence their children see on television.

For the past 20 years, study after study has shown that violence of television causes aggressive and violent behavior in children who watch it. Despite this growing body of evidence, networks, cable television companies, and producers continue to broadcast more and more murders, rapes, and acts of gratuitous violence into our living rooms for our children to see.

Finally, the leaders of the four networks have agreed to issue violence advisories. This belated step falls far short of what is necessary, and recent polls show that the American people know this.

Worst of all, the agreement gives no avenue to parents, teachers, and other concerned adults to participate in the debate about television programming.

My legislation will help balance the scales. It calls on the Federal Communications Commission [FCC] to establish an 800 telephone number for parents to call with complaints, comments, and suggestions regarding television violence. The FCC would be required to publish summaries of these comments on a quarterly basis.

More important, the FCC will forward these comments, with the names and addresses of the people who called in—protecting confidentiality when requested—to the cable or broadcast station that aired the violent program. These comments and complaints will become a part of the broadcasters' relicensing process, and present law requires local stations to respond to complaints.

The 800 telephone number makes this process accessible to parents. Nothing is easier than picking up the telephone. I believe when parents become more involved, and when local stations are required to respond, we will begin to see meaningful progress towards better programming and a reduction in television violence.

Finally, the legislation directs the FCC to evaluate, in an annual report to Congress, whether or not the stations are serving the public interest and meeting the educational and informational needs of children, as required by law.

TRIBUTE TO TORREY PINES HIGH SCHOOL ACADEMIC TEAM

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1993

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to Torrey Pines High School, in San Diego, CA, whose academic team won the 1993 Texaco Star National Academic Championship at Rice University in Houston, TX.

This rigorous academic competition featured 84 high school academic teams from every part of the United States. Students were asked an extraordinarily broad range of questions from the fields of history, art, science, and literature. These young men and women, who excel in the academic competition, grow to excel in their collegiate and post-graduate studies, and become leaders in their workplaces and communities.

Torrey Pines High School academic team compiled a superlative record on the way to victory at the national level. They were undefeated in 1993 San Diego Academic League competition. They won the North County and San Diego County Academic League Championships. The last of these was familiar territory for Ms. Blaze Newman, who has coached the team for 10 years and won the San Diego County championship six times.

The people of San Diego County and television viewers will be able to watch Torrey Pines High School academic team in action. The advanced rounds of the Texaco Star National Academic Championships were videotaped as a 13-part series for broadcast on KCET, Los Angeles, and San Diego's ITV cable channel, among others.

May the permanent RECORD of this House of Representatives show that coach Blaze Newman, team captain Jamie Knox, and team members James Farrell, Bonnie Foote, Ben Higgins, and Oliver Miao of the Torrey Pines academic team have distinguished themselves in academic competition, brought honor and pride to their school and their community, and set an extraordinary standard of academic achievement, here recorded this day, July 27, 1993.

HOUSE OF REPRESENTATIVES—*Wednesday, July 28, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are aware of the devastating floods that afflict much of our Nation and the suffering and anxiety that has touched so many families. We offer our prayers of support that Your spirit, O God, will sustain them and support them during these devastating times. We are grateful that people have shown a strong measure of solidarity one with another by their concern for their neighbors and have assisted in the good works that ease the pain and distress. May Your benediction, O loving God, that is new every morning and with us in good times and bad, bless those in distress and strengthen the unity of all Your people. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FAZIO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FAZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to rule I, the Chair will postpone the vote on the approval of the Journal until after the completion of 1-minute requests.

The point of order of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Virginia [Mr. PAYNE] come forward and lead the House in the Pledge of Allegiance to the Flag.

Mr. PAYNE of Virginia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

AMERICAN STEEL INDUSTRY REBUFFED BY ITC

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, yesterday, the International Trade Commission turned its back on the American steel industry and its workers.

If the ITC Commissioners think injury did not occur in 49 percent of the cases, they should come to northwest Indiana and see the injury caused by the loss of 35,000 steel jobs. Or better yet, the ITC Commissioners should travel the country to see the damage wrought by the permanent loss of 250,000 steel jobs and steel prices 39 percent below 1981 levels.

Here are the facts: After a lengthy process, the Commerce Department determined a clear pattern of unfair steel trade. Since 1980, foreign governments have pumped more than $100 billion into their steel industries.

During this same period, American steel became the high-quality, low-cost producer for the domestic market. And the American steel worker became the most productive in the world—more productive than those in Japan and Germany.

The ITC decision defies common sense. It is clear that documented unfair trade has injured the American steel industry, and cost it 250,000 jobs.

NEW GAS TAX WILL HURT AMERICAN ECONOMY

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, the President has not entirely turned his back on the steel workers of America, but he is going to raise their gas taxes. In fact, all working Americans can get ready, because President Clinton's $40 billion gas tax is shifting into overdrive.

So what does every working family have in common—whether you are blue collar, middle-class, white collar, work at a desk, or work with your hands—if you drive a car President Clinton is coming after you with his new gas tax.

What is it going to be, Mr. President, 8 cents, 9 cents, 10 cents a gallon?

You are reducing every family's savings, every family's available income for food, mortgage payments, education for their kids. You are hurting working people, Mr. President, but they can respond. They can vote Republican.

PARTISAN POLITICS THREATENS DELAY IN BUDGET ACTION

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, Americans are fed up with the partisan politics and the gamesmanship which now threaten passage of the single largest deficit reduction plan ever voted on by the Congress.

Americans want us to act, they want us to act boldly, and they want us to act now.

If the House and the Senate do not complete work on this plan before we leave for the August district work period, it will send a very negative message to the financial markets which will likely result in higher interest rates.

The facts are that House and Senate passage of this plan is helping keep long-term interest rates at historic lows. And lower interest rates make it easier for businesses—large and small—to borrow capital at affordable rates in order to modernize and expand, and eventually hire new workers.

Lower interest rates also make it easier for individuals and families to borrow money for the purchase of a new car or a new home, or to remortgage at a lower interest rate.

Mr. Speaker, the choices before us and the Nation are not easy ones. But we were elected to make tough decisions. We were elected to govern.

Vote for the deficit reduction package.

BUDGET FACTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, do you know what happened 38 years ago in 1955? That was the last year that total Government spending decreased from the previous year. Let me repeat that for you, the last time that Government spending went down was, in 1955, 38 years ago.

Now, if that is not bad enough. The U.S. Government has not run a surplus since 1969, when it ended $3 billion in the black. But, that was 24 years ago—a quarter of a century ago.

I cannot believe that Representatives come into this Chamber everyday and

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with a clear conscience vote to raise not only spending, but put new taxes on the very people who sent them here.

The American people deserve better. If Congress does not start owning up to its responsibilities, this will be just another tax-and-spend year, and that is not why we were sent here.

CLINTON'S ECONOMIC PLAN MERITS SUPPORT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, during the past 4 years, we have lost nearly 200,000 jobs in Connecticut. For the 4 long years of the Bush administration, this Nation suffered under the worst private sector job-growth rate than at any time since Herbert Hoover's administration.

But change is occurring. President Clinton has shown his commitment to creating jobs, both in his budget, and in the initiatives that are part of his entire economic plan. He has pushed for job training to provide workers the skills they need for the high-technology jobs of the future. He has called for aid to dislocated workers to help working men and women get new and better jobs.

President Clinton's plan would cut the capital gains rate for small business investment, increase expensing provisions, and provide health deductions for the self-employed. It fosters economic growth, technological development, and international competitiveness by permanently extending the research and experimentation tax credit. And it includes an extension of the ability of State and local governments to issue tax-exempt bonds for small businesses.

The plan would create 8 million jobs nationwide over the next 4 years, including nearly 40,000 in my State of Connecticut.

This plan offers real help and real hope for the future. The President has shown leadership and he deserves our support.

□ 1010

HALLELUJAH. CHANGE IS COMING!

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, I reviewed the newspapers this morning and read a couple of disturbing items.

First, IBM posts $8.9 billion second quarter loss and announces an additional 35,000 job cutback. The second item I noticed was that consumer confidence has dipped for the third month in a row. It has dropped 19 points since January, and this drop is due to consumers' fear of layoffs and tax increases.

Well, Mr. Speaker, that was pretty discouraging, and then in today's Washington Times I read the following headlines, quote, "Democrats Balking at Budget Bill Compromise," and into my mind leaped the phrase: "Hallelujah. Change is coming!"

Let us scrap this disastrous hoax of a budget, a reconciliation bill which purports to do something about the deficit and which simultaneously gives us the largest tax increase and spending increase in history, and let us go back to the drawing boards. Even some of the Democrats are beginning to say that.

Mr. Speaker, Senator ALAN SIMPSON announced that this bill will be killed in the Senate, and I hope that we can kill it and start over again to work for the good of all Americans.

MEMBERS URGED TO PASS THE DEFICIT REDUCTION PLAN AND RESTORE FISCAL SANITY

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, as the budget conferees complete their work, we are faced with only two choices: Pass the deficit reduction plan or continue to do nothing, closing our eyes to the fiscal mess this country is in.

This plan produces the largest deficit reduction in our history, made necessary by 12 years of doing nothing which produced the largest deficit in our history.

The plan restores fairness to our tax system. The middle class will no longer shoulder all of the burden while the wealthiest in this country enjoy tax breaks and loopholes.

It has over 200 specific spending cuts—real cuts in real programs.

In my State alone, this plan will generate 100,000 new jobs—primarily in small business. This plan is a winner for Main Street, family-owned businesses across this country.

Mr. Speaker, we are on the brink of putting our economic house in order.

Of course, the guardians of gridlock and the special interests are lobbying hard, trying to convince those on the fence they will pay a political price for supporting this plan.

Mr. Speaker, if we fail to show this Nation that fiscal sanity has returned to Washington, we will all pay a price at the ballot box next year, and deservedly so.

SMOKE AND MIRRORS?

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, smoke and mirrors is the traditional way to describe a budget full of gimmicks and accounting tricks.

The Clinton budget does not even merit that description. The magic, the mystery, of smoke and mirrors is absent from the Clinton tax plan.

Rather, this plan makes one wonder what the administration folks have been smoking, and how they can look at themselves in the mirror when they say this plan cuts spending.

Mr. Speaker, this job-killing plan increases spending. In fact, the national debt will increase by $1.82 trillion over the next 5 years under this so-called deficit reduction plan.

And 60 percent of the promised cuts will not come until the fourth and fifth year of the plan, which means that they will never come.

The President has a credibility problem. Increasingly the American people do not believe him, do not trust him and do not like him. This deficit reduction plan does not help him restore the people's trust.

Mr. Speaker, I urge the President to rethink this plan and to find a way to cut spending, not raise taxes.

JOBS AND THE CLINTON PLAN

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I rise today in strong support of the President's plan for deficit reduction, economic growth and, most importantly, the creation of jobs. Yes, my colleague from California, hallelujah, change is coming.

As we all know, during the past 12 years the deficit grew from under $1 trillion to almost $4 trillion, productivity lagged, real wages declined, and the average American paid the bill. Now we have the opportunity to put America on track, toward a better future, by passing President Clinton's economic plan which will reduce the deficit by a half a trillion dollars, restore equity to our tax system, 70 percent of the tax increases to fall on those making over $200,000 per year, and create a stable economic platform for private sector growth by increasing investments in our people.

In my State of California, Mr. Speaker, the Clinton plan will create over 1.9 million jobs alone before the end of 1996. I urge my colleagues to support the President's plan. A California recovery is necessary to have a national recovery.

UNDERSTANDING THE NATIONAL DEBT

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, listening to this floor you must wonder if we are all talking about the same budget. It is a huge budget, and it is difficult to understand. The chances of understanding the Federal budget from the information given out from the administration are about the same as winning the Virginia lottery, about 10 million to 1. That is especially true when we talk about the hallelujah memo which went out, and it said, "Let's don't talk about details. Let's use body language, and happy faces and spin to do it."

There is one thing, however, that is fairly easy to track, that all of us can track. It is the growth of the national debt. By the Committee on the Budget's own figures, Mr. Speaker, the debt will grow by 1998 by nearly $2 trillion. Right now to pay the national debt it takes 57 cents out of every dollar which my colleagues and I send in in personal income tax. That is going to go up by a third by 1998. What will that payment be at that time? It is fairly easy to assess the budget by looking at the growth of the national debt.

ANNOY THE GREEDY

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker and Members, a minute ago you heard my colleague from Texas on the Republican side, SAM JOHNSON, say that 1969 was the last time we had a balanced budget. Let me remind my colleagues that was a Democratic Congress, and that was passed under a Democrat President. Lyndon Baines Johnson was also from Texas, and, if we give President Clinton time, he will do the same thing again.

Mr. Speaker, I would like to set the record straight on the effects of the President's economic plan on small businesses.

The Republicans have stated time and time again that this plan would hurt small businesses and this is simply not true. In fact, most small businesses would be even better off under this plan because they would get a larger tax deduction for the purchase of new equipment.

The Wall Street Journal recognizes that this plan does not target small business unfairly. The Wall Street Journal reported on July 20 that the opponents of President Clinton's plan have misled, that is right, I said "misled" the public on the effects of the plan on small businesses.

Members, the information used by the Republicans has been proven to be false. By passing a fair economic plan we will allow our economy to grow and create jobs. Last year the Republicans had a bumper sticker that said "Annoy the Media: Re-elect George Bush." Well we have a new slogan for the Republicans: "Annoy the Greedy, Pass Clinton's Economic Plan."

THREE FAIRY TALES

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, the Easter Bunny lays colored eggs. The Great Pumpkin rises every Halloween from the sincerest pumpkin patch in the land. And Bill Clinton's tax plan will create 8 million jobs.

File it with the rest of the Clinton fairy tales. Fairy tales like—and I quote Bill Clinton here, "I will not raise taxes on the middle class." Here is another one, another Bill Clinton direct quote: "People who would be immunized from paying any more taxes would be families with family income of $80,000 or less." And now the largest tax increase in history, a historic class-warfare scheme to transfer income, and a 60-percent tax hike on many small businesses which, incidentally, are the engine of economic growth in America. And Bill Clinton says he will create 8 million new jobs.

It all reminds me of another fairy tale—Pinocchio. Everyone knows what Pinocchio was famous for—lying.

□ 1020

AN ECONOMIC COMPARISON BETWEEN BUSH AND CLINTON ADMINISTRATIONS

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, we have heard crocodile Republicans tears about the middle class and the taxes they are going to be paying under the President's plan.

I want to show you some comparisons. This chart demonstrates by income groups, starting with the lowest income group and running to the highest, showing how much taxes would have been increased under President Bush's recommendations to this Congress in 1990. By contrast, this chart demonstrates the distribution of tax increases by income groups, starting with the lowest to the highest, under President Clinton's proposal.

Clearly, if you want a package that recognizes that the poor and the middle class have already been soaked and the obligation remains for high-income people to pay their fair share, clearly you would prefer President Clinton's proposal over the disastrous recommendations and policies we followed under the Republicans in the 1980's. Under their policies, the wealthiest 1 percent in this country saw their income double while 90 percent of families in this country lost ground.

Mr. Speaker, it is time for a change on that score.

INTRODUCTION OF REFORM LEGISLATION TO IMPROVE LONG-TERM HEALTH CARE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I rise to remind my colleagues of a national crisis that seems to have fallen off the Democrat leadership's radar scope—the skyrocketing cost of health care. A headline in yesterday's New York Times says "health plan sits in the waiting room." But the American health care system is too sick to wait. Too many people are uninsured and medicine costs are too high. Congress can't just sit on its hands and await the often announced—much-delayed release of the administration's health care plan. There are steps we can take now to help American families. This week I join NANCY JOHNSON and MIKE BILIRAKIS in introducing long-term health care reform legislation to offer Americans some long-term care security. Right now some folks are actually taking classes to learn how to hide assets to qualify for Medicaid—the only long-term health care option for many people. Rather than encouraging rule beating—we should be fixing the rules. Our bill begins the process. I urge Members to take a close look at it and join us in sponsorship of a workable long-term health care plan.

DOUBTS REMAIN IN IDENTIFICATION OF IVAN THE TERRIBLE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, since the conviction of John Demjanjuk, the retired autoworker from Cleveland, as the Ivan the Terrible, there have been 80 statements from former Treblinka guards identifying Ivan Marczenko, taller, with darker hair and a long scar on the neck, 9 years older, as the real Ivan the Terrible. This is beyond a reasonable doubt. But nobody in the Congress of the United States would even look at the matter. This case was just too sensitive for Members of Congress.

Demjanjuk is not possibly the only loser tomorrow when the Supreme Court in Israel makes its decision, the big loser will be the Constitution of the United States of America. Shame on Congress for not having the guts to look at a sensitive case.

Mr. Speaker, the tragedy is that Ivan Marczenko may still be alive. In the last 5 years, as we have destroyed Demjanjuk's life, we could have found this guy and prosecuted him.

SMALL BUSINESS GETS THE HOOK

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, there is no business like small business. Between 1988 and 1990, businesses with fewer than 20 employees created over four million new jobs.

And yet unfortunately, many in this body and at the other end of Pennsylvania Avenue are proposing that we give small businesses the proverbial vaudevillian hook by supporting an individual income tax rate hike.

Small and new businesses—which to begin with tend to be unincorporated—make up most of the 80 percent of businesses in this country which pay taxes as individuals, not as corporations.

Therefore, Mr. Speaker, let us keep in mind that when we call for increases in individual income tax rates we are not just soaking the rich, we are soaking small businesses all across America and yanking potential new jobs from the economic stage.

RADIO ADS IN OREGON MISREPRESENT FACTS ABOUT CLINTON BUDGET

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, last week a group calling itself the Christian Coalition spent $7,500 in my district on radio ads that lie about the budget I voted for. Their ads claim this budget will cost jobs. But the truth is, it will create millions of jobs nationally and more than 63,000 in my home State of Oregon. The ads claim that I supported the largest tax increase in history.

That is another lie, Mr. Speaker. Ronald Reagan was responsible for the biggest tax increase in history. The truth is, the budget I voted for is the largest deficit reduction package in history, and it includes the largest spending cuts ever—$250 billion.

It is true some will pay more taxes—but it won't be the middle class. It will be those who make over $180,000 a year.

The budget I voted for will keep us competitive; it will give small businesses an opportunity to invest. That is jobs, Mr. Speaker.

The budget I voted for will also help working families and help lift them out of poverty. It will immunize children and save misery in the future.

Mr. Speaker, lying is always wrong, but it is especially wrong in the name of Christianity.

ANOTHER BODY BLOW TO THE U.S. STEEL INDUSTRY

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, yesterday, the U.S. International Trade Commission voted on a series of cases which will result in a body blow to jobs for nearly half of the congressional districts represented in this legislative body.

Its decision to deny relief in a significant majority of the steel cases, valued at over $3.2 billion, is lost jobs for steel. But it also means losses for the supporting industries from the waitress serving breakfast to the truckers hauling scrap metal.

The puzzle is how the ITC reached its judgment. The facts are undisputed.

Over $100 billion in illegal subsidies have been given to foreign steel makers since 1980. This has resulted in 208,000 lost jobs and closure of more than 450 facilities. One month ago, the Commerce Department found these abuses so prevalent they instituted dumping duties as high as 109 percent and duties to offset subsidies up to 74 percent.

Japan, and others, describe the ruling as "Most Encouraging," saying it will move forward the GATT negotiations. No doubt it will since the countries receiving favorable treatment are the same ones most important to the stalled talks—Japan, Canada, and France.

Tens of thousands of American jobs have been squandered to push forward an agreement that will ultimately take more jobs from our people.

SUPPORT URGED FOR MICKEY LELAND CHILDHOOD HUNGER RELIEF ACT PROVISIONS IN RECONCILIATION

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, in the few remaining hours before the conference committee finalizes the budget reconciliation package, I want to urge my esteemed colleagues not to forget the thousands of children in our Nation that face hunger. The Mickey Leland Childhood Hunger Relief Act, which was included in the House version of budget reconciliation, is crucial to alleviating this unacceptable problem.

Mr. Speaker, we know that one in five children in the United States grows up in poverty. An astounding 5.5 million children under the age of 12 are hungry in this Nation. Moreover, 6 million children are at risk of hunger. This is unacceptable. However, this is a problem which can be addressed through appropriate action. I deeply believe that the Mickey Leland provisions are crucial to providing relief to our children, the future of our Nation.

The U.S. Department of Agriculture estimates that over 15 million people are underserved by the Food Stamp Program. Half of those who receive benefits are children. We must not allow the United States to be a nation where chronic hunger persists as a standard. Mr. Speaker, in light of all of the turf battles which are being fought, I urge my colleagues to ponder our Nation's most important asset: our young people. If we neglect our Nation's most vital resource, history will be our judge. Let us invest in the future of this Nation by including the Mickey Leland provisions in budget reconciliation. I implore my colleagues who serve on the conference committee to think of the children.

RECONCILIATION

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, the budget process continues to move forward. The conference committee on reconciliation is working through the myriad issues this legislation presents. And hopefully, soon, we will be able to vote on a conference report.

But this conference report will contain a lot more than numbers, projections, and estimates. It will contain the first steps toward changing the economic future of this country. And that kind of change is what the American people told us they wanted in 1992.

Think about it. First, we are going to have $500 billion deficit reduction. That is the single largest reduction in history. No, it does not solve the deficit problem—far from it. But it takes that all-important step and signals how very serious we are about getting the job done.

Second, the public heard the President's call for welfare reform. And this conference report will keep intact one of our most important programs for the working poor—the earned income tax credit—to help fulfill the promise that if you work, you should not live in poverty.

Third, the voters wanted to get this country moving on the road toward economic growth again. This bill is good for business, particularly for small business, where most of the job growth comes from. In my own State of Connecticut, the President's plan means almost 40,000 new jobs in the next 3 years—compared to the nearly 16,000 jobs lost between 1989 and 1992.

Mr. Speaker, this is a good plan, a fair plan, and a plan that looks to our future. I call on my colleagues to put aside the politics of gridlock, and the quest for mere political advantage, and get on with this country's work again.

NOT GRIDLOCK; PORKLOCK

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, President Clinton spoke yesterday to a business audience in Chicago. There, a Mr.

William J. Kelly asked the President why he had broken his promise for a middle-class tax cut and why he was complaining about gridlock when his own party controls Congress.

The President was angry at these questions. He first told this interested citizen, and I quote the President: "This is not your meeting." That was bad enough. But then Bill Clinton let loose a whopper. He said, "The Democrats do not control Congress when 41 Republicans want to vote to keep anything from being voted on in the Senate."

Mr. Speaker, please advise the President that he is incorrect. The Democrats have controlled this House for 40 years. The Democrats have a sizable majority in the Senate. No, the problem for the President isn't gridlock. It's porklock, a Democrat Congress and White House lusting for bigger Government, through new horizons in taxes and pork-barrel spending. It is the Republicans who want Washington to cut spending first.

AMERICA SLIPPING BEHIND ON TRADE

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, since 1981 this country has seen zero net new jobs. I can think of no cheaper or quicker way of creating new jobs in this country than expanding our export markets. Fifty to seventy percent of our new job creation growth in this country in the past 3 years has been in exports. For every $1 billion we increase our exports, it will generate 22,000 new jobs.

But the competition is fierce. By 1998, the Pacific rim countries will control almost one-fourth of the world's markets in exports. That would be equivalent to about $100 billion.

Our country is slipping behind. In the committee that I chair on small business that relates to trade, we heard from 19 different agencies that have 150 programs relating to trade. We are using a shotgun approach instead of a rifle approach.

Mr. Speaker, I challenge Congress and the administration to look at the rifle approach, consolidate these agencies, and develop a more effective program to capture those world markets. The result will be more jobs for the American people.

PASS OR DO NOTHING

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, an earlier Member said we had two choices in relation to the Clinton plan: Either pass it, or do nothing. I want to paraphrase for a minute comments of a senior Member of the other body from Georgia, a Democrat. He said that for a decade he had gone along with measures in Congress to try to improve the economy and address the deficit. However, pertaining to the Clinton plan, he said it is best to do nothing than pass this tax increase.

Mr. Speaker, I call on my colleagues from across the aisle. End gridlock. Join the bipartisan effort to defeat this tax increase. It is only a repeat of the 1990 budget deal, except that it is much larger.

ADMINISTRATION ASKS FOR CAP ON ENTITLEMENT SPENDING

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, it is time that we use all the tools at our disposal in the fight against the deficit, not just half of them. In the deficit reduction bill passed by the House we gave the deficit both barrels—by adopting both a cap on discretionary spending and a cap on entitlement spending. Both are necessary because of our experience in 1990. In that year Congress adopted a cap on discretionary spending. It was successful in achieving its goal of taming one wild horse. But it let another horse, entitlement spending, free to run wild. And it did.

Now, the Senate has failed to adopt this entitlement cap, and so the administration is working to find a way to impose this cap in the conference committee. It should be applauded for doing so. But in an unbelievably cynical effort we are advised that the minority party in the Senate refuses to provide the votes to waive a rule that must be waived to pass the cap.

Mr. Speaker, I call on the minority party to help us break this beast, to give the deficit both a right and a left, adopt an entitlement cap and put the country ahead of politics.

ENGINE OF ECONOMIC GROWTH MUST ACCELERATE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, middle-class America should watch their wallets because the President and the Democrats in Congress are at it again. They have used fun house mirror economics to distort a tax-and-spend package as a piece of deficit reduction legislation. They have demanded an end to gridlock, but daily give the green light to porklock. They have even discovered the fountain of youth by defining 30-year-olds as teenagers.

Mr. Speaker, we must allow the American people to keep more of what they earn. If we break the economic backbone of this country, then we cripple our ability to grow and prosper. We must accelerate the engine of economic growth and work toward real recovery and real jobs for middle-class America.

Mr. Speaker, we are left with one question: If the tax-and-spend package is as good as the Democrats here today say it is, then why is President Clinton on Capitol Hill today begging and pleading with Democrats to vote for his economic turkey?

□ 1040

TRIBUTE TO D. ANTOINETTE HANDY, RENOWNED MUSICIAN

(Mr. JEFFERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFERSON. Mr. Speaker, I rise today to recognize D. Antoinette Handy, a native of New Orleans, LA, who this Friday will retire from the National Endowment for the Arts, where she most recently has served as director of the music program.

Miss Handy is an internationally renowned flutist who has spent more than 20 years performing as a symphony and chamber musician.

Miss Handy trained at the New England Conservatory—bachelor of music—Northwestern University—master of music—and the Paris National Conservatory. Both the New England Conservatory and Northwestern named her Outstanding Alumna, and the Cleveland Institute of Music recently awarded her an honorary doctorate of music.

She has served on the faculty at Florida A&M, Tuskegee, Jackson State, Virginia State, and Southern University at New Orleans; was artist in residence for Richmond public schools; and received a Ford Foundation humanities fellowship for Duke and North Carolina Universities.

Miss Handy is a frequent lecturer and has contributed articles to such scholarly publications as the Black Perspective in Music, American Music, Symphony magazine, and ArtsReview. She is also author of: "The International Sweethearts of Rhythm," "Black Women in American Bands," and "Black Conductors."

Throughout her distinguished career, Miss Handy has received numerous awards, including: the Distinguished Contribution Award from the National Association of Negro Musicians, Outstanding Woman in the Arts from the mayor of New Orleans, and a certificate of recognition from the Governor of Louisiana.

Miss Handy is married to political scientist Dr. Calvin Miller and is the mother of three and grandmother of four. She is the daughter of the Reverend Dr. William Talbot Handy, Sr., a minister and respected leader in the New Orleans black community for nearly 60 years.

Mr. Speaker, I hope that you and my colleagues will join me in wishing Miss Handy a well deserved retirement with the hope that she will continue to enlighten and educate America with her ideas on African-American contributions to art, culture, and society for many more years to come.

NO MORE DEMURRING

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, in that infamous White House memo on selling the President's tax package, one of the key pieces of advise was this:

> While you will doubtless be pressed for details beyond these principles, there is nothing wrong with demurring for the moment on the technicalities and educating the American people and the media on the historic change we need.

Let us look at this statement for a moment. What details are the Democrats demurring on?

Are they perhaps a bit sheepish that over 60 percent of their spending cuts come in the last 2 years of this plan?

Would they rather not discuss the fact that the national debt will increase by over a trillion dollars with this so-called deficit reduction bill? Are they embarrassed to mention the real impact this tax plan will have on small business and the middle class?

Maybe that is why the administration would rather not be pressed for details on their tax plan. But these questions should be answered by the President for the American taxpayer.

TAX HIKES

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, surprise, surprise, Mr. Speaker, the Democrats say that we will solve the deficit by taxing the rich. New income taxes, new surtaxes, limited deductions, you name it. The Clinton tax plan, as passed in this House, plans to soak the rich to the tune of $115 billion over 5 years.

Well guess what, Mr. Speaker. The rich aren't so fond of getting soaked to pay for Clintonomics. I have here a copy of the August issue of Money magazine. The screaming headline reads: "Act Now, Beat the Biggest Tax Hike Ever."

Inside is eight pages of tips to avoid paying these higher taxes. Included are suggestions regarding things like tax-deferred retirement accounts, shifting income and deductions, moving toward capital and away from ordinary income, investing in tax-free municipal bonds, and so on.

Do we really think that the rich are going to allow themselves to be bled dry? They have tax lawyers and accountants that are paid to find shelters and loopholes. Let us face up to it: These soak-the-rich tax hikes will just not raise the revenue that is projected.

What about the middle class? There is no shelter for them. There's no shelter from a gasoline tax. There's no shelter from an energy tax. There is no shelter from Social Security taxes. President Clinton may be trying to soak the rich, but it is the middle class that will drown.

SETTING THE RECORD STRAIGHT

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, I had not planned to give a 1-minute, but listening to some of the rhetoric from the other side, I really feel compelled to respond.

The gentleman from Pennsylvania earlier wondered why the President might have a difficult time finding votes for this very tough-minded deficit reduction and economic plan.

One of the reasons is the consistent misrepresentation of what is really in this plan and what it is all about.

Anyone that would stand up here and suggest that middle-income Americans are not going to be more advantaged by saving several hundred dollars a year in interest rates, because this plan is bringing down interest rates in this country, rather than the very slight energy tax that might be involved, simply does not know what they are talking about.

Anyone that is suggesting that small business is not going to be advantaged by those low interest rates and by the inducements to expensing the acquisition of equipment simply does not know what they are talking about.

If we wonder why this plan is in trouble, to some extent, in the public's mind, it is because it has not been accurately described by the loyal minority.

EVEN CLINTON'S HOME STATE IS REJECTING TAX AND SPEND

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, yesterday President Clinton's home State cast another vote against the tax and spend policies of the Democrat Party. For the first time in 20 years, a Republican won a statewide race in Arkansas, as Mike Huckabee won the Lieutenant Governorship.

When the folks that know you best say something, the rest should listen. Well, the voters in Arkansas said that they don't want more of their money sent to Washington, DC. They said that they don't want to see more of their children's money sent to Washington, DC to pay off the debt that Congress keeps piling up by the billions every year. They said that the first step toward prosperity does not begin in Washington, but at home.

So they took that first step by voting in to cut spending first and voting out tax and spend. In other words, Arkansas voted in a Republican and voted out a Democrat.

I would say to my colleagues that maybe there is hope in Arkansas after all. The rest of the Nation should listen-up too. America should not accept what Arkansas has rejected.

Like most of the South, Arkansas is a State that didn't even have a Republican Party that long ago.

IN SUPPORT OF THE DEFICIT REDUCTION PLAN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, Members keep wondering why we should support this deficit reduction plan. Let me say it in the simplest way I know how.

It is America's future, stupid. I mean, that is what it is. Is there anyone here who thinks that it would be a great idea to continue to let this debt grow? Is there any Member who really thinks that the mounting debt does not also drive up interest rates, which chokes the middle class and chokes off small business?

We have had so much heat about this and so little light shed on what is really in that package. We have created a system where the greatest political rewards are for being irresponsible, voting for nothing, yelling you do not like anything and letting America go straight off a cliff.

Nation after nation has done that in history. This is the first time I am hoping this great Nation can correct its course, get back on track, get this deficit under control and continue to have a bright future for our children.

It is our future, stupid. That is why we have got to vote for this bill.

FAMILIAPHOBE

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I bring to the well, our official House of Representatives floor dictionary, "The Random House Dictionary of the English Language," second edition, unabridged. For the million and a half Americans who follow the proceedings of this august body across our country by C-SPAN television, know that this dictionary sits on the lectern over here on the Republican side west door to the Speaker's lobby and that it is there for the use of Members and staff. This new Random House edition has only been there about a year.

It has a word in it, "homophobic," and another word, "homophobia," that were not in our old floor dictionary that was there for the first 14 years that I served here.

I am going to do something rather exciting this morning.

I'm predicting that in a few years when we replace this large book it will have new words in it, of course. But two of those words I am introducing to the language of the English-speaking peoples today. I have faxed these new words up to the amazing Mr. Rush Limbaugh of EIB fame so that these new words will be broadcast out to 610 radio stations today or tomorrow all across America and all the ships at sea. I repeat—within about 2 or 3 years, I expect to see these words in all new dictionaries of our fair land. We owe this exciting etymological development to the gentleman from Florida [Mr. STEARNS].

Here they are. Imaginary drumroll, please. Are you listening, Rush? "Familiaphobic" a new adjective. "Familiaphobe," a new noun. This paper gives all the Latin and Greek derivative breakdowns. You will see all this in the CONGRESSIONAL RECORD tomorrow.

Definition—"One who fears, dreads or has an aversion to the family, especially the family household including children. Disdains traditional family life and the domestic setting. (One who is hostile toward Judeo-Christian ethics)."

The next time someone calls you a homophobe or homophobic, you can come right back at your attacker and say, "You are a familiaphobe. I hate to see you spread this familiaphobia across our land." Good luck, seekers of truth.

☐ 1050

TAX INCREASES FIRST, SPENDING CUTS LATER: EVEN DEMOCRATS DO NOT BUY IT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the other day the President, in a speech, I believe, in Chicago had the audacity to blame Congress for not passing his tax increase package, which I find unbelievable that he would do exactly what Bush and Reagan did and say "It is the fault of Congress." It is his party that controls not just the lower House, but also the other body.

Mr. Speaker, let us not kid ourselves. If it was a great package, the Democrats would be all behind it. I applaud the Democrats who are second-guessing his wisdom on increasing taxes. We have had five tax increases in the last 10 years. Not one has lowered the deficit. Not one has come close to the projected decrease in spending. Not one has lived up to the promised cuts. The tax increases come first, the cuts come down the road. It never happens

I applaud my Democrat counterparts for having the wisdom to look back in our history a mere 10 years and say, "Mr. President, it does not work." So when you get mad at Congress, remember, you get mad at your own party, Mr. Speaker. I hope the President will remember that.

When the bill comes back next week, I hope we will remember this accordingly and vote "no."

CONSTITUENTS WANT A TRUE LOYAL OPPOSITION, NOT ATTACK DOGS

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I have been listening to the 1-minutes of the loyal opposition. It is clear to me they are loyal to one thing, winning the next election. It is a sharp contrast to 1990 that the gentleman has referred to. In 1990 there was a bipartisan effort to try to get at the deficit. Have we have no such effort.

It is interesting when the Republicans come north, they do not talk about their own plan because there is not much to talk about. The Republican minority is becoming a band of attack dogs, a band of attack dogs. The public wants more than that from the loyal opposition.

THE CHRISTIAN COALITION IS RIGHT

(Mr. BURTON of Indiana asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Boy, Mr. Speaker, what a difference a couple of years make. They are calling us attack dogs. Remember when they constantly attacked President Bush day after day, and Ronald Reagan week after week and month after month and year after year? It is amazing how things change in just a matter of a few months.

I heard colleagues of mine on the other side of the aisle come down here the last couple of days and attack the Christian Coalition. We have seen an attack on organized religion grow and grow and grow over the last couple of years. Now they are attacking on the basis that the Christian Coalition is lying in radio advertisements. That could not be further from the truth.

If we look at the front page of Money magazine, it says, "Beat the largest tax hike in U.S. history." These commercials that are being put on in many of my freshman Democrat colleagues' districts say they are voting for the largest tax increase in history, that it is going to cost jobs, and the Christian Coalition is right on the money. It is going to cost jobs. It is the largest tax increase in American history, and it is going to really put a damper on this economy.

The deficit we are dealing with, the interest on the deficit, is out of control. If they vote for this tax increase they are putting the future economy of this country in dire jeopardy. They are going to be responsible for it. The Christian Coalition is absolutely right.

EXPRESSION OF GRATITUDE FOR AID FOR THE FLOOD VICTIMS

(Mr. LIGHTFOOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIGHTFOOT. Mr. Speaker, in response to the gentleman from Michigan, this attack dog has had his rabies shots. What I would like to do this morning is say thank you to a lot of people who have come forth to help in my State during this time of flooding.

The weather forecast says we have 3 or 4 days, maybe, without rain for the first time in weeks. I would like to take the time this morning to thank the Salvation Army, the Red Cross, the National Guard, the Feed Children group from Oklahoma who have brought food into our State. People in the State of Vermont who have sent food to our State, and clothing and necessary supplies.

I think that as we look back through this disaster, which is a long way from being over yet, by the way, one of the things that will come through, and I do not know that the network television will ever be able to capture the story, I wish someone would try to do it, the most compelling story is about the spirit of the people that have been involved in this ongoing disaster since back in April.

A sense of humor has helped; a belief, in a power above has helped; and the fact that we still try to help our neighbors when they are in a time of distress.

There has been no looting. We have had one minor vandalism problem, which we think was as a result of maybe someone getting too much of the sauce. However, when we look at the size, the enormity, which we will never, ever be able to totally measure, the one thing that comes shining through is the human spirit. I would like to thank everyone who helped us in getting through a very difficult time.

THE JOURNAL

The SPEAKER pro tempore (Mr. TUCKER). Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appear to have it.

Mr. SKAGGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 257, nays 158, not voting 19, as follows:

[Roll No. 371]

YEAS—257

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kreidler
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NAYS—158

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
McCandless
McCrery
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Molinari
Moorhead
Morella
Murphy
Nussle
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Brown (CA)
Chapman
Derrick
English (AZ)
Flake
Henry
Holden
Kopetski
Lantos
McDade
McHugh
Moakley
Packard
Stokes
Strickland
Towns
Valentine
Washington
Wilson

□ 1122

Mr. SMITH of Michigan changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. ENGLISH of Arizona. Mr. Speaker, I missed a vote because I had the distinct opportunity to meet with the President of the United States.

Had I been here I would have voted "aye" on Rollcall No. 371.

NATIONAL SERVICE TRUST ACT OF 1993

The SPEAKER pro tempore (Mr. TUCKER). Pursuant to House Resolution 217, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2010.

□ 1123

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, with Mr. FIELDS of Louisiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 21, 1993, the amendment offered by the gentleman from New York [Mr. SOLOMON] had been disposed of.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 68, line 4, strike the close quotation marks and the final period.

Page 68, after line 4, insert the following new section (and conform the table of contents accordingly):

"SEC. 142. AGREEMENT TO PERFORM MILITARY SERVICE IN EVENT OF NATIONAL EMERGENCY.

"(a) AGREEMENT REQUIRED.—Subject to subsection (b), each participant in a national service program carried out using assistance provided under section 121 who is selected to serve in an approved national service position shall be required to enter into an agreement with the Secretary of Defense to be available, throughout the term of service of the participant in the position, for temporary enlistment in the Armed Forces at the call of the Secretary in the event of a national emergency declared by the President.

"(b) QUALIFICATIONS.—Only participants who are at least 18 years of age at the time of their temporary enlistment pursuant to this section and who are otherwise qualified for enlistment under regulations prescribed by the Secretary of Defense may be enlisted under the Authority provided by this section.

"(c) TERM OF ENLISTMENT.—A temporary enlistment under this section may not exceed the duration of the national emergency for which the call is made plus six months."

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FORD of Michigan. Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The CHAIRMAN. The gentleman's reservation of a point of order is noted.

The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes in support of his amendment.

Mr. WALKER. Mr. Chairman, this is an amendment which is an attempt to speak to a problem which I believe this bill is creating and help mitigate that problem to some extent. I believe that with this bill we are undermining our ability to recruit people into the military service. What we are doing is offering incentives in this bill to do national service of a kind other than military service. Now I hope that that is not the intent behind the program.

Mr. Chairman, there have been some people who have suggested that the enthusiasm of this administration for military service is less than stellar. But I hope that that is not the intention. But the effect of this approach could well be to undermine our military's ability to attract people into the Army, Navy, Air Force, Marines, Coast Guard, and other military services. That leaves us with a problem.

Mr. Chairman, the lack of people volunteering for military service could leave us with a problem in the eventuality that the President declares a national emergency. What my amendment says is that as a condition of employment, and that is what we are really talking about here in terms of people entering the national service; they are, in fact, becoming Federal employees at that point; and, as a condition of that employment, we would say that their national service would extend to the military at the moment the President declared a national emergency. They would come into the national service with the understanding that, if the President declared a national emergency, at that point these folks who were serving in national service would become a pool of ready volunteers to move into the military for service throughout that national emergency.

This is an attempt, it seems to me, Mr. Chairman, to ensure that the President has, in addition to the present National Guard and Reserve Forces, another group of people who can be called in. Now they would be called in based upon the enlistment codes that now exist in the Federal Government, but they would assure us of having the numbers of people out there who could immediately be put into military duty in the eventuality of national service or of a national emergency.

So, Mr. Chairman, I would hope that the House would approve this very modest amendment. It would not in any way impinge upon national service as such. These people would still be able to sign up for national service, but at the point that this Nation finds itself in a condition where the President has to declare a national emergency, Mr. Chairman, we would be assured that the people serving in the National Service Corps would also be available to serve in the event of that extreme. I mean this is a situation where obviously the major national service would need at that point people in our military ranks, and this would ensure that these national service people would, in fact, come into the military immediately upon the declaration of such a national emergency.

Mr. Chairman, I hope the House will approve this amendment and would have that as one of the conditions of employment under national service.

The CHAIRMAN. Does the gentleman from Michigan [Mr. FORD] insist on his point of order?

Mr. FORD of Michigan. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I raise a point of order against the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] on the grounds that it violates clause 7 of House rule XVI which provides, in part, that:

> No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Mr. Chairman, the gentleman has offered his amendment to the committee substitute which is being considered as original text. Under the precedents, an amendment must relate to the fundamental purpose of the proposition to which it is offered (Rules and Manual of the House of Representatives, section 798b). The fundamental purpose of the committee substitute is described on page 82 of the committee report (H. Rept. 103–55) as follows:

> The purpose of H.R. 2010 is to establish a Corporation for National Service, enhance opportunities for national and community service, and provide for national service educational awards to persons participating in such service.

Section 101 of the substitute amends title I of the National and Community Service Act of 1990 by, among other things, adding a new section 122 which describes "eligible national service programs." Eligible programs include: Community, conservation, and youth service corps; natural resource, urban renovation, or human service projects; programs targeted at unmet human, educational, environmental, or public safety needs; campus-based programs; and programs to address the development and needs of rural communities and to combat rural poverty. All of these programs are civilian in nature and contemplate or require civilian national service.

The gentleman's amendment, on the other hand, contemplates, and would even require, participants in the civilian National Service Program to, under certain circumstances, serve in the military. Its purpose is, in essence, to provide a military draft in the event of a national emergency. Its purpose is totally unrelated to the fundamental purpose of the proposition to which it is offered. Thus, it is nongermane.

The amendment fails several of the tests of germaneness established under precedents of the House. For example, under the committee jurisdiction test, "an amendment when considered as a whole should be within the jurisdiction of the committee reporting the bill" (Manual, section 798c). The pending amendment, of course, falls with the jurisdiction of the Committee on Armed Services not the Committee on Education and Labor. An amendment must relate to the subject matter under consideration (Manual, section 798a). Military service does not relate to civilian service. The amendment expands the class of service authorized by the bill, that is, civilian service, to include a totally different type of service, that is, military service. See, for example, Deschler's chapter 28, section 10.14—To a bill pertaining to several functions within an identifiable class of activity, an amendment adding a function outside that class is not germane. And, as I have previously argued the amendment clearly fails the fundamental purpose test.

Mr. Chairman, I insist upon my point of order.

□ 1130

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I wish to be hear on the point of order.

The CHAIRMAN. The gentleman is recognized.

Mr. WALKER. Mr. Chairman, the gentleman's point of order is without merit. The amendment is entirely germane and does relate to the matter under consideration, based upon the en bloc amendments accepted by the chairman earlier in the consideration.

I refer the Chair to two amendments accepted in the en bloc motion. One amendment is on page 212, after line 2. The chairman has accepted an amendment to coordinate the program with other Federal activities, and that is a broad category that says that the national service laws would be done in coordination between projects and programs and the activities of other Federal agencies that deal with the individuals and communities participating in or benefiting from such projects and programs.

That in itself might not be a reason to rule my amendment germane, but if the Chair will then refer to another amendment accepted in the en bloc amendments, he will find that on page 157, on line 16, the chairman has accepted language that says that among the activities these communities shall be participating in or benefiting from are—and I quote—"relief efforts in response to an emergency or major disaster declared by the President."

At the present time the Army Corps of Engineers, the National Guard, and a number of other military units are in fact participating in precisely those kinds of duties. They are in fact units and organizations that would be covered under the scope of my amendment.

So, therefore, Mr. Chairman, because my amendment is a condition of employment for the people who would be serving in these programs and because the chairman has broadened the scope of the bill to include military agencies as part of the scope of his bill, at that point he has put aside both his issue of germaneness and his issue of the matters under consideration. In both cases I think the amendment relates to the fundamental issues within the bill, that a response to a major disaster has in fact broadened the scope to include military agencies, particularly in line with the need to coordinate with other activities.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I insist on my point of order for all the reasons I have stated, and I would observe that when the gentleman talks about cooperation with other agencies, if you look at page 207 of the bill, it specifies who will do the cooperating and with whom. It specifies that the ex officio members of the National Service Corporation, not the subgrantees, will cooperate with the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Secretary of Defense, the Attorney General, the Director of the Peace Corps, and the Administrator of the Environmental Protection Agency. That is merely a permissive sort of interaction between the ex officio members of the board of the corporation and these various agencies. I guess the easiest way to understand how really nongermane this amendment is, is to point out that the gentleman's amendment would have the effect of saying that if in a number of cities, in the inner city you had people who were otherwise unable to work outside the home because they are wheelchair-borne, for example, teaching young people reading as tutors, as a part of the program, he would put them in the military. I do not know which military he wants to give the wheelchair battalion to, but there is no relation between the person serving as a tutor or a nurse's aide or some other kind of an operation for a church, a nonprofit organization, or a school district, and service in the military.

The gentleman's amendment should be taken up with the Committee on Armed Services, and if the gentleman wants a back-door draft, that committee ought to bring the bill to the floor.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I wish to be heard further on the amendment.

The chairman of the committee, of course, mischaracterizes the amendment. He obviously has not read it. Under the qualifications section of the amendment, handicapped people, of course, would not be covered.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WALKER. No, I will not yield because the gentleman knew that he was mischaracterizing it when he said it.

Mr. FORD of Michigan. That is not sufficient reason for the gentleman to refuse to yield to me.

The CHAIRMAN. The gentleman from Michigan is out of order. The gentleman from Pennsylvania cannot yield. The gentleman from Pennsylvania [Mr. WALKER] is recognized.

Mr. WALKER. The Chair is correct, and we ought to know the rules.

Mr. Chairman, as for the ex officio members the chairman of the committee refers to on page 206, he read the list of them, but it is clear the amendment he accepted is to extend the consultations beyond the ex officio members because it includes in the language of the amendment the Secretary of Transportation, who is not among the ex officio members. So it is clear that the intent of his amendment was to extend beyond the people he read in this particular instance. He did not include the Secretary of Defense, but it is also clear, if the Chair will refer to page 157, that all relief efforts in response to an emergency or major disaster declared by the President are in fact covered by this, and it would have to coordinate with the Department of Defense in order to carry out such efforts.

So it is clear that the intent of these amendments en bloc was to expand the scope of the bill. All I am suggesting is that under that expanded scope of the bill, my amendment is entirely germane and is entirely related to the matters now under consideration.

The CHAIRMAN (Mr. FIELDS of Louisiana). The Chair is prepared to rule.

The gentleman from Michigan [Mr. FORD] makes a point of order that the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] is not germane. The amendment would require participants in the National Service Program to enter into an agreement with the Secretary of Defense to be available throughout their term in national service for temporary enlistment in the Armed Forces in the event of a national emergency. The amendment would establish a military obligation as a matter of law. Such a contingent military service measure would fall within the jurisdiction of the Committee on Armed Services. The bill, on the other hand, was reported only by the Committee on Education and Labor, and authorizes a variety of national service programs, all of which are civilian in nature.

The bill, as amended, refers to coordination with other Federal agencies that deal with individuals and communities participating in or benefiting from such projects and programs. While it might be argued that the bill, as amended, contemplates some coordination with the Defense Department, it appears to be confined to national programs that are civilian in nature.

Committee jurisdiction is a relevant test of germaneness where the pending text is within one committee's jurisdiction and the amendment falls within another's committee purview Deschler's Procedure, chapter 28, section 4.1. Such is the situation at hand and, in the opinion of the Chair, the amendment is nongermane. The Chair sustains the point of order.

□ 1140

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 24, line 19, strike "and" at the end.

Page 24, line 21, strike the period and insert "; and".

Page 24, after line 21, insert the following: "(6) encourage national service programs to adhere to risk management procedures, including the training of participants in appropriate risk management practices.

Mr. PORTER. Mr. Chairman, the National Service Trust Act authorizes the Corporation for National Service to conduct training programs to help national service programs identify and meet needs, promote leadership development, improve quality, develop management/budget skills, and train participants.

My amendment would add a sixth objective for the training programs, to "encourage national service programs to adhere to risk management procedures, including the training of participants in appropriate risk management practices."

The purpose of the amendment is to clarify that training grants to promote risk management activities by national service programs are allowable under this section and that the Corporation for National Service should strongly consider making such grants.

Risk management involves a number of practices, Mr. Chairman. But at its most basic, it involves the training of employees and volunteers to avoid situations and conditions which pose an unnecessary risk of injury to others and to identify such conditions and circumstances.

The National Service Trust Act envisions participants and programs being involved in a wide variety of activities. Some of these activities are known for their potential for giving rise to litigation, such as—"addressing unmet environmental needs," "a professional corps programs that recruits, trains and places qualified participants in positions as teachers, nurses, police officers, early childhood development staff"; and "disaster relief."

Mr. Chairman, these are all worthwhile activities, but they should not be undertaken without proper risk management training. My amendment simply assures that the Corporation for National Service gives due consideration to the need to provide such training for national service programs and their participants.

Mr. FORD of Michigan. Mr. Chairman, we have examined the amendment of the gentleman from Illinois [Mr. PORTER] on this side and are prepared to accept it. We think it is helpful to and consistent with the bill. That is the basis upon which I am willing to accept it.

Mr. PORTER. Mr. Chairman, I thank the gentleman from Michigan [Mr. FORD] for accepting this amendment. I think it is a good amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer amendments Nos. 1 and 2 and ask unanimous consent that they be considered en bloc.

Mr. BRYANT. Mr. Chairman, I reserve a point of order against the amendments.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. PORTER: Page 30, after line 6, add the following:

"(5) EFFECT OF STATE FAILURE TO LIMIT LIABILITY.—If, not later than 2 years after the effective date of this subtitle, a State fails to have in effect (and to certify in its application that the State has in effect) a limitation on liability that satisfies the requirements of title V of the National Service Trust Act of 1993, the allotment for such State shall be reduced by 5 percent, and the Corporation shall allot the amount of the reduction among the States that have in effect (and so certify) such limitation.

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE V—LIMITATION ON LIABILITY OF VOLUNTEERS

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments, foundations, and other civic programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) the efforts of nonprofit organizations, local government, States, and the Federal Government to promote voluntarism, and community and national service, are adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(5) because Federal funds are expended on useful and cost-effective social service programs which depend heavily on volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—The purposes of this title are to promote programs of community and national service, to promote the interests of social service program beneficiaries and taxpayers, and to sustain the availability of programs and nonprofit organizations and governmental entities which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with non-profit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 502. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 503. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—For purposes of satisfying the requirement specified in section 129(a)(5) of the national and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a nonprofit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity and such functions and duties are directly connected to the administration of a program described in section 122(a); and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts of omissions of its volunteers to the same extent as an employer is liable, under the laws of the State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organizations or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such terms includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "nonprofit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

Mr. PORTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read the printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Is there objection to the original request of the gentleman from Illinois [Mr. PORTER]?

There was no objection.

Mr. BRYANT. Mr. Chairman, I would like to raise a point of order against consideration of the amendments.

The CHAIRMAN. Does the gentleman reserve a point of order, or does the gentleman raise a point of order?

Mr. BRYANT. Mr. Chairman, I raise a point of order.

PARLIAMENTARY INQUIRY

Mr. BRYANT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRYANT. Mr. Chairman, has the gentleman from Illinois [Mr. PORTER] simply asked that these amendments be considered en bloc, or is the gentleman raising the amendments? My purpose is to raise a point of order against the offering of the amendments.

The CHAIRMAN. The gentleman's point of order will be protected. The amendments are being considered en bloc.

Mr. PORTER. Mr. Chairman, the gentleman from Texas [Mr. BRYANT] can reserve a point of order. I can speak to the amendments, and then the gentleman can raise the point of order, is that correct?

The CHAIRMAN. The gentleman from Texas [Mr. BYRANT] chose to raise it, rather than reserve it. Does the gentleman from Texas reserve the point of order?

Mr. BRYANT. Mr. Chairman, I wish to raise a point of order against the amendments.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRYANT. Mr. Chairman, if the Chair will protect me in this regard, I will reserve the point of order.

Mr. FORD of Michigan. Mr. Chairman, if the gentleman will yield, I understand that the gentleman from Illinois [Mr. PORTER] has four amendments printed in the RECORD. Three of them are clearly out of order. We believe that a point of order would be sustained against them.

Mr. Chairman, I do not know what it is that the gentleman from Illinois [Mr. PORTER] is asking to put en bloc here.

Mr. PORTER. Mr. Chairman, if the gentleman will yield, we are asking to put amendments 1 and 2 en bloc. The Chair has accepted them en bloc. The gentleman from Texas [Mr. BRYANT] is going to raise a point of order against those two amendments. I understand that. I simply wanted to present the amendments and then argue the point of order when he raises that point of order at the end of my comments.

Mr. FORD of Michigan. Mr. Chairman, I want to find out whether I want the gentleman from Illinois [Mr. PORTER] to be able to offer them en bloc. Does that affect the point of order of the gentleman from Texas [Mr. BRYANT]?

The CHAIRMAN. Permission has already been granted to present the amendments en bloc.

Mr. PORTER. Mr. Chairman, I do not think that affects it at all.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] reserves a point of order on the amendments.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. FORD of Michigan. Mr. Chairman, we have to be clear. What are the two amendments being put together here now?

Mr. PORTER. Mr. Chairman, amendments 1 and 2. We just brought the Chairman of the Committee a copy of amendments 1 and 2.

Mr. BRYANT. Mr. Chairman, I reserve a point of order against the amendments being offered by the gentleman from Illinois [Mr. PORTER].

The CHAIRMAN. The reservation of the gentleman from Texas [Mr. BRYANT] will be recognized.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, Members should know the gentleman is going to lodge a point of order against the amendment which is a modified form of a bill which for the past several Congresses I have promoted to provide limited liability protection for volunteers. It has gained widespread support in the Congresses and across the Nation. Many Members of this body have cosponsored the bill, H.R. 911, known as the Volunteer Protection Act.

Over 250 organizations, including Big Brothers/Big Sisters, the American Red Cross, the American Heart Association, the YMCA, the YWCA, Little League, et cetera, have all sponsored and supported this legislation, and over 200 cosponsors of the bill have ascribed their names to it in each of the last two Congresses.

I would like to amend the National Service Trust Act with a modified form of this Volunteer Protection Act.

Mr. Chairman, in 1990 I was able to amend the National Service Act with this legislation. My amendment, which is today subject to the point of order, passed unanimously but, unfortunately, it was not included in the final bill.

My amendment attempts to remedy a very serious recruiting problem, Mr. Chairman, the fear of lawsuits, which has affected volunteer programs nationwide.

Organizations know it is a problem. In 1988 a Gannett study found that 20 percent of association directors were having serious trouble recruiting volunteers because of fear of being named in a lawsuit. States know it is a problem. A number of them have enacted volunteer protection laws.

Mr. Chairman, past administrations have known it is a problem. In 1990 the Attorney General formally recommended a volunteer protection law for adoption by the States.

My amendment, simply put, channels lawsuits to the organization. It protects volunteers from being dragged into court and having to place their homes, their farms, and assets at risk.

Injured parties, who currently gain most of their recoveries from the organization and not from individual volunteers, would continue to be able to hold these organizations fully liable.

My amendment propounds a model law. The model law allows States significant latitude when crafting their volunteer protection laws. It allows a fair amount of time to enact volunteer protection laws—2 years. It provides a gentle prod to enact a volunteer protection law. States would lose 5 percent of the money they would otherwise receive under the National Service Trust Act, and that money would be reallocated to States that had met the volunteer protection standard.

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I believe that this is a good amendment. It would improve greatly the National Service Trust Act, and I urge the Members to support it.

POINT OF ORDER

Mr. BRYANT. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRYANT. Mr. Chairman, I raise a point of order against further consideration of the Porter amendment. My point of order against the Porter amendment is that his amendment is nongermane.

I would refer the Chairman to page 3, lines 11 through 12, where I would read: "Volunteer of a nonprofit organization or governmental entity." Those words are far beyond the scope of persons and organizations covered by the bill pending before the House.

The amendment offered by the gentleman from Illinois [Mr. PORTER] would extend immunity to any volunteer performing any activity for any nonprofit organization, regardless of whether or not it is connected to the purposes of this bill, including extremist organizations such as the American Nazi Movement, the Ku Klux Klan, or any other extremist organization, as long as it met the terms of sections 501(a) and 501(c) of the Internal Revenue Code.

In fact, as the definition of volunteer on page 5 makes clear, this amendment could not apply to anyone who is a National Service volunteer under the bill.

The definition requires that the volunteer "does not receive compensation, or any other thing of value in lieu of compensation, for such services." So the educational scholarship would disqualify all National Service volunteers. But anyone who volunteered with an extremist group strictly out of zealotry for the cause, would be shielded.

I do not think that is the purpose of the bill before us today.

Mr. Chairman, I submit that the amendment is nongermane and urge sustaining of my point or order.

The CHAIRMAN. Does the gentleman from Illinois [Mr. PORTER] wish to be heard on the point of order?

Mr. PORTER. Mr. Chairman, I would note that the subject of my amendment is volunteers and the nonprofit agencies and local governments they serve, a subject that is clearly contemplated throughout the bill.

The amendment and the bill share the same fundamental purpose, to strengthen nonprofit organizations and local governments in their ability to help meet needs in the United States. And their methods are the same. The provision of grants of assistance to such organizations is based on their meeting certain criteria.

Finally, the bill stands before us as read and open to amendment at any point, and includes reauthorization of the VISTA Program, which has as one of its objectives to generate the commitment of private sector resources, to encourage volunteer services at the local level and to strengthen local agencies and organizations to carry out the purpose of this part.

Title II as well envisions the involvement of volunteers with the Corporation for National Service. Promotion of voluntarism and the community work of nonprofit organizations is, thus, central to the bill as well as central to my amendment.

The CHAIRMAN. Does the gentleman from Texas [Mr. BRYANT] wish to be heard further on the point of order?

Mr. BRYANT. Mr. Chairman, I would further urge that the gentleman from Illinois [Mr. PORTER] is attempting to apply this immunity amendment of his to all volunteers for any volunteer organization that happens to meet the 501(a) or 501(c) provisions of the Internal Revenue Code.

The bill before us relates to national service. What we are discussing in this bill is national service participation.

If the gentleman from Illinois [Mr. PORTER] offers an amendment, as I am sure he will after this, that relates to immunity only as it affects those who are participating in national service, I expect that that amendment would be germane.

But this amendment goes far beyond that and is, in effect, an attempt to add to this bill legislation totally unrelated to national service, that the gentleman from Illinois [Mr. PORTER] has offered in the past.

It is not germane, and I urge the Chair to sustain the point of order.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] makes the point of order that the amendment offered by the gentleman from Illinois [Mr. PORTER] is not germane to the bill.

The bill addresses national service in a variety of programs. The amendment offered by the gentleman from Illinois would condition a portion of the Federal funding to States for such programs on the enactment of State laws to protect persons who render volunteer services from certain legal liabilities. The amendment does not, however, confine itself to the programs addressed by the bill or the volunteers whose services are covered by the bill. Rather, the amendment seeks to protect all volunteers in nonprofit or public programs, generally.

As noted in section 798f of the House Rules and Manual, a bill on a specific subject may not be amended by a provision general in nature, even when of the class of the specific subject. Thus where a bill is confined to a certain range of activity, an amendment dealing with a broader range of that kind of activity is not germane. For example, to a bill addressing corporations engaged in interstate commerce, an amendment addressing all corporations has been held not germane.

Accordingly, the point of order is sustained.

AMENDMENTS OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer amendments Nos. 1 and 3.

The Clerk read as follows:

Amendments offered by Mr. PORTER: Page 30, after line 6, add the following:

"(5) EFFECT OF STATE FAILURE TO LIMIT LIABILITY.—If, not later than 2 years after the effective date of this subtitle, a State fails to have in effect (and to certify in its application that the State has in effect) a limitation on liability that satisfies the requirements of title V of the National Service Trust Act of 1993, the allotment for such State shall be reduced by 5 percent, and the Corporation shall allot the amount of the reduction among the States that have in effect (and so certify) such limitation.

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE V—LIMITATION ON LIABILITY OF VOLUNTEERS

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many non-profit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments, foundations, and other civic programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) the efforts of nonprofit organizations, local government, States, and the Federal Government to promote voluntarism, and community and national service, are adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(5) because Federal funds are expended on useful and cost-effective social service programs which depend heavily on volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—The purposes of this title are to promote programs of community and national service, to promote the interests of social service program beneficiaries and taxpayers, and to sustain the availability of programs and nonprofit organizations and governmental entities which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with non-profit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 502. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 503. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—For purposes of satisfying the requirement specified in section 129(a)(5) of the National and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a nonprofit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity; and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or government entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery

for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "nonprofit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory or possession.

PARLIAMENTARY INQUIRY

Mr. FORD of Michigan. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FORD of Michigan. Mr. Chairman, I thought that the gentleman combined amendment 1 and amendment 2, and amendment 1 was ruled out of order.

Mr. PORTER. Mr. Chairman, they were ruled out of order.

I ask unanimous consent that amendments 1 and 3 be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. FORD of Michigan. Mr. Chairman, I object to consideration of amendment 1. It has already been ruled out of order. When the gentleman combined it with 2, he poisoned it.

It has been ruled out of order. Now he is offering it again.

The CHAIRMAN. Is there objection to consideration of the amendments en bloc?

Mr. FORD of Michigan. Mr. Chairman, I object to considering amendments 1 and 3 en bloc.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PORTER: At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE V—LIMITATION ON LIABILITY OF VOLUNTEERS

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments, foundations, and other civic programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) the efforts of nonprofit organizations, local government, States, and the Federal Government to promote voluntarism, and community and national service, are adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(5) because Federal funds are expended on useful and cost-effective social service programs which depend heavily on volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—The purposes of this title are to promote programs of community and national service, to promote the interests of social service program beneficiaries and taxpayers, and to sustain the availability of programs and nonprofit organizations and governmental entities which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with nonprofit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 502. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 503. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—For purposes of satisfying the requirement specified in section 129(a)(5) of the National and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a nonprofit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) Such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity and such functions and duties are directly connected to the administration of a program described in section 122(a); and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "nonprofit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

Mr. PORTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRYANT. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman's point of order is reserved.

The Chair recognizes the gentleman from Illinois [Mr. PORTER] for 5 minutes in support of his amendment.

Mr. PORTER. Mr. Chairman, this amendment would particularize the volunteer protection that I attempted to offer in the first amendment to participants in the program. That is, that everyone participating in the program and so defined under the act, in its final form, would, therefore, be given the same kind of limited protection against liability lawsuits that was envisioned in the broader amendment that I attempted to offer a moment ago.

It has, as its purpose, the same purpose, to protect those participants in the program from limited liability and to have the organizations they serve stand for that liability.

I would commend it to the House.

POINT OF ORDER

Mr. BRYANT. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRYANT. Mr. Chairman, I raise a point of order against the Porter amendment, that the amendment is nongermane.

I would refer the Chairman to page 3, lines 11 through 12, "Volunteer of a nonprofit organization or governmental entity."

Those words are, again, far beyond the scope of persons and organizations covered by the bill.

Page 3, lines 19 through 21, limit the amendment's coverage to "functions and duties directly connected to the administration of a program described in section 122(a)" of the bill.

Section 122(a) merely describes the type of programs that would be eligible to apply for a grant under the bill.

That goes far beyond the specific programs that will actually receive funding.

The amendment would conceivably extend immunity to any volunteer performing any activity for any nonprofit organization, the same problem as the preceding amendment.

In fact, as the definition of volunteer on page 5 makes clear, this amendment could not apply to anyone who is a national service volunteer under the bill.

The educational scholarship would disqualify all national service volunteers, yet anyone who volunteered with a group not connected with national service but that was a group that complied with sections 501(a) or 501(c) of the Internal Revenue Code would be shielded from liability.

Accordingly, Mr. Chairman, I urge the Chair to rule the amendment out of order.

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The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized on the point of order.

Mr. PORTER. Mr. Chairman, I ask the Members to listen very carefully, because I think the gentleman is misinterpreting the amendment. The gentleman's point of order is incorrect because it relies on an incorrect reading of the language of the amendment and the bill.

Mr. Chairman, the words have no meaning outside of context, and the point of order relies on a semantic device of reading out of the context in which the words are in fact used. Put differently, the point of order is based on reducing the words and phrases to the point that they are susceptible of any meaning. This, I would note, is not strict constructionism, where we confine our interpretation to the text, but rather an extreme form of deconstructionism.

Mr. Chairman, the pertinent part of my amendment encourages the States to consider granting certain protections to volunteers whose function and duties are directly connected to the administration of a program described in section 122(a) of H.R. 2010. This language references back to the entire section 122(a), not just to a part of it, as the gentleman would have us believe.

Section 122(a) of the bill reads,

> The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance directly or through subgants to other entities to carry out full or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs, subject to the section (B)(1). These national service programs may include the following types of national service programs,* * *

And then the section discusses these types of programs.

Mr. Chairman, this is what section 122(a) describes. It describes a recipient carrying out a program with public support, and then lists the types of programs that may be funded.

Read fully, as it should be, section 122(b) describes programs receiving funding under the act, funding under the act. Recipients of a grant, and I am quoting now, "recipients of a grant under section 121(a)," that is funding under the act. The section does not describe a hypothetical unfunded program, but rather recipients of the assistance and what they may use it for.

What the gentleman is attempting to do is to read into my amendment words which do not exist, Mr. Chairman. His claim is essentially that my amendment includes the words "of the type described" when in fact it does not. If my amendment did include those words, I would concede that it references the latter portion of section 122(a) only, which delineates types of programs. Mr. Chairman, these words are not in my amendment and the gentleman cannot add them via a point of order.

Thus, my amendment in no way expands the class of persons affected under the proposition before us, and is not susceptible, I believe, to a point of order.

Mr. BRYANT. Mr. Chairman, I would simply urge upon the chairman again that section 122(a) merely describes the types of programs that would be eligible to apply for a grant under the bill. That goes far beyond the specific programs that will actually receive funding. For reasons previously stated, I would urge the Chair to uphold the point of order.

Mr. PORTER. Mr. Chairman, once again, the gentleman from Texas [Mr. BRYANT] is reading into my amendment something that is not there. It references not a portion of section 122(a), but the entire section, and the entire section envisions only those programs as described that are in fact funded. Therefore, the amendment is particular and limited in its scope to only those programs that are actually funded under the terms of the law.

The CHAIRMAN (Mr. FIELDS of Louisiana). The Chair is prepared to rule.

As indicated by the gentleman from Illinois [Mr. PORTER], unlike the previous amendment, the pending amendment is confined to those activities eligible for participation in the program covered by the bill, and is consequently germane. It is the opinion of the Chair that the amendment is germane.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes in support of his amendment.

There was no objection.

Mr. PORTER. Mr. Chairman, I again commend to the membership the volunteer protection that is envisioned for participants in the program under the amendment. It is something that almost all the Members of this House have cosponsored over the past three Congresses. There are 250 national organizations across this country that are strongly in support of this amendment. It provides the participants in the program of funded entities that they would receive limited volunteer type protection for the activities that they engage in within the scope of their participation in the program.

It would protect them from being dragged into court and having to place their assets at risk. It would give them the assurance that injured parties would be protected by the organizations that they serve. It would propound an attempt to provide participants with the assurances that their participation in the national service programs that are envisioned by the

National Service Trust Act would be protected from lawsuits against them individually that might destroy their willingness to participate in the program and to give their services to their country.

I would again commend it to the membership. It is a very reasonable approach. It is broadly supported by Members of this House and by organizations all across this country who will be participants in the programs under this legislation.

They have unanimously supported this kind of protection for volunteers and for participants in the program. I believe it is an amendment that strengthens the bill and makes it a much, much better bill.

AMENDMENT OFFERED BY MR. BRYANT TO THE AMENDMENT OFFERED BY MR. PORTER

Mr. BRYANT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BRYANT to the amendment offered by Mr. PORTER: In the matter proposed to be inserted by the amendment at the end of the bill as title V of the National Service Trust Act of 1993, strike "A State may impose one or more of the following conditions" in section 503(d) of such title and insert in lieu thereof "A State shall impose the following conditions".

Mr. BRYANT. Mr. Chairman, I know that the gentleman from Illinois [Mr. PORTER] is offering his amendment with the best of intentions, and out of a desire to encourage the spirit of voluntarism. However, I think it is very important that the Members understand that the Porter amendment would require States to enact legislation immunizing all volunteers in the programs listed in section 122 from any responsibility, and I underline "any responsibility," for accidents or injuries that they may cause to innocent bystanders. There is no limit to this immunity. Even drunk drivers and even unlicensed drivers would be immunized from responsibility for death or injuries caused to people who happen to be in their way.

I do not think that this House should consider an amendment such as this, which would mandate that the States take an action such as this, without at least insisting that the States except from this mandatory immunization some reasonable areas. One of the reasons that we would have had a letter from the Mothers Against Drunk Driving is their great concern that this amendment by the gentleman from Illinois [Mr. PORTER], if it is not perfected by my amendment, would do exactly what I said.

I would point out that the so-called Porter amendment would not require, but would simply permit, a State to impose one or more of five specified conditions and limitations to the immunity. I submit to the Members that it is not responsible for us to mandate that the State take away the protection of the public from accidents that are caused by persons such as are described in the amendment by the gentleman from Illinois, and at the same time not mandate that the States at least implement reasonable substitute provisions that would cause them to be responsible, at least to some extent, for the damages which they cause.

The Porter amendment would permit but not require a State to impose one or more of five specified conditions and limitations, as I said a moment ago. His amendment says a State may, but it does not have to, require risk management procedures, including volunteer training. His amendment says a State may, but does not have to, require the organization to assume liability for its volunteers in the same manner as an employer is legally responsible for the actions of its employees.

His amendment says that the State may, but does not have to, except from the immunity the operation of a motor vehicle or other vehicles for which a license is required. His amendment says that the States may, but do not have to, except from the immunity legal actions brought by Government officials, and that the States may, but they do not have to, require the organization to provide a financially secure source of recovery for victims.

My amendment would simply say that they have to. It would basically substitute shall for may and would, I think, address directly the central question in this. Because while the gentleman from Illinois [Mr. PORTER] wishes to offer to volunteer organizations further encouragement for voluntarism, which is a fine thing, the question is who is to bear the burden of an injury that is caused by the negligence of someone who happens temporarily to be doing volunteer work.

Is it to be the innocent victim? If a drunk driver runs over a child and severely injures the child, is the child's family supposed to pay for it? I do not think we are doing anybody a favor, and certainly we should not seek credit for shifting the burden from the volunteer to the family of the child.

☐ 1410

My amendment simply says that we are going to make mandatory what the gentleman from Illinois [Mr. PORTER] would simply make voluntary upon the States if we are going to pass this type of immunity statute. I urge Members of the House to vote for the perfecting amendment to make the Porter language have meaning, but at the same time to provide reasonable protection to the public from the bad consequences of an otherwise well-meaning provision.

Mr. GOODLING. Mr. Chairman, I rise in support of the Porter amendment and against the perfecting amendment.

Mr. Chairman, an amendment similar to this, as was mentioned, was added to the 1990 National Community Service Act. It was unanimously accepted on the floor of the House.

We have to understand that the threat of liability hanging over the heads of volunteers is likely to diminish their interest in volunteering. And if that happens, of course, then, the program goes down the drain.

Of course, contrary to what we heard, the amendment does not protect volunteers if they are grossly negligent or engaged in misconduct. On page 3, line 22, section 2 it says, "such damage or injury was not caused by willful and wanton misconduct by such individual." So I believe that the Porter amendment is the direction to go if Members truly want to encourage volunteers to participate in this program.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Texas [Mr. BRYANT] to respond.

Mr. BRYANT. Mr. Chairman, I thank the gentleman for yielding and would simply make the point that it is explicitly the case that drunken driving and driving without a license is not exempted from the Porter amendment, and a person who happens to be temporarily acting as a volunteer who is drunk or driving without a license, who runs over a child, will not be held responsible for doing so. That is why Members received a letter from Mothers Against Drunk Driving in their offices, and that is why I have offered the perfecting amendment. It would simply say in the five areas which the Porter amendment has acknowledged ought to be considered by the States which he is ordering to immunize these people, as exceptions to the immunity, that we would insist that the States except from the immunity those five areas. It is shall versus may and it confronts directly the key question here, and that is how do we justify shifting the burden to the injured party and family of the injured party and away from the persons responsible for doing the damage?

That is all we are attempting to do here. There is no prejudice to the main thrust of the Porter amendment. We simply want to say, by golly, if we are going to have a system that provides some type of immunity to volunteers, we are not going to shift the burden for accidents like this to innocent victims and to their families.

I urge Members to support the perfecting amendment.

Mr. FORD of Michigan. Mr. Chairman, I support the Bryant amendment because it is an improvement on an amendment that does not belong here.

There is a reason for the rule about committee jurisdictions and how bills come to this floor. What we now have is my ranking member, who is an expert in education, arguing with the ranking member from the Judiciary Committee about tort law. That is why if this amendment had been brought to our committee we would not have entertained it. Then the bill would have had to go to the Judiciary Committee where they deal with tort law.

Even with the Bryant amendment, the fatal defect of adopting this kind of an amendment on a national service bill is that it amends the tort law of all of the States with no consultation with the States, no hearings on the matter, no understanding at all about the breadth of the implications. The Members are left to guess whether the representative of the Judiciary Committee knows what he is talking about or whether representatives of my committee know what they are talking about in tort law. The Members should not be subjected to that.

I think the gentleman from Illinois has what the gentleman from Texas [Mr. BRYANT] has described as a sincere desire to help volunteer groups. But to do that at the expense of a Federal law amending the tort law of every State and jurisdiction in this country is something that should not be done in this legislation. I think that the amendment ought to be defeated.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Unfortunately, the chairman has just argued against the Bryant amendment because what he is attempting to do through the Bryant amendment is in fact to tell the States what they ought to draft in terms of their own laws. The way our amendment is structured, that is left up to the discretion of the States. We say "may impose the following conditions." The Bryant amendment would say the States must impose such conditions. That is exactly what we believe we should leave up to the States and should not be determined at the Federal level.

Many States already have laws in place that would provide the kind of protection envisioned in this amendment and would, therefore, qualify them for the full amount of funding. Only a few States do not have these laws.

If, however, the Bryant amendment were to pass, no State that I know of would be in compliance, and they would all then have to change their laws.

So I would say that the gentleman, if he wants to avoid that, and that is what he said a moment ago he wanted to avoid, the gentleman should be against the Bryant amendment because it attempts to have the Federal Government tell the States what they must do. My amendment allows the States latitude when crafting their legislation.

My amendment also involves an encouragement to the States. States would receive a 5-percent decrease of grants under the provision of this amendment if they did not comply, and that money would be reallocated to States that did comply.

So I would encourage the gentleman, if he wants to avoid imposing a Federal scheme upon the States, and if he would want to have most States, probably including his own, to qualify immediately under the terms of my amendment, he should oppose the Bryant amendment.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, the gentleman just mentioned the magic words, probably my own. I do not know what impact this would have on my State and I think it is unfair to present us with a proposition with no hearings, no opportunity for me or any other Member from my State to find out what the impact would be.

Mr. PORTER. If I may reclaim my time, Mr. Chairman, this bill in the form of the Volunteer Protection Act has been in the last three Congresses with over half the House having cosponsored the bill, and the Judiciary Committee, responding to the American Trial Lawyers Association, would not even give us a hearing.

Mr. FORD of Michigan. Will the gentleman yield further?

Mr. PORTER. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. That is the very point. If we introduce this legislation, it does not come to my committee. It goes to the Judiciary Committee, and that is where it belongs. The gentleman is getting us in a fight that my committee has not had any opportunity to look at. We do not bring matters to this floor unless we have had every opportunity to examine the pros and the cons of the legislation. What the gentleman is doing is getting around his frustration with the fact that the committee of jurisdiction apparently does not agree with him.

Mr. PORTER. I would say to the gentleman that his bill is broader than the jurisdiction of his committee in some respects, and that this is the only place to deal with it, here on the floor. And if we had a Judiciary Committee that was responsible to the Members of this House and responsive to their cosponsorship, and would not stonewall it, we would not have to bring the matter up this way.

Mr. FORD of Michigan. I would say to the gentleman that it is not my responsibility to defend the responsibility of any committee except my own. But I would remind the members of my committee that we bend over backward to protect our jurisdiction against Members meddling without proper preparation, and we owe it to other committees, if we expect to be treated that way, to defend them in the same way.

I would say to the gentleman from Illinois [Mr. PORTER], he has got us in his fight with the Judiciary Committee. It does not belong here. It does not belong in this bill, and we should not clutter up the bill with a fight with the Judiciary Committee.

Mr. PORTER. With all due deference, Mr. Chairman, protection of participants in the program from liability is essential to making this bill work the way you want it to work, because a lot of them will look at it and say, "I do not want to participate because I might end up in court."

My amendment strengthens the National Service Trust Act.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Texas.

□ 1220

Mr. BRYANT. I would first like to say I regret very much the gentleman's suggestion that this amendment or any action has been taken because of some special-interest group. I have not heard from, nor has any Member of this House, to my knowledge, heard from, anyone except Mothers Against Drunk Driving, who are frightened by the gentleman's amendment because it allows a person who is driving while drunk and injures somebody, just because they happen to be temporarily a volunteer, to get off without any responsibility.

Mr. PORTER. With all due respect, it allows no such thing.

Mr. BRYANT. Show me.

Mr. PORTER. It leaves that decision up to the States, and the gentleman and I know where tort law is on this matter.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to speak in support of the Bryant perfecting amendment. The Porter amendment is an attempt to grant a general exemption from liability to volunteers, curiously not those under the National Service Act, as I understand the amendment before us now.

Mr. Chairman, while we certainly want to encourage people to help others, the Porter amendment would unfortunately eliminate help for an important group of people that the law has always protected: the innocent victims of negligent conduct.

The Bryant perfecting amendment brings a needed balance to the Porter amendment by ensuring that States which wish to eliminate existing protections for victims at least provide a bare minimum protection traditionally available to victims.

Many States now have legislation, on the books which grants to volunteers immunity from liability for negligence. Good Samaritan laws. But these exceptions are usually narrowly drawn to specific situations. For example, immunity from general malpractice liability in medicine is granted to physicians who assist during emergencies.

Likewise, immunity is granted to grocery stores which donate surplus food to food banks. Without the Bryant perfecting amendment, the Porter amendment will inappropriately grant blanket immunity from all responsibility.

This amendment simply requires that States place at least 5 reasonable conditions on granting immunity to volunteers.

For example, the perfecting amendment would guarantee that government officials have the right to take legal action against volunteers in order to enforce local, State, or Federal laws.

Further, the perfecting amendment would not grant volunteers immunity from liability in automobile accidents; a victim should not be punished because the person at fault in an accident happened to be volunteering; furthermore, most States already have provisions for automobile liability insurance.

I, therefore, believe that the Bryant perfecting amendment makes a much needed correction to the Porter amendment, and I therefore ask that the House approve the Bryant perfecting amendment.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words, and I yield to my chairman, the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I have just had handed to me a letter from a special-interest group. I want to share it with the House. It is from the American Red Cross:

> DEAR CONGRESSMAN FORD: The American Red Cross supports the National and Community Service Trust Bill of 1993, and urges you not to allow weakening or controversial amendments to erode the support of its cosponsors.
>
> While we strongly favor volunteer tort liability protection, we feel that the national service bill should not be used as a vehicle to address this or other separate issues. We hope that the bill will remain clearly focused on its primary purpose: providing increased opportunities and innovative approaches for community service.
>
> Thank you for your interest in this vital area.
>
> Sincerely,
>
> MARIA P. SMITH,
> *Volunteer Consultant,*
> *Public Policy and Planning.*

Mr. MARTINEZ. Mr. Chairman, I yield to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. I thank the gentleman for yielding to me.

Mr. Chairman, I simply want to reiterate the point that Mr. PORTER's amendment takes us far beyond the scope of the national service bill and directs States, requires that the States grant immunity for responsibility for negligent acts and for accidents caused, even to volunteers in organizations that are not connected to the National Service Act which we are considering at the present time. That could be extremist organizations, it could be any kind of an organization that complies with the 501(a) and 501(b) of the Internal Revenue Code. In my view, that is entirely inappropriate.

But if we are going to do it, we ought to add a perfecting amendment to his amendment, so that, where his mandate to the States would permit these States to, in some fashion, mitigate this vast grant of immunity, we make that mitigation required upon the States, not simply permissive to the States. That is all my amendment does.

For goodness sakes, I urge the Members not to accept this notion that somehow or another, because there is language in this bill with regard to wanton and willful conduct, that that has anything to do with drunk driving. It does not. A drunk driver, under the provisions of the Porter amendment, would not be responsible for the damage and injury that he causes someone else if he can get away with claiming he was a volunteer at the time that he was drunk and careening around the streets.

For goodness sakes, at least perfect the Porter amendment before we adopt it for the benefit of all the public and for the benefit, I think, of a sound system of jurisprudence that does not shift the burden for these accidents to hapless victims or to the family of a child who has been run over, to the persons least able to bear the burden. I do not think we ought to brag about that kind of a shift.

I urge the Members to vote for the perfecting amendment.

Mr. HEFLEY. Mr. Chairman, I move to strike the requisite number of words. I rise in strong support of the Porter amendment and, for crying out loud, the perfecting amendment—let us have a little faith in the States. The States are the ones that have struggled with this tort reform thing for years. We can have faith in them that they are not going to let drunken drivers run free. So, we do not really need this.

Mr. PORTER has put together an amendment and brought it before us year after year that ought to be passed by this body. The vast majority of the American public believe that it ought to be passed. In fact, the only ones that I know that do not think it ought to be passed are members of the Judiciary Committee either in the U.S. Congress or in the State legislatures, and the Trial Lawyers Association. Let us get behind this amendment.

I yield to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. I thank the gentleman for yielding.

If I may say to the gentleman from Texas [Mr. BRYANT], he is reading into the amendment something that is just not so. We have trusted the States under our system with tort law for our entire history. This amendment simply says we trust the States to continue to do that. We encourage them, as participants in this program, to give those individual participants limited liability in certain circumstances as they participate in the program. There is nothing wrong with that, with all due respect, there is nothing wrong with that. And it does not mean that the States are going to allow people who drive vehicles drunk to get off without negligence. That is just plain nonsense, If I may say so.

What is happening in our office right this moment is that we are getting calls from organizations all across the country saying, "How can we help get this passed?" While the Red Cross may have been coerced into writing this letter, I think the operative sentence in it is, "We strongly favor volunteer tort liability protection," as do hundreds and hundreds of other organizations that depend upon volunteers all across this country, from the National Association of Towns and Townships to the National Council of Jewish Women, the National Easter Seal Society, the National Federation of Independent Businesses, the National PTA, the Navy League, the Salvation Army, Save the Children, you name it, they want volunteer protection, and the gentleman's amendment is an attempt to kill volunteer protection by shifting to the Federal Government from the States a massive amount of tort law. We do not want to do that. Leave the States to fashion that for themselves.

Mr. HEFLEY. Let me say that we are a nation of volunteers; our whole history. When the wagon trains moved west, people got together to help each other build barns and so forth. But we are quickly losing that ethic of voluntarism if we do not do something like this. More and more people are saying, "I will not serve on that board, I won't do that volunteer program, I won't coach that Little League because I simply don't want to take the risk of doing it."

Mr. Chairman, I yield to the gentleman from Texas.

Mr. BRYANT. I thank the gentleman for yielding.

With all the brave talk about how we should trust the States, if we trust the States—and I agree, we should trust the States—why is the gentleman's amendment aimed at forcing States to change their tort law? That is exactly what the gentleman's amendment does.

Mr. HEFLEY. I yield to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. I thank the gentleman for yielding.

All I can say to the gentleman from Texas is that when this was considered in the House on October 5, 1990, as an amendment to the National Service Act, it passed 412 to 0 without the gentleman's amendment, and he voted for it.

□ 1230

And so did the gentleman from Michigan [Mr. FORD] I might add, and so did practically every Member on the floor.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Texas.

Mr. BRYANT. Because the gentleman described that amendment just the way the gentleman described it today. We thought it was a good idea, but when we got to the conference committee and they realized the drastic impact it would have, they took it out, as they should have.

I am trying to make the Porter amendment something we can all vote for by perfecting it, simply by saying there are five areas that these states must not exempt from responsibility. They are the same areas the gentleman from Illinois made reference to in his bill.

Mr. Chairman, I urge the Members to vote to perfect the Porter amendment so this time it will be a good one.

Mr. PORTER. Mr. Chairman, if the gentleman will yield, with all due respect, this is a killer amendment intended to be offered by a gentleman who does not apparently favor the idea of protecting volunteers. I would urge the Members to vote it down.

Mr. HEFLEY. Mr. Chairman, I yield back the balance of my time.

Mr. BECERRA. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I hope the gentleman from Illinois [Mr. PORTER] realizes and will give some thought to how the gentleman has characterized the Judiciary Committee as lackeys of a special interest group. When this bill goes to conference if the gentleman's amendment is in it, the Judiciary Committee, not my committee, is going to handle this provision. The same people, that is, who handled it when the gentleman got it put on the national service bill in 1990.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Illinois.

Mr. PORTER. I never used any such words as lackey of any special interest group.

I said opposed to the American Trial Lawyers Association, and we never did get a hearing.

Mr. FORD of Michigan. The impression that came across to me was stronger than that, but that is up to the Judiciary Committee.

I just want to call attention to the fact that the gentleman has been down this road before.

I was curious why we had this big vote to go to conference and his provision did not come back in the conference agreement. The Judiciary Committee which has the responsibility in these matters does not want to fire the first shot at the States in Federal tort reform.

Right after them, my friends in the auto industry will be in here asking for product liability exemptions, so that if General Motors sells you a truck with a sidesaddle tank on it that causes you to be burned up when it gets hit, you will not be able to sue them.

Then right after them will be the doctors who want a national law on tort liability affecting them.

I think the Judiciary Committee is trying to protect the tradition in this country of keeping the Federal Government out of the inherent authority of the States to write the common law and the tort law of their States.

The gentleman's amendment brings the Judiciary Committee into this conference.

Very frankly, I would like to have the two Education Committees in control of this matter and not have this extraneous help.

Mr. BECERRA. Mr. Chairman, I yield back the balance of my time.

Mr. BRYANT. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BRYANT. Mr. Chairman, I would simply like to reiterate, as the gentleman from Illinois [Mr. PORTER] said, that I voted for the Porter amendment back in 1990, because I believed in the general spirit of what the gentleman was trying to do.

We discovered after the gentleman described it back in 1990 that it was not quite as it was made out to be, so it was dropped in conference.

My perfecting amendment would make it do what the gentleman from Illinois [Mr. PORTER] says it would do. I urge Members to vote for the perfecting amendment so maybe we can do something for the volunteers and the nonprofit groups out there, instead of just talk about it.

Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. PORTER. Again, Mr. Chairman, with all due respect to the gentleman from Texas and to the members of the Judiciary Committee, this is an idea that has received the cosponsorship of over half the House of Representatives repeatedly in the last three Congresses.

Never has the Judiciary Committee allowed 1 minute of hearings on it. "Why?" one might ask.

I would rather not have to offer it as an amendment to any other legislation. I would rather not trouble the chairman about this, but this is a matter that is supported strongly in this House, that would encourage the States in a Federal program. My amendment allows the participants to participate without fear of being dragged to court, and allows the States to fashion their laws in a way that meets the Federal standards, not imposing it upon them by Federal standards themselves.

I believe that it is strongly supported in the House. I think my amendment is an appropriate part of this bill.

It was stripped out last time despite, I might add, an overwhelming unanimous 412 to nothing vote to instruct the conferees. Our conferees in that conference did not take any responsibility for that instruction and simply stripped it out without, I might add, my discussion.

It was stripped out, not because it was opposed by others who would see it as an imposition on the States, it was stripped out again because the Judiciary Committee did not want it to see the light of day.

Mr. Chairman, I would urge the Members to support it. I think it makes a very good addition and strengthens the bill, and I would ask the Members to vote "no" on the Bryant amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BRYANT] to the amendment offered by the gentleman from Illinois [Mr. PORTER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PORTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 194, not voting 6, as follows:

[Roll No. 372]

AYES—239

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barca
Barlow
Barrett (WI)
Becerra
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost

Furse
Gejdenson
Gephardt
Gibbons
Gillmor
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—194

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lantos
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Parker
Paxon
Payne (VA)
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Visclosky
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Henry
McDade
Moakley
Packard
Rose
Washington

□ 1259

Messrs. PETRI, EWING, MANZULLO, TANNER, PAYNE of Virginia, and BARCIA of Michigan changed their vote from "aye" to "no."

Messrs. VENTO, BEVILL, HILLIARD, and HALL of Texas changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PORTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair reminds the Members that they have 5 minutes in which to vote.

The vote was taken by electronic device, and there were—ayes 358, noes 69, not voting 12, as follows:

[Roll No. 373]

AYES—358

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant
Bunning
Burton
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McKeon
McKinney
McMillan
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden

Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—69

Abercrombie
Applegate
Becerra
Bishop
Brooks
Brown (FL)
Clay
Clayton
Collins (IL)
Collins (MI)
Costello
Coyne
Danner
de Lugo (VI)
Deal
Dellums
Deutsch
Dingell
Dixon
Edwards (CA)
Engel
Faleomavaega (AS)
Fields (LA)
Ford (MI)
Ford (TN)
Furse
Green
Hamburg
Hoagland
Holden
Inslee
Istook
Jefferson
Kanjorski
Kennedy
Klink
Kopetski
Lancaster
Lewis (GA)
Mann
Martinez
McInnis
McNulty
Meehan
Meek
Miller (CA)
Mink
Mollohan
Murphy
Nadler
Olver
Owens
Pelosi
Rush
Schroeder
Scott
Skaggs
Slaughter
Stark
Stokes
Swift
Synar
Taylor (NC)
Torres
Traficant
Unsoeld
Waters
Watt
Wilson

NOT VOTING—12

Baker (LA)
Buyer
Conyers
Henry
Kennelly
McDade
Moakley
Packard
Rangel
Rose
Underwood (GU)
Washington

Mr. MOLLOHAN and Ms. SLAUGHTER changed their vote from "aye" to "no."

Ms. SCHENK and Mr. BARRETT of Wisconsin changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

☐ 1310

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 30, after line 6, add the following:

"(5) EFFECT OF STATE FAILURE TO LIMIT LIABILITY.—If, not later than 2 years after the effective date of this subtitle, a State fails to have in effect (and to certify in its application that the State has in effect) a limitation on liability that satisfies the requirements of title V of the National Service Trust Act of 1993, the allotment for such State shall be reduced by 5 percent, and the Corporation shall allot the amount of the reduction among the States that have in effect (and so certify) such limitation.

Mr. PORTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. FILNER). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, we accepted the gentleman's amendment a little while ago. Then we spent 2½ hours. I would like to accept the gentleman's amendment, if we are not going to be put to wasting any more time on getting this bill moving.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 218, after line 6, insert the following new subsection:

"(f) FULL FUNDING OF COSTS TO STATE AND LOCAL GOVERNMENTS OF REQUIREMENTS UNDER NATIONAL SERVICE LAWS.—Notwithstanding any other provision of law, a national service law may not impose any requirement that a unit of State or local government conduct an activity (including the requirement that a State maintain a State Commission pursuant to section 178 or a requirement that such a government meet national standards in providing a service) unless and until all amounts necessary to pay the direct costs incurred by the unit in conducting the activity are provided to the unit by the Government of the United States.

Mr. HEFLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HEFLEY. Mr. Chairman, I know that this program at this point in time is not a mandated program, that States can participate in it or they do not have to participate in the program.

I also know that most of the programs we initiate up here start out that way, but they do not end up that way. They end up being mandates down the line.

What my amendment would do, very simply, is to say that if we mandate this program or portions of it, then we have to pay for it.

Mr. Chairman, in the course of the several times this bill has been on the floor, there has been a lot of discussion, some of it rightfully so, that there are problems with this National Service Trust Act. Some say it comes at the expense of other higher education programs or it does not distinguish between the needy and the nonneedy.

But I wonder if we are not putting the cart before the horse. What about the huge expense our States will have to shoulder to participate in the program in the first place. To receive Federal aid to participate in the program, States must set up a new bureaucracy in each State called a State commission, with no fewer than 15 members serving on the commission.

They will have to meet national standards and measure progress in a specified way along the way.

In cases where nonprofits are not in place, the State agency must provide mandated pay and fringe benefits for participants, which will amount to about 15 percent, and they must find community service jobs for students and/or create those kind of jobs, in many cases make-work kinds of jobs.

We are gracing our States with new mandates and tying their hands at the same time. The 85 percent of Federal money promised to States to pay to run the State commissions will dwindle to 50 percent after 5 years and, as the bureaucracies expand, so will the program.

No more than 5 percent of this Federal money can go for administration so, again, we have a receipt for destruction.

H.R. 2010 comes at great expense to the States, but the States may want to participate in it. And if they do, I think that is fine.

President Clinton, in 1991, said we need to get a handle on mandates or else some of us are going to go broke. Candidate Clinton was saying the absolute truth, when he was talking about the State budget.

We grace our States with these huge programs that look great on paper, that start out with the Federal Government paying most of it, but then our local governments become burdened over the years with the expenses associated with complying with what becomes the inevitable expansion of the programs and the mandates that go with them.

Even the gentleman from Pennsylvania [Mr. GOODLING] has said recently that government at all levels is currently facing fiscal constraints. Many States cannot afford this program, what this program will become.

My amendment prevents us from slapping unfunded mandates on the States as a result of this program, as they struggle to participate in it.

Members, we are driving State governments, State and local governments, for that matter, absolutely crazy with the kind of mandates that we lay on them.

Not long ago, the Colorado delegation, both Democrat and Republican, were asked to come to the statehouse on a Monday morning before we flew back to Washington. There at the statehouse was a group of State legislators and the leadership of the Colorado State Legislature, again, both Democrats and Republicans.

The reason they wanted to meet with their congressional delegation was that they were pleading with us not to keep mandating things that we do not pay the cost of.

I know the argument is going to be from the chairman, probably, that this is not a mandated program and we do not need then something in here that says we pay for it if it is mandated. But let me say that I think it is time that we got this principle in law, because down the line we can anticipate that this program will likely be mandated. It is time we got the principle in law that says to them that we have recognized the problem, and we are not going to continue to mandate programs, costs, expensive burdens on the States that we are not willing to pay for.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

This is an amendment in search of a purpose that does not exist. The gentleman does not even set up a strawman now to knock it down now. He sets up the specter of a possible strawman that could be knocked down possibly in the future.

The amendment states that national service legislation may not impose any requirement on a unit of local or State government, unless and until all direct costs incurred by the unit in conducting the activity are provided to the unit of Federal Government.

The effect of that sort of a provision would be to say that no matter how many surplus people they hire to run the program, local political hacks, the Federal Government will pick up the tab.

This bill, quite wisely, says, We are not going to pay more than 5 percent of the cost of the local administration. Now, if you want to hire 100 board members and pay them $50 a meeting and expenses, go ahead and do it. But you are not going to take the Federal Government's money to do it.

The gentleman's amendment is out of whack with virtually every other program we have, but the most important thing to recognize is that nobody is mandated into this program in any way at all, no State need run a program, no local government need run a program, no school district. And we are not mandating that they do anything that will cost them money.

The amendment is inappropriate, and there is nothing in this bill that forces a State or a local unit of government to do anything that conceivably should be a charge against the Federal taxpayers.

We could solve the problem of the gentleman from Colorado [Mr. HEFLEY] by having the Federal Government pay 100 percent of all direct costs and either increasing the authorization for the bill or reducing the number of volunteers that we will put into national service.

□ 1320

That is the choice. We do not have an unlimited amount of money.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I, too, rise in strong opposition to the amendment. As the gentleman says, it is like aiming a rifle at a target that is not there, because there is nothing in this bill that mandates anything. Yet, I can see if this amendment is adopted, those that are in favor of it will go out and tell everybody what they have done for local government, when they have not done a thing.

This amendment is really no different, Mr. Chairman, than what I see in the rest of these amendments that are coming up later on. I cannot find anybody that is offering these amendments that supports the bill. All I find is people that are in opposition to the bill and they are just out to cut the bill, gut it, kill it, anything they can, and they are offering amendments.

I suggest to our side, those that support this legislation, the best thing to do is not take a lot of time here today on these amendments that are just meant to kill the bill by opponents to the bill. Let us not take a lot of time in debate. Let us just vote "no" on every one of them, and let us pass the bill.

Mr. FORD of Michigan. Mr. Chairman, I thank the gentleman. I would point out to the House that on amendments, they had about 2 or 3 weeks to do this; that amendments that Members wanted considered were to be submitted for the RECORD, and the vast majority of the amendments that were submitted have already been accepted by the committee in an attempt to get over dilatory tactics.

The amendments that are now left contribute absolutely nothing to the bill, as the gentleman said. They come as hostile amendments designed to ridicule the bill and weaken its support. I hope that the Members will take the advice of the gentleman from Missouri [Mr. VOLKMER] and vote "no" on all amendments hereafter.

We have accepted everything we can conceivably live with and accomplish the purpose of national service. I do not understand somebody who calls themselves a conservative trying to gut this bill when national service has been on the conservative agenda in this country for as long as I have been in national politics.

If the Members call themselves conservatives, they had better go back and get their card punched by the chaplain, if they are going to oppose national service at this time.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have had a very interesting 7 months thus far. Anybody who gets up and tries to perfect anything, if they do not support the bill, should not have the right to try to perfect a piece of legislation. I never knew we were sent to the Congress of the United States just to sit here and not to try to perfect legislation, whether we think it is good legislation or whether it is bad legislation.

Our responsibility should be to try to make it better legislation. Whether it gets good enough to support or not is another question. Certainly I do not know of anyone that has amendments, that is offering amendments here, at least to the best of my knowledge, that has any dilatory tactics in mind whatsoever. These people have come with amendments that they believe will make the bill better.

It is interesting that all of a sudden these seven months, any time anyone offers any amendment that is different than what this President wants, it is dilatory tactics.

I did not offer amendments in the past when there were Republican Presidents there for dilatory tactics. I did not offer amendments because I agreed with what the Presidents wanted. I offered amendments because I thought they were wrong, and I thought we should improve their legislation. I offer the same today.

One of the amendments that I should have offered and should have had printed, and I am sorry I did not, and I hope somehow or other we can do something about it, is my greatest fear that we are going to get ourselves in the same bind we have done so many times. We have said nothing specifically about mandating that the recipients of the grants must be people or organizations that have a proven track record.

At the present time I have a JTA problem. The JTA problem has nothing to do with the commissioners who are presently in office. It has nothing to do with fraud or anything else. It happens to be that the responsibility landed on people that did not know how to handle the responsibility.

The taxpayers in that particular area, with new commissioners, are asked to put up $500,000 because of what appears to be not fraudulently used money but used improperly. We are going to do the same here, I fear, because I worry who it is that will be running these programs.

Again, let us not get up every time somebody offers an amendment that may be contrary to what is in the legislation and say it is a dilatory tactic. I do not think the gentleman from Illinois [Mr. PORTER] who was up here, and I did not expect it to take that long, was offering anything because he wanted to be dilatory. He was offering it because it was the will of the House just two or three years ago, 412 to nothing, as a matter of fact, to go in that direction.

Again, I do not know anyone here offering dilatory amendments, nor do I plan to take a lot of time to extend any kind of debate. I would merely say again, my major concern with the legislation is what the President said again Friday in front of the press. It is not what they want him to say, it is what he said: "this legislation must pass because we must make postsecondary education available to all."

Folks, this would be the most expensive way in the world to try to do that.

We can do that so much better with so much less in many programs that presently exist.

I would hope the Members would just listen to the amendments. If they do not like them, just say they do not like them, but do not try to paint them as people here trying to somehow or other slow down the process. They believe strongly in their amendments, or they would not be making them.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, the gentleman knows this bill very well. He is very familiar with it. I would ask the gentleman to tell me of the one or two or whatever it is that we mandate in this bill for local and State governments to do anything. Tell me.

Mr. GOODLING. Mr. Chairman, I do not have any problem with what the gentleman is saying, except whenever we get into the reconciliation business around here, and I would ask the gentleman not to shake his head, but when we get into reconciliation——

Mr. VOLKMER. If the gentleman will continue to yield, this bill right now.

Mr. GOODLING. Which is the same thing that will happen on direct lending, which will happen on almost every other piece of legislation; all of a sudden we need to make savings. How do we make savings? We say, "We will put the administrative costs back on those people administering the program."

He is trying to preclude that from happening down the pike. He is trying to look ahead. I do not think the Members should condemn him for looking ahead. I think they should commend him for looking ahead. If it is not necessary now, fine, but if it is necessary down the line, he is protecting the local people.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, and at the request of Mr. VOLKMER, Mr. GOODLING was recognized for 1 additional minute.)

Mr. VOLKMER. Mr. Chairman, if the gentleman would yield further, I would ask if he would answer my question. He evaded it very well.

Mr. GOODLING. I answered your question.

Mr. VOLKMER. No, you did not. You did not say there was no or there was one.

Mr. GOODLING. The gentleman has been here as long as I have. The gentleman knows that eventually everything we pass mandates. We started out by mandating special education. We said, "We will give you 90 percent of the mandates, and we will give you 40 percent of the money. This year we gave them 8 percent."

Again, I think he is looking beyond today. I think the Members should commend him for doing that. I do not think they should blame him for doing that.

Mr. VOLKMER. The gentleman is saying there are no mandates.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would not use the terminology "dilatory tactics" for the simple reason that in most cases what one person thinks is a dilatory tactic is just a strategy to the other person. But earlier in the day the gentleman was accused of not reading an amendment. I would not accuse anybody of not reading an amendment, and I would not make that presumption, but I would say that in some cases people read and their interpretation of that amendment is different, or interpretation of the law is different, than what it actually is.

I would suggest that the gentleman from Colorado [Mr. HEFLEY] has not really understood, nor has the gentleman from Pennsylvania [Mr. GOODLING], that this is a volunteer program to the States. The States do not have to enter into this program. It is strictly volunteer. It is not mandated. It is not a mandate.

The amendment of the gentleman from Colorado [Mr. HEFLEY] is inappropriate for several reasons: One, the bill already contains the funding sought by the gentleman from Colorado. The sole mandate on the States, if they choose to volunteer for this program and choose to go into this program, is to create a Commission on National Service.

□ 1310

And the bill pays for that. The bill pays for that.

In addition, as I have said before, the States have the option of retaining a suitable alternative in place.

The second reason is that no State or local government is required, as I said earlier, to apply for a grant, although I believe that most or all will.

In signaling their strong support for the President's national service initiative, the National Governors Association stated, "We support the strong State and Federal partnership for providing service opportunities proposed in the bill."

That letter is signed by Gov. Roy Romer, a Democrat of Colorado, and Gov. Carroll Campbell, a Republican of South Carolina.

Most, if not all States now have national service style programs. All will be able to expand those services with an investment of 15 percent, truly an investment that I believe all are willing and can make.

The amendment offered by the gentleman from Colorado [Mr. HEFLEY] also calls for an increase to the share of a national service grant that can be used for administrative purposes. The gentleman from Michigan [Mr. FORD] earlier decried why that is not a good idea.

But I would only add this: That if there is one reason, and one reason alone or one way to ensure that programs put those funds to good use, I would say it is in having that limitation, because then they can be assured that they will be using that money for meeting needs and not just for meetings.

They will propose anything I believe now that will reduce the amount of Federal funding that actually can be used to address the unmet human needs. They have tried it by delaying the flood relief bill earlier in the week and yesterday, and they are now doing the same thing with this amendment.

I ask my colleagues to reject this amendment.

I include for the RECORD several editorials from around the country in this issue, as follows:

[From the New York Times, July 28, 1993]

PETTY POLITICS ON NATIONAL SERVICE

Two years or three? It's a trivial difference, but Senate Republicans think President Clinton's national service initiative is worth scuttling for the sake of knocking a year off the life of the program.

But what is really at issue is not the length of the program, or even its cost. The Senate minority leader, Robert Dole, seems to be marshaling a filibuster to deny President Clinton a major legislative victory at any cost. The Senate will vote tomorrow on breaking the filibuster; there's a chance enough Republicans will rise above partisan politics to support the worthy bill.

The Administration proposes to provide volunteers with minimum-wage salaries and up to $10,000 in grants for higher education in exchange for two years of tutoring students or other public service. Many Republicans support the idea; several, like Arlen Specter of Pennsylvania and John Chafee of Rhode Island, are co-sponsors.

But to Mr. Dole, no idea is too good to escape use as political fodder. So he has applied the all-purpose pejorative "tax and spend" and marshaled a filibuster. The ostensible reason was the possibility that costs would skyrocket.

The Democrats have tried to accommodate. They agreed to spend less than $400 million in the first year, enrolling only about 20,000 participants. But Republicans objected that costs in later years weren't specified. So the Democrats proposed to cap annual spending at $300 million in the first year, $500 million in the second and $700 million in the third. They also agreed—as a way of targeting benefits on the needy—to tax the education grants. But these concessions weren't enough for the Republicans. They wanted a two-year program, after which Congress would decide if the program was worth continuing.

On the merits, the Democrats are right. Two years is barely enough time to get the administrative machinery in place and insufficient time to learn if the program works. Besides, it's hard to swallow the Republicans' tax-and-spend complaints: Congress would be in complete control of the costs year by year.

National service could eventually draw hundreds of thousands of Americans into serving needy communities and give participants the means to pay for higher education.

Mr. Dole's just-say-no strategy may make for shrewd politics, but it renders poor public—and national—service.

[From the Washington Post, July 28, 1993]

A CHANCE FOR NATIONAL SERVICE

Sometimes it's hard to distinguish between narrow, partisan obstructionism and hard bargaining in the pursuit of a fair compromise. Take the battle over President Clinton's national service program. It's dear to Mr. Clinton, who harbors memories, of how creation of the Peace Corps in the Kennedy administration sent a message of service and sacrifice to a whole generation. The Clinton program would encourage young people to give a year or two for law enforcement, education, the environment and assistance to poor neighborhoods. Volunteers would receive living stipends of about $7,000 a year and then a $5,000 award for each year in—to be used to pay off student loans.

Until last week, the proposal seemed set for passage with bipartisan support. But in what is fast becoming a ritual, Senate Republicans objected to the program as too expensive and threatened a filibuster. To block a filibuster, the Democrats need 60 votes, but hold only 56 seats in the Senate. Democrats have picked up support from two Republicans to block the filibuster—Sens. James Jeffords and David Durenberger—but that still left them two votes short yesterday. So the administration went negotiating.

It's important to distinguish between two groups of Republican holdouts. One group that notably includes Sen. Nancy Kassebaum of Kansas seems genuinely interested in passing a service program, but worries about the expense of the Clinton plan and wants more experimentation before a full-scale program is launched. These are fair concerns. But many other Republicans seem mostly interested in blocking any initiative that might make Mr. Clinton look good, and are in the position of being able to use Sen. Kassebaum as a front.

To its credit, the administration has been willing to scale back its plans to win a bill. Having once talked of spending as much as $7.4 billion on the program over four years, it is now willing to back a $1.5 billion plan over three. Republicans proposed $800 million over two, with the Democrats rejected as providing insufficient time to test the program. With an earlier version of the bill set to pass the House today, negotiations with Senate Republicans will continue.

Getting pushed by Senate Republicans to cut back his program may not have been the worst thing for Mr. Clinton. A scaled-back program may have a better chance of working, and it can be built upon. But the administration has gone a long way toward accommodating Republican concerns. Now it's time for moderate Republicans who say they support national service (among them Sens. John Chafee and Arlen Specter) to demonstrate that they're willing to break with pure partisanship in the interest of a worthy program. Agreement is well within reach.

[From the Philadelphia Inquirer, July 28, 1993]

BLOCKING NATIONAL SERVICE

In their attempts to frustrate President Clinton by impeding passage of his national-service initiative, Senate Republicans have shown that their party is so obsessed with sticking it to President Clinton that any thought of doing what's good for the country has vanished from their thought processes.

National service, a plan that lets college students partly pay off tuition loans by doing needed work to help the country, is no new, untested concept. Its roots are found in the GI Bill, the Peace Corps, VISTA and numerous state programs. Pennsylvania, for example, can point to Penn-SERVE, an array of community-service programs started five years and championed by U.S. Sen. Harris Wofford during his tenure as a state government official.

The idea of national service should renew America's sense of common purpose and help rekindle idealism in America's youth. It should bring Americans together, instead of driving them apart. The concept is so exciting that at one point a Republican senator, Dave Durenberger of Minnesota, asked Mr. Clinton to start the program even before its formally enacted by recruiting students to help the Midwest flood cleanup.

What's getting in the way now is plain old partisan politics. Senate Minority Leader Robert J. Dole has lined up the Republican senators to filibuster against national service, pressuring Republicans who favor the program, like Sen. Durenberger and Pennsylvania Sen. Arlen Specter (a putative cosponsor) to put party over country.

The GOP reasoning apparently goes like this: Don't give the President anything he can take credit for.

Or maybe it's even more sinister than that. Perhaps Republican leaders fear that the program would work; that young Americans might start reaching out across divisive lines of race and class to solve America's problems by helping children to learn and by policing our cities. Perhaps that just doesn't fit into the elitist Republican world view.

Never mind that in negotiations led by Sen. Wofford the administration already has agreed to cut back an already scaled-back program. Never mind that playing brinksmanship now could actually wind up killing a bill even some Republicans think would be good for the country.

Mr. CONDIT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by Mr. HEFLEY to require that the Federal Government compensate State and local governments for the direct costs they will incur in conducting the activities mandated by this legislation.

As many of you may know, I am extremely concerned with the propensity of this Congress to continue saddling our States and local governments with costly unfunded Federal mandates. If you have discussed unfunded Federal mandates with your locally elected officials, then you know that shifting the costs of Federal programs to States and localities are severely inhibiting the ability of these local jurisdictions to balance their budgets and provide for their constituents.

Mr. Chairman, this bill is an unfunded Federal mandate because it requires States to create State commissions for national service or forgo Federal funds provided in the bill. States do not need to establish State commissions to develop State national service plans. In many States, this work is already being done by alternative administrative structures directly involved in State planning and program implementation. The bill does allow the States to apply to the National Service Corporation for approval to use an alternative administrative entity to carry out the duties otherwise entrusted to the State commission. However, if a State does not have an alternative administrative entity in place, then this bill will mandate the establishment of a State commission for national service. For this reason, the Congressional Budget Office has estimated that H.R. 2010 will cost State and local governments $87 million in fiscal year 1994, $160 million in fiscal year 1995, $158 million in fiscal year 1996, $60 million in fiscal year 1997, and $31 million in fiscal year 1998.

I applaud Mr. HEFLEY for offering this amendment today because it dovetails nicely with my bill, H.R. 140, which would require the Federal Government to pay the costs of all future mandates that it chooses to approve. If legislation is important enough for this body to pass, then it should be important enough for this body to fund. Mr. Chairman, and Members of the House, put a stop to this unfunded Federal mandate by supporting the Hefley amendment.

Mr. HASTERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my friend from Colorado. Too often we in Congress offer new ways to govern the lives of the people of this Nation without taking into account the impact and the cost of these new laws and programs on State and local government. The National Service Program is no exception.

The amendment under consideration would require the Congress to fully fund this program rather than pass along the costs to the State and local taxpayers. And if we think this program is a good idea, we certainly ought to be willing to pay for it.

With respect to the gentleman from Michigan who said, you know, this is a voluntary program, State and local governments do not have to buy into it, but by the way, if they do, they can only take 5 percent of the Federal cost to hire the people who have to administer this program, well, come on, that is a circular argument, ladies and gentlemen. If you want to buy into what the Federal Government offers, then you are going to have to administer the program, and if you are going to have to administer the program, the Federal Government is only going to pay 5 percent. And heaven forbid, if the gentleman from Michigan is correct that States just do this to hire, and his words were "government hacks" to do this, then it is a wrong direction program. But it does have a mandate.

If State and local governments are going to be involved in it, they have to administer it, and if they are going to administer it, they are going to have to pick up the cost for it. So let us get serious. There are mandates and State and local governments are going to have to pick up those mandates.

Before I came to this place, it seems like years and years ago, I was in the State legislature. I had to carry a State appropriation bill. I had to find ways not only to carry education and higher education and all of the other things that State government had to do, but also to find out how to pick up the cost that the Federal Government mandated on State government. Let me tell you, folks, it is tough to raise taxes here, but it is also tough to raise taxes at home. And when you start to mandate these costs on local governments and State governments, you are saying, by the way, I am going to tap you on the shoulder, and I am going to tap you out for a few more bucks, and you are going to have to find ways to raise that money. And if you do not raise that money, then you are going to have to dip into the programs that you already have, that your own State governments and local governments decided are good and worthy.

So let us be honest with ourselves. If we do not cover the mandates, they are here, whether we want to verbally play the mental gymnastics game that if we do not really mandate it is really voluntary and the mandates are not here. But folks, they are here.

Now why do I strongly support the gentleman's amendment? I have serious concerns about the program in general. I would draw the attention of my colleagues to a recent column in the Wall Street Journal by the distinguished junior Senator from Oklahoma. He points out that the President's national service proposal that is under consideration today have potentially staggering costs associated with it that could erode the volunteer spirit in this country by giving young people the message that government owes them something for devotion to community service.

I include that entire article for the Record at this point.

[From the Wall Street Journal, July 20, 1993]

National Servitude, Not National Service

(By Don Nickles)

Every day millions of Americans give of their time, talents and energy to help others. Whether they volunteer in projects sponsored by churches or civic organizations, they share one characteristic: They serve their communities out of a sense of altruism and not for personal gain.

President Clinton has a plan that could undermine their efforts by raising an army of "paid volunteers." The plan—as outlined in a bill the president sent to Congress last week—is costly, bureaucratic and potentially destructive of civic spirit.

The president calls his plan "national service," but it could be fairly called "national servitude," since participants would "work off" up to $10,000 in student loans by accepting assignments as "volunteers."

The potential costs of the program are staggering. The administration plan calls for the creation of a Corporation for National Service to oversee the program nationally and the establishment of similar agencies in every state. These agencies would be responsible for finding jobs to which the "volunteers" could be assigned and for administering the payment of stipends and benefits.

The federal contribution to these stipends would be capped at $8,800, the equivalent of a full-time, year-round job at minimum wage ($4.25 an hour). Health care costs would average $1,500 per participant, according to the administration. It estimates that child care costs would average $1,500, too.

Thus the average annual cost of enrolling one participant will be $16,800: $5,000 in student-loan forgiveness, and $8,800 stipend, $1,500 in medical benefits, and $1,500 in child-care benefits. Since each participant can remain in the program for two years, this cost would rise to $33,600 per participant, and that excludes the costs of recruiting and supervision.

All these costs will grow in subsequent years if other administration proposals are adopted For example, President Clinton has promised to index the minimum wage. This would automatically raise the federal contribution to the stipend. The administration health care plan will reportedly require every American to carry an employer-provided comprehensive health care package, which could easily cost $4,000 or $5,000. And, as many parents know, $1,500 doesn't buy much child care; it is likely to buy even less in future years.

So program costs, which the Clinton administration estimates will grow from $394 million in fiscal 1994 to $3.4 billion in fiscal 1997, are certain to spiral beyond current projections.

Mr. Clinton hopes to get a handle on these costs by limiting the number of participants to 25,000 in the first year and to 150,000 in fiscal 1998. But that will be hard to do, especially since the benefits of this program are so generous relative to other forms of college assistance. Indeed, the president pared back the original loan forgiveness amount to $5,000 from $6,500 because it would have been more generous than programs for veterans.

Still, the $5,000 figure is more than triple the amount that students from poor families receive through Pell grants, and nearly double the average amount students can borrow through the guaranteed student loan program. Students benefiting from these two programs, which have 3.2 million and 3.9 million participants respectively, will want to get similar assistance. This will create political pressures either to expand the national service program or to provide more generous assistance to students in other programs, or both. In any event, taxpayers can expect higher bills.

Where will national-service participants be assigned? Some of them will be sent to nonprofit agencies engaged in programs that "address unmet human, educational, environmental or public safety needs." Politicians and bureaucrats will have to decide which programs meet this definition. Many participants will end up in government jobs, although the bill would not allow them to move into positions that are already on the books. The government will have to create "make-work" jobs just for them, adding further to the program's costs.

Perhaps the most incalculable cost of deploying an army of paid "volunteers" in communities throughout the nation is the effect it could have on America's spirit of voluntarism. The program has the potential to engender resentment among the tens of millions of Americans who are working to improve their communities and asking nothing in return. It will also instill in young people the idea that the government owes them something when they devote themselves to community service.

I am also concerned that the levels of the funding sought under this program for individuals could discourage many young Americans from choosing military service as an option for their future, and note that the $5,000 annual rate of loan forgiveness under this program is more than triple what poor students can receive through the Pell Grant Program, and nearly twice what the average student can borrow through the Guaranteed Student Loan Program.

But the essence here is what the gentleman from Colorado brings forward, and that is an issue that there are mandates tied with this program, and they cost money. And the American taxpayers, whether they are Federal taxpayers or State taxpayers or local taxpayers, are going to have to pick up that cost. And if they do not pick up that cost, then they are going to have to shave the programs they already have.

□ 1340

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by saying that I join with the gentleman from Pennsylvania [Mr. Goodling] in emphasizing that their ought to be no question of the motives of either the gentleman from Colorado [Mr. Hefley] or the gentleman from California, in offering this amendment. I think the concept of eliminating federally unfunded mandates is a concept that I heartily endorse.

The problem that I see with the amendment, as offered, is this, and it goes to the very crux of what we are talking about here today: Before we all get too partisan on this issue, let us understand that the original Clinton proposal actually had no cost sharing. One of the concessions, very frankly, the administration made to some of us was that there should be a Federal/local cost sharing so that in order to really determine who is going to participate at the local level they should want to participate sufficiently so they would contribute a certain percentage of the funds.

Now, that gets to the problem with this amendment, because this amendment really reverses that, in this way—and I hope the gentleman from Colorado will listen because I offer this in good faith to him—the problem with the amendment is that it reads:

> Notwithstanding any other provision of law, a National Service law may not impose any requirement that a unit of State or local Government conduct an activity unless and until all amounts necessary to pay the direct cost incurred by the unit in conducting the

activity are provided by the Government of the United States.

This bill presently has three cost-sharing components. First, a State commission, 85 percent funded by the Federal Government, 15 percent funded by the State; local programs, 75 percent funded by the Federal Government, 25 percent funded by the local participant; third, if a local program determines that they want to offer wages above the VISTA level, they have to pay all of the salary above the VISTA level.

So, you have three areas today where there is a requirement of a local, a State or local government cost share to participate in the program. I do not think it is the gentleman's intent that the Federal Government ought to be paying 100 percent of the cost in those three areas.

Now, let me offer this to the gentleman from Colorado—and I discussed it with the chairman of the committee—would the gentleman consider offering or asking unanimous consent to delete everything after the word "activity," on line 6, so that what his amendment would really say is "notwithstanding any other provision of law, a National Service law may not impose any requirement that a unit of State or local government conduct an activity," because that would say that we are not going to mandate that States participate in national service if they do not want to; we are going to mandate the local governments do not have to participate if they do not choose to do so, but if they do participate, we will then be able to maintain the provisions in the bill which require that there be State or local cost sharing.

Frankly, as a way of testing who really wants this or who is just after some free money.

Would the gentleman from Colorado consider that as a friendly amendment? It is meant as such.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Colorado.

Mr. HEFLEY. I thank the gentleman for yielding to me.

Mr. Chairman, I would consider that, except that I would like to add to that, "unless the Federal Government pay for it," to get that principle in there, and then we can strike the rest of it. But if we do mandate—you say that you are not, they say that they are not, we are not going to mandate in this program. So, what the gentleman from Wisconsin is saying is that if we strike that, then the gentleman is saying that we will not mandate or impose any requirement on the unit or State or local government by any activity, and then if we can add the words, "unless the Federal Government pays for it."

Mr. GUNDERSON. The problem with the words, "unless the Federal Government pays for it," is that they eliminate the cost-sharing requirement of the bill right now.

Mr. HEFLEY. No, no, because we are not mandating the programs that deal with cost sharing. Those are volunteering. You know, that is fine. Voluntary, if you choose or do not choose—you can even have a cost-sharing relationship, and a lot of programs I believe we should have a cost-sharing program. But if we do mandate it or impose it, as it says here, if we do impose it, we ought to pay for it.

But if we do not impose it, if we just make it an option, then we do not pay for it. It seems to me those words will do that.

Mr. GUNDERSON. All right, now I understand what the gentleman is saying. Probably then what we ought to do is simply draft a substitute to the amendment of the gentleman from Colorado that would take my language and would add a sentence that says, "However, nothing shall preclude the Federal Government from requiring a cost-sharing agreement with States and local governments that choose to participate." I understand what the gentleman is saying, but because I misunderstood the gentleman the first time, I am not sure that we should not add a sentence to clarify that.

Mr. HEFLEY. I would agree with that. I think that would work very well, if we would add those three words and the gentleman's statement. It seems to me everybody understands that.

The CHAIRMAN pro tempore (Mr. FILNER). The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for 1 additional minute.)

Mr. GUNDERSON. My question to the chairman is: Is it possible to conduct some intervening business so that the gentleman from Colorado [Mr. HEFLEY] could temporarily withdraw his amendment and we could draft a substitute to it and then come back to it after something else? Is that possible, or is that not agreeable to the gentleman from Michigan [Mr. FORD]?

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the chairman of the committee.

Mr. FORD of Michigan. I thank the gentleman for yielding.

If the gentleman were to ask unanimous consent—and I am looking at the Parliamentarian—to withdraw his amendment at this time, he would be free to offer it at a later time. We will go on to the next amendment and get back to him as soon as the floor is open.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Colorado.

Mr. HEFLEY. I thank the gentleman for yielding.

Mr. Chairman, I am happy to do that. Is the chairman predisposed to accept some kind of a concept that we are working out here?

Mr. FORD of Michigan. I do not have any objection to what the gentleman says he wants to do; I object to the language with which he is trying to get there.

Mr. HEFLEY. Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. WELDON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope not to take the full 5 minutes, but I rise in support of the Hefley amendment and hope that my colleagues on both sides of the aisle can work out a compromise on this issue. I rise on this issue of federally imposed mandates as someone who served 5 years as the mayor of my home town and served as a county commissioner for 5 years of a county of 600,000 people.

I say to my colleagues here today that there is no bigger problem that local elected leaders face in this country than unfunded Federal mandates. Mr. Chairman, there is a certain irony in the legislation we are considering today.

This piece of legislation is purported to encourage voluntarism for America, and national service. Now, Mr. Chairman, I work with one particular group of Americans who are probably the best example of national service that we have in this country, the Nation's fire and emergency service people, 85 percent of whom are volunteers.

Now, what has been happening in this country is kind of interesting because these people have been around for longer than America, 235 years, as a matter of fact. In fact, they have been doing yeoman's work out in the Midwest during the terrible floods.

These people, especially the volunteers, 85 percent of the 1.5 million men and women who serve America in terms of national service as emergency responders, are facing more and more difficulty in doing public service for this country. Why? The reason they are finding it more and more difficult is because this Congress continues to mandate requirements on them with no resources.

Let me give my colleagues one example: Back in the 1980's, this body and the other body passed the SARA title III amendments. These amendments mandated a certain level of training and resources for emergency responders all over America. So, in fact, the 30,000 fire and emergency departments in this country now have new requirements in terms of resources and training, with no way to meet these requirements nationally.

This same body that is now talking about national service through this program is the same body that mandated these requirements on those people who are servicing America.

□ 1350

So I find it somewhat strange and ironic that we are putting all of our emphasis behind this bill, when we are supposedly creating all this volunteer activity, when the people who are out there now doing this for free are being handicapped by this same institution.

I would say to my colleagues if we spent as much time trying to remove the existing mandates that are put on top of emergency respondents nationwide, we would not need national service legislation. These people who have been out there for 200 years would be able to continue to serve their communities.

I find it somewhat strange that we talk a good game, and that is why I say this bill is nothing more than pure politics so this President can say that he has done something to encourage National Service.

What we ought to be looking at is those individuals who are really providing national service and finding ways to help them, and one of the ways to help them is to stop the increasing mandates that we impose upon them.

The amendment of the gentleman from Colorado [Mr. HEFLEY] does it with this bill. But we have got to take it far beyond that. Every piece of legislation that affects those people who are currently serving America needs to be looked at to stop the increasing mandates that we impose.

If we did that, those 1.5 million men and women nationwide would be extremely happy, because they have not asked for this bill. They have asked us to help them to continue to do their jobs without the additional mandates that we consistently impose.

AMENDMENT OFFERED BY MR. STUMP

Mr. STUMP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUMP: Page 79, strike line 18 through 23 and insert the following:

"(a) AMOUNTS GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of services in an approved national service position shall receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to—

"(1) 12 times the monthly rate used for the calculation of basic educational assistance allowances under section 3015(a)(1) of title 38, United States Code, as in effect on the date of the completion of such term of service; multiplied by

"(2) 80 percent.

Mr. STUMP (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. FILNER). Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Chairman, I offer this amendment for myself and Mr. SOLOMON. It would establish a level of fairness between the education benefits paid to members of the military services, veterans, and participants in the national service plan. As the ranking minority member of the Veterans' Affairs Committee and the ranking minority member of the Rules Committee, we believe the GI bill benefit for military service should remain clearly superior to the national service plan education benefit. Our amendment would therefore set the national service plan education benefit at 80 percent of the G.I. bill benefit.

Military service warrants a higher education benefit than civilian service because of its unique dangers, hardships, separation from home and family, restrictions on civil liberties, and mandatory time-in-service commitment. To be fair, the level of education benefits should be commensurate with the nature of the service performed. Our amendment would provide a national service education benefit which is only $960 per year less than the GI bill. That is certainly not unfair.

Moreover, the GI bill is one of the most important recruiting tools the armed services have. Unless its benefit level is significantly more attractive than the other Federal education benefits it competes against, military recruiting is going to be seriously hurt. This is common sense, but recruiters also tell us so.

The United States will continue to maintain one of the world's largest standing military forces, even though it will be somewhat smaller. Highly qualified young men and women will continue to be needed in the All Volunteer Force at the same time the pool of 18- to 25-year-olds is shrinking. The competition for the best and the brightest of them is fierce, because employers, educational institutions and the armed services all target the same select group. Congress will define the relative attractiveness of the proposed new competitor, the national service plan education benefit.

The educational benefits stack up like this:

The GI bill provides $4,800 per year for 3 years with a mandatory service commitment of 3 years. The service member is required to put in $1,200 of his or her own money from military pay during the first year of service, and the $1,200 is not refundable if the benefit is not used. Further, refusal to complete the service commitment is a crime under the Uniform Code of Military Justice.

The national service plan of H.R. 2010, as it stands, would provide $5,000 per year for up to 2 years with no mandatory service commitment and no individual contribution of money. Unlike the GI bill, the national service plan education benefit could be used to pay off old education loans.

The best and the brightest won't have any trouble figuring out which is the best deal. For many of them, the education benefit will be the deciding factor. Unless the benefit level of the national service program is adjusted, it will siphon off many of the recruits our armed services would have attracted. The all-volunteer military has achieved the highest quality armed forces in history, as seen in the brilliant victory of Operation Desert Storm. This quality could be quickly lost and would take years and enormous cost to regain.

Setting the national service plan education benefit at 80 percent of the GI bill would be fair to service members, veterans and national service plan participants alike—for GI bill recipients, $4,800 per year for 3 years after paying in $1,200, and for national service plan recipients, $3,840 per year for up to 2 years with nothing paid in.

My colleagues should also keep in mind and the Clinton administration's legislative program calls for a substantial increase of the service member's pay-in to the GI bill from $1,200 to $1,600, as well as a freeze in military pay.

In debate on the national service legislation here and in other forums, some arguments which deserve further exploration have been raised in comparing the GI bill to the national service education benefit. It has been suggested that a more appropriate comparison is the GI bill benefit for 2 years of military service, not the benefit for 3 or more years. Initially, a 2-year military service commitment compared to 2 years of civilian national service would appear to be the apples-to-apples comparison.

However, it isn't and here's why not. The Air Force and the Marine Corps do not offer any 2-year enlistments. All are longer. The Army offers 2-year initial enlistments to fewer than 20 percent of its new recruits and limits these short enlistments largely to combat arms, the most dangerous front line fighting jobs. For current fiscal year 1993, the Army plans 77,000 new personnel, with only 14,000 2-year enlistments. For fiscal year 1992, it was about the same. The Navy offers a similar number of 2-year initial enlistments. For current fiscal year 1993, the Navy plans 63,112 new personnel, excluding Naval Academy and ROTC graduates, with only 12,600 2-year enlistments. For fiscal year 1992, the Navy had 59,655 new personnel, with only 13,616 2-year enlistments.

Large numbers of short enlistments would create undesirable turnover rates in the forces. The result, as in private industry, would be unnecessarily high recruitment costs and low experience levels. Additionally, training periods for short enlistments must be short as well, because otherwise the training investment would not be recovered and personnel would not be available for normal duty for too much of their enlistments. For these reasons, the basic GI bill benefit that recruiters use to sell military service to young people is for 3 year, not 2-year, enlistments.

Mr. Chairman, I believe it also may have been suggested in earlier debate on H.R. 2010 that veterans groups are satisfied with the education benefit proposal it contains. Not so. The Stump-Solomon amendment has the support of the American Legion. The country's largest veterans' group, the American Legion states in its letter of July 16, 1993, that:

> The American Legion supports your proposed amendment. * * * This action will restore some equity between the educational benefits earned by military veterans with those authorized to national service participants.

Additionally, the Veterans of Foreign Wars [VFW] supports our amendment. The second largest veterans' group, the VFW states in its letter of July 19, 1993, that:

> By limiting the benefit for the national service plan to not exceed 80 percent of the benefit provided by the Montgomery GI bill, the military service would remain a preferable option for individuals who wish to serve the nation in the Armed Forces while at the same time accruing funds to attend college. * * * The VFW strongly supports the * * * amendments you plan to offer and encourages their adoption.

Other statements of support have come from the American Veterans of World War II, Korea and Vietnam [AMVETS] and the Non Commissioned Officers Association [NCOA]. The AMVETS National Commander, James J. Kenny, states in his letter of July 19, 1993, that:

> I am writing to express AMVETS' strong support for your amendment to H.R. 2010 that would limit the National Service education benefit to 80 percent of the Montgomery GI Bill benefit. We are previously on record opposing National Service education benefits that would equal the Montgomery GI Bill on the grounds that the demands of military service cannot be equaled through National Service and that recruiting for the armed forces may be harmed by an overly generous National Service benefit.

Finally, NCOA states in its letter of July 20, 1993, that:

> Education assistance has been and remains one of the primary tools available to the military in its efforts to attract and retain high-quality, dedicated individuals in an all-volunteer force. * * * Your amendment to limit education assistance for non-military national service at 80 percent of the benefit level for military service is strongly supported by NCOA.

Mr. Chairman, I urge my colleagues to heed the concerns of America's veterans and support our amendment.

Mr. Chairman, I include the following correspondence:

THE AMERICAN LEGION,
July 16, 1993.

Hon. BOB STUMP,
House of Representative, Washington, DC.

DEAR REPRESENTATIVE STUMP: The American Legion supports your proposed amendment to H.R. 2010, to limit the national service educational funding to 80 percent of the basic educational assistance award Montgomery GI Bill participants receive.

This action will restore some equity between the educational benefits earned by military veterans with those authorized to national service participants.

The American Legion believes that honorable military service is the epitome of national service and should be rewarded as such.

Sincerely,

STEVE ROBERTSON,
Director, National Legislative Commission.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, July 19, 1993.

Hon. GERALD SOLOMON,

Hon. BOB STUMP,
House of Representatives, Washington, DC.

DEAR CONGRESSMEN SOLOMON AND STUMP: On behalf of the more than 2.2 million men and women of the Veterans of Foreign Wars of the United States, I wish to take this opportunity to commend you for introducing two amendments to H.R. 2010, the "National Service Trust Act of 1993". Your amendments directly address two concerns the VFW has with the national service plan: One, we do not support any plan which would give a greater benefit than the Montgomery GI Bill; and two, we believe that a national service plan should not be placed under the jurisdiction of VA, HUD, and Independent Agencies, but rather come under the Appropriations Subcommittee for Labor—Health and Human Services.

By limiting the benefit for the national service plan to not exceed 80% of the benefit provided by the Montgomery GI Bill, the military service would remain a preferable option for individuals who wish to serve the nation in the Armed Forces while at the same time accruing funds to attend college. Also, we commend you for offering an amendment that would place the national service plan under the Appropriations Subcommittee for Labor—Health and Human Services. As you know, VA funding has been woefully inadequate over the years and part of the reasoning for this is that VA is constantly in direct competition with other agencies for a fair share of the budget dollar. Placing the national service plan under the jurisdiction of VA, HUD, and Independent Agencies Subcommittee is just another action that would inevitably undermine the VA's ability to fulfill its commitment to care for the men and women who have served our nation.

Again, the VFW strongly supports the two amendments you plan to offer and encourages their adoption.

Sincerely,

JAMES N. MAGILL,
Director, National Legislative Service.

AMVETS,
Lanham, MD, July 19, 1993.

Hon. BOB STUMP,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN STUMP: I am writing to express AMVETS' strong support for your amendment to H.R. 2010 that would limit the National Service education benefit to 80% of the Montgomery GI Bill benefit. We are previously on record opposing National Service education benefits that would equal the Montgomery GI Bill on the grounds that the demands of military service cannot be equaled through National Service and that recruiting for the armed forces may be harmed by an overly generous National Service benefit.

AMVETS also feels that service in the armed forces should qualify for National Service education benefits as well as Montgomery GI Bill benefits.

AMVETS also supports Congressman Solomon's amendment that would require National Service education benefits to be considered as a function 500 program for funding purposes. The attached letter was sent to Congressman Natcher, Senator Byrd and several other members of Congress, as well as President Clinton stating our opposition to funding National Service through the VA-HUD Appropriations Subcommittee.

Mr. Stump, AMVETS thanks you for your strong support for America's veterans and we look forward to working with you in the future.

Sincerely,

JAMES J. KENNEY,
National Commander.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, VA, July 20, 1993.

Hon. BOB STUMP,
House of Representatives,
Washington, DC.

DEAR MR. STUMP: The Non Commissioned Officers Association of the United States of America (NCOA) is pleased to support your amendment to H.R. 2010, the National Service Trust Act of 1993, to limit non-military national service educational funding at 80% of the basic education assistance level of the Montgomery G.I. Bill.

Education assistance has been and remains one of the primary tools available to the military in its efforts to attract and retain high-quality, dedicated individuals in an all-volunteer force. Military service, whether active or reserve, is unique by its very nature—long periods of service obligation (up to eight years), deployments, long periods of separation from family and friends, and, ultimately, the possibility of being required to fight and die if so ordered with absolutely no voice in the matter. The level of educational benefits associated with military service must remain the crown jewel of education assistance and must be perceived as more attractive, and in fact be more enticing, than any program of education benefits for non-military service.

Your amendment to limit education assistance for non-military national service at 80% of the benefit level for military service is strongly supported by NCOA. The Association believes that military service represents the highest form of National service and should be rewarded accordingly.

Sincerely,

LARRY D. RHEA,
Deputy Director of Legislative Affairs.

Mr. MARTINEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the 5 minutes.

I simply rise in opposition to the notion that National Service is in competition with veterans and veterans' benefits.

Mr. Chairman, I rise in strong opposition to the Stump amendment.

The gentleman from Arizona [Mr. STUMP] like others of his colleagues, seems to believe that National Service is in competition with veterans and veterans' benefits.

These attempts to pit veterans against the National Service Program seems to me to be a sad method of attacking this proposal. There is nothing in this bill that precludes veterans from national service—allowing them to build up both educational awards.

Similarly, there is nothing in this bill or the veterans' legislation that precludes one who has earned a national service stipend from voluntarily serving in the military and earning a veteran's benefit for education as well.

The two programs are not mutually exclusive, and I fail to understand how the proponents of this and other amendments referring to veterans' benefits get the idea that they are. Those who decry the difference in the amount of the educational award between the two programs are comparing apples and oranges.

If we want to compare the two programs, perhaps we should compare all aspects thereof and perhaps we should enact true national service in the European model, a system where one is required—not asked—to serve one's country in a civil or military capacity and where no benefits are bestowed for such service. But that is not the American way.

Some of my colleagues argue all the time for choice—in child care, in schools, and elsewhere. Yet when meaningful choices and options are concerned—such as with a woman's right to determine her own medical course of action—or a person's right to determine how best to serve the Nation and one's fellow citizens, these same people want to place restrictions and barriers to those choices. I believe that is shortsighted and wrong.

Don't fall into the trap that this is an issue of veterans' rights and privileges versus the rights of those who would not serve in the military. That is hogwash. Don't accept the argument that this purports to state that national service is only worth 80 percent of the value of military service. That too is hogwash.

In many respects the hardships and personal risk endured by those who serve in inner cities—and in rural areas where education, medical services and other services are lacking—are much greater than those endured by any enlisted personnel in any branch of the service. Yet, some of my colleagues belittle that service. They say it is not worth the same reward from a grateful nation.

This issue has no more to do with veterans than the appropriations subcommittee of jurisdiction did. It has to do with a comparison of the relative benefits of either type of service. And the proponents of this amendment make it abundantly clear; they would rather see American young people out making war in foreign territory than at home making peace between gangs and bringing the light of education to people who cannot read.

They would rather see oversexed American military officers living it up, at conventions where harassment of females is not only condoned but actually celebrated, than they would see young people rebuilding housing in devastated parts of Florida.

They don't get it.

Some Members from the other side are playing with smoke and mirrors again, and I, for one, don't want them to cloud these issues. What is at issue here is the amount of the educational award for national service.

When the original proposal came up from the White House, as you all well knew, it called for a significantly higher award for this service, an award that would have totaled upwards of $13,000.

Because of concerns raised by a number of Members that the amount was significantly in excess of the veterans benefit, the amount was lowered to $5,000 per year. That compromise should have satisfied those who made that argument, but it did not, mainly because eliminating inequity is not their true goal.

I believe that amount now in the bill represents what is reasonable under the circumstances, even if we do consider and compare the amount of wages and other benefits given to national service participants, as compared to enlistees in the military.

I should point out that, under this bill, these national service educational benefits are taxable while those under the veterans legislation are not. That alone makes the national service benefits worth less than $5,000.

Again, I make the point—this proposal is an attempt to set veterans against nonveterans, to put a price tag on service to the Nation that debases public service of the kind John Kennedy spoke of so eloquently three decades ago. It does nothing for either and it should be defeated soundly.

Mr. Chairman, I ask the Members to vote against the Stump amendment.

Mr. BILIRAKIS. Mr. Chairman, I rise today in strong support of the amendment offered by my colleague, the gentleman from Arizona.

Mr. Chairman, what more could this Congress do to show young people that serve in the defense of our Nation is no longer valued?

It passed a budget which calls for deep cuts in military spending and personnel. In fact, when Members here talk about discretionary spending not growing over the next 5 years, it is because defense cuts will be so deep they will offset all the other new spending.

This year's budget also continues the historic trend of chipping away at the health and retirement benefits our veterans have earned by sacrificing for our Nation's security.

For example, the House budget reconciliation package requires veterans to pay more to secure a VA home loan, cuts funding for construction of State veterans' nursing homes and mandates, for the first time, that others pay for the treatment of service-connected veterans.

And now, here we are, adding the finishing touches to this bitter recipe: A new program which offers better education benefits than are available under the Montgomery GI bill.

That is right. We are saying, participate in a community program and receive, besides wages and health and child care benefits, $5,000 per year in education benefits.

Compare that to the GI bill. The GI bill provides $4,800 in education benefits per year for up to 3 years, but the service member must commit to 3 years of service and pay $1,200 in his or her first year to qualify for the benefits. And refusal to complete the service commitment is a crime.

At the very time when our Armed Forces are down sizing and battlefield success is more and more dependent upon technically advanced weaponry, we are erecting another roadblock to the ability of our Armed Forces to recruit the kind of people who made Desert Storm such an unqualified success.

Mr. Chairman, even if this proposal did not pose potential recruiting problems for our military commanders, the message it sends to our current service personnel is shameful. We cannot allow these brave men and women, who have willingly left their homes and often their loved ones behind to bolster the legitimate worldwide commitments of America, be shortchanged by this Congress.

Mr. Chairman, these women and men deserve more than empty gestures and rhetoric about their service. Their life-threatening sacrifices must be rewarded at a level beyond whatever else this Congress determines to be valuable.

Whatever else, Mr. Chairman, our veterans should come first.

Support the Stump amendment. Honor our service personnel.

□ 1400

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to rise today in strong support for the amendment offered by the gentleman from Arizona [Mr. STUMP] to the national service plan which would set the educational benefits under the bill at 80 percent of those offered by the Montgomery GI bill.

Mr. Chairman, the Montgomery GI bill, which offers educational benefits for service men and women, is one of the Armed Forces most visible and successful recruiting tools.

Earlier this year, as a member of the Committee on Veterans' Affairs, I visited the Parris Island Marine installation, along with the Fort Benning and Fort Jackson Army bases. I learned firsthand the importance of using educational benefits in attracting the high-caliber individuals that our modern forces require. In visiting these bases, Mr. Chairman, I talked with young recruits from the State of Arkansas, and without exception I heard them tell how important the educational benefits offered under the Montgomery GI bill, how essential that was to their motivation in going into the Armed Forces. I heard recruiters whose very life occupation is to attract young people into the Armed Forces explain that this was an absolutely essential component in attracting young people to the Armed Forces.

Mr. Chairman, the success of the Montgomery GI bill has been universally recognized. It has enabled many intelligent, hard-working men and women to attend college when they may not have otherwise had the opportunity. The Armed Forces benefited by being able to attract and utilize the talents of these same men and women.

One of my fears, Mr. Chairman, is that the national service plan, as it now stands, would seriously undermine the ability of our Armed Forces to compete for these bright young men and women. The paid civilian so-called volunteers under the national service plan should not receive greater annual educational benefits than those earned by our troops currently risking their lives overseas in Somalia and in the Balkans.

In addition to receiving smaller annual benefits, Mr. Chairman, participants under the GI bill are required to contribute, or pay in, $1,200 during their first year of service in order to be eligible for the educational benefits. They also have to make a binding commitment. That is not required of those in the National Service Program.

So, I ask my colleagues to consider this pool of young people from which we attract our volunteers to the Armed Forces, and I ask my colleagues, "Which would you choose? Which would they choose if the alternative is working in a park, in a National Service Program, or going to boot camp, and the rigors, and the discipline, and the commitment that our Armed Forces require?"

I ask my colleagues to support the amendment offered by the gentleman from Arizona [Mr. STUMP]. Do not make it strike three against military recruitment.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and my colleagues, I rise in support of the amendment offered by the gentleman from Arizona [Mr. STUMP], to ask my colleagues what kind of people, without the Stump amendment, are we going to send to our military personnel and to our future military personnel. Are we going to reward those of them who choose not to serve in the armed services of the United States? More so than we are going to reward those who serve in defense and in the protection of this country?

In a time when we are sending $3 billion to the former Soviet Union, the country of Russia, to build homes for their retiring military people, and we are retiring our military and telling them to find their own place to live, and at a time when we see every effort being made by the administration, and this Congress as well, to diminish the size of our armed services, how can we possibly tell someone who served, for example, in the Middle East conflict that, while they were dodging the Scuds that Saddam Hussein was sending toward us, how can we possibly tell them that someone cutting grass in a park is more entitled to more benefits than he or she was?

Mr. Chairman, the amendment offered by the gentleman from Arizona [Mr. STUMP] is a reasonable amendment. It actually saves money, and at the same time it provides the necessary tools for the President to have his service program, and it rewards those men and women who serve today in our armed services and those men and women who will be serving in the future of our armed services. It is a logical amendment, a sensible amendment, and it is a message that our national military people ought to hear.

Vote "yes" on the Stump amendment.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly want to commend my great friend, the gentleman from Arizona [Mr. STUMP] for his support, over the years, of the veterans and for our armed services, and I guess I know him as well as anyone in this body. He is the ranking member of our Committee on Veterans' Affairs, and we have worked so closely together over the years. He is dedicated to our veterans and their dependents, and he has been a strong believer that we have got to take care of our young men and women in the service.

Mr. Chairman, I would hope that we could get together on his amendment. We are not very far apart, and I have talked to him, and he has been very helpful so that we might pull this together and have something that could be accepted by all of us, and I would hope that the gentleman would move his percentage up from the 80 percent to the 90 percent of the GI bill, and I think we would all feel very comfortable with that. I know I would myself.

Mr. STUMP. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Arizona.

Mr. STUMP. Mr. Chairman, I thank the gentleman from Mississippi [Mr. MONTGOMERY] for yielding to me, and let me say that I appreciate his comments. In addition, Mr. Chairman, I say to the gentleman, "Of course you are the national hero as far as the veterans are concerned."

Mr. Chairman, am I to understand that the gentleman from Mississippi [Mr. MONTGOMERY] is asking me to compromise from 80 to 90 percent to try to resolve this problem?

Mr. MONTGOMERY. With all sincerity, Mr. Chairman, I have. I would hope that the gentleman from Arizona would offer a correcting amendment that would move it up to 90 percent.

Mr. STUMP. That is a proposal that would be coming from the committee then; is that the understanding?

Mr. MONTGOMERY. The gentleman is correct. I have an amendment at the desk that would in effect be his amendment but would move it up from 80 to 90 percent.

Mr. STUMP. Mr. Chairman, I guess I am practical enough to see the handwriting on the wall. I have been in this business long enough to know one only wins through compromising.

Am I to understand that the gentleman on the other side is willing to accept 90 percent rather than my original proposal of 80 percent?

Mr. MONTGOMERY. The gentleman is correct.

Mr. STUMP. Then I certainly would be willing to compromise and accept a modification to my amendment.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I am pleased to have the help of the chairman of the Committee on Veterans' Affairs and the ranking member of the Committee on Veterans' Affairs who are working with us to try to resolve this matter in a satisfactory way. I understand that language has been worked out and is at the desk, and I am prepared to accept the language that was worked out and is at the desk.

Mr. Chairman, if the gentleman will ask for unanimous consent to modify his amendment by the language at the desk, we will accept the gentleman's amendment.

MODIFICATION OFFERED BY MR. STUMP TO THE AMENDMENT OFFERED BY MR. STUMP

Mr. STUMP. Mr. Chairman, if I understand the agreement that apparently has been reached, I ask unanimous consent that the amendment which I offered be modified to reflect the agreement that has been reached with the gentleman from Mississippi [Mr. MONTGOMERY].

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. STUMP:

In the matter proposed to be inserted by the amendment on page 79, in lieu of lines 18 through 23, of the bill—

(1) strike "equal to—" and insert "equal to 90 percent of—"; and

(2) strike paragraphs (1) and (2) and insert the following:

"(1) one-half of the aggregate minimum basic educational assistance allowance calculated under sections 3013(d)(1) and 3015(b)(1) of title 38, United States Code (as in effect on July 28, 1993), for a member of the Armed Forces who is entitled to such an allowance under section 3011 of such title and whose initial obligated period of active duty is two years; less

"(2) one-half of the aggregate basic contribution required to be made by the member under section 3011(b) of such title (as in effect on July 28, 1993).

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I will not object, but I think it is obvious that the ranking Republican and the chairman of the committee worked very hard to resolve this problem. But I cannot, as one Member, sit by and not express my concern that even with the change that they are making, this bill is still going to have a debilitating impact on the military. It is a step in the right direction, and I applaud them for their efforts, but I think both of them probably feel the way I do, that this is going to hurt military recruitment, and it is going to have an adverse impact on the military preparedness in the long run in this country. I think there should be no comparison whatsoever between the benefits given to those who risk their lives for this country and people who go out and work in a park someplace, and I think, when we get close to parity, what we are going to do is encourage people to join this Government program rather than serving their country in defending it.

So, Mr. Chairman, I feel very strongly about this, and I think it is a step, albeit a small step, in the right direction.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona that the amendment be modified?

There was no objection.

Mr. FAZIO. Mr. Chairman, I rise in opposition to Mr. STUMP's amendment, which would reduce the educational award for national service participants to 80 percent of the basic educational benefit under the GI bill.

I am afraid that—by linking national service benefits to veterans' benefits—we are confusing these two vital and beneficial programs. Our veterans' programs and benefits were created to reward and meet the needs of a very specific population—those American citizens, and their families, who have devoted their lives and careers to upholding the freedoms we all hold so dearly. There is no question about the merit of these programs or about the critical role that they play in our society.

But the President's National Service Program is very different in its scope and purpose. National service is designed to serve our citizens and communities on a number of fronts. Passage of this bill will provide educational opportunity, enable us to strengthen our neighborhoods and communities, and also help to promote a strong sense of responsibility and citizenship. National service is neither linked to nor in competition with our veterans' programs.

Benefits for service in the Armed Forces are far more generous than they are under national service, and they should be. For example, most national service participants will serve for only 1 year, and therefore be eligible for only a $5,000 education award. And those who are allowed to serve for 2 years will receive $10,000. Either way, it is less than the $10,500 minimum education award that members of the Armed Forces receive for 2 years of active duty. Lastly, our veterans are eligible for additional benefits that significantly exceed those provided to national service participants.

Again, Mr. Speaker, I think that—when we attempt to play these two important programs off against each other—we are missing the boat. They are not, and should not be, in competition with each other. Separately or together, they are means by which Americans are rewarded for service to country and community. They both contribute—differently but significantly—to our quality of life.

What we really need to be looking at is the need for and intent of national service—why are we doing this? For years, the right to a college education has been slowly drifting out of financial reach for millions of young Americans. And, for so many Americans in so many communities, the quality of life is slowly eroding.

National service will enable participants to work in programs that address unmet human, educational, environmental and public safety needs—needs that have been systematically aggravated and unattended to. It will involve the most diverse range of Americans, from high school students to our oldest citizens, and will serve populations as diverse. And, in exchange for their service, participants will receive financial assistance for their education.

State and local programs will be defined and driven by the needs of their own communities. Program participants will teach, tutor and care for small children; run recycling programs; aid homebound individuals; provide home care for senior citizens; and clean up our parks and playgrounds. Communities will be served through Head Start centers, family support programs, community health centers, police departments, schools, conservation organizations and in many other ways that work to meet the needs of that community in that community.

At the end of a term of service, the participant will have earned $5,000 which can be applied toward past, present or future educational loans. This will not only help participants pay their way through college, but it will help promote self-discipline, responsibility and a strong work ethic.

The program is consistent with America's legacy of national service and will grow to include more and more Americans over time. Next year up to 25,000 people will be brought into the national service fold, which has the potential to expand to include up to 150,000 participants over the next 4 years. If this bill is passed, more people will have worked full-time in national service at the end of 5 years than the total number of Peace Corps volunteers in the entire 33-year history of that program.

National service will enable participants to become involved in programs that incorporate leadership training and special service projects. Earlier in my own career, I had the opportunity for such an experience as a fellow of the Coro Foundation. Through the Coro experience, I and other Coro fellows were able to appreciate how the diverse sectors in our society—public, private and non-profit—interact and work together in service to our communities. I believe that it is through this kind of comprehensive experience that those in service can both understand the full scope of national service and realize their own full potential. Service training, such as that provided by Coro, is what helps prepare our young people to serve effectively—not just for a year—but for a lifetime.

This bill harnesses the best in the American spirit—the spirit of reciprocity and commitment to change. I urge my colleagues on both sides of the aisle to support final passage of the National Service Trust Act—to invest in America's students and communities and to reward individual responsibility.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Arizona [Mr. STUMP].

The amendment, as modified, was agreed to.

The text of the amendment, as modified, offered by Mr. STUMP is as follows:

Page 79, strike lines 18 through 23 and insert the following:

"(a) AMOUNTS GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of service in an approved national service position shall receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to 90 percent of—

"(1) one-half of the aggregate minimum basic educational assistance allowance calculated under sections 3013(d)(1) and 3015(b)(1) of title 38, United States code (as in effect on July 28, 1993), for a member of the Armed Forces who is entitled to such an allowance under section 3011 of such title and whose initial obligated period of active duty is two years; less

"(2) one-half of the aggregate basic contribution required to be made by the member under section 3011(b) of such title (as in effect on July 28, 1993).

□ 1410

Mr. McCURDY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the distinguished gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs, not only as a cosponsor of this legislation but he has worked with the administration and many of us in Congress who have been proposing a national service bill to try to provide equity and a degree of compensation for this purpose, but at the same time recognizing that the President has a noble goal of trying to attract young people to the broader ethic of national service in America today, whether it is community service or through the very vital service that our members of the armed services perform on a daily basis through the success of the All-Volunteer service, which has been a success because of the GI bill and because of the high degree of patriotism that exists in the country today.

I do recognize, however, Mr. Chairman, because of some of the concerns that I have about some statements that were just previously made. It is true that with the GI bill we try as members of the Committee on Armed

Services to recruit the most talented young people in order to defend and protect our Nation. It is also true, Mr. Chairman, that in the concept of national service, unlike what some of the previous speakers said, we are not just talking about young people mowing the grass in parks; we are talking about a range of activities in national service which can be from delivering literacy training to people in the inner cities and rural areas to rehabilitating housing and to perhaps cleaning up parks. One program we are aware of is taking very dangerous, infected hypodermic needles from public grounds, removing the health hazard.

In many of these areas we have young people entering into communities that are extremely dangerous. As a matter of fact, I recall a recent article in which there was commentary about the city of Belfast in Northern Ireland, expressing what a terrorist area of the world this was because of the civil strife there. Yet up until June of this year there were 11 murders there, but in Washington, DC, there were 238 murders during the same timeframe. We can ask my friend, the gentleman from California [Mr. MARTINEZ], about delivering services in the community, working on the front line in south central Los Angeles; we can ask him if these young people are not really putting their lives on the line, trying to improve their community and their country as well.

Yet although we have tried as a principle to maintain some slight differential between the GI bill and the National Service Program, I would submit to this Congress that Senator SAM NUNN, the chairman of the Armed Services Committee on the other side, and I offered an original bill that had a voucher of $10,000. We have agreed on it prior to that time. We have agreed each time with the gentleman from Mississippi [Mr. MONTGOMERY] and others in order to provide for some equity and some parity there.

But I wanted to rebut some of the comments, and I do again reaffirm the fact that it was very important that we were able to reach agreement between the ranking member and the gentleman from Mississippi [Mr. MONTGOMERY] on the issue of veterans' benefits and national service.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. MCCURDY] has expired.

(By unanimous consent, Mr. MCCURDY was allowed to proceed for 2 additional minutes.)

Mr. MCCURDY. Mr. Chairman, I wanted to take this time in order to follow up with a conversation I had last Wednesday. As Members will recall, as we were debating the national service bill, I came to the well and asked my colleagues' forgiveness for having to leave the Chamber during the middle of the debate because of a conflict. Sometimes in the Congress we get too caught up in the debate and sometimes things get pretty partisan and sometimes the debate appears to be even rather nasty, but there are times, I would submit to my colleagues, that we have to make appropriate choices.

Although we celebrate with great honor the remarkable achievements of BILL NATCHER, who has never missed a vote in the 30-some-odd years he has been in the Congress, last week I willingly missed some votes. The reason was that I went to southern Virginia to watch my 15-year-old son compete in the State Babe Ruth baseball tournament. They had to win a doubleheader to win, but they did win and were the State champions.

Let me say to the Members that I will remember the rest of my life and I am sure he will remember where I was on that day.

I would only urge my colleagues as well to keep that perspective in mind also and keep the families in front, keep the image of real America alive, because that is what we are all fighting for, and that is what we are here about.

Again I just want to thank my colleagues for allowing me that little leeway to go and do a personal thing, because I know many of us have those callings from time to time.

Mr. ROEMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take all of my time, but I rise to support the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP] for working out what I think are some important legislative details in this national service bill, and I wanted to broaden the discussion on this bill a little bit.

On the one hand, we have worked very, very hard to look at how this bill should be balanced for the GI educational benefits, and when President Clinton worked with Congress, he was very, very sensitive in working with the committee chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and making sure that this was not an affront to military personnel or recruitment efforts, and that this was carefully balanced with the GI educational benefits bill.

We also have the concern, however, Mr. Chairman, that we are competing with the costs of education in this country that are rising at a very frightening rate, and we cannot continue to take down a $5,000 award further and further and further when tuition is going up and up and up, when middle-class families across this great country are saying that it used to be a house that was their largest investment, that they would buy a house for $50,000 or $60,000 or $75,000, but now, with education and the cost of tuition and living at a school amounts to $9,000 to $10,000 in places like Louisiana and Indiana and California and Maryland, $5,000 or $4,500 per year as a benefit does not go a long way to help middle-income people or people participating in national service legislation.

I also want to clarify that this legislation, Mr. Chairman, is not about people raking leaves in parks. This is people helping dropouts in our inner-city schools or in our rural or suburban schools, where we are running into more and more problems in our schools with crime, with guns, and with drugs. This is people working with law enforcement efforts. That is not an easy task these days, where there is great risk. And this is people working with dying people in health care. Those are very, very worthwhile jobs.

Mr. Chairman, I am very proud to be a cosponsor of this legislation, but I am also very, very concerned that we do not see this whittled away when we try to balance two equally important concerns, educational benefits in the GI bill and the costs of going to school in this country that are becoming more and more difficult for most people.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 218, after line 6, insert the following new subsection:

"(f) FULL FUNDING OF COSTS TO STATE AND LOCAL GOVERNMENTS OF REQUIREMENTS UNDER NATIONAL SERVICE LAWS.—Notwithstanding any other provision of law, a national service law may not impose any requirement that a unit of State or local government conduct an activity (including the requirement that a State maintain a State Commission pursuant to section 178 or a requirement that such a government meet national standards in providing a service) unless and until all amounts necessary to pay the direct costs incurred by the unit in conducting the activity are provided to the unit by the Government of the United States.

Mr. HEFLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HEFLEY. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. GUNDERSON] for the purpose of offering an amendment to my amendment.

Mr. GUNDERSON. Mr. Chairman, I have an amendment to the amendment at the desk.

The CHAIRMAN. First, the gentleman from Colorado [Mr. HEFLEY] must turn back the balance of his time.

Mr. HEFLEY. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. GUNDERSON TO THE AMENDMENT OFFERED BY MR. HEFLEY

Mr. GUNDERSON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GUNDERSON to the amendment offered by Mr. HEFLEY:

Strike "(including" and all that follows and insert ", unless paid for by the Federal government. However, voluntary participation by states or program sponsors may include cost-sharing formulas, health care, child care, and other allowances and other requirements proscribed by the act.".

☐ 1420

Mr. GUNDERSON. Mr. Chairman, I believe this represents accurately the agreement that we tried to work out between the original language of the Hefley amendment and the language that is now before you. We are not quite sure whether these words "unless paid for by the Federal Government" are directly contrary to the rest of the language. The gentleman from Colorado [Mr. HEFLEY] and I have both agreed we would try to get that resolved with legal help between now and conference and resolve it in conference if there was some kind of problem in that language.

Mr. Chairman, I guess what we need to do is see if the gentleman from Michigan [Mr. FORD] will accept the amendment and see if the gentleman will accept the amendment as amended.

Mr. FORD of Michigan. Mr. Chairman, I would be willing to accept the amendment of the gentleman from Wisconsin [Mr. GUNDERSON] if the principal author of the amendment accepts it. Then I will accept his amendment.

Mr. HEFLEY. Mr. Chairman, if the gentleman will yield, I accept the Gunderson amendment to the Hefley amendment, and am pleased that the chairman is willing to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON] to the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. BAKER OF CALIFORNIA

Mr. BAKER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAKER of California: Page 182, strike lines 3 through 5, and insert the following new section (and conform the table of contents accordingly):

SEC. 112. PROHIBITION ON SERVICES FOR ILLEGAL ALIENS.

(a) PROHIBITION.—Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is amended to read as follows:

"SEC. 102. PROHIBITION ON SERVICES FOR ILLEGAL ALIENS.

"(A) PROHIBITION.—Except as provided in subsection (b), the Corporation may not make assistance available under this Act to a national service program that provides services directly to persons and is carried out by a Federal agency, State, subdivision of a State, Indian tribe, public or private nonprofit organization, or institution of higher education or provide for the placement of volunteers under the Domestic Volunteer Service Act of 1973 with a public or nonprofit private organization that provides services directly to persons unless the program to receive the assistance or the organization to receive the placement has a written policy that prohibits the delivery of services to aliens who are not in lawful immigration status in the United States. In the case of a public or private nonprofit organization covered by this subsection, the written policy must apply with respect to all service programs conducted by the organization whether or not a particular program receives assistance or a volunteer placement.

"(b) EXCEPTION.—Subsection (a) shall not prohibit the delivery of emergency services to aliens who are not in lawful immigration status in the United States or educational services required by law to be provided to such aliens if the emergency or educational services are provided to such aliens if the emergency or educational services are provided by a program or organization that has a written policy of reporting the presence of such aliens to the Immigration and Naturalization Service.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 102 of such Act and inserting the following:

"Sec. 102. Prohibition on services for illegal aliens.".

Mr. BAKER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BAKER of California. Mr. Chairman, today I am offering a straightforward amendment to ensure that American taxpayers are not forced to subsidize illegal aliens through the National Service Program. Without my amendment, the National Service Program has one message for illegal aliens: "Come to the United States. We have even more free services for you now. Don't worry about the costs. The American taxpayers will foot the bill."

Last night, about 3,100 people illegally slipped across the border in the San Diego area alone. Last month between 300,000 and 400,000 illegal aliens crossed our borders. To reduce these numbers, we must reduce the incentives and stop rewarding those who make a mockery of our country's laws.

Mr. Chairman, we have a serious problem with illegal aliens because we offer them too sweet of a deal. Today, there are 4 million illegal aliens residing in the United States. Last year, Federal and State governments spent at least $6 billion in taxpayer dollars on services to illegal immigrants, including: Unemployment benefits, subsidized housing, food stamps, education benefits, and medical care.

Further, the GAO reports that 22 percent of our Federal inmates are illegal aliens. Also, 49 percent of all illegal aliens apply for unemployment insurance and 35 percent receive benefits. At least 2.4 million immigrants entered the United States illegally last year. Over the past 2 years, illegal immigrants cost California taxpayers $3 billion directly, and an untold sum indirectly.

Today, we can send a message to illegal immigrants: "You can no longer slip across our border and siphon-off services from our own citizens."

Many people enter this country because it's still a land of opportunity. But we are quickly becoming a beacon of entitlement to whomever can sneak in.

We must stop saddling taxpayers with the costs of illegal immigration. Providing more services to illegal immigrants will not solve the problem. In fact, it will do just the opposite. By providing free services to people who enter this country illegally, we continue to encourage the next wave of illegal immigrants.

That is why my amendment is so important. It prohibits the Corporation for National Service from making a grant to a government program if it does not have a written policy that prohibits the delivery of services to illegal immigrants.

Furthermore, private organizations will not be eligible for national service grants unless they have a written policy that prohibits the delivery of personal services to illegal aliens. This amendment also applies to ACTION programs authorized under the Domestic Volunteer Service Act.

Mr. Chairman, my amendment provides for two necessary exemptions:

First, organizations which provide emergency services to illegal aliens can still participate in national service as long as they have a written policy of reporting illegal aliens to the INS. Therefore, hospitals which have been required by law to provide emergency medical care to illegal aliens will still qualify to participate in the National Service Program if they report illegal aliens to the INS.

Second, compulsory educational programs—like public schools—will be able to receive national service volunteers, providing these programs also have a written policy of reporting illegal aliens to the INS.

In short, with certain exceptions my amendment prohibits organizations that are participants in the National Service Program from subsidizing illegal aliens.

I know that some critics will contend that a worthy charity will be denied volunteers because of my amendment. But let me point out that this amendment will not in any way change what charities can do right now. All this amendment does is ensure that we channel new Federal spending so as not to subsidize those services given to illegal aliens. Nothing in this bill prohibits organizations from continuing to run their own programs to serve illegal aliens without Federal help.

Government money brings certain conditions. The bill before us already lays out conditions for funding. As long as this House is intent on further expanding the size and role of the Federal Government, we may as well be sure that taxpayers' hard-earned cash does not further encourage illegal immigration.

We also have an opportunity to say to our Nation's citizens. "We will not make you compete with illegal aliens." It's already tough for many Americans to reach the American Dream. Saddled with Government debt, high taxes, and overregulation, the last thing Americans need is to compete with illegal aliens for their jobs, their homes, and the use of their tax dollars.

I urge my colleagues to say yes to American taxpayers and no to subsidizing services to illegal aliens. Vote for the Baker amendment.

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to the Baker amendment.

Mr. Chairman, Mr. BAKER and I worked together as members of the same freshman class in the California State assembly a dozen years ago.

And even though we are from different political parties, I have always believed that he demonstrated an objective approach to legislation.

So, I am surprised that he would offer this amendment because, intended or not, this is a mean spirited proposal aimed at those most helpless in our society.

Mr. Chairman, I would like to remind my colleagues of the old joke that goes something like this "I'd like to help you out—which way did you come in?"

Well, this proposal reflects the worst interpretation of that line—and it reflects badly on the representative of the 10th District of California and would reflect badly on this House if it were to pass.

Let me point out that earthquakes, hurricanes, and flooding rivers don't ask for green cards when destroying everything in their wake.

And babies who are malnourished or suffering from the ravages of poverty or crime don't know where they come from.

Boy Scouts don't ask for proof of citizenship when they help little old ladies across the street.

Hungry bellies and distraught victims of crime are not cured by platitudes.

There are members who would support an amendment like this and, at the same time, say that they stand for truth, justice, and the American way.

But this is not the American way that we learned in history classes in schools across this Nation.

And I am outraged that anyone would or could think that the price of helping those in need is to deny that help—based on an accident of birth—or the lack of a piece of paper.

For more than two centuries, America has shown an outstretched hand to the downtrodden, whatever the status of their birth.

For more than a century, the Statue of Liberty has said "give us your tired, your poor, your huddled masses yearning to breathe free."

I guess Mr. BAKER and others don't believe that.

Mr. Chairman, I looked closely at the amendment to find any justification for the amendment.

And I think I have discovered why the amendment is being offered—it might be, after all, a Republican jobs bill.

Throughout the debate on this measure, opponents have suggested that national service is a jobs bill.

That, in and of itself, is not bad, but it is not—nor can it be considered as such—except in some modest way.

At first I thought it was a lack of understanding on the part of some of my colleagues who oppose the bill.

But now I see what they mean.

They want the employees of the corporation on national service—and all of the States—and other grantees to be federally employed spies for the Immigration and Naturalization Service.

If the Member from California is concerned about the ability of ins to deal with illegal immigration, he should direct his efforts to funding of that Bureau and to ensuring that the Bureau is working effectively.

I would even join him in introducing a comprehensive immigration bill that would do more than make INS officers out of private citizens and employers.

Hiring 25,000 national service participants to be immigration enforcement officials is not what I believe any one really wants, but that certainly is what Mr. BAKER'S amendment purports to do.

With all my being, I ask you to look at this amendment for the base un-Americanism it represents and vote it down overwhelmingly.

Mr. SMITH of Texas. Mr. Chairman, the Baker amendment is a commonsense, straightforward attempt to address two of our Nation's most fundamental problems: illegal immigration and the budget deficit. For too long we have talked about both these subjects without acting on either of them. It does us no good when we discuss policies for these problems and then avoid the practices that would implement them.

Congress passes numerous laws regarding legal immigration but turns a blind eye to illegal immigration. What good does it do to calculate immigration targets, to fix ceilings, and to set requirements if we allow them to be circumvented by millions of illegal aliens?

No one amendment is going to solve these problems. But the Baker amendment is a step in the right direction. It simply states no organization that knowingly provides services to illegal aliens may participate in the National Service Program. In order that this requirement not constrain organizations providing emergency services—and so that these services still will be delivered to all who need them, as they always have been—this amendment merely requires that illegal aliens be reported to the INS. It is not complicated and it is not cruel; it is common sense.

Unless we begin to offset the factors pulling illegal immigrants to the United States, we cannot begin to offset the costs they are delivering to the taxpayers' door in ever-increasing bills. All levels of American government—Federal, State, and local—find themselves providing services to illegal immigrants.

The costs are enormous. Nationally, the net direct costs of illegal immigration for the 5 million illegal aliens in the United States in 1992 were estimated at $6.5 billion.

The indirect costs of illegal immigration are no less staggering. American taxpayers not only foot the bills, they foot the jobs too. In 1992, an estimated 900,000 Americans lost jobs to illegal immigrants. When these people left the tax rolls and entered the unemployment rolls, the cost was $6.9 billion.

So illegal aliens cost American taxpayers at least $13 billion in 1992 alone.

Americans lost their paychecks because illegal aliens found it so easy to come up with fraudulent work documents. If you don't believe how easy it is to do this, ask the General Accounting Office. In a 1990 GAO report, a review of unlawfully employed aliens found that 99 percent of their registration cards were counterfeit. Over 80 percent of the Social Security cards examined were counterfeit or fraudulent.

With this combination of enormous cost and extensive fraud, it is no wonder Americans are outraged by illegal immigration.

This amendment is not going to solve all the problems of illegal immigration. But neither is inaction. This amendment is admittedly a small step, but it is a step in the right direction.

We can no longer make grand pronouncements and then avoid the small steps necessary to implement them. This is one of those necessary steps we must make if we are serious about illegal immigration. I urge Congress to pass this amendment.

□ 1430

AMENDMENT OFFERED BY MR. CUNNINGHAM TO THE AMENDMENT OFFERED BY MR. BAKER OF CALIFORNIA

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CUNNINGHAM to the amendment offered by Mr. BAKER of California: In the matter proposed to be inserted by the amendment on page 182 of the bill as section 102 of the National and Community Service Act of 1990, insert before the close quotation marks at the end of subsection (b) of such section the following: "Nothing in this section shall be construed to prohibit or limit an Indian tribe, nonprofit organization, or institution of higher education from receiving assistance, participants, or volunteers under a national service law even though the entity (unrelated to such assistance, participants, or volunteers) provides religious instruction to, or permits religious worship by, aliens who are not in lawful immigration status in the United States.".

Mr. CUNNINGHAM. Mr. Chairman, I offer this perfecting amendment, both because of my district close to San Diego, more illegal aliens come across the border there than probably anywhere else in the United States.

Second, the President, even yesterday, has taken, in my opinion, monumental steps in the efforts to stem the tide of illegal immigration into this country.

The Hunter-Schenk and Cunningham amendment provided 600 new Border Patrols to help with that problem.

I was also concerned with my chairman, the gentleman from Michigan [Mr. FORD], with some of his concerns that he had to the original amendment. It is in that light that I offer this perfecting amendment and hope that it will satisfy the chairman's request.

I am offering a modification to clarify the original intent of the Baker amendment. My modification would make clear that the Baker amendment will not preclude organizations from offering religious instruction or worship to illegal aliens.

Churches, synagogues, and other places of worship should not be required to restrict access to religious services. The Baker language was never intended for that purpose. However, critics have seized on this opportunity to grab this hook. The modification will put that false notion to rest. Places of worship will be able to keep their doors open wide to whomever would come in, without jeopardizing their eligibility for national service participation.

The Baker language is clear and straightforward. We must take a stand against illegal immigration.

I have some thoughts that I would like to pass to my friend from California that just spoke. All of us support legal immigration into this country. The United States accepts more legal immigrants into this country than all the rest of the world combined. Where I absolutely put my foot down is the term illegal immigration into this country. They do not have my open hand.

But if they request to come in legally, I will support them. I think the gentleman from California would find most of us, I would say, as a matter of fact, all of us would agree to do the same thing.

I hope that my modification clarifies the original intent of the Baker amendment and shows that there is no intention of interfering with the religious functions of churches, other religious bodies, or other organizations.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, the problem we have in a place like southern California, especially where the gentleman is from, is that it is awfully difficult to determine for an individual who is providing services to an individual in need, to determine whether or not that person is legal or illegal.

As the chairman of one of the major committees, here in Congress, stated one time, if he got on a bus and he drove from point A to point B, because of his looks he would probably be stopped by the Immigration five times and taken off that bus, simply on looks alone.

That is the problem the gentleman has and that I decried in my statement, is that the gentleman is going to restrict people that are providing service for victims of floods, for victims of earthquakes, for victims of any number of things.

Then the gentleman has to understand that he does not stand there and ask for the green card. That has nothing to do with stopping illegal immigration.

I would author, with the gentleman or with the gentleman from California [Mr. BAKER], a comprehensive bill that would attack the illegal immigration problems that we have.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I would agree with the gentleman from California.

I have friends and know folks that have had the same problems that he is talking about in those specific instances.

I would fight to stem those kinds of occurrences very well. I agree with the gentleman from California. That is not the intent of this perfecting amendment.

The perfecting amendment is to offer some of the concerns and also to interact with the problems that we have with illegal immigration.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

I appreciate the efforts of the gentleman from California [Mr. CUNNINGHAM] to respond to this general prohibition, which would have prohibited a church from allowing worship in the church unless they had a written policy that they were not going to let any illegal come to the altar. But the very fact that the Cunningham amendment is here, is illustrative of why the Baker amendment, characterized by his colleague from California as mean-spirited, is bad and unworkable.

Now, this amendment by the gentleman from California [Mr. CUNNINGHAM] would exempt the teaching of religion, religious tenets, and religious services. But what if the religious group was operating a hospice for people who are dying of AIDS or cancer and these are medical service people who come in to work in that hospice. Does it still mean, I say to the gentleman from California [Mr. BAKER], that before one of the national service kids could bring a patient in a bedpan, he would have to see his green card? That is how ridiculous his language is.

Mr. BAKER of California. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from California.

Mr. BAKER of California. Mr. Chairman, under the law, if you are to dispense additional Federal funds and it is an emergency, such as dying or hospital service or police service or fire, it is already covered under an exemption in the amendment which says all they have to do is make a reasonable attempt to verify citizenship and report to the INS. They do not have to do anything more than obey the Federal law.

Mr. FORD of Michigan. Does not the gentleman's amendment require that the church or charitable organization operating the hospice have a written policy of turning in any illegal they find?

Mr. BAKER of California. Mr. Chairman, if the gentleman will continue to yield, as required by Federal law, yes.

Mr. FORD of Michigan. As required by the gentleman's amendment, yes, but he is trying to turn all of the religious and nonreligious, nonprofit organizations that participate in this program into, as the gentleman from California said, "spies for the INS."

I agree with everybody that said they do not like the idea of illegal aliens. I voted for immigration reform in this Congress, and the immigration law now prohibits employers from blindly hiring anybody that comes along without asking their status.

At first, the amendment appeared to prevent the hiring of people who were illegals. Now I discover that it is providing any service to anyone who is illegal.

□ 1440

It goes even further than that. It says that the service provider must have a policy saying if, in fact, somebody tells us, or we ask them, and they say they are an undocumented person, we will turn them in to the INS.

I submit to the gentleman that the churches of this country are not going to do that. They are not going to be able to meet the requirements of the gentleman's amendment. Therefore, they are going to be locked out of the program. It is a troublesome amendment, at best. If it can help the gentleman, if it is good for you, I will add to your luster by saying you are the most anti-illegal immigrant person in the House, and I respect the gentleman for that.

However, this amendment is going to mess up the National Service Program. I cannot support it. I urge a no vote on it.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment for three reasons. First of all, this is the wrong bill on which to address immigration policy. President Clinton has just unveiled a policy yesterday to begin to address, I think, what many Democrats and Republicans would agree on, to come up with a more comprehensive, up-to-date, modern policy that reflects both our concerns for people coming across the borders in illegal ways, but also, with the threat of terrorism. That is something that, hopefully, we can work together on, and the President is working with the Attorney General to address many of these complicated questions. They are not going to be addressed with one amendment here on the floor today.

Second, I would like to remind my colleagues that when we look at prohibitions already written into our legislation, on page 55, under part 3, "National Service participants," one of the requirements, 6, "is a citizen or national of the United States or lawful, permanent resident alien of the United States." So we are making requirements there that everybody has to be a participant.

Last, I think we begin to get into very, very difficult issues here when we say what religious organizations can or cannot do, or participants, when it comes to this matter. I have the University of Notre Dame in my district, that runs one of the very finest and most comprehensive service volunteer programs in the world. They run a soup kitchen. They help run soup kitchens across the United States. They help run, in a partnership, a homeless center in South Bend, IN, maybe the model homeless center in the United States, because it does not just teach people how to deal with getting shelter, it works on education with them, it works on training for jobs, it works on religious instruction, and a host of things.

This amendment would say to the University of Notre Dame as a participant, and who wants to participate in a National Service Program, "If you ever serve soup to an illegal alien, or if you ever have an illegal alien in your homeless center, you will not qualify as a participant." I think we are getting into very, very dangerous territory here.

Finally, I would say that the U.S. Catholic Conference has written a letter that under the so-called Baker amendment, Catholic and other denomination organizations which provide soup kitchens, homeless shelters, legal assistance to the poor or indigent individuals and families, would be prohibited from full participation in the National Service Trust Fund Act if any of these services are provided to the undocumented, even if only money donated to the religious organization is used for these charitable purposes.

I think we are really opening up a bag of worms here, of unintended consequences, and prohibiting some very, very worthwhile participants in the National Service Act from participating and doing some very, very good things.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Baker amendment. I would like to address, Mr. Chairman, some of the information my friend, the gentleman from Indiana [Mr. ROEMER] just passed on to us.

In fact, I have nothing against the participants. As a matter of fact, the bill states very clearly that the participants of national service will not be illegal immigrants. I understand that. What this amendment does do is that the organization itself merely has to have a written policy that the organization does not operate with illegal aliens. My perfecting amendment offered clarification that it does not affect churches with the right to offer those services to illegals, and would not prevent them from doing that.

Second, if someone has the policy, and someone serves soup, as my colleague said, to an illegal alien, that is not going to exempt, under this amendment, that organization.

However, if they have a policy, one of the intents of this is to stop services to illegal immigrants under this plan. I also agree that the President's initiative is not enough. We need to go further with more policy on illegal immigration, but it is a start. This is another start.

I hope that my colleagues on both sides of the aisle will recognize this and allow us to have this amendment, that merely states that an organization would have a policy of not allowing illegal immigrants. They can still have the people that work there, the service workers that are not illegals, but the organization itself has to have a policy. That is not beyond reasonable request.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I came over because I was very disturbed about the tenor of this debate. I really do feel that what this program represents, in its most positive sense, is an integration of these young people into the communities of our country, to try to knit various parts of communities together.

The primary objection which I have heard so far out on the floor, is that it is too bureaucratic. We are creating a new entity in this country which we just do not need.

If the charge against this bill is that it is too bureaucratic, then the concept which we are considering on the floor at this time becomes a self-fulfilling prophecy. If every young person in the country is out there as a deputized immigration officer, then the net effect of this program will be to nullify exactly what it is that we have intended this program to represent in terms of community service.

Who will identify the illegal aliens in the community? Would those volunteers cleaning up a local park be permitted to do so if the park was frequented by illegal aliens? Would volunteers working to immunize children be prevented from treating suspected illegal aliens? The requirement to report illegal aliens to the INS would be time-consuming, bureaucratic, and turn the National Service Program into an enforcement agency, not a volunteer agency.

There is no question that we have serious immigration problems in this country. However, the National Service Program should not take the place of the Immigration and Naturalization Service. If we want to beef up that part of the Federal Government, let us do so directly. Let us not take a program which was intended to serve a completely different purpose and turn all of these young people into vigilantes out on the immigration beat.

My hope here is that there will be a repudiation of this concept, that the amendment as a substitute will be rejected, and that we continue to focus on what is the main objective of this program, which is to integrate fully into the totality of the communities of this country, regardless of who populates them, these young people.

☐ 1450

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise with a question for the gentleman who is the author of the amendment, because I think to some extent we are getting fairly far afield from the amendment itself.

If we do not amend the bill, if we stick with the bill as presently written on this subject, am I correct in that an organization that is almost exclusively serving illegal immigrants, that their whole service concept is to serve illegal immigrants, would be eligible for national service volunteers?

Mr. BAKER of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. BAKER of California. Mr. Chairman, the gentleman is correct.

Mr. WALKER. The gentleman says that is correct.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, I believe a misstatement has just been made. There is specific language on page 55 of the act which says that no participant can benefit from this national service, become a participant if he or she is not a U.S. citizen.

Mr. WALKER. That is not the question. The gentleman misunderstands the question.

We have a letter that came out that opposed this amendment that appears to say that that amendment goes at the very heart of the organizations that you are trying to provide support to. Now the real question is if there is an organization made up of all U.S. citizens, made up of people who are all U.S. citizens, but what they are doing is providing aid and help to illegal immigrants, could that organization get national service help. And the answer to that question I think, based upon everything I have read in the bill, is yes, that these volunteers would then be serving a whole population of illegal immigrants.

Now is that what we want to be doing with this bill? Is part of the answer that we want to be having our national service volunteers working almost exclusively to help illegal immigrants? Well, unless you correct the legislation with language like that which the gentleman from California [Mr. BAKER] has offered, you are setting up precisely that scenario. And from the looks of at least one of the letters that was sent out by the opponents of this amendment, that is what you intend to do.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Sure, I am happy to yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, can the gentleman answer me this: The program wants to place a national service volunteer with a local police department. That police department services the community. A victim seeks the help of the police department because they have been robbed, they are a victim of violent crime, a victim of rape. That police department, under current practices, is interested in pursuing the criminal and protecting the victim.

Is the fact that that police department does not seek to ascertain the legal status of that victim of crime, and does not report and verify and check the status——

Mr. WALKER. My understanding is the gentleman is making more of a statement than he is asking me a question.

Mr. BERMAN. Will the gentleman allow me to finish the question?

Mr. WALKER. I am happy to answer the question, if the gentleman will ask the question.

Mr. BAKER of California. Mr. Chairman, will the gentleman yield for an answer?

Mr. WALKER. I am happy to yield to the gentleman from California if the gentleman will finish his question.

Mr. BERMAN. The question is this language, this nuanced language that seeks to cover any potential recipient of a national service grant and set up either a requirement of refusal to serve based on immigrant status or illegal status, or requirement of reporting to INS, does that apply in the situation of a police department that is reacting to a victim's call, or to a local parks program?

Mr. WALKER. If the gentleman will allow me to reclaim my time, I will yield to the gentleman from California to answer the question.

Mr. BAKER of California. Mr. Chairman, I would say to the gentleman, yes. Page 2, line 10, the exemptions, any emergency service is exempted, shall not be prohibited from the delivery of emergency services to aliens who are not of lawful immigration status.

Mr. WALKER. So the gentleman has the answer. Emergency services such as police are not covered. And I am surprised by the question, because the gentleman who spoke just prior to this, the gentleman from Massachusetts [Mr. MARKEY], suggested that we do not want to turn the national service people into policemen. I do not understand that. What is it we are trying to do? Mr. MARKEY suggests we do not want them out there enforcing the law, and the gentleman is using the police as an example. The gentleman is trying to confuse the point that I am attempting to make here.

Mr. BERMAN. One more question, Mr. Chairman, if the gentleman will yield.

Mr. WALKER. Mr. Chairman, I yielded to the gentleman and he used about 2 minutes of my time. I want to make my point here. That is that unless we adopt language similar to that which the gentleman from California [Mr. BAKER], has suggested, we are going to have a whole host of service organizations out there who work exclusively with illegal immigrants, who are going to be eligible to get national service volunteer grants.

The whole question before us in the Baker amendment is do Members want organizations which are exclusively working with illegal immigrants to be receiving Federal money and Federal volunteers as a part of this program? I do not thinks so.

I think that we are attempting, if we are going do something with national service, to have them working, have those organizations working with U.S. citizens, to be working with good, American citizens who are the middle class, and all kinds of people, and we do not want these volunteers to be working with the illegal immigrants. And so we have to adopt the Baker amendment in order to get us there. Otherwise, the bill which is before us is a bill to help organizations which are exclusively working with illegal immigrants.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(On request of Mr. MARTINEZ and by unanimous consent Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, just to disagree a little bit, a moment ago the gentleman from California, [Mr. BERMAN, asked the question, and the question was not totally answered. And obviously he made an accusation to the chairman earlier today that he did not read the amendment. Well obviously he did not read the amendment, because the amendment says yes, they can provide the emergency services. But whoever does, whether the police department or anybody else, they must have a written policy reporting the presence of such aliens to the Immigration and Naturalization Service, which make that person an INS officer.

Mr. WALKER. I thank the gentleman. In other words, a law enforcement agency has a requirement that they would have to enforce the law. That is a terrible thing. I mean the law is that these people are not supposed to be here, and the gentleman is suggesting that he does not want to put in place that a law enforcement agency should be forced to enforce the law.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the committee, and this amendment did not come up in the committee, but having seen lots of actions in Congress and the State legislature over the years, we see not only on this amendment but a number of other amendments you build up a straw man or a bogeyman and say this is going to be a big problem out here. And all of a sudden we are going to take it and solve it. This will not solve the problem of illegal immigration by attacking national service or attacking something in the National Service Act. What we are seeing is a straw man built up by the Baker amendment and the Cunningham amendment to try and say OK, everybody is frustrated with the illegal immigration problem, and we are going to take care of that. This will not do it.

The gentleman from Indiana [Mr. ROEMER] talked about on page 55 that you have to be a citizen or a resident alien, and on page 76 of this bill you have to be a citizen or a resident alien to be able to take advantage of national service. How many times do we need to mention it? This does not apply to illegal aliens. This is not a border patrol issue.

We appropriated or voted for, last week and the week before the Committee of the Whole, $60 million more to police our borders. We cannot police our borders through national service. We are going to hurt the national service issue that is for your and my constituents to make sure that they can have a job, that they can pay off those loans, that they will also have some type of ability to be able to show that they can work and provide something to our communities.

It is amazing to me that we are seeing these amendments, this one particularly, but a number of other amendments that have come up that are building up these bogeymen from Members who are not going to vote for the bill anyway. They are against national service. And now they are trying to say yes, well, I am against it because it does not solve the illegal alien problem.

Well, it does. The bill itself does that.

In summary, I would hope that the Members would vote "no" not only on the Baker amendment but also on the Cunningham amendment, because we need to address the problems of immigration, but we do not need to address it through national service. We did that last week by $60 million more that we funded.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, on that point, regardless, the gentleman in the well previously suggested that somehow we are going to tell people in law enforcement that they should not report illegalities. That is not the point of it all. The point is that we passed a bill that was supposed to stem illegal employment because we made INS officers out of employers who are required to report these illegal aliens, and not to hire them, and that was supposed to stem illegal immigration. Well, we passed it, and all it did was to create discrimination, and it did nothing about stemming illegal immigration.

So I suggest again if we want to do something about illegal immigration, let us do that with another bill that deals with that issue, and that issue alone, not on this national service bill.

□ 1500

Mr. GENE GREEN of Texas. It was mentioned here earlier that the President just yesterday came out with an aggressive program on illegal immigration. Here we are the next day trying to attack the cornerstone of the President's program on national service, again one of the most popular pieces of legislation we will see in this Congress, by talking about illegal immigration.

Again, they are building up a false enemy that we do not need to have on national service.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from California.

Mr. BECERRA. I thank the gentleman for yielding.

Mr. Chairman, if I may add, I appreciate what my colleague from California [Mr. CUNNINGHAM] was trying to do with regard to his perfecting amendment. But I would ask the gentleman from California if he would look closely; what he does is he tries to make sure that any religious organization or place of worship is allowed to provide worship services to the undocumented, but as the National Conference of Catholic Churches indicates, they do more than just provide services in places of worship. They also provide soup kitchens, they provide legal services, they provide aid to the indigent. The amendment of the gentleman from California would do nothing to alleviate the problem.

With regard to the issue of law enforcement, let us take a look at how anomalous this particular amendment by Mr. BAKER is. The Immigration and Naturalization Service, which is empowered to enforce our immigration laws, would not be allowed to employ national service participants to help them in activities under the INS, because they provide services as border patrol, INS officers, which benefit or go to undocumented immigrants.

So, the INS border patrol under the Baker amendment would be prohibited from receiving national service participants. That is unfortunate. That is the same reason why a police department would not be allowed to hire police explorers because you would end up having a police department providing a safety service which obviously would benefit an undocumented if he or she happens to reside in that city area. For that reason, both law enforcement departments would not be able to partake in national service, and that is unfortunate.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding.

I would like to respond to my colleagues as far as my perfecting amendment. First of all, churches do provide religious service to illegals; I have no problem with that. But if they want to provide sanctuary with taxpayer dollars, that is where I draw the line. Illegal is illegal, and the only thing they deserve is a ticket back.

Mr. DELAY. I think the gentleman points it out very well. There are a lot of red-herrings being thrown about all over this floor, and it is starting to smell up the place, I guarantee you.

Coming up with the INS not being able to receive Federal funds to enforce this law? Give me a break.

The straw man, the bogeyman that my good friend and neighbor from Texas alludes to is very real. Let me quote from one of his constituents, maybe, Dr. Donald Huddle, professor emeritus, department of economics, Rice University, Houston, TX, who happens to be in a room right down the hall here if some of you would like to talk to him about his recent study. It just recently came out.

You talk about bogeymen. Let me just say that out of the 19.3 million immigrants settling here since 1970, legally and/or illegally, generated a total net public assistance cost in 1992 of $42.5 billion in excess of the $20 billion that they paid in taxes.

Now, if you break that down, according to Dr. Huddle, legal immigrants cost about—including legal immigrants, refugees, and asylumees—produced over $25 billion in public assistance and displacement costs in just 1992 above and beyond their tax payments of $15.7 billion.

Illegal aliens, of which there are 4.8 million illegal aliens, settled here as of 1992, they carried out public assistance and displacement costs of almost $12 billion net of taxes that they paid. And the amnesty aliens that the gentleman from California was talking about, as a result of this wonderful immigration bill that everybody wants to wait for, sort of like the one we passed a few years back which did nothing but gave amnesty to illegal aliens; 2.5 million formerly illegal aliens amnestied since 1986, utilized services and assistance costing $5 billion net of taxes, above the $2 billion that they paid.

This has become an incredible burden.

Now, Dr. Huddle also points out that if we do not do anything, if we do not amend this bill and many other bills that provide taxpayer services, we could have a net cost to the public of $668.5 billion in 1993 dollars, or an average of $67 billion a year, if we do not do something about it by the year 2002.

What we are saying is you can provide all these services, you can do things for legal immigrants or citizens of this country, but we have to stop services and tax dollars going to illegal aliens.

The problem of illegal immigration has grown to such unbelievable proportions.

How long can we keep this up?

More importantly, how long can we continue to ask American citizens to give their hard-earned dollars to support people who blatantly disregard and break our laws?

Obviously, this is a huge problem, so huge that no one action is going to solve it.

President Clinton's announcement yesterday is what we are calling the 2-percent solution. It only addresses one-half of the asylees who are coming here. And he takes credit for the amendment passed by the gentleman from California [Mr. HUNTER] and the gentleman from California [Mr. CUNNINGHAM] for increasing the numbers of the Border Patrol.

So, to answer those of you who say, "Let us wait for a bill," are you telling President Clinton to wait for a bill, a comprehensive immigration bill? Whenever we have these kinds of bills coming to the floor, we have the opportunity, whether we support the bill or not, to amend it, to address this problem that the American people, particularly those from Texas, New Mexico, Arizona, California, and Florida, who are receiving this problem, this is our chance to address it. We are taking our chance. We think we ought to stop giving taxpayers' money to illegal aliens.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a solution now for the reconciliation impasse: Let us adjourn the conferees and let us just go out and get rid of every undocumented worker in this country.

I think, after the rhetoric that I have been hearing, that legal immigrants and illegal immigrants are the source of all problems and all fiscal irresponsibility and all moral decay in this country, let us proceed and just take that dramatic solution.

Mr. Chairman, what are we going to have here? Are we going to have every bill amended in this fashion simply to reflect the point of view that right now in this country it may be politically very popular?

Mr. Chairman, this amendment is redundant, it is not necessary. Current law already prohibits undocumented workers and persons from participating in any National Service Program. The bill, in addition, contains explicit language which states that national service volunteers must be U.S. citizens, U.S. nationals, or legal aliens.

What are we going to do next? Are we going to have legislation prohibiting illegal aliens from playing major league baseball or major league basketball, is that going to be next? Are we going to have every bill come out here and say that we are condemning a group of people, some of whom are here legally, some are here illegally—the President of the United States 2 days ago, with an initiative, more money for border enforcement, $182 million. We have had some amendment that many of us here have supported to proceed in that fashion. And now we have another amendment, another amendment that is going to continue to drive home the point that these are the people who are causing the problems in this country.

Did everybody recognize that these people that you are talking about are we? The native Americans in this country are probably the only pure breed that has come here without any kind of descendants. We are a melting pot.

Mr. Chairman, what this amendment is going to do is go again into the throes of the immigration debate. What is going to happen is that any community that is Hispanic, is American or black, that looks foreign is going to be carded. You are going to ask a little kid for a green card to see if the national service volunteer is going to go ahead and play with the child, to proceed to see if we are acting illegally.

□ 1510

Mr. Speaker, we are reaching a point where these amendments are not necessarily dealing with the problem. I am not going to impugn the author of this amendment, but it is reaching a point where we are getting divisive about the people in this country.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I think the gentleman makes a point. Just the other day we voted for some $3 billion in flood assistance to the Middle West. We know we are going to ask maybe to vote on another $8 or $10 billion for flood assistance.

Nobody put a prohibition on that in case any illegal alien would receive any benefit. Farmworkers who might be working in that area, who may receive a benefit because the person they are employed by would receive that disaster aid.

Nobody suggested that when Hurricane Hugo came through and farmworkers who lost their jobs and their employers got disaster aid, we did not say they would have to certify they did not deliver any services.

We did not do it to people who were knocked out, landlords who got to repair their buildings where illegal aliens were living in Los Angeles or in San Francisco or other communities, or the gulf coast when people who process fish from the gulf coast were disrupted in their services by the hurricane.

Now, the disaster aid flowed to those employers, to those property owners, to those farmers, to those businessmen. Nobody suggested that they would have to certify to us first or that they would be prohibited from taking any aid unless they could certify to us that they provided no service, employment or otherwise, emergency or nonemergency.

But now on the back of a small embryo program called Youth Service the gentlemen on the other side of the aisle want to suggest that this is going to lead to an end to the problem that this country has with securing its borders.

It is outrageous. It is deceptive. It is a fraud on the American people to suggest that is the case.

I think clearly what we have got to do is to establish this within the context of what we want our immigration policy to be.

But the gentleman is quite correct. If this amendment is going to come up on selective programs where the people on the other side of the aisle do not like the program, if that is the test, then this amendment ought to come up on every program and we will find out.

I will look for the gentlemen's amendment on the next flood disaster bill that comes to the floor.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank my good friend, the gentleman from New Mexico [Mr. RICHARDSON] for yielding to me.

I think my friend would agree that it is not one solution that is going to solve the problem of immigration.

I would ask my colleagues, along with the gentleman from California [Mr. MILLER], on the different bills we do have come up that we would attempt to solve the problem There is a problem in this country and I think it is recognized. We can do this fairly. We can do it legally, and I would ask that I can work with my colleagues on each of these bills. There is a wide diversity of things we can do to solve the problem, and I would ask my colleagues to support that.

Mr. GEPHARDT. Mr. Chairman, I move to strike the requisite number of words.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. BURTON of Indiana. Mr. Chairman, there is a common courtesy during debate under the 5-minute rule to go back and forth. I have nothing against the majority leader. We just had somebody from the majority side.

Mr. GEPHARDT. Mr. Chairman, I would be happy to yield back and allow the gentleman to proceed.

The CHAIRMAN. Recognition is at the discretion of the Chair. The Chair recognized the gentleman from Missouri as the majority leader.

Mr. GEPHARDT. Mr. Chairman, I would be happy to make my statement and then yield to the gentleman.

Mr. Chairman, I rise in opposition to this amendment for a simple reason. I think it is the wrong way to go about something that all of us feel strongly about.

There is no one here, there is no one in the country who believes that our immigration laws should not be enforced.

The President had a speech, a presentation yesterday in which he talked about ways that the improved enforcement of our immigration laws could take place. He talked about putting more money into the Border Patrol. He talked about putting more money into law enforcement. Everybody agrees that we can do a better job in that regard. Everybody understands that the work that has gone on in the airports has probably not been adequate to the task.

We passed an immigration bill some years ago which I think has brought about some improvement. One of its main tenents was that we would ask the Nation's employers to be involved in trying to see that undocumented workers are not hired. While it has not been perfect, nothing will be, it has caused some improvement; but this amendment, I think, goes way too far and will not be effective. In fact, it would be counterproductive.

Let me read again from the United States Catholic Conference:

> The Baker amendment would inhibit delivery of charitable services to all minorities, particularly those who look or sound foreign, who may have foreign-sounding surnames, regardless of their immigration status.

They go on to say:

> As Attorney General Janet Reno has pointed out,the Baker amendment would place an inappropriate burden on organizational participants, many of whom are ill-equipped to undertake the factfinding required to support the proposed enforcement function.

I do not think any of us want to put a burden, a requirement on organizations and people to enforce the immigration law that they cannot undertake. It would be unfair. It would be wrong. It would be counterproductive.

Let us stick with things that make sense. Let us stick with amendments and proposals and ideas that will really affect change in a positive direction, and let us not load on organizations that are ill-equipped and ill-prepared to do something, something they cannot do and cripple and ruin and injure a program that has been said is embryonic, which we are trying to bring into being, which could have positive impacts on our society.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Let me just say that the minority leader and everybody else has made the case that we should not do anything to impede the progress of this bill.

My view and I believe the view of the minority in this House is that every single piece of legislation that comes through here that will impact upon the illegal alien problem in this country should be tightened down. This bill is no exception.

Let me give my colleagues some figures, and these are facts. In the Los Angeles riots, 1,064 participants were illegal aliens who were arrested. Many were sent back; 1,064 illegal aliens caused billions of dollars. They were not the only ones, but they caused billions of dollars in damage in Los Angeles.

Twenty-two percent of the 800,000 prison population in this country, 176,000 inmates, are illegal aliens and it is costing an average of $30,000 a year to keep them incarcerated. That is $5.2 billion a year that we are paying to incarcerate illegal aliens.

In Los Angeles County alone last year, there were 37,000 illegal alien babies born and it is costing $25 million a month in AFDC payments to deal with those children, and that does not include the health care costs to deliver those babies.

And what is the Medical system in California doing? In Spanish they are passing out to illegal aliens brochures telling them that they will give them the hospital care services that they need to deliver their children, and they will not report them to the immigration authorities, so that they will not have to worry about being deported. They are encouraging people to come across the border to have their babies and it is costing $25 million a month for just the babies born in that one county last year alone.

Now, according to a report that just came out, I want to quote from this and I think every American will be interested in this: Costs of all immigrants in the next decade from 1993 to 2002, the total stock of post-1970 immigrants to the United States will grow to 29.4 million, barring changes in existing law and enforcement policy. In that period, immigrants will create total public assistance and displacement costs of $951.7 billion, almost a trillion dollars, and pay taxes of only $283.2 billion; so the net cost to the public will be $668.5 billion in 1993 dollars.

□ 1520

Mr. Chairman, we cannot afford that. The national debt is rising like a rocket, and, unless we tighten down legislation to stop illegal aliens from coming into this country and, yes, encouraging them to come into this country, we are going to bankrupt America. This is one of the leading problems we have, and, if my colleagues were to ask taxpayers across this country, I bet 80 percent of them would say, "Tighten down your laws to stop illegal immigration."

Mr. Chairman, we do not want that. We want people who come here through the legal immigration programs to come to America. We have programs that deal with that, but illegal immigration must be stopped, and we can do it, and one of the ways we have to do it is to tighten down every single bill; yes, this bill as well, to make sure that we minimize illegal aliens from coming into this country.

Mr. BECERRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Members, lest we forget, this is a debate on national service and not on immigration. The reason we are seeing so much activity around this bill is because, as I believe the gentleman from New Mexico [Mr. RICHARDSON] said earlier, this is a hot button issue, and I do not believe that many of the Members here are debating so much for purposes of their colleagues hearing this, but we look at the cameras, and we see the public, and we know that this is a hot button issue, and it is unfortunate because I think people take advantage of it.

But let us regress, and let us go back to what we are trying to do here. This is national service legislation. This is an amendment offered by the gentleman from California [Mr. BAKER] dealing with national service.

What is the problem with the amendment? The amendment makes national service unworkable for virtually every organization that resides, or provides services, in areas where there may be some immigrants, documented or undocumented. This makes it impossible, as was stated by the National Catholic Charities, to provide services through a church. What happens is, there are worship services which, of course, may be taken care of by the amendment offered by the gentleman from California [Mr. CUNNINGHAM], but a soup kitchen, legal services, charitable donations of food and clothing, that would be prohibited because a church could not certify through a policy that it did not, in some way, provide service to the undocumented, and, therefore, because through some of the various activities it conducts, it may provide a service, unbeknownst to it, to an undocumented person. It cannot, therefore, qualify for national service, and it is not just the church. It is not just the Catholic Church.

Mr. Chairman, the White House has said it opposes this amendment. The Attorney General, for those who are concerned about enforcement of our laws, especially our immigration laws, the Attorney General has written a letter saying she is opposed to this amendment because it is unworkable. But it is not just the church organizations. It goes beyond that.

Mr. Chairman, it goes to other organizations, specifically those that will be benefiting from national service. The National Association of Service and Conservation Corps, probably the organization which will have the most participants, program participants through national service, is opposed to this amendment, and, more than that, let me read to my colleagues a letter from the United Way, a particular paragraph, because the United Way is also opposing this amendment. It reads as follows:

> The United Way system funds over 40,000 local charitable organizations across the 50 states. Organizations which we fund such as the American Red Cross and the Salvation Army are, as you read this letter, spread across the Midwest providing emergency assistance to tens of thousands of people. There is neither the time or facilities to document these people seeking such basics as water, food and clothing. While we are certain Mr. Baker is well-intentioned, this provision would be exceedingly burdensome and would ultimately cause United Ways and many other charitable organizations simply not to participate in a very worthwhile program.

Members, let us not lose sight of what we are trying to do today in national service, what the President tried to do during the campaign, and now, as the President of the United States, what he is trying to do. We are trying to have a National Service Program that will work so people can go out there and volunteer. With the amendment offered by the gentleman from California [Mr. BAKER], we put in an impossible impediment, an obstacle which no program will be able to overcome, to be able to participate. There is no way in the world that the Boy Scouts, the Little League, the Catholic Church, the Attorney General, the police departments throughout our cities, will be able to say—and have a written policy that says—that they are not providing a service in some fashion to an undocumented resident, and that is the problem.

We are here to debate national service. There are some very valid points that have been made on immigration, but we will not resolve the problem of immigration through national service legislation, and specifically not through an amendment to national service.

I urge the Members, when they come into this room to cast their vote, not just to pick up a piece of paper, not just to look at the board, but look into their hearts and understand that they are here to do a service, and that is to vote based on principle, based on what they think is right on the merits of the legislation. Take a look at this amendment, my colleagues, and see that it is not an issue of immigration. It is an issue of whether or not national service, which is the focus of this debate, will work, and it will not work with this amendment.

So, Mr. Chairman, I urge my colleagues to vote no on this amendment.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, the gentleman mentioned health care, and he mentioned health service. Does he believe that health services, and does he believe that legal services, should be provided to illegal aliens, and, if he does, I ask the gentleman, "How can anyone control the border for providing such incentives for people who come across the border illegally?"

Mr. BECERRA. In answer to my colleague, Mr. Chairman, legal services through legal aid agencies is prohibited to go through the undocumented right now. We do not have to have laws; we do not have to have this amendment.

Mr. ROHRABACHER. Mr. Chairman, that is not what I asked.

Mr. BECERRA. Moreover, medical services are provided only on an emergency basis. When someone is on the street bleeding to death, we provide services, not because they are entitled to it——

Mr. ROHRABACHER. That is not happening in California. It may be happening——

Mr. BECERRA. It means that we are a civilized society that says that whether or not someone has documentation, they will not be denied service.

The CHAIRMAN. The time of the gentleman from California [Mr. BECERRA] has expired.

Mr. BURTON of Indiana. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for an additional minute.

Mr. FORD of Michigan. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FORD of Michigan. Mr. Chairman, I rise to put the House on notice that we have wasted all this time talking about something that has absolutely nothing to do with——

The CHAIRMAN. Objection has been heard.

For what purpose does the gentleman from Georgia [Mr. GINGRICH] rise?

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words, and I disagree deeply with the distinguished chairman of the committee. In the first place, Mr. Chairman, on germaneness, certainly the Democratic majority, having carried a new definition of teenager to 30 years of age on the flood relief bill, is hardly about to jump up and yell about germaneness. I say to my colleagues, "Now, if you can carry the Waters amendment on Midwest flood problems, certainly you can allow us to talk about this."

But second, Mr. Chairman, this is directly germane. If my colleagues will actually read the amendment, the amendment is very mild. The amendment simply says that every agency which is involved in taking under this bill would have, quote, a written policy that prohibits the delivery of services to aliens who are not in lawful immigration status in the United States, and that is all that it requires, a written policy.

Let me just say, Mr. Chairman, first of all, that there is a crisis in illegal aliens in this country, and we have here, thanks to the gentleman from California [Mr. GALLEGLY], a Medi-Cal release that says, "You do not need to be a citizen to get medical aid." It goes on to say that even if one is in the country illegally, a special kind of Medi-Cal can be obtained. Under the new law, Medi-Cal cannot report them to immigration. No, it is not laying in the street. It is handing out a government-paid, taxpayer-paid brochure to encourage people to get Medi-Cal.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, I ask the gentleman, "May I see it?"

Mr. GINGRICH. Sure, the gentleman from California may talk to the gentleman from California [Mr. GALLEGLY] about it. We have it in English and in Spanish. The gentleman from California [Mr. ROHRABACHER] originally brought it up, and later on we will be glad to talk about it.

But the point is this:

All we are suggesting is that there is a genuine crisis in immigration, that all the people should be required to do is, in order to get the Federal money, have a written policy that they will not provide services to illegal aliens. We actually have an additional provision in here which says, if it is a Medi-Cal emergency, of course they can provide the policy. That is written into the amendment. We have an additional amendment that says, if it is a religious service, of course they can provide the service. That was the amendment offered by the gentleman from California [Mr. CUNNINGHAM].

All this requires, very narrowly, Mr. Chairman, is that every agency which accepts money under this new law shall have a written policy that they not provide services to illegal aliens.

Now that is not exactly an onerous, overwhelming burden, but notice what we are told by the Democratic leadership:

"This isn't the right place."

"This isn't the right time."

"Later."

"Another circumstance."

"Sometime."

"Eventually."

Mr. Chairman, that was not the case when we had to ram through a hundred dollars a week extra and redefine teenager to be 30 years of age because that was a program the Democratic leadership wanted, and that could be put on flood relief. But now we are told on a legitimate amendment applying directly to this bill, applying directly to agencies, only asking them to adopt a written policy, that they will not provide services to illegal aliens, that would be onerous, it is too early, too quick, too much.

□ 1530

I would simply say to my colleagues, if you are serious about the flood of illegal aliens coming into this country, if you think illegal immigration is a serious problem, vote yes on the Baker amendment. If you want to keep procrastinating, if you want government and other agencies to continue to provide services to illegal aliens, then go ahead and vote no. But do not go home and tell folks that you did not have a chance to take a first step on what I think is a very serious and very important issue.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it amazes me how diplomatic some of us are trying to be today, and it is very difficult when we really are not fooled by what is behind this.

Let us get to it right away. If most immigrants in this country were light skinned, blue eyed, and blonde haired, this would not be an issue. Now, you can groan as much as you want, but your groan is only an understanding of what my statement is all about.

First of all, there is nothing to fix here. Current law speaks to this problem. This bill speaks to this issue, But what is happening here is that people are getting mean. A few elections ago we had the welfare queen. Now, after that we had Willie Horton. Well, get ready. Dark skinned immigrants are going to be the issue of next year's congressional elections and the next Presidential election.

That is all it is. We can pussyfoot around it, we can say it is not, we can say it does not mean that. But that is all it is.

The gentleman from California, who was not aware of the fact as he spoke before that they did try, people from the other side of the aisle did try in the Committee on Appropriations to put on the Flood Relief Act, this bill. Which meant that if you were in water up to here and had dark skin, you had better find your papers before you get pulled out of the water. And if anybody services you through this program, then they cannot do it.

Now, you are going to immunize children, and you are going to have medical students in the program. So the medical students immunize children, and the child has to come up with a card first. Otherwise, no shot.

Now, police officers arrest an illegal alien. People like that. But you cannot read him his rights, because that is a service you are providing under our Constitution, and somebody could stretch it, too. Let us face it: There is nothing behind this issue other than the fact we are going to be very mean from now on. You are going to put this amendment on every bill that comes to the floor, and you are going to put it not because you are concerned about the future of the country. You are going to put it on because you are interested in a quick fix—the gentleman will have his time to speak and yell out all he wants. You can say that it is a great patriotic statement. Now, it sells well for 15 or 30 seconds on TV. Beat up on the immigrants.

Well, do you know something? I have a special problem. My first name is JOSÉ. But I was born an American citizen. I resent having to prove I am a citizen. And if you ask me for papers right now, I cannot prove I am a citizen, and neither can any of you. But most of you will never be asked whether you are a citizen or not. I will, because of my first name, and I resent it.

Nobody asked me when I went into the service to serve my country whether I was a citizen, and nobody asked my colleagues who died from Puerto Rico if they were citizens. Nobody asked them that. We still do not ask that.

But all of a sudden we are going to ask, on this program, and on flood relief, and on any aid we give.

Come on, let us get with it. Let us stand up for what we believe in and let us stop playing stupid games. This is one of the meanest amendments that you could put on any bill, and this is something that just permeates society, and we are the ones doing it.

You speak to the people on the street. This is not their biggest concern. But this is an easy target. So when the playground is built by the National Service Corps, and the child comes to play on the monkey bars, that child better bring more than a lunch box. He had better bring papers. And if he is Puerto Rican or is a citizen of dark skin, then he has got a bigger problem. He had better carry that, along with his name, pinned on his hanky for the day.

My friends, on behalf of the Spanish caucus, I beg you as its chairman to change your minds, to look at what it is. And, if not, then stand up and admit the truth: This is just being mean. There is nothing else to it. This does not strengthen our country. This just makes us look like really bad people.

We open the doors. But as soon as coming through that door you see some dark skinned people, you are going to close the door. Well, I was born inside the door, and I am never going to show you any papers, because I ain't got none, neither do you.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

That is right, let us get down to it. Let us talk the truth. My colleague just asked us to speak the truth. Every time we come up with some hard-hitting reform, and I consider this a hard-hitting reform, we are charged with racism.

Come on, let us get with it. You can do something against criminals in this country. Illegal aliens have broken the law by definition. When they came here across the border, they broke the law.

I will have my colleague know that in California, where illegal aliens are flooding into our society, costing us billions of dollars, when our own people cannot afford to buy medicine and they look to their government for help, and we say we are broke, it is not mean spirited to say we have got to take care of our own, because we care about them.

It is not that we do not care about people from other countries. It is not that we do not love them and we do not have Christian charity in our hearts. But we cannot afford to spend billions and billions of dollars on people who are here illegally from another country when our own people are going wanting.

Who is mean spirited? Do not call me mean spirited. I have love in my heart toward people, and you do, too, toward your constituents. But if you have more love in your heart toward people who have come here illegally, to foreigners who would flood into this country and consume those services that were meant for your citizens, people in your districts who have spent their entire lives paying for these services, you are doing a disservice to your own countrymen. Whatever color they are, Hispanic, caucasian, black, or yellow, these are all Americans.

We are not talking about immigrants; we are talking about illegal immigrants, who have broken the law to come here. Providing tens of billions of dollars for these people is an insult to our own people, when we are raising their taxes and cutting their services.

Now, let us not play any games. Who is serious about this? We have people on the other side of the aisle talking all the time about how they are serious about the immigration problem, about how the illegal immigrants are coming here. Because the American people know there is a problem. They know their services are being eaten away and their children are getting less of an education because we are spending that money in people who came here illegally.

Let us see. Who wants to do something about it? Every time we try to do something about it, there is a reason not to.

Yes, the strategy is to try to cut illegal aliens off from subsidies. Every single bill, every single tax dollar that is being spent, should be guided and channeled so it does not go to someone who is here illegally, because that is being denied to our own citizens who have paid for that benefit, because we love them and we are concerned about them.

It is not that we do not have charity for others, but we have to love our own people more. Do not tell me that we on this side of the issue are mean spirited, because we are not. And we are not racists.

President Clinton, along with many other politicians, talked just a few days ago about getting control of this situation. I have talked to my people in California and told them any politician who says, I am really concerned about this; we are going to do something about the border; let's hire more border guards, but is unwilling to cut off this subsidy to illegal aliens, is not telling the truth.

Today, of course, we have the head of Health and Human Services, Shalala, talking about how we are going to provide health services for illegal aliens.

I ask you this, my fellow Americans: If we are providing education benefits, education for people's children in their own language, if we are providing health care, if we are providing subsidies, why is it not that every poor person in the world is not on his way and her way to the United States of America to get these benefits?

We are offering them a treasure. There is no way the INS can control the border. There is no way the INS can control the border if we are offering a treasure of an incentive for anyone to get across the border. We can line our troops on the border and it will not do one bit of good.

□ 1540

If we care about the people of our country and we care about our constituents and we care about those people who were asked to pay the biggest tax increase in American history, if we care about those people that we are providing service to who have spent their lifetime defending those services and trying to buy those services and pay taxes for those services, if we care about them, we will ensure that we pass this amendment and amendments like it on every bill that comes through this House so that illegal aliens, who are here and have broken the law, do not syphon away these scarce resources for themselves where they should be going to our own citizens.

Mrs. UNSOELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. SERRANO. Mr. Chairman, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I thank the gentlewoman for yielding to me.

I must have struck a chord somewhere, because the gentleman displayed Latin temper beyond the one I am capable of displaying.

I really think that, first of all, we have to be careful about the words we use, because I am very careful never to call anybody a racist. But if the word comes up in his presentation, there must be a reason for it that I did not put on the floor when I spoke.

The fact of life is that we continue to hide from the truth. And if Members get upset, so be it. You have to face the music, and you have to face it the way it comes.

This is a mean-spirited amendment, and it will continue to be a mean-spirited amendment, when this country is confronted with so many monumental problems, and the only solution that will continue to come up on every bill, mark my words, it will come up on every bill, is to strike out at children who look differently, who cannot get services, and the people who want to serve this country.

I tell my colleagues, and I will end with these words, they can call it whatever they want. But they are dividing this country more than it is divided. And they are creating a special problem for people who are citizens of this country who look different and people who want to serve and people who want to be a part of this program. Now, Associated Press will not carry a story tonight telling Members that 150,000 people in Latin America and in Europe and in Asia have decided not to come to this country because they cannot serve in the national service program. That is not why people do what they do.

Granted, there is a border problem. Deal with the border problem.

When we put bills on the floor to pay for more people to guard our borders, you will never vote for them. Vote for that. Deal with that. Deal with that issue. Deal with how you deal with that problem. Do not deal with telling a little child he cannot be humanized.

To really believe, and I will end with this, that we cannot say what we feel, we feel it that way and we will keep saying it. You are making a big mistake. You are being mean, and you are going to divide us even more than we are divided. And this is not the time to do it.

Please, rethink your position. Come together, and we will serve our country much better then we are right now.

Mr. MARTINEZ. Mr. Chairman, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, the last statement the gentleman made, "This is the way we feel," it seems to me that throughout our history, no matter how enlightened we have attempted to become, we seem to continue to be buried and mired in our arcane ideas.

We have worked, and people have made speeches and people have died over the idea of equal rights and the idea that we should be a colorblind society.

We have come a long way, but we are a long way from that.

This kind of event is not the first time that it has happened, in an attempt to blame illegal aliens for all of our troubles, while really looking at legal immigrants who are maybe not citizens but legal residents in this country and try to deny them services and the ability to be a part of this fabric of our society.

I know the gentleman is aware that prior to the Great Depression, that this country, with the same kind of an attitude, denied all legal immigration into this country. And for a period of years, prior to the Great Depression, more people left this country than came into this country. There was a net loss of people in this country. Yet, it did nothing about changing the economic circumstances of this country that led to the economic depression.

So I say to my friend, problems are problems, and we must deal with them in an honest way, as the gentleman has suggested.

One of the ways to deal with illegal immigration in this country is to work with those other countries to provide the conditions in those countries and the association with those governments that help us control. Because, after all, there are people coming into this country, but they are leaving that other country.

Until we recognize that immigration can only be controlled in concert with the countries whose people are fleeing to this country, we will never do it. And this bill is certainly not the place to do it.

This bill is dealing with national service, not immigration. Like the gentleman said, that amendment brings this debate into another realm of another issue that should be taken care of in another place.

Does the gentleman not agree?

Mr. SERRANO. Mr. Chairman, if the gentlewoman will continue to yield, I certainly do. Not only that, but in closing, let me just say to the gentleman that it is interesting what this bill is trying to do, to get young people in this country to feel better about our country and about their service.

The first thing that they are talking about is about telling them that they cannot service all of the people. What a message we send to young people in this country. "Serve your country, but before you do, make sure that if they look different, you leave them out, because you really don't want to service them at all."

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Chairman, there is supposed to be a modicum of fairness. This is the second time in just a short period of time that the Chair recognized two Members on the Democrat side of the aisle. The minority deserves fairness. The Chair is not being fair.

If the Chair is not going to be fair, then we ought to just walk off this floor.

The CHAIRMAN. Members of the reporting committee deserve the right to be heard prior to other Members on the floor under the precedent. The gentlewoman is on the committee. The other Member that the Chair recognized was the majority leader.

The Chair would extend that same privilege to the minority leader.

Mr. FORD of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I compliment the chairman for his alertness. I was watching. The gentlewoman is the only member of the committee from either party that was on her feet seeking recognition, and the rules have been very clear that committee members take precedence over other Members.

Mr. Chairman, I ask unanimous consent to end the debate on this amendment at 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. BURTON of Indiana. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FORD of Michigan. Mr. Chairman, if the gentlewoman will continue to yield, I do not want to move it, because the real purpose of the objection is to delay consideration of the bill. I would like to encourage Members who are not in the business of delay of consideration of the bill to take that into account.

What we have now is the House version of the Senate filibuster on our hands.

Mrs. MINK. Mr. Chairman, I thank my chairman for his comments.

I rise not to expand upon this issue, because Members have really expressed their deepest feelings. I have never felt so moved about any subject than this one this afternoon.

I personally have been discriminated against so many times, I cannot begin to count them on my fingers. Not because I am less American than some of my colleagues who have white skin, but only because of my color.

I have traveled across the border with my husband, who happens to be white and blue-eyed. He is allowed to go through. I am detained.

Many, many times I have sought service in this city at fine restaurants, and I am put upon to sit next to the kitchen or to the bathroom, when accompanied by people from my district.

We who are of different color suffer enormously in this country. To put upon this particular bill, which was designed to acknowledge the great contributions of our nonprofits in our society, who have made this country great, to acknowledge the services that they extend to everybody, regardless of color or station or religion or class, and to say that our young people who are being given a chance to volunteer now in these services, that they cannot provide these services unless they make sure that the people who are there seeking it are citizens, is hypocrisy.

I have just lived through a devastating hurricane in my State. I dare say that not a single one of those nonprofit organizations, the Catholic Church, the Salvation Army, the Baptists, the Mennonites, and everybody else that came into the county would have thought that this Congress would impose upon them the obligation to ask these people, who stood in line for 4 or 5 hour for water that they had not had for over 30 days or for a hot meal that they had not had because they do not have any electricity, to dare to think that this Congress would impose upon these charitable organizations the responsibility of asking such an inane, unpatriotic question is just beyond comprehension.

I ask, in the name of this Congress and this institution, to understand what this bill is all about. It is to acknowledge the nonprofits and the charitable organizations of this country that have made us great, because they understood the importance of compassion and humanitarian service, regardless of who you were.

□ 1550

If you were present in this country, it is not the color of your skin or who you are or what rank you have that entitles them to their compassionate services. If we put this kind of burden upon this legislation, we are hypocrites.

I ask all of the Members to vote down both of these amendments and rise to the occasion of our democracy.

Mr. GALLEGLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GALLEGLY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I find it very unfortunate every time we try to tighten down a provision dealing with illegal immigration, somebody says there is a racial overtone to it. The fact of the matter is, if we do not tighten down illegal immigration, we are going to spend almost $1 trillion in the next 10 years on illegal immigration.

The American taxpayer is drowning under a sea of red ink right now. It is going to get worse and worse and worse. We have to tighten down every single piece of legislation dealing with anything that is going to be overly expensive. One of the things that is extremely expensive right now is dealing with the illegal immigration problem.

Let me just tell the Members about this Medi-Cal program we were talking about a while ago. This was passed out along the border between the United States and Mexico by the United States Government; in other words, the MediCal program out in California. Listen to this question: "If I apply," this is to Mexicans that are coming across the border, "if I apply, will it affect my amnesty? No.

"If I am here illegally, will it be reported to Immigration? No.

"If I am going to have a baby, will it be reported to Immigration? No."

You can go ahead and have the baby and stay here. We will not tell the Immigration authorities that you are here illegally.

This is costing $25 million a month in Los Angeles County for 37,000 illegal alien babies born last year alone, $25 million a month, and that does not include the health care costs. This is an invitation to people from Mexico and around the world to come into our country and get free health care.

These laws must be tightened down. This law is no exception. This is not a racist attitude. This is not a racist attitude. This is an American attitude. We are trying to protect health benefits for the people who were born here and paid their taxes.

Mr. GALLEGLY. People of any color.

Mr. BURTON of Indiana. If the gentleman will continue to yield, we cannot bring the whole world into this place. When my colleagues say we are being racist, that is a scam. That is a smokescreen to cover up the problems we are facing, that the runaway illegal immigration must be dealt with.

Every law that comes before this body, every bill, must be tightened down so we do not encourage people to come across the borders illegally.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. GALLEGLY. Mr. Chairman, I yield to the gentleman from San Diego, CA.

Mr. CUNNINGHAM. Mr. Chairman, this amendment says nothing about color. It says nothing about being an Irish immigrant, which I am. It says nothing about being Hispanic. It says that the people that receive these services have a policy not to give services to illegal immigrants; nothing about race. It says illegal immigrants. I resent it about offering an amendment to help people, to help the taxpayers of this country, to be branded in racism when it has nothing to do with that. I very seldom lose my temper, and the gentleman from New York [Mr. SERRANO] knows that. This is an attempt to save taxpayer dollars and stem the tide again of illegal immigrants. Should it take place in a bill, a crime bill? Yes, 22 percent of the felons are illegal immigrants; not that they are black, they are white, they are Irish, or whatever, but they are illegal.

Health care. Look at our health care. Not that they are any races, but they are here illegally. Social services, $25 million a month in just Los Angeles' services. Who is getting hurt? The people that are poor, that are not receiving these services.

This is an amendment that deals with illegal immigration. It has nothing to do with racism.

The CHAIRMAN. The gentleman from California [Mr. GALLEGLY] has 1 minute remaining.

Mr. GALLEGLY. Mr. Chairman, I would just like to say and to reiterate what the gentleman from California [Mr. CUNNINGHAM] was referring to. This is not an issue of color, it is not an issue of race. The issue of illegal immigration is an issue that is affecting every American, and the ones that are affected in the most adverse way are those that live in the predominantly minority areas that are dependent upon public health care, public housing, and other public assistance programs, and those that are responsible, that are dependent on entry-level jobs.

Mr. Chairman, I appeal to my colleagues to look at the issue of illegal immigration for what it is. It is an issue of the law and not an issue of color or race.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would hope that we would reject this amendment. I do not think there is anybody that can suggest this country does not have a serious problem with its immigration laws, and the security of its borders. However, to suggest that somehow this legislation is about immigration is to completely mislead the people of this country.

Let us not suggest for a moment that we need not do something about our immigration laws, because I happen to believe that we do. I am probably a little more conservative on immigration than most of the Members on my side of the aisle.

The fact is that this is a national service bill which is designed to provide opportunities for American citizens to share their experience, knowledge, and wherewithal with other Americans to help build communities, to take care of our natural resources, and to take care of the people of this country.

The proponents of this amendment would have us believe that somehow this is a magnet, this is an attraction for people who would come to this country illegally. To do what? To play on a playground that was developed by the Youth Corps? To drink the water from a watershed that was protected by the Conservation Corps? To enroll in a class that is taught by Teach America, a tutor in one of these programs? That is the magnet?

It is incidental. It is going to cost more to figure out who is complying than all of the services that may be rendered to an illegal alien whose house may have been taken away in a flood, whose job may have disappeared in a flood or hurricane, or whose child happens to be part of a program that is part of a much larger program.

Are we going to police the playgrounds to make sure no illegal alien ever lets their children play on that playground, because national service volunteers may have worked to construct that playground? Are we going to police every soup line in every church in this country so that if any food or service is volunteered through this act, that no one shall ever show up? How are we going to enforce this, create a bureaucracy for this purpose?

If in fact, if in fact the Members want to deal with immigration, then let us deal with immigration through the laws and the jurisdictions of the committees and the programs of this country. I am sure we will have an asylum bill on the floor, and I am sure there will be amendments. That is the proper vehicle.

National service, this amendment on this bill is an attempt to do two things: to try to heighten the political sensitivity of this issue for political purposes, and also to try to do damage to the national service program that this President has asked us to pass. He asked us to pass this program to try to heal and build America.

What do we see from the proponents of this amendment? It is an effort to try to divide and split America on some kind of conjecture that this is about billions of taxpayer dollars that through this program are going to be used to service illegal aliens. Someone suggested that the whole program would be committed to illegal aliens.

□ 1600

Really? Not so at all. But just raising the political temperature of this amendment, so hopefully they can stampede you on the basis of immigration to vote against the traditions of America, to vote against the best interests of trying to attract young people to serve in America.

This is not an amendment that should be on this legislation. This is not an amendment that deals with this legislation. It is an effort to kind of come out of the right field here and see if you can knock this legislation off course.

The Republicans in the Senate have decided to filibuster it. We do not have a filibuster so the Republicans in the House have tried to see if they can amend it to death, because they do not want this administration to have the victory of having national youth service, which is overwhelmingly supported by Americans in this country, because they believe that we should have people who benefit from living in this country to give something back to those who are less fortunate, to those who are in need, and to services that go unmet to all of our citizens. That is what this legislation is about. This is not about immigration.

This is nothing more than a cheap political trick to try to stampede people, based upon an emotional issue that needs to be and must be, must be addressed by this Congress in short order. The immigration problem cannot continue, but this is not the vehicle.

Mr. GOODLING. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 10 minutes.

Mr. MFUME. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. LINDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like first of all to point out to the gentleman who just spoke ahead of me that I do not need a reason to vote against this silly bill. To pay people $25,000 a year to volunteer for America is not my idea of volunteer service.

But I do believe, I do believe that anyone who reads and anyone who pays taxes must understand that illegal immigration is a matter with which we must deal at some point. Your President has said so. Our President spoke yesterday on this, and we will be dealing with it. We will deal with it on every bill that comes along, if that is the only vehicle we have. At present this one before us is the one we are dealing with. We will not deal with this issue as a matter of convenience to the bills that you would like us to deal with. We will see it again and again.

America simply cannot afford to provide health care, and welfare for all of the world's poor, and we are inviting them in.

I am one who said just a year ago that we should encourage immigration, we will need these workers to pay for the Social Security when I retire. But it is getting entirely out of hand, and the costs are getting entirely too much.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, since the gentleman who preceded talked about the way the floor is handled, I think we ought to reflect also that what we are seeing here is the technique that is often used by the majority. If you stand up and try to save the taxpayers' money, you are mean-spirited. if you try to do something on behalf of the taxpayers, you are racist. If you try to do something on behalf of the taxpayers, it is a cheap political trick. That is the language that we hear consistently, that anything which is done that tries to deal with keeping the law in place, making the law function, saving the taxpayers' money, making certain that the taxpayers in fact get their money's worth for the money that is spent becomes mean-spirited, it becomes racist and it becomes cheap political tricks.

This amendment is germane. Otherwise, the Chair would have ruled it out. The chairman of the committee has had absolutely no hesitancy to strike out amendments on points of order along the way. This amendment is germane. It is entirely appropriate for it to come to the floor.

The whole issue here is whether or not this House is going to adopt an entirely legitimate, germane amendment that has the effect of protecting some taxpayer interest. That is not mean-spirited. That is not a cheap political trick, and that is not racist. It is the right thing to do.

I think the gentleman for yielding.

Mr. LINDER. I think the gentleman from Pennsylvania.

I would like to add one thing, Mr. Chairman. When this whole notion of mean-spirited came into this debate is saddened me. I had not intended to speak on this bill. I think Members who have problems in their districts have a right to do something about those problems and represent those constituencies no matter what those problems are. And I think questioning the motives of those who do is against the good comity of this House, and I wish it had not happened.

Mr. Chairman, I yield back the balance of my time.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me, if I might, simply begin this part of the debate on this overall issue by simply saying that this amendment will not work. I tell my good friend, the gentleman from California [Mr. BAKER], that one of the provisions in his amendment I think is very clear, and he discusses that section where he said he wants to prohibit the delivery of services to aliens who are not in lawful immigration status in the United States.

Who is it that will make that decision? I do not guess we are going to find out. I guess it is going to be somebody that they want to appoint. They have not said who that will be.

But I find that fairly interesting. You know, today in hospitals, in schools in my congressional district on the border in Texas, we are unable to find the wherewithal to provide due process hearings to children, to adults, to mothers about to give birth, to determine the legal resident status of a person that is in the United States. Hospitals and teachers really do not have time. We charge hospitals with providing care, physicians, and nurses and other health care providers with providing care to victims, to people who are sick. We charge our school teachers with teaching.

Indeed, the Supreme Court of the United States has ordered that we, all of us across America, not just in my district, but in yours too, educate the children of undocumented workers in America.

It is suggested by this amendment that our schoolteachers must now, however, call time out in the classroom and provide a due process hearing to determine the legal resident status of someone who is in that classroom. I hope not.

A lot of us along the United States-Mexico border, for example, as I suppose many of my colleagues from Boston, or elsewhere in the country understand, and New York and Chicago understand that what the issue here is, is that we know we cannot stop immigration, period.

Someone once said you show me a country with secure borders, and I will show you a totalitarian state. That is not what we want, nor what we seek.

I think that the President's statements yesterday were right on the mark. We do need to address the issue of immigration in the United States. We must not make those who immigrate legally suffer from those who immigrate here illegally. Yet I would say to my colleagues that this bill is not the proper vehicle on which to attempt this maneuver. Whether this is a maneuver intended to kill the bill, or whether it is a maneuver we are going to attempt on every bill, I suggest that this is not the appropriate place to do it.

To suggest that you can cause someone to make that decision and provide due process to determine a person's legal resident status I suggest is a joke. My colleague, my other colleague from Texas, [Mr. DELAY], said, "Give me a break," and he started citing statistics, as did our colleague from Indiana [Mr. BURTON]. I am interested in those statistics of those who suggest they know how many legal and how many illegal immigrants there are within the United States, within our borders. President Reagan, when he was President of the United States and sought passage in 1986 of the Immigration and Reform Act, could not tell us that number, and yet all of a sudden we seem to know the numbers. I suggest they are imagined. I suggest they are reading some hype from some of the organizations in this country who think they have the answer to illegal immigration. And I suspect that is called machinegun nests at every 50 meters along the United States-Mexico border or other borders. Ridiculous. Pointless.

What we need to be doing in the United States with this legislation is exactly what our colleague from Hawaii just suggested and what our colleague from California [Mr. MILLER] just suggested, and that is bringing America together for the reasons for which this bill was introduced, to have all of our young citizens in this country believe that democracy is not free, and that they do have an obligation to the United States in providing some service, if it is not military, and we are saying even that is all right, but that they could provide service in hospitals, in schools and in other places. But to somehow try to set up a roadblock and cause those in the United States to believe that they have now to provide and must provide due process hearings to determine a person's legal resident status is a farce. We should not do it to children. We should not do it to health care providers. We should not do it to schoolteachers. We should not require it of anybody in the United States unless they are set up to do that.

Do you know who does that? Another coequal branch of the Government. It is called the judicial branch. And they have much to say about due process hearings in this field and in this arena to the point, by the way, that we in Congress have even created a special category of judges in the United States. They are called immigration judges, and they are charged with that responsibility.

The discussions and the debate on the bill being presented by the President of the United States as of yesterday will be very interesting. How much of a due process hearing must we give before someone is sent back to their home country? That will be the issue, and that will be the time to debate this, not on a national service bill.

☐ 1610

Not on a national service bill.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Texas [Mr. COLEMAN] has expired.

Mr. CUNNINGHAM. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. COLEMAN] be allowed to proceed for 1 additional minute.

Mr. FORD of Michigan. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding to me.

Mr. Chairman, in order to answer the gentleman's question as to how do we tell if a person is illegal, evidently the border patrol does, because we ship back over a million illegals of every nationality every year.

Second, my wife is a principal. They are not allowed to ask and, in some cases, we cannot tell. That is why we need an identification card of some type. I would not mind carrying it, I am going to have to find another job some day. That would also protect the employers.

INS, border patrol have that right to check that. And we do have those mechanisms. But they are not strong enough. And that is what we are attempting to do here.

Mr. ARMEY. I thank the gentleman for his comments.

Mr. Chairman, I rise in support of the gentleman from California, Mr. BAKER's amendment. I have had an opportunity to watch part of this debate. I have been busy back in my office, but every now and then, noting certain of our more colorful Members of the body in the well, naturally you stop your conversation, turn up your TV and listen in. I have been a little bit disconcerted about the allegations that have been hurled, the insinuation that those of us who disagree with the thrust of this legislation have motives that are not exactly in keeping with the spirit of our body. I regret very much that flavor, that innuendo being introduced into the debate.

Mr. PASTOR. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield briefly to the gentleman.

Mr. PASTOR. I thank the gentleman for yielding.

Mr. Chairman, in this term colorful, is he talking about color of skin or about a technique of conversation?

Mr. ARMEY. Well, if the gentleman does not mind, I do not think I am going to respond to that asinine comment.

Mr. PASTOR. Well, Mr. Chairman, I think that is not the question——

Mr. ARMEY. I will reclaim my time. The gentleman is totally out of order both with respect to the protocols of the House and the aspersions that he seeks to cast on me, thereby confirming exactly the point I made before.

I happen to find this body is a body that has some very entertaining Members in it, very colorful, very entertaining. Having used that expression with absolutely no intention whatsoever to even give a hint of a suggestion that I was making reference to anybody's race, only a mean-spirited partisan could have even thought such a construct could have been made from my remarks, and I deeply regret the gentleman's lack of sense of the decorum of this body.

Now, to get back to my point: The American people are very, very much concerned about illegal immigration. As much as we respect, as much as we are proud of the role that legal immigrants have made in the development of this great Nation, we deplore the hardship on the Nation and on the illegal immigrants themselves of all of the enticements that we have in current law that encourage people to risk, yes, in fact, their very lives to illegally enter this country.

And as a matter of respect for the rights of the American people to keep the resources of this Nation to be used for those people themselves who are here legally and as a matter of concern for the safety and well-being of those who are now currently risking their lives crossing our borders under the most dangerous of circumstances, the gentleman from California has quite rightly brought forward an amendment that says as you create this new entitlement program, flying it as you will under a false flag, do not commit the error of putting forth in this program even additional taxpayer-funded services that will serve as enticements to people in hapless circumstances across the border, struggling to care for their families, to find this as an allure to bringing their family over here and putting themselves and their children at risk.

The compassion in this debate, the compassion in this debate that is combined in fact with some understanding of the world in which we live, is with the gentleman from California [Mr. BAKER].

Ladies and gentlemen, compassion that is combined with understanding is often cruel and works hardships on the lives of real people.

Let us dare, as we emote over these subjects, to think as well. Is that so much to ask, at our salary level, a little thought? It is not a fact outside the realm of the public's legitimate expectations.

Mr. INSLEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too agree that a little thought is appropriate here. And I come from a community that probably has as much illegal immigration and as much tension as a result of that as anyone in this Chamber. And I want to talk about a group that has not been discussed here today, and that is the legal citizens in my district that this amendment would deny services to if it passes.

That is, the people who want to have churches take advantage of this program. Do you think churches are going to take advantage of this program if this passes? No. I will tell you why.

Churches in my district have priests, and a priest takes confessions, and sometimes they hear where people were born in confession. And you as an act of the U.S. Congress would order that priest to call the INS after they take confession. No church in America is going to involve themselves in this program if this amendment passes.

Do you think hospitals are going to take advantage of this program and get volunteers in my hospitals and in my district if you pass this amendment? No.

Physicians, physicians take medical histories from patients. They learn where people are born. When they hear that, physicians are going to have to call the INS after they have set the broken leg. Do you think any hospital in this country is going to call on a volunteer in this program? No. Do you think any school in this country is going to take advantage of this program where they have one student who is legal and one who is not and have to call the INS when one brother is not? No.

No churches, no hospitals, no schools, are going to take advantage of this program if you pass this.

I say to the gentleman from California [Mr. CUNNINGHAM] his amendment will not solve this problem. His amendment says they can administer to the person, they can come to church, and they can take confession, but as soon as confession is over, the priest has got to pick up his phone and call the INS. The gentleman wants to turn this National Service Act into a national nonservice act for anybody, legal or illegal.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from California.

Mr. CUNNINGHAM. I thank the gentleman for yielding to me.

First of all, the hospitals are required under law to report illegals. Second, this amendment takes care of it, if a person does want to come to church, does want to confess, and does whatever, it takes care of that in fact. If the gentleman would read the amendment, there is no intention to do that.

When he talks about the services of his constituency, he needs to realize that what we are trying to do—this is an education bill—we are trying to take care of education. If one of your national service students or volunteers is involved with an organization and is hiring some illegals and say they are busted, then they are going to fall into that problem as well. This takes care of, also, the student.

Mr. INSLEE. Reclaiming my time, I respect the intention of the gentleman that they are prudent in this case. However, the language of his amendment does not solve the problem. The priest will be required under this amendment to pick up the phone and call the INS. If that is the gentleman's intent, it is not achieved in this amendment.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Texas.

Mr. COLEMAN. I thank the gentleman for yielding.

Mr. Chairman, the only thing I say to my colleague from California [Mr. CUNNINGHAM] about his statement about hospitals, Federal courts have even ordered the general hospitals in my district to not seek to make a determination about legal residence status or illegal residence status, simply because they were not able to provide due process hearings.

So, a lot of hospitals have in fact been prohibited from asking that question historically. So, I think it is appropriate to understand that that is a part of the problem with the overall amendment.

I understand what the gentleman from California is attempting to do. His district and mine share some of the same common problems. But I would only suggest this is not an easy solution and one with which I think we are going to need to deal probably through the Committee on the Judiciary, at least on a bill on immigration that I hope we will see soon, to deal with the problems outlined very well this afternoon.

□ 1620

Mr. INSLEE. If I may reclaim my time for a moment, Mr. Chairman, the point I would like to make is that there is great tension as a result of illegal immigration in my district and in many districts across this country; but the result of this amendment will gut this act, and no one, your illegal folks or your legal folks, the legal folks you represent will simply not receive services.

Mr. HUNTER. Mr. Chairman, will the gentlemen yield?

Mr. INSLEE. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to make a point with respect to the statement by my friend, the gentleman from Texas [Mr. COLEMAN] that this would require phone calls and checking by churches and other institutions. As I am informed and in looking at the amendment, there is no requirement for making phone calls, checking up on people, investigating, et cetera. There is only a requirement of having a policy in place. So I do not think the phone calls can be or should be anticipated.

Mr. INSLEE. Well, in the real world, let us talk about the real world.

The CHAIRMAN. The time of the gentleman from Washington [Mr. INSLEE] has expired.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that we should step back for a minute and carefully look at the direction this debate has taken. I think it has not taken a good direction, because at least listening to the rhetoric on the floor a number of people are now feeling that somehow this amendment by the gentleman from California [Mr. BAKER] and the amendment of the gentleman from California [Mr. CUNNINGHAM] are in some way slighting constituencies in people's districts. I think that is exactly the wrong position for this House to take as we address the immigration issue.

One thing that I have learned in representing most of the California-Mexican border is that all Americans have an interest in a number of things.

No. 1, they have an interest in preserving our laws with respect to citizenship. They have an interest with respect to having a border that has integrity, this is, a border that can be managed and controlled by the host nation, by the United States, and that applies going in both directions, in my case north and south, and they have an interest also in seeing to it that American taxpayer dollars go to persons who may have been defined in legislation before this body and before the various bodies of the States and not go to people who are illegally in the United States, and that includes, and let me just tell you, if you look at all the surveys that have been taken across the Southwest, that includes all groups, American citizens coming from every corner of the earth, having the backgrounds that reflect the entire surface of the earth agree on those principles.

What we have seen is a situation in which illegal immigration is overwhelming our ability for the taxpayers to fund our social service systems.

In California alone, we are spending $3 billion taking care of illegal aliens. That may be good for them, it may be beneficial for them, but the fiscal facts are that our taxpayers do not want that. They want to obey our rules and regulations. We are taught to obey the rule of law and respect the rule of law and they want to lay out rules and regulations for people who come to this country legally and accede openly to the benefits that we define for them, not to take cuts in line and get in ahead of somebody else, maybe an American citizen, maybe somebody who is a legal immigrant into this country and take part of that benefit. That is directly what the Baker amendment and the Cunningham amendment address.

I would simply ask my colleagues not to take what I think is a wrong avenue here and divide this debate up into people who support minority constituencies in their districts and people whom they accuse of not supporting minority constituencies in other parts of the United States. That is not the position to take in this case.

We should be very careful about the limited distribution of American benefits on a fiscal basis. All Americans are interested in that.

I think that the amendment of the gentleman from California [Mr. BAKER] goes to the heart of that notion that Americans want to be able to control the distribution of their taxpayer dollars, and in these cases they are very concerned about the fact, and it is a fact, that a large number of taxpayer dollars today are going to illegal aliens. Whether we like it or not, whether we want to ignore it or not, our fiscal circumstances put us in a situation where we can no longer ignore it.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, I know the area the gentleman from California [Mr. HUNTER] is from, a great number of Hispanics, most of them are not only legal residents, but most of them are legal citizens. A lot of them have the same apprehensions about illegal immigration and deplore illegal immigration for a lot of reasons, for their own security and jobs, and we would concede that.

But can the gentleman explain to me how on God's good Earth do we take a national service bill that intends to provide an opportunity for young people to commit to community service to provide—understand very clearly—to provide for unmet needs in the community all of a sudden becomes an immigration bill, or all of a sudden becomes a bill that provides nothing but services to illegal immigrants.

If somehow some illegal immigrants are served by the work that these people are doing in the communities to meet the unmet community needs, it would be rather minor and small for us to have raised the issue in debate that has taken place here.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, let me answer my friend, and I want to commend my friend for being one of the cosponsors of the amendment we passed several weeks ago to add more border patrolmen to the border.

First, to my friend, there are many areas of life filling out insurance forms, applying for organizations, et cetera, where we regularly and administratively put down the fact that we are citizens. That is because it is required, the polities of those particular areas where we are singing up for something or getting into something require that. I do not think that is a heavy burden on American citizens.

Second, this does not say you cannot make a mistake and somebody cannot slip by. It just has to say that you have a policy that says that the taxpayers are paying for this program. You have to limit it to people who are in the United States legally. I do not see the burden, since in everyday life we commonly check that box that says "American citizen" or "legal resident or alien." I do not see why that would put an undue burden on this, beyond the rhetoric that has taken place in the Chamber. That is the answer to my friend.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, the gentleman repeated several times that he reads the amendment to be a limitation on the expenditure of Federal dollars. A quick look at the amendment, I say to the gentleman from California [Mr. HUNTER], will show the gentleman that it is a limitation on activities, without respect to how they are paid for.

So in other words, if a church had a hospital which had health aids in it under this program and it also had a soup kitchen which it pays for by contributions from its parishioners, all the programs are poisoned by the failure of the church to adopt a written policy that they will turn in anybody who shows up in any function, not just the Federal Government funded contribution, but any function of that entity to the INS. That is one of the objections that the churches have, and that is why the United Catholic Charities are so terribly upset with the amendment.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I would just like to ask a question. It seems to me we have gotten away from the regular bill we are supposed to be considering, but there was a gentleman from my part of the country, from South Georgia who made a statement——

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. HEFNER, and by unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HEFNER. Mr. Chairman, if the gentleman will continue to yield, the gentleman from Georgia made a statement, I may be misled on this bill, but what is the salary for these volunteers, for these workers? Is it $25,000 a year? Do they receive $25,000 a year?

Mr. FORD of Michigan. Mr. Chairman, if the gentleman will yield, no, the $25,000 came from the same place as 25,000 new Federal employees. Neither of them actually exist.

The bill provides that the maximum salary to be paid out of Federal dollars is 85 percent of the minimum wage. It is $7,000.

Mr. HEFNER. I would think the gentleman from Georgia would want to correct his statement in the RECORD and not let the American people understand that they will be drawing $25,000 a year for these services?

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I appreciate the valuable services the gentleman has performed by calling the attention of the American people who may be watching this to the fact that a good deal of what they have been hearing here this afternoon is cut from old cloth. It does not resemble what is in the bill, it does not resemble reality, and this is one of the examples.

□ 1630

Mr. MFUME. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just preface my remarks by saying how inappropriate I think this amendment is to this bill that deals with national service.

Having said that, Mr. Chairman, let me also say to the Members of this body how deeply I pain and anguish that we are here in 1993 discussing the merits of immigration as it relates to national service, a program designed to help people to help themselves and, ultimately to help our Nation.

Mr. Chairman, someone said it ought to be in order to have a little bit of thought on this floor today. Let me take that a step further and argue that it ought to be in order to have a little history on this floor today, as well, and in a nation that was formed by immigrants it is almost hypocritical to stand here 200-plus years after that founding and to argue this notion of illegal immigrants. It is almost like a misnomer, and I, for one, do not buy it.

As my colleagues know, it is interesting in our history, and that is what we need to look back on, that we never asked anything of the Puerto Ricans when we wanted to impose citizenship there. We just imposed it because we needed people to go off in 1917 to fight and die.

My colleagues know what the deal is with the Haitians. We turn them back at sea now because we do not even want them here.

And how illegal we must look to native Americans who watched us burn, and maim, and kill in the name of democracy.

So, my colleagues, let us not be hypocrites. Thank God this amendment was not offered 200 years ago, in 1793. Half of us would not be here.

Now let me say one other thing, if I might, about this notion and this concept because, Mr. Chairman, I do not buy it. Sure, we have problems in our country dealing with our borders. But let us not couch that in our own hypocrisy.

What happened to the time when immigration was something that we cared about and that was a proud symbol of America, when we stuck a copper figure out in the New York Harbor that stands there today with a great torch in her right hand, and in her left hand she clings the Declaration of Independence close to her breast. On her head is a crown of spikes, and on her feet are broken shackles that symbolize freedom from tyranny, and, as my plane flew over her the other day, I could still hear her cry out through those silent and copper lips, "Send your tired, your poor, your huddled masses yearning to breathe free. The wretched refuse of your teeming shore," she said, "Send these, the hopeless, tempest-tost to me, for I lift my lamp beside the golden door."

But that was long ago, and we have evolved as a species and as a Nation, so immigration is not something that is beautiful anymore. We make it legal and illegal. We make it to fit our own petty desires.

The Founding Fathers of this Nation, Mr. Chairman, when they hastened to write the Declaration of Independence, and the Preamble to the Constitution, and all the other pronouncements that they issued to justify their revolution against tyranny, warned us in the clearest possible way not to run short on our compassion lest we become the victims of our own intolerance, and that is where we are today.

I say to my colleagues, "Don't couch this in the hypocrisy of wanting to save money for this Nation. We didn't hear these arguments when we were appropriating hundreds of billions of dollars to banks and S&Ls. Nobody made those arguments then. Don't talk about caring about the people of this Nation when no one comes to this well and argues day in and day out about people sleeping in the streets of this Nation. Now we care about them. All of a sudden we care about the taxpayer, the people who pay taxes, and yet 100,000 children of those taxpayers every night in this country go to bed hungry."

Give me a break. We must learn the lesson of history, and we must learn also that we are the creators and the creatures of a kind of hypocrisy that, as the gentlewoman from Hawaii [Mrs. MINK] says, brings tears to her eyes.

Give me a break, my colleagues. Are we the creatures of something strange and unusual? National service has nothing to do with immigration. Are we going to make the priests go in and ask the person that is giving confession, "Are you illegal?" Are we going to tell the Red Cross that they cannot help somebody because they do not have a card?

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very pleased to be here to support the amendment offered by the gentleman from California [Mr. BAKER]. It is long overdue, and, despite the impassioned pleas we have heard, I really do not think they are very relevant to this amendment at hand.

Mr. Chairman, this is a nation of laws, and we do allow immigration. Our laws provide a system for people to come into this country and to be treated decently, to be dealt with properly, but we are overburdened, particularly in some of the border States, with illegal immigrants, and that is stealing the future away from our citizens who depend upon having a healthy economy, and opportunities to get a job, opportunities to move ahead, and we are now being asked by their governments, both State and Federal, to make repeated sacrifices for their government in the form of higher taxes to pay for all of these illegals.

We have, I have read, some 28,000 illegal immigrants in the California State prison system as just one illustration, Mr. Chairman, of the tremendous costs that our people are bearing. Now we are going to embark on a new national service program which is an added burden to the taxpayers.

Perhaps the burden in some people's minds is justified, Mr. Chairman, but, if we are going to have such a program, however, and be doling out money for these purposes, we ought to get serious about illegal immigration and do something about it at the grassroots, and it is perfectly appropriate, in order to advance the welfare of our people, that we have an amendment like this so that we can identify the illegals and ship them back to their own country. It is not helping them, and it is not helping us, that they are here illegally.

I commend the gentleman from California [Mr. BAKER] for actually taking to the well, taking the heat, to offer a controversial amendment like this to do something that I do not think should be controversial, which is to see the tax dollars are going to people who are citizens of this great country, that new programs that are being started by the Federal Government are helping us in our goal of enforcing the law which already is against illegal immigration. This just puts some teeth into the law, and, my word, certainly the statistics are so overwhelming and personal observations so overwhelming in our communities that we need to do something about this.

Mr. Chairman, I represent an area of northern California which is not so greatly affected directly by illegal immigration, but I can tell my colleagues that this topic is very much in the minds of my constituents, and I am very happy to join in support of Mr. BAKER's amendment.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this has been a long and emotional debate, and, very frankly, I do not look forward to participating in this particular debate, but unfortunately I think there are some things that need to be brought into this consideration that to date, with the possible exception of the statements from our chairman, the gentleman from Michigan [Mr. FORD], perhaps have not been articulated.

Mr. Chairman, this amendment is very similar to the original Hefley amendment. I do not question anybody's motives here on the floor this afternoon. I think we have sincere, well-meaning people on both sides. I think we all, very frankly, want to deal with the issue of illegal immigrants in this country, or illegal aliens, and I think all, very frankly, want to deal with the problem of racism and unintended consequences.

I derive from both sides of this issue that we have good motives. I would point out, however, that I do not think the amendment is drafted to accomplish the intended goal, and I will be honest about that. The problem is that I think the intent of the amendment is to make sure that our national service programs primarily benefit citizens of the United States, both in terms of the participants and in terms of those who receive the benefits of the service.

□ 1640

I would suggest that that kind of language ought to be put into the evaluation criteria of the applicants for national service. I say that because if you look at the language here, it creates some unintended consequences in my opinion.

First of all, it says literally to receive assistance, the organization has to have a written policy that prohibits the delivery of services to aliens who are not in lawful immigration status in the United States. Well, let us understand the four primary areas that we have. We have environment, education, health care, and law enforcement.

Can you imagine a law enforcement agency in the United States having a written policy saying we will not serve illegal aliens? So the first thing they do when they get called to the scene of a murder is to find out if there are any illegal aliens at the scene. Because if there are, they have a written policy that prohibits them from providing any kind of protection or service in that regard. I do not think that is what we want in any way.

Mr. BAKER of California. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I will be happy to yield.

Mr. BAKER of California. Mr. Chairman, the gentleman has to continue reading. The exemptions are very clear. When there is a delivery of an emergency service, and I would assume a murder would be an emergency service, to aliens who are not in lawful immigration, all they have to do is report it.

Mr. GUNDERSON. Mr. Chairman, reclaiming my time, I will be happy to read that section.

Mr. BAKER of California. Page 2, line 10.

Mr. GUNDERSON. Let us go on to that. That is exactly where I was going to go. I believe the gentleman is well-intentioned. But you say we shall not prohibit the delivery of emergency services to aliens who are not in lawful immigration status in the United States or educational services required by law to be provided to such aliens. Then you get under the condition that if the emergency or educational services are provided by a program or organization that has a written policy of reporting the presence of such aliens to the Immigration and Naturalization Service.

Mr. Chairman, I am reclaiming my time to answer the gentleman because I think this gets at the whole basic problem. Everyone has been saying here on the floor this afternoon that hospitals already have to report any emergency care they provide to illegal aliens. We checked with the American Hospital Association, and that is simply not true. There is no requirement in Federal law today to require anyone who provides emergency health care to immediately become a reporting service to the INS. And I do not think we want that. We do not want that in terms of law enforcement, we do not want that in terms of education, and we do not want that in terms of health care.

If the goal of the gentleman is to make sure that primarily the benefits of national service go to American citizens, I am with him. But do not ask national service to become the enforcement agency of the INS. Because the minute we do, the gentleman and I both know that we will have our Republican colleagues on the floor of the House in 2 years when we consider reauthorization of this program saying there are too many rules and regulations and paperwork. We cannot get anything done.

Mr. BAKER of California. Mr. Chairman, if the gentleman will yield further, what I am trying to do in this amendment, and it very clearly states it, is to equate emergency services and all Government services with what we require private employers in the United States of America to do. If you are a plumber and you attempt to hire an illegal alien, you have to report him. In fact, if you do not fill out the report forms correctly, you will be fined $5,000. Does the gentleman want Government to be exempted from its own laws?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for 2 additional minutes.)

Mr. GUNDERSON. Mr. Chairman, I voted for the immigration bill. I do not take a second seat to anybody on that. But that is hiring illegal aliens to do permanent work. That is not what we are talking about here. We are talking about here providing emergency health care.

Nobody is running around intending to violate Federal law to provide emergency health care to someone you are most likely not going to be paid by. That is a totally different situation. So I do not think that is what we are talking about here at all.

Nobody is asking our schools to become enforcement tools of INS. Certainly no one is asking in the area of law enforcement, that before they do emergency work, they have to check someone out and say, "We will call the ambulance to take you to the hospital," at the scene of a car accident, "but the minute we do, we are going to call INS and report you."

Mr. Chairman, that is not what we want. I do not believe that. I believe the motives are sincere. I am trying to simply point out the language of the amendment does not accomplish what I believe the motives and intents are.

Mr. FALEOMAVAEGA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate very much the comments that have been presented thus far in this deliberation this afternoon. There are perhaps two words that I have learned tremendously after listening to the spoken word, so to speak, and the idea that there needs to be a little more thought, perhaps even a little more history, as it was enunciated both from the gentleman from Texas and the gentleman from Maryland.

Mr. Chairman, it saddens me that our deliberations have become somewhat mean spirited. I am sure that absolutely there is not one Member here in this body that suggests that there is some particular ulterior motive that suggests that there is a form of racism that is going on here in this august body.

Mr. Chairman, I suggest that my good friend from California [Mr. Cunningham], a very dear friend, that there is not one ounce of bad blood in him. He is a hero, he is Mr. All American, and I respect him greatly. And for offering this amendment, I have to respectfully disagree with the gentleman.

I want to share with my colleagues a little experience that I had in Vietnam. I was accompanied by a friend of mine who is an American, born and raised in America, but he happens to be Japanese. He had all the uniform as an American soldier. But, Mr. Soldier, do you know that he could not get inside that bus that said "United States." He had to pull out of his pocket his identification card to prove without doubt to that bus driver that he was an American.

You talk about mean spirited, and the idea that all of us here being great Americans, that we are trying to project the most positive aspect of what our country stands for. This American was very saddened by that experience. He could not get inside any bus that was driven by Americans simply because he did not look American, I suppose. But he had to produce an ID every time he had to get on the bus because he was Japanese and he looked like a Vietnamese. Everybody thought he was a Viet Cong.

It is a sad experience. And we talk about race, we talk about history. I think, Mr. Chairman, we all know what history has been to us.

Now, I have even heard earlier some deliberations by some of our Members here that we ought to send some of our people back to where they came from. Well, for that matter, let us all go back to where we came from. Let us give this land back to the native Americans.

I want to say that I do respect my good friend's amendment, and I know that he honestly believes in what he is suggesting and what he is trying to do here. But I think this is an issue that could probably be most taken in a more comprehensive way in the proper committee, I suggest perhaps the Committee on the Judiciary, that could really take up this issue for further deliberations, for further examination of the issue we are talking about.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. FALEOMAVAEGA. I am glad to yield to my friend from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for the compliments. This is not my amendment. My amendment attempted to separate it and exempt the churches in the thing. But the only thing I objected to was some of the language, meant or not meant, which was toned to mean that there was meanness in this or racial intent. There is not.

Mrs. BENTLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the last 2 hours the Committee has been engaged in a very heated discussion—and I use that word advisedly—on the Baker amendment, which simply requires that agencies that receive funding have a written policy against servicing illegal aliens.

And those people that support this amendment have been branded racists.

I resent this. But it comes as no surprise. I was the Member who, in appropriations, introduced a similar amendment for myself and Congressman PACKARD to block illegals from receiving tax dollars.

I, too, was branded a racist. And for no other reason than that I introduced an amendment which said American tax dollars should be used for the benefit of Americans.

I resent this. I, too, am the daughter of immigrants—legal immigrants. My parents spent 35 days in crowded steerage of a ship crossing the Atlantic Ocean to reach the country to which they had chosen to immigrate. I am proud to be their daughter. I heard the gentlewoman from Hawaii, and I was moved by her comments—but I too have suffered because of my Serbian ancestry. To this day, I am attacked because of my heritage. And those attacks have wounded me as much as any slight the gentlewoman from Hawaii or my very respected colleague from Maryland has ever received. I am a proud and loyal American. No one should be attacked because of the history of their family—but that, and claims of racism, should not be any part of this debate.

This is a debate over dollars.

The United States is a great country with great people—people who have great hearts. However, we do not have the money to support everybody who crosses our borders to take advantage of that big heart of this country.

My constituents say we must conserve taxpayer dollars. A way to start is with this amendment. But, further, and more importantly, we must stop calling Members racists just because they believe in fiscal responsibility.

□ 1650

Mr. PASTOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we all are sons, daughters, grandsons, granddaughters, great granddaughters of immigrants. And we all have come to this Congress having different experiences, different cultures, different foods, et cetera.

Mr. Chairman, my colleague from Wisconsin, I think, was right. My colleague the gentleman from California [Mr. DREIER] was also right. He tells me in a letter, he says there are long-term solutions to this problem. He spoke about trade policies with different countries, and he talked for a need to relook at our immigration opportunities through a different manner.

As to what happened on this floor today, amendments such as this divide us. It causes us to have ill feelings among ourselves, and we are all Americans.

What is happening, Mr. Chairman, I think, is when an amendment such as this, which causes us to divide ourselves, that maybe we ought to look at politics of reason and work together on both sides to find the solution to save taxpayers money through another manner, through a new law of immigration and naturalization, a new program.

The only concern that I have is that amendments such as this will tend to divide our country, as they have divided our House.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if this amendment has done nothing else, it has helped to persuade me that we ought to have more closed rules on the floor of the House to prevent mischievous and irrelevant amendments, irrelevant to the bill at hand, from wasting our time on the floor.

The bill we have before us, Mr. Chairman, is a bill to say that we should have a National Service Corps that will provide volunteers to nonprofit organizations that do worthy work in their communities. This amendment says that these organizations would have to certify that they are not serving illegal aliens, that they have a policy of not serving illegal aliens.

That is not going to save money, any taxpayers money, because the volunteers are still going to be there, they are going to be somewhere. It is going to say that the voluntary organizations, the churches, the neighborhood associations, they are going to have to have this policy. Presumably, it is not going to be just on paper. They are going to have to enforce the policy.

President Bush spoke of a thousand points of light as the glory of this country, that we have all these voluntary organizations. Now we are going to crush those points of light. We are going to turn the National Service Act into a national inquisition act, to say that each of those organizations must run a little inquisition, that if the church or the school or the neighborhood association builds a playground, they better police that playground and make sure that no children of illegal immigrants play on the monkey bars.

They are going to say that if there is a school and the National Service Corps provides a tutor, they better make sure that none of the kids that that volunteer may be tutoring is the child of an illegal alien.

This is absurd. It is absurd, because it imposes unnecessary burdens on the private organizations, merely to meet the need of some politicians to show that they are tough on illegal aliens.

It is absurd, because this amendment would make it virtually impossible for national service volunteers to serve as tutors in public schools, because we have a Supreme Court decision in Plyler versus Doe that says that it is constitutionally prohibited to deny public school services to children based on their or their parents immigration status.

It is hard to believe, when all is said and done, that this House would want to retreat, even if it legally could, from a rule of law that prohibits penalizing small children for the decisions of their parents as to whether to come to this country or where they want to live.

Let us enforce our immigration laws vigorously. We have to patrol our borders. We have to control them. We have the right to do that. I agree we cannot afford, unfortunately to allow to emigrate into this country every person in the world who would want to do that.

It is unfortunate, but it is probably true. Let us enforce our laws intelligently and not hysterically.

If we want to debate methods of enforcing our laws, let them be on the immigration bills that go before the Committee on the Judiciary and debate it intelligently.

The President proposed a bill yesterday, in some respects it makes sense, in some respects it is far too harsh, in my opinion, but that is the bill which we should be looking at to modify and to amend to deal with the immigration problem.

Let us not take every bill to deal with every problem in this country and waste time and taxpayers money debating how that bill might have a tenuous connection, because it might provide medical services or schooling services or some service to someone who is a child of illegal immigrants.

Let us increase the Border Patrol. We just voted funding for that last week, I think. But let us not start down the road of attempting to turn each and every service provider who receives Federal funding into an enforcement arm of the INS.

Let us not demand that everyone who received any service from any private organization that gets any Federal funding in any way or that uses the services of a volunteer from the National Service Corps, that every beneficiary has to prove immigration status.

We do not want an inquisitional society. It is not necessary. It is not good public policy. It is totalitarian.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, how did the gentleman vote on putting the totally extraneous Waters amendment into the supplemental appropriation emergency supplemental yesterday?

Mr. NADLER. Mr. Chairman, I am not going to discuss extraneous matters on this bill. We have wasted too much time and too much of the taxpayers money already.

I am rapidly being persuaded that we should have closed rules more often on this floor.

Mr. COLLINS of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment offered by the gentleman from California and the amendment that is offered by the other gentleman from California. It is a commonsense amendment that ensures that any money spent in the National Service Program goes to benefit those for whom the program is intended.

As stated, the bill prevents those who are not illegal aliens from receiving such benefits. This amendment simply says that it also will prevent organizations who might circumvent or ignore the law from also benefiting from those benefits.

America has always extended open arms to immigrants from around the world

□ 1700

We will continue to be a beacon of democracy that receives immigrants from around the world, but we must, at the same time, be certain that our policies do not encourage illegal immigration.

The comments that were made earlier about the Statue of Liberty and how many immigrants come into this country, when they came into the harbor, in her shadows is also Ellis Island, where they went and asked permission to enter this country, and sought and were given permission so they could seek and share the American dream.

There are few problems more pressing to our Nation than the rising costs of illegal immigration. I hope those Members who are opposed to spending Federal dollars on illegal aliens will support this amendment. And I point out that while this amendment eliminates moneys for most services to illegal aliens, it does make an exception for the provision of emergency medical services.

Mr. Chairman, we do not know how many illegal aliens are residing in this country today, but it is estimated it is close to 5 million. It is difficult to identify the actual costs of the activities which are being provided for these illegal aliens. Even President Clinton has begun focusing on the problem associated with illegal immigration.

I believe my colleague's amendment is a step in the right direction on immigration policies. We have to address the Federal policies that are serving as an incentive for illegal aliens to enter this country. Congress must revisit our immigration policies in a comprehensive fashion.

The people of the Third District of Georgia believe that it is time that the Federal Government stop subsidizing illegal immigration. The amendment of the gentleman from California [Mr. BAKER] is a needed improvement in the National Service Trust Act.

Mr. HASTINGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in vigorous opposition to the Baker amendment as offered, and in support of the National Service Trust Act. Please have it clearly understood that the Members on this side of the aisle are not in favor of illegal immigration or in support of same. To suggest that that has something to do, as the gentleman from Pennsylvania did, with the amendment that we voted on yesterday is a total non sequitur.

I do not come to the well of this Congress to speak often, and I have been here but 7 months. This is the first time I have spoken on the floor. I call on all of the Members of this body to lessen the acrimony and to be about the business of the people of the United States of America, who have always been supportive of those who are less fortunate than we.

It seems to me in America today that because of our own economic deprivation caused by years and years and years of inattention to the inseparable triumvirate of inadequate jobs, inadequate housing, and inadequate educational opportunity of our own citizens, that folk look for scapegoats. When we look for scapegoats, we can best describe that as xenophobia.

I decided to coin a new phrase today, as this immigration measure is attached to national service wrongfully. It is not immigration and illegal immigration, it is demagration, akin to demagoguery, that is being offered by those that would attach such an amendment. Please note, perspective needs to be added. The precedent that is being sought by this amendment would allow for inherent danger such that each measure offered by this body could have such an amendment attached, and we would spend taxpayer money here deciding whether or not we are going to proceed on allowing for any measure in this country for illegal immigrants, or to be able to undertake or to receive benefits therefrom.

Where were these people when illegal immigrants were picking lettuce and tomatoes and people were crying out that they were under labor conditions that were wrong? Where were all of these people in the sweatshops of places in this country where illegal immigrants have come and legal immigrants have come, and they are not there to attend to the labor laws?

Illegal aliens enter the shores of Florida in my district and in the districts of my colleagues every day. When they come into this country, they cause an occurrence that we describe in south Florida as megashocks. Where were these people when those illegal immigrants were coming day after day and impacting upon the social services? Where is the money that they voted that Florida would receive its fair share of the proceeds of this Nation for having to absorb any number of immigrants?

Recently with our chairman, the gentleman from Florida [Mr. JOHNSTON], and the gentleman from New Jersey [Mr. PAYNE], as a codelegate, I visited for the first time the Continent of Africa. We went to the Horn of Africa, and it was there in Uganda and Kenya and Somalia and the Sudan and Ethiopia and Eritrea and Djibouti that I came to understand that even in their deprived conditions, Ugandans have refugees in their country. Even with the advent of disease and all of the problems that Sudan has, in the southern Sudan, Somalians are there as refugees.

In Kenya, that has a devastated economy, Somalians and Sudanese are there. In Ethiopia and Eritrea, Somalians and Sudanese, Kenyans and Ugandans, are there as refugees. Those poor countries are willing to try and help poor people.

It is divisive for us to have this kind of law. As a new member of the Committee on Foreign Affairs, I fight for money for Russia. As a new member of the Committee on Foreign Affairs, I fight for money for Bosnia. How dare we sit here in this House and stand here and debate and not take into consideration that people are dying right in front of our eyes, and we are worried about whether or not one or two people creep across our borders and add to and detract from, sometimes, the American economy.

I fight for Africans. I fight for Burmese and Cambodians. I fight for South Americans and Haitians. I fight for Cubans and Indians and Israelis and Egyptians, not because it is the white thing, but because it is the right thing.

Mr. HERGER. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment, and in frustration at the tone of this debate.

All this amendment does is require any participating organization to obey U.S. immigration laws. Is that so unreasonable? If it is, then our immigration laws have been made meaningless.

This amendment is legitimate because of the very real cost illegal immigration is imposing on our society. In my own home State of California alone, we are required by Federal law to spend more than $1.5 billion a year, and this is only what we can document, on services to illegal aliens.

It would be nice if we could afford to provide services to everyone who wants them. The bottom line, however, is that we simply can not afford to do that.

California faces an unprecedented fiscal crisis in part because we have become a magnet for illegal immigration. Moreover, this is a crisis of our own making, because we are providing incentives for aliens to come here. We, are providing them free health care, an education for their children in their own language, and a host of other benefits. This amendment tries to eliminate some of these incentives that are attracting these illegal aliens to the United States. It says simple that when we spend our own citizens' tax dollars, we will limit the pool of eligible recipients to people who are not violating U.S. immigration laws. What is wrong with that?

If we fail to adopt this amendment, it sends a signal that we in Congress are not serious about controlling illegal immigration. That would be a mistake, it would be wrong, and it would be an expense that our taxpayers can no longer afford.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had hoped that this debate would end earlier, but as it proceeded, I wanted my colleagues to know that as a representative of the city of San Diego in California, that my friends on the other side of the aisle do not represent the total perspective of that region.

I represent the Mexican-California border. No area is more affected by illegal immigration than my district and my constitutents.

□ 1710

No one. And we are working to help solve that problem. We are working with the administration, we are working together as colleagues on both sides of the aisle to deal with this.

But what the proponents of this amendment have done, and I hope to ask my good friend and colleague from San Diego, Mr. CUNNINGHAM, if he might answer some questions about that amendment, the proponents of this amendment have taken a unifying concept, a unifying concept of national service, a wonderful program which expresses mutual responsibility and concern for one's community and turned it into a divisive and ugly police and enforcement tool. And I resent that as someone who is a cosponsor of this bill.

I would ask my colleague, the gentleman from San Diego, as I understand the amendment, every school district, every local government entity, every health organization, and on and on, where we would want to place national service volunteers, or where people would want to work to help their community, the amendment requires that agency or that entity to determine, find out, report the status of the people they serve? Is that what the amendment does?

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I am pleased to yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, my colleague is a little bit uninformed. First of all, this is not my amendment.

Mr. FILNER. The gentleman is supporting the amendment.

Mr. CUNNINGHAM. I had a perfecting amendment that was trying to address one of Chairman FORD'S questions. But I will answer the gentleman's question.

The national service plan is an education bill, in which recipients getting the funds are going to try to pay off their college educations. If they associate with—my mom used to use the term, if you get close to a rusty fence you are going to get rust on you—and if one of the students is involved with an INS bust, say, or an organization in it, they are going to be wrapped up in that.

Mr. FILNER. Mr. Chairman, the gentleman and I know each other well, and we have worked in San Diego together. As I understand the amendment the gentleman is perfecting, and maybe Mr. BAKER could answer it, the school where your wife is principal has to have a policy in place and a mechanism in place to ask, determine, and report the status of the students that she serves. Is that what the amendment says?

Mr. CUNNINGHAM. No, that is incorrect. They have to have a policy. There is no ID requirement in there, just a policy not to do it.

Mr. FILNER. A policy that does not require them to ask and enforce?

Mr. CUNNINGHAM. In education you do not do that right now. But if they know.

Mr. FILNER. That is the point I am trying to make.

Mr. CUNNINGHAM. If the person knows that, they must report it.

Mr. FILNER. Who is going to pay for this new bureaucracy that has to be set up? If I am not mistaken, proponents of this amendment generally do not like Federal mandates which impose on local entities all of these rules and restrictions.

Mr. CUNNINGHAM. If the gentleman will yield, there is no bureaucracy. It is the same as is in place, and again, this is not my amendment.

Mr. FILNER. I want to conclude, and then I hope my colleague from California will have a chance. The amendment would create a police agency of every local entity, every local group that is trying to help the community, and this National Service Act would be turned into an ugly police tool, and we should have no part in this as a Congress.

Mr. FORD of Michigan. Mr. Chairman, I want to try again to get a limit on time. How about 5 minutes on each side?

The CHAIRMAN. On the Baker amendment and all amendments thereto?

Mr. FORD of Michigan. We are going to have to rise at 6 o'clock, and I would ask unanimous consent that all time on this amendment and all amendments thereto be concluded in 10 minutes, equally divided between proponents and opponents of the amendment to be controlled by myself and the gentleman from Pennsylvania [Mr. GOODLING].

The CHAIRMAN. On the Baker amendment and all amendments thereto?

Mr. FORD of Michigan. On the Baker amendment and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I rise in opposition to the gentleman's amendment. I think we should oppose it both because of what it does, which would be to make these various agencies of Government into extensions of the Immigration and Naturalization Service, which ought not to be the case, but I would like to look at it from a slightly different perspective and a more long-range reality. We, as a Congress, will have to come together, both sides of the aisle, all sides of the spectrum, to do something about illegal immigration, to do something about the gamesmanship which is being played with the asylum system.

Just as recently as yesterday, the administration announced a bill which will be looked at on the Hill, along with other bills which will be fashioned in this Chamber to try to do something to correct this, so that we still have an asylum system for people who are, in fact, fleeing persecution, but prevent people from perverting and misusing the law.

So I would hope, Mr. Chairman, that we could move beyond this amendment, vote it down, and then in some later week all of us together take up some proper and long-needed reforms of the immigration and asylum law.

The CHAIRMAN. The gentleman from Kentucky [Mr. MAZZOLI] yields back 1 minute.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, earlier I heard in the debate the very moving words of the gentlewoman from Hawaii. And very frankly, Mr. Chairman, I was very impressed by what she had to say. And specifically, I was disturbed, and was particularly impressed with the arguments she made with respect to the ridiculous situation where charitable organizations such as the Red Cross, or the Salvation Army, or other disaster relief organizations might be in a position where they would be forced to check somebody's legal status as an alien or a citizen. And the situation she specifically brought up had to do with standing in line 4 hours waiting for water after an emergency from disaster relief. I think the point is absolutely well taken, and what I would urge the gentlewoman to do would be to offer some sort of perfecting amendment that would carve out an exemption in that situation where in the case of specific disaster relief there would be no requirement to certify that somebody was not a legal alien, because I think clearly nobody wants that kind of onerous burden on the agencies that provide that kind of relief.

At the same time, it is absolutely crystal clear that the people of our country expect us to set some standards with respect to the problem of illegal aliens, and that is what this bill is all about. That is what we are trying to do. For that reason I would urge the gentlewoman from Hawaii to make the kind of an amendment that would perfect this where there is a problem, and I urge support of the bill.

Mr. FORD of Michigan. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI],

Ms. PELOSI. Mr. Chairman, I rise today in opposition to the Baker amendment to H.R. 2010. The Baker amendment, to require recipient agencies to provide a written policy stating that it provides no services for illegal aliens, would impinge on the civil and constitutional rights of legal permanent residents and citizens of ethnic descent and harm service delivery organizations.

Mr. Chairman, this amendment is not workable. The amendment would handicap the organizations we are trying to assist with the national service legislation. While the intent of this legislation is to crack down on illegal immigration, its true effect is to prevent service organizations from providing emergency services to persons without asking for a victim's green card or birth certificate. State and local governments, charities, religious organizations, and nonprofit agencies would be harmed by this amendment.

This amendment would have the effect of discouraging participation of citizens of ethnic descent and engendering discrimination against all ethnic individuals based solely on their appearance and language accent.

Mr. Chairman, I urge my colleagues to vote against the Baker amendment.

☐ 1710

Mr. MARTINEZ. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, representing a part of Mo Udall's district, who once said, "Everything has been said, but not everyone has said it yet," it is my turn to pile on. I would just remind my colleagues that we are dealing with a national service bill. The national service bill would deal with organizations that are required to comply with the U.S. immigration law. If they hire people, they are going to have to get the paperwork.

But what we are doing is putting an additional burden on them beyond that so that the people they provide the services to would somehow have to meet a paperwork test. That is the reason why the American Red Cross has said this is a bad idea, that is the reason why the Catholic Church has said this is a bad idea. It is a bad idea because it makes no sense, places a burden on these organizations, and it runs contrary to the entire intent and purpose of the national service bill. I think the gentleman from California offered the amendment, recognizing a valid problem, but this is the wrong form, the wrong method, and the wrong way to go about it.

Mr. GOODLING. Mr. Chairman, I yield the remaining time to the author of the amendment, the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Chairman, never has a freshman had the honor of tying up the House for 4 hours on a simple, clarifying amendment.

All we have asked in this amendment is that the agencies that receive Federal funds have a policy that abides by the immigration law, a written policy prohibiting the delivery of services to aliens who are not lawful immigration status.

That is what we require of our employers. The Federal Government demands, if you are a plumber, if you are a farmer, if you own a small or a large business, that you keep intricate records of all those people you interview, those people you hire, those people you do not hire, and if you do not keep good records, "We fine you $5,000."

But when someone stands up on this floor and says, "I think the recipients of Federal funds ought not to service illegal aliens and receive our Federal funds," you are called a racist, you are called splitting the floor, you are called nonessential to the bill. Well, I think the taxpayers have a different view.

Does this organization, this Congress, sound like it is ready to tackle the difficult immigration policies of this Nation? We cannot police our national borders standing shoulder to shoulder with guards as long as the Federal Government hands out stipends to illegal aliens through groups who attract illegal aliens. Yet we ask employers to police our national borders, but we cannot do it even with the Army.

The Federal immigration law sets up standards. Are we going to abide by those standards? Are we going to ask recipients of this new entitlement program to live by the immigration laws of the United States of America? Are these immigration laws mean-spirited because they say you can only allow so many people into this country, so many people from that country?

We are talking here about illegal aliens. I want to remind this body that we accept more legal aliens in this country than all of the countries combined in the world each year. We are not stingy or mean-spirited, but we darned well have a right to know that our Government funds are going to citizens, not to illegal aliens.

Why is everyone so angry? Let me tell you why, because in the Dear Colleague letter that was mailed out last night which attempts to say that this will prohibit police services or church services, how ridiculous. It says there on the bottom that my amendment would handicap the very organizations we want to empower through national service.

What organizations are those that deal with illegal aliens? I respectfully ask for an "aye" vote for my amendment.

Mr. MARTINEZ. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to this amendment. There are many reason to oppose this amendment which we have had very well articulated by many previous speakers. But one of the problems that we have in society that many of these small organizations face is a sea of regulation.

Now, there are many social goals we could try to tack onto this program. We could have one on reporting child abuse, we could have one on suspected arsonists, and the litany could never end.

What we do need to do is to streamline these kinds of programs, leave off all these unnecessary regulations that are not going to accomplish their goals, to make sure that these programs are effective.

I think this will be a very effective program. I think it is a program that we can all be proud of. As long as we put forward a meaningful program that does not bury these organizations in regulations, they are going to welcome it, they are going to appreciate it, and it is going to be great for the American people.

Mr. MARTINEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CUNNINGHAM] to the amendment offered by the gentleman from California [Mr. BAKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CUNNINGHAM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

Mr. BAKER of California. Mr. Chairman, I rise on a point of order. Would it be helpful if I accept his amendment and then we could have only one vote?

The CHAIRMAN. A recorded vote has already been ordered.

Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the succeeding vote.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 270, noes 163, not voting 6, as follows:

[Roll No. 374]

AYES—270

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeLay
Derrick
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kennedy
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lambert
Lancaster
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Manzullo
McCandless
McCloskey
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Moorhead
Murphy
Myers
Nussle
Obey
Orton
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Rostenkowski
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Studds
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Torricelli
Traficant
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—163

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barlow
Becerra
Beilenson
Berman
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Hastings
Hilliard
Hinchey
Horn
Hoyer
Jefferson
Johnson, E.B.
Johnston
Kanjorski
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
Lantos
LaRocco
Levin
Lewis (GA)
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scott
Serrano

Shepherd
Slaughter
Stark
Stokes
Strickland
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thurman
Torres
Towns
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Waters
Watt
Wheat
Woolsey
Wyden
Wynn
Yates

NOT VOTING—6

Henry
McDade
Moakley
Neal (NC)
Packard
Washington

☐ 1750

Messrs. KANJORSKI, BROWN of California, MARKEY, PICKETT, and CONYERS changed their vote from "aye" to "no."

Mrs. VUCANOVICH, Mrs. SCHROEDER, Ms. CANTWELL, and Messrs. HOAGLAND, McCLOSKEY, SARPALIUS, PALLONE, McHALE, ROSTENKOWSKI, CRAMER, POMEROY, EDWARDS of Texas, ZELIFF, HEFNER, JOHNSON of Georgia, BILBRAY, KENNEDY, FAZIO, CONDIT, PETE GEREN of Texas, BAESLER, and HOCHBRUECKNER changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BAKER], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BAKER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 253, not voting 6, as follows:

[Roll No. 375]

AYES—180

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bliley
Blute
Boehner
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Cooper
Costello
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goss
Grams
Greenwood
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoke
Holden
Horn
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
LaRocco
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Parker
Paxon
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Valentine
Vucanovich
Walker
Walsh
Weldon
Whitten
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—253

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Barton
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Byrne
Camp
Cantwell
Cardin
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Houghton
Hoyer
Hughes
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—6

Brown (FL)
Henry
McDade
Moakley
Packard
Washington

☐ 1759

Mr. RAHALL changed his vote from "aye" to "no."

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. BROWN of Florida. Mr. Chairman, on rollcall No. 374 I voted "nay"; however I was not able to vote on rollcall No. 375. I was in the doctor's office. Had I been present, Mr. Chairman, I would have voted "no".

☐ 1800

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I realize it has been a long day. I just want to take a couple minutes to build on what the gentleman from Indiana said earlier in the day.

What he basically said was that he supported the Montgomery-Stump effort, but one of the things that he was concerned about was that we would be reducing the amount of money available when costs to go to a postsecondary program are increasing. That is what I have been trying to say since day one.

What I have been trying to say is that we take from those of need, and we give to those of greed. And I say that because what we do, we have to take money from other areas. We are reducing, zeroing out State grants, which go to needy. We are reducing dramatically work-study programs, which go to the needy.

If we were to take the $375 million that is indicated we need for the 25,000 people at $375 million, well, if we gave Pell grants for that $375 million, we would not be serving 25,000 people, we would be serving 174 million people.

If we were to take the $375 million for the college work-study, we would not help 25,000, we would probably help pretty close to 400,000.

Again, I repeat, basically what I am saying and said from day one, the problem is that we are taking from those of need and giving to those of greed.

Last Friday, the President, again, before the press, said we need to pass this legislation, because we need to make postsecondary education available to all. That is not the way we do that. We could not begin to afford to do it this way, if our desire is to make postsecondary education available to all.

I just want every Member to realize, we take from the needy and we give to the greedy, or we do Robin Hood in reverse.

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 2010, the National Service Trust Act of 1993.

Passage of the President's national service bill will serve our citizens on a number of fronts—it will provide educational opportunity, enable us to strengthen our neighborhoods and communities and also help to promote a strong sense of responsibility and citizenship.

For years, the right to a college education has been slowly drifting out of financial reach for millions of young Americans. And, for so many Americans in so many communities, the quality of life is slowly eroding.

National service will enable participants to work in programs that address unmet human, educational environmental, and public safety needs—needs that have been systematically aggravated and unattended to. It will involve the most diverse range of Americans, from high school students to our oldest citizens, and will serve populations as diverse. And, in exchange for their service, participants will receive financial assistance for their education.

State and local programs will be defined and driven by the needs of their own communities. Program participants will teach, tutor, and care for small children, run recycling programs, aid homebound individuals provide home care for senior citizens, and clean up our parks and playgrounds. Communities will be served through Head Start centers, family support programs, community health centers, police departments, schools, conservation organizations, and in many other ways that work to meet the needs of that community in that community.

At the end of a term of service, the service participant will have earned $5,000 which can be applied towards past, present, or future educational loans. This will not only help participants pay their way through college, but it will help promote self-discipline, responsibility, and a strong work ethic.

The program is consistent with America's legacy of national service and will grow to include more and more Americans over time. Next year up to 25,000 people will be brought into the national service fold, which has the potential to expand to include up to 150,000 participants over the next 4 years. If this bill is passed, more people will have worked full-time in national service at the end of 5 years than the total number of Peace Corps volunteers in the entire 33-year history of that program.

National service will enable participants to become involved in programs that incorporate leadership training and special service projects. Earlier in my own career, I had the opportunity for such an experience as a fellow of the Coro Foundation. Through the Coro experience, I and other Coro fellows were able to appreciate how the diverse sectors in our society—public, private and non-profit—interact and work together in service to our communities. I believe that it is through this kind of comprehensive experience that those in service can both understand the full scope of national service and realize their own full potential. Service training, such as that provided by Coro, is what helps prepare our young people to serve effectively—not just for a year—but for a lifetime.

This bill harnesses the best in the American spirit—the spirit of reciprocity and commitment to change. I urge my colleagues on both sides of the aisle to support final passage of the National Service Trust Act—to invest in America's students and communities and to reward individual responsibility.

Mr. SKAGGS. Mr. Chairman, every week I receive letters from Colorado students and their families asking me to help prevent further reductions in vital educational programs like Pell grants, Perkins loans, Federal work-study and other campus-based aid programs. I tell them that I support full funding of these programs, which are the bread and butter of educational opportunity in America, and that I too believe all eligible students should have access to needed educational assistance.

The President and his Democratic supporters in Congress are committed to overturning a dozen years of neglect for education and other investment priorities. Yet at the same time, we're fighting to get the deficit under control, responding to calls to cut spending first. Fiscal discipline is easy to demand in theory, but painful to practice. And for me, deciding how to vote on the National Service Trust Act has been a difficult and frustrating lesson on the tough choices we're facing.

I fully support the President's goal of fostering a commitment to and respect for public service and his efforts to expand educational opportunities for the youth of America. But there just isn't the money available to initiate a major new Federal program, no matter how valid the purpose, unless we're ready to identify offsetting cuts. That's because so-called discretionary spending has become a zero-sum proposition. Every dollar we put into a new program will have to be taken out of an old one. The budgets for valuable existing educational programs—like Pell grants and Stafford loans are already underfunded and would be squeezed even tighter to make room for national service. I believe we need to fulfill valid current commitments before undertaking new ones.

I'm not saying that the Federal Government can't do more to improve educational opportunities and foster public service. On the contrary, there's plenty we can do and are doing. Provisions in the House-passed budget reconciliation bill would expand the options for student loan repayment to make the burden of repayment more manageable. Student borrowers could choose an income-contingent plan, meaning that their repayment schedules would be stretched out over a very long time if they take a low-paying job after graduation. This flexibility should remove much of the current disincentive for graduates saddled with heavy loans to join professions like teaching or social work, or other public service work, which traditionally do not pay as well as private-sector jobs.

I'd also note that the budget includes support for at least 24 volunteer and service efforts. VISTA, the Peace Corps, the Indian Health Service, and the National Guard Civilian Youth Opportunities programs will receive roughly $1.2 billion in fiscal year 1994.

When we can't meet our responsibilities to the many important educational and volunteer programs already authorized, I don't think it's time to launch a major new initiative. It's my view that Congress should hold off on authorizing this new program until we have resources sufficient to fund it. My "no" vote is based on fiscal realities in practice, not on the merits of national service in theory.

Mr. CARDIN. Mr. Chairman, I rise today to express my strong support for President Bill Clinton's National Service Program.

It was more than 30 years ago that a generation of Americans was called to service by the immortal words of John F. Kennedy: "Ask not what your country can do for you; ask what you can do for your country."

The goal of President Clinton's National Service Program is to change the direction our country has been going, toward a new direction. The hope is to lead more and more Americans to seize the opportunity for a college education and, at the same time, to serve their communities. We need more Americans to take the responsibility to help address our unmet educational, environmental, human, and public safety needs.

The process of transforming the world in which we live will not occur overnight, but only by working person by person, block by block, community by community, city by city.

Volunteer Maryland was selected as one of eight national service demonstration projects. Participants in the program come from all economic, social, and cultural backgrounds. Here is a sampling of what the participants at Volunteer Maryland are doing:

Peggy Napoli, a 24-year-old college graduate, is recruiting and training volunteers to provide day care in two women's shelters and to mentor homeless families as they move into permanent housing.

Mike Stephens, an 29-year-old environmental studies major from the University of Maryland Baltimore County, is working to increase the volunteer force at Maryland Save Our Streams [SOS] by transforming the occasional volunteer into the regular volunteer and reestablishing a system of key volunteer coordinators in every county to lead SOS activities.

Greg Walsh, a 30-year-old quadriplegic, is recruiting computer junkies to run computer workshops to train individuals with disabilities to use computer technology to become more independent.

Maria Feit, a 23-year-old from Baltimore, is creating a volunteer run fetal alcohol syndrome prevention education program for middle school students.

Mr. Chairman, I believe the National Service Program has the potential to unleash the human potential necessary to address the unmet needs of our society as we enter a new century.

Mr. SANDERS. Mr. Chairman, I rise in strong support today for the National Service Trust Act, H.R. 2010. The function of this legislation is to provide educational opportunity to all. It is not to lower the wage scale of those people who are presently working, as some previous speakers have suggested today.

Recently there was a very interesting article in the New England Journal of Medicine, which received some national publicity and what it said is that low income people without good educational opportunity live shorter lives than those people who have more money and better educational opportunity. So today when we are discussing education, it's not simply somebody graduating Harvard and somebody dropping out of high school. The issue is that the better educated you are the more money you are going to earn—the better life you are going to live—and the longer life expectancy you are going to have.

Mr. Chairman, it is my strong belief that all Americans, regardless of their income or wealth, should have equal access to educational opportunities. It is simply not acceptable that millions of young people are denied access to higher education because of the limited income of their families, yet during the 1980's the cost of attending college soared by 126 percent. A college education now ranks as one of the most costly investments for American families, second only to buying a home.

What an enormous loss this country is suffering by the fact that millions of American people—working class people, low income people—are not able to expand their knowledge and their opportunity and skills by getting a better education. It is not just the individual who loses, it is our Nation who loses. We are not going to be able to compete with Japan and Europe if we don't have as well an educated society.

Mr. Chairman, today's debate is about priorities. I suspect that some of my colleagues who voted for the superconducting super collider and the space station will raise the specter of the deficit as their reasoning for opposing this legislation. It is beyond me as to how they can justify these priorities to the working families across America.

Today we are discussing a bill, the National Service Trust Act, that will help remove some of the economic barriers to attending college by allowing students to pay off their student loans by working in their community on important educational, environmental, and poverty programs. By paying students for their work and enabling students to pay off their loans, this bill recognizes the current situation for most college students—namely, most of them are currently working. In fact, nearly half of all full-time students in the 16–24 age group and 62 percent of students in all age categories work—often as much as 35 hours a week. Our higher education policy must continue to serve college students as they are, not as we imagine them to be.

The truth is our college students and their families are paying the price of an unconscionably declining Federal commitment to higher education. Today we have a small chance to improve that. But, in addition to approving this very important program, we must guarantee our full commitment to existing education programs. Since its earliest involvement in higher education policy, the Federal Government's ultimate goal has been to guarantee an equal opportunity for Americans to attend and graduate from college. If we continue to pare back our commitment to Pell grants as we have this year, our students will have little opportunity to attend school without facing enormous debt. We must offer college students both national service and a solid commitment to Pell grants, work study, supplemental educational opportunity grants, Perkins loan programs and the State student incentive grants.

In addition, we must continue to recognize our changing student population and the obstacles currently preventing them from completing college. National service recognizes and addresses many of those obstacles. Today about 43 percent of our students are over the age of 25–40 percent are enrolled on a part-time basis—and more women than men attend college, as has been the case since 1979. By making awards to full and part-time students, providing family leave to participants and by allowing States and other grant recipients to fund their own health insurance policy and make child care available, this legislation removes additional barriers that would have prevented much of our diverse student population from participating in national service.

Mr. Chairman, national service is an important piece of a Federal package that can enable all Americans to attain as much education as they need. By enabling students to help some of the 5 million children living in poverty—by encouraging students to help preserve our precious environment—by supporting those students that can help rebuild our deteriorating housing programs—we are advancing the needs of communities across America and entitling students to the education they deserve. We are enabling them to address some of the enormous problems facing this country and to be part of the solution, rather than being part of the problem themselves. In so doing, it is not just the individual who benefits, but our entire Nation.

This bill does two important things. No. 1, it says to middle class young people, "Don't give up on the possibility of getting a college education because the government is prepared to help you get that education." More importantly, it says to the young people of America, "We want your intelligence, we want your energy. There are enormous problems facing us, we want your help in addressing those problems. And as you go out into communities and as you improve life for other people, you will be fulfilling a crucial part of your educational experience."

The idea of national service is good, and when combined with other programs it is a significant step forward in making sure that all of our people will get the education that they are entitled to, improving their own life and life in America.

Let us get our priorities straight. National service and other Federal programs providing aid to students are funding priorities that this Congress can no longer afford to ignore.

Ms. NORTON. Mr. Chairman, I rise in strong support of H.R. 2010, the National Service Trust Act. Interest rates in this country are down—way down. But as usual that means opportunity for buyers. When interest rates go down, it is time to invest in the future. When interest rates are down, opportunity is cheap and safe.

I am not talking today about the interest rates community banks get in this country. I am talking about the interest rates community service gets in this country.

Our community interest rates are down, and that means it is time to invest, time to plant again. We are fortunate to have a President who means to invest, who intends to force the spring, who hopes to drive community service interest rates back to an all-American high.

The National Service Trust Act is an important first step in reengaging our young people to the community. This plan will work, and as people see it working, it will grow. And with it, interest rates in our community will rise, with benefits to all.

I know it will work because a similar, smaller program, the D.C. Service Corps, is working right here in our Capital today, and working well. The young members of this program are doing valuable work in many areas, and are for the first time getting to know others from different parts of the community and country. Out of 104 participants in the D.C. Service Corps, one-quarter described their families as upper income, while about one-third said they came from lower income families. They are learning that we truly are all in this together. They are learning to care about each other's worlds, and about the community we share together.

Does anyone doubt that the community interest rates of these young participants have shot up dramatically? Listen to Kieran McGrath, a D.C. Service Corps member, who in December said: "Before I joined the Corps, I had never had a friend that lived in a housing project. I had never had a friend my age who was responsible for raising children. I had never had a friend who had spent time in a correctional facility." Kieran said the opportunity to serve "developed a sense of responsibility and duty to help the D.C. community in the future * * *." And listen to Jutata Jackie Basnight, a D.C. Service Corps member who went from unemployment to helping others full-time: "I have learned about real community service which I will do for the rest of my life. * * * By working together we can't help but understand each other and work together to shape the future."

Interest rates in community service are way down after a 12-year slide. But when interest rates are down, the safest thing to do is—invest. Let us force the spring, let us invest in our community, let us pass this National Service Trust Act, and let us watch the new generation grow.

Mr. GALLO. Mr. Chairman, I rise today to express my opposition to H.R. 2010, the National Service Trust Act.

An estimated 80 percent of all Americans are presently committed in some volunteer capacity to address unmet needs in their communities. I am truly heartened by this trend and by the renewed enthusiasm I see for community service among young people in our country.

While I ardently encourage student participation in order to further strengthen national volunteer efforts, I cannot support the legislation before us today.

Proponents of this legislation have rightly assessed the program's substantial benefits for the limited number of students eligible to participate. But unfortunately, less than 1 percent of our entire postsecondary student population would be able to serve in this program.

I am also concerned about the overwhelming majority of students who will not be able to participate in this program and for whom a college education will remain financially unattainable. Under the proposed national service plan, no consideration would be given to financial need in awarding educational assistance. Yet to expand the program and extend this opportunity to the 7 million students who currently receive financial aid, taxpayers would have to pay as much as $150 billion each year.

Mr. Speaker, our resources can be stretched no further. This generous offer of educational assistance is not equalled under existing aid programs. The average Pell grant award, which goes to 4.4 million of our Nation's neediest students, is just $1,450. And, ironically, as Congress considers this legislation, five student aid programs—including Pell grants—are under threat of funding cuts. These same programs will, in future years, have to compete directly for funds with the National Service program.

At a time when volunteer efforts are flourishing in our Nation and when countless students do not have the financial means to attend college, I feel this program, while perhaps worthy in concept, cannot be justified from a fiscal standpoint.

I urge my colleagues to vote no.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 2010, the National Service Trust Act, which we are considering today. As a cosponsor of this legislation, I am proud to support this initiative which represents a creative and innovative approach to a myriad of challenges we face as a society.

First and foremost, national and community service will provide new opportunities for people of all ages to pursue higher education. Students will no longer have to contend with a complex and confusing system of financial assistance which by any standards is not user-friendly. Instead, students may elect to serve in areas of unmet human, educational, environmental, or public safety needs and receive educational awards of $5,000 for each term of volunteer service.

Educational awards can be used by students to repay student loans, pay for college education, pay for expenses for participating in an approved school-to-work program, and pay for interest that accrues during a period of forbearance in a repayment of a student loan.

Second, under the National Service Trust Act, beleaguered public service programs designed to meet specific needs within our communities will receive a boost after years of budget reductions which drained program resources and staff.

As a Nation, we have struggled in our efforts to deal with the serious problems undermining the social fabric of our society. Escalating school dropout rates, high unemployment, and continuation of the welfare cycle, violent crimes and the scourge of drugs, the lack of common morals and values, and the total disregard for human life, are no longer isolated concerns, but problems which plague us as a nation.

National and community service will offer an opportunity to involve young people everywhere in activities which will assist in the development of self-esteem and commitment to the community as well as the kind of personal fulfillment that comes from setting goals, working hard, and accomplishing objectives. While performing community service, many of our most challenged citizens will benefit from the discipline of a program schedule and the personal instruction and motivation received from program supervisors who have a stake in their success. Program participation will also expose individuals to a variety of new experiences and may generate an awareness or interest in a particular field which a volunteer may choose to pursue.

And most important, serving in our neighborhoods and in our cities will foster the development of values such as hard work, sacrifice, and the importance of human life, while instilling a positive sense of community.

National and community service will not be the panacea that solves all our social problems. However, if this program positively redirects the lives of just a portion of its participants—by all standards we will have created a success.

National and community service is one of those investments which will yield both immediate and future economic and social benefits, not to mention the savings in future expenditures on social welfare and law enforcement programs.

As chairman of the older Americans caucus, I am particularly pleased that the National Service Trust Act will utilize the knowledge and experience of our older Americans. This act combines ACTION, which houses VISTA and older American volunteer programs, such as retired senior volunteers program [RSVP] and foster grandparents, with the Commission on National and Community Service.

As our elderly population continues to grow, it is important that we focus on programs which enable older Americans to be active and productive members of our communities.

The National Service Trust Act of 1993 expands the opportunity to pursue higher education, provides assistance for underfunded and understaffed public service programs, and presents an opportunity to improve the job skills and ensure the competitiveness of future generations.

The National Service Trust Act of 1993 is a win-win proposal. I strongly urge my colleagues to take decisive action today for America's future and support this important initiative.

Mr. HOAGLAND. Mr. Chairman, I rise today to express my support for the administration's National Service Corps proposal. These are troubled times, a time for change. On the education front, crime in the schools seems to be increasing, college tuitions are rising, and our families seem to be fragmenting from our traditional sense of national commitment and community. President Clinton's program proposals here address some of these problems.

As a Nation, we need to join together to invest in our future. The National Service Trust Act of 1993 does that. It would encourage Americans of all ages and from all walks of life to complete college education and subsequently to work to improve our country—in schools, forests, hospitals, and inner cities. The stipend and health benefits proposed would make it possible for those from middle-class families, who would otherwise be unable to afford to work without pay, to contribute. That the program is not means-determined permits all to participate. Students from all over America will go to school together and work together. These experiences will bind us together in a growing community. We will be a Nation united, not divided. Together we will all work for and invest in our Nation's future and in our individual futures.

It has been said that this program resembles entitlements. This is an unfair characterization. Do we begrudge our veterans the education vouchers they receive at the end of their tours of duty? No. We're proud of their achievements and their desire to continue to learn. Nor should we begrudge the domestic participants in this new program their benefits. They will have earned what they are given.

This program encourages personal responsibility. The men, women, and youth who participate will learn skills and build the strength of character that will make them more productive, more responsible citizens. They will work hard—and it is the hard-work ethic upon which this Nation has depended through the years. They will work hard to improve not only themselves, but also to improve America. They will benefit, and so will the Nation.

Of course, this program should not replace needs-based college financial aid. Those programs are vitally important. The financial credit that the National Service Trust Act would grant is not the primary focus of the bill. This is a service bill, first and foremost. However, the reward would give many Americans the opportunity to learn, while supplying America with an educated and skilled work force, without which we will not be able to compete in tomorrow's international marketplace. It is a way for men and women to receive the aid they need to educate themselves. They will have earned all that they were given, for with their work, they will have given even more back to us.

And as I have said before, Mr. Chairman, investing in our country's future also means that we need to do something to stop the increasingly violent crime our citizens are subjected to. We need to pass crime legislation to give our communities the tools and resources to make our streets safe again.

The National Service program encourages Americans to work together so that our Nation will continue to be strong and successful. Please vote in favor of the National Service Trust Act, an important proposal to improve America's future.

Mr. PORTMAN. Mr. Chairman, today we resume consideration of H.R. 2010, the National Service Trust Act of 1993.

This bill provides participants in the National Service program a minimum-wage stipend, health and childcare benefits, and up to $10,000 in education assistance for 2 years of community service.

I strongly support the concept of community service. Voluntary service to our Nation and communities is a noble tradition as old as our Republic. I am deeply troubled, however, with the creation of yet another large Federal program, costing an estimated $2.8 billion over 5 years, while we are in the midst of a monumental struggle to get control of our massive Federal debt. The benefits created by this program come at a great cost to the beneficiaries and their children—an ever-growing national debt that mortgages their future. I also question why such a program is necessary when the Federal Government is already funding at least 24 existing service programs spread throughout six Federal agencies at a cost of $1.2 billion each year. We have to do more to encourage service to our country, but not by creating yet another Federal program.

Furthermore, student aid programs now in place are already suffering financially. Pell grants, for example, help millions of students who have legitimate financial needs pursue a higher education. The Pell Grant Program was cut in 1992 and faces further reductions this year. At the same time, the proposed National Service Program would aid all students, regardless of their need, forcing Pell grants and other proven student aid programs to compete for scarcer Federal resources.

Last week our colleague, SUSAN MOLINARI, offered an amendment to delay financing for the National Service Act until certain funding levels for other student aid programs had been met. Regrettably, this attempt to protect the Pell grants and other worthwhile student aid programs was defeated, an action which I feel makes enactment of H.R. 2010 even less desirable.

Mr. Chairman, I have to vote "no" on the National Service Trust Act. It is costly, unnecessary and, as crafted, will ultimately not be a service to the American taxpayer.

Mr. KOLBE. Mr. Speaker, I rise today in reluctant opposition to the National Service Trust Act. I say reluctant because I fully understand and agree with the goal of boosting our Nation's sense of service to the community, however, I fundamentally disagree with the manner in which this law achieves that goal.

H.R. 2010 establishes a new corporation for national service to serve as the primary grantmaking and oversight agency for the national service program similar to the one President Clinton spoke of during his campaign and early in his administration. The program allows students, ages 17 or older, to perform up to 2 years of community service—either before, during, or after college—in exchange for a $5,000 voucher each year to cover education or job training costs. Participants in the program would also receive a stipend and some health and child-care benefits.

After listening to several days of spirited debate over the last few weeks about this legislation, I have come to two simple conclusions. First, it is not the time for the Federal Government to establish a costly new program. The Congressional Budget Office estimates that H.R. 2010, when fully funded by Congress, will cost $1.2 billion over 3 years. But even with full funding, this proposal will help less than one-half of 1 percent of the population, less than 1 percent of the 16 million students currently enrolled in post-high school education, and less than 4 percent of the 4 million students currently eligible for financial aid.

Supporters of the bill claim that the program will help thousands of Americans who may not have the resources to attain a postsecondary education achieve that goal. However, given the costs associated with this plan and the needs of our college students, Congress should do more to make college more affordable for everyone by focusing on funding for Pell grants and other need-based programs.

Federal resources are so scarce that the House voted to reduce campus-based student financial aid and totally eliminate the State Student Incentive Grant program—a program essential in my home State of Arizona. In addition, the Appropriations Committee reduced the maximum Pell grants from $2,300 to $2,250. Under these circumstances, the reasons for creating a new Federal college assistance program, especially one not based on individual student need, elude me.

We have a responsibility to our students to be good stewards of the money we allocate for Federal education-assistance programs. We can play budgetary games with the account for the National Service Trust Act and fund it out of the VA/HUD Appropriations bills, but in the end it all comes from one account—the tax dollars of the American public. And, in the end it obligates funds to a new program other than our existing, successful, Federal education-assistance programs.

My second point is that there is no clear evidence that Americans lack the volunteer spirit, nor is there any evidence that the Federal Government must act to foster that spirit. Volunteer efforts are flourishing in thousands of communities, and I see the tremendous effects of voluntarism and service in my district. In 1991, 94.3 million Americans, aged 18 and over, volunteered in some capacity—many of them young people. I have many working in my congressional office as volunteers—from high school teenager to retired senior citizens.

There is no obvious need to create a costly new program to encourage Americans to do what they are already doing. According to a Gallup Poll and the group Independent Sector, Americans are giving more time and money to charities. This is not happening because the Federal Government is encouraging it, but because Americans cherish service. Former Director of the U.S. Census Bureau Bruce Chapman said:

> It is precisely because real service is such a vital part of American life that nationalizing it and distorting its moral content through government should be most strongly resisted.

The spirit of voluntarism and service is embodied in President Kennedy's famous statement, "* * * ask not what your country can do for you; ask what you can do for your country." The passage of H.R. 2010 most assuredly does not reinforce that message.

The financial needs of citizens seeking a higher education are clear, and the National Service Trust Act does not meet those needs. It is not the time for a new and expensive Federal program, no matter how well intended. I urge my colleagues to vote against this bill.

Mr. FRANKS of Connecticut. Mr. Chairman, the Clinton administration and some of my colleagues here in the House are arguing that this national service plan has many outstanding goals. I agree that we in Congress can play an important role in providing educational opportunity to Americans and in fostering community service. However, I do not believe that creating an expensive, bureaucracy-laden Government program is a good way to achieve these goals. In fact, passage of this plan will send a disturbing signal to the millions of volunteers in this country that community service needs a Government imprimatur to be legitimate. This act would also undermine the American idea of community service by paying people to help others. Finally, this bill, expensive as it is, can only play a very limited role to open educational opportunities to our Nation's college students. This bill is just another make-work summer jobs program, except this program is intended to make work for social activists on our Nation's campuses.

First, I want to make clear that I believe that volunteer community service has been and is an intrinsic quality of the American people. In 1991 94.3 million adult Americans volunteered in some way to our communities and averaged more than 4.2 hours of service a week. No country can be a utopia, and therefore even our great Nation is indebted to people who are willing to make our communities better and help those who through no fault of their own are in need. However, I believe that many of our Nation's problems can be solved through the local level within the community. In contrast, President Clinton is subverting community service with his idea of national service: creating a federally directed volunteer organization designed to fulfill a national political agenda.

Since high school I have been actively involved in community service in Waterbury, CT. I feel that by being what former President Bush called a point of light, every American can contribute to make this country a better place. President Bush had a sense of duty and compassion common to all Americans who have volunteered for community service. His words were not idle rhetoric. Ironically, those who once mocked points of light are now fully behind the creation of a national service bureaucracy.

This national service plan has other philosophical flaws. If a person gets genuine compensation for doing work, that person is doing a job. The first definition of job in the Merriam-Webster Dictionary is "a piece of work; especially a small miscellaneous piece of work undertaken on order at a stated rate." Mr. Chairman, this bill undermines the entire idea of helping others without compensation out of empathy for fellow members of the community. Participants in national service will receive an hourly minimum wage, a $5,000 stipend, and federally subsidized health care. College students who have children can receive federally subsidized child care. I haven't received monetary compensation and benefits for my service—I thought my service transcended materialism. This plan will truly destroy the spirit of service.

Let me discuss the cost of this program and the percentage of students it will actually benefit. National service will cost $7.4 billion over the next 4 years. The Peace Corps has received less than half of that sum in its 31 years of existence. While this sum provides between $15,000 and $20,000 in taxpayer money to each participant, remember that much of the money will go toward a massive new Federal bureaucracy and clone bureaucracies in each State. By 1997, when the bureaucracy begins to mature, national service will cost over $22,600 per participant. Who knows how high the Federal deficit will be in 1997? To at least limit the costs of this program, I will support Congresswoman MOLINARI's amendment to eliminate the minimum wage stipend, the federally subsidized health care, and the federally subsidized child care for students.

Few of my constituents will benefit from this national service plan. Even after $7.4 billion is spent creating jobs for students, only 150,000 will be involved in 1997. This year more than 16 million students were enrolled in some form of higher education. Who will be the special people that get this Government ride for their education? This program is going to be highly susceptible to cronyism, discrimination, and abuse. I will support Congressman GOODLING's amendment to make educational awards under this program need-based.

This program is also subject to abuse from labor unions and interest groups with pointed political agendas. This bill will allow labor unions to be involved in the approval process for an applicant's grant. While this seems fair on the surface to prevent participants from taking jobs, it has a different meaning when one finds out that, under this bill, unions can apply for the same grants themselves. I will vote for Congressman BALLENGER's amendment to prevent this conflict-of-interest from occurring. Nevertheless, I am still concerned that this national service plan could create a pool of potential secretaries for political lobbyists.

Some Members on my side of the aisle support this national service plan because it allows students to pay for their education by working. I say to these Members: If President Clinton was concerned about giving students an opportunity to finance their education, why didn't he propose to use the existing college work study program as an administrative framework for providing paid community work? Why the creation of a new Corporation for National Service. The educational benefits of the National Service Trust Act are a cover for bigger Government and the creation of a phalanx of taxpayer-funded political activists. I will vote against this bill.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. FIELDS of Louisiana, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2010) To amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, pursuant to House Resolution 217, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. WALKER. Mr. Speaker, I demand a separate vote on the so-called Stump amendment, the so-called Solomon amendment, and the so-called Porter amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

If not, the Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: page 79, strike lines 18 through 23 and insert the following:

"(a) AMOUNTS GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of service in an approved national service position shall receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to 90 percent of—

"(1) one-half of the aggregate minimum basic educational assistance allowance calculated under sections 3013(d)(1) and 3015(b)(1) of title 38, United States Code (as in effect on July 28, 1993), for a member of the Armed Forces who is entitled to such an allowance under section 3011 of such title and whose initial obligated period of active duty is two years; less

"(2) one-half of the aggregate basic contribution required to be made by the member under section 3011(b) of such title (as in effect on July 28, 1993).

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes recorded votes on the other amendments, if ordered.

The vote was taken by electronic device, and there were—ayes 419, noes 6, not voting 9, as follows:

[Roll No. 376]

AYES—419

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts

Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—6

Abercrombie
Brown (CA)
McHale
Mink
Sanders
Waters

NOT VOTING—9

Carr
de la Garza
Harman
Henry
McDade
Mfume
Moakley
Packard
Washington

□ 1821

Messrs. BLACKWELL, CONYERS, SCOTT, NADLER, KENNEDY, and MANN changed their vote from "No" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

Page 247, after line 3, strike the close quotation marks and the final period.

Page 247, after line 3, insert the following new subsection:

"(d) Specification of Budget Function.—The authorizations of appropriations contained in this section shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment, and social services, and, as such, shall be considered as related to the programs of the Departments of Labor, Health Services, and Education for budgetary purposes.".

Page 284, after line 4, insert the following new paragraph:

"(5) Specification of Budget Function.—The authorizations of appropriations contained in this subsection shall be considered to be a component of budget function 500 as used by the Office of Management and Budget to cover education, training, employment and social services, and, as such, shall be considered as related to the programs of the Departments of Labor, Health and Human Services, and Education for budgetary purposes.".

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the Chair's prior announcement, this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 385, noes 38, not voting 11, as follows:

[Roll No. 377]

AYES—385

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooper
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—38

Becerra
Beilenson
Brown (CA)
Clay
Collins (IL)
Coppersmith
Engel
Flake
Frank (MA)
Furse
Gibbons
Gonzalez
Hefner
Hoyer
Jefferson
McDermott
Mollohan
Moran
Natcher
Olver
Pelosi
Porter
Price (NC)
Rangel
Roybal-Allard
Rush
Sanders
Smith (IA)
Stokes
Swift
Unsoeld
Velazquez
Visclosky
Waters
Watt
Waxman
Woolsey
Yates

NOT VOTING—11

Bachus (AL)
Brewster
Conyers
Gephardt
Henry
McDade
Moakley
Packard
Ramstad
Sabo
Washington

□ 1832

Messrs. BROWN of California, PRICE of North Carolina, HEFNER, RUSH, MOLLOHAN, RANGEL, McCLOSKEY, JEFFERSON, and FLAKE, and Mrs. COLLINS of Illinois, changed their vote from "aye" to "no."

Mr. CARDIN and Mr. SCHUMER changed their vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNulty). The Clerk will report the last amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE V—LIMITATION ON LIABILITY OF VOLUNTEERS

SEC. 501. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies,educational institutions, local governments, foundations, and other civic programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) the efforts of nonprofit organizations, local government, States, and the Federal Government to promote voluntarism, and community and national service, are adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(5) because Federal funds are expended on useful and cost-effective social service programs which depend heavily volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) Purpose.—The purpose of this title are to promote programs of community and national service, to promote the interests of social service program beneficiaries and taxpayers, and to sustain the availability of programs and nonprofit organizations and governmental entities which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with nonprofit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 502. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 503. LIMITATION OF LIABILITY FOR VOLUNTEERS.

(a) Liability Protection for Volunteers.—For purposes of satisfying the requirement specified in section 129(a)(5) of the National and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a nonprofit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity and such functions and duties are directly connected to the administration of a program described in section 122(a); and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) Concerning Responsibility of Volunteers With Respect to Organizations.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) No Effect on Liability of Organization.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to injury caused to any person.

(d) Exceptions to Volunteer Liability Protection.—A State shall impose the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "nonprofit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the Chair's prior announcement this is a 5-minute vote that may be followed by additional votes on this bill. Members are requested to remain in the Chamber.

The vote was taken by electronic device and there were—ayes 362, noes 61, not voting 11, as follows:

Roll No. 378

AYES—362

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden

Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Molinari
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—61

Abercrombie
Applegate
Becerra
Bishop
Blackwell
Bonior
Brooks
Clay
Clayton
Collins (IL)
Conyers
Costello
Coyne
Dellums
Deutsch
Dingell
Engel
Flake
Foglietta
Ford (MI)
Furse
Gonzalez
Green
Hamburg
Hastings
Hilliard
Hoagland
Inslee
Johnson, E. B.
Kanjorski
Kennedy
Klink
Kopetski
Lancaster
Mann
Markey
McDermott
McNulty
Meek
Miller (CA)
Mink
Mollohan
Moran
Nadler
Payne (NJ)
Reynolds
Rush
Scott
Skaggs
Smith (IA)
Stark
Stokes
Swift
Synar
Traficant
Unsoeld
Waters
Watt
Woolsey
Wynn
Yates

NOT VOTING—11

Bachus (AL)
Brewster
Gephardt
Henry
McDade
Moakley
Packard
Pelosi
Rangel
Sabo
Washington

□ 1838

Messrs. RUSH, BLACKWELL, and COYNE changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1840

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. McNULTY). Is the gentleman opposed to the bill?

Mr. GOODLING. In its present form, yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit the bill, H.R. 2010, to the Committee on Education and Labor.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FORD of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 275, noes 152, not voting 7, as follows:

[Roll No. 379]

AYES—275

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skelton
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—152

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gingrich
Goodlatte
Goodling

Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoke
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kreidler
Kyl
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Moorhead
Myers
Nussle
Oxley
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Synar
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

de la Garza
Dingell
Henry
McDade
Moakley
Packard
Washington

□ 1859

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2492. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes; and

H.R. 2493. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2492) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KOHL, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. BYRD, Mr. BURNS, Mr. MACK, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2493) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes" request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, Mrs. FEINSTEIN, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GRAMM, Mr. GORTON, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1295. An act to amend the Rehabilitation Act of 1973 and the Education of the Deaf Act of 1986 to make technical and conforming amendments to the Act, and for other purposes.

The message also announced that pursuant to Public Law 102–240, the Chair announces on behalf of the Republican leader, his appointment of Thomas E. Mulinazzi of Kansas, as a member of the National Council on Surface Transportation Research.

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2010, National Service Trust Act of 1993, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, had I been present for the following rollcall votes, I would have voted "yes" on rollcall votes numbered 373, 374, 375, 376, 377, and 378.

I would have voted "no" on rollcall votes numbered 371, 372, and 379.

Mr. MFUME. Mr. Speaker, I missed rollcall vote 376. I was unavoidably detained in a meeting with the President and was unable to make my way to the House floor in time for the vote.

Had I been present, I would have gone on the record voting "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1420

Mr. BACCHUS of Florida. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill H.R. 1420.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1900

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2330, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 103–195) on the resolution (H. Res. 229) providing for consideration of the bill (H.R. 2330) to authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1964, MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 103–196) on the resolution (H. Res. 230) providing for consideration of the bill (H.R. 1964) to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT REGARDING FILING OF AMENDMENTS ON H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

(Mr. BEILENSON asked and was given permission to address the House for 1 minute.)

Mr. BEILENSON. Mr. Speaker, this is to notify Members of the House of the Rules Committee's plans regarding H.R. 2401, the National Defense Authorization Act for fiscal year 1994. The committee is planning to meet the week of August 2, 1993, to take testimony on the bill. In order to assure timely consideration of the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 2401 should submit, to the Rules Committee in H–312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 12 noon on Monday, August 2, 1993.

A Dear-Colleague was sent to all Members and committees earlier today informing Members of this request.

The Armed Services Committee completed its markup yesterday and will file its report on Thursday or Friday. A draft bill and report are available for members and staff to examine in the Armed Services Committee offices in room 2120 of the Rayburn Building. Legislative counsel should also have a copy of the bill.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 2401.

COMMUNICATION FROM HON. DOUGLAS APPLEGATE, A REPRESENTATIVE FROM OHIO

The SPEAKER pro tempore laid before the House the following communication from Hon. DOUGLAS APPLEGATE, a Representative from Ohio:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Court of Common Pleas of Coshocton County, Ohio related to a civil lawsuit involving a constituent.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

With best regards, I remain.

Sincerely yours,
DOUGLAS APPLEGATE,
U.S. Congressman.

TRIBUTE TO PAUL SWEITZER

(Mr. HOUGHTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOUGHTON. Mr. Speaker, when people think about flying, they usually think about people, people like Glenn Curtiss or the Wright brothers. There is another family that is very important in flying. It is not motorized planes, but lighter than air planes, and that is the Sweitzer family. They are extraordinary people. Interested in gliding since the three brothers, Ernie, Bill, and Paul, built a sail plane in 1930. They have been involved with gliders ever since. They built a wonderful company.

Mr. Speaker, I would like to talk about one of those brothers tonight, Paul, because just a few days ago he was 80 years old, and he is still going strong. Man can usually enjoy work, but seldom the fruits of work. But that is not true with Paul. He has been an extraordinary guy. He has built the Sweitzer Aircraft Co., along with his brother Ernie and his brother Bill. And by the end of the production of the sail planes in 1984, the majority of sail planes manufactured in the United States had been manufactured by this little company, a great quality company, in Elmira, NY.

He has been a visionary. He is a great human being. And when children open books and dream their dreams of space and its history, I hope they will not forget the name of Paul Sweitzer.

□ 1030

INTRODUCTION OF MFN TERMINATION LEGISLATION FOR CROATIA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter).

Mr. WOLF. Mr. Speaker, today I am introducing legislation which would cut off most favored nation [MFN] trading status between the United States and Croatia.

First let me say that I introduce this legislation with great reluctance. When I began contemplating terminating Croatian MFN, my first thought was for the people and how it would affect them. I have the utmost concern for the people of Croatia, but the unfortunate situation is that the Government of Croatia is now actively working with the Government of Serbia to cleanse Moslems from Bosnia. This is unacceptable to me and it should be unacceptable both to the U.S. Congress and to the Clinton administration.

I visited Croatia in September 1991. This was a critical period in the history of that nation, which at that time had not been recognized as an independent nation by the West. Yugoslavia was fracturing along ethnic lines, the European Community's cease fire plan for the region was a failure and it was becoming clear that millions of people were about to be plunged into a full-scale civil war. Croatia was taking a pounding from Yugoslav Army forces; entire villages and towns had been burned and blown up by the advancing Serb-dominated Yugoslav Army, creating a sea of thousands of refugees flooding into Western Europe.

Nowhere that I visited in Croatia was the devastation more severe than in the town of Vucovar which was, at that time, under siege and later fell to Serb forces. I witnessed first hand the conditions within a bomb shelter in Vucovar—an old wine cellar where 160 people huddled for weeks, too fearful of Serb snipers and aerial attacks to risk leaving.

While in Zagreb, I met with Croatian President, Franjo Tudjman. At that time, Croatia was under attack from the Army of Yugoslavia and its leaders were attempting to head off an onslaught by Yugoslav federation troops on its borders. President Tudjman pleaded for military restraint and for European and American-backed peace negotiations. After meeting with the Croatian President, I was convinced that the Government of Croatia was on the right track toward democracy and that the United States should recognize Croatia as a free and independent nation.

Upon my return, I met with then-Deputy Secretary of State Lawrence Eagleburger, encouraging him to push the Bush administration toward recognizing Croatian independence. I placed one important condition on United States recognition: Croatia must respect the rights of ethnic people both within its borders and in the surrounding areas. I spoke with Secretary Eagleburger and National Security Advisor Brent Scowcroft on numerous occasions about the worsening situation in Croatia and Bosnia.

Unfortunately, the events have changed dramatically in Croatia. I am deeply concerned by the growing alliance between Croatian President Franjo Tudjman and Serbian leader Slobodan Milosevic as well as the cooperation between the Serb and Croat armies both in their attacks on Moslems and in their efforts to cut off humanitarian aid to Moslem-held areas of Bosnia.

For the first time, the United Nations has stated that Croatian Army troops are fighting within Bosnia against Moslem-Bosnian forces. These are Croatian regular forces, under the command of the Government of Croatia. They are not ethnic Croatians who live within Bosnia, who we know have been receiving military aid from the Government of Croatia.

I ask unanimous consent that I be permitted to add to the CONGRESSIONAL RECORD copies of several articles about Croatian ambitions in Bosnia. One of these articles appeared in the Washington Post on Thursday, July 22, 1993, in which U.N. peacekeepers in Bosnia who stated that "heavy movements"—possibly involving several thousand Croatian troops—are fighting in Bosnia.

Even more troubling is that it now appears that the Croatian Government, at the highest levels, is coordinating its military strategy with the Government of Serbia. The Washington Post reports that "Serb and Croat units earlier this month began cooperating with Serb forces in attacks on Moslem positions in central Bosnia." Keep in mind that these same Croatian troops which were being attacked by Serb militia just a year ago are now working together to target and destroy Moslem villages.

Croatia is now also halting the flow of humanitarian aid to Bosnia. According to the United Nations, more than 100 trucks loaded with food and medical supplies destined for central and eastern Bosnia are now being detained by Croatian military forces. These forces have been successful in cutting in half humanitarian aid to Bosnia.

The most shocking example of Croatian efforts to rid Bosnia of Moslems are reports of ethnic cleansing by Croatian troops. Last week, the New York Times reported that near the town of Medjugorje, Bosnia, Croatian forces are "driving at least 30,000 Moslems from their homes at gunpoint and herding many of them into detention camps." This wholesale deportation of Moslems could not be taking place without the knowledge, and the direct support, of the Government of Croatia.

These events lead to one important conclusion: Croatian President Franjo Tudjman and his government are now allying themselves with the Serbs as they prepare to carve up Bosnia. They have decided to gain every possible territorial advantage over Bosnian Moslems before U.N.-brokered peace talks resume.

Just as I believed in 1991 that Croatia should become a recognized member of the international community, I now believe that we must use every tool at our disposal to put pressure on the Government of Croatia to stop the killing in Bosnia and to end its alliance with Serbia. In a tragic irony, the Government of Croatia is now actively involved in many of the same activities that Croatia charged the Serbian Government with committing just 1 year ago.

Terminating MFN for Croatia is consistent with my position that Croatia should respect the rights of Moslems in Bosnia. On September 11, 1991, I stated in the CONGRESSIONAL RECORD, "President Tudjman and the Croatian Government must constitutionally guarantee the human rights of the Serbs and all citizens and put the force of the Croatian Government behind this bill of rights."

I repeated that plea again on May 13, 1992, in the CONGRESSIONAL RECORD, stating that "It is important that Tudjman stand up and support Bosnia, allowing Christians, those of the Jewish faith and the Moslem faith to live together in peace in Bosnia." Clearly, President Tudjman has failed to do that.

What is the United States willing to do to end the conflict in Bosnia? We must act in a manner which sends a powerful message to Croatia. We must immediately suspend preferential trade treatment for Croatia.

Congress passed the legislation which I introduced last year to suspend MFN for Serbia. As long as Croatia maintains its aggressive posture toward Bosnia, then Congress must work to deny MFN to Croatia. Should Croatia take affirmative steps to cease these aggressive activities, then I would no longer seek passage of this bill. The decision rests with Croatian President Franjo Tudjman.

I hope all Members will join me in supporting this legislation.

For the RECORD, I include the following articles.

[From the New York Times, May 17, 1993]

CROATIAN GUNS POUND BESIEGED MUSLIMS

(By Chuck Sudetic)

MOSTAR, Bosnia and Herzegovina, May 16—Croatian guns pummeled crowded Muslim neighborhoods on the left bank of the Neretva River today while Bosnian Serbs pounded the northern town of Brcko in an attempt to widen the only supply route between Serbia and swaths of Serbian-held land in Bosnia and Croatia.

On Saturday night, international aid workers and civilians here said, Croatian troops rousted 22 Muslim townspeople from their homes and loaded them on buses carrying 240 Muslim refugees. The refugees, who were forced from their homes in nearby villages a year ago by Bosnian Serbs, had taken shelter in Mostar.

"So far they are still missing," an international aid worker said.

The worker expressed fear that Croatian forces might have forced out other Muslims unnoticed.

A spokesman for the United Nations military force said, "Part of today's attack was the most intense yet on the Muslin quarter," adding that the ratio of Croatian to Bosnian shells fired was about 10 to 1.

"The front lines have not moved at all," the spokesman said, explaining that the Bosnian Army forces, mostly made up of Muslims, still controlled several neighborhoods on the right bank of the river despite heavy Croatian attacks. Bosnian Army forces in Mostar counterattacked at bout 5 P.M., he said.

The international aid worker, speaking on Croatian-controlled territory near Mostar, said: "It's been full-scale war since 11 A.M. Now it's deadly to go on the other side."

The Serbian and Croatian commanders in Bosnia signed a cease-fire agreement today, covering the whole republic and taking effect at noon on Tuesday. But Bosnian Serb forces, ignoring a previous cease-fire arranged by the United Nations, attacked Bosnian Government forces for the fourth consecutive day around Brcko in northeastern Bosnia.

Backed by howitzer and machinegun fire, the Serbs tried to broaden a supply corridor linking territories they control in Bosnia and Croatia with Serbia, a spokesman for the United Nations peacekeeping forces said.

Today's Croatian attack and Saturday night's renewed expulsions of Muslims from Mostar provide clear indications that the nationalist militia known as the Croatian Defense Council is still bent on taking full control of territories it claims as Croatian.

Under a proposed United Nations peace plan, Mostar would fall into a predominantly Croatian province, although it has a Muslim majority since thousands of refugees flooded in.

The Croatian Defense Council and its main backer, the Government of Croatia itself, have been buffeted by international criticism since last month when Croatian forces lunched a brutal wave of forced expulsions of Muslim civilians from villages near Vitez and other central Bosnian towns.

Croatian militiamen expelled about 1,800 Muslims and Serbs from their homes on the right bank of the Neretva in Mostar a week ago after launching a strike against the Bosnian Army forces in the town at dawn.

Later in the week, Croatian officials returned hundreds of the expelled civilians to their homes.

At least 700 remain in detention at a nearby helicopter base, however, and today a Croatian Defense Council worker and a Muslim man released from detention said the Croats had bused some 250 Muslim detainees to the Muslim quarter on the Neretva's left bank.

Croatian leaders regularly deny that they are driving Muslims from Mostar and complain that Muslim forces have hundreds of Croats surrounded near the towns of Jablanica and Konjic. International aid workers, however, have not been allowed into the areas and could not confirm the Croats' account.

A PARALLEL IS DRAWN

Though international relief workers condemn the forced expulsion and mistreatment of Croats by Muslim fighters over the last month, they have drawn a clear parallel between the forced exclusion of Muslims by Croats and the "ethnic cleaning" of the Muslims by Bosnian Serbs who have seized 70 percent of Bosnia and Herzegovina.

In Mostar today, a 46-year-old post office worker released from detention said he saw his wife and two children taken away.

"I saw them through the window," he said. "The Croatian Defense Council police told me they were taken to the other side, the left side."

Croatian Defense Council authorities have begun handing expulsion notices to Muslims in Kiseljak, which would fall in a mostly Muslim province under the United Nations peace plan, according to an internal field report of the United Nations High Commissioner of Refugees dated May 8.

"They clearly do not intend to welcome back the Muslim owners who fled," the report said.

[From the New York Times International, June 28, 1993]

SERBS AND CROATS MOUNT JOINT ATTACK ON MUSLIM TOWN

(By Chuck Sudetic)

SARAJEVO, Bosnia and Herzegovina, June 27—Serbian and Croatian militias, once bitter enemies in the struggle over the carcass of the former Yugoslavia, are fighting together against the mostly Muslim forces of the Bosnian Government near the central town of Maglaj, United Nations officials and radio reports said today.

The radio broadcasts from Sarajevo said defenders of Maglaj were resisting a "joint attack" by units of Bosnian Serbs and Croats. A spokesman for United Nations forces in Zagreb said that the three factions fought on Saturday with artillery, machine guns and small arms. Another United Nations official said that fighting between the Bosnian Serbs and Croats had virtually ceased throughout the country as their militias focused on predominantly Muslim forces, and that United Nations personnel had seen hundreds of Croatian troops in buses passing through areas controlled by the Serbs.

Intense battles for territory have continued for days around Maglaj, Zavidovici and the nearby Croatian-controlled town of Zepce, which lie along the main north-south road linking central Bosnia and Sarajevo to Croatia.

The road has been blocked for more than a year at the town of Doboj, which is controlled by Bosnian Serbs. The commander of the Bosnian Government forces, Rasim Delic, sent a protest to the United Nations military force complaining that a Croatian attack on Zavidovici constituted a major violation of a cease-fire signed on June 15 by all three sides in Bosnia's 14-month war.

Croatian militia forces prevented United Nations military monitors from entering Maglaj on Saturday, said José Gallegos, a spokesman for the United Nations force in Sarajevo.

The Croatian Defense Council, as the militia of the Bosnian Croats is known, once proclaimed loyalty to the idea of a united, multi-ethnic Bosnia and Herzegovina and described itself as an ally of the country's ethnically mixed but mostly Muslim army.

But over the last seven months, the forces of the Bosnian Croats, like the Serbian nationalist militia that has overrun 70 percent of the country, have worked to seize territory for a separate republic, brutally expelling Muslims from Prozor, Vitez, Mostar and other towns. In recent weeks, the Muslims retaliated by forcing Croatian civilians to leave the town of Travnik and nearby villages.

Two weeks ago, President Slobodan Milosevic of Serbia and President Franjo Tudjman of Croatia presented a plan for dividing Bosnia into Serbian, Croatian and Muslim republics joined in a loose confederation. The move bolstered reports that the two Presidents plotted the carving up of Bosnia at a secret meeting more than two years ago.

Bosnia's President, Alija Izetbegovic, who has sought to preserve the country as an ethnically mixed, secular state, staunchly opposes the ethnic partitioning, warning that it would pave the way for the creation of a Greater Serbia, a Greater Croatia and a landlocked Muslim territory crowded with thousands of people uprooted from their homes.

Mr. Izetbegovic said he would not attend the United Nations-sponsored talks on the partition plan in Geneva on Monday. One of the top three leaders of the Bosnian Serbs, Nikola Koljevic, told Yugoslavia's official news agency today that the six Serbian and Croatian members of Bosnia's 10-member presidency were expected to agree at a meeting on Monday to discuss the "territorial aspects" of the partitioning, which have not been made public.

Serbian commanders continued today to block access to the besieged eastern enclave of Gorazde, where as many as 60,000 mostly Muslim refugees are encircled by Serbian forces and short of crucial supplies. The town was declared a "safe area" by the United Nations last month, but relief convoys have repeatedly been prevented from crossing Serbian lines.

Sarajevo was mostly quiet today as relatives held funeral services for seven young people who were killed on Saturday when a mortar shell landed in their backyard. Residents said the shell came from Serbian gun positions on the hillside above Bistrik, a neighborhood in the old quarter of the city.

[From the New York Times International, July 4, 1993]

ETHNIC CLEANSING IN BOSNIA INTENSIFYING AFTER A PAUSE

(By John F. Burns)

SARAJEVO, BOSNIA AND HERZEGOVINA, July 3—Emboldened by the resolve of the United States and its European allies not to intervene here militarily, the nationalist Serbs and Croats who have already seized most of this country are pushing forward in a new and possibly final chapter in the "ethnic cleansing" of Bosnia's Muslims.

Ten weeks ago, President Clinton's warnings of military action by the United States and its NATO partners—perhaps in the form of the bombing of Serbian artillery positions around Sarajevo and other besieged strongholds of the mainly Muslim Bosnian Government—appeared to have shaken the Serbian nationalist leaders.

For a while, Serbian political and military chiefs appeared ready to halt the seizure of territory and the raping, killing and expulsion of Muslims that began when the Serbian military campaign began in April 1992.

But the hopes that flared briefly in April for an internationally brokered peace settlement preserving Bosnia as an independent country shared by Serbs, Croats and Muslims have died.

DEFERRING TO EUROPEANS

Instead, United Nations officials say, Mr. Clinton's decision to bow to European nations like Britain and France in their reluctance to launch military strikes or lift an arms embargo against the outgunned Bosnian Government has caused the fighting and the suffering on civilians to worsen rapidly.

Now, these United Nations officials say, the prospect is for the "ethnic cleansing" to continue, with thousands of new casualties, and to halt only when the Serbian and Croatian forces have seized still more land for mini-states that can eventually be annexed to Serbia and Croatia.

Although Serbia and Croatia have proposed carving Bosnia up into "ethnic states" for Serbs, Croats and Muslims that would nominally be partners in a loose Bosnian confederation, the pattern of recent fighting has suggested that even this may be a ruse, disguising more ambitious aims.

Privately, senior United Nations officials here are saying that what the mainly Muslim leaders of the Bosnian Government have been saying for a year may be true: that there may be no end to the suffering until Bosnia has been extinguished as a state and most of its 1.9 million Muslims killed or driven from their homes.

END OF A COMMUNITY

This would mean that Muslims, who have been the biggest group in this republic with roots going back 500 years to the conquest of the Balkans by the Ottoman Turks, would effectively have been destroyed, or at least dispersed, becoming what one United Nations official described as "the Palestinians of Europe."

Because of the political sensitivities, no United Nations official was ready to repeat for the record the dire forecasts that many of them are making in private conversations. But at news briefings in recent days several senior United Nations officials have said in effect that they feel powerless to mitigate the suffering imposed by the warring factions, particularly by the Serbs and Croats, and that their last hope of halting the killing, uprooting and slow starvation of Muslims disappeared when Mr. Clinton decided not to commit American military force.

"Clearly, the pressure that was on the factions to cooperate is not on them any longer," said Peter Kessler, an American who is the spokesman here for the principal United Nations relief agency, the United Nations High Commissioner for Refugees. Mr. Kessler said the collapse of the intensive diplomatic efforts this spring, which ended with Mr. Clinton accepting the European countries' refusal to use military force, had brought a a new confidence among the Serbian and Croatian forces. "They feel that they can do anything they want," he said. "They know that they have won."

VANCE-OWEN PLAN PROVISIONS

Under a peace settlement brokered by the United Nations and the European Community, known as the Vance-Owen plan, Muslims would have been given control of about 31 percent of the territory of Bosnia, and Serbs 43 percent, divided into a jigsaw of nine ethnic provinces in which the Croats would also have had separate areas.

But the plan was pronounced dead last month by Lord Owen, one of its authors, after the Serbian nationalist leaders put it to a referendum and it was rejected by more than 90 percent of the Bosnian Serbs who voted.

Now negotiators for the United Nations and the European Community are urging the Muslim leadership of the Bosnian Government to accept the Serbian and Croatian plan to partition the country into three ethnic states. The Serbian and Croatian plan would effectively legitimize the outcome of the war, leaving Muslims, accounting for nearly 44 percent of the population before the fighting, with about 15 percent of Bosnia's territory.

Serbs would keep close to 70 percent, and Croats would get the rest. But recent fighting has suggested that even this may not reflect the real aims of the Serbian and Croatian forces.

ATTACKS AND COUNTERATTACKS

While Bosnia's 10-member collective presidency wrestles with a bitter debate over whether to accept the new plan, Serbian and Croatian forces have mounted new strikes against Muslim-held areas. In some cases the Serbs and Croats have actively coordinated their attacks. Muslims, striking back, have mounted offensives of their own, mainly in areas with mixed Croatian and Muslim populations.

The main focus of the Serbian attacks has been on two of the six safe areas designated in May by the United Nations Security Council in the last of more than a dozen United Nations resolutions aimed at restraining the fighting and protecting civilians.

Gorazde, the last Muslim stronghold in eastern Bosnia that has not been overrun or neutralized by the Serbian forces, has been shelled intensively for the last month, so heavily this week that United Nations military observers spent hours sheltering in bunkers. United Nations military commanders say they fear that the city and the 60,000 Muslims who live in and around it may quickly be overrun.

Another Serbian target has been Sarajevo, the Bosnian capital. Serbian leaders have said that they want control of half of Sarajevo, which is the biggest of the Muslim redoubts, and they underlined that goal today by resuming heavy artillery attacks on civilian neighborhoods, starting at dawn.

United Nations officers said that 1,200 shells had fallen by mid-morning, the heaviest bombardment in weeks. The attack was accompanied by a new parade of casualties at the city's hospitals, with scores of wounded and at least 20 people killed.

But the clearest sign of Serbian territorial ambitions have come in attacks on the area around Maglaj in north-central Bosnia, where a pocket of Muslim-held territory juts into territory that has previously been subjected to "ethnic cleansing" by Serbian forces. United Nations officials have said that a month of Serbian attacks have already driven 10,000 Muslims into the surrounding mountains, and that 100,000 more may follow.

"There are 10,000 people right now who are moving along footpaths through the mountains, settling overnight in villages, then moving on," said Mr. Kessler, the United Nations relief spokesman. "They have nowhere to go."

INTERFERENCE WITH CONVOYS

Serbian and Croatian pressure on Muslim strongholds have included new efforts to strangle the lifelines run by the United Nations that have kept hundreds of thousands of people in besieged towns from starving.

Harassment of relief convoys by Serbian and Croatian militias has been rampant since the early stages of the war, but has worsened in the last month, to the point that United Nations officials have held a series of news briefings in recent days warning that severe hunger, possibly even starvation, may lie ahead, particularly in Sarajevo and Gorazde.

"We would like to get the message to the world: Sarajevo is rapidly dying," said Anna Cataldi, an Italian who is a spokeswoman for the United Nations Children's Fund.

[From the New York Times International, Apr. 20, 1993]

BELEAGUERED BOSNIA FACES NEW BATTLE AGAINST CROATS

(By John F. Burns)

SARAJEVO, BOSNIA AND HERZEGOVINA, April 19—In an explosion of fighting that appears to have further diminished the prospects of peace in Bosnia, two armies that have been linked in a nominal alliance against the Serbian nationalist forces have opened what amounts to a full-scale war.

The fighting between the Bosnian Government Army and the Croatian nationalist force known as the H.V.O. has engulfed a broad arc of territory north and west of Sarajevo, the capital, causing hundreds of casualties and featuring the kind of brutality often associated with the Serbian forces.

United Nations officers in the area have spoken of families being machine-gunned as they fled through open fields, of men in ski masks bursting into basements of homes and executing people cowering there, and of entire villages being emptied of their inhabitants and burned.

DANGER TO SARAJEVO DEFENSE

If efforts by the United Nations to halt the fighting fail, as they have done so far, it could spread to other areas, including the strategic town of Mostar in the southwest and even to Sarajevo. There, H.V.O. units guarding key stretches of the front lines against the Serbian forces besieging the city have until now remained loyal to their alliance with the Bosnian army. If the alliance in Sarajevo should collapse, Bosnian officers believe that the city's defenses could be weakened in important ways, tempting the Serbian forces to renew efforts to overrun the vulnerable western district of the city.

At the least, the fighting appears to have done further severe damage to the peace plan for Bosnia drawn up by negotiators for the United Nations and the European community.

The plan has been accepted by leaders of the Croatian minority, and by the Muslim leaders who control the Bosnian Government, but rejected by Serbian nationalist leaders who have continued to push for their own separate state in Bosnia. Now, with Croatian and Muslim fighters attacking each others' towns and villages, the peace plan appears more than ever to be a dead letter.

WHOSE FLAG TO FLY?

Paradoxically, it appears to have been the acceptance by the Croatian and Muslim leaders of the peace plan that precipitated the fighting. According to British officers serving with the United Nations force in the area of the current fighting, the spark for the explosion was lit when Gojko Susak, Defense Minister of the neighboring republic of Croatia, visited the mixed Muslim and Croatian town of Travnik last Monday and demanded that the red-and-white checkerboard flag of Croatia, be flown over the city alongside the Bosnian flag.

Mr. Susak's reasoning, according to Capt. Lee Smart, a British military spokesman at Vitez, near Travnik, was that the peace plan designates the region around Travnik as part of what would be a Croatian-controlled province under the plan. The flag demand followed an earlier decree by the Croatian nationalist forces that Bosnian army units in western Herzegovina, a region with a Croatian majority that would fall under Croatian control under the peace plan, either hand over their weapons or agree to be merged into the H.V.O., the Croatian nationalist army.

Captain Smart, reached by telephone from Sarajevo, said Mr. Susak's demand for the raising of the Croatian flag had been followed on the same day by an outburst of violence in Travnik in which five Muslims had been killed. This had set off violence that spread quickly east of Travnik, to the towns of Vitez and Zenica, west to Novi Travnik, and south to Jablanica and Konjic, which lie on the crucial road connecting Sarajevo to Mostar and the Croatian coast.

Incidents described by the British officers included the abduction of a Croatian military commander in Zenica, a predominantly Muslim town, by Muslim soldiers of the Bosnian Army, and retaliatory abductions of Bosnian solders by Croatian troops in Vitez, where Croats slightly outnumber Muslims. Captain Smart said that both sides had issued ultimatums, and that the cease-fire agreement negotiated by British officers, scheduled to have taken effect at midnight on Sunday, had been ignored, with fierce fighting continuing throughout the area.

So far, the town worst hit by the violence has been Vitez, a hitherto sleepy junction on a mountain-flanked plateau that is crossed by another key road leading westwards toward the Croatian coast. British officers chose Vitez for their forward headquarters in Bosnia last fall because they considered it relatively safe, but captain Smart said today that British officers believed that between 150 and 200 people had been killed in and around the town in the last three days, and that bodies were lying uncollected in the town's streets, as well as on the road leading to Zenica. He said the casualties could be higher, because no United Nations officer had been able to reach villages around Vitez where some of the worst fighting had occurred.

From the British officer's description, and from information given by other United Nations officers in Sarajevo, both sides in the fighting appeared to be engaging in their own versions of "ethnic cleansing," the policy that has been associated primarily with the Serbian nationalist forces who have claimed two-thirds of Bosnia as an exclusive Serbian domain by attacking centers of Muslim and Croatian population and killing or driving out their inhabitants.

The United Nations officers said that bands of armed men had been marauding through towns and villages throughout the area terrorizing families, in some cases demanding that they leave their homes immediately, in others killing them, then burning the homes to the ground.

[From the Washington Post, Jan. 26, 1993]

WAR OF BOSNIA'S TORMENTORS

The part of the Yugoslav mess thought to have been pasted together now threatens to come apart. This is the war that broke out in 1991, when Croatia declared itself independent but did not consult or provide for the rights of its Serbian minority, which at once drew to its defense the avenging army of Serbia proper. To the resulting war the United Nations applied a diplomatic patch in 1992. But last weekend the Croats, claiming (correctly) that the Serbian minority was muscling aside U.N. peacekeepers and persecuting non-Serbs, went on the attack. Serbs at once geared up for war.

On the surface it looks like a propaganda windfall for Serbia. Incontrovertibly the villain in Bosnia, it now leaps to depict itself, however improbably, as a victim in Croatia. But the strategic situation is more complex and even, in a sense, more promising. Already meeting increasing Muslim resistance in Bosnia, Serbs would be stretched thin on a second front if they also had to engage a strong force in Croatia. It would be that much more risky for them to open a third front in Kosovo or Macedonia.

In short, a moment may have come that, if exploited, could produce a better result than what is now in the cards. Further war between Serbia and Croatia carries its own heavy costs and risks. But Serbia and Croatia are not only antagonists; they are the senior and junior partner respectively in carving up Bosnia. In the mutual distraction of its two principal tormentors lies the prospect of more relief than bosnia can reasonably expect from any foreseeable actions by the United Nations, Europe or the United States.

The United States cannot be in the business of promoting war. But it also cannot miss an opening for a new emphasis on promoting peace. That means in the first instance resisting the forcible separation, dispersion and "cantonization" of the Yugoslav peoples. It means asserting and protecting their minority rights in their old homes: the rights of Muslims, Serbs and Croats in Bosnia (all are minorities there), of Serbs in Croatia, of Croats in Serbia and so on. This is where the Clinton administration's contribution to Balkan diplomacy could be made.

[From the New York Times, May 14, 1993]

U.N. PRESSES CROATS TO FREE 1,500 MUSLIMS CONFINED AT BASE

(By William E. Schmidt)

CITLUK, Bosnia and Herzegovina, May 13—Watched by armed guards and locked behind bolted doors, more than 1,500 men, women and children, nearly all of them Muslims, remained crowded inside a former military base near here today while the United Nations and relief agencies pressed their Croatian captors for their release.

The day after warring Bosnian Croats and Muslims signed an agreement promising to muzzle weapons, open roads and free civilians taken into custody during several days of heavy fighting, key provisions of the accord were still not being carried out by local commanders and soldiers scattered across this rugged region of south-central Bosnia and Herzegovina.

Small arms and occasional mortar fire echoed from the steep mountain valley surrounding the embattled city of Mostar, and local Croatian and Muslim units were still blocking roads into nearby mountain valleys, closed since tensions between the two sides worsened a month ago. The United Nations wants the roads opened to allow passage to its aid convoys and peacekeeping patrols.

Officers with the United Nations High Commission for Refugees complained late today that they had been barred from moving food or other supplies to the Muslim civilians detained by Croatian forces. The civilians are held inside a military jail, two gymnasiums and a school building that are part of a former army base outside Mostar, in the Neretva River valley 40 miles northeast of the Adriatic coast.

The Croats assured relief workers that they would release many of the Muslims soon, and had delayed doing it sooner only because they could not guarantee their safety, as the security situation around Mostar remained precarious. About 200 Muslims detainees whose safety was personally guaranteed by local Croats were released over the last two days, a relief worker said.

But Croatian soldiers manning roadblocks refused to allow journalists access to the base where the civilians are held, amid growing complaints from Croatian officials, now repeated by many soldiers in the field, that reporters are unfairly portraying them as the villians in the recent surge in fighting in Mostar.

In a measure of their growing sensitivity, Bosnian Croat military policemen today seized a two-man crew from Reuters television, confiscated their videotapes and escorted them across the border into Croatia, after they stopped inside the village of Ljubuski, about five miles south of here, to film a mosque that appeared to have been destroyed overnight. Later, the police in the town also detained three other journalists, holding them for four hours, after they came to the headquarters to ask permission to visit the military base where the Muslims are being held.

At a checkpoint closer to Mostar, a Croatian militiaman with a hand grenade hanging from his belt berated reporters, saying they were writing only about the fate of the Muslims but ignoring Croats he said were trapped in mountain villages behind Muslim lines.

"Why don't you get out of here and go to Konjic?" he asked, referring to a mostly Croatian village cut off from Mostar for the last month.

In recent days, tension in the small towns around Mostar has risen sharply. Outside the barracks where Spanish troops serving in the United Nations peacekeeping force are billeted, soldiers on Wednesday were piling sandbags against windows and reinforcing a guard post with heavy timber, amid fears of possible reprisals by angry Croats who regard the United Nations as unsympathetic to their cause.

CROATS MOVE IN FORCES

Meanwhile, the Bosnian Croats have been moving fresh soldiers into the area. On Tuesday night, a large military ambulance rumbled past, marked with the distinctive red cross. But inside there were more than a dozen armed soldiers, and the ambulance was towing a recoilless rifle.

Tension between Bosnia's Croats and Muslims, once nominal allies against the rival Serbs, has been rising sharply in recent weeks.

Under the peace plan drafted by Lord Owen and Cyrus R. Vance, which would the republic into 10 semi-autonomous provinces, this part of Bosnia and Herzegovina would almost certainly come under Croatian control, with Mostar as its capital.

FEW COMPLAINTS OF ABUSE

While the area still officially remains a part of Bosnia, the Bosnian Croats, abetted by Croatia next door, have already declared their own minirepublic of Herzeg-Bosnia, complete with its own automobile license plates and postal stamps.

According to workers who have been inside the compound, more than 70 percent of the Muslim civilians in custody are men, many of whom are viewed as possible combatants by their Croatian captors. The rest are women and children, many of whom were moved on Wednesday to a school building to ease overcrowding in two gymnasiums.

Relief workers said few of the Muslims they had interviewed felt that they were being abused or mistreated by their captors, although they complained of inadequate food supplies and poor sanitary facilities, including overflowing toilets. On Wednesday, the only food many people received were two biscuits and a cup of milk.

A spokesman for the United Nations Protection Force, based in Zagreb, said fighting inside Mostar had eased today, as Croatian and Muslim commanders tried to enforce a cease-fire that they signed on Wednesday with Gen. Philippe Morillon, the commander of United Nations forces in Bosnia.

Casualty figures from the fighting remain uncertain, but Croatian commanders said today that they had counted 23 dead and more than 160 wounded since the fighting began. At least 10 Muslim soldiers are believed to have been killed, and as many as 100 people have been treated for wounds at a Muslim dispensary inside Mostar.

While there were periods of heavy fire during the day today, including occasional exchanges of mortar fire, most of the fighting involved small arms and sniper fire. In parts of the city, people lounged outdoors in the spring sun, despite the shooting.

CROATIAN TROOPS IN BOSNIA, U.N. SAYS—REGULAR ARMY REPORTED SUPPORTING MILITIA UNITS NEAR MOSTAR

(By David B. Ottaway)

VIENNA, July 22—U.N. officials confirmed publicly for the first time today that Croatian army troops have crossed the border into Bosnia to aid Bosnian Croat militia units battling with Muslim-led Bosnian government forces around the southwestern city of Mostar.

Barry Frewer, spokesman for the U.N. military command in Bosnia, said that U.N. observers had seen what he called "heavy movements" of Croatian troops around the Bosnian town of Ljubuski a few miles southeast of Mostar—a mixed Muslim-Croat city that has been the scene of months of fierce fighting between the two rival Bosnian factions.

Frewer declined to estimate the size and strength of the Croatian army contingent involved, but diplomats in Zagreb, the Croatian capital, said they had received reports that as many as several thousand troops may have been deployed in an operation to help local Croat nationalist forces secure control of Mostar.

Croat militia forces in Bosnia have long received weapons and logistical support from Croatia—just as Bosnia's Serb nationalist faction has been supplied by Serbia—but the Zagreb government has consistently denied that any of its troops were involved in the war there, despite strong suspicions of international observers.

Serbia and the new Yugoslav state it controls have been subjected to U.N. sanctions as aggressors against Bosnia's weakest faction—the poorly armed government and the Muslim community it chiefly represents—and some U.N. members have been pressing for sanctions against Croatia as well. Their arguments have been buttressed in recent weeks by reports that Bosnian Croat gunmen have been expelling Muslim civilians from Mostar by the thousands.

Muslim and Croat forces—former allies in the 15-month-old war against he more powerful Bosnian Serbs—have been battling each other since January for control of mixed-population towns west and south of Sarajevo, and Croat units earlier this month began cooperating with Serb forces in attacks on Muslim positions in central Bosnia.

In Mostar—whose prewar population of 125,000 was one-third Muslim, one-third Croat, and one-third Serb and other minorities—heavily armed Croat forces have driven virtually all Muslim residents to the east side of the Neretva River, where about 35,000 are said to be hemmed in with little food, water or medical supplies.

In Sarajevo, meanwhile, the Muslim-led Bosnian government announced that its plans to take part in a new round of peace talks with the Croat and Serb factions Friday in Geneva had been delayed by a heavy bombardment of the Bosnian capital by besieging Serb forces. Government official asked that the talks be rescheduled for Sunday, and Bosnian Croat and Serb leaders agreed, U.N. officials said.

The talks are expected to focus on a Serb-Croat proposal to partition the republic into three separate states, a prospect the embattled Muslim faction has long opposed, but which it may be forced to accept in the absence of greater support from the international community.

Bosnian President Alija Izetbegovic had said that he would not attend the talks so long as the Serbs press their attacks on Sarajevo and Serb and Croat forces continue to block humanitarian aid from reaching the city. Serb and Croat leaders had agreed to these demands, but it was unclear today whether local militia commanders would comply.

ORDER OF BUSINESS

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the special order requested by the gentleman from New York [Mr. SOLOMON] be exchanged with the special order requested by the gentleman from Arizona [Mr. KOLBE] for today.

The SPEAKER pro tempore (Mr. LAROCCO). Is there objection to the request of the gentleman from California?

There was no objection.

ORDER OF BUSINESS

Mr. FLAKE. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from Illinois [Mr. LIPINSKI] on July 28, 1993, be allocated to the gentleman from Oregon [Mr. KOPETSKI].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. FLAKE]?

There was no objection.

ORDER OF BUSINESS

Mr. FLAKE. Mr. Speaker, I ask unanimous consent to change the 60-minute special order on July 29, 1993, for Mr. BONIOR to a 5-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. FLAKE]?

There was no objection.

PRESERVING AND PROTECTING THE INTEGRITY AND INVIOLABILITY OF SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS of Florida. Mr. Speaker, one of the greatest of the many legislative accomplishments in the history of our Republic was the creation of Social Security. For more than half a century, Social Security has liberated Americans from a life spent in fear of deprivations in their old age and lifted them from the degradations of poverty in their senior years.

Mr. Speaker, my mother receives Social Security. My grandmother receives Social Security. They both need and depend on their Social Security checks. Tens of thousands of my constituents receive and need and depend on Social Security. No one is a stronger supporter of Social Security than I am.

I want to preserve and protect the integrity and the inviolability of Social Security. I want to keep the Social Security trust fund separate and safe. I'm cosponsoring a bill to help the notch babies who have been treated unfairly in the payment of Social Security benefits. I do my very best every day to help each and every one of my constituents who has any difficulty in obtaining the Social Security benefits to which they are entitled by law. I am and I will always remain an ardent advocate for Social Security.

It is for this reason that I am outraged by the distortions and the outright lies of many of those who oppose the Social Security provisions in President Clinton's economic plan. In a partisan effort to oppose the President, many who know better are causing fear among many senior citizens who have nothing at all to fear and much to gain from the President's plan.

It is long past time to look beyond the rhetoric of the fearmongers and examine the facts:

The fact is, if you don't pay taxes on your Social Security benefits now, you will not pay taxes on your benefits once the President's plan is enacted. At present, 80 percent of Social Security beneficiaries do not pay income taxes on their benefits. They won't under the President's plan. For example, seniors earning less than $25,000 currently pay no taxes on their Social Security benefits; under the President's proposal, they still will not pay taxes on those benefits.

The fact is, the additional tax on Social Security benefits proposed by the Senate—and since endorsed by me with my vote and by the overwhelming majority of the House—applies to only 13 percent of Social Security recipients. These 13 percent are the most affluent by far, with an average net worth of at least $1 million. Taxing them is fair. Clearly, these are not impoverished seniors surviving on meager fixed incomes.

The fact is, the President's plan would not hurt the needy. It would not touch COLA's on Social Security on which needy seniors depend. I would oppose any plan that would cut COLA's for needy seniors, because that would plunge half a million Americans into poverty overnight. I would oppose any effort to try to balance the budget on the backs of needy seniors. The President's plan would not do that.

The fact is, this is not a confiscation of Social Security benefits but merely an inclusion of more of the benefits of the most affluent recipients for purposes of calculating their taxes at the customary rates. If you are paying taxes on your benefits now, then, under the President's proposal, 85 percent of your Social Security benefits will be included in calculating your taxes at the appropriate rate, instead of the current 50 percent. If you are not paying taxes on your Social Security benefits now, you will be completely unaffected by the President's proposal.

The fact is, this is not double taxation. The average wage earner gets back in Social Security benefits every penny he puts in Social Security payroll taxes during this entire working life, plus interest, in less than 5 years. Everything received beyond that is simply a transfer payment from current workers to retirees—over and above what the retirees paid in and would have otherwise accrued in interest. Eighty-five percent of the benefits that the average recipient receives over his lifetime are over and above what that recipient paid into the system while working, plus interest—which is precisely why that specific percentage of benefits was chosen for inclusion in taxation.

The fact is, the President's proposal may actually provide tax relief for some seniors on Social Security. The Senate proposal to which the House of Representatives recently agreed—and which I favor—creates new and higher income thresholds of $32,000 for single taxpayers and $40,000 for married couples before any Social Security benefits are taxed. An increase to 85 percent of the amount of Social Security benefits subject to tax would apply only to income above these new and higher thresholds. This means that fewer people will be paying taxes on their Social Security under the President's proposal than are paying taxes on such benefits now.

These are the facts. And I am confident that the vast majority of my constituents and the vast majority of the American people are smart enough to respond to the facts and not to the fears inspired by those with purely partisan motives. Once this plan is enacted, come next April, when they pay their taxes, seniors will know they have been mislead—but not by me and not by the President.

The fact is, most Federal spending is for Social Security and other mandatory and entitlement programs. Many of those programs benefit seniors. All of them must be maintained. Yet it is undeniably true that all Americans, including those seniors who can afford it, must share fairly in some needed sacrifice to restrain Federal spending, reduce our Federal budget deficit, and restore our economic health as a Nation. Otherwise, over the long term, we won't be able to afford Social Security.

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INTRODUCTION OF A COMMUNITY DEVELOPMENT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FLAKE] is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, tonight I rise to announce the introduction of a community development bill, last week sponsored by myself and the gentleman from Iowa [Mr. LEACH] and other Members, so that we might be able to take from the President's bill, which has been introduced to try to, first of all, put on the radar screen an area of our Nation that has long been neglected. That is those urban committees and rural communities that have not had access to proper capitalization.

I would like to praise the President, because I think this is a bold step. It is a visionary step. It moves us, for the first time in about 30 years, to a position where we might be able to say to the distressed communities of this Nation, "We are not only concerned about you, but we are prepared to do whatever is necessary to assure that you have access to the same capital that other communities do."

At the same time, provide a credit so that we might crate jobs in the small sector area while at the same time rebuilding communities that have so long been ignored.

Mr. Speaker, I think it is appropriate for us in understanding this administration's commitment to assure that this is the best bill possible, that it speaks to each and every condition that has been identified in those communities that in so many instances contribute so much to the deficit that is a part of this Nation by virtue of the social welfare costs.

In reality, what the President has done is said, not only is this a vision but we intend to make it a reality.

Mr. Speaker, I am taking the bill a step further by introducing the Bank Enterprise Act Amendments of 1993. I have done so because out of my 17½ years as a community developer, one of the things that I take note of is the fact that in too many instances, communities that could be viable do not have benefit of proper credit.

They are communities that, if banks looked at them properly, would represent new investment opportunities in this country similar to the kind of investment opportunities that are made in nations abroad.

In reality, we in America have created a Third World nation within our borders, if we conglomerate all of the rural and all of the urban communities in this Nation who are not able to provide the basic necessities for people who are part of those communities.

These severely distressed communities are addressed in H.R. 2707, sponsored by myself, the gentleman from Iowa [Mr. LEACH], the gentleman from Pennsylvania [Mr. RIDGE] and others that we might be able to assure that the persons living in those communities will have access to proper credit.

The President has done an excellent job, as I stated earlier. My bill is not a rival bill. This is a bill that enhances what the President has tried to do.

It also addresses the question of community reinvestment. Many of the banks in this Nation who have been under the Community Reinvestment Act for 16 years have not done a great job, as it relates to making funds available to these communities.

I provide so that the Community Reinvestment Program is given another look, one in which we create some quantitative and qualitative measurement which says to a bank that we are prepared to give you credit if you are willing to invest in those communities that have been so long ignored.

We provide for them a safe harbor, the safe harbor by virtue of the fact that over a 3-year period they have those investments. They have received a 1 rating, outstanding rating for their community reinvestment. And what we do is allow them to be able to merge or to move forward in other banking interests without the necessity of having to deal with a community group.

The reality is, though, we have not excluded those community groups. Those community groups come in at the front end of the process. They are able to say to the bank, these are the things that these communities need in order to survive, in order to grow, in order to create jobs and in order to be able to rebuild commercial strips that have long been ignored.

Mr. Speaker, I think this is important, if we are indeed concerned about all of America, if we are indeed concerned about development of small sector jobs, if we are indeed concerned about what is to happen with the Nation as a whole, as opposed to taking care of the responsibility of a few.

This gives us an opportunity to mainstream. The Bank Enterprise Act opens up the possibility for accessing all of the millions of dollars and billions of dollars that are available in the banking community. It allows us to be able to set some long-term economic goals, and it allows every community to be a participant in the building of a greater nation.

And so to the President, who has had the vision, and to those who have shared with me in crafting this piece of legislation, my commendations to you. It is my hope that the Members of the U.S. House of Representatives will join with us in being cosponsors of H.R. 2707 so all Americans will realize that every community in this Nation represents a land of opportunity.

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THE IMPACT OF NAFTA ON AMERICAN JOBS

The SPEAKER pro tempore (Mr. LAROCCO). Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, this is not the first time I have come to the floor to speak out against the North American Free-Trade Agreement, and it most certainly will not be the last time. I will speak out against NAFTA over and over again until the message reaches this country loud and clear that NAFTA threatens American jobs. NAFTA threatens to gobble up American jobs faster than the dinosaur in the movie "Jurassic Park" gobbled up people.

Removing barriers to fair and free trade between countries is in principle a good idea. That is why I supported the American-Canadian Free-Trade Agreement, and that is why it has worked for us with Canada, because we have similar economies, similar social, economic, and political structures.

There is something dreadfully wrong with rushing into an agreement that links together two countries whose economies, whose basic political systems, and environmental standards are as vastly different as ours and Mexico's. We cannot rush into an agreement like this overnight.

When we talk about lost jobs, the underlying facts are undisputed. Anyone with the least bit of common sense knows they will spell trouble for the American worker. Mexico's minimum wage is 58 cents an hour. It is a mere fraction of the U.S. wage. Even the best manufacturing jobs in Mexico pay less in a day than United States workers earn in an hour. Think about that. The best jobs in Mexico pay less in a day than United States workers earn in an hour.

Productivity. Why are Mexican wages so low? Some would say, and we will hear this argued often, that wages are low in Mexico because productivity is low. They say, "We will lose only low-wage, low-skill jobs that a modern economy like ours should probably do away with anyway." The people who say that could not be more wrong.

Prof. Arlie Shaken of the University of California at San Diego did a report which shows that wages are kept low in Mexico in spite of rapidly rising productivity. He documented how the newer plants in Mexico are every bit as efficient and high technology as the plants here at home, like Ford's $500 million stamping and assembling plant in Hermosillo, Mexico, which, by the way, moved there from Michigan, putting people out of work in my home State; like the Matrix Co., a $250 million aircraft maintenance and repair facility in Tijuana; or the General Motors facility and assembly plant in Mexico, which won the J.D. Powers bronze quality award last year. Production at that plant consistently gets among the highest quality ratings of any GM plant in North America.

Last year high technology plants in Mexico exported almost 1.3 million automotive engines, making Mexico the world's largest exporter of engines.

No, Mexican wages are not low because of the productivity. The multinationals are pouring in literally billions of dollars of investment into Mexico, giving Mexico the best plants and the best equipment that money can buy, producing the very same goods we should be producing here while our plants in the United States are left to crumble and to rust.

Our basic question really remains unanswered: Why are Mexican wages so low, less than 10 percent of manufacturing wages in the United States?

We have already seen that it is not because of low productivity. Wages in Mexico are low because the Mexican Government has a systematic policy of keeping them low. They are actually a result of a wage level agreement between the Mexican President, the corporations that operate there, and many labor leaders in Mexico who, in reality, are only allowed to run their unions as long as they do so at the President's bidding.

When workers try to organize independently for better wages or working conditions, the Government steps in to squash them. I have already related to my colleagues on the floor here the story about Agapito Gonzalez, a union organizer who was thrown in jail for 6 months on false charges of tax evasion. What was his real crime? Doing too good a job, pressing the maquilladora owners for better wages for their workers.

I have already told the story of Juan Carranza and Alma Molino, two workers from Juarez fired and blacklisted, barred from ever working in factories again in that area, because they had the nerve to meet with other workers after hours off the plant site to talk about how to get decent wages and safer working conditions.

Juan Carranza worked for TDK Corp. making magnetic components. He earned $8.50 for a backbreaking 9-hour day, $8.50 for a backbreaking 9-hour day. Alma Molina, a young mother, earned $4.50 for a 9-hour day at the Clarostat Corp. She had to work with toxic chemicals like phenol and epoxy resin without gloves, without a mask. She had to risk basically her health and her life for $4.50 a day.

Is it any wonder, is it any wonder, that companies have already moved to Mexico in droves, guaranteed low wages, high productivity, poor health and safety standards, a work force that is not even allowed to organize? Of course companies are moving there.

Now we want to endorse all of this and invite even more relocations by rolling out this big red carpet called NAFTA. The vast majority of Americans know NAFTA is bad news for the American worker. When we look at Mexico's low wages and weak standards, it is just common sense that companies will want to move there. However, the corporate elites, the media elites, keep trying to tell a different story. They just do not understand that we get it, we understand this is not common sense.

A special advertising supplement that appeared in the New York Times last week, the second in a series of seven such supplementals, showed what kind of hatchet job they are doing on this very issue. This supplemental, combined with articles and opinion pieces, was disguised to look like the news, with advertisements touting NAFTA's benefits. They had items about how much money could be made by investing in telecommunications and shipping and banking in Mexico. They had profiles of companies that have already hit the jackpot by moving to Mexico. The list of advertisers reads like "Who's Who" of the corporate elite in America.

The supplement itself is shameful enough, but here is what really outrages. When groups that are opposed to the North American Free-Trade Agreement tried to place an ad in the same section to tell their side of the story, the story that I am trying to tell this evening, the side of the story about what NAFTA really means for working people, the New York Times said, "No, you cannot come in. We will not let you." The groups were willing to pay the same rates that the pro-NAFTA people paid, but the Times would not let them.

When opponents of NAFTA tried another approach and asked if they could place an op-ed on the regular opinion page to at least give some kind of balance to the advertising supplement, they were again denied. I ask, is that journalistic integrity? I wonder how much money they made off of that advertising section? If that is not biased coverage, I do not know what is. The New York Times, the supposed standard-bearer of professional journalism, with a motto that says, "All the news that's fit to print," should be embarrassed out of the business for the job they are doing on NAFTA.

While I am at it, let me mention another op-ed piece that I noticed appeared both in the Los Angeles Times and the Washington Post, by the same author, the exact same op-ed piece. The reason I raise it is because it is highly, highly unusual, and in fact, I have never seen it done, where two distinguished leading national publications like the Los Angeles Times and the Washington Post will run the same op-ed piece.

Of course, this was Henry Kissinger advocating NAFTA, and Mr. Kissinger has a lot of clout and a lot of weight, and obviously was able to get a lot of coverage which is not available to people in this business or in other sectors of our society who would like the same type of access to the editorial op-ed pages of these two distinguished papers.

Regardless of what eventually happens with the North American Free-Trade Agreement, it surely should not be at the top of our legislative agenda. We have too many other pressing issues to tackle. After jobs and the general state of the economy, which we hopefully will finish by passing the President's economic package next week on the House floor, I cannot think of any issue that is more important than health care. That is what the American people said to us last November: "Deal with the economy and jobs, and then deal with health care." That was the mandate they gave to us and the President.

□ 1930

No one in my district has ever come to me and said, "You know, Dave, I want you to go back to Washington lickety-split and make sure you pass that free trade agreement with Mexico because I'm not going to sleep at night until that thing gets done, I'm so worried about it."

But a whole lot of people in my district in Michigan, young and old, families and single parents, those who are getting ahead, and those who are struggling to make ends meet, they all tell me they want us to tackle the high cost of health care, and give people a sense of security again that their health care needs can be met, and that their health insurance will not be taken away from them. People do lose sleep wondering how they will get the bills paid if their child gets sick. Seniors do lose sleep wondering if they will be able to afford the medicine they need.

That is why we sent to the President yesterday, 106 of us, a letter that was signed urging him to submit his health care package and allow us to work on it and pass it before we submit legislation to implement NAFTA. Most of the people who signed the letter oppose NAFTA. Some are still undecided and some even support NAFTA. But everyone who signed that letter agrees that health care is a priority that must come first. There just plain is not any need to rush into NAFTA.

The European Community. The roots of the European Community where they have a common market go back 40 years. Their economies are a lot more like ours than they are like Mexico's. The disparity between the richest and the poorest of the European Community is somewhere in the neighborhood of 3 to 4 to 1, whereas ours with Mexico is somewhere in the neighborhood of 10 or 12 to 1.

The European Community has spent 40 years, 40 years working on a free-trade relationship. They have been spending a bundle of money to make that agreement work.

Between 1989 and 1993 they will spend nearly $100 billion, $100 billion on worker retraining, on economic development programs for poor regions in Europe. And guess what? The difference in wages and living standards between the richest and poorest areas in Europe, Germany and Portugal, is less than half as big as the gap between the United States and Mexico.

And how much do you think it will cost us to deal with worker dislocation, the cost of retraining, the cost of economic development, the cost of environmental cleanup, the cost of lost tariff, and the list goes on and on? The bill is expensive.

Too many questions remain unanswered. Yet in spite of these unanswered questions, there are those who think we can negotiate this thing on a fast track. You may have heard the term "fast track." In less than 2 years from the date anyone even started to think about this, put this into effect before this year's end, and somehow we are going to come out ahead. Europeans, 40 years on this, hundreds of billions of dollars, and they are just getting to the point where it makes it work. And we have got this tremendous disparity with Mexico, and we are going to do this overnight, in 2 years.

Former President Bush rushed to finish the basic negotiations last year so that he could have a completed agreement ready in time for his campaign. U.S. negotiators rushed, and they sold the U.S. flat glass industry down the river, according to congressional testimony given by John Reichenbach of PP&G industries.

We need to take time to make sure we understand what we are getting into before the President submits legislation to implement it.

On jobs, a Commerce Department report last year, remember, said that we would lose 40 percent, 40 percent of our autos, steel, and apparel jobs in this country if this thing goes through. Think about that, 40 percent. That will devastate sections of our country.

Let me just say a word about agriculture, and then I am happy to yield to both my colleague from Ohio and my friend from California and Arizona, if they wish to participate this evening.

NAFTA has the potential to impact us all in intangible ways in our daily lives, and unfortunately for most of us, that impact I believe is negative. The people who work in the factories, of course, and those whose paychecks depend upon those factories, stand to lose the most. But when the factories shut down, we all suffer. It hits the neighborhood gas station, the local restaurant, the clothing store, the hardware store, the school system. And if you do not understand what I am talking about, you ought to take a little side trip to the heartland of America, the industrial Northeast, or North Central States. Go through McKeesport, PA, Youngstown, OH, Flint, MI, Watsonville, CA, where Pillsbury recently shut down a major food processing plant, and look at the devastation in these communities caused by plants that have relocated overseas.

And there is another way, by the way, in which we will all be affected by NAFTA. We all depend on the American farmers' ability to deliver a nutritious, healthy, safe, and affordable food supply to our kitchen tables. But how secure can we feel about our food supply when agricultural production and food processing moves to Mexico under NAFTA?

Well, think about it. Consumers and environmental advocates in this country fought for years to make sure that our food supply is not poisoned by toxic pesticides and unsafe growth hormones. But many of these dangerous chemicals are still used in Mexico today, and there is absolutely no guarantee that NAFTA will prevent food treated with these chemicals from winding up in the pantries and the refrigerators across America.

States that have tough State laws against certain pesticides to keep unsafe Mexican food products out could be accused of erecting unfair trade barriers under NAFTA. Local and State health and safety laws passed at the request of local citizen groups could be unduly preempted and nullified by NAFTA.

Mr. DREIER. Mr. Speaker, will the gentleman yield on that particular point?

Mr. BONIOR. I will come back in a minute.

Mr. DREIER. I am trying to keep up with all these points.

Mr. BONIOR. Make your notes, and we will have a good discussion.

At least 17 pesticides not legal for use in the United States are regularly and legally used in Mexico. I am going to mention one, Triazophos. Triazophos is used widely on potatoes in Mexico. The EPA has found that Triazophos attacks the central nervous system, may cause nausea, diarrhea, headaches, and other health hazards such as twitching, and sometimes full convulsions, and even death.

Another chemical, Pirimicarb, used in apples and beans, citrus fruits and peppers, also has been found to cause vomiting, blurred vision, slurred speech, distressed breathing, and yes, even death in higher concentrations, and these standards are multiplied 10 times over during processing where sanitation standards in Mexico are much lower than they are here.

When you couple food production costs in Mexico with even lower processing costs because of low wages and lax standards, you see just how much food we might be importing from Mexico under NAFTA. And how are we going to inspect it all to see that it meets our standards? Even without NAFTA the United States Department of Agriculture can only inspect 2 percent of the food products brought in from Mexico. When the flood of imports really starts up, we will be lucky to inspect even 1 percent of what is coming into this country.

So I would just like to conclude my remarks by suggesting to my friends and colleagues that this is not a good agreement for America. It is not timely. It is not right. It is not safe. It cheats our workers who have worked so hard to develop a standard of living for their families. It will chase jobs south of the border, and for those that are remaining here north of the Mexican border, all of the benefits will be bargained down on the threat of leaving and going south to Mexico.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend, the gentleman from Ohio, and then I will yield to my other colleagues.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding.

I think when the gentleman talked about what is the hurry, I think that is really the key to this issue. Back 2½ or 3 years ago when fast track passed this House of Representatives and passed the Senate, then-President Bush was saying we have to hurry, we have to hurry, we have to hurry.

Then in 1992, when an agreement was wrapped up with the Presidents of Mexico and Canada, President Bush wanted to get that in front of the American people, because he thought it would help his reelection.

Mr. DREIER. If the gentleman will yield on that particular point, he is absolutely wrong. President Bush said that he wanted to take the time. Fast track simply granted him the authority to negotiate an agreement which would not be modified greatly by this House.

Mr. BROWN of Ohio. Fast track, if I can take back the time, says two things. It says that you can give something to Congress with no amendments, and it also speeds up the process. And it is clear in this whole process from President Bush's activities to Trade Representative Kantor's activities to our new President's activities that they want to see this passed much faster.

If you look at the historical context, which you should in trade agreements, you understand, as Mr. BONIOR said, that the European Community took 20, 25, or 30 years to put its agreement together, and that is when they had wage ratios of only 2 or 3 to 1. And that was the poorest wage earners, the poorest countries in Europe, Greece, and Spain and Portugal. Their wages were about one-third on the average of the wages in the wealthier countries and more industrialized countries. Here we are looking at a ratio of 10 to 1, and we are trying to do something in 2 or 3 years that took the European Community 20 or 25 years. And in Europe the major things that they worked on, that they finally agreed to, that Spain, and Portugal and Greece finally agreed to was free elections, and free labor unions, free trade unionism, and various kinds of guarantees that these countries would move into the economic mainstream, and more into the political reform mainstream with the rest of Europe.

The question is what is the hurry to Mr. Kantor? Why are we hurrying, Mr. President? In this agreement we have things like truck safety to work out, we have things like peso devaluation to work out, we have all of the clean food issues to work out, as you said, Mr. BONIOR, and we have all of the issues like the environmental issues, and the labor safety standards, and all of the different kinds of issues that are so complicated, let alone the huge wage differential.

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Twenty-five years ago Mexican workers made one-third of what American workers made on the average. Today Mexican workers make between one tenth and one twelfth of what we are making here. And that is after American wages have slightly declined. It means wages have dropped, simply plummeted in Mexico. So that that is a nation that is going in the wrong way on their wages.

That is a nation not going to create a middle class. And you cannot have free trade without a middle class, you cannot have free trade without elections.

President Salinas is giving us no guarantees that he is going to have either free elections or free trade unionism.

As a Nation, we have no business—we do in fact have a trade problem with Mexico. The problem is their tariffs are too high. I say to President Salinas, "Bring down your tariffs, and then we will negotiate, and then we will talk when the tariffs are roughly equal." But why should we give the store away when our tariffs are already lower than his so that he will bring down his tariffs?

Mr. BONIOR. I thank my colleague for those comments.

I yield to my friend from Arizona.

Mr. KOLBE. I appreciate the gentleman yielding, and I hope that we can have a dialog here tonight. My own hour on this subject follows this, and if we do not finish during this time, I will certainly yield at any time at any point during the discussion because I think really the American people do benefit from having a discussion of this.

There have been several points made that I would like to follow up on. But immediately, one I just wanted to ask the gentleman from Ohio [Mr. BROWN] when he talked about fast track causing this to be sped up and to be done in a hurried fashion. We have been negotiating the Uruguay round of GATT under fast-track rules since 1986. Is that the gentleman's definition of something that has been hurried up and sped up and done in too fast a fashion? That is fast track?

Fast track has to do with the process, for once it is done, for consideration on a particular timetable within the House. The most critical thing, as you know, it that it does not get amended on the floor, or in the committee, but is considered as a package. We have learned that trade negotiations cannot be done that way in the Congress, and that is why Congress, I think rightly, in the 1970's set up the process of fast track.

Mr. BROWN of Ohio. There has been a frenetic atmosphere or frenetic environment around the Bush and Clinton administrations to rush toward this trade agreement. Beginning in 1989, 1990, 1991, 1992, 1993, they want this agreement quickly. They do not want to deal with the issues of wages, of the environment, with the pace of devaluation, with truck safety; all these issues that are central to the American people and to their way of life.

Mr. DREIER. Mr. Speaker, with all due respect to my good friend, my new friend from Lorain, he is a new Member of this House. Messrs. BONIOR, KOLBE, and I and many others were here in 1991 and played a role in the establishment of the fast-track authority. At that time we knew that it did only one thing: It said that when that package came back to the Congress, we would have an up or down vote on it. As we proceeded with establishing fast-track authority, we said time and time again that we wanted the process to work its way. We wanted all of these provisions to be raised. Quite frankly, more than a few of the items raised by both of my friends as they relate to pesticides, environmental area, and other items, clearly are addressed in the NAFTA agreement itself. We know that this administration made a decision in looking at labor and the environmental areas, they would be side agreements. That negotiating process is under way.

We hope very much that there is a good package which will, frankly, bring about the support of both the gentleman from Tucson and from Claremont, CA, and my friend from Mt. Clemens and my friend from Lorain, so that we can have a bipartisan agreement here on a very good package.

Quite frankly, it is very fascinating for Mr. KOLBE and I to be standing here defending President Clinton, defending our U.S. Trade Representative, Mr. Kantor, and my two friends on the other side of the aisle obviously being, as Mr. BROWN just was, critical of Mr. Clinton and my friend, Mr. Kantor. It seems to me that we want to do this in a bipartisan way. I am very happy that there are more than a few Democrats who have joined in recognizing the elimination of these trade barriers is clearly going to do the opposite of what the opening words of my friend, the gentleman from Michigan [Mr. BONIOR], were, and that was, NAFTA defeats jobs.

It seems to me that NAFTA is going to create jobs right here in the United States of America. We have to recognize that.

Now, the examples to which my friends have referred——

Mr. BONIOR. Let me respond to that, and then I will yield and we will have debate on the examples.

First of all, I should tell my friends that the distinguished gentleman, Mr. BROWN, from Ohio, is not a neophyte to politics. He is a former secretary of state of the great State of Ohio, and he has been one who has been a leader in this community and in this Congress on these very important issues as they relate to jobs in Lorain and throughout the industrial heartland of the Midwest.

So, he is one of the most articulate and knowledgeable people with respect to workers or their rights and jobs and the economy in the region from which we both come.

The second point I want to respond to is the point the gentleman from California made with respect to side agreements. The gentleman thinks side agreements can improve this. Some of my friends on this side of the aisle believe side agreements can improve this so-called NAFTA.

Mr. DREIER. I did not say that the side agreements can improve this, I said I believe the side agreements may play a role in getting the votes of some of my friends from the other side of the aisle.

Mr. BONIOR. All right, I will accept that, I will accept that as well.

Where I come from, and I believe Mr. BROWN comes from, is that this agreement, this treaty is unfixable, it is fatally flawed. And the reason it is flawed, if I could repeat the argument I made just a second ago, is that the basic institutions in Mexico that are needed for us to have free trade—the political system, the economic system, the judicial system—are either terribly corrupted or inefficiently run.

Now, all you have to do is look at the history of electoral fraud, all you have to do is look at the way labor is not able to freely organize in order that they can increase wage standards or they can increase safety standards for their workers, to understand that.

Until you have a society in which you have free elections, in which labor can organize and help raise the standards for the workers, you will not have a society in which you will develop a middle class.

For a free-trade agreement to work, you have to have a middle class on both sides, as we do in Canada and the United States, as the European communities have developed.

So, what I believe will happen is that if this treaty is adopted, if we pass the implementing legislation, we will institutionalize the existing political and economic structure in Mexico, and those millions of Mexicans who care about real political reform, real economic reform, real reform of the labor movement, will again be shafted, will be left out in the cold, and we will perpetuate this ongoing system in Mexico of low wages and elite privilege, thereby not providing us with any opportunity to gain on our side of the border from the free-trade agreement. But in the contrary, we will be losing more and more of our jobs to those low-wage-paying, high-productivity, low-wage-paying areas.

Mr. BROWN of Ohio. That point is exactly on target, the Mexican Government is the longest reigning dictatorship in all of the Western Hemisphere. The Mexican Government has been in power, this political party has been a one-party plutocracy since 1929. This political party, under the leadership of President Salinas, solicited its richest corporate friends for $25 million each in contributions and then backed off when it was brought to light that he probably should not do that in light of the North American Free-Trade Agreement negotiations and the side agreement, and the political problems with getting it through the U.S. Congress.

It is a country where 30 families control 50 percent of the wealth. If President Salinas and my new friend from California and Arizona, if they are really serious about wanting a North American Free-Trade Agreement, then let the two of those gentlemen, who seem to be enamored of President Salinas, let President Salinas come forward with real electoral reforms.

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Let him show he is interested in real democracy. Let him show to us that he in fact is a democrat with a small "d," that he is going to let people assemble freely, that he is going to stop some of the drug trade, that he is going to do some of the things that we expect from leaders with whom we engage in free trade. You cannot have free trade without free elections.

Mr. DREIER. Mr. Speaker, will the gentleman yield just for a question, and then I will let the gentleman from Arizona take over.

Mr. BONIOR. Yes, I yield to the gentleman from California.

Mr. DREIER. We stood in these exact same spots a few weeks ago. My friend accused me of being a defender of the political system within Mexico.

I would simply like to ask the question that I tried to raise at that time as we stood here. Does my friend believe that there has been any improvement within the past decade in the political situation that exists within Mexico?

Mr. BROWN of Ohio. Fundamentally, I do not think there has been.

Mr. DREIER. The gentleman is totally wrong. If we look at the facts, the opposition party is now holding governorships and mayoralties throughout Mexico, especially in the northern part of the country. If you look at the fact that there has been a rise of political pluralism within the country, again not perfect, and I always find it very ironic and my friend from Arizona just said it to me, as we talk about the fact that the Institutional Revolutionary Party has controlled Mexico's Government since 1929. We like to point to the fact that that is the only other country in this hemisphere, or practically in the entire world with the exception probably of South Africa and Japan, ours is the only other country other than those three that has had its legislative body controlled by one political party for a longer period of time.

Mr. BONIOR. That is not correct, and the gentleman knows it is not correct.

Mr. DREIER. Now, again, I am not likening the political situation in Mexico to the United States. I am not saying that that degree of political freedom is identical in both countries.

Mr. BONIOR. Mr. Speaker, I am not going to let the gentleman get away with that. The gentleman knows that is not correct, that the Congress has not been controlled by the Democrats for 40 years. The Republicans controlled the Senate for a good number of years during the Reagan years. That is not accurate.

Mr. DREIER. The House of Representatives, the People's House that has all the responsibility for taxing and spending.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I find it ironic that my colleague, the gentleman from California, who continues to say that he is not an apologist for President Salinas, all of a sudden compares our legislative branch with Mexico's legislative branch.

I find that is almost un-American to say that we in this Chamber are similar to what happens in Mexico. The Mexican Senate, the only legislative body in Mexico, I might add, that gets to vote on this agreement, the House of Representatives in Mexico does not, is controlled by the majority party 61 to 3.

Salinas is a smart man. He went to Harvard, after all. He must be smart. Salinas is good. He has given a few bones to the opposition party so that people like my colleague, the gentleman from California, can stand up on the floor of the House of Representatives in this country and say that Salinas is a reformer. Things are getting better.

Things are not getting better. Wealth is concentrated at the top. The middle class is even smaller in Mexico than it was. Wages have gone down in Mexico.

You cannot have free trade without free elections, and as the gentleman from Michigan [Mr. BONIOR] says, you cannot have free trade if you do not have a middle class, and they are moving away from a middle class, not building up toward a middle class.

Mr. BONIOR. Mr. Speaker, I yield to my friend, the gentleman from Arizona.

Mr. KOLBE. On this question of the political reforms, to the gentleman from Ohio I would suggest that the gentleman would do well to study, at least take a look at the electoral reforms that have been made in Mexico. As we have found in this Congress, and I do not say this in a partisan sense, reforms come more slowly perhaps than some of us would wish. Many of the freshman Members on both sides of the aisle have expressed some frustration about that. Reforms come more slowly, and we are certainly dealing with a political system that is entrenched down there, but you have a President who is clearly committed to making changes. They have an electoral law that I think is a very good electoral law. The registration of voters down there has been endorsed by the political parties on the left, the right, as well as the PRI and the center there as one which is reasonable, allows for the registration of all voters, allows for access to the voter list.

It is not perfectly implemented in every State, and we know in our communities election laws are not perfectly implemented, but changes are taking place.

I would suggest, as the gentleman from California has pointed out, that there are changes taking place down there. Certainly more numbers, this is not just bones being thrown, but the number of municipalities now that are in the control of the opposition, the number of those in State legislative bodies that belong to the opposition, and the number of the Chamber of Deputies and the number of Governors is unprecedented since 1929 when the PRI took control of Mexico. So it is changing and it is changing gradually.

I think if you know something of the history of Mexico, you understand why gradualism and change means a lot to them.

Ten percent of the population of Mexico died in the revolution in the early part of this century. There is no one in Mexico who does not remember having relatives who perished in that revolution. They are not anxious to repeat that.

I think the changes they are making in Mexico today is taking them along the road to democracy in the way that we would want them to do.

The basic question that I would ask—I will stop and we will resume this debate—but the basic question we have to ask is, will we enhance those political reforms, leave aside the economic changes now, will we enhance the political reforms if we say no to Mexico in terms of economic cooperation?

I think the answer is fairly obvious. No, we do not help those kinds of political reforms.

Mr. BONIOR. We have had just the opposite reaction, I will tell my friend, the gentleman from Arizona. We have met with Mexican workers, Mexican political leaders, average Mexican workers who have told us the only way the system in Mexico will change so that the President and the PRI party do not control the judiciary, they do not control the media, they do not control labor law, is if we defeat NAFTA, send a message that things have to change in Mexico in order for us to get a good deal in terms of trade so we do not lose our jobs here in the United States. That is the message that we have heard.

Mr. Speaker, I yield to my friend, the gentlewoman from Ohio [Ms. KAPTUR], who has been so vigilant and outstanding on this issue.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Michigan for giving me the opportunity to join this evening and bring some additional facts to bear on this NAFTA debate, especially to try again to draw open the drapes, in some ways an iron curtain, that separates the United States and Mexico with the type of information and the type of living conditions that really exist in that country.

I think our press has been very lax in terms of opening up to the full view of the American people what is actually happening south of our border.

Last spring I led a group of women Members of Congress, along with my cochair, Congresswoman HELEN BENTLEY of Maryland, a bipartisan delegation of women on a factfinding mission to Mexico.

The title of our mission was "The Human Fact of Trade."

We really wanted to take a look at how the over 2,000 U.S. companies that have located south of the border, what their impact has been on the people. We know what the impact has been on the people of our communities in lost jobs. But what were they actually doing down there south of the border. What was happening with living conditions.

We asked ourselves if this trade treaty is signed with Mexico, how much more of the same will we see?

I think that by some of the photos I am going to show this evening, as well as the data that we collected from actual test samples that we took from various communities that we walked through, we found worker after worker who related personal stories of subsistence pay, very, very low wages, dangerous working conditions, exploitation by American managers and denial of labor rights.

In addition to that, we found a massive continental cleanup problem that no one wants to talk about and for which no money has been dedicated.

The samples that we took, the environmental samples were contaminated with toxic industrial pollutants, including lead and mercury, benzene, and xylene, and some concentrations were so great that they would be considered a hazardous-waste site here in our country, and we took the samples from shallow drainage ditches that ran unfenced behind both residential and industrial areas where livestock grazed and where children played.

Tonight I want to go through those samples that we took; but what is very interesting is today here in Washington the President of our country had lunch with the chieftains from some of the major corporations here in the United States, the same group that is a major part of the support group for the U.S.A. NAFTA coalition, the pro-NAFTA coalition.

In fact, 10 of the top leaders in that coalition are among the top 30 U.S. releasers of toxics in 1992.

DuPont ranks first, Monsanto third, and 3M is eighth.

Now these companies are working with the U.S.A. NAFTA coalition so they can go to Mexico and pollute even more there.

Imagine what this means, what it has meant to the people of our country when we try to clean up our Superfund sites, and what it means to the people of Mexico who do not have this kind of forum in which to bring their complaints and to have their Government respond.

Mr. BONIOR. That is an important point, I just want to interrupt for a second, because as the gentleman from Ohio [Mr. BROWN] said, they cannot discuss NAFTA in their House of Representatives. They can in the Senate and the Senate, as the gentleman from Ohio [Mr. BROWN] has correctly stated, is controlled 61, I believe, to 3 by the ruling party. So there is no discussion like this there about what this will do to the American workers and people as the gentlewoman is so eloquently laying out for us tonight.

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Ms. KAPTUR. Mr. Speaker, I think the gentleman is absolutely correct. In fact, the people whose pictures we took asked us, "Please bring us back to the United States," and to debate this in our Congress because it would be the only place on the continent where a full and open debate would occur.

Now the first set of samples we took were industrial samples from industrial sites. We went just south of our border, to Matamoros and Reynosa, Mexico. These samples, the first that we took, were from an open ditch, and, if you go up the stream, there are chemical companies that have been operating there for years. General Motors operates a plant right across the street here. The sample that we took there and had analyzed contained enough petroleum hydrocarbons to qualify it as a hazardous waste site four times over. High levels of mercury were also present. The sample was also contaminated with benzene, toluene, ethyl benzene and xylene, again at levels which qualify it as a hazardous waste.

Further east along the same canal, and, by the way, here is a picture of a cow drinking out of the water, we found chickens, cows, people who were grazing their animals along these ditches, and then these families, who are so very low income, take this cattle, have it slaughtered, and they eat it after these animals have consumed out of the same ditch. It was absolutely appalling.

We went further upstream, and we came to an area alongside the chemical plants, right across from where children live along railroad tracks, and we took sample No. 2 there. It was closer to residential areas. We took a sludge sample that we had tested, and it contained mercury at 145 times acceptable levels. These industrial pollutants cause brain damage, and birth defects, and other health problems.

Mr. Speaker, it was really awful to see that, what we have learned about the environment here. We thought we had taught our companies something, and we, as a society, had reached a certain level. But, going down into Mexico and to see these same companies doing what they have done to our regions of the country which they have now abandoned I think is a true continental tragedy, the dimensions of which have not been fully understood here in the United States, and I think a part of this debate that we need to focus more on is who is going to pay, not for the future cleanup in Mexico by our companies, but who is going to pay for the past. We estimate; the gentlewoman from Maryland [Mrs. BENTLEY] and I were talking, and we were talking about perhaps a $100 billion cleanup problem there. Now who is going to pay for all of that past damage?

The second set of pictures I would like to demonstrate this evening are from residential areas. This is where the people live that work in those plants that our country sent down there. This was in Reynosa, Mexico. This is a typical area where families in Mexico live, in the colonias, the areas around these companies, and we took samples there, too, of the water that the people were using. One water sample from this area was contaminated with coliform bacteria rates at 400 times U.S. standards. I took another sample across the street from that. It was contaminated at 1,500 times U.S. standards.

Essentially, Mr. Speaker, what we have is people living in these areas. It rains, and the outhouses wash out. They are literally living in filth and sewage around these developments, not 50 people, not 500 people, but thousands and thousands of people living in these degrading and inhuman conditions.

Mr. DREIER. If my friend would yield on that point, I would simply like to say implementation of NAFTA is the best way in the world to counter that terrible situation.

Ms. KAPTUR. Mr. Speaker, I did not yield to the gentleman from California. However I have plenty to say on that score.

And this is a final sample that we took, and this was taken near a water outlet. This is the family whose home was sampled. These people work for Zenith, and the woman and the husband work in a company. I will not even tell my colleagues what he has to do, but any OSHA inspector would close the place down in the United States of America.

Seven people live in this little hut. It is a one-room hut. This was in the backyard. I took a sample. This little girl was running. They have running water, which means a hose in the backyard connected to an outlet that runs up the lane. I took a sample from right here. She is running with no shoes on, and that particular sample was contaminated with coliform; that means raw sewage, at rates over 100,000 times U.S. standards. Coliform bacteria indicates the presence of human fecal material, and exposure is linked to cholera and typhoid.

Now, as I see this, what is amazing to me is that our companies and the other foreign companies that have located in northern Mexico would have allowed this type of situation to develop and that the Government of Mexico would not have stood up for its own people, and in fact as someone said to me, "Well, Marcy, you know the Government of Mexico doesn't stand up for its own people because it doesn't look at its people as consumers. Rather they look at their people as producers, and they are willing to impose on them tremendous wage restraints in order for their shareholders and large corporations to make more money to pay back the $106 billion of debt that is owned to international banks."

What is sad about this situation, Mr. Speaker, is that up the street from where these people live in that filth, 24 hours a day operates Zenith Corp., General Electric, General Motors, TRW, and a host of other U.S. companies.

I really believe NAFTA has to be defeated, and in its place we must negotiate a trade agreement that genuinely addresses the terrible conditions of the border regions including tough enforcement of international standards and secure and dedicated funding sources adequate to cover cleanup of both present, as well as future, contamination, and I really appreciate the gentleman yielding me some time this evening.

Mr. BONIOR. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio [Ms. KAPTUR], for her exposé on what she saw firsthand and filmed firsthand in her visit, and I guess the question, and this would be a good time to ask my friends from Arizona and California, is:

How can they justify, first of all, the actions of American corporations with respect to those health problems down there, and, second, the toleration of this by the Mexican Government? I mean how in heaven's name can they justify these multinational, wealthy corporations poisoning these people, paying them so meagerly, and then allowing the Mexican Government to continue to allow this to happen?

Mr. Speaker, I yield to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I appreciate the gentleman from Michigan [Mr. BONIOR] yielding to me.

First, Mr. Speaker, I will respond to that question if I might go back to something, and I hope, if we continue this dialogue in the next hour, we can actually have the debate, but the point I wanted to make is in response to the statement about the Senate proving this just to clarify that point, the Senate does ratify the agreement, but very much like we do. Both the House and the Senate implement the agreement so they both must pass the legislation to implement it.

Mr. BONIOR. Well, we met with some members of an opposition party today, and we were told just the opposite. These were Mexican Congressmen who told us that in their house they have no say whatsoever on the NAFTA issue and that the senate was the only body.

Mr. KOLBE. Well, many of the changes that would be required by NAFTA in Mexico are constitutional changes, and those do have to be adopted in both houses and then by the appropriate numbers of State legislatures, but to answer the point, to go back to the question that the gentleman raised there, how can we tolerate this, I do not believe that the gentleman is suggesting that any of us endorse the idea of bad or poor environment or poor environmental enforcement. I also do not think, and I hope the gentleman does not suggest, that everything in the United States is perfect when it comes to an environmental enforcement or that we are that many years away from a Love Canal.

For example, I would just point out that in Mexico I think you will find very few—let me just finish my point.

I certainly would suggest that, if you look at developing countries around the world, you will probably not find any country that has done as much as Mexico or spends as much on a per capita basis as Mexico does on environmental protection.

Now, American companies for the most part follow American standards in Mexico. What we have seen in some of these pictures is what happens when it is outside the plant, where there is not a system that can deal with the problem outside the plant. There are certainly companies that violate standards, and there are——

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. If I might just finish the sentence, there are, as my colleague knows, enforcement standards in Mexico that are actually powers of enforcement on the environment in Mexico that actually go beyond our powers, and an inspector can come in and close down a plant on the spot.

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That cannot happen in the United States. So I think that there is certainly not only a desire, but a willingness to try to do a great deal more. And Mexico is doing more when it comes to the environment. They are spending a lot of money on environmental cleanup. They are making tremendous strides in that area.

Just to cite one specific example, in Mexico City a couple of years ago, the President closed down the largest oil refinery in the city, that employed 5,000 workers there, because it was adding so much to the pollution. That was not an easy decision to make when you have 5,000 jobs in a country that needs jobs so desperately. So I think there is a commitment, and I think they have demonstrated that commitment.

Mr. BONIOR. I yield to my friend from Ohio.

Ms. KAPTUR. I thank the gentleman for yielding.

I would say to my good colleague from Arizona, in the community that we were in, in Matamoros, Mexico, which has approximately 76 maquiladora plants in operation, I would ask the gentleman to just take a guess as to how many of those have treatment?

Mr. KOLBE. Well, I daresay very few of them have treatment at the level that we have here. But one question you might want to ask is to what degree are they complying with Mexican environmental laws, or are they moving to meet those standards that are required?

Ms. KAPTUR. The gentleman said that they conformed to U.S. standards when they operate in Mexico. I asked how many of the plants have treatment in that city. One. And that was after 3 years of community pressure, General Motors was required to spend $2 million, which is peanuts for all it saves in terms of low cost labor there, millions of dollars a year, only after substantial community pressure. One plant out of over 75 plants in that one town, which incidentally has the highest wages of any maquiladora area in Mexico.

So I know the gentleman wants to do what is right, but I would beg of you, please, do not try to paper over the serious problems that we face, both in our country and there, by trying to be an apologist for the Government of Mexico.

Mr. BONIOR. I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. My colleague from Arizona and my colleague from California seem to enjoy defending Mexico by tearing our country down. I mean, it is defending Salinas by comparing the U.S. Congress to them. It is defending Salinas, defending the Mexico environment by saying, "Well, our country's environmental laws aren't perfect either."

You are darn right, ours are not perfect. But, you know, as the gentleman from Michigan [Mr. BONIOR] said earlier, we have reached a consensus in this country, in State legislatures, in city halls, in county courthouses, and on the floor of this House and our Federal Government, we have reached a general consensus that we do fight for clean water, we fight for clean air. We have generally pretty good environmental laws. And there is a real chance, because of Judge Richey's decision and the overriding that NAFTA might do of local and State laws, that we are going to lose some of that consensus, that we are going to be dragged down to Mexico's level in the environment, and dragged down to Mexico's level on wages, and dragged down to Mexico's level on worker safety.

Mr. KOLBE. Will the gentleman tell us how NAFTA changes our environmental laws?

Mr. BROWN of Ohio. I can give you an example with truck safety, for instance.

Mr. BONIOR. I yield to the gentleman from Florida [Mrs. THURMAN].

Mrs. THURMAN. I believe we heard testimony recently that it is called trade barriers, and if anything is different on that side or our side and it creates a trade barrier, there is a mediation panel that they must go to that will be made up of Mexico and Canada and the United States, with no other recourse.

Mr. KOLBE. But not having to do with environmental laws.

Mrs. THURMAN. Absolutely. That is where your whole food safety issue comes into play.

Mr. BROWN of Ohio. If I could take some time, pretty clearly, the commission, the trilateral commission that our President and our Trade Representative are trying to negotiate in some of the environmental side agreements, if there is in fact a trilateral commission that can find one country or another guilty of violating environmental law, it is not clear at this point whether Canada and Mexico can vote against us and call it an unfair trade practice. Whether it is environment, whether it is truck safety, where these huge Mexican trucks with 18-year-old drivers that generally are not as well-trained as ours can drive their triples and their very heavy, very long, overweight trucks, on American roads and outcompete our drivers because of those laws, one after another after another. That is why we have to slow down on this agreement and do it right.

Mr. BONIOR. I yield to the gentlewoman from Ohio and then my friend from California.

Ms. KAPTUR. I thank the gentleman.

I want to read into the RECORD what a woman who works at the Sony plant in Mexico said to me.

> I have worked there for 15 years. We used industrial solvents and we used them without any protection. We put up hot metal in the solvent and the vapors of the hot metal you breathed in, and there were never any exhaust systems that worked. There was never any protection for yourself. The factory has been there for 20 years and we have been soltering in the middle for that period of time, always observing the smoke and the exhaust system never worked. The smoke goes in your face, and I have had many coworkers that have had x rays that have been able to detect the smoke in their lungs. The doctor tells them they should stop smoking, but they have never smoked. The smoke from the soltering is affecting their throats. We have had a lot of premature births and low birth weight babies, abortions, too, as I personally had a miscarriage of the baby while I was working.

That is one woman, who can only speak out in this Congress because she is not allowed to speak out in the nation of Mexico.

Another woman in Mexico:

> Sometimes I am concerned that the managers arrive at the plant with the smell of alcohol on their breath, and they raise their voices to my coworkers, and my coworkers are pinched by the managers. The Commission for Health and Safety at the plant are not allowed to work as they should. There are a lot of leaks in the building because it is old and the leaks fall on top of the equipment that we are trying to work on, electronic equipment. Some of my coworkers have had electrical charges from the leaking onto the machinery, and there are no emergency doors. That is a little bit of what I have lived through.

Mr. BONIOR. I yield to the gentlewoman from Florida, because our time is short and you will have an hour.

Mrs. THURMAN. This is actual testimony that came here to Congress before the Government Operations Committee on Housing and Employment. We actually had four Mexican workers come to speak before this committee. And I have to tell you that they did it with a lot of stress, because they were very concerned about themselves and the kind of retaliation that would be given against them by their Government, and in fact in their employment opportunities within Mexico.

I will not go into all of this, other than the fact she talked about earning a minimum wage of about $4.50 for a 9-hour day. But the thing that was really very concerning to all of us was she said:

> You know, we were just a group of us that wanted to improve our working conditions on safety and wages at this company that we worked at. We were working with such things as thionyl and epoxy resin, but there were no masks provided. The chemicals were irritating our skin. So there were six of us that tried to organize so that we could get better working conditions.

She goes on to talk about what happened to her. And she got fired from her job for trying to participate in these kinds of things, but then went on that she got another job, and 7 days later she was brought in to the manager and she was told that in fact she was going to be fired because she was an undesirable.

She looked at him and said, "I am not a criminal, but I thought that workers' rights should be respected. I am not a drug addict and I am not a thief. I am just trying to make things better in my country for my people."

Mr. BONIOR. That is what this issue is really all about, is that woman who is struggling to make life a little better for herself and for her family. And if we say no to this agreement, if we say no to the implementing legislation, we will be sending the most powerful message that we could sent to ordinary Mexican men and women, who have struggled for years for human rights, for decent health and safety standards, for decent wages. We will have sent them a message of hope that we are not going to buy into this system, which I believe is basically corrupt. And when we do that, they will have the power and they will have the hope of their people, so that they will in fact come into power in Mexico and change this system, which will allow average working people to earn a decent wage, which will allow a middle class to develop on a broad scale. And then it will be time for us to sit with the Mexicans and decide upon how we are going to engage in free and fair and open trade.

I would like to conclude by yielding to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Thank you for yielding to all of us some of your time to discuss this very important issue. And I especially thank the American public that is watching us again tonight discuss the North American Free-Trade Agreement.

The proponents of NAFTA have been funded with over $25 million from the Mexican Government, millions more by the pro-NAFTA-USA group, which is basically large corporations in America. The only way to defeat this is calls and letters to Members of Congress from all of you out there. And that means get as many of your friends as oppose NAFTA to write letters to all of us in Congress, to call us, to let us know that you think NAFTA is a job killer, that NAFTA is a small business killer, that NAFTA hurts our communities, because it makes a difference in all our lives.

Mr. BONIOR. I thank my colleagues for joining me.

NAFTA is an important issue for us for jobs, keeping jobs in our country, and for the well-being of our citizens, and I urge my friends to respond in a positive manner to defeat this effort.

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IN SUPPORT OF THE NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore (Mr. LAROCCO). Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 60 minutes.

Mr. KOLBE. Mr. Speaker, may I say to my colleague from Michigan, the gentlewoman from Ohio, the gentleman from Ohio, and the gentlewoman from Florida that I hope those that can will stay around to engage in this dialog, because I hope we understand that this is an important one. I think all of us believe that it is important that the American people understand what this issue is about.

I would begin with answering some things, when we did not have some time in the last hour to respond to. I want to respond specifically to something that the gentleman from Ohio spoke about, and it is really kind of reflected in this map which is shown over here.

He asked the question, why should we take the brunt of it; why does not President Salinas lower the rates, the tariff rates in Mexico?

The fact of the matter is, of course, tariff rates have been coming down substantially from a top rate of 100 percent to a top rate now of 20 percent and from an average rate of 50 percent to an average rate of 10 percent in Mexico.

The result of that, as I am sure the gentleman from Ohio must know, because you could hardly escape the statistics, they are so dramatic, is that United States exports to Mexico, that is that sale of goods from the United States to Mexico, has increased in 1987 from $16 billion to $43 billion in 1991. That is a 180-percent increase in the course of 5 years.

Now, economists may differ and you and I may differ on exactly how many jobs are created by each $1 billion of exports, but I do not think there is any disagreement that every $1 billion of additional sales to Mexico or to any country creates jobs. So the fact of the matter is that we have had a dramatic increase in the number of jobs created in this country, as a result of the additional trade that we are doing with Mexico.

The estimate is 400,000. That is direct jobs, not indirect jobs, but 400,000 jobs since 1987 have been created in this country as a result of the additional business that we are doing with Mexico.

And today, we ourselves are in the position of having the largest surplus, I think I am correct on this, largest surplus with any nation in the world today is with Mexico. The most dramatic change that has taken place in our trade in the last 10 years has been with Mexico.

We have gone from a deficit of over $4 billion in our trade with Mexico in the mid-1980's to a surplus of nearly $6 billion in our trade with Mexico.

Mr. Speaker, I yield to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I am glad that the gentleman has brought up the topic of exports, because the chief export from Ohio to Mexico has been the export of our jobs in the form of 100,000 jobs.

I heard the gentleman's figures. I have studied these figures in detail. Major exports from all of the States in the Union to Mexico mostly go down there and then they come back here in the form of transshipped goods. In other words, automotive parts that used to be made in Ohio are now made down there or an Ohio company will ship a component part down to Mexico. It is put in something and rather than being sold into the Mexican market, it comes back here.

In fact, in the area the gentleman has the most interest in, consumer goods, we, in fact, are running a huge trade deficit with Mexico of $3 billion. It has been growing simply because they cannot afford to buy our products.

I appreciate what the gentleman is trying to do there. The major area where we have had the increase is in capital goods. I know the gentleman knows what is happening. We are actually exporting our productive capacity and putting it in northern Mexico.

Our plants are being exported. Our machine tools, our equipment, that is where those numbers come from.

Mr. KOLBE. Reclaiming my time, and I will continue to yield, because I think this debate is very helpful, let me just again remind the gentlewoman from Ohio that her State is one of those that has had one of the most dramatic growths. It is over 100 percent since 1987 and 1982, of exports to Mexico.

You talk about this being things that go down there and then come back to the United States. Well, if it is an automobile part that goes down to Mexico and the automobile comes back to the United States, it is nonetheless a product that is being made, somebody in Ohio is being employed making that. If you did not have the capacity to do that in Mexico, to share some of this production, the chances are that part would be made in South Korea and then assembled in Taiwan or assembled in Japan and being brought to the United States. So what is fair is fair.

All the trade figures are counted the same, whether it is exports going to Japan, to an American subsidy in Japan, or an American subsidy in Mexico.

The fact is, consumer goods have increased even more dramatically. We have a higher proportion of consumer goods being sold to Mexico than we do to most nations.

Mr. Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, let me first make just a couple of statements.

First, I have an extraordinarily high regard for my Democrat colleagues. I have worked very closely with my friend from Toledo, OH, on a wide range of issues, and I know that she is very sincere in pointing out the problems that exist with businesses in Mexico and the problems of pollution.

I happen to feel very strongly that if we do nothing, if we do not implement the North American Free-Trade Agreement, we will be encouraging the perpetuation of this kind of behavior.

I happen to think that the best way for us to respond to this kind of action is for us to implement the agreement. Why?

Because very clearly, a study was just released this week that came out from the Pacific Research Institute for Public Policy, which clearly looks at the Richey decision and refers to the fact that environmental improvement is going to take place in both Mexico and the United States.

My friend from Lorain has said we are going to see the United States fall down to a low level that is like that in Mexico. I do not believe for 1 second that implementation of NAFTA is going to in any way denigrate the environmental quality and environmental standards of the United States. The reverse is going to happen.

My friends have pointed to some horrendous horror stories. I in no way, I know none of my colleagues would want to be an apologist or do anything to perpetuate them. From our perspective, we happen to believe that the best thing we could do to counter it would be implementation of the agreement.

My friend from Toledo referred to the fact that the greatest export from Ohio to Mexico has been jobs. Suspecting that she might be here, we looked at the tremendous number of jobs that are in her district today that are there in large part due to the export of goods and services to Mexico. I have a list of those. I would just like to mention a couple of them.

Dresser Industries in Toledo, OH, has pointed to the fact that what they call their Jeffrey Division on Locust Street, they are an underground mining machinery operation. They employ 400 people, and one of the greatest things that they do is that they export to Mexico.

E.R. Advanced Ceramics, which is also in Toledo, employs 50 people, and these jobs are not going to Mexico. It is goods that are being manufactured by people who live in Toledo that are going to Mexico. Luma Electric Equipment Co., which is on Coining Drive, which is in resistance soldering equipment, electric etchers and demagnetizers. They have 20 employees. A great part of their business is exporting to Mexico.

Ms. KAPTUR. Mr. Speaker, if the gentleman will continue to yield, I would be very curious to know the end use and who purchases those products and to what extent those products come back to the United States. If they go into Mexico and it is the development of a true consumer market, I am all for it. So long as it does not displace production.

It is very interesting the gentleman does not have on his list, perhaps he does, companies like Dura Corp., which have shut their doors in Toledo, OH, and moved down to Mexico. Thermatru Corp., which has shut its doors after it threatened its workers to take a $3-an-hour cut in pay from $9 an hour. The gentleman is not concerned that over 3,000 Ford workers and Libby Glass workers are threatened by this agreement.

Mr. DREIER. Has implementation of NAFTA caused that?

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Mr. KOLBE. I yield to the gentlewoman from Ohio [Ms. KAPTUR], and then I am going to go on to something else.

Ms. KAPTUR. The limited free trade area that we currently have in place has attracted over 2,000 United States companies for the north of Mexico.

Mr. DREIER. If the gentleman will yield, yet the best way to counter is to implement the free-trade agreement to counter the situation to which my friend refers.

Ms. KAPTUR. You won't counter it, you will exacerbate the loss of jobs.

Mr. KOLBE. Mr. Speaker, let me say, before I yield to the gentleman from Oregon [Mr. KOPETSKI], that his presence here tonight gives me encouragement about the bipartisan nature of this. He and I have had some spirited discussions around our days and evenings about the issue of reconciliation over on the opposite side of that. Clearly this is an issue which I think most of us understand. Trade is a bipartisan issue. I hope we are going to have, and I know we will have, a bipartisan effort.

I appreciate the gentleman's being here this evening.

Mr. KOPETSKI. I thank the gentleman for his comments.

I do support the North American Free-Trade Agreement, and also the fact that we do need some side agreements that are being developed now by the leaders of the three nations involved. The fact is, I think I come from a State that has benefited greatly from the reductions in tariffs that were implemented, instituted about 4½ years ago.

Oregon is a State that has seen its exports to Mexico quadruple over these past 4½ years. We have a net surplus, surplus of trade from Oregon down to Mexico. We are exporting such goods as value-added agricultural products. We are exporting paper products from our timber industry. We are exporting high-technology equipment down to Mexico, in part because, as their middle class is developing in that Nation, they have a need, a desire, for many of the American products that we have to offer up in the Great Northwest.

As their economy grows, so, too, we would help the American economy as well. That is the point of the North American Free-Trade Agreement, is this good primarily for the American economy, for the American workers? I say it is.

When we look at the bare facts of it, we are still, even with the increases of exports from Oregon to Mexico, we are still at a trade disadvantage. Why? Because on average, when we export something down to Mexico, we pay a 12-percent tariff. When they export something to the United States or Oregon, it is, on average, a 4-percent tariff.

NAFTA eliminates those tariffs. It brings both down to equality, so who is to gain? We are to gain, the United States, our products.

Then I must say we go back to what is the end use, what is the end use of a product. I think people need to recognize what a global economy means today. The fact is, what is an American-made car? Is it a car that is totally, 100 percent, from the rubber to the steel to every electronic component, is mined and manufactured and designed and marketed in the United States? We cannot find a car like that today. If we go to GM, if we go to Ford, it does not exist.

The fact is, who is going to benefit from where we can get the cheaper part and the best part? Maybe it is Japan, maybe it is Korea, maybe it is Ohio or Portland, OR. When we put those components together someplace and sell it to the American consumer at a competitive price, and they are purchasing a quality product, let us not forget the end user is the consumer in all of this. I think that gets lost.

We try to save people money. We institute tariffs, protective tariffs, here in this country. The result is that the family that wants to go buy their shoes for their kids to go to school in, they have to pay a higher price. That is what we are talking about when we are talking about protectionism. Somebody is going to pay a higher price.

I am one that believes that the American ingenuity, the American worker, the American marketers, can produce, create, and sell quality products out of this country, and that we will beat the pants off of any nation, as long as the trade laws among the nations in this world are fair. That is what NAFTA will do.

Ms. KAPTUR. Will the gentleman yield?

Mr. KOPETSKI. I do not have the time.

Mr. KOLBE. I thank the gentleman. I think he has made a couple of points. I will yield. We do have a couple of people who want to participate in this.

When the gentleman talks about beating the pants off, that America can beat the pants off of workers from other countries, I think that is the bottom line here. I would just like to share a little story with my colleagues.

Not too long ago I went and visited a town on my border, my border with Mexico, the town of Douglas, which is only about 10,000 people in population. It has the largest Safeway store in Arizona, largest in square footage, the largest in dollar volume.

Eighty percent of what they are selling in that Safeway store is going to people from Mexico who are coming across to buy. Safeway is a unionized store. They are doing 24 percent of their business in the meat department, which is the high end of the scale. The average for Safeway overall is 15 percent, 14 percent, so they are doing 24 percent of it in the meat department. They have about 10 union butchers there chopping, sawing, grinding, wrapping, packing, putting that meat out there that is being picked up as fast as it possibly can be by Mexicans who are coming across the border to buy those goods.

Do not tell me we cannot compete with wages in Mexico. We are doing it about 200 yards from the border with union wages, and we are doing it exceptionally well.

Mr. KOPETSKI. Will the gentleman yield?

Mr. KOLBE. I yield briefly to the gentleman from Ohio [Mr. BROWN] to follow up, and then to the gentlewoman from Ohio.

Mr. KOPETSKI. Mr. Speaker, I will give an example in the State of Oregon, the State of Washington. Boeing makes one of the best aircraft in the world. We are doing battle against Airbus in Europe, because they have subsidies from their governments to build this. In spite of that, Boeing, because of the quality, and I have toured the plant in Portland, OR, where workers are union, they have a health care plan, they have a pension plan, they make a decent hourly wage, they have a safe working environment, and they are selling those airplanes, yes, to Mexico as their country grows. They just completed a deal selling to the People's Republic of China, as well.

Mr. KOLBE. I think the gentleman's point is well taken, that the bottom line in all of this that we sometimes forget is the consumer who has more choices and lower priced products to buy.

I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I appreciate the gentleman from Arizona yielding to me and encouraging this kind of debate.

A couple of things about the last comments, and one thing I would say about something previous. We can always give examples of American businesses that have profited under NAFTA, or profited under the present system, but in the end, NAFTA is a job killer.

To say just because we could point to Boeing or point to some companies in Toledo, OH, that are selling to Mexico, clearly there are so many on the other side, and so many on the other side will only grow larger with NAFTA.

Let me point out one issue. The balance of trade, as the gentleman from Arizona [Mr. KOLBE] has made the point, and made it correctly, the balance of trade is in our favor, but it has been in our favor for most of the last 25 years, even when hostile governments were in Mexico, not ones that generally agreed with us and that we liked, for whatever reasons.

There are two reasons that we have a trade surplus with Mexico today. One is that the surplus with Mexico is primarily made up of increases in the export of capital goods, as my friend, the gentlewoman from Ohio [Ms. KAPTUR] has said. We are sending capital equipment down there. We are sending factories to Mexico, and also, they are made up of intermediate goods, supplies, and components.

Over a period of time as these are used in the production of consumer goods, that whole trade surplus is going to shift, because there is a much bigger consumer market than there is a production or manufacturers market. In fact, that shift already has happened. If we can delay NAFTA for another year or two, that surplus likely will disappear, because in the first 4 months of 1993 the United States surplus with Mexico is only half as large as it was in the first 4 months of 1992. That is the first reason we have a surplus with Mexico.

The second problem about the surplus with Mexico is, the peso is overvalued. Mark my words, even President Bush's economic adviser on this issue, Mr. Hoffbauer, who is as pro-NAFTA as you can get, he said we need a side agreement on peso devaluation, because, mark my words and the words of a lot of other people in this institution, if we agree to this, to NAFTA, if it is passed in the Congress and it becomes the law of the three countries, almost immediately Salinas and his government will devalue the peso. That takes away any gains we have.

That means that Mexican goods purchased in the United States are cheaper, American goods purchased in Mexico are more expensive. The trade balance all of a sudden shifts, because they simply stop buying the relatively few things they are buying from us, and we lose everything we might have gained by the North American Free-Trade Agreement.

Again, it is a job killer and a killer of small business.

Mr. KOLBE. Reclaiming my time, we have had two people that have joined us, and I do want to allow them to participate in this.

I have to respond to the argument about the capital goods that the gentleman from Ohio [Mr. BROWN] talked about. I have had companies come in and talk to me about selling machine tools in Japan, selling capital goods in a number of countries. I am puzzled by the argument that somehow the sale of capital goods to Mexico is bad, that we should not be selling capital goods.

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Caterpillar sold $360 million of earthmoving equipment and other heavy equipment last year in Mexico alone. That is a lot of jobs in Decatur and Peoria, IL that depend on doing that business down there in Mexico.

I went when I was in Hermosillo to a construction site, a huge golf course and country club there where there was probably 100 pieces of Caterpillar equipment moving around that job site, and all of that was in Mexico that was available to an American construction company with a Mexican subsidiary doing business in Mexico.

You bet capital goods are going to Mexico, and we are creating a lot of jobs from that.

I want to mention one other thing, one comment in response to what the gentleman said about if we would just reduce tariffs in Mexico. I also visited when I was in Hermosillo a plant, 171,000 square feet under construction by a Mexico subsidiary of a Hong Kong toy manufacturer. They are going to move the entire construction of Barbie Dolls from the People's Republic of China to Hermosillo. You say well, what good does that do us. The answer is, of course, that all of the plastic which goes into that, which is 85 percent of the value of the Barbie Doll, which now is bought in Japan or South Korea and shipped to the PRC for construction will be bought in the United States. That is because the tariff has come down from 50 percent to 10 percent, and the prospect with NAFTA is that the tariff goes down to zero. Because of that and that alone, hundreds, probably thousands, but certainly hundreds of jobs in the United States will be created in plastic manufacturing companies that are making that plastic that will be going to Mexico for use in Barbie Dolls.

That is a practical example of how more open trading relationships bring production back from countries along the Pacific Rim back to the United States.

I yield briefly to the gentlewoman from Ohio.

Ms. KAPTUR. I thank the gentleman for yielding, because I know how strongly he feels about this. And we do have serious disagreements.

But I wanted to respond to my friend from Oregon on the issue of consumers. We want to protect the American consumer. I may differ with you only in that I want to protect both the American worker, who happens to be the American consumer. And I feel that they are on an unfair playing field when they earn $9 an hour, let us say, with benefits, and $9 is nothing in America now, and yet they have to compete with a company in Mexico, if that company goes down there from the United States, that pays its workers $1.25 an hour.

I am sure the gentleman does not mean he believes in a world where American workers' wages are pulled down to lower levels. I am sure that is not what the gentleman is arguing. I am sure you would want to argue as hard for workers and producers as you do for consumers, because in fact they are one and the same. Am I correct, the gentleman would not want to lower wages in America, but you would want to raise wages elsewhere in the world? Am I reading you correct there?

Mr. KOLBE. I yield briefly to the gentleman from Oregon for a response.

Mr. KOPETSKI. I thank the gentleman for yielding. Absolutely, I want the American worker to be competitive, and in this world global market, and I also want to see the Mexican worker get an increase in their standard of living.

Why is it, why is it that a Mexican would leave the hills of Oaxaca and go to a maquiladoras? If you will ask them they will tell you because they are better off there. They were starving where they were before. Not only are they willing to go to a maquiladoras, but they will move into my district, 22,000 of them every year, and they work in the fields, jobs that you cannot get an American student or an American adult to take anymore. And these people are hard workers. Every week they take their paycheck and they send most of it back to their family, back to Mexico.

It is a tragedy that they have to leave their own country and come hundreds of miles north to do that. It has a lot to do with this because we have a paternalistic attitude in this country toward Mexico, and it ought to end.

Mr. KOLBE. Let me yield to the gentleman from Texas [Mr. DELAY] if I might.

Mr. DELAY. You will have to yield to the gentlewoman from Ohio after my statement.

There is underlying economics here that seem to be overlooked.

The gentlewoman from Ohio talks about the disparity of wages between the United States and Mexico. Yet, the opponents of NAFTA never talk about the higher productivity of the worker in America as compared to the worker in Mexico.

The reason that many of the wages in Mexico are lower is the lack of productivity. It is not that they are lazier workers. They just do not have the skills or the technology in order to enhance their productivity. If their productivity goes up, as it has in the last few years, their wages go up, because with higher productivity you can afford higher wages. And the reason we are able to compete in Safeway, a union Safeway, or in the gentlewoman's factories in Ohio with lower wage Mexico on a one-to-one basis is that we have higher productivity. That is the bottom line of being able to compete with lower wages.

The gentleman from Arizona and the gentleman from California well know that all three of us serve on the United States-Mexico Interparliamentary Council. I will never forget my first year in Congress and I was placed on it, and we went to meet in Mexico. And every one of the problems between the two countries was based on one thing: the economy of Mexico.

The economy of Mexico was deteriorating at such a rate because it was a socialist economy, it was a nationalist economy, an economy that would not allow foreign investment. And all three of us, and most Americans would make speeches about look, you have to bring in foreign investment, you have to privatize your industries, and they would almost run us out of the room, if you will remember.

Then they started privatizing, they started moving toward a market economy and their economy started improving. They bought more than just capital goods in Mexico.

I am from Texas. I was born in Laredo. I go to Mexico at least once a year, if not more often. I see the kinds of goods that the Mexicans are buying. It is not all capital goods. They love American consumer goods. That is where the surplus in trade is coming from.

To be fearful, to frankly not have confidence in the American worker and the American business person and confidence in understanding that we can compete with anybody, and as we compete, and as Mexico's economy improves, all of these problems start to be taken care of, like the illegal immigration problem that the gentleman from Oregon was talking about. It has been my experience in Texas that the only reason that Mexicans come across that border is for a job, is to feed their family. They do not want to come over here if they have a job in Mexico. If they can find a job in their homeland where they were born and raised and feel more comfortable and are not mistreated, they will stay there. Those jobs will be created as Mexico's economy is improved, and it will be improved through NAFTA.

Mr. KOLBE. If I may interject, I think the gentleman makes a very good point when he talks about Mexicans liking United States products. In fact, Mexico spends 70 cents of every dollar that is spent outside of their borders in the United States. Almost no other country has that high a propensity of buying from one country.

Mr. DELAY. A little anecdote. If you will just come with me, get on a plane going back to my district every weekend, usually I ride on the plane that is the connecting flight through Houston to Mexico City. It is full of Mexican citizens. And do you know what they are carrying onto that plane? U.S. consumer goods by the boxloads. They pack them in everywhere they can get them. They check as much as they can check, all kinds of consumer goods, and clothing and other things that are the quality that the American worker has produced in this country.

Mr. KOLBE. I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I would like to congratulate my friend from Sugarland for an excellent statement, and I would like to associate myself with his remarks. In doing so I would like to bolster his argument just slightly by raising this issue of the level of productivity.

Clearly the American worker is five times more productive than the Mexican worker. We want the Mexican worker to come up to that standard. And the clear implication is that NAFTA will play a role in bringing them up to that standard if we could finally accept what a great Democrat President, John F. Kennedy said, that a rising tide lifts all ships.

How we can believe that a poor southern neighbor is going to be of benefit to us is absolutely ludicrous. My friend from Sugarland referred to the issue of productivity, and I know the argument has been made by the distinguished majority whip, Mr. BONIOR, that there has been a high level of sophistication in Mexico's manufacturing industry.

□ 2050

Tragically, that is not yet the case because of the fact that when you look at the industry that is most important in his State, the automobile industry, and realize that it takes 8 times as many man-hours to assemble a car in Mexico than in the United States, clearly it underscores the importance of that move by General Motors and the United Auto Workers coalition that shifted from Mexico back to Lansing, MI. Why? Because, as my friend from Texas has said, the American worker is still much more productive.

I think my friend for yielding.

Mr. KOLBE. Mr. Speaker, I would like to yield to the gentlewoman from Ohio for just a moment.

Ms. KAPTUR. I think the gentleman. If it were so, if the workers in Mexico were so unproductive as the gentleman indicated, why would it be that the largest employer in the private sector in Mexico is General Motors?

Mr. DREIER. I did not say that. I said they are not as productive as the American worker.

Ms. KAPTUR. Well, I think they are very productive. In fact, in some of the plants, like the Ford Hermosillo plant and many others, they are as productive as American workers. The only difference is that in Mexico those companies can save, like Ford, $130 million a year in unpaid wages because they pay such low wages.

And I wanted to say something to my friend from Oregon, Mr. KOPETSKI, in terms of farm workers. My heart goes out to the farm workers of this country and of Mexico. I know many of them because they pick the fields in Ohio, too, except in the United States we manage to give them a minimum wage for the back-breaking work they do. In Mexico they pay them 58 cents an hour at the border communities in the valley. I have seen what happens to those tragically poor people in that region. I would hope that the gentleman would at least be willing to have a continental minimum wage for factory and farm workers in this bill. If the gentleman would be willing to do that, I would have more respect for his position.

Mr. KOLBE. Reclaiming my time, if I might, the gentlelady is certainly correct that some factories in Mexico have higher levels of productivity, and she is absolutely correct that the Ford plant at Hermosillo is one of the most productive manufacturing plants in the world. It also is an interesting fact to note that the workers in the Ford plant in Hermosillo are virtually the highest paid manufacturing workers in Mexico, which stands to reason. The productivity gains enable them to pay those higher wages.

But the fact still remains that if you compare productivity in Mexico and productivity in the United States, and wages, what you really need to be looking at is not wages paid but what is the output per dollar of input of labor. When you look at it on that basis, the United States still continues to outproduce Mexico.

You have an example of that—the proof of that is shown in the fact that very recently General Motors announced it is going to move 1,000 jobs back to the United States because they can produce more effectively here, now with NAFTA, the barriers coming down, they can produce the goods here and sell them in Mexico. If wages, which, by the way, are only about 24 percent of the manufacturing cost in Mexico, if wages were the only basis on which a company made a decision as to where to locate their plant, what would be the manufacturing capital of the Western Hemisphere? The answer is Haiti. But you do not see every company in the world moving to Haiti, for obvious reasons: it lacks worker skills, it lacks resources, it lacks infrastructure, markets, all kinds of things. It lacks political stability—all those things which are necessary for a company to locate its plant.

Similarly, in the United States, if wages were the only basis on which a company located its plant, there would be no factories in Ohio, they would all be in Mississippi or some other place. But there are other factors, as the gentlewoman knows, which cause companies to locate.

I will yield very briefly to the gentleman from Oregon, and I promised the gentleman from Kentucky I would yield subsequently.

Mr. KOPETSKI. The gentleman makes an excellent point; I think the gentleman makes an excellent point: With the logic of the gentlewoman from Ohio, the United States is doomed, because not just Mexico is sitting out there with a low-wage work force, there are a billion people in China, 65 million people in Vietnam. We are doomed. The gentleman is exactly right. You have to look where our strength is; it is in educated workers, it is in technology, sophisticated machinery, and so forth.

Mr. KOLBE. I appreciate the gentleman's point.

I did promise the gentleman from Kentucky that I would yield to him, and he has been waiting very patiently.

Mr. BUNNING. I thank the gentleman for yielding, and I appreciate the fact that we have a bipartisan group here in support of NAFTA. I think it is important, very important that it be bipartisan or else our success in passing the NAFTA will be unsuccessful.

This is probably the most important trade legislation we will see in this decade, the 1990's.

Mr. Speaker, I am glad to have this opportunity to talk a little bit about the NAFTA with my colleagues. The NAFTA is one of the most important pieces of trade legislation the Congress will consider this decade.

I say this because it will determine the direction America will take in world trade matters. It is a very simple decision. Do we, as a nation, look to the future and expansion of our trade boundaries and opportunities?

Or do we turn inward to protectionism, to protectionist measures—closing our borders to trade and investment and the ability to expand our foreign markets?

I say "no" to protectionism and "yes" to expansion. There is too much at stake here.

In the very near future, the United States will be on the short end of the stick, so to speak. Look at the unification of Europe, the economic growth in China, and the expansion of Japan in Southeast Asia.

These countries are creating huge trading blocks, joining together for a common goal, and that is expanded trade.

The future is not one country pitted against another. The future is trade pacts and trade agreements between countries that will enable them to compete as economic powers.

We must think about the long-term range implications of passing or not passing NAFTA.

A few weeks ago a constituent stopped by the office to say hello. It so happened he had seen me pitch a few games in my former life and he complimented me on my ability to blank out everything going on around me in the stands, the outfield, and the dugout. He thought it was great that my focus was entirely on the batter and nowhere else in the ball park.

I had to let him in on a secret. My eyes were on that batter, but I was keenly aware of everything happening in that ball park. You have to look at the big picture as far as trade is concerned.

That is what Congress has to do now. We must take a step back and look at the big picture.

The future and dynamics of international trade are ever-changing. We cannot exist in a vacuum and still be players in the world market. An outright rejection of NAFTA would be a step toward putting us into a trade vacuum.

I am not denying that NAFTA is controversial, as we have heard this evening. Regional trade pacts always raise questions. Any break with the status quo is going to bring out the critics. But this is good. It is good that all aspects of this agreement have been and will continue to be scrutinized.

This scrutiny has brought out a lot of concerns about the agreement that must be addressed. The concerns that jobs will leave the United States is on top of the list, and the creation of jobs or the possibility of losing jobs.

When we get past the rhetoric, job gains is the main benefit of NAFTA. The NAFTA will benefit America by creating a net gain in jobs, but this is the hardest point to drive home because the real numbers, the facts, and the testimony of experts are being overshadowed by the sucking sound bites from some of the opponents.

Almost all the economic studies on NAFTA have determined that reducing trade barriers will increase jobs, wages, and the economy in all three countries.

We hear from the opponents that jobs will go south. Well, they are going south now, and I for one, want to see that stopped. Imports from Mexico to the United States come in almost barrier-free, while United States exports to Mexico are now subject to higher tariffs.

The playing field is not level. NAFTA will help make it level.

U.S. firms relocate in foreign countries to sell to the local market. Relocation allows them to get around these trade barriers or tariffs.

Another reason they relocate is to sell cheaply back to the United States because we do not have the barriers to trade coming back our way.

□ 2100

Well, the incentive to get around the higher Mexican tariffs will be removed under NAFTA. NAFTA will phase out the costly barriers that are keeping United States goods out of Mexico.

Another point that needs to be highlighted about relocation of jobs is that business does not make expensive decisions to move a plant based just on hourly wages. Decisions of this magnitude are based on productivity of workers, as has been discussed by my good friend, the gentleman from Texas, component suppliers, and infrastructure. Mexico cannot compete with the United States on all these counts.

The critics are saying the environment will be damaged if we ratify NAFTA. Well, just the opposite is true.

This is a green agreement. Among other things, NAFTA has a prohibition against lowering environmental standards. On border cleanup, Mexico and the United States have jointly agreed to clean up the region. If NAFTA is not ratified, the cleanup that is under way on the border, although it is not perfect, is going to come to a screaming halt.

Critics have pointed out the air quality problems in Mexico City—one of the world's largest cities—as a case in point about Mexico's environmental troubles.

Well, no one is pointing a finger at Los Angeles' air quality dilemma. Or for that matter, in my own State, northern Kentucky has run into problems meeting air quality standards—standards set by the United States.

People who live in glass houses should not throw rocks. In any event, the supplemental agreements being negotiated I hope will ensure environmental standards are enforced.

We must keep in mind that NAFTA goes further to safeguard the environment than any previous trade agreement this country has ever negotiated.

Earlier I mentioned the experts who have testified to the fact that this agreement will help create jobs and that studies have been conducted to back up these claims. I want to talk just a minute about some of these studies.

The Institute of International Economics has examined this agreement and predicts a net gain of 170,000 jobs by 1995, with an increase of $16.7 billion in United States exports to Mexico.

The U.S. International Trade Commission concludes that NAFTA will boost employment by 1 percent and the total gross domestic product of the United States by 5 percent.

The Massachusetts Institute of Technology predicts 150,000 new jobs in the United States and that Mexican immigration to the United States will decrease as a result of expanded trade under NAFTA.

These are highly respected institutes and their predictions are not to be scoffed at. How can we turn a deaf ear to projections like these? Well, I do not think we can.

No one is denying certain industries will see some jobs shift, but once again, I must emphasize that in the long run NAFTA will be a winner for America.

I have talked for a while now about the overall impact this agreement will have on the United States, but I want to mention the benefits to my State.

Kentucky has been enjoying economic benefits since Mexico liberalized trade with the United States in 1985. From 1987 until the present, our exports to Mexico have grown over 300 percent. In 1991, that was 10 percent of all Kentucky exports, or approximately $164 million in exports.

These increases have come about while Mexico still has higher tariffs and trade barriers. Under NAFTA and the phaseout of these barriers, the United States-Mexico Business Committee estimates that Kentucky exports—just Kentucky exports—will grow to $25 billion over the course of the 10-year phase in program.

Now, remember, 20,000 new jobs for every $1 billion in exports. So for Kentucky you can imagine how strongly we feel about the passage of NAFTA.

By the way, the U.S. International Trade Commission characterizes this as a conservative estimate.

I have heard a lot of negatives on NAFTA from organized labor in my district, mainly from steel and rail groups.

As Mexico's infrastructure develops, their demand for infrastructure supplies will increase. NAFTA will allow United States railroads to market their services to Mexico, use their own locomotives, and build and own terminals.

This agreement will open an entire country to our services, our products, and our expertise.

Mr. Speaker, I have talked long enough, and I am willing to answer any questions that might come up; but I want to make sure that the people of this great Nation understand how important this trade agreement is, not only to Kentucky, not only to Ohio, not only to all the 50 States, but the better well-being of all the citizens within those States.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for his outstanding statement.

Let me just reinforce a couple points before I yield again to some of my colleagues to continue this discussion.

I think the gentleman made a very good point that we need to reinforce over and over again. Jobs can go to Mexico now. It does not require NAFTA to move a company assembly plant down to Mexico.

The gentlewoman from Ohio and others have talked about factories moving down there. Now we do not have a NAFTA.

There are things Mexico has done unilaterally which has encouraged the movement, the change in the investment law, the change in the copyright and patent protection law, the stability of the political system, the privatization; all these things are very encouraging to foreign investment in Mexico.

What we are talking about with NAFTA is reducing the barriers to trade between our two countries so that we can sell more goods to Mexico.

You do not have to be a math genius to figure out if Mexico continues to have an average tariff rate of 10 percent and ours is 4 percent, both of them come down to zero, we have just gained a 2½ to 1 edge to penetrate and sell in Mexico over their ability to sell products in the United States.

In other words, the reduction of the tariffs under NAFTA will give us an even greater advantage than we have already gotten with the reductions that Mexico has made unilaterally in reducing its tariffs.

I think the gentleman pointed out very well the fact that there are studies that have been done. I will be the first to concede that studies are all over the place, but if you are to put them on a scale someplace and weigh them from those that are the most optimistic to the most pessimistic, there is no question that overwhelmingly, almost unanimously, they come down on the side of net job creation in the United States.

So I think that the issue is very clear. We are talking about creating jobs in this country by selling more products to Mexico.

The gentlewoman from Ohio has been waiting patiently. I know she has a word or two to say on this. Then I will yield to the gentleman from Texas and then to the gentlewoman from Florida.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding to me.

As I began my remarks this evening, Ohio's biggest exports to Mexico have been our jobs, from dozens and dozens of plants, many centered in my district. It is not 50 jobs or 25 jobs or 400 jobs. It is thousands of jobs and thousands more jobs are on the line in industries like the automotive industry, the automotive parts industry, the glass industry, the sugar beet industry, our processing, our food processing, and the list goes on and on.

I was interested in what the gentleman from Kentucky said, because I know what a career he had in baseball. I wondered in the cities that the gentleman visited in Mexico if he ever had a chance to visit where Spalding baseball mitts are now made. They used to be made in the United States. They are no longer. It is kind of just another American symbol gone south.

Mr. BUNNING. Well, Mr. Speaker, if the gentleman will yield, the baseballs are made in Guatemala now. They were made in Haiti and then they were made in St. Louis for awhile.

Ms. KAPTUR. These are the mitts.

Mr. BUNNING. The fact of the matter is, if the gentleman will yield further, the fact of the matter is that there is no NAFTA in existence now. Therefore, the ability to move those industries out of the United States is easier to do now than it would be if we had a treaty with Mexicans.

□ 2110

So, therefore, the fact of the matter is that some of those industries have moved because it is more productive for them and it is more economical for them to move them because of the fact that there is no agreement with the Mexicans.

Mr. KOLBE. Mr. Speaker, I yield briefly to the gentlewoman, and then I will yield to the gentleman.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman very much.

There is an agreement in the form of a maquiladora program and this free-trade zone that now operates with several thousand U.S. companies that have now located down there. The difference is now we are saying to Mexico, "Look, we're going to move our plants down there at the rate of 10-miles-per-hour, but, when NAFTA is enacted, we are going to give them the green light for a 100-mile-per-hour speed zone to move our plants down from the United States."

So, Mr. Speaker, I think it is a matter of how you look at it. It is limited right now, but once that wall falls, God forbid in communities like my own.

Mr. KOLBE. Reclaiming my time, Mr. Speaker, as the gentlewoman knows, there really are no, currently, with the changes that Mexico has made, there are very few limitations on locating an investment, a manufacturing plant, in Mexico today. There is nothing in NAFTA that makes it easier for a company to locate in Mexico. The fact is NAFTA makes it easier for us to continue manufacturing here and to sell our goods in Mexico.

Let me yield to the gentleman.

Mr. DELAY. Mr. Speaker, I want to answer a couple of things. Most of the opponents of NAFTA make their arguments as if there was a snapshot and the world will not change after NAFTA is implemented, that things are bad now, jobs are moving down there now, NAFTA comes, things will be the same, the economies of all the three countries will not improve, and things will just get worse, and they do not look at why the companies are actually going to Mexico now or going to other countries now. Very little is said about the fact that our Federal Government, many of our State governments and many of our local governments are chasing companies out of this country, actually chasing them out. A perfect example is California right now.

The regulations in California are so onerous, and the tax policies of California are so onerous on companies in California, Mr. Speaker, that California today has a net loss of population and a net loss of companies moving out of that State. Thank God most of those companies are moving to other States that are more conductive to doing business, but the same thing applies in the United States with our Clean Air Act.

Mr. Speaker, the Clean Air Act alone is going to push a lot of companies out of this country, not necessarily to Mexico. Some will go to Mexico, but the Clean Air Act in this country, OSHA, onerous regulations by OSHA and many others, EPA and so forth, are pushing companies out of this country into Mexico and to other countries.

And then there is the maquiladora program. Those people do not understand why the maquiladora came about in the first place. Most people do not understand that right now Japan has sort of a maquiladora process. In those industries that are high labor-intensive industries in Japan, Mr. Speaker, they are starting to be moved. The labor part of their industries are being moved to Thailand and other countries to take advantage of lower wages because they are labor-intensive, but it is a maquiladora system. The high-technology part of producing those products are done in Japan. The labor-intensive parts are done in other countries in the Pacific rim.

Mr. KOLBE. Mr. Speaker, if I might interject at this point, the gentleman makes a very good point, and I think it is one that is not very well understood.

Of our production, Mr. Speaker, approximately 6 percent of our production is shared production; that is, shared with Mexico or another country. Japan does 35 percent of its production outside of its shores of Japan, and yet obviously Japan, though it is at the moment in a recession, has been a very successful manufacturing country. So, I do not think they have suffered. They have learned that what they do is the high end. They do the technical part. They do the part that produces the high jobs, the high-skill parts, and the other parts, the assembly parts, are being done in China, or Thailand, or Indonesia, and the result is Japanese products are very competitive, as we well know in this country.

Mr. DELAY. If the gentleman would yield, I will be brief so he can get to the gentlewoman from Florida.

Mr. Speaker, in a global economy we are going to have to do business differently. We cannot look at the economy of the world as if it were a snapshot. Things have to change; adjustments have to be made.

Let me make one quick point on the environment. The gentleman from Kentucky [Mr. BUNNING] very rightly brought up all the safeguards in NAFTA and other side agreements on the environment. We can make all the agreements we want to. But we cannot have a clean environment unless we have a strong economy.

I ask my colleagues, "Why do you suppose that the dirtiest environments of countries in this world are in countries that have bad economies that are in underdeveloped countries? Why are the cleaner environments in countries like the United States?" It is because we have an economy that can afford the luxuries of a clean environment. As Mexico's economy grows, Mr. Speaker, Mexico will be able to afford to clean their environment. But if we continue this, as the gentleman from Oregon says, this paternalistic attitude toward Mexico, and try to hold them down so that they cannot grow as an economy, they will continue to have a dirty environment. They will not be able to afford to clean their environment.

So, Mr. Speaker, NAFTA will allow them to afford a cleaner environment.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Texas [Mr. DELAY] for his contributions, and I think he has made some very good points. President Salinas put it very well when he said, "Do you really think I want to send my children off to school every day in the smog we have here in Mexico City? I want to do something about it."

Mr. Speaker, he lives there. His children go to school there. The families of Mexico live in Mexico City. They know the problems of pollution. They are committed to doing something about it. As their resources grow, they will be able to do something about it.

Mr. Speaker, I yield briefly, if I might, to the gentlewoman from Florida [Mrs. THURMAN], and I only have about 3 minutes left.

Mrs. THURMAN. Mr. Speaker, I really appreciate this from the gentleman from Arizona, and let me just make some very quick additions to this that are very concerning to me when we talk about the jobs going to Mexico from the United States, but we also can talk about jobs going from other countries, and let me just give my colleagues an example.

Mercedes Benz, for example, is putting a facility in Mexico to produce buses and luxury cars in Mexico. We have China going in with textile and apparel centers, and they are not going there because they have this great market that can buy Mercedes Benzes. They are doing that because when NAFTA goes in, with the anticipation that NAFTA goes in, that they will have a direct market into the United States, and those particular jobs in particular might have come to the United States instead of going to Mexico. But they are going because of the NAFTA agreement, potentially going in.

Second, just let me make you one other. A couple of months ago, or several months ago, I can tell you from a direct opportunity that we saw in Florida as far as the consumer. When we had Hurricane Andrew, we had a lime industry that is, by far, better than most, and, before Hurricane Andrew, Mr. Speaker, we were able to buy limes at $8 a box. After Hurricane Andrew, when our lime industry was destroyed by the hurricane, we were having to bring limes in from Mexico at $25 a box, and I can tell my colleagues that the same thing is happening in tomatoes when we have had surges, bad markets, whatever the problem might have been, freezes. We have ended up paying a higher cost than what we have had because we have not had that. We are going to lose the Florida agriculture market, and I will give back the time to the gentleman from Arizona [Mr. KOLBE], and I appreciate it.

Mr. KOLBE. Mr. Speaker, I thank the gentlewoman from Florida [Mrs. THURMAN] for her contribution though I might disagree with it as I wrap this up. Let me just respond very briefly to something she said about the Mercedes Benz plants being in Mexico.

Let me note that under the NAFTA agreement they must have a minimum amount of 60 percent, 62 percent, of the value of the automobile produced in North America in order for it to come into the United States duty free. So, the fact is there will be more components being built, made here, in the United States that will be going into that Mercedes Benz plant in Mexico. There will be a net job creation in the United States as a result of that.

In closing let me just say that jobs is really what this is all about, creating jobs. I would not, no Member of Congress, would be for an agreement that they knew was going to destroy jobs.

□ 2120

Obviously we have a disagreement about that. But I believe that this is about creating jobs. As Mexico's economy grows, they will be buying more goods. We know they have a propensity to buy at a rate of about 70 cents on the dollar from the United States. That means more jobs here in the United States as a result of that production will be being sold in Mexico. For every $1 billion in exports, about 20,000 jobs are created in the United States. We have gone from selling $16 billion to $43 billion of sales of goods to Mexico in just the last 5 years.

I have a second point I would like to make. We are looking at a reduction in tariffs of 2½ to 1. As Mexico brings its average tariff rate down from 10 percent and ours from 4 percent, we stand to gain at a ratio of about 2½ times more than Mexico does in selling their market versus them selling our market. That will mean we will expand the growth of jobs here in the United States.

Mr. Speaker, finally let me say that on the issue of foreign policy, if all the other issues fail, we ought not forget this is an extraordinarily important foreign policy initiative and we cannot afford to let our President fail in this very important initiative to improve our relationships with Mexico and the rest of Latin America.

PRESIDENT'S RECONCILIATION MEASURE

The SPEAKER pro tempore (Ms. KAPTUR). Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 60 minutes.

Mr. KOPETSKI. Madam Speaker, clearly the NAFTA agreement debate is just beginning on that most important issue facing our Nation and its workers, but I want to spend some time this evening, take some time this evening to talk about the most important issue facing the United States, each American, our children, our grandchildren, and that is the Federal deficit and the President's reconciliation measure.

When the President came to office, the first thing he found out when he assumed the Oval Office was the fact that the debt, the Federal deficit, was going to rise about $189 billion more than what was projected by the last economist prior to the November election. So all of a sudden the bad news got worse very fast.

The President, being very bold, in making some very difficult decisions, said that we have got to reduce the deficit, we have to have a meaningful deficit reduction plan, and he went to work constructing one.

At the State of the Union, February 17, the President outlined his proposal and sent the package to the House where we began our deliberations.

Is it bold? Yes, Is it tough? You bet. Does it have spending cuts in it? Absolutely. People will realize the impact of these cuts immediately, whether you are a farmer on a commodity payment program, whether you work for the Department of Agriculture where a billion dollars has been cut, proposed to be cut from the administration, the $3 billion that are going to be cut in the commodity payment programs, to the Medicare cuts that your local hospitals will be glad to tell you about and the impact it will have on them. These cuts are throughout every agency in the Federal Government. Not just the Pentagon spending, but all agencies were asked to come up with budget reduction measures, and every agency met their target.

Yes, the President said, we will have to raise revenues as well. The deficit, about $350 billion this coming year, cannot be eliminated by spending cuts alone. So he made the difficult decision of raising some revenue through taxes.

The issue of tax fairness, therefore, looms as a very important ingredient in the President's reconciliation bill.

Before I talk about that, Madam Speaker, I want to highlight the importance of the deficit figures. If we were to do nothing, the upper line shows what happens to the Federal deficit. We see a dip in 1995-96, but the fact is that after 1996 the curve begins to turn up again and literally go out of sight. That is if we do nothing.

Under the President's reconciliation plan, we cut $500 billion from the spending. Now, this is the Federal deficit. The deficit is the amount of overspending that we do each year in our Federal budget. Our budget is roughly $1½ trillion.

This does not attack the Federal debt which, of course, we must do, and the President has outlined a full game plan by which we will do that. First we must take this severe deficit reduction measure.

Second, we must address the problem of health care in this country. In late September early October he will unveil his health care plan. The reason for that, if we go back to this chart, we see that really 80 percent of the remaining deficit is related to health care cost.

So in order to see the impact on deficit reduction, we must first institute cost containment measures and other measures in the health care-related field. After that, then if there is any remaining deficit, then we will deal with that legislatively, more than likely through further spending cuts.

But the President, his overall plan I think is important to lay out, that first we do this dramatic reduction through spending cuts and through deficit reduction, followed by attacking a huge problem and need in this country, which is health care cost containment as well as health care reform. Then we see what is left over to do.

So we must take this step. It is very difficult as a new Member of Congress to find the right compromise in this area. There are Members in the House who want to reduce the entire deficit purely by spending cuts. There are those in this body who would prefer to eliminate the deficit fully by tax increases. What the President has proposed is a balance, a balanced plan where roughly it is equal, one to one of spending cuts to tax increases. In fact, the spending cuts are a little bit more than the revenue and tax increases.

So in spite of what people may hear on the radio broadcast shows or from some of the TV commentators, the fact is there are real spending cuts there, and they will have an immediate impact on people in our society.

I do think it is important to also look at the debt burden in our country. As I say, the deficit is the annual overexpenditure, if you will, and lack of revenues in our budget process. But it is also important to look to see what is happening to us in terms of our Federal debt.

We see during the sixties and seventies that the debt was being lowered dramatically on a nice declining trend. Then after 1981 we see a dramatic increase in our national debt.

This is what I think is the most serious issue facing the United States. The trendline continues to grow. This debt, it would be one thing to worry about if this debt was owed only to American citizens. But the fact is half of this debt is owed to people who are not American citizens, who reside in other countries. I think that is what makes this one of the greatest risks to our national security as a Nation as well.

So it is good economics and it is good for our national security to eliminate deficit spending and start attacking the deficit that we are faced with. And it is not a problem that sometimes the rhetoric says we are leaving this to our grandchildren and our children. The fact is that this is having an immediate impact on every American today. The fact is that if we look at our Government's budget, where we spend our dollars, yes, we must spend that first dollar on defense to defend this Nation. That is why we have a Federal Government. Yes, we make investments in people, in education programs. Yes, we make investments in a Social Security System so that people who have worked through their years can retire with a safety net of comfort in their retirement years. But the problem, one of the big problems that we are faced with in our Federal spending today, is that we are spending about $285 billion a year on interest on this national debt; $285 billion is more than what we are going to spend on our national defense this year. It is billions more than what we spend from the Federal Government on education in this country. It is billions more than what we spend on enhancing our environment, cleaning up dirty sites in the Superfund program. So this money is going to nonproductive means in our economy, and that amount continues to grow and grow rather than decline. It would get to a point, in my estimation, where in essence we are bankrupt, bankrupt as a Nation.

□ 2130

So the President understood this, came to Congress with a compromise plan from the beginning, one that cuts spending, one that raises revenues. It is a balance of the two.

This evening I want to talk about the fact that through this plan we will be reducing the deficit by $500 million over a 5-year period. No one likes taxes.

It would be wonderful if we could pay for a police force, for the FBI, for the military, for teachers, for agriculture, soil and conservation workers, for people that work in the extension program, if the money would just magically appear and their salaries and their programs would be paid for.

That is why we have taxes, to pay for those kinds of services and programs at the Federal Government level.

It would be wonderful if we did not have to raise taxes. We all hate it. We all have to pay them. It has become a fact of life for us as Americans. But with that, if we spend wisely, we know we have the smartest of American workers. We know that when we make advances in medical technology and research, curing cancers and other diseases, that it is because we made an investment in research in this country. We know if we want to have the strongest national defense in the world, that it takes money to do that. It takes taxpayers' money, and taxpayers have been willing to do this.

But we all want that money spent wisely, and it comes to a point where we have to say, as people who make policy in this country, that we cannot do all that we would like to do. We cannot do all in our spending programs that perhaps even we should do, because of this Federal debt and the Federal deficit.

It also means that when we do raise these revenues, these taxes, as a Nation, that we will do so fairly, that we will distribute the tax load among those with the ability to pay. Those that are the very poorest in our society and working should not pay. They should be encouraged to work in this great capitalistic system that we have. Those who make more money should pay a percentage of their income, and the wealthy in our society should be asked to pay a little bit more, but not at the level that puts them out of business.

It is achieving that balance, that fairness is what we strive to do as policymakers here at the Federal level.

The President understands that. He has asked, on the business side, for an increase in taxes of those businesses with the ability to pay. Under the President's program, 95.8 percent of the business taxpayers in this country are not affected by a tax increase; 4.2 percent are affected.

Forget the radio talk show hosts, forget the TV commentators who have not read the bill. This is fact. Nearly 96 percent of the business taxpayers will not pay a higher tax under the President's reconciliation bill.

The middle class will be asked to pay a bit more, $50 a year, about a buck a week, a dollar a week to increase our national security to eliminate the Federal deficit.

The President was faced with a choice of asking middle class families to pay what will be about $50 per year more in energy taxes or letting the Federal deficit skyrocket. He made an unpopular choice, no doubt about it. But I think it is a wise choice. I think if Americans search into their souls and look at the reality, the difficult situation America faces today with the Federal debt and deficit, I think they are willing to reach in that pocket and pull out a $50 bill for our Nation.

Much has been made of the effect of the individual tax rate increases on the small businesses which are not seed corporations in this society. We are talking about partnerships, talking about S corporations and sole proprietorships, who would pay under the individual tax rate. That is where they pay, the process by which they pay their rates today.

They will not face a huge tax increase, as opponents of the measure have said.

Let us look at the facts again. There is no special tax on these noncorporate forms of business. Income from partnerships and the like is treated no differently than salaries, interest, rents, or any other form of income, as they are not treated differently today. The only individuals who receive this income that will pay additional tax are those that make over $140,000 a year of joint taxable income or over $250,000 a year under the proposed surtax.

Who are some of these people that will pay the tax? Chances are this is not the small, struggling mom-and-pop business in America. The higher tax rate will not affect the vast majority of small businesses.

Our Department of Treasury estimates, based on tax returns, that only about 4.2 percent of S corporations and partnerships will be affected by the increase in the individual tax rates.

Studies done by the Treasury show that these high income individual taxpayers have gross incomes before deductions of over $560,000 a year. According to 1989 tax returns, 29.9 percent of all the income generated by S corporations and partnerships went to taxpayers with taxable income over $1 million a year. These are not struggling mom-and-pop businesses.

This increase is going to be paid by businesses that can afford to contribute to deficit reduction. This will not crush small businesses.

It is true that the corporate rate will go up more than likely to 35 percent. Today it is at 34 percent. Will this affect all companies, big and small? No. It affects companies with taxable income of over $10 million a year, not gross income, but taxable income of over $10 million per year. In other words, there are approximately 35,000 corporations in America today that pay that top rate of 34 percent.

Under the President's reconciliation bill, only 2,700 of those companies will be asked to pay the top rate of 35 percent. The allocation that this is a crushing tax increase on small business is not true.

□ 2140

Many of these large businesses in fact are supportive of the President's tax bill. Why? Because it comes back to deficit reduction. They know, they know, these successful business enterprises in this country know the effect of that deficit, not just on our national security but also on the interest rates and the economy as well.

If we continue to show the markets that we are serious in words and in deeds for real deficit reduction, I believe we will continue to have low interest rates in this country. What does that mean? What does that mean for whether you are a large business or a small business? That means when you go to the bank to borrow money, you are going to pay less money for that business. It is true of Americans as well. Many of my friends and neighbors have been able to refinance their home mortgages with these lower interest rates.

Perhaps they are paying 10-, 11-, 12-percent mortgage interest. They have refinanced and today they are paying 7.5-percent interest. That puts more money into their pockets today. That means that maybe instead of a 30-year mortgage, they are paying a 15-year mortgage, and they are going to own their own home in half the time, sooner than before.

This is more spendable income in their pockets today. Hopefully it is money that they will put in their bank and save for their retirement years, because that is another problem we are seeing in this economy. The baby boomers are not saving their money at the rate that they should if they want to continue the same standard of living they have today in their retirement years.

Let us go back to the small business and talk about the effect of low interest rates on the small business, the retail shop owner who goes down to the bank to borrow money for their inventory for the Christmas season, the holiday season that is quickly approaching, the lower interest rate means they pay less money, they can make more profit out of their product this holiday season. It is good for the small business.

A few of them, 4.2 percent of them, will be asked to pay a little bit more on those earnings, to pay off the deficit and get to fiscal responsibility in this Nation. I want to take just a moment and talk about the distribution of the tax fairness in terms of individuals, the individual taxpayer in this country.

Under the reconciliation bill, and probably under just any minor changes that may occur under the conference committee, we see the distribution of the changes by month as represented in this chart on the average American taxpayer. Because of the changes we make in the earned income tax credit, by the expansion of that tax credit, those who make less than $20,000 a year will actually see a slight reduction per month in their taxes owed to the Federal Government. As we move up the income scale, we are asking people with an adjusted gross income of $20,000 to $30,000 a year to pay $3, $3 a month more, $36 a year.

As income rises, as adjusted gross income rises, we go to $14, to $23, to $31, to $41 for the $75,000 to $100,000 adjusted gross income payers.

For the $100,000 to $200,000 adjusted gross income households in this country, they will pay $64 a month. Those that make adjusted gross incomes of over $200,000 a month are going to be asked to pay $1,900 a month more in Federal taxes. Will this put them out of business, out of their homes? I believe not.

Will this make America more secure and sound, a better place to do business? You bet it will. We are asking, we are asking Americans to pay a little bit more based on their ability to pay. Changes in most of this for the middle income folks are based on the effect of the gas tax or the energy tax on their household incomes.

We are in the waning hours, literally, of the conference committee. It is my understanding that the committee, the joint conference committee, is haggling over whether it should be 4 cents a gallon increase spread out over 5 years, whether it should be 5 cents, 6 cents, 7 or 8 cents a gallon more at the gas pump spread over 5 years; a few cents.

We have the cheapest gasoline prices in the world. This is a tax that is manageable. We can conserve. We can conserve and save money. Is that better energy policy? You bet. Why? Because we are once more over 50 percent dependent on foreign oil in this country, something that in the mid-1970's we said would never happen again in the United States, and here we are, once again, dependent on foreign oil as a nation.

I think if we can help do two things through a gas tax, an energy tax, if you will, if we can use some of that money to reduce the deficit and also encourage Americans to conserve fuel, then we have accomplished two great goals that are going to make us more secure in our national security and economically as a nation.

I also want to take just a moment and talk about small business generally, because we know that the job generators in American economy have been our small businesses. I come from a State, the State of Oregon, where 65 percent, 65 percent of all the jobs in my State come from businesses who have fewer than 25 employees. That is really a small business in this country.

I want to come back to the fact that 96 percent of our small businesses are not affected by the increased individual tax rate under the reconciliation legislation. I also want to point out that the individual rate increases only apply to those businesses that make over $180,000 a year. The Treasury Department estimates that only 4.2 percent of small businesses will go above that threshold. The other 96 percent of our small businesses will not be affected at all by these tax increases. Small businesses are not affected by the increased corporate rate. The increased corporate rate for a business only affects corporations with taxable income in excess of $10 million annually; about 2,700 corporations in America.

The small businesses are rewarded for investment. Small businesses which invest money back into their businesses for economic growth and expansion will enjoy tax incentives under the President's plan, such as generous expensing provisions which we are doubling in the President's plan, the capital gains exclusion for investment in our small businesses.

The small businesses will receive lower borrowing costs and favorable benefits. Lower borrowing costs in long-term rates are at a 20-year low. Let us keep them there. Alan Greenspan suggested maybe they could even go lower if we enact deficit reduction measures.

We have increased the expensing provision for small business. Today it is $10,000. Under the House bill we raised it to $25,000. The conference committee will probably compromise around $20,000.

There are capital gains cuts for investments in small businesses in the President's bill. There is relief from a corporate minimum tax for capital investments in the President's bill, and we have a retroactive extension, retroactive extension of 25-percent deduction for health insurance for our small businesses in the self-employed sector, so there are some good business incentives as well in the President's reconciliation bill that I hope we are just hours away from getting a conference committee agreement.

The reconciliation bill is good for the high-technology businesses in the United States as well. Yes, we come back not only because of deficit reduction and a sound economic future. The fact is, serious deficit reduction will help lower the interest rates and will make it easier for businesses to expand in this country.

□ 2150

There are public investments as well in healthy children and investments in education, in child immunization programs and investments in our infrastructure.

I think it is important that we keep in mind where our economic future lies. It always has started with a great educational system, the best in the world, one where we offer free public education to every citizen regardless of gender or age, regardless of physical condition. It is there for the taking for every one of our children.

We have also made an investment in our colleges and universities and research centers, and because of that we have best doctors, we have the best lawyers, we have the best business managers, we have the best skilled work force in the world. We are the No. 1 economy in the world as a result of this.

We are creative people. We invest in people, and that creativity, and we invest in putting that creativity into a product, into a process and make money off of it. And that continues to be our future as a nation, and I do not think we see that any more so than in the high-technology companies. These companies are our Nation's largest manufacturing sector with approximately 2.3 million American workers. This is three times the work force of the auto industry, nine times the work force of the steel industry.

Our worldwide sales of American companies in the high-technology field total over $400 billion a year. These U.S. firms hold 50 percent of the world market, U.S. firms in electronics. We have built that as a nation and we have that. So this sector of our economy is important, and we need to encourage them to invest and to grow.

Specifically what does the plan do for these high-technology companies? First, we have the research and development tax credit.

Why do we need this credit? Well, the U.S. research and development spending is on the decline. In fact, for the first time industrial spending in Japan has topped United States spending. How will we compete if we do not invest in research? Now more than ever all sectors of our economy must make a commitment to maintain our national research base and our international technology leadership. It is not just for the high-technology companies that we do this. It is in the wood products industry. I go into the mills in my district and we see blue collar workers running a computer pad. That is why they are competitive today. And if you go into the steel fabrication shop, the optics manufacturers, the aerospace industry, Boeing in Portland and Seattle, and you see workers running computers, and running sophisticated machinery that was developed in the United States, and we hope will continue to be developed here. That is why we have to put money into research and development and encourage these companies to do that.

One of the ways we do that is we provide the tax credits, the research and development credit which would provide this incentive necessary so that companies will increase their spending. The credit was originally created in 1981, and since that time it has expired and then temporarily extended five different times. But businesses need certainty. You do not start a research program in January and expect that by July or even the following December that you are going to have the results. Some of these projects take years. It takes forward thinking, and it takes, therefore, the certainty that these kinds of credits are going to be here not just this year, but next year as well.

So this credit is effective. A study just released in January 1992 reported that the ratio of R&D spending to output went up 40 percent in the 1980's when the credit was in effect. So businesses take advantage of this kind of credit. And as I said, it is on the decline now. So this is an appropriate use of the tax code to get businesses to do something that we want and need them to do that they are not doing enough of. This is an appropriate expenditure.

The credit also includes the university basic research credit. This credit facilitates commercialization and marketing of new ideas by encouraging corporate and academic collaboration. I have a tremendous example of that successful partnership in my district in Corvalis, OR, home of one of the great universities in the world, Oregon State University. It is not a coincidence that Hewlett-Packard is located there. It is not just because of the wonderful living conditions and the responsiveness of government that they are there. But it is because the university is there. And partnerships have been melded and made together. We have seen spinoff companies come out of that town as a result of that government through university partnership, and a major high-technology firm in this world. That is why they are competitive.

And is Hewlett-Packard expanding? Yes. Not just worldwide, but in Corvalis, OR, as well, and in Minnville in the State of Idaho. But it is because we have these partnerships with the university communities that provides the research facilities. It also provides the educated work force that they need to be successful in this competitive arena.

The high-technology folks, and there are a lot of them, as I say, that start off as a spinoff from the large corporations such as the Hewlett-Packard Co., where a company has a newer idea, and a different idea, and some entrepreneurs go out and get the capital together and they build their own company.

And this provision in the tax bill provides relief from capital gains taxes for investors in small businesses such as the high-technology companies. Small businesses, the definition is those with gross assets under $50 million a year. The provision would allow a 50-percent exclusion of the gain earned from investment in the stock of a qualified small business if the stock is held for 5 years. This is not a gimmick. It has to be long term, a 5-year investment, and people will get a 50-percent exclusion. That is good for business, good for business growth, good for workers in this country.

I wish we could expand this capital gains relief plan to other areas and sectors of the economy. I am sure it will attract investors to these leading edge companies in the high-technology field. I mentioned earlier the high-technology folks. There are a lot of these small businesses. In my State there are about 250 of them that are not the giants, are not the huge Hewlett-Packards of the world. But this provision doubles the expending provision which currently is at $10,000. The House has suggested raising it to $25,000 and it is my understanding that the conferees will settle at a few thousand less than that. But clearly I think it is safe to say that we will double the expensing provision, not just for high-technology companies, but for the farmers in my district, and the retail shop owners throughout this land, restaurants, all of the small businesses will benefit greatly from this.

In addition, the administration, the House and the Senate have been attentive to the concerns of the high-technology community, and have worked to improve the bill from what the President originally introduced. We eliminated the President's provision on royalties. That provision would have treated all royalty income as passive income and would have been burdensome to many of our high-technology companies. And once the administration and the Treasury Department fully understood the negative impact on job growth as a result of this provision, it was eliminated from the bill. We have made refinements in the deferral of foreign income on our high-technology companies, and to make it a fairer piece of tax law so that they are paying a fair share based on their ability to pay on their foreign earnings.

So, there are other benefits to the high-technology firms from the present plan.

This bill transfers 200 megahertz of the electromagnetic spectrum from Federal agencies to the FCC for licensing to the private sector. All existing cellular technology uses only 50 megahertz of the spectrum.

□ 2200

These additional 200 mHz are the high-technology industry's equivalent of a super-giant oil field such as the Prudhoe Bay or Alaskan oil field discovery there. This is a major expansion for these companies. This additional spectrum will help emerging telecommunications technologies like personal communications services, PCS, to come to the market. This means jobs for Americans today. The research and development will be put on the fast track, and those American jobs, American workers in these areas—it will be American workers who will build these products. If anyone doubts the importance of the spectrum transfer to our economic future, they ought to just look at the story of the cellular industry over the past 10 years.

Ten years ago, the cellular industry was just getting started. It was the runt in the growing telecommunications marketplace. Then the FCC turned over 115 mHz of the radio spectrum to the fledgling industry to companies that planted thousands of relay antennas, known as cells, across the country. Today 11 million people use cellular phones. The cellular industry itself predicted in the early 1980's that 900,000 people would subscribe by the year 2000. The growth of the industry has blown away the forecasts of even the industry itself, and this transfer of 200 mHz could do the same for the next generation of wireless communications devices. Personal communications services are expected to spawn a $200 billion industry by the year 2002. Telecommunications is something that America does very well. We are the leader, we can beat the pants off of anybody in the world in these kinds of services.

We developed the technology, we will export these technologies and these services to the other developed nations of the world, and we will make money doing it as a Nation.

I have a letter from a constituent, Tom Bruggere, chief executive officer of Mentor Graphics Corp. He wrote to the President on July 26 of this year. I will quote a paragraph from his letter:

> Mr. President, you wisely established job creation, economic growth, and reducing the deficit by $500 billion over the course of the next 5 years as fiscal objectives of your Administration. I hope the Nation and the Congress will rally behind these principles and secure a budget bill that embodies these proposals.

Mr. Speaker, I submit that letter for the RECORD following my statement.

In closing, I do want to come back to the two ideas. One is the impact of the President's reconciliation bill on small businesses in our Nation. Lowered borrowing costs as a result of deficit reduction, only if we get to the $500 billion figure, do we lock in continued low interest rates in this country. That is why we need deficit reduction, that is why we need a few more cents added to the gas tax over the next 5 years, because that money is going to go to deficit reduction. The expensing provision is more than double, the income tax credit to boost investment in research and development, where America is strong and led the way, we had better put this tax credit out there if we want to compete against the Germans and the Japanese in the global economy.

The capital gains tax cuts for small startup companies, $50 million of earnings per year; corporate minimum tax relief for investment. We have trouble with many businesses in this area. We are providing more relief there.

Health insurance for the self-employed, a deduction, small-business tax-exempt bonds, community development banks, and enterprise zones for some of the more troubled economic areas in this Nation.

Let me go back to the deficit reduction chart.

Mr. Speaker, I started off by talking about the Federal deficit. If we do nothing, if we do nothing—yes, it dips down over the next few years—but the reality is it turns up, and it will go out of sight and it will bankrupt this Nation.

If we adopt the President's plan, we will cut the deficit by $500 billion. We will cut it in half. Many would say we have got to cut more spending. I think we have gone right to the edge of what is politically possible in the spending cuts and at the same time make sure that the vulnerable in our society are still protected in this richest, greatest Nation on Earth.

We are asking for tax increases as well. Maybe it is not perfect, but I know that the House and the Senate have tried to distribute that burden, and it is a burden, even if you are a millionaire; it is a burden to those with the ability to pay.

If we do not, the alternative is that the deficit will continue to grow.

The fact is that over half of our debt is held by non-Americans, by non-Americans. That frightens me. We used to think when the Soviet Union existed, that the greatest threat was all the nuclear warheads that they had pointed at our cities. Those nuclear warheads are no longer pointed at us.

But what is staring us in the face is the reality that this Federal debt is held by non-Americans offshore. How secure should we feel with that fact?

The fact is that if we continue the spending pattern, if we continue to spend so much more than what we bring in, we will be bankrupt, I think, as a Nation. That is the greatest threat facing this country. It is not whether Bill Clinton, not whether the Democrats in the House or in the Senate succeed in this vote these next few hours or few days, it is whether America is going to succeed. There is no other plan on the table. Nobody has come up with anything better.

Are we going to love this? No. Are we going to hate it? No. I think we can live with it. I think we will grow with it. I think as Americans, whether in this Chamber or in the heartland of America or back home in my district in Oregon, we have got to swallow, and those of us that can need to reach into our pockets and pull out a few bucks and pay it toward that deficit. And we are going to have to recognize that we are going to not receive all the benefits that we have become used to from Federal spending as well, whether in the farm community or elsewhere. Maybe we are going to have to put off some of the environmental cleanup that ought to occur, but we are not because we cannot afford it today. It is not a question of whether we are going to do this or not, I hope; I hope it is a question of doing it as soon as possible.

The President needs our help, he needs our encouragement, he needs the votes in both the House and the Senate.

If he wins, if the President wins, America wins. That is the bottom line. That is what this is all about.

The letter referred to is as follows:

MENTOR GRAPHICS CORP.,
Wilsonville, OR, July 26, 1993.

President BILL CLINTON,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: As the Conference Committees continue its work on the budget reconciliation bill, I would like to restate my support for the Administration's overall goals.

You wisely established job creation, economic growth and reducing the deficit by $500 billion over the course of the next five years as fiscal objectives of your Administration. I hope the nation—and the Congress—will rally behind these principles and secure a budget bill that embodies these proposals.

I agree that reducing the deficit through a carefully tailored program of tax increases and spending cuts is key. As Alan Greenspan testified, without a concerted effort to reduce the deficit, the federal deficit would increase by over $1.5 trillion over the next five years. Failure to achieve the stated deficit reduction target of $500 billion would lead to increase interest rates and a general slowdown of the economy.

Your original package contained a number of items that were dropped or modified by either the House or the Senate. Three of your original proposals dropped during Senate deliberation should be restored by the Conference if your objectives are to be realized. These include the proposal for a targeted capital gains provision, holding the capital gains rate at 28% and making the Research and Development (R & D) tax credit permanent.

I also hope that the Conference would establish a permanent moratorium on the 861 R & D allocation rules, exempt high-tech intangibles from the 14 year amortization rule, and eliminate the proposal on deferral penalties. These improvements would be consistent with your objective of assisting American firms in the global marketplace.

In sum, I support your effort to establish a sound economic environment founded on a partnership between government and the entrepreneurial world and hope that the Conference Committee will follow your leadership on these critical issues.

Best regards,
THOMAS H. BRUGGERE.

□ 2210

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, on July 29.

Mr. BACHUS of Alabama, for 5 minutes, on July 29.

Mr. KINGSTON, for 5 minutes, on July 29.

Mr. PORTMAN, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, in lieu of previously ordered 60 minutes.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. BACCHUS of Florida, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. SHAW.
Mr. DIAZ-BALART.
Mr. GOODLING.
Mr. HOBSON.
Mr. WALSH.
Ms. MOLINARI.
Mr. SOLOMON.
Mr. GUNDERSON.
Ms. SNOWE.

(The following Members (at the request of Mr. FLAKE) and to include extraneous matter:)

Mr. STOKES.
Mr. BONIOR in two instances.
Mr. STARK.
Mr. CLAY.
Mr. FORD of Michigan.
Mr. COLEMAN in two instances.
Mrs. SCHROEDER.
Mr. TRAFICANT in three instances.
Mr. HOCHBRUECKNER.
Mr. SAWYER.
Mr. ENGEL.
Mr. SWETT.
Mrs. MALONEY.
Mr. SANDERS.

(The following Members (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Ms. ENGLISH of Arizona.
Mr. FAZIO.
Mr. STUPAK.
Mr. PALLONE.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 843. An act to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 111. Joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day."

ADJOURNMENT

Mr. KOPETSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, July 29, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1662. A letter from the Secretary of Education, transmitting final regulations—Demonstration Projects to Increase Client Choice Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1663. A letter from the Secretary of Education, transmitting final regulations—Institutional eligibility under the Higher Education Act of 1965, as amended, student assistance general provisions, pursuant to 20

U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1664. A letter from the Acting Administrator, Energy Information Administration, transmitting the Energy Information Administration's Annual Energy Review 1992, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

1665. A letter from the Acting Assistant Secretary for Fossil Energy, Department of Energy, transmitting the Strategic Petroleum Reserve Annual Site Environmental Report for calendar year 1992; to the Committee on Energy and Commerce.

1666. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed lease of defense articles to Korea (Transmittal No. 11–93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1667. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Kuwait (Transmittal No. DTC–34–93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1668. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Walter F. Mondale, of Minnesota, to be Ambassador to Japan, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1669. A communication from the President of the United States, transmitting a report entitled "Status of China, India, and Pakistan Nuclear and Ballistic Missile Programs," pursuant to section 620F of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1670. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1671. A letter from the Secretary, Department of Transportation, transmitting a report entitled "Are Transit Half-Fare Policies for Elderly and Disabled Patrons Uniform, and Are Eligibility Criteria Consistent?" pursuant to Public Law 102–240, section 3047(b) (105 Stat. 2140); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSON: Committee on Rules. House Resolution 229. Resolution providing for consideration of the bill (H.R. 2330) to authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 103–195). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 230. Resolution providing for consideration of the bill (H.R. 1964) to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes (Rept. 103–196). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLAY:

H.R. 2765. A bill to provide for a temporary extension in the method currently being used to determine Government contributions under the health benefits program for Federal employees in the absence of a Government-wide indemnity benefit plan; to the Committee on Post Office and Civil Service.

By Mr. LAFALCE:

H.R. 2766. A bill to amend the 7(a) Loan Program, and for other purposes; to the Committee on Small Business.

By Mr. BISHOP:

H.R. 2767. A bill to amend title 5, United States Code, to provide veterans' preference eligibility with respect to individuals who served on active duty in the Armed Forces during the Persian Gulf war, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COLEMAN:

H.R. 2768. A bill to ratify the transfer of a parcel of land by the Ysleta del Sur Pueblo of Texas; to the Committee on Natural Resources.

By Mr. FORD of Michigan (for himself and Mr. GOODLING):

H.R. 2769. A bill to improve education for migrant children in elementary and secondary schools; to the Committee on Education and Labor.

By Mrs. JOHNSON of Connecticut (for herself and Mr. POMEROY):

H.R. 2770. A bill to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MONTGOMERY (by request):

H.R. 2771. A bill to provide military commissary and exchange privileges to the surviving spouses of veterans dying from a service-connected disability; to the Committee on Armed Services.

H.R. 2772. A bill to provide eligibility for military commissary and exchange privileges and space-available transportation on military aircraft to certain former enlisted members of the Armed Forces discharged for disability; to the Committee on Armed Services.

H.R. 2773. A bill to amend title 10, United States Code, to authorize veterans who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

H.R. 2774. A bill to amend title 38, United States Code, to require recipients of Federal financial assistance to take affirmative action in the employment of qualified special disabled veterans and veterans of the Vietnam era; to the Committee on Veterans' Affairs.

H.R. 2775. A bill to amend title 38, United States Code, to restore the nonservice-connected burial benefit entitlement to survivors of certain wartime veterans; to the Committee on Veterans' Affairs.

By Mr. PALLONE:

H.R. 2776. A bill to designate "The Most Beautiful Lady in the World," by Helmut Christopher Calabrese and Paul L. Calabrese, as the official anthem of the Statue of Liberty; to the Committee on Post Office and Civil Service.

By Mr. MONTGOMERY (by request):

H.R. 2777. A bill to amend title 38, United States Code, to repeal the 12-year limitation of eligibility for the vocational rehabilitation program; to the Committee on Veterans' Affairs.

H.R. 2778. A bill to amend chapter 24 of title 38, United States Code, to provide for the establishment of at least one national cemetery in each State; to the Committee on Veterans' Affairs.

H.R. 2779. A bill to amend chapter 42 of title 38, United States Code, with respect to the definition of disabled veteran; to the Committee on Veterans' Affairs.

H.R. 2780. A bill to amend title 38, United States Code, to eliminate the delimiting date for spouses and surviving spouses eligible for benefits under chapter 35; to the Committee on Veterans' Affairs.

H.R. 2781. A bill to amend title 38, United States Code, to extend educational assistance benefits to dependents of veterans with a service-connected disability of 80 percent or more; to the Committee on Veterans' Affairs.

H.R. 2782. A bill to transfer the Veterans' Employment and Training Service from the Department of Labor to the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. NADLER:

H.R. 2783. A bill to direct the Secretary of Transportation to conduct a study of the Brooklyn waterfront, New York City, NY; to the Committee on Public Works and Transportation.

H.R. 2784. A bill to direct the Secretary of the Army to conduct a study on a prospective cross-harbor rail freight tunnel connecting Brooklyn, NY, with the west side of New York Harbor; to the Committee on Public Works and Transportation.

By Mr. OWNES (by request):

H.R. 2785. A bill to reauthorize and improve a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. WOLF:

H.R. 2786. A bill to terminate most-favored-nation duty treatment for the products of Croatia; to the Committee on Ways and Means

By Mr. MANN:

H.R. 2787. A bill to amend title VII of the Civil Rights Act of 1964 to specify certain evidentiary matters relating to establishing an unlawful employment practice based on disparate treatment; to the Committee on Education and Labor.

By Ms. WOOLSEY:

H.R. 2788. A bill to amend the Job Training Partnership Act to provide for the establishment of standards to ensure long-term economic self-sufficiency for participants in adult training programs carried out under part A of title II of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. HOBSON (for himself, Mr. BLILEY, Mr. CASTLE, Mr. CLINGER, Mr. GILLMOR, Mr. GINGRICH, Mr. GOSS, Mr. GRANDY, Mr. GUNDERSON, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mr. KINGSTON, Mr. KOLBE, Mr. MCCRERY, Mr. MCKEON, Mr. PORTMAN, Mr. REGULA, Mr. ROBERTS, Ms. SNOWE, Mr. THOMAS of California, Mr. THOMAS of Wyoming, Mr. MOORHEAD, Mr. SUNDQUIST, Mr. HASTERT, and Mr. MCMILLAN):

H.R. 2789. A bill to amend title XIX of the Social Security Act to establish a health allowance program under which payment may be made under the Medicaid Program to participating States for health allowances used for enrolling individuals in approved health plans, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER (for herself, Ms. Snowe, Mrs. Mink, Ms. Brown of Florida, Mrs. Collins of Illinois, Miss Collins of Michigan, Ms. DeLauro, Ms. Eshoo, Ms. Harman, Mrs. Johnson of Connecticut, Ms. Kaptur, Mrs. Kennelly, Ms. Lambert, Mrs. Lloyd, Ms. Lowey, Mrs. Meek, Mrs. Morella, Ms. Norton, Ms. Pelosi, Ms. Roybal-Allard, Ms. Schenk, Mrs. Unsoeld, Ms. Velazquez, Ms. Waters, Ms. Woolsey, Mr. Dellums, Mr. Frank of Massachusetts, Mr. LaFalce, Mr. McDermott, Mr. Moran, Mr. Rangel, Mr. Reed, Mr. Sawyer, Mr. Stokes, and Mr. Studds):

H.R. 2790. A bill to ensure economic equity for American women and their families by promoting fairness in the workplace; creating new economic opportunities for women workers and women business owners; helping workers better meet the competing demands of work and family; and enhancing economic self-sufficiency through public and private reform and improved child support enforcement; jointly, to the Committees on Education and Labor, Post Office and Civil Service, House Administration, Rules, Ways and Means, Small Business, Banking, Finance and Urban Affairs, the Judiciary, Natural Resources, Foreign Affairs, and Armed Services.

By Mr. STUPAK:

H.R. 2791. A bill to establish a grant program to return a portion of the savings realized by the Department of Defense as a result of the closure or realignment of a military installation to the communities in which the installation is located to assist in the economic recovery and adjustment of these communities; to the Committee on Armed Services.

By Mr. MARKEY (for himself and Mr. Hastert):

H.J. Res. 242. Joint resolution designating the week beginning October 17, 1993, as "National Radon Action Week"; to the Committee on Post Office and Civil Service.

By Ms. MOLINARI (for herself, Ms. Maloney, Mr. Torricelli, Mr. Franks of New Jersey, Mrs. Kennelly, Mr. Lewis of Georgia, Ms. Velazquez, Mr. Serrano, Ms. Snowe, Mr. Wyden, Mr. Hamburg, Mrs. Mink, Mr. Camp, Mr. Quinn, Mr. Fish, Mrs. Morella, Mrs. Johnson of Connecticut, Mr. Paxon, Mr. Levy, Mr. Ramstad, Mrs. Roukema, Mr. Schiff, Mr. King, Mr. Boehlert, Mr. Synar, Ms. DeLauro, Mr. Olver, Mr. Hinchey, Ms. Lowey, Mr. Manton, Mr. Baker of California, Mr. DeLay, Mr. Shays, Mr. Hobson, Mr. Gingrich, Mr. Lewis of California, Mr. Greenwood, Mr. Gilman, Mr. Gekas, Mr. Hoekstra, Mr. Nadler, Mr. Engel, Mr. Bonilla, Mr. Ballenger, Mr. Lightfoot, Mr. Ackerman, Mr. McCrery, Mr. Andrews of New Jersey, Ms. Slaughter, Mrs. Unsoeld, Ms. Pryce of Ohio, Mr. Rohrabacher, Mr. Skeen, Mr. Sundquist, Ms. McKinney, Mrs. Clayton, Mr. Hughes, Mr. Gunderson, and Mr. Traficant):

H.J. Res. 243. Joint resolution designating August 1, 1993, as "National Incest and Sexual Abuse Healing Day"; to the Committee on Post Office and Civil Service.

By Mr. OBEY:

H. Res. 231. Resolution to limit the acceptance of travel and related expenses by Members of Congress; to the Committee on Standards of Official Conduct.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERCROMBIE:

H.R. 2792. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Pai Nui*; to the Committee on Merchant Marine and Fisheries.

By Mr. COLEMAN:

H.R. 2793. A bill for the relief of Kris Murty; to the Committee on the Judiciary.

By Mr. GEJDENSON:

H.R. 2794. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Gray*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. DeLauro, Mr. Matsui, Mr. Andrews of New Jersey, Mrs. Mink, Mr. Gonzalez, Mr. Richardson, and Mr. Lancaster.

H.R. 65: Mr. Oberstar.

H.R. 66: Mr. McHugh and Mrs. Bentley.

H.R. 67: Mr. Oberstar and Mrs. Roukema.

H.R. 101: Mrs. Bentley.

H.R. 109: Mr. Engel.

H.R. 163: Mr. Kim.

H.R. 303: Mr. Ravenel.

H.R. 512: Mr. Hinchey.

H.R. 518: Mr. Spratt, Mr. Yates, Miss Collins of Michigan, and Mr. Matsui.

H.R. 749: Mr. Peterson of Florida.

H.R. 790: Mr. Maloney, Mr. Johnson of South Dakota, Mr. Gene Green of Texas, Ms. Byrne, and Ms. Velazquez.

H.R. 833: Mr. Dellums, Mr. Stark, Mr. Waxman, Mr. Jacobs, and Mr. Andrews of New Jersey.

H.R. 886: Mr. Hyde.

H.R. 892: Mr. Boehner, Mr. Clyburn, Mr. Baker of California, and Mr. Smith of Texas.

H.R. 1078: Mr. Wilson.

H.R. 1082: Mr. Wilson.

H.R. 1141: Mr. Richardson, Mr. Barton of Texas, and Mr. Boehlert.

H.R. 1156: Mr. Kim.

H.R. 1259: Mr. Gutierrez.

H.R. 1421: Mr. Farr.

H.R. 1459: Ms. Pryce of Ohio.

H.R. 1504: Mr. Spratt, Mr. Torricelli, Mr. Fields of Texas, and Mr. Schumer.

H.R. 1563: Mr. Shays and Mr. Richardson.

H.R. 1573: Mr. Torricelli.

H.R. 1600: Mrs. Meyers of Kansas.

H.R. 1604: Mr. Kim, Mr. Hoke, and Mr. Jacobs.

H.R. 1793: Mr. Hinchey, Mr. Moran, Mr. Owens, Mr. Oberstar, Mr. Lantos, Mr. Engel, Mr. Wynn, and Mr. Fazio.

H.R. 1827: Mr. Mollohan, Mr. Darden, Mr. Deal, Mr. Johnson of Georgia, Mr. Inhofe, Mr. Ridge, and Mr. Hancock.

H.R. 1840: Mrs. Johnson of Connecticut, Mr. Gingrich, and Mr. Smith of New Jersey.

H.R. 1886: Ms. Pelosi, Mr. Johnson of Georgia, and Mr. Frost.

H.R. 1909: Mr. Gingrich.

H.R. 2025: Mr. Doolittle.

H.R. 2088: Mr. Goss, Mr. Hansen, Mr. Hoke, Mr. Ramstad, Ms. Shepherd, Mr. Skeen, Mr. Smith of Oregon and Mr. Sundquist.

H.R. 2094: Mr. Jefferson.

H.R. 2119: Mrs. Meek, Mr. Richardson, Ms. Woolsey, Mr. Tucker, Mr. Nadler, Mrs. Mink, and Mr. Farr.

H.R. 2152: Mr. McCloskey.

H.R. 2307: Mr. Saxton, Mr. Paxon, and Mr. Bachus of Alabama.

H.R. 2415: Ms. Snowe and Mr. Bachus of Alabama.

H.R. 2449: Mr. Sangmeister.

H.R. 2535: Mrs. Roukema.

H.R. 2602: Mr. Gejdenson.

H.R. 2605: Mr. Emerson.

H.R. 2606: Mr. Smith of New Jersey.

H.R. 2609: Mr. Jefferson, Mr. Beilenson, Mr. Serrano, Mr. Hastings, and Mr. Filner.

H.R. 2648: Mr. Vento, Mr. Stokes, Mr. Olver, Mrs. Meek, Mr. Young of Alaska, Mr. Hastings, Mr. Frank of Massachusetts, Mr. Berman, Mr. Evans, Mr. Kanjorski, Mr. Gilman, Mr. Ackerman, and Mr. Stark.

H.R. 2707: Mr. Owens, Mr. Ford of Tennessee, Mr. Bishop, Mr. Hastings, and Mr. Blackwell.

H.J. Res. 9: Mr. Quinn.

H.J. Res. 90: Ms. Pryce of Ohio.

H.J. Res. 157: Mr. Solomon, Mr. Levy, Mr. Houghton, Mr. Dreier, Mr. Kim, Mr. Franks of Connecticut, Mr. Lewis of California, Ms. Dunn, Mr. Schiff, Mr. Vento, Mr. Frost, Mr. Menendez, Mr. Smith of Oregon, Mr. Torres, Mr. Lewis of Georgia, Mr. Clay, Mr. Matsui, Mr. Wolf, Mr. Payne of New Jersey, Mr. Spence, Mr. McCandless, Mr. Hall of Ohio, Mr. Applegate, Mr. McHugh, Mr. Gillmor, Mr. Bereuter, Mr. Hansen, Mr. Conyers, Mr. Hunter, Mr. Ridge, Mr. Hoke, Mr. Bliley, Mr. Coble, Mr. Kingston, Mr. Leach, Mr. Shuster, and Mr. Livingston.

H.J. Res. 165: Mr. Hilliard, Mr. Klein, Mr. Mineta, Mr. Hochbrueckner, Mr. Holden, Mr. Berman, Mr. Sarpalius, Ms. Dunn, Mr. Applegate, Mr. Owens, Mr. Clyburn, Mr. Hinchey, Mr. Upton, Mr. Smith of Oregon, Mr. Barcia of Michigan, Mr. Stupak, Mr. Towns, Ms. Molinari, Mr. Hoagland, and Ms. Slaughter.

H.J. Res. 175: Ms. Eshoo and Mr. Spence.

H.J. Res. 185: Mr. Bacchus of Florida, Mr. Borski, Mr. Brewster, Mr. Cooper, Mr. Cramer, Mr. Dellums, Mr. de Lugo, Mr. Dicks, Mr. Doolittle, Mr. Engel, Mr. McNulty, and Mr. Spratt.

H.J. Res. 194: Ms. Slaughter, Mr. Furse, Mr. Smith of Oregon, Mr. McNulty, Mr. Lewis of California, Mr. McCollum, Mr. Rangel, Mr. Ravenel, Mr. Skelton, Mr. Abercrombie, Mr. Hutto, Ms. Eshoo, Mr. Whitten, Mr. Gonzalez, Mr. Engel, Mr. Berman, Mr. Duncan, and Mr. Gilman.

H.J. Res. 212: Mr. Matsui, Mr. Reed, Mr. Saxton, Mr. Skeen, Mr. Quinn, Mr. Price of North Carolina, and Mr. Lewis of Florida.

H. Res. 184: Mr. Coleman, Mr. Minge, Mr. Brewster, and Mr. Hayes.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2330

By Mr. FRANK of Massachusetts:

—Page 5, after line 11, add the following:

SEC. 105. REDUCTION IN AUTHORIZATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), the aggregate amounts authorized to be appropriated by this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, are reduced by $500,000,000.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated by section 201 for the Central Intelligence Agency Retirement and Disability Fund.

—Page 30, after line 3, add the following:

SEC. 306. DISCLOSURE OF ANNUAL INTELLIGENCE BUDGET.

Beginning in 1995, and in each year thereafter, the aggregate amounts requested and authorized for, and spent on, intelligence and intelligence-related activities shall be disclosed to the public in an appropriate manner.

By Mr. GLICKMAN:

—Page 31, strike line 3 and all that follows through line 7 on page 32 (all of section 501).

—Page 32, line 8, strike "502" and insert "501".

By Mr. GOSS:

—Page 30, after line 3, add the following:

SEC. 306. SENSE OF HOUSE OF REPRESENTATIVES THAT MEMBERS OF THE HOUSE SHOULD BE PUNISHED FOR THE DISCLOSURE OF CLASSIFIED INFORMATION.

It is the sense of the House of Representatives that the willful disclosure of classified information by Members of the House is a violation of the Rules of the House punishable by censure or expulsion.

By Mr. MCCOLLUM:

—At an appropriate place, insert the following:

SEC. . NATIONAL TASK FORCE ON COUNTERTERRORISM.

(a) ESTABLISHMENT.—The President shall establish a National Task Force on Counterterrorism comprised of the following seven members: the Deputy Attorney General of the United States, the Deputy Director of Operations of the Central Intelligence Agency or the Deputy Director of Central Intelligence, the Coordinator for Terrorism of the Department of State, an Assistant Secretary of Commerce as designated by the Secretary of Commerce, the Secretary of Defense for Special Operations Low Intensity Conflict, the National Security Advisor or the Deputy National Security Advisor for Special Operations Low Intensity Conflict, and the Assistant Secretary of Treasury for Enforcement. The Deputy Attorney General shall serve as the Chairperson of the Task Force and shall coordinate all antiterrorism activities of the intelligence community of the United States Government.

(b) DUTIES.—The National Task Force on Counterterrorism shall—

(1) formulate a definition as to what constitutes terrorism;

(2) define those intelligence assets dedicated for collection of information on terrorism;

(3) define the methods for the Task Force to be the central processor and distributor of intelligence on terrorism;

(4) outline all preventive and reactive policy issues with regards to terrorism;

(5) define the methods for the Task Force to have overall operational control for counterterrorist and terrorist anti-proliferation operations, both overt and covert;

(6) report to Congress no later than six months after the date of enactment of this Act, and each 90 days thereafter for the remainder of the two-year period beginning on such date, as to how the Task Force will implement paragraphs (1) through (5) of this section; and

(7) beginning 60 days after the date on which the report is submitted under paragraph (6), implement paragraphs (1) through (5) in accordance with the report.

—Page 30, after line 3, add the following:

SEC. 306. NATIONAL TASK FORCE ON COUNTERTERRORISM.

(a) ESTABLISHMENT.—It is the sense of the Congress that the President should establish a National Task Force on Counterterrorism comprised of the following seven members: the Deputy Attorney General of the United States, the Deputy Director of Operations of the Central Intelligence Agency or the Deputy Director of Central Intelligence, the Coordinator for Terrorism of the Department of State, an Assistant Secretary of Commerce as designed by the Secretary of Commerce, the Secretary of Defense for Special Operations Low Intensity Conflict, the National Security Advisor or the Deputy National Security Advisor for Special Operations Low Intensity Conflict, and the Assistant Secretary of Treasury for Enforcement. The Deputy Attorney General should serve as the Chairperson of the Task Force and shall coordinate all antiterrorism activities of the intelligence community of the United States Government.

(b) DUTIES.—The National Task Force on Counterterrorism should—

(1) formulate a definition as to what constitutes terrorism;

(2) define those intelligence assets dedicated for collection of information on terrorism;

(3) define the methods for the Task Force to be the central processor and distributor of intelligence on terrorism;

(4) outline all preventive and reactive policy issues with regards to terrorism;

(5) define the methods for the Task Force to have overall operational control for counterterrorist and terrorist anti-proliferation operations, both overt and covert;

(6) report to Congress no later than six months after the date of enactment of this Act, and each 90 days thereafter for the remainder of the two-year period beginning on such date, as to how the Task Force will implement paragraphs (1) through (5) of this section; and

(7) beginning 60 days after the date on which the report is submitted under paragraph (6), implement paragraphs (1) through (5) in accordance with the report.

SENATE—*Wednesday, July 28, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 8 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

The PRESIDING OFFICER. The prayer will be offered by Rabbi Shmuel M. Butman, director, Lubavitch Youth Organization, Brooklyn, NY.

PRAYER

Rabbi Shmuel M. Butman, director, Lubavitch Youth Organization, Brooklyn, NY, offered the following prayer:

Let us pray:

Dear God, this House has always been committed to the principles of freedom and democracy, enacting laws to benefit all of society. This is a vital step toward the era of universal peace, foretold by the prophets for the revered leader of world Jewry. Rabbi Menachem M. Schneerson, the Lubavitcher Rebbe, Shlita—may he have an immediate and complete recovery—has announced good news for the world: that we are living in a special time, the dawn of the Messianic era.

The Rebbe has told us that you, dear God, have already started this process. One sign is the exodus of so many Jews to the Holy Land after decades of persecution, beginning the ingathering of the exiles, an essential part of the Messianic process.

Another sign, dear God, is the disarmament agreements among the great nations of the world, starting the process foretold by Isaiah, the prophet of the Messianic era: "They shall beat their swords into plows * * * nation shall not lift up sword against nation and they will no longer learn war." We ask You, dear God, to give us the strength to accelerate this process, and the inspiration to advance daily in good deeds.

In this spirit, I take this opportunity to place a dollar bill in this pushke. On this dollar bill is inscribed, "In God we trust." This is called a charity box, a pushke. This fulfills our obligation, not only toward those close to us, but also toward our neighbors and to society in general. Help us, dear God, to bring to all citizens of the United States and all around the world, this message of charity and how it prepares the world for a brighter future in the Messianic era.

We pray, dear God, that You continue to bestow Your bounty upon all the Members of this House, the U.S. Senate, and may they have the merit to experience a "year of great miracles," a "year of great miracles" in their communal, national, and international endeavors, as well as in their private lives.

And let us say, amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 28, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:15 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Alaska [Mr. MURKOWSKI] is recognized to speak for up to 30 minutes.

STATE OF ALASKA VERSUS UNITED STATES: BROKEN PROMISES OF STATEHOOD

Mr. MURKOWSKI. I thank the Chair and wish the Chair a good morning.

Mr. President, I rise to introduce into the RECORD a lawsuit filed by the State of Alaska pending before the U.S. Court of Federal Claims. Late last week our Governor, Gov. Walter Hickel, announced the State of Alaska has filed suit in the U.S. Federal Court of Claims in Washington, DC, charging that the Federal Government's violation of the Alaska statehood compact has cost our State more than $29 billion.

I rise this morning to support the efforts of our Governor and the people of Alaska in suing the Federal Government for compensation denied to Alaska and Alaskans under the 1959 Statehood Act. A conservative estimate of the lost value of revenues to our State, taking into account only known resources that cannot be developed because of Federal regulations, is in the area of at least $29 billion.

I assure you, Mr. President, the State of Alaska is serious as to the validity of its claims. One only need go back to 1959 and examine the contract made in the Statehood Act, where the U.S. Government made a promise to the people of Alaska.

First in that promise was to grant 103 million acres of the unappropriated Federal lands to the State of Alaska for the use and enjoyment of Alaskans.

Second was the promise to allow Alaskans to keep 90 percent of the money earned from the extraction of minerals on all other Federal lands not withdrawn from mineral development at the time of statehood. These funds were to form the economic base upon which Alaska would meet its State responsibilities and development needs.

The State of Alaska, in turn, made an equal commitment. It promised to abide by the unique financial, social, and political duties that the Federal Government imposed on all States.

I think it is important to go over the purpose of the land grant and the distribution of 90 percent of the revenues to the State of Alaska, and 10 percent to be retained by the Federal Government.

The tax base in Alaska was far too small to support all government needs. There were too few people, far less than 300,000; too little State and private land ownership in 1959—99 percent of Alaska was owned by the Federal Government.

Third, the Statehood Act compensated specifically for these shortfalls.

The 1959 compact expanded the State's land base by nearly 103 million acres. It provided specifically for the State to be able to select 103 million acres and be compensated for lack of land and people by granting the State 90 percent of all mineral sales for Federal lands, in part because Alaska would not participate in the reclamation fund which was shared by all other Western States. That is the same situation as we are faced with today. Alaska does not share in that reclamation fund.

The remaining 10 percent of revenue generated from mineral sales would

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

compensate the Federal Government for the cost of administrating the lands, and the transfer.

In the 34 years since statehood we have found that the U.S. Government has broken its promise and it has breached its contract to the people of Alaska. It specifically violated the Statehood Act, and that is the basis for the suit.

The Statehood Act is a sacred contract between the U.S. Government and the people of Alaska. It is a contract that cannot be unilaterally altered, yet that is exactly what the Federal Government has tried to do. The Statehood Act was ratified specifically by the people of Alaska. In other words, it was accepted under the terms and conditions that were offered. It was a binding, solemn contract, a contract that can only be broken or altered with mutual consent—consent of both parties—and that was not the case. The Federal Government did not allow the State of Alaska to be heard relative to any of the changes that have been made as a consequence of Federal interpretation of that Act.

Mr. President, that is the basis for the suit. A contract cannot be unilaterally altered by one party. We have seen excessive land withdrawals and diminution of the 90–10 revenue share which specifically violates the terms of the statehood contract.

Since statehood, the Federal Government has prohibited mining on more than 100 million acres of Federal land. Specific examples would be in the Fortymile national park, West Chichagof-Yakobi Wilderness, the Yukon Charley River National Preserve, and the Arctic National Wildlife Refuge.

In 1980, the Alaska Lands Act alone created 117 million acres of new Federal reservations, parks, wilderness, and national monuments, all removed from mineral development and reducing the value of the statehood grant. The State contends that this denies revenues that the people of Alaska bargained for in accepting the statehood compact. Congress breached the covenant of good faith and fair dealing by withdrawing critical Federal lands from mineral leasing. It breached its promise to Alaskans, promises relied upon when the territorial citizens ratified the statehood compact back in 1958.

Every contract imposes a duty of good faith and fair dealing. Alaskans relied on promises of the Statehood Act when they ratified that compact. Withdrawing critical lands from mineral leasing is a taking of Alaska's interest in revenues derived from those lands and it violates the fifth amendment of the Constitution of the United States. The pertinent part of that fifth amendment, Mr. President, is, and I will quote it, "* * * nor shall private property be taken for public use without just compensation."

By law, Alaska has a property interest in revenues from minerals on lands owned by the Federal Government which the Federal Government has withdrawn from development. Recent actions continue disregard for Federal statehood promises made to the people of Alaska. The Statehood Act designates 90 percent of the revenues from mineral extraction to go to the State of Alaska and 10 percent to go to the Federal Government for compensation of administration of Federal lands.

Since 1990, several appropriations bills have directed the U.S. Minerals Management Service to deduct administration costs from onshore mineral leasing receipts prior to calculating the 90–10 split. It is a violation of the Statehood Act to withhold any mineral leasing receipts from the 90–10 split.

As of 1993, Alaska has lost $1.7 million that it is entitled to under this revenue sharing proposal of 90–10, as evidenced under the Statehood Act.

The history of Federal withdrawal of land development, I think, needs a brief review. Alaska is a young State. We are only 34 years old. When we entered the Union in 1959, people across the State were enthusiastic about Federal promises and pledges to bring Alaska into the Union on an equal footing with the other States and to ensure that the citizens of the new State would be able to use its vast resources to become economically self-sufficient.

However, Federal legislation passed in the 1970's and 1980's quickly reversed the course set by statehood and the promises made to the people of Alaska by the Federal Government. Only long-time Alaskans realize that over the course of 30 years, the Federal Government has systematically denied Alaskans the use of their land until very little is left.

First, we had the Alaska Native Claims Settlement Act. Oil at Prudhoe Bay, some will recall, could not be developed without a pipeline, and a pipeline could not be built until first settling the claims, the aboriginal claims of Alaska's Native people.

The 1971 Alaska Native Claims Settlement Act settled all aboriginal claims to land, fish and wildlife resources in exchange for approximately 44 million acres of land and $1 billion. This was allocated between 12 Alaskan and 1 outside regional Native corporation.

State land selections were halted while native land selections were made. This limited land available from which the State could choose its lands and reduce the Federal lands available for mineral development from which Alaska would be entitled to its royalties. In general, the transfer of lands and resources to the native corporations and out from under any Federal stewardship has provided the tools of economic self-determination among Alaska's Native people that are certainly lacking in other States across the West, and we are very proud of that selection and that provision by the native people of Alaska.

But in 1971, ANCSA was a case of good taking with the bad; that is, the Alaska Native Claims Settlement Act, and the bad was mandated, including a study to create new conservation units and new wilderness in Alaska which led to a land freeze in State land selections under the Antiquities Act and the untimely passage of the Alaska Lands Act in 1980.

So here we have a situation where, again, the State's land selection process was thwarted and availability was limited.

We had the Alaska National Interest Lands Conservation Act, or ANILCA. While Alaska statehood promised 103 million acres of land selections, before many of the most important selections could be made, they were put on hold, first by ANCSA, the Antiquities Act to follow, the land freeze, then ANILCA. Alaskans experienced "you get what is left" theory of land selections. No other State has had its land development affected in such an arbitrary way.

So by the time the land freeze was over and we were well into the eighties, by the time ANILCA had passed, Alaska was left with—and these are staggering figures, Mr. President—Alaska was left with a situation where, within our State, 51 million acres of National Park Service land was put into existence, which amounts to 70 percent of all National Park Service land and amounts to 15 percent of the total land mass in Alaska.

Moving on, 76 million acres of U.S. Fish and Wildlife refuge lands was created. Eighty-five percent of all the national refuge system in the United States is in our State, and that alone makes up 21 percent of the land mass in our State of Alaska.

Moving to wilderness, 57 million acres of wilderness were created. That is 60 percent of all the national wilderness preservation system, and it constitutes 16 percent of the land in our State.

And BLM land, 90 million acres were established; that is 34 percent of all national BLM lands in our State. That makes up 25 percent of the land mass of our State.

Finally, national forest land, 22 million acres were established. That is 11 percent of all national forest systems and 7 percent of the land mass.

When you add that up, that leaves nearly 70 percent of our State of Alaska under the Federal domain in various Federal agencies. That leaves 103 million acres for the State, 44 million acres for the native people of Alaska, or 12 percent of the State.

What do we have in private hands? We have 5 million acres of land held by private individuals, less than 2 percent of the State of Alaska.

So 34 years later, that is the land pattern that has emerged out of the Statehood Act which, again, was a solemn promise that the State would have unlimited access to the selection of Federal lands in the State of Alaska.

The choke hold on economic development in Alaska goes beyond the size of the Federal land designations. Many conservation units were designated, in part, to block access to lands in State and private hands. Without access, you simply cannot have development. Limited access to development lands have stifled development in our State. Much private and State land is locked up like an island surrounded by Federal conservation units.

ANILCA provided a procedure to gain access across parks and refuges to State and private lands, but those procedures, by design, are so cumbersome that in the last 13 years since the passage of ANILCA, not a single right-of-way has been granted. The one-time access was gained to develop a world class mine in Western Alaska. Mr. President, it took an act of Congress to initiate a land exchange.

If one refers quickly to the map to my right, one can see the specific colors. From north to south is the boundary line between Canada and Alaska, and down through southeastern to the southern tip where, again, we reach the Canadian boundary of South Ketchikan and north of Prince Rupert.

Specifically, Mr. President, the areas in green represent the national forests. The areas in the colored pink represent national monuments. These are further national park withdrawals, wilderness—all the colored areas are Federal withdrawals within the State of Alaska.

If one examines the map a little further, one can see a rather strange series of coincidence; that there is a very small artery open for access in the north to the south. This happens to be the route of the Alaska pipeline bringing the oil down from Prudhoe Bay.

The point I want to make is these withdrawals were not done by accident. They were done specifically to thwart access from the north to the south to ensure that virtually no development could occur in these rich mineral areas as a consequence of well-meaning environmental groups who simply did not want to see the resources of Alaska developed, so that they worked very, very hard with wilderness groups, and so forth, for Federal selections to close the arteries and thwart development.

We have seen the same situation throughout the boundary of southeastern Canada, so there can be no access.

These are Federal wilderness withdrawals, and the same is true all along this area. If you go out to the Aleutian Islands, it is all withdrawn; out in the National Wildlife Monument in the Yukon Delta area it is withdrawn.

What we have is the situation that to get into State lands for access, in many cases we have to try and go across Federal lands, and there is simply no cooperation, as a consequence of the agencies overseeing the Federal lands, to allow State access.

So the bottom line, Mr. President, is a reality that Alaskans are simply fed up with this injustice. Our Founding Fathers fought a revolution to get Government out of their lives and out of their pockets. The people of the territory of Alaska, back in 1959, voted to enter into an agreement with that Government, that Government being the Government of the United States, and in cooperation and fulfillment of the compact to accept the burdens of statehood for the benefits of inclusion in the Union.

Alaskans feel that we have upheld our part of the Statehood Act and the Federal Government has not upheld theirs. What they offered with one hand, that is, revenues from mineral leasing, they took away with the other hand by prohibiting development of some of the richest lands in the State of Alaska.

As you look at all those colored areas, Mr. President, one can quickly see that these were areas in the Statehood Act interpretation which clearly were to be open to the State of Alaska for selection, but they were precluded by land freezes during this 34-year period to the point where the State was unable to select in many of those areas, and that is the basis for the suit.

I think it is important, Mr. President, to note that this suit does not necessarily represent actions against the current administration or administrators of the various agencies under this administration. The jury is still out as to what the impact of the ultimate inability of the State to have access will be as far as full cost and damage is concerned. But the lawsuit is a response to a pattern of Federal dealings with the State of Alaska that can only be characterized as dealings in bad faith.

I wish to assure the President that this suit is real, that this suit is appropriate, and this suit is, indeed, a potential threat to the ability of the Federal Government to meet its monetary obligations as a consequence of a resolve of the suit before the Court of Claims.

Finally, Mr. President, since 1959, lands available from which the State could select its land entitlements were diminished. Access to the State lands, as I have stated, has been compromised by surrounding Federal land withdrawals. Potential royalties from Federal lands have been severely reduced by massive Federal land designation. The suit filed by the State of Alaska illustrates just how frustrated Alaskans are with Uncle Sam, who treats the State continually like a 49th colony, if you will. I applaud and join with my colleagues in taking this long overdue action and demanding that Alaska receive its fair entitlement under the law.

Mr. President, I ask unanimous consent that a copy of the filing of the suit for the $29 billion claim before the U.S. Court of Appeals be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

[In the U.S. Court of Federal Claims]

STATE OF ALASKA, PLAINTIFF, *v.* UNITED STATES OF AMERICA, DEFENDANT

COMPLAINT FOR JUST COMPENSATION

Plaintiff State of Alaska ("Alaska") brings this action for breach of contract and just compensation against the Defendant United States of America ("United States") and avers as follows:

NATURE OF ACTION

1. This is an action for breach of contract and just compensation brought against the United States to compensate Alaska for violations by the United States of the United States Constitution and the Alaska Statehood Act, P.L. 85-508, 72 Stat. 339 (1958).

2. Alaska, pursuant to the Alaska Statehood Act, became one of the United States of America and was admitted into the Union on an "equal footing with the other states in all respects whatever" on January 3, 1959. The Alaska Statehood Act is a compact which constitutes a binding bilateral contract between Alaska, in its sovereign capacity as a representative of its citizens, and the United States.

3. The United States has violated the Constitution of the United States and breached the Alaska Statehood Act, a compact entered into between the United States and the people of Alaska, by denying Alaska its full share of mineral revenues from Federal land guaranteed to it in the Statehood Act and by withdrawing millions of acres of Federal lands from future mineral leasing in Alaska.

4. Absent adequate compensation to Alaska, these actions are unconstitutional and violative of the Fifth Amendment to the United States Constitution and of the Alaska Statehood Act.

PARTIES

5. Alaska is a sovereign state of the United States of America. It was admitted to the Union on January 3, 1959 pursuant to P.L. 85-508, 72 Stat. 339 (1958).

6. The Defendant is the United States of America.

JURISDICTION AND VENUE

7. This action arises under the Fifth Amendment to the United States Constitution; and the Alaska Statehood Act, P. L. 85-508, 48 U.S.C. note preceding §21.

8. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1491(a)(1).

9. The matter in controversy, exclusive of interest and costs, exceeds Twenty-nine Billion Dollars ($29,000,000,000.00).

COMMON ALLEGATIONS

10. The Alaska Statehood Act was passed by Congress and was signed into law by President Eisenhower on July 7, 1958. Alaskans ratified the Statehood Act in a referendum election held August 26, 1958. Alaska officially became a state of the Union on January 3, 1959, upon the signing of a presidential proclamation, admitting Alaska into the Union.

11. Legislation first proposing Statehood for Alaska was introduced in Congress in

1916, and seventeen (17) additional Alaska Statehood bills were introduced between 1947 and 1957. One of the primary reasons opponents cited for rejecting Alaska statehood was that Alaskans would not be able to generate revenues to fund self-governance. This concern arose in part because 99.9 percent of the land in Alaska was owned by the Federal Government; therefore, Alaska would not be able to generate taxes from these lands. This was a major concern for members of Congress, many of whom ultimately voted for the Alaska Statehood Act. In fact, the House Committee on Interior and Insular Affairs, to whom the H.R. 7999 (eventually signed into law as the Alaska Statehood Act) was referred, stated in its report accompanying the bill:

> "As previously noted, tremendous acreages of land in Alaska have been tied up in the status of Federal reservations and withdrawals for various purposes. The committee feels strongly that this practice has been carried to extreme lengths in Alaska, to a point which has hampered the development of such resources for the benefit of mankind. As a result, a long list of potential basic industries in the Territory, including the forest industries, hydroelectric power, oil and gas, coal, various other minerals, and the tourist industry, can exist in Alaska only as tenants of the Federal Government, and on the sufferance of the various Federal agencies. The committee considers that to be an unhealthy situation.
>
> "The failure of these industries to grow under such a restrictive policy is a proof of its unwisdom. The committee feels that this policy must be changed if statehood for Alaska is to be a success."

H.R. Rep. No. 624, 85th Cong., 1st Sess. (1955). Furthermore, as a state, because of its small population and very limited industrial base, Alaska was not expected to be able to generate sufficient income taxes necessary to support self-government.

12. Members of Congress who favored statehood conceded that statehood would impose an onerous financial burden on the new state, so they made provisions in the Statehood Act to alleviate this burden by including provisions designed to enable the new state to finance self-government. Among these are the grant of 103,350,000 acres of land and mineral rights, and the grant of 90 percent of mineral revenues generated from Federal land located in Alaska. Alaska Statehood Act, sections 6A, 6B, and 28. Congress intended that the remaining 10 percent of the proceeds from mineral revenues would be retained by the United States as compensation for the costs of administering the leases. Conditioning statehood on the existence of these provisions demonstrates that Congress intended to make Alaska the owner of its destiny by granting to it permanent ownership of its mineral resources and beneficial interest in Federal mineral resources.

13. The people of Alaska accepted the terms of the Statehood Act by voting to ratify it in a referendum election held on August 26, 1958. Section 8(b) of the Statehood Act required that the electorate of Alaska approve three propositions in order to effectuate the Act. The first two propositions asked voters whether they approved admittance of Alaska into the Union as a state and approved its boundaries. The third proposition asked voters whether they approved the terms of the compact:

> "All provisions of the Act of Congress approved [July 7, 1958] reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people."

The referendum was approved by the people of Alaska by a vote of 40,452 votes for acceptance and 8,010 votes against acceptance.

14. Upon acceptance of the terms of the Statehood Act by the people of Alaska and upon Alaska's admission to the Union, the provisions of the Statehood Act became a legally enforceable compact between the United States and the new State of Alaska.

15. The people of Alaska, in entering into the compact, relied upon the compact provision providing Alaska 90 percent of mineral revenues generated from Federal land. The Congressional grants in the Statehood Act were accepted by the citizens of Alaska as consideration, inter alia, for assuming the financial, social, and political responsibilities of self-governance. Alaskans were assured that they could rely on these revenues for financing a state government by the terms of the Statehood Act, by members of Congress in debate, and by the Secretary of Interior in speeches during a visit to Alaska during the week of the referendum vote.

16. This provision is an integral part of the compact relied upon by Alaskans in accepting statehood, and it cannot be unilaterally amended by the United States, whether by administrative action, congressional enactment, or executive order.

17. The United States has breached the 90 percent revenue provision of the compact by unilaterally denying Alaska revenues to which this provision entitles it and by unilaterally denying Alaska the opportunity to receive other significant revenues.

FIRST COUNT

The Statehood Compact is a binding contract and the United States has breached the Compact by its pattern of land withdrawals and its diminution and attempted diminution of 90/10 revenue share.

18. Alaska realleges and incorporates by reference the averments of paragraphs 1–17 above.

19. The intent of Congress in enacting the Statehood Act, and the understanding of Alaskans in ratifying the terms of the compact, and by the terms of the compact itself, was that Alaska receive 90 percent of the mineral revenues generated from the Federal lands.

20. Since statehood, however, Congress has continually breached the compact by repeatedly withdrawing more than one-hundred million (100,000,000) acres of Federal land from mineral leasing within Alaska, thereby precluding generation of revenues for Alaska.

21. For example, in enacting the Alaska National Interest Lands Act (ANILCA), Congress withdrew from potential mineral location or development the Fortymile National Wild and Scenic River, the Wrangell-St. Elias National Park, and the West Chichagof-Yakobi Wilderness, all which have significant potential for mineral development. Also in ANILCA, by creating significant restrictions to exploration and development, Congress effectively withdrew lands from future mineral leasing, such as in the Yukon-Charlie Rivers National Preserve and by adding 1.5 million acres to the Arctic National Wildlife Refuge (ANWR). ANILCA alone created more than 117 million acres of Federal reservations.

22. To the extent the withdrawn lands would have generated mineral revenues had they been open to leasing, Alaska has been damaged in an amount to be proven at trial.

SECOND COUNT

Congress induced Alaska's citizens to ratify the Statehood Compact and those citizens reasonably relied on Congress' promise to reasonably develop federal land.

23. Alaska realleges and incorporates by reference the averments of paragraphs 1–22 above.

24. By accepting the financial, social and political responsibilities of statehood, Alaska's citizens substantially changed their position in direct reliance on Congress' offer to grant the new state 90 percent of the royalties derived from development on federal lands.

25. When the Alaska Statehood Act was enacted, Congress was well aware of both the necessity for a 90 percent royalty and Alaska's citizens' reliance. The need for this provision had been thoroughly debated in Congress for a decade in recognition of Alaska's inability to accept statehood without a firm economic base. Members of Congress itself well understood the perils of statehood without an economic infrastructure.

26. Congress' pattern of withdrawing lands from mineral leasing is directly inconsistent with Alaska's reasonable reliance on the promise of 90 percent royalty. Ninety percent of nothing would have defeated the purpose of the section entirely.

27. To the extent the withdrawn lands would have generated mineral revenues had they been open to leasing, Alaska has been damaged in an amount to be proven at trial.

THIRD COUNT

Congress has breached the covenant of good faith and fair dealing by withdrawing crucial Federal lands from mineral leasing.

28. Alaska realleges and incorporates by reference the averments of paragraphs 1–27 above.

29. Every contract imposes upon each party a duty of good faith and fair dealing in its performance.

30. The Alaska Statehood Compact is a contract between the United States and Alaska's citizens and the obligation of good faith and fair dealing obligates the United States to act in a manner which does not render as meaningless the agreed upon terms of the compact. Likewise, the United States has an obligation to do nothing which will injure the right of Alaska to receive the benefits of the agreement.

31. Congress recognized that the 90 percent provision was critical to statehood and to its success. By withdrawing from mineral leasing, Federal lands valuable for mineral development, it has breached and continues to breach its duty of good faith and fair dealing and evading the spirit of the bargain it struck with the Alaskan people nearly 35 years ago.

32. To the extent the withdrawn lands would have generated mineral revenues had they been open to leasing, Alaska has been damaged in an amount to be proven at trial.

FOURTH COUNT

By withdrawing critical lands from mineral leasing, Congress has "taken" Alaska's interest in the revenue to be derived from those lands in violation of the Fifth Amendment to the United States Constitution.

33. Alaska realleges and incorporates by reference the averments of paragraphs 1–32 above.

34. By withdrawing significant lands from mineral leasing, Congress has "taken" Alaska's interest in the revenue to be derived from those lands in violation of the Fifth Amendment to the United States Constitution.

35. To the extent the withdrawn lands would have generated mineral revenues had they been open to leasing, Alaska is entitled to just compensation in an amount to be proven at trial.

FIFTH COUNT

Administrative cost charge from mineral leasing on Federal land as violating Statehood Act.

36. Alaska realleges and incorporates by reference the averments of paragraphs 1-36 above.

37. The ten percent (10%) of the proceeds from mineral revenues which the United States is entitled to retain under the Statehood Compact "90/10 Provision" was intended to compensate the United States for the costs of administering the leases.

38. P.L. 101-512 (November 5, 1990), an act making appropriations for the Department of the Interior for the fiscal year ending September 30, 1991, directed the United States Minerals Management Service, an agency within the Department of the Interior, to deduct certain monies from Federal on-shore mineral leasing receipts prior to the division and distribution of the receipts between the states and the United States.

39. P.L. 102-154 (November 13, 1991), an act making appropriations for the Department of the Interior for the fiscal year ending September 30, 1992, directed the United States Minerals Management Service to deduct certain monies from Federal on-shore mineral leasing receipts prior to the division and distribution of the receipts between the states and the United States.

40. P.L. 102-381 (October 5, 1992), an act making appropriations for the Department of the Interior for the fiscal year ending September 30, 1993, directed the United States Minerals Management Service to deduct certain monies from Federal on-shore mineral leasing receipts prior to the division and distribution of the receipts between the states and the United States.

41. Pursuant to P.L. 101-512, P.L. 102-154, and P.L. 102-381, beginning with production month October 1990, the United States Minerals Management Service has deducted administrative costs from the proceeds from mineral leases prior to calculating Alaska's ninety percent share of the revenues.

42. The application of P.L. 101-512, P.L. 102-154, and P.L. 102-381 to revenues from mineral leases on Federal land in Alaska is a unilateral attempt to amend the Alaska Statehood Act, and is a breach of the Statehood Compact.

43. As of June 1993, the United States has withheld $1,714,457.37 from Alaska's ninety percent share of mineral lease revenues from Federal land in Alaska.

PRAYER FOR RELIEF

Wherefore, the State of Alaska, as plaintiff, prays for and requests the following relief:

A. That the court grant judgment in favor of Alaska pursuant to the allegations of the complaint in an amount to be determined at trial which amount is in excess of $29 Billion ($29,000,000,000).

B. That the court award Alaska its fees and costs; and

C. That the Court grant such other and further relief as it may deem just, proper, and equitable.

Dated this 23rd day of July, 1993.

CHARLES E. COLE,
Attorney General,
State of Alaska.

CHERI C. JACOBUS,
Chief Assistant Attorney General,
State of Alaska.

Mr. MURKOWSKI. Mr. President, what is the time remaining to the Senator from Alaska?

The ACTING PRESIDENT pro tempore. The Senator from Alaska has 7 minutes remaining.

Mr. MURKOWSKI. I thank the Chair. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum having been questioned, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

ALASKA'S WOLF MANAGEMENT

Mr. MURKOWSKI. Mr. President, I should like to bring to the attention of my colleagues a controversy that is occurring in my State of Alaska. It is a controversy over Alaska's wolf management that has been deliberately stoked by radical animal rights groups seeking to bolster their national fundraising efforts. Their calls are currently for a boycott of Alaskan tourism. We saw the effort initiated last year, and their charges made against the ability of Alaskans to control the population of wolves were marked by crass distortions and half-truths about the Alaska program.

Last winter, when some of these groups were called on the accuracy of the claims that they had initiated, they were completely unembarrassed by the outlandishness of those claims. Their attitude seemed to be that if wild claims raised money and caused problems for Alaska's game managers, then even irresponsible lies were completely justified.

Well, this year they are back to their old tricks. Some are so convinced they have found a key to the cookie jar that they do not care what they say. One group, called Friends of Animals, bought advertising to make a fundraising pitch with such a blatant disregard for the truth that the State has decided to initiate a lawsuit. They also may be investigated for mail fraud. This group claimed Alaskans would use radio tracking to track wolves to their dens, which is not true. It charged that hundreds of wolves would be shot from airplanes, which is not true. Also not true is the charge that aerial shooting would be allowed and that more than 100 wolves will be taken at a maximum.

The truth is, Alaskans like having wolves in their State. We like it so much that in some areas our respect and protection has left us with too many wolves—and therein lies the rub. Frankly, Mr. President, the State of Alaska would prefer it if we did not have to take such controversial and drastic action. And it is not as though we have not looked at alternatives. Over and over again, Alaskan Governors have offered to give some of our wolves to States that killed off all their own wolves. Well, Mr. President, although it is hard to believe, we have not found one of those States willing to take us up on our offer. That leaves us with little other choice.

As we look at the facts, the truth is that wolves are not endangered.

State management of Alaska's wolves has been a model of good conservation. There are more wolves than ever in Alaska right now—as many as 7,200—and the credit goes to those same State game managers who are now under fire. They are the ones who ended the use of poison and of denning, who stopped the widespread Federal wolf control programs, and who made certain that wolves would receive the same protections as any other game species.

The truth is, Alaska is not proposing to eliminate all its wolves—or even most of its wolves—or even a significant fraction of its wolves. It is currently proposing to remove only 50 to 100 animals in one small area.

The truth is, the Federal Government currently kills approximately that many wolves in Minnesota every year and those wolves are from an endangered population. Ninety to one hundred and twenty animals are taken out of Minnesota's 1,200-member wolf population each year, in order to protect livestock. Minnesota's removals are significantly greater than what Alaska is proposing, yet the population there remains healthy. Without those controls, wolf numbers would climb, predation on livestock would increase, and farmers feeling the pressure would soon feel they had to take matters into their own hands. That is exactly what happened throughout most of the country, and the only reason Minnesota can maintain a healthy population of wolves is because they are controlled.

The truth is, depressed caribou populations will not recover if wolf predation is not checked. Wolves eat as many as 36 caribou per wolf per year. In the Fortymile, where over ½ million caribou flourished in the 1920's, only about 22,000 animals now exist for a wolf population of about 200. Without management action now, the delta caribou herd—already reduced from 11,000 animals to just 4,000—will continue to decline.

Let's look at the real history of the delta herd. In 1975, a large number of wolves were removed in a previous control program. Followup efforts kept wolf numbers down through 1987, which allowed the caribou to recover, reaching a peak in 1987. But as their prey population peaked, the wolf packs grew, as well. And since 1989, the caribou have dropped by more than half, while wolf numbers have kept growing. Part of that drop was weather-related but have now reached the point where predation is preventing recovery regardless of any other factors.

The truth is, real wolves do not always match the cleaned-up image that popular fiction gives them. For example, many people believe they only prey on the old and sick. The truth is, they prey on the weak—and the weakest of all the young animals needed for a herd's recovery. The one place where fiction comes close to the truth is that wolves are not stupid. They are certainly smart enough to know that a young, tender calf is easier to catch than a stringy oldster.

The truth is, charges by radical preservation and animal rights groups that wolf control would be unnecessary if only hunting was stopped are deliberate attempts to mislead the public. Hunting of the delta caribou herd was severely restricted in 1987, and stopped completely in 1991. But with high wolf numbers, it hasn't helped. Wolves alone are responsible for 65 percent of all adult caribou deaths each year, and 35 percent of all calf deaths. Hunting—where it is allowed—takes a maximum of only 6 percent of the adult animals.

Thirty-five percent of caribou calf mortality is caused by wolves, thirty-five percent by bears, and zero by humans. For adults, wolf predation accounts for 65 percent, bear predation for 15 percent, and human hunters only 6 percent.

The truth is that if caribou numbers are not restored through a temporary reduction in wolf numbers, it is the wolves themselves who will suffer. And as today's high wolf populations begin to starve, they will take with them not only the caribou but any other available prey. And as those populations decrease, they will affect other wildlife, such as wolverines and ravens.

The truth is that Alaska's wolf program is a biologically sound project of great benefit not only to caribou and other prey populations but to the wolves themselves. Once the caribou have recovered to the point where they can breed in larger numbers—about 3 years—the wolf population will also be allowed to increase. In the end, there should be more wolves than there are right now.

All this simply boils down to one inescapable fact: Wolves reproduce at about 40 percent per year—twice the rate of caribou. Once the system gets out of balance, the caribou just cannot recover on their own. If you started with 10 animals of each species, 7 years later you'd still only have 30 caribou, but you would have acquired more than 100 wolves. And reality is even worse, because while you are waiting, all those hungry wolves are doing their best to eat up your caribou.

Finally, the truth is that this issue is being debated in entirely the wrong forum. All of us want healthy wildlife populations. But it is wrong to allow radicals who know nothing about the problem—on either side—to set the tone of this debate, and it would be wrong for Congress to get involved where there is no violation of law or policy, and no need for action.

We must make our decisions on sound facts, on sound game management principles. Those whose self-interests lie in raising the emotional temperature of the debate cannot be allowed to prevail. We must rely on our professional managers, whose whole careers are built on using their knowledge and experience to achieve exactly the goal we want.

I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota [Mr. DORGAN] is recognized to speak for 10 minutes.

FEDERAL BUILDING MANAGEMENT

Mr. DORGAN. Mr. President, yesterday, we had a hearing in the Governmental Affairs Committee dealing with Federal property management, discussing with the GSA the Federal buildings that they currently have and manage, and the construction of new buildings.

Mr. President, I have been interested, during a time when we are trying to tighten our belt and reduce Federal spending and find ways to reduce this crippling Federal deficit, to see if we could not also, in the context of reducing spending, begin to abate the incessant demand and need to build new Federal buildings.

We are bringing budgets to the floor in virtually every area and seeing spending cuts in budget after budget, some of which are very painful. And yet, the one thing that does not seem to get cut is the building of Federal buildings around the country.

I wanted to show my colleagues and the Senate the information about new Federal buildings and describe why I think it is necessary to tighten our belt in this area, and describe what the head of the GSA is doing.

The first chart shows the number of Federal employees, nondefense employees. Take all the employees in the Federal Government, nondefense employees. You will see this red line in 1967 to 1990 is pretty constant; it has not changed very much. But take a look at Federal office space in 1967 to 1990. The number of employees has not changed much, but we sure have been building buildings, more and more buildings.

Let me show you the real concern that I have about the building of Federal buildings. When the Federal Government builds a building, it does not just say let us build a building sufficient for our needs. It builds an extravagant edifice that in most cases costs far more than it should.

This chart shows average building costs around the country. This is from a publication called Means Square Foot Costs where they compiled the costs of building buildings in this country. If costs about $97 a square foot to build a 4- to 8-story hospital; $75 a square foot to build an 8- to 24-story hotel; $89 a conveyor foot to build a tall office building; $61 a square foot to build a department store; $96 a square foot to build your average courthouse in America; but $230 a square foot to build a Federal courthouse.

How can that be? How can it be that when we decide to build a Federal building, it is so outrageously expensive versus the construction of all of these other buildings around the country—a hospital, a department store, a major hotel?

Well, let me show you, Mr. President, a list of projects—this is a list I have pulled out of a list of projects that are now ongoing—that I have sent over to the head of the GSA, Mr. Johnson, and asked him to take a special look at. The new head of the GSA is a breath of fresh air and will bring new life and energy to reviewing these things. I understand he will consider reviewing all building projects. That is good news, and that makes a lot of sense.

He will do that—prepare this review of all projects—to make sure, one, they are needed and, two, should we be spending this much for a building? I asked the head of the GSA to look at these 15 or so projects in some detail. One is in my State. I will run through them.

There is a courthouse in Sacramento, CA, $162 million, or $218 a square foot, to build; another courthouse at $228 a square foot, $168 million; another courthouse, $224 million; the Social Security Administration office building will cost $190 a square foot. They are going to build a border station in Pembina, ND, and they will spend $11 million in construction costs and well over $13 million including design. There will be 147 parking stations. They need a change, but they do not need to spend $13 million. It is too extravagant, too much. Look at these. There is a census center in Bowie, MD, and at $215 a square foot, it is $27 million to build that building. What are they thinking about?

Let me show you another comparison. I asked the head of the GSA to look at these 15 projects. I expect he will look at every project. We are having to tighten our belt these days, and we are building buildings at $299 a square foot.

I have another chart. They are building a courthouse in Sacramento for $218 a square foot. According to the Means Square Foot publication, it would cost $105 per square foot to build a hospital, $81 per square foot to build a hotel, and $105 per square foot to build a courthouse. But not the Federal Government. It is $218 a square foot to build a courthouse. I know it has bulletproof desks for judges, and I cannot find out what that costs.

I understand the extravagances. The taxpayers cannot afford this and should not have to afford it. In Seattle, WA, it is $299 a square foot to build the building there that is now planned. It costs $100 per square foot to build a hospital in Washington, $77 a square foot to build a hotel, $63 a square foot to build a department store. But they are going to build a courthouse at $299 a square foot, paid for by the American taxpayer.

My point is that we should not build a Federal building, or when we do it, we should not build it so well. We are having to tighten our belts and cut back, and we have children without immunizations and people that do not get emergency feeding and medical and health problems, and we have problems in virtually every area of public policy and public spending. But those who are planning and building these buildings have no problems. It is another fat and happy day for them when they come to work, because the sky is the limit on what they are willing to put into these buildings, and the good old taxpayers will pay for it as long as nobody has to ask the detailed questions of why it costs that much. But we ought to ask those questions; we ought to ask hard and tough questions.

The new head of the GSA—thank gosh, we have a new person over there, who, I think, will be a breath of fresh air. He is willing to review virtually everything. Just these 15 I pulled out represents $1.2 billion worth of spending. I am not saying we should not build them, but if we are going to build buildings across the country, let us do it like we are doing with the rest of the budget and look at it and see what is extravagant and what is not and cut it back. We can ask the question: Why can we not build a building for a reasonable price? Why would we build a building that costs us triple what it would cost anybody else in this country to build the same building? Those are the questions we ought to ask.

I have suggested a 2-year moratorium on building Federal buildings. There are precious few people in this body who would like to cosponsor that, because almost everybody has a building going up someplace, and they do not want to offend anybody. I think three other Members of the Senate have joined me as cosponsors, and I understand it. Part of the problem is here and in the House, and part of the problem is the judiciary. The judiciary comes to Members of the Congress and says, "We want this." So they provide the stimulative juices, those folks in the judiciary. Somebody else writes in thinking it is good for their town. Well, it might be, but if you are going to spend double or triple what you ought to spend and it comes out of the taxpayer's hide, it might be good for your town but not for this country.

I am not saying we should not build some of these projects. Build them if they are needed. But build them in a way that exhibits reasonable costs and makes a reasonable investment for the taxpayer.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

Mr. CONRAD. Madam President, I ask unanimous consent that I be designated to control the time that has been previously provided for.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEFICIT-REDUCTION PLAN

Mr. CONRAD. Madam President, there has been a great deal of caterwauling in the last several days about the deficit-reduction plan that is now moving through the conference committee.

Madam President, I thought this morning would be a good time to do a reality check of what it is we are doing and why we are doing it.

When I hear some of my colleagues say we ought to put this off, we ought to delay, I strongly disagree. We really have no choice but to put in place a major deficit-reduction package. We have no choice because, if we fail to act, the debt will continue to grow and it will threaten the economic security of this country.

I think this chart that shows the growth of the Federal debt dramatically displays why it is that we simply must act.

Madam President, this chart shows from 1950 through 1998 what has happened to the debt and what will happen if we fail to take action.

Madam President, I think most startling is what has happened since 1980. In 1980, we had a debt of less than $1 trillion; in fact, it was about $900 billion. But look what has happened since 1980. The national debt has absolutely skyrocketed. Gross debt now is over $4 trillion and it is headed for $6.5 trillion at the end of 1998 if we fail to take action.

Madam President, one of the great ironies of the current debate is that one of the groups that is most active in opposing this major deficit-reduction package is a group called the Citizens for a Sound Economy—Citizens for a Sound Economy.

When you look at who heads that group, do you know what you find? You find that the man that is the head of the group, Citizens for a Sound Economy, is one of the architects of the economic policies that saw the explosion of the national debt during the 1980's. That man was head of the Office of Management and Budget when we saw this explosion in the national debt. Now he is going around the country criticizing this major deficit-reduction plan.

I guess I am not surprised. I guess his economic policy is to stack debt on top of debt. Of course, that is the easy way. We could continue on that path. It is very simple for those of us in politics to spend the money, cut taxes, and just stack it on the debt—put it on the charge card; let the kids worry about it.

Madam President, that way would lead to economic ruin for this country. It is not a precipitous charge, where you suddenly fall off a cliff. It does not work that way. Instead, the national debt eats away at the economic foundation of this country. This is why we must act. There is no choice.

Madam President, for those who wonder about the consequences of our failure to act, let me just show this chart, because it shows what the consequences have been so far.

This country—fairly recently—was a major creditor nation in the world. More countries owed us more money than any other country in the world.

But look what happened. As our national debt grew that put pressure on domestic interest rates. We had the highest real interest rates in our economic history. That hurt the competitive position of the United States. And, lo and behold, we now know the result. We went from being the largest creditor nation—more countries owed us more money than any other country in the world—to now being the largest debtor nation, owing more money than any other country in the world. That is the result of an economic policy that built the national debt and led us to become the largest debtor nation in the world.

Mr. President, I ask unanimous consent that the tables to which I refer be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CONRAD. It makes one wonder, when are we going to sober up? When are we going to face what is so clearly true—that this country is on a course that is simply not sustainable.

Madam President, as we saw the explosion of the national debt, we saw another very disturbing trend. We saw the interest payments that are required to service that debt grow in the same way.

This chart shows very clearly what has happened to interest spending. This is what has happened to interest as a percentage of our gross domestic product from 1955 projected through the year 2003. You can see the interest on the debt is now eating up our budget. We are now spending a greater and greater percentage of our Federal budget just on interest to service the debt. This will over time wreak havoc on the Federal budget because those interest payments do not educate a single child, they do not build a single airplane for the national defense, they do not provide immunization for a child who needs that protection against disease, they do not do a single thing to build a bridge or a road or to strengthen the economic competitive position of this country. This has to be stopped.

This next chart shows what the alternatives are that are before us. We can do nothing. I have been here 7 years. In 7 years we have done nothing. Doing nothing was well ingrained before I arrived because for 12 years we have done nothing. We have allowed this debt to rise and we have seen our country's economic strength threatened.

This chart shows what has happened to the budget deficit during the Bush years. The deficits rose each and every year; each and every year the deficits went up.

Madam President, if we adopt a business as usual approach, those deficits will be flat for the next few years and then they start to dramatically increase once again. I say they are going to be flat for the next few years. They are going to be flat at record high levels of about $300 billion per year. The alternative is to adopt a package like the Senate package that makes a serious reduction in those annual deficits.

This next chart shows what a difference it makes over time if we tackle this problem. That is really the question before us. There is no magic bullet, there is no magic formula that is going to do this job for us. We are going to have to do the heavy lifting ourselves. That means spending cuts and, yes, it means the dreaded "T" word—taxes.

This problem is so big there is simply no alternative. I have spent literally hundreds and hundreds of hours coming up with plans to reduce the Federal budget deficit because I personally believe it is the greatest threat to this country's long-term future. That is my own opinion. A lot of economists join me in that opinion.

This analysis that was done by the GAO indicates what happens if we just continue on the current course, the "no action scenario." By the year 2020 per capita GNP in this country will be $23,875, that is if we do nothing. If instead we move toward a balanced budget by the year 2001, if we would do that instead of allowing these deficits and the debt to grow, in the year 2020 the average per capita GNP in this country would be $32,555. That is an extraordinary difference. That is a difference of about 40 percent in the income that our children would enjoy in this country if we balanced the budget by the year 2001 versus the alternative of just staying on the current course.

That is what this fight is all about. It is a fight about the future. What kind of future are we going to extend to our children and our grandchildren? Are we going to stay on this current course that dramatically weakens the future economic strength of this country? Or are we going to take bold and decisive action that provides a much better future, a much stronger economic future, for our kids?

We have heard over and over from the other side that this tax increase is the biggest tax increase in the history of our country. In fact, they have even said it is the biggest tax increase in the history of the world. That is what they said in my State when I voted for the package of $500 billion of deficit reduction. It is simply not true.

Oh, how short their memories are on the other side. They forget in 1982 when the Republicans controlled the U.S. Senate, when the Republicans controlled the White House, when the Republicans had effective control of the U.S. House of Representatives because there was agreement between the Republicans in the House and the boll weevil Democrats—and we remember the headlines: "Reagan Economic Plan Passes."

We remember those headlines. We remember what happened in 1982 when they passed the biggest tax increase in the history of this country. Madam President, in real dollars, comparable dollars, an apples-to-apples comparison, here is what the Republican tax increase was in 1982: $298 billion. The tax increase that is in this package is $222 billion. So their tax package, in real dollars, an apples-to-apples comparison, was bigger in 1982. And it was bigger as a percentage of the gross domestic product as well.

Let there be no misunderstanding and let there be no mistake—the Republican tax increase that was shepherded through here by the Republican leader was a much larger tax increase than the one we are talking about in this package.

We have heard a lot of talk about the effect on the middle class. I would like nothing better than to have no tax on the middle class in this country. That would be a great thing if we could achieve that.

This problem we face is not just a problem for the wealthy in our country. It is not just a problem for those who have a lot of money. This problem we are talking about, the explosion in the national debt, is a problem for every American. Each and every one of us is threatened by a failure to act. And this problem is so big, it is so big if you really study it, really spend time trying to understand it and trying to solve this problem, there is no alternative but to act. And all of us must participate. Programs that we like must be cut. Spending must be cut.

Taxes must go up. This is a difficult pill to swallow. This is the hard reality that we confront. The easiest thing in the world would be to stand on this floor and tell the American people, as they have been told for the last 12 years, "You don't have to do anything; we can increase spending on the programs that you like; we can cut your taxes; and we will make it all add up."

We were told that story. We were told that story in 1981. We were told that story in 1982. We were told that story every year for 12 years, and what is the result? It is an economic disaster for this country. That has been the result.

And so now what is it going to take before we open our eyes and see what is true? What is true is, it is not easy; it is not simple. It is not going to happen by our doing the easy thing. It is only going to happen by us doing the right thing, and the right thing is to get our fiscal house in order.

Madam President, all of us are going to have to play a part in that solution. The proposal before us is very modest with respect to the middle class. It asks a family with taxable income of $40,000 to pay an additional $10 a month. By contrast, if that family has refinanced a $100,000 mortgage, reducing the interest costs from 10 to 7.5 percent, as my family has just done, they will save $175 a month. That is the good news. The good news is that there is real light at the end of the tunnel. There is a benefit to all of this. The benefit is lower interest rates.

Already, long-term interest rates are down 125 basis points, Madam President. That provides an enormous lift to this economy because it puts more dollars in the pockets of individuals, small business owners, farmers, and large businesses that are able to pay a lower interest rate to service their debt. Not only does it help them service their debt, but it helps the Federal Government service its debt. That is the best thing that we can do for this economy at this time.

I have talked to literally dozens of financial managers and literally dozens of economic analysts, and they all say the same thing. They say: "Look, if you fail to act, interest rates are going to skyrocket; they are going to go right back up because they are down in anticipation of the Federal Government finally acting." That is why we must proceed. That is why we have to summon our collective courage around here and get this job done.

Madam President, we have also heard a lot of talk about small business owners being adversely affected. Frankly, there have been a lot of partisan and political claims made on this floor. My wife did own a subchapter S corporation. I am very familiar with subchapter S corporations. My family was a business family. I have a master's in business administration. I am intensely interested in what happens to small business. Most of the business owners in my State are small business owners. I do not have any big business operations in my State. Mine is a small and rural State. The business people up and down Main Street matter a lot to me.

When I hear all of these claims about small business, as a former tax administrator, I really wonder if these people have studied what this bill does. I wonder if they have really analyzed what is the difference between a subchapter S corporation and a regular subchapter C corporation. I do not think they know. I really do not think they have any idea what they are talking about. There is not a tax adviser in this country who would tell a small business owner to shift from a subchapter S to a regular subchapter C corporation as a result of what we are doing. There is not one in this country. I would like to find one that they can point to that would tell their clients to shift from being a subchapter S to a subchapter C corporation.

And why is that? Because the truth has little been told in this debate. Even with these increases, a person is far better off under a subchapter S form than under a regular subchapter C corporation. That may come as a big surprise to people who have been listening to this debate.

The fact is the effective tax rates—that is what matters—the effective tax rates are still lower under subchapter S form than under a regular subchapter C form for people who have small businesses. That is the fact. Nobody has been talking about it much out here, but I can tell you, financial advisers all across this country know that what I have said is accurate.

Madam President, the reality is most small business owners will not pay higher taxes. In fact, of the taxpayers with most of their income from a small business, only 4.2 percent will pay higher taxes; 95.8 percent will not pay higher taxes. I do not know why that information is not getting out, but it is accurate. It is a fact. If you look at the tax rolls of this country, that is what you find out.

On individual tax rates, there has also been a lot of misrepresentation. I prepared this chart that shows what has happened to individual tax rates from 1960 to 1994. By the way, the owners of subchapter S corporations pay on the basis of individual tax rates. They do not pay corporate tax rates. They pay on the basis of individual tax rates. This is what has happened to individual tax rates in this country from 1960 to 1994.

In 1960, the top individual rate was 91 percent—91 percent. In the seventies, the average was about 71 percent. And then we had dramatic reductions. Individual tax rates declined until in 1991, they stood at 31 percent. Under this bill, the top marginal rate will be 39.6 percent, still well below, dramatically below the individual tax rates that applied in the seventies and the sixties. By the way, that was a period of much more robust economic growth in this country. It is very interesting: Much higher individual tax rates, much higher levels of economic growth.

Madam President, one of the things that has been discussed a lot is the energy tax component of this package. I think a lot of people have forgotten that Ross Perot, when he was running for President, called for a 50-cents-a-gallon gasoline tax. Look what that would have done. That would have cost $325, on a national average, per person. That was the Perot proposal, $325, because he had a 50-cent gasoline tax when fully phased in. The House Btu tax would have cost $113 per capita; the Senate budget package, $28 per capita.

Madam President, I wish to conclude by talking about spending because we have heard a lot of discussion about spending. A lot of people say spending is not being reduced under this plan. They are just wrong. The Clinton plan included over 100 items that were cut $100 million or more. There are about $100 billion of reductions in entitlements, about $100 billion of reductions in discretionary spending over the next 5 years in this package.

What is perhaps most revealing is what happens to total spending as a percentage of our gross domestic product. This chart shows from 1990, 4 years of the Bush administration and the 4 years of the Clinton administration, what will happen to Federal spending as a percentage of the gross domestic product.

Every year of the Bush administration spending went up as a percentage of gross domestic product. Every year of the Clinton administration spending will go down as a percentage of the gross domestic product. That is the real story on spending, and I think we ought to make sure that people hear it.

Finally, let me just show the spending changes that have occurred over the last 30 years.

One of the things I wanted to do was check what has happened to spending over the last 30 years. As a percentage of gross domestic product, spending has gone up. It is now running about 24 percent of gross domestic product. It was about 20 percent 30 years ago. I wanted to check where those increases occurred.

Madam President, this is what I found. Medicaid 30 years ago barely registered. Today it is over 1 percent of gross domestic product. Medicare 30 years ago did not exist. Today it is 2 percent of gross domestic product.

Social Security 30 years ago was 2.6 percent of gross domestic product. Today it is 4.9 percent. Interest on the debt 30 years ago was 1.2 percent of gross domestic product. Today it is 3.4 percent.

If one looks at all the rest of Federal spending, one finds 30 years ago it was 15.3 percent of gross domestic product. Today it has been dramatically reduced to 11.9 percent of gross domestic product.

Madam President, when people say spending has gone up, they are right; spending has gone up. And all of the increase and more is in just four places: Medicaid, Medicare, Social Security, and interest on the debt.

Madam President, everybody says do not touch Social Security. That is a bipartisan agreement: do not touch Social Security. Medicare and Medicaid can best be approached by comprehensive health care reform. That is the next critical phase of the deficit reduction proposal of the President. Interest on the debt, you have to pay it. You owe it; you have to pay it. All the rest of Federal spending as a percentage of gross domestic product has gone down.

Madam President, the hard reality is we have to act. There is no alternative. A failure to act would mean the financial markets would run amok. Interest rates would skyrocket. The stock market would plunge.

Madam President, this is not a perfect package, but it is the most honest package of $500 billion of deficit reduction I have seen—honest projections, honest assumptions. All of us might do it differently. I certainly would. I would like to add more spending cuts to this package. I would like to add a lot more. Madam President, when it comes time to vote on this floor, the choice will be to act to reduce the deficit or to fail to act and to do nothing.

Doing nothing cannot be the answer of the Congress and the President at this time.

I thank the Chair and yield the floor.

EXHIBIT 1

TABLE 1.—*United States now a debtor nation—United States net international investment position*

1977	190.548
1978	228.421
1979	342.929
1980	392.547
1981	374.254
1982	378.933
1983	337.376
1984	232.852
1985	138.95
1986	18.735
1987	−26.63
1988	−183.715
1989	−312.286
1990	−294.836
1991	−361.503

Source: June 1992, Survey of Current Business.

TABLE 2.—*Interest spending as a percent of GDP: Fiscal year 1955 to fiscal year 2003—*

1955	1.3

TABLE 2.—*Interest spending as a percent of GDP: Fiscal year 1955 to fiscal year 2003—Continued*

	1.2
	1.2
	1.3
	1.2
1960	1.4
	1.3
	1.2
	1.3
	1.3
1965	1.3
	1.3
	1.3
	1.3
	1.4
1970	1.5
	1.4
	1.3
	1.4
	1.5
1975	1.5
	1.6
	1.6
	1.6
	1.8
1980	2.0
	2.3
	2.7
	2.7
	3.0
1985	3.3
	3.2
	3.1
	3.2
	3.3
1990	3.4
	3.5
	3.4
	3.2
	3.2
1995	3.4
	3.5
	3.6
	3.7
	3.8
2000	4.0
	4.1
	4.3
	4.5

Source: CBO, fiscal year 1993 to fiscal year 2003 estimated.

TABLE 3.—*Total spending as a percent of GDP—spending goes up under Bush, down under Clinton*

	Percent
Bush:	
1990	22.92
1991	23.51
1992	23.55
1993	23.89
Clinton:	
1994	23.25
1995	22.83
1996	22.4
1997	22.25

I yield additional time to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Senator. I thank the Chair.

I ask unanimous consent that I be allowed to proceed for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S ECONOMIC PLAN

Mrs. BOXER. Madam President, the moment of truth is coming on the President's economic program. Months of debate, compromise, delays, and close votes have brought us to this point. As one Senator from the largest State in the Union—and, Madam President, you and I share that distinction and honor—I have three words that describe my feelings about this economic plan: "Get it done." Objective experts, such as Data Resources, L.H. Myer, and Wharton Econometrics, say that the economy will create between 7 and 9 million jobs over the next 4 years under the Clinton plan. Roughly 2 million of these jobs, Madam President, will be in California.

Now, this is not Senator BARBARA BOXER saying this or President Bill Clinton saying this or Leon Panetta, the Director of OMB, saying this. This is Data Resources, L.H. Myer, and Wharton Econometrics. Madam President, these sources advise the Fortune 500, and they say that this plan is a job-producing plan. You and I know we need those jobs—good jobs in education, health care, construction, environmental cleanup, and infrastructure and high tech and biotech industries. So I speak as one of the two Senators from the largest State in the Union this morning, and I also speak as a former stockbroker. As a former stockbroker, I say get it done.

The financial markets have already discounted positive action on the economic plan. That means in plain language that if we fail to get this economic plan through, it is a clear signal that this Congress is not serious about deficit reduction, and surely as night follows day interest rates will rise if we do not pass this program.

Madam President, if interest rates rise, home sales will drop and business expansion will drop and the interest payments on the debt will rise, making the deficit expand, putting further pressure on interest rates. It is a vicious cycle of being in the economic doldrums when those interest rates rise.

But I wish to ask this question: What do rising interest rates mean to real people facing real, everyday economic challenges? Rising interest rates mean that you need more money to buy a home because the interest rate on your mortgage goes up; you need more money to send your child to college because the loan that you take from the bank, if you need to borrow it for that large expense, is at a high interest rate; and you need more money to pay your department store credit card if you use that credit card.

High interest rates mean fewer jobs because business expansion slows because the businesses cannot afford loans. Higher interest rates are, in effect, a form of a very large tax increase.

Listen to what the experts say about what will happen to interest rates if this budget plan collapses, because when I stand here as a Senator who happens to be a Democrat, my colleagues on the other side of the aisle say, "Oh, this is politics." Well, I wish to try to take the politics out of it. So I am going to quote Robert M. Solow, Nobel laureate in economics and professor at MIT, and James Tobin, Nobel laureate in economics and professor at Yale. This is what they say, and I quote, Madam President:

> Failure to pass the package essentially intact would be a great mistake. It would send a message at home and abroad that Federal fiscal policy remained out of control and there was no concerted will to do what all sides agree has to be done.

Chairman of the Federal Reserve Alan Greenspan—and Alan Greenspan was appointed by Republicans, Madam President, Republican Presidents—told the Congress that "if you appear to be backing off, I think the markets would react, appropriately, negatively." Chairman Greenspan went on to say, "We have run out of time. If we don't come to grips with this issue now, we will always find the means not to do it."

So I say, as a Senator from California and as a former stockbroker and someone who has listened to the bipartisan experts, get it done. I have seen the stock market react very negatively on rumors of high interest rates because high interest rates mean low economic growth. If we fail to pass this tough $500 billion deficit reduction plan, there will be more than rumors, Madam President, pushing the stock market down. We will see higher interest rates, and then we cannot predict how the markets will react. I think the head of the Federal Reserve Board has been very clear on that point.

So this plan will bring us jobs and economic expansion through targeted tax incentives for business and new Federal investments that are paid for by cuts in low priority programs.

Now, what are the criticisms from the Republicans that we get hour after hour and day after day? They say there are not enough spending cuts. Well, there are $250 billion in spending cuts.

Here they are, Madam President. Here is just $100 million of them, page after page of specific spending cuts. Unlike the Republicans, President Clinton specified where these cuts would be made. They are in some areas that I do not want to see cut, frankly. They are tough. But they are there and we have to embrace them and move forward with real spending cuts.

There are personnel reductions at HHS, Commerce, at EPA, Departments of Transportation and Labor. They are tough cuts, but when the Republicans are asked to be specific about their cuts, oh, they embraced all President Clinton's cuts but they failed to list even one more specific cut.

They talked about caps—unspecified caps—on Medicare and Medicaid. Would these caps hurt our elderly and our families? Yes, they would. But the Republicans will not spell them out. I call these cuts "ghost cuts." You do not see them, although the Republicans swear that they are there.

And even if you accept their ghost cuts, when you add up the deficit reduction in their plan, it falls short by $100 billion. Seventy-five percent of the deficit reduction in their plan takes place in the last 2 years, when they have criticized us saying that many of our cuts take place in the later years.

The Republicans failed the deficit reduction test. Why? Because they are afraid to tell us specific cuts and shudder, shudder, Madam President, overtaxing the wealthy in this country; those who saw huge increases in their incomes in the eighties. I have nothing against people who did well in the eighties; the millionaires, multimillionaires, the billionaires. They earned it. But I would say is it fair—and I pose this simple question—for someone who makes $1 $5 or $10 million a year not to pay taxes at the same rate as someone earning $53,500 a year? I say that this is wrong.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. Madam President, I reluctantly do because there are people who follow the hour that has been reserved, whose time would be encroached on.

Mrs. BOXER. Will the Senator allow the Senator from California to have 30 seconds?

Mr. WALLOP. Yes.

The PRESIDING OFFICER. Thank you very much.

Mrs. BOXER. I thank the Senator for being so gracious. I will sum up.

Madam President, we have three choices: No. 1, doing nothing. We will have deficits through the roof, it will cripple our economy in the long run.

No. 2, the Republican plan that does not meet the test, and that Wharton Econometrics says would lose 250,000 jobs.

Finally, the Clinton plan, a well-balanced plan that gets us on the right path.

I urge my colleagues on both sides of the aisle to stop pointing the fingers and let us get together and let us get California and this country moving again. I thank the Chair.

ORDER OF PROCEDURE

Mr. LIEBERMAN. Madam President, I ask unanimous consent that I be allowed to proceed as if in morning business for up to 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I thank the Chair. I particularly thank my friend and colleague from Wyoming for his graciousness in allowing me to proceed briefly to speak on a question of some moment this morning.

AMERICAN AIRPOWER IN THE FORMER YUGOSLAVIA

Mr. LIEBERMAN. Madam President, the news this morning is that President Clinton may be considering the use of airpower, American airpower, in the former Yugoslavia.

I rise this morning to say that I hope that this is so. I hope that the President, working together with our allies in Europe, will finally seize this moment of desperation within Bosnia, desperation for the Moslems, and aggression most recently by Serbian forces against United Nations' troops in Bosnia, to show that there is more than rhetoric to our policy in Bosnia, that we are prepared to use force to protect the rule of law and the lives of people.

Madam President, I have felt as these desperate and tortured months have gone by in the former Yugoslavia, that we have seen a massive failure of statecraft. Aggression by Serbs and genocide against Moslems has essentially been left without a response. There was only one moment where it seemed that there was hope for a resolution. That was when President Clinton put forth his two-part program of lifting the arms embargo against the Moslems and of using American air power to strike at Serbian artillery positions. At that moment, the Bosnian Serbs signed the peace treaty. Milosevic of Serbia stopped the movements of arms and supplies to the Serbs within Bosnia. However, once that resolve was diminished, the aggression began again.

I leave to history to decide whether President Clinton's two-part program was not implemented because of a failure of advocacy on the American part or a failure of will on the European part. The fact is, though it is late in the battle in Bosnia, it is not too late.

I hope the President will respond through the United Nations' structure, as we did in Somalia when troops were attacked there. We responded, as well we should have. Here, as the final insult to the forces of international order, the Serbs have struck at United Nations' forces in Bosnia and again we should respond.

Madam President, if President Clinton uses air power in Bosnia, it is, of course, the right thing to do from the point of view of the Moslems who have suffered so terribly there. It is also the right thing to do for the United States, whose credibility has been diminished, whose power has been sneered at, and whose President has been derided by the Serbian aggressors. And, of course, it is the right thing for the United Nations, struggling as it is to achieve some order in this post-cold-war world.

So I hope that the news today has some substance, that the United States will act with the United Nations aggressively in a way that I have learned from my service on the Armed Services Committee will pose little risk for American personnel but great hope for stopping the slaughter in Bosnia, and thus give us some reason to believe that the post-cold war world will be more stable and more civil than it has been up until this time.

I thank the Chair. Again I thank my colleague from Wyoming for allowing me to speak at this point. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, it is the understanding of the Senator from Wyoming that there is 1 hour.

The PRESIDING OFFICER. That is correct.

SENATOR BOXER'S COMMENTS

Mr. WALLOP. I thank the Chair. Momentarily, I intend to yield to the Senator from Oregon. But the comments of the Senator from California struck this Senator as peculiarly ironic. The Senator accused Republicans of proposing ghost cuts: Cuts that we have refused to identify but that we lay claim to anyway. Then she went on to say, that our ghost cuts fall $100 billion short. So apparently these so-called ghost cuts are sufficiently well identified to be totaled, as being $100 billion short, but not sufficiently well identified to be credible.

The Senator from California also quoted job statistics from DRI-McGraw Hill, L.H. Myer, and Wharton Econometrics.

I hope that it might be possible that she, and those on the left-hand side of this great Chamber, read all of those studies because they are rather interesting.

> DRI-McGraw Hill assumes the creation of 300,000 new jobs as a result of the Clinton plan. However, 1.4 million of these jobs depend on interest rate assumptions—most importantly that the Fed accommodates the program by lowering short term rates. Yet in recent weeks the Fed has threatened to raise, not lower rates. If we simply assume that the Fed does not change interest rates one way or the other, then the Clinton plan destroys 1.1 million jobs.

Given these statistics, I am happy to quote DRI-McGraw Hill. If I may also quote L.H. Myer: "The model predicts 7 million additional jobs over the next 4 years. It predicts 7 million jobs with the Clinton program and 7 million jobs without the Clinton program."

The Wharton Econometrics Model finds that the Clinton program would have a negligible impact in 1994, but in

1996 and 1997, the program is economically contractionary. Their model shows that, by 1996, with the enactment of the Clinton program, the GDP growth rate would be 0.3 percent lower. The model translates this growth rate reduction into a loss of 200,000 to 300,000 jobs in 1996 and 1997. According to Wharton Economist, Robert Wescott, "the program is definitely a minus for growth in 1995 and 1996."

I am quite content to quote and use those economic experts that were raised by the Senator from California. The Senator from California also quoted the Chairman of the Federal Reserve, Mr. Greenspan. It is important to read not just the newspaper headlines about what he says but the text of what he says, which is somewhat at odds with press coverage.

Let me quote Mr. Greenspan's testimony before the House and Senate Banking Committees:

> The role of expectations in the inflation process is crucial. Even expectations not validated by economic fundamentals can themselves add appreciably to wage and price pressures for a considerable period, potentially derailing the economy from its growth track.

In discussing lower long-term interest rates, Chairman Greenspan indicated that the positive effects of these lower rates have been "at least partly offset by business spending reductions as a consequence of concerns about the effects of pending tax increases."

Neither the press nor the Senator from California have made note of all of what the Chairman said.

The Chairman further commented:

> It seems that the prospective cuts in the deficit are having a variety of substantial economic effects, well in advance of any actual change in taxes or in projected outlays. Moreover, uncertainty about the final shape of the package may itself be injecting a note of caution into private spending plans. In addition, uncertainty about the outlook for health care reform may be affecting spending at least by that industry."

Madam President, these comments mirror the concerns expressed a few weeks ago by Laura Tyson, Chairwoman of the Council of Economic Advisers, who, in a news article, expressed concern about the depressing impact that the administration's tax-plan may be having on the economy.

Madam President, I yield 10 minutes to the Senator from Oregon.

THE TAX BILL

Mr. PACKWOOD. Madam President, I thank my friend.

The junior Senator from California this morning was quoting two experts as to what would happen if we do not pass the plan. The Senator from Wyoming indicated what other experts say on the front page of the Wall Street Journal today, under the tax report column, regarding what would happen if Congress rejects the tax bill. Two or three experts mentioned were saying the tax bill would hurt the economy. The bond rates are going to go down even if the bill does not pass.

This argument is sort of like "My dad can beat up your dad." We ought to set these things aside and talk about the bill and leave it to the American people as to whether they think this is going to help them and their business or their employees or not.

Mr. WALLOP. If the Senator will yield, it is interesting to note that the new nationwide propaganda effort by the administration claims that 8 million new jobs will be created. The CBO predicted in January that if we do nothing, 9.4 million new jobs will be created. So perhaps it is better to stand still than to run downstream.

Mr. PACKWOOD. I want to compliment the Senator from Oklahoma, [Mr. BOREN], for his statements yesterday about asking the President to drop this bill and convene a bipartisan group. I am willing to be a part of that, and I am a Republican who would be willing to support some tax increases—I will not argue on who and what kind, but some tax increases—if they were coupled with genuine spending cuts in the same bill that were enforceable and irrevocable, not cuts based upon the come, based upon the promise of something we will do in the future, but cuts in the bill we passed itself. I would be happy to go to Andrews Air Force Base, or Camp David, or wherever, with the President to discuss it. I would be happy to skip the August recess and meet with him for as long as he wants until we reach a conclusion.

I want to talk about the difference between the bill we are now considering in the conference—and I will have to do some averaging because the Senate passed one form of the bill, and the House passed a slightly different form, and we are trying to harmonize the difference. The difference between the bill and what frequently the President, or the President's allies say, is the President's plan would cut the deficit $250 billion in spending cuts. There is a difference between the bill and the President's plan. The bill that we are considering, which is now in negotiation between the House and Senate, if it passes in the form that we understand, will be roughly this: $250 to $260 billion in new taxes. Those taxes are here now and permanent and, in some cases, even retroactive and go into effect earlier this year. There will be in the bill about—I will guess—$50 to $60 billion in spending cuts, almost all of it in Medicare and Medicaid, and almost all of that out of the hides of hospitals, labs, doctors, and none of it out of beneficiaries.

There is $250 billion in taxes that are assured, and $50 billion in spending cuts are probably assured. In the bill is a provision for what we call caps. I am assuming these will be in there. It says in the future we are only going to spend x amount of dollars in certain programs; we aggregate them all, and if we go over that, there will be a sequester. We will cut spending across the board in certain areas, or we will do something to make sure we do not go over that. And the term sequester really came into our budget language with the Gramm-Rudman-Hollings bill, where we tried to get the deficit down and said if the deficit was above a certain amount, the President would cut across the board certain programs, just cut them, until we got the deficit down. It did not work because every time we came up to a big, serious sequester, billions of dollars, we waived it. We thought it was too painful.

That, in my judgment, is the problem with the President's plan. It is a hope that we will cut in the future. It is a hope that Congress will go along. It is a hope that interest rates will stay where they are.

I will give you one example of the President's plan, and where you really find the plan is in his vision for change for America. It came out in February of this year, and most of it was incorporated in his budget message. One was for a national service program, which we are debating right now. He wanted $9.4 billion in new money—this is a brand new program—for a national service program; that is over 5 years.

There is no indication as to where this money was to come from. As a matter of fact, in the same document he had a total of about $165 billion in increased spending above what we were otherwise already programmed to spend—$165 billion in new spending, some of it on existing programs like Head Start that he wanted to expand, and some on new programs like the national service program. That is the President's plan. That is his hope. Congress has cut that down.

But let us put aside his plans and hopes and just talk about the bill that we are on—$250 billion in taxes, roughly $50 billion in spending cuts. Can we, if we pass that—with these caps—hope that we will stick to the waivers? Here I say no, for this reason:

On January 21, the day after the President was inaugurated, he had the power under the existing law under what were called technical corrections to waive the Gramm-Rudman-Hollings sequesters. He was faced with a $22 billion sequester in this fiscal year, a $42 billion sequester next year, and he waived it. We are not going to do that. We are not going to cut that spending.

Then, you will recall his stimulus program started out $19 and $16 billion. The Republicans frankly filibustered it, and it died. He declared the program was to be an emergency, and under a declaration of emergency it does not have to be paid for, just borrow the money. It is sort of like the waiver, except this was a prospective program. He said, in essence, that does not need to fit under the caps because it is an emergency.

Then, we had the unemployment compensation measure. To use the lingo of the Congress, it was a pay-go, pay-as-you-go. If we were to spend money on unemployment compensation, we were to pay for it. He wanted to waive that and borrow the money. It is an emergency. The people are out of work.

Normally, "emergency" in your mind you think of the floods in the Midwest; you think of a forest fire in Yellowstone; you think of a hurricane in Florida; something you did not expect that is absolutely horrendous.

The unemployment problem we could see coming for a long period of time. It was not an emergency in the sense it just hit us just like that. He wanted to waive it.

Then, the flood relief—apparently, there will be an emergency declaration, and at least this is a genuine emergency. But we are not going to pay for it. We are going to borrow the money.

So there is my fear about the promise for the future. We will borrow the money for a variety of emergencies of which but very few will be a real emergency like the flood. The rest will go for things we see coming 3 or 6 months, 1 or 2 years ahead and still call them emergency and borrow the money.

The other fear is that the Congress and President, historically, when they have money spend it. We do not use it to pay down the deficit. We spend it. When we raise taxes, we raise spending.

Proof: In 1950 all of the governments of the United States—Federal Government, State government, local government, fire district, school districts, all of the governments of the United States—taxed 21 percent of the gross national product. We spent 23 percent. So we had a deficit between all of us. That is in 1950.

Forty years later we are taxing all of us about 31 or 32 percent of the gross national product, and we are spending about 36 percent.

So taxes have gone up a lot. Spending has gone up a lot. And we still have a deficit.

The argument is that we will not do that this time. Again, I will say baloney. One of the President's plans was to eliminate the reduction for lobbying expenses. I am not going to get into an argument here whether that is wise or not wise. It was eliminate the deduction for lobbying expenses, it would produce about $1.2 billion, and that would go to narrow the deficit. It was going to go for deficit reduction.

What did the Senate do? We voted to get rid of the lobbying expenses all right. We took the $1.2 billion and put it into our so-called campaign reform bill, the publicly financed campaigns to pay for our campaign, not for deficit reduction. There it went.

This very bill that we are on when it came out of the Senate Finance Committee had a projection of how much money it would raise. By the time it got to the floor, it was reestimated, and it turns out we had $3 to $4 billion more over the 5 years than we thought. We had not spent it because we did not know we had it.

Did we use it for deficit reduction? No. As soon as this bill was on the floor, we passed an amendment to spend the $4 billion. What did we spend it for? To allow small business to what we call expense equipment. Expensing means when you buy something you can deduct the whole cost right away. You can do it up to $10,000 a year now. And we took this $4 billion and said you can go do it up to a higher amount. Is it good or bad for small business? I am not arguing that.

Did we ever think of using the $3 to $4 billion to reduce the deficit? No. Spend it.

Now, what is going to happen if we pass this bill we are now considering? And in comes $250 billion that the President says he wants to use for deficit reduction. In comes every group in America that think they have been shorted of money during the Reagan-Bush years and say: "Mr. President, we are just a small part of the whole budget. Can't you give us out of $1.5 trillion"—that is roughly our budget—"an extra $1 billion, a trifle; an extra $2 billion, a trifle?" You realize there will be hundreds of groups asking for an extra billion.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Oregon has used his time.

Mr. PACKWOOD. I will close in 1 minute, if I might.

All right. So I am saying let us look at the bill. On its face, the bill raises $250 billion and says we are going to use it for deficit reduction. Everything we have done in the past indicates when we have the money we will spend it. Maybe they will be worthy programs in the minds of the beholders. It will not go to narrow the deficit, and what this country will have are higher taxes, higher spending, and a bigger deficit.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, I thank the Senator from Oregon. It is interesting to note that no matter how an issue is being approached, more spending always seems to be the norm. Whenever there is a surprise increase in revenues, there is not a welcome relief for the deficit reduction but a welcome opportunity to spend the amount that has already been forecast. So spending rises exorbitantly. That is the problem that this country faces. It is not that we are undertaxed. It is simply that we have an irresistible urge to use revenues on the horizon or projected to come on the horizon.

I yield 7 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Thank you, Madam President. I thank the Senator for yielding me that time.

THE PRESIDENT'S ECONOMIC PLAN

Mr. MACK. Madam President, my approach this morning is going a little different from what we heard from Senator PACKWOOD, and I am driven to make these comments, one, because of the hallelujah, change-is-coming approach that we read in the paper just a few days ago. It is kind of a boiler room operation down at the White House to sell the President's plan for the country.

The other reason is after listening this morning to the Senator from California and indicating about the number of new jobs that are going to be created, I think when we get down to it, we all talk about deficit reduction, and clearly that is an important thing for us to be doing, but we also are involved in this, I believe, because of our determination to create more jobs in the country.

I find the information, however, that is being suggested as to the job growth in my State to be frankly just flat unbelievable.

Each State has had an individual designated to be the point person in that State to deliver the message with respect to President Clinton's economic plan. In my State, that is Carol Browner, the Administrator of EPA.

I appreciate that Carol is assigned that job, and she will go carry out that job, but I think it put her in somewhat of an embarrassing position because Carol Browner had to go to the State of Florida and inform the people of Florida that between now and 1996 1 million new jobs are going to be created in the State of Florida—1 million. That is one out of every eight new jobs that is supposed to be created by the Clinton economic package is going to be created in the State of Florida. Do not get me wrong. The people in my State are tickled to hear there are going to be a million new jobs created in the State of Florida.

But when you start to look closely at those numbers, you really begin to question whether that is possible. Let me tell you why. The State of Florida went through a dramatic boom period in the eighties. I would suspect it may have been the fastest growing State in the Nation. Our population in the eighties, for example, grew by a third. We added over 3 million new people to the population of the State of Florida. We had a real boom period. And during that period of time, we created in the State of Florida an average each of those years of 181,000 new jobs, a dramatic growth in jobs for our State.

Now, we are being told that between now and 1996 an average of 250,000 new jobs are going to be created in an environment that certainly there is no boom that is going on in the State of Florida today, and I do not think there is anybody who would argue that this plan that is going to raise taxes on the most productive and job-creating parts of our economy are going to create a boom. It is just not going to happen. When you look at what is being reported anyway, as to what is said, as to where these jobs are going to come from—and I am really reading from an article that was in the Miami Herald. It is an article written by Paul Anderson. The headline is "Floridians doubt job projections." "U.S. economists say state will get 1 million jobs."

It says:

> Officials said projections are based primarily on the five-year Clinton budget plan's "investments for Florida," including—

And I am going to go through that list and let each person make his or her own determination as to whether these are the kinds of things that are going to create a boom environment in the State of Florida, that will increase 40 percent more jobs per year between now and 1996.

And again, these investments are the earned income tax credit, $1.4 billion; $1 billion for work, training, and education; $778 million for housing and community development; $740 million for health care and AIDS research; $659 million in highway and transit aid; $624 million in immunization and Head Start Program for children; $550 million for high-technology job creation; and $465 million, investment tax credit.

Now, I must say, I know that some people have tremendous faith in the ability of Government to take care of the problems that face our society. But I do not really think that many people would get up here and urge you that the Government can create more jobs in the private sector.

In essence, what we are being told is, because of this list of investments—most people in this country would look at that just as more Federal spending—but because of investments, we are going to create 40 percent more jobs per year between now and 1996, more than we were able to create in one of the greatest boom periods in the State of Florida that produced 181,000 jobs per year.

I am not the only one saying this. This is my perception but, as usual, the media does have a tendency to ask people outside of those of us in politics what they think.

In Paul Anderson's article—again, that was in the Miami Herald—the first paragraph says the following:

> State experts Friday belittled a White House claim that an unprecedented surge in job growth in Florida would help lead the national recovery if President Clinton's budget and tax plan passes Congress.

It also went on:

> But State economists said they doubt that forecast, especially since Florida averaged a gain of just 181,000 jobs a year during the booming 1980's. Actually, the State has never seen the kind of job growth that the Clinton administration is projecting.

They went on further:

> "I'd be skeptical. * * * That's way above and beyond the experience we've had," Carol West, from the University of Florida's Bureau of Economic Business Research, said of the Clinton projection . * * *
>
> Frank Williams, of the State Legislature's Joint Economic and Management Committee, said: "Twelve percent of all the jobs [in Florida]? That sounds a bit ridiculous."

Again, the Senator from California, a little while ago, made the comment that—may I have a couple additional minutes?

Mr. WALLOP. I yield the Senator 2 more minutes.

Mr. MACK. The Senator from California made the comment a few minutes ago that we are about to arrive at the moment of truth. And I will tell you, I will be looking forward to that moment. It is about time that there was some truth spread with respect to what this economic plan is going to say, because I will charge my colleagues on the other side of the aisle with speaking out of both sides of their mouths.

On one hand, the administration goes to the State of Florida and tells us that all these jobs are going to be created. And then I see Senator RIEGLE and Senator SARBANES, in the Banking Committee, speaking with the Chairman of the Federal Reserve Bank, Alan Greenspan, and pleading with him—pleading with him—to have an accommodative monetary policy because the plan that they are about to pass is contractionary.

I mean, there ought to be, as I said a moment ago, this moment of truth. There ought to be a true statement to the American people about what this Clinton plan will do.

In my mind, that clear statement is if you raise taxes and you do not cut spending, the deficit is not going to go down, no jobs are going to be created, revenue to the Federal Government will decline, and the deficit will go up.

The kind of projections that were made in the State of Florida are incredibly misleading. I think the American people and I think the people of my State understand that and are saying overwhelmingly: "Reject that plan. Start over again. Cut spending first."

I thank my colleague from Wyoming for yielding.

Mr. WALLOP. I thank the Senator from Florida.

If Government jobs are so predictable and so numerous and so permanent, why not confiscate all of our earnings and just have the Government be the employer of first and last resort? The administration's predictions are, on their face, absurd.

In Wyoming, they are predicting 19,363 jobs. Madam President, that is the most meticulous prediction that I have heard in some time. We do not yet even have a deficit package. It has not yet been agreed on by this body. Total numbers are not even known. Yet the administration seems to know, within the last digit, how many jobs are going to be created in my State.

They are able to do so even though Wyoming's economy depends on tourism, which will be affected by a gas tax, and on agriculture, and, among other things in agriculture, grazing fees, which are about to be raised.

Mr. MACK. Will the Senator yield for one additional thought?

Mr. WALLOP. Yes.

Mr. MACK. Since the Senator was making comments with respect to the specific number of jobs, I kind of rounded off the estimate which was made for my State. Maybe it would be appropriate at this time to say what the specific number was.

In my State, it is projected 1,005,461 new jobs will be created.

Mr. WALLOP. I thank the Senator from Florida. It is clear that when Government creates jobs, they can create them to the last digit.

I yield 3 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank the Chair and I thank my friend from Wyoming.

THE CLINTON TAX AND SPEND BILL

Mr. BURNS. As we get ready to return home for the August recess, Members of Congress need to remember the message that their constituents have been sending them about the Clinton tax and spend bill.

The more folks learn about this tax bill, the less they like it. This bill will impact American families at home and at work, and I think they have a right to know what kind of taxes are being foisted on them.

That is why I was so concerned to hear that administration officials were instructed to change the subject or hold off on details when asked about the package. We keep hearing how good this bill is.

Well, if this package is so wonderful for the economy and for the people of this country, then why avoid talking about what is in it?

I can tell you why: It is because this bill does not cut spending first. It is because this bill raises taxes. It is because this bill flies in the face of good economic sense.

The $500 billion in real deficit reduction will probably not be achieved under this bill. Many of the spending cuts in the bill would have occurred anyway and should not be counted in the $500 billion figure.

And I know I have said this before, but most of the cuts will not take place for several years. The good intentions may be there, but I have been in Congress long enough to know what happens to good intentions. They are somewhere in the twilight zone.

However, the administration is still counting these future cuts—as well as a reduction in the rate of interest—as spending cuts. In fact, these two figures make up half of what is considered as spending cuts.

I have not been in the Senate that long, but I do remember the 1990 budget summit. I remember the promises of tax increase for a reduction in the deficit. It did not work.

Hardly 3 years after the summit, here we are again. And instead of getting a proposal that contains real and substantive changes, the American people are being served warmed over gimmicks, distortions, and taxes. This is not the change that Americans were asking for.

I do not know whether all of us go home and talk to the same people or not, and because we drive through a county does not mean we stopped and visited with the people in that county.

As we prepare to go home in August and visit with our constituents in our respective States, I am sure we will hear the same message that we have been hearing for the last couple of months: The more people learn about what is going on in this tax bill, the more sunshine that is cast on it, the more skeptical they become of what it can do, especially in the area of the taxes that are about to be foisted upon them.

That is why I am concerned to hear that administration officials were instructed to change the subject or hold off on the details about their package. And we keep hearing how good the bill is: Hallelujah, good news is coming.

Well, in an area where we are talking about, yes, Government policy, talking about taking lands, withholding lands, doing things to mining and grazing and recreation, gas and oil production—if any other industry had gone through the traumatic cutback in employment in the last 10 years that our oil and gas and energy industry has taken, there would be a national emergency with everybody on this floor trying to figure out a way to deal with it. Yet, they want to do that.

And then they say, "We are going to create new jobs." The new jobs, my friends, will come in the area of Government, and that means more spending by this Government.

Now, where is the money going to come from? Nobody is out there generating it. Somebody productive has to generate funds in order to pay taxes.

So I can tell you why they have been avoiding talking about the specifics of this package. It is because they do not cut spending first.

And I think the Senator from Oregon made a very good case that every time we raise taxes, we also raise spending. That is the intent of this President. If you doubt that, then look on the front page of the May 14 Washington Post, when he was happy about his package passing the Ways and Means Committee in the House of Representatives, and he said that this will give us more revenues so that we can spend more.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURNS. I ask for 1 additional minute to wrap up.

Mr. WALLOP. Will the Senator take 30 seconds, please?

Mr. BURNS. I can do that.

The $500 billion deficit over the next 5 years I doubt can be reached with this package, because there is nothing in here that will say cut the spending first, then show us a way to do it, and put it down in stone so that we can do it.

I thank my friend from Wyoming for allowing me this time.

I yield the floor.

Mr. WALLOP. I thank the Senator from Montana.

Madam President, I yield 7 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

THE ECONOMIC PACKAGE

Mr. NICKLES. Madam President, I wish to congratulate my friend and colleague from Wyoming for his speech earlier this morning, and also for trying to get some facts out to the American people.

In my opinion, the economic package, the so-called tax bill that is now in conference, is probably one of the most important pieces of legislation that we will have certainly in this Congress and maybe in several years.

I also think it is important that we get the facts out on the package, and, Madam President, I will try to do that in just a few moments.

I have heard the President say we need to have at least $1 in spending cuts for every $1 in tax increases. This package in both the House and the Senate falls way short of that goal. The facts are the tax and user fees are about $258 billion and the spending reductions are only $121 billion. That is over 2 to 1 in tax and fee increases for every dollar in spending cuts. We already have $44 billion in existing law. I do not think the President should take credit for that. That was part of the 1990 budget package. It also has $53 billion in interest savings. I know the President and others are thinking that interest rates will continue to decline, but with short-term interest rates at a little over 3 percent and long-term rates a little over 6 percent, I do not know how much further they will decline or can decline.

If we look at the facts, what about the spending cuts? When do they come? This is kind of interesting. In the House Democrat package there are no spending cuts in 1994, and after we pass the supplemental to aid the victims of the flood disaster, certainly there will be no savings in 1994.

If we look at 1995 and 1996, there are almost no spending cuts. It is interesting to note, though, that about 84 percent of the spending cuts in the House package happen after the next Presidential election. This is in 1997 and 1998. Think of that. I have already said the tax increases far exceed the spending cuts, but the spending cuts do not even happen until 1997 and 1998. I have given credit for the so-called caps that are in both the House and Senate packages right now, and that is a stretch of the imagination because right now we are going to pass an urgent supplemental to help the victims of flood disaster. That does not count toward the budget; it is an emergency. We did not count unemployment extension; that was an emergency. Frankly, we are going to spend a lot more money than what we have called for in the budget because we declare a lot of things emergencies.

So the facts are, of the spending cuts that are in this package that are right now scheduled, 84 percent in the House-passed plan are not until after the next Presidential election. In the Senate bill it is a little better but not much. We say we have a little savings in 1994, but, frankly, those are exceeded by the urgent supplemental that probably will pass this week or next. In the Senate-passed package, as far as total spending cuts, we see about 79 percent of the spending cuts do not happen until 1997 and 1998. Again, we give full credit for the so-called caps. Frankly, I doubt most of that spending cut will happen. That is the same $44 billion we took credit for in 1990; that is a cap the administration wanted to take credit for again.

Let us look at the ratios. Under the Senate plan, if you totaled everything together, we had $357 billion of tax and fee increases and only $121 billion in spending cuts. That is about $2.11 in taxes for every $1 in spending cuts, giving credit for caps we are placing on appropriations bills for the year 1997 and 1998, which, again, we avoid those caps just by a majority declaring an emergency. So it is not hard to get around those caps. Yet, I am still giving credit for $110 billion in spending cuts under the caps.

Given that, you find in the first year there is over $28 in tax increases for every $1 in spending cuts. In the second year there is almost $9 of tax increases for every $1 of spending cuts. In the third year, 1996, it is $2.66 of tax increases for every $1 of spending cuts.

Again, we realize this thing is loaded on the front end toward taxes. As a matter of fact, the conferees have already decided that some taxes are going to be retroactive. We are going to notify many people in this country their taxes are retroactive. Their tax increases have already happened even though withholding has not gone up, and they are really going to get hit with a heavy tax increase next year, and many people are going to have to borrow money just to pay for it. I mention that.

Just to compare it with the House plan, it is even worse. They have no spending cuts in the first year, so there is no ratio. It is all tax increases in the House bill in 1994. In 1995 it is almost $18 in tax increases for every $1 of spending cuts.

Madam President, my point is I do think we have to get to the facts. I think the American people need to know what Congress is negotiating right now. I think people need to know and remember that President Clinton said, no, we are going to have a tax cut for middle-class people. Frankly, there are a lot of tax increases in the package that is being negotiated right now on middle-class America. I am talking about the energy tax, which not only is middle class, it is also low-income class. That includes people making the minimum wage. That includes 17-year-olds who are barely getting by that maybe have a part-time job that are making $4 or $5 an hour. I have a daughter in that category. Her bill is going up. So it is low income, middle income, senior citizens on Social Security who have income over $32,000. They get hit with a tax increase as well. Their Social Security income tax goes from 50 percent to 85 percent. That is middle income, and they get hit with a heavy tax. And, remember, President Clinton said he was opposed. He wanted to give middle-income taxpayers a tax cut. Instead, he gives them a tax increase.

During the campaign, he said he was against a gasoline tax increase. That is one of the things that seems to be agreed upon: Yes, we have to have a gasoline tax. Exactly the opposite of what candidate Clinton said about a year ago.

Madam President, I am concerned about this package, one, because it has had a lot of false advertising, because people are running around the country saying, "Hallelujah, happy days are here again," we are going to get more money from the taxpayers. That concerns me, not so much about the political rhetoric, but what really concerns me is it is going to hurt the economy. Instead of creating 250,000 jobs in Florida, I think it is going to cost jobs. The package hits small business, it hits a lot of entrepreneurs, and hits people who cannot afford it. Frankly, it is going to put people out of work. This is the net result of President Clinton's package, and that is the package that is in the process of being passed right now.

I thank my friend and colleague from Wyoming.

Madam President, I ask unanimous consent two tables I referred to regarding the Senate and House plans be printed in the RECORD, and I yield the floor.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Year	Tax hikes	Spending cuts[1]	Tax/spend ratio
Senate plan:			
1994	$36.9	$1.3	$28.33/$1
1995	8.8	4.4	8.79/1
1996	52.5	19.8	2.66/1
1997	65.7	38.8	1.69/1
1998	63.8	57.6	1.11/1
Total	257.7	121.9	2.11/1
House plan:			
1994	34.9	−1.1	NA
1995	44.0	2.5	17.66/1
1996	58.4	15.1	3.86/1
1997	76.8	34.6	2.22/1
1998	75.9	51.9	1.46/1
Total	290.1	102.9	2.82/1

[1] Accounts for the Democrats' promised reduction in the rate of appropriations spending growth over the next 5 years in all programs, including those outside the scope of the tax-and-spend plan. Pertains also to column on back page.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, I yield 3 minutes to the Senator from Washington.

FACTS ABOUT THE TAX BILL

Mr. GORTON. Madam President, I deeply appreciate the great work of the Senator from Wyoming in continuously doing all he can to bring the facts about this tax bill before the people of the United States. It is a paradox that, while behind closed doors a group of Democrats is discussing perhaps the largest tax increase in the history of this Nation, here on the floor of the U.S. Senate we are in the process of debating a bill for a very, very large, open-ended, new spending program. So any protests that we are not dealing with a tax-and-spend administration have absolutely no validity, and no amount of propaganda or public relations can change that fact.

This tax bill will not create jobs. As the Senator from Wyoming has already pointed out so eloquently, it will destroy jobs. That has been the experience of every other major tax increase in the history of this country. This tax bill will not produce the revenues that it is designed to produce because those who are hit most heavily by it will change their patterns of behavior, incidentally—not at all incidentally, perhaps—destroying job opportunities in the process, in order to avoid these punitive new tax rates.

It is also a paradox, I say to my friend from Wyoming, that while this bill is being discussed behind closed doors so the people of the United States will not know the details until the last minute, perhaps until after it is passed, it is almost certainly the case that, if this Senate voted on it in secret, it would be overwhelmingly defeated, perhaps by a vote of some 70 to 30. Yet, the impact of peer pressure will outweigh ideology, common sense, and the desires of the constituents of most of those who will vote in favor of this proposal.

If I can add anything to this debate, however, it may be this: It has been reliably reported in the last 24 hours that support for this proposal in the Senate is leaching away, is eroding. The Members on the other side of the aisle who voted against the bill as it passed the Senate in sufficient numbers so the tie-breaking vote had to be cast by the Vice President of the United States, all seem to like the proposal that they see in the conference committee even less than the one they voted against earlier. And several other Members from the other side of the aisle seem in the process of taking the same position.

This Senator must say that requires a great deal of courage, to put the good of the country and the desire of their constituents above the agenda of the President of the United States, as variant as that agenda is, from what he talked about in his campaign.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WALLOP. I yield 1 more minute to the Senator.

Mr. GORTON. But it now is possible that common sense will prevail and that this proposal will be defeated. I believe that will benefit the President of the United States. If it causes him to come back to move to the political center, really to set up a proposal which cuts spending first and deals modestly, if at all, with tax increases, there is little question but that he could receive a bipartisan majority for a program which truly benefited the country, really would reduce the budget deficit in the long-term and would actually create rather than deprive the people of the United States of jobs, opportunities, and a bright future.

That is a consummation devoutly to be hoped but can only be presented to us by the action of courageous Members on the other side of the aisle in rejecting this unhappy proposal.

Mr. WALLOP. Madam President, I thank the Senator from Washington. Let me say that I quite agree. Earlier, the Senator from California took pains to quote Federal Reserve Chairman Greenspan, but only from the headlines in the papers about what Mr. Greenspan said and not the specifics of what he said.

Some of the more telling comments by Chairman Greenspan focused on the words "productivity" and "growth." He stated that productivity growth is the only source of lasting increase in real incomes and risk-taking is crucial for a vital and progressive economy. In fact—I quote—"it is a necessary condition for wealth creation."

I ask the Senator from Washington, have we not a circumstance in which risk-taking is virtually eliminated from the options available to small business, and the creation of real wealth is eliminated by all kinds of taxes that are levied against productivity?

Mr. GORTON. I think it would be appropriate to entitle the bulk of the taxes with which we are faced as, taxes on risk; very, very heavy taxes on risk, so heavy that many risks, many investments will not be made.

Mr. WALLOP. I thank the Senator. I will point out that many in the Senate were not here 2 weeks ago when the Senator from Utah explained how current capital gains taxes made captive the investment of a venture capitalist in a business he started. Although he could have put money in a new venture that was forecast to grow at 25 percent, he was unable to do so because of the capital gains taxes. He was actually better off to leave it in a much slower original investment than to try and move it.

That result just simply denies the greatness of small business. It is small business, not big corporations, that create much of the growth in this country. And the penalty on small business capital that is contained in the tax package passed by the Senate is appalling. The Senator from Washington is absolutely right when he says this bill, like the 1990 deal, will not produce revenues.

Mr. GORTON. Will the Senator yield?

Mr. WALLOP. I will be happy to yield.

Mr. GORTON. Has it not been demonstrated by the actual figures of tax collections during the course of the 1980's and the beginning of the 1990's, that lowering marginal tax rates increases actual tax collections from the persons whose rates have been lowered, and that increasing marginal tax rates cuts the revenue received from exactly those taxpayers?

Mr. WALLOP. The Senator is correct. The statistical evidence shows that the taxes raised from the "wealthy"—an abominable term the administration has used to create the politics of envy—actually decreased, while the taxes collected from the middle class actually increased.

As Paul Gigot pointed out in his column in the Wall Street Journal a few weeks ago, it is hard to imagine the rich had a bad year and everyone else had a good one. The fact is that the Democrats, by and large, seem to believe that revenues are generated as a direct consequence of rates, whereas Republicans seem to believe, by and large, that revenues are generated as a direct consequence of growth. And any tax program that inhibits growth—and I would again quote the three econometric studies cited by the Senator from California—each of those predict a contraction of the economy and so, too, does the chairman of the Senate Banking Committee, who has begged the Chairman of the Federal Reserve not to raise interest rates for the very reason that he knows the program before us is contractional.

As the Senator from Washington has pointed out, some in the Democratic Party, with great courage, are beginning to say that this package is not good for our country, nor is it in the long run good for their President. Do you agree?

Mr. GORTON. That is certainly a fair summary of the remarks of this Senator who infers the views of those Senators on the other side of the aisle, but greatly respects them because of the courage that expressing those views requires.

It is this Senator's belief that that handful, perhaps a dozen or fewer Members of the Senate on the other side of the aisle who are seriously considering a rejection of this proposal because it would hurt the country, do hold the fate of the Nation and its economy in their hands. They, paradoxically, are probably better supporters of the President than are those who willy-nilly follow down the road of passage of a tax bill which will have such negative consequences on our economy.

Mr. WALLOP. I thank the Senator from Washington. Maybe, after looking at the impact this program will have on the economy—and the figures do not lie, Madam President—it is time to examine closely the lowering of capital gains taxes. The rich are not the beneficiaries of lower capital gains because their capital can stay in place and return income. Rather it is the investment capital of small businesses, the risk-takers, that gets frozen by the current tax system and which will be even more deeply frozen by passage of this tax package. It will become the glaciated age of investment capital if we pass the capital gains surtax proposed in the Senate bill.

Madam President, I will just examine for a minute how it is in my State, which is the largest per capita small-business State in America and where the administration claims that their tax increases will create 19,363 jobs, that we can have job growth if we increase taxes on small business. They are the businesses who will employ the people of my State.

We know that it is false when the administration makes unsubstantiated claims that only a tiny portion of small businesses will be affected by income tax rate increases.

We know that their claims are false when the vast majority of the .5 million small businesses employing more than 1 person will be hurt by the new taxes. These are the very businesses responsible for providing the majority of new jobs created in this country.

But do not take our word for it. Take the word of the small business owner who is uniformly opposed to and hostile to this plan. The July survey of small business owners by the NFIB found that only 3 percent of them supported Clintonomics; 82 percent are opposed. There has been a 51-percent drop in the confidence of the economy, and that very same survey found that 40 percent of all the small businesses surveyed said they would likely lay off employees if this plan passes. Fifty-seven percent of them said that they would hire fewer employees.

Now, the economy and businesses are responding to this tax plan with fear. And their fear is well-placed, because instead of being concerned with expanding their business, they now must be concerned with staying in business. Madam President, small business confidence is at its lowest level since the trough of the recession, and you have to wonder why.

Madam President, there are other fallacies with the tax package. One of them is that the plan will raise the revenues claimed. As you may know, the Joint Committee on Taxation and the Treasury are loath to ascribe to taxpayers any human response to increased taxes, such as the response exhibited by the President's wife, who took her compensation from her law firm last year rather than have it come to her this year and be subjected to new taxes.

This was a human response and there is nothing illegal with it. It is perfectly acceptable to take actions to lower taxes. But the Joint Tax Committee does not take into consideration perfectly rational human reactions. For example, they say that a reduction in the capital gains tax rate, even when there are $7 trillion of locked up capital in the system because of the tax structure, will actually lose money. If $1 trillion of these pent up gains were put into the economy, Madam President, think of the growth that would take place in this country. Think of the capital that would be available for new business ventures. But these monies cannot be put back into our economy because our tax structure, created under Bush and to be exacerbated under Clinton, penalizes those who would take a risk.

The administration has finally found one way, however, to avoid the human response, and that is the retroactive increase in inheritance taxes. One thing you cannot do, Madam President, is undie. You cannot, like Lazarus, come back from the dead to rearrange your estate. So by retroactively applying estate taxes, they have finally, finally, finally found a tax that can have no human response.

Madam President, let me just conclude by saying that it is important for Americans to realize the issues at hand. First, we have a program that is heavy on new taxes and very light on spending cuts. Even if the program worked perfectly, over the 5-year period of the program, spending cuts will never match the tax increases. And it already has not worked perfectly because some of the new revenues are being spent without any attempt to pay for the new expenditures.

Second, we have an American public which is saying cut spending first, which is saying allow the economy, allow the ingenuity, allow the entrepreneurs of America to produce the jobs that create the wealth that will create the revenues. Jobs created by Government may change the employment statistics for a period of time but in the end they only add to the deficit and will stop when the program is over. Jobs created by the wealth of the private sector in America are the jobs that will survive and provide the revenues for Government to continue to take care of the education of its people, the health of its environment, and, in particular, the catastrophes like those which have just happened to the people who live along the Mississippi.

Madam President, I yield back the remainder of our time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Is leaders' time reserved?

The PRESIDING OFFICER. Leaders' time is reserved.

PARTISAN ATTACKS ON CONGRESSIONAL REPUBLICANS

Mr. DOLE. Madam President, President Clinton made big headlines with his partisan attack this week on congressional Republicans. He accuses us of destruction, delay, and gridlock. He even recycled the Democratic favorite campaign gimmick of blaming all America's woes on the past 12 years as if the Democratic tax-and-spend Congress was somehow on vacation the past 12 years.

For the President's benefit we ought to keep the record straight, and whether he appreciates it or not Republicans have cooperated with him in hundreds of ways, and we will continue to do so as long as he proposes mainstream, common sense legislation. When he is pushing programs that tilt to the extreme, when he is demanding taxing and spending that is totally out of control, and when he is using political gimmicks to shift focus away from his liberal agenda, then the American people have a right to an alternative voice in Washington.

And let us face it; as much as the liberal cheerleaders in the media would like it, neither I nor any of my Republican colleagues were elected rubber stamps for this or any President. When we have basic philosophical differences, when we believe a program will be bad for America, we owe it to our constituents to speak up. After all, only 41 percent of the American people in a new poll approve of the President's performance. I think it is largely based on the economic package. That leaves a big majority of the people who are looking for a responsible alternative to the Clinton agenda and people who are not interested in a one-party monopoly.

It is kind of ironic that President Clinton would resort to blaming Congress when during last year's campaign he chastised President Bush for his attack on gridlock. On August 27, 1992, in San Antonio, candidate Clinton said, "The other thing the President did a great job of was blame Congress. It's all Congress' fault. If I said such stuff like that when I was a little boy, my mama would have spanked me. But," he said, "you know, what do you expect me to do? I'm just the President of the United States. Those mean old people in Congress, they won't do anything." He was talking about President Bush. Again, that was candidate Bill Clinton, who as President Bill Clinton seems to like the strategy of bashing his congressional opponents after all.

So let me repeat, it was candidate Clinton who said, "The other thing the President did a great job of was blame Congress." He was talking about President Bush. He said, "It's all Congress' fault. If I said stuff like that when I was a little boy, my mama would have spanked me." He now is the President blaming everything on Congress.

Perhaps the best opposition to the loyal defense responsibility was offered by the distinguished Senate leader, when he said, "I think it is a curious standard of bipartisanship that has been suggested here. The President insists that we adopt his plan"—this is my friend and colleague, the majority leader, when President Bush was President—"The President insists that we adopt his plan. That is, according to discussions recently held, not partisanship. The other party would like to see their plan adopted. That is called partisanship. Why is it bipartisan for the President to demand that his plan be adopted but partisan for the other party to demand that their plan be adopted?"

I would say the same thing. Do we live in a monarchy? Is the President the President or is the President a king? Are we required by some law to accept whatever the President proposes without any opportunity for discussion, debate, suggestion, or constructive alternatives? And if we disagree with some aspect of the President's plan, if we believe it is truly and sincerely harmful to the long-range interests of the country, are we somehow obligated to stand silent and adopt the President's plan? And those are not BOB DOLE's words. Those are the words of my good friend, the majority leader, when we were trying to bring up Bush's economic plan.

Madam President, it is amusing when the Vice President and others now accuse Republicans of sitting on the sidelines during the budget process. The fact is Republicans have not been welcomed at all to the Democrat taxathon which is producing the biggest tax increase ever. And I guess it is probably better that we do not participate. But we are going to and have offered constructive alternatives. We will continue to offer alternatives consistent with our responsibilities.

We offered a comprehensive alternative deficit reduction plan relying on spending cuts instead of tax increases, and they can dump on it all they want. But our plan was real and offered genuine hope of getting the deficit under control and did more to reduce the deficit plan than the President's plan now being considered in the conference.

Madam President, if the President's congressional allies and his liberal media fan club want to hype up the old gridlock gimmick, they ought to at least look at the facts. As of last night, the Senate approved no fewer than 219 legislative measures and approved 223 of the President's civilian nominees for administration posts. Let me repeat. Republicans have joined Democrats in passing 219 legislative matters so far this year, and we have joined Democrats in approving 223 Presidential nominees, including his entire Cabinet. That does not sound like gridlock to this Senator.

Meanwhile, as the President uses the gridlock gimmick, the appropriation bills are moving along at high speed. In fact, Senate Republicans even entered into an unusual agreement with our Democratic colleagues to limit amendments and to have time agreements on all amendments on three crucial appropriations bills: Department of Agriculture, the legislative branch, and the District of Columbia.

Madam President, I just suggest that in addition we are going to try to be helping with the Supreme Court nominee in these next few days and with the FBI nominee. And when it comes to winning congressional approval of the North American Free-Trade Agreement, I will predict that there will be more Republicans voting for that in the Senate than colleagues on the other side.

The point I would make is the fact that to slow up legislation to try to negotiate a better bill that we think is in the interest of the country does not mean that we are engaged in gridlock, does not mean there is some filibuster going on.

And I must remind the media from time to time that they ought to take a look at what a filibuster is all about, and they ought to give us credit for trying to make some of the legislation sent up here a little better, a little tighter, less expensive, less costly, so that we will not be raising taxes again later on this year or next year because of all the spending programs passed by this Congress.

THE REPUBLICAN PARTY

Mr. DOLE. Madam President, as the Republican leader, obviously I have some responsibility to my party. And it was not all that long ago the liberal media was reading the last rites to the Republican Party. After all, the Democrats control the White House, they control the Senate, they control the House, they control most Governors, they have a lot of State legislatures.

One thing we have learned over the past few months is that Americans are having second thoughts about giving the Democrats control over their pocketbooks. As Mark Twain said, the reports of the death of the Republican Party have been greatly exaggerated. No doubt about it—the Republican Party is alive and well, and on the move from one corner of America to the other. It started last November in Georgia with the election of PAUL COVERDELL to the U.S. Senate, then in Texas where KAY BAILEY HUTCHISON won a historic record-shattering victory, and in Los Angeles the first Republican mayor in three decades; and also in Wisconsin, California, and Mississippi where Republican congressional candidates far exceeded expectations where their districts had overwhelming Democratic majorities.

Today there is new hope for Republicans—not Hope, AR—but hope in Arkansas where voters have chosen Republican Huckabee as their Lieutenant Governor. The Huckabee victory was only the fourth time in this century that a Republican had been elected to an Arkansas statewide office.

So, Madam President, from Los Angeles to Little Rock, the American voters are sending messages that they want competition between the parties; that the days of one-party rule are over. And more than winning elections, the Republican Party is also winning on the issues.

The American people understand that we are the party of the taxpayers, that we are the party of the working man and woman, that we are the party that wants to cut spending first—and come this fall in Virginia, New Jersey, New York City, in my view, they will also unite behind Republican candidates and Republican solutions.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PUBLIC DIPLOMACY IN THE PACIFIC CENTURY

Mr. BENNETT. Mr. President, the bipartisan U.S. Advisory Commission on Public Diplomacy has, for many years, been a source of sensible advice on how America should conduct its public diplomacy. I am talking about U.S. Government international broadcasting, educational exchanges, and information programs at U.S. missions abroad.

This Commission has now issued a recent report called Public Diplomacy in the Pacific Century. It is a timely and thoughtful study, reminding us of the importance of our relations with East Asia and the Pacific. It discusses the vital role of public diplomacy in encouraging support for U.S. policies and mutual understanding with countries in that region.

The Chairman of this Commission is Tom Korologos, well known to many Members of this body, having once served here on Capitol Hill as a staffer. I commend Mr. Korologos and his colleagues for this report, and commend the reading of it to our colleagues. It is very brief.

I ask unanimous consent that the report be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[U.S. Advisory Commission on Public Diplomacy]

PUBLIC DIPLOMACY IN THE PACIFIC CENTURY

No region of the world is more important to America's long-term prosperity and security than East Asia and the Pacific.

Public diplomacy should be a central component of a national strategy to promote vital long-term U.S. security and economic interests in Asia.

Governments and public opinion in Asia generally favor greater American involvement, creating a window of opportunity for expanded public diplomacy.

U.S. Information Agency programs are a highly cost-effective means of encouraging support for U.S. policies, a dialogue with Asia on shared concerns, and mutual understanding.

The following public diplomacy activities should be strengthened:

Television, which is becoming the dominant information medium in Asia;

Field staffing and training;

Exchanges, such as Fulbright scholars and International Visitors;

Outreach to Asian students in the U.S.;

Coordination with private and public organizations operating in Asia;

Radio broadcasts to Asian countries denied free media;

Programs with major potential, including book translations, library services, "Study of the U.S." projects, speakers, environmental efforts, and English teaching;

Communications technologies: dish antennas, two-way video systems, and digital compression.

Funding should be provided through a redirection of assets within the USIA, defense, and international affairs budgets.

No region is more important to America's long-term prosperity and security than East Asia and the Pacific. And nowhere are America's foreign policy goals of open market economies, a strong defense, and support for democracy more relevant or interrelated.

Economics and Trade.—If current economic and trade trends continue, the 21st century will be the "Pacific Century." The world's fastest growing economies, the largest U.S. export markets, and the largest U.S. trade deficits are in East Asia. The International Monetary Fund ranks China's economy in third place worldwide, behind the U.S. and Japan.

Security.—Three times in this century Americans have fought major wars on Asian soil. Today the United States is widely viewed in the region as an essential balancing force, a guarantor of peace and stability in a part of the world where territorial disputes, nuclear proliferation, civil war, and other risks of military adventurism warrant U.S. vigilance and readiness.

Building Democracy.—Asian governments range from old-line Communist tyrannies to full-fledged democracies. The U.S. must encourage the development of democratic institutions, human rights, and more open, pluralistic societies. To do this effectively, our support for democracy building requires a knowledge of and sensitivity to the history, culture and language of these countries, and a willingness to listen to divergent viewpoints.

INCREASED ATTENTION NEEDED

In recent years, East Asia has not received sufficient high level attention from the U.S. government. The exception is when trade or policy disagreements emerge. U.S. concerns in the region, however, extend well beyond short-term disputes. The shape of the post-Cold War world will depend as much on U.S. relationships with Asia as it does on peaceful and democratic reforms in Europe and the former Soviet Union.

Recent statements by senior U.S. officials indicate a heightened awareness of the need to project a greater U.S. presence in Asia, a focus this Commission greatly encourages.

Asian nations are reassessing their relationships with other countries and the value of increasing regional investments and alliances. In the past, policies were formed largely in a bilateral context; today multilateral ties are becoming more important. The U.S. must be an active participant in this process or risk losing influence in the region.

Countries in Asia are concerned about the staying power of the United States. Governments and public opinion in the region generally favor a sustained American security and economic involvement, creating a window of opportunity for public diplomacy programs.

USIA PROGRAMS

U.S. Information Agency programs—educational and cultural exchanges, press and information activities of U.S. missions abroad, and television and radio broadcasting—encourage support for U.S. policies, a dialogue on shared concerns, and mutual understanding. This programming is cost-effective, all the more so in a time of major cutbacks in our defense and foreign affairs budgets.

The Commission recommends strengthening the following activities:

Television.—The communications revolution is fully underway in East Asia with phenomenal growth in satellite TV, home dishes, VCRs, and cable systems. Increasingly television is becoming the region's dominant medium for news, information and entertainment.

Insufficient vision, funding, and planning continue to limit the U.S. government's use of this powerful medium, especially the potential of instant-access satellite TV.

The U.S. should purchase time on regional satellites with direct-to-home capability, such as AsiaSat, with a footprint spanning 38 countries from Japan to the Middle East. USIA should produce and acquire a mix of programs in English and local languages that provide an appropriate blend of news, information, and features. Research studies of audience and media trends are essential in efforts to develop programs and marketing strategies.

The Commission welcomes the strategic planning unit recently established by the Bureau of Broadcasting. However, the public diplomacy potential of television will only be realized through strong leadership at the highest levels, additional resources, and cooperative planning by field officers and all major USIA elements.

Staffing and Training.—Field officers are central to the effectiveness of public diplomacy. American and foreign employee staff increases are necessary if USIA is to undertake program expansion in East Asia and the Pacific.

Field officers should be well trained, not only in the languages and cultures of the region, but in economics and information technology. Training to upgrade their competence and professional skills is an investment in the future.

Exchanges.—Exchanges, such as Fulbright scholars and International Visitors, are among the most effective public diplomacy programs, and a means for building personal and institutional relationships that enhance mutual understanding.

To be competitive in East Asia, more Americans should speak the languages of the region and understand the nuances of Asian cultures. While more than 40,000 Chinese and 40,000 Japanese study in the U.S., less than 1,000 Americans study in China and 1,400 in Japan. Expansion of exchange programs will increase the number of Americans teaching and studying in East Asia and of Asians coming to the United States.

Student Outreach.—There are some 200,000 students from the region at American universities. The great majority are here under private auspices, and are a plus for the American economy. Campus and community outreach activities provide these students with a deeper appreciation of American institutions and culture, which complements their classroom learning. These programs should be increased.

Other Organizations.—Many organizations are involved in East Asia, among them the U.S. Agency for International Development, the Asia Foundation, the National Endowment for Democracy, and the Smithsonian Institution. Of special relevance is the East-West Center, which receives USIA funding and where a career officer is assigned as diplomat-in-residence. Washington and field staff should consult regularly with such organizations to explore opportunities for joint programming and to avoid duplication.

A computerized database could provide the means to share information about what these organizations and USIA are doing in East Asia. The Agency should consider adding this capability to its pilot computer projects.

Coordination with Defense.—The role of the U.S. military abroad is changing in the post-Cold War world. More and more, military responsibilities include UN peace-keeping, disaster relief, civil-military relations, and other activities with a significant public affairs component. Increased coordination between USIA and the Department of Defense is essential—in Washington, at the U.S. Pacific Command, and at U.S. missions abroad—and will help develop the military's awareness of the impact of public opinion and foreign media.

The current Memorandum of Understanding on joint programming between DOD and USIA was signed in 1983. The agreement is being revised to reflect the changing times. The Commission urges this be done quickly.

Field Programs.—The Commission recommends increased funding for textbooks and book translations, "Study of the U.S." projects, speaker programs that send American experts to Asia to meet with counterparts, and environmental protection efforts. These and other field programs have proven value in East Asia.

USIA's library services in Asia are highly effective in communicating democratic values and information about the United States. Their role as technologically advanced reference centers with computer-based data systems should be emphasized.

In Asia as elsewhere, there is keen interest in learning English, the predominant language of international commerce and science. USIA's English teaching activities sustain this favorable trend and help develop greater understanding of the United States.

Radio.—Although television is increasingly the medium of choice in Asia, shortwave and AM/FM radio remain vital to U.S. interests. U.S. broadcasts to Asian countries denied free media should be enhanced. New and replacement transmitters are needed to guarantee a delivery capability into the 21st century.

Technology.—USIA's programming must keep pace with new information technologies. Field use of computer systems has not been given sufficient training, funding and technical support. Dish antennas receive VOA and Worldnet broadcasts, and should be purchased for Asian posts that, remarkably, still do not have them.

Two-way video systems should be installed at selected Asian posts for teleconferencing, which would be useful to other embassy elements and could serve as models for USIA posts elsewhere. The Commission supports efforts to achieve cost savings through state-of-the-art digital compression technologies.

Looking ahead, the public diplomacy implications of the new would of interconnected digital systems—computers, television, fiber-optic cable—call for imaginative planning.

FUNDING

America's best small investment, high yield approach to East Asia and the Pacific today is public diplomacy.

Continuing reductions in USIA's field programs and staffing—activities unprotected by Congressionally-mandated earmarks and dedicated appropriations—have substantially eroded the effectiveness of what is really the heart of public diplomacy. Since 1985, USIA's operations in East Asia have been cut an average of 12 positions and a million dollars annually. This cannot continue.

To maintain core programs and fund selected enhancements, the Commission recommends redirection of assets in the defense and international affairs budgets. Within the USIA budget, additional funds could be attained through termination of TV Marti, which is not cost-effective. Asia's importance also may require difficult but necessary redistribution of assets from USIA's other regional operations. Additional funds could be obtained from cancellation of the Israel shortwave transmitter project.

HIGH LEVEL U.S. EFFORT

Public diplomacy in East Asia should be a central component of a national strategy to promote vital long-term U.S. security and economic interests in this dynamic region. To provide the coherence and high level commitment national needs require, direction should be set by the President working with Congress.

USIA's programs can make a difference. The Commission is convinced they are a wise investment in the nation's economic prosperity and national security. The stakes are high, and the benefits to Americans from a coordinated public diplomacy effort in East Asia and the Pacific are enormous. That effort should begin now.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, are we still in morning business?

The ACTING PRESIDENT pro tempore. We are in morning business.

THE PRESIDENT'S ECONOMIC PLAN

Mr. SARBANES. Mr. President, I understand that only a few minutes ago on the floor of the Senate, the distinguished Senator from Florida, [Mr MACK], made reference to the exchanges that were held in the Banking Committee with the Chairman of the Federal Reserve, Alan Greenspan, and sought to use those exchanges in an effort to discredit the President's economic plan, which I very strongly support. They have cited myself and a colleague as seeking an accommodative monetary policy in order to adjust for the plan.

Let me be very clear about what is happening. What the other side wants to do is protect the wealthy from making any contribution in order to address the deficit problem. Instead of asking the wealthy to pay their fair share, they want to hit harder the elderly with respect to health care costs and middle-income people with respect to a number of programs that are important to them—education programs, health programs—as a way of getting at the budget deficit. I assume they are not asserting that the deficit is not an important problem which we have to address.

The President has a very balanced program in order to do that, and he is asking a lot of different sectors to make a contribution in order to reduce the deficit. Unlike the past 12 years, the President is not asking only working, middle-income people who have borne the brunt over most of recent years to contribute to deficit reduction. Instead he especially asks the people at the upper end of the income scale who have benefited enormously by the economic policies of the last 10 years to pay their fair share.

We have pressed the Chairman of the Federal Reserve very hard to get a monetary policy that accommodates this fiscal policy so that the total economic policy is going to contribute to growth and jobs. We believe that trying to get at the deficit in itself will bring a sense of renewed confidence in the workings of the economy, which will provide an impetus to economic activity and economic growth.

Everyone who has examined this problem says you have got to do something about the deficit. The other side, I assume, says we need to do something about the deficit, but they do not want the very wealthy to make any contribution toward it. So they are screaming to high heaven about the taxes which are going to be levied on the top 2 percent of the population, the people whose incomes have grown far faster than that of the balance of the population. In fact, for most of the population, their real incomes have either been frozen or shrunk over the last decade.

The Senator from Florida said we need a true statement to the American people about what the Clinton plan will do. What the Clinton plan will do is it will get our economic house in order. There has been a lot of talk over the years about doing that, but people have been unwilling to measure up to the tough actions that are required. The President has done that. He is now asking the Congress to join with him, and the President has put forward the largest deficit-reduction package in our history. How much longer can we go on running these large deficits and adding to the overall national debt? And, of course, the more we build up the national debt, the more difficult we make the deficit problem, because we have to pay the carrying charge on that large debt which now has escalated from less than $1 trillion when President Carter left office to over $4 trillion when President Bush left office—quadrupled in 12 years' time.

The President is trying to address this with a very balanced, comprehensive deficit-reduction program, over half of which is spending cuts. The balance of it seeks to raise revenues, but 80 percent of the revenues will come from the people at the top 2 percent of the income scale.

I think this is a balanced program. We do need along with it a monetary policy from the Fed which will help to provide some impetus to the economy. The theory is, if you can cut the Government deficit, you open up borrowing opportunities in the private sector in order to make investments. But those opportunities are going to be diminished if the Federal Reserve raises the interest rates and makes the cost of that borrowing more expensive. So you need a comprehensive, coordinated economic policy, and that is what the President has laid out for the country.

The President then concludes—and I agree with the President—that if we can have a balanced fiscal and monetary policy we are going to have job growth; we are going to have economic growth and job restoration; we are going to be able to bring our budget deficit down, and we will be able to make some investments in the future strength of our economy.

So, I very strongly support the program that the President has advanced. I think that the President has leveled with the American people about the problem that we confront, and it seems to me that the criticisms that are being made do not hang together logically. They do not lay out a blueprint for how the economy is going to progress. We clearly need to bring down the budget deficit, we need to address the investment deficit, and we need to start restoring the strength and vitality of our economy.

All these complaints about the taxes that are in the President's program are essentially complaints about the fact that the people best situated in terms of income and wealth to bear some burden toward reducing the deficit are being called upon to do so, and the whole fight is to try to prevent that from happening. I just submit to you there is no fairness or equity in that. The people at the very top of the income scale ought to play a part in helping to reduce this budget deficit with which we now find ourselves confronted.

I yield the floor.

AGRICULTURE APPROPRIATIONS

Mr. HATCH. Mr. President, much of our debate on H.R. 2493—perhaps too much of our debate—has centered around a provision in this bill authorizing $175 million in user fees at the Food and Drug Administration.

I think you will find no stronger advocate in this body than ORRIN HATCH for providing the Food and Drug Administration with the resources it needs to do the job. Sometimes I do differ with FDA officials over the job that needs to be done, but nevertheless I recognize that FDA has an important public health and safety mission that needs to be accomplished. And, FDA simply can't do the job if it is hamstrung by unwise budgetary constraints.

It is very clear to me that the Agriculture Appropriations Subcommittee, under the capable leadership of my colleagues from Arkansas, Senator BUMPERS, and Mississippi, Senator COCHRAN, were in a very difficult position. Faced with a 602(b) allocation dramatically lower than that of its House counterpart, I can understand the committee's willingness to examine a revenue-raising proposal advanced by the Clinton administration. The administration had, in fact, recommended that an even higher figure, $200 million, be raised through FDA user fees.

I am greatly heartened by the sentiment our colleagues from Arkansas and Mississippi expressed earlier. The distinguished chairman, Senator BUMPERS, noted that he shares the concerns several of us have raised about the wisdom of the user fee language contained in H.R. 2493, and he promised to do his very best to fix this in conference. And, the equally distinguished ranking minority member, Senator COCHRAN, made a very strong statement, echoing a similar willingness to work in conference to find the necessary funding for FDA so that the user fee language will be dropped.

In my opinion, there should be no further discussion of authorizing additional food and drug user fees at this point in time. This is not the place, nor the time, to expand the FDA user fee concept beyond the Prescription Drug User Fee Act of 1992 provisions (Public Law 102–571).

There are a number of areas in which this represents questionable public policy at best, as I will outline below:

First, extending the application of the user fee concept: Last year, the Congress authorized a new prescription drug user fee system at the Food and Drug Administration; in fact, the bill we are debating today, H.R. 2493, contains authority for the FDA to retain $54 million of those fees in order to develop the system and process new drug applications.

Although I recognize the need to speed up the horrendous timeframe for new drug approvals, and the concomitant need to provide FDA with adequate resources to meet that goal, I had significant concerns about the bill last year. Many of those concerns were addressed in an arduous drafting process that spanned several days.

A basic premise upon which a user fee is a fee and not a tax is that the fee provided must support a specific service or activity provided in return. To raise $175 million in new user fees, for all practical purposes, the FDA would have to look to either the food or the medical device industries. Extending user fees to either at this point would be extremely unwise.

USER FEES FOR FOODS?

It is questionable to me that the FDA could design a user fee for foods that would not constitute a regressive, hidden tax harmful to consumers. Unlike drugs, foods are not approved by the FDA prior to marketing, nor would anyone suggest they should be.

FDA actions with respect to foods usually involve regulatory enforcement actions to ensure that the food supply is safe or that products are not misbranded, and inspection of domestic and imported products. These FDA activities benefit the public at large.

They are not conducted for each and every product or each and every manufacturer making design of a user fee proposal impossible to achieve.

And, these activities benefit the public at large; they are aimed at making sure that the United States maintains the most safe and abundant food products in the world. In this light, it is clear that a user fee on foods would constitute a tax, a regressive tax at that which would not benefit the public.

USER FEES FOR MEDICAL DEVICES?

Let's look at another strong, viable American industry, medical devices. I oppose this bill's extension of the user fee concept to devices for a very different set of reasons.

When we considered the prescription drug user fee last year, we were looking at an FDA center that was basically strong but overburdened with too much paperwork and too few personnel. Leaving aside my concern that the process could be streamlined, I agreed to work with my colleagues to craft the user fee proposal after industry signalled that it was warranted and workable.

There is no similar agreement within the medical device community for a number of compelling reasons. One need only look at the 246-page report of my good friend in the House, Energy and Commerce Oversight and Investigations Subcommittee Chairman JOHN DINGELL, to see that the Center for Devices and Radiological Health at FDA is in great disarray. I have great confidence in its new Director, Dr. Bruce Burlington, and intend to work closely with him, Senator KENNEDY, Senator KASSEBAUM, Senator DURENBERGER, and our House colleagues, Chairman DINGELL and Chairman WAXMAN, to find solutions to the many problems the Center is experiencing.

To me, it seems unreasonable to add insult to injury by imposing a new user fee process on the Center when the underlying program has experienced so many problems and when we have not had the opportunity to consider fully the necessary corrective actions.

This is not the only reason this bill's user fee for devices would be bad policy. The medical device industry is one of our Nation's most competitive industries in the global marketplace. It is comprised of a range of manufacturers, small to large, all of which are contributing to a positive trade balance in devices. That is something we can be proud of.

A user fee for devices would amount to a tax on innovation, moving in directly the opposite direction to the path we must take for solid economic recovery. It would be a tax which would hit very, very hard at small manufacturers, discouraging their innovation and investment, possibly driving them out of business.

There are other concerns about imposing a user fee on medical devices. For example, under the new processing prioritization plan the FDA is developing, would those who pay the fees stand first in line, potentially shutting out the smaller manufacturers?

It is no secret to my colleagues that I have become increasingly alarmed about FDA's tendency to reach out its long arms to try to regulate as many things as possible. Their policies on dietary supplements are another prime example.

FDA regulation is driving up the cost of health care, which is paradoxical in light of concerted congressional efforts to hold down health care spending. The push for FDA regulation, in my view, is based on the mistaken impression that only the Government can ascertain 100 percent safety and efficacy, and further, that it is always in the public interest to do so.

Second, authority for user fees: The provision included in H.R. 2493 is based on questionable authority, 31 U.S.C. 9701, which is extremely general and which is not commonly used. This section of the statute authorizes the Government to issue regulations "establishing the charge for a service or thing of value provided by the agency." Since its passage, judicial and executive branch interpretation have clarified that it does not apply when the benefit accrues to the public at large.

Third, role of the authorizing committee: I believe it is clear from my earlier colloquy with our distinguished chairman of the Labor and Human Resources Committee, Senator KENNEDY, and our esteemed ranking minority member, Senator KASSEBAUM, that the authorizing committee has significant concerns about the wisdom of the approach embodied in this appropriations bill.

Any further discussion of FDA user fees should be taken in the context of the Senate Labor and Human Resources Committee, where we can give this matter careful consideration. I feel it is inappropriate to authorize user fees in the context of an appropriations bill, without prior examination by the authorizing committee, although I recognize the fiscal constraints which led my colleagues on Appropriations to do so.

Fourth, the trade implications of user fees: A user fee for foods could be a dramatic and negative effect. If it were imposed for domestic products only, imported products would be at an advantage. If it were imposed on imported products, domestic companies that import some or all of the ingredients for their products would receive a double whammy, while the foreign exporters would only pay one fee.

I would have similar concerns if these fees were extended to medical devices, which heretofore have been an extremely globally competitive industry.

Fifth, implementation of a user fee plan is questionable: Even though the user fee proposal is in the President's budget, the details have not been fleshed out. This would be an extremely lengthy process. FDA officials admit that it would take between 18 months and 2 years to develop an implementation plan. This wouldn't even be in time for fiscal year 1994 when the $175 million in savings would be expected to accrue.

Past experience with development of FDA drug and device registration and listing requirements bear this out. In fact, I believe that the FDA estimate of 18 months for development of a user fee implementation plan could be conservative.

Sixth, the law of unintended consequences: In a strange twist, it is entirely possible that the new user fee provision in this appropriations bill could negate the prescription drug user fee program we established last year. This is true because the prescription drug user fee plan is only triggered if the FDA's appropriation rises above a certain level. The proposed appropriation of $638.3 million for the FDA salaries and expenses in this bill, the net spending after all user fees are deducted, may fall below the threshold of appropriations necessary to allow the prescription drug user fees to be collected.

Seventh, user fees as deficit reduction: Contrary to the user fee proposal we carefully crafted last year, the user fee provisions in H.R. 2493 would substitute for FDA resources rather than enhance them to improve the agency's ability to administer the law. I believe it is wrong to consider using fees as a means of deficit reduction.

Mr. President, there are so many things wrong with this provision, that it is obvious to this Senator that the FDA user fee authority must be stricken from the final conference agreement. I am heartened that my colleagues, Senators BUMPERS and COCHRAN, have given us their assurances they will work to do so.

DEFENSE REINVESTMENT TASK FORCE

Mr. PELL. Mr. President, I am pleased to join my distinguished colleague, Senator PRYOR, in transmitting the recommendations of the Defense Reinvestment Task Force, to which I was appointed by the majority leader on March 30.

First, I would like to thank Senator PRYOR, who ably and admirably chaired this task force, and his staff for carrying out this assignment in a superlative manner and for putting together these recommendations. These recommendations are a result of numerous meetings between the 25-member task force and various administration officials, including Secretary

Reich and Secretary Brown, individuals from defense impacted communities as well as experts from academia and the private sector.

Unlike the Defense Adjustment Task Force which was convened in early 1992 to fill a void resulting from the previous administration's total lack of advance planning for transition to lower defense expenditures, this task force, in a sense, had a different objective. Throwing money at a problem this difficult and complex rarely presents a positive, comprehensive and long-lasting solution. Complex problems require more than just money: they require an imaginative, creative, and cooperative effort to help bring about a positive resolution. Above all, Mr. President, complex problems require an impetus for change and a courageous leader to thoughtfully and cautiously implement that change.

The impetus for change was signaled in the 1992 elections and the courageous leader who decided to face this national problem is President Clinton. I was pleased to join the President at the Westinghouse plant in Baltimore on March 11 when he announced his comprehensive, 5-year, $20 billion, defense reinvestment initiative which included the release of funds supported by this task force's predecessor and previously appropriated by Congress. The President's initiative, which would employ dual-use technology and commercial-military integration, aims to relieve the sting of military downsizing while capturing the great potential that defense workers and companies offer to meet crucial domestic needs. The President's initiative also includes military and civilian worker training and adjustment, investing in hard-hit communities, and conversion opportunities in new civilian technology. In short, Mr. President, President Clinton, in his March address, sent a strong and needed signal to the country that his administration will ease the transition from a military to a civilian economy by investing in defense workers, companies and communities hit hard by the post-cold war military drawdown.

The President's leadership and courage is a welcome sign of a new era. I have been arguing for nearly 10 years that the Federal Government should take a far more vigorous role in promoting adjustment to decreased expenditure for defense and have introduced legislation to that effect.

In New England, where we continue our slow climb out of a recession, reductions in defense spending will have a severe impact on many working families and communities if Government forces are not appropriately marshalled. In Rhode Island, where the unemployment rate has hovered between 8 to 10 percent for the past 2 years, and where we are heavily dependent on defense-oriented production, the lack of foresight and planning could be devastating.

As military spending continues to decline, Mr. President, it is necessary for those firms who are able to adjust or convert their production lines to attempt to do so. Entering into new fields of production will not only sustain the jobs base, but may also hopefully expand it. I am pleased to point out to my colleagues an article which appeared in the July 21 New York Times entitled "Going From Exotic to Mundane." The article mentions a small Rhode Island-based company, Quadrax, which recently announced that it will supply a tennis racquet manufacturer with light carbon-fiber materials developed for use on the *Seawolf* submarine. I mention this article to my colleagues not only as an example of postdefense production possibilities, but as an example of American ingenuity, breakthrough technological research and advancement, and industrial perseverance.

In conclusion, Mr. President, the overall recommendations presented by the task force are positive and creative and, for the most part, will use existing Government structures wherever possible and leverage minimum public expenditures into maximum public benefits. After being briefed by officials from communities affected by the defense downsizing and base closures, the task force was convinced that the Federal Government's response to these defense impacted communities must be reinvented to eliminate bureaucratic barriers to economic redevelopment.

In the coming weeks, I will be working to secure legislative action in the areas where the task force has recommended through the relevant committees of jurisdiction.

Mr. President, I ask unanimous consent that the aforementioned article from the New York Times be inserted in the RECORD at the end of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 21, 1993]

GOING FROM EXOTIC TO MUNDANE

(By John Holusha)

University researchers and a group of companies including du Pont and Lockheed hope to beat swords into infrastructure by building a bridge in San Diego made of lightweight composite materials similar to those originally intended for B-2 bomber.

Quadrax, a small Rhode Island company, hopes to migrate from military service to power serves by supplying a Taiwan maker of tennis racquets with carbon-fiber materials like those used on the Seawolf submarines.

And advanced materials may be the key to building successful electric cars because the materials' light weight may compensate for the heavy batteries that such cars will need.

Uses for the Exotic

Like so many other industries facing military cutbacks, producers of advanced composite materials are scrambling to find civilian markets. But this $1 billion industry worldwide faces a special marketing challenge: finding everyday uses for exotic, often costly plastics, metals and fibers capable of withstanding supersonic speeds or the temperatures inside a jet engine.

The new Boeing 777 wide-body aircraft due to begin service in 1995 has a vertical tail and flaps made of composites, and the revised 737 is expected to use composites extensively. But the 777 supplier is a Japanese company, Toray, and many American officials in government and industry worry that if other profitable new markets cannot be found for the wonder substances from the nation's aerospace labs, then the domestic materials-processing industry may lose its edge.

"The Japanese have not missed a step in developing new materials," warns J. Michael Bowman, du Pont's vice president for advanced-material systems.

Senator Jeff Bingaman, the New Mexico Democrat who is chairman of the Armed Services Committee's technology subcommittee, said the Government must help establish what could be an important industry. "We have led the world in research and development to meet our aerospace needs," he said. "Now we see more opportunity to shift to more commercial products."

He said Federal agencies like the Advanced Products Research Agency should buy civilian as well as military products made from advanced composites so producers could refine processes and make them in large enough volumes to lower their prices, which today can be hundreds of dollars a pound. "There is great potential to reduce the cost of manufacturing," Senator Bingaman said.

Composite materials, which are usually made of strands of glass or carbon fiber embedded within a plastic or metal matrix, were developed for aerospace and military applications because they are lighter and stronger than the metals they replace. In addition, the fibers can be layered or even woven in ways that tailor properties like strength and stiffness for specific applications.

Some of the developments are particularly exotic. The Specialty Materials unit of Textron Inc., for example, has developed a composite in which silicon carbide fibers reinforce titanium, for use in projects like the National Aero-Space Plane where the high temperatures caused by air friction would weaken the metal if it was used alone.

But in many cases, companies that built factories to supply millions of pounds of materials for the B-2, the F-22 fighter and other now-shrunken military programs have either dropped out of the business, like Phillips Petroleum, or are limping along at a fraction of their production capacity, as Du Pont is doing.

According to a study by the industry's trade association, military demand for carbon fiber, a principal component in many composites, is down 78 percent from the levels that had been predicted in 1987. And more than half the executives responding to a Commerce Department survey of about two dozen advanced-materials companies reported operating at less than 59 percent of capacity; about 40 percent of the companies said they were losing money.

Spanning an Interstate

The project in San Diego, still early in the planning stages, would be a 450-foot-long suspension bridge linking two parts of the University of California campus that are separated by Interstate 5.

Supporters of the project say the bridge, to be built of a variety of glass, carbon and polymer composites and intended for use by pedestrians, bicycles, cars and trucks, would be more resistant to damage from earthquakes than one made of steel, concrete and other conventional materials. The crucial factor is that this bridge's weight would be about one-tenth that of conventional bridges—and thus it would be less likely to collapse under its own weight if a support column should be shaken loose. And proponents say the corrosion-free materials could lead to lower maintenance costs.

The group—which also includes BP Chemicals and Hercules Inc.—says the bridge will cost $55 million; so far it has raised only $1.6 million from the Federal Highway Administration. It hopes the rest will come from the Federal Government in the form of a grant for a defense-conversion project. The whole project is expected to take four years, with three for research and development and one for construction, after financing is arranged.

"There are enough companies involved and enough Government people interested that it may come off," said Steve Loud, editor of the Composite Market Reports newsletters in San Diego." And the university has a real need for it.

For the builders, the main value of the San Diego bridge would be as a high-visibility demonstration project of the materials, since a conventional bridge could probably be built for less than $10 million.

But even if composites remain more expensive than materials like steel and concrete—as is likely—they may find markets because of their strength and durability. A likely area for substitution would be the steel reinforcing bars used in highway bridge decks.

"Sure, steel costs less," Mr. Loud said. "But if you have to rebuild the decks every 15 years because the steel has corroded, maybe carbon is cheaper in the long run."

For similar reasons, he said, the Navy is studying the use of composites in building piers. "The wood in the piers deteriorates in seven or eight years, and they have to rebuild," Mr. Loud said.

Because of the costs, the few consumer-product applications so far have been in lightweight sporting goods like golf clubs, tennis racquets and fishing rods, where people—as did the Pentagon of old—are willing to pay high prices in pursuit of a battlefield edge.

A representative company is Quadrax, a small producer of carbon, glass and Kevlar composites in Portsmouth, R.I. In the past, one of its principal products was a tile made of carbon and Kevlar—a polymer produced by Du Pont—which was used to deaden noises on the Seawolf submarine which is now under construction.

A Future in Sports

But these days Richard Fisher, Quadrax's chairman, wants to talk about the deal he has made with the Taiwan tennis racquet producer, Kunnan Enterprise Ltd. He has agreed to be the exclusive supplier of carbon composite for a new line of racquets that Kunnan expects to produce under its own Pro Kennex and Wimbledon brand names. He expects the deal to yield his company several million dollars in sales starting next year. Mr. Fisher said the racquet would probably sell in the premium end of the retail market, at $100 to $300.

The Quadrax material is thermoplastic, which means it can be remelted and used again, rather than the unmeltable thermoset materials used in most previous composites.

It has other properties as well, Mr. Fisher said: "It gives you a better racquet, because it deadens vibrations better than thermosets. So you have more control. And it is easier on the elbow."

TRIBUTE TO ANTOINETTE HANDY

Mr. PELL. Mr. President, I rise today to recognize D. Antoinette Handy, an extraordinary woman who is retiring this week from her position as director of the music program at the National Endowment for the Arts.

Miss Handy's achievements are impressive. An accomplished flutist who studied at the New England Conservatory, Northwestern University, and Paris National Conservatory, Miss Handy performed in America and abroad for 20 years. She was first flutist during the 1952–53 season with the Chicago Civic Orchestra. She has received recognition for her leadership and achievement in the arts from a variety of sources, including the Cleveland Institute of Music, from which she recently received an honorary degree of doctor of music; the National Association of Negro Musicians, which bestowed upon her the Distinguished Contribution Award; the women's office of the mayor of New Orleans which named her Outstanding Woman in the Arts; the Governor of Louisiana who awarded Miss Handy a Certificate of Achievement; and the National Black Music Conference which recognized Miss Handy's achievement with a National Music Achievement Award. In addition, Miss Handy was recognized by both the New England Conservatory and Northwestern University as an Outstanding Alumna.

Miss Handy is the author of three books: "The International Sweethearts of Rhythm," "Black Women in American Bands and Orchestras," and "Black Conductors." She also contributes to publications such as the Black Perspective in Music, American Music, Symphony magazine, and ARTS-REVIEW.

She has also shared her talent and insight with young musicians across the country through her service on the faculty of Florida A&M, Tuskegee Institute, Jackson State University, Virginia State University, and Southern University of New Orleans. In addition, she was an artist-in-residence in the Richmond public schools. She was also a Ford Foundation-sponsored humanities fellow at Duke University and the University of North Carolina. Miss Handy is a frequent speaker at university symposiums and commencements, professional conferences, festivals, among other events.

Antoinette Handy's work in the music field, including her service at the National Endowment for the Arts, has been, without doubt, remarkable. The music field has benefited from her strong leadership at the Endowment's Music Program. Most notable are her efforts to promote the art of jazz and bring jazz to the level of recognition it deserves. Miss Handy was instrumental in the Endowment's establishment of the National Jazz Service Organization which, along with other partners, administers the National Jazz Network. In addition, the American Jazz Masters Program, which honors living jazz legends who have made significant contributions to the art form, has flourished under Miss Handy's leadership.

Mr. President, it is a pleasure to congratulate Antoinette Handy on her retirement and offer her my best wishes for the future.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician, or an editor, or a commentator, declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that duty for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,343,781,271,134.35 as of the close of business on Monday, July 26. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,911.15.

DISTRICT OF COLUMBIA APPROPRIATIONS, FISCAL YEAR 1994

Mr. WARNER. Mr. President, I wish to thank the committee for the attention they have given to the matter involving a proposed cogeneration facility on the Georgetown University campus.

I am grateful for the committee's report language on this matter, and believe it has helped to further the District's timely review of this project.

In a letter dated July 22, 1993, the District's director of the Department of Consumer and Regulatory Affairs committed to the project's sponsors a timetable for a review of a supplemental environmental impact statement of the project.

Assuming that the supplemental EIS is submitted for review as proposed by the District, I am pleased that the District of Columbia has committed to a date of October 1, 1993, to review this additional information and complete the process so the project can proceed to construction.

Mr. President, since 1983 Georgetown University has operated a small cogeneration facility and in 1988 proposed to upgrade this facility to a 56-megawatt plant on the campus grounds. This facility will meet the power needs of the university with additional capacity being utilized by Potomac Electric & Power Co. [PEPCO].

This combined cycle cogeneration facility was approved as part of the 1989 university campus plan by the District of Columbia's Board of Zoning Appeals, and subsequently was affirmed by the District of Columbia Court of Appeals.

The project has also undergone extensive review for the past 3 years by local and Federal agencies.

I would respectfully request that the committee continue to follow the District's review of this project to ensure that the October 1, 1993, commitment is met. It would be my hope that, in the event the District does not complete its process by that date, the committee will take further positive action.

TRIBUTE TO GEN. MATTHEW B. RIDGWAY

Mr. THURMOND. Mr. President, I rise today to pay tribute to one of this Nation's most innovative and dedicated soldiers, Gen. Matthew Bunker Ridgway, who passed away on July 23, 1993, at the age of 98. General Ridgway was one of the great commanding generals of World War II, and he rendered outstanding service to our Nation.

I had the pleasure of going to Pittsburgh 2 years ago with General Powell and Senator NUNN to present General Ridgway with a special gold medal from the Congress. He was alert and gracious, and deeply appreciative of this honor.

Born into an Army family, Matthew Ridgway was destined to become one of the finest warriors this Nation has produced. After graduating from the U.S. Military Academy at West Point in 1917, young Second Lieutenant Ridgway accepted a commission in the infantry and headed west for Camp Eagle Pass, TX, where he served with the 3d Infantry, better known as "the Old Guard."

General Ridgway's early career led him to many different posts in the United States and throughout the world. In the period between the First and Second World Wars, he returned to West Point to teach French and Spanish. He also spent 2 years as a student at the infantry school; served in China, Texas, Nicaragua, Bolivia, Georgia, Panama, the Philippines, Illinois, San Francisco, and Brazil. In addition, he attended Command and General Staff School and the Army War College.

Soon after the beginning of World War II, Major General Ridgway was given command of the recently reactivated 82d Division, which was redesignated as the 82d Airborne Division. Ridgway was charged with converting this unit from straight leg infantry to airborne infantry. The general and his unit were soon tested in combat, during the 1943 invasion of Sicily; and their performance proved that airborne infantry would become an important aspect of modern warfare.

Ridgway became known as a fearless campaigner, and his concern for his troops was always in evidence. He believed in command by example, and never hesitated to put himself in harm's way along with his soldiers. When the decision was made to use airborne troops to isolate German forces defending the coast of France from their reinforcements, Ridgway—as commander of the 82d Airborne Division—joined the 2d Batallion of the 505th Parachute Infantry Regiment in the airborne assault of Normandy. I was attached to one of the glider regiments under General Ridgway's command and landed near Sainte-Mere-Eglise during the invasion. The glider soldiers and paratroopers of the 82d were successful in wreaking havoc and confusion amongst the Nazis, causing them to waste valuable time in responding to the invasion and giving Allied soliders an opportunity to establish a beachhead.

The successful use of airborne soldiers convinced General Eisenhower that such forces would be invaluable in bringing Germany to its knees, and he placed Ridgway in charge of the XVIII Airborne Corps. For the remainder of the war, Ridgway's forces were involved in some of the most critical operations against the Nazis, including the Battle of the Bulge. In every instance, the American airborne troops distinguished themselves, often providing the decisive element in Allied victory.

After the Second World War, General Ridgway held a number of high-level positions including serving as General Eisenhower's representative on the Military Staff Committee of the United Nations and as the commander in chief of the Caribbean command. He soon found himself in charge of troops in combat once again, this time in Korea, where United Nations forces were battling Communist North Korean soldiers who had invaded their southern neighbor. After Gen. Walton H. Walker was killed, Ridgway assumed command of the U.S. 8th Army.

Ridgway rebuilt the morale and effectiveness of a force that had been decimated by heavy fighting, rallied the troops, and pushed back past the 38th parallel, regaining much ground that had been lost to the enemy. After General MacArthur was relieved of his command, President Truman named General Ridgway as supreme commander in the Far East, placing him in charge of all United Nations forces operating in Korea.

Ridgway was later named supreme commander of Allied powers in Europe, where he expanded NATO forces from 12 divisions to 80 and brought cohesion to the NATO alliance. His career peaked when President Eisenhower named him Chief of Staff of the Army, a post which he held until his resignation from active service in 1955.

Mr. President, Gen. Matthew Ridgway was a man of courage and character, an outstanding soldier, and a great patriot. He will be remembered as one of the fathers of the airborne, and his accomplishments provided an example which commanders of today still seek to emulate. Those of us who fought with him deeply appreciated his sound leadership and his deep concern for the men under his command.

Our country has lost one of its greatest fighting generals with the passing of General Ridgway. Our Nation should never forget his courage and ability, and the sacrifices he made to preserve our freedom.

I would like to take this opportunity to extend my deepest sympathy to his wife, Penny, and the rest of his fine family at this time of sorrow.

TRIBUTE TO MR. NATHAN JORDAN JOHNSTON

Mr. THURMOND. Mr. President, I rise to pay tribute to one of South Carolina's finest sons, Nathan Jordan Johnston, who recently passed away at age 89. He was a good friend who dedicated himself to public service and improving life for the citizens of our State.

Born in 1904, Mr. Johnston attended public schools for his primary and secondary education and graduated from the University of Florida in 1927. Two years later, his election as chairman of the Hampton County Board of Education and superintendent of education, began his lifelong involvement in public service. After a successful term in Hampton County, Mr. Johnston moved on to the Varnville Public School System where he served as superintendent of schools for 8 years. During his tenure there, he made many improvements in the quality of education his pupils received. Forming a consolidated school district, Jordan was able to raise the tax base and increase both the number of teachers and students who attended his schools.

As war raged in Europe and the United States began to prepare for a possible military conflict, Mr. Johnston was appointed as a captain in the Coast Artillery Corps of the South Carolina National Guard. As this unit's commander, he was to recruit, organize, and command Battery D of the 107th AAA Battalion. After training at Fort Stewart, GA, Johnston and his unit soon found themselves overseas, fighting the Axis enemy. He retired from the military in 1946 as a lieutenant colonel, having served his Nation bravely during the greatest armed conflict in history.

Shortly after returning to the United States, Mr. Johnston found himself in the public sector yet again, this time as the treasurer of Hampton County. He served in this important position for 21 years before retiring in 1970.

Mr. Johnston's service to the community did not end at the door of his office or the end of the workday. A tireless volunteer, he served as the treasurer of the Estill Methodist Church and the Hampton County unit of the American Cancer Society. He was also involved with the American Legion. He was a trustee of Patrick Henry Academy; belonged to a number of military, patriotic, and professional organizations; and was a charter member of the Hampton Lions Club. Additionally, he was past president of the South Carolina Association of County Treasurers and the Hampton County Education Association.

Despite all the demands of his duties as county treasurer and the many organizations to which he belonged, Mr. Johnston was also a devoted family man. He and his lovely wife Helen raised a fine son, Coy Johnston, who has worked hard to establish one of this Nation's most ambitious conservation projects, the Ace Basin, a reality. Mr. Johnston was also proud of his three grandchildren, one of whom is my exceptionally capable and dedicated executive assistant, Holly Richardson.

Mr. President, Nathan Johnston exemplified the very best qualities. He spent 39 years of his life selflessly serving others while contributing to the safety and improvement of his State and Nation. I was proud to call him a friend, and I know that he will be missed by a large circle of friends and relatives.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Let the Chair note that the time for morning business has expired.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT OF 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 2519, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

Pending:

D'Amato amendment No. 698 (to committee amendment beginning on page 8, line 16), to apply the constitutional drug kingpin death penalty procedure for terrorist activities and bombing offenses under section 844 of title 18, United States Code, that result in the death of a person.

AMENDMENT NO. 698

The ACTING PRESIDENT pro tempore. Let the Chair note one other item here. The pending question is the D'Amato amendment No. 698 to the committee amendment on page 8, line 16.

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have come to the floor to support the amendment proposed by the Senator from New York. I am not certain that all Members of the Senate realize that nearly all Federal crimes which now carry the death penalty by law, including terrorist attacks, lack specific legal authorization to establish constitutional procedures to allow the courts to carry out the death penalty.

This defect means that even if terrorists who are accused of crimes as heinous as the bombing of the World Trade Center are convicted, there are no procedures to allow the current death penalty required by law to be carried out and to result in execution.

Such people would not be executed under New York law either. Under Federal law, bombing of buildings such as the World Trade Center containing Federal offices is punishable by death under section 844(f) of title 18 of the United States Code. However, because of Supreme Court decisions, there are constitutional defects in the procedure under this and nearly all other Federal death penalty statutes which would, in effect, prohibit executions from being carried out even if ordered by the courts.

Senator D'AMATO's amendment would cure this problem by applying procedures that have been found to be constitutional to the crimes of terrorist bombings and other terrorist acts. These are the same procedures that we have adopted—we adopted them in 1988 for murders occurring during drug crimes. Those procedures have passed the Senate a number of times. Senator D'AMATO's amendment also cures the constitutional defects which prevent the imposition of death penalties for murder occurring as a result of mail bombs.

I particularly come to the floor this morning because of a tragic example of the need for this provision that recently took place in Alaska.

A Federal court refused to permit the U.S. Government to seek the death penalty for a mail bombing which killed an Alaskan and seriously injured his wife. The court found the statute failed to include the statutes that had been prescribed by the Supreme Court to establish the procedures that I mentioned before.

In this case, the son of the victim was the actual target of the crime. He was the target of the bomb, and the bomb was sent in retaliation for the son's testimony against the perpetrators in an earlier murder case. In fact, the crime was planned in prison while the individuals were serving time for committing another senseless murder.

I have heard opponents of the death penalty say that the death penalty is not a deterrent. In my judgment, the Alaska tragedy refutes this argument.

With persons in prison indefinitely, execution is the only credible sanction that is available to deter them from committing similar crimes. For such individuals, jail time appears to be no deterrent at all. As I said, these people actually planned the mail-bomb murders while in jail. And there is no real coherent set of procedures under State law that would take care of this circumstance.

Here in the Senate, we passed a bill instituting constitutional death penalty procedures for all Federal death-penalty crimes, including mail bombing, in October 1990. That was just before the tragic mail-bombing case that I mentioned in Alaska. But the bill never became law.

We have repeatedly passed legislation to comply with the Supreme Court's decisions that require specific procedures to carry out the death penalty prescribed by law, but those procedures have not become law because of problems with the other body.

It is my hope the Senate will again take this opportunity to try to reinstate the death penalty for these terrorists, for mail bombers and others who commit these heinous crimes. We have already enacted the death penalty for these crimes and we believe they should result in the death penalty being carried out.

Now, I understand that the Senator from New York will modify his amendment further today. I encourage him to do so because there are additional procedures that should be spelled out specifically in his amendment.

Again, I have heard some people in the Senate raise the question as to why this amendment is being brought up at this time. We have been raising this amendment in the Senate now since 1988. The Senate has each time passed it, enacted it, and sent it to the House.

I urge that the Members of the House realize that these increasing terrorist attacks throughout our country, should they result in conviction and imposition of the death penalty, they cannot be carried into execution because of our failure to comply with the Supreme Court decisions which require that specific procedures be followed in the court cases where the death penalty is to be imposed.

Mr. President, I see my good friend from New York is here. I want to congratulate him for his amendment and urge him to make the modification that we have discussed.

I would call to the attention of the Senator from New York that the Senator from Michigan has been seeking the floor. But when the Senator has the floor, I do hope that he will make the modifications we have discussed.

I urge the Senate to heed the advice of the Senator from New York. His State has been the victim of numerous terrorist activities. The Senator himself has been under a serious terrorist threat.

If we are going to have the death penalty in the Federal statutes, I do not know why we do not comply with the Supreme Court's opinions and make them effective. It is just a matter of defective procedures. The death penalty issue is already settled. We are talking about the procedures to carry out the death penalty that is required by law.

I hope the Senate will listen to the Senator from New York.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Michigan is recognized.

Mr. D'AMATO. Mr. President, might I ask my colleague, my good friend, Senator LEVIN, if he would permit me, for purposes of the record, to submit at this time my modification as requested by the Senator from Alaska.

The modification would simply include those sections that deal with mail bombings and is specifically included so that it would be covered.

Right now, if there is an interstate bombing, there is no question, as it relates to mail, that it would be covered. If there is intrastate—within the State—though, then it is open. This modification would clearly bring mail bombers within the purview of this legislation.

Mr. LEVIN. For that limited purpose, I would then have no objection. The Senator would then yield back to me?

Mr. D'AMATO. Certainly.

Mr. LEVIN. I ask unanimous consent, Mr. President, that the Senator from New York be allowed to modify his amendment as he indicated; that I then be again recognized; and that this not count against the rules of the Senate relative to two speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. I thank my colleague.

AMENDMENT NO. 698, AS MODIFIED

Mr. D'AMATO. Mr. President, I submit my amendment for modification as indicated.

What it would do is include mail bombing by referring to a violation of subsection (a) of title 18, United States Code, section 1716, injurious articles as nonmailable.

The modification comes on page 2.

I ask that it be printed in the RECORD as modified.

Again, the modification of my amendment explicitly includes mail bombing.

I thank Senator LEVIN.

The PRESIDING OFFICER. This will be put in as a matter of regular order. The Senator has a right to modify his amendment and the amendment is so modified.

The amendment (No. 698), as modified, is as follows:

At the end of pending amendment, add the following:

CONSTITUTIONAL DEATH PENALTY PROCEDURES FOR CAUSING DEATH BY TERRORIST ACTIVITY OR BOMBING.

(a) DEATH PENALTY PROCEDURES.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Definitions.
"3592. Sentence of death.

"§ 3591. Definitions

"In this chapter—

" 'capital offense' means an offense that constitutes—

"(A) a violation of subsection (d), (f), or (i) of section 844;

"(B) a violation of subsection (a) of section 1716; or

"(C) a terrorist activity.

" 'terrorist activity' means—

"(A) the highjacking or sabotaging of an aircraft, vessel, vehicle, or other conveyance;

"(B) the seizing or detaining of a person and threatening to kill, injure, or continue to detain the person for the purpose of compelling another person (including a government organization) to perform or refrain from performing any act as an explicit or implicit condition for the release of the seized or detained person;

"(C) a violent attack on an internationally protected person (as defined in section 1116(b)(4) or on the liberty of such a person;

"(D) an assassination; and

"(E) the use of a biological agent, chemical agent, or nuclear weapon or device with intent to endanger, directly or indirectly, the safety of a person or to cause substantial damage to property.

"§ 3592. Sentence of death

"(a) IN GENERAL.—A sentence of death for a capital offense may be imposed only if—

"(1) the defendant caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury; and

"(2) the sentence is imposed in accordance with the procedures set forth in section 408 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r) of the Controlled Substances Act (21 U.S.C. 848 (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r)), except that for the purposes of a violation of that law, the references to "this section" in section 408(g) and (h)(1) and "subsection (e)" in section 408(i)(1), (j), (k) (each place it appears), and (p) of the Controlled Substances Act shall be deemed to be references to that subsection.

"(b) EXCLUSIVITY.—No rule of law, including a rule contained in a law under which an offense is committed, may be applied in determining whether a penalty of death shall be imposed in a particular case, other than the procedures described in subsection (a). Those procedures supersede all other provisions of law that pertain to whether a penalty of death shall be imposed in any particular case (not including the authorization of the penalty itself).".

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act notwithstanding any other provision of this Act.

Mr. D'AMATO. I thank my colleague.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, before I address the amendment of the Senator from New York, which is pending, I want to comment briefly on some events that are now occurring in Bosnia that are of critical importance.

ON THE USE OF MULTINATIONAL AIR STRIKES TO PROTECT U.N. FORCES IN BOSNIA

Mr. LEVIN. Mr. President, this morning's Washington Post reports that NATO air strikes, involving the assets of the United States and our allies, may be an imminent possibility in Bosnia. This should come as a surprise to nobody, in fact I believe it will be welcomed by the world community and the American people as long overdue. The United Nations and NATO have been assembling the capability for months to protect UNPROFOR forces on the ground against attacks by Serbian or other factions.

On June 4, the U.N. Security Council passed its resolution No. 836, to establish protected safe havens in Bosnia. Paragraph 10 of that resolution states that U.N. member states or regional organizations are authorized to support U.N. forces by "all necessary measures, through the use of air power, in and around the safe areas in the Republic of Bosnia and Herzegovina."

At a foreign ministers meeting in Athens, Greece just 1 week later, NATO approved a plan to act on this U.N. authority. In the final communique on June 10, NATO ministers declared:

> In response to U.N. Security Council Resolution 836 and the expanded UNPROFOR mandate related to safe areas, we offer our protective airpower in case of attack against UNPROFOR in the performance of its overall mandate, if it so requests.

The design of the NATO and U.N. arrangements intentionally puts decisions about when to retaliate against attacks on U.N. forces in the proper hands. A U.N. commander on the ground, under attack, can radio a request for air strikes against his attackers from NATO forces on call.

The military command and communications arrangements have been put into place over the last 6 weeks. Most of the planes and equipment needed were in the region and have been transferred to local bases in Italy and other NATO countries. The NATO Airborne Command and Control Center is ready. Forward air controllers from the national forces of the United Kingdom, France and Canada, under UNPROFOR command, are in place in Sarajevo. The UNPROFOR Air Operations Coordination Center has or will imminently become operational in Kisseljak, Bosnia.

And the U.N. Secretary General, who must approve the use of this capability in the first instance, and only the first instance, has made arrangements to give his approval and notify the Security Council in the shortest possible time. On Monday I visited with the Secretary General's Undersecretary for Peacekeeping, Mr. Kofi Annan, who reaffirmed this.

On June 30, the Pentagon spelled out precisely the arrangements that exist for U.N. forces to request air cover. I ask unanimous consent that the June 30 letter to me from Deputy Under Secretary of Defense for Policy, Mr. Walter Slocombe, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. The safe havens plan has been justifiably criticized for several reasons. But while the United Nations still has not mustered sufficient forces to carry it out entirely, Sarajevo is designated a safe haven. But it has been anything but safe for the U.N. forces on the ground there.

Last Sunday, French troops under U.N. command came under direct shelling in the Olympic Stadium they were using as headquarters. The headquarters was well known and well marked as a U.N. facility. There is little doubt the attack was intentional.

It has been argued that U.N. peacekeepers on the ground would be jeopardized by airstrikes. But by having the ground units themselves make the decision, individual U.N. commanders will determine when airstrikes would help alleviate the danger they face and when such strikes would jeopardize their forces.

Establishing NATO's capacity to use force in Bosnia right now is a crucial step. It can and should be used to retaliate for attacks against any of the thousands of U.N. troops already in the region. Having made the breakthrough with our European allies at the Security Council and NATO to authorize and prepare, for the first time, the use of multinational air power in support of U.N. troops on the ground in the former Yugoslavia, it would be a mistake not to use that capacity when the circumstances clearly merit action. The American people need to know that for the first time airstrikes are a real possibility.

Using NATO air power to help U.N. ground forces protect safe havens, including Sarajevo, is something we can build on to actually stop the killing and protect what is left of the Republic of Bosnia and Herzegovina. Using this multinational force to provide air cover against attacks on U.N. forces is one of several actions the world should take immediately to help contain the war. The fragile new democracies in the region are desperate for a show of NATO force that might prevent Serb aggression from spreading to their countries and elsewhere in the Balkans.

A second step we need to take is to close the holes in the sanctions against Serbia, or they are not going to work. The United Nations should toughen the mandate of its forces who are currently only monitoring so that they can interdict illegal commerce. Right now they are just standing there counting trucks and rail cars streaming into Serbia, while in the Adriatic a naval task force is stopping ships. The United Nations must stop trucks and trains from streaming across the Macedonian border, and any other porous points. This may require providing some compensation for the countries who have relied almost entirely on Serbia for trade, but why not make that additional investment to make our already large expenditure on sanctions enforcement more effective?

Third, we should do what we easily can do, with little risk, to get outside information into Serbia and Croatia, whose national governments currently dominate broadcast propaganda on radio and TV. The United States has an airplane with the capacity to override Serbian radio and television broadcasts and replace them with our own programming, or programs produced by the United Nations. The plane, named Commando Solo, was used with great effectiveness during the gulf war.

At any time during the last 2 years, the United States could have flown Commando Solo near Serbian or Croatian territory—and it can right now—to provide residents with a window on their own troops' ethnic cleansing, the world's outrage, or the resolve of the United Nations. No satellite dish would be needed, just a normal TV or radio antenna.

Even allowing for the Serbian citizenry's carefully-fueled suspicion of foreigners, imagine the impact of viewing on Serbian state-run television the trial and confession of Serb-soldier Borislav Herak to committing horrible rapes, torture and killings under direct orders. Herak's entire trial played to American cable television audiences on "Court-TV," but his own countrymen have not seen his free admission to these war crimes.

It has been suggested that such broadcasts would violate Serbian or Croatian sovereignty by infringing on their national control of the airwaves. Yet NATO has tens of thousands of troops and hundreds of ships and planes enforcing an international blockage and a no-fly zone, infringements on sovereignty which inflict far greater costs on Serbia and Croatia than Commando Solo ever would.

Imposing "equal time for responsible opposing viewpoints" on the residents of the former Yugoslavia will not, by itself, end the war there or topple the region's dictators, but it should be part of a strategy to contain the conflict and undermine expansionist ambitions. Commando Solo is one of the tools of democracy that could be applied at relatively little cost in dollars or risk to American lives.

Nobody is satisfied with the steps our country and our allies have taken in Bosnia. The horrible tragedy sickens us, and it should make us worry that the very multinational security institutions we need in this new world are also sick and weak at the very time we need to make them stronger and more effective.

Twice in this century the United States has been dragged into a European war after turning our heads and hoping it would go away. It is in our national interest to act with our allies to stop the war in the former Yugoslavia before it becomes a larger conflagration. And it is also essential to make NATO and the U.N. effective, credible security institutions. Otherwise, the United States and the world will face more Yugoslavias around the globe, and we will not have the tools to prevent them.

But let me reiterate, as we read in the paper this morning and as I hope Americans across this country are reading in their papers today and seeing on their televisions and hearing on their radios today and tonight, we are finally at a point where we have in place air power to strike at the Serbs who are shelling U.N. forces in Sarajevo.

All it takes is a decision of a U.N. commander on the ground. And then all it takes is a decision of the Secretary General of the United Nations to finally make the United Nations able and willing to stand up and respond to the aggression, the horrible tragic aggression that has taken place in Serbia.

EXHIBIT 1

OFFICE OF THE
UNDER SECRETARY OF DEFENSE,
Washington, DC, June 30, 1993.

Hon. CARL LEVIN,
Chairman, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: I understand that, during the June 30 confirmation hearing of Ambassador Chas Freeman for the position of Assistant Secretary of Defense for Regional Security Affairs, you asked what command and control arrangements had been worked out to engage NATO aircraft to protect UNPROFOR elements in Bosnia. The U.S., in close consultation with our NATO allies, has proposed arrangements that were approved by the NATO military committee and subsequently debated by the North Atlantic Council (NAC) on June 30. Those arrangements are subject to silence procedure set to expire 1100 a.m. EST, July 2. If no nation breaks silence, the arrangements will go into effect at that time.

The command and control arrangements we advocate and which are now under consideration by NATO are as outlined briefly below:

The commander of the UNPROFOR unit under attack, working with his NATO-trained forward air controller, contacts the Air Operations Coordination Center (AOCC) to request close air support (CAS). The AOCC is co-located with UNPROFOR Headquarters, Bosnia-Hercegovina. Accordingly, the AOCC/UNPROFOR B-H approves the request and relays their approval to the Airborne Command and Control Center (ABCCC);

The ABCCC (which will have already monitored the initial request for support), receives the AOCC approval and then provides target information to the Close Air Support Combat Air Patrol (CASCAP), which is by definition already in the air (on a 24-hour basis) and located/equipped to provide close air support promptly to the UNPROFOR unit under attack;

The Netherlands, UK, and France have insisted that the UN Secretary General personally authorize the very first provision of air support by NATO aircraft for a UNPROFOR unit under attack. Subsequent requests would be approved by the AOCC/UNPROFOR B-H, as outlined above. The initial approval by the Secretary General is intended to underscore the principle that such air support is sanctioned by the UN which, in turn, delegates the task to NATO; i.e., it is not a NATO-initiated operation.

In closing, I want to reiterate that, although final approval of air support arrangements by NATO-member nations is still pending, I am confident arrangements will soon emerge that will ensure pragmatic, prompt and effective close air support as required for UNPROFOR units in Bosnia.

Sincerely,

WALTER B. SLOCOMBE,
Principal Deputy Under Secretary of Defense for Policy.

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. LEVIN. Mr. President, I want to now address the amendment that is pending, and I thank the manager of the bill for his patience and allowing me to interject a comment on a very critical area which I think must be discussed on this floor, since we are on the verge now, hopefully, of responding, through NATO air strikes, against Serbian aggression in Sarajevo. It is important to all of us that the American public know that we are at that point so that hopefully they will not be caught by surprise, as surely the Serbs will not be caught by surprise, when NATO air strikes finally respond to Serbian attacks in Sarajevo.

Now relative to the pending amendment, I first ask a parliamentary inquiry as to whether or not the pending amendment of the Senator from New York is amendable?

The PRESIDING OFFICER. The D'Amato amendment is a second-degree amendment to the committee amendment and, therefore, it is not amendable.

Mr. LEVIN. Mr. President, it is, I believe, a sad day for the Senate when we are debating an amendment and legislation of this seriousness—capital punishment provisions—when they cannot be amended. It is also, I believe, the wrong place to be debating capital punishment since this is an appropriations bill, and we should not be legislating on an appropriations bill. But there will be more said about that later.

But from my perspective, given the history of capital punishment legislation, which has been so consistently flawed, as this legislation is flawed, which has been constitutionally not supportable, as this amendment cannot be supported by the Constitution, that we cannot even offer amendments and have them voted on by the Senate on this legislation. We are out of business, as far as amendments are concerned, and that is not the way it should be on legislation as important as capital punishment.

On prior capital punishment legislation, we have been able to offer amendments, with maybe one exception where it is also legislation on an appropriations bill. But I agree with the sponsor of this amendment, with the Senator from Alaska and others. This is very, very serious legislation. It is an effort to address, I think in a way which will not succeed, but it is an effort to address terrorism and to see if we cannot act in a way in which we will reduce the incidence of terrorism. It is not a debate about terrorism.

The difference that we have here is whether or not we can address terrorism best through a capital punishment provision or, for instance, best through a provision which requires anyone convicted of terrorism to rot for the rest of their life in jail with no possibility of parole.

It is too bad that we cannot even offer an amendment which would provide for life in prison with no possibility for parole as an alternative to the death penalty and have that voted on by the Senate. We are preempted from even offering that amendment, but we can discuss it. We can discuss it and we can debate it because this is not a debate about terrorism. We all condemn terrorism.

This is not a debate about our sympathy for the victims of terrorism, because we all share that sympathy. Each one of us shares that sympathy equally. Persons who favor and persons who oppose the amendment have equal feeling for the victims of terrorism and equal hatred for the despicable acts of terrorism which inflict this world.

It is not a debate about the threat posed by terrorism. We all recognize that threat. I do not believe that the death penalty will deter terrorists, and I do not believe that human beings, being as limited as we are, as imperfect as we are, and the system of justice that we have developed, no matter how well-intentioned, are infallible enough to have our outrage expressed in a way that does not permit us to correct our mistakes. And that is the bottom line, relative to capital punishment, for me.

Here it will not deter because it does not deter terrorists, but you also cannot correct your mistakes as to deterrence. We are usually dealing with people who, in planning for these terrorist acts, have looked the possibility of death right in the eye and have calculated that it is acceptable, indeed, it may be preferred, as the price for them to pay.

We have seen terrorists who will allow themselves to be exploded along with a car bomb in order to accomplish their goal. We have seen terrorists who have strapped explosives to their bodies as a means of delivering the fatal blow. No modification of the law on habeas corpus will make the death penalty for terrorists more swift or more certain than what they are willing to inflict upon themselves.

As to the possibility of mistakes, the history of the death penalty is full of examples where persons who are not guilty of the crimes for which they were convicted have been executed or almost executed.

I have talked about some of those cases on the Senate floor before, and I am going to talk about them again and about some new cases which have become public since our last debate on this issue.

I cannot support a means of punishment with the finality of the death penalty when we do not have a commensurate assurance of being absolutely right in whom we punish. There are some who support the death penalty, who acknowledge that mistakes occur, but these mistakes are, they feel, in a sense, the cost of doing business in a criminal justice system in which some very bad people must be punished very harshly.

My question is whether they would be willing to make such a tradeoff if a friend were going to have to bear the ultimate burden of human fallibility?

I want to describe in some detail now some of the cases where mistakes have been made. First, my own experience. I was the chief deputy defender in the Legal Aid Society in Detroit during the late 1960's. I know firsthand of cases where people who were absolutely innocent and who were acknowledged to be absolutely innocent had spent most of their lives in prison, having been convicted of capital offenses. If Michigan had the death penalty, they would have been put to death. We did not. They were not put to death. They spent 30 years in prison instead, based on mistaken identity, later proven and acknowledged to be mistaken identity.

Since 1970, at least 48 people, some of whom I will talk about during the course of this debate, have been released from death row after their convictions because of evidence of innocence. A number of these individuals have shared their stories with the Senate and the House Judiciary Committees during hearings on the innocence and the death penalty which took place in April and earlier this month before those committees.

In a book published in 1992 entitled "In Spite of Innocence," noted authors Michael Radelet, Hugo Adam Bedau, and Constance Putnam recount in alarming detail the mistaken identities, perjured witnesses, overzealous prosecutions, and negligent investigative work that led to more than 400 people being erroneously convicted of capital, or potentially capital, crimes in this country between 1900 and 1991 and at least 23 innocent people who have been executed.

Here are just 4 of the 48 cases which provide pervasive evidence of the risk of error. All four of these former death row inmates told their stories before the Senate and the House Judiciary Committees hearings this year.

First, Kirk Bloodsworth, who was freed June 28, 1993, after a newly available and more sophisticated DNA test showed that it could not have been his semen on the underwear of a 9-year-old girl who was raped and murdered in 1984 in Baltimore County. Bloodsworth served years on Maryland's death row, was retried, convicted again, and then sentenced to three life terms, of which he served 7 more years.

Walter McMillan was released in March 1993 from death row in Alabama, after serving 6 years for a crime that he never should have been charged with. No physical evidence linked him to the murder and the three witnesses who testified against him all received favors for their testimony and later recanted their accusations.

Frederico Macias was released in December 1992. Here is what the U.S. Court of Appeals commented:

> The State of Texas paid defense counsel $11 per hour. Unfortunately, the justice system got only what it paid for.

I see my friend from Oregon on the floor, and my friend from Pennsylvania. I was wondering whether or not they want to make a unanimous-consent request. If so, I would be prepared to entertain it. I have spoken previously to my friend from Oregon, and I know that he is in that position.

Mr. HATFIELD. If the Senator will yield a moment, Mr. President, the Senator from Michigan and I have collaborated on our role in this issue. I do not want to cut anyone off from debate, and I understand the Senator from Pennsylvania and the Senator from Louisiana wish to make some remarks.

But at some point very soon, as a member of the Appropriations Committee, I would like to make a point of order against the D'Amato amendment in that it constitutes legislation on appropriations. I would like to have a vote on that. But I do not, as I say, plan to interdict at this point, with Members on the floor who wish to be heard. I am not suggesting a unanimous-consent agreement or anything else. I just wanted them to be put on notice that that would be my expectation.

I understand that the Senator from Louisiana has about 3 minutes of comments and the Senator from Pennsylvania about 12 minutes. So within that timeframe I would then seek the floor to make a few remarks. Then, as I indicated to the manager of the bill, Senator HOLLINGS of South Carolina, as the ranking member of the Appropriations Committee, I will make a point of order.

Mr. STEVENS. Will the Senator yield. At that time, I will raise the point of germaneness, of course.

Mr. HATFIELD. I think we have our signals pretty well clear now as to what the procedure is.

I thank the Senator from Michigan.

Mr. LEVIN. Mr. President, I would ask unanimous consent to ask the manager of the bill and the others on the floor who wish to make comments whether it would be in everybody's interest now to have a unanimous-consent agreement leading up to a point of order, and then a germaneness point by the Senator from Alaska.

Mr. STEVENS. Will the Senator yield. Mr. President, in the absence of the Senator from New York, I would be constrained to object.

Mr. LEVIN. Mr. President, the next case is a Joseph Green Brown, who was released in 1987 from death row in Florida after the U.S. Court of Appeals ruled that his conviction was based on suppression of exculpatory evidence by the prosecutor.

Brown came within 15 hours of his execution and spent 13 years in prison before the chief witness against him changed his testimony.

Mr. President, on January 4, 1989, the Governor of Virginia granted a complete pardon to David Vasquez, who had been in prison for 5 years for a murder that he did not commit. New evidence discovered during an investigation of another murder linked the killing to an Arlington, VA, man who was convicted of some other murders and, according to a detailed account of the facts as reported by the Washington Post on January 5, the Arlington Commonwealth's attorney at the time negotiated the agreement for Vasquez to plead guilty to second-degree murder.

I am frequently asked: Well, you talk a lot about mistakes in capital punishment cases. What about the case where someone pleads guilty to murder? Can there be any doubt in a case where someone pleads guilty to murder that the person is guilty of murder? And to those folks who ask that question, I say, yes. Read the Vasquez case. David Vasquez pled guilty to a murder of which he was totally innocent.

Now, what I am going to do, with the permission of my colleagues, is yield the floor without having given up my right to the number of speeches I am allowed under the rule.

Let me ask a parliamentary inquiry. Is the two-speech rule in effect at this point?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I wonder if there would be objection if I ask unanimous consent that I be allowed to yield the floor at this time, since I have not completed my first speech, and that when and if I am able to regain the floor at a future time, I then be allowed to continue these remarks as though it is the continuation of my first speech.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. I thank the Chair. I will be very brief in my comments because the subject is terrorists and how we treat terrorists in this country.

I think it is appropriate for this Congress and the American people to say enough is enough. I noticed 5 days ago an article in the Washington Post newspaper headlined "Lenient Visa Rules Permit Terrorists To Enter the United States."

The article pointed out that earlier this year, an Egyptian court convicted 39 Islamic militants of terrorist activities, and as of this week only 5 of them had been put on the State Department's list of persons who should not receive travel visas to the United States.

I find it very hard and very strange to believe that we in this country would not prohibit people from entering our country who have been already convicted of terrorist activities by a court of law.

It goes on to point out that even some persons who are actually convicted of terrorist activities may receive visas to come into the United States, for us to say welcome and come to the shores of the United States even after they have been convicted of terrorist acts, unless a consular officer has reason to believe they would commit some acts in this country.

My point is how much of a message do we have to receive before we can make the decision that there are some people who should not be granted the privilege of coming to the United States.

One of the State Department inspectors pointed out, when this policy was announced, he interpreted the policy to mean "the only person who could be banned, apparently, is somebody who actually pulls the trigger or sets the bombs off."

Mr. President, I was really shocked by the content of this article which says essentially that we have no control over our own borders even when it comes to prohibiting terrorists who have been convicted from entering the United States.

Mr. President, that is wrong. I was very pleased to see today, 5 days later, and would commend President Clinton, a proposal that I think moves toward dealing with these types of incidents. The President yesterday moved to, in fact, deport illegal aliens faster and rebuffed civil libertarian objections by saying he will not surrender our borders that already leak like a sieve. The President said that:

> We cannot tolerate those who traffic in human cargo, nor can we allow our people to be endangered by those who would enter our country to terrorize American citizens.

Mr. President, I agree with President Clinton in his proposal that would make it easier for our borders to be protected from people who seek to enter the United States illegally. There is no room for activities by people who deal in human cargo, as we have seen recently, where they charge outrageously high sums to people from other countries and then try to illegally bring them into the United States.

Mr. President, further, it is clear that those people who are convicted of terrorist activities in other countries, people whom we have good reason to believe are part of organizations that, in fact, deal in terrorist activities, should not be allowed to enter the United States of America. It is clear that there is a severe problem out there and that it needs to be addressed. I point out, in an article, again, on this issue, that people were admitted because under State Department policy "mere membership in a terrorist organization is not automatic grounds for exclusion."

Mr. President, how much of a message do we have to have that there are some people who are objectionable as far as being allowed the privilege of coming to the United States than a membership in a known terrorist organization? Do we have to wait for them to set off a bomb or pull the trigger before we say, "Wait a minute, we think there are certain types of individuals who should not be accorded the privilege of citizenship or the right to stay in our country." For the State Department to have a policy that says mere membership in a terrorist organization is not automatic grounds for exclusion, I think is wrong. I think when a person is clearly known to be a member of a terrorist organization, that should send us a message, and the message should be that, wait a minute, we are not going to allow this person to come into the United States.

I think the President is right on target. His aim of being able to deport illegal immigrants or illegal aliens that are trying to get into this country, in a swift and a quick fashion is, I think, right on target. I think his idea of proposing same-day hearings to have these people have their case heard quickly and deported unless they have a clear right to be in this country is clearly a proper course of action for our country. I think the President is right on target, and I commend him for his actions.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

Mr. President, at the outset, I associate myself with the remarks of the distinguished Senator from Louisiana. I, too, commend the President for the legislation he proposed yesterday. There is no reason why people should be able to come into this country when they are known to be terrorists. Where you have people who have come into this country who are not citizens, there is a whole range of procedure available to see to it that they do not stay in this country. It is not like the presumption of innocence or criminal prosecution. A great deal can be done to see to it that those people do not stay here posing a real risk to Americans.

PERSONAL PRIVILEGE

Mr. SPECTER. Mr. President, at the outset, let me take just 30 seconds for a point of personal privilege to explain why I am wearing this hat, as I did yesterday.

I had a cranial lesion recently, and the hat is worn strictly for purposes of decorum.

Mr. President, I share the frustration of the distinguished Senator from New York on the absence of the death penalty for terrorists and I have been actively working in this field for a decade, which led me to introduce Senate bill 1508, to authorize the death penalty for terrorists, on July 25, 1985; and to reintroduce S. 36 in the 101st Congress on January 25, 1989, to authorize the death penalty for terrorist murders; and in the following Congress, the 102d Congress, on January 23, as soon as we were in session, to introduce S. 245 to authorize the death penalty for terrorist murders; and then again in January 1993, in this Congress, to introduce Senate bill 248 to authorize the death penalty for terrorist murderers.

I pressed ahead seeking a vote on this matter, and on October 26, 1989, the Senate passed the death penalty for terrorist murderers by a vote of 79 to 20. Unfortunately, the bill was stripped in conference with all other death penalty provisions at the insistence of the House.

I renewed the effort to get the death penalty for terrorists on February 19, 1991, and pressed an amendment, which led Senator HATFIELD, the distinguished Senator from Oregon, to offer a second-degree amendment to require mandatory life in prison, which failed on a vote of 25 to 72. Then I pressed ahead with the death penalty for terrorists in a tabling motion, and the tabling motion failed 23 to 74; 74 Senators stated a preference for the death penalty, which was then passed on a voice vote; however, a second vote was not necessary. Again, the matter was stripped in conference.

It is very frustrating to see that there has not been activity on the death penalty for terrorists. The people who murdered six innocent Americans in the Trade Center incident bombing are not subject to the death penalty because the State of New York has no death penalty, and there is no Federal law providing for a death penalty.

I firmly am of the view that the death penalty is a deterrent even for terrorists, and I have spoken extensively on that subject in the past and have cited specific cases where murderers stated their concern about the imposition of the death penalty. I personally have handled cases as district attorney of Philadelphia which convinced me that the death penalty is an effective deterrent.

We have been unable to get a crime bill through the Congress, which is very, very disconcerting, and notwithstanding important legislation on Federal procedures for tying up the imposition of the death penalty, those matters have not been brought forward for legislative consideration.

In 1989, Senator THURMOND and I structured a very comprehensive reform of habeas corpus, which would have provided for a timetable for completing Federal actions so that the appellate process and the review process on habeas corpus could be considered within a reasonable period of time up to some 3 years. That has not been acted upon.

I am not quite sure how we proceed on this measure. I have brought the matter before the Congress on many occasions, which I have cited, going back to 1985 and have twice sought votes. I have looked for an appropriate bill to bring the death penalty for terrorism to the floor. I agree with the distinguished Senator from Oregon, the ranking member of the Appropriations Committee and the former chairman of the Appropriations Committee, that this bill is not the place for this measure because it is legislation. Although that might be overruled because Senators will not want to appear to be condoning terrorism without the death penalty, there is no conceivable question that this matter will be stripped in conference with the House.

I considered this bill and I decided not to bring renewed effort to have the death penalty considered because as a member of the Appropriations Committee, I did not think this would be an appropriate vehicle; and instead to consider a Department of Defense authorization bill. We are really at war with terrorism, and that may be a bill which is more appropriate.

The appropriate bill is a Judiciary Committee bill which comes out of our committee, but even that has been difficult because it is joined with so many other matters. Perhaps the approach is to bring a separate bill out of Judiciary. That raises the issue about getting House concurrence. And the seriousness of terrorism really requires the death penalty. I do believe that it is factual that the terrorists are at war with the United States. I am hopeful that it does not take a major incident where countless Americans are murdered by terrorism and a major American city is tied up by terrorists, or worse, before we take some action.

We have under indictment at the present time two terrorists in Libya who have been charged with the blowing up of Pan Am flight 103. I have talked with officials at the Department of Defense about the possibility of a paramilitary action which would lead to the arrest of those individuals.

When we had someone charged with murder cornered someplace in Pennsylvania when I used to be district attorney, we would exercise sufficient force to bring out the person charged with murder. And if we can identify those involved in the most recent conspiracy with the charges being made, that they are in a number of foreign countries, and find a way to identify those individuals, I think it is worth considering enforcement action to take those individuals into custody and to bring them to the United States for trial.

I have done extensive work on the issue of extraterritorial jurisdiction in legislation in 1984, where for hijacking or kidnaping we can go outside the bounds of the United States. And then the Terrorist Prosecution Act of 1986, which this Senator authored, gives extraterritorial jurisdiction when any American is maimed or murdered anywhere in the United States. That was in response to the attacks on Americans, the murders of Americans in the Rome and Vienna airports in December of 1985.

So a great deal of action is necessary in enforcing existing laws and in bringing existing people under indictment, to the United States for trial. We did bring Fawaz Yunis, who was lured onto a fishing boat, to the United States for trial. As we speak, Fawaz Yunis is serving a 30-year-to-life sentence. That is an effective application of extraterritorial jurisdiction.

But it is my hope that we do not need a major incident or a major series of incidents to bring the United States to the point of taking action and recognizing that the terrorists are at war with the United States.

We have not responded. It reminds me of what President Reagan said early in his administration, that the Soviets like the arms race with the United States because the Soviets were the only ones in the arms race, not the United States. When the United States joined in, we brought the Soviet Union to their knees. I am confident that the United States has the power to bring terrorism to its knees if we apply ourselves properly.

So my efforts will continue, and I will be seeking an appropriate legislative vehicle and an appropriate move with the House to see if we cannot bring effective legislation which will impose the death penalty on terrorists, and which will enable us to move ahead, to proceed with the indictments which are now present.

One addendum—I told the distinguished Senator from Oregon I would speak 12 minutes, and I think I have about a minute to go, although I am not under a time constraint—is the efforts to have an international criminal court, a matter which this Senator has brought to the floor on a number of occasions. It appears now, as a result of the despicable acts in Yugoslavia, that world sentiment is rising for an international criminal court. It may be appropriate to have action by an international criminal court against those despots and murderers in Somalia.

It would be ideal if that international criminal court could be constructed so the United States would not have to act in a unilateral action. But we have taken the action on the indictments against the Libyan terrorists, and I believe we are going to have to take a much stronger stand than we have in order to protect American citizens against the potential problems from terrorism.

PRIVILEGE OF THE FLOOR

Mr. HATFIELD. Mr. President, I ask unanimous consent that John O'Neal, a member of Senator SMITH's staff, be granted privileges of the floor during the debate on the bill.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

Mr. HATFIELD. First of all, I want to express my deep sympathy to the Senator from New York, [Mr D'AMATO] for the misery and the discomfort, and certainly anxiety, that must have been imposed upon him by the outrageous threats upon him; and for all who have been affected by the nemesis of terrorism—horrible crimes with horrible results. No one in any way can do other than condemn that kind of action or those kinds of threats.

Mr. President, this amendment relies on the false notion that the death penalty would deter these crimes.

I have been here since 1967 making these arguments year after year, and we have not had evidence to the contrary.

Twenty-five years ago, Senator Hart, the great Senator from the State of Michigan, for whom the Hart Building is named, introduced a bill to abolish the death penalty. Senator Hart at that time pointed out—and I believe it is still true—that the strongest case against capital punishment is the lack of a case for capital punishment.

Mr. President, the author of this amendment stated that the American people want this penalty. I only submit that a recent national bipartisan poll I have seen shows that 44 percent of the American people preferred alternatives like life imprisonment, while only 41 percent of those questioned chose the death penalty for first-degree murder.

Let me address deterrence. I reject the arguments regarding deterrence. I reject them because, first of all, I have stood on this floor and challenged those who have advocated and stated that deterrence is the result of capital punishment. If deterrence is valid, why not maximize that deterrence by broadcasting it in a way that more people are exposed to the horrors of capital punishment and the executions of people under such capital punishment?

But, no, that is barbaric; they do not want that—to maximize the deterrence. So I think that in itself indicates there is a weakness to that whole argument of deterrence.

Terrorists are ready to die for their cause. That is one of the characteristics of terrorists. They are not deterred by anything. With terrorists from the Middle East, the situation is even more complicated. If Moslem perpetrators believe they are participating in a Jihad, a holy war, then their death assures them a place in Heaven. Add that complexity and that dimension to terrorists coming out of the Moslem faith, or out of the Middle East as part of that culture. They have a religious incentive to commit terrorism. So how is deterrence going to work against that kind of mentality?

The Senator from New York spoke yesterday about his concern for state-sponsored terrorism, a concern we all share. But surely we all know from long experience that despots use their people as pawns in carrying out their acts of war and terrorism. And pray tell me what kind of a deterrence is going to have any influence upon such leaders? State-sponsored terrorism is part of their policy. The death penalty will not change this fact of history.

Most experts agree that there is no empirical evidence to support the claim that the death penalty serves as a deterrent to murder. We hear a lot about the so-called tests that have been put to this question by comparing one State to another. Death-penalty States as a group do not have lower rates of criminal homicide than other States. During the 1980's death-penalty States averaged an annual rate of 7.5 homicides per 100,000 population, States without the death penalty averaged a rate of 7.4 per 100,000. States without the death penalty had lower murder rates.

Death-penalty States do not have a lower incidence of attacks on police or prison guards. Between 1984 and 1989, 17 prison staff were murdered by prisoners in 10 States, and 15 of the 17 took place in States that have the death penalty.

This is empirical evidence.

Mr. President, I can again understand, because I share the anxiety, I share the outrage, of how terrorism has snuffed out the lives of innocent people.

But I do not believe that adding a death penalty is going to in and of itself correct that problem. Nor will it have any measurable impact when you are dealing with a terrorist's mentality that is a little off center to begin with—to even be a terrorist and then you add the religious incentive to at least those terrorists who come out of the Middle East.

Mr. President, having stated this, and I have stated it many times, I am not going to take further time of the Senate to repeat many of the arguments those of us who oppose the death penalty have used.

At this time I want to ask for the inclusion in the RECORD a very interesting document. My good friend, the Senator from Pennsylvania, as he stated in his remarks a few moments ago, has been very much involved in this issue of death penalties for terrorism for many years and has raised it in terms of vehicles to the Senate and in the committees.

I have before me a very scholarly article written by the Senator from Pennsylvania in the Dickinson Law Review, the summer of 1991 edition.

Even though I totally disagree with the Senator's view on this issue, I think this is of such significant importance in discussing and dealing with terrorism in some alternative ways that this Senate, through our committees and through other vehicles than this bill, really has to have a priority on this subject that we have not had in the past.

This is a historic and very scholarly piece of writing by our colleague. I think we all take pride in our colleagues who make contributions to knowledge and understanding through their scholarly concern.

Mr. President, I ask unanimous consent that this scholarly piece, which totally disagrees with my view and my position, be printed in the RECORD at this time, and I do so with pride.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Dickinson Law Review, summer 1991, Vol. 95, No. 4]

THE TIME HAS COME FOR A TERRORIST DEATH PENALTY LAW

(By Senator Arlen Specter*)

I. INTRODUCTION

A death penalty provision for terrorists who murder is long overdue. In 1989, the Senate overwhelmingly passed legislation that I sponsored to authorize the death penalty for terrorists who murder United States nationals abroad. This legislation was eventually excised by a House-Senate Conference that hammered out final passage of the Omnibus Crime Control Act of 1990.[1] Most recently, on February 20, 1991, the Senate once again passed terrorist death penalty legislation. This amendment to the Omnibus Export Amendments Act of 1991 also includes domestic terrorist murders.[2] As of this writing, that legislation is awaiting action in the House of Representatives.

Passage of a death penalty law will send the clear message that the United States will deal swiftly and harshly with terrorists. The 1970s and 1980s witnessed a rash of terrorist acts abroad. When captured, those terrorists were virtually patted on the back for their heinous acts. Often they received light sentences. Foreign countries shielded them from prosecution. These countries either sought to curry political favor with the responsible groups or were simply intimidated. Consider these illustrations:

"On March 1, 1973, Palestinian gunmen, belonging to the Black September Organization, burst into the Saudi Arabia Embassy in Khartoum, Sudan, during a reception. When their demands were not met, they seized, and then murdered, United States Embassy Counselor George Curtis Moore, United States Ambassador Cleo A. Noel, Jr. and Belgian Charge d'Affaires Guy Eid.[3] A Sudanese court tried and sentenced the terrorists to life in prison. President Nimeiry then reduced the sentences to seven years and sent the terrorists to serve that time with the Palestine Liberation Office in Cairo.[4]

"In 1977, Abu Daoud was arrested in Paris for coordinating the murder of eleven Israeli athletes at the 1972 Olympic games in Munich. He was released four days later to be deported to Algeria, where he received a hero's welcome.[5]

"In 1985, Italy released, without explanation, Mohammed Abul Abbas, the suspected mastermind of the Achille Lauro hijacking and murder of an American passenger, Leon Klinghoffer."[6]

Terrorist acts against Americans abroad during Operation Desert Storm and Operation Desert Shield caused American military installations, both at home and abroad, to increase security precautions as terrorist incidents rose to alarming levels.[7] Despite increased security precautions, from January 18 to March 24, 1991, the State Department documented hundreds of significant security incidents.[8] In particular, on February 7, 1991, gunmen assassinated a retired American serviceman who was employed at an air base in Adana, Turkey.[9] This base was used for bombing raids on Iraq. Again, shortly after Allied forces defeated the Iraqi forces, an American military employee in Turkey was shot execution-style.[10]

Some foreign countries, however, have demonstrated an inability to confront the terrorist threat. As our forces fought a leader who unleashed terrorist actions against Israeli and Saudi Arabian civilians, two Palestinians convicted in the Achille Lauro hijacking were released early from jail and expelled from Italy.[11] Justice was not served. A terrorist death penalty law will show individuals that acts of international terrorism against the United States will not go unpunished.

Despite the need for a terrorist death penalty, some of my colleagues have voiced arguments against such legislation. Some question whether the legislation has a sufficiently precise definition of terrorism, especially when the proposed legislation was expanded to include domestic acts of terrorism. Others wonder whether terrorists who are motivated by ideological and religious fervor would be deterred by a death penalty law. Finally, some question whether such legislation will increase problems in extraditing criminals to the United States for trial.

This article begins with an analysis of the evolution of legislation regarding a death penalty provision for terrorists. Part III considers the definitional obstacle present in enacting suitable legislation. Part IV discusses the deterrent effect that death penalty legislation will have on violent terrorist acts. In Part V, the potential problem of extradition is considered in light of death penalty legislation. This article concludes by advocating the adoption of terrorist death penalty legislation.

II. EVOLUTION OF TERRORIST DEATH PENALTY LEGISLATION

On July 11, 1985, I introduced the Terrorist Prosecution Act (S. 1429).[12] This legislation would criminalize, under United States law, terrorist attacks upon American nationals abroad. On February 19, 1986, the Senate unanimously passed S. 1429.[13] This provision became law as part of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.[14] The law creates extraterritorial federal jurisdiction for specific terrorist acts, including: (1) the murder, voluntary manslaughter or involuntary manslaughter of a United States national outside the United States; (2) attempts or conspiracies to kill a United States national abroad; and (3) physical violence outside the United States committed with intent to cause serious bodily injury or which results in serious bodily injury to a United States national.[15] Paragraph (a) of the section covers homicide. It provides:

"(a) Homicide.—Whoever kills a national of the United States, while such national is outside the United States, shall—

"(1) if the killing is a murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;

"(2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both; and

"(3) if the killing is an involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than three years, or both."[16]

The statute also provides that prosecutions are not to be undertaken unless the Attorney General, or the "highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions," certifies, in writing, that in his or her judgment the "offense was intended to coerce, intimidate or retaliate against a government or a civilian population."[17]

Even at the time of the original passage of S. 1429, I envisioned adding a provision allowing the death penalty for other crimes committed by terrorists. On July 26, 1985, I introduced S. 1508 to authorize the death penalty for terrorists who commit first-degree murder.[18] Again in the 101st Congress, I introduced S. 36 to provide the death penalty for terrorist murder, as well as for other criminal acts.[19] I also offered the terrorist death-penalty provision, this time standing alone, as an amendment to the 1990 Foreign Relations Authorization Act on July 19, 1989.[20] I withheld pushing for that amendment after the Majority Leader agreed to schedule a vote on the terrorist-death penalty legislation for later than year.[21] The terrorist-death penalty provision, introduced as S. 1798, a free-standing bill, was taken up in the Senate for a vote on October 26, 1989.[22]

Footnotes at end of article.

Senate Bill 1798 (S. 1798) was limited to murders of United States nationals abroad. It simply added a phrase to the paragraph dealing with murder, paragraph (1) of now-subsection of 2332(a). That paragraph in turn referred to 18 U.S.C. §1111(a) for the definition of first-degree murder.[23] S. 1798, if enacted into law, would have added a phrase that the court "may impose a sentence of death in accordance with the procedures set forth in section 7001 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. §848)."[24]

During the debate on S. 1798,[25] Senator Joseph Biden, Chairman of Senate Judiciary Committee, pointed out that S. 1798 could also be read to refer to second-degree murder since section 111(a) defines first-degree murder as:

"Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killing, is murder in the first degree."[26]

Section 1111(a) proceeds, however, to state that "[a]ny other murder is murder in the second degree."[27] Thus, S. 1798's reference to section 1111(a) was, without more, insufficient to indicate that the death penalty was meant to apply solely to first-degree murder. The ambiguity was clarified and replaced with the following:

"(1)(A) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or be fined under this title, or both;

"(B) if the killing is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned."[28]

With this change making it clear that the death penalty would only apply to first-degree murder, this legislation passed overwhelmingly by a vote of seventy-nine to twenty.[29]

On January 23, 1991, as the 102d Congress convened, I introduced the Terrorist Death Penalty Act of 1991 (S. 245).[30] S. 245 was nearly identical to S. 1798 except for a few changes. For example, in S. 245, I incorporated the careful and exhaustive procedural aspects of the death penalty provisions of the Anti-Drug Abuse Act of 1988 into the bill itself. These provisions are designed to ensure that counsel for a defendant meet minimum standards: five years of membership in the bar and three years experience litigating felony cases in federal courts. The bill retained an exclusion for defendants under age eighteen at the time of the crime, the mentally retarded, and the mentally disabled. Another change, designed to make clear that only the most egregious acts of terrorism would result in the death sentence, required the government to prove beyond a reasonable doubt that the murder constituted first-degree murder, and that the defendant:

"(A) intentionally killed the victim;

"(B) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(C) acting with reckless disregard for human life, engaged or substantially participated in conduct which the defendant knew would create a grave risk of death to another person or persons and death resulted from such conduct." * * *[31]

On February 19, 1991, I offered a modified version of S. 245 as an amendment to the Omnibus Export Amendments Act of 1991.[32] Because of concerns expressed by Senator Strom Thurmond that domestic acts of terrorism should be included in the legislation,[33] the bill was changed, adding the death penalty for terrorists who murder individuals inside the United States.[34] Indeed, domestic acts of terrorism, although fortunately infrequent, are as grave a danger as terrorist acts abroad. The following provide examples of recent terrorist acts that have occurred within our borders: (1) the car bombing of Orlando Letelier, ambassador of the former Chilean Government of Salvador Allende Gossens, and Ronni Moffitt, a United States citizen, on September 21, 1976 on Washington's Embassy Row;[35] (2) in 1989 car bombing of Sharon Rogers', wife of the Navy Captain whose vessel accidentally shot down an Iranian civilian airliner;[36] and (3) the bombing of the United States Senate in 1983.[37] Furthermore, other acts of domestic violence potentially fall under the rubric of terrorism: the murder of Jewish activist Meir Kahane in New York City in 1990 and the murder of Arab-American activist Alex Odeh in California in 1985.[38]

Accordingly, the modified amendment would read as follows:

"(a) Homicide.—Whoever kills a person while such person is inside the United States, or kills a national of the United States, while such national is outside the United States, shall—

"(1)(a) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or both so fined and so imprisoned; and

"(b) if the killing is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned * * *."[39]

The addition of domestic acts of terrorism created the need for a definition of terrorism in the statute itself. As the statute now reads, the Attorney General need only certify that the offense "was intended to coerce, intimidate, or retaliate against a government or a civilian population."[40] As will be explained shortly,[41] however, there was a concern that a definition of terrorism that was too narrow would unduly restrict prosecutors. Consequently, during Senate debate in February 1991, a compromise was reached whereby the first portion of section 2332(a) would be changed as follows:

"(a) Homicide.—

"(A) Whoever kills a person, with the intent to commit an act of terrorism, which is any act which appears to be intended to intimidate, retaliate against or coerce a civilian population; to influence the policy of a government by intimidation, retaliation or coercion; or to affect the conduct of a government by assassination, kidnapping, hostage-taking or other violent act, while such victim is inside the United States; or

"(B) Whoever kills a national of the United States, while such national is outside the United States; shall * * *."[42]

After a motion to table the amendment failed, the amendment passed by voice vote.[43] The Omnibus Export Amendments Act of 1990 passed by the Senate by voice vote later that same day and, as of this writing, is awaiting action by the House of Representatives.

III. THE DEFINITION OF TERRORISM

Definitional problems plague legislation on terrorism. As Robert A. Friedlander, former Minority Chief Counsel of the Senate Foreign Relations Committee, notes, "definition is the rock upon which many anti-terrorism legislative proposals have foundered."[44] When I first introduced S. 1429 in 1985, the definition of terrorism contained in the bill was the only definition of terrorism in the United States Code.[45] That definition found in the Foreign Intelligence Surveillance Act (FISA) of 1978,[46] defined "international terrorism" to mean activities that:

"(1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State;

"(2) appear to be intended—

"(A) to intimidate or coerce a civilian population;

"(B) to influence the policy of a government by intimidation or coercion; or

"(C) to affect the conduct of a government by assassination or kidnapping; and

"(3) occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum."[47]

The Justice Department, which opposed the incorporation into law of any terrorism definition, persuaded the Judiciary Committee's Subcommittee on Security and Terrorism to remove the FISA definition from S. 1429.[48] When S. 1429 reached the floor, it had no definition of terrorism. Senator Hatch noted that some definition was necessary.[49] Before the legislation was passed by the full Congress, a provision was inserted to provide that no prosecution for any offense described . . . shall be undertaken except on written certification of the Attorney General or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions that . . . such offense was intended to coerce, intimidate, or retaliate against a government or a civilian population.[50]

This compromise recognized the President's broad, albeit not unlimited, constitutional authority in foreign policy[51] by giving him needed flexibility in determining which violent acts constitute terrorist incidents. At the same time, it also constrained the Executive's discretion by including a sufficiently circumscribed definition of terrorism.

The Justice Department argued that a definition of terrorism would place the government, at trial, in the awkward and embarrassing position of having to explore and explain the defendant terrorist's cause.[52] But as Friedlander has pointed out, this argument loses much of its persuasiveness in the case of first-degree murder prosecutions. For first-degree murder, the government has the burden of proving motive in order to establish the essential elements of premeditation and malice aforethought, and thus it must delve into the defendant terrorist's cause regardless.[53] Certainly, whether or not there is a definition of terrorism in the statute, the government must show that the terrorist believed in a cause and acted pursuant to those beliefs.

The government, in particular the State Department, also argued that codification of a definition of terrorism would make it almost impossible to negotiate international agreements on terrorism. It further argued that the Executive needed flexibility in determining which acts of violence abroad were terrorist incidents.[54] Friedlander rejects this argument as "wooly-headed thinking" that is "exactly the kind of mind-set which makes possible the absurd notion that one person's terrorist is another person's freedom fighter."[55] Although I understand these criticisms, I believe that the compromise reached on S. 1429 was the best possible result under the circumstances: it incorporated a sufficiently precise definition of terrorism, while recognizing the President's constitutional powers to regulate foreign affairs.

These definitional concerns were again brought to the forefront when the terrorist death penalty amendment to the Omnibus export Amendments Act of 1991 was modified to cover domestic acts of terrorism. Since section 2332 left the decision of whether an offense constituted an act of terrorism to Attorney General, or his subordinates, Senator Metzenbaum rose to question whether the death penalty could now apply to any domestic act of violence:

"D[o] I understand that this whole measure * * * has to do with terrorism, and yet we do not have terrorism defined in any place that I can find? But what we do have is * * * the judgment of the * * * Attorney General, or a subordinate, to prove that the offense was intended to coerce, intimidate, or retaliate against the Government or civilian population * * *. [Y]ou could very well have somebody go into a school yard and mow down a number of children, as we know happened in [California]. Or you could have somebody with an Uzi or one of these semiautomatic guns mow down a number of police officers who were meeting in a group, or a group of civilians. And the question that I have is, when is a terrorist a terrorist? And does the fact the Attorney General or his subordinate—does his certification that the offense was intended to coerce, intimidate, or retaliate against the Government or civilian population make the defendant a terrorist per se?"[56]

Senator Metzenbaum raises a meritorious point. Without a definition of terrorism, the legislation could apply a federal death penalty to common acts of domestic violence that would be more appropriately the province of state law enforcement officials. Moreover, section 2332 left to the Attorney General the decision of what constituted a terrorist incident, primarily in recognition of the constitutional authority granted to the President to regulate foreign policy. No such defence is accorded the President in the area of domestic criminal violence.

On the other hand, proponents of a more restrictive definition may go too far in unduly restricting federal prosecutors from seeking the death penalty for actual terrorist acts occurring in the United States. For example, the Comprehensive Counter-Terrorism Act of 1991, a bill introduced by Senator Biden, limits the death penalty for domestic terrorism to acts by "agents of a foreign power," a definition derived from the FISA.[57] That definition, however, excludes acts of terrorism conducted by indigenous terrorist groups not connected to a foreign power.[58] There have been several acts of domestic terrorism committed by wholly-domestic terrorist groups. For example, the 1983 bombing of the Capitol building was conducted by a group of militant members of the Black Liberation Army with no connection to any foreign power.[58] There have been several acts of domestic terrorism committed by wholly-domestic terrorist groups. For example, the 1983 bombing of the Capitol building was conducted by a group of militant members of the Black Liberation Army with no connection to any foreign power.[59] This definition would also exclude Puerto Rican nationalist groups, like the clandestine Fuerzas Armadas de Liberacion Nacional (F.A.L.N.) and the terrorists who sprayed the House of Representatives floor with gunfire in 1954, wounding and killing several Members of Congress.[60] Just as importantly, there are many kinds of hate groups, like the Ku Klux Klan and Aryan Nation, which fall into a "gray" area: many Americans would justifiably consider them to be terrorist groups. Finally, the definition of "agent of a foreign power" may not cover terrorists committing acts who, although motivated by support of foreign forces, have insufficient connection with a foreign-based group.

Faced with this problem, a compromise was reached with Senators Biden and Thurmond. The compromise required that, for domestic acts of terrorism only, the government must also prove that the offender committed the killing with the intent to commit an act of terrorism, which is any act which appears to be intended to intimidate, retaliate against or coerce a civilian population; to influence the policy of a government by intimidation, retaliation or coercion; or to affect the conduct of a government by assassination, kidnapping, hostage-taking or other violent act.[61]

Under this definition, the prosecution would have to prove beyond a reasonable doubt that the domestic act of violence was intended to be an act of terrorism. This would be in addition to the requirement in section 2332(d) that the Attorney General certify that the acts committed were acts of terrorism.

Therefore, the decision of whether the act constituted an act of terrorism is placed before a jury. Under this definition, prosecutors receive sufficient flexibility to prosecute domestic varieties of terrorism, without giving them carte blanche for prosecuting violent acts that are simply not terrorist-inspired.

IV. DETERRENT EFFECT ON TERRORISTS

Based on many years of experience as a prosecutor, I believe that the death penalty has a general deterrent effect on violent crime, including terrorism. The evidence amassed by California Supreme Court Justice McComb in his dissent in *People* v. *Love*[62] is very persuasive. This evidence demonstrates that, on a number of occasions, criminals were deterred from committing more violent acts because they feared the death penalty.

Three examples illustrate this proposition. Margaret Elizabeth Daly was arrested on August 28, 1961 for assaulting an individual with a knife. She told investigating officers: "Yeh, I cut him and I should have done a better job. I would have killed him but I didn't want to go to the gas chamber."[63] Louis Joseph Turck did not carry a gun on a robbery as he had in the past because, "I knew that if I used a real gun and that if I shot someone in a robbery, I might get the death penalty and go to the gas chamber."[64] Orelius Matthew Stewart was arrested on March 3, 1960 for attempted bank robbery. He later stated: "The officer who had arrested me was by himself, and if I had wanted, I could have blasted him. I thought about it at the time, but I changed my mind when I thought of the gas chamber."[65] These cases, and many more like them, demonstrate that the death penalty does have deterrent effect on violent crimes.

Some Senators, however, have questioned whether imposition of the death penalty for terrorist-murderers would have any deterrent effect. Many argue that terrorists are motivated by fanaticism and would not be deterred by the death penalty. This point was made by Senator Hatfield during the 1989 debate on the death penalty legislation:

"There are those who claim that a death penalty for terrorists will deter future terrorist acts. Deterrence, however, presuppose rational conduct on the part of the person to be deterred. Terrorists, calculating as they may be, are fanatics who are not afraid to die—and members of terrorist organizations view their comrades who die in support of the cause as martyrs. Execution of terrorists in this country will only serve to give terrorist organizations the publicity they so ravenously seek—and offer martyrdom as a reward for their brutality. In fact, Mr. President, it is all together possible that the execution of terrorists will increase acts of terror rather than stop them."[66]

Concededly, some terrorists are clearly suicidal; nothing will deter them. This criticism, however, does not recognize the considerable evidence that terrorists often receive light sentences and that would-be terrorists know that their groups will see to it that they will be freed. Would-be terrorists know that Abu Daoud, Mohammed Abul Abbas, the terrorist who killed the United States Ambassador to the Sudan, and, most recently, several hijackers of the Achille Lauro, for all practical purposes, got off scot-free.[67]

There's is evidence that, even without a death penalty for violation of United States anti-terrorism laws, these laws have a deterrent effect. Terrorists fear extradition to the United States precisely because justice in United States courts is decisive and swift. For example, after Sheik Obeid was captured in Lebanon by the Israelis in 1989, he told his captors that he was "terrified" of being extradited to the United States for the murder of American hostages in Lebanon. This was because the United States would not bend to political pressure and would exact swift punishment.[68] The terror is not imaginary. As long as even one terrorist is dissuaded from attacking an American because of the death penalty statute, the statute will have saved precious lives.

Critics fail to recognize that the imposition of the death penalty for a terrorist would remove that individual as a target for release through further terrorist acts.[69] For example, the terrorists who held hostage the United States Ambassador to the Sudan did so in order to obtain the release of Sirhan Sirhan, the killer of Senator Robert Kennedy, and Abu Daoud, a PLO operative in jail in Jordan.[70] Many, if not most, of the hostages currently held in Lebanon, plausibly were seized in order to trade for the release of Shiite terrorists held in jail in Kuwait.[71]

Finally, regardless of its deterrent value, the death penalty for terrorist expresses our society's moral revulsion toward terrorism. In *Gregg v. Georgia*,[72] Justice Potter Stewart, joined by Justice Powell and justice Stevens, wrote as follows: "Indeed, the decision that capital punishment may be the appropriate sanction in extreme cases is an expression of the community's belief that certain crimes are themselves so grievous an affront to humanity that the only adequate response may be the penalty of death."[73] He continued: "[C]apital punishment is an expression of society's moral outrage at particularly offensive conduct. This function may be unappealing to many, but it is essential in an ordered society that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs."[74] Passage of a death penalty law will send a clear message to terrorists: the United States will punish terrorists swiftly and invoke the death penalty when appropriate.

V. EXTRADITION OF TERRORISTS TO THE UNITED STATES

Another potential problem that death penalty opponents raise is that a death penalty law for terrorists would complicate extradition of terrorists to the United States. During the October 1989 debate on the terrorist death penalty legislation, Senator Kennedy noted that extradition treaties currently in effect with twenty countries permit those countries to refuse to extradite criminals, unless the country requesting extradition refuses to seek the death penalty.[75]

When a country refuses to extradite a criminal unless the United States agrees not to seek the death penalty, the United States has no choice but to agree to such terms. To use the extradition problem as an argument against the death penalty, however, merely obscures the issue. The addition of the death penalty option does not require United States law enforcement officials to seek the death penalty, it merely affords them the option of invoking the death penalty.

Furthermore, there are many cases of terrorism in which the death penalty can be utilized when extradition is not at issue. As shown in the case of Fawaz Yunis, the Lebanese hijacker of a Royal Jordanian airliner in Beirut in 1985, United States law enforcement officials have the extraterritorial jurisdiction to apprehend terrorists when possible.[76] In that case, the Lebanese terrorist was lured aboard a private yacht off the coast of Cyprus by a friend who promises a drug deal and a party.[77] Yunis's challenge to the assertion of extraterritorial jurisdiction was dismissed by the United States Court of Appeals for the District of Columbia Circuit on January 29, 1991.[78] The court found that Congress's decision to give antiterrorism laws extraterritorial reach is justified by two jurisdictional theories of international law. First, it is justified under the "universal principle," whereby any state may prosecute terrorism regardless of where it occurred because it is a crime of universal concern.[79] Second, it is justified under the "passive personal principle," whereby a state may punish non-nationals for crimes committed against its nationals outside of its territory when the state has a particularly strong interest in the crime.[80]

Yet, the critics rightly note that extradition is a serious problem today. Indeed, even when the possibility of the death penalty is not at issue, extradition is a thorny problem. For example, there is the problem of Columbia's refusal to extradite drug kingpins to the United States to face trial.[81] Sovereignty concerns, political pressure, and bold threats of violence sometimes force foreign countries to refuse to extradite criminals to the United States. That is why I, along with international leaders such as Prime Minister Manley of Jamaica and President Gaviria of Colombia, and distinguished international law scholars, advocate the creation of an international criminal court. This court would be used to try violations of international law, including international drug trafficking and international terrorism.[82] Last year, Congress passed, and the President signed into law, an amendment I introduced to the 1991 Foreign Operations Appropriations Act. The amendment[83] for the President to report to Congress by October 1, 1991 the results of his efforts to establish an international criminal court.[84] The amendment also calls for the Judicial Conference of the United States to report to Congress by the same date on the feasibility of an international criminal court and its proposed relationship to the federal judiciary.[85]

Problems of extraditing criminals are compounded when the death penalty is a potential punishment. There is some evidence, however, that even countries that have banned the death penalty will extradite those who have allegedly committed heinous crimes, like terrorism, without requiring an assurance that the death penalty will not be used. Of course, in many of those situations, such individuals are able to utilize domestic, and even international, court procedures to challenge the decision not to invoke the treaty option. For example, in the case of Charles Ng, who is charged with a series of grisly slayings in Northern California, Canadian authorities decided not to invoke their treaty option.[86] Lawyers for Ng, however, unsuccessfully sought a ruling from the Canadian Supreme Court that would require Canadian authorities to invoke their treaty option.[87] By contrast, despite a similar provision in the United States 1978 extradition treaty with Mexico, Mexican authorities dispensed with extradition proceedings and immediately deported Ramond Salcido. Salcido was sought by California authority for a 1989 rampage in Redwood City, California, where he allegedly killed his wife, two daughters, and four other people.[88]

In a far more troublesome case, Jans Soering, who was sought by Virginia authorities on charges on the cruel murder of his girlfriend's parents, fled to the United Kingdom. Although British officials sought and received an assurance from Virginia authorities that the death penalty would not be used, Soering's lawyer's appealed to the European Court of Human Rights. The court adopted the view that long delays in habeas corpus appeals of death sentences in the United States was itself violative of the European Convention on Human Rights ban on inhuman or degrading treatment.[89] Extradition was only permitted when the Virginia authorities dropped the proposed relationship to the federal judiciary.[85]

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Although we should ensure that those countries which do choose to extradite without assurances are rewarded, we must remember that those foreign countries opposed to the death penalty are opposed for sincere moral, religious, and ethical reasons. We must also respect the court systems of other countries and the rights of defendants to litigate these issues in those court systems. As such, the United States must be sensitive to these concerns in order to remain a successful actor on the world scene and not invite retaliation by other countries. The problem of extradition, however, in no way undermines the need for a death penalty for terrorists. Such a death penalty would give federal prosecutors an added tool in prosecuting terrorists. They can use it or, if a foreign country objects to extradition, they can agree not to seek the death penalty.

VI. CONCLUSION

For far too long we have allowed the terrorist menace to fester without any coherent and sustained response. Five years ago, at a February 1986 Senate Subcommittee hearing, I stated that "[a]lthough we have had some tough talk on terrorism, we have had very little tough action on terrorism * * *."[91] Those words are as true now as they were then. Attention and resources are often devoted to terrorist issues only after a major terrorist incident, and are not usually sustained. The threat of terrorism unleashed by Iraqi President Saddam Hussein and the heightened concern with security have once again brought the issue of terrorism under public scrutiny. A terrorist death penalty will send a clear message to terrorists everywhere that the United States will punish severely any action taken against Americans, anywhere. Let us hope that this time we will not allow the moment to pass without concrete action.

FOOTNOTES

*R.-Pennsylvania. Senator Specter is a member of the Senate Judiciary Committee, the Appropriations Committee, and the Veterans' Affairs Committee.

Thomas N. Dahdouh, Minority Counsel to the Senate Judiciary Committee's Subcommittee on the Constitution, assisted in the preparation of this article.

[1] Pub. L. No. 101-647, 104 Stat. 4789 (1990).

[2] S. 320, 102d Cong., 1st Sess. (1991). The Senate passed this amendment on Feb. 26, 1991.

[3] Korn, We Will Not Pay Blackmail: The Khartoum Murders and U.S. Policy on Terrorism, Foreign Service J. 28 (Feb. 1991).

[4] Id. at 31.

[5] The French may have yielded to political pressure and fear of reprisals. Hannay, The Legislative Approach to the Political Offense Exception, in Legal Responses to International Terrorism: U.S. Procedural Aspects 115, 116 n.5 (M.C. Bassiouni ed. 1988) [hereinafter Bassiouni, Terrorism].

[6] PLO Leader Slips From U.S. Grasp in Italy; U.S. Protests Abbas' Departure After Issue of Arrest Warrant, Wash. Post, Oct. 13, 1985, at A1, col. 3.

[7] N.Y. Times, Jan. 19, 1991, at A9, col. 3; N.Y. Times, Jan. 16, 1991, at A15, col. 1; Congress of the United States, Office of Technology Assessment Report, Technology Against Terrorism: The Federal Effort—Summary (1990).

[8] These lists are on file with the Dickinson Law Review.

[9] American Is Slain in Turkey, N.Y. Times, Feb. 8, 1991, at A11, col. 1.

[10] American is Slain in Turkey; Leftist Group Cities Gulf Link, N.Y. Times, March 23, 1991, at 5, col. 1.

[11] Terrorists Get Early Release, N.Y. Times, Feb. 6, 1991, at A11, col. 5. These terrorists were Issa Abbas, a cousin of the fugitive Palestine Liberation Front leader Abul Abbas, and Youssef Saad. Abbas received a seven year sentence in 1986, while Saad received a six year term. They were released from prison on Christmas Eve under a law allowing a two year reduction during the Christmas season.

[12] 131 CONG. REC. 18870–71 (July 11, 1985) [hereinafter S. 1429].

[13] 132 CONG. REC. 2355–60 (Feb. 19, 1986).

[14] Pub. L. No. 99-399, 100 Stat. 896, §1201(a) (1986). At the end of the 101st Congress, Congress passed the Anti-terrorism Act of 1990, which added a civil remedy of treble damages for acts of international terrorism. Pub. L. No. 101–519, 104 Stat. 2240, 2250–53, §132 (1990). This public law, which was co-sponsored by Senator Charles Grassley (R–Iowa) and myself, recodified the criminal provisions of 18 U.S.C. §2331 as 18 U.S.C. §2332, while leaving them substantively unchanged. It was later discovered that the House-Select Conference intended that the Anti-terrorism Act be deleted from Pub. L. No. 101–59, but the Act was accidentally left in by a clerk and was signed by the President. *See* 136 CONG. REC. S2500–05 (daily ed. Feb. 28, 1991) (remarks of Senators Byrd (D-W. Va.), Heinz (R.-Pa.), Specter, and Grassley). Consequently, the Act was repealed on April 10, 1991 by H.R. 1281, 102d Cong., 1st Sess., P.L. 102–27, 105 Stat. 130, 155, §402. However, the Senate has passed the Act again, *see* 136 CONG. REC. S4511–12 (daily ed. April 16, 1991), and there is every reason to believe that the House of Representatives will follow suit, so that the Act will once again become law. Thus, throughout this article, I will refer to the provisions of Chapter 113A of Title 18 as if the Anti-Terrorism Act were still in force.

[15] *See* George, *Federal Anti-Terrorist Legislation*, in Bassiouni, TERRORISM, *supra* note 5, at 31–33 (providing comprehensive analysis of this statute and other antiterrorist statutes).

[16] 18 U.S.C. §2332(a) (1988 & Supp. 1991).

[17] *Id.* 2332(d) (as recodified from 18 U.S.C. §2331(e) by Pub. L. No. 101–519, 104 Stat. 2240, 2250, §132(b)(1) (1990)).

[18] I planned to add it to S. 1429 when that legislation reached the Senate floor. However, in the interest of ensuring smooth passage of S. 1429, I did not pursue this avenue. 131 CONG. REC. 20779–81 (July 26, 1985).

[19] 135 CONG. REC. 114–18 (daily ed. Jan. 25, 1989).

[20] Amend. 325 to S. 1160, 101st Cong., 1st Sess. 135 CONG. REC. S8290 (daily ed. July 19, 1989).

[21] 135 CONG. REC. 8402–08 (daily ed. July 20, 1989).

[22] 135 CONG. REC. 14205–31 (daily ed. Oct. 26, 1989).

[23] S. 1798, 101st Cong., 1st Sess. (1991).

[24] *Id.*

[25] 135 CONG. REC. 14218–20 (daily ed. Oct. 26, 1989) (remarks of Sen. Biden, D-Del.).

[26] 18 U.S.C. §1111(a) (1988).

[27] *Id.*

[28] 135 CONG. REC. S14230 (daily ed. Oct. 26, 1989).

[29] *Id.* Consideration of this legislation was included in the House-Senate Conference on the Omnibus Crime Control Act of 1990, convened in the waning days of the 101st Congress in October 1990. Because of the press of time and the conferees' inability to come to agreement on several controversial issues—not only the death penalty for terrorists but provisions for the death penalty for many other crimes, *habeas corpus* reform, and a ban on assault weapons—all controversial provisions of the legislation, including the provision for a death penalty for terrorist-murderers, were excised from the final version. *Crime Bill: Tough Talk, Weak Action*, Newsday, Oct. 30, 1990, at 17.

[30] I requested an early scheduling of a vote on the legislation because of the threat of terrorist incidents during Operation Desert Storm. 137 CONG. REC. S1069–82 (daily ed. Jan. 23, 1991). My colleague from Pennsylvania, Congressman George Gekas (R.-Pa), introduced this legislation in the House of Representatives as H.R. 639, 102d Cong., 1st Sess. (Jan. 24, 1991).

[31] S. 245. 102d Cong., 1st Sess., 137 Cong. Rec. S1069–82 (daily ed. Jan. 23, 1991).

[32] Amend, 3 to S. 320, 102d Cong., 1st Sess., 137 Cong. Rec. S1902–03 (daily ed. Feb. 19, 1991).

[33] 137 Cong. Rec S1905 (daily ed. Feb. 19, 1991) (remarks of Sen. Thurmond, R.–S.C.).

[34] 137 Cong. Rec. S1902–03 (daily ed. Feb. 19, 1991).

[35] Chile Agrees to Pay Reparations to U.S. in Slaying of Envoy, N.Y. Times, May 13, 1990, at 1, col. 6.

[36] Personal Vendetta Is Seen as the Motive for Bombing of Van, N.Y. Times, Oct. 2, 1989, at B11, col. 6; Blast Wrecks Van of Skipper Who Downed Iran Jet, N.Y. Times, March 11, 1989, at 1, col. 2; see also S. Res. 214, 101st Cong., 1st Sess., 135 Cong. Rec. S16106 (daily ed. Nov. 20, 1989) (A resolution calling for a reward for the arrest of individuals responsible for the bombing of Sharon Rogers' car).

[37] Capitol Security Is Tightened After Bombing, N.Y. Times, Nov. 9, 1983, at A1, col.4.

[38] Suspect in Kahane Slaying Kept List of Prominent Jews, N.Y. Times, Dec. 1, 1990, at 29, col. 5; Israel Holds Couple Sought by U.S. Since 1989 in Letter-Bomb Killing, N.Y. Times, March 26, 1991, at A13, col. 2.

[39] Amend, 3 to S. 320, 102d Cong., 1st Sess., 137 Cong. Rec. S1921–23 (daily ed. Feb. 19, 1991) (modifications to S. 245 are italicized). Other modifications to S. 245 deleted provisions that excluded the death penalty for the mentally retarded and the mentally disabled.

[40] 18 U.S.C. §2332(d) (as recodified from 18 U.S.C. §2331(e) by Pub. L. No., 101–519, 104 Stat. 2240, 2250, §132(b)(1) (1990)).

[41] See infra notes 56–61 and accompanying text.

[42] 137 Cong. Rec. S1948 (daily ed. Feb. 20, 1991).

[43] Id.

[44] R. Friedlander, The U.S. Legislative Approach, in Bassiouni, Terrorism, supra note 5, at 11.

[45] Last year, the President signed into law the Anti-terrorism Act of 1990, see supra note 14. That Act uses the definition of international terrorism found in the FISA. See Pub. L. No. 101–519, 104 Stat. 2240, 2250 §132(b)(2) (1990) (creating newly-codified section 2331(1) defining "international terrorism").

[46] 50 U.S.C. §1801(c) (1988).

[47] Id.

[48] Friedlander, supra note 44, at 18.

[49] 132 Cong. Rec. 2359 (Feb. 19, 1986) (remarks of Sen. Hatch, R–Utah).

[50] 18 U.S.C. §2332(d) (as recodified from 18 U.S.C. 2331(e) by Pub. L. No. 101–519, 104 Stat. 2240, 2250, §132(b)(1) (1990)).

[51] See United States v. Curtiss Wright Export Corp., 299 U.S. 304, 318–19 (1936); U.S. Const. art. II §2.

[52] Friedlander, supra note 44, at 11–12.

[53] Id.

[54] Id.

[55] Id. at 12–13.

[56] 137 Cong. Rec. S1947 (daily ed. Feb. 20, 1991) (remarks of Sen. Metzenbaum, D-Ohio).

[57] S. 266, 102d Cong., 1st Sess., §1201; 137 Cong. Rec. S1190–96 (daily ed. Jan. 24, 1991) (employing definition of agent of a foreign power from FISA for criminal provisions on domestic terrorism). The definition of "agent of a foreign power" in FISA is codified at 50 U.S.C. §1801(b) (1988), and states that an agent of a foreign power is:

"(1) any person other than a United States person, who—

"(A) acts in the United States as an officer or employee of a foreign power, or as a member of a foreign power as defined in subsection (a)(4) of this section;

"(B) acts for or on behalf of a foreign power which engaged in clandestine intelligence activities in the United States contrary to the interests of the United States, when the circumstances of such person's presence in the United States indicate that such person may engage in such activities in the United States, or when such person knowingly aids or abets any person in the conduct of such activities or knowingly conspires with any person to engage in such activities; or

"(2) any person who—

"(A) knowingly engaged in clandestine intelligence gathering activities for or on behalf of a foreign power, which activities involve or may involve a violation of the criminal statute of the United States;

"(B) pursuant to the direction of an intelligence service or network of a foreign power, knowingly engages in any other clandestine intelligence activities for or on behalf of such foreign power, which activities involve or are about to involve a violation of the criminal statutes of the United States;

"(C) knowingly engages in sabotage, or international terrorism, or activities that are in preparation therefor, for or on behalf of a foreign power; or

"(D) knowingly aids or abets any person in the conduct or activities described in subparagraphs (A), (B), or (C) or knowingly conspires with any person to engage in activities described in subparagraphs (A), (B), or (C)."

[58] Although 50 U.S.C. §1801(b)(2)(C) (1988) refers to persons engaging in "international terrorism," any possibility that this language is not strictly limited to individuals committing acts of terrorism on behalf of a foreign power or foreign-based terrorist group is clearly foreclosed by the language restricting it to acts "for or on behalf of a foreign power." It is also foreclosed by the fact that the definition of "international terrorism" in section 1801(c)(3) limits it to activities "occurring totally outside the United States, or transcending national boundaries in terms of the means by which they are accomplished, the person they appear intended to coerce or intimidate, or the locale in which the perpetrators operate or seek asylum." See also S. Rep. No. 604, 95th Cong., 2d Sess. 26–27, reprinted in 1978 U.S. Code Cong. & Admin. News 3973, 3995–96 ("The rare case might arise where a U.S. person is acting for or on behalf of a foreign-based terrorist group that is substantially composed of U.S. persons. In such a case, the judge must examine the circumstances carefully in order to determine whether the organization[] is a foreign-based terrorist group and not a domestic group with some foreign aspects to it."); H.R. Conf. Rep. No. 1720, 95th Cong., 2d Sess. 19–20, reprinted in 1978 U.S. Code Cong. & Admin. News 3904, 4049.

[59] Terms Levied in Bombings of Government Buildings; 'Freedom Fighters' Given Additional Ten Years, Wash. Post, Nov. 17, 1990, at B4, col. 1; Capitol Security Is Tightened After Bombing, N.Y. Times, Nov. 9, 1983, at A2, col. 4.

60. Chicago Tribune, Aug. 8, 1985, Temp Sec. at 1, Zone C; Guerrillas, Reuters Newswire Service, April 11, 1980 (NEXIS, Archives files).

61. 137 Cong. Rec. S1948 (daily ed. Feb. 20, 1991).

62. 56 Cal. 2d 720, 363 P.2d 33, 16 Cal. Rptr. 777, 784 (1961).

63. 16 Cal. Rptr. at 785.

64. Id.

65. Id.

66. 135 Cong Rec. S14212–13 (daily ed. Oct. 26, 1989) (remarks of Sen. Hatfield, R–Oregon).

67. See supra notes 3–6 and accompanying text (describing terrorist acts for which perpetrators were not held accountable under law).

68. Israelis Report Sheik Told Them Marine Was Still Alive Last Week, N.Y. Times, Aug. 3, 1989, at A2, col. 2.

69. Bassiouni, A Policy-Oriented Inquiry of "International Terrorism", in Bassiouni, Terrorism, supra Note 5, at xiv.

70. Korn, supra note 3, at 28.

71. The release of the Shiite terrorists after the Iraqi invasion of Kuwait, however, has not yet led to the release of American hostages in Lebanon. Islamic Jihad Repeats Offer to Trade U.S. Hostages for 17 Jailed Muslims, L.A. Times, Oct. 25, 1989, at A8, col. 5.

72. 428 U.S. 153 (1976).

73. Id. at 184.

74. Id. at 183.

75. 135 Cong Rec. S14213–14 (daily ed. Oct. 26, 1989) (remarks of Sen. Kennedy, D. Massachusetts, and table of 20 countries with extradition treaties giving those countries the right to refuse to extradite criminals unless the United States agrees to forego invoking the death penalty).

76. See generally George, Federal Anti-Terrorist Legislation, in Bassiouni Terrorism, supra note 5, at 25 (detailing various criminal statutes affording federal law enforcement officials extraterritorial jurisdiction over terrorist actions).

77. Friend Led Terror Suspect to FBI, Lawyer Says, N.Y. Times, Sept. 19, 1987, at 3, col. 3.

78. United States v. Yunis, 924 F.2d 1086 (D.C. Cir. 1991).

79. 924 F.2d at 1091. See generally Blakesley, Jurisdictional Issues and Conflicts of Jurisdiction, in Bassiouni, Terrorism, supra note 5, at 131.

80. Id.

81. Although Colombia's Supreme Court had earlier halted all extraditions to the United States on a technicality, Colombia's President resumed extraditing drug traffickers to the United States after drug traffickers assassinated a Presidential candidate, Luis Carlos Galan, in August 1989. Colombian Candidate Murdered; President Sets Moves Against Drug Lords, Reinstates Extradition, Wash. Post, Aug. 20, 1989, at A1, col. 6.

82. See generally M.C. Bassiouni, a Draft International Criminal Code and Draft Statute for an International Criminal Tribunal (1987); Bassiouni, Effective National and International Action Against Organized Crime and Terrorist Criminal activities, 4

Emory Int'l L. Rev. 9 (1990); Bassiouni, Critical Reflections of International and National Control of Drugs, 18 Den. J. Int'l L. Pol. 311 (1990).

83. Amend. 3068 to H.R. 5114, 101st Cong., 2d Sess., 135 Cong. Rec. S16216–17 (daily ed. Oct. 19, 1990); Pub. L. No. 101–513, 104 Stat. 1979, 2066–67, § 599E (1990). The President recently released his report. (Copy on file at the Dickinson Law Review office).

84. See id.

85. The Judicial Conference is currently studying the issue and has not yet released a report on the international criminal court concept. Most recently, on March 14, 1991, the Senate unanimously passed S. Res. 76, a resolution I introduced, to encourage the President to confer with the sovereign state of Kuwait, countries of the Coalition allied against Iraq, or the United nations to establish an International Criminal Court or Military Tribunal to try Iraq's President Saddam Hussein and other Iraqis responsible for war crimes, crimes against peace, and crimes against humanity as defined under international law.

86. Murder Suspect's Bid to Stay in Canada Tests Pact, N.Y. Times, Feb. 13, 1991 at A18, col. 1.

87. Id. See also Canada Sends U.S. a Murder Suspect, N.Y. Times, Sept. 27, 1991, at A15, col. 1.

88. Id.

89. Soering Case, 161 Eur. Ct. H.R. (Ser. A) (1989); see generally Naldi, "Death Row Phenomenon" Held Inhuman Treatment, 43 Rev of the Int'l Comm. of Jurists 60 (1980).

90. Naldi, supra note 89, at 62.

91. Libyan-Sponsored Terrorism: A Dilemma for Policymakers. Hearing before the Subcomm. on Security and Terrorism of the Comm. on the Judiciary, U.S. Senate, 99th Cong., 2d Sess. 9 (Feb. 19, 1986) (statement of Sen. Specter).

Mr. HATFIELD. Mr. President, as I indicated earlier to the managers of the bill and to Senator STEVENS of Alaska, who was representing the viewpoint of the Senator from New York on this position, I at this time as a member of the Appropriations Committee would raise a point of order that this constitutes legislation on an appropriations bill.

Mr. D'AMATO. I wonder if my distinguished colleague would withhold that for 5 minutes in any event to give me an opportunity? I see the majority leader is on the floor.

The PRESIDING OFFICER. Will the Senator from Oregon withhold?

Mr. HATFIELD. I withhold without losing my right to the floor.

The PRESIDING OFFICER. Without prejudice to his right.

Mr. MITCHELL. Mr. President, I wonder the Senator will yield to permit me to suggest that we reach an agreement that would permit the time between now and 1:30 to be used for debate on this matter equally divided between the Senator from Oregon and the Senator from New York, controlling the two sides, if that is agreeable with the managers?

Mr. HOLLINGS. We have Senator LEVIN on our side.

It should be the Senator from New York and the Senator from Michigan.

Mr. MITCHELL. Then, Mr. President, I wonder if it would be agreeable to the Senator from Oregon, if we could work out an agreement whereby the point of order could be made now and the motion to waive and then we get an agreement that there then would be between that time and 1:30 time for debate equally divided and controlled in the manner which I suggested. That I think would accommodate everybody's concerns here.

Mr. HATFIELD. Mr. President, I would certainly defer to the majority leader's request and the agreement with the managers of the bill. I would suggest only that the time be controlled by the Senator from Michigan, Mr. LEVIN, rather than myself in opposition to this, and the Senator from New York.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, just a word. I thank my distinguished colleague from Oregon for his very kind comments about my work and thank him very much for including the law review article in the RECORD. Since it is my article, I would have had reservations as to cost, so I thank Senator HATFIELD for his taking the initiative in including the article.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I therefore, at this point raise a point of order against the amendment of the Senator from New York in that it constitutes legislation on an appropriations bill.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I concede that the amendment is legislative in nature, but I raise the question of germaneness of the amendment to the language already in the bill contained on pages 4, 14, and 22, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair under Senate rule XVI now submits to the Senate the question raised by the Senator from Oregon, namely, is the amendment germane or relevant to the legislative language in the House-passed bill. The question is not debatable.

The majority leader.

TIME-LIMITATION AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the time between now and 1:30 p.m. be equally divided on the issue of the defense of germaneness and that a vote on that issue occur at 1:30 p.m. and that the time be controlled by Senators LEVIN and D'AMATO.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, then for information of all Senators, a vote will occur at 1:30 p.m. on the pending matter and the time between now and then will be used for debate on that matter.

I thank my colleagues for their cooperation.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I would like to, first of all, thank my distinguished colleague from Alaska, Senator STEVENS, for——

Mr. MITCHELL. Mr. President, I regret to interrupt. Will the Senator yield to permit me to propound another unanimous consent agreement relative to this bill certainly?

Mr. D'AMATO. Yes.

Mr. MITCHELL. Mr. President, I thank the colleague for his courtesy.

Mr. President, the managers and their staffs have worked out an agreement with respect to the disposition of the remainder of the bill and I will at this time propound that agreement. It moves us a modest step forward in attempting to dispose of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the following limitation on amendments apply to the Commerce, State, Justice appropriations bill, H.R. 2519, that they be the only first-degree floor amendments in order to be considered under the following time limitations, if applicable; that second-degree amendments be in order to floor amendments only if they are relevant to the first-degree amendment and considered under the same time limitation as the first degree; that there be 2 hours for debate on the bill, with no time limitation on the excepted committee amendments.

The amendments are follows:

An amendment by Senator DORGAN regarding the National Endowment for Democracy; an amendment by Senator BYRD that is relevant; an amendment by Senator HATFIELD that is relevant; an amendment by Senator PRYOR regarding defense conversion, with 30 minutes for debate; an amendment by Senator DECONCINI regarding Russian troops in the Baltics, 1 hour of debate; an amendment by Senator RIEGLE regarding trade adjustment assistance; an amendment by Senator BRYAN that is relevant; an amendment by Senator BRYAN that is relevant; an amendment by Senator BRYAN that is relevant; an amendment by Senator METZENBAUM that is relevant; an amendment by Senator METZENBAUM that is relevant; an amendment by Senator BAUCUS regarding elimination of money for International Border Commissioner; an amendment by Senator KERRY of Massachusetts that is relevant; an amendment by Senator LEVIN regarding Bosnia; an amendment by Senator LEVIN regarding Great Lakes Fishery Commission; an amendment by Senator SIMON regarding Department of Corrections nuisance grant, 30 minutes for debate; an amendment by Senator GLENN regarding the Justice Department inspector general, 1 hour for debate; an amendment by Senator REID regarding minimum wage for prisoners; an amendment by Senator MIKULSKI that is relevant; an amendment by Senator MIKULSKI that is relevant; an amendment by Senator MIKULSKI that is relevant; an amendment by Senator FEINSTEIN regarding the SBA 7(A) loan program; an amendment by Senator HOLLINGS that is relevant; an amendment by Senator HOLLINGS regarding managers' technical amendments; an amendment by Senator FEINGOLD regarding Board of International Broadcasting; an amendment by Senator BIDEN regarding Board of International Broadcasting; an amendment by Senator BIDEN regarding USIA; an amendment by Senator FEINGOLD regarding Board of International Broadcasting; an amendment by Senator HOLLINGS that is relevant; an amendment by Senator HATCH regarding funding law enforcement, with 2 hours for debate; an amendment by Senator HATCH regarding safehouse networks, with 30 minutes for debate; an amendment by Senator BROWN regarding the National Endowment for Democracy; an amendment by Senator BROWN regarding the National Endowment for Democracy; an amendment by Senator BROWN regarding the National Endowment for Democracy; an amendment by Senator BROWN regarding coffee; an amendment by Senator BROWN regarding coffee; an amendment by Senator GREGG that is relevant; an amendment by Senator HELMS that is relevant; an amendment by Senator HELMS regarding Nicaraguan aid; an amendment by Senator LOTT regarding the EDA grant program; an amendment by Senator PRESSLER regarding credit card calls, with 30 minutes for debate; an amendment by Senator PRESSLER regarding State Department reorganization, with 30 minutes for debate; an amendment by Senator PRESSLER regarding U.N. reform, with 30 minutes for debate; an amendment by Senator DANFORTH regarding judicial reform; an amendment by Senator DOMENICI that is relevant; an amendment by Senator DOMENICI that is relevant; an amendment by Senator SIMPSON regarding ASAT forfeiture fund; an amendment by Senator DOLE regarding Justice grant; an amendment by Senator DOLE regarding Nicaraguan aid; an amendment by Senator GRAMM of Texas that is relevant; an amendment by Senator COHEN that is relevant; an amendment by Senator COHEN that is relevant; and an amendment by Senator CHAFEE that is relevant; and I further ask unanimous consent that all time limits be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their effort and their cooperation.

I thank the Senator from New York for his courtesy.

The PRESIDING OFFICER. The Senator from New York.

Mr. BAUCUS. Mr. President, I wonder if the Senator from New York would kindly yield to me.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. D'AMATO. I yield to the Senator.

Mr. BAUCUS. I thank the Senator very much.

AMENDMENT NO. 698, AS MODIFIED

Mr. D'AMATO. Mr. President, first of all, I want to commend my distinguished colleague from Alaska, Senator STEVENS, for dealing with an obvious deficiency in the present laws that relate to mail bombings. There has been an increased rash of mail bombing attacks.

Let me tell you, we have every right to see to it that people who would use the mail for terrorist attacks, cowardly attacks, upon innocent people, they should face the death penalty. Senator STEVENS' modification does exactly that.

The legislation which we have introduced today closes legal loopholes that exist in the enforcement of the death penalty. We have no death penalty section, as it relates to terrorist bombings or mail attacks. The courts have found them to be unconstitutional. What we are doing is correcting those constitutional deficiencies and those defects.

Now, let me address the question of whether or not the death penalty for terrorist bombers and terrorist attacks is a deterrent. It certainly is a deterrent to the fellow who is convicted and is sentenced to death. He is not going to be doing that again.

That may seem overly simplistic, but I think the argument that it may or may not be a deterrent is one that is overly simplistic and does not go to the heart of the matter.

We have an absolute obligation to let people know that we will deal with them in the strongest way possible for these kinds of activities, where they have no regard for human life.

Indeed, in the legislative report establishing constitutional procedures of imprisonment for capital punishment from the Senate Judiciary Committee back in 1983, the question of a society's outrage and sense of frustration towards those who undermine the foundations of civilization were discussed.

Retribution—now we are not supposed to say retribution, but let me tell you something: If you were the family that had someone who was killed in the World Trade Center bombing, I want to ask the question: Should there not be retribution? Should there not be punishment meted out in accordance with the cowardly act, with the absolute disdain for life?

I believe the answer is yes. I believe that some crimes are so vicious, so heinous that society has an absolute right to say that this kind of conduct will not be tolerated and that you risk your life if you are going to take another's life with reckless disregard or indifference towards innocent people.

The World Trade Center bombing is not the only incident.

Mr. President, let me show you some statistics. These are real statistics that come from the 1991 FBI Bombing Summary that comes out every year. The last year of report—this is U.S. Department of Justice, Federal Bureau of Investigation—goes up to 1991. These are the total bombing incidents that have taken place in our country.

Take a look at the dramatic rise in these bombings. Starting in 1987, there were 850. In 1988, we go to 977. And then look at the way we begin to jump. We go from 977 to 1,208. And in 2 years, we go from 1,208 bombings nationwide to 2,499. In 2 years, the number of bombings have doubled.

Let me suggest to you that when you have people being killed, innocent people, when you have people whose lives are being threatened, when you have people who are being maimed and injured, you better step up to the plate and say to the American people: "Enough is enough. We will stand up and defend you, and those who undertake these acts will pay with their lives."

Some might suggest I might take this a little personally since I have been the subject of some of these threats. Let me tell my colleagues about some of the characters who have been in the forefront.

Here is a fellow who has been involved. This is Mr. Elgabrowny. He was involved in the planning of attacks throughout New York City. He is now in jail. He was arrested. He was also charged for obstruction of justice in the World Trade Center bombing. I do not have to tell you, Mr. Elgabrowny and all of his crew are not going to keep this Senator quiet. The American people want the death penalty as it relates to these kinds of acts. Terrorism, whether it comes in the mail or whether it comes in tunnels or bridges, or whether people are being threatened with assassination because of their political views—we have a right to say we are going to take these people on, and we are not going to let these assassins hire people who can undertake these missions with indifference because they will wind up in a Federal penitentiary, which is not such a bad place. After all, they are carrying out, in their own sick minds, some work they think is important. I have to tell you, I think it is important we send them a message.

Here is another fellow, not exactly an admirer of mine. This picture goes back, by the way, to the end of 1991, December 1991. It was taken outside where the trial for Rabbi Meir Kahane's murder was taking place. Sayjid Nossair was the accused killer. He was not convicted of killing the rabbi. I think the Justice Department should have investigated that killing. I said so then. I say it again. All these characters were there supporting Nossair. He is now in prison serving 7½ to 21 years.

This fellow is named Abuhalima. Mahmud Abuhalima is the fellow now charged with being the mastermind in the bombing of the World Trade Center. As you can note, we have never had a very good relationship. I did not think it would get to the point where they would be involved, and some of his cronies, in targeting me for assassination. Nor did I think they would be so wild or wacky they would then begin to target various facilities in New York for bombing—tunnels—so they could kill thousands of people and create fear.

I do take it personally. Maybe it is because of that I can say this business of saying we are going to drop this in conference is a lot of nonsense. This is one Senator who is going to make sure we vote. We are going to vote in conference. We are not going to be able to say to our constituents, on the one hand: Yes, I am for the death penalty, I am going to fight for it as it relates to terrorists; and then see it simply deleted in conference.

I am going to work to have this included because we will come back in disagreement, as far as this Senator is concerned, we must make the Representatives vote. The House of Representatives have been skipping out on us, using procedural methods to kill it. The Senate has, for a period of years, supported death penalty legislation for drug kingpins who order the assassination of people, knowing they would do that and continue to do that with abandon. I think you are going to have people who will think twice about this. They are not going to become involved when they see the death penalty being handed down.

Certainly of the new outrages that continue to increase these acts of terrorism, the use of explosives has been the most convenient. We have seen a doubling of the bombings in America—a doubling. It is about time we had the courage to vote in legislation that can, I believe, make a difference and show to each of those who would carry out these activities, if they are going to kill people they better be prepared to pay with their own lives.

I think it is common sense, absolute common sense. That is what we are asking for. I do not think we have to demonstrate there is a greater deterrence because the death penalty is or is not implemented. I do not suggest for 1 minute the argument should fall on that. I believe, again, certain crimes are so outrageous that the people who undertake them—bombing people, innocent people in a building, and it results in their death—those who would undertake this act better be prepared to pay with their own lives. It is simply common sense, and I hope we have the courage to fight for this legislation. I could not think of a more appropriate vehicle than the Commerce, Justice, State Act.

Why? With the funding of the Justice Department, this legislation should be in there. If we are going to be fighting a war against crime, let us help those who are involved. It certainly should be part of the Justice Code. While it may not be, strictly speaking, within the words, it is certainly the spirit of the Appropriations Act. We do have legislative initiatives that are in this bill.

On page 4, we say the funds may be made available in a year to help programs to assist States in litigation, processing of death penalties. So we are talking about the death penalty here in this bill, making funds available. It does it again on page 14 and again on page 24. So there is certainly ample procedure right here in this bill to say we should move forward on it.

Second, funding of the State Department is included here. Some of these terrorist acts are committed by radicals and fringe groups, and some of these people who are disturbed. So we make a distinction. Obviously, those people who fall within the definition of those who could face the death penalty will be given all the constitutional protections necessary.

The fact of the matter is, I suspect in the fullness of time we are going to prove with absolute clarity there were foreign agents involved in these terrorist attacks, in the bombing of the World Trade Center. I do not know how long it will take before that picture emerges, but I am rather confident that dollars that came from the Iranians were involved. I know as a fact the Iranians have been financing terrorist attacks against Americans and American targets for years. They do it through different groups.

We are fighting terrorism. We are providing money in this bill to fight it internationally. What better way and what better a bill, in which to put legislation on the death penalty? Whether it is the Justice side or taking it on from the international side, I suggest this is probably the most appropriate bill and vehicle we can use.

Commerce—this is the Commerce Department. Senator STEVENS has made a very important addition because commerce is threatened when the mails are utilized for bombings. So once again, I think if we look at the appropriateness of this bill, you could not find a vehicle that is a better one in which to have this debate and to pass this legislation.

For these reasons, Mr. President, I hope we are able to sustain my point of view as it relates to germaneness. This amendment is germane. We should vote that way. You cannot have it both ways. You cannot say you are going to take on terrorists if you are not willing to mete out the appropriate punishment for those who would inflict the kinds of tragedies we have seen, not only at the World Trade Center, but as the summary indicated—once again, I am just going to point to it and make this point, if this is not frightening in just these past 2 years, from 1,200 bombings in 1989, that we see such a steep increase to 2,499, a doubling in 2 years.

I say wake up, my colleagues in the Congress. Wake up and understand there are people who are increasingly using bombings and terrorist attacks as a methodology to hold us hostage. We should never, never submit to them. We should stand up and fight that terrorism, whether it is here, whether it is sponsored from foreign states, or whether it is sponsored from militant groups within. The death penalty is one of those tools. Those who would seek to destroy life should understand they may forfeit their own.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, about an hour ago, when I started to speak on this subject, I was referring to a case in Virginia of David Vasquez. What is interesting about the Vasquez case is that it answers the point of those who say, what if you are sure there is no mistake? We have a system of justice that is imperfect because it is based on human beings and we are fallible. We make mistakes.

As a matter of fact, history is full of mistakes when it comes to a justice system. History has dozens, if not hundreds of confirmed cases where innocent people have been put to death because our system of justice is not perfect. Most of us are familiar with specific cases where innocent people on death row have been saved at the last minute, and are familiar with those cases where they have not been saved at the last minute.

But then some people say, what about a case where someone pleads guilty? What could be clearer than if someone actually pleads guilty to murder? The answer to that is that we also have confirmed cases where people have pled guilty who were totally and completely innocent of the murder to which they pled guilty.

David Vasquez, January 1989—this is not back in the midst of history, this is modern times, 1989:

> Virginia Governor Gerald Baliles granted a complete pardon yesterday to David Vasquez, who pleaded guilty to murder and has been in prison for 5 years, after new evidence linked the killing to an Arlington man convicted of two other murders. Vasquez was imprisoned in 1984, accused of killing Washington lawyer Carolyn Hamm, who detectives believe was raped and hanged from a pipe in her basement the month before. The week before the trial began in 1985, Vasquez pleaded guilty to second-degree murder to avoid being tried for capital murder, which carries the death penalty.

We had a man pleading guilty to a murder he did not commit because of the fear that if he went to trial, he would be convicted and put to death.

The transcript of this trial is a fascinating transcript. It is a transcript where we have the police officers involved talking about dreams that Mr. Vasquez was alleged to have discussed with them. It was those dreams which these police officers said were such clear evidence of the fact that Mr. Vasquez was there. Police Officer W.C. Shelton testified that he was assigned to the Robbery/Homicide Division of the Arlington County Police Department:

> We talked to several young women, young ladies who had seen Mr. Vasquez in front of the victim's house at approximately 8 p.m. on the night of the 23rd.

They talked to Vasquez several times shortly thereafter, and they finally, they claim, were told by Vasquez about a dream that he had, where he had described a horrible dream, and "based on the information that he gave us about those dreams, it lined up exactly with the murder based on information that we had."

Then they go on to describe what he said. Shelton says:

> One of the things that he talked about was the victim's hands, and he described how he put her down, and in his dreams he put her down. In fact, her body was found in that position. He indicated at one point, prior to her hands being tied, that she was assaulted in the middle of the living room. That was confirmed by the position of the robe in the middle of the living room. The position of the robe was discussed in his dream.

And, oh, yes, this police officer says that is exactly the position of the robe on the woman who was killed.

There were many things that the police officer said that were discussed that "were not known to anyone but us." Here we have in a murder case a police officer testifying that the man who is pleading guilty to this crime—that he was not guilty of—discussed with them facts which were known only to the police officers. For instance, the police officer said he made reference to jewelry and where it was left "and that information was known only to us."

> He also indicated in his dream that there were also two or three Venetian blind cords cut. That information was known only to us.
>
> What else did he tell you with respect to the robe?
>
> He also told us that in his dreams that he took the cord and wrapped the victim's hands 10 times, and that was exactly how many times her hands had been wrapped.

So listening to this evidence, the judge finds Vasquez guilty of murder.

Vasquez was innocent of murder. He was innocent of any crime. He walked out of a Virginia prison years and years after serving time a free man, a mistaken case, a tragic case, and it is not untypical. Case after case after case, year after year after year people who are on death row awaiting the final execution are proven to be innocent of the crime of which they were convicted. And it is only because they were not yet put to death that the possibility was even there that they could be proven innocent.

March 1992, Los Angeles Times: "Judge Apologizes, Frees Two Men in 1973 Murder."

> Clarence Chance and Benny Powell walked into Los Angeles County Superior Court as handcuffed prisoners Wednesday and left as free men—released by a judge after spending 17 years behind bars for a murder that the district attorney is no longer convinced that they committed.
>
> * * * Three people who testified against Chance and Powell say they were pressured into doing so by the police. When county prosecutors launched their own investigation, they discovered that the police department had withheld the fact that a jailhouse informant who testified against the pair had implicated two other people and that he had flunked two polygraph tests.
>
> * * * To Chance and Powell, she offered her apologies for the "gross injustices" that occurred.
>
> "Nothing can be done to return to you the years irretrievably lost," the judge said.
>
> * * * The release of Chance and Powell would not have occurred without independent investigator Jim McCloskey, a 49-year-old Protestant lay minister from Princeton, New Jersey, who has dedicated his life to working on behalf of those he calls "the convicted innocent"—people who, through corruption or bungling by attorneys or investigators, have been wrongly convicted.

And I might add, the release of Chance and Powell would not have occurred without one other thing having occurred, and that is that they were still alive, that the death penalty had not yet been imposed.

Another article, January 1982, Poverty Law Report:

> Imprisoned in Louisiana at 15 and sentenced to death at 16 for a rape he didn't commit, Johnny Ross has finally won freedom.

March 8, 1982: "After 69 Years of Silence, Lynching Victim Is Cleared." This is the New York Times.

> New but long-held secret information was disclosed today in one of the most disputed trials in American history, the murder conviction and subsequent mob lynching of Leo Frank almost 70 years ago.
>
> Mr. Frank, a 29-year-old Jewish factory superintendent, was convicted in Atlanta of killing one of his employees, Mary Phagan, 14, and dumping her in the basement of the pencil factory where they worked.
>
> But in a sworn statement to the newspaper The Tennesseean, an 83-year-old Virginian, who 7 decades ago was a frightened and reluctant teenage witness in that trial, now says that he saw the real killer bear-hugging the long-haired girl at her waist and carrying her limp, unconscious body through a partly opened trap door leading to the basement on the day she was murdered.
>
> "Leo Frank did not kill Mary Phagan," Alonzo Mann said in confirmation of a widely believed theory of historians.

March 16, 1984, New York Times: "Faulty Conviction for Murder: Cracks in the Justice System."

> When Nathaniel Carter was arrested for murder on September 19, 1981, the Queens District Attorney's office quickly went to work. The prosecutors said they had to move fast. If they did not get an indictment in 4 days, Mr. Carter would be freed.
>
> He had been charged with the stabbing death of Clarice Herndon. His chief accuser was his estranged wife—and Mrs. Herndon's foster daughter—Delisa Carter, who told the police she had watched helplessly as her husband had attacked Mrs. Herndon with a knife. The assault was as savage as it was quick. The victim had 23 stab wounds.
>
> Not until last January, after Mr. Carter had served more than 2 years in prison for the slaying, did Mrs. Carter confess that Mr. Carter was innocent and that she was the killer.

October 22, 1982, Washington Post: "Victoria Price Street Dies; of Scottsboro Boys Case."

> Victoria Price Street, 77, whose claims that she had been raped by nine black youths on an Alabama train in 1931 led to the internationally infamous Scottsboro boys case, died Sunday at a hospital in Huntsville, Alabama.
>
> * * * The notorious case began on March 25, 1931, when a train rumbled to a stop at Paint Rock, Alabama.
>
> Two women, Victoria Price and Ruby Bates, climbed off a boxcar and told authorities they had been raped. The nine blacks were taken to nearby Scottsboro. With emotions running high in the white community, eight were sentenced to die.
>
> Miss Bates later recanted her testimony, saying no rape had occurred, and the death sentences were eventually set aside after appeals brought orders for new trials. The youths, however, served prison terms of varying lengths with some of the time spent on death row.

Mr. President, how much time do I have remaining under my control?

The PRESIDING OFFICER. Sixteen minutes.

Mr. LEVIN. Mr. President, I wish to save that amount of time for Senator SIMON, who I believe is on his way to the floor, so I will yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. D'AMATO. Mr. President, I am only going to say a few things, and then I am going to sit down and wait for my colleague, Senator SIMON, to come to the floor.

Again, the fact is that our system of justice has been so arranged that people who have been convicted, who are awaiting sentencing or the appeal process, have had an opportunity for and indeed have had many of these convictions reversed.

We are talking here about those who are found guilty, who are convicted, and where the jury does not mandatorily impose a death penalty but has the option, where there is no doubt of the outrageous conduct, where there are no mitigating circumstances in the execution, killing of innocent women, children, the blowing up of buildings that bring this about, the letter bombings.

But obviously, if there are extenuating circumstances as it relates to a person's participation, these are the kinds of things that will be put before the Court. We do not, in this legislation, limit judicial review of these convictions; we do not cut off arbitrarily the rights of people to have a fair trial, a trial that will have all of the judicial protections accorded under the Constitution. I think that is important. Nor do we mandate a death penalty; that would be unconstitutional. We say that is one of the options a jury should have. Again, I think that some of the conduct is so repugnant that only the death penalty is appropriate.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. I yield to Senator SIMON the remainder of the time on our side.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President and my colleagues of the Senate, we are all in agreement that terrorism is a terrible thing, and we have to do whatever we can to resist terrorism. But there is a fundamental question here and that is, does capital punishment deter terrorism? There simply is no evidence that it does. Even in a country that is threatened by terrorism almost constantly, Israel, when it captures a terrorist, the terrorist is tried, put in prison, and is not executed.

Almost all the civilized world has given up capital punishment. Canada does not have capital punishment. Mexico does not have capital punishment. The countries of Western Europe do not have capital punishment. Who has capital punishment anymore among the major industrial nations? China, Russia, and the United States. That is it.

Since we have reinstituted capital punishment in the United States after a lapse of time, what has happened to our crime rates? Have they gone down?

They have not gone down. They have gone up. Do States that do not have capital punishment in our country have a higher rate of crime than the States which do have capital punishment? Absolutely not.

But the one thing that bothers me is that capital punishment is what we reserve for people of limited means. If you have enough money to hire the best attorneys, you will never get capital punishment. That is clear. The study done by the Stanford Law Review—and I regret I just heard about this amendment and came over, and I did not have a chance to dig it up—shows very clearly, with the inadequacy of counsel, a host of people who have been executed in our country.

If you do not have the money, you may get capital punishment. That is the record. It is not a record of which we can be proud. We have executed a great many innocent people.

Two people who came near death by execution testified before the subcommittee hearing chaired by Senator METZENBAUM and told their story. Oh, we could have been tough and executed them and then learned later about their innocence. But how close they came. That is one punishment for which there is no remedial action that society can take. If we take someone from Wisconsin or someone from Minnesota and put them in prison wrongfully for 3 years, there can be some compensation. It does not solve the problem, but it is not as final as execution.

I am sure the motivation on the part of people who want capital punishment is to let us get after these people. Let us get after the criminals. I am for getting after the criminals. But there is no evidence whatsoever that capital punishment helps us in this problem of crime.

Mr. President, I note the presence of my colleague from Minnesota, and I know he would like to speak on this issue.

How much time does the Senator desire?

Mr. WELLSTONE. I think less than 5 minutes would be sufficient.

Mr. SIMON. I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. I, much like the Senator from Illinois, really come here not with a prepared statement. I will talk from the heart about this.

First of all, let me say to my colleagues that I fully understand what I think is the motivation behind this amendment.

When I talk to people in Minnesota, people who favor capital punishment, I can absolutely understand their anger about truly egregious crimes that are committed. In this particular case we are talking about terrorist crimes. There is not anybody on the floor of the Senate that would not want to argue that those crimes are heinous and would not want to talk about those that commit those crimes being in prison for the rest of their lives, that being a certainty. I think many of us, at least myself, feel very strongly about that.

Nor is there any debate about those family members who lose their loved ones as a result of such an act by a terrorist, or for that matter it could be another violent crime.

There is no question about how any of us would feel toward those family members. Every time I read about such a crime, be it a terrorist or be it just a horrible murder, I think about my own children, and I can understand the anger of the people who right away talk about capital punishment. But I have to simply reinforce the remarks of the Senator from Illinois and what the Senator from Michigan [Mr LEVIN] has been doing on this floor with a considerable amount of, I might add, courage and eloquence.

First, I do not see any evidence in terms of the deterrence of effectiveness whatsoever.

Second, when the Senator from Illinois was talking about this kind of cruel discrepancy about those on the top of the socioeconomic structure who can hire the lawyers who never face capital punishment, it reminds me of the adage that capital punishment is for those without the capital. Unfortunately, that is really true. Just look who is on death row, look at the ones who pay the price.

Third of all, I just simply would want to point out that there, as the Senator from Illinois and the Senator from Michigan have said on the floor of the Senate, we do not get to correct these mistakes. I do not have the document, examples the Senator from Michigan, who is a lawyer in his own right, was drawing from. But I was presiding earlier, Mr. President, when Senator LEVIN began to speak on this matter. It really should be chilling to all of us on the floor of the Senate to understand that there have been people on death row many of whose lives were taken only to find out later on they were innocent or could have been mistaken. That to me is truly the horrible part of it. That speaks directly to this amendment.

Finally, Mr. President, I simply have to say that I think life is sacred and life is precious. As heinous as the crime, I do not believe the States should be taking the life of someone. That is my absolute belief, heart and soul. Therefore, I think this amendment—there may be a challenge, a procedural challenge to this amendment. My challenge is I simply think it is wrong for us as a society, it is wrong for the State to take a life. I do not want to reduce it to the sort of simplistic idea of two wrongs do not make a right. That is really not what I am saying. I am saying the State has to live up to a higher standard than the very violent act of taking the life of a human being. Therefore, I oppose this amendment. I hope my colleagues will oppose it, though I have to tell you, Mr. President, this is one of those amendments, as the Senator from Illinois knows, which is not easy to debate. This is not an easy vote. I feel strongly about it. I wanted to support the Senator from Illinois and the Senator from Michigan.

I yield the rest of my time.

Mr. SIMON. Mr. President, I reserve the remainder of my time.

Mr. D'AMATO. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 9 minutes 15 seconds.

Mr. D'AMATO. Let me take 5 minutes, if I might, Mr. President.

Let me say first as it relates to the question of indigence, Senator LEVIN and I really went to great lengths to see to it that in any cases that might involve the death penalty and its application that the finest lawyers, that the finest resources, and all resources would be made available to people regardless of their ability to pay; that the cases would go to the court of appeals; that the defendant would have an opportunity to have not only counsel who is experienced in criminal defense matters and in the appeals but would have even additional counsel; that he would have assigned to and paid for by the Government, independent investigators; that there had to be a process where before the death penalty was carried out not only of the review process by the courts, and, indeed, it is this very process that has made available the fact of turning up evidence or information that may not have been available initially.

So we have gone to the greatest lengths to see to it that many of the inadequacies as it related to people who in the sixties and seventies, up until the seventies, did not have good legal counsel, were deprived of it, did not have the ability to have the best and the brightest, that that was no longer the case. That is No. 1.

I ask my friends to take a look at the Drug Abuse Prevention and Control Act in terms of the death penalty before it can be applied to the drug kingpins, and all of the safety procedures that heretofore have not existed exist today.

We are at war. I am not suggesting to you that everyone who is involved in any kind of activity, antisocial, that might result in—look at how nice we are saying antisocial—you know, killing people, that the death penalty be applied to everyone. There are standards that are set up.

But I am saying to you that there are some acts of violence that take place against civilization, and people that are so outrageous that we should have the right to apply the death penalty; that it is appropriate. The execution of innocent women and children, and indeed when a bomb is planted in a building and it results in their death for no reason other than the fact they happen to be there—people with that callous disregard— I just say the death penalty is appropriate.

I said before I say it again. Terrorists are laughing at us. In New York, we send New Jersey our jobs, and they send us their terrorists.

We just do not seem to get it. We need the death penalty.

The fact of the matter is that the Congress of the United States has voted in the death penalty and it is only because some of those safeguards that Senator LEVIN and I worked to bring about in the application of the death penalty for the drug kingpins were not provided for in those sections that were dealt with as it related to terrorist bombing or bombings.

Now what we are doing, and what this legislation seeks to do, is to see to it that there are these safeguards so that the constitutionality of an act that has heretofore been passed—we have had the death penalty for the bombing, but we cannot apply it. The Supreme Court said it is unconstitutional. You have not the proper safeguards. Now we have the safeguards. Why would anyone be opposed to that?

I respect those that are concerned that there could be a taking of an innocent life, no matter all the safeguards. But I would also suggest that I think many lives would be saved as a result of this legislation, and that the acts themselves in some cases are so horrendous, terrorist acts, whether they be letter bombs or bombs in buildings that kill innocent people. They have to know, people who are engaging in this, whether they be paid terrorists, whether they be operating on their own, whether they be people who use these devices to harm others. I am not suggesting every single one of the bombings we have seen take place in the last few years, and the huge increase, a doubling, 2,499 bombings in 1991, up over 100 percent; a 100-percent increase in 2 years. I am suggesting we had better wake up. We had better say to people who are engaging in this, you will pay with your life if you undertake this kind of activity and if you are convicted.

For these reasons I hope my colleagues would sustain this.

I think this is a reasonable legislative act. It is accompanied with the kinds of safeguards to do the best that we humanly can to avoid the kind of tragic errors that were so commonplace in the sixties and the seventies and in the years before where we did not have safeguards, where we did not have adequate representation of the poor or the indigent.

Let me also suggest to you that most of the people involved in these kinds of activities have plenty of lawyers, the best and the brightest to come, who have funds to pay for them, and in many cases the people of the United States wind up paying for these lawyers, as I have indicated, where they are indigent and do not have funds.

I yield the floor.

Mr. SIMON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. WELLSTONE). There are 6 minutes 15 seconds remaining.

Mr. SIMON. Mr. President, there is no question that we ought to be doing everything we should to discourage terrorists. But there is just no evidence that capital punishment has any such deterrence. That terrorist who drove a truck loaded with ammunition into the Marine barracks in Lebanon destroyed himself along with all of the Marines. Is capital punishment going to be a deterrent to someone like that? The answer is clearly that it is not.

There are constructive things that we can do, and I would be pleased to work with my colleague from New York on this. The President just had a press conference yesterday where he announced some changes in the immigration law. Clearly, we ought to have some basic things like computers that let our people know who belongs to terrorist organizations, and they should not be admitted into the United States. That is a very practical thing to do. That will do some good.

With all due respect to my friend from New York who, I know, is properly motivated on this, I do not think his amendment is going to deter any terrorist action whatsoever.

The evidence is overwhelming that what deters criminals is the sureness and the swiftness of the penalty. Whenever you have capital punishment, it diminishes the sureness and the swiftness of the penalty. We had a case—I do not remember the man's name, but it was someone who was part of the underworld crime syndicate who apparently committed the crime of murder, and he was going to be tried in Illinois. It was a question of jurisdiction, whether he would be tried in Illinois or Michigan. Michigan does not have capital punishment. He wanted to be tried in Illinois where we do have capital punishment because he knew his chances of getting by are much greater in a State like Illinois, and where Michigan does not have it, the sureness and swiftness is a factor.

Finally—and then I will yield to my colleague from Wisconsin—there is the racial disparity and a disparity on various prejudices. Suppose somebody who is of Arab background, speaks English with a heavy accent, is up for trial. I do not think we should fool ourselves. That person has a tougher time getting justice in our system. The evidence is overwhelming that if you are an African-American or a Hispanic-American, you are more likely to get capital punishment than if you are a Caucasian-American. That is the reality. It is one of the things we ought to keep in mind.

I yield to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I was presiding as I listened to this debate, and I appreciate the courtesy of the Chair in letting me have a moment or two to step down and add my voice to the Senators who surround me in the Midwest.

I noticed, as I was listening, a Senator from Michigan, a Senator from Illinois, and a Senator from Minnesota all speaking against this amendment because each of them believe, as I do, that the death penalty is not a solution to any of the problems, whether it be crime in America or the problem of terrorism.

We have not had the death penalty or an execution in Wisconsin for many, many years—well over 100 years. That is a source not of concern for many people in Wisconsin but for many people in Wisconsin a source of pride. We have a lower crime rate than many States. Maybe it is that the people in the Midwest are very practical people, that they would elect Senators who actually oppose the death penalty, knowing that in fact the crimes that we are talking about almost certainly would have occurred regardless of the death penalty, whether it be the horrible terrorism that has actually occurred and been threatened in the State of New York, or whether it be some of the senseless crimes that occur on a day-to-day basis throughout this country in domestic situations.

I do not think anyone can convince any of us in any meaningful way that those incidents would not have occurred if the death penalty were in place.

I join with my fellow Senators—and I hearken back to the decision in Furman versus Georgia, years ago, when the U.S. Supreme Court simply stated, at least some of the Justices stated that the death penalty is in fact cruel and unusual punishment under the eighth amendment. I believe in that, and I believe for that reason we must reject this amendment.

Mr. SIMON. Will my colleague yield for a question?

Mr. FEINGOLD. Yes.

Mr. SIMON. Our two States are next to each other, and we are very similar in many ways. He has one big city, Milwaukee, and the rest of the State tends to be more small town, rural. We have one big city, Chicago, and the rest of our State is suburban or small town, rural.

Is the crime rate in your State that does not have the capital punishment higher or lower than the crime rate in the State of Illinois? Does the Senator from Wisconsin know the answer to that?

Mr. FEINGOLD. I believe our crime rate is lower than Illinois'. In fact, I know of cases where individuals have committed a murder in Illinois and have gone and committed a murder in Wisconsin and, clearly, the question in their mind was not whether or not there was a death penalty. We are fortunate that we have a lower crime rate, for a variety of reasons. The answer is, of course, that Wisconsin has a lower crime rate.

Mr. SIMON. Do I have any time remaining?

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New York has 3 minutes 23 seconds remaining.

Mr. D'AMATO. Mr. President, I am interested in hearing how it is that we can come to a conclusion on whether or not the death penalty for terrorists should be applied because some States have a death penalty and some do not, and the crime rate may or may not be higher.

My State does not have a death penalty. It has been vetoed by the Governor 11 times. He does not get it. The people want it overwhelmingly, and the legislature passes it overwhelmingly. They have not been able to override the veto.

The fact is that we have more people who are in prison for killing people. Our prisons are bursting, and I have to tell you that we need the death penalty in New York. But on a nationwide basis—this goes beyond one State, and we have one of the highest rates as it relates to killings, and they continue.

In the city of New York, over 2,000 people were murdered—not all of those people or killers would not be subjected to the death penalty under legislative proposals that have been passed. But some would. I suggest if a person goes into a park and opens fire because somebody is there they do not like, and they kill two or three or four or five children or innocent people, and there is absolute certainty of who the killer is, they are arrested and apprehended, the death penalty in those cases is appropriate.

If there are convictions in the World Trade Center case, where five, six, seven, innocent people in that building died, I suggest to you that is the kind of case where the death penalty might be applicable to some of the defendants—maybe not all of them. But we do not have it. We do not even have the option. I suggest that in the law we have the option so that where we have these kinds of heinous crimes, we are not going to let the terrorists laugh and spend the rest of their lives in prison. They should forfeit with their life on some of these crimes.

So it is not just a sense of personal venom or antagonism toward those who would take the lives of others or threaten people, but it is a sense that we are going to stand up to these kinds of acts, that we are not going to sit back and allow the people to use the mail to blow up other people, and then he gets carted off to prison. That is not good enough, as far as I am concerned.

Most of the people want a death penalty—not that it will be applied in every single killing or murder, but at the appropriate times, where there is no justification, no reason, no impediments, and there was not a question of somebody who did not know right from wrong. The death penalty should be applied in some of these cases.

I suggest it is long overdue as it relates to terrorists and to bombers and people who would use our mailings accordingly.

For that reason, I hope my colleagues once again send a clear message that we are going to stand up in this fight against terrorism, and they will support this legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. FEINGOLD). The question before the Senate is, Is the amendment of the Senator from New York [Mr. D'AMATO] germane to any legislative language already in the House-passed bill?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 75, nays 25, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—75

Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Johnston
Kassebaum
Kempthorne
Kerrey
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—25

Akaka
Chafee
Cohen
Danforth
Durenberger
Feingold
Glenn
Harkin
Hatfield
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mitchell
Moseley-Braun
Murray
Pell
Simon
Specter
Wellstone

The PRESIDING OFFICER. On this vote the yeas are 75, the nays are 25. The judgment of the Senate is that the amendment is germane.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I hope now we can voice vote this particular amendment. Thereafter, the committee is ready to accept it.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLINGS. Mr. President, we will try to move it along after we adopt the D'Amato amendment. The committee is in a position to accept an amendment from the Senator from Ohio, one from the Senator from Montana, there are two or three colloquies, and then we will go to the Helms amendment on Nicaragua.

So I urge the adoption of the amendment.

Mr. LEVIN. Mr. President, it is ironic that the Senate is asked to consider what is literally a life and death issue in a context that does not offer us an opportunity to offer amendments, which is an essential aspect of full debate. The fact is that the D'Amato amendment is unamendable because of a procedural rule used by Senator D'AMATO. That means that the Senate is cut off from making changes to some of the very real flaws in it.

For example, the amendment does not actually include a provision that sets forth the sentences for engaging in terrorist acts. It only limits the conditions under which a death sentence can be imposed.

Also, the amendment includes a definition of terrorism which is so broad that it would include activity which would not normally be considered an example of terrorism. Because it does not include a definition of "assassination," the amendment suggests that every assassination is an example of terrorism. Would the murder of a high ranking member of a crime syndicate be an "assassination" under the terms of this amendment? Common slang suggests maybe. No one can be sure, and the procedural context in which this amendment was offered makes it impossible to clarify this ambiguity through further amendment. Similarly, does this amendment intend to classify every use of a chemical agent to damage property an example of terrorism? Is a case of arson for insurance dollars where death inadvertently results an act covered by this language if gasoline or another chemical agent was used to set the fire? Again, the substance of this amendment will suffer as a result of our inability to even try to modify it.

Further, this legislation incorporates by reference the death penalty enacted in 1988. That law includes a provision which requires the jury to determine under certain circumstances if the death penalty is justified and, if it does, then the jury shall recommend the death penalty. The difficulty with this provision is that a jury could at the same time find that the death penalty is justified or that life imprisonment without the possibility of release is justified. But, under the terms of the law that the D'Amato amendment incorporates by reference, this jury would be required to recommend the sentence of death even if that jury believed that some other sentence was also justified. Without the possibility of amending the D'Amato amendment, the Senate would once again be approving making this illogic part of the U.S. law.

So, Mr. President, the D'Amato amendment is not only flawed in its substance, it is flawed in a more fundamental way. In the current procedural context, we are not even able to remove the flaws. Today, the Senate is truly rushing to judgment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 698), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask the committee amendment be temporarily set aside to consider an amendment of the Senator from Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio.

AMENDMENT NO. 701

(Purpose: To provide that funds may not be expended to implement or enforce the provisions of an order of the Attorney General relating to the jurisdiction of the Office of Inspector General and certain allegations of misconduct, and for other purposes)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 701.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, add after line 22 the following new section:

SEC. 112. No funds appropriated under this Act or any other Act may be expended to implement or enforce Attorney General Order No. 1638-92, dated December 11, 1992 (relating to the jurisdiction of the Office of the Inspector General and certain allegations of misconduct).

Mr. GLENN. Mr. President, I rise today to offer an amendment to the Justice Department's appropriation. This amendment would prohibit the expenditure of funds to implement or enforce Attorney General Order No. 1638-92, dated December 11, 1992. That order guts the jurisdiction of the Inspector General Office [IG] at the Department of Justice and provides the Department's Office of Professional Responsibility [OPR] with authorities that are in violation of the Inspector General Act of 1978.

The committee which I chair, Governmental Affairs, is the authorizing and oversight committee for the entire IG community. I was a strong supporter of the original Inspector General Act of 1978, which created a number of Presidentially-appointed inspector general positions throughout many of the Cabinet departments and agencies. Through the years some of the agencies that had been left out were added to the act's coverage.

I was a principal author of the 1988 Inspector General Act Amendments which created Presidentially appointed IG positions at the last two holdout Departments—Justice and Treasury. Despite misgivings among some Members, Congress acceded to the direct request of Attorney General Thornburgh and did not incorporate the Office of Professional Responsibility into the new Office of Inspector General. That office, with 10 attorneys all working in D.C. and no investigators, was created in 1975, prior to the establishment in the Government of inspector general offices. We made sure to note, however, that the Attorney General had the authority to administratively effect the transfer.

The transfer never took place, and today, Justice stands alone as the only agency with essentially two department-level IG offices. Every other IG office can, and does investigate misconduct allegations relating to any employee within those agencies; these include agencies with staff attorneys, litigators, and criminal investigators as well as other professionals who exercise their judgment and discretion, such as physicians and scientists.

Our 1988 compromise with Attorney General Thornburgh resulted in the situation whereby the IG is required to refer allegations about certain DOJ employees—attorneys, criminal investigator and law enforcement positions—to OPR. In the final rush to reach compromise and prepare the legislative record, we left those terms undefined, but made clear that we were being sensitive to the Department's request that OPR investigate allegations involving the exercise of prosecutorial or litigative discretion in particular cases. It was our expectation that the appropriate Justice Department officials, including the Presidentially appointed IG and the head of OPR, would establish a professional working relationship and ultimately work out the details.

After 4 years of IG and OPR coexistence, this has not come to pass. I have watched with increasing alarm as turf war attitudes and confusion have become the benchmark of the OPR/IG relationship. I am now convinced that the 1988 compromise was a failure and that the existence of two IG offices in main Justice is a mistake. We can wait no longer for a resolution of this matter.

I had planned to take this matter up with President Clinton's new Attorney General after she took office. But without notice to the IG or Congress, in the midst of a Presidential transition period, then Deputy Attorney General Terwilliger decided to decide this issue himself. In November 1992 he wrote a memo to the IG and head of OPR which effectively transferred most of the authority of the IG Office to the OPR. I immediately wrote Attorney General

Barr objecting to the Terwilliger memo and urging him to rescind it.

Instead, Mr. Terwilliger, acting as the Attorney General, signed an Attorney General order which memorialized his own memo. Again, neither the IG nor the IG oversight committee were consulted, nor informed of this decision. This was a transparent political effort to weaken the Justice IG—which has an obligation to report to Congress as well as the Attorney General—and unlawfuly expand OPR's authority before the arrival of the new Attorney General. I wrote Attorney General Barr again, and never received a response to my objections.

This order guts the legislated jurisdiction of the IG office, by broadly rewording the categories of employees that the IG Act subjects to OPR investigation. By the manner and method of its approval, it also shows blatant disregard for the IG Act, the oversight committee and congressional intent. I think nothing short of rescission is an acceptable solution to this problem.

The order is unlawful because it requires allegations of misconduct by all employees in entire components of the Department, regardless of their positions, to be referred to OPR—including the secretaries, paralegals, and administrative personnel in those offices. The OPR assignments include all of the U.S. attorney offices and Office of the Solicitor General. The order assigns allegations of misconduct by employees in other components of the Department solely to the IG—such as the Justice Management Division and U.S. trustees offices, including their secretaries, paralegals, and administrative personnel. The order goes on to provide that OPR will refer back to the IG allegations about its assigned employees only after OPR's 10 attorneys have been able to screen the allegations according to a vague and unarticulated standard.

The unbounded discretion and authority provided to OPR is contrary to the letter and intent of the law. While we agreed to Mr. Thornburgh's request to retain OPR outside the IG office, we did not agree that OPR alone could interpret the act's coverage, regardless of an employee's job description and no matter how far removed that employee is from a law enforcement function.

The clear intent of this order is to preclude and delay the IG from investigating allegations about employees who do not fall within the three categories reserved to OPR by law—attorneys, criminal investigators, and law enforcement officers. On its face, it contributes to an atmosphere of confusion and blurs any clear lines of accountability. For example, who should an allegation of theft by GS–7 secretary who works in a U.S. attorney's office be handled by OPR, while his or her counterpart in the Justice Management Division accused of the same crime be investigated by the IG office?

I continue to object to this order and stated my objection personally to Attorney General Reno when we met on this subject on April 9, 1993. JACK BROOKS, chairman of the House Judiciary Committee, has also expressed his dismay at the continued existence of this order. In April Ms. Reno said she preferred to deal with the order as part of her review of the broader question of IG and OPR jurisdictional issues, and of course, I wanted to give her time to do so.

But 3 months have now passed, and in my view, the longer this order stays in place, the more damage it does. For example, on April 16, 1993, the FBI sent a memo to the Attorney General asking for reconsideration of the December 1992 order. The FBI, who was not consulted prior to the issuance of the order, specifically noted that the order does not provide for a coordination mechanism between the FBI and IG. The FBI then took the liberty of drafting and forwarding to the Attorney General a draft Memorandum of Understanding between the FBI and IG, without consulting or providing any notice to the IG. As this is taking place, there continues to be a battle waged between the IG and INS over the IG's jurisdiction to investigate INS agents, even those who are alleged to have taken a bribe. I do not know if Ms. Reno has acted on the FBI memo, but this infighting is typical of the turf battles and confusion that have marked the failed 1988 compromise.

Another example of the impact of the order is the lack of assistance from or consultation with the Office of the Inspector General in the internal review of the Waco, TX, raid. My Governmental Affairs Committee staff was informed that the order was the basis for the refusal to include the IG in the investigation of the Waco incident. This is in direct contrast to the Treasury IG, who has been working with the team looking at the actions of the Bureau of Alcohol, Tobacco and Firearms agents.

At this time, the General Accounting Office is performing a review of the IG/OPR controversy. I understand that in at least two recent meetings, GAO orally informed DOJ that this order is in violation of the IG Act. GAO will be reporting that finding in its upcoming reports.

At this time I must insist that the damaging, unlawful Attorney General order he revoked so we can all go back to the drawing board and come up with a solution once and for all. I look forward to working with Attorney General Reno to accomplish that goal; I am glad to hear that Justice Department lawyers are revisiting these issues with an eye toward merger. My staff and I are always ready to meet with them and work with them toward an acceptable solution.

In the meantime, since the Attorney General has not revoked the order on her own, and the damage and confusion it sows has continued, I am offering my amendment to prohibit the enforcement or implementation of that order.

I ask unanimous consent that a copy of the order at issue be printed in the CONGRESSIONAL RECORD after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC.

JURISDICTION OF THE OFFICE OF THE INSPECTOR GENERAL AND THE OFFICE OF PROFESSIONAL RESPONSIBILITY WITH RESPECT TO ALLEGATIONS OF MISCONDUCT BY DEPARTMENT OF JUSTICE EMPLOYEES (ORDER NO. 1638–92)

By virtue of the authority vested in me as Attorney General, including 28 U.S.C. §§509, 510 and the Inspector General Act of 1978, as amended, I hereby direct that the following procedures be followed in the investigation of allegations of misconduct by Department of Justice employees:

I. Initial referral.

A. Allegations involving officers or employees in the Office of the Solicitor General, United States Attorneys' Offices, the Federal Bureau of Investigation, Drug Enforcement Administration, the Office of Legal Counsel and the Office of Intelligence Policy Review shall be referred to the Office of Professional Responsibility (OPR).

B. Allegations involving officers or employees, except attorneys, in the Immigration and Naturalization Service and the Bureau of Prisons, the Justice Management Division, the Office of Justice Programs, the Executive Office for United States Attorneys, and the Executive Office for United States Trustees, inclusive of the United States Trustees Offices, shall be referred to the Office of the Inspector General (OIG).

C. Allegations that involve officers or employees in attorney positions in any Department component shall be referred to OPR. For purposes of this provision, an attorney is any person who is admitted to practice law and who, as part of his or her normal or assigned duties, provides legal advice and counsel, conducts litigation, or exercises legal judgment or discretion. Allegations involving misconduct by a person who is an attorney shall be referred to OPR regardless of whether the misconduct involved that person's legal work or other, nonlegal duties or actions.

D. Allegations involving persons in a criminal investigative or law enforcement position in any Department component not listed in paragraph A or B shall be referred to OPR. Allegations regarding any other employee not otherwise described above shall be referred to OIG.

E. Allegations involving fraud and other abuse committed by contractors, grantees or other recipients of Departmental benefits shall be referred to OIG.

II. Coordination between the Office of Professional Responsibility and the Office of Inspector General.

A. OIG and OPR will each determine with respect to allegations received in their respective offices whether such allegations implicate the prosecutive, investigative or litigative functions of the Department.

B. Officers or employees discharging prosecutive, investigative or litigative functions are deemed to be "employed in an attorney, criminal investigative, or law enforcement position" to the extent they perform such functions, regardless of whether the position is classified for other purposes as an attorney, criminal investigative or law enforcement position. This paragraph is included for clarification only and nothing herein affects the allocation of responsibilities under any other provision of this order.

C. When OPR determines that an allegation received by it does not implicate the prosecutive, investigative or litigative functions of the Department, OPR shall refer such allegation to OIG when the allegation concerns waste, fraud or abuse, matters which are presumptively within the jurisdiction of OIG. Such reassignments shall be made regardless of whether the position is classified for other purposes as an attorney, criminal investigator, or law enforcement position.

D. When OIG determines that an allegation received by it implicates the prosecutive, investigative or litigative functions of the Department, OIG shall refer such allegation to OPR because such an allegation is presumptively within the jurisdiction of OPR. Such reassignments shall be made regardless of whether the position is classified for other purposes as an attorney, criminal investigator, or law enforcement position.

E. Each office shall transmit to the other copies of all allegations received by it that implicate persons within the scope of the other office's interest. The OIG and OPR each recognize that this obligation continues throughout the course of an investigation.

F. Any disputes regarding jurisdiction over particular matters that cannot be resolved between OIG and OPR will be resolved by the Deputy Attorney General.

G. Nothing herein restricts the authority of OIG to audit or inspect any component of the Department of Justice.

Acting Attorney General.

Date: December 11, 1992.

Mr. ROTH. Mr. President, as a strong supporter, in my days in the Senate, of legislation which has established an office of inspector general in the various departments and agencies of Government, I rise in support of the amendment offered by the Senator from Ohio. When we established the Office of Inspector General for the Department of Justice in 1988, we compromised by allowing, in statute, the department to have both an office of professional responsibility as well as an inspector general. Inevitably, overlapping jurisdictions provoke turf battles and confusion.

These results are undesirable. I suspect that some time soon Congress will have to revisit this statutory compromise. The recent Attorney General order—which the pending amendment would rescind—apparently has not solved the problem. The pending amendment, if enacted, would take effect in October. Thus the practical effect of the amendment is simply to draw the attention of the Attorney General to this problem in order to prompt a solution. The amendment itself offers no specific answers. Perhaps a new Attorney General order might work to eliminate the confusion and turf battles that have flowed from congressional ambiguity. If the Attorney General believes that the problem cannot be solved by an order, we in Congress ought to be so informed. If the amendment is enacted and nothing happens by October, Congress will be so informed.

What this amendment means is that the problem can no longer be ignored. I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 701) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 702

(Purpose: To prohibit funds to be expended for the salary of the United States Commissioner of the International Boundary Commission, United States and Canada)

Mr. HOLLINGS. Mr. President, I ask the committee amendment be temporarily laid aside. I send an amendment to the desk on behalf of the distinguished Senator from Montana, Senator BAUCUS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. BAUCUS, proposes an amendment numbered 702.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 76, insert between lines 19 and 20, the following new section:

SEC. 503. No funds appropriated or otherwise made available under this Act or any other Act may be expended for the salary of the United States Commissioner of the International Boundary Commission, United States and Canada.

Mr. BAUCUS. Mr. President, I offer an amendment concerning the salary paid for the position of International Boundary Commissioner, a job that currently pays $70,000 a year.

For this sum, the Boundary Commissioner oversees what may be the smallest agency in the Federal Government—the International Boundary Commission.

This agency was established pursuant to a 1908 treaty between the United States and Great Britain. Its sole function is to look after the appearance of the border between the United States and Canada; in other words, to make sure the border strip is mowed and the boundary markers are maintained.

The last person to hold this job was a Montanan. And, although he was my opponent in the last election, I can tell you he is a very, very fine gentleman who has devoted most of his life to public service.

However, as a border commissioner, he freely admits that he worked only about 60 days each year.

Moreover, the previous commissioner described the position as "more of a hobby than a job" and refused to accept compensation for the days he did not actually work.

So $70,000 for 60 days work. That comes out to $1,167 per day—much too much for the work involved.

For that reason, my amendment will urge the Senate to agree to eliminate the compensation for the job. It should be an honorary job.

I think it is time to give the taxpayers a break. At the appropriate time, I will offer and urge the adoption of the amendment.

I thank my good friend from New York very much for allowing me to have this time.

Mr. HOLLINGS. Mr. President, this amendment has to do with the International Boundary Commission. It has been cleared on both sides for the Senator from Montana, am I correct, Senator?

Mr. DOMENICI. The Senator is correct.

Mr. HOLLINGS. I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 702) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD at this time a letter from the Secretary of Commerce, Secretary Ron Brown, relative to the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, DC, July 27, 1993.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for supporting the Department of Commerce's FY 1994 budget request during the Senate appropriations process. The Department strongly endorses the approach taken by the Committee.

The resources provided allow us to accomplish the President's goals and to carry out our strategic vision of supporting technology development, expanding trade opportunities, promoting stewardship of the globe environmental, and enhancing economic and community development. In particular, we are gratified by the Committee's efforts to fund as much as of the "investment" package as possible. These programs support key technology, telecommunications, defense conversion, and environmental infrastructure initiatives.

Funds provided for the National Institute of Standards and Technology (NIST) will be used to expand several successful technology initiatives, including the manufacturing extension program, which support the development, commercialization and application of new technology. The restoration of the facilities request, deleted by the House, is greatly appreciated. NIST laboratories are in urgent need of repair and replacement if the agency is to continue its leadership role in assisting U.S. manufacturing industries to maintain their leading edge in the global market place.

The Department's trade policy and promotion programs remain a high priority. We are committed to increasing U.S. exports and expanding trade opportunities abroad, and are encouraged by your strong endorsement of the Department's trade request. FY 1994 funding will ensure enforcement of U.S. trade laws, maintenance of a strong Foreign Commercial Service presence overseas, and continued assistance to the U.S. travel industry. The additional funds for Import Administration will allow ITA to help eliminate the backlog of antidumping and countervailing duty reviews.

The Committee allowance for the National Oceanic and Atmospheric Administration (NOAA) supports the Department's commitment to modernizing the National Weather Service (NWS) while maintaining the NWS base. Your allowance also addresses the problems of aging infrastructure for NOAA's fleet, aircraft, and facilities.

The Committee allowance for the National Telecommunications and Information Agency (NTIA) provides the resources and appropriations language necessary to develop a National Information Infrastructure (NII). The goal of the NII is the facilitation of the connection of the Nation's business, schools, health care facilities, and public information providers through an interactive telecommunications network. Thus, we also appreciate the Committee's support for the President's telecommunications research request.

The funding level for the Economic Development Administration significantly increases assistance through the President's Defense Conversion program, which will be a main theme of EDA's immediate future. Grants will be used to assist communities implement base reuse plans and develop long-term economic strategies for addressing defense procurement cutbacks and base closures. The Department supports the Committee's action to terminate Trade Adjustment Assistance. Through our efforts to streamline the Commerce service delivery system, we will continue to provide business assistance through the Manufacturing Technology Centers, ITA's domestic offices and the Minority Business Development Agency's (MBDA) Business Development Centers.

Funds provided for MBDA will support my commitment to upgrade and revitalize the agency. Additional resources will place the MEGA Center program on a firm footing.

Thank you again for your continued support of the President's investment items and the Department of Commerce programs. We look forward to working with you as you prepare to bring our bill to the Senate floor and to resolve differences with the House in conference.

Sincerely,

RONALD H. BROWN.

NOAA

Mrs. MURRAY. During the subcommittee markup of these appropriations a provision was added to the report directing National Oceanic and Atmospheric Administration [NOAA] to expend the balance of funds appropriated in fiscal year 1992 and fiscal year 1993 for a new NOAA facility in Juneau.

Mr. HOLLINGS. The Senator is correct.

Mrs. MURRAY. As the chairman is aware, NOAA's Sand Point facility is an integral part of the Seattle community and that the programs and projects conducted there are important to the recreational and commercial fisheries in the whole region. It is my understanding that the provision concerning the Juneau facility is not intended to interfere or change the mission of NOAA's Sand Point facility.

Mr. HOLLINGS. That is my understanding. The provision concerning the planning and survey funding for a new Juneau, AK, facility is not intended to change or modify the work that is being conducted by NOAA's Sand Point facility.

COLUMBIA RIVER BASIN ENDANGERED SALMON

Mr. HATFIELD. Senator GORTON and I would like to engage the distinguished chairman and ranking member of the subcommittee in a short colloquy concerning funding for the official recovery team which is preparing the draft recovery plan for the Snake River salmon runs which have been declared threatened and endangered by the Secretary of Commerce.

Mr. HOLLINGS. I would be pleased to discuss this matter with my colleagues from the Pacific Northwest.

Mr. HATFIELD. As a member of the Appropriations Committee who represents one of the States affected most by the Snake River endangered salmon listings, I want to ensure that the National Marine Fisheries Service has sufficient funds in its fiscal year 1994 appropriation to fund adequately the operations and recommendations of the recovery team.

I am pleased that the subcommittee has fully funded the President's budget request for Columbia River Basin salmon and Endangered Species Act activities, and appreciate the tremendous pressures under which the chairman and ranking member have labored in developing the bill currently before the Senate. Accordingly, I support the programs and the funding levels in the bill as reported by the committee, and have no desire to alter the committee's salmon-related recommendations.

Mr. GORTON. I, too, would like to thank the chairman and ranking member of the subcommittee for fully funding the President's request for Columbia River Basin Endangered Species Act activities. Recognizing that the subcommittee's allocation was some $1 billion below the request level, I very much appreciate the subcommittee's efforts to accommodate both Senator HATFIELD'S and my concerns.

Mr. HOLLINGS. I thank the Senators for their support in developing this bill.

Mr. HATFIELD. The problem we face in the Northwest, however, is of a very serious nature as it relates to the salmon listings. The recovery team has been working for the past year and a half in developing its draft recovery plan, and it is hoped that it will be completed and released to the public this fall. We are anxious that the recovery team finish its work and that the recovery plan can be put in place as soon as possible.

Unfortunately, there is a great deal of uncertainty involving the recovery team's process. The team is unable to determine when its work will be completed and when the plan will be enacted by the Department of Commerce. I am concerned that unforeseen expenses relating to either the recovery team's preparation of its plan or the activities required by the plan could hinder its implementation.

For this reason, and considering the serious nature of the listings and their potential impact on the environment and economy of the Columbia River Basin, I would propose that in the event that funds are found to be insufficient to meet the needs of the recovery team or any monitoring or evaluations which may be required by the recovery plan, that NOAA use its transfer authority to provide the necessary funds. Specifically, I believe that NOAA would have sufficient funds in its construction account that could be transferred to its operations, research, and facilities account to fund the recovery team's activities if the need arose.

Mr. HOLLINGS. I understand the importance of the threatened and endangered salmon listings to the Members from the Pacific Northwest, and believe this to be a reasonable request. I would join my colleagues in urging NOAA to transfer funds from its construction account to its operations, research, and facilities account to cover any funding deficiencies associated with the recovery team's activities.

Mr. DOMENICI. I concur with the comments of the subcommittee chairman, and will work with my friends from the Pacific Northwest and NOAA to ensure that the recovery team's operations and recommendations will be funded adequately.

Mr. HOLLINGS. I think the agreement now is the distinguished Senator from North Carolina is to be recognized.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I believe I will wait until we have a modicum of order.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order. The Chair recognizes the Senator from North Carolina.

AMENDMENT NO. 703 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 8, LINE 16

(Purpose: To restrict assistance for Nicaragua until certain conditions are met)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask it be stated including the names of the distinguished Senators who are cosponsors and ask its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. DOLE, Mr. COVERDELL, Mr. MCCAIN, Mr. MACK, Mr. D'AMATO, Mr. COCHRAN, Mr. PRESSLER, Mr. SMITH, Mr. CRAIG, Mr. NICKLES, Mr. BROWN, Mr. LOTT, Mr. GREGG, Mr. MURKOWSKI, Mr. BURNS, Mr. WALLOP, and Mr. MCCONNELL, proposes an amendment numbered 703.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment, insert the following:

"RESTRICTION ON ASSISTANCE FOR NICARAGUA

(a) RESTRICTION.—Funds appropriated or otherwise made available under this or any other Act, including any funds which were obligated but not expended under any prior Act—

(1) may not be obligated or expended for the Government of Nicaragua; and

(2) may not be obligated or expended to any other country or international financial institution for reduction of any Nicaraguan indebtedness to that country or institution, until the President certifies to Congress that—

(A) the Government of Nicaragua has identified, apprehended, and brought to justice all individuals responsible for the provision of Nicaraguan passports discovered in connection with the February 26, 1993, bombing of the World Trade Center in New York;

(B) an independent international investigation, with the participation of appropriate United States law enforcement personnel, into the origins, leadership, funding, and activities of the international criminal network revealed by the explosion in Managua, Nicaragua, on May 23, 1993, has occurred and that the Government of Nicaragua has fully and completely implemented all recommendations of the investigation; and

(C) none of the senior officials of the Government of Nicaragua, including officials of the Sandinista Popular Army, the Sandinista National Police, and all intelligence services, is involved in, or provides support for, or any act of international terrorism.

(b) REPORT.—Not later than 30 days after the date of enactment of this section, the Secretary of State shall, in consultation with the Federal Bureau of Investigation, the Immigration and Naturalization Service and any other appropriate Federal agency, submit a report to Congress on the extent of involvement by the Government of Nicaragua in international terrorist and criminal activities since April 25, 1990. Such report shall—

(1) include information on terrorist groups with an office or presence in Nicaragua and on arms storage in and arms smuggling and trafficking from Nicaragua;

(2) include information on the use of Nicaraguan passports in international terrorist activities, including the February 26, 1993, bombing of the World Trade Center;

(3) state whether the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) concerning Nicaragua's support for international terrorism and, if the Secretary has not made such a determination, shall contain a detailed explanation of the reasons for not doing so;

(4) state whether the Secretary of State has made a determination under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) concerning Nicaragua's support for international terrorism and, if the Secretary has not made such a determination, shall contain a detailed explanation of the reasons for not doing so;

(5) state whether the President has made a determination under section 554 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102–391) concerning Nicaragua's support for international terrorism and, if the President has not made such a determination, shall contain a detailed explanation of the reasons for not doing so; and

(6) include information on individuals or groups in the United States who aid or abet guerrilla or terrorist operations in violation of U.S. law in Nicaragua.

(c) EXEMPTION.—The restriction in subsection (a) shall not apply with respect to funds made available under chapter 9 of part I of the Foreign Assistance Act (relating to disaster assistance) if such funds are notified in advance in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2393a).

(d) DEFINITIONS.—For purposes of this section—

(1) the term "Government of Nicaragua" means the government, any political subdivision thereof, and any agency or instrumentality thereof, including the armed forces and the security forces, and the judiciary, of Nicaragua;

(2) the term "international financial institution" includes the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Central American Bank of Economic Integration, and the International Monetary Fund; and

(3) the term "senior official" refers to—

(A) a vice-minister or minister of a government ministry;

(B) a director or deputy director of a government institute or parastatal;

(C) an individual with the rank of lieutenant colonel, or with an equivalent rank or above, in the armed forces or intelligence services; or

(D) an individual with the rank of sub-commander or above in the national police."

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, the word is out and the world has now been made aware of the terrorist network operating out of Nicaragua. Last year the Republican staff of the Senate Foreign Relations Committee completed an exhaustive report which detailed, among a multitude of other sins, the terrorist network based in Nicaragua. There was much hooting and howling among the liberal news media at that time, who declared Madam Chamorro to be impossible of error and discounted reports that anything of a serious nature was going on in Nicaragua. Once again, the liberal media were wrong.

Mr. President, we should have order in the Senate, please.

The PRESIDING OFFICER. The Senator is correct. The Senate will come to order.

Mr. HELMS. I thank the Chair.

On May 23 of this year, a massive weapons cache accidentally exploded in Managua, Nicaragua.

It was a sophisticated arsenal with tons of weapons which included millions of rounds of ammunition and 19 surface-to-air missiles. This cache was a sort of one-stop shopping center for terrorists. There were hundreds of passports from many countries available. There were stamps for marking both entry and exit on passports and dozens of false driver's licenses and identification cards.

So Nicaragua now stands exposed as the headquarters of a multinational terrorist enterprise with tentacles spreading around the world. Documents found after the explosion revealed an elaborate network of kidnapping and terror which operates throughout the hemisphere, working closely with the Basque-Spanish terrorists, among others. Also uncovered, Mr. President, was evidence of operations in and links with terrorists from Chile, Mexico, Brazil, and many other countries.

So now it is clear that Nicaragua is continuing subversion of its more immediate neighbors. The FMLN guerrillas from El Salvador stashed their weapons in Nicaragua, in blatant violation of the Salvadoran peace accord. The U.N. Secretary General termed the FMLN's use of the arms cache as, and I quote him, "the most serious violation to date" of the Salvadoran peace agreement.

This discovery should come as no surprise, Mr. President, when one recalls seven Nicaraguan passports were discovered in connection with the bombing of the World Trade Center in New York City. For more than 20 years, the Sandinistas in Nicaragua have had links with terrorist groups on three continents. They are part and parcel of what one expert called "the network of ideologically exhausted Marxist extremist groups."

Nicaragua maintains full diplomatic relations with the PLO, with Libya, and with Cuba. Cuba's Ambassador to Nicaragua is now under indictment in the United States, by the way, for narcotics trafficking.

There should be no doubt about the nature of the Nicaraguan regime that is known to have murdered hundreds of former freedom fighters. Virtually nothing has been done about the thousands of pieces of property stolen from

American citizens in Nicaragua. The Communist Sandinistas completely control the Nicaraguan armed forces, the police, the intelligence service, the immigration service, the courts, and the legislature. President Chamorro has charmed the U.S. State Department and the gullible news media in Washington, New York, and elsewhere. But the most charitable assessment of this lady is that she is not now, and never has been, in control of the government she was elected to head in 1990.

But let there be no doubt that the Sandinista military intelligence apparatus is and has been running the show in Nicaragua. These Communist thugs knew full well about that arms cache, to which I referred just a minute ago, and many more of these caches, which no doubt exist but which have not yet been uncovered.

By the way, Mr. President, to show you how sophisticated all this is, there was one vault which contained hydraulically operated metal doors and a series of chambers connected by a tunnel network. When United States Ambassador-designate to Nicaragua, John Maisto, was asked last week whether he had any doubt about the Nicaraguan military's knowledge of the arms cache, he responded, "absolutely not."

So, Mr. President, the pending amendment, which is cosponsored by 17 distinguished Senators, is very simple: It withholds foreign aid until President Clinton, or whoever is President at the time, certifies that: one, the Government of Nicaragua has brought to justice all Nicaraguans involved in providing passports in the World Trade Center bombing case; two, that an independent investigation into the Nicaragua terrorist network has been conducted; and, three, that no senior official of the Nicaraguan Government is involved in supporting international terrorism.

The pending amendment does not prohibit the delivery of disaster assistance for the long-suffering people of Nicaragua, but it does cut off all aid to the disastrous Government of Nicaragua.

Finally, the amendment calls for a report on the terrorist network in Nicaragua and specifically whether the administration has determined Nicaragua is a state sponsor of terrorism in accordance with various provisions of United States law.

I reiterate, the pending amendment is cosponsored by the distinguished Republican leader, Mr. DOLE, as well as Senators COVERDELL, MCCAIN, MACK, D'AMATO, COCHRAN, PRESSLER, CRAIG, SMITH, NICKLES, BROWN, LOTT, GREGG, MURKOWSKI, BURNS, WALLOP, and MCCONNELL. I urge all of my colleagues to support this simple provision to stop sending U.S. aid to a government which is, in the words of the Miami Herald, "a terrorist haven."

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to express my appreciation to my colleague from North Carolina for his amendment, but in addition I would like to thank him for his continued efforts to bring about peace and stability in Central America, and for his long involvement in these issues.

I note the presence of the distinguished Senator from South Carolina, the chairman of the Commerce Committee. I would also like to note his long, many years of involvement on this issue, his support for those who struggle for freedom in Nicaragua and other places throughout the world, and his strong support for free and fair elections in El Salvador.

So I find myself on the floor with friends of freedom and democracy. I say that not because we are of a like mind, but because I think the record proves that we have come a very, very long way in bringing about peace and freedom in Central America. But recent events clearly indicate that we have a long way to go.

As Senator HELMS mentioned, recent press reports have brought to light a situation in Nicaragua that those of us interested in issues affecting the hemisphere have been concerned about for some time.

An explosion in Managua on May 23, 1993, revealed caches of arms and information concerning a terrorism and kidnaping campaign of massive proportions.

The volume of munitions found that day in the ruins of an auto repair shop would exceed the imagination of some of our century's most infamous terrorists: Antitank mines; C-4 explosives; 81 millimeter mortars; 60 millimeter mortars; machine guns; rocket launchers; Soviet-made SAM 7's; TNT; detonators; rifles; grenades; grenade launchers; and ammunition for .50 caliber and M-60 machine guns.

Unfortunately, Mr. President, this list is only a partial one. It cannot account for the munitions lost in the explosion, an explosion so great that it destroyed 23 houses and 21 vehicles and scattered human remains in a 300-meter radius around the auto repair shop.

In addition to the cache of arms, authorities investigating the explosion found evidence that the Sandinistas have been supplying more than arms to our hemisphere's terrorists. One diplomat has described the contents of the vault as a "one-stop shop" for terrorists. The aspiring terrorist had not only his pick of weapons but could choose from passports of 21 different nations, passport stamps, driver's licenses, and ID cards.

If the terrorist was in need of additional targets or unsure about the whereabouts of his intended victim, he might also obtain assistance in Managua. Uncovered on May 23 were details of a Marxist kidnaping scheme targeting wealthy businessmen and influential people throughout the hemisphere. Dossiers found in Managua listed more than 100 potential kidnaping targets and detailed their daily habits. Many of the targets were subjects of brief written profiles and appear from the dossiers to have been stalked by Marxist terrorists.

Most importantly and quite ominously, the discovery of this "one stop shop" has serious implications for the investigation of the World Trade Center bombing. It might be remembered that passports in the possession of individuals apprehended in connection with the World Trade Center bombing have been traced to Nicaragua.

In an effort to assess the extent of Sandinista terrorist activities throughout the hemisphere, the amendment offered by Senator HELMS, myself, and others halts United States assistance to Nicaragua until the President certifies to Congress that no senior Nicaraguan officials are involved in international terrorism and that an independent international investigation into Sandinista terrorist activities has taken place.

The amendment further conditions United States assistance to Nicaragua on bringing to justice those individuals responsible for providing passports to suspects in the February 26, 1993, bombing of the World Trade Center.

The terrorism of the Sandinistas has undermined the stability of Latin America for over a decade and many of us interested in peace in the hemisphere have said as much. Now their terrorism threatens Americans here at home.

Not a dime of United States assistance should go to Nicaragua until we have uncovered the extent of the FSLN's connection to the World Trade Center bombing, and revealed the true extent of the Sandinista terrorist network.

There is a vision of the future shared by the elected leaders of the Western Hemisphere. It is a vision embodied in the North American Free-Trade Agreement; the Enterprise for the Americas Initiative; and the democratic, free-market reforms that are sweeping Latin America. It is a vision that seeks to write a new, more hopeful chapter in United States-Latin American relations; one based on mutual respect, free markets and free minds.

I think I speak for my colleagues when I say that with the collapse of international communism, the election of Violeta Chamorro in Nicaragua, and the conclusion of a peace accord for El Salvador, we are ready on a bipartisan basis to face this brave new world.

We must remember, however, as we act on this bold vision, that there are still elements throughout Latin America that would see it thwarted. In their struggle for power and the legitimization of tyranny, these elements hold firm to the maxim that the ends justify the means.

Nothing is more indicative of the insidious threat that undemocratic forces wielding this philosophy still pose to our vision for the hemisphere than the information that was exposed in Managua on May 23.

Many of us not only warned of the terrorist activities of the FSLN but recognized that when Violeta Chamorro retained Humberto Ortega as the commander in chief of the Sandinista Popular Army, these activities would probably continue.

Unlike the U.S. Armed Forces, which are precluded from bringing their power to bear in the political affairs of the Nation, the Sandinista Army serves as an organ of the party. It was at the disposal of the Sandinista leadership throughout the 1980's and it remains at their disposal today.

A recent article in the New York Times indicates that perhaps this army has even continued in the needless slaughter of their own civilians.

"Nicaraguans Say Army Had a Hand in Attack" is the lead article, and it concerns an attack by Sandinista soldiers against what appeared to be rebels at the time.

Apparently, and I quote from the article:

> Diplomats say that a closer examination of the attack strongly suggests complicity at the highest levelsof the country's army, which remains under Sandinista control although the Sandinistas lost the elections in 1990.
>
> Many residents of this town, long a Sandinista bastion, say they believe the attack by disgruntled, demobilized Sandinistas on Wednesday was planned, mounted and terminated with the involvement of the country's armed forces.

Mr. President, I ask unanimous consent that this article in its entirety be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 26, 1993]

NICARAGUANS SAY THE ARMY HAD A HAND IN ATTACK

(By Howard W. French)

ESTELÍ, Nicaragua, July 25.—At first blush, the attack of former Sandinista soldiers against this provincial town last week appeared to be a simple affair, but almost as soon as the guns went quiet a darker picture of intrigue and betrayal began to emerge.

Diplomats say that a closer examination of the attack strongly suggests complicity at the highest levels of the country's army, which remain under Sandinista control although the Sandinistas lost the elections in 1990.

Many residents of this town, long a Sandinista bastion, say they believe the attack by disgruntled, demobilized Sandinistas on Wednesday was planned, mounted and terminated with the involvement of the country's armed forces. The resurrected Sandinistas, who used to refer to one another as compañeros, now call themselves the "Recompas."

"From inside it sounded as if the Vietnam War was being fought all over again," said one of the town's businessmen, describing the Nicaraguan Army's recapture of Estelí on Thursday amid the boom and clatter of helicopters firing rockets and thick streams of automatic-weapons fire. "But when you took a peek outside, you realized that most of the shooting was aimed at the sky. Then, when the Government decided they wanted to end it, suddenly they just cleaned up."

$4 MILLION REPORTED TAKEN

In the capital, Managua, diplomats said that the attack on Estelí had been openly planned for weeks by a former Sandinista major, Victor Manuel Gallegos. Major Gallegos escaped unharmed in broad daylight with a reported $4 million stolen from local banks.

Diplomats and many Nicaraguans who see the fighting in Estelí as another sign that the country's transition to democracy is veering dangerously toward failure, say that the attack on the town reveals the complex layers of rivalry and betrayal common in the increasingly violent shadow games of Nicaraguan politics.

The army commander, Gen. Humberto Ortega, a Sandinista whose retention of his command after the opposition won democratic elections in 1990 has been a steady source of tension, strongly denied army involvement in the attack on the town.

Instead, he proclaimed the operation a great success for the army and condemned the Government for creating conditions that were seeding violence in the country.

LACK OF HELP NOTED

For months, the 78,000 demobilized Sandinista soldiers and 23,000 former contra rebels have been grumbling that despite a series of pardons and promises of economic aid the Government had done little to generate economic growth or help in their return to productive civilian life.

Some diplomats and Nicaraguans say General Ortega, the brother of Daniel Ortega, the President under Sandinista rule, faced mounting opposition from disgruntled former Sandinista soldiers who had fallen under the sway of the more radical elements of their political movement.

Among their grievances is the complaint that by participating in the Government of the civilian President, Violeta Barrios de Chamorro, the Sandinista movement is discrediting itself.

Despite the fact that the Government is widely seen as broadly accommodating in its approach to the Sandinistas, Daniel Ortega delivered a fiery speech last week in which he warned that only profound changes would allow the Government to survive the remaining three years of its six-year term. Far from an attempt to distance the Sandinistas from the Government, Mr. Oretga's speech was viewed by many here as a bid for a senior role for himself.

General Ortega recently urged Mrs. Chamorro to extend a pardon to more radical Sandinista elements in an effort to neutralize them, diplomats said.

Having failed to obtain the pardon, diplomats say, General Ortega allowed the Recompas' attack on Esteli to proceed, even though it had been publicly announced at least two weeks in advance.

Supporting this view, the diplomats say, is the fact that the buses carrying the 120 or so Re-compas into Esteli passed unmolested by the army camp at the city's gates. Furthermore, soldiers based in and around the town waited at least three hours before responding.

When the time came to put an end to the operation, army soldiers killed a reported 41 of the rebels, who many say had been led to expect more gentle treatment by their former comrades. In one sweep, diplomats said, General Ortega eliminated potentially troublesome rivals and positioned himself as savior of the nation's order and security.

"This whole thing is about as cynical as you can get," said a Latin American diplomat. "We had meetings with soldiers and police in Esteli 10 days ago who told us this attack was coming. What we are talking about here is the sacrifice of lives: the lives of the rebels, the lives of the soldiers, but mostly the sacrifice of lives of ordinary people."

FORMER CONTRAS TAKE UP ARMS

While the army has flirted with the Recompas, Nicaragua's conservative politicians have forged ties with the former contras, formerly supported by the United States, who now call themselves Re-Contras. They too have increasingly begun to take up arms.

In the most striking example of these ties, the Vice President, Virgilio Godoy Reyes, an outspoken critic of his own Government's collaboration with the Sandinistas, recently traveled to areas patrolled by these rebels to visit with their leaders.

"They wanted to express their grievances at the highest level, and I just went to hear them out," Mr. Godoy said, defending himself in an interview against widespread criticisms.

Critics of Mr. Godoy and other conservative politicians like him say they are providing moral and perhaps other kinds of support to the Re-contras, encouraging them to build up a force that could act as a proxy in a political struggle against the Government of Mrs. Chamorro, which conservatives say long ago sold out to the Sandinistas. The Recontras have also drawn sustenance recently from volatile groups of anti-Castro Cuban exiles based in Miami, which have openly acknowledged sending them money.

Operating in a broad band of territory in the north of the country, the Re-contras, who claim to number 4,800, but are widely believed to be considerably fewer, have many of the same grievances as their former Sandinista Army enemies: the lack of land, credits and jobs. On top of this however, the most emotionally potent element of discontent for many of the Re-contras is the slaying of what they estimate to be 200 of their comrades at the hands of the Sandinista Army since the civil war ended.

Mr. MCCAIN. In my estimation and that of many other well-informed observers, the caches of arms and documents uncovered on May 23 could not have existed without the knowledge and cooperation of the FSLN and the Sandinista Popular Army.

In fact, there were eyewitness accounts on the morning of May 23, of Thomas Borge, one of the founders of the FSLN and former Interior Minister, arriving on the scene of explosion in his pajamas. Mr. Borge, who incidentally holds no position in the current Nicaraguan Government, has a history of successfully manipulating the Sandinista power structure to his advantage. He also has a history of ties to the Basque Separatist movement, individual members of which seem to have been closely involved in the management of the arsenal in Managua.

I am certain that the damage Mr. Borge was there to assess on the morning of May 23 had nothing to do with the pain and misery caused by the explosion. Knowing Mr. Borge, it is more likely that he was there to survey the damage to his own power base and to assist his Basque caretakers.

The investigation to date by Nicaraguan authorities has not been sufficient, and frankly, given the pervasive power of the Sandinistas from the rank and file of the militia to the office of the Presidency, I doubt it will ever be thorough. My guess is that if left to the Nicaraguan Government, the investigation will dismiss the information uncovered on May 23 as a vestige of an earlier era.

The discoveries cannot be so easily dismissed.

As was the case before the election of Violeta Chamorro in 1990, the Sandinistas have far more military equipment than they can ever use, including hundreds of thousands of assault weapons, and millions of rounds of ammunition.

The evidence, and much of the public record, indicate that the Sandinistas are not allowing the surplus of arms to go to waste. There has been an unmistakable and consistent pattern of Sandinista weapons trafficking over the last 3 years.

In May 1990, only months after Violeta Chamorro was sworn in as President of Nicaragua, reports surfaced that following their defeat, the Sandinistas had managed to make 19 new arms shipments to their allies.

In fact, despite Nicaraguan protests that such activity was only recently discovered, as early as September 1990, the Nicaraguan Government itself acknowledged that the Sandinistas were providing arms to the FMLN, the guerrilla movement in El Salvador.

There have been a great many more such discoveries between now and then, including arms uncovered on May 23 which the FMLN freely acknowledged were destined for El Salvador. Additional caches of weapons for the FMLN were uncovered in Nicaragua on June 5, June 7, and June 12.

Arms originating from Nicaragua have been found on their way to Communist guerrillas in Guatemala and in the hands of Columbian terrorists, Chilean terrorists, and Honduran terrorists. As recently as a couple months ago, arms from Nicaragua destined for Colombian drug lords were found in Costa Rica and Panama.

Let there be no mistake. The arsenal uncovered on May 23 is not the vestige of an earlier era. It is another chapter of the current era in which the expressed will of the Nicaraguan people has been subverted by a shrewd, well-armed minority with a penchant for international terrorism.

I have always been proud of my support for freedom in Nicaragua generally, and my past support for President Chamorro specifically. To my deep disappointment, the prospect for freedom in Nicaragua—so vivid on the day of President Chamorro's inauguration—has been squandered by her government.

This loss of control continues to threaten nations beyond Nicaraguan's borders and far from her soap opera-like family squabbles.

The American people would be hard pressed to understand how the U.S. Government could continue supporting a government which poses a direct threat to the security of other nations in this hemisphere, including our own.

I ask that the Senate support Senator HELMS' amendment and our efforts to limit assistance to Nicaragua until we can fully assess and put a stop to their involvement in international terrorism.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia [Mr. COVERDELL].

Mr. COVERDELL. Mr. President, I rise in support of the amendment offered by the Senator from North Carolina and my colleagues of which I am an original cosponsor. Like Senator MCCAIN, I had the opportunity to help celebrate a new democracy in our hemisphere when I attended the inauguration of Madam Chamorro in Managua in 1990. Nobody could have been present on that beautiful day and not have been moved by the democratic accomplishments of the people of Nicaragua.

I think in the celebration perhaps too many of us forgot what was about to be inherited. That was an effort to create a democratic government in the direct line of fire of an armed adversary, the Sandinista Army.

The task left to Madam Chamorro, in my judgment, was too great. It took too far a reach, and we are now seeing the result.

I again visited Nicaragua in late April and May of this year. I met with the President, her advisers, the foreign minister, the Tripartite Commission—which is investigating murders—and other distinguished citizens of Nicaragua. After several intense days of discussions, my final meeting was with Foreign Minister Leal. I suggested to him my concern for what their government was confronted with and what they were endeavoring to do, but said that unless the Government of Nicaragua can resolve three issues, its prospects would be very, very dark.

The first major problem is a lack of respect for property rights. There can be no investment in Nicaragua without a resolution of the thousands of cases of properties that were seized by the Sandinistas and others, and for which the Chamorro government, no matter its effort, has been unable to resolve. Foreign interests with foreign investment, without any confidence of the security of their property cannot be made. Without foreign investment, Nicaragua cannot recover.

The second key problem in Nicaragua is that of human abuses. I met, as I said, with the Tripartite Commission, with each member. There can be no doubt that human rights violations are regularly occurring with impunity and with no resolution. The other day Ambassador-designate Maisto was speaking to the Foreign Relations Committee. He read the charge, as he understood it, from President Clinton. The charge said, "You are instructed to promote human rights." Property and civil rights do not receive full protection in Nicaragua.

The third problem is lack of civilian control over the military. In the meeting with Minister Leal, I said,

> In the final analysis, so long as Nicaragua is confronted with Umberto Ortego, and Lenin Cerna, head of the intelligence, the prospects remain gloomy because the government effort, however good, however qualified, are overpowered by an army that still holds its allegiance to the principles of the Sandinistas.

At the end of the discussion in the Foreign Relations Committee, four questions were asked the Ambassador-designate regarding promises made by the Nicaraguan Government to the U.S. Government. Have the Nicaraguan Army members accused of murdering ex-resistance fighters been sentenced or brought to justice? A very important question. The Ambassador-designate said, "No."

Have 85 percent of the claims of American property holders in Nicaragua been adjudicated as promised? The Ambassador-designate said, "No."

Has a human rights ombudsman been created for Nicaragua? The Ambassador-designate said, "No."

Has legislation been submitted in Nicaragua that would limit the term of service of military officers like Ortega? Surprise. The answer again was, "No."

We have been debating for some time about giving the Chamorro government room to deal with internal matters. That is a reasonable argument. But I suggest that when this military cache that was just described by Senator HELMS and Senator MCCAIN was discovered, and when we found a plot of passport violations and transgressions, when we found a cache subject to support of terrorism throughout the world, when we found a list of targets, international targets for kidnapping, we moved into a new era, one of international involvement and pressure. It is no longer an internal matter. It is now an international matter and one that is occurring in our backyard, in this hemisphere.

I suggest that rather than proceed with the idea that, if we just send some more money, this will work itself out, it has come to the point that what the Chamorro government needs most is an outside ally that will bring pressure to help her bring balance to the situation in Nicaragua and help put this Sandinista Army to the side.

In closing, Mr. President, let me simply say that this is a small country, we are not talking about a large population, but it is in our hemisphere. We are talking about our attitude toward democracy in our hemisphere. We are engaged at this very moment, I think by everybody's acknowledgment, in the definition of what the world will be, what our hemisphere will be in the balance of this decade and in the new century. And in that context, these activities that are occurring in our hemisphere in Nicaragua, in our backyard, deserve our undivided attention. And the best alliance that we could make to this government right now is embraced in the amendment that is offered by the Senator from North Carolina.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina, Mr. HOLLINGS.

Mr. HOLLINGS. Mr. President, I commend the distinguished Senator from Georgia on his very comprehensive statement relative to Nicaragua and the amendment by the distinguished colleague from North Carolina. I was charmed by Chamorro, and I have been just as disappointed as all of us at the trend of occurrences down in Nicaragua.

If I were the President of Nicaragua's lawyer, though, I would just say just like we do not do this and we do not do that, I would counsel, I would say, "Tell that United States Senate up there that they don't know what they are doing," because we are directing remarks about sending money down to Nicaragua, and there is not a red cent in this bill for Nicaragua. I only have to make this comment in observation to try to get our colleagues to withhold for the foreign relations authorization bill, which will be momentarily on the floor and will be appropriate. The judicial crime bill and otherwise from the judiciary committee will be on the floor. And the terrorism amendment will be appropriate there. You are going to have this particular committee of yours going into conference on the other side with all kinds of things pertinent to everybody else but our particular concern and jurisdiction. I say that in all sincerity. I favor the amendment.

I think it is well conceived, and I think a notification should be given. I think this is an inappropriate way, and I am not going to raise any point. In fairness to the distinguished chairman of the Foreign Relations Committee—excuse me, Senator HELMS is the ranking member, I believe—and the ranking member, I try to respect your jurisdiction. That is all I am trying to say. I hope these 60 amendments we have listed, 30 of which have nothing to do with our bill, but everybody wants to get up here and demonstrate. If we can cut off the lights and go back to how we did it in the old times and talk to each other, we can get through this bill in the next hour. But I do agree with what you are saying.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, this amendment, as the Senator just stated, relates to foreign assistance provided under the Foreign Assistance Act, and that would properly be addressed in the Foreign Relations Committee. The committee will be marking up the fiscal year 1994 foreign assistance reauthorization bill soon and will address this important issue at that time.

There are obviously troubles and problems in Nicaragua that deserve to be looked over. I am not sure this is the right wording. I hope that if this survives, the wording could be adjusted so that it is not quite as restrictive.

In any case, I do not think it belongs in this bill at this point. I wanted to make that a matter of record.

The PRESIDING OFFICER. Is there further debate?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 23, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—77

Akaka
Baucus
Bennett
Bond
Bradley
Breaux
Brown
Bryan
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lott
Mack
Mathews
McCain
McConnell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—23

Biden
Bingaman
Boren
Boxer
Bumpers
Campbell
DeConcini
Durenberger
Feingold
Feinstein
Harkin
Hatfield
Levin
Lugar
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Murray
Pell
Sarbanes
Simon
Wellstone

So the amendment (No. 703) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I just want to briefly say that I voted for the last amendment, the Helms amendment.

I would say to my good friend—I see he is still on the floor—I was not terribly enthusiastic about the amendment or some of the language in it. But I would say to my colleagues, to have rejected the amendment and say that we do not care about these issues would have been a far greater error, in my view.

There is a serious situation in Nicaragua. It deserves our collective attention. There is a serious problem with terrorism. The Senator from North Carolina is correct in identifying it.

My hope is that we can come up with some language here that will allow, at some point, for some aid to go forward, with the clear understanding that these issues need to be addressed.

So I voted for the Helms amendment. I think it was important that we send that message.

I am also hopeful that, at the appropriate time, at a different place, we can have some language that reflects, I think, a better way to proceed on a very legitimate issue.

But I did not want the moment to pass without expressing those views, Mr. President.

UNANIMOUS CONSENT AGREEMENT

Mr. HOLLINGS. Mr. President, we are ready to move along now.

I have a unanimous consent agreement on two committee amendments that have been agreed to. Thereupon, we are going to hopefully recognize the distinguished Senator from Arizona—he has an amendment that we will accept—and then move to the amendment of the Senator from Nevada.

Mr. President, I ask unanimous consent that the two committee amendments be adopted en bloc: One on page 8, line 16; and one on page 72, line 25, through line 10 on page 73.

Mr. DOMENICI. We concur, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Excepted committee amendments on page 8, line 16, page 72, line 25 through line 10 on page 73 were agreed to.

AMENDMENT NO. 704

(Purpose: Concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mr. D'AMATO, Ms. MIKULSKI, Mr. GLENN, Mr. MCCAIN, Mr. DASCHLE, Mr. WOFFORD, Mr. SARBANES, Mr. RIEGLE, Mr. MOYNIHAN, Mr. FEINGOLD, Mr. BYRD, and Mr. DODD, proposes an amendment numbered 704.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . POLICY ON THE REMOVAL OF RUSSIAN ARMED FORCES FROM THE BALTIC STATES.

(a) FINDINGS.—The Congress finds that—

(1) the armed forces of the former Soviet Union, currently under control of the Russian Federation, continue to be deployed on the territory of the sovereign and independent Baltic States of Estonia, Latvia, and Lithuania against the wishes of the Baltic peoples and their governments;

(2) the stationing of military forces on the territory of another sovereign state against the will of that state is contrary to international law;

(3) the presence of Russian military forces in the Baltic States may present a destabilizing effect on the governments of these states;

(4) the governments of Estonia, Latvia, and Lithuania have demanded that the Russian Federation remove such forces from their territories;

(5) Article 15 of the July 1992 Helsinki Summit Declaration of the Conference on Security and Cooperation in Europe specifically calls for the conclusion, without delay, of appropriate bilateral agreements, including timetables, for the "early, orderly and complete withdrawal of such foreign troops from the territories of the Baltic States";

(6) the United States is aware of the difficulties facing the Russian Federation in resettling Russian soldiers and their families in Russia, and that the lack of housing is a factor in the expeditious removal of Russian troops;

(7) the United States is committed to providing assistance to the Russian Federation for construction of housing and job retraining for returning troops in an attempt to help alleviate this burden; and

(8) the United States is encouraged by the progress achieved thus far in removal of such troops, and welcomes the agreement reached between the Russian Federation and Lithuania establishing the August 1993 deadline for troop removal.

(b) POLICY.—The Congress calls upon the Government of the Russian Federation to continue to remove its troops from the independent Baltic States of Estonia, Latvia, and Lithuania through a firm, expeditious, and conscientiously observed schedule.

Mr. DECONCINI. Mr. President, I am going to take the liberty of reading one paragraph of the amendment before us. It is the last paragraph, entitled "Policy."

The Congress calls upon the Government of the Russian Federation to continue to remove its troops from the independent Baltic States of Estonia, Latvia, and Lithuania through a firm, expeditious, and conscientiously observed schedule.

Mr. President, despite considerable progress of withdrawal efforts, approximately 30,000 Russian troops remain on the territory of the independent Baltic States of Estonia, Latvia, and Lithuania. These troops, a vestige of the Soviet era, are now under the command of the Russia Federation.

The Baltic States want these troops out, and both the CSCE—The Commission on Security and Cooperation in Europe—and the United Nations have called for the removal of all foreign troops from the Baltic States. It is high time that all of these troops and their equipment be removed.

The Russian Government and the Governments of the independent Baltic States have been holding negotiations on a variety of subjects, including the troop withdrawals. There are an estimated 6,000 troops in Estonia and another 19,000 in Latvia. Moscow and Vilnius had reached agreement on removing troops from Lithuania by August 1993. Approximately 7,500 troops are currently deployed in Lithuania. The latest word from the Russian regional commander is that the withdrawal from Lithuania can be completed no earlier than August 1994—a year later than agreed.

The continued presence of Russian troops in Latvia, Lithuania, and Estonia is a violation of the sovereignty of these States. It also posses a threat to stability in the region. Unsanctioned flights by Russian Air Force planes continue to violate the airspace of these countries, for example.

I understand the difficulty that the Russian Government is experiencing in providing quarters for returning soldiers. It is estimated that adequate quarters are lacking in Russia for 120,000 officers and families removed from Germany, Poland, and the Baltic States.

To help address this problem, at the Vancouver summit, the United States made a commitment to provide $6 million for construction of housing and job retraining for returning troops. A request for additional funds is currently pending.

The amendment I offer today calls upon the Government of the Russian Federation to continue to remove its troops from all three Baltic nations through a firm, expeditious, and conscientiously observed schedule.

The Baltic States will not be truly free until the last Russian soldier has left their territory.

I urge my colleagues to support this amendment as a demonstration of our continued concern over this important issue. Its timely adoption will send a signal to Moscow that it is high time that it get its troops out of the Baltics once and for all.

This is cosponsored by the Senator from New York, Senator D'AMATO, the Senator from Maryland, Senator MIKULSKI, the Senator from Ohio, Senator GLENN, my distinguished colleague from Arizona, Senator MCCAIN, the Senator from South Dakota, Senator DASCHLE, the Senator from Pennsylvania, Senator WOFFORD, the Senator from Maryland, Senator SARBANES, the Senator from Michigan, Senator RIEGLE, and Senator MOYNIHAN of New York.

I understand it has been cleared.

The PRESIDING OFFICER. Does the Senator offer this amendment as an amendment to the committee amendment on page 71 of the bill?

Mr. DECONCINI. Yes, Mr. President, that is correct.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized.

Mr. MCCAIN. Mr. President, I rise in support of the amendment of my friend from Arizona. I appreciate his long involvement on this issue. I think it is an important one. We have three small countries that are making successfully the transition from nearly 50 years of Communist oppression to a democratic free enterprise system, and one that fully deserves to be free of the occupation of foreign troops on their soil.

I would like to draw a comparison. Suppose that following our war with Japan, we had continued to station, without their permission, American troops on Japanese soil, some 40 to 50 years after the conclusion of World War II. There is a comparison there, Mr. President, because as you know, Latvia, Estonia, and Lithuania, were given to Russia as a result of the infamous Stalin-Hitler Nonaggression Pact signed in 1940. Those countries were literally given to the Soviet Union. They deserve their independence.

The United States, I am proud to say, supported their independence throughout the cold war period. They have gained their independence, and the fact is they are still occupied by Russian troops.

I understand, and the amendment of Senator DECONCINI indicates that he understands the problems of housing Russian officers and men within Russia, but the fact is the United States has already given $6 million for that purpose and more is forthcoming. There is no reason for delay.

There is no reason for these three small wonderful countries—I have had the opportunity to visit two of them—to be continuously occupied by a foreign nation's troops.

I thank my colleague from Arizona for his amendment. I support it strongly and I hope the message of this Senate and this Congress is received by the Government of Russia.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. HOLLINGS. Mr. President, the amendment has been cleared on this side.

Mr. DOMENICI. We have no objection to the amendment.

Mr. HELMS. Mr. President, I support the amendment of the Senator from Arizona [Mr. DECONCINI], which reiterates United States support for the removal of Russian troops from the Baltic States. I ask unanimous consent that I be added as an original cosponsor of this amendment.

The provision reinforces current United States policy: Russian troops are expected to leave the Baltic States as expeditiously, orderly, and conscientiously as possible—and this means no excuses and no unnecessary delays.

Mr. President, I respect President Yeltsin and I commend him for the brave steps he has taken as the leader of Russia to overturn the Soviet legacy—including the imperial legacy of the Communist empire. In fact, no other than President Boris Yeltsin himself led the West into recognition of the Baltic governments previous to and following the demise of the Soviet Union in 1991.

Yet, President Yeltsin has been increasingly pushed by the elements of the Russian Parliament and his government to take a more aggressive stand—including the threat of sanction and/or military action against Estonia. The Russian military has been even more aggressive. It continues with military exercises designed to simulate the capture of the Baltic States.

Although Russian troops are scheduled to leave Lithuania by August 31 of this year, pressure is being placed on Lithuania to extend this date until late 1994. Russian negotiations with Latvia and Estonia regarding any sort of timetable for the final withdrawal of Russia troops have nearly reached a dead-end.

Mr. President, I believe this amendment is the appropriate vehicle to indicate our concerns to the Russian Government at this time. Yet, unless improvements in this and other outstanding issues between the United States and the Russian Government are resolved, it will be increasingly difficult to justify the mass flow of United States taxpayer assistance to the Russian Federation.

Mr. RIEGLE. Mr. President, this decade has ushered in a new and promising era of freedom and hope for the people in the Baltic Republics of Lithuania, Latvia, and Estonia.

In order to ensure that democracy and freedom continue to develop, our Nation and the international community must continue to support the efforts of the Baltic States to strengthen their sovereignty and independence from their powerful neighbor to the East.

During 1990, all three Baltic Republics proclaimed their independence from the Soviet Union. Shortly afterwards, the fledgling governments weathered a renewed military threat during the August 1991 coup attempt led by Soviet hard-liners. Since then, great strides have been made by these determined peoples to safeguard their sovereignty—developing democratic institutions and reforming and restructuring their economies. Still, much more needs to be accomplished. Fifty years of unjust Soviet occupation have done great damage to the economic, political, and social institutions of the Baltic States.

Today, while all of the Baltic States enjoy international recognition as independent nations, their fundamental sovereignty continues to be violated by the continuing presence of thousands of Russian troops. My colleagues and I have continued to urge that our Government and other nations press for an end to this inexcusable infringement of the national sovereignty of the Baltics that has endured even after the end of the cold war and the collapse of the Soviet Union.

I join with my colleagues today in calling upon the Russian Federation to begin an orderly, and complete withdrawal of Russian troops from the Baltics. It is my firm belief that as Russia moves to embrace democratic ideals and traditions and seeks the respect of the international community, it must also be supportive of these other newly independent States.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 704) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 705

(Purpose: To clarify the Fair Labor Standards Act of 1938 with regard to prisoners)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is the amendment being submitted by the Senator an amendment to the committee amendment?

Mr. REID. The amendment is being submitted to the bill. The amendment is offered on behalf of Senator REID and Senator BRYAN.

The PRESIDING OFFICER. Without objection the committee amendments are set aside for purposes of considering the amendment of the Senator from Nevada.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BRYAN, proposes an amendment numbered 705.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 87, between lines 20 and 21, insert the following new section:

SEC. 609. (a) Section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) is amended—

(1) in paragraph (1), by striking "and (4)" and inserting "(4), and (5)"; and

(2) by adding at the end thereof the following new paragraph:

"(5) The term 'employee' does not include any inmate of a penal or correctional institution of the Federal Government, District of Columbia, or a State or political subdivision of a State.".

(b) Section 13(a) of such Act (29 U.S.C. 213(a)) is amended—

(1) by striking the period at the end of paragraph (15) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(16) any inmate of a penal or correctional institution of the Federal Government, the District of Columbia, or a State or political subdivision of a State.".

(c) The amendments made by this section shall apply as if enacted on the date of enactment of the Fair Labor Standards Act of 1938.

Mr. DOMENICI. Will the Senator yield 30 seconds to the Senator from New Mexico?

Mr. REID. I am happy to yield to my friend from New Mexico.

Mr. DOMENICI. Mr. President, the Senators managing the bill, Senator HOLLINGS and I, are trying to go with amendments, one on the Democratic side and one on the Republican side. We are available. I ask any Republican Senators who are on our list if they could be ready in maybe one-half hour or so. We are going to take Senator REID next and then, I understand, Senator BUMPERS is going to address one of the committee amendments. Then we would be ready for Republican amendments.

If you are listed here we sure would like to have somebody come down and offer one.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, last year the Ninth Circuit Court of Appeals determined that all inmates working in correctional industries are covered by the Fair Labor Standards Act.

This is what I refer to as the infamous Hale versus Arizona decision.

The Ninth Circuit Court of Appeals is the largest circuit in all the judicial circuits of this country. It includes the

30 million people of the State of California, the people of the State of Nevada—anyway it is a large circuit and has a tremendous impact.

There are many implications associated with this decision but one of those is that prisoners are entitled to be paid minimum wage when they are working in a prison.

What are some of the things that prisoners do? As we know, they cook inmate meals, they launder inmate clothing, they repair equipment around the prison, they perform clerical work, maintain the grounds and buildings, and do other day-to-day functions of the operation. That is principally what they do. There are other things—we will talk about those—but that is the main thing that the Hale versus Arizona decision said prisoners must be paid for.

In addition to minimum wage, the creation of employee status for inmates would open the door to unemployment compensation for prisoners, workers compensation for prisoners, vacation time for prisoners, and maybe even overtime pay for prisoners.

The good news is that in the ninth circuit, as all the circuits that we have, after a panel of judges arrives at a decision, the attorneys involved, or an attorney involved, can ask for a hearing in bank, causing all the judges to sit and listen to everything all over again. Rarely does one of the circuits allow a hearing to go forward in bank, but in this instance because of the implications of this decision they did hold a hearing in bank, and they overruled the Hale versus Arizona decision.

The problem, though, Mr. President—and we will talk about that in a little bit—the problem is even though the ninth circuit decision was overruled—and that affects the State of Nevada where I live—this does not, though, prevent other courts from reaching opposite conclusions, which they have done.

That is why I have offered this amendment today to exempt prisoners from coverage under FLSA, to make it clear to the courts that they, prisoners, are not covered, that prisoners are not entitled to vacation, they are not entitled to minimum wage, they are not entitled to workmen's compensation and on and on. This amendment is the same as the bill I introduced with Senators BRYAN, DORGAN, and COHEN, S. 1115.

I regret that this amendment is necessary. I regret that the legislation is necessary, but at this time the Federal courts are in conflict. We have State governments already staggering from budget deficits. They are concerned, as rightfully they should be, that they may owe millions of dollars to prisoners not only in back pay, but prospectively, that they will either not be able to afford, or they will owe additional millions and millions of dollars. And the sums are significant. We are talking about large, large amounts of money.

As I will indicate in a little while, the General Accounting Office did a study on this issue, and at the State level. For example, Arizona officials noted that their industries paid about $614,000 in inmate wages for the year ending June 30, 1992, as compared with almost $4 million that they would have paid for the same number of hours at minimum wage.

The figures are staggering. The General Accounting Office did not look at all 50 States. They looked at the Federal Bureau of Prisons. They looked at the States of Florida, Arizona and Nevada, and came to the same general amounts; maybe four times more would have to be paid with minimum wage. It would, in effect, cause significant hardship to the States, in addition to all the other contingent liabilities that would ensue.

If this Hale versus Arizona-type thinking goes forward, that is that the Fair Labor Standards Act applies, we have prisoners who will lose their job training, they will lose the opportunity to be productive during incarceration, they will lose the incentive to reform themselves and return to society, because State governments will not be able to afford to pay them to work. It will create idleness, because States simply will not have prisoners do much of anything.

The Fair Labor Standards Act was passed in 1938 and was enacted at the time to be a progressive measure to ensure all able-bodied men and women a fair day's pay for a fair day's work. This act, though, had a humanitarian purpose, Mr. President: To provide a minimum standard of living necessary for health, efficiency and the well-being of workers.

Keep in mind that a prisoner gets a pretty good deal: Food, lodging, not only television, but cable television, their clothes laundered, exercise rooms are now mandatory—they get a pretty good deal. And now we are going to be asked to provide minimum wage for them, we are going to be asked to provide vacation time, workmen's compensation. It is really outrageous.

The goals of the act in regulating nonlabor workers are separable and distinguishable. Prisoners do not earn wages in order to pay their room and board. We already established that. The State has complete control over them. The State has a responsibility for the living conditions of these prisoners. The taxpayers pay for their cells, food, and we have already talked about their entertainment. So should taxpayers also pay minimum wage and overtime to prisoners while they are having their rooms paid for, cable TV paid for and other things?

Mr. KENNEDY. Will the Senator be good enough to yield?

Mr. REID. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have not heard the full presentation, but I have had the opportunity to talk with the Senator from Nevada. The point that he makes has a great deal of merit. On the other hand, we have heard from a variety of small businesses that say if they do not pay the minimum wage and other small businesses are in competition with that, that they are at a disadvantage.

I think the point is well taken. I had indicated to the Senator that I had thought the administration was going to be considering minimum wage legislation, and that we ought to have a hearing that incorporates the results of the hearing and the desires of both the Secretary of Labor and the Senator from Nevada.

I hope that if it is the desire of the Senator to go ahead, that the amendment be accepted. I have not had the opportunity to inquire—as a matter of fact, I am meeting with the Secretary of Labor at 3:15 this afternoon. If that amendment is accepted, I would work with him on the way to the conference, during the conference, or subsequently, to try and address the issues.

There is a great deal of merit to what he said. I do not dispute it. There are other matters I think ought to be addressed in ultimate resolution of this issue. I do not really come down on one side or the other. I appreciate the points which are taken. I just wanted to indicate that if he can withhold the amendment, we can both write to the Secretary of Labor, inquire of his position, and have a hearing. But if he wants to go ahead, I hope the amendment would be accepted and we will try to work with him in the meantime prior to the conference and during the conference. I did want to express that viewpoint to the Senator.

Mr. REID. I would like to say to my friend from Massachusetts, I have great respect for the committee system we have in the Senate. I recognize that the committee, of which the Senator from Massachusetts is chairman, has jurisdiction over this issue. I recognize that there should be some work done on this matter.

I submit to my friend from Massachusetts that if, in fact, I decide not to move forward with this matter, I will ask—and I certainly do not want to in any way, because the Senator's schedule is difficult—but I hope we could have a hearing in the first part of September when we get back. This is something I feel very strongly about. It is something I feel the American people feel strongly about.

Regarding the issue relative to small business, the General Accounting Office has done good work on that. I have done some work on that that is extensive. I think we can resolve any of the problems of small business.

Of course, as the Senator from Massachusetts knows, there are other bills coming through here. I want to be as cooperative as I can. I am happy to have this colloquy with the chairman of the committee, because we have had some difficulty having a hearing arranged.

Mr. KENNEDY. I will mention this to the Secretary of Labor in the next 5 minutes, that this is a matter that is on the floor. I give you the assurance that we will have the hearing in September.

As I say, I think there will be vehicles to address this issue. I think there are a wide range of different merits to the Senator's case. I do not question that. I think there are some questions on the other side, but I will be delighted to work with it. I think the Senator has been pursuing this issue for a number of months.

I think I understand his frustration at the time we represented at the earlier hearing that it had been intended by the administration to have some increase in the minimum wage and some allowance on the EITC. The administration has decided to go with the EITC. We have given assurance to Senator WELLSTONE that we would have a hearing on minimum wage.

Irrespective of a hearing on minimum wage, I will be glad to give assurance to the Senator that we will have a hearing in September. In the meantime, I will join the Senator in a letter to the Secretary, not that that will be guiding, but at least we will have the best judgment of the Secretary of Labor on this issue.

Mr. REID. I will say also to the manager of the bill, the Chairman of the Appropriations Subcommittee, and to the chairman of the Education and Labor Committee, I have no great desire to vote—as we all know, this would win; we would agree to accept it. I have no desire of having a victory here and having it knocked out in conference, where people in conference do not fully understand it. That is not what I want to accomplish.

What I want to accomplish is, I want to change the law so the State of Nevada and other States do not have to pay prisoners minimum wages. I believe the way to accomplish that is to let the committee of jurisdiction hold hearings, send the bill over to the House, and let them do the same.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment (No. 705) was withdrawn.

Mr. KENNEDY. Mr. President, I appreciate the Senator's cooperation.

I will certainly work very closely with him. I am grateful for the way he has approached this problem, and I think all people in his State ought to be assured that we will get some resolution of this issue or I am sure that the Senator will be back.

Quite frankly, I am confident that he does have the votes to gain support for it. So they should have a very clear understanding that the Senator is making important progress on this matter of concern.

I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the committee amendment on page 71?

Mr. HOLLINGS. We want to withhold the adoption of that particular committee amendment, Mr. President, and momentarily the distinguished Senator from Arkansas [Mr. PRYOR] has an amendment. I think he is right outside the door.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, it is my understanding at this time there is a pending committee amendment. I ask unanimous consent that the amendment be set aside while this amendment, which I will send to the desk shortly, is considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, it is my understanding this amendment is going to be accepted and momentarily I will send it to the desk.

Before I do that, Mr. President, I thank the respective managers this afternoon for the acceptance of this amendment because I think it is an amendment which speaks to defense conversion in tones and also in terms we will all understand.

This amendment is going to permit, at long last, the Economic Development Administration of the Department of Commerce to make economic development grants earlier to communities losing military bases so that these particular bases can be put back to work sooner by creating private sector jobs and income for those particular communities that are affected.

Mr. President, one of the primary Federal assistance programs for economically distressed communities is the title IX Sudden and Severe Economic Dislocation Program of EDA. This program provides economic development grants to those communities for business development, technical assistance, revolving loan funds, technology development, and infrastructure projects such as sewers and roads.

Congress provided $50 million to the EDA in 1991 and $80 million last year specifically for the purpose of making these grants to communities adversely impacted by military base closures or defense industry cutbacks. These appropriations came from recommendations made by two previous Democratic Defense Conversion Task Forces, including one that I had the honor of chairing last year.

This year, during a briefing on economic redevelopment in defense-impacted communities, the task force learned that the EDA is prohibited from making grants for economic development projects on closing military bases until the community hosting the base has clear title to the base property. We found this to be a situation that must be corrected. This means that a community is forced to stand on the sidelines, watching its economic vitality seep away as the base slowly closes down.

The community is prevented from beginning vital redevelopment efforts that would enable it to quickly reuse the base, once transferred, to replace the jobs and income lost in the closure. This delay occurs even though the closures are known about 2 or 3 years in advance of occurring.

It is important to note that although the Base Closure and Realignment Commission has slated 71 major installations for closure, only 8 have closed their doors. One of those eight is Eaker Air Force Base in the small Mississippi Delta town of Blytheville, AR, which shut down on December 15 last year. Eaker was an old SAC base that housed B-52's during the cold war.

Although the military planes are gone, the hangars and other vital aviation equipment still remain on base. These hangars would be perfect for housing civilian aircraft, but they need to be refurbished and modified to meet civilian needs.

The bad news is that the local authorities in Blytheville desperately need EDA grants to implement these changes, but they have been forced to wait for months and even years until the military transfers the property. This unnecessary delay has severely hindered Blytheville's abilities to market their assets to business.

My amendment will correct this unfortunate situation by giving the Economic Development Administration the authority to make grants for projects on closing bases even if the community does not yet have title to the base property. Because environmental cleanup and other factors make exact closure dates difficult to predict, the amendment permits the EDA to consult with the Department of Defense so that it can make the best decision about when to make grants in these situations.

The EDA has been widely criticized for its slow response time to needy communities. This amendment will help the EDA be more proactive and truly helpful to those communities which faithfully hosted military bases throughout the cold war. These communities clearly deserve nothing less. I urge the adoption of the amendment.

AMENDMENT NO. 706

Mr. PRYOR. Mr. President, on behalf of myself and also Senator BOXER, Senator WOFFORD, Senator HOLLINGS, Senator BINGAMAN, Senator PELL, and Senator DOMENICI, I do send the amendment to the desk at this time and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself, Mrs. BOXER, Mr. WOFFORD, Mr. HOLLINGS, Mr. BINGAMAN, Mr. PELL, and Mr. DOMENICI, proposes an amendment numbered 706.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, line 22 after the word "expended" insert the following: "*Provided*, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when, in the option of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further*, That, the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment."

Mr. DOMENICI. Will the Senator yield for a question?

Mr. PRYOR. I will be glad to.

Mr. DOMENICI. First, might I ask, will the Senator put me on the amendment as a cosponsor?

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senator from New Mexico [Mr. DOMENICI] be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, as I read the amendment—and I think it is a very good law and we should adopt this—it seems to me that the Senator is not expanding what this money can be used for but, rather, saying that it can be used at an earlier point in time, that is, you do not have to have title yet or you do not have to have a long-term lease. It would still be available for the resources that the Senator provides if, in fact, the facility you are improving or whatever else you are doing is part of an economic recovery plan resulting from defense closures or the like.

Mr. PRYOR. I am very glad the Senator from New Mexico has picked up on this point. The Senator is exactly right in his interpretation. We are not expanding powers, basically. We are just saying that the communities do not have to await until title has vested in those communities. They do not have to wait until the base has actually been closed and basically been put in mothballs.

Mr. DOMENICI. I compliment the Senator.

Mr. PRYOR. I thank the Senator for his observation and question.

Mr. DOMENICI. Let me say, Mr. President, one of the problems of all this conversion is that it takes so long in some cases. If you have to clean up the base or the facility because of chemical spills or the like, you are waiting around really for years while it is done and everybody sits around in frustration. The Senator is suggesting that you do not have to clear up title and be ready in all respects to get EDA grants, if I understand.

Mr. PRYOR. The Senator is absolutely correct.

Mr. DOMENICI. I thank the Senator.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Arkansas. He has been leading the thought in Congress relative to reconversion problems. He has been working on it for the past several years.

I did not want it to hit me but it has. The Charleston Naval Base, the Charleston Navy Yard, both have been listed by the Black Commission and approved by the President, and it is now up to the Congress itself. If that is to occur, and pending the occurrence one way or the other, within the next few days.

I was on a visit only last Friday—incidentally, that is why I had to miss some good votes. But I did some better work. I was with the Deputy Secretary of Defense, Dr. William Perry, and we went over all of the facilities looking at the opportunities and looking at the needs for adjustment.

I got right to the point being made by my ranking colleague. I said to Dr. Perry, "Look, I don't want title to any of this property right now. There are 33 dump sites that have been located"—this is a naval facility that has been there just about 100 years. You can imagine without any Environmental Protection Agency or in anything else what we used to do in the military. We would bury it here, there, or yonder. I said it is just like if you gave me a yacht, I could not afford the gasoline to run it. If you gave me one, I could not afford to clean it up in order to use it.

Like the Panama Canal, I want a treaty, a lease. You keep the title and let me have 99 years so I could put people back to work. This is exactly what the amendment of the Senator from Arkansas addressed, that particular problem.

The other problem, specifically the Government cannot give property save and excepting for recreation and health, and several other educational purposes but not for jobs. So we are going to have to amend the basic law there, even if we have a clear piece of property, and if A, B, or C corporation says we can take over that building and put everybody to work in it, we cannot give them title to it right now. That is for jobs. I can put on a ping-pong tournament in there, or something else for recreation, education, and health. But I cannot do it for jobs. We will have to change the basic law there. This of course changes the basic policy responding to the need never contemplated at the time we put in economic development assistance in our National Government.

So I thank the distinguished Senator from Arkansas for his leadership on this score. We are ready to accept the amendment.

Mr. PRYOR. Mr. President, if I could ask that Senator RIEGLE of Michigan be added as an original cosponsor, and also to once again thank my friend and colleagues, Senator HOLLINGS and Senator DOMENICI, who manages this afternoon this legislation; and for their willingness and their cooperation along with their staffs. I thank them very much, Mr. President.

Mrs. BOXER. Mr. President, I have been very honored this year to have served as a member of the Senate Democratic Task Force on Defense Reinvestment chaired by Senator PRYOR. Under his able leadership, the task force has produced a set of recommendations that will help communities make the transition to a civilian economy in the face of massive defense downsizing. As you know, my own State of California has been rocked by both reductions in major defense programs and successive waves of base closures.

The amendment before us is an important step toward implementing this critical set of proposals. It will allow the Economic Development Administration to make grants for economic development projects on closing bases before communities actually get title to the land. This will shorten the period of economic dislocation in base closure communities and expedite economic redevelopment.

Many of my efforts this year have been aimed at easing the defense transition problem in my State. I have introduced my own bill, the Economic Conversion Clearinghouse Act—S. 850—with 14 cosponsors, which has been adopted as one of the task force recommendations. This bill would establish a one-stop shop information clearinghouse in the Department of Commerce, to help defense impacted workers, communities, and firms access the information they need to cope with the defense downsizing. It has been endorsed by more than 40 business, labor, and community organizations, along with several local government bodies in my State.

I believe that, since coming to office, President Clinton has taken some very bold steps—far more than any previous President—in coming up with a far-sighted and innovative plan for economic conversion. The task force recommendations aim to make the Federal agencies that provide economic assistance work better and be more accessible to our citizens in need.

Most important, they would empower our communities, giving them more of a direct voice in the planning processes and decisions that affect them the most. My hope now is that we can work on a bipartisan basis to implement these crucial recommendations in this year's session. Our people are hurting now, and they need whatever help they can get, and as soon as possible.

During the 1960's and 1970's the Economic Development Agency helped numerous communities adjust to the closing of military installations around the Nation. Between 1975–1980, the EDA gave out approximately $110 million in assistance, in current dollar values, to 31 successful base reuse efforts.

The EDA's role was greatly diminished during the Reagan and Bush administrations, which tried unsuccessfully to zero out the EDA's budget year after year. Only congressional action kept the EDA alive. Yet, by 1990, the EDA's budget for helping severely dislocated communities was only $12 million.

Recognizing the importance of the EDA to its conversion program, the Clinton administration plans to restore the EDA's budget to its past levels. In addition, it is making efforts to streamline the EDA's grant application process, making it easier for communities to obtain the assistance they need in a timely manner.

The proposed amendment, however, deals with a problem that cannot be addressed administratively. Current statute prevents the EDA from making grants to communities until they have clear title to the base property. By allowing the EDA discretion to make early grants to communities after base closures are announced, communities will be able to begin their planning and start implementation of their plans much sooner than is now possible. Coming from a State which stands to lose over 33,000 jobs from the last round of base closures alone, I cannot stress how important this measure is to me and my constituents.

I would like to thank Senator PRYOR for his consistent and strong leadership in the task force and, in particular, for taking the lead in introducing this amendment. I have very much enjoyed working with him and my colleagues on this historically important project. I look forward to working with them to promote a smooth transition to a healthy and competitive economy in the years ahead.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 706) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE AMENDMENT, AT PAGE 83, LINES 12–16

Mr. BUMPERS. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we move to the committee amendment appearing at page 83, lines 12 through 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I hardly know where to begin on this debate but it deals with the organization we call the National Endowment for Democracy. The National Endowment for Democracy has been with us since 1984. It is a relic of the cold war. Let me repeat that. It is a relic of the cold war.

I have to confess to my colleagues, I never did like it. The chairman of our committee did not like it. The chairman and I tried time and time again to torpedo this thing. I did not even like it when the cold war was raging, and I like it a lot less now.

The idea was that we were going to give all this money to people who would go into all of these countries that were threatened with communism, we would teach them the joys of the private enterprise system and democracy, and we would thereby thwart the expansionist policies of the Soviet Union. If you want to agree with that, that is fine. I did not like it because I did not think it was enough money to do much good anyway.

No. 2, I felt that some of these people would be meddling in the internal affairs of other nations, which they indeed got caught doing time and time again.

I did not like it because we have the Agency for International Development, the U.S. Information Agency, that spends hundreds of millions of dollars to do the same thing.

If somebody offers an amendment here to do away with the BIB, the Board for International Broadcasting, I am going to vote for that.

Here is living proof that all of the wasteful spending in the U.S. Congress is not on entitlements. We have heard those sermonettes time and time again about how you will never get the deficit under control unless you get entitlements under control. Entitlements is a buzzword. It is a buzzword for Social Security, it is a buzzword for welfare, it is a buzzword for Medicaid. It is a buzzword for Medicare. It is a buzzword for anything that helps people who are having a tough time making ends meet. People will never say: You will never get the budget deficit under control until you get AFDC payments under control. They never say: You will never get the budget deficit under control until you get Medicaid under control, which is health care for the poorest of the poor. They will never say—well, occasionally, they say: Let us cut Medicare. But they never want to cut the recipients; it is always the providers, the hospitals and doctors.

I am not here to make those arguments. I am here to say simply that people in this body continually hide behind that buzzword "entitlement" by saying: How dare you raise all these taxes without getting entitlements under control?

There is one thing Hillary Clinton says, and that is that you are not ever going to get the deficit under control until you get health care costs under control, and she is dead right. To all of my friends who like to hide behind that word "entitlement," here is an opportunity to come out of the closet. Here is an opportunity to say that it is not just entitlements that we are spending money on that we should not be spending money on; here is a program which has just gone out of sight in a small way in appropriations.

Mr. President, look at this. This thing was funded for the first time in 1984. We appropriated $18 million. That year, Senator HOLLINGS and I strove mightily to kill this program, without success. The next year we put $18.5 million in it. We went after it again, without any success. There are some very, very fine people on the Board of the National Endowment. There are a lot of people who work in this program that do a fine job. We are not going after the people; we are going after the money and the principle.

In 1986, I guess Senator HOLLINGS and I made it so hot we cut it down a little bit. That was the first full year Gorbachev was in power, and people thought maybe the Soviets were not quite as big a threat. So we cut their funding down to $17.2 million. The next year Gorbachev looked so good we cut it to $15 million. What is really interesting is that once the Soviet Union collapsed, why, the appropriations have gone out of sight. There it is. In 1991, we went from $17 million to $25 million. In 1992, last year, $27.5 million. This year, $30 million. And there is $35 million in this bill.

How many programs, Mr. President, does any Member of this body know about that has gone up from $17 million in 1990 to twice that amount—a 100-percent increase—in 1994?

The way we spend money around here, if you say it fast, $35 million is just nothing. If you sit as chairman of the Agricultural Appropriations Subcommittee, as I do, or this subcommittee that has this, on which Senator HOLLINGS is the chairman, and you are trying to find $1 million here for the Senator from Florida to start a project in Florida, or another $1 million for some research project at the University of Arizona, and you are trying to do some things that help people, that increase the United States' competitiveness, that put people to work, $35 million is a lot of money.

Do you know what $35 million will do in the 7(a) loan program of small business? It will generate about $3.5 billion in 7(a) loans. Do you know how many jobs you create with every $1 billion you loan? About 12,000 jobs.

So I ask you, does going over to Poland and telling the Poles the wonders of the free enterprise system and democracy, where they are already involved in the free enterprise system and democracy make sense? What are we doing in Poland, spending money to teach them about politics? They have a much older culture, politically and esthetically, than we have. But now here comes one of the most interesting parts of this whole program, Mr. President.

Turning to this chart right here, see that piece of pie and how it is divided up. What is going to happen with the $35 million we are appropriating? What is NDI that gets 9.8 percent? That is the National Democratic Institute. Do you know what that is? That is a fancy name for the Democratic Party. That is right—the Democratic Party, which used about $700,000 of other Federal money last year to conduct the convention in New York. They get 9.8 percent.

NRI. People say that must be some prestigious organization out teaching the free enterprise system. That, Mr. President, is the Republican Party, which spent almost $500,000 of their 10.7 percent of NED's funds. And, as a Democrat, I want you to know I resent the Republicans getting 10.7 percent and us just getting 9.8 percent. Well, the Republicans spent almost $500,000 on their convention down in Houston.

CIPE—who ever heard of CIPE? Do you know who that is? That is the U.S. Chamber of Commerce. That is the Committee for International Private Enterprise. That is run by the Chamber of Commerce of the United States. They got 10.6 percent; 10.6 percent of $35 million. By my calculation, that is going to be well over $3.5 million this year. What are we doing giving money to the chamber of commerce?

Here is one: FTUI. Do you know what that one is? That is the AFL-CIO. That is the Free Trade Union Institute, which is a little nom de plume for the AFL-CIO.

Mr. President, at this stage of my presentation, let me present this question to my colleagues: What do you think is going to happen when the chamber of commerce and the AFL-CIO go to Romania or Poland or Hungary or, yes, even France and Britain and New Zealand, who have democracies almost as old as ours? What are we doing in those areas?

But back to the point, can you picture the chamber of commerce and the AFL-CIO sitting down around the table with political leaders in emerging countries and agreeing on what their economy ought to be? Would you not like to hear them discuss the merits or lack of merits of the striker replacement bill?

I will tell you what. If a bunch of Poles did not slit their wrists after listening to that presentation—here, they do not agree on anything. The Chamber of Commerce and the AFL-CIO agree on virtually nothing except they are happy to be Americans.

I do not know why the Chamber of Commerce has not put in a squawk about just getting 10.6 percent and the trade union is getting 40 percent.

Mr. President, they do not all get the same amount of money every year, but this has been the average of what they got between 1984 and 1990. Here is how much they got in 1991 and 1992. This is what we call the core grantees. And then you see that figure down there that says discretionary, a good big portion of that goes for first-class airfare for everybody else.

Now, Mr. President, I could talk for a long time about this, but I am not going to because I have made the points that are worth making. Someone is probably going to come in here this afternoon and say, yes, but look what they did here and look what they did there.

I want you to pay attention to all of those magnificent replies for the National Endowment for Democracy and ask you if you think it is worth the couple of hundred million we put into it in the past 10 years. This is like the wool and mohair program; it has outlived its usefulness if it ever indeed had a usefulness.

The National Endowment for Democracy spent money to undermine President Arias of Costa Rica when he was the only sane voice, head of the only democratic country in Central America, and was trying his best to help end the war in El Salvador and trying to help with the war in Nicaragua. And the National Endowment for Democracy is down there trying to undermine his efforts.

Mr. President, let me just give you an illustration of how this thing can work and has worked:

In 1989, in Korea, the National Endowment made a grant to help the Federation of Korean Trade Unions to improve its influence on government policy in Korea.

No. 1, that is meddling in the internal affairs of another country, any way you slice it. What are we doing providing money to the Federation of Korean Trade Unions to help them improve their influence on the central government? I submit to you that if Korea gave the AFL-CIO money in this country for the express purpose of trying to pass S. 55, the striker replacement bill, there would be a revolution in this country in the business community about Korea meddling in the internal affairs of this country.

In the mid-1980's, the National Endowment used money in Panama to support groups that were affiliated with a candidate for President named Barletta, Nicholas Ardito Barletta.

You think about spending money to help someone run for President out of the military, and in Panama, when every day the President was saying we want Panama to be a democracy and we are going to be neutral. And there we are funneling money to the only guy the military backed down there. He was a military man himself.

Our Ambassador to Panama found out about it and sent a cable to Washington, "Embassy requests this hairbrained project be abandoned before it hits the fan."

As I told you a moment ago, we spent the National Endowment moneys in Great Britain, New Zealand, and France.

In China, we continued to fund China Perspective for 2 years after that publication was in serious financial trouble. And the National Endowment knew it was in trouble because its own auditors, in 1984, had discovered that it was in trouble. But they granted the China Perspective $280,000 in three grants, in 1985 and 1986. In 1986 the National Endowment auditor found that the problems had not been eliminated, and despite their failure to eliminate the problem the National Endowment granted China Perspective another $482,000 from 1987 to 1989. In 1992 China Perspective finally had an independent financial audit, which found that it had continued right up to that time commingling funds but not before the National Endowment gave them $280,000 more.

Mr. President, I am not going to catalog a long list of incompetence in the use of their money. I have a list here that is just unbelievable.

The Washington Post said in 1985, $830,000 was spent on a rightwing French students' organization. That is right, financing a rightwing French students' organization, to the tune of $830,000.

In December of 1985, the London Financial Times said the National Endowment had given $49,000 to the British International Labor Organization.

Incidentally, I mentioned Oscar Arias a while ago. They gave his opponents $433,000 in 1989. He was one of the few sensible people in all of Latin America.

In December 4, 1989, the New York Times said that the National Endowment had funneled $1.4 million secretly through an overseas branch of the Free Trade Union Institute to two separate rightwing groups in France that opposed the policies of Francois Mitterrand.

Would that not have been wonderful if Bill Clinton was going to Tokyo to meet with Francois Mitterrand right after he found out that the National Endowment put $1.4 million into an organization to oppose him?

December 18, 1989, the Nation, a little magazine publication, said the National Endowment provided funds through the International Democrat Union. That is a collection of conservative political parties from around the world. An affiliate of this organization called the Caribbean Democrat Union got more than $800,000 from the National Endowment. Based in Kingston, Jamaica, CDU conducts monthly seminars, including one concerning Communist infiltration in the Caribbean. And they use some of the money to send their officers to international conferences in London, Vienna and Tokyo. And I am sure they all had first-class tickets.

This list goes on and on, Mr. President.

One of the things that is particularly troubling is the lack of fiscal controls of this organization. Even if I thought the National Endowment for Democracy was a good idea, which I certainly do not, the inspector general has given us plenty of ammo about how loose their fiscal controls are.

Mr. President, to end where I began, I want you to look at this. This is what the Agency for International Development, which we commonly refer to as AID around here—here is how much money they spent on promoting democracy and governance activities in 1992. Look at that: $55 million in Africa; $15 million in Asia; $30 million in Europe—$225 million to do exactly what the National Endowment for Democracy is supposed to do. In 1992, the Agency for International Development will spend $71 million more, $296 million to help other countries.

What do you think our foreign aid bill is for? It is to help other countries. And oftentimes it is designed to teach them the free enterprise system. There are people all over Russia right now, some on their own, some spending their own money, a lot of others financed by AID, to try to teach the Russians how the free enterprise system works and what democracy is all about.

And here we have this program which is just one junket after another, always meddling in the internal affairs of another country and giving the lion's share of the money to two organizations that do not agree on anything. Now you tell me what kind of synergy there is there that is going to benefit any nation on Earth.

Mr. President, it is time to face reality—time to face reality on the deficit, time to face reality on the fact that $35 million is not peanuts, time to face reality on the basis that if we are going to teach democracies, we have two programs already where we are spending hundreds of millions of dollars to do it and we do not need this one.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Arizona, [Mr. McCAIN].

Mr. McCAIN. Mr. President, I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator from Arizona.

Mr. President, right where the distinguished Senator from Arizona stands stood the very famous minority leader when I came here almost 27 years ago. And we only had two of us Democrats to preside. I got two 100-hour Golden Gavel Awards. We used to have a sensible operation in this U.S. Senate. We would vote all morning long, handle the debate, the committees would meet in the afternoon, and by 5 o'clock everybody was gone home like normal people.

I had to listen to one particular Senator allege that Lyndon Johnson was a murderer. I would preside from about 5 o'clock until 9:30 or 9:45.

But Senator Everett Dirksen, of Illinois, stood right there. I will never forget one of his many colorful and poignant observations. He said: Consistency is the hobgoblin of little minds.

Now, I join with the distinguished Senator from Arkansas, because I still do not believe in giving money to the Chamber of Commerce, and the AFL, and the national Democratic Party, and the national Republican Party. I just do not think ordinarily you ought to spend funds for it.

In the early years of this program, when I looked into it, I found all of these scandalous things that have been referred to. They would go down in the wintertime back in 1983, 1984, and 1985, and they would meet in the Bahamas and swim out on the nice sandy beaches and everything else while everybody was freezing up here. They would call it very important meetings.

The truth of the matter is, Mr. President, they did not have a mission, because they were not getting around to those countries where they were needed and were meeting and talking and brainstorming, as they call it.

And this brings to mind that in the early years of this program I joined with Senator BUMPERS in an amendment that, rather than put the money here, attempted to put in Fulbright scholarships, exchange student programs, and other things that were meaningful to the fostering of democracy the world around.

But with the fall of the Wall in 1989, they have a very dynamic mission and role. We have a different world. And what has happened is that the National Endowment for Democracy has evolved into what you would call a democracy corps. We had the Peace Corps to go around to spread peace and how to recover economically with all the volunteers. And I was in on that back in 1960 when President Kennedy, then candidate Kennedy, was campaigning.

But not to get off the track, the democracy corps has developed as a matter of necessity. They talk about new ideas. Yes, necessity is the mother of invention. And had we not this particular entity, I do not know how we would have handled the need. Because there is a very jaundiced view of political involvement on the part of the official diplomatic representation of countries.

Your Department of State cannot go out into Romania, go into Czechoslovakia, when they are trying to become a free society, with a free election, go even into Lithuania and other places right now. You need a NED.

If they want to change this organization, someday, somehow, I will go along with it. But the balance of considerations and concerns, when you have labor balancing off capital's interest and capital balancing off labor's interest, you are going to get a pretty good commonsensical solution. And similarly with respect to Republicans and Democrats.

So I am not standing here trying to change it today. I am trying to foster it and oppose the amendment of the Senator from Arkansas.

I could see how the world was changing when, at the time of the fall of the Wall, our present Ambassador to the United Nations, Madeleine Albright, and others came into my office saying: "There are some printing presses up in Ohio. We need to get those printing presses over to Czechoslovakia and Hungary, because they are trying to have free elections and they don't have a way to communicate."

They certainly did not have a newspaper. It was all controlled by the party.

If we could get some handbills out to instruct people on how to vote and where to vote and everything else, they could have a free election.

We picked up 13 discarded or used printing presses up in Ohio—I will never forget it—and got it over there to set up that election.

And then that began to change this hobgoblin's mind. But I was not going to change my mind yet. I had beaten this thing down almost, by very close votes, and I knew there had been a tremendous amount of waste.

And when this was voted down just the other day, about 5 weeks ago, I guess, on the House side, the Endowment for Democracy, I immediately checked with my staff. I said, "Call GAO." Because I had the GAO report made, I wanted GAO to get in there and stop all this waste that has been referred to in certain instances.

And the word from the General Accounting Office—the entity of our own Congress that does the auditing for us—was, "Now they have done away with these abuses and they are doing real work." And we only have to look at the record.

When the Senator said, "Poland? What in the world were they doing?" I will never forget sitting with Lech Welesa, when he came here and we had a dinner; the famous Welesa talking about NED. He said, "it was a tremendous help." And he talked about the vote for independent national broadcasting, Radio Free Europe. When asked about that, he said, "What is the world without a Sun?"

I will never forget his expression—that the Sun brought the light of freedom.

And education is to the infrastructure of a free society like a free labor movement, like free elections, like a capitalistic competitive economic system such as the one down on Main Street that we all foster. And when there is criticism here of labor, I stand up for them. In my experience, it is the free labor movement that brought freedom to Poland and is bringing it to many, many other countries. There is not any question. That is one of my concerns down in Mexico, that you do not have a free labor movement.

That is what Lester Thurow said when he was testifying before the Commerce Committee. He said, "Free trade agreements do not work. You have to have to get a Common Market approach."

The Common Market approach used in Europe means helping the less democratic countries to develop democracy. For example, Portugal and Spain, where they had an election 2 months ago, got $5.8 billion in a European investment to build the infrastructure of a free society, to provide for a free labor movement, to provide for free elections. That is what we are doing with the National Endowment for Democracy. It is working not only in the People's Republic of China, Vietnam, Cuba, and those places where there are little fledgling movements for freedom, but it sponsors the Center for Political and International Development in Egypt. You can see the terrorism and threats to government there. NED is also at work in Iraq, supporting the Free Iraq Foundation.

But more particularly, and I will highlight it and we can get thoroughly into the debate, think of the elections that President Carter has audited in Panama and Paraguay and Northern Africa.

On that particular point we have the letters from both President Carter and President Clinton on this score.

I will quote President Jimmy Carter.

> The work of the National Endowment for Democracy and its affiliates in promoting civic education and the transition to free market economics and pluralist democracies has proven to be extremely cost-effective. The money spent in promoting democracy is money saved in responding to civil conflicts.

I ask unanimous consent to have printed in the RECORD a letter dated July 27 from the President of the United States in support of the $35 million included in this bill for the National Endowment for Democracy and a June 30, 1993, letter to me from Jimmy Carter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 27, 1993.

Hon. GEORGE MITCHELL,
U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I am writing to express my strong support for the $35 million in funding for the National Endowment for Democracy recommended by the Senate Appropriations Committee.

Supporting the world-wide movement toward democracy is one of the best investments we can make in our own national security. NED has been one of our most important and effective instruments for supporting democracy abroad.

Now, with new democracies and democratic movements gaining strength from the former Soviet Union to Africa to Latin America, we need to make our support for democracy an even higher priority. The $35 million appropriation now before the Senate, while short of the $50 million I requested, would at least enable us to increase our support for those who are waging democracy's fight abroad.

I hope you will convey to the Senate my strong support for the full $35 million appropriation for this important program.

Sincerely,

BILL CLINTON.

JUNE 30, 1993.

Hon. Senator ERNEST F. HOLLINGS,
Russell Senate Office Building,
Washington, DC.

To Senator Fritz Hollings:

I was dismayed to learn that the U.S. House of Representatives voted on June 22 to cut all funding of the National Endowment for Democracy. If sustained, this action will hinder the commendable efforts of the four institutes that were established with bipartisan support 10 years ago. I have worked very closely with the National Democratic Institute for International Affairs in Panama, Haiti, Dominican Republic, Zambia and Paraguay, and consider it a vital institution in assisting the peaceful expansion of democracy through the world.

The work of the National Endowment for Democracy and its affiliates in promoting civic education and the transition to free market economics and pluralist democracies has proven to be extremely cost-effective. The money spent in promoting democracy is money saved in responding to civil conflicts.

At a time when Americans can speak with one voice in support of the entitlement of all people to a democratic form of government, it would send the opposite message if Congress ended support for the very institutions that have been at the forefront of this international effort. I urge you to support the continued efforts of NED and the party institutes.

Sincerely,

JIMMY CARTER.

Mr. HOLLINGS. NED is accused of meddling in other countries.

When you hear, for example, how we are meddling in Korea—heavens above. We spent $3 billion and put 40,000 troops meddling. We just had a meddling picture with a meddling President. We all prided ourselves on the meddling. If we have to listen to how we are meddling around in Korea—it is needed there. We are trying to promote democracy and for the cost of a single airplane in the Defense Department, here, for $35 million we are moving forward in all of these particular endeavors to foster democracies, democratic movements, free elections, free information, capitalistic societies, and free labor movements.

I think it is very, very important because of the way the world has changed. I do not know of any other entity to handle this particular problem.

We will all agree the State Department cannot do these things. You cannot send the Defense Department over. You cannot send the Peace Corps over to do these things.

The National Endowment for Democracy finally found a role. It was not an old tool of the cold war. It was not worth a hoot in the cold war. They did go down in the islands and meet and eat and greet and talk to each other and brainstorm. It was waste, as far as this Senator is concerned. But now they are on target and they are working around the clock and they need a heck of a lot more money.

They have been restricted by the criticism from this Senator and the Senator from Arkansas and many, many others. But right to the point—$18 million. He asks where else did they double it? I can tell you where they have. They have gone from $4.4 billion in Justice in 10 years to $9.2 billion.

I can go down a lot of other parts of these budgets that we have here on the Appropriations Committee and tell you where they have doubled, veritably doubled—in billions—not the little $18 million to less than doubling, $35 million, the cost of an airplane—to take a wonderful little entity that is really doing the work of democracy.

It is surprising to me. I say that in a sense of amazement because I really fought this thing. I thought good gosh, I was against new programs. That is why I am against, right this minute, the voluntarism program.

The fellow for voluntarism called me from the White House the other day and said we have to get your support, what wonderful work, and everything else of that kind. He said out there in the flood now we have already got 2,000 working in this program.

I said, "Son, there are 2 million not in your program working around the clock. You do not need a program for voluntarism in America. It is alive and it is well." I can tell you that right now. I saw it after Hurricane Hugo, from 38 different States the volunteers came to my hometown. I saw it down there after Hurricane Andrew, in Homestead, FL. You are seeing it every night, turn your TV on at 7, and you will find it one more time—voluntarism is well.

But this Democratic leadership circle, council, whatever they call themselves, had to find something to do. So the imprimatur is now if you vote against them, you are against voluntarism. I am against new programs until we get this deficit on line, trying to stop these new programs. That is why I opposed the National Endowment for Democracy all during the eighties until they walked into my office and told me they were doing some real work in Romania, Lithuania—you should not cut this short. You should listen to these folks.

Vesna Pesic, the director for the Center for Anti-War Action in Belgrade:

> I want to thank you for your ongoing support of the work of the Center for Anti-War Action and for your generous financial backing of our conference on war crimes and International War Tribunal. * * * The National Endowment for Democracy not only made this important meeting and future contacts and collaboration possible, but also set a significant example for others committed to freedom and human rights to follow.

You see, this is the war that old Lyndon was talking about, the war "for the minds of men."

Now to try to spread that democracy in Romania, Luminita Petrescu says:

> NED's activity is the mortar which binds together the bricks which together make up the civil society we so much need. * * * NED's support gives us the moral and material means to serve a cause dear to us all. * * * It isn't anymore a short, violent battle of arms. It is a long tenacious battle to change the mentality of a society. We shall win this struggle the day we shall be able to say truthfully that the people decided their future through their own will.

And then again, the Iraqi author Kanan Makiya, who wrote the books "Republic of Fear" and "Cruelty of Silence":

> Because of what NED has done for Iraq since the gulf war, it has been possible for Iraqi writers and human rights activists to get their ideas and aspirations into Iraq.

Go right on down, particularly I note, if you please, that we just discussed Lithuania, and told the Russians, "Get your troops out." We are trying to get the truth in; troops cost billions and billions. Here is a measly little $35 million.

From the President of Lithuania:

> NED played a critical role in support of Lithuania's drive to reestablish democracy and national independence.

Where have you ever heard a statement about that from AID? How much is that AID thing? That is $6.6 billion.

You hardly know that AID comes from America. I have been there where they dumped it. I have seen it on the side of the railheads where they did not pay the mordida to keep it moving and everything to get to people.

AID costs $6.6 billion. And yet some Senators pick on a modest program of $35 million, and have no idea and feel for what is going on in the world today. They really do not. I am embarrassed at some of these amendments here.

You can go to the Ukrainian Parliament. They are not free yet.

> We think the democratic revolution in Ukraine is not yet finished.

I am quoting from a letter signed by the Members of the Ukrainian Parliament.

> The old Communist nomenclature changed its name and called itself democratic. It is still in power and does its best against development of real democracy in Ukraine. So we are in a position that the help of the National Endowment for Democracy is still very important for Ukraine.

Elena Bonner, the widow of Andrei Sakharov:

> Practically speaking, the endowment is the only grant-giving organization which focuses its activities in the post-totalitarian countries directly on supporting the work of non-governmental organizations.

I could go on and on. I want to yield to the distinguished Senator from Arizona. He was kind enough to yield to me. I can tell you here and now, it is a $35 million appropriation. It is well-deserved. It is well audited and it is, by crackey, doing a job for democracy while the billions and billions of other governmental programs are utterly in failure.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, before I proceed with my remarks, I would like to ask my colleague, how much money is included in the entire appropriations bill that is before the Senate?

Mr. HOLLINGS. Twenty-three billion dollars.

Mr. McCAIN. I thank my colleague. It is interesting, as he just noted, that there are more speakers on the floor on this issue than any issue associated with this $23 billion appropriations bill, and we are arguing about $30 million for the National Endowment for Democracy.

In all candor, I think they feel this way because they believe it is an easy target.

I rise to voice my strong support for the National Endowment for Democracy and to oppose the efforts to reduce or terminate its funding.

Mr. President, I, like my colleague from South Carolina, in the early eighties, when informed of the National Endowment for Democracy, was in opposition. Rather than continue uninformed, I became educated as to what the National Endowment for Democracy was doing, has done, and can do in the future. I went from a position of opposition to one of dedicated support.

I do not support NED only because of my own expertise and talent, but I rely on the expertise and talent of others. As demonstrated in the statements my colleague from South Carolina just quoted, I have not seen a broader range of ideology united on one single issue. Support ranges from Jimmy Carter to Ronald Reagan, from Elena Bonner to the Administrator of AID. Supporters include, I might add, Oscar Arias who, according to the sponsor of this amendment, was undermined by the National Endowment for Democracy. Yet, Mr. Arias stated, and I quote:

> I offer the National Endowment for Democracy and those involved in its lofty purposes all of my support and solidarity.

It is interesting that Oscar Arias who, according to the sponsor of this amendment, was undermined would be in support of NED.

Mr. President, I have often been referred to as a staunch anti-Communist. I am, and I am proud of that distinction. But my opposition to communism is not an end in itself. It is a component of my devotion to democracy. For over half a century, the United States was engaged in a global struggle with an imperialist, Communist superpower. The struggle was necessary for our own preservation. But it was also necessary to undertake the struggle in service to the values which Jefferson declared to be self-evident.

Our Nation's security would be imperfectly safeguarded absent our best efforts to promote democratic values abroad. Democratic governments rarely, rarely become international aggressors.

But beyond this important interest is another compelling reason for our support for the extension of liberty to every society on Earth. Our national identification, America's best sense of herself, is found in that devotion. In Lincoln's times and words we served "as the beacon light of liberty." At another time, we took pride in the appellation "the arsenal of democracy." At all times we have steadfastly remained the last best hope of Earth.

Mr. President, we have sacrificed our most precious resources—the lives of our young Americans—in service to this cause. We have extended a great many of our resources, vastly diminishing our national wealth, in our defense from tyranny. We have not become impoverished in these endeavors, but they have been costly.

Why now, at the moment when our half century of sacrifices have brought successes which were almost unimaginable a few short years ago, would we risk these successes by neglecting to invest a relatively small amount of money to help ensure that countries which were once misruled by tyrants do not become so again and, by so doing, pose a new threat to our own security and an abomination to freedom lovers everywhere?

Over a decade ago, President Ronald Reagan delivered an address to the British Parliament. His stirring defense of democratic values at Westminster is remembered today as one of the great communicator's most effective addresses and one of the most impressive moments of his Presidency.

Seven years before that grotesque impediment to human liberty, the Berlin Wall, was breached by the stronger forces of human yearning, Ronald Reagan's prescience identified to a skeptical world the inevitable triumph of freedom. "Let us be shy no longer," he said. "Let us go to our strength, let us offer hope, let us tell the world that a new age is not only possible, but probable."

Those words marshaled the American people and the resources for a reinvigorated campaign to support the advance of democracy in some of the most closed societies on Earth.

A year and a half later, President Reagan inaugurated the National Endowment for Democracy, a program which has contributed substantially to the liberation of millions of oppressed peoples.

Despite the breathtaking gains made in the last few years, much important work needs to be done to consolidate those gains from Russia to Nicaragua, to help democratic institutions develop from infancy to stable adolescence in Poland and El Salvador, and to liberate the oppressed in the last few holdouts of tyranny in places like Vietnam and Cuba.

Ronald Reagan's message at Westminster remains as compelling as ever, and the need for NED as urgent as ever. It is thus not surprising that after learning that funding of NED might be challenged during debate today, President Reagan wrote a member of IRI's board, my friend, Frank Fahrenkopf, to express his strong support for freedom.

In part, Mr. President, Ronald Reagan's letter says:

> Without the strong and energetic support of NED, however, it is unlikely that these struggling democracies can prevail. And should they fail, we run the risk of reversing the great global strides that we made together. This could potentially jeopardize our own very freedom. I urge now, as I did 10 years ago, for continued support of NED to ensure that America remains that shining city on the hill.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 4, 1993.

Frank J. Fahrenkopf, Jr., Esq.
Hogan & Hartson, Columbia Square, Washington, DC.

DEAR FRANK: On this 217th anniversary of our nation's independence, I am reminded that America's greatness lies not only in our success at home, but in the example of leadership that we provide the entire world. It is a testament to our nation's ideals that America's democratic political system continues to be a source of inspection and admiration throughout the globe. And it is a credit to our work together that our democratic ideals actually have begun to prevail.

Our work, however, is not complete. As I look abroad, I see that the struggle between freedom and tyranny continues to be waged. Disappointingly, in some places, it is autocracy, not freedom, that is winning the day.

This is why I strongly support continued Congressional funding for the National Endowment for Democracy (NED). Ten years ago, at Westminster, you will recall that I outlined a new, bold initiative for our country to publicly lead the struggle for freedom abroad. As part of this effort, at may request, the National Endowment for Democracy was created.

In its short life, NED has been on the cutting edge of America's work to strengthen new democracies and to open closed societies to democratic ideas. During my time in Washington, and even since returning to California, I have seen firsthand that, from Moscow to Managua, NED's work has opened the dream of freedom to millions. This, in turn, has advanced the American interest in peace and freedom, making the world safer for our children.

Yet, these new democracies are still fragile, and over half of the world still remains in the hands of tyrants. From Havana to Hanoi, much work remains to be done. Clearly, now is not the time for us to abandon the courageous men and women who continue our fight for freedom and look to us for inspiration and support.

Without the strong and energetic support of NED, however, it is unlikely that these struggling democracies can prevail. And should they fail, we run the risk of reversing the great global strides that we made together. This could potentially jeopardize our very own freedom.

I urge now, as I did ten years ago, for continued support of NED to ensure that America remains that shinning city on the hill.

Sincerely,

RONALD REAGAN.

Mr. MCCAIN. I was fortunate to observe the recent election in Cambodia, an election which very few people truly believed would ever occur. Ninety percent of eligible voters in Cambodia risked threats to life and livelihood to cast a hopeful vote for the future of their country. They did so with the important assistance of two of NED's grantees: The Democrat and Republican Institutes. These institutes can provide assistance to emerging democracies which AID cannot provide.

I have a letter from the Director of AID and the Director of USIA which clearly point that out.

Using pro bono trainers experienced in the mechanics of our own democracy, they can train political parties, undertake grassroots people-to-people programs to imbue struggling societies with an understanding of, and devotion to, democratic principles. They are far better able to react quickly to changing circumstances, in emerging contingencies in those societies than AID with its cumbersome bureaucracy could ever hope to accomplish.

Should any Senator travel to the furthest outpost of what used to be the Communist world, they will find there the most compelling arguments for continuing our support for NED.

I was recently in Albania. Until a very short while ago, no country on Earth was more isolated from Western values, indeed from the world, than Albania. Even Soviet and Maoist communism was too accommodating of human rights for the orthodox dictator of that poor country. Albania's quick emergence as a vibrant and enthusiastic functioning democracy is nearly a miracle, an event which should fill every American with pride.

On my recent trip, I met with the democratically elected President of Albania, a man of great wisdom. He did not know that I was involved in any way with IRI.

As they recounted their experiences in advancing the cause of liberty in Albania, unsolicited by me, they both described IRI and NDI support for Albania democracy as "vital" to the success of their election.

Hearing of challenges to NED in our own Congress, the President of Albania, Sali Berisha, recently wrote Senator MITCHELL. He said:

> I strongly urge you and the Congress to reexamine the decision and continue your support for the Endowment. Its elimination will be a blow to the emergence of democracy in many areas of the globe.
>
> Countries making the transition to a Democratic system of Government face numerous obstacles which must be overcome. I have personally been involved in this struggle in Albania where the National Democratic Institute and the International Republican Institute have been active since 1991. They were, in fact, the first democrats from outside our long isolated country to arrive to help us. They have proven to be our most reliable friends.

I tell you what they did, Mr. President, among other things. Sixty-five percent of the population of Albania lives in rural areas. There was no possible way in that poor country that this opposition party could get out into the countryside and campaign and take their message to the people. They were given six, count them six, Jeep Cherokees that enabled them to get out into the countryside. They were able to carry their message, and according to the President of Albania, the reason why they were able to win that election—not according to Senator MCCAIN, but according to the President of Albania—is because they were provided the transportation by the National Endowment for Democracy to do so. If it were not for them winning that election, they would still be under a government of Communists who now call themselves by another name.

Time after time, example after example, people like Elena Bonner, who is a fairly credible witness, have spoken in strongest terms in favor of the National Endowment for Democracy. Leaders throughout the world have spoken in favor of NED yet we sit here and argue over $30 million in a $23 billion appropriations bill.

Mr. President, the President of Albania went on to say:

> For the U.S. Congress to withdraw from its active promotion of democratic values would be disheartening and potentially threatening to those in the midst of the struggle.

Mr. President, we have recently heard from a great many struggling people overseas who have offered their own stirring testimonials to the enduring importance of the Endowment's mission. I quote from Elena Bonner:

> Practically speaking, the Endowment is the only grant-giving organization which focuses its activities in the post-totalitarian countries directly on supporting the work of non-governmental organizations. In this way, it promoted the emergence of a civil society which serves as the basic guarantee that the future development of these countries will follow along a democratic path. The closing of the Endowment poses a danger which can best be characterized by the proverb "penny-wise, pound-foolish."

Mr. President, I could also quote from the recent editorials in our own newspapers, opinion leaders such as David Broder, George Will, and Abe Rosenthal. All of them, as well as the editors of the Washington Post, Wall Street Journal and many other newspapers, have written eloquently of their ardent support of the NED.

Mr. Rosenthal wrote:

> The Iraqis fighting Saddam Hussein say one American organization in particular helps keep alive their hopes that democracy has a chance in their country. China's dissidents, at home or in exile, know and bless its name—the National Endowment for Democracy.

This bill appropriates $35 million for the Endowment. As I mentioned, a small amount of money.

Under NED programs, American volunteers with practical and technical expertise in the workings of a stable democracy are able to circumvent the huge bureaucracies which govern so much of American assistance and quickly bring the countries on the edge between freedom and tyranny the knowledge and experience necessary to ensure that the hard-won gains of today are not lost to our disinterest tomorrow.

Mr. President, I ask my colleagues to consider for a moment that element of our national life that defines America's greatness. Two hundred eighteen years ago we embarked on a revolution with a message that still endures as the greatest proclamation of human rights:

> We hold these truths to be self-evident: That all men are created equal and endowed by their Creator with certain inalienable rights, among these are life, liberty and the pursuit of happiness.

Our national resources, the resourcefulness of the American people, our determined spirit to build a great nation and a decent society, the unmatched strength of our military, all these things help explain why America occupies such a large place in history, but they do not explain why generations of peoples from around the world exalt in America's historical role, why on hundreds of walls in the capital of Albania one reads over and over and over again "Long Live America. Long Live America."

For that explanation, we look no further than Mr. Jefferson's words, to the enduring message of our own revolution. We are linked by those words forever to every occasion where one man rises up to shake off the chains placed on him by another. As long as we remain faithful to this most noble of causes, our greatness will endure.

I hope every Member of this body will consider this before he casts a vote against a program which I believe defines all that is best about America.

Mr. President, I would now like to briefly respond to some of the statements made by my friend from Arkansas.

Relic of the cold war. Yes, it is a cold war relic and its responsibilities and challenges are greater than ever before.

As far as NED doing the same things that AID does, I have a letter, Mr. President, from the Director of USIA and the Administration of Agency for International Development which says:

> Like NED, USAID and USIA are also engaged in helping to build democracy. But NED has a distinctive capability for providing early and critical institutions and business and labor groups—the elements of civil society upon which the larger structures of Democratic governance ultimately must rest. NED and its institutes do this by engaging counterpart groups and leaders from our own nongovernmental sectors.
>
> Funding the NED is an extremely cost-effective investment for the United States, our allies and the cause of freedom. Democratic movements around the world have saved the United States untold billions of dollars in defense spending alone. We urge you to support the President's request when it comes before the Senate. J. Brian Atwood, Administrator, United States Agency for International Development; Joseph Duffy, Director, United States Information Agency.

The Senator from Arkansas said that the Washington Post stated that there was some abuse on the part of the National Endowment for Democracy. It might be of some interest that the Washington Post editorialized in favor of funding for the National Endowment for Democracy on June 27, in an editorial entitled "Neocon Pork."

> In sum, it takes a lot more to consolidate democracy than political consultants, labor and media advisers and special interests in human rights and women's issues, but NED has made a place for itself in providing practical help to societies struggling to dig out from top-down misrule.

David Broder in an article titled "No Good Deed Unpunished" also supported NED.

> NED had a proven track record and a tiny budget. It united Republicans and Democrats, business and labor in helping small groups abroad in their struggle for democracy so the House killed it.

The editorial support is extensive. They include the following:

Ken Adelman: "Senate's Chance to Reduce NED."

James Phillips: "Shortsighted NED Slayers."

Morton Kondracke: "Neoisolation Symptoms."

Christian Science Monitor: "Spreading Democracy Around the Globe."

George Will: "Congress Starves Democracy."

George Will states that:

> The NED helps democracy by means of small but life-giving grants for trade unions, student group publications, legal assistance for the persecuted, and other measures. It has a record of success in helping democracy put down roots in stony social soil. By voting to stop this cost-effective work, the House voted to save $50 million, less than half of what it is eager to spend on handouts to corporations through the MPP.

Mr. President, I could go on for a long period of time.

I would just like to say that the Senator from Arkansas said that two organizations, the Democrat and Republican Parties, are two organizations that do not agree on anything. Mr. President, I suggest that he consult leaders of both NDI and IRI. I suggest he consult Senator MITCHELL and Senator DOLE and other Republicans and Democrats who have been involved. They agree about this program.

Labor received more money, according to those charts. Yes, labor received more money. As a person who is not exactly a strong supporter of organized labor, I was a bit uncomfortable with that. But the fact is, organized labor, especially the AFL–CIO, was far more capable of immediately implementing programs to help further democracy, than the Chamber of Commerce.

Mr. President, the Senator from Arkansas also said that NED has funded democracy-building activities in Great Britain, France, and New Zealand.

Let me respond. Before the fall of communism in Eastern Europe, the National Endowment for Democracy and its core grantees worked with exiled dissident groups located outside these closed societies, including Great Britain and France, who are working for the downfall of communism. Some of these groups were located in Great Britain and France. NED has never supported any group in New Zealand.

So to state that we supported groups in Great Britain and France and New Zealand, of course, is disingenuous at best.

Mr. President, I would like to conclude my remarks, and I apologize to my colleagues who have been waiting for an inordinant period of time. I have seen a lot of blood spilled in my life, lots of it in defense of somebody else's freedom. I see an opportunity for us not to spill anyone else's blood. We can do it by helping these emerging countries implant deeply the fundamentals of democracy, which is what makes nations not go to war.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank the Chair.

Mr. President, I first of all want to commend my colleague from Arizona, and I am going to abbreviate these remarks because basically he said it all. He said it all, and then some, with enough documentation to make the case.

Mr. President, on September 18, 1787, as Ben Franklin emerged from the Independence Hall in Philadelphia, he was asked by someone what they had done inside that room. "Do we have a Republic or a Monarchy?" he was asked. A Republic, if you can keep it.

I think the important part of that phrase was the last part of it: If you can keep it. We all appreciate immensely that the cold war is over. But as the Senator from Arizona pointed out, now is the hard job, in many ways, in these countries: Determining whether or not democracy will grow roots and can be sustained.

The National Endowment for Democracy is about the best effort we have at the lowest possible price to help try to sustain that—not from our Government, government to government, doing it, which I oppose. I do not want to see us getting involved, through AID and the State Department and others in local politics. But I think through the National Endowment for Democracy, we have found a unique vehicle by which people of different political persuasions and different philosophies have been able to come together under the same roof, committed to the same ideals and values.

That is democracy. This is a unique occurrence. It is an example, the only one I really know of, where both labor and management, Republicans and Democrats and others of political persuasion, come together to try to promote democracy and sustain democracy in those places where it is most threatened.

I would just, for my colleagues' edification, point out what we are talking about here. This so-called humungous organization employs 46 people and has a $2 million payroll.

As my colleague from Arizona pointed out, you know, we have a lot of speeches about deficit reduction. But in a $30 billion program, $30 million here is really a pittance in terms of what we are talking about, not to mention what we sustain in terms of saved costs.

My colleague from Arizona and I spent a good deal of time on this floor and elsewhere in the past decade arguing about what our policy should be in El Salvador and Nicaragua. Whether you agree with my colleague or with me, this much is true: We spent, over a period of 10 or 12 years, some $4 billion engaged in the affairs of those countries for military aid, economic aid, and the like, to try to preserve democracy. We argued about how you best achieve it.

The point is, now we have a chance in a place like El Salvador, which is now struggling to get on its feet, to go in with a small amount of help and assistance and sustain that effort. I think that is worth the taxpayers' money to try to do it. As my colleague pointed out, there are so many places like Albania and Poland—you can go around the world; I think some 75 or so different countries is the number—where this organization, with the help of other people, has been able to make the difference.

I think that is extremely worthwhile. I think it is an extremely good investment, Mr. President, to try to sustain these efforts. I would rather be doing that than be meeting my colleague from Arizona on this floor again next year or the year after, arguing about whether or not we ought to have military aid, or how many forces we should send down, or what else we should try to do to try to salvage some situation, when in fact this organization has proven to be remarkably successful in helping us sustain those efforts of democracy.

I have a particular interest in Latin America. For the first time in the 500-year history of the Americas, at least since the two cultures encountered each other back in 1492, we have more democracies today in this hemisphere than have ever existed, ever. And yet, Mr. President, I will tell you categorically that they are fragile, in many cases; that if we do not make a sustained effort to try to support them and shore them up, I fear in a number of cases we will lose them.

I am not going to suggest to you that by funding the National Endorsement for Democracy, that we guarantee that. I cannot. Anyone would be a fool to suggest that. But I think this is a good insurance policy to provide the mechanisms, the people, the resources, to try to sustain those efforts.

So I know the temptation will be great. This is almost an easy one today, with great and legitimate concerns about what is happening here at home. God knows, people are suffering in the Midwest right now. With the staggering floods and the hurricane in Florida last year, $30 million, I know, could be well spent in this country.

But I say to my colleagues, $30 million well spent in trying to sustain and support democracies around the world is well spent as well. And if we end up saving—in fact, I predict we would—millions and millions of dollars in taxpayer money as we try to support those efforts, it is in our interest to do so. It is not just for some vague ideal or value. It is in our very practical interests to have democratic societies and governments with whom we can trade and negotiate, with whom we can do business and try to support economic growth in this country.

So this issue is more than just some fuzzy-headed idea to go out and support some ideal. It has practical implications, as well.

Mr. SARBANES. Will the Senator yield for a question? As I understand it, Oscar Arias, the Nobel Prize winner, is in support of the activities. Is that correct?

Mr. DODD. That is correct. In fact, the Senator from Arizona read a quotation from Oscar Arias in strong support of NED.

Mr. SARBANES. How do we square that with this letter? I am going to address this letter that was sent to us by some of our colleagues, because you are intended to get one impression from the letter; and then when you start checking behind the impression, you discover that in fact this is just to the contrary.

The letter seems to be making a point, saying that they funded opponents of Oscar Arias, President of Costa Rica, winner of the Nobel Peace Prize. That is in the letter. I understand what happened is that one of the grantees supported a think tank on whose board was a person who later ran against Oscar Arias for President of Costa Rica—the democratic process, if I may say so, clearly. And Oscar Arias at least appears to recognize that it is the democratic process because, contrary to the impression the letter gives to you, written by the people bringing these amendments now to the floor, Arias supports NED.

This letter is intended to make you think that Arias would be upset with NED. As I understand it, he supports NED, and there is a quotation to that very effect.

Mr. DODD. My colleague is absolutely correct. As I mentioned a moment ago, the Senator from Arizona [Mr. McCAIN] read into the RECORD the quotation. I have spent a great deal of time with Oscar Arias. I personally have a great deal of affection and admiration for him. Categorically, without any quotation, I can tell you that he strongly supports the NED, and what he was doing, not just in his country but throughout this hemisphere, indicates this is exactly the kind of thing he believes we should be doing more of because of the value of democratic institutions.

So it is an extremely worthwhile point to make, because the letter certainly leads one to believe that a Nobel laureate, if he were here on the floor of the Senate today, would vote for the Bumpers amendment.

Mr. SARBANES. That is right. They said before this amendment, NED funded some program that was against Oscar Arias. As it turns out, first of all, when you understand what it was, it seems a perfectly legitimate sort of activity, and Oscar Arias, to his credit, who really is a true democrat, supports NED and its activities.

Mr. MCCAIN. I have one additional comment in response. He is exactly right. This is an example among others of the disingenuousness of the opposition. They said NED supported organizations in Britain and France. They supported exile organizations that had to be in Britain and France because the exiles could not go back to their own country. They also said they supported programs in New Zealand. There is no record of that. The opposition at times has been disingenuous.

I also want to comment briefly that the Senator from Connecticut and I have been involved in Central American affairs for many years. We have had our disagreements, but the fact is that we have had the same goal. There is the Republican approach to some issues and the Democrat approach. The Senator from Connecticut and I have had disagreements from time to time. Our goal was the same. I think that one of the reasons for success of democracy in this hemisphere today is that we took a lot of approaches and, together, we all succeeded. That is the essence for the National Endowment for Democracy.

Mr. DODD. I do not know whether my colleague included an article by David Broder in the Washington Post of Sunday, July 4, 1993. The title says it all: No Good Deed Unpunished.

It describes what happened in the House of Representatives, and it lays out—

Mr. SARBANES. If the Senator will yield, I wish the Senator will read further from that headline. What it says is not only "No Good Deed Unpunished"; It also says:

> The NED "had a proven track record and a tiny budget." It united Republicans and Democrats, business and labor in helping small groups abroad in their struggle for democracy. So the House killed it.

He made a strong statement about what NED has done and concludes by saying:

> The Senate next month has a chance to undo the damage and keep the United States on the side of building democracy in the world.

Mr. DODD. I thank my colleague for highlighting that.

I ask unanimous consent that the article be printed in the RECORD at this juncture.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 4, 1993]

NO GOOD DEED UNPUNISHED

THE NED HAD A PROVEN TRACK RECORD AND A TINY BUDGET. IT UNITED REPUBLICANS AND DEMOCRATS, BUSINESS AND LABOR IN HELPING SMALL GROUPS ABROAD IN THEIR STRUGGLE FOR DEMOCRACY. SO THE HOUSE KILLED IT

(By David S. Broder)

The members of Congress are home for the July 4 holiday, and many of them will mark the greatest of our patriotic celebrations by quoting once again the stirring words of the Declaration of Independence.

They cannot be heard too often: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness—that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

That is the basic credo of democracy, as vital today as it was when first proclaimed 217 years ago. Unfortunately, 243 House members cast some doubt on their understanding of the enduring importance of that message when they voted last month to kill the National Endowment for Democracy, the small, government-financed agency that for the past decade has fostered grass-roots democratic movements all around the world.

NED is a tiny operation. It employs 46 people and has a payroll of less than $2 million. The bulk of its money—$48 million was the amount the House killed—goes to small, struggling organizations such as the Democratic Development Center in Latvia, which supports politicians, journalists and citizens sniffing the first breaths of freedom.

Rather than channel the grants through a big government bureaucracy, NED operates through specially created international arms of four organizations that know a lot about Main Street capitalism and grass-roots democracy—the Republican and Democratic parties, the Chamber of Commerce of the United States and the AFL–CIO.

The man who led the fight against NED in the House is Rep. Paul E. Kanjorski (D–Pa.), who has been after its scalp almost from the time he arrived in 1985. Kanjorski tells me he was offended by the attitude a senior NED official took when the congressman first began inquiring into its operations. His passion on the subject is clear, but his reasoning is not always easy to follow.

In his floor speech, Kanjorski said it was "an insult to the Constitution" to "give taxpayers' money to a private organization to carry on the foreign affairs of the United States." No one in the State Department has ever charged such an act of usurpation, and three presidents have supported increasing levels of funding for NED.

Kanjorski is deeply suspicious of the participation of the Republicans, Democrats, business and labor. He spoke of "an unholy alliance" and, in a wonderful non sequitur, said, "NED puts together so many unfriendly parties in the bed together that it makes us wonder whether we in fact have not come together in a unicameral legislature."

When I asked him what exactly bothered him about the participation of groups that differ on many issues—but not on their commitment to democracy—he replied with another remarkable bit of logic. "They're all operating under the same flag," he said. "That's contrary to our system of checks and balances."

Yet Kanjorski was able to prevail on the House floor against the combined opposition of the president of the United States, the leadership of both parties and the ranking Democrats and Republicans on the House Foreign Affairs Committee. In pure political terms, it was quite a feat for an unheralded member with no claim to jurisdiction or special expertise in this area.

The 243 to 181 roll call on June 22 was a peculiar vote. Freshman Democrats voted 40 to 23 to kill NED; more senior Democrats, 96 to 90 to save it. Despite the fact that NED was created in the Reagan years and several of the House's most prominent conservatives endorsed it strongly in the debate, Republicans voted 112 to 62 against it. As with the Democrats, the freshmen led the revolt.

One theory is that the freshmen of both parties were spooked by an ABC–TV news piece the night before the vote—a piece in which Kanjorski was the only member of Congress quoted and in which the supposedly neutral correspondent said, "Communism may be dead in much of the world, but the endowment is still costing you $30 million a year [last year's appropriation] to support foreign labor unions, small businesses and political activists."

Another, less kindly theory, which might be pondered by proponents of term limits, is that many of the freshmen may lack historical appreciation of the effort it has taken to cultivate democratic movements such as Poland's Solidarity—an early recipient of NED help—and its counterparts around the world.

Backers of NED point out that the Cold Way may be over, but the triumph of democracy in large parts of Asia, Africa and Eastern Europe is far from ensured. All sorts of hostile elements are ready to strangle democracy in the crib. When Americans turned inward after World War I, thinking the world had been "made safe for democracy," what we got was World War II.

NED programs—from legal assistance to political prisoners in China to the teaching of mediation techniques in South Africa to technical aid and training for privatizers in Bulgaria and union organizers in Albania—do not deserve to be sacrificed to Mr. Kanjorski's conspiracy theories.

The Senate next month has a chance to undo the damage and keep the United States on the side of building democracy in the world.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I must say that I have heard some important, interesting, even powerful statements today on the floor. I hardly know where to begin in discussing this subject. Let me say to my friend and some others, the amendment to cut or eliminate funding for the National Endowment for Democracy [NED] is neither unimportant, embarrassing, nor trivial. It is none of those. So let us start with that understanding.

It is true that Senator BUMPER's motion cuts only $35 million. I guess that is not very much in the scheme of a bill which is spending many billions of dollars. But $35 million, of course, is a lot of money in my hometown; there are only 350 people who live there. To them, it is a lot of money.

But it is not the $35 million that I want to talk about just for a minute. I am going to talk about the substance of the issue. We have been talking for an hour on this floor about this subject. You know something fascinating? After 6 months of hearing such a repetitive chant about, "cut spending first, cut spending first, cut spending first," I have not heard a word about cutting spending, not a word about how much is being spent here.

Let us talk for a minute about the difference between this NED program and this appropriation bill. As the chairman knows, this appropriation bill cuts spending. He did not bring a big, fat bill to the floor of the Senate that says let us spend a lot more this time around. That is not the kind of appropriation bill that was brought here.

Of course, if you look at some of the details of this bill, and especially if you are interested in this program, look at the increase proposed for this program—the National Endowment for Democracy. Do we subject this program to some kind of discipline? Is it this program when we say let us enforce cutting spending first? Oh, no, not this program.

From 1990 to 1993, a 3-year period in which everybody in this place has collectively been pulling on the public belt because we say we have to cut spending, this program doubled. That is right, it doubled.

Now we are proposing this year to increase it 17 percent.

I jotted down some notes on the back of a letter from President Clinton saying this is a good program. It happened to be laying here, and that is why I used it for notes. I could have used Jimmy Carter's letter or Ronald Reagan's letter. I have not received one from George Bush yet, but I am sure it is around here. And Richard Nixon certainly would have weighed in on this.

It seems that we critics of NED are somehow categorized as people who cannot quite see over the horizon. We just do not get it when it comes to these big international things like the National Endowment for Democracy.

Well, here is an audit report. This is the inspector general who took a look at this program. This was not 3 years ago, or 2 years ago, or 8 years ago. Do not dismiss this as a bunch of rabble. This is the inspector general report, and this inspector general report is dated March 31, 1993. That sounds to me like that was done recently. Let me read a couple of titles.

Chapter 2: NED Failed to Ensure Financial Accountability Over Federal Funds.

Whose funds? The American taxpayers'.

Chapter 3: Inadequate Solicitation of Private Contributions by NED and Its Grantees.

Chapter 4: USIA Failed to Exercise Financial Oversight Responsibilities Over NED.

Mr. President, this is not something that has dust on it. This is this year's report. In the GAO report from 2 years ago, it was the same thing. Well, we can ignore these. That is fine. If spending does not matter, and this is important, we say it does not matter whether there is accountability. Take money from the American people in the form of taxation and spend it.

In fact, have a town meeting before you set up the next plan to spend it and say to the folks at any town meeting in any town in this country that you have a new plan. Say we are deep in debt, but we have decided we are going to give some money to four entities. We are going to give a batch of money to the National Republican Party; we are going to give a batch of money to the National Democratic Party; we are going to give a bunch of money to the Chamber of Commerce and even more to the labor unions. We are going to ask them to go forth and use it productively to promote democracy.

I am not sure that they would quiet down long enough at the town meeting, once you finished saying what you wanted to, for you to leave the room.

What on Earth is this?

As this chart shows, we spend $383 million in the U.S. Information Agency, $296 million in AID, much of it to promote democracy around the world. Senators have all been there. I have been to refugee camps; I have talked to people running for office in various parts of the world. Senators know what we spend—hundreds of millions of dollars to do that.

But we are told it is better if we take this money and give it to the AFL-CIO, give to the Chamber of Commerce, and give it to the Republican Party and Democratic Party and let them travel first class around the world and give the money out. What a bunch of nonsense.

There is room for disagreement. I respect the chairman of the committee enormously. I respect Senator MCCAIN. I respect their views.

I ask my colleagues something: I would like to hear just for a moment on this floor, and I hope I will shortly, why at a time when everybody says we have to cut spending you come to the floor with this program and ask for a 17 percent increase.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. DORGAN. When I have finished, I will yield.

Would it not be nice if America's kids had the kind of power speaking on their behalf as exist outside this Chamber?

Mr. KERRY. Mr. President, will the Senator yield?

Mr. DORGAN. I will give the Senator a chance to answer. I will propound it at the end of my statement again and give the Senator a chance to answer it then.

You walk in these doors. You have people out here standing who represent all these interest groups that get all this money. They want to keep getting it. In fact, it is the best of all worlds if they get it and have a body that says they will give you more.

Oscar Arias, of course, will support this. Can you tell me a foreign leader who will not like us to spend money for them? Of course, they support this sort of thing.

I will tell you something. When you walk through the door and see who is pushing for the money out there, or get a telephone call like I got today from someone who is pretty powerful in this country, you will hear: "You mean, you are going to try to cut this?" I said: "Yes, you are right." He said, "You know what that is? That is isolationist."

Isolationist—oh, the last refuge of a scoundrel is not excess of patriotism necessarily, but calling you an isolationist because they think you cannot see over the horizon on the basis of this policy or that policy. If you do not agree with the democracy-speak or the international-speak or the trade-speak here in Washington, DC, then you are an isolationist.

What about building democracy in this country? Do you know how many people voted in the last election? Fifty percent of the American people said: It does not matter. I do not care, and I am not going to vote.

We have so many troubles in this country you can hardly count them. What about endowing democracy in this country? What about investing in things here at home? What about reducing the deficit? What about this chant for 6 months: "Cut spending first?" And then we see a program like this that gives checks to these four organizations and says let us double it in 3 years.

I just want to hear some discussion on this floor.

Mr. KERRY. Mr. President, will the Senator yield?

Mr. DORGAN. I said when I finish I will. I said that to the Senator before.

I would like to hear discussion on this floor about how you justify doubling this appropriation in 3 years at a time when we are cutting budgets. Just how on Earth do you justify that?

I will tell you something: You do not justify it in my hometown, and the folks I represent are not people that do not understand. They very well understand how hard they work, how much they pay in taxes, and what those taxes are used for.

I guarantee you when you see reports, not just one, and not old reports—new reports that talk about first-class air travel, mismanagement of the taxpayers' funds, you see people around here who do not seem to care about it. The taxpayers have a right to be upset. They should be concerned about democracy, of course, first here at home and then around the world.

The fact is democracy is winning, and it has precious little to do with NED. Democracy is winning because the Communists collapsed of their own economic weight. A whole range of things occurred. The Berlin Wall is down. Eastern Europe is free. There is no Warsaw Pact. In Central America Senators all know what has happened.

Can we justify money to help further the interest of democracy around the world? Yes, we can, and we have to.

We spend $383 million in USIA and $296 million in AID, and I support much of that. I support a lot of what is spent in encouraging democracies.

I spent years on the Hunger Committee in the House, and years working on a whole range of things, trying to help other people in poor nations, help other people help themselves. I support that.

I will tell you something: This is a demonstration that you can have the most egregious abuse in the world for taxpayers' dollars under the program and bring it here and you would find support for that program. Everybody in this town has a constituent, even waste, everything. Nobody wants to cut anything. If we cannot cut this, Lord, we cannot cut anything.

So, I say to my friends I wish it were so that those in this country today believe because they have lost everything by flood, hungry because they do not have enough money to pay enough to eat, need medical care but cannot afford it, would it be so that they would have such powerful friends to weigh in heavily as these people weigh in—$35 million at a time of belt tightening. We see money spent on them, not decreased, not threatened, but increased 100 percent in 3 years. Would that such powerful people speak for those in this country who need that kind of help.

But, no. Instead what we see is those powerful voices who weigh in for this, and I understand this. I understand a lot of people get a lot of money and love this sort of thing.

But the fact is in my judgment, just in my judgment, and I respect those who differ—coming from North Dakota, representing the people I represent, I honestly think that when an inspector general and the GAO say to you here is the way this money was spent, we ought to start saying it is spent in the wrong manner. It is not the way you treat taxpayers' funds. Let us do it through USIA. Let us do it through AID. Or even better, let us use the money to endow democracy here at home and fix the things that are wrong here at home first.

I would be happy to yield for a question to the Senator from Massachusetts.

Mr. KERRY. Mr. President, the Senator has asked several times how do we get the money and how do we justify this.

I would ask the Senator whether or not he is aware that the Foreign Relations Committee, by a very broad margin, overwhelmingly endorsed, not $35 million, but $50 million. This was a bipartisan endorsement, by conservatives, liberals, Republicans and Democrats.

I would ask the Senator, when he says how do we get this money, is he aware that we cut $500 plus million from the President's fiscal year 1994 budget request in order to fund an increase of $15 million for NED? We did this because it was the overwhelming judgment of the participants in the committee in process that this is one of the best bangs for the dollar that you can get in the way of that cut.

Mr. DORGAN. The Senator from Massachusetts is telling me that a 17-percent increase is really not what he wanted; he wanted a 300-percent increase. He wanted to go from $15 million to $50 million. I do not understand this. The Foreign Relations Committee really wanted to triple this.

Mr. SARBANES. What he told the Senator was cut by $500 million. That is what he told you.

Mr. DORGAN. I did not yield to the Senator. I will later.

Let me say if the Senator is saying that cuts in spending ought not to go to reduce the deficit but instead to the National Endowment for Democracy——

Mr. KERRY. Will the Senator from North Dakota yield?

Mr. DORGAN. I am happy to yield.

Mr. KERRY. Mr. President, the Senator from North Dakota is vastly distorting reality here. He is suddenly learning that this is not fiscal irresponsibility. It is not fiscal irresponsibility.

We cut over $500 million, and the President of the United States specifically cut existing funding levels in order to fund his request of $50 million for NED.

The second answer to the Senator's question is, no, the Foreign Relations Committee did not just dream this up. No, the chairman of the subcommittee did not just dream this up. The President of the United States said this is one of the most valuable programs we have and we intend to use it more.

We have a letter from the National Security Adviser, Tony Lake, sent to us the day of the Foreign Relations Committee vote. It says:

> As you know, the President has placed the promotion of democracy at the center of his foreign policy and so strongly supports the National Endowment for Democracy. The NED has been a dynamic and cost-effective organization that has contributed greatly to the American foreign policy objectives. We intend to rely even more heavily on it in the future.

The President believes that democracy building is at the center of our foreign policy.

So, we cut. We cut transmitters. We cut $60 million of salaries and expenses in the State Department. We cut $175 million of contingency funds for peacekeeping in order to be able to stand up when we go to our districts and say we are serious about promoting democracy.

This is not a charade.

The Senator from Colorado has been waiting a long time. I want to come back and talk about where that dollar really goes, which I will do.

But I again ask if the Senator from North Dakota was aware that we cut $500 million and that before we even cut the $500 million, the President of the United States made specific cuts in his budget request so that he could ask for $50 million?

(Mr. KERREY assumed the chair.)

Mr. DORGAN. I would say to the Senator from Massachusetts, I have information such as the arms control and foreign policy caucus advisory in front of me that tells me what the President's request was and how much the committee cut.

I simply disagree with the President if he believes we ought to increase this to $50 million.

Mr. KERRY. If I could just say, that is a very different issue, from what you made your argument on. If you want to argue that it is not working, then I want to have that argument in a moment.

But I do not think it is fair for you to argue this is somehow fiscal irresponsibility in the face of our budget-cutting efforts when, in fact, this committee has come to the floor and the subcommittee chairman, Senator HOLLINGS, has come with an extraordinary number of cuts in an effort to be able to fund this kind of effort.

Mr. DORGAN. I would just say to the Senator, because I am the judge of what is fair in terms of what I propose, but I will tell you this: If this were a domestic program that came to the floor with a critical IG report and a critical GAO report, it would be chewed up like a big bone.

My point is that my approach is on what I perceive to be the merits of the management of this program and what I perceive to be the need to cut spending.

But I did not yield to the Senator from Maryland. Let me do that. Let me do that briefly, and then let me finish in 30 seconds. I know the Senator from Colorado has been waiting a long time.

I yield to the Senator from Maryland for a question.

Mr. SARBANES. Let me say to my colleague, first of all, I agree with what he said at the outset, that this is a serious issue. I think it is a serious issue. I certainly do not contend differently. I think the Senator has raised an important issue and it needs to be addressed in a serious manner.

Second, I want to say to my colleague, I am not prepared to give an inch for my concern for the people here at home. I support the NED Program. But I am not prepared to give an inch to him or to anyone else in this body about my concern for social justice here at home and building democracy here in America. I want to be very emphatic on that particular point.

Now, the Senator asked, you know, when you are cutting, how can you propose to increase the program?

First of all, I want to be clear—and the Senator from Massachusetts made the point—this increase is in the context of sweeping cuts as they were considered in the Senate Foreign Relations Committee. So, in effect, the cuts amounting to about $500 million, the proposal was to take this program up $20 million. And the reasons for it are rather clear. The President sent us a letter just today. I want to quote President Clinton's letter, at least in part.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 27, 1993.

Hon. GEORGE MITCHELL,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: I am writing to express my strong support for the $35 million in funding for the National Endowment for Democracy recommended by the Senate Appropriations Committee.

Supporting the world-wide movement toward democracy is one of the best investments we can make in our own national security. NED has been one of our most important and effective instruments for supporting democracy abroad.

Now, with new democracies and democratic movements gaining strength from the former Soviet Union to Africa to Latin America, we need to make our support for democracy an even higher priority. The $35 million appropriation now before the Senate, while short of the $50 million I requested, would at least enable us to increase our support for those who are waging democracy's fight abroad.

I hope you will convey to the Senate my strong support for the full $35 million appropriation for this important program.

Sincerely,
BILL CLINTON.

Mr. SARBANES. I quote from the letter:

> Supporting the world-wide movement toward democracy is one of the best investments we can make in our own national security. NED has been one of our most important and effective instruments for supporting democracy abroad.

Now, with new democracies and democratic movements gaining strength from the former Soviet Union to Africa to Latin America, we need to make our support for democracy an even higher priority. The $35 million appropriation now before the Senate, while short of the $50 million I requested, would at least enable us to increase our support for those who are waging democracy's fight abroad.

Now what the President is saying is our national interests are going to be served by enhancing democracy. And that is the President's statement.

I want to address one other chart, and that is your USIA-AID chart. We have a letter here from the Administrator of AID and from the Director of the U.S. Information Agency.

Now your argument essentially is, look, they spend money for the purpose of fostering democracy abroad and, therefore, we should do it only, as I understand it, only through those channels and not through NED.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, DC, July 23, 1993.

Hon. PAUL S. SARBANES,
U.S. Senate, Washington, DC.

DEAR MR. SARBANES: As the Administrator of the United States Agency for International Development and Director of the United States Information Agency, respectively, we are writing to urge you to support full funding of the President's Fiscal Year 1994 budget request for the National Endowment for Democracy. This item is included in the State Department Authorization and Appropriations bills, which the Senate will consider soon.

Democratic development is an essential part of economic development and the preservation of peace, and a natural concern of the American people. We believe that the NED fulfills a distinctive and a critical role in promoting democratic development and building free societies.

Like NED, U.S. AID and USIA are also engaged in helping to build democracy. But NED has a distinctive capability for providing early and critical institutions and business and labor groups—the elements of "civil society" upon which the larger structures of democratic governance ultimately must rest. NED and its institutes do this by engaging counterpart groups and leaders from our own non-government sectors.

Given the sudden and dramatic changes in the last five years, it is understandable that there is an appearance of overlap in the work of NED, AID and USIA. The National Endowment for Democracy is required by law to consult with the Executive Branch on any NED-funded programs prior to its implementation. This procedure ensures that such programs are not duplicative of other efforts and do not contradict US national interests. The three organizations each play unique and distinctive roles in this area and are working closely with the other agencies and with Congress to eliminate or prevent the possibility of future duplication. We are confident that this can be accomplished quickly.

We would also remind you that there are some nations where assistance is desired, needed, and can have a measurable effect, but where restrictions in law bar activities by U.S. AID and USIA. The NED often is the only organization that can establish a presence in such countries. The NED and its four recipient institutes—The National and Democratic Institute for International Affairs, the International Republican Institute, the Free Trade Union Institute, and the Center for International Private Enterprise—have repeatedly demonstrated that they can respond quickly to crises and to opportunities.

Funding the NED is an extremely cost-effective investment for the United States, our allies, and the cause of freedom. Democratic movements around the world have saved the U.S. untold billions of dollars in defense spending alone. We urge you to support the President's request when it comes before the Senate.

Very truly yours,
J. BRIAN ATWOOD,
Administrator, U.S. Agency for International Development
JOSEPH DUFFEY,
Director, Information Agency.

Mr. SARBANES. They make the point that the "NED fulfills a very distinctive and a critical role in promoting democratic development and building free societies."

The PRESIDING OFFICER. The Chair would advise the Senator from Maryland that he was yielded to for a question.

Mr. SARBANES. I am leading to my question. I need to make this point to lead into my question to the distinguished Senator from North Dakota.

Mr. DORGAN. I would say to the Senator from Maryland, Senator BROWN has been on his feet for some long while. I would appreciate the question and I would be happy to respond.

Mr. SARBANES. Has the Senator seen the letter from Atwood and Duffey?

Mr. DORGAN. I do not know if I have seen that specific letter.

Mr. SARBANES. I just wanted to quote this. If all of this is duplicative, then there is something to your chart. But if it is not duplicative, I would ask the Senator to consider this.

> We would also remind you there are some nations where assistance is desired, needed, and can have a measurable effect, but where restrictions in law bar activities by U.S. AID and USIA. The NED often is the only organization that can establish a presence in such countries.

And they go on to make the point that again and again they have been able to act when government-to-government programs would not be effective.

Does the Senator recognize some merit in that argument?

The PRESIDING OFFICER. The Chair would advise Senators to direct their questions through the Chair.

Mr. DORGAN. Well, Mr. President, the Senator from Maryland has asked what I recognize and what I know. I recognize the argument has been made there is no duplication. I have heard that argument.

Yet it seems to me that we are spending over $700 million, much of which goes to further the democratic values and further democracy around the world through the USIA and AID.

I want to wrap this up so Senator BROWN, who has a lot to say on this subject, is able to weigh in.

Let me conclude by saying this. I made the point that in my judgment the criticisms of this program suggest to me that we ought to take a look at the merits of the program and how the taxpayers' money is spent.

I would say to the Senator from Maryland, he will not give an inch to anybody in terms of his commitments to things here at home. I will not give an inch to anybody in terms of my approach and my commitment to demonstrating democratic values all around the world, in trying to export democracy and help fledgling democracies. I would not give an inch to anybody on that.

The question is not whether we do that. The question is how we spend an enormous amount of money trying to do that.

What we have done is created a National Endowment for Democracy, at a time when we are short of money. We are taxing people to the tune of about 19 percent of the GNP, and spending 24 percent of the GNP, and charging all the rest to the kids and grandkids.

We have concocted an approach that says, let us give checks to the AFL-CIO, some to the Chamber of Commerce, some to the Republicans, some to the Democrats, and tell them to go forward and do good work.

Does it surprise anybody in this Chamber that we see the IG and GAO reports that suggests an enormous amount of money has been wasted?

I just ask the question: Is this important? Is it important to increase at 17 percent when we are supposed to tighten our belt? Is it important to double it in a 3-year period when we are supposed to be dealing with the deficit?

I just ask those questions in a way that would encourage people to answer them by saying, let us cut some spending here.

Let me conclude by mentioning that, as I listened to this today, it reminded me that Representative Moe Udall—a colleague of Senator MCCAIN's and mine in the House—used to tell about a guy that came up to him in Arizona once and said to him:

"You know, there must be a lot of smart people down there in Congress, huh?"

He said, "Yeah."

"Probably some who aren't so smart, too, huh?"

"Yeah."

"Darn hard to tell the difference some days, ain't it?"

"Yeah," he said, "it is."

This is a debate full of good people with, I think, great ability. And we come to radically different conclusions about whether this is a wise expenditure of funds, and what it will do not just for this country, but also for the world.

I just say that Senator BUMPERS has proposed an amendment here that I support and support strongly as a cosponsor. He has done it, in my judgment, eloquently.

Senator BROWN and others are going to speak on the same subject in opposition to this spending.

Is it totally useless? Is it all wasted? No.

But is increasing NED funding what we ought to be doing, given our circumstances, given where we find ourselves doubling this in 3 years. Should we be increasing it 17 percent this year, giving a bunch of money to a bunch of people and saying, "Do something good," and then discover they did not do something good but, in many instances, they were traveling first class and wasting money.

Look, it is time for us to decide to be responsible. And I hope, with this vote on the Bumpers amendment, we will finally do that.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I rise as a cosponsor of the Bumpers motion to table the committee amendment. I commend the distinguished Senator from Arkansas for his courage in making this very thoughtful motion.

We have heard from a number of speakers today, and I believe all of them have had a thoughtful and legitimate concern about promoting democracy overseas.

Senator MCCAIN from Arizona, on my side of the aisle, has done more to protect democracy in both a personal and a public way than any human being I know. I suspect, if the truth were known, his family over its centuries of service to this country has probably done more, or certainly as much, as any family in our history.

So I do not come out of concern that the advocates of NED have bad motives. I think they have good motives. I would like to deal very briefly with the arguments that have been made against the Bumpers amendment, and then I would like to share with you my concern as to why I think this spending on the National Endowment for Democracy is a mistake for this country.

First, much has been made about how this is an easy target. I could not disagree more. This is the toughest target I have ever seen. This is one that has not only Ronald Reagan lobbying for it but everybody but Herbert Hoover, and he may well have written a letter on behalf of NED. We are not quite sure. Not all the letters have been distributed.

If that were not enough, on the Democratic side we have had former Vice Presidents and other Democratic leaders from across the Nation call in. We have had columnists in every leading newspaper—Democrat, Republican, Conservative, Liberal, Independent—write glowing letters on behalf of the endowment. What is more, many of our distinguished Members, have had an opportunity to travel with NED. It is not an easy target. It is the toughest target I have ever seen.

The folks who are opposed to controlling the spending here, who are opposed to this cut, say NED's purpose is to promote democracy. If you believe in democracy, you will support NED. Those arguments are made sincerely. They are made by people who believe the issue here is democracy—promoting it. That has been the rallying cry ever since this program has been brought forth and, indeed, the advocates of the program have accurately recalled that NED was originally proposed by Ronald Reagan. That is correct.

I respectfully submit those who come to support NED out of concern for democracy, concern that democracy will not have an advocacy program without those $35 million should check the facts.

What are the facts? The facts are that USAID and the U.S. Information Agency together last year spend $679 million on democratic—prodemocratic projects, versus $30 million for NED. That is some 22 times, almost 23 times as much as NED spent. Anyone who thinks this issue is promoting democracy has not looked at the numbers or the facts or the programs. This is not a question of whether or not you believe in democracy. I hope every Member of this Chamber believes in democracy and would want to promote it and does promote it. The question is not whether or not you favor democracy.

USAID spent $225 million in 1992 on pro-democratic projects. In 1993 they are scheduled for $295 million in prodemocratic projects that are very, very similar to the kinds of things that NED accomplishes. It is not a question of whether or not you promote democracy, and it is not a question even of whether or not you have money to fund the projects NED has been funding. That is not the difference.

As a matter of fact, NED's core group last year got more money from USAID's democracy projects than they did from NED. The issue is not democracy nor is it funding democracy.

Second, I have had a number of advocates of NED jovially make their point with me that NED is a private effort. If you do not like NED, what you are really in favor of is having the Government decide all of this. That is a fun point to make but it is not accurate. The private efforts are Government funded, and in fact the core grantees of NED are funded out of USAID, too. It is not a question of whether you have private control of a foreign effort to promote democracy or a public one. They both promote both public and private efforts in this area and both are public. There is no difference.

Third, some on this floor have said that the difference with NED is that it gives you an ability to operate within countries that the United States cannot, through the USAID. Indeed, there are some countries in which USAID cannot operate: North Korea, China, right now Vietnam—although that appears to be under review; there are a variety of others—Libya, and so on. But it would be inaccurate to say you cannot operate in those areas, as has been suggested on this floor. Why? Because my understanding is that the countries are restricted, are available at the discretion of the Secretary of State. If the Secretary of State wants to approve sending funds to promote democracy into Libya, he can do it. To suggest that there is a list of countries you cannot do business with and that the only way to promote democracy there is through NED misses the whole point of the law. The whole point of the law is that the Secretary of State has the ability to make that decision, and anytime he wants to, he can approve projects in those areas.

So the third reason that has been given to have NED, that you can operate in countries you cannot operate in under USAID, falls apart when you look at the fact that the Secretary of State can waive the restriction.

If you do not trust the Secretary of State or you do not want the Secretary of State to coordinate foreign policy, that is a different matter.

Fourth, some have said with NED we can influence elections which current law will not let us do through USAID. I believe that is correct. That is an appropriate point. It is an accurate point. Current law does restrict the USAID from funding projects that influence elections, directly or indirectly.

Should that be the reason you would support the $30 million or the $50 million that the authorization committee has in its bill? Let me suggest the answer to that is to look at how that money is spent in Panama, for example. Let me read what the U.S. Ambassador said about NED's donation to the campaign of Panama. These are not my words. These are in a telegram sent by the U.S. Ambassador to Panama. He wrote in a memo: "The Embassy requests that this harebrained project be abandoned before the"—and then the next word is not appropriate for the Senate floor—"hits the fan."

The candidate, incidentally, that NED backed in the elections there, won a total of 1,700 votes.

Does it make sense for the United States to fund efforts to influence foreign elections, get involved in the elections? We know how we react? We have laws on the books that make it illegal to have foreigners fund our campaigns. We consider it criminal in the United States. Do the Members of this Chamber really think it is a good idea for us to make campaign contributions to candidates in other elections?

The Costa Rican example has been cited and some Members have actually gone to the point of suggesting that a letter of which I am a signer and other Members of this Chamber are signers is disingenuous or inaccurate. That is not the case. One of our distinguished Members held the letter up, described—or misdescribed, more properly—something in the letter, and then pointed out that which he misdescribed was not true.

I am willing to stipulate—I will agree that if you misrepresent a letter, that it could well be inaccurate. But that is not to say the letter itself is inaccurate. It is not inaccurate. And to misquote it and then shoot down what you have misquoted is not the kind of tactic I think is terribly helpful in this debate. The fact is, money was given to an opponent to the President of Costa Rica. We have talked about how the President of Costa Rica feels about foreign assistance from the United States.

Is there anyone here who thinks somebody who gets U.S. assistance is going to speak out in opposition to it? Does anybody think that? Of course he likes foreign assistance. Of course he is not going to criticize it. But ask him the pertinent question, ask him if he likes having the U.S. fund political opposition within his country, an act which we make illegal in the United States. My guess is you would get a different answer, and I suspect Members listening know that.

There have been funds going to political organizations in Britain and a neo-Fascist group in France. For those who are interested, there is an article entitled "Britons get Reagan 'slush money'." It is from the London Financial Times, 1985.

From a Wall Street Journal, 1989, headline: "U.S. Group Aided Arias's Costa Rica Foes."

This is not an allegation that is brought by a few people. This is from the Wall Street Journal.

Let me quote Congressman Solarz' observation on this particular question, because it has been raised on the floor. Some critics say that it came close to breaking the law. This is the reference:

"They may technically have been within the law, but I felt this clearly violated the spirit," said Representative Stephen Solarz, a New York Democrat.

Mr. President, the Washington Post, in 1985 headlines: "Rightist French Students Get U.S. Anti-Red Aid." Political groups in France got money—is France a country that needs help to establish a democracy?

From the New York Times, 1990: "U.S. Grant to 2 Czech Parties is Called Unfair Interference."

Mr. President, for Members trying to make up their minds on this issue, they should ask themselves how they would feel about a foreign country donating money to influence elections inside the United States. Ask yourself how many people are going to sign onto repealing the law that is on the books that makes that activity illegal?

If someone honestly believes that the way to have an influential, effective foreign policy is to have us fund elections abroad at the same time we vote to do away with PAC's at home, may I suggest that they have a heightened sense of humor. To think that the reason that we ought to keep NED is so that we can contribute to political action committees or form our own political action committees for international elections I believe is not a good judgment. I think when this body reflects on it, they will come to that conclusion.

What are the other differences? What has been quoted on the floor is this: NED is a cost-effective way to distribute aid. We all are subject to that because our good friends, whether we are Democrat or Republican, are on the boards of the core grantees. And I say good friends. They are my good friends on the Republican board; I hope some on the Democratic board, as well. And I think members of the Democratic Party would find their good friends on the board. Certainly, people who are active in the Chamber of Commerce find their good friends on the board, as well as the labor unions.

Is it a cost-effective way to distribute the funds? Let me quote to you from the studies. This is a statement from the GAO report, 1991. It is from that summary that they put together:

> NED did not have a sufficient system to determine whether NED goals were being met and that the grants were not adequately controlled or accounted for.

Does that sound like an efficient way to distribute the money, not even having an adequate system to account for the money or to control the money properly? That is from the GAO report.

Mr. President, in March 1993, USIA's Inspector General's report concluded:

> NED failed to ensure financial accountability over Federal funds.

From the executive summary:

> NED procedures during the period audited were insufficient to ensure that grantees, one, could properly account for the grant of the funds.

They did not even have a system, according to the inspector general, that would properly account for the funds.

> Two, "were in compliance with grant terms and conditions."

In other words, they did not have a system to determine whether they even met the grant terms and conditions.

> Three, "were receiving proper audits and other forms of verification as required by its grant agreements with USIA."

Mr. President, if this were one audit report in 1 year, I think Members could properly come to the floor and say, "Well, hey, there really are cost-effective ways to distribute the money; it is just that they had 1 bad year." I do not think anybody is going to come to the floor and say that. That would not be accurate.

The fact is that these kinds of audit reports have been prevalent year after year after year after year. As a Member of the House of Representatives and now a Member of the Senate, I have sat in on those meetings. I met with the fine people who serve on the various NED boards, and they are fine people. Each year they say they will do better and each year they say they will solve the problem, and each year they do not.

We have been through five of the arguments that those people who want to retain NED have made. I think a fair, objective analysis of the facts will show that they do not hold water; that is, unless you are one of the people in the world who thinks we really ought to set up an international political action committee fund to fund elections around the world.

Mr. SARBANES. Will the Senator yield?

Mr. BROWN. I will be happy to yield when I finish. If you are in that group, you see a need for NED. Absent that group, I suspect you have a different view of it.

The question is, why have NED, if granting grants can be done under USIA, and is done under USIA, to a tune that is some seven or eight times what it was last year under NED? Why have NED if that figure will be nearly 10 times what it is this year? Why have NED? What is the difference? We have already noted that the core grantees of NED get more from USIA for their projects than NED hands out to them. Why? Why retain NED?

Mr. President, I do not know how many have read it, but in the United States Advisory Commission on Public Diplomacy in their 1993 report, there is this quote under "Recommendations":

> The Commission recommends that the President direct the National Security Council to conduct an immediate review of U.S. democratic assistance policies—

That is what we are talking about under NED, as well as USAID—

> and procedures leading to the establishment of a coordinating mechanism in the NSC within 6 months.

The fact is, you have two different organizations fulfilling a similar charge and able to fund the same kind of organizations. The question Members have to ask in this vote is not whether or not you believe in democracy; it is whether or not you want to have NED funded separately from USAID.

Let me suggest to the Members that what they ought to cast their vote on is the simple question: How does USAID spend their money differently than NED? I think that is the substance of this vote. They both spend it for democracy. They both spend it to promote democracy with their ideals.

How do they differ? What is the difference? It is not public versus private, because they both can fund private efforts.

Mr. President, the difference is this, and it is simple and basic and goes right to the core of why NED was created in the first place: One. Under NED, the money is allocated without competitive grants, without competition. Under USAID, they compete for grants. In other words, they get a series of proposals that are brought in and the Agency looks at them and picks the best, the ones that they best thought out, the ones that have the best controls, the ones that fit foreign policy the best. They have a variety of standards, but under AID, they pick the best ones.

Under NED, for 70 percent of the money, there is no competition. If you believe the competition among ideas and projects is good, you will want funding for democracy programs USAID. If you do not want to come through competition, you would favor NED. That is not HANK BROWN speaking, those are the facts; that is reality; that is the statute that controls USAID.

The second difference is, money spent under USAID has to follow pricing principles as set forth by Federal statute and regulations for the U.S. Government.

There are guidelines that we have enacted to protect the taxpayers. They control the cost the Government can pay for equipment. That was put in the law and regulation, I assume, to deal with an abuse where people went out and paid too much for equipment, and they put a limit on how much you can spend on that equipment. Furthermore, it controls the amount of rent that can be paid by a Government entity.

Incidentally, the rents of the Members of this Chamber are controlled by this guideline. There is a limit on how much can be spent in your hometown or home State. You cannot exceed the guidelines.

We have put into statute—when I say "we," I mean the Congress has put into statute—a series of policies with regard to pricing. Those pricing principles limit how much can be spent for various items as they are purchased and they are meant to safeguard the taxpayer.

That is a second difference, the first being competition—there is none for 70 percent of the money under NED—the second being pricing principles. Under NED, grantees get the money without having to follow all of the Federal Government's pricing principles.

Is anyone here comfortable with that? Does anyone think it makes sense to have one standard for everyone in the world and a different standard for NED? Maybe it does, but I don't think so.

The third difference is this. There is a maximum that can be spent for overhead under a USAID grant. NED does not operate under the same legal restrictions.

That is right. A reason to send money to NED is, one, you might avoid limits on overhead. And two, you might avoid pricing principles. And, three, you might avoid competition under a NED grant.

There are some other rectrictions the core grantees avoid under an NEO grant. The difference between the two is you have to live by guidelines and safeguards under USAID and not under NED. That is the difference. That is why NED was created, to avoid those limits.

Members can take their choice when they vote on this, but this is not a question of democracy. It is a question of whether we empower the powerful in this country to get around statutes and safeguards. It is a question of whether you let the people who are the leaders of the Republican Party and the leaders of the Democrat Party and the leaders of the big unions and the leaders of the big corporations have special rules for themselves, that is what this is about.

To talk about this as a debate of democracy is absurd. It is absurd. This is special treatment for the big boys. That is what this was created to do. That is why NED was set up: to avoid competition for funds.

Mr. President, Members of this body have not properly investigated what NED is all about. NED is about special rules for the insiders. NED is about a way to avoid pricing principles and a way to avoid limits on overhead and a way to avoid the competition of ideas. That is what NED is about. It is not about funding democracy, because we do much more of it under USAID.

Mr. President, I wish to tell this group why I oppose NED, and why I have stood up to it, and why I do not care if we only get two votes or three votes; I am going to keep this fight going.

I believe NED is dangerous for this reason: it is pork barrel training. It is training for the sickness that has brought this country this deficit. Let me be specific.

The classic way we get programs passed in this Chamber is not because everybody likes a particular program. We do not have a majority of this body who thinks bees will not be interested in flowers if we do not have a honey subsidy. We do not have a majority in this Chamber who honestly believes you need a tobacco loan program at the same time you have a program to urge people not to use tobacco. Those are jokes. Those are ludicrous.

We have those programs, Mr. President, I submit to you and I submit to every Member of this Chamber, because of pork barrel spending and logrolling. And the system works this way. You vote for my program, and I will vote for your program.

Yes, I know there are problems with the honey program. But if I do not vote for the honey program, someone will say you may not vote for my program, or you may not vote for the tobacco loan program.

The problem with American spending has been that we have allowed a system to develop where Members of Congress trade votes. We have allowed a system to develop where Members in their own heart and their own conscience do not believe that a particular expenditure is good, but they have to support it or they will not get their expenditure.

Anyone who has watched a public works bill go through the House of Representatives understands what I mean. Anyone who has voted against one of those pork barrel bills and then seen what their district gets the next time knows what I mean.

The problem with NED is that what it does, Mr. President, is train people in the principles of pork barrel, logrolling politics, and that is what I do not like about it. That is what I think is fundamentally wrong about it.

The truth is people in the Democratic Party and in the Republican Party wanted the money. People in the Chamber of Commerce and in unions wanted the money. I do not blame them. That does not set them apart from the rest of the country or the rest of the world. Lots of people want money. But they asked themselves, how do we get the money without having to competitively bid for it, without having to live within the Federal guidelines, without having to live within limits on overhead and pricing and all kinds of other controls? How do we do it?

Somebody figured it out. What they figured out, Mr. President, was that if we all get together, if Republicans and Democrats get together—they may differ on whether Democratic spending is good or they may differ because they do not like Republican spending, but if we get together and Republicans support spending for Democrats, Republicans will get their money. And if Democrats support spending for Republicans, Democrats will get their money. And if unions support spending for the Chamber of Commerce, the unions will get their money. And if the Chamber of Commerce will sign off on the Republican and the Democrat and the union spending, they will get their money.

The problem with NED is it teaches our political parties to participate in the pork barrel, logrolling schemes that have almost destroyed the finances of this Nation. That is what is wrong with it.

Mr. President, what was wrong with this proposal when a President who I deeply respect stood up and asked for it was that the President, on the one hand, was talking about reducing the deficit and cutting programs and, with the other hand, was proposing a new spending program that broke the rules in terms of protecting spending and ensuring wise expenditures.

I have watched this program over a decade. I have listened to the managers talk about how next year they are going to avoid the problems that have come out in the audits.

This is not the first year where we have had problems with first-class air fare that is supposedly restricted but yet the offenders still were funded. This is not the first year we have had problems with regard to purchase of alcohol or parties but yet the grantees were funded the following year.

Mr. President, the very reason NED exists is to avoid the guidelines that exist if the grant comes through the USAID. I believe for my political party, for the Republican Party, it is a tragedy that the leaders of my party participate in it. I think they give up the moral standing that is necessary to stand up to wasteful spending in this Nation. I believe by participating in a project where you sign off on other people's waste you lose the moral standing to stand up in this country and stop the progress of the deficit.

Mr. President, I am under no illusions. This provision has been lobbied by the best there are on both sides of the aisle. This bill has had assistance that goes beyond my poor power to convey thoughts and ideas on this floor. This bill has involved many people in good projects—good projects—because I believe NED has participated in good projects. And I am sure they will want to share their view of those good projects.

But, Mr. President, this is wrong. It is wrong to unite the parties of this country in a scheme that raids the Treasury. And the very union of the parties in that effort, the very union of the political parties in an effort to avoid reasonable constraints on spending and reasonable guidelines for protection of the public is wrong.

This issue will not go away. I think it is part and parcel of the process we have to go through as a nation, to once and for all find a way to stop the logrolling, pork-barrel process that has nearly brought this beloved Nation to its knees.

Mr. President, I ask unanimous consent that several articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follow:

[From the Wall Street Journal, Oct. 14, 1989]

U.S. GROUP AIDED ARIAS' COSTA RICA FOES

(By Robert S. Greensberger)

WASHINGTON.—For much of the past three years, the National Endowment for Democracy, which Congress created to nurture political freedom around the world, has helped fight a Republican grudge match against the president of a democratic nation—tiny Costa Rica.

The funding of a group with strong ties to Costa Rica's main opposition party was continued until last July and produced strange bedfellows. Another donor to the Costa Rican opposition: Panamanian strongman Manuel Noriega. According to a deposition given to a Senate Foreign Relations subcommittee last June by Jose Blandon, a former Panamanian official, Gen. Noriega gave the opposition group's candidate $500,000 in 1985.

While one wing of the National Endowment was shoring up the Costa Rican opposition, another was touting Costa Rica as a model of democratic stability. Now, President Bush plans to visit Costa Rica later this month to help celebrate 100 years of Costa Rican democracy.

Costa Rican President Oscar Arias was never the Reagan administration's favorite Latin American leader. He refused to support the White House's war against leftist Nicaragua and won a Nobel Peace Prize for a plan that pulled the rug from under the U.S.-backed Contra effort.

DOCUMENTS ARE CITED

Documents that surfaced here this week show that at the same time that Mr. Arias was falling out of favor with the White House, the NED's Republican wing—the endowment has parts from both major U.S. political parties—began funding a political association with close ties to Mr. Arias's political opponents. Since 1986, NED has spent $434,000 on several projects, including a magazine that criticized Mr. Arias's peace plan and said it sapped the vitality of the nation.

The executive director of the association, Rafael Calderon, ran against Mr. Arias in 1986 and is the opposition candidate in next February's election.

The decision to launch a program in Costa Rica was a strange one for the budget-strapped NED. Costa Rica's democratic roots run deeper than almost anywhere else in the Western Hemisphere.

Last summer, as Congress got wind of the Costa Rican funding and began making quiet inquiries, NED reconsidered the situation and discounted the project. "It has been reoriented," says Keith Schuette, president of NED's Republican affiliate, the National Republican Institute for International Affairs.

The NED was funded by Congress in 1984 to encourage democratic institutions around the world. In addition to its Republican and Democratic wings. It has two other elements: the AFL-CIO's Free Trade Union Institute and the Center for International Private Enterprise, an affiliate of the U.S. Chamber of Commerce.

Carl Gershman, president of the endowment, says that his board was aware of the Costa Rica project. Indeed, he says, the GOP wing submitted detailed proposals. He said the board gives each of the four branches autonomy to develop programs, "as long as they operate clearly within the framework of our law," a test he says was met by the GOP wing. He adds that the Republican wing tends to "establish relations with institutions that associate with political parties," while the Democrats "have pursued a more multipartisan approach."

'HAM IN THE SANDWICH'

Mr. Schuette insists that he was only trying to help Costa Rica, which he calls "the ham in the sandwich between the two worst neighbors in the hemisphere." Wedged on the Central American isthmus between Nicaragua and Panama, Costa Rica needs protection from those totalitarian nations, he argues.

"Attempts are made to subvert their democracy," says Mr. Schuette, adding: "It's our position that no democratic system ought to be taken for granted in Latin America despite the length of its democratic history."

Yesterday, the Costa Rican Embassy in Washington didn't have any immediate comment.

Nobody is contending that the endowment broke the law. But some critics say that it came close. "They may technically have been within the law, but I felt this clearly violated the spirit," said Rep. Stephen Solarz, a New York Democrat. "The whole purpose of NED is to facilitate the emergence of democracy where it doesn't exist and preserve it where it does exist. In Costa Rica, neither of these applies."

Nonetheless, the NED seems to have stepped into the thick of Costa Rican politics. Documents supplied by a Costa Rican source show close ties between the Association for the Defense of Costa Rican Liberty and Democracy, which NED funded, and the opposition Social Christian Party. According to these documents, the association was incorporated in 1984 by an attorney, Luis Fishman, a Social Christian congressman and top campaign adviser to Mr. Calderon. The documents also list as top officials of the association several Social Christian officials and senior advisers to Mr. Calderon.

NED funds also supported the magazine "Fragua," or Forge. An editorial in the magazine's first issue, dated September 1986, attacked Mr. Arias's "political amateurism," and asserted that his peace plan for Central America was "impugning the national virility" of Costa Rica.

Such activities don't appear to meet the standard set in the endowment's "statement of principles and objectives," which mandated that the organization "will not pick and choose among the democratic competitors in countries where such competition is possible."

Mr. Schuette says that NED's GOP wing openly supports groups that are affiliated with political parties in several countries, including Bolivia, Argentina and Columbia. He says that "we watch what's in" the publication in Costa Rica but "don't exercise editorial control." He adds that his group decided to withdraw from activities in Costa Rica last July because it didn't want to become embroiled in domestic politics, as Costa Rica's February election approaches.

BUDGET OF $15.8 MILLION

Even critics of NED's Costa Rica activities characterize them as an aberration from the endowment's usual good work. They note that the small organization, whose fiscal 1989 budget is $15.8 million, is playing a valuable role in fostering democracy around the world. Poland's Solidarity union received regular funding from NED before its breathtaking electoral victory earlier this year. And the organization has played an important supporting role as Chile makes the transition to democracy from military dictatorship.

"They've stopped the Costa Rica project, and I would write this off as part of the growing pains of an organization that is new in the American political system," concludes Rep. Solarz.

[From the New York Times, June 10, 1990]

U.S. GRANT TO 2 CZECH PARTIES IS CALLED UNFAIR INTERFERENCE

(By Stephen Engelberg)

BRATISLAVA, CZECHOSLOVAKIA, June 9.—An American attempt to foster democracy is being denounced here as unfair interference favoring the political parties closet to President Vaclav Havel.

At issue is $400,000 that the National Endowment for Democracy in Washington has given to the Civic Forum and the Public Against Violence, the organizations that coalesced last November to lead the revolution against Communist rule. Both are now political parties running full slates of candidates in this country's first free elections in 42 years, which began Friday.

It is the role of the National Endowment for Democracy to use Government appropriations to carry out a mandate of encouraging the spread of democratic ideals around the world while avoiding partisanship in foreign campaigns.

In Washington, Carl Gershman, president of the National Endowment, said the two groups were not political parties in January and March, at the time the money was allotted. He said the grant was intended to support "broad civic participation," not campaigning.

"This process developed after grants were approved and made," Mr. Gershman said. "It is an evolving situation. It has been our view that we do not side with one part or another."

DEMANDING AN EQUAL SHARE

But Jan Carnogursky, the chairman of the Christian Democratic Movement in Slovakia, said that was precisely what the endowment had done in this country. "What the American Government does is its business, but I ask why the American Government gave money to just one or two among 23," Mr. Carnogursky said in reference to the parties that are competing in the elections.

Pavel Sremer, deputy chairman of the Green Party in Slovakia, said the American grant was "an injustice," adding, "All the parties should receive an equal share."

Civic Forum is based in the western, Czech part of the country while Public Against Violence is in the east, in Slovakia. Like the other parties here, the two organizations have broadcast a complement of television ads for their candidates and have put up posters bearing their emblems in nearly every village and city in the country.

Juraj Mihalik, a member of the coordinating committee for Public Against Violence, said the $175,000 provided to his group by the National Endowment had been used to buy computers, fax machines and copiers that were helpful in the campaign. He said the computer system had been used by Public Against violence to analyze its political polling, which shows that the organization's candidates have registered a strong surge in recent weeks.

Mr. Mihalik said he picked up the first American check on April 10, after the campaign had gotten under way here.

After the election, Mr. Mihalik said, Public Against Violence will probably be split, with one part remaining a political party and the other defining itself as a social movement that will concentrate on projects like teaching English and helping the poor.

The computers and other equipment, which arrived near the end of this year's campaign, would be more useful in two years, he said, when the country is scheduled to hold its next round of elections.

Although Mr. Gershman said the endowment's goal was not to support campaigning, a United States Government budget document from January said the purpose of the National Endowment grant to the Civic Forum was to "provide the coordinating offices of the Civic Forum in Prague and its regional centers with needed technical equipment, such as facsimile machines, photocopiers and computer systems, in order for them to prepare for the June 8 elections and consolidate their position as Czechoslovakia's premier democratic movement."

The document was obtained by John Hvasta, an Oakton, Va., public relations consultant and Slovak native who has returned here to assist the Christian Democrats in the elections.

The issue of American aid arises against a backdrop of extensive foreign involvement in the elections here. Mr. Carnogursky's party has received assistance from other Christian Democratic parties in Europe. Canadian and American Slovaks have come here as volunteers for a variety of parties.

Larry Kaska, A Winnipeg native who has worked for the Canadian Conservative Party for 12 years and who is now helping the Christian Democrats, said that in his hometown alone, 50 Slovak families had raised $3,000 for the party.

Mr. Kaska said other assistance from abroad included large supplies of paper as well as the services of two campaign experts from Britain's Conservative Party; 84 personal computers from Germany's Christian Democrats, which arrived too late to be of use, and a minivan stocked with a personal computer and a copier from Belgium's Christian Democrats.

[From the London Financial Times, Dec. 9, 1985]

BRITONS GET REAGAN "SLUSH MONEY"

(By David Pallister and Andy Weir)

President Reagan's controversial fund to "promote democracy" round the world—which has secretly channelled money to rightwing and anti-Communist groups—has contributed $187,000 to organisations in Britain.

The National Endowment for Democracy with an $18 million budget, has been criticised in Congress as a "slush fund operating under a cloak of secrecy" and its critics have claimed that it is being used to meddle in affairs of foreign countries, particularly in Central America.

It was set up in 1983, with Congressional approval, after President Reagan's speech before the British Parliament in June 1982, in which he pledged a "crusade for freedom that will engage the faith and fortitude of the next generation." The endowment fund can be seen as a marginally more open continuation of the CIA's covert operations of the fifties and sixties.

Information about British recipients, some of whom were ignorant of the source of the money, has been seen by the Guardian, a week after the French leftwing paper Liberation revealed that 830,000 had secretly been paid out to the rightwing trade union, Force Ouvriere.

According to the endowment's internal annual report to September 1984, the Labour Committee for Transatlantic Understanding, received $49,000, which was used to finance a delegation of about 12 people to a seminar on western defence in Brussels in May 1984. The committee is the labour section of the British Atlantic Committee, which lobbies for Nato among European trade unionists.

It has no connection with the Labour Party but its members include figures from the Labour and trade union rightwing, including Lord Chappie, Mr. Roy Mason, and Lord Stewart, former Labour foreign secretary. One of its American vice-presidents, Mr. Lane Kirkland, is on NED's board of directors.

Funding of the committee, founded in 1976 by a former US embassy labour attaché. Mr. Joseph Godson, remained a secret until 1980, when the British government said that Nato had given £32,000 over the previous four years. Mr. Godson told the Guardian that he understood the money had come from the American Youth Council. He had complained to the endowment fund for its inaccuracy, but "I don't object to anything which funds a good cause."

The largest direct grant of $129,000 went to Soviet Labour Review, an anti-Communist newsletter on Soviet law and working conditions, based in south London. It was established in 1983 by a group of Russian émigrés connected to the rightwing political party, Narodny Trudovy Soyuz (NTS), which claims to have had secret cells in the Soviet Union since the 1930s, and smuggles banned literature.

The grant was negotiated by the review's New York based publishers, the Russian Research Foundation. Its editor, Mr. George Miller whose father Boris, is an emigré is the UK representative of NTS. Mr. Miller told the Guardian that the NTS believed in a "Catholic-based. Thatcher-type classical liberalism."

A grant of $10,000 went to the actors' union. Equity, to pay for three of its leaders to attend a conference in Washington last November to discuss the exchange of stage actors. Mr. Peter Plouvier, Equity general secretary and one of the three delegates said they had been invited by Actors' Equity on behalf of the department of professional employees of the AFL–CIO, the US equivalent of the TUC. He appreciated that fares and hotel expenses came from the US government but was unaware that they had been funded by the NED.

Seventy-five per cent of NED's budget is administered by the AFL–CIO, whose deputy director of international affairs is Mr. Irving Brown. Whatever its differences with President Reagan over domestic issues, the AFL–CIO has for many years been one of the most hawkish supporters of conservative American foreign policy.

After the second world war, Mr. Irving was instrumental in the fostering moderate, anti-Communist unions in Europe and later in Africa. He has always denied allegations that he works for the CIA. But in 1967, Mr. Tom Braden, who was the CIA's head of international organizations from 1950 to 1954 and ran the clandestine services, wrote in the Saturday Evening Post: "It was my idea to give $15,000 to Irving Brown. He needed it to pay of his strong-arm squad in Mediterranean ports, so that American suppliers could be unloaded against the opposition of Communist Dock workers.".

NED ran into controversy almost from the beginning. As a private institution, even with Congressional money, it is not subject to public accountability or scrutiny under the Freedom of Information Act. A row broke out in June last year when it was revealed that it had covertly funded a union rally in support of America's favoured candidate in the Panama elections.

In a leaked secret cable the US ambassador, Mr. James E. Biggs, said: "The embassy requests that this hairbrained project be abandoned before it hits the fan." Mr. Biggs later recanted his opposition.

[From the Washington Post, Nov. 28, 1985]

RIGHTIST FRENCH STUDENTS GET U.S. ANTI-RED AID

PARIS, Nov. 27—Operators of a U.S. government-financed fund designed to resist totalitarianism have distributed some $1.4 million to a right-wing trade union and a student group opposing France's Socialist government, a newspaper said today.

The Socialist newspaper Liberation said the National Endowment for Democracy, created with bipartisan support last year by the Reagan administration to foster democracy in "totalitarian" states or nations where "democracy is still fragile," directed more than $1.5 million of its $3.3 million European spending into France.

The newspaper said $830,000 was given to Force Ouvriere, or Workers Force, which broke with the communist-led Confederation Generale du Travail during the Cold War.

The National Inter-University Union, a right-wing student group, was given another $575,000 and four smaller anticommunist groups received a total of $157,000, the newspaper said.

A spokesman for Force Ouvriere acknowledged receiving the money but said most of it was used to help settle refugees from East Bloc countries in France.

But the Free Trade Union Institute, the AFL-CIO's European affiliate through which the money was funneled, told the endowment that some funds would be used for "the struggle against antidemocratic forces, the organization of factions, teaching organizational techniques and techniques for staging demonstrations."

The student group is allied with the Rally for the Republic, France's main conservative opposition party, and has led numerous antigovernment protests.

The French government did not comment on the Liberation article but he U.S. Embassy called the fund "a private, nonprofit, nongovernmental organization which utilizes funds appropriated by the U.S. Congress to support the efforts of people everywhere to build democratic institutions."

"There is nothing covert or secretive about the activities or funding of the NED," it said.

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The newspaper quoted a letter from a Free Trade Union Institute official to endowment President Carl Gersham, however, saying the donations were kept secret because "the beneficiaries of these funds could be put in danger or hindered if these payments were made public."

The endowment, with $18 million from the U.S. government, has also funded anticommunist groups in Latin America—notably Chile, Nicaragua and Brazil—and Asia, particularly the Philippines, the newspaper said.

Relations were strained between the Reagan administration and the Socialist government of President Francois Mitterrand until mid-1984 when the Socialists split with their Communist partners in Parliament, dropping four Communist ministers from the Cabinet.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I just listened, as my colleagues did, to the fire and brimstone morality about the deficit. I suppose I could not help but wonder why that same language was not applied by the same Senator yesterday on a wool and mohair vote, when we voted to cut the absurd subsidy for $675 million to the wool farmers to provide wool for uniforms that are not made in wool anymore.

Mr. BUMPERS. Mr. President, will the Senator yield for a question? I know the Senator has waited for a long time.

Mr. KERRY. I yield for a question.

Mr. BUMPERS. I wonder if the distinguished floor managers would be interested in entering into a time agreement. We have been going here now for well over 2 hours. I know the Senator from South Carolina wants to get a couple more votes in after this one.

Mr. McCAIN. I am not interested in a time agreement. A lot of loose talk has been going on on this floor that has to be responded to.

Mr. KERRY. Mr. President, again, there really ought to be an air of reality about what we are talking about here on the floor of the U.S. Senate. We have just heard $35 million, for one of the best investments in democracy building, referred to as absurd.

It has been suggested that to equate this to democracy building is somehow absurd.

It has been suggested that to spend $35 million on some projects, that I will talk about in a few moments, is not democracy building at all.

And it has been suggested, most extraordinarily, that this is pork barrel, when the kind of vote that I talked about a moment ago for a subsidy that does not subsidize anything of strategic value to the United States 30 years after it was put in place is somehow not pork barrel.

It becomes George Orwell to the nth degree in terms of meaningless rhetoric. Thirty-five million dollars is what we are looking for, $35 million compared to the $50 million that the President wanted, and that the President made specific cuts to provide for; $35 million for democracy-building.

Compare that, Mr. President, to $45 million for one F–15 fighter; $30 million for one SH–60 helicopter; $23 million for one F–16, just one F–16. Yet we are talking about projects that have an impact on people's lives on a daily basis in countries all around the world.

There has been, as the Senator from Arizona just said, a lot of loose rhetoric here on the floor, a lot of very quick distortion of reality. Let us take the IG report as an example. The fact is that NED is one of the most audited entities that we have today. It is audited by four committees in the Congress, it is audited by a GAO, and by USIA's Inspector General. These auditors have indeed come up with a number of suggestions, which NED is currently implementing.

We heard the Senator from North Dakota quote from the IG report of 1993. He made a big deal out of holding it up and saying, this looks like 1993. Well, indeed, the face page says March 31, 1993. But the findings which he read from the inside of this report were not 1993 findings. What he read from was the summary that the IG used of prior things that had been found to be wrong.

For instance, on page 4 it says NED did not ensure that guarantees adequately verified costs. Well that was a change made in a prior GAO report. What the IG found in 1993 was that—"in addition NED's new procedures, if effectively implemented, should improve NED's capabilities for financial oversight."

Let me just go into a little detail about what NED has done in the course of the last couple of years.

The Senator from North Dakota read from part of the IG's report that reviewed NED's activities at a time when the GAO was critical, between 1988 and 1990. GAO issued its report in March 1991. Since then, NED has responded to the concerns of the GAO by issuing a complete blueprint for action to improve NED's management of grants. In January of 1992 the GAO issued another report taking note of the steps that NED had initiated and stating that if implemented effectively, they will improve NED's way, and indeed they are improving performance.

Since that time, Mr. President, NED has taken four additional steps in different areas: First, there is complete strategic planning and prioritization. NED issued, in January of 1992, a 3- to 5-year strategy, and a priorities document targeting specific funding levels per region and subregion.

Second, it instituted an evaluation program. NED hired an evaluation coordinator to ensure that all program proposals contained detailed evaluation plans, and it also started conducting independent evaluations through the hiring of independent contractors. Two of these, in Nigeria and Romania have already been done.

Third, NED implemented a series of financial controls and grant management reforms, including adding staff to increase the monitoring capability with respect to all of the grant terms and conditions.

And finally, they have addressed the problem of audits. NED has added audit staff, and it has lowered the threshold of grants to be audited so that many more grants are brought in for the auditing process.

So if we are really going to deal with reality here—I noticed that both Senators were sort of quick to dismiss this—let us deal with reality. The reality is that the IG report and the current accountability process has increased tenfold, and they are, in fact, instituting all of the reforms for which they were cited previously for negligence.

The Senator from Colorado talked about Panama, spent a lot of time talking about Panama. Well, that was under the Presidency of Ronald Reagan when Panama was something of an obsession and a problem. We will recall that NED did institute a bad grant. But the reality is that the law prohibits any such undertaking today, and any of those kinds of grants have to first be cleared by the State Department. Since they are prohibited by law they would obviously, absent the pressure of a President who wants to circumvent the law, not be allowed.

So again, you have charges made to try to denigrate an entire process. First-class airfare, Mr. President is one of them. I think you can count very few instances where first-class airfare has been used. In fact, I believe NED personnel can only go business class. If and when first-class airfare has been used, perhaps Members of the Congress ought to remember that most of the people involved in NED are donating their time. These are people with important jobs, in important sectors of the economy, none of whom are paid for what they do. They go abroad, they deliver hundreds of thousands of consulting dollars worth of effort no one would question that they are entitled to business class. Many would say even first class.

How many Members of the U.S. Congress, I would ask, how many of those who are going to vote against this, have flown first class on the U.S. Government on some occasion on a flight that is more than 14 hours? If you have a flight that is more than 14 hours, intercontinental, and you are going over for 4 days of work, indeed people have sometimes been upgraded to first class so that they can get some work done when they get there, rather than being completely exhausted by the process of taking their time in going there.

But that is another red herring. The fact is that most of the people involved with NED fly coach or business, most of them give their time voluntarily, and most of them have extraordinary accomplishments to show for it in countries all across the globe.

Let me just talk about that for a minute.

I am happy to deal with this issue on the very terms that the Senator from Colorado and the Senator from North Dakota, I presume—I have not heard him talk—but the Senator from Arkansas wants to talk about it.

Does NED accomplish what it sets out to do? Is the dollar well spent? Is it valuable?

Mr. President, we have spent trillions of dollars throughout the cold war in order to have the opportunity to accomplish what we perhaps have the opportunity to accomplish at this point in history.

We stand around and make a lot of great speeches about the impact of the falling of the Berlin Wall, about the rights of human beings on this planet, and about the opportunities for democracy, about the capacity to build democracy. And here we are with a proven entity that, for $35 million a year, has the capacity to provide a real return on democracy building, and people hesitate and say, no, I would rather have the SH Helicopter or $10 million for F–18's. I do not think you will see folks voting against those items.

Mr. President, what do we get for this? Let me share with my colleagues a couple of examples. First of all, we heard a lot of talk about AID. NED gets to countries that AID does not and cannot serve, such as Burma, Vietnam—places where we do not have a relationship that allows us to work. Let me just share this with colleagues so they can make their own judgment on whether they think these are dollars well spent. In the Middle East, the total amount allocated for NED programs in fiscal year 1993 was $1.550 million. This is for the entire region, including the Arab Middle East, North Africa, Turkey, and Iran. These grants covered a broad array of programs, including the training of election monitors in Yemen; conduct of a survey of the evolving electoral process in Oman; a democracy education center and a business education center in Egypt; a conflict resolution center in Lebanon; a training program for Arab female workers in the Magreb; the publication of the Iran Teacher's Association Journal on human rights and democracy; the conduct of opinion surveys in Jordan, tied to the transition process there, an issue of no small consequence to the United States in terms of the commitment we make in the region.

In addition to all of that, the Endowment supported the Free Iraq Foundation which, for the first time, is spreading the concept of liberal democracy among Iraqis living outside and also inside the country.

Just this one project, according to Kanan Makiya, the courageous author of "Republic of Fear" and "Cruelty in Silence", has made it possible for Iraqi writers and human rights activists to get thousands of pamphlets into Iraq, communicating ideas which have long been banned and sealed off from the populace.

He writes:

> Reports still reach me of the effect of this kind of work in creating a new and enriching

climate of ideas on the issues of democracy, toleration of difference, secularism, and the imperative for central focus on human rights and the building of a new order in Iraq. I know for a fact none of this would have been possible without the backing of the National Endowment for Democracy."

Mr. President, the Endowment's programs in the Middle East are just a beginning. And the fact is that they could easily absorb in the next year three or four times the $1.5 million being spent there now.

In Russia, in Ukraine, NED was able to award only $484,000 for programs supporting newspapers and publications in Russia and Ukraine that were independent of the old party apparatus. I ask my colleagues, is that money worthwhile? We spent trillions of dollars to build systems to prevent the former Soviet Union from invading Europe, to support NATO, to encourage people to emigrate, to fight for human rights in that country. Here we are with $484,000 to give people who want to build democracy and the capacity to have an instrument of communication that is independent from the old party apparatus.

You can talk to any of the leaders. I heard the Senator from Colorado say, "This is a tough target." It is a tough target. It ought to be a tough target. The reason is there are Presidents emeritus of both parties who support this program; they do not get money from it directly. None of the people who contribute their time to this get paid. This is not a boondoggle for them. The money goes to support the indigenous effort within the country. And the question is whether or not we are going to keep an effort alive in many of these countries that has literally saved lives in those countries. Why do you think it is that Lech Walesa says support this program, or Vaclav Havel says this program is critical? Why does the leader of Latvia say, "This helped us reach independence." Why is it in Vietnam today that there is increasing religious freedom, and the dissidents have a voice? Because they are funded by this program because we have an embargo that does not allow any other program to.

Some have tried to suggest that AID does what NED does. But AID does not. The whole point is that AID cannot work in any of these countries, like Vietnam on which we have an embargo. NED can do things in countries that AID cannot. AID is prohibited from operating in countries that are in arrears, such as Burma. AID is prohibited from operating in countries where military coups have taken place. We can count those, and probably half of the countries of the world have seen one coup or another at some time. AID cannot operate where nonproliferation prohibitions are not in place. They cannot operate in embargoed countries, such as Vietnam, Libya, Iraq, Chad. All of those places need democratic reform, Mr. President, and all of those places only get their input through an organization such as NED.

Mr. President, I will give an example regarding Burma: In fiscal year 1993, the total funding NED was able to allocate to programs in Burma—one of the world's harshest dictatorships—was $225,000. That funding was used to provide infrastructure support to the National League for Democracy, which is the exiled democracy movement headed by the Nobel Peace Laureate. Aung San Suu Kyi.

NED was able to support human rights radio broadcasting into Burma by the exiled democratic movement. That is assistance that is currently enabling the exiled National Coalition Government of the Union of Burma to inform the international community about conditions in that country.

The Prime Minister of the National Coalition Government, Dr. Sein Win, recently wrote that NED support has enabled the democratic forces of Burma to achieve much "progress and success" and "could make the difference between total victory and defeat."

Mr. President, we are talking about $225,000 for something that might make the difference between total victory and defeat in one of the worst dictatorships on this planet. I just find it hard to believe that when you compare this with the military hardware we flip out of here in $30 million slugs, we are not willing to heed the advice of countless world leaders who have lived through the experience of what this kind of democracy building effort can provide.

Mr. HOLLINGS. Mr. President, will the distinguished Senator from Massachusetts yield?

Mr. KERRY. I yield.

Mr. HOLLINGS. All give me their attention, please.

We have a unanimous consent that we can propound listing the Senators for the times required at the end of which, of course, the distinguished Senator from Arkansas would move to table the committee amendment.

I will make that request: Senator LUGAR, 15 minutes; Senator GRAMM, 10 minutes; Senator DOMENICI, 10 minutes; Senator MACK, 15 minutes; Senator SARBANES, 10 minutes; Senator HATCH, 15 minutes; Senator MCCAIN, 10 minutes; Senator HOLLINGS, 10 minutes; and Senator BUMPERS, 10 minutes.

How much more time does the Senator from Massachusetts require?

Mr. KERRY. Three minutes.

Mr. HOLLINGS. Three minutes.

UNANIMOUS CONSENT AGREEMENT

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the following Senators be recognized to speak for the following time limitations: Senator KERRY of Massachusetts for 5 minutes; Senator LUGAR for 15 minutes; Senator GRAMM for 10 minutes; Senator DOMENICI for 10 minutes; Senator MACK for 15 minutes; Senator SARBANES for 10 minutes; Senator HATCH for 15 minutes; Senator MCCAIN for 10 minutes; Senator HOLLINGS for 10 minutes; and at the conclusion of these speeches, Senator BUMPERS be recognized to speak for 10 minutes, at the conclusion of which he will make a motion to table the committee amendment.

The PRESIDING OFFICER (Mr. ROBB). Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, and I will not, Mr. MCCONNELL wanted to be added for 10 minutes.

Mr. HOLLINGS. I amend that to ask Senator MCCONNELL for 10 minutes.

The PRESIDING OFFICER. It is amended accordingly.

Is there any objection?

Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished colleague from Massachusetts.

Mr. KERRY. I thank the distinguished manager of the bill.

Mr. President, I am reaching the point of repetition. We probably all are here.

There is a simple bottom line here. NED is different than USIA. It is different from AID. It is nongovernmental. It is private. It can move rapidly. It has the ability to provide aid to countries that the others do not reach but, far more importantly, Mr. President, notwithstanding problems with startup—and there is not a private agency or private corporation or a public entity in which you cannot find startup problems—when you measure what this effort has done in countries—it is saving lives. It is building democracy. It is engaged in the single most important effort of our entire foreign policy fabric.

The fact is that if you look at the record in Poland, in China, where some efforts have been made, in Chile, in South Africa, in the Middle East, in Russia, there is a NED record of accomplishment, a NED record of accomplishment in elections that have been held, a NED record of accomplishment in publications that have reached people, in communications, in broadcasting, in lives that have been saved, in human rights that have been advocated. And the bottom line is that of all the expenditures we make in this country for defense, this is perhaps one of the most reasonable and the best return on the dollar.

Mr. President, it is not an accident that people like Lech Walesa, Benazir Bhutto and Vaclav Havel, and others all point with urgency to the NED and urge us to keep a program like this alive.

I urge my colleagues to reject what I think is a really misplaced effort to try to save dollars. This does not save dollars. We may in the future face American troops trying to quell a conflict somewhere as a result of failure to spend sufficient effort to build democracy or give people fighting for freedom a chance.

I think it is far better that we spend it on this kind of people-to-people effort on a program that provides assistance at the indigenous level such as this that is privately managed but publicly accounted for.

I urge my colleagues to reject this theory of false savings.

The PRESIDING OFFICER. Under the previous order, the Senator from Indiana, Senator LUGAR, is recognized for up to 15 minutes.

Mr. LUGAR. I thank the Chair.

Mr. President, mention has been made about the fall of the Berlin Wall and the end of the cold war. Senators will offer many interpretations as to why this occurred and particularly why it occurred without bloodshed, and why one of the greatest empires in the history of the world fell. Many have suggested correctly that it fell because of the spirit of the people within the former Soviet Union had changed.

Change won. The people sought freedom and tried to manifest that in many ways. I think you can argue that the human spirit is indomitable and freedom always prevails.

But the facts of life are that freedom is helped when there are some outside agencies with tendencies toward freedom and, as a matter of fact, offer good arguments as to how freedom might be achieved.

I suggest, Mr. President, that one of the great turning points in the cold war was Lech Walesa in Poland, and one of the most important reasons why he was successful with the trade union movement, Solidarity, was because the AFL-CIO in this country sent a good number of people to help him, and they did so under the auspices of the National Endowment for Democracy.

This debate has veered off in many directions, and I do not disparage for a moment the diligence of Senators who are deeply concerned, as I am, about deficits and about the budget and about dollars. There is no excuse for any program to misspend money and to do so with impunity as has been alleged.

Mr. President, let me just say—and I think the distinguished Senator from Massachusetts covered these points diligently—audits have been conducted. The affairs of the National Endowment for Democracy are under very careful scrutiny of the U.S. Federal Government. The very audit which has led to most of the commotion today covering a period from 1987 to 1990 covered 350 grants without a single allegation of fraud and abuse—not a single one.

The fact is that questions have been raised with regard to the four institutes and moneys that were misspent have had to be repaid by those groups. Taxpayers of the United States have not lost a dollar. And the small change that was involved will be and was repaid.

Since 1990, affairs have been squared away, and I would testify, Mr. President, that as a member of the Board of the National Endowment for Democracy for the past year, I carefully review, as do the other Board members, each of the proposals before us. We review the audits. We hold accountable all of the people receiving funds.

This is not logrolling, as has been alleged, that somehow Republicans help Democrats or members of the AFL-CIO help the Chamber of Commerce and have special ideas or interests among them. The interest of all four entities is in democracy and in the foreign policy of our country.

And how remarkable it is, Mr. President, that these four institutes could, in fact, cooperate on significant grants because if there is not agreement, the grants do not occur.

There are many occasions on this floor when Republicans and Democrats do not agree. There are many occasions around the Board table of the National Endowment for Democracy in which there is genuine disagreement on how to proceed—or with the Chamber of Commerce or the AFL-CIO. But when all four of us come together and with a majority vote, with eyes wide open, with very considerable competitive scrutiny, then things go forward and are successfully audited.

That just has to be stated, Mr. President, in a very straightforward way. There should not be left for a moment the thought that there is logrolling, malfeasance, or Republicans and Democrats trying to help each other out in some nefarious way. Quite to the contrary. The checks and balances are built into the Board.

And I am saying, Mr. President, from direct first-hand eyewitness, that having attended all the Board's meetings during my tenure and seen all of the grants, I think having a fair idea about everything that has occurred during that year, and I believe that the administration of NED is exemplary.

Mr. President, even if it is exemplary, why is it needed? I cited Lech Walesa in Poland and the cold war. The fact is many activities occurred during the cold war, not only in Poland but in Eastern European countries, and more recently after the cold war period in each of these countries again.

One of the strange things, Mr. President, is that many Americans having watched the fall of the Berlin Wall and having exalted in the liberation of Poland, Czechoslovakia, Hungary, Romania, and Bulgaria, countries all behind the Iron Curtain, our adversaries a short time ago, with hundreds of thousands of Americans looking down the gun barrels of thousands and thousands of Warsaw Pact countries right in the center of Europe, all of this was dissipated simply because the people involved in these countries decided they wanted to try democracy. And they found out about it in many ways. But I would testify among the most effective were agencies sponsored by the very small sums of money involved in the National Endowment for Democracy. They found out through underground newspapers, through persons who risked their lives many times to go into harm's way and organize parties to bring pluralism where there had been one party. This was and is not an easy thing to do.

The question always is why should we worry about Poland or Hungary or Czechoslovakia now? They are free. The Iron Curtain is down. The Soviet Union is gone. But there is no road map on how a country goes from totalitarianism to democracy or to market economies. As a matter of fact, it is not really clear that any country has ever made it. There are some good candidates for potential success.

Because we have stayed the course, Poland might make it. Because we have stayed the course, Hungary might make it, and the Czechs might make it. They are all good candidates, but they are not there yet.

Now, there are other agencies of the U.S. Government that help in these programs, but none as effectively, in my judgment, as the concerted weight of the independent Republican Institute, the Democratic Institute, the Chamber of Commerce, and the labor unions of this country, working together in a united front.

One of the extraordinary things about this argument against the National Endowment is that somehow or another there is something collusive and evil about this cooperation; that somehow these four entities working together must necessarily mean malfeasance and difficulty.

What an extraordinary argument, Mr. President. At a time in which we are stressing diversity in our society, stressing cooperation, and a sense of community, as opposed to divisiveness, for 10 years that these entities have gotten together and done some remarkable things for this country. Members are here on the floor suggesting that the whole endeavor is hardly worth the candle; that the money might be saved; that, in fact, the persons involved were engaged in logrolling, if not worse.

Now, the agenda is still long, Mr. President. I would suggest, because we have just seen Nelson Mandela in this Capitol a short time ago, that he comes with a common request. He is suggesting that democracy is far from certain in South Africa, whatever the debates here on this floor, and there have been some good ones. He is suggesting that money is going to have to be spent to inform persons how democracy might work in that country, where the polling stations might be, and how you go about running, managing, and participating in the election process.

We take these things for granted, Mr. President. We are one the few countries that do. We have been, in the National Endowment for Democracy, in this business for a long time.

We can help Nelson Mandela and President De Klerk and others because of the small things like printing ballot paper so you cannot duplicate it; or even providing a stamp for the hand helps to make sure a person does not vote twice; or a computerized roll of the voters, particularly if there has never been one before; or all the registration procedures that might lead to some confidence in the election process; or the publication of the arguments of the candidates. All this implies not only a free press, but also some ink and paper on which to print it; or that some radio or television broadcast might be heard.

One of the extraordinary things that might have occurred—and NED tried very hard to bring it about—would have been support of a candidate in the recent election for President of Serbia. There was a suggestion today that we ought not to be involved in such endeavors or that some people would be unhappy if other people were involved in our elections.

But it was suggested by the NED that it would be helpful, as a matter of fact, that a state-controlled television, now controlled by President Milosevic, might be countered by television programs that offered an objective view of what was happening in Serbia; specifically, that Serbians were at war in Bosnia and that they were potentially at war in Kosovo. The suggestion came that, in fact, even independent papers being published in Serbia might be given an audience among Serbian-Americans in the United States.

One of the strange things, Mr. President, is that others play this game somewhat more adeptly than we do. Right now, Serbian broadcast networks supporting Milosevic are heard for 12 hours a day in the United States of America by many Serbians who believe that is the truth in Serbia, when the Serbian paper Borba, the independent press, cannot be sold in the United States because the international embargo prevents the sale of products of Yugoslavia in the United States. Things are topsy-turvy.

The National Endowment for Democracy gets interested in those kinds of nitty-gritty issues, Mr. President, issues that have everything to do with how our foreign policy might work out.

It might have worked out that Mr. Milan Panic would have won the election against Mr. Milosevic if there had been a free and fair election, following a pattern in which many in this body have participated through observing elections sponsored by our Government or the NED over the years.

The recent referenda in Russia was very important, as our President has pointed out, and was certainly on the bubble as he went to Vancouver prior to April 25. It was very important to Boris Yeltsin and to the continuation of democracy in Russia.

Their were no possibilities for the rapid observation of that election through AID or through any of the other entities mentioned. It came to pass that the Republican Institute suggested it would pool together dozens of observers, requested by President Yeltsin, to manifest American interest in what was occurring in the interior of Russia, not as an intrusion but in the spirit of observation.

And in a short turnaround time of a very few days, Americans, distinguished people, went to all parts of Russia. And they were well received wherever they went by Russians, who said: The Americans are interested in our democracy, interested in our vote, interested in us. This is a very important point.

I am not saying that those American election observers and others who were there from other countries turned around the vote. Russians voted for themselves, but they voted in ways that were extraordinary, even for Russians observing it.

By a majority vote, they said Russia is on the right track, moving to market economics. And that vote was validated by Americans who said it was a free and fair election. The Russian legislature back in Moscow could not dispute the fact that their people repudiated it and validated Boris Yeltsin and validated his program of market economics, which we believe is very important if we are to have a constructive, working relationship.

Mr. President, normally these projects are undoable. Most people like to see them done.

All I am suggesting is, given the talented Americans who devoted their time and effort to NED and the people that can be called upon by the Republicans, the Democrats, the labor unions, and the Chamber of Commerce, a great deal occurs in the world that needs to be given attention.

NED is involved in the Middle East—very controversial projects. What ought to be the future of democracy in Kuwait, for example? A lot of Americans are interested in that.

NED is doing the heavy lifting to tactfully suggest ways in which the legislature and the Emir and others who are involved might move toward democracy around that area.

It may well be, Mr. President, that the future of foreign policy in the country comes down to how well we deal with this clash of civilization that Samuel Huntington and other people talk about.

For all these reasons, Mr. President, this is a serious issue and an important vote. I am hopeful Senators will support the National Endowment.

The PRESIDING OFFICER. The time allocated to the Senator from Indiana has expired.

Under the previous order, the Senator from Texas was to be recognized. The Senator from New Mexico could have been next in line, but there was no order prescribed.

If the Senator from Florida wishes to be recognized, the Senator from Florida is recognized for 15 minutes.

Mr. MACK. Mr. President, let me make clear, at least from my perspective, what this debate is all about. I do not question the motives of Senator BROWN and Senator BUMPERS. I know they are as committed to the cause of freedom and democracy as the rest of us. But this is clearly a debate about the future of democracy. It is a debate about freedom, justice, and human rights. The issue here is whether, when we conclude this debate and cast our votes, whether the future of democracy is stronger or weaker. It is that simple.

In my short period of time in the Congress of the United States, I have accumulated a lot of stories, a lot of experiences that have had a significant impact on who I am and what I believe our Nation stands for. As a new Member of the Congress back in 1983, I had the opportunity to meet a gentleman by the name of Anatoly Michelson. Anatoly represented the longest divided spouses case of the Soviet Union. When he and his wife and daughter and grandson were reunited out at Dulles Airport 3 days before Christmas in 1987, I saw the end of 31 years of separation take place. And that took place because of a commitment on the part of the people of this Nation to stand up for the principles of freedom and justice, democracy and human rights.

Anatoly, when he built his house for his family to live in down in southwest Florida, put on the front of the house in big, bright red letters the word, "Freedom."

I also remember standing out at Andrews Air Force base when our prisoners of war from Desert Storm returned to America. With tears in my eyes I recognized what these individuals did to represent our country's commitment to freedom and democracy. I also remember escorting a group of Cuban-Americans to Guantanamo Bay Naval Base in Cuba and going out to the west gate, as those Cuban-Americans reached through the gate, reached through the fence to get a handful of soil to put in their pockets to take back to Miami as a reminder of their commitment to seeing the day when freedom and democracy will return to Cuba. I remember the young Navy ensign standing there with me who turned to me and he said, "You know, Senator, until this day I never really understood the significance of freedom, of democracy. I have for all these years taken for granted those freedoms that we enjoy on a day-to-day basis."

I could go on and on and talk about those stories. But my point is this Nation cannot turn its back on the commitment that we have to expand the borders of freedom.

One of the books I read last year was a book called "Millennium." It was written by Jacques Attali, the former President of the European Bank for Reconstruction and Development. In his book he lays out a question, a question about where the center of influence will be in the 21st century. The book was written from the perspective that we did not have the ability to compete for that position, that the center of influence was either going to be in Europe, led by Germany and France, or it was going to be in the Pacific with the leadership of Japan, as if America no longer existed.

I raise this not in the same context of the book because the book was written from a perspective of economic competition. To me, as I read through that book, the reason I think it is important for our Nation to make sure we compete for and remain the center of influence in the 21st century is, again, because of the principles I talked about a moment ago: freedom, justice, democracy, and human rights.

I believe our Nation is the only Nation on this globe that can make the commitment to see that the billions of people throughout the world who do not live with those principles today will have that opportunity sometime in the future. Some people may take the approach: That does not motivate me; I am not interested in that kind of moralistic attitude about the role and responsibilities of our great Nation.

I say to them, think also about the opportunities that would result from our commitment to the spreading of ideas that will open up great markets around the world. Because out of freedom and democracy come free markets that will be open for our children and grandchildren in the future.

Again, I do not raise this book, "Millennium" from the perspective of the economic question. I do, however, raise it because I believe it is important for this Nation to step forward and continue our commitment to freedom and democracy.

There have been a number of letters we have all received indicating why NED should be supported. There are letters from President Clinton. There are letters from former President Ronald Reagan, from Jack Kemp and Jeane Kirkpatrick, from individuals who are the executive director and chairman of an organization called the Princeton China Initiative.

That letter points out that:

> Without the help from NED, the impact of these organizations and publications will be greatly diminished, and some will even cease to exist. To the exiled Chinese democracy movement which has been growing steadily since the 1989 Tiananmen Square movement, the abolition of NED would be a great setback. It would have a negative impact on the whole process of China's democratization and stability.
>
> We urgently appeal to you to continue your support of NED so that it can play an even more important role in promoting democracy in the world.

In Jeane Kirkpatrick's and Jack Kemp's letter they say:

> NED has been a steadfast supporter of democratic movements, even in the most repressive societies where it is not always easy to work. This is best reflected in the honor roll of grantees of the Endowment has supported, many of whose names are now so familiar: Lech Walesa, Vaclav Havel, Armando Valladares. * * *

Let me make a point. Armando Valladares, an individual who enjoys his freedom today because of the commitment of the free world to see that he would be freed from Castro's prisons, has made a commitment of his life to see the freedoms he enjoys are enjoyed by others around the world.

Armando Valladares was our Ambassador to the U.N. Human Rights Commission in Geneva. So there is a continuation of good that comes as a result of the commitments that have been made.

The letter goes on to say:

> Yes, the Wall has fallen, but tell that to the peoples of China, Cuba, Vietnam, Burma, Tibet, and the rest of those billions of people who continue to suffer under the yoke of Communist oppression.

President Clinton's letter:

> Supporting the world-wide movement toward democracy is one of the best investments we can make in our national security.

President Reagan:

> On the 217th anniversary of our nation's independence, I am reminded America's greatness lies not only on our success at home, but in the example of leadership that we provide the entire world. * * *
>
> Our work, however, is not complete. As I look abroad I see that the struggle between freedom and tyranny continues to be waged. Disappointingly, in some places, it is autocracy, not freedom, that is winning the day.
>
> This is why I strongly support continued Congressional funding for the National Endowment for Democracy.

Earlier it was said this is for the big boys; this Endowment for Democracy is for the big boys, talking about the Chambers of Commerce and the AFL-CIO. I would just remind those it was Richard Lesher, of the Chamber of Commerce, who went and spoke in Russia to students about the significance and importance of democracy, of free markets, of free enterprise, of capitalism. And, yes, I think it is great that we have found a way to bring together diverse views to work together to expand these ideas that we are so committed to.

So I say to my colleagues, I think this is a debate well worth having.

I was asked earlier: Why is there so much passion in this debate? My only explanation was that there are many of us for this past decade who have been involved in efforts to aid the Contras, for example, or making decisions with respect to the U.S. role in the Persian Gulf, which involved fighting and dying. We have an opportunity here to see that the National Endowment for Democracy continues so that the ideas of freedom, justice, democracy, and human rights have an opportunity to spread without the loss of life.

So I ask my colleagues to support the National Endowment for Democracy. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico [Mr. DOMENICI], is recognized for up to 10 minutes.

Mr. DOMENICI. Mr. President, if I do not use my 10 minutes, I am going to yield what I have left to Senator MCCAIN who is sort of managing the matter in my stead. I compliment him and thank him for that.

First, I want to make a couple of remarks about some of the comments that have been made. I have not been here for all of them. There have been a number of very eloquent statements about democracy and freedom.

I want to first compliment Senator Dick LUGAR. I think because he knows the details of NED and has worked at that for a long time, he gave us a combination of the practical, the everyday, what is really going on, along with a very visionary statement. I want to associate myself with his remarks.

To my very good friend from Florida, who comes closer to these issues of freedom and human rights and justice because of the Cubans in his State and their direct relationship with this island. It continues to bother them in a way that is hardly understandable unless you understand freedom, and that relatives are in bondage and relatives are free, with just a little sea in between.

He is reminded regularly of how great freedom is for those Cubans who are marvelous Americans in his State—at least a great number of them are in his State. I think his statement, too, was a combination of the practical and the very eloquent idea about freedom.

First, let me say I have had only one practical experience with NED, and it sort of points out how nonpartisan it is. I was involved when the National Endowment for Democracy, that is the Democratic portion of it, invited me to go to Poland with Senator Howard Baker and former Vice President Mondale. We participated in a marvelous day and a half with the people of that country in talking about democracy from our standpoint.

From that, because we saw then and there, as citizens of this country, that they could use things of a material sense that we take for granted every day and that we even throw away, came the first gift to the country of

Poland, which was a gift from the Congress to their people.

I introduced a resolution that said, let us give them computers and things they would need for their libraries and for their legislature. It turned out that there was very little cost involved. Companies volunteered, and we found computer systems that we did not need and, in a sense, within about 18 months this gift to Poland from the Congress of the United States, representing our people, occurred.

It is those kinds of ripple effects that have a very dramatic impact on those who are the beneficiaries of both the physical contact, the intellectual exchange and any material things that flow from it, because there is an immeasurable bond that occurs.

Beyond that, let me suggest that clearly Senator HOLLINGS and I, in putting this bill together, were confronted with the very things spoken of on the floor: What will we cut? Let me tell you we cut enough to make room for this $35 million and come in at a lower level than last year and well within the caps that will establish our responsibility to the debt and to the deficit.

So we did not increase the deficit. We cut other programs so that we could put $35 million of the $50 million that the President requested in this bill.

Frankly, I think that is the way to do it. For those who are wondering what you would cut, we already cut hundreds of millions of dollars out of about five different programs so that we would have room for this program and a few others which we thought were absolutely necessary.

Let me close with a story of my own, a set of things that happened to me as I was in this U.S. Senate that impacted me in terms of freedom, capitalism and democracy.

We had, in a joint meeting of Congress, the new and young King of Spain. I am sure the occupant of the Chair was not yet even Governor of his State. Perhaps he was just beginning to serve when the change of rule occurred there and the new young king came to America and said, "I'm committed to democracy." Believe it or not, in his speech that day, he said something that is in my mind and will never leave. Here was a person who lived under a dictatorship, looking to democracy, and he said:

> All significant human achievement occurs because a man or a woman is free.

I went back to my office and said, "He must be nuts. There has been achievement without freedom." How could he be right?

So I asked some historians and they said, "He is right," because achievement occurred even under despots and without democracy, but it was very selective. Michelangelo was picked to be free by the stipend of those who paid for his freedom.

I concluded, from a king who never experienced democracy, the reason for America's greatness is we experiment with a lot of freedom and we do not select it. It is just given almost to anybody who will gobble it up and use it and, thus, the achievement of this country in terms of breakthroughs in science, of culture, of material wealth, just has grown exponentially and our fever to spread it around the world is occurring in a rather dramatic way. If ever we wanted an empire, it was an empire of free and independent and democratic countries. Sort of a nonempire. That was our idea after the Second World War.

We were not seeking some "America runs the world." We were saying if our constitutional freedom, or something like it, could just spread around the world, we would be freer, we would be safer, we would be much more without war. And the more achievement that is around us, the more we will achieve and the better for us and the better for humanity.

If this small endowment, with four organizations that do not usually work together—$35 million for NED, for the Chamber, the Democratic Party, the Republican, and the labor unions—if they can do some small part in this ever-changing world, a world we hope is changing toward democracy and freedom, then, frankly, in a $1.5 trillion American budget, it would seem more than appropriate—in fact, not to do this would seem almost ludicrous.

What takes its place? Some would say, "Well, don't worry, you can let AID take its place." I was prepared today to give a detailed set of remarks about why I do not think AID can do it. They are so slow, they are so bureaucratic, they could not possibly, in less than a year and a half, get a crisis under control and say, "Let us help, here is a crisis." By the time they figure out what authority and from whence comes their power and what bureaucracy has to be brought in, the crisis would already disappear, or we would have suffered another setback in democracy.

So I think it has to be a fast-responding organization. That is what this can do. I think it has to be very personal and it has to be able to get in and do the kind of things that Senator LUGAR so eloquently alluded to.

So I hope the Senate, in an overwhelming way, tonight says, "Let us pay for this." I thank the Chair and reserve whatever time I have and give it to the distinguished Senator from Arizona.

The PRESIDING OFFICER. Without objection, the Senator from New Mexico retains 1 minute 44 seconds to be used by the Senator from Arizona.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Kentucky [Mr. McCONNELL], for up to 10 minutes.

Mr. McCONNELL. Mr. President, there have been a lot of excellent speeches this afternoon on the importance of NED. I listened with rapt attention to Senator LUGAR, Senator MACK, and now Senator DOMENICI. I wish to commend Senator DOMENICI and Senator HOLLINGS for finding a place in this bill for this most important program.

Mr. President, it is not an exaggeration when I say one of the most inspiring experiences I have had is meeting abroad people—most of them young people—from both NDI and IRI who were on the ground overseas teaching people about democracy.

Virtually everything that could be said in support of NED I suppose has already been said. But when you meet these young people abroad, working on a bipartisan basis to develop parties, monitor elections, and literally teach democracy from the ground up, it is truly inspirational. Obviously, that is the way we finally concluded the cold war. The military part of it may be over but, as many have mentioned, the learning of democracy, the only lasting way to achieve peace and some degree of harmony not only within these countries but their relationships with others will not be achieved until democracy has taken root.

So, Mr. President, I rise to add my voice in strong opposition to any attempt to cut funding for the National Endowment for Democracy and its sister organizations, the National Democratic Institute and the International Republican Institute. Frankly, I cannot think of anything dumber that we could do in the wake of the end of the cold war, and hopefully we will not take that step tonight.

Communism may have collapsed but democracy has not yet consolidated full claim in its place. In virtually every post-Soviet Republic, authoritarian reactionary forces are engaged in battles with democratic leaders which will actually determine the fate of those nations.

It is not over yet. The final outcome is yet to be determined. Nothing less than the future of freedom for the citizens of these countries is at stake. Having invested billions of dollars in the security of our Nation to win the cold war, it would be an act of national suicide to forfeit the peace and prosperity that stable democracies assure.

For a tiny fraction of our budget, NED has nursed the embers of democracy—for a tiny fraction of our budget—through the harsh elements of Communism and dictatorships. Having survived this winter, democracy is very much in a seasonal spring. It makes no sense, none, for the Congress to trample the emerging shoots, to cut off the sustenance and risk a rich harvest of liberty and free enterprise.

Many of my colleagues and a number of journalists have pointed out that promoting democracy obviously promotes our interests. Simply put, democratic nations pose no threat to our interests and in fact present economic opportunity.

Over the past decade, the Endowment has provided grants to unions, student organizations, the press, legal aid groups and political activists. Their record is not partisan but, rather, principled.

Let me repeat that. Their record is not partisan but principled. Where there are people who seek self-determination, the rule of law and free market systems, NED, NDI and IRI have stepped in to provide training and technical support. Whether offering seminars on electoral law or copying machines to produce a newsletter, the Endowment and its companion organizations have responded quickly and effectively to local needs.

Although these organizations work closely with the State Department and USIA to support our national interests, their strength lies in an ability to respond rapidly and with programs tailored in size and in purpose to local needs.

I think it is worth noting that within weeks of becoming chairman of IRI, Senator McCAIN began a major policy and program reorganization effort. In short order, IRI was able to field a team, the only international team, I might add, which effectively monitored the April referendum in Russia. The IRI team broadened its scope from the traditional technical aspects of monitoring ballot security and vote tabulation and evaluated the larger electoral environment. They were able to provide a detailed assessment of the media's ability to function objectively and freely, the voters' level of understanding of both the process and the issues and the Government support of an open process.

The team has since made recommendations that will very much factor into future U.S. assistance to Russia. I thought one of their more interesting conclusions was the need to address voters' misunderstanding about the purpose of elections. In a society where election results have always been foregone conclusions, where there has been an absence of choice, ballot security, the concept of a secret ballot, the need to vote at all were viewed as irrelevant. The IRI election observers have now been replaced with a full service civic education training program which I am confident will make important contributions to the evolution of constitutional reforms and democratic institutions.

Communism has collapsed but there are many grim alternatives which could take its place. We need to consolidate democracy's fragile hold. It is in our interests to stay the democratic course.

In a recent column Ken Adelman cautioned each one of us. He said:

> Any Member of Congress who opposes NED should be prepared to tell the 29-year-old Chinese activist who demonstrated at Tiananmen, the young Kenyan lawyer jailed for advocating human rights, or the Serbian sociologist bravely opposing ethnic cleansing—three freedom fighters NED honored last April—why America no longer wishes to help their cause.

I heard one Senator say in cutting NED's funding we are not going after the fine people doing a good job at NED; we are going after the principle of the thing and their funding.

I agree there are good people at NED, IRI, and NDI, but I do not think you can separate them from either their principles or mandate to build democratic institutions, support free enterprise, and help establish the rule of law.

(Mrs. BOXER assumed the Chair.)

Mr. McCONNELL. For a decade, Madam President, the Endowment and its companion organizations have earned bipartisan and broad-based praise for their impressive record of success. I think we should build upon that record and not abandon it.

Again, Madam President, I wish to particularly commend Senator McCAIN for his leadership on this most important issue, and I certainly hope the Senate will not kill NED.

Madam President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has 10 minutes under the previous order.

Mr. GRAMM. Madam President, I do not claim to be an expert on the National Endowment for Democracy, and I would have to say that when the program was initially established I was, to say the least, skeptical. But I would like to relate an experience to our colleagues that I think is very relevant to this vote as we consider whether or not to maintain this agency.

In early July, I had an opportunity to be in Eastern Europe on the cutting edge of our effort to establish democracy and capitalism in countries that have not known either in the last half century or longer. The experience I wish to share happened in a country called Albania.

Now, I wish to remind my colleagues that Albania was the most Marxist of all countries. Albania was so committed to the principles of communism that they broke with China for allowing any experimentation in private ownership.

Albania, by any definition, is and has been the poorest country in Europe. Two years ago, in Albania, it was illegal to even own a chicken. In Albania, if you were a farmer, any chicken on your farm belonged to the State. As a result, we would not be surprised by the fact that they did not have many chickens, and the chickens they had were not very good.

When I was in Albania on July 7-8, all that had changed. The Communist government there had been overthrown in a democratic election. The agricultural land in this very small, very poor country, had all been privatized. Any chicken, cow, ox, mule, or donkey is now privately owned. This country is having an economic awakening, and it is a wonderful thing to see.

I had an opportunity to talk to their young president, Soli Barisha. His is a very poor country. They have lots of people that are barely eating.

So you might think when I sat down to talk to their new President that he would say, "Well, I want to thank you for the foreign aid that we have from the United States." Or you might think he would have asked for foreign aid, but he did not do any of those things.

What he said to me was "I want to thank your country for the National Endowment for Democracy and the International Republican Institute, that came to my country during the election and taught us how to campaign, that taught us how to put together a platform, that taught us how to go out and organize a political rally."

He said "I would not be sitting where I am sitting today and the changes in my country would not have occurred had it not been for the National Endowment for Democracy."

Madam President, let me complete the story to tell you how strongly I feel about this. I listened to this relatively young man tell me his plans for Albania, about privatization, about free enterprise, about economic growth, about free trade, about joining the European Economic Community, about his aspirations for his people.

I said, "You know, as I traveled around your country, I see you have all these pedestals where statues to Stalin and Lenin and all these Marxists have been ripped down and all of these empty pedestals are just sitting there." I said "If you do all these things, my guess is someday in all of these squares on all of these pedestals they will have your statue."

He looked at me and said, "Do you know who we ought to build a monument to?"

I said "Who?"

He said "Milton Friedman."

Madam President, ideas have consequences. They are very powerful things. We all grew up in the greatest country in the world. We learned about democracy, its good side and its bad side by practicing it. It has developed in our country and in our mother country, Great Britain, now for hundreds of years. But in countries like Albania, it is brand new. They do not understand it. They do not know how it works. Things we take for granted, that the winner of an election governs and the loser sits down and shuts up, they do not understand.

We are spending a relatively modest amount of money to share with them the recipe that made this the richest and most powerful nation in the world. When we are giving away billions of dollars in foreign aid, much of which does not produce the democracy or the freedom that we see, does it not make sense to invest $35 million to share with people the source of our freedom and our prosperity, which is democracy and the American free enterprise system?

Finally, I want to remind my colleagues of something we forget about on these amendments. No one has proposed here to cut this $35 million to lower the deficit. We have a spending cap set by law. If we do not spend the $35 million here, and unless we lower that spending cap, when this bill comes back from the conference it is going to be spent somewhere else. So the issue is priorities.

I do not know a lot about this program, but I know what it did in Albania. I know what it is doing elsewhere around the world. Let us not spend so much of our money, like rich kids in the middle of a slum with a cake, giving away pieces of the cake. Let us instead share the recipe that we use to bake the cake. If we can help Albania find democracy and free enterprise, we can borrow money from them someday. We will not need to lend them money. Let us share with them what we have that made us the greatest and richest country in the world. That is why I agree with Ronald Reagan. That is why I agree with John McCAIN.

This is a small program but it is vitally important. Until the whole world discovers democracy and economic freedom, let us help them find it by sharing our experience with them.

I urge my colleagues to look at what this small program has done and decide to fund it.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland has 10 minutes.

Mr. SARBANES. Madam President, I yield 2 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, let me thank my friend from Maryland for yielding me 2 minutes.

I want to briefly tell a story about Albania, where I was recently. For decades Albania was under the thumb of one of the most despotic dictators the world has ever seen, a man named Hoxsa, who had imprisoned tens of thousands of his own people and killed tens of thousands more.

Now Albania has a democratically elected President, Soli Barisha. How did he get elected? In part, with the technical assistance of the National Endowment for Democracy.

NED personnel—National Endowment for Democracy personnel—provided video cameras to Barisha's National Democratic Party during the election and showed them how to use it. Barisha's rallies were suddenly available for TV broadcast within hours. Barisha, this democrat—with a small "d"—is a dynamic campaigner. He was running on the promise of more democracy and more freedom for the Albanian people, who had been under the thumb of a Communist dictator for decades, and he has come through with his promises. With those modern campaigning techniques that were being promoted by the National Endowment for Democracy, Barisha won.

We are going to save tens if not hundreds of billions of dollars in defense spending if the small struggling democracies of this world, that for the first time have a taste of democracy, succeed. There are now countries which are no longer threatening us. They must succeed for our security. This tiny investment is a very worthwhile investment. I hope we will maintain it.

Again I thank my friend from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 8 minutes.

Mr. SARBANES. Madam President, I have to confess I am puzzled by some of the debate that took place here in the Chamber today and some of the animus that seem to exist toward the National Endowment for Democracy.

Earlier we heard a statement to the effect, well, there is a way for the powerful and the privileged to escape the rules.

First of all, it must be clearly understood that the people who carry out these programs are volunteering their time. They do not get paid. I cannot understand why a concept noble in its origins and noble in most of its execution—occasionally you get an abuse. I am not going to try to pretend that on occasion there have not been any abuses, but most of those happened in the early years and have been tightened up.

As I understand, the rules were always you never could go first class. They did allow you to go business class. They put tight restrictions on the use of that if you are getting a use of travel money. People get their accommodations paid for, but the very talented, able people volunteer their time in order to help in this process of building democratic institutions around the world.

Some may say, "Well, the cold war is over. This was a terrific idea when we were dealing with communism. It provided an inroad in that otherwise would not be available." But we continue to face challenges.

As David Broder said in his fine article—I just quote the title of it: "No Good Deed Unpunished:"

> The NED had a proven track record and a tiny budget. The united Republicans and Democrats, business and labor in helping small groups abroad in their struggle for democracy. So the House killed it.

He then goes on to discuss all of the things NED has done, and he concludes:

> Backers of NED point out that the cold war may be over, but the triumph of democracy in large parts of Asia, Africa, and Eastern Europe is far from ensured. All sorts of hostile elements are ready to strangle democracy in the crib. When Americans turned inward after World War I, thinking the world had been made safe for democracy, what we got was World War II.

He ends this article with this paragraph:

> The Senate next month has a chance to undo the damage and keep the United States on the side of building democracy in the world.

Madam President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 4, 1993]

NO GOOD DEED UNPUNISHED

(By David S. Broder)

The members of Congress are home for the July 4 holiday, and many of them will mark the greatest of our patriotic celebrations by quoting once again the stirring words of the Declaration of Independence.

They cannot be heard too often: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness—that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

That is the basic credo of democracy, as vital today as it was when first proclaimed 217 years ago. Unfortunately, 243 House members cast some doubt on their understanding of the enduring importance of that message when they voted last month to kill the National Endowment for Democracy, the small, government-financed agency that for the past decade has fostered grass-roots democratic movements all around the world.

NED is a tiny operation. It employs 46 people and has a payroll of less than $2 million. The bulk of its money—$48 million was the amount the House killed—goes to small, struggling organizations such as the Democratic Development Center in Latvia, which supports politicians, journalists and citizens sniffing the first breaths of freedom.

Rather than channel the grants through a big government bureaucracy, NED operates through specially created international arms of four organizations that know a lot about Main Street capitalism and grass-roots democracy—the Republican and Democratic parties, the Chamber of commerce of the United States and the AFL-CIO.

The man who led the fight against NED in the House is Rep. Paul E. Kanjorski (D-Pa.), who has been after its scalp almost from the time he arrived in 1985. Kanjorski tells me he was offended by the attitude a senior NED official took when the congressman first began inquiring into its operations. His passion on the subject is clear, but his reasoning is not always easy to follow.

In his floor speech, Kanjorski said it was "an insult to the Constitution" to "give taxpayers' money to a private organization to carry on the foreign affairs of the United States." No one in the State Department has ever charged such an act of usurpation, and three presidents have supported increasing levels of funding for NED.

Kanjorski is deeply suspicious of the participation of the Republicans, Democrats, business and labor. He spoke of "an unholy alliance" and, in a wonderful non sequitur, said, "NED puts together so many unfriendly parties in the bed together that it makes us wonder whether we in fact have not come together in a unicameral legislature."

When I asked him what exactly bothered him about the participation of groups that differ on many issues—but not on their commitment to democracy—he replied with another remarkable bit of logic. "They're all operating under the same flag," he said. "That's contrary to our system of checks and balances."

Yet Kanjorski was able to prevail on the House floor against the combined opposition of the president of the United States, the leadership of both parties and the ranking Democrats and Republicans on the House Foreign Affairs Committee. In pure political terms, it was quite a feat for an unheralded member with no claim to jurisdiction or special expertise in this area.

The 243 to 181 roll call on June 22 was a peculiar vote. Freshman Democrats voted 40 to 23 to kill NED; more senior Democrats, 96 to 90 to save it. Despite the fact that NED was created in the Reagan years and several of the House's most prominent conservatives endorsed it strongly in the debate, Republicans voted 112 to 62 against it. As with the Democrats, the freshmen led the revolt.

One theory is that the freshmen of both parties were spooked by an ABC-TV news piece the night before the vote—a piece in which Kanjorski was the only member of Congress quoted and in which the supposedly neutral correspondent said, "Communism may be dead in much of the world, but the endowment is still costing you $30 million a year [last year's appropriation] to support foreign labor unions, small businesses and political activists."

Another, less kindly theory, which might be pondered by proponents of term limits, is that many of the freshmen may lack historical appreciation of the effort it has taken to cultivate democratic movements such as Poland's Solidarity—an early recipient of NED help—and its counterparts around the world.

Backers of NED point out that the Cold War may be over, but the triumph of democracy in large parts of Asia, Africa and Eastern Europe is far from ensured. All sorts of hostile elements are ready to strangle democracy in the crib. When Americans turned inward after World War I, thinking the world had been "made safe for democracy," what we got was World War II.

NED programs—from legal assistance to political prisoners in China to the teaching of mediation techniques in South Africa to technical aid and training for privatizers in Bulgaria and union organizers in Albania—do not deserve to be sacrificed to Mr. Kanjorski's conspiracy theories.

The Senate next month has a chance to undo the damage and keep the United States on the side of building democracy in the world.

Mr. SARBANES. To the credit of the chairman of the Appropriations Subcommittee, the distinguished Senator from South Carolina, he brought NED forward in his bill at a $35 million figure. The President asked for $50 million. The President actually wanted to take it up.

People ask, "How can you take it up when we are cutting spending?" The President himself, in his budget submission, was cutting spending very deeply in many places. Listen to what the President says about this particular program, and this investment:

> I am writing to express my strong support for the $35 million in funding for the National Endowment for Democracy. Supporting the worldwide movement toward democracy is one of the best investments we can make in our own national security. NED has been one of our most important and effective instruments for supporting democracy abroad. Now, with new democracies and democratic movements gaining strength from the former Soviet Union to Africa to Latin America, we need to make our support for democracy an even higher priority.
>
> The $35 million appropriation now before the Senate, while short of the $50 million I requested, would at least enable us to increase our support for those who are waging democracy's fight abroad.

The President's Assistant for National Security, Tony Lake, said in writing to the chairman of the Foreign Relations Committee:

> As you know, the President has placed the promotion of democracy at the center of his foreign policy, and so strongly supports NED. The NED has been a dynamic and cost-effective organization that has contributed greatly to American foreign policy objectives. We intend to rely even more heavily on the NED in the future. It is for this reason that we are seeking an increase in its funding for fiscal 1994.
>
> The White House wants to send a message to democracy movements around the world that President Clinton takes their cause very seriously. Statesmen like Vaclav Havel and Lech Walesa support the NED with enthusiasm. I believe that we can do no less.

Madam President, I agree with this. I do not think we can do less. This is an opportunity to put American values and ideals around the world. It is a way to do it in a highly cost-effective manner, to draw on the talents of some of our most able men and women, committed and devoted to trying to spread the democratic ideal.

This proposal serves America's interests, and it serves America's values. Some very, very good work has been done. The cold war is not fully over. We always run the danger of a relapse. Former Lithuanian President Lands bergis, when asked about those who voted against NED, said:

> Did they realize that the return of antidemocratic regimes in Eastern Europe and the former Soviet Union and the resurgence of imperial forces in Russia is an ever-present threat, not just to the citizens of those countries, but also to those of the United States?

Madam President, this is an opportunity for us to move forward in seeing American ideals, as reflected in democratic institutions, spread around the world. We will benefit many times over from it. We will benefit financially in saving defense costs. We will benefit because a better life is being brought to people around the world.

I urge my colleagues to stay with this program. It has done good work. It can do even better work. We need to support NED.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I am disappointed that we are debating the merits of the NED and that we are threatening to cripple an organization that has been on the cutting edge of promoting American democratic ideals in a world that has been often hostile to democracy.

Nevertheless, if we are to have this debate, I am glad to join in it as an advocate of full funding for this extremely valuable and effective organization.

The spread of democracy abroad is one of the most important things that we can do to make life better here at home. The democratic revolutions in Eastern Europe and the former Soviet Union gave us the peace dividend. By 1995, the defense budget adjusted for inflation will be less than half the level of the 1985 defense budget. Those are real savings, and those were made possible by the democratic revolutions that we have applauded—and that NED supported.

Continuing the worldwide democratic revolution is therefore a major interest of the United States. Conflict and bloodshed exist predominantly in those regions and countries where democracy has not taken root. To the extent we can promote the spread of democracy, we will build a more peaceful and, thus, a more just world, one that requires less defense spending, that calls for fewer U.S. troops abroad, and that reduces the chances that U.S. soldiers will be sent into combat.

Thus, I hope the goals of NED are beyond the scope of this debate. I venture that every Member in this Chamber has made speeches in which he or she has extolled the goals of advancing democracy, supporting the democratic revolutions in Eastern Europe and the former Soviet Union, or pressing for political reform in places like China, Cuba, and other totalitarian holdouts.

If we agree on the goal of advancing democracy, we then have to face up to the issue of means. Madam President, if we will the ends, we must will the means. Otherwise, we are just paying lip service to the goals we profess.

That is why the Congress created the National Endowment for Democracy, and that is why I participated in the effort to do so. I was one of the founding people. I believed that an independent organization, such as NED, was the only way that we could effectively promote democracy, particularly when supporting democracy involves challenging authoritarian or totalitarian regimes.

Before NED existed, the United States had no good instrument to press for democratic change. The State Department cannot become involved in working with or providing material support to prodemocracy groups. Anything it would do, constitutes brazen interference in the domestic affairs of foreign states. Moreover, because the State Department must principally concern itself with managing relations with foreign governments, it would inevitably subordinate efforts to promote democracy to its main mission of managing government-to-government relations.

Before NED, the U.S. Government really had only one option: To help prodemocracy groups through covert means. That was it.

I doubt that anyone here believes that represents a viable option. When NED was created, I argued that those means were inappropriate, that we should not make a practice of supporting prodemocracy groups through covert actions. While resorting to such means might be necessary under certain circumstances, I believed that it would not only compromise the groups that we sought to support but also contradict the very ideals that we sought to promote.

Consequently, Congress created NED as a private and independent organization. This enables us to support democracy openly.

Madam President, in the late 1970's one of the greatest men I have met came to me in the U.S. Senate, a man named Irving Brown. He was international president of the AFL–CIO.

Irving Brown went to Paris in the underground before the end of the Second World War. He remained there to become the principal anti-Communist in this world. He was the principal fighter all over this world for free trade unionism. He did more to advance the cause of democracy than anybody I have known before or since.

He died a few years ago. I went to his memorial service down at the AFL–CIO building here in Washington, DC.

I can tell you he used to come and visit me; I used to visit him. I went to the IALO, the international organization over in Geneva, Switzerland. I fought side by side with him for free unionism, freedom, and democracy over the world.

In the late 1970's, he came to me and talked to me about helping a little group in Poland called Solidarity. He told me about a young man named Lech Walesa. Irving told me that the way he was fighting communism was by providing the ink, the paper, the printing presses, and the mimeograph machines, if you will, so they could promulgate their ideas of democracy, their ideas of freedom within these totalitarian states.

It was from those buds of democracy that, of course, we had this revolution all over the Central European countries and, of course, the Soviet Union.

Irving Brown, immediately after the war, was the one who stopped the Communists from taking over the French docks. He stopped them all over the world. And it was by using methodology that NED now uses very effectively, by fighting up front for democracy, that he was able to do it.

If there is a godfather of the National Endowment for Democracy or a person who deserves more credit than any other person I know in this struggle of ideas, it is Irving Brown. He was an inspiration to everyone who knew him. He was a true intellectual. He knew all of the French Left Bank intellectuals. He could hold his own with any of them. His favorite was Ramon Maron.

We talked at times of the philosophical and intellectual movement in France and this country, about free trade unionism and about how you spread it and how much it defeated the Communists of the world.

If it had not been for Irving Brown we would not have had the National Endowment for Democracy. We would not have had all of the things that have happened.

I was on the initial board of the National Endowment for Democracy. I have to tell you I served there for around 5 or 6 years. I cannot remember how long now. But I never saw a group of people who tried to handle the funds better or do a better job on behalf of the United States of America and all people who loved democratic principles than the board of directors of the National Endowment for Democracy, which changed from time to time and which was a broad cross-section from the left to the right; Democrats, Independents, and Republicans. And the current board is as good as the original board.

I have to say that board played a role all over this world. The changes that are coming about in China are coming about in part and maybe in large measure because of the National Endowment for Democracy.

The changes that came about in the Eastern bloc countries, or should I say the Central European countries, came about in large measure because of what happened through the efforts of the National Endowment for Democracy. A lot of countries all over this world have been benefited because of the overt, open, and effective way that the National Endowment for Democracy has operated.

I think Irving Brown, sitting up there in Heaven, is probably smiling down on us and saying, "Way to go," because he was threatened each day of his later life. He was the most hated man in the world by totalitarians, Communists, and antidemocratic forces. And that man stood up to all of them. He was not a large man in stature, but he was one of the largest, most wonderful people I ever met in my life.

The National Endowment for Democracy enables us to support democracy openly. This ensures that we have an instrument that can energetically promote democratic values without damaging U.S. relations with undemocratic countries with which the U.S. Government inevitably must do business on other issues.

Some argue that the NED duplicates the prodemocracy activities of AID or USIA. But if a nondemocratic government refuses to let AID or USIA function on its territory, they cannot do a thing. Only NED can challenge the antidemocratic governments and sow the seeds of democracy.

Mr. President, I did not believe the reasoning for creating NED was difficult to understand. Yet, year in and year out we have seen the wisdom of funding for this vitally important organization challenged. I wish to take a moment to rebut the arguments against NED before discussing the case in favor of fully funding NED.

Some argue that the involvement in NED of the major political parties, the AFL–CIO, and the Chamber of Commerce represents nefarious collusion of powerful political forces to tap into the taxpayer's money.

It is dispiriting that we have to defend a program that brings together all these groups. But the fact is that all of them believe in advancing democracy and that all of them have unique skills to bring to the task.

We all agree that you need political parties for a democracy to function. It therefore makes sense to involve the Republican and Democratic Parties, through their international institutes, to train democratic groups in grassroots organization and other needed skills.

We all agree that democracy functions better if other associations exist in a society to represent the interests of various groups. Such associations include unions, which provide a mechanism for employees to voice their views and pursue their interests collectively. It therefore makes sense to involve American labor organizations to transfer such skills.

We all agree that political freedom and economic freedom are fundamentally related. Historically, there has been no case of a country that had an enduring democratic system but that did not have a market-based economic system. It therefore makes sense to involve American business groups in helping to nurture the private enterprise that is a fundamental social foundation of democracy.

My point is that the groups NED has brought together can do this far better than Government agencies can. NED has a real comparative advantage. If anyone truly believes the Federal Government can perform these activities better than NED, they are engaging in wishful thinking.

Other critics of NED claim that the organization is mismanaged, that it uses taxpayer moneys poorly. These critics typically point to a GAO study that calls into question NED's financial controls and raises other concerns.

Mr. President, I have examined the GAO report closely, and I agree that in NED's early years problems existed. These were largely startup difficulties. They have been solved, and those who bring them up now are recycling old news.

NED developed an action plan to address the problems raised by the GAO. NED has bolstered its grant oversight capability through hiring of additional administrative staff in the areas of auditing, accounting, and grants management, and has been developing a detailed strategy for conducting audits for all grants for sums greater than $25,000. Financial control and grant monitoring procedures are employed at every stage of the grant process, including receipt of proposal, grant award, monitoring, audit, and final closeout. NED has clearly responded to all the problems identified by the GAO.

However, it is also time we look a little more critically at the reports that have challenged NED's effectiveness. For example, in the 1992 report of the USIA inspector general, NED was criticized by an auditor for not having on file the time sheets of a beneficiary of a NED grant. The individual in question was Umberto Rubin, who headed a radio station that was the only independent news outlet in Paraguay during General Stroessner's rule in the late 1980's.

Mr. President, in most cases I would agree that such a failure should be reason for criticism. But Umberto Rubin had not been able to file his time sheets because the regime had arrested and imprisoned him. Despite this explanation, the auditor from the inspector general's office said that if the grantee was in jail, he should have plenty of time to fill out the forms.

I cannot speak to the quality of training for such auditors, but in this case there was a need for some reality therapy. To put it simply, if an oppressive regime throws you into jail for advocating democracy, it is not going to let you fill out paperwork for the National Endowment for Democracy while you're behind bars.

Mr. President, I now wish to say a few words about NED's record and accomplishments.

Since 1989, we have lived through one of the great waves of democratic change in history. The National Endowment for Democracy has been at the center of that revolution, supporting those who share our values, helping those who are trying to rebuild political institutions on a democratic basis, and working with those in the Third World who want to carry this revolution forward in other regions.

That is important work. Indeed, it is indispensable work if we want to build a more just and peaceful world. Yet the Members on the other side of this question would undercut this work.

In this respect, I would like to pose some questions to my colleagues on the other side of this issue.

NED provided the Solidarity Movement in Poland with key assistance that helped keep the organization alive in the 1980's and that enabled it to make a more effective bid for power when the political opportunity arose, I met with Lech Walesa in 1990, and he extolled the indispensable role played by NED in breaking the Communist monopoly on power in Poland.

I would just ask whether my colleagues believe it was a bad idea for the NED to provide material support to solidarity in the years after the imposition of martial law. Was it a mistake to help put solidarity in a position to mount an effective challenge to the Communist regime when the opportunity arose in 1989?

To cite another case, NED worked with nascent prodemocracy groups in the former Soviet Union during the Gorbachev years. When I met with some of the new democratic leaders of Russia in 1991, they also highlighted the importance of NED in providing them with training to organize at the grassroots level. More recently, NED provided more than 30,000 poll-watcher kits to democratic groups that monitored the critical referenda in Russia.

I would just ask whether my colleagues oppose such projects. Was it a mistake to help in open and legitimate ways the development of democratic movements and parties? Is it not in the United States interest that democratic forces were in a position to ensure that this summer's key referenda in Russia were free and fair? Would the United States be better off now if the democratic breakthrough in Russia and other newly independent states had not succeeded?

In Cambodia, NED worked with democratic parties to enhance their ability to manage campaigns and to build grassroots organizations. It helped these parties to get into a position from which they could prevail in the recent election and thereby transcend the tortured legacy of the last 20 years. This success is still fragile, open to challenge by antidemocratic forces. Without NED's assistance, the democratic moment would be more fragile still.

I would just ask whether the opponents of NED believe that help to Cambodia's democratic groups is misguided? Is it right that the United States ignore the needs of democratic parties in Cambodia while China's Communist government helped the Khmer Rouge and Vietnam's Communist government helped its client party in Cambodia?

Mr. President, if the Members of this body are not willing to support democracy when the alternative is rule by the Khmer Rouge or domination by Hanoi, what would it take to win support for prodemocracy policies?

These are examples of NED's work in countries in which political reform and democratic progress has captured the headlines. Just as important to the spread of democracy is NED's work in countries and regions that receive less attention.

To cite an example of its less heralded work, NED supported an organization known as Gerddes-Afrique. After participating in the historic 1990 democratic election in Benin, Sadikou Alao committed himself to organizing thousands of African men and women who were eager to provide nonpartisan assistance in helping to build democracy through research, civic education, and active participation.

With help from NED, he has parlayed his extraordinary commitment and organizing skills into a regional structure consisting of more than 2,500 volunteers in 20 countries who are helping to build democratic institutions throughout West and Central Africa.

If we vote to undercut NED, we vote to undercut this work in Africa. We have seen extraordinary progress toward pluralism and democracy in several African states. I ask the Members on the other side of this question whether they truly believe the United States should stand aside, remain indifferent, and withhold any help from those who are struggling to advance freedom and human rights for the peoples of Africa.

These are just a few of the 950 grants through which NED has substantially contributed to the Democratic revolution in the world. If we cut NED, we are cutting support for that revolution and undermining the chances that the recent gains of democracy will endure.

An American statesman has observed that the Communists lost the cold war, but the West has not yet won it. Yes, communism has been placed in the dustbin of history. But we can claim victory only after democracy and free markets produce a better life for the peoples of the former Soviet sphere. Much remains to be done to achieve that victory.

Mr. President, Communist totalitarianism has failed, but the ideas of democracy and free markets are still on trial all over the world. The question today is whether we are going to walk away from the task before it is completed.

Moreover, we need to carry the victory of democracy forward into other regions. The great Democratic revolutions in Europe have reverberated in the Middle East, in Asia, in Africa, where peoples have begun to ask why their countries cannot also move in the direction of freedom.

The National Endowment for Democracy is an instrument uniquely suited to advancing American ideas abroad, without resort to secrecy, without endangering government-to-government relations, and without apology to those regimes that oppress their peoples.

Mr. President, if we undermine this organization, we will fatally undermine our ability to engage in the battle of ideas whose outcome will profoundly shape the kind of world we live in. I urge my colleagues to vote against this measure and to support full funding for the National Endowment for Democracy.

Madam President, I think my time has expired.

The PRESIDING OFFICER. The Chair advises the Senator does have 2 minutes 32 seconds remaining.

Mr. HATCH. Madam President, let me finish with these final remarks.

Madam President, I am conservative, and everybody knows that. But I have to tell you I participated in very few organizations in my life that has done anywhere near as much good as the National Endowment for Democracy.

I was on that board and associated with the people, left to right, Democrats, Independents, Republicans, with all these organizations that operate and use the NED moneys. I have to tell you they watched it very carefully. They were very sincere, dedicated experts. Yes, there were some startup problems, but these problems have been resolved. The current board is performing in an exemplary manner.

Madam President, I do not know of any organization that has done more with less to advance the cause of democracy than this little organization does, and in this day and age when our problems in many respects are even more manifold and greater than what we had when we had two superpowers and we have problems all over this world, I cannot think of a better organization to try to help at this time in our society and in our world affairs.

Madam President, I hope our colleagues will give NED what it deserves, and help this organization carry on its excellent work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona has 11 minutes 42 seconds.

Mr. McCAIN. Madam President, I yield 3 minutes to the Senator from Wyoming [Senator SIMPSON].

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes

Mr. SIMPSON. Madam President, I thank the Chair and thank my colleague from Arizona, who is a true fighter on this issue as on anything he undertakes, and I am very fascinated by the remarks of my friend from Utah. He speaks with passion about this fine program.

I do want to support the National Endowment for Democracy and I oppose the amendment to eliminate the funding in its entirety. It seems to me that just when we are learning to cope with the post-cold war world, and democracy is breaking out around the world, around the planet, we are thrilled to see it happen. But by no means is this some irreversible process. If we look around the world, we see these infant democracies struggling for survival—Central America, Eastern Europe, and the former Soviet Union. Until recently we had to arm ourselves to the teeth against many of these countries and in some cases we had to send troops there or choose to fund the military operations of others to do the work.

We made those tough decisions, and the American taxpayer footed the bill. We now have the opportunity to enhance our security through much less expensive means—by helping to build stable, peaceful democracies where there once were none.

It is true that there are other departments in the U.S. Government which have this task as part of their charge. But by all accounts, the National Endowment for Democracy is an exceptionally cost-effective program, $35 million is a lot of money, to be sure—but it is barely more than 0.1 percent of the money in this appropriations bill. We are not going to generate much in the way of real cost-savings by pulling the plug on NED.

I do agree that even a small program should be killed if it does not produce, if it is not fulfilling its duty. But the individuals who support NED are varied and impressive. Elena Bonner has asked for a continuance of NEW funding—the widow of Andrei Sakharov. I met with those two remarkable people in their apartment years ago. I found them to be singularly impressive people. She is a fearless, determined woman in defense of human rights. I can assure this body that she would not be supportive of NED were it simply an agency out to promote its own political agenda.

Some have noted that many of those calling for a continuance of NED funding are citizens of other countries. That is true. But the proponents of NED funding also include Ronald Reagan and Jimmy Carter—two recent Presidents who differed vastly in their approach to fostering democracy abroad. And yet here they agree, that NED is an important promoter of democracy in the world.

I am willing to listen to arguments on both sides about the proper level of funding for NED, and about whether the $35 million figure is called for in full. But, given the arguments that I have heard from those who are familiar with NED and its activities, I cannot vote for its outright elimination. I urge my colleagues to oppose this amendment and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Chair and I thank my friend from Wyoming for his usual courtesy and his undeserved praise.

Madam President, there may be something I do not understand here. We are talking about a $35 million program out of a $23 billion appropriation. We have been debating now for, by the time this vote is over, about 4 hours.

I understand that there are at least four more amendments pending on this same program, and I do not know how long that will consume.

But it is really remarkable that we should be spending this much time on this particular issue, which has the support of so many people throughout the world.

Madam President, I do not think this issue is about my views. I think this issue is about the views of people who are in leadership positions throughout the world, many of whom have recently emerged from the oppression of totalitarian and Communist governments, some of whom have been leaders in seeking peace throughout the world—Oscar Arias, the Nobel Peace Prize winner who said, "I offer the National Endowment for Democracy and all those involved in its lofty purposes all of my support and solidarity."

Vaclav Havel; Lech Walesa; the President of Albania, Sali Berisha; Elena Bonner, widow of Andrei Sakharov; Prince Ranariddh, who just won a free and fair election in his party in Cambodia; Ukrainian parliamentarians; the Burmese Democracy Movement; Vietnamese human rights groups; and the Latvians.

The amount of support and praise that this particular program has won throughout the world is really remarkable.

Let me just point out a letter from the Latvian Government.

> There is no other U.S. Government program which has done so much to secure democracy, freedom and peace in Latvia. The National Endowment for Democracy supported both morally and financially the efforts of the American Latvian Association, a pro-democracy force in Soviet-occupied Latvia. This support came at a time when other parts of the U.S. Government were unable or unwilling to provide covert help to groups and individuals seeking to reestablish freedom and democracy.

I know very few citizens of the world who are as much admired as Elena Bonner, a person who has certainly understood what it is like to undergo the terrors associated with totalitarian government while struggling to lead her people to freedom. Elena Bonner said:

> The endowment is the only grant-giving organization which focuses its activities in the post-totalitarian countries directly on supporting the work of non-governmental organizations. In this way, it promotes the emergence of civil society, which serves as the basic guarantee that the future development of these countries will follow along a democratic path. . .The closing of the endowment poses a danger which can best be

characterized by the proper verb, "penny-wise, pound-foolish."

Madam President, let me just mention, that yesterday by a vote of 70 to 30 this body decided to fund to the tune of $75 million the marketing promotion program which funds both generic and brand-name advertising abroad for American agricultural products.

Madam President, I happen to have voted for the reduction in that program.

But here we are talking about a marketing promotion program that is far more significant than that of agricultural products. We are talking about less than half the amount of money. I certainly hope that the Senator from Arkansas supported the amendment to reduce the spending for the marketing promotion program because what we are talking about here is a promotion program for democracy and freedom.

In the words of Elena Bonner, "NED promotes the emergence of civil society, which serves as the basic guarantee that the future development of these countries will follow along a democratic path."

Madam President, the seeds of freedom and democracy have been planted throughout the world. These seedlings will wither and die, as we have seen in the past without the nurturing that is vital.

Some philosophers say that democracies are accidents of history. I think we are proving that wrong. Democracies do not happen by accident.

I would like to apologize for some of the comments about the performance of the National Endowment for Democracy and the men and women associated with it. Overall, their work has been outstanding. Their work has been dedicated. Their work—most of them—has been on a volunteer basis, and their commitment to freedom and democracy has been, to some degree, impugned by the criticisms that have been leveled at them today. Some of these statements, such as the statement that National Endowment for Democracy is seeking to unseat Oscar Arias are outrageous.

I do not mind an open and honest disagreement, I say to the Senator from Arkansas. But when it has been proven absolutely false then I say we need to change the level of debate.

So, Madam President, in closing I would like to again urge my colleagues to perhaps put this issue to rest one way or another with this vote. I do not think we need four additional amendments, on basically the same issue, although that is certainly the right of every Member. I think ample testimony has been provided from this President, previous Presidents, leaders throughout the world whom we all admire and respect. And we must, in order to save billions of dollars and perhaps the lives of many young men and women throughout the world, do everything we can to see that these little seedlings of democracy grow to where they are able to withstand the storms that lie ahead of them.

I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order the Senator from South Carolina has 10 minutes.

Mr. HOLLINGS. Madam President, quickly, these have been some fascinating arguments. I cannot cover them all. But getting to the Senator from Colorado, who also has several other amendments relative to the National Endowment, I can tell from the feeling and passion he has, that he has discovered the virus of deficit and debt financing here; that it is all a sweetheart deal, log rolling, pork barrel, back patting, you go along with me and I go along with you; up, up and away goes spending and this is the best effort. Absolutely false.

I am handling this bill. In all candor, I have talked to Mr. Gershman, the Director, and others who have worked for NED, and those who benefited from NED. Nobody from the Democratic Party or Republican Party has ever seen me, about NED, and no one from the AFL or the Chamber of Commerce has ever seen me. It is not back patting. It is very deceiving and misleading to try to take that attitude on this program here that I have had to change my mind on.

Specifically, there is also the argument by the distinguished Senator from North Dakota about the waste in the program. He talked about the IG, inspector general's report, that is dated June 14, 1993, but he did not talk about the comments concerning the review of the National Endowment for Democracy, its Core Grantees and Selected Discretionary Grantees, the comments on that particular report.

I ask unanimous consent it be printed in the RECORD at this time.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Comments on USIA Office of Inspector General Audit Report No. A-92-22]

REVIEW OF NATIONAL ENDOWMENT FOR DEMOCRACY, ITS CORE GRANTEES AND SELECTED DISCRETIONARY GRANTEES, JUNE 14, 1993

INTRODUCTION

The review of the National Endowment for Democracy, its core grantees and selected discretionary grantees (hereafter referred to as the "Review" by the Office of Inspector General (OIG), U.S. Information Agency (USIA) represents an attempt to distill conclusions drawn from audits of the National Endowment for Democracy (NED), its four core grantees, and five discretionary grantees for which field work was conducted during the period June 1991 through June 1992. The Endowment appreciates the opportunity to offer comments and to describe the actions already taken and planned to improve our procedures. We will also point out some instances where we believe the "Review" misleadingly exaggerates selected examples without explaining the reasons why an alternate procedure was used.

The "Review" covers the same period (1987–1990) as the 1991 GAO report, and thus it should come as no surprise that some of the same issues were raised in both. Although there is an occasional reference to the improvements we initiated in response to the earlier report, the "Review's" sensationalistic subheadings (e.g. "Grant Award Procedures Were Inadequate," Cash Management Procedures Were Inadequate") convey the impression that the issues raised are both substantial and ongoing. As we show in the specific comments which follow (some of which were incorporated by the OIG as the bottom of a section *without* removing the contradictory and completely misleading heading), neither is the case.

Does this mean that there have been no problems with NED's management of grants? Of course not. We have accepted the challenge of working with groups on the frontline of democracy, many of which are newly formed, have had no experience handling U.S. government funds, and operate in countries where standards of accountability are neither practiced or understood, to educate them in the financial accountability requirements which they must follow. As compliance requirements become more onerous, there is an inevitable tendency to award grants only to larger organizations whose capability to comply with grant requirements has already been established. This is a trend we will firmly resist, since movement in this direction would seriously compromise both the goal of involving a wide array of private-sector groups and the effectiveness of the overall program. It is our firm conviction that there is no discrepancy between involving small activist organizations and ensuring proper accountability, and the Endowment will continue to do both.

CHAPTER 2—FINANCIAL ACCOUNTABILITY

The "Review" notes that effective implementation of the Endowment's new procedures instituted in response to the 1991 GAO report should improve its capability for financial oversight of grantees. The "Review" made the following recommendation:

Recommendation No. 1: "We recommend that NED's Board of Directors enforce terms of the grant agreements and ensure the effective implementation of NED's new procedures."

Endowment Response: The Endowment will continue to improve enforcement of grant terms and conditions and to improve grantee compliance in key areas. In the detailed comments that follow, the Endowment responds to each issue raised in Chapter 2 titled "NED Failed to Ensure Financial Accountability for Federal Funds," and outlines actions already taken and planned to address them.

GRANT AWARD PROCEDURES

Issue 1, Completion of accounting questionnaires

The Endowment's procedures include use of an "Accounting System and Financial Capability Questionnaire" for new grantees. Each of the ten grantees for which the OIG sought questionnaires has been an Endowment grantee for several years, and has usually received more than one grant each year. Initially, completed questionnaires were filed in one of several grant files the first year in which grants were awarded to that organization. Since some of these grantees received their first awards in 1985 or 1986, the Endowment was unable to determine in which grant file three of the ten questionnaires sought by OIG could be found. (It should be noted that OMB Circular A-110, Attachment C. paragraph 3 requires that records be retained for three yeas following the date of the submission of the final expenditure report; Endowment records were more complete than required by federal regulation.)

Action Taken: In 1990, the Endowment implemented a new filing system for the questionnaires. Since grantees may have more than one grant per year, and there is often a need to refer to the financial questionnaire in the subsequent year, a master file for each grantee organization was established that contains the pre-award questionnaire and subsequent audit-related material. This facilitates quick retrieval of the questionnaires. In addition, a copy of the questionnaire is also filed with the documentation for the initial award to a new grantee.

Action Planned: Beginning with awards made in 1994 (or sooner if possible), the Endowment will further strengthen its pre-award process by reviewing and revising the questionnaire to include items related to management of subawards, and will re-survey organizations that have been grantees for several years to obtain current information.

Issue 2. Resolution of issues prior to award

The "Review" states that some of the questionnaires showed financial control weaknesses which were not resolved before awards were made, including grantees that said they did not (1) keep grant funds in a separate bank account; (2) maintain time sheets; or (3) segregate direct or indirect costs. The "Review" implies that a negative response to any one of the items in the questionnaire would indicate that a prospective grantee could not comply with the grant terms and conditions.

First, it should be noted that the questionnaire was designed as a survey instrument to help determine what kind of accounting system a prospective grantee already has, rather than as a single indicator of whether an organization could comply. The questionnaire is used to determine whether additional information is needed from the prospective grantee, or whether the staff needs to provide the prospective grantee additional guidance to facilitate better compliance with Endowment grant terms and conditions, some of which are unique to NED.

For example, prospective grantees who already have other federal funding and are operating under OMB Circular A-110, which prohibits federal agencies from requiring grantees to physically segregate cash, would logically answer "no" to the question about use of a separate bank account for grant funds. However, since the Endowment has been specifically required by Congress to enforce the use of a separate bank account, after reviewing the applicant's negative response, staff would advise that a separate bank account is a requirement for Endowment funding.

Many proposals submitted to the Endowment request support for projects where funding for salary costs is not needed. For such projects, the use of timesheets is not relevant, as no salary cost is to be charged to the grant. In cases where a prospective grantee's proposal does include a request for direct or indirect salary funds, and the questionnaire indicates that time sheets are not being used, staff advises the applicant of the requirement.

Similarly, the question of segregation of direct and indirect expenses is significant only for organizations with indirect cost rates. Many Endowment grantees are small organizations that do not have indirect cost rates and for which the development of rates would not be cost effective. A negative response to this question is therefore not necessarily relevant to the prospective grantee's ability to properly account for funds on a direct cost basis.

Action: None needed.

Issue 3. Continued award of grants

The "Review" states that "* * * NED continued to award China Perspective grants long after financial control weaknesses were identified. The $1,242,000 awarded by NED between fiscal years 1984 through 1991 to China Perspective illustrates this weakness * * *"

First, it should be noted that the introductory sentence for this issue implies that continued issuance of grants after weaknesses are identified is a pervasive problem. However, the auditors cite only one example to support their conclusion, and, as described below, did not include all the relevant facts documenting the audits that were conducted.

In 1984, the Endowment made its first grant to China Perspective, Inc. (CPI) to support the publication of a Chinese-language quarterly journal The Chinese Intellectual (TCI), launched earlier that year. During its years of publication with Endowment support, TCI has built an impressive reputation of introducing Chinese readers both inside the country and abroad to subjects related to democracy. In 1989, TCI began publication in Beijing and until it was closed with the crackdown by the government against the democracy movement, was the first independent journal of critical thought ever published in the Peoples' Republic of China.

In May 1985, the Endowment Grants Officer, during an onsite review of CPI, identified certain accounting weaknesses as stated in the "Review." However, the Endowment's subsequent efforts in providing technical assistance, monitoring and followup are not mentioned in the "Review." In July 1985, the Endowment Comptroller advised CPI of these weaknesses and made recommendations for improvement of its accounting system and procedures.

In 1986, the Endowment hired an Internal Auditor to assist in monitoring the financial compliance of grantees. One of the Internal Auditor's first assignments was to perform a followup review of CPI's accounting system. On May 6, 1986, on a visit to the office of CPI, the Internal Auditor found that the prior financial weaknesses had not been corrected and noted in her report that "CPI has had problems with their accounting system" and that the President "was not able to get reliable help with his accounting system at this time."

As a result of the Internal Auditor's report, in May 1986 the Endowment Comptroller advised CPI on the accounting and financial management requirement under the grant agreements and requested that documentation be submitted for NED's review of the 1984, 1985 and 1986 grants. The Comptroller also recommended that CPI obtain the services of an accounting firm to gather and organize the supporting documents and files, and set up simple accounting records from which CPI could prepare reliable financial reports.

In July 1986, CPI with Endowment financial support, retained an accounting firm as recommended and hired a bookkeeper. In her August 1986 Report on CPI's accounting system, the Internal Auditor stated that "Subsequent to this review, CPI hired a CPA firm to help resolve their accounting problems. Most of the findings and recommendations addressed in the draft report have been cleared or will be resolved in the near future." In a follow-up meeting between CPI, NED and the accounting firm it was agreed that a compilation of the financial statements would be accepted in lieu of an audit of the Endowment grants. Omitted from the "Review" is the fact that the Internal Auditor reviewed the compilation reports for grants awarded in fiscal years 1984 through 1987, and that costs were accepted based on these compilations.

The "Review" states that the Endowment's Internal Auditor advised that: "It is imperative at this stage that the open 1988 and 1989 grants, as well as all future grants with the China Perspective, have an independent audit." The 1989 telecon record statement from which this quote is taken was not meant to be a recommendation to management to discontinue funding of CPI. The auditor's telecon record note also goes on to state that CPI's President "asked that I audit his grants since he has no funds budgeted for an independent audit. I will schedule an audit of the 1988 and 1989 grants in the first quarter of 1990." The Internal Auditor did audit the 1988 and 1989 grants in the first quarter of 1990. The audit report was circulated to management and contained no findings of noncompliance. In fact, among other details, it states that "The funds requested from the Endowment and received by the China Perspective were deposited in a separate interest-bearing checking account" and "Documentary evidence was available to determine that grant funds were properly disbursed to the Beijing office and the Federation for a Democratic China under the terms of the grant agreements." There were no questioned costs on either grant.

There were no gaps in audit coverage as implied in the "Review." The external independent audit report for the fiscal year ending June 30, 1991 covered the entire 1990 grant and five months of the 1991 grant. This audit did disclose a nonmaterial instance of noncompliance involving commingling of funds in the checking account, which was communicated in a management letter. The President of CPI has responded to this compliance issue, affirming that CPI will maintain NED funds in a separate checking account. The auditor was able to satisfy himself regarding identification of grant-related expenditures and supporting documentation.

The above facts clearly demonstrate that the Endowment effectively monitored its grants to China Perspective.

Action: None needed. The Endowment will continue to provide necessary guidance and assistance to grantees to improve their ability to comply with grant terms and conditions, and will monitor their compliance through the usual reporting and auditing mechanisms.

Issue 4. Written accounting procedures

The "Review" states that grantees including Freedom House and the Institute for Democracy in Eastern Europe (IDEE) lacked written accounting procedures. Freedom House's comments on its individual draft audit report include its written accounting procedures as an attachment; apparently, the written procedures were overlooked by the contract audit firm. While written accounting procedures are preferable, the lack of such procedures does not mean that funds will be misspent, especially in a very small organization such as IDEE, which, during the period covered by the audit, had only two employees.

Action Planned: In the revised "Accounting System and Financial Capability Questionnaire," to be implemented for FY94 grants, applicants will be asked to supply a copy of any available written accounting procedures. However, the questionnaire is being redesigned to elicit information that will enable Endowment staff to better determine whether an organization without written procedures can properly account for grant funds.

Issue 5. Grant management policies and procedures

The "Review" states that NED also awarded grants to several grantees who had not established the necessary polices and procedures for managing grants.

The Endowment's first priority in selecting organizations as "U.S. grantees" to administer grants for foreign subrecipients has been the organization's ability to effectively carry out the Endowment's congressional mandate of promoting democracy. Many of the most effective and committed organizations in this area are small and are not grants administration experts. With the possible exception of IDEE, none has grantmaking as its prime focus. All agreed to administer Endowment grants because they wished to contribute to the promotion of democracy. Their involvement in the process serves to broaden the participation of U.S. private sector groups in the development of democracy overseas. The U.S. grantees have provided valuable technical and moral support to the foreign subrecipients, some of whom operated under very repressive conditions.

Had the Endowment made its only objective strict compliance with all requirements in the NED Act, the USIA/NED grant agreements covering the Endowment's annual appropriation, AID/NED funding agreements, and the relevant OMB Circulars, we would have sought a different type of U.S. organization to administer awards to subrecipients. Instead, the Endowment, while not minimizing the need for the U.S. grantee to use acceptable accounting and grant monitoring processes for its subrecipients, seeks to facilitate cooperation between organizations working for common goals.

Action: None needed. The Endowment will continue to provide additional technical assistance to those U.S. organizations that will administer awards to subrecipients to strengthen their ability to comply with Endowment grant terms and conditions.

Issue 6. Subagreements with overseas subrecipients

The "Review" implies that the Endowment should have ceased awarding grants to organizations that did not sign written subagreements with overseas subrecipients. Through 1991, the Endowment recommended, but quite intentionally did not require, U.S. organizations to use written subagreements. Many of the subrecipients were operating in closed societies and could not sign subagreements without putting themselves in jeopardy. Since the Endowment was not requiring the use of written subagreements, their non-use by some of the U.S. organizations acting as grant administrators cannot be considered a "material deficiency" or compliance issue, as indicated in the "Review."

The example cited in the "Review" is erroneous. The American Institute for Free Labor Development (AIFLD), which received Endowment funds through the Free Trade Union Institute (FTUI), does not normally make traditional subawards. Its Country Program Directors (based overseas) closely control funding for local labor organizations through provision of small advances on an activity-by-activity basis, with supporting documentation collected and reviewed after each activity prior to issuance of a subsequent advance. The Endowment currently requires that FTUI's regional institutes execute written subagreements with organizations receiving advances in excess of $10,000.

Action taken: As indicated in the Endowment's response to the GAO report, for awards made in 1992 the Endowment changed its policy with respect to the use of subagreements. Recognizing that there are now many fewer countries where subrecipients may be in jeopardy if they are associated with Endowment funding, the Endowment made a written subagreement a requirement, exempting only those cases where security risks still exist.

CASH MANAGEMENT

Section I, Endowment drawdowns from USIA

As explained in the Endowment's comments on the draft individual audit report covering its administrative costs, it was impossible for the Endowment to have drawn down funds from the "correct" grants in every instance since there have been frequent and substantial delays in USIA's processing of both the annual grant to the Endowment providing its annual appropriation and the associated increase in the Letter of Credit (LOC). For example, the USIA/Endowment Grant Agreement covering the period October 1, 1985 through September 30, 1986 was not signed until May 1, 1986 (eight months into the fiscal year), and the LOC was not amended until two weeks later. The subsequent grant agreement for FY87 was not fully awarded to the Endowment until January 27, 1987, and the corresponding amendment to the LOC allowing the Endowment to draw down FY87 funds was not completed until February 18, 1987. Until each year's grant agreement and LOC are completely processed, there is no option but to continue operations by drawing down funds that remain available from prior fiscal years.

The figure of $9,452,000 is indicated as having been incorrectly drawn down, leaving the erroneous impression that this amount has somehow been misused. In fact, the drawdown method (which was unavoidable given the delays in USIA's procedures) never resulted in the Endowment's having overobligated or overdrawn the amount appropriated to it in any fiscal year, since each drawdown was fully supported with backup documentation indicating which Endowment grant award or activity the funds were supporting.

As acknowledged in the "Review," the Endowment's annual appropriations for FY92 and FY93 are to remain "available until expended" under the terms of the Department of State and Related Agencies Appropriation Acts for those years; this should improve the Endowment's ability to draw down funds from the correct year.

Action Taken: (1) As explained in our comments dated February 10, 1993 on the final audit report, the Endowment has previously drawn down all available funds for fiscal years prior to 1991. However, there are a few remaining payments to be made to grantees under awards issued by the Endowment in 1988, 1989, and 1990. Unless otherwise requested by USIA, the Endowment will continue to draw down funds for payments related to its older grants from funds remaining in the USIA/NED FY1991 grant, and draw down FY92 and FY93 funds only for specific obligations directly relating to those periods. (2) Assuming that USIA makes both the Grant Agreement and the corresponding new funds available to the Endowment at the start of each fiscal year, the Endowment will draw down funds from the correct award.

Section II: Recipient Drawdowns from the Endowment

Issue 1. Drawdowns exceeding need

The examples of drawdowns in excess of need cited in the "Review" and the individual audit reports on FTUI and the International Republican Institute (IRI) result from partially erroneous conclusions on the part of the auditors, without reference to either programmatic context or materiality of the amounts relative to the grantee's overall operations.

The auditors have not recognized (a) that the core grantees are typically providing funds to their subrecipients on an *advance payment* basis, (b) there may be a significant time lag between the time when the subrecipient incurs costs and the time its expenditure report is submitted, and (c) operating funds are still required in the interim. Further, the two examples discussed in the "Review" (FTUI, Poland/Solidarity and IRI AID/Nicaragua 1990) were unique cases that did require extraordinary cash management procedures. As explained in FTUI's comments on its individual audit report, Solidarity was actually spending much more rapidly than it was possible to report, since reporting went from regional offices to Gdansk headquarters to the Brussels Coordinating Office (by courier in the pre-1990 period) and then to FTUI.

The "Review" also states that IRI had drawn down $500,000 in excess of costs incurred during fiscal year 1990. However, as explained in IRI's comments on its individual audit report, $234,247 of the $500,000 on hand as of September 30, 1990 was attributable to the special AID/Nicaragua 1990 activity, and IRI was waiting on the final reconciliation from a concurrent Price Waterhouse audit report (received in early 1991) before making the refund to the Endowment. The remaining amount ($265,563) is just over half of one month's average expenditure of $476,566 for FY90, not an excessive amount of funds to have on hand.

Action: None needed. The Endowment will continue its long-standing procedures to help prevent excessive buildup of cash balances. Every drawdown request requires that the grantee state the amount of cash on hand; the Endowment's review of drawdown requests includes comparison of the expenditures reported through the end of the most recent reporting period with the cash on hand figure. If the drawdown appears to be unwarranted given the amount of expenditures reported, the grantee is asked to explain. There are also instances in which the grantee requests funds that exceed the cash flow projection; the Endowment carefully considers the reasons for such requests and advances additional funds if the need is justified.

Issue 2. Return to interest

The "Review" indicates that FTUI and IRI had not returned interest income on advances of grant funds as promptly as required under OMB Circular A-110. Both FTUI and IRI, in their comments on their individual audit reports, agree that interest could have been returned more promptly. Both have fully refunded the amounts indicated in the draft audit reports, and have implemented procedures to ensure that more timely refunds are made in the future.

Action Taken: Return of interest was an issue also identified by GAO. As indicated in the Endowment's response to the GAO report, steps have already been taken to improve our ability to monitor and enforce the requirement for grantees to return interest earned on advances of grant funds. Each grantee and subrecipient receiving advances must indicate on its verification of separate bank account form, completed before the initial drawdown is paid, whether funds will be held in an interest-bearing account. Each periodic financial report then asks the grantee to indicate how much interest was earned during the reporting period.

BUDGET LIMITATIONS

The "Review" states that "NED did not always enforce the budgetary controls included in its core grant agreements..." The "Review" cites a figure of $815,000 by which the National Democratic Institute for International Affairs (NDI), FTUI, and IRI together exceeded individual project budget flexibility limits without the required prior Endowment approval.

The "Review" quotes this combined figure without providing contextual information that demonstrates that both the incidence and dollar amounts are quite low relative to the total numbers of projects and total amount of funding the Endowment awarded to these organizations during the period covered by the audit. For example, the nine projects in which NDI exceeded budget flexibility limits constitute only eight percent of the 112 projects during the period. The amount of $198,974 quoted for NDI as being in excess of project budget flexibility limits is less than 1.8 percent of the $11,313,324 awarded by the Endowment to NDI in fiscal years 1988–1990. Nor does the "Review" explain that while costs for a few of the core grantee projects exceeded the budgets, these excess costs were in every case offset by savings in other projects within the same grant. Not a single penny of additional public funds was needed beyond the amounts already obligated by the Endowment to the core grantee as a result of this compliance issue.

A figure of $1.9 million is quoted in the "Review" as the aggregate amount by which NDI, FTUI, and IRI exceeded line item flexibility limits (within projects budgets), for which they were to have provided notification to the Endowment within 60 days after making the adjustment. Again, the combined total for the three organizations is cited without reference to the total dollars audited or total number of line items involved in the dozens of projects during the period. In the absence of an explanation that no additional funds were required as a result of this compliance issue, an erroneous impression is created that public funds were being misspent. In each and every case, costs in excess of the projected amounts in each line item were offset by savings in other budget line items. NDI exceeded line item flexibility limits on 17 out of 698 line items, or two percent of the total line items, in the grants reviewed by the auditors. The dollar amount, $457,336, is four percent of the total amount of $11,313,324 awarded by the Endowment to NDI during 1988–1990.

The individual audit reports on NDI, FTUI, and IRI each recommend that the Endowment (1) more effectively monitor core grantee compliance with the guidelines for budget flexibility, (2) cease to allow after-the-fact reprogramming if prior approval was not obtained, and (3) modify project and line item flexibility limits to require prior approval for both.

Action Taken: (1) The Endowment has always reviewed and monitored core grantee expenditures reports, comparing amounts budgeted for line items and projects with expenditures reported. Where problems are noted, follow-up letters are sent requesting additional information. The Endowment has increased its capacity for financial monitoring of core grantees by adding a grants administrator to the Finance/Grants staff to exclusively handle administration and monitoring of awards to core grantees.

(2) Given the nature of the Endowment's work, there are often circumstances beyond the control of the grantee that affect the costs of a project, and in some instances, whether the approved project can be completed at all. The Endowment recognizes the need to provide its core grantees with some flexibility to manage their programs, and will continue to allow after-the-fact reprogramming when its is warranted.

(3) In 1992 the Endowment adjusted its previous budget flexibility limits for core grantees; in addition, core grantees now must obtain prior approval when they anticipate exceeding the line item as well as the project budget flexibility limits.

ADMINISTRATIVE COSTS

The "Review" states that "NED's grant agreements with three core grantees (IRI, NDI, and FTUI) did not provide for the allocation of certain program salaries and benefits and administrative costs to programs other than USIA-funded NED grants in Fiscal Years 1988, 1989, and 1990 as required by OMB Circular A–122." A total of $2,765,994 is shown as "overallocated to USIA" and "underallocated" to other sources, including (1) Endowment grants to core grantees for which funds were awarded to the Endowment from the U.S. Agency for International Development (AID), (2) direct grants between AID and the core grantees, and (3) the core grantees' non-Federal funds.

Neither the "Review" nor the individual audit reports explain that costs questioned for this reason did not result in any overexpenditure of public funds under any Endowment or AID grant; this is an issue of the types of costs (programmatic versus administrative) that have been supported from the Endowment's annual appropriation versus the types of costs that have been supported by other sponsors.

There are two principal reasons why the budgets in the Endowment grants for the period audited did not provide for a different allocation of administrative costs:

"Several of the Endowment grants awarded by AID during 1987–1990 were for specially earmarked funds appropriated by Congress for Poland, Chile, and Nicaragua, for which the legislative history showed that the intent of Congress was to maximize the amount of money provided to the designated end user and minimize the amount used for administrative costs by intermediary organizations.

"The Endowment was already funding (from its annual appropriation), on a direct cost basis, a basic administrative capacity at each of its core grantees, and the additional work associated with handling the special appropriations or funds awarded directly by AID did not require an increase in that capacity. Inclusion of additional administrative funds in other Endowment grants awarded to the core grantees would have been duplicative, wasteful, and a misuse of public funds appropriated for other specific purposes."

During this period only two core grantees received funds directly from AID, and these were for infrequent, short-term activities that were completely compatible with Endowment objectives and might have been funded by the Endowment were it not for the stringencies imposed by the level of its annual appropriation. The core grantees were consistently allocating costs using a direct method that followed the budgets in the various award documents from the Endowment and AID. All core grantee activities were supporting program objectives within the Endowment's six purposes.

The auditors' after-the-fact computations of indirect cost rates (which are the basis for the amounts quoted as "overallocated" and "underallocated" for these prior periods) appear to be based on total administrative costs incurred in each of the three years divided by total expenditures. The category labelled "administrative costs" by the auditors includes some costs which, under an indirect allocation scheme, would be considered direct costs. The indirect cost rates calculated by the auditors therefore do not accurately reflect what the indirect cost rate would have been if it had been properly developed and negotiated. Further, the indirect cost rates calculated by the auditors do not take into account the fact that the high-dollar value 1990 Nicaragua activity consisted largely of support grants to three Nicaraguan subrecipients and contained funds to cover all associated incremental administrative costs, thus further distorting the imputed rates for NDI and IRI in 1990.

Incremental administrative costs associated with core grantee programs supported by NDI and IRI's non-Federal funds during the audit period were paid from those non-Federal funds. (FTUI's non-Federal funds consist only of a small representational allowance provided by the AFL–CIO.)

During 1990, when substantial funding became available to the Endowment through AID for work in Eastern Europe, the Endowment encouraged core grantees to budget for the needed incremental administrative costs associated with the implementation of those Endowment programs and others that they were negotiating directly with AID. Beginning in 1991, in order to ensure that its annual appropriation was not being unreasonably used to support substantial administrative costs associated with programs funded by other agencies, the Endowment, in considering each core grantee's administrative cost budget for the year, asked core grantees to provide information about the grantee's non-Endowment programs, including the amount of administrative cost support contained in each.

Action Taken: Since 1991 the core grantees have obtained increased levels of funding from AID on a direct basis, a pattern that will likely be followed in the future. The core grantees submitted indirect cost rate proposals immediately following the August 1992 designation of USIA as their cognizant agency for rate negotiation. Provisional rates have been established for three of the core grantees. Although the fourth grantee's rate proposal was submitted in September 1992, as of June 1993, USIA has not issued a rate agreement.

TRAVEL, PER DIEM AND ENTERTAINMENT CHARGES

The "Review's" discussion of these issues creates the impression that the Endowment's grantees routinely use first-class airfare and charge unallowable alcoholic beverage and entertainment cost to Endowment grants. In fact, the $29,878 questioned for these reasons total less than four-hundredths of one percent of the Endowment's total federal awards in 1988–1990.

Issue 1. First-class airfare

Only one of the ten individual audit reports cites any instances where grantees used first-class air service, yet the "Review" states "NED's core grantees have claimed

. . ." thus, attempting to give the appearance of a widespread problem based on a very limited incidence (only $23,278 was questioned for this reason). In several of the cases initially questioned by the auditors, IRI's explanations that several of the first-class fares fell under allowable security and medical exceptions were accepted and the amount of costs questioned for this reason was reduced in the final report on IRI.

Action Taken: The Endowment Grants Officer has disallowed $12,662 in unallowable first-class fares in resolving the IRI audit recommendations.

Issue 2. Business class airfare

The individual audit report on IRI questioned about $205,000 of business class airfare (in excess of economy airfare) as unreasonable (although allowable) under Endowment grants. The class-of-service standard set by the USIA/Endowment grant agreement, OMB Circular A–122, and the Endowment agreements with all grantees during the period covered by the audit is "less-than-first-class." In 1992, based on the fact that the federal government has revised both the Federal Travel Regulations and OMB Circulars that govern allowability of costs incurred by other types of organizations (although OMB Circular A–122 governing non-profit organizations continues to allow "less-than-first-class"), the Endowment has restricted use of business class under grants to trips in excess of 14 hours or that meet other specified exception criteria.

Action Taken: The Endowment has established a more restrictive policy for use of business class service, as described above. In resolving the IRI audit recommendations, the Endowment Grants Officer disallowed of $8,014 in unreasonable business class airfare.

Issue 3. Alcoholic beverages and entertainment costs

The Endowment and all grantees are aware that these types of costs are not allowable. A very limited amount of costs ($6,600) were mistakenly charged to Endowment grants for such expenses, and grantees have indicated that they will reimburse amounts as discussed in their comment documents.

Action Taken: The grantees have acknowledged that such costs were improper and will repay the amounts, which were all disallowed by the Endowment Grants Officer.

ACCOUNTABILITY FOR NON-EXPENDABLE PROPERTY

The "Review" states that "NED's grantees have not established proper controls over non-expendable property purchased with federal funds . . ."

According to the individual audit reports, some Endowment grantees do not have adequate property management systems. In most cases, however, we feel that the draft individual audit reports overstate the extent of the problem. For example, although the Center for International Private Enterprise's (CIPE) inventory list was missing only a few serial numbers which were subsequently obtained, the individual audit report considers this to be an "internal control reportable condition," which is defined as "a significant deficiency in the design or operation of the internal control structure that, in the auditor's judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statements." It seems unlikely that the lack of a few serial numbers could materially affect the organization's financial statements.

In their attempts to comply with grant terms and conditions, grantees generally devoted more time and resources to other compliance issues, and did not give adequate emphasis to the property management requirements.

Action Taken: All grantees to whom the property management finding applies have commented that they will take steps to improve their property management systems (individual target dates have been established where appropriate). Better enforcement by the Endowment, and compliance by grantees and subrecipients will generally require that additional staff time and resources be devoted to obtaining, maintaining, and cross-checking lists of equipment and other non-expendable property, and conducting physical inventories.

VERIFICATION OF SUBRECIPIENTS' CLAIMED COSTS

One of the major recommendations in the March 1991 GAO report was that the Endowment needed to improve its audit coverage, particularly for costs incurred by foreign subrecipients. Since the OIG audit covered the same time period as the GAO audit, the OIG is also making the same recommendation. The Endowment's July 1991 response to the GAO report describes plans to improve audit coverage, including implementation of OMB Circular A–133, which became effective for the Endowment in 1991 (after the period covered by the OIG audit).

Action Taken: The Endowment has implemented OMB Circular A–133 audit requirements by incorporating them into every grant agreement and subagreement. The Internal Audit staff obtains and reviews the required audit reports; the Grants Officer handles resolution of audit findings.

Action Planned: Because of the high cost of conducting audits in accordance with OMB Circular A–133 requirements (see discussion in the next paragraphs), during FY1994 the Endowment plans to develop and present for approval an audit policy and strategy based on OMB Circular A–133 that would suggest alternate, more cost effective means of verifying grantee costs.

As noted in the Endowment's response to GAO, one effect of conducting audits in compliance with OMB Circular A–133 has been to dramatically increase the amount of staff effort, and therefore the administrative costs, needed to identify audit firms, obtain bids, engage auditors, review their reports, and resolve the audits. The Circular requires that each grantee and subrecipient that receives more than $25,000 in federal funds in a year is required to have an audit. (The Endowment's previous policy was to require an audit of grants over $50,000.) In 1992, under the Endowment's discretionary program, about $6.54 million was awarded from the annual appropriation in 143 grants averaging about $46,000. Since recent experience shows that independent auditors fees are about $3,000–5,000 per audit, and grants involving a primary grantee and a subrecipient (about two-thirds of the discretionary portfolio) will require two audits, the annual cost for audit fees for the discretionary program alone could be over $1,000,000.

The above figure does not include the cost of additional Endowment staff time to select, contract, review, and resolve audits, nor the cost of the Endowment's own annual A–133 audit. Likewise, it excludes similar costs associated with core grantee audits of their subrecipients and their annual A–133 audits. Such high costs suggest serious policy questions (raised by members of the Foreign Affairs Committee during the hearings on NED's 1992 authorization) regarding the cost effectiveness of conducting these audits compared to the value of disallowed costs that might be identified and recovered.

In addition to the above discussion of the actions taken and planned by the Endowment to improve verification of grantee expenditures, we would also like to comment on the examples shown in the "Review," which often neglected to describe the context in which some of the activities involving closed societies in Eastern Europe were conducted or the alternate verification measures that GAO evaluators told us they found acceptable given the circumstances.

Section I: Desk Reviews

The individual audit report on FTUI and the "Review" both state that FTUI accepted supporting documentation in French even though its staff lacked the language skills to review the documentation properly. In the example discussed, involving $306,226 of equipment purchased for Bulgaria and Romania, the auditors overlooked a report prepared in English by the purchasing agent that detailed each item, the cost in both foreign currency and U.S. dollars, and other supporting information, in addition to the actual purchase invoices. FTUI's comments on its audit report show that FTUI did have staff with appropriate language capabilities.

The FTUI audit report and the "Review" also state that FTUI accepted subrecipient claimed costs totaling $1.8 million even though the expense reports and the accountants' reports did not disclose or verify how the grant funds were spent. Neither the audit report nor the "Review" explain that this finding relates to the two special congressional appropriations of $1,000,000 each in support of the Polish trade union Solidarity during 1988 and 1989, for which GAO had found reporting and verification procedures admirable given the circumstances in which the activities occurred, as further described below.

In mid-1990 a team from GAO, during its review of the Endowment conducted fieldwork at the Solidarity Coordinating Office in Brussels, Solidarity Headquarters in Gdansk, and at Solidarity's regional office in Warsaw (one of 14 regional offices in Poland). In briefings with Endowment staff on the results of GAO fieldwork, the GAO Evaluator-in-Charge praised the high level of accountability exhibited by Solidarity under the most difficult of circumstances. He described the system that had been used to provide equipment and funds to Solidarity in Poland during the underground period as follows:

FTUI sent Grant funds to the Solidarity Coordinating Office in Brussels. The Solidarity Coordinating Office used some of these funds to purchase equipment and supplies which were then smuggled into Poland. Funds were also taken to Poland via couriers who usually carried no more than $5,000 per trip. The courier obtained a receipt from the Solidarity official acknowledging receipt of the funds, which he carried back to Brussels and gave to a trusted official at the International Confederation of Free Trade Unions (ICFTU). This was done in order to provide confirmation of the transfer of funds by an independent source other than the Solidarity Coordinating Office. After ICFTU verified the acknowledgement receipts against the amounts sent to Poland by the Coordinating Office, the receipts were destroyed to reduce the risk of compromising the individuals who were involved in the transfers. Each year the ICFTU officials prepared a certification for the Coordinating Office attesting that all funds transferred to Poland had been received. The GAO evaluators saw copies of these certifications.

The cash taken to Poland as described above was used for expenditures made by Solidarity headquarters in Gdansk and for expenses at each of the 14 Solidarity regional offices. GAO evaluators were told that each regional office provided periodic reports to headquarters in Gdansk, but did not send the supporting documentation, which was maintained at the regional offices.

The regional offices submitted expenditure reports to the headquarters in Gdansk, and Gdansk in turn forwarded the reports to the Coordinating Office in Brussels, which reported to FTUI. According to GAO evaluators, Solidarity officials told them that during the martial law period the Solidarity national Committee and regional audit committees verified expenditures that were being reported to the headquarters office in Gdansk. Following this verification process, the supporting documentation was destroyed, again, to reduce the risk that individuals whose names appeared on the documents might be put in jeopardy.

At the time of the GAO visit in mid-1990, supporting documentation for the October-December 1989 period for the Warsaw regional office expenditures had not been destroyed, and the GAO team was able to verify that there were no discrepancies between the expenditure report submitted to the Gdansk headquarters and the supporting documentation for that period. Similarly, at the Gdansk headquarters, the GAO team was able to verify that the expenditures incurred by headquarters during the July-September 1989 period matched the supporting documentation which was still on hand. The GAO was unable to visit all 14 regional offices, but their reviews in the Warsaw regional office and Gdansk headquarters revealed no problems at those sites during the periods tested.

In addition, the GAO team traced expenditures reported to supporting documentation for the Coordination Office in Brussels (for costs incurred there) for the July-September 1989 period. The GAO found that all expenditures claimed were supported by receipts, and the team told us that the accounting records maintained by the Brussels office were the best that they had encountered during their fieldwork.

Although supporting documentation for expenditures made with cash sent to Poland during the martial law and early transition periods was destroyed to reduce the risk to the individuals involved, the acknowledgement, documentation, and internal Solidarity reporting and audit procedures reviewed by GAO provided reasonable standards of accountability and assurance that expenditures were being adequately reported to FTUI given the circumstances at the time.

Similar conditions during the underground period covered by this audit affected the ability of both the Polish American Congress Charitable Foundation (PACCF) and IDEE, and to some extent Freedom House, to obtain and verify subrecipient supporting documentation. In these cases, alternative means of verifying that funds reached intended recipients and that programmatic activities were conducted were used. Acknowledgement methods include coded references in underground publications. Examples of such acknowledgements are found in PACCF's comments, which were printed in OIG Audit Report A-92-19. Verification was often through provision by the subrecipients of copies of materials produced with grant funding—i.e. the actual work products. Further discussion of the means used by each of the grantees is found in their individual comment documents.

The "Review" implies that the U.S. grantees should have accepted only original supporting documentation from their subrecipients. As described above, it was impossible during the underground period for many subrecipients to keep, much less send out, their original supporting documentation. Further, the Endowment does not require that subrecipients submit their original documentation to U.S. grantees. In many countries, local tax and audit laws require that organizations keep their original supporting documentation. As quoted in the "Review," the Endowment does require that information submitted by subrecipients be verified. In instances such as those described above it was necessary to use alternative verification means.

Section II: On-Site Financial Reviews

Some grantees used on-site financial reviews as part of their verification process for costs incurred by foreign subrecipients. Since Endowment grantees are also expected to monitor the programmatic progress and achievements of their subrecipients, core grantees will typically send a program officer (rather than a member of the financial staff) to visit the subrecipient. While program officers cannot be considered auditors, it is our experience that they can be trained to recognize potential financial or compliance problems through a review of the records and discussions with the subrecipient staff. This is a more cost-effective way to accomplish both types of monitoring, since it is less likely that a financial staff member would be able to recognize potential problems with the program.

As a part of the visit, the program officer may review the supporting documentation and accounting records for the project. Further, many times their insight into the personalities of the people implementing the program, and their ability to interview and question when they believe that something may be amiss with the project, will be more important to uncovering potential problems than auditing skills. If the program officer suspects that their may be financial problems with the project, the next step would usually be to send a financial staff member, or to arrange for an independent audit of the records.

Section III: Audits by Independent Accounting Firms

The "Review" states that CIPE was the only grantee sampled which relied primarily on audits by independent accounting firms to verify subrecipient claimed costs. This statement recognizes that all grantees that were audited by the OIG relied on independent audit, although some did so to a greater extent than others. IDEE and PACCF, for example, arranged for independent audit of subrecipient costs in instances where the Endowment did not waive the audit requirement. Freedom House and the Joint Center for Political and Economic Studies (JCPES) included awards to subrecipients in their organization-wide annual audits conducted in compliance with OMB Circular A-110, as did the other core grantees. As explained in the "Review," CIPE has now completed most of the audits that had not been finalized at the time of the OIG audit and taken steps to maintain the integrity of its audit plan.

CHAPTER 3—SOLICITATION OF PRIVATE CONTRIBUTIONS

Recommendation No. 2: "We recommend that NED's Board of Directors require NED to establish guidelines for maximizing the solicitation of private funding as encouraged by Public Law 102-138."

Endowment Response and Action Taken: In April 1993, the Endowment's Board of Directors approved guidelines responsive to the "sense of the Congress" resolution on private contributions, as encouraged in P.L. 102-138.

The relevant section of Public Law 102-138 reads: "It is the sense of the Congress that the National Endowment for Democracy should make every effort to solicit private contributions to realize the purposes of the Endowment as set forth in section 502(b) of the National Endowment for Democracy Act."

Although the language of the resolution might be interpreted as endorsing general fundraising which would increase the amount of funds available for NED to make grants, the questioning by Senator Brown at the authorization hearing which led to passage of the sense of the Congress resolution (part of which is quoted in chapter three of the "Review") strongly suggests that it was specific project-related fundraising which he had in mind. The following comment is illustrative:

"One of the things that I think is important here that is a good measurement is whether or not this has been used as seed corn to draw money from the private sector, where the projects that have been done are so good that others have been willing to put up their money to match this." (Transcript of Hearings before the Subcommittee on Terrorism, Narcotics and International Operations, Committee on Foreign Relations, U.S. Senate, March 21, 1991 p.41)

Given the intent of Senator Brown in proposing the resolution, the clear prohibition against using government funds to conduct fundraising campaigns,[1] and the virtual impossibility of foundations such as NED raising funds for general purposes from other foundations (which understandably prefer to target their contributions to grantees of their choosing), it can be assumed that the funds Congress wants the Endowment to help solicit are for specific projects NED is funding.

It has been a long-standing policy of the Endowment to encourage its grantees to seek additional funds to complement NED-funded projects. This was set forth in the Statement of Principles and Objectives drawn up in 1984 and reaffirmed in the Strategy Document approved by the Board of Directors in January 1992. ("In all circumstances, the Endowment will continue to encourage efforts by its grantees to seek other sources of funding, and where possible will assist in those efforts.")

A good example of an organization whose support from NED has reflected a smaller and smaller percentage of its total support is Conciencia, the enormously successful women's civic organization in Argentina, which has served as a model for similar women's groups throughout Latin America. In its early days, NED support was vital in keeping the organization alive. Still, it was encouraged by the Endowment to seek other sources of support, and by 1991 the NED award reflected only 57 percent of its total operating funds, with the balance provided by other donors. Furthermore, as a result of sizeable in-kind contributions from individuals and organizations within Argentina,

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[1] Attachment B, paragraph 19b of OMB circular A-122, which governs allowability of costs for nonprofit organizations (including the Endowment and its grantees), reads: "Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions are unallowable."

NED funding in 1991 represented only 22 percent of Conciencia's total budget.

As a result of the good relationships NED has developed in the foundation community, it has had some success in persuading donors to support many of its grantees. Additionally, private groups in the U.S. administering grants to groups have helped raise additional funding for projects supported by the Endowment. A good example is the broadcast equipment project funded through Northeastern University, (discussed in Chapter 5 of the OIG "Review"). The total grant (with AID funds) was $173,200, and the grantee, Northeastern University, contributed an additional $100,000 to the project. It is also worth pointing out that many U.S. grantees, by agreeing to administer their NED grants at no cost or at a small percentage of the total actual administrative cost, provide their own significant in-kind contributions.

The "Review's" discussion of the private contributions received by the core grantees focuses entirely on cash contributions. Overlooked are important in-kind services contributed by experienced party, business, and trade union leaders from around the world who frequently are called upon to conduct training seminars with no compensation beyond those travel expenses allowed by government regulations. Such free services by expert democratic leaders, many of whom have been actively engaged in democratic transitions in their own countries, have enabled the core grantees to keep the costs of key projects to a fraction of what they would have been if consulting fees were paid. (NDI estimates the cost of paying its volunteer trainers a standard daily consulting fee during a one-year period from 1991–92 at $800,000. IRI estimates that similar in-kind contributions for the period of the audit total over $600,000.)

Moreover, through the identification of program co-sponsors, NDI and IRI raise additional private contributions. As an example, in January 1991, NDI proposed to organize a series of three regional programs to strengthen political parties throughout Eastern and Central Europe. For this program, NDI originally requested $378,450 from the Endowment. To date, NDI has utilized only $88,500 of these Endowment funds and has implemented three regional party-building programs, as well as two follow-on programs. This successful project has been possible because, in addition to $250,000 received from AID for this effort, the NDI program received support from the European Studies Center in Stirin, Czechoslovakia, the Dettmeyer Foundation of the Netherlands and two of the European Parliament's party groupings (affiliated with the Christian Democratic and Social Democratic parties). Their contributions included per diem and airfare costs for participants and trainers, as well as the costs of renting conference facilities.

Together, the contributions of these organizations totalled about $105,000. Furthermore, the Dettmeyer Foundation and the Christian Democratic party grouping of the European Parliament have organized follow-on seminars in which they have assumed the bulk of the costs ($50,000–$60,000). NDI's contribution has been $10,000–$15,000 for the airfare and per diem of Eastern European participants. NDI also received in-kind contributions totalling $48,750 in the form of time volunteered by 39 trainers for five days each.

In addition to these in-kind contributions to the core grantees in the form of free consulting services, the Endowment holds ongoing consultations with the leading experts—academics as well as practitioners—to help assess both specific discretionary project proposals and the overall direction of the program. Their compensation has been the satisfaction that they are contributing to a worthwhile cause.

CHAPTER 4—USIA'S FINANCIAL OVERSIGHT

Recommendation No. 3: (Directed at USIA) "We recommend that the Associate Director of the Bureau of Management in conjunction with the Bureau of Policy and Programs and the Office of Inspector General determine which organization will have financial oversight responsibilities over NED, and if appropriate, redelegate M Bureau's current authority and spell out precisely what the financial oversight role entails."

Endowment Response: None required. Comments below offered from Endowment perspective on this issue.

The "Review" asserts that USIA "has not fully implemented its financial oversight responsibilities under the Act to ensure that grant funds awarded to NED are used for authorized purposes." It places this oversight authority in the hands of USIA's Bureau of Policy and Programs (P Bureau).

The Endowment does have a cooperative relationship with the P Bureau, which has served as the point of contact within USIA for sharing information about NED's programs. Similarly, the Endowment consults informally with USIA's Freedom of Information Coordinator on matters related to implementation of FOIA; with its Office of Comptroller with respect to the annual budget submissions to OMB and the Congress; and with USIS posts abroad in sharing information concerning current or prospective grants. But in each of these instances, the relationship is informal and voluntary (the only exception being a requirement in NED's FOIA regulations for USIA to review all NED denials of FOIA requests). A more official relationship exists with the Office of Contracts in the "M Bureau," the unit officially designated within USIA for issuance and administration of the annual grant of the Endowment's congressional appropriation.

The Endowment welcomes the constructive consultative relationships it has developed within USIA and looks forward to continuing them. But it needs to be emphasized that any oversight role beyond the financial one found in the authorizing legislation would call into question the very independence which the Congress has mandated. Indeed, in his 1985 decision affirming the financial oversight role of USIA (quoted in the "Review"), the Comptroller General specifically rejected the notion that NED was subject to additional oversight:

"We agree, and conclude that USIA, as administrator of grant assistance to the Endowment, has a duty to ensure the Endowment's compliance with such requirements through the exercise of appropriate financial controls. However, USIA may not, in its exercise of financial control over the Endowment, impose restrictions not specifically intended to fulfill the purposes specified in the authorizing legislation, or that are not otherwise separately applicable by statute. [Decision of the Comptroller General of the United States], File B–203681, June 6, 1985, p.8.

Since the agency's oversight role with respect to the Endowment is a financial one, it seems most appropriate, from the Endowment's perspective, that it be the responsibility of the M Bureau (as currently delegated) and the OIG (through the audit function). The Endowment will continue to conduct informal programmatic consultations with USIA Washington and field offices, and provide P Bureau with project descriptions of proposals being presented to the NED Board, as well as copies of signed grant agreements.

CHAPTER 5—NED'S GRANT APPROVAL PROCESS

The "Review" contends that two NED-approved projects were not adequately assessed by NED's Board to determine whether they could achieve their intended objectives. Evidently, the OIG believes these were unsuccessful projects and indicative of inadequate NED procedures. We disagree, and believe this can be demonstrated by providing the background that led to these grant decisions.

Issue 1. The Press for Romania Libera

The "Review" leaves the impression that the 1990 grant to the independent Romanian newspaper Romania Libera for the press was rushed through because of an artificial "sense of urgency" generated by Romania Libra's agent in the U.S. and by a letter from six U.S. Senators urging NED support for the newspaper. In fact, the sense of urgency was shared by all parties involved in making the grant—not only NED and Freedom House (the U.S. grantee), but also the U.S. Embassy in Bucharest, USIA, the State Department, and AID. (The "Review" also fails to point out that this grant was awarded with funds originating in AID, not through NED's annual appropriation, and so involved all of these parties in the decision.) In the first months of 1990, with Romania in the midst of a revolutionary crisis, all were keenly aware that assistance to independent media was urgently needed if the rapidly approaching May elections were to be free and fair. The sense of urgency was felt even more strongly after the June events when the Jiu Valley miners rampaged through Bucharest, ransacking among other places the offices of Romania Libera. (None of this can be gleaned from the "Review," which gives the impression that the situation in Romania was normal and predictable.

Assistance to the print media in Romania meant helping Romania Libera, the most important democratic paper, whose editor Petre Mihai Bacanu was the outstanding independent journalist in the country and a leading critic of the government dominated by ex-communists. Since the government controlled all the presses, the first priority was to give Romania Libera an independent printing capability. No one underestimated the difficulty involved: this was the first independent print media project in Romania to be built from the ground up. Moreover, while it was understood at the time that a state-of-the-art offset press would cost $1.5 million, it was decided in March, 1990 by the State Department's coordinator for East European assistance that only $350,000 of the initial $10 million of urgently appropriated Panama Act funds could be spared for the purchase of the press.[2] The most that could be done within available resources, therefore, was to help Romania Libera take the first steps toward developing an independent publishing capability. The alternative was to do nothing at all.

It was on this basis that Bacanu and other staff on the paper travelled to Germany, Belgium and Holland in the spring, finally locating a press for $350,000 in Nijmegen, Holland. The press was small enough to fit into a building that Bacanu had leased from the government, and its design would allow a peripheral printing group to be attached to it to increase output. It was understood that the peripherals would be purchased at a later date with funds raised elsewhere.

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[2] According to Bacanu's agent in the U.S., a technical staffer at the American Newspaper and Publishers Association subsequently estimated that the cost of new printing equipment to publish daily more than 1.5 million copies of Romania Libera would be $6–9 million.

Bacanu was in Holland in June when the miners attacked Romania Libera's editorial offices, beat some of the staff, and threatened Bacanu personally. He immediately left for the United States to galvanize support for the beleaguered newspaper. One result of his efforts was the letter from the six Senators urging the Department of State and the NED "to do all they can to help Romania Libera acquire its own printing facilities, and through all possible means."

The grant was thus made in a situation of great turmoil and urgency, complicated by the Romanian Government's refusal to honor earlier pledges to cooperate with U.S. initiatives to support democracy. However, no one in the State Department or the Embassy or, for that matter in the NED, argued that the Romania Libera project or any others should be canceled or indefinitely postponed.

To be sure, the paper faced an uphill battle. The government promulgated a decree that not only disallowed the lease earlier granted to Romania Libera, but effectively shut the paper out of the real estate market in Bucharest. This also delayed delivery of the press because there was no place for storage or set-up. But Bacanu persevered and was successful in obtaining a lease to build a plant to house the press in an industrial area beyond the outskirts of Bucharest.

The International Media Fund (IMF) became involved in the project after construction of the facility had already begun. The entire Nijmegan press had arrived in Bucharest (with the help of a $120,000 grant/loan from the Soros Foundation) and was housed in a metal garage near the construction site. The unpackaging and cleaning of the press has been started. Given government interference and the legal, economic and political environment, this project could not be described as a "mess" (the term of an unnamed IMF official quoted in the "Review"). Great progress had been made against difficult odds, and the IMF was simply entering the picture mid-stream.

The report of the consultant the IMF sent to assess the remaining needs does not suggest a failed or ill-advised initiative. He wrote:

"They have obtained, in one way or another, four presses—two from Switzerland and two from Holland. From these I think we can put together two pretty good presses * * *.

"In a few years, when the first two presses are running well, and Romania Libera is doing well, and newsprint and funding are available, I know that Mr. Bacanu will want to make a third press out of what's left. This third press will be used to help the other independent newspapers. . . .

"Incidentally, the garage is complete—a nice job—and it will be used as the shop for refurbishing and staging the presses, platemaking and auxiliary equipment just prior to installation."

After recommending additional assistance totaling $878,000, the consultant noted: "That doesn't seem like very much to help save a newspaper save a country."

In May 1993, the printing facility became operational with a print run of 200,000 copies. It is the first independent printing facility in Romania.

The "Review" is critical of NED for not conducting a "technical survey" to determine "the feasibility and cost effectiveness of the project." With the benefit of hindsight, it might be agreed that we and the others involved in planning the project did not foresee all the obstacles that the authoritarian government of Romania would create to obstruct the project. But it is simply not the case, as our summary of the events surrounding adoption and implementation of the project makes clear, that the project's feasibility was not thoroughly explored. Indeed, given the level of resources available (determined by the Administration, since these were AID funds), this was the appropriate vehicle to carry out the objective of establishing an independent printing facility in Romania.

The OIG's criticism of the Endowment's providing partial support for Romania Libera, without knowing for certain of the availability of supplementary funding, appears to be inconsistent with its earlier recommendation that the Endowment maximize solicitation of private funding. By enabling the Romania Libera project to get started (being fully aware from the outset that much additional funding and technical expertise was going to be needed), the Endowment created an incentive for the paper to seek other support, and for potential donors to respond positively. Indeed, the Romania Libera press project is an excellent example of the successful leveraging of limited NED resources.

Issue 2. The radio broadcasting stations in Romania

The other grant singled out for criticism in the "Review" is another project to provide equipment to independent media in Romania—in this case $42,500 out of a $173,200 grant to Northeastern University to enable student organizations to establish radio stations. As noted in the "Review," this was less than a quarter of a larger grant which also enabled the Group for Social Dialogue (GSD) to establish an independent television studio, which was established in time for the GSD to film the regime-instigated attack by the miners in June 1990. The tapes were shown around the country and have been credited with discouraging the subsequent use of such violence against the democratic movement.

The Northeastern grant was one of many the Endowment made in Romania with AID funds during the critical pre-election period. The radio portion of the grant actually represented just three-tenths of one percent of the FY 1990 SEED funds which the Endowment managed throughout Eastern Europe, in coordination with U.S. embassies, AID, the State Department, USIA and the various U.S. grantees. These grants, in turn, were but a relatively modest part of the overall Endowment program during the three years covered by the OIG audit. Presumably the OIG believes the Northeastern grant has a general significance which warrants highlighting it in the "Review." Yet like the Romania Libera grant, it was atypical, involved AID funds and, therefore, the relevant agencies of the U.S. Government, and came at a time when the Endowment was asked to serve as the vehicle for the delivery of urgent assistance in a revolutionary period. And again like the Romania Libera project, it was an appropriate grant made in a particular political context which the "Review" doesn't discuss; it involved no misuse of funds, only a delay caused by the difficult circumstances; and it is now well on its way to completion (in this case with assistance from a private donor).

The political and cultural affairs officers at the U.S. Embassy in Bucharest played a particularly important role in the development of the radio project. They were struck by the success of a French-funded student radio station in Bucharest and believed that radio represented the only inexpensive alternative to television, which was controlled by the state and was very costly. The Embassy officers communicated to Washington their insistence that student radios in the provinces be funded and were instrumental in establishing the contacts between Northeastern's representatives (whom they regarded as excellent organizers) and the student activists.

Cluj, Iasi and Brasov were selected as sites because they are big university towns and provincial centers. Universities were targeted because they were seen as permanent Romanian institutions in a revolutionary period, and because of the political importance of the student movement.

Since the funds granted to Northeastern were insufficient to complete the stations (as with Romania Libera, the level of funding was determined not by the Endowment alone but in consultation with State and AID), only studio equipment was bought and carried in. The Northeastern representatives promised the student groups that they would return in the near future with the antennae and transmitters to complete the project.

Upon their return to the U.S., Northeastern officials consulted with USIA about getting donated transmitters from the Armed Forces Radio and Television Service, but this couldn't be worked out. They were subsequently directed to the International Media Fund (IMF). But the IMF was involved with independent television (SOTI) in Romania at the time and was reluctant to take on the radio project. After many months of trying, Northeastern was not able to reach an agreement with the IMF and the matter was dropped.

The Endowment is hopeful that the project can be completed in the near future. We have learned that the Open Society Fund/Soros Foundation is interested in funding the completion of the stations in Cluj and Iasi with the help of Internews, an independent media assistance organization based in New York and an Endowment grantee. Soros/Internews is identifying what infrastructure and technical assistance is needed and will work closely with the Endowment in exploring what else will have to be done. Once again, modest NED assistance has been leveraged to bring in other resources.

Action Taken: The "Review" recommends that proposals be assessed by NED's Board of Directors to determine whether they can achieve their intended objectives. This is, of course, sound advice though hardly at odds with current practice. Since the 1991 GAO report, the Endowment requires all grant proposals, prior to approval, to develop objective measures for determining their ultimate success. This guarantees that the appropriate questions will be asked about a given project's feasibility. But does it ensure that all approved projects will not encounter unforeseen obstacles? Of course not. NED frequently funds projects in uncertain, even dangerous environments, and by the very nature of its work, it is impossible to anticipate all the problems a grantee may encounter. We repeat this essential point, since it addresses directly the issue of feasibility, which the OIG continues to emphasize.

Issue 3. Coordination Between NED and AID

The "Review" contends that certain projects would be more thoroughly assessed to determine whether they would duplicate projects funded by AID.

With the development of AID's Democracy Initiative, and with USIA itself increasing its programs in the field of democracy promotion, there is a clear need not only for coordination among NED, AID and USIA but, more importantly, for a clear definition of roles. As we have already indicated, NED is a nongovernmental institution and has a different function from official U.S. Government agencies. This distinction lies at the heart of the Strategy Document approved by the NED Board in January 1992. These differing roles were also accepted by the House Foreign Affairs Committee in the Conference Report to accompany H.R. 2508, the International Cooperation Act of 1991.

In its report, the Committee noted that AID's strength lies in strengthening "the capacity and accountability of governmental institutions"; that USIA's strength lies in the fields of "information, education and culture"; and that "support for the non-governmental institutions of civil society . . . is best left to the National Endowment for Democracy." The Committee further noted that "it would be a great mistake for AID to become involved in directly assisting political parties or groups in a civil society that have explicitly or potentially political missions and that risk coming into conflict with their governments."

The legislation required the President to submit a report on the role and responsibilities of each of these agencies in the promotion of democracy and asked that the report include specific recommendations for improving coordination and delineation of responsibilities among them. Since the legislation was not enacted into law, the Chairman and Ranking Minority Member of the Committee, along with the Chairmen of the Subcommittee on International Operations and the Subcommittee on Asian and Pacific Affairs, in a letter dated April 23, 1992, requested that the GAO undertake to study and report to the Committee on these issues. The request also asked the GAO to compile an inventory, on a geographic basis, of all U.S. Government-funded programs aimed at democratic development.

At the time of the NED President's March 21, 1991, testimony which is noted in the "Review," a discussion was underway among NED, AID and USIA, and a State-prepared draft paper embraced the same functional distinctions that the Foreign Affairs Committee was later to make. The "Review" is misleading in that it quotes the NED President's testimony in the context of noting that NED and AID fund the same labor organizations. In fact, these organizations—the American Institute for Free Labor Development (AIFLD), the African American Labor Center (AALC), and the Asian American Free Labor Institute (AAFLI)—have received AID funding for decades and NED funding since 1984. The NED President's testimony was related to the new issues raised by AID's decision to develop the Democracy Initiative and to sharply increase funding in the area of democratic development.

Moreover, as the labor memo contained in the attached memo makes clear, AIFLD uses NED and AID funds for different purposes—the former for programs related to electoral processes, e.g., voter registration drives and citizen awareness educational campaigns, and the latter for ongoing union-building and education programs. This differentiation is responsive to NED's policy of ensuring that its limited funds are not being used to duplicate in any way programs that do or can receive AID funding.

It should also be noted that NED does coordinate with AID's Office of Democratic Initiatives for Latin America, sharing material and periodically discussing our programs with them. More effective coordination is actually done with individual field missions which have more up-to-date information on activities than can be obtained from the ODI in Washington, which has direct responsibility for regional rather than bi-lateral programs.

At the conclusion of Chapter 5, the OIG encourages NED "to reexamine its procedures for review and approval of grants." The NED Board and staff constantly review the grant approval process to ensure that the Board has all relevant information needed to assess grant proposals. But we emphasize that the assessment process was adhered to in the case of the two grants singled out by the OIG in the "Review." In response to the final remark that "[OIG] will continue to monitor the project approval process in future audits," we can only reiterate our view that such programmatic oversight is inconsistent with the 1985 GAO opinion we cited in commenting on Chapter 4, which makes clear that USIA's oversight role is entirely financial in nature.

AMERICAN INSTITUTE FOR
FREE LABOR DEVELOPMENT,
Washington, DC July 29, 1992.

To: Paul Somogyi.

From: Jesse A. Friedman.

Subject: USIA's Inspector General's "Umbrella" Report.

I have just had a meeting with Kevin Shaver who shared with me the draft USIA's Inspector General's "umbrella" report, in which we specifically focused on the criticism regarding the lack of coordination between AID and NED on several Latin American labor programs.

It is true that in the formative years of NED, there was some confusion regarding which sources could be utilized for various programs. However, AIFLD began to develop a policy with which we have tried to distinguish the use of AID and NED funds. In general terms, we have utilized NED funds for programs surrounding electoral processes, presidential or congressional. These funds have been used for voter registration drives, and citizen awareness educational programs. We have used AID funds to institutionalize the ongoing process of democratization and institution building with, of course, special emphasis on the union's role in this process.

Brazil, Chile, Paraguay, and the Dominican Republic are mentioned by name in the "umbrella" draft report. Following are comments on the programs in each of these countries:

1. BRAZIL

The General Confederation of Workers (CGT) in Brazil, was formed in March of 1986 with a democratic majority and a vociferous communist minority. It was deemed important by the Brazilian leaders of the CGT to win certain key elections in order to consolidate the democratic majority. Thus, we agreed with them to embark upon a program utilizing NED funds to assist them in this effort. We agreed that in order for us to participate with NED funds in any trade union election, four rigid tests had to be met. These tests were:

(a) The election had to be winnable. We were not about to spend money on lost causes;

(b) the election had to be essential. We were more interested in key industrial sectors rather than in small factories;

(c) the election had to be local in nature; that is, it could not cross state lines, and;

(d) we had to have sufficient reason to believe that the extremist elements competing for union office were receiving outside funding. During the formative stages of the CGT, the WFTU and various left wing European unions were spending vast sums of money in the trade union sectors in that country.

This NED funded program was successful, and the democratic elements of the CGT eventually drove the communists and other extremists out of its ranks. Today, there is no need for this kind of electoral program, and NED funding is used for CGT infrastructure costs as the union consolidates and fights to play a major role in Brazil's fragile and evolving democratic structure.

Throughout the period mentioned above, AIFLD used its AID resources to support the traditional program of the Instituto cultural do Trabalho (ICT), which is a labor education program based in Sao Paulo, which also offers regional programs throughout Brazil.

2. CHILE

AIFLD's NED-funded Chilean programs played a vital role in keeping the beleaguered and sometimes battered free trade unions together during the worst period of the Pinochet dictatorship. Most of the NED funds were spent in supporting those groups who vigorously fought for the return of democracy to that country. Specifically, the NED funds were spent to register Chilean workers for the Plebiscite, which was successful, and on the subsequent "get out the vote" Election, from which Patricio Aylwin emerged as President.

During this period, AID funds covered the basic administrative and infrastructure costs of the AIFLD office, and its educational program with the Comando Nacional de Trabajadores (CNT), and the Democratic Conference of Workers (CDT). The two aforementioned groups have since merged, and are part of the Unified Confederation of Workers (CUT).

3. PARAGUAY

In all of the Western Hemisphere, with the possible exception of Cuba and Haiti, there have been no more disenfranchised workers than the Paraguayans, who suffered under a 30-year arduous and corrupt dictatorship. NED funds were used to support a group of courageous young leaders, who during the dictatorship, called themselves the Inter-Union Movement of Workers (MIT). The MIT leaders were frequent inhabitants of the Asuncion jails, and the publicity generated by the NED funded program probably saved them from a much harsher fate. After the fall of the Stroessner dictatorship, they reorganized themselves into a Confederation of Labor (CUT). The leader of this Confederation ran successfully for the Constituent Assembly of Paraguay, whose task was to draft a new democratic constitution for that Country. Because of its peculiar history, a significant effort had to be made on civic education programs on the role of workers and their unions in a democratic society and NED funds were used for this purpose. They were not used to publicize the candidacy of any individual. As the CUT is fighting for its very existence in today's changing but still military-dominated climate, NED funds are being utilized to support the infrastructure of CUT. However, this program is a very modest one. AID funds have been utilized for our ongoing educational program and office expenses. There is no resident AIFLD Director in Paraguay; the country is covered by our Director in Sao Paulo, Brazil.

4. DOMINICAN REPUBLIC

NED funds in the Dominican Republic have been used exclusively to enable the CNTD to publish its own newspaper, to support and promote the tripartite National Dialogue process for the peaceful resolution of national conflicts and to encourage trade union representation in the Free Zone. This NED funded program played a role in the recent approval of labor reforms which included protection for workers in the free zones who wish to join unions. The approval procedure was marked by a final series of meetings between the employers and the workers which was sponsored by a representative of the Catholic Church. This was practically the same procedure developed by the National Dialogue process.

Under the aegis of the new laws and with the support of the NED, the CNTD has become the leader in organizing new free zones unions.

Traditional AID resources are used to help maintain the CNTD, to promote normal organizing activities and to maintain a significant trade union education program.

Paul, I hope the above clarifies some of the criticisms made in the draft "umbrella" report.

If we can be of further assistance, please let us know.

Mr. HOLLINGS. I would hate to have the IG come and report on our offices. We did have a GAO report. They used to go through all the Senators' offices. It took them several months to go through mine. I got off clean. But IG's are going to find certain things. Seriously, we have been cutting back on all the particular boondoggles that they complain of.

Everyone, particularly the author of the motion to table our amendment, is talking about the growth; how do you double and all the percentages and so forth. Those charts are bigger than the budget for National Endowment for Democracy—this democracy corps that I call it.

The truth is that at $18 million when it started it was a boondoggle and they had no place to go except Nassau and the Virgin Islands. Now since the cold war has ended, I count up 25 to 30 new countries or republics to work in who wanted to have them there in their particular republics.

Russia, Ukraine, Kazahkstan—you can go right on down the list of the 14 republics in the former U.S.S.R. They could not even get in to some of them—Romania, Bulgaria, the Czech Republic, the Slovak Republic, Hungary—you can go right on down, and include Serbia. You can just add on Latvia, Lithuania, Estonia—National Endowment for Democracy has worked there.

So we have not a continuation of a sort of entitlement program with a few other citizens to add on, like Medicare or Medicaid. This is not an entitlement program. This is an opportunity program where all of a sudden we have the opportunity and as U.S. Senators we act like we do not know how to handle it. The fact of the matter is this is not an increase in spending. It is a decrease in future spending.

I notice the Senator from North Dakota, who has been a leader on the Special Committee on Hunger and the International Commission on Hunger. I worked in that particular field. What happens is you have 13 billion brain cells, I have 13 billion, 10 billion of the 13 are developed the first 5 months in the mother's womb. There is as much as 20 percent less cellular development when there is a lack of nutrition. The impact of hunger on an infant's development is like taking a TV set, dropping it on the floor and hooking it up again. Hundreds of wires do not join. Likewise, the billions of brain cells in that infant's mind never materialize. It is stultified and arrested at birth. It never develops. This is what we call generalized brain damage.

As a result, then, we went in with an initiative. The distinguished former Vice President, the Senator from Minnesota, Senator Humphrey and myself, sponsored women, infants, and children feeding. And we find that for low birthweight infants, if we provide nutritional supplements for an average for 30 days for 200,000 infants, we can save; so for every dollar in WIC we save money, for every dollar in Head Start we save more, for every dollar spent at NIH, even more.

Looking at the budget for peacekeeping, it is like drinking water out of a fire hydrant. I can tell you, it has gone up from less than $100 million to over a billion and it is going to cost billions more.

What are we doing in the front line of this turmoil that we have in the former Yugoslavia? The National Endowment for Democracy, a little fledgling leadership entity, is supporting the democratic movement there. Formerly, I would call NED a dilettante, palavering, and partying group that has now sobered up and become one of the most useful citizens—it is doing the finest work in the democratic cause that I know of, the world around, in all of these opportunity countries.

Yes, it has gone up from $18 million to $35. I wish it could go up from $18 million to $180 million. I can tell you that right now. We do not have that kind of infrastructure. We do not have that many volunteers from the chamber of commerce, from the AFL-CIO—incidentally they have been criticized. I will categorically say in my experience I have learned, in travel over this world, that there has been none better in the cause of freedom than the labor movement here in the United States. The labor movement has helped organizations like Solidarity in Poland and other countries that have come forward with free societies.

So let this little fledgling movement here prosper and grow and continue to be supported, not going along with that motion to table the committee amendment.

Do I have any time?

The PRESIDING OFFICER. The Senator has 2 minutes and 16 seconds remaining.

Mr. HOLLINGS. I yield that time to the distinguished Senator from Arizona.

Mr. DECONCINI. I appreciate the Senator from South Carolina's dedicated work to this whole bill but particularly standing up for the endowment. I have done a little traveling in my position as the Chairman of the Commission on Security and Cooperation. We have been asked as Members of Congress to monitor elections in every former Soviet Union Republic. I have had the pleasure of visiting seven of them. We have sent staff to all of them.

Who is there on the front line? The Endowment. With the greatest respect I have for the Senator from Arkansas, I really believe for the first time I can stand up on this floor and guarantee that this is a good investment in foreign aid. I made a lot of speeches up here in opposition to foreign aid because I think it is wasted. This, in my mind, is not wasted. I have seen it first hand. I have seen where they have sent committees from different organizations in the United States, including the legal counsel here of the U.S. Senate. And they have helped prepare Constitutions, statutory laws dealing with commerce, with trade, with airways, with a number of commercial ventures.

So this is a hands-on program. The endowment was in Angola when I was in Angola, trying to monitor and help that democratic process. And they did. They had the fairest, freest elections they have ever had. Though they did not turn out the way some of us might have wanted it, it was the endowment that had the credibility there in Angola to see those elections come about.

So I hope the Senate tonight will not follow what I perceive to be a motion to table from the Senator from Arkansas of a very, very credible and proper expenditure of our dollars. It is an investment in the future stability of democracies around the world.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL. Madam President, I want to express my strong support for funding for the National Endowment for Democracy. Many of the speakers we have heard tonight have spoken eloquently on the merits and accomplishments of the NED. I do not want to belabor an already lengthy debate with extensive repetition.

I only want to say that the NED is a cost effective investment in the promotion of democracy. This is a goal I believe all of us can support. The President has made the NED one of the keystones of his foreign policy in this area. I believe we should support the President in his request for funding for the NED.

I would conclude by urging my colleagues to read the attached editorial from the Wall Street Journal. The editorial clearly articulates the valuable

role the NED can play in the promotion of democratic reform and development. I ask unanimous consent that the editorial appear immediately following my remarks in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 26, 1993]

HOUSE HOBBLES DEMOCRACY

The Cold War is over, but obviously we face an unstable world, clearly portending a struggle of ideas and values. Yet the House of Representatives voted to scuttle the National Endowment for Democracy, a federally funded outfit that hands out pencils, fax machines and used computers to exile groups pushing to bring democracy to their embattled homelands. This week we'll find out if the Senate duplicates this preposterous move.

The House professed budget-cutting, saving the lordly sum of around $48 million, or half the funding that goes to the National Endowment for the Humanities (see above). It's also about equivalent to what the U.S. spent on missiles alone when it launched the June 26 strike at Saddam Hussein's intelligence facilities. And the Agency for International Development gets some $6.5 billion a year. A lot for Third-World pork, but nothing for spreading American values.

In the confusing, regionalized years since communism's retreat, NED's projects have proven particularly useful. The endowment helps Iraqi exiles to fight for secular democracy in their home; its funds helped pay for the distribution of thousands of copies of Charter 91, the exiled Iraqis' draft bill of rights, inside Saddam's Iraq. This year the Free Iraq Foundation, an important center for Saddam's opposition abroad, received $90,000 in NED money.

NED funds have also helped Ukrainians seeking to widen political discussion in a nation currently led by the former local chief of ideology; Lebanese interested in working on conflict resolution; independent Vietnamese publishers who produced tons of documents, cassettes and printed material designed to alert information-deprived Vietnamese to the breakdown of socialism in Eastern Europe; and Chinese fighting for democracy in the airless atmosphere following Tiananmen Square.

Writing from his Arizona refuge in support of NED, dissident Fang Lizhi noted that "it would be wonderful if democracy did indeed grow automatically out of economic development, but history gives us, unfortunately, no such guarantees." The publisher of the Vietnamese magazine Que Me noted that through NED funding the periodical made "real headway in bringing a flow of information and democratic ideas which was totally denied in Vietnam." Vytautas Landsbergis, Lithuania's opposition leader, called the democracy endowment's work "crucial." Elena Bonner wrote that cutting NED was "penny wise, pound foolish."

What escapes the endowment's opponents is the miraculous economy of NED-style programs. Had the West spent a few tens of millions producing some effective propaganda for the airwaves around Belgrade during the 1980s, for example, Slobodan Milosevic likely would never have gained his Orwellian stronghold on the minds of Serbian nationals. Radio Free Europe never made it into Tito's Yugoslavia because U.S. lawmakers deemed the nation "relatively democratic."

This week promises to bring some interesting news on the foreign aid front: Joe Biden has threatened to filibuster to save the life of another effective information vehicle, Radio Free Europe. Since Congress knocked NED off its version of the budget legislation in June, the agency has received numerous letters of support. NED also has some White House friends who could be of help: until his recent ascendancy, David Gergen sat on NED's board.

Mr. PRESSLER. Madam President, I rise in strong support of the National Endowment for Democracy. The time honored phrase "look before you leap" has great meaning here. I urge my colleagues, before they vote on this amendment to "think before you cut." Closing the Endowment is not grand fiscal responsibility. It is a great mistake.

Madam President, it is no secret that I am not a big fan of foreign aid. I share the concerns of many of my colleagues about dumping scarce tax dollars on questionable foreign aid programs. We just cannot afford a generous foreign aid program. We should scale down our fiscal commitment to our current foreign policy resources. We should impose tough administrative controls on wasteful assistance programs. We should eliminate useless programs. And we should control the growth of new programs.

Yes, the cold war is over. Communism is dead. The rubble of the Berlin Wall, statues of Lenin and other communist relics are now paperweights sold on street corners from Washington to Warsaw. But this does not mean the fight for democracy is done. It does not mean we should pitch our tents abroad, and retreat to Fortress United States. Now is not the time for foolish isolationism.

One need only read a newspaper or watch the evening news to know that the death of Soviet communism did not bring with it the birth of Soviet democracy. It merely provided the opportunity for the seeds of democracy to take root. Democratization remains a fragile experiment in Russia, South Africa, and countless other African countries. Most important, democracy is nonexistent in Cuba, North Korea, Vietnam, China, Iraq, and virtually everywhere in the Middle East except for Israel.

I agree we need to reevaluate our foreign policy objectives and the programs designed to achieve them. I agree our enormous budget deficit requires us to streamline our foreign policy arsenal so that we can do more with fewer resources.

Madam President, we can achieve both goals and leave in place vital programs like the National Endowment for Democracy. I remind my colleagues that the State Department appropriations in this bill reflect the substantial cuts made by the Foreign Relations Committee in the State Department authorization bill. The full committee legislation cuts more than $500 million from the State Department and the U.S. Information Agency in fiscal year 1994, an 8-percent reduction from the administration's original request. Over 2 years, these savings will approach $1 billion.

I understand the political desire to make even more cuts in State Department programs, but, as I said before, let us think before we cut. Let us think for a moment what the National Endowment for Democracy is, what its goals are, what it has achieved, and what it could achieve.

Madam President, if put in this context, I would think very few would question why we should fund the Endowment. In fact, last month's vote in the House of Representatives vote to kill NED has prompted numerous leaders from across the philosophical spectrum to conduct a congressional sanity check. Jimmy Carter and Ronald Reagan, the Chamber of Commerce and the AFL–CIO, Democrats and Republicans—all are united in their support of the Endowment and in their shock that we would even consider dismantling it. I understand one Member of Congress called this unparalleled unity of support an "unholy alliance." I call it a grand crusade.

The Endowment is not just a good cause, it makes good fiscal sense. If we are to achieve foreign policy goals with fewer resources, we should gear our resources toward a concept known as preventive diplomacy. This concept is designed to prevent the full-scale intervention of U.S. diplomatic and military forces by influencing internal democratic and free market movements within countries. The argument is that such internal influence is infinitely more cost effective that the cost in resources and even lives if an internal foreign conflict requires commitment of greater U.S. personnel and resources.

Preventive diplomacy makes sense, Madam President. It is infinitely more cost-effective and humane to channel our resources to foster the creation of free governments and free markets. Indeed, I continue to believe that the best foreign assistance we can provide to a struggling country is an American with ideas on how to start a company, or organize an opposition newspaper, or stage a political rally, or even recreate a Lincoln-Douglas style debate. That is exactly what the National Endowment for Democracy is designed to do.

With a presence in more than 100 countries, the Endowment has helped last decade's tyrannical nations and captive countries become this decade's new democracies and free markets. Chile, Poland, the independent republics of the former Soviet Union, and many others are democracies today with the help of the Endowment.

We can be proud of who the Endowment has helped, but let us not forget the freedom fighters who would be hurt if the Endowment was forced to close

its doors. Human rights activists and political dissidents in Cuba, Serbia, North Korea, Iraq, China, and other nations in the Caribbean and Africa are counting on the Endowment to provide technical assistance, guidance, and moral support. They are counting on us much like we counted on the French and the Germans during our own struggles more than two centuries ago.

I recognize that the Endowment has been subjected to criticism in its use of funds. A 1991 General Accounting Office report found fault with the Endowment's grant monitoring, oversight procedures, and financial controls. The Endowment has instituted reforms to correct these problems—reforms that resulted in a positive GAO report in 1992. Others have been critical of program duplication with other foreign aid programs. The Endowment's President Carl Gershman told my staff that he is looking into ways to achieve better coordination of democracy-building programs. I agree.

Frankly, it is interesting to see so much interest in the management of a Government agency with a budget of $30 million. I wish equal attention and insistence on better management be directed at the United Nations—a far larger entity, and one whose mismanagement, waste and abuse is beyond question and reproach.

Madam President, cutting spending is good politics these days, but it is also good policy. When we make cuts, it should be in the name of good politics and good policy. There seems to be a perception that closing down the Endowment fits into this category. Think again. Funding the Endowment is a worthwhile, necessary, fiscally responsible measure. I urge my colleagues to vote in the name of good policy and a grand crusade, and oppose the pending amendment.

The PRESIDING OFFICER. The Senator from Arkansas has 10 minutes remaining.

Mr. BUMPERS. Madam President, I want to apologize to Senators for offering this amendment. I have made a horrible mistake, obviously. I never realized until this afternoon and this evening that democracy in the entire world hinges on $35 million for the National Endowment for Democracy. Now what I should have done is wait and move to strike $14 billion in foreign aid, because all these years I have been voting for that thinking maybe that had something to do with creating friends for us and establishing democracy around the world.

I have even supported, Madam President, the U.S. Information Agency at $383 million for democracy and governance activities, because everybody told me that was what democracy around the world hinged on.

I have voted for the Agency for International Development in the State Department appropriations every year because I was assured that was essential to democracy.

Today I find out I have been outrageously misled all of these years.

It is this $35 million for the National Endowment that has been saving democracy for the entire world. I want to apologize to everybody for taking on what the Senator from Arizona said, this little old piddling $35 million out of a $23 billion bill. It is those little old $35 million piddling appropriations that have brought us a $4 trillion debt.

Do you want to know whose democracy is threatened? The United States. If we do not get that $4 trillion debt under control, I promise you democracy will not be long for this country. I sit on the Appropriations Committee and I hear people say, "Oh, give them a million dollars, just a million dollars." That is how much income tax I pay in 20 years. When I hear it said, "Oh, it is only a million dollars," all I can think about is that is the amount of income tax I am going to pay in 20 years, if I live that long.

Speaker after speaker after speaker today said you cannot raise taxes until you cut spending. I get 1,500 letters a week, and I promise you at least 1,000 of them say, "don't tax me until you cut spending." How many times have I heard that speech? And you come and they say, "A $23 billion bill and you are picking on a little old $35 million appropriation? Why, how dare you."

I tell you, the greatest thing about this bill and this program is who we give the money to. Saving democracy? Why, we give the Democratic Party almost 10 percent of this $35 million. We give the Republican Party almost 11 percent of it, and do you know what they do? They spend it on their national conventions. Now you tell me how that is helping democracy in Costa Rica. You tell me how that is helping democracy in Poland, Romania, and China.

I am here to tell you that if this program is as great as I heard this afternoon, it ought to be $350 million or $3.5 billion, not $35 million. Here is the Chamber of Commerce—yes, that is right, the U.S. Chamber of Commerce. They are going to get 10.6 percent of this $35 million. And the AFL–CIO, they are big takers. They are going to get 40 percent.

I said this afternoon, can you feature the Chamber of Commerce and the trade unions, the AFL–CIO, sitting across from a delegation in Romania explaining the striker replacement bill? Think about that.

Madam President, this is an absolute absurdity. It can only be described as an absurdity; 28 percent of this money is discretionary.

There is one thing the National Endowment for Democracy does so well. They took a page out of the Pentagon's book. Do you know that the Pentagon puts a little money in South Carolina, a little money in Arkansas, a little money in California, so that when the vote comes up, it is all sealed and delivered? All you have to do is put a little money in 26 States, and you have 52 votes and there goes your weapons system. The National Endowment for Democracy is just as smart as the Pentagon.

Do you know what they do? Look at this list of people they put on their board. Madeleine Albright, ORRIN HATCH—I was so shocked when I heard the Senator from Utah defending this thing this afternoon. Why, he is on the board. These people are not stupid. They know how to keep the money flowing. Just put all these folks—Stephen Solarz—all of them, on the board, the same thing the Pentagon does in getting contracts for defense weapons. Oh, it is only $35 million.

Madam President, do you know when this thing was founded, everybody said, "Well, we will ultimately work it out to be a privately funded organization." It is a private corporation. In 1990–1991, we put language in there saying they should solicit more private contributions. They may have solicited them, but they "ain't" getting them. When all those letters about, "Oh, how wonderful this is; our country would not have survived if we had not gotten this $35 million, we would have fallen to the Communists"—this is a relic of the cold war, folks. That reminds me of asking a food stamp recipient if you think we ought to cut food stamps out. You are not going to get many ayes on that one.

I watched the evening news a while ago. Women who had breast cancer, if they are uninsured or if they are on Medicaid, are 50 percent more likely to die, and we put $35 million into this mess and say "adios" to women with breast cancer on Medicaid, uninsured, women are 50 percent more likely to die while this money is being squandered on national conventions, on everything under the shining Sun.

If I thought this thing had one thing to do with establishing democracy around the world—how many times do you hear SDI? "Well, we do not need SDI anymore but we need the same amount of money for theater missile defense."

"The Soviet Union is not around anymore, but we still need $30 billion for intelligence. Oh, the world is much more dangerous now than when the Soviet Union was intact."

You cannot cut spending in this body. I do not care who you are, how hard you try, you cannot cut spending. It is just that simple.

Everybody loves the rhetoric. They go home and tell the local chamber of commerce: "that bunch of people up there, you just can't do anything with them." They are right, but for different reasons than they are representing.

So, Madam President, I can read the handwriting on the wall. I thought all these fiscal conservatives were going to belly up and kill this $35 million program, pat themselves on the back, pack this in and go home and have a good dinner tonight. You cannot kill $35 million. You cannot kill a $20 billion super collider. You cannot kill a $100 billion space station. There is not one person in this body who can tell you what that space station is even going to look like.

In short, you cannot kill anything. We should make this thing a private organization, let them solicit money, let us make them do what was intended in the first place: Make them a privately funded organization.

Madam President, I will just close by saying it is frustrating. I thought I had a chance of winning this. Senator BROWN, Senator DORGAN, Senator FEINSTEIN and I thought we had a chance to win this, but we are not going to win it. You just cannot cut spending here. It is only something people want to talk about.

I yield back the remainder of my time, and I move to table the committee amendment appearing on page 83, lines 12 through 16, and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. FEINGOLD). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I have a unanimous consent request that we want to get prior to the vote. It has been cleared on both sides. If this is cleared, then I think this will be the last vote this evening.

Mr. President, I ask unanimous consent that if the pending amendment is not tabled, the committee amendment on page 71, line 21 through page 72, line 18 be agreed to for purposes of original text, provided that no point of order be waived on this request and that the only amendments remaining in order to the remaining committee amendment on page 83 be the National Endowment for Democracy amendments listed in the consent agreement agreed to earlier today.

The PRESIDING OFFICER. Is there an objection?

Mr. BUMPERS. Mr. President, reserving the right to object, I did not hear the first part of that. Does this have anything to do with this?

Mr. HOLLINGS. No. Well, it does. It says if it is not tabled.

Mr. BUMPERS. That is OK.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. We do not have any objection on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Then this would be the last vote this evening, and we have some other work that the managers of the bill can clean up.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS] and the Senator from Delaware [Mr. BIDEN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 23, nays 74, as follows:

(Rollcall Vote No. 223 Leg.)

YEAS—23

Bingaman
Boxer
Breaux
Brown
Bryan
Bumpers
Campbell
Conrad
Daschle
Dorgan
Exon
Faircloth
Feingold
Feinstein
Grassley
Gregg
Leahy
Murray
Nickles
Pryor
Reid
Sasser
Warner

NAYS—74

Akaka
Bennett
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Johnston
Kassebaum
Kempthorne
Kennedy
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Lautenberg
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Lieberman
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Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Riegle
Robb
Rockefeller
Roth
Sarbanes
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Wellstone
Wofford

NOT VOTING—3

Baucus
Biden
Helms

So the motion to table the amendment was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order, the committee amendment on page 71, line 21, through page 72, line 18 is agreed to.

NATIONAL INSTITUTE FOR STANDARDS AND TECHNOLOGY

Mr. MCCONNELL. As a new member of the Subcommittee on Commerce, Justice, State and the Judiciary let me first express my respect and appreciation for the remarkable job the chairman and ranking member did in preparing this bill. You operated within unprecedented budgetary constraints with an allocation that was over $1 billion in outlays below the President's budget request and $544 million in outlays below the level CBO estimated was necessary to continue existing programs. You have earned every Member's respect for a difficult job that has been well done.

Given these budget pressures, I understand that you avoided providing line item funding for projects which might deserve funding. However, I would appreciate the chairman and ranking member taking a moment to consider one project that I think deserves special recognition.

Mr. HOLLINGS. I would be happy to hear the Senator's views.

Mr. MCCONNELL. In the western part of my State, Hopkinsville, like many areas is struggling with the problem of unemployment. Community leaders have made a concerted effort to attract and develop business opportunities, but in doing so they have discovered that many companies were looking for new skills which do not match what is available in our community. Hopkinsville Community College decided to join forces with local vocational technical training programs to develop a center which would guarantee companies located or moving to the area the best industrial, mechanical and engineering skills available which would in turn improve their competitive position. The community has invested over $250,000 in the initial planning, design, and construction of this facility and now is seeking Federal support to continue the project.

There are a number of Department of Commerce programs which are in a position to offer grants to support this important enterprise including the National Institute for Standards and Technology industrial technology services appropriation account.

Mr. HOLLINGS. As the Senator knows, the committee did recommend $232,524,000 for the NIST industrial technology services appropriation account. The House, on the other hand, has proposed no funding for this program. It remains to be seen where we will come out in conference on this item.

Mr. MCCONNELL. With that caution in mind, I think the efforts underway in Hopkinsville are a natural match for the grants made available under NIST's programs. As the committee has noted these Commerce Department programs are designed to help American industry improve its performance in manufacturing and developing advanced technologies which is precisely what Hopkinsville is trying to do in partnership with business.

I hope that as the Commerce Department considers grant requests, it will carefully review the proposal Hopkinsville has developed. It is just the kind of program that expands employment opportunities as it advances America's industrial interests and abilities.

Mr. DOMENICI. The Senate's position on the NIST external grant programs was driven by the priority many of us attach to assuring technical assistance and funding is available to improve manufacturing and production capabilities. I agree that the Commerce Department should take a serious look at the kind of proposal my colleague from Kentucky is suggesting.

Mr. HOLLINGS. I think we can all agree that the Commerce Department should take a serious look at this proposal and offer support if it meets the program's competitive criteria.

Mr. McCONNELL. I appreciate your consideration in discussing this proposal and look forward to working with in the future on the subcommittee. Let me commend you both again for the exceptional job you have done with limited resources.

THE RADIATION EXPOSURE COMPENSATION TRUST FUND

Mr. HATCH. I am concerned that there is no new funding proposed in this appropriations bill for the radiation exposure compensation trust fund for fiscal year 1994. Congress enacted the Radiation Exposure Compensation Act ["RECA"] trust fund to compensate victims of radiation caused by our nuclear weapons testing program.

I have learned that the Clinton administration proposed not to appropriate new funds for the RECA fund for fiscal year 1994, and the Members of Congress' appropriations committees have acquiesced in that decision.

I have been concerned that, since Congress finally acknowledged the Government's fault so many years after causing such harm and suffering to citizens of Utah and other Western States, there be sufficient funds to pay for the compensation promised in the law. Am I correct in my understanding that there are sufficient funds in the RECA fund to fully pay all claims now pending as well as all claims projected to be filed in 1994 so that no RECA claimant will be harmed by this funding proposal?

Mr. DOMENICI. Yes. Our information from the Justice Department is that approximately $110 million will be available for use in 1994. We have been assured that this is more than sufficient to cover all outstanding claims.

Mr. HOLLINGS. We have been assured that this amount, $110 million, is sufficient to cover all pending and future claims through fiscal year 1994.

Mr. HATCH. If it should happen that part way through the fiscal year the RECA trust fund should fall short of funds to make these compassionate payments, would the Senator from South Carolina and the Senator from New Mexico, commit to working with me to ensure that the victims of radiation caused by our Government are paid the sums owed to them under present law?

Mr. DOMENICI. Absolutely. As one of the chief sponsors of the program, I am committed to its success.

Mr. HOLLINGS. The Senator can count on my assistance.

Mr. HATCH. Will my colleagues further commit to working with me to endure that sufficient funds are appropriated in subsequent years in which the trust fund exists to meet the obligations of the Government to the radiation victims are required under the law?

Mr. HOLLINGS. Yes.

Mr. DOMENICI. Again, I will do everything in my power to ensure that all claims are paid according to the law.

Mr. HATCH. And, do my colleagues agree that simply because no new funds have been appropriated for fiscal year 1994 no presumption will be raised about the level of funding necessary in future years?

Mr. HOLLINGS. The Senator is quite right. No presumptions will be raised against future appropriations.

Mr. DOMENICI. I agree with my colleagues. We will work together to ensure that the necessary funding is available over the life of the trust fund.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 708

(Purpose: To require a certification that the United Nations has established a mechanism, process, or office for budgetary and management control, and for other purposes.

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 708.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, line 12, strike the colon and insert in lieu thereof the following: "or that the United Nations has established a mechanism, process, or office—

"(1) to conduct and supervise audits and investigations of United Nations operations;

"(2) to provide leadership and coordination, and to recommend policies, for activities designed—

"(A) to promote economy, efficiency, and effectiveness in the administration of, and

"(B) to prevent and detect fraud and abuse in, such operations, and

"(3) to provide a means for keeping the Secretary-General fully and currently informed about problems and deficiencies relating to the administration of such operations and the necessity for and progress of corrective action: *Provided further*, That the Secretary of State, acting through the United States Permanent Representative to the United Nations, may propose that the Secretary-General of the United Nations establish an advisory committee to assist in the creation within the United Nations of such mechanism, process, or office: *Provided further*, That an advisory committee established consistent with the preceding proviso should be comprised of the permanent representatives to the United Nations from 15 countries having a commitment or interest in budgetary and management reform of the United Nations, including a wide range of contributing countries and developing countries representing the various regional groupings of countries in the United Nations: *Provided further*, That such advisory committee should evaluate and make recommendations regarding the efforts of the United Nations and its specialized agencies—

"(i) to establish a system of cost-based accounting;

"(ii) to continue the practice of conducting internal audits;

"(iii) to remedy any irregularities found by such audits; and

"(iv) to make arrangements for regular, independent audits of United Nations operations: *Provided further*, That it is the sense of the Congress that even tougher measures to achieve reform should be put in place in the event that the withholding of arrearages does not achieve necessary reform in the United Nations:"

Mr. PRESSLER. Mr. President, I am here today to fight, yet again, for tough management reform measures against the United Nations. Time and time again, I have raised the issue of U.N. budgetary waste, fraud, and abuse. Repeatedly, though, my pleas for strong corrective mechanisms have fallen on deaf ears.

In the bill before us today, my Republican colleague from New Mexico has included language to address fraudulent U.N. practices. I applaud his efforts. During the recent subcommittee and full committee markups of the Foreign Relations Authorization Act, I offered similar language, but was unable to get the support necessary to include a provision for the withholding of U.N. funds. My colleague's successful effort to include U.N. reform language is, indeed, commendable.

However, this is just a first step. Stronger, more exacting actions need to be taken. For that reason, I am offering additional language to the United Nations reform provision already included in the State, Justice, and Commerce appropriations bill.

Mr. President, as my colleagues know, I served as a congressional delegate to the United Nations last fall. While in New York, I learned of many examples of wasteful budgetary practices, and saw the reality of the bureaucratic malfeasance occurring at the United Nations. Since that time, I have been acutely aware of the efforts or lack of efforts our State Department has taken to end fiscal fraud.

For years, I have been told that efforts are underway to establish some type of oversight mechanism at the United Nations to ensure that crooks are deterred and that fiscal mismanagement is punished. But instances of budgetary waste, fraud, and abuse continue to occur at the United Nations. Most recently, I have been informed that 38 people without official United Nations posts are still on the payroll at the United Nations. And as of last week, I learned of new examples of procurement fraud and bid rigging in connection with the U.N. Cambodia operation. When will it stop? Hopefully we can take a step to lead us closer to ending such abuses at the United Nations by adopting the amendment I am offering today.

As you know, Mr. President, the Commerce, Justice, State appropriations bill would withhold arrearage payments to the United Nations unless the Secretary of State certifies that an inspector general has been established in the United Nations. My amendment furthers this effort by:

Recommending the establishment of an advisory committee within the United Nations, including up to 15 countries interested in and committed to U.N. management reform to assist in the creation of an inspector general;

Providing the United Nations the administrative flexibility to establish either an inspector general as defined in Federal law or a mechanism, process, or office that would function similar to an inspector general; and

Calling for the establishment of even tougher measures should U.N. reform efforts fail.

The intent of my amendment is simple. It gives the United Nations the flexibility needed to determine what process will best facilitate reform efforts by establishing an advisory committee. Additionally, my amendment language includes sense of the Congress language, stating that tougher measures should be put in place if the withholding of arrearage payments fail to achieve credible U.N. reform.

Frankly, Mr. President, I still am not convinced that we are taking strong enough measures to adequately address the problems associated with an international organization wrought with bureaucratic inefficiency. Nevertheless, the bill before us attempts to move forward the U.N. reform process and to provide a mechanism to achieve such a process.

The U.S. purse is a powerful instrument to use to attain fiscal management goals. This no management, no money mentality is need to sent the signal to the United Nations that we in Congress are tired of lipservice from the State Department and are prepared to offer stronger measures if the withholding of arrearage payments does not foster change.

Establishing an advisory committee to pursue the creation of a U.N. inspector general or a U.N. office with similar functions is a step we must take if we ever want to witness meaningful change at the United Nations. Mr. President, I urge my colleagues to support my amendment.

I could give a much more lengthy description; but we need to have reform in the United Nations. This Congress needs to send every signal. Our State Department has been too soft in demanding reform in the United Nations.

I support the United Nations strongly, but its personnel system is so inefficient that it cannot deliver aid; it cannot deliver troops; it cannot carry out the function of the United Nations unless there is reform. There needs to be a professional service system within it and an inspector general to punish wrongdoing, where audits find wrongdoing, so the American taxpayer can be assured that our moneys are not being stolen or wasted.

I urge adoption of the amendment.

Mr. SARBANES. If the Senator will yield. As the Senator will recall, this was an issue that was discussed in the Foreign Relations Committee when the State Department authorization bill was being marked up. In fact, the Senator from Massachusetts, Senator KERRY—who is the chairman on that subcommittee on which you are the ranking member—and you had worked out language on this issue which was included in the markup bill, and later you offered further language.

I guess my question is whether this amendment the Senator is offering is the same amendment that was offered in the markup and not accepted by the committee, or is it different?

Mr. PRESSLER. No, it is not the same amendment I offered in committee. I thank my colleague for his attentiveness to this. That amendment would have withheld 50 percent of our voluntary U.N. payments unless the President could certify that there was an inspector general, as Dick Thornburgh recommended in his departing report, and that there was a process going forward ensuring that the U.N. audits were being carried out. That amendment failed in committee.

Senator DOMENICI very wisely and ably added some language in this bill already—and I commend the Senator from New Mexico—which would also urge that an inspector general be adopted. This carries the reform issue a step further, but the language is not as strong as I would like, frankly. I am afraid that the professionals at the United Nations are going to ignore us again.

But this amendment has been agreed to on both sides, and it would send a clear signal and require the 15 countries interested and committed to U.N. management reform to assist in the creation of an inspector general.

In all of our Federal Government departments, we have an inspector general. Indeed, the U.S. attorneys can find fault with any public official in this country. That is not true of U.N. officials. Even if a U.N. audit finds that there is stealing, there is no action frequently taken against that person.

Mr. SARBANES. This is an amendment, I take it, that sort of moves down the path of establishing an advisory committee to examine this issue; is that right?

Mr. PRESSLER. That is correct. I hope it will be a major step in getting an inspector general who can punish wrongdoing in the United Nations.

Frequently, when supplies are sent to a country, they disappear overnight. We are told they are stolen, but they turn up on the black market. When the U.N. auditors find people who have done wrong, nothing is done about it within the U.N. system.

I might say that I commend the Republican Senator from New Mexico's language that withholds arrearage payments if an inspector general is not created. I hope that language stays in this bill. I hope things are not taken out in conference. I have agreed not to have a rollcall vote, which I think we can win overwhelmingly, with the hope this is not taken out in conference.

Mr. SARBANES. If the Senator will yield, I am happy to have the Senator's explanation. I have looked at it. My real question was whether it was a repeat of the amendment about which we had some rather extended debate and, frankly, against which I thought there were reasonable arguments; although there were reasonable arguments for it. I am satisfied this is not that amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, we had checked this with the Foreign Relations Committee. I think now, with the concerns of the distinguished Senator from Maryland, it is cleared on this side.

Mr. DOMENICI. It is cleared on this side.

Mr. PRESSLER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment will be considered in order and agreed to.

So, the amendment (No. 708) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 713

(Purpose: To appropriate funds for trade adjustment assistance)

Mr. HOLLINGS. Mr. President, on behalf of Mr. RIEGLE, Mr. ROCKEFELLER, Mr. LEVIN, Mr. MOYNIHAN, Mr. DANFORTH, these distinguished Senators, I send an amendment to the desk on trade adjustment assistance and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. LEVIN, Mr. MOYNIHAN, and Mr. DANFORTH, proposes an amendment numbered 713.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, line 10, strike "$228,922,000" and insert "$242,642,000, of which $13,720,000 shall be for Trade Adjustment Assistance".

On page 60, line 7, strike "$300,000,000" and insert "$298,000,000".

Mr. HOLLINGS. Mr. President, this amendment also has been cleared on both sides.

Mr. ROCKEFELLER. Mr. President, this amendment restores funding for the Trade Adjustment Assistance Program for firms, which is part of the Economic Development Administration.

The TAA firm program helps small- and medium-sized companies which have lost jobs and revenues because of imports. Through technical assistance and consulting services, it works with these companies to develop strategies for success. And in the process it has compiled a superb record.

The program has saved or created over 41,000 jobs and $3.4 billion in sales in 379 firms since 1988, and 267,000 jobs in the last 15 years. TAA has consistently had a small budget—only $13.6 million this year—making it one of the most cost-effective programs we have. In fact, the overall return on investment in terms of revenue generated is 1,274 percent for every Federal dollar invested. This covers the operation of the Washington DC-based program office and 12 regional centers across the country.

In the Mid-Atlantic region, which includes West Virginia, this program saved 6,320 jobs with an investment of just $4.5 million over the last 4 years. In addition, I have heard the stories of many small businesses from most of the 50 States that attribute the revival of their businesses to TAA. This is an unheralded program in the Federal Government, Mr. President, but there is a lengthy anecdotal record of its success in saving thousands of American companies over the years.

One of the reasons for this program's success is that it focuses on smaller manufacturing firms and their management. Many of our programs focus primarily on workers and on job retraining, which is important. But this program, Mr. President, emphasizes saving existing firms and existing jobs, and it does it by working directly with management, which often has not kept pace with changing competitive forces. The TAA Program provides expert consulting services to management to help them make the changes that are necessary in their companies to keep pace with change in their industry. By doing that we save jobs, and by putting these companies in a more competitive position for the future we create more jobs.

I encourage all Senators to support this program which has helped so many businesses in each of our States.

Mr. President, on another matter, I want to note that the bill we are now considering will provide funds for extremely important programs at the Department of Commerce's National Institute of Standards and Technology that support the development and commercialization of new technologies. I urge my colleagues not only to appropriate these funds but also to insist on this funding during the conference with the House, which has not appropriated any funds for these critical activities.

The Commerce Department programs will have a significant impact on our national competitiveness. They focus on research and development, technology commercialization, manufacturing extension, training, and education—all essential to the restoration of a competitive industrial base. They help get the latest in manufacturing technology out to smaller businesses that may not know about it.

From my perspective as chairman of the Science, Technology, and Space Subcommittee, I am convinced that these programs can boost our national competitiveness and our national standard of living. They will lead to the creation of new high-tech companies, new industries, and hundreds of thousands—and eventually millions—of new high-skill, high-wage, private sector jobs.

I know that many of the decisions the Appropriations Committee had to make—the decisions to cut off other programs in order to fund the technology commercialization programs—were very difficult decisions. I want to congratulate the members of the committee, and in particular the distinguished manager of this bill, Senator HOLLINGS, for their work in finding the funding necessary for these programs. I urge my colleagues to support these decisions.

Mr. RIEGLE. Mr. President, I rise to offer an amendment to restore funding for trade adjustment assistance for firms.

First I would like to thank the distinguished chairman, Senator HOLLINGS, for his assistance in this matter. This is a difficult job and this bill is a testament to his leadership. I am also grateful to Senator DOMENICI, who has also demonstrated his keen understanding of the need to improve our national competitiveness. This amendment would not have happened without the strong support of Senator DANFORTH, Senator ROCKEFELLER, and Senator MOYNIHAN and I appreciate their help as well.

Mr. President, the Commerce Department's trade adjustment assistance program for firms funds 12 regional Trade Adjustment Assistance Centers [TAAC's] through the Economic Development Administration. One of those centers is the Great Lakes TAAC at University of Michigan. These centers provide assistance to companies within their region under severe pressure from import competition.

The TAAC's are highly successful. According to the Great Lakes TAAC, the return on taxpayer investment in this one center alone has been over 300 percent. Over the past 10 years, the Great Lakes TAAC has helped retain or create over 4,000 well paying manufacturing jobs with an investment of $9 million—at only $2,250 per job.

The other centers have had similar success. According to one estimate, the TAAC's have retained 267,000 manufacturing jobs nationally since 1978. This translates to a $7.3 billion impact on the economy for an investment of $204 million in Federal funds over 15 years.

It has been claimed that other programs can easily replace the TAAC's. However, these other programs provide a different type of service. For example, the manufacturing technology centers specialize in the deployment of modern manufacturing technology. They do not provide the type of marketing, cost accounting, human resources management, and business strategy assistance provided by the TAAC's. The small business development centers typically specialize in assistance to firms in the retail and services sector, not manufacturing firms. Likewise, the minority business development centers exist to serve a specialized need.

All of these programs are compliments to one another, not replacements for each other.

There is also some confusion about the administration's position on this program. In its original budget request, the administration had recommended the elimination of funding for the TAAC's. However, the latest list of President Clinton's specific spending cuts, released by the White House July 16, does not include elimination of TAAC as a requested spending cut.

The administration is now talking privately about the need to integrate the TAAC program better with the rest of EDA and with other Commerce Department programs. I will support administration efforts to revitalize the EDA and strengthen our business assistance programs.

However, eliminating the TAAC's would tear a large hole out of our business assistance and job creation system. We should continue funding for this vital and effective program, while we are working to expand and strengthen the entire business assistance system.

I urge my colleagues to support this amendment.

Mr. MOYNIHAN. I rise to join the Senator from Michigan in offering this amendment to provide funding for the Trade Adjustment Assistance Firm Program.

In the budget reconciliation bill, the Senate extends the Trade Adjustment Assistance Program, currently set to expire on September 30, for 5 additional years. The Finance Committee, and the Senate as a whole, viewed that extension as critical to ensuring continued help for both workers and companies that are harmed by exports. I am hopeful that the Senate position will prevail in conference.

This amendment is a necessary complement to that provision in the reconciliation bill. This amendment provides further funding for the component of the Trade Adjustment Assistance Program that aids companies by granting them technical help to improve their manufacturing, marketing, and other capabilities in the face of import competition. This program has been with us for more than 30 years.

First outlined in 1954 by United Steel Workers president, David MacDonald, Trade Adjustment Assistance was enacted as part of the Trade Expansion Act of 1962. As Luther Hodges, President Kennedy's Secretary of Commerce, told the Finance Committee during consideration of that legislation:

> Both workers and firms may encounter special difficulties when they feel the adverse effects of import competition. This is import competition caused directly by the Federal Government when it lowers tariffs as part of a trade agreement undertaken for the long-term economic good of the country as a whole. The Federal Government has a special responsibility in this case. When the Government has contributed to economic injuries, it should also contribute to the economic adjustments required to repair them.

The Trade Adjustment Assistance Program for firms has done just that. In the past 5 years, it has helped more than 400 small- and mid-sized manufacturers suffering from layoffs and lost sales due to import competition. The individual success stories are plentiful. For example:

Trade adjustment helped the Curtis Machine Co. of Ensign, KS, improve production in the face of Chinese competition. The result: Jobs up 21 percent, and a 40-percent increase in sales.

The Burdett Apparel Co. of Salt Lake City has seen its profits grow 15 percent since trade adjustment assistance helped the firm redesign its production line.

A family-owned manufacturer of fly fishing equipment in Montana quadrupled its sales to $3 million after receiving technical and marketing assistance that totaled less than $44,000.

Finally, there is Beatty-Page, Inc.—a small Brooklyn company that services the hat industry. The firm's president recently wrote me that trade adjustment assistance "helped improve our business situation and preserve the jobs of our 67 employees."

That is just one of the many letters I have received from New York companies urging us to continue funding the Trade Adjustment Program for firms. My State is home to 1 of the 12 assistance centers that administer this program. That facility, at the State University of New York at Binghamton, has helped New York companies increase their sales by more than $75 million since 1988. Those added sales are all the more impressive considering that the same companies' sales had fallen $8 million in the 2 years before the trade adjustment assistance began.

Nationwide, the story is the same. The program's administrators calculate that it has created at least 3,000 jobs and saved another 40,000 nationwide since 1988—all at firms that had laid off thousands of employees before the aid commenced. It has meant $800 million in added sales—a 35-percent increase—for companies that had lost over $300 million in sales in the 2 years before getting the help. Quite a record of achievement for a program that cost under $14 million last year.

Extending trade adjustment assistance takes on even greater importance this year, as Congress prepares to consider the North American Free-Trade Agreement. I recall casting my first vote on a trade bill back in 1979, when I supported the Trade Agreements Act implementing the results of the GATT negotiations known as the Tokyo round. That legislation included an extension of the Trade Adjustment Assistance Program.

Just as that extension was important to many Members as we cast our votes in favor of free trade 14 years ago, I am certain that maintaining this program in 1993 will be critical to congressional support for today's trade agreements. In fact, as we face intense and growing economic competition from Europe, Asia, and Latin America, the need for a human side to our trade policy is even greater than it was in 1962 or 1979.

For all of the above reasons, I urge my colleagues to support the Senator from Michigan's amendment.

Mr. DOMENICI. Mr. President, on the amendment I want to indicate that Senator DANFORTH is a primary sponsor and has spoken to me about it. After discussing it with him, on our side we are willing to accept it.

Mr. HOLLINGS. Good.

The PRESIDING OFFICER. Without objection, the amendment will be considered in order and agreed to.

So, the amendment (No. 713) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 714

(Purpose: To provide funds for registration of lampricide to the Great Lakes Fishery Commission)

Mr. HOLLINGS. Mr. President, on behalf of Mr. LEVIN, Mr. RIEGLE, Mr. GLENN, Mr. KOHL, Mr. DURENBERGER, and Mr. D'AMATO, I send to the desk an amendment on the Great Lakes Fishery Commission and ask the clerk to report.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from South Carolina [Mr. HOLLINGS], for Mr. LEVIN, for himself, Mr. RIEGLE, Mr. GLENN, Mr. KOHL, Mr. DURENBERGER, and Mr. D'AMATO, and others proposes an amendment numbered 714.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Page 68, line 16, strike $1,658,184,000 and insert $1,653,184,000
>
> Page 75, line 6, strike $14,200,000 and insert $18,200,000
>
> Page 75, line 6, after ":" insert, *Provided*, That $4,000,000 shall be made available to the Great Lakes Fishery Commission for the registration of the pesticide, TFM.

Mr. LEVIN. Mr. President, the amendment will provide funds to the Great Lakes Fishery Commission, a United States-Canada binational organization, to allow its activities to comply with U.S. environmental laws. This amendment earmarks $4 million in State Department funds for the reregistration of a pesticide that kills lampreys and is widely applied in the Great Lakes. This amount would be in addition to the funds provided to the Great Lakes Fishery Commission solely for the purchase of the lampricide in fiscal year 1994.

Let me explain to my colleagues what happens if we do not provide this funding. First, if the pesticide is not registered, the Great Lakes Fishery Commission will not be in compliance with U.S. pesticide laws and will be subject to the relevant penalties if it continues applying a pesticide for which there is no substitute. Second, if the lampricide is banned because it is not registered, the Great Lakes States fisheries authorities have indicated that they will discontinue there efforts to develop sustainable fisheries in the Great Lakes. Third, if the lamprey is allowed free region in the Great Lakes because the lampricide is not registered, the $4 billion sport-fishing industry in the Great Lakes will be decimated. Fourth, if the fish population of the Great Lakes declines radically, the agreements that this country and several of the Great Lakes States have with several native American Indian Tribes will be in jeopardy.

Mr. President, this is a serious situation. EPA has already provided some flexibility to the Commission and will be satisfied if substantial progress toward reregistration occurs in fiscal year 1994, but that means this money must be supplied. The Commission was denied $1.3 million in fiscal year 1993 to begin the process and, to fully meet the EPA requirements, this $4 million—$1.3 from fiscal year 1993 and $2.7 in fiscal year 1994—is necessary now.

Let me make it clear to my colleagues, as much as I would like a nonchemical solution to the lamprey situation, there is no substitute. There is nothing as effective or useful for keeping the lamprey population controlled. This pesticide must be reregistered. Since there is only one manufacturer of it in the world, which is not an American manufacturer, since no American businesses have found the product to be sufficiently profitable, there is no choice. The Great Lakes Fishery Commission, the user of the pesticide, must bear the cost of reregistration or there will be no reregistration.

Mr. President, here is the choice: Should we find $4 million in State Department funds to reregister this pesticide and avoid destroying the Great Lakes sportfishing industry and violating agreements with native American Indians or not?

I appreciate my colleagues understanding the importance of this matter.

Mr. HOLLINGS. Mr. President, that has been cleared on both sides, too.

Mr. DOMENICI. It is cleared on our side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So, the amendment (No. 714) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I simply want to thank my friends for clearing this amendment. It is important to the Great Lakes and we are very appreciative.

I thank the Senator.

Mr. HOLLINGS. I thank the Senator.

The PRESIDING OFFICER. The majority leader.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate resumed consideration of the bill.

Pending: The reported amendment in the nature of a substitute as modified and amended.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now return to the consideration of S. 919, the national service bill, that Senator KENNEDY be recognized to offer his substitute amendment, referred to in last night's unanimous-consent agreement; and that immediately thereafter there be filed two cloture motions on that amendment; that following the filing of the cloture motions, Senators KENNEDY, DURENBERGER, and WOFFORD be recognized for 5 minutes each to address the Senate on that subject, in the order stated; and that following the completion of Senator WOFFORD's remarks, the Senate return to the consideration of H.R. 2519, the Commerce, State, Justice appropriations bill; further that the cloture vote tomorrow occur at 12 noon with the 45 minutes preceding that vote be for debate on the national service bill and that it be divided in the usual form, and that should a second cloture vote be necessary that it occur on Friday, July 30, at a time to be determined by the majority leader, after consultation with the Republican leader, the mandatory live quorum being waived and that Senators have until the time of the cloture vote tomorrow to file second-degree amendments.

The PRESIDING OFFICER. Is there an objection?

Mr. KENNEDY. Mr. President, will the majority leader be kind enough to designate an hour before the vote on Friday evenly divided before the vote on this issue?

Mr. MITCHELL. Mr. President, I modify my request so that if a second cloture vote is necessary and occurs on Friday, that there be 1 hour for debate immediately preceding the vote equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the bill for the information of the Senate.

The assistant legislative clerk read as follows:

A bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service enhance opportunities for national service and provide national service educational awards to persons participating in such service, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

AMENDMENT NO. 709

(Purpose: To provide a substitute amendment)

Mr. KENNEDY. Mr. President, I call up my amendment which is basically the Durenberger amendment which is cosponsored by the Senator from Pennsylvania [Senator WOFFORD].

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] for himself, Mr. DURENBERGER, and Mr. WOFFORD proposes an amendment numbered 709.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on a Kennedy substitute amendment No. 709 to the modified committee substitute to S. 919, the National and Community Service Trust Act of 1993:

Donald Riegle, David Pryor, Harris Wofford, Paul Wellstone, Patty Murray, Howard Metzenbaum, Edward M. Kennedy, John F. Kerry, Barbara Boxer, George Mitchell, Byron L. Dorgan, Wendell Ford, Bill Bradley, Kent Conrad, Dianne Feinstein, Ben Nighthorse Campbell.

Mr. MITCHELL. Mr. President, in accordance with the provisions of the agreement just agreed to unanimously by the Senate, I send a second cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on a Kennedy substitute amendment No. 709 to the modified committee substitute to S. 919, the National and Community Service Trust Act of 1993:

Donald Riegle, David Pryor, Harris Wofford, Paul Wellstone, Patty Murray, Howard Metzenbaum, Edward M. Kennedy, John F. Kerry, Barbara Boxer, Ben Nighthorse Campbell, Byron L. Dorgan, Wendell Ford, Bill Bradley, Kent Conrad, Dianne Feinstein, George Mitchell.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, first of all, I want to express our appreciation to the majority leader for allowing us to discuss this measure which has such broad based support in the Senate and which passed overwhelmingly in the House of Representatives a little over 1 hour ago with the support of 26 Republicans, 248 Democrats, and 1 Independent.

We are continuing to work with other Senators to find consensus.

We have already agreed to accept 14 amendments, almost all of which were proposed by Republican Senators.

The substitute we are introducing incorporates those amendments. It also includes 5 additional amendments which we have agreed to accept to strengthen the bill. This package of new amendments incorporates proposals by Senators DURENBERGER, KASSEBAUM, and STEVENS. Senator DURENBERGER is the principal cosponsor of this substitute.

It includes specific authorizations of appropriations, and it requires studies by the Corporation to help streamline programs, evaluate the program diversity and assess the importance of the postservice benefit in recruiting.

It includes provisions to ensure that participants perform direct service, and it contains strict limits on administrative costs. In addition, it increases the flexibility of the States to set up and use alternative State commissions.

Finally, it clarifies the provisions to ensure that Native Alaskans and their regional corporations can use the National Service Program.

The substitute proposes a 3-year program that authorizes $300 million in 1994, $500 million in 1995, and $700 million in 1996. The $300 million in 1994 will build on the pilot programs funded over the last 3 years through the Commission on National and Community Service. The program will still start at a size of 20,000 participants in the first year.

The substitute also requires specific studies by the Corporation. It directs the Corporation to study issues such as: the importance of diversity of programs, the role of post-service education benefits in attracting national service participants, and how the structure of ACTION and the Commission on National and Community Service can best be integrated into the new Corporation for National and Community Service. These studies will make the program stronger by testing the validity of some basic concepts of national service.

We have also put in clarifying language to ensure that national service participants are not involved in lobbying. This was never the intent of the legislation. The participants should be doing service which directly benefits their communities. The language we have added will ensure that the service is not political, but addresses vital community needs.

We have placed limits on administrative costs, so that the maximum amount of funds goes directly to participants and not to administration. The goal of the program is to ensure that it is streamlined and entrepreneurial, so that all of the funds will be spent effectively.

We also provide greater flexibility for State administrative structures. The 1990 act required each State to designate a "State lead agency." Through this language, the Corporation can reward States which did an effective job in fashioning their administrative structure.

Finally, we have revised the definitions to ensure that Native Alaskan tribes and regional corporations can apply for funding under the full-time national service corps and under the Public Lands Corps Program.

All of these changes make the bill more bipartisan and more effective and I urge the Senate to approve it.

Mr. President, I would like to take my final few moments to bring to the attention of the Senate the excellent statement made by Representative STEVE GUNDERSON, a Republican from the State of Wisconsin.

I will include it all in the RECORD. As I understand, it was submitted to a number of national journals.

Let me briefly repeat some of the comments that he made.

DEAR REPUBLICAN SENATOR: * * * As a fellow Republican committed to deficit reduction and becoming a party of new ideas, I plead with you not to [filibuster]. * * *

But most importantly, I urge you not to allow our party to become "the obstructionist" party.

He continues:

But my real concern in writing is that our opposition on this legislation, in its present form, will certify to the nation that Republicans indeed have no desire to work in a bipartisan fashion at any time on any issue. We will be as guilty of partisan obstructionism as the Democrats were to George Bush. And I can tell you if we become a party of full-time nay sayers, even when the President meets us more than half-way, the public will not respond kindly. * * *

At a time when the American people are desperately cynical about Washington, we Republicans have a chance to show the best of bi-partisanship, not the worst of gridlock. If we Republicans kill National Service, the public can legitimately ask: "What are we for? How do we hope to solve urgent problems while still cutting spending? Is there anything on which we are willing to work with the new President?"

Mr. President, I ask unanimous consent that the letter from Representative GUNDERSON be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PLEASE SENATORS, DON'T DO IT

DEAR REPUBLICAN SENATORS: News reports over the week-end suggest that you have decided to filibuster National Service. As a fellow Republican, committed to deficit reduction and becoming a party of new ideas, I plead with you not to do it. But most importantly, I urge you not to allow our party to become "the obstructionist" party.

Since Bill Clinton became President, we Republicans have been screaming "Cut spending first". We still should. But nowhere in that statement do we suggest that all government must become static. It is exactly at times like this that we must look for new and creative ways to solve urgent national and local problems. Even the Democrats will be cutting medicare and law enforcement funds. shouldn't we then encourage local initiatives to address these critical areas with new initiatives, that meet real needs without the top down bureaucracy, federal regulations, and old funding formulas that just don't work?

A young dedicated Republican from my rural Wisconsin district is presently teaching in the inner city of Los Angeles. He wrote to me recently, explaining why Republicans should be supporting National Service. He wrote, national service "is not the typical social reform template that is forced on our country's various and sundry social ills by some unresponsive and insensitive federal agency. The structure recognizes that the people who are best able to create solutions to the problems of a given community are those people most closely exposed and affected by that problem."

But my real concern in writing is that our opposition on this legislation, in its present form, will certify to the nation that Republicans indeed have no desire to work in a bipartisan fashion at any time on any issue. We will be as guilty of partisan obstructionism as the Democrats were to George Bush. And I can tell you if we become a party of full-time nay sayers, even when the President meets us more than half-way, the public will not respond kindly.

I too, opposed the original concept of national service that required students to perform public service as a condition of financial aid. I too, opposed the original Clinton proposal. But the legislation now before Congress represents dramatic concessions by the President in a way that produces the ideals of the Democratic party, but through a delivery system that fits every standard of the Republican Party.

Consider the concessions President Clinton has made. Originally it contained direct lending. Now it does not. Originally it created another entitlement program. Now funding is subject to annual appropriations. Originally, it cost $7.4 billion. Now it authorizes $394 million the first year, and such sums as Congress desires in years two and three. Any other spending is simply transferring existing volunteer programs to one central administration to eliminate duplication—a very Republican thing to do. Originally it added thousands of new employees to the federal civil service system. Now it creates a special category that does not provide civil service protection during a two year service commitment. Originally, it competed with the GI bill in benefits. Now it provides less educational awards, and dramatically less in wages and benefits during the service stint. Originally, it provided wages similar to the military. Now it provides maximum flexibility to the point of even allowing the option of sub-minimum wages in unique circumstances—how Republican can we get? Originally, it was all federally funded. Now it is a federal-local cost share awarded through competitive grants.

At a time when the American people are desperately cynical about Washington, we Republicans have a chance to show the best of bi-partisanship, not the worst of gridlock. If we Republicans kill National Service, the public can legitimately ask; "what are we for? how do we hope to solve urgent problems while still cutting spending? is there anything on which we are willing to work with the new President?"

Representative STEVE GUNDERSON.

Mr. KENNEDY. Mr. President, I want to just point out the very important, support we have received from a number of members of the Republican Party.

For example, I see my friend and colleague Senator DURENBERGER on the floor at this time; Senator JEFFORDS has supported this program; Senator CHAFEE has supported it; Senator GREGG and Senator COATS voted for the measure as it came out of the Labor Committee itself. Others at other times have supported our efforts.

We are still, as I mentioned earlier, attempting to try and find additional common ground and will continue to do so, because we believe that this program is so important.

We look forward to trying in these remaining hours to seek any possible further common ground so that this legislation can be enacted and so that young Americans can be offered opportunities to give something back to America in return for all it has given to them.

I withhold the remainder of my time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Republican leader.

Mr. DOLE. Mr. President, let me indicate for the Record that I listened to the Senator from Massachusetts. I do not disagree with everything he said.

But there is no filibuster. We are trying to negotiate some settlement here in good faith. As the Senator from Massachusetts indicated, we thought we had an agreement. In fact, as indicated by the White House, they were going to accept the proposal we made. And if there is a real effort to bring more Republicans on board, I still think there is a way to work it out.

Some of my colleagues on this side do not support the program. Others of us are trying to find some compromise. We thought we had a compromise. It had been agreed to by the White House and then later rejected for some reason.

And if there is some way to resolve that issue, then we believe we can pass this bill very quickly, maybe with other amendments offered. But I think once we agree on the funding level, the balance would not take very much time of the Senate.

But I wanted the record to show there has not been any filibuster. We have been negotiating. We have done that for years in the Senate.

I note that some people immediately say, as soon as it does not happen in an hour or two, somebody must be filibustering.

There is not any filibuster. We have been negotiating.

I have called the President today. I met with Eli Segal at length in my office. I met with my colleagues on this side of the aisle for probably 3 or 4 hours during the day.

So I want the record to reflect there is a good faith effort going on here trying to bring about a resolution where we would have at least half the Republicans, maybe more, supporting this program, even though some may have reservations about its impact and whether or not it has achieved every goal the President outlined.

Mr. KENNEDY. Mr. President, I wish to make a few further points. At the end of last week, when the majority leader asked for a time definite, we had only five amendments left. There was no real need for additional amendments or time. We were more than prepared to consider these final amendments. But now these Republicans delays must be viewed as a filibuster. When the majority of the Members support a bill, but do not permit the Senate to vote on final passage, it is fair to term the obstuctionist efforts as filibusters.

Nonetheless, I hope the minority leader's statement and comments represents a newly found interest in negotiation and compromise. I hope we will pursue this negotiation through the evening and through tomorrow morning in the effort to reach agreement.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise to join my distinguished colleague from Massachusetts in introducing the substitute that is now before us.

As I do, I want to reflect that the substitute represents the contributions of many Senators on both sides of the aisle. As has probably been pointed out before, we have been on this bill now since July 20, but, as the Republican leader indicated, the 8 days intervening have not been because Republicans did not want to see this bill considered, but because a lot of people have had a great deal to contribute to the process.

The substitute before us is not the same bill that the President asked us to pass. In fact, it is a substitute for the bill which we passed from the Labor and Human Resources Committee. That bill, as I recall, contained the support of four or five Republicans, including Senators GREGG and COATS, whose names have not yet been mentioned here to date.

So, the substitute which has on it the names of the Senator from Massachusetts and my own, I say is a good faith effort to respond to the concerns that have been raised over the last several days. This process has been a good faith effort to meet the needs of the constituencies that all of us on both sides of the aisle represent.

I want to express particular appreciation to our ranking member on the Labor Committee, Senator KASSEBAUM, because both she and her staff have spent countless hours, both in the committee and in the process developing a variety of improvements the National and Community Service Trust Act, all of which I hope we have incorporated into this substitute amendment.

I pay tribute also to my colleague Senator JEFFORDS who, from the beginning, has tried to mold this in a way that will result in a bipartisan bill.

Senator DOMENICI, Senator STEVENS and others have made valuable contributions to the substitute that is before us as well.

In my own case, Mr. President, this is not my first set of contributions to I hope to make in improving the legislation. The legislation, when it was introduced, was a national service bill. It is now the National and Community Service Trust Act. The contribution of the word "community" comes from people in Minnesota and other places who have been committed to community service for a lifetime.

This legislation includes a number of features designed to decentralize decisionmaking and priority setting, and to allow States flexibility in determining how they structure the commissions this bill authorizes.

That is very important to my own State of Minnesota which has a well-established infrastructure for youth and community service—enhanced even further by legislation adopted earlier this year to establish a new, comprehensive youth service program called YouthWorks.

The legislation now ensures more representation from various stakeholders in youth and community service on state and Federal grantmaking agencies—including the participation of young people.

And, as the chairman noted earlier, Mr. President, this legislation now includes an amendment I strongly supported which limits the so-called Corporation Representative authorized by this bill to ex officio, non-voting membership on State commissions on national and community service.

And of these suggestions for changes or improvements had strong backing from the leaders of Minnesota's youth and community service movement.

They have been of enormous help to me in making a positive contribution to this legislation and I look forward to maintaining this strong partnership as this important new initiative goes forward.

As my colleague from Massachusetts pointed out, the House took not very long to pass this bill today. It is a different body with a different process. But, it was apparently a large vote, 257 to 152, and there were 26 Republicans who voted for that bill.

I hope my colleagues have taken or will take the time to read, in the RECORD tomorrow, the letter dated July 9, 1992, which we have all received from STEVE GUNDERSON, CHRIS SHAYS, and a number of our colleagues on the House side who make some of us, at least on this side of the aisle, proud to be Republicans because of their commitment to the national and community service.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
July 9, 1993.

NATIONAL SERVICE—TRULY REPUBLICAN

Dear Republican Colleague: As Republican cosponsors of H.R. 2010, the National Service Trust Act, we encourage you to take a close look at the legislation proposed by President Clinton and reported out of the Education and Labor Committee, with slight changes.

We believe national service is a basic Republican idea and that the President's proposal is structured as a Republican would have structured it and that it deserves broad Republican support.

Establishing a program of National Service promotes sound public values while providing a measure of college tuition assistance and a significant benefit to our communities, state, and nation. Young Americans across the country will participate in programs addressing the many challenges of our communities including illiteracy, child immunization, environmental enhancement, crime prevention, and drug education.

This program will produce young Americans with a sense of individual and civic responsibility and a keen understanding of the value of service.

National service participants all disperse throughout the country, carrying with them a belief that personal betterment results from contributing to the betterment of society and enriching the lives of others.

Some have said the President's national service proposal will compete with existing non-profit organizations—not so. In fact, the program's very structure builds upon these institutions and harnesses their energy to magnify the impact of service in local communities.

While we currently provide grants and loans to students on a needs basis, this program embodies the truly Republican principle of having individuals earn the right to educational assistance.

The decentralized nature of the organizational structure ensures decisions will be made at the state and local level by people who know that community's needs are and the best ways to address these needs.

Lastly, we want to clear up any misunderstanding regarding the relationship of this legislation to the proposed restructuring of the guaranteed student loan program. H.R. 2010, the National Service Trust Act, contains NO provisions providing for direct lending. These two proposals are contained in entirely separate pieces of legislation.

Finally, it should be noted this legislation contains a specific authorization only for fiscal year 1994 and authorizes "such sums" in the out years. Congress will need to appropriate funds each year based on the program's ability to support continued or increased funding.

When the Senate Labor and Human Resources committee reported this legislation, it did so with the support of four of the Committee's seven Republicans. In the House, 19 Republicans signed on as original cosponsors of this legislation, which was reported by voice vote out of the Education and Labor Committee.

We hope you will carefully consider the impact this legislation will have and that it will have your support on the floor.

Sincerely,

Christopher Shays, Ben Gilman, Ron Machtley, Steve Horn, Connie Morrella, Pete Hoekstra, Peter Torkildsen, Arno Houghton, Steve Gunderson, Rica Lazio, Jay Dickey, Doug Bereuter, Olympia Snowe, Tom Lewis, Peter Blute, Fred Upton.

Mr. DURENBERGER. Mr. President, I think with the numerous changes that have now been made in the President's original proposal, we can all have some hope that within the next few hours, certainly within the next day, we are going to be able to adopt a national and community service proposal and we will adopt it with strong bipartisan support.

I, frankly, believe the cloture vote tomorrow will be unnecessary. Maybe that is just a hope, but I have watched the efforts of my colleagues on this side of the aisle, trying to find a solution to a problem which largely is not the commitment to national and community service but rather to the predictability of this bill. We have had a lot of support over here for being able to do a better job in measuring the outcomes of this program.

On this side of the aisle, and I know this is shared, an important change in this legislation had to be that we do a better job of measuring outcomes so they could be defined, they could be demonstrated, they could be proved. These programs are not going to grow faster than we can be able to pay for them. They should not grow faster than the ability of States and local communities to enforce them. Changes in this substitute will guarantee that, and not keep us from meeting our commitment to the Pell grant program and other higher education programs. Charges have also been made by a lot of people on this side of the aisle to give some definition to the amount of money to be authorized. That, in effect, is the bottom line of the debate that goes on in the other rooms in the next few hours.

Will this be $300 million in the first year and $500 million in the second year and some other figure in the third, as we propose? Or will the issue of the third year be dealt with differently? That is how close we are.

I urge my colleagues, if they want to bring this to an end tomorrow that they support this substitute. Certainly if we can find a way to accommodate that third-year issue, I am sure the Senator from Massachusetts and I, and my colleague from Pennsylvania will be more than pleased to address that in a modification.

Otherwise, this is the kind of amendment to this bill that will deserve Republican support. I hope it will bring Republican support on final passage.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania for 5 minutes.

Mr. WOFFORD. Mr. President, I too, hope that by tomorrow's countdown we will be able to launch the national service program in a way that it can take off and give new hope and vitality to our young generation in an effort to change our country and improve our country and help young people get through college. We are very close at this point, having been started on the road of cloture Thursday evening when the Republican leader advised us—advised the majority leader—if he were in his shoes he would file a motion for cloture.

When we started the Peace Corps we had much the same process. Those who doubted, those who said no, said let us make it very small, very much of a pilot program. And Sergeant Shriver and John Kennedy said it must be started with a critical mass, with a quantum jump in a way that can catch the imagination of the people and can truly take us to a new stage in service overseas.

We have invested in the Peace Corps. The naysayers did not win them. We look back now on the Peace Corps as one of the better investments, probably the best investment in foreign aid.

But we spend 2½ times the amount of money for each Peace Corps volunteer than we are proposing to spend for the $5,000 educational bonus and the minimum wage for the young participants in national service. It is time to bring not only the idea of the Peace Corps home, but it is time to enable our young people to engage in national service, community service, at home. We have problems at home that are at least as urgent as the problems for which we sent the Peace Corps abroad.

What is the critical mass that can start this in a way to give hope and light? I think the streamlined version, where we have gone the extra mile, that is before us now accomplishes that. The sums proposed for 3 years will enable, after 3 years, 100,000 young people to engage in community service, to make a difference in their community, and to help them go through college and get job training. It took the Peace Corps more than a quarter of a century to have 100,000 young people. It is a good, sizable start.

Some have said it is too big. Some have said it is too small. It is just about right, and we have the chance now to get that started.

We know there are Republicans who want to vote for this bill. They did in the House. They have spoken eloquently. The Senator from Minnesota could not have been a greater champion of this bill; and the Senator from Vermont, [Mr. JEFFORDS]. There are lots of other Republicans who want to vote for this bill. Let those voters go. Let my colleagues free from this lock of the filibuster that holds them back at a time when we are ready to act. Let those Republicans loose because this has been a bipartisan idea from the beginning.

I would like to put in the RECORD to show that, and will ask unanimous consent to have printed in the RECORD, some of the statements from the leading Republicans who have spoken on this bill.

I ask unanimous consent to have printed in the Record, before we come to this countdown for cloture tomorrow, the statements of a dozen or so major corporate leaders in our society, and the list of 95 college and university presidents, including nine from Pennsylvania, who support this bill. I would like to put in the Record the editorials in the last day or two: From the New York Times, "Petty Politics on National Service." "National service could eventually draw hundreds of thousand of Americans into serving needy communities and give participants the means to pay for higher education." The strategy, the "just-say-no strategy may make for shrewd politics, but it renders poor public—and national—service." The Washington Post editorial of today; The Philadelphia Inquirer, "Blocking National Service; a little band has apparently decided to put party ahead of country." The Washington Times editorial, "Imperiling The Plan To Harness Idealists;" the Providence Journal editorial. I would like to have printed Father Theodore Hesburgh's article from the Chicago Tribune, "The promise of national service," which concludes, "President Clinton has offered us a nonpartisan way of making this Nation a better place for all Americans, both for those who serve and those who are served."

I would like to put in the Record the full letter from Elizabeth Dole, the President of the American Red Cross, saying: "We particularly support this act's strong emphasis on renewing the ethic of civic responsibility; Engaging locally based and diverse organizations in a system of service delivery that is both decentralized and nationwide; Providing service opportunities for both stipended and nonstipended participants" and saying we of the American Red Cross "look forward to the bill's passage into law and to the opportunity of offering more than 100 years of Red Cross experience to its implementation."

We can come together on this bill. We have the time to do it in the hours before this cloture vote tomorrow. I call on my colleagues on both sides of the aisle to support this cloture vote if that is necessary, and my friends on the other side of the aisle to join the President, going the extra mile to get this launched in the kind of bipartisan way it has been launched in the House of Representatives.

Mr. President, I ask unanimous consent that that material and some other supporting documents be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

American Red Cross,
Washington, DC, July 9, 1993.

Hon. William D. Ford,
House of Representatives, Washington, DC.

Dear Senator Ford: The American Red Cross supports HR 2010, the National and Community Service Trust Act of 1993. We welcome your continued efforts to enhance opportunities for all Americans to serve their communities. We particularly appreciate the proposed act's strong emphasis on:

Renewing the ethic of civic responsibility;

Engaging locally based and diverse organizations in a system of service delivery that is both decentralized and nationwide;

Facilitating the replication of existing successful service programs; and Providing service opportunities for both stipended and non-stipended participants and for persons of all ages.

We understand that community service is neither a panacea for the nation's problems nor a substitute for traditional volunteerism. However, your bill will enlarge the means by which individuals can make a difference in their community.

We look forward to the bill's passage into law and to the opportunity of offering more than one hundred years of Red Cross experience to its implementation.

Thank you for your leadership in this vital area.

Sincerely,

Elizabeth Dole.

[From the Chicago Tribune, June 14, 1993]

The Promise of National Service

(By Theodore M. Hesburgh)

On Sept. 11, 1992, then-candidate Bill Clinton delivered a defining speech at the University of Notre Dame. He shared his vision for national service, its roots in Judeo-Christian social thought, and issued a challenge for all Americans—but especially the young—to serve according to their means and talents.

Several weeks ago, the House and Senate introduced the president's proposal that will translate the vision he articulated at Notre Dame into flesh.

National service is an idea that knows no party. The plans and goals that President Clinton has laid out go beyond conventional politics, beyond what we label Left and Right, conservative and liberal. It even extends beyond any one president's initiative.

Some 32 years ago, I helped another young president formulate plans for another experiment in national service—the Peach Corps. Now it is time to bring the spirit of the Peace Corps home and to couple the spirit of helping others—of building community—with the goal of expanding educational opportunity through a new version of the GI Bill of Rights. President Clinton has fashioned a bold public-private partnership—a Corporation for National Service. This will not be a new federal bureaucracy. Rather the Corporation for National Service will help develop programs from the grass roots up.

At its essence, the National Service Trust Act of 1993 simply asks all of our nation's institutions—elementary and secondary schools, civic organizations, businesses and foundations, churches, government, nonprofits, colleges and even young people themselves: How best can you make use of the tremendous talents of our nation's young people? It is an open invitation to their imagination and generosity.

In 1979, now Sen. Harris Wofford, Jacqueline Wexler and I chaired the Committee for the Study of National Service. Our bipartisan committee recommended much of what President Clinton has proposed. In our report "Youth and the Needs of the Nation," we suggested "[E]stablishing the National Service system as a public corporation chartered and funded by Congress but drawing its leadership largely from the private sector of American society."

Many are impressed that at Notre Dame approximately 10 percent of our graduating seniors go on to a year or more of full-time service and that we have made community service a common expectation of our students and our graduates. President Clinton now offers us a vehicle to help make service a common expectation for all in our country. His plan will reinforce and bolster what is already working at Notre Dame and local communities across the nation.

Whether this new effort grows in future years to 100,000 young people in service to America as the president hopes will depend on its demonstrated success in transforming the lives of our young people and addressing pressing community needs such as illiteracy, poverty, homelessness, inadequate education, access to health care, pollution and unsafe streets.

Roosevelt's Civilian Conservation Corps in the 1930s and now many of the grass-roots efforts that have sprung up all over the nation demonstrate that service is cost-effective. National service does provide awards for education and job training to young people, but to suggest that is all it does misses the mark. The young people in turn provide valuable benefits to their communities and in the process many of the job skills that employers are looking for today, most importantly a work ethic, teamwork and personal responsibility.

Echoing this sentiment, the bipartisan Council on Competitiveness endorsed in its March report to Congress and the president a national service corps as a means of improving school-to-work transitions and honing our economic edge. In Pennsylvania, the statewide youth corps (whose motto is "Serve, Earn and Learn") returns $1.81 in services rendered for every dollar invested. The California Conservation Corps (whose motto is appropriately "Hard Work, Low Pay, Miserable Conditions . . . And More!) shows similar results.

And the president's plan goes beyond just full-time service. It includes school-based service-learning—a method of instruction that allows students to earn academic credit through real work applications. Service-learning offers a means of reforming education and improving academic achievement and retention rates by changing the way teachers teach and students learn. And for less than $2.50 an hour, the Older American Programs in the president's plan have been reducing education and health-care costs by empowering seniors to take care of poor children and other seniors in need.

Our 1979 report concluded, "[A] nation has no greater potential resource than its youth, and National Service may prove to be a vitally necessary way to develop that potential. Since such service appears to us to be a critically missing dimension in the education and development of American young people for an adult life of productive work and good citizenship, we think that the sooner a system of National Service is established, the better for the nation."

With competence and commitment, echoing the call of John Kennedy many years ago, President Clinton has offered us a nonpartisan way of making this nation a better place for all Americans, both those who serve and those who are served.

[From the New York Times, July 28, 1993]

Petty Politics on National Service

Two years or three? It's a trivial difference, but Senate Republicans think President Clinton's national service initiative is worth scuttling for the sake of knocking a year off the life of the program.

But what is really at issue is not the length of the program, or even its cost. The Senate minority leader, Robert Dole, seems to be marshaling a filibuster to deny President Clinton a major legislative victory at any cost. The Senate will vote tomorrow on breaking the filibuster; there's a chance enough Republicans will rise above partisan politics to support the worthy bill.

The Administration proposes to provide volunteers with minimum-wage salaries and up to $10,000 in grants for higher education in exchange for two years of tutoring students or other public service. Many Republicans support the idea; several, like Arlen Specter of Pennsylvania and John Chafee of Rhode Island, are co-sponsors.

But to Mr. Dole, no idea is too good to escape use as political fodder. So he has applied the all purpose pejorative "tax and spend" and marshaled a filibuster. The ostensible reason was the possibility that costs would skyrocket.

The Democrats have tried to accommodate: They agreed to spend less than $400 million in the first year, enrolling only about 20,000 participants. But Republicans objected that costs in later years weren't specified. So the Democrats proposed to cap annual spending at $300 million in the first year, $500 million in the second and $700 million in the third. They also agreed—as a way of targeting benefits on the needy—to tax the education grants. But these concessions weren't enough for the Republicans. They wanted a two-year program, after which Congress would decide if the program was worth continuing.

On the merits, the Democrats are right. Two years is barely enough time to get the administrative machinery in place and insufficient time to learn if the program works. Besides, it's hard to swallow the Republicans' tax-and-spend complaints: Congress would be in complete control of the costs year by year.

National service could eventually draw hundreds of thousands of Americans into serving needy communities and give participants the means to pay for higher education. Mr. Dole's just-say-no strategy may make for shrewd politics, but it renders poor public—and national—service.

[From the Washington Post, July 28, 1993]

A CHANCE FOR NATIONAL SERVICE

Sometimes it's hard to distinguish between narrow, partisan obstructionism and hard bargaining in the pursuit of a fair compromise. Take the battle over President Clinton's national service program. It's dear to Mr. Clinton, who harbors memories of how creation of the Peace Corps in the Kennedy administration sent a message of service and sacrifice to a whole generation. The Clinton program would encourage young people to give a year or two for law enforcement, education, the environment and assistance to poor neighborhoods. Volunteers would receive living stipends of about $7,000 a year and then a $5,000 award for each year in—to be used to pay off student loans.

Until last week, the proposal seemed set for passage with bipartisan support. But in what is fast becoming a ritual. Senate Republicans objected to the program as too expensive and threatened a filibuster. To block a filibuster, the Democrats need 60 votes, but hold only 56 seats in the Senate. Democrats have picked up support from two Republican to block the filibuster—Sens. James Jeffords and David Durenberger—but that still left them two votes short yesterday. So the administration went negotiating.

It's important to distinguish between two groups of Republican holdouts. One group that notably includes Sen. Nancy Kassebaum of Kansas seems genuinely interested in passing a service program, but worries about the expense of the Clinton plan and wants more experimentation before a full-scale program is launched. These are fair concerns. But many other Republicans seem mostly interested in blocking any initiative that might make Mr. Clinton look good, and are in the position of being able to use Sen. Kassebaum as a front.

To its credit, the administration has been willing to scale, back its plans to win a bill. Having once talked of spending as much as $7.4 billion on the program over four years, it is now willing to back a $1.5 billion plan over three. Republicans proposed $800 million over two, which the Democrats rejected as providing insufficient time to test the program. With an earlier version of the bill set to pass the House today, negotiations with Senate Republicans will continue.

Getting pushed by Senate Republicans to cut back his program may not have been the worst thing for Mr. Clinton. A scaled-back program may have a better chance of working, and it can be build upon. But the administration has gone a long way toward accommodating Republican concerns. Now it's time for moderate Republicans who say they support national service (among them Sens. John Chafee and Arlen Specter) to demonstrate that they're willing to break with pure partisanship in the interest of a worthy program. Agreement is well within reach.

[From The Philadelphia Inquirer, July 28, 1993]

BLOCKING NATIONAL SERVICE

DOLE'S LITTLE BAND HAS APPARENTLY DECIDED TO PUT PARTY AHEAD OF COUNTRY

In their attempts to frustrate President Clinton by impeding passage of his national-service initiative, Senate Republicans have shown that their party is so obsessed with sticking it to President Clinton that any thought of doing what's good for the country has vanished from their thought processes.

National service, a plan that lets college students partly pay off tuition loans by doing needed work to help the country, is no new, untested concept. Its roots are found in the GI Bill, the Peace Corps, VISTA and numerous state programs. Pennsylvania, for example, can point to Penn-SERVE, an array of community-service programs started five years and championed by U.S. Sen. Harris Wofford during his tenure as a state government official.

The idea of national service should renew America's sense of common purpose and help rekindle idealism in America's youth. It should bring Americans together, instead of driving them apart. The concept is so exciting that at one point a Republican Senator, Dave Durenberger of Minnesota, asked Mr. Clinton to start the program even before it's formally enacted by recruiting students to help the Midwest flood cleanup.

What's getting in the way now is plain old partisan politics. Senate Minority Leader Robert J. Dole has lined up the Republican senators to filibuster against national service, pressuring Republicans who favor the program, like Sen. Durenberger and Pennsylvania Sen. Arlen Specter (a putative cosponsor) to put party over country.

The GOP reasoning apparently goes like this: Don't give the President anything he can take credit for.

Or maybe it's even more sinister than that. Perhaps Republican leaders fear that the program would work; that young Americans might start reaching out across divisive lines of race and class to solve America's problems by helping children to learn and by policing our cities. Perhaps that just doesn't fit into the elitist Republican world view.

Never mind that in negotiations led by Sen. Wofford the administration already has agreed to cut back an already scaled-back program. Never mind that playing brinksmanship now could actually wind up killing a bill even some Republicans think would be good for the country.

[From the Los Angeles Times, July 27, 1993]

IMPERILING A PLAN TO HARNESS IDEALISM

In what is threatening to become a trademark display of obstructionism, Senate Republicans last week mounted their fourth major filibuster of the year, this time to block scheduling of a vote on President Clinton's national service plan. And in the overall effort to block the program, some Republicans are engaging in deception about the popular bill. Their critical statements about the long-term costs and benefits of this plan, which offers educational grants in exchange for public service, verge on the ludicrous. Let's set the record straight.

The national service measure is based on a simple idea. It would authorize educational grants of up to $5,000 a year each for the participants, numbering 150,000 by 1997, in exchange for their agreement to tutor grade school students, help senior citizens or perform other public services.

Clinton sold the idea during his campaign last fall as a way to kindle anew a sense of public spirit as well as to help students struggling with high college tuition costs.

Clinton originally intended the initiative to begin last month. But the program has been delayed—and significantly scaled back—as Congress has wrangled over the President's budget package.

Clinton hoped to involve millions of participants and to provide grants larger than the $5,000 in this bill. Under the current version, only 20,000 to 25,000 persons would participate the first year, at a cost of $394 million. Nonetheless, even the attenuated plan is worth doing.

The program has a good deal of popular support. Its virtue lies in its promise to tap the creative energy of young people, to reward them for serving their country and communities and to help them finance their education.

Yet, to Sen. Bob Dole of Kansas, Republican leader of the Senate, the legislation is another example of "willy-nilly mortgaging of our future." Come again? National service is not another government handout. Indeed, it is a cost-effective way to help Americans help themselves while providing necessary services to communities that government might otherwise have to fund.

Opponents have fought the measure with increasing vigor since last Tuesday. Supporters insist that a fair compromise is possible. A vote to end the filibuster is scheduled for today. The Senate should stop the games and pass this bill. Clinton isn't going to get very much of his original budget proposal out of this deficit-oriented Congress, but the national service idea deserves a try.

[From the Providence (RI) Journal, July 27, 1993]

FREE THE SERVICE BILL

In filibustering against President Clinton's national service bill, some Senate Republicans are using obstructionist tactics to block a promising initiative. The idea behind the bill—offering educational credits to young people in return for public service—has won wide acclaim from Democrats and Republicans alike. Preventing even a Senate vote on the measure, as Sen. Bob Dole would have his GOP colleagues do, is wrong.

Many young Americans cannot find work. Many of them would benefit greatly from more education, but cannot afford the bill. With the nation feeling severe social strains these days, and with a long agenda of unmet social needs, there is a compelling logic behind such a unifying program.

Mr. Clinton has already cut back his original national service proposal to meet tight budgetary restrictions. As it stands now, the bill would set up a pilot program to fund up to 25,000 jobs at a first-year cost of $394 million. This experiment could well prove successful enough to be worth expanding. The Republicans' attempt to block this initiative is shortsighted and self-serving. The Senate should be able to vote on the bill's merits. Senator Dole, who at times seems mostly propelled by negative politics, should let the Senate's business proceed.

[From the Washington Post, July 23, 1993]

GOP IS THREATENING TO IMPEDE CLINTON'S NATIONAL SERVICE BILL

"Senate Republicans," who appear ready to filibuster just about everything Democrats throw at them, are threatening to delay or block passage of President Clinton's national service bill in hope of forcing Democrats to cut the scaled-back program even further.

Democrats are exploring possibilities for compromise but say they are not prepared to gut the program as the price of avoiding a showdown over cloture to end a GOP filibuster.

"There's room for compromise," said Sen. Edward M. Kennedy (D-Mass.), chairman of the Labor and Human Resources Committee and floor manager of the bill. "The concept of community service has a long history of bipartisan support. The heart of the current controversy is details, scope and funding, not basic principles. It's not a serious filibuster yet."

Sponsored by Democrats spanning the party's philosophical spectrum, the bill would authorize $394 million to begin a program under which participants would receive stipends for education in exchange for community service.

The program initially would provide $5,000 a year to 25,000 participants, a small down payment on Clinton's campaign promise to put a college education within reach of all Americans.

Similar legislation is expected to be approved next week by the House.

Judging from Senate votes this week on substitute proposals advanced by Sen. Nancy Landon Kassebaum (Kan.), ranking Republican on the labor committee, Republican on the labor committee, Republicans may have the votes to block cloture. Democrats succeeded in blocking Kassebaum's proposal with votes of 59 to 38 and 57 to 42, but that's short of the 60 needed to cut off debate.

In what rapidly is becoming a regular matting dance on the Senate floor, Majority Leaders George J. Mitchell (D-Maine) politely asked Minority Leader Robert J. Dole (R-Kan.) late Thursday whether "we will be permitted to get to a final vote or whether it will be necessary for us to file a cloture motion" on the bill.

Just as politely, Dole said he could not say when a vote would be permitted and added: "I would suggest maybe filing a cloture motion." Mitchell did so, and the cloture vote will occur Tuesday if an accommodation has not been reached.

Some Republicans, including Kassebaum, have qualms about filibustering anything as popular as national service but are going along with the strategy to try to win concessions. "If we can agree on lower costs and putting this on a pilot project basis, if could get more support," Kassebaum said.

Sen. David L. Boren (D-Okla.), a supporter of national service, said he thought a compromise was possible along the lines of 20,000 participants the first year and 40,000 the second. "But if they really want to go to the mat over national service," he said of the GOP, "I think they'll be making a big mistake."

[From the Washington (DC) Times, July 27, 1993]

STUDENTS RALLY FOR NATIONAL SERVICE

About 500 college-aged voters rallied in a Senate hearing room yesterday on behalf of President Clinton's national service program, the target of a Republican filibuster.

The young activists delivered to senators 20,000 signed postcards supporting the legislation, which would allow college students to swap community service for living and tuition costs.

Some Republicans in the Senate have been trying to block the bill via a filibuster. A vote is expected today on whether to cut off the debate.

The rally was put on by the College Democrats, MTV's "Rock the Vote" organization and other groups.

[From the Washington Post, May 2, 1993]

CHANCE OF A LIFETIME

(By Roger Landrum)

President Clinton's proposal to link National Service with federal college scholarships or loan forgiveness packs a powerful political punch. It evokes memories of a GI bill rewarding the young men who won World War II with a college education—a venture that also revitalized American higher education. For younger voters and their parents, a National Service Trust Fund is also the modern political equivalent of "a chicken in every pot."

But with the size of the federal deficit and competing priorities for human resources investment, skeptics say that fulfilling a pledge to reward civic service with federal education assistance is impossible beyond a token effort. Not so. A transforming social initiative can be forged if a new kind of national service vision comes to the fore.

The good news for the president is that the new national service has been taking shape in the nonprofit sector for a decade. The scale is still small, but most of the pieces are in place. A new model of national service that will last for generations, far beyond the Clinton administration, cannot be built overnight, nor can it carry only the Clinton imprint; it must be bipartisan. And to capitalize on the strengths of our society, it needs to be a joint venture of corporations, foundations, educational institutions, the nonprofit sector and government at all levels.

One thing is certain. The new national service cannot be created with a stoke of the presidential pen or constructed with old habits of federal action.

National service used to be defined as a monolithic and one-dimensional federal program following the models of military forces, Franklin D. Roosevelt's Civilian Conservation Corps, and John F. Kennedy's Peace Corps. These programs were built on the guiding assumption that these were activities to be undertaken by young people roughly 18 to 25 year of age in projects funded and administered by government on a fulltime basis during a period spent away from civilian life.

The new national service is based on a different set of assumptions. Young participants represent a wider range of ages and come from diverse backgrounds. Some are serving full-time, others parttime. There are many successful program models, organized by different kinds of institutions and supported by different funding sources, public and private. The operations are decentralized, and the leadership is primarily nongovernmental. The next steps forward must build on this foundation.

The president needs to help lay out strategies that persuade corporations, foundations, state and local governments and individuals to at least match the federal government's outlays in direct support of a national service initiative of their choice. The process is already underway; it only needs to be accelerated. Private foundations such as Ford, Kellogg, DeWitt Wallace-Reader's Digest, MacArthur, AT&T, Bonner Foundation, Reebok and others are already large investors in national service. So are the state governments of Pennsylvania, California and Minnesota. In addition, the President's proposed National Service Trust Fund—post-service college scholarships for those who serve—could be doubled or tripled by private contributions. If every college and university in the nation engages in the process by establishing its own National Service Trust Funds to augment the federal scholarships, many more young people will be able to gain educational assistance through joining service programs.

The President will have an opportunity to pioneer a set of innovative federal investment strategies for building the new national service, rather than creating a government monopoly. They should include:

A federalism strategy of investing on a competitive basis in state plans. This approach is already underway on a modest scale through the Commission on National and Community service, up this year for reauthorization. The commission should be continued, but it is essential that this not be the only investment strategy, because this would place all leadership and direction in the hands of government agencies.

A franchise strategy of investing in generic youth service models developed and tested by entrepreneurs. The goal would be to replicate them nationally.

A hub strategy of investing large block grants in national and regional nonprofits with important zones of expertise and excellence, which are essential for improving and ensuring the quality of the new national service. These areas include evaluation research, leadership development, strategic planning and management, replication, communications and promotion, and technical assistance. The Clinton administration should take the step of farming out venture capital to the non-governmental leadership that organized and led the movement before government became a partner.

Other investment strategies are feasible, but the key is to build the new national service with much broader ownership, diversity and innovation. President Clinton deserves great credit for moving ahead so boldly, but he should not be expected to carry the entire responsibility for building national service.

This is the chance of a lifetime to give a great many young people more active and positive roles in our society. Now is the time for all of the country's major institutions to join in creating the new national service.

[From the Washington Post, May 10, 1992]

Can a New "Army" Save Our Cities?

(By Arthur Ashe)

Once again, seething, residual anger has burst forth in an American city. And the riots that over-took Los Angeles 10 days ago were a reminder of what knowledgeable observers have been saying for a quarter-century: America will continue paying a high price in civil and ethnic unrest unless the nation commits itself to programs that help the urban poor lead productive and respectable lives.

Once again, a proven program is worth pondering: national service.

Somewhat akin to the military training that generations of American males received in the armed forces, a 1990s version would prepare thousands of unemployable and undereducated young adults for quality lives in our increasingly global and technology-driven economy. National service opportunities would be available to any who needed it and, make no mistake, the problems are now so structural, so intractable, that any solution will require massive federal intervention.

In his much-quoted book, "The Truly Disadvantaged," sociologist William Julius Wilson wrote that "only a major program of economic reform" will prevent the riot-prone urban underclass from being permanently locked out of American economic life. Today, we simply have no choice. The enemy within and among our separate ethnic selves is as daunting as any foreign foe.

Families rent apart by welfare dependency, job discrimination and intense feelings of alienation have produced minority teenagers with very little self-discipline and little faith that good grades and the American work ethic will pay off. A military-like environment for them with practical domestic objectives could produce startling results.

Military service has been the most successful career training program we've ever known, the American children born in the years since the all-volunteer Army was instituted make up a large proportion of this targeted group. But this opportunity may disappear forever if too many of our military bases are summarily closed and converted or sold to the private sector. The facilities, manpower, traditions, and capacity are already in place.

Don't dismantle it; rechannel it.

Discipline is a cornerstone of any responsible citizen's life. I was taught it by my father, who was a policeman. Many of the rioters have never had any at all. As an athlete and former Army officer, I known that discipline can be learned. More importantly, it must be learned or it doesn't take hold.

A precedent for this approach was the Civilian Conservation Corps that worked so well during the Great Depression. My father enlisted in the CCC as a young man with an elementary school education and he learned invaluable skills that served him well throughout his life. The key was that a job was waiting for him when he finished. The certainty of that first entry-level position is essential if severely alienated young minority men and women are to keep the faith.

We all know these are difficult times for the public sector, but here's a chance to add energetic and able manpower to America's workforce. They could be prepared for the world of work or college—an offer similar to that made to returning GIs after World War II. It would be a chance for 16- to 21-year-olds to live among other cultures, religions, races and different geographical areas. And these young people could be taught to rally around common goals and friendships that evolve out of pride in one's squad, platoon, company, battalion—or commander.

We saw such images during the Persian Gulf War and during the NCAA Final Four basketball games. In military life and competitive sports, this camaraderie doesn't just happen; it is taught and learned in an atmosphere of discipline and earned mutual respect for each other's capabilities.

Ethnic hatred, like that portrayed in Los Angeles, is also taught and learned.

A national service program would also help overcome two damaging perceptions held by America's disaffected youth: that society just doesn't care about minority youngsters and that one's personal best efforts will not be rewarded in our discriminatory job market. Harvard professor Robert Reich has opined that urban social ills are so pervasive that the upper 20 percent of Americans—that "fortunate fifth" as he calls them—have decided quietly to "secede" from the bottom four-fifths, and the lowest fifth in particular. We cannot countenance such estrangement on a permanent basis. And what better way to answer skeptics from any group than by certifying the technical skills of graduates from a national service training program?

Now, we must act decisively to forestall future urban unrest. Republicans must put aside their aversion to funding programs aimed at certain cultural groups. Democrats must forget labels and nomenclature and recognize that a geographically isolated subgroup of Americans—their children in particular—need systematic and substantive assistance for at least another 20 years.

The ethnic taproots of minority Americans are deeply buried in a soil of faith and fealty to traditional values. With its accent on discipline, teamwork, conflict resolution, personal responsibility and marketable skills development, national service can provide both the training and that vital first job that will reconnect these Americans to the rest of us. Let's do it now before the fire next time.

[From the Washington Post, May 11, 1993]

Perchance, the "Us" Decade?

(By Mary McGrory)

The best of Bill Clinton has gone up to Capitol Hill. It's his idealistic but shrewd proposals for "national service" and student loan reform. Between them, they bring back memories of the Peace Corps and the GI Bill. The national service program will certify the suspicion that U.S. youth has ditched the cynicism and greed of the '80s and has gone back to the shameless caring of the Kennedy years.

Clinton doesn't ask for the self-sacrifice that was required of the Peace Corps. Volunteers got stipends and the satisfaction of doing good. But in this peace Corps-come-home experiment, in addition to a minimum wage stipend ($4.25 an hour) participants get a subsidy for their college or training school education—$5,000 a year.

If successful, it could demonstrate a new Democratic philosophy, giving people to problems rather than money. Rich and poor alike between the ages of 17 and 25 are eligible: all they need is a willingness to pitch in and tutor ghetto children, clean parks, rehabilitate schools—and maybe save our cities.

Almost imperceptibly, the student who lived only to storm Wall Street has been fading from the American campus. The young are no longer unwilling to identify with losers. Lately, colleges have organized altruistic enterprises like fasts to show solidarity with Haiti. They send out their students to help poor children with homework, serve in soup kitchens, sit with the old, shelter the homeless and in general acknowledge that we are all in this together.

In some states and cities, students are required to do community service.

One of the more imaginative projects is being carried on at Georgetown Law School. Volunteers run the D.C. Family Literacy Project. Students travel to Lorton Reformatory, carrying such childhood classics as "Goodnight, Moon" and "Black Beauty." They teach the inmates how to read these books to their children. They coach them in diction and dramatic presentation and conduct seminars in child development. On visiting day, the incarcerated parents put on shows for their families. They did a dramatization of "The Three Bears."

Whenever he spoke of national service in the campaign, Clinton got his biggest response. After he formally announced the program at Rutgers. University on March 1, the national sevice office got 6,000 letters from young people who were just waiting to be asked. One recent Villanova graduate declared a willingness to give up a well-paid accountant's job because "I want the business of my life to be helping others, not dollars and cents."

Last week, National Service Director Eli Segal, a lifelong exponent of participatory politics, a longtime friend of Clinton's and a highly successful Boston toy tycoon, announced the opening of a pilot program called "Summer of Service." It's strikingly modest. In 11 cities, 1,000 volunteers will work in enterprises already well established in their communities.

Four-hundred-fifty cities and towns applied. Washington did not make the cut, but Boston did.

Its well-known "City Year" got a grant of $313,000 to expand its activities. City Year volunteers wear uniforms and do calisthenics every morning before plunging into their work. They clean parks and vacant lots—erstwhile drug-dealers' offices, which they have turned into playgrounds or urban gardens. This summer, they will keep open an inner-city elementary school. They will have summer camp, tutoring, crafts. Children will go on day trips to the aquarium, the airport and other points of interest.

The lucky thing about Summer of Service is that the money—$10 million—was appropriated last year. No one can quarrel with the idea of national service. The one difficulty anticipated on Capitol Hill involves the change in student loans. Previously, banks made government-guaranteed loans. Now Uncle Sam will make direct loans to students, who will pay back on an income-related scale. Republicans would prefer to keep the banks in the picture, but they can't deny that money will be saved. Enforcement will be transferred to the Internal Revenue Service. The current student loan default rate is a scandalous $3 billion a year. By 1997, the Corporation for National Service should have 150,000 young people on its rolls. The only rational complaint that could be made about the whole thing is that it isn't big enough.

Eli Segal promises there will be no bureaucracy, no boondoggles.

"This is about excellence," he says.

National service could give Bill Clinton a much-needed success.

[From the Washington Post, Mar. 13, 1993]

CLINTON'S CALL TO SERVICE

(By Colman McCarthy)

No speech in the Clinton campaign was more inspirational than the candidate's remarks at the University of Notre Dame last September. As president, Clinton didn't match it until his March 1 speech at Rutgers University. At both campuses, he issued calls for national service for college students.

At Notre Dame: "If we are truly to practice what we preach, Americans of every faith and viewpoint should come together to promote the common good." It was similar at Rutgers: "National service is nothing less than the American way to change America."

Clinton's effort to rally the young to altruism has created a debate that pits idealism against realism, as if the two are forever locked in conflict. Where's the money, ask realists, for the tuition-for-service program that Clinton is proposing: $389 million in scholarships for 25,000 students the first year and $3.4 billion for 100,000 by 1997. Realists say that Clinton's sweet talk ignores sour facts: There's no money for a new social program.

From that negative, despairing argument, Clinton is supposed to get the message: Don't even try. That means don't lead, just preside. The past 12 years witnessed two presiders in the White House. Most first-year college students today were in kindergarten when Ronald Reagan was elected and in fourth grade when reelected. They came into adolescence under a politician who tried nothing by way of linking government with national service. Instead of selflessness to others, he extolled self-enrichment.

Evidence suggests that the young weren't seduced either by Reagan's message of contempt for government or his disdain for altruism. The 1980s saw a surge in campus community-service programs, such as the ones Clinton praised at Notre Dame and Rutgers. Amnesty International chapters increased on campuses, as did those of Oxfam USA. Applications to Peace Corps remained high, as they did for such private domestic programs as the Jesuit Volunteer Corps and the Lutheran Volunteer Corps.

Yet Clinton's philosophy of service represents intellectual newness to many in high school and college. John F. Kennedy's appeals to national service are seen as historical relics, known from books but not live on MTV as are Clinton's. It wasn't a politician's celebrityhood that created support for the president at Notre Dame and Rutgers. Students saw in him someone with a positive message—put community interest above self-interest—that many professors and counselors at their schools had been exposing them to all along: If you can't teach the illiterate, comfort the sick and handicapped, or mend whatever and whoever is broken during your college years, you're receiving a limited education.

Clinton deserves to be honored for taking a risk that he'll be able to raise the money for his program of national service. Critics in Congress with no greater agenda than carping about ideas they were too dull-witted or timid to propose themselves now lie in wait for the president when he comes in with specifics. They will say Clinton's ideas are dangerous because they are romantic and utopian, a charge that ignores the thought of James Madison in 1788: "No theoretical checks—no form of government, can render us secure. To suppose that any form of government will secure liberty or happiness without any virtue in the people is a chimerical idea."

Some critics charge that Clinton is into bribery: tuition money for service. While the details are being worked out on how much money for what service, who complains that the U.S. Army entices recruits with as much as $20,000 toward a college education. Why isn't it bribery when ROTC programs pay students to shine their boots occasionally and take gut courses in military lore. Nor is much alarm expressed over the most lavish enticement of all: a free ride at the military academies in exchange for a few years in uniform after graduation.

Clinton's Rutgers speech marked the 32nd anniversary of the Peace Corps. Kennedy's spirited message was repeated by Clinton: "Answer the call to service." In "The Bold Experiment," a history of the Peace Corps by Gerard Rice, one of those who responded to Kennedy's call explained why: "I'd never done anything political, patriotic or unselfish because nobody ever asked me to. Kennedy asked."

So has Clinton.

WHY SO CYNICAL ON NATIONAL SERVICE?

(By Joshua Civin)

"Altruistic government programs like national service are too often feel-good programs. They rarely work," said a jaded Washington staffer in a tone that bordered on patronizing. I nodded politely as a 19-year-old novice should in response to a seasoned politico's wisdom.

I have been avidly following the developing national-service debate. I applauded President Clinton's speeches advocating "a revival of America's commitment to community." Here, I thought, was a chance for our generation to demonstrate that its attention span could be held by something more profound than MTV or Tetris. Here was a program that considered our skills as productive resources rather than as markets for an endless stream of gadgets.

My initial optimism began to deteriorate as countless critics deconstructed national service into Swiss cheese. It was happening again. My would-be mentor argued that a national service program would be too expensive.

"When we are having such difficulty cutting the deficit, the last thing we need is a huge expensive new program. Only a certain segment of society," he continued, "needs national service—youth from families whose incomes are below a certain level." And then he concluded decisively, "National service smells like all other attempts at idealistic government intervention. It will fail."

These criticisms have force. Faced with them, I felt the distinct temptation to forget about helping anyone but myself—to withdraw into cynicism and materialism. But nagging questions still perplexed me. What justified this Senate staffer's contempt of my youthful idealism? Why were he and all the other enlightened ones determined to doom any national-service initiative to governmental gridlock?

National service, as I understand it, is a program to re-instill an ethic of citizenship in our entire generation. The critics are products of older generations, especially our parents' generation, the baby boomers. Although history, as Thucydides reminds us, reveals what past patterns are applicable to the future, our generation need not cede the national-service debate to our elders. Even our elders who have been friendly to national service, from Peace Corps veterans to experienced community activists, have little more regard than the cynical Senate staffer for the views of young people—a funny thing when you remember that we are the constituents of any potential national-service program.

Our generation has not yet seen its heroes mowed down and desanctified. After the deaths of Martin Luther King and the Kennedys, the tragedy of Vietnam, the betrayal of Watergate, hippies found cynicism and became yuppies. But jaded elders should not deny us our idealism. We want something to believe in. It is at your peril—you, our elders—that you turn away us, our nation's young people.

Potentially more devastating than the budget deficit is our social deficit. The neglected agenda of race and poverty, of community and children, of leadership and integrity threatens our country's future. If national service is too expensive, how expensive is leaving us out on the streets poorly educated, poorly trained and largely apathetic? Far cheaper to finance national service programs than to build and maintain more prisons. As in medicine, prevention is less costly than treating the symptoms of generational abuse.

You must give us, the future generations, the skills, the resources and the desire to combat our society's systemic problems as well as our budget deficit. In fact, it is in your best interest to prevent us from continuing in the self-centered, couch-potato mentalities that the media ascribes to our generation. The nation is graying and it is we, the Generation X, who will nurse the baby boomers, yuppies and post-hippies into old age.

We young people are yearning to accept and fulfill our societal responsibilities. Already, our idealism has yielded fruit in such youth-conceived and youth-led programs as City Year and Teach for America, spawning social entrepreneurs to address critical unmet needs. In Washington, if young people from Public Allies serve at non-profit organizations and agencies, while about 100 young people from neighborhoods such as Anacostia, Adams-Morgan, and Bethesda come together as members of D.C. Service Corps to teach children, paint playgrounds and provide comfort to the elderly.

We young people cannot change the world alone. Government, the private sector, all ages, races and religions must match our initiative. Young people have much to learn from many experienced veterans but the price of our open-mindedness is your support and appreciation. Programs like Pennserve and Volunteer Maryland contain the potential to ripple through our entire generation.

These thoughts raced through my head as I listened to the pedantic Senate staffer, but I only showed a timid nod of the head. National Service can work both ways. Correctly conceived, properly funded, filled with a diversity of participants, it can empower young people, serving as a Peace Corps for our generation. Or, as all you former hippies know . . . it is not a giant leap from submissive nodding to disgruntled cynicism.

[From the New York Times, May 5, 1993]

SLOW BUT SURE ON NATIONAL SERVICE

President Clinton promised voters "a domestic G.I. Bill that will pledge college assistance to any student who wants it." But the national service plan he recently announced falls short of that lofty goal. Only a handful of students will participate, and they will receive a fraction of what it takes to attend private colleges.

Some are urging the President to move faster. But in the current political vortex faster is probably wrong. Mr. Clinton is already trying to ram three major bills—the budget, health care reform and the Mexican trade pact—through Congress this summer. Moreover, Congress needs his strong leadership to strengthen and pass the campaign finance legislation expected to be unveiled later this week. To add an ambitious national service plan to the Congressional agenda risks overload—and grid-lock.

So Mr. Clinton has decided to start national service off slowly. That's acceptable, as long as he honors his campaign promises by accelerating the plan next year.

The Clinton plan would open college gates to more students through national service and a restructured student loan program. High school graduates who volunteer for a year or two of community service would, besides earning the minimum wage, receive awards of up to $10,000 toward post-secondary education or training.

The award isn't large enough to pay for four years at private colleges. And the program would initially accommodate only 25,000 students—a tiny fraction of the eligible population. But a slow pace many prove wise.

Mr. Clinton's vision is grand: young Americans advancing themselves as they combat illiteracy, aid the homeless or rehabilitate housing. But if it is rushed, the program could degenerate into a government bureaucracy handing out useless jobs that wouldn't be filled by anyone other than volunteers.

The President also proposes to open college to students who don't volunteer for community service by providing affordable student loans. The current loan program is a complex myriad of options under which commercial banks extend loans with the backing of Federal guarantees and subsidies.

Mr. Clinton's would simplify the process by having the Government directly lend to students, thereby cutting out the banks and saving money. The plan would also give students the option to tie repayment to their future income—thereby eliminating the fear of bankruptcy for those who enter low-paid occupations. Whether the plan would work smoothly depends on details that have yet to be provided.

President Clinton's student loan program would be simpler than the current program. But it may not be cheaper. The money saved by eliminating bank profits could easily be swallowed up by bloated bureaucracy and less vigilant collection from deadbeats. And there are ways to cut out fat from the existing program—by reducing the subsidies paid to the banks and forcing them to bear more of the risk from student defaults.

What's odd is Mr. Clinton's decision to revamp the system even before the results of a pilot project of direct lending is studied. Surely it would make sense to see how the program works on a small scale before launching it nationwide.

The President's vision draws on the inspiring model of the G.I. Bill of Rights, which put millions of World War II veterans into college classrooms and made them the best educated, and most productive, workers America has ever had. His plan isn't up to that standard—yet. But Mr. Clinton is on to something important—an idea that is fully consistent with his campaign pledge to fashion government programs that help the needy only in exchange for performance. This worthy endeavor need not be rushed.

[From USA Today, May 3, 1993]

GIVE NATIONAL SERVICE A TRY

The national service plan offers a way for young people to meet their goals while filling the nation's needs.

President Clinton has a plan to create opportunity while teaching responsibility. At $3 billion a year—a buck a month for each American—it's too good an idea not to give a try.

The plan is national service. It is part of Clinton's proposal—unveiled Friday—to make college more affordable. Here's what the dollar a month would pay for in 1997:

150,000 young people working on jobs communities need done. They'd build homes for the homeless, teach preschool youngsters, care for the infirm and elderly, and help the police.

Participants would earn the minimum wage and get credits of up to $10,000 over two years to use for college or pay off old student loans.

Rewarding service with education has given the country a boost before. Millions of veterans after World War II took advantage of the GI Bill. And they spurred the nation's phenomenal growth in the '50s and '60s.

Today, with the military shrinking, Clinton's service plan offers another means for young people to meet their goals while filling national needs.

Tough questions, though, remain about how the plan will work:

Will needy youngsters benefit from the program? If they don't money might better be spent on direct grants to them.

Will the jobs meet real needs, yet not deprive full-time employees of work? The aim is to do work not being done now, not replace permanent employees.

Will running the program be costly? Clinton plans to combine existing federal volunteer agencies into a Corporation for National Service, so administration should be cheap. But if it isn't, national service won't provide enough educational and service bang for the buck.

Clinton plans to phase in the program slowly—25,000 jobs in 1994, growing to 150,000 in 1997. That offers time to answer those concerns.

For now, a buck a month for national service looks like a great buy.

NATIONAL AND COMMUNITY SERVICE COALITION MEMBERSHIP LIST

AARP.
Advocacy Institute.
AFSCME.
Agudath Israel of America.
Alliance For Justice.
American Alliance for Rights and Responsibilities.
American Federation of Teachers.
American Jewish Committee.
American Red Cross National Headquarters.
American Youth Foundation.
American Youth Policy Forum.
Americans For Democratic Action.
Arkansas Division of Volunteerism National Assembly of State Offices of Volunteerism.
Association for Volunteer Administration.
Association of Junior Leagues International B'Nai B'Rith International.
Big Brothers/Big Sisters of America.
Boston University Community Service Center.
Brescia College.
California State Department of Education.
Camp Fire.
Campus Compact Center for Community Colleges.
Campus Green Vote.
Campus SERVE.
Child Welfare League of America.
Children's Defense Fund.
City Cares of America.
City of Omaha.
City Volunteer Corps.
City Year.
Close Up Foundation.
College Democrats of America.
Colorado Boys Ranch.
Community Concepts.
Community Renewal Team of Greater Hartford.
Community Service Learning Center.
Community Services, Inc.
Connecticut Department of Higher Education.
Constitutional Rights Foundation.
COOL.
Council of Chief State School Officers.
Council of Jewish Federations.
DC Service Corps.
East Bay Conservation Corps.
Florida Conservation Corps.
Generations United.
Georgia Peach Corps.
Girl Scouts of the USA.
Graham-Windham Services to Families & Children.
Green Corps.
International Liaison of Lay Volunteers in Mission.
Kansas City Consensus.
Louisville Youth Alliance.
MA Office of Community Education.
Magic Me.
Maryland Student Service Alliance.
Massachusetts Youth Service Alliance.
Maumee Valley Girl Scout Council.
Michigan Commission on Community Service.
Milwaukee Community Service Corps.
National Assn. of State Universities and Land Grant Colleges.
National Assn. of State Universities and Land Grant Colleges.
National Association for Public Interest Law.
National Association of Foster Grandparent Program Directors.
National Association of Partners in Education.
National Association of RSVP Directors Audubon Area RSVP.
National Association of Senior Companion Project Directors.
National Association of Service and Conservation Corps.
National Associations of Foster Grandparent Program Directors, Senior Companion.
National Center for Service Learning in Early Adolescence.
National Collaboration for Youth.
National Committee to Preserve Social Security and Medicare.
National Council on Aging.
National Crime Prevention Council.
National Society for Experiential Education.
National Youth Leadership Council.
Newsweek.
Ohio Campus Compact.
Ohio Governor's Community Advisory Committee.
Operation Civic Serve.
Palmetto Project Youth Service South Carolina.
Partnerships For Families.
PennServe.
Pennsylvania Campus Compact.
Pennsylvania Conservation Corps.
People For The American Way Action Fund.
Points of Light Foundation.
Project Service Leadership.
Public Allies.

Public Interest Clearinghouse.
Public/Private Ventures.
R.I. Department of Elementary and Secondary Education.
Resource Service Ministries, Inc.
SCALEUNC—Chapel Hill.
Society for Nonprofit Organizations.
St. Lukes Community Services.
Teach for America.
Temple University.
Thomas Jefferson Forum.
U.S. Conference of mayors.
U.S. Public Interest Research Group.
United Methodist Church General Board of Church and Society.
United States Catholic Conference.
United States Student Association.
United Way of America Young America Cares!
Virginia COOL.
Virginia Office of Volunteerism.
Volunteer Maryland.
West Towns Visiting Nursing Services.
Wisconsin Community Action Program Association.
Women in Community Service.
YMCA of the USA.
Young People For National Service.
Youth Service America.
Youth Service California (YSCal) c/o Haas Center for Public Service.
Youth Volunteer Corps of America.
YouthBuild Boston.
YouthBuild USA.

YPFNS Supports S. 919, The National and Community Service Trust Act of 1993

Young People for National Service ("YPFNS") is a grassroots, youth-led organization working to mobilize and unite young people to foster an effective system of national service. More than one thousand YPFNS members from across the United States strongly support the National and Community Service Trust Act of 1993, S. 919, as reported by the Labor and Human Resources Committee.

By building a national "service ethic," the national service program will provide vital opportunities for many Americans to work through a wide range of organizations to address pressing educational, environmental and human needs throughout the United States.

National service is not volunteerism. Service is a way by which participants systematically work full time or part time toward solving problems in society. Service provides an opportunity for participants to give something back to their communities in a manner that develops a lasting sense of responsibility for fellow citizens and the nation as a whole. There will clearly continue to be demand for volunteers in meeting social needs. S. 919 recognizes, however, that all people are not equally able to volunteer, and seeks to provide opportunities for diverse groups to participate in meeting community needs.

The national service initiative will establish effective state and local collaborations among all segments of society, including youth, community and national non-profit organizations and the business community. Working together, these partnerships will develop and implement strategic and innovative plans to use service as a means to meet locally-defined community needs.

YPFNS opposes any substitute amendment modeled on the provisions of S. 1212, or other amendments to S. 919 that will limit the diversity of the program and undermine the basic principles of the national service initiative.

Adequate post service educational awards are vital to assuring access to service opportunities for diverse populations throughout the country. The presence of these awards, however, does not turn the national service legislation into an education program. National service is designed to meet serious social needs in the community through programs that also provide educational assistance. Increasing student aid funding, while a worthwhile objective in itself, will not provide those benefits associated with public service. Reform of the educational financing system should be addressed separately.

Diverse organizations—including public interest groups, which provide important access to services in areas such as child abuse, drug addiction, mental health and other critical human needs—should be entitled to compete for participation in the national service program, with selection of participants based on the merits of the service proposed.

YPFNS opposes means testing requirements or other earmarking of service opportunities for particular individuals, which would limit diversity and undermine the effort to create a national service ethic in all Americans. Specific outreach to recruit and include disadvantaged youth, and to support development of programs to provide services in low-income areas and programs to recruit members of low-income communities as participants, should be emphasized.

Let us lend a hand—pass S. 919.

College and University Presidents Who Support S. 919

Melvin L. Vulgamore, President, Albion College, Albion, MI.
Carol A. Cartwright, President, Kent State University, Kent, OH.
Michael Mooney, President, Lewis & Clark College, Portland, OR.
David Mertes, Chancellor, California Community Colleges, Sacramento, CA.
Peter Likins, President, Lehigh University, Bethlehem, PA.
Nils Hasselmo, President, University of Minnesota, Minneapolis, MN.
John D. Welty, President, California State University, Fresno, CA.
William P. Gerberding, President, University of Washington, Seattle, WA.
Neil Bucklew, President, West Virginia University, Morgantown, WV.
Peter R. Pouncey, President, Amherst College, Amherst, MA.
Arthur DeCabooter, President, Scottsdale Community College, Scottsdale, AZ.
Dale W. Lick, President, Florida State University Tallahassee, FL.
James J. Duderstadt, President, University of Michigan, Ann Arbor, MI.
Tom Gerety, President, Trinity College, Hartford, CT.
Brice W. Harris, President, Fresno City College, Fresno, CA.
Richard A. Jones, Interim President, De Anza College, Cupertino, CA.
Robert C. Detweiler, President, California State University, Dominguez Hills, CA.
William M. Chace, President, Wesleyan University, Middleton, CT.
Donald W. Zacharias, President, Mississippi State University, Mississippi State, MS.
David P. Roselle, President, University of Delaware, Newark, DE.
Charles A. McCallum, President, University of Alabama at Birmingham, AL.
Rev. Dennis Dease, President, University of St. Thomas, St. Paul, MN.
Author Hughes, President, University of San Diego, San Diego, CA.
John Kerbs, President, Union College, Lincoln, NE.
John M. Kingsmore, Pres., Community College of Allegheny County, Pittsburgh, PA.
Sister Jeanne O'Laughlin, O.P., Barry University, Miami Shores, FL.
Gordon A. Haaland, President, Gettysburg College, Gettysburg, PA.
John P. Schlegel, S.J., President, University of San Francisco, CA.
Richard Wood, President, Earlham College, Richmond, IN.
Mary L. Smith, President, Kentucky State University, Frankfort, KY.
James A. Hefner, President, Tennessee State University, TN.
Richard D. Breslin, Ph.D., President, Drexel University, Philadelphia, PA.
Judith E. N. Albino, President, University of Colorado at Boulder, CO.
Orville Kean, President, University of the Virgin Islands, U.S. Virgin Islands.
Arthur Smith, President, University of Utah, Salt Lake City, UT.
Dolores Cross, President, Chicago State University, Chicago, IL.
Robert L. Carothers, President, University of Rhode Island, Kingston, RI.
Alice Stone Ilchman, President, Sarah Lawrence College, Bronxville, NY.
Michael Hooker, President, University of Massachusetts System, Boston, MA.
James M. Brown, Chancellor, Southern Illinois University, Carbondale, IL.
Francis J. Mertz, President, Fairleigh Dickinson College, Madison, NJ.
Michele Tolela Myers, President, Denison University, Granville, OH.
Claire Gaudiani, President, Connecticut College, New London, CT.
Thomas Wallace, President, Illinois State University, Normal, Il.
Robert Rothberg, President, Lafayette College, Easton, PA.
William H. Cunningham, Chancellor, University of Texas System, Austin, TX.
Neil Rudenstine, President, Harvard University, Cambridge, MA.
Blenda J. Wilson, President, California State University-Northridge, CA.
Harry J. Hartley, President, University of Connecticut, Storrs, CT.
Joel Cunningham, President, Susquehanna University, Selinsgrove, PA.
G. M. Dennison, President, University of Montana, Missoula, MT.
Maxwell C. King, President, Brevard Community College, Cocoa, FL.
Dennis M. Mayer, President, Colorado Mountain College, Glenwood Springs, CO.
Chang-Lin Tien, Chancellor, University of California at Berkeley, CA.
Frederick E. Hutchinson, President, University of Maine, Orono, ME.
Kathryn Mohrman, President, Colorado College, Colorado Springs, CO.
Mary L. Smith, President, Kentucky State University, Frankfort, KY.
Paul E. Elsner, President, Maricopa Community Colleges, Temple, AZ.
Gary A. Thibodeau, Chancellor, University of Wisconsin-River Falls, WI.
Martha E. Church, President, Hood College, Frederick, MD.
Harry E. Smith, President, Austin College, Sherman, TX.
Charles Vest, President, Massachusetts Institute of Technology, Cambridge, MA.
Harry Ausprich, President, Bloomsburg University, Bloomsburg, PA.
Colman O'Connell, President, College of St. Benedict, St. Joseph, MN.
Gen. Julius Becton, President, Prairie View A&M University, Prairie View, TX.
Vartan Gregorian, President, Brown University, Providence, RI.

Richard Pattenaude, President, University of Southern Maine, Portland, ME.

Leroy Keith, President, Morehouse, Atlanta, GA.

Rev. Christian Oravec, T.O.R., President, St. Francis College, Loretto, PA.

Herman D. Lujan, President, University of Northern Colorado, Greeley, CO.

Lawrence Pettit, President, University of Indiana, Indiana, PA.

Gregory Prince, President, Hampshire College, Amherst, MA.

Kendall L. Baker, President, University of North Dakota, Grand Forks, ND.

Joel N. Jones, President, Fort Lewis College, Durango, CO.

Sr. Colman O'Connell, President, College of St. Benedict, St. Joseph, MN.

William Shield, President, Rockford College, Rockford, IL.

Freeman Hrabowski III, President, University of Maryland/Baltimore County, MD.

Charles Reed, Chancellor, State University System of Florida, FL.

Thomas McFadden, President, Marymount College, Ranchos Palos, CA.

Byron McClenney, President, Community College of Denver, Denver, CO.

Herman Lujan, President, University of Northern Colorado, CO.

Johnnetta B. Cole, President, Spelman College, Atlanta, GA.

R. Paul Nelson, President, Aquinas College, Grand Rapids, MI.

Patrick McDonough, President, Marietta College, Marietta, OH.

John Van de Wetering, President, State University of New York, Brockport, NY.

Agnar Pytte, President, Case Western Reserve University, Cleveland, OH.

William Hogan, Chancellor, University of Massachusetts at Lowell, MA.

Richard R. Rush, President, Mankato State University, Mankato, MN.

Larry Carter, President, Community College of Aurora, Aurora, CO.

Evan F. Dobelle, Chancellor, San Francisco City College, CA.

Dietrich Reinhart, O.S.B., President, St. John's University, Collegeville, MN.

Thomas A. Bartlett, Chancellor, Oregon State System of Higher Education, Eugene, OR.

Dale Rogers Marshall, President, Wheaton College, Norton, MA.

George Rupp, President, Columbia University, New York, NY.

Eamon Kelly, President, Tulane University, New Orleans, LA.

HIGHLIGHTS OF REPUBLICAN STATEMENTS FOR AND AGAINST H.R. 2010

REPUBLICANS SPEAKING IN FAVOR OF H.R. 2010

Representative Gunderson: This legislation requires an annual appropriation; it is not a big new entitlement. "National Service is not student financial aid, [and it] is not paid voluntarism. National Service is a public partnership from the Federal, State, and local level to meet a unique and urgent local or national need * * *"

Representative Hoekstra: H.R. 2010 will not replace existing programs but enhance them. It will also allow a diverse group of people "to work on some of the most pressing needs facing their local communities."

Representative Morella: The Community Year Program established in Montgomery County, MD, is a working model of the H.R. 2010 plan. Program participants receive a $5,000 award, and people from diverse background work together on community projects.

Representative Gilman: H.R. 2010 provides a good opportunity for students to reduce their debt load and improve communities. "[Y]oung Americans will have the chance to advance themselves as they tackle many of our Nation's ills. I strongly believe that our Nation's youth possess the knowledge and energy to work on projects that will combat illiteracy, aid the homeless, and revitalize our neighborhoods."

Representative Horn: This bipartisan plan "address[es] unmet educational, environmental, human, or public safety needs * * * Our states, cities, and neighborhoods are suffering from the breakdown of the family structure, the culture of gangs and drugs, and a recession which has affected all of us. This program takes a positive step toward using the resources of students for the betterment of our communities."

Representative Upton: H.R. 2010 is a "constructive alternative" to the rising cost education. "[It] is an effective means to coordinate and expand service programs and opportunities throughout the Nation. It is a program full of diversity and challenge."

Representative Lazio: Service programs receiving grants in the H.R. 2010 plan "will not have an entitlement to funding." Instead, applicants will compete on the basis of merit. "We cannot underestimate the amount of hope that is inherent in this bill. I believe it has the potential to provide successive generations of Americans with a richer quality of life by providing better access to educational benefits and exceptional experience that will allow them to better contribute to a better America."

Representative Torkildsen: Community service has always been the key to American greatness. "Much of what is right with this country has little to do with Government at all. If we can encourage just a few young people to look to themselves to help their communities, and not look to the Government to solve every problem they face, then we will have indeed accomplished something significant."

Representative Shays: H.R. 2010 is not an entitlement program, but an authorization bill which will be followed by an appropriation specifying funding requirements. This bill is decentralized and, as such addresses the concerns of Republicans. "I think with all my heart and soul that this program is going to lift up our Nation in a way that many of us here may not fully understand."

Representative Machtley: "The bill represents a compromise in the truest sense * * * The members of the committee should be commended for making this bill relatively conflict-free * * * The National Service Program reinforces the bipartisan belief in personal responsibility—and not Government handouts."

REPUBLICANS SPEAKING AGAINST H.R. 2010

Representative Michel: H.R. 2010 is a costly program that is not compatible with the spirit of community service. "What we get in the end is another big Government program in which Big Daddy creates a system of rewards * * * Government-run community voluntarism is a contradiction in terms."

Representative Ballenger: H.R. 2010 is "a new welfare program" that will require taxpayers to support "students working in * * * artificially created jobs." The legislation also contains a "blatant conflict-of-interest provision involving labor unions." Unions will not only be allowed to apply for grants themselves, but will have the power to approve certain non-union applications.

Representative Goodling: The bill fails to assist those who cannot afford an education since it does not mandate a means-test. In addition, the bill will compete with the G.I. Bill and, as a result, impact the ability of the Armed Forces to recruit new personnel. "[I]n its present, [H.R. 2010] would probably be one of the most immoral acts that this Congress has ever perpetrated upon the American people."

Representative Molinari: H.R. 2010 is an expensive new program which will only provide for a few of the individuals who will qualify. "[N]ational Service is . . . a goal that can be met without an exorbitant price tag. It is a goal that can be met without a salary and without several benefits."

Representative Barrett (NE): Government should work to reduce Federal spending instead of creating a "cadre of volunteer elite." "This bill is an assault on our existing national volunteer system, because it reaches into our local communities and federalizes the idea of voluntarism."

Representative Miller (FL): H.R. 2010 provides for an average cost of $20,000 per student, but only $5,000 is for education purposes. "[H.R. 2010] is not an education program nor is it about voluntarism. It is nothing more than an expensive, $3.4 billion program about paid service."

Representative Stump: "[H.R. 2010] has a superficial attractiveness which fades quickly upon closer examination." By placing the Corporation for National Service in the same appropriations subcommittee allocation as the VA, HUD, and the EPA, this plan may divert funds from these agencies. This bill will also impact the Armed Forces' ability to recruit and retain quality personnel.

Representative Bilirakis: This legislation will have a negative impact on Veterans' programs at a time when funding for such programs has already been reduced and will affect the ability of the military to attract quality recruits.

Representative Bartlett: H.R. 2010 is expensive legislation and it is subject to conflict-of-interest.

Representative Weldon: Instead of paying program participants, Government should give volunteer agencies the resources they need to expand and improve their programs. "[H.R. 2010] is a feel good, politically correct vote, but it is not going to foster community service."

Representative Boehner: H.R. 2010 is a new Entitlement Program that will cost the American taxpayer $7.4 billion. "[T]he National Service Trust Act is sexy. It looks good and it feels good. But that does not make it good legislation."

Representative Walker: This bill would create "25,000 new Federal employees, assigned politically across the country, all being paid subminimum wages." The money should be spent to reduce the deficit.

Representative Stearns: The stated goals of H.R. 2010 are already funded by the Labor, HHS and Education appropriation bill. "I find it really hard to believe that morale and patriotism [have] sunken to such a low, that our country requires a whole new massive Federal Spending program to entice our young to be productive members of our society."

Representative Bunning: H.R. 2010 is not national service but national patronage. It "does not just encourage people to volunteer, it pays them, too."

Representative Gingrich: H.R. 2010 can only be passed if a more expensive program is eliminated. "In many ways I like this bill * * * I do commend the effort, which I think is sincere."

Representative Solomon: "Here we go again * * * For years we have robbed the veterans hospitals and veterans programs in this country, and here we go again."

MORNING BUSINESS

Mr. WOFFORD. Mr. President, I now ask unanimous consent there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GREATEST DANGER WE FACE

Mr. HATFIELD. Mr. President, one of the most prominent scholars of American political and social history in the United States, Dr. Daniel J. Boorstin, outlined recently his concern over the growing polarization among the people of this country. "We define ourselves today not as Americans but as members of subdivisions of America; we are Polish-Americans, Italian-Americans, African-Americans. People ask of us, what kind of American are you?"

Americans take great pride in our ethnic heritage and in the multicultural composition of this country. Dr. Boorstin cautions us, however, against the ethnic chauvinism which develops when our identification with our particular ethnic origin overshadows our connection to one another as citizens of the same country. While we derive great strength as a nation by acknowledging and appreciating the differences among our citizenry, we cannot afford to dwell on what divides us. We need only to look overseas to the former Yugoslavia to observe where this divisive thinking may lead us.

As Dr. Boorstin points out, even the most seemingly trivial, everyday happenings unite us as a nation. On any given day, millions of Americans across the country will wear the same brand of tennis shoes, will drink the same type of soft drink, will watch the same movie at their local theaters that evening. Dr. Boorstin asserts that our similar interests as consumers connect us subtly but substantially. While regional interests have always been important to citizens of this country, as Dr. Boorstin has pointed out in his many books on the shaping of American culture, the miracle of our Republic has been its ability to pull together the diverse interests of our citizens into a cohesive whole.

Today, many Americans are nervous because we are unsure about the continued progress of our Nation. It is unclear to us how our country will evolve in the upcoming years. Dr. Boorstin reminds us, however, that the evolution of our country has never been clearly apparent to its citizens. Since the fledgling days of the Republic, the shape and character of the United States have continued to be molded. It has been precisely this continuing evolution of our Nation which has invigorated Americans. New frontiers are always before us. The comments of Dr. Boorstin serve to remind us that our potential and our promise as a nation are rooted not in our isolated ethnic groups, but in our connection as citizens of the United States.

I would ask unanimous consent that an interview with Daniel J. Boorstin by Tad Szulc be included in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From Parade Magazine, July 25, 1993]

THE GREATEST DANGER WE FACE

"The menace to America today is in the emphasis on what separates us rather than on what brings us together—the separations of race, of religious dogma, of religious practice, of origins, of language."

The speaker is Daniel J. Boorstin, 78, a distinguished scholar who is the former Librarian of Congress and the author of 20 books on the history of American and world civilization. I wanted to know his thoughts about our nation's prospects as we approach the 21st century, with much of the world in turmoil and our own country still struggling with problems of intolerance and violence. In the quiet of his Washington, D.C., home, Boorstin—looking jaunty in his trademark bow tie—confides his greatest fears regarding the future of the United States.

"I'm wary of the emphasis on power rather than on a sense of community," he says passionately. "The separate groups in our country are concerned about their power—whether it be black power or white power, the power of any particular group.

"I think the notion of a hyphenated American is un-American. I believe there are only Americans. Polish-Americans, Italian-Americans or African-Americans are an emphasis that is not fertile.

"There has been so much emphasis recently on the diversity of our peoples," he continues. "I think it's time that we reaffirmed the fact that what has built our country is community and that community is not dependent on government. It's dependent on the willingness of people to build together."

The idea of community permeates Boorstin's thought. An unprecedented form of community-building, he says, is an essential part of "American Humanism"—our nation's greatest achievement. This humanism was built upon "several happy accidents," says Boorstin, starting with the arrival of people to a relatively unoccupied continent who were able to make a new life together, transcending the boundaries of European religion, race and tradition. At the same time, they established a new tradition that welcomed the stranger.

The positive attitude toward the stranger was helped, Boorstin insists, by the fact that, unlike much of the world, the U.S. never had a religious war or suffered a hostile invasion. This, he points out, we have regarded the newcomer immigrant "as a builder and not as an enemy." In addition, he says, "We don't have a dogmatic ideology, which is a prison, but, instead, the great institution of our Constitution."

American community-building, Boorstin notes, is in stark contrast "with the fanaticisms and miseries of much of the rest of the world . . . the terrors of ethnic cleansing in Europe, the horrors of tribal warfare in Africa and the oppressions of totalitarianism, which by no means has entirely disappeared."

"In the midst of that kind of world," he continues, leaning forward over the desk in his book-lined study to make his point, "community—an emphasis on what brings us together—is what I think is called for in our time. It's what built the American West: People coming by wagon trains, where they made their own systems of law and cooperated in going up and down the mountains and across the prairies to build new towns."

But community is more than people building towns and states. "Another kind of community is what I would call the consumption community," Boorstin says, "in the sense of being drawn to other people by consuming the same kinds of things. It may seem trivial, but it does give you a sense of relation to others: eating the same kind of food that other people eat, using the same kinds of automobiles. We're bound together in countless ways, large and small—not only by our Constitution and our patriotism but also by all the little things we eat and drink and wear and ride in."

Boorstin has long been fascinated by the "American experience," and it has been the central theme of his writing. His own life is an impressive American experience in itself, encompassing American values of determination, imagination and the seizing of opportunity. Many of Boorstin's most strongly held ideas and principles grew not only out of a lifetime of study but also from his own personal history, which has touched on many of the major themes and events of the century.

He was born in Atlanta in 1914, the son of a Russian immigrant who had quickly assimilated into American life and earned a law degree at the age of 18. I ask Boorstin why he thinks newcomers to America become so easily absorbed in alien surroundings.

"When people are at a great distance from their old burial grounds, it's harder for them to keep their old name and insist on respect because of their grandfather," he says. "When people move to new communities and new cemeteries, that makes it hard for them to insist on aristocratic and traditional dignities."

Immigration has always been an important feature of American Humanism, in Boorstin's opinion. "People often think, once they have got in, that we should close the door," he says, "but I think we should find ways to accommodate and provide opportunities for people from everywhere. That's the American tradition."

That leads him to another of his favorite topics—"another happy American accident"—the American language. When his grandfather arrived in the U.S., he spoke Yiddish, "but he came to speak English and did not lose any dignity in the course of it," Boorstin tells me. "One of the symbols of the opportunities of America is the fact that our language is a borrowed language and that the sign of being a new American is speaking broken English—perhaps the only thoroughly American language. It's the sign of being a newcomer and a learner from afar."

In contrast, he says, "On the border between France and Germany, people have killed each other over whether they should speak French or German." Among the good fortunes of the U.S. is that "the language was not created here, it was just transformed here." He adds, "If we had had a native American language, we might have been more chauvinistic about it. But we have an imported language along with a population of imported people."

What about the attempt to introduce bilingualism to American schools? "I am against imposing language uniformity by law, just as

I would not want to impose religious uniformity by law,' Boorstin says, though he adds, "Bilingual teaching tends to restrict opportunities for the very people who need the opportunity to enter the mainstream of American life."

As a small child, Boorstin experienced religious intolerance. His father, who earlier had served as private secretary to Georgia's Gov. John M. Slaton, was one of the attorneys for Leo Frank, a Jewish factory owner who was sentenced to death on fabricated evidence for the murder of a worker named Mary Phagan. (He was posthumously pardoned.) When Governor Slaton commuted the death sentence to life imprisonment, Frank was lynched by a mob near Marietta on Aug. 16, 1915.

"It was not particularly comfortable for Jews in Atlanta," Boorstin recalls. "My uncles had a little clothing store for men, and their windows were smashed. So they decided to leave and go West. The West was Oklahoma."

Boorstin's parents followed the rest of the family to Tulsa when Boorstin was barely 2. Growing up in that oil boomtown, he became aware of racial intolerance. "It was a very Western frontier town," he says, "and it was racially segregated. It was a center of the Ku Klux Klan. The Negro part of town was segregated, and Tulsa was the scene of one of the worst race riots in the 1920s—the Negro section of town was burned."

Today, Boorstin argues, we must put slavery and racism into a broader historical perspective. He emphasizes that while America's "only civil war" was fought partly to preserve the Union, it also was fought against slavery. "I think Americans continue to have a deep sense of guilt over the inheritance of the institution of slavery," he says. "But that guilt should not be embodied in our current institutions. We must give everybody a fresh start and not try to compensate for past injustices by creating present injustices."

"For us to try to crawl back into our roots would be a great mistake," he continues. "I think we should seize this opportunity of sharing a great tradition. That is why I'd be wary of attempts to create ethnic ghettos. It's an abomination. We must try to come together and learn to share what we are lucky enough to possess."

Any form of "ethnic chauvinism" makes Boorstin, normally a gentle man, quite angry. "I object to the belief that it is more important that we belong to some particular small group than to the human race," he says. "We're all Americans."

After graduating from public high school, Boorstin entered Harvard University at 15. There he acquired a love for the English language and found his vocation—history—when he read Edward Gibbon's 18th-century classic, The History of the Decline and Fall of the Roman Empire. Gibbon, says Boorstin, was his first idol, because the great author was, like himself, "an amateur."

"Gibbon never was properly trained as a historian," he explains. "He didn't need the money. There was no reason why he should write history . . . he just was inspired by that vision and loved it, which was the way I thought I'd like to try to write history."

Boorstin spent three years as a Rhodes scholar at Oxford, where he pursued his second love—the law—earning advanced degrees in both jurisprudence and civil law. Next, he obtained a doctorate in law at Yale. Soon after, he published his first book, The Mysterious Science of the Law.

In 1941, he married Ruth Frankel, herself a scholar, who has edited all his subsequent books. They have three sons. After 52 years of marriage, they remain an insatiably curious literary team. When I visited them, they had just returned from a cruise to the Antarctic.

After a brief stint as a government lawyer during World War II, Boorstin moved to Swarthmore College, where he was invited to teach European history. Ironically, that is when he developed an enthusiasm for American history and especially for Thomas Jefferson, who remains his favorite American hero. The Lost World of Thomas Jefferson, Boorstin's third book, written 45 years ago, is still in print. He reminds me that we recently commemorated (April 13) the 250th anniversary of the birth of our third President.

"American Humanism is the legacy of Jefferson," Boorstin explains. As the author of the Declaration of Independence, Jefferson "appealed to all humanity and to the common sense of mankind" when he wrote: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness." This political philosophy is the mainstay of America's relative stability at a time of deep ethnic, religious and political tension around the world, Boorstin emphasizes.

The Constitution, he goes on, is the fundamental American institution, "the oldest written constitution, in use and the greatest piece of political technology that was ever accomplished." Referring to the recent swearing in of a new President, Boorstin remarks: "We often forget that the oath of the President is the only ceremony prescribed in our Constitution and the only ritual we have in the United States—the oath to protect, preserve and defend the Constitution. That is an amazing fact, the vitality of our Constitution."

Boorstin was a professor for 25 years at the University of Chicago, where his reputation as one of the most notable original American minds was developed. It was there that he began to write his well-known trilogy, the Americans, which is divided into the Colonial Experience, The National Experience and The Democratic Experience. (Over three consecutive years, President Bush gave leatherbound copies of the set, with the Presidential Seal, as Christmas presents to 150 of his close associates.) The Democratic Experience was awarded the Pulitzer Prize for history. Boorstin also edited the 30-volume Chicago History of American Civilization during his years at the University of Chicago.

In 1975, President Ford chose Boorstin as Librarian of Congress, the finest intellectual distinction the federal government can bestow on a citizen. At the time, Boorstin consulted the poet Archibald MacLeish, a former Librarian of Congress, about whether he could direct the library and still write books. "Archie asked me, 'How much sleep do you need?'" he recalls.

Administering the world's greatest library—with its more than 5000 employees, an annual budget of $300 million and 98 million books, manuscripts, periodicals, maps and visual materials in 470 different languages—Boorstin managed to do his own writing at home at 6 a.m. and working nights and weekends. During those years, he published The Discoverers, about people who made milestone discoveries throughout history. A huge success, the book has been translated into 20 languages.

After 12 years of this strenuous life, Boorstin resigned to concentrate on writing books to his heart's content. A special Act of Congress created for him the title of Librarian Emeritus, which entitles Boorstin to an office at the Library of Congress—where he often visits to research his latest project. The Creators: A History of Heroes of the Imagination was published last year. It traces the progress of human genius from the sacred hymns of Hindu sects 35 centuries ago to the moviemakers of today, and it made Boorstin the only author ever honored with three nonfiction main selections of the Book-of-the-Month Club.

After all his years of studying the vistas of human experience, Boorstin continues to preach the credo of Thomas Jefferson and American Humanism as our most robust defense against the turmoil of our time. "If you want to sum up Jefferson," he tells me in farewell, "please read his epitaph at Monticello:

"'Here was buried Thomas Jefferson. Author of the Declaration of American Independence, of the Statute of Virginia for Religious Freedom, and Father of the University of Virginia.'"

Then he adds one more thought:

"You know, the most important lesson of American history is the promise of the unexpected. None of our ancestors would have imagined settling way over here on this unknown continent. So we must continue to have a society that is hospitable to the unexpected, which allows possibilities to develop beyond our own imaginings."

SUPPORTING IMPLEMENTATION OF JOINT ACTION PLAN ON BOSNIA

Mr. PELL. Mr. President, I support the administration's most recent step to implement the joint action plan, announced in May, to try to bring an end to the terrible suffering in Bosnia. The joint action plan agreed to by the United States, the United Kingdom, Russia, Spain, and France, stated: "The United States is prepared to meet its commitment to help protect UNPROFOR forces in the event they are attacked and request such action. Further contributions from other countries would be most welcome."

At the time the joint action plan was announced, I welcomed the multilateral agreement on this very difficult issue. This is a critical time for Bosnia, and I am pleased that the allies are moving ahead to implement this portion of the joint action program. I am a strong advocate of multilateral diplomacy, but for diplomacy to work, the various parties must be prepared to act. Once they agree to a course of action, they must be prepared to follow through.

Lack of resolve plays into the hands of the aggressors. Accordingly, I welcome the fact that after weeks of negotiation, the United States and other European countries apparently have agreed to participate in a U.N. operation, to be carried out by NATO, to provide air cover for U.N. forces in Bosnia.

Mr. President, I have been very cautious on the issue of the use of American force in Bosnia, and I have long argued that the United States has to ask some very difficult questions before escalating its involvement and committing United States forces to Bosnia. However, my understanding of the U.S. decision to provide air cover is that no United States ground troops will be used, and that is as it should be. Moreover, United States and allied planes will be used only to protect U.N. soldiers who come under direct attack in the performance of their humanitarian duties in Bosnia.

I commend the administration for continuing to work with our allies on this very difficult issue. In fact my support for this latest course of action is wholly contingent upon it being multilateral. I am hopeful that this show of resolve will help the people of Bosnia and will have a positive impact on the negotiations now occurring in Geneva.

THE LEGACY OF BOSNIA AND HERZEGOVINA

Mr. DECONCINI. Mr. President, over the weekend we witnessed yet another surge of violence unleashed against the citizens of Sarajevo. U.N. military personnel deployed in the area also came under heavy fire. Last week I took the floor in conjunction with an urgent appeal Congressman STENY HOYER and I sent to the White House, along with scores of colleagues from the House and Senate.

Our appeal urges the President to take immediate action to save the residents of Sarajevo. The situation is desperate.

Beyond the immediate humanitarian crisis in Sarajevo and elsewhere, the international community, including the United States, must come to grips with the armed aggression which has brought the people of Bosnia and Herzegovina to the edge of this abyss.

Secretary of State Warren Christopher, in recently commenting on the conflict, remarked, "It's a tragic situation, that could have been much better dealt with 2 years ago or even 1 year ago." I could not agree more. However, I do not agree that there is nothing that can be done.

The international community's lack of resolve in the face of naked aggression and genocide in Bosnia and Herzegovina has sealed the fate of tens of thousands of innocent men, women, and children.

We have stood by and allowed this senseless slaughter to continue.

Will we look back 6 months or a year from now and say it's a situation that could have been dealt with earlier? Inaction in the past is no excuse for present inaction. The options will not get any easier with the passage of even more time.

In a poignant and timely op-ed piece, George Zarycky warns of the consequences of the current malaise.

We should not fool ourselves, the legacy of Bosnia and Herzegovina will be with us and haunt us for many years to come. I commend this article to the attention of my colleagues and ask unanimous consent that the full text be included in the RECORD.

UNPARALLELED INTERNATIONAL COWARDICE

(By George Zarycky)

Sarajevo will soon fall. Bosnia-Herzegovina, as such, will cease to exist. The end will culminate a two-year death watch and mark the nadir of Western foreign policy in the post-Cold War period. And Bosnia's agonizing dismemberment will be met—despite furrowed brows and public hand-wringing—with a collective sigh of relief resounding from the capitals of Western Europe to the State Department to the White House.

Conservative estimates put the death toll at 200,000. Few of these are soldiers of organized armies who died on the noble fields of battle. This war was about rag-tag militias, looters, weekend Serb mercenaries and raiders, thugs killing civilians, "ethnic cleansing," mass rape as military doctrine, depopulation, the wholesale destruction of towns and villages. It was about territory and conquest and settling scores centuries old. It was about Serbian hegemony and unparalleled international cowardice.

The enormity and scope of the debacle boggles the mind. There will be the usual finger-pointing. Warren Christopher will scowl and blame the Europeans. The Germans will blame the French, the French the Germans. Military specialists from NATO to the Pentagon will somberly report that intervention was untenable given the terrain, logistics and complexity of the situation even as the United Nations sends helicopter gunships into the heart of downtown Mogadishu to flush out a warlord.

Meanwhile, Bosnian Muslims will be hard-pressed to find the difference between Somalian warlords and Serb Militia leaders or between Saddam Hussein and Slobodan Milosevic. After all, aren't both of them war criminals? The Muslims should have realized that in this scenario, they were like the Iraqi Kurds left to freeze to death in the mountains north of Baghdad while George Bush and the nation were flushed with "victory." They should have realized that torrents of international condemnation and saber-rattling mean nothing unless you have oil or resources or threaten Americans. Genocide, ethnocide, death camps, slaughtering civilians fall out of the purview of U.S. or Western "vital interests."

What else can any of us conclude as we watch this tragedy play itself out? Where do we ascribe blame? Whose failure was it?

There is enough to go around. There was the Bush-Baker-Gorbachev insistence on sticking to a Cold War mind-set even as the last artificially cobbled, multiethnic empires were unraveling. There was the post-Gorbachev policy void, as Bush and his minions misunderstood the differences between self-determination, democracy and nationalism, ignoring calls from Balkan leaders and foreign policy specialists who insisted that sovereignty claims by Croatia, Slovenia and Bosnia be backed with force and resolve lest Serbia see inaction as the green light for revanchist expansionism. And while first one shell then another fell on Sarajevo, and Serbia's exploratory forces remined little more than lightly equipped militia and former Yugoslav Army units (perhaps still smarting from defeat by Slovenian border guards), recommendations for limited air strikes to knock out artillery batteries were ignored as the United States debated peace dividends and the economy in the 1992 campaign.

And what of Europe? Bickering over Maastricht beef quotas, "great power" German-French gamesmanship and immigration quotas were key items on the agenda as atrocities led to the largest influx of refugees in Europe since World War II. As Lisbon talks begat Geneva, which begat Vance-Owen, which begat "safe havens," Bosnia's agony intensified. Croatia laid claim to its share. Serbia put a stranglehold on the rest. As envoys scurried from city to city, venue to venue, insisting that aggression must never be rewarded, the arm-twisting of Bosnian leaders was in full swing. Suddenly, President Alija Izetbegovic, who saw his country plundered and chopped up into pieces, was being recalcitrant, unreasonable, obstructionist in adhering to the principles of sovereignty and freedom.

The Christopher-Tarnoff doctrine may well be Bosnia's last will and testament. Noble ideals of democracy, liberty and human rights all Americans hold dear will be selectively enforced by a leadership locked in the thrall of political expediency. Clearly, this is a muddled, dangerous message at a time tensions are rising from Russia to Central Asia to Latin America to the Middle East.

In my 40 years, I've lived through far too many wars and human calamities of atrocious scale. But something, the right thing, was always said or done. Millions protested the Vietnam War. The sickening conflict in Biafra brought international attention, benefits, donations. The India-Pakistan war in 1971 gave us George Harrison's concert for Bangladesh and world attention, as did the outbreaks in the Middle East, Belatedly, Cambodia gave us "The Killing Fields," and the war of Ethiopia's government against the people spurred Live Aid to help starving millions.

Bosnia's public murder has nothing to do with compassion fatigue or the failure of journalists to make the story graphic and real. We've all seen the horrific pictures. Headlines and op-eds have screamed for action. The mass rapes appalled us. So too the stark images of retarded children abandoned to die.

Bosnia's tragedy reflects the lack of will, courage, resolve, the fragility of the democratic idea espoused but not defended. Bosnia is a horrible lesson, one the years of subsequent rationalization, avoidance and analysis must not diminish. Moral vicissitudes and evasions, when they eclipse our ability to see and respond to evil, will undermine our values and our fundamental beliefs at a time the World is shrinking and so many are looking West for leadership. Milosevic's triumph diminishes all of us.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the Budget Scorekeeping Report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through July 26, 1993. The estimates of

budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $1.6 billion in budget authority and above by $0.6 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993-97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

Since the last report, dated July 20, 1993, Congress has approved for the President's signature H.R. 2561, a bill to transfer naval vessels to certain foreign countries. This action changed the current level of budget authority and outlays.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 27, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current though July 26, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 20, 1993, Congress has approved for the President's signature H.R. 2561, a bill to transfer Naval Vessels to Certain Foreign Countries. This action changed the current level of budget authority and outlays.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS. AS OF CLOSE OF BUSINESS JULY 26, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level[1]	Current level over/ under resolution
On-budget:			
Budget authority	1,250.0	1,248.4	−1.6
Outlays	1,242.3	1,242.9	.6
Revenues:			
1993	848.9	849.4	.5
1993–97	4,818.6	4,820.0	1.4
Maximum Deficit Amount	420.8	392.4	−28.4
Debt Subject to Limit	4,461.2	4,244.9	−216.3
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS JULY 26, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	0	0	849,425
Permanents and other spending legislation	764,283	737,413	0
Appropriation legislation	732,061	743,943	0
Offsetting receipts	(240,524)	(240,524)	0
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (Public Law 103–36)	1	1	0
Unclaimed Deposits Amendments Act (Public Law 103–44)	0	1	0
1993 Spring Supplemental (Public Law 103–50)	1,003	1,199	0
Total enacted this session	1,004	1,201	0
PENDING SIGNATURE			
Transfer of naval vessels to certain foreign countries	(8)	(8)	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(8,443)	922	0
Total current level[1]	1,248,373	1,242,947	849,425
Total budget resolution[2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	1,617	0	0
Over budget resolution	0	657	535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding.

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229	0	712
102–266	0	33
102–302	0	380
102–368	1,060	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	4,000
Offsetting receipts	(4,000)	(4,000)
103–50	0	(30)
Total 1993 emergency funding	4,600	10,303

[2] Includes a revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 843. An act to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes.

S.J. Res. 111. Joint resolution to designate August 1, 1993, as "Helsinki Human Rights Days."

At 1:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2667. An act making emergency supplemental appropriations for relief from the major widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes.

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent and referred as indicated:

H.R. 2667. An act making emergency supplemental appropriations for relief from the major widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1309. A communication from the Secretary of Education, transmitting, pursuant to law, a report on activities aimed at meeting the needs of children and youth with disabilities from minority backgrounds; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-195. A resolution adopted by the City of Palm Bay, Brevard County, FL, relative to the Space Station Program; to the Committee on Commerce, Science, and Transportation.

POM-196. A joint resolution adopted by the Legislature of the State of Alabama; to the Committee on Commerce, Science, and Transportation.

"H.J. RESOLUTION NO. 246

"Whereas, the people of the United States of America have reaped tremendous benefits from their investments in manned space exploration; and

"Whereas, the people of the United States of America remain committed to the idea of exploring the heavens and investigating other planets in our solar system; and

"Whereas, the next logical step in the exploration of space is the development of space laboratories and living quarters capable of sustaining extended space-crewed missions; and

"Whereas, America needs to stimulate interest in the pure sciences to improve its education system, and Space Station Freedom will inspire young Americans to pursue careers in math and science and excel by illustrating future opportunities; and

"Whereas, Space Station Freedom will serve as a symbol of the new world order and an opportunity to focus our technical know how into joint international programs; and

"Whereas, the Space Station Freedom program is the largest international venture in science and technology ever undertaken with 15 countries having already contributed over $1 billion with commitments to spend over $7 billion in the development program through a signed treaty agreement; and

"Whereas, our investments in the space program and specifically in the Space Station Freedom Project will result in new medicines, materials, processes and technologies which will improve the quality of life on this planet and expand our economy in many ways which today can not be imagined; and

"Whereas, our ability to compete in a global economy and develop new and innovative technologies has in large measure been commensurate with our investments in space exploration; and

"Whereas, the Space Station Freedom Project is directly and indirectly responsible for the employment of 50,000 Americans involving 2,000 businesses in 30 states; and

"Whereas, the aerospace industry, previously one of Amercia's most vibrant industries, accounting for over 10 percent of all United States exports, has suffered serious dislocation in the last three years with over 282,000 or 20 percent of the workforce having been laid off; now therefore

"*Be it resolved by the Legislature of Alabama, both Houses thereof concurring,*

"That we would encourage the Congress of the United States of America and the President of this great land to support and fund the Space Station Freedom Project.

"*Be it further resolved,*

"That copies of this resolution be sent to the President and Vice-President of the United States and members of the Alabama Congressional Delegation."

POM-197. A resolution adopted by the Legislature of the State of New York; to the Committee on Commerce, Science, and Transportation.

"ASSEMBLY NO. 1289

"Whereas, It is the sense of this Assembled Body to urge the members of the United States Congress to pass Senate Bill 228, Children's Bicycle Helmet Safety Act of 1993; and

"Whereas, The purpose of Senate Bill 228 is to establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16; and

"Whereas, Congress has found that 90 million Americans ride bicycles, and 20 million ride a bicycle more than once a week; between 1984 and 1988, 2,985 bicyclists in the United States died from head injuries and 905,752 suffered head injuries that were treated in hospital emergency rooms; 41 percent of bicycle-related head injury deaths and 76 percent of bicycle-related head injuries occurred among American children under age 15; deaths and injuries from bicycle accidents cost society $7.6 billion annually, and a child suffering from a head injury, on average, will cost society $4.5 million over the child's lifetime; universal use of bicycle helmets in the United States would have prevented 2,600 deaths from head injuries and 757,000 injuries; and only 5 percent of children in the Nation who ride bicycles wear helmets; and

"Whereas, The Administrator of the National Traffic Safety Administration may, in accordance with section 4, make grants to states, state political subdivisions, and nonprofit organizations for the purpose of promoting the use of bicycle helmets by individuals under the age of 16; in making those grants, the administrator shall allow grantees to use wide discretion in designing programs that effectively promote increased bicycle helmet use; and

"Whereas, Grants made under section 3 may be used by a grantee to: 1) enforce a law that requires individuals under the age of 16 to wear approved bicycle helmets on their heads while riding on bicycles; 2) assist individuals under the age of 16 to acquire approved bicycle helmets; 3) develop and administer a program to educate individuals under the age of 16 and their families on the importance of wearing such helmets in order to improve bicycle safety; or 4) carry out any combination of the activities described in paragraphs 1, 2, and 3; and

"Whereas, For the National Highway Traffic Safety Administration to carry out the grant program authorized by this Act, there are authorized to be appropriated $2,000,000 for fiscal year 1994, $3,000,000 for fiscal year 1995, and $4,000,000 for fiscal year 1996; now, therefore, be it

"*Resolved*, That this Legislative Body pause in its deliberations to urge the members of the United States Congress to pass Senate Bill 228, Children's Bicycle Helmet Safety Act 1993; and be it further

"*Resolved*, That copies of this Resolution, suitably engrossed, be transmitted to the members of the United States Congress."

POM—198. A resolution adopted by the Legislature of the Board of County Commissioners, Hernando County, Florida relative to offshore drilling; to the Committee on Energy and Natural Resources.

POM—199. A joint resolution adopted by the Legislature of the Republic of Palau; to the Committee on Energy and Natural Resources.

"S.J. RESOLUTION NO. 4-26

"Whereas, Ms. Leslie Turner is a native of East Orange, New Jersey, she earned a B.S. Degree from New York University and a J.D. Degree from Georgetown University Law Center, Washington, D.C.; and

"Whereas, prior to this appointment to her present position, Ms. Turner served as a Judicial Law Clerk for Chief Judge William C. Pryor, District of Columbia Court of Appeals; and

"Whereas, Ms. Leslie Turner was also a Senior Associate with the Law Firm of Akin, Cump, Strauss, Hauer and Feld, located in Washington, D.C.; and

"Whereas, since she first joined the Firm, she has managed numerous cases involving the Foreign Corrupt Practices Act, International Business, Government Contracts, Securities Fraud, Employment Discrimination, Lender Liability, Real Estate and Commercial Law, and Privatization of Urban Transportation Systems; and

"Whereas, Ms. Turner's strong legal skills will be a great asset to the Department's work with the Territorial Governments; and

"Whereas, the people of the Republic of Palau are pleased with the appointment of the Honorable Ms. Leslie Turner, who has distinguished herself as a capable statesman and a strong advocate of Pacific interests, to this important position which has a direct impact upon the relationship between the United States and the Republic; now, therefore

"*Be it resolved by the Senate of the Fourth Olbill Era Kelulau, Third Special Session, May 1993, the House of Delegates concurring,*

"That the people of Palau, represented in the Olbill Era Kelulau, do hereby congratulate and commend the Honorable Ms. Leslie Turner on her appointment to the position of the Assistant Secretary of the Interior for Territorial and International Affairs; and

"*Be it further resolved,*

"That certified copies of this joint resolution be transmitted to the Honorable Ms. Leslie Turner, Assistant Secretary of the Interior for Territorial and International Affairs; the Honorable Mr. Bruce Babbitt, Secretary of the Interior; the President of the United States of America; the Honorable J. Bennett Johnston, Chairman, Senate Committee on Energy and Natural Resources; the Honorable George Miller, Chairman, House Committee on Natural Resources; the Vice President of the United States of America in his capacity as the President of the Senate; the Speaker of the House of Representatives of the United States Congress; the President of the Republic of Palau; and the President of the Senate and the Speaker of the House of Delegates of the Fourth Olbill Era Kelulau."

POM-200. A joint resolution adopted by the Legislature of the Republic of Palau; to the Committee on Energy and Natural Resources.

"S.J. RESOLUTION NO. 4-25

Whereas, Mr. Allen P. Stayman holds a B.A. Degree in Environmental Design from the University of Washington in Seattle; and a Masters Degree in Fisheries Science; and

"Whereas, Mr. Stayman served as a Professional Biologist on a series of consulting projects and studies involving the impact of hydroelectric development on fisheries and salmon migration in the North Pacific Ocean and Alaskan coastal waters; and

"Whereas, the Honorable Mr. Stayman has served since 1984 as the principal staff member for the Senate Committee on Energy and Natural Resources, with responsibility for Insular Affairs; and

"Whereas, during that period of time, Mr. Stayman made major contributions to Public Law involving the Insular area, including the Compact of Free Association Act of 1985, he also served as the principal staff member for the Subcommittee on Conversion and Regulation with responsibility for energy efficiency; and

"Whereas, Mr. Stayman was also a staff member with responsibility for civilian programs of the Department of energy, National Oceanic and Atmosphere Administration, Office of Territorial and International Affairs, for the Department of Interior and Energy; and

"Whereas, the people of the Republic of Palau are pleased with the appointment of the Honorable Mr. Allen P. Stayman to become Deputy Assistant Secretary of the Interior for Territorial and International Affairs, and with his sensitivity and understanding of the pacific region, and especially the Republic of Palau, which is the last remaining Trust Territory in the world; now, therefore

"*Be it resolved by the Senate of the Fourth Olbiil Era Kelulau, Third Special Session, May 1993, the House of Delegates concurring,*

"That the people of Palau represented in the Olbiil Era Kelulau do hereby congratulate and commend the Honorable Allen P.

Stayman on his appointment to the position of the Deputy Assistant Secretary of the Interior for Territorial and International Affairs; and

"*Be it further resolved,*

"That certified copies of this joint resolution be transmitted to the Honorable Allen P. Stayman, Deputy Assistant Secretary of the Interior for Territorial and International Affairs; the Honorable Bruce Babbitt, Secretary of the Interior; the Honorable J. Bennett Johnston, Chairman of the Senate Committee on Energy and Natural Resources; the Honorable George Miller, Chairman of the House Committee on Interior and Insular Affairs; the President of the United States of America; the Vice President of the United States of America in his capacity as the President of the Senate, the Speaker of the House of Representatives of the United States Congress; the President of the Republic of Palau; the President of the Senate and the Speaker of the House of Delegates of the Fourth Olbiil Era Kelulau.

Adopted: May 31, 1993."

POM-201. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Energy and Natural Resources.

"H.J. RESOLUTION NO. 12

"Whereas, Guam seeks to protect the inalienable rights of its citizens through greater self-determination as part of the American territories through the establishment of a just political relationship between the people of Guam and the United States government; and

"Whereas, Guam seeks to protect the rights of its people in areas of vital economic interest, such as land use, immigration, taxation, and the applicability of U.S. laws that constrain Guam's economic development; and

"Whereas, it is in the interest of the United States that America's states, commonwealths, and territories be able to determine the course of their own communities within the American system; and

"Whereas, the right to self-government is cherished and championed as a founding principle of the United States of America; and

"Whereas, commonwealth status for Guam would guarantee citizenship status and protect the rights of and give a voice to the people of Guam in order that Guam may determine its own destiny under the principles and protection of the U.S. Constitution.

"*Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:*

"That Montana support Guam's quest to become a commonwealth of the United States of America and strongly encourage the U.S. Congress and the President of the United States to grant commonwealth status to the people of Guam.

"*Be it further resolved,*

"That the Secretary of State send copies of this resolution to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, and the President of the United States."

POM-202. A joint resolution adopted by the Legislature of the State of Nevada, to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION NO. 17

"Whereas, Agriculture is one of Nevada's oldest industries; and

"Whereas, The economies of many of this state's rural counties are dependent on ranching and farming; and

"Whereas, Cash receipts from the sale of livestock, crops and other agricultural products contributed over $300,000,000 to this state's economy in 1990; and

"Whereas, The largest share of this amount was attributable to livestock that was grazed on public lands; and

"Whereas, Reasonable fees for grazing livestock on public lands are vital to maintaining a prosperous industry of agriculture in this state; and

"Whereas, Congress is proposing to increase those grazing fees to an unreasonable level; now, therefore be it

"*Resolved, by the Senate and Assembly of the State of Nevada, jointly,* That the Legislature of the State of Nevada supports the industry of agriculture in this state, and be it

"*Resolved,* That Congress is hereby urged to reject any proposal to increase the fees for grazing livestock on public lands to an unreasonable level; and be it further

"*Resolved,* That the Secretary of the Senate transmit a copy of this resolution to the Vice President of the United States as President of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved,* That this resolution becomes effective upon passage and approval."

POM-203. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION NO. 14—

Whereas, Approximately 86 percent of the land in Nevada is owned by the Federal Government; and

Whereas, The rate of increase in the population of Nevada is the highest in the nation; and

Whereas, The amount of privately owned land which is available for the expansion of communities in this state is limited; and

Whereas, The Federal Government to acquire privately owned land; and

Whereas, The residents of this state would benefit greatly if more land in this state were privately owned; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada Legislature urges the Congress of the United States to:

1. Monitor the acquisition of privately owned land by federal agencies to ensure that local governments in this state are not adversely affected by those acquisitions;

2. Limit the amount of privately owned land the Federal Government may acquire in this state; and

3. Promote the transfer of certain appropriate land in this state owned by the Federal Government to private ownership; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted by the Secretary of the Senate to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved,* That this resolution becomes effective upon passage and approval.

POM-204. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION NO. 12

"Whereas, The right of way was granted for the construction of highways over public lands not reserved for other public uses by section 8 of chapter 262, 14 Statutes 253 (former 43 U.S.C. §932), which was enacted in 1866; and

"Whereas, The placement of that section in an act primarily devoted to the encouragement of mining upon public lands suggests that an important purpose of the grant was to provide access to mining claims, but the operation of the grant was extended by section 17 of the Placer Act of 1870, which also affected other patents, preemptions and homesteads, so that the right of access was extended broadly to private property; and

"Whereas, When section 8 of the Act of 1866 was repealed in 1976 by section 706 of Public Law 94-579, section 701 of Public law 94-579 also provided: "Nothing in this Act * * * shall be construed as terminating any valid * * * right-of-way [sic], or other land use right or authorization existing on the date of approval of this Act"; and

"Whereas, This Legislature is informed that the United States Forest Service is demanding that the users of rights of way which provide access to private parcels of land and which were established pursuant to section 8 of the Act of 1866 apply and pay for permits that limit the duration and nature of the use long and freely enjoyed by the owners of these parcels as an incident of their ownership, where the right of way lies within a National Forest; and

"Whereas, Such a limitation of use and provision for future extinction violates the rights of those users which were preserved in 1976 by section 701 of Public Law 94-579, and which necessarily include the right of access to their lands and the right to maintain that access physically; and

"Whereas, Because only 13 percent of the land in Nevada is privately owned, it is imperative for the well-being of the state as well as the taxpaying residents who own those lands to hold open their rights of access; and

"Whereas, This Legislature had recognized the important benefits to this state and its residents from the continued and permanent existence of the roads established over those rights of way, and has enacted law setting forth the rights and correlative duties of the owners of those rights of way and the rights of the public to use them; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the Nevada Legislature urges the United States Forest Service, the Bureau of Land Management, and other agencies of the executive department of the Federal Government to recognize the permanent rights existing in those roads that serve private property, and urges the Congress of the United States in the exercise of its oversight to ensure that those rights are in fact respected; and be it further

"*Resolved,* That a copy of this resolution and any related legislative measures enacted by this legislature be transmitted by the Secretary of the Senate to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives, and to each member of the Nevada Congressional Delegation; and be it further

"*Resolved,* That this resolution becomes effective upon passage and approval."

POM-205. A resolution adopted by the House of the Legislature of the State of New Hampshire; to the Committee on Energy and Natural Resources.

"HOUSE RESOLUTION NO. 25

"Whereas, reports in the national press have caused the citizens of New Hampshire to be concerned about the continuity and security of timber from the White Mountain National Forest; and

"Whereas, uncertainty about the continuity and security of timber supplies can adversely affect future plans for a number of wood-dependent companies in northern New England and discourage new wood-dependent companies in northern New England and discourage new wood-dependent industries from establishing operations in northern New England; and

"Whereas, the 1986 Land and Resource Management Plan for the White Mountain National Forest encompasses recreational, environmental, wildlife and migratory bird issues, along with timber growth and harvesting; and

"Whereas, the multiple-use concept of forest management has been a long standing viable policy to the White Mountain National Forest; now therefore, be it

"*Resolved by the House of Representatives*, That the house of representatives of New Hampshire urges the United States Congress to continue its support for the 1986 Land and Resource Management Plan for the White Mountain National Forest while emphasizing the need for improved efficiency and cost reduction compatible with that plan; and

"That continuing support by Congress be publicly disseminated so that the residents of northern New England may become reassured of the continuity and security of timber from the White Mountain National Forest with the attendant improvements in the economic climate of the area; and

"That copies of this resolution be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation."

POM–206. A resolution adopted by the Committee on Natural Resources of the Senate of the Legislature of the State of Washington; to the Committee on Energy and Natural Resources.

"COMMITTEE RESOLUTION

"Whereas, reports received indicate the Federal Timber Team advising President Clinton is recommending "option 9" as the best solution to the spotted owl management issue, and;

"Whereas, this option and any other of the 8 options will have a devastating economic impact on the Pacific Northwest and the 1.5 billion dollar 5 year community assistance package proposal does not begin to cover the full costs, and;

"Whereas, these options need further refinement, for greater public input and a higher level of analysis of social, economic and environmental costs and benefits for federal, state and private lands, and;

"Whereas, even "Option 9" will cause a job loss of 85,000 jobs in the region, and has total opposition from labor, and;

"Whereas, there is strong congressional opposition to President Clinton proceeding with "Option 9" or any other option until a more balanced approach is developed, and;

"Whereas, a level of 1.2 billion board feet timber cut from the 13 western national forests is not adequate to maintain a viable industry, and;

"Whereas, "Option 9" or any of the other 8 options do not constitute a balance between the environment and economy of the northwest.

"*Now, therefore, be it resolved*, That the Senate Natural Resources Committee ask President Clinton and his timber advisors to delay making a final decision on "Option 9" or any other option until a new option is developed that recognizes the full costs and benefits, the direct and indirect impact on state and private lands, and all of the endangered species issues relating to timber in Northern California, Oregon and Washington.

"*Be it further resolved* That no plan be adopted until specific laws and policies are developed to require federal agency coordination of a balanced forest policy for all endangered species.

"*Be it further resolved* That the Secretary of the Senate transmit copies of this committee resolution to the Honorable President Bill Clinton and all members of the United States Congress."

POM–207. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources.

"HOUSE JOINT MEMORIAL 4007

"Whereas, Dick Fitzner and Les Eberhardt lost their lives in a plane crash on the morning of June 3, 1992; and

"Whereas, Dr. Fitzner and Dr. Eberhardt each served as environmental scientists for more than twenty years; and

"Whereas, Dr. Fitzner and Dr. Eberhardt dedicated their professional and personal lives to understanding and appreciating the dry land ecology of the shrubsteppe; and

"Whereas, They shared their appreciation and understanding of the shrubsteppe with students of all ages; and

"Whereas, The Hanford Arid Lands Ecology Reserve contains shrubsteppe habitat with threatened and endangered plants and animals as well as thriving populations of other species;

"Now, therefore, Your Memorialists respectfully pray that the Hanford Arid Lands Ecology Reserve be named the Fitzner and Eberhardt Arid Lands Reserve.

"*Be it resolved*, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the Secretary of Energy Hazel O'Leary, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM–208. A resolution adopted by the Town Board of the Town of East Hampton, New York relative to Mud Dump; to the Committee on Environment and Public Works.

POM–209. A resolution adopted by the City Commission of the City of Key West, Florida relative to Florida Bay; to the Committee on Environment and Public Works.

POM–210. A resolution adopted by the Travel Commission of the State of Michigan relative to the Great Lakes; to the Committee on Environment and Public Works.

POM–211. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION NO. 15

"Whereas, The conservation and preservation of endangered species of wildlife in the United States is necessary and desirable to halt and reverse the trend toward the extinction of certain species of wildlife and to maintain the diversity of indigenous forms of life within the United States; and

"Whereas, The protection of endangered species and their habitats often requires a restriction upon economic growth and development in the geographic areas in which the habitats are located, thereby creating hardships upon the persons residing within those geographic areas; and

"Whereas, The conflict resulting from the protection of an endangered species and the restriction of economic growth is often unavoidable, but the impact of such a conflict can be lessened by allowing for a balancing of those conflicting interests; and

"Whereas, The provisions of 16 U.S.C. §1533 require the Secretary of the Interior to make a determination as to whether a species is endangered based solely upon available scientific and commercial data; and

"Whereas, Pursuant to the provisions of 16 U.S.C. §1533, the Secretary of the Interior has recently listed the desert tortoise as a threatened species; and

"Whereas, The listing of the desert tortoise as a threatened species has had a significant impact upon the economic development of the areas surrounding the City of Las Vegas; and

"Whereas, The State of Nevada, being a sparsely populated and predominantly rural state with few metropolitan areas within which to build a sound economic base, relies heavily upon the City of Las Vegas as an area in which to grow and expand; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, Jointly*, That Congress is hereby urged to amend the provisions of 16 U.S.C. §1533 to require a determination of whether to list a species of wildlife as endangered or threatened to be made in a timely manner in order to allow the proper evaluation of the economic impact of that determination and, to the extent reasonably possible, mitigate the economic impact of that determination upon the development and growth of local economies in the geographic area in which the species is located; and be it further

"*Resolved*, That Congress is hereby urged to require the Secretary of the Interior, when preparing a recovery plan for a species of wildlife listed as endangered or threatened pursuant to the provisions of 16 U.S.C. §1533, to include in the recovery plan an economic analysis of the impact such a plan will have upon local economies in the geographic area in which the habitat of an endangered or threatened species of wildlife is located; and be it further

"*Resolved* That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM–212. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

"SENATE CONCURRENT RESOLUTION NO. 177

"Whereas, the city of New Iberia has a substantial interest in encouraging and promoting commerce and prosperity in the state; and

"Whereas, the city of New Iberia and the state of Louisiana has a responsibility to protect the health and safety of the citizens of the area; and

"Whereas, an adequate highway system is necessary for economic growth and prosperity as well as safe evacuation of area residents during hurricanes or other emergencies; and

"Whereas, consideration is being given currently to the expansion of the interstate highway system in Louisiana, specifically the extension of Interstate 49; and

"Whereas, the Federal Highway Administration, through the Intermodal Surface Transportation Efficiency Act of 1991, is developing a National Highway System and is requiring input into such development from local and state government.

"*Therefore, be it resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to consider the construction of a four-lane limited access highway connecting the New Iberia, Morgan City, Thibodaux, and Houma metropolitan areas to Interstate 49.

"*Be it further resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana Congressional delegation."

POM-213. A joint resolution adopted by the General Assembly of the State of Maryland; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION 11

"Whereas, Supreme Court Justice Thurgood Marshall was a great legal advocate and judicial scholar of the civil rights movement in the United States; and

"Whereas, Mr. Marshall was born and raised in Baltimore and excluded from the then all white law school at the University of Maryland; and

"Whereas, Mr. Marshall, undeterred, pursued his dream and in 1933 graduated first in his law school class at Howard University; and

"Whereas, As counsel for the NAACP Legal Defense and Education Fund, Thurgood Marshall won the landmark 1954 Supreme Court case, Brown v. Board of Education, and ended the "separate but equal" system of racial segregation then in effect in the public schools of 21 states; and

"Whereas, When asked by Justice Felix Frankfurter what he meant by "equal" during oral argument of Brown, Mr. Marshall replied, "equal means getting the same thing, at the same time, and in the same place" and coined a definition of equality that assured African Americans the full rights of citizenship; and

"Whereas, Thurgood Marshall's legal career spans 6 decades and includes an appointment by President John F. Kennedy to the U.S. Court of Appeals for the 2nd Circuit and an appointment by President Lyndon B. Johnson to the solicitor general of the United States; and

"Whereas, In 1967, Thurgood Marshall become the first black justice to sit on the Supreme Court in its 178-year history; and

"Whereas, Justice Marshall's record on the Supreme Court was always consistent: he championed the rights of minorities and the underprivileged, he supported affirmative action and a women's right to choose, he opposed restrictions on free speech and government expenditure benefiting religion, and he always opposed the death penalty; and

"Whereas, Justice Marshall became the voice of dissent in his later years on the bench, and in his 1973 dissent in San Antonio School District v. Rodriguez, he influenced the court for years to come by giving greater scrutiny to government decisions and more broadly reading equal protection guarantees; and

"Whereas, At his retirement news conference in 1991, Justice Marshall said that he wished to be remembered with 10 words: "That he did what he could with what he had"; and

"Whereas, Inscribed above the entrance to the Supreme Court are the words "Equal Justice Under Law"; and

"Whereas, Supreme Court Justice Thurgood Marshall lived his life to make these words a realty for generations of Americans; and

"Whereas, Thurgood Marshall will be missed by young and old, rich and poor, black and white, liberal and conservative, Supreme Court colleagues and fellow Americans; now, therefore, be it

"*Resolved by the General Assembly of Maryland*, That the United States Congress designate the southern division of the United States District Court for Maryland located in Beltsville, Maryland in northwestern Prince George's County as the "Thurgood Marshall United States Courthouse"; and be it further

"*Resolved*, That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Honorable George J. Mitchell, Majority Leader of the Senate; the Honorable Robert J. Dole, Minority Leader of the Senate; the Honorable Thomas S. Foley, Speaker of the House of Representatives; and the Honorable Robert H. Michel, Minority Leader of the House of Representatives; and the Honorable Barbara A. Mikulski, U.S. Senator from Maryland, the Honorable Paul S. Sarbanes, U.S. Senator from Maryland, the Honorable Steny Hamilton Hoyer, U.S. Representative 5th Congressional District, and the Honorable Albert R. Wynn, U.S. Representative 4th Congressional District."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 4. A bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes (Rept. No. 103–113).

By Mr. BYRD, from the Committee on Appropriations, with amendments:

H.R. 2520. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103–114).

By Mr. DECONCINI, from the Select Committee on Intelligence, without amendment:

S. 1301. An original bill to authorize appropriations for fiscal year 1994 for intelligence activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 103–115).

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 28, 1993.

Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: Pursuant to S. Res. 400, I request referral of the fiscal year 1994 intelligence authorization bill to the Senate Committee on Armed Services.

Sincerely,

SAM NUNN,
Chairman.

By Mr. BUMPERS, from the Committee on Small Business, with an amendment in the nature of a substitute and an amendment to the title:

S. 1274. a bill to authorize funding for certain Small Business Administration programs, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. RIEGLE (for himself and Mr. SARBANES) (by request):

S. 1299. A bill to reform requirements for the disposition of multifamily property owned by the Secretary of Housing and Urban Development, enhance program flexibility, authorize a program to combat crime, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. KASSEBAUM:

S. 1300. A bill to amend the Public Health Service Act to unify the reauthorization cycle with respect to Centers for Disease Control and Prevention programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DECONCINI:

S. 1301. An original bill to authorize appropriations for fiscal year 1994 for intelligence activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; to the Committee on Armed Services, pursuant to the order of Senate Resolution 400, 94th Congress, for the thirty day period provided in section 3(b) of the Resolution.

By Mr. GRAHAM:

S. 1302. A bill to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building"; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself and Mr. BOREN):

S. 1303. A bill to amend the Public Health Service Act to establish Federal standards to ensure quality assurance in private sector drug testing programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BAUCUS (for himself and Mr. CHAFEE):

S. 1304. A bill to amend the Federal Water Pollution Control Act to improve the conservation of wetlands and thereby restore and maintain the physical, chemical and biological integrity of the Nation's waters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BIDEN (for himself, Mr. BINGAMAN, Mr. THURMOND, Mr. ROTH, Mr. DOMENICI, Mr. LIEBERMAN, Mr. LEVIN, Mr. LAUTENBERG, Mr. DECONCINI, Mr. CONRAD, Mr. ROBB, Mr. INOUYE, Mr. METZENBAUM, and Mr. SASSER):

S.J. Res. 117. A joint resolution to designate August 1, 1993, as "National Incest and Sexual Abuse Healing Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIEGLE (for himself and Mr. SARBANES) (by request):

S. 1299. A bill to reform requirements for the disposition of multifamily property owned by the Secretary of Housing and Urban Development, enhance program flexibility, authorize a program to combat crime, and for other purpose; to the Committee on Banking, Housing, and Urban Affairs.

THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1993

• Mr. RIEGLE. Mr. President, I am delighted to introduce, by request, the administration's Housing and Community Development Act of 1993. I am joined in introducing this bill by my distinguished colleague, Senator SARBANES, chairman of the Housing Subcommittee. I commend the President and Secretary Cisneros for the development of this innovative proposal. The Committee on Banking, Housing, and Urban Affairs will conduct a hearing this morning to begin consideration of this important legislative initiative.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my statement, as well as a letter from Secretary Cisneros, a summary, and a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.1299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION. 1. (a) SHORT TITLE.—This Act may be cited as the "Housing and Community Development Act of 1993".

(b) TABLE OF CONTENTS.—

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TITLE I—FHA MULTIFAMILY REFORMS

MULTIFAMILY PROPERTY DISPOSITION

SEC. 101. (a) SUBSIDIZED AND UNSUBSIDIZED PROJECTS.—Section 203 of the Housing and Community Development Amendments of 1978 is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(B) by striking paragraph (1) and inserting in lieu thereof the following:

"(1) preserving so that they are available to and affordable by low-income persons—

"(A) in the case of a subsidized or formerly subsidized multifamily housing project referred to in subsections (i)(2)(A) through (C), all units in the project;

"(B) in the case of a subsidized or formerly subsidized project referred to in subsection (i)(2)(D), all units in the project that are covered, or were covered immediately before foreclosure or acquisition of the project by the Secretary, by an assistance contract under any of the authorities referred to in such subsection;

"(C) in all other multifamily housing projects, at least the units that are covered, or were covered immediately before foreclosure or acquisition of the project by the Secretary, by a project-based assistance contract under—

"(i) section 8(b)(2) of the United States Housing Act of 1937 (as such section existed before October 1, 1983) (new construction and substantial rehabilitation); section 8(b) of such Act (property disposition); section 8(d)(2) of such Act (project-based certificates); section 8(e)(2) of such Act (moderate rehabilitation); section 23 of such Act (as in effect before January 1, 1975); or section 101 of the Housing and Urban Development Act of 1965 (rent supplements); or

"(ii) section 8 of the United States Housing Act of 1937, following conversion from such section 101;

"(2) in the case of multifamily housing projects other than subsidized projects, providing project-based rental assistance to units that were covered by an assistance contract under the Loan Management Set-Aside program under section 8(b) of such Act immediately before foreclosure or acquisition of the project by the Secretary: *Provided,* That the assistance shall be limited to—

"(A) tenants residing in the units immediately before the foreclosure or acquisition; and

"(B) tenants initially admitted to units under such contract that were vacant at the time of the foreclosure or sale by HUD of the project;

and such assistance shall not be provided to subsequent tenants;";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ", including" and all that follows through "persons,"; and

(ii) by inserting "competent and" immediately before "capable";

(B) by adding at the end thereof the following new paragraph:

"(3) to develop such procedures as the Secretary determines necessary to obtain appropriate community or resident input into disposition plans; and";

(3) by striking paragraph (1) of subsection (d) and the introductory material preceding such paragraph (1), and inserting in lieu thereof the following:

"In carrying out the goals specified in subsections (a)(1) and (2), the Secretary shall take not less than one of the following actions:

"(1) Enter into contracts under section 8 of the United States Housing Act of 1937, to the extent budget authority is available, with owners of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure or after sale by the Secretary.

"(A)(i) In the case of a subsidized or formerly subsidized project referred to in subsections (i)(2)(A) through (C), the contract shall be for a term of at least 15 years and shall be sufficient to assist at least all units covered by an assistance contract under any of the authorities referred to in subsection (i)(2)(D). In order to make available to families any of such units that are occupied by persons not eligible for assistance under section 8, but that subsequently become vacant, a contract under this clause shall also provide that when any such vacancy occurs, the owner shall lease the available unit to a family eligible for assistance under section 8. The Secretary shall use the authority contained in paragraph (3) in connection with any unit in such projects that does not receive project-based assistance under this paragraph.

"(ii) In the case of a subsidized or formerly subsidized project referred to in subsection (i)(2)(D), the contract shall be for a term of at least 15 years and shall be sufficient to assist at least all units in the project that are covered, or were covered immediately before foreclosure or acquisition of the project by the Secretary, by an assistance contract under any of the authorities referred to in such subsection. In order to make available to families any of such units that are occupied by persons not eligible for assistance under section 8, but that subsequently become vacant, a contract under this clause shall also provide that when any such vacancy occurs, the owner shall lease the available unit to a family eligible for assistance under section 8.

"(iii) Contracts under clauses (i) and (ii) shall be at contract rents that, consistent with subsection (a), provide for the necessary rehabilitation of such project and do not exceed such percentage of the existing housing fair market rents for the area (as determined by the Secretary under section 8(c) of the United States Housing Act of 1937) as the Secretary may prescribe.

"(B) In all other multifamily housing projects the contract shall be for an initial term of at least five years and shall at least be sufficient to provide project-based rental assistance for all units—

"(i) that are covered, or were covered immediately before foreclosure or acquisition of the project by the Secretary, by an assistance contract under—

"(I) section 8(b)(2) of the United States Housing Act of 1937 (as such section existed before October 1, 1983) (new construction and substantial rehabilitation); section 8(b) (property disposition); section 8(d)(2) of such Act (project-based certificates); section 8(e)(2) of such Act (moderate rehabilitation); section 23 of such Act (as in effect before January 1, 1975); or section 101 of the Housing and Urban Development Act of 1965 (rent supplements); or

"(II) section 8 of the United States Housing Act of 1937, following conversion from such section 101; and

"(ii) that were covered by an assistance contract under the Loan Management Set-Aside program under section 8(b) of such Act immediately before foreclosure or acquisition of the project by the Secretary: *Provided*, That the assistance shall be limited to—

"(I) tenants residing in the units immediately before the foreclosure or acquisition; and

"(II) tenants initially admitted to units under such contract that were vacant at the time of the foreclosure or sale by HUD of the project;

and such assistance shall not be provided to subsequent tenants.";

"(4) by adding the following new paragraph at the end of subsection (d):

"(4) In connection with projects referred to in paragraph (1), the Secretary is authorized to make available tenant-based rental assistance under section 8(b) or (o) of such Act to very low-income families (as defined in section 3(b)(2) of the United States Housing Act of 1937) that do not qualify for project-based assistance under such paragraph."; and

"(5) in subsections (e)(3) and (4), by striking "15-year period" and inserting in lieu thereof the following: "the period of assistance".

(b) TENANT-BASED ASSISTANCE.—Section 203(d)(2) of such Act is amended—

"(1) in the first sentence, by striking the parenthetical; and

"(2) by adding at the end thereof the following new sentence: "Actions pursuant to this paragraph may be taken in connection with not more than 10 percent of the units in subsidized or formerly subsidized projects owned by the Secretary.".

(c) ALTERNATE ASSISTANCE.—Section 203(d)(3) of such Act is amended by striking "will ensure that," and all that follows through the end, and inserting in lieu thereof the following:

"will ensure that—

"(A) the project is available to, and affordable by, low-income persons; and

"(B) for a period of not less than 15 years, there shall be in force such use restrictions and rent regulation as the Secretary may prescribe.".

(d) NON-RENTAL, NONRESIDENTIAL USE.—Section 203(d) of such Act, as amended by the previous provisions of this section, is amended—

(1) by adding the following new paragraph at the end thereof:

"(5)(A) Notwithstanding any other provision of law, of the total number of units in multifamily housing projects that are owned by the Secretary, the Secretary may make up to—

"(i) 10 percent available for uses, other than rental or cooperative use, such as low-income homeownership opportunities, shelters for the homeless, and office space for resident or housing-related social service providers; and

"(ii) five percent available for any use, if the Secretary, in consultation with the local or areawide governing body, determines that such action will assist efforts to deconcentrate low-income housing opportunities.

"(B) In connection with projects referred to in subparagraph (A), the Secretary is authorized to make available tenant-based rental assistance under section 8(b) or (o) of such Act to very low-income families (as defined in section 3(b)(2) of the United States Housing Act of 1937) to assist them in locating other decent, safe, and sanitary housing."; and

(2) in the last sentence of subsection (e)(1), by striking "value" and all that follows through "(d)" and inserting in lieu thereof the following: "intended use of the property after sale".

(e) DISPLACEMENT.—Sections 203(f)(2) (B) and (C) are each amended by striking "above-moderate income" and inserting in lieu thereof "above low-income".

(f) SALE OF MORTGAGES ON UNSUBSIDIZED PROJECTS.—Section 203(h) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding any other provision of law, the Secretary is authorized to sell mortgages held on multifamily housing projects other than subsidized projects on such terms and conditions as the Secretary may prescribe.".

(g) DEFINITION OF "SUBSIDIZING PROJECT."—Section 203(i) of such Act is amended—

(1) in paragraph (1), by striking "or section 312 of the Housing Act of 1964";

(2) by striking subparagraph (C) of paragraph (2) and renumbering the remaining subparagraphs accordingly;

(3) in paragraph (2)(C), as redesignated by paragraph (2) of this subsection, by striking "or to" and all that follows through "1964";

(4) by striking subparagraph (D) of paragraph (2), as redesignated by paragraph (2) of this subsection, and inserting in lieu thereof the following new subparagraph:

"(D)(i) rent supplement payments under section 101 of the Housing and Urban Development of 1965; (ii) housing assistance payments made under section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975); or (iii) housing assistance payments made under section 8 of the United States Housing Act of 1937 (excluding payments made for certificates under subsection (b)(1) or vouchers under subsection (o)), if (except for purposes of paragraphs (1) and (2) of subsection (h) and section 183(c) of the Housing and Community Development Act of 1987) such assistance payments are made to more than 50 percent of the units in the project."; and

(5) by striking paragraph (i)(4).

(h) OTHER PROVISIONS.—Section 203 of such Act is amended by adding at the end thereof the following new subsection:

"(k) In providing tenant-based assistance in connection with activities pursuant to subsection (d)(4) or (d)(5)(B), the Secretary shall take into consideration the condition of the local market in which the assistance will be used and shall take such steps as the Secretary deems necessary for the successful use of the assistance.".

(i) USE OF SAVINGS IN MANDATORY EXPENDITURES.—(1) From amounts of savings in mandatory expenditures that result from the amendments made by this section, the Secretary shall—

(A) make grants to States and units of general local government in a total amount of $400,000,000 for the rehabilitation of multifamily projects formerly owned by the Secretary that have been transferred to such governmental entities;

(B) transfer a sufficient number of multifamily housing projects owned by the Secretary to States and units of general local government to assure full use of the amount required for grants under subparagraph (A); and

(C) require that the grantees comply with requirements established by the Secretary governing use of the project and the grant, including requirements governing use of the units for rental by low-income families and affordability of rents, as determined by the Secretary.

The Secretary's authority to make expenditures for grants under this subparagraph shall terminate on September 30, 1994. The Secretary shall, by notice published in the *Federal Register*, establish such requirements as may be necessary to carry out the provisions of this subparagraph, including a requirement that States and units of general local government do not earn arbitrage profits from these grants.

(2) For purposes of this subsection—

The term "low-income families" has the meaning given such term in section 3(b)(2) of the United States Housing Act of 1937.

The term "Secretary" means the Secretary of Housing and Urban Development.

The term "State" has the meaning given such term in section 104(2) of the Cranston-Gonzalez National Affordable Housing Act, including any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the State with regard to paragraph (1)(A).

The term "unit of general local government" has the meaning given such term in section 104(1) of the Cranston-Gonzalez National Affordable Housing Act, including any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction with regard to paragraph (1)(A).

AMEND THE REQUIREMENT FOR STATE AND LOCAL GOVERNMENT RIGHT OF FIRST REFUSAL

SEC. 102. (a) Section 203(e)(2) of the Housing and Community Development Amendments of 1978 is amended to read as follows:

"(2) The Secretary, within 60 days of acquiring title to a project, shall notify the unit of general local government and the State housing finance agency (or other agency or agencies designated by the Governor) of the acquisition of such title. Within 60 days of this notice, the local government or designated State agency may submit to the Secretary a preliminary expression of interest in the project. The Secretary may take such actions as may be necessary to require the local government or designated State agency to substantiate such interest. If the local government or designated State agency has expressed interest within the 60-day period, and has substantiated such interest if requested, upon approval of a disposition plan for a project, the Secretary shall notify the local government and designated State agency of the terms and conditions of the disposition plan and give the local government or designated State agency 90 days from the date of the notification to make an offer to purchase the project. If the local government or designated State agency does not express interest within the 60-day period, or does not substantiate an expressed interest if requested, the Secretary, upon approval of a disposition plan, may offer the project for sale to any interested person or entity.".

(b) Section 203(e)(3) of such Act is amended by striking "The" in the first sentence and inserting "Where the Secretary has given the local government or designated State agency 90 days to make an offer to purchase the project, the".

(c) Section 203(e) of such Act, as amended by subsections (a) and (b), shall apply to projects that are acquired on or after the effective date of this section. With respect to projects acquired before the effective date of this section, the Secretary may apply—

(1) the requirements of sections 203(e)(2) and (e)(3) of such Act as they existed immediately before the effective date of this section; or

(2) the requirements of sections 203(e)(2) and (e)(3) of such Act, as amended by subsections (a) and (b), respectively, if the Secretary gives the local government and designated State agency 60 days to express interest in the project, and for those that express interest within the 60-day period, and substantiate such interest if requested, 90 days from the date of notification of the terms and conditions of the disposition plan to make an offer to purchase the project.

REPEAL STATE AGENCY MULTIFAMILY PROPERTY DISPOSITION DEMONSTRATION

SEC. 103. Section 184 of the Housing and Community Development Act of 1987 is hereby repealed.

DEMONSTRATION: RTC MARKETING AND DISPOSITION OF MULTIFAMILY PROPERTIES OWNED BY HUD

SEC. 104. (a) The Secretary of Housing and Urban Development may carry out a demonstration with up to 50 multifamily properties owned by the Secretary, using the Resolution Trust Corporation (RTC) for the marketing and disposition of the properties. Any such demonstration shall be carried out by agreement of the RTC and the Secretary on such terms and conditions as are acceptable to the RTC and the Secretary. The RTC shall establish policies and procedures for marketing and disposition, subject to review and approval by the Secretary.

(b) The Secretary may waive the requirements of section 203 of the Housing and Community Development Amendments of 1978 and any related requirements, including restrictions on the incomes of families occupying the units and requirements for continued assistance. The Secretary may also waive any other statutory and regulatory requirements that apply to the project and that the Secretary determines are not consistent with the purposes of a demonstration, except that the Secretary may not waive any equal opportunity or nondiscrimination statutory or regulatory requirements or procedures.

(c) In determining which properties to include in the demonstration, the Secretary shall take into consideration the size of the inventory of properties owned by the Secretary in the locality and such other factors as the Secretary determines are appropriate.

(d) The Secretary shall reimburse the RTC for the direct costs associated with the demonstration, including the costs of administration and marketing, property management, and any repair and rehabilitation. The Secretary may use proceeds from the sale of the properties to reimburse the RTC for its costs.

(e) The demonstration under this section shall—

(1) be approved personally by the Secretary;

(2) taken as a whole over the life of the demonstration, not result in higher costs to the Federal government;

(3) be generally consistent with the overall purposes of the program or programs under which the waiver is granted;

(4) be the subject of an evaluation plan for which funding is obligated or set aside at the same time the demonstration is approved and which will be carried out by an independent party; the evaluation shall include an assessment of the impact and effectiveness of (A) any requirements waived pursuant to subsection (b), and (B) any differences between the property disposition procedures of the RTC and the Secretary; and

(5) be consistent with the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

(f) In approving the demonstration under this section, the Secretary may impose such requirements as the Secretary considers to be appropriate to further its purposes.

(g) The RTC shall submit an annual progress report to the Secretary. The Secretary shall submit a report to Congress within one year after completion of the demonstration, describing the results of the demonstration and making any recommendations for legislation.

(h) The demonstration under this section shall not extend beyond the termination date of the Resolution Trust Corporation.

(i) There is authorized to be appropriated $1,000,000 for the evaluation of the demonstration under this section.

AUTHORIZE CIVIL MONEY PENALTIES AGAINST GENERAL PARTNERS AND CERTAIN MANAGING AGENTS OF MULTIFAMILY PROJECTS

SEC. 105. (a) Section 537 of the National Housing Act is amended—

(1) in subsection (b)(1), by inserting after "mortgagor" the second place it appears the following: "or general partner of a partnership mortgagor";

(2) in the heading to subsection (c), by deleting "VIOLATIONS OF REGULATORY AGREEMENT" and inserting in lieu thereof the following: "OTHER VIOLATIONS";

(3) in subsection (c)(1)—

(A) by deleting "any mortgagor of property" and all that follows through "as follows:" and inserting in lieu thereof the following:

"(A) any mortgagor of property that includes five or more living units and that has a mortgage insured, coinsured, or held pursuant to this Act;

(B) the general partner of a partnership mortgagor; (C) any agent employed to manage the property that has an identity of interest with the general partner; or (D) any independent fee management entity, under contract with the mortgagor or general partner of a partnership mortgagor, that fails to notify the Secretary, as required by the Secretary, that it has been instructed by the mortgagor or general partner of a partnership mortgagor to engage in activities that are contrary to regulations and requirements of the Secretary. A penalty may be imposed under this section for knowingly and materially taking any of the following actions:";

(B) by adding after subparagraph (L) the following new subparagraphs:

"(M) Failure, when there is adequate project income available, to maintain the premises, accommodations, and the grounds and equipment appurtenant thereto in good repair and condition in accordance with regulations and requirements of the Secretary.

"(N) Failure, by a general partner of a partnership mortgagor, to provide management for the project that is acceptable to the Secretary pursuant to regulations and requirements of the Secretary.";

(C) in the last sentence, by deleting "of such agreement" and inserting in lieu thereof the following: "of this subsection"; and

(D) by redesignating subparagraphs (A) through (N) as clauses (i) through (xiv), respectively;

(4) in subsection (d)(1)(B), by inserting after "mortgagor" the following:", general partner of a partnership mortgagor, or agent employed to manage the property or independent fee management entity as described in subsections (c)(1)(C) and (D), respectively,";

(5) in subsection (e)(1), by deleting "a mortgagor" and inserting in lieu thereof the following: "an entity or person";

(6) in subsection (f), by inserting after "mortgagor" both times that it appears the following: ", general partner of a partnership mortgagor, or agent employed to manage the property or independent fee management agent as described in subsections (c)(1)(C) and (D), respectively,"; and

(7) by amending the heading to read as follows: "CIVIL MONEY PENALTIES AGAINST MULTIFAMILY MORTGAGORS, GENERAL PARTNERS OF PARTNERSHIP MORTGAGORS, AND MANAGING AGENTS".

(b) The amendments made by subsection (a) shall apply only with respect to—

(1) violations that occur on or after the effective date of this section; and

(2) in the case of a continuing violation (as determined by the Secretary of Housing and Urban Development), any portion of a violation that occurs on or after such date.

EXTEND HUD REVIEW PERIOD FOR APPROVAL OF MANAGEMENT IMPROVEMENT AND OPERATING PLANS

SEC. 106. Section 201(d)(6) of the Housing and Community Development Amendments of 1978 is amended by striking "30" and inserting "120".

USE OF FLEXIBLE SUBSIDY IN PRESERVATION PROJECTS

SEC. 107. (a) USE OF ASSISTANCE.—Section 210(k) of the Housing and Community Development Amendments of 1978 is amended by adding at the end thereof the following new paragraph:

"(4) In providing, and contracting to provide, assistance for capital improvements under this section, the Secretary shall give priority to projects that are eligible for incentives under section 224(b) of the Emergency Low Income Housing Preservation Act of 1987. The Secretary may make such assistance available on a noncompetitive basis.".

(b) CERTAIN UNINSURED PROJECTS.—Section 201(n)(2) of such Act is amended by inserting a comma immediately after "insured mortgages in force" and the following: "projects for which the Secretary holds the mortgage, and projects with respect to which the Secretary makes interest reduction payments under section 236(o) of the National Housing Act".

DELETE REQUIREMENT TO REDUCE INTEREST RATES TO AVOID FORECLOSURE ON ASSIGNED MORTGAGES

SEC. 108. Section 7(i)(5) of the Department of Housing and Urban Development Act is amended by striking out the first semicolon, and all that follows through "as determined by the Secretary".

TITLE II—ENHANCE PROGRAM FLEXIBILITY

Subtitle A—Office of Public and Indian Housing

FREEZE FEES FOR ADMINISTRATION OF THE CERTIFICATE AND VOUCHER PROGRAMS

SEC. 201. Notwithstanding the second sentence of section 8(q)(1) of the United States Housing Act of 1937, other applicable law, and any implementing regulations and related requirements, the fee for the ongoing costs of administering the certificate and housing voucher programs under sections 8(b) and 8(o) of such Act for Federal fiscal year 1994 shall be based on the fair market rents for Federal fiscal year 1993. However, the Secretary may increase the fee in accordance with the third sentence of section 8(q)(1) and sections 8(q)(2)(ii) and (iii) of such Act.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING

SEC. 202. (a) SEVERELY DISTRESSED PUBLIC HOUSING.—Section 24 of the United States Housing Act of 1937 is amended as provided by this subsection.

(1) DELETE REQUIREMENT FOR DESIGNATION OF ELIGIBLE PROJECTS.—(A) Subsection (b) is hereby repealed.

(B) Subsection (i)(2) is hereby repealed and the following paragraphs redesignated accordingly.

(2) INCREASE PLANNING GRANT DOLLAR CAP.—Subsection (c)(2) is amended by striking "$200,000" and inserting "$500,000".

(3) PLANNING GRANT ELIGIBLE ACTIVITIES: COMMUNITY SERVICE.—Subsection (c)(3) is amended by inserting the following new subparagraph after subparagraph (D) and redesignating the following subparagraphs accordingly:

"(E) planning for community service activities to be carried out by residents, other members of the community, and other persons willing to contribute to the social, economic, or physical improvement of the community (community service is a required element of the revitalization program);".

(4) PLANNING GRANT APPLICATION: COMMUNITY SERVICE.—Subsection (c)(4) is amended by inserting the following new subparagraph after subparagraph (C) and redesignating the following subparagraphs accordingly:

"(D) a description of the planning activities for community service to be carried out by residents, other members of the community, and other persons willing to contribute to the social, economic, or physical improvement of the community;".

(5) IMPLEMENTATION GRANT ELIGIBLE ACTIVITIES.—

(A) Subsection (d)(2) is amended by inserting the following new subparagraphs after subparagraph (D) and redesignating the following subparagraphs accordingly:

"(E) community service activities to be carried out by residents, other members of the community, and other persons willing to contribute to the social, economic, or physical improvement of the community (community service is a required element of the revitalization program);

"(F) replacement of public housing units, when required under section 18, through the use of implementation grant funds for the development of replacement units provided through the methods permitted under section 18(b)(3);".

(B) Subsection (d)(2)(K), as redesignated by subparagraph (A) of this paragraph, is amended by—

(i) striking "than 15 percent" and inserting "than 20 percent"; and

(ii) inserting before the period the following: "and provided that an amount equal to 15 percent of the amount of any grant under this subsection used for support services shall be contributed from non-Federal sources (this contribution shall be in the form of cash, administrative costs, and the reasonable value of in-kind contributions and may include funding under title I of the Housing and Community Development Act of 1974)".

(6) IMPLEMENTATION GRANT APPLICATIONS: COMMUNITY SERVICE.—Subsection (d)(3) is amended by inserting the following new subparagraph after subparagraph (C) and redesignating the following subparagraphs accordingly:

"(D) a description of the community service activities to be carried out by residents, other members of the community, and other persons willing to contribute to the social, economic, or physical improvement of the community;".

(7) PLANNING GRANT AND IMPLEMENTATION GRANT SELECTION CRITERIA: NATIONAL GEOGRAPHIC DIVERSITY.—Subsections (c)(5) and (d)(4) are each amended by—

(A) striking subparagraph (E) and redesignating the following subparagraphs accordingly; and

(B) inserting at the end the following new flush matter:

"The Secretary may select a lower-rated, approvable application over a higher-rated application to increase the level of national geographic diversity of applications approved under this section.".

(8) IMPLEMENTATION GRANT SELECTION CRITERIA.—Subsection (d)(4)(D) is amended by striking "the potential of the applicant for developing a successful and affordable" and inserting "the quality of the proposed".

(9) DEFINITIONS.—(A) Subsection (h)(5) is amended to read as follows:

"(5) SEVERELY DISTRESSED PUBLIC HOUSING.—The term 'severely distressed public housing' means a public housing project or a building in a project that—

"(A) requires major redesign, reconstruction, or redevelopment, or partial or total demolition, to correct serious deficiencies in the original design (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems, and other deficiencies in the physical plant of the project; and

"(B)(i)(I) is occupied predominantly by families with children which have extremely low incomes, high rates of unemployment, and extensive dependency on various forms of public assistance; and

"(II) has high rates of vandalism and criminal activity (including drug-related criminal activity); or

"(ii) has a vacancy rate, as determined by the Secretary, of 50 percent or more; and

"(C) cannot be revitalized through assistance under other programs, such as the programs under sections 9 and 14, or through other administrative means because of the inadequacy of available funds; and

"(D) in the case of individual buildings, the building is, in the Secretary's determination, sufficiently separable from the remainder of the project to make use of the building feasible for purposes of this section.".

(B) Subsection (h) is amended by adding the following new paragraphs at the end thereof:

"(6) COMMUNITY SERVICE.—The term 'community service' means services provided on a volunteer or limited stipend basis for the social, economic, or physical improvement of the community to be served, including opportunity for the upward mobility of participants providing the community service, through completion of education requirements, job training, or alternative methods of developing skills and job readiness.

"(7) SUPPORT SERVICES.—The term 'support services' includes all activities designed to lead toward upward mobility, self-sufficiency, and improved quality of life for the residents of the project, such as literacy training, job training, day care, and economic development, and may include such activities for residents of the neighborhood.".

(b) CONFORMING AMENDMENT.—The first sentence of section 25(m)(1) of the United States Housing Act of 1937 is amended to read as follows:

"The term 'eligible housing' means a public housing project, or one or more buildings within a project, that is owned or operated by a troubled public housing agency.".

(c) COMPREHENSIVE GRANT AND DEVELOPMENT GRANTS FOR REPLACEMENT HOUSING.—(1) Section 5(a)(2) of the United States Housing Act of 1937 is amended by adding the following new sentence at the end thereof:

"In providing assistance under this paragraph, the Secretary may give priority to public housing agencies that use comprehensive grants under section 14(k) for replacement housing under section 18(b)(3)(A)."

(2) Section 14 of such Act is amended by adding the following new subsection at the end thereof:

"(q) The Secretary may authorize a public housing agency to use assistance allocated to it for use under subsection (e) for the development of additional housing under this Act, in accordance with requirements applicable to the development of public housing, to provide replacement housing as required by section 18.".

(d) USE OF TENANT-BASED ASSISTANCE FOR REPLACEMENT HOUSING.—(1) Section 18(b)(3)(A) of such Act is amended—

(A) by striking "or" at the end of clause (v);

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting the following new clause immediately after clause (v):

"(vi) the use of five-year tenant-based assistance under section 8(b) or (o) if—

"(I) the project has been vacant for a period of at least five years;

"(II) the proposed demolition is necessary for revitalization of the remaining units in the project; or

"(III) demolition of the entire project is proposed and some or all of the units will be replaced on the site; or".

(2) Section 18(b)(3) of such Act is amended—

(A) in subparagraph (A)(v), by striking "to the extent available" and all that follows through "5 years"; and

(B) in subparagraph (C), by adding the following new flush matter at the end thereof:

"*Provided*, That notwithstanding the other provisions of this subparagraph, if the plan involves (I) a demolition described in subparagraph (A)(vi) or (II) the demolition of 200 or more units, tenant-based assistance under section 8 (b) or (o) may be approved if the public housing agency determines, in accordance with such requirements as the Secretary may prescribe, that such use is feasible and appropriate to meeting the low-income housing needs in the community;".

(3) Section 18(c)(2) of such Act is amended by inserting before the period at the end of the first sentence a comma and the following: "except for amounts to be provided from the allocation of comprehensive grant assistance to the public housing agency under section 14".

(e) Need For Replacement Housing.—The flush matter at the end of section 18(b)(3) of such Act is amended—

(1) by striking "except that," and inserting in lieu thereof the following: "except that (1)"; and

(2) by inserting immediately before the period at the end thereof the following:

", and (2) a public housing agency may demolish public housing dwelling units without providing an additional unit for each unit to be demolished if there is no need for additional assisted housing in the community, as determined in accordance with criteria determined by the Secretary."

(f) Replacement Housing Outside the Jurisdiction of the PHA.—Section 18(b)(3) of such Act is amended by inserting the following new subparagraph after subparagraph (C), and redesignating the following subparagraphs accordingly:

"(D) may provide that all or part of such additional dwelling units may be located outside the jurisdiction of the public housing agency (the 'original agency') if—

"(i) the location is in the same housing market area as the original agency, as determined by the Secretary;

"(ii) the plan contains an agreement between the original agency and the public housing agency in the alternate location or other public or private entity that will be responsible for providing the additional units in the alternate location ('alternate agency or entity') that the alternate agency or entity will, with respect to the dwelling units involved—

"(I) provide the dwelling units in accordance with subparagraph (A) of this paragraph;

"(II) complete the plan on schedule in accordance with subparagraph (F) of this paragraph;

"(III) meet the requirements of subparagraph (G) of this paragraph and the maximum rent provisions of subparagraph (H) of this paragraph; and

"(IV) not impose a local residency preference on any resident of the jurisdiction of the original agency for purposes of admission to any such units; and

"(iii) the arrangement is approved by the unit of general local government for the jurisdiction in which the additional units will be located.".

DISALLOWANCE OF EARNED INCOME FOR RESIDENTS WHO OBTAIN EMPLOYMENT

Sec. 203. (a) Disallowance of Earned Income from Public Housing Rent Determinations.—(1) In general.—Section 3 of the United States Housing Act of 1937 is amended by striking the undesignated paragraph at the end thereof and inserting in lieu thereof the following new subsection:

"(d) Disallowance of Earned Income From Public Housing Rent Determinations.—Notwithstanding any other provision of law, the rent payable under subsection (a) for any public housing unit by a family whose income increases as a result of employment of a member of the family who was previously unemployed for one or more years may not be increased as a result of the increased income due to such employment for a period of 18 months, beginning with the commencement of employment.".

(2) Applicability of Amendment.—Notwithstanding the amendment made by paragraph (1), any resident of public housing participating in the authority contained in such undesignated paragraph immediately before its amendment by this section shall continue to be governed by such authority.

(b) Repealer.—Section 957 of the Cranston-Gonzalez National Affordable Housing Act is hereby repealed.

CEILING RENTS BASED ON REASONABLE RENTAL VALUE

Sec. 204. (a) Section 3(a)(2)(A)(iii) of the United States Housing Act of 1937 is amended to read as follows:

"(iii) is not less than the reasonable rental value of the unit, as determined by the Secretary.".

(b) The Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by subsection (a). The notice shall also invite public comments, and the Secretary shall issue final regulations based on the initial notice, taking into account any public comments received.

Subtitle B—Office of Community Planning and Development Economic Revitalization Initiative

Sec. 210. (a) Economic Revitalization Grants.—(1) Section 108(a) of the Housing and Community Development Act of 1974 is amended by striking the second sentence and inserting in lieu thereof the following:

"A guarantee under this section (including a guarantee combined with a grant under subsection (q)) may be used to assist a grantee in obtaining financing, only if the grantee has made efforts to obtain the financing without the use of the guarantee (and, if applicable, the grant) and cannot complete the financing consistent with the timely execution of the proposed activities and projects without the guarantee (or, if applicable, the grant).".

(2) Section 108 of such Act is further amended by adding at the end thereof the following new subsection:

"(q)(1) the Secretary is authorized to use amounts deobligated under section 119 to provide grants in accordance with this subsection for economic revitalization projects to eligible public entities (units of general local government) in connection with notes or other obligations guaranteed for such entities under this section.

"(2) by regulation, the Secretary shall prescribe the terms and conditions of these grants (in accordance with this title, except as otherwise permitted by this subsection), including guidelines related to economic revitalization projects eligible for grants, the amount of grant funds to be provided for specific economic revitalization projects applied for, and requirements applicable to the use of the grant and the guaranteed loan proceeds by the recipient. The regulations shall at a minimum implement the provisions specified in this subsection.

"(3) The proceeds of the guaranteed loan, and the grant under this subsection, shall be used to finance economic development activities and projects eligible under subsection (a) and specified in the approved application. In this subsection, the term "economic revitalization projects" refers to such eligible economic development projects and activities.

"(4) If the eligible public entity proposes a grant under this subsection, it shall submit its request to HUD, in the form prescribed by HUD, with or as part of its application for loan guarantee assistance under this section.

"(5) To the extent funds are available, grants under this subsection shall be approved on a first-come, first-served basis.".

(3) Section 119(o) of such Act is amended by striking "shall be" and all that follows up to the period and inserting in lieu thereof the following: "shall, as determined by the Secretary, be added to amounts appropriated under section 103 or be used to provide grants under section 108(q)".

(4) Title I of such Act is amended—

(A) in the second sentence of section 101(c), by striking "and, if applicable, the funds received as a result of a guarantee under section 108," and by inserting in lieu thereof "(including any such funds used to make payments on a loan guaranteed by the Secretary under section 108) and, if applicable, any grant received under section 108(q)," and

(B) in section 104(b)(3), by striking "and, if applicable, as a result of a guarantee under section 108," and by inserting in lieu thereof "(including any such funds used to make payments on a loan guaranteed by the Secretary under section 108) and, if applicable, any grant received under section 108(q),".

(b) Section 108 Loan Guarantees for Colonias.—The first sentence of section 108(a) of the Housing and Community Development Act of 1974 is amended—

(1) by striking "or" immediately after "section 105(a);"; and

(2) by inserting immediately before the period at the end thereof the following: "; or (5) activities under section 105(a)(2) with respect to colonias under section 916 of the Cranston-Gonzalez National Affordable Housing Act".

(c) Guarantee of Obligations Backed by Section 108 Loans.—Section 108 of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following new subsection:

"(r)(1) The Secretary is authorized, upon terms and conditions as the Secretary deems appropriate, to guarantee the timely payment of the principal of and interest on such trust certificates or other obligations as shall—

"(A) be offered by the Secretary or by any other offeror approved for purposes of this subsection by the Secretary, and

"(B) be based on and backed by a trust or pool composed of notes or other obligations guaranteed or eligible for guarantee by the Secretary under this section.

"(2) To the same extent as provided in subsection (f), the full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee by the Secretary under this subsection.

"(3) In the event the Secretary pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

"(4) No State or local law, and no Federal law, shall preclude or limit the exercise by the Secretary of—

"(A) the power to contract with respect to public offerings and other sales of notes, trust certificates, and other obligations guaranteed under this section upon such terms and conditions as the Secretary deems appropriate,

"(B) the right to enforce by any means deemed appropriate by the Secretary any such contract, and

"(C) the Secretary's ownership rights, as applicable, in notes, certificates or other obligations guaranteed under this section, or constituting the trust or pool against which trust certificates, or other obligations guaranteed under this section are offered.".

HOME INVESTMENT PARTNERSHIPS

SEC. 211. (a) PARTICIPATION BY STATE AGENCIES OR INSTRUMENTALITIES.—Section 104(2) of the Cranston-Gonzalez National Affordable Housing Act is amended—

(1) by striking "and"; and

(2) by inserting before the period at the end thereof the following: ", and any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction with regard to provisions of this Act".

(b) SIMPLIFY PROGRAM-WIDE INCOME TARGETING FOR HOME RENTAL HOUSING.—Sections 214(1) (A) and (B) of such Act are amended by striking "such funds are invested with respect to dwelling units that are occupied by" each place it appears and inserting in lieu thereof the following: "(i) the families receiving such rental assistance are, or (ii) the dwelling units assisted with such funds are occupied by,".

(c) REMOVE FIRST-TIME HOMEBUYER LIMITATION FOR HOME UNITS.—Section 215(b) of such Act is amended by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(d) SIMPLIFY RESALE PROVISIONS.—Section 215(b)(4)(B) of such Act is amended by striking "subsection" and inserting in lieu thereof "title".

(e) STABILIZATION OF HOME FUNDING THRESHOLDS.—

(1) Sections 216(10) and 217(b)(4) of such Act are hereby repealed.

(2) Section 217(b)(3) of such Act is amended—

(A) in the first sentence, by striking "only those jurisdictions" and all that follows up to the period and inserting in lieu thereof the following:

"jurisdictions that are not participating jurisdictions that are allocated an amount of $500,000 or greater and jurisdictions that are participating jurisdictions shall receive an allocation"; and

(B) in the last sentence, by striking ", except as provided in paragraph (4)".

(3) Section 216 of such Act is amended—

(A) in paragraph (3), by striking "Except as provided in paragraph (10), a jurisdiction" in the first sentence and inserting in lieu thereof "A jurisdiction"; and

(B) in paragraph (9)(B), by striking ", except as provided in paragraph (10)".

(f) COMPREHENSIVE AFFORDABLE HOUSING STRATEGY.—(1) HOME PROGRAM.—The first sentence of section 218(d) of such Act is amended by inserting immediately after "providing certification" the following:

"that it is following a current housing affordability strategy which has been approved by the Secretary in accordance with section 105, and".

(2) HOMELESS ASSISTANCE PROGRAMS.—(A) IN GENERAL.—Section 401 of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

"SEC. 401. HOUSING AFFORDABILITY STRATEGY.—(a) REQUIREMENT TO FOLLOW A CHAS.—Assistance may be made available under subtitle B to metropolitan cities, urban counties, and States receiving a formula amount under section 413, only if the jurisdiction certifies that it is following a current housing affordability strategy which has been approved by the Secretary in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act.

"(b) REQUIREMENT FOR CONSISTENCY WITH CHAS.—Assistance may be made available under this title only if the application contains a certification that the proposed project or activities are consistent with the housing strategy of the State or unit of general local government in which the project is located. The certification shall be from the public official responsible for submitting the strategy for the jurisdiction.".

(B) CONFORMING CHANGES.—Title IV of such Act is amended by striking sections 426(a)(2)(F), 434, (a)(10), and 454(b)(9).

(g) SIMPLIFY HOME MATCHING REQUIREMENTS.—Section 220 of the Cranston-Gonzalez National Affordable Housing Act is amended to read as follows:

"(a) CONTRIBUTION.—Each participating jurisdiction shall make contributions to housing that qualifies as affordable housing under this title that total, throughout a fiscal year, not less than 25 percent of the funds drawn from the jurisdictions's HOME Investment Trust Fund in that fiscal year. This contribution shall be in addition to any amounts made available under section 216(3)(A)(ii).".

(h) DELETE SEPARATE AUDIT REQUIREMENT FOR THE HOME PROGRAM.—Section 283 of such Act is amended—

(1) by striking the section heading and inserting in lieu thereof the following: "AUDITS BY THE COMPTROLLER GENERAL.";

(2) by striking subsection (a);

(3) by striking "(b) AUDITS BY THE COMPTROLLER GENERAL.—" and redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively; and

(4) in subsection (a), as redesignated by paragraph (3), by striking the second sentence.

(i) HOME ENVIRONMENTAL REVIEW AMENDMENTS.—Section 288 of such Act is amended—

(1)(A) in the first sentence of subsection (a), by striking out "participating jurisdictions" and inserting in lieu thereof the following: "jurisdictions, Indian tribes, or insular areas"; and

(B) in the first sentence of subsection (b) and in subsection (c)(4), by striking "participating jurisdiction" each place it appears and inserting in lieu thereof the following: "jurisdiction, Indian tribe, or insular area"; and

(2) by inserting at the end of subsection (a) the following new sentences:

"The regulations shall, among other matters, provide for the monitoring of the performance of environmental reviews under this section and, in the discretion of the Secretary, for the provision or facilitation of training for such performance and suspension or termination of the assumption under this section. The Secretary's duty under the foregoing sentence shall not be construed as being in derogation of any responsibility assumed by a State or unit of general local government with respect to any particular release of funds.";

(3) in subsection (d), by striking out "ASSISTANCE TO A STATE.—In the case of assistance to States" and inserting in lieu thereof the following: "ASSISTANCE TO UNITS OF GENERAL LOCAL GOVERNMENT FROM A STATE.—In the case of assistance to units of general local government from a State".

(j) USE OF CDBG FUNDS FOR HOME ADMINISTRATIVE EXPENSES.—Section 105(a)(13) of the Housing and Community Development Act of 1974 is amended by inserting immediately after "charges related to" the following:

"(A) administering the HOME program under title II of the Cranston-Gonzalez National Affordable Housing Act and (B)".

(k) PROJECT DELIVERY COSTS.—Section 105(a)(21) of such Act is amended by—

(1) inserting immediately after "housing counseling" the following: "in connection with tenant-based rental assistance and affordable housing projects assisted under title II of the Cranston-Gonzalez National Affordable Housing Act"; and

(2) striking "authorized" and all that follows through "law" and inserting in lieu thereof the following: "assisted under title II of the Cranston-Gonzalez National Affordable Housing Act".

REDUCE HOPE 3 MATCH REQUIREMENT TO 25%

SEC. 212. Section 443(c) (1) of the Cranston-Gonzalez National Affordable Housing Act is amended by striking "33" and inserting "25".

Subtitle C—Community Partnerships Against Crime Compac Program

SEC. 220. (a) CONFORMING PROVISIONS.—(1) Section 5001 of the Anti-Drug Abuse Act of 1988 is amended—

(A) by striking "CHAPTER 2—PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION" and inserting in lieu thereof the following: "CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME";

(B) by striking "CONGRESSIONAL FINDINGS." and inserting in lieu thereof the following: "PURPOSES." and

(C) by adding after "SEC. 5131. AUTHORIZATION OF APPROPRIATIONS." the following: "SEC. 5131. TECHNICAL ASSISTANCE.".

(2) The heading for chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 is amended to read as follows: "CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME".

(b) SHORT TITLE, PURPOSES, AND AUTHORITY TO MAKE GRANTS.—Sections 5121, 5122, and 5123 of the Public and Assisted Housing Drug Elimination Act of 1990 are amended to read as follows:

"SEC. 5121. SHORT TITLE.

"This chapter may be cited as the 'Community Partnerships Against Crime Act of 1993'.

"SEC. 5122. PURPOSES.

"The purposes of this chapter are to—

"(1) substantially expand and enhance the Federal government's commitment to eliminating crime in public housing;

"(2) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related;

"(3) target opportunities for long-term commitments of funding primarily to public housing agencies with serious crime problems;

"(4) encourage the involvement of a broad range of community-based groups, and residents of neighboring housing that is owned or assisted by the Secretary, in the development and implementation of anti-crime plans;

"(5) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving;

"(6) provide training, information services, and other technical assistance to program participants; and

"(7) establish a standardized assessment system to evaluate need among public housing agencies, and to measure progress in reaching crime reduction goals.

"SEC. 5123. AUTHORITY TO MAKE GRANTS.

"The Secretary of Housing and Urban Development, in accordance with the provisions of this chapter, may make grants, for use in eliminating crime in and around public and other federally assisted low-income housing projects (1) to public housing agencies (including Indian housing authorities) and (2) using amounts appropriate for fiscal year 1994 only, to private, for-profit and nonprofit owners of federally assisted low-income housing. In designing the program, the Secretary shall consult with the Attorney General.".

(c) ELIGIBLE ACTIVITIES.—Section 5124 of such Act is amended—

(1) by striking "(a) PUBLIC AND ASSISTED HOUSING.—";

(2) by inserting in the introductory material, immediately after "used in", the following: "and around";

(3) in paragraph (3), by inserting immediately before the semicolon the following: ", such as fencing, lighting, locking, and surveillance systems";

(4) by striking paragraph (4)(A) and inserting in lieu thereof the following new subparagraph:

"(A) to investigate crime; and";

(5) in paragraph (6)—

(A) by striking "in and around public or other Federally assisted low-income housing projects"; and

(B) by striking "and" after the semicolon;

(6) in paragraph (7)—

(A) by striking "where a public housing agency receives a grant,";

(B) by striking "drug abuse" and inserting in lieu thereof "crime"; and

(C) by striking the period at the end and inserting in lieu thereof a colon;

(7) by adding the following new paragraphs after paragraph (7):

"(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community on proactive crime control and prevention;"

"(9) youth initiatives, such as activities involving training, education, after school programs, cultural programs, recreation and sports, career planning, and entrepreneurship and employment; and

"(10) resident service programs, such as job training, education programs, and other appropriate social services which address the contributing factors of crime."; and

(8) by striking subsection (b).

(d) APPLICATIONS.—Section 5125 of such Act is amended—

(1) in subsection (a)—

(A) by adding the paragraph designation "(1)" immediately after "IN GENERAL.—";

(B) in the first sentence, by striking ", a public housing resident management corporation,";

(C) in the second sentence, by striking "drug-related crime on the premise of" and inserting in lieu thereof the following: "crime in and around"; and

(D) by adding the following new paragraphs at the end:

"(2) The Secretary shall, by regulation issued after notice and opportunity for public comment, set forth criteria for establishing a class of public housing agencies that have especially severe crime problems. Any public housing agency within this class may submit an application for a one-year grant under this chapter that, subject to the availability of appropriated amounts, shall be renewed for a period not exceeding the four subsequent years: *Provided*, That the Secretary finds, after an annual or more frequent performance review, that the public housing agency is performing under the terms of the grant and applicable laws in a satisfactory manner and meets such other requirements as the Secretary may prescribe.

"(3) Any eligible applicant may submit an application for a grant for a period of up to two years. The Secretary may accord a preference to applications seeking a subsequent grant under this paragraph if the grant is to be used to continue or expand activities assisted under a previous grant under this paragraph and the Secretary finds that the applicant's program under the prior grant is being managed soundly and demonstrates success. Any preferences under the preceding sentence shall not unreasonably prejudice the opportunities of other public housing agencies to be awarded grants under this paragraph.";

(2) in subsection (b)—

(A) in the introductory material, by striking "subsections (c) and (d)" and inserting in lieu thereof "subsections (a) and (c)";

(B) in paragraph (1), by striking "drug-related crime problem in" and inserting in lieu thereof the following: "crime problem in and around";

(C) in paragraph (2), by inserting immediately after "crime problem in" the following: "and around"; and

(D) in paragraph (4), by inserting after "local government" the following: ", local community-based non-profit organizations, local resident organizations that represent the residents of neighboring projects that are owned or assisted by the Secretary,";

(3) in subsection (c)(2) by striking "drug-related" the two places it appears; and

(4) by striking subsection (d).

(e) DEFINITIONS.—Section 5126 of such Act is amended by striking paragraphs (1) and (2), and renumbering paragraphs (3) and (4) as paragraphs (1) and (2), respectively.

(f) IMPLEMENTATION.—Section 5127 of such Act is amended by striking "Cranston-Gonzalez National Affordable Housing Act" and inserting in lieu thereof "Housing and Community Development Act of 1993".

(g) REPORTS.—Section 5128 of such Act is amended by striking "drug-related crime in" and inserting in lieu thereof the following: "crime in and around".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 5130 of such Act is amended—

(1) in the first sentence of subsection (a), by striking "$175,000,000 for fiscal year 1993" and all that follows and inserting in lieu thereof: $265,000,000 for fiscal year 1994 and $325,000,000 for fiscal year 1995.";

(2) in subsection (b)—

(A) by striking "SET-ASIDES" and inserting in lieu thereof "SET-ASIDE";

(B) by striking the first sentence;

(C) by striking "drug elimination";

(D) by striking "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal year 1994"; and

(E) by striking "and 5.0 percent" and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(3) by striking subsection (c) and section 520(k) of the Cranston-Gonzalez National Affordable Housing Act.

(i) TECHNICAL ASSISTANCE.—Such Act is further amended by adding at the end thereof of the following new section:

"SEC. 5131. TECHNICAL ASSISTANCE.

"Of the amounts appropriated annually for each of fiscal years 1994 and 1995 to carry out this chapter, the Secretary is authorized to use up to $10,000,000, directly or indirectly, under grants, contracts, cooperative agreements, or otherwise, to provide training, information services, and other technical assistance to public housing agencies and other entities with respect to their participation in the program authorized by this chapter. Such technical assistance may include the establishment and operation of the clearinghouse on drug abuse in public housing and the regional training program on drug abuse in public housing under sections 5143 and 5144 of this Act. The Secretary is also authorized to use the foregoing amounts for obtaining assistance in establishing and managing assessment and evaluation criteria and specifications, and obtaining the opinions of experts in relevant fields.".

TITLE III—TECHNICAL AND OTHER AMENDMENTS

Subtitle A—Public and Assisted Housing Correct the Definition of Family in the 1937 Act to Clarify That Families Are Not Required To Include Children

SEC. 301. The first sentence of section 3(b)(3)(B) of the United States Housing Act of 1937 is amended by—

(1) striking out "means" and inserting "includes"; and

(2) inserting "and" immediately after "children,".

ELIMINATE REQUIREMENT FOR IDENTIFICATION OF CIAP REPLACEMENT NEEDS

SEC. 302. (a) Section 14(d) of the United States Housing Act of 1937 is amended—

(1) by striking paragraph (2); and

(2) in paragraph (4)—

(A) by deleting "and replacements,"; and

(B) by striking ", (2),".

(b) Section 14(f)(1) of such Act is amended—

(1) by striking subparagraph (B); and

(2) in subparagraph (D), by striking ", (2),".

APPLICABILITY OF PUBLIC HOUSING AMENDMENTS TO INDIAN HOUSING

SEC. 303. (a) Section 201(b) of the United States Housing Act of 1937 is amended to read as follows—

"(b) APPLICABILITY OF TITLE I.—Except as otherwise provided by law, the provisions of title I shall apply to low-income housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority.".

(b) The amendment made by subsection (a) shall not affect provisions of the United States Housing Act of 1937 that were made applicable to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority in accordance with section 201(b)(2) of such Act, as it existed before the effective date of this section.

(c) The provisions of sections 103(a)(1), 112, 114, 116, 118, 903, and 927 of the Housing and Community Development Act of 1992 shall also apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian Housing authority.

INCREASE THE UNIT THRESHOLD ABOVE WHICH PHAS ARE REQUIRED TO ADOPT PROJECT-BASED ACCOUNTING

SEC. 304. Section 6(c)(4)(E) of the United States Housing Act of 1937 is amended by striking "250" and inserting in lieu thereof "500".

Subtitle B—Multifamily Housing

CORRECT ERRORS IN MULTIFAMILY MORTGAGE LIMITS

SEC. 310. Sections 207(c)(3), 213(b)(2), 220(d)(3)(B)(iii), and 234(e)(3) of the National

Housing Act are each amended by striking "$59,160" and inserting "$56,160".

FHA MULTIFAMILY RISK-SHARING HFA PILOT PROGRAM AMENDMENTS

SEC. 311. (a) Section 542(c) of the Housing and Community Development Act of 1992 is amended—

(1) in paragraph (2)(C), by striking the last sentence and inserting in lieu thereof the following new sentence:

"Such agreements shall specify that the qualified housing finance agency and the Secretary shall share any loss in accordance with the risk-sharing agreement.";

(2) in paragraph (2)(E)—

(A) by inserting the clause designation "(i)" before the first sentence;

(B) in the first sentence, by inserting after "subsection" the following: ", except as provided in this section,"; and

(C) by adding the following new paragraph (2)(E)(ii):

"(ii) The mortgage shall—

"(I) provide for complete amortization by periodic payments within such terms as the Secretary shall prescribe;

"(II) not exceed 40 years from the beginning of amortization; and

"(III) not exceed a loan-to-value or loan-to-replacement cost of 90 percent for profit-motivated owners and 100 percent for nonprofit owners.";

(3) by adding the following new subparagraphs at the end of paragraph (2):

"(F) The Secretary, upon request of a qualified housing finance agency, may insure and make commitments to insure under this section any mortgage, advance, or loan otherwise eligible under this section, pursuant to a risk-sharing agreement providing that the housing finance agency will carry out (under a delegation or otherwise, and with or without compensation, but subject to audit, exception, or review requirements) such credit approval, appraisal, inspection, issuance of commitments, cost certification, servicing, property disposition, or other functions as the Secretary, pursuant to regulations, shall approve as consistent with the purpose of this section. All appraisals of property for mortgage insurance under this section shall be completed by a Certified General Appraiser in accordance with the Uniform Standards of Professional Appraisal Practice.

"(G) Qualified housing finance agencies shall make available to the Secretary or the Secretary's designee, at the Secretary's request, such financial and other records as the Secretary deems necessary for program review and monitoring purposes.

"(H) Notwithstanding any other provision of this section, no new, existing, or rehabilitated multifamily housing with respect to which a mortgage is insured under this section shall be operated for transient or hotel purposes. For purposes of this paragraph, the term 'rental for transient or hotel purposes' shall have such meaning as prescribed by the Secretary, but rental for any period less than 30 days shall in any event constitute rental for such purposes.

"(I) No mortgage with respect to multifamily housing may be insured under this section unless—

"(i) the mortgagor certifies under oath that while such insurance remains outstanding, he or she will not rent, or permit the rental of, such housing or any part thereof for transient or hotel purposes; and

"(ii) the housing finance agency has entered into such contract with the mortgagor as the Secretary deems necessary to enable the housing finance agency to prevent or terminate any use of such property or project for transient or hotel purposes while the mortgage insurance remains outstanding."; and

(4) by adding at the end thereof the following new paragraphs:

"(9) ENVIRONMENTAL AND OTHER REVIEWS.—(A) NEPA.—

"(i) IN GENERAL.—(I) In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with commitments to insure mortgages under subsection (c)(2), and to assure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may under regulations provide for commitments to insure mortgages under subsection (c)(2) upon the request of qualified housing finance agencies under this subsection if the States or units of general local governments, as designated by the Secretary in accordance with regulations, assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would otherwise apply to the Secretary with respect to the commitment or endorsement of mortgage insurance on particular properties.

"(II) The Secretary shall issue regulations to carry out this subparagraph only after consultation with the Council on Environmental Quality. Such regulations shall, among other matters, provide for monitoring of the performance of environmental reviews under this subparagraph and, in the discretion of the Secretary, for the provision of facilitation of training for such performance and suspension or termination of the assumption under clause (I). The Secretary's duty under the foregoing sentence shall not be construed as being in derogation of any responsibility assumed by a State or unit of general local government with respect to any particular property under clause (I).

"(ii) PROCEDURE.—The Secretary shall approve the commitment to insure subject to the procedures authorized by this paragraph only if, at least 15 days prior to such approval and prior to any commitment or endorsement of mortgage insurance on the property the qualified housing finance agency has submitted to the Secretary a request for such commitment to insure accompanied by a certification of the State or unit of general local government which meets the requirements of clause (iii). The Secretary's approval of any such certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the commitment or endorsement of mortgage insurance on the property which is covered by such certification.

"(iii) CERTIFICATION.—A certification under the procedures authorized by this paragraph shall—

"(I) be in a form acceptable to the Secretary,

"(II) be executed by the chief executive officer or other officer of the State or unit of general local government who qualifies under regulations of the Secretary,

"(III) specify that the State or unit of general local government under this section has fully carried out its responsibilities as described under clause (i), and

"(IV) specify that the certifying officer consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or other such provision of law apply pursuant to clause (i), and is authorized and consents on behalf of the State or unit of general local government and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities as such an official.

"(B) LEAD-BASED PAINT POISONING PREVENTION.—In carrying out the requirements of section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822), the Secretary may provide by regulation for the assumption of all or part of the Secretary's duties under such Act by qualified housing finance agencies, for purposes of this section.

"(C) CERTIFICATION OF SUBSIDY LAYERING COMPLIANCE.—The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 shall be satisfied in connection with a commitment to insure a mortgage under this subsection by a certification by a qualified housing finance agency to the Secretary that the combination of Federal assistance provided in connection with a property for which a mortgage is to be insured shall not be any more than is necessary to provide affordable housing.

"(10) As used in this section—

"(A) the term 'mortgage' means a first mortgage on real estate that is—

"(i) owned in fee simple; or

"(ii) on a leasehold—

"(I) under a lease for not less than 99 years which is renewable; or

"(II) under a lease having a period of not less than ten years to run beyond the maturity of the mortgage; and

"(B) the term 'first mortgage' means a single first lien given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the credit instrument, if any, secured thereby. Any other financing permitted on property insured under this section must be expressly subordinate to the insured mortgage; and

"(C) the terms 'unit of general local government' and 'State' mean the same as defined in section 102(a)(1) and (2), respectively, of the Housing and Community Development Act of 1974.".

(b) Section 544(1) is amended to read as follows:

"(1) The term 'multifamily housing' means housing accommodations on the mortgaged property that are designed principally for residential use, conform to standards satisfactory to the Secretary, and consist of not less than five rental units on one site. These units may be detached, semi-detached, row houses, or multifamily structures.".

SUBSIDY LAYERING REVIEW

SEC. 312. Section 911 of the Housing and Community Development Act of 1992 is amended by—

(1) striking subsection (a) and inserting in lieu thereof the following:

"(a) CERTIFICATION OF SUBSIDY LAYERING COMPLIANCE.—The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 shall be satisfied in connection with projects receiving assistance within the jurisdiction of the Department of Housing and Urban Development and under section 42 of the Internal Revenue Code of 1986 by a certification by a housing credit agency to the Secretary, submitted in accordance with guidelines established by the Secretary, that the combination of Federal assistance provided in connection with a property for which assistance is to be provided within the jurisdiction of the Department of Housing and Urban Development and under section 42 of the Internal Revenue Code of 1986 shall not be any more than is necessary to provide affordable housing."; and

(2) striking subsection (c) and inserting in lieu thereof the following:

"(c) REVOCATION BY SECRETARY.—If the Secretary determines that a housing credit agency has failed to comply with the guidelines established under subsection (a), the Secretary may inform the housing credit agency that it may no longer submit certifications of subsidy layering compliance under this section. In such circumstances, the responsibilities of section 102(d) of the Housing and Urban Development Reform Act for affected projects allocated a low income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 shall be carried out by the Secretary.".

U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT, THE SECRETARY,
Washington, DC, July 27, 1993.

Hon. DONALD W. RIEGLE, Jr.
Chairman, U.S. Senate, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

Subject: "The Housing and Community Development Act of 1993."

DEAR MR. CHAIRMAN: I am pleased to transmit to you the Housing and Community Development Act of 1993. For the past several months, the Department has been working with OMB, key Congressional Committees and various housing groups on the development of this authorization bill.

This legislation is principally designed to provide the Department with the tools and authority to dispose of its growing inventory of FHA multifamily properties. Since 1988, the HUD-owned multifamily inventory has increased from 62 projects to 170, representing some 29,000 units. This growth is due to two factors: an overly restrictive law that requires HUD to sell property with long-term rental assistance and the absence of adequate funding to pay for such assistance.

The result is disposition gridlock, HUD is forced to manage and rehabilitate projects, a task for which it is not well organized or staffed. Holding costs are substantial, costing the Department some $254 million a year. Most importantly, life for tenants in many of these projects is characterized by deteriorating physical conditions.

This legislation would make a series of changes to existing law, relieving the most onerous statutory restrictions as well as making the current disposition process more flexible. The Department strongly believes that these changes—by enabling the expeditious disposition of properties—will help stabilize neighborhoods, preserve affordability and minimize cost to the federal government.

This legislation would also remove statutory impediments that currently inhibit state and local agencies, community groups and tenants in their implementation and use of HUD's programs. The bill would, for example:

Create incentives to work in public housing by changing existing rent rules;

Promote economic and neighborhood revitalization through improved access to the Section 108 Loan Guarantee program;

Merge the Department's two severely distressed public housing programs;

Simplify key elements (matching requirements, resale provisions, funding thresholds) of the HOME program;

Encourage community strategies to combat crime in neighborhoods through the Community Partnerships Against Crime (COMPAC) program; and

Freeze the base used to calculate administrative fees under the section 8 program.

Finally, the legislation would make a series of technical corrections to provisions in the Housing and Community Development Act of 1992 and other recent housing authorization laws.

A section-by-section explanation and justification accompanies this letter and more fully sets forth the contents of the bill.

The Housing and Community Development Act of 1993 would affect direct spending and receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA). The Office of Management and Budget estimates that the bill would increase direct spending by $200–$400 million and increase, receipts by $1200–$1600 million in FY 1994. In each of FYs 1995–1998, the bill would have a net pay-as-you-go effect of zero. Thus, the net deficit effect of the bill would be to decrease the deficit by $800–$1400 million in FY 1994.

The Office of Management and Budget has advised that the enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

HENRY G. CISNEROS.

GENERAL SUMMARY OF THE LEGISLATION

The Housing and Community Development Act of 1993 is designed to achieve three primary objectives. First, the bill would provide the Department with the tools and authority to address its most pressing management problem—the explosive growth of FHA's multifamily inventory. Second, the bill would provide flexibility to state and local agencies, community groups and tenants by removing statutory impediments from HUD's programs. Examples of such program improvements include:

Creating incentives to work in public housing by changing existing rent rules;

Promoting economic and neighborhood revitalization through improved access to the Section 108 Loan Guarantee program;

Merging the Department's two severely distressed public housing programs;

Simplifying key elements (matching requirements, resale provisions, funding thresholds) of the HOME program;

Encouraging community strategies to combat crime in neighborhoods through the Community Partnerships Against Crime (COMPAC) program; and

Freezing the base used to calculate administrative fees under the section 8 program.

Finally, the bill would make a series of technical corrections to provisions in the Housing and Community Development Act of 1992 and other recent housing authorization laws.

DETAILED SUMMARY OF THE BILL

TITLE I—FHA MULTIFAMILY REFORMS

The management and disposition of HUD's multifamily inventory is the most pressing problem facing the Department today. Since 1988, the HUD-owned multifamily inventory has increased from 62 projects to 170, representing some 29,000 units. This growth is due to two factors: an overly restrictive law that requires HUD to sell property with long-term rental assistance and the absence of adequate funding to pay for such assistance.

The result is disposition gridlock. HUD is forced to manage and rehabilitate projects, a task for which it is not well organized or staffed. Holding costs are substantial, costing the Department some $254 million in 1992. Most importantly, many of these projects are in deteriorated physical condition—thus impairing the quality of life for residents.

This legislation would make a number of changes to existing law. Specifically, the bill would:

Limit the subsidy requirements for the disposition of both the subsidized and unsubsidized housing stock to protect assisted tenants living in these developments;

Provide state and local governments an opportunity to express interest in properties at an early stage in the disposition process;

Provide greater flexibility in the use of both project- and tenant-based rental assistance and rent restrictions to ensure continued affordability;

Give HUD the flexibility to dispose of properties in ways that reduce large concentrations of very low-income families as well as achieve purposes other than rental housing (e.g. homeless shelters, social service facilities);

Enable HUD to enter into effective partnerships with state housing finance agencies for the creative disposition of these properties; and

Provide funds to implement a $400 million one-year program of project rehabilitation grants to states and localities to preserve FHA-acquired housing as an affordable source.

The legislation would also create a Resolution Trust Corporation (RTC) Disposition Demonstration to allow RTC to market and dispose of HUD-owned multifamily properties. This demonstration would use RTC's proven methods of working with local governments and non-profit organizations to dispose of property and adopt RTC's disposition rules, such as targeting and subsidy requirements.

In addition, the bill would close a loophole in HUD's existing authority to impose civil money penalties on participants in FHA's multifamily programs. Current law only permits HUD to impose penalties on multifamily mortgagors. This authority has had little effect since the sole assets of most mortgagors are the properties themselves. The bill would enable HUD to impose penalties on the general partners and certain managing agents of multifamily mortgagors, thus enhancing the Department's ability to enforce compliance with contractual agreements and other requirements.

TITLE II—ENHANCING PROGRAM FLEXIBILITY

Subtitle A: Office of Public and Indian Housing

Rent Rules Reform

Over the past several decades, federal policies have transformed public housing into "warehouses for the very poor". Various requirements and practices have led to the concentration of very low-income families in dense, physical settings as well as discouraged residents from working. The creation of stable, healthy communities—the goal of the public housing program—has, in effect, been impeded by the federal government.

The rules governing public housing rents, in particular, have played a negative role in the building of stable communities. The current "30 percent" rent rule—which requires residents to pay 30 percent of their adjusted income for rent—provides a disincentive to work. The rule penalizes tenants who try to move from welfare dependency to self-sufficiency. Further, it forces working families to leave public housing since the tenants are charged more than the units are worth.

Current policies on ceiling rents, which are designed to retain working class families in public housing, also contribute to the over concentration of the poor in public housing. These rents are now set too high relative to market value, thereby driving working families away from these developments.

The bill would revise existing law to "make work pay" for unemployed residents living in public housing developments as well as enable working families to remain residents. These changes would:

Exclude for 18 months the earned income of public housing residents who obtain employment; and

Establish ceiling rents no lower than the reasonable rental value of the unit to improve the economic mix in housing developments.

Revitalization of Severely Distressed Public Housing

The bill would merge the Department's two separate programs—HOPE VI and Section 24—that are aimed at revitalizing distressed public housing developments. Key elements of the merger proposal include:

Deleting the requirement that the Secretary designate "severely distressed" projects;

Increasing the planning grant dollar cap from $200,000 to $500,000;

Requiring grant applicants to include community service activities in their proposals;

Deleting the requirement for "national geographic diversity" among applicants; and

Giving PHAs and IHAs more flexibility in planning for the future of their stock by making changes to demolition and replacement requirements in section 18.

Freezing of Administrative Fees

The bill would freeze the base used to calculate administrative fees under the section 8 rental assistance program. This freeze would be a transitional measure, designed to maintain the status quo until the Department reforms the current system for calculating administrative fees.

Subtitle B: Community Planning and Development

Economic Revitalization Initiative

Communities across the nation need assistance to spur economic development, thereby creating jobs and generating growth and opportunities for numerous Americans. The Section 108 Loan Guarantee program, authorized at $2 billion, is designed to help small and large communities achieve this goal of economic revitalization. The use of Section 108 program funds has fallen short of the authorized level, however, because of the mandate that localities pledge a future stream of block grant allocations as security. This initiative would authorize the use of UDAG recaptures (currently used primarily to fund technical assistance and training of HUD staff) as grants to reduce the risk to localities using the program. These grants would:

Enable eligible Section 108 loan guarantee recipients to establish loan less reserves to protect their future stream of block grant awards;

Provide interest-rate or start-up reserves to facilitate projects such as micro-enterprise loans and neighborhood revitalization; and

Enable communities to tap the existing $2 billion in Section 108 loan guarantee authority, thereby leveraging additional private moneys as well.

The use of existing resources means that there would be no additional cost to the taxpayers to generate this expanded level of economic activity. The proposal would also facilitate the pooling of notes—thereby lowering the interest rate on loans guaranteed through the Section 108 program—by giving HUD authority to guarantee trust certificates or other obligations.

HOME Amendments

The HOME program was designed in 1990 to create a flexible partnership between local, state and federal governments to better respond to the Nation's affordable housing crisis. The implementation of HOME has been slow since the program continues to be burdened with excessive regulatory and statutory requirements.

The bill would improve the effectiveness and timeliness of the HOME program by:

Permitting State instrumentalities to operate the HOME program, thereby allowing State Housing Finance Agencies to administer HOME directly rather than as subrecipients;

Simplifying resale provisions to allow for the amounts recaptured upon the resale of a homeowner property to be used immediately for any eligible HOME purpose;

Simplifying the calculation of program-wide income targeting for rental units by counting units assisted instead of funds invested;

Reducing the match for new construction activities from 30 percent to 25 percent, thereby reducing the administrative burdens on both HUD and participating jurisdictions and establishing a uniform match for all HOME affordable housing;

Stabilizing HOME funding thresholds so that participating jurisdictions would be assured continual funding;

Removing the requirement that low-income homebuyers must also be first-time homebuyers; and

Improving administration of HOME and CDBG by conforming their environmental review requirements as well as other administrative requirements.

Subtitle C: Community Partnership Against Crime (COMPAC)

The Public and Indian Housing Drug Elimination Program (PHDEP) was developed in 1988 to help local agencies combat drug trafficking in public and Indian housing developments. To date, the program has been successful in leveraging increased law enforcement through contracts negotiated by the housing authorities.

The Community Partnership Against Crime (COMPAC) program is designed to expand and improve upon the PHDEP program in four primary ways. First, COMPAC would expand the focus of assistance to include all criminal activity, not just drug-related activity. Second, COMPAC would expand eligible activities to include community policing programs, youth initiatives (e.g., youth sports programs, anti-gang activities) and resident services. Third, COMPAC would provide greater certainty in funding to those PHAs that face serious crime problems and can demonstrate program success. Finally, the revised program would place greater emphasis on promoting community involvement and comprehensive, long-term strategies and fostering partnerships between PHAs, tenants, and neighborhood organizations.

COMPAC is authorized at $265 million in FY 1994, an increase of $90 million over FY 1993 funding, and $325 million in FY 1995.

TITLE III—TECHNICAL AND OTHER AMENDMENTS

The bill makes technical amendments to the Cranston-Gonzalez National Affordable Housing Act of 1990 and the Housing and Community Development Act of 1992 to provide for greater effectiveness and flexibility in other HUD programs and administrative capacities. Some of these changes include:

Correcting the definition of "family" in the 1937 Act to clarify that families are not required to include children;

Eliminating the requirement for PHAs to identify CIAP replacement needs;

Applying public housing amendments to Indian housing;

Correcting errors in the FHA multifamily mortgage limits;

Correcting errors in the FHA multifamily risk-sharing program which prevent it from being implemented; and

Clarifying the performance of subsidy layering reviews.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT EXPLANATION AND JUSTIFICATION FOR THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1993

TITLE I—FHA MULTIFAMILY REFORMS

Multifamily property disposition

Section 101 would make a number of changes to section 203 of the Housing and Community Development Amendments of 1978 in order to reform and make more efficient the multifamily property disposition program. Section 203 governs the disposition of multifamily properties, and among other things:

Establishes preservation goals for multifamily rental properties owned by HUD and for certain assigned properties;

Sets forth subsidy requirements for units being sold at foreclosure and by HUD;

Differentiates between subsidy requirements for subsidized projects and unsubsidized projects;

Mandates 15-year section 8 project-based subsidy for most cases, but also allows other mechanisms which would preserve projects for low- and moderate-income use for 15 years.

The Department of Housing and Urban Development has large and growing inventories of HUD-held mortgages in foreclosure and HUD-owned projects. Because current law requires HUD to provide 15-year project-based section 8 housing assistance payments for all units in subsidized projects and all units occupied by low- and moderate-income tenants in unsubsidized projects (with minor exceptions), HUD would need $7 billion in 15-year section 8 budget authority between FY 1994 and 1998 to reduce its backlog of projects for sale, so that after FY 1998 the inventory would consist only of the projects acquired the year before.

HUD received only $93 million in section 8 budget authority for multifamily property disposition in FY 1993, and it is projected to receive $1.8 billion between FY 1994 and 1998. With this level of funding and without any legislative changes, HUD could expect the number of owned projects and projects in foreclosure to increase from 444 at the beginning of FY 1993 to 742 at the end of FY 1998.

The proposed amendments would address this problem. In general, the changes present statutory amendments to revise subsidy requirements to protect at least the assisted tenants receiving project-based assistance in subsidized and unsubsidized properties. For units not receiving assistance, HUD would be authorized to employ rent restrictions and voucher assistance to protect tenants and facilitate the sale of projects.

With these changes, HUD could take significant steps to eliminate its property disposition backlog by FY 1998 within current budget realities. HUD is not organized or staffed to manage a large inventory of rental housing projects. Selling these assets would benefit the properties and communities in which they are located and free HUD's staff to concentrate upon default prevention.

These legislative changes continue to reflect two commitments important to Congress and to HUD:

They preserve the majority of subsidized rental housing using project-based section 8 assistance; and

They continue HUD's obligation to provide housing assistance for units and tenants already receiving project-based assistance.

Finally, HUD will be able to reduce its property disposition backlog faster and realize additional benefits of private investment in the form of reduced holding costs, reduced property deterioration, and improved neighborhood vitality.

Treatment of Subsidized and Formerly Subsidized Projects

The proposal would make several revisions to the treatment of the subsidized stock while maintaining the Department's objective of preserving subsidized units for low-income use. Under current law, subsidized projects are defined as those having mortgages insured and assisted under section 221(d)(5) or section 236 of the National Housing Act, receiving rent supplement payments under section 101 of the Housing and Urban Development Act of 1965, having direct loans under section 202 of the Housing Act of 1959 or section 312 of the Housing act of 1964, or receiving housing assistance payments (other than vouchers or certificates) under the United States Housing Act of 1937 for more than 50 percent of their units.

This proposal would remove multifamily projects having direct loans under section 312 from the definition of subsidized project. These projects were located in low- and moderate-income neighborhoods, but lacked the strict income targeting and rent regulation characteristic of the other projects defined as subsidized. Treating these projects as unsubsidized would increase the speed and reduce the cost of selling them.

The proposal also would rearrange the definition of subsidized project found in current section 203(i) to better count for subsidies used to partially (as well as wholly) assist projects. In this regard, Rent Supplement assistance under section 101 of the Housing and Urban Development Act of 1965 would be treated in the same manner as section 8 and section 23 assistance. That is, a subsidized project would be defined as one which receives Rent Supplement, section 8, or section 23 assistance for more than 50 percent of its units. In this way, the three deep rental subsidy programs will be accounted for similarly.

At least all units receiving project-based assistance under Section 8, Section 23, and Rent Supplement in projects having mortgages subsidized under section 221(d)(5), section 236, and section 202 would be sold with 15-year project-based section 8 assistance. Alternative treatment is proposed for those units which do not receive such assistance. For these units, HUD would be required to sell the units with rent restrictions on them, in order to maintain them as low-income housing at affordable rents for a period of at least 15 years.

This approach is designed to respond the realities of limited budget resources for property disposition by targeting project-based assistance to at least those units already receiving it and by providing restricted rents, at a level based upon a percentage of median income (flat rents), for other units. Generally, the use of restricted rent levels parallels the rent regulation currently used in those projects and is consistent with other affordable housing programs, such as the tax credit and RTC programs. Rents would be restricted for 15 years at specified levels tied to the median income for the area.

Tenant based assistance could also be used on a discretionary basis to protect income eligible tenants facing hardship. Vouchers could be made available to tenants with income at 50 percent of median for the area or below to assist them to stay in the unit or move to another.

For those projects which are subsidized by virtue of receiving housing assistance for more than 50 percent of their units, at least all units covered by project-based assistance under Rent Supplement, section 8, or section 23 at the time of foreclosure would be subsidized with 15-year project-based section 8 assistance. No other subsidy requirements would be established, although vouchers could be made available on a discretionary basis for hardship cases.

The proposal is a major departure from current law, and limits HUD's obligation to provide long-term expensive project-based subsidies to at least those units already receiving them. Where feasible, rent restrictions will be used to preserve the balance of units in projects with subsidized mortgages, and this approach would be subsidized through the General Insurance Fund.

In projects which are partially subsidized, and for which there will no longer be any requirement to assist eligible tenants residing in them, the Department expects to encourage income mix if feasible and to employ vouchers for very low-income households on a discretionary basis for hardship cases. Many of the eligible tenants are paying market rent without any subsidy at the current time.

Treatment of Unsubsidized and Formerly Unsubsidized Projects

The proposal would also revise the procedure for subsidizing units and tenants in unsubsidized or formerly unsubsidized projects. Unsubsidized projects are market-rate rental projects, such as those having mortgages insured under section 207 or section 221(d)(4) of the National Housing Act and those receiving section 8 rental assistance payments for fewer than 50 percent of their units. Under current law, HUD must generally preserve for low-income occupancy all units occupied by households with incomes below 80 percent of area median income.

In general, the proposal provides project-based section 8 assistance with a five-year term to those units in unsubsidized projects already receiving project-based assistance, but would not provide such assistance to units which were not under an assistance contract. In this way, the disposition program can reflect the original purpose of the project—to serve as unsubsidized rental housing, can result in budget savings, and can move projects onto the private market in a more pragmatic way. The proposal also recognizes the potential for economically integrated projects.

Specifically, projects receiving section 8 New Construction, section 8 Substantial Rehabilitation, section 8 Moderate Rehabilitation, Rent Supplement, Rent Supplement/section 8 conversion contracts, section 8 Property Disposition assistance, and section 23 were all assisted with the intent of expanding and preserving the low-income housing supply, and this intention is preserved under the proposal. All of the units in these projects covered by an assistance contract at the time of foreclosure would receive five-year project-based renewable section 8 assistance.

Projects receiving assistance under the section 8 Loan Management Set-Aside program were assisted with the intent of preventing default rather than expanding the low-income housing supply, and they are treated in a different manner. Units (including vacant units) covered by a section 8 LMSA contract before foreclosure would continue to receive five-year renewable project-based section 8. However, that assistance would be available specifically for those tenants who were residing in the units before foreclosure and to those tenants admitted initially into vacant units after repair and sale of the project. When those tenants moved or were no longer eligible, the assistance would not be passed on to subsequent tenants. The project-based assistance would dwindle until all recipients at the time of foreclosure or sale were no longer in the program. In this manner, current recipients of housing assistance would be protected.

As a result, the proposal would preserve housing assistance for units in unsubsidized projects already receiving project-based assistance, but would end the use of multifamily property disposition as a mandatory vehicle for expanding the supply of existing housing units.

Under the current severe budget constraints, it is inefficient to require the use of section 8 PD as a distribution mechanism to increase the supply of assisted housing. Section 8 PD is not distributed among States and jurisdictions on the basis of need (e.g. using the "fair share" or other formula) or among potential recipients on the basis of selection priorities or waiting lists. In contrast, section 8 PD reaches income-eligible tenants who happen to reside in a project where the owner has defaulted, and currently entitles residents whose income wouldn't allow them to qualify for vouchers, for example, to be assisted. In addition, many defaulted projects have been concentrated in areas characterized by overbuilding, where there is an adequate supply of low-income housing. To prioritize these areas for the expansion of income-based assistance by use of the current statutory requirement is inefficient and creates an entitlement which since its inception has not been adequately funded.

More Flexibility in Multifamily Property Disposition

Five amendments contained in the Department's proposal are designed to provide more flexibility for HUD to dispose of projects while at the same time taking into account the local housing market and certain other housing assistance needs.

First, section 203(d)(2) of the Housing and Community Development Amendments of 1978 now permits HUD to provide five-year tenant-based instead of 15-year project-based assistance when disposing of unsubsidized projects located in markets with an adequate supply of low-income housing. This proposal would extend this treatment to subsidized projects.

A small number of subsidized projects are located in soft markets where it does not make sense to retain uncompetitive subsidized projects. Under defined circumstances, HUD would have the flexibility to provide vouchers or certificates to eligible families in these projects. Such a policy would induce the new owner to offer housing services comparable to those offered elsewhere in the rental market, and would prevent project-based subsidy from being used to drain tenants from other projects insured by HUD, causing additional defaults. The factors used in making the decision would be the same as under current law. In addition, the option to use this flexibility in connection with subsidized stock would be limited to 10 percent of the subsidized units in inventory.

Second, section 203(d)(3) of the 1978 Amendments permits HUD to use methods other than section 8 to preserve units as affordable rental housing. This can include write downs or other ways of reducing the price of a project-to make it affordable to low-income use. however, units preserved must remain available to and affordable by low- and moderate-income households for 15 years, and tenants can pay no more than 30 percent of their incomes for rent.

Requiring tenants to pay no more than they would under a section 8 contract without providing section 8 housing assistance payments has made this option of very limited value. Even where there is a significant price reduction, the operating costs of the projects could exceed tenant payment. A purchaser must provide for the risk that all units assisted in this manner could produce zero rent; few have been willing to do so.

This proposal retains the requirement for the project-to remain available and affordable, but provides the Secretary with some discretion on how to meet this test. The proposal deletes the existing rent-to-income ratio requirement, so that alternative methods of ensuring that rents are affordable to eligible tenants may be used. This approach parallels other programs which seek to provide affordable units without income-based subsidy, such as tax credits or the RTC affordable housing program, and which do not contain the limitation on rent as a percentage of income.

Third, the Department's experience has been that although the goals for preserving affordable rental housing have served communities well, there are occasionally instances where the property disposition program prepared by HUD would result in a much better plan if non-rental use could be provided under the statute. Current law effectively restricts property usage to rental housing, although the properties could serve other socially desirable purposes. The proposal would authorize 10 percent of the units in the HUD-owned multifamily inventory to be sold and used for non-rental use, which would include low-income homeownership opportunities, shelters for the homeless, and administrative/office use for housing and other social service providers.

In addition, HUD proposes to allow up to five percent of units owned by the Secretary to be disposed of for purposes other than low-income rental housing when the Secretary, in consultation with the local and/or areawide government, has made a determination that such other use could assist in efforts to reduce minority or low-income concentrations.

There are a number of HUD-owned projects which are located in areas and neighborhoods which have high concentrations of low-income people and often high concentrations of minority households. When HUD sells a subsidized project—or certain unsubsidized projects serving low-income families, HUD is obligated to place project-based subsidies on the units to preserve them for low-income use for 15 years. This action can sometimes reinforce existing concentrations of poor or minority renters by recycling affordable housing in those neighborhoods which may already contain an adequate supply of low-income housing, if not an over concentration of such housing.

The proposal would allow HUD to consult with the local and/or areawide government on the desirability of selling projects for uses other than as low-income rental housing, including any non-residential use and demolition. Deconcentration could be proposed for all, or only a portion, of the units in a development. Consultations would be expected to cover local government or areawide government plans to deconcentrate low-income housing (perhaps contained in the CHAS), the prospective use of the project, the adequacy of the market in which the project-is located to accommodate the existing low-income demand, the availability of comparable opportunities for affordable rental housing elsewhere in the community or area, and the availability of tenant based assistance to assist very low-income tenants to relocate.

In order to facilitate deconcentration and promote housing choice, tenant based subsidy would be provided to all very low-income tenants residing in the project-being sold or demolished. Vouchers and certificates would be made available under the discretionary authority contained in Section 101(d)(1) of the HUD proposal.

Fourth, the proposal would clarify in the Statute that HUD may sell mortgages and loans on unsubsidized and formerly unsubsidized project-without restriction. This is currently permitted under law, but it is desirable to have the authority explicitly stated. In so doing, the Department will reduce the likelihood of delays caused by litigation in connection with any such loan sales.

It is clear to the Department that in order to deal effectively with the portfolio of multifamily projects, steps must be taken to keep projects out of foreclosure. One way to do this is to sell unsubsidized loans where appropriate. This is a time honored portfolio management tool. Unfortunately, HUD has been prevented from using it to its full effect because HUD has been sued on the basis that such sales would deny certain tenants the future subsidy benefits available should the project-become HUD-owned. This amendment would help to prevent such suits. The amendment also is consistent with the approach taken in the proposal for revising the subsidy required for unsubsidized projects. Those revisions prevent tenants from receiving windfall subsidies which they neither received nor needed prior for foreclosure.

Finally, the proposal as a whole reforms the property disposition program by rationalizing its subsidy requirements. Because these requirements are stated as minima, there is no discretionary language which allows the Secretary to use tenant-based subsidy where that might be appropriate. Current and proposed references to tenant-based subsidy are in connection with the section 203(d)(2) treatment of projects in soft market areas, described above. This proposal adds authority for the Secretary to make tenant-based assistance available on a discretionary basis to families in subsidized and unsubsidized projects who otherwise would not be required to received assistance under section 203, as amended. This would be in addition to, and would substitute for, the revised subsidy requirements. It also would be in addition to any other authority to provide tenant-based rental assistance for residents of projects covered by section 203. Language directing the Secretary to include a determination of the condition of the market when making vouchers available is included in order to ensure successful use of the subsidy.

We intend to work with the appropriators to identify savings to the FHA insurance fund directly attributable to the increased disposition of multifamily properties as a result of appropriations for the Section 8 property disposition program. These savings would be used to offset the additional investment in the program. This additional investment is essential to this legislation.

Use of Savings in Mandatory Expenditures For Rehabilitation Grants for the Disposition of Multifamily Projects

Subsection (i) would establish the requirements for use of the savings in mandatory expenditures which will result from the Department's proposed amendments to the subsidy requirements for unsubsidized projects made by this section.

Subsection (i)(1) would provide $400 million in direct spending for grants to States and units of general local government (and their designated agencies or instrumentalities) for the purpose of rehabilitating projects formerly owned by HUD and transferred to those governmental entities. The direct spending provided would be used to rehabilitate and return to the rental housing stock up to 16,000 units affordable to low-income households. Grantees would be required to comply with requirements established by HUD. HUD would be required to establish program requirements by notice published in the Federal Register, including a requirement that grantees do not earn arbitrage profits from these grants. Authority for HUD to make expenditures for grants would terminate on September 30, 1994.

HUD's rapidly growing portfolio of multifamily distressed mortgages and acquired properties is the single largest problem facing the Department. The FHA has experienced a phenomenal growth in the numbers of properties that are owned—or are about to be owned—by the Federal government. This growing problem is further complicated by the large number of mortgages assigned to HUD resulting from owner defaults, and the weakening condition of large numbers of aged, insured loans that have not yet defaulted.

At the end of FY 1992, the Department had 2,612 assigned mortgages and HUD-owned projects, representing 15% of the 17,800 insured multifamily mortgages and projects. This assigned and owned inventory has grown rapidly over the last decade and substantial numbers of assigned mortgages—266 at the end of FY 1992—were in the process of foreclosure. These mortgages in foreclosure will add to the more than 180 projects already foreclosed and in the owned inventory.

As HUD forecloses on mortgages and acquires projects, the owned inventory has grown and exceeds the Departments ability to dispose of the projects, increasing the cost and management burden on the Federal government and adding to the potential for blight and increasing distress in neighborhoods in which the properties are located.

The Department does not have the necessary tools to manage and dispose of these acquired properties and, as a consequence, is absorbing a substantial real cost on these properties—estimated at between $10 and $14 per unit each day they are held in inventory. To a large extent, the Department's ability to dispose of the projects is a consequence of the statutory requirement to preserve these properties, following disposition, an as affordable low-income rental housing resource. This typically requires the appropriation of 15-year, project-based section 8 subsidy. The substantial budget authority associated with these long-term contracts is extremely difficult to acquire in periods of budgetary constraint. As a result, the projects sit in inventory and the government absorbs a less visible, but similarly expensive, holding cost.

The $400 million in expenditures for rehabilitation grants to State and local governments is an attempt to break out of this costly cycle using a new, less costly funding approach. Rather than providing long-term contracts to protect affordability, the proposal would authorize the transfer of properties to the States and localities with sufficient grant funds to rehabilitate them and return them to productive use. The States and localities, working in partnership with nonprofit and neighborhood groups, would establish a rent structure that would ensure affordability—with no additional project-based subsidy.

This new approach would be used with traditional disposition tools to return a valuable and precious rental housing resource to productive use.

Amend the Requirement for State and Local Government Right of First Refusal

Section 102 would amend the requirements for the 90-day right of first refusal period that State and local government agencies have to buy HUD-owned multifamily projects after a final disposition program has been developed by HUD under section 203 of the 1978 Amendments. HUD now asks these agencies for their recommendations regarding disposition of HUD-owned multifamily projects early in the process. Tenants are notified as well. Once HUD takes these comments into account, a final disposition program is prepared. At this point, HUD is required to give these agencies 90 days to decide whether to buy a project under the terms of the final disposition program.

HUD will continue to have State and local consultation activities take place as early as possible, when the disposition program is being prepared. It is desirable to have all parties involved at the earliest possible time. It is especially important with respect to resident homeownership initiatives, where early analysis and consultation are essential to determine feasibility.

Under this section, however, the current local consultation and coordination process would be expanded to require HUD, within 60 days of acquiring title to a project, to notify State and local government agencies that it has acquired title to the project. Within 60 days of this notice, the agencies would have the opportunity to give HUD a preliminary expression of interest in the project. HUD would be authorized to take such actions as may be necessary to require the agencies to substantiate such interest. If an agency expresses interest in the project within this 60-day period, and substantiates such interest if requested, HUD would be required to offer it a 90-day right of first refusal period once HUD notifies the agency of the terms and conditions of the disposition plan. If these agencies do not express preliminary interest in the project within the 60-day period, or substantiate an expressed interest if requested, upon approval of a disposition plan, HUD would be authorized to market the project. This would avoid the automatic 90-day delay in sales where there is no interest on the part of such agencies.

For projects acquired on or after the effective date of this section, the amendments made by this section would apply. For projects in HUD's inventory at the time of enactment of this provision, HUD would be authorized to apply (1) the requirements of section 203(e)(2) of such Act that existed immediately before the effective date of this section; or (2) the amendment made by subsection (a) of this section, regardless of the status of the disposition plan or the 90-day right of first refusal period. HUD could apply the new procedures only if it gives the State or local government agencies 60 days to express an interest in the project, and for those that express interest within the 60-day period, and substantiate such interest if requested, 90 days from the date of notification of the terms and conditions of the disposition plan to make an offer to purchase the project.

Repeal State Agency Multifamily Property Disposition Demonstration

Section 103 would repeal the demonstration program authorized under section 184 of the Housing and Community Development Act of 1987. Section 184 requires the Secretary to carry out a program to demonstrate the effectiveness of selling HUD-owned projects through a partnership with State housing finance agencies. Before offering a project for sale, HUD would notify the State agency in the participating State and provide it with an opportunity to finance the sale under the coinsurance program. Since the coinsurance program has failed, with severe adverse financial effects upon HUD and the taxpayer, the Department believes that this demonstration authority should be repealed.

As an alternative, under its general demonstration authority, HUD is readying an announcement of four one-year cooperative agreements that will support a demonstration of the effectiveness of disposing of distressed HUD-owned multifamily properties through partnerships with State housing finance agencies. The awardees are the housing finance agencies of Massachusetts, Illinois, New York, and District of Columbia. Each agency will select one or more HUD-owned projects, subject to approval by the Department, and may provide long-term financing with an insured FHA mortgage to the purchaser. The results of the demonstration are expected to show innovative and cost effective solutions to the problem of the growning inventory of distressed multifamily housing and will help the Department determine whether to enter into similar relationship with other State housing finance agencies.

Demonstration: RTC Marketing and Disposition of Multifamily Properties Owned by HUD

Section 104 would create a demonstration to enable the Resolution Trust Corporation (RTC) to market and dispose of multifamily properties owned by the Secretary. RTC has a proven system for selling their properties directly to units of general local government and nonprofit organizations for affordable rental housing. At the same time, FHA's disposition rules and operating procedures have hampered successful disposition of its properties to these entities. This demonstration would increase FHA's ability to provide, under its property disposition program, affordable rental housing by adopting the RTC model and by using RTC to market its properties. It would test the feasibility of closer coordination and standardization of Federal disposition policies, and ultimately could lead to improved marketing and disposition procedures.

Subsection (a) would authorize the Secretary to carry out this demonstration with up to 50 multifamily properties. The demonstration would be carried out in accordance with terms and conditions agreed to by the RTC and HUD. The RTC would establish policies and procedures, subject to HUD review and approval.

Under the demonstration, HUD could wavie any statutory or regulatory requirements that apply to the project that are not consistent with this demonstration (see subsection (b)), other than equal opportunity or nondiscrimination requirements or procedures. The Secretary could waive such provisions as income targeting and subsidy so that these provisions would conform to RTC's affordability, subsidy layering, and bidding procedures.

In determining which properties to include in the demonstration, HUD would take into consideration such factors as the size of the inventory in the locality and any other factors that the Secretary considers appropriate (see subsection (c)).

HUD would be required to reimburse the RTC for the direct costs associated with the demonstration, such as the costs of administration and marketing, property management, and any repair and rehabilitation. HUD could use proceeds from the sale of the properties to reimburse the RTC. (See subsection (d).)

The demonstration would have to: (1) be approved personally by the Secretary; (2) taken as a whole over the life of the demonstration, not result in higher costs to the Federal government; (3) be generally consistent with the overall purposes of the program or programs under which the waiver is granted; (4) be the subject of an evaluation plan for which funding is obligated or set aside at the same time the demonstration is approved and which will be carried out by an independent party; and (5) be consistent with the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. The evaluation would include an assessment of the impact and effectiveness of (a) any requirements waived pursuant to subsection (b), and (b) any differences between the property disposition procedures of the RTC and HUD.

The Secretary would be authorized to establish any requirements determined to be necessary for the conduct of the demonstration (see subsection (f)).

The RTC would submit to the Secretary an annual progress report. In addition, within one year of the conclusion of each demonstration, the Secretary would be required to submit to Congress a report describing the results of the demonstration and any recommendations for legislation. See subsection (g).

The demonstration would not extend beyond the termination date of the RTC. See subsection (h).

One million dollars would be authorized under subsection (i) for the evaluation of the demonstration.

Authorize Civil Money Penalties Against General Partners and Certain Managing Agents of Multifamily Projects

Section 105 would amend section 537 of the National Housing Act, which authorizes HUD to impose civil money penalties on FHA multifamily mortgagors. The proposal would authorize the imposition of civil money penalties against general partners and certain managing agents of multifamily mortgagors and add two additional violations.

The HUD Reform Act of 1989 authorized HUD to impose civil money penalties against a variety of participants in housing programs, including FHA multifamily mortgagors. The provisions authorizing civil money penalties against multifamily mortgagors, however, have had limited effect since the term "mortgagor" contained in the Act has been interpreted to mean the ownership entity (or, rarely, a person) that owns the project. Ordinarily, the sole asset of an ownership entity is the property held under a nonrecourse mortgage. Accordingly, the mortgagor does not have assets sufficient to pay a civil money penalty.

This section would close this loophole by broadening the authority to impose sanctions against multifamily mortgagors to include general partners of partnership mortgagors, their identity of interest managing agents, and independent "fee" managing agents that fail to comply with HUD requirements to notify the Department of improper actions by the general partner.

Section 537(b)(1) authorizes HUD to impose a penalty for a violation of an agreement by a mortgagor as a condition of a transfer of physical assets, a flexible subsidy loan, a capital improvement loan, a modification of mortgage terms, or a workout agreement. The amendment to subsection (b)(1) of the Act would add general partners, but would not refer to "any agent employed to manage the property. . . ." The amendments to subsection (c)(1) would. Subsection (c)(1) differs because the violations set forth in subsection (b)(1) cannot be committed by managing agents.

The amendment to section 537(c)(1) would delete the current references to a "violation of the regulatory agreement," because the managing agent against whom penalties may be imposed under that subsection is not a party to that agreement. It is, however, appropriate to impose a civil money penalty on a managing agent for a violation of an item in the list in subsection (c)(1) because HUD requires that agent to sign a management contract that incorporates by reference the terms of the regulatory agreement.

These changes would substantially affect the wording of the introductory language of subsection (c)(1). The amended language would read as follows:

"(C) OTHER VIOLATIONS FOR WHICH PENALTY MAY BE IMPOSED.—

"(1) VIOLATIONS.—The Secretary may also impose a civil money penalty under this section on (A) any mortgagor of property that includes 5 or more living units and that has a mortgage insured, coinsured, or held pursuant to this Act, (B) the general partner of the partnership mortgagor, (C) any agent employed to manage the property that is an identity of interest entity of the general partner, or (D) any independent fee management entity, under contract with the mortgagor or general partner, that fails to notify the Secretary, as required by the Secretary, that it has been instructed by the mortgagor or general partner to engage in activities that are contrary to regulations and requirements of the Secretary. A penalty may be imposed under this section for knowingly and materially taking any of the following actions:".

The amendment to section 537(c)(1) would also add two provisions, contained in the HUD regulatory agreement, that were omitted in the current statute. These would allow civil money penalties for: (1) failure to use project income to maintain the project, and (2) failure, by a general partner, to provide management acceptable to HUD.

HUD could impose a civil money penalty on an independent fee management entity only if the entity failed to notify HUD, as HUD requires. The Department intends to exempt an independent fee management entity from a civil money penalty for one of the specified violations only if it advises HUD before or during the time the entity commits the violation.

Conforming changes would be made to section 537(d)(1)(B), (e)(1), and (f) and to the heading of section 537.

Subsection (b) would apply the amendments made by subsection (a) only to—

(1) violations that occur on or after the effective date of this proposal; and

(2) in the case of a continuing violation (as determined by HUD), any portion of a violation that occurs on or after that date.

Extend HUD Review Period for Approval of Management Improvement and Operating Plans

Section 106 would amend Section 201(d)(6) of the Housing and Community Development Amendments of 1978 to extend HUD's review period to approve a Management Improvement and Operating Plan from 30 days to 120 days. The plan must be submitted by an owner to HUD when applying for Flexible Subsidy assistance. Section 406 of the HCD Act of 1992 added the requirement that HUD review and approve plans within 30 days. If HUD fails to notify the owner of approval or disapproval within the deadline, the plan is considered approved.

This provision is necessary because HUD has difficulty reviewing complex Management Improvement and Operating Plans in such a short review period. By extending the review period to 120 days, HUD would have sufficient time to complete the review without burdening owners with too long a delay.

Use of Flexible Subsidy in Preservation Projects

Section 107 would amend the Flexible Subsidy program authority in the respects noted below.

Subsection (a) would add a new section 201(k)(4) to the 1978 Amendments to restore the priority on the use of Flexible Subsidy program funds that was accorded to preservation projects under ELIHPA before enactment of section 405(b)(1) of the HCD Act of 1992.

Subsection (a) would also make the Notice of Funding Availability (NOFA) process inapplicable to those Flexible Subsidy funds that are used in the ELIHPA preservation program by making clear that the refunds are awarded on a noncompetitive basis. In this regard, since the funds are used as a part of a package of assistance put together on a project-by-project basis, the NOFA process is inapposite to this program's efficient and appropriate use of these funds.

Finally, subsection (b) would restore to parity with insured projects the claims on Flexible Subsidy funds of projects for which the Secretary holds the mortgage and uninsured State agency Section 236 projects. Amendments in section 405(b)(2) of the Housing and Community Development Act of 1992 removed these two classes from parity with federally-insured projects in their eligibility for Flexible Subsidy funds.

Delete Requirement to Reduce Interest Rates to Avoid Foreclosure on Assigned Mortgages

Section 108 would delete the provision of law that requires, subject to appropriations, that the Secretary reduce the interest rate on assigned mortgages where that action will prevent a foreclosure. Section 902(d) of the HCD Act of 1992 took the Secretary's authority to reduce interest rates on Secretary-held mortgages, under section 7(i) of the Department of Housing and Urban Development Act, which was permissive, and made it mandatory, if the Secretary's use of this authority could avoid foreclosure.

The fact that this authority is mandatory presents problems because the availability of the interest reduction establishes an incentive for default, and will be likely to expose HUD to increased claims and servicing costs. While the Department should not generally be in the position of rewarding defaulting owners with a favorable refinancing of the project at no cost, retaining the Secretary's discretionary authority in this regard is not objectionable since in the case single family mortgagors in particular, there are other disincentives to default that would be sufficient essentially to preclude them from seeking to take undue advantage of the mandatory authority.

The proposed revision would also delete the requirement of an appropriation as a precondition to the Secretary's legal capacity to take action in a way that may amount to a defense of the integrity of the FHA Fund.

Accordingly, the law is proposed to be revised to return essentially to its terms before amendment in the 1992 Act.

TITLE II—ENHANCE PROGRAM FLEXIBILITY

SUBTITLE A—OFFICE OF PUBLIC AND INDIAN HOUSING

Freeze Fees for Administration of the Certificate and Voucher Programs

Section 201 would, essentially, freeze the base on the fees paid to PHAs (including IHAs) by HUD for the ongoing costs of administering the Certificate and Voucher programs for Federal fiscal year 1994. Under section 8(q)(1) of the U.S. Housing Act of 1937, HUD pays PHAs administering the Certificate and Voucher programs a fee for the ongoing costs of administering the program. The fee is based on a percentage of the fair market rent for a 2-bedroom unit in the PHA's market area.

HUD recently published fair market rents (FMRs) for public comment in the Federal Register on May 6, 1993. These FMRs were developed using the 1990 Census data and the new definitions of metropolitan statistical areas established by OMB and are more accurate. They will take effect in FY 1994.

The use of the 1990 Census data and other changes in the calculation procedures have resulted in significant revisions for a large number of FMR areas this year. For example, where all nonmetropolitan counties in a county group previously had the same FMRs, each county now has separate FMRs. As the result of all of these changes, the FMRs are being decreased in more than 50% of the FMR areas.

Under this proposal, HUD would pay PHAs their administrative fee based on the FMR published on October 1, 1992. The applicable percentages for determining the fee would not be changed by this legislative proposal. HUD would continue to approve higher fees for the special circumstances now authorized by section 8(q).

The policy would apply to the existing Certificate and Voucher programs. Otherwise applicable law, current HUD regulations, and related requirements would be overridden by the proposal, so HUD could implement this new policy as soon as possible, in accordance with written guidelines issued directly to HUD field offices and PHAs.

Since the fees that PHAs earn for administering the Certificate and Voucher programs are based on the FMRs, if this proposal is not enacted, many PHAs will suffer a severe financial hardship because their administrative fees will be reduced in direct proportion to the decrease in FMRs. This means that PHAs would have to reduce staffing levels immediately to comply with the reduced level of fees, and as result, the ability of the PHAs to administer the programs in accordance with applicable requirements would be impaired.

HUD believes that the fees for PHAs in areas where the FMRs for FY 1994 are being increased should not be increased due to the happenstance of improved FMR methodology. In many cases, the fee increase would be a windfall to PHAs where rents have gone up substantially but the costs of administering the program have not.

Revitalization of Severely Distressed Public Housing; Demolition and Disposition of Public Housing

Amendments to Section 24

Section 202 would amend section 24 of the U.S. Housing Act of 1937, the authorization for the Severely Distressed Public Housing program. Section 24 was enacted by section 120 of the Housing and Community Development (HCD) Act of 1992. For FY 1993, the Urban Revitalization Demonstration (URD) program, a program with similar objectives to the section 24 program, was established and funded under HUD's FY 1993 appropriations Act. For FY 1994, the President's Budget proposes to fund the Severely Distressed Public Housing program. The amendments to section 24 made by this section incorporate some of the best features of the URD program into the section 24 program and make other improvements.

Delete Requirement for Designation of Eligible Projects.—Subsection (a)(1) would delete the requirement in section 24(b) that the Secretary designate severely distressed projects. The Department thinks it is both unwise and unnecessary to establish and maintain a list of "severely distressed" public housing developments. As funds become available, localities will revitalize their distressed developments with funds from the Comprehensive Grant Program or apply for funding under this section. In the meantime, housing agencies will do their best to maintain these developments and create a decent living environment under very difficult circumstances. It would not be at all helpful to the ongoing effort to sustain these developments to label them as "severely distressed." A conforming amendment would be made to the annual report requirement in section 24(i).

Increase Planning Grant Dollar Cap.—Subsection (a)(2) would increase the maximum planning grant from $200,000 to $500,000. The current cap is too low for large public housing developments. The higher amount is needed to assure sound planning for undertakings as costly as those funded under section 24.

Community Service.—Subsection (a)(4) would require that planning grant applications propose planning for community service activities, and subsection (a)(6) would require that implementation grant applications propose community service activities. Subsections (a)(3) and (a)(5) would add planning for community service activities and the activities themselves as eligible activities.

Community service activities are a key feature of the URD program. These amendments recognize the important contributions residents of the developments can make to the well-being of all the residents of the development and the wider community, and that other members of the community and other persons can also provide significant support for the development. Community service may be performed on a volunteer basis, or may include payment of a stipend. Community service opportunities for disadvantaged youth generally include opportunity for completion of high school education requirements, job training, and other activity designed to lead to economic mobility.

Replacement Housing.—Subsection (a)(5)(A) would clarify that funding under section 24 may be used to fund replacement housing required by section 18 of the 1937 Act. HUD would establish policies and procedures by regulation for the use of assistance available under section 24 for replacement housing, including replacement housing provided under equivalent State and local programs.

Increase Support Services Cap.—Subsection (a)(5)(B) would increase the cap on the amount of the implementation grant that may be used for support services from 15 percent to 20 percent. This will provide greater flexibility to the PHAs and permit greater emphasis on critical social problems.

Contributions for Support Services.—Subsection (a)(5)(C) would establish a requirement similar to one in the URD program for contributions from non-Federal sources for supportive services in an amount equal to at least 15 percent of the amount of the implementation grant used for supportive services. In the URD, the contribution must be made by the local government. However, the Department has determined that flexibility to allow contributions from local foundations, private non-profit organizations, and other non-governmental groups will be equally useful in assuring a local commitment to the success of the revitalization effort. The contribution could be in the form of cash, administrative costs, or the reasonable value of in-kind contributions and could include CDBG funding.

National Geographic Diversity.—Subsection (a)(7) would delete the rigid requirement that the selection criteria for planning and implementation grants include "national geographic diversity among housing for which applicants are selected to receive assistance." Instead, HUD would be given flexible authority to select a lower-rated, approvable application over a higher-rated application to increase the level of national geographic diversity of applications approved under section 24.

Implementation Grant Selection Criteria.—Subsection (a)(8) makes a technical amendment to the selection criteria for implementation grants. Current law includes as one of the criteria "the potential of the applicant for developing a successful and affordable revitalization program." Under the amendment, HUD would consider the quality of the PHA's proposed revitalization program in rating applications. At this stage, the application, in effect, is the plan, so HUD should rank based on its quality, not on the PHA's potential to develop one.

Definition of Severely Distressed Public Housing.—Subsection (a)(9)(A) would recast the definition of severely distressed public housing, as follows:

(5) SEVERELY DISTRESSED PUBLIC HOUSING.—The term "severely distressed public housing" means a public housing project or a building in a project that—

(A) requires major redesign, reconstruction, or redevelopment, or partial or total demolition, to correct serious deficiencies in the original design (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems, and other deficiencies in the physical plant of the project; and

(B)(i)(I) is occupied predominantly by families with children which have extremely low incomes, high rates of unemployment, and extensive dependency on various forms of public assistance; and

(II) has high rates of vandalism and criminal activity (including drug-related criminal activity); or

(ii) has a vacancy rate, as determined by the Secretary, of 50 percent or more; and

(C) cannot feasibly be revitalized through assistance under other programs, such as the programs under sections 9 and 14, or through other administrative means because of the inadequacy of available funds in relation to the total modernization needs of the public housing agency; and

(D) in the case of individual buildings, the building is, in the Secretary's determination, sufficiently separable from the remainder of the project to make use of the building feasible for purposes of this subtitle.

Instead of qualifying as severely distressed public housing by meeting the requirements of either subparagraph (A) or (B), the definition combines most features from both subparagraphs (A) and (B), simplifying and clarifying the definition and making it more feasible to administer.

An example of the problems in current law is section 24(h)(5)(ii), which refers to housing which is occupied by families in a severe state of distress, characterized, among other things, by such factors as high rates of teenage pregnancy and minimal educational achievement. Information on these two characteristics is not readily available at the project level. It is likely these variables are highly correlated to the data on amount and source of income, which is readily available and would be retained as paragraph (5)(B)(i), above.

Another change is the deletion of section 24(h)(5)(B)(i), which requires that projects qualifying under subparagraph (B) must be owned by a troubled PHA. A severely distressed, high vacancy development may occur in an agency that is not troubled.

Definition of Community Service and Support Services.—Subsection (a)(9)(B) would add two new definitions, as follows:

COMMUNITY SERVICE.—The term "community service" means services provided on a volunteer or limited stipend basis for the social, economic, or physical improvement of the community to be served, including opportunity for the upward mobility of participants providing the community service, through completion of education requirements, job training, or alternative methods of developing skills and job readiness.

SUPPORT SERVICES.—The term "support services" includes all activities designed to lead toward upward mobility, self-sufficiency, and improved quality of life for the residents of the development, such as literacy training, job training, day care, and economic development, and may include such activities for residents of the neighborhood.

Amendments to Section 18

Subsections (c) though (f) would make several changes to give public housing agencies (including Indian housing authorities) more flexibility in planning for the future of their stock.

COMPREHENSIVE GRANTS AND DEVELOPMENT GRANTS FOR REPLACEMENT HOUSING.—Subsection (c)(1) would amend 5(a)(2) of the U.S. Housing Act of 1937 to require HUD, in selecting among applications for the development of additional public housing, to give a priority to PHAs that use amounts they receive under the Comprehensive Grant modernization program for replacement housing under section 18. Section 18 requires the replacement of public housing units which are demolished or disposed of, with some exceptions.

Subsection (c)(2) would authorize HUD to permit PHAs to use amounts allocated under the Comprehensive Grant program for the development of replacement housing, as required by section 18.

These changes are in response to a strong recommendation of the Commission on Severely Distressed Public Housing that replacement funds be provided in the funding for rehabilitation and revitalization. Ready access to replacement funds assures the community that its stock of assisted housing will not be diminished.

USE OF TENANT-BASED ASSISTANCE FOR REPLACEMENT HOUSING.—Subsection (d) would permit a PHA to replace public housing units with five-year tenant-based section 8 assistance if—

(a) the project has been vacant for a period of at least five years;

(b) the proposed demolition is necessary for revitalization of the remaining units in the project; or

(c) demolition of the entire project is proposed and some or all of the units will be replaced on the site.

In addition, section 18(b)(3)(C)—the so-called "market test"—would be amended so the current market test would not apply if the replacement housing plan involves the use of five-year tenant-based section 8 assistance or involves the demolition of 200 or more units. Instead, section 8 tenant-based assistance could be approved if the PHA determines that such use is feasible and appropriate to meeting the low-income housing needs in the community. Current law restricts use of section 8 assistance to places where HUD makes a finding that development is not feasible and where the supply and availability of adequate private market resources for the program can be assured for the next 15 years.

This flexibility is essential for dealing with severely distressed developments where a substantial amount of demolition is needed and sites are not readily available for that quantity of units. These criteria would give more flexibility than the current provision, which allows use of five-year section 8 assistance if at least 200 units are to be demolished, but does not exempt such situations from the market test.

Need for Replacement Units. Subsection (e) would amend section 18(b)(3) to permit demolition or disposition without replacement if there is no need for additional assisted housing in the community, as determined in accordance with criteria determined by the Secretary.

The law currently requires replacement even in places where there is no need for additional assisted housing. For example, there are rural areas which have suffered dramatic losses in population and there is literally no need for replacement housing. In Detroit, loss of population has been so severe that there are huge vacancies in both the private and public housing stock. In these cases, replacement should obviously not be required.

Replacement Housing Outside the Jurisdiction of the PHA. At present, section 18 restricts the location of replacement units to the PHA's jurisdiction. Subsection (f) would permit locating some or all of the replacement units outside of the jurisdiction of the PHA but within the same housing market area, based on a realistic look at housing needs in the real economic community, and not simply according to the boundaries of political jurisdictions. For core-city PHAs, this might solve the problem of the unavailability of suitable replacement sites within their jurisdictions. It would allow adjoining communities to cooperate in a way that best serves the interests of the poor and might help to open up housing opportunities in adjacent areas where the employment picture is favorable.

Specifically, replacement units could be located outside the PHA's jurisdiction if—

(a) the location is in the same housing market area as the original agency, as determined by the Secretary;

(b) the replacement housing plan contains an agreement between the original agency and the PHA in the alternate location, or other public or private entity that will be responsible for providing the additional units in the alternate location ("alternate agency or entity"), that the alternate agency or entity will, with respect to the dwelling units involved—

(1) provide the dwelling units in accordance with program requirements;

(2) complete the plan within the required time period;

(3) work with the original agency to ensure that (A) the same number of individuals and families will be provided housing and (B) the maximum post-relocation rent provisions are complied with; and

(4) not impose a local residency preference on any resident of the jurisdiction of the original agency for purposes of admission to any such units; and

(c) the arrangement is approved by the unit of general local government for the jurisdiction in which the additional units will be located.

Disallowance of Earned Income for Residents Who Obtain Employment

Section 203 would amend section 3 of the Housing Act of 1937, which was amended in 1990 to disallow counting as income the earnings and benefits of any public housing resident resulting from participation in various employment training programs established under Federal, State, or local law in order to provide a work incentive. The disallowance of earned income resulting from the program extends for 18 months. The purpose of the provision was to provide a work incentive and to facilitate the transition from welfare to work.

This proposal would delete the 1990 disallowance provision and substitute a provision which would provide an 18-month disallowance of increases in income due to employment of residents who become employed after having been unemployed for at least one year, regardless of whether they have participated in any employment training program. Thus, the proposal would provide the work incentive to an expanded group of residents, by eliminating the need to participate in certain training programs. It would also target the incentive to those with no recent work experience, thus limiting somewhat the group now affected by the law. The proposal would also repeal section 957 of the National Affordable Housing Act (NAHA) of 1990, which applies to all assisted housing programs, and which provides that rent increases are limited to 10 percent per year for three years if the rent increases would result from the employment of a resident who was previously unemployed.

In the interests of equity to residents, ease of administration, and the general comprehension and effectiveness of the work incentive, it is important that the rules affecting the treatment of earned income of residents previously unemployed be as consistent as possible, regardless of what kind of training program they may have participated in or whether their transition required any training at all.

Although no income disregard is simple to implement, section 957 is more cumbersome than most because it requires a three-year phase-in of the income of each individual who gets a job after being unemployed for any period of time. It creates an incentive for abuse by authorizing the disregard after any period of unemployment, no matter how short. By contrast, an amendment of section 3 to freeze the rent for 18 months would be easier to administer and would provide an incentive which is simple, easily understood, and hopefully effective as a work incentive. Requiring a one-year period of unemployment is likely to preclude any incentive to quit a job in order to be eligible for the disregard.

Ceiling Rents Based on Reasonable Rental Value

Section 204 would amend the existing ceiling rent authority for the Public and Indian Housing programs to authorize PHAs to establish ceiling rents no lower than the reasonable rent for the unit.

Public housing now serves the poorest of the poor. The median income of nonelderly households is 16% of the local area median income. The national average income of nonelderly public housing families is less than $7,000. Only 6% of all non-elderly households have income exceeding 50% of local area median income. Only 28% of all nonelderly households derive their income primarily from wages. Many developments have a very small number of working households. Literally, thousands of children are being raised in public housing developments where almost no one gets up and goes to work every morning. HUD estimates that almost 900,000 non-elderly households live in ghettos of extreme poverty.

The goal of public housing is to serve low-income households, and to serve them well. Creation of communities which do not include families whose lifestyle focuses on work, education, and upward mobility is to create communities which reinforce dependency, school drop-outs, teenage pregnancy, crime, and a bleak future for the children. Such communities do not serve their residents well and do not offer hope for the future of our cities and our nation.

A policy which contributes significantly to extreme concentration of very low-income households in non-elderly public housing is the so-called "30% rule," which requires PHAs to charge most resident families an amount which is 30% of their adjusted income, regardless of the value of the units. Developments vary widely in actual rental value. HUD's analysis shows that, based on rents that families are willing to pay for public housing units, almost 80% of such units have a rental value that is less than 75% of the local section 8 fair market rent (FMR). Each time that a PHA informs a resident that the rent for the unit will be increased for the next year, the resident has to weigh the available options and decide whether to pay that amount for the unit, or try to get a better deal elsewhere. A decision to move may mean that the family lives in substandard housing, or that it pays an even higher percentage of income for rent, but it also means that it has chosen a unit that it believes to be worth the rent that is being charged, given the choices available in that market.

Because the 30% rule frequently forces PHAs to charge more than units are worth or residents are willing to pay, the policy is an incentive for many working families every year to leave public housing. Because some public housing developments are old and poorly designed, and lack security and good maintenance and management, their actual rental value is very low and some of the families being pushed out by the 30% rule may have incomes well below 50% of median. Nearly all the "push-outs," however, are working families. Application of the 30% rule also discourages public housing residents from working more hours and seeking higher pay, because a substantial part of the increase in earnings must go for rent.

Section 3(a)(2)(A) of the U.S. Housing Act of 1937 now allows use of maximum or "ceiling" rents. Ceiling rents may not exceed a maximum amount that—

(i) is established by the PHA/IHA and approved by HUD;

(ii) is not more than the amount payable by the family under the tenant rent formula (generally 30% of adjusted income); and

(iii) is not less than the amount of debt service and operating expenses attributable to units of similar size in developments owned and operated by the PHA.

Although this policy provides ceiling rents which are low enough to encourage working households to remain in some developments, in the majority of PHAs this formula produces a number that is higher than the perceived rental value of most, if not all, of the units. This occurs because there is no necessary relationship between cost and rental value. Many developments have very high debt service relating to extensive amounts of modernization or to recent construction. Operating costs can be increased substantially by high energy costs. The poor design, security problems, and stigma that often accompany public housing also contribute to a very low rental value. An effective ceiling rent must be related to the rental value of the units and must take into consideration the variation of rental values among the developments of a PHA.

The proposal would amend the 1937 Act to authorize PHAs to establish ceiling rents no lower than the reasonable rental value of the unit, as determined by the Secretary. The current requirement in (iii), above, would be deleted. HUD is currently examining alternatives for the procedures for establishing such rents, which would be done by Federal Register Notice and pursuant to Departmental regulations.

HUD has the capacity to analyze rents now being paid, by development, and to identify the highest 5% of rents, which represent the most that families are willing to pay for those units in that particular development. HUD could issue minimum ceiling rents, based on an analysis such as this, as the lowest ceiling rents the PHA may establish for the development. A PHA would have broad flexibility in setting its own ceiling rents. For example, it could choose to set the rents higher than those HUD issues or to set one ceiling rent for all units of the same size throughout the PHA or in each neighborhood, or the PHA could choose not to use ceiling rents at all. The rents authorized would be likely to range from the section 8 FMR down to very low rents, as little as 40% of FMR, for the least desirable developments.

Pursuant to this proposal, as initially implemented by notice published in the Federal Register, HUD plans to approve use of ceiling rents for up to 5% of the residents, thereby providing the highest income residents in each development with an incentive to stay in public housing. This ceiling rent initiative based on rental value of the units could be expected to begin to improve the residential mix in nearly all developments, including the very poorest, within the first year, by retaining those families who would have moved out during the year. It would encourage work by making it possible for working families to keep more of their earned income, without higher rent being charged each time their income goes up.

For Indian housing, because normal market forces do not impact actual rents paid due to the limited choice of housing on Indian lands, HUD is exploring alternative methodologies for determining reasonable rental value for units in Indian housing authority developments.

HUD's preliminary cost estimate is that the first year of the policy would cost $40 million for all public housing developments (elderly and nonelderly). The cost would be less in succeeding years as the policy change results in retention of larger numbers of working households.

Pursuant to subsection (b), the Secretary would, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the ceiling rent authority, as amended by subsection (a), and invite public comments. The Secretary would issue final regulations based on the initial notice, taking into account any public comments received.

SUBTITLE B—OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

Economic Revitalization Initiative

Section 210 would make amendments necessary for the Department's Economic Revitalization Initiative.

Economic Revitalization Grants

Subsection (a) would amend sections 108 and 119 of the Housing and Community Development Act of 1974 to authorize deobligated Urban Development Action Grant (UDAG) funds to be used to make grants to communities to finance a portion of the cost of qualifying economic revitalization projects or activities assisted under the section 108 Loan Guarantee Program. This proposal would also amend sections 101(c) and 104(b)(3) of the 1974 Act to exempt private funds received as a result of a guarantee under section 108 from the 70% overall low- and moderate-income benefit requirement. Thus all Federal funds, including CDBG amounts used to repay section 108-guaranteed loans as well as grants from deobligated UDAG funds, would be subject to the existing CDBG national objectives and low- and moderate-income benefit requirements. Section 108 applications that include requests for grant assistance would be funded on a first-come, first-served basis.

Communities need funds for economic revitalization. Communities are particularly in need of a program that would permit financing economic revitalization activities that support their overall revitalization. Section 108-guaranteed loans supported by grants that improve the financial viability of the assisted projects can provide a largely untapped source of financing for community economic revitalization activities. Section 108-guaranteed loans supported by relatively small grants are a particularly valuable funding source for revitalization activities that can be financed by loans because this permits CDBG funds (that would otherwise be the funding source for the entire loan) to be allocated to other CDBG activities.

The existing section 108 program would continue to be available for the same CDBG activities currently specified in section 108. However, the demand for the current program (even under the best conditions) is not expected to exceed $300 million, primarily because of the risk that future years' CDBG funds will have to be used to repay the section 108-guaranteed loan. This risk generates opposition from the various parties that have a claim on future CDBG funds (e.g., neighborhood groups, elected officials, local staff). Section 108 use can be increased by reducing the risk to a level that does not summon the fears of these parties regarding "their" funding source.

The grant made with deobligated UDAG funds would address the risk to future CDBG funds directly by increasing the project cash flow that would be available to repay the section 108-guaranteed loan principal or interest. The project could be structured to deal with smaller cash flows during the start-up period of the project. To address the start-up problem, the project's costs could include reserves (e.g., debt service and operating reserves) to supplement, if necessary, the project's cash flow during the start-up period. Any reserves that are not used for such purposes could be used to pay down the section 108-guaranteed loan and thereby reduce section 108's share of the funding for the project. Any program income generated by the project would be retained by the community and used in accordance with CDBG requirements.

These loan guarantees with grant support would enhance and complement communities' current economic development efforts. Currently, most CDBG communities limit both the size and extent of the economic development programs due to the many competing demands for CDBG funds. This enhanced source of funding would allow communities to establish economic revitalization loan programs to address economic revitalization needs that are not now addressed, including activities such as neighborhood revitalization, micro-enterprise loan funds, and job-enhancing revitalization projects.

Unlike traditional Small Business Administration sources of business assistance (such as the 7(a), 502, and 504 programs) that target the needs of the business within the specified program's parameters and which tend to assist businesses directly, this proposal relies on the involvement of the local government to select projects that further its overall economic revitalization strategy. Because a local government is able to provide financial assistance (through funds available under this proposal, CDBG and local programs), technical assistance and other government services, consistent with its own strategy, this approach would likely result in more coordinated economic and physical revitalization. In addition, this would enable nonprofits to link up with local governments and private lenders to establish innovative economic revitalization activities.

The program design provides for HUD's review and approval of each applicant's proposal (including financial underwriting) and benefits from HUD's commitment of section 107 technical assistance funds to continue to improve local economic development capacity.

Since private funds (except for the new section 108(q) economic revitalization grants) would be used directly to finance the section 108-assisted activity, those funds would not be subject to the 70% low- and moderate-income benefit requirements. However, any Federal funds (i.e. CDBG funds used to make payments on the section 108-guaranteed loan and any section 108(q) grants made with deobligated UDAG funds) would be subject to the 70% low- and moderate-income benefit requirements.

Section 108 Loan Guarantees for Colonias

Subsection (b) would amend section 108 to expand the list of eligible activities in colonias to include section 108 loan guarantees on loans in colonias for all public improvements and facilities that are now eligible under the CDBG program.

This change would enhance section 108's utility as a vehicle for financing investment in public infrastructure in colonias. It would provide up-front financing for badly needed public improvements and facilities (such as water and sewer systems) and enable colonias to use CDBG-related monies for projects which are time-consuming and might otherwise conflict with deadlines for quick expenditure.

Guarantee of Obligations Backed by Section 108 Loans

Subsection (c) would amend section 108 to permit pooling of notes by giving HUD authority to guarantee trust certificates or other obligations representing fractional undivided interests in a trust or pool or notes issued by section 108 recipients, and would make related technical changes. The Small Business Administration (SBA) has this type of authority with respect to its local development company program. In some respects, this authority is also similar to the authority of GNMA to guarantee securities backed by pools of FHA-insured mortgages.

Communities receiving guaranteed loans under section 108 may repay the loans over a period of from 1–20 years. In order to finance the loans in the most efficient manner, HUD arranges for borrowers to issue promissory notes for sale in an underwritten public offering. The current public offering process has been hampered by the large number of notes offered for sale to investors, resulting in higher interest rates and a larger administrative burden on HUD.

According to the universal opinion of section 108's underwriters, marketing securities representing interests in pools of obligations issued by local governments under section 108 would be more efficient than the current mechanism and would encourage more institutional investors, such as pension funds, to purchase obligations guaranteed under section 108. Due to the varied financial needs of local governments participating in the section 108 program, it is impossible to substantially reduce the number of notes issued under the current process without HUD having the authority to guarantee securities based upon pools of obligations otherwise eligible for guarantee under section 108.

The more efficient mechanism and increased participation by investors would reduce interests rates. The reduced interest rates would, in turn, induce more public investment by communities because the cost of financing that investment would be reduced.

Not only would the reduced rates produce significant savings for communities and make section 108 a more effective financing tool for community and economic development, but HUD's administrative burden would be measurably reduced.

This change should have no budgetary effect.

Home Investment Partnerships

Section 211 would simplify key elements of the HOME program.

Participation by State Agencies or Instrumentalities

Subsection (a) would amend section 104(2) of the Cranston-Gonzalez National Affordable Housing Act (NAHA) to expand the definition of "State." Section 104(2) currently defines "State" to mean any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. This amendment would expand that definition to cover agencies or instrumentalities of those "States" currently covered, provided that those agencies or instrumentalities are established pursuant to legislation and are designated by the chief executive officer to act on behalf of the jurisdiction with regard to the provisions of NAHA.

The effect of this amendment would be to allow States to designate instrumentalities such as housing finance agencies to run the HOME program. A number of States currently use State housing finance agencies, which are not part of the State government, to administer the HOME program. Under the current statutory language, however, the HOME allocation must be awarded to the State, rather than directly to the State housing finance agency. This authority to designate agencies or instrumentalities has already been given to units of general local government in section 104(1) of NAHA.

Simplify Program-Wide Income Targeting for HOME Rental Housing

Subsection (b) would amend section 214(1)(A) of NAHA, which requires that at least 90% of the HOME funds invested in rental housing must be for units occupied by families below 60% of median income. This proposal would amend section 214(1)(A) to require that at least 90% of the units assisted and, in the case of tenant-based rental assistance, the families assisted, be below 60% of median income.

This proposal would accomplish two objectives: (1) simplify the targeting requirement, and (2) guarantee the intended targeting.

Simplification.—Units (or families) are easier to count than funds invested. Casting the requirement in terms of units rather than dollars would make it more easily understood by participating jurisdictions, subrecipients, and investors. The requirement would, therefore, be easier to enforce. Keeping track of how much money was invested in each unit occupied by a family below 60% of median and then computing and tracking cumulative expenditures over the course of a fiscal grant is far more complicated than simply tracking the number of units.

Secondly, many program staff tend to assume—mistakenly—that the statutory requirement is equivalent to a unit requirement and, thus, are in danger of being in noncompliance when the funds invested per unit in such units are less than those invested in higher income units. The proposed change would preclude misunderstandings, reduce program administrative costs, and facilitate compliance.

Guarantee of Targeting.—PJs, whether intentionally to escape deeper targeting or because of local circumstances, may spend more per unit on units occupied by families below 60% of median than on units occupied by families between 60 and 80% of median. For example, existing units occupied by lower income families may be more substandard and require more investment to rehabilitate them to standard condition than units occupied by higher income families. If new construction is required to create affordable housing for families below 60% of median, costs per unit will be higher than for rehabilitation.

A PJ may, thus, meet the current statutory requirement, i.e., spend 90% of its rental housing funds for families below 60% of median, even though the percent of assisted rental units occupied by such families is much lower, e.g., 80% or 70%. The proposed change would assure that no matter the vagaries of per-unit costs, at least 90% of all rental units assisted would be occupied by families below 60% of median.

Remove First-Time Homebuyer Limitation for HOME Units

Subsection (c) would amend section 215 of the Cranston-Gonzalez National Affordable Housing Act to remove "first-time" homebuyer limitations for HOME units.

Section 215 of the Cranston-Gonzalez National Affordable Housing Act qualifies HOME assistance for homeownership by requiring that the housing be the principal residence of an owner whose family qualifies as low-income at the time of purchase and is made available for initial purchase only to first-time homebuyers. the term "first-time homebuyers" means an individual and his or her spouse who has not owned a home during the 3-year period prior to purchase of the home with HOME assistance. However, there are a number of exceptions. The original legislation exempted displaced homemakers and single parents who owned or resided in a home owned by the spouse. The 1992 amendments further exempted individuals who owned substandard housing that could not be feasibly rehabilitated or owned a manufactured home not permanently affixed to a permanent foundation.

The amendment would remove the "first-time" homebuyer limitation for HOME units. The current definition of first-time homebuyers as expanded by the 1992 amendments includes almost all low-income homebuyers. Consequently, the limitation creates burdensome paperwork requirements because participating jurisdictions must document the statutory category under which each assisted family is qualified. The proposed change will get rid of the burdensome paperwork and allow participating jurisdictions to efficiently assist any income-qualified homebuyers, if it is consistent with the comprehensive housing affordability strategy (CHAS).

The CDBG program does not restrict homebuyer assistance to first-time homebuyers. This proposed change would conform the HOME program with the CDBG program, simplifying implementation for local grantees who manage both programs.

Simplify Resale Provisions

Subsection (d) would amend section 215(b)(4)(B) of NAHA. That section requires participating jurisdictions (PJs) to use any amounts recaptured upon the sale of a dwelling assisted under the HOME homeownership program for additional homeownership purposes. This amendment would permit use of these recaptured amounts for any HOME purpose.

This proposal would increase PJ flexibility by allowing recaptured funds to be used immediately for any eligible HOME purpose, consistent with the PJ's current priorities and needs. Current law's limitation on the use of these funds for homeownership can be unduly restrictive. For example, homeownership may not be a current priority of the PJ when amounts are recaptured. In addition, a homebuyer or a suitable property may not be available when funds are recaptured, or the recaptured funds may be inadequate to cover the cost of the transaction. The proposal would maximize PJ's funding choices and would ensure the prompt use of amounts available for their current priorities.

Stabilization of HOME Funding Thresholds

Subsection (e) would amend the law governing funding under the HOME program, to assure stability in the HOME program.

Currently NAHA lays out a two-part test a jurisdiction must meet to qualify as a participating jurisdiction (PJ) and receive HOME funding for the first time. First, under section 217(b)(3), the jurisdiction must receive an allocation of at least $500,000 under the HOME program formula. Second, section 216(3)(A) requires that the jurisdiction must either receive at least $750,000 under the formula or it must supplement the difference between such amount and its formula allocation from the State's HOME allocation or from the State's or the jurisdiction's own sources. Once a jurisdiction qualifies as a PJ, it will remain a PJ and continue to receive funding for any subsequent year in which its formula allocation is at least $500,000. However, HUD has the authority to revoke designation if the jurisdiction's allocation falls below specified amounts, in accordance with section 216(9).

Sections 216(10) and 217(b)(4), which were added by the Housing and Community Development Act of 1992, provide for lower thresholds for the above tests and for the revocation rule, if the amount appropriated for the HOME program falls below $1.5 billion. Section 217(b)(4) provides that the initial allocation under section 217(b)(3) only needs to be $335,000 (from $500,000). Section 216(10)(A) reduces the amount a jurisdiction must make up over and above its formula allocation in accordance with section 216(3) to $500,000 (from $750,000).

Under section 216(9)(B), HUD may revoke a jurisdiction's designation as a PJ if the jurisdiction's allocation falls below $750,000 for 3 consecutive years, below $625,000 for 2 consecutive years, or the jurisdiction does not receive a formula allocation of $500,000 or more in any one year. Section 216(10)(B) provides that these amounts are reduced to $500,000, $410,000 and $335,000, respectively, when the HOME program's appropriation falls below $1.5 billion.

This subsection would repeal sections 216(10) and 217(b)(4), thereby removing the reduced thresholds for years in which the appropriation level falls below $1.5 billion. Further, the proposal would amend section 217(b)(3) to provide that the $500,000 formula threshold would only apply to jurisdictions that are not already PJs. Current PJs would not be subject to the threshold and would receive the allocation the program formula yields, whatever the amount.

The revocation authority under section 216(9) would be retained. HUD does not anticipate using this authority except in cases where the allocated amount would be so small that continued operation of a HOME program by the jurisdiction would not be feasible.

This proposal would assure stability in the HOME program by allowing a PJ, once designated and funded, to continue to receive additional allocations in subsequent years regardless of the variation of annual appropriations. At the same time it would retain the $500,000 threshold for initial designation of a PJ, thus discouraging proliferation of PJs with minimum initial funding.

This proposal would avoid sudden increases in the number of new PJs and eliminate the need for annual adjustments in the minimum threshold to preclude such increases. For example, the reduction in the threshold to $335,000 had little consequence on the mix of PJs, in FY 1993. Since the total appropriation was cut by a third, cutting the threshold by about a third allowed all but 3 PJs first funded in FY 1992 to be funded again in FY 1993. However, if the appropriation were to fall just below $1.5 billion, for example to $1.4 billion, a $335,000 threshold would result in 82 additional cities becoming eligible for formula allocations. This would be an increase of about 20% in the total number of PJs.

Given inadequate staffing levels in the Field, and with the long learning curve and lead-time necessary to get a new PJ up and ready to commit and expand funds, such an increase in the number of new PJs would severely strain staff capacity and would set back Department efforts to accelerate HOME expenditures.

Comprehensive Affordable Housing Strategy

Subsection (f) would amend the HOME program and the McKinney Act homeless program to require formula recipients under those programs to certify that they are following a current, HUD-approved Comprehensive Affordable Housing Strategy (CHAS).

Existing law contains two requirements with respect to the CHAS. Two programs—CDBG Entitlement and McKinney Act programs—require grantees to certify that they are "following" a current HUD-approved CHAS. These programs, as well as a number of other authorities, also require that each activity assisted under the specific program in question be "consistent with" the CHAS.

This proposal would ensure that HUD's formula grant programs that are subject to the CHAS—the CDBG Entitlement, HOME, and emergency Shelter Grants (ESG) programs—contain both a "following" and a "consistency" requirement. Other programs would be subject only to the "consistency" standard. McKinney Act programs other than ESG would no longer be held to the "following" test.

The "following" certification is important because it does not apply to any particular program activities—if a community fails to carry out any of its promised actions under the CHAS, or if each program activity is consistent with the CHAS, but in the fourth or fifth years of a CHAS, it becomes obvious that a community is not carrying some actions promised in the CHAS whether or not those actions are part of a HUD program, HUD can challenge a community's certification that it is following its CHAS. Right now, if the CDBG and McKinney programs determine that a community is not following its CHAS, those funds would be affected, but the HOME program would not be affected as long as each individual activity was consistent with the CHAS.

The proposal would ensure that the broader "following" test would apply to formula grant programs where the continuity of funding makes such an approach appropriate. These and other programs would be subject to the "consistency" standard in order to ensure that each assisted activity is consistent with the CHAS.

Simplify HOME Matching Requirements

Subsection (g) would amend section 220(a) of NAHA, which currently requires a match of 25% of HOME funds invested in rental assistance, acquisition, and rehabilitation, and a match of 30% of HOME funds invested in new construction. This proposal would reduce the match for new construction to 25%, so that all affordable housing assisted with HOME funds would be subject to a flat 25% match.

This proposal would simplify the matching requirements in the program, substantially reducing the difficulties of computing and tracking the match and the administrative burden on both HUD and participating jurisdictions. It would also reduce the financial burden on PJs and assure that project selection between new construction and other eligible investments would be based solely on need and cost-effectiveness, not on whether the PJ could come up with the additional 5% match.

A differential match requirement was appropriate at a time when the HOME statute contained a strong bias against new construction, when only certain PJs could undertake new construction without limit, and when others would do so only under limited circumstances. A higher match (originally 50%) for new construction provided a strong additional disincentive against new construction.

The 1992 amendments, however, removed all restrictions on new construction (all PJs may now do new construction without limit), eliminated the special new construction set-aside of funds, and reduced the match for new construction from 50% to 30%. Retaining a 5% match differential is thus inconsistent with the legislative purposes as revised, while retaining a "nuisance" complication in the program.

Because new construction is more costly, PJs are naturally reluctant to undertake it unless absolutely necessary. Certain additional requirements, such as higher energy efficiency standards and site and neighborhood standards, are appropriate additional burdens which add further costs to new construction. Penalizing PJs by also imposing additional match requirements is unnecessary and inappropriate.

Delete Separate Audit Requirement for the HOME Program

Subsection (h) would make a technical correction to section 283 of NAHA by deleting subsection (a), which requires HUD to contract annually with an independent accounting firm for a "full financial audit" of the HOME program. Subsection (a) duplicates other audit requirements, resulting, in effect, in a requirement for two audits of the HOME program.

Section 283 currently requires that there be a separate audit of the HOME program to be conducted in a manner consistent with sections 305 and 306 of the Chief Financial Officers (CFO) Act. This audit requirement, applicable to government corporations, originated in an earlier Senate version of NAHA. That version sought to establish within HUD a Government National HOME Corporation, subject to the Government Corporation Control Act, to administer the program. Though many of the Corporation's duties and responsibilities outlined in the original Senate bill were adopted by the Congress, the law requires that the program be administered by HUD, not through a government-chartered corporation. However, Congress failed to amend the audit requirements in section 283 to reflect the fact that the HOME program was no longer to be administered through such a corporation. Indeed, it seems clear from the statutory language that the current separate audit requirement was imposed with the understanding that the HOME program was to be administered as a corporation.

Absent the separate audit requirement, the HOME program would still be included in the Department's annual consolidated financial statements, which are required by section 303 of the CFO Act ("Financial Statements of Agencies") and audited annually under section 304 of the Act ("Financial Audits of Agencies"). Thus the HOME program would still be subject to audit, but would now be treated in a manner similar to other programs administered by the Department.[1]

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[1] Section 303 of the CFO Act generally requires the head of each identified executive agency, including

HOME Environmental Review Amendments

Subsection (i) would make two essentially technical amendments to section 288 of NAHA. The first amendment would provide for assumption of HUD's environmental review responsibilities by all recipients receiving assistance from HUD under the HOME program (including Indian tribes and insular areas), not just participating jurisdictions.

The second amendment would provide for HUD to undertake a monitoring role and, where appropriate, to provide and facilitate training and to suspend or terminate the State or local assumption. By undertaking these duties, HUD would not, however, be substituting HUD's judgment for that of the State or local official responsible for any individual environmental review. In other words, HUD would not, on the basis of these amendments, be required to recast the environmental review regulations so that disappointed opponents of local projects could appeal State or local environmental review decisions to HUD.

The third amendment to section 288 would make HOME environmental review procedures consistent with the procedures under the Community Development Block Grant and McKinney Act homeless assistance programs. Where a State makes funds available to a unit of general local government, the State would perform the environmental review functions otherwise performed by HUD, and would be allowed to delegate to local governments the responsibility for performing environmental reviews.

Use of CDBG Funds for HOME Administrative Expenses

Subsection (j) would make eligible for CDBG funding administrative costs relating to administration of the HOME program. The use of CDBG funds for HOME administrative costs would be within the overall 20% cap on the use of CDBG amounts for planning, management, and administrative costs activities.

Section 207 of the Housing and Community Development Act of 1992 amended the HOME program by making eligible the use of HOME funds for administrative costs, subject to a percent limitation. The 1992 Act also eliminated the authority to use CDBG funds to pay for the general program administration costs of the HOME program.

This change would provide greater flexibility in allocating costs for CDBG grantees that are also HOME participating jurisdictions (PJs) because most of them use the same staff to administer both CDBG housing and HOME activities.

Project Delivery Costs

Subsection (k) would amend section 807(a)(4) of the Housing and Community Development Act of 1992 which established a new category of CDBG eligibility for housing services, including housing counseling, preparation of work specifications, loan processing, and other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in housing activities under the CDBG or HOME program. These activities were, however, made subject to the 20% cap on the use of CDBG funds for planning, management, and administrative expenses. This proposal would exempt CDBG funds used to pay such costs from the 20% cap.

It appears that in enacting section 807(a)(4), Congress did not intend to subject these costs to the cap on administrative expenses. Activity delivery costs are not subject to the cap for any CDBG activity. Many grantees are very concerned about the possibility of HUD implementing this provision. Based on the very rough data we have, implementation of the 1992 Act change would put about 33% of CDBG grantees over their administrative caps, and would have a significant negative effect on CDBG rehabilitation funding.

Reduce HOPE 3 Match Requirement to 25%

Section 212 would reduce the HOPE 3 local match requirement from 33% to 25%.

Enactment of this proposal would make the local match requirement of the HOPE 3 program consistent with the HOPE 1 match requirement. At present, PHAs, which are potential applicants for both the HOPE 1 and HOPE 3 programs, must meet a higher match requirement for their HOPE 3 application than their HOPE 1 application for no apparent reason.

In addition, HOPE 3 Field Office Coordinators uniformly have noted that both private nonprofit and public agencies have experienced difficulty in providing the full 33% match now required for Implementation Grant applicants. Many potential applicants did not submit HOPE 3 applications due to an inability to locate sufficient resources to meet this requirement.

SUBTITLE C—COMMUNITY PARTNERSHIPS AGAINST CRIME

Section 220 would amend the Public and Assisted Housing Drug Elimination Act of 1990 to create an expanded program entitled, "Community Partnerships Against Crime Act of 1993." Under the revised program, HUD would be authorized to make grants to public housing agencies (including Indian housing authorities) and federally assisted housing projects for use in carrying out activities to implement plans for crime suppression, intervention, and prevention in and around such housing projects.

Problem Statement

Local officials, PHA's and HUD share the responsibility of providing safe and decent housing for public and Indian housing residents. Housing in many areas suffers from rampant crime, which may include gangs or drug dealers imposing a reign of terror on local residents. The increase in crime activity has not only led to fear and acts of violence against residents, but also to a deterioration of the physical environment resulting in substantial government expenditures.

Crime is no longer limited to America's largest cities. The problems of crime and drugs have spread to the smaller cities and suburbs. Federal Bureau of Investigation data show significant increases in violent crimes against persons and crimes against property since 1985 in both large and small urban areas.

Purposes

Section 220(b) would establish the following new purposes:

(1) To substantially expand and enhance the Federal government's commitment to eliminating crime in public housing.

(2) To broaden the scope of the Public and Assisted Housing Drug Elimination Act to apply to all types of crime, not simply crime that is drug-related.

(3) To target opportunities for long-term commitments of funding to PHAs with serious crime problems.

(4) To encourage involvement of a broad range of community-based groups, and residents of neighboring HUD-owned or assisted housing, in the development and implementation of anti-crime plans.

(5) To provide training, information services, and other technical assistance to program participants.

(6) To establish a standardized assessment system to evaluate need among PHAs and to measure progress in achieving crime reduction goals.

Program Response

This proposal would establish an expanded program to address the issue of crime in public and Indian housing communities. The program, known as COMPAC, would organize PHAs, residents, and police as a community force in the development of comprehensive plans to counter crime in their neighborhoods.

The program would rewrite the existing Public and Assisted Housing Drug Elimination Act. The revised program would expand to include a much wider variety of crime reduction, security enhancement, and other efforts to impact violence, substance abuse, and gang related activities.

Under section 220(h), the funding level of the expanded program would be $225 million in grants for FY 1994. Of this amount, 6.25% would be designated for federally assisted housing programs. This set-aside would only be made available in FY 1994, after which funding for needed security costs would be addressed through rent adjustments and other existing HUD programs. The FY 1995 budget request would be $315 million.

Under section 220(i), an additional $10 million would be made available each year in FY 1994 and FY 1995 for technical and related assistance, including development of an assessment tool to determine the nature and extent of crime in any given community; the provision of technical assistance, training, and information dissemination; and evaluation of the assessment tool.

Expanded Focus of Program

The program would focus resources on areas of greatest need; be flexible enough to respond to the circumstances in each community; provide a cost-effective funding system; and establish standards for enforcement which define and clarify the roles of local officials, enforcement personnel, PHAs, and residents.

Under section 220(d), in order to provide greater certainty of continued funding for those PHAs with especially severe problems, the Act would give HUD the authority to provide renewable grants, up to five years, to PHAs with serious crime problems, subject to the availability of appropriations. To renew a grant HUD would be required to perform an annual performance review and determine that the grantee's performance is satisfactory.

Grants to other PHAs would be for terms of two years. HUD would be authorized to grant a scoring preference to applicants who

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HUD, to prepare an annual financial statement for submission to the Director of OMB. This financial statement covers "(1) each revolving fund and trust fund of the agency; and (2) to the extent practicable, the accounts of each office, bureau, and activity of the agency which performed substantial commercial functions during the preceding fiscal year," and is subject to annual audit under section 304.

Section 303(d) creates a pilot program which entails the submission of financial statements for and ensuing audits of the accounts of all offices, bureaus, and activities of a department or administration participating in the pilot program. Section 303(d)(2) states that HUD shall participate in this pilot program, and thus financial statements are required for all HUD programs, including HOME, CDBG, Section 8 and others. These financial statements are then audited under section 304. Although the pilot program is due to expire this year, OMB is currently seeking a three-year extension of this program, and hopes to make agency-wide audits the practice in the future.

seek funding to continue anti-crime programs for up to two year grants, but only if the anti-crime program is being well implemented and has demonstrated success, and if HUD determines such preference would not unreasonably limit other PHAs that obtain passing scores.

PHAs would be encouraged to involve other agencies and community-based organizations to carry out activities and to leverage additional resources, programs, and expertise. Applicants would receive additional scoring points for participation of the local community in the development and delivery of program services.

In section 220(c), the list of eligible uses of grant funds would be expanded beyond the existing eligible activities to include the following:

Community Policing would be an eligible activity. This approach has been effective in regaining control of crime-ridden neighborhoods. Providing police officers to specific neighborhoods on a consistent basis builds relationships with residents, thereby increasing information exchange which deters and prevents crime. Residents become less fearful of reporting crime and, therefore, participate in solutions to address crime problems. Foot or bicycle patrols, police substations in public housing, community relations officers, and other techniques which put the officer in more direct contact with the community have demonstrated results in reducing crime statistics.

Youth Initiatives would recognize public housing youth as an essential resource in solving community problems. Their enlistment can, in itself, be good prevention-programming. Youth can be coaches in recreational programs, peer mentors, and leaders in community solution action planning. More emphasis could be placed on training, education, recreation, career planning, employment, and substance abuse education and prevention. Youth programming should provide the opportunities, skills, and information needed for youth to make appropriate life-style choices and offer a deterrence to gang activity. The chapter would specifically authorize use of grants for youth initiatives such as training, education, after school activities, tutoring, recreation, career planning, employment and entrepreneur programs.

Resident Services Programs provide comprehensive resident services to effectively intervene and prevent crime activities in public housing populations. Services may include job training, educational programs, treatment, or other appropriate social services which address the contributing factors of crime.

Physical Security Hardware costs, such as fencing, lighting, locking and surveillance systems, would be allowable.

Technical Assistance

Under section 220(i), a variety of services would be initiated to provide support which fosters creativity and reinforces success. Support services would include program technical assistance, training, information dissemination, and evaluation. From the amounts appropriated for FY 1994 and FY 1995, $10 million would be used for the development and delivery of the following activities:

Development of a standardized assessment tool to assess the extent and nature of crime to be used in the initial application to demonstrate need and to serve as a baseline to track and evaluate outcome measures.

Development and delivery of technical assistance, training, and information services to share and promote effective programs.

Issuing evaluation contracts for an objective review of program effectiveness which incorporates the tracking of baseline data.

TITLE III—TECHNICAL AND OTHER AMENDMENTS

SUBTITLE A—PUBLIC AND ASSISTED HOUSING

Correct the Definition of Family in the 1937 Act To Clarify That Families Are Not Required To Include Children

Section 301 would amend section 3(b) of the U.S. Housing Act of 1937 to correct an unintended effect of section 621 of the HCD Act of 1992 on the definition of family. Under the current definition, families of two or more persons must qualify as elderly families, near-elderly families, disabled families or families with children. Read literally, it appears that married couples without children living in the household, and two adult siblings living together, are not eligible. The proposal would clarify that there is no requirement in the definition that families must include children.

The intent of section 621 was not to exclude families without children, but to define more carefully the other categories of eligible families, i.e., elderly families, near elderly families, and disabled families. Removal of the language requiring families to contain children will assure continued eligibility to the larger group of families traditionally served by the program, without detracting from the intent of section 621 to define the elderly, near-elderly, and disabled families as distinct family categories.

Eliminate Requirement for Identification of CIAP Replacement Needs

Section 302 would delete section 14(d)(2) of the U.S. Housing Act of 1937, which requires PHAs, when applying for CIAP public housing modernization funds, to identify the projected replacement needs for the equipment systems and structural elements of each project over a 30-year period. Section 14(d) formerly required CIAP agencies to identify not only the projected replacement needs (section 14(d)(2)), but also the estimated cost of such replacement (section 14(d)(4)(C)).

Section 509(b) of NAHA deleted section 14(d)(4)(C), which required applicants to estimate the total costs of replacement items identified in section 14(d)(2). The requirement that replacement needs be identified, absent any consequent estimate of cost, is burdensome to PHAs, and does not provide useful information to either PHA staff or HUD field staff. This amendment would delete section 14(d)(2), thereby eliminating this requirement entirely. Section 14(f)(1)(B) would be deleted since, with the previous deletion of section 14(d)(4)(C), it serves no purpose.

Applicability of Public Housing Amendments to Indian Housing

Section 303 would repeal section 201(b)(2) of the United States Housing Act of 1937. This provision states that amendments modifying the public housing program that are enacted after the Indian Housing Act of 1988 do not apply to Indian housing unless explicitly made applicable. This proposal would also make clear that certain amendments affecting the public housing program made by the Housing and Community Development Act of 1992 apply to the Indian Housing program.

Since its enactment in 1988, section 201(b)(2) has caused confusion as to which legislative amendments affecting the public housing program apply to Indian housing. Even where the law expressly applies to Indian housing, HUD staff and IHAs have trouble keeping straight which provisions in the 1937 Act and other Acts apply to the Indian housing program.

Even worse is the situation where there is no logical reason for an amendment not to apply to Indian housing, but Congress fails to include the section 201(b) boilerplate required to make the provision applicable. For example, the Housing and Community Development Act of 1992 made the following amendments affecting the public housing program that, because of failure to include the necessary boilerplate, do not apply to Indian housing.

Section 103(a)(1)—Amendment to exempt retroactive SSI payments from income.

Section 112—Amendment lowering the applicability of Federal preferences from 70% to 50% of units.

Section 114—Miscellaneous operating subsidy amendments.

Section 116—Miscellaneous demolition and disposition amendments.

Section 118—Public housing homeownership under section 21 (technical amendments).

Section 903—New consent form required for the release of applicant and participant information.

Section 927—Amendment to protect tenants who receive utility allowances from having their eligibility or benefits under energy assistance programs reduced or eliminated.

The repeal of section 201(b)(2) would avoid the inadvertent failure to provide that amendments to the public housing program apply to the Indian housing program. Section 201(b)(1) (retained in this amendment) provides, however, that unless otherwise specified, the provisions of the 1937 Act that apply to public housing apply to Indian Housing. Therefore, if the authors of future legislation involving public housing do not want it to apply to Indian housing, they will need to make that explicit. Such situations should, however, arise more infrequently than situations where the authors do want the amendments to apply to Indian Housing.

The bill makes it clear that the repeal of section 201(b)(2) is not intended to affect existing legislation that applies changes to public housing to the Indian housing program in accordance with the repealed authority.

In addition, as discussed above, there is no apparent reason why the amendments specified above were not made applicable to the Indian Housing program. Therefore, this proposal would make them applicable.

Increase the Unit Threshold Above Which PHAS Are Required To Adopt Project-Based Accounting

Section 304 would amend section 6(c)(4)(E) of the U.S. Housing Act of 1937 to increase the unit threshold (currently 250 units) above which PHAs are required to establish and maintain Project-Based Accounting (P-BA) systems. Applicability of these requirements to small PHAs (those with fewer than 500 units) constitutes severe overregulation and excessive paperwork. Nearly all comments received on the proposed rule for the P-BA program objected to the application of P-BA to PHAs with from 250 to 500 units. Management of small PHAs does not benefit from having to track expenditures by project. For these PHAs, mandatory implementation of P-BA would not be cost-effective. This proposal would increase the threshold number of units necessary to trigger P-BA requirements from 250 to 500 units. This would reduce the workload on small PHAs, and enable HUD to target its P-BA program to those medium-to-large PHAs which can best benefit from the additional information processing capability derived from P-BA.

SUBTITLE B—MULTIFAMILY HOUSING

Correct Errors in Multifamily Mortgage Limits

Section 310 would amend sections 207, 213, 220, and 234 of the National Housing Act to correct errors in multifamily mortgage limits for a four-bedroom, non-elevator unit. The amount would be changed from $59,160 to $56,160.

This provision is necessary because the amount of $59,160 does not reflect the 20% increase intended by amendments insection 509 of the HCD Act of 1992, apparently due to a typographical error. All other unit limits were increased by 20% in the 1992 Act.

FHA Multifamily Risk-Sharing HFA Pilot Program Amendments

Section 311 would amend section 542(c) of the HCD Act of 1992 which provided a new insuring authority for a partnership between HUD and the HFAs to process FHA mortgage insurance for loans for affordable multifamily housing. As written, the statute is silent in several essential areas. An amendment to the legislation is being recommended to include certain basic minimum program requirements which would provide protection to HUD's interests and ensure a successful program. Amendments are also recommended to permit qualified housing finance agencies to assume certain HUD administrative reviews.

Basic Protection

The National Housing Act provides certain basic protections which are not addressed by section 542(c). By permitting HFAs that take 50% or more of the risk to use their own underwriting standards and loan terms and conditions without further HUD review, the Department may be exposed to many of the more experimental or riskier mortgage financing techniques currently used in today's marketplace. These might include loan terms predicated on prepayment or refinancing before the end of the loan term (balloon and negative amortization loans), mortgages equal to or in excess of value or cost, and excessive loan repayment periods. At a minimum, the Department would want a cap on the loan-to-cost (or value) ratio and the mortgage term and to ensure that the loans are completely amortized by periodic payments. Traditionally, 90% loan-to-cost (or value) loans for for-profit owners with 40 year terms have been the norm. The Department would also want to encourage the use of complete amortization by periodic payments which would permit Level Annuity Payments typically used in HUD programs, as well as Accelerated Curtail Declining Annuity and Combination Declining Annuity plans.

Among the challenges to the provision of housing for low-income households are those presented by underwriting. Market adjustments to the challenges of underwriting have resulted in a proliferation of financing sources and mechanisms for these purposes. Typically, these deals require multiple financing sources, including delayed payment or other forms of soft secondary liens. In addition to the limitations proposed above, the Department would want to have a first lien for payment and require that all secondary liens must be subordinated to the insured loan.

Further, the Department's mission is to provide permanent forms of housing. Therefore, all loans insured under this program should be limited to non-transient housing with a lease term not less than 30 days. This would avoid any appearances that the insurance is being used to support hotels. Such a requirement would not preclude the development of single room occupancy projects.

Finally, to minimize potential losses, an accurate valuation of eligible projects is imperative. Accurate valuation of the property is important for calculating the mortgage to be insured and for disposing of the property in the event of default and settlement of insurance claims. The Uniform Standards of Professional Appraisal Practice (USPAP) are now the industry standard. By requiring appraisers to be Certified General Appraisers following USPAP guidelines, the Department will have greater assurance of an accurate property valuation and recourse.

Improvements to Program Operations

In addition to the basic protections, the Department has identified several features not addressed by the legislation which would facilitate the program's operations. Specifically, the statute failed to delegate certain responsibilities to the HFAs which would carry out the full intention of the law. As the legislation currently stands, HFA processing would be hampered by the need to have certain reviews performed by the HUD field offices.

The reviews required by the National Environmental Policy Act (NEPA) are lengthy and create an additional responsibility for the already overburdened field offices to carry out. The responsibility for this function would be assumed by States and units of general local governments, and performance of the environmental reviews and sign-off authority on behalf of the parent governmental entity could be delegated to the HFAs, in a manner similar to the NEPA reviews under section 104 of the Housing and Community Development Act of 1974. The Secretary would undertake a monitoring role on performance of the reviews and, where appropriate, could provide and facilitate training and suspend or terminate review responsibility. By undertaking these duties, the Secretary would not, however, be substituting the Secretary's judgment for that of the State or local official responsible for any individual environmental review. In other words, the Secretary would not, on the basis of these amendments, be required to recast the environmental review regulations so that disappointed opponents of local projects could appeal State or local environmental review decisions to the Secretary.

Similarly, lead-based paint prevention review responsibilities would be assumed by the HFAs. Responsibilitiesfor intergovernmental review would also be assumed, but a regulatory revision would achieve this goal.

To streamline the subsidy layering review, HFAs would be given explicit responsibility for the review following HUD guidelines and subject to HUD monitoring and sanctions. It would greatly facilitate implementation of section 542(c) if the HFAs, were applicable, could process the case and complete the subsidy layering review without delaying the development of affordable housing projects by requiring a separate HUD review.

The proposed legislation would add an explicit delegation of authority to the HFAs to commit the Department for mortgage insurance. An explicit authorization to delegate this authority is critical to the ability of the program to give the HFAs maximum authority to carry out the intent of this program.

Technical Clarification

The statute, as originally drafted, included contradictory language relative to risk sharing and sharing of losses in the event of a claim. It states variously that HFAs will reimburse HUD for all or a portion of losses incurred, that the Risk Sharing Agreements will specify the percentage of loss between HUD and the HFA, and that the HFA and the Secretary shall share equally the full amount of any loss. This last phrase in 542(c)(2)(C) conflicts with the other provisions and would be revised to read that the HFA and the Secretary shall share any loss in accordance with the Risk Sharing Agreement.

Subsidy Layering Review

Section 312 would amend section 911 of the Housing and Community Development Act of 1992 to make clear that in connection with HUD projects allocated a Low Income Housing Tax Credit (LIHTC), the requirements of section 102(d) of the HUD Reform Act of 1989 would be satisfied by a certification to the Secretary by a housing credit agency. An agency would certify that the combination of Federal assistance provided in connection with a project for which assistance is to be provided within HUD's jurisdiction and under the LIHTC provisions of section 42 of the Internal Revenue Code of 1986 shall not be any more than is necessary to provide affordable housing.

Housing credit agencies would submit this certification in accordance with guidelines established by the Secretary. These housing credit agencies would assume all of the responsibilities for subsidy layering review, decisionmaking, and action pursuant to section 102(d) of the HUD Reform Act, which would otherwise apply to HUD. As under current law, HUD could revoke a housing credit agency's authority if it failed to comply with the HUD guidelines. In that case, HUD would undertake the subsidy layering responsibilities.

Section 102(d) of the HUD Reform Act of 1989 directs HUD to undertake a "subsidy layering" review when other government assistance is being provided to a HUD project requesting HUD housing assistance. The requirement is designed to ensure that no more assistance than is necessary to make units affordable is provided to a project.

Section 911 of the Housing and Community Development Act of 1992 required HUD to establish guidelines for housing credit agencies administering the LIHTC to "implement" the subsidy layering requirements of section 102(d). Former President Bush, in his Signing Statement for the Housing and Community Development Act of 1992, stated that constitutional difficulties would rise if section 911 were interpreted to allow the Secretary to delegate the responsibilities under section 102(d) to a non-Federal entity. President Bush indicated that he interpreted section 911 to permit the Secretary to formulate guidelines under which the Secretary would retain the ultimate authority to make the determinations required by section 102(d).

This amendment is intended to resolve the conflict between sections 911 and 102(d), raised by President Bush in his Signing Statement, by making it clear that the non-Federal entity, in this case a housing credit agency, would assume all of the responsibility which the Secretary would otherwise have under section 102(d), and that the Secretary would have no continuing responsibility under that section once such an assumption was made. This parallels a provision proposed by HUD elsewhere in this bill for multifamily risk sharing.

This Department has been criticized for delaying development of LIHTC projects because of deleterious subsidy layering reviews. Enabling housing credit agencies to perform those reviews would expedite this process. This proposal would not only clarify the authority of housing credit agencies to perform these reviews, but also would relieve the Secretary from any residual responsibility which the Secretary might otherwise have under section 102(d).•

By Mrs. KASSEBAUM:

S. 1300. A bill to amend the Public Health Service Act to unify the reauthorization cycle with respect to Centers for Disease Control and Prevention programs, and for other purposes; to the Committee on labor and Human Resources.

CDC REAUTHORIZATION UNIFICATION ACT OF 1993

• Mrs. KASSEBAUM. Mr. President, I am pleased to introduce legislation aimed at enhancing congressional oversight of the Centers for Disease Control and Prevention [CDC] and its individual programs. This legislation lays the ground work for a single reauthorization of the entire CDC on a regular cyclical basis beginning in 1995.

Currently, the CDC administers the majority of its programs under general Public Health Service Act authorities. Fifteen of these programs do, however, require periodic reauthorization. Presently, each of these programs is randomly reauthorized, without regard to the years in which the reauthorization of other CDC programs occur. The reauthorization of separate programs at different times makes it difficult for Congress to prevent program duplication or to enhance program coordination within CDC and across the entire Public Health Service.

Reauthorizing specific CDC programs in a piecemeal fashion limits the opportunity for Congress to provide oversight over all of the CDC. Over half of the CDC programs are operated under general Public Health Service Act authorities. Therefore, they do not currently receive regular authorizing committee oversight. A common reauthorization of specific CDC programs would provide a forum for Congress to evaluate the entire CDC.

Specific programs within a single agency can and should be reauthorized together. For instance, just this year Congress reauthorized the National institutes of Health and some of its specific programs in one comprehensive piece of legislation. In 1994, this body will consider the reauthorization of the Substance Abuse and Mental Health Services Administration, while in 1995, we will reauthorize the Agency for Health Care Policy and Research.

Mr. President, the legislation I am introducing today contains two major provisions. First, it changes the authorization dates to 1995 for all CDC programs not reauthorized by Congress this year. This will provide for a realignment of the current CDC program reauthorization schedule. Second, the legislation contains a sense of the Congress provision which provides that beginning in 1995, all CDC programs will be reauthorized on a common cyclical basis. In addition, this provision requires that any CDC program authorization or reauthorization bill Congress considers this year or next will provide for authorization of that specific program through 1995 only.

It is my intent to work with the chairman of the Committee on labor and Human Resources, Senator KENNEDY, to have the provisions in this legislation included in CDC program reauthorization legislation the committee will markup on Friday of this week.

Mr. President, I welcome any suggestions my colleagues or others may have for improving this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "CDC Reauthorization Unification Act of 1993".

SEC. 2. ALIGNMENT OF CURRENT CENTERS FOR DISEASE CONTROL AND PREVENTION REAUTHORIZATION SCHEDULE.

(a) LEAD POISONING PREVENTION.—Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b–1(l)(1)) is amended by striking "through 1977" and inserting "and 1995".

(b) PROSTATE CANCER PREVENTION.—Section 317D(l)(1) of such Act (42 U.S.C. 247b–5(l)(1)) is amended by striking "through 1996" and inserting "and 1995".

(c) CANCER REGISTRIES.—Section 399L(a) of such Act (42 U.S.C. 280e–4(a)) (as amended by section 2003(1) of Public Law 103–43) is amended by striking "each of the fiscal years 1995 through 1996" and inserting "fiscal year 1995".

(d) HEALTH PROMOTION AND DISEASE PREVENTION RESEARCH AND DEMONSTRATION CENTERS.—Section 1706(e) of such Act (42 U.S.C. 300u–5(e)) is amended by striking "through 1996" and inserting "through 1995".

(e) PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANTS.—Section 1901(a) of such Act (42 U.S.C. 300w(a)) is amended by striking "through 1997" and inserting "and 1995".

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that, beginning on the date of enactment of this Act and continuing through fiscal year 1995, all Acts regarding the authorization or reauthorization of Centers for Disease Control and Prevention programs should be authorized only through fiscal year 1995. Beginning in fiscal year 1995, Congress should reauthorize the Centers for Disease Control and Prevention and its programs in one comprehensive Act. After fiscal year 1995, reauthorization of such Centers and its programs should occur on a regular cyclical basis.•

By Mr. GRAHAM:

S. 1302. A bill to designate the Federal building in Jacksonville, FL, as the "Charles E. Bennett Federal Building"; to the Committee on Governmental Affairs.

CHARLES E. BENNETT FEDERAL BUILDING ACT OF 1993

• Mr. GRAHAM. Mr. President, today I am introducing legislation to name the Federal building in Jacksonville, FL, for former Congressman Charles E. Bennett.

When Charlie Bennett retired at the end of the 102d Congress at 81, he was the second-most senior member of the entire Congress, having devotedly represented the city of Jacksonville in the House of Representatives for 44 years.

Congressman Bennett's devotion to Jacksonville and tremendous service in Congress make the naming after him of a Federal building in Jacksonville a perfect tribute to him. After all, he spent his career in Congress fighting to make Jacksonville a better, more progressive place. And the people of Jacksonville appreciate his contributions on a daily basis.

Many of our colleagues in the Senate have also served in the House of Representatives at some point during their careers. And, though not all of them were in the House concurrently with each other, every single one of them served with Charlie Bennett. All of them were affected by Congressman Bennett's legislative achievements. It was his legislation that created the House Ethics Committee, and he authored the Code of Ethics for Government Service.

Mr. Bennett was also instrumental in converting Jacksonville's military installation into one of the Nation's premier military facilities. Evidence of the important role Jacksonville now plays was found during the Persian Gulf war, when Jacksonville was one of the principal staging areas for the tremendous task of transporting equipment and personnel to the gulf region.

Beyond his contributions to the quality of American government and the vitality of the Jacksonville community, Congressman Bennett's first love has always been the environment. I was privileged to work with Mr. Bennett on a series of environmental initiatives which have yielded great benefits to recreation in Florida. His years of experience gave him invaluable perspective on the evolving role of the Federal Government in preserving America's great heritage.

Mr. President, it is fair to say that no public official has done more for the city of Jacksonville than Charlie Bennett. The vision of Jacksonville's future which Mr. Bennett helped create includes a new Federal building in the center of downtown.

The legislation I am introducing today would name that building the "Charles E. Bennett Federal Building." This bill is but a token of the appreciation America owes to Congressman Bennett. I ask that the bill be printed in the RECORD following my remarks and am hopeful that the Senate will grant it swift approval.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal Building at 400 Bay Street in Jacksonville, Florida, is designated as the "Charles E. Bennett Federal Building". If a new Federal building is built in Jacksonville, Florida, to replace the building at 400 Bay Street, the new Federal building shall be designated as the "Charles E. Bennett Federal Building".

SEC. 2. LEGAL REFERENCES.

Any reference in and any law, regulation, document, record, map, or other paper of the United States to the Federal building referred to in section 1 is deemed to be a reference to the "Charles E. Bennett Federal Building".●

By Mr. HATCH (for himself and Mr. BOREN):

S. 1303. A bill to amend the Public Health Service Act to establish Federal standards to ensure quality assurance in private sector drug testing programs, and for other purposes; to the Committee on Labor and Human Resources.

QUALITY ASSURANCE IN THE PRIVATE SECTOR DRUG TESTING ACT

Mr. HATCH. Mr. President, I join today with my good friend and colleague from Oklahoma, Senator BOREN, in sponsoring the Quality Assurance in the Private Sector Drug Testing Act, a bill to regulate workplace drug testing in the United States. The text of this measure is identical, except for a conforming change in the date, to S. 2008, which Senator BOREN and I sponsored in the last Congress.

Substance abuse, including drug abuse, remains a very high public health priority, which, unfortunately, often does not receive the attention it deserves. Continued support for prevention, early intervention, treatment, education, and community-centered initiatives are all elements in our national strategy to combat drug abuse. Equally important are employer-based initiatives, including education, testing, and appropriate followup.

Recently, the Robert Wood Johnson Foundation published its 1992 annual report, "Substance Abuse * * * To Promote Health and Prevent Disease by Reducing Harm Caused by Substance Abuse." In the forward to that report, the foundation outlined in very graphic terms the horrors of substance abuse:

> It is the worst of plagues. It knows no season and no boundaries. No mosquito will be identified, no microbe isolated, no vaccine invented to end its reign. It is a pestilence with all the classic trappings of social disruption, suffering and death.

The Robert Wood Johnson report goes on to outline the dramatic ramifications of substance abuse, noting that: "The cost to business in lost productivity, absenteeism, and health insurance premiums is astronomical."

Mr. President, the wreckage of drug abuse in our society continues to pile up. While progress occurs here and there—and we have had some small successes—this epidemic has still not been brought under control. Until we do, we can expect to see more broken families, more ruined careers, more crime and violence, more cases of AIDS and TB, more workplace injury and, importantly, less workplace productivity.

It is ironic that, with our increasingly sophisticated debate about health care cost growth and the factors that lead to that growth, the enormous expense that drug abuse imposes on our medical and social services systems, not to mention on employers, has been largely left out of the debate.

A large part of the drug abuse that occurs in this country is by people who are employed, although that is not the stereotype. Thus, it becomes clear that a key element in controlling drug abuse is workplace-based programs.

There is an increasing body of evidence that well designed drug-free workplace campaigns do help reduce drug abuse rates and that a well designed drug testing program can be a vital component of those plans.

The legislation I introduce today with Senator BOREN would accomplish two functions: It would subject private sector workplace drug testing to a system designed to ensure accuracy and reliability of tests; and it would make uniform an employer's ability to test under certain circumstances while offering protections and remedies to employees.

Specifically, S. 1303 requires all private sector testing to be performed in a laboratory certified in accordance with enumerated standards. Although implementing details are left up to the Department of Health and Human Services to develop, the bill provides a framework of required standards in every area necessary for good testing: specimen collection; chain-of-custody; quality assurance; and staff training, to name a few examples.

Our legislation ensures that the HHS implementing regulations will be crafted particularly for the private sector, taking into account the realities of the workplace and the many successful, ongoing, business-run programs. In particular, specific provision is made for a separate certification track for screen-testing-only facilities, which would preserve and regulate, among others, the on-site testing so important in the workplace.

Employers will have predictability, through preemption, in the design of multistate drug testing programs and will clearly have the ability to institute universal random testing. This testing would cover all employees, including management; this is increasingly being adopted in the workplace with good results.

The Hatch-Boren bill will benefit employees, who can have the confidence that the test procedures and results will be fair and accurate. Further, employees are provided, among other protections, the guarantee that all positive screen test results will be confirmed by a certified laboratory. As an additional safeguard, the bill contains a set of remedies for damages and equitable relief for improper testing, failure to maintain confidentiality, and other violations.

I note that S. 1303 is supported by a wide range of employers, including Halliburton/Brown & Root, Rockwell International, the Labor Policy Association, and the National Association of Stevedores. I hope my colleagues will study this legislation carefully and join us in supporting the measure.

Mr. BOREN. Mr. President, I am pleased once again to introduce the Workplace Anti-Drug Abuse Act, a bill that addresses the need for a comprehensive drug testing and enforcement policy in the workplace. This act, which I put forward today together with my colleague Senator HATCH, provides specific guidelines for drug testing in the workplace, and clearly outlines the rights of workers with respect to such testing.

Although national attention may no longer be focused on the problem of drugs and their corrupting effect on our society, the plague of drugs is far from over. Drugs still permeate the entire social fabric of our Nation. The crippling power of drugs is destroying the future of our youth who fall under their influence and undercuts the years of hard work and accomplishments of drugs' adult victims. On the streets, they cause violence that has become so commonplace that today only the most brutal atrocities are able to shock us. In our homes, drugs tear apart families and strike at the very foundation of this country.

The workplace has not been left untouched by this drug epidemic. Gang wars and other acts of high-profile violence are not the problem here; drugs in the workplace cause a quieter, more subtle form of damage. Here, drugs not only fatally infect the lives of workers who use them, but drugs also cost the country $60 billion a year in worker accidents, insurance, lost productivity and absenteeism.

Drug testing and enforcement in the workplace naturally raises some important issues concerning the rights and privacy of employees. This bill addresses these concerns with comprehensive guidelines that an employer instituting such a drug testing program must follow. It also requires that such drug tests be conducted by reliable, federally certified labs. This bill does not unilaterally force any employer to institute a drug program; these guidelines are solely intended for employers who voluntarily institute such a program.

This legislation also emphasizes prevention over punishment and is designed to include provisions that will keep drugs out of the workplace before they can become a serious problem.

The act requires an employer who conducts drug tests to have a written anti-drug abuse policy so that employees are aware of the consequences of drug use. In addition, employers must have a drug awareness program. Using such an approach, many workers will be spared the pain and agony caused by drugs. Testing is a last resort and will identify those who have succumbed to the temptation of drugs. Identifying these victims will allow them to receive timely treatment, before they cause irreparable damage to themselves or their employer.

This bill provides employers with uniform and predictable standards for the implementation and operation of drug-testing programs, while it assures employees that testing will be conducted in an accurate and objective fashion. I urge all Senators to support this legislation, which is fair to both employers and employees and represents an important step toward ridding our Nation's workplaces of drugs.

By Mr. BAUCUS (for himself and Mr. CHAFEE):

S. 1304. A bill to amend the Federal Water Pollution Control Act to improve the conservation of wetlands and thereby restore and maintain the physical, chemical, and biological integrity of the Nation's waters, and for other purposes; to the Committee on Environment and Public Works.

THE WETLANDS CONSERVATION AND REGULATORY IMPROVEMENTS ACT OF 1993

• Mr. BAUCUS. Mr. President, I am introducing legislation today with Senator CHAFEE to better conserve wetlands and to improve the regulation of wetlands development under section 404 of the Clean Water Act.

Wetlands are our most important aquatic environments. They help maintain and improve water quality by removing and retaining nutrients, processing wastes, and reducing sediment. They temporarily store flood waters, acting like large sponges, and thereby reduce downstream flood peaks and protect property owners from flood damage. By recharging groundwater, wetlands help maintain watertable levels needed to provide irrigation and drinking water supplies and to prevent loss of soil moisture.

Wetlands sustain most of the Nation's fisheries. Nearly all recreationally important freshwater fish are dependent upon wetlands and associated nearshore waters for spawning sites, nursery areas, and sources of food. Wetlands are especially important as breeding grounds, overwintering areas, and feeding sites for waterfowl and many other migratory birds. These aquatic habitats also support over one-third of all threatened and endangered species in the United States.

Each year in Montana, nearly 400,000 people spend over $160 million to go fishing. Almost 30,000 people spend millions of dollars more hunting waterfowl. Nearly three Montanans out of every five enjoy watching and photographing waterfowl and other wildlife species.

Nationwide, wetlands sustain the fisheries and wildlife that generate annual expenditures in excess of $40 billion.

Unfortunately, the food, recreation, and jobs provided by wetlands are in jeopardy. The U.S. Fish and Wildlife Service, recently estimated that wetland losses averaged nearly 300,000 acres per year from the mid-1970's to the mid-1980's

More than 50 percent of the wetlands in the lower 48 States that existed in the late 18th century have been lost. The State of Montana has fared better than the national average, but it still has lot more than a quarter of its original wetlands.

Section 404 of the Clean Water Act protects wetlands and other waters from the adverse effects of filling. In preventing and minimizing wetlands loss and degradation, the section 404 program is essential to achieving the Clean Water Act's goal of restoring and maintaining "the chemical, physical, and biological integrity of the Nation's waters."

When wetlands are filled, water quality deteriorates, property owners are made more susceptible to flood damage, watertable levels drop, waterfowl populations decline, and fisheries and shellfisheries suffer.

Section 404 remains a critical component of this Nation's effort to have healthy aquatic environments. But from almost anyone's perspective, there are problems with this program.

It is confusing. It is difficult for the public to understand the program's requirements and, therefore, how to comply with them. It is particularly difficult for farmers and ranchers to sort through and reconcile the various requirements of section 404 and the swampbuster provisions of the Food Security Act.

It is often financially or technically difficult for small landowners to take the steps, such as identification and delineation of wetlands, necessary to even apply for a section 404 permit to fill portions of a wetland.

The section 404 permit process can still drag on for too long without a decision one way or another. And permit applicants have no avenue other than the courts to appeal a decision on their application.

The current section 404 program does not adequately encourage and facilitate State involvement in wetlands protection efforts. And there is a need for better coordination of these efforts at all levels of government.

Wetlands are destroyed in many ways other than by filling, such as draining and excavation, which are not now regulated under section 404.

Wetlands losses also have remained high in part because cumulative impacts are difficult to assess and address under the section 404 permitting process. This individual permit process also results in piecemeal mitigation efforts that are often unduly burdensome to the permit applicant, poorly monitored for compliance, and ineffective in achieving environmental goals.

Current Federal and State wetland protection efforts also too often fail to look beyond impacts to a specific wetland and to consider the effects on the watershed.

The Wetlands Conservation and Regulatory Improvements Act of 1993 being introduced by Senator CHAFEE and I today addresses these and other problems with the current section 404 program to improve the effectiveness, fairness and flexibility of the program without jeopardizing a critical national asset—our remaining wetlands resource base.

The bill has four major goals?

First, the efficiency, consistency and fairness of the regulatory program;

Second, make it easier for farmers and ranchers to comply with Federal wetlands protection efforts;

Third, build a stronger partnership for wetlands conservation between Federal agencies and the States; and

Fourth, enhance the protection and restoration of wetlands nationwide.

REGULATORY PROGRAM IMPROVEMENTS

To improve the operation of the section 404 regulatory program, the bill requires substantial education, outreach, and information efforts to help the public understand the program and improve their ability to comply with its requirements. In addition, the bill provides technical assistance in delineating wetlands for small landower permit applicants.

The bill sets tight deadlines for permit processing and requires even shorter permit processing times for wetlands within an approved wetlands and watershed management plan.

The bill establishes a process for appeal of permit decisions.

To move away from piecemeal mitigation efforts that are often unduly burdensome to the permit applicant, poorly monitored for compliance, and ineffective in achieving environmental goals, the bill authorizes use of mitigation banks. While there is potential for abuse in the use of banks, the bill recognizes that, with appropriate safeguards, they also have the potential to be a more efficient and effective means of not only offsetting unavoidable wetlands losses, but of increasing the quality and quantity of the Nation's wetlands resource base through restoration efforts.

To ensure predictability in the identification and delineation of wetlands, the bill writes into law the definition of wetlands that has been in the section 404 regulations unchanged since 1977.

The bill then mandates continued use of the 1987 Corps of Engineers Wetlands Delineation Manual until a new manual is developed. Development of a new manual would have to be done: First, with opportunity for public review and comment; second, in consultation with the States; third, on the basis of the best available scientific information; and fourth, in a way that takes into account regional variations in soils, hydrology, and vegetation. No new delineation manual could be issued until the National Academy of Sciences issues its report on this subject, which is expected late next year.

SIMPLIFIES FARMER/RANCHER COMPLIANCE

To make it easier for farmers and ranchers to comply with both section 404 and the wetlands provisions of the Food Security Act, the bill exempts prior converted croplands from regulation under section 404.

In addition, the bill exempts wetlands areas established in uplands, such as stock ponds and areas created by irrigation.

The bill provides for issuance of regulations that generally authorize under section 404—through a so-called general permit—any activity found by the Soil Conservation Service to be exempt under the mitigation and minimal effect provisions of the Food Security Act's swampbuster program. Consequently, farmers and ranchers will be dealing with the SCS on these determinations, and to the extent necessary, SCS will be dealing with the Corps of Engineers.

In addition, the bill requires that EPA, the corps, and SCS develop consistent policies regarding wetlands determinations on agricultural lands under both the Food Security Act and the Clean Water Act, so that as much as possible, a determination by one agency under one of these laws will be accepted by another agency under the other law.

The bill also clarifies that haying and grazing are included within those normal farming activities that are exempted from regulation under section 404.

INCREASED OPPORTUNITY FOR STATE INVOLVEMENT

To provide increased opportunity for State involvement in wetlands conservation and regulation, the bill authorizes, with appropriate safeguards, State—and within an approved watershed plan—local—program general permits to increase State flexibility and speed permit processing.

The bill authorizes and provides funding for State wetlands planning and for State and local wetlands and watershed management planning. And the bill establishes a State/local/Federal committee to coordinate wetlands conservation and restoration efforts.

ENHANCING WETLANDS PROTECTION AND RESTORATION EFFORTS

Finally, to enhance wetlands protection and restoration efforts under the Clean Water Act, the bill first makes wetlands protection and restoration a goal of the Clean Water Act.

The bill expands the activities subject to regulation to include draining, excavation, ditching, and mechanized land-clearing of wetlands.

To help Federal and State wetland protection efforts to look beyond impacts to a specific wetland and to consider the effects on the watershed in which the wetland is located, the bill encourages the development of wetlands and watershed management plans. These plans will result in a more comprehensive and integrated approach to wetlands protection.

And the bill directs Federal agencies and the States to establish a National Wetlands Restoration Strategy.

The Wetlands Conservation and Regulatory Improvements Act of 1993 is sincere effort to find common ground in improving a very controversial program. In developing the bill, we have reached out to the administration, to our colleagues, to the States, and to many other affected and interested parties in a pragmatic effort to both improve protection of wetlands and to improve the regulatory process under current Federal laws.

The Subcommittee on Clean Water, Fisheries, and Wildlife of the Committee on Environment and Public Works, chaired by Senator GRAHAM, will conduct a hearing in early September on this bill and on protection and regulation of wetlands generally under the Clean Water Act.

We have introduced the bill at this time to provide our colleagues and the various interested and affected parties an opportunity to thoroughly review it. This legislation will be combined in the committee markup process with the Clean Water Act reauthorization bill, S. 1114.

I look forward to working with each of you as the committee proceeds to develop Clean Water Act legislation for consideration by the full Senate later this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wetlands Conservation and Regulatory Improvements Act".

SEC. 2. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 3. DECLARATION OF POLICIES AND GOALS.

Section 101(a) (33 U.S.C. 1251(a)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "and"; and

(3) by adding at the end the following:

"(8) it is the national policy to achieve, through regulatory and non-regulatory strategies involving all levels of government—

"(A) the restoration of wetlands to increase the quality and quantity of the wetlands resource base of the United States; and

"(B) no overall net loss of the remaining wetlands resource base of the United States.".

SEC. 4. DEFINITION AND DELINEATION OF WETLANDS.

(a) DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended—

(1) in paragraph (7) by inserting ", including wetlands" immediately before the period.

(2) by adding at the end the following new paragraph:

"(21) The term 'wetlands' means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, fens, potholes, playa lakes, vernal pools, and similar areas.".

(b) DELINEATION OF WETLANDS.—

(1) REVISIONS TO DELINEATION PROCEDURES.—After the date of enactment of this Act, no revisions to or clarifications of the guidelines for identifying and delineating wetlands areas under section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a)), as amended by this Act, shall be issued until the National Academy of Sciences has completed the study of wetlands authorized by Public Law 102–389.

(2) CONTINUED USE OF 1987 MANUAL.—Until the guidelines for identifying and delineating wetlands areas are issued pursuant to section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a)), as amended by this Act, the Secretary of the Army, acting through the Chief of Engineers, and the Administrator of the Environmental Protection Agency shall use the January, 1987, Corps of Engineers Wetlands Delineation Manual and implementing guidelines to identify and delineate such wetlands areas.

(3) DELINEATION GUIDELINES.—Section 404(a) (33 U.S.C. 1344(a)) is amended by inserting "(1)" after "(a)" and by adding the following new paragraph:

"(2) The Administrator in conjunction with the Secretary, the Secretary of Agriculture and the Secretary of the Interior shall, after field testing and notice and opportunity for public review and comment, issue guidelines to identify and delineate wetlands areas. The guidelines shall—

"(A) be developed in consultation with the States;

"(B) be based on the best available scientific information; and

"(C) take into account regional variations in hydrology, soils and vegetation.".

(4) DELINEATION TRAINING, CERTIFICATION AND OUTREACH.—

(A) TRAINING OF WETLANDS DELINEATORS.—The Secretary of the Army, acting through the Chief of Engineers, and the Administrator of the Environmental Protection Agency shall, in consultation with the Coordinating Committee established under section 323 of the Federal Water Pollution Control Act, as amended by this Act, develop materials and conduct training courses for consultants and State and local governments to explain the guidelines for identifying and delineating wetlands areas pursuant to section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a)), as amended by this Act.

(B) FUNDING FOR TRAINING AND CERTIFICATION PROGRAM.—Of amounts appropriated for each fiscal year beginning after the date of the enactment of this Act for administration of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) by the Corps of Engineers, the Secretary of the Army, with the Administrator, shall use such amounts as are practicable to carry out the Corps of Engineers Program for interagency wetlands delineation training and the program for training and certification of Federal employees and other individuals as wetlands delineators authorized by section 307(e) of the Water Resources Development Act of 1990 (Public Law 101–640).

(5) ASSISTING SMALL LANDOWNERS WITH WETLANDS DELINEATION.—

(A) IN GENERAL.—Of amounts appropriated for each fiscal year beginning after the date of enactment of this Act for administration of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), the Secretary of the Army, acting through the Chief of Engineers, and the Administrator of the Environmental Protection Agency shall use such amounts as are necessary, but not to exceed a combined total of $5,000,000, to assist private landowners who lack the financial capacity to identify or delineate wetlands in order to apply for permits under that section or to avoid impacts to wetlands.

(B) FORM OF ASSISTANCE.—The assistance under subparagraph (A) shall be provided in cooperation with the Director of the U.S. Fish and Wildlife Service and the Chief of the Soil Conservation Service and shall include:

(i) the delineation of wetlands boundaries within 90 days of a request for such delineation to the maximum extent practicable; and

(ii) technical assistance to owners of wetlands in the preparation of wetlands management plans for their lands to protect and restore wetlands and meet other goals of the Federal Water Pollution Control Act, including protection and propagation of fish, shellfish, and wildlife, control of nonpoint and point sources of pollution, prevention and reduction of erosion, and protection of estuaries and lakes.

(C) REGULATIONS.—Within 180 days after the date of enactment of this Act, the Secretary and the Administrator shall issue regulations defining the scope of technical assistance and which landowners are eligible for assistance under this paragraph.

(6) EDUCATION AND INFORMATION.—The Secretary of the Army, acting through the Chief of Engineers, and the Administrator of the Environmental Protection Agency shall, in cooperation with the Coordinating Committee established under section 323 of the Federal Water Pollution Control Act (as amended by this Act), prepare, update on a biannual basis, and make available to the public for purchase at cost—

(A) an indexed publication containing all federal regulations, general permits, and regulatory guidance letters relevant to the permitting of activities pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(B) information to enable the general public to understand the delineation of wetlands, section 404 permitting requirements, wetlands restoration, and other matters considered relevant.

SEC. 5. REGULATION OF ACTIVITIES.

(a) DEFINITION OF FILL MATERIAL.—

(1) Section 404(d) (33 U.S.C. 1344(d)) is amended —

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end the following:

"(2) The term 'fill material' as used in this section means any material that has the effect of replacing portions of navigable waters or changing the bottom elevation or configuration of a water body.".

(2) Section 502(6) (33 U.S.C. 1362(6)) is amended by inserting "fill material, dirt," after "dredged spoil,".

(b) DEFINITION OF DISCHARGE OF DREDGED OR FILL MATERIAL.—Section 404(d) (33 U.S.C. 1244(d)), as amended by this Act, is amended by adding at the end the following:

"(3) The term 'discharge of dredged or fill material' means any additionof dredged or fill material into navigable waters and includes, without limitation, any addition or redeposit of dredged or fill materials, including excavated materials, into the navigable waters which is incidental to any activity, including draining, mechanized landclearing, ditching, channelization, or other excavation that has or would have the effect of destroying or degrading any area of navigable waters.".

SEC. 6. PERMIT PROCESSING IMPROVEMENTS.

(a) PERMIT DECISION DEADLINES.—Section 404(a) (33 U.S.C. 1344(a)), as amended by this Act, is amended by adding the following new paragraphs:

"(3) Except as provided in paragraph (4), a decision with respect to an application for a permit under paragraph (1) shall be made not later than the 90th day after the date the notice of such application is published under paragraph (1).

"(4) The Secretary's decision with respect to an application for a permit under paragraph (1) may be made after the 90th day referred to in paragraph (3), only if—

"(A) with respect to issuance of the permit, the Secretary is required under the National Environmental Policy Act of 1969, as amended, to issue an environmental impact statement, in which case the decision shall be made within 30 days of date on which the requirements of that Act are met;

"(B) the permit application involves an activity that may affect any species that is listed or any critical habitat that is designated under the Endangered Species Act of 1973, as amended, in which case the decision shall be made within 30 days of the date on which the requirements of that Act are met;

"(C) the Administrator, the Secretaries of the Departments of Agriculture, the Interior, Commerce, or Transportation, the head of another appropriate Federal agency, or the Governor of the State in which the activity occurs requests that the decision be made after such day, in which case the decision shall be made not later than the 150th day after the date the notice of application is published under paragraph (1);

"(D) the Secretary and the permit applicant determine that additional time is needed to evaluate such application; or

"(E) the decision is precluded as a matter of law or procedures required by law.".

(b) DEADLINES ON PROHIBITION OR RESTRICTION OF ACTIVITIES BY ADMINISTRATOR.—Section 404(c) (33 U.S.C. 1344(c)) is amended by adding at the end the following new sentence: "The Administrator shall make any determination under this subsection to prohibit or restrict any discharge into navigable waters resulting from an activity for which a permit may be issued under subsection (a) not later than the 180th day after the date of a decision with respect to an application for such a permit under subsection (a).".

(c) ADMINISTRATIVE APPEAL OF PERMIT DECISIONS.—

(1) IN GENERAL.—Section 404(a) (33 U.S.C. 1344(a)), as amended by this Act, is amended by adding at the end the following new paragraph:

"(5) The Secretary shall, after notice and an opportunity for public comment, issue rules establishing procedures under which—

"(A) an applicant for a permit under paragraph (1) or any person who participated in the public comment process regarding such permit application may appeal a decision under this subsection with respect to such a permit; and

"(B) an appeal shall be heard and decided by an official other than the person who made the decision with respect to such a permit.".

(2) DEADLINE FOR ISSUANCE OF RULES.—The Secretary shall issue rules under section 404(a)(5) (33 U.S.C. 1344(a)(5)), as amended by this Act, by not later than 180 days after the date of the enactment of this Act.

SEC. 7. GENERAL PERMIT IMPROVEMENTS.

Section 404(e) (33 U.S.C. 1344(e)) is amended to read as follows:

"(e)(1) IN GENERAL.—In carrying out the functions of the Secretary under this section relating to the discharge of dredged or fill material, the Secretary may, after notice and opportunity for a public hearing, issue general permits.

"(2) CATEGORIES OF ACTIVITIES.—General permits may be issued on a State, regional, or nationwide basis for any category of activities involving discharges of dredged or fill material if the Secretarydetermines that the activities in such category are similar in nature, will cause only minimal adverse environmental effects when performed separately, and will have only a minimal cumulative adverse effect on the environment.

"(3) STATE AND LOCAL PROGRAMS.—

"(A) IN GENERAL.—A general permit may be issued for an existing State, Tribal, regional or local regulatory program to avoid unnecessary duplication of requirements by Federal, State, Tribal, regional, and local programs if the general permit—

"(i) requires that the State, Tribal, regional, or local regulatory program has jurisdiction over the activities and waters within the scope of the general permit;

"(ii) provides adequate safeguards to ensure that the State, Tribal, regional, or local regulatory program will have no more than minimal cumulative impacts on the environment and will provide at least the same degree of protection for the navigable waters as that provided by this section;

"(iii) provides at least the same opportunity for public review, comment and hearings as that provided by this section; and

"(iv) includes provisions to provide an opportunity for the Secretary, the Administrator, the Secretary of the Interior (acting through the Director of the U.S. Fish and Wildlife Service), and the Secretary of Commerce (acting through the Administrator of the National Oceanic and Atmospheric Administration) to review permit decisions submitted to the State, Tribal, regional, or local regulatory agency to ensure that the requirements of this subsection are met.

"(B) After December 31, 1996, a general permit shall not be issued or remain in effect for a local regional regulatory program unless the program is part of a wetlands and watershed management plan approved under section 322, and the responsible unit of government has the legal authority and scientific monitoring capability to issue, monitor, and enforce permits in compliance with the requirements of the plan and the terms and conditions of the general permit.

"(4) SWAMPBUSTER.—A general permit may be issued for discharges of dredged or fill material associated with activities found by the Secretary of Agriculture, in consultation with the Secretary of the Interior acting through the Director of the U.S. Fish and Wildlife Service, to be exempted from the ineligibility provisions of section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) pursuant to section 1222(f) and (h) of that Act if the general permit—

"(A) provides adequate safeguards to ensure that the activities exempted will have no more than minimal individual and cumulative impacts on the environment; and

"(B) includes provisions to provide an opportunity for the Secretary and the Administrator to review determinations by the Secretary of Agriculture to ensure that the terms and conditions of the general permit and the requirements of this subsection are met.

"(5) REQUIREMENTS APPLICABLE TO GENERAL PERMITS.—

"(A) No general permit issued under this subsection shall be for a period of more than five years after the date of its issuance and such general permit may be revoked or modified by the Secretary if, after notice and opportunity to request a public hearing, the Secretary determines that the activities authorized by such general permit have an adverse impact on the environment or such activities are more appropriately authorized by individual permits or a State, Tribal or local government has failed to adequately monitor and control the individual and cumulative adverse effects of activities authorized by State, Tribal, regional or local program general permits issued under paragraph (3).

"(B) Any general permit issued under this subsection shall—

"(i) be based on the guidelines developed pursuant to subsection (b)(1); and

"(ii) set forth requirements and standards which shall apply to any activity authorized by such permit, including specific enforceable requirements and standards for mitigation of adverse impacts to wetlands and other navigable waters.".

SEC. 8. COORDINATION AND CLARIFICATION OF PROGRAM CONCERNING AGRICULTURAL ACTIVITIES.

(a) COORDINATION WITH AGRICULTURAL PROGRAMS.—Section 404(q) (33 U.S.C. 1344(q)) is amended by inserting "(1)" after "(q)" and by adding the following new paragraph:

"(2) Not later than 180 days after the date of enactment of this subsection, the Secretary, the Administrator, the Secretary of the Interior, and the Secretary of Agriculture shall enter into agreements to develop consistent criteria and procedures for making technical determinations under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) and this section concerning wetlands located on agricultural lands, including but not limited to the delineation of wetlands and prior converted croplands and to provide information and education concerning these criteria and procedures.".

(b) EXEMPTION FOR PRIOR CONVERTED CROPLAND.—Section 404(f) (33 U.S.C. 1344(f)) is amended by adding the following new paragraph:

"(3)(A) Areas determined in accordance with subparagraph (B) to be prior converted cropland shall not be considered to be navigable waters.

"(B) The Secretary, the Administrator, the Secretary of Agriculture, and the Secretary of the Interior shall promulgate regulations, after notice and opportunity for public review and comment, for identifying areas that meet the description under subparagraph (A) for administering the programs established under this section and subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.).".

(c) OTHER EXEMPT WATERS AND AREAS.—Section 404(f) (33 U.S.C. 1344(f)), as amended by this Act, is amended by adding the following new paragraph:

"(4)(A) For purposes of this section, the following shall not be considered to be navigable waters:

"(i) nontidal drainage and irrigation ditches excavated in uplands;

"(ii) artificially irrigated areas which would revert to uplands if the irrigation ceased;

"(iii) artificial lakes or ponds created by excavating or diking uplands to collect and retain water, and which are used exclusively for stock watering, irrigation, or rice growing;

"(iv) artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking uplands to retain water for primarily aesthetic reasons;

"(v) water-filled depressions created in uplands incidental to construction activity and pits excavated in uplands for the purpose of obtaining fill, sand, or gravel, unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and

"(vi) artificial stormwater detention areas and artificial sewage treatment areas that are not modifications of navigable waters.".

(d) EXEMPTED ACTIVITIES.—Section 404(f)(1) 33 U.S.C. 1344(f)(1)) is amended to read as follow:

"(f)(1) Except as provided in paragraph (2), the discharge of dredged or fill material into navigable waters—

"(A) from normal farming, silviculture, and ranching activities, such as haying, grazing, plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices;

"(B) for the purpose of maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures;

"(C) for the purpose of construction or maintenance of farm orstock ponds or irrigation ditches, or the maintenance of drainage ditches;

"(D) for the purpose of construction of temporary sedimentation basins on a construction site which does not involve a discharge of fill into navigable waters;

"(E) for the purpose of construction or maintenance of farm roads or forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained, in accordance with best management practices, to assure that flow and circulation patterns and chemical and biological characteristics of the navigable waters are not impaired, that the read of the navigable waters is not reduced, and that any adverse effect on the aquatic environment will otherwise be minimized; or

"(F) resulting from any activity with respect to which a State has an approved program under section 208(b)(4) which meets the requirements of subparagraph (B) and (C) of such section,

is not prohibited by or otherwise subject to regulation under this section or section 301(a) or 402 of this Act (except for effluent standards or prohibitions under section 307).".

(e) COOPERATION WITH SECRETARY OF AGRICULTURE.—Section 404(f) (33 U.S.C. 1344(f)), as amended by this Act, is amended by adding the following new paragraph:

"(5) In carrying out this subsection, the Secretary and the Administrator shall coordinate their efforts with the Secretary of Agriculture.".

SEC. 9. MITIGATION BANKS.

Section 404 (33 U.S.C. 1344) is amended by adding at the end thereof the following new section:

"(u) MITIGATION BANKS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the Wetlands Conservation and Regulatory Improvements Act of 1993, the Secretary and the Administrator shall jointly issue rules, after notice and opportunity for public review and comment, for establishment, use, maintenance and oversight of mitigation banks.

"(B) PROVISIONS AND REQUIREMENTS.—Rules for establishment, use, maintenance and oversight of mitigation banks shall ensure that mitigation banks—

"(i) comply with the guidelines under subsection (b)(1);

"(ii) to the extent practicable and environmentally desirable, provide in-kind replacement of lost wetlands functions and be located on or in proximity to the same watershed as impacted wetlands;

"(iii) provide for the long-term security of ownership interests of wetlands and uplands on which projects are conducted to protect the wetlands values associated with the mitigation bank;

"(iv) employ consistent and scientifically-sound methods to determine debits by evaluating wetlands functions and project impacts at the sites of proposed permits for discharges of dredged or fill material pursuant to this section, and methods to be used to determine credits based upon wetlands functions, values, and acreages at the sites of mitigation banks;

"(v) base fee charges for participation in the mitigation bank on the full costs of replacing lost wetlands functions and acreage, including the costs of land acquisition, wetlands establishment, management measures, long-term maintenance, monitoring, and protection, potential remediation of project failure, and other relevant factors;

"(vi) shall specify responsibilities for long-term monitoring, maintenance, and protection; and

"(vii) shall provide opportunity for public review of proposals for mitigation banks through one or more opportunities for public notice and comment.

"(2) DEFINITION.—As used in this subsection, the term "mitigation bank" means wetlands restoration projects undertaken by one or more parties, including private and public entities, expressly for the purpose of providing, in advance, mitigation compensation credits to fully offset reasonably foreseeable wetlands losses from future discharges of dredged or fill material into the navigable waters, where compensatory mitigation at the project site is not practicable or is not environmentally desirable.".

SEC. 10. GRANT AUTHORITY FOR RESEARCH, INVESTIGATION, AND TRAINING.

Section 104 (33 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(v) The Secretary of the Army, acting through the Chief of Engineers, is authorized to make grants to and enter into cooperative agreements with State agencies, interstate agencies, other public or non-profit agencies, institutions, organizations and individuals for purposes stated in paragraph (1) of subsection (a) of this section.".

SEC. 11. REPORTS AND ANALYSIS.

"(a) EFFECTS OF PROGRAM ON WETLANDS.—Section 404(a) (33 U.S.C. 1344(a)), as amended by this Act, is amended by adding at the end of the following new paragraph:

"(6)(A) The Secretary, the Administrator, and the States which have a permit program approved under subsection (h) (2) shall collect and make available to the Congress and the public every 2 years information regarding the effects on navigable waters of activities conducted under permits (including general permits) issued pursuant to this section, including—

"(i) the number of permit applications that were granted, withdrawn or denied;

"(ii) estimates of the total acreage of navigable waters affected adversely by issuance of individual permits;

"(iii) estimates of the acreage of navigable waters affected by each general permit, in order to determine whether the individual and cumulative adverse environmental effects of activities authorized by each general permit are minimal; and

"(iv) estimates of the acreage of navigable waters preserved or restored through mitigation of permitted activities and the rate of compliance with such mitigation requirements.

"(B) MONITORING.—For purposes of preparing reports under this paragraphs, the Secretary, the Administrator, and the Secretary of the Interior shall jointly monitor the achievement of the policy stated in section 101(a) (8) under permits issued under this section.".

"(b) NEEDS ANALYSIS.—

"(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress an analysis of the needs of the Department of the Army, the Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service for additional personnel, administrative resources, and funding to improve implementation of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) and to carry out the provisions of this Act.

(2) CONTENTS.—The analysis submitted under this subsection shall—

(A) give particular emphasis to the needs of the agencies identified in paragraph (1) with respect to improving and expediting wetlands delineation and section 404 permitting, including advance planning and early consultation;

(B) include specific recommendations regarding additional appropriations and staffing necessary for that improvement and expedition; and

(C) include specific recommendations concerning allocation of additional appropriations and staffing to the regional, district and field offices of the agencies identified in paragraph (1) according to the workload of those offices.

SEC. 12. WETLANDS CONSERVATION, MANAGEMENT AND RESTORATION.

(a) FUNDING FOR STATE WETLANDS CONSERVATION PLANS.—Section 104(b)(3) (33 U.S.C. 1254(b)(3)) is amended by inserting immediately before the semicolon "and for the development and implementation of State wetlands conservation plans under section 321".

(b) WETLANDS CONSERVATION, MANAGEMENT AND RESTORATION.—Title III (33 U.S.C. 1311 et seq.) is amended by the adding at the end of the following new sections:

"SEC. 321. STATE WETLANDS CONSERVATION PLANS.

"(a) DEVELOPMENT AND IMPLEMENTATION ASSISTANCE.—Subject to the requirements established by the Administrator and this section, the Administrator is authorized to make grants to States to assist in the development and implementation of State wetlands conservation plans.

"(b) CONTENTS OF PLANS.—To qualify for assistance under subsection (a), a State wetlands conservation plan shall generally include:

"(1) management strategies and policies for achieving within the State the goal under section 101(a)(8);

"(2) an inventory of wetlands resources in the State;

"(3) a description of the major causes of wetlands loss and degradation in the State, including an estimate of historical wetlands losses;

"(4) a description of State and local government programs applying to wetlands resources in the State;

"(5) identification of sites in the State with wetlands restoration potential;

"(6) identification of riparian areas in the State with restoration potential;

"(7) a schedule for implementing the elements of the plan;

"(8) a mechanism for monitoring achievement of the stated goals of the plan;

"(9) measures to assist in the development of wetlands and watershed management plans under section 322; and

"(10) involvement of local public and private agencies and organizations which have expertise in wetlands conservation or land use planning or development.

"SEC. 322. WETLANDS AND WATERSHED MANAGEMENT PLANS.

"(a) DESIGNATION AND APPROVAL OF MANAGEMENT UNITS AND ENTITIES.—

"(1) IN GENERAL.—The Governor of a State may at any time designate wetlands and associated land areas within the State as a wetlands and watershed management unit.

"(2) UNIT BOUNDARIES.—The boundaries of each wetlands and watershed management unit shall be identified on a map and shall be based on the best available scientific information and, to the extent practicable, consistent with the hydrological units identified by the United States Geological Survey of the Department of the Interior as the most appropriate units for planning purposes.

"(3) MANAGEMENT ENTITY.—The Governor of a State shall determine the entity responsible for developing and implementing a plan for each wetlands and watershed management unit designated under this section. The management entity may be an agency of State government, a local government agency, a substate regional planning organization, a conservation district or other natural resource management district, or any other public or nonprofit entity which has adequate powers to carry out the responsibilities authorized by this section.

"(4) APPROVAL.—Each designation of a wetlands and watershed management unit and a corresponding management entity under this subsection shall be submitted to the Administrator and the Secretary of the Army, acting through the Chief of Engineers (hereinafter in this section referred to as "Secretary"), for approval. The Administrator and the Secretary shall approve the designation of a management unit and entity not later than 180 days after the date of submittal, if the designation meets the requirements of this section. If the Administrator and the Secretary disapprove the designation, they shall notify the State in writing of the reasons for disapproval. The State may resubmit the designation amended to meet the objections of the Administrator and the Secretary.

"(b) DEVELOPMENT AND APPROVAL OF A WETLANDS AND WATERSHED MANAGEMENT PLAN.—

"(1) PLAN DEVELOPMENT.—An approved management entity shall be eligible to receive funding pursuant to section 106(h), 205(j), 319(e), or 604(b) (or any combination thereof) for the following activities in the development of a wetlands and watershed management plan:

"(A) inventory and mapping of—

"(i) all navigable waters within the proposed wetlands and watershed management unit;

"(ii) potential wetlands restoration sites;

"(B) assessment of the functions and relative value of wetlands within the wetlands and watershed management unit;

"(C) categorization of activities according to the degree to which they have an adverse effect on navigable waters within the wetlands and watershed management unit;

"(D) identification and adoption of programs, policies and measures to achieve within the wetlands and watershed management unit the goal under section 101(a)(8);

"(E) identification of potential mitigation banks;

"(F) identification and adoption of measures to integrate wetlands planning and management with broader water resource and land use planning and management, including floodplain management, water supply, stormwater management, and control of point and nonpoint source pollution;

"(G) identification and adoption of measures to increase consistency in Federal, State, and local wetlands definitions, delineation methodologies, and permitting approaches; and

"(H) identification and establishment of management strategies for restoring wetlands on a watershed basis.

"(2) PUBLIC PARTICIPATION.—Each State shall establish procedures, including the establishment of scientific and citizens' advisory committees, to encourage the public to participate in developing wetlands and watershed management plans under this section.

"(3) APPROVAL OF PLANS.

"(A) SUBMISSION OF PLAN.—The Governor of a State many submit to the Administrator for approval a wetlands and watershed management plan developed pursuant to this section.

"(B) DECISION ON PLAN.—The Administrator and the Secretary shall, in consultation with the Secretaries of the Interior, Agriculture, and Commerce, and after notice and opportunity for public comment, approve or disapprove a wetlands and watershed management plan within 180 days of the date the plan is submitted by a Governor pursuant to this paragraph.

"(C) PLAN REQUIREMENTS.—The Administrator and the Secretary shall approve a wetlands and watershed management plan submitted pursuant to this paragraph if they determine that the plan satisfies each of the following conditions:

"(i) the plan has been developed for a wetlands and watershed management unit designated and approved pursuant to subsection (a);

"(ii) the management entity with responsibility to carry out the plan has been designated and approved pursuant to subsection (a) and has the legal authority and financial resources to carry out the plan;

"(iii) the plan contains an inventory and mapping of—

"(I) all navigable waters within the proposed wetlands and watershed management unit;

"(II) potential wetlands restoration sites with a description of their intended functions upon completion and the time required to completion;

"(iv) the management entity has adopted programs, policies and measures that will ensure achievement within the watershed of the goal under section 101(a)(8); and

"(v) the plan provides that the management entity will report to the Administrator, the Secretary and the public every two years on implementation of the plan and on the losses and gains in functions and acres of wetlands within the wetlands and watershed management unit.

"(c) PLAN IMPLEMENTATION AND REVISION.—

"(1) PLANNING AND IMPLEMENTATION SCHEDULE.—Each wetlands and watershed management plan submitted and approved under subsection (b) shall include a planning and implementation schedule for a period of at least 10 years.

"(2) DURATION OF APPROVAL.—The approval of a plan by the Administrator and the Secretary shall apply for a period not to exceed 10 years.

"(3) PLAN REVISIONS.—A revised and updated plan may be submittedfor approval prior to the expiration of the period specified in paragraph (2) pursuant to the same conditions and requirements that apply to any initial plan for a wetlands and watershed management unit that is approved pursuant to subsection (b).

"(d) INCENTIVES FOR WETLANDS AND WATERSHED MANAGEMENT PLANNING.—

"(1) FUNDING OF PROJECTS AND ACTIVITIES.—Projects and activities identified in an approved plan as necessary for achievement within the wetlands and watershed management unit of the goal under section 101(a)(8), and not otherwise required by this or other Federal law, shall—

"(A) be eligible for funding under section 603(c)(1)(F);

"(B) be included in any needs assessment conducted pursuant to section 516; and

"(C) be eligible for funding under section 604(a)(2)(C).

"(2) EXPEDITED PERMIT REVIEW.—Notwithstanding section 404(a), a decision under that section with respect to a completed application for a permit for discharge of dredged or fill material into navigable waters within a designated wetlands and watershed unit and subject to an approved wetlands and watershed management plan shall be made not later than the 60th day after the date the notice of such application is published under section 404(a)(1), unless—

"(A) with respect to issuance of the permit, the Secretary is required under the National Environmental Policy Act of 1969 to issue an environmental impact statement;

"(B) the permit application involves an activity that may affect any species that is listed or any critical habitat that is designated under the Endangered Species Act of 1973;

"(C) the Administrator, the Secretaries of the Departments of Agriculture, the Interior, Commerce, or Transportation, the head of another appropriate Federal agency, or the Governor of the State in which the activity occurs requests that the decision be made after such day, in which case the decision shall be made not later than the 90th day after the date the notice of application is published under section 404(a)(1);

"(D) the Secretary and the permit applicant determine that additional time is needed to evaluate such application; or

"(E) the decision is precluded as a matter of law or procedures required by law.

"(3) MITIGATION BANKS.—

"(A) At the request of an approved management entity, the Secretary and the Administrator shall provide assistance in establishment of mitigation banks under this section and section 404(u) by the approved management entity to achieve the goal under section 101(a)(8) within an approved wetlands and watershed management unit and in accordance with an approved wetlands and watershed management plan.

"(B) Establishment and oversight of mitigation banks within an approved wetlands and watershed management unit and in accordance with an approved wetlands and watershed management plan shall be eligible for funding under paragraph (1).

"(4) PROGRAMMATIC GENERAL PERMITS.—After December 31, 1996, a general permit may be issued or remain in effect under section 404(e)(3) for a local or regional regulatory program if the program is part of a wetlands and watershed management plan approved under section 322.

"(f) RESEARCH PROGRAM.—The Administrator, in cooperation with the Secretary, the Secretary of the Interior and other appropriate Federal, State and local government entities, shall initiate a research program of wetlands and watershed management. The research program shall include—

"(1) study of the functions, values and management needs of altered, artificial, and managed wetlands systems;

"(2) study and development of techniques and methods for determining and analyzing the functions and values of different types of wetlands;

"(3) study and development of techniques for managing and restoring wetlands within a watershed context;

"(4) study and development of techniques for better coordinating and integrating wetlands protection, floodplain management, stormwatermanagement, point and nonpoint source pollution controls, and water supply planning on a watershed basis;

"(5) development of criteria for identifying wetlands restoration sites on a watershed basis; and

"(6) recommendation of procedures and ecological criteria for wetlands restoration.

"SEC. 323. INTERGOVERNMENTAL WETLANDS COORDINATING COMMITTEE.

"(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of the Wetlands Conservation and Regulatory Improvements Act of 1993, the Administrator shall establish a committee to coordinate federal, State, and local government wetlands policies (hereinafter in this section referred to as the "Coordinating Committee").

"(b) FUNCTIONS.—The Coordinating Committee shall—

"(1) assist in coordinating Federal, State, and local wetlands policies;

"(2) make comments available to the Secretary of the Army, acting through the Chief of Engineers, or the Administrator regarding existing and proposed regulatory, policy, program, or technical guidance affecting wetlands systems;

"(3) in cooperation with the Secretary of the Army, acting through the Chief of Engineers, and the Administrator, assist in the review and field-testing of technical and scientific methods utilized in wetlands regulatory and non-regulatory programs;

"(4) encourage the development and implementation of State wetlands conservation plans pursuant to section 321;

"(5) encourage the development and implementation of wetlands and watershed management plans pursuant to section 322; and

"(6) assist in the development of a national strategy for the restoration of wetlands ecosystems pursuant to section 324.

"(c) MEMBERSHIP.—The Committee shall be composed of 18 members as follows:

"(1) the Administrator;

"(2) the Secretary of the Army, acting through the Chief of Engineers;

"(3) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service;

"(4) the Secretary of Agriculture, acting through the Chief of the Soil Conservation Service;

"(5) the Under Secretary of Commerce for Oceans and Atmosphere;

"(6) one individual appointed by the Administrator who shall represent the National Governor's Association;

"(7) one individual appointed by the Administrator who shall represent the National Association of Counties;

"(8) one individual appointed by the Administrator who shall represent the National League of Cities; and

"(9) ten State wetlands experts selected and appointed by the Administrator from among nominations submitted by the Governors of each State.

"(d) TERMS.—Each member appointed pursuant to paragraph (6), (7), (8), or (9) of subsection (c) shall be appointed for a term of 2 years.

"(e) VACANCIES.—A vacancy in the Coordinating Committee shall be filled, on or before the 30th day after the vacancy occurs, in the manner in which the original appointment was made.

"(f) PAY.—Members shall serve without pay, but may receive travel expenses (including per diem in lieu of subsistence) in accordance with Sections 5702 and 5703 of Title 5, United States Code.

"(g) CO-CHAIRPERSONS.—The Administrator and one member appointed pursuant to paragraph (6), (7), or (8) of subsection (c) who shall be selected by such members shall serve as co-chairpersons of the Coordinating Committee.

"SEC. 324. NATIONAL COOPERATIVE WETLANDS RESTORATION STRATEGY.

"(a) DEVELOPMENT.—Not later than one year after the date of the enactment of the Wetlands Conservation and Regulatory Improvements Act of 1993, the Administrator and the Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Coordinating Committee established under section 323, and with opportunity for public comment and participation, shall develop a National Cooperative Wetlands Restoration Strategy (hereinafter referred to as the "Restoration Strategy").

"(b) GOALS.—The goal of the Restoration Strategy shall be to restore damaged and degraded wetlands and riparian ecosystems consistent with the goals of this Act and with the recommendations of the National Academy of Sciences with regard to the restoration of aquatic ecosystems.

"(c) FUNCTIONS.—The Restoration Strategy shall—

"(1) be designed to help coordinate and promote restoration efforts by Federal, State, regional, and local governments and the private sector;

"(2) inventory and evaluate existing restoration efforts and make suggestions for the establishment of additional efforts and funding mechanisms for such efforts consistent with existing Federal, State and local programs and plans;

"(3) evaluate the role played by, and success of, wetlands restoration efforts in both regulatory and non-regulatory contexts;

"(4) evaluate current efforts to monitor restoration efforts;

"(5) periodically report on the status of wetlands restoration efforts; and

"(6) identify regulatory and non-regulatory obstacles to wetlands ecosystem restoration and recommend methods to remove such obstacles.".•

• Mr. CHAFEE. Mr. President, today Senator BAUCUS and I are introducing a bill to improve the existing Federal Wetlands Regulatory Program, section 404 of the Clean Water Act. Our bill, the Wetlands Conservation and Regulatory Improvements Act, will enhance the effectiveness, fairness, and flexibility of Federal wetlands protection—without jeopardizing our remaining wetlands resources. The bill makes it easier for farmers to comply with Federal wetlands regulations and provides for a stronger partnership for wetlands conservation between Federal agencies and the States.

The Clean Water Act's Wetlands Protection Program has two major problems. First, it is one of the most controversial environmental programs in existence and it is under serious attack in Congress. Second, it is not as effective as it needs to be in protecting wetlands. This bill is an attempt to solve both of these problems—to address legitimate complaints and to improve the effectiveness of the program.

Several months ago, during the debate on Senator BOND's wetlands amendment to the EPA cabinet bill, Senator BAUCUS and I pledged to carefully examine the Federal Wetlands Regulatory Program and work to address the concerns that have been expressed by a number of Senators regarding section 404. I believe the introduction of this bill goes a long way toward fulfilling our charge.

The bill is the result of consultations with groups and individuals representing numerous interests affected by wetlands protection—including developers, farmers, State agencies, and environmentalists. Our staffs have met with the staffs of just about every Senator who has expressed dissatisfaction with the current program. We also worked closely with the administration—which has recently established an Interagency Working Group on Federal Wetlands Policy at the request of Senator BREAUX and other Senators to examine wetlands issues. We found that many concerns could be addressed without weakening our commitment to maintain and restore wetlands.

Frankly, Mr. President, this bill does not go as far as I would like in strengthening the 404 wetlands program. I continue to believe we are losing too many wetlands—an astounding 200,000 acres per year—and it would be wise to significantly strengthen wetlands protection efforts. I recognize, however, that neither wetlands nor the public derive any benefit from the controversy that has plagued our wetlands protection efforts in recent years. By introducing more flexibility and responsiveness into the wetlands regulation program and by emphasizing wetlands and watershed planning, the enactment of this legislation would increase both the level of acceptance and the effectiveness of the section 404 regulatory program.

Before discussing the specific provisions of the bill, I would like to review the functions and values of wetlands to explain why it is important to protect them in the first place. Unfortunately, the people of the Midwest suffering from the devastating effects of the summer floods may have learned too late about one important function that wetlands perform—flood storage. When left in their natural state, wetlands along rivers and streams act as buffers that can catch and hold flood waters. Once the wetlands are destroyed, however, there is nothing to hold the floods back and the water pours out into croplands and developed areas such as our towns and cities.

It is important to note that three of the States that have been the most severely affected by the floods had already seen significant losses of their historical wetlands areas: Illinois had lost 85 percent of their wetlands prior to the flood; Missouri 87 percent; and Iowa 90 percent. Experts believe the loss of wetlands and their flood storage capacity has exacerbated flood damage in the area.

Wetlands are also one of the most biologically productive ecosystems on Earth. They are home to migratory waterfowl and many other species of birds. Approximately two-thirds of the major U.S. commercial fishes depend upon wetlands for nursery or spawning grounds. Over one-third of our endangered and threatened species depend upon wetlands at some stage in their life cycle.

Wetlands improve water quality and help reduce non-point source pollution by collecting and filtering sediments and pollutants—before they reach streams, rivers, and estuaries. Wetlands also act as recharge sites for groundwater systems. In short, wetlands are an essential part of the hydrologic cycle, and thus, critical to achieving the goal of the Clean Water Act: to restore and maintain the chemical, physical, and biological integrity of our Nation's waters.

Despite the valuable functions wetlands perform, attempts to protect wetlands have been controversial—primarily because most wetlands are found on private lands. In addition, while section 404 of the Clean Water Act regulates wetlands generally, the swampbuster provision of the Food Security Act prohibits farmers who convert wetlands from receiving agricultural subsidy payments. The existence of two different laws affecting agricultural wetlands has led to confusion and misunderstandings about what farmers need to do to comply with Federal law.

Our bill will greatly simplify the process for farmers. First, it exempts prior converted croplands—which are exempt under swampbuster—from section 404. This is consistent with current U.S. Army Corps regulatory policy—a policy that has been in effect since September 26, 1990; our bill would simply recognize that policy as part of the law. Second, it exempts wetlands established by human actions in uplands, such as stock ponds and wet areas created by irrigation. Third, it provides for issuance of regulations that generally authorize, through a general permit, under section 404 any activity found by the Soil Conservation Service [SCS] to be exempt under the mitigation and minimal effect provisions of the Food Security Act. Finally, it requires EPA, the Corps, and SCS to develop consistent policies regarding wetlands determinations on agricultural lands under the Food Security Act and the Clean Water Act. These provisions will reduce confusion and lead to better, more consistent wetlands determinations.

The bill also contains a number of provisions to improve administration of the 404 regulatory program—to help landowners receive quick, consistent decisions and to improve our efforts to protect the wetlands. It requires, in most cases, that permits be issued in less than 90 days—or 60 days for wetlands that are located within an area covered by an approved wetlands and watershed management plan. It establishes an administrative appeals process, and provides wetlands delineation assistance for small landowners seeking a section 404 permit. These provisions will reduce unnecessary delay in the permitting process and provide assistance to small landowners attempting to comply with section 404.

The bill also authorizes, with appropriate safeguards, the use of mitigation banks. I realize that mitigation banking has been opposed by many environmentalists as weakening wetlands protection. Nevertheless, the fact is that these banks are allowed—and many exist—under current law even though there is no legislative language specifically authorizing them. Under current law, mitigation banking is an ongoing practice and there are no apparent limits governing their use. Our bill would authorize them and place appropriate restrictions on their use to improve the operation of the mitigation banks while protecting wetlands values.

The participation and cooperation of States is vital if we are to achieve our goal of protecting and restoring the Nation's wetlands. The bill increases opportunities for State involvement in the section 404 program without requiring a State to assume the entire program. It authorizes, under appropriate conditions, State program general permits. Local areas with an approved wetlands plan would also be eligible for local program general permits.

State and local program general permits already exist under current law—but are ill-defined and are not governed by any legislative requirements or safeguards. These new provisions will change that. They increase State flexibility and accelerate decisions, without sacrificing valuable wetlands.

The bill also authorizes and provides funding for State and local wetlands and watershed planning. Adoption of a plan under this provision would not allow States or localities to weaken protections for wetlands. What wetlands plans can do is reduce the uncertainty and cost of protecting wetlands by allowing States to plan ahead and evaluate wetlands in the context of the overall watershed. In this way, States and local governments can work with Federal agencies to protect their vital resources and still allow for economically and environmentally sustainable development.

One especially controversial issue regarding wetlands—the definition and the delineation of wetlands—has substantially subsided since both the Corps and the EPA formally adopted the 1987 Corps delineation manual. Our bill adopts the current section 404 regulatory definition of wetlands and mandates continued use of the 1987 wetlands manual until a new manual is adopted. Any new manual is required to be developed after public notice and comment, and after considering the recommendations of the National Academy of Science [NAS]. The NAS is expected to complete their study regarding the definition and delineation of wetlands some time next year. There is little to be gained by changing the current definition or delineation method until the results of the NAS study are known. Any change would only cause confusion and uncertainty for landowners and the States.

Finally, the bill seeks to improve—to strengthen—Federal efforts to enhance and restore wetlands. It makes the protection and restoration of wetlands one of the explicit goals of the Clean Water Act. The bill expands the list of activities harmful to wetlands which are subject to regulation under section 404. For the first time draining and excavation will be covered by 404. It also calls on Federal agencies and the States to establish a National Wetlands Restoration Strategy.

We need to continue our efforts to protect and restore wetlands if we hope to meet the goals of the Clean Water Act. The Wetlands Conservation and Regulatory Improvements Act is an attempt to address the complaints we have heard about the section 404 regulatory program, without jeopardizing our remaining wetlands resource base, and I urge my colleagues to support it.•

By Mr. BIDEN (for himself, Mr. BINGAMAN, Mr. THURMOND, Mr. ROTH, Mr. DOMENICI, Mr. LIEBERMAN, Mr. LEVIN, Mr. LAUTENBERG, Mr. DECONCINI, Mr. CONRAD, Mr. ROBB, Mr. INOUYE, Mr. METZENBAUM, and Mr. SASSER):

S.J. Res. 117. A joint resolution to designate August 1, 1993, as "National Incest and Sexual Abuse Healing Day"; to the Committee on the Judiciary.

NATIONAL INCEST AND SEXUAL ABUSE HEALING DAY

• Mr. BIDEN. Mr. President, I introduce a joint resolution designating August 1, 1993 as "National Incest and Sexual Abuse Healing Day."

Statistics paint a grim picture of America's growing child sexual abuse epidemic. According to figures released by the National Center for Child Abuse Prevention Research, 2.9 million child abuse cases were reported to child protective services [CPS] agencies in 1992, representing a 50-percent increase from reported cases between 1985 and 1992. Of these reported cases, 19 percent—over 400,000—were sexual abuse cases.

National figures on incest are not as readily available. However, statistics from my own State of Delaware show that of the 594 rape cases handled by the New Castle County Rape Response Unit, 73 percent of the victims were children, and approximately 45 percent of the cases involved incest. In addition, as far back as 1977, a study surveying 930 San Francisco women found that 38 percent had been sexually abused before the age of 18. Of those women, 89 percent had been abused by a relative or family acquaintance. Finally, even with the high numbers of incest cases, studies have shown that fewer than 10 percent of incest cases ever get to court.

Even more disheartening are the actual stories of child abuse and sexual abuse of children, which seem to be in the news in greater frequency these days. On any day, the wire services are filled with a number of gruesome child abuse stories. I will choose a few examples from a single day earlier this week—there are many more—to share with my colleagues.

In Beckley, WV, a 24-year-old woman recently pleaded guilty to helping her husband sexually assault a 10-year-old girl over a 3-year period. The woman would knowingly pick up and drive the girl to her home to be assaulted by her husband, who also pleaded guilty to a number of sexual abuse charges.

In Passaic, NJ, an 11-year-old girl and her 12-year-old girlfriend have been charged with taking the clothes off a 7-year-old boy and a 9-year-old girl and forcing them to have oral and vaginal sex. When questioned by police, the girls said they had seen their relatives perform sex, and had seen it on cable television.

Finally, in Ebensburg, PA, an 18-year-old man and his 16-year-old girlfriend, who had been babysitting a 6-year-old girl and 4-year-old boy, have been arrested and charged with sexually abusing the children by forcing them to perform various sex acts, photographing themselves while engaged in various sex acts with the children, and having the children take pictures of them while they performed various sex acts.

Mr. President, I apologize to my Senate colleagues for the graphic depictions I have described here; but I could have never imagined anything more horrific than these true-life stories.

I realize many of us hear stories such as these and, out of revulsion, tend to want to block them out, or change the subject, because they are somebody else's children, and somebody else's problem. However I am here today to say that they are our children and our problem, because they are also our future. No one, no class, and no area is immune to these crimes. The stories I mentioned before indicate that these crimes occur in small towns as well as cities, and cross all social and economic boundaries. We must—and, as the chairman of the Senate Judiciary Committee, I say we will—seek out solutions to curb these crimes.

In addition, we must also seek out solutions to help the survivors of these crimes. With every case of sexual abuse of children—except in the cases where the abuse is deadly—a living victim is born. The fortunate ones may be able to overcome their trauma by speaking out, creating an open and honest dialog on the topic. Others, unable to come to terms with what has occurred, may face years of physical and emotional problems. Many will grow up to be the next generation of abusers.

A number of survivors and advocates of child abuse victims have said that speaking out about past abuses not only helps them begin to recover, it also helps combat these crimes by bringing about more public awareness and understanding. On August 1, a number of organizations—including Action for Children Today [ACT] in my State of Delaware—will provide such a forum by holding the first-ever nationwide speakout by survivors of incest and child sexual abuse.

That is whey, with a number of my Senate colleagues, I have introduced this resolution: to applaud the efforts of these groups to bring attention to such heinous crimes, and to show support for the brave survivors who are willing to speak out and stand up for the silent many who are still troubled by past abuses. I invite all of my colleagues to join us in this effort, and I ask unanimous consent that the complete text be printed in the RECORD following my remarks.

There being no objection, the joint resolution was ordered printed in the RECORD, as follows:

S.J. RES. 117

Whereas child abuse occurs in alarming proportions, with 2.9 million reported cases in 1992, increasing by 50% between 1985 and 1992; and

Whereas sexual abuse of children, including abuse by family members, is a crime crossing all social or economic boundaries in the United States; and

Whereas child abuse is frequently perpetuated, as one generation of victims becomes the next generation of abusers, creating a vicious cycle of violence; and

Whereas opportunities to speak out publicly and truthfully about child sexual abuse are deemed of value by numerous survivors and victims' advocates, as a means to promote public awareness and understanding and to foster a sense of support for and among victims; and

Whereas open and honest dialogue is a prerequisite for progress in combatting child abuse; and

Whereas August 1, 1993, will be the first nationwide "speakout" by survivors of incest and child sexual abuse: Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That August 1, 1993, be designated as "National Incest and Sexual Abuse Healing Day," to be observed by the people of the United States with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. ROTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 15, a bill to establish a Commission on Government Reform.

S. 221

At the request of Mr. METZENBAUM, the names of the Senator from Wisconsin [Mr. FEINGOLD] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 221, a bill to allow a prisoner under sentence of death to obtain judicial review of newly discovered evidence showing that he is probably innocent.

S. 299

At the request of Mr. RIEGLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 299, a bill to amend the Housing and Community Development Act of 1974 to establish a program to demonstrate the benefits and feasibility of redeveloping or reusing abandoned or substantially underutilized land in economically and socially distressed communities, and for other purposes.

S. 364

At the request of Mrs. FEINSTEIN, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 364, a bill to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions.

S. 515

At the request of Mr. PRYOR, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 515, a bill to amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under Medicare.

S. 784

At the request of Mr. HATCH, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 985

At the request of Mr. INOUYE, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 1015

At the request of Mr. DORGAN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1015, a bill to establish a 2-year moratorium on construction and leasing of space by the Federal Government, and for other purposes.

S. 1040

At the request of Mr. BINGAMAN, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1040, a bill to support systemic improvement of education and the development of a technologically literate citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States.

S. 1111

At the request of Mr. KERREY, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Colorado [Mr. BROWN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Dakota [Mr. DASCHLE], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, D.C.

S. 1118

At the request of Mr. HATFIELD, the names of the Senator from Missouri [Mr. BOND] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1118, a bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

S. 1123

At the request of Mr. GORTON, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1123, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1256

At the request of Mr. DOLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1256, a bill to amend the Foreign Assistance Act of 1961 to examine the status of the human rights of people with disabilities worldwide.

S. 1274

At the request of Mr. BUMPERS, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Maine [Mr. MITCHELL], the Senator from Massachusetts [Mr. KERRY], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1274, a bill to authorize funding for certain Small Business Administration programs, and for other purposes.

SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the names of the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Idaho [Mr. CRAIG], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mr. GRAMM], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week."

SENATE JOINT RESOLUTION 115

At the request of Mr. COCHRAN, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Nevada [Mr. REID], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Colorado [Mr. BROWN], the Senator from Washington [Mrs. MURRAY], the Senator from New Mexico [Mr. DOMENICI], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 115, a joint resolution designating November 22, 1993, as "National Military Families Recognition Day."

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. DECONCINI, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution concerning the removal of Russian troops from the independent Baltic States of Estonia, Latvia, and Lithuania.

AMENDMENT NO. 698

At the request of Mr. D'AMATO the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Amendment No. 698 proposed to H.R. 2519, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

AMENDMENTS SUBMITTED

NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

GRAMM AMENDMENT NO. 700

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, as follows:

On page 43, line 4, strike the dash.

On page 43, line 5, strike "(1)".

On page 43, move the matter appearing on lines 5 through 8 so as to follow the matter appearing on line 4.

On page 43, line 8, strike ", and".

On page 43, strike line 9 and all that follows through "177" on line 10 and move the period so as to follow the matter on line 8.

On page 45, strike line 1 and all that follows through "(3)" on line 8, and insert "and

"(2)".

On page 104, lines 10 and 11, strike "nonduplication and nondisplacement requirements of section 177 and the".

On page 109, strike lines 4 through 11.

On page 109, line 12, strike "(B)" and insert "(A)".

On page 109, line 17, strike "(C)" and insert "(B)".

On page 109, lines 18 through 20, strike "nonduplication and nondisplacement requirements of section 177 and the".

On page 123, lines 16 and 17, strike "nonduplication and nondisplacement requirements of section 177 and the".

Beginning on page 123, strike line 19 and all that follows through "(6)" on line 3 of page 124, and insert "and

"(5)".

Beginning on page 133, line 21, strike the dash and all that follows through line 4 on page 134.

On page 134, line 5, strike "(ii)".

On page 134, lines 6 and 7, strike "nonduplication and nondisplacement requirements of section 177 and the".

Page 134, move the matter appearing on lines 5 through 9 so as to follow the matter appearing on line 21 of page 133.

On page 150, lines 20 through 22, strike "nonduplication and nondisplacement requirements of section 177 and the".

On page 174, line 15, add "and" after the semicolon.

On page 174, line 17, strike "; and" and insert a period.

Beginning on page 174, strike line 18 and all that follows through page 175, line 9.

Beginning on page 175, strike line 16 and all that follows through page 176, line 14 and redesignate the remaining sections in title I accordingly.

On page 306, strike lines 3 through 10 and redesignate the following section accordingly.

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

GLENN AMENDMENT NO. 701

Mr. GLENN proposed an amendment to the bill (H.R. 2519) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 28, add after line 22 the following new section:

SEC. 112. No funds appropriated under this Act or any other Act may be expended to implement or enforce Attorney General Order No. 1638–92, dated December 11, 1992 (relating to the jurisdiction of the Office of the Inspector General and certain allegations of misconduct).

BAUCUS AMENDMENT NO. 702

Mr. HOLLINGS (for Mr. BAUCUS) proposed an amendment to the bill (H.R. 2519), supra, as follows:

On page 76, insert between lines 19 and 20, the following new section:

SEC. 503. No funds appropriated or otherwise made available under this Act or any other Act may be expended for the salary of the United States Commissioner of the International Boundary Commission, United States and Canada.

HELMS (AND OTHERS) AMENDMENT NO. 703

Mr. HELMS (for himself, Mr. DOLE, Mr. COVERDELL, Mr. MCCAIN, Mr. MACK, Mr. D'AMATO, Mr. COCHRAN, Mr. PRESSLER, Mr. SMITH, Mr. CRAIG, Mr. NICKLES, Mr. BROWN, Mr. LOTT, Mr. GREGG, Mr. MURKOWSKI, Mr. BURNS, Mr. WALLOP, Mr. MCCONNELL, and Mr. LAUTENBERG) proposed an amendment to the bill (H.R. 2519), supra, as follows:

At the end of the pending amendment, insert the following:

RESTRICTION ON ASSISTANCE FOR NICARAGUA

(a) RESTRICTION.—Funds appropriated or otherwise made available under this or any other Act, including any funds which were obligated but not expended under any prior Act—

(1) may not be obligated or expended for the Government of Nicaragua; and

(2) may not be obligated or expended to any other country or international financial institution for reduction of any Nicaraguan indebtedness to that country or institution, until the President certifies to Congress that—

(A) the Government of Nicaragua has identified, apprehended, and brought to justice all individuals responsible for the provision of Nicaraguan passports discovered in connection with the February 26, 1993, bombing of the World Trade Center in New York;

(B) an independent international investigation, with the participation of appropriate United States law enforcement personnel, into the origins, leadership, funding, and activities of the international criminal network revealed by the explosion in Managua, Nicaragua, on May 23, 1993, has occurred and that the Government of Nicaragua has fully and completely implemented all recommendations of the investigation; and

(C) none of the senior officials of the Government of Nicaragua, including officials of the Sandinista Popular Army, the Sandinista National Police, and all intelligence services, is involved in, or provides support for, any act of international terrorism.

(b) REPORT.—Not later than 30 days after the date of enactment of this section, the Secretary of State shall, in consultation with the Federal Bureau of Investigation, the Immigration and Naturalization Service and any other appropriate Federal agency, submit a report to Congress on the extent of involvement by the Government of Nicaragua in international terrorist and criminal activities since April 25, 1990. Such report shall—

(1) include information on terrorist groups with an office or presence in Nicaragua and on arms storage in and arms smuggling and trafficking from Nicaragua;

(2) include information on the use of Nicaraguan passports in international terrorist activities, including the February 26, 1993, bombing of the World Trade Center;

(3) state whether the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) concerning Nicaragua's support for international terrorism and, if the Secretary has not made such a determination, shall contain a detailed explanation of the reasons for not doing so;

(4) state whether the Secretary of State has made a determination under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) concerning Nicaragua's support for international terrorism and, if the Secretary has not made such a determination, shall contain a detailed explanation of the reasons for not doing so;

(5) state whether the President has made a determination under section 554 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102–391) concerning Nicaragua's support for international terrorism and, if the President, has not made such a determination, shall contain a detailed explanation of the reasons for not doing so; and

(6) include information on individuals or groups in the United States who aid or abet guerrilla or terrorist operations in violation of United States law in Nicaragua.

(c) EXEMPTION.—The restriction in subsection (a) shall not apply with respect to funds made available under chapter 9 of part I of the Foreign Assistance Act (relating to disaster assistance) if such funds are notified in advance in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2393a).

(d) DEFINITIONS.—For purposes of this section—

(1) the term "Government of Nicaragua" means the government, any political subdivision thereof, and any agency or instrumentality thereof, including the armed forces and the security forces, and the judiciary, of Nicaragua;

(2) the term "international financial institution " includes the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Central American Bank of Economic Integration, and the International Monetary Fund; and

(3) the term "senior official" refers to—

(A) a vice-minister or minister of a government ministry;

(B) a director or deputy director of a government institute or parastatal;

(C) an individual with the rank of lieutenant colonel, or with an equivalent rank or above, in the armed forces or intelligence services; or

(D) an individual with the rank of sub-commander or above in the national police.

DECONCINI (AND OTHERS) AMENDMENT NO. 704

Mr. DECONCINI (for himself, Mr. D'AMATO, Ms. MIKULSKI, Mr. GLENN, Mr. MCCAIN, Mr. DASCHLE, Mr. WOFFORD, Mr. SARBANES, Mr. RIEGLE, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. BYRD, Mr. DODD, Mr. PRESSLER, and Mr. HELMS) proposed an amendment to the bill (H.R. 2519), supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . POLICY ON THE REMOVAL OF RUSSIAN ARMED FORCES FROM THE BALTIC STATES.

(a) FINDINGS.—The Congress finds that—

(1) the armed forces of the former Soviet Union, currently under control of the Russian Federation, continue to be deployed on the territory of the sovereign and independent Baltic States of Estonia, Latvia, and Lithuania against the wishes of the Baltic peoples and their governments;

(2) the stationing of military forces on the territory of another sovereign state against the will of that state is contrary to international law;

(3) the presence of Russian military forces in the Baltic States may present a destabilizing effect on the governments of these states;

(4) the governments of Estonia, Latvia, and Lithuania have demanded that the Russian Federation remove such forces from their territories;

(5) Article 15 of the July 1992 Helsinki Summit Declaration of the Conference on Security and Cooperation in Europe specifically calls for the conclusion, without delay, of appropriate bilateral agreements, including timetables, for the "early, orderly and complete withdrawal of such foreign troops from the territories of the Baltic States";

(6) the United States is aware of the difficulties facing the Russian Federation in resettling Russian soldiers and their families in Russia, and that the lack of housing is a factor in the expeditious removal of Russian troops;

(7) the United States is committed to providing assistance to the Russian Federation for construction of housing and job retraining for returning troops in an attempt to help alleviate this burden; and

(8) the United States is encouraged by the progress achieved thus far in removal of such troops, and welcomes the agreement reached between the Russian Federation and Lithuania establishing the August 1993 deadline for troop removal.

(b) POLICY.—The Congress calls upon the Government of the Russian Federation to continue to remove its troops from the independent Baltic States of Estonia, Latvia, and Lithuania through a firm, expeditious, and conscientiously observed schedule.

REID (AND BRYAN) AMENDMENT NO. 705

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to the bill (H.R. 2519), supra, as follows:

On page 87, between lines 20 and 21, insert the following new section:

SEC. 609. (a) Section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) is amended—

(1) in paragraph (1), by striking "and (4)" and inserting "(4), and (5)"; and

(2) by adding at the end thereof the following new paragraph:

"(5) The term 'employee' does not include any inmate of a penal or correctional institution of the Federal Government, District of Columbia, or a State or political subdivision of a State.".

(b) Section 13(a) of such Act (29 U.S.C. 213(a)) is amended—

(1) by striking the period at the end of paragraph (15) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(16) any inmate of a penal or correctional institution of the Federal Government, the District of Columbia, or a State or political, subdivision of a State.".

(c) the amendments made by this section shall apply as if enacted on the date of enactment of the Fair Labor Standards Act of 1938.

PRYOR (AND OTHERS) AMENDMENT NO. 706

Mr. PRYOR (for himself, Mr. HOLLINGS, Mrs. BOXER, Mr. WOFFORD, Mr. BINGAMAN, Mr. PELL, Mr. DOMENICI, Mr. COHEN, and Mr. RIEGLE) proposed an amendment to the bill (H.R. 2519), supra; as follows:

On page 49, line 22, after the word "expended" insert the following: "*Provided*, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when, in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: "*Provided further*, That, The Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment."

NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

GRAMM AMENDMENT NO. 707

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill (S. 919), supra, as follows:

At the appropriate place, insert the following:

"( ) EXPANDED WORK OPPORTUNITIES FOR NATIONAL SERVICE PARTICIPANTS.—Notwithstanding any other provision of this Act, nothing in this Act shall have the effect of—

( ) restricting the placement of a National Service participant under Subtitle C of title I; or

( ) limiting the scope of services, duties, or activities in which such a National Service participant may engage;

in order to comply with any nondisplacement provisions of this Act.

COMMERCE, JUSTICE, STATE, AND THE JUDICIARY APPROPRIATIONS FOR FISCAL YEAR 1994

PRESSLER AMENDMENT NO. 708

Mr. PRESSLER proposed an amendment to the bill (H.R. 2519), supra, as follows:

On page 72, line 12, strike the colon and insert in lieu thereof the following: "or that the United Nations has established a mechanism, process, or office—

"(1) to conduct and supervise audits and investigations of United Nations operations;

"(2) to provide leadership and coordination, and to recommend policies, for activities designed—

"(A) to promote economy, efficiency, and effectiveness in the administration of, and

"(B) to prevent and detect fraud and abuse in, such operations, and

"(3) to provide a means for keeping the Secretary-General fully and currently informed about problems and deficiencies relating to the administration of such operations and the necessity for and progress of corrective action: *Provided further*, That the Secretary of State, acting through the United States Permanent Representative to the United Nations, may propose that the Secretary-General of the United Nations establish an advisory committee to assist in the creation within the United Nations of such mechanism, process, or office: *Provided further*, That an advisory committee established consistent with the preceding proviso should be comprised of the permanent representatives to the United Nations from 15 countries having a commitment or interest in budgetary and management reform of the United Nations, including a wide range of contributing countries and developing countries representing the various regional groupings of countries in the United Nations: *Provided further*, That such advisory committee should evaluate and make recommendations regarding the efforts of the United Nations and its specialized agencies—

"(i) to establish a system of cost-based accounting;

"(ii) to continue the practice of conducting internal audits;

"(iii) to remedy any irregularities found by such audits; and "(iv) to make arrangements for regular, independent audits of United Nations operations: *Provided further*, That it is the sense of the Congress that even tougher measures to achieve reform should be put in place in the event that the withholding of arrearages does not achieve necessary reform in the United Nations:"

NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

KENNEDY (AND OTHERS) AMENDMENT NO. 709

Mr. KENNEDY (for himself, Mr. DURENBERGER, and Mr. WOFFORD) proposed an amendment to the bill (S. 919), supra, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National and Community Service Trust Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.

TITLE I—PROGRAMS AND RELATED PROVISIONS

Subtitle A—Programs

Sec. 101. Federal investment in support of national service.
Sec. 102. National Service Trust and provision of national service educational awards.
Sec. 103. School-based and community-based service-learning programs.
Sec. 104. Quality and innovation activities.

Subtitle B—Related Provisions

Sec. 111. Definitions.
Sec. 112. Authority to make State grants.
Sec. 113. Family and medical leave.
Sec. 114. Reports.
Sec. 115. Nondiscrimination.
Sec. 116. Notice, hearing, and grievance procedures.
Sec. 117. Nondisplacement.
Sec. 118. Evaluation.
Sec. 119. Engagement of participants.
Sec. 120. Contingent extension.
Sec. 121. Audits.
Sec. 122. Repeals.
Sec. 123. Effective date.

TITLE II—ORGANIZATION

Sec. 201. State Commissions on National and Community Service.
Sec. 202. Interim authorities of the Corporation for National and Community Service and ACTION Agency.
Sec. 203. Final authorities of the Corporation for National and Community Service.
Sec. 204. Business plan.

TITLE III—REAUTHORIZATION

Subtitle A—National and Community Service Act of 1990

Sec. 301. Authorization of appropriations.

Subtitle B—Domestic Volunteer Service Act of 1973

Sec. 311. Short title; references.

CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

Sec. 321. Purpose of the VISTA program.
Sec. 322. Selection and assignment of VISTA volunteers.
Sec. 323. Terms and periods of service.
Sec. 324. Support for VISTA volunteers.
Sec. 325. Participation of younger and older persons.
Sec. 326. Literacy activities.
Sec. 327. Applications for assistance.
Sec. 328. Repeal of authority for student community service programs.
Sec. 329. University year for VISTA.
Sec. 330. Authority to establish and operate special volunteer and demonstration programs.
Sec. 331. Technical and financial assistance.
Sec. 332. Elimination of separate authority for drug abuse programs.

CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS

Sec. 341. National Senior Volunteer Corps.
Sec. 342. The Retired and Senior Volunteer Program.
Sec. 343. Operation of the Retired and Senior Volunteer Program.
Sec. 344. Services under the Foster Grandparent Program.
Sec. 345. Stipends for low-income volunteers.
Sec. 346. Participation of non-low-income persons under parts B and C.
Sec. 347. Conditions of grants and contracts.
Sec. 348. Evaluation of the Senior Companion Program.
Sec. 349. Agreements with other Federal agencies.
Sec. 350. Programs of national significance.
Sec. 351. Adjustments to Federal financial assistance.
Sec. 352. Demonstration programs.

CHAPTER 3—ADMINISTRATION

Sec. 361. Purpose of agency.
Sec. 362. Authority of the Director.
Sec. 363. Compensation for volunteers.
Sec. 364. Repeal of report.
Sec. 365. Application of Federal law.
Sec. 366. Evaluation of programs.
Sec. 367. Nondiscrimination provisions.
Sec. 368. Elimination of separate requirements for setting regulations.
Sec. 369. Clarification of role of Inspector General.
Sec. 370. Copyright protection.
Sec. 371. Center for research and training.
Sec. 372. Deposit requirement credit for service as a volunteer.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS

Sec. 381. Authorization of appropriations for title I.
Sec. 382. Authorization of appropriations for title II.
Sec. 383. Authorization of appropriations for title IV.
Sec. 384. Conforming amendments; compensation for VISTA FECA claimants.
Sec. 385. Repeal of authority.

CHAPTER 5—GENERAL PROVISIONS

Sec. 391. Technical and conforming amendments.
Sec. 392. Effective date.

Subtitle C—Youth Conservation Corps Act of 1970

Sec. 399. Public Lands Corps.

TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 401. Definitions.
Sec. 402. References to the Commission on National and Community Service.
Sec. 403. References to Directors of the Commission on National and Community Service.
Sec. 404. Definition of Director.
Sec. 405. References to ACTION and the ACTION Agency.
Sec. 406. Effective date.

TITLE V—OTHER PROGRAMS

Sec. 501. Rural community service.

SEC. 2. FINDINGS AND PURPOSE.

(a) IN GENERAL.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:

"SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.

"(2) Americans desire to affirm common responsibilities and shared values, and join together in positive experiences, that transcend race, religion, gender, age, disability, region, income, and education.

"(3) The rising costs of postsecondary education are putting higher education out of reach for an increasing number of citizens.

"(4) Americans of all ages can improve their communities and become better citizens through service to the United States.

"(5) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.

"(6) Residents of low-income communities, especially youth and young adults, can be empowered through their service, and can help provide future community leadership.

"(b) PURPOSES.—It is the purpose of this Act to—

"(1) meet the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;

"(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;

"(3) expand educational opportunity by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training;

"(4) encourage citizens of the United States, regardless of race, religion, gender, age, disability, region, income, or education, to engage in full-time or part-time national service;

"(5) reinvent government to eliminate duplication in national service programs, support locally established service initiatives, encourage private sector investment and involvement in national service programs, and require measurable goals for performance in such programs and offer flexibility in meeting those goals;

"(6) empower residents of low-income communities, especially youth and young adults, through their service, and help provide future community leadership;

"(7) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens;

"(8) provide tangible benefits to the communities in which national service is performed;

"(9) build ties among Americans that transcend race, religion, gender, age, disability, region, income, and education;

"(10) encourage educational reform by introducing service-learning into curricula in elementary schools, secondary schools, and institutions of higher education; and

"(11) enable service participants to gain personal, academic, and occupational skills through service-learning experiences.".

(b) Table of Contents.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:

"Sec. 2. Findings and purpose.".

TITLE I—PROGRAMS AND RELATED PROVISIONS

Subtitle A—Programs

SEC. 101. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.

(a) Assistance Program Authorized.—Subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12541 et seq.) is amended to read as follows:

"Subtitle C—National Service Trust Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

"(a) Provision of Assistance.—Subject to the availability of appropriations, the Corporation may make grants to States, subdivisions of States, Indian tribes, public and private not-for-profit organizations (including labor organizations and community action agencies), and institutions of higher education for the purpose of assisting the recipients of the grants by paying for the Federal share of—

"(1) carrying out full- or part-time national service programs, including summer programs, described in section 122(a); and

"(2) making grants in support of other national service programs described in section 122(a) that are carried out by other entities.

"(b) Agreements With Federal Agencies.—

"(1) In general.—The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation under this subtitle.

"(2) Nonduplication.—A Federal agency that enters into a contract or cooperative agreement under paragraph (1) to support a national service program within a State—

"(A) shall consult with the State Commission serving the State to avoid duplication with any service program that is in existence in the State as of the date of the contract or cooperative agreement; and

"(B) shall, in an appropriate case, enter into a contract or cooperative agreement with an entity that is carrying out a service program described in subparagraph (A) that is of high quality, in order to support the national service program.

"(3) Application of requirements.—A Federal agency receiving assistance under this subsection shall comply with the Federal share requirements of section 129(d)(2)(B). The supplementation requirements specified in section 173 shall apply with respect to the Federal national service programs supported with such assistance.

"(c) Provision of Approved National Service Positions.—As part of the provision of assistance under subsections (a) and (b), the Corporation shall—

"(1) approve the provision of national service educational awards described in subtitle D for the participants who serve in national service programs carried out using such assistance; and

"(2) deposit in the National Service Trust established in section 145(a) an amount equal to the product of—

"(A) the value of a national service educational award under section 147; and

"(B) the total number of approved national service positions to be provided.

"(d) Five Percent Limitation on Administrative Costs.—

"(1) Limitation.—Not more than 5 percent of the amount of assistance provided to the original recipient of a grant or transfer of assistance under subsection (a) or (b) for a fiscal year may be used to pay for administrative costs (including indirect costs) incurred by—

"(A) the recipient of the assistance; and

"(B) national service programs carried out or supported with the assistance.

"(2) Rules on use.—The Corporation may by rule prescribe the manner and extent to which—

"(A) assistance provided under subsection (a) or (b) may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient of the grant or transfer of assistance under such subsection; and

"(ii) national service programs carried out or supported with the assistance.

"(e) Matching Funds Requirements.—

"(1) Requirements.—Except as provided in sections 129(d)(2)(B) and 140, the Federal share of the cost of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.

"(2) Calculation.—

"(A) In general.—In providing for the remaining share of the cost of carrying out a national service program, the program—

"(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(ii) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws).

"(B) Cost of health care.—In providing for such remaining share through a payment in cash, a national service program may count not more than 85 percent of the cost of providing health care policy described in section 140(d)(2) toward such share.

"(3) Waiver.—The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

"SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

"(a) Eligible National Service Programs.—The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance, directly or through subgrants to other entities, to carry out full- or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs. Subject to subsection (b)(1), these national service programs may include the following types of national service programs:

"(1) A community corps program that meets unmet human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, capabilities, ages, ethnic backgrounds, or genders.

"(2) A full-time youth corps program, carried out during the summer or throughout the full calendar year, such as a conservation corps or youth service corps (including a conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands), that—

"(A) undertakes meaningful service projects with visible benefits to a community, including natural resource, urban renovation, rural development, or human services projects;

"(B) includes as participants youths and young adults between the ages of 16 and 25, inclusive, including out-of-school youths, other economically disadvantaged youths, and individuals with disabilities, who are between those ages; and

"(C) provides those participants who are youths and young adults with—

"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and

"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.

"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I subtitle B.

"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—

"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

"(B) brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

"(5) An individualized placement program that includes regular group activities, such as leadership training and special service projects.

"(6) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

"(A) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

"(B) teams composed of such students; or

"(C) teams composed of a combination of such students and community residents.

"(7) A preprofessional training program in which students enrolled in an institution of higher education—

"(A) receive training in specified fields, which may include classes containing service-learning;

"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

"(C) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.

"(8) A professional corps program that recruits and places qualified participants in positions—

"(A) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

"(C) that are sponsored by public or private not-for-profit employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

"(9) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—

"(A) the housing needs of low-income families and the homeless; and

"(B) the need for community facilities in low-income areas.

"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists such adults in designing solutions to community problems.

"(11) An intergenerational program that combines students, out-of-school youths, and older adults as participants to provide needed community services, including an intergenerational component of a national service program described in any of paragraphs (1) through (10), or in paragraph (12) or (13).

"(12) A program, to be known as a 'Communities in Action program', carried out by not-for-profit organizations, including community action agencies or combinations of such agencies, to provide opportunities for individuals or teams of individuals to engage in local community projects that meet important unaddressed community and individual needs in low-income areas served by such a not-for-profit organization, including service projects to meet the unaddressed needs of economically disadvantaged youth age 18 and younger (including providing safe locations for after-school programs that provide opportunities for learning and recreation).

"(13) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

"(b) Qualification Criteria To Determine Eligibility.—

"(1) Establishment by corporation.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.

"(2) Consultation.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals that have extensive experience in developing and administering effective national service programs.

"(3) Application to subgrants.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(4) Encouragement of intergenerational components of programs.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, and older adults as participants to provide services to address unmet human, education, environmental, or public safety needs.

"(c) National Service Priorities.—

"(1) Establishment.—

"(A) By corporation.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation shall establish, and after reviewing the strategic plan approved under section 192A(g)(1), periodically alter priorities as appropriate regarding the types of national service programs to be assisted under subsection (b) or (d) of section 129 and the purposes for which such assistance may be used.

"(B) By states.—States shall establish, and through the national service plan process described in section 178(e)(1), periodically alter priorities as appropriate regarding the national service programs to be assisted under section 129(a)(1).

"(2) Notice to applicants.—

"(A) In general.—The Corporation shall provide to potential applicants advance notice of any national service priorities to be in effect under this subsection for a fiscal year.

"(B) Contents.—The notice shall specifically include—

"(i) a description of any alteration made in the priorities since the previous notice; and

"(ii) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

"(C) Regulations.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

"(i) receive funding under this subtitle for multiple years; and

"(ii) would be adversely affected by annual revisions in such national service priorities.

"(3) Application to subgrants.—Any recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs shall, in conducting such a grant program, make reasonable efforts to use any national service priorities established by the Corporation under this subsection.

"(d) Existing Programs.—Notwithstanding any other provision of this section, any program that received financial assistance under subtitle C or D of the National and Community Service Act of 1990, as in effect on the day before the date of enactment of this subsection, shall be eligible to receive financial assistance under this subtitle for a period of 30 months from the date of enactment of this subsection.

"SEC. 123. TYPES OF NATIONAL SERVICE POSITIONS ELIGIBLE FOR APPROVAL FOR NATIONAL SERVICE EDUCATIONAL AWARDS.

"The Corporation may approve of any of the following service positions as an approved national service position that includes the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position:

"(1) A position for a participant in a national service program described in section 122(a) that receives assistance under subsection (a) or (b) of section 121.

"(2) A position for a participant in a program that—

"(A) is carried out by a State, a subdivision of a State, an Indian tribe, a public or private not-for-profit organization (including a community action agency), an institution of higher education, or a Federal agency; and

"(B) would be eligible to receive assistance under section 121(a), based on criteria established by the Corporation, but has not applied for such assistance.

"(3) A position involving service as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).

"(4) A position facilitating service-learning in a program described in section 122(a)(3) that is eligible for assistance under part I of subtitle B.

"(5) A position for a participant in the Civilian Community Corps under subtitle E.

"(6) A position involving service as a crew leader in a youth corps program or a similar position supporting a national service program that receives an approved national service position.

"(7) Such other national service positions as the Corporation considers to be appropriate.

"SEC. 124. TYPES OF PROGRAM ASSISTANCE.

"(a) Planning Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the planning of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 1 year.

"(b) Operational Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(c) Replication Assistance.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(d) Application to Subgrants.—The requirements of this section shall apply to any State or other applicant receiving assistance under section 121 that proposes to conduct a grant program using the assistance to support other national service programs.

"SEC. 125. TRAINING AND TECHNICAL ASSISTANCE.

"(a) Training Programs.—The Corporation may conduct, directly or by grant or contract, appropriate training programs regarding national service in order to—

"(1) improve the ability of national service programs assisted under section 121 to meet human, educational, environmental, or public safety needs in communities—

"(A) where services are needed most; and

"(B) where programs do not exist, or are too limited to meet community needs, as of the date on which the Corporation makes the grant or enters into the contract;

"(2) promote leadership development in such programs;

"(3) improve the instructional and programmatic quality of such programs to build an ethic of civic responsibility;

"(4) develop the management and budgetary skills of program operators; and

"(5) provide for or improve the training provided to the participants in such programs.

"(b) Technical Assistance.—The Corporation shall, where necessary, make appropriate technical assistance available to States, Indian tribes, labor organizations, organizations operated by young adults, organizations serving economically disadvantaged individuals, and other entities described in section 121 that desire—

"(1) to develop national service programs; or

"(2) to apply for assistance under such section or under a grant program conducted using assistance provided under such section.

"SEC. 126. OTHER SPECIAL ASSISTANCE.

"(a) Support for State Commissions.—

"(1) Assistance authorized.—The Corporation may make assistance available to assist a State to establish or operate the State Commission on National and Community Service required to be established by the State under section 178.

"(2) Amount of assistance.—The amount of assistance that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—

"(A) 85 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and

"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection.

"(b) Disaster Service.—The Corporation may undertake activities, including activities carried out through part A of title I of the Domestic Volunteer Service Act of 1973, to involve in disaster relief efforts youth corps programs described in section 122(a)(2) and other programs that receive assistance under the national service laws.

"(c) Challenge Grants for National Service Programs.—

"(1) Assistance authorized.—

"(A) In general.—The Corporation may make challenge grants under this subsection to national service programs that receive assistance under section 121.

"(B) Criteria.—The Corporation shall develop criteria for the selection of recipients of such challenge grants, so as to make the grants widely available to a variety of programs that—

"(i) are high-quality national service programs; and

"(ii) are carried out by entities with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.

"(2) Amount of assistance.—A challenge grant under this subsection may provide not more than $1 of assistance under this subsection for each $1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 121(e). The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.

"PART II—APPLICATION AND APPROVAL PROCESS

"SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS BY COMPETITIVE AND OTHER MEANS.

"(a) Allotments of Assistance and Approved Positions to States and Indian Tribes.—

"(1) Allotment of assistance to certain states.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) (and a corresponding allotment of approved national service positions) to each of the several States (through the State Commission of the State), the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133. The amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 33⅓ percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) Allotment of assistance to other jurisdictions and Indian tribes.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve up to 1 percent of the allocated funds for grants under section 121(a) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. Palau shall also be eligible for a grant under this paragraph from the reserved funds until such time as the Compact of Free Association with Palau is ratified.

"(3) Effect of failure to apply.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subsection, the Corporation shall use the amount that would have been allotted under this subsection to the State or Indian tribe—

"(A) to make grants (and provide approved national service positions in connection with such grants) to other eligible entities under section 121 that propose to carry out national service programs in the State or on behalf of the Indian tribe; and

"(B) after making grants under paragraph (1), to make a reallotment to other States and Indian tribes with approved applications under section 130.

"(b) Reservation of Approved Positions.—

"(1) Number reserved.—Except as provided in paragraph (2), the Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the Civilian Community Corps Demonstration Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions for that fiscal year.

"(2) Transition.—The Corporation shall determine an equitable procedure for providing post-service educational awards to individuals who are selected for assignment as described in paragraph (1) after the date of enactment of this subtitle and before the effective date of section 203(c)(2) of the National and Community Service Trust Act of 1993.

"(c) Reservation for Special Assistance.—Subject to section 501(a)(2), of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under sections 125 and 126. The Corporation may not reserve more than $10,000,000 for a fiscal year for challenge grants under section 126(c).

"(d) Competitive Distribution of Remaining Funds.—

"(1) State competition.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall use not less than 33⅓ percent of the allocated funds to make grants to States (through the State Commissions) on a competitive basis under section 121(a).

"(2) Federal agencies and other applicants.—

"(A) In general.—The Corporation shall distribute on a competitive basis to subdivisions of States (through the State Commissions), Indian tribes, public and private not-for-profit organizations (including labor organizations and community action agencies), institutions of higher education, and Federal agencies the remainder of the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of paragraph (1) and subsections (a) and (c).

"(B) Federal share.—Notwithstanding section 121(e), if a Federal agency proposes to carry out a national service program using funds made available under subparagraph (A), and the Federal agency is authorized to use funds made available under Federal law (other than the national service laws) to carry out such a program, the Federal share attributable to this paragraph of the cost of carrying out the national service program shall be 50 percent of such cost. The President may by regulation specify the sources that may be used by the Federal agency to provide for the remaining share of such cost.

"(C) Federal agencies.—The Corporation may not distribute more than 30 percent of such remainder to Federal agencies for a fiscal year under subparagraph (A).

"(D) Limitations.—The Corporation shall limit the categories of eligible applicants for assistance under this paragraph consistent with the priorities established by the Corporation under section 133(d)(2).

"(3) Priority.—In distributing the funds allocated by the Corporation for provision of assistance under section 121 for a fiscal year, after operation of subsections (a) and (c) and after using 33⅓ percent of such funds to make grants under paragraph (1), in determining whether to—

"(A) use an additional portion of the funds to make a grant under paragraph (1) to a State applicant; or

"(B) distribute the portion of the funds to an applicant that is a private not-for-profit organization under paragraph (2), the Corporation shall give preference to the private not-for-profit organization in any case in which the Corporation determines that the applicants have submitted applications of equal quality under section 130.

"(e) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a State or Indian tribe under subsection (a), and the competitive distribution of assistance under subsection (d), shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130 and approved by the Corporation under section 133.

"(f) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

"(g) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

"(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

"(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) and any other funds contributed to the Corporation to support the activities of the Corporation under the national service laws shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

"SEC. 130. APPLICATION FOR ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

"(a) TIME, MANNER, AND CONTENT OF APPLICATION.—To be eligible to receive assistance under section 121 and approved national service positions for participants who serve in the national service programs to be carried out using the assistance, a State, subdivision of a State, Indian tribe, public or private not-for-profit organization (including a community action agency), institution of higher education, or Federal agency shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

"(b) TYPES OF APPLICATION INFORMATION.—In order to have adequate information upon which to consider an application under section 133, the Corporation—

"(1) may require that an applicant described in subsection (a) submit an application under subsection (a) containing—

"(A) a description of the national service programs proposed to be carried out directly by the applicant using assistance provided under section 121;

"(B) a description of the national service programs that are selected by the applicant to receive a grant from assistance requested under section 121 and a description of the process and criteria by which the programs were selected;

"(C) a description of other funding sources to be used, or sought to be used, for the national service programs referred to in subparagraphs (A) and (B), and, if the application is submitted for the purpose of seeking a renewal of assistance, a description of the success of the programs in reducing their reliance on Federal funds;

"(D) a description of the extent to which the projects to be conducted using the assistance will address unmet human, educational, environmental, or public safety needs and produce a direct benefit for the community in which the projects are performed;

"(E) a description of the plan to be used to recruit participants, including economically disadvantaged youth, for the national service programs referred to in subparagraphs (A) and (B);

"(F) a description of the manner in which the national service programs referred to in subparagraphs (A) and (B) build on existing programs, including Federal programs;

"(G) a description of the manner in which the national service programs referred to in subparagraphs (A) and (B) will involve participants—

"(i) in projects that build an ethic of civic responsibility and produce a positive change in the lives of participants through training and participation in meaningful service experiences and opportunities for reflection on such experiences; and

"(ii) in leadership positions in implementing and evaluating the program;

"(H) measurable goals for the national service programs referred to in subparagraphs (A) and (B), and a strategy to achieve such goals, in terms of—

"(i) the impact to be made in meeting unmet human, educational, environmental, or public safety needs; and

"(ii) the service experience to be provided to participants in the programs;

"(I) a description of the manner and extent to which the national service programs referred to in subparagraphs (A) and (B) conform to the national service priorities established by the Corporation under section 122(c);

"(J) a description of the past experience of the applicant in operating a comparable program or in conducting a grant program in support of other comparable programs;

"(K) a description of the type and number of proposed service positions in which participants will receive the national service educational award described in subtitle D and a description of the manner in which approved national service positions will be apportioned by the applicant;

"(L) a description of the manner and extent to which participants, representatives of the community served, community-based agencies with a demonstrated record of experience in providing services, and labor organizations contributed to the development of the national service programs referred to in subparagraphs (A) and (B), including the identity of the individual representing the labor organization who was consulted and the nature of the consultation;

"(M) a description of a plan to be used to encourage women to participate in programs referred to in subparagraphs (A) and (B); and

"(N) such other information as the Corporation may reasonably require; and

"(2) shall require that the applicant submit an application under subsection (a) containing—

"(A) a description of the jobs or positions into which participants will be placed using the assistance provided under section 121, including descriptions of specific tasks to be performed by such participants; and

"(B) a description of the minimum qualifications that individuals shall meet to become participants in such programs.

"(c) APPLICATION TO RECEIVE ONLY APPROVED NATIONAL SERVICE POSITIONS.—

"(1) APPLICABILITY OF SUBSECTION.—This subsection shall apply in the case of an application in which—

"(A) the applicant is not seeking assistance under subsection (a) or (b) of section 121, but requests national service educational awards for individuals serving in service positions described in section 123; or

"(B) the applicant requests national service educational awards for service positions described in section 123, but the positions are not positions in a national service program described in section 122(a) for which assistance may be provided under subsection (a) or (b) of section 121.

"(2) SPECIAL APPLICATION REQUIREMENTS.—For the applications described in paragraph (1), the Corporation shall establish special application requirements in order to determine—

"(A) whether the service positions meet unmet human, educational, environmental, or public safety needs and meet the criteria for assistance under this subtitle; and

"(B) whether the Corporation should approve the positions as approved national service positions that include the national service educational award described in subtitle D as one of the benefits to be provided for successful service in the position.

"(d) SPECIAL RULE FOR STATE APPLICANTS.—

"(1) SUBMISSION BY STATE COMMISSION.—The application of a State for approved national service positions or for a grant under section 121(a) shall be submitted by the State Commission.

"(2) COMPETITIVE SELECTION.—The application of a State shall contain an assurance that all assistance provided under section 121(a) to the State will be used to support national service programs that were selected by the State on a competitive basis.

"(3) ASSISTANCE TO NONSTATE ENTITIES.—The application of a State shall also contain an assurance that not less than 60 percent of the assistance will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this paragraph if the State has not received a sufficient number of acceptable applications to comply with the percentage.

"(e) SPECIAL RULE FOR CERTAIN SERVICE SPONSORS.—In the case of a program applicant that proposes to serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the applicant who are engaged in the same or substantially similar work as that proposed to be carried out.

"(f) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under this section, and the Corporation shall reject an application that is submitted under this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

"SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

"(a) IMPACT ON COMMUNITIES.—An application submitted under section 130 shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed; and

"(2) comply with the nonduplication and nondisplacement requirements of section 177.

"(b) IMPACT ON PARTICIPANTS.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform;

"(2) provide support services to participants, such as the provision of appropriate information and support—

"(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and

"(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma; and

"(3) provide structured opportunities for participants to reflect on their service experiences.

"(c) CONSULTATION.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide in the design, recruitment, and operation of the program for broad-based input from the community served, individuals eligible to serve as participants in the program, community-based agencies (including community action agencies) with a demonstrated record of experience in providing services, and local labor organizations representing employees of service sponsors;

"(2) prior to the placement of participants, consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program to ensure compliance with the nondisplacement requirements specified in section 177; and

"(3) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.

"(d) EVALUATION AND PERFORMANCE GOALS.—

"(1) IN GENERAL.—An application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(A)(i) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121; or

"(ii) with the approval of the Corporation, conduct an internal evaluation of the program;

"(B) develop measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—

"(i) on communities and persons served by the projects performed by the program;

"(ii) on participants who take part in the projects; and

"(iii) in such other areas as the Corporation may require; and

"(C) cooperate with any evaluation activities undertaken by the Corporation.

"(2) ALTERNATIVE EVALUATION REQUIREMENTS.—The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 121 or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.

"(e) LIVING ALLOWANCES AND OTHER IN-SERVICE BENEFITS.—Except as provided in section 140(c), an application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(1) provide a living allowance and other benefits specified in section 140 to participants in any national service program carried out by the applicant using assistance provided under section 121; and

"(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 140 to participants in the program.

"(f) SELECTION OF PARTICIPANTS FROM INDIVIDUALS RECRUITED BY CORPORATION OR STATE COMMISSIONS.—The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 138(d). The Corporation may specify a minimum percentage of participants to be selected from the national leadership pool established under section 138(e) and may vary the percentage for different types of national service programs.

"SEC. 132. INELIGIBLE SERVICE CATEGORIES.

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), an application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 and any approved national service position provided to an applicant will not be used to perform service that provides a direct benefit to any—

"(1) business organized for profit;

"(2) labor union;

"(3) partisan political organization;

"(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 121 or participants to give religious instruction, conduct worship services, provide instruction as part of a program that includes mandatory religious education or worship, construct, operate, or maintain facilities devoted to religious instruction or worship, or engage in any form of proselytization; or

"(5) organization that expends more than 20 percent of the annual budget of the organization, or whose primary purpose is, to influence public policy or engage in legislative advocacy activities.

"(b) ADVOCACY ACTIVITIES.—Nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative.

"(c) REGIONAL CORPORATION.—The requirement of subsection (a) relating to an assurance regarding direct benefits to businesses organized for profit shall not apply with respect to a Regional Corporation, as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)), that is established in accordance with such Act as a for-profit corporation but that is engaging in not-for-profit activities.

"SEC. 133. CONSIDERATION OF APPLICATIONS.

"(a) CORPORATION CONSIDERATION OF CERTAIN CRITERIA.—The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether—

"(1) to approve an application submitted under section 130 and provide assistance under section 121 to the applicant; and

"(2) to approve service positions described in the application as national service positions that include the national service educational award described in subtitle D and provide such approved national service positions to the applicant.

"(b) APPLICATION TO SUBGRANTS.—

"(1) IN GENERAL.—A State or other entity that uses assistance provided under section 121(a) to support national service programs selected on a competitive basis to receive a share of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance or an approved national service position.

"(2) CONTENTS.—The application of the State or other entity under section 130 shall contain—

"(A) a certification that the State or other entity complied with these criteria in the selection of national service programs to receive assistance;

"(B) a description of the jobs or positions into which participants will be placed using such assistance, including descriptions of specific tasks to be performed by such participants; and

"(C) a description of the minimum qualifications that individuals shall meet to become participants in such programs.

"(c) ASSISTANCE CRITERIA.—The criteria required to be applied in evaluating applications submitted under section 130 are as follows:

"(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.

"(2) The innovative aspects of the national service program, and the feasibility of replicating the program.

"(3) The sustainability of the national service program, based on evidence such as the existence—

"(A) of strong and broad-based community support for the program; and

"(B) of multiple funding sources or private funding for the program.

"(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.

"(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.

"(6) The extent to which projects would be conducted in areas where such projects are needed most, such as—

"(A) communities designated as enterprise zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high percentages or concentrations of low-income individuals;

"(B) areas that are environmentally distressed;

"(C) areas adversely affected by reductions in defense spending or the closure or realignment of military installations; and

"(D) areas—

"(i) that have experienced a substantial reduction in population, as determined by the Corporation; and

"(ii) with high numbers or percentages of economically disadvantaged older adults.

"(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 130 of the State in which the projects would be conducted.

"(8) Such other criteria as the Corporation considers to be appropriate.

"(d) OTHER CONSIDERATIONS.—

"(1) GEOGRAPHIC DIVERSITY.—The Corporation shall ensure that recipients of assistance provided under section 121 are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.

"(2) PRIORITIES.—

"(A) IN GENERAL.—The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in section 122(a) for priority consideration in the competitive distribution of funds under section 129(d)(2).

"(B) PROGRAMS DESIGNATED TO RECEIVE PRIORITY.—In designating national service programs to receive priority, the Corporation may include—

"(i) national service programs carried out by another Federal agency;

"(ii) national service programs that conform to the national service priorities in effect under section 122(c);

"(iii) innovative national service programs;

"(iv) national service programs that are well established in one or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

"(v) grant programs in support of other national service programs if the grant programs are to be conducted by not-for-profit organizations (including community action agencies) with a demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs;

"(vi) professional corps programs described in section 122(a)(8); and

"(vii) programs that—

"(I) received funding under subtitle D of this Act, as in effect on the day before the date of enactment of this subtitle;

"(II) the Corporation determines to meet the requirements of sections 142 (other than subsection (g)), 143, and 148 through 150 of this Act, as in effect on such day, in addition to the requirements of this subtitle; and

"(III) include an evaluation component.

"(C) EXCEPTION.—In making a competitive distribution of funds under section 129(d)(2), the President may give priority consideration to a national service program that is—

"(i) proposed in an application submitted by a State Commission; and

"(ii) not one of the types of programs described in clauses (i) through (vi) of subparagraph (B),

if the State Commission provides an adequate explanation of the reasons why it should not be a priority of such State to carry out any of such types of programs in the State.

"(3) REVIEW PANEL.—The President shall—

"(A) establish panels of experts for the purpose of securing recommendations on applications submitted under section 130 for more than $100,000 in assistance, or for national service positions that would require more than $100,000 in national service educational awards; and

"(B) consider the opinions of such panels prior to making such determinations.

"(e) EMPHASIS ON AREAS MOST IN NEED.—In making assistance available under section 121 and in providing approved national service positions under section 123, the Corporation shall ensure that not less than 50 percent of the total amount of assistance to be distributed to States under subsections (a) and (d)(1) of section 129 for a fiscal year is provided to carry out or support national service programs and projects that—

"(1) are conducted in areas described in any of subparagraphs (A) through (D) of subsection (c)(6) or on Federal or other public lands, to address unmet human, educational, environmental, or public safety needs in such areas or on such lands; and

"(2) place a priority on the recruitment of participants who are residents of areas described in any of subparagraphs (A) through (D) of subsection (c)(6) or Federal or other public lands.

"(f) REJECTION OF STATE APPLICATIONS.—

"(1) NOTIFICATION OF STATE APPLICANTS.—If the Corporation rejects an application submitted by a State Commission under section 130 for funds described in section 129(a)(1), the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

"(2) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

"(3) REALLOTMENT.—The amount of any State's allotment under section 129(a) for a fiscal year that the Corporation determines will not be provided for that fiscal year shall be available for distribution by the Corporation as provided in paragraph (3) of such subsection.

"PART III—NATIONAL SERVICE PARTICIPANTS

"SEC. 137. DESCRIPTION OF PARTICIPANTS.

"(a) IN GENERAL.—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—

"(1) meets such eligibility requirements, directly related to the tasks to be accomplished, as may be established by the program;

"(2) is selected by the program to serve in a position with the program;

"(3) will serve in the program for a term of service specified in section 139 to be performed before, during, or after attendance at an institution of higher education;

"(4) is 17 years of age or older at the time the individual begins the term of service;

"(5)(A)(i) has received a high school diploma or its equivalent; or

"(ii) agrees to obtain a high school diploma or its equivalent and the individual did not drop out of an elementary or secondary school to enroll in the program; or

"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(ii) meets the requirements of section 484(a) of such Act; and

"(6) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) SPECIAL RULES FOR CERTAIN YOUTH PROGRAMS.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9) that is carried out with assistance provided under section 121(a) if the individual—

"(1) satisfies the requirements specified in subsection (a), except paragraph (4) of such subsection; and

"(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

"(c) WAIVER.—The Corporation may waive the requirements of subsection (a)(5)(A) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

"SEC. 138. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

"(a) SELECTION PROCESS.—Subject to subsections (b) and (c) and section 131(f), the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 121 or to fill an approved national service position shall be conducted by the State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, Federal agency, or other entity to which the assistance and approved national service positions are provided.

"(b) NONDISCRIMINATION AND NONPOLITICAL SELECTION OF PARTICIPANTS.—The recruitment and selection of individuals to serve in national service programs receiving assistance under section 121 or to fill approved national service positions shall be consistent with the requirements of section 175.

"(c) SECOND TERM.—Acceptance into a national service program to serve a second term of service under section 139 shall only be available to individuals who perform satisfactorily in their first term of service.

"(d) RECRUITMENT AND PLACEMENT.—The Corporation and each State Commission shall establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals in approved national service positions, including positions available under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951). The Corporation and State Commissions shall disseminate information regarding available approved national service positions through cooperation with secondary schools, institutions of higher education, employment service offices, State vocational rehabilitation agencies within the meaning of the Rehabilitation Act of 1973 and other State agencies that primarily serve individuals with disabilities, and other appropriate entities, particularly those organizations that provide outreach to economically disadvantaged youths or youths who are individuals with disabilities.

"(e) National Leadership Pool.—

"(1) Selection and training.—From among individuals recruited under subsection (d), the Corporation may select individuals with significant leadership potential, as determined by the Corporation, to receive special training to enhance their leadership ability. The leadership training shall be provided by the Corporation directly or through a grant or contract.

"(2) Emphasis on certain individuals.—In selecting individuals to receive leadership training under this subsection, the Corporation shall make special efforts to select individuals who have served—

"(A) in the Peace Corps;

"(B) as VISTA volunteers;

"(C) as participants in national service programs receiving assistance under section 121; or

"(D) as participants in programs receiving assistance under subtitle D of the National and Community Service Act of 1990, as in effect on the day before the date of enactment of this subtitle.

"(3) Assignment.—At the request of a program that receives assistance under the national service laws, the Corporation may assign an individual who receives leadership training under paragraph (1) to work with the program in a leadership position and carry out assignments not otherwise performed by regular participants. An individual assigned to a program shall be considered to be a participant of the program.

"SEC. 139. TERMS OF SERVICE.

"(a) In General.—As a condition of receiving a national service educational award under subtitle D, a participant in an approved national service position shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b).

"(b) Term of Service.—

"(1) Full-time service.—An individual performing full-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 1,700 hours during a period of not less than 9 months and not more than 1 year.

"(2) Part-time service.—Except as provided in paragraph (3), an individual performing part-time national service in an approved national service position shall agree to participate in the program sponsoring the position for not less than 900 hours during a period of—

"(A) not more than 2 years; or

"(B) not more than 3 years if the individual is enrolled in an institution of higher education while performing all or a majority of the hours of such service.

"(3) Reduction in hours of part-time service.—The Corporation may reduce the number of hours required to be served to successfully complete part-time national service to a level determined by the Corporation, except that any reduction in the required term of service shall include a corresponding reduction in the amount of any national service educational award that may be available under subtitle D with regard to that service.

"(c) Release From Completing Term of Service.—

"(1) Release authorized.—A recipient of assistance under section 121 or a program sponsoring an approved national service position may release a participant from completing a term of service in the position—

"(A) for compelling personal circumstances as demonstrated by the participant; or

"(B) for cause.

"(2) Effect of release.—If the released participant was serving in an approved national service position, the participant may receive a portion of the national service educational award corresponding to that service in the manner provided in section 147(b), except that a participant released for cause may not receive any portion of the national service educational award.

"SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS.

"(a) Provision of Living Allowance.—

"(1) Living allowance permitted.—Subject to paragraph (3), a national service program carried out using assistance provided under section 121 shall provide to each participant in the program a living allowance in such an amount as may be established by the program.

"(2) Limitation on federal share.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 121 and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(B) 85 percent of the annual living allowance established by the national service program involved.

"(3) Maximum living allowance.—Except as provided in subsection (c), the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 200 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(4) Proration of living allowance.—The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a reduced term of service under section 139(b)(3).

"(b) Coverage of Certain Employment-Related Taxes.—To the extent a national service program that receives assistance under section 121 is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of the Internal Revenue Code of 1986 (26 U.S.C. 3111, 3301) and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 121 shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—

"(1) the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(2) the annual living allowance established by the program.

"(c) Exception From Maximum Living Allowance for Certain Assistance.—A professional corps program described in section 122(a)(8) that desires to provide a living allowance in excess of the maximum allowance authorized in subsection (a)(3) may still apply for such assistance, except that—

"(1) any assistance provided to the applicant under section 121 may not be used to pay for any portion of the allowance;

"(2) the applicant shall apply for such assistance only by submitting an application to the Corporation for assistance on a competitive basis; and

"(3) the national service program shall be operated directly by the applicant and shall meet urgent, unmet human, educational, environmental, or public safety needs, as determined by the Corporation.

"(d) Health Insurance.—

"(1) In general.—A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance if the participant is not otherwise covered by a health care policy. Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 121. The Corporation shall establish minimum standards that all plans shall meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.

"(2) Option.—A State or other recipient of assistance under section 121 may elect to provide from the funds of the State or recipient a health care policy for participants that does not meet all of the standards established by the Corporation if the fair market value of such policy is equal to or greater than the fair market value of a plan that meets the minimum standards established by the Corporation, and is consistent with other applicable laws.

"(e) Child Care.—

"(1) Availability.—A State or other recipient of assistance under section 121 shall—

"(A) make child care available for children of each full-time participant who needs child care in order to participate in a national service program carried out or supported by the recipient using the assistance; or

"(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.

"(2) Guidelines.—The Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any allowance to be provided.

"(f) Waiver of Limitation on Federal Share.—The Corporation may waive in whole or in part the limitation on the Federal share specified in this section with respect to a particular national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

"(g) Limitation on Number of Terms of Service for Federally Subsidized Living Allowance.—No national service program may use assistance provided under section 121, or any other Federal funds, to provide a living allowance under subsection (a), a health care policy under subsection (d), or child care or a child care allowance under subsection (e), to an individual for a third, or subsequent, term of service described in section 139(b) by the individual in a national service program carried out under this subtitle.

"SEC. 141. NATIONAL SERVICE EDUCATIONAL AWARDS.

"(a) ELIGIBILITY GENERALLY.—A participant in a national service program carried out using assistance provided to an applicant under section 121 shall be eligible for the national service educational award described in subtitle D if the participant—

"(1) serves in an approved national service position; and

"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.

"(b) SPECIAL RULE FOR VISTA VOLUNTEERS.—A VISTA volunteer who serves in an approved national service position shall be ineligible for a national service educational award if the VISTA volunteer accepts the stipend authorized under section 105(a)(1) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955(a)(1).".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle C of title I of such Act and inserting the following new items:

"Subtitle C—National Service Trust Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"Sec. 121. Authority to provide assistance and approved national service positions.
"Sec. 122. Types of national service programs eligible for program assistance.
"Sec. 123. Types of national service positions eligible for approval for national service educational awards.
"Sec. 124. Types of program assistance.
"Sec. 125. Training and technical assistance.
"Sec. 126. Other special assistance.

"PART II—APPLICATION AND APPROVAL PROCESS

"Sec. 129. Provision of assistance and approved national service positions by competitive and other means.
"Sec. 130. Application for assistance and approved national service positions.
"Sec. 131. National service program assistance requirements.
"Sec. 132. Ineligible service categories.
"Sec. 133. Consideration of applications.

"PART III—NATIONAL SERVICE PARTICIPANTS

"Sec. 137. Description of participants.
"Sec. 138. Selection of national service participants.
"Sec. 139. Terms of service.
"Sec. 140. Living allowances for national service participants.
"Sec. 141. National service educational awards.".

SEC. 102. NATIONAL SERVICE TRUST AND PROVISION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) ESTABLISHMENT OF TRUST; PROVISION OF AWARDS.—Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is amended to read as follows:

"Subtitle D—National Service Trust and Provision of National Service Educational Awards

"SEC. 145. ESTABLISHMENT OF THE NATIONAL SERVICE TRUST.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States an account to be known as the National Service Trust. The Trust shall consist of—

"(1) from the amounts appropriated to the Corporation and made available to carry out this subtitle pursuant to section 501(a)(2), such amounts as the Corporation may designate to be available for the payment of—

"(A) national service educational awards; and

"(B) interest expenses pursuant to subsection 148(e);

"(2) any amounts received by the Corporation as gifts, bequests, devise, or otherwise pursuant to section 196(a)(2); and

"(3) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust.

"(b) INVESTMENT OF TRUST.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the Trust. Except as otherwise expressly provided in instruments concerning a gift, bequest, devise, or other donation and agreed to by the Corporation, such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the marketplace. Any obligation acquired by the Trust may be sold by the Secretary at the market price.

"(c) EXPENDITURES FROM TRUST.—Amounts in the Trust shall be available, to the extent provided for in advance by appropriation, for payments of national service educational awards in accordance with section 148.

"(d) REPORTS TO CONGRESS ON RECEIPTS AND EXPENDITURES.—The Corporation shall submit an annual report to the Congress on the financial status of the Trust. Such report shall—

"(1) specify the amount deposited to the Trust from the most recent appropriation to the Corporation, the amount received by the Corporation as gifts or bequest during the period covered by the report, and any amounts obtained by the Trust pursuant to subsection (a)(3);

"(2) identify the number of individuals who are currently performing service to qualify, or have qualified, for national service educational awards;

"(3) identify the number of individuals whose expectation to receive national service educational awards during the period covered by the report—

"(A) has been reduced pursuant to section 147(b); or

"(B) has lapsed pursuant to section 146(d); and

"(4) estimate the number of additional approved national service positions which the Corporation will be able to make available under subtitle C on the basis of any accumulated surplus in the Trust above the amount required to provide national service educational awards to individuals identified under paragraph (2), including any amounts available as a result of the circumstances referred to in paragraph (3).

"SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

"(a) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to receive a national service educational award from the National Service Trust if the individual—

"(1) successfully completes the required term of service described in subsection (b) in an approved national service position;

"(2) was 17 years of age or older at the time the individual began serving in the approved national service position or was an out-of-school youth serving in an approved national service position with a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9);

"(3) at the time the individual uses the national service educational award—

"(A) has received a high school diploma, or the equivalent of such diploma;

"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(ii) meets the requirements of section 484(a) of such Act; or

"(C) has received a waiver described in section 137(c); and

"(4) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) TERM OF SERVICE.—The term of service for an approved national service position shall not be less than the full- or part-time term of service specified in section 139(b).

"(c) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR AWARDS.—Although an individual may serve more than 2 terms of service described in subsection (b) in an approved national service position, the individual shall receive a national service educational award from the National Service Trust only on the basis of the first and second of such terms of service.

"(d) TIME FOR USE OF EDUCATIONAL AWARD.—

"(1) FIVE-YEAR REQUIREMENT.—An individual eligible to receive a national service educational award under this section may not use such award after the end of the 5-year period beginning on the date the individual completes the term of service in an approved national service position that is the basis of the award.

"(2) EXCEPTION.—The Corporation may extend the period within which an individual may use a national service educational award if the Corporation determines that the individual—

"(A) was unavoidably prevented from using the national service educational award during the original 5-year period; or

"(B) performed another term of service in an approved national service position during that period.

"SEC. 147. DETERMINATION OF THE AMOUNT OF THE NATIONAL SERVICE EDUCATIONAL AWARD.

"(a) AMOUNT GENERALLY.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of full-time service as provided in section 139(b)(1) in an approved national service position shall receive a national service educational award having a value equal to $5,000 for each of not more than 2 of such terms of service. Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of part-time service as provided in section 139(b)(2) in an approved national service position shall receive a national service educational award having a value equal to $2,500 for each of not more than 2 of such terms of service.

"(b) AWARD FOR PARTIAL COMPLETION OF SERVICE.—If an individual serving in an approved national service position is released in accordance with section 139(c)(1)(A) from completing the term of service agreed to by the individual, the Corporation may provide the individual with that portion of the national service educational award approved for the individual that corresponds to the quantity of the term of service actually completed by the individual.

"SEC. 148. DISBURSEMENT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

"(a) In General.—Amounts in the Trust shall be available—

"(1) to repay student loans in accordance with subsection (b);

"(2) to pay all or part of the cost of attendance at an institution of higher education in accordance with subsection (c);

"(3) to pay expenses incurred in participating in an approved school-to-work program in accordance with subsection (d); and

"(4) to pay interest expenses in accordance with regulations prescribed pursuant to subsection (e).

"(b) Use of Educational Award To Repay Outstanding Student Loans.—

"(1) Application by eligible individuals.—An eligible individual under section 146 who desires to apply the national service educational award of the individual to the repayment of qualified student loans shall submit, in a manner prescribed by the Corporation, an application to the Corporation that—

"(A) identifies, or permits the Corporation to identify readily, the holder or holders of such loans;

"(B) indicates, or permits the Corporation to determine readily, the amounts of principal and interest outstanding on the loans;

"(C) specifies the qualified student loan to which the individual desires to apply the national service educational award, in any case in which the total of the amounts described in subparagraph (B) is greater than the amount of the national service educational award to which the individual is entitled; and

"(D) contains or is accompanied by such other information as the Corporation may require.

"(2) Disbursement of repayments.—Upon receipt of an application from an eligible individual of an application that complies with paragraph (1), the Corporation shall, as promptly as practicable consistent with paragraph (5), disburse the amount of the national service educational award that the participant has earned. Such disbursement shall be made by check or other means that is payable to the holder of the loan and requires the endorsement or other certification by the eligible individual.

"(3) Application of disbursed amounts.—If the amount disbursed under paragraph (2) is less than the principal and accrued interest on any qualified student loan, such amount shall first be applied to the repayment of principal. In a case described in paragraph (1)(C), such amount shall be applied to the loan described in paragraph (1)(C).

"(4) Reports by holders.—Any holder receiving a loan payment pursuant to this subsection shall submit to the Corporation such information as the Corporation may require to verify that such payment was applied in accordance with this subsection and any regulations prescribed to carry out this subsection.

"(5) Authority to aggregate payments.—The Corporation may, by regulation, provide for the aggregation of payments to holders under this subsection.

"(6) Notification.—On disbursing a national service educational award to which an individual is entitled under paragraph (2) and applying the award to a loan, the Corporation shall notify the individual of the amount disbursed for each such loan and the date of the disbursal.

"(7) Definitions.—As used in this subsection:

"(A) Qualified student loan.—The term 'qualified student loan' means—

"(i) any loan made, insured, or guaranteed pursuant to title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078–2); and

"(ii) any loan made pursuant to title VII or VIII of the Public Health Service Act (42 U.S.C. 292a et seq.).

"(B) Holder.—The term 'holder' with respect to any eligible loan means the original lender or, if the loan is subsequently sold, transferred, or assigned to some other person, and such other person acquires a legally enforceable right to receive payments from the borrower, such other person.

"(c) Use of Educational Awards To Pay Current Educational Expenses.—

"(1) Application by eligible individual.—An eligible individual under section 146 who desires to apply the national service educational award of the individual to the payment of full-time or part-time educational expenses, that have been incurred by the individual prior to the service of the individual under subtitle C, shall, on a form prescribed by the Corporation, submit an application to the institution of higher education in which the student will be enrolled that contains such information as the Corporation may require to verify the individual's eligibility.

"(2) Submission of requests for payment by institutions.—An institution of higher education that receives one or more applications that comply with paragraph (1) shall submit to the Corporation a statement, in a manner prescribed by the Corporation, that—

"(A) identifies each eligible individual filing an application under paragraph (1) for a disbursement of the individual's national service educational award under this subsection;

"(B) specifies the amounts for which such eligible individuals are, consistent with paragraph (6), qualified for disbursement under this subsection;

"(C) certifies that—

"(i) the institution of higher education has in effect a program participation agreement under section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094);

"(ii) the institution's eligibility to participate in any of the programs under title IV of such Act (20 U.S.C. 1070 et seq.) has not been limited, suspended, or terminated; and

"(iii) individuals using national service educational awards received under this subtitle to pay for educational costs do not comprise more than 15 percent of the total student population of the institution; and

"(D) contains such provisions concerning financial compliance as the Corporation may require.

"(3) Disbursement of payments.—Upon receipt of a statement from an institution of higher education that complies with paragraph (2), the Corporation shall, subject to paragraph (4), disburse the total amount of the national service educational awards for which eligible individuals who have submitted applications to that institution under paragraph (1) are scheduled to receive. Such disbursement shall be made by check or other means that is payable to the institution and requires the endorsement or other certification by the eligible individual.

"(4) Multiple disbursements required.—The total amount required to be disbursed to an institution of higher education under paragraph (3) for any period of enrollment shall be disbursed by the Corporation in 2 or more installments, none of which exceeds ½ of such total amount. The interval between the first and second such installment shall not be less than ½ of such period of enrollment, except as necessary to permit the second installment to be paid at the beginning of the second semester, quarter, or similar division of such period of enrollment.

"(5) Refund rules.—The Corporation shall, by regulation, provide for the refund to the Corporation (and the crediting to the national service educational award of an eligible individual) of amounts disbursed to institutions for the benefit of eligible individuals who withdraw or otherwise fail to complete the period of enrollment for which the assistance was provided. Such regulations shall be consistent with the fair and equitable refund policies required of institutions pursuant to section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b). Amounts refunded to the Trust pursuant to this paragraph may be used by the Corporation to fund additional approved national service positions under subtitle C.

"(6) Maximum award.—The portion of an eligible individual's total available national service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed the difference between—

"(A) the eligible individual's cost of attendance for such period of enrollment, determined in accordance with section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll); and

"(B) the sum of—

"(i) the student's estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.); and

"(ii) the student's veterans' education benefits, determined in accordance with section 480(c) of such Act (20 U.S.C. 1087vv(c)).

"(d) Use of Educational Award To Participate in Approved School-To-Work Programs.—The Corporation shall by regulation provide for the payment of national service educational awards to permit eligible individuals to participate in school-to-work programs approved by the Secretaries of Labor and Education.

"(e) Interest Payments During Forbearance on Loan Repayment.—The Corporation may provide by regulation for the payment on behalf of an eligible individual of interest that accrues during a period for which such individual has obtained forbearance in the repayment of a qualified student loan (as defined in subsection (b)(7)), if the eligible individual successfully completes the required term of service (as determined under section 146(b)) of the individual. Such regulations shall be prescribed after consultation with the Secretary of Education.

"(f) Exception.—

"(1) Option.—With the approval of the President, a national service program that receives assistance under section 121 may offer to each participant in the program the option of—

"(A) waiving the right of the participant to receive a national service educational award; and

"(B) receiving an alternative post-service benefit.

"(2) Sources of funding.—In providing for the alternative post-service benefit, the program may not use funds made available under this Act or any other Federal law.

"(g) Definition of Institution of Higher Education.—Notwithstanding section 101 of this Act, for purposes of this section the term 'institution of higher education' has the meaning provided by section 481(a) of the

Higher Education Act of 1965 (20 U.S.C. 1088(a)).".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle D of title I of such Act and inserting the following new items:

"Subtitle D—National Service Trust and Provision of National Service Educational Awards

"Sec. 145. Establishment of the National Service Trust.
"Sec. 146. Individuals eligible to receive a national service educational award from the Trust.
"Sec. 147. Determination of the amount of the national service educational award.
"Sec. 148. Disbursement of national service educational awards.".

(c) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY FOR SUBSIDIZED STAFFORD LOANS.—Section 428(a)(2)(C)(i) of the Higher Education Act of 1965 (20 U.S.C. 1078(a)(2)(C)(i)) is amended by inserting "any national service educational award such student will receive under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.)," after "parts C and E of this title,".

(2) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—Section 428 of the Higher Education Act of 1965 is amended—

(A) in subsection (b)(1)—

(i) by redesignating subparagraphs (W), (X), and (Y) as subparagraphs (X), (Y), and (Z), respectively; and

(ii) by inserting after subparagraph (V) the following new subparagraph:

"(W)(i) provides that, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary, during periods in which the borrower is serving in a national service position, for which the borrower receives a national service educational award under the National and Community Service Trust Act of 1993;

"(ii) provides that clauses (iii) and (iv) of subparagraph (V) shall also apply to a forbearance granted under this subparagraph; and

"(iii) provides that interest shall continue to accrue on a loan for which a borrower receives forbearance under this subparagraph and shall be capitalized or paid by the borrower;"; and

(B) in subsection (c)(3)(A), by striking "subsection (b)(1)(V)" and inserting "subparagraphs (V) and (W) of subsection (b)(1)".

(3) ELIGIBILITY FOR STAFFORD LOAN FORGIVENESS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078-10) is amended—

(A) in subsection (b)(1), is amended by striking "October 1, 1992" and inserting "October 1, 1989"; and

(B) in subsection (c), by adding at the end the following new paragraph:

"(5) INELIGIBILITY OF NATIONAL SERVICE EDUCATIONAL AWARD RECIPIENTS.—No student borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.).".

(4) ELIGIBILITY FOR PERKINS LOAN FORGIVENESS.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended by adding at the end the following new paragraph:

"(6) No borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.).".

(5) IMPACT ON GENERAL NEEDS ANALYSIS.—Section 480(j) of such Act (20 U.S.C. 1087vv(j)) is amended by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), any national service educational award such student will receive under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12751 et seq.) shall not be taken into account in determining estimated financial assistance not received under this title.".

SEC. 103. SCHOOL-BASED AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.

(a) AMENDMENTS TO SERVE-AMERICA PROGRAMS.—

(1) PURPOSE.—The purpose of this subsection is to improve the Serve-America programs established under part I of subtitle B of the National and Community Service Act of 1990, and to enable the Corporation for National and Community Service, and the entities receiving financial assistance under such part, to—

(A) work with teachers in elementary schools and secondary schools within a community, and with community-based agencies, to create and offer service-learning opportunities for all school-age youth;

(B) educate teachers, and faculty providing teacher training and retraining, about service-learning, and incorporate service-learning opportunities into classroom teaching to strengthen academic learning;

(C) coordinate the work of adult volunteers who work with elementary and secondary schools as part of their community service activities; and

(D) work with employers in the communities to ensure that projects introduce the students to various careers and expose the students to needed further education and training.

(2) PROGRAMS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by striking the subtitle heading and all that follows through the end of part I and inserting the following:

"Subtitle B—School-Based and Community-Based Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"Subpart A—School-Based Programs for Students

"SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN TRIBES.

"(a) USE OF FUNDS.—The Corporation, in consultation with the Secretary of Education, may make grants under section 112(b)(1), and allotments under subsections (a) and (b)(2) of section 112, to States (through State educational agencies), and to Indian tribes, to pay for the Federal share of—

"(1) planning and building the capacity of the States or Indian tribes (which may be accomplished through grants or contracts with qualified organizations) to implement school-based service-learning programs, including—

"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula to be integrated into academic programs, including the age-appropriate learning component described in section 114(d)(1)(B);

"(C) forming local partnerships described in paragraph (2) or (4) to develop school-based service-learning programs in accordance with this subpart;

"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities; and

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;

"(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through State distribution of Federal funds made available under this subpart to projects operated by local partnerships among—

"(A) local educational agencies; and

"(B) one or more community partners that—

"(i) shall include a public or private not-for-profit organization that—

"(I) has demonstrated expertise in the provision of services to meet human, educational, environmental, or public safety needs;

"(II) was in existence 1 year before the date on which the organization submitted an application under section 114; and

"(III) will make projects available for participants, who shall be students; and

"(ii) may include a private for-profit business or private elementary or secondary school;

"(3) planning of school-based service-learning programs through State distribution of Federal funds made available under this subpart to local educational agencies, which planning may include paying for the cost of—

"(A) the salaries and benefits of service-learning coordinators; or

"(B) the recruitment, training, supervision, and placement of service-learning coordinators who are participants in a program under subtitle C or receive a national service educational award under subtitle D,

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2); and

"(4) implementing, operating, or expanding school-based service-learning programs involving adult volunteers to utilize service-learning to improve the education of students through State distribution of Federal funds made available under this part to local partnerships among—

"(A) local educational agencies; and

"(B) one or more—

"(i) public or private not-for-profit organizations;

"(ii) other educational agencies; or

"(iii) private for-profit businesses,

that coordinate and operate projects for participants, who shall be students.

"(b) RELATED EXPENSES.—A partnership, local educational agency, or other qualified organization that receives financial assistance under this subpart may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, evaluations, and for other reasonable expenses related to the activities.

"SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN NONPARTICIPATING STATES.

"In any fiscal year in which a State does not submit an application under section 113, for an allotment under subsection (a) or (b)(2) of section 112, that meets the requirements of section 113 and such other requirements as the President may determine to be appropriate, the Corporation may use the allotment of that State to make direct grants to pay for the Federal share of the cost of—

"(1) carrying out the activities described in paragraph (2) or (4) of section 111(a), to a local partnership described in such paragraph; or

"(2) carrying out the activities described in paragraph (3) of such section, to an agency described in such paragraph,

that is located in the State.

"SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE NOT-FOR-PROFIT ORGANIZATIONS.

"(a) In General.—The Corporation may make a grant under section 112(b)(1) to a public or private not-for-profit organization that—

"(1) has experience with service-learning;

"(2) was in existence 1 year before the date on which the organization submitted an application under section 114(a); and

"(3) meets such other criteria as the President may establish.

"(b) Use of Funds.—Such an organization may use a grant made under subsection (a) to make grants to partnerships described in paragraph (2) or (4) of section 111(a) to implement, operate, or expand school-based service-learning programs as described in such section and provide technical assistance and training to appropriate persons.

"SEC. 112. GRANTS AND ALLOTMENTS.

"(a) Indian Tribes and Territories.—Of the amounts appropriated to carry out this subpart for any fiscal year, the Corporation shall reserve an amount of not more than 3 percent for payments to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs. The Corporation may also make payments from such amount to Palau, in accordance with its needs, until such time as the Compact of Free Association with Palau is ratified.

"(b) Grants and Allotments Through States.—The Corporation shall use the remainder of the funds appropriated to carry out this subpart for any fiscal year as follows:

"(1) Grants.—Except as provided in paragraph (3), from 25 percent of such funds, the Corporation may make grants, on a competitive basis, to—

"(A) States and Indian tribes; or

"(B) as described in section 111B, to grantmaking entities.

"(2) Allotments.—

"(A) School-age youth.—Except as provided in paragraph (3), from 37.5 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such funds as the number of school-age youth in the State bears to the total number of school-age youth of all States.

"(B) Allocation under elementary and secondary education act of 1965.—Except as provided in paragraph (3), from 37.5 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 37.5 percent of such funds as the allocation to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.) bears to such allocations to all States.

"(3) Minimum amount.—No State shall receive, under paragraph (2), an allotment that is less than the allotment such State received for fiscal year 1993 under section 112(b) of this Act, as in effect on the day before the date of enactment of this part. If the amount of funds made available in a fiscal year to carry out paragraph (2) is insufficient to make such allotments, the Corporation shall make available sums from the 25 percent described in paragraph (1) for such fiscal year to make such allotments.

"(4) Definition.—Notwithstanding section 101(27), for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and an Indian tribe.

"(c) Reallotment.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe does not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the President may determine to be appropriate, the Corporation shall, after making any grants under section 111A to a partnership or agency described in such section, make any remainder of such allotment available for reallotment to such other States, and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.

"(d) Exception.—Notwithstanding subsections (a) and (b), if less than $20,000,000 is appropriated for any fiscal year to carry out this subpart, the Corporation shall award grants to States and Indian tribes, from the amount so appropriated, on a competitive basis to pay for the Federal share of the activities described in section 111.

"SEC. 113. STATE OR TRIBAL APPLICATIONS.

"(a) Submission.—To be eligible to receive a grant under section 112(b)(1), an allotment under subsection (a) or (b)(2) of section 112, a reallotment under section 112(c), or a grant under section 112(d), a State, acting through the State educational agency, or an Indian tribe, shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the President may reasonably require.

"(b) Contents.—An application that is submitted under subsection (a) with respect to service-learning programs described in section 111 shall include—

"(1) a 3-year strategic plan, or a revision of a previously approved 3-year strategic plan, for promoting service-learning through the programs, which plan shall contain such information as the President may reasonably require, including information demonstrating that the programs will be carried out in a manner consistent with the approved strategic plan;

"(2) assurances that—

"(A) the applicant will keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and

"(B) the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedure requirements of section 176(f); and

"(3) such additional information as the President may reasonably require.

"SEC. 114. LOCAL APPLICATIONS.

"(a) Application to Corporation to Make Grants for School-Based Service-Learning Programs.—

"(1) In general.—To be eligible to receive a grant in accordance with section 111B(a) to make grants relating to school-based service-learning programs described in section 111(a)(2), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application.

"(2) Submission.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(b) Direct Application to Corporation To Carry Out School-Based Service-Learning Programs in Nonparticipating States.—To be eligible to receive a grant from the Corporation in the circumstances described in section 111A to carry out an activity described in such section, a partnership or agency described in such section shall prepare, submit to the Corporation, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(c) Application to State or Indian Tribe To Receive Assistance To Carry Out School-Based Service-Learning Programs.—

"(1) In general.—Any—

"(A) qualified organization that desires to receive financial assistance under this subpart from a State or Indian tribe for an activity described in section 111(a)(1);

"(B) partnership described in section 111(a)(2) that desires to receive such assistance from a State, Indian tribe, or grantmaking entity for an activity described in section 111(a)(2);

"(C) agency described in section 111(a)(3) that desires to receive such assistance from a State or Indian tribe for an activity described in such section; or

"(D) partnership described in section 111(a)(4) that desires to receive such assistance from a State or Indian tribe for an activity described in such section,

to be carried out through a service-learning program described in section 111, shall prepare, submit to the State educational agency, Indian tribe, or grantmaking entity, and obtain approval of, an application for the program.

"(2) Submission.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, tribe, or entity may reasonably require.

"(d) Regulations.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 111, including, at a minimum—

"(1) assurances that—

"(A) prior to the placement of a participant, the entity carrying out the program will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees;

"(B) the entity carrying out the program will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences; and

"(C) the entity carrying out the program will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedure requirements of section 176(f); and

"(2) in the case of an application submitted by a grantmaking entity, information demonstrating that the entity will make grants for a program to—

"(A) carry out activities described in section 111B(b) in two or more States, under circumstances in which the activities carried out under such program can be carried out more efficiently through one program than through two or more programs; and

"(B) carry out the same activities, such as training activities or activities related to exchanging information on service experiences, through each of the projects assisted through the program.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under section 113 or this section, and the Corporation shall reject an application that is submitted under section 113 or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

"SEC. 115. CONSIDERATION OF APPLICATIONS.

"(a) CRITERIA FOR APPLICATIONS.—In approving applications for financial assistance under subsection (a), (b), (c), or (d) of section 112, the Corporation shall consider such criteria with respect to sustainability, replicability, innovation, and quality of programs under this subpart as the President may by regulation specify. In providing assistance under this subpart, a State educational agency, Indian tribe, or grantmaking entity shall consider such criteria.

"(b) PRIORITY FOR LOCAL APPLICATIONS.—In providing assistance under this subpart, a State educational agency or Indian tribe, or the Corporation if section 111A or 111B applies, shall give priority to entities that submit applications under section 114 with respect to service-learning programs described in section 111 that—

"(1) involve participants in the design and operation of the program;

"(2) are in the greatest need of assistance, such as programs targeting low-income areas;

"(3) involve—

"(A) students from public elementary or secondary schools, and students from private elementary or secondary schools, serving together; or

"(B) students of different ages, races, sexes, ethnic groups, disabilities, or economic backgrounds, serving together; or

"(4) are integrated into the academic program of the participants.

"(c) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted by a State under section 113 for an allotment under subsection (b)(2) of section 112, the Corporation shall promptly notify the State of the reasons for the rejection of the application. The Corporation shall provide the State with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

"SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

"(a) IN GENERAL.—To the extent consistent with the number of students in the State or Indian tribe or in the school district of the local educational agency involved who are enrolled in private not-for-profit elementary and secondary schools, such State, Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this subpart; and

"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this subpart.

"(b) WAIVER.—If a State, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private not-for-profit schools as required by subsection (a), or if the Corporation determines that a State, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the President shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and (4) of section 1017(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727(b)).

"SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) SHARE.—

"(1) IN GENERAL.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant or allotment is made under this subpart may not exceed—

"(A) 90 percent of the total cost of the program for the first year for which the program receives assistance under this subpart;

"(B) 80 percent of the total cost of the program for the second year for which the program receives assistance under this subpart;

"(C) 70 percent of the total cost of the program for the third year for which the program receives assistance under this subpart; and

"(D) 50 percent of the total cost of the program for the fourth year, and for any subsequent year, for which the program receives assistance under this subpart.

"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this subpart—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

"(b) WAIVER.—The President may waive the requirements of subsection (a) in whole or in part with respect to any such program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

"SEC. 116A. LIMITATIONS ON USES OF FUNDS.

"(a) ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to a State educational agency, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the original recipient; or

"(B) the entity carrying out the service-learning programs supported with the assistance.

"(2) RULES ON USE.—The President may by rule prescribe the manner and extent to which—

"(A) such assistance may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient; and

"(ii) the entity carrying out the service-learning programs supported with the assistance.

"(b) CAPACITY-BUILDING ACTIVITIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not less than 10 percent and not more than 15 percent of the amount of assistance provided to a State educational agency or Indian tribe that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to build capacity through training, technical assistance, curriculum development, and coordination activities, described in section 111(a)(1).

"(2) WAIVER.—The President may waive the requirements of paragraph (1) in order to permit an agency or a tribe to use not less than 10 percent and not more than 25 percent of such amount to build capacity as provided in paragraph (1). To be eligible to receive such a waiver such an agency or tribe shall submit an application to the President at such time, in such manner, and containing such information as the President may require.

"(c) LOCAL USES OF FUNDS.—Funds made available under this subpart may not be used to pay any stipend, allowance, or other financial support to any student who is a participant under this subtitle, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this subpart.

"SEC. 116B. DEFINITIONS.

"As used in this subpart:

"(1) GRANTMAKING ENTITY.—The term 'grantmaking entity' means an organization described in section 111B(a).

"(2) SCHOOL-BASED.—The term 'school-based' means based in an elementary school or a secondary school.

"(3) STUDENT.—Notwithstanding section 101(30), the term 'student' means an individual who is enrolled in an elementary or secondary school on a full- or part-time basis.

"Subpart B—Community-Based Service Programs for School-Age Youth

"SEC. 117. DEFINITIONS.

"As used in this subpart:

"(1) COMMUNITY-BASED SERVICE PROGRAM.—The term 'community-based service program' means a program described in section 117A(b)(1)(A).

"(2) GRANTMAKING ENTITY.—The term 'grantmaking entity' means a qualified organization that—

"(A) submits an application under section 117C(a) to make grants to qualified organizations;

"(B) was in existence 1 year before the date on which the organization submitted the application;

"(C) has experience with service-learning; and

"(D) meets such other criteria as the President shall establish.

"(3) QUALIFIED ORGANIZATION.—The term 'qualified organization' means a public or private not-for-profit organization with experience working with school-age youth that meets such criteria as the President may establish.

"SEC. 117A. GENERAL AUTHORITY.

"(a) GRANTS.—From the funds appropriated to carry out this subpart for a fiscal year, the Corporation may make grants to State Commissions, grantmaking entities, and qualified organizations to pay for the Federal share of the implementation, operation, expansion, or replication of community-based service programs.

"(b) USE OF FUNDS.—

"(1) STATE COMMISSIONS AND GRANTMAKING ENTITIES.—A State Commission or grantmaking entity may use a grant made under subsection (a)—

"(A) to make a grant to a qualified organization to implement, operate, expand, or replicate a community-based service program that provides for meaningful human, educational, environmental, or public safety service by participants, who shall be school-age youth; or

"(B) to provide training and technical assistance to such an organization.

"(2) QUALIFIED ORGANIZATIONS.—A qualified organization, other than a grantmaking entity, may use a grant made under subsection (a) to implement, operate, expand, or replicate a program described in paragraph (1)(A).

"SEC. 117B. STATE APPLICATIONS.

"(a) IN GENERAL.—To be eligible to receive a grant under section 117A(a), a State Commission shall prepare, submit to the Corporation, and obtain approval of, an application.

"(b) SUBMISSION.—Such application shall be submitted to the Corporation at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(c) CONTENTS.—Such an application shall include, at a minimum, a State plan that contains the information and assurance described in section 117C(d) with respect to each community-based service program proposed to be carried out through funding distributed by the State Commission under this subpart.

"SEC. 117C. LOCAL APPLICATIONS.

"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from the Corporation under section 117A(a) to make grants under section 117A(b)(1), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out through grants made to qualified organizations. Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from the Corporation under section 117A(a) to implement, operate, expand, or replicate a community service program, a qualified organization shall prepare, submit to the Corporation, and obtain approval of, an application that proposes a community-based service program to be carried out at multiple sites, or that proposes a model or an innovative community-based service program. Such application shall be submitted at such time and in such manner, and shall contain such information, as the President may reasonably require.

"(c) APPLICATION TO STATE COMMISSION OR GRANTMAKING ENTITY TO RECEIVE GRANTS TO CARRY OUT COMMUNITY-BASED SERVICE PROGRAMS.—To be eligible to receive a grant from a State Commission or grantmaking entity under section 117A(b)(1), a qualified organization shall prepare, submit to the Commission or entity, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Commission or entity may reasonably require.

"(d) REGULATIONS.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 117, including, at a minimum—

"(1) an assurance that the entity carrying out the program proposed by the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f);

"(2) an assurance that the entity carrying out the program will, prior to placing a participant in the program, consult with any local labor organization representing employees in the area in which the program will be carried out that are engaged in the same or similar work as the work proposed to be carried out by the program, to prevent the displacement of such employees; and

"(3) in the case of an application submitted by a grantmaking entity, information demonstrating that the entity will make grants for a program to—

"(A) carry out activities described in section 117A(b)(1) in two or more States, under circumstances in which the activities carried out under such program can be carried out more efficiently through one program than through two or more programs; and

"(B) carry out the same activities, such as training activities or activities related to exchanging information on service experiences, through each of the projects assisted through the program.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under section 117B or this section, and the Corporation shall reject an application that is submitted under section 117B or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

"SEC. 117D. CONSIDERATION OF APPLICATIONS.

"(a) APPLICATION OF CRITERIA.—The Corporation shall apply the criteria described in subsection (b) in determining whether to approve an application submitted under section 117B or under subsection (a) or (b) of section 117C and to provide assistance under section 117A to the applicant on the basis of the application.

"(b) ASSISTANCE CRITERIA.—In evaluating such an application with respect to a program under this subpart, the Corporation shall consider the criteria established for national service programs under section 133(c).

"(c) APPLICATION TO SUBGRANTS.—A State Commission or grantmaking entity shall apply the criteria described in subsection (b) in determining whether to approve an application under section 117C(c) and to make a grant under section 117A(b)(1) to the applicant on the basis of the application.

"SEC. 117E. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share attributable to this subpart of the cost of carrying out a program for which a grant is made under this subpart may not exceed the percentage specified in subparagraph (A), (B), (C), or (D) of section 116(a)(1), as appropriate.

"(2) CALCULATION.—Each recipient of assistance under this subpart shall comply with section 116(a)(2).

"(b) WAIVER.—The President may waive the requirements of subsection (a), in whole or in part, as provided in section 116(b).

"SEC. 117F. LIMITATIONS ON USES OF FUNDS.

"(a) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount of assistance provided to a State Commission, grantmaking entity, or qualified organization that is the original recipient of a grant under section 117A(a) for a fiscal year may be used to pay for administrative costs incurred by—

"(1) the original recipient; or

"(2) the entity carrying out the community-based service programs supported with the assistance.

"(b) RULES ON USE.—The President may by rule prescribe the manner and extent to which—

"(1) such assistance may be used to cover administrative costs; and

"(2) that portion of the assistance available to cover administrative costs should be distributed between—

"(A) the original recipient; and

"(B) the entity carrying out the community-based service programs supported with the assistance.

"Subpart C—Clearinghouse

"SEC. 118. SERVICE-LEARNING CLEARINGHOUSE.

"(a) IN GENERAL.—The Corporation shall provide financial assistance, from funds appropriated to carry out subtitle H, to agencies described in subsection (b) to establish a clearinghouse, which shall carry out activities, either directly or by arrangement with another such entity, with respect to information about service-learning.

"(b) PUBLIC AND PRIVATE NOT-FOR-PROFIT AGENCIES.—Public and private not-for-profit agencies that have extensive experience with service-learning, including use of adult volunteers to foster service-learning, shall be eligible to receive assistance under subsection (a).

"(c) FUNCTION OF CLEARINGHOUSE.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local service-learning programs with needs assessments and planning;

"(2) conduct research and evaluations concerning service-learning;

"(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

"(4) facilitate communication among entities carrying out service-learning programs and participants in such programs;

"(5) provide information, curriculum materials, and technical assistance relating to planning and operation of service-learning programs, to States and local entities eligible to receive financial assistance under this title;

"(6)(A) gather and disseminate information on successful service-learning programs, components of such successful programs, innovative youth skills curricula related to service-learning, and service-learning projects; and

"(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

"(7) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs;

"(8) assist organizations in recruiting, screening, and placing service-learning coordinators; and

"(9) carry out such other activities as the President determines to be appropriate.".

(b) HIGHER EDUCATION INNOVATIVE PROJECTS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12531 et seq.) is amended by striking part II and inserting the following:

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE.

"(a) PURPOSE.—It is the purpose of this part to expand participation in community service by supporting innovative community service programs carried out through institutions of higher education, acting as civic institutions to meet the human, educational, environmental, or public safety needs of neighboring communities.

"(b) GENERAL AUTHORITY.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions), and partnerships comprised of such institutions and of other public agencies or not-for-profit private organizations, to pay for the Federal share of the cost of—

"(1) enabling such an institution or partnership to create or expand an organized community service program that—

"(A) engenders a sense of social responsibility and commitment to the community in which the institution is located; and

"(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community;

"(2) supporting student-initiated and student-designed community service projects through the program;

"(3) strengthening the leadership and instructional capacity of teachers at the elementary, secondary, and post secondary levels, with respect to service-learning, by—

"(A) including service-learning as a key component of the preservice teacher education of the institution; and

"(B) encouraging the faculty of the institution to use service-learning methods throughout their curriculum;

"(4) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;

"(5) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) to support service-learning and community service through the community service program;

"(6) strengthening the service infrastructure within institutions of higher education in the United States through the program; and

"(7) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

"(c) FEDERAL SHARE.—

"(1) SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out a community service project for which a grant or contract is awarded under this part may not exceed 50 percent.

"(B) CALCULATION.—Each recipient of assistance under this part shall comply with section 116(a)(2).

"(2) WAIVER.—The President may waive the requirements of paragraph (1), in whole or in part, as provided in section 116(b).

"(d) APPLICATION FOR GRANT.—

"(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership described in subsection (b) shall prepare, submit to the Corporation, and obtain approval of, an application at such time, in such manner, and containing such information as the Corporation may reasonably require. In requesting applications for assistance under this part, the Corporation shall specify such required information.

"(2) CONTENTS.—An application submitted under paragraph (1) shall, at a minimum, contain—

"(A) assurances that—

"(i) prior to the placement of a participant, the applicant will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

"(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f); and

"(B) such other assurances as the President may reasonably require.

"(e) PRIORITY.—

"(1) IN GENERAL.—In making grants and entering into contracts under subsection (b), the Corporation shall give priority to applicants that submit applications containing proposals that—

"(A) demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

"(B) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

"(C) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools;

"(D) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

"(i) the institution;

"(ii)(I) a community-based agency;

"(II) a local government agency; or

"(III) a not-for-profit entity that serves or involves school-age youth or older adults; and

"(iii) a student organization;

"(E) demonstrate community involvement in the development of the proposal;

"(F) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education; or

"(G) with respect to projects involving delivery of service, specify projects that involve leadership development of school-age youth.

"(2) DETERMINATION.—In giving priority to applicants under paragraph (1), the Corporation shall give increased priority to such an applicant for each characteristic described in subparagraphs (A) through (G) of paragraph (1) that is reflected in the application submitted by the applicant.

"(f) NATIONAL SERVICE EDUCATIONAL AWARD.—A participant in a program funded under this part shall be eligible for the national service educational award described in subtitle D, if the participant served in an approved national service position.

"(g) DEFINITION.—Notwithstanding section 101(30), as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle B of title I of such Act and inserting the following:

"Subtitle B—School-Based and Community-Based Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"SUBPART A—SCHOOL-BASED PROGRAMS FOR STUDENTS

"Sec. 111. Authority to assist States and Indian tribes.
"Sec. 111A. Authority to assist local applicants in nonparticipating States.
"Sec. 111B. Authority to assist public or private not-for-profit organizations.
"Sec. 112. Grants and allotments.
"Sec. 113. State or tribal applications.
"Sec. 114. Local applications.
"Sec. 115. Consideration of applications.
"Sec. 115A. Participation of students and teachers from private schools.
"Sec. 116. Federal, State, and local contributions.
"Sec. 116A. Limitations on uses of funds.
"Sec. 116B. Definitions.

"SUBPART B—COMMUNITY-BASED SERVICE PROGRAMS FOR SCHOOL-AGE YOUTH

"Sec. 117. Definitions.
"Sec. 117A. General authority.
"Sec. 117B. State applications.
"Sec. 117C. Local applications.
"Sec. 117D. Consideration of applications.
"Sec. 117E. Federal, State, and local contributions.
"Sec. 117F. Limitations on uses of funds.

"SUBPART C—CLEARINGHOUSE

"Sec. 118. Service-learning clearinghouse.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 119. Higher education innovative programs for community service.".

SEC. 104. QUALITY AND INNOVATION ACTIVITIES.

(a) REPEAL.—Subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.) is repealed.

(b) TRANSFER.—Title I of the National and Community Service Act of 1990 is amended—

(1) by redesignating subtitle H (42 U.S.C. 12653 et seq.) as subtitle E;

(2) by inserting subtitle E (as redesignated by paragraph (1) of this subsection) after subtitle D; and

(3) by redesignating sections 195 through 195O as sections 151 through 166, respectively.

(c) INVESTMENT FOR QUALITY AND INNOVATION.—Title I of the National and Community Service Act of 1990 (as amended by subsection (b) of this section) is amended by adding at the end the following new subtitle:

"Subtitle H—Investment for Quality and Innovation

"SEC. 198. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.

"(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may carry out this section directly or through grants, contracts, and cooperative agreements with other entities.

"(b) INNOVATION AND QUALITY IMPROVEMENT.—

"(1) ACTIVITIES.—The Corporation may undertake activities to improve the quality of national service programs and to support innovative and model programs, including—

"(A) programs, including programs for rural youth, under subtitle B or C;

"(B) employer-based retiree programs;

"(C) intergenerational programs;

"(D) programs involving individuals with disabilities as participants providing service; and

"(E) programs sponsored by Governors.

"(2) INTERGENERATIONAL PROGRAM.—An intergenerational program referred to in paragraph (1)(C) may include a program in which older adults provide services to children who participate in Head Start programs.

"(c) SUMMER PROGRAMS.—The Corporation may support service programs intended to be carried out between May 1 and October 1, except that such a program may also include a year-round component.

"(d) COMMUNITY-BASED AGENCIES.—The Corporation may provide training and technical assistance and other assistance to service sponsors and other community-based agencies that provide volunteer placements in order to improve the ability of such agencies to use participants and other volunteers in a manner that results in high-quality service and a positive service experience for the participants and volunteers.

"(e) IMPROVE ABILITY TO APPLY FOR ASSISTANCE.—The Corporation shall provide training and technical assistance, where necessary, to individuals, programs, local labor organizations, State educational agencies, State Commissions, local educational agencies, local governments, community-based agencies, and other entities to enable them to apply for funding under one of the national service laws, to conduct high-quality programs, to evaluate such programs, and for other purposes.

"(f) NATIONAL SERVICE FELLOWSHIPS.—The Corporation may award national service fellowships.

"(g) CONFERENCES AND MATERIALS.—The Corporation may organize and hold conferences, and prepare and publish materials, to disseminate information and promote the sharing of information among programs for the purpose of improving the quality of programs and projects.

"(h) PEACE CORPS AND VISTA TRAINING.—The Corporation may provide training assistance to selected individuals who volunteer to serve in the Peace Corps or a program authorized under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.). The training shall be provided as part of the course of study of the individual at an institution of higher education, shall involve service-learning, and shall cover appropriate skills that the individual will use in the Peace Corps or VISTA.

"(i) PROMOTION AND RECRUITMENT.—The Corporation may conduct a campaign to solicit funds for the National Service Trust and other programs and activities authorized under the national service laws and to promote and recruit participants for programs that receive assistance under the national service laws.

"(j) TRAINING.—The Corporation may support national and regional participant and supervisor training, including leadership training and training in specific types of service and in building the ethic of civic responsibility.

"(k) RESEARCH.—The Corporation may support research on national service, including service-learning.

"(l) INTERGENERATIONAL SUPPORT.—The Corporation may assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.

"(m) PLANNING COORDINATION.—The Corporation may coordinate community-wide planning among programs and projects.

"(n) YOUTH LEADERSHIP.—The Corporation may support activities to enhance the ability of youth and young adults to play leadership roles in national service.

"(o) NATIONAL PROGRAM IDENTITY.—The Corporation may support the development and dissemination of materials, including training materials, and arrange for uniforms and insignia, designed to promote unity and shared features among programs that receive assistance under the national service laws.

"(p) SERVICE-LEARNING.—The Corporation shall support innovative programs and activities that promote service-learning.

"(q) NATIONAL YOUTH SERVICE DAY.—

"(1) DESIGNATION.—April 19, 1994, and April 18, 1995 are each designated as 'National Youth Service Day'. The President of the United States is authorized and directed to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

"(2) FEDERAL ACTIVITIES.—In order to observe National Youth Service Day at the Federal level, the Corporation may organize and carry out appropriate ceremonies and activities.

"(3) ACTIVITIES.—The Corporation may make grants to not-for-profit organizations with demonstrated ability to carry out appropriate activities, in order to support such activities on National Youth Service Day.

"SEC. 198A. CLEARINGHOUSES.

"(a) ASSISTANCE.—The Corporation shall provide assistance to appropriate entities to establish one or more clearinghouses, including the clearinghouse described in section 118.

"(b) APPLICATION.—To be eligible to receive assistance under subsection (a), an entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

"(c) FUNCTION OF CLEARINGHOUSES.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local community service programs with needs assessments and planning;

"(2) conduct research and evaluations concerning community service;

"(3)(A) provide leadership development and training to State and local community service program administrators, supervisors, and participants; and

"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

"(4) facilitate communication among entities carrying out community service programs and participants;

"(5) provide information, curriculum materials, technical assistance relating to planning and operation of community service programs, to States and local entities eligible to receive funds under this title;

"(6)(A) gather and disseminate information on successful community service programs, components of such successful programs, innovative youth skills curriculum, and community service projects; and

"(B) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

"(7) make recommendations to State and local entities on quality controls to improve the delivery of community service programs and on changes in the programs under this title; and

"(8) carry out such other activities as the President determines to be appropriate.

"SEC. 198B. PRESIDENTIAL AWARDS FOR SERVICE.

"(a) PRESIDENTIAL AWARDS.—

"(1) IN GENERAL.—The President of the United States, acting through the Corporation, may make Presidential awards for service to individuals providing significant service, and to outstanding service programs.

"(2) INDIVIDUALS AND PROGRAMS.—Notwithstanding section 101(20)—

"(A) an individual receiving an award under this subsection need not be a participant in a program authorized under this Act; and

"(B) a program receiving an award under this subsection need not be a program authorized under this Act.

"(3) NATURE OF AWARD.—In making an award under this section to an individual or program, the President of the United States, acting through the Corporation—

"(A) is authorized to incur necessary expenses for the honorary recognition of the individual or program; and

"(B) is not authorized to make a cash award to such individual or program.

"(b) INFORMATION.—The President of the United States, acting through the Corporation, shall ensure that information concerning individuals and programs receiving awards under this section is widely disseminated.

"SEC. 198C. MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.

"(a) PURPOSES.—The purposes of this section are to—

"(1) provide meaningful training and paid employment to economically disadvantaged youth;

"(2) fully utilize military installations affected by closures or realignments;

"(3) encourage communities affected by such closures or realignments to convert the installations to community use; and

"(4) foster a sense of community pride in the youth in the community.

"(b) DEFINITIONS.—As used in this section:

"(1) AFFECTED MILITARY INSTALLATION.—The term 'affected military installation' means a military installation described in section 325(e)(1) of the Job Training Partnership Act (29 U.S.C. 1662d(e)(1)).

"(2) COMMUNITY.—The term 'community' includes a county.

"(3) CONVERT TO COMMUNITY USE.—The term 'convert to community use', used with respect to an affected military installation, includes—

"(A) conversion of the installation or a part of the installation to—

"(i) a park;

"(ii) a community center;

"(iii) a recreational facility; or

"(iv) a facility for a Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.); and

"(B) carrying out, at the installation, a construction or economic development project that is of substantial benefit, as determined by the President, to—

"(i) the community in which the installation is located; or

"(ii) a community located within such distance of the installation as the President may determine by regulation to be appropriate.

"(4) DEMONSTRATION PROGRAM.—The term 'demonstration program' means a program described in subsection (c).

"(c) DEMONSTRATION PROGRAMS.—

"(1) GRANTS.—The Corporation may make grants to communities and community-based agencies to pay for the Federal share of establishing and carrying out military installation conversion demonstration programs, to assist in converting to community use affected military installations located—

"(A) within the community; or

"(B) within such distance from the community as the President may by regulation determine to be appropriate.

"(2) DURATION.—In carrying out such a demonstration program, the community or community-based agency may carry out—

"(A) a program of not less than 6 months in duration; or

"(B) a full-time summer program.

"(d) USE OF FUNDS.—

"(1) SALARY.—A community or community-based agency that receives a grant under subsection (c) to establish and carry out a project through a demonstration program may use the funds made available through such grant to pay for a portion of the salary of the participants in the project.

"(2) LIMITATION ON AMOUNT OF SALARY.—The amount of the salary provided to a participant under paragraph (1) that may be paid using assistance provided under this section and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955); and

"(B) 85 percent of the salary established by the demonstration program involved.

"(e) PARTICIPANTS.—

"(1) ELIGIBILITY.—A person shall be eligible to be selected as a participant in a project carried out through a demonstration program if the person is—

"(A) an economically disadvantaged individual; and

"(B)(i) a person described in section 153(b);

"(ii) a youth described in section 154(a); or

"(iii) an eligible youth described in section 423 of the Job Training Partnership Act (29 U.S.C. 1693).

"(2) PARTICIPATION.—Persons desiring to participate in such a project shall enter into an agreement with the service sponsor of the project to participate—

"(A) on a full-time or a part-time basis; and

"(B) for the duration referred to in subsection (f)(2)(C).

"(f) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), a community or community-based agency shall submit an application to the President at such time, in such manner, and containing such information as the President may require.

"(2) CONTENTS.—At a minimum, such application shall contain—

"(A) a description of the demonstration program proposed to be conducted by the applicant;

"(B) a proposal for carrying out the program that describes the manner in which the applicant will—

"(i) provide preservice and inservice training, for supervisors and participants, that will be conducted by qualified individuals or qualified organizations;

"(ii) conduct an appropriate evaluation of the program; and

"(iii) provide for appropriate community involvement in the program;

"(C) information indicating the duration of the program; and

"(D) an assurance that the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedure requirements of section 176(f).

"(g) LIMITATION ON GRANT.—In making a grant under subsection (c) with respect to a demonstration program to assist in converting an affected military installation, the Corporation shall not make a grant for more than 25 percent of the total cost of the conversion.".

(d) TABLE OF CONTENTS.—

(1) CIVILIAN COMMUNITY CORPS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

"Subtitle E—Civilian Community Corps

"Sec. 151. Purpose.
"Sec. 152. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 153. National service program.
"Sec. 154. Summer national service program.
"Sec. 155. Civilian Community Corps.
"Sec. 156. Training.
"Sec. 157. Service projects.
"Sec. 158. Authorized benefits for Corps personnel under Federal law.
"Sec. 159. Administrative provisions.
"Sec. 160. Status of Corps members and Corps personnel under Federal law.
"Sec. 161. Contract and grant authority.
"Sec. 162. Responsibilities of other departments.
"Sec. 163. Advisory board.
"Sec. 164. Annual evaluation.
"Sec. 165. Funding limitation.
"Sec. 166. Definitions.".

(2) QUALITY AND INNOVATION.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle H of title I of such Act and inserting the following:

"Subtitle H—Investment for Quality and Innovation

"Sec. 198. Additional corporation activities to support national service.
"Sec. 198A. Clearinghouses.
"Sec. 198B. Presidential awards for service.
"Sec. 198C. Military installation conversion demonstration programs.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) Section 1091(f)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended by striking "195G" and inserting "158".

(B) Paragraphs (1) and (2) of section 1092(b), and sections 1092(c), 1093(a), and 1094(a) of such Act are amended by striking "195A" and inserting "152".

(C) Sections 1091(f)(2), 1092(b)(1), and 1094(a), and subsections (a) and (c) of section 1095 of such Act are amended by striking "subtitle H" and inserting "subtitle E".

(D) Section 1094(b)(1) and subsections (b) and (c)(1) of section 1095 of such Act are amended by striking "subtitles B, C, D, E, F, and G" and inserting "subtitles B, C, D, F, G, and H".

(2) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) Section 153(a) of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653b(a)) is amended by striking "195A(a)" and inserting "152(a)".

(B) Section 154(a) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653c(a)) is amended by striking "195A(a)" and inserting "152(a)".

(C) Section 155 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653d) is amended—

(i) in subsection (a), by striking "195H(c)(1)" and inserting "159(c)(1)";

(ii) in subsection (c)(2), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(iii) in subsection (d)(3), by striking "195K(a)(3)" and inserting "162(a)(3)".

(D) Section 156 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653e) is amended—

(i) in subsection (c)(1), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(ii) in subsection (d), by striking "195K(a)(3)" and inserting "162(a)(3)".

(E) Section 159 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653h) is amended—

(i) in subsection (a)—

(I) by striking "195A" and inserting "152"; and

(II) in paragraph (2), by striking "195" and inserting "151"; and

(ii) in subsection (c)(2)(C)(i), by striking "195K(a)(2)" and inserting "section 162(a)(2)".

(F) Section 161(b)(1)(B) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653j(b)(1)(B)) is amended by striking "195K(a)(3)" and inserting "162(a)(3)".

(G) Section 162(a)(2)(A) of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653k(a)(2)(A)) is amended by striking "195(3)" and inserting "151(3)".

(H) Section 166 of such Act (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653o) is amended—

(i) in paragraph (2), by striking "195D" and inserting "155";

(ii) in paragraph (8), by striking "195A" and inserting "152";

(iii) in paragraph (10), by striking "195D(d)" and inserting "155(d)"; and

(iv) in paragraph (11), by striking "195D(c)" and inserting "155(c)".

(f) EXTENSION OF AUTHORITY TO CONDUCT CIVILIAN COMMUNITY CORPS.—Section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2534), as amended by subsection (e)(1) of this section, is further amended by adding at the end the following new sentence: "The amount made available for the Civilian Community Corps Demonstration Program pursuant to this subsection shall remain available for expenditure during fiscal years 1993 and 1994.".

(g) PARTICIPANTS.—

(1) NATIONAL SERVICE PROGRAM.—Section 153 of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653b) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) SUMMER NATIONAL SERVICE PROGRAM.—Section 154 of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653c) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(h) ADDITIONAL AMENDMENT REGARDING CIVILIAN COMMUNITY CORPS.—Section 158 of the National and Community Service Act of 1990 (as redesignated in subsection (b)(3) of this section) (42 U.S.C. 12653g) is amended by striking subsections (f), (g), and (h) and inserting the following new subsections:

"(f) NATIONAL SERVICE EDUCATIONAL AWARDS.—A Corps member who successfully completes a period of agreed service in the Corps may receive the national service educational award described in subtitle D if the Corps member—

"(1) serves in an approved national service position; and

"(2) satisfies the eligibility requirements specified in section 146 with respect to service in that approved national service position.

"(g) ALTERNATIVE BENEFIT.—If a Corps member who successfully completes a period of agreed service in the Corps is ineligible for the national service educational award described in subtitle D, the Director may provide for the provision of a suitable alternative benefit for the Corps member.".

Subtitle B—Related Provisions

SEC. 111. DEFINITIONS.

(a) IN GENERAL.—Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended to read as follows:

"SEC. 101. DEFINITIONS.

"For purposes of this title:

"(1) ADULT VOLUNTEER.—The term 'adult volunteer' means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private not-for-profit agency, who—

"(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and

"(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.

"(2) APPROVED NATIONAL SERVICE POSITION.—The term 'approved national service position' means a national service position for which the Corporation has approved the provision of a national service educational award described in section 147 as one of the benefits to be provided for successful service in the position.

"(3) CARRY OUT.—The term 'carry out', when used in connection with a national service program described in section 122, means the planning, establishment, operation, expansion, or replication of the program.

"(4) COMMUNITY ACTION AGENCY.—The term 'community action agency' means an entity or organization referred to in section 675(c)(2)(A) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(2)(A)).

"(5) COMMUNITY-BASED AGENCY.—The term 'community-based agency' means a private not-for-profit organization, including a church or other religious entity, that is representative of a community and that is engaged in meeting human, educational, environmental, or public safety community needs.

"(6) CORPORATION.—The term 'Corporation' means the Corporation for National and Community Service established under section 191.

"(7) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means, with respect to an individual, an individual who is determined by the President to be low-income according to the latest available data from the Department of Commerce.

"(8) ELEMENTARY SCHOOL.—The term 'elementary school' has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

"(9) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe, or is a 'Native', as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(10) INDIAN LANDS.—The term 'Indian lands' means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

"(11) INDIAN TRIBE.—The term 'Indian tribe' means—

"(A) an Indian tribe, band, nation, or other organized group or community, including—

"(i) any Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)), whether organized traditionally or pursuant to the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act'; 48 Stat. 984, chapter 576; 25 U.S.C 461 et seq.); and

"(ii) any Regional Corporation or Village Corporation, as defined in subsection (g) or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (g) or (j)),

that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians; and

"(B) any tribal organization controlled, sanctioned, or chartered by an entity described in subparagraph (A).

"(12) INDIVIDUAL WITH A DISABILITY.—Except as provided in section 175(a), the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

"(13) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(14) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(15) NATIONAL SERVICE LAWS.—The term 'national service laws' means this Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(16) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an individual who—

"(A) has not attained the age of 27;

"(B) has not completed college or the equivalent thereof; and

"(C) is not enrolled in an elementary or secondary school or institution of higher education.

"(17) PARTICIPANT.—

"(A) IN GENERAL.—The term 'participant' means—

"(i) for purposes of subtitle C, an individual in an approved national service position; and

"(ii) for purposes of any other provision of this Act, an individual enrolled in a program that receives assistance under this title.

"(B) RULE.—A participant shall not be considered to be an employee of the program in which the participant is enrolled.

"(18) PARTNERSHIP PROGRAM.—The term 'partnership program' means a program through which an adult volunteer, a public or private not-for-profit agency, an institution of higher education, or a business assists a local educational agency.

"(19) PRESIDENT.—The term 'President', except when used as part of the term 'President of the United States' means the President of the Corporation appointed under section 193.

"(20) PROGRAM.—The term 'program', except when used as part of the term 'academic program', means a program described in section 111(a) (other than a program referred to in paragraph (3)(B) of such section), 117A(a), 119(b)(1), or 122(a), in paragraph (1) or (2) of section 152(b), or in section 198.

"(21) PROJECT.—The term 'project' means an activity, carried out through a program that receives assistance under this title, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

"(22) SCHOOL-AGE YOUTH.—The term 'school-age youth' means—

"(A) individuals between the ages of 5 and 17, inclusive; and

"(B) children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, who receive services under part B of such Act.

"(23) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

"(24) SERVICE-LEARNING.—The term 'service-learning' means a method—

"(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—

"(i) is conducted in and meets the needs of a community;

"(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and

"(iii) helps foster civic responsibility; and

"(B) that—

"(i) is integrated into and enhances the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled; and

"(ii) provides structured time for the students or participants to reflect on the service experience.

"(25) SERVICE-LEARNING COORDINATOR.—The term 'service-learning coordinator' means an individual who provides services as described in section 111(a)(3).

"(26) SERVICE SPONSOR.—The term 'service sponsor' means an organization, or other entity, that has been selected to provide a placement for a participant.

"(27) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until such time as the Compact of Free Association is ratified.

"(28) STATE COMMISSION.—The term 'State Commission' means a State Commission on National and Community Service maintained by a State pursuant to section 178.

Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.

"(29) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).

"(30) STUDENT.—The term 'student' means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 182(a)(2) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(2)) is amended by striking "adult volunteer and partnership" each place the term appears and inserting "partnership".

(2) Section 182(a)(3) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(3)) is amended by striking "adult volunteer and partnership" and inserting "partnership".

(3) Section 441(c)(2) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by striking "service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of the National and Community Service Act of 1990" and inserting "a project, as defined in section 101(21) of the National and Community Service Act of 1990 (42 U.S.C. 12511(18))".

(4) Section 1122(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is amended by striking "youth corps as defined in section 101(30) of the National and Community Service Act of 1990" and inserting "youth corps programs, as described in section 122(a)(1) of the National and Community Service Act of 1990".

(5) Section 1201(p) of the Higher Education Act of 1965 (20 U.S.C. 1141(p)) is amended by striking "section 101(22) of the National and Community Service Act of 1990" and inserting "section 101(24) of the National and Community Service Act of 1990 (42 U.S.C. 12511(21))".

SEC. 112. AUTHORITY TO MAKE STATE GRANTS.

Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is repealed.

SEC. 113. FAMILY AND MEDICAL LEAVE.

(a) IN GENERAL.—Section 171 of the National and Community Service Act of 1990 (42 U.S.C. 12631) is amended to read as follows:

"SEC. 171. FAMILY AND MEDICAL LEAVE.

"(a) PARTICIPANTS IN PRIVATE, STATE, AND LOCAL PROJECTS.—For purposes of title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), if—

"(1) a participant has provided service for the period required by section 101(2)(A)(i) (29 U.S.C. 2611(2)(A)(i)), and has met the hours of service requirement of section 101(2)(A)(ii), of such Act with respect to a project; and

"(2) the service sponsor of the project is an employer described in section 101(4) of such Act (other than an employing agency within the meaning of subchapter V of chapter 63 of title 5, United States Code),

the participant shall be considered to be an eligible employee of the service sponsor.

"(b) PARTICIPANTS IN FEDERAL PROJECTS.—For purposes of subchapter V of chapter 63 of title 5, United States Code, if—

"(1) a participant has provided service for the period required by section 6381(1)(B) of such title with respect to a project; and

"(2) the service sponsor of the project is an employing agency within the meaning of such subchapter,

the participant shall be considered to be an employee of the service sponsor.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 171 of such Act and inserting the following:

"Sec. 171. Family and medical leave.".

SEC. 114. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177"; and

(2) in subsection (b)(1), by striking "this title" and inserting "the national service laws".

SEC. 115. NONDISCRIMINATION.

Section 175 of the National and Community Service Act of 1990 (42 U.S.C. 12635) is amended to read as follows:

"SEC. 175. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and shall constitute Federal financial assistance to an education program or activity for purposes of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with funds received under this title.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this title, of any member of the staff, of a project that receives assistance under this title, who was employed with the organization operating the project on the date the grant under this title was awarded.

"(d) RULES AND REGULATIONS.—The President shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

SEC. 116. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) DECERTIFICATION OF POSITIONS.—Section 176(a) of the National and Community Service Act of 1990 (42 U.S.C. 12636(a)) is amended—

(1) in paragraph (1), by inserting ", or revoke the designation of positions, related to the grant or contract, as approved national service positions," before "whenever the Commission"; and

(2) in paragraph (2)(B), by inserting "or revoked" after "terminated".

(b) CONSTRUCTION.—Section 176(e) of such Act (42 U.S.C. 12636(e)) is amended by adding before the period the following ", other than assistance provided pursuant to this Act".

(c) GRIEVANCE PROCEDURE.—Section 176(f) of such Act is amended to read as follows:

"(f) GRIEVANCE PROCEDURE.—

"(1) IN GENERAL.—A State or local applicant that receives assistance under this title shall establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning projects that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

"(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

"(3) DEADLINE FOR HEARING AND DECISION.—

"(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of such grievance.

"(B) DECISION.—A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

"(4) ARBITRATION.—

"(A) IN GENERAL.—

"(i) JOINTLY SELECTED ARBITRATOR.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

"(ii) APPOINTED ARBITRATOR.—If the parties cannot agree on an arbitrator, the President shall appoint an arbitrator from a list of qualified arbitrators within 15 days after receiving a request for such appointment from one of the parties to the grievance.

"(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding, or, if the arbitrator is appointed by the President in accordance with subparagraph (A)(ii), not later than 30 days after the appointment of such arbitrator.

"(C) DEADLINE FOR DECISION.—A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.

"(D) COST.—

"(i) IN GENERAL.—Except as provided in clause (ii), the cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(ii) EXCEPTION.—If a participant, labor organization, or other interested individual described in paragraph (1) prevails under a binding arbitration proceeding, the State, local agency, public or private not-for-profit organization, or partnership of such agencies and organizations, that is a party to such grievance shall pay the total cost of such proceeding and the attorneys' fees of such participant, labor organization, or individual, as the case may be.

"(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project that receives assistance under this title, such placement shall not be made unless the placement is consistent with the resolution of the grievance pursuant to this subsection.

"(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

"(A) suspension of payments for assistance under this title;

"(B) termination of such payments;

"(C) prohibition of the placement described in paragraph (5); and

"(D) in a case in which the grievance involves a violation of subsection (a) or (b) of section 177 and the employer of the displaced employee is the recipient of assistance under this title—

"(i) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(ii) payment of lost wages and benefits of the displaced employee;

"(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee; and

"(iv) such equitable relief as is necessary to correct any violation of subsection (a) or (b) of section 177 or to make the displaced employee whole.

"(7) ENFORCEMENT.—Suits to enforce arbitration awards under this section may be brought in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy and without regard to the citizenship of the parties.".

SEC. 117. NONDISPLACEMENT.

Section 177(b)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)(3)) is amended—

(1) in subparagraph (B), to read as follows:

"(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties, or engage in activities, that—

"(i) will supplant the hiring of employed workers; or

"(ii) are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures."; and

(2) in subparagraph (C)(iii), to read as follows:

"(iii) employee who—

"(I) is subject to a reduction in force; or

"(II) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;".

SEC. 118. EVALUATION.

Section 179 of the National and Community Service Act of 1990 (42 U.S.C 12639) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking "for purposes of the reports required by subsection (j)," and inserting "with respect to the programs authorized under subtitle C,"; and

(B) in subparagraph (A), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs";

(2) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "subtitle D" and inserting "subtitle C"; and

(B) in paragraphs (3) and (9), by striking "older American volunteer programs" and inserting "National Senior Volunteer Corps programs";

(3) by striking subsections (i) and (j); and

(4) by adding at the end the following:

"(i) INDEPENDENT EVALUATION AND REPORT OF DEMOGRAPHICS OF NATIONAL SERVICE PARTICIPANTS AND COMMUNITIES.—

"(1) INDEPENDENT EVALUATION.—

"(A) IN GENERAL.—The Corporation shall, on an annual basis, arrange for an independent evaluation of the programs assisted under subtitle C.

"(B) PARTICIPANTS.—

"(i) IN GENERAL.—The entity conducting such evaluation shall determine the demographic characteristics of the participants in such programs.

"(ii) CHARACTERISTICS.—The entity shall determine, for the year covered by the evaluation, the total number of participants in the programs, and the number of participants within the programs in each State, by sex, age, economic background, education level, ethnic group, disability classification, and geographic region.

"(iii) CATEGORIES.—The Corporation shall determine appropriate categories for analysis of each of the characteristics referred to in clause (ii) for purposes of such an evaluation.

"(C) COMMUNITIES.—In conducting the evaluation, the entity shall determine the amount of assistance provided under section 121 during the year that has been expended for projects conducted under the programs in areas described in section 133(c)(6).

"(2) REPORT.—The entity conducting the evaluation shall submit a report to the President, Congress, the Corporation, and each State Commission containing the results of the evaluation—

"(A) with respect to the evaluation covering the year beginning on the date of enactment of this subsection, not later than 18 months after such date; and

"(B) with respect to the evaluation covering each subsequent year, not later than 18 months after the first day of each such year.".

SEC. 119. ENGAGEMENT OF PARTICIPANTS.

Section 180 of the National and Community Service Act of 1990 (42 U.S.C. 12640) is amended by striking "post-service benefits" and inserting "national service educational awards".

SEC. 120. CONTINGENT EXTENSION.

(a) IN GENERAL.—Section 181 of the National and Community Service Act of 1990 (42 U.S.C. 12641) is amended to read as follows:

"SEC. 181. CONTINGENT EXTENSION.

"Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to sections 181 of such Act and inserting the following:

"Sec. 181. Contingent extension.".

SEC. 121. AUDITS.

(a) IN GENERAL.—Section 183 of the National and Community Service Act of 1990 (42 U.S.C. 12643) is amended to read as follows:

"SEC. 183. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.

"(a) COMPTROLLER GENERAL.—The Comptroller General, or any of the duly authorized representatives of the Comptroller General, shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

"(1) within the possession or control of the Corporation or any State or local government, Indian tribe, or public or private not-for-profit organization receiving assistance directly or indirectly under this Act; and

"(2) that the Comptroller General, or his representative, considers necessary to the performance of an evaluation, audit, or review.

"(b) CHIEF FINANCIAL OFFICER.—The Chief Financial Officer of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

"(1) within the possession or control of the Corporation or any State or local government, Indian tribe, or public or private not-for-profit organization receiving assistance directly or indirectly under this Act; and

"(2) that relate to the duties of the Chief Financial Officer.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 183 of such Act and inserting the following:

"Sec. 183. Rights of access, examination, and copying.".

SEC. 122. REPEALS.

(a) IN GENERAL.—Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.) is amended by repealing sections 185 and 186.

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 185 of such Act.

SEC. 123. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on October 1, 1993.

TITLE II—ORGANIZATION

SEC. 201. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

(a) COMPOSITION AND DUTIES OF STATE COMMISSIONS.—Subtitle F of title I of the National and Community Service Act of 1990 is amended by striking section 178 (42 U.S.C. 12638) and inserting the following new section:

"SEC. 178. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

"(a) EXISTENCE REQUIRED.—

"(1) STATE COMMISSION.—Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State shall maintain a State Commission on National and Community Service that satisfies the requirements of this section.

"(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity to carry out the duties otherwise entrusted to a State Commission under this Act. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission still provides for the individuals described in paragraph (1), and some of the individuals described in paragraph (2), of subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 117B and 130.

"(b) APPOINTMENT AND SIZE.—Except as provided in subsection (c)(3), the members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not less than 7 voting members and not more than 25 voting members.

"(c) COMPOSITION AND MEMBERSHIP.—

"(1) REQUIRED MEMBERS.—The State Commission for a State shall include as voting members at least one representative from each of the following categories:

"(A) Individuals between the ages of 16 and 25 who are participants or supervisors in programs.

"(B) National service programs, such as youth corps programs.

"(C) School-based or community-based programs for school-age youth.

"(D) Programs in which older adults are participants.

"(E) Local and State governmental entities in the State, including the State educational agency (from which at least one such member shall be appointed).

"(F) Local labor organizations.

"(2) SOURCES OF OTHER MEMBERS.—The State Commission for a State may include as voting members the following:

"(A) Representatives of community-based organizations or community-based agencies, including community action agencies.

"(B) Members selected from among participants in service programs who are youths.

"(C) Members selected from among local educators.

"(D) Members selected from among experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

"(E) Representatives of businesses and business groups.

"(F) Representatives of Indian tribes.

"(G) Representatives of groups serving economically disadvantaged individuals.

"(H) Members selected from among out-of-school youth or other at-risk youth.

"(I) Members selected from among older adults who are volunteers or participants in national service programs.

"(3) CORPORATION REPRESENTATIVE.—The representative of the Corporation designated under section 195(b) for a State shall be an ex officio nonvoting member of the State Commission or alternative administrative entity for that State.

"(4) EX OFFICIO STATE REPRESENTATIVES.—The chief executive officer of a State shall appoint, as an ex officio nonvoting member of the State Commission for the State, the Corporation employee responsible for volunteer service programs in the State, if such employee is not the representative described in paragraph (3). The chief executive officer may appoint, as ex officio nonvoting members of the State Commission for the State, representatives selected from among officers and employees of State agencies operating community service, youth service, education, social service, senior service, and job training programs.

"(5) LIMITATION ON NUMBER OF STATE EMPLOYEES AS MEMBERS.—The number of voting members of a State Commission selected under paragraph (1) or (2) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.

"(d) MISCELLANEOUS MATTERS.—

"(1) MEMBERSHIP BALANCE.—The chief executive officer of a State shall ensure, to the maximum extent practicable, that the membership of the State Commission for the State is diverse with respect to race, ethnicity, age, gender, and disability characteristics. Not more than 50 percent of the voting members of a State Commission, plus one additional member, may be from the same political party.

"(2) TERMS.—Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.

"(3) VACANCIES.—As vacancies occur on a State Commission, new members shall be appointed by the chief executive of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

"(4) COMPENSATION.—A member of a State Commission or alternative administrative entity shall not receive any additional compensation by reason of service on the State Commission or alternative administrative entity, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.

"(5) CHAIRPERSON.—The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.

"(e) DUTIES OF A STATE COMMISSION.—The State Commission or alternative administrative entity for a State shall be responsible for the following duties:

"(1) Preparation of a national service plan for the State that may build on any comprehensive State plan submitted pursuant to regulations issued under the National and Community Service Act of 1990, and that—

"(A) covers a 3-year period;

"(B) is updated annually;

"(C) contains such information as the State Commission or alternative administrative entity considers to be appropriate or as the Corporation may require; and

"(D) ensures outreach to diverse community-based agencies that serve underrepresented populations, by—

"(i) using established networks, and registries, at the State level; or

"(ii) establishing such networks and registries.

"(2) Preparation of the applications of the State under sections 117B and 130 for financial assistance, in such a manner as to ensure that any decision regarding whether to include a program in the application shall be made on the basis of the criteria described in section 133(c), applied in a fair and equitable manner by an impartial decisionmaker.

"(3) Assistance in the preparation of the application of the State educational agency for assistance under section 113.

"(4) Preparation of the application of the State under section 130 for the approval of service positions that include the national service educational award described in subtitle D.

"(5) Assistance in the provision of health care and child care benefits under section 140 to participants in national service programs that receive assistance under section 121.

"(6) Development of a State system for the recruitment and placement of participants in national service programs that receive assistance under section 121 and dissemination of information concerning national service programs that receive assistance and approved national service positions.

"(7) Administration of the grant program in support of national service programs that is conducted by the State using assistance provided to the State under section 121, including selection, oversight, and evaluation of grant recipients.

"(8) Development of projects, training methods, curriculum materials, and other materials and activities related to national service programs that receive assistance directly from the Corporation (to be made available in a case in which such a program requests such a project, method, material, or activity) or from the State using assistance provided under section 121, for use by programs that request such projects, methods, materials, and activities.

"(f) ACTIVITY INELIGIBLE FOR ASSISTANCE.—A State Commission or alternative administrative entity may not directly carry out any national service program that receives assistance under section 121.

"(g) DELEGATION.—Subject to such requirements as the Corporation may prescribe, a State Commission may delegate nonpolicymaking duties to a State agency or public or private not-for-profit organization.

"(h) APPROVAL OF STATE COMMISSION OR ALTERNATIVE.—

"(1) SUBMISSION TO CORPORATION.—The chief executive officer for a State shall notify the Corporation of the establishment or designation of the State Commission or use of an alternative administrative entity for the State. The notification shall include a description of—

"(A) the composition and membership of the State Commission or alternative administrative entity; and

"(B) the authority of the State Commission or alternative administrative entity regarding national service activities carried out by the State.

"(2) APPROVAL OF ALTERNATIVE ADMINISTRATIVE ENTITY.—Any designation of a State Commission or use of an alternative administrative entity to carry out the duties of a State Commission shall be subject to the approval of the Corporation, which shall not be unreasonably withheld. The Corporation shall approve an alternative administrative entity if such entity provides for individuals described in subsection (c) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission, including the duties described in paragraphs (1) through (4) of subsection (e).

"(3) REJECTION.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. The Corporation may reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that the entity does not provide for individuals described in subsection (c) to play a significant policymaking role as described in paragraph (2). If the Corporation rejects a State Commission or alternative administrative entity under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.

"(4) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (3) with a reasonable opportunity to revise the rejected State Commission or alternative administrative entity. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of a notification under paragraph (1) or application to use an alternative administrative entity under paragraph (2).

"(5) SUBSEQUENT CHANGES.—This subsection shall also apply to any change in the composition or duties of a State Commission or an alternative administrative entity made after approval of the State Commission or the alternative administrative entity.

"(6) RIGHTS, BENEFITS, AND SUPPORT.—An alternative administrative entity approved by the Corporation under this subsection shall have the same rights as a State Commission, and shall receive from the Corporation the same benefits and support as the Corporation provides to a State Commission.

"(i) COORDINATION.—

"(1) COORDINATION WITH OTHER STATE AGENCIES.—The State Commission or alternative administrative entity for a State shall coordinate the activities of the Commission or entity under this Act with the activities of other State agencies that administer Federal financial assistance programs under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) or other appropriate Federal financial assistance programs.

"(2) COORDINATION WITH VOLUNTEER SERVICE PROGRAMS.—

"(A) IN GENERAL.—The State Commission or alternative administrative entity for a State shall coordinate functions of the Commission or entity (including recruitment, public awareness, and training activities) with such functions of any division of ACTION, or of the Corporation, that carries out volunteer service programs in the State.

"(B) AGREEMENT.—In coordinating functions under this paragraph, such Commission or entity, and such division, may enter into an agreement to—

"(i) carry out such a function jointly;

"(ii) to assign responsibility for such a function to the Commission or entity; or

"(iii) to assign responsibility for such a function to the division.

"(C) INFORMATION.—The State Commission or alternative entity for a State, and the head of any such division, shall exchange information about—

"(i) the programs carried out in the State by the Commission, entity, or division, as appropriate; and

"(ii) opportunities to coordinate activities.

"(j) LIABILITY.—

"(1) LIABILITY OF STATE.—Except as provided in paragraph (2)(B), a State shall agree to assume liability with respect to any claim arising out of or resulting from any act or omission by a member of the State Commission or alternative administrative entity of the State, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(2) OTHER CLAIMS.—

"(A) IN GENERAL.—A member of the State Commission or alternative administrative entity shall have no personal liability with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(B) LIMITATION.—This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the State Commission or alternative administrative entity.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such service;

"(B) to affect any other right or remedy against the State under applicable law, or against any person other than a member of the State Commission or alternative administrative entity; or

"(C) to limit or alter in any way the immunities that are available under applicable law for State officials and employees not described in this subsection.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the item relating to section 178 and inserting the following new item:

"Sec. 178. State Commissions on National and Community Service.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

(d) TRANSITIONAL PROVISIONS.—

(1) USE OF ALTERNATIVES TO STATE COMMISSION.—If a State does not have a State Commission on National and Community Service that satisfies the requirements specified in section 178 of the National and Community Service Act of 1990, as amended by subsection (a), the Corporation for National and Community Service may authorize the chief executive of the State to use an existing agency of the State to perform the duties otherwise reserved to a State Commission under subsection (e) of such section.

(2) APPLICATION OF SUBSECTION.—This subsection shall apply only during the 1-year period beginning on the date of the enactment of this Act.

SEC. 202. INTERIM AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND ACTION AGENCY.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subtitle G of title I of the National and Community Service Act of 1990 (42 U.S.C. 12651) is amended to read as follows:

"Subtitle G—Corporation for National and Community Service

"SEC. 191. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

"There is established a Corporation for National and Community Service that shall administer the programs established under this Act. The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

"SEC. 192. BOARD OF DIRECTORS.

"(a) COMPOSITION.—

"(1) IN GENERAL.—There shall be in the Corporation a Board of Directors (referred to in this subtitle as the 'Board') that shall be composed of—

"(A) 15 members, including an individual between the ages of 16 and 25 who—

"(i) has served in a school-based or community-based service-learning program; or

"(ii) is a participant or a supervisor in a program,

to be appointed by the President of the United States, by and with the advice and consent of the Senate;

"(B) the President of the Corporation, who shall serve as an ex officio nonvoting member; and

"(C) the ex officio nonvoting members described in paragraph (3).

"(2) QUALIFICATIONS.—To the maximum extent practicable, the President of the United States shall appoint members—

"(A) who have extensive experience in volunteer or service activities, such as—

"(i) activities funded under the national service laws; and

"(ii) Federal financial assistance activities, such as—

"(I) activities under the Head Start Act (42 U.S.C. 9831 et seq.);

"(II) activities under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.); or

"(III) antipoverty activities under other Federal law;

that have a volunteer or service focus;

"(B) who represent a broad range of viewpoints;

"(C) who are experts in the delivery of human, educational, environmental, or public safety services;

"(D) that include at least one representative of local educators and at least one representative of community-based agencies;

"(E) so that the Board shall be diverse with respect to race, ethnicity, age, gender, and disability characteristics; and

"(F) so that no more than 8 appointed members of the Board are from a single political party.

"(3) EX OFFICIO MEMBERS.—The Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Secretary of Defense, the Attorney General, the Director of the Peace Corps, and the Administrator of the Environmental Protection Agency shall serve as ex officio nonvoting members of the Board.

"(b) OFFICERS.—

"(1) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a Chairperson and a Vice Chairperson from among its membership.

"(2) OTHER OFFICERS.—The Board may elect from among its membership such additional officers of the Board as the Board determines to be appropriate.

"(c) TERMS.—Each appointed member of the Board shall serve for a term of 3 years, except that 5 of the members first appointed to the Board after the date of enactment of this section shall serve for a term of 1 year and 5 shall serve for a term of 2 years, as designated by the President of the United States.

"(d) VACANCIES.—As vacancies occur on the Board, new members shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

"SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chairperson of the Board, or if 6 members of the Board request such meetings in writing.

"(b) QUORUM.—A majority of the appointed members of the Board shall constitute a quorum.

"(c) AUTHORITIES OF OFFICERS.—

"(1) CHAIRPERSON.—The Chairperson of the Board may call and conduct meetings of the Board.

"(2) VICE CHAIRPERSON.—The Vice Chairperson of the Board may conduct meetings of the Board in the absence of the Chairperson.

"(d) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for persons employed intermittently in the Government service.

"(e) SPECIAL GOVERNMENT EMPLOYEES.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, and any other provision of Federal law, a member of the Board (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(f) Status of Members.—

"(1) Tort claims.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a member of the Board shall be considered to be a Federal employee.

"(2) Other claims.—A member of the Board shall have no personal liability under Federal law with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the Board, in connection with any transaction involving the provision of financial assistance by the Corporation. This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.

"(3) Effect on other law.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions;

"(B) to affect any other right or remedy against the Corporation, against the United States under applicable law, or against any person other than a member of the Board participating in such transactions; or

"(C) to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.

"(g) Duties.—The Board shall—

"(1) review and approve the strategic plan described in section 193A(b)(1), and annual updates of the plan;

"(2) review and approve the proposal described in section 193A(b)(2)(A), with respect to the grants, allotments, contracts, financial assistance, payment, and positions referred to in such section;

"(3) review and approve the proposal described in section 193A(b)(3)(A), regarding the regulations, standards, policies, procedures, programs, and initiatives referred to in such section;

"(4) review and approve the evaluation plan described in section 193A(b)(4)(A);

"(5)(A) review, and advise the President regarding, the actions of the President with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) inform the President of any aspects of the actions of the President that are not in compliance with the annual strategic plan referred to in paragraph (1), the proposals referred to in paragraphs (2) and (3), or the plan referred to in paragraph (4), or are not consistent with the objectives of this Act;

"(6) receive any report as provided under section 8E (b), (c), or (d) of the Inspector General Act of 1978;

"(7) make recommendations relating to a program of research for the Corporation with respect to national and community service programs, including service-learning programs;

"(8) advise the President of the United States and the Congress concerning developments in national and community service that merit the attention of the President of the United States and the Congress;

"(9) ensure effective dissemination of information regarding the programs and initiatives of the Corporation; and

"(10) prepare and make recommendations to the Congress and the President of the United States for changes in this Act resulting from the studies and demonstrations the President of the Corporation is required to carry out under section 193A(b)(10), which recommendations shall be submitted to the Congress and President of the United States not later than September 30, 1995.

"(h) Administration.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

"SEC. 193. PRESIDENT.

"(a) Appointment.—The Corporation shall be headed by an individual who shall serve as President of the Corporation, and who shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

"(b) Compensation.—The President shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) Regulations.—The President shall prescribe such rules and regulations as are necessary or appropriate to carry out this Act.

"SEC. 193A. AUTHORITIES AND DUTIES OF THE PRESIDENT.

"(a) General Powers and Duties.—The President shall be responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board, and shall have authority and control over all personnel of the Corporation, except as provided in section 194(b)(4).

"(b) Duties.—In addition to the duties conferred on the President under any other provision of this Act, the President shall—

"(1) prepare and submit to the Board a strategic plan every 3 years, and annual updates of the plan, for the Corporation with respect to the major functions and operations of the Corporation;

"(2)(A) prepare and submit to the Board a proposal with respect to such grants and allotments, contracts, other financial assistance, and designation of positions as approved national service positions, as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(2), make such grants and allotments, enter into such contracts, award such other financial assistance, make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of financial assistance otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments), and designate such positions as approved national service positions as are necessary or appropriate to carry out this Act;

"(3)(A) prepare and submit to the Board a proposal regarding, the regulations established under section 195(a)(4)(B)(i), and such other standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(3)—

"(i) establish such standards, policies, and procedures as are necessary or appropriate to carry out this Act; and

"(ii) establish and administer such programs and initiatives as are necessary or appropriate to carry out this Act;

"(4)(A) prepare and submit to the Board a plan for the evaluation of programs established under this Act, in accordance with section 179; and

"(B) after receiving an approved proposal under section 192A(g)(4)—

"(i) establish measurable performance goals and objectives for such programs, in accordance with section 179; and

"(ii) provide for periodic evaluation of such programs to assess the manner and extent to which the programs achieve the goals and objectives, in accordance with such section;

"(5) consult with appropriate Federal agencies in administering the programs and initiatives;

"(6) suspend or terminate payments and positions described in paragraph (2)(B), in accordance with section 176;

"(7) prepare and submit to the Board an annual report, and such interim reports as may be necessary, describing the major actions of the President with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives;

"(8) inform the Board of, and provide an explanation to the Board regarding, any substantial differences regarding the implementation of this Act between—

"(A) the actions of the President; and

"(B)(i) the strategic plan approved by the Board under section 192A(g)(1);

"(ii) the proposals approved by the Board under paragraph (2) or (3) of section 192A(g); or

"(iii) the evaluation plan approved by the Board under section 192A(g)(4);

"(9) prepare and submit to the appropriate committees of Congress an annual report, and such interim reports as may be necessary, describing—

"(A) the services referred to in paragraph (1), and the money and property referred to in paragraph (2), of section 196(a) that have been accepted by the Corporation;

"(B) the manner in which the Corporation used or disposed of such services, money, and property; and

"(C) information on the results achieved by the programs funded under this Act during the year preceding the year in which the report is prepared; and

"(10) provide for studies and demonstrations that evaluate, and prepare and submit to the Board by June 30, 1995 a report containing recommendations regarding, issues related to—

"(A) the administration and organization of programs authorized under the national service laws or under Public Law 91-378 (referred to in this subparagraph as 'service programs'), including—

"(i) whether the State and national priorities designed to meet the unmet human, education, environmental, or public safety needs described in section 122(c)(1) are being addressed by this Act;

"(ii) the manner in which—

"(I) educational and other outcomes of both stipended and nonstipended service and service-learning are defined and measured in such service programs; and

"(II) such outcomes should be defined and measured in such service programs;

"(iii) whether stipended service programs, and service programs providing educational benefits in return for service, should focus on economically disadvantaged individuals or at-risk youth or whether such programs should include a mix of individuals, including individuals from middle- and upper-income families;

"(iv) the role and importance of stipends and educational benefits in achieving desired outcomes in the service programs;

"(v) the potential for cost savings and coordination of support and oversight services from combining functions performed by ACTION State offices and State Commissions;

"(vi) the implications of the results from such studies and demonstrations for authorized funding levels for the service programs; and

"(vii) other issues that the Director determines to be relevant to the administration and organization of the service programs; and

"(B) the number, potential consolidation, and future organization of national service or domestic volunteer service programs that are authorized under Federal law, including VISTA, service corps assisted under subtitle C and other programs authorized by this Act, programs administered by the Public Health Service, the Department of Defense, or other Federal agencies, programs regarding teacher corps, and programs regarding work-study and higher education loan forgiveness or forbearance programs authorized by the Higher Education Act of 1965 related to community service.

"(c) POWERS.—In addition to the authority conferred on the President under any other provision of this Act, the President may—

"(1) establish, alter, consolidate, or discontinue such organizational units or components within the Corporation as the President considers necessary or appropriate, consistent with Federal law, and shall, to the maximum extent practicable, consolidate such units or components of the division of the Corporation that carries out volunteer service programs and the division of the Corporation that carries out financial assistance programs as may be appropriate to enable the two divisions to coordinate common support functions, such as recruiting, public awareness, or training functions;

"(2) with the approval of the President of the United States, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act;

"(3) with their consent, utilize the services and facilities of Federal agencies with or without reimbursement, and, with the consent of any State, or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions without reimbursement;

"(4) allocate and expend funds made available under this Act, including expenditure for construction, repairs, and capital improvements;

"(5) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as the President shall determine to be appropriate to public agencies, private organizations, and the general public;

"(6) collect or compromise all obligations to or held by the President and all legal or equitable rights accruing to the President in connection with the payment of obligations in accordance with chapter 37 of title 31, United States Code (commonly known as the 'Federal Claims Collection Act of 1966');

"(7) expend funds made available for purposes of this Act for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the President;

"(8) file a civil action in any court of record of a State having general jurisdiction or in any district court of the United States, with respect to a claim arising under this Act;

"(9) exercise the authorities of the Corporation under section 196;

"(10) consolidate the reports to Congress required under this Act, and the report required under section 9106 of title 31, United States Code, into a single report, and submit the report to Congress on an annual basis; and

"(11) generally perform such functions and take such steps consistent with the objectives and provisions of this Act, as the President determines to be necessary or appropriate to carry out such provisions.

"(d) DELEGATION.—

"(1) DEFINITION.—As used in this subsection, the term 'function' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

"(2) IN GENERAL.—Except as otherwise prohibited by law or provided in this Act, the President may delegate any function under this Act, and authorize such successive redelegations of such function as may be necessary or appropriate. No delegation of a function by the President under this subsection or under any other provision of this Act shall relieve such President of responsibility for the administration of such function.

"(3) FUNCTION OF BOARD.—The President may not delegate a function of the Board without the permission of the Board.

"(e) ACTIONS.—In an action described in subsection (c)(8)—

"(1) a district court referred to in such subsection shall have jurisdiction of such a civil action without regard to the amount in controversy;

"(2) such an action brought by the President shall survive notwithstanding any change in the person occupying the office of President or any vacancy in that office;

"(3) no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the President or the Board or property under the control of the President or the Board; and

"(4) nothing in this section shall be construed to except litigation arising out of activities under this Act from the application of sections 509, 517, 547, and 2679 of title 28, United States Code.

"SEC. 194. OFFICERS.

"(a) MANAGING DIRECTORS.—

"(1) IN GENERAL.—There shall be in the Corporation 2 Managing Directors, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall report to the President.

"(2) COMPENSATION.—The Managing Directors shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(3) DUTIES.—

"(A) VOLUNTEER SERVICE PROGRAMS.—One of the Managing Directors shall be primarily responsible for the volunteer service programs carried out by the Corporation.

"(B) INVESTMENT PROGRAMS.—The other Managing Director shall be primarily responsible for the financial assistance programs carried out by the Corporation.

"(b) INSPECTOR GENERAL.—

"(1) OFFICE.—There shall be in the Corporation an Office of the Inspector General.

"(2) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed in accordance with the Inspector General Act of 1978.

"(3) COMPENSATION.—The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(c) CHIEF FINANCIAL OFFICER.—

"(1) OFFICE.—There shall be in the Corporation a Chief Financial Officer, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

"(2) COMPENSATION.—The Chief Financial Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(3) DUTIES.—The Chief Financial Officer shall—

"(A) report directly to the President regarding financial management matters;

"(B) oversee all financial management activities relating to the programs and operations of the Corporation;

"(C) develop and maintain an integrated accounting and financial management system for the Corporation, including financial reporting and internal controls;

"(D) develop and maintain any joint financial management systems with the Department of Education necessary to carry out the programs of the Corporation; and

"(E) direct, manage, and provide policy guidance and oversight of the financial management personnel, activities, and operations of the Corporation.

"SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PERSONNEL.

"(a) EMPLOYEES.—

"(1) IN GENERAL.—Except as provided in section 194(b)(4), it is within the exclusive discretion of the President to appoint and determine the compensation of such employees as the President determines to be necessary to carry out the duties of the Corporation.

"(2) CIVIL SERVICE PROTECTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the provisions of title 5, United States Code, shall apply with respect to the Corporation and the employees of the Corporation.

"(B) APPOINTMENT AND COMPENSATION.—Except as provided in section 194(b)(4), it is within the exclusive discretion of the President to appoint and determine the compensation of employees under this subsection without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates (other than the provisions described in clauses (iii) and (iv) of paragraph (4)(B)).

"(3) APPOINTMENT IN THE COMPETITIVE SERVICE AFTER EMPLOYMENT IN THE CORPORATION.—

"(A) EMPLOYEES WITH NOT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee, other than a representative described in subsection (b), is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code.

"(B) EMPLOYEES WITH NOT LESS THAN 1 BUT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee, other than a representative described in subsection (b), is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 1 year, but less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code, until the date that is 3 years after the date of separation.

"(C) DEFINITION.—As used in this paragraph, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(4) APPOINTMENT AND COMPENSATION.—

"(A) IN GENERAL.—The Chairperson shall appoint and determine the compensation of employees referred to in paragraph (1), in accordance with the appointment and compensation systems referred to in subparagraph (B).

"(B) CORPORATION APPOINTMENT AND COMPENSATION SYSTEMS.—

"(i) ESTABLISHMENT OF SYSTEM.—The President, after reviewing the approved proposal of the Board under section 192A(g)(3) and after obtaining the approval of the Director of the Office of Personnel Management, shall issue regulations establishing appointment and compensation systems for the Corporation.

"(ii) CONTENT AND CONSIDERATIONS.—In issuing such regulations, the President shall—

"(I) establish appropriate appointment and compensation mechanisms for the representatives described in subsection (b); and

"(II) take into consideration the need for flexibility in such a system.

"(iii) APPOINTMENT SYSTEM.—The appointment system shall require that the appointment of such an employee be—

"(I) on the basis of the qualifications of applicants and the requirements of the position, in accordance with the merit system principles set forth in section 2301(b) of title 5, United States Code; and

"(II) through a competitive process.

"(iv) COMPENSATION SYSTEM.—

"(I) IN GENERAL.—The compensation system shall include a scheme for the classification of positions in the Corporation. The system shall require that the compensation of such an employee be determined based in part on the job performance of the employee, and in a manner consistent with the principles described in section 5301 of title 5, United States Code.

"(II) LIMITATION ON EMPLOYEE COMPENSATION.—The rate of compensation for each employee compensated through the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(III) LIMITATION ON COMPENSATION OF REPRESENTATIVE.—The rate of pay for a representative described in subsection (b) shall not exceed the maximum rate of basic pay payable for grade GS-13 of the General Schedule under section 5332 of title 5, United States Code.

"(5) RETENTION OF CIVIL SERVICE RIGHTS.—

"(A) RETENTION OF COMPETITIVE SERVICE RIGHTS.—An individual who—

"(i) was an employee of ACTION or the Commission on National and Community Service who served under a permanent appointment on the day before the date of enactment of this subtitle in—

"(I) a position in the competitive service; or

"(II) a career appointee position in the Senior Executive Service;

"(ii) is transferred to the Corporation under section 202(c) or 203(c) of the National and Community Service Trust Act of 1993; and

"(iii) accepts a position established under paragraph (4) in the Corporation,

shall be appointed to a position in the competitive service of the Corporation.

"(B) DURATION OF POSITION IN COMPETITIVE SERVICE.—During the period of employment of such an employee in a position, the position shall be a position in the competitive service. After such period of employment, the position shall be a position in the excepted service unless the President appoints an individual to such position in accordance with the provisions described in subsection (a)(2).

"(C) ESTABLISHMENT OF POSITIONS.—With respect to a position vacancy or a position to be established in the Corporation, the President—

"(i) shall select the individual to be appointed to such position in accordance with the regulations promulgated under paragraph (4);

"(ii) if the individual to be appointed to the position is an individual described in subparagraph (A), shall establish the position as a position in the competitive service; and

"(iii) if the individual to be so appointed is not an individual described in subparagraph (A)—

"(I) may establish the position as a position in the excepted service; and

"(II) in an exceptional case in which the individual, immediately prior to accepting the position, served under a permanent appointment in a position described in subclause (I) or (II) of subparagraph (A)(i), may establish the position as a position in the competitive service,

in any case in which an individual described in subparagraph (A) is an employee of the Corporation and is eligible to be appointed to such position.

"(D) DEFINITIONS.—As used in this paragraph:

"(i) COMPETITIVE SERVICE.—The term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(ii) EXCEPTED SERVICE.—The term 'excepted service' has the meaning given the term in section 2103 of title 5, United States Code.

"(iii) SENIOR EXECUTIVE SERVICE.—The term 'Senior Executive Service' has the meaning given the term in section 2101a of title 5, United States Code.

"(b) CORPORATION REPRESENTATIVE IN EACH STATE.—

"(1) DESIGNATION OF REPRESENTATIVE.—The Corporation shall designate 1 employee of the Corporation for each State or group of States to serve as the representative of the Corporation in the State or States and to assist the Corporation in carrying out the activities described in this Act in the State or States.

"(2) DUTIES.—The representative designated under this subsection for a State or group of States shall serve as the liaison between—

"(A) the Corporation and the State Commission that is established in the State or States;

"(B) the Corporation and any subdivision of a State, Indian tribe, public or private nonprofit organization, or institution of higher education, in the State or States, that is awarded a grant under section 121 directly from the Corporation; and

"(C) the State Commission and the Corporation employee responsible for volunteer service programs in the State, if the employee is not the representative described in paragraph (1) for the State.

"(3) MEMBER OF STATE COMMISSION.—The representative designated under this subsection for a State or group of States shall also serve as an ex officio nonvoting member of the State Commission established in the State or States.

"(c) CONSULTANTS.—The President may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

"(d) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the President and the head of the Federal agency, any of the personnel of that department or agency to the Corporation to assist the Corporation in carrying out the duties of the Corporation under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(e) ADVISORY COMMITTEES.—

"(1) ESTABLISHMENT.—The President, acting upon the recommendation of the Board, may establish advisory committees in the Corporation to advise the Board with respect to national service issues, such as the type of programs to be established or assisted under the national service laws, priorities and criteria for such programs, and methods of conducting outreach for, and evaluation of, such programs.

"(2) COMPOSITION.—Such an advisory committee shall be composed of members appointed by the President, with such qualifications as the President may specify.

"(3) EXPENSES.—Members of such an advisory committee may be allowed travel expenses as described in section 192A(d).

"(4) STAFF.—The President is authorized to appoint and fix the compensation of such staff as the President determines to be necessary to carry out the functions of the advisory committee, in accordance with subsection (a)(2), and without regard to the selection and compensation systems described in subsection (a)(4)(B). Such compensation shall not exceed the rate described in subsection (a)(4)(B)(iv)(III).

"SEC. 196. ADMINISTRATION.

"(a) DONATIONS.—

"(1) SERVICES.—

"(A) VOLUNTEERS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the voluntary services of individuals to assist the Corporation in carrying out the duties of the Corporation under this Act, and may provide to such individuals the travel expenses described in section 192A(d).

"(B) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

"(i) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle shall be considered to be a Federal employee;

"(ii) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply; and

"(iii) for purposes of the provisions of chapter 11 of part I of title 18, United States Code, such a volunteer (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(C) INHERENTLY GOVERNMENTAL FUNCTION.—

"(i) IN GENERAL.—Such a volunteer shall not carry out an inherently governmental function.

"(ii) REGULATIONS.—The President shall promulgate regulations to carry out this subparagraph.

"(iii) INHERENTLY GOVERNMENTAL FUNCTION.—As used in this subparagraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of value judgment in making a decision for the Government.

"(2) PROPERTY.—

"(A) IN GENERAL.—The Corporation may solicit, accept, hold, administer, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Donations accepted under this subparagraph shall be used as nearly as possible in accordance with the terms, if any, of such donation.

"(B) TAX.—For purposes of Federal income, estate, and gift taxes, money or property accepted under subparagraph (A) shall be considered to be a gift, devise, or bequest to, or for the use of, the United States.

"(C) RULES.—The President shall establish written rules to ensure that the solicitation, acceptance, holding, administration, and use of property described in subparagraph (A)—

"(i) will not reflect unfavorably upon the ability of the Corporation, or of any officer or employee of the Corporation, to carry out the responsibilities or official duties of the Corporation in a fair and objective manner; and

"(ii) will not compromise the integrity of the programs of the Corporation or any official or employee of the Corporation involved in such programs.

"(D) DISPOSITION.—Upon completion of the use by the Corporation of any property accepted pursuant to subparagraph (A) (other than money or monetary proceeds from sales of property so accepted), such completion shall be reported to the General Services Administration and such property shall be disposed of in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(3) VOLUNTEER.—As used in this subsection, the term 'volunteer' does not include a participant.

"(b) CONTRACTS.—Subject to the Federal Property and Administrative Services Act of 1949, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to assist the Corporation in carrying out the duties of the Corporation under this Act.

"(c) OFFICE OF MANAGEMENT AND BUDGET.—Appropriate circulars of the Office of Management and Budget shall apply to the Corporation.".

(b) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by inserting after the second sentence the following: "The Director shall report directly to the President of the Corporation for National and Community Service.".

(c) TRANSFER OF FUNCTIONS OF COMMISSION ON NATIONAL AND COMMUNITY SERVICE.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context, each term specified in section 203(c)(1) shall have the meaning given the term in such section.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation the functions that the Board of Directors or Executive Director of the Commission on National and Community Service exercised before the effective date of this subsection (including all related functions of any officer or employee of the Commission).

(3) APPLICATION.—The provisions of paragraphs (3) through (10) of section 203(c) shall apply with respect to the transfer described in paragraph (2), except that—

(A) for purposes of such application, references to the term "ACTION Agency" shall be deemed to be references to the Commission on National and Community Service; and

(B) paragraph (10) of such section shall not preclude the transfer of the members of the Board of Directors of the Commission to the Corporation if, on the effective date of this subsection, the Board of Directors of the Corporation has not been confirmed.

(d) CONTINUING PERFORMANCE OF CERTAIN FUNCTIONS.—The individuals who, on the day before the date of enactment of this Act, are performing any of the functions required by section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as in effect on such date, to be performed by the members of the Board of Directors of the Commission on National and Community Service may, subject to section 193A of the National and Community Service Act of 1990, as added by subsection (a) of this section, continue to perform such functions until the date on the Board of Directors of the Corporation for National and Community Service conducts the first meeting of the Board. The service of such individuals as members of the Board of Directors of such Commission, and the employment of such individuals as special government employees, shall terminate on such date.

(e) JOB SEARCH ASSISTANCE.—The President of the Corporation shall establish a program to provide, or shall seek to enter into a memorandum of understanding with the Director of the Office of Personnel Management to provide, job search and related assistance to employees of the ACTION agency who are not transferred to the Corporation for National and Community Service under section 203(c). The President of the Corporation shall make available funds appropriated under section 501(a)(4) of the National and Community Service Act of 1990 in order to provide such assistance.

(f) GOVERNMENT CORPORATION CONTROL.—

(1) WHOLLY OWNED GOVERNMENT CORPORATION.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) the Corporation for National and Community Service.".

(2) AUDITS.—Section 9105(a)(1) of title 31, United States Code, is amended by inserting ", or under other Federal law," before "or by an independent".

(g) DISPOSAL OF PROPERTY.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following:

"(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the President of the Corporation for National and Community Service for disposal such surplus property as is recommended by the President as being needed for national service activities.

"(B) Subject to the disapproval o. the Administrator, within 30 days after notice to the Administrator by the President of the Corporation for National and Community Service of a proposed transfer of property for such activities, the President, through such officers or employees of the Corporation as the President may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 for such activities.

"(C) In fixing the sale or lease value of such property, the President of the Corporation for National and Community Service shall comply with the requirements of paragraph (1)(C).".

(h) INSPECTOR GENERAL.—

(1) SPECIAL PROVISIONS IN INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 8E and 8F as sections 8F and 8G, respectively, and inserting after section 8D the following new section:

"SPECIAL PROVISIONS CONCERNING THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

"SEC. 8E. (a) Notwithstanding the provisions of sections 6(a) (7) and (8), it is within the exclusive jurisdiction of the Inspector General of the Corporation for National and Community Service to—

"(1) appoint and determine the compensation of such officers and employees in accordance with section 195(a)(4) of the National and Community Service Trust Act of 1993; and

"(2) procure the temporary and intermittent services of and compensate such experts and consultants, in accordance with section 3109(b) of title 5, United States Code,

as may be necessary to carry out the functions, powers, and duties of the Inspector General.

"(b) No later than the date on which the President of the Corporation for National and Community Service transmits any report to the Congress under section 5 (a) or (b), the President shall transmit such report to the Board of Directors of such Corporation.

"(c) No later than the date on which the President of the Corporation for National and Community Service transmits a report described under section 5(b) to the Board of Directors as provided under subsection (b) of this section, the President shall also transmit any audit report which is described in the statement required under section 5(b)(4) to the Board of Directors. All such audit reports shall be placed on the agenda for review at the next scheduled meeting of the Board of Directors following such transmittal. The President of the Corporation shall be present at such meeting to provide any information relating to such audit reports.

"(d) No later than the date on which the Inspector General of the Corporation for National and Community Service reports a problem, abuse, or deficiency under section 5(d) to the President of the Corporation, the President shall report such problem, abuse, or deficiency to the Board of Directors.".

(2) TERMINATION OF STATUS AS DESIGNATED FEDERAL ENTITY.—

(A) IN GENERAL.—Section 8F(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) (as redesignated by paragraph (1) of this subsection) is amended by striking out "ACTION,".

(B) EFFECTIVE DATE.—This paragraph shall take effect on the effective date of section 203(c)(2).

(3) TRANSFER.—

(A) IN GENERAL.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(i) in subparagraph (T), by striking out "and" at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

"(V) of the Corporation for National and Community Service, the Office of Inspector General of ACTION; and".

(B) EFFECTIVE DATE.—This paragraph shall take effect on the effective date of section 203(c)(2).

(4) HEAD OF ESTABLISHMENT AND ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1) by inserting "; the President of the Corporation for National and Community Service;" after "Thrift Depositor Protection Oversight Board"; and

(B) in paragraph (2) by inserting ", the Corporation for National and Community Service," after "United States Information Agency".

(5) TECHNICAL AND CONFORMING AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in section 4(b)(2)—

(i) by striking out "section 8E(a)(2), and any" and inserting in lieu thereof "section 8F(a)(2), and any";

(ii) by striking out "section 8E(a)(1)" and inserting in lieu thereof "section 8F(a)(1)"; and

(iii) by striking out "section 8E(a)(2)." and inserting in lieu thereof "section 8F(a)(2)."; and

(B) section 8G (as redesignated by paragraph (1) of this subsection)—

(i) by striking out "or 8D" and inserting in lieu thereof "8D, or 8E"; and

(ii) by striking out "section 8E(a)" and inserting in lieu thereof "section 8F(a)".

(6) POSTAL SERVICE TECHNICAL AND CONFORMING AMENDMENTS.—Section 410(b) of title 39, United States Code, is amended—

(A) in paragraph (8) by striking out "and" after the semicolon;

(B) in the first paragraph (9) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by striking out the second paragraph (9) and inserting in lieu thereof the following:

"(10) the provisions of section 8F of the Inspector General Act of 1978.".

(i) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle G of title I of such Act and inserting the following:

"Subtitle G—Corporation for National and Community Service

"Sec. 191. Corporation for National and Community Service.
"Sec. 192. Board of Directors.
"Sec. 192A. Authorities and duties of the Board of Directors.
"Sec. 193. President.
"Sec. 193A. Authorities and duties of the President.
"Sec. 194. Officers.
"Sec. 195. Employees, consultants, and other personnel.
"Sec. 196. Administration.".

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2) or subsection (h)(2) or (3), the amendments made by this section shall take effect on October 1, 1993.

(2) ESTABLISHMENT AND APPOINTMENT AUTHORITIES.—Sections 191, 192, and 193 of the National and Community Service Act of 1990, as added by subsection (a), shall take effect on the date of enactment of this Act.

SEC. 203. FINAL AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) APPLICATION.—

(A) EVALUATION.—Subsections (a), (d), and (e) of section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) is amended by striking "this title" and inserting "the national service laws".

(B) CORPORATION.—Subtitle I of the National and Community Service Act of 1990 (as amended by section 202 of this Act) is amended in section 191, section 192A(g)(5), section 193(c), subsections (b) (other than paragraph (10)), (c) (other than paragraph (8)), and (d) of section 193A, subsections (b) and (d) of section 195, and subsections (a) and (b) of section 196, by striking "this Act" each place the term appears and inserting "the national service laws".

(2) GRANTS.—Section 192A(g) of the National and Community Service Act of 1990 (as added by section 202 of this Act) is amended—

(A) by striking "and" at the end of paragraph (8);

(B) by redesignating paragraph (9) as paragraph (10); and

(C) by inserting after paragraph (8) the following:

"(9) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under the provisions of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973), which may provide that the agency or organization shall pay all or a part of the costs of the program; and".

(3) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—Section 193A of the National and Community Service Act of 1993 (as added by section 202 of this Act) is amended by adding at the end the following:

"(f) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—

"(1) EFFORT.—The President shall ensure that the Corporation, in carrying out the recruiting and public awareness functions of the Corporation, shall expend at least the level of effort on recruitment and public awareness activities related to the programs referred to in section 194(a)(3)(A) as ACTION expended on recruitment and public awareness activities related to programs under the Domestic Volunteer Service Act of 1973 during fiscal year 1993.

"(2) PERSONNEL.—The President shall assign or hire, as necessary, such additional national, regional, and State personnel to carry out such recruiting and public awareness functions as may be necessary to ensure that such functions are carried out in a timely and effective manner. The President shall give priority in the hiring of such additional personnel to individuals who have formerly served as volunteers in the programs referred to in section 194(a)(3)(A), or similar programs, and to individual who have specialized experience in the recruitment of volunteers.

"(3) FUNDS.—For the first fiscal year after the effective date of this subsection, and for each fiscal year thereafter, for the purpose of carrying out such recruiting and public awareness functions, the President shall obligate not less than 1.5 percent of the amounts appropriated for the fiscal year under section 501(a) of the Domestic Volunteer Service Act of 1973.".

(4) ASSISTANT DIRECTORS.—Section 194 of the National and Community Service Act of 1990 (as added by section 202 of this Act) is amended by adding at the end the following:

"(d) ASSISTANT DIRECTORS.—

"(1) IN GENERAL.—There shall be in the Corporation four Assistant Directors, each of whom shall be appointed by the President, and who shall report directly to the Managing Director described in subsection (a)(3)(A).

"(2) DUTIES.—

"(A) VISTA AND OTHER ANTIPOVERTY PROGRAMS.—One of the Assistant Directors shall be primarily responsible for the VISTA and other antipoverty programs under title I of the Domestic Volunteer Service Act of 1973.

"(B) RETIRED AND SENIOR VOLUNTEER PROGRAMS.—One of the Assistant Directors shall be primarily responsible for the Retired and Senior Volunteer Program established under part A of title II of such Act.

"(C) FOSTER GRANDPARENT PROGRAM.—One of the Assistant Directors shall be primarily responsible for the Foster Grandparent Program established under part B of title II of such Act.

"(D) SENIOR COMPANION PROGRAM.—One of the Assistant Directors shall be primarily responsible for the Senior Companion Program established under part C of title II of such Act.".

(b) AUTHORITIES OF ACTION AGENCY.—Sections 401 and 402 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 and 5042) are repealed.

(c) TRANSFER OF FUNCTIONS FROM ACTION AGENCY.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context—

(A) the term "Corporation" means the Corporation for National and Community Service, established under section 191 of the National and Community Service Act of 1990;

(B) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(C) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(D) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof; and

(E) the term "President", except as used as part of the term "President of the United States", means the President of the Corporation.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation such functions as the President of the United States determines to be appropriate that the Director of the ACTION Agency exercised before the effective date of this subsection (including all related functions of any officer or employee of the ACTION Agency).

(3) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—The President of the United States may delegate to the Director of the Office of Management and Budget the authority to make any determination of the functions that are transferred under paragraph (2), if the President determines that such a delegation would be appropriate.

(4) REORGANIZATION.—The President is authorized to allocate or reallocate any function transferred under paragraph (2) among the officers of the Corporation, after providing notice of the allocation or reallocation to Congress.

(5) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this subsection, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this subsection, subject to section 1531 of title 31, United States Code, shall be transferred to the Corporation. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(6) INCIDENTAL TRANSFER.—The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subsection. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this subsection and for such further measures and dispositions as may be necessary to effectuate the purposes of this subsection.

(7) EFFECT ON PERSONNEL.—

(A) IN GENERAL.—Except as otherwise provided by this subsection, the transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection.

(B) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(C) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President of the United States, by and with the advice and consent of the Senate, the functions of which are transferred by this subsection, shall terminate on the effective date of this subsection.

(8) SAVINGS PROVISIONS.—

(A) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(i) that have been issued, made, granted, or allowed to become effective by the President of the United States, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subsection; and

(ii) that are in effect at the time this subsection takes effect, or were final before the effective date of this subsection and are to become effective on or after the effective date of this subsection,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the President of the Corporation, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) PROCEEDINGS NOT AFFECTED.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACTION Agency at the time this subsection takes effect, with respect to functions transferred by this subsection. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.

(C) SUITS NOT AFFECTED.—The provisions of this subsection shall not affect suits commenced before the effective date of this subsection, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

(D) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the ACTION Agency, or by or against any individual in the official capacity of such individual as an officer of the ACTION Agency, shall abate by reason of the enactment of this subsection.

(E) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the ACTION Agency relating to a function transferred under this subsection may be continued by the Corporation with the same effect as if this subsection had not been enacted.

(9) SEVERABILITY.—If a provision of this subsection or its application to any person or circumstance is held invalid, neither the remainder of this subsection nor the application of the provision to other persons or circumstances shall be affected.

(10) TRANSITION.—Prior to, or after, any transfer of a function under this subsection, the President is authorized to utilize—

(A) the services of such officers, employees, and other personnel of the ACTION Agency with respect to functions that will be or have been transferred to the Corporation by this subsection; and

(B) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subsection.

(d) DEVELOPMENT OF TRANSFER SCHEDULE.—The President of the Corporation for National and Community Service, in consultation with the Director of ACTION, shall, not later than 9 months after the date of enactment of this Act, prepare a schedule that specifies the date on which the employees of ACTION will be notified about—

(1) whether their functions will be transferred to the Corporation; and

(2) if such functions will be transferred, the date on which the transfer will occur.

(e) APPOINTMENT OF ACTION EMPLOYEES.—During the period beginning on October 1, 1993 and ending on the effective date of subsection (c)(2), in making appointments to the Corporation under the appointment system described in section 195(a)(4)(B)(iii) of the National and Community Service Act of 1990, the President of the Corporation for National and Community Service shall ensure that individuals who are employees of ACTION shall receive fair and equitable treatment.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section, and the amendments made by this section, shall take effect—

(A) 18 months after the date of enactment of this Act; or

(B) on such earlier date (which shall be not earlier than 12 months after the date of the enactment of this Act) as the President of the United States shall determine to be appropriate and announce by proclamation published in the Federal Register.

(2) TRANSITION.—Subsections (c)(10), (d), and (e) shall take effect on the date of enactment of this Act.

SEC. 204. BUSINESS PLAN.

(a) BUSINESS PLAN REQUIRED.—

(1) IN GENERAL.—The Corporation for National and Community Service (referred to in this section as the "Corporation") shall prepare and submit to Congress a business plan. The Corporation may not provide assistance under section 121 of the National and Community Service Act of 1990 before the twentieth day of continuous session of Congress after the date on which the Corporation submits the business plan to Congress.

(2) COMPUTATION.—For purposes of the computation of the 20-day period referred to in paragraph (1), continuity of a session of the Congress shall be considered to be broken only by—

(A) an adjournment of the Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) REQUIRED ELEMENTS OF BUSINESS PLAN.—

(1) ALLOCATION OF FUNDS.—The business plan shall contain—

(A) a description of the manner in which the Corporation will allocate funds for programs carried out by the Corporation after October 1, 1993;

(B) information on the principal offices and officers of the Corporation that will allocate such funds; and

(C) information that indicates how accountability for such funds can be determined, in terms of the office or officer responsible for such funds.

(2) INVESTIGATIVE AND AUDIT FUNCTIONS.—The business plan shall include a description of the plans of the Corporation—

(A) to ensure continuity, during the transition period, and after the transition period, in the investigative and audit functions carried out by the Inspector General of ACTION prior to such period, consistent with the Inspector General Act of 1978 (5 U.S.C. App.); and

(B) to carry out investigative and audit functions and implement financial management controls regarding programs carried out by the Corporation after October 1, 1993, consistent with the Inspector General Act of 1978, including a specific description of—

(i) the manner in which the Office of Inspector General shall be established in the Corporation, in accordance with section 194(b) of the National Community Service Act of 1990, as added by section 202 of this Act; and

(ii) the manner in which grants made by the Corporation shall be audited by such Office and the financial management controls that shall apply with regard to such grants and programs.

(3) ACCOUNTABILITY MEASURES.—The business plan shall include a detailed description of the accountability measures to be established by the Corporation to ensure effective control of all funds for programs carried out by the Corporation after October 1, 1993.

(4) INFORMATION RESOURCES.—The business plan shall include a description of an information resource management program that will support the program and financial management needs of the Corporation.

(5) CORPORATION STAFFING AND INTEGRATION OF ACTION.—

(A) TRANSFERS.—The business plan shall include a report on the progress and plans of the President for transferring the functions, programs, and related personnel of ACTION to the Corporation, and shall include a timetable for the transfer. Not later than 9 months after the date of enactment of this section, the President shall identify all functions of ACTION to be transferred to the Corporation.

(B) DETAILS AND ASSIGNMENTS.—The report shall specify the number of ACTION employees detailed or assigned to the Corporation, and describe the hiring activity of the Corporation, during the transition period.

(C) STRUCTURE.—The business plan shall include a description of the organizational structure of the Corporation during the transition period.

(D) STAFFING.—The business plan shall include a description of—

(i) measures to ensure adequate staffing during the transition period with respect to programs carried out by the Corporation after October 1, 1993; and

(ii) the responsibilities and authorities of the Managing Directors and other key personnel of the Corporation.

(E) SENIOR EXECUTIVE SERVICE.—The business plan shall include—

(i) an explanation of the number of the employees of the Corporation who will be paid at or above the rate of pay for level 1 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code; and

(ii) information justifying such pay for such employees.

(6) DUPLICATION OF FUNCTIONS.—The business plan shall include a description of the measures that the Corporation is taking or will take to minimize duplication of functions in the Corporation caused by the transfer of the functions of the Commission on National and Community Service, and the transfer of the functions of ACTION, to the Corporation. This description shall address functions at both the national and State levels.

(c) DEFINITION.—The term "transition period" means the period beginning on October 1, 1993 and ending on the day before the effective date of section 203(c)(2).

TITLE III—REAUTHORIZATION

Subtitle A—National and Community Service Act of 1990

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended to read as follows:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) TITLE I.—

"(1) SUBTITLE B.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $45,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

"(i) not more than 63.75 percent shall be available to provide financial assistance under subpart A of part I of subtitle B of title I;

"(ii) not more than 11.25 percent shall be available to provide financial assistance under subpart B of part I of such subtitle; and

"(iii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle.

"(2) SUBTITLES C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to provide national service educational awards under subtitle D of title I, and to carry out such audits and evaluations as the President or the Inspector General of the Corporation may determine to be necessary, $300,000,000 for fiscal year 1994, $500,000,000 for fiscal year 1995, and $700,000,000 for fiscal year 1996.

"(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

"(3) SUBTITLE E.—There are authorized to be appropriated to provide financial assistance under subtitle E of title I, such sums as may be necessary for each of the fiscal years 1995 through 1996.

"(4) ADMINISTRATION.—

"(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(B) LIMITATION.—For fiscal year 1994, the sums appropriated under subparagraph (A) shall not exceed 15 percent of the amounts appropriated to carry out subtitles B, C, D, and H of title I of this Act for such fiscal year. For each subsequent fiscal year, the sums appropriated under subparagraph (A) shall not exceed 10 percent of the amounts appropriated to carry out such subtitles for such subsequent fiscal year.

"(C) STATE COMMISSIONS AND CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, up to 50 percent shall be made available to the State Commissions, and up to 50 percent shall be made available to the Corporation, for the administration of this Act.

"(b) TITLE III.—There are authorized to be appropriated to carry out title III $5,000,000 for each of the fiscal years 1994 through 1996.

"(c) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated under this section shall remain available until expended.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993.

Subtitle B—Domestic Volunteer Service Act of 1973

SEC. 311. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Domestic Volunteer Service Act Amendments of 1993".

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

CHAPTER 1—VISTA AND OTHER ANTI-POVERTY PROGRAMS

SEC. 321. PURPOSE OF THE VISTA PROGRAM.

The last sentence of section 101 (42 U.S.C. 4951) is amended to read as follows: "In addition, the objectives of this part are to generate the commitment of private sector resources, to encourage volunteer service at the local level, and to strengthen local agencies and organizations to carry out the purpose of this part.".

SEC. 322. SELECTION AND ASSIGNMENT OF VISTA VOLUNTEERS.

(a) VOLUNTEER ASSIGNMENTS.—Section 103(a) (42 U.S.C. 4953(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "a public" and inserting "public";

(2) in paragraph (2), by striking "and" at the end;

(3) in paragraph (3), by striking "illiterate or functionally illiterate youth and other individuals,";

(4) in paragraph (5), by striking "and" at the end;

(5) in paragraph (6)—

(A) by striking "the Headstart act, or the Community Economic" and inserting "the Head Start Act, the Community Economic";

(B) by inserting "or other similar Acts," after "1981,"; and

(C) by striking the period and inserting "; and"; and

(6) by adding at the end the following new paragraph:

"(7) in strengthening, supplementing, and expanding efforts to address the problem of illiteracy throughout the United States.".

(b) RECRUITMENT PROCEDURES.—Section 103(b) (42 U.S.C. 4953(b)) is amended—

(1) by striking paragraphs (2), (4), (5) and (6);

(2) by redesignating paragraphs (3) and (7) as paragraphs (2) and (3), respectively;

(3) in paragraph (2) (as redesignated in paragraph (2) of this subsection), by striking "paragraph (7)" and inserting "paragraph (3)"; and

(4) in paragraph (3) (as redesignated in paragraph (2) of this subsection)—

(A) in subparagraph (A), by striking "paragraph (4)" and inserting "paragraph (2)";

(B) by striking subparagraphs (B), (C), and (E);

(C) by redesignating subparagraphs (D) and (F) as subparagraphs (C) and (D), respectively; and

(D) by inserting after subparagraph (A) the following new subparagraph:

"(B) A sponsoring organization may recruit volunteers for service under this part, subject to final approval by the Director.".

(c) PUBLIC AWARENESS AND RECRUITMENT.—Subsection (c) of section 103 (42 U.S.C. 4953(c)) is amended—

(1) in paragraph (1), to read as follows:

"(1)(A) The Director shall conduct national and local public awareness and recruitment activities in order to meet the volunteer goals of the program. In conducting such activities, the Director shall place special emphasis on recruiting volunteers for local, community-based programs that serve underrepresented populations, in situations in which volunteers might not otherwise learn about the programs. Such activities shall be coordinated with recruitment authorized under subtitle C or E of the National and Community Service Act of 1990 and may include public service announcements, advertisements, publicity on loan deferments, repayments, and cancellations available to VISTA volunteers, maintenance of a toll-free telephone system, and provision of technical assistance for the recruitment of volunteers to programs and projects receiving assistance under this part.

"(B) The Director shall take steps to recruit individuals 18 through 27 years of age, 55 years of age and older, recent graduates of institutions of higher education, and special skilled volunteers and to promote diverse participation in the program.";

(2) in paragraph (3), by adding at the end the following new sentence: "In addition, the Director shall take steps to provide opportunities for returned Peace Corps volunteers to serve in the VISTA program.";

(3) by striking paragraphs (4), (5), and (6); and

(4) by adding at the end the following new paragraph:

"(4) From the amounts appropriated under section 501(a) for fiscal year 1994 and each subsequent fiscal year, the Director shall obligate such sums as may be necessary for the purpose of carrying out this subsection in such fiscal year.".

(d) COORDINATION WITH OTHER FEDERAL AGENCIES.—Section 103 (42 U.S.C. 4953) is amended by adding at the end the following new subsection:

"(h) The Director is encouraged to enter into agreements with other Federal agencies to use VISTA volunteers in furtherance of program objectives that are consistent with the purposes described in section 101.".

SEC. 323. TERMS AND PERIODS OF SERVICE.

(a) CLARIFICATION AND PERIODS OF SERVICE.—Subsection (b) of section 104 (42 U.S.C. 4954(b)) is amended to read as follows:

"(b)(1) Volunteers serving under this part may be enrolled initially for periods of service of not less than 1 year, nor more than 2 years, except as provided in paragraph (2) or subsection (e).

"(2) Volunteers serving under this part may be enrolled for periods of service of less than 1 year if the Director determines, on an individual basis, that a period of service of less than 1 year is necessary to meet a critical scarce skill need.

"(3) Volunteers serving under this part may be reenrolled for periods of service in a manner to be determined by the Director. No volunteer shall serve for more than a total of 5 years under this part.".

(b) SUMMER PROGRAM.—Section 104 (42 U.S.C. 4954) is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding any other provision of this part, the Director may enroll full-time VISTA summer associates in a program for the summer months only, under such terms and conditions as the Director shall determine to be appropriate. Such individuals shall be assigned to projects that meet the criteria set forth in section 103(a).

"(2) In preparing reports relating to programs under this Act, the Director shall report on participants, costs, and accomplishments under the summer program separately.

"(3) The limitation on funds appropriated for grants and contracts, as contained in section 108, shall not apply to the summer program.".

SEC. 324. SUPPORT FOR VISTA VOLUNTEERS.

(a) POSTSERVICE STIPEND.—Section 105(a)(1) (42 U.S.C. 4955(a)(1)) is amended—

(1) by inserting "(A)" after "(a)(1)"; and

(2) by striking the second sentence and inserting the following:

"(B) Such stipend shall not exceed $95 per month in fiscal year 1994, but shall be set at a minimum of $125 per month during the service of the volunteer after October 1, 1994, assuming the availability of funds to accomplish this increase.

"(C) The Director shall not provide a stipend under this subsection to an individual who elects to receive a national service education award under subtitle D of title I of the National and Community Service Act of 1990.".

(b) SUBSISTENCE ALLOWANCE.—Section 105(b) (42 U.S.C. 4955(b)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A);

(B) in subparagraph (B), by striking the subparagraph designation; and

(C) by adding at the end the following new sentence: "The Director shall review such adjustments on an annual basis to ensure that the adjustments are current."; and

(2) by striking paragraph (4).

(c) CHILD CARE.—Section 105 (42 U.S.C. 4955) is amended by adding at the end the following:

"(c)(1) The Director shall—

"(A) make child care available for children of each volunteer enrolled under this part who need such child care in order to participate as volunteers; or

"(B) provide a child care allowance to each such volunteer who needs such assistance in order to participate as volunteers.

"(2) The Corporation shall establish guidelines regarding the circumstances under which child care shall be made available under this subsection and the value of any child care allowance to be provided.".

SEC. 325. PARTICIPATION OF YOUNGER AND OLDER PERSONS.

Section 107 (42 U.S.C. 4957) is amended to read as follows:

"SEC. 107. PARTICIPATION OF YOUNGER AND OLDER PERSONS.

"In carrying out this part and part C, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of individuals 18 through 27 years of age, and individuals 55 years of age and older, in the various programs and activities authorized under such parts.".

SEC. 326. LITERACY ACTIVITIES.

Section 109 (42 U.S.C. 4959) is amended—

(1) in subsection (g)—

(A) by striking paragraph (1); and

(B) by striking the paragraph designation of paragraph (2); and

(2) in subsection (h), by striking paragraph (3).

SEC. 327. APPLICATIONS FOR ASSISTANCE.

Section 110 (42 U.S.C. 4960) is amended to read as follows:

"SEC. 110. APPLICATIONS FOR ASSISTANCE.

"In reviewing an application for assistance under this part, the Director shall not deny such assistance to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has received under this part prior to the date of submission of the application. The Director shall grant assistance under this part on the basis of merit and to accomplish the goals of the VISTA program, and shall consider the needs and requirements of projects in existence on such date as well as potential new projects.".

SEC. 328. REPEAL OF AUTHORITY FOR STUDENT COMMUNITY SERVICE PROGRAMS.

Section 114 (42 U.S.C. 4974) is repealed.

SEC. 329. UNIVERSITY YEAR FOR VISTA.

(a) PROGRAM TITLE.—Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(1) in the part heading, to read as follows:

"PART B—UNIVERSITY YEAR FOR VISTA";

(2) by striking "University Year for ACTION" each place that such term appears in such part and inserting "University Year for VISTA";

(3) by striking "UYA" each place that such term appears in such part and inserting "UYV"; and

(4) in section 112 (42 U.S.C. 4972) by striking the section heading and inserting the following new section heading:

"AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM".

(b) SPECIAL CONDITIONS.—Section 113(a) (42 U.S.C. 4973(a)) is amended—

(1) by striking "of not less than the duration of an academic year" and inserting "of not less than the duration of an academic semester or its equivalent"; and

(2) by adding at the end the following new sentence: "Volunteers may receive a living allowance and such other support or allowances as the Director determines to be appropriate.".

SEC. 330. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.

Section 122 (42 U.S.C. 4992) is amended to read as follows:

"SEC. 122. AUTHORITY TO ESTABLISH AND OPERATE SPECIAL VOLUNTEER AND DEMONSTRATION PROGRAMS.

"(a) IN GENERAL.—The Director is authorized to conduct special volunteer programs for demonstration programs, or award grants to or enter into contracts with public or nonprofit organizations to carry out such programs. Such programs shall encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and identify particular segments of the poverty community that could benefit from volunteer and other antipoverty efforts.

"(b) ASSIGNMENT AND SUPPORT OF VOLUNTEERS.—The assignment of volunteers under this section, and the provision of support for such volunteers, including any subsistence allowances and stipends, shall be on such terms and conditions as the Director shall determine to be appropriate, but shall not exceed the level of support provided under section 105. Projects using volunteers who do not receive stipends may also be supported under this section.

"(c) CRITERIA AND PRIORITIES.—In carrying out this section and section 123, the Director shall establish criteria and priorities for awarding grants and entering into contracts under this part in each fiscal year. No grant or contract exceeding $100,000 shall be made under this part unless the recipient of the grant or contractor has been selected by a competitive process that includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.".

SEC. 331. TECHNICAL AND FINANCIAL ASSISTANCE.

Section 123 (42 U.S.C. 4993) is amended to read as follows:

"SEC. 123. TECHNICAL AND FINANCIAL ASSISTANCE.

"The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, private nonprofit organizations, employers, and other private organizations that utilize or desire to utilize volunteers in carrying out the purpose of this part.".

SEC. 332. ELIMINATION OF SEPARATE AUTHORITY FOR DRUG ABUSE PROGRAMS.

Title I (42 U.S.C. 4951 et seq.) is amended—

(1) by repealing section 124; and

(2) by redesignating section 125 as section 124.

CHAPTER 2—NATIONAL SENIOR VOLUNTEER CORPS

SEC. 341. NATIONAL SENIOR VOLUNTEER CORPS.

(a) Title Heading.—The heading for title II is amended to read as follows:

"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS"

(b) References.—

(1) Section 200(1) (42 U.S.C. 5000(1)) is amended by striking "Older American Volunteer Programs" and inserting "National Senior Volunteer Corps".

(2) The heading for section 221 (42 U.S.C. 5021) is amended by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS".

(3) Section 224 (42 U.S.C. 5024) is amended—

(A) in the section heading by striking "OLDER AMERICAN VOLUNTEER PROGRAMS" and inserting "NATIONAL SENIOR VOLUNTEER CORPS"; and

(B) by striking "volunteer projects for older Americans" and inserting "National Senior Volunteer Corps projects".

(4) Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended by striking "national older American volunteer programs" each place the term appears and inserting "National Senior Volunteer Corps programs".

SEC. 342. THE RETIRED AND SENIOR VOLUNTEER PROGRAM.

(a) Part Heading.—The heading for part A of title II is amended by striking "Retired Senior Volunteer Program" and inserting "Retired and Senior Volunteer Program".

(b) References.—Section 200 (42 U.S.C. 5000) is amended by striking "retired senior volunteer program" each place that such term appears in such section and inserting "Retired and Senior Volunteer Program".

SEC. 343. OPERATION OF THE RETIRED AND SENIOR VOLUNTEER PROGRAM.

(a) Eligibility for Participants in the Program.—Section 201(a) (42 U.S.C. 5001(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting "and older working persons" after "retired persons"; and

(2) in paragraph (2), by striking "aged sixty" and inserting "age 55".

(b) Deletion of Requirement for State Agency Review.—Section 201 (42 U.S.C. 5001) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 344. SERVICES UNDER THE FOSTER GRANDPARENT PROGRAM.

Section 211(a) (42 U.S.C. 5011(a)) is amended by striking ", including services" and all that follows through "with special needs." and inserting a period and the following:

"Such services may include services by individuals serving as foster grandparents to children who are individuals with disabilities, who have chronic health conditions, who are receiving care in hospitals, who are residing in homes for dependent and neglected children, or who are receiving services provided by day care centers, schools, early intervention programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), Head Start agencies under the Head Start Act, or any of a variety of other programs, establishments, and institutions providing services for children with special or exceptional needs. Individual foster grandparents may provide person-to-person services to one or more children, depending on the needs of the project and local site.".

SEC. 345. STIPENDS FOR LOW-INCOME VOLUNTEERS.

The second sentence of section 211(d) (42 U.S.C. 5011(d)) is amended by striking "Any stipend or allowance provided under this subsection shall not be less than $2.20 per hour until October 1, 1990, $2.35 per hour during fiscal year 1991, and $2.50 per hour on and after October 1, 1992," and inserting "Any stipend or allowance provided under this section shall not be less than $2.45 per hour on and after October 1, 1993, and shall be adjusted once prior to December 31, 1997, to account for inflation, as determined by the Director and rounded to the nearest five cents,".

SEC. 346. PARTICIPATION OF NON-LOW-INCOME PERSONS UNDER PARTS B AND C.

Subsection (f) of section 211(f) (42 U.S.C. 5011(f)) is amended to read as follows:

"(f) Individuals who are not low-income persons may serve as volunteers under parts B and C, in accordance with such regulations as the Director shall issue, at the discretion of the local project. Such individuals shall not receive any allowance, stipend, or other financial support for such service except reimbursement for transportation, meals, and out-of-pocket expenses related to such service.".

SEC. 347. CONDITIONS OF GRANTS AND CONTRACTS.

Section 212 (42 U.S.C. 5012) is repealed.

SEC. 348. EVALUATION OF THE SENIOR COMPANION PROGRAM.

Section 213(c) (42 U.S.C. 5013(c)) is amended by striking paragraph (3).

SEC. 349. AGREEMENTS WITH OTHER FEDERAL AGENCIES.

Section 221(a) (42 U.S.C. 5021(a)) is amended—

(1) by striking "(a)" and inserting "(a)(1)"; and

(2) by adding at the end the following:

"(2) The Director is encouraged to enter into agreements with—

"(A) the Department of Health and Human Services to—

"(i) involve retired or senior volunteers and foster grandparents in Head Start projects; and

"(ii) promote in-home care in cooperation with the Administration on Aging;

"(B) the Department of Education to promote intergenerational tutoring and mentoring for at-risk children; and

"(C) the Environmental Protection Agency to support conservation efforts.".

SEC. 350. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) The Director is authorized to make grants under parts A, B, and C to support programs that address national problems that are also of local concern. The Director may, in any fiscal year, determine which programs of national significance will receive priority in that year. In determining the priority of programs to address problems of local concern in a particular area, the Director shall solicit and consider the views of representatives of local groups serving the area.";

(B) in paragraph (2)(B), by striking "paragraph (10)" and inserting "paragraphs (10) and (12)"; and

(C) in paragraph (2)(C), by striking "and (10)" and inserting "(10), (12), (15), and (16)";

(2) in subsection (b), by adding at the end the following new paragraphs:

"(12) Programs that address environmental needs.

"(13) Programs that reach out to organizations not previously involved in addressing local needs, such as labor unions and profit-making organizations.

"(14) Programs that provide for ethnic outreach.

"(15) Programs that support criminal justice activities.

"(16) Programs that involve older volunteers working with young people in apprenticeship programs.

"(17) Programs that support the integration of individuals with disabilities into the community."; and

(3) in subsection (d), by striking paragraph (1) and inserting the following new paragraph:

"(1) Except as provided in paragraph (2), from the amounts appropriated under subsection (a), (b), (c), or (d) of section 502, for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).".

SEC. 351. ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE.

Section 226 (42 U.S.C. 5026) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraph (B); and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "(1)"; and

(ii) by striking "annually" and inserting ", once every 2 years"; and

(B) by striking paragraph (2).

SEC. 352. DEMONSTRATION PROGRAMS.

Title II (42 U.S.C. 5000 et seq.) is amended by adding at the end the following new part:

"Part E—Demonstration Programs

"SEC. 231. AUTHORITY OF DIRECTOR.

"(a) In General.—The Director is authorized to make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers. The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.

"(b) Activities.—An organization that receives a grant or enters into a contract under subsection (a) may use funds made available through the grant or contract for activities such as—

"(1) linking youth groups and older American organizations in volunteer activities;

"(2) involving older volunteers in programs and activities different from programs and activities supported in the community; and

"(3) testing whether older American volunteer programs may contribute to new objectives or certain national priorities.

"SEC. 232. PROHIBITION.

"The Director may not reduce the activities, projects, or volunteers funded under the other parts of this title in order to support projects under this part.".

CHAPTER 3—ADMINISTRATION

SEC. 361. PURPOSE OF AGENCY.

Section 401 (42 U.S.C. 5041) is amended—

(1) by inserting after the first sentence the following: "Such Agency shall also promote the coordination of volunteer efforts among Federal, State, and local agencies and organizations, exchange technical assistance information among such agencies and organizations."; and

(2) by striking "Older American Volunteer Programs" each place the term appears and inserting "National Senior Volunteer Corps".

SEC. 362. AUTHORITY OF THE DIRECTOR.

Section 402 (42 U.S.C. 5042) is amended in paragraphs (5) and (6) by inserting "solicit and" before "accept" each place the term appears.

SEC. 363. COMPENSATION FOR VOLUNTEERS.

Section 404 (42 U.S.C. 5044) is amended—

(1) in subsection (c), by inserting "from such volunteers or from beneficiaries" after "compensation";

(2) by striking subsection (f); and

(3) by redesignating subsection (g) as subsection (f).

SEC. 364. REPEAL OF REPORT.

Section 407 (42 U.S.C. 5047) is repealed.

SEC. 365. APPLICATION OF FEDERAL LAW.

Section 415(b)(4)(A) (42 U.S.C. 5055(b)(4)(A)) is amended by striking "a grade GS–7 employee" and inserting "an employee at grade GS–5 of the General Schedule under section 5332 of title 5, United States Code".

SEC. 366. EVALUATION OF PROGRAMS.

Section 416 (42 U.S.C. 5056) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "(including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years)"; and

(B) in the second sentence, by striking "at least once every 3 years" and inserting "periodically";

(2) in subsection (b) to read as follows:

"(b) In carrying out evaluations of programs under this Act, the Director shall create appropriate management information systems that will summarize information on volunteer activities and accomplishments across the programs supported under this Act. The Director shall periodically prepare and submit to the appropriate committees of Congress a report containing such information."; and

(3) by striking subsections (d), (e), (f), and (g).

SEC. 367. NONDISCRIMINATION PROVISIONS.

Section 417 (42 U.S.C. 5057) is amended to read as follows:

"SEC. 417. NONDISCRIMINATION PROVISIONS.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate against a participant in, or member of the staff of, such program on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this Act shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a program that receives assistance under this Act shall not discriminate on the basis of religion against a participant in such program or a member of the staff of such program who is paid with funds received under this Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this Act, of any member of the staff, of a program that receives assistance under this Act, who was employed with the organization operating the program on the date the grant under this Act was awarded.

"(d) RULES AND REGULATIONS.—The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

SEC. 368. ELIMINATION OF SEPARATE REQUIREMENTS FOR SETTING REGULATIONS.

Section 420 (42 U.S.C. 5060) is repealed.

SEC. 369. CLARIFICATION OF ROLE OF INSPECTOR GENERAL.

Section 422 (42 U.S.C. 5062) is amended—

(1) in subsection (a), by inserting "or the Inspector General" after "Director"; and

(2) in subsection (b), by inserting ", the Inspector General," after "Director" each place that such term appears.

SEC. 370. COPYRIGHT PROTECTION.

Title IV (42 U.S.C. 5041 et seq.) is amended by adding at the end the following new section:

"SEC. 425. PROTECTION AGAINST IMPROPER USE.

"Whoever falsely—

"(1) advertises or represents; or

"(2) publishes or displays any sign, symbol, or advertisement, reasonably calculated to convey the impression,

that an entity is affiliated with, funded by, or operating under the authority of ACTION, VISTA, or any of the programs of the National Senior Volunteer Corps may be enjoined under an action filed by the Attorney General, on a complaint by the Director.".

SEC. 371. CENTER FOR RESEARCH AND TRAINING.

Title IV (42 U.S.C. 5041 et seq.) (as amended by section 370 of this Act) is further amended by adding at the end the following new section:

"SEC. 426. CENTER FOR RESEARCH AND TRAINING.

"The Director may establish, directly or by grant or contract, a Center for Research and Training on Volunteerism to carry out research concerning the impact of volunteerism on individuals, organizations, and communities, provide training at a State, regional, or local level to help improve programs across the United States, and carry out such other functions as the Director determines to be appropriate.".

SEC. 372. DEPOSIT REQUIREMENT CREDIT FOR SERVICE AS A VOLUNTEER.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—Section 8332(j) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting "the period of an individual's services as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973," after "Economic Opportunity Act of 1964,";

(ii) in the second sentence, by inserting ", as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973," after "Economic Opportunity Act of 1964,"; and

(iii) in the last sentence—

(I) by inserting "or under the Domestic Volunteer Service Act of 1973" after "Economic Opportunity Act of 1964"; and

(II) by inserting "or the Director of ACTION, as appropriate," after "Director of the Office of Economic Opportunity"; and

(B) by adding at the end the following new paragraph:

"(3) The provisions of paragraph (1) relating to credit for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964 or the Domestic Volunteer Service Act of 1973 shall not apply to any period of service as a volunteer or volunteer leader of an employee or Member with respect to which the employee or Member has made the deposit with interest, if any, required by section 8334(l).".

(2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—

(A) IN GENERAL.—Section 8334 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(l)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, before the date of the separation from service on which the entitlement to any annuity under this subchapter is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, to the agency by which the employee is employed or, in the case of a Member or a congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 7 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Act of 1964 or title I of the Domestic Volunteer Service Act of 1973 for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—

"(A) the date of enactment of this subsection; or

"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount, computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (e).

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Director shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.".

(B) CONFORMING AMENDMENT.—Section 8334(e) of title 5, United States Code, is amended in paragraphs (1) and (2) by striking "or (k)" each place that such term appears and inserting "(k), or (l)".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—Section 8411 of title 5, United States Code, is amended—

(A) in subsection (b)(3), by striking "subsection (f)" and inserting "subsection (f) or (h)"; and

(B) by adding at the end the following new subsection:

"(h) An employee or Member shall be allowed credit for service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, performed at any time prior to the separation from service on which the entitlement to any annuity under this subchapter is based if the employee or Member has made a deposit with interest, if any, with respect to such service under section 8422(f).".

(2) DEDUCTIONS, CONTRIBUTIONS.—Section 8422 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Each employee or Member who has performed service as a volunteer or volunteer leader under part A of title VIII of the Economic Opportunity Act of 1964, or as a full-time volunteer enrolled in a program of at least 1 year in duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973, before the date of the separation from service on which the entitlement to any annuity under this subchapter, or subchapter V of this chapter, is based may pay, in accordance with such regulations as the Office of Personnel Management shall issue, to the agency by which the employee is employed or, in the case of a Member or a congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 3 percent of the readjustment allowance paid to the employee or Member under title VIII of the Economic Opportunity Service Act of 1964 or title I of the Domestic Volunteer Service Act of 1973 for each period of service as such a volunteer or volunteer leader.

"(2) Any deposit made under paragraph (1) more than 2 years after the later of—

"(A) the date of enactment of this subsection, or

"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e).

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Director shall furnish such information to the Office of Personnel Management as the Office may determine to be necessary for the administration of this subsection.".

(c) APPLICABILITY AND OTHER PROVISIONS.—

(1) APPLICABILITY.—

(A) TIMING.—The amendments made by subsections (a) and (b) shall apply with respect to credit for service as a volunteer or volunteer leader under the Economic Opportunity Act of 1964 or the Domestic Volunteer Service Act of 1973 to individuals who are entitled to an annuity on the basis of a separation from service occurring before, on, or after the effective date of this subtitle.

(B) SEPARATION.—In the case of any individual whose entitlement to an annuity is based on a separation from service occurring before the date of enactment of this Act, any increase in such individual's annuity on the basis of a deposit made pursuant to section 8334(l) or section 8442(f) of title 5, United States Code, as amended by this Act, shall be effective only with respect to annuity payments payable for calendar months beginning after the date of enactment of this Act.

(2) ACTION TO INFORM INDIVIDUALS.—The Director of the Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals entitled to credit under this section for service as a volunteer or volunteer leader, or to have any annuity recomputed, or to make a deposit under this section, of such entitlement.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS AND OTHER AMENDMENTS

SEC. 381. AUTHORIZATION OF APPROPRIATIONS FOR TITLE I.

Section 501 (42 U.S.C. 5081) is amended to read as follows:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.

"(a) AUTHORIZATIONS.—

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I, excluding sections 104(e) and 109, $45,800,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(2) SUMMER PROGRAM.—There are authorized to be appropriated to carry out section 104(e), such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(3) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out section 109, $5,600,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(4) UNIVERSITY YEAR FOR VISTA.—There are authorized to be appropriated to carry out part B of title I, such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(5) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I, excluding section 124, such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(6) LITERACY CHALLENGE GRANTS.—There are authorized to be appropriated to carry out section 124, such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(b) SUBSISTENCE.—The minimum level of an allowance for subsistence required under section 105(b)(2), to be provided to each volunteer under title I, may not be reduced or limited in order to provide for an increase in the number of volunteer service years under part A of title I.

"(c) LIMITATION.—No part of the funds appropriated to carry out part A of title I may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

"(d) AVAILABILITY.—Amounts appropriated for part A of title I shall remain available for obligation until the end of the fiscal year following the fiscal year for which the amounts were appropriated.

"(e) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I, including section 124, there shall first be available for part A of title I, including sections 104(e) and 109, an amount not less than the amount necessary to provide 3,700 volunteer service years in fiscal year 1994, 4,000 volunteer service years in fiscal year 1995, and 4,500 volunteer service years in fiscal year 1996.

"(2) PLAN.—If the Director determines that funds appropriated to carry out part A, B, or C of title I are insufficient to provide for the years of volunteer service required by paragraph (1), the Director shall submit a plan to the relevant authorizing and appropriations committees of Congress that will detail what is necessary to fully meet this requirement.".

SEC. 382. AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR VOLUNTEER CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $37,054,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $71,284,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $32,509,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 1994 through 1996.".

SEC. 383. AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV.

Title V (42 U.S.C. 5081 et seq.) is amended—

(1) by striking section 504;

(2) by inserting the following after section 502:

"SEC. 503. ADMINISTRATION AND COORDINATION.

"(a) IN GENERAL.—For each of the fiscal years 1994 through 1998, there are authorized to be appropriated for the administration of this Act as provided for in title IV, 15 percent of the total amount appropriated under sections 501 and 502 with respect to such year.

"(b) EVALUATION AND CENTER FOR RESEARCH AND TRAINING.—For each of the fiscal years 1994 through 1998, the Director is authorized to expend not less than one-half of 1 percent, and not more than 1 percent, from the amounts appropriated under sections 501 and 502, for the purposes prescribed in sections 416 and 426."; and

(3) by redesignating section 505 as section 504.

SEC. 384. CONFORMING AMENDMENTS; COMPENSATION FOR VISTA FECA CLAIMANTS.

Section 8143(b) of title 5, United States Code, is amended by striking "GS-7" and inserting "GS-5 of the General Schedule under section 5332 of title 5, United States Code".

SEC. 385. REPEAL OF AUTHORITY.

Title VII (42 U.S.C. 5091 et seq.) is repealed.

CHAPTER 5—GENERAL PROVISIONS

SEC. 391. TECHNICAL AND CONFORMING AMENDMENTS.

The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) is amended by striking "That this Act" and all that follows through the end of the table of contents and inserting the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Domestic Volunteer Service Act of 1973'.

"(b) TABLE OF CONTENTS.—The table of contents is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Volunteerism policy.

"TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

"PART A—VOLUNTEERS IN SERVICE TO AMERICA

"Sec. 101. Statement of purpose.
"Sec. 102. Authority to operate VISTA program.
"Sec. 103. Selection and assignment of volunteers.
"Sec. 104. Terms and periods of service.
"Sec. 105. Support service.
"Sec. 106. Participation of beneficiaries.
"Sec. 107. Participation of younger and older persons.
"Sec. 108. Limitation.
"Sec. 109. VISTA Literacy Corps.
"Sec. 110. Applications for assistance.

"PART B—UNIVERSITY YEAR FOR VISTA

"Sec. 111. Statement of purpose.
"Sec. 112. Authority to operate University Year for VISTA program.
"Sec. 113. Special conditions.

"PART C—SPECIAL VOLUNTEER PROGRAMS

"Sec. 121. Statement of purpose.
"Sec. 122. Authority to establish and operate special volunteer and demonstration programs.
"Sec. 123. Technical and financial assistance.
"Sec. 124. Literacy challenge grants.

"TITLE II—NATIONAL SENIOR VOLUNTEER CORPS

"Sec. 200. Statement of purposes.

"PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM

"Sec. 201. Grants and contracts for volunteer service projects.

"PART B—FOSTER GRANDPARENT PROGRAM

"Sec. 211. Grants and contracts for volunteer service projects.

"PART C—SENIOR COMPANION PROGRAM

"Sec. 213. Grants and contracts for volunteer service projects.

"PART D—GENERAL PROVISIONS

"Sec. 221. Promotion of National Senior Volunteer Corps.
"Sec. 222. Payments.
"Sec. 223. Minority group participation.
"Sec. 224. Use of locally generated contributions in National Senior Volunteer Corps.
"Sec. 225. Programs of national significance.
"Sec. 226. Adjustments to Federal financial assistance.
"Sec. 227. Multiyear grants or contracts.

"PART E—DEMONSTRATION PROGRAMS

"Sec. 231. Authority of Director.
"Sec. 232. Prohibition.

"TITLE IV—ADMINISTRATION AND COORDINATION

"Sec. 403. Political activities.
"Sec. 404. Special limitations.
"Sec. 406. Labor standards.
"Sec. 408. Joint funding.
"Sec. 409. Prohibition of Federal control.
"Sec. 410. Coordination with other programs.
"Sec. 411. Prohibition.
"Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.
"Sec. 414. Distribution of benefits between rural and urban areas.
"Sec. 415. Application of Federal law.
"Sec. 416. Evaluation.
"Sec. 417. Nondiscrimination provisions.
"Sec. 418. Eligibility for other benefits.
"Sec. 419. Legal expenses.
"Sec. 421. Definitions.
"Sec. 422. Audit.
"Sec. 423. Reduction of paperwork.
"Sec. 424. Review of project renewals.
"Sec. 425. Protection against improper use.
"Sec. 426. Center for Research and Training.

"TITLE V—AUTHORIZATION OF APPROPRIATIONS

"Sec. 501. National volunteer antipoverty programs.
"Sec. 502. National Senior Volunteer Corps.
"Sec. 503. Administration and coordination.
"Sec. 504. Availability of appropriations.

"TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

"Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
"Sec. 602. Creditable service for civil service retirement.
"Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
"Sec. 604. Repeal of title VI of the Older Americans Act.".

SEC. 392. EFFECTIVE DATE.

This subtitle, and the amendments made by this subtitle shall take effect on October 1, 1993.

Subtitle C—Youth Conservation Corps Act of 1970

SEC. 399. PUBLIC LANDS CORPS.

(a) IN GENERAL.—Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970") is amended—

(1) by inserting before section 1 the following:

"TITLE I—YOUTH CONSERVATION CORPS";

(2) by striking "Act" each place such term appears and inserting "title";

(3) by redesignating sections 1 through 6 as sections 101 through 106, respectively;

(4) in subsection (a) of section 102 (as redesignated by paragraph (3)), by inserting "in this title" after "hereinafter";

(5) in subsection (d) of section 104 (as redesignated by paragraph (3)), by striking "section 6" and inserting "section 106"; and

(6) by adding at the end the following new title:

"TITLE II—PUBLIC LANDS CORPS

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Public Lands Corps Act of 1993'.

"SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) Conserving or developing natural and cultural resources and enhancing and maintaining environmentally important lands and waters through the use of the Nation's young men and women in a Public Lands Corps can benefit those men and women by providing such men and women with education and work opportunities, furthering their understanding and appreciation of the natural and cultural resources, and providing a means to pay for higher education or to repay indebtedness such men and women have incurred to obtain higher education while at the same time benefiting the Nation's economy and environment.

"(2) Many facilities and natural resources located on public lands and on Indian lands are in disrepair or degraded and in need of labor intensive rehabilitation, restoration, and enhancement work that cannot be carried out by Federal agencies at existing personnel levels.

"(3) Youth conservation corps have established a good record of restoring and maintaining these kinds of facilities and resources in a cost-effective and efficient manner, especially when the corps have worked in partnership arrangements with government land management agencies.

"(b) PURPOSE.—It is the purpose of this title to—

"(1) perform, in a cost-effective manner, appropriate conservation projects on public lands and Indian lands where such projects will not be performed by existing employees;

"(2) assist governments and Indian tribes in performing research and public education tasks associated with natural and cultural resources on public lands and Indian lands;

"(3) expose young men and women to public service while furthering their understanding and appreciation of the Nation's natural and cultural resources;

"(4) expand educational opportunities by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training; and

"(5) stimulate interest among the Nation's young men and women in conservation careers by exposing such men and women to conservation professionals in land managing agencies.

"SEC. 203. DEFINITIONS.

"For purposes of this title:

"(1) APPROPRIATE CONSERVATION PROJECT.—The term 'appropriate conservation project' means any project for the conservation, restoration, construction, or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

"(2) CORPS AND PUBLIC LANDS CORPS.—The terms 'Corps' and 'Public Lands Corps' mean the Public Lands Corps established under section 204.

"(3) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe, or is a 'Native', as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(4) INDIAN LANDS.—The term 'Indian lands' means—

"(A) any Indian reservation;

"(B) any public domain Indian allotments;

"(C) any former Indian reservation in the State of Oklahoma;

"(D) any land held by incorporated Native groups, regional corporations, and village corporations under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

"(E) any land held by dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State.

"(5) INDIAN TRIBE.—The term 'Indian tribe' means—

"(A) an Indian tribe, band, nation, or other organized group or community, including—

"(i) any Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)), whether organized traditionally or pursuant to the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act'; 48 Stat. 984, chapter 576; 25 U.S.C 461 et seq.); and

"(ii) any Regional Corporation or Village Corporation, as defined in subsection (g) or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (g) or (j)),

that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians; and

"(B) any tribal organization controlled, sanctioned, or chartered by an entity described in subparagraph (A).

"(6) PUBLIC LANDS.—The term 'public lands' means any lands or waters (or interest therein) owned or administered by the United States, except that such term does not include any Indian lands.

"(7) QUALIFIED YOUTH OR CONSERVATION CORPS.—The term 'qualified youth or conservation corps' means any program established by a State or local government, by the governing body of any Indian tribe, or by a nonprofit organization, that—

"(A) is capable of offering meaningful, full-time, productive work for individuals between the ages of 16 and 25, inclusive, in a natural or cultural resource setting;

"(B) gives participants a mix of work experience, basic and life skills, education, training, and support services; and

"(C) provides participants with the opportunity to develop citizenship values and skills through service to their community and the United States.

"(8) RESOURCE ASSISTANT.—The term 'resource assistant' means a resource assistant selected under section 206.

"(9) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 204. PUBLIC LANDS CORPS PROGRAM.

"(a) ESTABLISHMENT OF PUBLIC LANDS CORPS.—There is hereby established in the Department of the Interior and the Department of Agriculture a Public Lands Corps.

"(b) PARTICIPANTS.—The Corps shall consist of individuals between the ages of 16 and 25, inclusive, who are enrolled as participants in the Corps by the Secretary of the Interior or the Secretary of Agriculture. To be eligible for enrollment in the Corps, an individual shall satisfy the criteria specified in section 137(b) of the National and Community Service Act of 1990. The Secretaries may enroll such individuals in the Corps without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Secretaries may establish a preference for the enrollment in the Corps of individuals who are economically, physically, or educationally disadvantaged.

"(c) QUALIFIED YOUTH OR CONSERVATION CORPS.—The Secretary of the Interior and the Secretary of Agriculture are authorized to enter into contracts and cooperative agreements with any qualified youth or conservation corps to perform appropriate conservation projects referred to in subsection (d).

"(d) PROJECTS TO BE CARRIED OUT.—The Secretary of the Interior and the Secretary of Agriculture may each utilize the Corps or any qualified youth or conservation corps to carry out appropriate conservation projects that such Secretary is authorized to carry out under other authority of law on public lands. Appropriate conservation projects may also be carried out under this title on Indian lands with the approval of the Indian tribe involved.

"(e) PREFERENCE FOR CERTAIN PROJECTS.—In selecting appropriate conservation projects to be carried out under this title, the Secretary of the Interior and the Secretary of Agriculture shall give preference to those projects that—

"(1) will provide long-term benefits to the public;

"(2) will instill in the enrollee involved a work ethic and a sense of public service;

"(3) will be labor intensive;

"(4) can be planned and initiated promptly; and

"(5) will provide academic, experiential, or environmental education opportunities.

"(f) CONSISTENCY.—Each appropriate conservation project carried out under this title on any public lands or Indian lands shall be consistent with the provisions of law and policies relating to the management and administration of such lands, with all other applicable provisions of law, and with all management, operational, and other plans and documents that govern the administration of the area.

"SEC. 205. CONSERVATION CENTERS.

"(a) ESTABLISHMENT AND USE.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to provide such quarters, board, medical care, transportation, and other services, facilities, supplies, and equipment as such Secretary determines to be necessary in connection with the Public Lands Corps and appropriate conservation projects carried out under this title and to establish and use conservation centers owned and operated by such Secretary for purposes of the Corps and such projects. The Secretaries shall establish basic standards of health, nutrition, sanitation, and safety for all conservation centers established under this section and shall assure that such standards are enforced. Where necessary or appropriate, the Secretaries may enter into contracts and other appropriate arrangements with State and local government agencies and private organizations for the management of such conservation centers.

"(b) LOGISTICAL SUPPORT.—The Secretary of the Interior and the Secretary of Agriculture may make arrangements with the Secretary of Defense to have logistical support provided by the Armed Forces to the Corps and any conservation center established under this section, where feasible. Logistical support may include the provision of temporary tent shelters where needed, transportation, and residential supervision.

"(c) USE OF MILITARY INSTALLATIONS.—The Secretary of the Interior and the Secretary of Agriculture may make arrangements with the Secretary of Defense to identify military installations and other facilities of the Department of Defense and, in consultation with the adjutant generals of the State National Guards, National Guard facilities that may be used, in whole or in part, by the Corps for training or housing Corps participants.

"SEC. 206. RESOURCE ASSISTANTS.

"(a) AUTHORIZATION.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to provide individual placements of resource assistants with any Federal land managing agency under the jurisdiction of such Secretary to carry out research or resource protection activities on behalf of the agency. To be eligible for selection as a resource assistant, an individual shall be at least 17 years of age. The Secretaries may select resource assistants without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Secretaries shall give a preference to the selection of individuals who are enrolled in an institution of higher education or are recent graduates from an institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) with particular attention given to ensure the full representation of women and participants from historically black, Hispanic, and Native American schools.

"(b) USE OF EXISTING NONPROFIT ORGANIZATIONS.—Whenever one or more existing nonprofit organizations can provide, in the judgment of the Secretary of the Interior or the Secretary of Agriculture, appropriate recruitment and placement services to fulfill the requirements of this section, the Secretary may implement this section through such existing organizations. Participating nonprofit organizations shall contribute to the expenses of providing and supporting the resource assistants, through private sources of funding, at a level equal to 25 percent of the total costs of each participant in the resource assistant program who has been recruited and placed through that organization. Any such participating nonprofit conservation service organization shall be required, by the respective land managing agency, to submit an annual report evaluating the scope, size, and quality of the program, including the value of work contributed by the resource assistants, to the mission of the agency.

"SEC. 207. LIVING ALLOWANCES AND TERMS OF SERVICE.

"(a) LIVING ALLOWANCES.—The Secretary of the Interior and the Secretary of Agriculture shall provide each participant in the Public Lands Corps and each resource assistant with a living allowance in an amount not to exceed the maximum living allowance authorized by section 140(a)(3) of the National and Community Service Act of 1990 for participants in a national service program assisted under subtitle C of title I of such Act.

"(b) TERMS OF SERVICE.—Each participant in the Corps and each resource assistant shall agree to participate in the Corps or serve as a resource assistant, as the case may be, for such term of service as may be established by the Secretary enrolling or selecting the individual.

"SEC. 208. NATIONAL SERVICE EDUCATIONAL AWARDS.

"(a) EDUCATIONAL BENEFITS AND AWARDS.—If a participant in the Public Lands Corps or a resource assistant also serves in an approved national service position designated under subtitle C of title I of the National and Community Service Act of 1990, the participant or resource assistant shall be eligible for a national service educational award in the manner prescribed in subtitle D of such title upon successfully complying with the requirements for the award. The period during which the national service educational award may be used, the purposes for which the award may be used, and the amount of the award shall be determined as provided under such subtitle.

"(b) FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.—For purposes of section 428 of the Higher Education Act of 1965, in the case of borrowers who are either participants in the Corps or resource assistants, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise consistent with the regulations of the Secretary of Education, during periods in which the borrower is serving as such a participant or a resource assistant.

"SEC. 209. NONDISPLACEMENT.

"The nondisplacement requirements of section 177 of the National and Community Service Act of 1990 shall be applicable to all activities carried out by the Public Lands Corps, to all activities carried out under this title by a qualified youth or conservation corps, and to the selection and service of resource assistants.

"SEC. 210. FUNDING.

"(a) COST SHARING.—

"(1) PROJECTS BY QUALIFIED YOUTH OR CONSERVATION CORPS.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to pay not more than 75 percent, and shall collectively pay 75 percent, of the costs of any appropriate conservation project carried out pursuant to this title on public lands by a qualified youth or conservation corps. The remaining 25 percent of the costs of such a project may be provided from non-Federal sources in the form of funds, services, facilities, materials, equipment, or any combination of the foregoing. No cost sharing shall be required in the case of any appropriate conservation project carried out on Indian lands under this title.

"(2) PUBLIC LANDS CORPS PROJECTS.—The Secretary of the Interior and the Secretary of Agriculture are each authorized to accept donations of funds, services, facilities, materials, or equipment for the purposes of operating the Public Lands Corps and carrying out appropriate conservation projects by the Corps. The Department of the Interior and the Department of Agriculture shall comply with the Federal share requirements of section 129(d)(2)(B) of the National and Community Service Act of 1990.

"(b) FUNDS AVAILABLE UNDER NATIONAL AND COMMUNITY SERVICE ACT.—In order to carry out the Public Lands Corps or to support resource assistants and qualified youth or conservation corps under this title, the Secretary of the Interior and the Secretary of Agriculture shall be eligible to apply for and receive assistance described in section 121(b) of the National and Community Service Act of 1990, from funds available under section 129(d)(2).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1993.

TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 401. DEFINITIONS.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) the term 'Corporation' means the Corporation for National and Community Service established under section 191 of the National and Community Service Act of 1990;

"(9) the term 'foster grandparent' means a volunteer in the Foster Grandparent Program;

"(10) the term 'Foster Grandparent Program' means the program established under part B of title II;

"(11) except as provided in section 417, the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8));

"(12) the term 'Inspector General' means the Inspector General of ACTION;

"(13) the term 'national senior volunteer' means a volunteer in the National Senior Volunteer Corps;

"(14) the term 'National Senior Volunteer Corps' means the programs established under parts A, B, C, and E of title II;

"(15) the term 'Retired and Senior Volunteer Program' means the program established under part A of title II;

"(16) the term 'retired or senior volunteer' means a volunteer in the Retired and Senior Volunteer Program;

"(17) the term 'senior companion' means a volunteer in the Senior Companion Program;

"(18) the term 'Senior Companion Program' means the program established under part C of title II;

"(19) the terms 'VISTA' and 'Volunteers in Service to America' mean the program established under part A of title I; and

"(20) the term 'VISTA volunteer' means a volunteer in VISTA.".

SEC. 402. REFERENCES TO THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(1) Section 1092(b) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 12653a note) is amended—

(A) in paragraph (1)—

(i) by striking "Commission on National Community Service" and inserting "Corporation for National and Community Service"; and

(ii) by striking "Commission shall prepare" and inserting "Board of Directors of the Corporation shall prepare"; and

(B) in paragraph (2), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Board of Directors of the Corporation for National and Community Service".

(2) Section 1093(a) of such Act (42 U.S.C. 12653a note) is amended by striking "the Board of Directors and Executive Director of the Commission on National and Community Service" and inserting "the Board of Directors and President of the Corporation for National and Community Service".

(3) Section 1094 of such Act (Public Law 102–484; 106 Stat. 2535) is amended—

(A) in the title, by striking "commission on national and community service" and inserting "corporation for national and community service";

(B) in subsection (a)—

(i) in the heading, by striking "COMMISSION" and inserting "CORPORATION";

(ii) in the first sentence, by striking "Commission on National and Community Service" and inserting "Corporation for National and Community Service"; and

(iii) in the second sentence, by striking "The Commission" and inserting "The President of the Corporation"; and

(C) in subsection (b)—

(i) in paragraph (1), by striking "Board of Directors of the Commission on National and Community Service" and inserting "President of the Corporation for National and Community Service"; and

(ii) in paragraph (2), by striking "the Commission" and inserting "the President of the Corporation for National and Community Service".

(4) Section 1095 of such Act (Public Law 102–484; 106 Stat. 2535) is amended in the heading for subsection (b) by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE".

(5) Section 2(b) of such Act (Public Law 102–484; 106 Stat. 2315) is amended by striking the item relating to section 1094 of such Act and inserting the following:

"Sec. 1094. Other programs of the Corporation for National and Community Service.".

(b) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) Sections 159(b)(2) (as redesignated in section 104(b)(3) of this Act) and 165 (as redesignated in section 104(b)(3) of this Act), subsections (a) and (b) of section 172, sections 176(a) and 177(c), and subsections (a), (b), and (d) through (h) of section 179, of the National and Community Service Act of 1990 (42 U.S.C. 12653h(b)(2), 12653n, 12632 (a) and (b), 12636(a), 12637(c), and 12639 (a), (b), and (d) through (h)) are each amended by striking the term "Commission" each place the term appears and inserting "Corporation".

(2) Sections 152, 157(b)(2), 162(a)(2)(C), 164, and 166(1) of such Act (in each case, as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653a, 12653f(b)(2), 12653k(a)(2)(C), 12653m, and 12653o(1)) are each amended by striking "Commission on National and Community Service" and inserting "Corporation".

(3) Section 163(b)(9) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12635l(b)(9)) is amended by striking "Chair of the Commission on National and Community Service" and inserting "President".

(4) Section 303(a) of such Act (42 U.S.C. 12662(a)) is amended—

(A) by striking "The President" and inserting "The President of the United States, acting through the Corporation,";

(B) by inserting "in furtherance of activities under section 302" after "section 501(b)"; and

(C) by striking "the President" both places it appears and inserting "the Corporation".

SEC. 403. REFERENCES TO DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) PRESIDENT.—

(1) Section 159(a) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended—

(A) by striking "BOARD.—The Board" and inserting "SUPERVISION.—The President";

(B) by striking "the Board" in the matter preceding paragraph (1), and in paragraph (1), and inserting "the President"; and

(C) by striking "the Director" in paragraph (1) and inserting "the Board".

(2) Section 159(b) of such Act (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(b)) is amended by striking "(b)" and all that follows through "Commission on National and Community Service" and inserting "(b) MONITORING AND COORDINATION.—The President".

(3) Section 159(c)(1) (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653h(c)(1)) is amended—

(A) in subparagraph (A), by striking "the Board, in consultation with the Executive Director," and inserting "the President"; and

(B) in subparagraph (B)(iii), by striking "the Board through the Executive Director" and inserting "the President".

(4) Section 166(6) (as redesignated in section 104(b)(3) of this Act) (42 U.S.C. 12653o(6)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(b) Director of Civilian Community Corps.—Sections 155(a), 157(b)(1)(A), 158(a), 159(c)(1)(A), and 163(a) (in each case, as redesignated in section 104(b)(3) of this Act) of the National and Community Service Act of 1990 (42 U.S.C. 12653d(a), 12653f(b)(1)(A), 12653g(a), 12653h(c)(1)(A), and 12653l(a)) are amended by striking "Director of the Civilian Community Corps" each place the term appears and inserting "Director".

SEC. 404. DEFINITION OF DIRECTOR.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the term 'Director' means the President of the Corporation for National and Community Service appointed under section 193 of the National and Community Service Act of 1990;".

SEC. 405. REFERENCES TO ACTION AND THE ACTION AGENCY.

(a) Domestic Volunteer Service Act of 1973.—

(1) Section 2(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950(b)) is amended—

(A) by striking "ACTION, the Federal domestic volunteer agency," and inserting "this Act"; and

(B) by striking "ACTION shall" and inserting "the Corporation for National and Community Service shall".

(2) Subtitle (b) of section 124 of such Act (as redesignated by section 322(2) of this Act) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(3) Section 225(e) of such Act (42 U.S.C. 5025(e)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(4) Section 403(a) of such Act (42 U.S.C. 5043(a)) is amended—

(A) by striking "the ACTION Agency" the first place such term appears and inserting "the Corporation under this Act"; and

(B) by striking "the ACTION Agency" the second place such term appears and inserting "the Corporation".

(5) Section 408 of such Act (42 U.S.C. 5048) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(6) Section 421(12) of such Act (as added by section 401 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(7) Section 425 of such Act (as added by section 370 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(b) Civil Service Retirement System.—Section 8332(j)(1) of title 5, United States Code (as amended by section 372(a)(1)(A)(iii)(II) of this Act) is amended by striking "the Director of ACTION" and inserting "the President of the Corporation for National and Community Service".

(c) Public Housing Security.—Section 207(c) of the Public Housing Security Demonstration Act of 1978 (Public Law 95–557; 92 Stat. 2093; 12 U.S.C. 1701z–6 note) is amended—

(1) in paragraph (3)(ii), by striking "ACTION" and inserting "the Corporation for National and Community Service"; and

(2) in paragraph (4), by striking "ACTION" and inserting "the Corporation for National and Community Service".

(d) National Forest Volunteers.—Section 1 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a) is amended by striking "ACTION" and inserting "the Corporation for National and Community Service".

(e) Peace Corps.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by inserting after "the ACTION Agency" the following: ", the successor to the ACTION Agency,".

(f) Indian Economic Development.—Section 502 of the Indian Financing Act of 1974 (25 U.S.C. 1542) is amended by striking "ACTION Agency" and inserting "the Corporation for National and Community Service".

(g) Older Americans.—The Older Americans Act of 1965 is amended—

(1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)), by striking "the Director of the ACTION Agency" and inserting "the Corporation for National and Community Service";

(2) in section 203(a)(1) (42 U.S.C. 3013(a)(1)), by striking "the ACTION Agency" and inserting "the Corporation for National and Community Service"; and

(3) in section 422(b)(12)(C) (42 U.S.C. 3035a(b)(12)(C)), by striking "the ACTION Agency" and inserting "the Corporation for National and Community Service".

(h) VISTA Service Extension.—Section 101(c)(1) of the Domestic Volunteer Service Act Amendments of 1989 (Public Law 101–204; 103 Stat. 1810; 42 U.S.C. 4954 note) is amended by striking "Director of the ACTION Agency" and inserting "President of the Corporation for National and Community Service".

(i) Aging Resource Specialists.—Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—

(1) in paragraph (1)—

(A) by striking "the ACTION Agency," and inserting "the Corporation for National and Community Service,"; and

(B) by striking "the Director of the ACTION Agency" and inserting "the President of the Corporation";

(2) in paragraph (2)(A), by striking "ACTION Agency" and inserting "Corporation"; and

(3) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the term 'Corporation' means the Corporation for National and Community Service established by section 191 of the National and Community Service Act of 1990.".

(j) Promotion of Photovoltaic Energy.—Section 11(a) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5590) is amended by striking "the Director of ACTION,".

(k) Coordinating Council on Juvenile Justice.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Director of the ACTION Agency" and inserting "the President of the Corporation for National and Community Service".

(l) Energy Conservation.—Section 413(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(1)) is amended by striking "the Director of the ACTION Agency,".

(m) Interagency Council on the Homeless.—Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The President of the Corporation for National and Community Service, or the designee of the President.".

(n) Anti-Drug Abuse.—Section 3601 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) the term 'Director' means the President of the Corporation for National and Community Service,".

(o) Administration on Children, Youth, and Families.—Section 916(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12312(b)) is amended by striking "the Director of the ACTION Agency" and inserting "the President of the Corporation for National and Community Service".

SEC. 406. EFFECTIVE DATE.

(a) Commission.—The amendments made by sections 401 through 402 will take effect on October 1, 1993.

(b) ACTION.—The amendments made by sections 404 and 405 shall take effect on the effective date of section 203(c)(2).

TITLE V—RURAL COMMUNITY SERVICE

SEC. 501. RURAL COMMUNITY SERVICE.

Title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.) is amended by adding at the end the following new part:

"PART C—RURAL COMMUNITY SERVICE

"SEC. 1171. FINDINGS; PURPOSE.

"(a) Findings.—The Congress finds that—

"(1) the Nation's rural centers are facing increasingly pressing problems and needs in the areas of economic development, community infrastructure and service, social policy, public health, housing, crime, education, environmental concerns, planning and work force preparation;

"(2) there are, in the Nation's rural institutions, people with underutilized skills, knowledge, and experience who are capable of providing a vast range of services towards the amelioration of the problems described in paragraph (1);

"(3) the skills, knowledge, and experience in these rural institutions, if applied in a systematic and sustained manner, can make a significant contribution to the solution of such problems; and

"(4) the application of such skills, knowledge, and experience is hindered by the limited funds available to redirect attention to solutions to such rural problems.

"(b) Purpose.—It is the purpose of this part to provide incentives to rural academic institutions to enable such institutions to work with private and civic organizations to devise and implement solutions to pressing and severe problems in their communities.

"SEC. 1172. PROGRAM.

"The Secretary is authorized to carry out a program of providing assistance to eligible institutions to enable such institutions to carry out the authorized activities described in section 1174 in accordance with the provisions of this part.

"SEC. 1173. APPLICATIONS FOR RURAL COMMUNITY SERVICE GRANTS.

"(a) Application.—

"(1) In general.—Each eligible institution desiring a grant under this part shall submit to the Secretary an application at such time, in such form, and containing or accompanied by such information and assurances, as the Secretary may require by regulation.

"(2) Contents.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the activities and services for which assistance is sought; and

"(B) contain assurances that the eligible institution will enter into a consortium to carry out the provisions of this part that includes, in addition to the eligible institution, one or more of the following entities:

"(i) A community college.

"(ii) A rural local educational agency.

"(iii) A local government.

"(iv) A business or other employer.

"(v) A nonprofit institution.

"(3) WAIVER.—The Secretary may waive the consortium requirements described in paragraph (2) for any applicant who can demonstrate to the satisfaction of the Secretary that the applicant has devised an integrated and coordinated plan which meets the purpose of this part.

"(b) PRIORITY IN SELECTION OF APPLICATIONS.—The Secretary shall give priority to applications that propose to conduct joint projects supported by other local, State, and Federal programs.

"(c) SELECTION PROCEDURES.—The Secretary, by regulation, shall develop a formal procedure for the submission of applications under this part and shall publish in the Federal Register an announcement of that procedure and the availability of funds under this part.

"SEC. 1174. AUTHORIZED ACTIVITIES.

"Grant funds made available under this part shall be used to support planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to assist rural communities to meet and address their pressing and severe problems, such as any of the following:

"(1) Work force preparation.

"(2) Rural poverty and the alleviation of such poverty.

"(3) Health care, including health care delivery and access as well as health education, prevention and wellness.

"(4) Underperforming school systems and students.

"(5) Problems faced by the elderly and individuals with disabilities in rural settings.

"(6) Problems faced by families and children.

"(7) Campus and community crime prevention, including enhanced security and safety awareness measures as well as coordinated programs addressing the root causes of crime.

"(8) Rural housing.

"(9) Rural infrastructure.

"(10) Economic development.

"(11) Rural farming and environmental concerns.

"(12) Other problem areas which participants in the consortium described in section 1173(a)(2)(B) concur are of high priority in rural areas.

"(13)(A) Problems faced by individuals with disabilities and economically disadvantaged individuals regarding accessibility to institutions of higher education and other public and private community facilities.

"(B) Amelioration of existing attitudinal barriers that prevent full inclusion of individuals with disabilities in their community.

"SEC. 1175. PEER REVIEW.

"The Secretary shall designate a peer review panel to review applications submitted under this part and make recommendations for funding to the Secretary. In selecting the peer review panel, the Secretary may consult with other appropriate Cabinet-level Federal officials and with non-Federal organizations, to ensure that the panel will be geographically balanced and be composed of representatives from public and private institutions of higher education, labor, business, and State and local government, who have expertise in rural community service or in education.

"SEC. 1176. DISBURSEMENT OF FUNDS.

"(a) MULTIYEAR AVAILABILITY.—Subject to the availability of appropriations, grants under this part may be made on a multiyear basis, except that no institution, individually or as a participant in a consortium, may receive a grant for more than 5 years.

"(b) EQUITABLE GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this part in a manner that achieves equitable geographic distribution of such grants.

"(c) MATCHING REQUIREMENT.—An applicant under this part and the local governments associated with its application shall contribute to the conduct of the program supported by the grant an amount from non-Federal funds equal to at least one-fourth of the amount grant, which contribution may be in cash or in kind, fairly evaluated.

"SEC. 1177. DESIGNATION OF RURAL GRANT INSTITUTIONS.

"The Secretary shall publish a list of eligible institutions under this part and shall designate such institutions of higher education as 'Rural Grant Institutions'. The Secretary shall establish a national network of Rural Grant Institutions so that the results of individual projects achieved in 1 rural area can be generalized, disseminated, replicated and applied throughout the Nation.

"SEC. 1178. DEFINITIONS.

"As used in this part:

"(1) RURAL AREA.—The term 'rural area' means any area that is—

"(A) outside an urbanized area, as such term is defined by the Bureau of the Census; and

"(B) outside any place that—

"(i) is incorporated or Bureau of the Census designated; and

"(ii) has a population of 75,000 or more.

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education, or a consortium of such institutions any one of which meets all the requirements of this paragraph, which—

"(A) is located in a rural area;

"(B) draws a substantial portion of its undergraduate students from the rural area in which such institution is located, or from contiguous areas;

"(C) carries out programs to make postsecondary educational opportunities more accessible to residents of such rural areas, or contiguous areas;

"(D) has the present capacity to provide resources responsive to the needs and priorities of such rural areas and contiguous areas;

"(E) offers a range of professional, technical, or graduate programs sufficient to sustain the capacity of such institution to provide such resources; and

"(F) has demonstrated and sustained a sense of responsibility to such rural area and contiguous areas and the people of such areas.

"SEC. 1179. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

"(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary in each fiscal year to carry out the provisions of this part.

"(b) FUNDING RULE.—If in any fiscal year the amount appropriated pursuant to the authority of subsection (a) is less than 50 percent of the funds appropriated to carry out part A in such year, then the Secretary shall make available in such year from funds appropriated to carry out part A an amount equal to the difference between 50 percent of the funds appropriated to carry out part A and the amount appropriated pursuant to the authority of subsection (a).".

SEC. 502. DEMONSTRATION PROJECT.

(a) IN GENERAL.—Subtitle H of title I of the National and Community Service Act of 1990 (as added by section 104(c) of this Act) is amended by adding at the end the following:

"SEC. 198D. SPECIAL DEMONSTRATION PROJECT.

"(a) SPECIAL DEMONSTRATION PROJECT FOR THE YUKON-KUSKOKWIM DELTA OF ALASKA.—The President may award grants to, and enter into contracts with, organizations to carry out programs that address significant human needs in the Yukon-Kuskokwim delta region of Alaska.

"(b) APPLICATION.—

"(1) GENERAL REQUIREMENTS.—To be eligible to receive a grant or enter into a contract under subsection (a) with respect to a program, an organization shall submit an application to the President at such time, in such manner, and containing such information as the President may require.

"(2) CONTENTS.—The application submitted by the organization shall, at a minimum—

"(A) include information describing the manner in which the program will utilize VISTA volunteers, individuals who have served in the Peace Corps, and other qualified persons, in partnership with the local not-for-profit organizations known as the Yukon-Kuskokwim Health Corporation and the Alaska Village Council Presidents;

"(B) take into consideration—

"(i) the primarily noncash economy of the region; and

"(ii) the needs and desires of residents of the local communities in the region; and

"(C) include specific strategies, developed in cooperation with the Yupi'k speaking population that resides in such communities, for comprehensive and intensive community development for communities in the Yukon-Kuskokwim delta region.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by inserting after the item relating to section 198C of such Act the following:

"Sec. 198D. Special demonstration project.".

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1993

PRESSLER AMENDMENT NOS. 710–712

(Ordered referred to the Committee on Appropriations.)

Mr. PRESSLER submitted three amendments intended to be proposed by him to the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes; as follows:

AMENDMENT NO. 710

At the appropriate place, insert the following new section:

SEC. . (a) Section 1033(e) of the Internal Revenue Code of 1986 (relating to livestock sold on account of drought) is amended by inserting "or flooding" each place it appears in the text and heading thereof.

(b) The amendments made by subsection (a) shall apply to taxable years ending after December 31, 1992.

AMENDMENT NO. 711

After section 701, insert the following new section:

SEC. 702. In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) during the 1993 crop year, at the option of the producers, the Federal Crop Insurance Corporation shall exclude the yield and rate for the 1993 crop of a commodity for the farm for purposes of calculating yields for the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

AMENDMENT NO. 712

After section 701, insert the following new section:

SEC. 702. In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) during the 1993 crop year, the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the 1993 crop of a commodity prior to January 1, 1994.

COMMERCE, JUSTICE, STATE, AND THE JUDICIARY APPROPRIATIONS FOR FISCAL YEAR 1994

RIEGLE (AND OTHERS) AMENDMENT NO. 713

Mr. HOLLINGS (for Mr. RIEGLE) (for himself, Mr. ROCKEFELLER, Mr. MOYNIHAN, Mr. DANFORTH, Mr. LEVIN, and Mr. MITCHELL) proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 49, line 10, strike "$228,922,000" and insert "$242,642,000, of which $13,720,000 shall be for Trade Adjustment Assistance".

On page 60, line 7, strike "$300,000,000" and insert "$298,000,000".

LEVIN (AND OTHERS) AMENDMENT NO. 714

Mr. HOLLINGS (for Mr. LEVIN) (for himself, Mr. RIEGLE, Mr. GLENN, Mr. KOHL, Mr. DURENBERGER, and Mr. D'AMATO) proposed an amendment to the bill, H.R. 2519, supra, as follows:

Page 68, line 16, strike "$1,658,184,000" and insert "$1,653,184,000".

Page 75, line 6, strike "$14,200,000" and insert "$18,200,000".

Page 75, line 6, after ":" insert, "*Provided*, that $4,000,000 shall be made available to the Great Lakes Fishery Commission for the registration of the pesticide, TFM.".

FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAMS AMENDMENT ACT OF 1993

ROTH AMENDMENT NO. 715

Mr. DURENBERGER (for Mr. ROTH) proposed an amendment to the bill (S. 1131) to extend the method of computing the average subscription charges under section 8906(a) of title 5, United States Code, relating to Federal employee health benefits programs, as follows:

On page 2, line 12, strike out "1998" and insert in lieu thereof "1996".

VETERANS SERVICE-CONNECTED DISABILITIES AMENDMENT ACT OF 1993

ROCKEFELLER AMENDMENT NO. 716

Mr. WOFFORD (for Mr. ROCKEFELLER) proposed an amendment to the bill (S. 970) to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect of December 1, 1992, and to make a technical correction relating to the financing of discount points for certain veterans loans, as follows:

On page 4, line 22, insert "(3)" after "subsection (a)".

On page 6, line 18, insert ", 3710(b)(7)," after "3710(a)(8)".

On page 6, below line 18, add the following:

"SEC. 7. RATE ADJUSTMENTS FOR ADJUSTABLE RATE MORTGAGES.

"Section 3707(b)(2) of title 38, United States Code, is amended by striking out "on the anniversary of the date on which the loan was closed".".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding a markup on Thursday, July 29, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1121, the National Indian Research Institute Act; and Senate Joint Resolution 19, a resolution to acknowledge the 100th anniversary of the January 17, 1983, overthrow of the Kingdom of Hawaii, to be followed immediately by an oversight hearing on tribal college telecommunications and facility needs.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, July 28, 1993, at 10 a.m. to conduct a hearing on HUD's 1993 legislative package.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet at 1 p.m. July 28, 1993, on reauthorization of the Marine Mammal Protection Act/public display and scientific research.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 28, beginning at 10 a.m., to hear Mollie H. Beattie, nominated by the President to be Director of the U.S. Fish and Wildlife Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, July 28, 1993, at 10 a.m. to hold nomination hearings on Walter Mondale, to be ambassador to Japan and Donald Johnson, to be Ambassador to Mongolia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, July 28, 1993, at 3 p.m. to hold a nomination hearing on James Jones, to be Ambassador to Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 28, 1993, at 11 a.m., to hold a hearing on the nomination of Bruce A. Lehman to be Commissioner of Patents and Trademarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, July 28, 1993, at 2:30 p.m. The committee will hold a full committee markup of S. 1274, the Small Business Guaranteed Credit Enhancement Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, July 28, 1993, at 10:30 a.m., to hold a hearing on proposed amendments to Federal rules of civil procedures.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence of the Committee on Armed Services be authorized to meet on Wednesday, July 28, 1993, at 9:30 a.m., in open session, to receive testimony on the shipment of spent nuclear fuel from U.S. Navy ships and submarines to the Idaho National Engineering Laboratory.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON REGULATION AND GOVERNMENT INFORMATION

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Subcommittee on Regulation and Government Information be authorized to meet on Wednesday, July 28, at 10 a.m. on the subject: at-home business opportunity scams.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on July 28, 1993, at 10:30 a.m. on oversight of the Fastener Quality Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING AND SOLID WASTE MANAGEMENT

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 28, beginning at 12:30 p.m., to conduct a hearing on the State and local community involvement in Superfund cleanups.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LEGAL ASSISTANCE FOR ILLINOIS FLOOD VICTIMS

• Mr. SIMON. Mr. President, the severe Midwest floods are a national tragedy. The roaring water has caused billions of dollars in damage and forced tens of thousands from their homes. During these times of intense hardship, we must all pull together and come to the aid of those in need. Federal, State, and local government officials are doing their part. What is extremely heartening to see is volunteers contributing their time and energy to help the victims.

One such effort is being led by the Illinois State Bar Association. The bar association established a task force on disaster relief, cochaired by our former colleague Alan Dixon, to provide flood victims and their families with free legal advice and assistance in applying for Government flood relief aid. A toll-free phone line has been established and attorneys from around the state are pitching in to offer their services.

Legal assistance is also important to those with small businesses and farms as they go through the myriad of Government forms and paperwork to receive loans and other assistance. This evening in Alton, IL, and next month in Quincy, IL, the bar group will hold public forums with panels of experts to address common legal problems associated with the flood.

Through this program, the lawyers of Illinois assume an important responsibility for their neighbors in distress. The contributions of these individuals will help victims endure the painful and complicated rebuilding process. They help restore the sometimes forgotten notion that lawyers are their to help people in need. I commend the work of the Illinois State Bar in this important effort.•

SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM

• Mr. GORTON. Mr. President, last Tuesday, the Secretary of Veterans Affairs, Jesse Brown, wrote to Senator ROCKEFELLER, the chairman of the Committee on Veterans Affairs, to ask that his committee favorably consider a Senate version of H.R. 2647, a bill introduced 2 weeks ago by Representative KREIDLER. This bill seeks to standardize the time that will be assumed on aircraft in respect to the Servicemen's Group Life Insurance Program.

The need for this legislation was brought to Representative KREIDLER'S attention, as well as to many of the citizens of Washington State and Montana, when the Veterans Administration recently announced that it could not extend supplemental insurance policies to the families of nine servicemen who departed from Fairchild Air Force Base and crashed in Montana 2½ hours before their policies took effect. According to officials at the Veterans Administration, an exception could not be made for these families because an untold number of cases with similar circumstances would seek supplemental benefits. I understand the Veterans Administrations need for caution in such circumstances.

This case, however, is complicated by the issue of which standard time applies to a military aircraft flight. If the aircraft flew according to the international dateline, the soldiers died on December 1, after their policies came into effect. If they flew under local time, in this case mountain standard time, the insurance is not available. Air Force officials have helpfully pointed out that the servicemen likely considered themselves flying under Greenwich time—the time used in all logs, flight reports, reports to ground stations—and that they likely considered themselves covered by the supplemental insurance. They also point out the inconsistencies created by the use of local time for flights. A crash between two planes leaving from the same base could leave only one plane's passengers eligible for the benefits because of their destination's later time zone.

Representative KREIDLER'S bill would correct this problem by basing flight time for the Serviceman's Group Life Insurance Program on the international date line, beginning on December 1, 1992. The international date line, more so than local time or Greenwich time, will provide the most reliable and consistent standard for determining time during flight.

I applaud Representative KREIDLER'S efforts, as well as the Veterans Administration for their help in quickly endorsing this legislation. I understand that the House Committee on Veterans Affairs plans to report the bill out within the week, and that the full House will soon after take up consideration. If this is the case, I would support the Senate Committee on Veterans Affairs asking the bill be kept at the table once brought to the Senate, as the committee has indicated it plans to do.

Mr. President, the lives of families of soldiers are already made extremely difficult by the uncertainty surrounding their relatives' career. When an unfortunate and avoidable incident such as this occurs, we should work to extend as many benefits as reasonably possible. In this case, when the servicemen had recently extended their benefits, and missed their eligibility by an unclearly defined 2½ hours, I think it is proper that we extend the supplemental benefits as soon as possible, and work for a final clarification of the issue.•

MIGRANT STUDENT RECORD TRANSFER SYSTEM

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2683, a bill to extend the operation of the migrant student record transfer system, just received from the House; that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table; and that any statements relating to this measure be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2683) was deemed read the third time and passed.

SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 160, H.R. 236, a bill relating to the Snake River birds of prey; that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table; that any statements relative to this measure appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 236) was deemed read the third time and passed.

Mr. CRAIG. Mr. President, I rise in support of passage of H.R. 236, a bill to establish the Snake River Birds of Prey National Area in my home State of Idaho.

The Birds of Prey Area is a place of great natural beauty and of mixed resource use. It exceeds 480,000 acres and is the home to numerous birds of prey. More than 600 pairs of raptors representing 15 different species nest in this special area. This is one of the densest concentrations of birds of prey that is known in the world. This area has been administratively protected since 1980.

But, this area is also where livestock have grazed and have been recognized as an integral part of the environment since the early part of the century and where the Idaho National Guard operates a sophisticated training area. These uses and the birds have existed in harmony. This legislation will assure that these historical uses will continue in balance with the raptors.

With the passage of H.R. 236 we will assure that this coexistence that has proven to benefit all interests—the birds of prey, cattle, sheep, the military, and Idahoans and the Nation as a whole will continue.

Language agreed to by Congressman LAROCCO and I at the end of the last Congress was structured in this legislation to assure the Snake River Birds of Prey National Conservation Area will be afforded permanent protection while the citizens of Idaho, who have lived in concert with this special area, are assured their way of life will be able to continue.

Mr. President, I encourage all of my colleagues to support this important conservation legislation.

EXTENDING THE METHOD OF COMPUTING AVERAGE SUBSCRIPTION CHARGES FOR FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAMS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 125, S. 1131, a bill to extend the method of computing the average subscription charges relating to Federal employee health benefits.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1131) to extend the method of computing the average subscription charges under section 8906(a) of title 5, United States Code, relating to Federal employee health benefits programs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 715

(Purpose: To provide the extension of the method of computing average subscription charges through contract year 1996.)

Mr. DURENBERGER. Mr. President, on behalf of Senator ROTH, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER], for Mr. ROTH, proposes an amendment numbered 715.

On page 2, line 12, strike out "1998" and insert in lieu thereof "1996".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 715) was agreed to.

Mr. WOFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF METHOD OF COMPUTING AVERAGE SUBSCRIPTION CHARGES FOR FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAMS.

(a) IN GENERAL.—The Act entitled "An Act relating to the method by which Government contributions to the Federal employees health benefits program shall be computed for 1990 or 1991 of no Government-wide indemnity benefit plan participates in that year", approved August 11, 1989 (5 U.S.C. 8906 note; Public Law 101–76; 103 Stat. 556) is amended in subsection (a)(1) by striking out "contract years 1990 through 1993" and inserting in lieu thereof "contract years 1990 through 1996".

(b) SENSE OF CONGRESS.—It is the sense of the Congress that nothing in this section should be considered to reflect any view on the appropriateness, merits, or timing, or any other aspect of any comprehensive health care reform legislation.

Mr. WOFFORD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CODIFYING THE RATES OF DISABILITY COMPENSATION FOR VETERANS

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 127, S. 970, a bill to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependence and indemnity compensation for survivors of such veterans.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 970) to amend title 38 United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992, and to make a technical correction relating to the financing of discount points for certain veterans.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 716

(Purpose: To clarify the technical correction and to revise the adjustment of rates under adjustable rate mortgages)

Mr. WOFFORD. Mr. President, on behalf of Senator ROCKEFELLER, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. WOFFORD], for Mr. ROCKEFELLER, proposes an amendment numbered 716.

Mr. WOFFORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 22, insert "(3)" after "subsection (a)".

On page 6, line 18, insert ", 3710(b)(7)," after "3710(a)(8)".

On page 6, below line 18, add the following:

SEC. 7. RATE ADJUSTMENTS FOR ADJUSTABLE RATE MORTGAGES.

Section 3707(b)(2) of title 38, United States Code, is amended by striking out "on the anniversary of the date on which the loan was closed".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 716) was agreed to.

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I rise today in support of Senate passage of S. 970, the proposed Veterans' Compensation Rate Codification and Housing Program Technical Correction Act of 1993. This bill, which our committee unanimously supported, would codify the current rates of veterans' compensation as they were increased last year by Public Law 102-510. It also would make certain technical corrections in a law enacted last year that made major improvements in the VA home loan program.

COLA CODIFICATION

Mr. President, at the end of the last session of Congress, we enacted the Veterans' Compensation Cost-of-Living Adjustment Act of 1992 (Public Law 102-510). This law provided a cost-of-living adjustment, effective December 1, 1992, in the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation, or DIC, paid to the survivors of certain service-disabled veterans.

Prior to 1992, Congress usually had enacted the annual veterans' compensation COLA in a form that specifies in the law itself the new, adjusted compensation or DIC rate for each category of compensation. The calculation of those new rates depends on the actual rate of inflation through the end of the previous fiscal year, September 30. The inflation rate for this period is not published until the middle or end of October.

In 1992, however, Congress acted so expeditiously that the inflation rate was not known at the time Congress took final action on the legislation on September 30, 1992.

Therefore, rather than specifying each specific, adjusted rate, the law simply required the Secretary of Veterans Affairs to increase the compensation rates by the same percentage as the increases automatically provided by law for Social Security and VA pension benefits, which themselves are based on the inflation rate through September 30. The compensation COLA also took effect on the same date that the increase for these other benefits took effect.

Sections 1-5 of the bill would codify each actual adjusted compensation rate that resulted from enactment of last year's compensation COLA law. The legislation will have absolutely no effect on the payments that veterans and their survivors receive, but codifying the new rates will make it easier for everyone to determine the new rates.

HOUSING PROGRAM TECHNICAL CORRECTION

Mr. President, last year, Congress also enacted changes to the VA-guaranteed home loan program that many housing experts have recognized as the most important improvements since the program took effect in 1944.

The most far-reaching provision of the Veterans Home Loan Program Amendments of 1992 gave veterans, for the first time under this program, the same rights to negotiate the terms of a VA-guaranteed loan that other home buyers exercise in negotiating the terms of conventional home loans and home loans insured by the Federal Housing Administration. Under the new law, veterans can negotiate for lower interest loans by agreeing to pay the lender discount points up front. Each point is equal to 1 percent of the loan amount. The new law also restated the general rule that veterans may not finance the points as part of the loan.

Unfortunately, VA interpreted last year's law as restricting veterans' rights under preexisting law to finance discount points paid in connection with a VA-guaranteed, interest-rate-reduction refinancing loan.

This special type of VA-guaranteed loan was the one exception to the general rule that prohibited veterans from paying points in connection with a VA-guaranteed loan and financing the points as part of the loan. These loans benefit both the veteran and taxpayers by reducing the monthly payments on the veteran's home loan and thereby reducing the likelihood of default.

Section 6 of the bill would clarify that Congress never intended to change the rule allowing veterans to finance discount points as part of an interest-rate-reduction refinancing loan.

AMENDMENT

Mr. President, after I reported this measure, the Department of Veterans Affairs, with which we had worked to craft the original bill, told our committee that additional technical corrections in last year's home loan law were needed. Although I was disappointed that their suggestions came so late, I agree with the substance of the proposed modifications. Therefore, I have included these in a committee amendment to which all our members have agreed. Let me summarize what is in the amendment.

Mr. President, last year's law allowed VA, for the first time, to guarantee adjustable rate home loans. The law required that the adjustments occur once a year, on the anniversary date of the closing of the loan. Unfortunately, this requirement has caused some problems for the commercial acceptance of the VA-guaranteed adjustable rate mortgages, or ARM's. Most mortgages today are pooled with other, similar mortgages, which then are used as the basis for issuing mortgage-backed securities. If the anniversary dates of various ARM's in a mortgage pool are different, this could cause technical problems in issuing securities.

The Federal Housing Administration, which insures home loans, handles this problem by allowing the first adjustment any time between 12 months and 18 months after the loan is closed. Future adjustments are made on the same date each year thereafter.

If we do not correct last year's law to provide similar flexibility with VA-guaranteed ARM's, there could be problems getting these loans accepted in the secondary mortgage market. For example, the Government National Mortgage Association, Ginnie Mae, might have problems accepting these loans in Ginnie Mae mortgage pools.

Mr. President, the amendment would give VA the same flexibility with VA-guaranteed ARM's that FHA has with FHA-insured ARM's. I expect that VA would adopt the same rule that FHA has adopted, allowing the first adjustment no earlier than 12 months, but no later than 18 months, after the loan is closed. This flexibility will make the loans more attractive in the secondary mortgage market, which is essential to ensuring that lenders will make this type of VA-guaranteed loan available to veterans.

CONCLUSION

Mr. President, the COLA codification provisions of this legislation would have no substantive effect and the technical correction affecting the VA-guaranteed home loan program would simply restore a rule Congress never intended to change. Although both parts of this bill are technical, they will provide real, immediate improvements in the ability of veterans and others to look up current compensation rates and in the availability of a special type of VA-guaranteed home loan that benefits both veterans and taxpayers alike by reducing the monthly costs of a home loan.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. WOFFORD. Mr. President, I ask unanimous consent that the Senate Veterans' Affairs Committee be discharged from further consideration of H.R. 798, the House companion; that all after the enacting clause be stricken and the text of S. 970, as amended, be inserted in lieu thereof; that the bill be advanced to third reading, passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 798), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 798) entitled "An Act to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992", do pass with the following Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. DISABILITY COMPENSATION.

Section 1114 of title 38, United States Code, is amended—

(1) by striking out "$83" in subsection (a) and inserting in lieu thereof "$85";

(2) by striking out "$157" in subsection (b) and inserting in lieu thereof "$162";

(3) by striking out "$240" in subsection (c) and inserting in lieu thereof "$247";

(4) by striking out "$342" in subsection (d) and inserting in lieu thereof "$352";

(5) by striking out "$487" in subsection (e) and inserting in lieu thereof "$502";

(6) by striking out "$614" in subsection (f) and inserting in lieu thereof "$632";

(7) by striking out "$776" in subsection (g) and inserting in lieu thereof "$799";

(8) by striking out "$897" in subsection (h) and inserting in lieu thereof "$924";

(9) by striking out "$1,010" in subsection (i) and inserting in lieu thereof "$1,040";

(10) by striking out "$1,680" in subsection (j) and inserting in lieu thereof "$1,730";

(11) by striking out "$2,089", "$68", and "$2,927" in subsection (k) and inserting in lieu thereof "$2,152", "$70", and "$3,015", respectively;

(12) by striking out "$2,089" in subsection (l) and inserting in lieu thereof "$2,152";

(13) by striking out "$2,302" in subsection (m) and inserting in lieu thereof "$2,371";

(14) by striking out "$2,619" in subsection (n) and inserting in lieu thereof "$2,698";

(15) by striking out "$2,927" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$3,015";

(16) by striking out "$1,257" and "$1,872" in subsection (r) and inserting in lieu thereof "$1,295" and "$1,928", respectively; and

(17) by striking out "$1,879" in subsection (s) and inserting in lieu thereof "$1,935".

SEC. 2. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) of title 38, United States Code, is amended—

(1) by striking out "$100" in subparagraph (A) and inserting in lieu thereof "$103";

(2) by striking out "$169" and "$52" in subparagraph (B) and inserting in lieu thereof "$174" and "$54", respectively;

(3) by striking out "$69" and "$52" in subparagraph (C) and inserting in lieu thereof "$71" and "$54", respectively;

(4) by striking out "$80" in subparagraph (D) and inserting in lieu thereof "$82";

(5) by striking out "$185" in subparagraph (E) and inserting in lieu thereof "$191"; and

(6) by striking out "$155" in subparagraph (F) and inserting in lieu thereof "$160".

SEC. 3. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 of title 38, United States Code, is amended by striking out "$452" and inserting in lieu thereof "$466."

SEC. 4. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 1311 of title 38, United States Code, is amended—

(1) by striking out the table in subsection (a)(3) and inserting in lieu thereof the following:

"Pay grade	*Monthly rate*	*Pay grade*	*Monthly rate*
E–1	*$634*	*W–4*	*$911*
E–2	*654*	*O–1*	*803*
E–3	*672*	*O–2*	*829*
E–4	*714*	*O–3*	*888*
E–5	*732*	*O–4*	*939*
E–6	*749*	*O–5*	*1,035*
E–7	*785*	*O–6*	*1,168*
E–8	*829*	*O–7*	*1,262*
E–9	*[1]866*	*O–8*	*1,383*
W–1	*803*	*O–9*	*1,483*
W–2	*835*	*O–10*	*[2]1,627*
W–3	*860*		

"[1]If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $934.

"[2]If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,744.";

(2) by striking out "$185" in subsection (c) and inserting in lieu thereof "$191"; and

(3) by striking out "$90" in subsection (d) and inserting in lieu thereof "$93".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) of title 38, United States Code, is amended—

(1) by striking out "$310" in paragraph (1) and inserting in lieu thereof "$319";

(2) by striking out "$447" in paragraph (2) and inserting in lieu thereof "$460";

(3) by striking out "$578" in paragraph (3) and inserting in lieu thereof "$595"; and

(4) by striking out "$578" and "$114" in paragraph (4) and inserting in lieu thereof "$595" and "$117", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 of such title is amended—

(1) by striking out "$185" in subsection (a) and inserting in lieu thereof "$191";

(2) by striking out "$310" in subsection (b) and inserting in lieu thereof "$319"; and

(3) by striking out "$157" in subsection (c) and inserting in lieu thereof "$162".

SEC. 6. TECHNICAL CORRECTION RELATING TO THE FINANCING OF DISCOUNT POINTS.

Section 3703(c)(4)(B) of title 38, United States Code, is amended in the second sentence by striking out "Discount" and inserting in lieu thereof "Except in the case of a loan for the purpose specified in section 3710(a)(8), 3710(b)(7), or 3712(a)(1)(F) of this title, discount".

SEC. 7. RATE ADJUSTMENTS FOR ADJUSTABLE RATE MORTGAGES.

Section 3707(b)(2) of title 38, United States Code, is amended by striking out "on the anniversary of the date on which the loan was closed".

Mr. WOFFORD. Mr. President, I now ask unanimous consent that S. 970 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 29, 1993

Mr. WOFFORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:45 a.m. Thursday, July 29; that following the prayer, the Journal of proceedings be deemed approved to date; that time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 11:15 a.m. with Senators permitted to speak therein for up to 5 minutes each; that immediately after the Chair's announcement, Senator GRASSLEY be recognized for up to 10 minutes, and the following Senators be recognized for the time limits specified and in the order listed: At 9 a.m., Senator FEINSTEIN for up to 10 minutes, to be followed by Senator BAUCUS for up to 15 minutes; that the time from 9:30 to 10:15 be under the control of Senator RIEGLE or his designee, and at 10:15 Senator BYRD be permitted to speak for up to 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8:45 A.M. TOMORROW

Mr. WOFFORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 9:04 p.m., recessed until Thursday, July 29, 1993, at 8:45 a.m.

EXTENSIONS OF REMARKS

MIGRANT EDUCATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. FORD of Michigan. Mr. Speaker, I am pleased to introduce with my colleague and ranking minority member of the Committee on Education and Labor, BILL GOODLING, a bill to strengthen the Migrant Education Program. I hope to have this legislation considered along with all other programs of the Elementary and Secondary Education Act which are due to expire in 1994. The changes proposed by this legislation will sharpen the focus of the program, directing more services to migrant youth who move as they or their families harvest our Nation's crops.

In offering this legislation, I hope to position the Migrant Education Program to be able to compete more effectively for the very scarce Federal dollars available for education programs. Between 1980 and 1993, the program has gone from being a fully funded program to one with less than 25 percent of full funding. In the process, the mobile child, who is the most difficult to find and the most expensive to serve, is competing for ever-shrinking resources which may also be used to assist children who have settled into a community 3, 4 or 5 years after migrating. With diminishing resources, States must frequently decide between either offering direct services to children who are easily found or spending greater sums to find the more mobile child, with little left to serve him. No one can effectively argue that the children presently served under this program are in need of health, educational, and support services, whether they moved 6 months ago or 4 years ago. However, the Migrant Education Program must return to its primary mission of finding and serving the most difficult child to serve, that child who moves frequently. Other State and Federal programs, including the Chapter 1 Basic Grant Program, must be encouraged to pay more attention to the needs of migrant and former migrant children.

This bill makes several changes to the existing program.

First, the bill redefines the period of eligibility. Presently, a child is eligible for a total of 6 years after a qualifying move. Under this bill a child would be eligible for 2 years after such a move. The new 24-month eligibility period could be extended to an individual student for 1 additional year if comparable services have not been found through other local programs. Furthermore, a student losing eligibility in high school, could continue to participate in a program designed to help him accrue credits which are necessary to graduate.

Second, the bill would extend eligibility to youth aged 16 through 21 who travel without their families to work in the fields. There is an increasing need to reach and serve the new entrants in the farmworker population, many of whom are unaccompanied minors. This provision makes clear that this population should not be overlooked.

Third, the bill reserves up to $1.5 million for grants of $100,000 each to reward States which enter into approved consortia arrangements with other States, institutions of higher education or regional education laboratories to provide services more effectively to children moving between States. A priority for these grants would be given to States with allocations of under $1 million.

Fourth, the bill requires States to provide advocacy and outreach for migrant children and their families; to provide strong parental involvement, including programs which promote adult literacy and train parents to support the educational growth of their children; and to provide the opportunity for migrant children to develop and achieve high standards in school.

Fifth, the bill would require the Secretary of Education to work with States to help assure the timely transfer of student health and education records and to report to the Congress on his efforts. Along with this provision, the bill would cease to provide Federal funding for the migrant student record transfer system [MSRTS] by 1995. The migrant student record transfer system is estimated to cost the Federal Government $25 million, with $6 million provided through a direct Federal contract with a State educational agency and the remaining amount spent by individual States from their Federal allocations. The State costs primarily support data entry clerks and regional computer terminals. In spite of the relatively high cost, this system is not working well to transfer student records. Most States which participate in the migrant program choose to transfer student records via fax or other means. Most States which do participate in the program do not appear to use MSRTS for the placement of children when they arrive in school. Rather, it is used for verification of student placements already made. In addition, States which find MSRTS useful argue not for its ability to transfer records to school sites, but for its ability to assist in data collection on migrant students. With increasing fiscal constraints on Federal education programs, we must make sure Federal funds support direct services to children whenever possible.

Mr. Speaker, as the chief sponsor of legislation to create the Migrant Education Program in 1966, Mr. GOODLING and I offer these changes in the hopes that we will have provided the program a clearer mission to take it into the next century. We look forward to reactions to these suggestions from the migrant community as well as others. I know we all believe the needs of migrant students are too great for us not to find ways to better serve these children.

TRIBUTE TO REV. LANGLAY COLLINS AND DEACON JACK ALTHOUSE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. TRAFICANT. Mr. Speaker, today I rise to recognize Rev. Langlay Collins and Deacon Jack Althouse of the Trinity Lutheran Church for their years of dedicated service to the community. They have truly become beacons of goodwill and sound values to all who have joined with them in worship. As a result, they have earned the respect and admiration of their friends and neighbors throughout the community.

Trinity Lutheran has shown its generosity in sponsoring a variety of community oriented projects to reach out to those less fortunate and lend a helping hand. Not only do Reverend Collins and Deacon Althouse help those in need of material aid, but they also provide spiritual advice and counseling to any and all troubled members of the community.

Most importantly, however, Trinity Lutheran provides its parish with a sanctuary where they can go to escape, albeit temporarily, the rigors and bustle of daily life in order to commune with their inner-selves and with God. By offering people a place where they can go for spiritual strength and renewal, Trinity Lutheran contributes to the general well-being of the Niles community in a truly worthwhile way.

On a personal note, Trinity Lutheran Church is special to me because it was under the supervision of Reverend Collins and Deacon Althouse that I was taught so many things. Their supervision during my earlier years exposed me to invaluable knowledge and wisdom which I hold dear to this day.

I wish the church and its parish the best of everything as they continue their good works and spiritual assistance for all in their community.

INTRODUCTION OF LEGISLATION REGARDING TRANSFER OF LAND

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. COLEMAN. Mr. Speaker, today I have introduced legislation which would allow the transfer of a parcel of land by the Ysleta del Sur Pueblo, also known as the Tigua Indian Tribe of El Paso, TX. On August 18, 1987, the Ysleta del Sur Pueblo Tribe was recognized as a Federal Indian reservation, restoring its trust relationship with the Federal Government. In July of 1991, while still grappling with their new status as a federally recognized

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tribe, the Tigua Indians sold a parcel of the Federal Indian reservation land to a third party. The transaction was completed without the required prior approval by Congress. The sale was done in good faith and without knowledge of any wrongdoing. The legislation I have filed today seeks to rectify this oversight by ratifying this transfer of land as if Congress had given its consent prior to the transfer.

The Ysleta del Sur Pueblo Tribe is part of the larger Pueblo grouping of native North Americans. Having migrated from the Utah area to what is now know as New Mexico, the Ysleta del Sur Pueblo Indians broke off from the larger grouping during the Pueblo Revolt of 1680 that drove the Spanish from New Mexico. The Ysleta Indians settled in the El Paso area, where they have lived for 313 years.

Today, the tribe is rebuilding its community by drawing upon its rich heritage to preserve the Tigua traditions. In allowing for this sale, Mr. Speaker, Congress will be assisting this proud people to maintain their governing autonomy. I urge the committee of jurisdiction to take up the legislation expeditiously so that the Tigua Indians may proceed with this transaction.

CONDEMN THE RUSSIAN PARLIAMENT'S CLAIM TO SEVASTOPOL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. BONIOR. Mr. Speaker, on July 9, the Russian Parliament passed an extremely irresponsible and potentially explosive resolution claiming control of the Black Sea port Sevastopol. Such acts of aggression must be condemned by all those who value the principle of territorial integrity.

Ukraine has legitimate security concerns about Russia. They remember the Czarist treatment of Ukraine. They remember the years of war after the Bolshevik Revolution. They remember Stalin's imposition of collective farming and millions of Ukrainian deaths.

Ukraine's concerns are not only grounded in history. I vividly recall my recent meeting with Russian Vice President Rutskoi—he had a massive map of the old Soviet empire hanging on his office wall. The passage of this resolution obviously indicates that Rutskoi is not alone.

To his credit, Boris Yeltsin condemned the Parliament's action. He stated, "I am ashamed of our Supreme Soviet. Serious legislators do not behave this way." Unfortunately, the hardline Russian Deputies seem to have no shame.

The Parliament's action comes at the worst possible moment. It threatens to derail the recent aggreement to share control of the Black Sea fleet until it is eventually divided in 1995. It also threatens Ukrainian ratification of the START Treaty and Nuclear Non-Proliferation Treaty.

With Ukrainian troops in a state of combat readiness the spectre of military conflict is very real. We can only hope the situation remains stable.

I am pleased that U.S. Ambassador Roman Popadiuk reiterated U.S. policy that Sevastopol is, "an integral part of Ukraine." This fact should be conveyed to the Russian Deputies in the strongest possible terms. However, Ambassador Popadiuk's characterization of the resolution as "untimely" does not go nearly far enough. I urge my colleagues and the administration to speak out against this blatant and unwarranted act of aggression.

LIFE AND DEATH IN THE BALANCE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. SANDERS. Mr. Speaker, recently, I wrote a commentary for the Rutland Herald, entitled "Life and Death in the Balance." I would like to submit this article for the CONGRESSIONAL RECORD.

LIFE AND DEATH IN THE BALANCE

(By Bernard Sanders)

In the middle of our everyday lives, sometimes the bigger picture gets lost. That's why, to get a handle on what is happening in America, I sometimes turn to statistics.

The richest one percent of our population, for instance, owns more than 36 percent of the nation's wealth—33 percent more than they owned before the Reagan-Bush decade of greed.

CEOs of the major corporations earn 157 times as much as the average worker in their corporations, yet their Japanese counterparts make only 30 times what the average Japanese worker makes. So it comes as no surprise that while American workers and their families saw a decline in their standard of living in the 1980s, the top one percent of families saw their income rise by over 15 percent in six years.

Most Americans, statistics tell us, are now working longer hours for less pay. Almost a third of all Americans are uninsured or underinsured for health care costs. Thirty five million Americans delay going to a doctor because of their lack of health care coverage.

These statistics make it clear that as most Americans become poorer, those at the top are becoming much richer. The distribution of wealth in this country is increasingly unfair.

But what does all this mean for our individual lives, aside from the fact that most Americans work more, take fewer vacations, and can afford to buy less than they could a few years ago?

A new study, published in the prestigious "New England Journal of Medicine," indicates that the unfair distribution of income and wealth is more than just a matter of who drives a new Mercedes and who drives a rusting Ford.

How much one earns determines, to a significant degree, who lives and who dies.

This new study states conclusively, "Poor or poorly educated persons have higher death rates than wealthier or better educated persons, and these differences increased from 1960 through 1986." What this means, in the simplest terms, is that the less you earn, the greater your chance of dying before your time.

Take American men who live in families and earn less than $11,000 a year. They have a death rate that is four times higher than similar men in families earning over $25,000 a year.

This inequality of life and death has been steadily getting worse, not better. "From 1960 through 1986, the differences in mortality widened between income groups." The statistics I opened with, indicating the rich are getting richer while all other Americans are getting poorer, have terrifying consequences. Inequality of wealth produces a tragic cost in the most basic of all rights, the right to life itself.

The "New England Journal of Medicine" study also makes it clear that it is not only dire poverty that dooms people to earlier death. It discovered what statisticians call a correlation between income and mortality at all levels. The more you earn, the longer you are likely to live. The less you earn, the sooner you are likely to die. Statistically, those who earn $14,000 live longer than those who earn $9,000, just as those who earn $30,000 live longer than those who earn $20,000.

The authors of this study conclude that the widening difference in mortality rates is largely caused by "the broad social changes in this country since 1960." They cite "increasing inequalities in income, education and housing and a falling standard of living for a large segment of the U.S. population." They recognize that "access to health care is a problem for a growing number of Americans."

I agree with that assessment. The decreasing standard of living for American workers dooms them, and their parents and their children, to an earlier death than awaits wealthier Americans.

What can we do to make sure that every American has an equal right to the "life, liberty and the pursuit of happiness" that the Declaration of Independence promised us?

First, we must fight to reshape our society so that every American has a decent job at a decent wage. That means a massive jobs program that rebuilds America, putting millions of our fellow citizens back to work.

Second, we must fight for a single payer health care system which delivers to every American all the health care he or she needs without out-of-pocket expense. Health is a right, not just a privilege to be reserved for the wealthy.

Third, since there is a dramatic link between education and health, we must insist that the education of our young people, and the continuing re-training of American workers, be a top national priority.

We must do all of these things right away. The basic inequality of income, which determines who lives and who dies, is a national disgrace which cannot be allowed to continue. It is, truly, a matter of life and death for our Nation and its citizens.

DON'T FORGET LATIN AMERICA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. ENGEL. Mr. Speaker, while we have important foreign aid, defense commitments in the Middle East, Europe, Japan, and the former Soviet Union, we must not forget about our neighbors to the south. If you missed the June 13, 1993, article in the Miami Herald concerning U.S. aid programs in Central and South America, it is reprinted below. This region is an area of utmost importance to our country and cannot be ignored.

[From the Miami Herald, June 13, 1993]

LATIN AMERICA TO FEEL PINCH OF U.S. SPENDING CUTS

(By Christopher Marquis)

WASHINGTON.—Despite Washington's promises not to turn its back on Latin America, U.S. economic and military aid to the region is headed for a nose dive in 1994—a reduction of at least 50 percent since 1992.

The cutbacks could jeopardize dozens of projects to stabilize nascent democracies and free-market economies in the region, including everything from police training and election-monitoring programs to judicial reforms, U.S. officials and lawmakers say.

"It's an incredibly shortsighted step," said a senior U.S. diplomat involved in Latin America who fears that crucial gains are at risk throughout the region. "The thing to do once success has been achieved is not walk away. The thing to do is consolidate those successes."

Congressional appropriators, struggling with a shrinking overall foreign aid budget, say Latin America and the Caribbean can expect to see economic support funds slashed by 38 percent and military grants by 50 percent in the next fiscal year.

Such cutbacks would come atop a Clinton administration budget request that had already reduced outlays by 11 percent from the previous year.

Overall, the reductions would signify a 50 percent cut in total aid to the hemisphere in just two years: from $1.51 billion in 1992 to about $751 million in 1994. This year's figure was midway between the two at $1.06 billion.

Rep. David Obey, the Wisconsin Democrat who shepherded the $13 billion worldwide foreign aid bill approved by the House Appropriations Committee last week, said pressure to curb domestic spending had produced "some draconian reductions."

The Senate, which has yet to act on the bill, is expected to closely follow the House action, which cuts $1.4 billion from President Clinton's request of $14.4 billion.

Officials in Congress and the Clinton administration say a convergence of forces has compelled the cutbacks, which are likely to be only slightly less severe for Africa and Asia.

Foremost among the pressures is the sense that the American people—asked to sacrifice in the name of domestic deficit reduction—are increasingly hostile to foreign aid, even though it represents a tiny fraction of the U.S. budget.

ALLOCATIONS ARE LIMITED

Also to blame is an aid-allocation system that is weighted heavily in favor of specific countries with strong political constituencies.

Although House appropriators for the first time this year dispensed with the practice of earmarking aid to Israel, Egypt and other top recipients, they recommended that those aid levels be maintained, an idea Clinton has endorsed.

And now there's a new competitor for some of the remainder of the funds: the former Soviet Union. Some of the $1.8 billion aid package promised by Clinton to Russia will be drawn from the foreign aid budget.

With those commitments firm, the nations of the Western Hemisphere are forced to vie with other regions, and among themselves, for slices of a shrinking pie.

The turnaround could not be more stark.

In the early 1980s, the Reagan administration pumped billions of dollars into Central America in an effort to thwart communist expansion. By the end of the decade, the Bush administration had spent hundreds of millions more in a major anti-narcotics initiative in the Andean nations of South America.

WITHDRAWAL DENIED

Yet today, as the region appears poised for a new era of stability and prosperity, the message from Washington is blunt.

"The days are gone when the U.S. is going to be a cash cow," said Isaac Cohen, U.S. director of the United Nations Economic Commission for Latin America and the Caribbean.

Cohen argues that the new reality may have an unintended benefit: It will force nations to impose discipline on their economies rather than "come up to Washington to get your big fat check."

Publicly, Clinton administration officials deny they are withdrawing from the region. They speak of a new partnership based on trade relations—not aid—as exemplified by the North American Free Trade Agreement, currently being negotiated with Mexico and Canada.

In a May speech, Deputy Secretary of State Clifton Wharton said the president is committed to strengthening democracy and expanding prosperity throughout the hemisphere.

"Too often in our history, we have turned our attention to Latin America in times of crisis," Wharton said. "And we have turned our back when the crisis passes. That is shortsighted and self-defeating. This administration will not make that mistake."

But in private remarks, several Clinton officials voice fears that a full-scale retreat is under way.

Another State Department official worried that the dramatic drop in aid will force countries to abandon projects that yield significant gains at relatively little expense. She emphasized the need for "democratic initiatives" such as human rights education and judicial reform in countries like Guatemala, El Salvador, Nicaragua and Panama.

"Some of these programs are incredibly modest, but they have great benefit to the United States," she said. "We can talk a good game about how important these things are, but if there's no funding we have no impact."

One casualty is a program to relieve nations' official debt under the Enterprise for the Americas Initiative. The House authorized no money for the program, which has enabled countries including El Salvador and Jamaica to erase hundreds of millions of dollars in bilateral debt.

Clinton has until fall to determine how to spread the cuts among specific countries. His $942.6 million request for Latin America favored the Andean countries at the expense of the traditional recipients of U.S. aid in Central America.

Under that request, total packages include: Peru, $149.3 million; El Salvador, $138.5 million; Bolivia, $129.6 million; Haiti $80.9 million; Colombia, $77 million; and Nicaragua, $66.7 million.

Clinton's request for the Andean Narcotics Initiative would divide an additional $145 million among Peru, Bolivia and Colombia.

CONGRESSMAN TOM SAWYER INTRODUCES LEGISLATION TO HELP SCHOOLS OBTAIN EDUCATION TECHNOLOGY

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. SAWYER. Mr. Speaker, on July 23, I introduced along with our colleague, DALE KILDEE, H.R. 2728, the Technology Education Assistance Act of 1993, which will provide Federal leadership and seed money to help build an integrated system of education technology available to students nationwide.

There is no question that educational technology, in the hands of trained and talented teachers, can revolutionize the way students think and the way they learn. Education technology can be used to help students build conceptual knowledge and higher order thinking skills because it allows them to access and analyze vast amounts of information in a learning style that is more engaging, relevant, and cross-disciplinary.

My legislation establishes a comprehensive system of grants to State and local education agencies which will enable them to integrate innovative technology in the classroom. The legislation requires school districts and States to prepare long-range plans to address the educational needs of schools, students, and teachers. School districts will have access to expert technical assistance in planning, financing, and evaluating educational technology systems.

The Federal Government needs to play a leadership role in this effort. We need to integrate schools into the existing and emerging information highways like Internet so that those information networks can be responsive to public needs.

Getting appropriate technology into American classrooms should become a part of the much larger education reform strategy. To reach our goal of increasing student achievement, we need to link reforming curriculum content with teacher training opportunities.

The Technology Education Assistance Act of 1993 envisions the creation of a system. Students, teachers, and schools will not all use education technology in the same way—but the system they choose should have a high level of interoperability. In this way, an Earth science class studying the ecology of the coastline in New Jersey will be able to share what they have learned and to compare their findings with a similar class in California. The opportunities are limited only to the imaginations of those into whose hands we place those tools.

America has learned to use technology. Now we need to use that technology to learn. Students and teachers can be connected to one another and to libraries, colleges, museums, and hundreds of other sources of information. In a very real sense, we can free American education from the isolation of the classroom.

I hope you will join me in that effort by cosponsoring H.R. 2728. If you would like to add your name as cosponsor, or if you have any questions please call Sara Platt Davis on 55231.

FOUR STAR GENERAL DESERVES FOUR STAR SALUTE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. CLAY. Mr. Speaker, it brings me sadness and honor to pay final tribute to Four Star General Roscoe Robinson. He died on Thursday, July 22, 1993, at Walter Reed Hospital, succumbing to a 2-year battle with leukemia. An outstanding individual, the apex of his career came in 1982 when he became the second African-American in history to make four stars. His celebrated military career spanned over 30 years and garnered him many other distinguished awards and accolades, including the Silver Star, the Bronze Star, the Distinguished Flying Cross, the Distinguished Service Medal, and the Combat Infantryman's Badge.

"Always do the best job that you can at whatever you do," was his philosophy in life and that he lived up to. Born in St. Louis in 1929, always a high achiever, he graduated from St. Louis' Sumner High School as president of his class in 1946, from West Point Military Academy in 1951, and received a master's degree in international affairs from the University of Pittsburgh some years later. He also attended two advanced military training institutions, the Army Command and General Staff College and the National War College, and in addition was the recipient of several honorary degrees.

General Robinson was and always will be held in the highest regard amongst his peers, military and otherwise. Despite his many celebrated achievements, awards, and accolades, he remained humble—a true sign of greatness. My fellow St. Louisans and I feel proud as well as honored to claim him as our own.

I invite my colleagues to join me as I offer condolence to his loving family, including his wife, Mrs. Mildred Robinson; his daughter, Carol Robinson Royal; his son, Capt. Bruce E. Robinson; his grandchildren and extended family. Though he will be greatly missed, his legacy will live on as a source of inspiration for generations to come.

TRIBUTE TO DAVID HAZEN, ALAN CLEVELAND, AND THE SALEM AREA CHAMBER OF COMMERCE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to David Hazen, Alan Cleveland, and the Salem Area Chamber of Commerce in honor of their annual Salem Jubilee. Earlier this month, I had the honor of addressing the chamber and thoroughly enjoyed the opportunity to meet with a group so dedicated to the continual improvement and enrichment of the Salem community.

Through their efforts, the city of Salem is a better place. Its neighborhoods are more beautiful, its schools are stronger, and businesses are more productive. Its latest venture is a new $3.4 million city revitalization project aimed at making Salem's business district a more attractive and efficient place. Efforts such as these are the things that make a city inviting as a community and profitable for business interests. Chamber president David Hazen, and executive vice president Alan Cleveland deserve a hearty commendation for their efforts on this project.

The Salem Jubilee is yet another example of their commendable involvement in the community. Their sponsorship of the event has allowed the city to join together and show off its citizens' talents in a celebration of the city and its people. With everything from sidewalk sales to rock concerts, to the Salem Community Theatre, the city jubilee is a celebration of everything that makes Salem great.

In times like these, when municipalities are struggling and economic tensions are in the forefront of many peoples' minds, it is refreshing and reassuring to see that the Salem Area Chamber of Commerce is still committed to taking a leading role in improving their community. Their efforts and their intentions are to be commended. The city of Salem should feel proud to have such a fine group of individuals working on their behalf to invigorate the city.

BRIDGING THE GAP: HEALTH BENEFITS FOR THE UNINSURED

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. HOBSON. Mr. Speaker, today there is a serious gap between all-or-nothing Medicaid eligibility and private insurance coverage. The people trapped in the middle—mainly the working poor—do not qualify for Medicaid and cannot afford insurance.

Today I introduced the Medicaid Health Allowance Act of 1993, an important step toward bridging that gap. This legislation enables States to redirect Medicaid funds into health allowance programs that enroll eligible individuals in private-market plans. This approach has several important benefits.

First, it significantly increases access to health benefits. Every individual and family with income below 100 percent of the Federal poverty line will have access to several health benefit plans that are guaranteed to be at least as good as Medicaid. In 1991, more than 10 million persons below the poverty line were uninsured and not covered by Medicaid.

Also, any individual or family with income between 100 and 200 percent of poverty is eligible to buy in to a health allowance program, with Government financial contributions phased out by 200 percent on a graduated scale set by the State. Employers may buy in to this program and may make contributions on behalf of employees.

Second, this bill controls health care costs. States will redirect Medicaid funds into existing health systems that are proven to hold down medical inflation, in some cases to the rate of general inflation. These systems—HMO's, PPO's, managed care—reduce administrative costs, promote preventive care, and route beneficiaries to appropriate care. In contrast, most Medicaid is fee-for-service, and recently has grown more than 11 percent each year.

Third, it reforms welfare. Current Medicaid eligibility is linked to other public assistance programs so that welfare recipients who choose to work risk losing their health benefits. Under health allowance programs, eligibility for health benefits will be "decoupled" from public assistance, and incentives to work will be preserved.

Fourth, this legislation promotes State flexibility to meet local health needs. Many States are ready to do this now. Arizona already operates a successful Medicaid managed care program, but has to renew its Federal waiver to do so every 5 years. Kentucky, Tennessee, Oregon, and Hawaii have requested similar waivers.

Fifth, it encourages insurance market reform. States that want to adopt a health allowance program must meet minimum insurance standards related to pre-existing conditions and guaranteed renewability of insurance coverage. A majority of States already have enacted reforms targeted toward the private insurance and the small employer group markets.

Finally, this bill is written to be budget neutral, both for States and the Federal Government. Currently the Federal Government pays States to reimburse hospitals for the cost of uncompensated care. Health allowance programs will increase access to compensated care, and reduce instances of uncompensated care. On a State-by-State basis, the additional cost of expanding access to care is offset using a matching decrease in Federal payments for uncompensated care.

The Medicaid Health Allowance Act evolved over several years of work by the House Wednesday Group, an organization of 40 moderate Republicans that focuses on developing long-term policy. In March 1992, Representative Bill Gradison—who was chair of the group at the time—and Drs. Gail Wilensky and Lou Rossiter—the paper's principle authors—released the Wednesday Group paper on Medicaid reform, "Bridging the Gap: Health Care Coverage for Low-Income Families." As chair of a Wednesday Group Task Force on State flexibility in health care reform, I picked up the Medicaid reform project and sponsored the bill. Also, this legislation has been included in the Republican leader's health reform bill.

This issue—bridging the gap between Medicaid eligibility and affordable health insurance—deserves immediate attention and bipartisan action. This solution, the Medicaid Health Allowance Act, appeals to Republicans and Democrats alike because it was developed along themes that both parties have identified as important to successful health care reform—increased access to care, cost effectiveness, minimum insurance standards, consistency with welfare reform, State flexibility, and, as a welcome bonus, budget neutrality.

FRESHMAN TURNS SENATE SCARLET

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. STOKES. Mr. Speaker, a few days ago, the American people witnessed a historic moment as the Nation's first black female Senator, CAROL MOSELEY-BRAUN, during debate on the Senate floor, taught her colleagues a valuable lesson about racism. The controversy centered around the granting of a patent which featured the Confederate flag for the United Daughters of the Confederacy.

During the intense debate, the distinguished Senator from Illinois remained staunch in her opposition to the approval of the patent design. She used the opportunity to deliver a powerful message about symbolism, slavery, and the danger of simply going along with the status quo. Senator MOSELEY-BRAUN was not only successful in her effort to defeat the amendment, but she won the respect and admiration of her colleagues who, in the end, stood proudly with her to defeat the measure.

Mr. Speaker, it took courage for CAROL MOSELEY-BRAUN to take this strong stand. I rise today to applaud her for this courageous effort. In recent days, many others have come forward to offer their congratulations. I read with great interest a commentary concerning the Senate debate which appeared in the July 27, 1993, edition of the Washington Post. It is certainly worthwhile reading and I am pleased to share it with my colleagues.

FRESHMAN TURNS SENATE SCARLET

The calls, the letters, the flowers, the faxes, are pouring into Sen. Carol Moseley-Braun's office, and no wonder. The first black female senator is a heroine to her people and to liberals of all shades. She took the Senate by the lapels and made it do right. She KO'd the body's self-designated ogre, Sen. Jesse Helms (R-N.C.).

The issue was trifle, critics keep saying. Oh, yeah? It was just a little matter of being nice to some "gentle ladies" of the United Daughters of the Confederacy, said Helms, pushing for an extension of patent for the Daughters' Confederacy flag insignia. The idea had been defeated in committee, but Helms tried to slip it in as an amendment to the national service bill. Mosely-Braun hurried to the floor and furiously demanded the tabling of the amendment.

The Senate, for a number of reasons too dreary to tell, voted 52 to 48 against her. Her seatmate, Sen. Dianne Feinstein (D-Calif.), who was also elected because of the way the Senate treated another black woman, reached over and took her hand. "It's terrible," she said, "but hang on. I think we can fix it." The two women stood there with their hands clasped. It was a tableau to remind the Senate how much things had changed since the all-male Judiciary Committee manhandled Anita Hill.

Even the most obtuse realized that in 1993, the Senate could not vote for the Confederacy, even in a symbolic way. Only stupidity or racism could explain it. Moseley-Braun, a veteran of the Illinois legislature, understood what she had to do. And she had a clear idea, uncommon in a freshman, of the power she possessed. She had to hold the floor, so she could continue the fight and carry out her furious threat to "talk until this chamber freezes over" if necessary.

The following several hours were not just dramatic, they were history-making. People actually listened to the debate. The Senate for once argued not about itself but about the country, about the right of one group to offend another. For once senators changed their minds. Things that are usually decided in the cloakroom, were settled on the floor in plain sight. Stricken senators volunteered for emergency duty. Robert F. Bennett (Utah) offered to line up fellow Republicans. Howard M. Metzenbaum (D-Ohio) organized Democrats. Bill Bradley (D-N.J.) warned his colleagues that "this was not a free vote." He meant that those who meant merely to throw a bone to the Old South or to Jesse Helms would have no place to hide when the country saw what they had wrought.

Sen. Wendell H. Ford (D-Ky.), who had earlier voted with Helms, introduced the resolution to reconsider the motion—under the rules, loser Moseley-Braun could not. Senators lined up to speak. Howell T. Heflin (D-Ala.), newly returned from heart surgery, heaved himself to his feet and said heavily, "Mr. President, I rise with a conflict that is deeply rooted in many aspects of controversy."

An ancestor, he told the rapt chamber, had signed the order of secession. The women in his family had been members of the Daughters. "But we live in a different world," he sighed. Others were reminded about black constituencies who felt about the issue exactly as Moseley-Braun. Sen. Daniel Patrick Moynihan (D-N.Y.) called it an "epiphany—a sudden shining through of an eternal reality that had not been there."

The motion to reconsider passed by a 75 to 25 vote, and Helms huffed that "race should never have been introduced"—as though the Confederate flag was in no way a provocative reminder of what Moseley-Braun called the "the single most painful episode in American history."

Its first black female senator had shamed the club into realizing that it is not an old boy's club and maybe not a club at all, but a body with responsibilities for protecting minorities in the country as well as in its membership. The immediate effect may be the confirmation of Joycelyn Elders as surgeon general, the futility of opposing strong-minded black women having been shown anew. Moseley-Braun is aglow, knowing she has redeemed herself with Illinois voters who were disillusioned by her post-election extravagances.

The day after the operatic afternoon, she went to the Senate dining room and got an opera star's welcome. Senators, grateful that she had rescued them from opprobrium, waved at her, blew kisses and introduced their constituents.

What probably meant as much to her was being surrounded by the black waiters and waitresses. Their usual diffidence overcome, they shook hands with her, they murmured, "We appreciate what you did. Thank you."

They knew absolutely what it all meant.

REFORMING MIGRANT EDUCATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. GOODLING. Mr. Speaker, today I am joining Congressman BILL FORD, the chairman of the Education and Labor Committee, in introducing legislation to dramatically reform our current Chapter 1 Migrant Education Program.

Both Chairman FORD and I have a strong interest in the welfare of our Nation's migrant families. I was reared on a farm and have personal knowledge of the hardships endured by migrants and their children as they move from State to State and community to community to harvest crops.

Our current Migrant Education Program has helped reduce the dropout rate among migrant students, but unfortunately almost half of the children of migrant families still drop out of school before graduation. We have, therefore, proposed to restructure the program to focus on those children with the greatest needs.

Approximately half of the children receiving services under this law are categorized as formerly migrant students, which may mean they and their families have not actively migrated for 5 years. It is, however, easier to identify and recruit these children than those who are still migrating and this reduces the incentives for States to identify and serve actively migrating children. This legislation restricts eligibility for the Migrant Education Program to those children who have moved with a 24-month period. We will, therefore, be focusing on those children with greatest needs and provide some pressure on the States to increase their efforts to locate and serve children who experience actual disruptions in their education. At the same time, we will be working to insure that children who are no longer eligible for services under this program are served by the chapter 1 basic program and other relevant Federal education programs.

We have also changed the eligibility definition for migrant education to include emancipated youth. During testimony provided to the National Commission on Migrant Education, we learned about the growing number of youth between the ages of 15 and 21 who migrate from Mexico to the United States each year and are employed as migrant laborers. Many of these youth will eventually settle in the United States, but a large percentage have had a limited formal education. Our legislation would allow them to benefit from the migrant education program.

Another provision in our proposed legislation requires the Secretary to develop a new summer formula for programs which serve migrant children during the summer months. Summer programs are important as they provide children with the extra educational support they need to keep up—or catch up—with their classmates. However, summer programs vary and we need to take into account the different costs of different models of summer programs.

Our bill also provides incentive grants to States to enter into consortia with other States, universities or regional laboratories to assist them in providing services for interstate students. These grants will be awarded on a competitive basis, but there will be a priority for funding programs for States which have allocations of less than $1 million, which often hinders their ability to operate an effective migrant education program.

Finally I would like to mention a provision in the bill which would eliminate the migrant student record transfer system [MSRTS]. If you add together all of the related expenses, this system costs approximately $25 million per year. The MSRTS was originally created to ensure the timely transfer of health and education records of migrant children to ensure they were appropriately served as they traveled from school district to school district. While MSRTS has served the States in a variety of capacities, we have heard numerous complaints from schools and teachers about the time it takes to transfer records and the fact that the information they receive is often not in usable form. In other words, the system is not working, it is not doing the job it set out to perform. It is our belief that a new, more effective method of transferring records can be developed which costs a lot less and frees up additional funds to serve this high-risk population of students.

Mr. Speaker, migrant children are among our Nation's most vulnerable students. They often miss a great deal of school, live in less than acceptable conditions during their migration and spend long hours working in the fields and orchards to help their parents support their families. These children deserve the same high-quality education as all other students in our great Nation and I believe the legislation we are introducing today will help improve their access to such programs.

JUSTICE FOR KRIS MURTY

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. COLEMAN of Texas. Mr. Speaker, today I have introduced legislation which would allow for the Federal Government to right an injustice wrought upon one of its own over 8 years ago. In January 1985, the Department of Army extended a job offer to Mr. Kris Murty, then of Houston, TX. for a position at Fort Bliss, TX. He received orders authorizing reimbursement for miscellaneous expenses, unexpired lease expenses, and temporary quarters subsistence expense. It was with this understanding that Mr. Murty accepted the position. Upon his relocation to Fort Bliss, Mr. Murty was awarded an advance for his travel costs.

Several months later, Mr. Murty was notified that the Army had erred. At that time, Mr. Murty was instructed that he must make restitution for the Army's mistake. Without recourse, his wages were garnished.

Mr. Murty acted in good faith with the Department of Army. His acceptance of the position hinged on the Army's assurances that it would cover these expenses. Mr. Murty has spend the last 8 years exhausting all possible avenues of redress. His last recourse is the bill of private relief which I have introduced today.

The Comptroller General of the United States has reviewed Mr. Murty's claim and agrees that his case deserves to be favorably considered by Congress. I urge the committee of jurisdiction to take up this legislation expeditiously so that this issue will be fairly and judiciously settled once and for all.

TRIBUTE TO FLORIDA NATIONAL COLLEGE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. DIAZ-BALART. Mr. Speaker, I rise to congratulate the efforts of Florida National College and its directors. Florida National College, Hialeah-Miami, FL, for the past 8 years has wholeheartedly devoted itself to the education of Hispanic immigrants in this community. The college has done this by making it possible for struggling new immigrants to receive the college and/or vocational education they need and desire, to become fully contributing members of the community at large.

Florida National College has achieved this by keeping its tuition and costs as low as possible, being one of the least costly private colleges in south Florida. While preparing immigrants for life and success in the United States, the college has also made it possible for non-Hispanic students to receive an education at a cost his or her income will allow. By training students more rapidly for careers in high demand through its accelerated programs, the college allows these students to enter the job market more quickly. Moreover, through its small classes and close instruction, the college increases the income potential of its graduates.

In a recent survey of high school students in the Hialeah-Miami area, Florida National College was declared by 83 percent to be a neighbor college. Through it community cultural series and its community public education series, the college brings to the community culturally enriching and educationally outstanding programs. I want to take this opportunity to congratulate Jose and Maria Cristina Regueiro, founders and directors of the college, who have devoted many years and much effort to the progress of their distinguished school, and who have earned the admiration of their entire community. I wish them much continued success in their efforts to provide quality education.

INTRODUCTION OF ECONOMIC EQUITY ACT OF 1993

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mrs. SCHROEDER. Mr. Speaker, today, along with Representative OLYMPIA SNOWE, cochair of the Congressional Caucus for Women's Issues, Representative PATSY MINK, chair of the caucus' Task Force on Educational and Economic Equity, and other caucus members, I am proud to introduce the Economic Equity Act of 1993.

The Economic Equity Act [EEA] is a comprehensive, forward-looking agenda for improving the economic well-being of American women and their families. Introduced by the Congressional Caucus for Women's Issues in every Congress since 1981, this package of legislation is designed to respond to the changing needs of American society, and to promote equity for women in the workplace and at home.

This year's EEA addresses a wide range of problems confronting women in American society, from sexual harassment and other forms of employment discrimination in the workplace to the lack of affordable child care; from the need to expand opportunities for women business owners to the need for continued improvements in child support enforcement. While some of the bills in this section's package will be familiar, most are new to the EEA and address a broadening range of issues affecting women in the workplace.

Each of the individual provisions included in the EEA have been or will be introduced as separate bills. By bringing each of these separate pieces of legislation under a single bill number, the caucus hopes to set out a broad agenda for addressing a number of important women's economic issues. The bill's four titles—Workplace Fairness, Economic Opportunity, Work and Family, and Economic Self-Sufficiency—reflect this broad agenda.

Title I—Workplace Fairness, addresses discrimination and inequities in the workplace. It includes the Equal Remedies Act, which will allow women who are victims of intentional discrimination to obtain the same remedies as victims of racial discrimination, as well as bills overhauling the discrimination complaint process for both Federal and congressional employees. This title also addresses workplace inequities that keep part-time workers, the majority of whom are women, from obtaining health benefits or punish women who choose to take time out from the work force to care for children.

Title II—Economic Opportunity, is designed to expand economic opportunities for women establishing their own businesses by ensuring that women have access to Federal contract opportunities and that women trying to start very small businesses can obtain credit. This title would also assist women seeking to enter the nontraditional areas of science and engineering. The title also includes legislation ensuring that Federal job training programs have as their goal economic self-sufficiency for participants.

Title III—Work and Family, aims to help workers balance the competing demands of work and family, both by encouraging employers to develop flexible work policies and by supporting the development of additional child care options and helping parents meet their child care needs.

Finally, Title IV—Economic Self-Sufficiency, addresses a wide variety of problems confronting women, from the inadequacy of current child support enforcement efforts to a Social Security system that penalizes women who have taken time out of the work force to care for children or a dependent spouse or parent.

To date, the Economic Equity Act has been endorsed by 19 national women's organizations including the National Federation of Business and Professional Women, the American Nurses Association, the Pension Rights Center, and the YWCA.

Mr. Speaker, the women of America pay their fair share of taxes in this country—but sadly they do not always reap their fair share of benefits. The EEA sets out an agenda for where we hope to be by the end of the 103d Congress. I urge my colleagues to cosponsor the Economic Equity Act.

BOSNIA AND THE HOLOCAUST

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. BONIOR. Mr. Speaker, I would like to call attention to a recent op-ed written by Harry Siegman, the executive director of the American Jewish Congress. It draws powerful parallels between the terrible slaughter in Bosnia and the horror of the holocaust.

The op-ed printed in the Los Angeles Times on July 11, follows:

[From the Los Angeles Times, July 11, 1993]

THE HOLOCAUST ANALOGY IS TOO TRUE

(By Henry Siegman)

To compare Bosnia and the Holocaust is to invite angry disagreement from some Jewish critics who correctly see the Holocaust as a unique evil, an unprecedented descent into hell. But the uniqueness of the Holocaust does not diminish the force of powerful parallels that do exist between these two tragedies, and no one should understand these commonalities better than the Jews.

To be sure, Hitler's obsession with the total eradication of the Jews of Europe (and of the world. If he could have had his way) and the crematoria of the concentration camps, the Nazis' method of choice for achieving their goal, are not elements in the Serbian violence against Bosnia's Muslims. But virtually everything else is including the cynical and total abandonment of Bosnia's Muslims by the West to certain slaughter or expulsion.

Surely President Clinton and Secretary of State Warren Christopher know what journalists reporting from the Balkans have known for some time; that the current negotiations in Geneva to carve Bosnia into "ethnic states" for Serbs. Croats and Muslims are like the negotiations to implement the Vance-Owen plan, a ruse, disguising the real goal of Serbs and Croats to extinguish Bosnia as a state and to kill or drive into exile all of its Muslim inhabitants.

In the face of this massive calamity-in-the-making—its outcome can hardly be in doubt, given our perverse insistence on observing an arms embargo that denies Bosnia's Muslims arms to defend themselves while the Serb militias are fully supplied—Christopher's assurance that the United States will go along with whatever plan the three parties agree to is cruelly irrelevant and morally obscene.

What we are witnessing is the West's total abandonment of Bosnia's Muslims to the destruction programmed for them. It is as complete and as cynical an abandonment as that of the Jews in World War II. The notion that America and its allies are helpless to do anything about this human and political disaster is a palpable lie. It is as believable as the argument that European countries and America could do nothing to help the Jews in the 1930s, even while those governments were turning away from their shores shiploads of Jewish refugees from Nazi Germany.

Of course, intervention in the Balkan tragedy is not cost-free, but the notion that putting a stop to so horrendous a human tragedy, and to the profound damage to the international order that is now being done in Bosnia, is not worth some costs is in itself the most pernicious long-range consequence of this Administration's distressing handling of the crisis in the Balkans.

A part of the shameful truth is that the West is indifferent to the fate of Bosnia's Muslims for the same reason it was indifferent to the fate of the Jews in the 1930s. There was something in Hitler's hatred of the Jews that resonated however distantly (or not so distantly) with residual anti-Semitism in Western culture. Similarly, there is something in the Serbian demonization of Bosnia's Muslims—the fear of "a Mulsim state in the heart of Europe"—that finds an echo in lingering Western prejudice. It confirms Samuel P. Huntington's thesis (in the current issue of Foreign Affairs) that in the aftermath of the collapse of the Soviet Union, world politics is entering a new phase in which "civilizational" (that is, cultural and religious) differences re-emerge and replace traditional economic and ideological rivalries.

However we rationalize our indifference to what is happening in the Balkans, its cost will surely haunt us in the days and years to come. For what is at stake in Bosnia is not only indescribable human suffering, but also the idea of the universality of the civilized norms that are the foundation of our freedom and democracy. On the threshold of an unfolding new world order, we have been offered the opportunity to reaffirm that fundamental principle in Bosnia, and we are failing that test miserably.

Some will read this concern for Bosnia's Muslims as just another example of misguided Jewish altruism, so characteristic of a certain brand of Jewish liberalism, I make no apologies for liberalism. Jewish or otherwise, but such criticism could not be more off the mark. Patrick Glynn in the current issue of Commentary (hardly the voice of Jewish liberalism) makes the point that in the Balkans "the voices of the rational and the tolerant—for example, officials of the secular-minded Bosnian government—have been drowned out by the guns of ethnic fanatics. Efforts to secure democracy on the basis of rational Western principles have been crushed by the bloodthirsty exponents of 'ethnic cleansing.'"

These "new barbarians," says Glynn, are the vanguard of a re-mythologization and reversion to ethnic particularism. We are entering an era characterized by a diminished appeal of reason to the human imagination. We will, he says, move either toward ever greater fragmentation and violence or toward "the tolerance and rationality by which we in the West have learned to live and prosper." No one has benefited more from that rationality and tolerance than have the Jews, and no one is likely to suffer more from their abandonment.

TRIBUTE TO THE RAINBOW CRUSADERS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. SHAW. Mr. Speaker, today I rise to commend an organization of young men and women called the Rainbow Crusaders of Broward County, FL. The Rainbow Crusaders was formed in 1986 as an idea of William Thompson, a musical performer, to keep children in school and away from drugs.

The Rainbow Crusaders is a nonprofit, multiethnic band of singers and dancers who are dedicated to spreading the message that kids should "say no" to drugs. This troupe of young men and women, ranging from the ages of 4 to 20, has grown to include more than 200 members.

Aside from being active in their south Florida community, the Rainbow Crusaders have traveled on field trips to Tallahassee and Atlanta urging others to stay in school and off of drugs. They continue to gather more and more volunteer members statewide and their efforts deserve national attention and praise. In fact, this drug-awareness program has been commended by the Florida Senate and is the first drug-awareness program to be formally recognized by the Boy Scouts of America.

The Rainbow Crusaders are outstanding moral examples to their peers, showing how dedicated individuals can positively affect their community, neighborhoods, and schools. The Rainbow Crusaders is truly a positive force in America's fight to curtail illegal drugs, and deserves our thanks and support.

TRIBUTE TO JOYCE KILMER ON THE 75TH ANNIVERSARY OF HIS DEATH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to an important milestone in the history of American literature which is a source of particular pride for my State and district. This Friday, July 30, 1993, marks the 75th anniversary of the death of Joyce Kilmer, one of America's most beloved poets and a man who gave his life for his country. Joyce Kilmer was a native of Middlesex County in New Jersey's Sixth District, which I have the honor of representing. The occasion will be marked by a wide range of activities and commemorations throughout the region.

Joyce Kilmer was born on December 6, 1886, in New Brunswick, NJ. He attended Rutgers Preparatory School, as did his wife, Aline Murray. After graduating from Columbia University, Joyce Kilmer taught Latin in New Jersey. He wrote extensively for magazines and was hired by the New York Times Sunday Magazine and Review of Books. With the outbreak of World War I, Joyce Kilmer answered his country's call to arms, and fought valiantly in France until a sniper's bullet cut short his life. Still, he left behind a body of work that will be cherished for years to come.

For those of us who live in central New Jersey, the fact that Joyce Kilmer is a native son of our region is a particular source of pride which we commemorate daily in a variety of ways. The Sgt. Joyce Kilmer U.S. Army Reserve Center in Edison, NJ, dedicated in 1942 as Camp Kilmer, is but one of the many places that bear the poet's name. My district office in New Brunswick is located on Kilmer Square. His memory is enshrined throughout the Nation with parks and other public lands, as well as organizations that seek to recognize both his literary achievements and his bravery in the case of defending liberty and democracy.

In Joyce Kilmer's native region, this anniversary will be observed with a busy schedule of events open to the community, under the sponsorship of the Joyce Kilmer Centennial Commission of New Brunswick, and the 78th Infantry Division based at the Kilmer Reserve Center. The Kilmer Center will host veterans and soldiers from the New York metropolitan area representing the 69th Regiment, the 7th Regiment, and the 42d Infantry Division, all units that Kilmer served in during World War I. The day will begin with interfaith services, church bell ringing, and a flag raising ceremony. St. Luke's Episcopal Church in Metuchen, NJ, where Joyce and Aline Kilmer were married in 1908, will open its doors to all who wish to visit. Since Joyce Kilmer's best known work concerns a tree, there will be two tree dedication ceremonies, ones at the U.S. Postal Service's Kilmer Processing and Distribution Center in Edison, the other at Bill of Rights Grove in Menlo Park, NJ. During the afternoon, the Kilmer Reserve Center will display artifacts from the two World Wars. An open house and tours will be held at Buccleuch Mansion in New Brunswick, while activities will be held at Rutgers Preparatory School. In the late afternoon there will be a reception at Joyce Kilmer House in New Brunswick. In the evening, there will be a gala presentation at New Brunswick's George Street Playhouse of a one-act play by Kilmer. Kenton Kilmer, Joyce and Aline's son, will be among the dignitaries present. Mr. Kilmer, who was 3 years old when his father was struck down, has published a new book, Memories of My Father. The day's festivities will close with taps at the war monument across the street from the playhouse.

Mr. Speaker, while this tribute to Joyce Kilmer is centered in the region where he was born and spent much of his life, the life and work of this educator-poet-patriot leaves a rich legacy for all Americans. It is an honor to pay tribute to him on this solemn anniversary before the Members of this House.

CAPITAL RELATED EXPENDITURES REVIEW

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. STARK. Mr. Speaker, today I would like to emphasize the need for health facilities capital expenditures review. As we all know, many communities—particularly those in rural and inner-city areas—lack the facilities and equipment necessary to provide for the health care needs of their residents. Ironically, in other areas, an oversupply of capital resources unnecessarily increases costs and results in a less-than-optimum quality of care being provided.

Let me provide an example. Right now, a large cardiology group practice in Columbia, SC, is building a combination office/clinic facility in which they will perform a number of diagnostic procedures on their own patients, including heart catheterizations. There are currently four hospitals in this city, each with heart catheterization laboratories which are being utilized well below capacity. Fully equipped, this additional unneeded facility will cost about $10,000,000.

The problems this kind of situation creates are manifold. To begin with, adding a new heart catheterization facility will raise the cost of cardiovascular procedures in the area, in turn contributing to the overall growth in health care expenditures. As the surrounding laboratories experience a net decrease in the number of procedures performed, they will be forced to increase the cost of each procedure in order to cover their fixed costs, not to mention the additional cost of training new employees as extra facilities tap into the limited pool of experienced personnel available. In addition, due to the hazards of self-referral, the potential for overutilization is enormous. As this facility is technically a physicians office, it will not be subject to utilization review procedures as are hospitals and ambulatory care facilities. The overutilization of services that occurs when these centers are established adds substantially to the total cost of health care.

If we move from a consideration of cost to one of quality, this excess capacity is even more detrimental. Studies regarding the correlation between volume and quality of outcome indicate the necessity for preventing dilution of volume of cases. If this were but an isolated incident, the discussion would be merely academic; unfortunately, this is a scenario played out time and time again in cities and States across the Nation. For instance, in California, there are currently 119 cardiovascular surgery programs, 25 of which were added after the State abandoned its certificate-of-need [CON] program in 1986. Applying the guidelines endorsed by the American Hospital Association and the American College of Cardiologists, 35 percent of the open-heart surgery centers in California perform less than the minimum number of procedures required to achieve an acceptable level of competence and quality. An additional infusion of inexperienced personnel into the system can only make a bad situation worse.

Next comes the issue of patient dumping. This newly constructed facility will likely not perform its heart catheterizations on the sicker Medicare and Medicaid patients, as treating these patients is more expensive. Easier cases generate greater profit which is ordinarily used by hospitals to spread its costs and treat more patients regardless of acuity or ability to pay. However, when centers such as this are allowed to skim the cream from the system, hospitals with catheterization laboratories will have fewer paying patients and a higher percentage of indigent patients or patients for whom reimbursement is less than costs. In effect, the disproportionate share of the burden shouldered by hospitals puts them in an untenable position.

These are all problems that could be eliminated with proper foresight and good planning. However, due to the inconsistency of State health planning efforts, a Federal mandate is necessary. The Essential Health Facilities Investment Act of 1993, recently introduced by myself and several of my colleagues, does just that. In addition to rejuvenating the health care facilities serving our rural and inner-city residents, this legislation would mandate that each State establish a system to require approval of capital expenditures for new or significantly modified beds or services in excess of $1 million. Federal financial assistance would be provided to States for conducting this approval process with 75 percent of the cost of carrying out the capital reviews covered by the Federal Government. For the 39 States currently conducting some sort of capital review process, the Federal funds will enable them to expand their efforts; in the remainder of the States, individuals and businesses will benefit from the elimination of costs associated with excess capacity. If the State opts against creating such a system, Medicare will not reimburse hospitals in the State for their capital expenditures.

The health care marketplace's feast or famine distribution of precious resources must be stopped if we are to salvage our ailing health care system. I urge my fellow Members to cosponsor this badly needed piece of legislation.

FLOODING IN THE MIDWEST

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. WALSH. Mr. Speaker, the horrendous flooding in the upper Mississippi River basin is a national catastrophe that we cannot ignore. Watching the powerful impact of Mother Nature as she wreaks havoc on communities and farmlands throughout much of the Midwest reminds us of the limitations of man-made devices in combating the vagaries of Mother Nature.

We are obliged to help families and businesses affected by this tragedy. This disaster package will help farmers whose crops have been damaged or destroyed by providing $850 million in emergency funding and $300 million in contingency funds to be made available later for those who have suffered losses. Money is also provided for the reinvigorated Federal Emergency Management Agency and for the repair, restoration, and replacement of infrastructure that has been devastated by the flooding.

However, the vast flooding again has brought to light the deficiencies of our crop and flood insurance programs. In areas such as the Mississippi River basin where flooding is known to periodically occur, you would assume that more residents would have purchased or been required to purchase flood insurance. Earlier this year in my district in Tully, NY, we had a mudslide that demolished a few homes in the region. These homeowners had no legal recourse due to the loopholes and the inadequacies in the existing flood insurance program. Similarly, there are many problems with the crop insurance program that Congress has been trying to resolve. I hope this tragedy will lead to reform of our flood and crop insurance programs so that the cost to the Federal Treasury is minimized for future natural disasters.

INTRODUCTION OF THE COMMUNITY REINVESTMENT AND RECOVERY ACT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. STUPAK. Mr. Speaker, today I am introducing the Community Reinvestment and Recovery Act, legislation to assist communities that face severe economic impact as a result of closure or realignment of major military installations.

This legislation addresses an unfortunate, but not unique, situation in Michigan's Upper Peninsula. There, K.I. Sawyer Air Force Base has been designated for closure by the Base Closure and Realignment Commission. I want to share with my colleagues this specific case in order to point out the need for the bill I am introducing, a need that exists not only in northern Michigan, but wherever major military installations are being closed or realigned.

The closure of K.I. Sawyer could devastate the economy of Michigan's Upper Peninsula. Estimates show that regional unemployment will skyrocket to over 24 percent, that population in the area will decrease by 11 percent, and that over $157 million in annual income will be lost to the region. Moreover, the region's largest industry, forest products, is facing a disaster with the proposed elimination of below-cost timber sales from national forests. This, coupled with base closure, would add another tragedy to the region's already anemic economy.

The condition I have described in my district is but one example of the social and economic problems posed by major base closures and realignments. Many communities will face similar circumstances as a result of this round of base closures. Furthermore, it has been reported that the economic impact of the 1995 base closure round could even be greater.

That is why there is a critical need for the legislation I am introducing today. Its purpose is to target a reasonable amount of Federal financial assistance—10 percent of the estimated 10-year savings achieved by the closure of a major military installation—to those communities which bear the brunt of a base closure or realignment. President Clinton has stated his commitment to making certain that communities impacted by base closures will share in the national economic benefits of reduced defense costs associated with the downsizing process. My legislation would help this effort by ensuring that an appropriate amount of assistance is reinvested directly into communities that will be hard hit by closures.

My legislation also provides that the costs should be met in part by a productive, job-creating program, and not solely by the unemployment benefits which inevitably are necessitated by a base closure. Specifically, that act calls upon the Secretary of Defense to make available the 10 percent of 10-year savings in the form of grants, by funding local programs which meet the following criteria:

First, the grants must be used to improve opportunities for the establishment or expansion of industrial or commercial activity in the impacted area.

Second, the grants must be used in the creation of new long-term jobs in the impacted area.

Third, the grants must otherwise alleviate specific economic problems in the community which limit the effective economic recovery from the base closure or realignment.

Under this bill, the Secretary of Defense has authority over the fund, but applications for grants are made through existing Federal agencies and departments. By working with existing agencies, this legislation compliments the Clinton administration's efforts to eliminate redtape and bureaucracy faced by communities in previous years. At the same time, it gives the Secretary the flexibility to use these funds to supplement grants which impacted communities have received independently from other agencies, in those cases where the communities are not able to match the grants with the required local share.

The concept of reinvesting 10 percent of the 10-year savings that a base closure will bring is not new. In fact, similar legislation was introduced over 16 years ago when Michigan's eastern Upper Peninsula was facing the closure of Kinchloe Air Force Base. At that time, projections for overall unemployment in the Kinchloe area were as high as 43.4 percent. Regretfully, this legislation was not enacted and the residents of the Upper Peninsula did not receive an adequate Federal response as they grappled with Kinchloe's conversion. Today, some 17 years later, unemployment in the Kinchloe community has finally reached single digits—and this improved condition only occurred after the construction of five large State prisons and an Indian gambling casino. We must make certain that no community in our Nation is asked to face a similar challenge again with so little resources.

In coordination with the Clinton administration's effort, my legislation is designed to give the administration an additional tool by making available to communities a reasonable amount of funding with which they can begin to rebuild after loss of a major military installation.

Mr. Speaker, I believe this legislation makes good sense. Fiscally, it is a bargain; 10 percent of the 10-year savings that a base closure will bring to the Government is a modest return to the impacted communities. Last, this legislation would send an important signal to areas impacted by base closures that the Government will work aggressively to reinvest a portion of its cost savings in the patriotic people and communities which have supported military installations and are now being asked to bear the full burden of their closure.

PROPOSED AMENDMENT TO H.R. 2330, FISCAL YEAR 1994 INTELLIGENCE AUTHORIZATION BILL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. TRAFICANT. Mr. Speaker, it is my understanding that proposed amendments to the fiscal year 1994 intelligence authorization bill, H.R. 2330, must be printed in the RECORD prior to the bill's consideration. I respectfully request that my "Buy American" amendment that I plan to offer to H.R. 2330 follow its explanation in the RECORD.

As you know, offering "Buy American" amendments is a standard procedure for me. My amendment is in three sections. The first section simply ensures compliance with the Buy American Act of 1933, by requiring a contract or grant recipient under H.R. 2330 comply with sections 2 through 4 of the Buy American Act. The second section would provide for a notice to be sent to a recipient of funding under H.R. 2330. The notice expresses that it is the sense of Congress to encourage all recipients of funding to purchase American-made equipment and products. The third section prohibits the fraudulent use of "Made in America" labels on any products or equipment purchased through contractual agreements or funding under this act. Entities in violation of the fraudulent label section would be ineligible to bid for contracts under the act.

I believe that it is imperative that "Buy American" measures, such as this one, be incorporated into all bills that reach the House floor for consideration, Mr. Speaker. I hope I can count on the support of every Member of Congress for this amendment.

AMENDMENT TO H.R. 2330, AS REPORTED, OFFERED BY MR. TRAFICANT OF OHIO

At the end of the bill, add the following new sections:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment of products that may be authorized under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Director of the Central Intelligence Agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States, that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

INTRODUCTION OF ECONOMIC EQUITY ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Ms. SNOWE. Mr. Speaker, on behalf of Congresswomen PAT SCHROEDER and myself as cochairs of the Congressional Caucus for Women's Issues, I rise to introduce legislation that reflects a need of our challenging times. As we compete in a global economy, this Nation needs the talent of its diverse work force. Women comprise more than one-half of those working, and by the year 2000, they are estimated to comprise 63 percent of the work force.

The Economic Equity Act of 1993 [EEA] is a forward-looking agenda for improving the economic well-being of American women, their families, and this Nation. This legislative package, designed to respond to the changing needs of American society, seeks to promote equity for women in the workplace and at home. The bill's four titles—workplace fairness, economic opportunity, work and the family, and economic self-sufficiency—reflect a broad range of issues. By improving women's place in the work force, Congress also will be advancing America's ability to compete.

In addition to sponsoring the entire legislative package, I also am sponsoring several individual bills. To end the habit of Congress exempting itself from the laws it passes, Congresswoman SCHROEDER and I are sponsoring the Congressional Employees Fairness Act, which replaces the Office of Fair Employment Practices. To establish workplace requirements to reduce the incidence of sexual harassment, Congressman MILLER and I are sponsoring the Sexual Harassment Prevention Act. To offer increased benefits for lower and middle-income families, I am sponsoring the Department Care Tax Credit Refundability Act, and to encourage improved enforcement of child support obligations, I am sponsoring the Child Support Enforcement Improvements Act.

I encourage my colleagues to cosponsor the Economic Equity Act. I know that when they consider the needs of this Nation, they will concur that this legislation package promotes not only the economic needs of women and their families, but it also advances the ability of the United States to remain competitive in a global economy.

SYRIA UNLEASHES WAR IN SOUTH LEBANON—ABSOLUTELY NO SIGNS OF RESTRAINT

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. SWETT. Mr. Speaker, in the past few days we have witnessed the worst violence in southern Lebanon in more than a decade. Hezbollah radicals have peppered northern Israel with Katyusha rockets and the Israeli Government has been forced to defend itself. Our Secretary of State, Warren Christopher, cut short his Asian trip to return to Washington to deal with the crisis.

Yesterday, President Clinton praised Syria for commendable restraint in Lebanon. Unfortunately, the President's comment could not be further from the truth—Syria is the source of the problem in south Lebanon. The sooner we recognize that fact and acknowledge the duplicitous policy that Syrian President Hafez Assad is following, vis-a-vis the peace process with Israel and his neighboring states in the region, the sooner our policy can be grounded on the rock of Middle East reality.

There can be no question that Syria not only tolerates the Hezbollah violence in southern Lebanon, the Syrians are cynically attacking Israel by proxy. Although the radical Iranian Government is the principal ideological and material supporter of Hezbollah, no assistance can reach the radicals in south Lebanon without total Syrian support and assistance.

In fact, Mr. Speaker, just a few days ago there were press reports that weapons intended for Hezbollah were shipped from Iran to Damascus—the capitol of Syria. On July 15, armed Syrian guards stood by at the Damascus International Airport as an Iran Air 747 unloaded Sagger anti-tank rockets and other weapons which were promptly trucked off to Lebanon under military escort for use by Hezbollah in its attacks against Israel. In a place like Damascus, such activities are not carried out without the full knowledge and cooperation of the highest levels of the Syrian Government. With all due respect, Mr. Speaker, I would not call this commendable restraint on the part of the government of Syria.

In this regard, Mr. Speaker, I would like to call the attention of my colleagues to a particularly good article that appeared in today's issue of the New York Times. Entitled "Assad's Double Game," and written by Robert Satloff, the executive director of the Washington Institute for Near East Policy, the article is particularly insightful about the role of Syria in the current violence in south Lebanon. Mr. Speaker, I urge my colleagues to read this article, and I ask that it be included in the RECORD following my remarks.

WASHINGTON.—President Clinton made a mistake yesterday in praising President Hafez al-Assad of Syria for "commendable restraint" in Lebanon. What's needed when Secretary of State Warren Christopher arrives in the Middle East this week to try to unlock negotiations is an effort to rein in Syrian brinkmanship.

This means making it clear that the Administration is not fooled by Mr. Assad's attempt to use force to compel Washington to take Syrian peace demands seriously, if only to avert full-scale confrontation.

Mr. Assad has again resorted to force by proxy as Syria's preferred negotiating method. The result: Israelis, Syrians and Lebanese have been killed in the worst border violence in a decade.

Mr. Assad has to be held accountable for the fighting. Behind Hezbollah—the Party of God—stands two states. Iran is the spiritual and financial pillar. But all material support passes through Syria, and its assent is needed before local Party of God bosses approve operations against Israel.

A heightened U.S. role as full partner in the direct bilateral talks will be symbolized by Mr. Christopher's shuttle diplomacy for the next six months. Evidently, his main goal is Syria, which has made no progress in its talks with Israel and can disrupt any advances the Palestinians might make on their own.

While Mr. Assad hopes to improve ties with America, there is serious doubt that he will make the compromises needed to settle Syria's conflict with Israel. Slogans about "total peace for total withdrawal" aside, 20 months of talks have revealed little about what sort of peace he has in mind.

Prime Minister Yitzhak Rabin of Israel has committed himself to a withdrawal on the Golan Heights; the extent of the pullout is based on the extent of peace, The next move is Mr. Assad's, but for 10 months he has not made it. He wants what President Anwar el-Sadat of Egypt got (all the land) but refuses to give what Mr. Sadat gave (full peace). On the key issues, land and peace, both parties have not budged since September.

The hail of Katyusha rockets over Israel is Mr. Assad's way of saying the lull is over. Syria virtually took responsibility for the Katyusha attacks when its Foreign Minister proclaimed that Lebanon and Syria are one state and that retaliation against one would be viewed as retaliation against the other. The attacks on Israeli troops by the Party of God and by the Damascus-based organization of the Palestinian renegade Ahmad Jibril, which triggered the fighting, confirmed Syria's role.

The flare-up represents the latest chapter of diplomacy by force that is a tradition of Syrian negotiating strategy. When Israel and Syria were locked in negotiations that would lead to their post-1973-war disengagement agreement, Mr. Assad launched a war of attrition to raise the pressure on Israel to conclude a deal. In the 1980's, as Israel prepared to withdraw from Lebanon and establish a security zone, Mr. Assad unleashed Lebanese car bombers against Israeli targets to speed up Israel's evacuation without a comparable Syrian withdrawal.

If Mr. Assad truly wants peace, the potent mix of Katyushas and Mr. Jibril does not signify that he is ready to make it happen.

The Syrian press has written much about Bosnia, and the lessons Damascus may have drawn about American will are possibly unnerving. Editorials have pilloried the United Nations resolution setting up safe havens for Bosnian Muslims on the grounds that its language resembled U.N. Security Council Resolution 242, the foundation of Middle East talks.

The Syrians ask: Will Washington follow through on its commitment to Middle East peace as it followed through on its promises to the Bosnians? After watching the debacle in Bosnia, Mr. Assad may have concluded from the Bosnian Serbs' strategy that attack and negotiate may be the way to win what he wants without offering what is needed in return.

Because Mr. Assad wants a U.S. dividend from the peace process even more than peace with Israel, Washington is in a strong position to try to insure that that he will view the debacle in Bosnia as an exception, not the rule, in U.S. foreign policy.

Secretary Christopher needs to convince Mr. Assad that peace making and trouble making do not go hand-in-hand. He needs to get the message across that Mr. Assad's alliance with Iran, support for the Party of God and patronage of Mr. Jibril are inconsistent with Syria's professed desire for peace and eagerness for U.S. intervention to help achieve it.

HOUSE PAYS TRIBUTE TO PAUL M. FISHER, FIREFIGHTER AND REPORTER FOR MANY YEARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. SOLOMON. Mr. Speaker, a great friend and role model has passed away, leaving a void that can't possibly be filled.

In 1984, former President Ronald Reagan honored Paul M. Fisher of Hudson Falls, NY, for his many years of community service. It was a fitting tribute to a man who gave generously of his time throughout his long life. Paul Fisher died last Sunday at the age of 91, and I have lost one of my closest advisers and mentors. He was known in the area primarily as a fireman and newspaper reporter. It was in that former capacity that I came to know and admire him so much.

Mr. Speaker, the present 22d Congressional District has always been somewhat rural and suburban in nature. Most of the fire protection is provided by volunteers, but their work is highly professional. Every year, in New York State alone, they save countless lives and billions of dollars worth of property. I am proud of having served over 20 years as a volunteer fireman. Paul Fisher served area fire companies for more than 60 years.

His firefighting career began with the C.R. Paris Hose Company 1, now part of the Hudson Falls Volunteer Fire Department. His positions included secretary, assistant fire chief, and member of the fire council. He has been an honorary member of the J.W. Waite Hose Company 2, the Carpenter Hose Company 3, and the Kingsbury Volunteer Fire Company 1.

Related memberships included the Fireman's Association of New York State and the Hudson Valley Firemen's Association, which he once served as president and in many other capacities before being named secretary emeritus.

For more than 40 years, he was a reporter and manager of the Hudson Falls office of the former Glens Falls Times, forerunner to the Post-Star. When he retired, the Washington County Board of Supervisors commended him for his fair and impartial reporting. It was a skill Mr. Fisher also contributed to the Hudson Valley Fireman, which he founded in 1947 and edited until his death. That publication covered the activities and news of fire departments, a subject Mr. Fisher was more than well qualified to report.

He was a member of the Washington County Traffic Safety Board and also was appointed fire coordinator for Washington County in 1972. Before that he had been deputy fire coordinator. In 1961, he was instrumental in planning Washington County's first mutual aid plan.

Mr. Fisher was a member of Elks Lodge 81 of Glens Falls and the Hudson Falls Rotary Club.

I would like to express my deepest sympathies to surviving members of his family, including daughters, Mary Lou Fisher and Mrs. Anne Stockwell; his brother, Arthur S. Fisher; and his sister, Ruth Fisher.

To his earlier commendations from President Reagan and the Washington County Board of Supervisors, I would like to add the tribute of his body. Mr. Speaker, I would ask you and other Members to join me in honoring Paul M. Fisher, an outstanding American and a close friend whose absence I will feel every day of my life.

BUSINESS MEALS MEAN JOBS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to sound the alarm on a provision of the proposed reconciliation package that has ominous implications for New York City. The proposed reduction of the business-entertainment deductions contained in reconciliation could produce a job loss of at least 15,000 in the New York metropolitan area alone, and hundreds of thousands more job losses in business and tourist centers across America. The provision is, in effect, a new tax.

I urge the Conference Committee on Reconciliation to amend the provision which would reduce the amount of entertainment and meals expenses from 80 to 50 percent that can be deducted as legitimate business expenses.

If adopted, this provision would inflict deep wounds on New York City's second largest industry—tourism. Many experts fear that with the new tax, companies would drastically scale back use of meals and entertainment as part of doing business. That would directly affect restaurants, hotels, and theaters and trigger adverse ripple effects in industries like catering and conventions. New York is the premier arts and business center in the United States, so its economy depends heavily on business and entertainment. This reform would not only hurt the business community; it would also hurt the beleaguered arts community.

There is a widespread misconception that this reform would only hurt so-called fat cats. But the projected $15 billion in revenue that the provision would raise could result in a nationwide job loss of between 50,000 to 160,00 workers. Most would be low-wage workers such as waitresses, busboys, actors, and ushers. Many of these employees are young people in their first jobs and members of various minority groups for whom unemployment is much higher than the national average of 6.9 percent.

So this provision is not only harmful; it is also regressive.

The economic repercussions will be felt all across America: from New York City to Chicago to Las Vegas to Hawaii. As an export product, travel and tourism accounts for 11 percent of total U.S. exports of goods and services. Industry experts estimate that as much as $1 billion in new tax revenue will be raised from Manhattan alone. This is an ominous prospect.

Worst of all, experts fear that this provision will be counterproductive as a revenue raiser, bringing minimal revenue benefit at great human cost. It is an antigrowth measure reminiscent of the ill-fated luxury tax, which closed businesses, put thousands out of work, and brought luxury industries to a standstill. This led to lower tax revenues and higher Government spending on unemployment benefits.

For these reasons, Mr. Speaker, I urge my colleagues in the Conference Committee to change this harmful provision.

NATIONAL INCEST AND SEXUAL ABUSE HEALING DAY

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Ms. MOLINARI. Mr. Speaker, today I am introducing a resolution to designate August 1, 1993, as "National Incest and Sexual Abuse Healing Day."

The statistics on child abuse and sexual abuse of children are grim. In 1992 alone, 2.9 million child abuse cases were reported to child protective service (CPS) agencies. This represents a 50-percent increase in reported child abuse cases between 1985 and 1992. But despite this increase in the reporting of cases, there remains thousands of children whose cry goes unheard.

In addition, it is estimated that nearly 1,300 child abuse and neglect-related fatalities in 1992 were confirmed by CPS agencies—an average of over 3 child deaths a day. Those states keeping this statistic report that, in 1992, almost 84 percent of these children were less than 5 years old at the time of their death.

For those who survive these crimes, those who live to tell their story, their future follows two paths. The fortunate ones may be able to overcome child abuse by speaking out, creating an open and honest dialog on the subject. Others, unable to come to terms with what has occurred, may face years of physical and emotional problems. Many will grow up to become the next generation of abusers, perpetuating a vicious cycle of violence.

Mr. Speaker, this year, a number of advocates of child abuse victims are planning the first-ever national speakout by survivors of incest and child sexual abuse on August 1, 1993. I encourage all of my colleagues to join me in applauding the efforts of these groups to bring attention to these crimes. We, in turn, can reward the struggles of the brave survivors of incest and child sexual abuse, by commemorating August 1, 1993 as "National Incest and Sexual Abuse Healing Day."

THE TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1993

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1993

Mr. GUNDERSON. Mr. Speaker, on Monday of this week Secretary of Labor Robert Reich, Commerce Secretary Ron Brown, and the President participated in a conference with American business leaders in Chicago. A major theme which the President and the Secretaries stressed was the need for more and better labor-management cooperation in the American workplace.

On returning from the conference, Secretary Reich penned an op-ed for the July 29 edition of the Washington Post which reiterated the administration's theme for the Washington audience. I cannot argue with what the Secretary is saying. His points are well taken. The problem however—and the Secretary knows this very well—is that much of what he is advocating is today illegal.

In his op-ed Secretary Reich rightly lauds labor-management cooperation committees which play a central role in matters such as hiring, deciding pay scales, and setting production targets. Unfortunately, the activities he describes would likely all be determined to be illegal today under the National Labor Relations Act.

In fact, the National Labor Relations Board has, in the past 8 months, issued two critical rulings in cases involving Electromation, Inc., and the Dupont Co., which found cooperation committees in those companies to be illegal precisely because they engaged in decision making on issues like those which the Secretary describes. The Secretary knows this as well.

I have introduced legislation, the Teamwork for Employees and Managers [TEAM] Act of 1993—H.R. 1529—which would amend the NLRB so that cooperative efforts of this nature can endure and proliferate in the American workplace. Senator NANCY KASSEBAUM has introduced companion legislation in the Senate—S. 699. If the administration really meant what it says about cooperation in the workplace, we'd have its endorsement for this legislation. Regrettably, we do not have an endorsement. Instead, we have the op-ed which follows.

THE "PRONOUN TEST" FOR SUCCESS

(By Robert B. Reich)

For six months now I've been visiting the workplaces of America, administering a simple test. I call it the "pronoun test." I ask front-line workers a few general questions about the company. If the answers I get back describe the company in terms like "they," or "them," I know it's one kind of company. If the answers are put in terms like "we" or "us," I know it's a different kind of company.

It doesn't much matter what's said about that company. Even a statement like "they aim for high quality here" suggests a workplace that hasn't yet made the leap into true high performance. It isn't yet achieving ever higher levels of quality, productivity and service. Only "we" companies can do this.

The L-S Electro-Galvanizing Co. in Cleveland—at the heart of the rust belt—passed the pronoun test with ease. Every front-line worker I talked with recently told me how "we" were meeting the competition, how "our" company was succeeding.

L-S Electro-Galvanizing is succeeding. The company is winning awards for quality. Its customers are loyal, and its profits are mounting. Why the success? At first glance, it's something of a mystery. The company's equipment for putting zinc coatings on cold-rolled steel doesn't give it an advantage over the competition, since the same equipment is available to all, including foreign competitors with cheaper labor. And its customers—big auto companies still reeling from recession—are looking for ways to cut costs.

L-S Electro-Galvanizing's advantage lies in its workers, who are constantly discovering better ways to use the equipment and serve the customers. the galvanized steel emerging from the factory is consistently high quality, tailored exactly to customer specifications and sold at a competitive price. Simply put, L-S Electro-Galvanizing is offering its customers a great deal.

This is a high-performance workplace, organized from the bottom up. You can't tell managers from employees. They wear the same uniforms, park in the same parking lots, eat in the same cafeteria, prosper together when the company does well. They use the same pronouns.

Worker committees do the hiring, decide on pay scales linked to levels of skill and set production targets. One-quarter of workers' take-home pay is based on productivity improvements. They rotate jobs, so that every worker gains knowledge of the entire system. More than 10 percent of payroll is spent on training. And jobs are secure. Even during the recession, when its customers were scaling back, the company kept everyone on board.

High-performance workplaces are gradually replacing the factories and offices where Americans used to work, where decisions were made at the top and most employees merely followed instructions. The old top-down workplace doesn't work any more. That's because the old competitive advantages—large scale and specialized machines doing the same operations over and over—have been eroded by global competition and by new technologies capable of performing many different operations.

The new competitive advantage comes in using equipment to meet the unique needs of particular customers—and doing it quickly, reliably, efficiently. L-S Electro-Galvanizing's customers want quality and service. And no one in the company has more intimate knowledge of the equipment and the customers, and therefore of how to provide the greatest value at the lowest cost, than L-S Electro-Galvanizing's front-line workers.

Using the "we" pronoun, and feeling responsible for the company's future, L-S Electro-Galvanizing's workers are making the company work. Technically, they don't own the company. It's a subsidiary of LTV Steel, in partnership with Sumitomo Metal. But in a broader sense they do own the company, because they comprise its most important asset, they make the most important day-to-day decisions, and they do well when the company does well.

The jobs in L-S Electro-Galvanizing and in other high-performance workplaces are the kind of jobs that may rebuild America's waning middle class. These jobs offer hope to the 75 percent of Americans who won't graduate from college and whose wages and benefits, adjusted for inflation, have been declining for 15 years.

So why aren't all workplaces like this? First, because many of our non-college workers aren't adequately prepared. L-S Electro-Galvanizing isn't a high-tech company. Its workers don't have engineering degrees. Most don't have college degrees. But they do have enough education and basic training to be able to learn on the job and to take advantage of more specialized training. One worker explained to me how she had come up with an idea for reprogramming a machine for better accuracy. I asked her where she had learned computer programming. "I knew technical math and statistical process control when I got here," she explained. "When I wanted to learn computer programming, our training committee thought it would be a good investment, and I took a course."

A second impediment is the reluctance of top executives to give up control and to entrust front-line workers with day-to-day decisions. Most top executives got to where they are because they are good at exerting authority and control. People who have excelled in the old system are usually among the least likely to lead the way into the new. Their habitual "we" pronouns don't include front-line workers. L-S Electro-Galvanizing's plant manager told me of the initial skepticism of many executives in LTV. "I stuck my neck way out," he said.

No less of a barrier is the distrust felt by many front-line workers for any scheme that requires more responsibility but not necessarily higher wages up front. Unionized or non-unionized, America's front-line workers feel bruised and beaten by years of promises unkept, real wages and benefits reduced, and jobs eliminated. The head of the local steelworkers union told me that he had been criticized by his brethren for entering into the L-S Electro-Galvanizing flexible agreement. One worker recalled taunting by workers at LTV's steel factory across the road. "They accused us of being scabs, and worse," he said.

Last and perhaps most important is the lack of information about how high-performance workplaces work and why they work well. Much research has been done, but it has not yet been widely disseminated (the Labor Department has just released a compilation). This week in Chicago, several hundred workers and managers who have made the transition shared their experiences with the rest of America.

The president's economic plan will improve the macroeconomy. Better education and skills will prepare Americans for the workplace of the future. But neither of these necessary steps will be enough to restore American incomes without a revolutionary change in how Americans work together.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 29, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 30

9:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

Joint Economic
To hold hearings to examine the economy of China, focusing on recent efforts to control inflation, the continued increase in military spending, and the rising bilateral trade surplus with the United States.
SD-628

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine Federal government contracting procedures.
SD-342

10:00 a.m.
Armed Services
To hold hearings on the nomination of Victor H. Reis, of the District of Columbia, to be Assistant Secretary of Energy (Defense Programs).
SR-222

10:30 a.m.
Labor and Human Resources
To hold hearings to examine issues relating to the diagnosis and treatment of lyme disease.
SD-430

AUGUST 2

10:00 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings to examine the effect of the Supreme Court's decision in "Mertens v. Hewitt Associates."
SD-430

10:30 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings to examine the need for supplemental permanent injunctions in bankruptcy.
SD-226

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of James E. Hall, of Tennessee, to be a Member of the National Transportation Safety Board, Louise Frankel Stoll, of California, and Frank Eugene Kruesi, of Illinois, each to be an Assistant Secretary of Transportation.
SR-253

3:00 p.m.
Foreign Relations
To hold hearings on the nomination of James R. Jones, of Oklahoma, to be Ambassador to Mexico.
S-116, Capitol

AUGUST 3

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Clean Air and Nuclear Regulation Subcommittee
To hold hearings on State and local implementation of Title I of the Clean Air Act and other issues associated with the nonattainment provisions.
SD-406

10:00 a.m.
Judiciary
To hold hearings to examine issues relating to assault weapons.
SD-226

Labor and Human Resources
Education, Arts and Humanities Subcommittee
To resume hearings to examine how Federal, State, and local governments fund the nation's schools and the effect on the quality of education.
SD-430

Labor and Human Resources
Children, Family, Drugs and Alcoholism Subcommittee
To hold hearings on proposed legislation to assure a minimum of child support benefits.
SD-430

Veterans' Affairs
To hold oversight hearings on the Veterans Administration mental health programs.
SR-418

AUGUST 4

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold joint hearings with the Committee on Energy and Natural Resources on the Superconducting Super Collider.
SD-366

Commerce, Science, and Transportation
To hold hearings on proposed legislation to authorize funds for programs of the Magnuson Fishery and Conservation Act.
SR-253

Energy and Natural Resources
To hold joint hearings with the Committee on Appropriations' Subcommittee on Energy and Water Development on the Superconducting Super Collider.
SD-366

Environment and Public Works
Clean Water, Fisheries and Wildlife Subcommittee
To resume hearings on S. 1114, authorizing funds for programs of the Federal Water Pollution Control Act, focusing on regional issues.
SD-406

Indian Affairs
To hold hearings to examine the Bureau of Indian Affairs' proposal to reduce by 10% the funding for Indian programs for fiscal year 1995.
SR-485

2:30 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue joint hearings with the Committee on Energy and Natural Resources on the Superconducting Super Collider.
SD-366

Energy and Natural Resources
To continue joint hearings with the Committee on Appropriations' Subcommittee on Energy and Water Development on the Superconducting Super Collider.
SD-366

AUGUST 5

9:30 a.m.
Energy and Natural Resources
To hold hearings on the actinide recycle program and the Department of Energy's advanced nuclear reactor program.
SD-366

Environment and Public Works
Clean Water, Fisheries and Wildlife Subcommittee
To continue hearings on S. 1114, authorizing funds for programs of the Federal Water Pollution Control Act, focusing on Federal agency monitoring and other issues.
SD-406

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold oversight hearings on foreign-flagging requests of American shipping companies.
SR-253

3:00 p.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the Committee on Indian Affairs on the implementation of the Job Training Partnership Act (P.L. 102-367), and the Indian Employment Training and Services Demonstration Act (P.L. 102-477).
SR-485

Indian Affairs
To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity on the implementation of the Job Training Partnership Act (P.L. 102-367), and the Indian Employment Training and Services Demonstration Act (P.L. 102-477).
SR-485

SEPTEMBER 8

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1086, to foster the further development of the Nation's telecommunications infrastructure through the enhancement of competition.
SR-253

CANCELLATIONS

AUGUST 3

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 318, to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and S. 727, to establish a California Ocean Protection Zone.
SD-366

POSTPONEMENTS

JULY 29

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine abuses in Federal student grant programs.
SD-342

AUGUST 2

2:00 p.m.
Energy and Natural Resources
To hold hearings to examine the status of the Department of Energy's civilian radioactive waste program.
SD-366

HOUSE OF REPRESENTATIVES—*Thursday, July 29, 1993*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 29, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Of all the gifts that You have so freely given, O God, we pray that we treasure the gift of thanksgiving and the spirit of gratitude. We are aware that all the necessary duties of daily living require time and attention and there seems to be little occasion for reflection and appreciation and praise to You, O God, and to family and friends. Encourage us to find great value in the moments that we have to offer our thanksgiving and appreciation and open our eyes and enhance our awareness to all the blessings that we have received this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TORKILDSEN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TORKILDSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to rule I, the Chair will postpone the vote on the approval of the Journal until later in the day.

The point of order of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 236. An act to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes; and

H.R. 2683. An act to extend the operation of the migrant student record transfer system.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 798. An act to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1131. An act to extent the method of computing the average subscription charges under section 8906(a) of title 5, United States Code, relating to Federal employee health benefits programs.

FREEDOM FOR JOHN DEMJANJUK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Israeli Supreme Court has overturned the conviction that John Demjanjuk was the infamous Ivan the Terrible of the Treblinka death camp.

I want to commend Israel for reaffirming to this Government and the American people why we have so much faith in them as a free nation.

I would like to say that Israel has taught America and Congress a lesson that individual rights should never be clouded by controversy or sensitivity. Congress did not and failed to do the things that Israel did and that America is better for it and Israel certainly is historically much more powerful in that regard.

But now the issue of Mr. Demjanjuk, a free man without a country, must be dealt with.

I will be coming to the Congress with a private bill that will say to return Mr. Demjanjuk to America and revisit and review his citizenship status. Let us get to the bottom of this. Let us get to all the facts and ferret through them and deal with this great issue.

Certainly Congress has enough courage and backbone to do that.

Finally, Mr. Speaker, I am going to ask President Clinton to help initiate the biggest manhunt in world history. For 15 years we have allowed a man named Ivan Marczenko, 9 years older and taller, a long scar on the neck, the real Ivan, to go free. He may still be alive in Eastern Europe. We are going to ask that the people of all the free world get together and have the biggest manhunt in history to find maybe the worst criminal in our history.

AMERICANS WANT TO CUT SPENDING, NOT RAISE TAXES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I rise because I have noticed that a number of our Democratic friends seem confused by the outcome of the Lieutenant Governor's election in Arkansas. They seem concerned that for only the fourth time in the 20th century a Republican has won a statewide office in Arkansas. They seem a little apprehensive that in the President's home State the voters have spoken and by 51 to 49 they rejected the President's party and they elected a Republican in Arkansas.

Well, when you start talking about 7-cent-a-gallon and 9-cent-a-gallon gas taxes and you get outside of the subways of New York and outside of the elevated in Chicago and you have people who drive and you suddenly have people in a place like Fayetteville, Pine Bluff, or Little Rock thinking about trying to drive somewhere and they think about the Democratic tax increase that is going to burden them and they think about their families, not being able to go for a Sunday ride or not being able to get to the grocery

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

store and they think about how much it is going to cost them to drive to work, they say, "Do I want to vote Democrat for a bigger tax increase or do I want to vote Republican to send a signal that it is time to cut spending first? It is time to help."

In Arkansas, as in Texas, as in Jersey City, as in Los Angeles, as in district after district in special elections, voters are saying, "Gee, maybe I don't want a Democratic tax increase and maybe 7 cents or 9 cents a gallon more on my gas tax is just too much to give the Democrats to spend in Washington on their special interest patronage politics."

THE PRESIDENT'S ECONOMIC PLAN

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, this week we continue to make progress on implementing President Clinton's economic plan, the largest deficit reduction plan in history. It will put our Nation back on the right track.

This is the change we want. It is good for the middle class. And—most of all—it will really work.

The President's plan makes the spending cuts and tough choices that we only heard a lot about over the last 12 years. President Clinton's plan cuts $83 billion in entitlement spending ranging from Medicare to agriculture. His plan also cuts $41 billion in discretionary spending including foreign aid.

No matter how you slice it, President Clinton's plan really cuts spending.

Mr. Speaker, the American people should be proud that their President has the courage to address our Nation's problems and secure the brightest future for ourselves and our children.

TWENTY-SEVEN NEW TAX INCREASES IN 27 WEEKS

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, at the 100-day mark of the Clinton administration, we took a look at the record of this administration and the Democratic Party on taxes and we came up with 14 new tax proposals in 14 weeks. That was Clinton at 100 days, and we thought to ourselves that they could not possibly devise any more ways to exact punishment from the American people in the form of taxes.

Wrong, absolutely wrong. I am shocked, quite frankly, because we took a look now here at the 27th week mark of the Clinton administration and the Democrats, unbridled control of the House and the Senate. And what have they done? They have come up with 27 new or increased taxes in 27 weeks, Clinton and the Democrats.

Mr. Speaker, if the Democrats had applied themselves so diligently to finding ways to cut spending during that time, 27 new ways to cut spending, we would have been happy to join them; but 27 ways to raise taxes in 27 weeks, it is time to end this tax madness. This is even before the reconciliation committee is done and before the health care reforms are done.

Mr. Speaker, 27 taxes in 27 weeks, that is too much for taxpayers anywhere in the United States.

□ 1010

THOU SHALT NOT BEAR FALSE WITNESS

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, the Christian Coalition is calling senior citizens and deliberately misleading them about the President's deficit reduction plan.

A distraught 83-year-old woman was told President Clinton and I would tax her Social Security. That is simply not true. She gets only $267 a month in Social Security plus a small pension. She will never have to pay taxes on her Social Security under any bill I or the President have supported.

When I told her the truth, she said, "But I listen to Pat Robertson every night; I don't believe he would lie to me."

Mr. Speaker, the betrayal of such trust should cause those responsible to hang their heads in shame.

If they want to criticize the President's budget plan and me for supporting it, so be it. But to purposefully frighten older Americans for political gain is immoral and indecent.

Clearly, the Christian Coalition has forgotten the Ninth Commandment: "Thou shalt not bear false witness."

THE ABYSS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, stuffed in the pages of the Washington Post was this revealing headline: "Clinton Woos Reluctant Lawmakers on Economic Package."

Over the last several weeks, we have heard members of the Democratic majority condemn Republicans for opposing the largest tax increase in history. We have heard the majority trumpet the Clinton tax plan as the greatest economic stimulant since the California gold rush. We have sat through speech after speech about how this plan will actually help small business.

But the President was not trying to woo Republicans to support his package. No, he was trying to woo Members of his own party. And his hard sell is not working.

Let me quote from one prominent Member of the other body:

> So far, what I see moving through the conference committee does not do enough to put our economic house in order. I think we better step back from the abyss and work on a bipartisan approach now.

Mr. Speaker, this issue is not about partisan politics. We need to step back from the abyss.

MEDICAID HEALTH ALLOWANCE ACT OF 1993 BRIDGING THE GAP

(Mr. HOBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, yesterday I introduced a bill that will reform Medicaid at a time when Medicaid reform is absolutely critical. The solution, the Medicaid Health Allowance Act of 1993, addresses two of the biggest obstacles facing health care reform; namely, skyrocketing Medicaid costs and a growing population of Americans unable to afford health insurance.

This proposal helps to solve both problems. It does so by allowing States to redirect Medicaid funds into health allowance programs. These programs enroll eligible individuals in private market health plans that hold down inflation. For States that participate, it curbs inflation of health care costs and provides relief to States which are suffering from double-digit inflation of Medicaid.

It also insures more people, now, Medicaid covers less than 50 percent of people under the poverty level, leaving 10 million people, living in poverty, uninsured. This creates a gap—people who cannot qualify for Medicaid and who cannot afford to buy insurance. Expanded access provides coverage for those in the gap, and an option exists to extend coverage to the working poor above the poverty level.

The extra cost to insure these people is covered by redirecting the Federal disproportionate share already paid to States for uncompensated hospital care to the poor. No new taxes or spending is required.

We know such programs work and that people gain better care and live healthier lives. I have seen it work with the Dayton area health plan which has been able to achieve tremendous cost savings, and it is working in other States as well.

With this plan, you insure more people at a lower cost per person. You minimize expensive and inefficient emergency room hospital care, and you provide higher quality of care.

THE JOLLY GIGANTE VERDE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today I would like to tell my colleagues the story of the Green Giant who moved to Mexico and changed his name and the American workers who lost their jobs as a result.

For years the Jolly Green Giant has encouraged Americans to eat his vegetables. Frozen vegetables such as this were packaged at a Watsonville, CA, plant that employed over 1,000 workers, mostly minority women, who earned enough to support their families, educate their children, and have something left for their retirement.

Then the Pillsbury Corp. decided to move the Green Giant to Irapuato, Mexico, where he became the Gigante Verde. Today the Watsonville plant employs fewer than 200 workers. Over a hundred American workers who earned $7.61 per hour, plus benefits, were replaced by Mexican workers who earned less than $4 a day.

Mr. Speaker, the familiar symbol of the Green Giant has not changed, and the prices at the stores are no lower. American consumers do not know that their vegetables are now processed in Mexico rather than California.

Let us stop NAFTA and the movement of more of our jobs south of the border.

REJECT THE GAS TAX

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, as the conferees look to and lean toward a gas tax to solve the budget impasse, a resolution passed by the Democrat-controlled Public Transportation Committee of the Arkansas State Legislature makes imminent good sense, and they, in urging the Arkansas delegation to oppose a gas tax, remind us that the gasoline tax for deficit-reduction purposes would be a regressive tax that would affect the poor to a greater extent than those at other income levels.

They remind us that most household vehicle miles of travel are not discretionary, and only 30 percent of the miles traveled are for social or recreational purposes, and that there continues to exist a substantial need to rehabilitate the Nation's transportation infrastructure. Motor fuel taxes should remain dedicated to transportation purposes alone.

Mr. Speaker, the Governor who succeeded Bill Clinton in Arkansas, Governor Tucker, tells us to the extent the Federal gas tax is imminent it will be more difficult to have that as an available resource for highway programs in the States.

We need to defeat this. In fact, the headline on the cover of this month's Money magazine says it well: "Act now. Beat the biggest tax hike ever."

That is good advice for this Congress.

TRIBUTE TO "THE GHOST OF BATAAN" ON HIS 80TH BIRTHDAY

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, I rise today to pay tribute to M. Sgt. Abie Abraham, USA, of Butler, PA. Mr. Abraham is known as "The Ghost of Bataan." Sergeant Abraham was stationed in the Philippines in 1941. When the Japanese attacked, his battalion was immediately embroiled in one of the most terrible battles in United States military history.

The holding action at Bataan as well as the ensuing Bataan Death March, are counted among the most horrifying examples of treatment of prisoners of war. It is to the courage of all of these men in uniform that I salute Sergeant Abraham.

Not only did Sergeant Abraham survive this experience, but he also wrote a book about the ordeal of these brave men. Sent back to the Philippines by General MacArthur in 1951, Sergeant Abraham exhumed and recovered the bodies of his fellow soldiers who fell. From those actions, he was given the title, "The Ghost of Bataan."

Mr. Speaker, I call upon my colleagues to join me in paying tribute to this great American and honored soldier on this, his 80th birthday.

□ 1020

TRIBUTE TO THE LATE HONORABLE STEVEN PANKOW, FORMER MAYOR OF BUFFALO, NY

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, it is with great sadness that I rise before the House today. On Sunday, July 25, Buffalo, NY, lost one of its most respected mayors, Steven Pankow, who passed away after a brief illness at the age of 85.

He was born to Ukrainian parents in the old first ward and attended Buffalo public schools until the age of 16, wh left school to work.

Mayor Pankow was elected Erie County clerk in 1950. He served as mayor of the city of Buffalo during the city's golden era in the 1950's. In a 1985 interview, Steven Pankow said he wanted the people of Buffalo to remember him as having done something good for the city and its people.

I believe he far surpassed his goal. Mayor Pankow is credited with the creation of the port authority and the youth board, as well as playing a key role in the revitalization of the police athletic league baseball program for children.

Steven Pankow was also known as the people's mayor for as he once said in a recent interview, "I always had time to listen to all the people."

Steven Pankow was the embodiment of the hands-on mayor. He enjoyed being involved in the daily affairs of government. People could observe him taking his daily excursion around the city to the various governmental departments to confirm that everything was operating smoothly.

He is survived by his wife of 63 years, Mary, and she has our prayers. Mayor Pankow will be sorely missed as a friend and colleague. The people of Buffalo should be proud that they had a man such as Steven Pankow to serve them so well, and they should realize the difference his presence made in their lives.

D-DAY APPROACHING FOR RECONCILIATION

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute.)

Mr. MAZZOLI. Mr. Speaker, we are approaching what might be called the economic equivalent of D-day. We heard this morning that by this evening in all likelihood the conferees will make a decision on the reconciliation package, the great budget bill which is designed to pull America out of economic doldrums and to reduce our debt and our deficit and get us on the right course for the next century.

We in the House will have to make a decision next week whether to go or not to go, whether to act or refrain from acting. I hope the decision of the House is to move forward and to take action and pass the reconciliation bill. I said earlier here in the well that I believe the worst thing we can do is to do nothing.

We may have differences of opinion in good faith about too much taxes or too little, or too little spending or too much, but the end result of it is that there will never be a perfect package. But there may be a perfect time in which to take action, and I think we are approaching that time, and the House should take action.

BIG OIL AND BIG GOVERNMENT JOIN FORCES ON THE GASOLINE TAX

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, yesterday in a touching display of patriotism Big Oil came out in favor of the Clinton gas-tax increase. Now, was that not thoughtful of them?

Big Oil and Big Government have now lined up to stick it to the little man, the working man, and the middle class. What else is new?

Who are these folks we are talking about? Not silk-stocking oil refiners but factory workers who have to drive to cities to get their work, rural people who drive 40 or 50 miles a day, small contractors, bakers, and florists who have to drive to deliver their goods and services.

Mr. Speaker, if this tax increase passes, Big Oil and Big Government will as always survive, but will the working class and the middle class survive? I do not know. I really do not know, and I am not convinced that this thing will do anything for deficit reduction at all, as promised. But I do know this: It will increase taxes, and it will be hard on the working class.

Mr. Speaker, I am sticking with the bipartisan coalition of Democrats and Republicans on my vote.

THE EARNED INCOME TAX CREDIT AND WELFARE REFORM

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, there is no doubt that no one likes to think about taxes or talk about taxes, let alone pay additional taxes, but there is one situation where we should very explicitly talk about a tax, and that is the earned income tax credit.

Arcane? Yes, but not for long. This credit is a very big part of the President's economic budget. Last fall we found out the American people had no faith in our welfare system. They wanted reform. The earned income tax credit is the first step toward welfare reform. It means that people who work hard, 40 hours a week, do not have their paychecks devastated by deductions. It means that people can take care of their families and themselves and not fall into the abyss of welfare.

Mr. Speaker, part of the President's package is that earned income tax credit, something we are going to learn to like, something that will make America better.

DEFICIT REDUCTION IS PROMISE OF CLINTON BUDGET

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, today we are faced with two budget plans. One that represents real deficit reduction. Real change, and real hope for our children's future. President Clinton's plan will reduce the deficit by $500 billion in the next 5 years; $500 billion, achieved by spending and entitlement cuts that are real and equitable.

It is the first real move toward deficit reduction in the past 12 years.

And what is the response of the Republicans in the House and Senate? An attempt to continue the gridlock of the past 12 years.

An unrealistic budget that falls $100 billion short of President Clinton's deficit reduction plan. An attempt to protect their wealthy friends and hurt the middle class, the working class, and the poor by slashing Medicare and Medicaid and forcing the American people to accept fewer police officers, less AIDS research, less education funding and less worker training.

It is time to break the gridlock. It is time for change and time to rise above petty partisan rhetoric and do what we were sent here to do: reduce the deficit by adopting a sensible and equitable plan. One that offers meaningful reduction, and real hope for our future.

TAXES ARE FOREVER

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker:

Promised spending cuts and Higher Taxes
The President's plan is what he asks of us,
While in theory, it all sounds so nice,
Keep in mind this piece of advice,
There's one thing we all must remember,
While these cuts are but fleeting,
The Taxes are forever.

That is the truth of the administration's tax plan. The President's taxes will last forever unless a new law is passed to rescind them, while the administration's spending cuts must be discovered 2 years from now. Like 1990, the taxes came $100 billion strong, the promised cuts never came.

That means that taxes in this Democrat-controlled Congress will keep on hitting the middle class year after year starting at the beginning of this year.

Spending cuts, on the other hand, are promised far in the future. In fact, 60 percent of the President's spending cuts are promised in the last 2 years of this reconciliation bill.

In the President's budget plan, the spending cuts are illusionary, but the taxes are forever.

MEMBERS URGED TO PASS THE CLINTON RECONCILIATION BILL

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, over the last week much has been written and said about the President's deficit-reduction plan. Let us cut through all the rhetoric and focus our attention on the task the President has begun and we must finish.

Our country needs deficit reduction. We need to cut the deficit by $500 billion, which is what the President's plan will do.

We need to return to tax fairness in this country. Under this plan those who cannot afford to bear the costs of deficit reduction will not pay any additional taxes. These are the people making under $30,000 a year. For those between $30,000 and $140,000, the cost will be about $50 per year, less than $1 a week for a sound economic future.

There has been a lot of talk about the Clinton plan hurting small business. In fact, the plan provides unprecedented incentives for small business to create jobs and sustain real economic growth. And it is not just any job. This plan is designed to create high-paying jobs and stronger job opportunities.

Mr. Speaker, let us help America. Let us show the American people that Congress can act responsibly. Let us pass the President's reconciliation bill.

☐ 1030

SOAK THE RICH, SINK THE ECONOMY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, in his rush to soak the rich, President Clinton is willing to sink the economy and drown the middle class. High income and business taxes punish the successful and the employers who create America's jobs.

The President does not say that two-thirds of the wealthy are small businesses that file individual income tax returns. These small businesses create 80 percent of America's new jobs. President Clinton says he wants more jobs, but you do not do that by punishing the people who do the job-creating.

He adds another tax and another job-loser to his economic plan with his gas tax. His only spending cuts are defense cuts—over twice as large as promised during the campaign—and they will cut another half a million jobs.

It is clear his economics plan, the largest tax hike in history, is a jobs killer not a jobs creator. That is why Americans oppose it when they find out what's in it. The President should quit trying to sell a pig-in-a-poke, tax-and-spend plan, and try developing a poke-in-a-pig one to cut spending first.

REPUBLICANS AGAINST DOING ANYTHING

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the question is, when do we do anything? Listen to those opponents on the other side. Apparently the answer is never. They weep about those who would drive to work and pay, yes, one dollar a week more possibly in gas tax and from a rural area, I understand that. But what they are not telling you is that over 80 percent of the tax increases will fall upon those making over $140,000 a year.

They talk about failure to have any cuts. But they do not tell you there are 200 specific cuts, and that in their budget they planned over $66 billion of unspecified cuts. Find their cuts.

They talk about small business and weep about that, not telling anybody that 96 percent of businesses are not affected or actually have a positive benefit from this plan.

What they do not talk about is change. What they tell you is they are against the deficit, they are against taxes, they are against taxing the rich. They are against any cuts that hurt. But what they will not tell you is they are against doing anything. We do not have that luxury anymore.

THE ELECTION IN ARKANSAS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, how do the people of Arkansas feel about Bill Clinton's Presidency?

Are they impressed with the administration's tax plan? Do they want more Democratic leadership in their State?

Well, if you look at Tuesday's election for Arkansas Lieutenant Governor, the answer to all of those questions is no. The loser said, "There was a hostile climate out there to the Democratic Party in general and to Bill Clinton in particular."

For the first time since Bill Clinton lost to Frank White for Governor, a Republican has won a statewide election in Arkansas.

This stunning upset tells me several things.

First, the people of Arkansas do not want higher taxes, and more government spending, any more than the rest of us do.

Second, change is coming, but not the kind of change the Democrats want. The American people are rejecting the policies of tax and spend.

Now we know the secret. The people of Arkansas sent Bill Clinton here for a reason. That reason was to get him out of Arkansas.

GOP BECOMING A PARTY WITHOUT A PURPOSE

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the American people understand partisan politics. Not a single Republican Congressman voted for President Clinton's economic growth plan. Not a single Republican Congressman would vote for the rule to bring President Clinton's flood disaster to this floor. The Republicans are in tight formation and lock step opposing the Clinton administration.

But Americans know that the Clinton plan is a step in the right direction. They want both parties to come together, to create jobs, to help small business, do something about our deficit and get America moving again.

Sixty-seven business leaders from both political parties met with the President yesterday to endorse his efforts to reduce the deficit and get our economy moving. But will a single Republican Congressman have the courage to vote against gridlock? Will one Republican step forward to support the change Americans asked for last November?

The Grand Old Party, unfortunately, is becoming a party without a purpose.

CHRISTIAN COALITION'S RIGHT TO BE HEARD

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I appreciate the gentleman from Illinois [Mr. DURBIN] making a great speech for Republicans everywhere.

Mr. Speaker, I rise in defense of the Christian Coalition. It seems they have been caught committing democracy. They are trying to spare this Nation the effects of the Clinton tax-and-pretend budget. Mr. Speaker, there are some in this Chamber who believe that Christians, like well-behaved children, should be seen and not heard. They do not complain when Hollywood produces a countless stream of movies, television shows, and record albums that offend Christians. They do not complain when the ACLU and other groups make every possible effort to stamp out Christianity in our public discourse. They do not complain when the current administration consistently takes actions that outrage Christian sensibilities. But the minute a group of like-minded Catholics, Jews, and Evangelical Protestants actually tries to become active in the tax fight, they scream that this is unfair, that it is unjust, that Christians should remain silent.

Mr. Speaker, the sheer hypocrisy of this attitude leaves me breathless. I, for one, am thankful that a group has come forward to speak for millions of Americans who do not want their taxes raised. I will support the Christian Coalition's right to be heard, and I sincerely hope they will be heard more often.

Christians will not remain silent. We are here to stay.

PUT PEOPLE FIRST

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, in the campaign President Clinton said that all Americans who work should not live below the poverty line. The President fulfills this promise and once again honors his commitment to American families, this time by including the earned income tax credit in his economic plan.

Under this provision, American families whose earnings are below the poverty line will receive a tax credit. This investment in people will help reduce the deficit by helping more Americans become taxpayers.

The earned income tax credit is a first step in welfare reform. In fact, it is essential to welfare reform.

Mr. Speaker, I urge my colleagues to support the President's plan to invest in people and reduce the deficit. I urge them to do this and help Americans choose work, not welfare, choose jobs, not dependence; choose hope, not despair. Let us join the President in putting people first.

Mr. Speaker, today's Wall Street Journal reported what many of us already know from speaking to our constituents: Americans favor President Clinton's economic plan and they want it passed. Let us get on with the job.

WHAT IF TAX INCREASES WEAKEN THE ECONOMY?

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I rise today to bring to the attention of other Members the possible adverse impact of relying on tax increases to reduce the deficit.

If the economy grows by just 1 percent less than expected over the next 5 years, the deficit will increase $366 billion.

If the unemployment rate increases just 1 percent over the next 5 years, and the budget resolution assumes a rosey decrease to 5.7 percent by 1998, the deficit will increase $289 billion.

If interest rates rise just 1 percent, the deficit over the next 5 years will increase $155 billion.

Mr. Speaker, these figures have been confirmed by the Congressional Budget Office this past spring in their Economic and Budget Outlook: Fiscal Years 1994–98.

Mr. Speaker, I contend that adopting a budget reduction package that relieves on huge tax increases will hurt the economy. One can describe the rational for the current mix of tax increases as fairness, but tax increases in general, reduce economic growth—increasing taxes does not create economic growth.

It is ironic that this body is again talking about increasing taxes. The American people remember the last time we increased taxes and increased spending. The 1990 tax bill did not help the economy. Instead, it cost us jobs, it put us at a competitive disadvantage, and it robbed the American taxpayers of more of there hard earned money.

In 5 years, the current plan will bring us deeper into debt.

EARNED INCOME TAX CREDIT

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, lost in the din and bickering and name-calling that we call debate on the President's deficit reduction plan, everyone has been all to silent, except for a few of my colleagues, on one of the most important aspects of the Clinton budget, and that is the tax break for 15 million hardworking, lower income families.

The budget bill will include over $20 billion to boost the wages of full-time working poor in the form of the earned income tax credit. And what will the EITC do? Well, it sends two messages: For too long we have told people it is easier to stay on welfare than to work. No longer. Under the Clinton plan, there is an incentive for people to work.

□ 1040

And we have told poor working people, do not work that hard, do not struggle up there, because it almost does not pay. Welfare is all right.

The EITC gives that incentive to those poor working families to stay working.

Mr. Speaker, this EITC is a very important turning point in our budget plan, and I urge Members to vote for the President's plan which contains the EITC.

HIGHER TAXES

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, here is what the Democrats think we will believe.

If we raise Federal gasoline taxes by 42 percent, that will help the economy. If we raise Federal gasoline taxes by 42 percent, only the rich will pay. If we raise the taxes of Social Security recipients, that will help the economy. If we make small businessmen work 2 out of every 5 days to pay their Federal taxes, that will help the economy.

If we raise taxes on earned income of successful employers, that will help the economy.

If Members believe all of that, they will deserve exactly what they are going to get, higher taxes, a weakened economy, less jobs, an increased deficit, more debt, and economic stagnation.

REPUBLICAN ATTACK DOGS

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, as I listen to the 1-minutes of the Republicans, I notice the large difference between 1993 and 1990.

In 1990, the Democrats met President Bush halfway. The slogan of the Republicans today is, "Mr. President, we will meet you November 1994."

A Wall Street Journal poll asked the people whether Republicans are opposing the President for political reasons or are interested in offering a reasonable, realistic alternative. Sixty-four percent say the GOP is acting for political reasons. That is confirmed by their speeches again today.

The minority is wallowing in negativism. They do not talk about their own plan that has over $100 billion in unspecified cuts.

They wrap themselves around the middle-class families of this country, but they lost $1,000 a year in real income in the last years of the Bush administration.

The public wants better from the Republicans than attack dogs.

SCHIZOPHRENIA IN THE HOUSE

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, I have detected one more case of schizophrenia in the Congress. On the one hand, some of our colleagues tell us that this budget, this reconciliation does not cut spending at all; in about the same breath, they say they are cutting the military spending too deeply. So they are cutting spending; they are not cutting spending.

As near as I can tell from the critics, the worst thing we can do for this economy is to have the Government pay its bills.

And now, Mr. Speaker, I ask for a moment of silence from all Members of this Chamber for all those who all die horribly today because they have used tobacco products.

APPOINTMENT OF CONFEREES ON H.R. 2348, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1994

Mr. FAZIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. CLYBURN). Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. YOUNG of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2348 be instructed to agree to the amendment of the Senate numbered 9.

The SPEAKER pro tempore. The gentleman from Florida [Mr. YOUNG] will be recognized for 30 minutes and the gentleman from California [Mr. FAZIO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion directs House conferees to accept a Senate amendment disallowing the no-year appropriation of funds, $100,000, to the Architect's contingent expense account.

These funds are appropriated to enable the Architect to make surveys and studies and to meet unforeseen expenses of the Architect in his care of the buildings and grounds of our Capitol.

There are presently $97,000 in fiscal year 1993 funds remaining in this account which are available until September 30. Because last year's appropriations bill refused to allow these funds on a no-year basis, after that date, any remaining funds will be returned to the Treasury.

In addition to the fiscal year 1993 funds, there is also an additional $116,000 in no-year funds available for contingent expenses. This $116,000 and the $100,000 appropriation in this legislation should be more than enough to cover any expenses incurred in fiscal year 1994.

Rather than continue to allow taxpayer dollars to accrue in this account we should spend only what we need and allow the rest to be returned to the Treasury.

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I understand the gentleman's point. I think it is a good one. I certainly would support his instruction.

I think we should accept the motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida [Mr. YOUNG].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. FAZIO, MORAN, OBEY, MURTHA, CARR of Michigan, CHAPMAN, YOUNG of Florida, PACKARD, TAYLOR of North Carolina, and MCDADE.

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. The pending business is the question de novo of the Chair's approval of the Journal.

The Journal was approved.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

The SPEAKER pro tempore. Pursuant to House Resolution 193 and rule XXIII, the Chair declares the House in the Committee on the Whole House on the State of the Union for the further consideration of the bill, H.R. 2200.

□ 1049

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2200) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes, with Mrs. UNSOELD in the chair.

The Clerk read the title of the bill.

□ 1050

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 23, 1993, title I was open for amendment at any point. Pending is the amendment offered by the gentleman from Georgia [Mr. COLLINS].

Is there further debate on the amendment offered by the gentleman from Georgia [Mr. COLLINS]?

AMENDMENT OFFERED BY MR. WALKER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. COLLINS OF GEORGIA

Mr. WALKER. Madam Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER as a substitute for the amendment offered by Mr. COLLINS of Georgia: Page 25, after line 10 insert the following new section:

SEC. 121. AUTHORIZATIONS AVAILABLE FOR DISASTER RELIEF.

Notwithstanding any other provision of this title, 1 percent of the amounts authorized to be appropriated under sections 100 and 101(a) shall also be authorized to be appropriated for purposes of carrying out disaster relief activities in response to major disasters declared by the President, if the President requests the use of such percentage for such purposes.

Mr. WALKER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Madam Chairman, this amendment differs in language from that originally offered by the gentleman from Georgia [Mr. COLLINS], but it gets at the purpose that the gentleman was looking to do. I congratulate him for focusing the House on an effort to begin setting aside money for disaster relief.

The intent of the amendment is to make 1 percent of the authorization available for either NASA programs or disaster relief, but not both. When the President declares a major disaster, this request that 1 percent of the amount of NASA, there is up to 1 percent of the money there that will be authorized to go for that if the President requests it. It will then be up to the appropriators, as is the case now, to appropriate that amount. That would provide $148 million in fiscal 1994, $155 million in 1995, and $89 million thereafter through the year 2000.

Again, Madam Chairman, I appreciate the work that the gentleman from Georgia did. I, too, have been working to try to find a way to get to 1 percent of appropriation bills set aside for disaster relief. This moves us in a similar kind of direction, assures that the money is actually in the accounts should it be needed, and I think we have some agreement that this is the direction we ought to go from both the gentleman from Georgia and from the chairman.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, I thank the gentleman for yielding to me.

I appreciate the efforts that the gentleman has made in working together with the gentleman from Georgia [Mr. COLLINS] to make this a more acceptable amendment. It does do what the gentleman indicates, but it leaves the discretion to the President with regard to the actual use of the money for disaster purposes, which allows me to support the amendment, assuming it is agreeable to the gentleman from Georgia.

Mr. COLLINS of Georgia. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Georgia.

Mr. COLLINS of Georgia. Madam Chairman, I appreciate the gentleman from Pennsylvania yielding to me.

Madam Chairman, I appreciate what the gentleman has done with offering this substitute amendment. I fully agree with it, and accept it.

Mr. SOLOMON. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Madam Chairman, first of all, let me commend both gentlemen, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Georgia [Mr. COLLINS].

Madam Chairman, in the few moments I have, I would like to express my support for the Collins amendment, as amended.

Over the last few days, this country has witnessed an ongoing debate in this House over a more responsible approach to financing disaster relief.

Mr. COLLINS' amendment reflects a change in attitude toward disaster relief. He would authorize the appropriations to reallocate 1 percent of NASA's funding to disaster assistance whenever the President declares a disaster emergency.

This amendment does not pay for the flood relief—not even close. But it does signal a new attitude in this body that we should incorporate disaster assistance into our deficit calculations.

My friends, on Tuesday we passed up a golden opportunity to stop our old ways of using the fiction of off-budget accounting to pay for disaster relief.

A bipartisan effort nearly succeeded in forcing the leadership of this House to allow several amendments to the disaster relief bill to cut Federal spending by skimming a small percentage off each appropriations bill, thereby asking the Government itself to sacrifice to help those people suffering in our Nation's heartland.

While the House just narrowly missed making a large step toward deficit reduction, here is a chance today at a less radical, but nonetheless real step in the direction of financing deficit relief. Let us vote for the Collins amendment and restore some fiscal sanity to our Nation's Government.

Madam Chairman, I really appreciate the gentleman yielding, and again I commend both gentleman, because they certainly are people who are fiscally responsible. They are noted for it, and we commend them for it.

Mr. COLLINS of Georgia. Madam Chairman, if the gentleman will continue to yield, I would like to offer my appreciation to the chairman, the gentleman from California [Mr. BROWN], for his acceptance of the amendment, as amended, and the bipartisan cooperation from the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] as a substitute for the amendment offered by the gentleman from Georgia [Mr. COLLINS].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. COLLINS], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 25, between lines 10 and 11, insert the following new section:

SEC. 121. FACILITY PLAN AND ANALYSIS.

Within 60 days after the date of the enactment of this Act, the Administrator shall submit to the Congress a plan for utilizing the facilities acquired by the National Aeronautics and Space Administration in Yellow Creek, Mississippi, that includes an analysis of—

(1) the increased costs or savings that would result from using these new facilities to support activities that are consistent with the programs authorized by this Act; and

(2) the costs and benefits of disposing of those facilities as surplus government assets.

Mr. WALKER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Madam Chairman, this is a fairly simple amendment that I think we are prepared to have accepted, as well. It simply asks that NASA provide Congress with a plan on possible uses of the ASRM facility in Yellow Creek, Mississippi. Since the House has now voted to terminate the ASRM program and does not wish to transfer current solid rocket motor work to this almost completed facility, Congress needs to know what the options are for this plant.

This amendment simply has us look and try to figure out what those options are.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I commend the gentleman on his amendment, and on our side, we are willing to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—ADVANCED SPACE TECHNOLOGY PROGRAM.

SEC. 201. POLICY.

It is the policy of the United States that—

(1) the Administrator, in planning for national programs in space science and application, aeronautical research, space flight, advanced concepts and technology, and exploration, shall consider ways in which the competitiveness of the United States in advanced space technologies can be enhanced;

(2) the Administrator shall work closely with other Federal agencies, States, local governments, and industry to coordinate and execute the advanced space technology investment activities of the National Aeronautics and Space Administration;

(3) opportunities for investment in advanced space technologies that advance the competitiveness of the United States shall be identified in concert with United States industry; and

(4) the Administrator shall encourage the establishment of industry-led consortia to maximize the opportunities described in paragraph (3).

SEC. 202. ADVANCED SPACE TECHNOLOGY INVESTMENT PROGRAM.

(a) COMPETITIVE PROGRAM.—The Administrator shall establish a competitive program under this section—

(1) to advance the capabilities of United States space technology;

(2) to encourage industry-led consortia to develop advanced space technologies that advance the competitiveness of the United States; and

(3) to encourage participation by industrial participants not part of the traditional Federal contracting base.

(b) ELIGIBLE PARTICIPANTS.—

(1) GENERAL RULE.—Single firms, consortia or cooperative arrangements among 2 or more eligible firms, or a nonprofit research organization established by 2 or more eligible firms, are eligible participants under this section. Such eligible participants may include participation by Federal laboratories, institutions of higher education, State agencies, and other entities.

(c) CRITERIA.—In selecting from among applicants for financial assistance under this section, the Administrator shall consider—

(1) the potential of the proposed project to develop advanced space technologies that enhance the long-term ability of the United States to make advances in space transportation, exploration, experimentation, and commerce;

(2) the application's scientific and technical merit;

(3) the extent of funding provided by industry;

(4) the potential for long-term commercial application of the technologies in nongovernmental markets;

(5) the likelihood that the goals and objectives of the proposed application will not be achieved without financial assistance under this section; and

(6) such other criteria as the Administrator considers appropriate.

(d) NON-FEDERAL CONTRIBUTION.—The Administrator shall ensure that the amount of the funds provided by the Federal Government under this section does not exceed the total amount provided by non-Federal participants for any one application. The Administrator shall ensure that not less than 30 percent of total funding for any project for which financial assistance is made available under this section is provided by industry.

(e) FINANCING MECHANISMS.—The Administrator shall make full use of the various authorities available under section 203(c)(5) of the National Aeronautics and Space Act of 1958 to carry out this section, especially when applied to eligible firms which are not part of the traditional Federal contracting base.

SEC. 203. COORDINATION WITH EXISTING PROGRAMS.

The Administrator shall coordinate existing activities within the National Aeronautics and Space Administration, including the Small Business Innovation Research Program and Independent Research and Development activities conducted by industry, with the advanced space technology investment activities established under this title. The Administrator shall coordinate such advanced space technology investment activities with existing programs of the Department of Commerce, the Department of Defense, the Department of Energy, and other Federal agencies to maximize the United States investment in advanced space technology.

SEC. 204. REPORT TO CONGRESS.

The Administrator shall assess the advanced space technology investment activities established under this title, and shall submit a report to Congress on the results of such activities to accompany the President's budget request for fiscal year 1996.

SEC. 205. DEFINITIONS.

For the purposes of this title—

(1) the term "advanced space technology" means technologies which are fundamentally new capabilities requiring basic research, as opposed to evolutions of current technologies and systems;

(2) the term "eligible firm" means a business entity—

(A) that conducts a significant level of its research, development, engineering, and manufacturing activities in the United States;

(B) the majority ownership or control of which is held by United States citizens; or

(C) with a parent company that is incorporated in a country, the government of which—

(i) permits the participation of firms incorporated in the United States in research and development consortia to which the government of that country provides funding directly or indirectly through international organizations; and

(ii) affords adequate and effective protection for the intellectual property rights of firms incorporated in the United States,

and that maintains substantial employment in the United States and agrees to promote the manufacturing within the United States of products resulting from technologies developed under this title;

(3) the term "Federal laboratory" has the meaning given such term in section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980; and

(4) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 206. TECHNOLOGY PROCUREMENT INITIATIVE.

(a) IN GENERAL.—The Administrator shall coordinate National Aeronautics and Space Administration resources in the areas of procurement, commercial programs, and advanced technology in order to—

(1) fairly assess and procure commercially available technology from the marketplace in the most efficient manner practicable;

(2) achieve a continuous pattern of integrating advanced technology from the commercial sector into the missions and programs of the National Aeronautics and Space Administration;

(3) incorporate private sector buying and bidding procedures, including fixed price contracts, into procurements; and

(4) provide incentives for cost-plus contractors of the National Aeronautics and Space Administration to integrate commercially available technology in subsystem contracts on a fixed-price basis.

(b) CERTIFICATION.—Upon solicitation of any procurement for space hardware, technology, or services that are not commercially available, the Administrator shall certify, by publication of a notice and opportunity to comment in the Commerce Business Daily, for each such procurement action, that no functional equivalent, commercially available space hardware, technology, or service exists and that no commercial method of procurement is available.

The CHAIRMAN. Are there amendments to title II of the bill?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—MISCELLANEOUS PROVISIONS RELATING TO SPACE ACTIVITIES

SEC. 301. TRANSMISSION OF BUDGET ESTIMATES.

The Administrator shall, at the time of submission of the President's annual budget request for every fiscal year, transmit to the Congress—

(1) a five-year budget detailing the estimated development costs for each individual program under the jurisdiction of the National Aeronautics and Space Administration for which development costs are expected to exceed $200,000,000; and

(2) an estimate of the life-cycle costs associated with each such program.

SEC. 302. COMMERCIAL SPACE LAUNCH ACT AMENDMENTS.

(a) AMENDMENTS.—The Commercial Space Launch Act (49 U.S.C. App. 2601 et seq.) is amended—

(1) in section 4—

(A) by inserting "from Earth" after "if any," in paragraph (2);

(B) by redesignating paragraphs (9) through (12) as paragraphs (11) through (14), respectively; and

(C) by inserting after paragraph (8) the following new paragraphs:

"(9) 'reenter' and 'reentry' mean to return purposefully, or attempt to return, a reentry vehicle and payload, if any, from Earth orbit or outer space to Earth;

"(10) 'reentry vehicle' means any vehicle designed to return from Earth orbit or outer space to Earth substantially intact;";

(2) in section 6(a), by inserting ", or reenter a reentry vehicle," after "operate a launch site" each place it appears;

(3) in section 6(a)(2) and (3), by striking "section 4(11)" each place it appears and inserting in lieu thereof "section 4(14)";

(4) in section 6(a)(3)(A), by inserting "or reentry" after "such launch or operation";

(5) in section 6(a)(3), by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" each place it appears;

(6) in section 6(b)(1)—

(A) by striking "launch license" and inserting in lieu thereof "license";

(B) by inserting "or reenter" after "shall not launch";

(C) by inserting "or reentry" after "relate to the launch"; and

(D) by inserting "or reentered" after "to be launched";

(7) in section 6(b)(2)—

(A) by inserting "or reentry" after "prevent the launch";

(B) by striking "holder of a launch license" and inserting in lieu thereof "licensee"; and

(C) by inserting "or reentry" after "determines that the launch";

(8) in section 6(c)(1), by inserting "or reentry of a reentry vehicle" after "operation of a launch site";

(9) in section 7, by striking "both" and inserting in lieu thereof "for reentering one or more reentry vehicles";

(10) in sections 8(a), 9(b), 11(a), 11(b), 12(a)(2)(B), and 12(b), by inserting ", or reentry of a reentry vehicle," after "operation of a launch site" each place it appears;

(11) in section 8(b), by inserting "and the reentry of reentry vehicles," after "operation of launch sites,";

(12) in section 11(a), by inserting "or reentry" after "launch or operation";

(13) in section 12(a)(1), by inserting "or reentry" after "prevent the launch";

(14) in section 12(b), by inserting "or reentry" after "prevent the launch";

(15) in section 14(a)(1)—

(A) by inserting "or reentry site" after "observers at any launch site"; and

(B) by inserting "or reentry vehicle" after "assembly of a launch vehicle";

(16) in section 15(b)(4)(A)—

(A) by inserting "and reentries" after "ensure that the launches";

(B) by inserting "or reentry date commitment" after "launch date commitment";

(C) by inserting "or reentry" after "obtained for a launch";

(D) by inserting ", reentry sites," after "United States launch sites";

(E) by inserting "or reentry site" after "access to a launch site";

(F) by inserting ", or services related to a reentry," after "amount for launch services"; and

(G) by inserting "or reentry" after "the scheduled launch";

(17) in section 15(b)(4)(B), by inserting "or reentry" after "prompt launching";

(18) in section 15(c), by inserting "or reentry" after "launch site";

(19) in section 16(a)(1)(A) and (B), by inserting "or reentry" after "any particular launch" each place it appears;

(20) in section 16(a)(1)(C) and (D), by inserting "or a reentry" after "launch services" each place it appears;

(21) in section 16(a)(2), by inserting "or reentry" after "launch services";

(22) in section 16(b)(1) and (4) (A) and (B), by inserting "or reentry" after "particular launch" each place it appears;

(23) in section 17(b)(2)(A)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "site of a launch vehicle";

(24) in section 21(a), by inserting "and reentry" after "approval of space launch";

(25) in section 21(b)—

(A) by inserting ", reentry vehicle," after "A launch vehicle"; and

(B) by inserting "or reentry" after "the launching";

(26) in section 21(c)(1)—

(A) by striking "or" in subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) reentry of a reentry vehicle, or";

(27) in section 21(c)(2), by inserting "reentry," after "launch,";

(28) in section 22(a)—

(A) by striking "ending after the date of enactment of this Act and before October 1, 1989"; and

(B) by inserting "and reentries" after "further commercial launches"; and

(29) in section 24, by inserting "There are authorized to be appropriated to the Secretary $4,467,000 to carry out this Act for fiscal year 1994." after "$4,900,000 to carry out this Act.".

(b) REPORT TO CONGRESS.—The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request which reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.

SEC. 303. SPACE TRANSPORTATION INFRASTRUCTURE MATCHING GRANTS.

In order to ensure the continued resiliency of the Nation's space transportation infrastructure, the Secretary of Transportation is authorized to make project grants to public agencies in accordance with section 505 of Public Law 102–588. There are authorized to be appropriated for such grants, $10,000,000 for fiscal year 1995. Such funds shall remain available until expended.

SEC. 304. OFFICE OF SPACE COMMERCE AUTHORIZATION.

(a) ROLE OF THE OFFICE OF SPACE COMMERCE.—The Office of Space Commerce of the Department of Commerce shall be responsible for the development and coordination of all policy recommendations and activities pertaining to commercial activities in space except those functions and activities explicitly authorized in statute to other Federal agencies. In carrying out this responsibility, such Office shall consult with other Federal agencies as appropriate, including the Department of Transportation, the National Aeronautics and Space Administration, the Department of Defense, the Department of State, and the Office of the United States Trade Representative.

(b) AUTHORIZATION OF APPROPRIATIONS.—In order to carry out this section, there are authorized to be appropriated to the Secretary of Commerce for the Office of Space Commerce, $538,000 for fiscal year 1994.

SEC. 305. USE OF DOMESTIC PRODUCTS.

(a) GENERAL RULE.—Except as provided in subsection (b), the Administrator shall ensure that procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(b) LIMITATIONS.—This section shall apply only to procurements made for which—

(1) amounts are authorized by this Act to be made available; and

(2) solications for bids are issued after the date of enactment of this Act.

(c) INAPPLICABILITY IN CASE OF VIOLATION OF INTERNATIONAL AGREEMENT.—This section shall not apply to the extent that the United States Trade Representative determines that a procurement described in subsection (b) would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(d) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act, or under any amendment made by this Act, should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, or under any amendment made by this Act, the Secretary shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.

SEC. 306. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

The Chief Financial Officer for the National Aeronautics and Space Administration shall be responsible for conducting independent cost analyses of all new projects estimated to cost more than $5,000,000 and shall report the results annually to Congress at the time of the submission of the President's budget request. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 307. GLOBAL CHANGE DATA AND INFORMATION SYSTEM.

Title I of the Global Change Research Act of 1990 (15 U.S.C. 2931 et seq.) is amended by adding at the end the following new section:

"SEC. 109. GLOBAL CHANGE DATA AND INFORMATION SYSTEM.

"(a) The National Aeronautics and Space Administration, in coordination with other agencies that belong to the Committee on Earth and Environmental Sciences, shall establish the requirements and architecture for design and develop a Global Change Data and Information System that shall serve as the system to process, archive, and distribute data generated by the Global Change Research Program.

"(b) The National Aeronautics and Space Administration shall design the Global Change Data and Information System—

"(1) so that other Federal agencies may connect data centers operated by such agencies to such System; and

"(2) so as to minimize, to the extent practicable, the cost of connecting such data centers.

"(c) Each agency involved in the Global Change Research Program shall retain the responsibility to establish and operate Global Change Data and Information System data centers to process, archive, and distribute data generated by such agency's programs. Agencies may agree to assume the responsibility for processing, archiving, or distributing data generated by other agencies.".

SEC. 308. ACCESS TO CLASSIFIED DATA FOR GLOBAL CHANGE RESEARCH.

The Committee on Earth and Environmental Sciences shall develop and submit to the Congress within one year after the date of enactment of this Act a plan for providing access to data from classified archives and systems for global change research. The plan shall—

(1) to the extent consistent with classification restrictions, identify what data from classified archives and systems may be valuable and available for global change research;

(2) determine whether the Global Change Data and Information System or other means should be used to provide access to such data for the scientific community; and

(3) identify what agencies should be responsible for particular parts of such classified data and any data centers needed to process, archive, and distribute such data.

SEC. 309. ORBITAL DEBRIS.

The Office of Science and Technology Policy, in coordination with the National Aeronautics and Space Administration, the Department of Defense, the Department of State, and other agencies as appropriate, shall submit a plan to Congress within one year after the date of enactment of this Act for the control of orbital debris. The plan shall include proposed launch vehicle and spacecraft design standards and operational procedures to minimize the creation of new debris. The plan shall propose a schedule for the incorporation of the standards into all United States civil, military, and commercial space activities. Finally, the plan shall include a schedule for the development of an international agreement on the control of orbital debris.

SEC. 310. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

(a) POLICY AND PURPOSE.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsections (e) and (f) and inserting in lieu thereof the following:

"(e) The Congress declares that the general welfare of the United States requires that the unique competence in scientific and engineering systems of the National Aeronautics and Space Administration also be directed toward supporting the private sector development of advanced space technologies which enhance economic growth, competitiveness, and productivity.";

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(3) in subsection (g), as so redesignated, by striking "(f), and (g)" and inserting in lieu thereof "and (f)".

(b) REPORTS TO CONGRESS.—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended by striking "calendar" and inserting in lieu thereof "fiscal".

SEC. 311. COMPARATIVE ANALYSIS OF UNITED STATES AND FOREIGN EXPENDABLE SPACE LAUNCH SYSTEMS.

The National Aeronautics and Space Administration shall conduct a comprehensive study of the differences between existing United States and foreign expendable space launch vehicles. This study shall determine specific differences in the design, manufacture, processing, and overall management and infrastructure of current United States and foreign expendable space launch vehicles. The study shall also determine the approximate effect of these differences on the relative cost, reliability, and operational efficiency of such space launch systems. This study shall be conducted in consultation with the Department of Defense and, as appropriate, other Federal agencies, United States industries, and academic institutions. The results of this study shall be submitted to the Congress no later than October 1, 1994.

SEC. 312. UNIVERSITY INNOVATIVE RESEARCH PROGRAM STUDY.

(a) FINDINGS.—The Congress finds that—

(1) universities offer a significant resource for the conduct of innovative scientific and technological research to advance the National Aeronautics and Space Administration's mission;

(2) the National Aeronautics and Space Administration should act to broaden the foundation of its research base by increasing the direct involvement of university research laboratories in the development of technology for space science;

(3) the National Aeronautics and Space Administration should commit to strengthening university research programs in technology beyond contracting with universities for services in support of specific programs; and

(4) the National Aeronautics and Space Administration should develop mechanisms to foster innovative technological research at universities that do not participate in the University Space Engineering Research Centers.

(b) STUDY.—The Administrator shall undertake a study of the feasibility and potential implementation of a University Innovative Research Program which—

(1) promotes technological innovation in the United States by using the Nation's universities to help meet the National Aeronautics and Space Administration's research and development needs, by stimulating technology transfer between universities and industry, and by encouraging participation by minority and disadvantaged persons in technological innovation;

(2) is modeled on the Small Business Innovation Research Program;

(3) avoids duplication of existing National Aeronautics and Space Administration programs with the universities; and

(4) derives funding from the Space Research and Technology program.

(c) COMPLETION.—The study required by subsection (b) shall be completed and its results submitted to the Congress within one year after the date of enactment of this Act.

(d) ADVICE.—In carrying out the study required by subsection (b), the Administrator shall seek the advice of the National Aeronautics and Space Administration Advisory Council, the National Research Council's Aeronautics and Space Engineering Board and Space Studies Board, and other organizations as appropriate.

SEC. 313. GEOGRAPHICAL DISTRIBUTION.

The National Aeronautics and Space Administration shall give consideration to geographical distribution of its research and development funds whenever feasible.

SEC. 314. CONTRACTOR PERFORMANCE.

(a) GENERAL RULE.—The Administrator shall require that all cost-type research and development contracts entered into by the National Aeronautics and Space Administration for the acquisition of articles or services shall incorporate a provision which holds the contractor liable, in accordance with subsection (c) of this section, for failure to comply with the requirements of the contract.

(b) LIABILITIES.—A provision described in subsection (a) shall, in the event of such a failure, hold the contractor liable for the lesser of—

(1) 50 percent of the cost of rectifying such failure; or

(2) 10 percent of the contract value at the time of such failure.

(c) EXCEPTIONS.—Liability under subsection (b) shall not be imposed if—

(1) the failure occurred despite the best efforts of the contractor and could not have been reasonably predicted at the time the contract was awarded; or

(2) the failure occurred notwithstanding the fact that the contractor had adopted, and its employees were following, generally accepted industrial practices in carrying out the contract requirements.

(d) PROHIBITION.—The cost of insurance to cover potential liabilities described in subsection (b) shall not be an allowable cost under a contract described in subsection (a).

SEC. 315. LAND CONVEYANCE.

The Administrator may accept the conveyance to the United States of certain parcels of land from the cities of Cleveland and Brook Park, Ohio, for the purpose of establishing a Visitor Center for the Lewis Research Center.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 48, after line 10, insert the following new section:

SEC. 316. PROCUREMENT.

(a) PROCUREMENT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish within the Office of Advanced Concepts and Technology a program of expedited technology procurement for the purpose of demonstrating how innovative technology concepts can rapidly be brought to bear upon space missions of the National Aeronautics and Space Administration.

(2) PROCEDURES AND EVALUATION.—The Administrator shall establish procedures for actively seeking from nongovernment persons innovative technology concepts relating to the provision of space hardware, technology, or services to the National Aeronautics and Space Administration, and for the evaluation of such concepts by the National Aeronautics and Space Administration's Advisory Council against mission requirements.

(3) REQUIREMENT.—At least 10 percent of amounts authorized to be appropriated under section 101(b)(8) for each fiscal year shall be used for innovative technology procurements that are determined under paragraph (2) of this subsection to meet mission requirements.

(4) SPECIAL AUTHORITY.—In order to carry out this subsection the Administrator shall recruit and hire for limited term appointments persons from the nongovernmental sector with special expertise and experience related to the innovative technology concepts with respect to which procurements are made under this subsection.

(b) SUNSET.—This section shall cease to be effective 10 years after the date of its enactment.

Mr. WALKER (during the reading). Madam Chairman, I ask unanimous

consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Madam Chairman, I do want to explain this amendment a little bit, because I do think it is important to make a little bit of legislative history.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, in an effort to encourage the gentleman to be brief with his explanation, let me indicate that we are more than happy to accept the amendment.

Mr. WALKER. Madam Chairman, I shall be brief.

Let me indicate here just exactly what this is designed to do. It is designed to elicit from the private sector some innovative concepts which shall be applied to the missions of NASA. All too often NASA relies on its own inhouse expertise to design space transportation, infrastructure, and payloads, without giving due consideration to concepts that have been developed in the private sector.

Commonly referred to as the not-invented-here syndrome, NASA has in the past been unreceptive to new solutions for the fulfillment of mission requirements. My amendment would require NASA to survey the private sector see what new technology may be available from outside the government to accomplish the agency's goals. If these concepts, when measured against mission requirements by the NASA Advisory Council, are found to be feasible, the Administrator shall be required to procure up to 10 percent of the commercial programs requirements from new technologies.

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But, perhaps more importantly, the amendment provides the Administrator with the tools to overcome the NASA culture which may drown innovative ideas before they are translated from drawing board to prototype.

In short, Madam Chairman, through this amendment I am trying to create the skunk works incentiveness that has been evidenced in abundance by small businesses throughout this country. It has been uniquely valuable as an American asset.

So I think that this will give us a chance to do some innovating at NASA that has not been very obvious in recent months, and the Administrator and I have talked about this. This is a concept that he personally is excited about, and I am pleased that the gentleman from California is willing to accept the amendment. I think it would help move us forward.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, since the gentleman has made such a cogent explanation of the amendment, let me just add that this is a technique that is already used in other agencies such as the Department of Defense and intellegence agencies and others. It seems to work well. It does cut through the bureaucratic delays frequently, and I know that the administration and the NASA Administrator are both eager to improve the workings of NASA through expedited procedures of this sort. And the gentleman's amendment will undoubtedly help that.

Mr. WALKER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 38, after line 22, insert the following new subsections:

(b) FUNCTIONS.—The Office of Space Commerce shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The Office's responsibilities shall include—

(1) promoting private sector investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting commercial space companies in their efforts to do business with the United States Government, and acting as an industry advocate within the executive branch to ensure that the Federal Government meets its space-related requirement, to the fullest extent feasible, with commercially available space goods and services;

(3) ensuring that the United States Government does not compete with the private sector in the provision of space hardware and services otherwise available from the private sector;

(4) promoting the export of space-related goods and services;

(5) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce;

(6) seeking the removal of legal, policy, and institutional impediments to space commerce; and

(7) supporting the private sector's role in the commercial development of Landsat remote sensing data distribution.

(c) REPORT.—The Office of Space Commerce shall, within 6 months after the date of enactment of this Act, submit a report to the President and the Congress containing recommendations for procuring space infrastructure, space launch and launch support facilities, and payloads using proof of concept methods and unsolicited proposals. In preparing such report, the Office of Space Commerce shall consult with appropriate persons in the private sector.

Page 38, line 23, redesignate subsection (b) as subsection (d).

Mr. WALKER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Madam Chairman, this amendment merely further clarifies the duties and responsibilities of the Office of Space Commerce. It is a part of my continuing effort to enhance commercial space opportunities for the United States.

In that regard, on Friday I introduced the omnibus commercial space bill, and this amendment is a part of that continuing effort.

I would like to thank Chairman BROWN, Chairman HALL, and Mr. SENSENBRENNER for continuing to support me in these endeavors, and this amendment will move us in that direction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Page 48, after line 10, insert the following new section:

SEC. 316. REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT.

(a) FINDINGS.—The Congress finds that—

(1) the use of remote sensing data is potentially a valuable resource to anticipate potential food, feed, and fiber shortages or excesses, and provide this information to the agricultural community in time to assist farmers with planning decisions;

(2) remote sensing data can be useful to predict impending famine problems and forest infestations in time to allow remedial action;

(3) remote sensing data can inform the agricultural community as to the condition of crops and the land which sustains those crops;

(4) remote sensing data can be useful to allow farmers to apply pesticides, nutrients, and water, among other inputs, to farmlands in the exact amounts necessary to maximize crop yield, thereby reducing agricultural costs and minimizing potential harm to the environment;

(5) remote sensing data can be valuable, when received on a timely basis, in determining the needs of additional plantings of a particular crop or a substitute crop; and

(6) the National Aeronautics and Space Administration, using the expertise of the Earth Observations Commercialization Applications Program, and the Department of Agriculture should work in tandem to aid farmers to obtain data conducive to sound agricultural management and greater crop yields.

(b) INFORMATION DEVELOPMENT.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration, maximizing private funding and involvement, shall provide farmers and other interested persons with timely information, through remote sensing, on crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production and any other information available through remote sensing.

(c) ENHANCED REMOTE SENSING PROGRAM.

(1) The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly evaluate the need for a radar imaging platform that could enhance U.S. remote sensing capability by providing information and data relating to agricultural resources, and which may have other commercial and research applications.

(2) In the event there is a finding of need for a platform as set forth in paragraph (1), the Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a proposal, which maximizes private funding and involvement in the launch and operation of such platform, and in the management and dissemination of the data from such platform. The Secretary and the Administrator shall jointly submit the proposal, within 30 days of its development, to the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition, and Forestry, the House Committee on Science, Space, and Technology, and the Senate Committee on Commerce, Science, and Transportation.

(d) TRAINING.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a proposal to inform farmers and other prospective users concerning the use and availability of remote sensing data.

(e) SUNSET.—The provisions of this section shall expire 5 years after the date of enactment of this Act.

Mr. SMITH of Michigan (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Madam Chairman, I rise today to offer an amendment to H.R. 2200, the NASA authorization bill. This amendment directs NASA and the Department of Agriculture to work together with private industry to make better use of remote sensing data for American agriculture.

Remote sensing satellites—by taking photographic and radar images of the Earth from space—can provide important information to American agriculture. With this information, we can:

Anticipate potential food, feed, and fiber shortages and gluts.

Predict impending famines and forest infestations in time to mitigate or prevent them.

Provide information on the condition of crops and cropland.

Assist farmers in the proper application of pesticides, nutrients, water, and other inputs to maximize crop yield.

Help farmers decide what kinds of crops to plant based on predicted acres and yield in southern climates and other countries; and

Improve the administration of agricultural policy.

Today, the United States has two remote sensing satellites flying under the Landsat Program. The data produced by these satellites and other remote sensing might greatly improve the operation of farms and farm programs. But we are not using this technology as well as we might.

The amendment I offer to H.R. 2200 directs NASA and the Department of Agriculture to work together, and with the private sector, to find ways to improve the use of remote sensing technology in American agriculture. Those agencies are then directed to report their findings back to Congress.

I am delighted by the broad bipartisan support I have seen in this body to expand and improve the use of remote sensing technology. I thank the chairman and ranking member of the Science, Space, and Technology Committee and the chairman and ranking member of the Agriculture Committee for their support of this amendment.

This amendment helps bring American agriculture into the 21st century. We lead the world in space technology: Let us take advantage of that know-how. I ask the House to pass this amendment to H.R. 2200.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Chairman, I want to thank the gentleman for working with us. We did have some language to work out to make certain that the amendment would do what the gentleman wanted to do, and would satisfy some other ongoing concerns. The gentleman worked with us very cooperatively on that, and I am very pleased to accept the amendment.

Mr. SMITH of Michigan. I thank the gentleman.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I am delighted to yield to the gentleman from California, chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Madam Chairman, I thank the gentleman for yielding. I want to compliment him on his amendment.

We have been interested in this subject matter of this amendment for a number of years, hoping that we could make additional progress in this area. I think the gentleman's amendment is constructive, and it will assist us in moving forward, and on our side we are glad to accept it.

Mr. SMITH of Michigan. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 48, after line 10, insert the following new section:

SEC. 316. ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES.

(a) SELECTION IN DEPRESSED COMMUNITIES.—When consistent with the goals of the National Aeronautics and Space Administration and cost-effective, the Administrator shall select sites in depressed communities for new programs or functions of the National Aeronautics and Space Administration, unless those new programs or functions are so closely related to programs or functions carried out at an existing facility as to require being carried out at that existing facility.

(b) DEFINITIONS.—For purposes of this section, the term "depressed communities" means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Chairman, my first amendment deals with the fact that NASA has on many occasions established new programs. One of the problems I think we have experienced in looking at the NASA program is NASA is not as widespread as the Pentagon is and does not enjoy as much total support from all of the different regions of America. There are many of us who believe that is very important and critical to NASA's future.

Second of all, there are many communities that do need some help with creating a few jobs. The amendment says where it is cost-effective, NASA shall or will create new programs that entail new jobs where it does not necessarily have to be located in existing facilities, and where it is cost-effective and will meet the goals of NASA, and NASA shall consider placing these programs and these jobs in parts of America that are depressed, that need a helping hand.

That will do two things. No. 1, it is going to help those communities who are paying taxes to try and keep our space program and our NASA program alive, and second of all, it is going to give NASA the type of broad-based people support throughout America when it is needed for some of the critical votes on some of the critical initiatives they have.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from California

[Mr. Brown], chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Madam Chairman, I thank the gentleman for yielding and want to express my appreciation to him for the cooperation he has shown in working out an acceptable draft of this amendment.

The gentleman, of course, has shown over a long period of time a very deep concern for the welfare of the depressed communities of this country, and particularly those in his own State of Ohio. And we want to assist in every way we can to support this kind of a concept, as long as it does not endanger the central mission of NASA. We think the amendment in its present form is constructive. We commend the gentleman for it, and we are willing to accept it on our side.

Mr. TRAFICANT. I appreciate the support of the chairman. I would like to say that the language in this amendment is not inflexible. The Administrator is only required to expand to new sites when it is cost-effective and within the scope of NASA, and meeting much of the criteria that have been articulated by our chairman. So I appreciate his support and the committee's support in addressing this issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. Traficant].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Traficant: Page 48, after line 10, insert the following new section:

SEC. 316. RECIPROCITY.

(a) General Rule.—Except as provided in subsection (b), no contract or subcontract may be made with funds authorized under this Act to a company organized under the laws of a foreign country unless the Administrator finds that such country affords comparable opportunities to companies organized under the laws of the United States.

(b) Exception.—(1) The Administrator may waive the rule stated under subsection (a) if the products or services required are not reasonably available from companies organized under the laws of the United States. Any such waiver shall be reported to the Congress.

(2) Subsection (a) shall not apply to the extent that to do so would violate the General Agreement on Tariffs and Trade or any other international agreement to which the United States is a party.

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Chairman, I would like to say that this is an amendment that deals with reciprocity, and it basically states that no contract or subcontract may be made with funds authorized under this act to a company organized under the laws of a foreign country unless the Administrator finds that such country affords comparable opportunities to companies organized under the laws of America.

It does not violate our international agreements. It does not violate any stipulation of law, nor GATT. And I believe it is consistent with the goals, and it still provides for flexibility, for the judgment of the Administrator who would be encompassing the policies of our administration and our laws.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, I thank the gentleman again for yielding. We commend him again for the sensitivity and flexibility he has shown in working out the language of this amendment so that it does comport with national policy. it protects jobs in the United States, which is a central concern, but it does so in a way that does not infringe upon other obligations, and we are happy to accept it.

Mr. TRAFICANT. I appreciate that. Without the chairman's help we would not have the opportunity to bring this amendment. And I appreciate the support of our vice chairman on the issue.

Mr. WALKER. Madam Chairman, I move to strike the last word.

Madam Chairman, the gentleman from Ohio has revised this amendment from the time that it was in committee, and I appreciate the work that has been done on this. It alleviates some of the concerns that I had about the amendment.

But let me say that I think that we need to be careful when we wander into this area. A couple of months ago we had a competitiveness bill on the floor that I was not very excited about, that I thought was a pretty lousy piece of legislation.

□ 1110

But we passed an amendment to that competitiveness bill similar to this one, not the same, but similar and similar kind of language that has caused the industry coalition that previously backed the bill to absolutely abandon the entire piece of legislation. I do not want to put something in this bill that would do that.

I do not believe this amendment drafted in its current form will do that because it says that nothing done could be a violation of the GATT agreements.

Mr. TRAFICANT. Madam Chairman, will the gentleman yield?

Mr. WALKER. Yes, I yield to the gentleman from Ohio.

Mr. TRAFICANT. I would like to say, Madam Chairman, that the improvement in the language basically came from some of the gentleman's ideas.

Mr. WALKER. Right.

Mr. TRAFICANT. I think the ideas of the gentleman from Pennsylvania have been correct, right on target. I think they have improved this.

I do not think we will experience the same type of problems that we did in the competitiveness bill.

I want to thank the gentleman for that.

I want to establish legislative history here that there is no intent to do anything outside the scope of any perceived law, as well as law that exists.

So I thank the gentleman for what he has done. I think that safeguards this and makes it a lot better amendment.

Mr. WALKER. Well, Madam Chairman, I thank the gentleman. I appreciate his working with us to try to clean it up.

I will tell the gentleman that we cannot correct this in the amendment, but the one remaining concern I have is the fact that this could potentially block NASA from contracting to obtain the most cost-effective procurements along the way. In my view, that is a danger here.

Because the Buy America amendment is already in effect and it applies, I am not certain that this is totally necessary; but the gentleman has done a good job of cleaning up the language so that we do not have a problem with it interfering in commerce.

I appreciate the gentleman's willingness to work with us. I am not going to oppose the amendment, but I use this time only to express some degree of caution about the direction in which we are proceeding.

With that, Madam Chairman, I yield back the balance of my time.

Mr. TRAFICANT. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. Traficant].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COX

Mr. COX. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cox: Page 48, after line 10, insert the following new section:

SEC. 316. HELIUM PURCHASES.

The National Aeronautics and Space Administration may purchase helium from private sector sources.

Mr. COX. Madam Chairman, the amendment I offer today will end the requirement that NASA buy its helium from a Government-run monopoly, the national helium reserve. It will allow NASA to buy helium from any source, public or private. By allowing private helium producers to bid on NASA contracts, and letting NASA purchase helium at the best price and terms, Congress will go a long way toward bringing the forces of competition and free enterprise to one of the Federal Government's most notoriously wasteful programs: the national helium reserve.

The helium program was established as a national security measure in 1925, to ensure that America could field a fleet of blimps in time of war.

At the time, there was no private source of helium; but today, private firms account for 90 percent of the Nation's helium sales—over $300 million.

And blimps have long since been replaced by satellites for aerial surveillance.

The national helium reserve is a Federal program whose time has come and gone. It is the worst kind of Governmental anachronism: a program bereft of any identifiable mission, a program that private industry could do more effectively, and a program that is $1.4 billion in debt—and going further into debt each year. In his book "Parliament of Whores," P.J. O'Rourke described the U.S. Government's helium program as "amazingly stupid, even by government standards."

You may already know that the Federal helium program is anachronistic, or that it loses $120 million each year. You may not have known that the national helium reserve's high overhead and inefficient production are also protected from private sector competition by a Government monopoly. Under the Helium Act of 1960, NASA and other Federal agencies are required to purchase their helium from the national helium reserve. As a result of its insulation from competition, the Government-run helium operation costs much more to run than its free-market competitors. But its inefficiency is protected by law, so that it takes 300 Government workers to do the job that perhaps 100 could do in private industry. That is why the helium reserve is losing so much money. It can't even keep up with its interest payments. This year, it will go $120 million deeper into debt.

While a Government-protected monopoly for helium producers may have been an appropriate policy in 1960, when there were no domestic suppliers of helium, it is clearly inappropriate today. This year, private industry will account for more than 90 percent of the nation's helium sales—over $300 million. America's private industry is fully capable of meeting the Federal Government's helium needs. In fact, American industry today provides over 90 percent of the entire world's needs. Preventing them from selling to NASA is—well—downright un-American. It is an affront to the free enterprise system. It is a hoary example of socialism, of State-run industry, at a time when the whole world has rejected socialism as a discredited and wasteful embarrassment.

The time for a Government-owned helium industry—let alone one with a monopoly—has come and gone. That is why T.S. Ary, former director of the Bureau of Mines—which operates the national helium reserve—wrote last year: "The government should not be competing with the private sector in the helium business or in any area where the private sector is capable of satisfying the country's needs."

This view is backed up both by private industry, and the Department of the Interior.

Listen to the testimony of Carl Johnson, Chairman of the Helium Advisory Council, at a Natural Resources Subcommittee hearing on the national helium reserve earlier this year.

He said:

> The private helium industry is prepared to meet all of the U.S. demand for helium, including the demand from the U.S. government agencies. With the private helium industry now fully capable of satisfying the U.S. demand for helium, the Helium Advisory Council believes it is now appropriate for the Bureau of Mines to withdraw from [its] helium production and marketing activities, [and] to discontinue its competition with the private sector.

Likewise, getting the Federal Government out of the helium business has been specifically endorsed by the Department of Interior for years. In a 1989 letter to the Speaker of the House, the Secretary of the Interior stated: "It is now time for the Federal Government to * * * allow the private sector to provide helium for both the Federal and [the] private sectors."

Since then, the Department of the Interior has often repeated its support for allowing Federal agencies the freedom of choice to buy helium from private sources.

Of all Federal agencies, NASA is by far the largest purchaser of helium. During fiscal 1992, NASA purchased 131 million cubic feet of helium from the Government-owned helium monopoly. According to the Congressional Research Service, the Federal Government's helium monopoly currently charges NASA $55 per 1,000 cubic feet of helium. By contrast, private helium producers charge as little as $45 per 1,000 cubic feet. That means NASA is forced to pay over 20 percent higher prices for helium, because of this Government monopoly. If we end the Government monopoly, we save NASA $6.5 million over the next 5 years.

And if all Federal agencies that use helium—not just NASA—are allowed to accept competitive bids, the Federal Government will save at least $20 million over 5 years.

We should also keep in mind that these figures are a conservative estimate of the potential savings for taxpayers. That's because once the national helium reserve is subjected to the real world forces of competition, it will be forced to trim its own waste and efficiency. Then and only then, Madam Chairman, can we expect this Government-run dinosaur to become sufficiently profitable to repay its own debt.

Madam Chairman, ending the Government monopoly on sales to NASA is endorsed not only by the Helium Advisory Council and the Department of the Interior, but also by the National Taxpayers Union; the Heritage Foundation; Citizens Against Government Waste; the Compressed Gas Association; and the workers and employees at virtually every private helium firm in America.

Let us pop the bubble on some of the most blimped-out and downright silly waste in Government. It is time for the Government-run helium monopoly to float back to the private sector. Let us begin that process today by adopting the Cox-Frank amendment.

Mr. SARPALIUS. Madam Chairman, I rise in opposition to the Cox amendment.

Madam Chairman, there is another side of this story. Let me say that we are not here to debate the tremendous job that the helium operation does, in my opinion, for this country, but we are here to debate the Cox amendment which is requesting that NASA purchase its helium from the private sector.

I might add that the helium operation that this country has is a model. For an example, there was an article that came out in the Washington Post on June 29, 1993, which states that the national helium reserve is a rare good Federal program and that the helium field operates well in a general manner and this is a Federal program that does work.

□ 1120

What the gentleman told my colleagues, my friend from California, is a little misleading. Back in the 1960's, when the Federal Government purchased the helium, they placed that helium in reserves up in Amarillo, TX, and in other areas across the country. But during that period of time the Bureau of Mines set an interest rate that they would pay back to the U.S. Treasury. The Federal Government never appropriated funds to help pay back that interest rate. During that period of time interest rates would go up to 18 percent and drop down to some of the lower rates of interest that we are witnessing today.

Well, over that period of time, Madam Chairman, we have now seen a billion dollars' worth of interest that is owed to the Federal Government. It is basically one agency owing another agency interest payments. GAO studied this problem, and their recommendation back to Congress was that Congress should forgive the billion-dollar-interest note. If we were able to do that, we would see the helium operation, in a sense, giving back to the Federal Government anywhere from $10 to $11 million a year. In the current program that we now have, Madam Chairman, we appropriate about $23 million from the U.S. Treasury to different Federal agencies, basically through the Bureau of Mines, and that money is then used in different Federal agencies, of which NASA is a big user of the helium that we produce in this country. But we return back to the U.S. Treasury $13 million.

Now the reason that the gentleman from California [Mr. COX], my friend, is supporting us, the private sector selling helium to NASA, is because he claims that it can be at a cheaper price than what the Federal Government offers. Well, the reason the Federal Government's helium prices are higher than the private sector is because President Bush chose to raise the price of helium when, in all honesty, the answer is for the Federal Government to lower the price of helium. We can, indeed, sell helium cheaper than the private sector can. This is a resource that the taxpayers own. We paid $750 million for this resource. It is now valued at over a billion dollars.

But the debate here today is not what to do with the helium reserves, Madam Chairman. The debate today is whether or not NASA should purchase our helium from the private sector. I might add that the gentleman from California's amendment is in direct conflict with the Helium Act in itself. His amendment really has no impact at all on NASA purchasing their helium from the Federal Government because his amendment does not address the Helium Act.

Madam Chairman, I would strongly encourage my colleagues to vote "no" against the Cox amendment.

Mr. COMBEST. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. COX], and I do so for a number of reasons. The gentleman from California is correct in that in the bookkeeping process the amount of helium which is purchased from the helium reserve by NASA does, in fact, show up as a cost above what could probably be purchased in the open market. In a conversation this morning with the director of the helium reserve in Amarillo, TX, I asked him why would they not be willing to sell at a reduced rate, and he said that he would love to be able to, that in fact they could reduce the price probably $20 per thousand cubic feet, and be happy to sell that to NASA.

Now what would happen if, in fact, that occurred? There would be an outcry by the private sector that the Government was undercutting what the marketplace has established that would be a fair price for helium. It would, in fact, tremendously undercut the price that it is being sold at today on the private market for a thousand cubic feet by the private sector, which is about $45 to $50 per thousand cubic feet. They, of course, cannot do that. That would, in fact, cause a tremendous outcry by the private producers of helium.

What the effect could be in this, Madam Chairman, in the fact that there is some, and I will take the figures of the gentleman from California, $6½ million over 5 years, and point out, as was reiterated by the gentleman from Texas [Mr. SARPALIUS] last year, the helium reserve returned to the Federal Government $13 million. The previous year it was $10 million, and the year before that, something over $9 million. That is per year. Now it is coming back into the Federal Government. It may be somewhat in that it is allocated differently. It may be that it goes into a different pot. But, if my colleagues consider the total cost of that program, which absolutely I remind my colleagues has no appropriation each year to run the helium reserve, all runs totally within itself, and the profits which were made again last year, $13 million, went back to the Federal Government.

Now what I might suggest that we could accomplish, the goal that would not cause the helium reserve to compete on an unfair basis with private sector and at the same time not cause NASA to have to increase their cost in buying helium from the reserve, would be that we give credit to NASA and any other Federal agency. Obviously we cannot do that under this bill, but it will be something, I think, we should propose to do, that we give credit to that agency that is buying helium from the reserve in the amount in excess that it would cost from the private sector. If we put it on a totally open-bid basis, then I would suggest that the only fair thing to do is to allow the National Helium Reserve, located in Amarillo, TX, to be able to compete and bid whatever they wish. But I will remind my colleagues that if, in fact, that happens, there will be an outcry from the private sector that says that the Federal Government is unfairly competing with them.

So, Madam Chairman, in order to accomplish the goal, if the gentleman from California [Mr. COX] is interested in reducing the cost to NASA, let us take that excess well over what it costs additional to NASA, return it back to NASA in terms of a credit. When that reserve pays back at the end of the year, it is excess that is sold.

Madam Chairman, this amendment, in fact, would require further legislative action on the 1960 Helium Act in order to truly allow that to happen to where there could be in a bidding basis from private sectors as well as from the helium reserve the amount of helium which is purchased by NASA which has been over the years, NASA has said, has been an extremely good supplier, have not wanted to make a change, and I think we could accommodate any concerns that might be had by Members of Congress that, in fact, there is some excess paid by the Federal Government by taking the more than excess amount of moneys returned to the Federal Government, giving those agencies credit. Thereby we do not allow the helium reserve to compete with the private sector, we do not disrupt the private sector, and we continue with the fair and the readily available supply of helium to the NASA program.

Mr. BILBRAY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, first of all, I would like to say to my colleague on the Democratic side from Texas and my colleague from Texas on the Republican side that this, the amendment offered by the gentleman from California [Mr. COX], does not require NASA to buy their helium from private industries. It just says they can, and I think that is a big difference. If they feel that the helium reserve is the proper place to buy it at a competitive price, NASA can continue to buy it from the helium reserve. On the other hand, if they find that the cost from private industry is substantially less or less, they can buy it from private. Right now they are prohibited, and I think my colleagues should understand. NASA cannot go out to the private industry and buy helium even if it costs a lot less. They are required under the law.

Now back in the 1920's, Madam Chairman, when the helium reserve was created, probably it had a good purpose. There were no domestic suppliers of helium, and the Government felt that they needed helium for the national security, and even up until the 1960's the military still had blimps and other devices using helium and needed it for the national security. Now there are plenty of suppliers of helium out in the industries that can provide NASA with enough, and the rest of the Government with enough, helium for all the demands, and it probably far exceeds it. In fact, helium production in this country is one of the industries that exports a lot of helium throughout the world and certainly can supply our domestic needs. But the fact is that they are precluded, the Government, from buying from these domestic companies.

□ 1130

There are times when albatrosses have to be cut loose, and in this particular case, as far as the helium reserve is concerned, I know the gentleman from California [Mr. COX] has been a champion in fighting this and has a bill, H.R. 1552, that would abolish the reserve. Right now we cannot abolish the reserve, but we can certainly give NASA the opportunity to buy from private industry at a cheaper price.

The gentleman from Texas has recommended that there be some amendments to the Helium Reserve Act to allow credits, and so forth, to bring the price down to NASA, to the same price they may be paying on the private market. That is fine and good. We encourage them to do that, and that may be a good solution. But that is not the solution that is in front of us today.

I commend my friend, the gentleman from California [Mr. COX], for bringing this amendment to us. It is a good, strong amendment. It will save NASA millions of dollars a year. Until the members of the committee, the gentleman from Texas [Mr. COMBEST] and others, are able to amend the Helium Act to save the taxpayer dollars, I think we as Members of Congress should do the responsible thing. We should amend this NASA authorization to allow—and I say again that the word is "allow"—allow, not require, NASA to buy from private suppliers of helium to save dollars that we so desperately need to address the deficit in this country.

Mrs. FOWLER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise today in strong support of the amendment offered by the gentlemen from California and Massachusetts.

I first learned about the issue of the Federal Government's helium reserves before I became a Member of this body. It came to my attention during my campaign last year when I was looking for a good example of government waste to use when I talked about the need for fiscal responsibility in Washington.

When I came across the 64-year-old National Helium Reserve Program, I stopped looking.

The helium program became the centerpiece of my speeches about government waste. It was a program that was outdated, unneeded, and was losing money. It was also the perfect example of where the Government was in a business that the private sector could do much cheaper.

I am a cosponsor of a bill by the gentleman from California that will address the issues of outdated and unneeded, it is a bill to repeal the Helium Act all together.

In the meantime, I am pleased to rise in support of this amendment which will immediately begin to address the issue of public versus private sector. If NASA can buy helium from the private sector cheaper than from the U.S. Government, then we should not stand in their way.

Last year alone, it cost NASA an extra $1.3 million to buy helium from the Government instead of the private sector.

As many of us know, this kind of waste and inefficiency is not limited to NASA and the helium program.

That is why I am a cosponsor of H.R. 163, the Freedom from Government Competition Act. This bill would free the entire Federal Government to procure goods and services from the private sector where they are often cheaper, more efficient and where increased business will create private sector jobs.

As I work with Mr. DUNCAN for passage of that important bill, and as I work with Mr. COX for total repeal of the Helium Act, I urge my colleagues, in the meantime, to support this amendment.

Mr. SARPALIUS. Madam Chairman, will the gentlewoman yield?

Mrs. FOWLER. Yes, I yield to the gentleman from Texas.

Mr. SARPALIUS. Madam Chairman, the gentlewoman said in her statement that we returned $1.3 million, or that they could buy it cheaper than that from the private sector. Is the gentlewoman aware that we returned $13 million back to the U.S. Treasury?

Mr. COX. Madam Chairman, will the gentlewoman yield?

Mrs. FOWLER. Yes, I yield to the gentleman from California.

Mr. COX. Madam Chairman, in fact the gentleman from Texas, in claiming that the national helium reserve contributes money to the Treasury, conveniently ignores a few facts.

First of all, $6 million of the amount that the gentleman claims is contributed on behalf of the reserve to the Treasury comprises royalty payments from companies like Exxon, not earnings from the national helium reserve. Second, even more conveniently, the gentleman has ignored the fact that the helium reserve is deeply in debt. It borrowed $250 million from the Federal Government, which by law is supposed to be repaid by 1995.

As the gentleman knows, the helium reserve has no intention of paying that money back, or even the interest, and we know that this year the helium reserve defaulted in full on $120 million of its interest due this year.

Mr. SARPALIUS. Madam Chairman, will the gentlewoman yield?

Mrs. FOWLER. I am happy to yield to the gentleman from Texas.

Mr. SARPALIUS. Madam President, is the gentleman aware that he is talking about one agency versus another agency? It is like you yourself transferring money from a checking account to a savings account. It is all within your own control.

Mr. COX. Madam Chairman, reclaiming my time, we are talking about $252 million of taxpayer money advanced to the national helium reserve in the form of a loan which by law is supposed to be repaid by 1995. The interest on that debt runs to $120 million a year, and the reserve cannot pay it because it cannot cover its interest costs from its operations.

Mr. SARPALIUS. Madam Chairman, will the gentleman yield?

The CHAIRMAN. The Chair would point out that the gentlewoman from Florida [Mrs. FOWLER] has the time.

Mrs. FOWLER. Madam Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I agree with those who suggested that the ultimate goal should be to abolish the helium reserve altogether. I do not believe that anyone has shown that the national security of the United States will be one whit endangered by its abolition. This is a relevant part of that because it is obvious that if we were to bring a bill to the floor abolishing the helium reserve at a time when it was the sole supplier to NASA and NASA could not even talk to anybody else about alternative supplies, we would be told that we could not abolish the helium reserve because it was the sole supplier to NASA.

So it is a great example of bootstrapping. Bootstrapping is, of course, what lawyers say when you lift yourself by your own bootstraps. A helium-powered bootstrapping obviously has a great deal more ability for people to go up, and so we are into helium bootstrapping here.

On the one hand, we say we keep a helium reserve for which there is no real purpose, but on the other hand, we say that NASA has to buy the helium from the helium reserve when there is cheaper helium available elsewhere, and then we argue further why we have to have such a helium reserve. We create the need.

This bill is a first step toward that rational effort. Now we are told this does not cost any money because after all, this is an intragovernmental transfer. That is true if the helium has no value. In the economic sense we would be talking purely about an accounting transaction if the helium and the helium reserve of the Federal Government having been depleted here was in fact of no value. But if in fact that helium is worth something, as I assume it is, although I will confess as someone who is not scientifically adept that the notion that something you cannot see, touch, or feel is really all that valuable sometimes is hard for me to focus on, although I take it from my intellectual betters in that area that the helium is a valuable commodity, therefore, the question is, what is the appropriate pricing? Are we in fact pricing this appropriately or not?

If NASA were able to buy it more cheaply, that would mean that the helium that we have as a Federal asset, because it is in fact an asset because it is of real value, would be available for other purposes if and when we decide to abolish the reserves.

Finally, as has been pointed out, this is simply permissive to NASA. If NASA decides that buying continuously from this reserve is the best way to go, nothing in this amendment stops it. But at least NASA would have the responsibility to make some alternative arrangements and ask some alternative questions. At least NASA would be able to talk about whether there were alternatives, so when we were able to bring a bill forward to abolish this unnecessary reserve, we would not be faced with the argument that doing it would cripple NASA, which would be left helium-less.

Madam Chairman, I hope the amendment.is adopted.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Chairman, I would say to the gentleman that a nonscientific way to value the helium is to point out that it helps the guy in the movies to do the Donald Duck voice.

Mr. FRANK of Massachusetts. Madam Chairman, in the interest of comity, I am not going to comment on that one at all.

Mr. ZIMMER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, this is a wonderful case study of what a tangled web we weave when first we get the Government involved in what should be a private enterprise.

There was arguably a case in 1960 that the Federal Government should get involved in helium production and helium reserves because it was believed that all the reserves of helium had already been discovered and they had to be husbanded. As we now know, there are far more reserves than were identified at that time.

The free-market sources of helium have prospered and have multiplied, and we simply do not need the Federal Government in the picture anymore.

The most direct way to deal with the problem, of course, is to sell the helium reserves, and for that reason I am cosponsoring along with many other Members H.R. 1552, which was introduced by the gentleman from California [Mr. COX], which would simply sell the helium reserves in a way that would not disrupt the private marketplace. But because that legislation is not before us and has not been released by committee, we have to deal with the problem the way we find it. I think a commonsense way of dealing with this problem is simply to have NASA and other Federal agencies buy from private sources when the public sources are overpriced. It makes a lot of sense to do that.

□ 1140

The gentleman from Texas [Mr. COMBEST] proposed that we return the excess of what the taxpayers are paying to NASA as a credit. This just tangles the web still further, I believe, because it creates a Rube Goldberg approach to solve a problem that could easily be dealt with simply by eliminating its cause. That is, the unnecessary involvement of Government in the supply of a commodity which is no longer necessary for national security, which is available in great abundance, and which the free market has proved itself more than capable of supplying.

Mr. HALL of Texas. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in opposition to the Cox amendment. It is not easy for me to rise in opposition to any amendment that the gentleman from California [Mr. COX] has, because the gentleman is usually so right on every issue.

This time I respectfully differ with the gentleman from California [Mr. COX]. I am not going to talk about transferring bank accounts or intergovernmental exchanges or anything. Let me just talk about how this amendment would affect those that have to live with this amendment, have to handle this amendment, and have to represent this Government using the facilities at hand.

The national helium reserve has been good for the Nation. I think almost anyone would tell us that. It has been good for the Nation's space program. NASA tells us that.

I respectfully say to the gentleman that while this really does not do anything, does not really mandate anything, it simply is a step in the wrong direction at this time. It may not be a step in the wrong direction from here on.

As has been reported, the national helium reserve is an example of a Government program that works. While we have so many that do not work, why set aside one that works?

We should not thoughtlessly walk away from such a program. Before we would unravel the current arrangement, I think we need to be very sure of what the implications are of what is being proposed in the Cox amendment. We do not go to rhetoric on one side or the other as to what that is, we go to those who are affected by it.

In testimony before the Energy and Mineral Resources Subcommittee this spring, on May 20, 1993, Mr. James Dufas, the Director of the Resources Community and Economic Development Division of the Government Accounting Office, made the following important point:

> If holding the federal helium inventory occurs at the same time that federal purchases of helium are shifted from the Bureau of Mines to private industry, the total cost of supplying helium to the U.S. economy increases because of the need for private investment in helium production capacity.

Thus, the amendment, while well meaning, could wind up hurting the U.S. economy, instead of helping it.

I go to the GAO, who said in testimony before Congress, "How to meet federal needs for helium is a public policy decision that should consider many issues."

The GAO and the Mineral Resources study on meeting the needs for helium has pointed that out to us in a release that was released I believe May 20, 1993.

From the U.S. Department of the Interior, once again quoting from those who have to deal with this, from the acting director, he states,

> In response to program inquiries from the Congress, this program is currently being reviewed and various options impacting the future of the program are being considered. Some of these options would affect the employees within the organization. In summary, the program does not receive any appropriations, but must exist on revenue generated from the sale of helium and services.

Madam Chairman, helium is too important to the U.S. economy for us to act I think without thinking through this issue and understanding the implications of what we might be doing.

Finally, as chairman of the Space Committee and having held hearings with NASA, just recently NASA, in a NASA study, stated if NASA was forced to obtain its helium from private industry, it would cost NASA $6 million for equipment to change that helium to a form that NASA can use.

Madam Chairman, I urge my colleagues to defeat this amendment.

Mr. CASTLE. Madam Chairman, I move to strike the last word.

Madam Chairman, when I was campaigning for this office last year I read a lot of different books and circulations that were sent to my office concerning pork barrel projects and unnecessary expenditures by the Federal Government. Generally the helium sales and the helium reserve were one of those that made practically every list I can recall.

I have listened to the arguments today. Some individuals have made some very cogent points concerning the need for helium. I have no doubt that back whenever it was, in 1960 or before, when this particular structure was created with the requirement that NASA purchase its helium from it, there was a need for this. In fact, my research would show indeed there was some question about the whole future of production of helium in the United States of America.

But it is 1993, and the time has come I believe for a change. The concept of requiring that helium be purchased by NASA when there is a private market is outmoded, it is unnecessary, and it is extraordinarily expensive.

I have heard some of the discussions here about the intergovernmental transfer of dollars in terms of what it means. But the bottom line is that the private sector can do it less expensively than can the Federal Government. That is a litmus test that we need to start applying in the Congress of the United States of America, and it applies here because it would ultimately be less expensive if we went to the private sector to purchase the helium which is necessary.

Madam Chairman, NASA needs help. We know that. They lobbied hard for certain things on this floor in the last 2 or 3 weeks. But this is not one on which I have heard much from them, and I have to assume that they understand perhaps the next step after doing away with the requirement should be to do away with the helium reserve in general.

It is for all these reasons I rise to support the Cox-Frank amendment. Not only because of what it represents in itself, but because of what it represents with respect to white elephants and projects of the U.S. Government which are no longer necessary and which we would be better served without at a lesser cost to the taxpayers of the country.

Mr. RAMSTAD. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise today in strong support of the amendment offered by Mr. COX and Mr. FRANK to end the practice of forcing the Federal Government to buy helium from the national helium reserve.

It is important to underscore the fact that adopting this amendment would allow NASA to seek the most cost-effective source of helium and buy from that source. Hardly a radical proposal.

This idea seems so sensible that it is incredible we have to pass an amendment to do it—but then again, given the lack of fiscal responsibility in the Congress, I guess it is not surprising.

However, there is some evidence that Congress is beginning to understand the importance of terminating unnecessary programs. Last week we put the final nail in the coffin of the advanced solid rocket motor. Today we have the opportunity to take the first step toward shutting down the wasteful Federal helium program for good.

Madam Chairman, I urge my colleagues to support the Cox-Frank amendment.

Mr. BROWN of California. Madam Chairman, I move to strike the last word.

Madam Chairman, this gentleman is interested in bringing this debate to a close as quickly as possible. I think we have probably had a good discussion on this issue and are ready to bring it to a vote. I personally am in agreement with the principle that the gentleman from California [Mr. COX] is expounding here, although I think that his amendment only sends a signal, as we sometimes say, and actually does not accomplish what the gentleman would like to accomplish.

I am not going to belabor this point particularly. I hope that we are ready to come to a vote on this.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Madam Chairman, maybe we should ascertain how many speakers we do have. I would be agreeable to some sort of time limitation. Would the author of the amendment be agreeable to putting some kind of time limit on this?

Mr. COX. Madam Chairman, if the gentleman will yield, I am very appreciative of the indulgence of the chairman. I think we only have a few people who have asked to speak.

Mr. WALKER. Madam Chairman, I was going to speak a minute or two myself.

Mr. BROWN of California. I know of on one else on our side who wishes to speak on this.

□ 1150

Mr. WALKER. Madam Chairman, I move to strike the requisite number of words.

I will be brief, too. I rise in support of the gentleman's amendment. It is clear that one of the largest purchasers of helium is NASA. And if this amendment accomplishes two things, it will have done an important service.

No. 1, it will force NASA to begin to look toward private suppliers for some of its needs. That has all too often not been the case with NASA. It has been one of the complaints some of us have had over the years, that NASA has been too much insular in its policies with regard to some of these programs.

Second, in this particular case, I do believe that it is a step toward reform of the helium program and would allow the private suppliers to begin to fulfill this need and, apparently, at a cost that is much less than what the Government is providing this resource.

I think that the amendment may help us move in that direction. Therefore, it deserves the support of the Committee.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, as I indicated, I think the amendment, if adopted, would send a signal. But it is not mandatory and, as the gentleman knows, there are other agencies which also buy helium from the stockpile. They would not be affected by this.

On the good side, I think the administration, through the Vice President's Task Force on Improving or Reinventing Government, is looking in the same direction as the gentleman from California [Mr. COX], toward some modifications or perhaps elimination of the helium program.

To do that, however, would require changing another act, the Helium Act, which is not reached by this.

My guess is, if we pass this amendment, that it would probably still be reviewed by OMB. And OMB would, in order to maintain consistency, probably say to NASA, keep doing what we require Defense and other agencies to do.

I am concerned because of that, that the fact that this might confuse the situation, but as I have indicated, I would be willing to endorse the legislation of the gentleman from California [Mr. COX] and hope that that would assist us.

Mr. WALKER. Madam Chairman, I thank the gentleman. I agree that this does not completely solve the problems that have been mentioned here with the helium program. But it is also clear that in the business of cutting back the NASA budget, which this House has endorsed in a couple of amendments and which the Administrator, in fact, is trying to do, in trying to find places to save money, this is certainly one area where it appears as though some savings may be possible to obtain a resource that NASA badly needs.

So, therefore, if this does give him some latitude to do that by law, it seems to me we have accomplished something worthwhile.

Mr. BROWN of California. Madam Chairman, if the gentleman will continue to yield, if I had known that we were going to have this thorough and extensive a discussion of the helium program, I would have invited our colleagues on the Committee on Natural Resources, which has jurisdiction over this program, to attend so that they might get the benefit of it.

Mr. KINGSTON. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Georgia.

Mr. KINGSTON. Madam Chairman, I just wanted to jump in here. I guess I am already plowing ground that has already been plowed. I want to say that when we cut a program, there is always folks who say we need it because of this, because of that.

One of the things that I am experiencing as a freshman who came up here to try to address the debt is that everything seems to have a sacred cow status when it comes time to cut it. But we have got a $4 trillion debt.

We are passing a controversial tax increase. And if it passes, based on the White House projections, there will still be a deficit each year. And there will still be another trillion dollars added to the debt.

The interest on that is already 18 percent of our annual budget, and we have got to do something.

Here we have, I think, a rare opportunity to work as a bipartisan group and support the Cox-Frank amendment and have the Democrats and Republicans working together to reduce this spending.

So as long as private suppliers can do it and NASA is already working well with a number of private suppliers, I think that we should go ahead and do it. It is never easy to cut, but it is certainly not easy to pay 18 percent of our national budget on the interest on the debt. I support the amendment.

Mr. ARMEY. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. ARMEY. Madam Chairman, let me just say very quickly, I rise in support of this amendment. I know that the gentleman from California [Mr. COX] has given us a brief truck driver's history of the helium program, begun in 1925 and revised periodically over the years.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. ARMEY. Madam Chairman, this program makes clear the adage, "The closest thing to eternal life is a government program."

Years and years and years after there is a need for a program, new legislation, new reauthorization, new dimensions to the program, new configurations of the program will be made to keep the program alive. Why? Because it is alive.

I think there is a time when we just have to say no, no more. This is a program that years and years ago outlived its usefulness.

We have got to demonstrate our ability to stand for change, to reinvent the government and to take those programs for which there is not one scintilla of reasonable justification today and eliminate those programs.

If we cannot eliminate the old, the outdated, the passe, we cannot create the new.

In a world of scarce resources, we must ration resources away from what is no longer needed, if we can possibly have them available for what is needed.

If we are going to move forward, we have got to be able to kill programs of this type, of this nature, of this lack of sense in a modern world.

My children have always been excited to see the Goodyear blimp. I have always been amazed at the degree to which their excitement arouses when they see the Goodyear blimp. Why? Because, Members, it is the only blimp in the air.

We do not need a national program of helium reserves where there are no blimps in the air. It is time to kill this program. Let us do it now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. COX].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COX. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 319, noes 109, not voting 11, as follows:

[Roll No. 380]

AYES—319

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca (WI)
Barcia (MI)
Barlow
Barrett (NE)
Barrett (WI)
Bartlett (MD)
Bateman
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brown (FL)
Brown (OH)
Bunning
Burton (IN)
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr (MI)
Castle
Clement
Clinger
Coble
Collins (GA)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Emerson
English (AZ)
Eshoo
Evans
Everett
Ewing
Fawell
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hancock
Hansen
Hastert
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston (FL)
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers (KS)
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Spratt
Stearns
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Synar
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Underwood (GU)
Unsoeld
Upton
Vento
Visclosky
Vucanovich
Walker
Walsh
Weldon
Whitten
Wise
Wolf
Woolsey
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—109

Abercrombie
Andrews (TX)
Barton (TX)
Becerra
Beilenson
Bevill
Bishop
Bonior
Boucher
Brooks
Browder
Brown (CA)
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Cramer
de la Garza
DeFazio
Dellums
Deutsch
Dingell
Dixon
Edwards (CA)
Edwards (TX)
Engel
English (OK)
Faleomavaega (AS)
Farr (CA)
Fazio
Fields (LA)
Ford (MI)
Gephardt
Geren
Gilman
Gonzalez
Green
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hilliard
Hochbrueckner
Jefferson
Johnson, E. B.
Kennedy
Kopetski
Laughlin
Lehman
Lewis (GA)
Mann
Manton
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Nadler
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Pickett
Pickle
Rahall
Reynolds
Richardson
Rose
Rostenkowski
Roybal-Allard
Rush
Sarpalius
Scott
Serrano
Skeen
Smith (IA)
Smith (MI)
Smith (TX)
Stark
Stenholm
Stokes
Swift
Tanner
Tejeda
Thompson (MI)
Torres
Towns
Traficant
Tucker
Valentine
Velazquez
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wynn
Yates

NOT VOTING—11

Bryant
Derrick
Henry
Lazio
McCloskey
McDade
Moakley
Packard
Rangel
Washington
Wilson

☐ 1228

Messrs. WHEAT, GILMAN, RICHARDSON, JEFFERSON, MFUME, MORAN, and FAZIO changed their vote from "aye" to "no."

Messrs. KLEIN, BARLOW, TAYLOR of Mississippi, SCHUMER, and BLACKWELL, and Ms. FURSE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BECERRA

Mr. BECERRA. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BECERRA: Page 48, after line 10, nsert the following new section:

SEC. 316. DIVERSITY FACTORS IN PROCUREMENT.

(a) IN GENERAL.—The Administrator shall ensure, to the fullest extent possible, that at least 8 percent of the funding made available to the National Aeronautics and Space Administration for each fiscal year is made available for contracts with—

(1) socially and economically disadvantaged small business concerns;

(2) business concerns or other organizations that are at least 51 percent owned or controlled by women;

(3) historically Black colleges and universities, and

(4) colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans, and other Minority Institutions.

(b) WAIVER OF COMPETITIVE PROCEDURES.—To the extent necessary to carry out subsection (a), the Administrator may enter into contracts using less than full and open competitive procedures, but shall pay a price not exceeding fair market cost by more than 10 percent in payment per contract to contractors or subcontracts desribed in subsection (a).

(c) REGULATIONS.—The Administrator shall issue such regulations as are necessary to carry out this section, including—

(1) guidelines for contracting officers of the National Aeronautics and Space Administration for carrying out subsection (b);

(2) to the extent practicable, provision for notice, before solicitation for procurements, that specific procurements have been designated for satisfying the requirement of subsection (a); and

(3) procedures for implementing this section that do not alter the procurement process under section 8(a) of the Small Business Act.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "historically Black colleges and universities" has the meaning given the term "part B institution" in section 322(2) of the Higher Education Act of 1965;

(2) the term "other Minority Institution" has the meaning given the term "eligible institution" in section 312(b) of the Higher Education Act of 1965; and

(3) the term "socially economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4)(A) of the Small Business Act.

Mr. BECERRA (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1230

Mr. BECERRA. Madam Chairman, the amendment before us calls on NASA to ensure, to the fullest extent possible, that at least 8 percent of all contracts be awarded to socially and economically disadvantaged businesses, including women-owned businesses.

It is an effort to ensure that businesses owned by socially and economically disadvantaged individuals, including women, have a genuine opportunity to compete for NASA contracts.

This is not a new issue. Similar language has been adopted with bipartisan support in the past on other authorization bills—Department of Defense and National Energy Act of last year, for example.

In fact, the National Energy Act passed 363 to 60 last year.

NASA has been operating a very successful Socially Disadvantaged Business Program for the past 2 years. And they are doing an admirable job in making progress toward reaching the 8-percent goal.

However, the SDB Program was never officially authorized in an authorization bill, but rather in past appropriations bills. This amendment makes the NASA SDB Program official.

Congress has consistently expressed its desire to give minority-owned firms an opportunity to compete for and receive a fair share of Government contracts. My amendment is simply a continuation of this policy.

What we are doing is nothing less than encouraging the development of small and disadvantaged businesses—an appropriate effort in these hard economic times. It is fair and responsible.

Rebuttal points: This is not a set-aside, just a goal; this language was never adopted in a NASA authorization bill, only appropriations bills in the past. That is the reason for doing it here.

Let me make sure I point out again to the Members: This is not a quota. This is not a mandate. This calls upon NASA to the fullest extent possible within NASA to make an effort to provide opportunities for minorities and socially, economically disadvantaged business concerns to compete for NASA on contracts.

I would urge Members to vote for this amendment.

Mr. WALKER. Madam Chairman, I move to strike the last word.

Madam Chairman, in my view what is proposed in this amendment is bad public policy. The gentleman says that this is not a quota. It certainly is quota-based, and I have problems with it.

The thing that the gentleman says which is absolutely correct is that the problem is that it is already public policy. It is what we are doing. It has been decided as a part of appropriation bills to do this and we are already engaged in these programs.

The real question before us today is whether or not the authorizing committee is going to take some control of this policy by including it within the authorization so that at the very least we have some oversight and some ability to deal with it.

The gentleman has been very forthcoming and helpful in modifying some of the language that we did have concerns about that went beyond public policy. His statement is now precisely what is public policy in the appropriation bills and simply is putting the authorizing committee in the position of being able to watch over this public policy.

I say again, this is not a wise thing to be doing in terms of public policy. Too often, I am afraid, what happens is that we take agencies such as NASA and we make their mission into a social policy mission, rather than the appropriate mission of the agency. I am concerned about that and I am concerned about the amendment in that regard.

But the bottom line is that it will not change public policy to defeat this amendment in any way. The public policy will remain. The only thing that will be lost is the ability of the authorizing committee to do something to watch to make certain that that public policy is implemented in a proper and appropriate way.

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the committee chairman.

Mr. BROWN of California. Madam Chairman, I want to compliment both the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BECERRA] for making an honest effort to reach a meeting of the minds and reaching a meeting of the minds on this issue.

I think this is the way we should approach legislation. I think both gentlemen have set an excellent example, and I am happy to support the language that has been reached.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise today in support of the amendment offered by the gentleman from California.

Madam Chairman, I appreciate that the majority of this Chamber has never really understood what it means to be denied opportunities on the basis of their skin color. I appreciate that some in this body find it difficult to conceive of the additional burdens race and gender place on individuals who desire to compete on an even playing field. That is why I would like to explain a few of the realities that this amendment is trying to address.

Most people in this Chamber, if pressed, will admit that they prefer to deal with people they know personally or types of people they know through experience. It's a matter of comfort levels. I think we all accept that commonalities of shared experiences—be they through education, social circles, geographic location, military service, whatever—form the foundation for the grounds on which business relationships, indeed all relationships, are built. Historically, African-Americans, Hispanics and women have been excluded from many of these experiences and thus disadvantaged in accessing the opportunities which arise from these relationships. This amendment is very straightforward; it just says that 8 percent of contract awards be made to these individuals. There is no injustice here, no one is being deprived of anything.

It is almost embarrassing that this amendment is controversial. My constituents pay 100 percent of their tax dollars. But what do they get back? Eight percent of the opportunities. Are there people in this body who will deny the 12 percent of the U.S. population that is African-American, the 9 percent of the population that is Hispanic and the 7 percent of the population that is Asian-American 8 percent of NASA contracts? And then go further to call them quotas?

According to the U.S. Commission on Minority Business Development's report to Congress on historically underutilized businesses, less than 4 percent of all Federal prime contracts and less than 4 percent of Federal prime subcontracts went to small disadvantaged businesses. Not just NASA, but all Federal procurement.

What message does that send to the small disadvantaged business owner? What message sent to the children of that small disadvantaged business owner? These are the children who don't understand why they have to study math or physics or go to college when they see they have got to work everyday and pay their taxes and receive nothing back because they don't have the advantages of the relationships I described earlier. What message is being sent when people in this body say to some groups that getting even less than a proportionate share of the pie is unfair because it is going to deprive another group of what they have felt entitled to by birth?

Eight percent is a ridiculously low figure as a goal for all black-, hispanic-, and women-owned businesses. But it is the language which has become standard throughout numerous Federal programs. Similar language is included in the fiscal year 1993 Defense Department appropriations bill, earlier VA/HUD appropriations bills and energy and water appropriations bills. This amendment would only place the language in the authorizing bill where it belongs. I urge my colleagues to support the amendment and strike a small victory for equality and opportunity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BECERRA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLUG: Page 4, lines 1 through 4, strike "the cancellation" and all that follows through "Space Administration" and insert in lieu thereof "consistent with paragraphs (1) through (6), because the aluminum lithium external tank replaces the lift capability enhancement of the Advanced Solid Rocket Motor, and because of severe budgetary constraints and the need to reduce the Federal deficit, the cancellation of the Advanced Solid Rocket Motor program is necessary, and such cancellation will result in a reduction of expenditures by the National Aeronautics and Space Administration over 5 years of $75,000,000, which is".

Mr. KLUG (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Because of a previous order, the gentleman's amendment is now in order.

Mr. KLUG. Madam Chairman, this is a fairly simple amendment and I will not take long.

What it does is amplify the findings that the committee reported out indicating that it was the committee's recommendation that the ASRM Program be terminated.

The new language in these findings does two things. First, it amplifies the fact that those of us in the House think that the program should be terminated because of the issue of deficit reduction; and second, there is also language in the expanded findings indicating that the program no longer can be justified in terms of its original mission.

This language I think is consistent with what the committee tried to do. It also reflects two recent votes in the House, one in the authorization bill, an amendment cosponsored and fought for by my colleague, the gentleman from Wisconsin [Mr. SENSENBRENNER], and then another amendment during the appropriations process that I and the gentleman from Minnesota [Mr. PENNY], the gentleman from Minnesota [Mr. RAMSTAD], the gentleman from Utah [Mr. HANSEN] and the gentlewoman from Utah [Ms. SHEPHERD] and a number of other people fought for.

So I hope what we can do with these expanded findings is simply again to send a strong message to the conferees and send a strong message to the folks in the other House that as this legislation moves forward, that we achieve what we hoped for a number of years, which is to terminate a program that can no longer be justified from either a fiscal standpoint or can no longer be justified from a scientific standpoint.

Mr. BROWN of California. Madam Chairman, I move to strike the last word.

I will be very brief. I want to thank the gentleman for his cooperation with the committee in drafting the language of his amendment. We find it satisfactory.

It will complement the language that the committee has already drafted in its report, and we are willing to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The amendment was agreed to.

Mr. LANCASTER. Madam Chairman, I move to strike the last word.

Madam Chairman, I would like at this point to enter into a colloquy with the distinguished chairman of the Committee on Science, Space, and Technology, if he would consent.

Mr. BROWN of California. Madam Chairman, if the gentleman will yield, I certainly will.

Mr. LANCASTER. Several weeks ago, Madam Chairman, I came across an article that detailed some of the less than stellar procurement and financial practices of the National Aeronautics and Space Administration [NASA]. The article reported that NASA has the authority to award—and in some cases already has awarded—huge bonuses to contractors whose projects are grossly over budget. As an example, the article cited the 17-ton satellite project known as the Gamma Ray Observatory. Although the cost to construct and operate the project came in at 15 percent—or $40 million more than promised, NASA rewarded the contractor with a $5 million bonus.

Madam Chairman, this is precisely the sort of wasteful and extravagant spending that cannot be justified as we ask U.S. citizens and voters to incur personal sacrifices to help reduce the mounting Federal deficit.

Since NASA spends over 90 percent of its budgets on contracts, I wonder if Chairman BROWN would please explain what measures are in place to ensure that NASA's contract administration practices follow a more financially prudent course? It is my understanding that last year's NASA authorization bill contained a contract reform provision and that the current bill includes even stronger measures to improve contract management and contractor accountability. Could the gentleman explain these initiatives in some detail?

Mr. BROWN of California. Madam Chairman, will the gentleman yield?

Mr. LANCASTER. I will indeed, I yield to the gentleman from California.

Mr. BROWN of California. Madam Chairman, let me first say that I applaud the work the gentleman from North Carolina is doing and for his concern and interest in the procurement efforts underway at NASA. As the gentleman stated, Congress passed the NASA Authorization Act (Public Law 102-588) last year which required the Agency to assess approaches that would result in greater contractor accountability.

As a result, NASA published a rule in the Federal Register on April 14, 1993, which applies positive and negative incentives to cost-plus award fee contracts. To summarize, this rule appropriately awards contractors that meet and exceed expectations under the contract and penalizes those that do not. We anticipate that this rule will become final in the next several weeks and that subsequent NASA cost-plus award fee contracts will be negotiated to reflect these incentives.

In addition, H.R. 2200 contains a provision authored by the gentlewoman from California [Ms. ESHOO] which further distributes high risk in research and development contracts by levying penalties against contractors for failure to perform under the contract.

Mr. LANCASTER. Madam Chairman, I understand the gentleman's committee is concerned about abuses in NASA's contracting policies and is planning to exercise close oversight of the Agency's practices. Could the gentleman elaborate more fully on these oversight intentions?

Mr. BROWN of California. Madam Chairman, if the gentleman will yield further, the Committee on Science, Space, and Technology exercised a great deal of oversight in the 102d Congress and plans to continue to exercise close oversight in the 103d Congress.

□ 1240

During the past few years, Madam Chairman, we have held numerous hearings on NASA's contract management and contractor accountability and have followed closely the status of rulemaking on procurement initiatives. With flat or decling budgets, the committee believes that NASA must use taxpayers' dollars wisely in procuring products and services for the Agency.

The committee is approaching procurement reform at NASA in tandem with efforts to reform financial management and budget practices. To this end, the committee is supportive of several initiatives such as independent cost analyses of new NASA programs and the appointment of a chief financial officer to address cross-cutting reform efforts.

Mr. LANCASTER. Madam Chairman, is it the judgment of the gentleman from California [Mr. BROWN] that the measures contained in this bill, and the strict oversight by his comniittee, will lead to significant improvements in NASA's contracting policies in general, and with respect to unjustified performance bonuses to contractors in particular?

Mr. BROWN of California. Madam Chairman, if the gentleman will continue to yield, again I believe that the committee and NASA are working closely and cooperatively to change past procurement practices. In addition, we have closely consulted with other interested Members and committees of jurisdiction. Not only do the committee and Congress need to ensure that contractors bear appropriate risks and costs in high-risk research and development contracts, but also that NASA plans and manages its cost-plus awarded fee contracts effectively.

I am encouraged by the progress NASA has made in procurement practices over the course of the past several months, and we expect to see even more of these changes in the near future. With rules governing the procedures to include positive and negative award fees and continued committee oversight in procurement, financial management, and budget reforms, I believe the results to NASA and to the taxpayer will be higher quality products which are on time and within original cost estimates.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—AERONAUTICS RESEARCH AND TECHNOLOGY

SEC. 401. FINDINGS.

The Congress finds that—

(1) the aerospace industry makes a major contribution to the economy of the United States, accounting for the largest positive trade balance of any United States industry (more than $28,000,000,000 in 1992), and providing over 1,000,000 high-value jobs;

(2) the international market share of the United States aerospace industry has steadily eroded due to competition from foreign consortia that receive substantial direct subsidies from their governments;

(3) the United States aerospace industry is further negatively impacted by reduced investment in national defense;

(4) the continued competitiveness of the United States aerospace industry can be significantly aided by an enhanced Federal investment in technology base research and development in aeronautics;

(5) maintaining state-of-the-art experimental facilities is a key element of Federal investment in aeronautics research and development;

(6) the long-term contribution of advances in aeronautics to the economy and society will rely on a continued commitment to pioneering research and development such as the National Aero-Space Plane;

(7) the National Aero-Space Plane program should explore the possibility of collaboration with other nations for opportunities that would offer unique programmatic benefits without compromising the strategic advantage to the United States; and

(8) cost sharing for facilities use is a highly desirable objective given the deficit reduction goals of the President and the Congress.

SEC. 402. DEFINITION.

For purposes of this title, the term "independent organization" means an organization that does not receive significant funding or support from the National Aeronautics and Space Administration, other than under sections 403, 404, and 406.

SEC. 403. INDEPENDENT PERFORMANCE REVIEW.

(a) PLAN.—The Administrator shall provide for the development of a plan establishing criteria, procedures, and milestones for the evaluation, by an independent organization, of advances made in fundamental aeronautics research and development and the progress made by the aeronautics programs of the National Aeronautics and Space Administration in achieving their goals. Such plan shall be developed by an independent organization in consultation with the Administrator. The plan shall also describe criteria and procedures for terminating National Aeronautics and Space Administration programs that are not making acceptable progress toward their goals. The Administrator shall submit a report describing such plan to the Congress within 6 months after the date of the enactment of this Act.

(b) ANNUAL REPORT.—Beginning in the first year after submission of the plan under subsection (a), at the time of the President's annual budget request to Congress, the Administrator shall submit to the Congress an annual report on the results of an evaluation, conducted by an independent organization, of the progress made by the National Aeronautics and Space Administration in advancing aeronautics and achieving the goals of aeronautics programs. Such evaluation shall be conducted using the criteria, procedures, and milestones established under the plan required by subsection (a).

SEC. 404. TECHNOLOGY TRANSFER REVIEW.

(a) PLAN.—The Administrator shall provide for the development of a plan establishing criteria and procedures for the evaluation, by an independent organization, of the effectiveness of technology transfer from the National Aeronautics and Space Administration's aeronautics programs to industry and other public organizations. Such plan shall be developed by an independent organization in consultation with the Administrator. The plan shall include clear, quantitative measures of the success of such technology transfer activities. The Administrator shall submit a report describing such plan to the Congress within 6 months after the date of the enactment of this Act.

(b) ANNUAL REPORT.—Beginning in the first year after submission of the plan under subsection (a), at the time of the President's annual budget request to Congress, the Administrator shall submit to the Congress an annual report on the results of an evaluation, conducted by an independent organization, of the effectiveness of the National Aeronautics and Space Administration's technology transfer programs. Such evaluation shall be conducted using the criteria and procedures established under the plan required by subsection (a).

SEC. 405. FACILITIES COST SHARING.

The Administrator, in conjunction with other ongoing activities of the National Aeronautics and Space Administration such as the Aerospace Facilities Plan, shall study existing and potential cost sharing provisions between the Federal Government and industry as they relate to the use of wind tunnels and related test facilities to ensure that cost sharing is employed to the fullest reasonable extent. The Administrator shall submit to the Congress the results of such study concurrent with the completion of the Aerospace Facilities Plan, or one year after the date of enactment of this Act, whichever occurs first.

SEC. 406. JOINT AERONAUTICAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Administrator and the heads of other appropriate Federal agencies shall jointly establish a program for the purpose of conducting research on aeronautical technologies that enhance United States competitiveness. Such program shall include—

(1) research on next-generation wind tunnel and advanced wind tunnel instrumentation technology;

(2) research on advanced engine materials, engine concepts, and testing of propulsion systems or components of the high-speed civil transport research program;

(3) advanced general aviation research;

(4) advanced rotorcraft research; and

(5) advanced hypersonic aeronautical research.

(b) CONTRACTS AND GRANTS.—Contracts and grants entered into under the program established under subsection (a) shall be administered using procedures developed jointly by the Administrator and the heads of the other Federal agencies involved in the program. These procedures should include an integrated acquisition policy for contract and grant requirements and for technical data rights that are not an impediment to joint programs among the National Aeronautics and Space Administration, the other Federal agencies involved in the program, and industry.

(c) ELEMENTS OF PROGRAM.—The program established under subsection (a) shall include—

(1) selected programs that jointly enhance public and private aeronautical technology development;

(2) an opportunity for private contractors to be involved in such technology research and development; and

(3) the transfer of Government-developed technologies to the private sector to promote economic strength and competitiveness.

SEC. 407. NATIONAL AERO-SPACE PLANE.

(a) FINDINGS.—The Congress finds that—

(1) hypersonic flight will be critical to the continued contribution of aeronautics to the economic and strategic interests of the United States in the early twenty-first century;

(2) the data obtained through rocket-based hypersonic flight experiments will not, by themselves, reduce risk sufficiently to allow the development of a single-stage-to-orbit, air-breathing plane; and

(3) a single-stage hypersonic research plane is critical to the successful exploration of the hypersonic flight regime and the timely realization of a single-stage-to-orbit, air-breathing plane.

(b) HYPERSONIC RESEARCH PLANE ASSESSMENT.—The Administrator shall conduct a study, through an independent organization, of strategies that would optimize the next phase of the National Aero-Space Plane program by integrating with the rocket-based hypersonic flight experiments the development, in the shortest possible time frame, of a single-stage hypersonic research plane capable of speeds in the Mach 10 to Mach 15 range or greater, with the objective of providing data that would accelerate the ultimate development of a single-stage-to-orbit, air-breathing plane. The Administrator shall report the results of the study to Congress no later than 6 months after the date of the enactment of this Act.

The CHAIRMAN. Are there amendments to title VI?

Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. CAMP. Madam Chairman, the Consortium for the International Earth Science Information Network has undergone the scrutiny of an authorizing committee, having been authorized this year by the Science, Space, and Technology Committee. It has and is undergoing the scrutiny of the House of Representatives and funding has been appropriated. It has been approved by a President and submitted in his budget.

Like all spending programs, CIESIN as it is commonly referred to, must undergo a test—a test to determine whether or not it is in the national interest.

CIESIN is gaining recognition and respect of governments around the world. It is a 21st century library of global scientific environmental data. It is an information link between scientists around the world working to meet challenges in research, policy, education, health, and the world economy.

CIESIN is just beginning to get its start and I believe must continue to justify its existence in the future. Like every Government program, we must watch CIESIN carefully to see how taxpayers dollars are spent. That is only fair and right.

Madam Chairman, CIESIN should be debated on the floor of this House as we are doing today. And in the end, CIESIN deserves our support.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. CARDIN] having assumed the chair, Mrs. UNSOELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2200) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and inspector general, and for other purposes, pursuant to House Resolution 193, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded by any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. GOSS. Mr. Speaker, I demand separate votes on the so-called Calvert-Hall amendment, the so-called Sensenbrenner amendment, and the so-called Cox amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendments?

If not, the Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 4, after line 9, insert the following new section:

SEC. 100. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this subtitle, the total amount authorized to be appropriated under sections 101(b), 102, 103, 104, and 105 of fiscal year 1994 shall not exceed $12,889,000,000. Each amount stated in such sections shall be reduced proportionately as necessary to meet the requirement of this section.

Mr. GOSS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to rule XV, the Chair announces that the next two votes, if ordered, will be limited to 5 minutes.

The vote was taken by electronic device, and there were—yeas 416, nays 6, not voting 12, as follows:

[Roll No. 381]

YEAS—416

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn

Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—6

Bacchus (FL)
Browder
Collins (MI)
Cramer
Hilliard
Watt

NOT VOTING—12

Burton
Derrick
Henry
Lazio
Martinez
McCloskey
McDade
Moakley
Packard
Torkildsen
Washington
Wilson

☐ 1305

Mr. BACCHUS of Florida changed his vote from "yea" to "nay."

Messrs. QUILLEN, HORN, KOPETSKI, ROTH, ABERCROMBIE, and CONYERS changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CARDIN). The Clerk will report the next amendment on which a separate vote has been requested.

The Clerk read as follows:

Amendment: page 11, lines 1 and 2, strike "and $35,000,000 for fiscal year 1995".

Page 11, lines 4 through 8, strike "and transferring the production" and all that follows through "Yellow Creek, Mississippi".

Page 11, line 25, insert "No Federal funds may be obligated for the continuation of the Advanced Solid Rocket Motor program, except as necessary to terminate such program." after "on the Space Shuttle.".

Page 14, lines 22 and 23, strike paragraph (24).

Page 14, line 24, through page 16, line 9, redesignate paragraphs (25) through (39) as paragraphs (24) through (38), respectively.

Page 16, line 11, strike "(39)" and insert in lieu thereof "(38)".

Mr. GOSS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This vote will be limited to 5 minutes.

The vote was taken by electronic device, and there were—ayes 303, noes 111, not voting 20, as follows:

[Roll No. 382]

AYES—303

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Brooks
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Camp
Canady
Cardin
Castle
Chapman
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox
Coyne
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gilchrest
Gillmor
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hancock
Hansen
Hastert
Hastings
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hoekstra
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman
Levin
Levy
Lewis (FL)
Lightfoot
Linder
Lipinski
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Michel
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (NC)
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Pallone
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Swett
Synar
Talent
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Walsh
Weldon
Wheat
Williams
Wise
Wolf
Wyden
Yates
Young (AK)
Young (FL)
Zimmer

NOES—111

Abercrombie
Ackerman
Bacchus (FL)
Bachus (AL)
Barlow
Barton
Becerra
Berman
Bevill
Bilirakis
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Callahan
Calvert
Carr
Clay
Clement
Collins (IL)
Cooper
Coppersmith
Cramer
Darden
DeLay
Dellums
Dixon
Edwards (CA)
Engel
Everett
Farr
Fazio
Fields (LA)
Filner
Flake
Furse
Gekas
Gephardt
Geren
Gibbons
Gilman
Gingrich
Hall (TX)
Hamburg
Hayes
Hilliard
Hochbrueckner
Hoyer
Hughes
Johnson (GA)
Johnson, E. B.
Kennedy
Klein
Kopetski
Lambert
Laughlin
Lewis (CA)
Lewis (GA)
Livingston
Lloyd
Long
Manton
McCloskey
McDermott
McKinney
Meek
Menendez
Mica
Mineta
Montgomery
Natcher
Owens
Parker
Payne (NJ)
Peterson (FL)
Pickle
Pomeroy
Quillen
Rangel
Reynolds
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Scott
Serrano
Skaggs
Skeen
Stokes
Sundquist
Swift
Tanner
Taylor (MS)
Thompson
Thornton
Torres
Towns
Volkmer
Vucanovich
Walker
Waters
Watt
Waxman
Whitten
Woolsey
Wynn

NOT VOTING—20

Cantwell
Derrick
Harman
Henry
Hoke
Jefferson
Lazio
Martinez
McDade
Mfume
Moakley
Mollohan
Neal (MA)
Ortiz
Packard
Royce
Torricelli
Washington
Wilson
Zeliff

☐ 1313

Messrs. BERMAN, LEWIS of California, and THORNTON changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CARDIN). The Clerk will report the last amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment: Page 48, after line 10, insert the following new section:

SEC. 316. HELIUM PURCHASES.

The National Aeronautics and Space Administration may purchase helium from private sector sources.

Mr. GOSS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. According to the previous notice, this vote will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 326, noes 98, not voting 10, as follows:

[Roll No. 383]

AYES—326

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Coble
Collins (GA)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nussle
Obey
Olver
Orton
Oxley
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Synar
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Unsoeld
Upton
Vento
Visclosky
Vucanovich
Walker
Walsh
Weldon
Wheat
Wise
Wolf
Woolsey
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—98

Abercrombie
Andrews (TX)
Barton
Becerra
Beilenson
Bevill
Bishop
Bonior
Boucher
Brooks
Browder
Brown (CA)
Bryant
Clay
Clyburn
Coleman
Collins (IL)
Combest
Cramer
DeFazio
Dellums
Deutsch
Dingell
Dixon
Edwards (CA)
Edwards (TX)
Engel
Farr
Fazio
Fields (LA)
Gephardt
Geren
Gilman
Gonzalez
Green
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hilliard
Hochbrueckner
Johnson, E. B.
Kopetski
Laughlin
Lehman
Lewis (GA)
Mann
Manton
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Nadler
Oberstar
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Pickett
Pickle
Rahall
Reynolds
Rose
Rostenkowski
Roybal-Allard
Rush
Sarpalius
Scott
Serrano
Skeen
Smith (MI)
Stark
Stenholm
Stokes
Swift
Tanner
Tejeda
Thompson
Torres
Towns
Traficant
Tucker
Valentine
Velazquez
Volkmer
Waters
Watt
Waxman
Whitten
Williams
Wynn
Yates

NOT VOTING—10

Derrick
Hefner
Henry
Lazio
McDade
Moakley
Packard
Rangel
Washington
Wilson

□ 1323

Messrs. LEHMAN, OBERSTAR, ORTIZ, and TORRES changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore [Mr. CARDIN]. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALKER. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALKER moves to recommit the bill H.R. 2200 to the Committee on Science, Space, and Technology with instructions to report the bill back to the House forthwith with an amendment as follows:

Page 2, after line 21, insert the following new paragraph:

(3) the Administrator should explore ways of encouraging voluntary retirements by National Aeronautics and Space Administration personnel in order to facilitate any restructuring associated with the redesign of the space station;

Redesignate subsequent paragraphs accordingly.

Mr. WALKER. Mr. Speaker, I think we can dispose of this fairly quickly because I think there is general agreement on the motion.

Mr. Speaker, it is clear that in order to restructure and redesign the space station there is going to have to be some change in personnel policies at NASA. This is simply an instruction to the NASA Administrator to assure that as they look towards changes in personnel that one of the things that they would do is to look at early retirement and voluntary retirements from NASA as a way of bringing about any kind of personnel reductions.

It seems to me that this is in line with what the Administrator wants to do. And I think we have agreement that this is a reasonable addition to the bill and can be approved.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding.

Let me say that I rise in support of the gentleman's motion to recommit with instructions. I think he has indicated the urgency of NASA being able to take action which would facilitate a restructuring of the organization.

The administration, the executive branch is supportive of this also.

We have introduced today a bill that will be jointly referred to the Committee on Post Office and Civil Service and the Committee on Science, Space, and Technology that will facilitate this. This finding is merely to lay a groundwork to allow this action to go forward. I support the gentleman's motion.

Mr. WALKER. I thank the gentleman, and I do want to reiterate that point, that this is very much in line with the administration policy, which is attempting to be advanced on a fast track, and so this is something that the administration would thoroughly support.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

Mr. BROWN of California. Mr. Speaker, pursuant to the instructions of the House, the Committee on Science, Space, and Technology reports back the bill, H.R. 2200, with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: Page 2, after line 21, insert the following new paragraph:

(3) the Administrator should explore ways of encouraging voluntary retirements by National Aeronautics and Space Administration personnel in order to facilitate any restructuring associated with the redesign of the space station;

Redesignate subsequent paragraphs accordingly.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 2200, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SUBMISSION OF LETTER FROM CHAIRMAN OF COMMITTEE ON GOVERNMENT OPERATIONS RELATIVE TO PROCUREMENT PROVISION ON H.R. 2200, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

Mr. BROWN of California. Mr. Speaker, I submit for the RECORD a letter from the Committee on Government Operations relating to a procurement provision within that committee's jurisdiction, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 1993.

Hon. GEORGE E. BROWN, Jr.,
Chairman, Committee on Science, Space, and Technology, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I received your letter of June 8, 1993, asking that the Committee on Government Operations not seek a sequential referral of H.R. 2200 if the Committee on Science, Space, and Technology adopts an amendment to hold contractors liable for failure to perform under requirements of a NASA cost-type research and development contract.

I appreciate your inquiry and understand that this amendment would apply only to NASA. While the Committee on Government Operations would normally request sequential referral of all Federal procurement actions taken by the House of Representatives, we will not seek a sequential referral to H.R. 2200 if the subject amendment is adopted in your markup.

I look forward to your continued support of the Committee on Government Operations' efforts in Federal reform.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

□ 1330

KUDOS ALL AROUND

(Mr. BROWN of California asked and was given permission to address the House for 1 minute.)

Mr. BROWN of California. Mr. Speaker, I want to call the attention of the House to the fact that we finished this bill—and many thought we never would—and I want to think the leadership for allowing us the opportunity to, over the past 6 weeks, take up time in the intermissions between other legislation.

We are very grateful to them.

I also want to thank all the Members who contributed so much to perfecting this bill through their well-honed amendments. We are grateful to them also.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman.

Mr. BONIOR. I thank the gentleman for yielding.

Mr. Speaker, on behalf of the leadership we accept the very kind remarks of the gentleman from California.

MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 230

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1964) to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. It shall be in order at any time to consider the amendments en bloc printed in the report of the Committee on Rules accompanying this resolution, if offered by the chairman of the Committee on Merchant Marine and Fisheries or a designee. The amendments en bloc shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Points of order against the amendments en bloc for failure to comply with clause 7 of rule XVI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. CARDIN). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a bipartisan rule for the consideration of a bipartisan bill, and I want to begin by commending the leadership of the Merchant Marine Committee—on both sides of the aisle—for their hard work.

I would like to focus my remarks, however, on one issue we will be debating today—an issue which gets at the very heart of the U.S. merchant marine.

As many of my colleagues are aware, the U.S. flag merchant marine has been in a state of decline for many years.

Our companies cannot compete with subsidized foreign interests. We have not been able to modernize, and most important, we have been loosing jobs—good jobs.

The U.S. merchant marine is crucial for our international trade, for our military security, and for American jobs. And we cannot let this downward trend continue.

The solution is clear—we need a comprehensive reform of our maritime laws—to make our companies competitive and profitable and to create and retain American jobs.

The good news is that the Merchant Marine Committee here in the House, as well as the administration, are hard at work on just such a reform.

But they need time to do their work.

That is why many of us have been very troubled by several recent events. Two of the largest liner carriers in the U.S. flag fleet now say they want to transfer many of their vessels to a foreign flag.

These companies are afraid that if we do not act fast on a reform bill, they will not be able to compete in the international market.

We need to restore confidence of the shipping industry that we can get these reforms passed.

We need to make sure that U.S. companies can compete internationally.

These firms should want to continue to operate under the U.S. flag. And a comprehensive maritime reform will do just that.

But we need time to work out that reform—we cannot begin to lose U.S. vessels, and American jobs—while that reform is completed.

When this bill is considered today, The chairman of the Committee on Merchant Marine and Fisheries intends to offer an amendment to give us time to pass that reform.

His amendment would require the administration to hold off for 1 year, any reflagging decision, while we consider and pass a reform bill.

Mr. Speaker, it is a reasonable and fair approach.

We cannot afford to lose these ships to foreign flags.

We cannot afford the costs to our national security, our international trade, or to our economy.

And we cannot afford to lose American jobs just because we have not had time to work out a reform we all agree is necessary.

Mr. Speaker, I strongly support this amendment, and I support the bill.

Mr. Speaker, House Resolution 230 is an open rule for consideration of H.R. 1964, the Maritime Administration Authorization Act for fiscal year 1994.

The rule makes in order the Merchant Marine and Fisheries Committee amendment in the nature of a substitute as an original bill for the purpose of amendment and waives clause 5(a) of rule 21 against the committee substitute.

The rule also makes in order en bloc amendments printed in the Rules Committee report and waives clause 7 of rule 16 against the amendments.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, this is a simple, open rule for consideration of the bill, and I urge my colleagues to support the rule and the bill.

Mr. Speaker, I strongly support the amendment, and I support the bill. I urge my colleagues to not only support the amendment and the bill but urge the administration and committees of relevance, in the House and in the other body, to get on with what is necessary, that which should have been done a long time ago and now is imperative in order for us to retain these jobs, to maintain our American security on our sealanes around the world, and to make sure that this great industry does not fall the way of recent vessel flaggings in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Michigan [Mr. BONIOR] has ably explained the provisions of the bill, and I could not agree with him more that we need a refurbishing of our merchant marine capabilities in the legislation here before the Congress.

Mr. Speaker, I served aboard an aircraft carrier during World War II, and back then we had over 4,000 American bottoms in our fleet, and now we are down to less than 400. I do not know how or why, but since World War II the administrations have let the merchant marine fleet go down the drain, and we must do something to rebuild it for the benefit of this country because in a time of crisis it is absolutely necessary that they be prepared to support our efforts on the waters of the world, wherever we need to deliver the goods to supply our troops.

☐ 1340

In the 30-some years that I have been here, we have been hammering away to do something for the merchant marine, but it is unfortunate indeed that we have not done anything.

I am glad to see the amendment being offered to this legislation that within a year there will be a proposal brought to the floor of the House to revise our maritime policy, reestablish American bottoms, American flags, and the fleet that we so badly need. The committee now is dedicated to do that.

I feel with that dedication and with the leadership of this Congress and our plea with the present administration that we are going to accomplish our goal.

I think we should increase our cargo preference requirements. I think we should do the things that are necessary to implement now the revision status that we all have in mind.

At the conclusion of my statement, Mr. Speaker, I will submit a comparative chart of open versus restrictive rules for the 95th through the 103d Congresses, and a separate chart of open versus restrictive rules for the 103d Congress.

This is an open rule, Mr. Speaker. I know of no objection to it.

I want to do everything that I can to help our merchant marine industry. I pledge to do that and my dedication is to carry that out and follow through.

I thank the gentleman from Michigan [Mr. BONIOR] for his remarks. He is right on target.

Mr. Speaker, I include the following charts:

OPEN VERSUS RESTRICTIVE RULES: 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules [2]		Restrictive rules [3]	
		Number	Percent	Number	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	31	9	29	22	71

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 29, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONGRESS

Rule number, date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. Feb. 3, 1993.
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. Feb. 4, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONGRESS—Continued

Rule number, date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. Feb. 24, 1993.
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. Mar. 3, 1993.
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. Mar. 10, 1993.
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185. Mar. 18, 1993.
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (I-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. Mar. 18, 1993.
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. Mar. 24, 1993.
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. Apr. 1, 1993.
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. Apr. 28, 1993.
H. Res. 164, May 4, 1993	O	H.R. 820: National Competitiveness Act	NA	NA	A: Voice vote. May 5, 1993.
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice vote. May 20, 1993.
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0. May 24, 1993.
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: U.S. Forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice vote. May 20, 1993.
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. May 26, 1993.
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194. May 27, 1993.
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. June 10, 1993.
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice vote. June 14, 1993.
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176. June 15, 1993.
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. June 16, 1993.
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice vote. June 22, 1993.
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. June 17, 1993.
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice vote. June 17, 1993.
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and water appropriations	NA	NA	A: Voice vote. June 23, 1993.
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. July 21, 1993.
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. P: 205–216. July 22, 1993.
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. July 27, 1993.
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authorization Act, fiscal year 1994	NA	NA	
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authorization	NA	NA	

Note.—Code: C—Closed; MC—Modified closed; MO—Modified open; O—Open; D—Democrat; R—Republican; PQ: Previous question; A—Adopted; F—Failed.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am anxious to get on to the full debate in the Committee of the Whole and pass this bill.

Again I would repeat as a courteous admonition to this administration to take this seriously. This is a priority for a lot of us in this Congress. It is a priority that needs to be moved up to the front burner. We do not need inaction. We need people to take this issue seriously for the sake of the jobs in this country, this industry, and our own national security.

So, Mr. Speaker, I urge my colleagues to support the bill and the amendment that will be offered by the distinguished gentleman from Massachusetts.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 230 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1964.

The Chair designates the gentleman from West Virginia [Mr. RAHALL] as Chairman of the Committee of the Whole and requests the gentleman from Georgia, Mr. DARDEN, to assume the chair temporarily.

☐ 1343

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1964) to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes, with Mr. DARDEN, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1964 is the Maritime Administration Authorization Act for fiscal year 1994. The bill authorizes $621 million for the programs within the Maritime Administration, an agency responsible for the promotion, development, and maintenance of the U.S. merchant marine. The Clinton administration supports House passage of H.R. 1964.

Mr. Chairman, the U.S. merchant marine is at a critical juncture. Unless we reform our national maritme policies, our ships will seek refuge under a foreign registry, we will lose the ability to build ships, and the U.S. merchant marine will be a fond memory of the past.

To revitalize our maritime community, the leadership of the Committee on Merchant Marine and Fisheries, Mr. LIPINSKI, Mr. FIELDS, Mr. BATEMAN, and I have developed a package of maritime reform initiatives. These include two measures already reported from committee: H.R. 2152, the Merchant Marine Investment Act of 1993, and H.R. 2547, the National Shipbuilding and Conversion Act of 1993. These bills promote commercial shipbuilding in U.S. shipyards. In addition, we have worked very closely with the Committee on Armed Services and portions of our shipbuilding bill were included in this year's Defense Authorization Act. I am especially grateful to the chairman of the Armed Services Committee, Mr. DELLUMS, for his recognition of the importance of domestic shipbuilding to our national security.

The third component of our maritime reform initiative, H.R. 2151, the Maritime Security and Competitiveness Act of 1993, was just reported this morning from the Merchant Marine Subcommittee. H.R. 2151 establishes a new financial assistance program which, when funded, should keep the U.S. merchant marine fleet under the U.S. flag. To give the Congress time to enact this reform measure. Mr. LIPINSKI and I will shortly offer an amendment to H.R. 1964 that will place a 1-year moratorium on the Secretary of Transportation's authority to approve the pending request of some U.S. companies to transfer 20 U.S.-flag vessels to foreign registry.

Although less dramatic than its companions, H.R. 1964 authorizes MarAd to maintain the vessels in the Ready Reserve Force in a state of readiness and to fund the title XI loan guarantee program. H.R. 1964 also secures funds for the Massachusetts Center for Marine Environmental Protection at the Massachusetts Maritime Academy.

Mr. FIELDS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am delighted to join my colleagues from the Merchant Marine and Fisheries Committee, Chairman STUDDS, Mercant Marine Subcommittee Chairman LIPINSKI, and Mr. BATEMAN, in supporting H.R. 1964, the authorization bill for the Marine Administration [MarAd] for fiscal year 1994.

This bill authorizes $621,493,000 for MarAd. The administration's request was $620,951,000. It reallocates some funding originally proposed for the acquisition of additional vessels for the Ready Reserve Force [RRF], to the maintenance account for those vessels. If we have to accept limited funding for MarAd, it is more appropriate to assure that we properly maintain the existing RRF vessels rather than acquiring additional ships for this reserve fleet.

H.R. 1964 also authorizes $50 million for new vessel construction under the title XI Loan Guarantee Program, as well as $4 million for administrative expenses under this program. Based on this budget calculations, this $50 million in guarantees could result in the construction of about $1 billion worth of commercial vessels in U.S. shipyards. Also, I want to point out to my colleagues that this $54 million for guarantees is taken from within the administration's original overall budget by shifting funds from the RRF acquisition account, so it does not increase the total budget.

I am particularly pleased that this legislation includes a provision based on my earlier bill, H.R. 1780, providing for the reimbursement of the young men and women graduating from our State maritime academies who are now required to pay the Coast Guard for their entry level merchant marine licenses. I strongly believe that this is an unfair burden placed on these cadets.

Our committee has done an excellent job in crafting a bill that reflects the collective desire to adequately fund MarAd, while at the same time, acknowledging that there are a number of statutory modifications needed to make the Agency's programs work even better.

Our committee requested, and obtained, an open rule for H.R. 1964. We wanted to be sure that Members had an opportunity to offer amendments to the legislation. At the appropriate time, Chairman STUDDS will offer an amendment that deserves the support of the Members of this House.

H.R. 1964 is a fiscally sound bill and I urge my colleagues to pass this bill to fund MarAd's programs and to revise a number of their statutory authorities.

□ 1350

Mr. STUDDS. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Subcommittee on Merchant Marine, the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, H.R. 1964, as amended, authorizes an appropriation of $621,251,000, the amount requested by the Clinton administration, with an additional $300,000 to reimburse State maritime academy students for Coast Guard licensing fees.

The bill funds maritime education and training as well as the operating differential subsidy program and MarAd's operations at levels consistent with the President's request.

The only major change made by the committee was in the Ready Reserve Program [RRF]. Severe underfunding of the RRF maintenance and operations account has led to a shift in funding from the acquisitions account to the maintenance account. It seems only logical to maintain the vessels we own before purchasing more foreign vessels.

H.R. 1964 also shifts requested funds from RRF acquisitions to the title 11 Loan Guarantee Program to help start the much-needed revitalization of the U.S. maritime industry.

Chairman STUDDS and I will be offering a noncontroversial amendment regarding documentation of a number of small vessels. These are annual and noncontroversial requests that satisfy the concerns of a number of our fellow members.

And as Chairman STUDDS has already stated, we will also be offering an amendment to place a 1-year moratorium on the Secretary of Transportation's authority to approve the transfer of U.S.-flag vessels to foreign registry.

It is vital that at a time when we are trying to preserve our maritime industry that we retain our merchant fleet.

We are at a critical juncture. I strongly urge my colleagues to support the reflagging amendment and pass H.R. 1964.

Mr. FIELDS of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. BATEMAN], the ranking minority member on the Subcommittee on Merchant Marine.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman from Texas [Mr. FIELDS] for yielding this time to me, and I will not spend the committee's time dealing with the substantive provisions that are in the bill before us because those who have preceded me have adequately done that. I will say that I am proud to have been associated in the constructing of this legislation and to have been one of the original cosponsors of it. It does address aspects of the problems confronting our very troubled maritime community, and certainly I echo the sentiments of all those who have preceded me as to the urgency of our doing something to revitalize all aspects of that community. For the American-flag carriers, the maritime laborers who work on those vessels, and for the American shipbuilding industry, all of which are sorely pressed and distressed in this era, it is, in my opinion, a very, very shameful thing that this Nation, which can only be a strong nation as long as it remains a maritime power, has for so long neglected its merchant marine and its maritime resources.

Mr. Chairman, I want to thank the chairman of the full committee, the gentleman from Massachusetts [Mr. STUDDS], and the gentleman from Illinois [Mr. LIPINSKI], the chairman of the subcommittee, and my ranking member of the full committee, the gentleman from Texas [Mr. FIELDS], for what they have done in connection with this bill, and I most especially thank the chairman and the subcommittee chairman for the very open, very cooperative manner in which they have dealt with, not only this legislation, but the other legislation affecting our maritime industry in this session of Congress. This spirit of openness and cooperation has never been better than I have experienced in working with them in these endeavors this year.

I do want to take the remainder of my time, however, to make reference to, I think, an unfortunate aspect of what is occurring to us today, and I want to do that while making it clear that it is not so much in the context of any substantive objection to any of the amendments which are being offered en bloc today. But I do have very definite concerns as to the manner in which one of those amendments comes to us, whether en bloc or otherwise.

Mr. Chairman, I have reference to the amendment that puts the moratorium on reflagging of present American-flagged vessels. Again, Mr. Chairman, substantively I am not objecting to that. It may be something critically necessary. What I do object to is being put in the position of coming to the floor today, having learned only yesterday or the evening before that such as amendment was being offered, it not having come through the channels of either the subcommittee or the full committee, but from forces or persons external to our committee.

Mr. Chairman, our committee is a very dedicated committee. It has the greatest degree of expertise on issues and problems that we are dealing with, and I think very clearly that we in the Congress, or the Congress in general, would be better served had this committee had some input in the dealing with that amendment.

The amendment that I have reference to, Mr. Chairman, says that American-flag carriers who had announced their intentions to reflag will not be able to do so until December 1994. It may be essential that this be done. I would remind my colleagues in the House that, under present law, they cannot do it without the approval of the Maritime Administration, and there is a process by which discretion could have been exercised as to whether they were permitted to do it, or not permitted to do it, or to what extent they were permitted to do it. Whether it is necessary to go further and actually legislate a moratorium is the very thing that we should have had hearings upon.

Mr. Chairman, as good as this may be for everybody else, we cannot be so insensitive that we do to certain American companies things which may have millions of dollars of implications upon them with little notice on their part of what we are about to do or an opportunity to be heard as to what exemplifications for them were, and, as much as I want to extend opportunities for American maritime labor, and as much as I appreciate the national-security implications of an adequate pool of maritime labor, it will not serve us well in the long run, them or any other aspect of our merchant marine, if it is done at the price of bankrupting the few remaining American flag carriers. Our committee was the forum for these things to have been discussed, to have been worked out, and, in fairness, to have given everyone concerned an opportunity to be heard, and I do state my concerns to the fact that this is not done.

Mr. Chairman, I ask no Member of this House to defeat the en bloc amendment which includes the one to which I made reference, but I do feel that it would be derelict on my part as the ranking member of the subcommittee and a member of the Committee on Merchant Marine and Fisheries not to indicate my sincere concern that the committee has not played its role in this very important aspect of this legislation that it is more than capable of playing, and I hope that we will have no such instances in the future.

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if I may respond briefly to the remarks just made by the gentleman from Virginia [Mr. BATEMAN], I want to, first of all, thank him for the graciousness of tone with which he made his observations, and I say to him that to a large degree I share his regret at the speed with which we felt compelled to do that.

Let me point out a couple of dates to the gentleman, if I may. The committee marked this bill up on May 26. A little over a month later, on June 29, the first applications for reflagging were filed. At that point, Mr. Chairman, the bill was already out of committee, and, if we were to use this as a vehicle, there was no opportunity to do it at the committee stage.

The gentleman is absolutely correct, in my judgment, that under almost all circumstances that is the way we ought to proceed legislatively around here, and I will say to the gentleman that there was no effort whatsoever to sneak up on anyone. I did not decide in my own mind that we should probably go ahead and do this until a couple of days ago. The timing is such that, as I said, if we were to do it, we really had no other choice.

But I do want to say to the gentleman that I think we make a great deal of sense and reiterate to him what I have said so many times before, and also to the ranking member from Texas, my appreciation for all of the spirit with which this enterprise has been undertaken by all of us. This remains, as we have said so many times, I think the most collegial and the most bipartisan of all the committees of the House. We are now wrestling with a matter of immense consequence, not just for Members of coastal communities, as sometimes we do, but things which speak to the national security of this country, and I know the gentleman also serves on the Committee on Armed Services, and I also want to thank him for the extraordinary work he has done there in facilitating the most unusual degree of cooperation between these two committees on this matter.

□ 1400

Mr. BATEMAN. Mr. Chairman, if the gentleman will yield, I want to make it very clear that the exceptions that I have taken do not relate to the chairman of the full committee. I would suggest, however, that it was not critically important that this particular amendment be offered en bloc to this bill, in view of the fact that this very morning we were in subcommittee reporting out a bill which would have been an equally available vehicle, I believe, for this amendment, and which would at full committee when we mark up that bill next week have been a vehicle for it.

Again, it is not something that I am offended in any degree that the chairman of the subcommittee has done anything to avoid that committee being able to work its will or to be advised or to be participating. But there is something wrong with the legislative process where this happens, and I would hope that those who have brought us here to this in this instance would not repeat it in the future.

Mr. STUDDS. Mr. Chairman, reclaiming my time, I appreciate the observations of the gentleman from Virginia [Mr. BATEMAN].

Mr. FIELDS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of H.R. 1964, the Maritime Administration Authorization Act. This legislation has strong bipartisan support in the Merchant Marine Committee, thanks to the hard work of Mr. LIPINSKI, Mr. BATEMAN, Chairman STUDDS, and Mr. FIELDS.

In particular, I would like to compliment Chairman STUDDS and the ranking minority member, Mr. FIELDS, for their commitment to the critical issue of maritime reform in this country. It has been my pleasure to sit on the Merchant Marine and Fisheries Committee and work in a truly bipartisan manner and get things done.

I rise in support of the Studds amendment that is being offered today. I am aware that this is a sensitive issue. However, it should be noted that we are in a national crisis in regards to our maritime industry. This amendment would afford Congress and the President the needed time to come out with a comprehensive program on maritime reform.

I must stress that this is a critical issue to the United States. If our shipbuilding and industrial base is to be maintained, we are going to have to recapture a share of the commercial shipbuilding and repair market.

Mr. Chairman, I am confident that our ship yards can be competitive once again. This amendment would allow the consideration of changes in maritime policy in an atmosphere where all parties must work together for a positive change.

At a time when commercial shipbuilding is booming, when there are over 200 ships on order or under construction worldwide, to my knowledge there are no commercial tankers currently being built here.

Mr. Chairman, I look forward to continue working diligently with you and the other members on the committee to see that the goal of a new and comprehensive maritime reform be accomplished in the very near future. I urge my colleagues to support the Studds amendment.

Mr. FIELDS of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I rise also as a member of the Committee on Armed Services and as an exmember of the Committee on Merchant Marine and Fisheries in strong support of these initiatives. I want to follow up just a moment on Chairman STUDDS' observations with respect to the cooperation between the Committee on Merchant Marine and Fisheries and the Committee on Armed Services.

I was privileged to be in attendance and participate during the lengthy markup of the Armed Services bill under Chairman DELLUMS, and I want to indicate to all Members that the strong sense of cooperation that has been indicated, both by the gentleman from Massachusetts [Mr. STUDDS], the gentleman from California [Mr. CUNNINGHAM], the gentleman from Virginia [Mr. BATEMAN], and others, indicates that that strong sense of bipartisan cooperation is also made manifest in these two committees.

Mr. Chairman, some Members may recall that at one point as the cold war drew to a close, and subsequent to my membership on the Committee on Merchant Marine and Fisheries, that I indicated during the last chairman's tenure, who now, of course, is the Secretary of Defense, Mr. Aspin, that what was vital and necessary to the interests of the United States, and indeed to peace loving people throughout the world, was that we redefine the term national security, that we redefine it in post-cold war terms. And I am very happy to indicate to the membership and to the American people that under the leadership of the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from California [Mr. DELLUMS], and with the full bipartisan cooperation that I have indicated on both committees, that we are turning the corner on redefining the very nature of the phrase national security. Fundamental and elemental in this process is refurbishing, in fact revitalizing, the American merchant marine.

Mr. Chairman, I am delighted to say that in our Armed Services markup, and I am sure Chairman DELLUMS will agree and the gentleman from Massachusetts [Mr. STUDDS] will acknowledge, that we were able to carefully craft an approach that will carry forward this notion of redefining national security; that the American merchant marine will be the beneficiary; that working men and women in shipbuilding, working men and women on the sea, working men and women throughout the country that are looking for our economy to make a good comeback, to achieve a new prosperity and a new sense of security in the best sense of that word as we convert from the cold war psychology and from the cold war technology into a psychology-technology, and indeed an economy, that will truly be converted into one of social utility and advancement for all people.

Mr. Chairman, I am proud to be working with Chairman STUDDS, with Chairman DELLUMS, and with our Republican and Democratic members on both committees to see this accomplished.

Mr. STUDDS. Mr. Chairman, I echo everything that the distinguished gentleman just had to say about our colleague, the gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services, to whom I now yield 3 minutes.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the legislation before us and associate myself with the remarks of several of my distinguished colleagues from California, Virginia, and others, and also to compliment the distinguished gentleman, the Chair of the committee. I have enjoyed working very closely and cooperatively with the gentleman.

Just the other day in action of the full Committee on Armed Services we ratified a program that would allow the Committee on Armed Services to place some $200 million on the table for the purpose of loan guarantees. When you put that together with the business of this committee, we have taken a long journey to answer some very important questions that America needs to answer: Is this a maritime nation? I believe the answer to that is yes. Do we need to maintain the integrity of the industrial base that allows us to continue to manifest the competency to build commercial ships? The answer to that is yes.

Mr. Chairman, it appeared where we are downsizing our military budgets, and the days of the 600-ship Navy is over and we are coming closer to a 300-ship Navy, the question is how do we then convert. And I think in this program in a very classic way is a very significant economic conversion effort.

☐ 1410

The hope of this gentleman and, I am sure, my distinguished colleague from Massachusetts was that at the end of the day, let the RECORD show that these two committees came together and placed a program on the table that challenges the leadership of this Nation to come to grips with the need for the development of a comprehensive maritime policy. What we have attempted to do in our markup is to say that at a critical juncture in the history of this country, as we address this particular problem, we stepped up to the plate. We used several hundred million dollars in order to generate an important discussion and an important policy formulation.

In conclusion, let me, again, say that I am very proud and very pleased to rise in support of the legislation, to work with my distinguished colleagues on the Committee on Armed Services, as we stepped up and placed an important element in this whole fabric and to finally, again, thank my distinguished colleague for his generosity and his cooperation, because I think what we do here today and what the Committee on Armed Services has done and what we will do in the next several days when we authorize the DOD budget for fiscal 1994 will be historic for this Nation.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I notice that in the bill there is approximately $240 million set aside for operating differential subsidies. Although the money is not appropriated, it is authorized and subject to appropriation.

We are, therefore, giving our blessing to it. I have some concerns that in years past we have allowed foreign built but U.S.-flag vessels to get this money.

As the gentleman knows, there is a move afoot in town by some of the vessel owners to continue this practice, to actually add to the practice by procuring additional foreign built but U.S.-flag vessels for the operating differential subsidy.

In legislation pending before the committee, 2151, to be exact, we hope to address this, and that although I feel like the committee has made some mistakes in the past, we cannot change the past, but that no further funds would be allocated for operating differential subsidies for vessels that have not yet been constructed or that have not yet gotten the subsidy.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, the gentleman is correct.

Mr. TAYLOR of Mississippi. Mr. Chairman, I would hope that that is the intent of the committee, as this language moves to the Senate, and will be the position of this committee when this bill goes to conference.

Mr. STUDDS. Mr. Chairman, if the gentleman will continue to yield, so far as I know, that is the position of this committee on both sides.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Chairman, my understanding is that the funds authorized in this bill cannot, would not be used for any subsidization of any foreign built vessel. There are such proposals, which would permit that in other legislation that is moving forward, but not in this bill. That is my understanding.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the chairman for his clarification.

Mr. STUDDS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment, and each section is considered as read.

It shall be in order at any time to consider the amendments en bloc printed in House Report 103–196 if offered by the chairman of the Committee on Merchant Marine and Fisheries or a designee. The amendments en bloc shall be considered as read and shall not be subject to a demand for division of the question.

The Clerk will designate section 1.

Mr. STUDDS. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute made in order as original text by the rule be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Administration Authorization Act for Fiscal Year 1994".

SEC. 2. AUTHORIZATIONS FOR MARITIME ADMINISTRATION.

(a) AUTHORIZATIONS.—In fiscal year 1994, the following amounts are authorized to be appropriated for the Maritime Administration (Department of Transportation):

(1) Any amounts necessary to liquidate obligations under operating-differential subsidy contracts for the fiscal year 1994 portion of the total contract authority.

(2) $41,013,000 for expenses related to manpower, education, and training, including—

(A) $28,877,000 for maritime training at the United States Merchant Marine Academy at Kings Point, New York;

(B) $10,344,000 for assistance to the State maritime academies (including for reimbursement of fuel costs associated with the operation of training vessels), of which $1,200,000 may be used for training simulators for the State maritime academies; and

(C) $1,792,000 for manpower and additional training.

(3) $30,713,000 for operating programs, including—

(A) $19,989,000 for general administration;

(B) $8,983,000 for development and use of water transportation systems; and

(C) $1,741,000 for research, technology, and analysis.

(4) $254,355,000 for expenses related to national security support capabilities, including—

(A) $6,937,000 for the National Defense Reserve Fleet;

(B) $1,418,000 for emergency planning and operations; and

(C) $246,000,000 for the Ready Reserve Force, including—

(i) $242,000,000 for maintenance and operations programs in support of the Ready Reserve Force; and

(ii) $4,000,000 for Ready Reserve Force facilities.

(5) $4,000,000 to pay administrative costs related to new loan guarantee commitments under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), relating to Federal ship mortgage insurance.

(6) $50,000,000 for costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of new loan guarantee commitments under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.).

(7) $242,000 for assistance to the Massachusetts Center for Marine Environmental Protection located at the Massachusetts Maritime Academy.

(b) USE OF PROCEEDS OF SALES.—Notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration for facility and ship maintenance, modernization and repair, acquisition of equipment, training simulators, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and the State maritime academies.

SEC. 3. NATIONAL SHIPBUILDING ENHANCEMENT INSTITUTES.

(a) DESIGNATION BY SECRETARY OF TRANSPORTATION.—The Secretary of Transportation may designate National Shipbuilding Enhancement Institutes.

(b) ACTIVITIES.—Activities undertaken by such an Institute may include—

(1) vessel construction and repair technology development with an emphasis on improving the productivity of United States shipyards through innovative design, engineering, or operations;

(2) enhancing the international competitiveness of domestic shipyards in ship construction and repair;

(3) documenting and forecasting international and domestic trends in ship construction and repair;

(4) fostering innovations in the domestic shipbuilding marketing system; and

(5) providing technical support on shipbuilding practices.

(c) SUBMISSION OF APPLICATIONS.—An institution seeking designation as a National Shipbuilding Enhancement Institute shall submit an application under regulations prescribed by the Secretary.

(d) DESIGNATION CRITERIA.—The Secretary shall designate an Institute under this section on the basis of the following criteria:

(1) The research and extension resources available to the designee for carrying out the activities specified in subsection (b).

(2) The existence of an established program of the designee encompassing research, education, and training directed to enhancing shipbuilding industries.

(3) The ability of the designee to assemble and evaluate pertinent information from national and international sources and to disseminate results of shipbuilding industry research and educational programs.

(4) The qualification of the designee as a nonprofit institution of maritime or higher education.

(e) GRANTS.—The Secretary may make an award, on a matching basis, to any institute designated under subsection (a), from amounts appropriated.

SEC. 4. REIMBURSEMENT OF CERTAIN FEES BY STATE MARITIME ACADEMIES.

(a) CONDITION OF ASSISTANCE.—Section 1304(d) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(d)) is amended by adding at the end the following:

"(3)(A) Subject to subparagraph (B), an agreement under this subsection shall require a State maritime academy to reimburse each qualified individual for any fee or charge for which the individual is liable to the United States for—

"(i) the issuance of an entry level license under chapter 71 of title 46, United States Code;

"(ii) the first issuance of a merchant mariner's document under chapter 73 of that title;

"(iii) an evaluation or examination for such a license or merchant mariner's document conducted before the end of the period described in subparagraph (D)(ii); or

"(iv) an application for such a license, merchant mariner's document, evaluation, or examination.

"(B) A State maritime academy shall reimburse qualified individuals under subparagraph (A) to the extent amounts are available under subparagraph (C).

"(C) In addition to annual payments under paragraph (1)(A) and subject to the availability of appropriations, the Secretary shall annually pay to each State maritime academy that enters into an agreement under paragraph (1) amounts to reimburse qualified individuals under subparagraph (A).

"(D) In this paragraph, the term 'qualified individual' means an individual who—

"(i) is attending or is a graduate of a State maritime academy;

"(ii) fulfills the requirements for a license or merchant mariner's document described in subparagraph (A) not later than three months after the date the individual graduates from a State maritime academy; and

"(iii) is liable for a fee or charge described in subparagraph (A).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) is effective October 1, 1993.

(c) AMENDMENT OF EXISTING AGREEMENTS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Transportation shall amend agreements under section 1304(d) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(d)) pursuant to the amendment made by subsection (a).

(d) ADDITIONAL APPROPRIATIONS AUTHORIZED.—In addition to amounts authorized to be appropriated for assistance to State maritime academies, there is authorized to be appropriated $300,000 for fiscal year 1994 to reimburse qualified individuals pursuant to the amendment made by subsection (a).

SEC. 5. NATIONAL MARITIME ENHANCEMENT INSTITUTES.

Section 8(e) of the Act of October 13, 1989 (46 App. U.S.C. 1121–2(e)), is amended to read as follows:

"(e) The Secretary may make awards on an equal or partial matching basis to an Institute designated under subsection (a) from amounts appropriated.".

SEC. 6. TERMINATION OF CONDITION FOR STATE MARITIME ACADEMY ASSISTANCE.

(a) IN GENERAL.—Section 1304(f)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(f)(1)) is amended to read as if section 3 of the Act of October 13, 1989 (Public Law 101–115; 103 Stat. 692), had not been enacted.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective October 13, 1989.

(c) CLERICAL AMENDMENTS.—

(1) Section 3 of the Act of October 13, 1989 (Public Law 101–115; 103 Stat. 692), is repealed.

(2) Section 706 of the Federal Maritime Commission Authorization Act of 1990 (46 App. U.S.C. 1295c note) is repealed.

SEC. 7. MAINTENANCE CONTRACTS FOR NATIONAL DEFENSE RESERVE FLEET VESSELS.

The Secretary of Transportation may enter into a contract for the maintenance of the National Defense Reserve Fleet, including the Ready Reserve Force, only for—

(1) the repair, activation, operation, berthing, towing, or lay-up of a vessel;

(2) a vessel used by a State maritime academy; or

(3) obtaining maintenance technical services when—

(A) the technical expertise required for that service is beyond the capabilities of the Fleet staff or when the Fleet has insufficient personnel resources to adequately maintain the Fleet; and

(B) the contract does not result in reducing employment at the Fleet site.

SEC. 8. MAINTENANCE OF READY RESERVE FORCE VESSELS IN REDUCED OPERATING STATUS.

The Secretary shall, during fiscal year 1994, maintain in a reduced operating status—

(1) at least 29 vessels in the Ready Reserve Force component of the National Defense Reserve Fleet, or

(2) a lesser number of those vessels that the Secretary determines to be practicable based on the appropriations available for that fiscal year for maintenance of vessels in that Force.

SEC. 9. VESSEL REPAIR AND MAINTENANCE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a pilot program to evaluate the feasibility of using long-term contracts for the maintenance and repair of outported vessels in the Ready Reserve Force to enhance the readiness of those vessels. Under the pilot program, the Secretary, subject to the availability of appropriations and within 6 months after the date of the enactment of this Act, shall award 9 contracts for this purpose.

(b) USE OF VARIOUS CONTRACTING ARRANGEMENTS.—In conducting a pilot program under this section, the Secretary of Transportation shall use contracting arrangements similar to those used by the Department of Defense for procuring maintenance and repair of its vessels.

(c) CONTRACT REQUIREMENTS.—Each contract with a shipyard under this section shall—

(1) subject to subsection (d), provide for the procurement from the shipyard of all repair and maintenance (including activation, deactivation, and drydocking) for one vessel in the Ready Reserve Force that is outported in the geographical vicinity of the shipyard; and

(2) be effective for 3 years.

(d) LIMITATION ON WORK UNDER CONTRACTS.—A contract under this section may not provide for the procurement of operation or manning for a vessel that may be procured under another contract for the vessel to which section 11(d)(2) of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744(d)(2)) applies.

(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall seek to award contracts under this section to shipyards that are distributed throughout the United States.

(f) REPORTS.—The Secretary shall submit to the Congress—

(1) an interim report on the effectiveness of each contract under this section in providing for economic and efficient repair and maintenance of the vessel covered by the contract, by not later than 20 months after the date of the enactment of this Act; and

(2) a final report on that effectiveness, by not later than 6 months after the termination of all contracts awarded pursuant to this section.

SEC. 10. GEOGRAPHIC DISTRIBUTION OF READY RESERVE FORCE VESSELS.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Congress which describes where vessels in the Ready Reserve Force will be located in fiscal year 1994.

(b) CONSIDERATION OF PORTS IN LOCATING VESSELS.—In selecting locations where Ready Reserve Force vessels will be outported, the Secretary of Transportation shall consider ports that have historically been involved in outporting of those vessels.

SEC. 11. MARITIME POLICY REPORT.

(a) REPORT.—The Secretary of Transportation shall transmit to the Congress a report setting forth the Department of Transportation's policies for the 5-year period beginning October 1, 1993, with respect to—

(1) fostering and maintaining a United States merchant marine capable of meeting economic and national security requirements;

(2) improving the vitality and competitiveness of the United States merchant marine and the maritime industrial base, including ship repairers, shipbuilders, ship manning, ship operators, and ship suppliers;

(3) reversing the precipitous decrease in the number of ships in the United States-flag fleet and the Nation's shipyard and repair capability;

(4) stabilizing and eventually increasing the number of mariners available to crew United States merchant vessels;

(5) achieving adequate manning of merchant vessels for national security needs during a mobilization;

(6) ensuring that sufficient civil maritime resources will be available to meet defense deployment and essential economic requirements in support of our national security strategy;

(7) ensuring that the United States maintains the capability to respond unilaterally to security threats in geographic areas not covered by alliance commitments and otherwise meets sealift requirements in the event of crisis or war;

(8) ensuring that international agreements and practices do not place United States maritime industries at an unfair competitive disadvantage in world markets;

(9) ensuring that Federal agencies promote, through efficient application of laws and regulations, the readiness of the United States merchant marine and supporting industries; and

(10) any other relevant maritime policies.

(b) DATE OF TRANSMITTAL.—The report required under subsection (a) shall be transmitted along with the President's budget submission, pursuant to section 1105 of title 31, United States Code, for fiscal year 1995.

SEC. 12. PILOT PROGRAM ON SEALIFT TRAINING.

The Secretary of Transportation shall establish a 3-year pilot program for Sealift Training at the Massachusetts Maritime Academy.

SEC. 13. SPECIAL RULE FOR VESSEL CONSTRUCTION GUARANTEES.

(a) IN GENERAL.—Notwithstanding any provision of title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), in guaranteeing an obligation under that title with amounts appropriated for fiscal year 1994, the Secretary of Transportation shall guarantee an amount of principal or interest (or both) that is equal to 87½ percent of the actual cost or depreciated actual cost (as those terms are defined in that title) of the vessel or facility that is used as security for the guarantee.

(b) EXCEPTION.—Subsection (a) shall not apply to the guarantee of an obligation if the Secretary determines that—

(1) special economic circumstances exist; and

(2) there is good cause for guaranteeing a lesser percentage of principal or interest (or both) authorized by that title.

EN BLOC AMENDMENTS OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Chairman, I offer en bloc amendments authorized by the rule.

The CHAIRMAN. The Clerk will designate the en bloc amendments.

The text of the en bloc amendments is as follows:

Amendments offered by Mr. STUDDS:

On page 15, line 14, add the following new sections:

SEC. 14. WAIVERS FOR CERTAIN VESSELS.

(a) IN GENERAL.—Notwithstanding section 12106, 12107, and 12018 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) AFTERSAIL, (United States official number 689427).

(2) ALEXANDRIA (United States official number 586490).

(3) ARIEL (United States official number 954762).

(4) BRANDARIS (Rhode Island registration number 2848N; former United States official number 263174).

(5) COMPASS ROSE (United States official number 695865).

(6) DIXIE (United States official number 513159).

(7) GYPSY COWBOY (United States official number 550771).

(8) IMPATIENT LADY (United States official number 553952).

(9) ISLAND GIRL (United States official number 674840).

(10) MARINER (United States official number 285452).

(11) MOONSHIRE (United States official number 974226).

(12) MYSTIQUE (United States official number 921194).

(13) NORTHERN LIGHT (United States official number 237510).

(14) PLAY PRETTY (United States Official number 975346).

(15) PRINCE OF TIDES II (United States official number 903858).

(16) SHILOH (United States official number 902675).

(17) SWELL DANCER (United States official number 622046).

(18) TESSA (United States official number 675130).

(19) TOP DUCK (United States official number 990973).

SEC. 15. PROHIBITION ON TRANSFER.

Notwithstanding any other provision of law, the Secretary of Transportation may not approve the transfer of a United States-documented oceangoing merchant vessel that is of 3,000 gross tons or more (or that type of a vessel the last documentation of which was under the laws of the United States) to a foreign registry under section 9(c) of the Shipping Act, 1916 (46 App. U.S.C. 808) through December 31, 1994.

SEC. 16. AMENDMENTS RELATING TO COAST GUARD MARITIME ACADEMY RESERVE TRAINING PROGRAM

(A) NAVAL RESERVE STATUS.—Section 1304(g)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)(2)) is amended by inserting before the period the following: ", unless the individual participates in the Coast Guard Maritime Academy Reserve Training Program".

(b) RESERVE SERVICE OBLIGATION.—Section 1304(g)(3)(D) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)(3)(D)) is amended by—

(1) inserting "(i)" after "commissioned officer";

(2) inserting "(except as provided in clause (ii))" after "the United States Coast Guard Reserve"; and

(3) inserting before the semicolon at the end the following: "; or (ii) in the United States Coast Guard Reserve for such period following that date of graduation as may be established by the Secretary of the department in which the Coast Guard is operating, in the case of an individual that participates in the Coast Guard Maritime Academy Reserve Training Program;".

(c) PENALTIES FOR FAILURE TO FULFILL INCENTIVE PAYMENT AGREEMENT.—Section 1304(g) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)) is amended—

(1) in paragraph (4) by inserting ", except as provided in paragraph (8)," after "such individual may";

(2) in paragraph (5) by inserting ", except as provided in paragraph (8)," after "such individual may"; and

(3) by adding at the end the following:

"(8)(A) Paragraphs (4) and (5) shall not apply to a failure to fulfill a part of an agreement, by an individual who—

"(i) is enlisted in the United States Coast Guard Reserve; and

"(ii) participates in the Coast Guard Maritime Academy Reserve Training Program.

"(B) If the Secretary determines that an individual described in subparagraph (A) has failed to fulfill any part of the agreement (required by paragraph (1)) described in paragraph (3), the individual may be ordered to active duty in the Coast Guard to serve for a period of time determined by the Commandant of the Coast Guard, not to exceed 2 years. In cases of hardship as determined by the Secretary, the Secretary may waive this subparagraph.".

(d) COAST GUARD MARITIME ACADEMY RESERVE TRAINING PROGRAM DEFINED.—Section 1304(g) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)), as amended by this section, is further amended by adding at the end the following:

"(9) In this subsection, the term 'Coast Guard Maritime Academy Reserve Training

Program' means that program established by the Commandant of the Coast Guard, as in effect on the date of the enactment of the Maritime Administration Authorization Act for Fiscal Year 1994.''.

The CHAIRMAN. Pursuant to the rule, the amendments en bloc are not subject to a demand for a division of the question.

The gentleman from Massachusetts [Mr. STUDDS] is recognized for 5 minutes in support of his amendments en bloc.

Mr. STUDDS. Mr. Chairman, this amendment adds three new sections to the bill.

The first section of the amendment adds the provisions of 18 separate bills granting waivers of the Jones Act to 19 individual vessels. The Jones Act, section 27 of the Merchant Marine Act of 1920, provides that only vessels built in the United States, documented under the laws of the United States, and owned by a citizen of the United States may transport merchandise in the coastwise trade of the United States.

In the past, Congress has approved special legislation granting coastwise trading or fishing privileges when the vessel owner proved extenuating circumstances, such as severe financial hardship or lack of adequate documentation, or when the vessel or its operation was unique.

The Committee on Merchant Marine and Fisheries has investigated each vessel covered by the amendment and found compelling reasons to grant a waiver.

The amendment also contains technical amendments to the Merchant Marine Act, 1936, to enable the Coast Guard to recruit graduates from State maritime academies. The amendment simply clarifies existing law to eliminate conflicting obligations in reserve training programs. It is supported by the Coast Guard, MarAd, and the State maritime academies.

Finally, Mr. Chairman, the amendment places a 1-year moratorium on the Secretary of Transportation's authority to approve the transfer of large oceangoing U.S.-flag vessels of over 3,000 gross tons to a foreign registry. Under current practice it can take the Secretary up to six months to process a reflagging request.

The Secretary is currently in receipt of 20 reflagging applications. This represents over 15 percent of the total international fleet of U.S. liner vessels. The reason for the flood of applications is that we have outdated maritime laws and programs. The Merchant Marine and Fisheries Committee is working feverishly with the Senate and the administration to enact a comprehensive maritime reform program. We have already reported two-thirds of the program and expect the third piece to clear the committee before the August recess.

But, we need time. If our ships are allowed to go foreign, we will never get them back. This amendment simply gives us an opportunity to enact our program, and ensure the continuation of the U.S.-flag fleet.

Let me add, Mr. Chairman, that as this bill progresses through the legislative process, we will keep our minds open on this issue. Should the President or Secretary Pēna come forward with alternatives or improvements to this amendment, we will certainly consider them.

Mr. Chairman, the members of this committee on both sides of the aisle, in cooperation, in some instances, with the Committee on Armed Services on both sides of the aisle, are working as hard as we can and as fast as we can to come up with a comprehensive proposal for maritime reform for this country, both with regard to the ability of the United States to retain a U.S. flag merchant marine and with regard to the ability of the United States to build those vessels.

Very simply, Mr. Chairman, we have a decision before this country, which will be decided whether or not we act because inaction will constitute decision in and of itself. Certainly, before the end of this Congress or by the end of this Congress, at the end of next year, we will know whether or not this country will continue to have a U.S.-flag merchant marine on the high seas and whether or not we will continue to retain any significant shipbuilding capacity to produce such a U.S.-flag merchant marine.

That decision, Mr. Chairman, is of enormous consequence to this country. It is a decision which speaks directly to our national security, and it is a decision which means thousands and thousands of jobs, both oceangoing jobs and shipbuilding jobs and related trades.

It is a decision of sufficient importance, Mr. Chairman, to be made by the President of the United States. And it is entirely appropriate, as I understand it, that as we conduct this debate there is on the desk of the President a set of options which comprise essentially that decision.

We are all here today, and I know that my colleagues on both sides of the aisle will echo this as some already have done, to urge the President to take affirmative action of real significance to answer this question in the affirmative. Yes, this country, for a whole variety of reasons, national security reasons, economic reasons, competitiveness and trade reasons and job reasons, among others, yes, we will retain a U.S.-flag merchant marine as we have for two centuries. And yes, we will retain the capacity to build that.

This amendment or this component of the en bloc amendments, Mr. Chairman, is necessitated, as I said, by the pending application of two of our major liner companies to reflag to a foreign registry.

Once we have lost those vessels, if we do, we will never get them back. And this question will have been answered.

I think I speak for most of my colleagues, Mr. Chairman, when I say that it is unthinkable, at least in my judgment, that the world's only remaining superpower could find itself without any significant merchant fleet and without the capacity to build one. That is almost a contradiction in terms.

We would find ourselves in the preposterous situation of being relying increasingly on foreign sources of energy brought to our shores on foreign-owned and foreign-flagged vessels. Whatever that is, meaningful sense of the word.

□ 1420

This component of the en bloc amendments is offered to buy all of us time, the President, the Secretary of Transportation, and this Congress, to make this most fundamental of decisions.

Let me say, Mr. Chairman, it is not offered with any ill will of any kind toward any of the companies concerned. I know they are not at all happy about this procedure. They join us in their preference to continue to fly the American Flag. All of us, the corporations in question, the men and women who work for them, and the requirements and security and otherwise of this country are best served by the ability of these companies to continue to fly our flag. They want to do that, we want them to do that, and our interest, in my judgment, requires that they do that.

I recognize that if we are unable for the duration of the life of this Congress, if we are unable to come up and enact into law significant reform, both with respect to operating vessels and building vessels, that from the business perspective of the companies involved, those who have announced their desire to reflag, we all understand their situation.

Absent significant change in U.S. law, absent meaningful maritime reform, those companies from their own perspective, as they have all said to us, would have no choice but to go foreign. Mr. Chairman, sadly, if that were to be the case, I frankly do not know how we could make a compelling argument that they ought not to do it, because we would have been given our chance, and we would not have risen to the occasion.

This is a matter of enormous consequence, and I want to just add, once again, in paying my own personal tribute to the distinguished ranking member, the gentleman from Texas [Mr. FIELDS], the ranking member of this subcommittee, the gentleman from Virginia [Mr. BATEMAN], the chairman of the subcommittee, and also the gentleman from California [Mr. DELLUMS] and his colleagues on the Committee on Armed Services.

I do not know, but I suspect it is highly unusual for this degree of both bipartisan and multicommittee cooperation on a matter of this consequence. Mr. Chairman, I urge the adoption of the amendment.

Mr. FIELDS of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to address the en bloc amendment offered by my colleague, the gentleman from Massachusetts [Mr. STUDDS], the honorable chairman of the Committee on Merchant Marine and Fisheries.

Mr. Chairman, I have no objections to any of the special documentation provisions concerning private vessels, and I also support that part of this amendment dealing with the Coast Guard Reserve Program conducted at the State maritime academies.

I do want to speak for a moment on the provision in this amendment that would prohibit the Secretary of Transportation from approving a request to transfer U.S.-flag merchant vessels to foreign registry until after December 31, 1994.

In the best of worlds, I would not agree with this provision, first, on procedure. I agree with what my colleague, the gentleman from Virginia [Mr. BATEMAN], said earlier in debate on that particular point.

Second, I do not believe it is appropriate for Congress to mandate this kind of prohibition related to private property rights, again, if we were dealing in a perfect world.

However, Mr. Chairman, we are not in the best of worlds at this particular moment. Indeed, the American maritime industry is on the verge of a total collapse. We are at a precipitous moment. I think we have to take this dramatic action in order to obtain dramatic results.

Two hundred years of American history have proven to us that an American-flag merchant marine is a critical element of our national defense. The national security sealift policy specifically recognizes the need for the United States to be able to respond to security threats with U.S.-owned sealift. In order to run those ships, we must have a well-trained force of merchant seamen.

Our experiences in Operation Desert Shield and Desert Storm confirmed just how critical American ships and American crews are. In this most recent conflict, we had to rely on foreign-flag ships, and repeating the experience we had in Vietnam, we ran into problems. In one case, the crew of a German-registered ship, *Eagle Nova*, refused to fulfill its contract to transport military cargo through the Persian Gulf. Fortunately, we had American ships to turn to. In addition, when we broke out the ships of the Ready Reserve Force, we had difficulty in finding trained seamen to run those ships.

We now find ourselves in a peacetime crisis. There are only 168 military-useful dry cargo vessels in the U.S. fleet and, based on current trends, by the year 2005, there will only be 35. Furthermore, the existing base of trained seamen is declining. The Committee on Merchant Marine and Fisheries has been working diligently to turn this trend around. The Subcommittee on Merchant Marine has had several hearings and just this morning, we marked up a major piece of maritime reform legislation. Next week, the full committee will act.

This amendment is necessitated by the fact that two U.S.-flag container ship operators have just applied for permission from the Government to reflag 20 of these ships. They have taken this drastic measure because they cannot compete in international trade without Federal assistance, and they are fearful that maritime reform legislation will not be enacted in time to do them any good.

Acceptance of this amendment will keep these 20 vessels under the American flag until Congress has had an opportunity to craft a new subsidy program. As I indicated earlier, this approach would not have been my preference. However, I have been assured by Chairman STUDDS that this will be a one-time moratorium and there will be no extension of this prohibition. I believe that by approving this amendment, this House will be sending a signal to the administration, the vessel owners, the maritime labor unions, and the American shipyards that we have reached a critical point and we must act immediately on maritime reform legislation.

I understand that some Members may be concerned with this legislation, but I can only assure them that we are taking this step under the most severe circumstances. I urge my colleagues to join me and the other Members of this House who are desperately trying to save the American merchant marine in supporting this amendment.

Mr. Chairman, I want to publicly compliment the way our chairman, the gentleman from Massachusetts [Mr. STUDDS], conducts himself; the gentleman from Illinois [Mr. LIPINSKI], the chairman of the Merchant Marine Subcommittee; my colleague and good friend, the gentleman from Virginia [Mr. BATEMAN]; because truly this is a bipartisan effort, working under severe and difficult circumstances to do the right thing, not only for our domestic merchant marine, but also, Mr. Chairman, trying to work for the best interests of this country.

AMENDMENT OFFERED BY MR. GEJDENSON TO THE EN BLOC AMENDMENTS OFFERED BY MR. STUDDS

Mr. GEJDENSON. Mr. Chairman, I offer an amendment to the en bloc amendments.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON to the en bloc amendments offered by Mr. STUDDS: On the first page of the amendments, in the matter proposed to be added as section 14(a), insert after paragraph (6) the following (and redesignated the subsequent paragraphs accordingly):

(7) GRAY (Connecticut State vessel number CT5944AJ).

Mr. GEJDENSON. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, with the incredible speed and efficiency that the committee has acted under the leadership of the chairman, the gentleman from Massachusetts [Mr. STUDDS], and with the cooperation of his minority members, we ran into a time problem in adding this vessel, built in the 1920's.

It is a vessel that will be used, it is a tall ship that will be used for the Outward Bound Program. I think both minority and majority staff have reviewed it.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, the gentleman is absolutely correct. We have no objection whatsoever to this amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, the minority has examined this. We have no problems with it, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] to the en bloc amendments offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendment to the en bloc amendments was agreed to.

AMENDMENT OFFERED BY MR. STEARNS TO THE EN BLOC AMENDMENTS OFFERED BY MR. STUDDS, AS AMENDED

Mr. STEARNS. Mr. Chairman, I offer an amendment to the en bloc amendments.

The Clerk read as follows:

Amendment offered by Mr. STEARNS to the en bloc amendment offered by Mr. STUDDS: On the first page of the amendments, in the matter proposed to be added as section 14(a), insert after paragraph (9) the following (and redesignated the subsequent paragraphs accordingly):

(10) LAURISA (United States official number 924052).

Mr. STEARNS. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Mr. Chairman, my amendment adds a 20th vessel, *Laurisa*, to the en bloc amendments offered by the gentleman from Massachusetts [Mr. STUDDS]. This vessel was once transferred to a British Virgin Island corporation, therefore representing a chain of title problems.

I have spoken to the chairman and the ranking Republican member of the committee, and they have agreed to accept my amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I am glad to yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, the minority has had a chance to review the amendment. We think the amendment is a good amendment. We support it, and have no problems with it.

Mr. STEARNS. I thank the gentleman.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, likewise, we support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS] to the en bloc amendments offered by the gentleman from Massachusetts [Mr. STUDDS], as amended.

The amendment to the en bloc amendments, as amended, was agreed to.

□ 1430

AMENDMENT OFFERED BY MR. TRAFICANT TO THE EN BLOC AMENDMENTS OFFERED BY MR. STUDDS

Mr. TRAFICANT. Mr. Chairman, I offer an amendment to the en bloc amendments, as amended.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT to the en bloc amendments offered by Mr. STUDDS, as amended: At the end of the amendment add the following new sections:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . PROHIBITION OF CONTRACTS

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is the Buy American amendment that states that the procurement under the bill shall comply with the Buy American Act, and also a notice be given to anyone who would receive funds under it. It is the intent of Congress, wherever possible, that anybody receiving funds prioritize the purchase of American-made goods and products. And finally, it says if there is in fact a firm, that under the Buy American Act has a contract, and affixes a false label, they would have to come before the committee and would be deprived from doing any further business only for this particular year of this bill. So it gives the committee the right to review those cases and avoid fraudulent labeling.

That is in essence the amendment.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I just want to ask the gentleman, and I think I know the answer, am I correct that the gentleman's amendment does not add to requirements which essentially exist under existing law?

Mr. TRAFICANT. No, they do not, and they do deal with issues that we have dealt with. And if there is not a domestic product available, then certainly the right to purchase a foreign product is still allowed.

Mr. STUDDS. I thank the gentleman. We are delighted to accept the amendment.

Mr. TRAFICANT. I am happy to yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, is this the amendment that the gentleman normally offers to most legislation?

Mr. TRAFICANT. This is the same legislation that the gentleman has supported in the past, and I have appreciated that support, and would hope that the gentleman would support me again. But it is in essence the very same thing. It is a standard Buy American amendment that has been offered on other legislation.

Mr. FIELDS. We think the gentleman makes a genuine point and have no objection to his amendment.

Mr. TRAFICANT. I appreciate that.

Mrs. BENTLEY. Mr. Chairman, I rise in support of both H.R. 1964 and the en bloc amendments offered by Chairman STUDDS, and I want to commend him, along with Subcommittee Chairman LIPINSKI and my colleagues, Messrs. FIELDS and BATEMAN, the ranking Republican members on the full committee and the subcommittee, respectively, for their outstanding work on the Maritime Administration authorization bill and the legislative agenda they have offered and are working on to help revitalize the merchant marine and shipbuilding industries.

Mr. Chairman, clearly, the language placing a 1 year moratorium on the Maritime Administration's processing of registry transfer applications filed by Sea-Land Service, Inc., and American President Line, Ltd., two of our Nation's largest liner operators, has generated much discussion within the industry.

For more than 45 years, I have championed the causes of our maritime industries and repeatedly have warned of the dire consequences to our fleet and industries if we did not initiate major reforms.

My warnings, and those of others, were supported by the findings and recommendations of the President's Commission on Merchant Marine and Defense, which issued its series of reports beginning in 1987. Unfortunately, as evidence by the fact that both the U.S. merchant marine and shipbuilding industries now are on the perilous edge of extinction, no one has been listening or willing to act—at least, up to now. At long last, the members of the Merchant Marine and Fisheries Committee, through the committee leaders are well aware that the 11th hour has arrived for both the merchant marine and the shipbuilding industries.

The provision freezing the Sea-Land and APL reflagging applications will give our committee and the Congress, working in close cooperation with the administration, as well as maritime labor and the operators, the opportunity to finalize legislative remedies which addresses the myriad complex issues that confront these industries so critical to our military and economic security.

Mr. Chairman, I urge my colleagues to vote "aye" for the en bloc amendment offered by my good friend and colleague, Mr. STUDDS.

Mr. MACHTLEY. Mr. Chairman, I rise today in support of this amendment offered by Mr. STUDDS, my distinguished colleague from Massachusetts and the chairman of the Merchant Marine and Fisheries Committee.

Included in this amendment, which seeks to waive various maritime statutes in order to allow vessels to participate in coastwide trade, and three beautiful and historic sailing vessels currently anchored in the waters of my home State of Rhode Island.

I would like to take just a moment to briefly share the history of these ships.

The first boat, *Brandaris,* was built in Amsterdam in 1938, and was immediately under threat of German capture and seizure during World War II. For safe keeping, this vessel went into hiding off the coast of England. She was eventually called on for service in Operation Domino, and served with distinction in the evacuation of Dunkirk. Since coming to America, she has been restored and has participated in numerous town celebrations and waterfront festivities. Currently, she is a dockside attraction in Wickford, RI.

The second boat, *Mariner*, has a history of service to this country. *Mariner* was donated to the U.S. Merchant Marine Academy in 1958. From then until 1964, *Mariner* was used rigorously to train new cadets. In 1968, the boat was largely destroyed in a storm, and subsequently had extensive rebuilding work performed by the Derector Shipyard in New York. She is currently a recreational sailing vessel anchored in Newport.

Northern Light, the third vessel, has served her country honorably as well.

Northern Light was used during the America's Cup trials in 1958 to help train the eventual cup defender, *Columbia*, against the British challenger, *Septre*.

She continued as an America's Cup trial horse during the 1960's and deserves credit for America's domination of the event for so many years.

In the 1970's, after sailing in the Great Lakes for a number of years. *Northern Light* fell into disrepair and sank at a dock in Holland, MI. The current owner raised this vessel, restored her, and in the spring of 1986, sailed her to New York to participate in the Statue of Liberty rededication ceremonies. She now is part of a growing fleet of restored 12-meter yachts which adorn Newport Harbor.

I am proud to have each of these two yachts moored in Newport, RI, a town which has a long tradition of maritime activity, and is affectionately known as the sailing capital of the world.

Mr. Chairman, passing this amendment will allow thousands of people to enjoy these vessels, and become part of their rich and distinguished history.

I urge my colleagues to support this amendment, and allow these boats to be used in coastwide trade.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] to the amendments en bloc offered by the gentleman from Massachusetts [Mr. STUDDS], as amended.

The amendment to the amendments en bloc, as amended, was agreed to.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Massachusetts [Mr. STUDDS], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIPINSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 388, noes 41, not voting 10, as follows:

[Roll No. 384]

AYES—388

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOES—41

Allard
Archer
Armey
Barrett (NE)
Barton
Bereuter
Bliley
Boehner
Bonilla
Burton
Collins (GA)
Combest
Crane
DeLay
Doolittle
Dreier
Gingrich
Gunderson
Hall (TX)
Hancock
Huffington
Hyde
Inhofe
Jacobs
Johnson, Sam
Kingston
Klug
Kolbe
Kyl
Manzullo
Paxon
Penny
Petri
Porter
Ramstad
Roberts
Rohrabacher
Royce
Sensenbrenner
Stump
Zimmer

NOT VOTING—10

Derrick
Ford (TN)
Gephardt
Henry
Lazio
McDade
Moakley
Packard
Washington
Whitten

☐ 1452

Messrs. ROBERTS, PORTER, HYDE, GINGRICH, PENNY, KYL, and PETRI, changed their vote from "aye" to "no."

Mr. GREENWOOD changed his vote from "no" to "aye."

So the en bloc amendments, as amended, were agreed to.

The result of the vote was announced as above recorded.

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise simply to advise Members that so far as we know there are no further amendments to the bill.

It is my understanding that when the Committee rises there will be a request for a separate vote in the House on the amendment just adopted.

I would also advise Members that in consultation with the ranking minority member, it is not the intention of anyone responsible for this bill to request a vote on final passage; so that if we are all well behaved, there will be one more vote and that is a separate vote in the House.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. RAHALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1964) to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes, pursuant to House Resolution 230, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. SOLOMON. Mr. Speaker, I demand a separate vote on the so-called Studds amendment.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendments: On page 15, line 14, add the following new sections:

SEC. 14. WAIVERS FOR CERTAIN VESSELS.

(a) IN GENERAL.—Notwithstanding sections 12106, 12107, and 12018 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) AFTERSAIL (United States official number 689427).

(2) ALEXANDRIA (United States official number 586490).

(3) ARIEL (United States official number 954762).

(4) BRANDARIS (Rhode Island registration number 2848N; former United States official number 263174).

(5) COMPASS ROSE (United States official number 695865).

(6) DIXIE (United States official number 513159).

(7) GRAY (Connecticut State Vessel number CT 5944AJ).

(8) GYPSY COWBOY (United States official number 550771).

(9) IMPATIENT LADY (United States official number 553952).

(10) ISLAND GIRL (United States official number 674840).

(11) LAURISA (United States official number 924052).

(12) MARINER (United States official number 285452).

(13) MOONSHINE (United States official number 974226).

(14) MYSTIQUE (United States official number 921194).

(15) NORTHERN LIGHT (United States official number 237510).

(16) PLAY PRETTY (United States official number 975346).

(17) PRINCE OF TIDES II (United States official number 903858).

(18) SHILOH (United States official number 902675).

(19) SWELL DANCER (United States official number 622046).

(20) TESSA (United States official number 675130).

(21) TOP DUCK (United States official number 990973).

SEC. 15. PROHIBITION ON TRANSFER.

Notwithstanding any other provision of law, the Secretary of Transportation may not approve the transfer of a United States-documented oceangoing merchant vessel that is of 3,000 gross tons or more (or that type of a vessel the last documentation of which was under the laws of the United States) to a foreign registry under section 9(c) of the Shipping Act, 1916 (46 App. U.S.C. 808) through December 31, 1994.

SEC. 16. AMENDMENTS RELATING TO COAST GUARD MARITIME ACADEMY RESERVE TRAINING PROGRAM.

(a) NAVAL RESERVE STATUS.—Section 1304(g)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)(2)) is amended by inserting before the period the following: ", unless the individual participates in the Coast Guard Maritime Academy Reserve Training Program."

(b) RESERVE SERVICE OBLIGATION.—Section 1304(g)(3)(D) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)(3)(D)) is amended by—

(1) inserting "(i)" after "commissioned officer";

(2) inserting "(except as provided in clause (ii))" after "the United States Coast Guard Reserve"; and

(3) inserting before the semicolon at the end the following: "; or (ii) in the United States Coast Guard Reserve for such period following that date of graduation as may be established by the Secretary of the department in which the Coast Guard is operating, in the case of an individual that participates in the Coast Guard Maritime Academy Reserve Training Program;".

(c) PENALTIES FOR FAILURE TO FULFILL INCENTIVE PAYMENT AGREEMENT.—Section 1304(g) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)) is amended—

(1) in paragraph (4) by inserting ", except as provided in paragraph (8)," after "such individual may";

(2) in paragraph (5) by inserting ", except as provided in paragraph (8)," after "such individual may"; and

(3) by adding at the end the following:

"(8)(A) Paragraphs (4) and (5) shall not apply to a failure to fulfill a part of an agreement, by an individual who—

"(i) is enlisted in the United States Coast Guard Reserve; and

"(ii) participates in the Coast Guard Maritime Academy Reserve Training Program.

"(B) If the Secretary determines that an individual described in subparagraph (A) has failed to fulfill any part of the agreement (required by paragraph (1)) described in paragraph (3), the individual may by ordered to active duty in the Coast Guard to serve for a period of time determined by the Commandant of the Coast Guard, not to exceed 2 years. In cases of hardship as determined by the Secretary, the Secretary may waive this subparagraph.".

(d) COAST GUARD MARITIME ACADEMY RESERVE TRAINING PROGRAM DEFINED.—Section 1304(g) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1304(g)), as amended by this section, is further amended by adding at the end the following:

"(9) In this subsection, the term 'Coast Guard Maritime Academy Reserve Training Program' means that program established by the Commandant of the Coast Guard, as in effect on the date of the enactment of the Maritime Administration Authorization Act for Fiscal Year 1994.".

At the end of the bill add the following new sections:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. STUDDS (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the amendments.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 382, noes 40, not voting 12, as follows:

[Roll No. 385]

AYES—382

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant

Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOES—40

Allard
Archer
Armey
Barrett (NE)
Barton
Bereuter
Bliley
Boehner
Bonilla
Burton
Combest
Crane
DeLay
Doolittle
Dornan
Dreier
Gingrich
Hall (TX)
Hancock
Huffington
Hyde
Inhofe
Jacobs
Johnson, Sam
Klug
Kolbe
Kyl
Manzullo
Paxon
Penny
Petri
Porter
Ramstad
Roberts
Rohrabacher
Royce
Sensenbrenner
Stenholm
Stump
Zimmer

NOT VOTING—12

Derrick
Ford (TN)
Henry
Lazio
McDade
McHale
Moakley
Packard
Payne (VA)
Spratt
Washington
Williams

☐ 1514

Mr. MINGE and Mr. MOORHEAD changed their vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the committee amendment in the nature of a substitute, as amended. The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 48, not voting 14, as follows:

[Roll No. 386]

YEAS—372

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moran
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist

Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—48

Allard
Archer
Armey
Ballenger
Barrett (NE)
Barton
Bereuter
Bliley
Boehner
Bonilla
Burton
Collins (GA)
Condit
Crane
Crapo
DeLay
Doolittle
Dornan
Dreier
Duncan
Fawell
Gekas
Hall (TX)
Hancock
Hunter
Jacobs
Johnson, Sam
Klug
Knollenberg
Kyl
Leach
Manzullo
McMillan
Minge
Moorhead
Nussle
Paxon
Penny
Porter
Ramstad
Roberts
Rohrabacher
Royce
Sensenbrenner
Stenholm
Stump
Walker
Zimmer

NOT VOTING—14

Derrick
Hastert
Henry
Hinchey
Kennedy
Lazio
McDade
Moakley
Morella
Packard
Petri
Schenk
Shuster
Washington

□ 1534

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, during rollcall vote 386 I was unavoidably detained at a meeting sponsored by the House Republican Task Force on Health Care. Had I been present I would have voted "aye" on rollcall vote 386, final passage of H.R. 1964, a bill to authorize the Maritime Administration for fiscal year 1994.

PERSONAL EXPLANATION

Mr. LAZIO. Mr. Speaker, I returned to my district to be present at the birth of my second child.

Had I been present, I would have voted "aye" on rollcalls 380 through 386.

PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, had I been present for the following rollcall votes, I would have voted yes on rollcall votes numbered 380, 381, 382, 383, 384, 385, and 386.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1964, the bill just passed.

The SPEAKER pro tempore (Mr. HILLIARD). Is there objection to the request of the gentleman from New York?

There was no objection.

NOTICE OF REQUEST FOR EXTENSION OF DEADLINE TO FILE AMENDMENTS ON H.R. 2401, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, yesterday the chairman of the Committee on Rules announced that amendments to the National Defense Authorization Act must be filed with the Committee on Rules by noon this coming Monday. It is my understanding that the text of H.R. 2401, which is the National Defense Authorization Act for fiscal year 1994, is not yet available for Members and staff to use for the preparation of those amendments. Therefore, it is unreasonable to expect Members to have their amendments, to such an important bill, filed with the Committee on Rules by the announced deadline of 12 noon on Monday.

Accordingly, the minority members of the Committee on Rules will be requesting an extension of that deadline for filing amendments. We trust that the House will be given timely and adequate notice of such an extension.

Mr. Speaker, I would just say in conclusion that the delay in making a text of this bill available does not in any way reflect on the work performed by the Committee on Armed Services. I understand that they did an outstanding job, and I commend the chairman, the gentleman from California [Mr. DELLUMS], for his particular efforts on that issue.

As a matter of fact, it has been several other agencies of Government which have been tardy in supplying the committee with the necessary numbers and other data needed in order to put together the final text of the bill. I would hope we would be able to work this out with the Committee on Rules as far as this filing is concerned by sometime tomorrow morning. Mr. Speaker, we will further alert the Members during the day.

MODIFICATION OF APPOINTMENT OF CONFEREES ON H.R. 2264, OMNIBUS BUDGET RECONCILIATION ACT OF 1993

The SPEAKER pro tempore. Without objection, the Chair announces the following modification in the appointment of conferees on H.R. 2264:

The final panel from the Committee on Ways and Means is also appointed for the consideration of sections 13601–02 and 13604–705 of the House bill.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the Change in Conferees.

THE HISTORY OF LARGE TAX INCREASES

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker and colleagues, as we so well know, we are borrowing a billion dollars a day to fund the day-to-day operations of Government, and that simply has to stop. We must take courageous action to begin to reduce the deficit. We must move in the direction of no deficit and a balanced budget.

In that context, Mr. Speaker, the critics of this plan say over and over that this is the largest tax increase in history. Nonsense. That simply is not the case.

Mr. Speaker, I will submit a letter to the editor of the Washington Post by Robert S. McIntyre The director of the Citizens for Tax Justice, to be placed in the RECORD. It points out that the tax increase proposed by the Roosevelt administration to fund World War II was 18 times larger than this proposal, that the Truman administration increase to fund the Korean war was 6 times larger. Indeed, Mr. Speaker, Mr. McIntyre, points out that the Dole-Reagan tax increase in 1982 was 25 percent larger than the Clinton proposal.

And Mr. McIntyre's computations were made when the bill contained the Btu tax, which raised about $71 billion, much more revenue than is likely to be included in the final package.

Let me also emphasize that a recent study released by Senator EXON indicates that less than 1 percent of all Nebraskans will experience an income tax increase under this proposal.

[From the Washington Post, May 29, 1993]

EXAGGERATED TAX PACKAGE

For about the zillionth time this year, your paper ["At a Taxing Time, 'The Boss' Is Back," front page, May 27] has called President Clinton's budget program "the largest tax increase in history." That's silly. Obviously, taxes didn't get to their current level without some considerably heftier tax hikes in the past.

By fiscal 1998, when his energy tax is fully phased in, Clinton's tax plan is expected to raise $64 billion annually, or about 0.8 percent of the gross domestic product. How does that compare with other tax increases in the past half-century?

Remember World War II? To help pay for it, federal taxes were increased by a staggering 14.8 percent of the GDP (from fiscal 1940 to 1944). By 1998 standards, that's a tax hike of $1,165 billion a year—18 times as large as Clinton's proposal.

The Korean War required a federal tax increase of 4.6 percent of the GDP. That's $362 billion in 1998 terms—almost six times bigger than the Clinton plan.

The surtax enacted at the end of the Johnson administration to finance the Vietnam War amounted to 2.1 percent of the GDP. That's $165 billion a year in 1998 terms—or 2½ times larger than Clinton's annual tax boost.

In 1982 Ronald Reagan signed Bob Dole's Tax Equity and Fiscal Responsibility Act.

Still in effect, that bill will raise an estimated $75 billion in fiscal 1998 ($80 billion if you count the gasoline tax hike also enacted in 1982). At one percent of the GDP, the Reagan-Dole 1982 tax increase is 25 percent bigger than Clinton's proposal.

(I could add that two tax bills enacted in 1983 and 1984—one to rescue Social Security, the other for deficit reduction—will raise about $70 billion in fiscal 1998—again more than Clinton's plan. But maybe it's unfair to combine them.)

So it might be reasonable for your paper to call Clinton's program "the biggest tax increase since Ronald Reagan's first term." Or even "one of the biggest peacetime tax hikes in this century." But the "largest increase in history"? Not even close.—ROBERT S. MCINTYRE.

AN ECONOMIC REPORT FROM THE DELAWARE VALLEY

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WELDON. Mr. Speaker, the drumbeat continues. I continue my series of discussions about the impact of the Clinton tax hikes on real businesses, real jobs, and real people.

Today I have a letter from Steve Markowitz, president of the Business and Association Administrators, located in Collingsdale, PA, in my district. Mr. Markowitz is also a board member of the Small Business Association of the Delaware Valley, which has 5,000 small businesses involved in New Jersey, Delaware, and Pennsylvania. A real, live small businessman, and he hates the Clinton tax plan.

He writes: "Our members need to convey to you the distressed state of the entrepreneurial segment of this country." The cause of this distress? The soak the capitalist mentality of the Clinton administration.

Mr. Markowitz describes the impact of these tax hikes on small businesses in the region: "A service business in Wayne will offset anticipated corporate tax increases by reducing payroll 18 percent * * *. A physician in Montco will be reducing staff * * *. Our own organization has made a decision to have a zero increase in payroll for at least 12 months." This after increasing from 21 to 37 employees in just 19 months.

My friends on the other side of the aisle can comfort themselves with feel-good rhetoric about how the Clinton tax hikes will help small businesses. But actual small business leaders are telling a far different story. Congress has not even finished its work, but the Clinton tax hikes are already costing jobs all across America.

Mr. Speaker, the complete text of the letter to which I referred is as follows:

BUSINESS AND ASSOCIATION
ADMINISTRATORS, INC.,
Collingsdale, PA.

Hon. CURT WELDON,
House of Representatives, Cannon House Building, Washington, DC.

DEAR REPRESENTATIVE WELDON: I am writing to you in my capacity as an officer of this company, and as a Member of the Board of Directors of the Small Business Association of Delaware Valley. You are aware of course that SBADV represents more than 5,000 small businesses in Pennsylvania, New Jersey, and Delaware.

Our Members, as well as my own company need to convey to you the distressed state of the entrepreneurial segment of this country. That distress has been precipitated by an increasing feeling among my colleagues that the Clinton Administration in its promotion of its tax bill is working counter to its stated objectives of creating more jobs and nurturing an environment conducive to small business startup. Much of the distress is precipitated by the impression that the Administration has no clear, practical agenda for equitable taxation, leading to the belief that a "soak the capitalist" mentality may prevail.

In terms of our Members, let me illustrate some of their real responses to what they believe are unfocused and impractical tax packages. A service business in Wayne will offset anticipated corporate tax increases by reducing payroll 18%. A physician in Montco has informed me that she will be reducing staff in anticipation of decreased patient care—she believes that the BTU tax particularly will create more hardships on her patients who will in turn selectively reduce their expenditures. She also fears that many of her patients will delay seeking the kinds of essential endocrine services she provides.

In our own organization after having increased from 21 to 37 full-time employees in just nineteen months of operation, we have already made the decision to effect zero increase in payroll and new staffing for the next twelve months, and to withhold on two major capital expenditures and a possible acquisition because of the uncertainty created by the Administration's unpredictable revenue producing package.

I urge you to prevail upon your fellow House members to consider the impact that the Administration's tax package will have upon the thousands of American entrepreneurs who are in fact creating the labor force in the 90's. The package is stultifying and guarantees that we will have to survive such impractical measures through staff cuts and lack of expansion. This is certainly not what the Clinton Administration had in mind, or promised the small business community during the campaign.

Thank you for your attention to those matters.

Very truly yours,
STEPHEN MARKOWITZ,
President, Chief Operating Officer.

SUPPORT OF THE CHRISTIAN COALITION

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I am not an attack dog, but I am consistent.

I am wearing my deficit reduction dollar bill. I may put a higher denomination there later in the year. I folded it so that it says "In God we trust" at the top. And someone has even sent me a pin to stick it on that says, "I care about the deficit." So I did not go halfway in 1990, because I made a pledge to my constituents not to raise taxes.

I am not doing anything differently now. I did not meet President Bush halfway on that tax increase. I thought it would throw us deeper into the recession than it did. But I notice something else peculiar on the floor. A few Members have taken to the floor with a troubling message.

They are suggesting that people of faith have no right to look at taxes as kind of a moral issue.

I had lunch the other day with Rabbi Daniel Lapin down in a restaurant, and he pointed out that in Genesis, that is in the Torah, that is one of the first five books of the original Testament, it says that any taxation over 20 percent is sinful.

So let members of faith come to the well and put a little moral spin on this, if they want. Nothing wrong with that.

So Mr. Speaker, People of faith have every right to engage in the debate over the tax plan that will soon be considered by this Chamber. Specifically, some Members have attacked the Christian Coalition for sponsoring radio advertisements in their districts opposing the Clinton tax increase.

On May 27, this Chamber passed a tax bill that contains the largest tax increase in American history. Rather then defending their vote, these Members chose to shoot the messenger. A rather classic diversionary tactic. It is understandable because the Clinton tax plan will burden families, kill jobs, and extinguish prosperity. I understand why some are defensive about groups educating their constituents—they are simply embarrassed about their vote for more taxes and more spending. But it's outrageous to suggest that people of faith have no right to participate in the political process. Let's be clear. The Christian Coalition, in no way shape or form, suggested those who voted for the plan were "un-Christian". The radio ads simply pointed out that middle class families with children cannot bear another tax increase.

The Christian Coalition, like the National Council of Churches and the Southern Christian Leadership Conference, has every right to participate in the public policy deliberations of our Nation. If it's right for the religious left to get involved, it's right for conservative people of faith.

PRESIDENT CLINTON'S ECONOMIC PLAN RESTORES TAX FAIRNESS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the conference report is ready and it is time to put up or shut up. It is time to stop fooling around. It is time to pass the plan.

Mr. Speaker, the White House has its act together. Yesterday 67 CEO's of the largest corporations endorsed the plan.

The EITC is being discussed today at the White House. Millions of Americans will receive a tax cut under this Clinton plan.

By expanding the EITC, we can make certain that anyone who works full time and has a child at home will be lifted out of poverty, but by working. And this bill, this initiative, the EITC, is going to be followed by welfare reform.

Mr. Speaker, the Wall Street Journal is reflecting reality. By a comfortable margin, 54 to 32 percent, the American people say the Clinton plan is a step in the right direction; 72 percent of those surveyed say they approve of raising taxes on the wealthy people.

But most importantly, in a trial heat, Americans, by 49 to 40 percent, would support a Democratic Member of Congress who supported the President against a Republican Member who opposed the program.

Mr. Speaker, the rivers are overflowing in the Midwest and misinformation is overflowing in Washington. My colleagues on the other side of the aisle would like to create the impression that the President's economic package will cause untold damage to the country. The fact of the matter is that their response—doing nothing—would be our most dangerous course.

The cornerstones of the President's plan are deficit reduction, making the rich pay their fair share, and job creation.

This plan will return tax fairness to America. Under this plan, people who make the most will pay the most—70 percent of all new taxes will be paid by people who make over $200,000 per year. In fact, there will be no income tax increase for 98.8 percent of all American taxpayers. This plan keeps faith with the middle class. For every $10 in deficit reduction, $5 comes from spending cuts, $4 from taxing those who make over $100,000, and only $1 comes from the rest of Americans.

Mr. Speaker, the Republicans left the playing field and declined to put forward a responsible economic plan. The President's plan is not only the best plan in town, it's the only game in town.

[From the Wall Street Journal, July 29, 1993]

SUPPORT FOR CLINTON'S ECONOMIC PLAN GROWS DESPITE SOME TAX COMPLAINTS

(By Gerald F. Seib)

WASHINGTON.—Americans are expressing more support for President Clinton's economic plan as it nears a crucial final vote, although they aren't happy with some of its specific taxes.

According to a new Wall Street Journal/NBC News poll, the share of people who say they favor the economic plan has risen in the past month to 43% from 39%. By a like amount, the percentage of those who say they oppose the plan has fallen to 39% from 44%.

By a comfortable margin, 54% to 32%, people say the Clinton plan would represent a step in the right direction. And the survey indicates that many Americans are sour on the conduct of Mr. Clinton's Republican critics.

People also say that in next year's election they would be more inclined to support a Democrat who votes for the Clinton plan than a Republican who votes against it. And, as the White House has always hoped, the element of the plan that the administration is counting on to produce the most revenue, a tax increase on wealthier people, also is easily its most popular element.

The overall message appears to be that, although most people find flaws in the package the Democrats are struggling to complete, they prefer to see it passed rather than have nothing done.

But there also are troubling findings for the White House in the new poll, conducted by Democratic pollster Peter Hart and Republican Robert Teeter. Americans seem afraid that the plan's taxes on businesses could hurt the economy. They also believe that, contrary to what the White House says, the middle class will bear the heaviest share of the tax burden.

DOUBTS ABOUT EFFECT ON RICH

The findings also suggest that, while a White House public relations blitz has succeeded in increasing support for the overall plan, Mr. Clinton still hasn't convinced the public that it hurts mostly the rich and cuts spending enough. "There's still some reconciliation to be accomplished with the American public, both on taxes and spending," say Messrs. Hart and Teeter.

Fifty-six percent agree with the statement that business taxes should not be raised because doing so might hurt job creation, compared with 36% who say business taxes should be raised to assure companies are paying their fair share.

Even some who support the overall Clinton package still seem to fear the ramifications of its tax increases: Overall, 65% of those surveyed say raising taxes now would hurt the economy.

At the same time, a large portion of those surveyed, 78%, say they think middle-income people will pay a bigger share of the new taxes under the Clinton plan than will upper-income people. Many people also seem to think spending could be cut further. Six out of 10 say they would prefer moving toward more spending cuts rather than tax increases or a larger deficit in any legislative compromises to complete the plan.

On perhaps the most controversial tax measure under discussion, it appears that people can be convinced to accept the modest gasoline tax that the Senate included in its version of the economic plan. But they oppose gas taxes significantly beyond that. People split virtually evenly when asked whether they favor or oppose the 4.3 cent-a-gallon increase approved by the Senate. But by a 76% to 22% margin, they oppose a 10 cent-a-gallon gasoline tax increase.

At the same time, though, 72% of those surveyed say they approve of raising taxes on wealthy people. And 8 of 10 say that raising taxes on wealthier people would be very effective or somewhat effective in cutting the deficit.

There's also general support for another tax measure, a plan to tax most Social Security benefits received by couples earning over $40,000 a year. By a 51% to 44% margin, those surveyed approve of that step as part of a plan to reduce the deficit. There's slightly less support for another step to curb an expensive entitlement program: 48% favor a proposal to reduce payments to hospitals and physicians who treat patients under the Medicare and Medicaid programs, while 45% are opposed.

Certainly people expect to feel some pain in the drive to cut the deficit—even more pain, in fact, than they are likely to feel. Eight in 10 think it's likely that they will have to pay "significantly more" for gasoline, utilities and other kinds of energy as a result of the new plan. Yet it appears increasingly likely that there won't be any energy tax in the final economic plan beyond a gasoline tax in the range of four cents a gallon. Some 65% of those surveyed say they think it's likely that small businesses will be forced to lay off workers.

Overall, by a 53% to 38% margin, respondents say they prefer the House version of the Clinton plan, which raises taxes more and cuts social programs less than the Senate version. That's good news for President Clinton, who generally prefers the House version over the Senate version. The differences between the two are being ironed out right now by congressional negotiators.

AVOIDING PAIN

In the end, it appears that, rather than endure too much pain, many people would be willing to accept a plan that doesn't hit Mr. Clinton's goal of cutting the deficit by $500 billion over five years. By a 61% to 33% margin, those in the survey say President Clinton should be willing to accept a deficit reduction of $400 billion rather than $500 billion if necessary to get a plan through Congress. And asked whether they would prefer a major drive to cut the deficit that includes a tax increase, or a minor effort to cut the deficit that doesn't include one, 50% choose a minor effort while 43% pick a major one.

"The American public wants the deficit to be reduced, but they seem more ready to gnaw the bullet than bite the bullet," concludes Mr. Hart.

Whatever problems the survey finds in Mr. Clinton's deficit-cutting efforts, it also clearly shows that Republicans face distinct problems because of their flat opposition to the White House effort. Asked whether Republicans are opposing the president for political reasons or are interested in offering a realistic alternative, 64% say the GOP is acting for political reasons. And a majority of those surveyed, 52%, disapprove of Republicans' declaration that they won't support the effort to pass a plan because it includes tax increases.

ALLOCATION OF SPECIAL ORDER TIME

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from California [Mr. MATSUI] on July 29, 1993, be allocated to the gentleman from Texas [Mr. FROST].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ALLOCATION OF SPECIAL ORDER TIME

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the hour allocated to the gentleman from Indiana [Mr. BURTON] on July 29, 1993, be allocated to myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

RETURN SOUTHERN LEBANON TO LEBANESE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. RAHALL] is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, war ravaged the country of Lebanon from the mid-1970's to the early 1990's. It was a war played out by neighbors of this country and other kingpins in the region, using this small innocent country as the chessboard. Lebanon took no hostages and invaded no country. Indeed, Lebanon was a hostage itself, with, until recently, too weak an army and too weak a government to protect its own borders.

Beginning this decade, peace started to return, and the Lebanese Government and economy embarked on the rough road to recovery. The army grew in strength and was able to disarm most militias that lived off war. For obvious reasons, that being the continued occupation of Southern Lebanon by surrogates of Israeli forces, the Lebanese Government realized that a resistance force would remain in the south.

Under decades of occupation, resistance forces are not likely nor are they expected to exactly kiss the feet of the occupiers of the land. Some have termed these resistance forces terrorists, and where their actions harm human beings and/or land outside the occupation zone, I would fully agree with this definition. And I absolutely do not agree with the rhetoric and anti-Israeli slogans of these resistance forces. But in an occupation zone, such as we have in Southern Lebanon, soldiers of the occupying force are not trained to expect cookies and ice cream every night before being tucked into bed.

In Northern Israel, yes, such should and must be the case for Israeli citizens, and there is the right to respond to such cross-border attacks. But relative calm existed for Northern Israel prior to recent events, just as such was the case prior to Israel's disastrous invasion of Lebanon in the summer of 1982, which I happened to personally witness while traveling the region and traveling in Lebanon at the time.

The scenario was strikingly similar. Then, as now, there was no increase in attacks in Northern Israel, but only attacks upon soldiers in an occupied zone. To paraphrase the July 28 edition of AIPAC's memorandum, which is in all of our offices, in regard to the chronology of recent events, and I will paraphrase, on July 8, two Israeli soldiers killed and three other soldiers wounded in Southern Lebanon, occupied territory, I remind you. July 9, three Israeli soldiers killed and five soldiers wounded, again in Southern Lebanon, occupied territory, again I remind you. On July 22, an Israeli soldier killed in Southern Lebanon, occupied territory, I again remind you.

So how does Israel retaliate? Much like in the summer of 1982. Tens of civilians—civilians—killed; hundreds wounded. Villages being bombarded to the point of being devastated.

Mr. Speaker, this, coupled with the ongoing deterioration of conditions in other Israeli occupied territories, the West Bank and especially the Gaza Strip, represent a serious matter of fundamental human rights. It is a matter of basic humanitarian concern.

This should place recent events uppermost in our minds and invite thoughtful introspection. Why such cycles of violence? Nobody's hands are clean when it comes to such violence in the Middle East. We all know that. There are more sides to the fighting in this part of the world than there are sides to a rubix cube. Countries who claim to desire peace find it more beneficial and profitable to keep the pot boiling instead. Countries will even arm or help ensure arms are delivered to their publicly acclaimed enemies to keep the flame alive from which they benefit selfishly.

My bottom line, Mr. Speaker, is leave Lebanon alone. All non-Lebanese forces must leave that country. The Lebanese Army is now willing and able to take over Israeli positions in the south. If Israel withdraws from Southern Lebanon, in compliance with UN Resolution 425, then Lebanese authorities are willing to secure peace and security in Lebanon to its southern border, including the disarming of all militias. Thus will all of the children of Southern Lebanon and Northern Israel be able to enjoy cookies and ice cream each night before being tucked into safe beds.

The already faltering peace talks are further jeopardized by recent violence. I sincerely hope that Secretary Christopher on his upcoming visit to the region will not only be able to negotiate a cease-fire to the current fighting, but to get the faltering peace talks back on track.

Violence in Lebanon is hemorrhaging, is destroying, their dream of reestablishing their society and rebuilding their own country, with recognition of all countries' boundaries in the region.

□ 1540

REGARDING RECENT EVENTS IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. HILLIARD). Under a previous order of the House, the gentleman from New York [Mr. NADLER] is recognized for 60 minutes.

Mr. NADLER. Mr. Speaker, I rise today to express my concern for the way in which recent events in the Middle East are being viewed by too many otherwise thoughtful Americans.

It is hard to comprehend recent statements, reported in the press, suggesting that somehow Syrian President Hafez Assad is now a moderate, a force for peace, and a trustworthy partner in the region. While it is right and desirable to work for Syrian recognition of Israel, and for Syrian steps toward peace, it is wrong and a dangerous mistake for anyone to suggest that Syria is firmly on the road to peace, or can be trusted to be so. The dictator in Damascus should be judged by his actions, not by a few pleasantries made to U.S. diplomats.

Has there been a change in Syria's behavior toward Israel? The answer is, sadly, no. Even now, as rocket attacks, launched from Lebanon, murder innocent civilians in northern Israel, we hear only condemnation of Israel's efforts to defend herself. We hear no recognition of Israel's predicament, no acknowledgment that this country would do the same if terrorists, bent on the destruction of the United States, were firing Katyusha rockets at Buffalo or Detroit, and were being given safe haven by the Government of Canada.

It is Syria which is the dominant military force in Lebanon. It is Syria which controls the Bekaa Valley where the Hezbollah terrorists train. It is hard to believe that Hezbollah's Iranian patrons could supply the terrorists with the level of assistance they are now receiving if Damascus's more than 30,000 troops decided to turn off the tap.

Rather than criticizing Israel, or praising President Assad's supposed new restraint, we should build a Middle East policy based on the facts.

The fact is that Israel is the only true democracy, and the only reliable ally the United States has in the region. Anyone who doubts that Israel is genuinely democratic need only look at the action of the Israeli Supreme Court which just overturned the conviction of accused Nazi war criminal John Demjanjuk. How many countries today have a judiciary so independent, so scrupulous about individual rights, that the most hated defendant in the nation could be ordered released by a court? Certainly not any of Israel's neighbors now receiving high praise as moderates.

Mr. Speaker, the conflicts in the Middle East often seem intractable, even incomprehensible, to Americans. We are an optimistic Nation which always looks hopefully for the best in everyone. But our desire to see peace should not blind us to the continued intransigence of some of Israel's neighbors, nor should it make us denounce our democratic ally for actions taken in self-defense. The problems of the Middle East will not be solved if we don't face them forthrightly.

ENVIRONMENTAL ISSUES IN NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, in early May, when a bipartisan group of eight Congresswomen went to Mexico to investigate conditions in the Macquiladora program and to speak with Mexican Government officials about our concerns with the NAFTA agreement, samples of the water and soil around a canal in Matamoras, Mexico, were collected.

This canal flows into the Rio Grande River which flows from there into the United States.

Congresswoman MARCY KAPTUR, who had put together the trip and to whom we owe a great deal for her efforts—I was honored to serve as the bipartisan cochair—was responsible for having the soil and water samples tested.

The release of the report yesterday on the pollution we found in the canal at Matamoras, Mexico, emphasizes several points in my objections to the NAFTA agreement as it now is drafted.

Among them, the canal represents a major water problem for the whole of Mexico. From my years on the Merchant Marine and Fisheries Committee, representing a State that shares the responsibility for the Chesapeake Bay and its tributaries, we have found that water pollution is the most expensive and complex of all problems to solve.

Since the first Clean Water Act in the early 1970's—this Nation has spent billions of dollars on clean-up, both in facilities and in policing. Additionally, there has been a costly public relations campaign by the U.S. Government and by environmental groups raising the consciousness of Americans to the need for clean water.

And, we still have a long way to go. The conditions we saw in the Brownsville-Matamoras area are at least 50 years behind most of the United States.

If water cleanup is an expensive process, it is also a process calling for determination and a will, not only on the part of the nation's leaders, but on the part of its people. I saw no evidence of that will in the section of Mexico we visited. The banks of this polluted canal are being used as a garbage dump at the same time that the populace uses the water for irrigating table vegetables and fruits, and for the watering of domestic animals and cattle.

In a nation with 25 percent structural unemployment, if the Mexican Government is concerned about the lives of its people and has any desire to convince America and Canada that they will enforce the new, strict environmental laws—then, a Works Project Administration effort—along the lines of the 1930's WPA in this country—would have had the refuse along those canals cleaned up within the year.

Toxic dumping along those canals would have been stopped in the first days that a NAFTA began to be discussed.

If the Government of Mexico makes no effort to showcase these highly exposed areas when the agreement is pending, what chance do we have to make them act once it is a done deal?

Side agreements will not change a mindset. We need action, not promises before we sign on to any agreement with Mexico.

The report stated that the soil and water samples were contaminated with high levels of industrial pollutants such as lead, mercury, benzene and xylene. Some of the concentrations were high enough to be classified as hazardous waste under U.S. environmental law. Most samples also had an extremely coliform and fecal coliform—which means the sewer effluent is running into the canals.

The impact on the food chain of these metals and sewer effluent being ingested by animals suggests that the flesh of any one of these animals will contain traces of these poisonous metals and can contain parasites—all of which can lodge, and/or infect people who eat the meat.

None of these residues or parasites would be discovered in any of the normal inspections that now are carried out at the border by the U.S. Department of Agriculture.

If for no other reason—and there are many others—NAFTA as presently written, even with the side agreements, should be defeated.

Let's start all over—and demand that steps to clean up the environment below the United States should begin immediately.

REAFFIRMING STRONG SUPPORT FOR LINE-ITEM VETO

The SPEAKER pro tempore (Mr. HILLIARD). Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS of Florida. Mr. Speaker, I rise today to reaffirm my very strong support for a line-item veto. Once again this session I am a cosponsor of the pure line-item veto. A pure line-item veto would enable the President of the United States to veto a line in an appropriations bill, and then would require a two-thirds vote in order to override that veto. Ideally, that is what I would prefer.

Several weeks ago we had two votes in this House. One was a vote for a pure line-item veto. I was one of a handful of Members of my party who voted for that pure line-item veto. I would like to see it become law.

However, I also voted for the modified line-item veto which would enable an override to occur with only a majority of the votes of the House or the Senate. I think that would be progress, and I would like at least to see some progress toward real reform, and real help to a President who wants to exercise such a veto.

My fervent hope is that the modified line-item veto will become law and will prove to be a useful experiment, and will give us the additional support that we need to make the pure line-item veto law in the future. I applaud President Clinton for his strong support of a pure line-item veto. As a former Governor, he knows that it can be a useful tool for a chief executive to have. And the truth of the matter is that 43 of the 50 States give their Governors the line-item veto.

I saw firsthand how useful a tool a line-item veto can be when I worked for Rubin Askew when he was Governor of Florida years ago. He used the line-item veto skillfully, and well, as did President Clinton when he was Governor of Arkansas.

Mr. Speaker, I do not agree with those of my colleagues who see the line-item veto as some diminishing of the rightful legislative power of the Congress. To the contrary, I see the line-item veto as a way to make the President more accountable as well for the spending that the Congress appropriates. As it is, the President can simply say to the American people, "The Congress appropriates the money. I have nothing to do with it. I am not the one who does it." With the line-item veto, any President could not say that anymore. He too would be accountable, as we are to the American people.

Mr. Speaker, I do not see the line-item veto as any panacea, not at all. And I believe that some have exaggerated what it could accomplish.

The line-item veto would not eliminate the Federal budget deficit, but it could save us billions of dollars, and I believe those billions are well worth saving.

Nor is it true that the line-item veto is by any means the only reform we need in order to make ourselves and the President more accountable to the people. We need other reforms as well in the spending process.

I would like to see us have, for example, a sunset law that would abolish automatically those programs that are no longer needed. I helped write and enact such a law in Florida.

I would like to see zero-based budgeting. That would require us to justify every dollar that is spent every year, and not just start with the excess that the agencies want to spend in the new year.

I would like to see us have a capital budgeting scheme that would enable us to focus on the capital investments that we need to make as a nation and, of course, I remain a very strong supporter and a cosponsor of the balanced-budget amendment, because we do not just need to reduce the Federal budget deficit, we need to eliminate it.

But best of all, I believe the line-item veto could help us restore our credibility with the people so that we could begin to confront some of the truly hard choices that must be made to eliminate the budget deficit. If we can just get rid of the Steam Towns, if we could just get rid of some of the pork that seems to creep into appropriation bills in the dead of night, then may be we could begin to address some of the bigger spending issues that must be addressed in order for us truly to do what we need to do for America.

The line-item veto will help us begin to do it.

□ 1550

REGGIE JACKSON "MR. OCTOBER" INDUCTED INTO BASEBALL'S HALL OF FAME

The SPEAKER pro tempore (Mr. HILLIARD). Under a previous order of the House, the gentleman from New York [Mr. BOEHLERT] is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize the remarkable achievements of an individual who inspired a generation of young athletes, entertained millions, and this Sunday, in Cooperstown, NY, will officially achieve baseball immortality by his induction into the Baseball Hall of Fame. I am, of course, talking about "Mr. October," Reggie Jackson.

On rare occasions we are blessed to witness the achievements of public individuals who are welcomed into our lives as though we had know them for years. They become so familiar to us that they are universally known by their first names. Such is the case with Reggie. Destined for baseball greatness, he even had a candy bar named after him. And, as they say, the rest is history.

Reginald Martinez Jackson was born in 1946, in Wyncote, PA. He broke into the majors in 1967, playing for the Kansas City Royals. Over the following 21 seasons Reggie spent time with the A's, the Orioles, the Yankees, and the Angels, being a principal in winning 11 division crowns, and 5 world championships.

Reggie played baseball with the same fire and ambition with which he attacked life, blasting out a place for himself in baseball folklore. The self-proclaimed, "straw that stirred the drink," he was able to, "light the fire" underneath the baseball world.

He won the MVP award in 1973, leading the league with 32 homers and 117 RBI's, while guiding his team to a world series championship. During his long and productive tenure, Reggie amassed 563 career home runs, placing him sixth on the all-time list. At home or on the road, he hit 'em where no one could get 'em. Of all his home runs, 280 were at home and 283 came on the road. What a record! He collected 2,584 hits, drove in 1,702 runs, and belted 11 grand slams. A versatile athlete, he has speed to go along with power, stealing 226 bases and scoring 1,551 runs.

But the stats don't tell it all. Reggie was the consummate superstar, bigger than life, and never disappointing. As Don Baylor once remarked about his friend, "Either he was going to hit one nine miles or he was going to strike out. But even his strikeouts were exciting." Reggie certainly provided baseball fans with a lot of excitement, for he holds the dubious distinction of striking out more often than any man in history, 2,597 times. But unlike the fans of Mudville, we tend to overlook these minor details. We accept that a competitor like Jackson who swings for the fence, is going to miss a few times. But when the team's back was against the wall, when it really counted, there was nobody you'd rather have at the plate then Reggie.

Jackson was the consummate clutch performer, at his very best when the stakes were high and the chips were down. During the post-season Jackson flourished like no one else in the history of baseball. In five World Series, Jackson batted .357, hit 10 home runs, and garnered 24 RBI's. His .755 slugging percentage is the best series performance of all-time.

The most defining moment of Reggie's illustrious carrier occurred on October 18, 1977. I remember the night as if it were only yesterday. It was the seventh and final game of the 1977 World Series, pitting the Los Angeles Dodgers against the New York Yankees. In one of the most amazing sports spectacles of all time, Reggie Jackson hit three home runs on three first pitches off of three different Dodger pitchers. With this performance he single handedly captured the world title for his team. "I must admit," Dodger first baseman Steve Garvey later revealed, "when Reggie hit his third home run, and I was sure that nobody was looking, I applauded in my glove." In fact, that last home run was measured at 450 feet.

However that was not his longest shot. That occurred during the 1971 All-Star Game. Reggie sent a ball out of Tiger Stadium, hitting a light tower high above the park.

This year, in his first year of eligibility, Reggie Jackson was voted into the Hall of Fame, garnering 93.6 percent of the vote. I need not remind my colleagues the satisfaction of achieving such success at the ballot box. This is no small achievement, for it makes Jackson only the 29th player ever elected in his first year of eligibility, and the only one to be elected this year. In fact his vote percentage was the 10th highest in Cooperstown history.

I am told that Jackson had prepared no remarks, and had not spoken to the press about the possibility of election until after the actual voting took place. Apparently he was afraid of jinxing himself. But speaking of the possibility of induction several years ago, Jackson remarked, "I'd like to wait until the room is empty at night and go in once to look at my plaque." Such are the dreams of a man who allowed us to live out our own fantasies by watching him play. The American public was fortunate enough to be allowed to view every aspect of this very public man for over two decades, enjoying the thrills and spills of what he himself proclaimed to be, "* * * just part of the roller coaster ride that is Reggie Jackson."

The sports columnist Thomas Boswell wrote of Jackson, "When it comes to being a true live-big, love-it-all, worth-the-price-of-admission superstar, nobody—absolutely nobody in the game—has replaced Reggie Jackson."

Reflecting upon his long and sometimes controversial career, Reggie mused, "What I've been, through it all, is human." Well for once, Reggie may have understated the facts. I know I speak for all my colleagues when I say, "Congratulations Reggie!"

I insert into the RECORD Reggie's career statistics.

REGGIE JACKSON'S CAREER STATISTICS

Year, team	AB	R	H	HR	RBI	Avg.
Regular season						
1967 KC	118	13	21	1	6	.178
1968 OAK	553	82	138	29	74	.250
1969 OAK	549	123	151	47	118	.275
1970 OAK	426	57	101	23	66	.237
1971 OAK	567	87	157	32	80	.277
1972 OAK	499	72	132	25	75	.265
1973 OAK	539	99	158	32	117	.293
1974 OAK	506	90	146	29	93	.289
1975 OAK	593	91	150	36	104	.253
1976 BAL	498	84	138	27	91	.277
1977 NYY	525	93	150	32	110	.286
1978 NYY	511	82	140	27	97	.274
1979 NYY	465	78	138	29	89	.297
1980 NYY	514	94	154	41	111	.300
1981 NYY	334	33	79	15	54	.237
1982 CAL	530	92	146	39	101	.275
1983 CAL	397	43	77	14	49	.194
1984 CAL	525	67	117	25	81	.223
1985 CAL	460	64	116	27	85	.252
1986 CAL	419	65	101	18	58	.241
1987 OAK	336	42	74	15	43	.220
Totals	9,864	1,551	2,584	563	1,702	.262
Division Championship Series						
1981 NNY	20	4	6	2	4	.300
League Championship Series						
1971 OAK	12	2	4	2	2	.333
1972 OAK	18	1	5	0	2	.278
1973 OAK	21	0	3	0	0	.143
1974 OAK	12	0	2	0	1	.167
1975 OAK	12	1	5	1	3	.417
1977 NYY	16	1	2	0	1	.125
1978 NYY	13	5	6	2	6	.462
1980 NYY	11	1	3	0	0	.273
1981 NYY	4	1	0	0	1	.000
1982 CAL	18	2	2	1	2	.111
1986 CAL	26	2	5	0	2	.192
Totals	163	16	37	6	20	.227
World Series						
1972 OAK[1]	....	....	....	......	....	......
1973 OAK	29	3	9	1	6	.310
1974 OAK	14	3	4	1	1	.286
1977 NYY	20	10	9	5	8	.450
1978 NYY	23	2	9	2	8	.391
1981 NYY	12	3	4	1	1	.333
Totals	98	21	35	10	24	.357

[1] Injured, did not play.

A TRIBUTE TO CAPT. HAROLD SHAMBLIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 60 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise today to honor an individual who has provided many years of outstanding support and dedication to this Congress. Capt. Harold Shamblin, legislative liaison in the inquiry division in the Office of the Secretary of the Air Force, has been reassigned from the Pentagon to the Air Command and Staff College at Maxwell Air Force Base, AL. The reassignment was made effective July 21. I, and many of my colleagues, have greatly benefitted from his exceptional service in the Air Force's congressional inquiry office and we want to recognize his years of service.

As an action officer, Captain Shamblin's calm and thorough method of handling unique situations and varied constituent concerns, resulted in the successful resolution of more than 2,000 cases each year during a 3-year tour. He was also a seasoned traveler with a number of congressional members and their staffs. He escorted a large delegation to Turkey and throughout Europe, as well as with others to locations within the United States to provide insight into Air Force operations, policy and training.

Mr. Speaker, I want to join with many of my colleagues who have worked with Captain Shamblin over these years in offering congratulations on a job well done. We wish him, his wife Theresa, daughters Claire and Suzanne, and son Robert the best as they move on to a new assignment.

Captain Shamblin is a true professional and a credit to himself and the U.S. Air Force.

POINT OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 60 minutes.

Mr. LIVINGSTON. Mr. Speaker, I wish to enter into the RECORD the real story about what happened several years ago when the Army terminated a research project in my State which involved shooting 700 cats in the head in order to try to learn something about the treatment of battlefield head wounds. The record would be set straight, Mr. Speaker, because the national TV news show "60 Minutes" and its long-time star reporter, Mike Wallace, mangled the truth in a 13-minute story on the subject and in doing so twice told a direct fabrication about me.

The research in question certainly was not something to be seen by the squeamish. The researcher, Dr. Michael Carey, meticulously drilled holes, small holes, in cats' skulls, placed their heads in a vise and shot BB pellets into their brains. Many of the cats were eventually decapitated.

Mike Wallace and "60 Minutes" came in and did a story on this episode, which made Dr. Carey into a hero, but which misrepresented film footage of animal rights activists, ignored reams of evidence in their own files in order to put a false bias into their story and which played fast and loose with the facts and which criticized various Congressmen for trying to save the taxpayers some money for what I believe was arguably useless research.

In the process, Mike Wallace reaffirmed his own self-admitted status as someone who does not tell the truth if the untruth is for the sake of a good story. The stated purpose of the research had some merit. The goal was to find ways to save more of America's brave young soldiers who were victimized by battlefield head wounds. Nobody can quarrel with that. At first glance, the method of research seemed valid, with apparently plenty of controls and anesthesia. But then various folks in my district and outside, including some respected community leaders, asked me to look into allegations that the research was not worthwhile, that it was killing cats perhaps cruelly and perhaps for no reason, that it was not finding out anything of significant value and that it was thus a waste of $2 million in taxpayers' money.

Mr. Speaker, I am no scientist, and thus had no way of knowing for myself whether the research was scientifically valid or not. So I did what I think any conscientious Congressman would do: I asked the General Accounting Office to convene the appropriate medical experts to find out if the project was worthwhile. If it had been determined to be worthwhile, the project could continue. If not, why then, other action could be taken. And I want to stress that I certainly wanted to protect solid and valid research that would save our soldiers.

Anybody that knows anything about my record knows that I am a friend of the soldier, the sailor, the marine, the airman, that I believe very strongly in a strong national defense. And if we really had an experiment that was going to help the soldier, I would be in favor of that research.

□ 1600

Especially since the project was being done by a university just a stone's throw from my own congressional district.

Well, I would save it, of course. But, I would recommend that the project be saved only if it were both humane and worthwhile and if it were a conscientious expenditure of taxpayer dollars.

So that is what I asked the General Accounting Office to find out.

First, the General Accounting Office convened a panel of medical experts on brain wound treatments. The panel had a number of good things to say about portions of Dr. Carey's research, but on the research as a whole, four out of the eight panelists said that they were lukewarm about its value. They were concerned about his methods. All eight panelists criticized him for failing to publish any papers on his research for 6 whole years, an unusually long time. In fact, it appeared that he did not publish anything until the GAO began its investigation.

All eight panelists questioned the inconsistent use of anesthesia and wondered whether that could skew the results of the research.

Because they were unable to tell if the anesthesia would mess up the results, the GAO then convened another panel, this one of veterinary anesthesiologists, to review the anesthesia use.

This second panel concluded that there was a good chance that the inconsistent use of anesthesia threw off the results and possibly invalidated some results.

Furthermore, the good doctor had claimed in the media several times that his biggest breakthrough discovery was that when the brain is injured, breathing stops.

Well, that same finding had first been proven back in 1894, I am told, and that knowledge has been used ever since.

In other words, according to the doctor's own claim, we were spending $2 million to rediscover something that had been known for some 90 years.

So with all this information, the General Accounting Office turned over a thick and complex report to the U.S. Army, and on the basis of their recommendations, the Army decided that it could spend its money better elsewhere. They were not overly critical of the doctor's research, but they felt that this just really was not a good expenditure of taxpayer funds, especially since there were no concrete results coming from this research. So the Army pulled the rest of the funding.

I want to emphasize, the Army pulled the funding. The Army made the decision, a decision which quite frankly made a lot of sense based on the information that was available to them and to the GAO.

Then a year later a "60 Minutes" researcher was making a doctor's visit, and he was sold a bill of goods by his doctor about how some evil animal rights extremists had shut down some vital medical experiments. Armed with this rather one-sided view, "60 Minutes" then set out to create a news feature which brought this viewpoint to light. They thought it would make a good story. They kept on and kept on, doing loads of research into the story and ignoring all the evidence which told them that they might be on the wrong track.

They came to me, and I was very open with the researchers. We shared our files with them. But by the time they called to ask me to go on camera, I could tell that they were hopelessly biased, they were prejudiced, they were going to write the story the way they wanted to interpret it, regardless of the facts and regardless of the circumstances, that they were prejudiced against me and against any efforts to question whether shooting cats in the head for 90-year-old knowledge was worth spending $2 million of taxpayer funds on.

Mike Wallace and his cohorts, one of whom was apparently very rude to some of my staff, wanted to make it look like everyone who questioned the research was an animal rights extremist, or a dupe of the most extreme faction of the animal rights folks, who would rather first let American soldiers die on the battlefield than do harmless research on a few useless tabby cats.

So because of this interchange, I sent a signed memo to the news show, "60 Minutes." I declined to do a taped interview which they could edit at their own discretion. The memo that I sent them closed with this quotation:

> I have always supported using animals in valid research projects. However, the Army decided it had enough information and that further expenditures of taxpayer funds would be unwarranted. I support that decision. I have never been reluctant to make my records available, or to explain any of my actions in a fair and open debate. If you want to provide the opportunity to be on your program live and unedited, I will be more than happy to do so.

Now, Mr. Speaker, I want to stress that I said I would be on their program live and unedited.

In several subsequent phone calls, Mr. Mike Wallace personally requested that I change my mind and do a taped interview with him, explaining that their format simply did not allow live appearances.

In the course of one phone call, he reconfirmed my belief that the "60 Minutes" story would be biased in favor of Dr. Carey, so I repeated my offer to go on live and unedited.

I also cited a college journalism textbook on journalistic ethics which used case studies of "60 Minutes," CBS News, and Wallace himself as examples of what they called exceedingly shoddy ethics. The book documented the way that the Wallace interviews were cut and reedited in some cases to change the entire meaning of what the interviewee was saying.

Interestingly, Mr. Wallace feigned ignorance of that book on the phone with me. In fact, though, Mr. Wallace had exchanged copious correspondence with the book's author in an effort to change the author's analysis, and he had even dined with the author to discuss the author's charges.

In other words, apparently Mr. Wallace was once again disingenuous.

Well, Mr. Wallace never did accede to my request to go on the air unedited. Half a year later, the producer of the segment told my press guy that the air date for the show would be one of four Sundays—Sundays which just happened to be one of the four Sundays immediately preceding the national congressional election date, and coincidentally, also the Presidential election date.

Mysteriously, though, that segment never aired in those four Sundays, never aired in that last month before the congressional elections, because apparently, perhaps, Mr. Wallace and his crew discovered that I had already been reelected under Louisiana's unique primary rules only weeks earlier.

Well, we do not know why they pulled the show, the segment. We knew that they were going to run it at that time. Perhaps only the Shadow knows for sure why they pulled it.

Anyway, the segment finally did run in January 1993, a full 3 months after it was originally planned to air.

As I feared, the show was entirely one-sided in favor of the research. Interviews with research opponents were butchered in order to embarrass the opponents of the research. Interviews with the General Accounting Office, which organized the analysis which gave such mixed reviews to the cat shooting research, were not used at all.

In fact, there were more than two dozen errors, misrepresentations, or clear instances of bias or shoddy journalist ethics in this story.

Among them was one direct, unambiguous, and inexplicable lie. In direct contradiction to our direct phone communication and the signed memo I had sent him, Mr. Wallace said that "whatever Congressman LIVINGSTON thought at the time about Dr. Carey's research, he declined to tell us about it on camera."

Now, that was part of the segment aired in January of 1993 on "60 Minutes." But as I have demonstrated, I did not decline to go on camera. Instead, I only declined to go on camera under the terms offered by Mike Wallace.

In fact, the whole show was so biased and dishonest that several nationally known columnists have written scathing reviews about it. Howard Rosenberg of the Los Angeles Times used the story of an example of why "60 Minutes" is "one of the shiftiest when it comes to tailoring a story to a particular point of view."

And Colman McCarthy of the Washington Post called it "an example of television journalism at its tawdriest. * * * Inaccurate quoting, shifty use of file footage, unequal time to one side in the dispute, and innuendo marked the program's 13-minute report. * * * As an entertainer, Wallace was boffo that night. As a reporter, he betrayed the rules of his craft."

□ 1610

Again, that coming from Colman McCarthy.

Now, after reviewing the facts, I sent a letter to Wallace and his boss on "60 Minutes," Don Hewitt, demanding an on-air apology, and I quote from that letter. This is me writing them after the first airing of that show:

> Of the many offenses against journalistic ethics in your story, the most egregious is the use twice of footage of an animal rights demonstration, as if the demonstration concerned Dr. Carey's research, while the narration described, quote, a brutal confrontation with animal rights activists, unquote. Not only can that demonstration not concern Dr. Carey's research, but I am told there were never any such public demonstrations against Dr. Carey. Yet you used the footage as a means to raise an emotional viewer response against the animal rights folks and anyone else who questioned the use of Dr. Carey's research, and I underline the second paragraph:
>
> This use of footage is directly analogous to the fraudulent use of "fish kill" footage for which NBC News recently was forced to apologize. The similarities are striking: dead fish from a different forest presented as if they were from the forest being featured on the news show, compared to virulent demonstrators from another place and time being presented as if they were demonstrating against the research being featured on the news show. * * *

I go on in another paragraph:

> The second correction I demand that you make on the air is of the assertion by Mr. Wallace that "Representative Bob Livingston of Louisiana has been 'had' by these animal rights zealots." Not only was Mr. Wallace's remark a gratuitous insertion of my name into an interview that previously had not involved me at all, but "60 Minutes" knew that it was an erroneous conclusion. You knew, because your researcher . . . had been so informed in a letter from Suzanne Roy of In Defense of Animals.

Well, Mr. Speaker, rather than quote, I will summarize Suzanne Roy's letter. It is said that her group had not worked closely with me or my office, but had worked with two other congressional offices who were strongly opposed to the research, whereas she had suspected that I actually wanted the research to continue. She even noted that her organization had put out a press release against me for my efforts to ensure the protection of Dr. Carey's rights.

Now get this. She is the animal rights person. She is attacking me because I am coming too much to the defense of Dr. Carey, and "60 Minutes" is doing a number on me as if I am a dupe of the animal rights activists. I really think this is an incredible story, so again I quote from my letter:

> Indeed, "60 Minutes" was fully aware that I had taken political heat by putting an embargo on that GAO report specifically to give Dr. Carey time to respond to the parts of it which were critical of him. Far from being "had" by animal activists—whose concerns . . . are certainly sincere—I actively resisted involvement with them in order that Dr. Carey would have every opportunity to receive due process by the politically neutral and independent GAO. I shared my files with "60 Minutes" researchers, so they knew all this, but chose to ignore it so that Mike Wallace could put words into the mouth of his interviewee. Despite my efforts on behalf of Dr. Carey, in resistance to the entreaties of other congressmen for a permanent end to all funding of his project, "60 Minutes" painted me as the congressional party solely responsible for stopping Dr. Carey's research,

as a result of pressure from people to whom I had not even spoken.

Well, Mr. Speaker, finally, in my letter to Wallace and Hewitt, I demanded a retraction of their false statement about my refusal to go on camera. Believe it or not, this is where the direct, direct deceit of Mike Wallace began getting even worse than it already had been.

In response to my letter Mike Wallace called me again. He argued that the use of demonstration footage was not deceitful, first because, quote, "we never indicated the footage that you talk about was specifically Dr. Carey's research," and secondly because even if they did have footage, there was indeed a demonstration against Carey's research.

Well, he is wrong on both counts. First, the footage was used while Wallace intoned about, quote, "brutal confrontation with animal rights activists," which certainly would lead 99 viewers out of 100 to think the footage had something to do with what was being discussed. Second, he was apparently wrong about the occurrence of other, non-filmed demonstrations.

Wrong, that is, unless he wants to compare his footage of yelling, angry, threatening demonstrators with one small, dozen-person, Christmas Eve candlelight vigil and Christmas carol singing outside the lab where the doomed cats were being housed, soon to be shot.

Well, let me go on. Then Mike Wallace started to really apologize, perhaps grovel. I call it groveling because subsequent actions prove that he did not mean a word of what he said. What he said was this, and I quote, and this was on the telephone conversation between Wallace and me after the airing of the segment. Wallace said this:

> One way in which you're dead right, and I apologize to you for it and I don't know how the hell it got through, and that's the business of, ah, of not saying "live and unedited"—in other words, that you didn't want to go on camera to tell us. I should have said "except live and unedited" . . . My friend, I apologize to you, I really do. I'm ashamed of myself because you told it to me and how the hell it got through without it, I don't know. It's unfair. Because you were perfectly willing to go on.

Now that was Wallace talking to me, apologizing because of the segment that was aired on "60 Minutes" in January 1993. In that same conversation later on Wallace again said, and I quote:

> I really feel bad about that one thing, 'cause that was just dishonest, of me, and that was stupid of me. * * * Some time you and I will—we're gonna do a piece, and I'm gonna prove to you that ah, the show is straight, and that I'm straight.

Well, Mr. Speaker, I heard that, and I accepted that as an apology, and I grudgingly accepted Mr. Wallace's apology. I took him at this word—at his word that he had been unfair, dishonest, and stupid, and that he was sorry for it, and so I pulled off efforts to bring pressure on Mr. Wallace to reconsider his viewpoints. I just stated, "It's over, we walk away from it, and I'm not going to think about it anymore." It is too bad that he aired it, but I said, "I'll take my lumps. I'm a politicians, and I'll take my lumps."

Then who would believe it? Lo and behold, 4 months later, last Sunday night, on July 25, "60 Minutes" reran the story on Dr. Carey's cat shooting. Wallace took the time to do a new introduction to it, and a new closing to it, so he clearly had the opportunity to correct all the mistakes in the show. At the very least, he could have removed the lie about my refusal to talk about the subject on the air, since he had specifically admitted his statement was dishonest and unfair, and that at some time in the future he would make amends.

□ 1620

Well, Mr. Speaker, I was dumbfounded when I turned on the television and saw that program. He made no corrections. He made no retractions. He used the same bad footage in the same bad way. He repeated the canard about me being hoodwinked by the animal zealots, thus mischaracterizing both me a lot of other good, decent folk who questioned the research. And, most outrageously, Mike Wallace allowed the repetition of the lie that I had refused to go on the air.

Well, the next day, Monday of this week, under pressure from his bosses at CBS, since obviously I made a phone call, Mr. Wallace called up yet again to apologize. And this time he admitted that he, and I quote, "blew it." And he promised that in 2 weeks, on August 8, he would finally make an on-air retraction and apologize for at least that one misstatement, even if he would not apologize for the overall dishonesty of the rest of the whole segment.

Well, Mr. Speaker, let me tell you, after the experiences I have had with Wallace and his crew, I will believe it only when I see it. Then again, even if he does apologize, I know that in his heart he will not really mean it.

How do I know? Well, let me cite a statement that Mike Wallace made, and I quote from the Washington Post on November 30, 1992, 8 or 9 months ago, when in that article he virtually bragged about using dishonesty for what he considered to be more important ends.

This is his quote. He said, "You don't like to baldly lie, but I have," said Mike Wallace. "It really depends on your motive," Wallace said. "Are you doing it for drama, or are you doing it for illumination? Each one has to be weighed separately as to the cost benefit."

That sounds strangely out of some manifesto from Karl Marx. But that is Mike Wallace, the revered commentator from "60 Minutes."

So there you have it, Mr. Speaker, Mike Wallace's own words indicting himself as a liar if he has a self-proclaimed higher motive than the immediate truth. And in light of all of this, not only do I eagerly await for his on-air apology for that one lie, but I request an apology again for all three egregious falsehoods mentioned in my letter to Wallace and Don Hewitt. In fact, I asked for a retraction of the entire dishonest story. And I hope that the American people will not believe Wallace or "60 Minutes" just because they come on the air on Sunday nights and they see them there, because the program has proven itself capable of and has clearly exhibited demonstrable journalistic fraud. And if "Prime Time Live" or some of these other news shows want to do a real expose on an institution that is a pox on the American public, I urge them to look into the inner workings of "60 Minutes" and expose the show for the sham that it is.

Mr. Speaker, I do not come here lightly about this subject. I had hoped that it was behind me when Wallace had apologized to me in March. But when he, after that apology, came on with no explanation, and just came back and repeated the same old dogmatic lie Sunday night, I just could not believe it. And I fully expect that one day Mr. Wallace will find a way to do a real number on me. This may not have been too terribly significant. But I would tell anybody who might see that segment, consider the source, consider the real facts, and judge carefully whether or not you should believe what you see.

EARNED INCOME TAX CREDIT

The SPEAKER pro tempore (Mr. HILLIARD). Under a previous order of the House, the gentleman from Texas [Mr. FROST] is recognized for 60 minutes.

Mr. FROST. Mr. Speaker, we have a great opportunity to pass a budget that will begin to deal with our outrageous budget deficit and at the same time provide the building blocks for a strong economy with opportunities for those families who have suffered most over the last 12 years.

I am personally disappointed that Members on the other side of the aisle have refused to give the American people a fighting chance for economic growth and change by continuing to be the guardians of gridlock. President Clinton's plan is the only viable option for constructive change. While the Republicans continue to complain about taxes and how when need to cut spending first, the Democrats have actually named over 200 specific cuts. The Democrats are making hard choices for the future of our country. The Republicans, on the other hand, are doing a lot of talking without specifying anything. Their budget plan currently has over $66 billion in unspecified cuts.

Republican Presidents had 12 years to submit a budget that actually worked to reduce the deficit. They did not. The Republicans in Congress are now continuing the rhetoric of more empty promises about cutting the budget without any viable plan to do so. Let us get serious and get behind the only plan that is real.

With that in mind, I am delighted to speak today about President Clinton's plan to expand the earned income tax credit [EITC]. This tax credit is essential for the working poor and is a key element of the President's plan to return fairness to the Tax Code.

For the past 12 years, Presidents have ignored the needs of the middle class and the working poor and placed the burden of the Federal budget deficit squarely on their shoulders. All this was done while the Federal budget deficit skyrocketed and the rich received tax break after tax break. President Clinton's plan seeks to reverse both of these trickle-down economics trends. His plan is a bold initiative to reduce the Federal budget deficit by what is fair to the middle class and the working poor.

The overwhelming majority of the taxes from his plan fall on the most well-off Americans. The Congressional Budget Office shows that 70 percent of the taxes we raise fall on those making over $200,000. The plan increases tax rates on the top 1 percent, those making over $180,000; a surtax on individual income above $250,000; reduced deductions for country club dues, three-martini lunches, lucrative pensions, and lobbying expenses; and the wasteful taxpayer subsidy of CEO pay over $1 million.

The plan passed by the House also helps the working poor. It expands the earned income tax credit. This tax credit is prowork.

I would like to take just a minute, if I may, to outline some of the features of the earned income tax credit.

The EITC is widely hailed for rewarding work, supporting hard-pressed working families with children, and reducing tax burdens on low-income workers.

The EITC is pro-work. Only those who work can get it; nonworkers do not qualify. Also, the EITC helps low-wage working families make ends meet. And for some parents on public assistance, the EITC can play an important role in making it worthwhile to go to work.

Furthermore, unlike welfare benefits, which fall sharply as earnings rise, EITC benefits increase with each additional dollar earned by the very poor. Consequently, the EITC strengthens the incentive to work for those working little or not at all.

The EITC is pro-family. Only parents who live with their children can get it. Absent parents living apart from their children are not eligible for regular EITC benefits. And unlike welfare—where the eligibility rules are much more restrictive for two-parent than single-parent families—the EITC treats both types of families on an equal basis.

The EITC is the one feature of the Tax Code that helps, and rewards work among, the working poor. This is because the EITC is the one refundable tax credit in the Federal Tax Code. That means if a family's EITC benefit exceeds its income tax liability, the IRS sends the family a check for the difference. Working poor families earn too little to owe Federal income tax, but they still receive the EITC.

□ 1630

Mr. Speaker, I yield to the gentleman from Maryland [Mr. CARDIN], who is a member of the Committee on Ways and Means, for a further discussion of this very important feature of the bill that was passed by the House of Representatives and that is a part of the President's basic plan.

Mr. CARDIN. Mr. Speaker, first I want to thank the gentleman from Texas [Mr. FROST] for taking this time to clarify one of the most important provisions in the President's package, which has not gotten much publicity. As we know, as we listen to the radio and TV accounts and press accounts of the President's economic package, the earned income tax credit can hardly be found in the discussion. Yet it is one of the most important provisions for restoring fairness in our Tax Code.

There are many reasons why we must move forward with an economic package, as recommended by President Clinton. We need to do that in order to reduce the deficit of this country. That is certainly very, very important. We need to do that in order to help small business. There are several provisions in the President's package to help small business create more jobs in our communities. And that is certainly a very important reason to move forward on it.

The balance between spending cuts and new taxes, in order to deal with the deficit, is clearly in the President's package, another reason to move forward. But as the gentleman was bringing out, the fairness issue is another reason why we should consider and pass the President's package, and we should be evaluating the package that the President has submitted and other recommendations that have been made in the area of fairness.

The earned income tax credit provides a refundable tax credit. It is a credit that can be paid in cash to taxpayers of low income.

Let me explain how it works, because I am afraid many people do not really understand how the earned income tax credit works.

There are nearly 14 million people today who benefit from the earned income tax credit. In my State of Maryland, 223,000 families today benefit from the earned income tax credit. And in the State of the gentleman from Texas [Mr. FROST], I might point out that 1.3 million families in Texas benefit from the earned income tax credit. I have West Virginia, too. I will look up that figure and give Members how many people in the State of West Virginia benefit from the program a little bit later on.

But how it works is that for low-income people, they get a credit of a certain percentage of their income, the earned income, up to a certain amount. Under current law, it is about $8,000. So they are entitled to a refund, a positive refund, not really a refund, a check equal to a certain percentage of the income that they earn up to about $8,000.

Then starting at around $12,500, the credit is phased out up to around $23,000 of income.

What President Clinton has recommended is that we dramatically improve that mechanism so that we can tell the American society that if a person works, a person works 40 hours a week, that person should not have to live in poverty. Today, 20 million people in our Nation live in poverty, even though there is a full-time worker in that family. That is unconscionable, and that is what we are aiming at eliminating by dramatically improving the earned income tax credit.

The President is suggesting that we make it sensitive to the size of a family in calculating how much of an earned income tax credit a family will be entitled to. The earned income tax credit is significantly increased and can mean an extra $1,500 for many American families. So it is an effort to say, as the gentleman pointed out, that we are going to reward work. If you work full time, you should not have to live in poverty. And that is really the centerpiece of the fairness issue.

Mr. Speaker, I would like to point out, if I might, because I am frequently asked in my townhall meetings about how these taxes work and what we are doing to people as far as the taxes being recommended by the President. Rarely is the earned income tax credit ever mentioned.

In fact, in some cases, for working poor, they are actually going to be paying a lot less in taxes and be getting funds back so that hopefully they do not have to live in poverty. But if you go through the taxes that have been recommended, and what I asked my constituents to do is calculate the tax burden themselves. Do not take my word for it, do not take the words of some of the Members that have taken this well or particularly on the other side as to how this tax bill or how this deficit reduction package will personally impact their taxes.

What the President, and what we have passed, will do is to tell all the wealthiest 1 percent of our society that they should pay approximately 70 to 80 percent of the additional taxes. We do that by increasing the income tax rate for those people who have taxable income, if they are individuals, of $115,000 or higher, or for married couples, $140,000 or higher. So if your taxable income is below those limits, there is no additional income tax that you would have to pay under the proposals that passed the House and the Senate.

We tell people who have earned income over $135,000 that we are going to remove the health insurance cap so that you would have to continue to contribute toward Medicare, 1.45 percent of your earned income above $135,000. So once again, if you do not have earned income above $135,000, that would not impact on your tax liability.

And we tell people who receive Social Security, if their Social Security income for an individual is over $32,000 or for a couple, over $40,000, you should pay taxes on that portion of your Social Security benefits that reflect what society, what we have added to what you have already contributed through your withholding by increasing the amount of tax from 50 to 85 percent.

Now, most of my constituents are not going to be impacted by any of those taxes that I have just mentioned. The only tax we have talked about is a gasoline tax that may impact my constituents, most of my constituents. And that is 6 cents, maybe as much as 4 or 6 cents a gallon. How many gallons of gasoline do you use a week? Fifteen, to fill up your tank more than once. That is 90 cents a week.

The reason I mention that is I think we have to talk about the fairness issue here and how the tax changes will impact the fairness of our society.

We have a huge deficit, and we are saying to the wealthiest people in our society that they should pay more.

First, we cut spending. Then we raise taxes, and all of it is used for deficit reduction so that our Nation will be stronger and that we can provide a greater opportunity, particularly in creating more jobs for our young people.

I really appreciate the gentleman from Texas [Mr. FROST] taking the time this evening to point out that the earned income tax credit is a part of this proposal that brings basic fairness to our Tax Code, that says to a working person they should not have to live in poverty.

Mr. FROST. Mr. Speaker, I now yield to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman from Texas for taking this time. I think it is important to point out some of the aspects of the President's economic plan, the deficit reduction plan that the House most likely will be voting on next week.

There has sure been a lot of fire and fury delivered on this floor concerning it. Yet, I think it is time now to get some true understanding of what it is about.

One of the most important provisions in here is the earned income tax credit. I am interested that society requires, as rightly society should, that people work and work for a living. But too often in our society, those who work are not rewarded as they should be.

I have a situation and many times have seen in my own district situations where a husband and wife, two parents, are working. They are doing exactly what society asks. They are working for $4.25 to $5 an hour, both of them. It is not enough combined to raise their family. They are struggling. If they are fortunate, they have health insurance. Probably they do not.

What the earned income tax credit does is to try and say, and what the President's proposal and this package does, which I do not think many people fully appreciate or want to recognize, in some cases, what the President's proposal does is to say that if you work a full 40 hours a week, you are a working family. Then you should not be living in poverty.

I think that is something we can all subscribe to. The earned income tax credit, interestingly enough, has another positive benefit. Because through its provisions, by rewarding working families, these families tend to be lower income. This will put more money into the economy and, particularly, lower income and in many cases rural areas, rural, urban, whatever.

□ 1640

But the important thing is that there will be more money in the economy as well. I wanted to stress something: This is not welfare. This is not welfare, by any means. This only goes to those people and only those who are eligible for it; who are working parents with, obviously, children.

I think it is important, too, because I have heard a lot of bombast on this floor, particularly today, but in the last few days about what our opponents say are 27 tax increases. They never talk about the tax cut. They never talk about the tax cut. They never talk about the fact that for many low- and middle-income persons who will qualify for this EITC, that any possible increase in the gasoline tax, whether it is a nickel or 6 cents a gallon, that that will be offset, so there will not be a tax increase for many of our working poor. I think that is significant.

There are a couple of other things, obviously, that the opponents do not point out in this package. They do not point out, for instance, that 70 to 80 percent of the tax burden will go to the wealthiest, the 1 to 2 percent of the wealthiest in this country. They do not point out, for instance, that income tax will not affect anyone who is a working person making less than $140,000 a year as a joint filer. So if you are below $140,000 a year as a couple, or $115,000 a year as a single person, you are out of this business as far as income tax goes. You will not be affected.

As far as the 6 cents a gallon goes, what they are not pointing out is that, for instance, in just the Btu tax alone, that this is less than what was even being considered there, and that it results in about a $1 a week increase, a $1 a week increase, which is about the price of two cups of coffee per week.

Also, it is a minuscule part, 5 percent, I calculate, of the total economic growth deficit reduction package. Five percent would be in this one area, the proposed gasoline tax. The other 4 percent comes in tax increases on the upper income, and then, of course, half of this total package, 250, are in spending cuts, 200 specific cuts, not the $66 billion of unspecified cuts that our opponents offered.

One other note. This goes somewhat to the EITC, since many EITC recipients, those who qualify for the earned income tax credit, work for small business. We have heard a lot of the bombast on small business around here as well. What they are not pointing out, the opponents, is that 95 percent of small businesses will see no impact whatsoever, no adverse tax impact, because of this legislation; that where there is increased corporate tax, in order to trigger that, you are talking about they have to have over $10 million in profits. That is not Mom and Pop's grocery store, $10 million in profit to trigger any increase in the corporate taxation. The vast majority of subchapter S corporations, and that is the bulk of small businesses, are not affected by this as well.

Once again, getting back to the fact, though, that half of the deficit reduction package, there is at least $1 of deficit reduction for every $1 of tax increases, and there are many in our country who are working that will actually receive favorable tax treatment; a tax cut, in effect, because of the EITC.

More importantly, what they will be able to do is, by the effort that they are making in working, lift themselves out of poverty. I think it is important to get through that this is deficit reduction, but it is also positive development for millions of working families, many thousands of which are in West Virginia, that are doing exactly what society asks, that want the deficit brought down, that are working at least 40-hour-a-week jobs, and that they will benefit from this package, not only because the deficit is down, we all benefit from that, lower interest rates, for instance, ability to finance homes, cars with lower interest rates.

They will benefit that way, but they will also benefit because their work will truly be recognized, and then that hopefully sets the stage for a national health care plan which recognizes that those who work are to have affordable access to health care.

I appreciate the gentleman from Texas [Mr. FROST] taking this opportunity to set the record straight, to promote the positive aspects of the earned income tax credit, and to say that working Americans do get favorable treatment under this, and to give us a chance to point it out.

I appreciate the gentleman making it possible for me to participate in this special order tonight.

Mr. FROST. Mr. Speaker, I want to thank the gentleman from West Virginia very much because his points have been very well taken. I think it is helpful. People who are listening to this, people who are watching what is going on here today, it is helpful to understand that there are some very critical provisions in the President's plan that go directly to helping lower and middle income taxpayers in this country; that are vital, vital if we are going to provide fairness.

At this point I yield to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Speaker, I thank the gentleman for yielding.

I, too, want to commend the gentleman from Texas [Mr. FROST] for taking out this special order and giving us a chance to discuss with each other and before the American people this critical component of the budget reconciliation package that we will be voting on next week.

The earned income tax credit is one of the most critical components of this package. It is one of the most important things we could do to reform the welfare system in this country, which I think almost everybody thinks is a desirable goal, to reform the welfare system and to reward work, to make work more attractive than staying on welfare.

It is a perverse system that actually makes it pay for people to stay on welfare, and encourages them to do that, as opposed to entering the work force. What this earned income tax credit will do is reward people who want to help themselves.

Any parent who works full time, with this provision, will be lifted out of poverty, not by some kind of government program but by their own hard work, by their own efforts. That is the idea, to help people without creating larger bureaucracies and to strengthen families. That is the essence of what this new, revitalized Democratic Party is all about, and it is right at the heart of this economic plan.

The earned income tax credit is the furthest thing from a handout, Mr. Speaker. Some may describe it as an anti-poverty program, but in reality it is tax relief, tax relief for struggling families who want to become self-sufficient but simply cannot, because the current system actually punishes them for working harder and longer and makes it more profitable for them to stay on welfare.

Because of this earned income tax credit increase, families who make less than $30,000 a year will actually see their taxes go down. In fact, a study by Arthur Andersen, Inc., finds that the family whose annual average income is $25,000 will see their taxes fall by several hundred dollars.

Some have described the budget with overblown rhetoric as a tax plan that is going to tax the American people broadly. Actually, that is very far from the truth. Whatever burden under the energy portion of this budget plan will place on the working poor will be more than offset by what this EITC increase will do for them by way of a tax break.

That reduction in taxes is going to enable these families to save more and to provide more money to meet basic household needs. The Dallas Morning Herald, in an editorial this week, said, and I quote, "The tax credit can make a substantial difference in the lives of the working poor, while reinforcing the work ethic."

That is what family values really mean. The House proposal would give eligible families with at least two children and incomes below $8,000 a 39-cent tax credit on every dollar they earn. That is far superior to simply increasing the minimum wage as a means to move families above the poverty line, since half the working poor are in jobs not covered by the minimum wage and because some 85 percent of minimum wage workers live in nonpoor households. In other words, the fit between the needs of our families all whom the minimum wage affects is not very good, but the fit is perfect in the case of the earned income tax credit. It is a far more targeted, far more sensible way to improve the situation of working families than the minimum wage.

Our colleagues may remember a few years ago, when we were debating the minimum wage bill out here on the House floor. It is useful to look back for a minute to that debate, because of the kinds of things our Republican colleagues were saying at that point. The Republicans have targeted the earned income tax credit in this present bill as wasteful spending. They say it is an investment we do not need to make, even though it will strengthen families and make an important contribution to welfare reform.

For example, the House minority leader, the gentleman from Illinois [Mr. MICHEL], used the earned income tax credit in recent debate as an example of tax-and-spend Democrats. The gentleman from Ohio [Mr. KASICH], the ranking minority member of the House Committee on the Budget, urged his Republican colleagues to cut the earned income tax credit in the reconciliation bill.

In 1993, our Republican colleagues stand united against the earned income tax credit. Oh, how times have changed. Let me take the Members back to that minimum wage debate in 1989. Let me just quote from a few of our Republican colleagues, who at that time were extolling the virtues of the EITC. Of course at that point they did not want to raise the minimum wage, but those of them who felt like they had to have some constructive alternative were singing the praises of the earned income tax credit.

□ 1650

For example, our good friend Mr. PETRI described the minimum wage as a dinosaur. But then he said, "But I think even the dinosaur handlers know that earned income tax credit reform is a better idea."

Mr. FROST. If the gentleman will yield, when was that said?

Mr. PRICE of North Carolina. That was said in 1989 in the midst of a debate on this floor on the minimum wage.

Mr. FROST. So if I understand correctly, in 1989 when the Republicans did not want to raise the minimum wage they were for the earned income tax credit?

Mr. PRICE of North Carolina. That is right. The earned income tax credit was a better way.

Mr. FROST. The panacea? A better way.

Mr. PRICE of North Carolina. The better way.

Mr. ARMEY, who is now the Chair of the Republican conference, was another one out here singing the praises of the earned income tax credit. The earned income tax credit, he said, "is a better, more compassionate alternative."

And then our good friend, who is now the mayor of Dallas, Steve Bartlett, a very thoughtful Member, said the earned income tax credit, "should not be a partisan issue. Members on both sides of the aisle say they support an earned income tax credit. They say they support it, but not in this time, not in this bill, not in this way, and not on this day. The fact is the time has come for Congress to begin speaking," Mr. Bartlett said, "for the best interests of low-income heads of households. This is a perfect bill to do it on."

Mr. FROST. If the gentleman will yield further, do we understand that they were against the minimum wage and for the earned income tax then, and now they are against the earned income tax credit? Are they going to be for the minimum wage increase now? I mean where are they?

Mr. PRICE of North Carolina. It will be interesting to see. Maybe the tables have turned. On the other hand, maybe they are not for anything.

Mr. FROST. I think that is perhaps more likely.

Mr. PRICE of North Carolina. You may have seen the article recently in the Wall Street Journal where it said that this Republican cry of no new taxes really seems to mean no new anything.

Mr. FROST. Yes, I did see it. It was a fairly lengthy story.

Mr. PRICE of North Carolina. After all, the EITC is a tax cut. This means that for families making $30,000 a year or less, the net impact of our budget package is a tax reduction. It is a tax reduction for working families that helps reward their hard work. And those people who in 1989 were talking about the virtues of the earned income tax credit, now they have gotten their wish. It is now a key part of this budget reconciliation bill. And I agree with what Mr. Bartlett said at that time: The time has come to help low- and moderate-income working families make ends meet.

In closing Mr. Speaker, let me recall the very heated race for a seat in the other body that we had in my State of North Carolina last year. The 10-second TV ads for the Republican candidate were out there blaring every day, "Workfare, not welfare. Workfare, not welfare."

Well, this is a chance, if there ever was one, to reform a welfare system that we all know needs fixing, to replace dependence with a reward for an honest day's work, and to guarantee that anybody who works a full-time job in this society is not going to have to leave his or her family in poverty. Goodness knows, that is what welfare reform ought to be about, and that is what this bill is about.

It is the height of hypocrisy to have gotten out here on the floor 4 years ago, praising to the skies the earned income tax credit as the alternative to the minimum wage, and now to be turning around criticizing this tax cut as part of some kind of a tax-and-spend syndrome.

The EITC is a critical piece, Mr. Speaker, of the budget reconciliation bill. It is a proposal that—before we entered the present, overly political, season—was embraced by liberals and conservatives alike. This has not been a partisan issue. This has not been a liberal versus conservative issue. This has been an issue that we could unite on because the earned income tax credit is about values that we share. It is about reforming the welfare system. It is about rewarding work. It is about strengthening families. And it is about tax relief.

That is what this earned income tax credit idea is all about. It is an essential element of this budget reconciliation package, and we simply have to pass it.

I thank the gentleman for the opportunity to share these thoughts with my colleagues here today, because I do not think this earned income tax credit has been interpreted as strongly and persuasively as it might be, and I hope we can do our part to remedy that.

Mr. FROST. I thank the gentleman very much for his excellent remarks.

It always is helpful to look back in time and to see what Members of this House have said in another time and in another context as we bring up a bill that seeks to do things that people said they are for in one context, but when they have the opportunity to actually do it, then they shrink from that. And I thank the gentleman very much for bringing that out.

Mr. PRICE of North Carolina. The gentleman may have noted that some of the critics are asking: What good is the earned income tax credit if the jobs are not there? And these are the same people who are not willing to vote for the kind of deficit reduction and the kind of economic policies that will create these jobs.

What these critics must know is that if we can enact this economic plan, we are going to create 8 million new jobs in this country. And when you combine those new jobs with this tax reform, we are going to make sure that those jobs enable families to keep body and soul together.

Mr. FROST. I thank the gentleman very much for his time.

Mr. Speaker, I yield to the gentlewoman from Connecticut [Mrs. KENNELLY], a member of the Committee on Ways and Means.

Mrs. KENNELLY. I thank the gentleman for yielding, and I thank him for bringing this together at the end of the day.

Mr. Speaker, among the ideas that are fundamental to our idea of ourselves as contributing, responsible members of society, is the idea of work. Work does much more than enable us to provide for ourselves and our families. In some part, it defines who we are. Work gives an individual standing, respect, recognition, and a place in our communities—and often a feeling of self-worth and accomplishment.

It is for this reason that our national debate about how best to reform the welfare system is so important. Welfare, quite simply, cannot be a way of life. To the extent that we allow it to become so, we do a disservice to those very people we most wanted to help; it is blatantly unfair to taxpayers.

Soon, we will take the first steps on the road to welfare reform. Our effort must be to open the way to work for all Americans. But as we start this effort, let us remember that we have now, today, one good working program that helps achieve exactly that goal. That program is the earned income tax credit—the EITC.

The President proposed a substantial expansion in the EITC, an expansion I fully support. The EITC is specially designed to aid low-income working people. It helps people cross one of the most important barriers that stands between them and work, and that is the fact that for far too many Americans, it is entirely possible to work full time, every day, 52 weeks a year, and still remain in poverty.

The EITC aids low-wage workers with children. This is no handout. This is a special tax credit that means that low- and moderate-income workers get to keep more of the money they earn. And, I would add, unlike welfare benefits, EITC benefits increase with every additional dollar earned, offering a real incentive to work for those working little or not at all.

Let me tell you why the EITC is so important, especially now. I come from Connecticut, a State that has been battered by recession. Many have lost jobs. Do we want to say: Just give up, go on welfare, abandon your hopes and dreams? Or do we want to say: We respect what you are doing; we understand how difficult it is; you must remain independent.

What do we want our message to be to older women, divorcees, widows—women who are now facing life alone on dramatically lower incomes? Some of these women are just beginning their careers, trying to get along on entry-level wages. Again, what do we want them to do? Do we want them to give up because the struggle is just too hard, or do we want to ease their transition and offer them the opportunity to become and remain self-sufficient?

The IRS reports that in my State, almost 5 percent of the households filing an income tax return received the EITC. About 78,000 working families with children benefited from the EITC last year.

The expansion proposed by the President means enormous benefits to my State. The Treasury Department estimates that about 84,000 Connecticut working families with children would be eligible for the EITC once the proposal was fully phased in. Most families already eligible for the credit would receive a substantial increase in their EITC payment.

As a result, Connecticut workers would get to keep $36 million in wages they earned. The benefits to the overall State economy would be immense, creating more demand, helping local businesses, and providing a much-needed infusion of funds. This is the kind of bottom-up stimulus that really can brighten the economic picture.

I have been a long-time supporter of the EITC and I fully support this expansion, as should anyone who is serious about encouraging work and improving the economy.

□ 1700

This is the kind of situation that we have before us: The people of the United States say, "Why can't we do something to help everyday working people?" The earned income tax credit helps everyday working people, your neighbors, my neighbors, people who want to do one thing, want to get up in the morning, go to work and take care of themselves and take care of their children, their families.

We should be able, Mr. Speaker, to come together behind the earned income tax credit to support it and get on with the business of this country, pass the budget, embrace the earned income tax credit because it is a fair credit for the people of this United States.

I thank the gentleman from Texas [Mr. FROST] for bringing us together so that we can calmly discuss something that would be very important to many people of these United States.

We so often get off the track, lose our way, talk about things that the people say are "beltway politics," and it is true. But tonight the gentleman from Texas brings us together to talk about a program that is simple to administer. It has one line on the tax return; one line. And we had to work to even get that. It is not a separate piece of paper.

You fill it in, you go to work, you do your job, and you do not live below poverty.

I once again thank the gentleman from Texas.

Mr. FROST. I thank the gentlewoman from Connecticut for her excellent remarks.

At this point I yield to the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. I thank the gentleman from Texas [Mr. FROST] for yielding. Mr. Speaker, I am glad to have the opportunity to join you today to talk about this. I think it is a very important subject.

The reason it is important to me is I have hundreds of open meetings all across my congressional district in middle Tennessee, and frequently we will have meetings and maybe 20 people will come, sometimes 100 people will come. But it is important because it gives me a chance to learn more what is on the minds of my constituents, to discuss the issues of the day and to take back here their message.

Frequently I will hear someone come to the meeting and they will tell me about how they work 40 hours or more when they can. Maybe they are making minimum wage or more. Yet they are having a tough time getting by. Particularly a family like this, they see themselves working so hard, and then down the street there will be somebody who is not working, who can be living almost as well, on welfare.

They said, "Why in goodness sake am I working so hard for minimum wage," $4 an hour, $5 an hour, "yet I am not living that well, not as well as somebody that may be living on welfare."

But they want to do that, and they continue to do that because they want to show the right image for their children. They want to show them that if you do work hard, there can be opportunity.

But these folks are having difficulties.

Then you will have someone who will come in and they have got a good job, maybe making $25,000 or $35,000, but they have a child in college or they have other payments, house payments. It is very tough to get by.

Mr. FROST. The gentleman makes a very interesting point. he says $25,000, $30,000. In the gentleman's State and in my State, a lot of people consider that a good wage.

Mr. GORDON. Well, it is a good wage.

Mr. FROST. Middle-class people.

Mr. GORDON. It is a good wage.

Mr. FROST. That may not be a high wage in other States, perhaps on the Atlantic coast, the East Coast someplace; but in Texas or Tennessee a lot of hardworking people are in that category who would like some tax relief.

Mr. GORDON. Sure. Neither of my parents ever made that much money. It is something that they are glad to have. But it is still hard to get by on, particularly if there is a kid in school, a house payment to be made, doctor bills to be paid.

That is why anytime you have a package of deficit reduction, you can always find things you do not like. I want to tell you something about this that I do like, and that is the earned income tax credit. Because finally we are going to start giving people tax money back; we are talking about a tax cut for those families of four making less than $30,000. If the family is larger, you can make even more and still get a tax cut. I think it is time that we recognize that it is difficult to get by when you are raising a family and you need that kind of tax cut.

So, I think it is going to be a good incentive for folks to work hard, to show their kids, "Yes, you can do the right thing and come out better."

So, I think this is a good part of the overall deficit reduction package, something I am pleased about and something that is going to affect a lot of my constituents.

As my friend from Texas said, it will also affect his constituents. The gentleman was showing something to me earlier that indicated that there were 354,000, I believe it was, families or people in Tennessee.

Mr. FROST. That is a families figure.

Mr. GORDON. Families, 354,000 families, that is before this additional tax reduction even takes place.

□ 1710

So gosh, I wish my math was better, but that is probably one out of maybe every four families in Tennessee that is going to be getting a tax cut. I think that is good news for Tennessee. I think it is good news for America. I think it is good news for working Americans.

I am glad we have had a chance to talk about this today, and hopefully we can continue this discussion later.

Mr. Speaker, I thank my friend, the gentleman from Texas, for initiating this discussion.

Mr. FROST. Well, I thank the gentleman very much. These are excellent comments.

I think we particularly need to underscore the comment that the gentleman from Tennessee [Mr. GORDON] started with, and that is this is a way to get people off welfare. This is to provide an incentive for someone to go out and work, because they will not be able to be better off if they are on welfare. If they go out and work, with this earned income tax credit, then they are going to be doing OK. Maybe not great, but they are going be doing OK and it is to their advantage to work and not just to sit home and take part in our welfare system.

Mr. GORDON. Well, certainly that is one group of folks that will be helped, but in Murphysboro, making $30,000——

Mr. FROST. I was talking about lower income people, of course, lower level.

Mr. GORDON. That is not welfare. That is a good job, and those folks are working hard, too. They deserve to have a break. They deserve to have a chance to get their heads above water and try to move forward.

This tax cut is going to be good for middle-class America, as well as those folks who are trying to get into the middle class.

I thank the gentleman very much.

Mr. FROST. Mr. Speaker, I yield to my good friend, the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman and I appreciate him taking out this special order on the earned income tax credit.

Let me say, we have had so much talk about the budget, and yet the EITC has sort of been left out. It is really a breathtaking reform in the President's proposal. It is not little. It does not just affect a corner of the world. It affects major sections of working America, and it gives people a message that we have not heard in a long time, and that is if you work, you will be better off than if you are on welfare. That message has not been heard, and everyone in America wants to hear it.

The conservative right, the wealthy people want to hear it, the middle class want to hear it, and the poor people themselves want to hear it, because believe me, they would much rather be working than receiving public assistance in almost every case.

And what does the EITC do? It sends out these two loud messages: to the welfare family, get off welfare. You will do better working.

To the working family: Do not slide back. You do better working.

It has an enormous effect. We can talk about job training programs and we can talk about capital gains cuts and we can talk about everything in between in terms of dealing with the major problem in America today, jobs; but I dare say you can put all that in and it will not do as much to help America get to work and stay working as the EITC.

What I would like to say to the gentleman, there are lots of States, every State is a winner under this, but it affects two types of States more than others. One type of State is mine that has a large working low-income population who are struggling, just getting by and hanging on by their fingernails.

In my State of New York, 68,000 new working families, low-income working, will be eligible for the EITC once the plan is phased in, once President Clinton's plan is phased in, and 823,000 working New York families that already benefit from the EITC will get a substantial raise from these changes.

How big a raise? Well, the typical low-income working family in New York will get a yearly EITC increase of about $400.

The State of New York will get $420 million in new EITC benefits a year that is then spent in the stores.

Mr. FROST. Mr. Speaker, if the gentleman will allow me, when we say $400, that is $400 directly back in someone's pocket.

Mr. SCHUMER. No government bureaucracy.

Mr. FROST. That is $400 more they get to keep. When they figure out their income tax, it is $400 less in income tax they pay than they otherwise would have paid had this not been in law.

Mr. SCHUMER. The gentleman is exactly right.

It is no wonder, by the way, that as the gentleman from North Carolina [Mr. PRICE] pointed out that conservatives love this program. They say this is a lot better than setting up a big Government bureaucracy to try to help working people and poor people, and they are right.

Mr. FROST. They have loved it in the abstract.

Mr. SCHUMER. Well, they are not voting for it here because maybe it does not mean much.

But finally, Democrats get the message, and what happens?

"Oh, no, we don't want it."

It makes me think twice about the motivation and intention. Once it is here, they are gone.

But for New York, it is $420 million more.

Compared to the gas tax, there is a cry, "Oh, no," about the gas tax. That is about a dollar a week. The working families will net between $300 and $350 per year here under this deficit reduction plan.

Now, it is not just New York that benefits. Another group of States that benefit are States that have lower incomes in general. There as the gentleman from Tennessee [Mr. GORDON] and the gentleman from Texas [Mr. FROST] have pointed out, the average middle-class person, the low end of the middle class will benefit as well.

I picked out a few States, and the fact that there are some Democratic Senators wavering on whether to vote for the President's plan that comes to the States in purely coincidental. I just thought we ought to see which States.

Let us take Arizona. There are 256,000 current beneficiaries, plus 20,000 new working families, an additional $120 million each year, $300 that averages per low-income family.

How about Oklahoma? We have heard a lot about the Senator from Oklahoma, about defending big oil. How about defending the little people of Oklahoma?

In Oklahoma, one in every seven Oklahoman, that is more than in my State, get the EITC benefits. After this passes, it is going to one in six.

Oklahomans will get another $104 million in the EITC.

The State of Georgia. We have another of our good friends in our party from Georgia wondering whether he should vote for the bill. One in six Georgians get it now. Under the Clinton plan, it was up to 18 percent, $275 million pumped into the economy from the EITC changes.

Nebraska. One in ten Nebraskans get it now. Five thousand new families eligible, $37 million each year into Nebraska.

Again as the gentleman from Texas pointed out, this money goes to working people, people who are hanging on. They struggle, they work, they want their little piece of the rock.

In previous years it seemed that government instead of helping them has kicked them around. This is a chance to help them, and they are all over America.

They are in Louisiana, 29,000 new families, $201 million.

They are in New Jersey, 27,000 new families, $164 million.

They are in Wisconsin, 14,000 new families, $91 million.

So this is a plan that benefits the people we often talk about, but rarely help, not the people at the very bottom but the people who are on the next rung.

I would say in conclusion, all of us, whatever party we are, whatever part of the country, we want to see this country stay the greatest country in the world. I would hate to see that my young children grow up as the sun sets on the United States.

Well, one way to do it is get people working and keep them working. We all know that. That benefits every one of us.

There is no better way than the EITC. The President has invested considerable capital and a great deal of courage in putting this in his bill. How can we turn it down?

So I would urge my colleagues to think twice about the benefits of the EITC as part of this plan. I would urge us to pass the Clinton plan and I would greatly thank the gentleman from Texas for his leadership and foresight in taking out this special order so we might inform our colleagues and our country about this wonderful program that has largely been forgotten in the Sturm and Drang debate over the tax bill.

Mr. FROST. Mr. Speaker, I thank the gentleman very much.

My time is about over. I am grateful for the opportunity to have visited with my colleagues today. We have had colleagues here on the floor from a cross-section of States, Tennessee, Maryland, Connecticut, New York, North Carolina, West Virginia, I am from Texas.

This is a truly national issue. This is a national issue that is going to put money back into the hands of people who work hard every day and who are the backbone of America. We need this plan. We need it to be passed next week so we can get on with making sure that this continues to be the greatest country in the world.

I thank the gentleman very much.

□ 1720

CHILDREN'S INITIATIVES IN THE BUDGET RECONCILIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 60 minutes.

Mrs. CLAYTON. Mr. Speaker, I am delighted to have this opportunity to speak with you on an issue that is certainly very close to my heart—our children.

Today my comments will come from a number of different perspectives. As a mother and grandmother I have an intimate knowledge of the needs and conditions of children. As a former local government official, I have a knowledge of the services that should make the lives of our children healthy and happy. And as a Member of Congress, I have the privilege of being at the table and in a position to urge my colleagues to place children and families at the top of our national agenda.

The children of our Nation are living outside the American dream. In the richest country on Earth, there are over 12 million children living in poverty. They die at an alarming rate before their first birthday, and for black babies the tragedy is even more horrifying. They are dying at nearly three times the rate of white babies and the gap is growing.

Children are also among the fastest growing group of homeless Americans, and those suffering from crippling, deadly diseases. We have not been kind to those who are powerless to defend themselves. We have for too long ignored those who do not have well-financed lobbyist, and are too young to pull the lever in the voting booth.

My colleagues, let us not continue down that path of neglect. Surely, we are big enough to open our hearts to the children of America. If the true measure of a nation is how well it treats its children, over the past 20 years our record is really our national shame. Child abuse is up dramatically, and our children are hungry because they are in families who are stuck in the binds of persistent poverty.

We have reached a turning point in our history. At this hour, and over the next few days, we will be taking the opportunity to speak for our children. As we labor at the task of shaping a reconciliation budget plan that we can all support, I urge all of you to join me in keeping childhood immunization, the earned income tax credit, the Mickey Leland Hunger Program, and the Family Preservation Act, on the table and in tact.

We must be ever cognizant of the fact that these programs really represent the dynamics of investing in people early, and reaping the benefits of that investment in terms of well-educated, compassionate, productive citizens, in the future.

The President has presented us with plans to curb infant mortality by allowing for full immunization of all children and an increase in Head Start funding, to level the playing field for poor children. Though Head Start is not at issue in this process, we still must carry that banner because there are those who would lead us to believe that it is no longer necessary. The program is too important to let that happen.

Most of those children are in families that would benefit greatly from the earned income tax credit. Instead of continuing to force these citizens to rely on expensive welfare systems, we should encourage them to continue working and supporting their families. The EITC is a good way to balance the scales. It gives working families with children a fighting chance.

And the Mickey Leland Hunger Program is designed to help those families avoid the pitfalls of hunger and malnutrition. Even the most skeptical among us cannot deny the unmistakable link between low achievement among children and malnutrition. Because they have no self esteem or confidence, these children are doomed to drop out of school and become drains on society.

They may be wards of the State through the juvenile system or simply on public assistance of some sort. The truth of the matter is that we spend an incredible amount of money at the back end of the problem, when it is too late, because we do not spend the small amount that is required for prevention.

And finally, we must begin to answer the problem of neglect and abuse in our families. We have all heard the horror stories of social service agencies with overworked employees who do not follow through on families in crisis. Too often the result is a battered child, or one with fatal injuries. The Family Preservation Act is designed to ease this situation and give families the support they need to recover successfully from difficult times.

Many of us in Congress came to this body to bring about a change. We realize that change must include embracing issues that have been neglected for so long. We are now facing a moral deficit from which we may never recover. We must act now.

I must share with you that we won't always be together on what is good and what is not good for our children. But I think you can feel good about the fact that these issues are now being discussed, and that there is a new attitude in this body about what is important.

We know many of the answers to what is wrong in this society. We understand that taking care of families means the children of this Nation have a fighting chance. We do know these things. Now we must have the courage to act.

From the National Commission on Children:

> When society values its children and the quality of family life, individuals, families themselves, and outside institutions are moved to make the necessary commitment, and to create supportive environments at home, at school, at work, and in the community.

As a Member of this body charged with the responsibility of creating a better quality of life for the people I represent, and the Nation as a whole, I pledge my support for our children and families. I could do no less.

Finally, I urge my colleagues to join me in standing up for America's children and families by keeping these four initiatives in tact and fully funded in the final reconciliation budget.

Mr. Speaker, I am pleased that several of my colleagues are joining me. In the audience is the gentlewoman from New York [Ms. SLAUGHTER], and I am pleased that she is entering in with me in this discussion in support of our children. Welcome.

Ms. SLAUGHTER. Mr. Speaker, I am certainly grateful to my colleague, the gentlewoman from North Carolina [Mrs. CLAYTON], who organized this evening's special order remarks around the issue of children and familiy issues, and poverty.

Just this past May, I hosted a children's summit meeting back in my district, in Rochester, NY. It was a gathering of over 600 local child poverty, health and education agency representatives and advocates, who met for a day-long session to plan new, more effective measures to deal with children and families in poverty. This was just part of my community's response to a 1992 children's defense fund study which revealed that one out of every four children in Rochester was living in poverty, a statistic that shocked us.

Among the national problems identified during this summit meeting were:

Unprecedented levels of homelessness among children throughout the United States;

Unprecedented school drop-out rates—nationwide, there are 1,900 teens dropping out of high school every day;

We have over 14 million U.S. children living below poverty level—more than in any year since 1965;

Five million children are going hungry every day; nearly 3 million are abused or neglected each year, and 8 million children lack adequate health care; and

As a country we have the lowest immunization rate for children in the Western Hemisphere, save Bolivia and Haiti.

Somewhere, somehow the safety net of our civilized society has failed each and every one of these children. Fortunately, we now have a chance to do something concrete and definitive to provide real help to poor children all across this country. I am talking about passage of a fully funded childhood immunization program, which we must enact as part of the budget reconciliation process.

The statistics about the poor job this country is doing to immunize its children are frightening. Overall, by age 2, only about 58 percent of all American children are vaccinated against polio, measles, rubella, mumps, diphtheria, pertussis, and tetanus.

Such diseases are no respecter of income—or of whether or not a child has insurance coverage. We cannot sit by and watch our Nation fall behind the rest of the world in immunization rates—not when we have the capacity to eliminate the problem. Not when we, the United States pioneered the vaccine. We cannot allow children to die from preventable diseases, such as typhoid, tuberculosis, polio, and measles. Last year, I submitted a proposal to expand the Federal effort to immunize preschoolers—no matter whether they were uninsured, Medicaid recipients, or underinsured kids whose families also cannot pay for vaccination.

This year, the President submitted a similar proposal, which the House supported in modified form—but which the other body unfortunately saw fit to almost completely destroy.

Our two Houses must now come to an accommodation. But serious questions still remain to be resolved. Questions such as, how should we handle the kids whose coverage does not include immunization?

The answer to me is obvious. We must ensure that each child has access to vaccines. How can we exclude these children from the same health protection that other children will be receiving. In good conscience, we cannot.

One notion which has received some support, yet which I find especially troubling, is the idea of levying punitive sanctions against AFDC families who fail to get their children vaccinated. Talk about punishing the victim. Not only will the child in question be deprived of immunization, he or she will also have badly needed money for food and shelter taken away. No one in their right mind could possibly believe this is a constructive solution.

The real answer to the problem of expanding immunization lies in affordability, access, and education.

Immunization must be affordable to all families. And the price of vaccines, which has risen so in the past generation, can be held down by allowing the Secretary of Health and Human Services to negotiate with drug companies and buy in bulk for distribution to the States.

Access can be expanded by improving the delivery system. We need expanded health clinic hours, and efforts to make it affordable for private physicians to vaccinate Medicaid children.

Education is the final, crucial element. We must make a greater effort to instruct parents, especially teen parents, about the importance of immunization. These parents want to do what is best for their child—but they need instructions, not sanctions.

I quote from a Tuesday editorial in the Washington Post on this very topic. "The immunization rate among U.S. children ought to be 100 percent. Among lower-income children particularly, it is not." They concluded that the House program "is legislation to make good on a service that the public sector already prides itself on providing. Why not try it?"

Why not, indeed. there is no good reason not to enact this program, which will benefit more than 11 million American children. So, I guess that means there are 11 million good reasons why we must support the House's childhood immunization program.

□ 1730

Mrs. CLAYTON. Thank you for bringing that up, and also making the statement that you did; 11 million children is an awful lot of people for us to ignore.

Ms. SLAUGHTER. That is our future.

Mrs. CLAYTON. It is.

Ms. SLAUGHTER. Children today who get measles, if they recover, and 85,000 died a year ago, but if they recover they are often left with hearing or seeing problems that they will have for the rest of their lives that could have been prevented just by vaccine. If we are going to have a good healthy educated work force in the next century, and we must, we cannot afford to let 11 million children be left prey to diseases which we could cure.

Mrs. CLAYTON. Mr. Speaker, I am pleased now to recognize and give time for the gentlewoman from New York [Mrs. MALONEY] who has joined us to share in this discussion.

Mrs. MALONEY. Mr. Speaker, I first want to commend my friend, the gentlewoman from North Carolina [Mrs. CLAYTON], who is president of our Democratic freshman class, for organizing this special order.

Mr. Speaker, I rise in support of the provisions of the Child Welfare and Family Preservation Act contained in the President's program.

It will provide important new investment in child welfare services, one of our most crucial social programs.

I am encouraged, Mr. Speaker, that the President is seeking to help States and cities cope with the escalating crisis in child welfare.

Simply put, President Clinton's proposal seeks to preserve and protect our most precious resource: the American family.

In New York City, which I am proud to represent, the American family is under siege.

During the past ten years, crack addiction, the AIDS epidemic and a huge increase in homelessness have destroyed thousands of families and forced tens of thousands of children into foster care.

Federal cutbacks to our major cities—including aid for Federal housing—have made matters even worse for many families.

New York City has seen a 63-percent cut in Federal aid during the past decade. As a result of these factors, the number of New York City children in foster care has tripled in 6 years from 17,000 to a staggering 54,000. Personally, I find this drastic increase, indicative of the magnitude of the decline of the American family.

New York City has the largest human service delivery system in the country, spending $1 billion a year on foster care. But less than half of it is eligible for Federal reimbursement. In New York City, a child is reported neglected or abused every 13 minutes. In 1991, over 100 children—more than two children a week—died from child abuse in New York City.

It is a tragedy when the children who should be our future needlessly become a part of our past.

Mr. Speaker, this is a crisis of enormous magnitude.

When I ran for Congress last fall, I shared the President's commitment to help children escape this terrible cycle of poverty, drug abuse, and neglect.

Like many Americans, I was heartened when the President offered a number of innovative ideas to create new support programs for parents and children.

In meeting his promises of last fall, the President has proposed a new capped entitlement program to promote cost-effective family support services so that troubled families can get help before they begin to disintegrate. In that regard, this is not a spending program, but an investment program. It is preventive care, not reactive band-aids.

The family support programs will ensure that fewer children will fall into costly foster care, and that those who do will receive better parenting. It will also reduce abuse and neglect. Repeated studies have shown that abused or neglected children are far more likely to develop emotional, developmental and educational difficulties.

They are also far more likely to engage in criminal behavior. It costs more than $37,000 a year to hold a juvenile in custody. And the prisons are filled with adults who were abused or neglected children.

This proposal sets a new direction for our States and cities and offers hope for millions of impoverished families in America.

Over the next 5 years the proposal would provide $1.7 billion to set up these programs including over $85 million for New York State. It is not everything that we want for the impoverished children of this country, but it is a start.

But money alone will not solve the child welfare crisis in this country. Policies and practices cry out for review and reform. Social workers and child abuse investigators need to be better trained and better supervised.

We also need to place a stronger emphasis on finding the best possible placements for children. Right now, in New York City, 20 percent of all foster care children are on the adoption track, but only 2 percent a year are actually placed for adoption. These provisions would make numerous important improvements to our foster care and adoption system.

In addition, we must be aware that the American people are demanding that they get what they pay for.

In order to help American families, we need to make sure that States distribute these funds directly to cities and rural communities where they are most needed.

They must not use these funds to replace State funding for programs already in place. Obviously, we also must ensure that the cities themselves use these funds to enhance their family preservation programs and not as offsets for other budget cuts.

The Child Welfare and Family Preservation Act, is a measure that every mother could love.

□ 1740

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for bringing that particular phase of the program to our attention and also citing the issues and problems in New York City.

I just want to say that for the State of New York, if indeed the program is approved in the House, in 1994, the State would receive at least 4 million additional dollars to go along with what the State is already allocated. That will go a long way, it seems to me, to encourage family support and foster care, if that could happen.

Mrs. MALONEY. That is very true, president [EVA CLAYTON] of our class.

As I stated earlier, the increase in foster care in New York City in just 6 years, it jumped from 14,000 to 54,000. That is a dramatic indication of the problem we confronted with families distintegrating and not having the support system.

If we can keep these families together and keep the young people out of the foster care system and the never-ending cycle of poverty, then we will, in fact, not only help the young people, help the families, but help in a cost-effective way our country.

Mrs. CLAYTON. This chart really shows, it is an old chart, it is the latest information we could get. In 1989, we had a little less than 400,000 young people who were in foster care. As you indicated, it is growing each day.

I now yield to the gentleman from Virginia [Mr. SCOTT]. I thank him for coming and caring for children and speaking out for children.

Mr. SCOTT. Mr. Speaker, I would like to, again, congratulate the gentlewoman from North Carolina [Mrs. CLAYTON] for organizing this special order. It is the second one this week that she has organized on behalf of children, which represent 25 percent of the present and 100 percent of the future.

Mr. Speaker, it has been estimated that approximately 430,000 children are in foster care today in America. The vast majority of these children are in foster care because they are either abused or neglected by their parents. In fact, 2.9 million children are reported abused and neglected each year.

Once children are in foster care, for far too many their circumstances only marginally improve.

Increasingly, research is discovering that both foster care and abuse and neglect are only symptoms of bigger problems. Just as the number of abuse and neglect cases are tripled over the last decade, we have also seen an increase in the number of unemployed people in this society, an increase in the number of school dropouts and the numbers of homeless families, increasing numbers of families needed AFDC or Food Stamps, and the incidence of substance abuse and the incidence of both juvenile and adult crime are on the increase.

Mr. Speaker, the increases in these multiple statistics is not coincidental. There is a definite correlation, a connection between these occurrences, because when the head of the household loses his or her job, the substance abuse and child abuse, child abuse and neglect will often follow. Applications for food stamps and other assistance will also increase.

The cycle continues, when you have the increased possibility of homelessness and lack of income, and criminal activities also are closely related.

As decisionmakers, Mr. Speaker, we must begin to see this connection and we must stop our historical piecemeal approach in dealing with just the symptoms. And we must begin to deal with the whole problem.

In our efforts to begin to address the societal ills that face American families, we must first ensure that the heads of these families have jobs, jobs that pay them a fair wage for a fair day's work.

Simultaneously, these families must have the support necessary to help them to understand and to solve the problems which face them. And we cannot do one without the other.

In our budget reconciliation deliberations, we are making progress toward reinventing the economic condition of America and creating jobs. And with the earned income tax credit, those who are fortunate enough to get jobs can work their way out of poverty.

But just as important in those deliberations is the Family Preservation and Support Act, which is an integral part of the second prong in that solution. That is, empowering and enabling American families to succeed. We will never be able to insulate families from stress. Workers will be laid off, even in the best of times. Financial woes will confront our families. School problems will arise. Sickness will occur. But we can give these families the tools and support to handle these crises.

The family preservation and support bill will reduce child abuse and neglect by providing funding for programs which teach parenting skills. It will help States to develop and expand programs for families that are in crisis so that the crisis will not lead to the separation or dissolution of the family unit.

The bill will provide the quality foster care for those children who regardless of interventions will need foster care assistance, and it generally places a focus on working with the entire family to enhance its functioning.

Mr. Speaker, the Family Preservation and Support Act will provide help to families before the problems occur. So for once, we will be preventing problems before they occur.

Mr. Speaker, I urge my colleagues to join me and others in supporting the family preservation and support provisions in the Budget Reconciliation Act. I sincerely hope that we can pass this measure, because it will be an essential cog in our efforts to better America's future.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for those very thoughtful thoughts.

We are also joined by the gentlewoman from Florida [Mrs. THURMAN], who has a concern for children and wants to share those concerns with us.

Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I first want to join with my colleagues in expressing my appreciation to the gentlewoman from North Carolina for her leadership in organizing this special order. We rise to speak for those who otherwise would not have a voice in this body but who do have the greatest stake in the future of this country: America's children.

As a former middle school math teacher of 9 years, I know firsthand the importance of providing support for our Nation's children.

In my tenure as an educator, I worked with active, bright, hopeful young people, and I consider myself very lucky for the opportunity to play a role in shaping their futures. From my experiences, I learned that we have a nation of remarkable children. America's children are possessed of great ideas and active imaginations. Every child, including the child who faces seemingly insurmountable difficulties, has much to offer, and holds so much promise. That is why it disturbs me to know that every day in Florida, 403 children are reported abused or neglected, 464 students are suspended from school, 383 youth are arrested, and 142 run away from home.

We stand at a crossroads, and we have a hard choice to make. The issue is not whether to provide the $1.5 billion for the President's Family Preservation and Support Program. Instead it is when and where we are going to provide those resources. The challenges children face today are not going to magically disappear, and we must make a concerted effort to help America's children beat the odds. We must offer them the means by which to succeed.

I rise in support of the Family Preservation and Support Program out of compassion for our Nation's children, out of recognition for their needs. But I also rise today for practical purposes.

Consider the following: We can put $3,000 per family toward family preservation services that help keep families together or $10,000 for 1 year of intensive child abuse therapy; we can pay $6,700 per youth, per year, for intensive community-based services or $40,000 to maintain a youth at a correctional facility; also, we can direct $1 toward childhood immunizations now or $10 toward medical costs later.

The Family Preservation and Support Program focuses on rebuilding our support system. We need a system that protects children from abuse and neglect, a system on which children can rely when circumstances become threatening. According to 1991 reports, 57,130 children in Florida were abused, 76,667 suffered from neglect, and 39,578 were threatened harm. What I am talking about here are basic principles of humanity and compassion. Our children must be able to trust us, and we need to be there for them.

Over 400,000 children are in foster homes today, and unfortunately, too many children are still left unprotected. I am confident that all Floridians remember the tragic case of Bradley McGhee, a toddler who drowned at the hands of his father after being repeatedly dunked in the toilet head first. At the end of lengthy criminal and legislative investigations, Floridians knew what Florida Health and Rehabilitative Services professionals and Bradley's foster family knew all along: There simply were not enough resources to save the life of this 2-year-old boy.

The Family Preservation and Support Program offers much needed reinforcement to thousands of dedicated child advocates, such as foster care families and child welfare personnel. I want to ensure that these concerned individuals get the necessary tools and support to help our children.

We have an opportunity here not only to defend our children, but also to invest in America's future. Our children of today become tomorrow's educators, medical researchers, farmers, national leaders, even peace negotiators. But perhaps most importantly, today's children become tomorrow's parents. We know that in many instances, children who experience abuse are at risk of becoming violent toward their own children. If we can provide children with stable, caring environments, then we begin to tackle patterns of abuse which children cannot overcome by themselves.

This program is about helping parents. Most parents today want their kids to have a safe home, a good education, quality health care, and a bright future. Expectant parents do not envision abusing their children mentally or physically. No parent wants an unstable family life for kids. However, circumstances such as poverty and unemployment continually drive our Nation's parents to a crisis point. Let us reach out to them before they reach that critical point.

I know that we can make a difference, because I have seen efforts in Florida that give families stronger foundations. In fiscal year 1992–93, 16,000 kids came to the doors of Florida Network Programs of Youth Services seeking help. After dedicated individuals of these networks worked with the families involved, over 90 percent were reunited.

In Pasco County, many of us worked to provide teen mothers with viable job skills, parenting classes, and onsite day care. These women also received prenatal and postnatal care to ensure that their babies would be born healthy and would be guaranteed a good start.

In 1991, the Committee for Economic Development, an independent research and educational organization of corporate leaders and educators, acknowledged that, "The ability of children to succeed in school and in life is largely dependent on the quality of their early development." How many of our children are robbed of decent futures because of the hardships they are unable to endure early in their childhoods? It is as though our system maps out a road for some children who turn to violence and anger as they express their frustrations and cope with their needs that fail to be met. We must ask ourselves if this outlook is fair to those children or to the children who will be the victims of their aggression.

I know that every day in Florida, 565 babies are born, 1 in 7 of whom are born to teenage mothers. How many of these kids will be overwhelmed by barriers like instability and hopelessness in a nation that prides itself on opportunity? The Family Preservation and Support Program will allow our children to move ahead of these obstacles. We have identified the direction in which we need to go; this act will map the path to get there.

☐ 1750

Mr. Speaker, I have to tell the Members, I appreciate the gentlewoman from North Carolina [Mrs. CLAYTON] coming and being a leader on this issue.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for sharing with us and giving us those very practical opportunities, not only for doing the right thing, but for doing the fiscally responsible thing.

Mr. Speaker, the gentlewoman from Hawaii [Mrs. MINK] has joined us, and we are delighted to have her. She is joining this discussion, as well. I yield to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Speaker, I thank the gentlewoman for yielding to me.

I am really delighted that our colleague, the gentlewoman from North Carolina [Mrs. CLAYTON], has taken this initiative to draw attention to this critical issue. The conferees are scattered all over Capitol Hill right at this very moment, making decisions that are going to affect the lives of our innocent children for the next 5 years. We refer to this document that will come out sometime at midnight tonight as the Budget Reconciliation Act, as though it was a collection of papers and numbers and figures; as though it was simply some budgetary consolidation.

A budget, as far as I am concerned, is a priority that a country gives in terms of its resources and how it is going to expend them. It is not just a matter of finding funds to reduce the deficit. It is a document which expresses the will and the determination of the people of this country to adhere to their core sense of justice and to elaborate its social priorities. It is in this context that I applaud our colleague, who has taken the time tonight to address this issue, because there really is not a more powerful, more imperative concern, that the American Nation should have than what it is doing to our children.

I know the time is short. I have prepared a long document which I will insert at this time in the RECORD.

DIMENSIONS OF THE PROBLEM

Twenty-seven American children die every day from poverty-related effects. More than 12 million children, a startling 1 in every 4, live in poverty in our country, and the number continues to grow. These youngsters make up one-third of all of our Nation's poor people. Because many families cannot scrape up the money for shelter, 100,000 American children go day after day without a roof over their heads. Contrary to popular myth, the majority of these children are not black or on welfare; they live in working families and outside inner cities in small-town, rural, and suburban America, according to the Children's Defense Fund. Of cities with the worst child poverty statistics, Detroit, MI, Laredo, TX, and New Orleans, LA, register child poverty figures of nearly 50 percent.

How did we completely negate our successes of the 1960's and 1970's when governmental commitment and economic growth pulled more than 6 million children and half our adult population out of poverty?

Cuts in Federal programs to help the poor, coupled with economic setbacks for families with children, and increasing child care costs for low-income working parents, worked to push child poverty rates back up to 1965 levels, according to Marian Wright Edelman of the Children's Defense Fund.

Families headed by parents younger than 30 were hit the hardest; the median income of this group plummeted by one-third from 1973 to 1990. At the same time, the CDF says crucial income support programs such as Aid to Families With Dependent Children and unemployment insurance eroded further beyond their already inadequate levels. Instead of bolstering programs, Federal Government retreated from housing assistance for families as more and more low- and moderate-income families were priced out of home ownership and rental markets. Today only about one in three poor households gets any help with its housing costs from the Government.

Besides having no money or shelter, an unprecedented 12 million children go to sleep hungry every day, unsure about when they will see their next meal. This unbelievable figure includes nearly a million and a half in California in the worst case, and 20,000 in Arkansas in the best case, according to a Tufts University study. Child hunger percentages in West Virginia, Kentucky, Mississippi, Louisiana, Arkansas, and New Mexico rank the highest, anywhere from 25 to 35 percent. Not a single State can boast of a child hunger percentage lower than 5 percent.

American children not only suffer pain in their stomachs from hunger, but many resign themselves to live with pain as a part of routine life because they cannot obtain adequate health care. We are failing to protect the fragile health of our children. The National Commission on Children reports 40,000 babies born in the United States die before their first birthdays. African-American babies are twice as likely to die as white babies. This is largely attributed to low birth weights. This dismal infant mortality record ranks higher than those of 21 other industrialized countries, including Japan, Sweden, Canada, and France.

Ten million American children have no health insurance to speak of, Mr. Speaker, according to the Children's Times 1992 Annual Report. The Children's Defense Fund estimates that 25 million—40 percent of all children—are not provided access to employer-provided health insurance. Without the means to pay their medical bills, poorer children are denied often urgently needed health care services. Urban centers and rural counties alike see millions of cases annually of children stricken with chronic and disabling conditions, many of which could have been avoided if diagnosed early enough. Those living in poor housing are at a greater risk of impairment because of the likelihood that they will be exposed to high levels of lead. The National Commission on Children reports that an estimated 12 million American children, mostly poor children, are at risk of lead poisoning and hundreds of thousands of these children have their intellectual growth stunted each year because of lead exposure.

Costs for vaccine have skyrocketed in the last 10 years and private physicians have increasingly referred families to understaffed and poorly funded public clinics. Largely because of this, half the young children in inner cities go unprotected against communicable diseases, as reported by the National Commission on Children. Only 70 percent of 2-year-olds nationwide receive satisfactory immunizations against measles, mumps, and rubella. The failure to immunize has cause measles outbreaks in many U.S. cities in the past few years. More than 26,000 cases of measles were reported in 1990. Compare that to an average of 3,000 cases annually in most of the 1980's—an increase of 23,000 children per year stricken with the childhood disease.

We lacked the vision in the past to push for enough preventive funding; instead, we have allowed massive deterioration in our health care system with regards to our youngest citizens. Totals on medical bills continue to spiral as amounts needed for additional and specialized care add up.

On top of being poor, hungry, and in ill health, a growing subpopulation of our children also suffer from child abuse and neglect; figures more than doubled over the last decade, and this is not just due to an increase in numbers of cases reported to authorities. The U.S. Advisory Board on Child Abuse and Neglect found that hundreds of thousands of children each year are being abandoned, burned, severely beaten, raped, sodomized berated, or belittled.

Every day, up to 2 million children are left completely alone while their parents work. 1,383 children died from abuse or neglect in 1991—most before they reached their first birthdays. Such abuse or neglect has been inextricably linked to poor health, emotional or developmental problems, difficulty in school, and delinquent or criminal behavior, as reported by the Child Welfare League of America.

By permitting children to remain in unfit social conditions, Mr. Speaker, we deprive them of the security and care they need to develop sound morals and values. These children do not have anyone to talk to about the horrors they experience and no means of escape. Low self-esteem developing out of this, drives many children and teenagers to alcoholism, drug addiction, sexual promiscuity—the very things that are tearing at the precious fabric of our society. Learning by example and peer pressure are extremely powerful forces to the young and impressionable, and difficult not to imitate when no alternative experience presents itself. Again, we are dealing with the results of our failures, not the prevention of these tragic results.

Everything I mentioned already does not cover thousands of other injustices American children endure in schools, Mr. Speaker. 135,000 children bring guns to school every day, and every day 10 children die and 30 are wounded by guns. Almost 2,500 teenagers drop out of school every day. Because of budget cuts in the 1980's, thousands of eligible students are denied school lunch.

My point is that the issues that the conferees are dealing with are dollars, how much money are we going to give to the area of earned income tax credit; how much money is going to go into family preservation and Mickey Leland and immunization.

Apart from those dollar figures, I hope that the conferees will understand the human element of what we are dealing with. Twenty-seven American children die every day from poverty-related effects. I hope people understand that. More than 12 million children, this is one in every four that we hear about, 12 million children live in poverty in our country, and the number continues to grow because many families cannot scrape up enough money for shelter. One hundred thousand American children go day after day without a roof over their heads.

I think these poverty statistics are what should be the numbing reality of our social and political responsibility. We have to deal with all of these young people in our communities. We have to provide food, shelter, and health services. The health services are so critical. In most areas, it is the children that fall between the cracks, do not have the child care or health services that are so important.

Feeding them with Mickey Leland, making sure that their family life is solid and preserved and protected with family preservation, making sure that their health concerns with immunization become a social national priority, that is what we are talking about, and lifting these families out of poverty.

I have a lot of statistics that my staff, my intern, Melissa Unemori, who is with me just for a short time, has gathered. They are really startling statistics, and I hope that the conferees pay attention to these young voices all over America who are crying out for help, and with the commitment of this Congress, help can be made available to them.

I commend the leadership of the gentlewoman from North Carolina [Mrs. CLAYTON] in giving us this time.

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman for her statement, for the statement she is going to enter into the RECORD, and for her passionate plea to have children as the head of our priority.

I thank the gentlewoman from Utah [Ms. SHEPHERD] for joining us.

Ms. SHEPHERD. Mr. Speaker, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentlewoman from Utah.

Ms. SHEPHERD. Mr. Speaker, I thank the gentlewoman for yieldingto me.

Mr. Speaker, I want to first commend my freshman colleague from North Carolina on arranging this important special order. She is one of the most vocal advocates for working families that I know, and am proud to join her as she provides a leadership role on this critical issue.

This is really a very simple issue. So simple, in fact, that it's unfathomable to me how the earned income tax credit has become one of the bargaining chips among budget reconciliation conferees. If you believe that work should be rewarded and that children deserve security, you should support expanding the earned income tax credit. Plain and simple.

Thousands of working families in my district and across this Nation are right now struggling to make ends meet. They are one paycheck away from losing their home, losing their car, and falling onto the public welfare rolls. Many of them are single mothers with one of two kids, for whom child support payments do not pay the bills.

I have come to support expanding the EITC from the standpoint of a former business owner. There are basically two ways in which Government can give these families more take-home pay. First, we could mandate a higher minimum wage. I don't support such a policy at this point in time because I think businesses need more flexibility, not less, in today's economy. In addition, many of today's minimum wage workers aren't the kinds of workers we want to help—they're often the kids of upper-income Americans working to earn a few extra bucks in the summer.

The second option is to provide a targeted tax incentive to America's working poor. The second option makes much better sense because it effectively gives workers added take home pay without cutting into an employer's profit margins. It gives people the gift of time to work harder, to keep hope, to pull themselves above the poverty line.

Critics of this proposal in Congress have called the earned income credit a new entitlement program. I would suggest that the EITC is no more an entitlement program than the mortgage interest deduction or the deduction for entertainment expenses. It is not an entitlement program, it is a tax cut for working families, and I think that any of the over 75,000 working families in my State who received an earned income tax credit have earned the dignity of being able to have a living wage. The EITC keeps people out of the cycle of welfare dependency, which is a goal we should all be supporting. The only thing to which an EITC recipient is entitled is the dignity of being rewarded for working.

The EITC is a program that we already have and that has already earned the support of Members on both sides of the aisle. The proposed expansion of the EITC only makes that program better. If you call yourself conservative, as I do on a number of issues, expanding the EITC is the first step toward comprehensive welfare reform. This is a tax cut, an incentive to work. If you call yourself a liberal, this proposal represents a tremendous step in bringing the working poor out of poverty. The earned income tax credit is not a Democratic idea, and it's not a Republican idea. Americans across the political spectrum believe that a worker who puts in his or her 8 hours a day shouldn't have to live in poverty. I urge the conference committee to expand the earned income tax credit for working parents. It is the best investment we will ever make.

☐ 1800

Mrs. CLAYTON. I thank you too, Congresswoman SHEPHERD. There is an old saying that to help children you have to help their families, and to help families you have to make sure they have enough resources and income to take care of themselves.

This chart, as you indicated, shows most of the poor children really have one member in their family either working full or part-time. So I thank you for bringing that to our attention.

I am delighted and pleased that the gentlewoman from the District of Columbia has joined us, and I will note that she is not a freshman, but she cares about these issues, and I thank her so much for joining us.

Ms. NORTON. Thank you very much, Madam Chairman of the freshman class. I want to publicly thank you for organizing, doing the grunt work to organize a truly critical special order at a crucial moment in time. I feel I am here on an emergency mission. Mr. Speaker, the conferees are faced at this moment with competing priorities, and very frankly, no one can say that we are going to meet the President's $500 billion goal and have fairness.

I am very afraid that those who are least powerful will be thrown over the side, and that is why I wanted to join in this evening. I want to speak about two groups of silent Americans, the silent poor and hungry children, and much of what I will say I will say from a black perspective, and the earned income tax credit, and the Leland program have hugely disproportionate effects in the African-American community. And the truth has got to be told about these effects and the priority that the country should place on these programs because of those effects.

I represent a district that has great swings. It is one of the highest income districts in the United States. It has many rich people. It has many well-to-do people, black and white, because of the special circumstances of the District of Columbia, the capital city. And at the other end it has astonishing numbers of poor people as well. One in every six District of Columbia households that filed an income tax return in 1992 received the earned income tax credit as of that time.

I am not going to talk about the earned income tax credit recipients you hear most about, the families. We have finally begun to get movement on families. I am going to talk about the most forgotten working poor in this country, and those are childless working poor people. Time and again we have enhanced the earned income tax credit, and each time we gravitate appropriately enough toward poor families and the effect this has had on poor single people trying to maintain an attachment to the work force is truly astonishing.

Since 1980 the proportion of income paid in Federal taxes by the poorest one-fifth of nonelderly households without children has risen a stunning 38 percent. Mr. Speaker, how many of us have seen our taxes go up 38 percent during that period? How are we to keep young people attached to the work force when the competition is there from the underground, not to mention the criminal economy which will make their lives much easier in that respect and guarantee that they will not pay any taxes at all?

We have got to stop taxing these people into poverty and put a human face on these working poor people who do not happen to have a child, and who have paid dearly for not having a child through their income taxes.

If the gasoline tax is raised and the childless worker credit is dropped, this trend will worsen still more. Therefore, I wish to point to these silent working people who nobody speaks for, because they do not have the classic tenderhearted trapping, the child, to make people notice them.

And where do they go? Well, they are dispersed in my black communities. I must tell you when they get into the wage economy and find that they are paying in Federal income taxes the same as people with far higher incomes, many of them give up. We must use this opportunity to give them the chance they deserve, and if something must be thrown over the side, let us not throw over the side once again childless working poor people.

Finally, let me say a word about the Leland Act which also may be cut deeply. These figures in the black community should be noted. More than half of all working poor African-American families with children would receive the earned income tax credit. That is more than half of the working poor African-American families, while 41 percent of all African-American children live in families that receive food stamps for part of the year. There has to be a shocking increase in hunger in this country, and who bears the brunt of it? Our children.

When I was a young woman in the civil rights movement, I remember that the country moved very far toward eliminating hunger for children, and for Americans, and we have slid back. I hate to see us slide back when we made very significant progress as we did with hunger, and the Leland Act gives us an opportunity to move forward once again. Including either the childless worker credit or meaningful food stamp increases through the Leland Act, but not both, will still cause 50 percent of poor households to be taxed further into poverty. Thus I ask the inclusion of both the childless worker credit and the Leland Act so that we can make progress first with those who are doing the most they can to help themselves, but have received almost no reward for it, childless working poor people, and secondly innocent children who deserve at the very least enough to eat.

☐ 1810

I want to thank the gentlewoman from North Carolina for the opportunity to be here and join with her.

Mrs. CLAYTON. I thank the gentlewoman from the District of Columbia for bringing up the childless worker, because she is absolutely right, if the taxes we know are going to be enacted—that is, those that are being discussed—they would disproportionately affect the childless worker because 15 percent of those taxes will impact them directly. And that is not all that will impact them. You will have a gas tax, you will have other taxes involved in that. These are people who are trying to make it. In fact, they want to become perhaps with children. You should want to raise them so they are not dependent, so that they will be independent when they do have children.

So I think the gentlewoman is so right to bring that up because it is so easy to forget that. They do not have the all-American scene. So you put them out of the picture. But we must keep them in focus. It is very important.

Mr. Speaker, the gentlewoman from Oregon [Ms. FURSE] has joined us, and I yield to her at this time.

Ms. FURSE. I thank the gentlewoman for having this special order.

It is such a pleasure to join my colleague, the gentlewoman from North Carolina [Mrs. CLAYTON] and thank her for putting together these special orders. She serves her district so well, but she also serves our freshman class as our class president. It is a great honor to be part of that class.

We are here today on the brink of a historic agreement. Next week we will be voting on a comprehensive 5-year deficit reduction plan. Reducing the deficit, really reducing the deficit really means making hard choices. You cannot reduce the deficit unless you are prepared to make those hard choices. That is what all the discussion around the country is about, what are the hard choices we are going to make?

I am here tonight to put in my 2 cents for our choices and the direction, the real direction that I think this Nation must take, because lost in the din of the discussion of tax provisions, deficit goals has been, I think, the real goals of this administration, and in that din we have lost that. Most of my colleagues here in the House, particularly those of us, I think, who came here this year, we are refocusing our attention this year on the children of America, because children are without a constituency. They do not have a vote, but to me the children of my district are the most important constituency that I have.

We ask, I think, too often in this country, we ask too much of our families. Too often they are working two jobs, they do not have enough education, they have no job security, and in that suffering of those families the ones who suffer the most is the children.

So I think it is up to us in this House to try to do our bit to always think how can we relieve the suffering of the children? We can do that by supporting their families.

I would like to quote to you from a Member of this House who will be doing a very important job tonight and all the way through, Mr. ROSTENKOWSKI, who said:

> Those of us in Government, those who have the privilege of exercising power, should also feel a special obligation to those powerless in our society. We can't expect effective lobbying from a 15-year-old pregnant girl who lives in a 1-parent home. She cannot take the time nor have the energy to call me, the Member. So I have to be outgoing and ready to think of her interests. They deserve political representation even if they do not have the strength to fight for it. Their humanity entitles them to a decent standard of living.

Now, as you know, I was not born in this country, but I am very interested that every day in this country we talk genuinely about our concerns for the children. But what I think we have to ask ourselves every day is what are we doing for those children, really doing for them? Soon, as a Member of this House, I am going to be given that privilege to vote for a budget that I hope will include funding for the Mickey Leland Hunger Program, will include money for childhood immunization. What a saving. If we immunize our children today, we will not have the huge costs of their health care later.

Then, also I hope we will fund the family preservation and support provisions.

And when we say, and we do say it, "Our children are our future," I ask what kind of a future are we preparing them for? What are we doing for their present that will make them the kind of citizens that we want them to be in the future? Because if we do not invest that belief in our children now, invest in housing, health care, protecting them, providing food, if we do not do all of that, how will they be invested in us as a society, how will they protect this great democracy if they do not feel that we were there to protect them when they were so vulnerable?

So, I want to remind Members who serve in this great body of one thing: That it costs more to keep a person in prison for 1 year than it does to send that same person to Harvard for 1 year. Let us prioritize where we put our money. So, as every day in this institution we are called upon to represent our districts, I have to thank the gentlewoman from North Carolina for having this great privilege today, standing here representing the interests and the lives of the children in my district. I hope we will get a budget that would represent and support those children, not just for today but for their future.

Mrs. CLAYTON. I thank the gentlewoman for her comments and kind words. I also thank her for caring about children and their future.

Mr. Speaker, the gentleman from Illinois. [Mr. RUSH] has joined us. We are delighted to have the gentleman join us and to care about children. It is a delight to see men also care about children as well as families.

Mr. RUSH. Mr. Speaker, I want to thank the gentlewoman from North Carolina, who has done a remarkable, outstanding job of again organizing something that benefits the American people so well.

The gentlewoman has organized meetings and discussions with the President and other types of events. But I think tonight during this series of events, the gentlewoman has outdone herself.

Mrs. CLAYTON. I thank the gentleman.

Mr. RUSH. I thank the gentlewoman. It is quite extraordinary.

Mr. Speaker, I thank the gentlewoman for this opportunity to add my voice to those of my colleagues in the House who support the children and family initiatives currently being debated in the conference committee.

I cannot think of a single thing more important to the lives of children and families than this Nation's ability to support the willingness of parents and single heads of households to work.

Contrary to popular Republican misinformation, most Americans, especially poor and low-income Americans, want to work.

The problem is we are currently experiencing a structural overhauling of the American economy from a manufacturing base to a service base. As a result, millions of people are unable to access certain types of jobs. And, they frequently are unable to get retrained to work in new and emerging industries.

As I stand here today, I do so in the company of a majority of the American people. According to the latest public opinion poll, 43 percent of all Americans believe that President Clinton's economic plan must be adopted by this Congress. They are calling on us to act.

When we vote to approve this plan, a major increase in the level of funding for the earned income tax credit will be included.

The more than $18 billion in anticipated new funding for the tax credit means that millions of low-income and working class families will be able to receive lump sum cash payments. These payments will help to offset annual child care expenses.

The higher funding will now make it possible to increase the maximum amount that can be returned to families. This amounts, annually, to $3,371 per family.

The President's proposal represents a critical first step on perhaps his most important campaign promise. In his words, "If you work 40 hours a week and you've got a child in the house, you will no longer be in poverty."

The President's tax credit proposal helps us begin to meet this objective. I believe that is a vision everyone can support. The time has come for America to redefine how it views low-income Americans. Wealthy Americans and those who pay the taxes must stop assuming that poor people are lazy and do not want to work.

Likewise, people who find themselves on welfare must understand that nothing in life is free. All of us must accept the reality that the proper role of government is to offer a helping hand to its citizens when they are down on their luck. A temporary helping hand—not a long-term way of life.

The earned income tax credit provides an added incentive for those who are trying to work their way out of poverty. It offers low-income Americans a helping hand, not a handout.

As today's poll results demonstrate, most Americans are tired of Republican policies that hinder rather than help the American spirit.

The earned income tax credit gives struggling Americans an incentive versus a disincentive to work.

Voting for the earned income tax credit, and the entire Clinton economic package, represents a long overdue first step in the process of putting America's economic engine back on track.

And when we do that, everyone wins.

□ 1820

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from the State of Illinois for that strong voice for children of America.

The gentleman from Massachusetts [Mr. OLVER] has come in. I just want to advise the gentleman, we may have some revision of time. We may have less time than we originally thought, but I thank the gentleman for being here. We will try to get all the three persons still remaining.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I want first of all to commend the gentlewoman from North Carolina for her leadership in support of children. I am very pleased to be able to join this distinguished group of both new and senior members.

Mrs. CLAYTON. The gentleman honors us by joining us, and I thank the gentleman for coming.

Mr. OLVER. Not very senior, in joining in the support for children.

We are in a time of crunch as we consider the deficit reduction and budget reconciliation package. Above all, it is time to end the gridlock that has allowed a quadrupling of debt, while the fiscal health of the country weakened over a period of quite a number of years.

While almost everyone has focused on some key provisions of that deficit reduction package, the need for at least $500 billion of reduction, the balance in that plan between cuts in government and taxes, those are important as well, and even focused on the tax fairness issues, the idea that 80 percent of that balanced amount of taxes would be paid by people who have incomes higher than $115,000 a year in our society, and at the other end of the scale the balance of providing tax fairness, that at the other end of the scale there would be a broad expansion of the earned income tax credit which allows or should allow people who are working full time and who have children, but their wages are so low they are still living in poverty and their children are growing up in poverty will have a tax cut, a significant tax cut to help to balance what are very difficult economics for them.

All of those are important features, but I want to stress several modest but important provisions in the House version of the legislation which I hope will be included in the final plan that would help our children who desperately need our help.

Statistics show there has been a dramatic rise in poverty in children in this country. In 1979, 10 million were living in poverty. By 1991, it was over 14 million.

More than 21 percent of the population under the age of 6 is growing up in poverty. That represents one in five children.

We have seen the Government safety nets fail during that period of time.

In 1979, roughly one out of five who would otherwise be in poverty were lifted out of poverty by Government assistance.

In 1991, only one out of eight were so helped out of poverty.

There has been a recurrence of childhood diseases in cases like rubella and measles, a 500-percent increase just in the last decade alone.

There has been a rise in childhood abuse and neglect. There were 2.9 million children reported abused and neglected in 1992. That is an average of 8,000 children a day, and more than three times the number of cases reported in 1980, only a little bit more than a decade earlier.

There are several provisions in this Reconciliation bill in the House version that form some help in children's initiatives. There is the Mickey Leland Childhood Hunger Relief Act, the Childhood Immunization Program, the Family Support and Preservation Program, and the earned income tax credit expansion that I have mentioned.

I just want in finishing here quickly in our short time to relate for the people of Massachusetts what those provisions mean for my State and our State.

In childhood immunizations, 100,000 additional children would be immunized if the House versions are adopted.

On the preservation issue, $20 million additional would be provided over a 5-year period to help strengthen families, because we know that children in broken families are far more likely to be growing up in poverty and leading to other kinds of social ills.

On the Mickey Leland Childhood Hunger Relief Act, almost 500,000 people would see their food stamp allocation expanded. They would have more to buy food to avoid hunger which is so much a problem for children.

On the Earned Income Tax Credit it helps low-income families, working families, working full-time to dig out of poverty, the poverty that plagues their families and the children growing up in those families, we would see $20 million more each year in the hands of those families that would help them with the desperate needs that they have in helping those families dig out of poverty.

□ 1830

So, those are important features that I hope very much will be in the bill when it comes out, and I want to thank the gentlewoman from North Carolina [Mrs. CLAYTON] very much for taking the leadership that she has in proving us the time for this special order.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. OLVER] for speaking about those four critical programs, and they all should be in the Reconciliation Act.

The SPEAKER pro tempore. (Mr. HILLIARD). The Chair advises the gentlewoman from North Carolina that she has 5 minutes remaining.

Mrs. CLAYTON. With that, Mr. Speaker, I have two more speakers, and I think they will recognize that the time is limited and will make their statements very brief. We appreciate their coming, and the gentleman who is from Michigan, we are delighted that he cares about children and is willing to speak.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman from North Carolina [Mrs. CLAYTON] for organizing this special order and for reminding us of the truth, the truth we seldom hear in the debate on President Clinton's deficit reduction package. The Clinton deficit reduction package accomplishes something for our children that no other reconciliation package could do. It reduces the Federal deficit by $500 billion. President Clinton is attacking the Federal deficit problem head-on instead of passing it on to our children and our grandchildren.

Mr. Speaker, so much of the public debate about this program has centered around spending cuts and revenue increases. That is good. It should center around these crucial issues, but there has not been enough attention paid to the investments this budget makes in our Nation's families and children.

Our children are our future, and this budget invests in our future.

This plan especially helps families and children in rural regions of the country like my district in northern Michigan where the average income for a worker is low, where access to quality health care is difficult to achieve, and where preventive medicine, which is so important to maintain a healthy standard of living for children, is sparse.

According to the Detroit Free Press, in Michigan's Upper Peninsula we see more doctors leaving town than staying to set up shop. Rural doctors typically receive a third to half as much money for their services as doctors in urban and suburban regions of the country.

In Delta County, where I grew up, there is only one pediatrician for the county's 11,200 residents aged 19 and under, and that doctor is leaving to take a post in the University of Illinois.

Children in rural America need preventive health care and the President's package invests in preventive care for our children.

The President's budget calls for a 96 percent increase in the funding received by the Centers for Disease Control for childhood immunizations.

According to the Detroit Free Press, in my district many more children live in greater poverty than the rest of the State of Michigan.

The earned income tax credit is nearly doubled in the President's budget. This plan ensures that no American family with a full-time worker will live below the poverty line.

I believe that the earned income tax credit is the central piece of the Clinton budget that is good for rural families. Many people in rural America live in poverty, but the Clinton budget ensures that no family with a working member will live below the poverty line, and there are other programs. There is the Head Start Program, there is the WIC Program, the Women, Infant, and Children Program, that helps our children grow up healthy, not hungry. There is the Mickey Leland Program that we heard about tonight.

But the sad point is in all the political rhetoric about the budget the truth has been lost. We have lost the truth. Politics has taken over. Politics has forgotten our children. Our families have been forgotten.

So, Mr. Speaker, I thank the gentlewoman from North Carolina [Mrs. CLAYTON] for reminding us why we are here and why we are in Congress. I thank her for reminding us of our children and of our families. Let this Congress pass a reconciliation package that is honest, with dignity for all Americans, for our families and especially for our children.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Michigan [Mr. STUPAK].

The gentleman from the State of California [Mr. BECERRA] will be our last participant in this discussion about children and families. I thank him for joining us.

Mr. BECERRA. Mr. Speaker, I thank the gentlewoman from North Carolina [Mrs. CLAYTON] first of all for her tireless efforts on behalf of children and, of course, for her taking the time to sponsor this special order.

Mr. Speaker, our words are most timely at this stage, and they must be registered.

I also thank our colleague, the gentleman from California [Mr. DREIER], who has given us generously a few extra minutes to go on with this special order.

Not only as a Member of Congress, Mr. Speaker, but as a new father, I wish to address these issues that affect our children. I feel very privileged today to be here with my colleagues to speak on behalf of our Nation's future, and that is, of course, our children. We must send a clear message, I believe, to the conference committee for budget reconciliation that it must preserve the budget provisions that protect our Nation's children and offer them a window of hope. The message is simple, and it must register. We must hold children harmless.

How do we do that? How do we hold children harmless? Well, we have got several programs that people have talked about today, such as the childhood immunization initiative, and we have to focus on some of the facts that have been presented to us earlier.

For example, by the age of 2, Mr. Speaker, a child needs 15 immunization shots. Yet today only 55 percent of our 2-year-olds are fully immunized against vaccine-preventable diseases. The House budget reconciliation bill would provide vaccines to 11.1 million children, almost 5 million of whom currently have no health insurance for immunizations. The Senate version of the budget, on the other hand, offers nothing to these uninsured, unimmunized children. Yet we know from research that for every dollar invested in child immunization that we save 4 or more dollars in averted health-care costs.

Another program is the family preservation and support program. In 1992, Mr. Speaker, 2.9 million children were reported abused or neglected, an average of about 8,000 per day. Family preservation and support focuses on prevention of child abuse and neglect and improves our foster care, adoption, and our welfare systems at the same time. The House bill provides $1.5 billion for this initiative. The Senate offers no such provision.

We have the Mickey Leland Hunger Program, and, as we have heard, over 11 million children are at risk of going hungry in the United States already. The Mickey Leland Hunger Program increase food assistance to the poor and encourages child support from absent parents, mostly fathers. The Senate version offers no funds to combat childhood hunger. The House reconciliation bill would provide $7.3 billion.

And of course we have the earned income tax credit. With so many people struggling in today's economy, Mr. Speaker, we must do whatever we can to provide them with some assistance to lift themselves, if possible, out of poverty. The House bill provides $28.3 billion for the earned income tax credit for the working poor. The Senate, $18 billion. We are talking about people, in the case of a family of two, a mother and a child, $9,441. It is nothing to get rich on.

Mr. Speaker, it would be tragic if these provisions were denied to our families and their children. Again I strongly urge my colleagues on the conference committee to remember the children, these children whom we brought into the world and to whom we are responsible. They do not deserve to live in poverty, go hungry, be abused or be denied immunization when we can offer them an alternative. We must support the children's provisions in the reconciliation bill, and we must, most of all, hold children harmless in this budget debate.

Mr. Speaker, I thank the gentlewoman from North Carolina [Mrs. CLAYTON] for her time.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from California [Mr. BECERRA] as a young father for speaking to the point.

Mr. Speaker, I also want to thank the gentleman from California [Mr. DREIER] on the other side of the aisle for giving us this extra few minutes to allow us to finish this discussion. I say to the gentleman, "Thank you. It's very kind of you."

Mr. Speaker, finally I want to urge my colleagues to join me in standing up for America's children and families by keeping those initiatives we heard discussed here today fully intact and fully funded, fully committed to those children and families who cannot speak for themselves. We ask our conferees to be reminded that we are indeed here to make a difference, to make a differences for those who cannot speak for themselves.

Mr. FILNER. Last December, I was proud to run for office with a Presidential candidate whose slogan was "Putting People First."

Mr. Chairman, today I am joining my colleagues to call for a budget that keeps people first—keeping people first by providing for our Nation's families.

I am urging our budget conferences to hold fast to the House provisions in the reconciliation bill and to keep people first by enacting the following priorities.

Childhood immunization. Only 55 percent of our 2-year-olds are fully immunized against vaccine preventable diseases. Recently, a measles epidemic affected over 55,000 victims between 1989 and 1991. The House immunization plan would serve 11.1 million children nationwide—651,000 more in my home State of California than are currently receiving immunizations.

Childhood hunger. Over 11 million children in this country under the age of 12 are at risk of hunger. This is a national disgrace. The House bill provides an increase of $7.3 billion for the Mickey Leland Hunger Program—serving almost 3 million people in California alone.

KEEPING CHILDREN FIRST

Earned income tax credit. If a parent in a family of four works full-time, year-round, that family should not have to live in poverty. Families in my own State of California will receive approximately $1 billion in earned income tax credit in the legislation passed by the House.

Family preservation and support. We must help States develop programs for families in crisis, to keep children safe, to prevent child abuse and neglect, and to keep families together. In the House bill, California's programs will get almost $7 million for families and children.

KEEPING FAMILIES FIRST

We are the voice of our families, speaking out today. We are the voice of our children, speaking out today. We must remember that we have been sent here to make changes, to reorder our priorities, to ensure that we are keeping people first.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of the children and family initiatives included in the House budget reconciliation bill and to urge the budget conferees to include these provisions in the conference report.

Among the children and family priorities in the reconciliation bill are provisions for family preservation and support, for an earned income tax credit, for universal childhood immunizations and for childhood hunger relief. These provisions represent a comprehensive set of reforms necessary to preserve and strengthen families in need of assistance.

Forty-two percent of American families with children are living on incomes under $30,000. In my district alone, Mr. Speaker, 19,750 children are living in poverty and many more children and their families are struggling to survive just over the poverty line. These figures are intolerable. We cannot stand idly by as thousands of our children—our future—live in destitution, hungry, sick, abused, and neglected.

The children's programs in the House reconciliation bill will provide food assistance to children whose families cannot afford enough food. No child should go to bed hungry. The programs will also provide uninsured and Medicaid-eligible children with needed immunizations. No child should be denied health care.

The initiatives will encourage parents to choose work over welfare, supplementing the incomes of those whose working wages are lower than welfare payments. They will also help to keep families together by fighting the alarmingly high incidence of child abuse and neglect through early intervention, education and support.

These provisions are good for children and families of the United States. They are also fiscally forward-looking, costing us much less in the short run and in the long run than if we were to not implement them. Clearly, offering subsidies to the working poor costs less than paying them welfare. Immunizing and properly feeding children costs less than healing them once they are sick. Protecting children from neglect and abuse while working to keep families together costs less than aiding victims with emotional and developmental problems and providing family alternatives like foster care.

Though the House reconciliation bill includes funding for all these necessary programs, the Senate version of reconciliation falls short on each of them. We know that our conferees must emphasize the importance of these provisions as they work out the details of the budget conference report.

Americans decided last November that it was time to put people first. Our budget should be responsive to the needs of people. The budget should not be about tax breaks for the wealthy, about corporate writeoffs, about loopholes—it should be about people.

Mr. Speaker, I cannot emphasize enough that these initiatives are the most important part of our entire budget. Why? Because children are the most important part of our country. Children are our future, they are our hope. The wisest investment we can make is in our children and we cannot afford to scrimp when it comes to this investment.

Mr. Speaker, I implore my colleagues on the budget conference committee to fight for the children and family initiatives—initiatives that this body has already voted for and passed—and make them their top priority. Congress cannot afford to compromise on the needs of our Nation's most destitute children.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

JOBS FOR U.S. WORKERS—IMPLEMENT NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 60 minutes.

Mr. KOLBE. Mr. Speaker, this evening I want to talk, as we have been talking before, about the North American Free-Trade Agreement. I am joined this evening by my colleague from California [Mr. DREIER].

I heard earlier in the discussion about women and children and problems that we have, and I think many of us can relate to that. What we heard underscored the issue of jobs, and jobs is really what we are talking about here with the North American Free-Trade Agreement.

It is not, as one of the speakers on the other side talked about in the earlier special order, that I believe that Republicans, or those from other parts of the country, or those who may not represent heavily minority districts, do not care about jobs. We care very much about jobs. It is indeed jobs that is the driving force of the economy.

For whatever reason we come to this Congress, for whatever group we represent, jobs are important. Jobs are important to us. Jobs are what makes it possible for the people we represent to carry on with the lives that they have, to provide for the education of their families, to have a roof and a shelter over their head, to clothe and feed them. Jobs are important for all Americans. And that is why I stand today as such a strong supporter of the North American Free-Trade Agreement, because the North American Free-Trade Agreement is about creating jobs.

Let me just begin by pointing out the number of jobs that have been created in this country with the increased exports that we have had to Mexico over the last several years.

As a result of the changes that have taken place in Mexico, as they have joined the General Agreement on Trade and Tariffs, as they have reduced their tariffs, as they have opened up their economy to the private sector and to more market-oriented forces, and as their economy has grown and they have found it possible to buy more goods in this country, we have increased our exports, that is, the dollar sales of goods and services to Mexico, by a whopping 227 percent since 1986. That is the time that Mexico joined the General Agreement on Trade and Tariffs.

That increase, from $16 billion in 1987, and actually about $13 billion in 1986, to more than $43 billion last year, represents not only an increase in a percentage figure of 227 percent, but, more importantly, 700,000 jobs, jobs for working men and women in America, jobs for men and women who have families and children, jobs in the inner cities, jobs in the manufacturing heartland of America, jobs in the agricultural sector producing the corn and soybeans and grain that is being absorbed in such increasing amounts in Mexico. Jobs in cities like Houston, where engineering firms are adding new people in order to provide the services that are needed in Mexico. These are the jobs that make America go.

Exports have provided 70 percent—let me underscore that figure—70 percent of the growth in this country. Since 1985, 70 percent of our growth has come from our growth of exports. We can ill afford to turn our back on any country that offers us the opportunity to sell more goods and services to them, and certainly we can ill afford to turn our backs on Mexico, a country that is a growing market, a country that has a growing economy, a country with a growing middle class, a country with growing wealth, and an increasing demand and desire for American goods.

□ 1850

Mr. Speaker, I yield to the gentleman from California [Mr. DREIER], who I notice has put up a map there which illustrates in very concrete terms how, on a State-by-State basis, what I have been talking about and what he and I have been talking about and he so eloquently has talked about through these last several months about NAFTA and shows how jobs have been created in each State.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me.

I congratulate him for taking out this special order and for diligently remaining on the front line to try and implement what I happen to believe is the single most important job creation proposal that we will face here in the U.S. Congress.

Many of our colleagues on the other side of the aisle share our concern about job creation. We happen to know, based on every shred of empirical evidence that we have, that implementation of a North American Free-Trade

Agreement is clearly going to create jobs right here in the United States.

One of the things that I think is important for us to realize in our goal of job creation, we, interestingly enough, are joined with President Clinton, Labor Secretary Robert Reich, and other leaders in the Clinton administration in supporting the North American Free-Trade Agreement.

I think something that we should point to is that as we look at the many very partisan arguments that take place in this body, clearly implementation of NAFTA is one of the very few bipartisan areas of agreement.

There are many very thoughtful, hardworking Democrats who want to join with Republicans in implementing NAFTA. Why? Because as my friend from Tucson has said so well, it will create jobs here in the United States.

We, frankly, want to see jobs created not only here in the United States but in Mexico. And the confusion surrounding the whole debate on NAFTA is, if you want to create jobs and maintain them here in the United States, you have got to pull them from Mexico. And this argument that we constantly hear is that trade and NAFTA itself is something other than a zero-sum gain and that there are, in fact, winners and losers.

Mr. KOLBE. Mr. Speaker, the gentleman has made a very good point. The media is making much these days and, in fact, the President of the United States has been going around the country talking about gridlock. But this is an example of where none of us are interested in gridlock. We are interested in making sure there is not gridlock. We are interested in being sure that there is bipartisan support for this.

You and I and a lot of other Republicans and a lot of other Democrats have been on the forefront of this issue.

President Bush began the negotiation for this; President Clinton has endorsed it and said that he supports it and that he will send it up without altering the agreement itself.

I think that Republicans and Democrats can endorse it as a job creation program. So for those out there talking about gridlock, I would say, wait, look at the issue. What we are talking about here, where there is clear, common economic interest for the country, such as the North American Free-Trade Agreement, there is no gridlock here in Congress. There is only the common spirit of working together to solve this problem.

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, let us get right to this issue of job creation, job creation specifically here in the United States, because this is what is of great concern. This is the red herring that has been thrown out there that somehow implementation of NAFTA is going to encourage the flow of business from the United States to Mexico.

One of the things that my friend has not said this evening but he has said on many occasions in the past is that as we have looked at the economic growth which has taken place in Mexico over the past 7 years, it has come about for really a few very basic reasons.

At the very end of the last administration in Mexico, Miguel de la Madrid, who was President of the country, began very gradually moving in the direction of the rest of the world. The rest of the world moved toward free markets, elimination of barriers, lower levels of taxation, and a lower level of regulation.

Mr. KOLBE. As the gentleman knows, it was President de la Madrid who brought Mexico into the General Agreement on Trade and Tariffs, GATT, and that really has been the impetus for Mexico having to make so many other changes in its economy that has now brought it to the state we are talking about today, the free-trade agreement.

Mr. DREIER. Absolutely. And then the transition to the Presidency of President Carlos Salinas de Gortari has been one which has been so overwhelming and bold. It has brought about clearly the most dramatic positive changes in Mexico's recent history. I think that as we look at the arguments that have so often been made by our colleagues who are opponents to NAFTA that somehow we see this great level of corruption in Mexico, we do not stand here as apologists of the present government. We stand here recognizing that positive changes have taken place.

What has been the byproduct of that? We have seen privatization of the banking industry, the telephone industry, a wide range of other industries in Mexico. And as the economy is improved, and we have witnessed just last year an economic growth rate in Mexico which was clearly twice the economic growth rate right here in the United States.

So from 1987 to 1992, what has that brought about? It has brought about an unprecedented level of exports from the United States to an economically improved Mexico.

Mr. KOLBE. Here is a fact. The gentleman is quite correct about the rapid growth of the economy in Mexico. Here is a fact that I think a lot of people do not understand. Mexicans have a very high propensity for buying their goods that they buy outside of Mexico in the United States. In fact, few other countries spend 70 cents of every dollar that is spent overseas in one country. But Mexico does. It is in the United States, and it has resulted in the growth of exports.

I think the gentleman from California may want to share just a few of the data there, particularly in light of the fact that we hear so often on this floor from opponents of NAFTA who come from the heartland of America who say that it is going to be bad for the industrial Midwest. That just simply is not borne out by these statistics here.

Mr. DREIER. Mr. Speaker, I would like to ask that we focus at this moment on this map which shows State export growth to Mexico of goods manufactured in the United States from 1987 to 1992. And remember, it was in 1987 that we began seeing these moves toward privatization.

There are 11 States, the red States here that have seen over 300-percent growth in their level of exports between 1987 and 1992: the States of Washington, Oregon, Nevada, Illinois, Kentucky, Tennessee, North Carolina, Georgia, Pennsylvania, Vermont, Maine, and Maryland. I guess that is 12 States that have seen this kind of growth, over 300 percent, in the level of exports from their States to Mexico.

And then if one looks at the yellow States here, Montana, Idaho, New Mexico, Iowa, Wisconsin, Alabama, Florida, South Carolina, Virginia, the District of Columbia, and New Hampshire, we have seen between 200- and 300-percent growth between 1987 and 1992 in the level of exports of goods manufactured in those States to Mexico.

Mr. KOLBE. So it goes right down the line. I think you will find that there are only two States, I believe it is Utah and North Dakota that have actually had a drop in exports. So two relatively small States. And actually, if you included 1992 figures in there, that would not be true of those two States.

My State of Arizona, which is in the blue, showing around 100-percent increase, would be very different if 1992 figures were included.

The gentleman from California may be interested to know that Arizona last year experienced 92-percent increase in one year's time from $930 million to $1.9 billion of exports to Mexico. That places us now fourth in the Nation in total dollars being exported to one country and a dramatic increase.

No other State even comes remotely close to a 92-percent growth rate in one single year. So there are very dramatic increases that are taking place here.

What I would like to do, after I yield to the gentleman, is go through some of the myths that we have about this and perhaps dispel some concerns that people have.

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, I think it is important for us to realize that my friend from Tucson, AZ, happens to represent the border with Mexico. I represent Los Angeles, CA, not quite the border. It is a couple hundred miles or 150 miles or so north of the border, the Los Angeles Basin. And so one would conclude that we happen to be, being on the border, interested in just taking advantage of the opportunity to export there. And one should conclude that our States would be at the top. But I think it is interesting to note that it is other States, like the opposite end of the country, Maine, which has had a growth rate significantly higher, between 1987 and 1992, than ours.

Now, our States do export in great amounts to Mexico, but there are States which also are on here that are often mentioned by our colleagues as States that are great losers under the present situation and, they argue, would be greater losers under NAFTA.

□ 1900

If one looks at the State of Michigan, Michigan has been discussed on a regular basis here, and there are many companies in Michigan which today are exporting goods to Mexico. Their increase in Michigan has been up to 100 percent between the period of 1987 to 1992.

Ohio has had the exact same percentage growth rate between 1987 and 1992 as my friend's State of Arizona and my State of California, so I think that we should realize that while we often hear this argument made here on the floor that if you drive through Pennsylvania and Ohio and Michigan, what one will see is a situation where businesses have closed down, now, those businesses have closed down and there is no NAFTA. I like to argue that it is going to be implementation of NAFTA which will help us respond to that.

Pennsylvania's growth, for example, is in the very top level, being a State in red here with over 300-percent growth in exports between 1987 and 1992.

Mr. KOLBE. The gentleman's figures are very helpful to us, and I think this map illustrates as clearly to the American people and to the Members of Congress as we could possibly point out to them, how the trade is actually enhanced and increased by having additional trade with Mexico.

We should be keeping in mind that for every $1 billion of increase in exports to Mexico, and remember, the figure has gone from $16 billion in 1987 to $43 billion a year ago, that is a tremendous increase.

Mr. DREIER. Will my friend repeat that figure again?

Mr. KOLBE. The increase is from $16 billion in 1987 to $43 billion.

Mr. DREIER. $16 billion in goods manufactured in 1986?

Mr. KOLBE. That is right. That is a $27 billion increase, increase in actual exports, sales of goods to Mexico. For every $1 billion of exports, economists on all sides seem to agree on this figure, about 20,000 jobs are created.

If my math is correct, you multiply 20,000 times the $27 billion increase, and we are talking about 540,000 jobs that have been added since 1987 in this country as a result of the trade with Mexico.

Mr. DREIER. If my friend would yield briefly, I think something else we ought to point out is that as we have moved from that $16-billion level of exports in 1986 to $43 billion, which has taken us from a trade deficit in 1986 of around $4 billion to a trade surplus of nearly $6 billion last year, we have to realize that there are still punitive tariffs which penalize the United States.

In fact, the average tariff on United States-manufactured goods going to Mexico today is 10 percent, whereas the average tariff on Mexican goods coming into the United States is only 4 percent, meaning there is a 2½-times differential, which actually makes it more difficult for United States manufacturers to export to Mexico today.

In spite of that, we have seen this very dramatic increase in our level of exports to Mexico in the latter part of the 1980's.

Mr. KOLBE. And that tariff rate that Mexico has is almost five times as high as the tariff rate that Japan applies to products coming from the United States. We have been engaging in a lot of talk with Japan, some of it not so pleasant, and a lot of it hard efforts to try to get the Japanese companies and Government to increase their purchases of American goods and services. Think of what would happen with Mexico if they were to reduce their average tariff to 2 percent, or under NAFTA, to zero. Imagine the increase in the amount of sales that we have to Mexico.

Caterpillar has estimated that there are 1,300 people that work in Decatur and Peoria, IL, whose jobs depend solely on the sales of Caterpillar equipment to Mexico. Last year, Mr. Speaker, $360 million of Caterpillar equipment was sold to Mexico. Those jobs, not to mention all the others that work in related services in Decatur and Peoria, would be lost if we did not have access to that Mexican market. Think how much more we could sell if their tariffs came down to zero.

There was a wonderful picture that I saw not too long ago of a ceremony that took place in Erie, PA, where General Electric rolled out the first diesel engine for the Mexican railroad system. They were going to have a several-hundred-million-dollar contract over the next several years of building diesel engines for the Mexican railroad. The people in Erie, PA, in that General Electric plant, they understood exactly where their jobs were coming from, because they were all there at this ceremony, waving United States and Mexican flags, saying, "Thank God for the business we are doing with Mexico that allows us to have a job here in Erie, Pennsylvania."

Those people who say that the United States cannot compete with the Mexican wages simply are not stating the facts. We can compete. We are competing. We do compete every single day. That is one of the myths I think that we need to dispel.

There is another myth, and maybe my colleague might want to comment on that. We have kind of talked about the larger myth about jobs, but then there is kind of a subset of that, where it is said, "Well, yes, the United States will gain jobs in the long run, but we are going to have severe job loss in the short run."

The facts and the studies simply do not bear that out. Perhaps the gentleman would like to comment on that.

Mr. DREIER. If my friend would yield briefly on that, for starters, implementation of NAFTA is going to help to ensure that we maintain the 700,000 jobs that are in existence today, based on exports that are taking place to Mexico. That includes that growth that we have seen during the latter part of the 1980's and the early 1990's, and clearly, based on every economic study that I have seen to date on this issue that relates to job creation under NAFTA by 1995, and here we are midway through 1993. If we can implement NAFTA by the end of this calendar year, we will create an additional 200,000 jobs here in the United States.

I hear many of my friends argue that what we should do is change the timing of NAFTA. If we really want to work at creating U.S. jobs now, we should as quickly as possible move toward implementation of NAFTA. Any short-run job loss in import-sensitive industries will be minimized by extended phaseout periods for United States restrictions on Mexican goods.

Mr. KOLBE. I think that this is a very important point the gentleman has just raised. NAFTA does not instantaneously go into effect with regard to phasing out the tariffs on every product. Both sides recognized there were certain products that were particularly sensitive, certain industries that were sensitive, so, for example, with fruits and vegetables that are of particular concern in the gentleman's State of California, the Central Valley, and in the Rio Grande Valley of Texas and in central Florida with citrus and with tomatoes, there are particularly long provisions, in fact, as long as 15 years, for the phaseout of some of those tariffs.

We do have an opportunity to protect ourselves against that. At the same time we are getting access to the market down there in areas where there is not that kind of protection that is needed.

Mr. DREIER. One of the things that I think needs to be pointed out, too, is that job gains have already begun based on the prospect of implementation of NAFTA. We have discussed it on several occasions. We most recently saw this amazing coalition that was put together, the United Auto Workers joined with General Motors, and they made a decision to move directly from

Mexico a Chevrolet Cavalier manufacturing operation back to Lansing, MI. Based on the projections on that, it should create a thousand jobs in Lansing, MI, so this was a very positive sign that came based on the fact that we have seen a five times greater level of productivity of American workers juxtaposed to those workers in Mexico.

Mr. GRANDY. Mr. Speaker, would my friend yield to me on that point?

Mr. KOLBE. I am delighted to yield to the gentleman. We are delighted to be joined by the gentleman from Iowa [Mr. GRANDY] who has been a member of the Committee on Ways and Means, one of the outstanding leaders on that committee on trade issues, as well as health care and a variety of other issues. His knowledge and understanding of these issues I think adds a great deal to the debate in this House. I am very pleased that the gentleman is here this afternoon.

Mr. GRANDY. I appreciate those kind compliments from the gentleman. Let us be honest. It is 7 o'clock. We are all dressed up and we have nowhere to go, so we come to the floor and talk about NAFTA, and I join the gentlemen enthusiastically.

Mr. DREIER. Speak for yourself.

Mr. GRANDY. I want to put this in some context. As the debate rages, there are obviously other events that are going on. Two things have happened most recently. The President has gone to Japan and at least begun some kind of positive negotiations to get them to open up their markets. It just so happens that yesterday I was meeting with a member of the business community who happens to represent one of the larger grain producers, and he informed me that because of the potential of NAFTA, this particular company, which produces feeds for animals and has a company in Mexico, has found that the Mexicans, because they are so eagerly anticipating this trade agreement, have begun to reduce their rather prohibitive licensing agreements, which would require American companies making feed in Mexico to buy Mexican grain. Something they would rather not do because the quality is, quite honestly, not as good. They are now, under NAFTA, able to buy American grain to make the feed in Mexico.

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Now that is exactly what we want the Mexicans to do. Am I not right on this? I mean, we have been waiting for them to open up their markets, source more of our inventory to put into their products.

The gentleman and I were in Tokyo last year and met with the Japanese parliamentarians, and as I recall, they were very concerned about these North American content requirements under NAFTA, because it is going to require these products to source 65 percent North American components, is that not true?

Mr. KOLBE. It is 65 percent in the automobile industry, and not as much or as high in some of the others. But, still, it is well over 50 percent in every industry.

Mr. GRANDY. Yes, but the auto industry is exactly the sticking point we have with Japan, and that is why I wanted to make that point. What we are begging, and hoping, and cajoling, and threatening Japan with, and hoping that they will do is exactly what Mexico is doing voluntarily. They are right next door, and are much more capable of sourcing inventory for products that are finished in Mexico than Japan will ever be.

Mr. KOLBE. I think, if I might interject for just a minute, the gentleman is absolutely right and his point is well taken. I have a little story that I know some of my colleagues have heard before, but it illustrates this point exactly.

Not long ago I was in Hermosillo, which is the capital of Sonora, the state directly south of us in Arizona, and I visited a plant that was being built there, about 170 square foot plant being built for a Mexican subsidiary of a Hong Kong toy manufacturing company. Now what they are going to do at this point in that plant is to manufacture all the Barbie Dolls in the world. They currently manufacture them in the People's Republic of China. But they are going to move the production to Hermosillos. Currently they buy all of their plastic, which is 85 percent of the value of the Barbie Doll, in South Korea and Japan, and they are going to move it to Hermosillos because the tariffs have come down from an average of 50 to 10 percent, and with the prospect of zero, and now they are going to buy all of that plastic in the United States. So literally scores, probably hundreds of jobs in the United States will be created just supporting, making the plastic, hundreds of millions of dollars of plastic that will go each year into making Barbie Dolls in Mexico, jobs that used to be in Japan and South Korea and China, which will now be brought back to Mexico and the United States. It is a classic example of what is happening and why so many of the Asian rim countries are concerned indeed.

Mr. GRANDY. Is the gentleman directing that comment on the Barbie Dolls at me as a consumer of Barbie Dolls? Because, that is true. I have a 4-year-old daughter, and Barbie Dolls make up a very significant part of her particular toy inventory, which in our home takes up two rooms.

Mr. DREIER. My friend is quite a job creator in both the United States and in Mexico.

Mr. GRANDY. Hey, is this a great country or what? All I am saying is these stories are going to proliferate as NAFTA begins to fix itself into the America economy.

Let me just add one more point about job creation. And I am sure you gentleman have discussed this thoroughly. There have been criticisms and I think shibboleths frankly about environmental concerns directed against the Mexican Government. Right now the Mexican Government is obligated and is trying to implement more quickly than required by statute the auto emissions standard in Mexico City, arguably one of the most polluted places on Earth. The contract for those emission monitoring standards and cleanup is going to a company in Connecticut, an environmental-produced job, creating jobs in the United States.

Mr. DREIER. If my friend will yield on that point, I think that is something that is important for us to realize, that there are a lot of people who criticize the Clean Air Act here in the United States, and I argued supporting that as I am a representative from the Los Angeles Basin, one of the most polluted areas in the entire country. And if anyone happened to see Dan Rather's 48 Hours last night in which he talked about the traffic congestion and the problems which are not as bad as Mexico City, but still very, very serious, it is obvious that implementation of the Clean Air Act is going to enhance the opportunity for businesses not only in Connecticut, but in other parts of the United States which are moving into the area of improving air quality, and will have opportunities to sell in Mexico, other parts of Latin America and other emerging democracies, as we know full well that economies that see a higher standard of living naturally insist on higher environmental quality. That is why I am so concerned when I constantly hear my colleagues point to the admittedly horrendous environmental situation that today exists along the border and in other parts of Mexico. And they believe that implementation of NAFTA will not help. But we know that the rising tide lifts all shifts concept is going to see the improvement of the economy in Mexico, and a byproduct of that will be an insistence on the improvement of environmental quality. And the way they do that is to purchase U.S.-manufactured technology.

Mr. GRANDY. If my friend will yield, just no less a person than the Vice President of the United States has made a rather big deal of this first as a candidate, and now as the Vice President of the United States. What he was talking about in terms of environmental compliance, producing new cottage industries in environmental technology is actually coming home to roost under NAFTA, so I hope those people who supported him when he was a candidate, and now that he is the No. 2 executive in the United States will listen and heed some of the things that he specified in Earth in the Balance, which actually we have to admit as Republicans are really taking shape.

Mr. KOLBE. As the gentleman has correctly pointed out, the theory of a rising tide lifting all boats I think absolutely applies here.

There is another area we have discussed on this floor in the last several weeks several times that I think bears some attention, and that is the issue of immigration. We are concerned with illegal immigration, and yet I think ultimately most of us would have to concede, if we honestly answer the question, that in the long run the only solution to the problem of illegal immigration is if we lift the economy of the country that is shipping people to our country, if we lift the economy so they do not have to have jobs.

Mr. Speaker, before I yield to the gentleman, in fact I would like, Mr. Speaker, contrary to what the gentleman from Iowa said, some of us do have other obligations.

Mr. GRANDY. Don't ask, don't tell, don't pursue. I am not assuming the gentleman has nothing to do today.

Mr. KOLBE. I yielded earlier some of my time to the other special order, Mr. Speaker, and I would ask unanimous consent to yield the balance of my time to the gentleman from California [Mr. DREIER].

The SPEAKER pro tempore (Mr. HILLIARD). Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. I thank the gentleman for participating.

Mr. DREIER. Mr. Speaker, I would like to thank my friend from Tucson who has done an excellent job of focusing a great deal of attention on this issue.

I want to get into this immigration question, but I also want to follow up briefly on the statements made by my friend from Iowa that relate to the Vice President's commitment to the improvement of environmental quality. We know that this has been an issue that has been of great concern. And I think that we should underscore the fact that Vice President GORE and President Clinton are strong supporters of the North American Free-Trade Agreement. In fact, we are standing here in hopes that we will be able to implement NAFTA based on meetings that we have had with my fellow Californian and the U.S. Trade Representative, Mickey Kantor, and others in the administration. I mentioned Labor Secretary Robert Reich, who is not necessarily known as a supporter of the Republican economic policies of the past. He has committed to this plan which has been put into place initially by President Bush and is now supported by President Clinton.

So this commitment to the environment exists among Members of both political parties, and something that we said earlier, and I know my friend is serving on the Trade Subcommittee and knows this, that there is bipartisan support within the Trade Subcommittee for implementation of NAFTA. And we have many on the other side of the aisle who have been trying to make this in some way a partisan issue. But they have to know that it is Republicans who are standing with President Clinton in support of NAFTA.

I am happy to yield to my friend from Iowa.

Mr. GRANDY. I want to reemphasize this point. There has been a lot of ugliness on this floor this session in the short time we have been here, and a pronounced lack of bipartisanship on most issues. But that does not take into consideration the ongoing cooperation that the gentleman and I have had with colleagues on the Democratic side, and the U.S. Trade Representative, as he mentioned, and other administration officials who are trying to complete this deal, because we know it is good for the country. This is economic stimulus that both Republicans and Democrats understand, and I cannot make the point strongly enough, because this is one place where the gentleman from California and I walk in absolutely lockstep with the President of the United States and the Vice President, and his Cabinet officials.

As a matter of fact, we have, as you know, implored the administration to use the bully pulpit more, because this is a very easy selling product, if we bother to go out and market it.

Mr. DREIER. If I can reclaim the time, I think it is important for us to note that last week the New York Times had an interesting story. They did a survey among several economists, some Republicans, some Democrats, some independents, and in fact it included among them Ed Yarnell with C.J. Lawrence who had been a strong supporter of President Clinton's in the campaign, and they said that he said that quite frankly he believed that the best thing that the President could do would be to find a politically expedient way to step away from his budget package, and as they talked about what should be their economic priorities for the Clinton administration they had several points.

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First, they said they should work more diligently to bring about spending cuts rather than tax increases. Second, they said go slowly on taxes. The third point is, go very cautiously on implementation of this so-called health care plan that is under consideration.

The fourth item which seemed to come to the forefront from virtually every economist was, move as quickly as possible to implement the North American Free-Trade Agreement. So, we have seen people from a broad cross section of the political perspective argue in strong support of it. Why? Because they know it is going to be one of the best job-creating mechanisms we could possibly put into place.

Mr. GRANDY. But the alternative is frightening. To do nothing and let that market be grabbed off either by our Asian counterparts or European counterparts is, to me, economic treason.

Mr. DREIER. My friend is absolutely right. We have tried to point out that that is an accurate statement on a regular basis here. In very, very strong presentations, our opponents of NAFTA have stood at the well and at the microphones throughout the chamber pointing out human rights problems, enivornmental problems, economic problems that exist in Mexico. You are supposed to infer from that that all of these things came about because of the North American Free-Trade Agreement. The thing I would like to underscore is that all of these things happened without NAFTA. I happen to believe that as we look at some of the problems of jobs and businesses moving from the United States to Mexico, even though we now run a $6 billion trade surplus with Mexico, which has grown, from 1986, from a $4 billion trade deficit to a $6 billion surplus level, but as we move in that direction, clearly implementation of NAFTA is the best way to counter the horrendous situation which has been outlined by our colleagues who are opponents of NAFTA.

Mr. GRANDY. If my friend would yield, and I know he wants to discuss the immigration component of this and I want him to because even though I am not from a border State I want to be part of this discussion because it affects an area like Iowa, too.

Mr. DREIER. I do know that the gentleman has spent a great deal of time in one particular border State and has benefited from the economy in that border State.

Mr. GRANDY. California was very good to me. The gentleman is correct. However, I am proud to not be a resident of California. I must say when the gentleman talks about how dirty the L.A. basin is, it is always a mystery to me how tidy the gentleman is, despite all that pollution and filth and moral decay.

But let me say one thing about immigration: Because I think the best statement on this was uttered by no less a person than the President of Mexico, who said some time ago—and I use this in all of my pro-NAFTA speeches—it only works one way, either Mexico gets jobs or America gets Mexicans.

I say this now representing a community of Sioux City, IA, 100,000 people, that has one of the fastest-growing Hispanic communities in the United States because we have got people who come up here and take jobs in packing plants that Americans no longer want. That has produced a problem in the schools with English as a second language. It is of critical proportions. I was meeting today with one of our school principals. We teach 11 languages in the Sioux City public school system. Ten years ago we had one, English.

Mr. DREIER. I mentioned last night this program, "48 Hours," with Dan Rather. They had a segment on Hollywood High School in that segment, and they talked about the famous alumni of the Hollywood High School, referred to the fact that at that time years ago there was one language. Today there are 52 languages spoken at Hollywood High School. And even more throughout the Los Angeles school system.

So, my friends in Sioux City have something to look forward to if we do not deal with this issue of trying to enhance the economies of other parts of the world.

Mr. GRANDY. That is really kind of a Malthusian prediction, if we do not do something. But clearly, and the gentleman from Arizona said it before he departed, if we do not do something to raise the standard of living, that standard of living will come up into this country and seek to entitle itself to the benefits that are now obviously attracting many folks up into this particular society.

Mr. DREIER. It is so interesting because I happen to be an advocate of toughening up our border patrol, and I supported the amendment that we had 2 weeks ago to provide an additional $60 million in the Commerce, State, Justice appropriation bill, as I am sure my colleague did, to toughen up the border patrol because we cannot allow this flow of illegal immigrants to come across the border.

In fact, during the month of August I am going to be touring the border and looking at the situation.

But I have argued consistently that there is no way we are going to be able to block people as long as they continue to want to come across the border. Why is it people flee Mexico and other parts of Latin America for the United States? One simple, very simple, basic reason: economic opportunity, whether it is a job or whether it is the Government services that are created by the unfunded Federal mandates which the Federal Government imposes on the State of California, the county of Los Angeles and other States, forcing them to provide a wide range of services which really should not be provided unless that State chooses to provide those services.

I happen to believe that if we could eliminate that magnet which draws people across the border for Government services, and create the opportunity for those who come across the border to the United States and gain a job and save the money that they have from that job and send it back to their families in Mexico or they have an opportunity in Mexico to get a job, which implementation of NAFTA will clearly aid and create, we would be better off if we get at the root of the immigration problem which is so serious.

Mr. GRANDY. As the gentleman knows, we had a rather nasty and petulant debate on the floor of this House yesterday about an immigration-related matter. It seemed extraneous at the time, but it became a rather, I would have to say, painful debate on immigration. I think we can expect more of that unless we own up to the fact that unless we do something to provide opportunity on the other side of the border, and by that I mean trade, not aid, because the gentleman will also have to argue that most of those programs have failed miserably. Indeed, if we are talking about programs like AID, they have actually taken jobs out of this country in an attempt to subsidize growth through Government programs in foreign countries. So, we know the kind of Government-sponsored relief is at best a poor substitute and usually an opponent of the economic growth that we try to expand through market-oriented policies.

We do not have many choices here, as I see it.

We have either got to let the Mexican Government, through acceptance of NAFTA, create the opportunities they want and follow through with the reforms that President Salinas has bravely undertaken, or we are going to have debates the likes of which yesterday will be timid compared to the kind of anger and bitterness that will explode on this floor if we do not do something to provide more opportunity south of the border.

Mr. DREIER. If we look at the past several years, clearly the United States has had a pattern of providing foreign assistance to countries throughout the world. We know how, No. 1, politically unpopular that is; and how financially difficult it is as we look at a $4.6 trillion national debt and a $300 billion-plus deficit; clearly it is not a positive thing. But I happen to believe that the most positive thing is, as my friend said, trade. I have always argued that trade is the currency of friendship.

If we are going to strengthen this relationship among the three countries—Canada, the United States, and Mexico—the best way to do that is to encourage the diminution of those trade barriers which, heretofore, have played a role in jeopardizing a strong relationship.

Mr. GRANDY. But, again, I want to stress that what we do on this floor to the casual observer has to be inherently contradictory if you watch these debates in context. A few months ago we stood up here and extended again with bipartisan cooperative efforts aid and free-market opportunity to the emerging Russian Republics because we know that without that kind of underpinning, Boris Yeltsin will fail and the Republics will dovetail behind him.

What is good for Russia is good for Mexico. Yet, we do not seem to draw that kind of economic comparison, which I think should be kind of standard operating procedure for us.

Mr. DREIER. I do think we should underscore the disparity which exists there, too. There are 27,000 nuclear warheads among the 15 former Republics of the Soviet Union; 6,000 alone in the Ukraine. One of the goals of the assistance package which we provided from the Congress to the Russian Republic was to deal with the dismantling of those warheads. Another aspect, of course, was to bring home many of the troops who have been overseas. So, we have a very unstable political situation there which has led to that.

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Frankly, Mexico has moved light years ahead of so many other countries in their economic growth due to that privatization and the political reforms which have taken place in that country in the last 7 years.

Mr. GRANDY. Well, again, just to kind of reemphasize and underline that from an agricultural point of view, because obviously agriculture in Iowa is very well under the free-trade agreement, we know in our country that unless we start processing more of what we produce, unless we start having what we call value-added agriculture, which would be soybean oil or corn meal or livestock, poultry, and dairy, we will not be able to survive as a farm-intensive State.

Mexico is our largest purchaser of high-value agriculture, specifically red meat, dairy, soybean meal, products you only buy when you have money, exactly the things we want the Soviets to buy, the former Soviets once they stabilize their currency and begin to get beyond their basic needs.

Again, to make the gentleman's point, Mexico has moved light years beyond. We unfortunately seem to want to move light years back from an opportunity that they are I think willing to go more than halfway to meet.

Mr. DREIER. Quite frankly, as we look at a wide range of the proposals that have been considered in this Congress, we are moving in a direction that is 180 degrees from many of the emerging democracies throughout the world.

It seems to me one of the points that I like to make on this as we look at this issue of fairness, which is something to which we all aspire on a regular basis, the argument that has been given by the chairman of the Trade Subcommittee, the gentleman from Florida [Mr. GIBBONS], who has pointed to the fact that Mexico has had virtual one-way free trade with the United States for three decades. For three decades Mexico has had the ability to sell goods and services into the United States with virtually no tariffs.

The goal of NAFTA is to create a two-way opportunity and that is why it strikes me that we are going to be in a position where we will greatly enhance the U.S. economy.

I would not stand here, as I know my friend would not, either, as a strong proponent if we thought that this was going to in any way jeopardize job opportunities right here in the United States.

Mr. GRANDY. Well, we do know, of course, there will be sectoral losses, offset by much larger gains.

Now, of course, if you come from one of those regions that is going to experience job loss, NAFTA is a tough sale, and obviously we acknowledge that politically; but just again, from an Iowa point of view, a State that is very export dependent, because we are dependent on agriculture and will be for long in the future, but our biggest trade surplus with Mexico right now is in computer equipment and light manufacturing, things you do not associate with a State like Iowa; so the opportunities for diversification in our economy between the Missouri and the Mississippi, assuming they stay relatively within their borders, is almost unlimited, and that has generally been lost, too.

For example, I know a State like Ohio, which has some of the most virulent opponents of NAFTA among their delegation, has done extraordinarily well with their balance of trade to Mexico.

Mr. DREIER. Mr. Speaker, if the gentleman will permit me on that point, once again, Mr. Speaker, I would like to focus attention on this map here which points to all 50 States and the level of increase in exports over the past 7 years.

As we look at this issue, there are—I guess I forgot Hawaii when I was talking earlier—I guess there are 12 or 13 States that have seen an increase from 1987 to 1992 of over 300 percent in export growth. Among those top 12 or 13 States, as my friend has pointed out, includes Ohio. Ohio has seen a 100-percent or 200-percent increase.

Pennsylvania, which is another State to which opponents of NAFTA often refer as being devastated with the prospect of NAFTA, has seen an increase in exports of over 300 percent from 1987 to 1992. Ohio has been between 100 and 200 percent. So the kind of improvement has been dramatic.

Last night when I was here I referred to some of the specific job creating operations in the district of my friend, the gentlewoman from Ohio [Ms. KAPTUR] who is a virulent opponent of NAFTA, and yet there are many businesses in her district in Ohio which have benefited from the present structure that exists, that being the privatization of Mexico, and clearly will benefit even further if we are to zero out that tariff from the United States to Mexico.

Mr. GRANDY. Well, I watched some of the debate last night and was impressed by the numbers that were slung back and forth, particularly those relating to job loss.

I wonder if we can really calculate some of the dynamic economic activity that has happened and will happen even to a greater extent when NAFTA is enacted.3

For example, yes, the apparel industry will probably experience some short-term job loss; but do not forget, many of those jobs have already located to low labor markets in Southeast Asia. With the opportunities of NAFTA, there is a good chance many of those companies will come back to the Northern Hemisphere, namely, Mexico, and source their inventory in the United States. That produces jobs in our country that otherwise would not be created, because obviously if you are making clothing in Taiwan, you are probably not going to buy your fabrics in Ohio.

Mr. DREIER. Mr. Speaker, if I could strengthen that argument, if my friend would bear with me for just a moment, I was asked to read a letter in the CONGRESSIONAL RECORD that was sent to our very good friend and colleague, the gentleman from North Carolina. This letter is addressed to CASS BALLENGER and it gets right to the point that my friend has raised. It was written to him by William Armfield IV, who is vice chairman of Unifi, and he says:

UNIFI,
July 23, 1993.

Hon. CASS BALLENGER,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CASS: As the first vice president of the American Textile Manufacturers Institute [ATMI] and Vice Chairman of Unifi, Inc. which operates two facilities in your district employing nearly 1,500 of your constituents, I am writing to inform you of my unequivocal support for the North American Free Trade Agreement [NAFTA], and to ask for your support. Under NAFTA, I am confident that Unifi will export more yarn to the Mexican market which will benefit Unifi workers in your district and our other 3,100 employees across North Carolina.

For Unifi and the American textile industry, NAFTA represents opportunity—it is a trade agreement that is fair, balanced, reciprocal, and equitable, one in which the United States does not open its market unilaterally.

Last year, Mexico was our second largest customer for textile exports. In fact, in 1992 we rang up a $3 billion deficit in nonapparel textile trade with Asia while we had a surplus with Mexico. In just 4 years' time, this industry's exports to Mexico have doubled—to nearly $700 million—and our trade surplus has more than doubled to $481 million. This was done without NAFTA and while Mexico's average import duty on goods from the United States is more than twice as high as the average tariff on goods we import from Mexico.

NAFTA will create a common market of some 370 million consumers, all of whom need clothes to wear, sheets to sleep on, towels to dry with, automotive upholstery to ride on and so on. The increase in wages, disposable income and living standards that will occur in Mexico as a result of NAFTA will make it possible for more Mexican consumers to buy more of these American products. Also, as Mexico continues its program of economic reform, greater quantities of industrial fabrics will be needed.

In addition to creating textile jobs in the United States, NAFTA will also help the U.S. textile industry preserve American jobs. Without NAFTA, many of these jobs will be lost forever to the Far East. If Mexico cannot get the investment, technical expertise, raw materials and economic cooperation it needs from the United States, it will get them elsewhere, probably from Asia. Then, our worst nightmare will become reality: Mexico will become a springboard for Asian firms wishing to export to the United States. There will be no strong rules of origin, there will be no enhanced Customs enforcement and surveillance and there certainly will be no inclination on the part of the Mexico Government to go out of its way to use United States components and inputs. Instead of a friendly partner on our southern border, we will have a neighbor who feels appreciated by and obligated, not to the United States, but to the Far East.

The Mexican economy will continue to grow and with the Mexican market but the United States will not have preferential access to that market. Ironically, the fears of those who oppose NAFTA will come to pass only if those opponents succeed—that is, if NAFTA fails to be approved.

For those who fear jobs will be lost to Mexico, they should realize that many jobs are already going to Mexico without NAFTA. American companies can go to Mexico today to seek lower labor costs, if that is all that truly matters to them, and defeating NAFTA will not slow this exodus. There are other selection criteria which manufacturers consider including access to raw materials, infrastructure, energy and other manufacturing costs, and availability of a skilled, experienced workforce.

Thank you for giving consideration to my views. Please let me know if I can provide you with any additional information.

Sincerely,
WILLIAM J. ARMFIELD IV,
Vice Chairman.

Now he makes some incredibly positive points here, and I think one of the most important ones has to do with the fact that we want to maintain a strong working relationship with Mexico.

I am happy to yield to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, on that point, he knows because we have fought on the same side of many trade battles in this House. A textile vote is always a tough one on a trade issue because it is a protected industry, and it is a vulnerable industry. But the fact that the gentleman kept referencing Asia reminds me of the slugfests that he and I have had over MFN in China. One of the arguments that is always made is about the Chinese apparel industry ripping off jobs from the United States, one——

Mr. DREIER. We are always on the same side of that one, too, I should say.

Mr. GRANDY. But one of the most effective ways to fight that is to pass

NAFTA so those jobs would move closer to home, and——

Mr. DREIER. Exactly.

Mr. GRANDY. That is a point that is usually not argued when we fight back and forth on MFN, but if it is true that the Chinese are having labor costs that are perhaps subsidized by their prisoners and some of the other horror stories that we have heard when we have debated that issue, fight the market with the market.

Mr. DREIER. Exactly, and I think that one of the points that needs to be made is that there are many people who have said that with implementation of NAFTA and a zeroing of that tariff we are going to see so many countries coming to Mexico to use Mexico as a springboard for these products to sell them in the United States, and we know that under NAFTA that is the only way that we can ensure these tough, as Mr. Armfield says, rule-of-origin requirements, but that without NAFTA that invites the Mexican Government to say to countries like China, Japan, and other countries throughout the world, "Come here. We will, in fact, create a situation in a climate which will allow you to export into the United States," and so clearly those who are concerned about the prospect of that should support NAFTA because it is the only way that with these tough rule-of-origin requirements we can prevent other countries from using Mexico as an export platform.

Mr. GRANDY. And, if the gentleman would yield, think of the message that it sends to Central and South American nations that are watching carefully to see what we actually do or do not do under NAFTA. As Mexico goes, so go most of the Central American nations, clearly so go most of the South American nations.

As the gentleman knows, Mr. Speaker, Chile is waiting in the wings to create a free-trade agreement with the United States, and, if we do not follow through on the Enterprise of the Americas initiative that was created by President Bush and strongly endorsed by many of those countries, again we will lose markets that are just crying out for American participation.

Mr. DREIER. And I think that I have always felt uncomfortable as we have looked at this competition that is being created by so-called trading blocs. As we have seen the emergence of EC '92, as we have seen four countries on the South American continent unite as they plan to in 1995, forming a free-trade zone among them, as we see the unity being established in the Pacific rim, I felt uncomfortable about that because I happen to believe in GATT and the needs to try and bring about a reduction of barriers all the way around. But the fact of the matter is, as we work toward this zero goal, we should, as a hemisphere, realize that there is no benefit whatsoever to the United States of America having a poor southern neighbor, and, as we look at that issue itself, clearly benefiting and improving the economies of the Americas will benefit the United States because we cannot.

We, as Republicans, and I cannot understand why Republicans have opposed this because we have been the ones who have heralded the fact that we have seen technological expansion which brought down the Berlin wall and allowed satellite technology to give us cellular telephones and cable television, CNN and C-SPAN, and all these other things, and yet at the same time there is a desire to maintain this barrier right here in the Americas.

So, Mr. Speaker, that is why it is such a difficult one for me to reconcile and why I feel so strongly about it.

I am happy to yield.

Mr. GRANDY. Well, as the gentleman knows, the irony is we know the Mexican economy is not going to turn south and move back to the kind of command structures that crippled it for so many years, and I had a conversation the other day with the Guatemalan Ambassador who again paraphrased President Salinas who said, "I do not——"

Mr. DREIER. The gentleman runs with a pretty impressive crowd there.

Mr. GRANDY. Yes, very impressive, but the point that I took away from that meeting is Salinas has said, "Look, I don't want to be the best nation in the Third World. I want to be a rising nation in the First World." And it would be a terribly ironic circumstance if, because we could not get our political act together, there was a North American trading bloc that did not include the United States.

Mr. Speaker, that could happen if we continue to kind of fuss and fret over side agreements and various sectors being denied various accesses, and I hope that that does not happen because there are too many people now in the global market, as the gentleman knows, and more are arriving all the time who know a market when they see it and will capture it if we do not respond first.

Mr. DREIER. As the gentleman knows, it is very interesting what my friend has said, and I hope he is right, that Mexico does not take a retrograde step if we do not see NAFTA implemented. But, as the gentleman knows, one of the things that opponents of NAFTA have said is that President Salinas is only moving toward addressing the questions of the need for political pluralism.

The SPEAKER pro tempore (Mr. HILLIARD). The time of the gentleman has expired.

JOBS FOR U.S. WORKERS—IMPLEMENT NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. It seems to me, Mr. Speaker, that, as we look at the threat of Mexico taking a retrograde step on the kinds of political reforms that have been taking place there, improvements in human rights, there are many of our friends who are opponents to NAFTA who have stood here and said that President Salinas is only doing those things so that he can gain access to the United States markets.

Well, quite frankly, if that is the reason it is, frankly, fine with me because he is recognizing the changes that have taken place in the world. But the gentleman and I know, and my friend has been following this debate recently, that one of the things that we have had are some very, very tragic stories told by our colleagues who are opponents to NAFTA who have talked about human rights violations, the political problems which exist in Mexico, and I think that what we should do is spend just a moment focusing on the improvements that have taken place there.

Mr. Speaker, we all know that in 1929 Mr. Cardenas nationalized the oil industry and established the PRI party, the commanding party, the Institutional Revolutionary Party, of Mexico, and there is no doubt about the fact that over the past 60-plus years we have seen basically one-party control, and in many cases a very, very backward electoral system and a control which has not allowed for the kind of freedom which we in the United States would like to see. And there are people who say that, because we are supporters of NAFTA, we are somehow apologists for this kind of behavior.

Mr. Speaker, nothing could be further from the truth as we look at this issue because the issue of human rights and political pluralism is one which has dramatically improved, and we have seen the Salinas administration focus attention on it. In fact, in July 1990, Mr. Speaker, President Salinas established his Federal Code of Electoral Institutions and Procedures, and we know that the National Action Party, the PAN party, which is the center-right opposition to the Institutional Revolutionary Party, has been able to, for the first time ever, win governorships and mayoral votes throughout Mexico. We would like to see a greater degree of political pluralism, but there are many who have said that we cannot in any way support a system like that.

Unfortunately, Mr. Speaker, some of those who are opponents to NAFTA have not focused attention on the agreement itself, and I know my friend is well aware of this. If we witnessed the kind of political problems which some people say will come about if we implement NAFTA because President Salinas is only doing these things because of the prospect of NAFTA, the United States can, within a 6-month period, withdraw the agreement.

As my colleagues know, there is this belief that, once we get in it that there is no turning back at all. If we find that there are serious problems with NAFTA, Mr. Speaker, we can, in fact, withdraw from the agreement.

Mr. GRANDY. Well, obviously we do have an out clause, as we do in any treaty, but I think it should not be lost in the discussion that President Salinas has probably done more with his economy in the last 5 years than we have done with our economy in the last 5 years. His has gone north. Ours continues to go south. We are constantly kind of badgering him to make environmental breakthroughs and reforms in labor law, and, quite honestly, what have we done over the last 7 years but add more labor restrictions which have impinged upon small businesses, which, as the gentleman knows, is the greatest engine of job growth in the country?

□ 1950

We have not in many cases effectively enforced some of our environmental laws, and in many other cases created new conditions that have made them unenforceable. I happen to come from a part of the country that is wetland sensitive, even more so now that we have floods. But what it has created is a body of statutes that is so confusing that even the bureaucrats do not understand what the laws mean.

Now, clearly that should not be a message that we want to send down to the Salinas government in terms of getting their act together. I find it sometimes just a little bit patronizing that America is so quick to criticize our partners in these trade deals, when we ourselves cannot really point to a stellar record of accomplishment, particularly over the last few years in these areas.

Mr. DREIER. As my friend once again raises this issue of the environment, we constantly hear of the horrendous environmental conditions that exist in Mexico. Not everyone knows that in 1988, under what is known as the Sedui, which includes what would be our Environmental Protection Agency, as part of it the Mexican Government implemented a law which is modeled after our environmental laws here in the United States to improve environmental quality there.

Opponents of NAFTA say yes, it looks great on the books, but they do not enforce it at all. There is no enforcement provision, and they basically ignore that law.

One of the things that has been said to both of us in meetings that we have attended is that we need to get newer industry in Mexico so that we can have the technological advances which will allow us to have a better environmental quality there. One of the boldest statements that was made was actual action by President Salinas, when about 2 years ago he looked at the greatest polluter in Mexico City, which was a major oil refinery. It employed 5,000 Mexican workers. To improve the environment of Mexico City, President Salinas said he could not continue polluting like this, and he closed down this refinery, demonstrating a strong commitment to an improvement in environmental quality.

Mr. GRANDY. That is a Government-run facility, is it not?

Mr. DREIER. Absolutely.

Mr. GRANDY. Therein lies the difference between what is a potential for environmental protection in a command economy, and what is the potential in a market economy.

Mr. DREIER. Absolutely. I think the point that needs to be made is if you look at the poorest countries throughout the world, that is where the environmental quality is the worst. And there are so many people who are opponents to NAFTA who seem to want to maintain the status quo. What does that do to improve the environment?

One of the things we have talked about time and time again on this issue was this decision that was rendered by Judge Charles Richey, which basically jeopardizes the implementation of NAFTA because of the environmental question which has been raised here in the ruling that came down saying that compliance with the Environmental Policy Act here is a prerequisite for implementation of NAFTA.

The thing that you have to conclude is, is the prevention of implementation of NAFTA going to improve the environmental quality on either side of the border? Absolutely not.

Mr. GRANDY. To that point, and I think we both anticipate that that decision will be overturned, and hopefully within the next 6 weeks, but even from the administration point of view, an administration obviously that the gentleman and I did not support in the last election, but clearly support the constitutional sovereignty of the President of the United States, whoever he or she may be, to effect multilateral agreements, whether it is trade or foreign policy.

Can you imagine NEPA taking effect in an arms agreement? Are we going to use this as a one-size-fits-all litmus test the next time we want to get into some kind of arms proliferation agreement, or a strategic armament dismantlement discussion, the likes of which we are currently having with the former Soviet Union? It is ridiculous and I think very pernicious to the Constitution, let alone NAFTA.

Mr. DREIER. I would like to focus for just a moment, since we have this map here of the 50 States, on one point, and then I am going to yield back to the balance of my time here because we have spend a great deal of time on this, and I know there are going to be opportunities in the future, and I do have something else to do now that it is 5 minutes to 8 o'clock.

There was a survey recently conducted which showed that 40 out of 50 State Governors happen to be strong proponents of NAFTA, and not one Governor of a State has actually come out in opposition to the North American Free-Trade Agreement.

I think as we look at a number of these States which have seen improvement in job creation in their areas, we have got to realize that these governors, who are actually on the front line dealing with the job creating challenges that their States face, clearly do recognize that implementation of a North American Free-Trade Agreement is the wave of the future and going to be beneficial.

I would like to thank my friend for his diligent work, not only for the people of Sioux City and the people of the United States, but for his strong effort in addressing the trade challenges that we face, and the fact that eliminating trade barriers throughout the world is going to enhance the opportunity for us to create jobs right here in the United States of America.

THIRD BIENNIAL REVISION (1994–95) TO THE U.S. ARCTIC RESEARCH PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology.

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I hereby transmit the third biennial revision (1994–1995) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 29, 1993.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McDADE (at the request of Mr. MICHEL), for today, on account of medical reasons.

Mr. DERRICK (at the request of Mr. GEPHARDT) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 60 minutes, today.

Mr. DOOLITTLE, for 5 minutes, today, and for 60 minutes on July 30.

Mr. GOSS, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes, today.

(The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:)

Mr. NADLER, for 5 minutes, today.

Mr. EDWARDS of California, for 5 minutes, today.

Mr. BACCHUS of Florida, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. LAUGHLIN, for 60 minutes, on August 3.

Mr. KANJORSKI, for 60 minutes each day, on August 2, 3, and 4.

(The following Member (at the request of Mr. BOEHLERT) to revise and extend his remarks and include extraneous material:)

Mr. HOUGHTON, for 5 minutes, today.

(The following Member (at the request of Mr. LIVINGSTON) to revise and extend his remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, on July 30.

(The following Member (at the request of Mr. FROST) to revise and extend his remarks and include extraneous material:)

Mr. MCCLOSKEY, for 5 minutes, on July 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. ROS-LEHTINEN) and to include extraneous matter:)

Mr. SOLOMON in two instances.

Mr. GILMAN.

Mr. BALLENGER.

Mr. RIDGE.

Mr. LAZIO.

(The following Members (at the request of Mr. SCOTT) and to include extraneous matter:)

Ms. VELÁZQUEZ in two instances.

Mr. FORD of Michigan in two instances.

Mr. DINGELL.

Mr. HAMBURG.

Mr. BROWN of Ohio.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. BONIOR in two instances.

Mr. BARCIA in two instances.

Mr. MCCURDY.

Mr. FAWELL.

Mr. DEUTSCH.

Mr. WELDON

Mr. BROWN of California.

Mr. WOLF.

Mr. KOPETSKI.

Mrs. SCHROEDER.

Mr. MFUME.

Mr. CARDIN in two instances.

Mr. WAXMAN.

Mr. SWETT.

Mr. LEWIS of Florida.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1131. An act to extend the method of computing the average subscription charges under section 8906(a) of title 5, United States Code, relating to Federal employee health benefits programs; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 63. An act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes.

H.R. 2683. An act to extend the operation of the migrant student record transfer system.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 58 minutes p.m.) the House adjourned until tomorrow, Friday, July 30, 1993, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1672. A letter from the Principal Deputy Comptroller, Department of Defense, transmitting a letter stating, that on June 1, 1993 the Department notified the Congress of its intent to obligate up to $30 million to assist the Russian Federation in establishing a Central Chemical Weapons Destruction Analytical Laboratory, this letter is to inform the Congress that the funds appropriated for the Advanced Tactical Airborne Reconnaissance System ($12.8 million from Aircraft Procurement, Air Force and $17.2 million from RDT&E Air Force appropriations) will be the funding source for this effort; jointly, to the Committees on Appropriations and Armed Services.

1673. A letter from the Director, Congressional Budget Office, transmitting the CBO Staff Memorandum, "The Inpatient Psychiatric Hospital Benefit Under Medicare"; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 821. A bill to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces (Rept. 103–197). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2535. A bill to amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf War, with amendments (Rept. 103–198). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2647. A bill to amend title 38, United States Code, to provide that the effective date of any changes in benefits under the Servicemen's Group Life Insurance program shall be based on the International Date Line, with an amendment (Rept. 103–199). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Texas:

H.R. 2795. A bill to expand the mail-order pharmaceutical program of the Department of Defense to cover all members and former members of the uniformed services, and their dependents, who are eligible for health care in medical facilities of the uniformed services; to the Committee on Armed Services.

By Mr. PAXON:

H.R. 2796. A bill relating to the tariff treatment of certain footwear; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself, Mrs. LLOYD, Mr. EVANS, Mr. FILNER, Mr. EDWARDS of California, Mr. KENNEDY, Mrs. MEEK, Mr. MCDERMOTT, Ms. DELAURO, Ms. DANNER, Mr. DELLUMS, Mr. LIPINSKI, Ms. KAPTUR, Mr. PETERSON of Minnesota, Mr. WAXMAN, Ms. NORTON, Ms. SLAUGHTER, Mr. BILBRAY, Mr. KOPETSKI, Mr. TORRES, Mr. DEUTSCH, Ms. MARGOLIES-MEZVINSKY, Ms. VELAZQUEZ, Mrs. MORELLA, Mr. GENE GREEN of Texas, Mr. HUGHES, Mr. SLATTERY, Mr. BOUCHER, Ms. PELOSI, Ms. WOOLSEY, and Mr. INSLEE):

H.R. 2797. A bill to improve programs of the Department of Veterans Affairs relating to women's health, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHAYS:

H.R. 2798. A bill to revive the suspension of duty 3,5,6-trichlorosalicylic acid; to the Committee on Ways and Means.

H.R. 2799. A bill to suspend temporarily the duty on anthraquinone disulfonic acid sodium salt; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 2800. A bill to promote and support management reorganization of the National Aeronautics and Space Administration; to the Committee on Science, Space, and Technology.

By Mr. SHAYS:

H.R. 2801. A bill to suspend temporarily the duty on acid violet 19; to the Committee on Ways and Means.

By Mr. BLACKWELL:

H.R. 2802. A bill to amend the Internal Revenue Code of 1986 to exempt unemployment benefits from Federal and State income taxation; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. LaROCCO:

H.R. 2803. A bill to amend the Consumer Credit Protection Act to improve disclosures made to consumers who enter into rental-purchase transactions, to set standards for collection practices, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WAXMAN (for himself and Mr. Cardin):

H.R. 2804. A bill to establish a national policy respecting medical residency training programs and the health care work force, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GONZALEZ (for himself, Mr. Grams, Mr. Neal of North Carolina, Mr. Leach, Mr. McCollum, Mr. Bereuter, Mr. Nussle, Mr. Wheat, and Mr. Barlow):

H.R. 2808. A bill to facilitate recovery from the recent flooding of the Mississippi River and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LANCASTER (for himself, Mr. Baker of Louisiana, Mrs. Clayton, Mr. Fields of Louisiana, Mr. Hayes, Mr. Hefner, Mr. Hutchinson, Mr. Jefferson, Mr. Neal of North Carolina, Mr. Parker, Mr. Rose, Mr. Thompson, Mr. Valentine, and Mr. Whitten):

H.R. 2809. A bill to establish a national research program to improve the production and marketing of sweet potatoes and increase the consumption and use of sweet potatoes by domestic and foreign consumers; to the Committee on Agriculture.

By Mrs. MINK (for herself, Ms. Eshoo, Ms. Furse, Ms. Woolsey, Ms. Cantwell, Ms. Maloney, and Ms. Roybal-Allard):

H.R. 2810. A bill to amend the Public Health Service Act to provide for programs regarding ovarian cancer; to the Committee on Energy and Commerce.

By Mr. COX:

H.J. Res. 244. Joint resolution designating September 6, 1993, as "Try American Day"; to the Committee on Post Office and Civil Service.

By Mr. TRAFICANT:

H. Con. Res. 128. Concurrent resolution commending Israel concerning the decision of the Supreme Court of Israel in the case of John Demjanjuk, Sr.; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII.

230. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to establishing a nonvoting Delegate from the Northern Mariana Islands within the U.S. House of Representatives; to the Committee on Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. STUPAK:

H.R. 2805. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States and on the Great Lakes and their tributary and connecting waters in trade with Canada for the vessel *Amanda*; to the Committee on Merchant Marine and Fisheries.

H.R. 2806. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States and on the Great Lakes and their tributary and connecting waters in trade with Canada for the vessel *Juliet*; to the Committee on Merchant Marine and Fisheries.

By Mr. TRAFICANT:

H.R. 2807. A bill for the relief of John Demjanjuk, Sr.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 52: Mr. Hancock.

H.R. 87: Mr. Shaw.

H.R. 127: Mr. Johnson of Georgia, Miss Collins of Michigan, and Mr. Hinchey.

H.R. 253: Mr. McNulty.

H.R. 429: Mr. Blute, Ms. Dunn, Mr. Everett, Mr. Franks of Connecticut, Mr. Pete Geren of Texas, Mr. Istook, Mr. Linder, Mr. Miller of Florida, and Mr. Shays.

H.R. 436: Mr. Young of Alaska, Mr. Canady, Mr. Gilman, Mr. Houghton, Mr. Huffington, Mr. Klug, Mr. Mica, Mr. Walker, Mr. Portman, Mr. Everett, Mr. Shuster, Mr. Faleomavaega, Mr. McInnis, and Mr. Roberts.

H.R. 466: Mr. Engel and Mrs. Meyers of Kansas.

H.R. 587: Mr. Vento and Mr. Inslee.

H.R. 830: Mr. Huffington, Mr. McInnis, Mr. Weldon, and Mr. Klug.

H.R. 921: Mr. Conyers, Mr. Wynn, Ms. Thurman, Mr. Dellums, and Mr. Pastor.

H.R. 1056: Mr. Schiff, Mr. Johnson of South Dakota, Mr. Peterson of Minnesota, Mr. Stupak, Mrs. Meek, Mr. Engel, and Mr. Torricelli.

H.R. 1152: Ms. Eddie Bernice Johnson of Texas, Mr. Filner, and Mr. Klug.

H.R. 1153: Mr. Glickman.

H.R. 1181: Mr. Boucher.

H.R. 1238: Mrs. Lloyd.

H.R. 1314: Mr. Boucher and Mr. Glickman.

H.R. 1324: Mr. Minge.

H.R. 1360: Mr. Martinez.

H.R. 1402: Mr. Taylor of Mississippi.

H.R. 1406: Mr. Torres, Mr. Pastor, Ms. Kaptur, and Mr. Weldon.

H.R. 1407: Mr. Menendez.

H.R. 1472: Mr. McDermott, Mr. Wynn, and Mr. Bacchus of Florida.

H.R. 1687: Mr. Baesler.

H.R. 1702: Ms. Byrne.

H.R. 1738: Mr. Farr.

H.R. 1795: Mr. Ackerman.

H.R. 1900: Ms. Kaptur, Mr. Wilson, Mr. Kopetski, Mr. Fazio, Ms. Maloney, Mr. McCloskey, Mr. Bacchus of Florida, Mr. Gephardt, Mr. Neal of Massachusetts, Mr. Jefferson, and Mr. Borski.

H.R. 1915: Mr. Hughes and Mr. Wilson.

H.R. 1923: Ms. Brown of Florida.

H.R. 1989: Mr. Hancock.

H.R. 2092: Mr. Ravenel and Ms. Danner.

H.R. 2134: Mr. Cardin.

H.R. 2140: Mr. Minge, Ms. Maloney, and Mr. Faleomavaega.

H.R. 2226: Mr. Cox, Mr. Klug, Mr. Frost, Mr. Bateman, Mr. Baker of Louisiana, Mr. Parker, Mr. Engel, and Mr. Ackerman.

H.R. 2268: Mr. McDade, Mr. Filner, and Mr. Fingerhut.

H.R. 2326: Mr. Peterson of Florida, Mr. Darden, Mr. Spratt, Mr. Valentine, Mr. Poshard, Mr. Gekas, Mr. Stump, Mr. Gallo, Mr. Dooley, Mr. Neal of Massachusetts, Mr. Cramer, Mr. Ravenel, Mrs. Vucanovich, Mr. Castle, Ms. Snowe, Mr. Fawell, Mr. Shays, Ms. Furse, Mr. Zimmer, Mr. Goodling, Mr. Inslee, Mr. Taylor of North Carolina, Ms. Long, Mr. Gingrich, and Mr. Thornton.

H.R. 2331: Mr. Faleomavaega.

H.R. 2375: Mr. Kopetski, Mrs. Unsoeld, and Ms. Norton.

H.R. 2394: Mr. Rangel, Ms. Velazquez, and Mr. Gejdenson.

H.R. 2395: Mr. Rangel, Ms. Velazquez, and Mr. Gejdenson.

H.R. 2414: Mr. Boucher, Mr. Rush, Mr. Faleomavaega, Ms. Maloney, Mr. Browder, and Mrs. Schroeder.

H.R. 2434: Mr. Moorhead, Mr. Canady, and Mr. Sam Johnson.

H.R. 2438: Mr. Holden, Mr. Miller of Florida, Mr. Stark, Mr. Bilbray, Ms. Eddie Bernice Johnson of Texas, Mr. Emerson, Mr. Dooley, Mr. Frost, Mr. Glickman, Ms. Maloney, Mr. Engel, Mr. Johnston of Florida, Mr. Kopetski, and Mrs. Roukema.

H.R. 2469: Mr. Baesler, Mr. Hobson, Mr. Gillmor, Mr. Payne of Virginia, Mr. McHale, and Mr. Boucher.

H.R. 2481: Mr. Boucher, Mrs. Maloney, and Mr. Holden.

H.R. 2535: Mr. Durbin.

H.R. 2571: Mr. Hall of Texas, Mrs. Unsoeld, Ms. Velazquez, Mr. Jefferson, Mr. Swift, Mr. Moran, Mr. Romero-Barcelo, Mr. Rangel, Mr. Kopetski, Mr. Ackerman, Mrs. Lloyd, Mr. Owens, and Mrs. Schroeder.

H.R. 2573: Mr. Dellums, Mr. Rangel, Mr. Frost, Mrs. Meek, Mr. Peterson of Minnesota, Mr. Tucker, and Mr. Vento.

H.R. 2602: Mr. Barlow.

H.R. 2662: Mr. Filner, Ms. Velazquez, Mr. Rush, Mrs. Meek, Mr. Saxton, Mr. Thomas of Wyoming, Mr. Skeen, Mr. Young of Alaska, and Mr. Cunningham.

H.R. 2691: Ms. Slaughter, Mr. Lazio, and Mr. LaFalce.

H.R. 2706: Ms. Shepherd, Mr. Minge, Mr. Sawyer, and Ms. Woolsey.

H.R. 2735: Mr. Jacobs, Mr. Penny, and Mr. Poshard.

H.J. Res. 49: Mr. Solomon.

H.J. Res. 79: Mr. Barca of Wisconsin, Mr. Dicks, Mr. Engel, Mr. Fields of Louisiana, Mr. Hamilton, Ms. Kaptur, Mr. Mineta, Mr. Montgomery, Mr. Murphy, and Mr. Faleomavaega.

H.J. Res. 86: Mr. DeFazio, Mr. Foglietta, Mr. Stump, and Mr. Barca of Wisconsin.

H.J. Res 106: Mr. Hamilton and Mr. Rangel.

H.J. Res. 142: Mr. Wyden and Mr. Smith of Oregon.

H.J. Res. 157: Mr. Berman, Mr. Dixon, Mrs. Kennelly, Ms. Pelosi, Mr. Oberstar, Mr. Hoyer, Mr. Crane, Mr. Gallegly, Mr. Ford of Tennessee, Mr. Richardson, and Mrs. Bentley.

H.J. Res. 185: Mr. Coleman, Mr. Gekas, Mr. Gephardt, Mr. Gonzalez, Mr. Hansen, Mr. Hayes, Mr. Hyde, Mr. King, Mr. Kreidler, Mr. Levin, Mr. McCollum, Mr. McDade, and Mr. Wilson.

H.J. Res. 198: Mrs. Vucanovich and Mr. Skeen.

H.J. Res. 204: Mr. Rowland, Mr. Hoyer, Mr. Gingrich, and Mr. Gallo.

H.J. Res. 205: Mr. Rowland, Mr. McCrery, Mr. Castle, Mr. Lehman, Mr. McCloskey, Mr. McDade, Ms. Brown of Florida, Mr.

WOLF, Mr. HAMILTON, Mr. MYERS of Indiana, Mr. GILMAN, Mr. PAXON, Mr. MARTINEZ, Mr. SMITH of Oregon, Mr. WHEAT, Mr. GUNDERSON, Mr. EVERETT, Mr. WISE, Mr. DICKS, Mrs. VUCANOVICH, Mr. BURTON of Indiana, Mr. MCCOLLUM, Mr. PORTER, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. HOCHBRUECKNER, Mr. SPENCE, Mr. MANTON, and Mr. WILSON.

H.J. Res. 209: Mr. BREWSTER, Mr. CHAPMAN, Ms. EDDIE BERNICE-JOHNSON of Texas, Mr. CLYBURN, Mr. LAFALCE, Ms. THURMAN, Mr. FROST, Ms. NORTON, Mr. GUTIERREZ, Mr. SCOTT, Mr. HILLIARD, Mr. BLUTE, Mr. DIXON, Ms. MALONEY, Mr. QUILLEN, Mr. HANSEN, Mr. BONIOR, Mr. HOCHBRUECKNER, Mr. HOBSON, Mrs. LLOYD, Mr. DEUTSCH, Mr. MARTINEZ, Mr. EVANS, and Mr. GEKAS.

H.J. Res. 243: Mr. HOUGHTON, Mr. PETRI, Mr. HAYES, Mr. BLUTE, Mr. OXLEY, Mr. YOUNG of Florida, Mr. BLACKWELL, Mr. SANDERS, Mr. HYDE, Mr. CRANE, Mr. GOODLING, Mr. ABERCROMBIE, Mr. WELDON, Mr. GALLEGLY, Mr. LAZIO, Mr. FAZIO, and Mr. RAVENEL.

H. Con. Res. 24: Mr. TOWNS, Mr. RAVENEL, Mr. GILMAN, Mr. LAUGHLIN, Mr. KOPETSKI, Mr. FRANK of Massachusetts, and Mr. SCHIFF.

H. Res. 13: Mr. BONILLA.

H. Res. 175: Mr. SMITH of Oregon.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of July 28, 1993]

H.R. 1420: Mr. BACCHUS of Florida.

SENATE—*Thursday, July 29, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

He giveth power to the faint; and to them that have no might he increaseth strength. Even the youths shall faint and be weary, and the young men shall utterly fall: But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint.—Isaiah 40:29–31.

God of life and love, news of a leader's suicide reminds us that our culture does not allow men and women in powerful positions of leadership to admit weakness or vulnerability. They are supposed to be superhuman, but they are subject to all of the vicissitudes of life. They hide their hurts and pretend to be strong while suffering inside—with society forcing them to demonstrate strength when they are falling apart.

Gracious God, this morning we pray for the Senators, that they may realize suppressing pain is dangerous and unnecessary. They need not suffer alone. There is a Lord of love who cares, who is responsive to their personal needs, who knows them like a book, and who will answer when they call upon Him. Help the Senators not to hide from God when they are hurting, but to open their hearts to Him, acknowledging their pain, confessing their sin and weakness, that they may receive His Divine forgiveness and strength.

We pray in His name Who loved us and gave Himself for us. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 29, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:15 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Iowa [Mr. GRASSLEY], is recognized to speak for up to 10 minutes. The Chair recognizes the Senator from Iowa, Senator GRASSLEY, to speak for up to 10 minutes.

Mr. GRASSLEY. Mr. President, thank you very much. Thank you for getting out of bed early this morning to open the Senate at such an early hour.

PROMOTION OF AIR FORCE COL. CLAUDE M. BOLTON, JR.

Mr. GRASSLEY. Mr. President, I have come to the Senate floor four times in the last week to express my concern about the pending promotion of Air Force Col. Claude M. Bolton, Jr., to the rank of brigadier general.

Colonel Bolton was program manager of the advanced cruise missile, or the ACM, as we call it, from September 1989 to September 1992. The ACM has come to a disastrous end. So it is not really before us as an instrument, but we do need to be concerned about holding people accountable for what happened in this disastrous program. We should not proceed with Colonel Bolton's promotion until we have a firm grasp of all the facts bearing on unresolved issues with the ACM. There are simply too many unanswered questions at this juncture.

We need to know and we need to understand what these questions are and what happened to this program. At this point all we have is a barebones outline of what took place. We have no more than a thumbnail sketch.

We can see the results of the reprocurement scheme. Those results are these, Mr. President: That we have 60 ACM missiles that were left for scrap, abandoned on the factory floor in San Diego, CA. It is going to cost one-half billion dollars to finish those 60 ACM missiles, missiles that were authorized and appropriated by Congress. In other words, it is like paying for them twice, or more.

These are missiles that the Congress and the taxpayers have, as I said, already paid for.

Why did the Air Force waste $500 million to cover up the Antideficiency Act violation? That is an old law on the books to protect the taxpayers. This $500 million mistake defies reason, and it defies understanding. All the Air Force had to do was report the violation and come to Congress for relief. There would be no potential for demotion, there would be no potential for going to jail, just come to Congress and explain it to us. Need more money, get more money. Do not play games.

There may be more to the ACM story, though, than we know. We need to keep digging, we need the Department of Defense, inspector general, and the GAO to fill in the blanks.

Mr. President, what is the bottom line of the ACM reprocurement scheme?

First, there has been gross mismanagement in the ACM Program.

Huge sums of money have been wasted. Vital military materiel has been left for scrap.

Second, there has been patent disregard for the spirit and the letter of the law, and, I think, even contempt for the law.

The Air Force, it seems, has tried to use contracts to overturn and circumvent the law of the land.

I also believe that senior Air Force officials have attempted to cover up violations of law with the deceptive and dishonest reprocurement scheme.

Senior Air Force officials did not want to report a known violation of the Antideficiency Act. They tried to avoid it—even if it cost the taxpayers $500 million.

Those who "knowingly and willfully" violate the Antideficiency Act—section 1341 of title 31 of the United States Code—can be fined and sent to jail.

They may be suspended from duty without pay or removed from office.

A violation of the Antideficiency Act is a class E felony. That is serious.

Though rarely, if ever enforced to the point of imprisonment, many a fine career has been ruined by such transgressions.

Government officials, who manage public money, still have to worry about getting caught violating the Antideficiency Act.

The Comptroller General has rendered an important legal opinion on the central issue in the ACM procurement disaster—the consequences of failing to report a violation of the Antideficiency Act.

In a document dated August 11, 1992, and identified by the numbers B-245856.7, the Comptroller General answered the question:

> The failure to disclose known violations of the Antideficiency Act is a felony and can be the object of disciplinary actions.

Under section 4 of title 18 of the United States Code, the failure to report a known violation of the Antideficiency Act can bring a $500 fine or up to 3 years in jail.

The Comptroller General goes on to say this:

> The knowing and willful failure to record an obligation in an account in order to conceal a violation of the Antideficiency Act would be an offense under existing law.

Mr. President, I fear that Mr. Donley, Mr. Beach, and Colonel Bolton and others may have acted in concert to conceal a violation of the Antideficiency Act by:

First, failing to record an overobligation in the books; and, second, by attempting to conceal it through the reprocurement scheme.

The DOD IG charges that the ACM program violated the Antideficiency Act while Colonel Bolton was in charge.

The DOD IG says the law "was violated when the Air Force recognized that the cost to complete the ACM had exceeded amounts available for obligations."

The DOD IG also says that "program officials" knew in July 1991 that critical funding limits were breached.

Colonel Bolton was ACM Program manager in July 1991.

Surely, Colonel Bolton knew that he had $100 million in bills from the contractor—General Dynamics/Convair. But no money to pay them.

How could you, if you were a program manager, not know if you were $100 million short?

He must have known he was $100 million short and in serious trouble.

Mr. President, as I have said before, we cannot proceed on mere assumptions. Colonel Bolton's career is at stake. We must verify every shred of evidence.

All allegations must be addressed and resolved in an appropriate way.

Mr. President, at this point in our inquiry, we do not have all the facts.

We need more information before we can resolve all the issues surrounding Colonel Bolton's promotion.

The DOD IG, the GAO, and the Air Force need to complete their investigations.

We still need the following:

First, the Air Force should complete its investigation of the Antideficiency Act violation in a timely way and fix responsibility where it belongs—all the way up to the Secretary of the Air Force—if necessary.

Second, the DOD IG should follow through on its recommendations and ensure that the Air Force investigation is thorough and that responsible officials are held accountable.

Third, the GAO should determine the total cost—in terms of dollars and materiel wasted—of the reprocurement scheme.

I would like to know if Colonel Bolton is in any way responsible for misuse or waste of precious ACM program resources, beside the fact that a program manager should know if a program comes up $100 million short.

Mr. President, with this information in hand, I will be in a position to make a reasoned judgment about Colonel Bolton's promotion.

Those responsible for such abuses must be held accountable and above all must never be rewarded with promotions.

A good dose of accountability here will take us a long way down the road to acquisition reform. Acquisition reform without accountability is a nonstarter.

Promoting somebody that is responsible for the waste of $100 million of the taxpayers' money is not a way to encourage careful use of the taxpayers money.

Mr. President, before concluding my statement today, I would like to talk briefly about the importance of the Antideficiency Act.

I know some of my colleagues are wondering why the Senator from Iowa is so upset about a violation of the Antideficiency Act.

Well, I am upset, and I will tell you why.

Any representative of the taxpayers should be upset when this kind of money is being wasted.

The Antideficiency Act is a very important control mechanism governing the use of public money. It was enacted nearly 100 years ago.

It is broad and general, and it constitutes one of the few controls that has teeth.

Sadly, recent audit reports emanating from the GAO and the office of the DOD IG suggest that this law is being violated with impunity.

Nobody seems to care. Nothing is being done about it.

Mr. President, when the Antideficiency Act is violated, it means the agency involved is conducting unauthorized business.

It means legal spending limits set by Congress have been exceeded.

In the case of the ACM, obligations exceeded amounts available for obligation in the appropriations accounts.

The Air Force had bills to pay, but no money to pay them.

Instead of coming to Congress for relief, the Air Force used money provided by Congress for other purposes. The Air Force misappropriated that money. That money was not used for the purposes for which it was appropriated.

Mr. President, controlling the purse strings is one of Congress' most sacred constitutional responsibilities.

The public's money must never be taken from the Treasury without proper authorization from Congress.

Well, Mr. President, when we have a violation of the Antideficiency Act, money is being used for unauthorized purposes. Money has been taken from the Treasury without the approval of Congress.

Access to the Treasury must be carefully guarded by Congress.

We must find a way to enforce the Antideficiency Act. Without it, there will be no discipline and integrity in the management of the public's money.

Comptroller General Bowsher and agency inspector generals, like Mr. Derek Vander Schaaf at DOD, have auditors poring over the Government's books every day. They know that those books are in total disarray and that congressional spending limits are exceeded with disgraceful regularity. The abuse must stop. They need to speak out forcefully. I hope they are not afraid to do this.

We cannot ask the people of this country to pay higher taxes and at the same time tell them that we do not know how the money was used, that we are unable to control its use or to provide an accurate accounting of how it was spent.

That would be a denial of our responsibility as representatives of the taxpayers, watching how the taxpayers' money is spent.

How long will the people of this country tolerate that kind of behavior on the part of their governmental leaders?

I yield the floor.

I notice other Senators here so I will not suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, under the order previously entered, Senator RIEGLE has 40 minutes. I ask for 10 minutes of that time. I was part of the regular 40 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Nevada [Mr. REID] is recognized for 10 minutes.

FACES OF THE HEALTH CARE CRISIS

Mr. REID. Mr. President, in February, I received a copy of a letter sent to Mrs. Clinton, Chair of the President's task force on National Health Care Reform, from Gerald R. Valade of Las Vegas. Mr. Valade signed his letter "Worried Dad" and I believe it is appropriate to share his concerns with my colleagues.

Mr. Valade's letter highlights what is wrong with our health care system or at least a significant part of what is wrong with our health care system.

In the letter he states.

> I am writing this letter on behalf of my 23 year old daughter, a senior biology student at the University of Nevada, Las Vegas, and a citizen without access to health insurance.
>
> Laura is a bright youngster with great potential but she had the misfortune of being born with a birth defect affecting her adrenal gland's ability to produce cortisone. She is also a diabetic (juvenile) and takes medication every day for both illnesses. Occasionally she requires hospitalization costing many thousands of dollars.

In March—this is a few weeks from when he wrote the letter.

> In March I can no longer carry her on my employers medical insurance and she is unable to purchase a policy for herself at any price. We can afford to buy her insurance but cannot find an insurer. This is a problem facing many of our citizens. Isn't it ironic, that we mandate automobile insurance companies pool their assets and provide automobile insurance to high risk drivers but we do not require the same for the health insurance companies. Health is far more important than driving.
>
> Neither, Laura nor I are looking for a government handout. We are willing to pay for insurance, even at a premium price. I am simply asking that you consider those of us who are able to pay but simply cannot find insurance in your quest to provide equitable health care to our citizens. Fairness is all we ask.

Laura Valade is unable to purchase health insurance, at any cost, because of a preexisting condition. Others simply cannot afford the high monthly premiums.

Everyone should understand who are listening that we are talking about a preexisting condition. We are not talking about a birth defect like Laura from Las Vegas has. We are talking about someone who may be working and had a heart attack while working or maybe working and had a disease like ulcers or colitis or other problems develop during work. They change jobs and cannot get insurance. This is what they are talking about.

This is especially true for small businesses. Insurance companies charge small business 30 percent more for health care coverage than they charge big business. This is grossly unfair. Anyone who has the initiative to start a small business should not have to put the family's health security at risk by paying a premium for health insurance coverage.

Our system of health care is in turbulence. Today's system is seemingly rigged against American families and small businesses. For a child born in 1980, his or her health care costs have quadrupled. Costs have shot up more than 400 percent in the past decade. It is clear that they will continue to balloon. The cost of our health care will double for each family by the end of this decade, 6½ years from now. By the year 2000, the cost for every American family for health care will be almost $15,000.

There are many culprits; but none more oppressing than insurance companies, companies that seem to hold all the cards. These companies pick and choose, and every 30 seconds they drop another American from the insurance rolls. Everyone fears losing their insurance coverage—and with good reason. Every month, 2 million Americans lose their health coverage and 100,000 never will get it back.

There are many horror stories.

In May, the Las Vegas Sun printed an account of a family in such a situation. "In Sickness and in Debt" tells this story through the eyes of a woman who had no insurance and is faced with thousands of dollars in medical bills. Laurie Julian, is a 35-year-old, stay-at-home mother, who owes more than $10,000 for the kidney stone treatment and surgery she received a couple of years ago. Her husband, Tony, is a licensed contractor who went into business for himself 2 years ago, who can't afford to sponsor an insurance plan.

Apparently Laurie woke up one night with an excruciating pain in her back that would not go away. I guess anyone who had kidney stones can tell what it is like, but without having experienced it, it is very difficult to try to visualize what they go through. She visited a clinic where x rays and other tests were performed and medication was dispensed, costing $235. Unfortunately, the pain did not let up. Her regular doctor claimed he was too busy to see her; but she assumes it is because she did not have health insurance.

She again visited the clinic. Additional x rays and tests were performed which determined she had two kidney stones. By this time, the Julians had spent more than $900 on clinic visits, tests, and x rays. There was no money left for treatment.

After two visits to the emergency room following additional painful episodes, she was able to locate a urologist who performed charity work at the hospital and arranged to have surgery. Surgery was performed the day after Christmas and she was discharged just 1 hour after the operation. Laurie received a bill for $6,614.15 for the charitable operation, on top of other lab and hospital bills, totaling about $10,000 out of pocket.

The Julian's story is typical, Mr. President. No American is immune from financial ruin due to unforeseen medical expenses. Gloria Marmo of Henderson, NV, wrote to me recently and she said,

> I'm a woman of 62 years of age, a diabetic and had a heart attack 2 years ago. I can't get health insurance. All insurance companies refuse to give me insurance stating I'm a risk. What am I supposed to do in a situation that I'm in after working most of my adult life?

There are many serious maladies, Mr. President, confronting our medical system, because it is the one that is sick. Our medical system is the one that is sick and needs a cure. Everyone listening today should understand it is not someone else that is without insurance or someone else who may lose their insurance. It could be anyone of us. The loss could occur because of a job change. It may happen to you if your child gets real sick. If you decide to start a small business you may not be able to have insurance anymore; you cannot afford it.

Clearly, it is time to get the system under control, to ensure that fundamental reform preserves and protects what is best about the American health care system.

The reform must provide security. Security means adequate insurance coverage, even if you switch jobs, lose your job, or have a preexisting condition.

Reform must also give a break to small businesses and their employees. Costs must be controlled and discriminatory insurance practices eliminated so that small businesses can afford to provide health care to their employees and to their own families. It is the right thing to do.

Reform must provide savings. Savings can be accomplished by eliminating red tape, cracking down on fraud and abuse, and reforming malpractice. Doctors and other medical practitioners will be able to focus on the practice of medicine rather than pushing paper. Of course, any revision must allow the consumer to choose his or her doctor. The doctor-patient relationship must be protected.

Significant reform can be accomplished and we need to act now to guarantee that these faces of the health care crisis, the stories we have talked about here today, are tales of the past, not the future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada yields the floor.

Who seeks recognition?

Mrs. FEINSTEIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from California, Senator FEINSTEIN, who is recognized to speak for up to 10 minutes.

WEAPONS OF WAR HAVE NO PLACE ON AMERICA'S STREETS

Mrs. FEINSTEIN. Thank you very much, Mr. President. Every day, another terrible tragedy reinforces something about which I deeply believe—weapons of war have no place on the streets of our communities. Semiautomatic assault weapons—which can empty 50-to 100-round magazines of ammunition within seconds and without warning—are turning America's streets into war zones.

Epitaph headlines convey this modern day horror: "Arsenals Amassed in

L.A. County;" "Gunman Slays 2, Wounds 3, Outside CIA;" "Fear Stalks L.A. Streets;" "At Least 9 Die in California Shooting."

It is time to stop the continuing bloodshed on our streets.

Just a few weeks ago—on my birthday, as a matter of fact—right here in Washington, DC, a young gunman stood on a hill 40 yards from a pool where young children played. He opened fire and unleashed up to 14 shots from what police believe was a semiautomatic pistol. Six children were wounded, yet—thankfully—none were killed.

I then returned home on July 1 to the news that a lone gunman—carrying two semiautomatic weapons, a pistol and 500 rounds of 9mm ammunition—walked into the Pettit & Martin law firm located high in one of San Francisco's premier office buildings. He, too, opened fire. This time he killed eight people and wounded six. It just so happened that, as he was going from one floor to another on the stairwell, an employee pulled the fire alarm which locked the doors. He was locked into the stairwell, where he killed himself.

I then picked up a newspaper while still in California and read that in Oakland, a 3-year-old boy, playing with his godmother's 5-year-old daughter pulled a semiautomatic assault weapon from under her bed, fired it three times, and shot the 5-year-old with a MAC 11 semiautomatic pistol. His playmate suffered bullet wounds in both of her legs and a bullet grazed her temple. Luckily, by the grace of God, she still lives today and is expected to survive.

But California's past is increasingly dotted by such incidents.

I remember well when James Huberty walked into a McDonald's in San Ysidro, CA in 1984 with a Uzi. Twenty-one people were killed. Nineteen people were wounded.

I also remember well when, in 1989, an unstable drifter with an assault weapon modeled after an AK-47 walked onto a Stockton schoolyard in northern California and fired 106 rounds of ammunition. Five children were killed. Twenty-nine children were injured.

What, in the past, have been shocking episodes, however, are now becoming the norm. The almost daily slaughter of drive-by shootings and the reign of terror caused by assault weapons on the streets of major cities across the Nation has to be stopped.

Calamities such as those in Stockton and San Ysidro led California to become the first State in the Union to ban assault weapon sales in 1989. Yet, without a national ban on these weapons, local and State initiatives are meaningless. Because gun buyers can simply cross State lines and purchase their weapons of choice. And today, these fast-firing guns are the weapons favored by gang members involved in drive-by shootings and organized criminals.

Nationally, it is estimated that there are about 1 million such weapons in circulation. In California, my State, there are an estimated 300,000 to 600,000 assault weapons on our streets and in our communities. That is 30 to 60 percent of the 1 million weapons available throughout our Nation.

Yes, it is true that guns do not fire themselves. Nor, however, do they thrust themselves into the hands of the distraught, deranged and disaffected. They have to be bought or stolen. And today in all but four States—California, New Jersey, Connecticut, and Hawaii—they can be bought, legally, over the counter.

Yes, over the counter. That is how Gian Luigi Ferri got the TEC-DC9's that he used to kill eight people at 101 California Street in San Francisco.

A California resident for less than a year, Mr. Ferri did what thousands of people in my State do—he crossed the State line to buy a weapon of choice. A former Nevada resident, Ferri used a still-valid drivers license to buy one Uzi-like gun in Las Vegas, waited the requisite 3 days, and returned to pick it up.

Two weeks later, he purchased an identical weapon at another Las Vegas gunshop. And he returned to California with two TEC-DC9's in his possession.

Ferri's assault weapon of choice—the Miami-made Intratec TEC-DC9—is typical of its ilk. It is relatively cheap, easily concealed, holds 30- or 50-bullet magazines, and can fire as fast as a demented killer, gang member, drug dealer, or assassin can squeeze the trigger. Most sickening of all, Ferri's guns sported a special spring-loaded hellfire switch—legal even in California—that allowed them to be fired, for all practical purposes, as fast as a machinegun.

Ironically, Ferri could have bought the gun he was after in California.

This photograph shows a semiautomatic assault pistol that has been banned by the State since 1989—and yet the gun used by Ferri is simply a copy cat version of this weapon. And this copy cat version is still legal today, almost anywhere across America.

Ferri killed eight people shortly after he entered the building at 101 California Street. But he shattered the lives of scores more.

I would like to read portions of one letter written to President Clinton by Stephen Sposato, with whom I have talked on the telephone. He is the husband of a young wife who was the mother of his 10-month-old child. He was the first victim of Gian Luigi Ferri. He said:

> Recently, my beloved wife, Jody, died a brutal and unnecessary death when bullets from a semiautomatic weapon took her innocent life in San Francisco. Her right to live has been violated. Our 10-month-old daughter's right to her mother has been violated. My right to have this family has been violated. It is indeed a tragedy when a person can purchase and use a weapon that takes the lives of so many people and alters the lives of so many others, especially my dear late wife, Jody, and my daughter, Meghan Marie.
>
> The laws that permit the sale and use of semiautomatic weapons in the United States must change.

Mr. President, what further evidence than this tragedy do we need to classify semiautomatic weapons as those of mass destruction?

Mr. President, I think the answer to this question is painfully obvious. The time for action is now.

The time to impose a national ban on the sale, manufacture, and possession of all semiautomatic weapons of war that flood our streets is at hand.

When imported assault rifles were banned by the Bush administration in 1989, the number of these weapons traced to crimes by the Bureau of Alcohol, Tobacco and Firearms declined by 40 percent, while the number of crimes traced to domestic assault weapons increased. Let me provide one example of how readily these weapons are available today.

The Street Sweeper—also known as the Striker 12—is a shotgun designed and developed in South Africa as a military and police riot gun. With its revolving-cylinder magazine, it can fire 12-gauge shotgun shells in less than 3 seconds.

Importation of this weapon was banned in 1989—yet the manufacturer found a way around the ban. Today it is produced domestically by two companies. Even worse, the gun can be purchased through the mail.

This chart shows a flyer—provided to me by an official with the government of the District of Columbia—that boldly claims:

> Our customers know us as the company that fought ATF for three years to allow import of this superior weapon for them. * * * Appeal after appeal BATF said no. * * * Did we let BATF stop us delivering the goods to our customers? No! They've gotten theirs. * * * Now you can get yours!

And the gun is sold through the mail, legally, for $540.

The free flow of assault weapons across State lines and through the mail—and the resulting nationwide proliferation of such weapons—reinforces the need for strong, clear Federal laws banning all assault weapons.

When weapons of war are available over the counter, the Federal Government has no way of keeping them out of the wrong hands.

More than 10,000 guns were stolen in Los Angeles County alone in 1992. Only 200 of these have been recovered. Nearly 15,000 guns were stolen elsewhere in California. And in one case, a gun store located on 77th Street in south Los Angeles, looters made off with 1,150 guns—including nearly 600 semiautomatic weapons.

I am especially concerned that teenagers who want a weapon know today exactly where to find one. A stunning survey released last week by the Joyce Foundation found that 59 percent of all children in 6th through 12th grade said they could get a handgun if they wanted one. Thirty-six percent said they could get one within an hour. Only 30 percent of the more than 2,500 students surveyed said they feel safe going to and from school.

It is time to stop the bloodshed, Mr. President. It is time to ban assault weapons.

Two pieces of legislation address this very real problem—and two of our distinguished colleagues—Mr. DECONCINI and Mr. METZENBAUM—have fought for years to ban these weapons.

Mr. DECONCINI's bill—the Antidrug Assault Weapons Limitation Act of 1993—would ban the import, possession, sale, and transfer of 14 semiautomatic assault weapons, such as:

The AK-47 used in the Stockton schoolyard shooting in 1989; the MAC-11 used just last week by the innocent 3-year-old playing in Oakland; and the Street Sweeper and Striker 12 sold so easily through the mail.

I am sad to say, however, that manufacturers have already demonstrated how they can get around this bill: by immediately making and marketing copycat versions. The four States, including California, that have imposed statewide bans on assault weapons have seen this disturbing trend—gun manufacturers will develop copycat models, sometimes just changing the name of the gun to avoid well-intentioned State laws.

Senator METZENBAUM's bill, however, attacks this problem head on. Not only would 20 semiautomatic weapons be banned by name—but the Attorney General would be required to add weapons to the prohibited list that manifested two or more defined characteristics or functions that make assault weapons so deadly. Characteristics like detachable magazines that hold more than 10 rounds of ammunition or the ability to accept a grenade launcher or bayonet.

That will ensure that copycat models—versions of these lethal weapons—will be quickly and permanently banned. I intend to add an amendment that would exempt semiautomatic bolt action shotguns and bona fide hunting rifles whose clips do not exceed three rounds, so that hunting weapons are exempt from this legislation. Under the Metzenbaum bill, for example, both the TEC-9 and the copycat TEC-DC9 used to kill eight people at 101 California Street would be banned once and for all.

S. 653 also targets the ammunition clips that are readily available today—magazines with more than 10 rounds of ammunition would be banned.

When Ferri walked into 101 California Street, he carried with him 8 50-round clips and 4 30-round magazines—more than 500 rounds of 9-mm ammunition. That volume of ammunition can be legally purchased at any gun store in America today.

I sincerely believe it is time for this bill—the Semiautomatic Assault Weapons Violence Prevention Act of 1993—to become law.

Next Tuesday, the Senate Judiciary Committee will hold a hearing on assault weapons. Family members of the victims whose lives were lost in the San Francisco shooting, public officials concerned about rising crime, and law enforcement officers will testify. Hopefully, this will result in the committee sending the legislation to the floor of the Senate for consideration.

I was astonished to learn recently, Mr. President, that no major gun control legislation has passed Congress in the last quarter century. Not since 1968, following the assassinations of Rev. Dr. Martin Luther King, Jr., and Senator Robert F. Kennedy, has Congress been willing to restrict the flow of guns to our streets.

In that quarter-century, we have witnessed dramatically rising crime and rising fear. According to figures by the FBI, the number of people killed by guns increased 76 percent from 1968 to 1991, the last year for which figures were available.

This Congress will soon have before it an omnibus crime bill. There is no better vehicle for imposing a ban on the sale and possession of semiautomatic weapons—and the high-capacity ammunition magazines often associated with these fast-loading and fast-firing guns.

The public clearly wants such legislation. Consider the answers to three separate questions in recent polls: Asked: "Would you favor a law banning the manufacture, sale and possession of semiautomatic assault guns, such as the AK-47?"

Sixty-six percent said "yes," only 30 percent said "no."

Asked: "Do you favor stricter gun control laws?

Sixty-eight percent said "yes," only 29 percent said "no."

Asked: "In general, do you feel that the laws covering the sale of firearms should be more strict, less strict, or kept as they are now?"

Seventy percent said they should be more strict, only 4 percent said less strict.

I urge every American who is concerned about the flood of weapons on our streets to write to Washington, DC. Write the President, the Attorney General, your Senator, and your Representative in Congress.

Voice your concern, express your fears. Only with the loud push of public opinion will this legislation ever, I believe, become law.

It really comes down to blood or guts. Those are the options that Congress must choose between very soon: Between the blood of innocent, terrified people, of children, of those mowed down at work, at meals, at play by semiautomatic assault weapons, or the guts to ban these insidious weapons of war from our streets once and for all.

The people of my State and the victims of horrendous crimes, such as the murderous rampage at 101 California Street, ask for your support. It is time to stand firm and outlaw these weapons of war.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The time of the Senator from California has expired. Who seeks recognition? Does the Senator from California suggest the absence of a quorum?

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from Michigan, Mr. RIEGLE, who is recognized to speak for up to 45 minutes. There is 36 minutes remaining on the allocation of time.

A HEALTH CARE DILEMMA

Mr. RIEGLE. Mr. President, I know Senator REID, of Nevada, has already spoken this morning on the issue of the health care crisis facing America. He earlier this morning told a story about a family in his State facing a very difficult health care situation.

I have been coming to the Senate floor now for many months to do that as well, to describe the case situations of individuals and families in Michigan who are struggling to cope with, in many cases, nearly overwhelming medical problems and difficulties and, yet, not being able to get the affordable health insurance and the protection they need either for themselves or for members of their family.

Today I am going to tell the story of another family in Michigan. Later in the morning, Senator KENNEDY of Massachusetts and Senator KERREY of Nebraska will also be joining this discussion to talk about individual case situations in their State that they are attempting to help with and which also illustrate the terrible dilemma facing millions and millions of people across our country.

Today the story that I want to share with colleagues, and the country generally, is that of Mark and Wendy Elmore. This is a young couple who live in Hartland, MI. Wendy, as I will describe here, has gone through a terribly traumatic set of events, and she now is in a situation where she faces special health care needs for the rest of her lifetime. There is not only the difficulty and the cost of getting that life-sustaining help, but also she is in a situation where she is covered now by her insurance, as I will describe, but should she ever try to change jobs or if something should happen that she should lose her job, the ability to get replacement insurance is virtually impossible under today's rules and regulations in the insurance industry.

This is a case where insurance companies do not want to have to insure her if they could find a way not to because of her special needs and the cost of the help that she needs. That will create for her, and has created for her now, what we call job lock; that is, while she has coverage at the present time through her current job situation, if anything happens to that job, she will not be able to get replacement coverage in any way that I am able to see.

Let me just describe their story, because while it is one of countless thousands in the country, it is their story and it is a very touching one. It illustrates the dilemmas that people are facing everyday in America.

The health care issues that she faces come after two very devastating events that have happened in their lives recently. They were expecting a child and, unfortunately, the child came 2 months premature. There was a need for an emergency Caesarean section delivery, and the child died shortly after its birth.

During the Caesarean section procedure, Wendy's doctors discovered a medical condition which she had which will require life-long medical attention for her. They discovered that Wendy had a congenital birth defect of her own that caused her large intestines to dislodge during pregnancy, cutting off the blood supply within her own body. This resulted in gangrene setting in and an infection in her large and small intestines.

They were able to save Wendy's life with an emergency procedure for her, but her intestines had to be removed in the process.

These are hard things to talk about, but we need to talk about them because we need to understand the problems that American people are facing.

So here this couple, expecting one day the very happy arrival of a child, instead find that they go into this sequence of terrible difficulties—the baby comes prematurely, they lose the baby, the mother finds she has this terrible difficulty and has to go through a very serious medical procedure, and she comes out of that with very special ongoing health care needs of her own.

I wish to describe those health care needs because they go right to the problem of how she is going to pay her bills in the future and get the health care protection we want her to have and that she deserves to have.

Before I do, I wish to say this is their story but it could be anybody's story. This could happen to anyone at any time. In this form or a different form, we could have a situation where an event occurs and despite good preventive care somebody can be thrust into a situation where they are unable to handle it if they do not have a comprehensive insurance plan to help them.

Obviously, the whole idea of having an insurance plan is to create a pool of people in that plan where everybody contributes something toward the cost of care, knowing that only a small number of people in the large group are going to run into extraordinary problems that may prove to be very expensive.

But that is the whole insurance concept—everybody puts in a small amount to have the protection for everybody because we do not know where those serious problems will fall. We can all have protection by banding together within an insurance system.

Coming back to the story of Mark and Wendy, this has been an extremely difficult time for them. Not only have they been dealing with the grief of losing their baby but they are also having to cope with a drastic change in their lifestyle and work situation resulting from Wendy's now ongoing medical condition.

The nature of this problem that developed in the removal of her intestines creates a situation where Wendy no longer has the ability to process food in the normal fashion. As a result, there is a lifesaving and life-preserving process where you have to receive special nutrition through a feeding tube for several hours a day. She is going to need that the rest of her life.

By getting this special nutrition through a feeding tube, she can then lead some semblance of a normal life. It does not involve having to be in bed all hours of the day. She can get up, and she can move around. She can work, and so forth, but only on the basis of receiving this special food supplement that she gets through a feeding tube. It is obviously a liquid formulation, and it is called total parenteral nutrition. TPN is the official name for it.

This particular feeding formulation that comes in a liquid form and that can help sustain life for people with these kinds of problems costs over $300 a day—just for this feeding supplement in order to stay alive, $300 a day. When you think about that, that is $110,000 a year just for this feeding supplement.

And you might say, well, how does anybody cope with this? That is precisely the question: How does anybody cope with it? Because this is something that happens. It happens to a certain number of people in our country. We want to have a situation where, if it happens to one person or happens to a number of persons, we have a way in which to deal with that problem, both from the point of view of them being able to protect themselves and some broader sense of a fair way for us to help look after each other in this society because we care about everybody in our country.

It is obvious that the Elmore family cannot afford to purchase this TPN formulation on their own. Yet without it, very frankly, Wendy would die of starvation because she would not be able to get food in the form in which she can take and digest it and draw strength from it.

As I said earlier, this is a treatment that could be given to her and that she can live indefinitely with and, in fact, work each day and provide for herself, which she is doing.

Now, in terms of their insurance situation, Mark has insurance through his local carpenter union for himself and for Wendy. While her employer provided health insurance, Wendy had not subscribed through her employer to get coverage because she was covered under her husband's policy through the carpenters' union.

But a snag develops—and that is in her husband Mark's insurance policy. It covers all of the services required when somebody in his family is in the hospital and the doctors' charges when they are in the hospital, but once they are out of the hospital, if they need what are called outpatient prescription drugs, his coverage does not extend to that. And, of course, that is precisely the need in her case now because, once out of the hospital, she can get into a maintenance kind of situation and function but only on the basis of receiving this special food supplement that costs $300 a day. Because that is considered a prescription, Mark's insurance company was going to deny coverage for that cost once Wendy left the hospital.

So then they ran into a situation where the hospital was unwilling to discharge Wendy until they knew she had some way to get this liquid feeding supplement because they knew she would not survive without it. They were caught in a situation where she was ready to leave the hospital, yet could not leave the hospital because they had no way to know how this feeding supplement would be paid for to keep her stable and alive.

Eventually, Mark's union agreed to pay for this treatment until she could apply for coverage in her own right with her employer during the next open enrollment period. Mark's union realized it would be more cost-effective to pay for Wendy's outpatient treatment for this TPN feeding supplement each day than it would be if she were to remain in the hospital and have to be cared for at a far more expensive level of care. The union decided the insurance people would, in fact, cover the TPN for her because it was less costly.

She has had one fortunate development along the way in the midst of all of this terrible difficulty. Wendy's employer has now switched to a new group health insurance policy that covers prescription drugs. Wendy's employer, which has over 200 employees, has the power to buy group coverage. This has prevented Wendy from being denied coverage due to her condition.

I might say, had she worked for a much smaller firm with maybe 10, 20, 30 people, they would not have had the broader coverage and she probably would not have been able to get that kind of coverage and, in all likelihood, would still be back in the hospital at a much higher cost per day because there was no way to step up to and deal with that problem.

Now she is getting the food supplement each day and she is trying to live a normal life. She is, of course, out of the hospital and the costs, while high, are lower than they would be otherwise. Wendy and Mark are struggling to put their lives back together and go on as any of us would in that situation.

But it means that Wendy is locked into the job that she now has. There is no way in which she could change her job and go somewhere else because she has what is called a "preexisting condition." If she were to need to move somewhere else to take another job, the new employer would not want to take her into their insurance plan because she has this very expensive condition. And so she faces this condition that we call "job lock."

Now, obviously, if she were to lose her job—a lot of places in Michigan are closing; many are going to Mexico and other places and the jobs are disappearing—she could be forced into the situation of having to seek a job through no choice of her own and find that she would not be eligible to get another job because no one would want to take her. She would not fit into the insurance pool at the other company because they would not want to have to pick up the special charges for this feeding supplement that she needs each day.

Now she has to live with that anxiety.

So, in addition to having the medical condition, as terrible as that is to go through, the difficulty each day of taking this liquid feeding supplement just to be able to survive and function, she also has to live with the anxiety of losing her job. She would be thrown back into a catch-22 where there is no way to receive the care she needs. So, unless they were to go into an absolute poverty situation and become eligible for Medicaid and strip themselves of all their assets and everything else, there is really no way to see how that would be done.

We need a plan in America for health care that can deal with all kinds of problems, including this kind of problem. The job lock problem that I spoke about could happen to anybody. It could happen to your daughter or son, or mine, or our neighbor, or someone else.

We have to be in a situation in this country where people have the ability to be in an insurance protection program in which they are participating in a way that when these kinds of events strike there is the kind of response that we need, to make sure that people can live, and live in dignity, and can function and meet their daily responsibilities.

President Clinton and First Lady Hillary Rodham Clinton have taken the lead to formulate a national health reform program that will deal directly with problems like this. I want to once again thank them for their leadership on this, both in the campaign last year and now working in an aggressive way all year long through a very tightly-focused task force effort to come up with a health care reform program. They will be ready shortly to unveil that, and within it have provisions that will enable people not only to get insurance, but to be able to keep their insurance and to know that if they have to change jobs, they will be able to take their insurance with them; that they will not become uninsurable or forced out of the system or turned into somebody that nobody wants to help because they have a preexisting medical condition.

That is one problem we will solve in this health care reform package. It will provide a kind of peace of mind for families and for workers to know that the most basic health needs, even questions of one's own survival, can be met within a health care system that is fair and balanced and affordable and always there.

This is one case. There are many, many more. I know my colleague from Massachusetts is going to talk about one that he is familiar with. I yield the floor at this time.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I want to say how moved all of us are by the stories of the Senator from Michigan. Many of us ask about what health care and health care reform is going to be all about. I think he has stated it very eloquently when he said in very simple, understandable, and compelling terms that the kinds of human tragedies that he has described today, and on so many other occasions, that are affecting the people of his own State and are replicated in every community across this country, are going to be addressed.

I know he must have had the occasion, as I have, when after having the hearings in towns and communities across Michigan or Massachusetts—and we hear the most heartrending stories—to run into a newspaper person or some of the organized groups representing insurance industries or other groups. They often tell me that you can find three people in Massachusetts with those kinds of conditions, but their plight is atypical. I think stories like his stories of mainstream Americans.

We understand that the kind of program that we will support will address these needs, and do it in a comprehensive way. I am sure the Senator from Michigan, like me, when that legislation is passed and the President signs it, the first question that we will get is, why did it take so long? At least we will know then that we have really come to grips with one of the most compelling needs of working families across this country.

Mr. RIEGLE. Will the Senator yield for one comment?

Mr. President, I want to just take a moment and say that the Senator from Massachusetts has been out front on the health care issue longer than any other person on the national scene that I know about. He offered health care reform proposals, comprehensive health care reform proposals, fully 20 years ago; and has probably given more powerful remarks and held more hearings, has pressed harder for this issue than anyone else I know in the country.

So it is greatly to his credit that we now see an awakening in America to the need to do this, and we have a new President that is following that leadership given by the Senator from Massachusetts [Mr. KENNEDY], over all these many years.

He has been a giant in this area, as in many others. It is important that that be acknowledged because other people come forward and talk about this issue, and it is now a much more popular issue and in the center of the radar screen. But the person more so than anybody else that has kept this issue in the forefront and helped force it to the center of the radar screen is the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from Michigan. I know he looks forward, as I do, to the day that we will be on this floor and take whatever time it takes to address that central need.

When we do pass it, this will go down, I think, as the Senator from Michigan does, with Social Security, Medicare, as perhaps the most important social program that we have addressed. I look forward to working closely with him on that measure, as we have worked closely on this for a number of years together, as the Senator is a key member of the Finance Committee and I a member of the Labor and Human Resources Committee.

Mr. President, I want to mention here today some very compelling testimony.

FACES OF THE HEALTH CARE CRISIS

We have all been hearing from our constituents on the issue of health care reform. Problems of security, affordability, and quality of coverage pervade the stories I hear across Massachusetts. These are the problems which we must address with comprehensive health care reform.

In every corner of every State, citizens from all walks of life are staggering under the impossible burden of a failing health care system that no longer serves the needs of the people.

In Massachusetts, I hear about the shortage of primary care providers from citizens in the Berkshires and the Cape; I hear from families in Springfield and Worcester about the high cost of health insurance; and I hear from factory workers in Lowell and Lawrence worried about losing their existing insurance coverage.

They are all sending the same message: They want a better system, and they want it now. Frankly, all Americans deserve better. It is up to us to achieve this goal by passing a plan for comprehensive health reform.

Families pay for rising health care costs in many ways—lower wages, higher deductibles, less income to spend on essential needs like food on the table, the mortgage on their home or education for their children.

We pay for excessive health care inflation in other ways. Out of control costs hamstring the economy, increases the deficit, and lowers productivity.

Dollars that should be going to economic growth are being siphoned off by health costs, with little or nothing left for higher living standards, or investment in pressing social needs like education.

In Massachusetts, 700,000 citizens are uninsured, and the number has grown by 40 percent in the past 3 years. The average family spent $2,100 on health care in 1980. Today, that figure is $5,300. By the year 2000, it will be a staggering $12,000.

Across the country, 37 million Americans are uninsured today, and more than 60 million will be uninsured at some point during the next 2 years.

Two decades ago, health costs were only 7 percent of the economy and 7 percent of the Federal budget. Health care now costs 14 percent of the economy and 17 percent of the Federal budget.

Hard-working families who believe in the American dream are suffering under these burdens. I recently met Francine Wilson of the Logan Dispatch Co. in Boston. She and her husband have worked for years to build their family trucking business. In May, Francine testified before the Labor and Human Resources Committee that the rising cost of health insurance has forced her to cut salaries for her employees, delay payments on delivery trucks, and fall behind on her rent.

She and her husband have struggled to find insurance to cover their small work force, as well as their own family, with affordable premiums and reasonable deductions and copayments.

After early false hopes and a short-lived period of coverage under an experimental State program, they have had little success in finding and keeping reasonable coverage. They are currently operating at a loss simply to maintain the exorbitant plan they were able to obtain.

With three active sons, she constantly worries that the medical costs associated with a sudden emergency, or even routine preventive care, could render their years of hard work meaningless.

All this, on top of the everyday struggle to maintain a successful small business that serves an important need in the community. The Wilsons' story is discouraging. Unfortunately, it is far from unique.

The current crisis is causing pervasive concern among people at all income levels and in all sectors of the country about access to essential health care.

Even those who have affordable insurance today are concerned that it will not be there tomorrow if serious illness strikes. Lose your job, and you can lose your coverage. Change jobs, and you can lose your coverage.

Become ill, and your coverage can be cancelled or your premiums doubled. The result is that needed care is being delayed or denied because of lack of insurance.

This lack of stability is especially troubling for Susan and A.J. Fountain of Franklin, MA, who are raising three small children without health insurance. Susan's job as a night cashier in a department store does not offer benefits. After paying the mortgage and utility bills and putting food on the table, the Fountains do not have the extra $256 needed to cover the half of the monthly insurance premium not paid by A.J.'s employer.

The Fountains consider themselves fortunate that this is the extent of their problems. They both have steady jobs. Susan has a pediatrician who provides her with free samples of prescriptions when he can. Their pediatrician bills his low-income patients on a sliding scale but, even at a combined income of $35,000, the Fountains do not qualify for reduced rates.

Their 7-year-old daughter, Meghan, does not qualify for the Massachusetts Healthy Kids Program, which currently allows 10 office visits and 100 dollars' worth of prescriptions for children 6 and under. The younger two children suffer from chronic ear infections, and have already exhausted their prescription allowances for the year.

Four-year-old Emily suffered injuries twice last summer that required stitches. On a recent visit to the mall, 2-year-old Lisa fell and broke her arm. But what we might think of as ordinary childhood spills turns into a financial nightmare for the Fountains, as an emergency room visit and a few stitches add up to create a seemingly unmanageable financial burden.

Susan and A.J. cannot afford a regular physician themselves—their children's health needs take priority, and they don't have enough to cover even those costs. A.J. has not been to a doctor in over 10 years, and Susan seeks medical care only in an emergency. They pray that their children stay well so the family can continue to hold on, but the threat of financial ruin is always lurking.

Until comprehensive health reform is achieved, families and children like this will continue to suffer unfairly under a system that simply does not work.

For the sake of the Wilsons, and the Fountains, and the millions of citizens just like them—struggling to make a living and provide for their families—we must act. A health care system should work for people, not against them.

Comprehensive health reform is the only realistic answer. I look forward to President Clinton's plan and to prompt action by Congress. The administration is committed to reform. The American people deserve it. And Congress must provide it.

I want to tell the stories of two families in my State of Massachusetts, and one that testified—Francine Wilson, testified on May 20, 1993. Her testimony is very compelling.

Mr. President, I ask unanimous consent that her full statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF FRANCINE WILSON, LOGAN DISPATCH, INC., EAST BOSTON, MA

Senator Kennedy and members of the Committee, I would like to thank you for the opportunity to speak here today. My name is Francine Wilson. I own a small trucking company named Logan Dispatch, Inc. It is located at Logan International Airport in East Boston, Massachusetts, where I also reside. We pick up and deliver air freight within a 50 mile radius of Boston.

I started the business in 1987 as a courier service with a small van. In late 1988, my husband left his job where he had worked for 18 years as a truck driver and office manager. We then purchased another large truck and obtained some new accounts. Since 1987, our company has grown every year. We incorporated in January 1990. We are a family business which now employs five full-time and three part-time employees. My title in the corporation is vice president. My duties as office manager include all bookkeeping, dispatching, customer service, billing, and all other office procedures. When necessary, I also make pick ups and deliveries.

I'm the one who buys health insurance for our employees, so I know first-hand the problems we have with health insurance. The reason I'm here today is to stress how hard it is for small businesses to get insurance and, once we get it, how we have to struggle to pay for it. I'm here to tell you that we need an affordable health care program which would enable all businesses to provide insurance.

In 1988, when my husband left his job, we were left without health insurance. We were unable to afford it on an individual basis and the company was unable to purchase it for us because it was struggling to meet its expenses. Also, I was told by many health plans that they do not sell health insurance to small businesses with less than ten employees.

During 1989, one of my sons had an accident on his bike. He dislocated his elbow and had to go to therapy for a couple of months. The medical expenses were running high, so I made an agreement to send payments on a monthly basis, which I did. But they say they did not receive payment on time so they turned my account over to a collection agency. I have four sons and they are involved in all kinds of sports. During 1988 through 1990, I had to be very selective as to what sports they could play without health insurance coverage. The fear of my family becoming ill was a daily worry for me, as was the thought of losing the home and business that I worked so hard for to medical expenses. In October 1990, I was told that there was a health plan for small businesses just like ours called The Neighborhood Health Plan in Dorchester, Massachusetts.

The letter the Plan sent us stated that this was a state-subsidized program and, unlike other plans, it wouldn't turn you away or one of your employees has a medical condition. So as of December 1990, we became members of this plan at a rate of $920.07 per month for three family policies. Although this was still a major expense, we had to get health insurance, and this was the only plan we could find.

Sometime during the month of April 1992, I received a letter from The Group Health & Benefits Administrators stating that they would no longer continue coverage of this Health Plan and that, as of May 1992, we would not be insured by the plan. I did not know what to do. The last week of April, I received a call from the Massachusetts Businessman's Association, Inc., saying that they would cover Logan Dispatch, Inc., at a rate of $1439.79 per month for three family policy plans. For fear of losing health insurance altogether, I was forced to buy this insurance. So, as of May 1992, we have been covered by this plan, with an additional increase of $90.00 a month since January of 1993.

We find it very hard to come up with the money to make our health insurance payments. During the past few months, the employees of the company have had to take a $100 a week cut in pay to help pay this health insurance premium. With the economy not so good and the kind of business we operate, cash flow is a real problem. In order to make payroll and pay health insurance, I am forced to make late truck payments. We recently lost a credit card for fuel to operate until we pay our balance due in full. We have been paying for fuel and tolls out of personal pocket money.

We have also fallen behind on the rent in the building where we operate our business, which the owner has generously offered to let us work off by cleaning the property and by moving furniture for him to various locations. Payroll, taxes, and health insurance are our priority. Unfortunately, other expenditures are secondary.

We need a national health care program that covers everyone, no matter what their financial or medical situation may be. Many small businesses are failing due to the problems I have outlined.

We struggle every day to keep our business going. It is time for change. We need your help. I speak as a small business owner trying to make ends meet.

As a child, I dreamed of owning my own home and business and I succeeded. I also thought that people who had the American dream were well-off financially. It has been such a struggle to keep all that I strive for that I have come to realize it may be only a dream.

We small businesses need help. The United States of America is people having a chance to make a better life for themselves. Middle class Americans are stuck, not making enough money for health insurance not to be a burden, and making too much money to be considered poverty level so that health insurance is free. It should be considered a necessity, not a luxury, to have health coverage. Thank you.

Mr. KENNEDY. This is Francine Wilson who owns the Logan Dispatch Co. in East Boston, MA:

I started the business in 1987 as a courier service with a small van. In late 1988, my husband left his job where he had worked for 18 years as a truck driver and office manager. We then purchased another large truck and obtained some new accounts. Since 1987, our company has grown every year. We incorporated in January 1990. We are a family business which now employees five full-time and three part-time employees. My title in the corporation is vice president. My duties as office manager include all bookkeeping, dispatching, customer service, billing, and all other office procedures. When necessary, I also make pick ups and deliveries.

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We hear a great deal about the impact of the President's program on small business. Here is a real small business, five employees, unable to be able to get health insurance:

During 1989, one of my sons had an accident on his bike. He dislocated his elbow and had to go to therapy for a couple of months. The medical expenses were running high, so I made an agreement to send payments on a monthly basis, which I did. But they say they did not receive payment on time so they turned my account over to a collection agency.

One of the fastest growing businesses in this country are collection agencies.

I have four sons and they are involved in all kinds of sports. During 1988 through 1990, I had to be very selective as to what sports they could play without health insurance coverage.

Imagine a working family in this country with all of those young children, making the decisions about whether those children would be able to play sports in school or do the kinds of activities that every young American ought to be able to do, because in the parents' minds they are concerned, and legitimately could so, about whether some accident will take place.

The fear of my family becoming ill was a daily worry for me, as was the thought of losing home and business, that I worked so hard for to medical expenses.

We hear a good deal about the cost of health care. I doubt if we are going to hear much about the emotional drain on working families. Are we going to put a dollar figure on that?

This family, every single day, worries about their children and about whether their business is going to be taken, or whether their home is going to be taken.

In October 1990, I was told there was a health plan for small businesses just like ours called the Neighborhood Health Plan in Dorchester, Massachusetts.

The letter the Plan sent us stated that this was a State-subsidized program and, unlike others, it wouldn't turn you away or one of our employees who has a medical condition. So, as of December 1990, we became members of this plan at a rate of $920 per month for three family policies. Although this was still a major expense, we had to get health insurance, and this was the only plan we could find.

Sometime during the month of April 1992, I received a letter from the Group Health and Benefits Administrator stating that they would no longer continue coverage of this health plan and that, as of May 1992, we would not be insured by the plan.

Here is a decision by the company saying: You are out, you are off, you are gone. Insurance companies. They had been paying a premium of almost $1,000 a month for a family of three; That is $12,000 a year. The company says: You are gone, you are off.

I did not know what to do. The last week of April, I received a call from the Massachusetts Businessman's Association, Inc. saying they would cover Logan Dispatch at a rate of $1,439 per month for a three family policy plans.

Fourteen hundred dollars a month for the coverage of the three family policy.

For fear of losing health insurance altogether, I was forced to buy this insurance.

This is not a competitive situation where we are finding one like you go down and buy a car, buy one car or another. This is desperately needed. This family does not have any alternatives, and they pay top dollar for it.

So as of May 1992, we have been covered by this plan, with an additional increase of $90 a month since January of 1993.

They jacked up the price, and they did not have any control over it.

> We find it very hard to come up with the money to make our health insurance payments. During the past few months, the employees of the company have had to take a $100 a week cut in pay to help pay this health insurance premium. With the economy not so good, and the kind of business we operate, cash flow is a real problem. In order to make payroll and pay health insurance, I am forced to make late truck payments. We recently lost a credit card for fuel to operate until we pay our balance due in full. We have been paying for fuel and tolls out of personal pocket money.
>
> We have also fallen behind on the rent in the building where we operate our business, which the owner generously offered to let us work off by cleaning the property.

This is a hardworking family who started a small business, being driven under, working 7 days a week, 52 weeks a year. Now they have to clean up that building where they garage their trucks, in addition to trying to operate a business.

> Payroll, taxes, and health insurance are our priority. Unfortunately, other expenditures are secondary.
>
> We need a national health care program that covers everyone, no matter what their financial or medical situation may be. Many small businesses are failing due to the problems I have outlined.

We hear a great deal of what is happening to the small businesses. Here is one, and this is more typical than not.

> We struggle every day to keep our business going. It is time for change. We need your help. I speak as a small business owner trying to make ends meet.
>
> As a child, I dreamed of owning my own home and business, and I succeeded. I also thought that people who had the American dream were well off financially. It has been such a struggle to keep all that I strive for that I have come to realize that it may only be a dream.
>
> We small businesses need help. The United States of America is people having a chance to make a better life for themselves. Middle class Americans are stuck, not making enough money for health insurance not to be a burden, and making too much money to be considered poverty level so that health insurance is free. It should be considered a necessity, not a luxury, to have health coverage.

Mr. President, we will hear a lot of testimony, and we should, from people all over this country, and from the small businesses. But rarely will you hear something as powerful and as eloquent as the comments of that family.

It should be a continuing reminder that every day we let go by failing to address this issue is another day of pain and anxiety for that family and millions of others. It is another day of bankruptcies for those small businesses. And that is what this whole issue is clearly about.

Mr. President, there is one other family that I mentioned briefly. I see others that want to speak. I will just take a final few moments of the Senate's time.

This is Susan and A.J. Fountain of Franklin, MA, who are raising three small children without health insurance. Susan's job as a night cashier in a department store does not offer any benefits. After paying a mortgage and utility bills and putting food on the table, the Fountains do not have the extra $256 needed to cover the half of the monthly insurance premium not paid by A.J.'s employer.

The Fountains consider themselves fortunate that this is the extent of their problems. They both have steady jobs. These are hardworking American families. Both of them have steady jobs. That is fortunate in Massachusetts and fortunate in Michigan. They have steady jobs.

Susan has a pediatrician who provides her with free samples of prescriptions when he can. Is this not wonderful, that an American family looking out after your children, has to get free prescriptions?

Their pediatrician bills his low-income patients on a sliding scale, but even at a combined income of $35,000, the Fountains do not qualify for reduced rates.

This is a working family, unable to buy their health insurance, paying exorbitant rates, even when they can get it, and now they are not able to even get whatever lower rates available in terms of physician fees they might otherwise be eligible for. Their 7-year-old daughter, Meghan, does not qualify for the Massachusetts Healthy Kids Program, which currently allows 10 office visits and $100 worth of prescriptions for children 6 and under. The younger two children suffer from chronic ear infections and have already exhausted their prescription allowances this year.

Who is to tell when a child is going to be sick? They have exhausted all of that limited program's benefits.

Four-year-old Emily suffered injuries twice last year that required stitches. On a recent visit to the mall, 2-year-old Lisa fell down and broke her arm. But what we might think of as ordinary childhood spills turns into a financial nightmare for the Fountains, as an emergency room visit and a few stitches add up to create a seemingly unmanageable financial burden.

Susan and A.J. cannot afford a regular physician themselves—their childrens' health needs take priority. God bless them. They make the choice of looking out after those children rather than themselves. What parent would not? That is what is happening. They do not have enough to cover even these costs to provide for the stitches and to provide for setting their child's arm.

A.J., the father, has not been to a doctor in over 10 years. Susan seeks medical care only in an emergency. They pray that their children stay well so the family can continue to hold on, but the threat of financial ruin is always lurking.

Until comprehensive health reform is achieved, families and children like this will continue to suffer unfairly under a system that simply does not work.

For the sake of the Wilsons, the Fountains, and millions of citizens like them—struggling to make a living and provide for their families—we must act.

A health care system should work for people, not against them.

Comprehensive health reform is the only realistic answer. I look forward to, as my colleagues do here do, the President's plan and for prompt action in the Congress. The administration is committed to reform, the American people deserve it, and Congress must provide it.

Mr. RIEGLE. Mr. President, I thank the Senator from Massachusetts both for his statement and for his long leadership over the years, which I mentioned earlier.

I just want to say, before yielding to the Senator from Nebraska who is on the floor, that when this issue comes to the floor, we cannot have another one of these filibusters thrown in our face, which we have seen now on a host of other issues. We are seeing it presently on the national service issue. We saw it earlier this year on the job stimulus issue, where we are trying to get some lift into the economy and trying to see to it there are more jobs, particularly in the areas where the unemployment is the highest.

In issue after issue, we have been running into blockages to prevent anything from happening. I just want to say here and now I do not want to see that, and the American people do not want to see that on health care reform. We do not want to just see that blind obstructionism and people digging in to prevent anything from happening in this area of such great national urgency.

So, this will be still another test coming down the road. And if history, recent history is a guide, you know, we will see some people, I am concerned, over on the other side of the aisle trying to block any action on serious health care reform.

I think the American people are not going to tolerate that, and I would hope that the Senate would rise to the occasion if we run into those kinds of obstructing tactics that we have seen on every other issue, that they will be seen for what they are, and we be able to fight our way through this because this is an issue whose time has come. We need national health care reform and the Congress and President together need to act to get it done.

Mr. President, I acknowledge as well the leadership of the Senator from Nebraska on this issue. When he was Governor of Nebraska he had a great interest and concern and made very important leadership initiatives with respect to health care needs of the people of his State. He has spoken on those issues here at the Federal level, pressing for comprehensive changes in our health care system. I am very pleased that he is here today to talk about some of the situations that face people in his State of Nebraska.

Mr. KERREY. I thank my friend from Michigan.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. KERREY. I will, obviously, go quickly.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. RIEGLE. I ask unanimous consent that an additional time be granted for the Senator from Nebraska to make a statement that he is now prepared to make.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I believe I was to be recognized at this point for 1 hour.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. How much time does the Senator need?

Mr. KERREY. If I could get 10 minutes.

Mr. BYRD. Mr. President, I will not object to this request. But I will object to any further requests.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska is recognized for 10 minutes.

Mr. KERREY. I thank the President pro tempore.

FACES OF HEALTH CARE

Mr. KERREY. Mr. President, very often in this health care debate as in life, indeed, the most important thing is to figure out the right question. What questions do we need to answer in order to decide what it is we are going to do?

I take considerable pride in noting that neither the distinguished Senator from Michigan nor the distinguished Senator from Massachusetts came to the floor and said the problem here is the American Medical Association, or the health insurance companies, or the pharmaceutical companies, they did not come to the floor to say that some organization out there is causing the problem.

I believe they focused on the right questions which are: How does someone become eligible in this instance? How do we know with certainty we are going to be covered, or you are going to be covered, or someone else in this country is going to be covered?

I believe that is the most important question.

And if, in answering the question, someone says, well, "you are covered, but" then the answer is wrong—it seems to me that the fault line in this debate at the moment is developing over that question. There are some who want to continue a system that says, "yes, you are covered, but"—and there are others, myself included, the Senator from Massachusetts, the Senator from Michigan, and many others in this Chamber as well, Republicans and Democrats, who simply want to say if you are an American you are covered, period, no ifs, no ands, no buts added to that answer.

Mr. President, as I said, I do not believe that the problem here rests with the American Medical Association, or the Hospital Insurance Association, or the Health Insurance Association of America, or any other organized interest group. But I must point out there is a campaign going on right now to try to say to the American people that here are the questions that need to be answered. And I think the campaign is off the mark.

In particular, the American Medical Association is distributing a list of 10 questions that patients should consider when evaluating and comparing President Clinton's health reform plan. Their No. 1 question, their top question, the most important question to the AMA is this: Will I be able to see my own doctor?

If the answer to the question is yes, apparently you have a terrific system. If the answer to the question is "no," apparently you have a lousy system.

I would like to talk about four people to whom that question is largely irrelevant; four people to whom the questions "Which doctor can I see?" and "Can I choose my particular doctor?" are irrelevant questions. The question, "Am I eligible?" is the most important question.

People understand that our system says, yes, you are eligible, but if you have this particular condition, if you cannot prove you are poor enough or old enough, cannot prove you are a service-connected disabled veteran, interestingly you are not eligible for payment.

The first individual from Nebraska is an individual by the name of Kelly Wilson, a recent graduate from college. She cannot find a full-time job. Why, Mr. President, why is she unable to find a full-time job?

Mr. President, Kelly is a paraplegic. So what she finds herself facing when she goes to an employer and says, "I would like to work for you," they say: "Kelly, you are qualified. We see that you have a college degree and are talented. We would love to hire you. However, if we hire you, they are going to raise our health insurance rates, going to jack up the rates for our employees, and, Kelly, we are afraid we are not able to hire you as consequence of that."

Lots of people in America are in that same position. They have some medical condition. It is not a medical condition that causes them to be unable to do the job. It is not a medical condition that affects their capacity to do the work, or their desire to do the work. It is not a medical condition that takes away from their willingness to pay for health insurance either.

Mr. President, Kelly is not asking for free health insurance. She is not asking for a free program. She wants to work.

Mr. President, the current system says, well, yes, Kelly, you are able to work and able to get health insurance. But, because you have a preexisting health condition, you find yourself struggling with many employers because they know that their health insurance costs are going to go up dramatically.

Kelly Wilson does not care about doctor choice at this stage of the game. She cannot obtain the necessary insurance to see any doctor at this stage.

Mr. President, the AMA questions also means little to the owners of a small business in Omaha, Gene and Donna Simpson. They have been trying to provide health benefits for their employees and have run into many problems in obtaining reasonably priced insurance, as small business people they find the price keeps going up.

Again, Mr. President, I am going to bring a human problem here to the table. Their bookkeeper, again someone who was qualified, someone who wanted to work, someone who was willing to pay—had a preexisting condition, rheumatoid arthritis, a fairly common problem and condition.

But, again, the insurance companies are saying, sorry, we cannot provide you with the same rates any longer, we are going to have to raise the rates for all, in order to be able to cover this single individual.

Mr. President, as Governor I passed a piece of legislation that provides opportunity for the coverage of high-risk individuals, but it does not work in this case. It does not work in this case, Mr. President. They are not able to move this individual into that higher risk pool, and as a consequence here you have an individual who wants to work, a business that wants to hire him. Again, the question is, how do you become eligible? Well you become eligible, but in this case you are not.

Mr. President, the third individual is a man by the name of Roy Medbery of Gering, NE. He was denied health coverage under his employer's plan because he has a condition called arterial veinus malformation, which causes extreme migraine headaches and may cause a stroke.

Once again, here is an individual willing to pay. Here is an individual that is willing to pay into the system and wants to work. He finds himself unable to participate in the system.

So, as a consequence, he has a job that provides $900 a month income, but not a job that provides health insurance. And when he comes to buy health insurance on his own, he is told it is going to cost him $700 a month out of $900 a month of income.

He makes too much money to be able to qualify for a program that we provide here in Washington called Medicaid. He makes too much money. He cannot qualify. He is not poor enough. He could qualify for Medicaid in a heartbeat. All he has to do is quit his job.

Once again, we say, yes, Mr. Medbery, you are eligible, but you have got to quit work. The system is rigged for this individual.

The AMA question is irrelevant. It does not mean anything to him to have any doctor's choice because he does not have any insurance. He is not eligible.

It is irrelevant to a former employee of mine, Shannon Hart. She suffers from juvenile rheumatoid arthritis, which had its onset at 12 years of age. She had insurance through her employer. But when she changed jobs, her new employer did not provide health insurance so she converted under COBRA, but her COBRA coverage is expired now. Because of her preexisting condition, she cannot afford to renew the policy. Once again, we say, "Yes, you are eligible, but you have this preexisting condition, so we are not going to pay."

She had an accident, Mr. President. Her leg was broken. She required surgery. She had 140,000 dollars' worth of bills. She is probably going to have to declare personal bankruptcy just to protect herself.

These rules that are in our current system say to Americans—your question is: Are you eligible? We answer the question, "Yes, you are eligible under the current system, but * * *."

Mr. President, I have a great deal of respect for the American Medical Association and the doctors that are trying to provide high quality care. But this question that they are putting at the top of their list—the question: Am I going to be able to choose my own doctor?—is the wrong question to start with.

Unless we come to the American people and say as a body, as a Congress, that—as health care works for us—if you are an American that we are going to provide you with health care as a right. We are going to say, as well, you are responsible—and we are going to make that change—and say you are responsible to pay and participate in cost control.

Mr. President, it is time to change the rules of the game so that we say to these four individuals and tens of millions of others just like them; Go to work, get a job, do what you want to do—you will not have to worry about health insurance any longer or worry that it will be jerked out from underneath you.

Again, I thank the distinguished President pro tempore for this time, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia for up to 1 hour.

Mr. BYRD. Mr. President, I ask unanimous consent that I be allowed to proceed for the full hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

LINE-ITEM VETO XI

Mr. BYRD. Mr. President, this is the 11th in my series of speeches on the Roman political system of divided powers and checks and balances.

When Sulla had made himself master of Rome, he asked young Julius Caesar to repudiate his wife Cornelia, the daughter of Cinna. When Caesar refused to do so, Sulla considered having his name added to the proscription lists, but he was induced by someone to spare his life; the dictator reluctantly consenting, with the rejoinder that "their sagacity was small if they did not, in that boy, see many Marius's." Caesar considered it to be prudent to withdraw from Rome to Rhodes, and he did not return to Rome until after Sulla's death.

Caesar was chosen quaestor in 68 B.C. and assigned to serve in Spain.

In 65 B.C., he was elected aedile. In 63 B.C., he was elected pontifex maximus and in 62 B.C., praetor. In 61 B.C., he became propraetor for Spain, and he led many brilliant military campaigns against the tribes until he had made the whole country tributary to Rome and sent much money to the public treasury at Rome.

In 60 B.C., Caesar requested a triumph and also asked permission to stand as a candidate for the consulship while waiting outside the city to make a triumphal entry. Cato the Younger opposed this request and "used up the last day for the presentation of candidates in speech making," thus defeating Caesar's proposition. Here we see the example of an effective filibuster in the Roman Senate 2,053 years ago.

Caesar was therefore required to abandon his triumph, on the one hand, or, on the other, to enter the city and offer himself as a candidate for the consulship. He chose to abandon his triumph, entered the city, offered himself as a candidate, and was elected consul in 59 B.C.

Meanwhile, in 62 B.C., a victorious Pompey had returned from the East after a succession of military and diplomatic achievements and, contrary to the expectations of some, who feared that he would prove to be another Sulla, Pompey disbanded his army and entered Rome with no other retinue than his own personal staff.

Thinking, perhaps naively, that the oligarchy would give him his due, Pompey pressed the Senate to ratify his arrangements that had been made in the East while he was winning victories for Rome, and also to provide land grants for about 40,000 veterans discharged from his legions.

Without an army at his back, an ungrateful Senate no longer feared him and rejected both requests. To make bad matters worse, the Senate had also offended Crassus and the equestrians by rejecting a request by the publicani to modify the terms of the contract for the collection of taxes in the province of Asia.

These events rudely dashed Cicero's hopes for a concord of the orders. Taking full advantage of the situation, Julius Caesar, in 60 B.C., formed an unofficial coalition for power sharing with Pompey and Crassus, known as the First Triumvirate. It was an important turning point on the road to one-man rule in Rome, and was caused by an intransigent and unrealistic senatorial policy which threw these three men together.

Caesar having been elected consul in 59 B.C., once in office, began to fulfill his commitments to his partners in the Triumvirate. He brought in a law to provide lands for Pompey's veterans. Then he brought in another law ratifying the arrangements that Pompey had made in Asia Minor while fighting Rome's wars there. Caesar had now forced legislation through—over the opposition of the Senate—to carry out Pompey's wishes.

Although much of Caesar's legislation was determined by the interests of the Triumvirate, he was also the author of some constructive legislation. One law, for example, provided protection for people in the Roman provinces against extortion by Roman officials. Among the innovations of Caesar, I perhaps should mention one that may be of more than passing interest to my colleagues. This was a law that provided for the publication of senatorial resolutions in a kind of "Congressional Record" to prevent the garbling of official documents by unscrupulous magistrates. This record of senatorial proceedings was also meant to bring the Roman Senate under public scrutiny. These Acta Diurna, or "daily doings," were posted on the walls of the forums. And from these walls, the reports were copied and sent by messengers throughout all parts of Italy and the outlying provinces. This again might be of interest to my friends in the Senate, in the light of recent proposals to do away with the CONGRESSIONAL RECORD, and to do away with bulk mail to our constituents. We seem to be going in the opposite direction from the direction in which Caesar was leading the Roman Senate in his time.

During Caesar's consulship, he laid the foundations for his future career by having a henchman named Publius Vatinius propose a law that was passed by the Tribal Assembly conferring upon Caesar the combined provinces of Cisalpine Gaul and Illyricum for a term of five years, ending on March 1, 54 B.C., with a garrison of three legions. In that same year of 59 B.C., during Caesar's consulship, the Governor of Transalpine Gaul—Gaul, across the Alps—died. The Roman Senate, under pressure from Pompey, added that province to Caesar's command and gave him one more legion.

Caesar had greatly strengthened his position. He not only held a proconsular command in an area that offered the prospects for his winning military laurels, but the length of that term, 5 years, also assured him of immunity, for that period of time, from any attempt to hold him responsible for unconstitutional acts perpetrated during 59, the year of his consulship.

Before he left for Gaul in 58 B.C., Caesar selected a young aristocrat, Publius Clodius Pulcher, to act as his agent during his absence. Whatever Caesar's original intention had been, his action resulted, figuratively speaking, in his tossing a firebrand into the volatile city affairs. Rarely, if ever, had such a violent demagog been seen in Rome. Clodius demolished venerable constitutional safeguards, attacked the Senate, and converted low-priced grain for the Romans into a free dole, at great cost to the public treasury. He collected gangs of thugs, disrupted the social order, and sent Cicero into exile.

Caesar was prevailed upon by Pompey, however, to pardon Cicero, but Clodius delayed Cicero's return to Rome several months by bloody riots which continued even after Cicero's arrival back in Rome.

At a meeting which took place at Lucca, in northern Italy, in 56 B.C., Caesar renewed his pact with Crassus and Pompey. They agreed that Pompey should be made Governor of Spain; that Crassus should be made Governor of Syria; while Caesar, when his 5-year term as Governor of Gaul expired, should have his term extended for an additional 5 years to March 1, 49 B.C.

Hurrying back to Gaul, Caesar crossed the Rhine in 55 B.C., for a brief show of force. In that same year of 55 B.C. Caesar invaded Britain. He returned to Britain in 54 B.C., the following year, and vanquished the Britons in battle.

Rome had known Julius Caesar as a spendthrift, a rake, and a politician, but Rome was now amazed to find that Caesar was a very able and tireless administrator and a resourceful general. Caesar also showed himself at this time to be a historian. In the midst of his vigorous campaigns in Gaul, he recorded his conquest of Gaul in commentaries, the conciseness and simplicity of which constitute one of the great classics in military literature.

By his own accounts, Caesar could be merciful and he could be brutal. For example, after he had defeated the Atuatuci, he wrote that he "had the entire population sold at auction, in one lot, and the purchaser's returns showed a total of 53,000 souls."

After the siege of Bourges, Caesar wrote that his troops "spared neither the aged nor women nor children. Indeed, from a total of some 40,000, a bare 800, who had fled at the first alarm, got through."

When Caesar began his 8-year-long Gallic wars, Rome's only communication with its holdings in Spain was along a narrow strip of the French Mediterranean coast controlled by Rome.

Using superior Roman discipline and engineering skills, Caesar attacked and defeated each independent tribe separately, and by the time several tribes allied themselves to attack Roman forces, it was too late.

Caesar's victories greatly extended Rome's enlightened influences, and paved the way, ultimately, for Caesar's seizure of power in Rome, all of Gaul, as far north as the Rhine River, had now been subjected to Rome. And for the next 300 years, Gaul remained a Roman province.

Let us pause for a moment to reflect back to 11 weeks ago, when I spoke of Rome as being a tiny, fledgling little rural community on the Tiber River in 753 B.C. Now we have seen Rome extend its dominions to include all of Italy and Spain, Gaul, the Balearic Islands. Carthage, Sicily, Sardinia, Illyricum, Macedonia, Greece, Corsica, Phrygia, Alicia, Asia Minor, Bithynia, Pontus, Syria, Judea, and Numidia. A city-state was simply not equipped to administer such a sprawling empire, and the strains on Rome's resources, as we can imagine, were great, especially on her manpower.

In 54 B.C., Pompey's wife, Julia, who was Caesar's daughter, died and, thus, severed an important bond between Caesar and Pompey.

By then, Crassus was on his way to attack the Parthians. He crossed the Euphrates River and met the Parthians at Carrhae. A superior Parthian cavalry defeated Crassus. His son fell in the battle. Crassus was withdrawing his forces, when the Parthian leader invited him to a conference. Crassus went and was treacherously slain. His head was sent to the Parthian court, and only a few thousand men in his now leaderless army lived to make it back to Syria.

A balancing force, as a result of the debacle of Crassus and his army, had been removed, for a victorious Crassus might have opposed the dictatorship of either Pompey or Caesar.

Whereas we had a Triumvirate, now we have two rivals remaining. While these two potential dictators were maneuvering for position, all of Rome was filled with the odor of a dying republic. The verdicts of juries, the offices of magistrates, and the votes of the assembly, were sold to the highest bidders, and where money failed, murder was available.

William Durant writes that crime flourished in the city, brigandage in the country, and no police force existed to control it. The lowest elements in Italy were attracted to Rome by the smell of money or the gift of corn, and any man who would vote as he was paid was admitted to the rolls, whether he was a citizen or not.

Gang warfare raged throughout Rome. We hear much today about gang warfare here in our own capital city and in other cities all over America. Clodius, we will remember, who was Caesar's agent, was murdered by a rival gang led by Titus Annius Papianus Milo, who had been engaged by Caesar's rival, Pompey.

A century of civil wars—as we have followed them from week to week, beginning in 133 B.C., when we talked about Tiberius Gracchus—a century of civil wars and revolution had broken down a selfish, arrogant oligarchy but had put no other government in its place.

We have seen the weakening of the Roman Senate. Unemployment, bribery, bread, and circuses corrupted the magistrates, the assembly, and the Senate. Rome was at the mercy of an ill-informed and passion-ridden mob, incapable of ruling itself, much less an empire.

In March 49 B.C., Caesar's term as Governor of Gaul would end, and he would be unable to run for consul until the fall of that year. In the interval, he would lose his immunity as an office holder and would not be able to enter Rome without subjecting himself to charges and trial by his political enemies. Cato, as a matter of fact, had already frankly expressed the hope that Caesar would be accused and tried and banished from Italy.

Through his friends in the Senate, Caesar proposed that he be given permission to stand as a candidate for consul in absentia. The Senate refused to consider the motion and demanded that Caesar dismiss his troops.

Caesar made a counterproposal, strange to say; he had no right to propose conditions on which he would lay down his command. But he made a counterproposal that both he and Pompey should lay down their commissions. The Senate supported the proposal, but Pompey balked at it. In the last days of the year 50 B.C., the Senate declared Julius Caesar a public enemy unless he should abandon his command by July 1 of the next year.

Things went from bad to worse. After a long debate, the Roman Senate, persuaded by Cato and others, appointed Pompey dictator and voted him the money with which to collect a large army throughout Italy.

It was expected that Caesar would require a few weeks to assemble his legions before becoming a major threat to Rome, but Caesar decided to seize the initiative and move quickly. On January 10 or 11—depending upon whether it was before midnight or after midnight—in the year 49 B.C., Caesar crossed the Rubicon, a small stream near Ariminum separating the rest of Italy from the southern boundary of Cisalpine Gaul.

Plutarch says that, before crossing the stream, Caesar stood silently for a while on its banks, reflecting on the dangers that would accompany the attempt which he was about to make, and "many times changed his opinion". Then, at last, by some sudden impulse, Plutarch says, Caesar cried out, "The die is cast," and immediately passed over the stream and reached Ariminum before daybreak and took it. The rest of his legions were expected to join him later.

All of Italy then became a state of turmoil. Bad news travels fast, and a wave of hysteria swept over Rome. Every new report was a report about the taking of this city or that city, and Pompey had no way to gain correct intelligence as to what was in fact going on. Those who lived outside the city fled from all quarters into the city, and those who were inside the city abandoned it in as much haste.

Plutarch says that Pompey took the two consuls and fled, and that "most of the Senators snatched up those things in their houses that were next at hand and joined him in the flight."

"What a miserable spectacle was the city then!" says Plutarch, "in so dreadful a tempest, like a ship abandoned by its pilots, tossed about at all adventures, and at the mercy of the winds and seas."

Caesar pursued Pompey, who, as leader of the republican forces, had sent part of his army and the two consuls across the Adriatic to Dyrrachium. Pompey sailed from Brundisium upon the approach of Caesar and joined the rest of his army in Macedonia. Caesar would have followed him, but, because he lacked the ships, he was unable to do so.

Plutarch says that Caesar returned to Rome after having reduced all of Italy "without spilling a drop of blood." Caesar then sought the keys to the public treasury, and when Metellus, a tribune, cited certain laws that were against it, Caesar said, "Arms and laws do not flourish together," and threatened to slay Metellus if he did not stand aside. Then Caesar sent for the workmen to open the doors and readily supplied himself with the resources necessary to fight the war.

He then proceeded to defeat Pompey's forces in Spain, so that he would not have an army at his back when he later would move against Pompey in Asia.

Upon his return from Spain, the Rump Senate made him dictator. This was in the year 49 B.C.

After taking certain actions, such as recalling all those who were in exile, and relieving debtors by canceling part of the interest on their debts, Caesar laid down his dictatorship at the end of 11 days. He then caused himself to be declared consul, along with Publius Servilius Isauricus, and promptly left Rome to prosecute the war.

Even though it was in the midst of winter, and Pompey controlled the Adriatic, Caesar was able, at great risks, to move his army across the Adriatic, and to engage Pompey's forces in battle.

At Dyrrachium, Caesar was defeated by Pompey. But Pompey failed to give the finishing stroke. He sent his army right up to the camp of Caesar after Caesar's defeat, but Plutarch says that, for some unknown reason, "either through too much caution or the caprice of fortune," instead of delivering the finishing stroke, Pompey sounded a retreat. That night Caesar said to his men, "This day, victory would have declared for the enemy if they had had a general who knew how to conquer."

Caesar retreated with his defeated army into Thessaly, followed by Pompey. Pompey's fleet of 500 large ships and many more smaller ones controlled the lines of supply from the sea. But he favored a protraction of the war by avoiding an all-out battle with Caesar's troops who, although they were greatly outnumbered, were seasoned veterans and supremely dedicated to Caesar.

Pompey now made a decision that would cost him his life. Although he favored the old Fabian strategy of delay, which had been used against Hannibal by Fabius Maximus Cunctator, his officer corps, made up of Senators and other aristocrats, were overly confident. They had just defeated Caesar's forces and the war should be brought to an end quickly. But Pompey thought it best to delay. He knew he controlled the lines of supply; he knew that after a little while, Caesar's forces would run out of supplies and would become famished, threatened with hunger. But Plutarch says that not a man agreed with Pompey except Cato, and they taunted Pompey with aspersions of cowardice. Piqued by these reproaches, Pompey, against his own better judgment, gave the order to do battle.

As the battle lines were forming on the plains of Pharsalia, Caesar saw a trusty centurion, and calling him by name, said, "What cheer, Caius Crastinus? How, think you, do we stand?" "Caesar," replied the veteran, in a bold accent, and stretching out his hand, "this day you will gain a glorious victory. As for me, whether alive or dead, I shall deserve the praises of Caesar."

So saying, the centurion departed and led his company with great daring, pressing the enemy with great fierceness, until one of Pompey's men saw him approaching and waited to receive him, thrusting his sword into his mouth with such force that it went through the nape of his neck. Crastinus was killed, but Caesar's troops were victorious.

The battle of Pharsalia was fought on August 9, 48 B.C. Pompey and his forces were routed, after which Caesar took over Pompey's camp and killed those left in charge of it, most of whom were slaves. Pompey then fled to Larissa, where he took a ship to Egypt, having been joined by his wife Cornelia and his son.

Pompey was treacherously stabbed to death by the Egyptians when he set foot on the Egyptian shore. His assassination was in full view of his wife, who had remained on the vessel that had transported them to Egypt. She was able to escape the pursuing Egyptians only with the help of a brisk gale. Thus, Mr. President, was the sad end of Pompey the Great.

Caesar pursued Pompey to Egypt but, of course, arrived too late. Caesar became involved in a war with Ptolemy XIII, the result of which was the defeat of Ptolemy and his death by drowning, and the establishment of Cleopatra VII, Ptolemy's sister, and now Caesar's mistress, on the throne as Queen. Plutarch tells us that Cleopatra later bore Caesar a son named Caesarion.

Plutarch also tells us how Cleopatra was removed from the city by Photinus, the Egyptian vizier, and how, in the dusk of evening, she returned to the city in a small boat and rolled herself up in a carpet and was carried like a bale of goods by Apollodorus, a Sicilian, through the gates of the palace to Caesar.

After Caesar defeated the Egyptians, he proceeded into Asia Minor, where he defeated Pharnaces II, the son of Mithridates VI Eupator, at the battle of Zela in 47 B.C. This was the battle that occasioned the famous boast by Caesar, "Veni, Vidi, Vici—Wane, Wede, Weke"—"I came, I saw, I conquered."

At Thapsus, on April 6, 46 B.C., Caesar met and defeated the combined forces of Metellus Scipio, Cato, Titus Labienus, and Juba I, the King of the Numidians. Juba committed suicide after the battle. Scipio fled and later died in an engagement at sea. But Cato managed to escape with a portion of his army, to Utica, which is just a bit northwest of Carthage.

Later, Cato's officers wanted to defend Utica against Caesar, but Cato persuaded them that it was impossible. He urged all Romans to flee, and he offered to provide funds for their flight. But he urged his own son to submit to Caesar. Cato, for himself, however, rejected both courses.

Upon Caesar's approach, Cato spent the evening in philosophical discussion, then retired to his room and read Plato's Phaedo, a dialog on the immortality of the soul. His friends, suspicious that Cato would kill himself, removed his sword from his bedside. Cato demanded that it be returned, and it was sent back into his room by a little boy. Cato examined the sword, found the point and the edge good, and then said: "Now I am master of myself."

Then Cato picked up the book again and read it some more, after which, Plutarch says, he slept until about midnight. When he awakened, he called two of his freed men, Cleanthes, a physician, and Butas. He asked Butas to go to the port and determine whether or not all of the Romans had gotten off to sea, and to bring him word. When Butas returned and informed him that everyone had gotten off, with the exception of one individual who was briefly detained by personal business, Cato fell again into a light slumber.

And then, as the slender golden fingers of dawn began to pierce the black veil of the night, and the birds began to sing, Cato drew the sword and plunged it into his abdomen. His friends rushed into the room, and the physician began to sew up the wound. But as Cato came a little to himself, he thrust the physician away, tore open the wound and expired immediately.

Cato died when he was 48 years old—a man whose constitutionalism was a mixture of stoicism and old Roman virtues, a constitutionalism that was genuine.

Caesar returned to Rome in the fall of 46 B.C., where a frightened Senate voted him the dictatorship for 10 years. Two years later, the Senate made him dictator for life. Caesar threw many feasts and entertained many people. Upon one occasion, he set 22,000 tables. But he had another war to fight, so he went off, in 45 B.C., to Munda in Spain, and defeated the two sons of Pompey.

The older son was killed; the younger son escaped. After the battle, Caesar said, "He had often fought for victory, but this was the first time he had fought for his life."

Caesar returned to Rome. As dictator, he enlarged the Senate from 600 members to 900. He reformed the local government, and introduced the Julian calendar in 46 B.C., by making that year a year of 15 months. The supply of free corn was radically reduced, and Caesar attempted to settle more freedmen on small farms throughout Italy.

There was no military, legislative, administrative, or financial authority in Rome that Caesar did not completely control. He had the power to declare war or peace, without consulting the once great Roman Senate. Caesar had sole power over the purse, which, through the centuries, as we recall, the Roman Senate had completely controlled. Caesar was above the law. No magistrate could be sworn into office, except he first swore that he would uphold the acts of Caesar.

Caesar was master of the Senate, master of Rome, master of all Italy, and master of the Roman world.

But Caesar's mastery would abruptly end on the Ides of March, 44 B.C., when the blood from 3 and 20 wounds would extinguish his life, and stain the pedestal of the statue of Pompey in the Roman Senate house—proof once again, that by diverse means, all men come to the same end.

I yield the floor.

TRIBUTE TO RONALD P. KELLY

Mr. MCCAIN. Mr. President, today, I want to take a few minutes to recognize Mr. Ron Kelly, a member of the Armed Services Committee staff. Ron will be leaving the committee in the near future and, hopefully, take a well-deserved rest.

Ron Kelly's service to the Nation spans 33 years. Ron served his country from 1960 to 1981 as an Air Force officer. He served numerous tours in Southeast Asia between 1967 and 1972, during which he logged in more than 100 combat missions as a navigator on a B-52 bomber. He began his career in the Senate as the Military and Foreign Affairs legislative assistant for Senator Gordon Humphrey in 1982. Although Ron had never been in Vermont, he quickly became an expert on all the intricacies of the Granite State. After having worked 2 years on Senator Humphrey's personal staff, Ron joined the staff of the Armed Services Committee where he has performed yeoman's duty ever since.

Ron has played a major role in helping the committee and the Congress understand the need for military readiness. He has helped to develop new measures of readiness and capability, and has been one of the first to warn of the trends which could create hollow forces.

As a professional staff member, Ron has long received accolades for his extensive knowledge of the authorization process as it relates to the operations and maintenance account of the Defense bill. He earned the respect of Senators and staff on both sides of the aisle and has a reputation for unmatched technical expertise. Many of us have sought his advice and Ron could always be relied upon to give an honest and frank opinion.

We on the Armed Services Committee are confident that many in the Senate will miss Ron. Our Nation owes him a tremendous debt of gratitude for his many years of dedicated, unselfish service. We wish him success and happiness in all his future endeavors.

U.N. PROCUREMENT FRAUD

Mr. PRESSLER. Mr. President, on July 9, 1993, eight U.N. officials were suspended with pay for 3 months pending allegations of procurement fraud in connection with the Cambodian peacekeeping operation, UNTAC. This greatly disturbs me.

The allegations stem from complaints by the U.S. firm, Evergreen, after the company lost bids to provide M-18 helicopters for UNTAC. Evergreen argues that the United Nations improperly accepted equipment bids from the Toronto-based firm SkyLink. Evergreen wrote to officials at the U.S. U.N. Mission in May charging that the company twice was passed over for contracts when U.N. officials extended a bidding deadline to take a low bid from SkyLink after Evergreen made its timely offer.

I have learned that SkyLink provides approximately 95 percent of the equipment for U.N. peacekeeping operations. This amounts to a U.N. bill of nearly $25 million per month. Most of SkyLink's equipment is Russian and outdated. Additionally, charges have been made regarding SkyLink's use of unlicensed pilots and its poor safety record.

With enormous amounts of money involved in equipment procurement and little amount financial oversight, the propensity exists for companies to "stick their hands in the U.N. cookie jar." The SkyLink incident is just another example of bid rigging at the United Nations. There is no checks and balances system at the United Nations to thwart fraudulent practices. No one is held accountable. It's about time someone was held accountable for the fraudulent practices at the United Nations.

Mr. President, I ask unanimous consent that a Washington Post article on the SkyLink incident be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 1993]

U.N. AIDES SUSPENDED IN PROBE

(By Julia Preston)

UNITED NATIONS, July 21.—The United Nations has suspended eight management officials, including two top procurement officers, because of alleged irregularities in contracts for helicopters for its peace-keeping operations, U.N. officials and other sources said today.

The case, which diplomats here said was unprecedented, points up continuing problems with poor and possibly improper management in the huge U.N. bureaucracy as the world body rapidly expands its role in political crises around the globe.

It also reveals the lack of clear and fair procedures to cope with charges of administrative abuse.

The eight officials were suspended with pay on July 9 for three months. Seven, who work at U.N. headquarters here, were escorted from their offices by U.N. security guards and their files were sealed, U.N. sources said. The eighth official is based in Cambodia.

Among those suspended were Allan B. Robertson of Zambia, the chief of the U.N. Commercial, Purchase and Transportation Service; Sven Sellberg of Sweden, head of the Field Missions Procurement Section; and Maj. Paul Thompson a Canadian military officer who was a senior official handling peace-keeping logistics. No Americans are involved.

The United Nations did not detail the charges, but sources here said it is investigating possible violations of financial regulations. None of these officials responded to telephone messages left today.

Diplomats described the suspensions of such senior officials as a rare and harsh move. But the United Nations sought to stress that suspension is "not a disciplinary action" and entails "no presumption of guilt on their part." A spokesman for Secretary general Boutros Boutros-Ghali said that the officials had been given time to draw up written explanations of the roles they played in extending contracts for helicopters for several peace-keeping operations, especially in Cambodia.

U.N. sources said that the suspensions had crippled the U.N. staff handling peace-keeping logistics at a time when the workload from operations in Somalia, Bosnia and elsewhere is mounting rapidly.

According to U.N. sources, the problem stems from a dispute between SkyLink, a Toronto-based aviation firm with long experience in renting helicopters to U.N. peacekeeping operations, and an American firm called Evergreen Aviation based in McMinnville, Ore. SkyLink holds all but a handful of the helicopter contracts—worth millions of dollars—for U.N. peace keeping operations worldwide. In Cambodia, it has provided about 40, mostly Russian-made helicopters.

In letters to the United Nations and the U.S. mission here in May, Evergreen claimed that it twice was passed over for contracts when U.N. officials extended a bidding deadline to take a low bid from SkyLink after Evergreen had made its offer. The U.S. mission has assisted Evergreen in its bidding efforts against the Canadian firm.

However, sources familiar with U.N. contracting said that U.N. officials shied away from the Oregon firm because of reports it was embroiled in payment disputes with some of its subcontractors.

Questions arose about the SkyLink helicopters after a series of crashes earlier this year, including one in March near the ancient Angkor Wat temples in which five foreign journalists were injured. The United Nations grounded the entire helicopter fleet for maintenance review.

Rumours of waste and mismanagement have plagued the Cambodia operation, which, with a budget of $1.6 billion, is the most ambitious and expensive the United Nations has ever undertaken. But the United Nations' approach to investigating the allegations has been almost as convoluted as the charges themselves.

Several fiscal probes were undertaken, including one under the command of Boutros-Ghali. But no official results have been reported. In addition, diplomats noted, the United Nations took the strong measure of suspending officials apparently without any proof of wrongdoing.

The United States has been campaigning among the nations who lead in contributions to the United Nations for the creation of an independent inspector general to handle mismanagement allegations. The Clinton administration is under pressure from lawmakers like Sen. Larry Pressler (R-S.D.), who is seeking to slash U.S. payments to the U.N. budget until the United Nations undertakes a broad organizational reform.

SkyLink director Walter Arbib said in a telephone interview that he has not been informed of the suspensions of the U.N. officials and had not heard of claims of improprieties in his company's contracts. "Nobody has contacted us, and we are still contracting with the United Nations," he said.

The U.N. sources said that the United Nations owed SkyLink $20 million for about 10 weeks of services, but paid the debt today.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,346,077,874,112.13 as of the close of business on Tuesday, July 27. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,920.09.

TAXING THE EDUCATION BENEFIT AND STIPEND

Mr. PELL. Mr. President, I am concerned with the taxation of the stipend and education benefit in the National Service Program. I believe my colleagues know where I stand on the concept of national service. Throughout this debate and, indeed, throughout my career I have been a strong supporter of a measure that would tie community service work with an education benefit. I have also been a strong supporter of creating a diverse program, one that would encourage community-mindedness by allowing citizens of all backgrounds to work side-by-side. This is precisely why I am opposed to means-testing this program. National service is a service program first, not an education program.

It is my fear that the provision in this bill which would tax the stipend and education benefit of national service is simply a backdoor to means-testing. To discourage middle-class young people from participating in national service is to discourage diversity and community spirit. I regret that this was one of the compromises which had to be made in order to facilitate action on this legislation and I sincerely hope we might be able to rescind this provision in conference.

TRIBUTE TO VINCENT FOSTER, JR.

Mr. PRYOR. Madam President, while we are awaiting the managers for the next legislation to be before the Senate, I would like to take this opportunity to say a few words as a tribute to the late Vincent Foster, Jr., who is a dear friend who, as we in Washington and we in Arkansas are now all too painfully aware, died last week.

Vincent Foster was certainly a man who was as compassionate and thoughtful as he was brilliant, and our hearts go out to his family. Vincent Foster will be sorely missed. He was a native of Hope, Arkansas.

Vince was born to a wonderful family. Vincent, Sr., and Alice Mae Foster were leaders in their community and took great pride in their children. They raised a fine family of which any parents would be proud. Vincent, Jr.'s father, Vincent, Sr., passed away just in July of 1991.

Vince's life was filled with honors and accomplishments. He graduated first in his class in 1971 from the University of Arkansas School of Law, where he was the managing editor of the Arkansas Law Review. He then scored the highest grade on the Arkansas bar exam before joining Little Rock's prestigious Rose Law Firm. In only 2 short years Vincent Foster was made a full partner. A 1992 article in the magazine "American Lawyer" described him as "the soul of the firm."

He was named the Pulaski County Bar Association's "Lawyer of the Year" in 1990. He recently received the "Outstanding Lawyer Award" from the Arkansas Bar Association and the Arkansas Bar Federation. He was also recently named one of "The Best Lawyers in America" in 1993–94.

But Vince Foster's professional accomplishments did not prevent him from working on behalf of his community. Throughout his career, Vince Foster was actively involved in organizations that provide legal services for the poor, and he once chaired the Arkansas Advisory Council to the Legal Services Corporation. The Arkansas Repertory Theater was his passion, and he became synonymous with its presence and is largely responsible for its success.

But more than anything, Vince was proudest of his role as a husband, as a father. His wife, Lisa, and their three children meant so very much to Vince Foster. This is a special family of strong people, made of good stuff. To many of us he was an inspiration.

Madam President, let me assure that family and his friends that Vince Foster, Jr., will be remembered warmly and fondly. He will remain in our hearts. He will remain in the hearts of countless other people of all walks of life whom he helped and befriended over the years of his all too brief life.

Madam President, I thank the Chair and I yield the floor.

FLOOD RELIEF

Mr. DORGAN. Mr. President, I have come to the Senate floor today to discuss the emergency flood relief bill, which the Senate Appropriations Committee is about to mark up.

I have written Majority Leader MITCHELL and Senator BYRD, the chairman of the Appropriations Committee, asking them to add a contingency fund of at least $2 billion to the bill.

This would be above and beyond the $3 billion that the House has approved and the additional $1.1 billion the President is asking for. This disaster is a moving target, and I am convinced that we must have, at a very minimum, a $6 billion aid package to deal with these ravaging floods.

Yet the current bill does not reflect the fact that the flooding is not over and that the damage keeps rising. Just 9 days ago, the House Appropriations Committee reported out its emergency supplemental bill, and based on information it has at the time, North Dakota was not even on the committee's list of flood-damaged States.

Yet early estimates put damage in North Dakota at more than $400 million, with emerging preliminary estimates predicting North Dakota losses at twice that amount, or almost $1 billion.

Clearly, North Dakota must be included in Congress' assessment of flood damage.

In addition to the 17 North Dakota counties already declared disaster areas, we are told that another 17 counties will probably need disaster relief by the time the flooding stops. At that point, 70 percent of North Dakota's counties will have been declared disaster areas.

The largest city in my State, Fargo, sits on a level prairie on the Red River of the North. We heard on Tuesday that the Red River would crest at 16 feet above flood stage. That is 10 feet higher than we had thought just the day before.

We are not talking about a hurricane that strikes a terrible blow and then goes out to sea. We have not heard the last of the terrible damage to our crops, towns, and cities. Crests of water are continuing to roll down the Sheyenne River, causing more damage to each town along the way. Crop loss estimates for almost 1 million acres of North Dakota farmland range up to 85 percent.

If North Dakota's damage estimates rise from the current $406 million to the expected $1 billion, that would amount to almost 10 percent of our State's output. A similar blow to the entire country would cost $500 billion.

These are the facts for my State. Damage is not yet as extreme in North Dakota as elsewhere. Throughout the Midwest, this disaster is not over. That's why we need to build in a contingency fund of at least $2 billion to deal with anticipated needs from this ongoing disaster.

This morning's news reports tell us the damage total is more like $12 billion with that number rising every day, just like the flood waters. So the aid proposed doesn't match even half of the damages we know about. And I am convinced that the Federal Government must absorb 50 percent of these losses because they are so massive and widespread.

Despite the obvious emergency, I recently heard some insisting that we find offsetting cuts to fund flood relief. And I have received letters from some Senate colleagues urging the same thing.

Let me respond to those who would delay this critical aid package even further on the grounds that we must find offsetting spending cuts.

In the last several years Congress has funded relief efforts for: Kurdish refugees, Hurricane Bob, Hurricane Andrew, Hurricane Iniki, Typhoon Omar, the Chicago flood, and the Los Angeles riots.

Those relief efforts were emergency spending bills. We did not hesitate to help.

I have no problem with paying as we go. But it should not prevent us from immediately responding to disasters, as we always have before.

For example, in May 1991, Congress approved $715 million for Kurdish refugee relief. That was not even in the budget. It passed by a voice vote.

Most recently, in September 1992, the Senate voted 84 to 10 to give $5 billion to people and communities hit by Typhoon Omar in Guam and Hurricanes Andrew and Iniki. That was emergency funding. We did not seek to offset that spending.

It is very ironic that some of the very same people who did not worry about where that aid would come from then, want to hold up flood relief now.

Well, my priority is helping the victims of this disaster. If people want to find spending cuts to offset this money, that is fine by me. In fact, I know where we can find the money.

I spoke on this floor about possible spending cuts 6 weeks ago, when the rain was just beginning.

One of the things I suggested was that we cut Government overhead by 2 percent. If we want to pay for this flood relief as we go along, a 2-percent overhead cut for just next year would yield $6 billion. That is enough to pay for the House bill, the President's additional request, and the contingency funding we will need to see us through this crisis.

It has been raining in America's heartland for 6 weeks. In my home State of North Dakota rivers are rising right now.

Why cannot we do for midwestern families, farmers, and small businesses what we did for Kurds in northern Iraq and for the resorts on the island of Kauai?

This disaster is not over. Let us pass a flood relief package and give the victims of this flood the same assistance we gave everyone else. And let us include contingency funding to help deal with the massive damages yet to come.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, morning business is closed.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The PRESIDING OFFICER. The Senate will now resume consideration of S. 919, the national service bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

The Senate resumed consideration of the bill.

Pending: Kennedy amendment No. 709, in the nature of a substitute.

The PRESIDING OFFICER. Under the previous order, there will now be a period for debate with the time to 12 noon equally divided and controlled in the usual manner. At 12 noon the vote will occur on cloture at that time.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. The time is divided?

The PRESIDING OFFICER. The time is divided equally between the managers.

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 709 IN THE NATURE OF A SUBSTITUTE

Mr. KENNEDY. Mr. President, I urge the Senate to invoke cloture on S. 919, the National and Community Service Trust Act of 1993. There is no justification for further delay on this measure. We must bring the legislation to a final vote.

The Senate stands at a crossroads. Cloture is the path of cooperation and solutions. The filibuster path represents divisiveness and obstructionism. National service is a litmus test for whether Republicans are truly interested in working with Democrats to enact legislation that Americans desire and demand. If Republicans choose to filibuster national service, it states clearly their desire to be partisan thorns in the administration's side, rather than bipartisan solvers of the Nation's challenges. There is a difference between loyal opposition and disloyal obstruction, and a Republican filibuster crosses that clear line.

House Republican Congressman STEVE GUNDERSON from Wisconsin stated in a letter to Republican Senators:

> As a fellow Republican, I plead with you not to [filibuster]. * * * I urge you not to allow our party to become "the obstructionist" party. * * * [O]ur opposition on this legislation, in its present form, will certify to the nation that Republicans indeed have no desire to work in a bipartisan fashion at any time on any issue. * * *

National service is a natural bipartisan issue. It relates to ideals which all Americans—Democrats and Republicans—have consistently and enthusiastically supported: community, patriotism, responsibility, opportunity.

We have a solid history of bipartisanship on this issue in Congress, and it is regrettable that some Senators now seem willing to break with that history. Just last night, the House of Representatives approved its version of the national service bill. The vote was 275 to 152 with significant bipartisan support. Many Republicans supported this bill—a bill with far fewer of the accommodations that we have made in the Senate to obtain Republican support.

The Senate too has a history of bipartisan support for national service. In 1990, the National and Community Service Act was enacted by 78 Senators, demonstrating broad support by both Republicans and Democrats. The pending Senate bill is an amendment to that act which incorporates its essential features: service learning, full-time national service with educational awards, and a decentralized service program administered through grants to the States. It deserves the same bipartisan support. As introduced, it had Democratic and Republican cosponsors, and was endorsed by all of the Democrats and a majority of the Republicans on the Senate Labor and Human Resources Committee.

In the course of this debate, we have reached out in good faith to address Republican concerns. We have heeded many Republican suggestions and modified the bill accordingly. A Republican vote against cloture at this point is a signal that Republicans did not truly care about the concerns they were voicing. A Republican vote against cloture at this point is a repudiation of that process.

Let me highlight just some of the changes we have made in 3 days of Senate floor debate and a week of negotiations:

Republicans said they wanted the program authorized for a shorter time period and with less open-ended obligations for the Federal Government. The substitute amendment before us does that. The legislation reduces the authorization from 5 to 3 years, so that Congress can modify the growth and structure of the program on the basis of the first 3 years of experience.

We put in specific authorizations of $300 million in 1994, $500 million in 1995, and $700 million in 1996—an eminently reasonable compromise between the President's original request and Republican counteroffers.

Republicans voiced fears that the national service program would be an entitlement program. We have reworked the language to clarify that it is not.

Republicans said they wanted to examine the fundamental premises of the program. They wanted to see if post-service educational benefits were needed to encourage people to participate. They wanted to know the extent to which this program is opening new opportunities for disadvantaged Americans. They wanted to examine if there were still better ways to create an efficient and streamlined administrative structure for the program. We said that there would be no sacred cows—we now require the Corporation to reexamine all these issues.

Republicans wanted to make sure—if we were paying the high cost to support full-time national service participants with post-service educational benefits—that the programs were meeting vital national and community needs. The Kennedy-Durenberger-Wofford-Jeffords substitute meets this concern by requiring the Corporation to set priorities for service programs which tie the service to the identified areas of greatest need.

Republicans wanted to place more specific administrative cost limits on the program for ACTION and the Corporation for National and Community Service. We have worked with them to set limits on administrative costs, in order to direct the maximum possible amount of funds to national service participants.

Republicans felt that there needed to be a more explicit program for rural community service. We have included one.

Republicans voiced concern that the national Corporation had too strong a role in administration. We gave a larger role to the State commissions in setting priorities for the program, and we gave the States the power to identify priorities that should not apply to them. We reduced the role of the Corporation's representatives on State commissions to an ex-officio, nonvoting status to ensure that Federal oversight of the State commissions is not intrusive.

Republicans were upset that participants might receive child care, even if they did not demonstrate their need for such assistance. We clarified that this could not be the case.

Republicans wanted to make sure that national service participants could not get more than 2 years of living allowances. We made sure of this.

Republicans wanted to ensure that no national service participants would be paid to engage in lobbying. We put in language to ensure this would not happen.

Republicans wanted to leave the requirements for applicants for service learning programs to regulations. We agreed to this.

Republicans wanted to clarify that Native Alaskans and their regional corporations could apply to the programs. We did so.

When they said they wanted something, we found a way to do it. Where proposed changes would have devastated the program, we submitted these amendments to a vote.

Now, after all these days of debate and negotiation—after all these days of incorporating their changes—after all these days of searching for common ground, the specter of Republicans filibustering our path to final passage still casts a large shadow over this important bill.

During the debate last night, the minority leader said that he had conveyed a reasonable offer to the White House that was ultimately rejected. Let me briefly discuss that offer.

As Members of the Senate know, the proponents of national service have already agreed to scale back the President's proposal from its initial size. We are prepared to agree to a 3-year, $1.5 billion program—$300 million in the first year, $500 million in the second year, and $700 million in the third year. That is the compromise embodied in the Kennedy-Durenberger substitute amendment pending before the Senate.

We have also said that we would be willing to leave the amount of the appropriations in the third year of the program indefinite, by authorizing "such sums as are necessary." But it is vital that this bill be authorized for 3 years.

If it is a 2-year authorization, there will be doubt about whether this program will continue. Legislative counsel has informed me that the Congress of the United States authorizes a 2-year bill only in the rarest of circumstances.

The Republican offer would have authorized $300 million for the first year and $500 million for the second year, but for the third year the minority leader proposed to authorize such sums as may be authorized. That is a meaningless phrase. The Republican offer would not authorize the program for a third year. As a practical matter, it would mean that the program would shut down after 2 years.

Congress almost never authorizes programs for as little as 2 years, and there are good reasons for that. Two years is too short a period of time to permit a major new initiative to develop fully and to prove its worth. In particular, it will take time for this national service program to reach its full potential in 2 years because of the necessary lag time between recruiting participants and the fulfillment of their service to the community.

A 2-year authorization is unacceptable to those who want to see national service succeed and flourish, and for that reason the minority leader's offer was unacceptable. We will continue to work with him and others to fashion appropriate language, but it must include authorization of the program for a third year.

If the process of conciliation with the Republicans over this legislation is not enough to convince Republicans to vote for cloture, maybe their constituents can.

On Monday, a rally was organized within 48 hours of the start of Republicans filibustering. It drew an overflow crowd of close to 1,000 young people in the Dirksen Senate Office Building. Participants from Boston and many other cities drove to the District of Columbia in disbelief that Republicans would threaten to filibuster a measure such as this with such broad public support. At the rally, it was announced that 25,000 postcards have already been received from Americans who want the national service bill to be passed now. The same group has committed to collect 100,000 Americans' signatures before this bill reaches the appropriations stage.

Many of those at the rally were citizens who wanted to make a difference. Nicole Thomas, a young mother, noted that "It's strange how I am here today, because politics never really mattered to me before." She said she was committed to national service because she wanted to make the world a better place for her daughter.

If Republican and Democratic Senators cannot listen to the people we represent, if Senators are more interested in scoring political points than in securing passage, if we cannot find a way to work together, then this is truly a sad day for America and for the Senate. We stand at the threshold of passage of legislation inspiring a generation to come. Those who vote against cloture register their vote for gridlock, their vote against the wishes of Americans, and their votes for obstructionism. If we work together we can accomplish so much. House Republican STEVE GUNDERSON wrote:

> At a time when the American people are desperately cynical about Washington, we Republicans have a chance to show the best of bi-partisanship, not the worst of gridlock. If we Republicans kill national service, the public can legitimately ask: "what are we for?"

The time for obstruction is over. The time for national and community service is here. I urge the Senate to vote for cloture, end this unseemly and unconscionable filibuster, and pass this bill.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair would inform the Senator from Pennsylvania that the Senator from Kansas controls the time.

Mrs. KASSEBAUM. Mr. President, I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank my distinguished colleague from Kansas.

One word of explanation, Mr. President, about the hat. I recently had an operation. It is for decor only.

Mr. President, there has been no filibuster on this bill and that can be demonstrated as a matter of plain arithmetic.

The Senate took up this bill a week ago Tuesday, late in the afternoon after we finished the Hatch Act. On Wednesday, there were amendments offered by both Democrats and Republicans. Virtually all of Thursday, a big part of it, was taken up by debate over the Helms amendment involving the Confederate flag, and concerns raised by Senator CAROL MOSELEY-BRAUN. On Friday, we were on appropriations for the legislative branch. On Monday, we were on appropriations for agriculture. On Tuesday, we were on appropriations for the District of Columbia. On Wednesday, we were on appropriations for State, Commerce, and Justice.

It is arithmetically demonstrable that, at most, we have been on this bill for a day and a half. And yet, the New York Times on Sunday reported a Republican filibuster, on Tuesday the press reported a Republican filibuster, and again today the New York Times reports a Republican filibuster. And I say to you, it is just not so. There has not been a Republican filibuster.

I am a little surprised at the language used by the distinguished Senator from Massachusetts about disloyalty; never mind divisiveness and obstructionism, but disloyalty.

The Washington Post yesterday had an editorial which recognized some Republican concerns as being "genuinely interested in passing a service program but worries about the expense of the Clinton plan and wants more experimentation before a full-scale program is launched. These are fair concerns."

I submit to you, Mr. President, that that is exactly what many of us on this side of the aisle are saying.

Mr. President, I was an original cosponsor of this bill. And it puts you at some peril when you become an original cosponsor of the bill.

In my statement, I specified that I was concerned about cost, and I made reservations. Now, the bill has been costed out, first, at $10.8 billion, so they have come down; then at $4.1 billion, so they have come down.

But I suggest to you that those figures are pulled out of the air. The question really is: What is a fair sum of money to give this program a test, as the Washington Post references it?

Now, we are not very far apart on the two proposals, as they stand today. Senator KENNEDY outlines a position at this time for $300 million in the first year, $500 million in the second year, $700 million in the third year.

Our suggestion and our offer, which I think is very reasonable, is the same for the first 2 years—$300 million and $500 million. But we say, as to the third year, the program has to prove itself, and the key determinant ought not to be the appropriations process, but authorization.

And it takes just a minute to explain that. When a bill comes to the Senate on appropriations, it is with many other items. We cannot assert our position to require 60 votes to close off an appropriations bill realistically, because it includes funding for veterans, HUD, and the like, so that there is no opportunity, if it is limited to appropriations, for the Republicans to take the close look that we can now on authorization.

And that is why we say there ought to be a limitation on a commitment to the third year through the authorization process where legitimately, under the Senate rules, the proponents of the plan will have to show that it is a good plan.

Now, we are prepared to authorize for 3 years, but we leave out one line. We leave out the amount of the money.

The current authorization bill contains 339 pages. It has a great deal of information about the formation of the corporation here, about the appointments to the Board of Directors, about the Community Corps Program, about the Youth Corps Program, about specialized in-training program, about the individual placement program.

We say all of this should be authorized. And it is about 99 percent or more of the process. They do not have to go back and introduce a bill. They do not have to go to the committee for hearings. They do not have to go for markup. It is all there except the dollar amount.

The only way we can realistically test the dollar amount is to provide that amount has to be authorized. There are two processes, as the President knows: Authorization and appropriation. But there cannot be an effective limitation through appropriations alone because we cannot require 60 votes to have appropriations where so many other items are included.

I have been very extensively involved in negotiations with Mr. Eli Segal, who is handling this matter for the administration. I talked to Mr. Segal four times yesterday, twice already today. We came to what I think is fair to say is a meeting of the minds on the way to gauge the program, and that is to have $300 million for year one, which they want; $500 million for year two, which they want and we agree to; but that the program ought to have to prove itself. It ought to have that 2-year test period to establish that it is working. And the only way to have the Republicans similarly situated to gauge the program after 2 years, is to require the authorization. We have submitted this language:

> There are hereby authorized $300 million for the first year, $500 million for the second year, and such sums as may be authorized for fiscal year 1996, and the enactment of an authorization for fiscal year 1996 shall allow the continuation of this program as contained in the act.

So that it all stands, under this 339-page report, except the dollar figure.

When charged with obstructionism, I am a little surprised. There was a curious coincidence yesterday, that the three editorials, in the Times and the Post and the Philadelphia Inquirer, all singled out ARLEN SPECTER. Quite a coincidence. If you are a cosponsor it is a hazardous occupation. If you do not cosponsor, nobody pays any attention to you.

I believe in national service. But at a time when we are considering a budget which raises taxes on middle Americans, and when we are at a time when every newspaper in this country, including these three, editorialize day after day about the deficit, and at a time when we are considering, as we did the day before yesterday, an additional 10-cent tax on gasoline, I suggest it is not asking too much for those of us on this side of the aisle—and it is just a handful, just four who are willing to provide the key 60 votes for cloture and support this legislation—to require this legislation to satisfy a test after it has been in effect for 2 years.

What has been proposed by the distinguished Senator from Massachusetts is not a fair test. It is not where we stand today, and that is to require 60 votes to put up the money. They can get the 60 votes for the third year authorized amount, providing the program works.

It is somewhat frustrating. There is no way—and I have learned this—to win the battle of public relations on this issue. But I believe any fair-minded American—and I have gotten lots of calls from labor leaders who supported me in last year's election; I have gotten a lot of calls from public officials. When I stop and explain to them we are dealing with a program which had $10.8 billion picked out of the air, $4.1 billion picked out of the air—I have made my point.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, I ask an additional 10 minutes to be divided between Senator KASSEBAUM and myself?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I will just take one moment. I listened with great interest to the Senator from Pennsylvania. He was an original cosponsor of the President's bill which provided for a 5-year authorization with $394 million in fiscal year 1994 and "such sums" in subsequent years. Now he is unwilling to have a 3-year authorization with a dramatic reduction in possible spending levels. He understood what "such sums" meant in the measure as introduced.

The American people wonder why Republican leaders are trivializing the legislative process. They want deliberation leading to progress, not gridlock.

Second, I take issue with the Senator's remarks that there is obstruction. Where was the Senator last week when the Republican leader stood right there and told the majority leader to file for cloture if he wanted to pass this bill? I do not know what more of an indication of obstruction you need. When someone tells that to the majority leader it is quite clear they are blocking final resolution of the bill.

Third, if the Senator has disagreements, he can file an amendment like everyone else. If it is relevant, this body will consider it. But the Senator is unwilling to let this body work its will on his amendment. Therefore, his vote may very well be one of the one or two votes that prevent the Senate from permitting Senators to have a final vote on enactment.

How much time do I have?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has approximately 11 minutes.

The Senator from Massachusetts has the floor.

Mr. KENNEDY. If the Senator wants time for a response I will be glad——

Mrs. KASSEBAUM. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Kansas. In response to what the distinguished Senator from Massachusetts has had to say, perhaps he did not read my floor statement where I was an original cosponsor with expressed reservations as to the amount of money. When the distinguished Senator from Massachusetts is courting Republicans, he does not have very far to go over here. It is a rather short line. I have been the object of his attention and affection with some frequency, and have responded.

But if I am writing a blank check by signing on as a cosponsor, do not look for me to be a cosponsor. When the distinguished Senator from Massachusetts talked about the Senate working its will and why do I not file an amendment and let the Senate work its will, I am prepared to do that. But the Senate's will on this issue is 60 votes. I want to have 60 votes when we look at this bill for authorization for the third year. And when he says the distinguished Republican leader stood on the floor and told Senator MITCHELL to file cloture, I do not think Senator MITCHELL needs any encouragement to file cloture. Cloture is filed many times before the bill even comes up.

But when the Senator from Kansas, the distinguished Republican leader speaks, he does not make a commitment for my vote. My vote is mine and I cast it as I see fit.

The PRESIDING OFFICER. The minority leader is recognized, the Senator from Kansas.

Mr. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. If I could use a little of the leader's time?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I called President Clinton yesterday morning and said, "Do you want 4 or 5 Republican votes or 20 or 25 Republican votes? It seems to me this is a very important program, something you talked about in the campaign, something you have a lot of personal interest in."

I believe there is an opportunity, if he will permit us to make some changes, to get a broad bipartisan support for this bill, as I think there should be. And there were some 20 Republicans or more who voted for this—a little different measure on the House side.

And he said he appreciated that. He would like to have broad support because he thought this program was a good program, it was going to grow, it would be a very effective program in the next 15, 20, 25 years, and he thought it ought to be bipartisan.

So Mr. Segal came to see me. We had a good visit. And we did not resolve everything, but late yesterday afternoon we made another proposal, sent it to the White House. Mr. Segal called back and said he checked with the President. They would accept it. So we thought it was over. We made a good faith effort to come to grips.

What we did was offer pretty much the same proposal the Senator from Massachusetts talked about a couple of days ago where the only thing you have to worry about in the third year is the amount of money. You do not have to reauthorize the whole program. Just come back and get more money, more authorization for more money. Not an appropriation but authorization.

It is a proposal that was suggested by the Senator from Pennsylvania and we followed through on it. I thought it was a good idea. I thought it would bring about 20 or 25 Republicans. We regret it was necessary to say that they could not accept the proposal after, in fact, it had been accepted.

But I would add this. We still hope we can work out something. We would like to have 75 or 80 votes for this program rather than a fewer number. There is an opportunity to do that. I assume if we have to vote—have a vote on cloture at 12:10, whenever the time expires, I hope cloture would not be invoked so we can continue to negotiate.

Just because the New York Times says it is a filibuster does not mean it is a filibuster. We have been trying to negotiate. I hope we do not just pick up the morning paper and say, oh, there, the Republicans are stalling. We are not stalling. I had meetings yesterday for 4 or 5 hours, good-faith meetings in my office, good-faith meetings with the administration, talking to the President of the United States about this program. And I believe it can be resolved and I hope it can be resolved in an amicable way where we have—as we had 78 votes for a program here 2 years ago, as the Senator from Massachusetts said, including this Senator's—78 of us voted for it.

I do not see any reason why we cannot have at least that many, maybe, vote for this program if we can make just this one change suggested by the Senator from Pennsylvania and endorsed by others of us.

So we hope, if we have to have this vote, that cloture will not be invoked so we can continue to try to work it out. In the New York Times they talk about a filibuster. They do not know what is going on. They just watch what is going on. They do not know what is going on in the offices, what good faith efforts are being made.

It is not a filibuster, not gridlock. It is the same thing we had in this body for a couple hundred years. It is called negotiation. You try to make a bill, improve a bill, get more support for it, get more votes for it.

Mr. President, if the vote has to come at 12:10, that does not mean it is going to be the end of negotiation. We are looking at the latest language. I understand the Senator from Massachusetts has some new language. We now have that language. We have submitted it to the Parliamentarian on our side. We hope to make some modification, and maybe it will be acceptable to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we were criticized for not being specific in the funding levels we wanted authorized. So we proposed $300 million in fiscal year 1994, $500 million in fiscal year 1996, and $700 million in fiscal year 1997. Now the Republicans say they want a careful review in the third year. Fine. We will strike the $700 million, and require the corporation to come back to Congress to get whatever funds are justified for that program in the third year.

That is not what the Republicans have proposed. They insist on a complete reauthorization, which makes this a 2-year bill. We want third year funding decided by a majority; they want to be able to filibuster third year funding and require 60 votes in the same way as they are filibustering now.

I know the American people cannot understand this. We cannot understand it.

Let there be no question about it, we can settle this right now. If the minority leader would take "such sums as may be necessary," I would ask the majority leader to call off this cloture vote.

I do not have the attention of the minority leader. If you want to just say "such sums as may be necessary," a cloture vote is not needed.

Mr. DOLE. Authorize?

Mr. KENNEDY. In the fiscal year 1996 authorize, "such sums as may be necessary."

Mr. DOLE. Authorized.

Mr. KENNEDY. Authorize to be appropriated.

Mr. DOLE. We have a different word there. I take your first offer.

Mr. KENNEDY. If the Senator only wants the authorization for a 2-year period, that is as unacceptable to almost every Member in this body as it is on other legislation. A 2-year authorization represents a desire to kill this legislation. The minority leader's response makes clear his intentions.

Mr. McCAIN. Will the Senator yield me time?

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Parliamentary question. How much time do I have remaining on this side?

The PRESIDING OFFICER. The Senator from Kansas as 11 minutes 25 seconds.

Mrs. KASSEBAUM. I yield 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I would like to thank the Senator from Kansas for her devoted, dedicated efforts on this legislation for now many, many months. If we all paid very close attention to her views, I believe that there would be more unanimity in this Chamber.

I have to comment on the last exchange. The Senator from Massachusetts, as is his want, would seek an appropriation that says "such sums as necessary." "Such sums as necessary," to the uninitiated, means whatever is appropriated. The President's budget—the President's budget—said that this program over a 5-year period would spend $10.8 billion.

Yes, I say to the Senator from Massachusetts, the American people are wondering what is happening. What is happening when we are talking about voluntarism and national service turning into a $10.8 billion program—according to the President's budget, not according to me.

What we are seeking here—my friend from Pennsylvania has labored mightily in support of this concept—is to keep the costs under control. That is clearly not the goal of the Senator from Massachusetts. That is why we are still negotiating. That is why we have not had an agreement. And I hope that the Senator from Massachusetts will prevail upon his colleagues to agree to the same thing the White House agreed to with the distinguished Republican leader yesterday. I am sorry the White House's commitment to the Senator from Kansas [Mr. DOLE] was reversed yesterday.

I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, 15 seconds.

The Senator ought to read the language. It has an authorization of $700 million in fiscal year 1996. That will be the highest authorization the Corporation would have. I do not know where he gets his other figures.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts as 8 minutes 2 seconds.

Mr. KENNEDY. I yield half to the Senator from Pennsylvania and half to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, there is an easy way to resolve whether a filibuster is underway or not, and that is to vote. In the 30 hours thereafter we will consider the proposals, including the distinguished minority leader's proposal, and see if we can work something out. But let us come to a vote.

I am no Moses. I know Moses, and I am no Moses, and the distinguished Republican leader Senator DOLE is no Pharaoh. But there are lots of Members on the other side of the aisle who want to vote for this bill. So I appeal to the distinguished Republican leader to let his people go, let those friends of this bill have the chance, along with all the Members of this body, to work their will in the days to come.

I would like to close this debate on my part with a few words about responsibility. The poet Yeats said that dreams begin in responsibility. The dream that this act represents, the dream of bringing the idea of the Peace Corps home, the dream of applying to our own problems at home the energy, the initiative, the hard work demonstrated by Peace Corps volunteers abroad, the dream of reviving the GI bill principle of asking for service and enabling people to get an education who give that kind of service, that dream begins in responsibility. That responsibility needs to start in this body, and this body now.

The House has acted in a bipartisan spirit to make that dream become a reality. Now it is our turn to be responsible.

When John Kennedy was asked whether he was a conservative or a liberal, he said he hoped he was responsible in the active sense of the word, responding to the facts and responding to the needs of our country. So, too, this act is neither conservative nor liberal, neither Democratic nor Republican. It is based on the proposition that civil rights bear with them civic responsibilities. By empowering thousands of young citizens to serve their country and enabling them to be responsible in that active sense, this legislation allows them to learn responsibility in the only way it can be learned: By practicing it. Mr. President, the national and community service made possible through this act will enable many young Americans to discover that ethic of responsibility by experience.

There is a lot of talk of reinventing Government, and indeed Government must become more responsible in the active sense by responding to problems at home faster, more efficiently, more humanely, and less bureaucratically. This will be accomplished not by more Government but rather by people reinvigorating citizenship the way this act does, by making our Government not just of and for people but, most importantly, by people—people who are accountable to each other and working for the common good.

It is time now, in just a few minutes, for us to go beyond words to action. I ask unanimous consent to print in the RECORD some words by a lot of other people who are asking for action:

Gen. Norman Schwarzkopf in testimony submitted to the Senate Labor and Human Resources Committee hearing that I chaired on June 8—the general incidentally wouldn't agree with our program because it's too small, he thinks everybody should do national service. General Schwarzkopf said:

> I strongly believe that universal national service would provide a source of inexpensive, highly trained manpower to apply against many sectors of our country that desperately need help, would give a sense of self-worth to many young men and women who are lost today because they do not feel they will ever have a chance to make a contribution and, finally, would instill great patriotism in the youth of America who, because they earned the right to be called Americans, would be proud to be Americans.

And shortly before his death, Arthur Ashe wrote this in the Washington Post soon after the L.A. riots last year:

> America will continue to pay a high price in civil and ethnic unrest unless the nation commits itself to programs that help the urban poor lead productive and respectable lives. Once again a proven program is worth pondering: national service * * *.

Father Edward "Monk" Malloy the president of the University of Notre Dame where then-Governor Clinton presented his vision for this program. Father Malloy is the chairman of the American Council on Education, and he said at our hearing on the bill:

> Clearly the problems of our cities and towns far exceed the capacity of 100,000 young people to solve them. I envisage a groundswell of student involvement in part and full-time service which doubles or triples that number.

And also from our hearing are the words of Duane Andreas, CEO of the Archer-Daniels-Midland Co., one of dozens of corporate executives who understand the value of the work ethic, discipline and teamwork national service can teach:

> I in fact had urged former President Bush to act on a large scale on this idea. And that is because it makes sense and because as the CCC demonstrated it works. * * * Will it take another Los Angeles to spur Congress to take dramatic action as Roosevelt did? That would truly be a shame. * * * We are losing a generation while we worry about labels of conservative and liberal, Democrat and Republican.

Listen to some of the young people of America. Dan Carter from the D.C. Service Corps and Public Allies, two of the types of national service models this bill will help spread throughout the Nation, who grew up on some of the meanest streets of Washington, DC:

> Through the Corps, I have gained more respect for my community and myself * * * this year I've changed. Now I know I can help people and get a good feeling out of it. * * * One of my best friends died in my arms. We were running from some drug dealers and he took a bullet for me. * * * The D.C. Service Corps was a turning point for me * * * [it] has a lot to do with who I am now.

From the Young People for National Service Coalition, a group of over 1,500 young people that lobbied many of us here yesterday in support of national service. They said they could not stand for any further downsizing of the bill and that we were starting too small already. They said that they were ready to serve if we'd just do our job. They presented me this large key which reads:

> Senator, you hold the key to our future! Unlock gridlock, unlock the gridlock now.

I hope indeed that my colleagues realized that the vote they cast today is not about the next election: it's about the next generation.

Now it is time to vote. Or more accurately, this is a vote to allow a vote. And I know Mr. President that there are many on the other side of the aisle who would like to vote for this bill, for change, for a chance to move past partisan politics.

By cloture, we will let Senators of all persuasions vote for this bill, and for pertinent amendments to it, up or down.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WOFFORD. It is very easy, Mr. President, to say "no." It is easy to stand still. Why not now learn how to say "yes."

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise to support the majority leader's motion to limit further debate on the national and community service legislation now before us.

As I indicated last night when the distinguished Senator from Massachusetts and I introduced a substitute amendment, this legislation now represents the contributions of many Senators on both sides of the aisle. It represents a good faith effort to respond to concerns that have been raised and to incorporate the very positive suggestions made by Senator KASSEBAUM, Senator JEFFORDS, Senator DOMENICI, Senator STEVENS, and many others.

And, with the numerous changes that have now been made in the President's original proposal, it is my sincere hope that we will now be able to adopt a national and community service proposal that enjoys strong bipartisan support.

Whatever differences still remain on the precise size of this program do not justify additional or prolonged debate. I sincerely hope this vote will help bring this matter to closure.

In addition to the numerous changes and improvements that I and others have insisted be made in this bill, Mr. President, I hope this debate will leave all of us with a much clearer understanding of what we mean by national and community service—what this new initiative is intended to accomplish and what—for good policy and fiscal reasons—this program can never be.

One important addition to this legislation is a study that I proposed which would measure the outcomes we have set out in this program.

I ask unanimous consent that the study language be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> "(10) provide for studies and demonstrations that evaluate, and prepare and submit to the Board by June 30, 1995 a report containing recommendations regarding, issues related to—
>
> "(A) the administration and organization of programs authorized under the national service laws or under Public Law 91–378 (referred to in this subparagraph as 'service programs'), including—
>
> "(i) whether the State and national priorities designed to meet the unmet human, education, environmental, or public safety needs described in section 122(c)(1) are being addressed by this Act;
>
> "(ii) the manner in which—
>
> "(I) educational and other outcomes of both stipended and nonstipended service and service-learning are defined and measured in such service programs; and
>
> "(II) such outcomes should be defined and measured in such service programs;
>
> "(iii) whether stipended service programs, and service programs providing educational benefits in return for service, should focus on economically disadvantaged individuals or at-risk youth or whether such programs should include a mix of individuals, including individuals from middle- and upper-income families;
>
> "(iv) the role and importance of stipends and educational benefits in achieving desired outcomes in the service programs;
>
> "(v) the potential for cost savings and coordination of support and oversight services from combining functions performed by ACTION State offices and State Commissions;
>
> "(vi) the implications of the results from such studies and demonstrations for authorized funding levels for the service programs; and
>
> "(vii) other issues that the Director determines to be relevant to the administration and organization of the service programs; and
>
> "(B) the number, potential consolidation, and future organization of national service or domestic volunteer service programs that are authorized under Federal law, including

VISTA, service corps assisted under subtitle C and other programs authorized by this Act, programs administered by the Public Health Service, the Department of Defense, or other Federal agencies, programs regarding teacher corps, and programs regarding work-study and higher education loan forgiveness or forbearance programs authorized by the Higher Education Act of 1965 related to community service.

Mr. DURENBERGER. The results of this study would let us know whether to proceed with this program.

Last Thursday evening, my friend and colleague from New York stood back here and made a very effective case that this program cannot be a way of assuring financial access to higher education for large numbers of young Americans.

At $22,000 per national service participant, Senator D'AMATO is right. Without my colleague's charts—and without his colorful language—I have made that same case my self.

We already have better and more efficient ways of helping lower income students pay for college through the Pell Grant Program. And, if we enact the fundamental changes in student loan programs that I and many others have supported, we can help ensure financial access to college for middle income students as well.

So, if stipended service is not a large-scale student aid program, then what is it? What justifies spending $22,000 on one young American engaged in community service? The answer to that question, Mr. President, is partly all around us—in existing service and conservation corps and other stipended youth service programs all over America.

Those programs have three sets of goals. The first is to offer young people an opportunity to improve their own self-image and sense of self-worth by doing something that helps, rather than hurts, their neighbors and themselves.

A positive alternative to dropping of school, getting involved in crime, drugs, teenage pregnancy, and all the rest.

An opportunity to get back into more traditional forms of education, to learn job skills, and citizenship skills—skills that these same young people will need and use throughout life.

But, that is not all. A second goal we must focus on, Mr. President, is to tap the creative energies and time and talents of young people doing service in local communities all over America.

Each of our communities has unmet needs. In some communities it is helping young children get ready to learn.

In others it is helping older residents remain in their home.

This week, in the Midwest, it is helping families and whole communities recover from the ravages of floods.

At $22,000 per participant, Mr. President, I agree that we cannot afford to use national service just to help pay for college. But, if the objectives are helping communities meet unmet needs—and offering young people a positive alternative to drugs, crime, teenage pregnancy, or even death—then $22,000 can be a very wise and productive investment.

Finally, Mr. President, a third goal for both stipended and nonstipended service is to build a life-long commitment to service and to leadership. We are not just talking about what goes on during a one or two period of service, Mr. President. We are talking about changes in how we relate to ourselves and to our communities that will last an entire lifetime.

Every time I go to a meeting or attend a hearing on this subject back in Minnesota, Mr. President, there is a small delegation of 75-year-old men in the front row.

In the 1930's, they were in their late teens or early twenties. By the time they finish talking about their experiences then, as CCC volunteers, they have tears in their eyes, and so do I.

Their experience during the 1 or 2 years they set aside to build parks and campgrounds and other improvements all over America has instilled a sense of service and citizenship and leadership that has lasted an entire lifetime.

Much of the debate over this bill, Mr. President, has focused on the stipended service programs it expands or authorizes. But let me also point out that this bill significantly increases our commitment to nonstipended service learning:

Programs that are an essential part of the youth and community service programs in many of our States; and

Programs that deserve an opportunity to grow, regardless of how much money we're able to spend on the new stipended service programs authorized by this bill.

So despite the relatively small funding levels, one of the most important goals of this bill is to leverage billions of dollars in money we're already spending on education to make both teaching and learning more effective. We do that, Mr. President, by making the whole community the classroom.

Unfortunately, not every school-age young person is in school. And not every young person can afford to perform full-time service without the kind of modest stipends authorized by this bill. Those are two reasons I support the service corps and other stipend service programs this legislation will help start or expand in communities all over America.

But, Minnesota and other States have also demonstrated how effective nonstipended service learning programs can be in motivating and institutionalizing community service, not just by 25,000 or even 150,000 young people, but by millions of kids—kids from kindergarten through college.

Since Minnesota's pioneering youth development legislation was first adopted in 1987, the number of school districts with a youth development plan has grown from 158 to 325. More than 100,000 Minnesota elementary and secondary students are now engaged in some type of community service activity through their schools, an increase of 40,000 students in just the last year. And almost 40 percent of Minnesota's 399 school districts now offer academic credit for youth service and service learning.

One of the reasons for this phenomenal growth is Minnesota's commitment to put State and local resources behind links between youth service and education.

Since 1987, Minnesota school districts have been levying a small per capita property tax assessment for youth development and service activities. The money, which currently totals $3.5 million statewide, is channeled through each district's community education program.

Minnesota has also put State resources into postsecondary service learning projects on public and private college campuses. And Minnesota has one of the Nation's best-run conservation corps, run by the State's Department of Natural Resources.

Overall coordination for Minnesota's youth service activity has been provided over the past 4 years by a Governor's Advisory Task Force on Mentoring and Community Service. The task force has been chaired by Jim Kielsmeier, president of the National Youth Leadership Council, and one of the Nation's foremost youth service leaders.

Minnesota's vision and long-term commitment to youth service has also played a key role in securing Federal funding from the Commission on National and Community Service under programs that will be reauthorized by the legislation now before us.

Last year, Minnesota received grants of $236,000 under the ServeAmerica Program to support its K–12 service learning programs, $150,000 for college-level programs, and $245,000 as one of eight leader States—funds that are being used for evaluation, self-evaluation, curriculum development, and establishment of academic standards in Minnesota and a number of other States.

With its ServeAmerica grant, Minnesota has funded 23 K–12 Programs run by small rural school districts, an Indian reservation in northeastern Minnesota, and both suburban and central city school districts in the Twin Cities.

One of the more innovative projects is run jointly by the St. Paul Schools' New Americans Program and the Ramsey County Public Health Department. This program is developing a Youth Service Corps that involves youth from families that are recent immigrants or refugees. After working with adults in the health and human services fields, participating youth are sharing their knowledge with other youth from their own cultural background.

I met with students from this program earlier this year, students who are learning about health care and exploring health professions at the same time that they're working to improve the health of their own communities.

Another innovative service learning project in Minnesota is the Students Reaching Out Program at Anwatin Middle School in Minneapolis. Under this program youth with disabilities are being given the opportunity to tutor younger children at a neighboring early childhood center.

Overall, the Minneapolis public schools have one of the most extensive programs of service learning in the entire country. The Labor and Human Resources Committee had the opportunity to learn about one of those programs firsthand during its hearing on this bill earlier this year.

I am pleased that two Minnesotans contributed testimony to that hearing—Mary Noble, a teacher and assistant principal, and Robert Hurt, an eighth-grade student. Both Mary and Rob have been involved in service learning programs at Webster Open School in northeast Minneapolis.

And finally, still another outstanding service learning project in Minnesota is being run jointly by the State's Pollution Control Agency River Watch Program, the Ojibwe School, and the Fon Du Lac Reservation near Duluth. Under this program, students trained in water quality monitoring through the project are also working with younger students on a variety of environmental issues.

All of these service learning projects—and hundreds of others all over Minnesota—are just the kind of initiatives that this legislation is designed to encourage and support in every State in the Nation.

I am personally optimistic, Mr. President, that the important goals of this legislation can and will be achieved. but I'm also reminded that the kind of fundamental changes we are seeking through this legislation very seldom originate in Washington.

One of my personal mentors on this subject has been Wayne Meisel, a young man who grew up with my kids in south Minneapolis, and who was among the first group of members appointed by President Bush to the Commission on National and Community Service. Wayne summarized the reality of how change occurs when he recently wrote:

> Movements are not born in Washington, DC. In fact, by the time they reach our Nation's Capital, they have already happened. The youth service movement is no different.

The movement Wayne Meisel is part of involves millions of young people and thousands of teachers and youth service workers all across the country.

My hope is that the substitute now before us will help make that movement an integral part of how we teach and learn in every school building and every classroom in America.

In fact, one important purpose of this bill is to make every community in America a classroom and an environment in which the talents and energies of our youngest citizens can be fully engaged and fully appreciated.

Nobody has a greater stake in addressing all the challenges we face as a nation than our children and our youth. And as a nation that thrives on tackling tough challenges, we can't afford to leave that tremendous natural resource untapped.

During this debate, Mr. President, it has become evident that all of us need a much better understanding of both those questions. But I believe both those questions can be addressed through the substitute we now have before us.

I urge support for the motion now before us, Mr. President. And once it has been adopted, I look forward to giving this important legislation the kind of bipartisan blessing it will need—the kind of bipartisan blessing that this legislation most certainly deserves.

Mr. President, I am going to respond briefly, if I may. Let me say I am going to support cloture. I think the issues have been well enough defined over the last couple days. There has been all the negotiating everybody has talked about. But I am going to share with my colleagues a couple of assumptions. One is that all 100 of us are for service, national and community service both. We are all for it. We all make the assumption that 78 percent of us, or something in that neighborhood, are for the kind of national and community service that this bill proposes.

I will also make the assumption—I think it is correct—that the initial statements supporting this bill by both my colleague from Pennsylvania and I were identical. We said the program is not tight enough; it does not have measurable outcomes. It does not have a business plan to use. It does not have something 2, 3, 4, 5 years from now you can actually measure and say it is worth re-upping the program.

We also said there was too much money. There is no argument on this side, or hopefully on the other side of aisle, where they have come from $10.2 billion down to $1.5 billion. So money is no longer the issue, as a lot of my Republican colleagues have said. It is not the issue.

Do you know what the issue is? They want to get it below $1 billion. That is about how simple this thing is. So it is a 2-year program versus a 3-year program.

Does it make any difference whether you re-up in 2 years or re-up in 3 years if you have all of the studies that we have built in here. The business plan is in here. Everything that Republicans have demanded of a responsible public program is now built into this substitute amendment that is actually before us.

I do not think any Republican should be against this. It is the most Republican public program we have ever put forth and money spending is no longer the issue. Everyone has agreed $300 million 1 year, $500 million the second year. The issue is do you have a third year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 1 minute to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in support of Senator KENNEDY's substitute to S. 919. We have a bill before us that is a compromise. It incorporates numerous concerns expressed by my colleagues on this side of the aisle and is a good faith attempt to come to a bipartisan bill.

This proposal illustrates true bipartisanship. During the drafting of this bill, the Clinton administration acknowledged the concerns that many on this side of the aisle expressed about the cost and composition of the national service delivery system. Many of those concerns were addressed in the proposal that the President sent to Congress.

Let me mention just a few.

The original Clinton proposal required national service participation as a prerequisite to student financial assistance. The bill before us does not.

The original Clinton proposal contained a direct lending provision. The bill before us does not.

The original Clinton proposal was a federally funded project. The bill before us represented a Federal-State partnership and guarantees matching funds through State and local sources.

The original Clinton proposal created an entitlement program. The bill before us today does not.

Most importantly, the original bill's authorization level over 5 years totaled more than $7 billion. The bill before us today reduces those levels by $5.5 billion and brings the total over the 3-year period to $1.5 billion. While this may sound extravagant to some, I must remind my colleagues about the purpose of this program.

National and community service is not a program that young people engage in because they are free for the summer or because they have nothing better to do with themselves. Participation in service requires a true commitment. This is a program that demands that youth spend at least 1 year of full-time service or 2-years of part-time service in an area of national need before they can receive the $5,000 education award.

Let me stress that point—this program requires that service be directed toward areas of unmet needs. Those areas of unmet needs are so clearly evident to us all and growing all the time. We have all stood on this floor and talked about our education system, the need to have child care, the need to have after school care—before school care, the need to reduce violence in our schools and drugs in our streets.

Just because we all support spending cuts does not mean all government programs should remain static. We must commit ourselves to redirecting our priorities to make clear that unless we address the concerns of this country we will have no future for our children whatsoever. National service is a cost-effect initiative that will meet many urgent local and national needs that will not be met through traditional measures.

We cannot just look at dollars and cents. We have to look at our national priorities. Our children are not getting a fair shot at what they deserve. Just last month, the National Research Council released their 3-year study suggesting that the serious problems of the Nation's adolescents—drug use, school failure, delinquency, and violence—have grown to tragic proportions. The reasons for such a travesty are clear—the programs designed to assist children have come under siege over that past two decades. But teenagers are not the only losers in our country—young children and babies are also being ignored. When one in five children—14.3 million—lived in poverty in 1991 there is little wonder why children fail in school and become disillusioned with the future.

We have a clear and present danger in this country—just as we did decades ago with our foreign enemies—but we have yet to take that threat seriously. We have not—as we did with our defense buildup—understood that now is the time to build up education, health, and social services programs in the same way that we committed ourselves to the cold war buildup.

The time has come to stop the finger-pointing and the blame game we engaged in so often. Rather, as a team, we must figure out what we want from our system, evaluate what we will need to get there, and devote the time and the resources to achieve those goals.

I will remind my colleagues again. We do have new resources to devote to this issue. We have downsized military enrollees by 100,000 since 1986. The savings generated from curtailing new recruits by 100,000 is close to $1.7 billion per year. That figure does not include GI benefits that military personnel are eligible to receive.

What we are offering here is a program that would partially replace that loss. The National and Community Service Trust Act is a new method of allowing young people to participate in improving their society. We need to keep this consideration in mind as we debate the issue of national service.

Let us not get caught up in frivolous debate. Let us be clear on what this program can do for young people and for this Nation.

In conclusion, there is not much I can offer to the statement of the Senator from Minnesota. We have all been negotiating very hard on this bill, and I believe we have reached a compromise which is most reasonable. We have brought the cost down substantially, as has been pointed out. It is only $1.5 billion over 3 years now versus a much larger sum, $10 billion. We have tightened it up. We have made it effective. We made it a program which I believe we all can be proud of when it starts.

Now we have the question of whether or not we are going to vote for cloture. I will support cloture if this substitute passes.

I urge my Republican friends, a majority of whom, I know, are in favor of a program like this and want one, to vote for it now and get on with it.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. Mr. President, I compliment my friend and colleague, Senator KASSEBAUM, from Kansas, who I believe did an outstanding job, and also I will say right at the outset I think she and other people on this side have not engaged in a filibuster but have been responsible in saving billions of dollars of taxpayers' money.

The proposal that Senator KENNEDY and others have come out with today is a 3-year program at a cost of $300 million the first year. Under the bill that came out of the committee, it was $394 million. That saves $94 million for next year.

Under the President's budget, he proposed $1.2 billion in the second year. Now I understand the proposal before the Senate is $500 million. So that saves $750 million. So I congratulate my colleagues on this side of the aisle as well.

And then for the third year, I believe the Senator from Massachusetts has now offered $700 million. Under the President's proposal, it is $2.4 billion, so you have a savings of $1.7 billion again.

So I compliment my colleagues on the Republican side of the aisle because they have already saved about $2.5 billion just by pointing out that this is a very expensive program.

My friend and colleague from Minnesota said this is not just an issue about cost. It is an issue with this Senator that is largely on cost because both the House and the Senate are in the process of attempting to pass the largest tax increase in history at the same time we are starting a new program that will only explode in cost.

I might mention the President of the United States, who has been a big advocate of this program, was on TV last week saying that this program was going to benefit millions of students.

Well, now we are talking about benefiting maybe 20,000 the first year, and maybe 30,000 or 40,000 by the second or third year. So I think we need a little truth in advertising.

But I also think we need to compare the cost. This is an enormously expensive program if it is an education program. The cost in 1997 per person, which will not change even though the amounts will change, is $22,000. The cost of the student loan program is $400. The cost of the Pell grants is about $1,300.

So this is an enormously expensive program. If we have limited resources and if we want to help millions of students, we can do so through our student loan program.

This program, under the President's budget, would cost $3.4 billion. That is more than the cost of student loans, and student loans last year helped almost 5 million people. So if we want to help millions of people, let us do it through student loans. Maybe let us do it through enhancement of Pell grants, but let us not start a new program which, if we fund it, is going to cost billions and billions of dollars at a cost of $22,000 per person in the year 1997. They are eligible for 2 years of benefits. That is over $45,000 that the Government will be paying per participant involved in this program for 2 years.

Mr. President, I do not think we can afford this program. I happen to be for national service. I happen to be for community service, but I do not really think the Federal Government has to pay for it. I doubt that Mother Teresa is on the Federal roll in India.

Mr. President, I ask unanimous consent that an editorial that is in today's Wall Street Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 29, 1993]

THE NEWEST ENTITLEMENT

With one hand Congress is getting ready to sock us all with new taxes to "reduce the deficit." With the other hand, it's oozing sanctimony to enact new spending programs, not much worrying that they'll increase the deficit.

Under the rubric of "national service," for example, the Senate is on the verge of enacting what will inevitably grow into a big new middle-class entitlement. Technically, national service will be funded annually like other discretionary programs. But if Mr. Clinton keeps his promise to make room for everybody who wants in, the program becomes a de facto entitlement.

It would create a bunch of new federally funded jobs for kids 17 and older. They'd get a paycheck, health benefits and tuition vouchers worth upward of $20,000 a year. It looks to us as if seducing kids away from classrooms and real jobs would serve mostly to rope them into a codependency relationship with Washington, but it has a warm and fuzzy appeal to some voters and Senators.

Bob Dole and the Senate Republicans are playing Hamlet over whether to filibuster this new entitlement. Little details such as costs get lost even on the Republican side of the aisle, let alone among Democrats panting at more tax revenue.

National service is targeted directly at kids who are nervously scanning the want-ads for that first job; what Mr. Clinton, is dangling sounds like pretty good pay to a 17-year-old. He speaks airily of sending the kids out to "help the police" and "combat homelessness." In reality, this means whatever work the national service bureaucrats can scare up, after first making sure not to step on the toes of organized labor or trespass on the turf of 19 million federal, state and local employees. In other words, the kids will be put to work doing jobs that everybody agrees aren't worth doing.

The sorry record of previous federal make-work programs doesn't permit much optimism. Before it was zeroed-out by Ronald Reagan, CETA paid teenagers to attend picnics and meet society's unmet need for nude sculpture classes. It's well known that many CETA offices saw their charges only when it was time to hand out the paychecks. The kids, in turn, learned contempt for productive work and cynicism about government.

Mr. Clinton would recreate CETA on a grand scale, cycling 150,000 youngsters a year through national service by 1997. There'd be jobs for an army of bureaucrats to ride herd on them, and for another army of outside lobbyists to explain why ever greater federal funding is essential. You can bet that 535 Members of Congress would also be getting into the act, making sure the kids are deployed in their home districts to improve their re-election chances.

Once set in motion, this machinery makes sure that any federal program enjoys eternal life. You can read this in the relentless, upward trajectory of federal spending and deficits since Congress absconded with the President's budgetary authority during the wounded days of the Nixon administration.

There's something especially egregious about re-enacting this history with young folks as fodder. No doubt many of the kids who are drawn to national service are genuinely idealistic. And true, there's a slight "New Democratic" twist because at least this entitlement for the unneedy comes with a measure of reciprocal obligation. But kids taking their first steps toward self-reliance don't need Big Government offering itself in loco parentis. The bureaucracy is shilling for itself with the idea that work in the public sector is "service" while supporting yourself and paying taxes in the private sector is merely self-indulgent.

Such philosophy aside, what about the money? Yes, the program starts small, as runaway entitlements always do. Clearly its pork-barrel dynamic spells growth. And it already carries the same heart-tugging packaging that just led 400 members of the House to vote for flood relief, including $100 a week for job-training recipients. Because spending can't be cut, they keep telling us taxes have to be higher regardless of damage to the economy.

How can Mr. Clinton and the Democrats keep a straight face while pontificating about the urgency of raising taxes to close the deficit and at the same time peddle the notion that the government should hire the nation's kids? The only way to cut the deficit is to reduce spending. And before you can start cutting old spending, you have to keep yourself from creating new spending. The government will never cut its deficit if it keeps assuming vast new responsibilities.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NICKLES. I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I yield myself such time as is remaining on this side.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, while the Senate has spent most of the past week arguing about how to foster a spirit of national service, thousands of volunteers across Kansas and other States in the Midwest have been on the front line literally giving their time and energy and effort to fighting devastating floods.

This stark contrast between talk in Washington and action in middle America translates eloquently I believe what is wrong with the national service legislation. When Americans see a clear need to act and the meaningful role that they personally can play, there has never been any doubt but what their response will be, and they do not need a vast Government program and a Federal check to get moving.

The Senate debate over national service has been anchored in fundamentally flawed premises, Mr. President. We have argued about how much Federal money we should spend, and how much Federal direction to impose, and what incentives are necessary to get Americans to step up and volunteer.

In Kansas, a volunteer is someone who says, as a man did the other day, "My own job was washed out, so I came down to help fill sandbags and do whatever I can to help."

Under the bill being debated in the Senate, a volunteer is someone who needs minimum wage pay along with health care, child care, and education benefits.

Mr. President, this is not to denigrate the program that is before us or to say that it does not have an opportunity to provide a meaningful structure of community service for a number of young people. But it is just to say we must keep in mind what is at stake and what we are debating.

While the contrast that I made is not entirely fair about the minimum wage and the opportunities for a job in this effort, since national service involves a commitment by anyone undertaking it for 1 year or 2, it does suggest how Washington can become locked into debating the wrong things. We have missed a point that the floods have brought back into focus. The critical ingredients of any volunteer program are to clearly define the needs that must be met and the meaningful roles that young and old can play in meeting those needs.

I would just like to reinforce what has been said before, and we have debated this to a great extent back and forth in this Chamber over the last week. The bill before the Senate would continue all of the current service programs and their present funding. That involves already 30,000 full-time service workers at a cost of approximately $250 million a year.

Then, on top of that, we add a new layer of bureaucracy over the top and double both the funding levels and the number of volunteers in the first year. Under the President's proposal, the program would add 20,000 volunteers in the first year and over 4 years the cost is $7.4 billion.

In many ways, I have argued strenuously that the startup cost of $300 million for the first year is too much, particularly until we understand exactly what it is we want.

But I would also say, even more importantly, Mr. President, the floods of the past few weeks have demonstrated that the spirit of voluntarism is alive and well across America. It will remain so no matter what Washington does. We have always responded when our communities were at stake.

What we have missed is a chance to forge a genuine partnership from our neighborhoods to our capital. And it is that that I regret.

I would just like to add that I have very much appreciated the willingness of the administration to continue to negotiate in good faith; and to my colleagues on the other side of the aisle, particularly the chairman of the Labor and Human Resources Committee and the Senator from Pennsylvania, Senator WOFFORD, who both have been keenly interested in this issue, and who have spent a great deal of time, improving the bill.

However, I will vote no on cloture, Mr. President, because I think there is an opportunity yet to add some additional changes that would further strengthen both the fiscal responsibility and the structure of the legislation.

But I very much appreciate how far we have come through the negotiations, and I think it is a stronger bill for that.

Mr. President, I yield the floor, and yield the time I have remaining.

The PRESIDING OFFICER. The Senator from Massachusetts controls 1 minute and 27 seconds.

Mr. KENNEDY. Mr. President, I will take what time remains.

All of us applaud the extraordinary sense of voluntarism that we have seen in the Midwest and across this country. We have 90 million Americans who volunteer more than 2½ hours a week. But in many instances—not all, but in many instances—those are people with financial resources.

The desire to serve runs from the poorest to the wealthiest individuals and is found in Americans of all backgrounds. We want to make sure that young and old people that want to give something back to this country are able to do so.

This program provides an opportunity initially for at least 20,000 additional young Americans to be involved in such service.

We hope that if there are other amendments, we will vote on them. We want to have a final determination about whether this body wants a service program or not. We are prepared to vote on any of these amendments. We welcome the opportunity. But the question before the Senate is whether we can vote on resolution of this issue.

We think the American people are entitled to a decision. If Republicans or Democrats believe that they are, I hope they will give us that opportunity by voting yea.

Mr. President, I yield my remaining time.

Parliamentary inquiry: Mr. President, does the rule provide for a yea and nay vote?

The PRESIDING OFFICER. The yea and nay vote is automatic.

Mr. KENNEDY. I yield back the remainder of my time.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on a Kennedy substitute amendment No. 709 to the modified committee substitute to S. 919, the National and Community Service Trust Act of 1993:

Donald Riegle, David Pryor, Harris Wofford, Paul Wellstone, Patty Murray, Howard Metzenbaum, Edward M. Kennedy, John F. Kerry, Barbara Boxer, George Mitchell, Byron L. Dorgan, Wendell Ford, Bill Bradley, Kent Conrad, Dianne Feinstein, Ben Nighthorse Campbell.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Kennedy substitute amendment, No. 709, as modified, to the modified committee substitute to S. 919, the National and Community Service Trust Act of 1993, shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. KERREY). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—59

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—41

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the cloture motion is rejected.

Senator KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I express all of our appreciation for those Members on our side and my colleagues, the cosponsors, Senators DURENBERGER and JEFFORDS who supported us in this cloture vote. I am also very appreciative of Senator CHAFEE for his support in the vote.

I think it is very clear what the sense of the membership is on this measure. There is a clear majority that desires to move forward on this bill. We are scheduled to vote on cloture again tomorrow.

I give assurances to the membership that we are going to continue to be tireless in trying to find common ground. This is too important an issue not to be able to reach a resolution of it. I think the American people expect no less. Our approach will be to try to find a common solution. We hope that those with reservations will approach this likewise. If they do so, we should be able to take action and reach a final resolution on this legislation.

I am grateful to the majority leader and to my colleagues, both those who have agreed with us and those who have differed with us. We will do everything we can to try to reach a successful outcome prior to the cloture vote tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, let me indicate, as I did earlier, that many on this side, I think, are prepared to vote for national service, as I indicated yesterday to the President. We are still prepared to try to work it out.

We appreciate the statement just made by the Senator from Massachusetts. We think we have been operating in good faith. We spent several hours yesterday. We thought we had an agreement. I am not blaming anyone. We accepted it. They called back and said we are embarrassed but we cannot accept the agreement. It is not that we have been trying to delay it in any way.

I hope we can resolve it so that we have a majority of the Republicans supporting it rather than just a few.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I thank my colleague for his comment, and I thank the distinguished chairman as well.

It is my hope, as well, that we will be able to resolve it. It is quite clear that a very substantial majority of the Senate—59 of 100 Senators—favor the measure, as is. And given that strong support, strong sentiment for the measure as is in the substitute that was the subject of the cloture vote, I hope that the necessary steps can be taken to bring this to a final resolution in the near future and we can pass a bill, of which all, or at least most, of us will be proud.

I thank my colleague.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

ORDER OF PROCEDURE

Mr. DANFORTH. Mr. President, if I can make an inquiry of the majority leader.

Mr. President, if possible, I would like to speak for, I do not know, 10 or 15 minutes or so, on the subject of the

National Service Program. This would be a good time for me, but I do not know what the intention of the majority leader is.

Mr. MITCHELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. 919 is the pending business. The national service bill is still the pending business.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Missouri be recognized to address the Senate for up to 15 minutes, following which the Senate resume consideration of the State, Commerce, Justice appropriations bill.

Mr. DANFORTH. Mr. President, reserving the right to object. What I would like to do is just to speak without a time limitation. I really do not intend to go on. I probably will be less than 15 minutes, if I could just proceed as in the regular order.

Mr. ROTH. Will the Senator yield?

I thought I was going to have 15 minutes this morning in morning business, but I did not get it. I would like to get 15 minutes sometime this afternoon.

Mr. MITCHELL. Mr. President, I would be pleased to do that.

I would like to make an announcement now, because the Senator from Delaware had requested 15 minutes in morning business this morning.

We are now getting a literal explosion of requests for morning business time from both sides of the aisle and all Senators. It has nothing to do with party or anything else.

But the consequence is that it is increasingly difficult, if we are going to spend several hours a day on morning business—I am going to go ahead with this request—but I just want to say that next week I hope to consult with the Republican leader about this, about a way of either minimizing or just not doing morning business next week because we have so much to do in other things. We have to figure out a way to control it that combines the twin objectives of permitting every Senator to be able to speak fully and at length, if he or she wishes, and also to be able to get the business of the Senate done.

Mr. President, I ask unanimous consent that the Senator from Missouri be recognized to address the Senate; that upon the completion of his remarks, the Senator from Delaware be recognized to address the Senate for 15 minutes; and that upon the completion of his remarks, the Senate resume consideration of the State, Commerce, Justice appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. It is my understanding that we want to complete action on the pending appropriations bill sometime early today and then go to another appropriation bill, if one is ready; is that correct?

Mr. MITCHELL. That is correct.

Mr. DOLE. We hope that we might move very quickly on the appropriations bills. I think there are two—Interior and Treasury-Post Office—that are available.

We will try, as we have in this past week, to get an agreement on total amendments, and then we will bring those to majority leader.

Mr. MITCHELL. I thank my colleague for his cooperation.

I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I would like to take this opportunity to explain as clearly as I can why I do not believe that the National Service Program is a good idea.

Mr. President, from reading the editorials on this subject, I think most people would come to the conclusion that what is at stake is basically a party fight—that Republicans are largely against the National Service Program; that the President wants the National Service Program; that this is simply another example of gridlock. That the Republicans are up to mischief yet again.

I would like to say that, from the standpoint of this Senator, I really am not interested in this subject from the standpoint of trying to deal a defeat to the President of the United States. I oppose the National Service Program out of principle. I do not oppose it out of political partisanship. I think it is the wrong idea for how the Federal Government should relate itself to the volunteer sector of this country.

Most of the debate that has transpired on the floor of the Senate has had to do with dollars, and most of the negotiations that have been going on have had to do with dollars: How can we afford this program, it is asked. How, at a time when we are dealing with the budget deficit, can we set up a new program? Should we spend $10.8 billion or should we spend $1 billion or how much money exactly should we spend on the National Service Program?

And that, of course, is a very interesting subject. But it is not really what is on my mind. As a matter of fact, Mr. President, what really is on my mind is that the dollars are limited and that the whole notion of a National Service Program is to create a selective program which spends money on a selective basis in a way that rewards some kind of public-spirited activity but not all public-spirited activity. And therein, I believe, is the problem with the National Service Program.

The National Service Program is officially guided voluntarism. There is a difference between officially guided voluntarism and spontaneously generated voluntarism.

Spontaneously generated voluntarism springs from the hearts of the American people—and different people in this country have different ideas of what they think would be helpful to their fellow human beings. Some people are volunteers through their churches; some people are volunteers through the Red Cross or through the Salvation Army. Some people are volunteers essentially on a full-time basis—many retired people are that way—and some people are volunteers on a part-time basis. People select their own voluntary endeavors and they pursue them at their own pace.

My problem with the National Service Program is that there is now going to be governmentally sponsored, governmentally sanctioned public service activity.

There is going to be a corporation. The Corporation is going to have a Board of Directors. The Board of Directors is going to be a Washington Board of Directors, and the Board of Directors is going to set priorities. The Board of Directors is going to be appointed by politicians in Washington, and people in Washington are going to make the decisions on how the Federal subsidy for voluntarism is to be spent.

Washington will set priorities. Washington will say there are certain kinds of voluntary activity which we sanction officially and there are many other kinds of voluntary activity that do not fall within the parameters of our governmental interest. That, to me, is the problem with the National Service Program. It is not simply a debate about the budget deficit. It is not simply a debate about whether we should set up yet one more governmental program.

My concern, as a matter of fact, is driven by the fact that there are only a limited number of dollars that are going to be spent on this program and, therefore, the National Service Board must be selective. It must pick winners and losers. It must pick those activities that are approved and those that are not approved. Therein is my problem. Because, in this way, the National Service Program differs from the charitable exemption and the charitable deduction.

We in Washington, we in the Federal Government, do try to help nonprofit organizations. We try to help charitable endeavors, voluntary endeavors. How do we do it? We do it by providing charitable exemptions to nonprofit organizations under the Internal Revenue Code and we do it by providing deductions for people who want to contribute to those organizations.

However, the charitable exemption and the charitable deduction are virtually entirely nonselective. It is not an effort by the Treasury Department or by the Congress of the United States to officially sanction one kind of charitable activity versus another. So that church groups can get a 501 (c)(3) charitable exemption. As can the Boy Scouts. As can the Salvation Army. As can an infinite number of organizations that want to do charitable work.

Government is not selective. Government does not say we really like one kind of community service activity but we do not care that much about another type of community service activity so we give our charitable deduction only to some and not the others. That is not the way we do it. We do it on a nonselective basis. And the American people, therefore, make their own decisions about what kinds of activities are worthwhile and what kinds of activities they would just as soon leave to somebody else. It is a people decision. It is not a governmental decision.

But under the National Service Program, it becomes a governmental decision because a Government creation, the National Service Corporation, sets priorities, and the National Service Corporation says here are the priorities. Here are the activities that will be funded and here are the activities that will not be funded.

This general concern about selectivity, which has been lurking in my mind for some time, was clarified for me by reading an article in the New York Times that appeared last Friday, July 23. The article happens to deal with my State. It happens to deal with a number of people who have come there to volunteer because of the flood. And it specifically mentions one person who is very close to me and very close to my family. Her name is Caryl Simon.

The article is datelined Arnold, MO. I want to highlight some of the points that are made in this article.

It talks about a man named Dave Culver. Dave Culver is a 33-year-old high school teacher in Elizabeth, CO. This 33-year-old high school teacher from Elizabeth, CO, got in his car and he drove all the way to Arnold, MO, to do sandbagging. He was moved to do that.

Then the article goes on to talk about Ste. Genevieve, MO. It talks about a sign relating to sandbaggers that appears in Ste. Genevieve at the Valle Catholic High School which says:

> Help wanted. No experience necessary. Flexible hours. Fringe benefits: Meals and drinks, Tetanus shots, Band-Aids. Apply within.

And it says that in Ste. Genevieve, at the town's city hall:

> A hand-painted honor roll lists perhaps 100 places volunteers have come from. They range from Vicksburg and Jackson, MS, to Boston and Washington; from Denver to Hibbing, MN, to Charlotte, NC.

The article speaks about my friend Caryl Simon:

> Caryl Simon, 56-years old, lives 20 miles from here in Frontenac. She's spent most of the past week sandbagging in Lemay, Oakville and other towns, and said her 30-year-old son Stephen, a banker in Dallas, is flying in this weekend to sandbag as well.
>
> "I just felt that I had some time, and I felt I could give some of it back to other people," she said. "You see what's needed and how could you not help?"

I want to say a word about Caryl Simon. She is one of my wife's closest friends. She is the godmother of our third daughter, D.D. The last time we saw an article about Caryl Simon it had to do with the Senior Olympics, which were being held in St. Louis. Caryl Simon was helping a blind senior citizen swim.

My wife recalls that in their youth, when she and Caryl Simon were in high school, my wife would drive Caryl Simon to the blood bank to give blood.

That is Caryl Simon. That is the kind of person she is. And she does not get paid for it. And she does not ask to get paid in dollars or in dollars' worth. She just does it.

Dave Culver, from Elizabeth, CO, does not ask to get paid. And he does not get paid. He just gets in his car and does it.

There are thousands and thousands and thousands of people who do that.

I raise this point in connection with the National Service Program, simply to ask how these people's activities fit in with the National Service Program, because I am convinced that they do fit in with the National Service Program and that they fit in in this way:

Are any of the sandbaggers in the State of Missouri or in Illinois or in Iowa going to be compensated? Would any one of them be compensated by the National Service Corporation, if we had a National Service Corporation?

Who knows the answer to that question? Maybe some would; but I bet anything that not all would. Because in order to get compensated by the National Service Corporation, you have to be a member of an organization. And you have to apply for a grant. And your grant has to meet the criteria of the National Service Corporation.

Caryl Simon is not a member of any organization. She is just Caryl Simon. I imagine Dave Culver from Elizabeth, CO, is not a member of any organization. He is just Dave Culver. And he just gets in a car and he drives and he fills sandbags until he drops.

Perhaps some people who would show up to do sandbagging would be members of organizations. Perhaps those organizations would have applied for a grant. Perhaps those grants would have been given by the National Service Corporation. But does that mean that Dave Culver, therefore, better belong to the same organization or that Caryl Simon better belong to the same organization?

What if they do not belong? What is the equity in having some organization that is officially sanctioned doing the sandbagging when the individuals out there just doing good works have not applied for a grant and are not members of an organization?

And there is something that is even more serious than the potential lack of equity in paying members of some groups and not paying others. What is more serious is that those organizations that apply for grants tailor their grant applications to the criteria set out by the granting organization. That is a fact of life. Anyone who has ever sat on a foundation board knows that applicants for grants first try to find out what the criteria are for the granting organization. And then they chase that money by so tailoring their applications.

Universities that want research grants from the National Institutes of Health know the art of grantsmanship. Universities know how to tailor grant applications so as to meet the criteria of the National Institutes of Health. Any organization applying for a grant from any other organization tailor-makes the grant application. And that is the problem with the National Service Program.

Mr. President, let us say hypothetically that the National Service Corporation were now in existence. And let us say that sandbagging in Arnold, MO, did not meet the criteria of the National Service Program. Let us say that the National Service Program included various community activities in its criteria, but sandbagging was not one of them. Then the National Service Corporation is saying: We want volunteers to steer their efforts toward those activities that we compensate and away from those activities that we do not compensate. Somebody else is making decisions as to how good-hearted people spend their time and do their good works. And somebody else is a member of the board of something called the National Service Corporation created by an act of Congress and populated by people named by politicians in Washington.

That is my problem, and it does not have anything whatever to do with Republicans attempting to bamboozle the President of the United States; nothing at all. It does not have anything to do with some cabal being hatched in the minority leader's office. I do not even agree with a stripped-down version of the bill which apparently is being negotiated in the minority leader's office. I do not agree with the concept. I do not agree with people in Washington trying to channel the good works of decent people throughout this country. I do not agree with a governmentally created corporation telling Caryl Simon of Frontenac, MO, that her good works at a levy in Arnold are less worthy in the eyes of the powers that be than some other activity which is on the criteria list.

I think it turns people into minions of Government. I think that it puts an official stamp of approval on officially approved good works and, by implication, less approval—or no approval—on those deeds which spring from the hearts of the people.

The Federal Government does many, many good things. It has a lot of good people. It can do a lot of good work. It can do some work that is not so good.

It does some things in the right way and some things that are not right at all. But the Federal Government does not have heart. We may believe we are compassionate. In vote after vote, we want to prove how compassionate we are. But the Federal Government is a thing and the National Service Corporation will be a thing. And I do not think it is right for the Government, or its creations, to try to shape the hearts and the souls of the people of this country even for the best of reasons. I do not think that is right.

The charitable exemption is right because it is not manipulative. The charitable deduction is right because it is not manipulative. The National Service Corporation is not right because by its very structure and design it is manipulative. It twists and it shapes the spirit of this country. That, Mr. President, is the reason for my opposition to this program.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware, Mr. ROTH, is recognized for a period of 15 minutes.

(The remarks of Mr. ROTH pertaining to the introduction of S. 1309 are located in today's record under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. ROTH pertaining to the introduction of S. Res. 135 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I think I have some leader time left. I ask unanimous consent that I do not use that leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is correct. He has 6 minutes remaining under leader time.

Mr. DOLE. I will not use it at this time. The managers are not on the floor. I will take this opportunity to make a brief statement on Bosnia.

BOSNIA

Mr. DOLE. Mr. President, according to news reports, the Clinton administration has been meeting to review various aspects of its Bosnia policy. Ironically, this review appears not to have been prompted by the 4,000 shells that fell on Sarajevo last weekend—just as mediators Owen and Stoltenberg were trying to convene peace talks—but by the Serbian artillery attack on French UNPROFOR forces.

In any case, I welcome this review. I hope that Secretary Christopher has reconsidered his remarks that the United States is doing all it can, because I believe there is more that the United States can do, more than just protect UNPROFOR forces in Bosnia and more than just engage in aggressive diplomacy. At the very least, we should help the Bosnians help themselves, by lifting the arms embargo.

Mr. President, the stakes in Bosnia are high. By allowing Bosnia to be cannibalized, we are sending a green light to would-be aggressors around the globe. Let us not fool ourselves, even if Bosnia's dismemberment is ratified and blessed through the Owen-Stoltenberg process, we are not getting rid of a difficult problem, but sowing the seeds of new problems.

Mr. President, it is not too late to do the right thing. The United States must shed its pretense of impotence and assert its position as the world's sole superpower.

If President Clinton does not act now, I believe he will regret his inaction in years to come.

Mr. President, I ask unanimous consent that an op-ed by Fred Coleman in U.S. News & World Report entitled, "A Decision Clinton Will Regret" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Aug. 2, 1993]

A DECISION CLINTON WILL REGRET

(By Fred Coleman)

President Clinton has recently demonstrated some foreign-policy acumen, but his administration's decision last week to wash its hands of the debacle in the Balkans could come back to haunt him.

As Serbian attackers closed in on the Bosnian capital of Sarajevo, Secretary of State Warren Christopher, who has insisted that "no vital American interests" are at stake in the Balkans, said the United States can do nothing more to help the outnumbered and outgunned Bosnian Muslims. He is wrong on both counts.

The partition of Bosnia by Serbia and Croatia, which Christopher last week tacitly approved, will only reward ethnic cleansing. Fifty years after Hitler, barbarism is again becoming the norm in international relations: Serbian President Slobodan Milosevic has shown that genocide and aggression now go unpunished.

When Serbia and Croatia have finished carving up Bosnia, they will turn on each other again. Ethnic cleansing and war are likely to spread from Bosnia to Kosovo and Macedonia (where 300 American soldiers are stationed), dragging in Albania, Greece and Turkey, then to the rest of the Balkans and even to the former Soviet Union.

NATO fails—The Atlantic alliance's impotent performance could be the death of NATO: If it no longer is needed to counter Soviet aggression and no use in containing the post-cold-war threats to peace in Europe, what good is the alliance? Hopes that the United Nations could help usher in a peaceable new world order are also dying in Bosnia, where the U.N. has given diplomatic cover to the slaughter of Muslims and the seizure of their land.

As Christopher insisted last week, the Bosnian debacle cannot be blamed on Clinton alone. The European nations first failed to stop the worst war on their own continent in 50 years, then pushed Clinton toward his hands-off policy. George Bush, too, failed to halt the calamity before it got out of hand.

But the Clinton administration's failure to act is all the more tragic because there was an honorable course that did not require a massive commitment of American ground troops. That was to follow the Israeli model.

Like Israel, Bosnia seeks foreign arms to defend itself against aggression. But while no American or European leader argues seriously that arming Israel increases the threat of war with the Arabs, the West insists that arming the Bosnian Muslims would widen the Balkan conflict. The Europeans argue that this also would endanger their 7,800 troops in Bosnia. But the Bosnian government wants the European peacekeepers to go home so the U.N. arms embargo could be lifted.

Arming the Bosnian Muslims could force the Serbs to take peace talks seriously, but it would not be easy, risk-free or sure to succeed. Still, ground troops from Muslim nations friendly to the United States could have secured airfields for supply planes and helped train the Bosnians to use the heavy weapons they need.

Leadership is always risky. Clinton's decision to play it safe, however, may doom not only Bosnia but also the fragile opportunity the president inherited to make the post-cold-war world a more peaceable place.

Mr. DOLE. Mr. President, I am not talking about American ground troops in Bosnia. I am talking about going to the United Nations, providing leadership, getting our allies to back us, and if we are not going to help the Bosnians defend themselves, at least we ought to lift the arms embargo so they can do it on their own.

I think it is very important, and I certainly hope that President Clinton will now follow through as indicated in this morning's media.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT OF 1994

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2519, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2519) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Committee amendment on page 83, line 12.

The PRESIDING OFFICER. The pending question is the committee amendment on page 83, line 12, of the bill.

Does the Senator ask unanimous consent that it be set aside?

Mr. BRYAN. Yes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 723

(Purpose: To express the sense of the Senate concerning collection of fines and restitution in cases of financial institution fraud)

Mr. BRYAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN] proposes an amendment numbered 723.

Mr. BRYAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that—

(1) the commission of fraud by financial institutions has reached epidemic proportions;

(2) more than 1,200 banks and savings and loan associations have collapsed over the past 3 years and the Resolution Trust Corporation has found that fraudulent activities have contributed to the insolvency of nearly 60 percent of the thrift failures it investigated;

(3) as of October 1992, the Federal Bureau of Investigation had 9,759 pending financial institution fraud cases against banks, savings and loan associations and create unions; because of the staggering number of cases, United States Attorneys are unlikely to prosecute a financial institution fraud case that involves less than a half million dollars; the percentage of FBI investigations closed after United States Attorneys declined prosecution has increased to 76 percent; and

(4) during fiscal years 1989 through 1992, the Department of Justice has convicted 3,297 defendants in major financial institution frauds involving losses of over $12,000,000,000; Federal courts ordered financial institution fraud offenders to pay restitution and fines totalling more than $1,107,000,000; as of July 1992, the Government had collected only 4.5 percent of that amount.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Justice and the United States court system should make collection of fines and restitution and the effective operation of the National Fine Center a top priority;

(2) the Attorney General should report to Congress on methods to improve collection of fines and restitution, including the use of private resources; and

(3) the President should proceed expeditiously to fill the position of Special Counsel for Financial Institution Fraud in the Department of Justice.

Mr. BRYAN. Mr. President, the amendment that I am asking the Senate to consider today is a sense-of-the-Senate amendment. Having served as a member of the Banking Committee and having been joined by the distinguished senior Senator from New Mexico in the last Congress, we have dealt with a problem involving the collapse of the savings and loan industry and the banks in America.

Some 1,200 institutions over the last 3 years have collapsed. We as Members of the Congress, and the Senate in particular, during that period of time, have appropriated something in the neighborhood of $160 billion to support the old FSLIC Program because of the enormous stress on the federally guaranteed savings and loan lending program.

We have also over the past couple of years been requested and have approved a line of credit for some $70 billion which would be available to the FDIC in anticipation of losses which may occur in the banking system.

So, in effect, we are talking about some $230 billion of taxpayer money that is at risk, $160 billion of which has already been appropriated by the Senate of the United States.

One of the contributing causes to that has been a massive amount of fraud. Some 3,297 persons from the years 1989 to 1992 have been convicted of financial fraud. That is a major contributing factor, and indeed the RTC has indicated a quite significant factor in terms of the losses that have been experienced to those two funds.

We are talking about frauds involving more than $12 billion, and those 3,297 defendants have had imposed upon them court orders to make restitution or fines totally $1.107 billion, all of which would go to the general fund. In other words, they would partially offset the loss to the American taxpayer.

As of July of last year, we have only collected 4.5 percent. That is a rather small figure.

The purpose of this amendment in the form of a sense-of-the-Senate resolution is to encourage and direct the Department of Justice to assign a much higher priority in the collection of these fines and moneys ordered in restitution and to review the effective operation of the national fine center.

I can assure my colleagues that this is bipartisan. I had extensive conversations last year under the previous administration urging them to move forward. I continue to express the same level of concern currently.

I must say that currently the position which is identified as the lead and responsible division, namely the special counsel for financial institution fraud in the Department of Justice, is unfilled.

So what I seek to accomplish by this sense-of-the-Senate resolution, Mr. President, is to urge, number one, that the Department of Justice assign a much higher priority in collecting the fines in the orders of restitution which have been imposed and, second, to urge the President to proceed as expeditiously as possible in filling this key position. By so doing, every dollar collected is a dollar that goes to reduce the American taxpayers' cost in underwriting this enormous financial collapse, which is $160 billion in terms of S&L and bank failures and another $70 billion, a line of credit which we approved with respect to any losses which the FDIC may incur.

I thank the distinguished occupant of the Chair and the distinguished floor leader on the Republican side, the senior Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we have no objection to the sense-of-the Senate resolution.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 723) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BRYAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BRYAN. Mr. President, I thank the Chair and unless the distinguished floor leaders need time, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am on our side trying my best to get some Senators who have indicated they have amendments to come to the floor. It clearly is our intention to finish this bill tonight. If we could get some amendments going, we would not be here very late tonight, from what I understand.

I understand Senator HATCH has an amendment, and we have sent word to him. The FBI director nominee is before his committee this afternoon. That perhaps accounts for the delay.

We also understand that Senator BROWN has an amendment. We have sent word asking Senator BROWN to get here as soon as possible. We will do that again. I assume he is at the same hearing with reference to the FBI director. Perhaps Senator BROWN has two amendments.

Beyond those, we are not aware of any Senators on our side who are pressing us, although their names are still included for potential amendments.

I would like to send one more message out, if I could, this way to their offices that we very much would like any Senator who has an amendment on our side to let us know if he or she is still interested in it and when they might come down and offer the amendments.

I am very hopeful that we can get the amendments started soon.

AMENDMENT NO. 724

Mr. DOMENICI. Mr. President, having said that, I will send an amendment to the desk that Senator DOLE asked me to propose in his behalf. I think it has been cleared on the other side. There is a statement by the distinguished Republican leader that supports the sense-of-the-Senate resolution that he asks that we offer which essentially says that the money which would be saved in our not granting aid to Nicaragua should be made available to emergency humanitarian assistance for Bosnia.

I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, the clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DOLE, proposes an amendment numbered 724.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . It is the Sense of the Senate that funds made available under Public Law 102–391, the Foreign Operations Appropriations Act for Fiscal Year 1993, for the Economic Support Fund, which have been allocated for Nicaragua, be instead made available for emergency humanitarian assitance for Bosnia-Hercegovina.

Mr. DOLE. Mr. President, I rise to offer an amendment that conveys the sense of the Senate that economic support funds appropriated for Nicaragua in fiscal year 1993 foreign operations appropriations should be reprogrammed for emergency humanitarian assistance for Bosnia and Herzegovina.

As the vote in the Helms amendment earlier shows, a significant majority of the Senate does not support providing aid to the Nicaraguan Government as long as Sandinista forces maintain control over Nicaraguan military and security forces. In February, a number of us sent a letter to the administration urging that the administration withhold previously appropriated aid to Nicaragua. The administration did not heed our advice, and released a large portion of those funds. And now, months later, we learn that Sandinista forces are actively operating to undermine the democratically elected government in Nicaragua, as well as supporting terrorist activities in neighboring Central American countries.

Senate opposition to providing aid to Nicaragua unless strict conditions are met is clear. And so, it seems to me that it would be best to urge the administration to put some of the previously appropriated funds for Nicaragua to better use.

The $50 million included in the fiscal year 1993 Foreign Operations Appropriations Act for ESF funds to Nicaragua could be better utilized in the provision of desperately needed humanitarian aid to the people of Bosnia and Herzegovina. While humanitarian needs in Bosnia are on the rise, humanitarian aid has been on the decline. The UNHCR and all humanitarian relief organizations are appealing for more funds. The situation is dire at this moment and will only get worse as winter approaches. Last year's stocks and reserves have been depleted. Moreover most cities have little or no fuel, no electricity, and no running water.

Mr. President, I urge my colleagues to support this amendment. We are not urging that development or humanitarian assistance from Nicaragua be reprogrammed, only economic support funds. There is a humanitarian disaster in Bosnia and $50 million can go a long way in alleviating the tremendous human suffering there.

The PRESIDING OFFICER. Is there further debate?

Mr. HOLLINGS. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, then, the amendment submitted by the Senator from New Mexico on behalf of the Republican leader is agreed to.

The amendment (No. 724) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, as the distinguished Senator from New Mexico has related, we have two amendments on his side and momentarily, as I understand, the sponsors are coming to the floor. As to any on this side, they better come to the floor.

We have tremendous respect and collegial relationship with Senators among Senators, and no one wants to be arbitrary. But what is arbitrary is to list amendments in a unanimous consent agreement and then not appear to present them.

There is no commitment with that listing to sit here and wait. Unless they come shortly, this Senator will be prepared to move to third reading.

We get blamed all the time, "why are we are in at 7 o'clock, 9 o'clock, 10 o'clock at night?" It is because during the daytime everyone is paying attention to something else. The first order of business is the work here on the floor. We are trying to expedite as well as we possibly can and we want full debate on Senators' amendments as they present them.

But we do not have the time if it is just going to be eaten up in quorum calls.

And, regretfully, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I might speak as if in morning business for no longer than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RECONCILIATION BILL

Mr. WELLSTONE. Mr. President, I have been involved in discussions with colleagues about the reconciliation bill, and I want to just come to the floor to make a plea to some of my colleagues.

I mean, just like you, Mr. President, and the Senator from South Carolina, I am honored to be here. And in none of the remarks I make do I ever choose to be an across-the-board bashing of public service or denigration of public service. I believe in the Senate, and I certainly believe in public service.

I just want to make a plea to the budget conferees and to my colleagues, Democrats and Republicans alike, about not losing focus on the concerns and circumstances of low-income people in this budget debate that we have.

I am not certain what the outcome is going to be, but I am worried about some reports that we may very well see a scaling back of programs of assistance to low-income people. I think those programs are extremely important.

Let me be very clear, Mr. President. The problem is that we can make these decisions that have an impact on people and they are not really here. I mean, they are not the big oil or energy lobbyists, they are not the lobbyists for big corporate interests, but they are real people and all too often their voices are not heard around this place. I am concerned that what might very well happen is that we will see a scaling back of some programs that are critically important to people.

I want to talk about several of those programs. I want to talk about the earned income tax program. I want to talk about the childhood immunization program. I want to talk about the food stamp program.

I want to make it crystal clear that the worst mistake we could make by any standard of justice—and I would say this to the President of the United States and I would say this to my colleagues and I would especially say this to Democrats, since it seems that the Democrats are the ones that are involved in this process of negotiations and Republicans do not seem to want to be a part of this process, that we should remember what we are about —one of the worst mistakes we could make would be to raise the fuel tax and, at the same time, not have some kind of an offset by way of an earned income tax credit or food stamp assistance so that we do not end up making life even more difficult for those people at the bottom of the economic ladder.

The House version on the earned income tax credit was, I believe, $28 billion. They wanted to cover working people with children and those households without children. They wanted to make sure that people who work 52 weeks a year and 40 hours a week but still do not make poverty wages would have, through an earned income tax credit, some income that would get them above the minimal level of existence so that they could purchase a minimum amount of goods and services.

The Senate scaled that down to $18 billion. Now there has been discussion of a compromise around $23 billion, or $22 billion, or $21 billion.

I just want to make it clear, Mr. President, on the floor of the Senate that I have never accepted the argument that $500 billion is a magical figure. I do not think there is any economic logic that underlies this position.

I have never accepted the argument that there has to be an even match of revenues that is raised in cuts that we make. I do not think there is any economic logic that underlies that.

This has become a political formula, and I guess it is a constraint that we have to operate under, although I must say on the floor of the Senate that I do not believe it makes very good economic sense. Nor have I accepted the other constraint which is the constraint that we cannot raise the corporate tax from 35 to 36 percent, when we talk about some kind of shared sacrifice. But all of those, Mr. President, seem to be the constraints that we are operating under.

Now, let me be crystal clear one more time. I urge my colleagues not to make any further—I may urge the conferees—cuts in low-income programs especially given some of the tax loopholes that we continue to have.

Now some people argue we need more generous expensing rules, but it is a tax expenditure. Some argue we need the alternative minimum tax and the passive loss changes, and others.

Well, that is true. But there are plenty of people who know how to lobby for those changes. There are plenty of people who have clout here that can argue for those kinds of changes.

My question is: Should we not consider the cutting back of programs that serve low-income people?

Now, Mr. President, let us not forget that President Clinton made the earned income tax credit part of, really, his promise during his campaign. He talked about the importance of making work the work-pay proposal. He talked about the importance of justice.

I just simply want to say to my colleagues, we will be making a terrible mistake if we make additional cuts.

There are Senators—and every Senator has a right to speak from the floor and every Senator has a right to express his or her opinion—but there are Senators who have come to the floor recently and they have said: "Well, I am the only vote; therefore, what I say is critically important."

And I want to make it crystal what my position is. There are others of us here in the Senate who have not agreed with parts of what is in this plan.

I think there has to be much more investment. I am worried about where this economy is heading.

But we know we have to govern. But I want to say clearly from the floor of the Senate that if, in fact, the conferees, if, in fact, Democrats, should ask people to tighten their belts that cannot tighten their belts, if we should pass a fuel tax and not have a decent offset with the earned income tax credit and food stamps, if we should refuse not to at least begin to fund more for childhood immunization, and if we should, in fact, talk about more cuts—we had that battle already when we had the bill before the Senate —in Medicare programs, then it would be very difficult, it would be very difficult for some of us in the Senate to support it.

I am not playing a game of conditioning my support. I do not even want to do that. I know we have to govern. I know we have to come together.

I feel very, very strongly that we have to pass this reconciliation bill. And then I hope we get on with health care. And then I personally think we are going to have to put together an economic stimulus package, because I think we are going to need that for the economy.

But Mr. President, I just come to the floor to make a plea to the conferees on the Senate side, my colleagues, and to make a plea to my other colleagues: For God's sake, just because low- and moderate-income people do not have the same clout here, just because they do not have the lobbyists, let us not repeat what I think were the egregious mistakes and, I think, unconscionable policy of the early 1980's.

Let us make sure that low- and moderate-income people are not hurt in this plan. Let us make sure that we have a decent earned income tax credit. Let us make sure we do have food stamp assistance for people that they are not faced with the choice of food stamps or housing, but they cannot have both.

Let us make sure we make some headway toward childhood immunization. Let us make sure we have some support for low- and moderate-income families.

I think the House pushed that very far. I think the Senate began to move in that direction. I hope we do not scale back on that. I hope we do not scale back on Medicare. I hope we stick with what I think is one of the best aspects of this plan, which is that earned income tax credit. I think that is one of the best things we are doing in the reconciliation bill and I hope we fund it to the level where we make sure that the people who could benefit from it, the people who are hard-pressed, the people who are on the bottom of the economic structure in this country, and the people who always get lost sight of when we have these debates, that they are remembered and that we respond to the needs and circumstances of their lives.

Please remember—and I finish on this and I thank the Senator from South Carolina for letting me speak on the floor right now—that when we talk about 34 million or 35 million people, we are talking about women, we are talking about children, we are talking about the correlation between race and gender and children and poverty in America.

In a budget deficit bill you cannot begin to tackle that agenda head on. But at the very minimum, we must not retreat from what I think is one of the best features of this plan, that is the earned income tax credit, and we certainly cannot retreat from food stamp assistance, and we certainly cannot retreat from childhood immunization, and we certainly cannot retreat on the Medicare part of this equation.

We have already asked people to make the sacrifice. I think there are some aspects of this that are very fair, but I want to just make sure my colleagues keep in mind the concerns and circumstances of those people who are on the bottom and who are struggling the most in the United States of America.

I yield the remainder of my time.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT OF 994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The distinguished Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I understand if I ask for a quorum call, it will be charged against this side under the unanimous-consent agreement. But if I talk, there is no charge.

Before some Senator says that is about what it is worth, I will just continue to comment while my counterpart on the other side here, the distinguished Senator from New Mexico, is out fetching two Senators to offer their two amendments. I have three of us out looking for Senators on this side. Once again, publicly I remind everyone, do not come crying around here at 10 or 11 tonight, and say? Why can we not stop? Why can we not go over? Why can we not do all of this? They are the crowd that is wasting the time now. We are going to get through this bill this afternoon.

While we are on this particular subject of the budget, I think we ought to understand what is good about it. We had a summit. We have some folks running around now saying what we have to do is to get a summit. They know better. I got led by the gang of 17 10 years ago under the Reagan administration. We met at the White House. We met at Jim Baker's home. We went around the clock for months of meetings, and when we got together we found out, frankly, they did not want to agree.

I think the parties to the agreement; namely, the gang of 17, were genuine. They were sincere. But the Director of OMB at the time, and the President, had no idea we were going to get together. And, we had subsequent summit meetings and they have all been disasters.

I will once again say the summit meeting of 1990 was a fraud. I am not particularly talented on fiscal projections, but I used the one CBO gave and we projected, rather than reducing $500 billion that instead we were going to increase the deficit some $400 billion in a year. And, that is where we are right this minute.

I see now we have a Senator ready to present an amendment.

President Clinton comes to town, having balanced budgets for 10 years. This crowd that is riding him over the rails here—and want to run him out of town—they ought to welcome him and sell tickets to look at him. Here is a fellow who has balanced budgets for 10 years. And this crowd has never balanced any budget. This crowd has us on automatic pilot with deficit tax increases of $1 billion a day. I want to challenge them. They are talking about the largest tax increase in history and talk about $243 billion over 5 years. I want to talk about the $310 billion deficit tax increase this year, a billion dollars a day for the interest cost on the national debt added to the debt. It is worse than taxes. We are going to repeal some luxury taxes. We did repeal the catastrophic illness tax. We cannot repeal this one; we have to pay it. There is no way to avoid it. It is the worst tax of all. It cannot be avoided, and you can get nothing for it.

I could go down through it all, how the President came, froze your pay and my pay. That has not been done in the 27 years I have been here. He froze your pay, his pay, my pay, the military pay, everybody's pay, and cut his staff 25 percent. We cut our Commerce Committee staff 10 percent. We put in and got rid of 100,000 Federal employees. We cut into the veterans' part of the budget. We cut into the farm support part of the budget.

He put Vice President GORE in charge of going through the different departments to look for waste, and his wife, Mrs. Hillary Rodham Clinton, in charge of health costs. He is working around the clock. What do we have? A pretty good plan on CBO figures.

I could go into the different disputes about these figures but I am glad to see the distinguished Senator from Colorado and we can get back to the subject of this bill. I am willing to continue the lecture series at a later time.

I thank the Senate for its indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I am really pleased the distinguished chairman and I are on an appropriations bill that does not have very much to do with Senator HOLLINGS' remarks about the budget deficit or the President balancing the budget for 10 years because we would never get the bill passed, obviously. But we do agree on most of what is before us in the appropriation. I just want to comment on his fine remarks. The reason President Clinton balanced budgets is because he has a constitution that says he has to. He is not singular in that regard. About every Governor in America does that.

Mr. HOLLINGS. Will the Senator yield?

Mr. DOMENICI. Of course.

Mr. HOLLINGS. That was in the South Carolina constitution from 1895 to 1985. When I got elected Governor, it was there yet it had never been obeyed. A provision in a constitution does not give a balanced budget. You have to do it, and the only way to do it is to lead, with your own legislature, which I did. As Governor, I obtained a triple A credit rating, but it was not because it was in a constitution. Because you and I know how you can evade and avoid Gramm-Rudman-Hollings, you can evade and avoid summit meeting requirements, you can evade and avoid a constitutional provision.

I thank the distinguished Senator.

Mr. DOMENICI. Again, I agree only that there are ways to get around constitutional amendments that require States to have balanced budgets. But it is nothing phenomenal, extraordinary. It is rather average that Governors have balanced budgets in the last 15 or 20 years. That is why they are having so much difficulty. We do not have that, and to that extent I agree with my friend, we need that. We need to get some similar kind of discipline built into our law some way. But clearly, so nobody thinks this President is solving the deficit, we can have this argument a little bit later when we get a lull in the bill here.

I yield the floor because I think the Senator is ready to offer an amendment.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Colorado.

AMENDMENT NO.725

(Purpose: To eliminate U.S. funding of the International Coffee Organization)

Mr. BROWN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 725.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 87, between lines 20 and 21 insert the following new section:

SEC. 609. None of the funds made available by this Act shall be used for contributions to the International Coffee Organization.

Mr. BROWN. Madam President, the amendment is a straightforward amendment which eliminates the appropriations in this bill for the International Coffee Organization.

The Foreign Relations Committee has considered this question this year in markup on the authorization bill and the authorization for the International Coffee Organization was eliminated. It was a bipartisan effort. It has been considered by the committee in the past, and they decided to eliminate it.

More than a year ago, we debated this issue in the conference on the State Department authorization bill. It was decided to continue the funding. It is my hope that the authorization will be dropped again this year.

Why should we save a little over a million dollars by eliminating funding for the International Coffee Organization? There are some 75 countries that are members. It was founded back in 1962 and had 75 members. Membership has gone up and down since.

The primary purpose of the organization is to fix coffee prices and maintain the highest possible coffee price by using quotas and guidelines. There is some dispute within the organization as to which country should get which quota.

Madam President, it is inappropriate that Americans participate in a cartel-like arrangement or an organization that would like to rebuild a cartel that acts to the detriment of American consumers.

America is primarily a coffee-consuming country, not a coffee-producing country. There is some very small amount of coffee that is produced in the United States, but it is an extremely small amount.

It is not in the interest of the United States to have a coffee cartel or marketing organization that restricts price competition. That fact is amply demonstrated by events since the coffee cartel agreement fell apart in 1989.

In July of 1989, quotas ceased. This graph demonstrates what has happened to the price of coffee in the United States and the amount spent for coffee since 1989. From a high of $7.5 billion spent on coffee by American consumers in 1989, expenditures dropped to $7.4 billion the next year, down to $7 billion the following year, and down to $6 billion the year following. You can see in red the amount that would have been spent if prices had been maintained under the coffee cartel agreement: almost $2 billion.

This other chart shows the market reaction to the price of coffee since that agreement fell apart.

Some would indicate that this organization provides some positive functions. I think that is a fair statement. It does help share information with regard to coffee supply and consumption. But I guess we should ask ourselves: Is that worth a million dollars? Does it require maintaining an office overseas? Does it require all those conferences? And, moreover, and perhaps most importantly, is it advisable for us to say it is OK for producing cartels to exist in coffee while we would abhor a producing cartel in oil?

If our position is that producing countries should not get together to monopolize the market, it is in the United States interest to oppose a coffee cartel just as we would oppose an oil cartel.

Madam President, I ask unanimous consent that a letter from Consumers for World Trade be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONSUMERS FOR WORLD TRADE,
Washington, DC, July 28, 1993.

Senator HANK BROWN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BROWN: Consumers for World Trade (CWT) would like to express its support for the Brown amendment to the 1994/5 Commerce, State, Justice, the Judiciary and Related Agencies Appropriations Bill. This proposal would end U.S. funding of the International Coffee Organization (ICO).

CWT firmly believes that international agreements which are designed to stabilize commodity prices are not in the best interest of consumers. By removing these products from market competition, consumers are hit by excess costs—de facto hidden and regressive taxes. The ICO is currently pursuing a new quota agreement since its former system of export quotas was suspended in 1989 (resulting in an estimated two billion dollars for consumers).

In addition, commodity agreements deprive consumers of choice in the market place and ignore consumer preference. Inflexible allocations have failed to enlarge quotas for certain coffees in high demand (e.g., "Mild Arabica") and have therefore resulted in distorted prices.

CWT is a national, non-profit, non-partisan organization concerned with the economic interest of consumers in international trade policy. CWT urges the conferees to adopt the Brown amendment.

Sincerely,

DOREEN L. BROWN,
President.

Mr. BROWN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair will note that the time is not controlled.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, in behalf of this side of the aisle, as the floor manager, I want to compliment the distinguished Senator from Colorado for his amendment. We are willing to accept it.

Once again, Senator BROWN shows that he looks at the details, and essentially the devil in the detail regarding our expenditures. He has found one in the detail that ought to be eliminated.

I am sure he is going to succeed today, and let us hope we can keep it out of the bill all the way through, and he can chalk up another victory for his own sense of fiscal responsibility and helping us get there.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the amendment of the distinguished Senator has been cleared, and we are ready for the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 725) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 726

(Purpose: None of the funds appropriated for the National Endowment for Democracy may be disbursed to grant recipients who have not reimbursed NED, from nongovernmental funds, for disallowed expenditures made by such grantees for first-class travel, alcohol, and entertainment)

Mr. BROWN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 726.

On page 83, line 16, before the period at the end insert the following: ": *Provided*, That none of the funds appropriated under this heading may be disbursed to grantees who have not reimbursed the National Endowment for Democracy, from nongovernmental funds, for disallowed expenditures by such grantees for first-class travel, alcohol, and entertainment, identified in the March 1993 report of the Inspector General of the United States Information Agency".

Mr. BROWN. Madam President, this amendment relates to the National Endowment for Democracy, which was extensively debated yesterday. The Senate made its wishes known, I think, quite clearly on that question. This is a smaller question than the entire Endowment. It is simply an effort to make sure that those who have received funds from the National Endowment for Democracy and have misused those funds by violating their agreements that restrict the use of those funds are required to pay them back from nongovernmental funds. In the case of the inspector general's report, grantees specifically used them for entertainment, for alcohol, and for first-class air travel that was disallowed. This amendment would require them to pay the money back to the National Endowment out of non-Government funds before they can receive additional grants.

It is only fair and reasonable to expect NED's grantees to live by their agreements for contributions they have received, no matter who they are or how influential they are.

The one portion of the amendment that I think is perhaps significant is that the repayment must be from nongovernmental funds. This would restrict the grantees to nongovernmental money, which at least, in my way of thinking, is an appropriate way of treating people who have not followed the guidelines for the grants they have received.

Madam President, my understanding is that both sides have reviewed this and have agreed to it. I also ask that this chart relating to yesterday's debate appear at the end of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT DEMOCRACY AND GOVERNANCE ACTIVITIES

	Fiscal year 1992—actual	Fiscal year 1993—estimate
Africa	55,330	55,719
Asia	15,239	14,589
Europe	30,068	39,530
LAC	101,257	117,542
Near East	6,965	8,163
NIS	13,049	55,663
R&D	684	2,244
FHA	179	145
PRE	1,680	1,290
Policy	607	1,266
Total	225,058	296,151

Mr. HOLLINGS. Madam President, the distinguished Senator is right on target when he says they abuse the restrictions on expenditures. We all are concerned, but the Senator from Colorado can do something about it. He said, "Look, you are just not going to qualify for any program moneys until you reimburse for that which was disallowed in the first place." I commend the Senator for it.

It has been cleared on our side.

Mr. DOMENICI. Madam President, I, too, join in saying to the Senator from

Colorado that we are willing to accept the amendment and think it is a very good way to follow up on an audit and a report, to see to it that what you are really trying to do is done. That is what he is busy doing on the floor: Making sure that those who have not treated the funds of the National Endowment for Democracy properly and benefited from it do not receive any additional grants until appropriate reimbursement has been made.

I thank the Senator again for his diligence and hope the amendment will become law.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 726) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 83, LINE 12

Mr. HOLLINGS. Madam President, having completed work on this particular amendment, I ask unanimous consent that the pending committee amendment on page 83 be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the excepted committee amendment on page 83, line 12, was agreed to.

Mr. DOMENICI. Madam President, again I say to Senators on this side of the aisle, I know you are busy in committees or other kind of activities that you might have planned, but we want to finish this bill and finish it soon.

We understand Senator HATCH has been advised that if he has an amendment, we expect him as soon as possible.

I do not know of any other amendments, even though there is a long list of reserved amendments, but we are going to ask our cloakroom to put out a last request so that everybody knows we expect them to get down here. Then at some point we have to decide how much longer we are going to wait.

Everybody should know that I am not disposed, nor is the manager, to be here all night waiting for amendments. We have plenty of time right now, and we hope they will understand we want to move on. But the most appropriate business of the Senate is right here passing the bills, and that is what we ought to get done today.

Mr. HOLLINGS. I thank the distinguished Senator for his leadership on this score.

We are putting out from our cloakroom the call also for them to come for the so-called requested amendments. We know a good group of them have fallen from the work being done all morning long with explanations about the particular concerns as evidenced by the amendments. We have cleared those up. There are only a few that I know of on this side, but this is going to be the last call for Senators to come to the floor.

Madam President, I suggest the absence of a quorum and ask it be attributed to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I ask unanimous consent to address the Senate as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LESSONS OF SOMALIA AND BOSNIA: PEACE KEEPING AND THE LIMITS OF POWER

Mr. MCCAIN. Madam President, the grim news from Somalia and Bosnia is more than a description of current tragedies. It is a warning about the future, and the role the United States can play in peace enforcement and nation building. We have lessons to learn from both crises.

They are not pleasant lessons, but they are ones we must heed if we are to avoid drifting into a morass in Somalia and successfully redefine our strategic role in the post-cold-war era.

THE CRISIS IN SOMALIA

Somalia is a warning that even good beginnings do not lead to good consequences. We began with a humanitarian action that saved tens, if not hundreds, of thousands of lives. We reacted to a tragedy that was visible every day on the world's television screens and within a few weeks, we brought order and an end to famine throughout much of the country.

We then, however, came up against realities that we are certain to encounter in case after case in the future. Humanitarian relief is only enough in countries which have an existing political and economic order, and which are capable of enforcing a rule of law. In the case of nations which are torn apart by civil war, they present the dilemma that successful long-term aid requires a massive exercise in peace enforcement and nation building. The failure to provide such a commitment may wipe out all of the gains of humanitarian success.

Today, we may be involved in a hopeless quest in Somalia. We have been forced to take sides in what is essentially a centuries old tribal conflict. We are hunting down one warlord without any clear picture of what is to happen to the others. We are disarming one faction in one area, but leaving most of the weapons and tensions that divide the country intact.

As a result, we are increasing falling into the trap we fell into in Lebanon. We came as saviors and we gradually became participants. Rightly or wrongly, we are taking sides and being seen as taking sides. We are drifting into a state of continuing conflict and an exercise in nation building where we may eventually have to dictate and enforce the form a future government should take.

Yet, neither the United States nor the United Nations have a clear mandate for such an exercise. We also face a major problem in resources. Even if we capture Aideed, we may find that Somalia will need United Nations and United States troops for years.

We may find we have to disarm much of the country, and replace volunteer aid organizations with a U.N. effort secured by military force. We may have to create and enforce new laws and legal institutions, and we may be forced to try to invent some form of government that can bring order to a nation whose borders are an accident of the end of colonialism and that has only known order under the rule of ruthless dictators.

We have no way to estimate the cost of such an effort, although it is likely that the current U.N. peace enforcement effort is too small to succeed in meeting these goals and that U.N. would be forced to provide massive aid to succeed. We can be sure, however, that such an effort will entail the death of more Somali civilians and drag us further into Somali politics. We can be sure that we will increasingly alienate a significant portion of the population, and that we will increase the risk of drifting into open ended commitments that can still end in failure.

There may be a case for going on in Somalia, but it does not consist of issuing daily bulletins on our search for a single warlord. I believe it is time that the President took account of these risks and told the Congress and the American people what his policy in Somalia is, what our end objective is, and what we are prepared to do to achieve it.

If that objective—and the cost of achieving it are what I think they are—then it is time that the President sought the approval of Congress.

THE SITUATION IN BOSNIA

The current situation in Somalia, however, is only one part of the problem of peace enforcement and nation building. Only a few months ago, we came very, very close to intervening under much worse circumstances in Bosnia. At one point, the President seemed committed to sending both ground and air troops into Bosnia to try to enforce an unenforceable peace.

We faced a tragedy at least as real as that in Somalia. We faced the obscenity that Bosnian Moslems were being killed for their religion or even for their last name, and that Serb and Croat were killing each other for reasons no more sophisticated or valid than the quarrels between stone age tribes.

As a result, some people talked blithely about resolving 100-year-old quarrels with a few air strikes, or with token deployments of forces. They talked about the ease of using force, and the strange reluctance of military professionals to rush in where angels rushed to send them.

The risks in Bosnia look very different today, and the military professionals look a great deal wiser. It is all too clear that limited amounts of force would—at best—have brought only a temporary pause to the violence in the area.

It is clear that the Bosnian civil war has had many victims, but that being weaker does not make one faction right or morally superior. It is clear that the Serbs bear the most guilt, but all sides are partially to blame. It is clear that the fighting was not solely the fault of a few leaders, but an ethnic struggle based on widespread popular hatred.

It is clear that a military beginning would have had no clear ending, and would inevitably have forced us into taking sides in an open-ended commitment to peace enforcement and nation building that would be far more costly in every way than the challenge we face in Somalia.

If the lesson in Somalia is that we must not blunder into open ended commitments, the lesson in Bosnia is that force does not simplify political failure, or reduce the risks of such failure. Force complicates political failure, and it often increases risks.

This is a lesson, incidentally, that is as important today as it was several months ago. There may be a case for using force to provide immediate protection for U.N. peacekeepers, or for protecting a threatened Moslem enclave when the alternative is mass slaughter. This is very different, however, from sliding towards a commitment to an impossible exercise in peace enforcement or nation building.

Force may be able to buy a little time, or shift the balance of political compromise. Time, however, has only cosmetic value if it simply delays the killing or changes its form. Compromise only has meaning if it can survive. The basic problem we face today is exactly the problem we faced when this situation began. The three sides seem determined to fight, limited American intervention will not work, and Europe is not prepared to make the massive peace enforcement and nation building effort required. Tragic as Bosnia may be, it is a self-inflicted wound which the United States cannot heal with either airpower or ground troops.

LIVING WITH THE NEW WORLD DISORDER

More broadly, Bosnia and Somalia are warnings of the fact that we are decades away—at best—from any new world order. The end of the cold war, the break-up of the Soviet empire, and our victory in the gulf war have all offered new hopes, but they have also exposed the fact that the developing world is rent by low-and medium-intensity conflicts.

This is not a new trend in international affairs. There have been at least 20 such conflicts raging every day of every year since the end of World War II. Throughout the cold war, we largely ignored these crises—at least in terms of using military forces. Our policy was not one of constant engagement, but selective engagement and crisis neglect.

Even so, we used our military forces more than 240 times between the end of World War II and the end of the cold war to deal with contingencies that did not involve the Soviet Union or Warsaw Pact. Even if we eliminate all use of force involving Communist states, we used force more than 200 times. We also learned again and again that the moment our use of force went beyond demonstrations, humanitarian relief, and the protection of our national security, the situation became complicated and uncertain.

In saying this, I am not arguing for isolationism or against peace enforcement. Such an argument is inherently untenable in an era where our global economy and strategic position force us to consider the impact of every crisis and conflict.

However, that we cannot simultaneously cut defense resources, our overseas presence, and foreign aid and then react to each new crisis with military force. Whether the crisis is a Somalia or a Bosnia, we must carefully weigh the opportunities against the risks, we must set feasible long term objectives, and we must only use military forces when we have a high assurance of success.

We must also guard against the belief that somehow a problem is easier to solve with an international committee than it is to solve on our own. The United Nations is a critical hope for dealing with the conflicts of the post-cold-war world. It is also, however, limited in resources and is as vulnerable to the risks of open ended commitments as the United States. We do it no favor if we thrust it into crisis we cannot resolve on our own in the hope that the U.N. flag can somehow compensate for an adequate political structure and adequate force.

We must strive towards a new world order, but we must recognize that a new world order is not some natural result of the forces of history. It will not come quickly. It will not come from substituting hope and good intentions for thought and plans. It will not come from trying to use force to substitute for political behavior. It will not come from reacting to headlines or TV news, as a substitute for strategic priorities or military judgment, and it will never come if we waste our limited resources where we do not have a high assurance of success.

Madam President, it is well known that the President of the United States is contemplating the commitment of American air power under certain situations today in Bosnia. I believe that the majority of the American people and this Congress would be supportive of an effort that saved the lives of U.N. peacekeepers or prevented a massacre from taking place in Sarajevo.

But, Madam President, let me emphasize that if military action is taken, the American people must be informed. That intervention must be incredibly limited. It cannot be an open-ended commitment and one which calls for massive, or even token injection of U.S. troops on the ground.

Madam President, the situation has not changed in the last several months when this administration decided not to send military forces in the region. The Europeans must lead. The United Nations is not the answer. And any injection of U.S. military force should be under U.S. military command and direction, not that of the Secretary General of the United Nations.

I repeat: To prevent a massacre, the American people will act. To begin an open-ended commitment of the risk of young American lives is something which is still not acceptable.

I appreciate the indulgence of my colleagues and I yield the floor.

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. DOLE. Madam President, I am advised by the managers of the bill that they are ready to go to work. We have been over here waiting for amendments, and I want to tell my colleagues on this side of the aisle that they have been waiting, I have been advised by the managers that they would like to complete action on this bill. I know the majority leader would. He is busy elsewhere.

So I urge my colleagues, if there are any amendments they had better be here before long, or I have a feeling the managers may go to third reading.

So, if there are any amendments—I think we know of a couple of specific amendments, we will call their offices—I would suggest to my colleagues on both sides of the aisle, both Senator HOLLINGS and Senator DOMENICI are here, they are prepared to move, to do whatever they need to do on the amendments, and they would like to complete action on this bill.

I know the majority leader would like to move on to additional legislation because we have only 5 or 6 legislative days left before the August recess.

So I hope we can accommodate the managers.

Mr. DOMENICI. Madam President, I very much thank the Republican leader for assisting me in an effort to get the Republican Senators, if they have amendments, to come on down.

I think the offices now know that—including the distinguished Republican leader's request—this is my third request. So between us we have asked four times if there are amendments, to please come down.

I would appreciate it, if there are amendments and they cannot come down, if they would call us. That would be very helpful. We are not getting any calls. But we have this list, this requested list. It does bother me. I do not want to shut Senators out.

I have a suspicion there are no amendments. That is fine. Just because you requested it does not mean you have to come forth. But I would expect either communication that they do have an amendment, or in some way letting us know where we are, because we are not going to stay here 2 or 3 hours waiting for this, as my chairman indicates. We are about ready to go. Are we not?

Mr. HOLLINGS. Exactly. In fact, in that light, I thank the distinguished Senator.

AMENDMENT NO. 727

(Purpose: Technical corrections)

Mr. HOLLINGS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 727.

Mr. HOLLINGS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71 of the bill on line 3, strike the sum "$1,000,000" and insert "$2,000,000".

On page 74, line 19 delete period and add: ", of which not more than $2,500,000 will be made available to reimburse the city of San Diego, California, for treatment of Tijuana, Mexico, sewage.".

Mr. HOLLINGS. Madam President, these are two technical amendments. One is for the Department of State. It provides for emergencies in the diplomatic and consular service. The other is for the sewage treatment system in San Diego, which the distinguished Chair, Senator BOXER, and the other distinguished Senator from California, [Mrs. FEINSTEIN], brought to our attention.

It has been cleared on both sides.

Mr. DOMENICI. Madam President, I have no objection to the technical amendments and the previous amendment which the Senator sent to the desk. I have no objection to either.

The PRESIDING OFFICER. If there is no further debate, and no objection, the amendment (No. 727) is agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 728

(Purpose: Wichita, KS Community Policing Demonstration Grant)

Mr. DOMENICI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico, Mr. DOMENICI, for Mr. DOLE (for himself and Mrs. KASSEBAUM), proposes an amendment numbered 728.

Mr. DOMENICI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 16, before the ";" insert the following: ", of which $1,000,000 shall be made available as a grant to Wichita, Kansas, for a community policing demonstration project.

Mr. DOMENICI. I believe this amendment has been cleared on the other side. Obviously, it is cleared by my introduction on this side.

Mr. HOLLINGS. It has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment (No. 728) is agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 729

Mr. DOMENICI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 729.

On page 63, line 16, strike the colon and insert: ", and of which $5,000,000 shall be available only for a grant to the National Center for Genome Resources to provide technical assistance and information to small businesses and for related activities:".

Mr. DOMENICI. Mr. President, I rise to offer an amendment that will allow our Nation to continue its tremendous efforts in the area of biotechnology.

As many of my colleagues know, I have long been a strong advocate for a program known as the human genome project. Unfortunately, very few people actually know what this project is and what it is supposed to accomplish. Therefore, let me briefly explain the human genome project and provide some context to my amendment.

The U.S. human genome project is a national coordinated 15-year effort to characterize all the human genetic material—the genome—by improving existing genetic maps, constructing physical maps of entire chromosomes and ultimately determining the complete sequence of the DNA subunits in the human genome. The ultimate goal of the U.S. project is to discover all of the more than 100,000 human genes and render them accessible for further biological study.

This program is coordinated through a joint relationship between the Department of Energy [DOE] and the National Institutes of Health [NIH]. The project receives rather modest funding which for fiscal year 1993 totaled $172.2 million.

The information obtained as part of the human genome project will dramatically change almost all biological and medical research and dwarf the catalog of current genetic knowledge.

Last summer, I had a number of meetings with some of the key genome researchers from across the country to discuss the status of the genome program. In the course of these conversations, it became clear that the research was progressing at a much faster rate than anyone had originally anticipated. While this progress is very exciting, it is also the source of great concern because there are many components vital to ensuring the continued success of the research and biotechnological development that are not being addressed.

In an effort to gain further insight to the needs of the human genome program and our Nation's biotechnology industry I convened a meeting in Santa Fe. Attending the meeting was the current NIH Director, Dr. Bernadine Healy, the Acting Director of the National Center for Human Genome Research, Dr. Michael Gottesman, representatives of DOE's human genome program, and many industry representatives.

It became obvious that public and private genome research depends upon the availability of numerous services and resources such as genetic material collections, DNA sequencing services, specialized instrumentation, and biological databases. Some of these items are currently being delivered by private companies and it is likely that over time new businesses will be started to deliver even more. Others, due to an inherent lack of commercial potential or to the relative immaturity of the field, are currently being supplied by research laboratories. This is placing a significant burden on these organizations, interfering with the primary research projects and often resulting in an inadequate level of service to the community as a whole.

Following this meeting, I convened a small working group to examine the best way to address these needs. After extensive consultation with the industrial and research communities it was decided to undertake the development of a biotechnology center to meet these needs.

Mr. President, my amendment would provide $5 million for the technical assistance and seed money to establish the National Center for Genome Resources which will address the needs identified by the human genome project and the biotechnology industry. The Center will focus on the design, development, and delivery of resources for public and private genome-related research. In some cases this will be accomplished by developing inhouse capabilities, in others by coordinating work contracted out to private companies, and in still others by simply facilitating the activities of other public and private organizations. In all cases the primary goal will be to deliver the most cost-effective solutions to the most pressing resource needs of the research community.

It is expected that there will be many cases in which the commercial market will eventually support the transfer of the technology and functionality to the private sector. As well, it is likely that merely guaranteeing the reliable, cost effective delivery of many of these resources will, in addition to supporting research, encourage the development of related small businesses.

The core funding which my amendment will provide will support both the administration of the Center as well as the development of new services and capabilities. It is anticipated that the Center will receive additional funding from both public and private sources to deliver new services or assume the administration of existing efforts to enhance both public and private sector research.

I think it is important to note that I have been in contact with many of our Nation's key researchers and top pharmaceutical and biotechnology firms to ensure that this Center adequately addresses the needs and concerns of these communities. In fact, I envision a Board of Governors made up of key members of each of these communities to oversee and advise our efforts. I have also been in close consultation with the directors of both DOE's and NIH's human genome programs to coordinate and minimize any overlap between existing Federal programs. Following my remarks, I would like to submit letters displaying examples of this consultation and support.

Our Nation leads the world in biotechnology development. It is imperative for us to do all that we can to ensure that we maintain this competitive edge and enable its advantageous use by American small business. I believe that this amendment will provide much needed support for our public and private efforts within the biotechnology community. I look forward to continuing my efforts to ensure that we successfully accomplish this goal.

Mr. President, I appreciate and thank my good friend Senator HOLLINGS for his help with this amendment and I look forward to its adoption.

Madam President, I ask unanimous consent that three letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF MICHIGAN
MEDICAL CENTER,
Ann Arbor, MI, July 23, 1993.

Hon. PETE DOMENICI,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR DOMENICI: It is a pleasure to write in support of your plans for a National Genome Technology Transfer Center. I have very much enjoyed discussing with you, Mike Knapp, and Randy Hyer the concept of such a center, and believe that a real need exists to forge a better link between the Human Genome Project and the biotechnology community. Specific tasks which such a center might productively address would include: 1) relational database models for handling the ever-enlarging genetic information which the genome project is producing, 2) developing systems for enhanced security of such searches, which many biotechnology companies are interested in, and 3) providing sophisticated technical advice to start-up companies who need input about what sort of information systems to set up.

While care needs to be taken to develop this center in such a way that it does not overlap the existing missions of the Genome Data Base (GDB) or the National Center for Biotechnology Information (which currently operates GenBank), I believe that a need exists for further outreach to the biotechnology sector. This will be both scientifically important and stimulating to the economy. I will be happy to do anything possible to assist your efforts in this regard, and congratulate you for your foresight. Best personal regards.

Sincerely yours,
FRANCIS S. COLLINS, M.D., Ph.D.,
Professor on leave.

OPPENHEIMER FUNDS,
New York, NY, July 26, 1993.

Senator PETE V. DOMENICI,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR DOMENICI: A rich tradition of federal support for biology and medicine has fueled an explosion of scientific knowledge. This scientific revolution, coupled with thoughtful technology transfer policy and traditional American entrepreneurship has contributed to the development of an exciting biotechnology industry. This industry is in its infancy and will continue to benefit from constructive federal policy.

An exciting area for research and development is the human genome project. As the human genome project has grown and matured, it has become clear that critical areas must be enhanced in order to allow further research, and for industry to develop research findings into effective medical products. A number of critical tools and services have been developed at individual laboratories in support of research, but the current development and utilization of these tools places a significant burden on research resources. This has created a clear need for delivering these services in an innovative fashion. I believe that the National Center for Genome Resources, which is designed to meet these needs, will make an important contribution to assuring that the promise of the human genome project will be met.

Sincerely,
SANDRA PANEM, Ph.D.,
Vice President.

DEPARTMENT OF ENERGY,
Washington, DC, July 27, 1993.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: In recent months I have had the opportunity to discuss, with you and members of your staff, several ideas in the area of biotechnology, and in particular, those that are related to the genome program, which might be facilitated by the establishment of a non-profit, or semi-private center devoted to dissemination of research resources and the facilitation of information and technology development and transfer. Recognizing both the importance of the genome program and of the effective dissemination of the output of this historic program, I want to assure you that I am fully supportive of your innovative proposal to develop a center to help fill the gaps that exist in these areas.

It is critical that the concept is carefully and cooperatively developed, and I think that process is well underway. My staff and I will look forward to interacting with you and your staff concerning specific ideas about the planning and development for such a center.

Sincerely,
DAVID J. GALAS,
Associate Director for Health and Environmental Research, Office of Energy Research.

Mr. DOMENICI. Madam President, I ask unanimous consent that the amendment be agreed to; that the motion to reconsider the vote on adoption be tabled.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator's request is agreed to.

So the amendment (No. 729) was agreed to.

JACKSON COUNTY INDUSTRIAL WATER SUPPLY EDA GRANT APPLICATION

Mr. LOTT. I want to bring my colleague's attention to a specific grant application for Jackson County, MS, that is being processed by the Economic Development Administration [EDA]. This industrial water supply project is designed to alleviate, in an environmentally sensitive manner, the damage being done to the aquifer underneath Jackson County by the continued withdrawal of fresh water for industrial use. This grant needs to be given priority while being considered in this ongoing grant application process.

Three separate projects will gradually allow the Jackson County aquifer to regain its natural equilibrium. The first project, to which this EDA grant application is linked, will develop a pipeline from the upper part of Jackson

County to the lower part of the county where major industries are located. This pipeline is critical to preserving the overall balance of the environment and giving protection to coastal resources in Mississippi. Without adequate funding for this water supply project, the gulf coast's environment and the overall economy for the entire region will be irreparably damaged.

The largest employer in my State, Ingalls Shipbuilding, and other large manufacturing facilities in Jackson County use a great deal of water and need a continuing adequate supply of fresh water. However, Jackson County is under an injunction from the Mississippi Department of Environmental Quality to make certain the aquifer is not used for industrial purposes after 1995. This first project will allow industries to use water from a source other than the aquifer, and will keep the environment from being damaged any further.

I hope my colleagues in the Senate will join me in recognizing the importance of proactively dealing with environmental problems and agree with me that this project should be given a heightened priority in the application process. We can make a stand here for local, State, and Federal Government working together with industry to protect the environment.

Mr. HOLLINGS. It is my understanding that this grant application is now before the EDA and has been favorably received. I concur with the Senator from Mississippi on its critical nature and urge EDA to give the project a high priority.

Mr. DOMENICI. I join my colleagues in recognizing the importance of this project and urge the EDA to favorably consider this grant application and expedite its further consideration.

Mr. DOMENICI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 730

Mr. SIMON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 730.

Mr. SIMON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

"SECTION 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting the following after "task forces,": "and for programs or projects to abate drug activity in residential and commercial buildings through community participation,"".

Mr. SIMON. Madam President, this amendment relates to a 4-year trial program that we had that affected the ability to seize residential areas where drugs were being used. It has been used in Cook County, and it has been a great success. There is a desire to have it extended.

Real candidly, I have shown it to the chairman of the Judiciary Committee, and I understand it is being cleared on that side, also. Senator BIDEN appeared favorable, and we are checking on the other side. I do not want to say Senator BIDEN has cleared it yet, because I have not received a direct answer. But it sounds as though it can be approved. I think it is an excellent program, and I hope we can get the OK of the managers on both sides for this amendment.

Mr. HOLLINGS. Madam President, the distinguished Senator from Illinois is correct. What happens is that it does not involve money, but it actually emphasizes this particular discretion and emphasis to this particular program.

I commend the Senator from Illinois. It has been cleared on this side.

Mr. DOMENICI. Madam President, personally, I understand it and think we ought to do this. It does not really change the law. It just provides the coverage that the Senator seeks under a different provision of the law.

But I must ask our Judiciary to clear it. I think that will be done in the next 5 minutes, in which event I will get rid of my objection, and the amendment will be agreed to.

Mr. SIMON. I understand. I ask unanimous consent that Senators MOSELEY-BRAUN and RIEGLE be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Madam President, I underscore that this does not add a penny to the program. It simply gives discretion to the Department of Justice, that if they want to spend some money for this program, they can do so. It is a program that has worked out very well, particularly in the Chicago area. Since Senator RIEGLE is a cosponsor, I gather it has worked out well in the Detroit area, too.

If no one else seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION INITIATIVE

Mr. BYRD. Madam President, I congratulate Senator HOLLINGS for including a substantial new immigration border control initiative in this bill. This sizable package addresses many of the most pressing aspects of this vexing and difficult issue. Immigrants seeking a better life, free from religious and personal persecution, have always played an important part in this Nation's history. However, we can no longer afford to offer all those who come in search of a better life the opportunities that this Nation once provided. In these times of economic hardship, when it is nearly impossible for us to provide basic social guarantees to our own citizens, it is unfair and irresponsible of us, as a government, not to stem the tide of the hundreds of thousands of individuals streaming into this country illegally.

Senator HOLLINGS has proposed an initiative that will provide a substantial increase for the Immigration and Naturalization Service. This $132 million increase for fiscal year 1994 will allow INS to restore 93 positions, hire 600 new Border Patrol agents, and add 254 new positions to support processing, detention, and deportation proceedings. The initiative includes $75 million for construction and renovation of detention facilities, and an additional $20 million to improve visa processing at overseas facilities and for other related purposes. The INS and State Department desperately need these increases and improvements. Senator HOLLINGS and Senator DOMENICI, the subcommittee's ranking member, have taken a significant first step in stemming the rising tide of illegal immigration.

This initiative perfectly coincides with the President's announcement Tuesday of a major immigration reform package. The President's proposal includes many of the same items, such as increased Border Patrol and improvement of visa issuance procedures, but also includes legislation to increase airline review of documentation and to close visa loopholes. In dealing with deportation proceedings, the President proposes to institute expedited exclusion procedures for those attempting to enter this country with fraudulent or no documentation. This proposal is very similar to a bill introduced earlier this year by Senator SIMPSON, which I cosponsored, and will help alleviate some of the most blatant abuses of America's already overly generous political asylum policy.

Additionally, the President will take steps to reduce the backlog of asylum cases and to streamline procedures for dealing with these cases in the future. He is also proposing stiffer criminal penalties and enhanced enforcement authority to deal with alien smuggling and terrorism. Obviously, we will all want to look at the details of the

President's proposal before endorsing any or all of the provisions, but I feel comfortable in saying that this proposal will receive strong bipartisan support and I hope that the Congress will act quickly to consider it.

Adopting this appropriation bill and the additional improvements contained in the President's package will be an excellent start at correcting deficiencies in our immigration policy that we have ignored for too long. However, over the last few years, this problem has taken on such urgency that these efforts alone will not solve the larger problems. Reform efforts must go beyond our attempts to plug the gaps of illegal immigration. We must reexamine our overall immigration policy in light of America's growing economic and social problems.

In addition to the well-known upsurge of illegal immigration, the United States has witnessed an unprecedented explosion of legal immigration in the last few years. From 1981 to 1988, total legal immigration to the United States hovered around 600,000. That number jumped to 1,090,000 in 1989, and continued up to 1,536,000 in 1990, and 1,827,000 in 1991, the last year for which we have final statistics. I wonder how many Americans realize that we tripled the number of legal immigrants admitted to the United States in just 3 years. This situation cannot continue indefinitely. A sampling of headlines taken from just the last 3 months shows the widespread concern with both illegal and legal immigration.

"Immigration Distress Signals: Asylum System Under Siege," Congressional Quarterly, May 15, 1993.

"U.S. Policy Seen Encouraging Wave of Chinese Immigration," the Washington Post, June 13, 1993.

"Return to Sender—Please: Illegal Aliens Scam the Nation's Lame Deportation System" and "Immigration Crackdown: Anxious Americans Want New Restrictions and Tougher Enforcement," U.S. News & World Report, June 21, 1993.

"A New Tide of Immigration Brings Hostility to the Surface, Poll Finds," the New York Times, June 27, 1993.

A USA Today cover story on July 14, 1993, contained the following series of headlines: "USA Cool to Huddled Masses," "Sentiment Sours as Rate of Arrival Rises: Immigration Backlash in the Land of Liberty," and "Anti-Immigrant Feeling Running High in the USA."

"Lenient Visa Rules Permit Terrorists to Enter U.S.," the Washington Post, July 23, 1993.

The USA Today article included a poll showing that 65 percent of Americans favor decreasing the level of immigration and 79 percent believe that immigration should be stopped or slowed until the U.S. economy improves. This is not a question of America's compassion, or of our sympathy for the plight of those in the world that are less fortunate. We simply have reached the point where it is not possible for the United States to absorb these exceptionally large numbers. It is particularly important to note that the segment of our society which suffers the most from increased immigration is the lower end of the economic scale—unemployed, unskilled, and semiskilled laborers that are in real danger of becoming a permanent underclass in our society. If we truly want to help our citizens that are mired in poverty, we should not be accepting ever increasing numbers of replacement workers to take away those low skill jobs.

The provisions in this bill will make it easier for the INS to enforce the existing restrictions on immigration, and I hope that the Congress will move expeditiously to consider the President's proposed reforms to further strengthen that effort. But we must also realize that the U.S. economy, environment, and social structure are being severely strained by an unprecedented level of immigration and we must take action soon.

I again congratulate Mr. HOLLINGS and Mr. DOMENICI. But, more than that, I thank them for the action that they have taken. I hope that Congress will follow through and pursue this matter and that we can see some legislation come out of the authorizing committees that will deal with this serious problem, one that grows more serious every day.

Madam President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mrs. MOSELEY-BRAUN). The Senator from New Mexico.

Mr. DOMENICI. Madam President, before the distinguished chairman of the Appropriations Committee leaves the floor, might I personally congratulate him on those remarks and thank him for his generosity with reference to my involvement.

I come from a border State. We have a different kind of problem than LaGuardia and Kennedy Airports in New York, but clearly the problems of illegal immigration are getting to the point where they are almost insurmountable.

I would like to share with the Senator—I did not have time for this bill to get the research done—that I read and was looking into a situation where—while you were referring to those at the lower end of the economic scale; and I very much appreciate your words in that regard—there is another problem.

You know a lot of America's unemployed are white collar jobs now. We see that because engineers by the thousands are out because of defense or because of the increased productivity in equipment and machinery that IBM uses instead of people. We are busy promoting and promulgating regulations within the INS for the entry into this country of engineers and scientists.

It was thought at one point we desperately needed that. I think 5 or 6 years ago we were talking about that. We needed to bring more in because we were not producing enough.

They are now busy carrying out our intentions of a few years ago. Frankly, I think that time has past. I am not at all sure we ought, on the white collar engineering professional side, to be inviting them from foreign countries when one of the biggest unemployment problems is in the area I am discussing; and they are highly qualified, highly trained. It is not a question of not enough of them going through college, they are already through. They are getting let out when they close down the bases in Senator HOLLINGS' State and as the private sector ratchets down on the defense side. Actually we are doing a much better job of turning them out of our colleges these days—that is engineers, scientists and the like. But we are inviting and promoting new regulations so they will come in under another exemption.

I wish I had enough time to have looked at it so we could do something on this bill to inquire about it. I do not know enough about it yet, but I will be doing something about it because I think it is wrong. I think that part of the population is very worried, too, about their futures. They were earning good livings. And some are saying you will never earn it again. How do you think they feel when they see in the paper we are going to invite 25,000 more from somewhere else? Probably those others are making a living in those foreign countries. They are not the downtrodden, I would not think. And there certainly is a market for their qualities beyond our having to open our arms and our borders to them.

But on the issue of enforcement, I, too, commend the President on his proposal. We have all the funding, I think. And the capital improvements that he is contemplating are already paid for in this bill.

Frankly, I am delighted we are out front on that because it is imperative. We will not get the temporary facilities built very quickly. We will get the manpower, but we need facilities so when you come into Kennedy Airport and you say—probably in a cheating, lying manner—"I do not have any papers," we cannot turn those people back on the streets and say come back and see one of our nice judges in 6 months. They do not come back. They are probably part of the terrorist crowd. But we cannot build those facilities that quickly.

But I think we are sending a signal that we are really willing to help if they will get this under control and even get us more information. I think the U.S. Senate is really ready to be a player with our INS and others in this regard.

I thank the Senator very much for his comments.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, let me also join in thanks to the distinguished chairman of our Appropriations Committee, not only for his leadership on this particular bill and, of course, the full committee staff, Tim Leeth and Jack Conway, who have been so helpful while the committee staff director, Jim English, is recovering from surgery. The distinguished chairman has led the way on our bill, and he is overgenerous with his comments.

With respect to immigration, we can beef it up and do way better at the airports in New York, and in Detroit where they are coming in from the Canadian side, or down in Miami, or over in San Francisco, or up in Seattle. But, in all candor, it is going to be an impossible situation over the Rio Grande, from Tijuana right on down to Matamoros.

I happened to visit in Spain at the Easter break. The consul there used to be the consul down in San Diego. He was telling me stories where 5,000 aliens a week were coming across the border there—coming all different ways, even running down the middle of the street. Not just the poor, the tired, the "huddled masses yearning to breathe free." No; those who work for the 2,000 American industries down in Mexico, and other countries, the some 600,000 job positions now occupied making $1, $1.50 an hour, oh no, they learned the skill, jump ship, jump Mexico, and come up into San Diego, and disperse throughout the country and end up working for $7 an hour.

We are trying our best. We put funding for 600 additional agents in the border patrol. We put in some extra detention facilities. We did what we could realistically do, as quick as we possibly could. So we are headed in the right direction.

I recall when we burned the poppy fields in Turkey, broke up the laboratories in Marseilles, and we moved down into the mountains of Bolivia. I remember when the First Lady, Mrs. Rosslyn Carter, was going to visit Colombia and present the government with two helicopters to fight the drug trade. She came before our subcommittee. She said she memorized a little talk in Spanish and was going to make an impression. She goes down there with the two helicopters we gave her and all this fine radio equipment. Well, it went to the official who was in charge of the drug traffic. But, instead of detaining and arresting, we accelerated the blooming thing. Now it is even worse coming out of Mexico. We are working at it though, and we thank the Senator for his leadership on this score.

I see the Senator from South Dakota is ready so we can move on this bill.

The PRESIDING OFFICER. The Senator from South Dakota. Without objection the pending amendment is laid aside.

AMENDMENT NO. 731

(Purpose: To require the Federal Communications Commission to submit an analysis to Congress outlining options for addressing telephone calling card procedures)

Mr. PRESSLER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 731.

Mr. PRESSLER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 87, between lines 20 and 21, insert the following new section 609:

SEC. 609. TELEPHONE CALLING CARD PROCEDURES.

(a) ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall submit an analysis to Congress outlining options for addressing telephone calling cards procedures which will maximize consumer benefits.

(b) CONTENTS.—The Analysis shall include—

(1) a discussion of the various options regarding the use of calling cards and telephone calling card procedures;

(2) the costs of implementation of the options submitted as part of the analysis containing methods of addressing telephone calling card procedures;

(3) the benefits of various telephone calling card procedures to consumers;

(4) the competitive effects of various telephone calling card procedures (both to inter-LATA (local access transport areas) and intra-LATA) to consumers;

(5) any anticipated technical and legal problems that might arise under the various options for telephone calling card procedure;

(6) the effect on aggregators, including pay phone owners, hotels, motels, prisons, universities, and similar entities;

(7) the need for a change in view of compliance with the Telephone Operator Consumers Services Improvement Act of 1990 (P.L. 101–435); and

(8) the steps to be taken, if any, to implement options submitted as part of the analysis involving calling card procedures and the time frame necessary to complete such steps.

Mr. PRESSLER. Madam President, I send an amendment to the desk and ask its immediate consideration. I ask that further reading of the amendment be dispensed with. Madam President, this amendment to the Department of Commerce, State, and Justice appropriations bill is designed to make credit card calls away from home easier for all consumers.

I understand that it has been agreed to on both sides.

This amendment involves telephone credit card numbers.

I am concerned about the complicated process entailed in successfully completing a credit card telephone call away from the home or office. I know that people who travel extensively would agree strongly.

It takes a minimum of 25 numbers to dial a credit card number, but if you are in certain circumstances it takes 36 numbers. If you have to try several calling options before successfully completing your call, you could dial as many as 91 numbers. I cannot remember 36 or 91 numbers, so I am always having a hard time making my credit card calls.

If all the telephone companies could agree on technology and procedures, perhaps we could make credit card calling easier—so I would only have to remember four or five numbers.

This aging Senator believes that technology should make the lives of the American people simpler. What has happened is we balkanized the telephone companies of the United States. Rightly or wrongly—that is not the issue. The point is each company wants you to use its credit card. If you are at an airport or shopping market, it may be slightly more difficult to complete your call. You may have to dial an access code or an 800 number. In addition, the charges may differ depending on which method the consumer uses to access the long-distance carrier.

With all the advances in technology, it seems to me there should be a way to simplify this process.

Perhaps, we could have a simple, nationwide credit card calling system in which nobody has to remember more than four or five or six numbers. It is difficult to get competing companies to agree on calling card procedures and technology. They each want to keep their customers, and would like to block out the other ones. Competition is good, but in this case the American people are tired of having to dial 36 or 91 numbers. At least I am.

This amendment would direct the Federal Communications Commission [FCC] to submit an analysis to Congress outlining options for addressing telephone calling card procedures. The FCC has looked at these problems in at least two proceedings. My amendment asks the FCC to submit its analysis of options for solving this confusion to Congress within 6 months.

The analysis would include information on cost/benefits, competitive effects, technical and legal problems, and implementation steps and timetables associated with proposed solutions to these problems.

We are trying to make life simpler. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from South Carolina.

Mr. HOLLINGS. Madam President, in 1990 Congress passed the Telephone Operator Consumer Services Improvement Act. The Legislation was designed to give consumers more choice when placing a telephone call with their credit card or telephone calling card. There, of course, continues to be some confusion regarding this issue.

At the present time the Federal Communications Commission has several ongoing proceedings on this matter. The Commerce Committee has not held any hearings on the problems raised by Senator PRESSLER but we are glad to clear the amendment on this side.

Mr. DOMENICI. We are glad to indicate our approval of the amendment, also, Madam President, and compliment the Senator for offering it.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 731) was agreed to.

Mr. PRESSLER. Madam President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Madam President, I suggest the absence of a quorum with the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I rise one more time to plead with any Republican Senator who might have an amendment. Obviously, on the requested list there are still a score more of them, but we are hearing from none. So I am assuming—and I want them all to know—that other than the Hatch amendment that we are talking about here—and perhaps we will adopt that—we do not have any other amendments on our side. We have Senator SIMON's amendment, which I think he is still trying to clear. We have cleared Senator SIMON's amendment.

Mr. HOLLINGS. We are trying to clear one word in there.

Mr. DOMENICI. Again, I think we are very close, unless the chairman has some additional items. If you are not down here in the next 5 or 6 minutes, we are going to go ahead and proceed, as I understand the Chairman's wishes; is that correct?

Mr. HOLLINGS. That is correct.

AMENDMENT NO. 732

Mr. DOMENICI. Madam President, on behalf of Senator HATCH, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. HATCH, proposes an amendment numbered 732.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 2, strike "$725,161,000" and insert "$727,161,000";

On page 13, line 10, delete "$337,808,000" and restore the matter stricken; and

On page 77, line 13 strike "$210,000,000" and insert "$206,000,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 732) was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. HATCH. Madam President, I want to thank the managers for accepting my amendment, providing an additional $4 million for DEA and U.S. Marshals. I understand that the managers share my expectation that rural areas will receive a fair share of these additional moneys.

Mr. HOLLINGS. That is correct.

Mr. DOMENICI. I agree.

AMENDMENT NO. 730

Mr. HOLLINGS. Madam President, the particular amendment of the Senator from Illinois [Mr. SIMON] is that the pending business?

The PRESIDING OFFICER. That is the pending amendment.

AMENDMENT NO. 730, AS MODIFIED

Mr. HOLLINGS. Madam President, I ask unanimous consent to modify Senator SIMON's amendment by adding at the end of the words "task forces," on line 3 of the amendment, the phrase "gang task forces".

So it would read:

* * * of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting the following after "task forces": "gang task forces" and for programs or projects to abate drug activity in residential and commercial buildings through community participation. * * *

That has been cleared on both sides.

Mr. DOMENICI. We have no objection.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, with its modification, is as follows:

At the appropriate place, insert the following:

"SEC. 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting the following after "task forces,": "gang task forces, and for programs or projects to abate drug activity in residential and commercial buildings through community participation," ".

Mr. BIDEN. Mr. President, I shall not insist upon a rollcall vote on this amendment. But, I wish to make it clear that I oppose this effort to seek an exemption to the 4-year time limit on the programs funded by the Justice Department's State and local aid program.

I have long supported this time limit to ensure that the Justice Department's program continues to fund new and innovative crime control efforts. The time limit also serves state criminal justice planners in their efforts to use Federal funds to try new efforts and seek state and local funding for those that prove successful.

I do not restrict my remarks to the merits of any particular program, including those that might be covered by this amendment. In fact, I have opposed several other attempts to exempt specific programs from this time limit.

Of course, I would point out that there is a single exemption to the 4-year rule—the Federal, State, and local multijurisdicational task forces. I supported this single exemption because these tasks forces are in place throughout the nation and because they require an ongoing partnership between federal, state and local law enforcement personnel.

Mr. President, again, I will not insist upon a rollcall vote on this amendment; but, I rise to clearly state my opposition, and the reasons for my opposition to this amendment.

Mr. HOLLINGS. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 730), as modified, was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I suggest the absence of a quorum and and that it be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 733

Mr. HOLLINGS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 733.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

An amendment, to the NOAA operations and facilities account. On page 38, insert after "Arkansas" on line 5, the following: ", and of which $10,000,000 shall be available for NOAA-wide efforts to conduct research on coastal development and population growth-associated problems, seafood safety, and remediation of environmental contamination and habitat restoration, including joint pilot projects between the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology to apply advanced sensor and environmental technologies for such purposes, particularly at military installations slated for closure"

Mr. HOLLINGS. Madam President, this is one for the National Oceanic and Atmospheric Administration, giving discretion to the administrator of NOAA to apply advanced sensor and environmental technologies and for such purposes, particularly military installations that have been designated for closure.

If he, without further expense, can locate at those particular places, he has the discretion to do so. It has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 733) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Madam President, let me thank the distinguished Senator from New Mexico, and staffs on both sides, particularly Marty Paone, Lula Davis, Elizabeth Greene, and others who have been so helpful. The reason we look like we know what we are doing is because of the folks right here at the front table on both sides of the aisle. They know it, understand it, and keep us on course and parliamentarily sound. I am really indebted to them, as well as to my distinguished colleague from New Mexico.

Mr. DOMENICI. Madam President, I want to join the distinguished chairman in that regard. I am delighted that we are going to finish this bill. I think it is a good bill.

I hope we can return it almost intact from conference. And I thank the staff on both sides. I think they have done a good job, and we are ready to proceed.

MCGRUFF HOUSE NETWORK

Mr. HATCH. I rise to call my colleagues' attention to the work that is being done by the National McGruff House Network. Driven by the need to prevent victimization of children and youth, the McGruff House Network is having a positive impact on child protection efforts and strategies nationwide. The Network, a nonprofit organization, commits its efforts to providing a safety network for all children through the establishment of McGruff Houses. The McGruff Houses are temporary havens for children in threatening situations. The Network totals 569 communities and 915 operational programs, managing 93,122 volunteer McGruff Houses in 47 States, including my home State of Utah and the States represented by the distinguished floor managers, South Carolina and New Mexico.

Currently, the Network receives partial funding from the National Crime Prevention Council. The National Crime Prevention Council has been recognized by the committee for its work and the committee has expressed its expectation that its grants will continue. This, however, does not ensure that the McGruff House Network grants will continue. In my view, the Network is doing noble work for the benefit of children and its funding should be assured. For this reason, I believe that the National McGruff House Network should receive its own grant, of $100,000, from the Department of Justice to continue its excellent work.

I ask my colleagues, do they expect the Bureau of Justice Assistance to provide $100,000 for the National McGruff House Network for fiscal year 1994?

Mr. HOLLINGS. As the review of the grant application is considered by the Bureau of Justice Assistance, I would expect that the BJA give every consideration to ensuring that $100,000 is provided to the National McGruff House Network.

Mr. DOMENICI. I share the view of my colleagues.

Mr. HATCH. I thank my colleagues.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS BILL

Mr. KERRY. Madam President, I want to indicate my support for the Commerce, Justice, State, and Judiciary appropriations bill before us today and I want to commend Chairman HOLLINGS' efforts in bringing this bill to the floor and applaud the broad-based support this package has received from a majority of subcommittee and full committee members. The committee faced the daunting task of crafting a bill that would fairly distribute funding to a broad array of important programs, many of which are critical to our economy and our marine environment, within a budget framework of extremely limited resources. While there are always some disappointments about some programs and projects, I believe the present bill will be of very significant benefit nationally. The bill of course, touches many agencies and scores of important programs, including those focused on economic development and business law enforcement, and our diplomatic and international relations activities. I would like to highlight what I believe are the vital marine and coastal programs that received the committee's attention.

I am privileged to serve as the vice chair of the Commerce Committee's National Ocean Policy Study. Through that role I know and value Chairman HOLLINGS' deep commitment to programs operated by the National Oceanic and Atmospheric Administration [NOAA] and the other important marine and coastal programs. Despite the difficult fiscal times, the appropriations subcommittee and full committee admirably acted to provide funding increases to some key marine and coastal programs and to assure the continuation of others. Several of these indispensable programs did not receive funding in the House bill, and I remain hopeful that we can maintain the Senate funding levels during the conference with the House.

I applaud the committee for providing $2 million for the North Atlantic Fisheries Reinvestment Program, and $7.944 million for the Saltonstall-Kennedy fisheries grants program, for which the administration budget included no funding at all. These programs are essential to New England during this difficult time. The Saltonstall-Kennedy fisheries grants program is also important to other coastal regions because it provides funding for research to enhance fish stocks, to develop new markets for underutilized fish species, and to assess new fishing gear technologies.

In addition, I am particularly pleased at the increase in funding levels, from $43.225 million in fiscal year 1993 to $51.714 million for the Coastal Zone Management [CZM] Program. Twenty-two Senators joined me in sending a letter in support for increased funding for this relatively small but extremely effective program to protect our national shoreline. For over two decades, through the unique Federal/State partnership established by the Coastal Zone Management Act, the coastal States and the National Oceanic and Atmospheric Administration [NOAA] have worked closely together to preserve, protect, develop, and where possible, to restore or enhance America's coastal resources.

Since the establishment of the national CZM Program, solid, measurable progress has been made. The protection of life and the safety of our citizens have been greatly increased. Wetlands, estuaries, rivers and bays have been afforded a chance to recover, and the dependent coastal fisheries, tourism and local economies have been improved. Development within the coastal zone has been far more wisely managed than ever before. From coast to coast Americans have far greater access to the beautiful shores and beaches of our country.

An ocean program very important to my State is the National Marine Sanctuary Program. The recent dedication of the Stellwagen Bank National Marine Sanctuary off the coast of Massachusetts is an excellent example of Federal activity that produces both environmental protection and economic enhancement. This marine mammal feeding area is popular with whale watchers and fisherman and protection of the Bank has received wide support—not only among my constituents but nationwide. The appropriation of $9.15 million provides necessary funding levels to maintain this important national program, especially given the addition of new sites such as Stellwagen Bank.

I also would like to commend the committee for its continuing support of the Sea Grant Program, which is funded that year at $49 million, an increase over last year's appropriation to reflect new efforts—in the area of marine biotechnology, for example. The Sea Grant College Program has proven itself to be a wise investment. The Sea Grant Program funds regional research, enhances technology transfer and provides public education and outreach services for the Nation's coastal resources.

On global environmental issues, I have worked actively for an Antarctic Environmental Protocol, including the Convention on the Conservation of Antarctic Marine Living Resources [CCAMLR]. Data provided by NOAA's Antarctic Marine Living Resources [AMLR] program are critical to CCANMLR's implementation and I am very pleased that $1.2 million has been provided to ensure the continuation of this critical work.

The groundfish fishery in New England has been in decline, causing much hardship in local fishing communities and depriving the Nation of an important and nutritious food source. Continued support is needed for the scientific and assessment efforts that are the basis for the difficult management decisions necessary to preserve these fisheries while taking into account the needs of those whose livelihoods depend on fishing or on commerce in fish and fish products, and those who are consumers of these products. The committee directs continued funding for the fisheries studies in New England, including Atlantic salmon at $710,000, Atlantic bluefin tuna at $250,000, and right whale research at $214,000. The Gulf of Maine Groundfish Survey received $567,000; New England stock depletion studies, $1.116 million; management of Georges Bank, $480,000; and the Atlantic Migratory Pelagics Program, $700,000 for an observer program.

The area of aquaculture is one that has significant benefits, both present and future, to coastal communities nationwide. I am very supportive of the committee's recommendation of $2.25 million for the aquaculture program. When the conference committee begins its work, I will encourage the Senate conferees to look closely at a shellfish aquaculture pilot program in Nantucket as well as a Long Island project for which the House appropriated $225,000. Both these programs would enhance fisheries as well as economic development.

Finally, I would like to voice my support for NOAA's Global Climate Change Research Program. NOAA is an important part of the overall U.S. interagency effort to improve the science that is needed to make critical decisions about the future of our planet. The Senate bill's inclusion of $53 million is well below even the House mark of $66.902 million, and I hope a favorable compromise can be reached in conference.

In closing, Madam President, I once again compliment the able Senator from South Carolina [Mr. HOLLINGS] in his role as chairman of the appropriations subcommittee. He is a leader, a strong and courageous figure in this institution, and a good friend. I commend the other members of the subcommittee and its staff, particularly Scott Gudes who has done a tremendous job and has been very generous with his time and attention. The bill they have brought to the Senate is a very good bill, and one over which they have labored conscientiously—in the portion addressing oceans and atmosphere programs which I have detailed, in the portions addressing the State Department's budget and activities, and in the other portions of the bill.

I believe I convey sentiments shared by virtually all of my colleagues when I express sincere thanks to the chairman, members, and staff for their efforts. I look forward to working with all of them as the process continues toward enactment.

GEORGIA INTERNATIONAL MARITIME TRADE CENTER

Mr. COVERDELL. Madam President, the mayor of Savannah, GA, recently advised me of a very worthwhile project which the city has committed to undertake. Specifically, Savannah/Chatham County plans to build an international trade center, which will be known as the Georgia International Maritime Trade Center. The city envisions that this facility will serve as a central trade facility for the southeastern region of the United States, wherein domestic and foreign manufacturers may meet and display goods. Additionally, the center will serve as a repository of information through its trade library and trade service center where market data and consulting services for international trade will be available.

The city of Savannah is strongly committed to building this project. Earlier this month, the city of Savannah voted for a bond referendum and an increase in the hotel/motel tax that will fund 55 percent ($37 million) of the construction of this facility. Additionally, it is my understanding that the Governor of Georgia, Zell Miller, has agreed to provide $18.5 million in his fiscal year 1994–95 budget proposal for the project. Thus, State and local governments have committed to $55.5 million of the $73 million needed to complete the project.

The city of Savannah has requested that the Federal Government join in this effort by providing funds to aid with the initial planning and design of the facility. I believe this very worthwhile project should be given serious consideration for a planning grant from the Economic Development Assistance Program, which is a program within the Department of Commerce.

I believe it is the practice of the appropriations Committee to recommend various projects as worthy of consideration for economic development assistance grants in its report accompanying the Commerce, Justice, State, Judiciary and Related Agencies appropriations bill. Unfortunately, this project was not included in the committee's report, primarily because the city of Savannah only recently held its bond referendum which solidified the city's plans for the project. Consequently, it is my sincere hope that the conferees to the Commerce, Justice, State and Judiciary appropriations bill will include this project as one worthy of an economic development assistance grant in their report accompanying the conference version of the bill.

RADIO FREE ASIA

Mr. BIDEN. I would like to get the attention of the chairman of the subcommittee for a moment. As I understand it, this bill provides $10 million in the U.S. Information Agency to initiate Radio Free Asia, a proposal that I have been promoting for the last 3 years. Do I understand that correctly?

Mr. HOLLINGS. My friend from Delaware is correct.

Mr. BIDEN. It is my understanding that the Clinton administration originally requested $30 million for this program. However, because the proposal to consolidate U.S. Government-sponsored international radio operations will achieve efficiencies in the international broadcasting account, the administration now believes that just $15 million will be required.

If I could get the attention of the chairman again, is it his intention that up to $5 million would be available in the radio construction account for Radio Free Asia?

Mr. HOLLINGS. Yes. I agree with the Senator from Delaware that up to $5 million is available for that purpose.

SEC FUNDING

Mr. RIEGLE. Madam President, I am pleased that the Commerce, Justice, State appropriations bill contains the full funding request for the Securities and Exchange Commission. This will enable the SEC to carry out its important mission of enforcing the securities laws. Our financial markets are the most liquid in the world, in large part because investors are confident they are properly regulated.

I am concerned, however, about the mechanism used for SEC funding. The fees charged for the registration of securities were raised in 1990, and again in 1992. They will be raised a third time by this bill. Under this legislation, registration fees will be almost double the level of five years ago. These fees have been designated as offsetting collections to SEC appropriations. This increases the amount of money available to the Appropriations Committee, allowing it to appropriate less to the SEC and more elsewhere.

In 1992, SEC registration fees exceeded SEC appropriations by 180 percent. Under this bill, in 1994 fees are estimated to exceed appropriations by 195 percent. When fees on securities registrations bring in more money than is needed to fund the SEC, it is not a user fee, but a tax. These excess fees constitute a hidden tax on capital formation—discouraging private sector economic growth. It is ironic that while this bill raises securities registration fees, paid by investors and entrepreneurs who depend on efficient SEC regulation, the SEC will have to cut 110 full staff positions over 3 years.

The House of Representatives recently passed a bill providing for a closer correlation between SEC fees and SEC appropriations. Congress would determine the SEC's funding needs, and the agency would set fees to collect an amount equal to its annual appropriation—no more, no less. Fines and penalties collected by the SEC would continue to go to the Treasury general fund. The Banking Committee's Securities Subcommittee, chaired by Senator DODD, will review this issue at a hearing tomorrow morning on the SEC's budget authorization request.

The chairman of the Appropriations Subcommittee, Senator HOLLINGS, and his staff have expressed their willingness to work with the Banking Committee on the SEC funding issue prior to conference as this appropriations bill moves forward. Madam President, I thank the Senator from South Carolina for his cooperation.

BANKRUPTCY JUDGESHIPS AUTHORIZED IN THE 102D CONGRESS

Mr. SIMON. Madam President, I want to address the need to fund the 35 new bankruptcy judgeships Congress authorized last year in Public Law 102-361. Congress authorized these judgeships based on the recommendations of a 1991 Judicial Conference report on bankruptcy judgeship needs.

Between 1980 and 1992, bankruptcy filings nationwide increased about 193 percent. As a result of this increase, bankruptcy judges across the country have experienced significant backlogs in their dockets. When the courts are backlogged, assets are frozen and creditors do not receive funds due under the operation of the bankruptcy laws. The backlogs also have an obvious impact on businesses trying to reorganize their way out of debt. Although overall bankruptcy case filings decreased somewhat in 1992, the need for these judgeships has not diminished since they were authorized last year.

Public Law 102-361 includes an additional bankruptcy judgeship for the Southern District of Illinois. This district includes 38 counties and covers over 15,000 square miles. It is larger than the States of Massachusetts, Connecticut, Rhode Island, and Delaware combined. The bankruptcy court is authorized to sit in four sites in the southern district—East St. Louis, Benton, Alton, and Effingham. During 1992, the Honorable Kenneth T. Meyers, the lone bankruptcy judge in the Southern District of Illinois, traveled over 12,000 case-related miles. At least twice each week he travels the 115 miles between East St. Louis and Benton, the two primary sites for the court. In assessing the need for an additional bankruptcy judgeship in the Southern District of Illinois, the Judicial Conference, in addition to finding that the district has a substantial and expanding caseload, noted the extensive travel involved in this district.

It is my hope that as the Judicial Conference allocates the funds appropriated under this bill, funding the 35 new bankruptcy judgeships will be among its highest priorities. I strongly urge the Judicial Conference to continue its recognition of the need for these additional bankruptcy judgeships by using funds appropriated in the salaries and expense accounts to fund these judgeships.

Mr. DOLE. Madam President, earlier this week, I had a meeting in my office with Elma Broadfoot, the new mayor of Wichita, KS. She had one message for us—gang violence is no longer just a big city problem, it is now threatening to overrun heartland cities—cities like Wichita, KS.

Gang violence is not something most people associate with Kansas, but last month's front page article in the Washington Post explained how "gangs are carving a new frontier on the old." In 3 years, the number of gangs in Wichita have gone from 3 to 90. According to a study at Pepperdine University, Wichita ranks ninth in the Nation in gang membership. That is one high ranking we are not proud of.

In the beginning much of the increase in gang activity was driven by drugs, particularly crack, but now the biggest problem is violent crime. Last year, Wichita reported 237 robberies and other gang-related armed assaults. The police also reported more than 300 drive-by shootings, many of which were gang related.

According to the mayor, one recent gang-related incident was particularly painful for the city. At a Fourth of July celebration, an innocent bystander was killed when she stepped in the middle of a gang shoot-out. Wichitans were deeply saddened that America's proudest day had been desecrated by gang violence.

Wichita is determined to take an aggressive approach to combating gang violence by concentrating the efforts of police and community volunteers in high crime activity areas. The city calls this approach the integrated teams approach or the IT program.

As a first step police work with community volunteers and the local NAACP chapter to identify criminal activity in a neighborhood. The police follow up by giving problem areas their highest priority until the area is rendered safe. Finally, community organizers establish neighborhood watch groups, clean up neighborhoods, and get children and teenagers involved in recreation and job training opportunities.

Madam President, I would like to offer an amendment to earmark community policing funding in the Commerce, State, Justice bill for this innovative program. This project would be an excellent model for moderate size cities throughout the country that are working to stop gang violence. I urge my colleagues to support this amendment.

The Senator from Kansas would like to note that the chairman and ranking member have always treated Kansas with extraordinary fairness on items ranging from modernization of the weather system to Department of Commerce grants for disaster assistance. I greatly appreciate their help throughout the years.

Mrs. KASSEBAUM. I would simply like to echo the remarks of the Republican leader, Senator DOLE. I, too, met with Mayor Broadfoot earlier this week, and I am very concerned about the violence in Wichita. The prevalence of gangs in the city has been the subject of national media attention and many Wichitans have seen their neighborhoods turn into turf war battlefields. Something has to be done.

The city of Wichita is dedicated to reducing the violence and they have developed an innovative approach to achieve that goal. It is my hope that the Senate will support this amendment to make available to Wichita a community policing demonstration grant so that their plan can be put into effect. I appreciate the consideration of the distinguished chairman and ranking member.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 87, nays 13, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—87

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—13

Brown
Conrad
Craig
Faircloth
Gregg
Heflin
Helms
Hutchison
Kempthorne
Lott
Roth
Smith
Wallop

So the bill (H.R. 2519), as amended, was passed.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Madam President, I want to congratulate the distinguished Senators from South Carolina and New Mexico. They and the other Members of the Senate moved forward with dispatch on this matter.

Mr. HOLLINGS. I thank the majority leader for his leadership and help, and I thank the entire staff for their help.

Madam President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer appointed Mr. HOLLINGS, Mr. INOUYE, Mr. SASSER, Mr. BUMPERS, Mr. KERREY of Nebraska, Mr. BYRD, Mr. DOMENICI, Mr. STEVENS, Mr. GRAMM of Texas, Mr. MCCONNELL, and Mr. HATFIELD conferees on the part of the Senate.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate now proceed to H.R. 2403, the Treasury, Postal appropriations bill.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 2403) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $100,000 for official reception and representation expenses, of which $75,000 is for such expenses of the international affairs function of the Offices; *of which not less than $6,902,000 and 90 full-time equivalent positions shall be available for enforcement activities, and of which no less than $2,971,000 and 46 full-time equivalent positions shall be available for the Office of Foreign Assets Control;* not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $488,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; **[**$104,597,000**]** *$105,700,000.*

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $28,897,000 **[**, of which $300,000 shall remain available until expended for the Inspectors General Auditor Training Institute**]**.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed $4,000 for official reception and representation expenses; $18,280,000.

TREASURY FORFEITURE FUND

(LIMITATION OF AVAILABILITY OF DEPOSITS)

For necessary expenses of the Treasury Forfeiture Fund, as authorized by Public Law 102–393, not to exceed **[**$14,770,000**]** *$50,000,000,* to be derived from deposits in the Fund.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $7,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided,* That the Center is authorized to accept gifts: *Provided further,* That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further,* That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall annually present an award to be accompanied by a gift of intrinsic value to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, to be funded by donations received through the Center's gift authority: *Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center: Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center; [$47,195,000] *$47,695,000*.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, [$7,712,000] *$12,712,000*, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $209,877,000, of which not to exceed $9,748,000, shall remain available until expended for systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; [$364,245,000] *$368,046,000, not to exceed $100,000 shall be available for hosting or participating in the Interagency Committee on Women in Federal Law Enforcement Conference, the Law Enforcement Explorer Scouts Conference, and the International Asian Organized Crime Conference*, of which $22,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1994 and, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That [fees will be collected by the Secretary of the Treasury or his delegate pursuant to section 108 of this Act, of which not to exceed $5,000,000 shall be retained and used for the specific purpose of offsetting costs of the Bureau's Compliance Alcohol Program, notwithstanding 31 U.S.C. 3302(b), and any fees collected in excess of $5,000,000 shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That the sum herein appropriated shall be reduced by not more than $5,000,000 as fees are collected pursuant to section 108 of this Act: *Provided further*, That] none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. section 925(c): Provided further, That funds made available under this Act shall be used to achieve a minimum level of 4,261 full-time equivalent positions for fiscal year 1994, of which no fewer than 1,440 shall be allocated for the Armed Career Criminal Apprehension Program: Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; [$1,311,819,000] *$1,363,668,000*, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be *available until expended* for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That the Commissioner or the Commissioner's designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further*, That no funds appropriated by this Act may be used to reduce to single eight-hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1994: *Provided further, That the United States Customs Service shall hire and maintain an average of not less than 17,941 full-time equivalent positions in fiscal year 1994, of which a minimum level of 960 full-time equivalent positions shall be allocated to air interdiction activities of the United States Customs Service: Provided further*, That not less than $750,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction *and demand reduction* programs: *Provided*, That no aircraft or other related equipment shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury during fiscal year 1994 [$46,063,000] *$47,863,000*.

OPERATIONS AND MAINTENANCE, CUSTOMS P-3 DRUG INTERDICTION PROGRAM

For necessary expenses of operations, maintenance, modifications to, spare parts and related equipment for Customs P-3 surveillance aircraft for carrying out [defense-related] drug interdiction purposes; $28,000,000.

AIR AND MARINE INTERDICTION PROGRAMS, PROCUREMENT

For the procurement, construction, and modification of aircraft and marine vessels, equipment, radar, spare parts, and accessories therefor of the air and marine interdiction programs; $21,093,000, to remain available until expended.

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For acquisition of necessary additional real property, facilities, construction, improvements, and related expenses of the United States Customs Service, $10,000,000, to remain available until expended.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $1,406,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; $54,770,000, including amounts for purchase and maintenance of uniforms not to exceed $285 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties; and of which $1,517,000 shall remain available until expended for expansion and improvements.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; [$189,209,000] *$187,209,000*.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For necessary expenses for "Payment of Government Losses in Shipment", $500,000, to remain available until expended.

Internal Revenue Service

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; executive direction, management services, and internal audit and security; including purchase (not to exceed 125 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $167,822,000, of which not to exceed $25,000 for official reception and representation expenses [;-and of which not to exceed $500,000 shall be for research.]

Processing Tax Returns and Assistance

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; statistics of income; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,696,853,000, of which $3,700,000 shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs[;-and of which not to exceed $1,000,000 for research.]

Tax Law Enforcement

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; the purchase (for police-type use, not to exceed 600, of which not to exceed 450 shall be for replacement only), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided*, That additional amounts above fiscal year 1993 levels for international tax enforcement shall be used for the establishment and operation of a task force comprised of senior Internal Revenue Service Attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in noncompliance with the Internal Revenue Code: *Provided further*, That additional amounts above fiscal year 1993 levels for the information reporting program shall be used instead for the examination of the tax returns of high-income and high-asset taxpayers; [$4,007,962,000 of which not to exceed $1,000,000 is for research] *$4,043,281,000, of which not to exceed $1,000,000 shall remain available until expended for research; and of which not less than $360,700,000 and 4,921 full-time equivalent positions shall be available for tax fraud investigation activities.*

Information Systems

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: returns processing and services; compliance and enforcement; program support; and tax systems modernization; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: [$1,402,629,000] *$1,487,722,000*, of which not less than $570,166,000 is for tax systems modernization, and of which not to exceed $60,000,000 shall remain available until expended for other systems development projects: *Provided*, That of the amounts provided for tax systems modernization not to exceed $125,000,000 shall remain available until expended[:-Provided further, That none of the funds appropriated for tax systems modernization may be obligated until the Commissioner of the Internal Revenue Service reports to the Committees on Appropriations of the House and Senate on the implementation of Tax Systems Modernization.]

Administrative Provision—Internal Revenue Service

Section 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the approval of the House and Senate Committees on Appropriations.

Sec. 2. The Internal Revenue Service shall institute and maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

United States Secret Service

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; [$457,360,000] *$461,931,000*, of which not to exceed $300,000 shall be made available for the protection at the one non-governmental property designated by the President of the United States and $70,000 at the airport facility used for travel en route to or from such property under provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note).

General Provisions—Department of the Treasury

[Section 101. Of the funds appropriated by this or any other Act to the Internal Revenue Service, amounts attributable to efficiency savings for fiscal year 1994 shall be identified as such by the Commissioner during that fiscal year: *Provided*, That in the fiscal year when the savings are realized, the amount of efficiency savings shall be non-recurred from the Internal Revenue Service budget base: *Provided further*, That on an annual basis, the Internal Revenue Service shall report to the House and Senate Appropriations Committees on the status of the program.]

SECTION 101. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or of a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) for unobligated balances remaining in the Fund on September 30, 1994, shall be made only upon advance approval of the House and Senate Committees on Appropriations.

Sec. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

Sec. 103. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

Sec. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

[Sec. 105. The Bureau of Engraving and Printing will maintain and utilize the currency production capacity of its Washington, DC facility at a level which at a minimum equals its current 5 day, 3 shift per day output of approximately 5.2 billion notes: *Provided*, That the Federal Reserve System requirements exceed that level by an amount which will enable the Bureau to also maintain and utilize an operating expansion and emergency back-up capacity at its Fort Worth, Texas facility. If production requirements fall below that level the Bureau may, upon advance notice to the House Appropriations Committee, reallocate production between the two facilities in a way which best utilizes the capacity of each and preserves the employment security of the Bureau workforce.

[Sec. 106. If necessary to retain employees with specialized skills who are serving on temporary appointments, the Bureau of Engraving and Printing may extend such appointments on an annual basis beyond four years.

[SEC. 107. In the event of staffing reductions due to a reduction in work requirements, the area of consideration for any reduction-in-force to be affected shall include the Washington, DC facility and the Ft. Worth, Texas facility. Lists of competing employees at each facility shall be combined together, and bumping, retreat and reassignment rights of employees at the same competitive level shall be governed by this combined list. In order to ensure uniformity in administration, the Bureau shall adopt this policy by a formal issuance. This policy shall prevail with regard to all represented bargaining units unless one or more unions specifically and in writing agree to another policy or arrangement on behalf of the employees that any such organization(s) represents.]

SEC. 108. Notwithstanding any other provision of law, the Secretary of the Treasury shall establish an office of the undersecretary for enforcement within the Department of the Treasury by no later than February 15, 1994.

This title may be cited as the "Treasury Department Appropriations Act, 1994".

TITLE II—POSTAL SERVICE

Payment to the Postal Service Fund

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; $91,434,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1994.

Payment to the Postal Service Fund for Nonfunded Liabilities

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $38,803,000.

This title may be cited as the "Postal Service Appropriations Act, 1994".

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Compensation of the President

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

The White House Office

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; [$38,914,000] *$38,754,000.*

Executive Residence at the White House

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $7,925,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

Official Residence of the Vice President

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

Special Assistance to the President

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,270,000.

Council of Economic Advisers

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); $3,420,000.

Office of Policy Development

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $5,122,000.

National Security Council

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; [$6,648,000] *$8,209,000.*

Office of Administration

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; $24,850,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

Office of Management and Budget

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; [$56,539,000] *$53,481,000,* of which not to exceed $5,000,000, shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs.

Office of Federal Procurement Policy

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; $3,058,000.

Office of National Drug Control Policy

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; [$5,800,000: *Provided*, That none of the funds may be obligated or expended until the Director of the Office of National Drug Control Policy submits to the Committee on Appropriations of the House, a justification for planned expenditures] *$11,687,000, of which not less than $900,000 and four full-time equivalent positions shall be available for the Counter-Drug Technology Assessment Center: Provided, That the Office of National Drug Control Policy shall hire and maintain not less than 60 full-time equivalent positions in fiscal year 1994*: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

Unanticipated Needs

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

Federal Drug Control Programs

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $86,000,000 for drug control activities:–[*Provided*, That the Office of National Drug Control Policy is authorized to transfer not less than $50,000,000 to the following High Intensity Drug Trafficking Areas in the following amounts: New York, $7,000,000, Miami, $7,000,000, Houston $7,000,000, Los Angeles, $7,000,000, and the Southwest Border,

$22,000,000: *Provided further*, That the Office of National Drug Control Policy is authorized to transfer not less than $36,000,000 to State and local drug control entities for drug control activities] *which are consistent with the approved strategy for each of the High Intensity Drug Trafficking Areas, of which no less than $43,000,000 shall be transferred to State and local entities for drug control activities; and of which up to $43,000,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided, That the funds made available under this head shall be obligated within 90 days of enactment of this Act.*

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

[For activities authorized by Public Law 100–690, $28,000,000, to be derived from deposits in the Special Forfeiture Fund; of which $5,000,000, shall be transferred to the United States Customs Service; of which $6,000,000 shall be transferred to the Internal Revenue Service, Tax Law Enforcement for criminal investigations; of which $4,000,000 shall be transferred to the Drug Enforcement Agency for the enhancement of the El Paso Intelligence Center; or which $5,000,000, shall be transferred to the Counter-Drug Technology Assessment Center; and of which $1,000,000 shall be transferred to the Bureau of Alcohol, Tobacco and Firearms, and $7,000,000 to be transferred to Federal agencies and departments to support high priority drug control activities consistent with the National Drug Control Strategy in amounts to be determined by the Director.]

For activities authorized by Public Law 100–690, $75,000,000, of which $28,000,000 shall be derived from deposits in the Special Forfeiture Fund; of which $35,000,000 shall be transferred to the Substance Abuse and Mental Health Services Administration, and of which $10,000,000 shall be available to the Center for Substance Abuse Prevention for community partnership grants, and of which $5,000,000 shall be available to the Center for Substance Abuse Prevention for the residential women/children program, and of which $10,000,000 shall be available for the Substance Abuse Prevention and Treatment Block Grant to the States, and of which $10,000,000 shall be available for capacity expansion treatment programs; of which $15,000,000, to remain available until expended, shall be transferred to the Counter-Drug Technology Assessment Center for counternarcotics research and development projects and shall be available for transfer to other Federal departments or agencies; of which $5,000,000 shall be transferred to the Bureau of Alcohol, Tobacco and Firearms for gang resistance education and training programs; and of which $20,000,000 shall be transferred to drug control agencies in amounts to be determined by the Director, upon the advance approval of the House and Senate Committees on Appropriations.

This title may be cited as the "Executive Office Appropriations Act, 1994".

TITLE IV

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed $1,000 for official reception and representation expenses, $1,800,000.

CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–393, $250,000 are rescinded.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271–79); $1,000,000, and additional amounts collected from the sale of publications shall be credited to cnd used for the purposes of this appropriation.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

[The revenues and collections deposited into] *For additional expenses necessary to carry out the purpose of* the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), *$312,814,000, to be deposited into said Fund. The revenues and collections deposited into the Fund* shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of [$5,185,611,000, including $295,294,000 of unobligated balances in the fund] *$5,253,877,000*, of which (1) not to exceed [$820,476,000] *$933,787,000* shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

[Alabama:

[Montgomery, U.S. Courthouse Annex, $5,091,000

[Arkansas:

[Little Rock, Old Law School Building Expansion/Alteration, $13,816,040

[California:

[Sacramento, Federal Building and U.S. Courthouse, $143,082,450

[San Jose, Federal Office Building, claim, $1,828,680

[Santa Ana, Federal Building and U.S. Courthouse, $148,176,000

[District of Columbia:

[U.S. Army Corps of Engineers Headquarters Building, $50,000,000

[Florida:

[Jacksonville, U.S. Courthouse, site acquisition and design, $6,070,120

[Tampa, U.S. Courthouse, $66,696,840

[Indiana:

[Hammond, U.S. Courthouse, $49,980,000

[Iowa:

[Burlington, Federal Parking Facility, design and construction, $2,400,000

[Maryland:

[Beltsville, Department of Agriculture Federal Building, $20,000,000

[Bowie, Bureau of the Census, Computer Center, $27,915,000

[Montgomery and Prince George's Counties, Food and Drug Administration, consolidation, site acquisition, planning and design, construction, $73,921,000

[Massachusetts:

[Boston, Federal Building and U.S. Courthouse, $18,620,000

[Missouri:

[Cape Girardeau, Federal Office Building and U.S. Courthouse, $3,822,000

[Kansas City, U.S. Courthouse, $9,800,000

[St. Louis, U.S. Courthouse, $9,800,000

[Nebraska:

[Omaha, Federal Building and U.S. Courthouse, $9,361,940

[New Jersey:

[Newark, Martin Luther King, Jr. Federal Building and U.S. Courthouse, escalation, $4,293,576

[New York:

[Brooklyn, U.S. Courthouse, $29,400,000

[North Carolina:

[Federal Research Park, Environmental Protection Agency Facility, $8,800,000

[North Dakota:

[Pembina, Border Station, $96,000

[Ohio:

[Youngstown, Federal Building and U.S. Courthouse, site acquisition and design, $4,630,500

[Oregon:

[Portland, U.S. Courthouse, $85,015,980

[Pennsylvania:

[Scranton, Federal Building and U.S. Courthouse Annex, site acquisition and design, $12,093,200

[Texas:

[Laredo, Federal Building and U.S. Courthouse, $2,986,060

[Vermont:

[Highgate Springs, Border Station, $6,851,000

[Washington:

[Lynden, Federal Building, claim, $357,000

[Nonprospectus construction projects, $5,525,300:]

Alabama:

Montgomery, U.S. Courthouse Annex, $5,195,000

Arkansas:

Little Rock, Old Law School Building, Expansion/Alteration, $14,098,000

Arizona:

Phoenix, U.S. Courthouse, $199,000,000

Safford, Forest Service Administrative Offices and Cultural Center, $6,000,000

Sierra Vista, U.S. Magistrates Office, $1,000,000

California:

Sacramento, U.S. Courthouse and Federal Building, $162,225,000

San Jose, Federal Office building, claim, $1,866,000

Santa Ana, Federal Building and U.S. Courthouse, $84,000,000

Florida:

Tampa, U.S. Courthouse, $68,058,000

Georgia:

Atlanta, Centers for Disease Control, Laboratory and office building, $15,000,000

Augusta, U.S. Courthouse, $1,000,000

Maryland:

Bowie, Bureau of the Census, Computer Center, $27,915,000

Montgomery and Prince George's Counties, Food and Drug Administration, consolidation, site acquisition, planning, design, and construction, $73,921,000

Massachusetts:

Boston, Federal Building and U.S. Courthouse, $19,000,000

Missouri:

Cape Girardeau, Federal Office Building and U.S. Courthouse, $3,822,000

Kansas City, U.S. Courthouse, $20,000,000

St. Louis, U.S. Courthouse, $30,000,000

Nebraska:

Omaha, Federal Building and U.S. Courthouse, $9,553,000

New Jersey:

Newark, Martin Luther King, Jr. Federal Building and U.S. Courthouse, escalation, $4,868,000

New York:

Brooklyn, U.S. Courthouse, $30,000,000

North Dakota:

Pembina, Border Station, $96,000

Oregon:

Portland, U.S. Courthouse, $96,390,000

Texas:

Laredo, Federal Building-U.S. Courthouse, $3,047,000

Vermont:

Highgate Springs, Border Station, $6,851,000

Washington:

Lynden, Federal Building, claim, $357,000

West Virginia:

Wheeling, Federal Building-U.S. Courthouse, $45,000,000

Nonprospectus construction projects, $5,525,000:

[*Provided*, That of the funds provided for nonprospectus construction projects, funds shall remain available until expended for the acquisition, lease, construction, and equipping of three flexiplace work telecommuting centers, one of which shall be in southern Maryland, and one of which shall be in northwestern Virginia:–*Provided further*,] *Provided*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1995, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That of the amount made available under this heading for the Northern Virginia Naval Systems Commands, in Public Law 101–509, [$107,781,000] *$185,344,000*, is hereby rescinded: *Provided further, That the amount made available under the heading "New Construction" in Public Law 102–393, for Hilo, Hawaii, shall be available for payment to a public entity in the State of Hawaii for the construction of facilities to house governmental agencies; the governmental agencies to be housed shall be designated by the Administrator of General Services and such agencies shall be housed rent free, exclusive of operating expenses: Provided further*, That claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed [$546,682,000] *$516,782,000*, which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:

Alaska:

Juneau, U.S. Post Office and Courthouse, escalation, $4,082,000

California:

Richmond, SSA Service Center, $3,742,000

San Diego, Federal Building and U.S. Courthouse, $11,023,000

District of Columbia:

Central and West Heating Plants, $11,141,000

Federal Office Building 6, $56,500,000

Georgia:

Atlanta, Martin Luther King Jr., Federal Building, $10,063,000

Illinois:

Chicago, Federal Records Center, $3,379,000

Chicago, John C. Kluczynski Jr., Federal Building, $13,414,000

Indiana:

Jeffersonville, Federal Center, $13,522,000

Maryland:

Baltimore, George H. Fallon Federal Building, escalation, $4,645,000

Woodlawn, SSA Operations Building, $14,892,000

Massachusetts:

Boston, John F. Kennedy Federal Building (phase 3), $19,200,000

New Jersey:

Newark, Federal Building, 20 Washington Place, $14,000,000

New York:

New York, Federal Building, 201 Varick St., $8,886,000

New York, Jacob K. Javits Federal Building (phase 2), $14,171,000

Nationwide:

Elevators, $27,022,000

[Energy Retrofit Projects, $36,700,000]

Facade Alterations, $10,000,000[:–*Provided*, That of the funds appropriated for Energy Retrofit Projects, $6,000,000, may be used to procure and install phosphoric acid fuel cells in GSA installations.]

Capital Improvements of United States-Mexico, border facilities, $6,800,000 as follows:

Arizona:

Lukeville, commercial lot expansion, $3,050,000

San Luis, commercial office space, $209,000

San Luis, primary lane expansion and administrative office space, $3,541,000.

Minor Repairs and Alterations, [$270,300,000] *$270,300,000*: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Minor Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1995, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Minor Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) not to exceed [$118,108,000] *$119,108,000* for installment acquisition payments including payments on purchase contracts; (4) not to exceed [$2,124,373,000] *$2,117,421,000* for rental of space; (5) not to exceed [$1,231,085,000] *$1,226,085,000* for real property operations; (6) not to exceed $156,613,000 for program direction and centralized services; and (7) not to exceed [$188,274,000] *$184,081,000* for design and construction services which shall remain available until expended[:–*Provided further*, That of the funds available to the General Services Administration for the Jacksonville, Florida, U.S. Courthouse; Burlington, Iowa, Federal Parking Facility; Beltsville, Maryland, Federal Building; Kansas City, Missouri, U.S. Courthouse; Federal Research Park, North Carolina EPA Facility; Youngstown, Ohio, Federal Building and U.S. Courthouse; and Scranton, Pennsylvania, Federal Building and U.S. Courthouse, shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That with regard to the Federal Building in Beltsville, Maryland, upon repayment of the Federal Buildings Fund for the cost of construction, title to said property shall be vested in the United States Department of Agriculture]: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for the line-item construction and repairs and alterations projects in this Act shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided* *further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1994, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of **[**$5,185,611,000**]** *$5,253,877,000* shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for property management activities, utilization of excess and disposal of surplus personal property, rehabilitation of personal property, transportation management activities, transportation audits by in-house personnel, procurement, and other related supply management activities, including services as authorized by 5 U.S.C. 3109; **[**$55,804,000**]** *$43,420,000*.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Governmentwide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; **[**$45,675,000: *Provided*, That none of the funds may be used to pay the operating costs of the Information Security Oversight Office or any successor organization**]** *$44,730,000*.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property, including services as authorized by 5 U.S.C. 3109; $15,756,000.

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, for Policy Direction, Board of Contract Appeals, and accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109, $31,435,000: *Provided*, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not less than $825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $34,925,000: *Provided*, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; $2,833,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SECTION. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1994 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

[SEC. 5. The Administrator of General Services shall immediately cease construction and archaeological excavation on the pavilion portion of the Foley Square Federal Building until such time as a plan is submitted to the House and Senate Committees on Appropriations for prior approval. Such plan shall not result in the continued exhumation of skeletal remains from the "Negro Burial Ground" and shall be accompanied by a reprogramming of sufficient funds but not more than $3,000,000 to modify the pavilion foundation of the Foley Square Federal Building in New York, New York, prevent further deterioration of the "Negro Burial Ground", and contain appropriate measures to memorialize the burial site. The Administrator of General Services shall submit the plan to the House and Senate Committees on Appropriations within 60 days of the enactment of this Act. Nothing in this section shall prohibit the continued construction on the tower portion of the Foley Square Federal Building project.**]**

SEC. 5. For fiscal year 1993 and thereafter, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of operating expenses and salaries and expenses appropriations available to GSA during such fiscal year may be transferred and merged into the "Major equipment acquisitions and development activity" of the Salaries and Expenses, General Management and Administration appropriation account for agencywide acquisition of capital equipment, automated data processing systems, and for financial management and management information systems needed to implement the Chief Financial Officers Act, Public Law 101-576, and any other laws or regulations. The unobligated balances transferred shall remain available until expended: Provided, That any proposed use of these transferred funds in fiscal year 1993 and thereafter shall only be made after advance approval by the Committees on Appropriations of the House and Senate.

SEC. 6. (a) The Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (3 U.S.C. 102 note), is amended by adding at the end the following new section:

"SEC. 2. The entitlements of a former President under subsections (b) and (c) of the first section shall be available—

"(1) in the case of an individual who is a former President on the effective date of this section, for 5 years, commencing on such effective date; and

"(2) in the case of an individual who becomes a former President after such effective date, for 4 years and 6 months, commencing at the expiration of the period for which services and facilities are authorized to be provided under section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).".

(b) Section 3214 of title 39, United States Code, is amended—

(1) by striking "A former President" and inserting "(a) Subject to subsection (b), a former President"; and

(2) by adding at the end the following new subsection:

"(b) Subsection (a) shall cease to apply—

"(1) 5 years after the effective date of this subsection, in the case of any individual who, on such effective date—

"(A) is a former President (including any individual who might become entitled to the mailing privilege under subsection (a) as the surviving spouse of such a former President); or

"(B) is the surviving spouse of a former President; and

"(2) 4 years and 6 months after the expiration of the period for which services and facilities are authorized to be provided under section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), in the case of an individual who becomes a former President after such effective date (including any surviving spouse of such individual, as described in the parenthetical matter in paragraph (1)(A)).".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

SEC. 7. Section 204 of the Federal Property and Administrative Services Act of 1949 is amended by adding a subsection (i) to provide that the Administrator may retain from the proceeds of sales of personal property conducted by the General Services Administration amounts necessary to recover, to the extent practicable, costs incurred by the General Services Administration (or its agent) in conducting such sales. The Administrator shall deposit amounts retained into the General Supply Fund established under section 109(a) of the Federal Property and Administrative Services Act of 1949 and may use such portion of amounts so deposited as is necessary to pay (1) direct costs incurred by the General Services Administration in conducting sales of personal property, and (2) indirect costs incurred by the General Services Administration that are reasonably related to those sales. Amounts retained that are not needed to pay the direct and indirect costs incurred shall periodically, but not less than annually, be transferred from the General Supply Fund to the general fund or another appropriate account in the Treasury.

SEC. 8. Notwithstanding any other provision of law, the Administrator of General Services is *hereby authorized to acquire a site suitable to the General Services Administration of approximately 4 acres of land in the City of Tucson, Arizona for a Federal courthouse; this is to be accomplished through an exchange with the City of Tucson for Federal real property in that city under the jurisdiction of the General Services Administration.*

SEC. 9. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfork Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 10. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 11. The General Services Administration is directed, through a sole-source procurement process, to utilize lease space in an office complex to be located on the Victory Optical site, One Victory Plaza, in the City of Newark, County of Essex, State of New Jersey, for future long term office space needs in the City of Newark and surrounding area of up to 400,000 square feet of space pursuant to the availability of Federal tenants; Provided, That the lease described herein is determined to be an "operating lease" in accordance with the Budget Enforcement Act of 1990, Public Law 101-508. The lease rate for such office space shall not exceed comparable rates for equivalent space in the surrounding area or comparable rates in the office complex.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended: *Provided*, That notwithstanding 31 U.S.C. 3302, the Director is hereby authorized to accept gifts of goods and services, which shall be available only for hosting National Civil Service Appreciation Conferences. Goods and services provided in connection with the conference may include, but are not limited to, food and refreshments; rental of seminar rooms, banquet rooms, and facilities; and use of communications, printing and other equipment. Awards of minimal intrinsic value will be allowed. Gifts provided by an individual donor shall not exceed 50 percent of the total value of the gifts provided at each location; $118,533,000, of which not to exceed $1,000,000 shall be made available for the establishment of health promotion and disease prevention programs for Federal employees; and in addition $88,519,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs, of which $5,981,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with regulations of the Office of Personnel Management prescribed pursuant to 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7–1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1994, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission[: *Provided further*, That the Director of the Office of Personnel Management may transfer from this appropriation an amount to be determined, but not exceed $300,000 to the National Advisory Council on the Public Service as established by Public Law 101-363.]

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles: $4,253,000, and in addition, not to exceed $6,514,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, [$4,146,480,000] *$3,458,480,000*, to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, $1,607,000 to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended and the Act of August 19, 1950, as amended (33 U.S.C. 771–75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92-28; $1,689,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $23,564,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $21,341,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $24,674,000, together with not to exceed $1,989,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, [$193,182,000] *$196,482,000*, of which [$4,000,000] *$6,000,000* for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100–598, and the Ethics Reform Act of 1989, Public Law 101–194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,313,000: *Provided*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants to attend an International Conference on Ethics shall be credited to and merged with this account, to be available for carrying out the Conference without further appropriation.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), and the Whistleblower Protection Act of 1989 (Public Law 101–12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $7,992,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; [$33,650,000] *$35,350,000*: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1994".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6–104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 505. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92–28.

[SEC. 506. None of the funds appropriated in this Act may be used for administrative expenses to close the Federal Information Center of the General Services Administration located in Sacramento, California.]

SEC. 507. None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. 508. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

SEC. 509. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Tucson, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. 510. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 511. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 512. Funds under this Act shall be available as authorized by sections 4501–4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1994.

SEC. 513. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. 514. The Office of Personnel Management may, during the fiscal year ending September 30, 1994, accept donations of supplies, services, and equipment for the Federal Executive Institute, the Federal Quality Institute, and Executive Seminar Centers for the enhancement of the morale and educational experience of attendees.

SEC. 515. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6–104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. 516. The United States Secret Service may, during the fiscal year ending September 30, 1994, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

[SEC. 517. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.]

SEC. 517. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 518. None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

SEC. 519. None of the funds in this Act may be used to reduce the rank or rate of pay of a career appointee in the SES upon reassignment or transfer.

SEC. 520. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 521. None of the funds made available to the United States Customs Service may be used to collect or impose any land border processing fee at ports of entry along the United States-Mexico border.

[SEC. 522. None of the funds made available by this Act shall be used to plan, administer, or otherwise carry out a move of the Internal Revenue Service's Automated Collection Unit from the borough of Manhattan, New York City, New York, without prior approval of the House and Senate Appropriations Committees.]

SEC. 523. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

[SEC. 524. In consideration of the Washington Metropolitan Area Transit Authority (WMATA) modifying its requirement for acquisition of General Services Administration (GSA) property at the Suitland Federal Center in Suitland, Maryland, GSA shall transfer to WMATA, at no cost, approximately sixteen (16) acres of GSA property to allow WMATA to construct its proposed Suitland Metrorail Station and related surface facilities. GSA will bear no additional costs, as a result of this transaction. The property to be transferred is located at the northeast quadrant of the intersection of Suitland Parkway at Silver Hill Road and is the southeastern most portion of the Suitland Federal Center Complex. It is bounded by Silver Hill Road on the southeast, Suitland Parkway property owned by the National Park Service on the southwest, the existing stream valley between Suitland Parkway and the historic Suitland House on the northwest and on the northeast a line just south of and parallel to a line from the Suitland House to the existing Federal Office Building along Silver Hill Road at Randall Road.]

SEC. 524. (a) The Secretary of the Treasury shall implement the plan announced by the Bureau of the Public Debt on March 19, 1991, to consolidate such Bureau's operations in Parkersburg, West Virginia.

(b) The consolidation referred to in subsection (a) shall be completed by December 31, 1995, in accordance with the plan of the Bureau of the Public Debt.

[SEC. 525. (a) IN GENERAL.—Notwithstanding any other provision of law, including any other law which requires that property of the United States be used for a particular purpose, the Administrator of General Services shall convey the property described in subsection (c) to the State of Maryland.

[(b) TERMS.—A conveyance of property under this section shall be—

[(1) by quitclaim deed;

[(2) without monetary consideration; and

[(3) subject to such other terms and conditions as the Administrator determines to be appropriate.

[(c) PROPERTY DESCRIBED.—The property referred to in subsection (a) known as the "Chesapeake Bay Study Site" is property located in the State of Maryland, Queen Annes County, which—

[(1) is part of the same land which, by quitclaim deed dated August 25, 1970, and recorded among the land records of Queen Annes County, Maryland, at Liber 53, Folio 200, was granted and conveyed by the State of Maryland, Maryland State Roads Commission, to the United States of America; and

[(2) contains 55 acres more or less according to a survey prepared by McCrone, Inc., in July 1968 and amended on May 26, 1992.

[SEC. 526. None of the funds made available in this Act may be used to provide any nonpublic information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

[SEC. 527. The Administrator of the General Services Administration, shall enter into an agreement to transfer at no cost, to the City of Waltham, Massachusetts, title to a parcel of land located at 424 Trapelo Road for the purpose of establishing the New England Center for Environmental Education by a nonprofit institution adjacent to the site: *Provided*, That the Administrator and the city of Waltham, shall mutually agree to the amount of land to be transferred to the city for this purpose.

[SEC. 528. COMPLIANCE WITH BUY AMERICAN ACT.

[No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

[SEC. 529. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

[(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

[SEC. 530. PROHIBITION OF CONTRACTS.

[If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.]

SEC. 531. (a) Notwithstanding any other provision of law, including any law which requires that property of the United States be used for a particular purpose, the Administrator of General Services shall transfer to the Secretary of the Interior jurisdiction over the 1.9592 acres of land, and any related structures, located at the southwest corner of 12th and Indian School Road, N.W., Albuquerque, New Mexico, and described as follows:

A tract of land being within the original Old Indian School Boundary and situated within the east half (E½), Section 7, T. sec. 10 N., R. 3E, New Mexico Principal Meridian, Bernalillo County, New Mexico, being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of said tract being a point intersecting the easterly right-of-way of 12th Street and the southerly line of the original 1905 Indian School property, being a brass cap marked "R/W 12th St. & Tr. A, cor. 1", "KEENE 8489"; Whence from said point of beginning, the New Mexico State Highway Triangulation Station I–40–15, having an established coordinate of Y=1,494,103.76 and X=378,204.72, central zone on the New Mexico coordinate system, being a brass cap, bears S. 12°19′44″E., and is a distance of 927.86 feet; Thence N. 08°26′59″ E. 79.89 feet along the said easterly right-of-way to a rebar/cap "KEENE 8489"; Thence S. 68°50′15″ E., a distance of 98.29 feet to a rebar; Thence N. 21°43′45″ E., 133.44 feet to a rebar; Thence S. 64°46′15″ E., 154.00 feet to a rebar; Thence N. 22°47′56″ E., 12.94 feet to a rebar; Thence S. 67°47′51″ E., 79.53 feet to a rebar; Thence S. 20°06′41″ W., 40.33 feet to a rebar; Thence S. 67°16′45″ E., 105.98 feet to a nail in concrete; Thence S. 22°19′15″ W., 224.22 feet to a nail in pavement; Thence N. 74°56′54″ W., 1.33 feet to an angle point being a brass cap marked "Tr. A, cor. 13 & Tr. B, cor. 4", "KEENE 8489"; Thence N. 61°14′00″ W., 125.73 feet to an angle point being a brass cap marked "Tr. A, cor. 14 & Tr. 1, cor. 2/ Tr. B, cor. 3", "KEENE 8489"; Thence N. 61°14′00″ W., 294.33 feet to the point and place of beginning. Said tract contains an area of 1.9592 acres.

(b) Lands and related structures described in subsection (a) shall, on and after the transfer of jurisdiction required under subsection (a), be held by the United States in trust for the benefit and use of the Nineteen Indian Pueblo Tribes of New Mexico comprising the All Indian Pueblo Council as tenants in common.

(c) The transfer of the property described in subsection (a) shall be without monetary consideration.

(d) Lands and related structures held in trust for the benefit and use of the Nineteen Indian Pueblo Tribes of New Mexico under subsection (b) shall have the same tax-exempt status as that of other lands and structures held in trust by the United States for the benefit and use of an Indian tribe, including exemption from taxes imposed by any State, county, city or other local governmental entity, and shall be exempt from any associated land use regulation imposed by any such governmental entity.

(e) Nothing in this section shall prohibit the use by the Nineteen Indian Pueblo Tribes of New Mexico of the land and related structures described in subsection (a) in conjunction with their existing plans for the economic development of the former Albuquerque Indian School

property conveyed as trust lands on January 15, 1993.

(f) As used in this section, the term "Nineteen Indian Pueblo Tribes of New Mexico" means the following:

1. *Pueblo of Acoma.*
2. *Pueblo of Isleta.*
3. *Pueblo of Laguna.*
4. *Pueblo of Picuris.*
5. *Pueblo of San Felipe.*
6. *Pueblo of San Ildefonso.*
7. *Pueblo of San Juan.*
8. *Pueblo of Santo Domingo.*
9. *Pueblo of Tesuque.*
10. *Pueblo of Zuni.*
11. *Pueblo of Cochiti.*
12. *Pueblo of Jemez.*
13. *Pueblo of Nambe.*
14. *Pueblo of Pojoaque.*
15. *Pueblo of Sandia.*
16. *Pueblo of Santa Ana.*
17. *Pueblo of Santa Clara.*
18. *Pueblo of Taos.*
19. *Pueblo of Zia.*

SEC. 532. (a) IN GENERAL.—Notwithstanding any other provision of law, including any other law which requires that property of the United States be used for a particular purpose, the real property described in subsection (c) shall be conveyed to the United States Park Service, Department of the Interior, by the Administrator of General Services at such time as the property is reported to the General Services Administration for disposal as excess to the needs of the Air Force.

(b) TERMS.—A conveyance of property under this section shall be without monetary consideration, and subject to such other terms and conditions as the Administrator determines to be appropriate.

(c) PROPERTY DESCRIBED.—The real property referred to in subsection (a) is that part of the Holbrook Radar Bomb Scoring Site, including housing units, situated in the W½ of the SE¼ of Section 36, Township 18 North, Range 20 East, G&SRM, Navajo County, Arizona, and more particularly described as:

Lots 1, 2, and 3 and Tract A of Cholla Townhomes Subdivision, a subdivision recorded in Book 14 of Plats at Page 19 in the official records of Navajo County, Arizona; Except an undivided one-half interest in all oil, gas, coal, and other hydro-carbon substances and minerals as reserved in instrument recorded in Docket 68 at Page 171 in said official records;

Containing 8.00 acres, more or less.

Together with Units 2A, 3A, 4B, 5B, 6A, 7A, 8B, 9B, 10A, 11A, and 12B of the Cholla Townhomes Condominium, a subdivision recorded in Book 14 of Plats at Page 20 in the official records of Navajo County, Arizona, and any other buildings and improvements thereon and all rights, hereditaments, easements, and appurtenances thereunto belonging or in anywise appertaining.

Subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines, and subject to the following outstanding exceptions and rights:

An undivided one-half interest in all oil, gas, coal or other hydro-carbon substances and minerals in, upon, or under said land, and the right to the use of such portions of the surface of said land as may be necessary for the proper exploration, mining or otherwise extracting and removing said oil, gas, coal or other hydro-carbon substances and minerals as reserved in instrument recorded in Docket 68 at Page 171, official records of Navajo County, Arizona.

Easements as shown on the plat of Cholla Townhomes subdivision recorded in Book 14 of Plats at Page 19 in the official records of Navajo County, Arizona.

Easements and right incident thereto for sewer purposes as set forth in instrument recorded in Docket 601 at Page 924 of the official records of Navajo County, Arizona.

Easements created by and the effect of the Declaration of Horizontal Property Regime recorded in Docket 679 at Page 773 in the official records of Navajo County, Arizona, and Certificate of Correction recorded in Docket 678 at Page 815 in said official records.

Easement and rights incident thereto for electric lines as set forth in instrument recorded in Docket 883 at Page 213 of the official records of Navajo County, Arizona.

Liabilities and obligations imposed upon said land by reason of its inclusion within the Navajo County Flood Control District.

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1994 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $7,100 except station wagons for which the maximum shall be $8,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

SEC. 606. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China protected by Executive Order Number 12711 of April 11, 1990: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the U.S. Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 612. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 614. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

SEC. 615. (a)(1) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending on September 30, 1994, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

[(A) during the period from the date of expiration of the limitation imposed by section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, until the first day of the first applicable pay period that begins on or after July 1, 1994, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616; and

[(B) during the period consisting of the remainder of fiscal year 1994, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the percentage adjustment taking effect in fiscal year 1994 under section 5304 of title 5, United States Code (if any) with respect to General Schedule positions located within the boundaries of the wage area (or local wage area, as applicable) of such prevailing rate employee.

[(2) If the application of paragraph (1)(B) with respect to a particular wage area (or local wage area) would cause more than 1 percentage limitation being applicable with respect to such area, rates for prevailing rate employees (as described in paragraph (1)) within such area shall be subject to such limitation or limitations as shall apply under regulations prescribed by the Office of Personnel Management], *in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, on the last day of the limitation imposed by such section 616, except as provided under paragraph (2).*

(2)(A) If, during the fiscal year ending on September 30, 1994, employees under the General Schedule receive a pay adjustment under section 5303 of title 5, United States Code, or locality-based comparability payments under section 5304 of such title 5, the Office of Personnel Management shall, in accordance with the provisions of this paragraph, provide for adjustments for wage schedules and rates for employees described in section 5342(a)(2)(A) of such title 5 that are equitable in timing and amount in relation to the adjustment and payments under sections 5303 and 5304.

(B) In determining what adjustments would be equitable under this paragraph, the Office shall compare the reduction in the average pay disparity (as that term is defined in section 5302(6) of title 5) resulting from the adjustment and payments under sections 5303 and 5304 with the disparity in each wage area between the rates payable under section 616 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, and the prevailing wage rates in such wage area as determined under the provisions of subchapter IV of chapter 53 of title 5, as in effect on the date of enactment of this Act.

(C) The Office shall discuss with and consider the views of the Federal Prevailing Rate Advisory Committee in carrying out the Office's responsibilities under this paragraph.

(D) Not later than January 1, 1994, the Office shall submit a report to the Senate and House Committees on Appropriations setting forth the Office's plan for providing adjustments under this paragraph. Such report shall include the views of the Federal Prevailing Rate Advisory Committee, and the individual views of any member of such Advisory Committee.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1993, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1993, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1993.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation, that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may prescribe any regulations which may be necessary to carry out this section.

SEC. 616. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 617. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the

Treasury, [the Department of Transportation,] and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code, shall not apply) and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 618. No funds appropriated in this or any other Act for fiscal year 1994 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.".

SEC. 619. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

[SEC. 620. (a) None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

[(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

[(2) that agency establishes to the satisfaction of the Administrator of General Services that—

[(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

[(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

[(b) After July 31, 1994, subsection (a) shall apply only if the Administrator of General Services has reported that the FTS2000 procurement is producing prices that allow the Government to satisfy its requirements for such procurement in the most cost-effective manner.]

SEC. 620. Subsections (c) and (d) of section 3726 of title 31 U.S.C. are amended to read as follows:

"(c) Expenses of transportation audit postpayment contracts and contract administration, and the expenses of all other transportation audit and audit-related functions conferred upon the Administrator of General Services, shall be financed from overpayments collected from carriers on transportation bills paid by the Government and other similar type refunds, not to exceed collections. Payment to any contractor for audit services shall not exceed 50 percent of the overpayment identified by contract audit.

"(d) At least annually, and as determined by the Administrator, after making adequate provision for expense of refunds to carriers, transportation audit postpayment contracts, contract administration, and other expenses authorized in subsection (c), overpayments collected by the General Services Administration shall be transferred to miscellaneous receipts of the Treasury. A report of receipts, disbursements, and transfers (to miscellaneous receipts) pursuant to this section shall be made annually in connection with the budget estimates to the Director of the Office of Management and Budget and to the Congress.".

SEC. 621. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. 622. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1994 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 623. Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1994, any department, division, bureau, or office may use funds appropriated by this or any other Act to install telephone lines, necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. 624. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 625. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from offices located in Phoenix, Arizona to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations.

SEC. 626. None of the funds made available in this Act for "Allowances and Office Staff for Former Presidents" may be used for partisan political activities.

SEC. 627. Section 635 of the Public Law 102-393 is amended in paragraph (c)(2) by striking "1993" and inserting "1994".

SEC. 628. Section 404 of the Federal Employees Pay Comparability Act of 1990 is amended by striking "Washington, DC-MD-VA Metropolitan Statistical Area" and inserting in its place, "Washington-Baltimore DC-MD-VA-WV Consolidated Metropolitan Statistical Area".

SEC. 629. Paragraphs (c), (d), and (e) of section 6962j of U.S.C. 42, are amended to read as follows:

"(c) For purposes of this section, 'recycled cartridge' means a laser printer, photocopier, facsimile machine, or microphotographic toner cartridge which has been remanufactured in the United States.

"(d) Not less than 50 percent of cartridge procurement requirements shall be achieved by a set-aside for small business concerns, the remainder shall be acquired through the use of unrestricted full and open competition. The provision of this paragraph shall not affect current law with respect to Federal Prison Industries, Inc. (UNICOR) or Organizations for the Blind or Other Severely Handicapped (NIB/NISH).

"(e) For the purpose of this section 'small business concern' has the meaning given such term in the Small Business Act (U.S.C. 632(a))".

SEC. 630. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1994 shall obligate or expend any such funds, unless such department, agency or instrumentality has in place by July 1, 1994, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

TITLE VII—REVENUE FORGONE REFORM

SHORT TITLE; TABLE OF CONTENTS

SEC. 701. (a) SHORT TITLE.—This title may be cited as the "Revenue Forgone Reform Act".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 701. Short title; table of contents.
Sec. 702. References.
Sec. 703. Repeal of authorization of appropriations for mail sent at reduced rates of postage.
Sec. 704. Establishing reduced rates of postage.
Sec. 705. Eligibility of certain mailings for reduced rates of postage.
Sec. 706. Provisions relating to rates for books and certain other materials.
Sec. 707. Sense of Congress.
Sec. 708. Technical corrections.

REFERENCES

SEC. 702. Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 39, United States Code.

REPEAL OF AUTHORIZATION OF APPROPRIATIONS FOR MAIL SENT AT REDUCED RATES OF POSTAGE

SEC. 703. (a) IN GENERAL.—Section 2401(c) is amended—

(1) in the first sentence—

(A) by striking "if sections" through "had not been enacted" and inserting "if sections 3217, 3403 through 3406, and 3629 had not been enacted"; and

(B) by striking "such sections and Acts." and inserting "such sections."; and

(2) in the second sentence—

(A) by striking "(i)"; and

(B) by striking "volume;" through "schedules." and inserting "volume.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to appropriations for fiscal years beginning after September 30, 1993.

ESTABLISHING REDUCED RATES OF POSTAGE

SEC. 704. (a) RATES.—

(1) IN GENERAL.—Section 3626(a) is amended to read as follows:

"(a)(1) Except as otherwise provided in this section, rates of postage for a class of mail or kind of mailer under former section 4358, 4452(b), 4452(c), 4454(b), or 4454(c) of this title shall be established in accordance with the applicable provisions of this chapter.

"(2) For the purpose of this subsection—

"(A) the term 'costs attributable', as used with respect to a class of mail or kind of mailer, means the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service): Provided, That with respect to mail under former section 4452(b) and 4452(c) of this title, such attributable costs shall be allocated between letter-shaped mail and non-letter-shaped mail, as such types of mail are defined in the associated classification and rate schedules, in a manner that will at a minimum preserve the difference between the basic rate for non-letter-shaped mail and the basic price rate for letter-shaped mail established under title II of Public Law No. 102–141, the Postal Service Appropriations Act, 1992;".

"(B) the term 'regular-rate category' means any class of mail or kind of mailer, other than a class or kind referred to in paragraph (2)(A) or section 2401(c); and

"(C) the term 'institutional-costs contribution', as used with respect to a class of mail or kind of mailer, means that portion of the estimated revenues to the Postal Service from such class of mail or kind of mailer which remains after subtracting an amount equal to the estimated costs attributable to such class of mail or kind of mailer.

"(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358, 4452(b), 4452(c), 4554(b), or 4554(c) of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

"(i) the estimated costs attributable to such class of mail or kind of mailer; and

"(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).

"(B) The applicable percentage for any class of mail or kind of mailer referred to in subparagraph (A) shall be the product derived by multiplying—

"(i) the percentage which, for the most closely corresponding regular-rate category, the institutional-costs contribution for such category represents relative to the estimated costs attributable to such category of mail, times

"(ii)(I) one-twelfth, for fiscal year 1994;

"(II) one-sixth, for fiscal year 1995;

"(III) one-fourth, for fiscal year 1996;

"(IV) one-third, for fiscal year 1997;

"(V) five-twelfths, for fiscal year 1998; and

"(VI) one-half, for any fiscal year after fiscal year 1998.

"(C) Temporary special authority to permit the timely implementation of the preceding provisions of this paragraph is provided under section 3642.

"(D) For purposes of establishing rates of postage under this subchapter for any of the classes of mail or kinds of mailers referred to in subparagraph (A), subclauses (I) through (V) of subparagraph (B)(ii) shall be deemed amended by striking the fraction specified in each such subclause and inserting 'one-half'.

"(4) The rates for the advertising portion of any mail matter under former section 4358(d) or 4358(e) of this title shall be equal to the rates for the advertising portion of the most closely corresponding regular-rate category of mail, except that if the advertising portion does not exceed 10 percent of the issue of the publication involved, the advertising portion shall be subject to the same rates as apply to the nonadvertising portion.

"(5) The rates for any advertising under former section 4358(f) of this title shall be equal to 75 percent of the rates for advertising contained in the most closely corresponding regular-rate category of mail.".

(2) SPECIAL AUTHORITY.—Subchapter III of chapter 36 is amended by adding at the end the following:

"§3642. Special authority relating to reduced-rate categories of mail

"(a) In order to permit the timely implementation of section 3626(a)(2), the Postal Service may establish temporary rates of postage for any class of mail or kind of mailer referred to in section 3626(a)(3)(A).

"(b) Any exercise of authority under this section shall be in conformance with the requirements of section 3626(a), subject to the following:

"(1) All attributable costs and institutional-costs contributions assumed shall be the same as those which were assumed for purposes of the then most recent proceedings under subchapter II pursuant to which rates of postage for the class of mail or kind of mailer involved were last adjusted.

"(2) Any temporary rate established under this section shall take effect upon such date as the Postal Service may determine, except that—

"(A) such a rate may take effect only after 10 days' notice in the Federal Register; and

"(B) no such rate may take effect after September 30, 1998.

"(3) A temporary rate under this section may remain in effect no longer than the last day of the fiscal year in which it first takes effect.

"(4) Authority under this section may not be exercised in a manner that would result in more than 1 change taking effect under this section, during the same fiscal year, in the rates of postage for a particular class of mail or kind of mailer, except as provided in paragraph (5).

"(5) Nothing in paragraph (4) shall prevent an adjustment under this section in rates for a class of mail or kind of mailer with respect to which any rates took effect under this section earlier in the same fiscal year if—

"(A) the rates established for such class of mail or kind of mailer by the earlier adjustment are superseded by new rates established under subchapter II; and

"(B) authority under this paragraph has not previously been exercised with respect to such class of mail or kind of mailer based on the new rates referred to in subparagraph (A).

"(c) The Postal Service may prescribe any regulations which may be necessary to carry out this section, including provisions governing the coordination of adjustments under this section with any other adjustments under this title.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) SECTION 3626.—Section 3626(i) is repealed.

(B) SECTION 3627.—Section 3627 is amended by striking "sent at a free or reduced rate under section 3217, 3403 through 3406, 3626, or 3629 of this title," and inserting "sent free of postage under section 3217 or 3403 through 3406 or at a reduced rate under section 3629".

(C) TABLE OF CONTENTS.—The table of contents for chapter 36 is amended by inserting after the item relating to section 3641 the following:

"3642. Special authority relating to reduced-rate categories of mail.".

(b) AUTHORIZATION.—

(1) IN GENERAL.—Section 2401 is amended—

(A) by striking subsections (d) through (f);

(B) by redesignating subsections (g) through (i) as subsections (e) through (g), respectively;

(C) in subsection (f) (as so redesignated by subparagraph (B)) by striking the second sentence;

(D) in subsection (g) (as so redesignated by subparagraph (B)) by striking "subsections (b) and (d) of this section" and inserting "subsection (b)"; and

(E) by inserting after subsection (c) the following:

"(d) As reimbursement to the Postal Service for losses which it incurred as a result of insufficient amounts appropriated under section 2401(c) for fiscal years 1991 through 1993, and to compensate for the additional revenues it is estimated the Postal Service would have received under the provisions of section 3626(a), for the period beginning on October 1, 1993, and ending on September 30, 1998, if the fraction specified in subclause (VI) of section 3626(a)(3)(B)(ii) were applied with respect to such period (instead of the respective fractions specified in subclauses (I) through (V) thereof), there are authorized to be appropriated to the Postal Service $29,000,000 for each of fiscal years 1994 through 2035.".

(2) RATEMAKING LIMITATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), rates of postage may not be established, under subchapter II of chapter 36 of *title 39, United States Code, in a manner designed to allow the United States Postal Service to receive through revenues any portion of the additional revenues (referred to in section 2401(d) of such title, as amended by paragraph (1)(E)) for which amounts are authorized to be appropriated under such section 2401(d).*

(B) EXCEPTION.—If Congress fails to appropriate an amount authorized under section 2401(d) of title 39, United States Code (as amended by paragraph (1)(E)), rates for the various classes of mail may be adjusted in accordance with the provisions of subchapter II of chapter 36 of such title (excluding section 3627 thereof) such that the resulting increase in revenues will equal the amount that Congress so failed to appropriate.

(c) APPLICABILITY.—

(1) RATES.—The amendments made by subsection (a) shall apply with respect to rates for mail sent after September 30, 1993.

(2) AUTHORIZATION.—The amendments made by subsection (b) shall apply with respect to appropriations for fiscal years beginning after September 30, 1993.

ELIGIBILITY OF CERTAIN MAILINGS FOR REDUCED RATES OF POSTAGE

SEC. 705. (a) ADVERTISING.—Section 3626(j)(1) is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) in subparagraph (C) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(D) any product or service (other than any to which subparagraph (A), (B), or (C) relates), if—

"(i) the sale of such product or the providing of such service is not substantially related (aside from the need, on the part of the organization promoting such product or service, for income or funds or the use it makes of the profits derived) to the exercise or performance by the organization of one or more of the purposes constituting the basis for the organization's authorization to mail at such rates; or

"(ii) the mail matter involved is part of a cooperative mailing (as defined under regulations of the Postal Service) with any person or organization not authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this title;

except that—

"(I) any determination under clause (i) that a product or service is not substantially related to a particular purpose shall be made under regulations which shall be prescribed by the Postal Service and which shall be consistent with standards established by the Internal Revenue Service and the courts under subsections (a) and (c) of section 513 of the Internal Revenue Code of 1986; and

"(II) clause (i) shall not apply if the product involved is a periodical publication described in subsection (m)(2) (including a subscription to receive any such publication).".

(b) PRODUCTS.—Section 3626 is amended by adding at the end the following:

"(m)(1) In the administration of this section, the rates for mail under former section 4452(b) or 4452(c) of this title shall not apply to mail consisting of products, unless such products—

"(A) were received by the organization as gifts or contributions; or

"(B) are low cost articles (as defined by section 513(h)(2) of the Internal Revenue Code of 1986).

"(2) Paragraph (1) shall not apply with respect to a periodical publication of a qualified nonprofit organization.".

(c) CERTIFICATION; VERIFICATION.—Section 3626(j)(3) is amended—

(1) by striking "(3)" and inserting "(3)(A)"; and

(2) by adding at the end the following:

"(B) The Postal Service shall establish procedures to carry out this paragraph, including procedures for mailer certification of compliance with the conditions specified in paragraph (1)(D) or subsection (m), as applicable, and verification of such compliance.".

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to mail sent, and the rates for mail sent, after September 30, 1993.

PROVISIONS RELATING TO RATES FOR BOOKS AND CERTAIN OTHER MATERIALS

SEC. 706. (a) IN GENERAL.—Section 3683(b) is amended to read as follows:

"(b) The rates of postage under former section 4554(b)(1) of this title shall not be effective except with respect to mailings which—

"(1) constitute materials specified in former section 4554(b)(2) of this title; and

"(2) are sent between—

"(A) an institution, organization, or association listed in subparagraph (A) or (B) of such former section 4554(b)(1) and any other such institution, organization, or association;

"(B) an institution, organization, or association referred to in subparagraph (A) and any individual (other than an individual having a financial interest in the sale, promotion, or distribution of the materials involved); or

"(C) an institution, organization, or association referred to in subparagraph (A) and a qualified nonprofit organization (as defined in former section 4452(d) of this title) that is not such an institution, organization, or association.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to mail sent after September 30, 1993.

SENSE OF CONGRESS

SEC. 707. It is the sense of the Congress that any legislation, enacted after September 30, 1994, which would have the effect of expanding the classes of mail or kinds of mailers eligible for reduced rates of postage should provide for sufficient funding to ensure that neither any losses to the United States Postal Service nor any increase in the rates of postage for any of the other classes of mail or kinds of mailers will result.

TECHNICAL CORRECTIONS

SEC. 708. (a) SECTION 410.—Section 410(b) is amended—

(1) in paragraph (8) by striking "and" after the semicolon;

(2) in the first paragraph (9) by striking "Chapter" and inserting "chapter", and by striking the period and inserting "; and"; and

(3) by designating the second paragraph (9) as paragraph (10).

(b) SECTION 3202.—Section 3202(a) is amended—

(1) in paragraph (3) by adding "and" after the semicolon; and

(2) in paragraph (4) by striking "; and" and inserting a period.

(c) SECTION 3601.—Section 3601(a) is amended by striking "concent" and inserting "consent".

(d) SECTION 3625.—Section 3625(d) is amended by striking "section 3268" and inserting "section 3628".

(e) SECTION 3626.—Section 3626 is amended by redesignating the second subsection (k) as subsection (l).

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1994".

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. I thank the distinguished Senator from New Mexico, [Mr. DOMENICI], and both managers. We just completed the Commerce, Justice and State, the Judiciary, and Related Agency appropriations bill. It was done quickly and very skillfully. Everybody who had amendments had an opportunity to offer them.

I commend, particularly, the Senator from New Mexico on our side of the aisle for his work in getting our people over here to offer the amendments. Again, I think we demonstrated that on appropriations bills we have to make every effort possible to cooperate on both sides to get them completed. We have to do the appropriations bills. I tell the majority leader that we are going to help him, and I thank my colleagues on this side of the aisle.

Mr. MITCHELL. Madam President, I am grateful for the cooperation on this appropriation bill. I appreciate that.

I am advised that the managers of the bill are on their way to the Senate floor and should be here momentarily. Pending their arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

THE VICE PRESIDENT'S INTERVIEW

Mr. DOLE. Madam President, I have just been handed awhile ago part of an interview with my friend and former colleague, the Vice President of the United States, AL GORE, in which he says:

> Now that we have the mantle of leadership and trying to reduce the deficit and undo the damage they've done for the past 12 years, the Republicans have gone on strike, and are refusing to lift a finger to help the country get out of the hole they dug over the past 12 years.
>
> Senator DOLE alternates between trips to New Hampshire to run for the Republican nomination in 1996, and quick visits back to the Senate to throw more monkey wrenches back into the works. He is counting on the Republicans ability to create gridlock and economic catastrophe to boost the political fortunes of himself and other Republican candidates. It is breathtakingly cynical and a disservice to the people of the United States of America.
>
> I don't think the country has seen such a cynical and complete abdication of political responsibility in a long time.

I am glad he got the names right.

It is not a good package, I say to him. In fact, he was up to see me last week to wish me a happy birthday. He brought me a "DOLE '96"—I think it had Elizabeth's—but said "DOLE '96."

I accepted it with good humor. We had a nice visit.

I know he must have been carried away. It is hot outside. It was maybe an outdoor interview. I do not know if it was outdoors or indoors.

I would say it is almost out of bounds, I say to my friend, the Vice President.

He can be certain the Republicans will be, as they did today, cooperative with the President getting the fourth appropriations bill done in almost as many days. We will be working with the President on the North American Free-Trade Agreement and on other issues that I am certain the President feels very important.

In fact, we are trying at this very moment to compromise on national service so there he might be broad bipartisan support for a bill the President is particularly interested in.

So I suggest to my good friend, the Vice President, I know sometimes we say things in—well, we just say things, and certainly we have a right to do that in America.

He is my friend, and I hope to see him somewhere, maybe probably not New Hampshire but maybe somewhere in the country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

SENATOR DOLE—A CONSTRUCTIVE LEADER

Mr. BOND. Mr. President, I am somewhat taken aback by this report I have just seen from the Vice President. It has been suggested that he might have been outside when he made these comments about our distinguished Republican leader.

I can tell you, and I can tell my colleagues, and the people in this country, that Senator DOLE has been a very constructive leader. Those of us who work with him know that he has endeavored to cooperate in those areas in which we believe that the good of the Nation can be achieved by moving forward.

We have, however, seen instances where there are very profound disagreements on economics between the proposals of the Clinton administration, the measure passed by this body and the measure passed by the House and, frankly, what we and a vast majority of the people of United States believe are sound economic policy.

Mr. President, there are those in middle America who take a look at the proposed tax increases, the additional burdens on the economy, the proposal to expand the earned income tax credit—which is already one of the fastest-growing entitlement programs that threatens to bankrupt our Government, to destroy our economy, and to deprive our children of the kind of economic future that we would like them to have—and they say if the alternative to this kind of tax and spend politics is gridlock, we want gridlock.

Mr. President, I can assure you that Senator DOLE, as he represents the people of Kansas—and we know he does that very well—and as he leads those of us on the Republican side of the U.S. Senate, is motivated by what he believes, and what I think most Americans believe, is good for this country.

It is with profound regret that I see that the Vice President has chosen to attack him in this manner.

I would suggest to the Vice President that, if he were to listen to the people of America, he would find that the views on the economy and other important issues being expressed by our minority leader are much more in tune with the vast majority of this country than perhaps some of the views he is espousing.

I hope that we could talk about the programs, that we could talk about our views on the economy and whether we think it is good or bad, what the strong points are on the various proposals and what the weak points are.

There is no need to make political, personal, ad hominem attacks on leaders in this country. We have enough problems maintaining confidence in Government without having a high-ranking official resorting to such comments.

Mr. President, I hope that we can get back to debating the very serious questions that face this country that are before this body.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR—H.R. 2403

Mr. DECONCINI. Mr. President, I ask unanimous consent that Doug Ferry, a legislative fellow in my office, be granted the privilege of the floor during consideration of H.R. 2403.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I am pleased to bring before the full Senate, the Appropriations Committee's recommendations on H.R. 2403, the Department of the Treasury, Postal Service, Executive Office of the President and certain Independent Agencies Appropriations Act for fiscal year 1994.

The committee bill recommends new budget authority totaling $22.3 billion for fiscal year 1994. This amount is $377 million below the House-passed bill and $246 million below the fiscal year 1993 enacted level.

This bill funds many basic operations of the Federal Government—the General Services Administration; the Office of Personnel Management's employee and annuitant health benefit and retirement programs; the operations of the Department of Treasury law enforcement, tax collection, savings bond, and financial management bureaus; and the Executive Office of the President. The duties carried out by these departments and agencies are vital to the continued effective operations and functions of the entire Executive branch and play very important roles in enforcing violent crime, drug control, and trade laws.

Each year it becomes more and more difficult for appropriators to fund the programs and activities of Federal agencies to the levels we believe they merit. As we wrestle to bring deficit spending under control, sacrifices have had to be made and we have had to target the limited funds available to those programs which reflect our Nation's highest priorities. It is not always easy, but the bill we bring before the body today reflects the fact that it can be done and done responsibly.

We have a new President who has made a commitment to the American public to reduce the size of the Federal bureaucracy and restrain administrative overhead. The committee bill reflects those objectives but at the same time, ensures that law enforcement, drug control, trade facilitation, and delivery of services to the public are not adversely affected.

The bill is in full compliance with the section 602(b) of the Budget Act requirements.

Briefly, I would like to go over some of the major highlights of the bill. The committee bill includes $10.4 billion for the Department of the Treasury. This amount reflects the full requested level of $7.4 billion for the Internal Revenue Service for increasing tax enforcement compliance activities and modernizing IRS's antiquated tax and information systems; $1.5 billion for the U.S. Customs Service to expedite merchandise processing, facilitate trade, and crack down on illegal drug smuggling; $60 million for the Federal Law Enforcement Training Center to respond to law enforcement training demands; $368 million for the Bureau of Alcohol, Tobacco, and Firearms to attack violent crime; and $462 million for the Secret Service for protective and law enforcement activities.

For the U.S. Postal Service, the bill includes the President's requested amount of $91.4 million for the revenue forgone program. It also includes language proposed by Chairman CLAY of the House Post Office and Civil Service Committee which reforms the revenue forgone program. The so-called "Clay language" was included in the House Reconciliation Act. However, if for any reason these reforms are not included in the final conference measure, the appropriation shortfall would be in the range of $1 billion. This is $1 billion that would be passed along to the Postal Service to absorb. With the extraordinary efforts being made by the Postmaster General to reduce operating costs, I do not believe this body should take action which will leave him holding the bag on another $1 billion in subsidies to preferred rate mailers. These changes in the revenue forgone program included in our bill are not perfect—no one is entirely satisfied—but it represents the first real reform in the revenue forgone program that I can remember.

For the Executive Office of the President, the bill includes $332 million. This includes the requested amounts for all of the EOP agencies with a couple of exceptions. It permits the President to achieve his 25 percent staffing reductions for EOP agencies with the exception of the Office of National Drug control policy, and the NSC. For the drug czar's office the Subcommittee has added $6 million and 35 FTE's to the President's request because we are not convinced that the new drug czar, Lee Brown, can carry out his mandates under law at a staffing level of 25. For the National Security Council, we have increased the funding and staffing by transferring a function from GSA to the NSC. We consider this to be a technical change which we can go into later.

For the antidrug programs funded through the Special Forfeiture Fund, the bill includes $75 million. The bulk of this money will go to drug treatment and prevention programs. This includes $35 million for the Substance Abuse and Mental Health Administration, and $5 million for ATF for the expansion of the very popular Gang Resistance and Education Training Program otherwise known as GREAT. The bill also included funding of $15 million for the Counter-Drug Technology Assessment Center to expand antidrug research and development efforts. Finally, we have provided $20 million for the drug czar to expend for antidrug programs at his own discretion.

For the General Services Administration, the bill includes $934 million for new Federal office space and courthouse construction. This is $187 million above the President for a variety of Federal office buildings and courthouses throughout the country.

Finally, for the remaining Independent agencies, we are proposing the requested level of funding for most of the agencies in the bill. However, we have included funding of $1.8 million for the Administrative Conference of the United States and $1 million for the Advisory Commission on Intergovernmental Relations, both of which were proposed for elimination by the House. We also have included a $2 million increase for the National Archives grant program, the National Historical Publications and Records Commission, to a new level of funding of $6 million.

Mr. President, I believe the bill we are recommending to the full Senate is a good and responsible one and I urge its support by the Members of this body.

Before closing I do want to thank Senator BOND and Chuck Parkinson of his staff, Patty Lynch on my staff, and others who have worked hours and hours to try to put this bill together through the committee process. We have made the best effort we can with limited resources and it would not have happened if it were not for the Senator from Missouri's involvement in this on a day-to-day basis.

UNANIMOUS CONSENT AGREEMENT

Mr. DECONCINI. Mr. President, before I yield, I ask unanimous consent the committee amendments to H.R. 2403 be considered and agreed to en bloc with the exception of the amendment on page 31, lines 7 through 13; page 31, lines 14 through 19; and on page 31, line 20 through page 32, line 2.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Arizona?

Mr. BOND. No objection.

The PRESIDING OFFICER. Without objection the committee amendments are agreed to as requested.

The committee amendments were agreed to en bloc except the amendment on page 31, lines 7 through 13; on page 31, lines 14 through 19; and on page 31, line 20 through page 32, line 2.

Mr. DECONCINI. Mr. President, I further ask unanimous consent that no points of order be waived therein and that the measure as amended be considered as original text for the purpose of further amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. I thank the Senator from Missouri.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. BOND].

Mr. BOND. Mr. President, my sincere thanks to my colleague from Arizona. Senator DECONCINI has given in his statement an excellent outline of the provisions included in this bill. I certainly appreciate his leadership, and the assistance of his staff as we work together on this measure.

There are just a few parts of the bill I would like to discuss which I believe merit the attention of the Senate. Clearly this proposal does not do all that we would like it to but I still believe it is a very good product.

We are going to have an opportunity to work on several amendments to this measure, but I think it is important to begin by considering what we do have.

First, the committee has agreed with the President's effort to reduce administrative costs and the size of the Federal Government. In the past, the subcommittee has looked very closely at administrative costs and has on occasion required departments and agencies under the funding jurisdiction of this bill to make reductions in these areas. I think that is a good effort. We must restrain spending wherever we can.

The committee does not agree, however, that an across-the-board staffing reduction is in the best interests of the Nation, for reasons already set forth by the Senator from Arizona, the chairman of the subcommittee.

As a result, the committee has taken steps to add funding sufficient for the U.S. Secret Service, the Bureau of Alcohol, Tobacco and Firearms, and the U.S. Customs Service, to maintain current staffing levels.

Mr. President, I believe that failure to fund these positions would cause significant strain on an already thin line of Federal law enforcement efforts in an area where we could not be doing less and, personally, I would like to see us doing more.

Such a failure to fund these positions would also adversely affect the ability of the Customs Service to process the Nation's trade.

There is not a Member of the Senate who has not expressed concern about the tax gap and the Internal Revenue Service's inability to collect the taxes that are owed. Almost 65 percent of the discretionary spending in this bill goes to Internal Revenue Service functions. It is always an easy target of critics through the years to take on the automation of the service, but the IRS has embarked on a monumental effort to modernize its system. Tax System Modernization [TSM] is the centerpiece of that effort. The Congress has been very supportive of the TSM effort. This year is no different. This bill includes funding to take modernization to the next level. I do want to reiterate that this is yet another step in a badly needed process.

Modernization before it is completed is going to cost us several billion dollars—and make no mistake about it. We have made the commitment, and we need to follow through.

Mr. President, I also would like to comment on funding for the Executive Office of the President. My concerns about the President's statement that he would reduce staffing by 25 percent in the White House are well known. I have addressed that matter before. The chairman, Senator DECONCINI, has outlined the adjustments that will impact that level, and I support those changes.

However, I want the RECORD to reflect that the President's 25 percent reduction of staffing in the Executive Office as presented to us is to date made up mostly of detailees who are being returned to their original agencies. Those agencies are responsible for the salaries of those individuals. Both Senator DECONCINI and Congressman HOYER, chairman of the subcommittee in the other body, have agreed we will keep a close eye on the funding and staffing request of the White House.

Mr. President, this is a tight bill. The scoring estimate by the Budget Committee indicates that we are at the 602(b) allocation level for budget authority and approximately $100,000 below the outlay ceiling. As the chairman indicated, this bill is some $246 million below the fiscal year 1993 bill. The committee had to make some very difficult decisions. We would have liked to have funded several programs at a higher level. We had many requests for which we were unable to find funding, but as we have all noted, these are difficult times. I hope that the Senate will act quickly to pass this legislation.

Mr. President, before I close, again I want to express my thanks to the chairman, Senator DECONCINI, to the other members of the subcommittee, the subcommittee staff, Patty Lynch, Chuck Parkinson on this side, for their efforts on the bill.

As I indicated, I think this bill is a product of hard work, and I urge my colleagues to support this measure.

Mr. President, I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank the Senator from Missouri for pointing out the provisions in the Internal Revenue Service and what we tried to accomplish.

AMENDMENT NO. 734

Mr. DECONCINI. Mr. President, I send some technical amendments to the desk on behalf of the Senator from Missouri and myself and ask that they be considered and agreed to en bloc.

The amendments correct clerical errors in the bill and insert a new section clarifying those positions in the Department of the Treasury which will be eliminated by the President's Executive order.

The PRESIDING OFFICER. Without objection, the committee amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself and Mr. BOND, proposes an amendment numbered 734.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 6, line type "$9,748,000" and insert, "$11,539,000"

On page 18, line 23, strike "for" and insert in lieu thereof, "from"

At the appropriate place in the bill insert the following new section:

SEC. . (a) Notwithstanding any other provision of law, hereafter, for purposes of complying with Executive Order No. 12839 and guidance issued thereunder, the number of civilian personnel positions that the Department of the Treasury may be required to eliminate in fiscal year 1994 and in fiscal year 1995 shall not exceed a number determined for each year by multiplying a fiscal year 1993 base which excludes all exempt positions by the applicable percentages in Executive Order No. 12839.

(b) For the purpose of this section, "exempt position" means a personnel position in the Department of the Treasury which the Secretary of the Treasury determines to be primarily employed in drug control, law enforcement, trade facilitation, or services to the public."

On page 55 of the bill, on line 8 strike everything beginning with the word, ": *Provided*" through "101–508." on line 11, and insert in lieu thereof, ": *Provided*, That such lease shall be authorized only if it meets the criteria of an 'operating lease' as defined under the Budget Enforcement Act of 1990, Public Law 101–508.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 734) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 736, TO THE COMMITTEE AMENDMENT ON PAGE 31, LINE 7

(Purpose: To reduce the overall amount appropriated in the bill to the level requested by the President in the fiscal year 1994 budget request)

Mr. LOTT. Mr. President, I do intend, at the appropriate time somewhat later, to offer an amendment with regard to this appropriations bill.

But I thought, while we had an opportunity here, I might actually begin some discussion on this appropriations bill and why I will have an amendment, and basically what will be included in that amendment.

First, I do want to say to the distinguished Members of the Senate that handle this legislation: I know it is not an easy job. I am very satisfied that the distinguished Senator from Arizona and the Senator from Missouri—very distinguished Members of this body—have worked hard to come up with a good bill. I think, in most areas, they have held the line and they should be commended for that.

I also know that the major contributing factor to our ever-rising deficit is the so-called entitlement programs.

You can defend them. You can say that it is right or wrong. But the fact of the matter is that is where the great increases are occurring.

The great increases are, in fact, not occurring in the appropriations accounts, because of agreements that have been reached, because of restraints that this body has placed on the Appropriations Committee, but also because of the leadership of the members of the Appropriations Committee. They have stayed within the caps that were placed upon them.

So I admit that the real deficit problem is being caused on the entitlement side and not here.

But the fact of the matter is, you cannot pass any opportunity to begin to try to get some grip on spending, on Federal spending. You cannot always say somewhere else; not here; the next bill; not my area, somebody else's area. Sooner or later, you have to face up to it.

The reason I have developed this amendment was because late last night, I was reading over the funding in this bill and the programs that are funded, and I came across some startling revelations.

I found that this bill for Treasury-Postal Service is $22,331,459,000. That sounds like an awful lot of money to me to run the Treasury Department and the Postal Service.

There are other independent agencies under this list, so I think we need to look at the whole list. So I did. I said that sounds like an awful lot of money.

I discovered, to my amazement, that as a matter of fact this bill is $325 million above what President Clinton asked for. We cannot say to him, Mr. President, cut spending first, and then we start raising the bills that he sends up here and spend another $325 million.

So in this case the President held the line. He held the line below last year's spending level. He made, I think, reasonable requests, yet the House raised him $700 million and the Senate wants to raise $325 million.

This is a case where I am suggesting we ought to go with what the President of the United States asked for in an appropriations bill that does not have a lot of things that we have much love for anyway. I hope my colleagues will think about that.

I thought about going through here and knocking out specifically each area where the Appropriations Committee increased the amount that the President had asked for. But I think you can always argue you need a little more here, a little less there. I do think we have a right—in fact we have a responsibility in the Congress—to make some decisions about priorities. I do not think we ought to abdicate our entire role to the President. We ought to be able to mix and match a little bit based on change of circumstances or what we know that maybe the President did not know when he sent his budget up here.

What I have done, instead of just knocking out where increases occurred, I said let us take it back to the President's level of request. That would take out $325 million for a 1.47-percent decrease across the board—1.47 decrease. We are not asking for the king's jewels here. We are asking for a very small decrease just to take it back to what the President asked for.

When it gets to conference, if the conferees want to add a little more in some category and cut in some other, that is what they are going to do anyway. But here, without picking on anybody's area or any particular project, let us at least cut it back to what the President asked for in the broader context.

Also, let us look at what is in this Treasury, Postal Service bill. The U.S. Customs Service, they have a tough job, they need adequate funding. The President, I think, asked for adequate funding. The committee increased their funding a little bit but, frankly, I know of many, many instances where I have some questions about the job that is being done. A lot of things where Customs people are working, they are leaking like a sieve. Do I want to give them accolades here this afternoon? No.

The Internal Revenue Service. Does anybody here want to give any awards to the Internal Revenue Service, the IRS? These are people who have enough time not only to collect the taxes, but harass taxpayers. You have agents—it is almost as if they had been given a quota, an allotment: You have to get *x*.

There is not a Senator here who has not heard from some irate taxpayer saying, I am being absolutely harassed by the IRS. They have enough time to harass people, many times when they are not even guilty of anything, or are trying to work something out. But the IRS says, you are going to do it our way, the way we tell you.

Another, the Bureau of Alcohol, Tobacco and Firearms—do you remember those folks? Do you remember Waco? Does anybody feel real good about the job they have been doing? Not me.

The Postal Service was not added to by the committee and the Postal Service, I would like to keep their funding about where the President asked for their funding. I think that is where we will wind up.

The Executive Office of the President—in a couple of instances here the committee increased what the President asked for for his office. I do not understand that. Why? He should have known what he wanted—I guess.

The independent agencies: General Services Administration, the Federal Buildings Fund—a significant increase over what the President asked for in this category. I have friends who have Federal buildings in this bill. That is OK. I think Senators quite often know where a need may exist. But to double what the President asked for—I have real problems with that.

OPM, the Office of Personnel Management. How many have had dealings with the Office of Personnel Management? Was it particularly exciting? No. I am sure in most instances your reaction was, what a bureaucratic mess. And I am talking about Republican administrations and Democratic administrations. So should we be allowing for an increase there? No.

In this particular instance, the committee did not raise what the President asked for. But I think it might have been a good idea if we cut it some more. And the President did recommend a cut there.

The Federal Election Commission. This is an organization that is still investigating accounts, campaigns that are 4, 5, 6 years old. I really have problems with that organization.

The U.S. Tax Court. Does anybody want to provide an increase for Tax Court? I do not think so.

I know of very few appropriations bills that have more in them that I dislike than this bill. So for us to come here this afternoon and consider increasing its funding $325 million above what the President asked for, is hard for me to understand or defend. I think we should cut it back.

I heard someone say, it is only $325 million. Is that worth our time? Go home and tell your constituents it is not worth trying to cut back $325 million in the Treasury, Postal Service bill and see what happens to you. You will get stoned anywhere in America if you try that. The problem is spending.

At a time when our taxes have remained basically at 19 percent of GNP, since 1970 spending has gone up from 20 to 24 percent of GNP. This is where much of it begins, in the appropriated accounts.

As far as the amount of money we are talking about, $325 million, this is roughly the same amount of money that is spent on enforcement activities by the DEA, Drug Enforcement Administration; it is approximately the same amount that goes for maintenance and administration in the Federal prison system. Could we use this money somewhere else more wisely? I think we could.

The place I would like to use it is to not spend it so we will not add it to the deficit. That is what really happens. This $325 million is about half of what is spent on enforcement of Immigration and Naturalization Service activities. The President came out this week and took some strong recommendations with regard to the immigration in this country, people who are coming in, drug runners and terrorists. I think he did the right thing. Maybe we should use this money there.

I urge my colleagues to look at this very mild amendment. I think the committee has done, overall, a pretty good job, but we ought to at least cut this out and then go forward with the bill after that.

AMENDMENT NO. 736

Mr. LOTT. Mr. President, I have a second-degree amendment I would like to send to the desk at this time. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 736.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . Notwithstanding any other provision of this Act, each amount of budget authority for fiscal year 1994 provided in this Act for payments not required by law is reduced by 1.478 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

Mr. LOTT. Since I have already spoken at some length on the amendment, at this time, Mr. President, I will yield the floor so we can hear from the committee members.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I certainly share the concern of my colleague from Mississippi for economy in budgeting. If his concern is that we did not, in this particular bill, follow the President's request, I would have to say if we went through all of the appropriations bills, to meet the President's request we would have to increase budget authority by $16 billion, and increase outlays by $10 billion. I do not think that is what this body is going to do, nor would I advocate it.

I do believe there are occasions in which the legislative body will have a different priority than the President has.

For that reason, I think it is very important that we decide what the priorities are. I just disagree fundamentally with the points apparently made by my colleague from Mississippi that we can afford to cut law enforcement, that we can afford to cut ATF. I have visited those facilities. I have seen what is going on, and I followed what Customs and ATF do, and we need resources because we are fighting a very important battle.

With IRS, we need to modernize the system so we bring the Internal Revenue Service up to date. There is no reason we ought to be doing a quill-and-scroll type of enforcement of our taxes.

We ought to be providing for the benefit of the taxpayers, as well as the Treasury, modernized information systems so that we can achieve a reasonable degree of businesslike efficiency utilizing modern technology.

On the GSA provisions, last year I was not a member of the committee, but I understand the committee rescinded 189 million dollars' worth of funds previously appropriated. There are great needs and there are backlogs in the GSA's area where we ought to be providing the funds to make sure that we have the facilities that are needed that GSA provides for Federal facilities around the country.

I think, as I indicated in my opening statement, that we have come in with a very reasonable budget. If you take a look at fiscal year 1993, we are 1 percent below what we enacted last year. We are $377 million below the House-passed bill. So this has been a very tight budget and it is a responsible budget.

I urge my colleagues not to support this amendment because we have made cuts where we felt that we could make them. We are within the 602(b) allocation and, frankly, when you are talking about cutting back on needed areas of governmental service to fight drugs, to make sure the Internal Revenue Service has a modernized information system for tax collection, I think it is a reasonable expenditure.

Mr. President, I hope my colleagues will not accept this amendment and that we will be able to proceed with the recommendations made by the committee.

Mr. President, I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I appreciate the attempt of the Senator from Mississippi to portray this bill as a big spending bill, but it is not. We have taken a 3-percent cut through the President's Executive orders, with the exception primarily of law enforcement agencies, as the Senator from Missouri has pointed out.

If the Senator from Mississippi will look at the President's request, he would see that there were 642 full-time equivalent positions for the U.S. Customs cut from last year, which means less law enforcement, which results in less effort to carry out the mission of the U.S. Customs Service: Things like stopping drugs at the border, inspecting the cargo that comes across the border and, having the necessary number of people at the ports of entry. That costs $37.3 million.

Customs has assured us that they have the ability to absorb this increase. We have paid attention to law enforcement and concluded that maybe the President did not pay enough attention to them.

I applaud the President's effort in adding 100,000 new police for community policing. We do not fund that in this bill, but what we did is we made sure that the Federal law enforcement agencies were not crippled.

A reorganization of the Customs Service will require time to implement, and it is very important that we have the necessary people as they go through the reorganization.

I believe the committee's recommendation to restore the Presidential cuts in U.S. Customs alone for fiscal year 1994 will be crucial to our war on drugs.

In the Alcohol, Tobacco and Firearms, another law enforcement agency that deals with career criminals, enforcing the firearms and explosives statutes of this country, we added back what the President cut. We are not afraid to stand up and say, "Mr. President, we do not think you should make these deductions and reductions in law enforcement."

And in the Office of National Drug Control Policy, it is a substantial cut which many of us believe was not justified. There was a lot of criticism under the previous administration about the ONDCP office being politicized, having 42 percent of the staff being political appointments. This President responded. But he wiped it out almost, taking it down from 130 to 25 FTE's. We have added back a modest 35, giving 50 or 60 FTE's for that office. This is so Dr. Brown has the capabilities to fight the war on drugs.

To me, to come in here making a blanket statement that we are spending money foolishly—I do not want to refer to any service here, but to someone who might be in the Service who goes on a holiday after they have been cooped up for a long time is just unfair because we have been very prudent and we have been careful and we have protected the law enforcement agencies.

A 1.4-percent cut of the Senator from Mississippi—I only hope that we can talk him into agreeing that where we have added back are the exact areas that he would like to see funded at last year's level.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I want to emphasize again, I do not think I said this is a big profligate spending bill. I am saying it is a $325 million increase over what the President asked for. Now is the time and this is the place where we can save some money. Several of the areas where the Senators on the committee added funds, yes, I would agree that would be worthwhile. Perhaps more should have been taken out of other areas. That is one of the things I would suggest they consider doing in the conference.

Let me give some examples of where funds were increased by the committee and, again, my amendment does not pick and choose based on where the committee added money. Mine just says let us cut back to what the President asked for, across the board and there can be changes in the conference.

For instance, the Secret Service had an increase under the committee's bill. This is the President's request that they have raised for Secret Service for him. I wonder why the Secret Service would be increased over what the President asked for.

One interesting one here is a pretty substantial increase in the category of "Other." It goes from $275 million to $318 million. What is "Other?" It is not a lot of millions, but, as the old saying goes, a million here, a million there, it all adds up.

Mr. DECONCINI. Will the Senator yield for a question?

Mr. LOTT. Yes.

Mr. DECONCINI. I do not know what the reference is to "Other."

Mr. LOTT. The listing I have is Bureau of Public Debt—that is an interesting one—Financial Management Service, and then there is a category of "Other." I will be glad to give——

Mr. DECONCINI. If the Senator could give us a source.

Mr. LOTT. I will be glad to give a source when I get through.

Another example is an increase for the National Security Council. Maybe that is necessary, maybe we would want it, but it is the President's National Security Council. We are increasing over what he asked for there.

And, of course, the one that I referred to earlier, General Services Administration, there is almost a double there. The President asked for $156.9 million. This goes up to $313.3 million. I am not saying that there should not be some increase there, I am just saying, again, it is an increase over what the President asked for. It is a place where maybe we can make a little savings.

There is an increase for the Federal Elections Commission. There is an increase for the National Archives.

I will just say again to my colleagues, yes, you have a right to decide on priorities, and the Congress will always put in a little more in some areas, take away in some other areas, and the committee did that in this case. You did take away some of the requests the President made.

But my amendment says, again, let us just save $325 million here. It is not going to save the world, break the bank, but this is one case where I support the President. Let us support the President. Let us go with what he asked for, in terms of the aggregate amount of money.

Mr. President, I do not see any need to drag this debate out. I know that there may be other amendments pending. I see the Senator from Ohio maybe has one to offer.

I ask for the yeas and nays at this point and then we can proceed from there.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. I thank the Chair.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, let me say to the Senator from Mississippi, I would like to have that source. I do know that he mentioned the Secret Service.

When the President submitted a budget in early January, it became clear to this committee, after holding hearings, that there were not adequate funds for the Secret Service. The Secret Service, as we know, does not just protect the President, the Vice President, and former Presidents. It has a law enforcement function in counterfeiting and stolen checks, from Social Security down to any Government check, and the counterfeit of those checks.

That is why there is this addition. Next month the Pope is traveling here, and that adds to the Secret Service needs. When the President submitted the budget, that was not taken into consideration, and that is what we found in our hearings.

So to suggest we added money to the Secret Service that the President did not ask for is not the case. The President did not ask for it because he did not have all the necessary information in front of him.

As this committee prepared this bill and asked the questions it made a determination that the Secret Service required increased funding.

I raise that with the Senator from Mississippi as just one example. The committee has not just willy-nilly gone through and added money in areas that we did not think were justified.

I suspect the Senator would agree with this justification in many areas.

Mr. LOTT. Will the Senator yield?

Mr. DECONCINI. I certainly will yield.

Mr. LOTT. In answer to the question, the source that I was actually referring to was Congressional Quarterly. But in looking at the table in the back of the report on the bill, I assumed it refers to things like the Administrative Conference of the United States; the Advisory Commission on Intergovernmental Relations. The committee plused that up by $1 million. The Merit System Protection Board, I believe that is the one that is plused up about $2.3 million, and other areas.

So it is sort of a combination of the smaller amounts shown at the back of the report on the bill.

Mr. DECONCINI. If the Senator will yield, I thank him because now I know the area he is talking about.

The funding for the Administrative Conference and Advisory Commission on Intergovernmental Relations were eliminated by the House. The administration asked us to fund them. They asked us for the full funding when they came before the committee.

In fact, I had a call from the White House Chief of Staff saying, "Please fund these."

So we put in about half the money. We took a cut, in essence, over last year's level in the area of others.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside in order that the Senator from Ohio, in behalf of himself and other Senators, may offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 737

(Purpose: To establish procedural requirements for certain projects)

Mr. METZENBAUM. Mr. President, on behalf of myself, Senators BAUCUS, CHAFEE, BROWN, SIMPSON, DORGAN, COHEN, and MOYNIHAN, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. BROWN, Mr. SIMPSON, Mr. DORGAN, Mr. COHEN, and Mr. MOYNIHAN, proposes an amendment numbered 737.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, line 10, after "prospectus:" insert the following: "*Provided further*, That no funds shall be made available for leases, line-item construction, repairs, or alterations projects in this Act that are subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) prior to February 1, 1994, unless the projects are approved by the Committee on Environment and Public Works of the Senate: *Provided further*, That in no case shall funds be made available for any lease, line-item construction, repair, or alterations project referred to in the preceding proviso if prior to February 1, 1994, the lease, line-item construction, repair, or alterations project has been disapproved by the Committee on Environment and Public Works of the Senate: *Provided further*, That the Administrator of General Services shall submit detailed information on each lease, line-item construction, repair, and alterations project in this Act that is subject to section 7(a) of the Public Buildings Act 1959 (40 U.S.C. 606(a)) to the Committee on Environment and Public Works of the Senate not later than 30 days after the date of enactment of this Act:".

Mr. METZENBAUM. Mr. President, we find ourselves in an unusual position, although it is the second time it has happened within the past 12 months.

Last year, the Appropriations Committee saw fit to include certain major building projects in the appropriations bill even though they were not authorized. It was in the closing hours of the session, and in an effort to deal with that situation, we worked out some kind of method for authorizing the bills sort of almost after the fact as the appropriations bill was moving.

But today we have another situation somewhat similar to that, and I will say to my colleague and friend from Arizona, I hope this is the last time we will have to deal with a situation where the Appropriations Committee sees fit to put projects in a bill that have not previously been authorized.

Now, the amendment that I have sent forward in behalf of myself and the other Senators will make it possible for the authorizing committee of the Senate to have 6 months in order to determine whether or not to authorize each of these projects on an individual basis, or to turn them down. And if the authorizing committee fails to act during that 6-month period, then it would be tantamount to their having been authorized.

It should be pointed out that the amendment does not provide for the House authorizing committee to have that same right. And whether or not the House sees fit to change that in conference or on the floor of the House is a matter for them to decide. But I wanted to point that out to my colleagues. There is some misunderstanding between the Senator from Arizona and my staff, although it is not a personal understanding because I understood it this way, but some misunderstanding that occurred as to whether the House was or was not to be included.

My understanding is the amendment is acceptable on both sides of the aisle. Let me talk about where we are on the entire subject.

The job of overseeing and authorizing GSA's public buildings program is a very serious one. I am frank to say we in the Congress have been remiss as far as dealing with that problem. GSA spends billions of dollars of tax dollars each year to house Federal workers. Yet it has an unbelievably bad, sorry history of wasteful spending and mismanagement. It sits over there and does what it wants and Congress has permitted it to do so for a number of years. Its activities scream out for careful scrutiny.

In February, the chairman of the Environment Committee, the distinguished Senator from Montana [Mr. BAUCUS] created a special task force to look into GSA's real estate activities. I chaired that task force, and Senators SIMPSON and BOXER serve with me. We have been working assiduously in order to make some movement forward on this entire subject of buildings and leases and purchases.

We have been meeting frequently and are on our way to developing legislation to make GSA operate in a more businesslike fashion to help save tax dollars.

This is where we must focus our efforts. In this era of fiscal constraints, we can ill-afford to move forward on any GSA project which is not meticulously scrutinized by both the appropriations and authorizations committees.

This amendment will ensure that our committee will have a chance to look over the appropriations included in this bill for something like 16 courthouses. We have a situation that exists around here where courthouses get pretty easily accepted—I scratch your back, you scratch my back. It so happens this Senator does not believe that is how we ought to be spending the Federal dollars. I assure you that our committee will look at them. But it is very difficult to say that the courthouse in X community should go forward and the courthouse in Y community should not.

The appropriations bill before us would bypass totally that authorization process with respect to GSA projects. It would give GSA the funds to move forward on projects for which prospectuses are still pending before the Environment Committee. In fact, it even includes funding for some projects for which the Environment Committee does not have any prospectuses.

That is unacceptable, and this is the last time this Senator is going to be willing to be a party to that kind of a procedure. That is not the way the U.S. Senate ought to conduct its business. That is not the way the Federal taxpayers' dollars should be spent, whether it is on courthouses or any other kinds of buildings that the Federal Government builds.

The Environment and Public Works Committee has a job to do in reviewing and authorizing GSA's projects, but we must be in a position to do the job. I am glad we have been able to work out our differences on this issue with the Appropriations Committee. We want to be working together with that committee.

I know my friend from Arizona shares my concern about the need to ensure that GSA does not embark on wasteful nor unjustified extravagance. Let me also assure him that the Environment Committee and its task force are working very hard to review GSA's activities and to move forward on meritorious or timely projects.

Indeed, this week we will authorize a few time-sensitive leases and some repair and alteration projects. In addition, we have written to Roger Johnson, the new Administrator of GSA, in an effort to better coordinate our activities with him. Mr. Johnson has indicated that he will suspend action on new construction and lease projects and review them during the next 3 to 6 months to determine if they make good economic sense.

One of the cosponsors of this legislation, Senator DORGAN, has introduced legislation to put a halt to all Federal buildings for a time certain. I wholeheartedly support the effort of Mr. Johnson in this respect and certainly believe that Senator DORGAN's legislation should be given full consideration.

Nevertheless, in an effort to stay on schedule with respect to reviewing GSA projects, I joined my colleagues in asking Mr. Johnson to advise the committee by mid-September as to which projects still remain high priorities so that we can hold a hearing on them.

The amendment I am offering today on behalf of my colleagues and myself is straightforward. It says that no funds shall be expended on any GSA leases, construction or repair and alteration projects until the Public Works Committee of the Senate authorizes them. Whether or not the House determines that they, too, should have that authority, will be for them to decide.

But it sets February 1 as the deadline for having the authorizing committee in the Senate act on these projects. This February 1 deadline meets the concerns Senator DECONCINI has expressed about previous delays. It also corresponds with the deadline Administrator Johnson has apparently set for himself with respect to reevaluating GSA's new construction and lease projects.

This amendment will enable us to have the benefit of Mr. Johnson's input in the authorizing process. It is very reasonable. I urge the amendments adoption.

But, in conclusion, I want to say once again this is the last time that this Senator wants the authorizing committee of the U.S. Senate to be bypassed in determining whether or not any building project should be had.

We had that situation last year. I think we wound up making a mistake with respect to authorizing some buildings that should not have gone forward. Fortunately, one of them has now been canceled, the big new office building in Philadelphia.

At this point I am not at all certain that the Atlanta project ought to be going forward. But that is a subject for another day. The point is I do not believe that we ever again ought to have the Appropriations Committee putting in legislation that does the authorizing, takes over the authorizing committee's responsibility. If that were to occur in the future, I feel confident that there are many of my colleagues, some of whom are cosponsors of this amendment, who would be here on the floor joining me in objecting to it.

Mr. President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator from Ohio, and also the generosity and graciousness of the Senator from Wyoming.

Mr. President, I support the amendment of Senator METZENBAUM. As chairman of the Environment and Public Works Committee, I must say that he is a most valuable resource on this committee. He came to the committee a short while ago and has been very involved and very interested in the question of whether the taxpayers are getting their money's worth in public buildings. I can think of no Senator who is a better guardian of the taxpayers' purse than the Senator from Ohio. I am very grateful for the Senator's protection of the taxpayers, but specifically grateful for his deep involvement here on this issue.

Mr. President, I became chairman of the Environment and Public Works Committee when it became apparent that there was a very serious problem with the GSA. The GSA has been roundly criticized for its leasing and construction practices. For instance, questions have been raised about whether the Federal Government is too quick to construct new buildings in areas with high vacancy rates. And there is also very little, if any, coordination between Federal agencies on matters, procurement matters.

But one of the most serious issues is the current budget scorekeeping rules. These rules force the GSA to enter into lease agreements even in those markets where Federal ownership may be more cost-effective. Mr. President, these are just a few of the issues surrounding GSA.

As a result of these issues, I created a task force within the committee to look at GSA and, most importantly, the Federal Government's leasing and construction practices. I immediately asked the Senator from Ohio if he would chair it, along with Senator BOXER from California and the distinguished Republican whip from the State of Wyoming, Mr. SIMPSON.

This is a big job they have undertaken, but I am confident that at the conclusion of the task force's work, they will make a sound recommendation to the Congress. These recommendations will ensure more fiscally sound decisions by GSA to meet the housing needs of the Federal work force, and these recommendations will save the taxpayers dollars.

When the new Administrator of the General Services Administration, Roger Johnson, appeared before our committee he testified that he was interested in pursuing what he called a suspend and review of GSA projects. Mr. Johnson stated that under the suspend and review process:

> We will review projects with an eye toward possible alternatives which could be more cost effective. We must also remain vigilant that the dollars we are spending are those of the American taxpayers.

Mr. President, it is important to receive input and ideas from the Administrator on the direction in which he intends to take the agency. His direct involvement in review of GSA's leasing and construction program is vital and we welcome his review.

However, Mr. Johnson has been in this new position for only a brief period of time. He has not had the opportunity to express his views as Administrator. Therefore, the Environment and Public Works Committee has not had ample opportunity to review this matter.

As Congress and the President struggle to reduce the deficit, it only makes sense that we be vigilant in ensuring that the taxpayers' money is wisely spent and that all possible savings are found.

On Tuesday, Senator METZENBAUM and I requested that the Administrator of GSA inform the Environment and Public Works, by mid-September, of the merits and cost-effectiveness of GSA's leasing and construction program. Following this, the committee will consider the program and take action on pending prospectuses in a timely manner.

Mr. President, the amendment before us preserves the oversight role of the authorizing committee. It states that no funds shall be made available for projects in this appropriations bill unless the Environment and Public Works Committee takes action on the projects. The Environment and Public Works Committee must take some action, either approving or disapproving a project prior to February 1 of next year. If the committee fails to take such action, the funds will be available for expenditure on the projects.

I thank the manager of the bill, Senator DECONCINI, for his assistance and cooperation on this amendment. As chairman of the Environment and Public Works Committee, I can state that the committee will uphold its responsibility to take action on these projects, either approving or disapproving them, by February 1, 1994.

Again, I thank Senator METZENBAUM, Senator BOXER, and Senator SIMPSON for their efforts.

To conclude, Mr. President, it is very simple. There are very serious problems with GSA practices. I think Congress has not paid sufficient attention to GSA issues. The Environment and Public Works Committee intends to look into this.

Second, in the past, buildings received appropriations without the authorizing committee's approval. This is a practice that should be discontinued. This year, even though the appropriations bill is before us and contains these unauthorized projects, I think it is only appropriate to allow this bill to go forward, but only with this amendment. Again, the amendment requires the authorizing committee take action to either approve or disapprove projects prior to February 1 of next year.

I must tell the Senate that from now on this practice of appropriating funds for unauthorized projects will have to change. In the future, this Senator will not be a part of efforts on the part of Appropriations Committee to provide appropriations for public buildings and similar projects without prior authorization.

The Committee on Environment and Public Works will address the issue of authorization prior to the time the appropriations bill comes to the floor, so we are no longer caught up in this awkward situation where the appropriation precedes the authorization. I think we have that agreement certainly with the Senators on the Environment and Public Works Committee. I know that the chairman of the Subcommittee on Appropriations would prefer that approach as well.

Therefore, I thank all Senators for their cooperation. I think we can finally get this matter under control.

I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank our chairman on the Environment and Public Works Committee. I am very proud to be a member of that committee. It is a well-functioning committee. I am pleased to see the committee so well represented on the floor at this time. Senator CHAFEE of Rhode Island is the ranking member. Senator BAUCUS is the chairman, and Senator METZENBAUM is also a member. All of us have been involved in the work of the committee.

Let me just say that the chairman and ranking member have asked Senator METZENBAUM, Senator BOXER, and me to serve on a task force looking into the way public funds are expended on office space for the Federal Government. Then, of course, we must turn to the GSA.

Chairman BAUCUS has explained quite well that it is a serious, serious situation. We intend to get to the root of it. It is an awesome task. Senator METZENBAUM, the chairman of the task force, Senator BOXER, and I are making some headway.

I just want to add, without getting too dramatic, that I do not intend for the way we used to do business regarding Federal office space to occur anymore. I will join with my colleague from Ohio in saying that it has been an absurd and extraordinary way of doing the Nation's books with the GSA. OMB has pushed them off the cliff. We have a situation with regard to leasing versus purchasing, which is beyond dimension. It is also a most extraordinary thing where the authorizing committees have never authorized a building to be built. Then suddenly the money is appropriated to build it. No one knows about it and, of course, the reason it floats so well is because they wad it up with about one project in every State of every Member here—or at least half of them. That works beautifully. How many courthouses? Twenty-five; twenty-five States. Well, that ought to cover that vote pretty well. That is where we are.

I am willing to go along with it one more trip, because we never laid the ground rules. We never threw down the gauntlet. In this package, we have nine projects in this package that have never seen the light of day in an authorizing committee—nowhere. What an abomination of every rule in this place. And so 9 out of 17 of these listed have never been before the Committee on Environment and Public Works.

That will stop. It will stop because the chairman has already indicated that, and so has the ranking member.

I would just say that there is another little caper that you really have to get your handle on. Senator MOYNIHAN introduced me to that when I was a freshman on the Environment and Public Works Committee. This is the section of the Public Buildings Act that allows any Member of the Congress to get the ball rolling on a building in his or her State or district without going through the committee authorization process. And that is section 11(b) of the Public Buildings Act.

We have been working these past months on getting a handle on the price tag attributable to that particular bizarre section of the law. I do not have the exact numbers yet, but I think you will be fascinated. I can tell this body that over the last 5 fiscal years, there has been in excess of—and hear this—since fiscal year 1988 through the current fiscal year, we have appropriated $1.3 billion for public buildings, whether for construction, lease, or renovation, that has never been approved by any authorizing committee.

So I am deeply grateful to the managers of the bill, the distinguished chairman and ranking member, for agreeing to accept this amendment offered by the very effective and highly tenacious chairman of our task force, Senator METZENBAUM.

I think the Republicans and Democrats agree on one thing. We all want the administration to succeed in reducing spending and reducing the Federal deficit. I think we can begin here.

I thank the committee for adopting this modest amendment. It is going to start something that we will continue.

It is limited in scope. But from now on, when we are doing this kind of heavy lifting, we are going to have the authorizing committees act and produce results and do what we should do in any kind of reasonable oversight capacity.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to join in the thanks to the distinguished chairman of the committee, Senator DECONCINI, for working this out with us, with the distinguished Senator from Ohio [Senator METZENBAUM], taking the lead on it.

As has been pointed out, Senator METZENBAUM is the chairman of the task force which the distinguished Senator from Wyoming is a member of, representing the Republican side in a task force from the Environment and Public Works Committee to deal with the GSA. This was a difficult problem. I know the concerns that the chairman of the committee, the manager of the bill, has. In the past, we have had some difficulties in our committee getting on with approving or disapproving of the request for buildings that come before us. Last year, we truly had an unfortunate situation develop.

But I think that the solution that Senator METZENBAUM and Senator DECONCINI have worked out here is a fair one for everybody involved. It gives us the chance to review these. We have to say yes or no. If we do nothing, then the buildings go on forward. That seems fair. So I thank all involved.

I yield the floor.

Mr. COHEN. Mr. President, I am pleased to join Senator METZENBAUM in offering this important amendment to the Treasury, Postal Service appropriations bill.

Mr. President, this is a good amendment for three reasons. First, it requires that before rushing into the projects earmarked in this bill, they go through the same approval process that any other Federal construction project must undergo before the Federal Government writes the check to pay for it. Second, it is my hope that the amendment will force all of us here to rethink the relative necessity for individual projects, before we go to the Appropriations Committee to ask for their funding. Knowing that a project will receive the scrutiny of other committees will force Members to pay particular attention to ensure that any project they propose is justified. Finally, this amendment will show our constituents that Congress is willing to scrutinize public projects with the same thoughtfulness taxpayers use when they confront difficult economic choices every day at home.

In May, the Senate passed an amendment I offered to the RTC refunding bill. The amendment, which received the overwhelming support of my colleagues here, directed the Office of Management and Budget to examine Federal real property management policies and make changes necessary to improve coordination between Federal agencies, promote cost-effective property acquisition strategies and realize cost-savings.

My legislation also urged OMB to encourage agencies to modify their space requirements, to permit the kind of flexibility that will allow the Federal Government to achieve the greatest cost-effectiveness possible. To further that flexibility, my legislation further directed OMB to review its scorekeeping rules and determine what changes are needed to permit agencies to consider all possible options, in order to obtain the housing they need most economically.

Earlier this week, on Tuesday, the Subcommittee on Oversight of Government Management held a hearing which I requested, to examine the Federal Government's management of its real estate. Officials from the General Accounting Office, the General Services Administration, the Department of Veterans Affairs, and the Defense Department testified about the problems and limitations of the Federal Government's current real estate management practices. The subcommittee also heard troubling testimony from a panel of non-Government witnesses who are economists and commercial real estate experts.

We heard from these witnesses that despite congressional action to add $3.5 billion, the Federal building fund is still $7 billion short of meeting GSA's projected capital investment needs over the 10 year period ending 2002. We heard that while the RTC and FDIC portfolios are brimming with bargain basement buildings; GSA's ratio of owned to leased property has dropped from 76 percent to 24 percent in 1970 to 53 percent to 47 percent today, and GSA has failed to purchase even one property from those portfolios. We heard that the office rents paid by GSA in most metropolitan areas have increased steadily, in the case of Washington, doubling since 1987, while rents in the national private market have declined by 13 percent during the same period. We heard that there is a glut of commercial real estate available across the country, for which owners are anxious to find tenants or buyers at moderate prices. Yet various Federal agencies are undertaking ambitious construction programs. These monumental buildings will suck more Federal tenants out of distressed rental markets, and more Federal tax dollars out of an extremely distressed Treasury. It is clear, based on the information presented to the subcommittee, that a number of changes must be made in the way we manage our Nation's real estate assets.

The subcommittee invited Senator METZENBAUM to join us, as he is chairman of a special Senate Environment and Public Works Committee Task Force, which is also reviewing the Federal Government's property management, with special focus on the approval process for Federal buildings and office space for Federal workers. The distinguished Senator from Ohio was kind enough to share with the subcommittee some of the valuable insights gained through his experience in this area. He can speak with authority about the urgent need for requiring Federal construction projects to go through the Senate Committee on Environment and Public Works, and its House counterpart, before the Government pours billions of dollars worth of wasteful concrete into such projects.

In the coming weeks, I will be working closely with Senator METZENBAUM and others to develop additional legislation to attack the waste that has been generated through mismanagement, scorekeeping biases and unintended results of congressional action. We must stop GSA, the VA, and others from pursuing needless construction and other property acquisitions which are based on faulty assumptions about the need for space in the first place; excessive requirements dictated by individual agencies for special design or structural features; negligent supervision of construction schedules; or the outright failure to consider other, lower cost options.

The amendment we are offering today would repair what is now a gaping hole in the management process. Both the General Accounting Office and the General Services Administration testified that one reason Federal taxpayers' money is frittered away on questionable construction is that a number of projects do not go through the normal prospectus approval process. Consequently, these projects do not receive the same type of thorough review accorded to projects through that examination. This amendment attempts to ensure that all projects must go through the entire examination and approval process.

For this reason, I have joined Senator METZENBAUM in introducing this amendment to require that before we rush into committing funds to the Federal construction projects and leases that are included in this bill, the projects go through the required approval process. I do not suggest that we cancel any of these projects, or that they may not be needed and justified. It is my opinion that this amendment will protect the integrity of whatever decisions are made about these buildings. This amendment will also ensure that when a constituent in Maine asks me why a given project was included in an appropriations bill, I can tell that person that Congress reviewed it, considered its merits, evaluated the options, and decided it was in the taxpayers' interest. Mr. President, that is the kind of answer every taxpayer expects and deserves to hear. I urge my colleagues to join me and support this amendment.

AMENDMENT NO. 738 TO AMENDMENT NO. 737

(Purpose: To ensure the integrity of the Federal building process)

Mr. McCAIN. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 738 to amendment No. 737.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. DECONCINI. I object. I would like to have the amendment read, please.

The PRESIDING OFFICER. Objection is heard.

The clerk will read the amendment.

The legislative clerk read as follows:

Strike all beginning on line 2 after the word "following" through the end of the amendment and insert in lieu thereof the following: "*Provided further*, That funds shall not be available for leases, line item construction, repairs or alterations projects in this Act that are subject to section 7(a) of the Public Buildings Act of 1959 if such projects have not been approved by the Senate Environment and Public Works Committee and the House Committee on Public Works and Transportation, the Senate and the House of Representatives and signed by the President: *Provided further*, That the Administrator of General Services shall submit detailed information on each lease, line-item construction, repair, and alterations project in this Act that is subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 30 days after the date of enactment".

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, this amendment is a simple one. I hope it can be agreed to very easily.

Basically, as I understand the Metzenbaum amendment, it requires 6 months, at which time the Environment and Public Works Committee will have to authorize the Federal building funds and the items that are described in the underlying amendment.

All this does is say that, basically, if after 6 months, the Environment and Public Works Committee does not approve these projects, then the money will not be appropriated.

My understanding is that in the present amendment, as I said, the money will automatically be spent if after 6 months, the Environment and Public Works Committee does not authorize these projects.

I believe that these projects—as was stated by the chairman of the committee; as has been stated by my friend from Rhode Island, Senator CHAFEE; as well as Senator SIMPSON—should be scrutinized. All this second-degree amendment does is ensure that these projects do receive the approval of the authorizing committee.

I frankly, Mr. President, will not add to the statements of anger that have been made on this floor concerning this process that we find ourselves in, where we appropriate nearly $1 billion for building projects and it has never been authorized nor a hearing held.

I am very pleased to know of the commitment of the chairman, of the distinguished chairman of the subcommittee and others, as well as the chairman of the Environment and Public Works Committee, that this procedure will not be followed again.

I am not a member of the Appropriations Committee, as you know, Mr. President. But the fact is, whether I was or not, too often in this body we see projects appropriated without ever undergoing the scrutiny of a hearing and the process of the authorization, which is according to the rules of the U.S. Senate. When the proper procedure is not followed, there is no way to truly assess the worth or need of a project.

I might add that I am told that this particular Federal building fund appropriates $135.777 million above the President's request. But that may have been authorized or may not have been authorized. We will not know.

I would like to, in passing, especially in light of the comments of my friend from Wyoming about people having projects in this bill, say that one of the projects in the bill is a Federal court house in Phoenix, AZ. That project is very badly needed. That project is justified. But the fact is that project has not been authorized by the committee. In fact, my information is that a final prospectus on the project has been submitted to Congress by the GSA, which is generally the practice, and that is the reason for the other part of the amendment that requires this information to be submitted by the GSA to the authorizing committee within 30 days.

So, Mr. President, I guess that this amendment, in my view, would provide for the much needed scrutiny which has been promised by both the chairman and the ranking member of the Environment and Public Works Committee. All it does is simply ensure that if, by some strange accident of fate, the Environment and Public Works Committee does not have the time or is burdened by other priorities so that they are not able to scrutinize these projects, then the money will not be appropriated if the 6-month period elapsed without that scrutiny being undertaken by the Environment and Public Works Committee.

I do not know if this will be accepted by the distinguished chairman and ranking member.

In that case, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, I want to have a chance to take a look at the second-degree amendment. I would like to read it and see exactly what its language is.

I see the manager of the bill is on the floor. When he has concluded, if I have not had a chance by that time, I will suggest the absence of a quorum.

But I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, we are faced here with an interesting dilemma. Let me tell you what it is. The dilemma is that this is not the ordinary authorization process.

In the Armed Services Committee, that the distinguished junior Senator from Arizona serves on, we have an authorization bill that comes out and authorizes specific projects, whether it be a bomber or a missile. This is done by resolution of the committee.

So under the present law, we do not get an authorization out on the floor. Why do we not do that? Because we have demands for buildings that have to be met. So the authorizing committee does it, if they do it, it is by resolution, and they pass the resolution.

Mr. President, I have worked with the Senator from Ohio, and the distinguished chairman and the ranking member, Mr. CHAFEE, and Mr. MOYNIHAN, and authorization has been the subject of some controversy here, because no action has been taken on any of the projects in the present fiscal year or last fiscal year.

The three major projects that were in dispute were not authorized last year. Normally, the committee acts prior to us getting to the appropriations process. For the past 12 years, however, this has not been the case and the Appropriations Committee has been faced with making the decision and bringing it to the floor of the Senate.

And we ask the Senate: Do you want to move ahead with some of these buildings? And they have said, "yes". Why have they said "yes"? Because the need has been there.

Last year we had quite a debate about it, and we came up with a solution.

Now I welcome the review of these projects by the Environment and Public Works Committee. It is in their rightful jurisdiction. But in order not to bring Federal office space and courthouse construction to a standstill, the committee needs to act with some dispatch.

And this amendment would subject the leases, line item construction, repairs, and alteration projects in the committee bill to a prospectus approval of the Environment and Public

Works Committee. It would also prohibit the expenditure of funds for the project in the bill if the authorizing committee disapproves the projects.

Now the underlying amendment, before the second-degree amendment by the junior Senator from Arizona, also sets a deadline for action by the Environment and Public Works Committee.

The Senator from Arizona wants to make it a full authorization bill and change the law. Currently, there is no law that authorizes that every building come out here on the floor and be debated. And it should not, because we would have no Federal buildings, because we have no resolutions from the committee, much less an authorization bill.

Mr. President, authorizations versus appropriations of Federal buildings has been sort of a sore subject. I know—I have talked about it enough over time, and I have worked with the Senator from Ohio. And up until last year, my appropriations subcommittee had a close working relationship with the Environment and Public Works Committee. We consulted with them and we sought out what projects should we put in when they had not acted, and in fact they had not.

In 1992, the authorization process broke down. No authorizations for any Federal building projects were approved by the Environment and Public Works Committee until well after the appropriations bill was considered by the Senate and the conference committee.

As a result, we got into extended discussion last year about the lack of authorization when the appropriations conference report came to the floor. In November 1992 the Environment and Public Works Committee acted on the authorization of certain Federal buildings and courthouses. They did not act on three other projects—the Secret Service, the Army Corps of Engineers, or the FBI field office building, for which funds had been approved through the appropriations process and which there was a very important need to have. And we do not have that building for the Secret Service even today nor do we have the FBI field office.

I had assurances from members of this committee—and I can read the record back from last year of the authorizing committee—that these projects would be acted on by April of this year. In fact, the Senator from Rhode Island said they would do it in 3 months.

Now I understand people are pressed for time. I, too, am pressed for time. I cannot get everything I want to do up and before the committees that I have.

The authorization for the projects in the President's budget that have been submitted here have not been taken up by the committee. In order to ensure that projects are considered in a timely manner by the authorizing committee, we are proposing—as I have worked out with the chairman of the committee, Senator BAUCUS and the chairman of the task force Senator METZENBAUM—we have worked out a proposal, an amendment, that would have the Environment and Public Works Committee do their job. And they are willing to do that job and they are willing to press themselves to a date. And I think that is a reasonable compromise.

This amendment will ensure—the amendment from the Senator from Ohio—that the committee maintains its right to jurisdiction over those projects, but also will permit Members who have projects in the bill, which are needed—projects like courthouses and other Federal buildings, that can proceed even if they are not acted on by the authorizing committee.

Mr. President, the new Administrator of the GSA has called for a suspend and review of GSA construction and repair and alteration projects. It is my understanding that the review will take approximately 3 to 6 months.

The committee decided it made sense to fund the project instead of creating further delay of perhaps a year on projects that are very important and should move ahead.

I ask the junior Senator from Arizona to point out what project he does not want in this bill. If, after the review of the GSA, it is determined that the funds are not needed, GSA will submit either a reprogramming or a rescission action to the Congress.

I have a letter here from the new Administrator of the General Services Administration, Mr. Roger Johnson, the very individual who instituted the suspend and review, stating his support for the House and Senate action in funding these projects requested by the President for fiscal year 1994.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, DC, July 22, 1993.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Treasury, Postal Service, and General Government, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: With reference to the Senate subcommittee recommendation on the General Services Administration (GSA) appropriation, I thought it appropriate to clarify my position on the funding of construction and repair and alteration projects for GSA for fiscal year 1994.

During my briefing and the confirmation process it became clear that there was a great deal of concern about many projects and the process leading to buildings construction. During confirmation hearings I stated that I felt it prudent to conduct a review characterized as "suspend and review" of all GSA construction projects with the exception of those currently under construction and those which involve fire and life safety. I am confident that this will take no more than 3 to 6 months to complete.

In the interim, I support the actions taken by the House and Senate Appropriations Committees to fund those projects included in the President budget request. After the review, if it is determined that funding is not needed for these projects, I will submit requests to the Congress for reprogramming or rescission action. Deletion of funding at this time would presuppose the outcome of the review and in those cases where GSA may reaffirm original construction decisions, delays and further costs could result if funding is not provided in fiscal year 1994.

I or Dennis J. Fischer, Chief Financial Officer, stand ready to help in any way. We can be reached on (202) 501-0800 and (202) 501-1721 respectively.

Sincerely,

ROGER W. JOHNSON,
Administrator.

Mr. DECONCINI. I want to underscore, Mr. President, just one part of the letter. Mr. Johnson says:

> I support the action taken by the House and the Senate Appropriations Committees to fund those projects included in the President's budget request. After the review, if it is determined that funding is not needed for these projects, I will submit requests to the Congress for reprogramming or rescission action. Deletion of funding at this time would presuppose the outcome of the review and in those cases where GSA may reaffirm original construction decisions, delays and further costs could result if funding is not provided in fiscal year 1994.

So he is talking about doing it in a managed way—review them, but go ahead and appropriate the money. He is going to look over every project that is pending now before the GSA and come back to the Congress, which is exactly what the GSA ought to be doing.

Of the 23 projects funded in our bill, only Boston, the FDA consolidation, and the Tampa Courthouse have been authorized by the Senate Environment and Public Works Committee. All the rest of those buildings, which I submit are needed and should be at least submitted to the authorizing committee with some limits on it, are needed. And they have not been acted upon.

Why? It is up to the members of the committee to respond.

However, the bulk of the projects in the committee bill have been authorized by the House Public Works Committee in February of this year. The majority of the buildings receiving funding in this bill before us are U.S. courthouses. These projects are not pork barrel. These projects are needed for the judiciary to carry out its case load.

Anybody who will look at the judiciary caseload will see that they are inundated. They cannot breathe today in some of our courthouses. Ask the litigants, ask the business people who try to get their civil case before a U.S. district judge. They cannot.

I am willing to wait and give the Environment and Public Works Committee sufficient time to review these projects. I think that is proper. That is why the Senator from Ohio has worked so long with the Senator from Montana to put together this compromise, and the Senator from Rhode Island, as well.

I do not have any dispute with the committee's right to jurisdiction over these projects. However, due to the inaction in the past, the Members who have projects in this bill need some assurance that the committee will act. If the committee believes some or all of the projects are unjustified or needed to be modified, then it should take official action. I continue to believe we should have a true authorization bill, and that is fine if we have a true authorization bill.

The junior Senator from Arizona has offered to change the whole law. The present law as to Federal buildings says "No appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building"—et cetera.

Then it goes on to say if, "* * * the lease has not been approved by resolution adopted by the Committee of Public Works and the Senate House of Representatives respectively." That is the law today.

So the Senator from Arizona is suggesting we change the whole law on an appropriations bill. It is very important that we look at what we are asked to do by this second-degree amendment. We are asked to come in here and change the whole process for authorization. I submit this is not the Armed Services Committee where we are authorizing weapons systems that go into billions of dollars of overruns. We know what we are doing here and we appropriate for these buildings on the basis of need.

The underlying amendment has the support of the chairman and the ranking member of the committee. I think this is a very reasonable and a very moderate compromise when we have the need for the buildings and the authorizing committee has not done their job by resolution. And they are committing themselves to do that, and they have the power to say no. They can look at these buildings and say, "Sorry GSA, we do not approve them." And they have 6 months to do it.

If that is not a reasonable alternative, I cannot think of anything better. I think not to have a deadline here, where we would come up as to a time certain that we knew whether or not there were going to be these buildings built, is a disservice, particularly to the judiciary but to any Federal project that is needed. These Federal projects are needed today. So if we adopt the language of the Senator from Arizona, we do away with the date and thereby we will never see the buildings if we have the past experience.

As the Senator from Ohio has indicated, and the Senator from Rhode Island, they will proceed on that basis. I think that is a reasonable approach, and I hope the body will reject the amendment of the Senator from Arizona.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, let me request senior Senator from Arizona read the amendment. The amendment—and I repeat and I am sorry he either was not listening or did not understand the amendment as I explained it. The only change in this amendment from the Metzenbaum amendment is that after 6 months, a 6-month timeframe which is called for in the Metzenbaum amendment for the projects to be authorized, that then the money will not be spent.

How in the world can one justify the expenditure of nearly $1 billion without an authorization in which they have 6 months to make it in? I am not changing anything fundamental law here. I am modifying the Metzenbaum amendment, and the Metzenbaum amendment is the one that is changing the law. All I am doing is modifying the Metzenbaum amendment that calls for a 6-month period in which these projects should be—in the words of the Metzenbaum amendment—authorized.

The difference between my amendment and the Metzenbaum present amendment, as it is presently stated, is that after 6 months if they are not authorized, the money is spent in the Metzenbaum amendment. In this amendment, after 6 months the money is not spent.

That is very simple. The senior Senator from Arizona asked what projects do I find objection to? None. I find no objection to any of them. I agree that the courthouses throughout the country are needed. As our justice system expands and we continue to have a litigious society and failure of this Congress to enact tort reform or product liability reform or malpractice reform, we will continue to need more and more courthouses.

The reality is after 6 months, between now and February, the chairmen, just 10 or 15 minutes ago, both said we will authorize these projects. I take them at their word.

I hope the senior Senator from Arizona will take them at their word and not be concerned with this amendment because it will never apply. It will never apply unless an entire 6 months elapses and the Environment and Public Works Committee does not take up the authorization of these projects.

So I ask the senior Senator from Arizona to understand, really, what this amendment is about. It is not cataclysmic in nature. It simply calls for an authorization, as the Metzenbaum amendment does, of the projects. And if they are not authorized, then the money should not be spent. I cannot imagine the justification for spending this money if 6 months goes by.

I am not saying these projects should not be begun. I am saying they should be authorized, and that is really the role of the authorizing committee. And I also heard—again I repeat—the chairman of the Environment and Public Works Committee, the ranking member and others, talking about how outrageous this situation was, and it would never happen again. I support that view. They are much more knowledgeable on this process than I am and I cannot imagine why the senior Senator from Arizona would find this amendment so objectionable.

So I will be glad to explain the amendment several times to the senior Senator from Arizona. I probably will have to. But facts are facts, and that is what it says.

Mr. DECONCINI. If the Senator will yield?

Mr. McCAIN. I would like to complete my remarks, Mr. President.

I understand the emotions associated with the senior Senator from Arizona, but he should extend the courtesy to me of allowing me to finish speaking.

Again I find it really hard to understand why, if after a 6-month period elapses—which the chairman and ranking member are both committed to—to authorize these projects, then additional money should be spent.

I repeat, I find no project here objectionable. I do not know anything about them. I am somewhat familiar with the project in Phoenix, AZ, and I have been convinced by many people that project is vital and of the utmost importance. I not only do not object to it, I support it. But I think we should proceed, no matter where the project is, in any part of the country, in an orderly manner as set down by the rules of the U.S. Senate.

Let me just make one additional point here—and I think my friend from Ohio might be interested in this. I think there is a constitutional problem with the Metzenbaum amendment, and I am told by our parliamentary staff here that there may be a constitutional problem with the Metzenbaum amendment. I will consider—and I tell my friend from Ohio—challenging that on that ground. I am told by the experts if I did, this amendment may be disallowed on constitutional grounds.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. The reason I interrupted my friend from Arizona is he asked me a question, what the fundamental change of the law was.

First of all, we did not get the amendment until he brought it here to the floor. But if you look at the amendment it says, "signed by the President." That is a change in the law. There is no signing by the President. It is done by resolution from the committee today. If that is not a change in the law, I do not know what is. So it is clear there is a change in the law.

What we are trying to do is get some Federal buildings scrutinized carefully by the Public Works Committee, which is proper. And we put a time limit on when to do it.

The junior Senator from Arizona says let us just make it all year. And what happened? Last year the committee did not act on buildings at all—for the whole year. And the Appropriations Committee did act. And the buildings were needed. And now we have courthouses that are needed today—and I can read them.

The Senator says he is not against the courthouses, but in fact he is. He is opposing these courthouses because if the committee does not act, take some action, they are not going to be approved—they are not going to be appropriated, rather—and they are not going to be built. These buildings are needed and that is why they are in this bill, and I challenge the junior Senator from Arizona to show us why these buildings are not needed. You can stand up and say, yes, let us not do any buildings, but if you have the responsibility to see the judiciary has the necessary buildings, that the Center for Disease Control in Atlanta has the necessary buildings, then it is time for us to act.

If you do not want to, then vote against it. But it is very clear what we are trying to do here—and we have made accommodation, I think, with the authorizing committee.

I thank the Senator from Ohio. He feels very strongly about this subject matter, and we have talked about it on many occasions and we worked out a process here that, indeed, would in essence force the committee to act. They may turn them all down. I do not have jurisdiction in that committee. I have to go and ask them, and that is their job, and they are willing to do it.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I want to say if this were a perfect world, we would not be here having this debate. Certainly, if you look at the textbooks, you see that authorizations go forward and then appropriations come down the pike.

But as I understand it, and I am just new to this particular appropriations subcommittee, there has not been an authorizing bill for public works passed by both Houses and signed by the President since sometime in the 1970's.

There are many reasons for that. The work of the authorizing committees has been very heavy. The current law says that there have to be resolutions from the committees to approve these measures. The committee has been busy and the committee members can speak to the reasons why the resolutions have not been adopted. But the fact remains that on this subcommittee we have the responsibility of providing funding for needed buildings.

Our ability to move an authorization bill is not within the scope of our committee. But the needs continue to grow, the work needs to go forward in assuring we have the necessary public facilities and spaces.

While the proposal outlined in the amendment offered by the Senator from Ohio is not the traditional form of authorization, it does give the committees an opportunity to consider it in light of their entire workload. Again, while it is not a perfect means of proceeding, it happens to be better than total inaction, which we would have had, had we had in place the rewrite of the basic law which is proposed in the second-degree amendment.

As a matter of current law, a resolution of the two committees is provided. That is the means by which authorizations of courthouses go forward.

Before I got on this committee, I had some experience with courthouses. It is not always the most pleasant thing to deal with. Sometimes you find that courthouses can be very challenging pieces of legislation, wherever they crop up. I happen to think that this means of solving the problem of courthouse authorization is preferable to others that I have seen.

Having participated in some of the others, I strongly urge my colleagues to support this means of assuring that courthouses are authorized, or at least the committee of jurisdiction is given the opportunity to act upon them.

Having seen it both ways, Mr. President, I urge that our colleagues reject the second-degree amendment so that we may accept the amendment of the Senator from Ohio.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, let me see if I can put this matter in proper perspective. The Senator from Arizona, the Chairman of this subcommittee of the Appropriations Committee, was moving forward with these various authorizations for the building of a number of buildings. That was not looked upon favorably by the authorizing committee that has the right to approve or disapprove of these buildings.

I went to the Senator from Arizona [Mr. DECONCINI] and worked out an arrangement where we would have 6 months in the authorizing committee to either approve or disapprove each of the projects with the understanding that if we took no action at all, then there would be no further action needed and the projects would be authorized and approved by reason of the appropriations bill.

The junior Senator from Arizona has offered a second-degree amendment. I think he is well-intentioned, and I think he means to do the right thing. I understand what he is trying to do. He is trying to flip the matter, give us the flip side, to require prior authorization and to say that if there is no authorization, then the project is dead. I understand that part.

He has gone further than I think he may have realized he was going and, as a consequence, would create a major problem because, as the distinguished Senator from Missouri, a manager of the bill, has pointed out, today you need only a resolution of the authorizing committee of the House and the Senate with respect to an appropriations being made.

Under the second-degree amendment of the junior Senator from Arizona, you would need far more than that. You would need action by the Senate Environment and Public Works Committee and the House Committee on Public Works and Transportation, the entire Senate and the House of Representatives and signed by the President. That is not required under the law as it is at the present time, and the Senator from Missouri has pointed that out. The Senator from Missouri pointed out that all you need now is a resolution of both of the authorizing committees.

I want to make this clear to my colleagues, that this does not go that far. This amendment of mine does not go that far, and my guess is that the House will have something to say about it.

Under my amendment, all that is required is that the Senate authorizing committee approve of the bills, and if the House authorizing committees wish to have the same authority, they will have to make their point when the matter gets to the House.

But I would say in spite of the fact that I think the junior Senator from Arizona is well-intentioned and wanted to change the matter of whether or not you need prior authorization in order to go forward or whether or not—if you did not have the authorization that it would stop the project, I understand his point.

I think that his amendment, as drafted, would require more than just a resolution of each of the committees. You would have to have action by the House, full House, full action by the Senate, full Senate, and signed by the President. I believe that goes much further.

I think that the middle ground of both Houses being required to authorize makes sense. That is not the understanding I reached with the Senator from Arizona. My amendment only requires authorization from the one committee, that is our committee, and if the House wishes to provide for that authorization, they can do so at the appropriate time.

So under the circumstances, Mr. President, it appears—I see the Senator from Missouri on the floor, so I yield the floor.

Mr. BOND. Will the Senator from Ohio yield?

Mr. METZENBAUM. I certainly do.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it has been called to my attention—and I wonder if the Senator from Ohio has better information—that the resolution process was actually begun back in 1959. I have been told by staff that the last public buildings authorization law passed by both Houses and signed by the President was, perhaps, 1946. Does this sound possible?

Mr. METZENBAUM. Even though I have been here quite a while, that is before my watch. I cannot answer that. It sounds reasonable because I know of none in the number of years I have been in the Senate.

Mr. BOND. Mr. President, I will only inquire further, if it has been 47 years since we have had an authorization bill, I ask what the likelihood that we would get another one, as outlined in the second-degree amendment, in the foreseeable future might be?

Mr. METZENBAUM. I doubt that such a measure would pass with any promptness. My guess is if it started coming down the pike, we would pick up 111 amendments before it was finally brought to fruition. It might become a Christmas tree for many other buildings around the country, and I think it would be much more difficult.

The way we operate now, with the authorizing committee having the right to approve or disapprove by resolution, I think is much more in the public's interest as far as protecting the taxpayers' dollars.

Mr. BOND. I thank the Senator.

Mr. McCAIN. Mr. President, the Senator from Missouri pointed out it has been many years since there has been authorization and appropriations. I think he just dramatically pointed out why the American people think so little of this institution. We cannot even follow our own required rule, and that is to authorize, appropriate, and have the President sign laws which authorize spending of their hard-earned tax dollars.

So I think it makes another argument for the passage of this amendment. If we want to continue what has been going on for 40 or 50 years or whatever it is where we spend billions and billions of the taxpayers' dollars without authorization, without it being in law, then that may be satisfactory to the Senator from Missouri; it may be to everybody else, but it is not to this Senator. And I will tell you, it is not to the American people. If the Senator from Missouri believes in a process where we spend billions of dollars without laws being passed and signed by the President, that is fine with me. But I guarantee you, it is not fine with the people of Arizona.

So if this amendment somehow requires before we spend billions of dollars of the American people that it be signed into law, then so be it, Mr. President. I think that the Senator from Missouri just made a good argument for the passage of this amendment.

I yield.

Mr. BAUCUS. Mr. President, I understand and appreciate the concerns of the Senator from Arizona because it is true that people in this country are concerned about the use of their taxpayers' dollars. I share that concern.

As the junior Senator from Arizona knows, the Committee on Environment and Public Works, has not been diligent in authorizing in the various GSA projects prior to Appropriations Committee action.

For reasons I have already explained the Committee on Environment and Public Works has not approved prospectuses this year. I became chairman of the Committee on Environment and Public Works earlier this year. When this matter of GSA was brought to my attention, I decided immediately it was a matter that was going to be corrected. I decided that the Committee on Environment and Public Works would exercise its oversight role and look at these projects one by one to examine their merits, and then decide which of these projects should be authorized and which projects should be disapproved.

I can tell the Senate that one of the most valuable members of our committee is the Senator from Ohio [Mr. METZENBAUM]. I do not know anybody in the Senate who is a better protector of the taxpayers' dollars than Senator METZENBAUM. He is brutal. He looks at every comma of every contract. He looks at every dotted "i," every crossed "t." He, as one with deep experience in private industry, knows where the waste is in the Government's leasing and construction program. He knows how various private contractors or operators of buildings might want to take advantage of Uncle Sam. We are lucky to have Senator METZENBAUM on our committee. This year he is charged with, because it is a matter he wanted to be charged with, trying to find the ways to be sure we are doing a good job with respect to GSA.

In addition, I must remind the Senator from Arizona that we still have the appropriations process. Senators have more than ample opportunity to exercise their responsibilities to determine which buildings should receive appropriations and which buildings should not.

I very strongly urge the Senate not to agree to the amendment offered by the junior Senator from Arizona. It is unnecessary. It is further gridlock. It is going to gum up the process even more. The American people do not want more gridlock. They want less gridlock.

I can say to the Senator that the process we have worked out in the underlying amendment is the best way to know which buildings should receive appropriations and which ones should not. Those buildings that are authorized should receive appropriations, if the Appropriations Committee concurs.

For these reasons, I urge the Senate not to adopt the amendment. If the Senator from Ohio moves to table the amendment, I urge all Senators to vote in favor of the motion to table.

Mr. DECONCINI. Mr. President, on behalf of the Senator from Montana [Mr. BAUCUS], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Missouri, I move to table the amendment of the Senator from Arizona and ask for the yeas and nays.

The PRESIDING OFFICER [Mr. AKAKA]. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Arizona. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—65

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Danforth
Daschle
DeConcini
Dodd
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Wellstone
Wofford

NAYS—34

Bennett
Boren
Burns
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Dole
Domenici
Dorgan
Durenberger
Faircloth
Gramm
Gregg
Hatch
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
McCain
Murkowski
Nickles
Pressler
Roth
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Pryor

So the motion to table the amendment (No. 738) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, the pending business now is the amendment of the Senator from Mississippi?

The PRESIDING OFFICER. The pending amendment is the Metzenbaum amendment.

Mr. DECONCINI. Mr. President, the pending business is the amendment of the Senator from Ohio?

The PRESIDING OFFICER. The Senator is correct. Is there further debate?

Mr. DECONCINI. Yes. I want to thank the Senator from Ohio for his cooperation, along with the Senator from Montana and the members of the Public Works Committee, for making what I think is a very credible arrangement to see that the jobs of both committees are carried out and that the Government buildings may proceed as necessary. I thank those who supported the motion to table.

I am prepared to accept the amendment at this time.

Mr. BOND. Mr. President, it is acceptable on this side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 737) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 736

The PRESIDING OFFICER. The pending amendment is the Lott amendment No. 736.

Is there further debate?

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I believe on both sides we are willing to accept the amendment by the Senator from Mississippi.

I ask unanimous consent that the yeas and nays be vitiated.

Mr. LOTT. Mr. President, reserving the right to object, and I will not object, I learned a long time ago if you win without a recorded vote you take it when you can get it.

I am sure also that the two distinguished leaders of the committee will fight hard to save this money in the conference. Therefore, I have no objection.

Mr. BRADLEY. Mr. President, reserving the right to object, I think the distinguished Senator from Mississippi has made a correct decision. I strongly support his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment (No. 736) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 31, LINES 7 TO 13

The PRESIDING OFFICER. The pending amendment is a committee amendment on page 31, lines 7 to 13.

Is there further debate?

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 739

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. President, I ask unanimous consent that the first committee amendment be set aside so that this amendment may be offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. KENNEDY, Mr. KOHL, Mr. METZENBAUM, Mrs. MURRAY, Mr. PRYOR, Mrs. BOXER, Ms. MIKULSKI, and Mr. KERRY, proposes an amendment numbered 739.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, on line 19, delete the period and insert: ": *Provided*, The Secretary of the Treasury or his delegate (hereinafter referred to in this section as the "Secretary") shall establish and hereinafter administer a program requiring the payment of an annual fee of $375 for the processing of applications (including renewals) for licenses to engage in the business of dealing in firearms, required by sections 923(3) (B) and (C) of the Gun Control Act (18 U.S.C.) and the regulations issued thereunder and all other compliance activities related to firearm dealers. The fees provided for herein shall be effective for applications filed 90 days from the date of the enactment of this Act: *Provided further*, That fees will be collected by the Secretary of the Treasury or his delegate pursuant to this section, of which not to exceed $19,700,000 shall be retained and used for the specific purpose of offsetting costs of the Bureau's Firearms Licensing and Compliance Program, notwithstanding 31 U.S.C. 3302(b), and any fees collected in excess of $19,700,000 shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That the sum appropriated in this Act for salaries and expenses of the Bureau of Alcohol, Tobacco and Firearms shall be reduced not more than $19,700,000 as fees are collected pursuant to this section so as to result in a final fiscal year appropriation estimated at $368,046,000: *Provided further*, That the Bureau of Alcohol, Tobacco and Firearms shall increase by a number not to exceed 300 its number of full-time equivalent positions in the firearms licensing and compliance program in fiscal year 1994."

Mr. SIMON. Mr. President, I do not want to fool anyone. This is going to be somewhat controversial.

This is an amendment that increases the fee to become a gun dealer from $10 a year—if I may have order, Mr. President.

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

The Senator from Illinois.

Mr. SIMON. This increases the fee to become a gun dealer from $10 a year to $375 a year.

The Bureau of Alcohol, Tobacco, and Firearms says that to inspect costs between $375 and $500 a year for someone for a license. I have taken the more conservative of those two figures, the $375, so the taxpayers do not need to pay for licensing more gun dealers.

We now have more gun dealers in this country than we have service stations in this country. Two-thirds to three-fourths of these are not the gun dealers that you imagine, what you see on the main streets of our hometowns. They are people who sell guns out of the trunks of their cars. They sell guns in hotel rooms.

And if we do not change the laws—and one of the strange things in this law right now is that the only area where you can only inspect a business once a year unless you have a court order is a gun dealer.

If you run an alcohol establishment, a furniture store, a funeral home, any other kind of business, you can be inspected as many times as the IRS or any other Government agency wants to inspect you. But if you are a gun dealer, you can only be inspected once a year without a court order.

Since 1980, the number of firearm dealers in this country has increased by 113,000 to a total of 287,000. In fiscal year 1992, BATF's licensing center received an average of 2,900 applications every month.

They simply do not have the ability to process these, so we end up with people being dealers who have not been inspected, and we end up with people with criminal records buying guns.

In December 1992, the number jumped to 5,200 applications. It now, incidentally, costs less money to become a gun dealer than it does to join the National Rifle Association.

Mr. BENNETT. Will the Senator yield for a question?

Mr. SIMON. I am pleased to yield to my friend from Utah.

Mr. BENNETT. The Senator is raising an issue about which I know absolutely nothing, so I hope he can enlighten me here.

I would like to know what the inspection consists of and who conducts it and what reports are made. Can the Senator describe for the Senate exactly what happens for $375 and who does it?

Mr. SIMON. The Bureau of Alcohol, Tobacco, and Firearms is the group that does it. Under the present law, they have to be there physically, personally, to do that. It takes personnel, it takes travel time, and so forth.

They are the Federal agency that does this. The cost figure is the one that they have given me. Frankly, I have not audited it. I have found them to be a reliable agency in terms of their cost figures.

Mr. BENNETT. Will the Senator yield for a further question?

Mr. SIMON. Yes; I am pleased to yield.

Mr. BENNETT. How do the people from BATF discover that Joe Bananas, or whoever, decides he wants to be a gun dealer? How does this process work?

Mr. SIMON. The process works this way: Let us just say a fellow named Robert Bennett, from Utah, wants to become a gun dealer. You send in a very simple form right now and you send it in for a 3-year period. You pay $30, $10 a year, and you are a gun dealer.

Right now, they inspect gun dealers, on the average, about once every 20 years.

We are not talking about taking guns away from anyone. We are not talking about a waiting period. I happen to think we ought to have a waiting period. I recognize a lot of my friends in this Chamber do not favor that.

What we are saying is, we ought to be inspecting who is selling these weapons.

It is very interesting, also, if I might add to my friend from Utah, the National Alliance of Stock and Gun Dealers, the people who represent the stores that sell guns, they have indicated that they favor my amendment because they—here is the experience one man from Ohio told me over the phone.

He said:

> My experience is, I turn someone down of questionable character and, all of the sudden, I read in the newspapers that that person has been arrested, bought a gun from one of these fly-by-night operations, somebody who sells guns out of the trunk of his car.

So it is a way of getting control, and it is a way of saying taxpayers should not pick up the tab for this.

Those who sell guns ought to pick up the tab for this.

Mr. BENNETT. Is the Senator saying if the $375 is adopted that the number of inspections will go up? I can clearly see somebody who is selling out of the trunk of his car is not going to get inspected. They are not going to be able to find him without considerable effort to look for him.

Mr. SIMON. The answer is, when you apply then they have a chance to go to your address in Idaho, or Utah, or Kentucky, or Arizona, or wherever it may be and they have a chance to inspect and they have a chance to check the record.

What this would do would be, frankly, to discourage some people from gaining licenses, I think, and it would permit the Bureau of Alcohol, Tobacco and Firearms to do the kind of inspections they ought to do.

Mr. BENNETT. Of what does the inspection consist? If they come to inspect Robert Bennett's apartment, what are they looking for? What do they ask for? What procedure do they go through?

Mr. SIMON. I will answer this question and then I am going to get back to——

Mr. BENNETT. I thank the Senator for his courtesy. I appreciate the education he is giving me.

Mr. SIMON. The answer is they will inspect the premises, they will inspect whatever records are there, they will do the usual kind of character references, they will check with the police. You know, the usual kind of things you would do to make sure whoever wants to be a gun dealer is a responsible person.

Mr. BENNETT. Do they have the ability to turn the application down?

Mr. SIMON. Yes; and they have that ability right now. They do not have the resources. They are just flooded with these things.

Mr. BENNETT. I thank the Senator for his courtesy.

Mr. SIMON. And I thank my colleague from Utah who, I might add, is one of the better new Members of this body. I am very pleased to have his inquiry.

Right now, incidentally, fewer than 10 percent of dealer applicants undergo any kind of a study, simply because they do not have the resources to do it. It is too expensive.

As I indicated before, only one-quarter of places that sell guns are actually storefront places that sell guns.

Mr. CRAIG. Will the Senator yield?

Mr. SIMON. I will be happy to yield when I finish my remarks. Let me finish my remarks first.

ATF estimates an increase in the license fee to $375 would reduce the total number of firearm dealers from the current 287,000 to somewhere between 40,000 and 70,000. It would, no question, reduce the number. It would also enable ATF to inspect everyone. And that, it seems to me, really makes sense.

If I may say to my colleagues who are here, the city of Chicago last year had 927 deaths by firearms. Toronto, Canada, with a similar population, had 17.

The city of Chicago had 4½ times as many as the entire country of Canada. What is the difference? Is it the number of weapons, that we have more than in Canada? No. They are more careful about who owns a gun and who becomes a dealer. This attacks one of those two problems. I hope we do the right thing in passing this. It would discourage people from just, on a whim, getting out and buying a gun.

Let me add finally, and then I will be happy to yield to my colleague from Idaho, this amendment is supported by the Fraternal Order of Police and the International Brotherhood of Police Officers. It is also supported by the National Alliance of Gun Stocking Dealers, which represents the storefront places that sell guns.

I think this amendment makes sense. It does not take one gun away from any citizen. It does mean we have an ability to check a little more carefully who sells guns. That I think is something that makes sense.

Second, it says for the first time in a long time that the inspections should be supported by those who want to get that license, not by the taxpayers of this country. We do not need to subsidize having more gun dealers.

I do not know if my colleague from Idaho still wants to ask a question or not?

Mr. CRAIG. I thank the Senator from Illinois for yielding. I do.

The information he is providing is of concern, especially because of, obviously, an effort to put approximately 300 more full-time employees into the field. Our colleague from Utah had been asking a series of questions that relate to what this inspector does. Is there, of the license applicant, a background check as to this person's credibility? Is there a period of time in which there is an extensive review or background check of the individual? How will BATF proceed in this effort?

Mr. SIMON. Right now, as Senator FEINSTEIN just pointed out to me, and as I mentioned earlier, they are now inspecting about 10 percent. And this would permit——

Mr. CRAIG. That is a rolling 10 percent annually?

Mr. SIMON. They check about 10 percent of those who apply.

Mr. CRAIG. I see, on an annualized basis.

Mr. SIMON. What we clearly need is more care on this.

Mrs. FEINSTEIN. Will the Senator yield on this?

Mr. SIMON. I am happy to yield the floor because I know my colleague from California, who is a cosponsor of this, wishes to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, just in response to the question, it is generally fewer than 10 percent of dealer applicants who undergo an actual inspection in the form of either a personal interview or an on-site visit. Once licensed, according to ATF, the typical dealer is audited by Federal inspectors only once every 20 years. So you have 10 percent inspected, you have them audited only once every 20 years.

Let me tell you what this has meant for the State of California. In California, we have 25,000-plus gun permits. There are more firearm dealers than there are high school teachers in the State of California. Los Angeles County has 4,225 permits issued. It has the most federally-licensed dealers of any county in America.

Right now what is happening is a real rash of anonymous people selling guns out of cars, out of hotel rooms, in parks, wherever they can do it. They do it by getting a $10 license. They are never really investigated.

Just this past Tuesday—Senator BENNETT might be interested—the Los Angeles Times indicated that a 23-year-old by the name of Josh Daniel Lee paid his $30 2 years ago, got a 3-year Federal firearms dealer license, and was just arrested for selling illegal machine guns and other weapons out of his parents' home to the Fourth Reich skinheads. That is the hate group that planned to use Lee's guns to kill Rodney King and to destroy one of the largest Methodist churches in Los Angeles, the First African Methodist Episcopal Church. Fortunately, Federal and State law enforcement were able to arrest him prior to the attack.

There is another Los Angeles story that might be helpful. A shop that is actually in the outskirts of skid row, a federally-licensed gun dealership known as "Chuck's Guns," operated out of room 744 of the Frontier Hotel. It sold on a cash-and-carry basis more than 122 weapons which were put on the streets, according to local authorities. In this case the Federal authorities discovered the black-market gun shop and the dealer was sentenced to 46 months in Federal prison.

I have many of these examples. What Senator SIMON's legislation aims to do, and the reason why I support it, is provide enough money by raising the fee to see to it that these people can be checked for background, for stability, for criminal records, for mental competency—prior to the issuance of a Federal license.

I am told that in 1991 the ATF issued 270 licenses a day for a total of 91,000 new and renewed licenses. There is a huge backlog of licenses that cannot be checked.

And that is one of the reasons why the legitimate gun dealers want this legislation, because it removes the kind of illegal competition that is not done by reputable people and provides an opportunity for the Alcohol, Tobacco and Firearms unit to really check into the potential licensees.

I think it is prudent. I think it is right. I think in my State, California, it will be a big help to see that the unstable and the criminal do not get gun licenses, dealership licenses.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mrs. FEINSTEIN. Certainly.

Mr. BENNETT. Help me understand the mechanics again. If we adopt the Simon proposal, we are raising the price from $10 to $375. At the present time, when someone applies for a license, they pay 3 years in advance, or $30.

Would this mean that the price for someone seeking to become a gun dealer would be three times $375, or would it be $375, with $375 paid in subsequent years?

Mrs. FEINSTEIN. It is my understanding it is $375 for the same length of time. There is no change in length of time. Is that not correct?

Mr. SIMON. It would be an annual $375.

Mr. BENNETT. An annual $375.

Mr. SIMON. That is correct.

Mr. BENNETT. Mr. President, the reason I raise that issue—I certainly have no sympathy for the cases the Senator has cited about what has been going on in Los Angeles. As I tried to analyze how this might affect my State of Utah, I can realize that in some rural areas where someone might seek to purchase a hunting rifle from a local dealer and there might not be a dealer in that rural area, if someone is saying, "I will apply for a license to become a dealer so I might supply hunting rifles to this relatively small population," three times $375 would be prohibitive in allowing that kind of thing to happen.

So I appreciate the clarification that it would be $375 per year, rather than multiplied by three, as is the present circumstance.

Mr. METZENBAUM. Mr. President, I am pleased to join my good friend and colleague from Illinois in offering this amendment. I strongly support the amendment.

The current license fees for firearms dealers—$25 per year for pawnbrokers and $10 per year for other dealers—are a pittance. These fees have remained unchanged since the enactment of the Gun Control Act 25 years ago. It is ridiculous that it is easier to get a license to sell firearms, including a semiautomatic AK-47, than to adopt a pet, obtain a marriage license, or get a library card. It is patently absurd that our system of regulating the most dangerous consumer product in America—firearms—includes a dealer license fee that is cheaper than a license to import milk. This amendment will help restore some sense to our firearm licensing system.

Not surprisingly, the nominal cost of a dealer's license has contributed to the skyrocketing growth in the number of applications and licensed dealers. The number of firearms dealers in this country has more than doubled since 1980, while during the same period the Bureau of Alcohol, Tobacco and Firearms [BATF] has had to cut the number of its agents investigating these dealers by 13 percent.

There are now more gun dealers in America than gas stations. With 287,000 dealers in this country, and 6,000 applications each month, the BATF, with its limited funds, cannot possibly hope to monitor firearms dealers effectively. The numbers have simply been growing beyond the capacity of the BATF to keep up.

In order to become a firearms dealer, an application must be filed with the BATF and the BATF must issue a license. Upon receiving a license application, the BATF has 45 days to approve or deny the application. During this period, the BATF must determine that the applicant is not a felon, a fugitive, a drug addict, or mentally ill. In addition, the BATF must ensure that the applicant is at least 21 years of age; has a place of business from which he will deal firearms; has not violated any provision of the gun control laws; has not falsified his application; and is not an illegal alien. Needless to say, this is a huge and vitally important task. Yet, if the BATF cannot complete its investigation within 45 days, the applicant can sue the BATF to compel it to grant the license. Straining under these conditions, the BATF is now able to inspect, by personal interview or on-site visit, fewer than 10 percent of dealer applicants. Once licensed, even such minimal inspection is not possible. On average, a dealer is audited once every 20 years. I want to repeat that because it is so unbelievable. On average, a dealer is audited once every 20 years.

The easy affordability of dealer licenses is creating a dangerous situation. Some individuals who have dealer licenses have supplied guns to neo-nazi groups, gang members, drug dealers, international firearms traffickers, and terrorists.

Moreover, because current fees are so low, individuals are encouraged to obtain a dealer's license, even if they have no intention of dealing in firearms, just so they can obtain personal firearms in bulk at wholesale prices.

The minimal fees also provide a golden invitation to evade the law. Most State and local laws that impose waiting periods and one-gun-a-month restrictions do not apply to dealers. So those laws can easily be circumvented by an individual simply by becoming a dealer. The evidence of such widespread abuse of the system is overwhelming. In a recent sampling, 73 percent of gun dealers had less than 10 gun transactions in the preceding year. The proposed fee increase will discourage many individuals from obtaining a dealer's license to evade the law.

Obviously Mr. President, the current $10 fee is a sham. It does not even cover the costs of processing paperwork and issuing a license. The proposed new fees are necessary to respond to the rising costs of processing and investigating license applications, renewals, and periodic inspections. American taxpayers are presently bearing the burden of these costs. Firearms dealers and their customers should bear these costs. The increase in fees also would enable BATF to do thorough computer checks and to conduct on-site visits and background checks for every applicant.

Mr. President, it is time to update the fee for a license to deal in firearms as part of an effort to modernize our system of firearms regulation. Such fees should be set not at a level that encourages any individual to become a firearms dealer but at whatever levels is necessary for an effective licensing system.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Texas.

Mr. GRAMM. Mr. President, I do not think people ought to be selling machine guns without a requirement that they have a license to do it. That is not what this amendment is about. I am against black market gun dealers, but that is not what this amendment is about. Both those actions would have been illegal under the current law, and they will be illegal under this proposed law.

Let me explain who these 50,000 to 75,000 people are who are going to be put out of business by this amendment. The purpose of this amendment is to impose a new tax that the author tells us, the studies tell us, will put 50,000 to 70,000 people out of business. Who are these people?

If you go to any Western State on a Saturday in the spring or summer, you can find in most good-sized towns on a rotating basis a gun show. What happens is that people—many of them are people who are working—plumbers, carpenters, lawyers, accountants, whatever—collect guns, and they may collect a certain kind of old shotgun, Remingtons from a certain date, or they may collect lever-action Winchesters.

What they do is they get a license and they go to these gun shows. They pay a fee to participate in the gun show, and they may have six guns for sale. They buy and sell guns all day long, and then the show closes up and they go home.

They do this, A, because they like it, they like collecting guns; and B, because it is a part-time business for them. They have met the existing Federal licensing requirement. They pay a fee. They are required to meet certain specifications in applying for the license. These are basically part-time gun dealers who are trying to supplement their income by participating in these shows.

Many of them are sportsmen. Most of the guns that are being sold are guns that are used for rabbit hunting or squirrel hunting or bird hunting. This is something that a lot of people get a great deal of pleasure from, and at a time when Congress is trying to raise taxes on their gasoline and their Social Security and their income, they are working to try and supplement their earnings.

I do not understand for the life of me why we want to put 50,000 to 70,000 people out of business by raising the licensing fee to $375. I am opposed to it. I understand that there are many people who serve in Congress who are against the second amendment right to keep and bear arms. That is a position that I strongly disagree with.

But what we are doing is driving 50,000 to 70,000 people out of business. For the life of me, when the economy is in a recession, when we see, in fact, meeting in every dark, dingy corner of this Capitol, Democrats who have gotten together to try to agree on a tax bill to raise gasoline taxes on these very people, why we want to raise a licensing fee that we know will put 50,000 to 70,000 people out of business, I do not understand.

Mr. SIMON. Will my colleague yield?

Mr. GRAMM. Let me finish my point, and then I will be very happy to yield. What is wrong with people having a part-time business?

A while back, I was in Iowa doing some events for our colleague, CHUCK GRASSLEY. So I went to a gun show. I would guess there were probably 300 or 400 people at the gun show. I went around and looked at all their wares, basically a bunch of old antique guns, some of them very nice, some of them in fairly rough shape; but basically people swapping guns, selling guns, buying guns. These are people who are basically gun collectors and hunters. What this amendment is going to do is put those people out of business.

I do not see how that is going to serve any useful purpose. That is not going to prevent some criminal from selling or stealing machineguns. That is illegal anyway. This amendment is not going to prevent a black market sale of guns. That is illegal anyway.

What this is going to do is put legitimate gun enthusiasts who have a small hobby-related business, where they are trying to make a few thousand dollars a year to supplement their income, out of business. It is also going to mean that for somebody who wants to go out and buy a used 20-gauge shotgun for his 14-year-old son or daughter, that rather than being able to go to a gun show where there is an active market in used shotguns, they are going to, in all probability, since that market will be taxed out of existence, they are going to have to go to a gun shop where somebody is paying overhead and they are probably going to have to buy a new shotgun.

That is great if you make $135,000 a year. But if you make $22,000 a year and you want to buy Johnny a used shotgun, that is not a good deal.

So I understand the position that there are some people who would like Johnny not to have a shotgun, but it is not illegal for Johnny to have a shotgun.

I hope that it will never be illegal in this great country of ours.

What I am saying is that in listening to the debate it is as if this small business person has somehow become some shady person. This is Joe Brown in Iowa, who is in the plumbing business, who on Saturdays works all these gun shows and makes $3,000 or $4,000 a year in extra income. This guy is the backbone of American democracy. Why anyone would want to put him out of business, I do not know. It just defies logic. I suspect the people who are offering this amendment and are voting for it have never been to a gun show. They do not know anything about Mr. Brown, and maybe they do not care. But I care about him, and his well being is my concern.

I would be very happy to yield to my dear colleague.

Mr. SIMON. I thank my colleague for yielding. My question is not going to be how come the Senator was at a gun show in the State of Iowa for some strange reason. I do note my friend from Texas is getting to Iowa and New Hampshire a bit lately. I have gone through that experience and I commend him for that.

Mr. GRAMM. The Senator obviously did not attend a gun show or he would not be offering this amendment.

Mr. SIMON. Let me just say to my colleague from Texas, I live in hunting territory down in deep southern Illinois, near the State of Kentucky. We have 12 acres out there right next to the Shawnee National Forest. Days I am home—and I am not home much more often than my colleague from Texas, I am sure—I see more deer than people. I am around hunters all the time. I am around people who use guns all the time.

But I say to my friend from Texas, I have heard his orations on this floor against subsidies. BATF says it costs them $375 per inspection, and those people are paying in $10 a year. That means the taxpayers of Texas are subsidizing these gun dealers.

We are not trying to put anybody out of business, although it is interesting that the people who really are in the gun business support my amendment. Those small stores that sell guns, they are for this amendment.

But I would assume, having heard the very powerful orations by my friend from Texas against subsidies, that he would be against the taxpayers of Texas and other States subsidizing people who want to become gun dealers.

Mr. GRAMM. Mr. President, I reclaim my time.

Mr. LAUTENBERG and Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. GRAMM. Let me respond to two points that I think are relevant.

First of all, if BATF charges $375 to the taxpayers for inspecting one gun dealer, we ought to contract that service out because I believe it can be done a lot cheaper. In fact, had I been a BATF agent, in 2 hours I could have inspected 200 guns at one gun show when I was in Iowa campaigning for CHUCK GRASSLEY.

Now, my point is this. These are part-time business people. These are not criminals. These are people who are basically gun collectors selling used guns. The criminals who are out robbing people and selling drugs, they are not buying used guns. They are buying illegally, or stealing new guns. It is Joe Brown, honest citizen, who wants to buy his son a 20 gauge shotgun who benefits from being able to go to a gun show and buy a used shotgun.

Also, let me say, Mr. President, I am not a bit moved by the fact that the National Alliance of Stocking Gun Dealers supports this amendment. What business in America would not want to eliminate its competition? As Adam Smith, who was the greatest exponent of free enterprise in the history of the world, said, "Never do two businessmen meet even for merriment except that they conspire against the public interest."

Now, what we have here is a group of people, fine people, I am sure, who would like to eliminate these gun show dealers because then Joe Brown would have to go to them to buy a new 20 gauge instead of going to the gun show to buy Johnny a used gun.

So I know why they are for it. But that does not sway me.

The point is this: If we want to ban guns, let us vote on the issue. But what we are doing here is putting 50,000 to 70,000 people out of business. These are small business people. They need these jobs. They are not violating the law. They are operating on these weekend gun shows, and they are not people who, in my opinion, ought to be put out in the street and denied the ability to engage in business.

In terms of going to the gun show, it seems to me that for $375, we could go in and inspect the operation of everybody in the gun show.

So, Mr. President, I think this is a bad amendment for two reasons.

Mr. CRAIG. Will the Senator yield?

Mr. GRAMM. No. 1, as the authors have made clear, as the data shows, this amendment will put 50,000 to 70,000 people out of business, small, part-time business people, not people who are out in some dark alley selling guns but people who are operating in gun shows all over our country, who may go to a gun show on Saturday, spend all day there, sell two used shotguns and maybe buy one and then come home, and they have had a good time and they have made money. And that money could be the difference between sending their son to the university or college or not being able to afford to do it.

Mr. LAUTENBERG addressed the Chair.

Mr. GRAMM. I do not want to put them out of business, and that is what I see this amendment is about. And that is why I am opposed to it.

Mr. CRAIG. Will the Senator yield?

Mr. GRAMM. Certainly, if we are going to do this, we ought to hold hearings on it. We ought to know more about it and at least see what kind of impact it is going to have. We need to give some of these part-time business people an opportunity to come up and tell us their side of the story. I do not know that any of them are here. I am not a gun dealer. I do not know that we have a gun dealer here.

Did Senator CRAIG want to ask a question?

Mr. CRAIG. I do.

Mr. LAUTENBERG addressed the Chair.

Mr. CRAIG. Mr. President, I appreciate the Senator from Texas yielding for a question.

The Senator has just broached an important subject that clearly has to be dealt with in the debate of this amendment. That is, what are the facts at hand?

The Senator from Illinois is suggesting an increase in licensure fees of some $375 because he suggests that that is what BATF will need to process the license fee, and that that will result in a decline, a projected decline in license holders of about 80 percent I think.

I wish to do a little arithmetic for a few moments, and I would like the Senator from Texas to listen because I think there is a problem.

BATF on numerous occasions has suggested that their processing fees are not $375 but around $100. But let me suggest this. Despite the fact that the administration's budget request for the Bureau of Alcohol, Tobacco and Firearms was $3 million less this year than fiscal year 1993, we are talking about now——

Mr. LAUTENBERG. Mr. President, may I ask a parliamentary question. I thought that the Senator had yielded for a question. And if that is the case, Mr. President, in fairness to the others, the question ought to be asked and answered.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAMM. Mr. President, reclaiming my time, I am not aware of a rule of the Senate that sets a time limit on a question.

The PRESIDING OFFICER. I am advised by the Parliamentarian that a Senator can only yield for a question.

Mr. GRAMM. I yield to the Senator from Idaho for a question, and if he would put a question inflection into his voice, however long this question may be, I would be willing to listen to it and hopefully respond to it.

I yield to the Senator from Idaho.

Mr. CRAIG. I will be brief on this point. If, in fact, the proposed amendment of the Senator from Illinois became law and it resulted in an 80-percent decrease in license holders in the United States, and we saw an increase of some $19 million for the purpose of hiring 300 more people, when BATF now suggests that their ability to inspect is somewhere between 20,000 and 30,000 now, it appears that he is not raising money just for the purposes of inspection but he is raising substantial money for the purpose of management of BATF in the broad sense, not just for licensure.

The Senator suggested that we ought to have a hearing. Many have suggested, including myself, that there needs to be comprehensive reform in the process of Federal firearms licensure. I think we all agree with that. Some have suggested that a reasonable license fee be somewhere around $100 because that is, in fact, the actual cost. We are not picking up the whole administration of BATF.

Now the question is to me, is the Senator aware of these kinds of facts? It appears that this administration is proposing a cut in the BATF budget this year. This is a way to fund the whole of BATF and not just the licensure process.

Mr. GRAMM. It seems to me that this is exactly the kind of question that ought to be answered, the reason that we ought not to be legislating on an appropriations bill, the reason that we ought to hold a hearing, the reason that we ought to let some of these part-time gun show people come in and tell their side of the story, so that we know what the facts are.

That is something that we do not know here because we are in the process of offering a proposal that we have very little information on. I received no communication from BATF as to whether they support all of this or whether they do not.

But we can argue about the people working for BATF and the Government jobs involved. It is not the 300 Government jobs that are of most concern to me. It is the 50,000 to 70,000 jobs in the private sector, of part-time workers. That is why I am opposed to this amendment. I am hopeful it will not be adopted.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG].

Mr. LAUTENBERG. Mr. President, I thank the Chair.

Mr. President, I am pleased to join Senator SIMON and Senator FEINSTEIN in offering this amendment, the purpose of which is to strengthen our system of regulating firearms dealers.

Mr. President, let's be clear about who we're talking about here. These people are not selling popcorn. They do not have little hotdog stands. They're selling deadly weapons.

And some of the arguments we're hearing on this floor are amazing. It is the first time I have ever heard that the Federal gun licensing law was a jobs bill.

Mr. President, I want to commend Senator SIMON for his leadership in this area. We have worked together closely on several related initiatives, and there is no Member of this body who is more concerned about addressing our Nation's epidemic of gun violence than is the distinguished Senator from Illinois.

Mr. President, some of my colleagues have expressed concern about the kitchen table gun dealers who would be put out of business by this amendment. But, Mr. President, we are not talking about products that are essential to society, and we're not telling about shutting down legitimate businesses. If my colleagues really are so concerned about reducing the number of kitchen table dealers, the same argument could very well be made on behalf of the drug dealer; the little kid who grows up in the ghetto with no one looking after him, no visible source of income, someone could make the emotional appeal and say, well, he does bring home a little bit of money occasionally. He is a small businessman. It's ridiculous.

Mr. President, we do not have an obligation to keep in business those whose jobs work against the public interest. When industries create a harm to the Nation, some businesses have to be shut down. It's happened with asbestos and other industries. People were laid off. It was tragic. It was tough.

But we are not talking about asbestos.

We are talking about gun dealer licenses being given to people in a way that is just offensive.

There are 287,000 of these federally licensed gun dealers in this country, far more than there are gas stations. And it costs 10 bucks, $10. You buy it for 3-year period, so it is $30 out of one's pocket. To get a license to sell guns where, Mr. President? Virtually any place, so long as you don't break some other law. Out of your home. Out of your car, behind an ice cream counter, what have you.

We are not talking about legitimate businesses. We are talking about kitchen table dealers who threaten the well-being of our citizens. Every day more and more guns from these illegitimate dealers are showing up in the streets, in the hands of criminals. It's time to put a stop to it.

This amendment is designed simply to control the distribution of guns in our society. Of course, not all licensees are killers. But we ought to know who they are and we ought to make sure that they are inspected. American taxpayers are paying twenty-nine million dollars a year to operate the current regulatory system to delears. But it's not working well. Too few licensees are inspected, and so we have no degree of assurance that they are not some maniac killer or someone who wants to get guns into the hands of criminals.

Very often, these licenses are acquired only to buy guns at discount or wholesale prices and to accumulate lots and lots of them. We have seen arsenals all over the place. There was a program on TV this morning—I do not know whether many of you caught it—about violence in the workplace and people carrying guns, whether it was the Post Office, the law office or other places. Guns are all over this country. At least we ought to carefully review how they are distributed.

According to ATF only about a quarter of these 287,000 dealers—and the number is growing—are operating legitimate store-front businesses; one quarter. The rest are known as kitchen-table dealers. Most of these people obtain licenses, as I said earlier, to obtain guns, tax-free, by mail, or at wholesale prices, and to evade waiting periods, gun purchase limits, and other firearm laws.

Many of these firearms are used in crimes and are traceable to these kitchen-table dealers. There are numerous examples of dealers who have provided huge numbers of guns to drug dealers, gang members, gun traffickers, terrorists and other criminals.

I would like to give you one illustration of a man named David Taylor, a resident of a South Bronx housing project in New York. Taylor reportedly had a long criminal record that included an indictment for murder. Nevertheless, he was able to obtain a Federal firearms dealer license. In less than a year, this individual bought more than 500 guns from wholesalers in other States. The guns were delivered by a package delivery service, in this case UPS, in batches of up to 100 guns at a time. Taylor then sold the guns to drug dealers and other criminals.

It is not an unusual case, Mr. President. As a matter of fact, regrettably, it is typical. It suggests the importance of tightening up our regulatory system which is far too loose.

Mr. President, becoming a kitchen-table dealer is easy, quick and very inexpensive. All you have to do is fill out a form, and send in $30, which covers the $10 annual fee for 3 years.

There's no hassle. No fuss. And more than likely, no ATF agent will call.

That generally is not ATF's fault, either. The Bureau has simply lacked the resources to check out applicants or to investigate many licensees. While the number of firearms dealers has increased by about 65 percent since 1980, the number of ATF investigators assigned to inspect these dealers has been reduced by 13 percent. As a result, fewer than 10 percent of dealer applicants undergo an actual inspection. And then once licensed, the average dealer is audited only about once every 20 years.

Clearly, Mr. President, the Bureau needs more agents and more funding to better police the system. This amendment will provide these resources.

The amendment will also dramatically cut down on the number of licensees so that ATF's job will be a lot easier. The Bureau predicts that by raising the licensing fee, the number of dealers will decline from about the 287,000 mark to about 60,000. And those who get a license will have the imprimatur of the review, indicating that they are not felons or mentally deficient.

Mr. President, it is bad enough that innocent Americans are being placed at risk because the system of licensing firearms dealers is so lax. But adding insult to injury, the current $10 annual licensing fee does not come close to paying for the system. In effect, hard-working taxpayers are being forced to subsidize firearms dealers. It is an outrage.

We talk about budget cuts, and we talk about excessive expenditures. Well, this is one place where we can do something about it and, at the same time, help improve the quality of life in our country.

The licensing fee we are proposing today is truly a user fee. It would relieve ordinary taxpayers of the cost of the licensing system and put those costs where they belong—on the dealers. It is hard for me to see how anyone could object to that.

Mr. President, cracking down on kitchen table firearms dealers is one important step in the battle against gun violence. But, clearly, we have to do more.

Senator SIMON and I have introduced legislation to limit handgun sales to one per month, to reduce interstate gun running. We have also proposed to close what I call the "guns for felons" loophole—a Federal law that allows even convicted violent felons to possess firearms. I am hopeful that these initiatives will be considered in the current Congress, in addition to other measures, like the much-needed Brady bill and assault weapons ban.

Mr. President, we heard suggestions or innuendo that say this has not gone through the process, that there have not been hearings. Well, I remind the Senator who raised the question that Senator PRYOR, from the State of Arkansas, had a hearing on this matter and was so motivated after listening to the testimony that he is a cosponsor of this legislation.

Mr. President, we heard from some of our colleagues an appeal for the small business person who wants to engage in a gun trading business, and the assertion was made that perhaps a visit to the gun store might change someone's mind. I also submit to you, Mr. President, that a visit to the front in a war might be persuasive in terms of seeing what guns do. If one wants to talk in a vacuum about not having visited the gun store, one should have also talked about not visiting a war. One does not have to be there to see the death and the mayhem that may result from that, Mr. President.

I submit that I have heard some amazing arguments on this floor, but I have never heard one that talks in such sympathetic terms about the deprivation of the small business opportunities for illegitimate gun dealers who have lots of guns in their trunk, who will sell them to anybody who has the money to pay for them, or under the kitchen table or behind the counter of a store.

Mr. President, this amendment's time has come, and we ought to move ahead with it. I hope my colleagues will support this amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SMITH. Parliamentary inquiry, Mr. President. Are we switching sides here? I have been on the floor.

The PRESIDING OFFICER. The rule is that the Chair recognize the first person who he sees seeking recognition. I apologize to the Senator if I overlooked him.

When I walked into the Chamber, the Senator from Illinois was standing there when I took the chair.

Mr. SMITH. I was standing here before the Senator from Illinois came in.

The PRESIDING OFFICER. I apologize.

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. I apologize to my colleague for any inconvenience. I do not use a lot of words, so I will not take a real long time. He will get a chance to make his statement.

I want to also commend my senior Senator for his leadership in this area. I could not have asked for a better mentor and friend than Senator PAUL SIMON. This is such an important area that his leadership really is to be commended. I think we owe him a great debt of gratitude for bringing this issue to the attention of this body.

Mr. President, I had occasion to stand here and listen to some of the debate around this matter. Once again, I heard our precious Constitution bandied around and conversation about what the second amendment to the Constitution does and does not say. So I made it a point, as a preface to my remarks in support of this amendment, to pull out the second amendment. I would like to read it and talk about it in the context of Senator SIMON's proposal.

The second amendment says:

> A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

The second amendment—I point out to my colleague who was on the floor a minute ago talking about this—says nothing about the right to sell arms. The second amendment says nothing about the right to be a gun dealer. The second amendment says nothing about the right to make money from selling guns off of the kitchen table or out of the trunk of a car.

My colleague also talked about the fact that there is a conspiracy to get rid of the second amendment by these people who do not want guns.

I will preface my remarks further to point out that I come from a law enforcement family. My father was in law enforcement before he passed. My only uncle was in law enforcement before he retired. My only living brother is, right now, a homicide detective with the Chicago Police Department. I come out of a law enforcement background, and I know what it is like to grow up in a household where guns are the rule as opposed to the exception.

My father was a hunter, as were many of his friends. So I had the privilege, as a little girl, of going out with my family, with my dad, and hunting as a girl. I even hunted with a bow and arrow. But that is another story. I grew up with guns in my household, with honorable people who felt strongly about the Constitution and about the second amendment, and who felt strongly about their right to own and have and keep guns in the house.

But I submit, Mr. President, that precisely because of that law enforcement background, I can speak to this issue as somebody who understands and, hopefully, can speak for the position of responsible gun owners, of people who recognize that there is no inconsistency between the second amendment and our efforts on this floor to restrict the flow of illicit guns, to restrict the availability of weapons into hands that should not have them, and to respond to the carnage, tragedy, and shame that illicit gun sales have wreaked on our Nation.

It is responsible, it seems to me, in a response by responsible gun owners, to ask that people who trade in guns pay their fair share.

Thirty dollars a year is less than what my hair dresser pays for a license. Thirty dollars a year is less than what a hotdog salesman in Chicago pays for a license.

It seems to me at least that the support of regulatory effort, the review effort undertaken by BATF would be an appropriate contribution, if you will, from those who make money selling weapons.

The second amendment does not prohibit and, frankly, does not even speak to regulations in the public interest that go to monitoring a commercial activity such as gun sales.

There is some conversation about the fact—I am sorry; it is even less than that. It is $30 for 3 years. So it is $10 a year, which I guess is probably more—well, I have already mentioned my hairdresser. I cannot make it anymore stark than that, I suppose.

The fact of the matter is that there have been hearings and have been discussions and, if anything, this debate has gone on and on. And what we are facing is some obstreperousness on the issue. I suppose the notion is that you open the door one little step, and who knows what will happen next. Maybe possibly we will get Uzis out of the hands of teenagers. The horror, the horror.

The fact of the matter is that the second amendment does not fly in the face of and does not close the door on responsible regulation in this area.

I started to talk about the hearings. There has been a hearing and has been testimony. I want to share with you for a moment the testimony of Mr. Higgins, the Director of the BATF, on June 17, 1993, and I think it goes directly to the letter of what this amendment is about. This gentleman testified:

> The current licensing system encourages persons to file applications who have no intent of actually engaging in a firearms business. According to our Operation Snapshot results, a vast majority of the dealers, 73 percent, buy or sell less than 10 guns a year. Unless an applicant is statutorily prohibited, we must issue a license. Although most licensees do not contribute to our crime problem, the sheer volume of dealers is obstructive in determining the focus of our compliance program.

And then he goes on to say:

> Whether criminals buy guns directly or through straw purchasers or from traffickers who buy the guns for resale, virtually all guns ending up in the hands of criminals flow through licensed dealers.

And he goes on to say:

> Since 1992, 187 firearms dealers had been subject to criminal prosecution.

Clearly, that is out of the huge number, the 280,000 number of licensees that we presently have.

It seems to me that Senator SIMON has made a modest, conservative, prudent proposal that we at least allow BATF the capacity to undertake the kind of review of this conduct without having the taxpayers reach further into our already strained budgets to subsidize this commercial activity.

Finally, Mr. President, as I promised my colleague I was not going to talk long—and I want to get to the end of my remarks—I wish to say that coming from a law enforcement family, I have a very real concern, I have a very real concern that responsible gun owners support reasonable, prudent conservative regulation in this area that will give us the ability to get the guns out of the hands of the criminals so that honest gun owners will not continue to be subject to this debate that leads nowhere.

I come from the perspective of and I consider myself a child of a police family. And I think it is significant that Senator SIMON has pointed out to this body that the Fraternal Order of Police support this measure. The FOP support this measure; as a matter of fact, strongly support it.

I am going to read—and I do not know if Senator SIMON has already—the letter from Dewey Stokes, the national president of the Fraternal Order of Police. He says:

> In summary, we strongly support the imposition of an annual user fee in the range of $375 to $500 for issuance of Federal firearms licenses for the following reasons:
>
> Point one, the U.S. taxpayer should not be subsidizing the cost of establishing and maintaining firearms businesses.
>
> Point 2, a $375-$500 annual user fee would reduce the current number of licensees—

Which he puts at 280,000.

> to an estimated 40 to 70,000.

Well, to break in and make my own side comment, it seems to me 40- to 70,000 gun dealers in the United States is not too small a number and would not greatly impair Johnny's ability to go out and get a used rifle for hunting. But I will go back to the letter. The next point:

> By directing the funds resulting from the $375-$500 user fee to BATF, all new and renewal FFL applicants would be expected to ensure compliance with the law.

That is critically important, because it is the police that are out there on the front line having to face off on all these illegal and illicit weapons on the street. That is why people from the law enforcement community feel so strongly about this.

Finally, he goes on to say:

> The increased fee will not affect firearms dealers that engage in a business as a primary source of income.

It is very clear, Mr. President, that we are talking about a commercial activity, one that does not fly in the face of, to use the second amendment's language, having to do with the right of the people to keep and bear arms, and it is a reasonable, prudent, conservative amendment.

I not only ask for support of Senator SIMON's amendment, but I ask unanimous consent that I be added as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire [Mr. SMITH] is recognized.

Mr. SMITH. Mr. President, listening to the debate and comments of some of my colleagues and responding specifically to my colleague who just spoke, it is true that in the second amendment it does not say anything about selling firearms. But I think we can make a reasonable assumption here that if the second amendment allows us to own guns, it certainly is reasonable to think that somebody ought to be able to sell them to us.

If we cannot sell guns and people cannot legitimately buy them, then I see no alternative except to steal them, and I certainly do not think anybody wants to advocate that.

As I listened to the debate here, unfortunately, this debate is being couched in what we would call a budget argument.

I, too, would be opposed to subsidizing gun dealers, as well as I oppose subsidies on most everything else. But that is not the issue here.

This is another assault on the second amendment by many who continue to do this day after day, month after month, year after year in this body. It is as assault on the second amendment to the Constitution of the United States.

There is not any other amendment that is any cleaner than the second amendment. It is very simple and has already been stated on the floor. I will not repeat it. It is only a sentence and it is clear. Everybody knows what it means. We have constitutional experts and legal scholars and all kinds of people who can read all kinds of things in that amendment.

I submit to you, if we are going to have a right to own guns in this country, which we do, someone ought have a right to sell them to us. So that is part of the issue.

The way this amendment is designed, it is a very sinister amendment. It is designed to raise the price of Federal firearms licenses in order to drive the small dealers out of business. That is exactly what it is designed to do. There is no way that you can describe it other than that.

Perhaps the Senator from Illinois has a good idea. Maybe we ought to charge $25,000 for abortions in this country and eliminate abortions on demand. Maybe he has the right idea.

But the point is that it is absolutely preposterous to impose this kind of a mandate, to impose this kind of restriction on honest, hardworking men and women—as Senator GRAMM has already testified on the floor in his remarks—all over America who sell these, who are honest, hardworking, law abiding citizens, who do not sell these weapons to criminals, as has been testified to here. If gun control works so well, why is the crime so high in Washington, DC? It has the toughest gun control law in the world, and it has more murders than any other place per capita in the world. Maybe something ought to be said about that.

But the simple truth is that the overwhelming majority of Federal firearms license dealers are honest and they try to obey the law, both the letter and spirit of the law. And there is an attack on them. That is exactly what it is. It is an attack on their integrity, an attack on how they do business. They are not selling guns to criminals deliberately, and I think the Senator from Illinois knows that.

In particular, there is no question, and it has already been stated, that there are a few country stores or backwoods mom and pop operations, if you will, who keep an FFL license so they can supply this very limited demand for firearms for perhaps the gentleman who lives down the road, the old gentleman who may want to hunt in his retirement, or perhaps the young boy whose father wants to buy him a rifle for his birthday. That is what we are talking about, the odd shotgun or deer rifle sale that comes in before, say, hunting season starts.

The point is, what is wrong with that? Why not give the revenue to somebody local in the community who is an honest, law-abiding citizen rather than ship it over to some large department store somewhere or some mail order house to buy the same weapon?

It is these law-abiding, but marginally, I agree, FFL holders who are going to be hurt. It will not be K-Mart or WalMart or Sears or any other of the big multimillion dollar resale outfits for whom this nominal fee is insignificant. They do not care; raise it up to $400, raise it up to $1,000, they are just going to pass it on to you so. When you buy it in the store, they will pass it on to you and write it off as another business expense.

Meanwhile, thousands of law-abiding young men and women who are struggling to make a few extra dollars to send the kids to college, or whatever the case may be, or to buy some other item that they may not otherwise be able to buy, they are the ones who are going to suffer. They are going to be the ones who are going to lose their jobs and income.

When the system for regulating federally licensed firearms was first instituted in 1968, the fee was $10 for a yearly license. By regulation, BATF has since changed this to $30 for a 3-year license; still $10 a year.

I am not going to suggest this is a great increase or that it is unfair to increase the licensing fee. I think there is certainly a reasonable argument there to be made that we should recover the actual cost of conducting a thorough background check on Federal firearm licenses and on the applicants.

But, in point of the fact, we ought to be willing to consider increased fees that are reasonable, not unreasonable.

I am told that in two different hearings there has been some misinformation—somebody has some misinformation and I am not sure who; hopefully it is not me—but I am told at two different hearings, the FFL reform this year before the Government Operations Subcommittee on Crime and Criminal

Justice, the Director of BATF, Steven Higgins, whose name was invoked here a few times, testified that the normal cost of processing FFL applicants for a license might be in the neighborhood of $100.

I heard the figure of $375.

Mr. SIMON. Will my colleague yield?

Mr. SMITH. On that point, yes.

Mr. SIMON. Yes. I appreciate that, because the Senator from Idaho questioned that also.

The testimony was that the current examination costs $100 per applicant, but that they are not able to do the kind of examination that they ought to do. They are not able to go to local police. The local police will not give information by phone. They cannot do that; they cannot go there and look at the guns. And you have the paper trail.

So the answer is, the current cost is $100, but if they are going to do it right, they say it will cost $375 to $500. I took the more conservative of those two figures.

Mr. SMITH. Well, I thank the Senator for that point.

I will just say, in all honesty, to my friend, I think it is important that that kind of evidence be produced—perhaps the appropriate place to do that would be in a hearing—that the increase you are requesting is justified, that there has been a study done on the issue.

Has GAO or OTA or CBO or any of the other numbers crunchers around here calculated what it cost to issue Federal firearms licenses? This figure, as requested by ATF, on what basis are they justifying such an increase? Absent such documentation, I do not think it is responsible, with all due respect to my colleague, to bring this matter to the floor at this point and ask for an increase which many believe is exorbitant.

As I said earlier, I am not opposed to recovering the actual cost of that license, and I do not think the licensee is either. I do not believe adequate justification has been given for this increase, and that is why I oppose the amendment.

Now, let me just conclude on two or three quick points and I will yield the floor.

Mr. GRAMM. Will the Senator yield before he gets into his conclusion? I want to ask him a couple of questions.

Mr. SMITH. Yes.

Mr. GRAMM. Mr. President, I wanted to ask our dear colleague from New Hampshire, after having listened to the speeches, obviously a concern here is this argument we hear that we supposedly need this amendment because there continue to be firearm violations.

I know the distinguished Senator from New Hampshire pointed out that gun controls obviously do not work, because the Federal city has the most stringent gun control laws in the Nation and yet it is the gun murder capital of the county.

Would it be the Senator's view that, if our colleagues are really concerned about gun violations, maybe what we ought to be voting on is mandatory minimum sentencing for gun violations instead of trying to put people out of business; people who are part-time gun collectors who go to gun shows and who supplement their income and who are in business over their kitchen table?

What have we come to in America when we cast aspersions on people doing business over their kitchen table? I am stunned by this argument that there is something wrong with people doing business out of their homes.

Does that bother the Senator from New Hampshire?

Mr. SMITH. I think the Senator from Texas has hit the proverbial nail on the head with that. The people that we ought to be legislating out of business are the criminals, the people who use the gun to violate the law, to take innocent lives, and to threaten people and wound and maim people throughout this country almost at will because we do not have the intestinal fortitude here to pass those tough mandates, standards, that the Senator from Texas has just referred to.

I think if we were to do that, we would be putting the right people out of business instead of focusing on thousands of men and women throughout this country who are listening to this debate right now who have not done anything wrong and would not do anything wrong under any circumstances. All they are trying to do is make a living by abiding by the Constitution and selling perhaps a .22 rifle or shotgun to somebody out there who may want to use it for target practice. And they are now treated as if they are common criminals in this debate.

Mr. GRAMM. If the Senator will yield one more time, what I plan to do—we are going to enter into a unanimous-consent request here to set a limit on the debate. Apparently there will be a point of order raised, and then we will go to other business and come back to this debate.

It would be my intention, when we come back, to offer an amendment that would mandate 10 years in prison without parole for possessing a firearm during a drug felony or a violent crime, 20 years for discharging it with intent to do bodily harm, life imprisonment for killing somebody, or the death penalty in an aggravated case.

Now, when I offer this amendment as an alternative to putting 50,000 to 70,000 small business people out of business, I assume that the Senator from New Hampshire would be supportive of that effort.

Mr. SMITH. I would like the Senator from Texas to place my name alongside his as a cosponsor to that amendment.

Mr. GRAMM. I will do that.

I thank my dear colleague for his leadership.

Mr. SMITH. Mr. President, let me just conclude by saying I think that the amendment of my colleague from Illinois is premised on the notion that the increased cost is to recover both the issuance and oversight of the license. That is justified. But it does not provide any independent analysis of how or why the increases are justified.

I think it is important that we look at that. I think most responsible people who are so-called proponents of guns in this country would agree with that, as would the people who sell them.

But based on the figures given in the Simon amendment, as I understand them, of an approximate increase of, let us say, $375, which is what his amendment calls for, the money that is projected to be recovered from these fees means there is an expectation here, and that expectation is that 230,000 current Federal firearms license holders are going to have to surrender their licenses. That is a terrible premise to an amendment, to assume you are going to put 230,000 people out of business in order to accomplish a goal.

BATF has previously testified, as I said, it currently inspects approximately 10 percent of all Federal firearms licensees each year in normal compliance inspections. That is what they do. Of this total they ultimately revoke less than 1 percent, as I understand it—less than 1 percent of all licensees, because of serious infractions.

So this is hardly indicative of a serious problem that would require a doubling of compliance capability with such an attack on legitimate FFL dealers who will be driven out of business. If BATF requires an increase in funding, it ought to be justified in relation to manpower resources or missions goals, as other agencies have to do every other day. As all sides agree reforms are necessary, any changes to the process ought to be considered in the context of an overall reform package.

I say to the Senator from Illinois, in conclusion, if those facts are borne out and a fee is justified, whether it is a firearms dealer or anyone else who in some way is being subsidized unfairly, I support his amendment. My hope is we will take the opportunity to review this in more detail and get the facts, since there have been differing facts being bandied about on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very honored tonight to join my colleagues, particularly the senior Senator from Illinois, cosponsoring and offering this amendment and, even more important, bringing this debate out in the open, in front of the American people, so they can start to listen to what the statistics are.

Violence is a problem today. It scares our kids, it scares our families, it scares our senior citizens, and it is time for us to have a realistic debate about how we are going to deal with this incredibly important issue that is confronting us today.

Firearms are involved in about 60 percent of the homicides and suicides in this Nation. In 1991, in Washington State, 2,079 people were killed with firearms. That same year, a National Crime Survey found that guns are used annually in 800,000 violent cirmes—10 times the number used in self-defense. In King County, WA, only 2 percent of the gunshot deaths involving guns kept at home were in self-defense.

Despite these grim statistics, gunowners say guns do not kill people, people do. They say guns are necessary for self-defense. A May 1993 report by the Centers for Disease Control found that among our young people, the impulse to commit a violent act is facilitated by ready access to a firearm. A recent Louis Harris Poll found that 60 percent of the kids in grades 6–12 said they could get a gun quickly if they wanted to.

I invite my colleagues in the coming recess to go out into your schools and talk to kids and ask them what they see and what they fear in their schools. A dark curtain of gun violence is coming down over our society.

Ready access to firearms, especially for young people, is at the heart of the problem. Federally licensed—but largely unregulated—gun dealers, facilitate that access.

In Washington, there are 5,600 federally licensed gun dealers. That's more gun dealers than grocery stores, 2,092, or taverns 1,067, or drug stores, 840. King County has the second highest number of gun dealers per capita of all the counties in this country. That sad statistic is beaten by only one other county in this Nation. I saw my colleague from Arizona here earlier. He might want to know that his county, Maricopa County, in Phoenix, beat us out. They have 99 dealers per 100,000 residents. That is not a statistic anyone of us wants to have.

The $10 annual fee for a Federal gun license is a huge part of the problem. Compare that to the $2,000 liquor license fee for restaurants in Washington State.

The $10 fee has not changed in 25 years. It hardly pays for copying the license application, let alone allowing personal interviews with the applicant. Since 1980, the number of licensed gun dealers has jumped 65 percent, but the number of inspectors has fallen 13 percent. Gun dealer license applications are running at about 6,000 a month, yet fewer than 10 percent of them actually undergo a personal interview or onsite visit. Federal inspectors audit dealers only once every 20 years.

The point is, no one really knows who is selling guns in this country. If we do not know who is selling guns, how do we know they are being sold legally? How do we know guns are not being sold to kids or to convicted criminals?

Gunowners argue the Constitution gives them the right to keep and bear arms. However, the Constitution does not require American taxpayers to subsidize the dealers who sell them the guns. Right now, taxpayers foot the lion's share of the bill for gun dealer licensing. This amendment would end that subsidy, and assure that the dealers pay the full share of the costs.

In April, I introduced legislation, S. 868, to raise gun dealer license fees and excise taxes on guns. The money would go to help offset the cost of uncompensated health care for gunshot victims. A new study by the University of California's School of Nursing puts the total cost of firearm injuries at $20.4 billion, including $17.5 billion for fatalities, $2.8 billion for hospitalized injuries, and $100 million for nonhospitalized injuries. Eighty-five percent of the hospital costs for firearm injuries are uncompensated, forcing taxpayers to pay for this violence through higher taxes and higher insurance premiums. It is my hope that any excess fees are used to help offset the health care cost of gun violence.

Our amendment provides that any fees collected in excess of the amount needed by BATF for gun dealer license processing and inspection be deposited in the Treasury as miscellaneous receipts. As the Senator knows, 85 percent of the health care costs from gun violence in this Nation are uncompensated. Taxpayers subsidize the health care costs of gun violence through higher State taxes or higher insurance premiums. I would hope that the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, would consider establishing a trust fund that would use excess gun dealer license fees to help offset uncompensated health care costs from gun violence, as provided in S. 868.

Mr. SIMON. Mr. President, our amendment does provide for the deposit of excess fees as miscellaneous receipts in the Treasury, and as a cosponsor of S. 868, I would join the Senator in urging the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, to consider using these funds to help offset uncompensated health care costs from gun violence.

Mr. President, as I said earlier, I hear over and over from gunowners that people kill people, not guns. But guns do not grow on trees. Someone makes them and someone sells them. It is tougher to get a driver's license than a Federal gun dealer license.

It is time for taxpayers to retake control.

I heard my colleague before me say it is unfortunate that this debate has turned to talk about subsidizing gun dealers. It is not unfortunate, it is true. It is time to stop subsidizing this system that costs our society thousands of lives and billions of dollars in health care costs each year. It is time to make sure the Federal Government knows exactly who is selling guns and not just rubber stamping 6,000 licenses a month. It is time to pass this amendment to raise the gun dealer license fee.

I urge my colleagues to have the courage to vote with us.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I think we are a few moments away from trying to gain a unanimous consent so we can finalize debate this evening and move into it tomorrow.

There are some important points I think are necessary for us to examine as we examine the amendment of the Senator from Illinois. I am not in any way questioning the reason of the Senator from Illinois. I know him. I trust his judgment. But I think he and I have something in common that is missed by this amendment: A desire to create legitimate reform in gun dealer licensing through the Bureau of Alcohol, Firearms and Tobacco.

The reason I say that is because what he is proposing is, in my opinion, in direct conflict with the very reason we originally attempted to create a licensure process at the Federal level. It was originally created to facilitate legal sales of guns. That is why we had a license process. We wanted to create a paper trail so BATF could track legal sales.

In 1968 we struck down interstate sales of handguns to make sure no State would dominate, so that BATF would have a major role in playing in this process of establishing a paper trail for action.

I believe the Simon amendment, in part, is contrary to reason in this Federal firearms license process that was originally created. He will move more transactions underground. He will move more transactions into the black market, and that in itself could well put more guns in the hands of criminals and unqualified people.

Let me give you a reason why I believe that is true. Not only did we create the license process to create the paper trail, but BATF has previously testified before committees in the Senate that they currently inspect approximately 10 percent of all of the Federal firearms license holders each year in a normal compliance inspection. I think that was argued tonight.

I think we agree on that figure. If there is 230,000, 10 percent a year is

23,000, and then my colleague from Washington said about one inspection comes along every 20-plus years. So those math figures are about right.

What do they find when they inspect that 10 percent annually? They find that less than 1 percent, by their own facts and figures, are out of compliance. They revoke less than 1 percent of the licenses. Are we to assume that 99 percent are operating in a legal fashion? One percent of 200,000-plus is 2,300. That is within the margin of error. That does not in any way suggest that everyone who holds a Federal firearms license is somehow dealing under the table. BATF, by their own admission, says 1 percent or less, and not all of those are illegal. They just failed to comply and meet the standards. So the numbers are substantially less than that.

If those are facts, and that is what BATF suggests, then why are we doing this tonight? Why are we raising money when this administration has suggested in their own budgets that we cut appropriations to BATF? If we see a decline in inspectors for license or process and this is such an alarming problem, why is this administration, which speaks out so clearly against crime control, cutting budgets in an area that is being proposed tonight on this floor as a major thrust to get illegal guns off the streets?

What I am attempting to do is to bring this whole debate into some degree of perspective. The Senate should not believe that a raise of $375, or two $375 in the cost of a Federal firearms license is for some reason going to make the streets of America a safer place. The statistics do not bear it out because less than 1 percent on annual inspection are found to be in some form of noncompliance and their licenses are jerked.

Stephen Higgins, the Director of the Bureau of Alcohol, Tobacco and Firearms was here on the Hill in June and said:

> Most licensees do not contribute to our crime problem.

That is a quote from the Director.

> Most licensees do not contribute to our crime problem.

So when my colleagues tonight talk about that average person who has a Federal firearms license because they are a small-time collector, because they are exercising their constitutional rights, they are absolutely correct because Director Higgins went on to say that 73 percent of those who hold Federal firearms licenses buy 10 guns or less a year.

Yet, we heard our colleague from New Jersey tonight talking about all of those kinds of dramatic sales that are going on in the streets of America. He gave quotes tonight about a fellow buying guns and selling them to drug dealers. You and I both know that goes on, and we ought to try to stop it. This will not stop it.

But our colleague tonight who made that statement says this is a way of getting low-cost guns off the streets. Let me tell you, the guns that drug dealers buy illegally are not cheap guns. By the very illegal black-market process that they move through to get into the hands of the drug dealer, those guns cost hundreds of dollars, but then again, you have to remember, drug dealers do not drive Chevrolets either.

In other words, what we are saying is we are going to raise the cost of guns and in doing so, the poor people of America who use them as a major tool of self-defense are going to be without that tool. We will forget that 65,000 potential rapes, murders, and violations of one's rights were stopped last year because someone owned and threatened to use a gun when their rights were violated. Those are the facts. That is the reality we are dealing with.

Now, of course, my colleague from Illinois has already suggested the $375 is not just for licensing, it is for administration. In other words, he is proposing a major user fee increase, a major tax increase to go to BATF. That means that there will be more inspections, and that is excellent. But my guess is the statistics will not change. He will cause that person who lives in Phoenix, AZ—and by the way, those figures from Phoenix, why are there a high number of Federal firearms licenses there, because there are a phenomenally high number of retired people who own those licenses, who travel the gun shows and buy as collectors.

That is the fact. It does not mean that Phoenix, AZ, is loaded up with a bunch of illegal gun dealers, it means that that is where people seek to find their retirement because of the climate, and those are retired people. I have been to gun shows in Phoenix and let me tell you, I know from which I talk.

So you cannot use those statistics in a way they are used tonight and expect them to have any basis of validity, because they are not valid, that is why. When you look at the demographics of those figures, you find out an entirely different makeup of the kind of people we are dealing with. Those are the retired people who our colleague from Texas talked about, who travel to gun shows, who are the collectors.

We are going to put a lot of people out of owning a license. We are going to put a lot of people out of the business of collecting because by their own admission, BATF suggests that it will drop a lot of people off their rolls in great numbers, even though 1 percent of all these license holders might in some form have some degree of serious infraction.

Now, those are the facts. I would ask my colleague from Illinois to join with me in moving toward real reform in the licensing process, real reform that does not convolute and send underground into the black market even more gun dealing so that legitimate people do not have firearms but the drug dealers and those who would want to perpetrate crime on the streets of America do.

And if you go against current law or you create an imbalance, as I suggest he will through the reforms of the 1968 act, that is what is at risk.

I know my colleague from Illinois is sincere and does not want that to happen. But that is what will happen, and that is why I have to stand tonight in such strong opposition to this approach.

The gunowners I know and the gun dealers I know want reform, because they want to retain credibility to a Federal firearm license. They want reasonable inspection—and reasonable inspection probably is inspecting 25 or 30 percent annually to find out that only 1 percent of the total ownership may to some degree be in serious violation or infraction, and they must be taken off the streets and out of the business.

But I will tell you that that will not happen with this bill. The statistics will not change. The inspections will increase. There will be fewer. And what will happen is exactly what our colleague from New Jersey suggested, that this will become a factor in controlling guns, because it is not by accident that all who have been quoted tonight in support of this amendment are also in support of gun control and the Brady bill and all of those kinds of other issues at hand that deal in any way with restricting the right of the citizen of this country from owning a firearm.

Well, we will have adequate time tomorrow to debate this issue, but I think it is important to recognize that this ought not be disguised for anything more than it is, a rather stylish new approach toward gaining some modicum of control over gun ownership in this country.

Now, if my colleague from Illinois truly wants to reform, let us sit down together; let us make sure we do not distort the market. Let us not drive gun dealing underground even more than it already is.

But I suggest in the end that will be the result because there is simply too much money in the illegal handling of drugs, in the illegal handling of guns, and there is too much profit to be made and that will be made because of the challenge involved.

Legitimate people will comply, as they always have. Responsible gun owners under the second amendment will live within the law. But everything we have talked about tonight is dealing with the criminal. And for some reason we are still caught under the illusion, Madam President, that if we create a new law the criminal will comply. If we just somehow stack up the laws a little higher, that somehow the criminal cannot step over them.

I will tell you who never steps over the law—the law-abiding citizen, your friend and mine, those who respect the law. Strangely enough, the criminal by definition is a person who violates the law. So it will not take guns out of the hands of criminals. It will not stop the illegal sales of guns. It will simply do exactly what my colleague from Texas suggested. Those who are collectors and legitimate dealers will not have that license to go and buy a few guns a year—10, 12, 14—at different gun shows as are necessary under the laws today.

Those are my concerns. We will resume this debate tomorrow because it is fundamentally a very important debate. We must bring, as best we can, some degree of law and order to the streets of this country. We all know it is a phenomenally important issue. But I suggest to you tonight this proposed law change will not accomplish that.

Mr. MURKOWSKI. Madam President, the hour is late, and I will be brief in my statement. I rise in opposition to the amendment of my good friend from Illinois.

There is an effort here to make a certain presumption that somehow the business of dealing in guns is like dealing in drugs or some other inappropriate activity. I happen to come from a western state. In the State of Alaska we have a number of firms that deal in guns, a legitimate business—hardware stores, sporting goods stores. Most of these individuals are conservationists, as a consequence of their commitment toward the renewability of the natural game resources of our State in which we are very rich.

What the proposal of my good friend from Illinois results in is simply increasing the cost of business by increasing the licensing fee from its current figure in the area of $10 to approximately $300.

So as a consequence, for those dealers, they are simply going to have to eat that additional cost of doing business. But it does not address the concern we all have, and that is what to do about criminals who have guns, what to do about our children who obtain guns either from their parents as a consequence of lack of parental supervision in some cases, a lack of taking the time to train a young person with regard to the reality that a gun is not a toy, or those who obtain guns from other children, steal them, get them from criminals. And of course guns, knifes, automobiles, what have you, all are weapons of destruction in the hands of irresponsible people.

I would be inclined to look toward some type of activity which would address this cancer on our country relative to the reality that we find, indeed, guns are used more often than perhaps any other weapon in crimes. But to simply increase the taxation on our gun dealers does not achieve that. This simply generates an increase in fees. And to extend the time of the debate under the guise that somehow we are going to address the problem of criminal activity in the State, that those who have and use guns in criminal acts are going to be somehow reduced by increasing the penalty for selling guns I think bears no reflection on reality.

I would be happy to debate the merits of that statement further, because I think we have to recognize that while there are some unscrupulous dealers in firearms, most are legitimate business persons and take pride in their business activity and the manner in which they serve the public and their customers.

I recognize that may be distasteful in the minds of some, but we have such gun dealers in this country. That somehow this is less than a responsible business is simply not the case. I think all my colleagues would reflect on the reality that, indeed, the vast majority, 99 and 99/100ths percent of these people are legitimate. But like in all groups we have the exceptions.

So in conclusion, I would say to my good friend from Illinois, if there were a methodology to suggest that somehow this increase of fees would reduce the criminal activity associated with the commission of crimes, I would be the first one to come on board. But I simply cannot see that we are doing anything more than forcing the increased cost of business on gun dealers to generate a modest amount of revenue that probably in most part will be taken up in the process of administering the oversight associated with this activity. This is not where the problem is.

Madam President, I thank the Chair. I yield the floor.

Mr. SIMON. Madam President, on one point, I agree with my friend from Idaho and my friend from Alaska. That is, the large majority of the gun dealers are responsible people. But we do have a problem.

I am going to be responding to my friends tomorrow morning in debate tomorrow morning. I hope they will take the time to listen, and I hope our other colleagues will, also. We have a serious problem. We have to face up to that serious problem.

Madam President, I yield the floor.

FUNDING OF BANKRUPTCY JUDGES

Mr. MACK. Mr. President, last year I strongly supported legislation authorizing 35 additional bankruptcy judges. Hearings on this legislation demonstrated the dire need for these new judges. This is particularly true in my own State of Florida where the bankruptcy caseload has reached crisis proportions.

Because Florida's bankruptcy caseload has consistently exceeded the national average the authorizing legislation, based on findings by the Judicial Conference on the United States, included six additional judgeships in Florida.

In light of the importance of the Federal Judiciary in our Nation and the resources necessary for the Judiciary to carry out its duties. I urge the conferees and the Administrative Office of the U.S. courts to fully fund these much needed bankruptcy judgeships.

JUVENILE MONITORING PROGRAM

Mr. COATS. Mr. President, I am pleased to rise today to voice my strong support for the Juvenile Mentoring Program [JUMP], which receives essential funding in this legislation. This innovative program will link at-risk youth in high crime areas with local law enforcement officials.

One-to-one mentoring program have long records of success in providing positive role models for our young people. The JUMP Program builds on this model, and specifically attempts to bridge the gap between law enforcement officials and many children in our Nation's high-crime neighborhoods. The program promises real hope in building understanding and community good will as well as providing our children the attention and guidance critical for their development.

I am pleased to note the active support of the Big Brothers/Big Sisters of America for the JUMP Program. Big Brothers/Big Sisters are pioneers in 1-to-1 mentoring and the experience gained in their programs will be invaluable in building a thriving JUMP Program.

I comment the leadership of the Senator of New Jersey [Mr. LAUTENBERG] in making the JUMP Program a reality.

OPERATOR SERVICES AND LONG-DISTANCE CALLING CARDS

Mr. BURNS. Mr. President, I rise today in support of the amendment offered by my good friend and colleague on the Senate Commerce Committee, Senator PRESSLER.

Mr. President, the telecommunications industry has undergone tremendous changes over the past decade as new entrants have introduced revolutionary products, technologies, and applications. The quality and availability of telecommunications services and products have dramatically improved during the past decade due to the ability of service providers to compete in the marketplace.

Operator services is one of the last strongholds of monopoly control and while competition in the operator services marketplace over the last several years brought consumers an array of new services, it also brought forth confusion and concerns for consumers, industry participants, and policymakers. However, the introduction of competition in a previously regulated marketplace generally brings an element of confusion for the purchasers and users of innovative products and services. For instance, one can reflect on the issues surrounding the advent of competition in the long-distance market and identify parallels to the operator services marketplace.

I have been following these issues for many years since we first considered in the Telephone Operator Consumer Service Improvement Act of 1990. I was an original cosponsor of the bill that resulted in the Telephone Operator Act. I supported the legislation because it protects a consumer's right to choose, yet avoids a premature imposition of rates and commissions penalties.

Among other matters, in that law, we attempted to ensure that consumers would be able to easily reach the long-distance carrier of their choice when making credit card calls from phones in airports, hotels, and the like. Unfortunately, the advent and widespread use of so-called proprietary cards since we passed the Telephone Operator Act has continued to frustrate consumer access to long-distance carriers. Many in this body have had personal experiences where we could not easily make credit card phone calls from certain locations when we are travelling. Millions of our fellow citizens face the same difficulty every day.

Indeed, just last fall, this calling card issue was before the Federal Communications Commission during its consideration of the 0+ public domain docket. Instead of forthrightly dealing with the opportunity to require all carriers to permit billing of their cards from every location, the FCC simply asked carriers to better educate their consumers about various access arrangements. The result, of course, is that to place a call, some consumers literally have to dial dozens of numbers.

This amendment will guarantee that the FCC addresses this calling card issue in the near future in a way which better reflects Congress' intent in the Telephone Operator Act. Various solutions have advantages and disadvantages. This amendment requires the Commission to weigh which solutions will bring the most benefits to consumers, will be most cost effective, and also will continue to promote competition in this telecommunications service sector.

With the advent of competition in the operator services industry, we have seen an array of services that the new entrants into this operator services marketplace have brought and made available to the traveler—like multilingual operators, billing options to various credit cards, voice mail, message forwarding, and being able to have conference calls from remote facilities—and we are now seeing the larger, more established companies having to respond to this competition. For that, I think we are all better off.

In conclusion, Mr. President, I would note that anytime you take a government sanctioned monopoly and dissolve it and open that new market to competition—as is the case with operator services market—you are going to have consumer, industry, and policymaker confusion as to what is going on in the marketplace. But I think that over time you will see that the American consumer and the American telecommunications industry will be better served by this procompetitive policy. Such a procompetitive policy will bring about a vibrant and competitive market in the United States for our consumers and will allow our domestic companies to be better positioned to compete in the international market.

I congratulate my friend from South Dakota for bringing this matter to the Senate's attention and I urge adoption of the amendment.

Thank you, Mr. President. I yield the floor.

MORNING BUSINESS

Mr. FORD. Madam President, I do not see any other Senators who wish to speak tonight.

I ask unanimous consent that we go to morning business, with Senators allowed to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Madam President, I reluctantly suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECONCILIATION

Mr. LIEBERMAN. Mr. President, I rise today to raise questions about the journey we are taking in crafting a credible reconciliation bill that will do what we have told the American people we are going to do—cut the deficit, cut spending and provide incentives for investing and creating jobs. I am very troubled by some of the directions in which the House and Senate conferees seem to be heading. We should be moving toward a package that gives the economy a jump start up front and attacks the deficit methodically and meaningfully over the long haul. Put simply, we should create immediate reasons to invest, expand, and hire. For long-term growth we should cut Government spending as well as the deficit.

From what we hear from the conference, I am afraid we may be getting only part of this equation right. We will be front-loading what we take out of the economy in the first year when what we should be doing is front-loading what we put into the economy. I do not mean in terms of government spending on make-work programs—we have been down that road far too many times. No this is the time to be serious about providing reasons to invest in the people, and the machines, and the research and the leading edge companies that will determine whether we succeed or fail, whether we have to fire or need to hire.

As I understand it, the administration originally proposed a plan which took $36 billion out of the economy in taxes in year one. It offset this with its stimulus appropriation program which this Senate killed and with a program of tax incentives. The President strove for a balance in short-term growth and longer term deficit reduction. However, the Senate bill took out $52 billion in taxes in year 1 and deleted the investment and incentives provisions which were designed to get the economy, in the face of defense cuts and manufacturing contraction, out of the slump we are in. All of this would be further exacerbated if indeed the conferees are serious about a proposal to make the rate increases retroactive to March of 1993, which I find very disturbing.

Mr. President, we should take a step back and reconsider what we are trying to do. Yes, it's the economy. It is the economy in both the short and the long term.

I am very concerned that the conference is eroding the incentive side of this package. Let me briefly outline where I think we should be heading on the investment incentives I have mentioned.

First, with the permanent downsizing in so many of our big companies, with the loss of jobs for so many of our skilled workers, we have seen an explosion in layoffs of highly skilled workers. And, since many of these companies have downsized permanently, these workers won't be hired back, at least not by the companies where they were employed. Where can they find good new jobs? New and small firms are the only answer. What can we do to help create the next Nike, the next Intel, the next Federal Express? We can start by adopting the full-targeted capital gains tax incentive proposed by Senator BUMPERS. In the context of a $500 billion package this is a small ticket item with a big ticket return. We need the investment in new companies that this proposal will encourage. However, I'm concerned that the full Bumpers provision won't be included by the conferees, only a watered-down version.

Second, we also need to raise, and raise significantly, the cap on the small business write-offs for capital equipment. Let's adopt the House proposal which would raise this cap to

$25,000 and encourage small businesses to buy the equipment they need to upgrade their factories and create jobs. Here again, I am troubled that the conferees are cutting back on the level of expensing.

Third, there is talk that all but one of the so-called extenders will not be extended permanently by the conference. This creates a very uncertain economic atmosphere for business in critical areas of opportunity. I am particularly troubled that the mortgage revenue bond extender which promotes the financing and construction of low-income housing and the research and development tax credit which we so badly need to encourage investment in the R&D will not be extended beyond 1 year prospectively. If we want real growth this problem has to be fixed by the conferees.

Fourth, I would urge the conferees to take a long, hard look at the alternative minimum tax provision they are apparently about to adopt. The Senate bill helps short-lived assets but does little to provide much-need relief to longer-lived productive assets. After the destructive emphasis on short-term investment of the past decade, we absolutely need to encourage longer-term capital investments? The conferees should ensure that the final product contained in the conference bill provide equal relief for both types of assets. From what I hear, I am very concerned about whether this will be done and whether the funding for this incentive will be cut from the House level.

Fifth, finally, enterprise zones. The administration has acknowledged the importance of providing tax incentives for investing and hiring in economically depressed urban and rural areas. But based on my experience with this issue and after extensive analysis, I have concluded that the proposal currently pending in the conference committee, is deeply flawed for the following reasons:

First, the proposal provides far too much tax subsidy for only a handful of zones so it will be underutilized and inefficient;

Second, nearly all small businesses will not have sufficient tax liability—income—to utilize the credits;

Third, the credits as currently written will provide a windfall of benefits to existing companies without encouraging net new economic activity; and

Fourth, there is no provision in this proposal which addresses access to capital, which is critical to small firms and startup businesses likely to enter zones.

I'm very concerned that unless we fix these problems, substantially increasing the numbers of zones to at least 50 with a much better mix of capital as well as labor incentives, we will not have a genuine enterprise zone proposal, and therefore will leave our poorest areas languishing without hope.

Everywhere I look at the economic investment incentives the President proposed, I see serious erosion in the conference committee. The conference is eliminating the balance between growth and deficit reduction that we must maintain.

I want very much to help the President and my colleagues in Congress to pass a budget, but I will not vote for a proposal that does not do enough to grow our economy and protect and create the jobs we so clearly need.

HOW TECHNOLOGY CAN CREATE JOBS

Mr. HATCH. Mr. President, many of our colleagues have supported President Clinton's economic plan as a way to create jobs. I believe they will be sorely disappointed if this plan is enacted. Increased taxes simply do not create jobs.

Mr. President, the way to increase jobs in our country is to encourage innovation and risk-taking. The way to create jobs is to encourage research and development of new products, services, and processes and to make them available in the marketplace via new business ventures.

My home State of Utah is doing some remarkable things in the way of public-private partnerships to incubate the new ideas that lead to new businesses. I am reminded of an article that appeared in the New York Times after the 102d Congress adjourned. I would like to share that article with my colleagues at this time. I believe it is relevant to our debate on economic policy; and, of course, I always appreciate an opportunity to highlight the accomplishments of Utahns.

Mr. President, I ask unanimous consent that an article from the November 25, 1992, issue of the New York Times be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

NEW CHALLENGE FOR STATES: MAKING, NOT TAKING, JOBS

(By Joel Brinkley)

In state capitals across the nation, just as in Washington, government leaders are casting about for approaches, new and old, to reinvigorate their economies. And the key to that, wherever it is tried, is creating jobs.

For decades, most states have taken the easy, politically expedient approach. They have offered lucrative tax incentives, a proven technique that lures businesses away from neighboring states, enabling politicians to put hundreds or thousands of their constituents to work before the next elections.

Amoung the states relying on this approach even today are Arkansas, the home state of President-elect Bill Clinton, and Kentucky, which has perhaps the most generous such program.

TO MEET COMPETITION

But here in Utah, as in a handful of other states, officials are trying new methods. Utah is looking to its own people for creative ideas that can be turned into marketable inventions. When one emerges, the state helps to turn it into a business venture, creating home-grown enterprises that sell new high-tech products.

Economic development experts say that if the nation is to remain competitive internationally, Washington cannot rely only on large-scale Federal public works projects and tax incentives to create jobs. They say the Government should also encourage the creation of innovative businesses, as Utah does. Even though most of these start quite small, such new companies, with patented, cutting-edge products, hold the greatest potential to keep the nation competitive.

One such enterprise may have been born at a meeting of scientists, engineers, venture capitalists and marketing specialists who had been brought together here this month by Utah economic development officials.

Dr. Paul Savello, a professor at Utah State University, told the group that in five years, "there will be no more whole milk for sale in grocery stores."

He explained: "People are concerned about the fat, and in 15 or 20 years people are going to want to.move away from 2 percent milk, too. But the problem is, they just don't like the taste and the appearance of skim milk. It's watery."

"It looks blue," an investor, Lee Smith, interjected with a dismissive laugh.

"Well," Dr. Savello went on, "we have firmly developed a way to make skim milk indistinguishable from 2 percent milk in blind taste tests. We don't add anything; it's still regular skim milk. All we're doing is manipulating the protein structure."

That caught everyone's attention, and the investors immediately peppered Dr. Savello with questions about marketing, distribution, costs. He didn't have many answers. "I'm just a scientist," he said, almost as an apology. But he did say, "the cost of the process is probably under one-tenth of a penny per gallon."

With that, a businessman, Jim Dreyfous, exclaimed, "This could be the Nutrasweet of milk!" And within a week Dr. Savello had heard from several eager suitors, venture capitalists and others eager to join forces with him to start a company, build the equipment, hire employees and begin licensing the technology to local dairies nationwide.

"We're really excited about this," Rick Sherle, an Utah entrepreneur who was a breakfast guest, said later. "We're putting together a business plan."

Down the street, at Utah's economic development department a few days later, Michael Alder, head of the state's job creation office, was smiling. He is the one who organized the breakfast. And now, Mr. Alder said, "it looks like the skim milk is taking off."

Mr. Alder's office had helped finance Dr. Savello's research; over the last two years the state had given him almost $200,000. Dr. Savello and Dr. Ault are just two of several dozen scientists and engineers at Utah's universities who have been given $16.5 million for research in the last six years, grants that have been matched 10 to 1 by the Federal Government, foundations and private companies.

The state money is awarded with the clear instruction that it must be used to produce cutting-edge commercial products. Economic development experts say this program is among the nation's most innovative projects for creating jobs. About two-dozen other states offer aid to inventors in universities, said Walter Plosila, an economic development official in Maryland who was hired to evaluate Utah's program last year. "But very few of them are oriented to moving the inventions into industry," he said.

Now with Dr. Savello's work, once again Utah appeared ready to create jobs in an innovative field, jobs that might never have been created without the state government's help.

A MISTAKE—'I DID OVERDO IT,' CLINTON ADMITS

Among economists, social scientists and others, state economic development programs are generally held in low regard. Most do not create jobs. Usually they simply shift them from one place to another, often at great cost.

To many states, economic development means tax rebates and other costly incentives to lure businesses away from their neighbors—"smokestack chasing," it is called.

But those tax breaks, while often successful at attracting low-tech businesses in search of bargains, can at the same time deprive State governments of revenue they need. Without that money, States often cannot improve their schools and universities, enhance their roads, bridges and other elements of the infrastructure—or in general prepare themselves for the high-technology industries the nation needs to remain competitive in the world.

Tax incentives were the key to Mr. Clinton's economic development program in Arkansas. In the last decade, it produced impressive growth in basic manufacturing jobs, as Mr. Clinton often noted in his campaign speeches.

But most of the new jobs were in new, expanded or relocated plants that generally hired low-wage workers. And even with all those new taxpaying employees in Arkansas, the business-tax rebates insured that Mr. Clinton still had to cut state spending to balance the budget and then raise other taxes to pay for school improvements and other social programs.

In his book "Laboratories of Democracy" (Harvard Business School Press, 1990), David Osborne profiled Mr. Clinton's administration. This study, otherwise generous with praise for Mr. Clinton, criticized the Governor for the size of the tax credits he gave businesses, noting that they cost Arkansas at least $10 million in 1986 alone.

"I asked Clinton about this once," Mr. Osborne said in an interview. "And he said: 'Yup, I plead guilty. It was a mistake.'" In Mr. Osborne's book, Mr. Clinton is quoted as telling the author several years ago: "In 1983, unemployment was 13 percent, and for three years I was desperate to do anything to keep manufacturing jobs. But I think I did overdo it."

LARGESS—MOST AGGRESSIVE IN TAX INCENTIVES

Kentucky is similar to Arkansas in many ways. Half Southern, half Mid-western, it is largely rural and poor. By many national measures of wealth and education, Kentucky, like Arkansas, ranks not far from the bottom when compared with other states.

Last summer Kentucky began what may be the nation's most generous tax-incentive program to recruit new businesses, and it has already attracted several hundred jobs. But it also touched off a regional war.

The most visible part of Kentucky's program is the television advertisements. Since late summer, the State has been running 30-second commercials on CNN showing Gov. Brereton C. Jones leaning toward the camera from behind a polished, dark-wood desk.

"As Governor, I'm asking you to consider Kentucky for your business location," he says. "Locate your white collar jobs in Kentucky, and the state will pay half your rent for 10 years and up to half your start-up costs."

In another ad, the Governor promises: "Locate your manufacturing plant in Kentucky, and the state will reimburse your entire investment. In Kentucky, we're serious about jobs!"

OTHER STATES CRY FOUL

The lucrative tax rebates were Lieut. Gov. Paul E. Patton's idea. His elected position has no duties, so early this year Mr. Jones appointed him head of the state's economic development cabinet as well. Very quickly he drafted the tax incentive plan, the legislature passed the bill and the new law took effect in July. Officials in Ohio and Tennessee promptly cried foul.

"It's the most vicious piece of legislation I have ever seen," Mayor Dwight Tillery of Cincinnati complained.

Almost immediately, Ohio's General Assembly prepared its own generous economic incentive bill, and at the hearings in August, one state senator summed up the general sentiments when he said: "Ohio can't stand by and be a patsy."

After Gov. George Voinovich told the state Senate this was a "must pass" bill, it was enacted. So now Ohio, too, has a generous tax-rebate program—along with all the economic burdens it brings along.

In Jackson, Tenn., meanwhile, officials were preparing to announce late last summer that the International Paper Company was going to build a plant there. It would employ 400 people manufacturing paper labels for cans.

But just before the announcement, International Paper heard about Kentucky's new program and reconsidered. The company's project manager, Kris Schmaling, told the Nashville Business Journal that Kentucky's tax incentives were worth $39 million to International Paper, so "we literally took the Jackson construction plans and modified them for Bowling Green," in southwestern Kentucky.

That was not the only new plant Tennessee lost to Kentucky, and economic development officials were furious. They, too, began lobbying that state's legislature to enact similar incentives.

But at Middle Tennessee State University, Tony Eff, a professor of regional economics, warned Tennessee not to join the regional smokestack chase.

"That was a good strategy 20 years ago, when what made us competitive was low-cost, hard-working workers," he said. "But if employers want that now, they can go to Mexico." And in fact, several states that have used temporary tax-rebate programs to lure businesses are finding that as soon as their rebates expire, some of the companies move away to take advantage of incentives elsewhere.

Now, Dr. Eff says, Tennessee must begin manufacturing new, high-technology products that other countries cannot easily produce. Businesses of that sort usually are not after tax rebates. They look for states with attributes like strong universities, educated and well-trained citizens and advanced communications.

As for tax incentives, Dr. Eff says, "I don't think we can afford it."

Lieutenant Governor Patton says he has heard the argument that Kentucky cannot really afford the incentives, either. But he argues that even though large tax benefits are given to the companies, the state still gains revenue. The new employees "pay sales taxes, property taxes, gasoline taxes," he said.

At the same time, however, these people and their children fill more classrooms, add traffic to the highways, make additional demands on the state Medicaid program. The list goes on. So determining whether the state wins or loses in the end is difficult if not impossible.

"Some people say it's the wrong way to go, that we are eroding our tax base," Mr. Patton acknowledged. "But in Kentucky's situation, we still have high employment, and as long as we bring in jobs for local people, it's helping us."

A BIG SCORE—KENTUCKY LANDS TOYOTA'S PLANT

Kentucky generally prospered in the latter half of the 1980's, largely a result of several lucky strikes. The most notable was Toyota's decision to build an assembly plant in Georgetown, after the state offered $140 million in incentives.

But the economic consulting firm DRI-Mcgraw Hill projects that Kentucky will rank 34th in the nation in job creation next year. The Corporation for Economic Development, another national consulting firm, ranks Kentucky 39th, and its annual report card on the states gives Kentucky D's for both economic performance and development capacity.

The same two firms rank Utah 10th and 8th respectively in job creation. And in the same two categories the report card gives Utah two A's. This is largely because Utah puts most of its energy into a different approach.

Mr. Alder's office, the Centers of Excellence program, is a central part of that. It seeks out promising research in university laboratories in the state—professors with projects that ordinarily might produce interesting articles in academic journals but seldom much more.

PROFESSORS THINKING COMMERCIAL

The state encourages these professors to refocus their work toward commercial applications. And then twice a year, professors across the state can enter a competition of sorts for state financing up to $300,000 a year that must be used to move their work from university labs to new commercial ventures.

Start-up businesses of this sort generally take several years to get going. But since the program was begun in 1986, it has led to the creation of 65 high-tech companies employing almost 1,500 people, plus about 1,000 more people hired to carry out additional work in the associated university labs. Not all of these companies will survive. But those that do provide jobs that were not simply shifted here from other states. They did not exist before, and most of them pay higher than average wages.

A SUCCESS

UTAH SEEKS OUT CUTTING EDGE

In northeast Salt Lake City, right beside the university campus, the entrance sign to a modern industrial park reads: "University of Utah Research Park: Technology, Creating Industry, Creating Jobs."

Inside are rows of squat, red-brick industrial buildings housing more than 50 start-up concerns, all of them born of research in the university's labs, many of them financed in part with money from Mr. Alder's program.

Not many universities encourage their professors to start businesses; in fact the whole idea seems contrary to the philosophy of academia. But "this institution has a view that we are an important part of the regional and local economy, and one thing we can do for the state is commercialize our research," said Richard Koehn, the University of Utah's vice president for research.

That's not just an altruistic view; by a variety of arrangements the university shares in the profits from commercial ventures born in the school's labs. "Last year we took in $1.3 million," Dr. Koehn said.

And it is also true that his university is known for unorthodox experiments. It was here in 1989 that two researchers announced that they had achieved cold nuclear fusion, a claim that was later largely discredited. And it was here, seven years earlier, that Dr. William DeVries implanted the first permanent artificial heart in a patient, Barney Clark. He died three months later.

On a trial production line in one of the industrial-park buildings, a wide strip of special, porous plastic material rolls past, and steel nozzles just above spit small globs of clear gel at designated intervals, 70 of them a minute. A few inches farther along, another layer of plastic is laid on top, a punching device cuts the sheets into individual two-inch squares. And then these little patches of medication are dumped into a basket ready for packaging—the first products in a new market with an estimated potential value of $1 billion.

The squares are transdermal patches of testosterone, the male sex hormone. They are like the nicotine patches many people use to help them quit smoking, though far more sophisticated. Pasted most anywhere on the body of a patient suffering from malfunctioning gonads, they dispense testosterone through the skin to replace the testosterone the body should be producing on its own, under a new, patented process unknown before it was pioneered in a University of Utah laboratory.

FIELD DIDN'T EXIST BEFORE

Creation of the process was financed in part by more than $1 million from the state, Dr. Sung Wan Kim, one of the inventors, said. With encouragement from both the university and Mr. Alder's office, he founded a company. Theratec Inc., which produces the patches and several other novel drug delivery technologies.

Theratec made a public offering of its shares early this year, and the over-the-counter stock has grown to be a darling of some financial analysts. "The unappreciated gem of the drug delivery area," an analysis by Vector Securities said early this year. Last month, Kidder, Peabody & Company said "the uniqueness and proven benefits of these products gives us confidence in the company's profitability."

Now Theratec employs 80 people in a field that did not exist just a few years ago. And the company is almost certain to grow after it gains Food and Drug Administration approval for its initial products. Already, the average salary of Theratec's employees exceeds $40,000 a year. But like most speculative new companies, Theratec's early days were not easy.

"It would have been tough getting going without that money from the state," says Dinesh C. Patel, the company's president. "The state stepped in where most new companies fail."

Dr. Kim said, "Because of the state funding, we were able to initiate many new areas of research," adding that the Clinton Administration should look to Utah for ideas.

"The new Government in Washington has to stimulate small technologies like ours," he said.

Stephen C. Jacobsen has a similar view. He is a professor of engineering at the same university, and with help from the state, among others, he created a successful robotics company now employing 120 people. He put it this way: "People like us create the headwaters of innovation that can enable this country to stay ahead of Japan. But in the beginning, it's a minefield, and that's where the state helps."

If the Federal Government "doesn't do something to help entrepreneurs, something like the state does here, then we'll be in trouble."

BREAST AND CERVICAL CANCER PREVENTION PROGRAM

Mr. RIEGLE. Mr. President, I would like to express my support for reauthorization of the CDC's Breast and Cervical Cancer Prevention Program. I am proud to be cosponsoring this legislation with Senator KENNEDY.

Breast and cervical cancer are among the leading causes of death in women. Survival rates for women with both of these cancers increase dramatically, however, when they are detected by screening in their early, most curable stages.

The Breast and Cervical Cancer Prevention Program establishes screening services in communities with large numbers of women who are at risk for breast or cervical cancer, and it provides funding for educational programs on the value of early screening. Last year 30 States, including Michigan, were part of the program.

The Department of Public Health in Michigan has been a participant in this program for 2 years. In Michigan alone over 4,500 women have received mammograms through the program and over 4,700 have received Pap tests. More than 500 of these women have had abnormal test results and have been referred for followup services. This kind of detection is essential to giving women the greatest chances for overcoming these conditions.

I believe the value of these services to the health of women is indisputable, and I would like to urge my colleagues to support this legislation and to extend this very important program.

IN HONOR OF DONALD G. HARD, MAJOR GENERAL, USAF

Mr. LEAHY. Mr. President, I would like to pay tribute to Maj. Gen. Donald G. Hard, on the occasion of his upcoming retirement on August 1, 1993. Vermont is proud that General Hard, who grew up on a farm in Sunderland, VT, has served his country with such distinction.

General Hard culminated a remarkable 31-year career as Director of Space Programs in the Office of the Assistant of Air Force for Acquisition. I am pleased to have the opportunity, Mr. President, of sponsoring a flag to be flown over the U.S. Capitol Building on August 1, 1993, to commemorate Gen. Don Hard's retirement. I wish General Hard, his wife June, and his daughters Jennifer, Amy, and Julie the very best of luck and Godspeed.

FOR THE RELIEF OF OLGA D. ZHONDETSKAYA

Mr. MURKOWSKI. Madam President, I send the enclosed bill to the desk on behalf of Senator COHEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1311) for the relief of Olga D. Zhondetskaya.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. If there is no objection, the bill is deemed read three times and passed.

The bill (S. 1311) was passed, as follows:

S. 1311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. WAIVER OF CERTAIN NATURALIZATION REQUIREMENTS FOR OLGA D. ZHONDETSKAYA.

(a) IN GENERAL.—Notwithstanding the inability of Olga D. Zhondetskaya to meet the requirements of section 312 of the Immigration and Nationality Act or the requirements of section 316 of such Act that relate to residence and physical presence in the United States, if otherwise qualified, she shall be considered eligible for naturalization and, upon filing an application for naturalization and being administered the oath of renunciation and allegiance pursuant to section 337 of such Act, shall be naturalized as a citizen of the United States.

(b) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for naturalization is filed with appropriate fees within 1 year after the date of the enactment of this Act.

Mr. MURKOWSKI. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TO WAIVE THE PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. FORD. Madam President, on behalf of the majority leader, I send to the desk a concurrent resolution (S. Con. Res. 33), and ask for its immediate consideration; and I ask unanimous consent that the concurrent resolution be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 33) was agreed to as follows:

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the

Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

GOVERNMENT SECURITIES ACT AMENDMENTS OF 1993

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 161, S. 422, a bill to amend the Securities Exchange Act, to ensure the efficient and fair operation of the Government securities market; that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table; that any statements relative to this measure appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bill (S. 422) to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the Government securities market, in order to protect investors and facilitate Government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of Government securities, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment on page 5, line 23, to strike "such",

So as to make the bill read:

S. 422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Securities Act Amendments of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the liquid and efficient operation of the government securities market is essential to facilitate government borrowing at the lowest possible cost to taxpayers;

(2) the fair and honest treatment of investors will strengthen the integrity and liquidity of the government securities market;

(3) rules promulgated by the Secretary of the Treasury pursuant to the Government Securities Act of 1986 have worked well to protect investors from unregulated dealers and maintain the efficiency of the government securities market; and

(4) extending the authority of the Secretary and providing new authority will ensure the continued strength of the government securities market.

SEC. 3. EXTENSION OF TREASURY RULEMAKING AUTHORITY.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5) is amended by striking subsection (g).

SEC. 4. SALES PRACTICE RULEMAKING AUTHORITY.

(a) RULES FOR FINANCIAL INSTITUTIONS.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) With respect to any financial institution that has filed notice as a government securities broker or government securities dealer or that is required to file notice under subsection (a)(1)(B), the appropriate regulatory agency for such government securities broker or government securities dealer may issue such rules and regulations with respect to transactions in government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, if the Secretary has not determined that the rule or regulation, if implemented would, or as applied does—

"(i) adversely affect the liquidity or efficiency of the market for government securities; or

"(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(B) The appropriate regulatory agency shall consult with and consider the views of the Secretary prior to approving or amending a rule or regulation under this paragraph, except where the appropriate regulatory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary comments in writing to the appropriate regulatory agency on a proposed rule or regulation that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before approving the proposed rule or regulation.

"(C) In promulgating rules under this section, the appropriate regulatory agency shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers.".

(b) RULES BY REGISTERED SECURITIES ASSOCIATIONS.—Section 15A(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(f)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E); and

(2) by striking the period at the end of subparagraph (F) and inserting ", and (G) with respect to transactions in government securities, to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.".

(c) OVERSIGHT OF REGISTERED SECURITIES ASSOCIATIONS.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(1) in subsection (b), by adding at the end the following new paragraphs:

"(5) The Commission shall consult with and consider the views of the Secretary of the Treasury prior to approving a proposed rule filed by a registered securities association pursuant to section 15A(f)(2)(G), except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary of the Treasury comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule. The Commission may approve **[**such**]** a rule *under this paragraph* if the Secretary of the Treasury has not determined that the rule, if implemented, would, or as applied does—

"(A) adversely affect the liquidity or efficiency of the market for government securities; or

"(B) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(6) In approving rules filed by a registered securities association pursuant to section 15A(f)(2)(G), the Commission shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers."; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(5) With respect to rules adopted pursuant to section 15A(f)(2)(G), the Commission shall consult with and consider the views of the Secretary of the Treasury before abrogating, adding to, and deleting from such rules, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.".

SEC. 5. DISCLOSURE BY GOVERNMENT SECURITIES BROKERS AND GOVERNMENT SECURITIES DEALERS WHOSE ACCOUNTS ARE NOT INSURED BY THE SECURITIES INVESTOR PROTECTION CORPORATION.

Section 15C(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) No government securities broker or government securities dealer that is not a member of the Securities Investor Protection Corporation shall effect any transaction in any security in contravention of such rules as the Commission shall prescribe pursuant to this subsection to assure that its customers receive complete, accurate, and timely disclosure of the inapplicability of Securities Investor Protection Corporation coverage to their accounts.".

SEC. 6. TECHNICAL AMENDMENT.

Section 15C(d)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(d)(2)) is amended to read as follows:

"(2) Information received by any appropriate regulatory agency or the Secretary from or with respect to any government securities broker or government securities dealer or with respect to any person associated with a government securities broker or a government securities dealer may be made available by the Secretary or the recipient agency to the Commission, the Secretary, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve bank.".

SEC. 7. AMENDMENTS TO DEFINITIONS.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, an uninsured State branch or State agency of a foreign bank, a commercial lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25(a) of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms are used in the International Banking Act of 1978);

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;"; and

(2) by amending paragraph (46) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6));

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation.".

SEC. 8. STUDY RELATING TO GOVERNMENT SECURITIES INFORMATION.

(a) IN GENERAL.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall monitor and evaluate the effectiveness of private sector efforts to disseminate government securities price and volume information, and determine whether such efforts—

(1) assure the prompt, accurate, reliable, and fair reporting, collection, processing, distribution, and publication of information with respect to quotations for and transactions in government securities and the fairness and usefulness of the form and content of such information;

(2) assure that all government securities information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions in government securities as is reported, collected, processed, or prepared for distribution or publication by any processor of such information (including self-regulatory organizations) acting in an exclusive capacity; and

(3) assure that all government securities brokers, government securities dealers, government securities information processors, and other appropriate persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions in government securities as is published or distributed.

(b) REPORT.—A report describing any findings made under this section and any recommendations for legislation shall be submitted to Congress not later than 18 months after the date of enactment of this Act.

SEC. 9. OFFERINGS OF GOVERNMENT SECURITIES.

Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)) is amended by adding at the end the following new paragraph:

"(7) In connection with any bid for or purchase of a government security related to an offering of government securities by or on behalf of an issuer, no government securities broker, government securities dealer, or bidder for or purchaser of securities in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading.".

GOVERNMENT SECURITIES ACT AMENDMENTS OF 1993

Mr. DODD. Madam President, I rise in support of S. 422, the Government Securities Act Amendments of 1993. This is legislation I introduced earlier this year with Senators RIEGLE, D'AMATO, SHELBY, KERRY, and MURRAY. The text of the bill is identical to measures that Senator GRAMM and I developed in the last Congress, and which passed the Senate by unanimous consent.

This legislation is needed to restore the Treasury's rulemaking authority over Government securities dealers. That authority expired October 1, 1991, when the House failed to move legislation passed by the Senate. The Treasury cannot go forward with critical rulemaking initiatives related to capital standards, risk assessment, and customer protection until its rulemaking authority is reinstated. We need to move this legislation expeditiously, and I am grateful for the support of Chairman RIEGLE, Senator D'AMATO, Senator GRAMM, and my other colleagues.

In brief, this legislation would: Reauthorize Treasury's rulemaking authority under the Government Securities Act; provide a structure for sales practice rules for Government securities dealers—something State and local officials have told us is necessary to protect investors; direct further study of private sector efforts to disseminate price and volume information for Government securities dealers; authorize the SEC to write rules requiring that Government securities dealers who do not have SIPC insurance coverage for their customers must disclose their lack of coverage; prohibit making false written statements in Treasury auctions or in other offerings of Government securities; and make further technical amendments to the Government Securities Act.

The legislation was based on studies by the Treasury, the Federal Reserve and the SEC, as well as an extensive hearing record developed by the Securities Subcommittee in the last Congress. Experts and market regulators recommended that Congress reauthorize Treasury's rulemaking authority and make further amendments to the Government Securities Act.

The scandal in the Treasury securities market in 1991 resulted in heightened scrutiny over this market and led to the adoption of major reforms. The SEC levied hefty fines and brought civil actions against one of the largest primary dealers and its top officers. The Treasury, the Federal Reserve, the SEC, and the CFTC established a surveillance group to ensure that trading activity in the market is closely monitored. The Treasury has implemented a long list of reforms designed to keep the market fair, honest, and efficient. Government securities dealers have strengthened their own internal controls to prevent future violations. It is noteworthy that today, there is more price and volume information in this market than ever before.

Many reforms have been implemented, and wrongdoers have been punished. However, the legislation we are considering today is critical to implement reforms that require further statutory authority.

Let me close by noting that every taxpayer in this country is affected by this legislation. The market for Treasury securities is the largest securities market in the world, and conditions in the Treasury market determine the cost to the taxpayer of financing U.S. Government operations.

It is essential that we maintain the fairness and efficiency of this market so that Government funds are raised with the least possible cost to the American taxpayer, and that investors—whether they are individuals, mutual funds, or State and local governments—have confidence in this market and believe it is fair and honest.

I am hopeful the House will take up this measure soon. I look forward to meeting with our colleagues in the House and feel confident that we will see this legislation enacted into law this year.

The PRESIDING OFFICER. Without objection, the committee amendment is agreed to.

So the bill (S. 422), as amended, was passed as follows:

S. 422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Securities Act Amendments of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the liquid and efficient operation of the government securities market is essential to facilitate government borrowing at the lowest possible cost to taxpayers;

(2) the fair and honest treatment of investors will strengthen the integrity and liquidity of the government securities market;

(3) rules promulgated by the Secretary of the Treasury pursuant to the Government Securities Act of 1986 have worked well to protect investors from unregulated dealers and maintain the efficiency of the government securities market; and

(4) extending the authority of the Secretary and providing new authority will ensure the continued strength of the government securities market.

SEC. 3. EXTENSION OF TREASURY RULEMAKING AUTHORITY.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended by striking subsection (g).

SEC. 4. SALES PRACTICE RULEMAKING AUTHORITY.

(a) RULES FOR FINANCIAL INSTITUTIONS.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) With respect to any financial institution that has filed notice as a government securities broker or government securities dealer or that is required to file notice under subsection (a)(1)(B), the appropriate regulatory agency for such government securities broker or government securities dealer may issue such rules and regulations with respect to transactions in government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, if the Secretary has not determined that the rule or regulation, if implemented would, or as applied does—

"(i) adversely affect the liquidity or efficiency of the market for government securities; or

"(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(B) The appropriate regulatory agency shall consult with and consider the views of the Secretary prior to approving or amending a rule or regulation under this paragraph, except where the appropriate regulatory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary comments in writing to the appropriate regulatory agency on a proposed rule or regulation that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before approving the proposed rule or regulation.

"(C) In promulgating rules under this section, the appropriate regulatory agency shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers.".

(b) RULES BY REGISTERED SECURITIES ASSOCIATIONS.—Section 15A(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(f)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E); and

(2) by striking the period at the end of subparagraph (F) and inserting ", and (G) with respect to transactions in government securities, to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.".

(c) OVERSIGHT OF REGISTERED SECURITIES ASSOCIATIONS.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(1) in subsection (b), by adding at the end the following new paragraphs:

"(5) The Commission shall consult with and consider the views of the Secretary of the Treasury prior to approving a proposed rule filed by a registered securities association pursuant to section 15A(f)(2)(G), except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary of the Treasury comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule. The Commission may approve a rule under this paragraph if the Secretary of the Treasury has not determined that the rule, if implemented, would, or as applied does—

"(A) adversely affect the liquidity or efficiency of the market for government securities; or

"(B) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(6) In approving rules filed by a registered securities association pursuant to section 15A(f)(2)(G), the Commission shall consider the sufficiency and appropriateness of then existing laws and rules applicable to government securities brokers, government securities dealers, and persons associated with government securities brokers and government securities dealers."; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(5) With respect to rules adopted pursuant to section 15A(f)(2)(G), the Commission shall consult with and consider the views of the Secretary of the Treasury before abrogating, adding to, and deleting from such rules, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.".

SEC. 5. DISCLOSURE BY GOVERNMENT SECURITIES BROKERS AND GOVERNMENT SECURITIES DEALERS WHOSE ACCOUNTS ARE NOT INSURED BY THE SECURITIES INVESTOR PROTECTION CORPORATION.

Section 15C(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) No government securities broker or government securities dealer that is not a member of the Securities Investor Protection Corporation shall effect any transaction in any security in contravention of such rules as the Commission shall prescribe pursuant to this subsection to assure that its customers receive complete, accurate, and timely disclosure of the inapplicability of Securities Investor Protection Corporation coverage to their accounts.".

SEC. 6. TECHNICAL AMENDMENT.

Section 15C(d)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(d)(2)) is amended to read as follows:

"(2) Information received by any appropriate regulatory agency or the Secretary from or with respect to any government securities broker or government securities dealer or with respect to any person associated with a government securities broker or a government securities dealer may be made available by the Secretary or the recipient agency to the Commission, the Secretary, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve bank.".

SEC. 7. AMENDMENTS TO DEFINITIONS.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, an uninsured State branch or State agency of a foreign bank, a commercial lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25(a) of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms are used in the International Banking Act of 1978);

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;"; and

(2) by amending paragraph (46) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6));

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation.".

SEC. 8. STUDY RELATING TO GOVERNMENT SECURITIES INFORMATION.

(a) IN GENERAL.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall monitor and evaluate the effectiveness of private sector efforts to disseminate government securities price and volume information, and determine whether such efforts—

(1) assure the prompt, accurate, reliable, and fair reporting, collection, processing, distribution, and publication of information with respect to quotations for and transactions in government securities and the fairness and usefulness of the form and content of such information;

(2) assure that all government securities information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions in government securities as is reported, collected, processed, or prepared for distribution or publication by any processor of such information (including self-regulatory organizations) acting in an exclusive capacity; and

(3) assure that all government securities brokers, government securities dealers, government securities information processors, and other appropriate persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions in government securities as is published or distributed.

(b) REPORT.—A report describing any fundings made under this section and any recommendations for legislation shall be submitted to Congress not later than 18 months after the date of enactment of this Act.

SEC. 9. OFFERINGS OF GOVERNMENT SECURITIES.

Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)) is amended by adding at the end the following new paragraph:

"(7) In connection with any bid for or purchase of a government security related to an offering of government securities by or on behalf of an issuer, no government securities broker, government securities dealer, or bidder for or purchaser of securities in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading.".

SECURITIES EXCHANGE AMENDMENTS ACT OF 1934

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 63, H.R. 616, a bill to amend the Securities Exchange Act to permit members of the national securities exchange to effect certain transactions with respect to accounts for which such members exercise investment discretion; that the bill be deemed read three times and passed; that the motion to reconsider be laid upon the table; that any statement relative to this measure appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 616) to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion was considered, ordered to a third reading, deemed read the third time, and passed.

Mr. DODD. Madam President, I am pleased that the Senate has today passed and will send to the President for his signature, H.R. 616, a bill that amends the managed account restrictions currently imposed by section 11(a) of the Securities Exchange Act of 1934.

This measure, which was originally introduced by Senator KERRY in the last Congress as a free-standing bill, was added to the Investment Advisers Oversight Act of 1992, which passed the Senate in the 102d Congress. The House and Senate were not able to resolve their differences in the broader investment adviser legislation, so, unfortunately, Congress adjourned without enacting the managed account restrictions provision.

H.R. 616, which was introduced by Representative MARKEY in the House earlier this session, contains the same language that passed both Chambers in the last Congress. On May 4, 1993, the House of Representatives passed H.R. 616 by unanimous consent.

Let me briefly discuss this legislation. Section 11(a), which was adopted in 1975, limits the ability of affiliates of investment companies and other institutional investors to execute trades on the floor of a registered securities exchange for accounts which they manage. In practice, an independent floor broker must be used to execute these trades. This adds additional costs, which are passed on to investors.

This bill would permit members of a registered securities exchange to execute transactions on the exchange for their managed accounts, without having to use another broker. Based upon studies conducted by the Securities Industry Association and the New York Stock Exchange, passage of this provision could result in savings of hundreds of millions of dollars for investors.

The bill also provides the SEC with authority to assure that appropriate investor protections are provided to prevent potential conflicts of interests. In order for institutional investors to execute trades on the floor of the exchange for accounts that they manage, they must obtain prior authorization from the person authorized to transact business for the managed account.

In addition, the bill authorizes the SEC to prescribe rules requiring disclosure of the compensation received by the affiliated broker. The SEC may prescribe rules specifying, for example, the form of authorization required in order to execute trades for managed accounts, the person that may give the authorization, and the manner and frequency of disclosure of compensation received by the exchange member.

Madam President, I believe these safeguards will ensure that the intent of section 11(a) is carried out. At the same time, this legislation will provide significant cost savings for investors.

SENATOR LAUTENBERG ADDED AS A CONFEREE TO H.R. 2519

Mr. FORD. Madam President, earlier today, following the final passage of H.R. 2519, the Commerce, Justice, and State, Judiciary and related agencies appropriations bill for fiscal year 1994, Senator LAUTENBERG's name was inadvertently omitted from the list of conferees.

I therefore ask unanimous consent that Senator LAUTENBERG be added to the Senate conferees for the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE REFERRED TO ENVIRONMENTAL AND PUBLIC WORKS COMMITTEE—S. 1302

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that S. 1302, a bill to designate the Federal building in Jacksonville, FL, as the "Charles E. Bennett Federal Building," be discharged in the Governmental Affairs Committee and referred to the Environmental and Public Works Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF THE ARCTIC RESEARCH PLAN BIENNIAL REVISION: 1994–1995—MESSAGE FROM THE PRESIDENT—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I hereby transmit the third biennial revision (1994–1995) to the United States Arctic Research Plan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 29, 1993.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. FAZIO, Mr. OBEY, Mr. MORAN, Mr. MURTHA, Mr. CARR, Mr. CHAPMAN, Mr. NATCHER, Mr. YOUNG of Florida, Mr. PACKARD, Mr. TAYLOR of North Carolina, and Mr. MCDADE as the managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 63. An act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes; and

H.R. 2683. An act to extend the operation of the migrant student record transfer system.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The Committee on Governmental Affairs was discharged from further consideration of the following measure which was referred to the Committee on Environment and Public Works:

S. 1302. A bill to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S. 1078. A bill to confirm the Federal relationship with the Jena Band of Choctaw Indians of Louisiana (Rept. No. 103–116).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 636. A bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes (Rept. No. 103–117).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Ruth Bader Ginsburg, of New York, to be an Associate Justice of the Supreme Court of the United States.

By Mr. PELL, from the Committee on Foreign Relations:

John Francis Maisto, of Pennsylvania, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua;

Nominee: John Francis Maisto.

Post: Ambassador to Nicaragua.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: John F. Maisto, none.
2. Spouse: Maria Consuelo G. Maisto, $25, October 1992, Clinton-Gore campaign.
3. Children and spouses names: John J. Maisto, none; Karen Nelson, none; Maria Consuelo Maisto, none; M. Cristina Maisto, $15, July 1992, Lenora Fulani for President.
4. Parents names: John Maisto, deceased; Mary P. Maisto, none.
5. Grandparents names: Elpedio Maisto, deceased; Louise Maisto, deceased; Luigi Tomaino, deceased; Petronilla Tomaino, deceased.
6. Brothers and spouses names: Albert L. Maisto, none; Mary Jean Maisto, none.
7. Sisters and spouses names: None.

David Laurence Aaron, of New York, to be the Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador;

Nominee: David L. Aaron.

Post: Ambassador to OECD.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Chloe W., none.
3. Children and spouses, names: Timothy W., none.
4. Parents names: Audrey Aaron, none, Abe Aaron (stepfather) deceased; Michael Gorman, deceased.
5. Grandparents names: FNU Gorman, deceased; FNU Scollon, deceased.
6. Brothers and spouses names: None
7. Sisters and spouses names: Sonia Draper (stepsister), none; Jack Draper, none.

Robin Lynn Raphel, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Assistant Secretary of State for South African Affairs;

Alan H. Flanigan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador;

Nominee: Alan H. Flanigan.

Post: Ambassador to El Salvador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses names Katherine J. Flanigan, none. Alan T. Flanigan, none.
4. Parents names: mother, Leola F. Flanigan, none, father Addison A. Flanigan, deceased.
5. Grandparents names: None surviving.
6. Brothers and spouses names: David A. Flanigan, none; Yvonne Flanigan, spouse, none.
7. Sisters and spouses names: Faith Lee, none; Jesse R. Lee, spouse, none.

James J. Blanchard, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada;

Nominee: James J. Blanchard.

Post: U.S. Ambassador to Canada.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: James J. Blanchard, $325, May 20, 1991, Conyers for Congress; $125, September 24, 1991, Kildee for Congress; $200, October 5, 1991, Democratic Congressional Campaign Committee; $1,500, October 21, 1991, Democratic Senate Campaign Committee; $500, October 23, 1991, Clinton for President; $250, November 13, 1991, Clinton for President; $125, December 2, 1991, Levin for Congress Committee; $2,000, January 1, 1992, Great Lakes 1992 Fund; $250, March 17, 1992, Clinton for President; $125, March 23, 1992, Congressman Kildee Committee; $250, April 24, 1992, Bonior for Congress; $500, May 5, 1992, AuCoin for Senate; $200, May 25, 1992, Committee of Elect Cong. Richardson; $300, June 3, 1992, Conyers for Congress; $125, June 9, 1992, Martin Frost Campaign Committee; $60, June 12, 1992, Bonior for Congress; $1,000, July 22, 1992, Don Hare for Congress Committee; $500, August 28, 1992, Bonior of Congress; $1,000, September 9, 1992, DNC Victory Fund; $250, October 1, 1992, Harkin for President; $500, October 27, 1992, Congressman Kildee Committee; $500, October 27, 1992, Friends of Bob Carr; $500, April 19, 1993, Congressman Kildee Committee.
2. Spouse: Janet Blanchard, $500, October 23, 1991, Clinton for President; $250, November 13, 1991, Clinton for President; $250, March 17, 1992, Clinton for President; $1,000, September 9, 1992, DNC Victory Fund.
3. Children and spouses: James J. Blanchard, Jr., none.
4. Parents: Rosalie Webb, mother, $100, March 5, 1990, National Committee for an Effective Congress; $100, September 14, 1991, National Committee for an Effective Congress; $100, December 17, 1991, National Committee for an Effective Congress; $100, July 3, 1992, National Committee for an Effective Congress.
5. Grandparents: Deceased.
6. Brothers and spouses: None.
7. Sister and spouses: Suzanne Brook, sister, $100, September 14, 1992, Braun for Senate. Robert Brook, spouse, $30, July 24, 1990, Friends of Carl Levin; $50, September 15, 1990, Friends of Carl Levin; $100, February 23, 1991, AAP-Plan.

Jeffery Davidow, of Virginia, Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Venezuela;

Nominee: Jeffrey Davidow.

Post: Venezuela.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses names: Gwen Davidow (21), none; Audrey Davidow (19), none.
4. Parents names: Alfred Davidow (deceased 1978); Henrietta Davidow, none.
5. Grandparents names: Sigmund and Mary Wuff (deceased 1944, 1965); Abraham and Fanny Davidow (deceased 1926, 1954).
6. Brothers and spouses names: None.
7. Sisters and spouses names: Ann (Davidow) and Harvey Bornstein, none.

Thomas J. Dodd, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay;

Nominee: Thomas J. Dodd.

Post: Ambassador to the Oriental Republic of Uruguay.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount date and donee:

1. Self: Thomas J. Dodd, none.
2. Spouse: Divorced.
3. Children and spouses names: Abaigeal, Alison, Justin, none.
4. Parents names: Thomas J. Dodd (deceased; Grace Dodd, deceased.
5. Grandparents names: Mr. and Mrs. Thomas J. Dodd, deceased; Mr. and Mrs. John H. Murphy, deceased.
6. Brothers and spouses names: Jeremy (single), none; Christopher (single), none; Nicholas (single), none.
7. Sisters and spouses names: Carolyn (single) none. Martha Dodd & Bernard Buonanno, 1988, $200, Bruce Sundlun for Governor of R.I.; $150, Senator Claiborne Pell; $200, Fred Lippett for Mayor of Providence; $270, Scott Wolf for Congressman from R.I.; 1989, $1,000, Senator Claiborne Pell; 1990, $1,000, Senator Claiborne Pell; 1991, $250,

Governor Bruce Sundlun; $500, Congressman John Reed; 1992, $625, Frank Flaherty for Governor of R.I.; $250, James O'Neil for Attorney General of R.I.; $1,000, Senator Christopher Dodd; 1993, $1,000, Senator John Chafee.

Stuart E. Eizenstat, of Maryland, to be Representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary;

Nominee: Stuart E. Eizenstat.

Post: Ambassador to the European Community.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self:

1992—$500, National Jewish Democratic Council; $250, Friends of Derrick Butler; $50, Cathy Steinberg for Congress; $250, Glickman for Congress; $250, Idahoans for Stallings; $250, Friends of Ham Fish, Jr.; $250, Sanford for Senate; $250, Friends of Byron Dorgan; $250, Mary Rose Oakar for Congress; $250, Citizens for Downey; $250, Citizens Committee for Ernest F. Hollings; $250, Ackerman for Congress; $250, Friends of Les Aspin; $100, Wellstone Fund for Congress; $100, Friends of Congressman Bob Carr; $1,200, Democratic National Committee; $100, Levin for Congress; $50, Geri Serat for Senate; $100, Feinstein for Senate; $100, Steve Solarz for Congress; $100, John Rauh for Senate; $500, Mel Levine for Congress; $250, Friends of Jim Harmon; $500, Clinton for President; $250, Clinton for President; $100, Bob Kerry.

1991—$500, National Jewish Democratic Council; $50, Bennett Johnston for Congress; $50, Feinstein for Senate; $100, Abrams for Senate; $250, Harkin for President; $50, Mikulski for Senate; $250, Clinton for President; $250, Kerry for President; $250, Citizens for Wofford; $35, Rosa DeLauro for Congress; $250, Fowler for Senate; $150, Senator Leahy for Senate.

1990—$25, Maryland Democratic Party; $100, Paul Wellstone Fund; $100, Democratic National Committee; $100, Gephardt for Congress; $100, Steve Neal for Congress; $100, Dick Swett for Congress; $50, Clinton for Governor; $100, Cuomo for Governor; $100, Johnston Senate Committee; $100, Citizens for Biden; $250, Mike Synar for Congress; $100, Friends of Senator Carl Levin; $100, Friends of Al Gore; $100, Doug Walgren for Congress Committee; $200, Harry Gantt for Senate; $50, Sam Gejdenson for Congress; $100, Chiles/McKay Campaign; $100, Dennis Eckhart for Congress; $100, Young Working for Georgia.

1989—$100, MD Democrat Party; $100, Bruce Adams; $100, Democratic National Committee; $150, Joint Action Committee for Political Affairs; $100, Committee for a Service Consensus; $250, David Boner; $250, Carl Levin; $100, Doug Wilder for Governor; $100, John Kerry for Senate; $100, Friends of Pat Apodoca; $250, John Kenny; $50, Lynn Cutler for Vice Chairman; $25, Friends of Max Cleland.

1988—$100, Citizens for Biden; $250, Herb Kohl for Senate; $100, Cong. Steve Neal for Congress; $250, Democrats for the 1980's; $300, Don Bonker for Senate; $250, Skip Humphrey for Senate; $200, Gore for President; $100, Gore for President; $25, Friends of Max Cleland; $125, Sam Gejdenson for Congress; $100, Bruce Babbit for President; $100, Dick Gephardt for Congress.

2. Spouse: Frances Carol Eizenstat.

3. Children and spouses names: Jay Eizenstat, Brian Eizenstat, none.

4. Parents names: Leo Eizenstat (deceased); Sylvia Eizenstat.

5. Grandparents names: Deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Donald C. Johnson, of Texas, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia;

Nominee: Donald Crandall Johnson.

Post: Mongolia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Donald Crandall Johnson, none.

2. Spouse: Nelda Sabillon Johnson, none.

3. Children and spouses: Robert E. Johnson, none; Stephen C. Johnson, none.

4. Parents: Edson Johnson Jr., none; Sidney L. Johnson, none.

5. Grandparents: Edson Johnson (deceased) none; Ethel Johnson (deceased) none; Hovey Crandall (deceased) none; Opal Brandt (deceased) none.

6. Brothers and spouses: Robert C. Johnson (deceased) none; Thomas C. Johnson, none; Rosalinda Johnson, none; James C. Johnson, none; Julie Johnson, none; David C. Johnson, none; Bonfilia Johnson, none; Paul C. Johnson, none; Angie Johnson, none.

7. Sisters and spouses: Melinda B. Johnson, none; A.H. Najmi, none.

Mary M. Raiser, of the District of Columbia, for the rank of Ambassador during her tenure of service as Chief of Protocol for the White House.

Richard Menifee Moose, of Virginia, to be Under Secretary of State for Management.

Walter F. Mondale, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

Nominee: Walter F. Mondale.

Post: Ambassador to Japan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contribution, amount, date, and donee:

1. Walter F. Mondale: $250, December 17, 1992, Minge for Congress; $50, November 17, 1992, University of Minnesota Students for Clinton/Gore; $200, November 3, 1992, Elaine Baxter for Congress; $250, August 19, 1992, Kerrey for President; $200, July 23, 1992, Sikorski for Congress; $150, June 2, 1992, Friends of the House Speaker; $1,000 May 5, 1992, Clinton for President; $1,000, April 29, 1992, Feinstein Volunteer Committee; $300, April 14, 1992, Marjorie Margolies-Mezvinsky for Congress; $100, May 21, 1991, Presidential Inaugural Committee; $100, May 21, 1991, Hollings for Senate; $250, August 9, 1990, Ferraro for Senate Volunteer Committee; $250, August 9, 1990, Sabo for Congress Volunteer Committee; $250, September 25, 1990, Collin Peterson 1990 Committee; $2,000, August 5, 1988, Victory Fund 1988.

2. Joan Adams Mondale (spouse): $150, 1993, Friends of Pat Williams; $100, February 10, 1993, Emily's List; $150, April 27, 1992, Sabo for Congress Volunteer Committee; $100, September 25, 1991, Emily's List; $100, February 30, 1990, Friends of Rosa DeLaurio; $100, April 1, 1989, Emily's List.

3. Theodore A. Mondale (son) (spouse: Pamela Burris Mondale, $750, May 1992, Clinton Presidential Campaign; Eleanor Jane Mondale (daughter), none; William H. Mondale (son), none.

4. Theodore Sigurd Mondale (father), deceased; Claribel Cowan Mondale (mother), deceased.

5. Ole Mondale (paternal grandfather, deceased; Tarand Sevatson (parental grandmother) deceased; Robert Cowan (maternal grandfather) deceased; Clara Belle (Morton) Cowan (maternal grandmother) deceased.

6. Clarence Mondale (brother), $25, 1988, Dukakis Presidential Campaign; $50, 1990, Wellstone Senate Campaign; (spouse: Virginia Aceto Mondale), none; William Morton Mondale (brother), $50, 1988, Dukakis Presidential Campaign; $50, 1992, Clinton Presidential Campaign; $25, 1992, Moran Congressional Campaign; unknown contributions to Democratic National Committee; (spouse: Elaine Wood Mondale), none.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of July 13, 1993, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1310. A communication from the President of the United States, transmitting, a report of a request for emergency fiscal year 1993 supplemental appropriations; to the Committee on Appropriations.

EC–1311. A communication from the President of the United States, transmitting, a report of a request for the Federal Emergency Management Agency; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–214. A resolution adopted by the Retired Public Employees of Nevada, Carson City, Nevada relative to Social Security; to the Committee on Finance.

POM–215. A resolution adopted by the Board of Commissioners of Martin County, North Carolina relative to the tax on cigarettes; to the Committee on Finance.

POM-216. A resolution adopted by the House of Delegates of the American Bar Association, Chicago, Illinois relative to the adoption of juveniles; to the Committee on Finance.

POM-217. A resolution adopted by the Oil and Gas Study Committee of the House of the Legislature of the State of Alabama relative to energy taxes; to the Committee on Finance.

POM-218. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION NO. 7

"Whereas, The provisions set forth in 42 U.S.C. §415 for determining the primary insurance amount of a person receiving social security were amended in 1977 by Public Law 95–216; and

"Whereas, That amendment resulted in disparate benefits according to when a person initially becomes eligible for benefits; and

"Whereas, Persons who were born during the years 1917 to 1926, inclusive, and who are commonly referred to as "notch babies," receive lower benefits than persons who were born before that time; and

"Whereas, The payment of benefits under the social security system is not based on need or other considerations related to welfare, but on a program of insurance based on contributions by a person and his employer; and

"Whereas, The discrimination between persons receiving benefits is totally inequitable and contrary to the principles of justice and fairness; and

"Whereas, The Social Security Trust Fund has adequate reserves to eliminate this gross inequity; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That Congress is hereby urged to enact legislation to eliminate inequities in the payment of social security benefits to persons based on the year in which they initially become eligible for such benefits; and be it further

"*Resolved*, That Congress eliminate these inequities without reducing the benefits of persons who were born before 1917; and be it further

"*Resolved*, That a copy of this resolution be transmitted by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-219. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

"SENATE CONCURRENT RESOLUTION NO. 187

"Whereas, Medicare provides important drug therapies for over 600,000 persons in this state; and

"Whereas, prescription drugs represent only seven cents out of each health care dollar in this state and only five cents out of each health care dollar nationally; and

"Whereas, there is a proposed amendment to OBRA 1990 pending in the United States Congress which would impose restrictions on Medicaid patient access to prescription drugs; and

"Whereas, restrictive health care formularies increase costs in terms of hospital stays, emergency room visits, and loss of productivity, and deny access to important prescription medicine to those with the greatest need; and

"Whereas, the proposed amendment would have a devastating impact on children, the elderly, the sick, the impoverished and the impaired of this state; and

"Whereas, the proposal to restrict Medicaid patient access to important drug therapies failed as a cost containment measure in this state and will likely not realize cost savings nationally.

"*Therefore, be it resolved*, That the Legislature of Louisiana hereby memorializes the Congress of the United States to oppose all efforts to diminish or remove the prohibition against restrictive formularies contained in the Omnibus Budget Reauthorization Act of 1990, Medicaid prescription drug provisions.

"*Be it further resolved*, That a copy of this Resolution be transmitted to each member of the Louisiana delegation of the United States Congress, the clerk of the United States House of Representatives, and to the secretary of the United States Senate."

POM-220. A resolution adopted by the Mayor and Court of Common Council of the City of Hartford, Connecticut relative to nuclear testing; to the Committee on Foreign Relations.

POM-221. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"ASSEMBLY JOINT RESOLUTION NO. 28

"Whereas, The Republic of Armenia was among the first independent democracies to emerge from the former Soviet Union and to join with the United States in a broad array of international agreements and cooperative undertakings; and

"Whereas, The Republic of Armenia is not at war with any other country, nor does it make any territorial claim against any other country; and

"Whereas, The Republic of Armenia is the victim of an economic blockade that prevents food and heating fuel from reaching its more than 3.5 million inhabitants and that is causing untold human suffering from freezing and starvation; and

"Whereas, The blockade of the republic of Armenia constitutes an act of war or aggression prohibited by the Charter of the United Nations and violates numerous international legal accords for human rights and for the protection of populations of landlocked countries; and

"Whereas, The blockade is being perpetrated by Azerbaijan to further its siege of the independent, ethnically Armenian enclave of Nagorno Karabagh in denial of the rights of Karabagh to self-determination; and

"Whereas, Turkey, a NATO ally of the United States, is tacitly assisting Azerbaijan's blockade by impeding transit shipments through Turkey to Armenia through interminable delays, extortionary fees and other impermissible measures; and

"Whereas, California is vitally concerned with the survival and well being of the democratic Republic of Armenia and its people; and

"Whereas, California is unwilling to bear witness to a second genocide of Armenians in this century, especially at a time when the United States can exercise significant influence on Azerbaijan and turkey to comport their conduct with international law; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take immediate steps necessary to cause Azerbaijan to cease its illicit blockade of Armenia and calls upon that country and Turkey to resume honoring transit rights for shipments of food and fuel to the neighboring people of the republic of Armenia; and be it further

"*Resolved*," That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 1305. A bill to clarify the tariff treatment of certain footwear; to the Committee on Finance.

S. 1306. A bill to extend until January 1, 1997, the previous suspension of duty on certain infant nursery intercoms and monitors; to the Committee on Finance.

S. 1307. A bill to correct the Harmonized Tariff Schedule of the United States as it applies to certain electric toothbrushes and parts thereof; to the Committee on Finance.

By Mr. DURENBERGER:

S. 1308. A bill to suspend until January 1, 1995, the duty on certain machinery used to recycle mercury; to the Committee on Finance.

By Mr. ROTH:

S. 1309. A bill to provide for the conservation and management of Weakfish, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. DODD, and Mr. RIEGLE):

S. 1310. A bill to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COHEN:

S. 1311. A bill for the relief of Olga D. Zhondetskaya; considered and passed.

By Mr. METZENBAUM (for himself and Mrs. KASSEBAUM):

S. 1312. A bill to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries; to the Committee on Labor and Human Resources.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1313. A bill to authorize a certificate of documentation for the vessel MYSTIQUE; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN:

S. 1314. A bill to designate the United States Courthouse located in Bridgeport, Connecticut as the "Brien McMahon Federal Building"; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself, Mr. DURENBERGER, and Mr. PRYOR):

S. 1315. A bill to establish a national policy respecting medical residency training programs and the health care workforce, and for other purposes; to the Committee on Finance.

By Mr. KERREY:

S. 1316. A bill to suspend temporarily the duty on tefluthrin; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. DURENBERGER, and Mr. DODD):

S. 1317. A bill to amend the Public Health Service Act to require that certain entities provide information concerning breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Ms. MIKULSKI, Mr. HATCH, Mr. WELLSTONE, Mr. RIEGLE, Mr. DODD, and Mr. WOFFORD):

S. 1318. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of tuberculosis and sexually transmitted diseases, to revise and extend certain injury control programs, and to revise the program of grants relating to preventive health measures with respect to breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. DODD, and Mr. WELLSTONE):

S. 1319. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of sexually transmitted diseases, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. DODD, and Mr. WELLSTONE):

S. 1320. A bill to amend title III of the Public Health Service Act to revise and extend certain injury control programs, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH:

S. Res. 135. A resolution entitled "German and Japanese membership in the United Nations Security Council"; to the Committee on Foreign Relations.

By Mr. DOMENICI:

S. Con. Res. 32. A concurrent resolution setting forth the budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998; to the Committee on the Budget.

By Mr. FORD (for Mr. MITCHELL):

S. Con. Res. 33. A concurrent resolution to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31st; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 1305. A bill to clarify the tariff treatment of certain footwear; to the Committee on Finance.

S. 1306. A bill to extend until January 1, 1997, the previous suspension of duty on certain infant nursery intercoms and monitors; to the Committee on Finance.

S. 1307. A bill to correct the Harmonized Tariff Schedule of the United States as it applies to certain electric toothbrushes and parts thereof; to the Committee on Finance.

TARIFF LEGISLATION

• Mr. D'AMATO. Mr. President, today I am introducing three tariff bills. I am introducing these for consideration as part of any Senate action on a miscellaneous tariff bill during this Congress.

The first bill clarifies tariff treatment of certain footwear. The second bill extends a previous suspension of duty on certain infant nursery intercoms and monitors until January 1, 1997. The third bill amends the tariff schedule as it applies to certain electric toothbrushes and parts thereof.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TARIFF TREATMENT OF CERTAIN FOOTWEAR.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 1 year after the date of the enactment of this Act, any entry—

(1) that was made after December 31, 1988, and before July 1, 1991;

(2) that consisted of articles of footwear that, if entered on July 1, 1991, would have been classified under subheading 9905.64.10 of the Harmonized Tariff Schedule of the United States; and

(3) with respect to which there would have been a lesser duty if the applicable rate applied to such entry;

shall be liquidated or reliquidated as though the applicable rate applied to such entry.

(B) APPLICABLE RATE.—For purposes of subsection (a), the term "applicable rate" means—

(1) 4.7% ad valorem if the entry was made after December 31, 1988, and before January 1, 1990;

(2) 4.2% ad valorem if the entry was made after December 31, 1989, and before January 1, 1991; and

(3) 3.7% ad valorem if the entry was made after December 31, 1990, and before July 1, 1991.

(c) ENTRY DEFINED.—For purposes of this section, the term "entry" includes a withdrawal from warehouse for consumption.

S. 1306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN INFANT NURSERY INTERCOMS AND MONITORS.

Headings 9902.85.25 and 9902.85.26 of the Harmonized Tariff Schedule of United States (relating to certain infant nursery intercommunication systems and monitor systems, respectively) are each amended by striking "12/31/92" and inserting "12/31/96".

S. 1307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN ELECTRIC TOOTHBRUSHES.

Chapter 85 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 8509.80.00 and inserting in numerical sequence the following new subheadings, with the superior heading for subheading 8509.80 having the same degree of indentation as the superior heading for subheading 8507.90 and the article descriptions for subheadings 8509.80.10 and 8509.80.20 each having the same degree of indentation as the article description in subheading 8507.90.40:

"8509.80	Other appliances			
"8509.80.10	Electric toothbrushes ..	0.2¢ each + 3.4%	Free (A, E, IL, CA)	2¢ each + 50%
"8509.80.20	Other	4.2%	Free (A, E, IL) 2.5% (CA)	40%".

SEC. 2. CERTAIN PARTS OF ELECTRIC TOOTHBRUSHES.

Chapter 85 of the Harmonized Tariff Schedule of the United States, as amended by section 1, is amended by inserting in numerical sequence the following new subheading with the article description in subheading 8509.90.10 having the same degree of indentation as the article description in subheading 8507.90.40:

"8509.80.10	Parts of electric toothbrushes.	0.2¢ each + 3.4%	Free (A, E, IL, CA)	2¢ each + 50%".

SEC. 3. STAGED RATE REDUCTIONS.

Any staged rate reduction of a rate of duty set forth in subheading 9603.21.00 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the date of the enactment of this Act and that takes effect after such date of enactment shall also apply to the corresponding rates of duty set forth in subheadings 8509.80.10 and 8509.90.10 (as added by section 1 and section 2 of this Act).

SEC. 4 EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by section 1 and section 2 shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in subheading 8509.80.10 of the Harmonized Tariff Schedule of the United States (as added by section 1) or subheading 8509.90.10 of the Harmonized Tariff Schedule of the United States (as added by section 2) that was made—

(1) after December 31, 1988; and

(2) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though such entry occurred on such 15th day.•

By Mr. DURENBERGER:

S. 1308. A bill to suspend until January 1, 1995, the duty on certain machinery used to recycle mercury; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. DURENBERGER. Mr. President, the legislation that I am introducing today would suspend until January 1, 1995 the duty on equipment used to recycle mercury and other parts of fluorescent light bulbs.

Such equipment enables companies to separate each of the parts of a fluorescent light bulb. The glass, metal and caps, and the mercury contaminated fluorescent powder can all be separated. Upon separation each of the items can then be returned to industry to be reused. However, in order to reuse the mercury, the mercury must first undergo one additional step, it must be distilled from the fluorescent powder. The only equipment capable of separating each of the parts and distilling mercury pure enough to be reused by industry is currently manufactured in Sweden, and that Swedish company currently holds several United States patents on the equipment.

EPA regulations state that mercury containing lights can no longer be placed into landfills, this fact necessitates equipment capable of separating the pollutants. In addition to compliance with EPA regulations, I feel strongly that it is important for U.S. companies to strive to be as environmentally friendly as possible. Further, I believe we in the Congress must work hard to facilitate such actions by U.S. companies. The passage of this legislation would enable U.S. companies to comply with EPA regulations, and work harder to prevent unnecessary pollution. Meanwhile, not being unduly punished through duties on goods unavailable from domestic manufacturers.●

By Mr. ROTH:

S. 1309. A bill to provide for the conservation and management of weakfish, and for other purposes; to the Committee on Commerce, Science, and Transportation.

WEAKFISH CONSERVATION ACT OF 1993

Mr. ROTH. Mr. President, I rise today to introduce legislation which provides for the proper management and conservation of weakfish. This fish has significant spawning activity in the Delaware Bay and frequents the Atlantic Coast from New York to Florida where it was a popular target for recreational and commercial fishermen.

During the last Congress former Congressman Carper introduced H.R. 2588. This bill was a comprehensive interjurisdictional fisheries bill. After a series of hearings and compromises in the House of Representatives, the House reported this bill with an amendment. The Senate did not act on a similar measure during the 102d Congress. The amendment would have modified the Atlantic Striped Bass Conservation Act and added weakfish as a species that should receive similar protective measures as striped bass does now.

The bill I am introducing today is similar to the measure that was passed by the House last year.

Mr. President, fisheries that occur predominantly within State waters, yet migrate between States present a potential problem for regulation. The fisheries often cannot be effectively managed because there must be a cooperation between States to enact management plans. Historically there has been little cooperation between the States in drafting and implementing conservation measures.

It is difficult for States to coordinate their regulations for management goals because mechanisms for enacting regulations vary from State to State and because regulatory measures such as size limits and moratoriums are unpopular with sportsmen and commercial fishermen alike.

Fishery management plans in State waters along the east coast of the continental United States are coordinated through the Atlantic States Fishery Management Commission [ASMFC]. It is the commission's responsibility to ensure that all States are in compliance with the fishery management plans over fisheries occurring predominantly in State waters. Unfortunately, if a State chooses not to be in compliance with a plan the ASFMC does not have a mandate to force compliance, except for striped bass.

Under current law if a State fails to comply with a striped bass conservation plan the Federal Government may impose a moratorium on fishing for striped bass. My legislation would allow the Federal Government to also impose a moratorium on weakfish. In the past such a measure has been very successful to entice recalcitrant States into compliance with the plan. There are several reasons why we must take action to ensure the long term survival of this delicate fish.

It has been heavily overfished in the past decades. The spawning stock are currently first- and second-year fish. For a viable population to exist the spawning population should be 3- and 4-year-old fish. Current biological data indicate that the stock is in worse shape now than striped bass was when we enacted similar legislation for striped bass. The dockside value of weakfish has decreased dramatically and the fish are smaller and there are less of them. Some 80 percent of the fish are caught in State waters, when originally up to 40 percent were caught in Federal waters.

Finally, Mr. President, there has been a severe decline in the recreational fishery for this species.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weakfish Conservation Act of 1993".

SEC. 2. IMPROVED COOPERATIVE FISHERY MANAGEMENT PROGRAM FOR WEAKFISH.

(a) SHORT TITLE.—Section 1 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by inserting "and Weakfish" after "Bass".

(b) FINDINGS AND PURPOSES.—Section 2 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) by inserting "and weakfish" after "bass" each place it appears;

(2) in paragraph (3)—

(A) by striking "range of the Atlantic striped bass," and inserting "range of either Atlantic striped bass or weakfish", and

(B) by striking "the species" and inserting "these species"; and

(3) in paragraph (4) by striking "this species" and inserting "these species".

(c) DEFINITIONS.—Section 3 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) in paragraph (4) by striking subparagraph (A) and inserting the following:

"(A)(i) for purposes of section 4, Pennsylvania and each State of the United States bordering on the Atlantic Ocean north of the State of South Carolina; or

"(ii) for purposes of section 8, Pennsylvania and each State bordering on the Atlantic Ocean.";

(2) in paragraph (6) by inserting "or weakfish" after "bass" each place it appears;

(3) in paragraph (7) by inserting "for Atlantic striped bass" after "fishing"; and

(4) by adding at the end the following:

"(10) The term 'weakfish' means members of a stock or population of the species Cynoscion regalis, commonly referred to as 'seatrout'.

"(11) The term 'Weakfish Plan' means the Interstate Fisheries Management Plan for Weakfish, dated October 1985, prepared by the Commission, and all amendments thereto related to fishing for weakfish that are formally adopted as an amendment to the Weakfish Plan of October 1985.".

(d) CLARIFICATION OF EXISTING COMMISSION FUNCTIONS.—Section 4 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) by striking the heading for the section and inserting the following:

"SEC. 4. ATLANTIC STRIPED BASS CONSERVATION.";

(2) in the heading for subsection (a) by inserting "OF STRIPED BASS PLAN" after "ENFORCEMENT".

(e) IMPROVED COOPERATION AMONG COASTAL STATES FOR THE MANAGEMENT OF WEAKFISH.—Section 8 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"SEC. 8. WEAKFISH CONSERVATION.

"(a) MONITORING OF IMPLEMENTATION AND ENFORCEMENT OF WEAKFISH PLAN.—

"(1) DETERMINATION OF IMPLEMENTATION AND ENFORCEMENT.—By January 1, 1994, and annually thereafter, and at any other time that the Commission considers it necessary, the Commission shall determine whether—

"(A) each coastal State has adopted all regulatory measures necessary to fully implement the Weakfish Plan in its coastal waters; and

"(B) the enforcement of the Weakfish Plan by each such coastal State is satisfactory.

"(2) CONSULTATION.—If a fishery management plan for weakfish is in effect under title III of the Magnuson Act, the Commission shall consult with the regional fishery management councils which prepared such plan in making a determination under paragraph (1)(A).

"(3) SATISFACTORY ENFORCEMENT.—Enforcement by a coastal State shall not be considered satisfactory by the Commission for purposes of paragraph (1)(B) if the Commission determines that the enforcement is being carried out in such a manner that the implementation of the Weakfish Plan within the coastal waters of that coastal State is being, or will likely be, substantially or adversely affected.

"(4) Notification of Secretary.—The Commission shall immediately notify the Secretaries of each negative determination made by it under paragraph (1).

"(b) Secretarial Action After Notification.—

"(1) In general.—Within 30 days after notification from the Commission under subsection (a)(4) that a coastal State has not taken the action described in paragraph (1) of that subsection, the Secretaries—

"(A) shall determine jointly whether the coastal State is in compliance with the Weakfish Plan; and

"(B) declare jointly a moratorium on fishing for weakfish in the coastal waters of the coastal State, if they determine that the State is not in compliance with the Weakfish Plan.

"(2) Considerations.—In making determinations under paragraph (1)(A) for a coastal State, the Secretaries shall carefully consider and review the comments of—

"(A) the Commission;

"(B) the appropriate regional fishery management councils under the Magnuson Act; and

"(C) the coastal State.".

(f) Moratorium.—Section 5 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) in subsection (a)(1) by inserting "or section 8(b)" after "(4)(b)"; and

(2) in subsection (a)(2)—

(A) by inserting "a" before "moratorium" the second place it appears; and

(B) by inserting "or section 8(b)" after "4(b)";

(3) in subsection (b)(1)—

(A) by inserting "for the fishery resource that is subject to the moratorium" after "fishing"; and

(B) by striking "the" and inserting "(a)";

(4) in subsection (b)(2) by inserting "or weakfish" after "bass";

(5) in subsection (b)(3)—

(A) by inserting "or weakfish" after "bass"; and

(B) by inserting "or section 8(b), respectively," after "4(b)";

(6) in subsection (b)(4)—

(A) by inserting "or Weakfish" after "bass" each place it appears;

(B) by striking "the" the second place it appears and inserting "(a)";

(7) in subsection (d)(2) by inserting a close parenthesis after "1806(c)–(e)";

(8) in subsection (e)(1)—

(A) by inserting after "(1)" the following: "In general.—";

(B) by moving paragraph (1) down so as to begin on the line below the heading for subsection (e);

(C) by moving paragraph (1) 2 ems to the right, so that the left margin of the paragraph is aligned with the left margins of paragraphs (2) and (3); and

(D) by inserting "or section 8(b)" after "4(b)"; and

(9) in subsection (e)(2) by inserting "or section 8(b)" after "4(b)".

(g) Conforming Amendments.—The Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by striking "Plan" each place it appears and inserting "Striped Bass Plan".

(h) Effective Date.—Notwithstanding section 9 of the Atlantic Striped Bass Conservation Act, section 8 of such Act, as amended by this Act, shall take effect on the date of the enactment of this Act.

By Ms. MIKULSKI (for herself, Mr. Kennedy, Mrs. Kassebaum, Mr. Dodd, and Mr. Riegle):

S. 1310. A bill to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

BREAST AND CERVICAL CANCER AMENDMENTS OF 1993

Ms. MIKULSKI. Mr. President, I rise today with great enthusiasm and no small measure of pride, to introduce a bill of great importance to millions of American women, the reauthorization of the Breast and Cervical Cancer Early Detection Program.

I believe that this legislation, originally enacted in 1990, has proven to be a model program, showing us how to build a preventive health care system using the community-level public/private partnerships which will be critical to the health care reform agenda in America.

I'm proud of that, having had a hand in the enactment of this legislation, and I remain more committed than ever to the objective of this bill—to save women's lives which are needlessly lost to these dreaded diseases.

We have unfinished business here.

We've made a good start but many States have no screening program whatever and many others are just getting started. Even the States with the most effective programs are providing only a fraction of the screenings needed. As I said, we have unfinished business here.

The reauthorization of this program deserves the full endorsement of this body. There is no greater preventable health risk for America's women.

Many people in this town are obsessed with cutting the deficit, and I certainly agree with the importance of that objective, but if you get too caught up in wearing those green eyeshades you can get blinded to reality. I'm obsessed with cutting the death rate, and I'm proud of the effectiveness of this legislation in moving in that direction.

But moving in that direction is far from enough. The fact is that breast cancer will strike more than 1 in 8 women at some point in their lifetimes. Cervical cancer will strike fewer, but death from that cancer is 100 percent preventable.

All women are at risk, in fact 50,000 mothers, daughters, relatives, and friends will die from these diseases this year alone. But the women most at risk are also those who are most defenseless—older women, women of color, and women of limited income.

These are the women this bill seeks to save. The uninsured, the women who choose to spend this critical $50 on food for the children or rent for the landlord while letting their own health take a lower priority—so low in fact that it gets no priority at all.

Sadly, we do not know the cause of either breast cancer or cervical cancer—though we have increased funding at NIH for research into these killers—but we do know how to save many of these lives. This bill is about doing what it takes.

What it takes is regular screening for women over 40 using mammograms and regular screening for women over 18 using Pap tests. All women should hear this message. All women should think of these tests the way the national cancer institute has urged, "once a year for a lifetime."

For the fortunate majority of America's women following through on that message is not too much to ask.

But for the aged and poor who are most at risk it is not even possible except for this bill.

Now that it is time to reauthorize this legislation, we have been working hard to improve this program. We have held hearings, we have listened to the women who have been touched by the program, we have consulted with the experts and we have worked closely with the States.

In total we are proposing five important changes to expand the life-saving effectiveness of this legislation:

First, we propose to extend the program for another 5 years and increase the authorization level for fiscal year 1994 to $200 million.

This reflects a badly needed increase in funding but—given budget constraints leaves us far short of full funding.

Second, we propose to count donated outreach, diagnostic and treatment services in the calculation of State matching funds.

This will provide good guy and good gal bonus points and create a valuable community building incentive for pro bono support.

Third, we propose to permit the States to contract with private entities for screening services.

This will improve access to these services for rural and remote parts of many States and bring more people into the program's support system.

Fourth, we propose to permit the CDC to provide grants directly to native American tribes and organizations.

This will improve access to people with significant need of these services who have been difficult to reach using traditional means.

Fifth, we propose a number of technical improvements involving quality standards, evaluation requirements, demonstration programs, and time for building effective infrastructures, which will all serve to assure the program is operating in the best possible way.

Mr. President, I believe that these changes represent real progress for this critical program, and I urge the full support of the Senate in bringing them to reality.

Mr. President, I will not rest and this body should not rest until the day that no women turns away from the decision to have one of these screenings because of a lack of funds or access to these services. This legislation will advance that noble cause and for that reason it deserves reauthorization. America's women deserve no less.

Mr. President, I ask unanimous consent that the full text of that bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Amendments of 1993".

SEC. 2. REVISIONS IN PROGRAM OF STATE GRANTS REGARDING BREAST AND CERVICAL CANCER.

(a) Limited Authority Regarding For-Profit Entities.—

(1) In general.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(A) by striking "States.—A State" and all that follows through "may expend" and inserting the following: "States.—

"(1) In general.—A State receiving a grant under subsection (a) may, subject to paragraphs (2) and (3), expend"; and

(B) by adding at the end the following paragraphs:

"(2) Limited authority regarding other entities.—In addition to the authority established in paragraph (1) for a State with respect to grants and contracts, the State may provide for screenings under subsection (a)(1) through entering into contracts with private entities.

"(3) Payments for screenings.—The amount paid by a State to an entity under this subsection for a screening procedure under subsection (a)(1) may not exceed the amount that would be paid under part B of title XVIII of the Social Security Act if payment were made under such part for furnishing the procedure to a woman enrolled under such part.".

(2) Conforming amendment.—Section 1505(3) of the Public Health Service Act (42 U.S.C. 300n-1(3)) is amended by inserting before the semicolon the following: "(and additionally, in the case of services and activities under section 1501(a)(1), with any similar services or activities of private entities)".

(b) Special Consideration for Grants.—Section 1501 of the Public Health Service Act (42 U.S.C. 300k) is amended by adding at the end thereof the following new subsection:

"(c) Special Consideration.—In making grants under subsection (a) after the date of enactment of this subsection, the Secretary shall give special consideration to projects that have been peer reviewed and approved and that involve areas that—

"(1) have high cervical or breast cancer mortality rates; or

"(2) have a high incidence of cervical or breast cancer.".

(c) Exemption from Matching Requirements.—Section 1502(b)(1) of the Public Health Service Act (42 U.S.C. 300l(b)(1)) is amended to read as follows:

"(1) Types of contributions.—

"(A) General rule.—Non-Federal contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) Donated treatment services.—In meeting the non-Federal contribution requirement of this section, the State involved—

"(i) may, with respect to a grant awarded for a program under paragraph (1) or (2) of section 1501(a), use the value of any donated outreach services associated with the delivery of breast and cervical cancer screenings conducted under the program, and the value of any additional donated breast or cervical cancer diagnostic or treatment services provided subsequent to the screening conducted under the program; and

"(ii) may not, with respect to a grant awarded for a program under paragraph (3), (4), (5) or (6) of section 1501(a), include the value of any donated breast or cervical cancer outreach, diagnosis, or treatment services.".

(d) Quality Assurance Regarding Screening Procedures.—

(1) In general.—Section 1503 of the Public Health Service Act (42 U.S.C. 300m) is amended—

(A) in subsection (a)—

(i) in paragraph (1), to read as follows:

"(1) to ensure that, after a limited period of time and thereafter throughout the period during which amounts are received pursuant to the grant, except for the period of the first year when a 50 percent minimum shall apply, not less than 60 percent of the grant is expended to provide each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers;"; and

(ii) in paragraph (4), to read as follows:

"(4) to ensure that not more than 40 percent of the grant is expended to provide the services or activities described in paragraphs (3) through (6) of section 1501(a), except in the case of the first year during which the maximum expended for these purposes shall not exceed 50 percent of the grant."; and

(B) by striking subsections (c) through (e) and inserting the following:

"(c) Quality Assurance Regarding Screening Procedures.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will, in accordance with applicable law, assure the quality of screening procedures conducted pursuant to such section.".

(2) Transition rule regarding mammographies.—With respect to the screening procedure for breast cancer known as a mammography, the requirements in effect on the day before the date of the enactment of this Act under section 1503(c) of the Public Health Service Act remain in effect (for an individual or facility conducting such procedures pursuant to a grant to a State under section 1501 of such Act) until there is in effect for the facility a certificate (or provisional certificate) issued under section 354 of such Act.

(e) Statewide Provision of Services.—Section 1504(c) of the Public Health Service Act (42 U.S.C. 300n(c)) is amended by adding at the end the following paragraph:

"(3) Grants to tribes and tribal organizations.—

"(A) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to tribes and tribal organizations (as such terms are used in paragraph (1)) for the purpose of carrying out programs described in section 1501(a). This title applies to such a grant (in relation to the jurisdiction of the tribe or organization) to the same extent and in the same manner as such title applies to a grant to a State under section 1501 (in relation to the jurisdiction of the State).

"(B) If a tribe or tribal organization is receiving a grant under subparagraph (A) and the State in which the tribe or organization is located is receiving a grant under section 1501, the requirement established in paragraph (1) for the State regarding the tribe or organization is deemed to have been waived under paragraph (2).".

(f) Evaluations and Reports.—Section 1508 of the Public Health Service Act (42 U.S.C. 300n–4) is amended—

(1) in subsection (a), by adding at the end the following sentence: "Such evaluations shall include evaluations of the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c)."; and

(2) in subsection (b), by inserting before the period the following: ", including recommendations regarding compliance by the States with section 1501(a)(2) and with section 1504(c)".

(g) Technical Corrections.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(a), in the matter preceding paragraph (1), by striking "Control," and inserting "Control and Prevention,"; and

(2) in section 1505—

(A) in paragraph (3), by striking "nonprivate" and inserting "nonprofit private"; and

(B) in paragraph (4), by inserting "will" before "be used".

SEC. 3. ESTABLISHMENT OF DEMONSTRATION PROGRAM OF GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES FOR WOMEN.

(a) In General.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) by redesignating section 1509 as section 1510; and

(2) by inserting after section 1508 the following section:

"SEC. 1509. SUPPLEMENTAL GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES.

"(a) Demonstration Projects.—In the case of States receiving grants under section 1501, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to not more than 3 such States to carry out demonstration projects for the purpose of—

"(1) providing preventive health services in addition to the services authorized in such section, including screenings regarding blood pressure and cholesterol, and including health education;

"(2) providing appropriate referrals for medical treatment of women receiving services pursuant to paragraph (1) and ensuring, to the extent practicable, the provision of appropriate follow-up services; and

"(3) evaluating activities conducted under paragraphs (1) and (2) through appropriate surveillance or program-monitoring activities.

"(b) Status as Participant in Program Regarding Breast and Cervical Cancer.—The Secretary may not make a grant under subsection (a) unless the State involved agrees that services under the grant will be provided only through entities that are screening women for breast or cervical cancer pursuant to a grant under section 1501.

"(c) APPLICABILITY OF PROVISIONS OF GENERAL PROGRAM.—This title applies to a grant under subsection (a) to the same extent and in the same manner as such title applies to a grant under section 1501.

"(d) FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (2), for the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) LIMITATION REGARDING FUNDING WITH RESPECT TO BREAST AND CERVICAL CANCER.—The authorization of appropriations established in paragraph (1) is not effective for a fiscal year unless the amount appropriated under section 1510(a) for the fiscal year equals or exceeds $100,000,000.".

(b) CONFORMING AMENDMENT.—Section 1510(a) of the Public Health Service Act, as redesignated by subsection (a)(1) of this section, is amended in the heading for the section by striking "**FUNDING.**" and inserting "**FUNDING FOR GENERAL PROGRAM.**".

SEC. 4. FUNDING FOR GENERAL PROGRAM.

Section 1510(a) of the Public Health Service Act (as redesignated by section 3(a)(2)) is amended—

(1) by striking "and" after "1991,"; and

(2) by inserting before the period the following: ", $200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

By Mr. METZENBAUM (for himself and Mrs. KASSEBAUM):

S. 1312. A bill to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries; to the Committee on Labor and Human Resources.

PENSION ANNUITANTS PROTECTION ACT OF 1993

• Mr. METZENBAUM. Mr. President, today Senator KASSEBAUM and I are introducing emergency legislation to provide legal protection to the tens of thousands of workers and retirees whose pension plans have purchased financially shaky retirement annuities in violation of the Employee Retirement Income Security Act of 1974, known as ERISA. Significantly, this legislation will protect the 84,000 workers and retirees whose retirement security has been jeopardized by the insolvency of the Executive Life Insurance Co.

During the 1980's, hundreds of employers terminated their well-funded federally insured pension plans and bought speculative retirement annuities from a variety of insurance companies, including the Executive Life Insurance Co. In most cases, the employers directly benefited by recouping money from the pension plan through the purchase of cheaper insurance annuities. The affected workers and retirees had no say in the choice of insurance carrier. In some cases, they were not even notified that their pension benefits had been converted to insurance annuities. In the Executive Life cases, the workers and retirees had their retirement benefits reduced for 1 year and though their benefits currently are being paid, their future is still uncertain. It is criminal that 2 years after the bankruptcy of Executive Life, these workers and retirees still have no assurances that their hard-earned retirement benefits will be paid.

This legislation is needed because of an unexpected decision by the U.S. Supreme Court 2 months ago. The Court by a 5 to 4 majority in Mertens versus Hewitt Associates severely narrowed the legal protections available to workers and retirees under ERISA. The Court held that ERISA did not clearly define the relief available for violations of the pension and welfare benefits law, and therefore relief was limited to such remedies as injunctions and disgorgement of profits. The Court ruled that monetary damages are not available for violations of ERISA and cast doubt on whether ERISA provides a cause of action against individuals who knowingly and actively participate in a breach of the law. Once again, the Supreme Court has chosen to take the most narrow reading of a statute, clearly contrary to the intent of Congress. In light of the Mertens decision, workers and retirees now have less protection than they enjoyed before the enactment of ERISA in 1974.

As a result of the Mertens case, the Department of Labor believes that approximately half of its enforcement efforts may be impaired. In addition, the Department believes that its efforts to enforce the law in the Executive Life case are now in jeopardy. Many of these cases are close to being decided and therefore, need to be protected as soon as possible. The legislation introduced today by Senator KASSEBAUM, and myself makes clear that in cases where a pension plan fiduciary purchases insurance annuities in violation of ERISA, the Court may award appropriate relief, including the purchase of a back-up annuity to remedy the breach. In addition, I plan to introduce comprehensive legislation to protect workers' pension rights in September.

On Monday August 2, the Senate Subcommittee on Labor, which I chair, will hold hearings on this issue. Senator KASSEBAUM and I plan to move quickly to have the Senate pass this legislation. I ask unanimous consent that the full text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Annuitants Protection Act of 1993".

SEC. 2. CIVIL ENFORCEMENT OF ERISA.

Section 502(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)) is amended—

(1) by striking the semicolon at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting "; or", and

(3) by adding at the end of the following new paragraph:

"(7)(A) in the event that the purchase of an insurance contract or insurance annuity in connection with termination of an individual's status as a participant covered under a pension plan with respect to all or any portion of the participant's pension benefit under such plan constitutes a violation of part 4 of this title or the terms of the plan, by the Secretary, by an individual who was a participant or beneficiary at the time of the alleged violation, or by a fiduciary, to obtain appropriate relief, including the posting of security if necessary, to assure receipt by the participant or beneficiary of the amounts provided by such insurance contract or annuity, plus reasonable prejudgment interest on such amounts.".

SEC. 3. WAIVER OR REDUCTION OF CIVIL PENALTY.

Section 502(l)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(3)(B)) is amended by inserting "(or to provide the relief ordered pursuant to subsection (a)(7))" after "to restore all losses to the plan".

SEC. 4. EFFECT ON OTHER PROVISIONS.

Nothing in this Act shall be construed to limit the legal standing of individuals to bring a civil action as participants or beneficiaries under section 502(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)), and nothing in this Act, other than the relief authorized in section 2 of this Act, shall affect the responsibilities, obligations, or duties imposed upon fiduciaries by title I of the Employee Retirement Income Security Act of 1974.

SEC. 5. EFFECTIVE DATE.

The amendments made by this act shall apply to any legal proceeding pending, or brought, on or after May 31, 1993.•

• Mrs. KASSEBAUM. Mr. President, during the floor consideration of the budget reconciliation bill, Senator METZENBAUM, Senator KENNEDY, and I reached an agreement providing for the removal of provisions relating to civil money penalties and liabilities under the Employee Retirement Income Security Act [ERISA] from the bill.

As I mentioned during the floor debate, several members of the Senate Committee on Labor and Human Resources who voted against inclusion of the broad ERISA provision during the committee's markup of the budget reconciliation bill stated their willingness to address the Executive Life retirement annuity situation in a separate piece of legislation and to do so on an expedited basis.

Consequently, as part of the agreement to withdraw the broad ERISA provisions from the budget reconciliation bill, Senator METZENBAUM, Senator KENNEDY, and I pledged that we would seek to address the Executive Life annuity situation in a targeted manner and on expedited basis. I believe that the legislation we are introducing today achieves this goal, and I look forward to working mutually toward its swift enactment.•

By Mr. LIEBERMAN:

S. 1314. A bill to designate the U.S. courthouse located in Bridgeport, CT, as the "Brien McMahon Federal Building"; to the Committee on Environment and Public Works.

BRIEN MC MAHON FEDERAL BUILDING ACT OF 1993

• Mr. LIEBERMAN. Mr. President, I introduce a bill to name the Federal courthouse in Bridgeport, CT, after a distinguished former Member of this body, Senator Brien McMahon. A native of nearby Norwalk, Senator McMahon was first elected to the Senate in 1944, and was reelected in 1950. His Senate career tragically was cut short by his untimely passing on July 28, 1952, at the age of 48.

Dispite serving in the Senate for only 8 years, Senator McMahon left his mark on our country. As a freshman Senator, Brien McMahon was one of the first to grasp the importance of atomic energy. He introduced and passed to provide for the study of atomic energy and the governmental controls that could be necessary in the postwar era. His efforts lead to passage of the McMahon Act, which was also known as the Atomic Energy Act of 1946. In 1948 he became chairman of the Joint Committee on Atomic Energy, where he was extremely well regarded. He also worked behind the scenes to support the weapons program that would become the free world's security blanket for the next four decades.

The use of the atom was not the only area in which Brien McMahon made great contributions. In the arena of foreign relations, for example, Senator McMahon was the first Member of Congress to venture behind the Iron Curtain, where he negotiated an aid program with Marshal Tito, who had just broken with Stalin.

Senator McMahon was also a man of principle. He was one of the first Members of this body to challenge the activities of the late Senator Joseph McCarthy. Senator McCarthy even went to Connecticut to campaign against Senator McMahon.

It is particularly appropriate to name a courthouse for Senator McMahon. Before being elected to the Senate, he had a distinguished legal career. A graduate of Yale Law School, he practiced law in Norwalk, CT where he became a judge off the city court in 1933. Later that same year, he was appointed special assistant to U.S. Attorney General Cummings. In 1935, Senator McMahon was appointed Assistant Attorney General in charge of the Criminal Division of the Department of Justice, where he served for 4 years.

For all these reasons, it would be extremely fitting to honor Senator Brien McMahon by naming the Federal courthouse in his memory.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Courthouse located at 915 Lafayette Boulevard in Bridgeport, Connecticut shall be designated as the "Brien McMahon Federal Building". Any reference in a law, regulation, map, document, record, or other paper of the United States to that building shall be deemed to be a reference to the Brien McMahon Federal Building.•

By Mr. ROCKEFELLER (for himself, Mr. DURENBERGER, and Mr. PRYOR):

S. 1315. A bill to establish a national policy respecting medical residency training programs and the health care workforce, and for other purposes; to the Committee on Finance.

PRIMARY CARE WORKFORCE ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, I am pleased to have introduced today along with Senator DURENBERGER and Senator PRYOR, the Primary Care Workforce Act of 1993. This bill, which has been developed in close cooperation with Representative HENRY WAXMAN of California, one of the true leaders in the Congress on this and other health care issues, is the culmination of several years of work by numerous groups and commissions and two hearings held before the Subcommittee on Medicare and Long Term Care of the Senate Finance Committee. It also reflects the outstanding work of several foundations who have studied this problem, including the Robert Wood Johnson Foundation and the W.K. Kellogg Foundation's community-based primary care project, which I am proud to say has been active in West Virginia and with the Alliance for Health Reform. It represents our determined effort to correct the serious imbalance present in our health care system with respect to those who provide this care to our Nation's people. It represents our effort to address a fundamental aspect of this system that will have to be corrected if health care reform is to succeed. It represents our effort to be certain that the expenditure of Federal health care dollars is in keeping with the real needs of the America people.

Mr. President, one need only to look to the State of West Virginia to begin to understand the need for this bill. Despite all that we have done in this Congress over the last two decades to train more doctors and to encourage them to pursue careers in primary care, we have counties in my State with no physicians whatsoever, counties where people have to travel for over an hour to receive any kind of health care. The National Health Service Corps was created by the Congress to help address some of these shortages, yet this program has been decimated by funding cuts over the last 12 years, and now two-thirds of the designated sites for placement of corps physicians in West Virginia go unfilled.

Nationally, the figures showing the extent of this problem are similarly distressing. There are now over 600,000 physicians in practice in this country, and by all indications we are heading for an over-supply of doctors by the end of this century. Yet only 30 percent of doctors identify themselves as primary care practitioners, and that translates into a shortage of these providers of as many as 50,000. This is based on the rule of thumb that there should be one primary care practitioner for every 1,200 to 1,500 people. There are about 43 million Americans living in areas designated by the Department of Health and Human Services as health professional shortage areas, defined as having fewer than one practitioner for every 3,000 people. It would take at least 6,000 more primary care physicians just to alleviate this part of the problem. And this is before we address the challenge of providing care to the 37 million Americans currently without health insurance. And this is before national health care reform causes the creation of organized systems of care which will depend even more heavily on primary care providers.

It is not enough to look at this only in terms of the problems many Americans have gaining access to health care. For the twin problem of the costs of care are similarly bedeviled by the imbalance of specialists and generalists. A series of recent studies are most telling on this score: A report in the New England Journal of Medicine showed that primary care providers hospitalize their patients less frequently than do specialists, with no difference in outcome. Another study in the Journal of Family Practice showed that primary care physicians used fewer tests and fewer referrals in treating hospitalized patients, and thus ran up smaller bills, again with no ill effect. It is estimated that if 50 percent of American physicians were primary care practitioners, total national expenditures for physician services would be 39 percent less than what we are currently spending.

But we are far from a 50–50 ratio of primary care providers to specialists, a ratio that is the rule in other industrialized countries. In fact we last had 50 percent of physicians in primary care practice in 1961, and the decline has been inexorable since. Currently only 14 percent of graduating medical students indicate an interest in this type of practice. And most dramatically, even if by some action we were to begin this year to convince half of all graduating medical students to choose a career in primary care, we would not achieve the more desirable 50–50 ratio of generalists to specialists until the year 2040.

It is not surprising that this complex problem has multiple underlying causes. Increasingly sophisticated technology dominates our health care system, and this is the very attractive domain of the medical specialists. This reaches its zenith in the teaching hospitals, also the site of most medical training. The academic health center has become the source of an incredible array of discoveries and innovations that have benefited society. However, primary care as an academic discipline has become a more and more difficult pursuit in our medical schools. Students often lack the needed role models to encourage them toward primary care.

The Federal Government has been an accomplice in this trend. Despite the Congress' efforts in passing the new Medicare physician payment system, specialty medicine is still reimbursed well beyond primary care services. In addition, our Government spends over $6 billion in support of graduate medical education, most often in a way which only serves to reward teaching hospitals for increasing the number of students being trained for highly specialized care. Finally, as the cost of education has risen, medical student debt has risen. This now averages over $50,000 at graduation, hardly what would encourage students to choose careers in the lower paying primary care disciplines.

Previous attempts to address this problem have largely failed. In the 1960's and 1970's we assumed that if we trained more doctors there would be an inevitable diffusion into primary care and into our seriously underserved regions. The number of first-year medical students increased from just over 8,000 in 1961 to almost 16,000 to 1990. At the same time the number of foreign medical graduates entering the United States exploded. Yet the proportion of primary care practitioners actually decreased. Other programs, such as the support of training of nurse practitioners and the National Health Service Corps, have not been able to fulfill their missions because of the substantial budget cuts these programs endured during the 1980's.

As my colleagues know, I have been very concerned about this issue for several years. We have heard testimony from numerous experts, including from the Physician Payment Review Commission which was charged by the Congress to advise it on this issue, from several academic and physician organizations, and from private foundations with interest in this matter. And the legislation we are introducing today is our effort to translate the best of their recommendations into effective public policy.

And as my colleagues also know, this has been the subject of intense scrutiny by the White House's Health Care Reform Task Force. Mrs. Clinton has spoken often and eloquently about the need to provide a more appropriate health care workforce for our Nation's needs.

The bill we are introducing has a number of initiatives which will have the effect of increasing the number of primary health care providers in this country. First and possibly most important is our intention to limit the payments provided by the Medicare program for graduate medical education. Only programs that comply with Federal policy that restricts the number of practitioners trained to be more in line with the number of graduates of medical schools in the United States will receive support from Medicare, and half those trained should be in programs for primary care. We expect this policy to be fully implemented within 3 years, a short period of time to be sure but one that reflects the seriousness of this problem and the seriousness of our intent.

There is no doubt that achieving this policy goal will be difficult, and we must enlist the help and expertise of the private organizations that know and understand medical education. It is for this reason that the legislation calls for the creation of a national health care professional workforce advisory board to advise the Secretary of Health and Human Services on the development and implementation of this policy. But lest this become another self-perpetuating Federal commission, we direct it to be terminated in 5 years. We believe that by this time the policy will be well along in its implementation, and national health care reform will already be having its substantial effect on the market for health care professionals.

It is clear that there needs to be a number of programs which increase the attractiveness of primary care for fledgling physicians. Therefore another initiative in this bill will allow Medicare funds used for medical education to be directed not only to the tertiary care hospitals that so dominate graduate medical education but also to sites such as community health centers and HMO's so that physicians will have experiences in this kind of care during their training. There will be enhanced support for those entering training in primary care such as improved terms for loan repayment. And there will be enhanced support for the Agency for Health Care Policy and Research so that more research aimed at issues of primary care will be carried out in our Nation's medical schools.

In crafting this legislation we have also recognized the critical role being played by advanced practice nurses and physician assistants in providing primary care. There are now approximately 25,000 nurse practitioners and a similar number of physician assistants, with an additional 5,000 nurse midwives providing important services to women. These practitioners can provide as much as 80 percent of a primary care physician's services, and this bill provides increased support for the training of these essential professionals.

Another program of great interest will be demonstration programs for the retraining of specialist physicians for primary care. It has been suggested that this sort of retraining could be a very useful—and relatively quick—source of primary care physicians. Yet we know little about how to do this, how much it should cost, and how long it should take. Well focused projects overseen by the Public Health Service should answer these important questions.

Finally, as I mentioned earlier, the National Health Service Corps has over the last 12 years been kept from fulfilling its promise to provide more practitioners for our most needy populations. We propose to provide full funding to the corps by the year 2000 and to expand a program of jointly funded community scholarships designed to provide incentives for hometown recruitment and retention of physicians and nurses. And in keeping with the President's extraordinary commitment to reviving the idea of national service, we are directing the Secretary to appoint a commission on obligated service to study and make recommendations on requiring a period of national service for all students who graduate from health professions schools that receive Federal support.

I am pleased by the reaction we have received to this proposal from the medical education community. Supportive letters have been received from the American Academy of Family Physicians and the Federated Council for Internal Medicine. The latter group is comprised of five leading organizations of internal medicine, including the leaders from the academic community.

Mr. President, this legislation is complex, multifaceted, far-reaching, and very demanding of our health professions education system. It is one tough bill. Yet this only reflects the seriousness of the challenge, the depth of our commitment to address this challenge, and the complexity that we recognize to be inherent in this problem. There will be those who might suggest that these problems be addressed as part of the national health care reform effort on which we will soon embark. I believe that this is too urgent an issue to wait, however, and all of the provisions I have cited today are efforts that will only enhance our ability to achieve meaningful health care reform. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and an outline be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Primary Care Workforce Act of 1993".

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) The term "approved medical residency training program" has the meaning given such term in section 1886(h)(5)(A) of the Social Security Act.

(2) The term "entry position" means, with respect to a medical residency training program, a position as a resident in the initial year of study in the program.

(3) The term "primary care resident" means (in accordance with criteria established by the Secretary) a resident being trained in a distinct program of primary health care (as defined in section 723(d)(5) of the Public Health Service Act).

(4) The term "resident" has the meaning given such term in section 1886(h)(5)(H) of the Social Security Act.

(5) The term "Secretary" means the Secretary of Health and Human Services.

(6) The term "State" has the meaning given such term under section 799(9) of the Public Health Service Act.

(7) The term "United States medical graduate" means a resident who is a graduate of—

(A) a school of medicine accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical colleges (or approved by such Committee as meeting the standards necessary for such accreditation); or

(B) a school of osteopathy accredited by the American Osteopathic Association, or approved by such Association as meeting the standards necessary for such accreditation.

SEC. 3. ESTABLISHMENT AND ENFORCEMENT OF NATIONAL POLICY FOR APPROVED MEDICAL RESIDENCY TRAINING PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a national policy respecting the number of positions in each State in each approved medical residency training program of the different medical specialties conducted in the State.

(b) SPECIFIC DISTRIBUTION RULES.—

(1) LIMIT ON TOTAL NUMBER OF POSITIONS.—The national policy established under subsection (a) shall provide that, with respect to residents who begin an initial residency period on or after June 1, 1998, the total number of entry positions in approved medical residency training programs in the United States in which residents may enroll without having previously completed another medical residency training program may not for any fiscal year exceed 110 percent of the number of United States medical graduates.

(2) DISTRIBUTION OF PRIMARY CARE AND NON-PRIMARY CARE POSITIONS.—

(A) GENERAL RULE.—The national policy established under subsection (a) shall provide that, after a 3-year transition period beginning on June 1, 1995, the number of entry positions in all approved medical residency training programs in a State for residents who begin an initial residency period on or after June 1, 1998, who are not primary care residents may not exceed 50 percent of the total number of entry positions in all such programs in a State for all residents who are United States medical graduates.

(B) WAIVER FOR CERTAIN STATES.—The Secretary may waive the application of the general rule described in subparagraph (A) to a State if the Secretary finds that the application of the rule to the State is not practicable.

(c) TIMETABLE.—

(1) PUBLICATION OF INTERIM FINAL REGULATION.—The Secretary shall publish an interim final regulation carrying out the national policy referred to in subsection (a) not later than 60 days after the National Health Professional Workforce Advisory Board submits its recommendations to the Secretary regarding such national policy pursuant to section 3(b).

(2) USE OF BOARD'S RECOMMENDATIONS AS DEFAULT POLICY.—If the Secretary does not meet the requirements of paragraph (1), the recommendations of the National Health Professional Workforce Advisory Board submitted to the Secretary pursuant to section 3(b) shall, for purposes of this Act and the amendments made by this Act, be deemed to be the national policy established by the Secretary under subsection (a) respecting the number of positions in each State in the approved medical residency training programs of the different medical specialties conducted in the State.

(d) ASSURING CONFORMITY OF MEDICARE PAYMENTS FOR MEDICAL EDUCATION WITH NATIONAL POLICY.—

(1) PAYMENT FOR DIRECT MEDICAL EDUCATION.—Section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A)) is amended—

(A) by striking "means" and inserting "means, with respect to a hospital,"; and

(B) by striking the period at the end and inserting the following: ", but only if (with respect to residents who begin an initial residency period on or after June 1, 1995) entry positions in each such program of the hospital are in accordance with the national policy established by the Secretary under section 3(a) of the Primary Care Workforce Act of 1993 respecting the number of positions in such program.".

(2) PAYMENT FOR INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clauses:

"(v) In determining such adjustment, the Secretary may not take into account the services of any interns and residents in a medical residency training program for a specialty or subspecialty unless, with respect to interns and residents who begin an initial residency period (as defined in subsection (h)(5)(F)) on or after June 1, 1995, entry positions in each such program of the hospital are in accordance with the national policy established by the Secretary under section 3(a) of the Primary Care Workforce Act of 1993 respecting the number of positions in such program.

"(vi) With respect to payments during each of the first 5 fiscal years for which clause (v) is in effect, the application of such clause may not result in a reduction of the additional payment amount made to the hospital under this subparagraph during the fiscal year to an amount that is less than—

"(I) in the case of a hospital receiving an additional payment amount under subparagraph (F) during the fiscal year that is computed under clause (vii)(I) of such subparagraph, 95 percent of the additional payment amount made to the hospital under this subparagraph during the previous fiscal year; or

"(II) in the case of any other hospital, 90 percent of the additional payment amount made to the hospital under this subparagraph during the previous fiscal year.".

SEC. 4. NATIONAL HEALTH PROFESSIONAL WORKFORCE ADVISORY BOARD.

(a) ESTABLISHMENT; COMPOSITION.—There is hereby established the National Health Professional Workforce Advisory Board (hereafter in this section referred to as the "Board"), to be composed of the Secretary of Health and Human Services, the Secretary of Veterans' Affairs, and 7 other members appointed by the President not later than 3 months after the date of the enactment of this Act, of whom—

(1) at least 1 shall be a dean of a school of medicine;

(2) at least 1 shall be a health care professional who is not a physician;

(3) at least 1 shall be the program director of an approved medical residency training program;

(4) at least 1 shall be the chief executive officer of a hospital that operates an approved medical residency training program;

(5) at least 1 shall be the vice-president or vice-chancellor for health affairs of a multidisciplinary academic health center; and

(6) at least 1 shall represent the general public.

(b) DUTIES.—

(1) IN GENERAL.—The Board shall—

(A) prepare initial recommendations regarding the national policy referred to in section 3(a) for the number of positions in approved medical residency training programs of the different medical specialties (subject to the requirements of section 3(b) regarding the total number of entry positions in such programs and the distribution of such positions under such programs among primary care and non-primary care residents at various sites), and submit such recommendations to the Secretary not later than 1 year after the date of the enactment of this Act;

(B) submit recommendations to the Secretary regarding the supply and role of providers of primary care services who are not physicians;

(C) with respect to funds available pursuant to title XVIII of the Social Security Act for direct graduate medical education for the clinical training of physicians and nurses, study the appropriateness of expending such funds to make reimbursements under such title for the clinical training in primary care of additional practitioners;

(D) submit annual reports to Congress and the Secretary on the implementation of such national policy; and

(E) provide the Secretary with such technical and other assistance regarding such national policy as the Secretary may request.

(2) CRITERIA FOR RECOMMENDATIONS.—In preparing its recommendations under paragraph (1), the Board shall take into consideration—

(A) the quality of graduate medical residency training programs;

(B) the need to maintain the operation of such programs that have demonstrated success in recruiting, retaining, and promoting minority practitioners;

(C) the need to assure that the distribution of entry positions in such programs is not inequitable in relation to the States and hospitals in urban and rural areas that are qualified to offer such programs;

(D) the need to assure the provision of primary care and other health care services to medically underserved communities; and

(E) such other criteria as the Board (in consultation with the accrediting bodies referred to in subsection (c)) considers appropriate.

(c) ROLE OF ACCREDITING BODIES AND CERTIFYING BOARDS.—In preparing its recommendations regarding the national policy referred to in section 3(a), the Board shall—

(1) request each accrediting body for approved medical residency training programs for a specialty or subspecialty, and each certification board for such specialty or subspecialty, to prepare and submit a plan that provides for the achievement of such national policy with respect to approved medical residency training programs for such specialty or subspecialty;

(2) analyze the extent to which the Board may adopt such plans as the basis for its recommendations; and

(3) maintain close consultation with such bodies and boards throughout the process of preparing its recommendations.

(d) CHAIRPERSON; ADDITIONAL DUTIES.—The President shall designate a Chairperson from among the members, who (subject to the approval of the Board) may—

(1) employ and fix the compensation of an Executive Director and such other personnel (not to exceed 25) as may be necessary to carry out the Board's duties;

(2) seek such assistance and support as may be required in the performance of the Board's duties from appropriate Federal departments and agencies;

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Board (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

(4) make advance, progress, and other payments which relate to the work of the Commission;

(5) provide transportation and subsistence for persons serving without compensation; and

(6) prescribe such rules and regulations as the Board deems necessary with respect to its internal organization and operation.

(e) COMPENSATION.—Members of the Board who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) TERMINATION.—The Board shall terminate upon the expiration of the 6-year period that begins on the date of the enactment of this Act. Section 14(a) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Board.

(g) CONFORMING AMENDMENT REPEALING COUNCIL ON GRADUATE MEDICAL EDUCATION.—Effective on the date of the enactment of this Act, section 301 of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408) is repealed.

SEC. 5. REVISIONS TO MEDICARE METHODOLOGY FOR DETERMINING PAYMENTS FOR MEDICAL RESIDENCY.

(a) PAYMENTS FOR DIRECT MEDICAL EDUCATION COSTS OF NON-HOSPITAL PROVIDERS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1889 the following new section:

"GRADUATE MEDICAL EDUCATION PAYMENTS FOR NON-HOSPITAL PROVIDERS

"SEC. 1890. (a) IN GENERAL.—Notwithstanding any other provision of this title, in the case of any entity (other than a hospital) eligible to receive payments under this title that operates an approved medical residency training program, in addition to any other payments that may be made to the entity under this title, the Secretary shall provide for payment to the entity for direct graduate medical education costs in accordance with subsection (b).

"(b) DETERMINATION OF AMOUNT OF PAYMENT.—

"(1) IN GENERAL.—The amount of payment made to an entity under this section for direct medical education for a fiscal year is equal to the product of—

"(A) the aggregate approved amount (as defined in paragraph (2)) for the year; and

"(B) the entity's medicare patient load (as defined in subsection (d)(2)) for the year.

"(2) AGGREGATE APPROVED AMOUNT.—In paragraph (1), the term 'aggregate approved amount' means, for a fiscal year, the product of—

"(A) the approved FTE resident amount (determined under paragraph (3)) for the year; and

"(B) the weighted average number of full-time equivalent residents (as determined by the Secretary in a manner similar to the manner used to determine the number of such residents under section 1886(h)(4)) in the entity's approved medical residency training programs in the year.

"(3) DETERMINATION OF APPROVED FTE RESIDENT AMOUNT.—

"(A) IN GENERAL.—For each approved medical residency training program, the Secretary shall determine an approved FTE resident amount for each fiscal year (beginning with fiscal year 1995) equal to the applicable percentage (as defined in subparagraph (C)) of the national average salary for the year (as defined in subparagraph (B)(ii)).

"(B) DETERMINATION OF NATIONAL AVERAGE SALARY.—

"(i) DETERMINATION OF BASE AMOUNT.—The Secretary shall determine a base salary amount equal to the Secretary's estimate (using the most recent available audited cost reports) of the national average salary, including fringe benefits, for a full-time-equivalent resident in an approved medical residency training program during fiscal year 1990, increased (in a compounded manner) by the sum of the estimated percentage changes in the consumer price index during the 12-month periods between the midpoint of fiscal year 1990 and the midpoint of fiscal year 1994.

"(ii) NATIONAL AVERAGE SALARY DEFINED.—In this paragraph, the 'national average salary' for a fiscal year is equal to—

"(I) for fiscal year 1995, the base amount determined under clause (i) updated through the midpoint of the year by projecting the estimated percentage change in the consumer price index during the 12-month period ending at that midpoint (with appropriate adjustments to reflect previous under- or over-estimations under this subparagraph in the projected percentage change in the consumer price index); and

"(II) for a subsequent fiscal year, the amount determined under this clause for the previous fiscal year updated through the midpoint of the year by projecting the estimated percentage change in the consumer price index during the 12-month period ending at that midpoint (with appropriate adjustments to reflect previous under- or over-estimations under this subparagraph in the projected percentage change in the consumer price index).

"(C) APPLICABLE PERCENTAGE.—In subparagraph (A), the 'applicable percentage' is—

"(i) in the case of a primary care residency training program, 200 percent; or

"(ii) in the case of medical residency training program that is not a primary care residency training program, 150 percent.

"(c) ALLOCATION OF PAYMENTS AMONG TRUST FUNDS.—In providing for payments under this section, the Secretary shall provide for an allocation of such payments between part A and part B (and the trust funds established under the respective parts) as reasonably reflects the proportion of direct graduate medical costs of entities associated with the provision of services under each respective part.

"(d) DEFINITIONS.—In this section:

"(1) The terms 'approved medical residency training program', 'consumer price index', 'direct graduate medical education costs', and 'resident' have the meaning given such terms under section 1886(h)(5).

"(2) The term 'medicare patient load' means, with respect to a entity for a year, the fraction of the entity's services during the year which are attributable to individuals entitled to benefits under this title (based on such measure of services as the Secretary determines to be appropriate for purposes of this section).

"(3) The term 'primary care medical residency training program' means an approved medical residency training program consisting of a distinct program of primary health care (as defined in section 723(d)(5) of the Public Health Service Act).".

(b) PAYMENT FOR HOSPITAL COSTS OF INDIRECT MEDICAL EDUCATION PROVIDED OFF-SITE.—Section 1886(d)(5)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended by inserting by striking the period at the end and inserting the following: ", without regard to the setting in which the services are furnished (if the hospital incurs all, or substantially all, of the costs of the services furnished to the hospital by such interns and residents).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods (or portions thereof) beginning on or after October 1, 1994.

SEC. 6. CERTAIN PRIMARY CARE PROGRAMS UNDER PUBLIC HEALTH SERVICE ACT.

(a) INCREASE IN FUNDING FOR SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS OF NATIONAL HEALTH SERVICE CORPS.—Section 338H(b)(1) of the Public Health Service Act (42 U.S.C. 254q(b)(1)) is amended—

(1) by striking "and" after "1991,";

(2) by striking "through 2000" and inserting "and 1993"; and

(3) by inserting before the period the following: ", $226,000,000 for fiscal year 1994, $294,000,000 for fiscal year 1995, $381,000,000 for fiscal year 1996, $496,000,000 for fiscal year 1997, $644,000,000 for fiscal year 1998, $837,000,000 for fiscal year 1999, and $1,089,000,000 for fiscal year 2000".

(b) DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS.—Section 338L(l)(1) of the Public Health Service Act (42 U.S.C. 254t(l)(1)) is amended—

(1) by striking "and" after "1992,"; and

(2) by inserting before the period the following: ", and $5,000,000 for each of the fiscal years 1994 through 2000".

(c) NATIONAL RESEARCH SERVICE AWARDS.—Section 487(d)(3) of the Public Health Service Act (42 U.S.C. 288(d)(3)), as amended by section 1641(2) of Public Law 103–43, is amended—

(1) by striking "1 percent" the first place such terms appear and inserting "2 percent"; and

(2) by striking "Awards which (A) are made" and all that follows through "(B) are for research in primary medical care;" and inserting the following: "Awards made for research in primary medical care;".

(d) HEALTH CARE POLICY AND RESEARCH.—

(1) FUNDING.—Section 926 of the Public Health Service Act (42 U.S.C. 299c-5), as

amended by section 10 of Public Law 102-410 (106 Stat. 2101), is amended by adding at the end the following subsection:

"(f) Allocation Regarding Primary Care.—Of the amounts made available for a fiscal year for carrying out this title, the Secretary shall obligate not less than 15 percent for carrying out section 902 with respect to primary care.".

(2) Retraining programs.—Section 902 of the Public Health Service Act (42 U.S.C. 299a), as amended by section 2 of Public Law 102-410 (106 Stat. 2094), is amended by adding at the end the following subsection:

"(f) Retraining of Specialists.—With respect to physicians who are in a specialty, the Administrator shall, in carrying out subsection (a), conduct or support programs for training such physicians in primary care.".

(e) Commission on Obligated Service.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, there shall be established in accordance with this subsection an advisory commission to carry out the duties described in paragraph (2).

(2) Duties.—The duties referred to in paragraph (1) are making recommendations to the President and the Secretary on Health and Human Services on whether and to what extent students attending health professions schools pursuant to direct or indirect federal financial assistance (for the students or for the schools, or both) should, as a condition of such attendance, be contractually required to complete a period of providing health services to medically underserved individuals. Recommendations under the preceding sentence shall include recommendations with respect to establishing such a requirement for each student who attends a health professions school pursuant to such assistance.

(3) Membership.—The advisory commission established under paragraph (1) shall be comprised of five individuals appointed by the President.

(4) Administrative provisions.—The advisory commission established under paragraph (1) shall be established within the Department of Health and Human Services. The Secretary shall provide to the commission such staff, quarters, information, and other assistance as may be necessary for the commission to carry out paragraph (2).

OUTLINE OF PRIMARY CARE WORKFORCE ACT OF 1993

1. ESTABLISHMENT AND ENFORCEMENT OF NATIONAL POLICY FOR ACCREDITED GRADUATE MEDICAL EDUCATION PROGRAMS

a. The Secretary of Health and Human Services shall establish a national policy respecting the number of positions in accredited graduate medical education training programs.

b. Specific Distribution Rules:

1. Limit total number of entry positions to not greater than 110 percent of U.S. medical school graduates for those beginning their initial residency training on or after June 1, 1998.

2. Distribution of primary care and nonprimary care positions to be 50:50 after three year transition period.

3. Secretary may waive distribution rules when deemed appropriate.

c. Secretary to publish interim final regulation carrying out the national policy not later than 60 days after receiving recommendations from the Presidential appointed National Health Care Professional Workforce Advisory Board.

d. Assuring Conformity of Medicare Payments for Medical Education with National Policy:

1. Medicare to provide graduate medical education support for a program's positions only if the program is in compliance with the national policy established by the Secretary.

2. Indirect medical education support also will be available only if the programs are in compliance with national policy; for the first five years that this is in effect the hospital's additional payment amount will be reduced to no less than 90 percent of the prior fiscal year's amount; for disproportionate share hospitals the payment amount will be reduced to no less than 95 percent of the prior year's amount.

e. Primary care resident is defined per the Public Health Service Act (currently general internal medicine, general pediatrics, and family practice).

2. NATIONAL HEALTH PROFESSIONAL WORKFORCE ADVISORY BOARD

a. Establishment; Composition: To include Secretary HHS, Secretary of Veterans Affairs, and seven other members appointed by the President, including a dean of a medical school, a health care professional who is not a physician, a residency program director, a C.E.O. of a hospital operating a residency training program, a representative of an academic health center, and one member of the public.

b. Duties:

1. In General:

a. To prepare initial recommendations regarding the national policy, submitted to the Secretary of HHS not later than 1 year after the enactment of this Act;

b. study the appropriateness of using Medicare dollars to train other primary care providers;

c. make recommendations regarding the need to increase the numbers of other health care professionals;

d. submit annual reports to the Secretary and the Congress on the implementation of the policy;

e. provide the Secretary technical and other assistance as requested.

2. Criteria for Recommendations:

a. The need to consider the quality of different training programs;

b. the need to maintain programs with demonstrated success in recruiting, retaining, and promoting minority practitioners;

c. the need to assure that the distribution of positions in such programs is not inequitable in relation to geographic distribution, urban and rural areas, and hospitals that are qualified to offer such programs;

d. the need to assure the provision of primary care and other health care services to medically underserved communities;

e. such other criteria as the Board considers appropriate.

c. Role of Accrediting Bodies and Specialty Organizations: The Board shall request each accrediting body and appropriate speciality organizations to submit a plan that provides for the achievement of the national policy and maintain close consultation with these bodies throughout the process of preparing its recommendations.

d. The Board shall terminate six years after the passage of this act.

e. The Council on Graduate Medical Education is repealed.

3. REVISIONS TO MEDICARE METHODOLOGY FOR DETERMINING DIRECT MEDICAL EDUCATION PAYMENTS FOR MEDICAL EDUCATION TO OFF-SITE SETTINGS.

a. Payment for Direct Medical Education Costs of Non-Hospital Providers Operating Residency Training Programs (establishes criteria for determining amount of payment based on an average per-resident amount times the Medicare patient load, with primary care positions receiving a greater amount, primary care defined as family practice, general internal medicine, and general pediatrics).

b. Payment for Hospital Costs of Indirect Medical Education Provided Off-Site (clarifies that hospitals may continue to include residents in F.T.E. count when residents are off-site if the hospital incurs all, or substantially all, of the costs of the resident).

c. Effective Date October 1, 1994.

4. PUBLIC HEALTH SERVICE ACT

a. Increased funding authorized for the National Health Service Corps to a $1,089,000,000 by the year 2000.

b. Jointly funded community scholarship program designed to provide specific incentives for home town recruitment and retention of physicians and nurses funded at $5 million per year for the years 1994 to 2000.

c. Training grants for primary care investigators through the Health Resources and Services Administration.

d. Enhanced support for the Agency for Health Care Policy and Research:

1. Increase research grants in primary care.

2. Establish programs for retraining practicing specialist physicians for primary care.

e. The President will establish a Commission on Obligated Service to study and make recommendations on requiring a period of national service for all students attending health professions schools.•

• **Mr. DURENBERGER.** Mr. President, I am pleased to join my colleague from West Virginia, Jay Rockefeller, in introducing legislation to increase the number of primary care physicians in our health care delivery system.

We all know the vast number of issues that are considered part of health reform. The list is long—medical liability, antitrust, workers compensation, insurance reform, long term care, and so forth. However, I don't need to tell you, Mr. President, that some issues are simply more fundamental than others and simply cannot be overlooked if we want successful reform. The numbers of physicians, the kinds of specialties they choose, and where these doctors practice, represent such a core issue. If we do not solve these problems, we will not succeed in health reform.

It is that simple. Or so it seems, until we begin to look at this problem in more detail. I have looked at this subject since I came to the Senate in 1978. And, Mr. Rockefeller and I have both tackled the issue during our time on the Finance Subcommittee on Medicare and Long-term Care. Furthermore, the problems of physician supply were addressed by our predecessors in the 1960's and early 1970's.

So why then are we still grappling with this issue now? Because Federal policy failed to define the overall problem and failed to articulate a work force policy that would meet future needs. Instead our medical education, our health care delivery infrastructure, and our reimbursement system all gang up to discourage students who wish to be primary care physicians or physicians who wish to practice in underserved areas.

Congress first became concerned about specialty and geographic maldistribution in 1970. We passed the Comprehensive Health Manpower Training Act of 1971. This bill assisted schools in addressing these problems on a voluntary basis. It authorized payments based on mutually agreed upon targets for primary care residency programs. The goal was 35 percent primary care for 1977 and was to reach 50 percent by 1980.

There is no question that we failed. In 1981, 37.3 percent of graduates entered primary care. That number has fallen in 1992 to 14.6 percent. In other words, we are farther than ever away from realizing our goals.

Physician work force is the pivotal issue in health reform. Congress' attempts to reform the health care delivery system will not succeed unless a national policy directed at encouraging more primary care physicians is developed. Work force is an essential piece in making the system more productive. Availability of primary care has a leading role in cost containment, access to services, and quality of care.

We cannot assume that price controls, global budgets, or reimbursement freezes are going to contain our rate of cost increase in the wake of health reform. Physicians supply has a direct relationship to utilization of speciality services.

Physicians generate about 80 percent of all the costs for care. It is not just what they are paid—but the costs of all the services that they perform. Having more physicians than you need, and especially more specialists creates tremendous pressure for expenditures. Physicians are the entree to our delivery system.

As health reform expands access to care for the uninsured, the already strong demand for primary care will increase. We saw utilization levels jump after Medicare and Medicaid were enacted in the 1960's. This will happen again when we extend coverage to the currently uninsured.

When we reform the delivery system, the forces of the market may help correct our current imbalance of specialists. Integrated delivery systems or accountable health plans will actively recruit primary care physicians. This increased demand will boost interest by graduates in primary care fields.

Oversupply of specialists affects the quality of care. If there is no Federal policy redirecting our work force, primary care services will increasingly be provided by subspecialists who will have had little or no education in primary care. Likewise, subspecialists providing more generalist services will devote less time to their areas of expertise. In addition, primary care physicians contribute to patient education, preventive care, decrease the amount of unnecessary services and prevent more serious problems from being deferred until major symptoms appear and a specialist is needed.

Maldistribution of physicians affects access to care. Increasing specialization will result in a growing discrepancy between the rural and urban physician work force because specialists tend to practice in urban areas.

Although the market could correct the mix of physicians over time, physician oversupply will likely impede any transition to managed competition. While I am generally reluctant to propose Government solutions, it is clear that we must in some way assist in the transition. History has taught us that if left unassisted, it will be difficult for individual physicians to make the necessary adjustments to meet the market's demand.

If we want to achieve health reform, we must begin. Tackling this problem is not easy.

Earlier this year, the Physician Payment Review Commission [PPRC] made recommendations to congress regarding graduate medical education. Today, in response to this proposal and a desire to address this fundamental area of health reform, my distinguished colleague and I are introducing the Primary Care Workforce Act of 1993. This bill will provide some foundation for health reform legislation.

The bill addresses the current and projected primary care physician shortage. The first component is for the establishment and implementation of a national policy for graduate medical education training programs. The Secretary of Health and Human Services will establish a national policy to determine the number of positions. This distribution of residencies will be limited to 110 percent of current U.S. medical school graduates. Therefore, allowing all graduating medical students a residency slot. The additional 10 percent would allow for the training of foreign personnel or graduates who had taken the year after graduation off for some reason.

Second, a National Health Care Professional Workforce Advisory Board will be instituted. Although there are already organizations such as the Prospective Payment Assessment Commission [ProPAC], the Physician Payment Review Commission [PPRC], and the Council on Graduate Medical Education [COGME], this board's emphasis will be on medical education exclusively.

Since one of the reasons for the decline in primary care physicians may be lack of primary care residency location sites, this bill will provide revisions to the current Medicare methodology for determining direct medical education payments for medical education to offsite settings. This is intended to increase the number of nonhospital providers providing direct medical education. This would include ambulatory sites in both rural and urban settings; for example, community health centers.

In addition, the Primary Care Workforce Act of 1993 will provide for the full funding of the National Health Service Corps through the year 2000. And finally, within this legislation is enhanced support for the Agency for Health Care Policy and Research. This support will translate into research grants in primary care, training grants, and demonstration grants for retraining practicing specialist physicians for primary care.

Some of these initiatives have already begun in States like Minnesota. The University of Minnesota Medical School has been recognized repeatedly for its success in turning out primary care physicians and keeping them in rural areas. The university has maintained a near equal primary care—specialty care mix. We should learn from their example.

The University of Minnesota successes can be enumerated. The State of Minnesota has 35 percent of its family practitioners in nonurban settings compared to a national average of 26.9 percent. In 1969, a 2-year school of medicine at the University of Minnesota at Duluth was established to train physicians in family practice, especially for rural areas. It now draws nearly 70 percent of its students from communities of 20,000 or fewer. The University of Minnesota at Duluth can boast that 75 percent of its students go into primary care, 60 percent who eventually practice in nonurban settings.

However, in spite of their accomplishments, Minnesota has not yet met its own objectives. State health reform legislation passed last year directed the university campuses in Duluth and Minneapolis to increase the supply of primary care physicians by 20 percent by the year 2000. To help do this a Task Force on Primary Care Education has been formed.

The Finance Committee had a hearing on this issue in July 1992 and again this past May. Last July, I said that we needed three things to solve this problem: Vision, leadership, and some action. We now have a vision of what our national health care system should look like. With President and Mrs. Clinton we have leadership. Therefore, it is time for action.

Most importantly, my colleague and I have introduced this bill to initiate discussions on this crucial aspect of health care reform. However, I have serious reservations about the use of States as boundaries for the implementation of a national work force policy. States are not relevant boundaries for determining distribution of residency training slots. For example, the Mayo Clinic has residents who rotate to sites in five States: Minnesota, Wisconsin, Iowa, Florida, and Arizona. The distribution should be focused on the quality of the programs, and the training sites will flow to many areas as networks evolve. I will continue to work with Mr. ROCKEFELLER on this issue to better accommodate the unique needs of the various programs.

Mr. President, this legislation is a step in the right direction. I invite comments on the issue of educating primary care physicians. Together with my distinguished colleague from West Virginia, I hope this bill will stimulate productive discussions about our efforts in health care reform.

We have the talent and creativity among our medical educators, our practitioners, and I hope our legislators to tackle this problem. If we do, we can reach our goals of health reform. If we do not, we cannot hope to accomplish our goals of higher quality care at a lower cost.●

By Mr. HATCH (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. DURENBERGER, and Mr. DODD):

S. 1317. A bill to amend the Public Health Service Act to require that certain entities provide information concerning breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

BREAST AND CERVICAL CANCER INFORMATION ACT OF 1993

Mr. HATCH. Mr. President, 46,000 women, 1 out of 9, are expected to die from breast cancer this year. Fifteen years ago the rate was 1 out of 13. The eradication of this disease must be a national priority.

The Breast and Cervical Cancer Information Act of 1993 is a simple and noncostly way to increase early detection of these diseases for treatment. The legislation requires that all federally supported clinics make appropriate breast and cervical cancer information, screening, and referral services available.

The language has been carefully crafted to ensure that clinics have the full freedom to provide whatever information they feel appropriate to whomever they feel is appropriate. For this reason, I do not feel that it would drain resources away from federally supported clinics, most of which I recognize are strapped for funds.

I am grateful for the support of several members in this endeavor, including Senator KENNEDY, Senator MIKULSKI, Senator DURENBERGER, and Senator DODD, all of whom are cosponsors on this legislation.

Mr. President, I think it is important, in fact, critical, that the Federal Government send the signal that breast and cervical cancer prevention, detection, and treatment remain a high priority. I commend S. 1317 to the attention of my colleagues.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Ms. MIKULSKI, Mr. HATCH, Mr. WELLSTONE, Mr. RIEGLE, Mr. DODD, and Mr. WOFFORD):

S. 1318. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of tuberculosis and sexually transmitted diseases, to revise and extend certain injury control programs and to revise the program of grants relating to preventive health measures with respect to breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. DODD, and Mr. WELLSTONE):

S. 1319. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of sexually transmitted diseases, and for other purposes; to the Committee on Labor and Human Resources.

S. 1320. A bill to amend title III of the Public Health Service Act to revise and extend certain injury control programs, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH CARE LEGISLATION

Mr. KENNEDY. Mr. President, today I am introducing the Early Detection and Preventive Health Act of 1993. The legislation reauthorizes several vital public health programs and launches needed new initiatives in these areas.

The Tuberculosis Prevention and Control Amendments of 1993 will support development of an improved diagnostic TB test. It will upgrade the capability of TB laboratories, ensure that TB services are provided to needy populations, and maintain effective TB public health, follow-up and evaluation activities and treatment compliance. The bill authorizes $130 million for programs at the CDC, $46 million for basic research activities at NIH, and $5 million for an FDA program on tuberculosis drug and device research program. These authorizations represent an investment in our efforts to prevent and eliminate tuberculosis in the United States. The legislation will help State and major city health departments to identify persons with TB and those at highest risk of acquiring the disease. Programs will be better targeted for treatment and prevention, and their effectiveness will be evaluated.

The Injury Control and Violence Prevention Act of 1993 authorizes $60 million for the Injury Prevention and Control Program of the Centers for Disease Control and Prevention. This measure will support research and other programs on injuries resulting from motor vehicle accidents, falls, poisonings, burns, drownings, and causes of violence, including homicide and suicide. These funds will establish a family and personal violence prevention program and identify effective strategies to prevent violence within the family and among acquaintances.

This bill will also support a national campaign to prevent violence against women. It will build upon existing efforts by the CDC to create a comprehensive violence prevention program. This campaign will be a vital step toward reducing violence targeted at women by demonstrating and evaluating promising intervention strategies, by conducting a nationwide education, training, and public awareness effort, and by expanding our knowledge base through data collection and research.

The Breast and Cervical Cancer Amendments of 1993 authorizes $200 million for the early detection breast and cervical cancer. These funds will enable States to provide life-saving breast and cervical cancer screening services for women at risk, particularly low-income, elderly, and minority women. In addition, these amendments will establish mechanisms through which the States can monitor the quality and interpretation of screening procedures.

The Sexually Transmitted Diseases Amendments of 1993 authorize $132 million for the CDC Sexually Transmitted Diseases Program, enabling the CDC to implement a new accelerated prevention campaign. This measure will strengthen the qualify of STD services, and allow critical re-evaluation and innovation in STD prevention programs. This initiative will implement and evaluate interventions to change sexual and health-related behaviors that increase the risk of STD's. The program will improve systems to monitor STD's and develop infrastructure to identity relevant research needs.

Each of these measures is justified by sound public health considerations. Early detection and prevention of injury and illness can play a vital role in improving public health, especially the health of women. In the areas of violence against women, injury, TB, and sexually transmitted diseases, prevention is a key component of any successful health care strategy.

The rapid rise of tuberculosis over the past 4 years has placed an enormous burden on the health care system. Over 30,000 new active cases are reported each year in the United States, with over 1,700 deaths.

In the 1950's science thought it had TB under control. The disease rates were dropping and the available drugs were working well. America was lulled into a false sense of security. Money for basic and applied research on TB dwindled. Applicants stopped for new drug research in a market that already had four successful anti-TB drugs.

Today we face an epidemic of TB now capable of resisting every drug we have, and we are armed only with the basic disease knowledge of the 1950's.

The problem is exacerbated by the fact that the public health infrastructure has deteriorated in recent years due to the economic recession. Funding cutbacks at the Federal, State, and local levels have worsened the situations for the poor, the homeless, and the unemployed. These cuts have led to overcrowding in hospitals, homeless shelters and prisons, with persons often sleeping in rooms with poor ventilation and environment highly conducive to the transmission of TB.

Injury prevention and control is finally gaining the attention it deserves as a public health issue. Injury is the leading cause of premature death. In 1987, 2.3 million years of life were prematurely taken by unintentional injuries. Estimated total lifetime costs of all injuries in 1985 exceeded $158 billion. In 1990, 150,000 Americans died from injuries. Millions more were incapacitated or permanently disabled, with immeasurable emotional cost for families and loved ones.

One category of injury merits special attention and special action: intentional injury. As the second leading cause of death for young adults, it is clear that violence is a public health problem we must do more to combat. Violence and intentional injury against women presents an especially serious challenge. Studies on sexual assault estimate that one in every four women will suffer a violent sexual attack during her lifetime.

The CDC National Center for Injury Prevention and Control has applied a public health approach to this epidemic of violence, using prevention, acute care, and rehabilitation strategies with encouraging results. Although progress is being made in confronting the problem, more must be done. New injury prevention initiatives must spotlight domestic violence, acquaintance rape, date rape, and all forms of violence which target women.

Breast cancer and cervical cancer present another serious public health challenge. It is estimated that 2 million American women will be diagnosed with breast or cervical cancer in the 1990's, and that half a million women will die from these cancers. Breast cancer is the second leading cause of cancer death, an the most commonly diagnosed cancer in women.

Most deaths of this kind are preventable if diagnosed in time. Screening by mammography and the Pap test are widely available for early detection of breast cancer and cervical cancer. However, these vital tools are widely underused, and they are often inaccessible in medically underserved communities.

The National Breast and Cervical Cancer Early Detection Program provides access to mammograms and Pap tests for poor women. The program is dedicated to helping States develop comprehensive breast and cervical cancer early detection programs, as well as quality assurance, public education, training centers, and provider education. At current funding levels, only 30 States can participate in the program. As a result, at-risk women in 20 States who cannot afford to pay for mammograms or Pap smears, and have no access to effective screening. Underprivileged women in these States are dying from cancer because the early detection that could have saved their lives is not available.

Virtually all deaths from cervical cancer—and more than 30 percent of deaths from breast cancer—could be prevented through the widespread use of mammography and Pap testing. We are making progress in reducing the economic, geographic, and other barriers that still deny too many women access to these lifesaving techniques. With the Congress and administration working together, I am confident that much more rapid progress will be made in the years ahead.

Finally, sexually transmitted diseases continue to pose a grave health threat to women, adolescents, and infants. The incidence of STD's in America is among the highest of industrialized nations; 12 million Americans will acquire an STD this year, at a cost of approximately $5 billion. That's a mind-numbing 33,000 people every day.

Sexually transmitted diseases deserve special attention as a women's health issue. Each year, over 1 million women suffer serious and life-threatening complications of STD's that could have been treated if screening and treatment services were readily available. The CDC Sexually Transmitted Disease Program provides assistance to States, local health agencies, and community-based organizations to prevent the spread of STD's.

I look forward to working with Congress and the administration to enact these measures as soon as possible. Much progress has been made in addressing these critical health concerns, and we must not lose momentum. Reauthorization of these CDC programs is an essential step in meeting our public health needs, and I urge Congress to expedite their enactment.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Early Detection and Preventive Health Act of 1993".

TITLE I—TUBERCULOSIS

SEC. 101. SHORT TITLE.

This title may be cited as the "Tuberculosis Prevention and Control Amendments of 1993".

SEC. 102. FINDINGS.

Congress finds that—

(1) between 10,000,000 and 15,000,000 people in the United States have been infected with tuberculosis, nearly 26,000 new active cases are reported each year, and over 1,700 tuberculosis-related deaths occur each year;

(2) the number of reported cases of tuberculosis has risen from 22,201 in 1985 to 26,673 in 1992, representing 51,000 more cases than those that would have been expected since 1985;

(3) a recent national survey discovered that 14.4 percent of all active tuberculosis cases were resistant to at least one drug;

(4) drug resistant tuberculosis strains can cost more than $150,000 to treat, and even then, between 40 and 60 percent of the patients receiving such treatment die;

(5) in 1992, tuberculosis cases were reported to the Centers for Disease Control and Prevention by all 50 States, and cases resistant to one or more tuberculosis drugs were reported in at least 36 States, the District of Columbia and Puerto Rico;

(6) in 1992, 27 percent of the reported cases of tuberculosis occurred in foreign-born persons;

(7) one third of the world's population harbors tuberculosis; and

(8) among infectious diseases tuberculosis is still the number one killer in the world with an estimated 8,000,000 new cases each year and 2,900,000 deaths.

SEC. 103. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PROVISION OF SERVICES FOR PREVENTION, CONTROL, AND ELIMINATION.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended in the first sentence by striking "and" after "1991," and all that follows through "1995" and inserting the following: ", $104,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997".

(b) STATE TUBERCULOSIS PLAN.—Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) With respect to an application submitted by a State for a grant under this section for the prevention, control and elimination of tuberculosis, such application shall contain a State plan that demonstrates that amounts received under the grant will be expended in a manner that ensures that tuberculosis services will be provided to those at the highest risk of contracting tuberculosis, or in those areas with the highest rates of tuberculosis infection.

"(B) Such plans shall demonstrate that the applicant will work closely with and provide support to entities receiving funds under sections 329, 330, 340, 340A, or titles V or XIX, and to correctional facilities, and nongovernmental organizations such as community-based organizations.

"(C) Such plans shall demonstrate that grant funds will be used for directly observed therapy or other effective interventions with respect to populations with the highest rates of active infection with tuberculosis.".

(c) RESEARCH, DEMONSTRATION PROJECTS, EDUCATION, AND TRAINING.—

(1) IN GENERAL.—Section 317(k)(2) of the Public Health Service Act (42 U.S.C. 247b(k)(2)) is amended—

(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(B) by inserting "(A)" after the paragraph designation; and

(C) by adding at the end thereof the following new subparagraphs:

"(B) In support of grants referred to in subparagraph (A), the Secretary may conduct or support applied research and training regarding the surveillance, diagnostic methodologies, prevention, control, and treatment of tuberculosis, including intramural projects and extramural projects.

"(C) For the purpose of carrying out subparagraph (A), there are authorized to be appropriated $26,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997. The authorization of appropriations established in the preceding sentence is in addition to the authorization of appropriations established in subsection (j)(2) for carrying out this paragraph.".

(2) TECHNICAL AMENDMENT.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended by striking the last sentence.

SEC. 104. RESEARCH THROUGH NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.

(a) CERTAIN DUTIES.—

(1) IN GENERAL.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting after section 446 the following section:

"RESEARCH AND RESEARCH TRAINING REGARDING TUBERCULOSIS

"SEC. 447. In carrying out section 446, the Director of the Institute shall conduct or support basic research and research training regarding the cause, diagnosis, early detection and treatment of tuberculosis.".

(2) CONFORMING AMENDMENT.—Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting after "Diseases" the following: "(hereafter in this subpart referred to as the 'Institute')".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 408(a) of the Public Health Service Act (42 U.S.C. 284c(a)) is amended by adding at the end the following new paragraph:

"(3) For the purpose of carrying out section 447 (relating to research on tuberculosis through the National Institute on Allergy and Infectious Diseases), there are authorized to be appropriated $46,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997. The authorization of appropriations established in the preceding sentence may not be construed as terminating the availability for such purpose of any other authorization of appropriations.".

SEC. 105. RESEARCH THROUGH THE FOOD AND DRUG ADMINISTRATION.

Chapter V of the Food, Drug and Cosmetic Act is amended by inserting after section 512 (21 U.S.C. 360b) the following new section:

"SEC. 512A. TUBERCULOSIS DRUG AND DEVICE RESEARCH.

"(a) AUTHORITY.—The Commissioner of Food and Drugs shall implement a tuberculosis drug and device research program under which the Commissioner shall—

"(1) provide assistance to other Federal agencies for the development of tuberculosis protocols;

"(2) review and evaluate medical devices designed for the diagnosis and control of airborne tuberculosis; and

"(3) conduct research concerning drugs or devices to be used in diagnosing, controlling and preventing tuberculosis.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each fiscal year.".

TITLE II—SEXUALLY TRANSMITTED DISEASES

SEC. 201. SHORT TITLE.

This title may be cited as the "Sexually Transmitted Diseases Amendments of 1993".

SEC. 202. EXTENSION OF PROGRAM OF GRANTS REGARDING PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED DISEASES.

(a) EXTENSION OF PROGRAM.—Section 318(d)(1) of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended in the first sentence—

(1) by striking "(b) and (c)" and inserting "(b) and (c) of this section and section 318B"; and

(2) by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated $132,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

(b) TECHNICAL CORRECTIONS.—Section 318 of the Public Health Service Act (42 U.S.C. 247c) is amended—

(1) in subsection (b)(3), by striking ", and" and inserting "; and"; and

(2) in subsection (d)(5)—

(A) in subparagraph (A), by striking "form, or" and inserting "form; or"; and

(B) in subparagraph (B), by striking "purposes," and inserting "purposes;".

SEC. 203. EXTENSION OF PROGRAM REGARDING PREVENTABLE CASES OF INFERTILITY ARISING AS RESULT OF SEXUALLY TRANSMITTED DISEASES.

(a) TECHNICAL CORRECTION.—Section 318A of the Public Health Service Act (42 U.S.C. 247c–1), as added by section 304 of Public Law 102–531 (106 Stat. 3490), is amended in subsection (o)(2) by striking "subsection (s)" and inserting "subsection (q)".

(b) EXTENSION OF PROGRAM.—Section 318A of the Public Health Service Act (42 U.S.C. 247c–1), as added by section 304 of Public Law 102–531 (106 Stat. 3490), is amended—

(1) in subsection (q), by striking "and 1995" and inserting "through 1997"; and

(2) in subsection (r)(2), by striking "through 1995" and inserting "through 1998".

SEC. 204. SEXUALLY TRANSMITTED DISEASE ACCELERATED PREVENTION CAMPAIGNS.

Part B of title III of the Public Health Service Act is amended by inserting after section 318A (42 U.S.C. 247c-1) the following new section:

"SEC. 318B. SEXUALLY TRANSMITTED DISEASE ACCELERATED PREVENTION CAMPAIGNS.

"(a) GRANTS.—The Secretary is authorized to award grants to States and political subdivisions of States for the development, implementation, and evaluation of innovative, interdisciplinary approaches to the prevention and control of sexually transmitted diseases and their sequelae by—

"(1) expanding access to sexually transmitted disease services through collaborations with other public health programs and with nongovernmental partners;

"(2) implementing community-based behavioral interventions to prevent disease transmission; and

"(3) establishing collaborations between health departments and university-based experts to strengthen sexually transmitted diseases prevention programs.

"(b) APPLICATION.—To be eligible to receive a grant under subsection (a), a State or political subdivision of a State, shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications that seek to conduct activities with grant funds that focus on the prevention of sexually transmitted diseases among women and other populations that are disproportionately affected by these diseases.".

TITLE III—INJURY CONTROL AND VIOLENCE PREVENTION

SEC. 301. SHORT TITLE.

This title may be cited as the "Injury Control and Violence Prevention Act of 1993".

SEC. 302. FINDINGS.

Congress finds that—

(1) violence or the threat of violence has adverse effects on the health and safety of Americans of all ages, races, ethnicities and economic conditions;

(2) the majority of homicides and violent assaults are committed by people who have relationships with their victims and are not committed by strangers;

(3) violence is being committed in private as well as public, in homes, schools, and neighborhoods;

(4) interventions by law enforcement and criminal justice systems have limited ability to prevent violence;

(5) family and interpersonal violence represent serious threats to the health and well-being of millions of women in the United States;

(6) violence against women has serious health consequences for its victims, including fatality, severe trauma, repeated physical injuries, and chronic stress-related disorder;

(7) violence against women has serious mental health consequences for its victims, including substance abuse, severe psychological trauma, and suicide;

(8) fewer than 5 percent of injured women are correctly diagnosed by medical personnel as being victims of domestic violence;

(9) hospitals and clinics do not have a uniform set of protocols for the identification and referral of victims of family and interpersonal violence, or for the training of health care professionals to perform such functions;

(10) a national surveillance system for monitoring the health effects of injury should be established to determine the nature and extent of family and interpersonal violence in the United States; and

(11) the Surgeon General has identified domestic violence as a public health problem to which all health care providers must actively and vigorously respond.

SEC. 303. FAMILY AND INTERPERSONAL VIOLENCE PREVENTION.

Section 393 of the Public Health Service Act (42 U.S.C. 280b–2) is amended to read as follows:

"SEC. 393. PREVENTION OF FAMILY AND INTERPERSONAL VIOLENCE.

"(a) RESEARCH AND TECHNICAL ASSISTANCE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may conduct research and provide technical assistance to appropriate public and nonprofit private entities and to academic institutions to assist such entities in performing research in, and conducting training and public health programs for, the prevention of injuries and deaths associated with family and interpersonal violence.

"(b) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to States, political subdivisions of States, and any other public and nonprofit private entity for—

"(1) the conduct of research into identifying effective strategies to prevent interpersonal violence within the family and among acquaintances;

"(2) the development, implementation, and evaluation of demonstration projects for the prevention of interpersonal violence within families and among acquaintances;

"(3) the implementation of public information and education programs for prevention of family and interpersonal violence and to broaden public awareness of the public health consequences of family and interpersonal violence; and

"(4) the provision of education, training and clinical skills improvement programs for health care professionals to—

"(A) Routinely interview and identify individuals whose medical condition or statements indicate that the individuals are victims of domestic violence or sexual assault; and

"(B) refer the individuals to entities that provide services regarding such violence and assault, including referrals for counseling, housing, legal services, and services of community organizations.

"(c) INJURY SURVEILLANCE PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall support the establishment of national systematic surveillance of injuries, including those caused by family and interpersonal violence.

"(d) DEFINITION.—As used in this section, the term 'interpersonal violence within families and acquaintances' means any intentional violence, controlling, or coercive behavior or pattern of behavior by an individual who is currently or who was previously, in an intimate or acquaintance relationship with the victim. Such behavior may occur at any stage of the lifecycle and may encompass single acts or a syndrome of actual or threatened physical injury, sexual assault, rape, psychological abuse, or neglect. Such term includes behavior which currently may be described as 'child neglect', 'child abuse', 'spousal abuse', 'domestic violence', 'woman battering', 'partner abuse', 'elder abuse', and 'date rape'.

"(e) APPLICATION.—To be eligible to receive assistance under subsection (a) or (b), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.".

SEC. 304. ADVISORY COMMITTEE; REPORTS.

Part J of title III of the Public Health Service Act (as amended by Public Law 103-43) is amended by inserting after section 393 (42 U.S.C. 280b-2) the following new section:

"SEC. 393A. GENERAL PROVISIONS.

"(a) ADVISORY COMMITTEE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an advisory committee to advise the Secretary and such Director with respect to the prevention and control of injuries.

"(b) REPORT.—Not later than February 1 of 1994 and of every second year thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this part during the preceding 2 fiscal years. Such report shall include a description of such activities that were carried out with respect to domestic violence and sexual assault and with respect to rural areas.".

SEC. 305. TECHNICAL CORRECTIONS.

(a) TERMINOLOGY.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) (as amended by Public Law 103-43) is amended—

(1) in the heading for such part, by striking "INJURY CONTROL" and inserting "PREVENTION AND CONTROL OF INJURIES"; and

(2) in section 392—

(A) in the heading for such section, by inserting "PREVENTION AND" before "CONTROL ACTIVITIES";

(B) in subsection (a)(1), by inserting "and control" after "prevention"; and

(C) in subsection (b)(1), by striking "injuries and injury control" and inserting "the prevention and control of injuries".

(b) PROVISIONS RELATING TO PUBLIC LAW 102-531.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) (as amended by Public Law 103-43 (106 Stat. 3482), is amended—

(1) in section 392(b)(2), by striking "to promote injury control" and all that follows and inserting "to promote activities regarding the prevention and control of injuries; and"; and

(2) in section 391(b), by adding at the end the following sentence: "In carrying out the preceding sentence, the Secretary shall disseminate such information to the public, including through elementary and secondary schools.".

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

Section 394 of the Public Health Service Act (42 U.S.C. 280b-3) is amended—

(1) by striking "391 and 392" and inserting "391, 392, and 393"; and

(2) by striking "$10,000,000" and all that follows through the period and inserting "$60,000,000" for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

TITLE IV—BREAST AND CERVICAL CANCER AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the "Breast and Cervical Cancer Amendments of 1993".

SEC. 402. REVISIONS IN PROGRAM OF STATE GRANTS REGARDING BREAST AND CERVICAL CANCER.

(a) LIMITED AUTHORITY REGARDING FOR-PROFIT ENTITIES.—

(1) IN GENERAL.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(A) by striking "STATES.—A State" and all that follows through "may expend" and inserting the following: "STATES.—

"(1) IN GENERAL.—A State receiving a grant under subsection (a) may, subject to paragraphs (2) and (3), expend"; and

(B) by adding at the end the following paragraphs:

"(2) LIMITED AUTHORITY REGARDING OTHER ENTITIES.—In addition to the authority established in paragraph (1) for a State with respect to grants and contracts, the State may provide for screenings under subsection (a)(1) through entering into contracts with private entities.

"(3) PAYMENTS FOR SCREENINGS.—The amount paid by a State to an entity under this subsection for a screening procedure under subsection (a)(1) may not exceed the amount that would be paid under part B of title XVIII of the Social Security Act if payment were made under such part for furnishing the procedure to a woman enrolled under such part.".

(2) CONFORMING AMENDMENT.—Section 1505(3) of the Public Health Service Act (42 U.S.C. 300n-1(3)) is amended by inserting before the semicolon the following: "(and additionally, in the case of services and activities under section 1501(a)(1), with any similar services or activities of private entities)".

(b) SPECIAL CONSIDERATION FOR GRANTS.—Section 1501 of the Public Health Service Act (42 U.S.C. 300k) is amended by adding at the end thereof the following new subsection:

"(c) SPECIAL CONSIDERATION.—In making grants under subsection (a) after the date of enactment of this subsection, the Secretary shall give special consideration to projects that have been peer reviewed and approved and that involve areas that—

"(1) have high cervical or breast cancer mortality rates; or

"(2) have a high incidence of cervical or breast cancer.".

(c) EXEMPTION FROM MATCHING REQUIREMENTS.—Section 1502(b)(1) of the Public Health Service Act (42 U.S.C. 300l(b)(1)) is amended to read as follows:

"(1) TYPES OF CONTRIBUTIONS.—

"(A) GENERAL RULE.—Non-Federal contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) DONATED TREATMENT SERVICES.—In meeting the non-Federal contribution requirement of this section, the State involved—

"(i) may, with respect to a grant awarded for a program under paragraph (1) or (2) of section 1501(a), use the value of any donated outreach services associated with the delivery of breast and cervical cancer screenings conducted under the program, and the value of any additional donated breast or cervical cancer diagnostic or treatment services provided subsequent to the screening conducted under the program; and

"(ii) may not, with respect to a grant awarded for a program under paragraph (3), (4), (5) or (6) of section 1501(a), include the value of any donated breast or cervical cancer outreach, diagnosis, or treatment services.".

(d) QUALITY ASSURANCE REGARDING SCREENING PROCEDURES.—

(1) IN GENERAL.—Section 1503 of the Public Health Service Act (42 U.S.C. 300m) is amended—

(A) in subsection (a)—

(i) in paragraph (1), to read as follows:

"(1) to ensure that, after a limited period of time and thereafter throughout the period during which amounts are received pursuant to the grant, except for the period of the first year when a 50 percent minimum shall apply, not less than 60 percent of the grant is expended to provide each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers;"; and

(ii) in paragraph (4), to read as follows:

"(4) to ensure that not more than 40 percent of the grant is expended to provide the services or activities described in paragraphs (3) through (6) of section 1501(a), except in the case of the first year during which the maximum expended for these purposes shall not exceed 50 percent of the grant."; and

(B) by striking subsections (c) through (e) and inserting the following:

"(c) QUALITY ASSURANCE REGARDING SCREENING PROCEDURES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will, in accordance with applicable law, assure the quality of screening procedures conducted pursuant to such section.".

(2) Transition Rule Regarding Mammographies.—With respect to the screening procedure for breast cancer known as a mammography, the requirements in effect on the day before the date of the enactment of this Act under section 1503(c) of the Public Health Service Act remain in effect (for an individual or facility conducting such procedures pursuant to a grant to a State under section 1501 of such Act) until there is in effect for the facility a certificate (or provisional certificate) issued under section 354 of such Act.

(e) Statewide Provision of Services.—Section 1504(c) of the Public Health Service Act (42 U.S.C. 300n(c)) is amended by adding at the end the following paragraph:

"(3) Grants to Tribes and Tribal Organizations.—

"(A) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to tribes and tribal organizations (as such terms are used in paragraph (1)) for the purpose of carrying out programs described in section 1501(a). This title applies to such a grant (in relation to the jurisdiction of the tribe or organization) to the same extent and in the same manner as such title applies to a grant to a State under section 1501 (in relation to the jurisdiction of the State).

"(B) If a tribe or tribal organization is receiving a grant under subparagraph (A) and the State in which the tribe or organization is located is receiving a grant under section 1501, the requirement established in paragraph (1) for the State regarding the tribe or organization is deemed to have been waived under paragraph (2).".

(f) Evaluations and Reports.—Section 1508 of the Public Health Service Act (42 U.S.C. 300n-4) is amended—

(1) in subsection (a), by adding at the end the following sentence: "Such evaluations shall include evaluations of the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c)."; and

(2) in subsection (b), by inserting before the period the following: ", including recommendations regarding compliance by the States with section 1501(a)(2) and with section 1504(c)".

(g) Technical Corrections.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(a), in the matter preceding paragraph (1), by striking "Control," and inserting "Control and Prevention,"; and

(2) in section 1505—

(A) in paragraph (3), by striking "nonprivate" and inserting "nonprofit private"; and

(B) in paragraph (4), by inserting "will" before "be used".

SEC. 403. ESTABLISHMENT OF DEMONSTRATION PROGRAM OF GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES FOR WOMEN.

(a) In General.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) by redesignating section 1509 as section 1510; and

(2) by inserting after section 1508 the following section:

"SEC. 1509. SUPPLEMENTAL GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES.

"(a) Demonstration Projects.—In the case of States receiving grants under section 1501, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to not more than 3 such States to carry out demonstration projects for the purpose of—

"(1) providing preventive health services in addition to the services authorized in such section, including screenings regarding blood pressure and cholesterol, and including health education;

"(2) providing appropriate referrals for medical treatment of women receiving services pursuant to paragraph (1) and ensuring, to the extent practicable, the provision of appropriate follow-up services; and

"(3) evaluating activities conducted under paragraphs (1) and (2) through appropriate surveillance or program-monitoring activities.

"(b) Status as Participant in Program Regarding Breast and Cervical Cancer.—The Secretary may not make a grant under subsection (a) unless the State involved agrees that services under the grant will be provided only through entities that are screening women for breast or cervical cancer pursuant to a grant under section 1501.

"(c) Applicability of Provisions of General Program.—This title applies to a grant under subsection (a) to the same extent and in the same manner as such title applies to a grant under section 1501.

"(d) Funding.—

"(1) In general.—Subject to paragraph (2), for the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) Limitation regarding funding with respect to breast and cervical cancer.—The authorization of appropriations established in paragraph (1) is not effective for a fiscal year unless the amount appropriated under section 1510(a) for the fiscal year equals or exceeds $100,000,000.".

(b) Conforming Amendment.—Section 1510(a) of the Public Health Service Act, as redesignated by subsection (a)(1) of this section, is amended in the heading for the section by striking "**FUNDING.**" and inserting "**FUNDING FOR GENERAL PROGRAM.**".

SEC. 404. FUNDING FOR GENERAL PROGRAM.

Section 1510(a) of the Public Health Service Act (as amended by section 403(a)(2)) is amended—

(1) by striking "and" after "1991,"; and

(2) by inserting before the period the following: ", $200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EVALUATIONS.

Section 2711 of the Public Health Service Act (42 U.S.C. 300aaa-10) is amended to read as follows:

"EVALUATION OF PROGRAMS

"Sec. (a) In General.—Such portion as the Secretary shall determine, but not less than .2 percent nor more than 1 percent, of any amounts appropriated for programs authorized under this Act for any fiscal year beginning after September 20, 1993, shall be made available for the evaluation (directly, or by grants of contracts) of the implementation and effectiveness of such programs.

"(b) Report on Evaluations.—

"(1) In general.—To provide information for legislative deliberations concerning Federal health programs, the Secretary shall, not later than January 1 of each year, prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that identifies and synthesizes the findings of the evaluations conducted under subsection (a) by program area. Such report shall also include the plans of the Secretary for the subsequent year's evaluations, including programs and issue areas.

"(2) Five year review.—A report submitted under paragraph (1) shall contain a description of the findings of the Secretary with respect to evaluations conducted under subsection (a) or other provisions of law, during the 5-year period prior to the year for which the report is being submitted. Such description shall provide the Committees referred to in paragraph (1) with information concerning program changes that the Secretary intends to implement in response to such findings in order to improve the health of the American people and their receipt of needed and effective public health services.".

SEC. 502. FEDERAL BENEFITS FOR OVERSEAS ASSIGNEES.

Section 307 of the Public Health Service Act (42 U.S.C. 2421) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.). Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code to individuals serving in the Foreign Service.".

SEC. 503. LOAN REPAYMENT PROGRAM.

Part J of title III of the Public Health Service Act (as amended by section 2008 of Public Law 103-43) is amended by inserting after section 393 the following new section:

"SEC. 393A. LOAN REPAYMENT PROGRAM.

"(a) In General.—

"(1) Authority.—Subject to paragraph (2), the Secretary may carry out a program of entering into contracts with appropriately qualified health professionals under which such health professionals agree to conduct prevention activities, as employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) Limitation.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the Centers for Disease Control and Prevention or the Agency for Toxic Substances and Disease Registry for purposes of paragraph (1) for a period of not less than 3 years.

"(b) Applicability of Certain Provisions.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III of this Act, the provisions of such subpart shall, except as inconsistent with subsection (a), apply to the program established in this section in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program.".

SEC. 504. ESTABLISHMENT OF REQUIREMENT OF BIENNIAL REPORT ON NUTRITION AND HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.), as amended by section 302 of Public Law 102-531 (106 Stat. 3483), is amended by adding at the end the following section:

"BIENNIAL REPORT REGARDING NUTRITION AND HEALTH

"SEC. 1709. (a) BIENNIAL REPORT.—The Secretary shall require the Surgeon General of the Public Health Service to prepare biennial reports on the relationship between nutrition and health. Such reports may, with respect to such relationship, include any recommendations of the Secretary and the Surgeon General regarding the public health.

"(b) SUBMISSION TO CONGRESS.—The Secretary shall ensure that, not later than February 1 of 1995 and of every second year thereafter, a report under subsection (a) is submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1997.".

SEC. 505. ALIGNMENT OF CURRENT CENTERS FOR DISEASE CONTROL AND PREVENTION REAUTHORIZATION SCHEDULE.

(a) PROSTATE CANCER PREVENTION.—Section 317D((l)(1) of such Act (42 U.S.C. 247b-5(l)(1)) is amended by striking "through 1996" and inserting "through 1997".

(b) CANCER REGISTRIES.—Section 399L(a) of such Act (42 U.S.C. 280e-4(a)) (as amended by section 2003(1) of Public Law 103-43) is amended by striking "through 1996" and inserting "through 1997".

(c) HEALTH PROMOTION AND DISEASE PREVENTION RESEARCH AND DEMONSTRATION CENTERS.—Section 1706(e) of such Act (42 U.S.C. 300u-5(e)) is amended by striking "through 1996" and inserting "through 1997".

(d) SENSE OF CONGRESS.—It is the sense of Congress that, beginning on the date of enactment of this Act and continuing through fiscal year 1997, all Acts regarding the authorization or reauthorization of Centers for Disease Control and Prevention programs should be authorized only through fiscal year 1997. Beginning in fiscal year 1997, Congress should reauthorize the Centers for Disease Control and Prevention and its programs in one comprehensive Act. After fiscal year 1997, reauthorization of such Centers and its programs should occur on a regular cyclical basis.

S. 1319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sexually Transmitted Diseases Amendments of 1993".

SEC. 2. EXTENSION OF PROGRAM OF GRANTS REGARDING PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED DISEASES.

(a) EXTENSION OF PROGRAM.—Section 318(d)(1) of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended in the first sentence—

(1) by striking "(b) and (c)" and inserting "(b) and (c) of this section and section 318B"; and

(2) by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated $132,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

(b) TECHNICAL CORRECTIONS.—Section 318 of the Public Health Service Act (42 U.S.C. 247c) is amended—

(1) in subsection (b)(3), by striking ", and" and inserting "; and"; and

(2) in subsection (d)(5)—

(A) in subparagraph (A), by striking "form, or" and inserting "form; or"; and

(B) in subparagraph (B), by striking "purposes," and inserting "purposes;".

SEC. 3. EXTENSION OF PROGRAM REGARDING PREVENTABLE CASES OF INFERTILITY ARISING AS RESULT OF SEXUALLY TRANSMITTED DISEASES.

(a) TECHNICAL CORRECTIONS.—

(1) AMENDATORY INSTRUCTIONS.—Section 304 of Public Law 102-531 (106 Stat. 3490) is amended—

(A) by striking "Part A of title III" and inserting "Part B of title III"; and

(B) by striking "241 et seq." and inserting "243 et seq.".

(2) CROSS-REFERENCE.—Section 318A of the Public Health Service Act (42 U.S.C. 247c-1), as added by section 304 of Public Law 102-531 (106 Stat. 3490), is amended in subsection (o)(2) by striking "subsection (s)" and inserting "subsection (q)".

(b) EXTENSION OF PROGRAM.—Section 318A of the Public Health Service Act (42 U.S.C. 247c-1), as added by section 304 of Public Law 102-531 (106 Stat. 3490), is amended—

(1) in subsection (q), by striking "and 1995" and inserting "through 1998"; and

(2) in subsection (r)(2), by striking "through 1995" and inserting "through 1998".

SEC. 4. SEXUALLY TRANSMITTED DISEASE ACCELERATED PREVENTION CAMPAIGNS.

Part B of title III of the Public Health Service Act is amended by inserting after section 318A (42 U.S.C. 247c-1) the following new section:

"SEC. 318B. SEXUALLY TRANSMITTED DISEASE ACCELERATED PREVENTION CAMPAIGNS.

"(a) GRANTS.—The Secretary is authorized to award grants to States and political subdivisions of States for the development, implementation, and evaluation of innovative, interdisciplinary approaches to the prevention and control of sexually transmitted diseases and their sequelae by—

"(1) expanding access to sexually transmitted disease services through collaborations with other public health programs and with nongovernmental partners;

"(2) implementing community-based behavioral interventions to prevent disease transmission; and

"(3) establishing collaborations between health departments and university-based experts to strengthen sexually transmitted diseases prevention programs.

"(d) APPLICATION.—To be eligible to receive a grant under subsection (a), a State or political subdivision of a State, shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications that seek to conduct activities with grant funds that focus on the prevention of sexually transmitted diseases among women and other populations that are disproportionately affected by these diseases.".

S. 1320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Injury Control and Violence Prevention Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) violence or the threat of violence has adverse effects on the health and safety of Americans of all ages, races, ethnicities and economic conditions;

(2) the majority of homicides and violent assaults are committed by people who have relationships with their victims and are not committed by strangers;

(3) violence is being committed in private as well as public, in homes, schools, and neighborhoods;

(4) interventions by law enforcement and criminal justice systems have limited ability to prevent violence;

(5) family and interpersonal violence represent serious threats to the health and well-being of millions of women in the United States;

(6) violence against women has serious health consequences for its victims, including fatality, severe trauma, repeated physical injuries, and chronic stress-related disorder;

(7) violence against women has serious mental health consequences for its victims, including substance abuse, severe psychological trauma, and suicide;

(8) fewer than 5 percent of injured women are correctly diagnosed by medical personnel as being victims of domestic violence;

(9) hospitals and clinics do not have a uniform set of protocols for the identification and referral of victims of family and interpersonal violence, or for the training of health care professionals to perform such functions;

(10) a national surveillance system for monitoring the health effects of injury should be established to determine the nature and extent of family and interpersonal violence in the United States; and

(11) the Surgeon General has identified domestic violence as a public health problem to which all health care providers must actively and vigorously respond.

SEC. 3. FAMILY AND INTERPERSONAL VIOLENCE PREVENTION.

Section 393 of the Public Health Service Act (42 U.S.C. 280b-2) is amended to read as follows:

"SEC. 393. PREVENTION OF FAMILY AND INTERPERSONAL VIOLENCE.

"(a) RESEARCH AND TECHNICAL ASSISTANCE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may conduct research and provide technical assistance to appropriate public and nonprofit private entities and to academic institutions to assist such entities in performing research in, and conducting training and public health programs for, the prevention of injuries and deaths associated with family and interpersonal violence.

"(b) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to States, political subdivisions of States, and any other public and nonprofit private entity for—

"(1) the conduct of research into identifying effective strategies to prevent interpersonal violence within the family and among acquaintances;

"(2) the development, implementation, and evaluation of demonstration projects for the prevention of interpersonal violence within families and among acquaintances;

"(3) the implementation of public information and education programs for prevention of family and interpersonal violence and to broaden public awareness of the public health consequences of family and interpersonal violence; and

"(4) the provision of education, training and clinical skills improvement programs for health care professionals to—

"(A) appropriately interview and identify individuals whose medical condition or statements indicate that the individuals are victims of domestic violence or sexual assault; and

"(B) refer the individuals to entities that provide services regarding such violence and assault, including referrals for counseling, housing, legal services, and services of community organizations.

"(c) INJURY SURVEILLANCE PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall support the establishment of national systematic surveillance of injuries, including those caused by family and interpersonal violence.

"(d) DEFINITION.—As used in this section, the term 'interpersonal violence within families and acquaintances' means any intentional violence, controlling, or coercive behavior or pattern of behavior by an individual who is currently or who was previously, in an intimate or acquaintance relationship with the victim. Such behavior may occur at any stage of the lifecycle and may encompass single acts or a syndrome of actual or threatened physical injury, sexual assault, rape, psychological abuse, or neglect. Such term includes behavior which currently may be described as "child neglect", "child abuse", "spousal abuse", "domestic violence", "woman battering", "partner abuse", "elder abuse", and "date rape".

"(e) APPLICATION.—To be eligible to receive assistance under subsection (a) or (b), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.".

SEC. 4. ADVISORY COMMITTEE; REPORTS.

Part J of title III of the Public Health Service Act (as amended by Public Law 103–43) is amended by inserting after section 393 (42 U.S.C. 280b–2) the following new section.

"SEC. 393A. GENERAL PROVISIONS.

"(a) ADVISORY COMMITTEE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an advisory committee to advise the Secretary and such Director with respect to the prevention and control of injuries.

"(b) REPORT.—Not later than February 1 of 1994 and of every second year thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this part during the preceding 2 fiscal years. Such report shall include a description of such activities that were carried out with respect to domestic violence and sexual assault and with respect to rural areas.".

SEC. 5. TECHNICAL CORRECTIONS.

(a) TERMINOLOGY.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) (as amended by Public Law 103–43) is amended—

(1) in the heading for such part, by striking "INJURY CONTROL" and inserting "PREVENTION AND CONTROL OF INJURIES"; and

(2) in section 392—

(A) in the heading for such section, by inserting "PREVENTION AND" before "CONTROL ACTIVITIES";

(B) in subsection (a)(1), by inserting "and control" after "prevention"; and

(C) in subsection (b)(1), by striking "injuries and injury control" and inserting "the prevention and control of injuries".

(b) PROVISIONS RELATING TO PUBLIC LAW 102–531.—Part K of title III of the Public Health Service Act (42 U.S.C. 280b et seq.), as amended by section 301 of Public Law 102–531 (106 Stat. 3482), is amended—

(1) in section 392(b)(2), by striking "to promote injury control" and all that follows and inserting "to promote activities regarding the prevention and control of injuries; and"; and

(2) in section 391(b), by adding at the end the following sentence: "In carrying out the preceding sentence, the Secretary shall disseminate such information to the public, including through elementary and secondary schools.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 394 of the Public Health Service Act (42 U.S.C. 280b–3) is amended—

(1) by striking "391 and 392" and inserting "391, 392, and 393"; and

(2) by striking "$10,000,000" and all that follows through the period and inserting "$60,000,000" for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. MURKOWSKI, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Mississippi [Mr. LOTT], the Senator from Tennessee [Mr. SASSER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 327, a bill to amend the Internal Revenue Code of 1986 to permit rollovers into individual retirement accounts of separation pay from the Armed Services.

S. 384

At the request of Mr. D'AMATO, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 384, a bill to increase the availability of credit to small businesses by eliminating impediments to securitization and facilitating the development of a secondary market in small business loans, and for other purposes.

S. 469

At the request of Mr. WARNER, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 648

At the request of Mr. GREGG, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 648, a bill to provide Federal payments for Federal mandates imposed upon State and local governments.

S. 839

At the request of Mr. HOLLINGS, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 839, a bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1151

At the request of Mr. DOLE, the names of the Senator from Montana [Mr. BURNS] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1151, a bill to facilitate the flow of credit to small business by easing certain regulatory burdens on depository institutions, to require analysis of such burdens and their effectiveness, and for other purposes.

S. 1196

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 1196, a bill to amend the Immigration and Nationality Act to increase criminal penalties for persons smuggling aliens into the United States.

S. 1209

At the request of Mr. KEMPTHORNE, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1209, a bill to provide for a delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act, and for other purposes.

S. 1266

At the request of Mr. MACK, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1266, a bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid program, and for other purposes.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 113

At the request of Mr. DECONCINI, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 113, a joint resolution designating October 1993 as "Italian-American Heritage and Culture Month."

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

SENATE RESOLUTION 90

At the request of Mr. DURENBERGER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Resolution 90, a resolution to express the sense of the Senate concerning the exercise of rights secured under the First Amendment to the Constitution.

SENATE CONCURRENT RESOLUTION 32—RELATIVE TO THE CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT

Mr. DOMENICI submitted the following concurrent resolution; which was referred to the Committee on the Budget:

S. CON. RES. 32

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1994, including the appropriate budgetary levels for fiscal years 1995, 1996, 1997, and 1998, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1994.
Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficit.
Sec. 4. Social security.
Sec. 5. Major functional categories.
Sec. 6. Reconciliation.
Sec. 7. Social security fire wall point of order in the Senate.
Sec. 8. Enforcement procedures.
Sec. 9. Sense of the Congress on a mandatory cap.
Sec. 10. Sense of the Congress on paying for the stimulus package.
Sec. 11. Sense of the Congress on a Balanced Budget.
Sec. 12. Sense of the Congress on Budget Enforcement.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1994, 1995, 1996, 1997, and 1998:

(1) FEDERAL REVENUES.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $878,100,000,000.
Fiscal year 1995: $933,300,000,000.
Fiscal year 1996: $979,600,000,000.
Fiscal year 1997: $1,019,600,000,000.
Fiscal year 1998: $1,069,900,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.
Fiscal year 1998: $0.

(iii) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1994: $87,500,000,000.
Fiscal year 1995: $92,700,000,000.
Fiscal year 1996: $97,800,000,000.
Fiscal year 1997: $102,300,000,000.
Fiscal year 1998: $106,800,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund)—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $790,600,000,000.
Fiscal year 1995: $840,600,000,000.
Fiscal year 1996: $881,800,000,000.
Fiscal year 1997: $917,300,000,000.
Fiscal year 1998: $963,100,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.
Fiscal year 1998: $0.

(2) NEW BUDGET AUTHORITY.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,212,000,000,000.
Fiscal year 1995: $1,262,400,000,000.
Fiscal year 1996: $1,297,800,000,000.
Fiscal year 1997: $1,340,500,000,000.
Fiscal year 1998: $1,397,600,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,125,000,000,000.
Fiscal year 1995: $1,162,200,000,000.
Fiscal year 1996: $1,189,800,000,000.
Fiscal year 1997: $1,221,400,000,000.
Fiscal year 1998: $1,265,600,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,209,100,000,000.
Fiscal year 1995: $1,250,200,000,000.
Fiscal year 1996: $1,274,900,000,000.
Fiscal year 1997: $1,279,200,000,000.
Fiscal year 1998: $1,322,300,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,123,800,000,000.
Fiscal year 1995: $1,154,300,000,000.
Fiscal year 1996: $1,168,200,000,000.
Fiscal year 1997: $1,160,700,000,000.
Fiscal year 1998: $1,190,700,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1994: $331,000,000,000.
Fiscal year 1995: $316,900,000,000.
Fiscal year 1996: $295,300,000,000.
Fiscal year 1997: $259,600,000,000.
Fiscal year 1998: $252,400,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1994: $333,200,000,000.
Fiscal year 1995: $313,700,000,000.
Fiscal year 1996: $286,400,000,000.
Fiscal year 1997: $243,400,000,000.
Fiscal year 1998: $227,600,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1994: $4,746,500,000,000.
Fiscal year 1995: $5,119,500,000,000.
Fiscal year 1996: $5,485,700,000,000.
Fiscal year 1997: $5,824,200,000,000.
Fiscal year 1998: $6,151,300,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1994: $11,700,000,000.
Fiscal year 1995: $12,200,000,000.
Fiscal year 1996: $24,300,000,000.
Fiscal year 1997: $37,500,000,000.
Fiscal year 1998: $38,700,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1994: $149,800,000,000.
Fiscal year 1995: $149,400,000,000.
Fiscal year 1996: $141,700,000,000.
Fiscal year 1997: $133,300,000,000.
Fiscal year 1998: $135,600,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1994: $387,700,000,000.
Fiscal year 1995: $373,000,000,000.
Fiscal year 1996: $366,200,000,000.
Fiscal year 1997: $338,500,000,000.
Fiscal year 1998: $327,100,000,000.

SEC. 4. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $336,300,000,000.
Fiscal year 1995: $356,400,000,000.
Fiscal year 1996: $375,700,000,000.
Fiscal year 1997: $393,000,000,000.
Fiscal year 1998: $410,500,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1994: $274,700,000,000.
Fiscal year 1995: $286,300,000,000.
Fiscal year 1996: $297,200,000,000.
Fiscal year 1997: $308,200,000,000.
Fiscal year 1998: $319,100,000,000.

SEC. 5. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1994 through 1998 for each major functional category are:

(1) National Defense (050):

Fiscal year 1994:

(A) New budget authority, $273,500,000,000.

(B) Outlays, $284,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1995:

(A) New budget authority, $271,600,000,000.

(B) Outlays, $278,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $261,800,000,000.

(B) Outlays, $269,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:

(A) New budget authority, $251,400,000,000.

(B) Outlays, $251,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:

(A) New budget authority, $254,100,000,000.

(B) Outlays, $252,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

(2) International Affairs (150):

Fiscal year 1994:

(A) New budget authority, $18,400,000,000.

(B) Outlays, $18,400,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $16,900,000,000.

Fiscal year 1995:

(A) New budget authority, $17,400,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $17,300,000,000.

Fiscal year 1996:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $16,200,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $17,800,000,000.

Fiscal year 1997:

(A) New budget authority, $15,500,000,000.

(B) Outlays, $15,500,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $18,200,000,000.

Fiscal year 1998:

(A) New budget authority, $15,100,000,000.

(B) Outlays, $14,900,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $18,700,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1994:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1994:

(A) New budget authority, $4,500,000,000.

(B) Outlays, $3,700,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $5,100,000,000.

(B) Outlays, $3,700,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $4,000,000,000.

(B) Outlays, $3,300,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $3,700,000,000.

(B) Outlays, $3,100,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $3,400,000,000.

(B) Outlays, $2,400,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1994:

(A) New budget authority, $18,800,000,000.

(B) Outlays, $21,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $20,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $18,100,000,000.

(B) Outlays, $19,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $18,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1994:

(A) New budget authority, $15,100,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1995:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $12,200,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1996:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $10,600,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1997:

(A) New budget authority, $12,000,000,000.

(B) Outlays, $10,300,000,000.

(C) New direct loan obligations, $7,000,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

Fiscal year 1998:

(A) New budget authority, $11,800,000,000.

(B) Outlays, $10,200,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $7,100,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1994:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $78,100,000,000.

Fiscal year 1995:

(A) New budget authority, $16,400,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $80,100,000,000.

Fiscal year 1996:

(A) New budget authority, $12,900,000,000.

(B) Outlays, $2,700,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $82,100,000,000.

Fiscal year 1997:

(A) New budget authority, $8,400,000,000.

(B) Outlays, −$11,600,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $84,100,000,000.

Fiscal year 1998:

(A) New budget authority, $8,600,000,000.

(B) Outlays, −$8,800,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $86,300,000,000.

(8) Transportation (400):

Fiscal year 1994:

(A) New budget authority, $39,900,000,000.

(B) Outlays, $36,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $39,700,000,000.

(B) Outlays, $35,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $40,100,000,000.

(B) Outlays, $36,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $42,200,000,000.

(B) Outlays, $36,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $42,800,000,000.

(B) Outlays, $36,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1994:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $8,600,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 1995:

(A) New budget authority, $7,600,000,000.

(B) Outlays, $8,000,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 1996:

(A) New budget authority, $7,500,000,000.

(B) Outlays, $7,400,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

Fiscal year 1997:

(A) New budget authority, $7,400,000,000.

(B) Outlays, $7,300,000,000.

(C) New direct loan obligations, $2,300,000,000.

(D) New primary loan guarantee commitments, $2,600,000,000.

Fiscal year 1998:

(A) New budget authority, $7,400,000,000.

(B) Outlays, $7,200,000,000.

(C) New direct loan obligations, $2,300,000,000.

(D) New primary loan guarantee commitments, $2,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1994:

(A) New budget authority, $50,900,000,000.

(B) Outlays, $50,800,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $21,300,000,000.

Fiscal year 1995:

(A) New budget authority, $49,600,000,000.

(B) Outlays, $49,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $22,600,000,000.

Fiscal year 1996:

(A) New budget authority, $47,300,000,000.

(B) Outlays, $43,000,000,000.

(C) New direct loan obligations, $12,800,000,000.

(D) New primary loan guarantee commitments, $11,700,000,000.

Fiscal year 1997:

(A) New budget authority, $45,800,000,000.

(B) Outlays, $45,400,000,000.

(C) New direct loan obligations, $25,700,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $46,100,000,000.

(B) Outlays, $45,500,000,000.

(C) New direct loan obligations, $26,800,000,000.

(D) New primary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1994:

(A) New budget authority, $118,000,000,000.

(B) Outlays, $118,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1995

(A) New budget authority, $130,300,000,000.

(B) Outlays, $130,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $143,400,000,000.

(B) Outlays, $142,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:

(A) New budget authority, $157,200,000,000.

(B) Outlays, $156,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:

(A) New budget authority, $172,600,000,000.

(B) Outlays, $171,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

(12) Medicare (570):

Fiscal year 1994:

(A) New budget authority, $151,100,000,000.

(B) Outlays, $149,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $171,400,000,000.

(B) Outlays, $167,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $183,900,000,000.

(B) Outlays, $182,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $201,200,000,000.

(B) Outlays, $200,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $220,000,000,000.

(B) Outlays, $220,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1994:

(A) New budget authority, $51,100,000,000.

(B) Outlays, $51,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $58,400,000,000.

(B) Outlays, $58,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $63,800,000,000.

(B) Outlays, $63,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $71,300,000,000.

(B) Outlays, $71,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $79,200,000,000.

(B) Outlays, $80,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1994:

(A) New budget authority, $206,400,000,000.

(B) Outlays, $209,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $212,000,000,000.

(B) Outlays, $216,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $222,500,000,000.

(B) Outlays, $220,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $234,700,000,000.

(B) Outlays, $229,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $239,900,000,000.

(B) Outlays, $237,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650)

Fiscal year 1994:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $6,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $6,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $7,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $7,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $8,600,000,000.

(B) Outlays, $8,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1994:

(A) New budget authority, $34,500,000,000.

(B) Outlays, $36,100,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $23,700,000,000.

Fiscal year 1995:

(A) New budget authority, $34,700,000,000.

(B) Outlays, $34,900,000,000.

(C) New direct loan obligations, $19,500,000,000.

(D) New primary loan guarantee commitments, $19,500,000,000.

Fiscal year 1996:

(A) New budget authority, $34,900,000,000.

(B) Outlays, $33,600,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,100,000,000.

Fiscal year 1997:

(A) New budget authority, $34,900,000,000.

(B) Outlays, $35,000,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,800,000,000.

Fiscal year 1998:

(A) New budget authority, $34,900,000,000.

(B) Outlays, $35,000,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $20,400,000,000.

(17) Administration of Justice (750):

Fiscal year 1994:

(A) New budget authority, $14,800,000,000.

(B) Outlays, $15,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $14,800,000,000.

(B) Outlays, $15,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $15,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $14,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $14,600,000,000.

(B) Outlays, $14,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1994:

(A) New budget authority, $12,900,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $13,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $12,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $240,200,000,000.

(B) Outlays, $240,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $261,500,000,000.

(B) Outlays, $261,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $281,700,000,000.

(B) Outlays, $281,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $299,300,000,000.

(B) Outlays, $299,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $315,800,000,000.

(B) Outlays, $315,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $250,700,000,000.

(B) Outlays, $250,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(A) New budget authority, $271,800,000,000.

(B) Outlays, $271,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $291,300,000,000.

(B) Outlays, $291,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $307,500,000,000.

(B) Outlays, $307,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $321,900,000,000.

(B) Outlays, $321,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) Allowances (920):

Fiscal year 1994:

(A) New budget authority, −$9,900,000,000.

(B) Outlays, −$4,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$7,700,000,000.

(B) Outlays, −$17,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$9,400,000,000.

(B) Outlays, −$15,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$11,800,000,000.

(B) Outlays, −$37,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$12,700,000,000.

(B) Outlays, −$56,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(22) Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$30,500,000,000.

(B) Outlays, −$32,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$30,600,000,000.

(B) Outlays, −$32,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$30,800,000,000.

(B) Outlays, −$32,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$31,300,000,000.

(B) Outlays. −$32,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$31,800,000,000.

(B) Outlays, −$32,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$28,000,000,000.

(B) Outlays, −$29,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$28,100,000,000.

(B) Outlays, —$29,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$28,300,000,000.

(B) Outlays, −$30,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$28,700,000,000.

(B) Outlays, −$29,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$29,100,000,000.

(B) Outlays, −$30,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

SEC. 6. RECONCILIATION.

(a) IN GENERAL.—Not later than May 14, 1993, the committees named in subsections

(b) and (c) of this section shall submit their recommendations to the Committee on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall each report to their respective Houses a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) SENATE COMMITTEES.—

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $88,000,000 in fiscal year 1994; and $2,976,000,000 for the period of fiscal years 1994 through 1998.

(2) COMMITTEE ON ARMED SERVICES.—(A) The Senate Committee on Armed Services shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(3) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $338,000,000 in fiscal year 1994; and $1,770,000,000 for the period of fiscal years 1994 through 1998.

(4) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—(A) The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $1,700,000,000 in fiscal year 1994; and $7,405,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(5) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—(A) The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $125,000,000 in fiscal year 1994; and $1,124,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(6) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—(A) The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $13,000,000 in fiscal year 1994; and $1,254,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(7) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $2,453,000,000 in fiscal year 1994; and $37,956,000,000 for the period of fiscal years 1994 through 1998.

(8) COMMITTEE ON GOVERNMENTAL AFFAIRS.—The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $46,000,000 in fiscal year 1994; and $10,294,000,000 for the period of fiscal years 1994 through 1998.

(9) COMMITTEE ON THE JUDICIARY.—The Senate Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $345,000,000 for the period of fiscal years 1994 through 1998.

(10) COMMITTEE ON LABOR AND HUMAN RESOURCES.—(A) The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $66,000,000 in fiscal year 1994; and $6,697,000,000 for the period of fiscal years 1994 through 1998.

(B) The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(11) COMMITTEE ON SMALL BUSINESS.—The Senate Committee on Small Business shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(12) COMMITTEE ON VETERANS' AFFAIRS.—The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $266,000,000 in fiscal year 1994; and $2,580,000,000 for the period of fiscal years 1994 through 1998.

(c) HOUSE COMMITTEES.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $88,000,000 in fiscal year 1994; and $2,976,000,000 for the period of fiscal years 1994 through 1998.

(2) COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS.—(A) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $202,000,000 in fiscal year 1994; and $1,415,000,000 for the period of fiscal years 1994 through 1998.

(B) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction sufficient to increase revenues: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(3) COMMITTEE ON EDUCATION AND LABOR.—The House Committee on Education and Labor shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $66,000,000 in fiscal year 1994; and $6,697,000,000 for the period of fiscal years 1994 through 1998.

(4) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $1,886,000,000 in fiscal year 1994; and $16,210,000,000 for the period of fiscal years 1994 through 1998.

(4A) COMMITTEE ON GOVERNMENT OPERATIONS.—The House Committee on Government Operations shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $693,000,000 for the period of fiscal years 1994 through 1998.

(5) COMMITTEE ON INTERIOR AND INSULAR AFFAIRS.—The House Committee on Interior and Insular Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $110,000,000 in fiscal year 1994; and $996,000,000 for the period of fiscal years 1994 through 1998.

(6) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $345,000,000 for the period of fiscal years 1994 through 1998.

(7) COMMITTEE ON MERCHANT MARINE AND FISHERIES.—The House Committee on Merchant Marine and Fisheries shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $205,000,000 for the period of fiscal years 1994 through 1998.

(8) COMMITTEE ON POST OFFICE AND CIVIL SERVICE.—The House Committee on Post Office and Civil Service shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $46,000,000 in fiscal year 1994; and $9,601,000,000 for the period of fiscal years 1994 through 1998.

(9) COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION.—The House Committee on Public Works and Transportation shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $31,000,000 in fiscal year

1994; and $296,000,000 for the period of fiscal years 1994 through 1998.

(10) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—The House Committee on Science, Space, and Technology shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $0 in fiscal year 1994; and $0 for the period of fiscal years 1994 through 1998.

(11) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce outlays: $266,000,000 in fiscal year 1994; and $2,580,000,000 for the period of fiscal years 1994 through 1998.

(12) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) sufficient to reduce budget authority and outlays: $2,391,000,000 in fiscal year 1994; and $30,166,000,000 for the period of fiscal years 1994 through 1998.

SEC. 7. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of social security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

SEC. 8. ENFORCEMENT PROCEDURES.

(a) PURPOSE.—The Congress declares that it is essential to—

(1) ensure compliance with the deficit reduction goals embodied in this resolution;

(2) extend the system of discretionary spending limits set forth in section 601 of the Congressional Budget Act of 1974;

(3) extend the pay-as-you-go enforcement system;

(4) prohibit the consideration of direct spending or receipts legislation that would decrease the pay-as-you-go surplus that the reconciliation bill pursuant to section 7 of this resolution will create under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985;

(5) adopt as part of this concurrent resolution such of the enforcement procedures set forth in this subsection as this concurrent resolution may constitutionally include; and

(6) enact, during this session of Congress, such of the enforcement procedures set forth in this subsection as only statute may constitutionally include.

(b) DISCRETIONARY SPENDING LIMITS.—

(1) DEFINITION.—As used in this section, for the discretionary category, the term "discretionary spending limit" means—

(A) with respect to fiscal year 1996:

$475,858,000,000 in new budget authority and $513,706,000,000 in outlays;

(B) with respect to fiscal year 1997:

$465,273,000,000 in new budget authority and $490,399,000,000 in outlays; and

(C) with respect to fiscal year 1998:

$462,953,000,000 in new budget authority and $488,877,000,000 in outlays.

(2) POINT OF ORDER IN THE SENATE.—

(A) Except as provided in subparagraph (B), it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1995, 1996, 1997, or 1998 (or amendment, motion, or conference report on such a resolution) that would exceed any of the discretionary spending limits in this section.

(B) This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) ENFORCING PAY-AS-YOU-GO.—At any time after the enactment of the reconciliation bill pursuant to section 7 of this resolution, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report, that would increase the deficit in this resolution for any fiscal year through fiscal year 2003 as measured by the sum of—

(1) all applicable estimates of direct spending and receipts legislation applicable to that fiscal year, other than any amounts resulting from—

(A) full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; and

(B) emergency provisions as designated under section 252(e) of that Act; and

(2) the estimated amount of savings in direct spending programs applicable to that fiscal year resulting from the prior year's sequestration under that Act, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year).

(d) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(e) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(f) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate or the Committee on the Budget of the House of Representatives, as the case may be.

(g) EXERCISE OF RULEMAKING POWERS.—Congress adopts the provisions of this section—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 9. SENSE OF THE CONGRESS ON A MANDATORY CAP.

(a) It is the Sense of the Congress that legislation should be enacted that—

(1) caps the growth of mandatory spending for all programs except Social Security at a level that allows for beneficiary and inflation growth;

(2) prohibits, through a super-majority point of order, the consideration of congressional budget resolutions or direct spending legislation that would cause the mandatory cap to be exceeded; and

(3) provides processes, including reconciliation and sequestration procedures, to provide for orderly restraint in mandatory spending growth except Social Security if such spending exceeds the cap.

(b) It is the sense of the Congress that the conference report on this concurrent resolution on the budget should—

(1) include spending limits on aggregate mandatory spending excluding Social Security, at levels that allow for inflation and beneficiary growth;

(2) include spending limits on defense and non-defense discretionary spending for fiscal years 1994 through 1998; and,

(3) include reconciliation instructions to restrain mandatory spending growth to meet the mandatory cap.

SEC. 10. SENSE OF THE CONGRESS ON PAYING FOR THE STIMULUS PACKAGE.

It is the Sense of the Congress that the budget effects of the President's economic stimulus package should not be exempted from the Congressional budget process and that if such legislation is enacted it should abide by "pay-as-you-go" and not cause an increase in the deficit.

SEC. 11. SENSE OF THE CONGRESS ON A BALANCED BUDGET.

It is the Sense of the Congress that the budget should be balanced and that legislation should be adopted mandating a balanced budget.

SEC. 12. SENSE OF THE CONGRESS ON BUDGET ENFORCEMENT.

It is the sense of the Congress that budget enforcement procedures should be enacted including:

(a) individual statutory caps on defense and non-defense discretionary spending enforced by points of order and sequester orders;

(b) pay-as-you-go discipline for mandatory spending programs enforced by super-majority points of order and sequester orders; and,

(c) fixed statutory maximum deficit amounts that are enforced by super-majority points of order and sequester orders.

SENATE CONCURRENT RESOLUTION 33—RELATIVE TO THE LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. FORD (for Mr. MITCHELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

SENATE RESOLUTION 135—RELATIVE TO THE U.N. SECURITY COUNCIL

Mr. ROTH submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 135

Whereas, in the post-cold war period, the international community expects the United Nations to play a larger role, particularly in peacekeeping operations that may, on occasion, require the use of force against determined aggressors;

Whereas, in the past five years the United Nations has engaged in more peacekeeping operations than in the preceding forty years, and given the changed security environment resulting from the end of the cold war, the numbers of such operations could continue to grow in future years;

Whereas the United Nations structure and the roster of permanent members of the Security Council have remained unchanged since the organization's foundation;

Whereas Japan and Germany, as the world's second and third largest economies, respectively, have attained levels of global reach and global influence equal to or surpassing other permanent members of the United Nations Security Council;

Whereas any country accorded the status of permanent membership in the Security Council must be willing to accept the responsibilities of such status, including full participation in United Nations military operations;

Whereas Japan has taken a first step toward assuming such responsibilities by enacting legislation which permitted the country's Self-Defense Forces to play a useful but severely circumscribed role in the United Nations Transitional Authority in Cambodia;

Whereas both Japan and Germany must take significant political action before either can fully participate in United Nations operations requiring the use of force against aggressor states; and

Whereas, in Japan's case, such political action will require the country to come to terms with its conduct during World War II and closely consult with Japan's asian neighbors who suffered during that period: Now, therefore, be it

Resolved, That—

(1) The United States Government should support German and Japanese permanent membership in the United Nations Security Council; but

(2) No action should be taken to further such an initiative unless and until Japan and Germany have taken political action to permit them to discharge the full range of responsibilities attending permanent membership status.

Mr. ROTH. Mr. President, I have come to the floor today to introduce into the CONGRESSIONAL RECORD a letter which my colleague from North Dakota, Senator CONRAD, and I sent to the President last week, a letter concerning his administration's support for permanent German and Japanese membership in the United Nations Security Council. I also wish to enter into the RECORD a resolution on this same subject.

As our letter notes, our permanent representative to the United Nations, Madeleine Albright, has announced that the United States supports the expansion of the U.N. Security Council and that, in the United States view, Germany and Japan should be accorded permanent membership in that body.

Mr. President, in principle I support the elevation of Germany's and Japan's status in the security council. Depriving major economic powers such as Germany and Japan of permanent membership makes little or no sense.

However, it must be noted that neither Germany nor Japan are, as yet, constitutionally prepared for permanent security council membership. The central constitutional problem which both countries must confront is their current inability to play a significant role in international peacekeeping operations, an inability which both governments believe to be rooted in their respective constitutions.

The Government of Germany, under both christian democratic and social democratic leadership, has maintained that the basic law prevents Germany's armed forces from being deployed off German soil, except in accordance with articles 5 and 6 of the North Atlantic Treaty which, in turn, it interprets as applying only to the physical territory of NATO members.

Happily, most NATO members now are turning away from the latter, overly restrictive interpretation of the NATO charter. NATO has, in its Oslo declaration, made its forces available to the U.N. for peacekeeping purposes and the U.N. has given the alliance the task of enforcing the so-called no-fly zone over Bosnia. This departure left Germany caught between the provisions of its basic law, which it interpreted as outlawing overseas military activity, and its contradictory, but clear, duty to contribute to the no fly operation as a member of NATO. In the event, the German high court in Karlsruhe declared that German airmen could, indeed, take part in enforcing the no fly operation and later, German soldiers could assist the U.N.'s peacekeeping effort in Somalia. However, it would be unwise to extrapolate too much from these court decisions. The fundamental, indispensable political action which would enable Germany to be a dependable and regular participant in international peacekeeping operations has yet to be taken.

Japan's situation closely resembles that of Germany. The American Drafters of Japan's constitution explicitly held that it did not prevent Japan's participation in regional security arrangements or U.N. peacekeeping operations. Moreover, amendments preferred by the Japanese to the draft constitution provided the government of Japan the flexibility to participate in collective security arrangements, if it so chose. However, in order to focus the country's limited resources on economic recovery, Prime Minister Yoshida and his successors sought to avoid being drawn into any overseas commitments whatsoever. They repeatedly asserted the nation was, indeed, constitutionally prevented from security activity overseas and began constructing an elaborate set of policies to buttress that assertion.

Tokyo's subsequent inactivity in certain international undertakings, most notably operations Desert Shield and Desert Storm, exposed the country to considerable international criticism. In response, Tokyo enacted legislation permitting its self-defense forces to participate in so-called blue helmet operations under a U.N. mandate. However, the many compromises the government made to ensure passage of the legislation robbed it of much of its value. In particular, the law limits Japan's participation in U.N. peacekeeping missions to noncombat support activities, requires that a ceasefire agreement among warring parties exist before Japan participate and mandates that the Japanese contingent be withdrawn when a cease-fire is nullified. These limitations have three important consequences. First, they prevent Japanese forces from playing a full role in U.N. peacekeeping operations. Second, as demonstrated by Japan's experience in Cambodia, they render Japanese resolve in seeing any peacekeeping operation through suspect: Earlier this year when a guerilla offensive launched by the Khmer Rough led to the death of a Japanese police officer and, arguably, the end of the Cambodian ceasefire, persistent calls were heard in key Japanese quarters for withdrawal of Japan's peacekeepers. Finally, the law does not permit Japanese participation in the type of U.N. peacekeeping operations which will probably typify future U.N. activities in this area, that is to say, operations where U.N. forces are obliged to resort to force. Indeed, due to prevailing interpretations of Japan's constitution, participation in such peace-making operations will require fundamental political action.

The current German debate on overseas military deployments reveals that many figures within that nation's political establishment similarly aspire to circumscribe any amendment to the basic law so closely as to rob it of much of its value. Specifically, it has been proposed that German forces be available only for blue helmet operations.

I ask my colleagues, do any of us foresee much of a future for blue helmet operations? As the United Nation's experience in Bosnia and Angola has made all too clear, Blue helmets and fond wishes are no match for heavily armed, determined aggressors. Washington and Moscow can no longer tame aggressor parties with stern warnings. The international security environment is much more diverse. Those who would threaten the peace are independent operators and, if international law and the sancity of borders are to be upheld, the international Community will have to have the capacity militarily to deter and, when deterrence fails punish national aggressors.

Japan and Germany alike need to confront this issue squarely. Their permanent presence on the U.N. Security Council—as well as their addition to the military staff committee by virtue of permanent status—will be of little benefit to the international community if the two countries are capabile only of participating in a type of peacekeeping activity which proves increasingly rare and outmoded. Moreover, the international community in general, and the security council members in particular, would be doing themselves a major disservice if they allowed Germany and Japan to vote on and assist in directing U.N. military operations which could endanger the lives of United States servicemen, but in which German and Japanese armed forces would play no part. If Germany and Japan aspire to full security council membership, they must shoulder the responsibilities incumbent on other council members, without restriction or qualification.

I should stress, before I close, that I do support both Japan and Germany's full permanent membership in the U.N. Security Council. The long term exclusion of these two economically potent nations makes little sense. However the causes for these exclusions can be found in Bonn and Tokyo, not in Washington or New York. Both countries must dismantle the barriers which they have built to their permanent security council membership. Unless and until they do so, neither this government nor this body should support the expansion of the security council.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, July 16, 1993.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT. The U.S. Permanent Representative to the United Nations, Madeleine Albright, has announced that your administration supports the extension of permanent Security Council membership to Germany and Japan. Since the U.N.'s Secretary-General, Mr. Boutros Boutros-Ghali, has requested national views on the expansion of the Security Council, we are writing to inform you that, in our opinion, the U.S. should strongly support the principle of German and Japanese membership, but no action should be taken to further this initiative until both nations have taken fundamental political actions which would enable them to discharge their full responsibilities as permanent Security Council members.

Both Germany and Japan have burgeoned economically over the past twenty years but their strength in the international marketplace has not translated into a commensurate level of political influence. This failing is largely self-administered, because both countries have chosen to interpret their respective constitutions as preventing them from participating fully in international peacekeeping and military operations.

The government of Germany, under both Christian Democratic and Social Democratic leadership, has traditionally maintained that the Basic Law prevents the Bundeswehr from being deployed off German soil, except in accordance with articles 5 and 6 of the North Atlantic Treaty which, in turn, it interprets as applying only to the actual territory of NATO members.

Many of us cannot discern any such restrictions, either in the Basic Law or the North Atlantic Treaty. Indeed, having made NATO forces available to the U.N. for peacekeeping purposes via the Oslo Declaration and having agreed to enforce the "no fly zone" over Bosnia, NATO members have implicitly recognized that their forces can operate outside NATO territory. That said, we are obliged to admit that the presence in the Basic Law of restrictions on the use of the Bundeswehr has been asserted so often and so routinely that, if Germany is now to play its proper role in international peacekeeping, some form of political action will be required.

Japan's position parallels Germany's in many respects. The American drafters of the Japanese constitution held that it did not prevent Japan's full participation in regional security arrangements or in United Nations activities. However, Prime Minister Yoshida and his successors set about constructing an elaborate set of policies to buttress their assertion—which came to be widely accepted—that the constitution prevented Japan's involvement in any overseas security commitments.

Japan's consequent failure to play an international role commensurate with its international economic standing has subjected it to considerable international criticism, criticism which reached a peak in the aftermath of Japan's failure to provide personnel support in addition to financial assistance to Operation Desert Storm. In response to this criticism, Japan launched a year-long effort to enact legislation which would allow its Self-Defense Forces personnel to participate in U.N. peacekeeping operations. While the bill permitted Japan to make very significant contributions to the United Nations Transitional Authority in Cambodia, the many compromises which the government accepted in order to achieve passage gutted the legislation of much of its value. In particular, it will not permit Japan to play a useful role in the type of peacekeeping operations which will probably typify future U.N. activities of this kind.

The debate over participation in United Nations peacekeeping operations in the German Bundestag appears to be evolving along lines similar to those in the Japanese Diet. Many members of the Bundestag assert that they favor amending the Basic Law but then wish to circumscribe the amendment so closely as to render it valueless. Specifically, it has been proposed that the German armed forces should be available only to the U.N. and only for the so-called "blue helmet" operations undertaken with the U.N. mandate. Japan has legislated similar restrictions, along with requirements that Japanese forces be deployed in a U.N. operation only after the cease fire is in effect.

But the days of the blue helmet operation appear to be ending. Such non-combat operations were useful during the Cold War when the U.S. and Soviet Union were capable of halting warfare between their respective allies, and U.N. forces could subsequently come into the war zone to monitor a ceasefire conceived in Washington and Moscow. But we no longer inhabit a bipolar world. As recent conflicts in Bosnia, Angola and Cambodia have demonstrated, parties can wage fierce conflicts absent any support from Washington or Moscow and, consequently, the aggressor parties are free to press ahead with their depredations even in the face of condemnation from both sides of the old Cold War lines. If conflicts of this type are to be ended and, hopefully, deterred, our concept of the term "peacekeeping" will have to be considerably more muscular than it has been in the past: it will, on occasion, have to encompass the use of force against a determined aggressor.

Until German and Japanese political leaders are willing to confront this issue squarely (and for Japan, which has failed to come to terms with its wartime record, this will involve not only domestic debate, but close consultation with the country's Asian neighbors) neither country will be able to participate in the type of peacekeeping operation outlined above, just as neither participated in Operations Desert Shield or Desert Storm. Until Bonn and Tokyo resolve this problem, it is difficult to see how these governments can press for membership in the Security Council, particularly since such membership would allow the two countries to vote in favor of U.N. military operations which could endanger the lives of American servicemen but in which their own armed forces would play no part.

In closing, we must stress that we do strongly support a permanent Japanese and German presence, with full voting rights, in the Security Council. The exclusion of two such potent nations makes little sense. However, the fundamental causes of these exclusions were manufactured in Bonn and Tokyo, not in New York. Bonn and Tokyo must now dismantle the obstacles to their Security Council membership which they, themselves, have manufactured. Then New York should move ahead and welcome both nations to full and permanent membership in the United Nations Security Council.

Sincerely,

KENT CONRAD.
WILLIAM V. ROTH, Jr.

AMENDMENTS SUBMITTED

NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

DOMENICI AMENDMENTS NOS. 717–718

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed

by him to the bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, as follows:

AMENDMENT No. 717

On page 49, line 15, strike "or".

On page 49, line 19, strike the period and insert "; or".

On page 48, between lines 19 and 20, insert: "(6) any not for profit organization, unless such service does not in any way relate to influencing legislation (within the meaning of section 4911(d) of the Internal Revenue Code of 1986).

AMENDMENT No. 718

On page 29, line 10, strike "33 1/3 percent" and insert "55 percent".

On page 32, line 9, strike "33 1/3 percent" and insert "25 percent".

On page 34, line 2, strike "33 1/3 percent" and insert "25 percent".

McCONNELL AMENDMENT NO. 719

(Ordered to lie on the table.)

Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill, S. 919, supra, as follows:

At the end of section 129(a) of the National and Community Service Act of 1990, as added by section 101(a) of the bill, add the following:

"(4) EFFECT OF STATE FAILURE TO LIMIT PARTICIPANT LIABILITY.—If, on a date determined by the Corporation that is not later than 2 years after the effective date of this subtitle, a State fails to have in effect (and to verify in its application under section 130 that the State has in effect) a limitation on liability that satisfies the requirements of title V of the National and Community Service Trust Act of 1993, the allotment for such State shall be reduced by 5 percent, and the Corporation shall use the amount of the reduction to make a reallotment to other States that have in effect (and so certify) such limitation.

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE V—LIMITATION ON LIABILITY OF VOLUNTEERS

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many public and private not-for-profit organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments foundations, and other civic programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) the efforts of not-for-profit organizations, local government, States, and the Federal Government to promote voluntarism, and community and national service, are adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(5) because Federal funds are expended on useful and cost-effective social service programs which depend heavily on volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—The purposes of this title are to promote programs of community and national service, to promote the interests of social service program beneficiaries and taxpayers, and to sustain the availability of programs and not-for-profit organizations and governmental entities which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with not-for-profit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 502. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 503. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—For purposes of satisfying the requirement specified in section 129(a)(5) of the National and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a not-for-profit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity and such functions and duties are directly connected to the administration of a program described in section 122(a); and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any not-for-profit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any not-for-profit organization or governmental entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 504. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a not-for-profit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "not-for-profit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

KENNEDY AMENDMENT NO. 720

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 919, supra, as follows:

In the matter proposed to be inserted, strike line 24 on page 256 through line 13 on page 257, and insert the following:

"(2) SUBTITLES C, D, AND H.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to provide national service educational awards under subtitle D of title I, and to carry out such audits and evaluations as the President or the Inspector General of the Corporation may determine to be necessary, $300,000,000 for fiscal year 1994, $500,000,000 for fiscal year 1995, and, subject to subparagraph (B), such sums as may be necessary for fiscal year 1996.

"(B) STUDY.—Prior to any appropriation under subparagraph (A) for fiscal year 1996, the Corporation shall submit the report described in section 193A(b)(10) to the Committee on Appropriations of the House of Representatives, the Committee on Education and Labor of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Labor and Human Resources of the Senate, for the review of each of such committees.

"(C) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to 15 percent shall be made available to provide financial assistance under sections 125 and 126 and under subtitle H of title I.

COHEN AMENDMENTS NOS. 721-722

(Ordered to lie on the table.)

Mr. COHEN submitted two amendments intended to be proposed by him to the bill, S. 919, supra, as follows:

AMENDMENT NO. 721

Beginning on page 77, strike line 20 and all that follows through page 78, line 7, and insert the following:

"(a) AMOUNT GENERALLY.—

"(1) FULL-TIME SERVICE.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of full-time service as provided in section 139(b)(1) in an approved national service position shall receive, for each of not more than 2 of such terms of service, a national service educational award between $0 and $5,000, depending on the expected family contribution for a student, calculated in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) as if the participant were a student at the time of such calculation.

"(2) PART-TIME SERVICE.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of part-time service as provided in section 139(b)(2) in an approved national service position shall receive, for each of not more than 2 of such terms of service, a national service educational award between $0 and $2,500, depending on the expected family contribution for a student, calculated in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) as if the participant were a student at the time of such calculation.

AMENDMENT NO. 722

Beginning on page 77, strike line 20 and all that follows through page 78, line 7, and insert the following:

"(a) AMOUNT GENERALLY.—

"(1) FULL-TIME SERVICE.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of full-term service as provided in section 139(b)(1) in an approved national service position shall receive, for each of not more than 2 of such terms of service, a national service educational award between $1,500 and $5,000, depending on the expected family contribution for a student, calculated in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) as if the participant were a student at the time of such calculation.

"(2) PART-TIME SERVICE.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of part-time service as provided in section 139(b)(2) in an approved national service position shall receive, for each of not more than 2 of such terms of service, a national service educational award between $750 and $2,500, depending on the expected family contribution for a student calculated in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) as if the participant were a student at the time of such calculation.

DEPARTMENT OF JUSTICE AND RELATED AGENCIES APPROPRIATIONS ACT, 1994; DEPARTMENT OF COMMERCE APPROPRIATIONS ACT, 1994; JUDICIARY APPROPRIATIONS ACT, 1994; DEPARTMENT OF STATE AND RELATED AGENCIES APPROPRIATIONS ACT, 1994; DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1994

BRYAN AMENDMENT NO. 723

Mr. BRYAN proposed an amendment to the bill (H.R. 2519) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate finds that—

(1) the commission of fraud by financial institutions has reached epidemic proportions;

(2) more than 1,200 banks and savings and loan associations have collapsed over the past 3 years and the Resolution Trust Corporation has found that fraudulent activities have contributed to the insolvency of nearly 60 percent of the thrift failures it investigated;

(3) as of October 1992, the Federal Bureau of Investigation had 9,759 pending financial institution fraud cases against banks, savings and loan associations and credit unions; because of the staggering number of cases, United States Attorneys are unlikely to prosecute financial institution frauds involving losses of over $12,000,000,000; Federal courts ordered financial institution fraud cases, that involves less than a half million dollars; the percentage of FBI investigations closed after United States Attorneys declined prosecution has increased to 76 percent; and

(4) during fiscal years 1989 through 1992, the Department of Justice has convicted 3,297 defendants in major financial institution frauds involving losses of over $12,000,000,000; Federal courts ordered financial institution fraud offenders to pay restitution and fines totalling more than $1,107,000,000; as of July 1992, the Government had collected only 4.5 percent of that amount.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Justice and the United States court system should make collection of fines and restitution and the effective operation of the National Fine Center a top priority;

(2) the Attorney General should report to Congress on methods to improve collection of fines and restitution, including the use of private resources; and

(3) the President should proceed expeditiously to fill the position of Special Counsel for Financial Institution Fraud in the Department of Justice.

DOLE AMENDMENT NO. 724

Mr. DOMENICI (for Mr. DOLE) proposed an amendment to the bill, H.R. 2519, supra, as follows:

At the appropriate place, insert the following:

SEC. . It is the sense of the Senate that funds made available under P.L. 102-391, the Foreign Operations Appropriations Act for Fiscal Year 1993, for the Economic Support Fund, which have been allocated for Nicaragua, be instead made available for emergency humanitarian assistance for Bosnia-Herzegovina.

BROWN AMENDMENT NO. 725

Mr. BROWN proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 87, between lines 20 and 21 insert the following new section:

SEC. 609. None of the funds made available by this Act shall be used for contributions to the International Coffee Organization.

BROWN AMENDMENT NO. 726

Mr. BROWN proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 83, line 16, before the period at the end insert the following: ": *Provided*, That none of the funds appropriated under this heading may be disbursed to grantees who have not reimbursed the National Endowment for Democracy, from nongovernmental funds, for disallowed expenditures by such grantees for first-class travel, alcohol and entertainment, identified in the March 1993 report of the Inspector General of the United States Information Agency".

HOLLINGS AMENDMENT NO. 727

Mr. HOLLINGS proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 71 of the bill on line 3, strike the sum "$1,000,000" and insert "$2,000,000".

On page 74, line 19 delete period and add: ", of which not more than $2,500,000 will be made available to reimburse the city of San Diego, California for treatment of Tijuana, Mexico sewage."

DOLE (AND KASSEBAUM) AMENDMENT NO. 728

Mr. DOMENICI (for Mr. DOLE for himself, and Mrs. KASSEBAUM) proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 3, line 16, before the ";" insert the following: ", of which $1,000,000 shall be made available as a grant to Wichita, Kansas, for a community policing demonstration project"

DOMENICI AMENDMENT NO. 729

Mr. DOMENICI proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 63, line 16, strike the colon and insert: ", and of which $5,000,000 shall be available only for a grant to the National Center for Genome Resources to provide technical assistance and information to small businesses and for related activities:

SIMON (AND OTHERS) AMENDMENT NO. 730

Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, and Mr. RIEGLE) proposed an amendment to the bill, H.R. 2519, supra, as follows:

At the appropriate place, insert the following:

"Sec. 504 (f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting the following after "task forces,": "and for programs or projects to abate drug activity in residential and commercial buildings through community participation,""

PRESSLER AMENDMENT NO. 731

Mr. PRESSLER proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 87, between lines 20 and 21, insert the following new section 609:

SEC. 609. TELEPHONE CALLING CARD PROCEDURES.

(a) Analysis.—Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall submit an analysis to Congress outlining options for addressing telephone calling cards procedures which will maximize consumer benefits.

(b) Contents.—The Analysis shall include—

(1) a discussion of the various options regarding the use of calling cards and telephone calling card procedures;

(2) the costs of implementation of the options submitted as part of the analysis containing methods of addressing telephone calling card procedures;

(3) the benefits of various telephone calling card procedures to consumers;

(4) the competitive effects of various telephone calling card procedures; both to inter-LATA (local access transport areas) and intra-LATA) to consumers;

(5) any anticipated technical and legal problems that might arise under the various options for telephone calling card procedure;

(6) the effect on aggregators, including pay phone owners, hotels, motels, prisons, universities, and similar entities;

(7) the need for a change in view of compliance with the Telephone Operator Consumers Services Improvement Act of 1990 (P.L. 101–435); and

(8) the steps to be taken, if any, to implement options submitted as part of the analysis involving calling card procedures and the time frame necessary to complete such steps.

HATCH AMENDMENT NO. 732

Mr. DOMENICI (for Mr. Hatch) proposed an amendment to the bill, H.R. 2519, supra, as follows:

On page 19, line 2, strike "$725,161,000" and insert "$727,161,000";

On page 13, line 10, delete "$337,808,000" and restore the matter stricken; and

.On page 77, line 13, strike"$210,000,000" and insert "$206,000,000".

HOLLINGS AMENDMENT NO. 733

Mr. HOLLINGS proposed an amendment to the bill, H.R. 2519, supra, as follows:

1. An amendment to the NOAA operations and facilities account. On Page 38, insert after "Arkansas" on line 5, the following: ", and of which $10,000,000 shall be available for NOAA-wide efforts to conduct research on coastal development and population growth-associated problems, seafood safety, and remediation of environmental contamination and habitat restoration, including joint pilot projects between the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology to apply advanced sensor and environmental technologies for such purposes, particularly at military installations slated for closure"

TREASURY DEPARTMENT APPROPRIATIONS ACT, 1994 POSTAL SERVICE APPROPRIATIONS ACT, 1994 EXECUTIVE OFFICE APPROPRIATIONS ACT, 1994 INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1994 TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

DECONCINI AMENDMENT NO. 734

Mr. DeConcini proposed an amendment to the bill (H.R. 2403) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 6, line 6, line type "$9,748,000" and insert, "$11,539,000".

On page 18, line 23, strike "for" and insert in lieu thereof, "from".

At the appropriate place in the bill insert the following new section:

Sec. . (a) Notwithstanding any other provision of law, hereafter, for purposes of complying with Executive Order No. 12839 and guidance issued thereunder, the number of civilian personnel positions that the Department of the Treasury may be required to eliminate in fiscal year 1994 and in fiscal year 1995 shall not exceed a number determined for each year by multiplying a fiscal year 1993 base which excludes all exempt positions by the applicable percentages in Executive Order No. 12839.

(b) For the purposes of this section, "exempt position" means a personnel position in the Department of the Treasury which the Secretary of the Treasury determines to be primarily employed in drug control, law enforcement, trade facilitation, or services to the public.

On page 55 of the bill, on line 8 strike everything beginning with the word, "; *Provided*" through "101–508." on line 11, and insert in lieu thereof, ": *Provided*, That such lease shall be authorized only if it meets the criteria on an 'operating lease' as defined under the Budget Enforcement Act of 1990, Public Law 191–508."

NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

McCAIN AMENDMENT NO. 735

(Ordered to lie on the table.)

Mr. McCain submitted an amendment intended to be proposed by him to amendment No. 709 proposed by Mr. Kennedy to the bill, S. 919, supra, as follows:

Beginning or page 77, strike line 20 and all that follows through page 78, line 7 and insert the following:

"(a) Amounts Generally.—

"(1) Full-time service.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of full-time service as provided in section 139(b)(1) in an approved national service position shall receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to—

"(A) 12 times the monthly rate used for the calculation of basic educational assistance allowances under section 3015(a)(1) of title 38, United States Code, as in effect on the date of the completion of such term of service; multiplied by

"(B) 90 percent.

"(2) Part-time service.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of part-time service as provided in section 139(b)(2) in an approved national service position shall receive a national service educational award having a value, for each of not more than 2 of such terms of service, equal to 50 percent of the value of the award described in paragraph (1).

TREASURY-POSTAL SERVICE APPROPRIATIONS ACT FOR FISCAL YEAR 1994

LOTT (AND OTHERS) AMENDMENT NO. 736

Mr. LOTT (for himself, Mr. Nickles, and Mr. Coverdell) proposed an amendment to the bill, H.R. 2403, supra, as follows:

Sec. . Notwithstanding any other provision of this Act, each amount of budget authority for fiscal year 1994 provided in this Act for payments not required by law is reduced by 1.478 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

METZENBAUM (AND OTHERS) AMENDMENT NO. 737

Mr. METZENBAUM (for himself, Mr. Baucus, Mr. Chafee, Mr. Cohen, Mr. Simpson, Mr. Dorgan, Mr. Brown, and Mr. Moynihan) proposed an amendment to the bill, H.R. 2403, supra, as follows:

On page 45, line 10, after "prospectus:" insert the following: "*Provided further*, That no funds shall be made available for leases, line-item construction, repairs, or alterations projects in this Act that are subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) prior to February 1, 1994, unless the projects are approved by the Committee on Environment and Public Works of the Senate: *Provided further*, That in no case shall funds be made available for any lease, line-item construction, repair, or alterations project referred to in the preceding proviso if prior to February 1, 1994, the lease, line-item construction, repair, or alterations project has been disapproved by the Committee on Environment and Public Works of the Senate: *Provided further*, That the Administrator of General Services shall submit detailed information on each lease, line-item construction, repair, and alternations project in this Act that is subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) to the Committee on Environment and Public

Works of the Senate not later than 30 days after the date of enactment of this Act:".

McCAIN AMENDMENT NO. 738

Mr. McCAIN proposed an amendment to amendment No. 737 proposed by Mr. METZENBAUM to the bill, H.R. 2403, supra, as follows:

Strike all beginning on line 2 after the word "following" through the end of the amendment and insert in lieu thereof the following:

"*Provided further*, That funds shall not be available for leases, line-item construction, repairs or alterations projects in this Act that are subject to section 7(a) of the Public Buildings Act of 1959 if such projects have not been approved by the Senate Environment and Public Works Committee and the House Committee on Public Works and Transportation, the Senate and the House of Representatives and signed by the President: *Provided further*, That the Administrator of General Services shall submit detailed information on each lease, line-item construction, repair, and alterations project in this Act that is subject to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than 30 days after the date of enactment."

SIMON (AND OTHERS) AMENDMENT NO. 739

Mr. SIMON (for himself, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. KENNEDY, Mr. KOHL, Mr. METZENBAUM, Mrs. MURRAY, Mr. PRYOR, Mrs. BOXER, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Mr. KERRY) proposed an amendment to the bill, H.R. 2403, supra, as follows:

On page 31, on line 19, delete the period and insert: ": *Provided*," The Secretary of the Treasury or his delegate (hereinafter referred to in this section as the Secretary) shall establish and hereinafter administer a program requiring the payment of an annual fee of $375 for the processing of applications (including renewals) for licenses to engage in the business of dealing firearms, required by sections 923(3)(B) and (C) of the Gun Control Act (18 U.S.C.) and the regulations issued thereunder and all other compliance activities related to firearm dealers. The fees provided for herein shall be effective for applications filed 90 days from the date of the enactment of this Act: *Provided further*, That fees will be collected by the Secretary of the Treasury or his delegate pursuant to this section, of which not to exceed $19,700,000 shall be retained and used for the specific purpose of offsetting costs of the Bureau's Firearms Licensing and Compliance Program, notwithstanding 31 U.S.C. 3302(b), and any fees collected in excess of $19,700,000 shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That the sum appropriated in this Act for salaries and expenses of the Bureau of Alcohol, Tobacco and Firearms shall be reduced not more than $19,700,000 as fees are collected pursuant to this section so as to result in a final fiscal year appropriation estimated at $368,046,000: *Provided further*, That the Bureau of Alcohol, Tobacco and Firearms shall increase by a number not to exceed 300 its number of full-time equivalent positions in the firearms licensing and compliance program in fiscal year 1994."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, July 29, 1993, at 2 p.m. in open session to consider the nominations of Dr. Sheila E. Widnall, to be Secretary of the Air Force; and Dr. Graham T. Allison, Jr., to be Assistant Secretary of Defense for Policy and Plans. The committee will also consider and act on Senate Joint Resolution 114, a joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission, unless the committee has acted sooner.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 29, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, July 29, 1993, at 10 a.m. to hold a hearing on United States policy in Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, July 29, 1993, at approximately 11 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 29, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building to consider for report to the Senate S. 1121, the National Indian Research Institute Act; and Senate Joint Resolution 19, a resolution to acknowledge the 100th anniversary of the January 17, 1893, overthrow of the Kingdom of Hawaii, to be followed immediately by an oversight hearing on tribal college telecommunications and facility needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 29, 1993, to consider the nomination of Ruth Bader Ginsburg to be Associate Justice to the Supreme Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 29, 1993, at 1 p.m. to hold a hearing on the nomination of Louis J. Freeh, to be Director of the Federal Bureau of Investigation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 29, 1993, at 3:30 p.m. to hold a hearing on intelligence matters

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., July 29, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, July 29, 1993, at 10 a.m. to conduct a hearing on Securities and Exchange Commission authorizations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING AND SOLID WASTE MANAGEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, July 29, 1993, beginning at 9:30 a.m., to conduct a hearing on the Environmental Protection Agency's proposal to extend the municipal landfill criteria compliance deadline.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

YOUTH ON THE RISE

• Mr. DECONCINI. Mr. President, I rise today to share with the Senate an example of how the young people in Tucson, AZ, are working to solve the problem of youth violence. A group of young people are working with my staff and several community groups to put together an event called Youth on the Rise, to be held on August 14 at Kennedy Park. This event is created by the youth of Tucson for the youth of Tucson. Many community leaders in Tucson have come together as a resource to assist these young people in this endeavor. An event such as this is important for young people because it provides them with a constructive diversion from the too often violent world in which they are living. Youth on the Rise will consist of an art contest, rap contest, car show, a dance with a DJ, a youth fair, and other activities to last throughout the day.

This occasion was proposed by some of the young people who participated in the Judiciary Committee field hearings I presided over in June, on youth violence. A recurring sentiment among the youth participants in the hearings was that in order for young people to have pride in what was being done to help them, they had to have a role in its creation. In this instance Mr. President, they have total responsibility for the creation and implementation of the event, thus guaranteeing that they will be able to take pride in it.

In closing Mr. President, I would like to comment the participants in Youth on the Rise. I am sure it will be a tremendous success, and will be a model for future youth events around the country.•

TRIBUTE TO THE McGREGOR CO., WAITSBURG, WA

• Mr. GORTON. Mr. President, I pay tribute today to a company that has established and maintained the highest standards for preserving and protecting the environment. And, in the process of crating a successful business, this outstanding company has achieved national recognition for its environmental stewardship. It is this leadership that provides a role model to guide other businesses in an effort to protect our pristine environment.

The McGregor Land & Livestock Co. has been doing business in Washington State for 112 years. In 1954 the McGregor family decided to become an agricultural retailer dealing in fertilizer and chemicals. They opened the doors of the McGregor Co. in Hooper, WA, and the organization now includes 22 facilities located throughout Washington, Oregon, and Idaho.

Mr. President, I have known Nancy and Bill McGregor for many years. I am proud to say that these accomplishments recognized today exemplify the integrity and visionary outlook with which the entire McGregor family has always conducted its business.

This week the McGregor's Waitsburg plant was chosen from hundreds of businesses across the country to receive the national Environmental Respect Award. This award is designed to recognize and promote environmental stewardship at the retail level.

The Waitsburg branch manager, Pat McConnell, and his 19 employees have set the highest standards for preserving and protecting the environment. They have achieved this by operating their plant in an environmentally sound manner to the benefit of their customers and the Waitsburg community.

The McGregor Co. draws special recognition because when this facility was first established, one of the core principles was to protect the environment; as a result, the management sought out the toughest regulations across the country and implemented them at this plant. Setting such high standards was not required by Washington State law. The management and employees simply believed it was good business to respect the environment. I believe this explains why the McGregor Co. has been honored with this important award.

Mr. President, farming is not an easy occupation. The McGregor Co. employees help farmers to grow the products which feed the Nation and the world. I applaud the efforts of this company and the strong initiative it has taken in assisting the farming community and respecting the environment.•

LIBERATING THE POOR FROM HUD'S HOUSE OF PRIVILEGE

• Mr. MACK. Mr. President, in recent years, the operations of the Department of Housing and Urban Development has been subject to intense scrutiny. Both the process by which its programs are implemented and the policies which guide its programs have drawn criticism.

In a recent paper distributed by the Alexis de Tocqueville Institution, Tom Humbert continues that criticism. Humbert, who was Deputy Assistant Secretary for Policy Development and Research at HUD from 1989–92, forcefully argues that HUD programs work against personal responsibility, empowerment, and entrepreneurial job creation.

Humpaper is a worthy addition to the debate about HUD, and I ask that it be printed in the RECORD.

The paper follows:

LIBERATING THE POOR FROM HUD'S HOUSE OF PRIVILEGE

(By Tom Humbert)

President Clinton's call to "abolish welfare as we know it" has proven to be one of the most popular promises of his campaign. If the Administration, however, is going to realize the true potential of its welfare agenda, its reforms must encompass not only welfare and training programs, but also the over $28 billion spent at the Department of Housing and Urban Development. The truth is that no agency is more in need of Clinton's promise to "reinvent government" than HUD.

Housing should be a platform for self sufficiency. Yet HUD has rarely taken its mission seriously to fight a war against poverty. A HUD report released in December 1992 concluded that major HUD programs "very seldom solve worse case needs" in housing—the most needy renters with incomes less than 50 percent of median and priority housing problems. To take one example, the Community Development Block Grant program—the spearhead of Clinton's economic stimulus program—devotes less than 7 percent of its funds to worse case housing needs even under optimistic assumptions.

Indeed, a close look at the major housing and community development programs demonstrates that the Department really isn't an anti-poverty agency. The really powerful forces behind many HUD programs are not poor people at all, but the big cities, bankers, public housing bureaucracies, and well-connected developers and builders who receive the lion's share of HUD's subsidies.

With powerful friends like that, it's not surprising that HUD has become a quagmire of special interest programs and pork barrel spending. When the Department has not forgotten the poor altogether—as in the CDBG program—its programs are often so bureaucratic and interest-group driven that they trap the poor in an almost iron-clad grip of disincentives, despair, powerlessness, and dilapidated housing.

The agency must not continue on its track of the last 25 years. Despite its high flying rhetoric and goals, the Department has lost its moral compass. After spending hundreds of billions in subsidies, the truth is that the Department has not solved poverty, it has not attacked poverty, it has not ameliorated poverty. Its conventional programs actually perpetuate and spread poverty. It must be radically changed not only because it is wasting money, but because it is wasting human lives.

Indeed, if President Clinton's claim of seeking fundamental change is to be taken seriously, he must advance a comprehensive opportunity agenda that abolishes the current top-down bureaucracy and replace it with a system that empowers poor people themselves with choice, homeownership, and opportunity. In short, he must aim to liberate the poor from what has become HUD's House of Privilege.

Ironically, Senator Dole has done President Clinton a favor by blocking the Administration's plans to pass the economic stimulus package. It forewarns the President that the public's tolerance for wasteful spending is dwindling, even when packaged as investment spending, and offers the Administration a second chance to rework, rethink, and reorganize its urban policy.

COMMUNITY DEVELOPMENT AS PORK BARREL

President Clinton's request for $2.5 billion in additional Community Development Block Grant (CDBG) program funding, for example, which HUD Secretary Cisneros recently described as "the most effective, successful, praised, bipartisan urban program in American history," instead offered Republicans an easy target as wasteful spending easily sacrificed to reduce the budget deficit.

For their part, the nation's big city mayors shot themselves in the foot when their list of critical "ready to go" urban projects included pork barrel spending schemes such as $1.2 million for an "arts center" in San Francisco, $250,000 for a "central compost facility" in Kalamazoo, MI, $400,000 for "carousel renovations" in Providence, RI, $360,000 for a pool in Columbia, S.C., and $200,000 for a "sports complex" and "historic mill" in Central Falls, RI. It was impossible to argue that these are emergency investment projects.

In reality, the CDBG program has long been a breeding ground for scandal, abuse, and waste. Recently, the Congressional Committee investigating the HUD scandals of the 1980s spotlighted local CDBG schemes like low-interest loans to a minor-league hockey team in Troy, NY, a Saudi sheik in Miami, and such corporate giants as Sears. The Committee reported that taxpayers funded $5 million in illegal expenses including over $10,000 for dinner at a country club, $3,000 for model airplanes, and $3,000 for a limousine ride.

The case against federal aid to cities goes well beyond the occasional boondoggle project. Federal block grants are understandably popular among big city mayors. All politicians love programs that allow them to cut ribbons on highly-visible projects without undertaking the pain of raising taxes or matching federal funding. But such grants virtually assure fiscal irresponsibility, naturally breeding overspending and waste at the local level.

Moreover, the CDBG program is poorly targeted to people in housing need. The December HUD report found that a recent $1 billion increase in CDBG would "have very little impact in reducing worst case needs because such a small share of CDBG funds have been used in ways that address worst case needs." This is hardly surprising since more than 870 cities and counties are eligible for block grant money, including such wealthy communities as Beverly Hills, Palm Beach, and Hyannis Port.

When President Clinton asked for more funding for CDBG, however, he justified the program as the cities' first defense against poverty. In HUD politics, these bait-and-switch tactics are hardly unusual. When former HUD Secretary Jack Kemp asked Congress to target the CDBG program to anti-poverty concerns and low-income families, no Congressman would even introduce the measure.

It's time for the cynical manipulation of the poor to end. In today's fiscal climate, the federal government simply has no extra revenues to share with wealthy communities and well-heeled families. Indeed, the over $4 billion requested for the CDBG program represents a perfect "downsizing" opportunity for deficit reduction.

THE HOME BLOCK GRANT: UNTARGETED SPENDING

The HOME housing block grant, which President Clinton has slated for $1.5 billion—a $500 million "investment" spending hike—should also undergo scrutiny. HOME was originally swallowed by the Bush Administration as one part of a compromise for passage of Kemp's HOPE program. Now that President Clinton's budget has slashed HOPE, HOME could become vulnerable. The HOME program is experiencing an enormous clogged spending pipeline: only 4 percent of the $2.5 billion in appropriated funds has been spent over the 3 year span since the program's inception in 1990. While redtape restrictions are in part to blame, the real problem is that many communities won't or can't come up with the local spending match and are facing intense resistance from neighborhoods who oppose more low-income housing. It's difficult to argue for higher spending when local communities can't even make good use of past appropriated funds.

Rather than large increases in spending, a significant downsizing of the HOME program would be defensible. In reality, the program mostly provides rich subsidies to fund big housing developers and non-needy families, explaining its strong support in Congress and among interest groups. According to HUD, more than 80 percent of HOME funds go to subsidize families who are not worst-case housing needs—i.e. the non-needy.

SUBSIDIES FOR THE RICH

By now, the poison has spread throughout virtually every HUD program, including the most popular and widely supported. The low-income housing tax credit (LIHTC) is one of the largest and most popular housing programs, yet it is also one of the most poorly targeted: fewer than 25 percent of the LIHTC units built or rehabilitated—and perhaps as few as 13 percent—are likely to serve worst case needs. In the words of the recent HUD report: "relatively few worst case households are likely to be served by LIHTC units in the absence of additional subsidy."

Of course, Wall Street bankers, builders and developers, and even non-profit groups gain rich returns from the LIHTC—sometimes skimming off 20–30 percent or more of federal subsidies in fat fees, underwriting costs, and developers' costs. These special interest groups, of course, help assure that the tax credit survives even the most bruising budget and tax fights in Congress.

PUBLIC HOUSING: WAREHOUSING THE POOR

Another cornerstone of conventional anti-poverty strategies is public housing, slated by the Clinton Administration for more than $7 billion in fiscal 1994. With rising vacancy rates, with horribly dilapidated housing unfit for human habitation, and with a record of shattered lives and pathological behavior, public housing is one of the clearest demonstrations of government policy gone awry.

Today, despite record funding, more than 100,000 units of public housing are empty. The reason why is clear: HUD provides subsidies to local authorities for even vacant and boarded up units—up to $150 million in operating subsidies in 1993 alone. With such lax management incentives, it is no wonder that more than one-fifth of public housing units don't even meet HUD's minimal habitable standards and are classified as severely distressed, suffering from an almost total breakdown in rent collection, rampant vacancies, shameful maintenance records, administrative overstaffing, and near bankruptcy conditions.

Take the Washington, D.C. PHA, as one typical example of perhaps the worst 23 housing agencies. It has suffered for years from over 20 percent vacancy rates, uncollected rents nearing 400 percent of total monthly rents due, unexpended modernization funds today totaling nearly $100 million, and 225 percent overstaffing of administrative personnel. Like most troubled PHAs, the District has gone through literally dozens of public housing directors in the last decades. Each has promised sweeping change and improvement only to see good intentions end in failure and gridlock. Directors however need not worry about their job security: they have the consolation of moving to other cities whose public housing directors are most likely experiencing the same revolving door politics.

Rather than try to change the system, public housing advocates clamor for more money, even though the pipeline is already clogged with more than $2 billion of unspent funds at the 23 most troubled public housing agencies. More money forced into a corrupt and bloated system will not work. It will simply waste taxpayer money and condemn the poor to yet another seemingly endless round of broken promises and shameful conditions.

Yet, President Clinton's Administration is asking for public housing funding at record levels. Is he oblivious to the harsh truths about life in the "projects?" Secretary Cisneros's pet reform is to bring middle income and working families into the projects as models. But the overwhelming number of poor people themselves are not to blame. The socialized management and deadened-incentives of the public housing system itself breed the worst sort of pathologies and despair. Secretary Cisneros's mixed income housing proposal, far from solving the problem, simply sidesteps it by wasting taxpayers' money on the non-needy at a time when millions of the truly needy are waiting in long lines for housing.

CONGRESS $25 BILLION OWNER BAILOUT

The so-called preservation/prepayment program could be dubbed Congress's $25 billion mistake. Due to an "oversight" in housing legislation passed during the seventies, Congress has permitted owners of subsidized housing to prepay their HUD mortgage and remove their projects from low-income housing restrictions after 20 years, in essence converting the housing to market rate rentals. Now to rectify that mistake, Congress seeks to spend $25 billion or more over the next decade to project owners for retaining this housing as low income. Besides paying a second time for housing that has already been heavily subsidized by the government with loans and grants, Congress has set compensation at such outrageous levels that it accumulates to $80,000 or more per unit, in many areas for aging and in some cases dilapidated projects. For this expense not one new unit would be added to the housing stock.

HUD's Inspector General reported that the real estate experts at a recent conference advised assisted housing owners to "get what you can now, sit at the table and feast." To his credit, Secretary Cisneros is asking for a cutback in the subsidy, but even with this decrease, the preservation program presents perhaps the area of greatest scandal, abuse, and sheer greed at HUD.

HOUSING VOUCHERS: THE NEGLECTED SOLUTION

There is a far better approach to housing the poor than the flawed programs of public housing, LIHTC, CDBG, and HOME. Indisputable studies prove that housing vouchers serve twice as many people for the same costs, serve them right away rather than after lengthy rehab or new construction efforts, and empower people by allowing them to decide where to live.

New housing construction is overwhelmingly not needed since more than three-fourths of the most needy renters suffer from high rent burdens alone—and don't otherwise suffer from lack of decent housing; the voucher's income supplement easily serves the bulk of worse case housing needs. Moreover, more than 90 percent of voucher funds are targeted directly to worst case housing needs; and with vouchers there is no need to house the poor in densely-packed projects. Poor people themselves vastly prefer vouchers over public housing. Anyone who has visited a big public housing project would know why.

Why doesn't Congress shift to the voucher strategy? The reality is that the well-connected lobbies prefer building more public and assisted housing because it creates more construction and public service jobs at union-mandated wages and generates big fees for developers, builders, and bankers. And nothing gives politicians more pleasure than striking poses as anti-poverty champions, cutting ribbons on brand new housing projects, while collecting fat campaign contributions from construction and other special interests.

HUD indeed represents the triumph, perhaps the pinnacle, of special interest politics wrapped up in the rhetoric of compassion. The scale serves everyone's needs, except, it seems, the hard-pressed taxpayer and the poor themselves.

Isn't it time to recognize that HUD should subsidize poor people instead of buildings and developers? Isn't it time to judge HUD programs by one, and only one, standard: do they help poor people rebuild their lives and liberate themselves from poverty?

A SIX POINT EMPOWERMENT STRATEGY

If the Administration genuinely wants to abolish welfare as we know it, it should advance a six step strategy based on President Clinton's often expressed principles of job creation, empowerment, and personal responsibility.

First, a genuine anti-poverty vision demands the elimination of untargeted programs and unfocused block grants in favor of housing vouchers that offer choice, freedom, and mobility. HUD should fold funding for the CDBG program, the public housing new construction program, the public housing new construction program, the housing program for the elderly, the HOME block grant, and the low income housing tax credit and mortgage revenue bond program into an expanded housing voucher program.

With the same level of funding as these existing programs, more than 2 million additional worst case families could be served, out of the 5 million current unmet worst case housing needs, without a dime going to special interests. In other words, simply better income targeting of HUD programs within existing funding levels, can have dramatic effects on substantially reducing or eliminating worst case housing needs. This one proposal would literally reduce the severe housing needs of poor Americans by nearly half without additional net funding.

These vouchers should be distributed through states and cities so they can be combined with local social services for special needs populations, like the elderly, handicapped, and mentally-ill. Moreover, the recently passed Family Self-Sufficiency program offers a successful, compassionate model for true independence by requiring voucher assistance to end in five years of less.

Second, public housing authorities are the tools of the 1930s and are unable to do the job of the next generation. They should be dramatically transformed or put out of business by the year 2000. The HOPE program will help by promoting homeownership and resident management corporations in public housing, and it should be fully funded to maximize that potential. Congress should implement and fund legislation which give residents living in troubled public housing authorities the power to fire their public housing management in favor of non-profit or private management groups. By the year 2000, with a concerted effort by the Clinton Administration, public housing could be completely owned and managed by the residents with remaining non-participating residents give vouchers that allow them to live anywhere the choose.

Third, Secretary Cisneros should admit that the experiment with subsidizing building rather than people has been a big mistake, and not try to patch over the existing subsidized housing programs with yet one more owner bailout. By the year 2000, low income residents should be given vouchers and be able to choose whether to stay in their buildings or find alternative housing.

Fourth, we must recognize core homelessness as largely a mental health and substance abuse problem and deal with it aggressively, primarily through non-profit community groups and state and city governments who are responsible and compassionate providers of these services. The Shelter Plus Care program, first recommended by former HUD Secretary Kemp, already offers the model: use federal vouchers for housing, and ask in return that non-profits or state and city governments match that federal commitment with appropriate services. Using this approach and dramatically expanding the availability of vouchers, there is no reason that homelessness cannot be dramatically reduced.

ENTERPRISE ZONES THAT WORK

Fifth, President Clinton and Secretary Cisneros deserve credit for releasing an Enterprise Zone bill so early in the Administration. But, by primarily offering only wage credits in Enterprise Zones (or Empowerment Zones as they are now called), the Clinton Administration offers the wrong mix of incentives needed for distressed communities. These communities already offer employers a surplus of cheap labor. Making that labor even cheaper will have little impact on employment. Existing wage credits, such as the Targeted Jobs Tax Credit, have failed; most employers don't even use them for workers that are eligible for them. On top of that, the recently-expanded earned income tax credit has already dramatically reduced the cost of hiring lower income workers. A further deep reduction would not be the best incentive to spur employment.

The central Enterprise Zone strategy must be to create new businesses in distressed areas by recognizing that you can't create employees without creating more employers. Virtually every survey of small businesses demonstrates conclusively that what is most needed is access to seed capital to start new enterprises or expand operations. More business startup would force employers to hire more marginal workers and undertake job training and skills development.

The Administration's Enterprise Zone bill, as it now stands, is far too weak. It must be combined with a dramatic capital incentive, preferably the elimination of the capital gains tax and expensing of stock in new enterprises.

A RISING TIDE OF JOB CREATION AND ENTERPRISE

Sixth, President Clinton should offer a genuine economic growth and family plan that reduces tax rates on labor and capital, cuts the capital gains tax and indexes it for inflation. A reduction in the payroll tax, as Senator Moynihan has recommended, would be an important step to help small businesses expand employment. By contrast, President Clinton's current plan of relying on higher tax rates on the rich will only deepen the inner cities' capital anemia and ironically hurt poor people who most need the jobs and opportunities that additional capital would create.

President Clinton should also make good on his promise for a middle class tax cut by dramatically expanding the children's exemption to $6,000 or more, to help bolster the financial security and independence of the working poor.

RECOMMITMENT TO OPPORTUNITY

In short, President Clinton should put welfare reform and economic growth at the top of his agenda. But he will have to champion a different model than his initial budget recommends. The model should be the one Bill Clinton promised during the campaign and Jack Kemp championed at HUD—personal responsibility, empowerment, and entrepreneurial job creation. Above all, the Administration must recommit itself to the basic moral and economic goals that never have been taken seriously by HUD over the years—resisting special interests and liberating the poor from dependency.

It took more than 70 years before the communist empire collapsed from internal rot and complete lack of faith in and by the people. But once the forces of change began, there was nothing to hold up the entire system—it had no supports left. So it will be with the current poverty system. This hollow edifice will tumble suddenly and completely of its own weight, opening up a road to freedom for the poor to take advantage of growth, opportunity, and enterprise. People will only wonder why it took so long.•

TRIBUTE TO SHEEP GROWERS OF KENTUCKY

• **Mr. McCONNELL.** Mr. President, I rise today to pay tribute to the sheep growers of Kentucky for their efficient techniques and successful new marketing endeavors.

The National Wool Grower magazine recently highlighted the accomplishments of several Kentuckians in the sheep industry, and I wanted to bring these to my colleagues' attention.

Dorothy Haddix of Mount Sterling, KY, is working to increase the marketability of small farmers' meat lambs for sale to producers. In order to compete with the larger farmers, Ms. Haddix created a tele-auction and a lamb pool. With the lamb pool bringing together small farmers from across the State, farmers are able to consolidate sufficient numbers in order to market more effectively to area packers.

Annie Brown, of the Appalachian Fiber Crafters Guild in Mount Sterling, KY, is actively promoting the wares of the handspinning market. She has been successful in assembling a top-notch handspinning flock and is working with the guild to encourage the use of outstanding fleeces like hers in the market. Ms. Brown's efforts to increase the quality of the fleece and at the same time promote the spinning, weaving, and dying of wool will have a positive impact on the future of the wool industry in our Commonwealth.

Wigglesworth Farms, in Paris, KY, is a prime example of a sheep operation running at full capacity. Wigglesworth Farms is Kentucky's largest commercial sheep producer, and combines sheep and cattle farming with intensive crop production. Kathy Meyer, manager of Wigglesworth, utilizes her buildings and feedstuffs to the maximum, using the same barns to simultaneously hang tobacco and hold sheep. Ms. Meyer also waits to shear her ewes in October, when the barns are cleared of tobacco.

Mr. President, I would like to pay tribute to these and all of the sheep

farmers of Kentucky for the example they set with their efficient management methods and their innovative marketing strategies. I salute their progress, and wish them added success in the future.

Mr. President, I ask that the attached article be included in the RECORD.

The article follows:

[From the National Wool Grower, June 1993]

KENTUCKY: A LESSON IN DIVERSITY

(By Janice Grauberger)

In Kentucky, sheep and tobacco go together. At least that's what many of the state's foremost sheep enthusiasts have to say about the kinship between the two industries, which often exist side by side on the same farms.

Tobacco is almost an agricultural given if you live in Kentucky, says Kentucky Sheep Growers Past President Dorothy Haddix of Mt. Sterling, Ky., who explains that the case value of tobacco has always been a mainstay for Kentucky farmers.

Not so with the sheep industry, particularly after four years of record-low prices that have taken a bite out of the state's sheep numbers. But Haddix and other sheep-industry leaders in the state say that with the state's excellent forage resources, sheep are a natural for the Bluegrass State and will continue to be a vital industry as producers pull together some innovative and successful new marketing ventures.

As you visit Kentucky sheep farms, it's not uncommon to find the sheep standing in barns where the high rafters are hung with stalks of drying tobacco leaves, and the air is filled with the aroma of tobacco juices . . . "the smell of money." Haddix says with a laugh as she reaches up to check the crackle and crunch of the leaves that tells her just how close that "money" is to harvest. The tobacco, while taking up only 2 percent of Kentucky's farm ground, brings in about 50 percent of its farm income, topping the list of commodity money earners in the state.

Out in her pastures, farmed in large part by her own family for the last six generations, Haddix's sheep are grazing in the cold drizzle, which is only one of the climate extremes the Kentucky location can throw at her. The farm is set up to handle the sheep in a 15-acre rotational-grazing pattern designed for easy movement and access to the main barn for animal health routines. Every pasture includes low-roofed shade barns that let the sheep get out of the hot sun during summer months or out of the rain in winter weather.

Lush green pastures take careful management in any year to maintain their condition and best utilize the forage, mostly bluegrass, fescue and orchard grass. The fescue is a tough native grass that "withstands about anything." Haddix says. But it's a mixed blessing, she adds. "Part of the time you love it, the rest of the time you hate it. Too much fescue grass and the livestock won't breed, and you have foot problems."

Haddix grazes cattle and sheep together, capitalizing on their varied grazing habits to best use the pasture grasses. In 1992, droughty conditions put a premium on the hay markets and gave producers like Haddix some financial and management worries, she said. "Water is a problem in this part of the country. There are very few springs, and ponds must be dug on top of a hill because of sinkholes and hollows," she said. So sheep on her farm drink water stored in a 20,000-gallon above ground cistern that works on a gravity-flow basis.

She points her pickup across the pastures of the 150-acre farm, talking about the resources that depend solely on rain for water. It's a vulnerable position for a farmer, she says. Kentucky's lamb-marketing situation increases the vulnerability.

Haddix looks across her flock, talking about the need for length and width in meat lambs and the difficulty of marketing for the small producers across Kentucky. That issue spurred the Kentucky producers to form a lamb pool and tele-auction, designed to put together adequate numbers to market more effectively to area packers. Her home phone and its ever-present answering machine serve as the pool's central processing point.

"It works better when a producer runs the program," she said. "In Kentucky, people like to be talked to about their sheep. It just works better."

Young people and their interest in sheep is another project Haddix has taken to heart. She offers local 4-H and FFA youngsters project lambs and helps them learn about animal care and sheep industry. "Some of these kids don't have a lot. The kids love this and their parents too."

Haddix, a full-time farmer, is an exception in Kentucky where a large part of the sheep producers are part-timers.

Most have to be entrepreneurs of one kind or another to make sheep production work, Haddix says.

So is the case with Annie Brown, who is aiming her sheep enterprise at the spinning, weaving and craft market. Brown has her heart set on continued success in building a top-notch handspinning flock.

Her flock has grown to 77 from its start in 1986, and she has built a collection of individual animals which meet her needs for outstanding fleeces. Out in the pasture stand Columbias, Dorset, Corriedale and Romney crosses, and Rambouillets in a collection of fleece colors destined for handcrafts. Brown has drawn together a group of people interested in spinning, and as their knowledge and skills grew during their first year together, they began to talk about looking for value-added markets for their wares.

Now 17 people strong, Brown says the group called the Appalachian Fiber Crafters Guild is a wonderful boon to the wool industry. Some of its members have sheep, others do not, but all share a common love of the fiber industry and are active in promoting the skill of spinning, dyeing and weaving at area events.

The group is now recruiting weavers and knitters, with an eye on the mail-order business. "We are brainstorming the idea in our group," Brown says.

"When you are into the wool end, you look at things differently," Brown says. "We don't really look at what's underneath the wool," she says, adding that must change to benefit the entire industry.

Only a few hours away by local highways, Kathy Meyer manages Kentucky's largest commercial sheep operation. Wiglesworth Farms has a reputation in Kentucky for being all business, designed and managed for maximum forage management and production of lamb and wool in addition to the cow-calf operation. Three farms total 1,600 acres and support intensive crop and livestock production, which includes 1,000 ewes and 200 brood cows.

There, the sheep stand under tobacco leaves in barns that do double duty. "None of us here have sheep barns," Meyer says. "We just have barns we use for sheep."

The key at Wiglesworth is coordinating all the agricultural enterprises to best utilize all the buildings and feedstuffs, a challenge that Meyer believes is not only possible but essential for a farming enterprise to survive. One example is fall lambing for 400 ewes shorn in October when barn room is available and lambed in assembly-line fashion on another farm. Then they graze turnip tops or other crop aftermath for additional energy.

Replacement lambs go to market in the spring to the private buyers who know the farm's reputation for quality commercial sheep. "Wiglesworth is a model for other farms," Meyer says. "We keep the numbers here to do it efficiently, and the farm has always had good, progressive managers who believe in doing it right."

The farm's owner, Mr. Wiglesworth, is the mainstay behind the operation, supporting new ideas that are more efficient or cost saving, she says. "It was never his idea to be the biggest, but he wanted to be the most efficient farm in the state. Anything other than grass is considered supplemental feed here," she said. "We concentrate on the forages and their management."

The bottom line is where Meyer concentrates, saying the farm is a commercial enterprise that ultimately must survive on profit. "This farm must run to its most efficient capacity."

The farm has always included sheep, despite the fact they take more intensive management, Meyer said. "Sheep really go along with our conservation efforts here on the farm. They take more attention, but they can be more profitable."

Meyer manages the sheep and cattle together, grazing the species in rotation to best utilize the forage. "The sheep run behind the cattle or side by side, depending on the situation," she said.

Variety, diversity and flexibility are key to Kentucky sheep production. Its producers make the most of all three factors in their operations.•

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the Senate resume consideration of H.R. 2403 at 9 a.m., Friday, July 30; that there be 2 hours for debate prior to a point of order being raised against the Simon amendment No. 739, with the time equally divided and controlled between Senators SIMON and CRAIG; further, that the previous unanimous consent regarding the cloture vote on the Kennedy substitute amendment No. 709, to the committee substitute to S. 919, be modified to reduce the time for debate prior to the vote to 20 minutes; that the other provisions of the previous order remain in effect; and that Senators be permitted to file second-degree amendments until the time of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Madam President, on behalf of the majority leader, I announce there will be no more votes this evening.

ORDERS FOR FRIDAY, JULY 30, 1993

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate

completes its business today, it stand in recess until 9 a.m., Friday, July 30; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately after the Chair's announcement, the Senate resume consideration of H.R. 2403, the Treasury, Postal Service appropriations bill, as provided for under a previous unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. FORD. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 9:36 p.m., recessed until Friday, July 30, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 29, 1993:

DEPARTMENT OF STATE

RICHARD HOLBROOKE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

JAMES T. LANEY, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

DEPARTMENT OF JUSTICE

ERIC HIMPTON HOLDER, JR., OF THE DISTRICT OF COLUMBIA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF 4 YEARS VICE JAY B. STEPHENS, RESIGNED.

STEPHEN CHARLES LEWIS, OF OKLAHOMA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS VICE TONY MICHAEL GRAHAM, RESIGNED.

VICKI LYNN MILES-LAGRANGE, OF OKLAHOMA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS VICE TIMOTHY D. LEONARD, RESIGNED.

THOMAS JUSTIN MONAGHAN, OF NEBRASKA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF 4 YEARS VICE RONALD D. LAHNERS.

JOHN W. RALEY, JR., OF OKLAHOMA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF 4 YEARS.

RANDALL K. RATHBUN, OF KANSAS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF KANSAS FOR THE TERM OF 4 YEARS VICE MORRIS LEE THOMPSON, RESIGNED.

FREDERICK W. THIEMAN, OF PENNSYLVANIA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS VICE THOMAS W. CORBETT, JR.

MICHAEL JOSEPH YAMAGUCHI, OF CALIFORNIA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS VICE JOSEPH P. RUSSONIELLO, RESIGNED.

DEPARTMENT OF LABOR

ANNE H. LEWIS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE STEVEN I. HOFMAN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be major

BENJE H. BOEDEKER, [redacted] DOMENICK E. DIRICO [redacted]
WAYNE T. FRANK [redacted]

MEDICAL SERVICE CORPS

To be major

PAUL R. HULKOVICH [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

To be lieutenant colonel

ACKER, CHRISTOPHER [redacted]
ACKER, ROBERT H. [redacted]
ADAMS, FRANCIS H. [redacted]
ADAMS, GREGORY A. [redacted]
ADAMS, JEFFREY A [redacted]
ADAMS, JOHN C. [redacted]
ADAMS, THOMAS H. [redacted]
AGOSTA, PAUL P. [redacted]
AHRENS, DAVID A. [redacted]
ALDERSON, FREDERICK [redacted]
ALFARO, MIGUEL JR [redacted]
ALICEA, BRENDA L. [redacted]
ALICEA, JOSE L. [redacted]
ALLEN, CHARLES B. [redacted]
ALLEN, VIRGINIA A. [redacted]
ALLISON, RALPH E. JR [redacted]
*ALTHOUSE, JAMES M. [redacted]
ALTOMARE, NICHOLAS [redacted]
ANDERSON, BRUCE W. [redacted]
ANDERSON, JAMES M. [redacted]
ANDERSON, LEVON [redacted]
ANDERSON, OSCAR R. [redacted]
ANDERSON, STEVEN M. [redacted]
ANDERSON, WALTER N. [redacted]
ANDREWS, KURT A. [redacted]
ANDRIANI, MICHAEL R. [redacted]
ANGEVINE, JOHN R. [redacted]
ANTAL, JOHN F. [redacted]
ARCHAMBAULT, RAOUL [redacted]
ARMBRISTER, SCOTT L. [redacted]
ARNESON, CHARLES W. [redacted]
ARNESON, JEFFREY A [redacted]
ASHWORTH, KENTON L. [redacted]
ASLINGER, JERRY A. [redacted]
ATKINSON, GLORIA A. [redacted]
AUSTIN, JOHN K. [redacted]
AUSTIN, MELVIN C. [redacted]
BABB, CHARLES S. [redacted]
BAILEY, GILBERT L [redacted]
*BAILEY, ROBERT C. [redacted]
BAILEY, STEVEN L. [redacted]
BAILLIE, JOHN III [redacted]
BALDI, JANET V. [redacted]
BALDO, MARIE L. [redacted]
BALL, DONALD J. [redacted]
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STEDMAN, KEITH R. [redacted]
STEFAN, WILLIAM F. [redacted]
STEFANOVICH, JOHN R. [redacted]
STEVENS, CHARLES R. [redacted]
STEVENS, JAMES G. [redacted]
STINE, MICHAEL J. [redacted]
STITH, LONNIE L. [redacted]
STOETZER, CHARLES E. [redacted]
STRAND, RONALD J. [redacted]
STRICKLAND, ROLAND [redacted]
STRIEGL, CONRAD J. [redacted]
STRONG, JOHN L. [redacted]
STRUDER, KURT L. [redacted]
SUAREZ, LARRY A. [redacted]
SULLIVAN, MICHAEL J. [redacted]
SULLIVAN, MICHAEL J. [redacted]
SULLIVAN, NANCY B. [redacted]
SULLIVAN, RANDALL D. [redacted]
SUMMERS, KIM L., [redacted]
SUTTON, EARL II [redacted]
SUTTON, WILLIAM L. [redacted]
SWACINA, DANIEL J. [redacted]
SWAN, ROBIN P. [redacted]
SWARINGEN, MARK A. [redacted]
SWART, BRENT M. [redacted]
SWEATMAN, JOHN C. [redacted]
SWEENEY, ROBERT N. [redacted]
SWEET, WILLIAM A. [redacted]
SZYDLOSKI, DENNIS J. [redacted]
TAFLAN, SIMON J. [redacted]
TAKAO, ROBERT K. [redacted]
TALLEY, RICHARD E. [redacted]
TARANTINO, FREDERIC [redacted]
TATE, GREGORY S. [redacted]
TAYLOR, ALLEN B. [redacted]
TAYLOR, SAMUEL T. [redacted]
TAYLOR, WILLIAM C. [redacted]
TEDESCO, JOSEPH M. [redacted]
TEEL, ROGER N. [redacted]
TENSFELDT, JEFFREY [redacted]
TERRANOVAREA, SUSAN [redacted]
THEW, KENT D. [redacted]
THIBEAULT, ANDRE E. [redacted]
THOMAS, DAVID J. [redacted]
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THOMPSON, ARTHUR G., [redacted]
THOMPSON, GORDON R. [redacted]
THOMPSON, LINDA I. [redacted]
THOMPSON, PHILIP S. [redacted]
THOMPSON, RICHARD E. [redacted]

THRESHER, RICHARD G. [redacted]
TIERNEY, FRANCES W. [redacted]
TIMMONS, TIM [redacted]
TISE, VICTOR [redacted]
TOMBRELLA, JACK B [redacted]
TORO, JOSE A. [redacted]
TOWNSEND, ROBERT N. [redacted]
TRAMONTINI, KARINE [redacted]
TREECE, CHARLES F. [redacted]
TRIMBLE, MICHAEL D [redacted]
TROUT, TERRY E. [redacted]
TRUBIA, MICHAEL L. [redacted]
TRUMPS, THOMAS H. [redacted]
TUPPER, STEPHEN H [redacted]
TURLETES, CHRISTOPH [redacted]
TURNER, BLAIR M. [redacted]
TURNER, JOHN S. [redacted]
TURNER, MICHAEL M. [redacted]
TWOMEY, ANDREW B. [redacted]
TYLER, JACQUELINE J [redacted]
ULMER, WALTER F. [redacted]
UNANGST, JOHN C. [redacted]
UDNERWOOD, CHARLES [redacted]
URBAN, STEPHEN A. [redacted]
UTTERBACK, GARY W. [redacted]
UTZIG, MARTIN T. [redacted]
VALENTI, CAROLE C. [redacted]
VALLOR, RAYMOND J. [redacted]
VANCE, CHARLES D. [redacted]
VANCE, JACKIE L. [redacted]
VANDRIE, MARK L. [redacted]
VANE, TIMOTHY D. [redacted]
VANGORDEN, WAYNE J. [redacted]
VARNADO, SHEILA A. [redacted]
VAUGHAN, PATRICK J [redacted]
VERMILLION, MICHAEL [redacted]
VILLARE, PAUL R [redacted]
VINCENT, JAMES C. [redacted]
VINSON, MARK E. [redacted]
VOGT, THOMAS S. [redacted]
VOLK, MARK [redacted]
VONKAENEL, THOMAS D. [redacted]
WAKEMAN, DANIEL J. [redacted]
WALKER, HAROLD G. [redacted]
WALL, JAMES A. [redacted]
WALLIN, KENDALL S [redacted]
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WARGO, JAMES D. [redacted]
WARNER, MONROE P. [redacted]
WARRICK, STANLEY L [redacted]
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WATSON, DOUGLAS S. [redacted]
WATSON, LARRY [redacted]
WATSON, RAUN G. [redacted]
WATTS, MARK A. [redacted]
WEDDLE, KEVIN J [redacted]
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WELSCH, PETER G. [redacted]
WHEATLEY, JOHN B. [redacted]
WHEELER, LARRY L [redacted]
WHITE, WAYNE M. [redacted]
WHITEMAN, WAYNE E. [redacted]
WHITLEY, DIANE K. [redacted]
WICINSKI, JOHN L. [redacted]
WIECKS, THOMAS W. [redacted]
WILCOMB, MARK E. [redacted]
WILEY, MARK C. [redacted]
WILKERSON, TIMOTHY [redacted]
WILLIAMS, BILLY R. [redacted]
WILLIAMS, NELSON R [redacted]
WILLIAMSNORRIS, FAY [redacted]
WILLIS, PAUL L [redacted]
WILSON, ALRED A. [redacted]
WILSON, CHARLES III [redacted]
WILSON, MICHAEL B. [redacted]
WILSON, WALTER JR. [redacted]
WISE, JOHN E. [redacted]
WISE, MARK R. [redacted]
WITCHER, CARL J. [redacted]
WITHROW, MARGARET A. [redacted]
WITTEN, BENARD J. [redacted]
WOJCIECHOWSKI, PAUL [redacted]
WOLF, DAVID R. [redacted]
WOLOZYN, MICHAEL D. [redacted]
WOLTERS, JOHN B. [redacted]
WOMBLE, EDWARD F. [redacted]
WONG, DICKIE [redacted]
WOOD, CLAUDE A. [redacted]
WOOD, JAMES R. [redacted]
WOODCOCK, WILLIAM P. [redacted]
WOODS, JAMES J. [redacted]
WOODS, ROBERT H. [redacted]
WOODSON, WILLIAM H. [redacted]
WOOLLEY, ALTON L. [redacted]
*WOOTEN, WILLIAM H. [redacted]
WOZNIAK, EDWARD A. [redacted]
WOZNICK, JOHN C. [redacted]
WRENN, CURTIS L. [redacted]
WRIGHT, GEORGE B. [redacted]
YARBROUGH, JAMES C. [redacted]
YAVORSKY, JOSEPH S. [redacted]
YAWN, BARBARA A. [redacted]
YOUNG, HARRY D. [redacted]
YOUNG, RAYMOND S. [redacted]
YOUNG, VICTOR J. [redacted]
YOUNGS, RAYMOND R. [redacted]
ZELLMER, JOHN G. [redacted]
ZOOK, DAVID H. [redacted]
ZYGMUNTOWICZ, ANDRE [redacted]

EXTENSIONS OF REMARKS

THE NEED FOR FOREIGN AID REFORM NOW

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. GILMAN. Mr. Speaker, this morning, the Washington Post joined those of us who have been urging the Clinton administration to get off the dime and move forward with much needed reform of the Foreign Assistance Program. In essence, the Post called on President Clinton to do what candidate Clinton promised—to clean up and redirect our foreign assistance programs toward assisting poorer nations that are taking the right measures to raise living standards.

On June 16, the House passed—by a vote of 421 to 2—an amendment calling for reform of the foreign aid program in time for the fiscal year 1995 budget cycle. We were prepared to enact reform legislation this spring but the Clinton administration was not. We were promised recommendations by the beginning of May. We still await them.

Most agree the blueprint for reform already exists in the work done by this body and contained in the 1989 Hamilton-Gilman report. What we need now is reform leadership from the administration.

President Clinton needs to remember what candidate Clinton said. Foreign assistance needs reform. And that reform must move forward before our opportunity to achieve it fades.

The full text of the July 29 Washington Post editorial follows:

[From the Washington Post, July 29, 1993]

WHO WILL AID FOREIGN AID?

This was supposed to be the year in which America's foreign aid program experienced the comprehensive restructuring long sought by supporters and opponents alike. It was also to be the year in which a new administration committed to sustainable economic development and the eradication of poverty would provide leadership in targeting aid money on poorer nations that are taking the right measures to raise living standards. Unfortunately, the opportunity for achieving both ends is fading fast. If the moment is lost, the Clinton administration will have itself to blame.

The time was ripe for addressing the host of aid reform issues when the House Foreign Affairs Committee considered the foreign assistance authorizing legislation earlier this year. Chairman Lee Hamilton and his Republican counterpart, Benjamin Gilman, had produced a first-rate reform package four years ago and were eagerly awaiting an administration that had a genuine interest in fixing foreign aid. But the Clinton administration was unprepared to engage the House in a serious discussion, despite earlier pledges to have a restructuring plan ready for Congress in the spring. The Senate Foreign Relations Committee is faced with a similar dilemma; it's ready to tackle the problems as well. But the Hill has been stymied by interminable executive branch reviews and turf battles that have left the reform plan languishing in the in-boxes of senior bureaucrats.

Meanwhile, it's close to business as usual with the foreign aid appropriations bill. As the administration meanders, the House has sent to the Senate a spending bill that chops away at what is already a tight aid request. The bill's huge engines—aid to Russia, Israel and Egypt—almost guarantee that most of the administration's money requests will safely pass through Congress in spite of overall budget constraints. But a terrible price is being paid as a result. To make room for these politically inviolable items, programs that serve the poorest of the poor—the World Bank's International Development Association, AID's Development Fund for Africa—had to take serious hits in the House-passed bill. What's worse, people in the world's poorest nations must bear the burden of cuts in order to fund aid to the International Fund for Ireland, Portugal, Greece, Turkey and—unkindest of all—$7 million for African elephant conservation. Where is the administration?

YES, EASE THE HATCH ACT

The Hatch Act was passed in 1939, in part in response to reports that Democrats were extorting campaign funds and votes from holders of scarce Depression-era government jobs. The authors could simply have barred the pressuring of federal employees for political purposes, but as an insurance policy went beyond that: The statute also bars most participation of federal employees in partisan campaigns. The Supreme Court has upheld these terms as not being a violation of the First Amendment on grounds that Congress also has a legitimate interest in seeing to creation of a politically neutral civil service.

There nonetheless have been repeated efforts on the part of federal employee unions, civil liberties groups and others to have the restrictions eased. In 1976 such legislation was passed but successfully vetoed by President Ford. The same thing happened in 1990, when a bill was vetoed by President Bush and an effort to override failed by two votes in the Senate. Now, however, Congress seems headed toward passage of a bill again, and President Clinton has indicated he will sign it.

Our sense is that it's the right thing to do if done carefully. There are lots of protections now in place in the country that didn't exist a half-century ago; the risk of a politicized federal civil service marching in some kind of lockstep seems to us to be pretty remote. It would still be against the law for a covered employee to use any "official authority of influence" to affect the result of an election. Nor could a covered employee either solicit or receive a political contribution from a subordinate. The Senate bill would also continue to bar members of the senior executive service and employees in certain sensitive agencies and positions from running for partisan offices, holding party offices or taking on active roles in political campaigns. That's okay.

But otherwise, federal employees who wish to do so ought to be free as private citizens, and on their own time, to take full part in the political process. They're not going to hurt anything. The latitude ought to include the right to run for even partisan local office, which the Senate would forbid, but the House would not; the conferees should adopt the House position. Both sides in this debate exaggerate the likely practical effect that the legislation will have. Resisting Republicans and some of the measure's sponsors alike imagine a world in which federal employees as a group or through their unions will be more powerful. But federal employees are likely to participate and divide in politics pretty much the same way other citizens do. All the more reason to let them in.

TRIBUTE TO PAULA FAY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. WELDON. Mr. Speaker, I would like to call your attention to the heroism of Paula Fay, a constituent of mine from Chester County, PA. A lifeguard at a public pool in Spring City, Miss Fay recently saved a 3-year-old boy from drowning, performing mouth-to-mouth resuscitation until a police rescue squad arrived.

Paula Fay was just changing shifts when a 3-year-old boy was pulled out of the pool by his father. Miss Fay ran to the boy, who laid by the pool, limp, unconscious, and not breathing. According to a member of the Spring City Police, Miss Fay displayed maturity beyond her 16 years in keeping calm and collected as she went about reviving the boy, especially since she was being watched by a crowd of nervous adults. By the time the police arrived, the boy was standing—a testament to her competence. Although the boy was subsequently admitted to the hospital, his stay was brief, and thankfully, he is now home and well.

In the past weeks, we have spent much time debating the merits of national service. Paula Fay truly represents public service at its finest. All of us in Pennsylvania's Seventh Congressional District are proud of her lifesaving accomplishment. I ask you now to recognize her tremendous achievement.

NAFTA: WATER AND SOIL SAMPLES

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Ms. VELÁZQUEZ. Mr. Speaker, I would like to begin by thanking MARCY KAPTUR for organizing the Congressional delegation's visit to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mexico. I think we all agree that what we learned on the trip has proven truly invaluable in our understanding of NAFTA and its effects on both the United States and Mexico.

The reports of the water and soil samples taken during our trip to Mexico are not surprising for those of us who saw the environmental disaster that has been created by the irresponsible dumping of waste by the United States-owned maquiladora plants. The images of dead animals lying in pools of filthy waters, of innocent children naively playing in fields of toxic waste—I will remember these scenes for as long as I live. NAFTA would bring the numbers of maquiladora plants to an all time high, worsening the subhuman conditions under which thousands of Mexican families live.

Most of the families in this area were lured by the promises made by American-based companies—promises of decent wages and a higher standard of living. For over a decade now these promises have not been kept. They were forgotten by those same companies that relocated their operations seeking lower labor costs, companies that left behind displaced workers throughout much of the United States as they searched for higher profits, submitting workers in Mexico to the deadly consequences of a toxic wasteland—all for the sake of profit. NAFTA threatens to aggravate all of these conditions, allowing for the continuation of worker exploitation by United States-owned factories in Mexico, while creating an even greater legion of unemployed in our own country.

I hope that when my colleagues are faced with a vote on NAFTA, they will consider what it would be like to grow up a Mexican child surrounded by the contaminated water and toxic waste of the maquiladoras, to struggle with cholera and typhoid fever, to toil long hours for meager pay, to have no electricity or even basic sewage—or what it would be like to have grown up in this country, known around the world as the land of opportunity, to have worked hard to earn a living, and to lose one's job with a firm to which years of dedicated service seem to mean much less than lower labor costs.

The studies released today should not be viewed as a failure of the Mexican system, but as a challenge to the American conscience. They should serve as a reminder that no prosperity is attainable through NAFTA. Some may think this agreement promises benefits to all nations involved—but I ask them to look behind its mask of fancy language, and see the cold reality of the victimization of innocent people in Mexico and throughout the United States that lies behind it.

GOOD LUCK BILL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. BARCIA. Mr. Speaker, on Sunday, August 1, friends and family of Thomas Bill Varney will come together to celebrate his retirement after 36 years of productive work and community service. It is a pleasure to have this chance to share with my colleagues the accomplishments of a man we should all admire.

Bill started as a teacher, and soon afterwards went to work for General Motors for 27½ years. He followed that career with another 8½ years at EDS.

While he was busy with his professional career, he always made time for civic involvement. He has been a very active part of the Frankenmuth community, from his work on the City Planning Commission over many years, to his participation in the Lions Club, to his extensive involvement with the United Methodist Church for over 20 years. He has always worked to make his community a better place through his involvement with the city beautification program as its head of fundraising for 2 years, along with his work with the Civic Events Council, a body that is responsible for the annual Frankenmuth Bavarian Festival, one of the grandest events throughout the country drawing people by the hundreds of thousands each year.

He has worked to provide cultural and learning opportunities through his work with the Frankenmuth Museum.

Mr. Speaker, retirement often means the end of one phase of activity in a person's life, and the beginning of another. Given what Bill Varney has done so far, I am sure that we are all quite excited to see what Bill will do next. I urge all of my colleagues in wishing Bill a most enjoyable retirement.

HON. WILLIAM D. FORD JOINS WITH THE INDEPENDENT BENEVOLENT, PROTECTIVE ORDER OF ELKS OF THE WORLD TO HONOR SPECIAL PEOPLE ON AUGUST 2, 1993

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. FORD of Michigan. Mr. Speaker, I would like to draw the attention of this body to an extraordinary young woman, Carla Rene Cobbs. Carla was recently selected to be this year's Special People National Poster Child by the Independent Benevolent, Protective Order of Elks of the World. Carla is representing all special people—people who have additional needs due to physical or mental challenges.

Although Carla, a victim of cerebral palsy, has never walked and has limited use of her hands, she has accomplished more than most other children have in her 9 years. She is an honor roll student at Featherbed Lane Elementary School in Baltimore, MD, where she has been a recipient of the Good Citizenship Award, the Outstanding Effort Award, the Outstanding Achievement in Tumbling Award, and the Bright Smile Award, just to name a few.

Carla is also involved in many activities. She sang a solo in her school's "Musical Day in May" spring program, and participated in the "Nutcracker" school play. Her grandmother describes her as "effervescent, bubbling over, making those around her happy." Carla will use these gifts for the next year to encourage others to aid and foster the well-being of all special people.

I would also like to commend the IBPOE of W on their efforts in this important area. Their establishment of a department of special people has served to promote assistance for people with special needs and to improve the quality of life of special people around the world.

I encourage my colleagues to join with Carla, the IBPOE of W, and with me on August 2d to recognize the accomplishments and needs of special people everywhere.

STATEMENT ON NORTH KOREA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. SOLOMON. Mr. Speaker, the Director of the CIA confirmed to the House this morning that North Korea has tested a missile with a range of over 1,000 kilometers and capable of carrying nuclear, chemical, and biological weapons.

A range of 1,000 kilometers means that this little outlaw regime can now reach our ally Japan with weapons of mass destruction.

A range of 1,000 kilometers means that North Korea's rogue friends Iran and Libya could lob similar weapons at Israel and at United States bases in the Mediterranean.

Mr. Speaker, this ominous development is laden with several lessons. First and foremost, this should be a reminder that the world remains a very dangerous place.

To those who are right now busying themselves with gutting our defense capabilities and turning the Armed Forces into a social laboratory, I say, look around the world.

North Korea is but one of a list of states with an implacably hostile attitude toward the West. Our need for vigilance, backed by a first-rate military, remains undiminished.

And the first-rate military which we have right now is in danger of becoming second-rate because of the administration's precipitous defense cuts and because of radical attempts to turn the military into a new age feel-good group.

Let's draw the line on this administration's draconian defense cuts Mr. Speaker, right here and right now.

Let this also be a cold shower to those Members who just last week voted to give preferential trade treatment to North Korea's principal sponsor, Communist China.

Ronald Reagan's military buildup and unyielding moral opposition made short work of the Soviets, so tell me, why on Earth are we pursuing the opposite policies today, when there are still so many threats to deal with?

We are on the verge of Jimmy Carterizing our defense and foreign policies, Mr. Speaker, and the rogue regimes of the world, like North Korea and China, are licking their chops.

ADMINISTRATION MOVES ON CHINA AND TEXTILE TRANSSHIPMENT

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. KOPETSKI. Mr. Speaker, I rise to commend the Clinton administration and the USTR for moving to address a serious issue in our relations with China and numerous other countries. The administration announced recently the formation of an Interagency Task Force on Textile Transshipment. I support this effort and the message this effort sends to the Congress, the Chinese, and all those interested in China. The Clinton administration has pledged to engage China on numerous fronts. The formation of this interagency task force demonstrates President Clinton's commitment and resolve to address problem areas in our relations with China.

The USTR announcement of the task force follows:

[For immediate release Monday, July 26, 1993]

USTR ANNOUNCES FORMATION OF INTERAGENCY TASK FORCE ON TEXTILE TRANSSHIPMENT

Ambassador Mickey Kantor, the United States Trade Representative, today announced the formation of an Interagency Task Force on Textile Transshipment to address the growing problem of circumvention of our textile and apparel agreements. Chaired by Jennifer Hilman, USTR Chief Textile Negotiator, the Task Force will include representatives of the Commerce, Treasury, Labor, State, and Justice Departments, as well as the US Customs Service.

The United States currently has bilateral textile agreements, negotiated under the auspices of the Multifiber Arrangement, with over thirty countries. Transshipment occurs when a country attempts to circumvent the agreement by shipping through a third country. This results in the flooding of the US market and hurts American firms and workers.

"At present over $2 billion in transshipped apparel and textiles are entering the United States annually from China alone," Ambassador Kantor said, "This problem is growing, and the Administration must develop a comprehensive plan to combat this fraud."

The goal of the Task Force will be to develop an overall strategy for dealing with the transshipment problem.

"We want our workers to compete on fair terms with other countries," Ambassador Kantor said. "The formation of this Task Force shows that this Administration will enforce our trade agreements so that those workers can do so."

Although all the departments and agencies on the Task Force have some jurisdiction on the issue, until now there has been no interagency strategic development. The Task Force, which is temporary, hopes to conclude its work within two months.

NATIONAL SERVICE TRUST ACT

HON. KARAN ENGLISH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Ms. ENGLISH of Arizona. Mr. Speaker, as a former VISTA volunteer and cofounder of the Arizona Conservation Corps, I have long been a supporter of community service and I have seen firsthand the benefits these volunteer programs offer communities in need of a helping hand and the young people who learn life's lessons through their work. I urge my colleagues to vote in favor of H.R. 2010—the National Service Trust Act.

This bill will create a national network of service organizations that will invest both in our communities and our young people. It will help meet the needs of citizens and local young people. It will help meet the needs of citizens and local governments in each of our districts and home communities in many ways.

The national service initiative will promote the positive work of the Arizona Conservation Corps and other public lands-oriented service organizations. These groups participate in environmental cleanup and conservation efforts of our vast and beautiful public lands in Arizona and across the country.

In rural Arizona, local governments struggle to provide adequate health care and other social, education, and public safety services to their underserved populations. The National Service Trust Act will provide the tools necessary to recruit the people who can help provide these desperately needed services to those remote areas.

The National Service Trust Act also includes special incentives for Indian tribal governments to establish service programs that serve and recruit on Indian lands. These areas, many of which are in Arizona, are some of the most remote and economically desolate areas of this country. This bill recognizes the special needs of Native American communities and it will help provide the young people of these communities with the educational opportunities and job training they seek. This aspect of the bill is of great importance to the district I represent.

In addition, 50 percent of the funds in this initiative are targeted to service programs that serve and recruit their volunteers from areas facing economic distress. This includes areas in districts, like the one I represent, that are adjusting to painful military conversion or are plagued by persistent poverty and a need for economic development in both rural and urban areas.

Besides the benefit this bill will bring to communities in Arizona and each of our districts from the service perspective, the young people in our home States will benefit as well.

The National Service Trust Act will provide educational opportunities for all young people, regardless of income. Diversity is the key to the successful educational experience of a service corps and this bill encourages involvement in community service by both wealthy and disadvantaged volunteers alike.

In addition to the job training skills and personal fulfillment that I know these programs can give a young person, the National Service Trust Act offers financial assistance that will help our young people pursue a higher education.

In exchange for 2 years of service, participants can receive up to $10,000 toward their higher education aspirations. This will mean a great deal to families who lack the funds to pay for their children's higher education but are unable to qualify for regular needs-based financial aid programs.

Finally, the National Service Trust Act will enable our young people to play their part in our effort to rebuild America. It will expand educational opportunity, reward individual responsibility and help build a sense of community and—at the same time—will help our communities provide desperately needed services to underserved populations.

The National Service Trust Act is a bill that will invest in each of our communities and I urge my colleagues to vote in favor of this important legislation.

COMMUNITY LEADERS TO HOLD PEACE SUMMIT

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. BROWN of Ohio. Mr. Speaker, gang violence is a growing threat in many communities across the country. In my own district, cities like Lorain, Elyria, and Oberlin are plagued by gang-related violence. Now, when our society is overrun with crime and violence, we must take the time to invest in our young people.

On July 31, 1993, community leaders from my district will hold a peace summit. The summit is to be held in one of my district's most violent neighborhoods, the Wilkes Villa housing project, and will hopefully bring rival youth gangs from Lorain, Elyria, and Oberlin together to talk peace.

Fashioned after a recent summit in Cleveland, this event will include rallies, speeches, and workshops on self-esteem, self-awareness, and teen-age pregnancies. It is the hope of its planners that the summit will provide positive role models for young people, and will teach them the importance and relevance of investing in their own future.

Today, I ask my colleagues to recognize a truly outstanding community effort. Please join me in commending those who have planned this peace summit, and wish them well in their efforts to address the serious problem of gang-violence.

REMEMBERING REGGIE LEWIS

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. MFUME. Mr. Speaker, I rise to mourn the untimely loss of one of Baltimore's most prominent young men. Reggie Lewis of the National Basketball Association's [NBA] Boston Celtics died unexpectedly last Tuesday at the Celtics training camp in Waltham, MA.

Reggie Lewis stopped breathing while shooting free throws during a Celtics summer camp workout. He was under a doctor's supervision following his collapse during a NBA playoff game on April 29, 1993.

Lewis was diagnosed as suffering from a severe heart ailment which endangered his professional basketball career. A second diagnosis revealed the condition to be related to a neural disorder that could be treated with medication, allowing him to resume his playing career.

The city of Baltimore mourns the loss of this young role model and hero. Reggie graduated from Dunbar High School, where he played on the national championship team that included standout professionals Tyrone "Mugsy" Bogues of the Charlotte Hornets and Reggie Williams of the Denver Nuggets.

Reggie Lewis was as graceful in life as he was on the court. Dedicated to his family and community, he leaves behind a loving wife and a 1-year-old child.

Hundreds of playground youngsters were inspired to stay off the streets and remain in school by his exemplary commitment to scholarship and excellence.

Mr. Speaker, the death of any man diminishes me. However, a shining star extinguished before reaching his zenith of light is truly tragic.

I wish to offer my deepest condolences to Reggie's family and friends.

As we go about our busy schedules today, I encourage everyone to take the time to appreciate life and all the wonderful things it has to offer.

EXPLANATION OF VOTE

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. LEWIS of Florida. Mr. Speaker, yesterday I voted with regret against H.R. 2010, the National Service Trust Act. I have long supported the national service concept because I believe it would foster an important spirit of service and sense of community in young Americans. In addition, such a program could help us tackle some of the most pressing problems of our economically depressed urban and rural areas.

However, the cost of this new program under H.R. 2010 is too high, costing an estimated $7.4 billion over the next 4 years. It is my hope that the conference committee on this bill will bring it back to us with refinements that will make the bill less expensive and preserve the essential objective of instilling the values of service and community in more Americans.

For example, I strongly supported the Molinari amendment, which would have reduced the costs of the program by providing the educational benefits only and shortening the term of service required. To compensate for the absence of stipends and health and child care benefits, this amendment rewards participating organizations for coming up with innovative ways to enlist the participation of disadvantaged youth. Optimally, we should be able to fund stipends and benefits for participants, but in the current fiscal climate, we must keep the costs of the program as low as possible.

I am hopeful that the conference committee will produce a more fiscally responsible program that I can support.

INTRODUCTION OF THE NASA MANAGEMENT REORGANIZATION ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. BROWN of California. Mr. Speaker, today I am introducing the NASA Management Reorganization Act of 1993. This act provides NASA with the necessary authority to achieve the personnel reductions required as a result of the redesigned space station.

On June 22, 1993, the President endorsed recommendations made by the Vest Panel, selecting a space station design which would reduce costs while preserving critical research goals and honoring international commitments. As part of this decision, NASA was directed to implement personnel reductions and major management changes to cut costs, reduce bureaucracy, and improve efficiency.

The Committee on Science, Space, and Technology reflected the President's decision for a redesigned space station in H.R. 2200, the NASA Authorization Act for fiscal years 1994 and 1995, which was passed today by the House. In addition, the House passed H.R. 2491, the VA–HUD–IA Appropriations Act for fiscal year 1994, which appropriates money for the redesigned space station and, consistent with the redesign cost cuts, reduces the funding available for personnel.

To meet fiscal year 1994 funding, NASA is required to reduce space station personnel by 1,100 to 1,300 civil service employees. This reduction necessitates a well-planned and managed program to facilitate voluntary retirement.

The NASA Management Reorganization Act of 1993 provides authority to NASA to offer monetary incentives for voluntary retirement. It is intended that this buy out legislation, coupled with existing authority to establish an early out program, will facilitate voluntary retirement of civil service employees to meet the required personnel reduction. This act is consistent with the buy out authority provided to the Department of Defense and the Central Intelligence Agency.

The Committee on Science, Space, and Technology strongly supports a managed, voluntary retirement program at NASA. If, at the end of fiscal year 1994, not enough civil service employees have retired or resigned, NASA will be faced with implementing furloughs and, ultimately, a reduction in force. Under current laws and procedures, a reduction in force disproportionately subjects the most recently hired employees to layoffs. These include NASA's young researchers, recent graduates, and women and minorities.

We are working with the Committee on Post Office and Civil Service to address any outstanding concerns and hope to expedite this legislation. By providing monetary incentives now for voluntary retirement of civil service employees, NASA will meet fiscal year 1994 funding requirements and avoid a more costly and disruptive reduction in force.

NATIONAL EDUCATION GOAL FOR PARENTAL PARTICIPATION ACT

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. McCURDY. Mr. Speaker, I rise to urge my colleagues' support of H.R. 2712, the national Education Goal for Parental Participation Act of 1993. This legislation directs the National Education Goals Panel to establish among its goals for the year 2000, that every school and home will engage in partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

Four years ago, President Bush and the Nation's Governors, including then Govs. Bill Clinton and Richard Riley, created six goals for the year 2000 to improve the state of education for our children and to encourage lifelong learning in our adults. This year, President Clinton proposed these goals to Congress in the form of the Goals 2000: Educate America Act. I commend the President and Secretary Riley for their leadership on this very important issue, and I strongly support the Goals 2000 legislation. But, I also believe that the legislation is incomplete without the inclusion of a directive for increased parental participation in education.

Mr. Speaker, America is a big country with a lot of problems and there exists in our society a collective anxiety about the seeming inability of the individual to have an impact. If we as Members of Congress are to be successful stewards of this democracy, we must work to create opportunities for individuals to choose to be involved in their communities and governments and to feel they are making a difference. Support of this legislation is one small way to empower parents to be involved in the improvement of education in their communities and the Nation.

Ms. Pat Henry, immediate past president of the National Parent-Teacher Association and a constituent from Lawton, OK, has worked tirelessly during her administration to raise awareness nationwide of the need for greater parental and family participation in education. She has said of this legislation, "If indeed the education goals are going to be accomplished by the year 2000, then parents must be involved in full partnership with our schools. This piece of legislation does not add any extra costs to the taxpayers' bills for schools, yet it reaps untold benefits for all children." This legislation is also supported by such groups as the NAACP, the National Council of Jewish Women, the American Association of School Administrators, Parents for Public Schools, and the National Coalition of Title I/Chapter I Parents.

Parents are very often, and ideally should always be, a child's first teacher. It has been demonstrated time and again that children whose parents take an active role in their education achieve more and perform better. In our efforts to improve education in America, we must take steps to improve the communication and cooperation between parents and schools. The addition of a National Education Goal for parental participation will emphasize our commitment to strengthening the relationship between parents and educators and our belief in the community's responsibility for educating our children. I would urge my colleagues to support this effort.

THE WOMEN'S HEALTH IMPROVEMENT ACT GIVES WOMEN VETERANS WHAT THEY NEED

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mrs. SCHROEDER. Mr. Speaker, last month the inspector general of the Department of Veterans Affairs released a report on women's health care services at the VA. The report vividly illustrates how the VA provides health services for women veterans on a haphazard and random basis. For instance, women's health care clinics, staffed by overworked personnel with limited medical supplies, are often inaccessible, and trained women veteran coordinators are hard to come by. All in all, according to the VA IG, the women's health care system at the VA is in shambles.

This outrageous situation is not new. In 1982, the GAO discovered that women veterans were not receiving routine gynecological care. In 1991, the GAO revealed that things were not any better. Routine gynecological services were still not provided, privacy provisions for women veterans in VA hospitals were nonexistent, and mammography machines were often of dubious quality.

Today, Representative MARILYN LLOYD and I, with the support of 25 of our colleagues, are introducing the Women Veterans Health Improvements Act. This bill will address many of these issues by creating a primary and preventive health care package for women veterans, expanding the research agenda on women's health at the VA, and bringing VA mammography facilities under strict quality control standards.

The Women Veterans Health Improvement Act will help the VA provide our 1.2 million women veterans with the care and respect they deserve.

SALUTE TO THE LIONS CLUBS INTERNATIONAL FOUNDATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. WOLF. Mr. Speaker, blindness is a terrible affliction that affects over 40 million people worldwide and may climb to over 80 million early in the next century. Can you imagine never seeing a deep blue sky, white snow-capped mountains, a bright red sail, or your children? The Lions Clubs International Foundation again has made a significant contribution to helping those afflicted by loss of sight through the Campaign SightFirst. Internationally, the Lions Clubs Campaign SightFirst has raised over $32 million. Thirty-seven lead gifts contributed over $2.9 million, over $950,000 of which came from the United States. The Lions Clubs International Foundation and all its members deserve commendation.

Mr. Speaker, I commend to the attention of my colleagues the following resolution passed by the Lions Clubs International Foundation's Board of Trustees.

A RESOLUTION OF THE BOARD OF TRUSTEES OF LIONS CLUBS INTERNATIONAL FOUNDATION REGARDING LIONS ONGOING COMMITMENT TO SIGHT PRESERVATION AND WORK WITH THE BLIND

Whereas sight preservation and work with the blind has characterized the humanitarian tradition of the association since the earliest days of Lionism;

Whereas Lions, drawing inspiration from the stirring words of Helen Keller, continue in their commitment to be "knights of the blind in the crusade against darkness;"

Whereas the world's leading ophthalmological and public health experts estimate that the number of blind people in the world exceeds 40 million and further estimate that the number could reach 80 million early in the 21st century;

Whereas 80 percent of all who are blind have lost their sight to causes that could have been prevented or may still be reversed;

Whereas Lions' established international structure and the experience gained through many years of service make the association uniquely qualified to address the challenge of blindness on a global scale;

Whereas the association is committed to funding, through Campaign SightFirst, special Lions' projects around the globe that will dramatically reduce the number of blind people in the world;

Be it therefore resolved, That this board calls upon all Lions and friends of Lionism to unite in a single worldwide humanitarian effort—to eradicate preventable and reversible blindness—through Campaign SightFirst.

Be it further resolved, That the year beginning on July 1, 1993 and ending June 30, 1994 be declared The Year of Campaign SightFirst, and that Campaign SightFirst should be given the highest priority in the fundraising activities of all Lions clubs and that the attention of the entire association be focused upon this historic effort.

SUPPORT SMALL BUSINESS INCENTIVES IN RECONCILIATION BILL

HON. DAN HAMBURG

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. HAMBURG. Mr. Speaker, I rise today in strong support of the small business incentives in the House reconciliation bill.

Mr. Speaker, the House bill has strong incentives to encourage small businesses to create jobs and economic growth by investing money back into their businesses. The bill more than doubles the deduction allowed to small businesses for investment in new equipment. Many of the 11 million small businesses now taking a deduction will benefit from this provision, according to the Small Business Legislative Council.

The bill also includes a targeted small business capital gains tax cut to encourage new investment in small businesses. These two provisions will create 200,000 jobs in small businesses.

Mr. Speaker, small businesses are the lifeblood of our economy. They are the engine that can create jobs and make our economy strong again. Incentives to help small businesses are long overdue. They are in this bill. I urge the conferees to adopt the House bill's strong investment incentives for small business and honor our commitment to help small businesses in this legislation.

ISRAEL'S REACTION

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. LAZIO. Mr. Speaker, on Sunday, Israel initiated air, sea, and artillery attacks against bases of the pro-Iranian guerrilla group Hezbollah in southern Lebanon, and villages in which this group operates. Israel has stated that these attacks were launched in retaliation for recent guerrilla offensives which have led to the deaths of seven Israeli soldiers and in the hope that the Lebanese Government and its backer, Syria, will at last disarm or rein in Hezbollah.

This issue is of grave importance for the United States, as evidenced by Secretary of State Christopher's premature return from Asia to discuss the situation with the President and other top officials.

Hezbollah, or Party of God, seeks to derail the Middle East peace process and is dedicated to the elimination of Israel as an Independent State. Hezbollah has long been guilty of attacking northern Israeli towns and Israeli forces in the security zone.

Israel showed remarkable restraint in the face of increasingly violent Hezbollah action in recent months. Israel resorted to military action only after all efforts to find a diplomatic solution failed. Its decision to retaliate was made in the best interest of its security.

IN TRIBUTE TO TERRY POCIUS

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. FAWELL. Mr. Speaker, I rise today to pay tribute to a long-time member of my staff, Terry Pocius, who is leaving my staff after 8 years. I have never made a statement in the RECORD on behalf of a staff member, but in Terry's case, I must make an exception. Terry is one of the finest and most dedicated people I've ever worked with. But what truly distinguishes Terry is her unequaled energy and enthusiasm that has lifted the spirits of everyone who has worked in my office.

Terry was one of Naperville's finest teachers when she left to join my Washington staff in

1985. In Washington, she served as my "constituent relations director"—in this role Terry made a Washington trip an exciting, interesting, and fun experience for hundreds of constituents visiting Washington from my district. She also was instrumental in organizing my then-freshman office. As we all know, that first term in office can be a difficult time, but Terry did a magnificent job getting things in order.

When I needed her help back in my district office a year later, Terry eagerly filled the role as my assistant district director. For the past 7 years, Terry was a "jack of all trades." She did my scheduling in the district—a particularly thankless task. She worked with advisory committees in the district. Terry was always willing to make personal sacrifices for her job. When we needed her on the campaign, she went off the official staff and worked tremendously hard pulling together the campaign effort. I don't know what I would have done without her.

I particularly remember those cold January days when Terry would pick me up at Midway Airport—no matter how late my plane was, or how cold it was. There Terry would be, always happy to see me, with a big smile on her face greeting me. For years I was amazed how happy the Chicago policemen were to see Terry pull up at the airport—then one day I saw her bringing them "treats" before I arrived, cookies and the like, to brighten up their day. That warmth and caring for those policemen epitomizes Terry's spirit that all of us around her have come to enjoy.

Terry is going back to teaching, this time in the Hinsdale school system. While I'm losing one of the best from my office, the public schools are gaining one of the best teachers ever. I wish Terry, and her husband Dan—who also has been such a great asset and friend to the Fawell "family"—the best in the future. But, this isn't the end of our association—Terry will be part of our family forever.

STOP PRICE GOUGING, SUPPORT H.R. 1087

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. RIDGE. Mr. Speaker, I rise today in support of Congressman RICHARD BAKER's "Disaster Area Price Gouging Prevention Act," H.R. 1087. This bill will prevent the exploitive practice of price gouging in the wake of a natural disaster.

I have decided to cosponsor this legislation, Mr. Speaker, because I have a keen interest in disaster relief. In 1985, a series of devastating tornadoes swept through my western Pennsylvania district destroying farms, families and lives. Though I did see some overzealous opportunists take advantage of tornado victims, overall I am proud to say I witnessed communities pulling together in a spirit of kind goodwill. However, this has not been the case in other recent disasters.

Price gouging ran rampant, for instance, after Hurricane Andrew swept through the South last year. Now, as you know, several Midwestern States are struggling as they try to cope with tragic flooding. Unfortunately, these Americans are also faced with paying exorbitant prices for basic necessities.

Natural disasters, like the Midwest flooding of the Mississippi River or Hurricane Andrew, come upon people suddenly and unexpectedly, often destroying entire livelihoods. Allowing businesses to jack-up prices on basic necessities is not only unethical behavior, but takes advantage of those disaster victims who are desperately in need of goods, services and the kindness of neighbors and communities.

Price gouging does not lend itself to the strength, courage and community spirit imperative in disaster and emergency situations. Congressman BAKER's legislation would provide the disincentive needed to put an end to these unethical practices.

This bill punishes those who exploit disaster victims by fining them or sentencing them up to 5 years in prison. However, this is not an "anti-business" bill. It allows breathing room for businesses who are trying to recover from the disaster themselves. Most importantly, it protects those affected by natural disasters before one occurs by ensuring them goods and services they can afford.

Now is the time to continue making unfortunate acts of nature less painful for those who are victims of disaster by making price gouging more than a petty crime. Join me today in supporting Congressman RICHARD BAKER's bill, the "Disaster Area Price Gouging Prevention Act of 1993," H.R. 1087.

CONGRESSMAN WILLIAM D. FORD HONORS DR. WILLIAM SIMMONS ON HIS RETIREMENT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. FORD of Michigan. Mr. Speaker, it is my distinct pleasure to rise today in recognition of my very good friend, Dr. William Simmons, who is retiring after 20 years as superintendent of Michigan's Wayne County Regional Educational Service Agency.

Dr. Simmons and I first met over 30 years ago, before I was even a part of this distinguished body, and our relationship has continued to grow and prosper since then. Our professional collaboration began when I was serving in the Michigan State Senate and he was the Deputy Superintendent for Detroit Public Schools. It was renewed when we worked together on the first Elementary and Secondary Education Act back in 1965, specifically the impacted aid area. His counsel, cooperation, and expertise have been invaluable to me ever since.

For the last 30 years, Dr. Simmons has served as one of the most respected leaders in education on both the State and national level. His incredible grasp of the basic issues and his ability to work quickly and effectively in solving the most complex problems never fail to amaze me. He was one of the founders of the Michigan Association of Intermediate School Administrators and currently chairs its federal legislative committee. He has served on the blue ribbon task force on intermediate school districts and the ad hoc task force on special education. His achievements and awards are overwhelming in their significance and number.

William Simmons began his career in education in 1945 as a journalism teacher in Belleville, MI, after earning a bachelor of arts degree from Eastern Michigan University. He received a master of arts degree in school administration from the University of Michigan in 1948, and a doctor of education degree from Wayne State University in 1960. In addition to serving in an assortment of administrative capacities in Michigan school districts throughout his career, he was a member of the Eastern Michigan University board of regents from 1982–90.

Dr. William Simmons has served as an inspirational leader and educator for many years. There is no form of recognition that can adequately praise his accomplishments. Although his retirement will constitute a great loss to the Wayne County Regional Educational Service Agency, I am confident that Dr. Simmons will continue to be at the forefront of education reform and serve as an active force in determining the future of education.

ASYLUM REFORM

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Ms. VELÁZQUEZ. Mr. Speaker, I rise before you today to discuss a topic that has received a great deal of media coverage lately. I am referring to the issue of immigration, and more specifically, to that of asylum reform.

The American people have realized that the current system is highly inadequate and their call for change has echoed loudly throughout Capital Hill and the country. Much of this demand for reform, however, may be based on misinformation about the problems with the current system.

Mr. Speaker, I'd like to submit an editorial from last week's New York Times for the RECORD. Not only does it do an excellent job of pointing out the fundamental problems of the American asylum system, but it provides sensible recommendations for just and equitable reform of the United States asylum system. It is our responsibility, as asylum reform is instituted, to make sure that rights as basic as that of due process are not compromised. Only then will we uphold the basic principles that have made our Nation so great.

[From the New York Times, July 23, 1993]

THE REFUGEE PANIC ACT OF 1993

America, true to its tradition of sheltering the oppressed, guarantees due process to all who claim asylum here. Recently, however, America has devalued that guarantee. Public anxieties about job competition and terrorists as well as plain racism have so frightened Washington that it's been intercepting shiploads of Haitians and Chinese on the high seas before they can get a fair hearing on their claims of persecution.

Now the Clinton Administration, in cooperation with senators from both parties, is about to unveil a politically driven, poorly targeted package of legal changes, tentatively called the Expedited Exclusion and Asylum Reform Act of 1993.

Some asylum-seekers are phony. And granting everyone due process is time-consuming. But where's the crisis? Surely not in this year's expected total of 120,000 asylum claimants, 90 percent of whom are likely to be ruled ineligible and deported.

The real crisis in U.S. asylum policy is one of poor management and scandalously inadequate resources. A shortage of asylum officers keeps the system in chronic backlog. At present, there are only 150 asylum officers in the whole U.S. By contrast, Germany has 3,000; even Sweden has 800. That shortage leaves legitimate refugees in protracted limbo and extends the period during which excludable aliens can slip unnoticed into society.

Unfortunately, the Administration's proposals focus neither on resources nor even on the largest category of asylum claimants, those already within the United States when they initiate their asylum claims. Instead, they concentrate on speeding and simplifying procedures at airports and other points of entry, adding new grounds for exclusion and restricting court review of deportation decisions.

These changes would make it easier to deport future shiploads of smuggled Chinese without having to hustle them off on Mexico, as the Clinton Administration did this month. But they would do so at the risk of repatriating people who could face persecution upon their return.

Asylum is a very different thing from immigration. Over the years, U.S. and international law have carefully and strictly defined categories of people who need protection from abusive governments or violently hostile neighbors. America, the land of liberty, has played a proud role in shaping international asylum law and has opened its arms over the years to East Europeans, Cubans, Indochinese and, more grudgingly, Central Americans.

But the record of the past two Administrations has been anything but proud. President Clinton, who once correctly characterized the Bush Administration policy of forcibly repatriating Haitians as cruel, has now outdone his predecessor in returning boat people to the countries they are trying to flee.

There's surely room for constructive streamlining of procedures—principally by hiring and training additional asylum officers and judges and providing more adequate detention facilities. Some tightening is also needed in defining persecution under China's strict population control policies. And tougher penalties need to be imposed on smugglers and others willfully abusing the asylum system.

But there's no justification for compromising due process in the hearing of claims. As Congress deliberates the Administration's proposals, it needs to douse the panic, provide the resources, and focus on reform rather than exclusion.

GRIDLOCK OR PORK

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. SOLOMON. Mr. Speaker, in response to the ineptitude of this House, yesterday's Wall Street Journal carried an editorial entitled "why gridlock." President Clinton blames the delay and gridlock on the Republicans, all 176 of them, who can't pass or block anything by themselves even if they all voted together. In contrast, the Wall Street Journal correctly blames gridlock in Congress on boondoggle legislation.

The British statesman Edmund Burke once said "Bad laws are the worst form of tyranny." The flood relief bill that was passed by this House established a bad law. Those $100-a-week handouts to youths aged 17 to 30 is not deficit-wise legislation, it's pork-barrel spending, the same old song from the same old crowd. Regardless of its merits, it didn't belong in the disaster assistance bill.

I, and every other Member of this body, would be extremely negligent in our duties as representatives of 585,000 constituents if we didn't oppose poor laws. The disaster assistance bill was not stopped by Republican opposition alone but also by a sizeable number of Democrats. Why? Because it was tainted by the smell of pork. It's a very sad day when this House can't pass disaster assistance without trying to find a kickback.

Mr. Speaker, if every emergency becomes an excuse fòr deficit-swelling pork, maybe a little gridlock isn't all a bad thing. I commend the following article to the attention of my colleagues.

WHY GRIDLOCK

In attacking Congress for "delay and gridlock" this week, President Clinton complained that it hasn't even passed a Midwest flood relief bill. "Why?" he asked. "Got me."

Well, there's an answer. The delay has been over whether flood relief should include $100-a-week handouts to "youths" aged 17 to 30 enrolled in job training programs. Despite all the talk of deficit cutting, the bill that rolled through the House yesterday included this boondoggle intact.

Last week, 45 House Democrats joined with Republicans to block the flood bill. Many Members were upset that House Rules prevented them from offering amendments that would have cut spending elsewhere to pay for flood relief. Democratic Rep. Tim Penny, for example, suggested that dozens of federal programs be trimmed first: "This crisis presents an opportunity to the President and to the Congress." He was ignored. So were Republicans, who finally caved on the "pay as you go" issue and offered to support the bill if only the $100-a-week stipends were removed.

Democratic Whip David Bonior agreed to speak with Rep. Maxine Waters of California, the sponsor of the stipends. But she refused to budge, and to satisfy her, Democratic leaders had to delay the vote until they could twist enough arms to pass the bill stipends and all.

The stipends are to pay for "food, transportation and grooming" costs of people already enrolled in a job training program. We were curious about why the House leadership would prolong "gridlock" on flood relief for such a program; Democratic Members told us it was to appease the Black Caucus. Ever since the defeat of the stimulus package, the Black Caucus has made it clear its vote for President Clinton's overall budget depended on first getting money funneled into inner-city programs. The $5,200-a-year stipends are part of that ante.

Interestingly, $5,200 is about the nationwide average to educate someone in public schools; if it went into school vouchers maybe graduates would have an education good enough not to need job training. In the meantime, if every emergency becomes an excuse for deficit-swelling pork, maybe a little gridlock isn't all a bad thing.

TRIBUTE TO EDWARD J. RENOUARD

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. WELDON. Mr. Speaker, I would like to call your attention to the outstanding public and professional achievements of Boeing Corp.'s Edward J. Renouard. Mr. Renouard, who joined Boeing in 1959, has recently been named vice president and general manager of Boeing commercial airplane group's Everett division.

An engineering graduate of Gonzaga University in Spokane, WA., Mr. Renouard also studied at Columbia Business School. He has applied his excellent education to many positions at Boeing, including director of simulations and training for Boeing military airplanes and president of Boeing aerospace operations. Most recently, he served as vice president and assistant general manager at the helicopters division, which is located in Ridley Park, PA. As you can see, Mr. Renouard is one of many fine Americans whose careers positively impact our level of national defense and preparedness, as well as improving the quality of civilian aviation.

Mr. Renouard is active in community affairs, having served on the board of directors of United Way in Washington and Florida and of Junior Achievement in Florida and Alabama, as well as having been a member of the Seattle School Board. He is also active in his church. In the Philadelphia area, Mr. Renouard is on several boards, including those of the Franklin Institute, the World Affairs Council of Philadelphia and the Greater Philadelphia Chamber of Commerce. In addition he serves as president of the Philadelphia Area Council for Excellence [PACE].

In my capacity as an advocate of the V–22 Osprey, I worked with Mr. Renouard closely, during which time he gained my highest personal regard. As his strong advocacy of the important V–22 Osprey project suggests, Mr. Renouard is affiliated with several military organizations, including the Marine Corps Aviation Association and the Army Aviation Association of America. He is involved in several other professional associations and is president of the American Helicopter Society.

Clearly, Mr. Renouard's long career at Boeing, as well as his long-standing commitment to charitable service, are deserving of recognition by this body. I hope you join me in offering congratulations to Mr. Renouard, as well as his wife Bunny and their six children, for a job well done.

CHARLIE KELSEY: A PUBLIC SERVANT IN THE BEST TRADITION

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a man who is truly a public servant in the best tradition, Mr. Charles Kelsey, the District Director for the Farmers Home Administration in the Caro, MI, district office for over 22-years.

Charlie Kelsey has had the reputation of being a good and capable individual with whom to work. While always representing the Farmers Home Administration in the best possible manner, Charlie has been helpful to countless farmers, rural homeowners, and communities throughout Michigan's 5th Congressional District. He has been responsive to inquiries from my office and from those of my predecessor, Bob Traxler.

Mr. Speaker, being a Farmers Home official has been one of the most challenging posts in the past decade. Dealing with budget cuts, program redirections and demand for assistance frequently far in excess of available resources has been difficult. Charlie Kelsey has handled that arduous task very well, and those who are paying tribute to him on his retirement recognize this fact.

I believe that a key reason for Charlie's success with difficult tasks is his willingness to undertake different challenges. His work as president of the Indianfields Township Library Board, and his term as elder of the Presbyterian Church in Caro shows his many capabilities, while his finding time for hobbies like fishing, golf, and woodworking demonstrate that a busy person like Charlie is always busy.

Mr. Speaker, the people in Port Huron and Hastings who got to know Charlie Kelsey during his early years with Farmers Home had the good fortune of his early service. Those of us in the thumb area of Michigan had the bigger benefit of his longer and more experienced service. After 34 years and 11 months, he will be missed. I urge all of my colleagues in wishing Charlie and his family the very best for his well-earned and well-deserved retirement.

AMERICA TAKES THE LEAD IN ENERGY-EFFICIENT REFRIGERATORS

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. SWETT. Mr. Speaker, America has taken the lead in yet another field—energy-efficient refrigerators. In 1991, with the Environmental Protection Agency's [EPA] encouragement, 24 utilities offered $30 million to the company that could create the best, most energy-efficient refrigerator at the lowest cost. This Golden Carrot initiative was seen as the most effective way to accelerate development of an environmentally friendly, energy-efficient refrigerator. EPA recently announced that the Whirlpool Corp. had won the competition, beating out 13 U.S. refrigerator manufacturers.

Refrigerators currently consume up to 20 percent of the electricity used by American households, and they contribute significantly to emissions of greenhouse gasses and other air pollutants. Virtually all refrigerators on the market today contain chemicals that cause ozone depletion.

The new Whirlpool refrigerator consumes 25 percent less energy than currently available models, and it contains no CFCs. In addition to these important environmental and energy attributes, Whirlpool's winning design can save consumers $100 to $150 per year on their electric bills.

The Golden Carrot refrigerator program is an excellent example of a voluntary partnership between the Government and the private sector which can help protect the environment and spur our Nation's technological advancement.

The EPA is currently working with the private sector on similar programs for even more energy-efficient freezers and air conditioners. The EPA is also continuing research to make these efficient models more widely available.

Mr. Speaker, I hope my colleagues will join me in supporting these innovative programs which are helping to keep the United States in the lead in energy-efficient technology.

PRIMARY CARE WORKFORCE ACT OF 1993 INTRODUCED

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. CARDIN. Mr. Speaker, today I am pleased to join with Senator JAY ROCKEFELLER and Representative HENRY WAXMAN in introducing the Primary Care Workforce Act of 1993.

The shortage of generalist primary care physicians is one of the roadblocks to reform of our health care system. These physicians are the family doctors, general internists, and pediatricians who care for the day-to-day health problems that most often affect our citizens. No health reform efforts can be considered effective unless it addresses the imbalance of specialists and generalists. While many experts agree that the specialist to generalist ratio should be 50–50, in the United States the ratio is more like 70–30 and moving in the wrong direction.

This shortage of primary care physicians harms our medical delivery system in several ways: Access to care is difficult in many areas, especially inner cities and rural areas; quality of care is lower because patients need generalist physicians to provide continuity and to deal with multiple health problems; the cost of care is driven up because specialists typically charge higher fees and order more tests and procedures for the same conditions.

Our legislation proposes a strong and comprehensive approach toward increasing the proportion of physicians going into generalist residency programs and into practice. The legislation proposes a new National Health Professional Workforce Advisory Board to replace the Council on Graduate Medicare Education. The advisory board, in consultation with the appropriate accrediting bodies, would propose to the Secretary of Health and Human Services the numbers of residents that should go into the various specialties to meet national health needs. The Secretary would then allocate these residency slots to graduate medical education programs based on the quality of the programs, geographic diversity, the needs of underserved communities, and other appropriate criteria. Only graduate medical education programs that comply with these allocations would be eligible for Medicare direct and indirect medical education payments.

In addition, the Primary Care Workforce Act would significantly increase scholarship and loan repayment available through the National Health Service Corps; extend and expand community scholarship programs; increase funding for research in primary medical care; and support programs for retraining specialist physicians in primary care.

These reforms are consistent with all of the major reform proposals that will be considered by Congress. I encourage my colleagues to cosponsor this important legislation.

LIFTING EMBARGO WOULD HELP CASTRO, HURT CUBANS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. DEUTSCH. Mr. Speaker, I would like to bring your attention to a piece that appeared on July 21, 1993, in the Miami Herald. This article clearly defines the current situation in Cuba and responds to those who believe that it is time to lift the embargo on the Castro regime.

The article follows:

[From the Miami (FL) Herald, July 21, 1993]

LIFTING EMBARGO WOULD HELP CASTRO, HURT CUBANS

(By Domingo Moreira)

As Fidel Castro continues to force greater suffering and deprivation on the Cuban people, certain sectors in the United States are seeking to shift the blame to U.S. policy. They claim, among other things, that the embargo is "inhumane"; that it provokes "confrontation," giving Castro an excuse to repress the Cuban people; and besides, that embargoes do not work because they have been ineffective in bringing about change. They claim that easing the embargo would be the catalyst for the Castro dictatorship's demise.

Before discussing these arguments, let us recognize that Castro's main objective in lifting the embargo is not to gain access to American goods and services. He can trade right now with any other country in the world and acquire these goods if he pays for them. Rather, lifting the embargo would mean that Castro can realize two goals: (1) to gain access to U.S. credits; and (2) to acquire hard currency by enticing dollar-toting American citizens to visit Cuba's segregated tourist ("tourism apartheid") zones.

The Cuban people's suffering is caused by an inefficient system, not the embargo. It is Castro who, by refusing to allow any reforms, denies Cubans the opportunities to improve their lives.

For example, he abolished the Farmer's Free Markets because some individuals became very effective in producing goods independent of the state—that is, independent of Castro. Never mind that the farmers provided urgently needed goods.

Furthermore, the Cuban Democracy Act allows for humanitarian (food, medicine) assistance to the Cuban people. If Castro allowed internationally recognized, independent relief organizations to distribute goods, even more assistance would reach Cuba. So far, he has refused. Castro would rather see his own people go hungry than permit initiatives that would alter his regime's totalitarian climate.

On the charge that Castro uses U.S. policy to justify his siege mentality, quite simply, Castro does not need a reason to crack down on the Cuban people. In fact, he draws his strength not from foreign specters but from a security apparatus that KGB officials have said supersedes anything that Russia has ever known. Therefore, if U.S. policy serves to solidify his power, why is Castro always calling for an end to the embargo?

If embargoes do not work, how then do we explain South Africa's gradual dismantling of its apartheid system? How do we explain Haiti's dictator Raoul Cedras agreeing to return President Jean-Bertrand Aristide to power? And how do we justify Vietnam's "all-of-a-sudden" effort to account for missing U.S. military personnel?

Let's remember that the Cuban embargo is, in practical terms, only two years old. Until the fall of the Soviet Union, Russian subsidies to Cuba more than compensated for Castro's inefficiencies and shortcomings.

Will lifting trade sanctions and extending credits help topple Castro? This hypothesis has been tested before by the Europeans, who are stuck with more than $8 billion in uncollectable credits. (Because of the embargo, no private or public U.S. institutions face the same predicament.) What did the Europeans get for their money? Increased repression in Cuba, export of Castro's revolution abroad, and a government engaged in a wide range of illicit activities. Some payoff!

Castro recognizes that trade and diplomatic benefits from relations with the United States would provide critically needed resources and a symbolic victory for his beleaguered regime, bolstering it for a few more years. In fact, opposition groups in Cuba have declared that it is Castro who gains and the Cuban people who suffer when countries trade with Cuba. They have called for increased efforts to isolate Castro internationally.

The end of the Castro regime is only a question of when, not if. In the near future we may witness some attempts by Castro to persuade the world that he is changing. These will be only superficial, designed to keep his tight grip on the island. Only a real transition to democracy, including internationally supervised free and open elections and restoration of human, political, and religious freedoms, should justify lifting the embargo.

In the words of British philosopher William Inge, Castro has "built himself a throne of bayonets," but now he finds that "he cannot sit on it." To provide him with a cushion now would only deny the Cuban people their right to freedom.

THE PRIMARY CARE WORKFORCE ACT OF 1993

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1993

Mr. WAXMAN. Mr. Speaker, on behalf of Mr. Cardin and myself, I am pleased to announce the introduction of the Primary Care Workforce Act of 1993.

Mr. Speaker, as we consider the many challenges of reforming our health care financing and delivery system, few problems are as important and urgent as meeting the primary care needs of the American people. Amidst the many vexing problems of health reform, our Nation's inability to stem the tide of specialization has left the U.S. far behind other developed nations in meeting the basic primary and preventive care needs of our people.

If health reform is to succeed, we must develop a coherent workforce policy. Health reform will be a hollow promise if we do not assure that health professionals are in place to deliver needed primary and preventive services.

During the 1960's and 1970's efforts to increase enrollments in medical schools succeeded but left a substantial over-supply of specialists. Today there are thousands of medically underserved communities without access to basic primary care services. If we are to assure the availability of primary care providers in these areas as well as reduce our health care system's expensive reliance upon high priced specialty care, fundamental reforms in graduate medical education must be put into place.

This legislation draws upon the recommendations from the administration, the Physician Payment Review Commission, and the Council on Graduate Medical Education.

The bill establishes a national policy respecting the number and type of graduate medical education programs that will be eligible for Federal support. While the bill specifically revises Medicare payment policies for graduate medical education, I want to make it clear that—in the context of health reform legislation—all payers must share in the cost of educating health professionals.

The bill requires a 50–50 mix in the number of primary care and specialty training programs. After a transition period, the bill limits the total number of accredited residency positions that can receive Medicare funding.

The Secretary of Health and Human Services is directed to develop an implementation plan with the assistance of a National Health Professional Work Force Advisory Board, and the appropriate medical accrediting and certifying organizations.

The bill includes criteria for evaluating existing programs taking account of the need to maintain services to underserved communities, to insure equitable geographic distribution of training programs, and to assure that high quality programs are continued.

The bill also proposes a number of changes to the National Health Service Corps and to the authorities supporting research and research training in primary care. The bill would: First, provide a strategy for fully funding the Corps by the year 2000; second, increase funding for the Agency for Health Care Policy and Research to conduct primary care research and expand the number of young investigators through the National Research Service Award program; and third, establish a new Presidential Commission to provide recommendations on national service by students of the health professions.

As difficult and contentious as health reform will certainly be, if we fail to act on GME reform we will continue on a course that is certain to result in the collapse of our insurance system, unacceptable financial burdens, and a dramatic decline in the quality of our lives. If we fail to act we will continue to see barriers to primary care, an increase in medically underserved areas, and critical shortages of primary care practitioners.

Mr. Speaker, I am pleased to announce that identical legislation is being introduced today in the other body by Senator JAY ROCKEFELLER.

This legislation provides a model for the President's health reform initiative.

A summary of this legislation follows:

SUMMARY OF THE PRIMARY CARE WORKFORCE ACT OF 1993

1. Establishment and Enforcement of National Policy for Accredited Graduate Medical Education Programs

a. The Secretary of Health and Human Services shall establish a national policy respecting the number of positions in accredited graduate medical education training programs.

b. Specific Distribution Rules

1. Limit total number of entry positions to not greater than 110 percent of U.S. medical school graduates for those beginning their initial residency training on or after June 1, 1998.

2. Distribution of primary care and nonprimary care positions to be 50:50 after a three year transition period.

3. Secretary may waive distribution rules when deemed appropriate.

c. Secretary to publish interim final regulation carrying out the national policy not later than 60 days after receiving recommendations from the Presidentially appointed National Health Care Professional Workforce Advisory Board

d. Assuming Conformity of Medicare Payments for Medical Education with National Policy

1. Medicare to provide direct graduate medical education support for a program's positions only if the program is in compliance with the national policy established by the Secretary.

2. Indirect medical education support also will be available only if the programs are in compliance with national policy; for the first five years that this is in effect the hospital's additional payment amount will be reduced to no less than 90 percent of the prior fiscal year's amount; for disproportionate share hospitals the payment amount will be reduced to no less than 95 percent of the prior year's amount.

c. Primary care resident is defined per the Public Health Service Act (currently general internal medicine, general pediatrics, and family practice).

2. National Health Professional Workforce Advisory Board

a. Establishment; Composition

To include Secretary of HHS, Secretary of Veterans Affairs, and seven other members appointed by the President, including a dean of a medical school, a health care professional who is not a physician, a residency program director, a C.E.O. of a hospital operating a residency training program, a representative of an academic health center, and one member of the public.

b. Duties

1. In General

a. to prepare initial recommendations regarding the national policy, submitted to the Secretary of HHS not later than 1 year after the enactment of this Act;

b. study the appropriateness of using Medicare dollars to train other primary care providers;

c. make recommendations regarding the need to increase the numbers of other health care professionals;

d. submit annual reports to the Secretary and the Congress on the implementation of the policy;

e. provide the Secretary technical and other assistance as requested.

2. Criteria for Recommendations

a. the need to consider the quality of different training programs

b. the need to maintain programs with demonstrated success in recruiting, retaining, and promoting minority practitioners;

c. the need to assure that the distribution of positions in such programs is not inequitable in relation to geographic distribution, urban and rural areas, and hospitals that are qualified to offer such programs;

d. the need to assure the provision of primary care and other health care services to medically underserved communities;

e. such other criteria as the Board considers appropriate.

c. Role of Accrediting Bodies and Specialty Organizations

The Board shall request each accrediting body and appropriate specialty organizations to submit a plan that provides for the achievement of the national policy and maintain close consultation with these bodies throughout the process of preparing its recommendations.

d. The Board shall terminate six years after the passage of this act.

e. The Council on Graduate Medical Education is repealed.

3. Revisions to Medicare Methodology for Determining Direct Medical Education Payments for Medical Education to Off-Site Settings

a. Payments for Direct Medical Education Costs of Non-Hospital Providers Operating Residency Training Programs (establishes criteria for determining amount of payment based on a average per-resident amount times the Medicare patient load, with primary care positions receiving a greater amount, primary care defined as family practice, general internal medicine, and general pediatrics)

b. Payment for Hospital Costs of Indirect Medical Education Provided Off-Site (clarifies that hospitals may continue to include residents in F.T.E. count when residents are off-site if the hospital incurs all, or substantially all, of the costs of the resident)

c. Effective Date October 1, 1994.

4. Public Health Service Act

a. Increased funding authorized for the National Health Service Corps to $1,089,000,000 by the year 2000.

b. Jointly funded community scholarship program designed to provide specific incentives for home town recruitment and retention of physicians and nurses funded at $5 million per year for the years 1994 to 2000.

c. Training grants for primary care investigators through the Health Resources and Services Administration

d. Enhanced support for the Agency for Health Care Policy and Research

1. Increase research grants in primary care

2. Establish programs for retraining practicing specialist physicians for primary care

e. The President will establish a Commission on Obligated Service to study and make recommendations on requiring a period of national service for all students attending health professions schools.

HOUSE OF REPRESENTATIVES—*Friday, July 30, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, for peace in our world, so that the weapons of war will be put aside and people will experience the blessings of security. We also pray for peace in individual hearts and souls so there will be respect and compassion between people of differing backgrounds and attitudes. O gracious God, You have created us to live together in peace and harmony, may we so lift our thoughts and raise our sights to see the wholeness of body, mind, and spirit that marks lives that are committed to the way of serenity and peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kentucky [Mr. BARLOW] come forward and lead the House in the Pledge of Allegiance.

Mr. BARLOW led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which is stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 616. An act to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 422. An act to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the government securities market, in order to protect investors and facilitate government borrowing at the lowest possible cost to taxpayers, and to prevent false and misleading statements in connection with offerings of government securities.

S. 1311. An act for the relief of Olga D. Zhondetskaya.

S. Con. Res. 33. Concurrent resolution to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31st.

JAPAN LOW-BALLING US AGAIN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, our new Trade Representative, Mickey Kantor, told Japan that we are not going to tolerate illegal trade any longer. Thank God.

So what happens? The State Department awards a contract to remodel our Ambassador's residence in Japan for $7½ million. Two American companies bid $10 million. They said there is no way they could have bid $7½ million.

They are low-balling us to keep us out.

This brings me to several points. No. 1, we are really going to crack down on trade, right?

The State Department laughs in the face of our Trade Representative.

Second of all, if it costs $7½ million to remodel the personal residence of our Ambassador in Japan, what is he living in, a Taj Mahal?

Congress should tell these Ambassadors that we are going to leave the lights on at Motel Six.

We have got a deficit. I think it is time to tell Japan that we are going to cut down on illegal trade before we do not have a job left in this country.

NOW IT'S JUST STUPID

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, Bill Clinton won election with the phrase: "It's the economy, stupid." Well, now after seeing his budget plan, America discovers President Clinton decided to keep the "stupid," but drop the "economy."

We listened to Bill Clinton run for President for months on the great ideas he had for America's economy. Once in office, we find he had only two after all: to raise taxes and to increase spending. During the campaign Bill Clinton said he would focus on the economy "like a laser beam." Instead as President, we get the focus of a firefly.

Everyone in this country knows raising taxes and increasing spending will not solve anything, but will only put more bureaucrats to work collecting and spending. I presume that even many people on the other side of the aisle know this too. But they are being asked to put party over economy to try and resuscitate the recession that we brought on by raising taxes the last time.

I would only caution President Clinton to start thinking what plan he is going to produce 2 years from now, when this one does not work any better than the last one.

TIME TO MOVE AHEAD ON THE BUDGET

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLOW. Mr. Speaker, my people sent me to Washington to balance the budget. I am proud that we are moving in a steady march on this vital goal. We have a $500 billion deficit reduction package. The 1993 deficit is down to $285 billion this year from the earlier anticipated $322 billion. On the House floor, we have carved full savings to term of $28 billion in the 11 appropriation bills that have now been passed.

Thankfully, I cut back my spending when my banker lowers my interest rate from 9 to 6 percent, because I strengthened my balance sheet.

The minority party would have us cut, then tax. What are we to do—bring home the aircraft carriers, chop them up for scrap in a cutting phase, then rebuild them from keel up in a minority party tax-raising regime?

We have an administration that will lead us to balance in strength, not destroy us to balance our budget. Let us move ahead to build America, to help our people.

THE GREAT DEBATE HAS BEEN TRIVIALIZED

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, the purpose of this House and of the Congress is to carry on the great debates. It is to talk about where we are going in this country and the direction that we take.

I have been very disappointed in recent months that this great debate has been trivialized. The great debate has been sectionalized to where Members of the Senate are now saying the Republicans are attack dogs because they dare to question what is being done in the budget.

I think these are the great debates that all of us in the country ought to be involved in. The questions are broad.

The question is, Do you want more Government or less? The question is, Do you want to pay more taxes or leave more money in the pockets of families in this country? Do you want more mandates from the Federal Government, more intrusion of your life, or do we want more individual initiative and individual responsibility? That is the great debate.

If you want more Government, there is going to be more taxes. If you pay more taxes, you are going to have more Government. If we want to move the other way, and that is the choice, then this budget deal does not work.

THE BURDEN OF UNFUNDED MANDATES ON THE STATES

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, as we anguish over the Omnibus Budget Reconciliation Act, we might lose sight of the fact that what really matters to most Americans is the quality of their neighborhoods, the quality of their schools, the dependability of their police and fire protection, of their public works people; but the States and the cities that provide these most needed services are struggling, struggling with overwhelming demands on their resources, and they do not have the option of financing them through deficit spending like we do at the Federal Government level; but we do have the opportunity to provide them some measure of relief, Mr. Speaker, because States and cities now spend more money on complying with unfunded Federal mandates than all the Federal assistance they receive from the Federal Government.

Mr. Speaker, I urge my colleagues to support the Fiscal Accountability and Intergovernmental Reform Act, which requires a full analysis of what those unfunded Federal mandates will mean to States and localities before they are legislated by this body.

THE PRESIDENT AND THE CEO'S

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, this week, President Clinton met with 60 CEO's from across the country. These leaders of corporate America lauded the President's plan as a real benefit to the economy.

Of course, it is easy for these kings of the hill to look down on the rest of America with mock concern. They've already made their money. And they have been bought off by a Clinton administration that will barely punish big business with a slight tax increase.

It is not the corporate giants that I am concerned about, Mr. Speaker. They will weather the Clinton storm. It is the small businesses that concern me.

It is the mom and pop stores that will struggle under the increased inflation caused by the Clinton gas tax. It is new entrepreneurs who will face more challenges placed by the Clinton capital gains tax. And it is the successful small businesses, those that employ the bulk of the new workers in this country, who will be forced to lay off workers because of higher income taxes.

Yes, Mr. Speaker, the President can meet with his corporate buddies, and maybe they will support his economic plan. But that doesn't tell me a thing about the small businesses of this country.

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START OVER NOW OR APOLOGIZE LATER

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, as we begin to get glimpses of what the reconciliation conference will produce, there is a sense of great disappointment among conservative Democrats in this body. As the bill begins to emerge from the conference committee, Mr. Speaker, it looks remarkably like the 1990 package that President Bush signed and later apologized for, the same rate increases on personal income taxes, the same energy tax, the same kind of corporate tax increases, the same kind of program for 5 years that puts taxes first and spending cuts last. That is a disappointment to us.

Worst of all, Mr. Speaker, the plan emerges without any control on entitlements. We are now spending 120 percent of available income. Discretionary spending in this country is only 18 percent. If we do not begin to control the mandatory-entitlement side of this budget, the 82-percent side, I am afraid this President will have to do what George Bush did several years from now: apologize for a plan that could not and did not work.

Mr. Speaker, we are disappointed with the conference committee. Maybe Senator BOREN is right. Maybe we ought to start again from scratch and reach out to all parties in this House.

LET'S START OVER AGAIN

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, today's Washington Post contains a disturbing headline, "Economy's Quarterly Growth Rate Is Surprisingly Anemic."

Mr. Speaker, this growth rate is now down almost a full percentage point annualized below what the Clinton administration has projected. Of course that decline will have dramatic impact on the size of the deficit.

Unfortunately, this is exactly the type of thing one would anticipate when there is so much talk of tax increases. This becomes particularly true when we consider that small business creates the vast bulk of new jobs in this country, over three-quarters, and the President's plan is going to severely penalize our successful small businesses.

Also, Mr. Speaker, Paul Craig Roberts has written in today's Wall Street Journal in an article entitled "Interest Rate Bloopers," that the Clinton administration has actually revised downward its projections for economic growth.

It is not too late, Mr. Speaker, to have real job creation and real tax cuts for families. Let us begin now.

SMALL BUSINESS NEEDS THE ECONOMIC PLAN

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, the Wall Street Journal last week documented the lengths to which opponents of the Democratic economic plan have been willing to go to mislead the American people.

They have willfully distorted the plan's effects on small business, when in fact over 90 percent of our small businesses could end up paying less in taxes because of liberalized deductions for business expenses, the research and development tax credit, and other incentives—to say nothing of lower interest rates and other benefits of deficit reduction.

They have feigned great sympathy for the so-called "sub-S" small businesses as a smokescreen for their sheltering of the very wealthy. But they know that only 4 percent of those companies would see any tax increase, and that those included in this 4 percent make an average of $560,000 per year.

They talk glibly about the Republican alternative, but they never acknowledge that it falls $70 billion short in deficit reduction and eliminates most of the plan's probusiness incentives.

Mr. Speaker, it is time to pass the plan and to get small business and the American economy on the move again.

LET'S START OVER

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, before this bad budget bill is passed, it is time to follow the advice of millions of Americans, from Democrat Senator DAVID BOREN to my colleague a few minutes ago, the gentleman from Louisiana [Mr. TAUZIN], to Ross Perot: "Let's start over."

As the Lynchburg News and Advance, a newspaper in my district, put it so well this week, "It's time to kill the budget bill and start over. The legislation, a centerpiece of President Clinton's administration, has become nothing more than a hodge-podge of politics that will strangle the economy and the taxpayers."

The President broke the one promise that matters most to the American people; he did not cut spending first. In fact, he has more increases than cuts in domestic spending.

Congress should listen to the American people, who are saying with one voice, "cut spending first; don't raise our taxes; and clean up your own house before you demolish ours."

SUPPORT URGED FOR THE EARNED INCOME TAX CREDIT EXPANSION

(Mr. HAMBURG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMBURG. Mr. Speaker, I rise today in strong support of the earned income tax credit expansion in the House reconciliation bill.

Mr. Speaker, the House expanded the earned income tax credit because we felt that no family with a parent who works full time should have to raise their children in poverty. It was a modest, but critical commitment that we made to working families trying to make ends meet. In my own district, over 23,000 children are living in poverty. Those children and their parents need and deserve this support and encouragement.

I remind my House colleagues that our expansion of the earned income tax credit was intended in part to offset the effects of new taxes on working families. Make no mistake: We need the full expansion of the earned income tax credit to avoid taxing working families and childless workers even deeper into poverty.

I urge conferees on the bill to honor our commitment to families struggling to make ends meet. Protect working families with the full expansion of the earned income tax credit.

WE CANNOT AFFORD ILLEGAL IMMIGRANTS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, typical of the Federal Government, a group of foreign terrorists had to blow up a skyscraper, kill innocent victims, and create mayhem to get the Government's attention about the illegal-alien problems we have. We simply cannot afford to be overwhelmed by illegal aliens, terrorists or not, and we cannot afford to provide unlimited services to millions of illegal immigrants who come by land and by sea. We have a process for orderly and lawful immigration. It is not working. Our ability to maintain that order and enforce our laws is jeopardized by a lack of resources and lack of commitment to get serious. A new study projects that, business as usual will cost us $187 billion for illegal immigrant services in the next decade. I ask my colleagues, Wouldn't it make more sense to invest those resources in protecting U.S. citizens and providing them better services?

GIVE TAX BREAKS TO THE WORKING POOR, NOT BILLIONAIRES AND BIG CORPORATIONS

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, throughout the State of Vermont, and our entire Nation, millions of Americans were working 40, 50, 60 hours a week for minimum wage or 5 bucks an hour, and in many cases the harder they work, the deeper they fall into poverty and the harder it is to raise their families. Meanwhile, the wealthiest people in our country continue to clip their stock and bond coupons and grow richer.

Perhaps the most exciting aspect of the budget passed by the House of Representatives is the increase and expansion of the Earned Income Tax Credit Program. Essentially, what this proposal does is to say to a working family, especially those with children, "If you're a low-income worker, we're going to lower your taxes so that you can keep your family out of poverty." Finally, we're going to give a tax break to those people who need it most, the working poor, rather that just to the billionaires and the big corporations.

Mr. Speaker, this proposal would raise the maximum tax credit for the working poor to $3,500 and would expand eligibility so that in my own State of Vermont, close to 26,000 families will be eligible for this tax break.

SYRIA SHOULD BE CONDEMNED, NOT COMMENDED

(Mr. LEVY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVY. Mr. Speaker, I rise today troubled over President Clinton's remark praising the Government of Syria for what he called its "commendable restraint" during the hostilities taking place between Israel and Hezbollah in southern Lebanon.

Mr. Speaker, Syria itself is responsible for many of the actions carried out by Hezbollah. In fact, there is little doubt that Syria has indirectly backed Hezbollah for quite some time. Just Tuesday, a State Department official, appearing before the Europe and Middle East Subcommittee, claimed that Syria indeed could have some "influence" on Hezbollah remaining in Lebanon.

Mr. Speaker, what was the President thinking about? This Nation—and our President—must recognize that Syria has become the middleman, the gun runner if you will, controlling the flow of arms from Iran to Hezbollah in southern Lebanon. Syria also operates bases within its borders which are used for Hezbollah training.

Mr. Speaker, under no circumstance should Syria be commended for its role in the recent outbreak of hostilities in southern Lebanon. Instead, Syria should be condemned and its actions denounced by the President and our Department of State.

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DEFENSE CONVERSION HOLDS OUT PROMISE OF NEW JOBS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I have some very good news for those in this body who have worked very hard to find ways to create new jobs, jobs that will support the middle class, and that is that the results are in on our conversion for defense diversification projects that were out for the last few months in the country.

While many people said a lot of companies would not play, guess what? It is so oversubscribed we can probably only fund one-sixteenth of the proposals which will come in, and that will be a great tragedy.

Under this plan, what happened was that you were to take defense research and development and find a way to apply it to the private sector. You have to put up half the money, so every dollar the Federal Government puts up, you put up the same amount.

So here we are. We are going to put out all these terrific plans that have come in, they are way oversubscribed, and there is not enough money to put them out. Let me tell the Members right now that there will be a foreign investor for every one we turn down, and we will wake up and find this research moved offshore again if we do not look at this.

THE SMALL BUSINESS ADMINISTRATION CELEBRATES ITS 40TH ANNIVERSARY

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, I am pleased to be here this morning to salute the Small Business Administration which today celebrates its 40th anniversary. In 1953, the Honorable William Silas Hill, a Republican from Colorado and a native of Kelly, KS, who was chairman of the House Select Committee on Small Business introduced the Small Business Act of 1953 which established the SBA. President Dwight D. Eisenhower asked the Congress for expeditious consideration of the legislation and as a result the final bill was placed on his desk and signed by him on July 30, 1953.

The SBA's mission to aid, counsel, and assist small business has remained clear and steadfast throughout the years. Since its inception, it has provided more than 12,800,000 loans, contracts, counseling sessions, and other forms of assistance to small firms throughout the country.

President Eisenhower's vision—the Small Business Administration—serves as the catalyst for today's entrepreneurs. From job creation to research and innovation, small business is truly America. I salute the SBA on its 40th anniversary. I thank all its employees, both past and present, for their endeavors on behalf of the Nation and I wish the agency's new Administrator, Erskine Bowles, nothing but the best of luck during his tenure. I know all of my colleagues in both Houses of Congress share my sentiments.

NAFTA JOBS: PROCTOR SILEX

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today I would like to tell the Members another story, one about Proctor Silex, which produces the small electric appliances we use in our homes, appliances like toasters, coffeemakers, and hand mixers.

Once upon a time Proctor Silex manufactured steam irons in Southern Pines, NC, where workers were mostly minority women. Employees with 20 years seniority earned up to $7 per hour, enough to support their families, educate their children, and have something left over for their retirement.

But when Proctor Silex moved manufacturing operations to Ciudad Juarez, Mexico, in July 1991, over 800 North Carolina workers lost their jobs. They were replaced by nearly 1,400 Mexican workers earning $4 per day—a difference of $7 an hour compared to $4 a day.

Mr. Speaker, this sign appears at the front of the Proctor Silex plant in Mexico. Translated, it says: "Proctor Silex seeks production workers for both shifts, hiring immediately." And that is the real message of NAFTA—more of our people in unemployment lines and exploited Mexican citizens.

AMERICA THREATENED WITH PROSPECTS OF WAR

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, I am here this morning to ask my colleagues if they are concerned that America may well be getting involved in war this weekend. I hope everyone had a chance to see the headline this morning which said: "We Seek To Defend Sarajevo With Force, Britain And France Urged To Support the Bombing."

Once the bombs start dropping, I say to my friends, we are at war. The Clinton administration is seeking French and British agreement to use military force.

Has the administration been in this body to ask whether we agree that we should go to war or get involved in a civil war in Bosnia? I do not think anybody from the administration has been here to ask anyone here in this Chamber. Yet, according to the Constitution, only the Congress can declare war.

This is a very, very serious situation. The administration has been trying to get us involved in that war for a long time, and now this weekend they may well do it. We were supposed to be consulted this morning. The administration has canceled that consultation.

Mr. Speaker, I say to my friends this is serious business. I am asking the Members to focus on this and to give it their consideration.

THE EARNED INCOME TAX CREDIT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, today the President will be discussing his proposal for increasing the earned income tax credit, which is contained in the budget reconciliation bill. The proposal substantially raises the level of the credit for working families with children—to lift working families out of poverty—and provides a modest credit to very poor workers without children—to help ensure that the doors of opportunity are open to all Americans who want to work hard and get ahead. This proposal makes good on the commitment to a new direction the President announced in his State of the Union Address. He said:

> The new direction I propose will make this solemn and simple commitment: by expanding the refundable earned income tax credit, we will make history; we will reward the work of millions of working poor Americans by realizing the principle that if you work 40 hours a week and you've got a child in the house, you will no longer live in poverty.

EITC contributes to overall economic growth: The Clinton economic plan reduces the deficit by $500 billion but still finds room for this historic expansion to give incentives to working poor families across this country. The President is fundamentally committed to deficit reduction, investing in people, and rewarding work. To ensure our country's long-term economic growth, all Americans must be encouraged and integrated into our economy so that they can contribute to, rather than hinder, growth. As the President has said repeatedly, we do not have a person to waste.

Pro-work: The EITC is pro-work because, unlike other forms of assistance to the poor, only those who work and have earnings can receive benefits. And, unlike welfare benefits, EITC benefits increase substantially as earnings rise, thereby providing real incentives to work and strive for higher earnings. This strong pro-work incentive will also be a major component of the President's welfare reform policy in that it provides a major incentive to choose work over welfare.

Pro-family and pro-independence: The EITC is pro-family because it is available only to families that stay with their children and their is no discrimination against two-parent families. The EITC fosters independence, not dependence, because it is a refundable credit—even very poor working families whose incomes are too low to owe income tax have incentive to work because they can receive the credit. Rural working families are especially likely to benefit. A report by the Center for Budget Policy Priorities found the EITC to be as or more important to the rural working poor than any antipoverty program.

A real tax cut affecting over 20 million households: The EITC is not just an anti-poverty program but a tax cut. Families who are both working poor and lower middle class but are having trouble making ends meet will get a break from their income taxes. The refundable credit will also more than compensate for the modest costs of the energy tax. This tax cut will reach 15 million families with children and 7 million very poor households without children. More than 75 percent of working families with children who currently receive the EITC will benefit from its expansion and 8 million families and households could be added under the President's proposal.

HISTORY OF THE EITC

First enacted in 1975, the EITC was the brainchild of Senator Russell Long, a conservative southern populist and the former Chairman of the Senate Finance Committee. Long envisioned a modest credit to provide tax relief from the FICA payroll tax to low- and moderate-income working people with children and to encourage work. Initially, families could receive a maximum credit of $400 and benefits averaged $200 a year. Since then, Congress has increased the EITC a number of times. In 1991, nearly 14 million families received EITC benefits.

But poverty has risen substantially in the past two decades. The erosion of wage levels, especially for low-skilled jobs, has taken its toll on millions of hardworking people. The number of full-time workers who find that they cannot make enough to keep their families above poverty increased by 50 percent between 1979 and 1990. A family of four with full-time minimum wage earnings will be well below the poverty line in 1993, even with EITC benefits. If the same family receives food stamps, they are still as much as $2,000 below the poverty line. America's children suffer the most from this trend. Today, one out of every four children under 6 lives in poverty, while studies suggest that poverty adversely affects intellectual development.

HIGHLIGHTS OF THE CLINTON EITC PROPOSAL

Lifting families out of poverty. The proposal would increase the EITC to a maximum credit of $3,500. It will ensure that if a family of four or fewer people has a full-time minimum wage worker, the family would be lifted to the poverty line so long as it also received food stamps.

Substantial simplification and outreach. Families will find the credit easier to apply for so that both tax filers and the IRS can better manage the credit without making mistakes. The IRS will also begin an aggressive and comprehensive campaign of outreach to ensure that every American entitled to the EITC will be aware of a method of receiving it through their paychecks.

New, modest EITC for very poor workers without children. President Clinton's proposal to Congress also establishes a small credit of a few hundred dollars a year for very poor workers without children. The new credit, limited to workers with incomes below $9,000, will offset the costs of the energy tax for these workers.

CORPORATE LEADERS CURRYING FAVOR WITH THE ADMINISTRATION

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, some people will do anything to buy access, to have a seat at the table, to protect special tax treatment, to curry favor with the tax-bill writers and the Government contract-letting establishment. Sixty-seven fat-cat corporate leaders sold out the American economy for the largest tax increase in our history, for no real cuts in spending except for defense, and even that is debatable, and massive increases in new Federal spending.

Mr. Speaker, we will remember the corporate gang of 67 when they come back again and again in this session complaining about mandates, governmental intrusion, and the rest of the Clinton antibusiness agenda.

Mr. Speaker, the Clinton CO's have made it clear that they will sell out their principles in order to win brownie points with the White House, but with the soak-the-capitalist mentality of the Clinton administration, the amounts to paying the cannibals to eat you last.

ISRAEL'S DEFENSIVE MOVES DRAW UNFAIR CRITICISM

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, as we speak, Israel is responding to a series of attacks on its soldiers and civilians—and on peace itself—by Syrian-backed Hezbollah terrorists based in southern Lebanon.

Hezbollah, identified by our own CIA as the world's principal international terrorist organization, over the last month has indiscriminately fired hundreds of Katyusha rockets into small Israeli towns of the northern Galilee.

Israel, as any nation would, is taking action to defend its borders. And yet, U.N. Secretary General Boutros Boutros-Ghali deplores Israel's actions—and, disappointingly, our own President praises Syria for its restraint.

Restraint? These attacks on Israel are the direct responsibility of Hafiz al-Assad of Syria.

It is undisputed that Syria controls the Bekaa valley and the terrorist bases that Hezbollah uses to launch its attacks on Israel.

It is undisputed that weapons for Hezbollah flow through Damascus on a regular basis.

And it's undisputed that 2 weeks ago, right before the Hezbollah attacks on Israel intensified, an Iranian 747 landed in Damascus and under Syrian supervision, weaponry was trucked directly to the terrorists in Lebanon.

Instead of praising Syria's restraint, our Government must condemn Syria's aggression. Syria cannot be showered with United States good will for participating in the peace process at the same time it wages a proxy war against Israel.

Syria can't have it both ways. Secretary Christopher should make this very clear when he meets with the Syrian President next week.

It is time for Syria to prove that it wants peace with Israel, not just pieces of Israel.

□ 1030

REMEMBER THE PROMISES?

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, remember when Gov. Bill Clinton promised Arkansas voters that if they reelected him in 1990 he wouldn't run for President, but then did? Well, that was a hint of broken promises yet to come.

Remember last year when candidate Clinton promised he wouldn't hike the gas tax on the backs of middle America. Now he wants middle America to pay 4 to 6 cents a gallon more, which will also fuel inflation.

Remember when candidate Clinton promised seniors he wouldn't tamper with Social Security and said, "You can take that one to the bank." Now he wants retirees with incomes as low as $40,000 to pay $1,000 more in Social Security taxes.

Remember when candidate Clinton promised middle America a tax cut, not a tax hike? Remember when he promised to cut the deficit in half and now doesn't come close. The list goes on and on.

Given Mr. Clinton's record, the only surprise is that we are still surprised when he breaks his promises.

WHERE ARE THE REPUBLICANS?

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, at this very moment negotiators are striving to reach final agreement on a deficit reduction package. The public has a right to know why there are no Republicans in the room.

The reason is the minority chose to attack, not to participate. Now Republican attack dogs are barking at the American business community. The minority does not come here to defend their alternative, in part because they are $100 billion short, and because it had $100 billion worth of unspecified cuts.

The public wants deficit reduction. The majority must meet this responsibility, with or without the minority.

SENIOR CITIZEN CONSUMER PROTECTION ACT OF 1993

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing the Senior Citizen Consumer Protection Act of 1993.

Our senior citizens are one of our Nation's greatest resources. But, increasingly these seniors receive mailings from unscrupulous organizations which prey upon the elderly. In order to raise contributions from seniors, these organizations lead seniors to believe this mail is coming directly from an official Government agency such as the Social Security Administration.

I am sorry to say these organizations are not working to help senior citizens, instead they are playing off of unfounded fears about Social Security.

The legislation I have introduced today will increase penalties on groups whose mailings suggest they are linked to Government agencies or use other fraudulent practices to garner support. It is my hope that this legislation will curb abuses so that our seniors won't be unjustifiably convinced to contribute their hard-earned dollars to organizations, which state they will be the voice of seniors in Washington, DC.

This legislation will penalize anyone who defrauds seniors while it will continue to allow those organizations which operate in an effective and ethical manner to continue their work.

I encourage my colleagues in Congress to join me in protecting our senior citizens by cosponsoring this legislation.

CONGRATULATIONS TO KIMBERLY AIKEN, MISS SOUTH CAROLINA

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I rise today to congratulate Ms. Kimberly Aiken on recently being crowned Miss South Carolina. I am proud to state Ms. Aiken is one of my constituents and also the first African-American woman to receive this honor.

Ms. Aiken is a graduate of Columbia High School and a rising sophomore at the University of South Carolina. While serving as Miss Columbia over the past year, Ms. Aiken founded the Homeless Education and Resource Organization, a nonprofit group which provides food, clothing, and counseling for the homeless.

During her reign as Miss South Carolina, Ms. Aiken plans to continue her efforts on behalf of the homeless and raise public awareness about the plight of the homeless in South Carolina.

I am sure Ms. Aiken will represent the State of South Carolina during the coming year with grace and dignity and I wish her much success in the upcoming Miss America pageant this fall.

WELCOME KELSEY LAZIO

(Mr. LEACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH. Mr. Speaker, I rise this morning with good news. This morning at 6:10 a.m. our colleague RICK LAZIO, his wife Pat and their daughter Molly welcomed a new daughter and sister Kelsey. Kelsey weighs 7 pounds and she and her mother are doing fine.

Who says in these days of gridlock that Congress cannot produce anything of value?

The SPEAKER pro tempore (Mr. BARLOW). The Chair joins in the celebration.

ON THE USE OF AIR STRIKES IN THE FORMER YUGOSLAVIA

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, I am very concerned about recent news reports that the Clinton administration plans to launch air strikes against targets in Yugoslavia.

One day the mission is to protect U.N. peacekeepers. The next it's to protect Moslem civilians and relief conveys. Will the mission for our aviators expand over the weekend?

The lesson of Vietnam and Desert Storm is this: Do not send our troops into combat without fully explaining why we are there and how we will get out.

Mr. Speaker, because no one from the administration has consulted Congress on this issue, I fear that we may be boxed into supporting an ongoing air strike campaign in Yugoslavia.

How will we distinguish friend from foe? How can air strikes stop mines and small arms fire against relief convoys and innocent civilians?

In my view, air strikes will only bring us into further conflict in that troubled region. It's time to recognize that injecting United States force in the Balkans will only heighten tensions and jeopardize our troops.

Let us not put our brave uniformed men and women in harms way to defend a policy that has not been fully thought out.

PUBLIC DOES NOT SUPPORT INCREASED TAXES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the supporters of the tax increase plan are somewhat confused about the Republican position on this. I want to say to them that, first of all, no one is quietly going around the Republican Cloakroom saying we are going to vote "no" and look like heroes, but let us hope this passes because it is good medicine.

Mr. Speaker, no one really believes that. We do not think it is good medicine at all. It is going to add another $1 trillion to the national debt.

It is still a deficit budget, and, contrary to the claims of the Democrats who support the plan, it is not good for small business. But do not take my word, nor should you take their word. Just call the National Federation of Independent Businesses, the U.S. Chamber, or go ask your neighborhood pet store, clothes store, or baker if they support the plan. They will tell you in a minute, "No, you are out of your mind." Small business has taken all it can take. They do not want higher taxes.

Mr. Speaker, I join the bipartisan coalition of Democrats and Republicans who are saying let us vote no this next week on the tax that comes out, and let us start again in a bipartisan fashion and address the deficit in a serious way.

PUBLIC WANTS SPENDING CUTS FIRST

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I was kind of amused last night. I turned on the news, and there was President Clinton telling many of his Democrat supporters in the Congress that if they voted for his huge tax increase, he would be very popular with the American people.

Well, I want to say to my Democrat colleagues, do not be hoodwinked. Think about this before you vote for the largest tax increase in U.S. history. The American people do not want it.

Mr. Speaker, if you do not believe that, look at what happened in Texas. Twenty-six counties that never voted Republican voted for the Republican candidate, and she won a landslide. And let us look at the President's home State. Two days ago, for only the fourth time in 100 years, they voted for a Republican Lieutenant Governor.

The message is very clear, and it is coming across this country to Members of Congress and to all elected officials. They do not want higher taxes. They do not want more Government spending. They want you to cut spending first.

To those of you who sign on to the President's program, remember what I am telling you right now, because I care about you very much: You will not be back in 1995.

TRIBUTE TO GEN. MATTHEW B. RIDGWAY

(Mr. SANTORUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANTORUM. Mr. Speaker, you may have noticed the flags in the Capitol are at half staff today, and the reason is because today at Arlington Cemetery a long-time resident of my district and a true American hero will be buried, Gen. Matthew B. Ridgway, whom Eliot Cohen called "perhaps the greatest American field commander of the century."

General Ridgway had served in the U.S. Army since 1917, a career marked not only by a first-rate soldier's willingness to take on the enemy and win, but also by the love and devotion of the men who fought alongside him.

During World War II, General Ridgway led troops in successful campaigns in Sicily, Normandy, and the Battle of the Bulge. But General Ridgway is perhaps best remembered for his leadership during the Korean war.

□ 1040

It is ironic that the general was taken from us one day short of the 40th anniversary of the truce which ended hostilities in the war he fought so hard to win.

General Ridgway was called upon to take command of the demoralized 350,000-man U.N. Forces in Korea on Christmas Day 1950. At the time, the U.N. forces in Korea were in full retreat following the Chinese counterattack earlier that year. Through sheer force of will and personality, General Ridgway restored in his troops the energy and the will to win. He halted the retreat and proceeded to lead a dramatic and historic offensive and pushed the Chinese and North Korean troops back beyond the 38th parallel. Indeed, Gen. Omar Bradley described Ridgway's effort in Korea as "the greatest feat of personal leadership in the history of the Army."

Yet for all of his great leadership, General Ridgway wanted to be remembered as a simple soldier who served his country. In fact, he cherished his Combat Infantry Badge, an award given to thousands of other foot soldiers, more than any other decoration.

Today I would like us all to remember this great soldier and the men and women who had the honor to serve with him.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARLOW). The Chair will remind Members that we are gratified that our guests are with us in the gallery, but the Members are not to refer to the gallery members when they are present.

IN SUPPORT OF THE CLINTON PLAN

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the Wall Street Journal headlined yesterday that support for the Clinton economic plan is growing. In fact, by a comfortable 54 to 32 percent margin, the people of this country say the Clinton plan is a step in the right direction.

And importantly enough, particularly after the barrage of 1-minutes we have had from the minority today, 63 percent say the Republicans are acting out of political motivation, not in sincere terms in their opposition to this plan.

I think the reason that the support is growing is, frankly, because the public is getting beyond the rhetorical barrage, getting to the facts.

For example, the first start in welfare reform is included in this package. For the first time, anyone who works full time and has a child at home will be lifted out of poverty by their work, not by some Government assistance.

It is also important to point out that we have verified that 96 percent of the small businesses in this country will not pay more taxes. In fact, they will be given additional expensing.

Members, this plan helps the American economy. It is our one alternative to gridlock.

NEA FUNDING

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, yesterday, the Christian Action Network brought to Capitol Hill an exhibition of pictures which have been exhibited at museums funded with taxpayer dollars through the National Endowment for the Arts. These pictures would, I believe, disgust most Americans. And while I believe the Constitution protects artists who want to create such so-called art, I don't understand why the taxpayers need to pay for it.

Mr. Speaker, those who support taxpayer funding of these pictures complain about the evils of censorship. Yet when the exhibit of these pictures came to the Hill, those who decry censorship would not allow those of us who must vote for the funding to see the pictures. The exhibit was moved from a room in the Capitol, to the House Annex Building and ultimately shut down after only 15 minutes, with Members of this House ushered out by Capitol Police.

Mr. Speaker, if we can't look at it, maybe we shouldn't have to pay for it.

CONGRATULATIONS TO MORIHIRO HOSOKAWA

(Mr. BARCA of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCA of Wisconsin. Mr. Speaker, I want to be one of the first to congratulate the new Prime Minister of Japan, Morihiro Hosokawa. He is an outspoken advocate for opening the Japanese market to foreign trade.

This is exactly what President Clinton has called for. It was just a couple of weeks ago that President Clinton made tremendous progress in Tokyo on the G–7 talks. He laid the groundwork for the elimination of tariffs on pharmaceuticals, construction equipment, steel, medical equipment and hoping to provide for lower tariffs throughout the world.

This is what is needed at this point in history. This will help to bolster the international markets.

I wish my greatest congratulations to the new Prime Minister of Japan. It is my hope that President Clinton and he will be able to work together to open up those markets and to begin to level off the playing field in the international economy.

REGINALD MARTINEZ JACKSON

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, some people say we are too serious in this House of Representatives. I would remind them that the people's business is serious. Others say we do not seem to agree on anything, and that is simply not so.

On the first point, we occasionally pause in our serious deliberations to deal with matters on the lighter side of life. And on the second point, on occasion, more rare than frequent, we do just about all of us agree on something. I have one for my colleagues.

On Sunday, in Cooperstown, NY, Reginald Martinez Jackson, Reggie, Mr. October, the self-proclaimed "straw that stirred the drink" will be immortalized by his induction into the National Baseball Hall of Fame.

He is the 29th player in the history of baseball to be inducted in his first year of eligibility, and his voting percentage is the 10th highest in the history of that great game.

What a record: 2,584 hits, 702 runs batted in, 563 home runs. And he was the power hitter, a speedster. He stole 226 bases. He led his team to 11 divisional championships, 5 World Series.

My colleagues, join me in saluting Reginald Martinez Jackson, Mr. October.

RECONCILIATION

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, next week we will be voting on a measure that sets the basic policy of this country for not only the next year but the next 5 years, reconciliation.

Mr. Speaker, in this basic policy change, there is one very important issue. There are a lot of them, but there is one that I would like to speak about today, EITC.

What in the world is EITC? I will tell my colleagues what it is. It is the earned income tax credit. What it would do is to make a basic change in this country's policy that every family that has children that works full time is going to be lifted out of poverty.

Mr. Speaker, do you think that the people on the other side of the aisle who cry for welfare reform, who say this country has lost its work ethic and is making people dependent on government, do you think, Mr. Speaker, they are going to vote for reconciliation next week?

DEMOCRATS KILLED THE PRESIDENT'S ECONOMIC PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, when we see the flags flying at half staff over the Capitol Building this morning, we know they are flying for that great American soldier, Matthew Ridgway.

But some Americans might assume that they are also flying for the President's original economic program, because the Democrats on Capitol Hill killed the President's original economic program last night.

They decided that unlike what the President wanted, there will be no Btu tax. Instead, there will be a gas tax aimed at the heart of the middle class. They decided that instead of the President's $500 billion of deficit reduction that we will get less than that in the new package. Instead, what we will get is a number very similar to what the Republicans produced on the floor without raising one penny of taxes.

And so the President's original economic program is dead. And instead, Capitol Hill Democrats have substituted for it a plan remarkably like the 1990 budget deal. And what happened with the 1990 budget deal? It killed the economy.

This plan will kill the economy as well. American middle-class workers will lose their jobs because Capitol Hill Democrats and the President could not agree on the direction the country should move.

PROVIDING FOR CONSIDERATION OF H.R. 2150, COAST GUARD AUTHORIZATION ACT OF 1993

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 206 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 206

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2150) to authorize appropriations for fiscal year 1994 for the United States Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Ms. KAPTUR). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Madam Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Madam Speaker, House Resolution 206 provides an open rule for the consideration of H.R. 2150 the Coast Guard authorization bill for fiscal year 1994.

The resolution waives points of order against the committee substitute now printed in the bill as original text for failure to comply with clause 5(A) of rule XXI.

Under this rule any Member may offer a germane amendment to the bill which will be debated under the 5-minute rule.

Mr. Speaker, H.R. 2150 authorizes $3.6 billion in funding for the U.S. Coast Guard for fiscal year 1994. The Coast Guard is an extremely valuable asset to our country as the safety regulator and enforcer of our country's coastline and waterways.

This bill authorizes funding for several important programs and projects carried out by the Coast Guard. Funds are authorized for the alteration and removal of bridges that pose a threat to navigation and for the continued updating of the buoy tender fleet.

Funding is also authorized for the cleanup of several Coast Guard stations around the country. This funding is essential to the continued effort to clean up these sites which have suffered damage from years of neglect.

Mr. Speaker, the men and women of the Coast Guard perform many important functions for our country. H.R. 2150 will allow them to continue their important work.

I urge adoption of this resolution and the bill and reserve the balance of my time and yield to the gentleman from Tennessee [Mr. QUILLEN] for the purposes of debate only.

Madam Speaker, I reserve the balance of my time.

Mr. QUILLEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the able gentleman from Tennessee [Mr. GORDON] has explained the provisions of the rule. I support it, because it is an open rule.

The committee has done an outstanding job on the Coast Guard. We know it is our second defense. They do a tremendously good job, not only where they serve, but also when they are called to serve with additional duties.

Madam Speaker, the U.S. Coast Guard is the oldest, the smallest of all military services, but its contributions to our country are significant and they are legend. The Coast Guard is responsible for passenger and vessel safety at sea, enforcement of our maritime laws, protection of the maritime environment, oil spill response, and the safety and security of ports and waterways in the United States.

Additionally, the Coast Guard plays a primary role in drug interdiction by stopping illegal drugs from reaching the shore. That duty is tremendous. They have been called on in recent years to help in this regard.

I think the Coast Guard is tremendously underfunded. We should bolster their service, because, really, it is the defense of this Nation, and compared with the maritime industry and our maritime fleet, we must not forget either.

I support the rule. I ask for its adoption.

I include for the RECORD documentation regarding open versus restrictive rules in the 103d Congress:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules [2]		Restrictive rules [3]	
		Number	Percent	Number	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.—Continued

Congress (years)	Total rules granted[1]	Open rules[2]		Restrictive rules[3]	
		Number	Percent	Number	Percent
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	31	9	29	22	71

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong. "Notices of Action Taken," Committee on Rules, 103d Cong., through July 30, 1993.

OPEN VERSUS RESTRICTIVE RULES—103D CONG.

Rule number, date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0;; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency Supplemental Approp	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Cong. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993,	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993,	O	H.R. 820: National Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993,	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0. (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: U.S. Forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote. (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental Appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194. (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker Replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign Operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authorization Act fiscal year 1994	NA	NA	
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administrative authorization	NA	NA	A: Voice Vote. (July 29, 1993)

Note.—Code: C-closed; MC-modified closed; MO-modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 33, as follows:

[Roll No. 387]

YEAS—401

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Livingston
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McKeon
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth

Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—33

Bateman
Berman
Chapman
Clay
Coleman
Crapo
Flake
Fowler
Frost
Gallegly
Hansen
Henry
Inhofe
Jefferson
Kolbe
Lancaster
Lazio
Lipinski
Lloyd
Margolies-Mezvinsky
Matsui
McDade
McInnis
McKinney
Moakley
Neal (NC)
Packard
Pryce (OH)
Ridge
Ros-Lehtinen
Solomon
Torricelli
Washington

☐ 1117

Messrs. BEREUTER, BILIRAKIS, and HERGER changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LAZIO. Mr. Speaker, I returned to my district to be present at the birth of my second child.

Had I been present, I would have voted "aye" on rollcall 387.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight tonight to file a report on the bill, H.R. 2401, the National Defense Authorization Act for fiscal year 1994.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

☐ 1120

PROCEDURES PERTAINING TO AMENDMENTS TO THE DOD AUTHORIZATION BILL

(Mr. GORDON asked and was given permission to address the House for 1 minute.)

Mr. GORDON. Madam Speaker, I rise to explain the Committee on Rules' plans for the DOD authorization bill. The committee will meet on Monday, August 2, at 1:30 p.m. All Members interested in offering amendments to the DOD bill should bring their amendments to the Rules Committee by Monday noon.

It is our intention to complete all testimony on the bill and amendments by close of business Monday. However, we do not plan to propose a rule, on that day, covering the entire amendment process.

On Monday, August 2, the committee plans to report a rule covering only general debate and all amendments relating to the issue of gays in the military. We will meet again to report another rule later.

Mr. Speaker, I make this statement only to keep my colleagues informed. In summary, all amendments to the DOD bill are due at the Rules Committee offices by noon on Monday, August 2. The committee will take all testimony on that day and report a rule covering only general debate and the issue of gays in the military. I appreciate my colleagues' help.

Mr. DICKS. Madam Speaker, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Washington.

Mr. DICKS. Madam Speaker, I appreciate the gentleman from the Committee on Rules yielding to me on this point.

We have to have all amendments in on all aspects of the defense authorization bill by noon on Monday, even though the rule, the initial rule, is only going to be regarding general debate and on the gays-in-the-military issue; is that correct?

Mr. GORDON. Madam Speaker, the gentleman is correct.

Mr. DICKS. And all of the testimony on all of the amendments will be taken on Monday afternoon for the entire bill or just on the general debate and gays in the military?

Mr. GORDON. On the entire bill. It is our expectation that there will probably be a number of amendments, that the testimony will run late, particularly that day, and so it would be our expectation, so that we can get started promptly, to go ahead and have a rule, bifurcated rule, the first part being on general debate and the issue of gays in the military, and then we will try to assimilate the other amendments, which are very many in this case, and have a second rule so we can complete the remaining part of this bill.

Mr. DICKS. Madam Speaker, I appreciate the gentleman for having yielded to me.

COAST GUARD AUTHORIZATION ACT OF 1993

The SPEAKER pro tempore (Ms. KAPTUR). Pursuant to House Resolution 206 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2150.

☐ 1125

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2150) to authorize appropriations for fiscal year 1994 for the U.S. Coast Guard, and for other purposes, with Mr. DARDEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know Members are anxious to know the likely length of time for this debate. Let me just say that with one possible exception we are not aware of any controversial amendments, and, therefore, if Members are able to resist the temptation to request votes on matters that are without controversy, there is no reason that we cannot proceed expeditiously to conclude this bill and to allow airplanes to be caught.

Mr. Chairman, I rise today in strong support of H.R. 2150, the Coast Guard Authorization Act of 1993. This legislation authorizes approximately $3.6 billion for the Coast Guard in fiscal year 1994, a level consistent with the President's fiscal year 1994 request.

This is a very reasonable bill that, while lean, will provide the Coast Guard with adequate resources to do this job. The majority of the funds authorized are for day-to-day operating expenses—to keep boats running, planes flying, and people paid. To help keep pace with inflation, we have recommended a modest 2-percent increase over last year's appropriation.

The Coast Guard's budget reflects our changing times by shifting resources to strike a more balanced approach among its many missions. One of the areas that will receive more attention is law enforcement.

As a New Englander, I know all too well the importance of fisheries law enforcement, especially in the Northeast, where traditional stocks have dwindled to unacceptably low levels. Enforcement of new fisheries management plans will be critical to their success. To carry out this task, the Coast Guard has decided to expand a very innovative training program initiated on Cape Cod. This program provides regionally targeted fisheries law enforcement training, and actively solicits the advice and expertise of the fishing industry.

The other major component of this bill is the acquisition, construction, and improvement [AC&I] account. These AC&I funds will allow the Coast Guard to replace its fleet of aging buoy tenders—many of which are over 50 years old—continue expansion of its vessel traffic service system, as well as build child day-care centers and improve living conditions for Coast Guard personnel by renovating antiquated housing.

In real terms, AC&I has steadily decreased over the years. If this downward trend continues, we could be faced with a very serious Coast Guard infrastructure problem by the end of the decade—with ships and aircraft literally unfit and unsafe to get underway. Further cuts to this account would be penny-wise and pound-foolish.

One need not look further than the daily headlines to see how relevant and important today's Coast Guard is. Whether helping the tragic victims of the floods in the Midwest, or rescuing unfortunate immigrants from miserable conditions on unsafe ships, the Coast Guard has never been busier—or more necessary.

Mr. Chairman, H.R. 2150 recognizes the invaluable role the Coast Guard plays in saving lives and preventing tragedies of all kinds at sea. I urge my colleagues' support of the bill.

Mr. Chairman, I reserve the balance of my time.

□ 1130

Mr. FIELDS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill authorizes $3.1 billion for the Coast Guard for fiscal year 1994, as requested by the administration, with an additional $8.4 million for certain projects.

Every year, when we consider the Coast Guard authorization bill we hear Members sing high praises for the excellent work of this outstanding organization. Those of us on the Merchant Marine and Fisheries Committee, which has jurisdiction over most of the laws the Coast Guard enforces, especially appreciate the Coast Guard for its work in search and rescue, oilspill cleanup, and drug interdiction.

Most people don't know, however, that the multimissions of the Coast Guard take it far from the high seas to inland States such as Missouri, Arkansas, and Illinois. This week found the Coast Guard rescuing flood victims along the Mississippi and Missouri Rivers, using reservists and 17-foot utility boats. For a "coastie," it was all in a day's work.

As a fiscal conservative, I believe we should make each Government dollar count, and the Coast Guard is one of those Federal agencies that does just that. The funding levels for the Coast Guard in this bill are reasonable and responsible. H.R. 2150 provides critical funding for Coast Guard operations to interdict drug smugglers and illegal alien smugglers, to prevent and clean up oilspills on our Nation's coastlines, and provide emergency search and rescue services on our waterways.

I am especially pleased that the bill continues acquisition of the vessel traffic service [VTS] system in Port Arthur, TX, and begins acquisition of a VTS system in Corpus Christi, TX. H.R. 2150 also authorizes funds to add Port Arthur, TX, to the 20 sites around the country scheduled to receive prepositioned oilspill equipment to respond to oilspill emergencies.

This authorization process is an important step. However, I also look forward to working with my colleagues on the Appropriations Committee to ensure that the Coast Guard receives adequate funding for the next fiscal year.

I would just like to add that this bill is the product of a bipartisan effort by the members of the Merchant Marine and Fisheries Committee and that it is supported by our Members from both sides of the aisle.

I support H.R. 2150 and urge my colleagues to vote in favor of the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I rise today as chairman of the Subcommittee on Coast Guard and Navigation in support of the Coast Guard and in support of H.R. 2150, the Coast Guard Authorization Act of 1993.

The Committee on Merchant Marine and Fisheries developed H.R. 2150 in a bipartisan manner that fully authorizes the administration's austere budget request to fund Coast Guard in fiscal year 1994. I would like to recognize the contributions of Chairman STUDDS, JACK FIELDS, our ranking full committee member, and HOWARD COBLE, our ranking subcommittee member.

Before talking about the bill, I would like to tell you about the Coast Guard's activities over the last year.

Last summer, Hurricanes Andrew and Iniki wrecked havoc across Louisiana, Florida, and Hawaii. Last winter, flood waters devastated southern California while the infamous storm of the century devastated the gulf and east coasts. In each case the Coast Guard was one of the first Federal agencies to be on the scene, saving lives and protecting property at record levels.

In January we feared that up to 100,000 Haitians might risk their lives aboard unseaworthy boats attempting the 600-mile voyage to Florida. I am confident that the Coast Guard's humanitarian efforts during Operation Able Manner saved countless Haitian lives. Today, those cutters continue to patrol off Haiti. It is time to find solutions to the problems in Haiti; to end the human suffering; and to allow the Coast Guard to resume its routine operations.

This summer, the Coast Guard stepped up its efforts to maintain the security of our borders from illegal migration. The increase of smuggled migrants from China is a situation that the Coast Guard expects to persist for some time to come. We must ensure that the Coast Guard has the resources and guidance it needs to protect our Nation's maritime borders.

Today the Coast Guard continues to be the lead Federal agency providing direct assistance to those stranded by the relentless flood waters in the Midwest. The Coast Guard has recalled over 225 reservists and devoted every available resource to the flood relief effort.

For the past few years, Congress has called upon the Coast Guard to aggressively protect the marine environment. The Coast Guard is responding. Coast Guard marine safety inspectors are asserting their authority to prevent unsafe foreign vessels from plying U.S. waters. The Coast Guard has taken unilateral action to block unsafe, environmentally hazardous tankers from leaving U.S. ports. Unsafe vessels will not continue to engage in trade with the United States if they pose a threat to public safety and the marine environment.

I have described a few of the Coast Guard's special operations of the last year. But the Coast Guard serves us every day. In fact, on the average day the Coast Guard will:

Save 12 lives and assist 315 people at sea;

Save $2 million in property;

Conduct 144 search-and-rescue missions;

Respond to 23 oil or hazardous chemical spills;

Inspect 64 commercial vessels;

Investigate 17 marine accidents;

Service 150 buoys and lighthouses;

Seize 318 pounds of marijuana and 253 pounds of cocaine and interdict 112 illegal migrants.

That is quite a day. We get all this and more from a service of less than 40,000 dedicated men and women who proudly wear the Coast Guard uniform. We have an obligation to provide them with the support they need to do the jobs that we all count on.

H.R. 2150 authorizes a budget request that will merely allow the Coast Guard to maintain its current level of services. In fact, the Coast Guard has proposed to cut $42 million in operating expenses and to cut $9 million from the reserve training account. In many cases, these cutbacks will be painful.

H.R. 2150 authorizes a total of $3.6 billion for the Coast Guard in fiscal year 1994—including $2.6 billion for operating expenses, $418 million for acquisition, construction, and improvement [AC&I] of ships, planes, and shore facilities, $23 million for environmental restoration of contaminated facilities, $13 million for bridge alterations, and $549 million for retired pay.

H.R. 2150 authorizes funds to continue an initiative authorized by the Oil Pollution Act of 1990 to safeguard our busiest and most dangerous ports with state-of-the-art vessel traffic services. It also authorizes the replacement of the Nation's fleet of 50-year-old buoy tenders used to mark the thousands of channels in our Nation's waterways. These new buoy tenders will double as oil skimmers and ensure that we are prepared to respond to oilspills in the future. Both of these initiatives were highlighted as national priorities in the administration's Vision of Change for America document.

H.R. 2150 is supported by the administration. It is the result of a truly bipartisan effort by the members of our committee. H.R. 2150 recognizes the incredible contributions that the Coast Guard makes to this country every day. Support the Coast Guard. Support H.R. 2150.

Mr. FIELDS of Texas. Mr. Chairman, I yield such time as he may consume to our outstanding ranking minority member of the Subcommittee on Coast Guard and Navigation, the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, let me thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to rise in support of the Coast Guard Authorization Act of 1993 (H.R. 2150) which will authorize appropriations for the U.S. Coast Guard during fiscal year 1994.

I believe that the levels of funding for the Coast Guard's operating expenses and its acquisition, construction, and improvement account are appropriate during these times of tight budgets. With the ever expanding duties of the Coast Guard, I believe that the small funding increases in H.R. 2150 are completely justifiable. As always, the Coast Guard will have to stretch its resources. However, the authorization bill's funding levels should keep the Coast Guard from falling behind in its important missions of search and rescue, environmental protection, and drug interdiction.

I hope that my colleagues have taken time to read and see the recent press reports about the Coast Guard's tireless efforts to assist and rescue people who have been caught in the terrible Midwest flood. I want to thank the men and women of the Coast Guard and the Coast Guard Reserve who have left their own families and property to provide lifesaving assistance to other Americans. The flood clearly illustrates that the Coast Guard helps to protect all parts of our country not just the coastal United States.

The Coast Guard probably more versatile than any of the five armed services that serve our country.

All the Coast Guard missions, whether directed toward rescuing distressed mariners, interdicting drug smugglers, opening frozen rivers and channels to commerce, conducting port security operations or environmental clean-up, contribute directly to the Nation's economic, social, environmental, and military security. I strongly believe that the Coast Guard provides our Nation with one of the best values in the Federal budget.

I urge my colleagues to vote in favor of H.R. 2150.

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Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Chairman, I rise today in support of the Coast Guard Authorization Act of 1993. As a Member from a city that is home to three major Coast Guard installations, I have long recognized the essential work this service performs along our coasts and on the high seas.

Most recently, the Nation watched while Coast Guard units from my hometown of San Diego and elsewhere interdicted three vessels intent on smuggling illegal Chinese aliens into the United States through Mexico. Last July 3, a Falcon jet from Air Station San Diego sighted two vessels engaged in this trade in human life off the Mexican coast. The next day another ship was located. In all, 8 Coast Guard cutters and 3 San Diego-based patrol boats intercepted these vessels resulting in the interdiction of 695 illegal migrants, who were returned to China. In the end, the 3 vessels were seized and 37 smugglers are under arrest in Mexico. That dramatic incident held the Nation's attention; however, Mr. Chairman, what was less noticed was the humanitarian aid provided to these migrants by the Coast Guard. During this 13-day operation, the Coast Guard transported 126 people in need of medical care from these vessels. The service also provided these distressed vessels with emergency equipment, medical supplies, and food.

This operation is a wonderful example of the Coast Guard accomplishing its dual mission of protecting our coasts—and enforcing our laws—while also providing life-saving services to people in distress.

Mr. Chairman, H.R. 2150 authorizes $3.6 billion for Coast Guard activities. These funds will pay for the wide variety of essential services the Coast Guard provides our Nation, including search and rescue marine safety, aids to navigation, enforcement of laws and treaties, marine environmental protection, and many others. I doubt that any money our Government spends could be better spent. I support this legislation and urge my colleagues to support it.

I want to take a little time, Mr. Chairman, to talk about the commendable service provided by San Diego's Coast Guard commands. As I mentioned, San Diego has three major commands, the Group/Air Station San Diego, the Marine Safety Office San Diego, and the Pacific Area Tactical Law Enforcement team.

GROUP/AIR STATION SAN DIEGO

The Group/Air Station is located adjacent to Lindbergh Field on San Diego Bay. The command comprises 234 active duty members, 260 part-time or Reserve members, and approximately 300 volunteer civilian auxiliaries. During fiscal 1992, the Group/Air Station responded to 727 search and rescue cases. These resulted in 43 lives saved, 925 persons assisted, $6.49 million in property saved and $10.6 million in property assisted. This was done on an annual budget of $1 million.

For example, during tropical storm Darby in July, 1992, the sailing vessel *Hosannah* was reported taking on water and in imminent danger of sinking 450 miles southwest of San Diego. Two HU-25A Falcon jets were launched in response. Despite extremely adverse weather, the aircraft successfully dropped three dewatering pumps, a portable radio, a liferaft, and two datum marker buoys to the vessel. The pumps enabled the ship to stay afloat until the arrival of a Coast Guard high endurance cutter. The 45-foot ketch and its crew of five were saved.

In another example, during January 1993, southern California received record rainfall resulting in severe flooding, loss of life, and extensive property damage. In response, Group/Air Station San Diego flew some 45 sorties, saving 16 lives, and assisting in the evacuation of over 200 people.

THE MARINE SAFETY OFFICE

The Marine Safety Office [MSO] is colocated with the Group/Air Station. Its detail consists of 24 active duty and 41 Reserve personnel. The MSO's primary missions are commercial vessel safety and port and environmental safety.

Commercial vessel safety responsibilities include inspecting and certifying U.S. flag merchant vessels, verifying foreign flag passenger vessel compliance with U.S. and international standards, and investigation of reports of marine accidents, misconduct, negligence, or incompetence by merchant mariners.

Port and environmental safety responsibilities include enforcement of statutes, regulations, an international agreements regarding port safety, port security, and environmental protection.

San Diego's Marine Safety Office hosted the first national pollution response exercise program drill in December 1992. The exercise included over 450 participants and observers. Items tested in this exercise included the Coast Guard's new unified command system of government and industry responders, the United States/Mexico joint regional response team, and local response strategies.

THE PACIFIC AREA TACTICAL LAW ENFORCEMENT TEAM

Sixty-two Coast Guard personnel are assigned to the Pacific area tactical law enforcement team [Taclet] stationed at the Marine Corps recruit depot in San Diego. Taclet's mission includes providing 10 rapid deployment law enforcement detachments which operate around the world. The primary responsibility of Taclet is counternarcotics operations conducted from Navy ships in Central American and Caribbean waters.

Currently Taclet has two detachments deployed overseas. One is deployed to the Red Sea where it helps enforce U.N. sanctions against Iraq. Another is deployed in the Adriatic enforcing U.N. sanctions against the former Republic of Yugoslavia.

Mr. Chairman, I am proud of the San Diego Coast Guard station and the good and courageous work done by our service people there. The funds provided for in H.R. 2150 will go to continuing and improving that mission, and again, I urge my colleagues to support this legislation.

Mr. FIELDS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the ranking member on the Committee on Education and Labor.

Mr. GOODLING. Mr. Chairman, last year the Coast Guard reauthorization bill included a provision requiring the Secretary of Transportation to submit a study to Congress 6 months after enactment, May 4, 1993, on the acquisition of buoy chain. In April I received a letter from Secretary Peña stating his intention to have the study delivered by that date. I understand the Department's desire to thoroughly examine the issue of the ability of U.S. buoy chain manufacturers to compete for Government contracts, however, I had hoped to have the results prior to the consideration of the legislation before us today.

Because the Coast Guard is not bound by the same procurement policies as the Department of Defense, U.S. manufacturers have been virtually shut out of the market due to predatory pricing by foreign competitors and very few U.S. manufacturers are able to regularly bid buoy chain solicitations. I believe it is very important to carefully examine the effect current policies have on American manufacturers and am quite anxious to review the results of this study.

Mr. Chairman, I respectfully request the assistance of the Committee on Merchant Marine and Fisheries in expediting the release of this important information. I would like to thank Chairman STUDDS and Mr. FIELDS for their support in the past and very much look forward to working with them in the future.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I rise in support of the Coast Guard authorization bill. As a member of the Coast Guard Subcommittee and a former chairman in the 100th Congress, I strongly support the many missions of the U.S. Coast Guard.

When we think of the U.S. Coast Guard what often comes to mind is emergency search and rescue operations. The Coast Guard would indeed be a worthy service if that were their only mission. But that is only the beginning of the list. In addition to search and rescue efforts, our U.S. Coast Guard also performs maritime and environmental protection law enforcement, refugee assistance, drug interdiction, administers boating safety standards, implements aids to navigation, and responds to oil spills and other disasters. These peacetime missions have greatly expanded as our Nation's needs have changed.

That is only part of the story. My service on the Armed Services Committee gives me a greater appreciation for the fine military mission of the U.S. Coast Guard. Although the Coast Guard operates under the Department of Transportation, it is an armed service and has participated in every U.S. armed conflict. The Department of Defense values the ready seagoing support of the Coast Guard, and the U.S. Navy is perhaps one of their biggest fans.

The bill before us today authorizes the appropriation of $3.6 billion to operate our U.S. Coast Guard in fiscal year 1994. This figure represents an increase of 5 percent from the fiscal year 1993 appropriation. The majority of this increase provides a much needed cost-of-living increase for those serving in our U.S. Coast Guard and I hope the appropriations which are to come will fund the Coast Guard properly.

Mr. Chairman, I strongly support this authorization bill and urge my colleagues to join me and stand behind the U.S. Coast Guard.

Mr. STUPAK. Mr. Chairman, I rise in strong support of H.R. 2150, the Coast Guard authorization bill.

I want to highlight a provision in this legislation relating to the icebreaker *Mackinaw*, a vessel that is vital to commerce in the Great Lakes region. Regretfully, the Coast Guard has recommended that the *Mackinaw* be decommissioned, and this legislation would prevent this decommissioning until a number of important determinations are made regarding the future of our icebreaking capabilities in the Great Lakes. The legislation also authorizes $1.6 million in essential operation and maintenance moneys for the *Mackinaw*.

The *Mackinaw* is a unique vessel with icebreaking capabilities that cannot be matched by other vessels. The *Mackinaw* is the only icebreaker on the lakes powerful enough to reliably clear channels clogged with 10- to 12-foot brash ice or 12-foot-high windrows. Experience has shown that bay-class tugs are ineffective when brash ice is deeper than 3 to 4 feet. Additionally, the *Mackinaw* is the only icebreaker on the lakes with enough power to clear ice jams that have clogged the St. Clair River twice in the last decade and have threatened severe flooding in other rivers in the Great Lakes region.

The *Mackinaw* is also essential to ensuring early and late season iron ore sailings. Millions of tons of iron ore and other cargoes need to move before April 1 and after December 15. At stake is the efficient operation of 70 percent of our Nation's steelmaking capacity. We need a vessel with the capabilities of the *Mackinaw* to preserve timely production schedules for Great Lakes steel producers. To strip the Great Lakes of its only proven icebreaker would be tantamount to surrendering the Nation's industrial might to overseas producers.

Mr. Chairman, I strongly support this legislation and commend Chairman TAUZIN and Chairman STUDDS for their efforts to ensure that the cutter *Mackinaw* remain an active part of our icebreaking fleet.

Mr. FIELDS of Texas. Mr. Chairman, I have no further requests for time, and yield back the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

The Clerk will designate section 1.

Mr. STUDDS. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute made in order as original text by the rule be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1993".

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1994, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,612,552,200, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund, and of which $35,000,000 shall be expended from the Boat Safety Account.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $417,996,500, to remain available until expended, of which $23,030,000 shall be derived from the Oil Spill Liability Trust Fund.

(3) For research, development, test, and evaluation, in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, and defense readiness, $25,000,000, to remain available until expended, of which $4,457,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $548,774,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation associated with the Bridge Alteration Program, $12,940,000 to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities, $23,057,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) As of September 30, 1994, the Coast Guard is authorized an end-of-year strength for active duty personnel of 39,138. The authorized strength does not include members of the Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

(b) For fiscal year 1994, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,986 student years.

(2) For flight training, 114 student years.

(3) For professional training in military and civilian institutions, 338 student years.

(4) For officer acquisition, 955 student years.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. CEILING ON OFFICER CORPS.

Subsection (a) of section 42 of title 14, United States Code, is amended by striking "6,000" and inserting "6,200".

SEC. 202. VOLUNTEER SERVICES.

Section 93 of title 14, United States Code, is amended by—

(1) striking "and" at the end of paragraph (r);

(2) striking the period at the end of paragraph (s) and inserting "; and"; and

(3) adding at the end the following new subsection:

"(t) Notwithstanding any other law, enter into cooperative agreements with States, local governments, nongovernmental organizations, and individuals, to accept and utilize voluntary services for the maintenance and improvement of natural and historic resources on, or to benefit natural and historic research on, Coast Guard facilities, which cooperative agreements shall each provide for the parties to contribute funds or services on a matching basis to defray the costs of such programs, projects, and activities under the agreement.".

SEC. 203. RESERVE RETENTION BOARDS.

Section 741 of title 14, United States Code, is amended—

(1) in subsection (a) in the first sentence by striking "and are not on active duty and not on an approved list of selectees for promotion to the next higher grade" and inserting the following: ", except those officers who—

"(1) are on extended active duty;

"(2) are on a list of selectees for promotion;

"(3) will complete 30 years total commissioned service by June 30th following the date that the retention board is convened; or

"(4) have reached age 59 by the date on which the retention board is convened";

(2) in subsection (a) by moving the second sentence so as to begin—

(A) immediately below paragraph (4) (as added by paragraph (1) of this section); and

(B) flush with the left margin of the material preceding paragraph (1);

(3) by designating the third sentence of subsection (a) as subsection (b) by—

(A) inserting "(b)" before "This board shall—"; and

(B) moving the third sentence so as to begin immediately below the second sentence of subsection (a); and

(4) by redesignating the last 2 subsections as subsections (c) and (d), respectively.

SEC. 204. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101–225, 103 Stat. 1914) is mandatory, and applies to any application pending before the Board or the Secretary of Transportation on June 12, 1990.

SEC. 205. CONTINUITY OF GRADE OF ADMIRALS AND VICE ADMIRALS.

(a) Section 46(a) of title 14, United States Code, is amended to read as follows:

"(a) A Commandant who is not reappointed shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in subsection 51(d) of this title.".

(b)(1) Section 47 of title 14, United States Code, is amended—

*(A) in the heading by striking "**; retirement**";*

(B) in subsection (a) by—

(i) striking "(a)" at the beginning thereof, and

(ii) striking the last sentence and inserting the following: "The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title."; and

(C) by striking subsections (b), (c), and (d).

(2) The table of sections at the beginning of chapter 3 of title 14, United States Code, is amended by striking the item relating to section 47 and inserting the following:

"47. Vice Commandant; assignment.".

(c) Section 50(b) of title 14, United States Code, is amended by striking the last sentence and inserting "The appointment and grade of an area commander shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title.".

(d) Section 51 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(d) An officer serving in the grade of admiral or vice admiral shall continue to hold that grade—

"(1) while being processed for physical disability retirement, beginning on the day of the processing and ending on the day that officer is retired, but not for more than 180 days; and

"(2) while awaiting retirement, beginning on the day that officer is relieved from the position of Commandant, Vice Commandant, Area Commander, or Chief of Staff and ending on the day before the officer's retirement, but not for more than 60 days.".

SEC. 206. CHIEF OF STAFF.

(a) Section 41a(b) of title 14, United States Code, is amended by striking ", except that the rear admiral serving as Chief of Staff shall be the senior rear admiral for all purposes other than pay" at the end of the second sentence.

(b)(1) Title 14, United States Code, is amended by inserting after section 50 the following new section:

"§50a. Chief of Staff

"(a) The President may appoint, by and with the advice and consent of the Senate, a Chief of Staff of the Coast Guard who shall rank next after the area commanders and who shall perform duties as prescribed by the Commandant. The Chief of Staff shall be appointed from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for the appointment.

"(b) The Chief of Staff shall have the grade of vice admiral with the pay and allowances of that grade. The appointment and grade of the Chief of Staff shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in section 51(d) of this title.".

(2) The table of sections at the beginning of chapter 3 of title 14, United States Code, is amended by inserting after the item relating to section 50 the following:

"50a. Chief of Staff.".

(c) Section 51 of title 14, United States Code, is amended—

(1) in subsection (a) by striking "as Commander, Atlantic Area, or Commander, Pacific Area" and inserting "in the grade of vice admiral"; and

(2) in subsection (b) by striking "as Commander, Atlantic Area, or Commander, Pacific Area" and inserting "in the grade of vice admiral".

(d) Section 290 of title 14, United States Code, is amended—

(1) in subsection (a) by striking "or in the position of Chief of Staff" in the second sentence;

(2) in subsection (f)(1) by striking "Chief of Staff or"; and

(3) in subsection (f)(2) by striking "Chief of Staff or".

TITLE III—MISCELLANEOUS SECTIONS

SEC. 301. NORTH ATLANTIC ROUTES.

Sections 3 and 5 of the Act of June 25, 1936 (49 Stat. 1922, 46 App. U.S.C. 738b and 738d), are repealed.

SEC. 302. COAST GUARD FAMILY HOUSING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§670. Procurement authority for family housing

"(a) The Secretary is authorized—

"(1) to acquire, subject to the availability of appropriations sufficient to cover its full obligations, real property or interests therein by purchase, lease for a term not to exceed 5 years, or otherwise, for use as Coast Guard family housing units, including the acquisition of condominium units, which may include the obligation to pay maintenance, repair, and other condominium-related fees; and

"(2) to dispose of by sale, lease, or otherwise, any real property or interest therein used for Coast Guard family housing units for adequate consideration.

"(b)(1) For the purposes of this section, a multiyear contract is a contract to lease Coast Guard family housing units for at least one, but not more than 5, fiscal years.

"(2) The Secretary may enter into multiyear contracts under subsection (a) of this section whenever the Coast Guard finds that—

"(A) the use of a contract will promote the efficiency of the Coast Guard family housing program and will result in reduced total costs under the contract; and

"(B) there are realistic estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract.

"(3) A multiyear contract authorized under subsection (a) of this section shall contain cancellation and termination provisions to the extent necessary to protect the best interests of the United States, and may include consideration of both recurring and nonrecurring costs. The contract may provide for a cancellation payment to be made. Amounts that were originally obligated for the cost of the contract may be used for cancellation or termination costs.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17, United States Code, is amended by adding at the end the following:

"670. Procurement authority for family housing.".

SEC. 303. AIR STATION CAPE COD IMPROVEMENTS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding after section 670 (as added by section 302 of this Act) the following new section:

"§671. Air Station Cape Cod improvements

"The Secretary may expend funds for the repair, improvement, restoration, or replacement of those federally or nonfederally owned support buildings, including appurtenances, which are on leased or permitted real property constituting Coast Guard Air Station Cape Cod, located on Massachusetts Military Reservation, Cape Cod, Massachusetts.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17, United States Code, is amended by adding after the item relating to section 670 (as added by section 302 of this Act) the following:

"671. Air Station Cape Cod improvements.".

SEC. 304. LONG-TERM LEASE AUTHORITY FOR AIDS TO NAVIGATION.

(a) Chapter 17 of title 14, United States Code, is amended by adding after section 671 (as added by section 303 of this Act) the following new section:

"§672. Long-term lease authority for navigation and communications systems sites

"(a) The Secretary is authorized, subject to the availability of appropriations, to enter into lease agreements to acquire real property or interests therein for a term not to exceed 20 years, inclusive of any automatic renewal clauses, for aids to navigation (hereafter in this section referred to as 'ATON') sites, vessel traffic service (hereafter in this section referred to as 'VTS') sensor sites, or National Distress System (hereafter in this section referred to as 'NDS') high level antenna sites. These lease agreements shall include cancellation and termination provisions to the extent necessary to protect the best interests of the United States. Cancellation payment provisions may include consideration of both recurring and nonrecurring costs associated with the real property interests under the contract. These lease agreements may provide for a cancellation payment to be made. Amounts that were originally obligated for the cost of the contract may be used for cancellation or termination costs.

"(b) The Secretary may enter into multiyear lease agreements under subsection (a) of this section whenever the Secretary finds that—

"(1) the use of such a lease agreement will promote the efficiency of the ATON, VTS, or NDS programs and will result in reduced total costs under the agreement;

"(2) the minimum need for the real property or interest therein to be leased is expected to remain substantially unchanged during the contemplated lease period; and

"(3) the estimates of both the cost of the lease and the anticipated cost avoidance through the use of a multiyear lease are realistic.".

(b) The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding after the item relating to section 671 (as added by section 303 of this Act) the following:

"672. Long-term lease authority for navigation and communications systems sites.".

SEC. 305. AUTHORITY FOR EDUCATIONAL RESEARCH GRANTS.

(a) IN GENERAL.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

"§196. Participation in Federal, State, or other educational research grants

"Notwithstanding any other provision of law, the United States Coast Guard Academy may compete for and accept Federal, State, or other educational research grants, subject to the following limitations:

"(1) No award may be accepted for the acquisition or construction of facilities.

"(2) No award may be accepted for the routine functions of the Academy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 14, United States Code, is amended by adding at the end the following:

"196. Participation in Federal, State, or other educational research grants.".

SEC. 306. PREPOSITIONED OIL SPILL CLEANUP EQUIPMENT.

The Secretary of Transportation is authorized to expend out of amounts appropriated for acquisition, construction, and improvement that are derived from the Oil Spill Liability Trust Fund for fiscal year 1994—

(1) $890,000 to acquire and preposition oil spill response equipment at Port Arthur, Texas, and

(2) $890,000 to acquire and preposition oil spill response equipment at Helena, Arkansas, subject to the Secretary determining that adequate storage and maintenance facilities are available.

SEC. 307. SHORE FACILITIES IMPROVEMENTS AT COAST GUARD STATION LITTLE CREEK, VIRGINIA.

(a) The Secretary of Transportation, subject to the availability of appropriations, may at Coast Guard Station Little Creek, Virginia—

(1) construct a 2-story station building with operational, administrative, and living spaces;

(2) construct a 180-foot long pier for Coast Guard patrol boats;

(3) construct a boat ramp; and

(4) strengthen a waterfront bulkhead.

(b) Funds necessary to carry out this section are authorized to be appropriated for fiscal years 1994, 1995, and 1996.

SEC. 308. OIL SPILL TRAINING SIMULATOR.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for fiscal year 1994 for acquisition, construction, and improvement that are derived from the Oil Spill Liability Trust Fund not more than $1,250,000 to the New York Maritime College of the State of New York to purchase a marine oil spill management simulator.

SEC. 309. GULF OF MEXICO REGIONAL FISHERIES LAW ENFORCEMENT TRAINING CENTER.

The Coast Guard shall establish the Gulf of Mexico Regional Fisheries Law Enforcement Training Center in the Eighth Coast Guard District in Southeastern Louisiana. The purpose of the Gulf of Mexico Regional Fisheries Law Enforcement Training Center shall be to increase the skills and training of Coast Guard fisheries law enforcement personnel and to ensure that such training considers and meets the unique and complex needs and demands of the fisheries of the Gulf of Mexico.

SEC. 310. OIL SPILL PREVENTION AND RESPONSE TECHNOLOGY TEST AND EVALUATION PROGRAM.

(a) Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a program to evaluate the technological feasibility and environmental benefits of having tank vessels carry oil spill prevention and response technology. To implement the program the Secretary shall—

(1) publish in the Federal Register an invitation for submission of proposals including plans and procedures for testing; and

(2) review and evaluate technology using, to the maximum extent possible, existing evaluation and performance standards.

(b) The Secretary shall, to the maximum extent possible, incorporate in the program established in subsection (a), the results of existing studies and evaluations of oil spill prevention and response technology carried on tank vessels.

(c) Not later than 2 years after the date of the enactment of this Act, the Secretary shall evaluate the results of the program established in subsection (a) and submit a report to Congress with recommendations on the feasibility and environmental benefits of, and appropriate equipment and utilization standards for, requiring tank vessels to carry oil spill prevention and response equipment.

(d) Not later than 6 months after the date of the enactment of this Act, the Secretary shall evaluate and report to the Congress on the feasibility of using segregated ballast tanks for emergency transfer of cargo and storage of recovered oil.

SEC. 311. UNMANNED SEAGOING BARGES.

Section 3302 of title 46, United States Code, is amended by adding at the end the following:

"(m) A seagoing barge is not subject to inspection under section 3301(6) of this title if the vessel is unmanned and does not carry—

"(1) a hazardous material as cargo; or

"(2) a flammable or combustible liquid, including oil, in bulk.".

SEC. 312. PROHIBITION ON DECOMMISSIONING ICEBREAKER MACKINAW.

(a) The Secretary of Transportation may not decommission the Coast Guard cutter MACKINAW until the later of—

(1) 1 year after transmitting to the Congress the report required under subsection (c); or

(2) October 1, 1994.

(b) There is authorized to be appropriated to the Secretary of Transportation $1,600,000 for fiscal year 1994, to remain available until expended, for operations and maintenance of the Coast Guard cutter MACKINAW.

(c) Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a study and submit a report to the Congress on the icebreaking needs of the Great Lakes and the appropriate size and type of vessel or vessels to meet those needs. In conducting this study, the Secretary shall—

(1) consult with—

(A) Great Lakes shippers, including the Lake Carriers Association;

(B) the Great Lakes Commission;

(C) the Governors of States bordering the Great Lakes;

(D) local governments in States bordering the Great Lakes; and

(E) interested private persons;

(2) determine the average and maximum ice conditions in the Great Lakes over the past 10 years;

(3) determine the size and type of vessel or vessels necessary to clear shipping channels in the average and maximum ice conditions determined under paragraph (2); and

(4) evaluate whether any Coast Guard vessel stationed on the Great Lakes, other than the MACKINAW, can safely conduct search and rescue missions in 25-foot seas.

SEC. 313. REQUIREMENT TO MAINTAIN COAST GUARD OFFICE AT SAINT IGNACE, MICHIGAN.

The Secretary of Transportation shall during fiscal year 1994—

(1) maintain at Saint Ignace, Michigan, the office known as the Marine Inspection Office, which shall perform the functions which were performed by that office on May 20, 1993; and

(2) maintain 4 billets at that office.

SEC. 314. CAPE COD LIGHTHOUSE PLANNING AND DESIGN STUDIES.

(a) COMPLETION OF STUDIES.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of the Interior, shall complete the necessary planning and design studies identified in the Coast Guard's strategy document for the relocation of the Cape Cod Lighthouse (popularly known as the "Highland Light Station"), located in North Truro, Massachusetts.

(b) USE OF AMOUNTS FOR STUDIES.—Of the amounts appropriated under the authority of this Act for acquisition, construction, rebuilding, and improvement, the Secretary of Transportation may use up to $600,000 for conducting the studies required under subsection (a).

SEC. 315. LOWER COLUMBIA RIVER MARINE FIRE AND SAFETY ACTIVITIES.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for the Coast Guard for fiscal year 1994 not more than $421,700, for fiscal year 1995 not more than $358,300, and for fiscal year 1996 not more than $300,000 for the lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Marine Fire and Safety Association.

SEC. 316. TRANSFER OF LIGHTHOUSES.

(a) AUTHORITY TO TRANSFER.—

(1) IN GENERAL.—The Secretary may convey by any appropriate means to the Washington State Parks and Recreation Commission all right, title, and interest of the United States in and to property comprising 1 or more of the Cape Disappointment Lighthouse, North Head Lighthouse, and Point Wilson Lighthouse.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine property conveyed pursuant to this section.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance of property pursuant to subsection (a) shall be made—

(A) without the payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising Cape Disappointment Lighthouse, North Head Lighthouse, or Point Wilson Lighthouse pursuant to this section shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be used as a center for public benefit for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) REQUIRED CONDITIONS.—Any conveyance of property pursuant to this section shall be made subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the Washington State Parks and Recreation Commission may not interfere or allow interference in any manner with such aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any portion of such property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter such property without notice for the purpose of maintaining aids to navigation;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the aids to navigation in use on the property; and

(F) the property shall be rehabilitated and maintained by the owner in accordance with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(4) MAINTENANCE OF CERTAIN EQUIPMENT NOT REQUIRED.—The Washington State Parks and Recreation Commission shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section, the term—

(1) "Cape Disappointment Lighthouse" means the Coast Guard lighthouse located at Fort Canby State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard; and

(B) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of the maritime history;

(2) "North Head Lighthouse" means the Coast Guard lighthouse located at Fort Canby State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard;

(B) ancillary buildings; and

(C) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of maritime history;

(3) "Point Wilson Lighthouse" means the Coast Guard lighthouse located at Fort Worden State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard;

(B) 2 ancillary buildings; and

(C) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of maritime history; and

(4) "Secretary" means the Secretary of the department in which the Coast Guard is operating.

AMENDMENTS OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. TAUZIN:

On page 2, line 18, insert "to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990" after "Fund".

On page 21, strike line 14 and all that follows through page 22, line 2 and insert the following:

"(a) COMPLETION OF STUDIES.—

"(1) PLANNING.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation and the Secretary of the Interior shall complete the necessary planning studies, including selection of a relocation site, identified in the Coast Guard's strategy document for relocation of the Cape Cod Lighthouse (popularly known as the "Highland Light Station"), located in North Truro, Massachusetts.

"(2) DESIGN.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete the design studies identified in the Coast Guard's strategy document for relocation of the Cape Cod Lighthouse.

"(b) USE OF AMOUNTS FOR STUDIES.—Of amounts appropriated under the authority of this Act for acquisition, construction, rebuilding, and improvement, the Secretary of Transportation may use up to $600,000 for conducting the studies required under subsection (a).".

At the end of the bill add the following new sections:

"SEC. . CASS RIVER.

"Subtitle II of title 46, United States Code, relating only to Vessel inspection and manning, shall not apply to a vessel operating on the date of enactment of this Act on the Cass River above the dam at Frankenmuth, Michigan (locally known as the Hubinger Dam) which is inspected and licensed by the State of Michigan to carry passengers.".

At the end of the bill add the following:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(d) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . PROHIBITION OF CONTRACTS.

If it is finally determined by a court or Federal agency that a person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be determined to be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TAUZIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana.

There was no objection.

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Mr. TAUZIN. Mr. Chairman, my amendment is noncontroversial and has been prepared by the Committee on Merchant Marine and Fisheries to address three issues that have arisen since H.R. 2150 was reported.

The first part of the amendment clarifies that the $23,030,000 authorized to be appropriated from the oilspill liability trust fund in section 101(2) of the bill is intended to be used to carry out the purposes of the Oil Pollution Act of 1990.

The second part of the committee amendment makes modest changes to section 314 of the bill, concerning the relocation of Cape Cod Light, located in Truro, MA. Specifically, the amendment would grant the Coast Guard, working with the National Park Service, 18 months to complete planning and design studies for the relocation of the light. While the Park Service will be involved in this process, the work can be done with its current operating budget. This language is being introduced to address concerns the Coast Guard had with section 314.

The third part of the amendment will address an issue brought to the committee's attention by my colleague from the Fifth District of Michigan, Representative BARCIA. This section clarifies the shared responsibility of the Coast Guard and the State of Michigan concerning the regulation of a vessel that operates on Cass River in Frankenmuth, MI. The committee developed this language with the cooperation of both the Coast Guard and the State of Michigan.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I just want to indicate my appreciation to the gentleman and my support for the amendments.

Mr. FIELDS of Texas. Mr. Chairman, if the gentleman will yield, the minority has had an opportunity to review the amendments. It was our understanding that the gentleman from Ohio [Mr. TRAFICANT] was going to offer his amendment himself, but we are prepared to accept his amendment and we have no objection.

The CHAIRMAN. The question is on the amendment en bloc offered by the gentleman from Louisiana [Mr. TAUZIN].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS: Page 27, after line 2, add the following:

SEC. . SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

Mr. GOSS. Mr. Chairman, my amendment simply seeks to set the record straight. It says it is the sense of this Congress that when we require the Coast Guard to take on additional or extraordinary duties, we will also consider how to pay for them.

The Coast Guard is the smallest of our armed services, yet its responsibilities are great. We ask the Coast Guard to be responsible for the navigation and safety of our waterways, for maritime law enforcement, for emergency search and rescue, for maritime inspection and licensing, for defense readiness, and much, much more.

On top of these vital functions, the Coast Guard is often called upon to perform extraordinary services—services in addition to its many normal duties. These extra responsibilities are most often unplanned and unfunded.

The most recent example of an extraordinary service is Operation Able Manner. Since January of this year, and several times in the recent past, a massive Coast Guard deployment has patrolled the windward passage between Haiti and the United States.

Operation Able Manner has involved an enormous commitment of manpower and equipment: The full costs of the operation to date are estimated to be over $88 million. Millions of dollars are being spent in this effort which were not budgeted for interdiction activities, meaning that the money must be taken from elsewhere in the budget.

Given the Coast Guard's already stretched resources, I find the fact that we are forcing it to scale back vital operations in order to meet the extraordinary needs of the Haitian crisis very disturbing. I am appalled that in general we continue to increase the responsibilities of the Coast Guard while cutting its operating expenses.

While my amendment cannot resolve past funding shortfalls, it does put the Members of this body on record: It says that Congress will back up its demands on the Coast Guard with funds necessary to carry them out.

Thank you, Mr. Chairman, I urge support for my amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, I support this amendment

Mr. Chairman, we cannot require the Coast Guard to dramatically increase Haitian interdiction activities without adequate funds. Additional costs for Haitian interdiction must come from somewhere, and I do not support a decrease in Coast Guard drug interdiction, search and rescue or environmental protection to cover those costs.

I think the gentleman makes an excellent point with his amendment, and I support it.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I think the gentleman's amendment makes a great deal of sense. I only wish it also had dollars, but I am very happy to support it.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to thank the gentleman for raising this point. This is just one of many instances where the Coast Guard has been asked and required to extend its resources to carry out a function that we had not anticipated. In this rescue mission in the Caribbean to save these lives, the Coast Guard had to readjust, reallocate millions of dollars that otherwise would have been used in search and rescue and drug interdiction and maintenance and inspection, all the other things we are required to do.

Yet we appropriated none of this money for the Coast Guard. It pinches, it contains, it makes it more difficult for the Coast Guard to do its life saving and property saving activities, when we have to do these extra functions and nobody provides the money.

The gentleman highlights that with his amendment. While there is no money attached to it, we wish there was. We certainly support the gentleman in his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The amendment was agreed to.

Ms. FURSE. Mr. Chairman, I move to strike the last word.

Mr. Chairman. I rise to express my strong support for the Coast Guard and the vital functions it performs.

In my district, we greatly appreciate the prominent presence of the Coast Guard in several locations in Astoria. We recognize and heavily rely on the marine safety assistance services it provides. This agency carries a heavy burden of responsibilities on its shoulders: search and rescue operations, boating and environmental safety, drug interdiction, and the enforcement of a multitude of laws and treaties governing the high seas, among others. Too often, we take for granted the role of this extremely valuable agency. In past years, this agency has consistently been underfunded.

I am pleased to add my voice to the support expressed by my colleagues for this fiscal year 1994 authorization for the Coast Guard.

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AMENDMENT OFFERED BY MR. FIELDS OF TEXAS

Mr. FIELDS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS of Texas: At the end of the bill add the following:

SEC. . MERCHANT MARINER QUALIFIED SERVICE.

Part G of Subtitle II, title 46 United States Code is amended by adding the following new chapter:

“CHAPTER 112—MERCHANT MARINER QUALIFIED SERVICE

“Sec.
“11201. General.
“11202. Qualified service benefits.
“11203. Processing fees.
“11204. Definitions.

“§ 11201. General

“An individual who served as a member of the United States merchant marine between December 7, 1941, and December 31, 1946, was engaged in qualified service for purposes of this chapter if during that period the person was—

“(1) licensed or otherwise documented by an officer or employee of the United States authorized to do so; and

“(2) a crewmember of a vessel that at the time of such service was—

“(A) documented in the United States;

“(B) operated in waters other than inland waters of the United States;

“(C) under contract, charter to, or property of, the Government of the United States; and

“(D) serving the Armed Forces.

“§ 11202. Qualified service benefits

“(a) An individual who meets the requirements for qualified service under section 11201 may apply to the Secretary for benefits provided to an individual under section 401(a)(1)(A) of the Act.

“(b) When the Secretary determines that an individual meets the requirements for qualified service under section 11201, the Secretary shall notify the Secretary of Defense.

“(c) Not later than one year after the individual has applied for benefits under subsection (a), the Secretary of Defense shall issue an honorable discharge to the individual described in subsection (b) whose qualified service warrants an honorable discharge under section 401(a)(1)(B) of the Act.

“(d) The Secretary of Transportation shall pay for any benefits that an individual receives under this chapter. The Secretary may not pay for benefits for any period prior to the date of enactment of this chapter.

“§ 11203. Processing fees

“(a) The Secretary shall establish, assess, and collect a fee for processing applications for benefits under section 11202.

“(b) A fee established under this section applies to an application that the Secretary receives after the enactment of this Act for a benefit, including an increase in a benefit, under section 11202.

“(c) The amount of a fee established under this section is $30.

“§ 11204. Definitions

“In this chapter—

“(1) ‘the Act’ means the GI Bill Improvement Act of 1977.”.

“(2) ‘United States merchant marine’ includes the United States Army Transport Service.”.

Mr. FIELDS of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FIELDS of Texas. Mr. Chairman, this amendment will correct a 47-year-old injustice by providing recognition to several thousand merchant mariners who served this Nation during World War II.

Mr. Chairman, for the past 3 years, LANE EVANS and I have worked to ensure that the House had an opportunity to consider the Merchant Mariners Fairness Act.

This bill, which has been cosponsored by over 218 Members, has been unanimously reported three times by the Merchant Marine and Fisheries Committee.

The sole purpose of H.R. 44 is to provide veterans status to those merchant mariners who served this country between December 7, 1941, and December 31, 1946.

This measure is necessary in order to correct a January 19, 1988, decision by then Air Force Secretary Edward Aldridge who unilaterally decided that World War II ended on August 15, 1945, for those who served in the U.S. merchant marine.

Mr. Chairman, clearly, that was a most unfair and unsupportable decision. By establishing this date, the Secretary made a determination that has no basis in law. The August 15, 1945, date does not appear anywhere in the Federal Court decision mandating veterans status and, according to the Air Force, there is no documentation, no precedent, and no justification for choosing V–J Day.

It is essential we remember that it wasn't until December 31, 1946, that President Harry Truman declared in Proclamation 2714 that “although a state of war still exists, it is at this time possible to declare that hostilities have terminated.”

Furthermore, all of our Federal laws that affect those who served during the World War II period use the dates December 7, 1941, to December 31, 1946.

Mr. Chairman, in an effort to move this legislation forward, I am now offering a modified version of H.R. 44 as an amendment to this legislation. This amendment will provide recognition to the 2,500 Americans adversely affected by Secretary Aldridge's decision.

Under my amendment, those Americans who were in the active merchant marine on or before December 31, 1946, will be given veterans status.

This amendment will modify Secretary Aldridge's unfair 1988 decision by eliminating the arbitrary date of August 15, 1945, and the foreign oceangoing voyage requirement.

Mr. Chairman, this amendment is a fair solution to this problem and it will treat all those who served during the World War II period in exactly the same equitable manner. For instance, under current law, if an individual was in boot camp or basic training on December 31, 1946, they are considered a World War II veteran.

While in theory about 2,500 Americans would be eligible for a variety of veterans benefits, in reality the only benefits they are likely to obtain from this amendment are recognition and the right to have a flag on their coffin.

After all, educational benefits have long since expired, people in their late 60's do not buy new homes, and all of these individuals are eligible for Medicare benefits. In short, it is highly unlikely that any of these individuals will ever seek care at a VA hospital. In fact, we know that 71,000 merchant mariners have been given veterans status because of the 1988 decision and, of that number, only a handful have received VA hospital benefits.

Furthermore, under the terms of this amendment, the Secretary of Transportation will reimburse the Department of Veterans Affairs for any and all benefits received under this proposal. In short, this amendment will not cost VA hospitals or any veterans program any money whatsoever. Let me repeat—this amendment will not cost the VA a single dime.

In terms of budget implications, the Congressional Budget Office has estimated that this amendment would result in outlays of only $100,000 in fiscal year 1994. Furthermore, this amendment requires that an individual seeking veterans status pay the Coast

Guard a $30 processing fee. This fee will cover all administrative costs.

Mr. Chairman, I have been contacted by those Americans affected by Secretary Aldridge's unfair decision. Each of these individuals shares the common characteristics of love of country and the commitment to service during one of the most difficult periods in our Nation's history.

Unlike their brothers in uniform, America's merchant seamen came home to no tickertape parades or celebrations. Little, if anything, was said about the contributions they made to defeating the Axis powers and to preserving the freedoms and liberties we Americans cherish.

As Gen. Douglas MacArthur stated, "The merchant seamen shared the heaviest enemy fire. They contributed tremendously to our success."

Today, by approving this amendment, we can finally complete the job of providing fairness to those distinguished Americans who served in our merchant marine during World War II.

While the hour is late, we must not forget these proud Americans who made such invaluable contributions to our country's successful war effort. These men have waited a long time to tell their grandchildren that they are World War II veterans.

Mr. Chairman, again I want to sincerely want to thank those Members, most notably LANE EVANS and GERRY STUDDS, who have joined with me in this noble effort. While this amendment affects only a handful of people, it is a just remedy and it will stop treating these Americans as second-class citizens.

I urge the adoption of the Fields amendment.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I am glad to yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I want to commend the gentleman. I think this is a subject of great consequence. Our dealing with it is long overdue. I appreciate the gentleman's taking leadership at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FIELDS].

The amendment was agreed to.

Ms. LAMBERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first allow me to commend subcommittee chairman, the gentleman from Louisiana [Mr. TAUZIN], the ranking member, the gentleman from North Carolina [Mr. COBLE], and their respective staffs for putting together a responsible, fiscally sound budget authorization for the coming year. In addition, the committee budget authorization calls for necessary program and facility improvements while maintaining adequate force levels for the many responsibilities our Coast Guard must carry out.

I believe we have a good sound budget for the Coast Guard. Later this week we will have the opportunity to vote on the Transportation appropriations bill. Much of what is contained in this authorization is not contained in the appropriation. Facing this obstacle frustrates me. As a result, many programs for drug interdiction and oilspill responses will not be fully funded. But, I do thank Chairman CARR for understanding our concerns and in redrafting language to more adequately protect the Coast Guard.

The long-range plan of the Coast Guard must be matched with a long-term vision for the Coast Guard by Members of the U.S. Congress. It is my hope that the Congress will adequately develop the Guard in the years to come by providing the necessary resources.

Mr. Chairman, we have all witnessed the wonderful job the Coast Guard is performing along the Mississippi River. So the Guard can respond to such natural disasters and at times manmade accidents, we must keep the Coast Guard in a ready state. We must give them the tools for the job. This authorization does that.

In conclusion, I look forward to casting a vote in favor of this budget resolution. Our commitment to a strong Coast Guard must continue through whatever stormy seas remain ahead.

AMENDMENT OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARR of Michigan: On page 2, line 20, strike the first comma and insert in lieu thereof: "of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission".

Mr. CARR. Mr. Chairman, I want to take this opportunity to highlight the cooperative spirit between the Committee on Merchant Marine and Fisheries and, in particular, the chairman of the Subcommittee on the Coast Guard and Navigation, and the cooperative spirit that that committee has had with our committee. We appreciate the fact that we get good advice from the gentleman's committee and we work together. It is a real pleasure. We look forward to always hearing the gentleman's testimony before our committee as we assess the Coast Guard's needs for the coming year, and we listen to the advice that he gives us.

Mr. Chairman, during the last appropriation hearing on the Coast Guard we did address the issue of research and development under the Coast Guard accounts. The chairman, the gentleman from Louisiana [Mr. TAUZIN] was there, and we discussed the matter with him. We also discussed the matter with Admiral Kime. It turns out that through the many years of authorizations and reauthorizations, the hard definition of what the mission for research and development for the Coast Guard might be has become a little bit fuzzy, and Admiral Kime admitted as much, and said they were working on trying to tighten up the definition of their research and development mission.

To help that process along, and in consultation with the leaders of the Coast Guard subcommittee on both sides, I authorized this amendment, or actually co-authorized with the committee, to try to give us a better yardstick on appropriations so that we will be able to better measure the requests, both from the Coast Guard and from Members, as they may be.

It is in that spirit that I offer this fairly technical but hopefully improving amendment.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. CARR. I am glad to yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I want to thank the gentleman for his expression of understanding and appreciation of the spirit with which the two committees cooperate. That is fully appreciated, fully reciprocated, and we are happy to accept the gentleman's amendment.

Mr. FIELDS of Texas. Mr. Chairman, will the gentleman yield?

Mr. CARR. I am happy to yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Chairman, the minority is prepared to accept the amendment this morning, also. We have had the discussions. If there is a need to change a word, a comma, we have discussed that the chairman would continue to work with us in that particular respect.

We agree with the thrust of what the gentleman is trying to accomplish with this amendment.

Mr. CARR. I absolutely concur with what the gentleman says. This is an effort to get some help on performing our appropriations functions. I think the committee understands the need for the help we seek. We leave it in your hands how best to do that. The gentleman may have to change some things in conference, and we fully understand that.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. CARR. I am glad to yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I personally want to thank the distinguished gentleman from Michigan [Mr. CARR], the chairman of the Subcommittee on Transportation of the Committee on Appropriations, for his kind words, and to echo them. The cooperative spirit between our two committees is one, I am sure, that many other appropriating and authorizing committees would like to have.

I particularly want to thank the gentleman for the efforts he has made and will continue to make in the appropriation bill to see to it that vital Coast Guard needs are not underfunded.

In regard to this amendment, I join with the gentleman in working with the gentleman from Texas [Mr. FIELDS] and others to ensure that this language does indeed tie down the research money to its intended purpose.

This is just for the record, so we will know that the Coast Guard is doing really good research programs. Let me highlight a few, if I might.

They are developing a new computer now that will assist in search and rescue capability, narrowed down to very small areas, adjusting for wind currents, tides, wind speeds, and weather conditions, so we can go out directly to the scene of an accident, and people will not drown or be insured without recovery.

We are advancing research on the advanced global positioning system development. That will be the satellite system that will identify the location of vessels with pinpoint accuracy. That research is going forward.

We are researching engineering on the VTS-2000 program, the program which I mentioned earlier to make sure vessels do not collide in our ports and harbors.

We are doing fire safety research and engineering safety, smoke control on passenger vessels, fire endurance of aluminum materials on small passenger vessels, much good research. We want to make sure it is targeted to the right purposes.

I join the gentleman in that effort of ensuring we have the right language, and again, I thank the gentleman for the extraordinary level of cooperation between the two committees.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CARR].

The amendment was agreed to.

Mr. BARCIA of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to take this opportunity to thank both the distinguished gentleman from Massachusetts [Mr. STUDDS], the chairman of the standing committee and authorizing committee, for the superb job that he has done preparing this Coast Guard authorization bill, as well as extend my appreciation to our outstanding subcommittee chairman, the gentleman from Louisiana [Mr. TAUZIN], and offer my gratitude on behalf of my constituents for an amendment which was just included in the amendments en bloc that were adopted, addressing an issue that we addressed in my district in Frankenmuth, MI, in which a section of the Cass River which is only about 2 or 2½ feet deep, but in the 1800's served as a transportation route for logging activities, and therefore has resulted in a declaration by the Coast Guard that in fact this is an interstate river which is engaged in interstate commerce.

Mr. Chairman, I would say to the subcommittee chairman, the chairman, and certainly ranking members of the committee that I would like to express the appreciation of the people of my district for the flexibility which is given so that the Coast Guard will not have to directly regulate the *Riverboat Queen*, which traverses through Frankenmuth on the Cass River, and just point out to the Members that public safety will not be jeopardized, because our Michigan Department of Natural Resources has a very stringent set of regulations, and through discussions with the Michigan DNR and the staff of the gentleman's subcommittee, the gentleman from Louisiana [Mr. TAUZIN], we have come to a successful, I think, resolution to a problem that concerned my constituents.

I just want to offer my gratitude and say thanks for the great work that he has done on the preparation of this authorization bill.

The CHAIRMAN. Are there further amendments to the bill?

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the chairman, the gentleman from Massachusetts [Mr. STUDDS].

Mr. Chairman, I rise to convey my serious concerns, as shared by my good friend, the gentleman from Illinois [Mr. LIPINSKI] and the distinguished majority whip, the gentleman from Michigan [Mr. BONIOR], regarding alleged Coast Guard interference in labor disputes on the Great Lakes. I would like to highlight the nature of these concerns, and highlight what appropriate Coast Guard behavior would entail.

In July 1992, I was contacted by Raymond Sierra, vice president of the International Longshoremen's Union [ILA] and an official of its Great Lakes District Council, who complained about U.S. Coast Guard interference in an ILA labor dispute with two grain stevedores at Burns International Harbor in Portage, IN. Mr. Sierra asked for a congressional inquiry of this incident. Alarmed by the serious nature of this charge, I joined the gentleman from Michigan [Mr. BONIOR] and former Congresswoman Mary Rose Oakar in requesting an inquiry by the Merchant Marine and Fisheries Subcommittee on Oversight and Investigations, which was chaired by Congressman LIPINSKI.

Last November, the Subcommittee on Oversight and Investigations convened a field hearing to investigate the Burns Harbor incident. ILA members involved in this incident delivered compelling testimony at the hearing, which reinforced my concerns that the Coast Guard overstepped its bounds in grounding two ILA picket boats engaged in a legal picket of the grain stevedores.

Coast Guard policy states: "Under no circumstances will the Coast Guard exercise its authority for the purpose of favoring any party to a maritime labor controversy."

The Coast Guard has maintained that it was acting only to ensure the enforcement of Federal laws designed to protect the safety of life and property on the water. However, based on the Coast Guard's testimony at last year's hearing, I am not convinced that was the sole purpose of their actions. Unfortunately, the Coast Guard's witness at the hearing was not personally involved in the incident. Further, he was unable to answer specific questions about the sequence of events that might have clarified the nature of the Coast Guard's actions at Burns Harbor.

Mr. Chairman, I have received further information from the longshoremen regarding this matter, which enumerates other points of contention between the union and the Coast Guard. It is my hope that we can have your cooperation in fully resolving this situation. It is my hope that with your help, and through our continuing efforts, we will get the answers we are looking for and put this matter to rest, once and for all.

Mr. STUDDS. Will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for bringing this matter to my attention. The Coast Guard policy on involvement in labor disputes seems quite clear to me. If the safety of life and property are not at issue, the Coast Guard should not be involved—period. Some serious questions have been raised by the ILA, and our committee will be happy to work with you and the Coast Guard to get to the bottom of this.

Mr. VISCLOSKY. I thank the gentleman.

☐ 1210

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it had been my intention to offer an amendment to prohibit the Secretary of Transportation from repairing any Coast Guard vessel in a shipyard owned and operated by the United States if the Secretary has solicited proposals to conduct the work from private shipyards. It has recently come to my attention that a shipyard owned and operated by the U.S. Government was competing with private U.S. shipyards for a Coast Guard repair contract.

Since 1981, 60,000 shipyard jobs have been lost in this country, and more than 40 yards have closed. If that trend is to be reversed, this country must have a rational and comprehensive shipbuilding policy. To develop that policy, Chairman RON DELLUMS of the Committee on Armed Services and Members on both sides of the aisle and I have introduced the National Shipbuilding and Conversion Act of 1993 which will encourage Government agencies to work with the U.S. shipbuilding industry, not against them.

My amendment was consistent with the goal of that act, and would prevent the Coast Guard from unfairly disadvantaging private shipyards with subsidized Government contracts.

Mr. Chairman, I was informed this morning by the Coast Guard that they have revised their policy to act consistently with the intention of my amendment and that, therefore, the amendment is not necessary. But let me just say it is my intention, and I suspect that of the gentleman from Louisiana [Mr. TAUZIN] and others on both sides of the aisle to pursue this matter to make sure that, in fact, the policy has changed, and also to work with members of the Armed Services Committee in that regard.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to commend the gentleman for his attention to this issue and for securing from the Coast Guard this commitment to change its policy. The gentleman is absolutely right. If we are going to have any kind of a shipbuilding capability in America, we cannot have Government shipyards competing for jobs that private shipyards can and should be performing.

We are going to have oversight of the Coast Guard in this regard, and I assure the chairman of the full committee that we will have reports coming back to him in regard to the findings that we make on this change of policy.

Mr. STUDDS. I thank the distinguished gentleman.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the Committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MFUME) having assumed the chair, Mr. DARDEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2150) to authorize appropriations for fiscal year 1994 for the U.S. Coast Guard, and for other purposes, pursuant to House Resolution 206, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2150, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERSONAL EXPLANATION

Mr. CRAPO. Mr. Speaker, due to district work on the Idaho wilderness issue, I was unable to vote on rollcall vote No. 387 on House Resolution 206, the rule providing for the consideration of H.R. 2150 Coast Guard authorization. Had I been present I would have voted "yes" on rollcall vote No. 387.

LEGISLATIVE PROGRAM

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

Mr. GOSS. Mr. Speaker, I would like to inquire if I may of the distinguished majority leader if we may have some information about the likely program before us, and I am happy to yield to the gentleman for that purpose.

□ 1220

Mr. GEPHARDT. I thank the gentleman for yielding to me.

Mr. Speaker, obviously there will be no more votes today. On Monday, August 2, we will meet at noon, and we will consider on suspension 19 bills, which I will not take your time to read. We do have them available in the Cloakrooms.

The votes will be held on all of these suspensions until the end of the last suspension. To give Members a sense, I think probably around four to six they should expect the votes to ensue.

On Tuesday, August 3, and the balance of the week, the House will meet at noon on Tuesday, August 3, and will meet at 10 a.m. on Wednesday, Thursday, and possibly Friday. We will be taking up H.R. 2530, Bureau of Land Management authorization, subject to a rule, H.R. 2750, Transportation appropriation for fiscal year 1994; H.R. 2330, the Intelligence Authorization Act for 1994, subject to a rule; H.R. 2401, Defense authorization for fiscal year 1994, subject to a rule; obviously, the Omnibus Budget Reconciliation Act of 1993, a conference report, subject to a rule; and H.R. 1340, Resolution Trust Corporation completion, subject to a rule.

We obviously also have conference report on H.R. 2267, the disaster assistance supplemental that we expect, the conference report; and H.R. 2348, legislative branch appropriations is expected. Other conference reports may be brought up at any time.

At the close of the week's business, the House will recess until noon on Wednesday, September 8, for the August/Labor Day district work period.

Mr. GOSS. Reclaiming my time, I wonder if I might further inquire as to a couple of specific points of the distinguished majority leader; these have raised matters of interest on our side of the aisle.

Is there any information that we can report on H.R. 2750, the Transportation appropriations for fiscal year 1994, on that situation? I yield to the gentleman.

Mr. GEPHARDT. I thank the gentleman. We are still working with the various parties involved, trying to work out a rule or a process by which this matter could be brought up. We have not reached an agreement, and I cannot guarantee the gentleman that we will be able to bring up the bill next week, but we are trying very hard to do that.

Mr. GOSS. I thank the gentleman. Reclaiming my time, I have two other areas that come to mind which are matters of high concern, I think, to everybody.

First, is there any more certainty that the majority leader could give us about the Omnibus Budget Reconciliation Act, exactly how that is going to work into the end of the schedule next week? Should Members be advised not to make firm plans at this point? Or maintain flexibility, or any other guidance? I yield to the gentleman.

Mr. GEPHARDT. Our hope is that the conference report will be ready for filing on Monday and that we can get the bill up for a vote on Wednesday of next week. It may be later than that in the week, but we hope not. If that can be accomplished, then we should be able to get our work done here on Thursday or Friday at the latest.

Mr. GOSS. I again thank the distinguished majority leader. Reclaiming my time, I find there has been another area of concern that perhaps I think the gentleman could help us clarify. I think we understand, but we want to be sure.

Is consideration being given for extending time for Members to file amendments on the Defense authorization? The time on that is currently noon on Monday. That request was discussed yesterday. There has been conversation earlier today. But I yield to the majority leader if he has further information.

Mr. GEPHARDT. If the gentleman would yield, as I understand, the committee requested that the amendments be filed by noon on Monday. It is my understanding that has not changed.

Mr. GOSS. Reclaiming my time, I believe that is our understanding also. I hope all parties who are interested will be apprised of that understanding.

One final question, if I may ask the distinguished majority leader: Is there any plan at this time to deal further with the Hatch Act, the conference on that? I yield.

Mr. GEPHARDT. If the gentleman will yield, there is no expectation that that will be coming up next week. It will probably be after the recess.

Mr. GOSS. I thank the distinguished majority leader, and at this time I yield back the balance of my time.

ADJOURNMENT TO MONDAY, AUGUST 2, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WAIVING PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT OF 1970 REQUIRING ADJOURNMENT OF CONGRESS BY JULY 31

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate a concurrent resolution (S. Con. Res. 33) to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31, and ask for its immediate consideration in the House.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SPEAKER pro tempore. The Clerk will report the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows;

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

□ 1225

THE PRESIDENT ON THE FRONT LINE

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORNAN. Mr. Speaker, I say to the House and the 1½ million people who follow the proceedings of this House on C-SPAN, if the Members have any question why folks in the military on active duty and the Reserve and veterans groups cannot stand the sight of Mr. Clinton when he postures in front of military people, here is a classic example in this week's issue of Time magazine.

"Mack, You And George Go Left; Dave, You Cover Them. . . ." It is David Gergen, "You Cover Them."

"Commander in Chief Clinton recently visited the Korean DMZ."

Imagine, I picked this up in the Cloakroom on the day that Matthew Ridgway, one of our great commanders, is being buried at Arlington.

Clinton: "I understand that I was in a more forward position than any President had been before," July 11, Seoul. "I walked out further than any American President ever had onto the Bridge of No Return, about 10 yards from the line separating North and South Korea * * *" July 11, Honolulu. "I was able to take the most forward position that any American President has ever enjoyed, standing on the Bridge of No Return about 10 yards from the dividing line * * *" July 11, Pearl Harbor. "I got within about 10 yards of the dividing line between North and South Korea * * *"

Half of this House has been there and stood on the North Korean side at Panmunjom. At the conclusion of my remarks I will insert a letter to Colonel Holmes, the infamous letter of December 3, 1969, where he says Korea was not an example, "in my opinion," where the draft was needed. I also include the letter from Colonel Holmes. Hypocrisy.

TEXT OF BILL CLINTON'S LETTER TO ROTC COLONEL

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue, which I did not begin to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply to "participation in war in any form."

From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war. I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to reach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.

At that time, after we had made our agreement and you had sent my 1–D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter. There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.
Sincerely,
BILL CLINTON.

SEPTEMBER 7, 1992.

Memorandum for Record:

Subject: Bill Clinton and the University of Arkansas ROTC Program:

There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC department at the University of Arkansas. Prior to this time I have not felt the necessity for discussing the details. The reason I have not done so before is that my poor physical health (a consequence of participation in the Bataan Death March and the subsequent 3½ years internment in Japanese POW camps) has precluded me from getting into what I felt was unnecessary involvement. However, present polls show that there is the imminent danger to our country of a draft dodger becoming the Commander-in-Chief of the Armed Forces of the United States. While it is true, as Mr. Clinton has stated, that there were many others who avoided serving their country in the Vietnam war, they are not aspiring to be the President of the United States.

The tremendous implications of the possibility of his becoming Commander-in-Chief of the United States Armed Forces compels me now to comment on the facts concerning Mr. Clinton's evasion of the draft.

This account would not have been imperative had Bill Clinton been completely honest with the American public concerning this matter. But as Mr. Clinton replied on a news conference this evening (September 5, 1992) after being asked another particular about his dodging the draft, "Almost everyone concerned with these incidents are dead. I have no more comments to make". Since I may be the only person living who can give a first hand account of what actually transpired, I am obligated by my love for my country and my sense of duty to divulge what actually happened and make it a matter of record.

Bill Clinton came to see me at my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas. We engaged in an extensive, approximately two (2) hour interview. At no time during this long conversation about his desire to join the program did he inform me of his involvement, participation and actually organizing protests against the United States involvement in South East Asia. He was shrewd enough to realize that had I been aware of his activities, he would not have been accepted into the ROTC program as a potential officer in the United States Army.

The next day I began to receive phone calls regarding Bill Clinton's draft status. I was informed by the draft board that it was of interest to Senator Fullbright's office that Bill Clinton a Rhodes Scholar, should be admitted to the ROTC program. I received several such calls. The general message conveyed by the draft board to me was that Senator Fullbright's office was putting pressure on them and that they needed my help. I then made the necessary arrangements to enroll Mr. Clinton into the ROTC program at the University of Arkansas.

I was not "saving" him from serving his country, as he erroneously thanked me for in his letter from England (dated December 3, 1969). I was making it possible for a Rhodes Scholar to serve in the military as an officer.

In retrospect I see that Mr. Clinton had no intention of following through with his agreement to join the Army ROTC program at the University of Arkansas or to attend the University of Arkansas Law School. I had explained to him the necessity of enrolling at the University of Arkansas as a student in order to be eligible to take the ROTC program at the University. He never enrolled at the University of Arkansas, but instead enrolled at Yale after attending Oxford. I believe that he purposely deceived me, using the possibility of joining the ROTC as a ploy to work with the draft board to delay his induction and get a new draft classification.

The December 3rd letter written to me by Mr. Clinton, and subsequently taken from the files by Lt. Col. Clint Jones, my executive officer, was placed into the ROTC files so that a record would be available in case the applicant should again petition to enter into the ROTC program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the United States Military. Even more significant was his lack of veracity in purposefully defrauding the military by deceiving me, both in concealing his anti-military activities overseas and his counterfeit intentions for later military service. These actions cause me to question both his patriotism and his integrity.

When I consider the calibre, the bravery, and the patriotism of the fine young soldiers whose deaths I have witnessed, and others whose funerals I have attended * * *. When I reflect on not only the willingness but eagerness that so many of them displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me that a man who was not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our Armed Forces.

I write this declaration not only for the living and future generations, but for those who fought and died for our country. If space and time permitted I would include the names of the ones I knew and fought with, and along with them I would mention my brother Bob, who was killed during World War II and is buried in Cambridge, England (at the age of 23, about the age Bill Clinton was when he was over in England protesting the war).

I have agonized over whether or not to submit this statement to the American people. But, I realize that even though I served my country by being in the military for over 32 years, and having gone through the ordeal of months of combat under the worst of conditions followed by years of imprisonment by the Japanese, it is not enough. I'm writing these comments to let everyone know that I love my country more than I do my own personal security and well-being. I will go to my grave loving these United States of America and the liberty for which so many men have fought and died.

Because of my poor physical condition this will be my final statement. I will make no further comments to any of the media regarding this issue.

EUGENE J. HOLMES,
Colonel, U.S.A., Ret.

State of Arkansas,
County of Washington,
BARBARA J. POWERS,
Notary Public.

THE CLINTON BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, I take the floor today to voice the concern and outrage that I and other Americans feel over Clinton's-Democrat budget plan.

Mr. Speaker, the plan has been sold as a good balance of tax increases/

spending cuts which will reduce the deficit and benefit the economy.

But that is not what it is and that most unfortunately is not what it will do.

The Democrats' plan lacks sufficient spending cuts. It guarantees tax increases—several of which are retroactive—but it carries no guarantee of spending cuts.

This is no way to deal with the deficit, restore the economy, or create jobs.

The right approach—given Congress' history of institutional irresponsibility—is to cut spending deep and wide, guaranteeing that cuts are enacted quickly and that new taxes go to deficit reduction only.

During confirmation hearings, the administration seemed to be headed in right direction.

Officials like Panetta said we would see $2 in cuts for every $1 in tax increases.

However, the President, afraid of becoming another Jimmy Carter—an irrelevant outsider—I believe caved in and allowed himself to be rolled by big spenders in the Democratic party.

What the American people eventually got was far different than that promised.

In May, the House passed a reconciliation bill with $2 in taxes for every $1 in cuts, the exact opposite of promises and opposite of what should be done.

The public's response was solidly negative.

The man in the street, I believe, was ahead of the President on spending cuts; Clinton was out of touch in this regard.

The President would not have this problem if he had reached out to Republicans.

Republicans would have supported him on spending cuts where Democrats would not.

Clinton instead ignored the Republicans and consequently finds himself hoping that opposing Democratic factions will reach an agreement which can pass.

Deficit reduction is a national, not a partisan issue. That's how American people view it, but the President apparently does not.

The plan's fundamental flaw is a lack of spending cuts.

There are a large number of wasteful and unneeded programs we could cut before raising any taxes.

I suggest closing down the Rural Electrification Administration, terminating the space station and the SSC—which we cannot afford—stopping Government subsidies for grazing, among many, many others. Unfortunately, I believe the President caved in on several of these proposals or neglected to make them altogether.

The American people should know that the plan that will be before Congress next week does not terminate a single program, not one, not even the honeybee subsidy program.

Mr. Speaker, moreover, 60 percent of cuts in the Clinton plan supposedly will come in the last 2 years of its 5-year life.

So these are vulnerable to future budget negotiations and probably will not happen.

We have seen it before.

The plan also relies on gimmicks such as refinancing of Government debt and projected interest savings for deficit reduction.

Perhaps the worst thing about the plan is the fact that many of its new taxes go for spending, not deficit reduction.

□ 1230

The taxes are for new spending, not deficit reduction. How do we know that?

For fiscal 1994, the budget resolution contains $300 billion in new taxes and user fees over 5 years.

During that period, the deficit is supposed to fall from $262 billion in 1994 to $201 billion in 1998; but if all the new taxes and fees went to deficit reduction only, the deficit would in fact fall to $100 billion in 1998.

In other words, if the plan had a dollar-for-dollar match between new taxes on the one hand and deficit reduction on the other, the deficit would be $100 billion in 1998, versus $200 billion projected under the plan.

So the new taxes will fund new spending, and lots of it. That is why this is truly a tax-and-spend plan, not a deficit reduction plan. The label is inaccurate and ought to be made accurate. This should be labeled a tax-and-spending plan.

Democrats had a chance to enshrine the concept of new taxes for deficit reduction only, but took a pass.

The President, seeing people sour on his program, offered an amazingly cynical proposal, Mr. Speaker, a deficit reduction trust fund to hold the plan's new taxes and spending cuts; but as long as new taxes are spent, a trust fund does not matter at all. It is just an accounting device with no impact whatsoever on the deficit.

I proposed, Mr. Speaker, a taxpayer protection amendment which would have required that new taxes go for deficit reduction only or else be instantly and automatically repealed.

The amendment was endorsed by the Americans for a Balanced Budget, by Citizens Against Government Waste, by the National Tax Limitation Committee, by Citizens for a Sound Economy, by the U.S. Business and Industrial Council, and by the Free Congress Foundation; however, the Rules Committee squelched it, as it did all serious debate on reconciliation.

My constituents understand the problem that the deficit represents. It is fiscal child abuse. We are mortgaging our children's and grandchildren's futures.

The average American starting a career today will pay $200,000 in extra taxes throughout his or her working lifetime just to cover his or her part of the interest on the debt.

If the Clinton plan is adopted 5 years from now, they will be paying $250,000 in extra taxes.

My constituents would reluctantly support higher taxes, if they were guaranteed that all new taxes would go to deficit reduction; but the Democratic plan does not give them a chance to do so, since it asks higher taxes to support more spending.

In my judgment, the plan is unbalanced, cynical, unwise, and will undermine the economy, and that is why I oppose it.

The President was sent to Washington to lead and to solve the deficit problem. He can and should do better, much better. He should reach out to Republicans and forge a bipartisan deficit reduction plan that cuts spending. Then and only then should we contemplate higher taxes for deficit reduction, then and then only.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MFUME). The Chair will advise those members in the gallery that they are here as guests in the House of Representatives and would urge them to refrain from any displays of agreement or disagreement during the day's proceedings.

A TRIBUTE TO REGGIE LEWIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 5 minutes.

Mr. TORKILDSEN. Mr. Speaker, I rise today to speak of a man, a great athlete and a great American, and a story with a happy beginning and a tragic ending.

A young man grew up on the streets of Baltimore, playing basketball for Dunbar High School. In his senior year, he was accepted to attend Northeastern University. Even after several major basketball schools tried to recruit him, he stuck by his word and went to play for the Huskies.

Then, in 1987, the Boston Celtics made him their first round draft choice, surprising many, except those who saw him play. He had reached for his dreams and had made them reality. He was going to play professional basketball for one of the most successful organizations in any sport.

This was a quiet player, who began his career behind great Boston names. But when Larry Bird retired, he stepped forward in his own way, taking the lead of a team that many thought would go leaderless. He became an NBA All-Star in 1992, and this team captain was seen as the core of the New Celtic team, the future of the franchise.

And yet the people who knew him knew he was much more than a great athlete. He married his college sweetheart in 1987, and in 1992 became a father.

He was just beginning a wonderfully successful career and the best years of his life were ahead of him.

Then last year, during the playoffs, he collapsed during the first half, missed the rest of the series and had to watch from the sidelines as Boston was eliminated. But he was determined to come back. He wanted to play the game he had always loved, a game he played so well.

On Tuesday night, while shooting baskets with a friend, he collapsed once again. He was rushed to the hospital, but this time there would be no tomorrow. Reggie Lewis had died of heart failure.

It is a tragic loss that will remain with us for a long time. The world has lost a man of family, a man of faith, a good man. He was a real competitor, a real player, but more importantly a real person. Everyone who knew him or saw him will remember Reggie Lewis. There is no way we can forget.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Lancaster (at the request of Mr. Gephardt), for today, on account of official business.

Mr. Crapo (at the request of Mr. Michel), for today, on account of meeting with constituents on the Idaho wilderness bill.

Mr. McInnis (at the request of Mr. Michel), for today, on account of attending a funeral.

Mrs. Fowler (at the request of Mr. Michel), for today, on account of official business in the district.

Mr. McDade (at the request of Mr. Michel), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Goss) to revise and extend their remarks and include extraneous material:)

Mrs. Meyers of Kansas, for 60 minutes, on August 3.

Mr. Armey, for 60 minutes each day, on August 2, 3, 4, 5, and 6.

Mr. Paxon for 5 minutes, on August 3.

Mr. Torkildsen for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Goss) and to include extraneous matter:)

Mr. Collins of Georgia.

Mr. McKeon.

Mr. Goodling.

Mr. Fields of Texas.

Mrs. Johnson of Connecticut.

Ms. Ros-Lehtinen.

(The following Members (at the request of Mr. Abercrombie) and to include extraneous matter:)

Mr. Swett.

Mr. Bonior.

Ms. Shepherd.

(The following Member (at the request of Mr. Torkildsen) and to include extraneous matter:)

Mrs. Schroeder.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On July 27, 1993:

H.R. 847. An act to provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport.

H.R. 843. An act to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes.

ADJOURNMENT

Mr. TORKILDSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until Monday, August 2, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1674. Under clause 2 of rule XXIV, a letter from the Deputy Secretary of Defense, transmitting a report on allied contributions to the common defense, pursuant to 22 U.S.C. 1928 note; jointly to the Committee on Armed Services and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELLUMS: Committee on Armed Services. H.R. 2401. A bill to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, with amendments (Rept. 103-200). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON BILLS INITIALLY REFERRED UNDER TIME LIMITATIONS

Under clause 5 of rule X, the following actions were taken by the Speaker:

H.R. 1845. Referral to the Committees on Natural Resources and Science, Space, and Technology extended for a period ending not later than September 10, 1993.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Texas:

H.R. 2811. A bill to authorize certain atmospheric, weather, and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. FIELDS of Texas:

H.R. 2812. A bill to improve recreational boating safety; to the Committee on Merchant Marine and Fisheries.

By Mr. HOCHBRUECKNER:

H.R. 2813. A bill to amend the Public Health Service Act to establish programs for the prevention and control of Lyme disease; to the Committee on Energy and Commerce.

By Mr. HUGHES (for himself and Mr. Moorhead):

H.R. 2814. A bill to permit the taking effect of certain proposed rules of civil procedure, with modifications; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. Kennelly, Mr. Gejdenson, Ms. DeLauro, Mr. Shays, and Mr. Franks of Connecticut):

H.R. 2815. A bill to designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Goss, Mr. Bilirakis, and Mr. Sundquist):

H.R. 2816. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of long-term care insurance policies, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. SCHROEDER:

H.R. 2817. A bill to amend the Public Health Service Act to provide for a national system to collect health-related data on fatalities caused by firearms; to the Committee on Energy and Commerce.

By Mr. SYNAR (for himself and Mr. Durbin):

H.R. 2818. A bill to increase the fee for the enforcement of the Tea Importation Act; to the Committee on Ways and Means.

By Mrs. VUCANOVICH (for herself, Mr. Ballenger, Mr. Hastert, Mr. Smith of New Jersey, Mr. Hyde, Mr. Gingrich, Mr. Hancock, Mr. Houghton, and Mr. Crane):

H.R. 2819. A bill to amend title XI of the Social Security Act to improve and clarify provisions prohibiting misuse of symbols, emblems, or names in reference to Social Security programs and agencies; to the Committee on Ways and Means.

By Mr. SMITH of Oregon (for himself, Mr. PETE GEREN of Texas, Mr. POMBO, Mr. DEAL, Mr. DUNCAN, Mr. ANDREWS of New Jersey, Mr. BUNNING, Mr. BURTON of Indiana, Mr. COX, Mr. INHOFE, Mr. EWING, Mr. GALLEGLY, Mr. GOSS, Mr. HANCOCK, Mr. HANSEN, Mr. HAYES, Mr. KINGSTON, Mr. LINDER, Mr. LIVINGSTON, Mrs. LLOYD, Mr. MCINNIS, Mr. MONTGOMERY, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PARKER, Mr. PAXON, Mr. RAMSTAD, Mr. RAVENEL, Mr. ROHRABACHER, Mr. ROWLAND, Mr. ROYCE, Mr. SMITH of Texas, Mr. SOLOMON, Mr. STUMP, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. UPTON, Mr. WELDON, Mr. ZELIFF, Mr. CALVERT, and Mr. HERGER):

H.J. Res. 245. Joint resolution proposing an amendment to the Constitution of the United States to require three-fifths majorities for bills increasing taxes; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H. Con. Res. 129. Concurrent resolution to commend Israel and the Israeli Supreme Court; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. JOHNSTON of Florida.

H.R. 26: Mr. CLAY, Mr. HASTINGS, Ms. MARGOLIES-MEZVINSKY, and Mr. SERRANO.

H.R. 62: Ms. KAPTUR and Mr. DE LUGO.

H.R. 159: Mr. PORTMAN.

H.R. 291: Mr. FRANKS of Connecticut, Mr. TRAFICANT, and Mr. OBERSTAR.

H.R. 324: Mr. GILCHREST.

H.R. 535: Mrs. BENTLEY.

H.R. 702: Mr. FRANK of Massachusetts and Mr. YOUNG of Florida.

H.R. 787: Mr. GONZALEZ.

H.R. 794: Ms. DANNER and Mr. KNOLLENBERG.

H.R. 796: Ms. LOWEY.

H.R. 830: Mr. CONDIT.

H.R. 967: Mr. MACHTLEY and Mr. HANCOCK.

H.R. 1148: Mrs. JOHNSON of Connecticut and Mr. GONZALEZ.

H.R. 1152: Mr. NADLER.

H.R. 1277: Mr. DARDEN and Mr. HANCOCK.

H.R. 1354: Mr. ABERCROMBIE, Mr. DE LUGO, Mr. MCDERMOTT, Mr. DELLUMS, Ms. NORTON, Ms. VELAZQUEZ, Mr. JEFFERSON, Mr. GILMAN, and Mr. FROST.

H.R. 1566: Mr. GENE GREEN of Texas.

H.R. 1923: Ms. MCKINNEY.

H.R. 2336: Mr. BAKER of Louisiana, Mr. EMERSON, and Mr. GENE GREEN of Texas.

H.R. 2602: Mr. GLICKMAN.

H.R. 2640: Mr. PORTER.

H.J. Res. 30: Mr. PORTMAN.

H.J. Res. 157: Mr. ROBERTS, Mr. LIGHTFOOT, Mr. ROHRABACHER, Mr. HERGER, Mr. PETRI, Mr. MCCRERY, Mr. DIAZ-BALART, Mr. BAKER of California, Mr. DE LA GARZA, Mr. SERRANO, Ms. MALONEY, and Ms. MCKINNEY.

H.J. Res. 184: Mr. COOPER, Mr. MCDERMOTT, Mr. MURTHA, Mr. TUCKER, Mr. SMITH of Oregon, Mr. TOWNS, and Mr. PASTOR.

H.J. Res. 185: Mr. ACKERMAN, Mrs. KENNELLY, Mr. KLECZKA, Mr. MINETA, Ms. MOLINARI, Mr. MONTGOMERY, Mrs. MORELLA, Mr. MURPHY, Mr. MURTHA, Mr. NEAL of Massachusetts, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Mr. RAHALL, Mr. RAVENEL, Mr. SABO, Mr. SARPALIUS, Mr. SERRANO, Mr. SKEEN, Mr. SPENCE, Mr. TANNER, Mr. TAUZIN, Mr. TRAFICANT, Mrs. UNSOELD, and Mr. WAXMAN.

H.J. Res. 188: Mr. CHAPMAN, Mr. EVANS, Mr. FISH, Mr. HAMILTON, Mr. HAYES, Mr. HEFNER, Mrs. KENNELLY, Mr. LEHMAN, Mrs. MINK, Ms. MOLINARI, Mr. ORTIZ, Mr. SMITH of New Jersey, Mr. TAUZIN, Mr. BLUTE, Mr. SMITH of Oregon, Mr. RAHALL, Mr. MENENDEZ, Mr. LAZIO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MATSUI, and Mr. MCHUGH.

H. Con. Res. 6: Mr. KIM.

H. Con. Res. 88: Mrs. MORELLA.

H. Con. Res 120: Mr. KIM.

H. Res. 135: Miss COLLINS of Michigan.

H. Res. 165: Mr. BLUTE, Mr. CAMP, Mr. UPTON, Mr. HUTCHINSON, Ms. THURMAN, Mr. LEWIS of Florida, and Mr. HOAGLAND.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2150

By Mr. TRAFICANT:

—At the end of the bill add the following:

SEC. . COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(d) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. . PROHIBITION OF CONTRACTS.

If it is finally determined by a court or Federal agency that a person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be determined to be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

H.R. 2330

By Mr. MCCOLLUM:

—Page 30, after line 3, add the following:

SEC. 306. NATIONAL TASK FORCE ON COUNTERTERRORISM.

(a) ESTABLISHMENT.—It is the sense of the Congress that the President should establish a National Task Force on Counterterrorism comprised of the following nine members: the Deputy Attorney General of the United States, the Deputy Director of Central Intelligence, the Coordinator for Terrorism of the Department of State, an Assistant Secretary of Commerce as designated by the Secretary of Commerce, the National Security Advisor for Special Operations Low Intensity Conflict, the Assistant Secretary of Treasury for Enforcement, the Director of the Federal Bureau of Investigation, the Vice Chairman of the Joint Chiefs of Staff, and an Assistant Secretary of Transportation appointed by the Secretary of Transportation. The Deputy Attorney General and the Deputy Director of Central Intelligence should serve as the Co-Chairs of the Task Force which will review all counterterrorism activities of the intelligence community of the United States Government.

(b) DUTIES.—The National Task Force on Counterterrorism should prepare a report to the Congress which should:

(1) define terrorism, both domestic and international;

(2) identify federal government activities, programs, and assets, which may be utilized to counter terrorism;

(3) assess the processing, analysis, and distribution of intelligence on terrorism and make recommendations for improvement;

(4) make recommendations on appropriate national policies, both preventive and reactive, to counter terrorism;

(5) assess the coordination among law enforcement, intelligence and defense agencies involved in counter terrorism activities and make recommendations concerning how coordination can be improved;

(6) assess whether there should be more centralized operational control over federal government activities, programs, and assets utilized to counter terrorism, and if so, make recommendations concerning how that should be achieved.

(c) SUPPORT.—Sufficient full time staff to support and fulfill duties outlined in paragraph (b) should be provided.

(d) REPORT.—The Task Force will report to Congress no later than six months after the date of enactment of this Act as to the review and recommendations outlined in paragraph (b) and how those recommendations might be implemented. Each 120 days thereafter for the remainder of the two year period beginning on the date of the initial Report, the Task Force will report to Congress on the progress of the implementation of any recommendations.

SENATE—*Friday, July 30, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

So God created man in his own image, in the image of God created he him; male and female created he them.—Genesis 1:27. *Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.*—Genesis 2:24.

Eternal God, help us to appreciate the reality of the image of God in humans—not in males, not in females—but in the male/female union, through which, by the power of reproduction, God's creative power is manifest. Help us comprehend the significance of male/female bonding in marriage, and to take seriously this relationship.

Gracious Father, this has been a very busy week, because of which family relationships may have suffered. Whatever else we do this weekend, may we give priority to our families and exercise our God-given responsibility to spouse and children. Where necessary, may this weekend be a time of healing and reconciliation—a time of family strength and love.

We pray in the name of Jesus Who was incarnate Love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 30, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is be reserved.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2403, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2403) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed the consideration of the bill.

Pending:

Simon Amendment No. 739, to provide that the Department of the Treasury establish and administer a program requiring the payment of an annual fee for the processing of applications (including renewals) for licenses to engage in the business of dealing in firearms.

AMENDMENT NO. 739

The ACTING PRESIDENT pro tempore. There will now be 2 hours of debate on the Simon amendment.

The Senator from Arizona [Mr. DECONCINI].

Mr. DECONCINI. Mr. President, we have pending before us today the amendment by the Senator from Illinois [Mr. SIMON] that would increase the fees that are charged for Federal firearms licensing.

Mr. President, this is a matter which it is unfortunate we cannot agree on, because over the period of years that I have worked on this bill—and it has been many—we have, indeed, failed to address the costs to the Federal Government to license legitimate gun dealers. The Senator from Illinois today is offering, I think, a reasonable increase.

If you are paying $10 today, which is the license fee for gun dealers, and tomorrow or when this bill becomes effective, if this amendment passes, it increases to $375, you might say that is one hefty increase. But let it be noted, I believe—I am sure the Senator from Idaho can correct me—there has been no fee increase since 1968 when the $10 fee was set.

Mr. CRAIG. Yes, that is right.

Mr. DECONCINI. And inflation alone—I have not calculated it—but I am sure inflation alone would require a substantial increase if it were just pegged on the CPI.

It is unfortunate that we have to struggle for this. The National Rifle Association, which is a group which until recently I have had a very rewarding relationship with, and I still do respect many of their officers and certainly their members, including my friend from Idaho. The NRA has on many occasions indicated that there is room to increase the licensing fee. That is a burden that should be borne by the dealers who sell guns.

As a matter of fact, I believe in the past 12 months representatives of NRA testified that it supports an increase to the actual cost to the Bureau of Alcohol, Tobacco and Firearms, and my best estimate from the ATF is at least $500 per license.

So the Senator from Illinois has taken a very bold step. His first proposal, I believe, was to increase the fee by over $700, and there was an outcry that that was too much, that was more than, in fact, the cost of licensing would be and that raising money from this user fee ought not to be a revenue generator.

Of course, that is a debatable issue. We have many user fees that are revenue generators. The one that I have fought against and lost is one to impose substantial fees on filing of patents where it has gone up to $2,000 where it used to be only a few hundred dollars.

In fact, the funds raised from those fees are not all used to finance the Patent Office but, in fact, go into the general fund of the Treasury. I think this is unfortunate because, first of all, there is a public interest that some public funds be spent to encourage creative ingenuity which results in new inventions.

But having said that, we are faced with the reality of having hundreds of thousands of gun dealers, and we are asking them to pay a slight increase. I say slight—$10 to $375 may not seem slight, but when you look at the cost of instituting and carrying out compliance activities by the Bureau of Alcohol, Tobacco and Firearms, and the proposal by the Senator from Illinois, I think it is slight. It does not even cover the full cost to ATF.

Some will say, as was said last night, that 75,000 small business people will be put out of business if this amendment is adopted. I doubt that, Mr. President, I rather doubt that. I do not know of any study that was conducted to indicate that that is the case.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I know many gun dealers, and I have gone to numerous gun shows where they spread their wares out. Sometimes it is business, sometimes it is a hobby, and sometimes it is to simply exchange anecdotes and historical facts about the weapons that are there. A lot of sociability is carried on there and it is a very productive and rewarding experience, even for an observer who goes there and talks to the different people, the customers as well as the gun sellers.

To think that raising this fee to $375—and I do not care if it is $375 or $275 or $210 or what have you—the point here is there is a legitimate, justified reason to increase this fee, and this is as good a time as any. It probably should have been universal on a consumer price index basis, since 1968; it would probably be $1,200 or $1,300 today if that were the case and nobody would be complaining and we would not be here today.

So this is not an attack on the second amendment right to bear or possess arms. Nobody is going to be prohibited from owning a gun under this amendment. If you are a gun dealer and do not have the $375, then you are going to have to save it or borrow it. That is all. You are not going to have to give up your rights under the Constitution to bear and possess arms by the fact that the fee may be increased from $10 to $375.

So I think the proposal by the Senator from Illinois is right on target, to use a phrase, in dealing with the National Rifle Association. I think it is a proper proposal on this bill. It would be better, I might say, if it were offered on an authorization bill. But that is not the way this place works.

Last night, we had a huge debate on authorizing certain Federal buildings and there will be other authorization questions brought up and points of order on appropriations bill as we go through this process.

So it is my hope that the Senate will adopt the amendment of the Senator from Illinois to increase the fee. It is a reasonable fee.

I thank him for bringing it here. I thank him for his usual expert way and the congeniality with which he presents his case.

Senator SIMON is not one who says never. He is not one that says I have to have the whole pie my way; or I have to have the whole loaf of bread; it has to be totally the Simon way or it will not go.

He has literally compromised 50 percent already. He raises a valid issue, one that is justified and infringes on no one's constitutional rights whatsoever.

I truly hope the Senate will adopt the amendment of the Senator from Illinois.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DECONCINI. Mr. President, who controls the time?

The ACTING PRESIDENT pro tempore. Senator SIMON and Senator CRAIG.

Mr. DECONCINI. Let me thank the Senator from Illinois for yielding me the time without even asking.

Mr. SIMON. I thank my colleague from Arizona, who uses such common sense here in this body and in the committee on which I serve with him. I have come to have great respect and admiration for my colleague from Arizona. He is an extremely constructive Member of this body.

I yield myself such time as I may consume.

Mr. President, first of all, yesterday one of my colleagues portrayed this as taking rights away from John Q. Citizen by this kind of an increase.

First, again by way of background, the ATF said to me the cost for doing a proper job will be $375 to $500. I took the more conservative of those two numbers.

Let us take a look at some of the people who now get licenses.

Federal firearms licensee David Taylor, a Bronx man with a long record of misdemeanors and an indictment for murder at age 16, ordered more than 500 guns from Ohio, which he sold to New York City drug dealers.

Here is another.

More than a dozen federally licensed dealers in Detroit have been charged with providing more than 2,000 firearms to criminals in the city.

From February to June 1990, Detroit kitchen table dealer McClinton Thomas ordered hundreds of handguns and sold them off the books, including 90 guns to a big-time dope dealer.

Here is another.

During a 6-month period in 1990, Gustavo Salazar, a federally licensed gun dealer in Los Angeles, purchased more than 1,500 guns which he sold to gang members and other individuals. An ATF check on 1,165 of these handguns showed that only four had been registered under California law.

And you can go on with these illustrations.

My colleague from Idaho may be absolutely correct when he says 99 percent of those who have gun licenses are responsible people.

Let us just assume that is correct. That means 1 percent, 2,300, are abusing their privileges and are out there virtually not getting checked.

No one checks the records because they just do not have the resources to do it. It costs $10 a year to get a license. It cost $15 a year to join the National Rifle Association. We have simply made it too easy and we are not checking up.

That is why the police organizations have endorsed this particular step.

We have a choice of going with the gun dealers who are the gun dealers you see in the local stores. They have endorsed this legislation, because they are tired—as one of them told me on the phone: "I am tired of turning down someone who should not have a gun and then we see the police arrest him and he buys a gun from somebody who sells guns out of the trunk of his car."

It is endorsed by the police association. I think this really makes sense. It does not take one gun away from any citizen in this country. It simply says the ATF ought to have the ability to check up on what is going on.

Right now, they do not have the resources even to do the fundamental thing of checking police records once they are on a computer—and a lot of police records are not on the computer—and to go to a place that wants to get a license and say: Where did you buy these guns? Where do you sell them?

Once out of 20 years you will be inspected now on the average. We are just asking for trouble. And of course, we are getting trouble.

Very interesting, a hearing was held, contrary to what the Senator from Texas said yesterday on the floor, a hearing was held. Senator DAVID PRYOR held the hearing. At the end of the hearing, after hearing the pros and cons, he came on as a cosponsor of the legislation. It is very, very clear that we need this.

My colleague from Idaho said that this is going to encourage the black marketing of guns. One of the charges is: Well, people do not buy from legal dealers now anyway.

Almost all the guns that criminals buy are now purchased legally. That is one of the little facts that is not widely understood.

I think it is time that we recognize that we have a problem. And one of the problems is those who sell guns who are never inspected.

Here is a chance to do something that does not take one gun away from any person who now owns a gun.

I might add, even the National Rifle Association, when they testified at the hearing, said they recognize some changes had to take place. This is a rational thing.

Finally, Mr. President, the figures in red that you see here are the number of licensees. Down in blue, which you can barely see, those are the inspections. You know, we are just asking for trouble.

Here is another illustration. These are the residential sales, kitchen table sales, trunk sales out of your car, people who go to hotel rooms.

These are the retail commercial locations, 18 percent—those stores in Montana, in Colorado, in Illinois, in Idaho, and in Arizona.

And these are some other type of nonretail commercial locations, might be a real estate office or something like that.

Now there are a great many people who sell from their homes, who do it responsibly. We do not stop that. But we say the taxpayer ought to stop subsidizing this.

I see my friend from Montana on the floor. He is opposed to subsidies in general. Right now, the taxpayers subsidize the licensing of dealers. We ought to put it on a cost-free basis, as far as the Federal Government is concerned.

ATF says doing a proper job will cost $375 to $500 a year. I have taken the lower of these figures.

I think this amendment makes sense, Mr. President. I hope my colleagues will agree it is time that we take reasonable steps on this problem of weapons in our society.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Idaho [Mr. CRAIG] is recognized.

Mr. CRAIG. Mr. President, as this issue and the amendment of my colleague from Illinois is debated this morning, it is a debate resulting from the Gun Control Act of 1968 in which it became the concern of the U.S. Congress and the citizens of this country at that time that there was a need to create a licensure process, not to control guns or to control access to guns, but to establish an effective paper trail by which, if a gun were used illegally, it might be possible to track the source of that gun and to draw conclusions from that. That was the intent. That is why we have that law.

That law has been amended by McClure-Volkmer since that time, but it is very important, I think, we understand that as we debate that this morning. Are we or are we not changing the intent of the 1968 Gun Control Act? I hope that is not the case. It should not be an effort to restrict anything. It clearly should be an effort to be able to detect, to be able to screen, to be able to determine the wise and responsible use of a Federal firearms license.

BATF in testimony this year before Congress said that they inspect approximately 10 percent a year. And less than 1 percent are found to be in violation. And those licenses are revoked. If they inspected 20 or 30 or 40 percent a year, would that less than 1 percent go up? The odds are it would probably not. No, my colleague from Illinois is right and those were my figures I quoted last night, some 2,300 by that percentage.

Is that an anomaly? No. That is called normal action. My guess is more than 1 percent of those who have drivers' licenses violate traffic laws at some time, and if they could be caught, they would probably have their driver's license revoked. But the vast majority of the weapons that are on the streets of America today that are being used in the commission of crimes are not sold by licensed dealers. Those trunk sales, those motel room sales, those back alley sales my colleague from Illinois refers to are not handled—let me repeat—are not handled by Federal firearm licensed individuals. They are handled by black marketeers for one motive only—profit. The reason they are allowed to do it is because they are not caught today. That is human nature. That is called law enforcement. That is not called building up another 300 people inside BATF for the purpose of screening those who make application.

At this time let me yield 10 minutes to my colleague from Montana for the purposes of debate.

The ACTING PRESIDENT pro tempore. The Senator from Montana [Mr. BURNS] is recognized.

Mr. BURNS. I thank the Chair and I thank my friend from Idaho. I also thank my friend from Illinois who studies these issues very thoroughly and establishes a very good argument and really believes in what he is doing. I have to say at this point he might be a little bit misled.

Let us think about the theory of why a license. Livestock dealers in most States have to have a license to do business. I think in Montana it costs $25 a year. That in no way covers the expense of an audit of a livestock dealer, and they are audited every year. The purpose of the license is the society of that State says we should have access to the activities of an individual or company that has an opportunity to do harm to the society in question. So society says yes, you must have a license so we know who you are and we can take a look at what you are doing, through that license, and is it in concert with what we have in mind in our own communities.

The license was just a pretext—you had to have it to do business. Let us take a bond, a livestock dealer's bond. I think because the Chair is from Colorado, and because of the ranching interests of my good friend from Idaho, they understand, to have a $50,000 bond to deal in cattle when you can buy a million dollars worth in one day—what is a $50,000 bond? It is nothing. It does not protect anybody. But it gives the regulators access to our records. Are we doing the right thing? That was the purpose of licensing.

When society decides that we have to have access to your records, that is for the good of society, and society has decided to expend money so it can do whatever it needs to with that access.

I would say this is, under another guise, a way to tax without calling it a tax. It is a way we say we have innovative and imaginative ways to tax but we have no imagination, no innovative ways to cut our costs.

In the case of the ATF, I would have to hold up the experiment at Waco, TX, and say I am not real sure they need more money, the way they handled that. But from $10 a year to $375 a year, for my people who go to gun shows and handle antique firearms?

We must remember, if I am a dealer and the Senator from Illinois wants to buy an antique firearm from me at one of those shows, the paperwork is the same as if he bought a hunting firearm in a gun store. He has to register the weapon the same way and the cost is the same to both the buyer and the seller.

So when society says you must have a license, that gives the authorities a way to know where you are, who you are, how you conduct your activities. And society also has made the decision that whatever that costs, we will pay for that access. We have to pay for that access.

So I want to be very cautious here unless there is another motive, why we raise this license fee. Because the majority of people—when the Senator held up his chart, it makes my case—the majority of people are people who go to gun shows, and we have quite a few of them in the West. They are not only done as a hobby, but the man who lives and works on a ranch, he has quite a collection, he wants to maybe subsidize his income on a weekend show, but he pays for a place to show his wares. He also foots that financial responsibility.

But let us not get away from the real reasons of licensing. It is for the purpose of access to one's records. I can attest to that. I have been audited every year. The auditors come down, they say, "You are a livestock dealer. You are an auctioneer. Have you been doing business the way we think you should?" It is for the protection of the producer or the consigner in the case of a livestock license. It is so we will not get in such a financial condition we will not only buy their cattle but we will run off with the cattle and the money.

So we have to have access to you on an audit. That is all that $25 license does. It buys access for the protection of the rest of society. And society has made the determination that, yes, that is worth it to us for our own protection. Unless we have changed the purpose, why are we going from a $10 fee to a $375 fee? And we should call that exactly what it is. It is an area in which we tax—another innovative way we do it.

So I urge my colleagues to take a real look at this and why we are opposed to this fee. I think the NRA, and the gun dealers, the ones I have talked to last night on the telephone after I went home—yes, they say, there should be some reform. Yes, they would pay a higher fee. But from $10 a year to $375 is a pretty fair jump. Maybe we ought to have a hearing on this. I think we can gain some more funds for ATF, and the Treasury, to administer this. They are willing to do that. But not a draconian measure, a jump like we have here, and give America the wrong impression of what we are trying to do.

Mr. SIMON. Will my colleague yield?

Mr. BURNS. I will.

Mr. SIMON. I have heard some great speeches from my colleague from Montana on the problems of welfare. ATF says that it costs $375 to $500 to do an adequate inspection. Unless we change the costs of doing an inspection, we end up with welfare for gun dealers. That is what we have right now.

Is my colleague from Montana supporting welfare for gun dealers?

Mr. BURNS. I will advise my good friend from Illinois that, no, I am not, but that was a decision made from society that we should license these folks for the protection of the society. Society made that decision. The gun dealers did not make that decision; society made it for them.

Mr. SIMON. But if my colleague will yield again, do you not think we ought to cover the cost of doing this; that the taxpayers should not have to foot the bill for the inspections for gun dealers? That is all we are trying to do.

Mr. BURNS. Then I advise the Senator from Illinois, the taxpayer made the decision to license and to audit. He has to expect it does not come for nothing. That is what I am saying. The taxpayer made that decision, and he has to expect that there are certain costs incurred in doing those audits and those inspections because it is for the good of all society, not for maybe some other reasons. That is what I am saying.

I am saying here society has decided or the taxpayer has decided that they want this done. So there are costs to the taxpayers, and that is what I am saying, on the majority of issues that come before this body.

If we would be truthful and go to the taxpayers and say, "We can provide you this program, but it is going to cost you *X* amount of dollars. Now, do you still want the program?" We have not done that very much. We have not been up front with our taxpayers very much.

I know we reregulated the cable industry last year. They said, "Isn't that wonderful? We are going to get lower cable rates." "We are going to regulate you because we are going to get better service and lower rates," and neither one is going to be true, but we appropriated $11 million of taxpayers' money to rewrite the rules of regulation and now all the taxpayers of America are going to pay that increased rate in cable rates.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BURNS. That is where we go on this. I thank the Senator from Illinois for his very good questions. We will have a cup of coffee and talk some more about this on what taxpayers demand, what society demands, and what taxpayers have to pay for it.

I thank my friend from Idaho. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. SIMON. Mr. President, I yield 10 minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I thank the Senator from Illinois for yielding me time, and I thank him for his very excellent work on this commonsense amendment which I am very pleased to cosponsor.

As we know, this amendment will raise the annual licensing fee for firearms dealers to $375. The funds raised from that fee would give the ATF the tools it needs to finance more thorough examinations of firearms dealers.

I say to my friend from Montana, if you ask the taxpayers if they think it is important to have these inspections, I believe they would say yes, and I further believe they would say that that procedure should not be subsidized by the taxpayers but paid for by the people who are making a profit from selling guns. That is all this Senator is suggesting: that this is a pay-as-you-go amendment.

The current fee of $10 a year is a joke. It was set in 1968. I think this fee is due to be raised.

Senator SIMON has not pulled the number of $375 out of the hat. He has asked the ATF what it costs them for these inspections, and the number he has put forward makes a good deal of sense.

By way of comparison, Mr. President, it is more expensive to get two tickets to a movie than it is to get a Federal license to sell a gun, and the junior Senator from Illinois said yesterday it costs more money to get a license to be a hairdresser than it does to get a license to sell a gun. I know sometimes it does get a little dangerous in the hair salon, but basically you come out of it just fine.

There are 287,000 firearms dealers in America, an increase of 113,000 since 1980—an increase of 113,000 firearms dealers since 1980. This means that there is one firearms dealer for every 1,000 Americans, and that means there are more gun dealers in America than there are gas stations.

Obviously, it is very difficult for the ATF to inspect 287,000 gun dealers. Yet, can we do what the Senator from Montana suggests? Can we simply say, Well, let us just walk away, close our eyes, and hope everybody is good and honest?

Unfortunately, Mr. President, that would be closing our eyes to the truth. We know that this kind of a fee would reduce the number of arms dealers maybe to 70,000. It would be a giant step toward safety because it would be easier to audit and inspect a smaller number of gun dealers.

I think we need to look at the number of guns we have in America today: 200 million guns; in California, 559,000 guns. And we have to look at what the ATF has been able to do when they get to work and do their job.

A federally licensed dealer in Orange County, CA, supplied guns to the Fourth Reich Skinheads who were plotting to kill Rodney King and blow up the First African Methodist Episcopal Church in Los Angeles. That was a federally licensed gun dealer, Mr. President, who sold those weapons to the skinheads. It was not some back-alley dealer.

During a 6-month period in 1990, a federally licensed gun dealer in Los Angeles purchased more than 1,500 guns which he sold to gang members and other individuals. An ATF check on 1,016 of these handguns showed that only 4 had been registered properly.

So, Mr. President, that was not a back-alley, underground dealer. It was a federally licensed dealer who, in a period of 6 months, purchased more than 1,500 guns which he sold to gang members.

Then there is a 22-year-old gun dealer, a convicted drug dealer and felon who sold guns, including at least 10 high-powered semiautomatic pistols to teenage gang members in Boston.

Then there are more than a dozen federally licensed dealers in Detroit who have been charged with providing more than 2,000 firearms to criminals in that city. There is a federally licensed dealer in Baltimore who sold more than 300 handguns, fewer than half of which were properly recorded and at least 14 of which has turned up at Baltimore crime scenes. That federally licensed dealer took out classified ads in the Baltimore Sun advertising to semiautomatic dealers. Not a back-alley, underground, unlicensed dealer, but a federally licensed dealer that the ATF was able to crack down on.

A firearms dealer in Texas falsified his records to conceal the diversion of over 2,000 firearms to Mexican nationals, people who were major firearms traffickers.

A firearms dealer in North Carolina provided between 6,000 and 10,000 handguns to the black market after altering the serial numbers of the handguns.

So, Mr. President, we are talking about federally licensed gun dealers who are doing these things. Are all of them doing these things? Of course not. But some are, and the result is violence and death in America.

The ATF is telling us, "We can do our job, but we cannot do it when we have 287,000 dealers and we cannot do it if we do not have enough funds."

So the Senator from Illinois is looking at a problem. He is seeing it squarely, as he always does, and he is putting forward a solution that makes a lot of sense.

Mr. President, the current system encourages people to file applications because it is so cheap to do so even if they have no intention of actually going into the firearms business. Many of these persons use the license to acquire guns at wholesale prices for their personal use, or to circumvent local or State restrictions regarding waiting periods or frequency of purchase. So, these dealers—for $10—are able to circumvent the law in a way that makes it virtually impossible for the ATF to do its job.

If we believe in the laws of the United States of America, and we have to give law enforcement the tools they need. Otherwise, we will have a situation similar to our illegal immigration problem in that we do not enforce our laws. So if we are going to decide that we want to keep laws on the books, then we need to enforce those laws.

Mr. President, this amendment will not stop Johnny from getting a shotgun. Now, I listened to this debate last night, and the Senator from Texas, [Mr. GRAMM], talked a lot about Johnny being able to have a shotgun. There is nothing in this amendment that will stop Johnny from having that shotgun, or from being taught to use it properly by his dad or his mom or his aunt or his uncle or his grandma or his grandpa. We all agree, I know, on all sides of this issue, that if and when Johnny gets a shotgun, he should be taught to respect it and use it properly.

This amendment is not about Johnny getting a shotgun, but it is about some other people named John. It is about John Hinckley, who was able to go and purchase a gun easily and shoot a President and put James Brady into a wheelchair.

In October 1980 John Hinckley was arrested for carrying three guns aboard an airplane in Nashville, TN, yet 2 days later he walked into a pawnshop in Dallas and bought a revolver. So it is about that John. It is about Gian Ferri at 101 California Street, who burst into a law office and killed another John, John Scully, a friend of my family, and a host of other people. And there is a connection between this fine amendment and what happened at 101 California. It is not about Johnny carrying a shotgun. It is about John Hinckley and Gian Ferri and others.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. BOXER. I ask for 30 seconds, if I might, from the Senator.

Mr. SIMON. I yield an additional minute to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Like John Hinckley, Gian Ferri used a fake address to buy a weapon of his choice, a Tech DC–9. So we are talking about licensed gun dealers, a legitimate business that we feel we need to police.

I will say to my friends on the other side of this issue, sometimes I really wonder why they oppose these commonsense approaches to this problem. I wish to say from the bottom of my heart, with friendship and with a collegial attitude to them, there have to be some times that we can get together and join hands here, and I say this is one of those times.

I yield back my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CRAIG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from California has just made a very important and, I am sure, sincere, emotional appeal that this particular amendment will take guns out of the hands of people who are perpetrating crime across America by raising a licensure fee, the streets of America will become safer, that the Johnnys in the board rooms will not be shot. How possibly can that be? How possibly can a $375 fee begin to change the human mind, begin to change human nature, begin——

Mrs. BOXER. Will the Senator yield? He asked a question.

Mr. CRAIG. To change the very emotional thing that produces a killer. You could take all of the guns off the streets of America, and you would find that humans would still be attempting to kill humans. They would not be using guns because they would not be available. They might be using sticks. More important, they would probably be using stones.

One percent of those who hold Federal firearm licenses are determined to be misusing those licenses. Now, that is one percent or about 2,300, and yet there are thousands and thousands of black-market dealers that are putting guns into the hands of criminals for the purpose of using them in the commission of a crime.

In the State of the Senator from California, they have some of the toughest gun laws. They have a major waiting period in which background checks are supposed to be accomplished, and yet in that State there are crimes committed by guns, those guns in the hands of criminals who, believe it or not, went through those background checks, slipped through the State laws.

I guess what I am suggesting to the Senator from California is it is not a perfect world and this amendment will not make it more perfect. I do not blame her for her concern about the crimes of America that are being committed with the use of a gun. I wish to see thorough inspections. We must do adequate background checks. That is an important part of what we are doing here. That was why we created the Gun Control Act in 1968, and that is why we have reviewed it on occasion and made adjustments in it.

I am concerned when it is proposed that to the some 300-plus inspectors we now have at BATF we want to add another 300 and send a squad of 600 men and women out across America to begin what I hope is a legitimate process.

Now, after 1968, it was not a legitimate process. We found that BATF was bursting, uninvited or without inspection warrants, into the homes of private citizens who had gun collections and confiscating guns.

We went through all of that in America. We went through some direct violations of constitutional rights because we had incorporated an army of BATF inspectors, and as a result of that we had to change the laws because Americans said, no, there is a right and a responsibility here, but there is not a responsibility to take away a right. That is the kind of thing that was happening.

In the streets of Los Angeles, law-abiding citizens fled to the gun stores to get guns to protect themselves when local law enforcement agencies broke down in their ability to maintain civil justice. And right now in America, tragically enough, not because guns are available but because criminals will not be restricted, more guns are being sold to young women than ever in our history. Why? So that they can learn to use them legitimately to protect themselves. It is a tragic day in a nation of laws in which young women have to go out and secure a firearm for the purpose of self-protection because those laws no longer work. That is really what the debate ought to be about today, criminal justice reform, in a way that truly does deal with those who violate the laws of this country.

I would suggest that the enemies of our culture are refusing to recognize that there are such things as individual responsibilities. They prefer to shift the blame, and the blame is always shifted to some inanimate object instead of to the mind of man. To suggest that it is the mind of man who on occasion becomes evil, it is that evil that perpetrates crime. Guns do not jump up off the street and shoot people without people being attached to them. You may say that I use an old argument. It is a darned valid old argument.

I agree with my colleague from Illinois that a 10 percent inspection rate of those who hold a Federal firearms license is inadequate on an annualized basis. It ought to be 25 or 30 or 40. Should it be 100 percent annually? Should it be 100 percent or the vast majority who buy or sell 10 guns on an annual basis and it is a hobby of theirs?

It is not by accident that the largest amount of licensed people live in the States of Arizona, Florida, and Texas. They are collectors. They are not criminals. In fact, in the States where you have some of the highest crime rates, you have some of the lowest number of licensed dealers.

You cannot correlate crime and licensed dealers. It does not work. Statistics will not allow it. What I am suggesting to the Senator from Illinois is that he and I ought to work together to produce a refined process that gets to the heart of this issue, that gets to a responsible and valid protection, does not send a new army of people across America.

We tried that in the late sixties and it got us into trouble constitutionally. It got our citizens upset, as they should have been.

Responsible inspection ought to be done. I would agree that 10 percent is inadequate, even though less than 1 percent of those that are inspected are found to be in violation. Let us make sure that if it is 2,300 out of 240,000 that we are able to find them on a regular basis and get the licenses out of their hands and try to stop that kind of illegal trafficking.

I am not arguing that it will not help. What I am arguing is that a $375 increase produces some annualized inspection for everyone that is probably not very realistic; that if we had handled this properly in committee, we would have those figures, we would know what we are talking about and we could come before the U.S. Senate with a reasonable approach that might pass, that would make a lot of sense toward strengthening BATF.

Let me also say, why did this administration cut back on their budget? Why did this administration, which talks about crime control, which says they want some form of gun control, cut back on the very agency that has the responsibility for inspection? I do not know the answer to that. They ought not have done that.

I retain the remainder of my time.

Mr. SIMON. Mr. President, I yield 2 minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized for 2 minutes.

Mrs. BOXER. Mr. President, I thank the Senator for yielding me time to address some of the questions that were raised by my friend and colleague from Idaho.

He asked how this amendment is going to help get guns out of the hands of violent criminals?

I think the answer is clear. I think that question has been answered over and over again. I would point out that in my previous presentation I identified 10 cases from all over the country in which ATF was able to do its work and get to the bottom of some illegal gunrunning operations; and if they have the resources, they can do more of this.

I think the people in America will be much more confident of their safety if the ATF can do its job.

The Senator from Idaho raised the issue of violence. I can tell you as the author of the Violence Against Women Act in the House, revived here in the Senate now—I am a proud cosponsor, believe me—I do not need to be lectured about violence, because women in America today, unfortunately, are the victims most often. I have to say to the Senator, with all due respect, that if some violent person is coming after me late at night with a stone, I might have just a little bit of a better chance than if that violent criminal could only get a stone and not a gun.

I do not want to take guns away from decent, law-abiding citizens. But I sure do want to take them away from the bad folks. The Senator says, well, it is just the way people are, that boys will be boys. Let me tell you the statistics, Mr. President: In 1990, handguns killed 22 people in Great Britain; 13 in Sweden; 91 in Switzerland; 87 in Japan; 10 in Australia; 68 in Canada; and 10,567 in America, the greatest country in the world.

I would say that the people here are not more violent than the people in other countries. I would say that those countries have laws that are better enforced.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SIMON. Mr. President, if I may respond to my friend from Idaho and my friend from Montana. First of all, this does not cover collectors. The law is very clear in this. The law says that this covers a person who devotes time, attention and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. But such terms shall not include a person who makes occasional sales, exchanges, or purchases of firearms for an enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.

So the collector is not covered.

My colleague from Idaho says we have to deal with crime. There is no question about it. And there are all kinds of reasons for violence. I am going to be speaking at a meeting Monday in Los Angeles where, for the first time the television and film industry will be gathered together to talk about violence on television. That is one piece of the mosaic. But one piece of the mosaic is also people who sell guns, who do not get inspected. It is not 10 percent, if I may correct my colleague from Idaho on this. It is not 10 percent who are inspected. We have 284,000 people who have licenses as of 1992. In 1992, 16,000 were inspected. So 6 percent were inspected.

He mentions the State of Texas particularly. It is very interesting. The State of Texas is a gun-running State; it sells to Central America, it sells to California. The distinguished Senator from California just spoke. A lot of the guns that show up with criminals in the State of California are purchased in Texas. Twenty-eight percent of the guns that are taken in criminal procedures in New York come from licensed gun dealers in the State of Virginia.

We have a major problem here. We have to recognize that.

The other point I would make, because we do not have adequate inspections, what happens right now—let us just say that someone from Colorado decides that he or she wants to become a gun dealer, and has a criminal record. It is very easy to get around it. You simply use a different name, or you send in the wrong Social Security number. And even if in your State all police departments are on computers—and in most States they are not all on computers yet, but even if in Colorado they are all on computers—if you use the wrong Social Security number or the wrong name, you are going to get that license. The media, incidentally, got the license to sell guns for two dogs; easiest thing in the world. You just fill out those forms and you send it in.

Clearly we have to do better.

For the reference to gun shows, 3 percent of those who are dealers participate in gun shows and most of them, frankly, can afford a $375-a-year license.

I find in the State of Illinois that a liquor license will vary from community to community. But generally, my recollection is, it runs between $500 and $2,000 a year for a liquor license.

We are talking about something that is much more lethal than liquor. We are talking about selling something where you can murder people. We are, as the Senator from California said, we are murdering people at an astounding rate. I mentioned last night, the city of Chicago, 927 deaths by firearms last year. Toronto, Canada, same population, 17. The city of Chicago, more firearms deaths by 4½ times, more firearms deaths than the entire country of Canada.

Does Canada have a lot of guns? Yes, they do. But they are more careful. They have a 28-day waiting period for getting a gun. They are more careful who sells guns and who can carry guns. I think we have to move in that direction.

I certainly hope we can work something out. If this amendment should be defeated—and I hope it will not be, because I think it is a reasonable amendment—my colleague from Idaho says we ought to make a change. I am willing to work with him or others for change.

Clearly, we have to do a better job. Everyone who gets a gun license, a license to sell guns, ought to be inspected, as my colleague from Illinois said last night so eloquently. That is all we are asking. The people who sell the guns should pay for it. Right now, we have a welfare program for gun dealers. It costs $375 to do an adequate inspection. We are inspecting only 6 percent of those who get those licenses, and we do not even pay for that 6 percent right now.

So what we are asking for is just common sense.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Who yields time?

Mr. CRAIG. Madam President, when we look at the impact of this kind of fee increase in the application and issuance of the Federal firearm license, it is largely projected by the ATF that the greatest number who will go out will be the small gun dealer; and by volume, if we wish to talk about volume, the small gun dealer appears, by all estimation, to be the more law-abiding. Certainly, the kinds that we are concerned about. The Chair spoke on the floor last evening about her concern on this issue. My colleague from California has spoken to this issue.

Those who are moving the guns into the streets of America that end up in criminal activity are doing so in high volumes, making big money, all from those who they sell them to. And a very minor part, a very small portion of them, clearly less than 1 percent, pack a Federal license.

It is so amazing to me that in dealing with the criminal element we like to put up these artificial barriers, assuming that a criminal will respond. Create a law, and a criminal will abide. Somehow we fail to understand the criminal mind or the definition of what is a criminal, who is a criminal, who becomes a criminal. That is someone who does not abide by the law, plain and simple.

So all of the gun dealers who want to stay in business, who want to be responsible, as they are today, by 99 percent, they will still be there, and they will pay whatever fee it is, except a good many will leave simply because it is such a minor part of their overall lifestyle that they will quit trading or whatever.

In other words, what we will have used is a tax to put people out of business because, you see, we are changing human activity at that point. Somebody is going to have what they believed was their right to go to a gun show on the weekend and buy and sell a few guns taken away, in essence, by the increase in fees. The crime in the streets of Chicago is not going to change until you take the criminal off the street—not the gun, but the criminal, because the criminal is still going to get that gun, unless we decide to ban all guns in this country, and I do not think we are ready to do that. I do not think society wants the second amendment to our Constitution wiped away.

My colleague from California said America is not a violent nation, or at least no more violent than any other nation in the world. Therefore, the crime rates in foreign countries are different because there are no guns, or access to guns is very limited. She fails to recognize that study after study does in fact suggest that the basic culture, the social and economic differences change different attitudes.

If you look at Switzerland where there are as many guns as there are people, there is a very low crime rate. Tough laws? You bet there are tough laws. But there is also a fundamentally different social attitude in that country. They go after their criminals, not their gunowners. Let me tell you, if you commit a crime in Switzerland and use a gun in the commission of that crime, you are put away. You are not pampered or plea bargained back to the street. You are put away.

Mr. SIMON. If my colleague will yield, I do not happen to know what the laws are in Switzerland for gun dealers, but I am willing to gamble—you mention Switzerland—I am willing to say let us find out what the laws are in Switzerland and adopt those here in the United States on gun dealers. Is my colleague from Idaho willing to take a look at that?

Mr. CRAIG. I would certainly be willing—reclaiming my time—to take a look at it. I think my colleague from Illinois knows I am sincere when I say let us resolve this problem, because we have a problem; nobody disputes that.

What I do not want to do, and what will be done by this amendment, is put an awful lot of fine law-abiding citizens out of business. We want the criminal. Those 2,500 deaths caused by handguns, quoted by my colleague from California, we would like to stop that. There is no question about it. So we change the law and we put the law-abiding citizen out of business, and the criminal has the gun and the statistics will not change because in Switzerland the crime laws are different. In the whole of Europe, the crime laws are different, and that is a reflective attitude of culture.

Mr. SIMON. If my colleague will yield, I frankly do not know what the law is on selling guns in Switzerland. But just to the north of us in Canada, where they also have a very high percentage of guns relative to the population, there you have to fill out a very different form than we fill out with much more detail. It includes fingerprints; it includes a photograph; it includes the kind of material that makes it easier to verify; you have to pay a higher fee, and you have to do the kinds of things that we ought to at least approach doing here in the United States.

I thank my colleague for yielding.

Mr. CRAIG. The point that my colleague makes of the environment in Canada is absolutely true. The point that is missed is that all Canadians can own guns. Yet, crime rates are different up there. Why? Well, there is a substantial difference in law enforcement, and there is a substantial difference in socioeconomic attitudes. There is a heck of a lot of difference between the inner city of Chicago and the inner city of Montreal, as it relates to drug dealing and trafficking and a criminal justice system that puts people back on the street.

In this city in which this debate is going on, four and five and six times a person is put back on the street after violation of the law. They are put right back on the streets and, ultimately, they commit a major crime; they take a life. That is a fact. This amendment will not change that fact.

Mr. SIMON. If my colleague will yield, Canada, for example, has a 28-day waiting period in order to buy a gun.

Mr. CRAIG. I understand that.

Mr. SIMON. I am sure my colleague from Idaho would support such legislation here.

Mr. CRAIG. As my colleague from Illinois knows, I would not support that. But my colleague from Illinois would have to admit that every Canadian citizen who, as I understand, is not a convicted felon, can own a gun if they choose, even if they go through the tightrope. My point is that the crime rates are different. There are as many guns as a law-abiding Canadian wants to own. Criminals in Canada have guns, but Canada treats criminals differently.

Mr. SIMON. If my colleague will yield, you may be surprised to learn that the crime rate in Canada is not that much different than the crime rate here in the United States. What is different is the lethality of crime, that the crimes in the United States are much more likely to involve murder, much more likely to involve very serious violence. And I think it is because Canada does a much better job of screening who owns a gun and does a much better job of who sells guns.

If we adopt my amendment today, it does not go nearly as far as Canada, but it moves a little in the right direction. I applaud my colleague from Idaho for using Canada as an example.

Mr. CRAIG. Madam President, then let us talk more about Canada because, you see, after Canada passed a gun law in 1977, a tough gun law, the murder rate did not go down, it edged up. And that is a fact. Robbery, burglary—all crime rates went up in Canada.

What I do suggest is that, as a per capita basis, overall crime is down in Canada. There is a difference in the cultures. There is a heck of lot of difference between the inner cities of Canada and inner cities of the major cities of this country.

We treat criminals differently. Of course, we all know that it is the criminal element that has caused the greater problem and perpetuates those and brings other individuals into that problem. Anytime criminal justice in this country returns a criminal to the street or a violator of law to the street—time and time again, until they kill, robbery after robbery, drug dealing after drug dealing, we plea bargain them back to the street until they kill, then 10 years or less in prison, and they are back on the street—something is wrong. Take the guns away and the world will be a safer place. Not true. Not true.

We are talking about an attitude. Crime is behavior and is controlled by moral and individual values.

I agree with my colleague from Illinois. We have talked about violent crime on television perpetuating an attitude in the minds of Americans, and we are going to do something about it. He has taken a leadership role in that area. In other words, we are finally beginning to recognize that it is the mind and not the tool that the mind chooses to use that causes the problems we are here debating today. We will throw up all of these barriers or attempt to, and we will not change until we recognize that a nation that is buried in laws that it will not enforce will create a criminal element that will threaten our very culture and our very societal attitudes that we hold dear. That is the bottom line.

We know in the development of this Nation that until we gained control of the streets, until we gained control of our society, we had organizations that were anti in nature. Why? Because humans demand justice. They demand safety. They want security. And they are going to try to get it. That is what we established a criminal justice system for.

For some reason, we cannot get a good many of our colleagues here in the U.S. Senate and the House to believe that it is the law that deals with the criminal that makes the difference here, not the law that deals with the gun or the knife or the bow and arrow, for that matter. But we want to go home and say to our citizens who are frightened in their homes and frightened on their streets, look what we did for you. We passed a law that says we are going to charge $375 more to a federally licensed firearm dealer, and the streets of Chicago are going to be safer.

If you go home and say that, you are not telling the truth because it will not happen. If you go home and say that there are mandatory sentences and those criminals will be taken off the streets and the word sweeps across Chicago that if you use a gun in the commission of a crime, you are going to be put away for a long time, maybe that begins to make a difference because maybe that begins to change the criminal mind.

Let us deal with reality. Let us not deal with myth and let us not deal with illusion because I believe the amendment today has a problem in the sense that it argues something that it cannot accomplish.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. SIMON. Madam President, if no one is seeking time, I will question the presence of a quorum and ask the time to be equally divided.

Mr. GRAMM. I want to speak.

Mr. SIMON. I withdraw my request.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. I note the presence of the Senator from Texas who is over here, I know, to support my amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I yield to the Senator from Texas 10 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

Mr. GRAMM. Madam President, I had an opportunity last night to debate this subject at some length. I am hopeful that when we vote on this issue later this morning we will dispose of it. As I told my colleagues last night, if we do not dispose of this amendment at that time, I will respond to the concerns of our Democratic colleagues by offering an amendment that requires 10 years in prison without parole for possessing a firearm during the commission of a violent crime or a drug felony, 20 years for discharging that firearm with intent to do bodily harm, mandatory life imprisonment for killing someone, and the death penalty in aggravated cases.

I believe that that is the way to get at gun violence and gun crimes—put the people who are abusing gun ownership in prison where they belong, and let them have a long and hopefully fruitful stay where they learn to respect the rights of law abiding citizens.

Mr. DOLE. Madam President, I rise in opposition to the Simon amendment in large part because I am not certain what it seeks to accomplish. Much has been said about use of firearms in crime, some have suggested the cost does not equal the cost of processing Federal firearms licenses, we've even heard this will remove all Uzis from the streets.

My colleague, the senior Senator from Texas, described the situation accurately—most active so-called FFL's are small business men and women who engage in the business of trading firearms to supplement their income. FFL's stem from the 1968 Gun Control Act which, for the first time, prohibited the interstate sale of firearms by our citizens.

As an example, if someone from Riverton, KS, wanted to purchase a shotgun from a virtual neighbor in Joplin, MO, that Kansan would need a Federal firearm license. We created the need for FFL's, we have not changed the underlying need, so we must, in the first case, admit that there is a need for some of our citizens to possess FFL's.

I certainly agree that the price of the licenses should be increased. What concerns me is the over 3,000-percent increase being suggested in this amendment. The Bureau of Alcohol, Tobacco and Firearms has indicated the actual cost of processing is around $100 per license—I am not sure why that isn't a more appropriate number. The sponsor of the amendment suggests the extra $275 would be used to supplement the ATF budget—in part to offset the reduction in the budget sought by the Clinton administration. If this is true, we certainly have another new tax on the middle class to pay for the money that was transferred out of Federal law enforcement to pay for some new program—something we were supposed to be against.

Let me now address the matter of the number of licenses, the theory that criminals are those who hold FFL's. The Senator from Illinois indicated that in 1992, 187 FFL's were prosecuted. Well, that amounts to six-tenths of 1 percent of all FFL's—a percentage that is probably below the number of Members of Congress who were alleged to have violated some law that year. So maybe we ought to pay some large fee to pay for the ATF to investigate us.

Finally, let me say that we aren't going to remove Uzis or assault rifles or any other type of firearm from the streets by raising the fee. Guns sold in the streets of this country are usually not transactions involving FFL's. I am aware of no instance where someone who wished to profit from arming criminals first applied for a Federal firearm license so as not to violate one provision of the 1968 Gun Control Act while violating another. That just makes no sense.

I will state to the sponsor of this amendment, I believe reform of the FFL program is overdue and I pledge my cooperation in assisting that effort. However, I suggest this falls short, it simply establishes a huge new tax on law abiding, low- and middle-income Americans in the name of results that will not be accomplished.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Madam President, I rise as an original cosponsor of the amendment of the distinguished Senator from Illinois.

I think that this is a proposal that is long overdue. This country has experienced an explosion of guns in the last decade. Experts estimate that there are altogether about 200 million guns in this country—200 million guns—68 million handguns in this country. This has implications for many, many aspects of our society.

Obviously, it has implications for crime control, for violence in the streets. It has implications for the capacity of our health support systems, since hospitals are burdened by more and more injuries as a result of guns.

The rise in the number of guns has been caused in part, I believe, by the cost of the gun dealers' licenses, which are abysmally low.

Last December, in the Washington Post, a staff writer named Pierre Thomas penned a series of articles called Under the Gun, which detailed how easy it is to secure a gun dealer license in this country.

Remember, this is guns, the right to sell guns. The story that was vividly told by the series goes something like this: If you want to sell guns, you fill out an application, you pay about $30, and in about 45 days you get a 3-year license from the Federal Government to sell guns. Considering the tremendous damage that irresponsible gun use causes every year in terms of lives lost or altered or destroyed, that is a very sad story; $30, set up your shingle, sell guns.

Out of 34,000 applications for new gun dealer licenses filed in 1991—out of 34,000, only 37 were denied. These are supposed to be screened so we make sure that people who are disreputable or unbalanced do not sell guns in America—out of 34,000 applications, only 37 were denied. Only a fraction of the 34,000 were screened. Instead of suggesting that gun dealers have disproportionately more virtuous backgrounds than most Americans, these figures suggest that our current system of tracking applicants for dealers' licenses is woefully inadequate.

One gun dealer, who was quoted in the Thomas series, called the current system, in his words, "a joke." He goes on to say: "The politicians are screaming about gun control, but the Government is handing out licenses to every Tom, Dick, and Harry that comes along."

Is that any way for us to act, handing out gun licenses to every Tom, Dick, and Harry that comes along? The total number of federally licensed gun dealers is about 280,000 in this country—280,000 individuals who put shingles outside their stores saying, "We sell guns." It has been an explosion in the last decades. Since 1980 the number of gun dealers have increased 60 percent—in one decade. Is it any wonder that kids going to high schools are carrying guns, that people are loading up on guns so much so that in one State a Governor is hailed as a major gun control advocate because he limits the purchase to one gun per person per month? It is because gun dealers in this country have proliferated the landscape—up 60 percent since 1980, 280,000 gun dealers.

One of the reasons for this explosion is the bargain basement price of a gun dealer's license. A gun dealer's license costs this year about $10, up to $30—$10 to $30, a fee that basically has not changed in 25 years.

Madam President, I ask unanimous consent for 3 more minutes.

Mr. SIMON. Madam President, I yield 3 additional minutes to the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. It has not changed in 25 years. If you wanted to sell guns in America 25 years ago, you paid the same thing as you pay today. The actual cost of processing the license application is much higher than the license itself. The point has been made dramatically by the distinguished Senator from Illinois. This means the American taxpayers subsidize gun dealers at an alarming rate. This amendment would reduce that subsidy and help curb the explosion of gun dealers so Federal authorities would be better able to monitor them, so we are better able to be sure we do not have unbalanced individuals out there selling Uzis to people in America.

Unlike other crime and gun issues, this is not an issue that can be dealt with solely at the State level. I notice a lot of the opponents of this measure come from States with relatively permissive gun laws. I, on the other hand, represent a State with some of the toughest gun control laws in the country. We have had registration for guns since 1967. Yet in my State where there is substantial support for restricting guns, local officials can do very little about the growing number of gun dealers because of the role played in the process by the Federal Government. This is why I believe we have to take this step at this Federal level to discourage the growth of the gun industry.

Madam President, a lot more will have to be done, I believe, before gun sales decline in this country. We have to educate people about the high rate of accidental deaths caused by guns. We have to make it more difficult to purchase guns. We have to, frankly, acknowledge that fear covers the streets like a sheet of ice, and we have to work toward removing that fear from society. In short, we have to begin to look at the proliferation of guns and gun violence in America for what it is, an epidemic. And we have to begin to think of it in epidemiological terms. But that is another story.

This amendment, it should be noted—and I do—is a step in the right direction because it seeks to bring the cost of obtaining a gun license more in line with the real cost of the license to our society. I urge my colleagues to support this important beginning in terms of getting control of gun dealers in this country and the proliferation of guns and violence that frightens millions of Americans to a degree unthought of just a few years ago.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Idaho.

Mr. CRAIG. Madam President, the 1968 Gun Control Act that put in law and into process the licensure issue that is before us today in the amendment, within its definition is replete with words about, "not restricting"—"not foreclosing"—"the purpose of this act is not to deny."

The purpose of the 1968 Gun Control Act was to be able to establish, if you will, a paper trail. It was not to stop law-abiding citizens from getting or gaining a license to deal in, buy or sell firearms in this country. We have a lot of law-abiding citizens today who deal very slightly in firearms, but they do not want to be in violation of the law. They do not want it to ever be questioned that they are. So they acquire a license and they deal in, buy or sell, collect and hold, 8 or 10 guns a year. It is their hobby. It is part of Americana, right or wrong. And that is the vast majority.

Yet, we heard our colleague who just spoke talk about control. If he wants to change the intent of law—you can control through excessive taxation. We have known that throughout history. You can cause a shift in economics, you can change a way business is done, the way human behavior operates by excessive taxation.

But my guess is you will not control access, nor will you control the criminal mind in his or her desire to own and use a gun in the commission of a crime. The $375 talked about at this moment is in the backdrop of it costing $56 to issue a license. Let me repeat that. The cost of issuance is $56. The investigation around the issuance is $44.

The field investigation, where the BATF investigators go out to the field and check the records of the dealers, is about $235 annualized, and the travel is around $40, average. That is where my colleague from Illinois gets the $375 figure.

That is to assume that we would inspect every license on an annual basis. We do not inspect every food license of every restaurant in every city on an annual basis. I suggest that a reasonable check would be at least during the tenure of the license. We are not doing that now. We have all agreed to that, and we have all agreed that is probably not right to do.

But what we have not agreed to is this form of excessive taxation, to suggest that through licensure we are going to fund other activities, other responsibilities of BATF besides this, because the amendment says, well, we will take out $19,700,000, and not more than that, and the rest will be deposited into the Treasury as miscellaneous receipts.

It sounds to me like because this President decided to cut the budget of BATF, the Senator is proposing we are going to raise the general budget of BATF through this mechanism.

So what are we doing here? Are we, in fact, creating an environment by which we can license in a responsible fashion, inspect in a responsible fashion? Do we really want to hire 300 additional people at BATF? Those are the issues at hand. That is what this Senate ought to examine in absence of the kind of hearings that bring about the type of legislation that we can probably both agree on that would result in reasonable and responsible inspection on some regular basis to assure safety, to assure that that less than 1 percent element are not misusing their licensure or hiding behind their license for the purpose of illegal trafficking in the sales of guns.

Those are the bottom-line issues that this Senate has to consider when they look at this amendment. My guess is it is a broader way to fund BATF and its broad activities at Treasury. Yet, we only said in the 1968 law that we wanted to create a paper trail; we would not inhibit, nor would we prohibit, because that would be a violation of the Constitution. But we did want to be able to check about illegal activities and to substantiate the responsibility and the responsiveness of the dealer.

That is what ought to be at issue here, but I suggest it is not. I retain the remainder of my time.

Mr. SIMON. Madam President, I yield 7 minutes to the senior Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I have been privileged to be on the floor while this discussion has been taking place and listening to my distinguished colleague from the opposition and also to Senator SIMON. I think that the issue has gotten really confused. I would like to return it to the basic point of what Senator SIMON and his cosponsors, yourself included, Madam President, are trying to do with this legislation.

Essentially, what we have today is an ATF gun-registration program which registers about 290,000 registrants a year, about 286,000. The whole program costs around $29 million, including fixed administrative costs. The license fees presently only bring in $2.9 million. Consequently, the taxpayers subsidize the gun registration and compliance program for the remainder, the remainder of which is about $26 million of subsidy.

What the ATF is saying, what Senator SIMON is saying, what we, Madam President, are trying to say is, replace the taxpayer subsidy with a fee that is related to the cost of compliance and enforcement of the law. That fee, according to ATF, is $375 a year, which is the cost of complying with the program.

Presently, even with a taxpayer subsidy, ATF cannot go out into the field, cannot inspect a permittee to see if that permittee is what that permittee says he or she is.

Let me read into the RECORD, if I may, two recent editorials from newspapers: One from the west coast and one from the east coast.

Being a Westerner, let me point out an editorial which ran on the 27th of this month—3 days ago—in the Los Angeles Times. It is entitled: "Need a Gun Dealer's License? No Problem." Then it begins by citing a case that I mentioned last night on the floor of the Senate, the case of Josh Daniel Lee. And I quote:

> For Josh Daniel Lee, obtaining a Federal permit to deal guns was easier than getting a license to drive. In 1991, at age 21, with no criminal record and $30 to spend, Lee simply filled out a form, sent in the fee and waited—no more than 45 days—to secure a Federal firearms license from the Bureau of Alcohol, Tobacco and Firearms. That's when the trouble began.
>
> Two weeks ago, Lee was arrested and charged, by the same Government that issued him that license, with supplying illegal weapons out of his home to members of the Fourth Reich Skinheads, the hate group that allegedly planned to inflame racial tensions in Los Angeles by attacking African-Americans and Jews.
>
> The arrest, part of a heads-up operation by Federal and local law enforcement * * * that broke up the purported plot, is commendable. But the ease with which Lee was able to get a dealer's license—allowing him to ship and receive large quantities of firearms and ammunition at wholesale prices—again raises disturbing questions about the regulation of America's quarter-million federally licensed firearms dealers.

This is the main part, Madam President; this is the main part:

> The ATF estimates that only 20 percent of those now licensed operate a traditional store front business.

Only 20 percent.

> The rest, so-called kitchen-table dealers, sell firearms out of homes, hotel rooms or private offices, too often in violation of Federal, State and local laws.

The point was raised last night, and I admit that part of the American dream is the right to protect oneself, that there are arms swaps where people in country areas will go to a meeting and purchase arms; and that people earn part-time income from selling these arms. I say then, let them register. I say then, let them pay the $375. I say then, let a Federal arms compliance officer visit them once a year to determine that they are legitimate people, that they are hardworking people and that they are selling their arms to the sane, not to the deranged, not to the criminal, not to those who would terrorize, attack and maim. That is the point in this.

Let me tell you, Madam President, we heard about the countryside—the countryside of Texas, the countryside of Idaho. Let us talk for a moment about Los Angeles, and let me give you a chilling factor, again, from these articles.

> * * * of the 1,100 gun dealers in the City of Los Angeles in 1992, only 130 complied with local ordinance requiring them to be registered and fingerprinted and to pay $300 for a permit from the Police Commission. In fact, local law enforcement authorities have no idea who is dealing guns in their jurisdictions. And that is because prospective licensees are not required by Federal law to prove that they are in compliance with State and local business licensing statutes.

This is a direct quote from an editorial of the Los Angeles Times.

It goes on to say:

> The problem is exacerbated by Federal laws that in effect require the ATF to issue many more licenses than it can possibly keep track of.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. SIMON. I yield 2 additional minutes to the Senator from California.

Mrs. FEINSTEIN. I thank the Senator very much.

There are only 1 dozen Federal compliance inspectors to monitor 4,000 gun dealers in Los Angeles, Ventura, and Santa Barbara Counties.

Listen to that. There are only a dozen compliance inspectors to monitor 4,000 gun dealers in three huge counties in America. What this would allow us to do is bring compliance to the point where it means something, where there is at least an annual visit by a Federal ATF inspector to a gun dealer to see what that gun dealer is doing.

We took an oath of office to uphold the laws of our country, to protect our people. We now have a simple measure that can enable us to do that, and we will not vote for it. I cannot believe it. I cannot believe it.

Who would vote against saying that people who want to deal in guns should fill out an application that pays the cost to see they are doing what they say they are doing, selling these guns legitimately, not in hotel rooms to skinheads, not in back lots to people who would terrorize, not in motel rooms to a potential assassin, but to legitimate people who want to use that weapon for legitimate sporting purposes, as a collector or for self-protection.

That is all this legislation talks about. To me, it is basic, sane legislation that is aimed at protecting the welfare of our citizens, to see that this Government does what it says it is going to do, provide for the general welfare, promote the common defense, ensure the domestic tranquility. That is all this legislation does. I cannot understand how anybody going to a gun swap meet would feel that the person selling those guns should not be reputable, should not be honest, and should not pay a fee for just the amount that it takes to see that he or she is just that.

That is what this legislation does.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Illinois.

Who yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has 5 minutes remaining; the Senator from Idaho has 8 minutes remaining.

Mr. SIMON. I yield to the Senator from California for a unanimous-consent request.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

I ask unanimous consent a Los Angeles Times editorial dated July 27, 1993, and a Washington Post editorial dated December 2, 1992, be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, July 27, 1993]

NEED A GUN DEALER'S LICENSE? NO PROBLEM

For Josh Daniel Lee, obtaining a federal permit to deal guns was easier than getting a license to drive. In 1991, at age 21, with no criminal record and $30 to spend, Lee simply filled out a form, sent in the fee and waited—no more than 45 days—to secure a federal firearms license from the Bureau of Alcohol, Tobacco and Firearms. That's when the trouble began.

Two weeks ago, Lee was arrested and charged, by the same government that issued him that license, with supplying illegal weapons out of his home to members of the Fourth Reich Skinheads, the hate group that allegedly planned to inflame racial tensions in Los Angeles by attacking African-Americans and Jews.

The arrest, part of a heads-up operation by federal and local law enforcement authorities that broke up the purported plot, is commendable. But the ease with which Lee was able to get a dealer's license—allowing him to ship and receive large quantities of firearms and ammunition at wholesale prices—again raises disturbing questions about the regulation of America's quarter-million federally licensed firearms dealers.

KITCHEN TABLE: The ATF estimates that only 20% of those now licensed operate a traditional storefront business. The rest, so-called "kitchen-table dealers," sell firearms out of homes, hotel rooms or private offices, too often in violation of federal, state and local laws.

As Times staff writer David Freed reported in a five-part series on guns last year, of the 1,100 gun dealers in the city of Los Angeles in 1992, only 130 complied with a local ordinance requiring them to be registered and fingerprinted and to pay $300 for a permit from the Police Commission. In fact, local law enforcement authorities often have no idea who is dealing guns in their jurisdictions. That's because prospective licensees are not required by federal law to prove that they are in compliance with state and local business and licensing statutes.

The problem is exacerbated by federal laws that, in effect, require the ATF to issue many more licenses than it can possibly keep track of. There are only about a dozen federal compliance inspectors to monitor 4,000 gun dealers in L.A., Ventura and Santa Barbara counties.

By contrast, dealers luxuriate under the Firearms Owners Protection Act. Passed by Congress in 1986, it limits the ATF to only one unannounced inspection per dealer each year and prohibits the agency from centralizing dealer records or establishing any system of firearms registration. This act is an outrage and must be changed.

MURDER RATE: Such legal loopholes, combined with lax enforcement, may not be much of a problem in rural areas, but for cities like Los Angeles the consequences and costs are enormous. The steady flow of guns contributes to a climate of escalating fear and violence. Last year, more than 8,000 people were treated for gunshot wounds in county hospitals and 1,919 were murdered with firearms. Against those horrific numbers, the government should move to run illegitimate dealers out of business as fast as it can.

Toward that end, Sen. Paul Simon (D-Ill.) has introduced a bill to raise the licensing fee to $750. Besides helping pay for the growing cost of regulating dealers, that higher financial threshold would undoubtedly weed out some of the undesirables.

Congress should also approve measures by Sen. Daniel Patrick Moynihan (D-N.Y.) to require that applicants prove they are in compliance with state and local laws and zoning, business licensing and dealer requirements. In addition, Congress should drop the requirement that the government issue licenses after only 45 days even if its review process is not complete. Without these simple changes, people like Lee will continue to provide guns to society's most undesirable elements.

[From the Washington Post, Dec. 2, 1992]

LICENSE TO KILL

In an eye-opening series this week titled "Under the Gun," staff writer Pierre Thomas reported that getting a federal license to sell firearms is a snap. Fill out a short form, pay $30, and in about 45 days you've got a license. No fuss and probably no bother—most records aren't audited for decades. No wonder business is jumping—with more than 270 licenses a day issued in 1991. Of 34,000 applications for new licenses last year, only 37 were denied. There were 57,327 licenses renewed and only 15 renewal applications denied. The total number of license-holders, most of them considered law-abiding, is ridiculously high—276,000, up 59 percent since 1980, while the number of federal inspectors assigned primarily to gun dealers is down 13 percent. And oh, yes: Guns have killed 60,000 people in this country in five years.

So what's the matter with the U.S. Bureau of Alcohol, Tobacco and Firearms, the agency that dishes out all these licenses and then can't begin to monitor them? This agency is only as effective as the law allows it to be, and in this case the law is just the way—weak—the NRA likes. The gun lobby prefers an agency with minimum computerized capacity to check records or use a central database. In 1986, when members of Congress were even more cowed by the gun lobby than they are today, the NRA and its semiautomatic water-carrier in the Senate at the time—Republican James A. McClure of Idaho, now retired—succeeded in weakening what law was on the books. His legislation reduced certain recordkeeping violations by dealers from felonies to misdemeanors and forbade ATF to inspect any gun dealer more than once a year.

ATF needs its teeth back. The agency is good at what it is allowed to do, including the tracking of guns, even though it may have to sift through slips of paper because it hasn't been able to computerize its records quickly enough. Good legislation has been proposed before and should be enacted now. It's obvious that tougher federal controls are needed, along with a force that can inspect all license-holders regularly. One other proposal that could take effect quickly would require any applicant for a federal license to supply certification of compliance with all state and local ordinances. This, with an accelerated automation and inspection plan, could begin to make a difference right away. So could some tighter rules on applications for renewals.

The gun manufacturers for whom the NRA fronts will insist that the killers will always get firearms without paying attention to tougher controls. Why not test their argument? As it stands, the federal system is a disgrace.

Mrs. FEINSTEIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, my colleague from California has made a very compelling argument as it relates this morning to the amendment, but it is compelling if we do not worry about facts.

For example, let me remind my colleague from California that it is not an American dream to own a gun. It is a constitutional right. So somebody does not just dream about owning a gun in this country. They have the right to own a gun.

Now, it is not a dream or a right to own a Federal firearms license. It is something you apply for under the law, and it is something granted if you qualify. Of course, the director of BATF, when they finally decided to increase their effort at looking at applicants and doing what the 1968 law requires them to do, found out that a variety of individuals abandoned or withdrew their applications when they did what they were supposed to do under the law. That was a quote made on June 17.

We know that that will happen if they do what they are supposed to do. But we have an administration which has even cut back on their funding, and I am not sure why that is the case. In that same statement, of course, we know the director said that most licensees, a vast majority of licensees, do not contribute to crime in our country.

I am not quite sure why—and I am always very frustrated by it—there are those who will not allow this Congress to produce good criminal law that will deal with the criminal, but we want to deal with some inanimate object and go home and say the streets of San Francisco are safer. Not on your life. The streets of San Francisco and Los Angeles will not be safer until we deal with the criminal element and not the guns.

When the streets of Los Angeles erupted, citizens of Los Angeles went out and bought guns for their protection because local and State law enforcement agencies failed. That is the bottom line. There were more guns sold in Los Angeles during that period of time than had been sold in any other period of time in its history—by law-abiding citizens who finally realized that local law enforcement agencies could no longer keep them safe, not just against guns but against criminal elements charging through the fronts of their houses, and ransacking them, and setting them afire along with their businesses. Now, that is a breakdown in law. That is a breakdown in State government doing what it ought to be doing.

I suggest to all of you that $375 does not a safer Los Angeles make. But we know what will make it safer—changing the laws and dealing with the problems of that inner-city area in a responsible and comprehensive fashion, not taking law-abiding citizens' rights away from them, or not destroying the small businessperson, or not sending across the land a fleet of Federal agents to run roughshod over the rights of American citizens.

That is the issue that is at hand in this amendment. Let us sit down and work it out. Let us do it in a responsible fashion. Let us make BATF do what by law they are charged and responsible for doing. This amendment cannot, and will not, accomplish that.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Illinois.

Mr. SIMON. Mr. President, first let me just say that person earlier described by the Senator from Idaho, a person who owns 8 or 10 guns and occasionally sells a gun or buys a gun, is not covered by the Federal licensing requirement. The law is very clear on that.

Second, who supports this? Well, among others, the National Alliance of Stocking Gun Dealers. Now, who are they? They are the people who actually have gun stores. They favor this legislation.

I ask unanimous consent to insert into the RECORD the letter from B.R. Bridgewater, the executive director of that association.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ALLIANCE OF
STOCKING GUN DEALERS
Havelock, NC, July 13, 1993.

Senator PAUL SIMON,
U.S. Senate, Washington, DC.

DEAR SENATOR SIMON: A careful reading of the Gun Control Act of 1968, which governs the issuance of Federal Firearms Dealers Licenses (FFL), leaves absolutely no doubt that the intention of the statute is to regulate the "business" of selling firearms.

The Form 7 application for a license contains 15 references to the need for "businesses" to be licensed. In contradiction to the Form, ATF's previous liberal interpretation of the licensing provisions of the GCA has led to the issuance of 286,000 licenses to engage in the "business" of selling firearms. By ATF's own admission, an estimated 80% of all firearms licensees are not bona fide or legitimate businesses.

Those who obtain a dealers license are under no Federal obligation to comply with state or local laws. Many simply choose to ignore them. Do not delude yourself that those who fail to comply with state and local law are not dealing in firearms, they are! They simply operate illegally.

Many federally licensed dealers ignore local licensing or sales tax requirements in order to hide their activities. Only recently has ATF used its limited resources to keep the illegal dealers (i.e. those who do not comply with state and local laws) from getting a federal license. This marks a reversal of a 10–15 year trend.

While we applaud ATF's efforts, more oversight is needed and stronger legislation is needed in order to have any real impact on compliance by dealers. We will discuss this issue in more detail a little later.

A 1984 amendment to the GCA permitting dealers to conduct sales at gunshows within their home state has spurred the ever-increasing desire for firearms dealers licenses, and it has led to the establishment of a well oiled and very efficient national firearms black market.

Because of limited ATF resources and the overwhelming number of gunshows held in this country each year, sales at gunshows go virtually unchecked by any level of regulatory or law enforcement oversight.

These gun shows are frequented by all segments of society—firearms and outdoor sports enthusiasts as well as felons, gang members, and multi-state gun runners. The ease with which a firearm can be purchased at a gunshow is well known within the criminal community.

Profit is also a strong motivator for those who choose to participate in the underground firearms trade occurring on the streets of our cities every day. Small, semi-automatic pistols purchased by black marketeers for $50 sell "off paper", on the streets, for $250–$400 while the bona fide, compliant dealer sells the same pistol for $60.

The time has come to stem the illegal flow of firearms in this country through legislative initiatives that give ATF the tools necessary to put an end to both the illegal access to firearms and firearms licenses. Toward this end, we respectfully request your consideration of the following:

1. Require all applicants for a Federal Firearms License to submit two photos, one side and one front, and a full fingerprint card taken and certified by the local police department of sheriff's office.

2. Require a photo of the intended business location both inside and outside, accompanied by a statement from the cognizant zoning inspector that a firearms business may be operated at that location.

3. Require copies of all state and local permits and licenses to be submitted with the Form 7 application.

4. Upon receipt of the application, conduct a thorough background check (preferably by the FBI) to determine whether the applicant is a felon, or a clean citizen.

5. Charge a license fee sufficient to defray the cost of processing the application, doing a comprehensive background check, and accomplishing the other administrative tasks. I believe that this can be accomplished properly for a fee in the range of $350–$500.

6. Do a compliance audit six to eight months after the licensee opens for business to ensure that the new licensee starts out properly.

7. If notified by a responsible state or local agency that the licensee is not in compliance with state or local law, give the licensee notice that he has 30 days to comply with local law or lose his license. If he fails to comply, revoke his license.

8. Note that there is no Federal Firearms License for "personal use". Nor is there a "hobbyist license", so prohibit the issuance of a business license for these purposes.

Sincerely,

B.R. BRIDGEWATER,
Executive Director.

Mr. SIMON. They make it very clear. It says:

> While we applaud ATF's efforts, more oversight is needed and stronger legislation is needed in order to have any real impact on compliance by dealers. We will discuss this issue in more detail a little later.

Mr. CRAIG. Will the Senator yield?

Mr. SIMON. Just for 20 seconds because I am running out of time.

Mr. CRAIG. I will share this on my own time then, because what is very important here is the definition in engaging in business. The Senator is right, those who engage in the business of selling firearms must have a license, but because of the 1983 circuit court decision by Judge Scalia as it related to the definition of "conducting business," the Court rejected the argument that means a commercial enterprise and said it is far less than that. And what happened after that was the collector who deals in 8 or 10 firearms a year, fearful that he might be defined as violating the law by this action, went out and got a license. So I am correct in my argument, and we have an awful lot of people who seek a license who may not need it, simply because they do not want to risk being in violation of the law.

Mr. SIMON. It may be that some collectors do that if they are selling a lot. But the law is very clear. This does not apply to collectors.

So the people who actually have gun stores favor this. Who else favors it? The police organizations. We have a choice of siding with the police organizations, our law enforcement people who risk their lives for us, or these people who are selling guns over the kitchen table or out of the trunks of their cars.

And we are not trying to stop them in this amendment. What we are saying is we do not need welfare for gun dealers. They ought to pay the cost. That is all this amendment does.

We need inspections. We are now inspecting 6 percent of those who hold these licenses to sell guns.

And if you want right now to get a license to sell guns, it is the easiest thing in the world. You can just send in the wrong Social Security number, you can send your dog's name in, you can send the wrong name in. It is absolutely ridiculous.

This amendment does not take a gun away from a single person who owns a gun today. What this amendment does, it says let us have inspection of those who sell guns, who traffic in weapons, sometimes trafficking with people illegally.

Senator FEINSTEIN mentioned that famous phrase "ensure domestic tranquillity." We are not doing a good job of ensuring domestic tranquillity.

This is not, overnight, going to do anything in Los Angeles, Chicago, but it is a small step in the right direction, and we have to take some small steps in the right direction. I hope my colleagues will support the amendment.

Mr. CRAIG. Mr. President, I ask my colleagues to oppose this amendment and take a giant step for taking criminals off the street, and to stop the killing that is going on in the streets of America today, by major reform in criminal law.

Senators ought not be going home and saying, look, we just passed a $375 licensing fee and the world is going to be a lot better, because we know that will not be the case. Less than 1 percent of all of those who currently hold a license are found to be in misuse of that license. Without question, the vast majority of the illegal weapons on the streets of America today are dealt out of the back trunks of cars and are dealt by illegal dealers, not by licensed Federal firearm dealers.

Sure, there can always be one or two examples, but we all know the facts. If we are going to adhere to the law of the land and to the constitutional right, then we are not going to put these kinds of restrictions in place. We are going to have a system that works, though.

My colleague from Illinois and I agree that the current system is not working very well because it cannot handle the volume. And the responsible committee deserves to have the hearings, should have the hearings, should craft a law that is reasonable, should not run small business people out of business, should not create a task that is confiscatory, that takes away rights and opportunity.

I am very fearful based on the facts we have heard today that that is the intent, and, of course, that is the reality of what will happen. If 80 to 90 people walk away from their license then something is wrong out there because we know that less than 1 percent are illegal in their activities. That is the fundamental issue at hand. Let us deal with it in a fair and responsible way that solves that problem, and let me also suggest that we do not finance the whole of BATF operations on the backs of legitimate firearms dealers.

That appears, by this amendment, to be exactly what is going to happen. They need approximately $100. They do not need $375. I would think that a 30 to 40 percent inspection annually, maybe as high as 50 percent—that means every other year the books are looked at—becomes a responsible approach. But that is not what is being dealt with here. They are suggesting 300 more Federal employees, out looking at everyone's books on an annualized basis. That will not a safer world make, but it certainly begins to threaten the rights and the constitutional privileges of the individual.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Illinois has 1 minute and 5 seconds.

Mr. SIMON. I yield 1 minute and 5 seconds to the Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank my friend.

Mr. President, we ought to adopt this amendment. It is reasonable. The cost here—I beg to differ with my friend from Idaho—is more than $100. We know that. It is at least $375. In 1992, the Bureau of Alcohol, Tobacco, and Firearms licensing center accepted 2,900 applications each month. Between January and April 1993, the numbers jumped to 6,000 per month. These increases are simply a direct result of such an easy way to get it, and it costs nothing—nothing.

There are now more gun dealers in this country than there are gas stations. As a gas station owner, and having dealt with that business over the years, they have to pay greater licenses than it does for a gun dealer.

This is a reasonable approach. It is not an infringement. It is not going to cure our crime problem. And the argument is, well, let us get tough on crime and increase penalties. We had a crime bill here, time and time again, and we could not get the votes to impose cloture to get over it. I do not know where the Senator from Idaho was on it. But that is where we ought to be fighting crime. We ought to raise these fees. It is reasonable. It goes to support the legitimate concern of ATF.

Mr. KOHL. Mr. President, I rise in strong support of Senator SIMON's amendment. Simply put, we need to increase gun dealer fees to allow for a more comprehensive system of background checks and dealer inspections. In turn, these more stringent controls will ensure a heightened level of responsibility in the sale and use of firearms.

It is unconscionable that today it is easier to obtain a license to sell firearms than a license to drive a car. For a driver's license, you have to take a test, have your picture taken, and have the ID issued. In contrast, to obtain a Federal license to sell firearms, it takes much less: merely a two-page form, a $10 fee, and a cursory background check by the understaffed Bureau of Alcohol, Tobacco and Firearms [BATF]. In 1990, of the 34,336 Americans who applied for a license, only 75 had their applications denied.

Many of these gun dealers use their licenses to buy guns for themselves or sell guns out of their homes. Dealers can order guns wholesale through the mail in unlimited quantities and are often exempt from retail sales laws such as waiting periods and background checks. While the vast majority of firearm dealers are law-abiding citizens, the transgressions of a few have led to deathly results for far too many. In fact, all you need to do is open up your newspaper and you can read for yourself: The stories of criminals purchasing guns hours before committing murders are littered throughout their pages. The Director of the BATF told the House Judiciary Committee that, "* * * virtually all guns ending up in the hands of criminals flow through licensed dealers." So we must ensure that laws concerning sale of firearms are being enforced, and we must have enough staff members to force compliance with the law.

And do not just take my word that licensing fees need to be raised: ask the NRA. In a hearing before the Governmental Affairs Committee this March, the NRA acknowledged that increased fees make sense. We only disagree on the amount.

Mr. President, the proliferation of firearm dealers is accompanied by a disturbing phenomenon of juvenile ownership of guns. In a landmark report released last week by the Joyce Foundation, students were surveyed about their experiences, perceptions, and apprehensions about guns. The report revealed an astounding portrait of the prevalence of gun culture: 59 percent of the respondents say they could get a handgun, "if I wanted one," 15 percent say they have carried a handgun on their person in the past 30 days, and one in 25 say they have taken a handgun to school this past year. Additionally, the cover stories in both Newsweek and Time this week are both about kids and guns.

Mr. President, we must act now to preserve the safety of our children and curb the rapid increase in violence that is afflicting our society. We need to provide a series of new legislative measures to fight against violence, and this amendment is an important first step. My Youth Handgun Safety Act also moves toward curbing juvenile access to guns. So does the Brady bill. For the sake of our children, I hope that they will all become law by the time this Congress adjourns.

Mr. CHAFEE. Mr. President, it seems to me that the amendment put forth by the Senator from Illinois simply makes common sense.

It seems clear that all should agree that $10 is a ridiculously, ludicrously low fee for a Federal firearms license. there are very, very few—if any—other licenses that cost so low. And when one considers that we are talking about a license for dealing in guns—by any definition, deadly weapons—the low fee seems not only ridiculous, but downright foolhardy.

The amendment proposed would raise that fee from $10 to $375. I do not consider that $375 is an exorbitant amount, especially considering that a dealer with any profit margin at all could cover that fee without much difficulty.

And quite frankly, when you consider that we are talking about a lethal product—guns, weapons that are wreaking havoc on our society—I find the sum of $375 actually quite outrageously small for a virtually unlimited right to buy as many guns as you like and distribute them freely.

This amendment does not merit a lengthy discussion of the so-called second amendment right to bear arms—which is an utter canard, by the way. It has nothing to do with whether citizens can go trap or skeet shooting. It has to do with commonsense rules about how easily one should be able to purchase the ability to buy unlimited quantities of guns.

All this amendment is, is a small step toward sanity. It will not stop all handgun violence—but it will help slow down and close off yet another of our unbelievably easy routes of access to deadly guns.

Now, as my colleagues know, I believe we should close off access to handguns entirely, simply turn off the spigot that pours more than 2 million handguns into circulation each year by banning handguns altogether. In my view, that is the real way—the only way—to tackle the problem of handgun violence. I would like to see the Senate debate my public Health and Safety Act of 1993; a bill to ban the sale, manufacture, and possession of handguns. I would welcome that.

But that is not what this debate today is about. What the Senator from Illinois is asking for, in fact, hardly merits debate. It should be approved unanimously. What is the fuss about?

In sum, I believe the Senator from Illinois has an amendment that makes eminent sense. I congratulate him on this proposal and am pleased to be a cosponsor of his amendment.

Mr. BYRD. Mr. President, I rise in support of the amendment offered by the Senator from Illinois that would increase the fee required by the Bureau of Alcohol, Tobacco and Firearms [ATF] for a Federal Firearm License [FFL] from $10 to $375.

The number of firearm dealers in this country has increased from 174,000 in 1980 to 287,000 today, an increase of over 60 percent. ATF reports that there is one firearm dealer for every 1,000 Americans, and one dealer for approximately every 290 firearm owners. According to the Violence Policy Center, that means that there are more gun dealers in our country than there are gas stations.

In West Virginia the numbers are rising as well. In October of 1992, there were 3,490 dealers; in March 1993, there were 3,661; and currently there are approximately 3,800. That is an almost 10-percent increase in only 9 months. To put these number in perspective, 3,800 dealers means that, on average, there are 69 dealers in each of West Virginia's 55 counties.

ATF has testified that initial applications are increasing so rapidly that they simply cannot keep up. The current license fee is only $10—the same as was established in 1968 and never increased—and that the cost of the current inspection and investigation process is over $100. That means that the American taxpayer is currently subsidizing each gun dealer by $90. And the current investigation process is clearly inadequate. Apparently, fewer than 10 percent of dealer applicants undergo an actual inspection in the form of a personal interview or an on-site visit. With the rest, ATF must rely on computer searches to inspect applicants' records, using a computer system the database of which does not contain critically needed information from many States, such as arrests and dispositions records. I am advised that, once licensed, a typical dealer is audited by Federal inspectors only once every 20 years.

ATF has indicated that increasing the fee to $375 would ultimately enable them to improve their initial application screening process to include personal interviews or onsite visits in most cases, and would also provide for more followup inspections.

ATF also believes that the proposed fee increase and improved investigative process will discourage individuals from obtaining a dealer's license for illegal purposes.

ATF Director Steven Higgins testified before a congressional committee on June 17, 1993, that:

> Whether criminals buy guns directly or through straw purchases or from traffickers who buy the guns for resale, virtually all guns ending up in the hands of criminals flow through licensed dealers.

Mr. Higgins testified further that 73 percent of licensed dealers buy or sell less than 10 guns a year. These are dealers who sell guns at their kitchen table, from the trunk of their car, and in hotel rooms. Mr. Higgins said:

> Although most licensees do not contribute to our crime problem, the sheer volume of dealers is obstructive in determining the focus of our compliance program.

Not a day goes by that we are not reminded of the rampant increase in crime in our country, especially crimes committed with firearms and related to drugs. Unfortunately, there is every indication, as recent news articles have reported, that this scourge is now spreading to areas of West Virginia.

It certainly seems reasonable to me to provide the ATF with resources it needs to improve its firearms licensing and renewal process to help weed out those dealers who may engage in illegal activities.

It also seems reasonable to me that, in times of budget constraint, the costs of this licensing process should not be borne by the American taxpayers, but rather by those who benefit by receiving their Federal firearms licenses, the dealers themselves.

This measure will not prevent any American or West Virginian from exercising his or her constitutional right to purchase a firearm. This measure will not prevent an aspiring businessman from acquiring a license or put an existing, legitimate gun dealer out of business. What is will do is to help make sure that those who are federally licensed to sell guns should be.

Mr. DURENBERGER. Mr. President, I rise today to briefly explain why I will reluctantly be opposing the amendment by my friend and colleague from Illinois, Senator SIMON.

This amendment would raise the user fee for applying for a Federal firearm license from the current level of $10 per year to $375 per year. The Bureau of Alcohol, Tobacco and Firearms has estimated it would cost between $375 to $500 per application to conduct the kind of thorough background checks it should on potential gun dealers. BATF currently spends about $100 processing a license, and only about 10 percent of applicants are inspected.

Let me say that I agree with several of the goals of this amendment. We should look into raising the license fee so the users will be paying for the cost of processing their licenses. I also believe we should conduct thorough background checks on potential gun sellers.

If we enact the Brady bill compromise, we should be only a few short years away from a computerized instant check system that will provide background checks in a matter of seconds. I assume that this technology will be available to BATF to check potential sellers, just as it will be used to check whether potential buyers are dangerous individuals.

But the thing that concerns me most about this amendment is BATF's own estimate that about 80 percent of current license holders will be driven out of business by the fee increase. When we are considering legislation that will have such a dramatic impact on that business, I don't believe the appropriations process is the best climate for thoughtful consideration of reform.

I hope that the Senate will continue to consider this issue, but I cannot support this amendment at this time on this appropriations bill.

Mr. BURNS. Mr. President, I rise in opposition to the amendment offered by Senator SIMON. This amendment would place an unrealistic increase in the fee for licensing guns. While there may be merit in reviewing the possibility of increasing the fees, this increase is not realistic—$10 to $350 is a hefty increase which is actually an attempt to impose restrictions on guns. This amendment would directly affect the residents of my home State of Montana, and is an attack on our constitutional rights.

This just doesn't make sense. It negatively affects people who sell guns. Have gunowners committed a crime? I don't think so. Instead of imposing tough laws on criminals, the proponents of this amendment are venting their frustrations on lawful sellers.

My overall concern of gun-control-type measures is the erosion of our constitutional rights. Far too often we have to fight for these rights—like the right to bear arms and the right of private property.

When looking at the whole gun control issue, I feel compelled to first step back, survey the bigger picture of civil liberties, and take a good, hard look at the Constitution—the Bill of Rights, article II:

> "* * * the right of the people to keep and bear Arms, shall not be infringed."

There are no ifs, ands nor buts about it. It is my opinion that the Government can no more infringe on the right to keep and bear arms than it can tamper with the right of establishment of religion or the freedom of speech.

The forefathers gathered and instituted the Bill of Rights for a very good reason—to protect the rights of the individual citizen from an overbearing Government. The Bill of Rights has served our spirit of self-reliance and individual responsibility for over 200 years. I am afraid that an encroachment such as this amendment only leads to further erosion of those rights that define our freedoms, the very freedoms that make us Americans.

Mr. President, I yield the floor.

Mr. CRAIG. Mr. President, I raise a point of order that this is legislating on an appropriations bill. I ask the Chair to rule.

The PRESIDING OFFICER. The Chair under Senate——

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, it is clearly germane, and I raise the question of germaneness.

The PRESIDING OFFICER. The Chair, under Senate rule XVI, now submits to the Senate the question raised by the Senator from Illinois [Mr. SIMON], namely, Is the amendment germane or relevant to any legislative language already in a House-passed bill?

Mr. CRAIG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question before the Senate is, Is the amendment of the Senator from Illinois [Mr. SIMON] germane to any legislative language already in the House-passed bill?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 30, nays 68, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—30

Akaka
Biden
Bingaman
Boxer
Bradley
Byrd
Chafee
Danforth
DeConcini
Dodd
Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Kennedy
Kerry
Kohl
Lautenberg
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Rockefeller
Sarbanes
Simon

NAYS—68

Baucus
Bennett
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Ford
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Riegle
Robb
Roth
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NOT VOTING—2

Cohen
Pryor

The PRESIDING OFFICER. On this vote, the yeas are 30, the nays are 68. The judgment of the Senate is that the amendment is not germane. Therefore, the amendment falls as not germane.

Mr. CRAIG. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 31, LINE 14

The PRESIDING OFFICER. The pending question is the committee amendment on page 31, line 14.

The Senator from Arizona.

Mr. DECONCINI. Mr. President, the Senator from Arizona would like to know what the order for business is. Is the committee amendment the pending amendment?

The PRESIDING OFFICER. The pending amendment is the committee amendment on page 31, line 14.

Mr. DECONCINI. Mr. President, I am advised that the Senator from New Jersey [Mr. LAUTENBERG] is prepared to enter into a time agreement perhaps with the Senator from Kentucky and offer an amendment.

I know it is the wish of the majority leader that we might proceed on this bill, and I wonder if the Senator from Kentucky has a comment regarding that.

We would like to move ahead on this bill. We have several outstanding amendments that we need to get to, and that is one of them.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I answer my colleague this way, that I am perfectly willing to enter into a time agreement with the distinguished Senator from New Jersey. We have talked, and I think we have an agreement. He is here. If I could have 15 or 20 minutes before we start, that is probably not what he wants to do.

Mr. DECONCINI. That is all right.

Mr. FORD. When this amendment comes, I am more than happy to enter into an hour equally divided and have a voice vote at the end of that without having a rollcall vote.

Mr. LAUTENBERG. I say to the manager, that would be my understanding as well, and at a time of convenience to the manager. My preference is about a half an hour from now. I have another committee meeting.

Mr. DECONCINI. Mr. President, I have not fully consulted here. If the Senator would stay here, maybe we could get an agreement to take this up by 12 o'clock.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent that I may be allowed to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION IMMIGRATION PROPOSALS

Mr. SIMPSON. Mr. President, on Tuesday morning, our President—and he is our President, regardless of party—announced legislative proposals on expedited exclusion of illegal aliens and increased penalties for criminal alien smuggling.

I have carefully reviewed those proposals, and I believe they constitute a very good start. Many of the provisions are similar, even identical, to those in two bills I introduced earlier in the Congress to address alien smuggling and asylum abuse.

Many provisions are similar to the work product of Senator FEINSTEIN, who has taken a serious and vivid interest in this, which is very pleasing to me because I intend to work closely with her on these issues.

There are, perhaps, some partisan aspects to immigration reform, refugee matters, asylum. But, by and large, all of us know that the first duty of a sovereign nation is to control its borders. To do that we have to do certain things. I think many of us are ready to do that in a way which does not smack of nativism, or racism, or xenophobia, or all the stuff that is usually out there when you try to do something realistic. But I support very much making entry with fraudulent documents, or no documents—make it a grounds for exclusion with an expedited hearing and then exclusion of those who cannot establish a "credible fear"—those are the words, "credible fear of persecution in the home country."

I support increased penalties for alien smugglers. I support using our racketeering—our RICO laws—to prosecute organized smuggling gangs. I support those provisions in the administration's proposals but I see some problems with other aspects of the President's bill. They are not unsolvable problems. But a primary purpose of asylum reform is to eliminate some of the many layers of appeal presently available to an alien claiming asylum. This overemphasis on process—it is almost an obsession with process—has created a backlog of hundreds of thousands of these cases. These cases can drag on for many years. Sometimes these people—often—get more due process than does an American citizen under similar, or different, circumstances.

The President's proposal—this is the disturbing one to me —would create a new corps of superasylum review officers, outside of the Immigration Service. I think the Attorney General would like to see—I would—bringing that group back within the Department of Justice. But they would review all cases where the alien is found not to have a credible fear of persecution, if he or she were to return "home." Remember, none of them really wants to go home because if you are really an asylee, the minute you reach the country of freedom you are "home"—in quotation marks. At least you are away from the country that is persecuting you. But no, they come to the second country, third country, fourth country—then here. We must stop that.

I support a supervisory review of a screened out case. If it is said of a person, "You do not have a credible fear of persecution," I think there should be indeed a supervisory review. But I am troubled by the administration proposal to create a new group which might be outside the Immigration Service to review every single denied case. I think that is getting right back into the ponderousness of the process.

The purpose of my bill and the administration's proposal is to create a fast, firm, and fair system of dealing with asylum claims by persons who enter this country illegally. I think we can assure fairness with a supervisory review without the cost of delay in review by a member of some superasylum review officer corps.

Another concern with this proposal is adequate resources. We too often have enacted good immigration reform legislation but have failed to provide adequate funding. As a result, we have had legislation which has proven ineffective. A good example is the employer sanctions provisions of the Immigration Reform and Control Act of 1986, legislation that has never been fully and effectively enforced by the Immigration Service due principally to the lack of adequate resources and, of course, the other reason is because the documents presented have all been fraudulent and gimmicked beyond belief. Until we have some form of universal identifier, some form of counterfeit-resistant document, we will not have reform. That can be done in a nonintrusive way.

Because, unless we handle the problems of illegal immigration and gimmickry, we will lose our compassion for legal immigration and bringing in what is now a very generous number, 900,000 people a year—1 million if you want to count it a little differently. Nevertheless we passed that law. We did not provide the funding for the investigators needed to properly enforce it. If we do not provide adequate funding for the doubling of our asylum corps and proper funding for sufficient detention space to hold these aliens who have entered illegally until their claims can be heard, the bill will not be effective. Asylum backlogs will continue to grow and the new procedures will have no deterrent effect. The administration and the Congress must be committed to finding the resources to properly fund asylum and antismuggling legislation, and we cannot simply take the money from other immigration activities. That agency is already underfunded.

So I do appreciate the efforts of the administration to address this growing problem. I suggest several changes in the President's proposal but there is much in the proposal I can support and will. Much of it is essentially in accord with my own activities with immigration reform bills.

It is a good first step, and there is much, much more to do. I thank the chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent that I might proceed in morning business for a period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF RUTH BADER GINSBURG

Mr. SPECTER. Mr. President, I am going to use this lull in the proceedings to make my statement on the nomination of Judge Ginsburg, which is scheduled for debate on Monday. But I want to use the time now.

An affirmative vote for Judge Ruth Bader Ginsburg to be Associate Justice of the Supreme Court of the United States is not as easy for me as it is for most, if not all, of my Senate colleagues. While I have no doubt about her being eminently well qualified for the position, I am greatly concerned over the course of the confirmation process that not enough questions have been answered at the confirmation hearings. At her hearings before the Judiciary Committee, Judge Ginsburg declined to answer most of the substantive questions which the members addressed to her.

I believe, and I think many of the other Senators believe, that she should have answered more questions. I am concerned that her confirmation, on the heels of previous confirmations, only leads the Senate further down the road of unwelcome precedent for future nominations.

Until 1925, no nominee had ever appeared before the Senate or any of its committees to testify. Testimony by a nominee did not become routine until Justice Felix Frankfurter was nominated in 1939, and even into the 1940's a nominee to the Supreme Court refused to appear before the committee to testify and was confirmed.

For years, nominees took a consistent position that they would discuss only their records and their background, but they declined to discuss legal philosophy either in the particular or in the abstract. Despite the fact that the Supreme Court became more and more active in decisions which affected all Americans through the 1950's and 1960's, still, nominees to the Court declined to answer questions about judicial philosophy.

My service on the Judiciary Committee began in 1981, and I have been through eight Supreme Court confirmation hearings. As we have proceeded, more and more we began questioning nominees about judicial philosophy. The nominees have had to tread a fine line as we developed our inquiries to delve more deeply into a nominee's judicial philosophy.

Given the fact that no one wants to appear before a judge who has predetermined the case, it is understandable that nominees have not and should not discuss their views on particular cases which may come before the Court. At the same time, nominees generally have discussed their opinions on certain well-settled issues or on fundamental principles.

A major turning point came during the hearings on Judge Robert Bork. Members of the Judiciary Committee engaged in detailed examination of Judge Bork's judicial philosophy on many issues such as free speech, judicial review, and the proper means of interpreting the Constitution. Judge Bork did not discuss his position in specific cases that might come before the Court, but he gave the committee and the Senate a detailed look at his judicial philosophy.

Among other nominees in the 1980's, there was a wide degree of difference on how far they would go in answering questions. For example, Justice O'Connor expressly endorsed the death penalty as an appropriate sanction. She had previously voted for it as an Arizona legislator. Justice Kennedy refused to give his view on the death penalty.

Judge Souter endorsed the death penalty as constitutional, even though he, like Justice Kennedy, had not expressed a view before the hearings.

Against this background of evolving standards, Judge Ginsburg answered few questions. For example, I asked her about her concurring opinion in a suit by Members of Congress under the War Powers Act. From this point, I took the inquiry to the next level and inquired about Congress' authority to declare war.

When I asked Judge Ginsburg whether the Korean military engagement was a war as contemplated by the constitutional provision giving Congress sole authority to declare war, she responded that she could not answer the question without briefing and oral argument.

Obviously, no case is going to come before the Supreme Court involving the Korean war, and it seemed to me that this question required only a commonsense response regarding a matter which had arisen during her young adulthood. It was an appropriate question for Judge Ginsburg to give us some insight into her approach to an important historical event. She could have answered without prejudging a case which would actually come before the Court.

Judge Ginsburg also refused to answer questions regarding her approach to the propriety of Supreme Court decisions overturning longstanding statutory interpretations that Congress had implicitly accepted. I asked her about her view of the Supreme Court acting as a superlegislature and Supreme Court activism as a revisionist court in changing the law and making new law in two major cases in the late 1980's. One was Wards Cove, a 5-4 decision handed down in 1989 which overruled a unanimous Supreme Court decision in the Griggs case in 1971 interpreting the 1964 Civil Rights Act. Despite the fact that Congress had let the Griggs decision stand for 18 years, the Supreme Court proceeded to change the law in Wards Cove. When I inquired about her view of the propriety of that kind of judicial activism, she declined to answer.

Similarly, she declined to respond to my inquiry involving the decision of the Supreme Court in Rust versus Sullivan which upheld the Department of Health and Human Services' 1988 regulation imposing the gag rule. That rule prohibited counselors from telling clients about the opportunities for abortion where Federal funds were involved under title X of the Family Planning Act of 1970.

For some 18 years, that kind of counseling was permitted, but in the face of 18 years of congressional acceptance of the regulation, the executive changed the regulation and the Supreme Court upheld this change by a 5-4 vote.

My inquiries regarding these two cases related to judicial philosophy on a nominee's deference to Congress when longstanding interpretations of a statute, one by the Supreme Court and the other by the executive branch, which had received longstanding congressional approval, were overturned by the Supreme Court of the United States.

I was not asking Judge Ginsburg about how she would vote in any particular case, but more broadly about her approach to judicial respect for congressional intent in such cases where Congress, in effect, acts intentionally by not acting at all. She declined to answer those questions.

These are only a few examples of Judge Ginsburg's refusal to discuss her judicial philosophy. While she was more forthcoming than recent nominees about her support for the right of a woman to make reproductive choices, she declined to answer many questions on a wide variety of subjects.

Mr. President, there is no doubt about Judge Ginsburg's overall competency. She has an outstanding law school record, having attended Harvard and Columbia, being a member of the Law Review at both schools. She has a superb record as a practicing lawyer, having argued cases before the Supreme Court of the United States and won many landmark decisions. Her work as a jurist over 13 years has been similarly outstanding.

One of her strong traits has been to write brief opinions, which is rather unusual for a judge or a Justice. As she articulates it, she likes to keep it tight and right. Some of her opinions resemble Justice Oliver Wendell Holmes', a Supreme Court Justice noted for brevity in opinions, in clarity and brevity. In fact, it takes a long time to write a short opinion.

So her record is outstanding, and for the reason of her record and her prospects as a Supreme Court nominee, I support her nomination for the Supreme Court of the United States. But in voicing that support, I articulate a reservation and a concern about the limited number of questions which she answered. In fact, I believe the Senate and the Judiciary Committee are responsible for setting the stage with so much approval in advance that her nomination was realistically assured.

We have seen, as a matter of practice, that the nominees to the Supreme Court of the United States answer about as many questions as they really have to answer. When Chief Justice Rehnquist was up for confirmation for the Chief Justice's position, for which he was ultimately confirmed on a vote of 65 to 33, and there was a realistic question about his confirmation to that position, he answered very significant questions saying that the Congress of the United States did not have the authority to take away the jurisdiction of the Supreme Court on first amendment issues. That, to me, Mr. President, is a very important subject. If we do not establish the supremacy of the Court to interpret constitutional issues, then our entire constitutional structure is in doubt.

Judge Ginsburg did answer the question that she supported Marbury versus Madison, which established the supremacy of the Court on constitutional issues, but she would not answer the question as to whether the Congress could take away the jurisdiction of the Supreme Court to hear cases under the equal protection clause of the 14th amendment. The equal protection clause of the 14th amendment is vital for individual rights. Judge Ginsburg, as a lawyer, established her reputation on cases involving equal protection of the law. That has been a principal source of her interest in advocacy and the issue which she has pushed: women's rights.

But if the Congress has the authority to take away the jurisdiction of the Supreme Court, the Court could not pass on those issues. And, in fact, we would not have constitutional protections. That is why I pressed for an answer from Judge Ginsburg. I did not get the answer.

It is my concern that we have slid back from the scope of questions to which we have received answers from Judge Bork who answered a great many, as I think realistically he had to, to have a chance for confirmation, although he was not confirmed.

My reading of the record shows Judge Ginsburg answered fewer questions than Justice David Souter, than Justice Anthony Kennedy, than Justice Sandra Day O'Connor. Only Justice Antonin Scalia answered fewer questions than Judge Ginsburg.

Judge Ginsburg did concede that the opinion of the Senate and the voice of the Senate in confirmation stands on an equal footing to the opinion of the President in making the nomination. But the Senate cannot discharge that constitutional authority unless it has latitude to receive answers to its questions.

My judgment, Mr. President, on a nominee depends on a balancing of his or her record before the hearings—academic, professional record—and the nominee's willingness to be responsive and the substance of those responses. Despite my substantial reservations on the responsiveness of Judge Ginsburg, I am voting for her because of her outstanding educational, professional and judicial qualifications.

I hope that it will not be necessary to reject nominees in the future because of lack of responsiveness to Senators' questions, but I do express the reservation, the caveat, that it may become necessary as the only way to establish the appropriate balance to enable the Senate to perform its constitutional duty on advise and consent.

Mr. President, I wish to acknowledge the outstanding assistance given to me in preparation of the hearings themselves by my former law partner, Mark Klugheit, of the Dechert, Price & Rhoads firm in Philadelphia, and my Judiciary Committee chief counsel, Richard Hertling.

Mr. Klugheit came to Washington to serve as counsel for the Impeachment Committee on Judge Alcee Hastings and then returned as an unpaid volunteer for the preparation of hearings on Judge Ginsburg. Mr. Klugheit assembled a team of summer associates from Dechert, Price & Rhoads. And I thank Jennifer Arbittier, Scott Rose, Silvestre Fontes, Rachel Nosowsky for their research assistance, and also, in my Judiciary Committee office, Alison Serxner who assisted Mr. Hertling. It was a voluminous task to read more than 300 published opinions, a large number of unpublished opinions, and some 75 articles which Judge Ginsburg had written to prepare for the questioning and evaluation of the nominee, and I thank those individuals for their assistance.

Mr. President, I ask unanimous consent that the appendix to my written statement to which I earlier referred to be printed in the RECORD.

There being no objection, the appendix was ordered to be printed in the RECORD, as follows:

APPENDIX—EXAMPLES OF JUDGE RUTH BADER GINSBURG'S REFUSALS TO ANSWER OR NON-RESPONSES TO QUESTIONS ASKED BY MEMBERS OF THE JUDICIARY COMMITTEE DURING HER CONFIRMATION HEARINGS, JULY 20–JULY 22, 1993

The CHAIRMAN. So what did you mean when you said, Judge, in the Madison lecture that it ended race discrimination in our country, perhaps a generation before State legislators in our southern States would have budged on the issue? Are you saying that the Nation itself may have been in sync with Brown and the Court not that far ahead of the Nation, and it was only that part of the country?

Judge GINSBURG. Well, the massive resistance was concentrated in some parts of the country, that there was discrimination throughout the country I think is undoubtedly the case. But there was certainly a positive reaction in Congress, not immediately, but first the voting rights legislation started in the fifties, and then the great civil rights legislation of 1964. The country was moving together.

The CHAIRMAN. It was a decade later. My time is up, Judge. You have been very instructive about how things have moved, but you still haven't—and I will come back to it—squared for me the issue of whether or not the Court can or should move ahead of society a decade, even admittedly in the Brown case, it was at least a decade ahead of society. The Congress did not, in fact, react in any meaningful way until 10 years later, and so it moved ahead.

One of the things that has been raised, the only question that I am aware of that has been raised, not about you personally, but about your judicial philosophy in the popular press and among those who follow this, is how does this distinguished jurist distinguish between what she thinks the Court is entitled to do under the Constitution and what she thinks it is wise for it to do. What is permitted is not always wise.

So I am trying to get—and I will fish for it again when I come back—I am trying to get a clear distinction of whether or not you think, like in the case of Brown, where it clearly did step out ahead of where the Nation's legislators were, whether that was appropriate. If it was, what do you mean by it should not get too far out ahead of society, when you talked about that in the Madison lectures?

But I will give it another try. I think you not only make a great Justice, you are good enough to be confirmed as Secretary of State, because State Department people never answer the questions fully directly, either.

Senator KENNEDY. Well, we have overturned those decisions now in the Civil Rights Act of 1991. I am asking you whether you are willing to express an opinion about those cases that were overturned since it won't come back up to you and since now we have legislated in those particularly cases.

Judge GINSBURG. I don't want to write a Law Review commentary on the Supreme Court's performance in different cases. I think the record of what went on in the lower courts, in some of those instances the Supreme Court's position was contrary to the position that had been taken in the lower Federal courts, and in the *Ward's Cove* case, in the *Patterson* case. And it is always helpful when Congress respond to a question of statutory interpretation, as it did in this case, to set the record right.

Now, sometimes I spoke of the Pregnancy Discrimination Act and Title VII. I think that Congress was less clear than it could have been the first time around. Maybe that wasn't apparent until the case came up. Congress reacted rather swiftly and said, yes, discrimination on the ground of pregnancy is discrimination on the ground of sex, and Title VII henceforth is to be interpreted that way.

So I think it is a very healthy thing. It is part of what I called the dialogue, particularly on questions of statutory interpretation; that if the Court is not in tune with the will of Congress, that Congress doesn't let it sit and makes the necessary correction, that can be even on a constitutional matter—and I referred to the *Simka Goldman* case yesterday when Congress fulfilled the Free Exercise Clause more generously than the Court had.

Senator METZENBAUM. My question to you is: How would you view an antitrust case where the facts indicated that there had been anti-competitive conduct but the defendant attempted to justify it based on an economic theory such as business efficiency?

Judge GINSBURG. I am not going to be any more satisfying to you, I am afraid, than I was to Senator Specter. I can answer antitrust questions as they emerge in a case. I said to you yesterday that I think the only case where I addressed an antitrust question fully on the merits was in the Detroit newspaper case where I think I faithfully—or at least I attempted to faithfully interpret the Newspaper Preservation Act and what Congress meant in allowing that exemption from the antitrust laws.

Senator METZENBAUM. Indeed you did.

Judge GINSBURG. Antitrust, I will confess, is not my strong suit. I have had, as you pointed out, some half a dozen—not many more—cases on this court. I think I understand the consumer protector, the entrepreneur, individual decisionmaking, protective trust of those laws, but I can't give you an answer to your abstract question any more than I could—I can't be any more satisfying on the question you are asking me than I was to Senator Specter on the question that he was asking.

If you talk about my particular case—and it was a dissent. There was a division in the court on how to interpret that statute. I think I tried to indicate what my approach—I think that case indicates what my approach is in attempting to determine what Congress meant. But I can't, other than saying I understand——

Senator DECONCINI. Let me put it this way, Judge: Do you think there is any merit to a process within the judicial branch of government, which would permit the removal of a judge?

In other words, what if a constitutional amendment set up or gave authority to the judicial branch to set up procedures where complaints could be heard? A judge would have an opportunity to respond and to have a hearing and to appeal the hearing, and what have you, and that the Supreme Court or somebody within the judicial branch could, in fact, dismiss the judge. Have you given that any thought?

Judge GINSBURG. I understand that the Kastenmeier Commission that has been looking into the discipline and tenure of judges, has come out with a preliminary draft of its report that takes a careful—that commission has been operating for some time and it is supposed to have a very broad charter to take a careful look at all these areas.

I will read the final report when it comes out with great interest, but I don't feel equipped to address that subject.

Senator DECONCINI. Let me ask you this: Is it offensive to you, if the judiciary had authority to discipline judges and that discipline could also include dismissal?

Judge GINSBURG. We already have an in-house complaint procedure, as you know.

Senator DECONCINI. Yes, I do.

Judge GINSBURG. And I think that has worked rather well. It has never come to the point in all my 13 years there has been an instance calling for removal.

Senator DECONCINI. My problem, Judge, is what do you do with a convicted judge? Wouldn't it be appropriate for the judiciary to have a process that they could expel that judge? I mean I am giving you the worst of all examples. I am not talking about the litigant who is unsatisfied, doesn't like the ruling of the judge and, thereby, files a complaint as to moral turpitude of the judge, and then you have a hearing on that. I am talking about something that is so dramatic as a felony conviction of a judge.

Judge GINSBURG. Senator, I appreciate the concern that you are bringing up, and it isn't hypothetical, because there are judges who are in that situation. They are rare, one or two in close to a thousand.

Senator DECONCINI. I think there are two.

Judge GINSBURG. So I appreciate the problem. When I was asked before about cameras in the court room, I was careful to qualify my own view, saying I would, of course, give great deference to the views of my colleagues on this subject, and there is an experiment going on now in the Federal courts on that subject.

Here I don't even feel comfortable in expressing my own view, without the view of the U.S. Judicial Conference on this subject. I know that the judges are going to study the Kastenmeier report, and they are going to react to it. I can just say that I appreciate it is a very grave problem.

Senator LEAHY. Does that mean that the Free Exercise Clause and the Establishment Clause are equal, or is one subordinate to the other?

Judge GINSBURG. I prefer not to address a question like that; again, to talk in grand terms about principles that have to be applied in concrete cases. I like to reason from the specific case and not——

Senator LEAHY. Let me ask you this: In your view of the Supreme Court today—or do you have a view whether the Supreme Court has put one in a subordinate position to the other?

Judge GINSBURG. The two clauses are on the same line in the Constitution. I don't see that it is a question of subordinating one to the other. They both have to be given effect. They are both——

Senator LEAHY. But there are instances where both cannot be upheld.

Judge GINSBURG. Senator, I would prefer to await a particular case and——

Senator LEAHY. I understand. Just trying, Judge. Just trying.

Senator SIMON. If I could get you to be a little more specific here, if I can ask, not in commenting on the substance of the Alvarez case—incidentally, he was tried in the United States and not found guilty—but were you at all startled, when you heard about the results of the Alvarez case?

Judge GINSBURG. If I may, Senator, I would not like to comment on my personal reactions to that case. I think I told you what my view is on how U.S. officials should behave, and I would like to leave it at that. This was a decision of the United States Supreme Court that you have cited, and I have religiously tried to refrain from commenting on a number of Court decisions that have been raised in these last couple of days.

Senator FEINSTEIN. Thank you, Mr. Chairman.

Just to try to pursue that a little bit further, Judge Ginsburg, could you talk at all about the methodology you might apply, what factors you might look at in discussing Second Amendment cases should Congress, say, pass a ban on assault weapons?

Judge GINSBURG. I wish I could, Senator, but all I can tell you is that this is an amendment that has not been looked at by the Supreme Court since 1939. And apart from the specific context, I really can't expound on it. It is on area in which my court has had no business, and one I had no acquaintance as a law teacher. So I really feel that I am not equipped beyond what I already told you, that it isn't an incorporated amendment. The Supreme Court has not dealt with it since 1939, and I would proceed with the care that I give to any serious constitutional question.

Senator MOSELEY-BRAUN. So I have two questions. The first is, in a situation like this, if the property owners challenge the government action as a taking of their property, what principles should the Supreme Court look to in evaluating that claim?

Judge GINSBURG. Senator, the question has some kinship to the one that Senator Pressler raised about the wetlands. It is just evolving. There is a clear recognition that at some point a regulation does become a taking. When that point is reached is something to be settled for the future.

We do know that, as I said in the Lucas case, when the value of that property is totally destroyed as a result of the regulation, that is indeed a taking and there must be compensation for it. Reliance is certainly one of the factors that goes into the picture.

As I say, this is just a developing area and it is still evolving and I can't say any more about it than is reflected in the most recent precedents in the Nolan case and in the recent Lucas case of the Court. But there certainly is sensitivity to the concerns. One, the regulations for the benefit of the community, which you mentioned, and the other is the expectation, the reliance of the private person, and those two will have to be balanced in the future cases coming up. But this is an area that is very much evolving now, and I can't say anything more than I have said about it so far.

Senator HATCH. But in the International Funding case, you cited Harris v. McRae favorably in support of a distinction you drew between funding restrictions that are permissible and those that are not. Irrespective of your views on the policy of abortion funding, do you agree that Mayer and Harris, those two cases, were decided correctly?

Judge GINSBURG. I agree that those cases are the Supreme Court's precedent. I have no agenda to displace them, and that is about what I could say. I did express my views on the policy that is represented. That is not something that anybody has elected me to vote on.

Senator THURMOND. One vocal critic of this decision said that the Supreme Court has now created an entirely new constitutional right for white people. Judge Ginsburg, do you believe this to be an accurate assessment of the Shaw decision? And if confirmed, how will you approach challenges to reapportionment plans under the Equal Protection Clause?

Judge GINSBURG. Senator Thurmond, the Shaw case to which you referred was returned to a lower court. The chance that it will return again to a higher court is hardly remote. It is hardly remote for that very case. It is almost certain for other cases like it. These are very taxing questions. I think that the Supreme Court has redistricting cases already on its docket for next year, so this is the very kind of question that would be injudicious for me to address.

Senator GRASSLEY. Well, there wouldn't be any question about separation of powers protecting Members of Congress from applicability of criminal laws against this. What principal distinction can there be made of having employment laws or civil rights laws applied to Congress?

Judge GINSBURG. I think if you ask the counsel to the Senate, who argued very effectively in a number of Speech or Debate Clause cases before us, for a brief on that subject, that office would be best qualified to address it.

Senator GRASSLEY. Well, I believe before long you will be addressing it sometime. Obviously that would keep you from responding to specific question, but——

Judge GINSBURG. If and when, I would have the benefit of the wonderful brief, I hope; the briefs on both sides. But that is the difficulty that I confront in this milieu. I am so accustomed—and as a judge, it is the only way I can operate, on a full record, with briefs, and not making general statements apart from a concrete case for which I am fully prepared with the arguments that parties make on both sides.

Senator BROWN. I wanted to cover one last area, and it may be an area you would prefer not to explore. If you do, I would certainly understand.

I believe earlier on Senator Cohen and others had brought up a question with regard to homosexual rights. I would not expect you to rule on something or advise on something that may well involve a case. But there is a question I thought you might clear up for us that I think has some relevance here.

The Equal Protection Clause, as we have explored it this afternoon, deals, in effect, requiring sex-blind standards with regard to Government action or legislation, or may well deal in that area. That relates to classes of people; in this case, males and females. Obviously there are other classes.

In the event we are dealing with forms of behavior—and I appreciate that is not a foregone conclusion with regard to homosexuals. That is open to debate whether or not it is a class of people or forms of behavior. But in the event we are dealing with forms of behavior, would they come under the provisions of the Equal Protection Clause?

Judge GINSBURG. Senator Brown, I am so glad you prefaced this by saying you would understand if I resisted a response, because this is an area where I sense that anything I say could be taken as a hint or a forecast on how I would treat a classification that is going to be in question before a court, and ultimately the Supreme Court. So I think it is best that I not do anything that could be seen, be used as a prediction of how I might vote with regard to that classification.

Senator COHEN. What about sexual orientation?

Judge GINSBURG. Senator, you know that that is a burning question that at this very moment is going to be before the Court based on an action that has been taken. I cannot say one word on that subject that would not violate what I said had to be my rule about no hints, no forecasts, no previews.

Senator PRESSLER. Are you uncomfortable that the Constitution's Bill of Rights does not extend to Native Americans?

Judge GINSBURG. I can't express my personal view on that subject. I know that there are many people who care deeply about the concept of tribal sovereignty. I am not a member of one of those communities and, as a judge, I will do my best to apply faithfully and fairly the policy that Congress sets with respect to tribal governance.

Mr. SPECTER. I thank the Chair and yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that I may be able to proceed for a period of time not to exceed for 5 minutes to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Vermont for 5 minutes.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 1327 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent that I may proceed for 5 minutes as if in morning business to introduce a bill.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

The Senator is recognized for up to 5 minutes.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1328 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REINVENTING GOVERNMENT

Mr. GRASSLEY. Mr. President, I rise early this afternoon to present the first of several statements that I am going to make over the next few weeks on an issue that is really foremost in the minds of many: Reinventing government. It has also been foremost in the minds of famous authors, David Osborne and Ted Gaebler in their now-celebrated book entitled "Reinventing Government." The term reflects a necessity—brought on by taxpayer animosity—for the Government to become more responsive and more effective in its delivery of Federal services. Taxpayer hostility is a result of not just poor service delivery under our present system, but also deals very much with the bottom line cost—maybe even more so.

The challenge to advocates of reinventing government is to reform the Federal bureaucracy so that it performs better, is less wasteful, and allows the decisionmaking, or ownership of Government, to occur closer to the citizenry. In theory, at least, everything, save the Constitution, should be on the table, and it would not hurt if we were on the table either in the respect of always reviewing, to a considerable degree, whatever we do.

The macro benefits to the country would be enormous: More effective service delivery, less Government spending, a need for fewer taxes, and a build-down of the national debt.

All that stands between these worthy objectives and the present system is a reinvention of Dunkirk. Somehow, an enormous, countervailing political will must build. This, alone, can turn back the dynamic of growing government caused by special interests feeding off of the present, failing structure. The people want such change. It is up to us to deliver.

As I proceed with my floor statements between now and the August recess, together with others of my colleagues, I intend to advance such an agenda, beginning with the principles and standards for an effective reinvention. I intend to draw on the insights in Osborne and Gaebler's book, on my own experiences attempting to reinvent the Defense and Justice Departments during the 1980's, on such management legends as W. Edwards Deming and Peter Drucker, and on many others.

In essence, this agenda would be an extension of my defense reform efforts of the 1980's, only this time applied to all of Government.

I would especially like to commend the work and leadership of Senator ROTH of Delaware, Mr. President. Senator ROTH has advanced the cause of reinventing Government in the Senate, and in a bipartisan way, for many years, even before this administration committed itself to reinvention. The administration's stated commitment gives us the foundation for true bipartisan cooperation. Many of us on this side of the aisle have long advocated fundamental reform of the Federal Government. We look forward to the opportunity to form a bipartisan coalition for constructive change.

The centerpiece of Senator ROTH's efforts has been two reinvention bills, each of which I have cosponsored.

One of the bills has passed the Congress already—the Government Performance and Results Act. This act is a model for setting performance goals for Federal programs so that effectiveness can be measured and monitored.

A second bill, the Reinventing Government Act, would establish an entity similar to the Base Closure Commission that would tackle the tough issues of which programs and agencies to reform and how.

In my view, this approach has worked effectively. It has worked on perhaps the thorniest issue of all facing a representative institution such as ours: the closing of military bases in our States and districts.

If Government indeed is to be reinvented, and democracy revitalized, this law would give us the best chance of succeeding, in my view. Again, that is something that we need to commend the Senator from Delaware [Mr. ROTH] for his leadership in this area.

I should also commend the efforts of the President and the Vice President. Under their leadership, the seed has been planted for real Government reform at the highest levels of our Government. In my view, if it took Nixon to go to China, it will take Democrats to reform the welfare state. I have lived and practiced under this adage: It took a CHUCK GRASSLEY and other Republicans to reform the Defense Department and to lead the way to the freeze of the Defense budget in the 1980's. I believe in this principle, and I can testify to its effectiveness.

Mr. President, I would like to help define what it means when we use the term reinventing government. Consistent with any organizational reform or turnaround, we must begin with fundamental questions: What is it that we do now, and what is it that we should continue to do?

In the case of reforming Government, this means asking and, of course, answering the following three questions about those things the Federal Government now does:

First of all, what functions should the Federal Government continue to do as it does now; that is, rowing? That is what I call rowing, like rowing a boat.

Second, what functions should the Federal Government no longer do, but rather maintain a guiding hand in; that is, steering? That is what I call steering, like steering an automobile.

Third, what functions should the Federal Government turn over to State or local governments, to communities, to foundations, or to private industry; that is, drydocking, I call it, to coin a phrase.

Answering these three questions will create three categories for Federal programs and functions. I would like to look at them separately.

First, there is rowing. These are programs that the Federal Government must do. One example would be administering to the national defense. This is a function that the Government must do itself to provide for the collective defense of the Nation.

Second, there is steering. These are programs in which the Government's policymakers may want to maintain a hand in the decisionmaking process. But their resources for service delivery would not be relegated to the civil service. Private and/or semiprivate entities could compete for service delivery to ensure effective service. One example of this could be welfare reform, where State governments and communities supplant the role of the Federal Government's AFDC Program. Under the present system, the civil service holds a monopoly on service delivery. It seems to me this must be corrected.

Finally, there is the third aspect, what I call drydocking. I have coined this phrase to signify a third category of functions that is not provided for in Osborne's and Gaebler's book entitled "Reinventing Government." Drydocking is for those programs we would determine should no longer have Federal Government involvement. For example, perhaps we would decide that the Federal Government should no longer be involved in the passenger railroad business.

The expected benefits from reinvention are compelling, both tangibly and politically. The results would yield cheaper, more effective Government services; in the longer run, we could expect lower budgets and fewer taxes; we would gain competition for the delivery of Government services; we would restore gradual ownership of our Government to the citizenry, and, in the process, we would revitalize democracy.

Mr. President, I intend to, and I am sure the Senator from Delaware [Mr. ROTH] as well, in forthcoming floor statements, will be more specific with regard to standards and principles for reinventing government. We will be more specific about how the Federal Government can row better, and how it can transition from rowing to steering, or from steering to drydocking of various programs. Today, I merely wanted to discuss the broader context of the issue, and to begin the process of defining what it is and how it should be applied.

Mr. President, I would also like to call my colleagues' attention to the most recent issue of the magazine We the People. The magazine is, fittingly, dedicated to reinventing the Nation's legislature. It is put out by the Congressional Institute, a reform-minded think tank here in Washington.

The July/August issue of We the People is, in essence, a primer on reinventing Government. I commend its reading to my colleagues, and I will ask unanimous consent to include several articles from the issue in the RECORD. These articles comprise good background reading as we prepare to tackle the system.

In closing, Mr. President, I once again commend the leadership on this issue of the President, the Vice President, and the Senator from Delaware [Mr. ROTH]. I hope we can continue a constructive, bipartisan approach to reforming the Federal Government and to restoring much of the ownership of Government back to the citizenry.

Mr. President, I ask unanimous consent to print in the RECORD the material to which I have referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Institute, July–August 1993]

IN THE MARKET FOR A REVOLUTION

It seems like long ago but, last November, the voters "reinvented" one-fourth of the U.S. House, in the greatest turnover since Truman, to trigger reform and create jobs. Most of the 110 freshman Reps have since dropped from sight.

In their place, we watch (1) an Administration unable, after months of being unwilling, to govern from the innovative center; and (2) a Congress taking back its Constitutional lead on fiscal matters, yet refusing to forsake tax-and-spend—in short, wielding the right powers in the wrong direction.

None of this is revolution; all of it is revolting. The Political Class can't afford any more such triumphs—and American politics can't take any further self-destruction. For what has "politics" become? A noxious nexus, joining the force of government with the farce of campaigns, sheltering a welter of occupations that comprise a unique industry.

And the shelter is falling down: To view politics as an industry is to be startled, because this vast sector has no satisfied customers—except those it buys. (No wonder the wildcatter Perot's "favorables" are back to the peaks of June '92.)

But our diagnostic isn't wholly caustic. In fact, this magazine is filled with proposals for public life after the "near-death" of politics as we've known it. We favor Managed Revolution.

So we dedicate this issue to those who would lift politics beyond protest, and government beyond greed. Our most receptive readers could be those of you who'd like to add some innovation to career-preservation—they often mix.

WHO STRANGLED POLITICS?

McGovern liberals, Reagan conservatives and everyone in-between, need a new framework—because the political system and culture shared by everyone 35 and over is on its deathbed. Three megafactors are both cause and symptom:

Divided Government. Every time they prevent either party from having unified command, voters hand a blank check to every excuse-making, responsibility-repellent pol in the Washington Beltway. Having gridlock between White House and Congress (instead of between an in-party and its loyal opposition) elevates the visibility of "politics" while reducing its substance.

During the Nixon Era, and again under George Bush, a bipartisan establishment mangled the economy: Exploding deficits, hyper-regulation, feeding bureaucracy without exercising governance. Each time, because neither major party had deniability, both were judged guilty, and a floodtide of congressional turnover began.

From 1974 through '80, Congress was given a vast transfusion of new blood. (During those four election cycles, no one spoke of term limits, as 120 new Republicans, and even more new Democrats, came into the House.) From 1992 through at least '96, look for the same kind of cumulative legislative purge. Divided Government ended last November, but its policy-debilitation drags on—and so, in congressional terms, will the electorate's retribution.

MASS FISCAL IGNORANCE. Everyone knows deficit spending is out of control, but how many truly know why? Much of the middle-class thinks it pays for everything and receives little or nothing. This comforting notion was stoked by every candidate who raised a rhetorical fist against Washington, from Wallace to Nixon to Carter to Reagan to Clinton. A populist message—"you're getting shafted"—wins the election, then renders deficit-reduction a hard sell: Why sacrifice benefits if you believe you're already being shorted?

INTENTION DIVORCED FROM RESULT. This problem is so vast you can hardly see it. Since LBJ's time, the U.S. political system has split "meaning well" from delivering the goods. Both Beltway and citizenry share in this syndrome. How? Each signs off on expanding programs that don't work. Beltway officials do this because every failure "earns" more resources. The related interest groups keep the officeholders in line. How? With polls showing broad-based support for more spending, on nearly everything. This racket is insane—but it also makes perfect sense.

THE LOGIC OF INSANITY

Why would a populace devoid of faith in Washington want it to spend more on most domestic functions? Because (a) the majority doesn't want to sound, or feel, hardhearted; and because (b) out-of-power politicians routinely claim the additional money can be transferred from "waste, fraud and abuse."

A third reason people tell pollsters they favor more social spending is lack of an alternative: Precious few officeholders, either on the right or on the left, fight for "activist government"—meaning the delivery of results, along with responsibility, to the deserving needy while supplanting the welfare-state provider class. The coalition that does this will win big. The Kemp/Weld/Armey Empowerment agenda, and the original Democratic Leadership Council, were halfway there.

But Kemp, as HUD Secretary, lost out to a White House whose grounding principle was a compromising position; the DLC's program has been swamped by Capitol Hill hog-feeders.

These defaults appear totally irrational—so there must be some powerful reasons for them. Those reasons emerge starkly when politics is viewed as a unique industry, lately under siege.

The Political Class manages an "industry" headquartered in Washington, D.C. Over 60 years, the sector's command of national resources tripled. But, since 1989, everyone in (or near) politics has sensed something wrong with the fundamentals. And just who is "everyone"?

The national parties. Most lobby groups. An Administration whose optimism turned to panic in 120 days. The New York news media, though technically apolitical and non-governmental. Innovative policy-formulators wondering if they should trade in their green eyeshades for a place at the hog-trough. Deficit-fighters contemplating red ink forever. And Congress's newer Members of Congress—afraid to risk their jobs even though the job-description is being rewritten by what seems an unfriendly fate.

By any corporate yardstick, this vast sector—i.e. much of the federal government, and most of the Political Class that fights over it or feeds on it—is not far from meltdown. Its claim on resources remains at all-time highs, but "market-share"—measured by voter turnout, and compounded by the lowest two-party presidential showing in 80 years—is collapsing.

People don't like how Congressmen are chosen and campaigns are financed. People will not "contribute" more in taxes until the structures already in place bolster personal safety, SAT scores and budgetary honesty. Principled partisan differences are respected (e.g. the 1991 Gulf War debate, when Congress's approval rating soared). But when debates are choked off by House rules, or limited to personal dirt and short-term party gain, the entire political industry looks desperate, and sometimes childish. The debtmeter runs, the industry rots, and Ross Perot digs in.

GOVERNING FROM NEW MODELS

Despite all of that, society is soldiering on and muddling through. If you're not trapped in the inner-city (or the more alarming school systems), it's hard to be resolutely pessimistic.

Though most people fear for their kids' long-run economic prospects, they remain upbeat with their individual lives. New-fashioned Capitalism is resilient, technological growth miraculous. Venture capital exploded during 1992, reversing a four-year slide. Various types of spiritual renewal pick up steam, and Hillary Rodham Clinton befuddles hardliners with an overture to "responsible fundamentalist Right."

As spokesman for the alienated middle-class, Perot also knows, "what works." So do they. Much of what America's Political Class needs can be found on CNBC, in your daily paper's business section, even among friends and relatives: If they went through the auto industry's convulsions or (more recently) computer-sector turbulence, or if they earn a living as designers and retailers, they have a sense of industrial catharsis: What it costs, what it delivers.

Who defines the next future? How do departmental heads cope? Why are charitable donations and "third-sector" voluntarism at all-time highs? And what will we learn by systematically contrasting their effectiveness with the provider classes of the welfare state? How does Al Gore's "reinventing government" effort square with recent corporate-turnarounds?

And what about the other technology-buff on the national-reform stage this summer? Is Ross Perot the fellow to do for political reform what Jack Welch did at General Electric, David Kearns at Xerox, and Eckhard Pfieffer at COMPAQ?

If so, is it wise to "bet the entire company" on a wildcatter who understands command but not leadership? If it isn't the Political Class needs revolutionary alliances with entrepreneurial entities to create alternative reform agendas, and regain market-share, fast.

In Perot, the American system hasn't confronted anyone so procedurally radical since 1932–35, when Gov. Huey Long came at Franklin Roosevelt from the left and right simultaneously. As for Perot's movement, you have to go back a whole century before Long to find a plausible precedent.

NEITHER PARTISAN NOR ELECTED

On May 28, a landmark Nightline showed an eerie video from 1969: Perot, not yet 40, is telling Ted Koppel himself that the movement's name will be United We Stand and deploy electronics to bypass the power structure. Perot followed through—boy, did he ever: 24 years later, we have his "third party."

Yet neither its donors nor its local activists are known to the real parties. A Germond/Witcover column explains: "Chapters from the neighborhood level on up are being formed of individuals who have shelled out the $15 that Perot has set as a membership fee, and chapters are being coordinated into congressional district organizations as grassroots political pressure groups" (National Journal 6/5/93).

What precedent exists for a public yet anonymous, anti-political, middle-class power drive? It's a stretch, but try this one: The Freemasonry Order of the 1820s. No Perot, but their influence was pervasive.

The mysterious disappearance of a renegade lower-class stonemason (after he had threatened to expose the Order's secrets), led to the first national political convention: Not of Masons, but of opposing forces crying "conspiracy." As this grassroots polarization wracked party elites, their leaders (Andrew Jackson and Henry Clay) created a rival network of organization—thus adding roots to a two-party system.

And now that two-party system, severely weakened over decades, is being supplanted by something that isn't a party. "United We Stand America" displays traits of an army, a professional association, and a cult. Not that its leaders are Utopian, but they are angry, and focused. A comprehensive Schneider/Molyneux "Ross Is Boss" report in the May Atlantic Monthly contained this sketch:

"We saw no evidence of a sinister agenda among the activists we met. These were educated people, and they made a great display of tolerance. Women and minorities were given prominent positions in the local Perot organizations. When Perot supporters talked about 'us' against 'them', they meant the people—all the people—against the politicians."

The Perot people comprise a force that may or may not ever form a government—but they can purge the entities that aren't offering governance now. They sound ready to destroy politics to save democracy. And, if they enjoy another 15 months like the last 15, the 1995 Congress will swear in several dozen freshmen elected as neither Democrats nor Republicans. (You heard it here first.)

A REPUBLIC OF PIE CHARTS

Does anyone come close to Perot in marketing treatments for an America less and less governable? If not, who did we recently hire to do the governing, and what are they doing instead? Making no headway on the issue where Perot has done his best work.

Perot's anti-deficit "infomercials" are the first countrywide candor since Jack Kennedy explained the costs of government, and the obligations of citizenship. Instead of building on Perot's best issue, scattered House Members are hedging their bets—by paying $15 to join the local United We Stand. Since when is a good insurance policy so cheap?

A much sounder hedge would be to make the party they already belong to—whether Democrat or Republican—more in-tune with alienated centrists. Since most Senators and Representatives are not part of Congress's Oligarchy, they would have much less to lose by talking straight (for starters) about revenues and outlays—i.e. who pays and who profits.

Local opinion-leaders might step up to the plate and help Congress with the hard work of redesigning the national budget. How should this door be opened? By replacing polls and interest groups with genuine exercises in public judgment (for the concept, see O'Donnell on Yankelovich, pages 15–17).

We should try budget-balancing workshops and focus groups. (The Roosevelt Center and the Committee For a Responsible Federal Budget did some pioneering work with this format back in 1986.) Let Labor locals and Kiwanis volunteers do the show-and-tell, illustrate the tradeoffs, and chair the "mark-up."

That removes the budget's first-cut from interest groups and their Appropriations-subcommittee hostages. It's one way to democratize Perot's pie-chart-and-bar-graph TV show. Without such citizen-participation breakouts, federal legislators face more sleepless nights, as resentment piles ever higher on the doorsteps of officialdom.

FROM PEROT TO LINCOLN

Borrowing a George Will epithet, this essay has used "Political Class" to encompass both national parties; a befuddled Administration; wayward wonks and derailed deficit analysts; corporate operatives whose "product" is amendments and exemptions over goods and services; the non-business media; and hundreds of fretful Reps and Senators unable to risk their jobs to deliver on either a dream or a duty.

Well, guess what: This magazine's producers are par of the Class and so, most likely, are you. "We" are waste-deep in a decomposing industry. And most of "us" are still thinking too small, or too predictably.

When a trusted product fades or an old paradigm cracks, Peter Drucker says, in seeking replacements, to aim high. Here's a try: It's time for what Lincoln called "a new birth of freedom." The public sector must be rejuvenated, or reassembled, to replicate the private sector's results (not to mention the planet's experimentation in self-government).

The Political Class needs to facilitate the supplanting of its corrupt and obsolete elements. By using technology, by allying with proven private-sector reformers, and by producing measurable gains, those ready to govern may win back a fed-up middle class.

Most realms of business practice what Joseph Schumpeter called Creative Destruction. Now it's the politicos' turn—and, as candidate Perot used to say, "it won't be pretty." Perhaps it could be profound? Mr. Lincoln's most insightful biographer remains Harry Jaffa, who noted on page 361 of Crisis of the House Divided:

"Lincoln insisted . . . that there must be some conviction, usually embodied in the form of a story that can be told, comprehended, and taken to heart by all, which produces a sense of community and unites the hearts of those who call themselves fellow citizens. Without that fellow feeling, there is no basis for mutual trust, and where there is no trust there can be no freedom. For political self-government involves governing and being governed, and where there is insufficient trust, the idea of making others the trustees, for however limited a time, of our dearest interests does not make sense." So trust must be rebuilt.

Along the trail, political operatives might find balance, even empathy, in Lincoln's realism, expressed in 1842, right after his 33rd birthday: "Few can be induced to labor exclusively for posterity; and none will do it enthusiastically. Posterity has done nothing for us; and theorize on it as we may, practically we shall do very little for it—unless we are made to think we are at the same time doing something for ourselves" (Van Doren, Literary Works p. 287).

Lincoln merged vision with human nature to build a new political coalition on the Republic's oldest ideals. One way to "aim high" is to look for something equally grand now. That's why we filled this We The People with proposals for public life after the near-death of conventional politics. Again, it is for those who would take politics beyond protest, and lift government beyond greed, by adding governing innovation to career-preservation.

[From the Congressional Institute, July–August 1993]

Memo to the Vice-President: Reinvention Minus Contention Will Barely Be Worth a Mention

It will look more decentralized, and employees who actually do the work will feel they have more authority to make decisions that affect the quality of their department or agency to do the job. It will be, in short, a high-quality, low-cost government—Vice-President Al Gore, Washington Times 6/3/93.

His final sentence is a valuable dream. If it's to be more than a pipedream, the Vice-President's National Performance Review needs help. After all, how do elected officials navigate wholesale reform of a national governing structure—the kind of change where, at least theoretically, everything but the Constitution itself is on the table? Start with a broad landscape of realities:

Macro: America won't have a majority for "reinvention" until it's half-complete and demonstrating some value. In other words, most voters don't care about this issue; that leaves to elites and opinion-leaders the burden of making it news, and making it credible. And yet, even among the Political Class, reinvention has found few fans.

The bureaucracy's wariness is understandable. But what about Members and activists who have a wider constituency? Why are they leaving this once-a-decade governmental shape-up effort to Al Gore and his insiders?

Because ideological liberals favor Big Government even if it's ineffective. And because ideological conservatives tolerate Bad Government if its costs are contained. The alternative—enhancing a federal program's productivity, i.e. the social value returned on a dollar taxed—might raise Beltway and Civil Service esteem. Why should the Right help them out of the public-opinion doghouse? And yet, if Conservatives hold to this mindset, they'll regain power with no plan for innovative federal stewardship.

Macro: The polls DO reveal support for greater efficiency. To the extent this part of Gore's message reasonates, it is raising expectations. For what? For a painless fix: The Vic-President's road show risks becoming the newest version of removing "waste, fraud and abuse."

When the populace thinks 20 to 40 cents of each tax dollar is "wasted," it becomes simple to solve the budget crisis: Cut back National Science Foundation grants and United Nations salaries. Sting the beekeepers. Weed out welfare chiselers. Blow away Civil Service featherbedders. Take prisoners off Social Security. Shouldn't these simple steps, plus a few other changes, bring the books near balance? A majority thinks so; Gore himself must know better.

Yet he is preparing the country for a limited program the can't possibly reach the presumed and popular goal, i.e. zero deficit under a "high-quality, lost-cost government."

Last summer, Ross Perot broke out of a similar box while tens of millions watched. By mid-October, his new approach—find the facts, share the numbers, ask for help, spread the pain—had gained credibility as a corporate-style turnaround plan. A majority assumed, and probably still does, that Perot's tax hikes would go to deficit-reduction. They believe nothing of the kind about Congress's June budget crescendo.

So why would Al Gore position his Administration for ridicule or (at best) zero payoff on the governmental-reform issue? This is a serious question.

Macro: An organism only reforms when the overall gain—in money, power, self-respect and public acclaim—outweighs the pain. The fuel for all reform is motivation—via vision at the concept level, and by personal incentives in daily worklife. The strongest motivators, for each executive and service-deliverer, must become known, if an institution's incentives are to be changed to support productive behavior. (For how to manage Congressmen to end deficit spending, see Walter Williams, page 2.)

Macro: What gets measured gets achieved. And, in a reformed federal structure, two dissimilar realms need measurement: Processes, and outcomes. Most reinventors and managers are comfortable tracking process—but this is gibberish to the public, and not exciting even to most people reading this magazine. (Where are Mike Dukakis and Dave Stockman when you need them?)

By contrast, outcomes-measurement just might engage the public. Anything that links tax dollars to services received—the way, say, people correlate federal gas taxes with interstate-highway improvements—enhances the national dialogue. It also might make some of the remedies (whether by Gore or more radical teams) mass-marketable, thus triggering some quality-control for field offices and at the citizen level.

Now for the not-so-good news. Except for hiring journalist David Osborne, Gore and Co. have done a great many things wrong:

As of late June, they were working 99% with insiders. The Grace Commission worked 99% with outsiders. Either approach is doomed. You need half and half: Outsiders, led by company turnaround experts, deliver honest auditing, help redefine the vision, and force new priorities. The Civil Service's insiders are partners in setting strategy, partly because they will not carry out what they have not helped set.

Gore's endless anecdotes stoke the national delusion that substantial savings will come from making the feds' trains run on tine. (This is not unlike counselling a cancer patient to join a health club and get a manicure.)

By overselling the payoff and underrating the investment, the National Performance Review is setting itself up to be whacked in the face—with an infomercial pie-chart: Great fun for Perot and the GOP, but it can't be what Al Gore and the President would prefer for fall.

From what we hear, Gore's drift is toward deregulating and empowering the senior bureaucrats plus some field offices. He assumes these managers and providers know what the citizenry wants (and they'll have no reason to disagree with the assumption). But this would be like Hechinger's "serving the public" soley by puffing-up top management, expanding flextime, and copying a competitor's store design—the kind of steps that come long after markets are surveyed and business mission reevaluated.

In government, if you start with, and stop with, provider flexibility, you invite Peter Drucker's "den of thieves." As Indianapolis Mayor Stephen Goldsmith observes, "The purpose of government accounting has always been to prevent officials from stealing money—not from wasting it." That purpose should not be lost by reinventors. To decentralize management, without competitive pressures and mission-reinvention, is to invite not excellence but multimedia versions of the GSA Mess and Operation III Wind.

While Gore reinvents, his colleagues reflate and reregulate. The list is long: The Family Leave Act is another entitlement, with costs marked. The Labor Department fights to outlaw "striker replacement," which is a sop to union-power while it saps job-market efficiency. The proposed National Service Program, seemingly frugal, will nationalize part of American voluntarism—and leave at a fundraising disadvantage all the unfavored charities. And, after all the various budget schemes, not a single program is slated for repeal (no, not even the beekeepers subsidy).

The most egregious decision is to raise marginal income tax rates. This policy has no leg to stand on. It doesn't raise national income. It won't raise the U.S. Treasury income. It reduces the real progressivity of the tax code. It pushes the well-off back to evasion and avoidance. It discourages work, savings, investment and job-creation. It will boost the incomes only of tax lawyers and lobbyists (not empathetic occupations).

Nearly everyone else—West Germany, Japan, Australia, New Zealand, Britain, India, Denmark, even Sweden—reduced marginal rates during the 1980s. To raise them now is mindless. Yet everyone in the Administration supports doing so, never mind that it will be a blow to efficiency (tax manipulators don't need further encouragement) *and* effectiveness (America's level of work, savings and investment).

Granted, tax policy isn't within Gore's task-force purview; all the same, the Clinton/Gore policy initiatives to date fit no definition of reinvention.

For the serious reinventor, many principles of sociology, corporate governance, and political coalition-building need to reinforce one another: It's an inside/outside job, with public/private-sector pooling. So it isn't encouraging to dwell on this passage from James H. Perry in the June 23 Wall Street Journal:

"More than 200 reinventing specialists, most of them career federal employees; are toiling in two downtown offices analyzing all the data. The agencies, with 800 more employees working on the project, are doing their share too; this week, top managers at the Labor Department held a three-day retreat to come up with ideas on reinventing their part of the government. The goal is to produce a final report, free of jargon and analysis by highly paid consultants, in September."

I always cheer jargon-avoidance, but producing a report is not "the goal."—FRANK GREGORSKY.

[From the Congressional Institute, July–August 1993]

Declarations of Reinvention

(By Kris J. Kolesnik)

It's something called "reinventing government," and the Clinton Administration is serious about it. Most serious of all is Mr. Gore, [who] says he wants to invent a government that will be decentralized, that will use market principles, and that will "treat Americans like customers again." What private industry has done in the way of total-quality management, he wants to do for the federal government.—James Perry, Wall Street Journal 6/23/93 p. A16

Nearly all the media coverage reflects a widespread misunderstanding of the Vice-President's National Performance Review. Should Mr. Gore himself share the same misunderstanding, his noble endeavor to "reinvent government" may miss the mark miserably.

Rather than systems and administration, you have to begin with culture and purpose. The roots of a real "reinvention" are, first, determining what government should and should not do. Once this determination is made, place appropriate limitations on what it does. Only then comes systematic reform—so that what government must do, it performs not only more efficiently, but also more effectively.

Is the Gore Group moving toward this ideal? Or will it talk up "reinventing" while settling for "streamlining"? To "streamline" government is to allow the government to keep doing nearly everything it does now, but with administrative savings. This avoids the fundamentals of purpose and priorities.

The process of reinventing any part of the government ought to resemble how a CEO would restructure and turn around a major private-sector corporation. To merely streamline Ford Motor Co. would not have done the trick. Unless the Veep's task force emulates the Ford turnaround (or other suitable models), this 1993 Reinvention risks becoming the biggest public disappointment since . . . the Grace Commission.

WHY DO WE HAVE AN SBA?

The Small Business Administration makes its loans primarily to the least stable firms and to those rejected by other lending institutions. Default rates are consequently very high. SBA loans contribute to an inefficient marketplace and cost taxpayers a bundle.

The genuine reinventor will ask: Should the government be making such loans in the first place? Can other, non-federal, sources supplant the federal role? Effective reinvention is prefaced with the right questions. It replaces all two-dimensional propositions—e.g., streamlined government vs. bloated government—with more fundamental inquiries.

Why should the federal government be deciding small-business loans? What problems has the SBA's approach wrought? Is there a more effective way to administer the loans? How can we limit federal obligations and still produce results? Why not help small business by simply stopping the hindrance of it by other federal action?

Financial markets are today much more efficient, and much less susceptible to market failures, than when the SBA program was established. So an effective move might be a return loan decisions for small businesses to the financial marketplace. Then examine the rest of government policy, searching out whatever hamstrings venture-capital and smaller enterprises.

EFFICIENT, EFFECTIVE

Two common terms—but what exactly is the difference? Efficiency generally relates to cost. Effectiveness measures performance toward a purpose or mission. Effectiveness might yield efficiencies, but it cannot be gained through efficiency.

As Peter Drucker once put it: "Efficiency is doing things right, effectiveness is doing the right things." A successful enterprise is one that is effective: It performs well—and, the better the performance, the more money it will make.

Performance is what allows a business to compete in the marketplace. Results are what count, i.e. quality goods and services at the lowest possible cost. Making a bad product cheaper does not constitute better performance. "Doing things right" when they are the wrong things can be financially suicidal.

A government bureaucracy, however, does not depend on performance for its revenues. Insofar as the term may be used, "results" for the bureaucracy means a larger budget. And "performance" is the logrolling ability to increase that budget. Serving the stated need or requirement becomes a secondary issue. Money substitutes for policy, PR for performance.

In such an environment, why would efficiency ever be an objective? In fact, it's something to actively avoid—because efficiency inhibits budget growth and therefore hurts "performance" in the bureaucratic sense of that word. This is why government whistleblowers are viewed as enemies of the bureaucracy.

Whistleblowers are viewed from within as corporal germs. And so their supervisors, like white corpuscles, attack the perceived threat. Even if inefficiencies are crushed, they grow back again in time.

Effectiveness is equally anathema to the bureaucracy. Its very mode of payment—budget-allocation, i.e. how much of this year's total "we" get—put effectiveness at odds with a bureaucracy. The first critical question in determining effectiveness is "What should our business be?" To the bureaucracy, this question is the most threatening of all, because it might create controversy. And controversy can threaten budget-allocation.

And yet, as stated earlier, the first critical question of true, effective reform is to ask what the government should and shouldn't do. Without an answer, there can be no mission or purpose; without a purpose, what do we have to measure performance against?

STEERING, ROWING

Perverse incentives are symptomatic of the mode of payment. The perverse incentives for government "performance"—i.e. favoring higher budgets and lower effectiveness and efficiency—must be reversed.

Reversal will come only after we (1) determine what the government should and shouldn't do; (2) set the purpose or mission of government agencies; and (3) create incentives for achieving the mission.

That's what the National Performance Review should do. First, identify those areas the government should not be involved in. Then, recommend phasing out those agencies and employees formerly serving those functions. For the remainder, missions and goals must be defined, with incentives established to facilitate their successful achievement.

This is how you "change the culture." Reeducating federal workers is not enough when they are still rewarded for increasing budget allocation. They must instead be rewarded for achieving the stated mission.

One way to foster favorable incentives is to inject competition into the government's delivery of services. In their book Reinventing Government, David Osborne and Ted Gaebler call for a decentralized government in which, more and more, the federal role becomes that of a catalyst. The authors distinguish between a government that "rows" and one that "steers." Government, they say, should do more steering (setting policy) and less rowing (delivering services). They suggest using resources other than those of the federal workforce to deliver services to taxpayers.

The key issue is not always public versus private, but competition versus monopoly. Bureaucracies, note the Reinventing authors, "are captives of sole-source, monopoly-suppliers—their own employees . . . Monopoly suppliers become a problem as soon as policymakers decide to change their strategies."

To avoid the supply bottleneck, say Osborne and Gaebler, policymakers should have at their disposal an array of private, public and other resources that can compete for service delivery. This would let policymakers seek the best means for achieving their goals. The focus would be on performance, and would not be frustrated by "monopoly suppliers."

The absence of the market test in the delivery of federal services ensures a lack of the discipline that would otherwise compel effectiveness, innovation and a shedding of obsolete programs.

REINVENTION IN FIVE STEPS

Step one: Determine what is the business of the various segments of federal government and what should it be. Another way to pose this is, What are we actually doing, and what do we need to be doing?

The questions are extremely difficult to answer: Difficult for one team, for a whole federal agency, and especially for a Congress which should function as an executive board for much of the government. Precisely because they are hard questions, the most important thing is to ask them, and then let the multiple answers collide.

Step two: Those functions not properly the business of the federal government should be turned over to state and local governments, private organizations, churches, communities, foundations and so on. Public employees and agencies that formerly performed those functions should be phased out.

Step three: for the remaining functions, i.e., those judged a government responsibility, decide whether the federal government should "row" or "steer." For example, the federal government has a rowing function in national defense and some, but not all, administration of justice. But should it also deliver the mail?

Where government once rowed but now steers, public employees and agencies formerly performing those functions could be eliminated or made to compete with other suppliers. Osborne and Gaebler (on page 31 of their book) offer 36 "arrows" in its quiver of innovative and other resources as alternatives to service-delivery by public employees.

Step four: Those functions of government that continue to require rowing must receive clearly defined missions and objectives. They must be measurable; they must be prioritized.

Step five: Measuring performance will determine the success or failure of the program. (As the old saying goes: What gets measured gets done.) Results can be audited by the Office of Management and Budget, with oversight from Congress. OMB must constantly question the utility of federal programs, and force decisions about which older ones the federal government should no longer row.

LEFT IN THE DARK

Reinventing government implies a titanic political struggle; even at the conceptual level, it can vex the sharpest mind. It requires restoring ownership of government to the citizenry—or at least to government entities closer to the citizenry.

To do so will take years, and require doing battle with some of the very forces from which the Vice-President is obtaining advice about restructuring. In a sense, the Civil Service maintain "property control" of the government. And yet, politically, federal employees are core constituents of this Administration.

True reinvention will require much public understanding and scrutiny—but the public is still unprepared for the enormity of the battle. Let's hope that isn't also the case with the Gore task force. If they are gearing up to propose real change, they need advice for outside the federal workforce, and enthusiasm from beyond the Washington Beltway.

[From the Congressional Institute, July–August 1993]

THE REINVENTOR'S RAGBAG: SORTED AND STUFFED

(By David K. Ramey)

(Congressional researchers generated this hybrid bibliography and commentary. Main author Ramey thanks Cindy Furlong and Ken Phillips for their speedy and thorough research.)

A MIDAS TOUCH IN INDIANAPOLIS

If you want a broad view of what reinvention can mean, but have only 20 minutes to spare (a time-allocation not to count against this magazine), the following four articles are for you: Written by or about Indianapolis Mayor Stephen Goldsmith, they tackle the politics of reinvention; offer Congress a to-do list; explain the key concepts; and make a bottom-line compassionate case for empowering the poor.

(1) "Mayor Stephen Goldsmith: Putting Free-Market Principles to Work in Indianapolis," Virginia Munger Kahn (Investor's Business Daily 4/22/93 pp. 1–2).

William Egger, director of the Reason Foundation's privatization center in Los Angeles: "If he succeeds, it will become the example of how activist, market-oriented solutions can work for solving the crisis of urban America." Not bad bona fides for someone in office only 15 months. Like John Sharp (see p. 12), Goldsmith also advocates moving quickly. Citing the political roadblocks, he notes: "If you want to slim down government, the reason it becomes difficult is politics. We are goring more GOP oxes, because we [Indianapolis Republicans] have been in power so long." Not one to fight entrenched powers with a spreadsheet, Goldsmith adds: "A key part of the process is articulating a vision of the future and managing the process of change."

(2) "Federal Handouts Won't Fix Urban Troubles" (Indianapolis Business Journal 4/19/93).

Goldsmith grabs your attention with this: "The federal government has spent more than $2.5 trillion on America's cities in the last three decades. That's enough to buy all the assets of all the Fortune 500 companies and still have enough left over to buy all the farmland in America. It's the equivalent of 25 Marshall Plans." To help cities attract private investment, Congress should: (1) Work with cities to reduce the harm done by environmental mandates; (2) target capital-gains breaks on urban areas; (3) fix the bizarre federal-grant system; (4) facilitate local privatization; and (5) reform the welfare system.

(3) "When Cities Turn to Privatization" (Wall Street Journal midwest edition 12/3/92).

In an article challenging both conservatives and liberals, Goldsmith argues against headlong privatization (at the local level) without first trying marketization. He writes: "If we were simply to privatize without first creating a competitive environment, the benefits would be minimal." He cites his own experience with street repairs. In full cooperation with the local union, the city's transportation department competed for the contract to fill potholes with private-sector bidders. The department found it could do the job with half the equipment and staff previously used; their bid was thousands under that of the nearest low-bidder.

The Mayor also explains one of the greatest disadvantages local government faces when it tries competition: Lack of reliable cost-information. "Traditional government accounting just does not provide the information managers need to operate efficiently. The purpose of government accounting has always been to prevent officials from stealing money, not from wasting it," Goldsmith notes.

(4) "Bureaucracy Shackles the Urban Poor" (WSJ midwest edition 6/10/92).

Housing, incomes and schools are just three of the markets to which the urban poor are denied access, largely by federal fiat. "From welfare and crime to highways, public transportation and sewers, America's cities are captive to the regulatory morass of well-intentioned but often misdirected bureaucrats," Goldsmith writes. The article cites examples of all of these problems. As to crime, he notes that the Fair Labor Standards Act yields unsafe streets by preventing cities, police departments and unions from freely negotiating overtime pay. This straitjacket limits the patrol hours every big-city police department can afford.

NOTE: New York-based Financial World ranked Indianapolis ninth among the 30 largest U.S. cities, up eight slots from last year. Much of the jump was attributed to Goldsmith's effort to "really track the efficiency and effectiveness of services, and to report those measurements to the public." Contact his social-policy liaison Marcy Kapur at (317) 327–5126, or write to 200 E. Washington, St., Indianapolis IN 46204.

WELFARE RESOURCEFULNESS

Under the 1988 Family Support Act, every state is now required to run a "welfare-to-work" program. About half of the nation's 4.5 million welfare families are exempt, mostly because they have children under age 3. An excellent overview of the welfare-reform issue is found in Congressional Quarterly by Jeffrey Katz; it sets the landscape of politics, personnel, past policies and pronouncements (see CQ 2/27/93 pp. 45861).

Welfare may be the most complex area of government to reinvent—because the behavior of both server and served must be changed. One of many experiments underway does just that. In Riverside (CA) Lawrence Townsend Jr. is the Director of Public Social Services. Six counties in the state have participated in the Greater Avenues for Independence (GAIN) program for the past seven years. Last year, 3.5% of the state's welfare population lived in Riverside, yet 19.5% of the welfare recipients in California who got jobs were from this county. These yields were the best in the state.

How is it done? First, don't encumber the staff with a lot of regulations; Townsend sets a "just do it" tone. Second, it's jobs, jobs, jobs—meaning get one and keep it. (See Los Angeles Times 4/26/93 p. A1 and New York Times 5/16/93 p. A12.) For an excellent set of newsclips on Riverside's GAIN program, call (909) 358–3008. For a two-year study of GAIN by an independent firm, contact Manpower Demonstration Research Corp. in San Francisco at (415) 781–3800.

Back to Mayor Goldsmith, this time about welfare. He first describes (Indianapolis Star 11/29/92 p. 1) his effort to aggressively collect child support and guarantee a minimum "children's allowance" as a way to reorient welfare toward a children's safety net. Also described are ways to allow recipients to earn more, and keep it, as well as get help with transportation and daycare.

The second article (Indianapolis Star 5/14/93 p. 1) describes a more radical approach: Indianapolis has contracted with a private firm to pay a $5,000 "bounty" for every welfare recipient the firm helps off welfare and into a job that lasts six months. The contract with the nine-year old firm, America Works, is set to start this summer. America Works claims results in New York and Connecticut: 68% of their clients are hired permanently after four months and 90% of those are still working a year later, at an annual average salary of $14,000.

At the statewide level, Wisconsin Governor Tommy Thompson is off and running on welfare reform. His office will send you a packet if you call (608) 266–1212.

A recent study shows that Wisconsin has removed more people from its AFDC roles in the last six years than the other 49 states combined. Wisconsin welfare cases are down 17% since 1987. Using "Learnfare" and "Work, Not Welfare," he has implemented financial penalties to keep teenagers of AFDC families in school, and allowed recipients to save up to $10,000 without loss of benefits. Work Not Welfare makes sensible exceptions for hardship cases, but otherwise ends cash benefits after two years. Medical and child-care benefits continue for a third year. (See IBD 5/20/93 p. 1 and WSJ 6/3/93 p. A14.)

Though not on welfare reinvention *per se*, this six-page piece is an excellent review of the major schools of thought on welfare reform. In "Reducing Poverty: Alternative Approaches," Michael Weiss (Current December 1992 pp. 14–19) identifies four distinct ideologies of welfare: (a) Egalitarian Populism; (b) Behavioralism; (c) Residualism, meaning a narrow focus on the most needy; and (d) Social Insurance. Weiss discusses major proponents in each school and how to synthesize their best parts.

Finally, a reminder of who the customers are in any scheme of welfare-reinvention. Emily Menlo Marks is a frontline worker in NYC. In "Taking Steps to Reduce Dependency in New York City," she quickly sketches the fears hopes and practical problems facing the welfare-dependent (see Public Welfare Summer 1992 p. 11).

EPA, BIG BUSINESS AND COST-BENEFIT

An area close to Al Gore's heart, environmental protection would seem tailor-made for techno-fixes and performance-measurement. But Matt Ridley tells a tale of government, environmentalists and big business "conspiring" to prevent problem solving through cost-effective innovations. The story "illustrates how much harder it is to introduce cost-saving new technology into the environmental protection business than into any other." Ridley sums up the cycle of self-protection:

"The polluters wish to exaggerate the costs of cleaning up, and cheap new technologies blow their cover. So they lobby to keep technologies off the list. The regulators care only about whether a rule is enforceable and effective, not whether it encourages cost-efficiency. The environmentalists distrust anything except the most costly option. And the poor old consumer, to whom is passed the cost, has nobody to represent his interest in having the technology that does the job most cheaply" (WSJ 6/9/93 p. A15).

EDUCATION: FACE FACTS, GET SMART

This trilogy constitutes a three-part drama of foreboding, malfeasance and hope.

(1) As Chairman and CEO of Baxter International, Vern Loucks Jr. participated in a Chicago Public Schools experiment. In trying to do the right thing, he realized the problem's enormity. In a speech to the Business/Education Partnership Conference, he declared business to be structually mismatched for a leadership role in long-range reform; he questioned the belief, held in many quarters, that a business-like approach to schooling will yield business-like results. Loucks said "many of us are far too willing to take on part of the problem, and far too few of us are willing to tackle the whole damn thing—that is, the politics that will foster an integration of all the parts into a productive whole. Businessmen want to 'get along' with the world, and so they tend to shy away from controversy. But any effective school-reform effort will be ablaze with controversy. You can't avoid it, and we shouldn't try." (See Vital Speeches 5/15/93 pp. 466–70.)

(2) Now for the truly grisly: Peter Brimelow and Leslie Spencer (Forbes 6/7/93 pp. 72–84) paint a chilling picture of the National Education Association in "The National Extortion Association?" From power politics at the national, state and local level to the gridlock-enhancing appetites of America's largest union, this article describes the "whole damn thing" that Vernon Loucks alluded to above. Two quotes give the flavor:

"Regardless of its needs, NEA dues are a fixed proportion of the average teacher's salary. Thus, just as real-estate agents have a vested interest in rising property prices, so does the NEA have a direct institutional interest in teacher salary increases."

"As Rutgers economist Leo Troy argues in detail in his recent book The New Unionism in the New Society: Public-Sector unions in the Redistribution State, these new unions are fundamentally different from the old, private-sector unions. Their primary weapon is political, not economic, power. They use it to redistribute income toward government, a process Troy call 'new socialism,' and to insulate themselves from the key factor in private sector union decline: Competition, from the service sector and from overseas."

(3) Now for the ray of hope: Recently Bret Schundler, a Wall Street executive, beat the entrenched Jersey City machine for the Mayor's seat. He strongly advocates educational vouchers (for private or public schools) and was heavily opposed by the teachers' unions. Only 6% of the voters were Republicans, but Schundler's second election (to a full term) displayed a majority ten times that size (see "Earthquake Hits," WSJ 5/13/93 p. A14).

A BRAINY NIGHT IN GEORGIA

Two articles discuss a case study plus principles of privatization. First: "From Water to Public Works: One City's Privatization Success Story" profiles the odyssey of the Hinesville (GA) Public Works Department. They took the common tack of testing privatization in one operation, and then turned the whole department over to the contractor. Benefits rose, as did morale for the workers (see American City & County November 1992 p. 38).

Secondly, both sides of the debate are quickly sketched in "Privatization" by Richard Worsnop. Noting that privatization in the U.S. follows no single pattern, he describes its many forms: From vouchers, to lease-backs, to outright sales. He also quotes an AFL-CIO official who perhaps did not realize the applicability of his own words to public-sector union shops: "Once a company has the contract and has acquired all the expertise, training and equipment to do the job, it is very costly for the jurisdiction to switch to another contractor and begin again. The company knows that it has a lock on the contract, so it can increase the rates or perform sloppy work" (CQ Researcher 11/13/92 pp. 979–84).

Short takes on overseas experiments: The new French government's big-time selloff is detailed by David Buchan in the Financial Times 6/22/93 p. 4. Britain's postoffice gamble is handicapped in the Economist 2/13/93 p. 60, while Richard Tomkins is hugely skeptical about turning loose British Rail (Financial Times 1/23/93). Helpful looks at Russian privatization include "You're Privatized. Now What?" by David Brooks WSJ 4/23/93; and "Reform In One City [Nizhny Novgorod, Russia's third-largest]," The Economist 11/7/92.

Back in the USA, a strong op-ed is "Invest In Infrastructure—Privatize" (Robert W. Poole, WSJ 5/5/92). Investor's Business Daily (5/5/92 p.1) profiles privatization guru E.S. Savas, a reformed refugee from John Lindsay's New York City carnival. And Robert Kuttner is always around to attack the very concept, sometimes with a strawman pitch, e.g. "Privatization Is Not A Cure All" (WSJ 4/30/92). Of course, he still describes the Reagan Era as laissez-faire. If Kuttner will quit uttering that absurdity, we'll never call privatization a cure-all.

DOUBLE-DUTY: RESERVES REINVENTING

Imagine total-quality government in a tradition-bound, hierarchical organization whose workers served government customers and private-sectors ones. Where to find this hybrid whose people both consume and produce GDP? The Air Force Reserves, which is halfway through a five-year TQM culture-shift. AFRES chief Major-General John Closner personally taught the 32-hour TQM course to his senior staff. Using a "cascade" method, those senior staff teach the next level, and so on. Modeled on Xerox Corp., AFRES has impressed other services to the point of imitation. In an issue of the AFRES monthly journal Citizen Airman devoted to TQM, the effort at Charleston AFB and elsewhere is profiled (see Citizen Airman February 1992 pp. 3–9).

NOTE: The work of reinvention sometimes intertwines with the concepts of Total Quality Management. TQM was invented by an American, W. Edwards Deming, and perfected by much of Japan's business culture. Many U.S. companies and government entities now practice variants of TQM and America's armed services have quietly started down this road. Congressional readers can request more from the Hill's military liaison offices. Other readers should contact public-affairs offices at the Pentagon for individual services.

THE FEDERAL GOV'T IS A DIFFERENT ANIMAL

Besides problems of scale, implementing real reinvention at the federal level brings unique qualitative problems. First, national policy is just that—national Second, Washington D.C. has the power to mandate and coerce a far-flung enterprise of 260 million owner/customers. Third, BIG is better for pioneering moonshots, or 45-year standoffs with international enemies; but BIG is not nimble, flexible or sensitive. Finally, federal benefits foster interested, organized recipients who come to see their survival as linked to a compliant national legislature.

Given all of the above, these seven standouts have special significance for federal reformers;

(1) "Coming Soon: Internal Markets" by Michael Rothschild. In an internal Market, each business unit operates as an independent company. The idea is to blend agility with size and power. What makes this decentralization possible is the advent of distributed databases allowing low-cost accounting of results and transactions (Forbes ASAP 6/7/93 pp. 19–22).

(2) "Rightsizing Angst" by Alice LaPlante. A concise review of five companies as they attempt to reengineer some, or all, of their operations: "In the midst of a technological revolution as dramatic as any change in business history, many employees come out on the short end of the skills equation. Not everybody is giving up without a fight." LaPlante profiles Whirlpool, Meredith, the Canadian Wheat Board, Federal Express and Borden (Forbes ASAP 6/7/93 pp. 94–104).

(3) "In Search of Bureaucratic Excellence" by Harold Williams. Williams worked 20 years each in the private sector and federal government, plus four years in state government. In this 1986 article, he outlined a 10-year experiment to try the lessons of well-run companies in one federal agency: "The successful companies foster a climate where there are loose controls over employees and tolerance for individuals, while at the same time insisting on tight adherence to the central values of the company. The culture of the typical federal department is exactly the opposite. It might be called 'tight/loose.' Federal employees are given little opportunity to exercise initiative, but there is a great tolerance for ineptitude" (The Bureaucrat Spring 1986 pp. 16–21).

(4) "Some Thoughts at the Outset: Joseph Juran on Bringing TQM to Government" is an interview of the venerable Juran by Comptroller-General Charles Bowsher and two colleagues. Strong Q&A with a veteran TQM practitioner. Practical blocks to Quality culture in a large bureaucracy are discussed bluntly (see The GAO Journal Winter 1991–92 pp. 48–54).

(5) "Reinventing Government: Managing the Politics of Change" by Jonathan Walters. This may be the most aptly titled article here. It summarizes a conference sponsored by the Council for Excellence in Government and Governing. Participants included businesses, unions, government officials from all levels, and authors and experts on reinvention. Major ideas are summarized and key terms explained (see Governing December 1992 pp. 27–40).

(6) "Customer Service, Partnership, Leadership: Three Strategies that Work: Success at the State and Local Levels Point the Way for Making Federal Programs Work Better Too" by Barbara Bordelon and Elizabeth Clemmer (The GAO Journal, Winter 1990–91 pp. 36–43). Case studies of how to implement the above three concepts. Concludes that vision is more important than a step-by-step plan.

(7) "It's Simply Not Working" by Jennifer Reese (Fortune 11/19/90 pp. 179–96). Based on months of interviews with top officials, elected and appointed, this piece contains instructive case-studies and sage opinions of those who've tried to manage parts of the federal behemoth. It also carries some advice to Congress to reinvent itself—as a board of directors that sets long-range policy. And Reese cites the work of a little-known Bush Administration operation at OPM called the Federal Quality Institute—which this writer hadn't heard of either.

THE CASE FOR BURNING ALL THIS STUFF

If an analysis can be stunningly enlightening and deeply depressing all at once, here it is: "Demosclerosis" (National Journal 9/5/92 pp. 1998–2003). All of reinvention, reform and reassertion by "citizen/owners" faces one vast syndrome—namely, "postwar democratic government's progressive loss of ability to adapt."

In a word, demosclerosis.

Jonathan Rauch writes that the accretion of pressure groups, tied to the enhancement of public programs, produces both economic and political decay. Economically, these interest groups slow the adoption of new technology. Politically, they make society ungovernable by their squabbling over scarce resources.

Rauch's landmark overview thoroughly conveys the pattern of events in stable democracies and in those that have recently undergone great upheaval (e.g. Japan and Germany). Like any good parasitic illness, the disease produces just enough contradictory symptoms to keep the doctors—whether Democrat or Republican—arguing over treatments. But the author finds the only known cures to be internal revolution or external domination with a military governor-style reordering of political society.

And if that sounds like a national stage set for a willful, confident "doctor" with simple treatments, there is this billionaire Texan who might volunteer for the post, if you ask him nicely.

WHO'S WHO?

Though many players are engaged in the Vice-President's National Performance Review, five articles by Stephen Barr for the Washington Post profile the key ones.

(1) Combining politics and policy at Wonk Central is Gore's rollerblading, baseball-loving DLCer: Bruce Reed. Barr profiles this New Democrat's professional and personal commitment to reinvention. Says Reed: "The advances in technology make it easier for the government to serve people directly, and the political failures of Washington over the last decade have made people more insistent than ever on a government that works. So we feel that we have a political opportunity and a structural opportunity that wasn't there before" (Washington Post 5/17/93 p. A19).

(2) As the father of the "Renaissance Weekend," OMB Deputy Director for Management Philip Lader will need all his networking skill to implement the Gore proposals. The article describes the background of the Drucker-quoting, Kilimanjaro-climbing Ladder, and ends with a telling statement by him "The gist of Renaissance has been to recognize the incredible transforming power of ideas and of relationships. And I would hope that this Administration might be characterized by the power of ideas—but also by the power of relationships" (WP 5/25/93 p. A17).

(3) If guru is too strong a word, then David Osborne should at least be thought of as master guide to the Gore effort (WP 5/19/93 p. A17). Co-author of the 1991 book Reinventing Government, Osborne stresses empowering employees, giving flexibility to managers, and measuring performance.

(4) Before David Osborne caught the Vice President's eye, he influenced Texas Comptroller John Sharp. Sharp is on his second audit of the Texas government; the first recommended cuts of $4.2 billion in a $30 billion budget. Reporter Barr sketches how he used secrecy, plus speed, to arrive at his plan. His methods and policies merit examination if for no other reason than Bruce Reed called the Texas audit "the best model out there for what needs to be done."

And how would "Sharp the Knife" gauge success? "This performance review will not work if it's seen as an exercise in compromise. It must take on sacred cows and bloated bureaucracies to convince everyone of its seriousness. It must do away with useless expenses and unproductive jobs. There must be a body count, a specific number of programs eliminated, and teeth on the sidewalk" (WP 2/16/93 p. A11).

(5) Back to the point man in all this: Vice President Gore was tasked to review, over six months, federal operations (WP 5/25/93 p. A8). Some of the resulting changes are expected to be enacted by presidential order; others will require legislation. What can be done, right now, is to stop underselling the political obstacles to true reinvention.

Bemoaning the hiring, by the Marshals Service, of a $40-per-lawn company to maintain houses seized in drug raids, Gore said: "In Atlanta . . . you would hire a teenager to do it for maybe $10 per lawn. Not in this government."

Gore is right to shed lawn-care at 400% of the basic rate. But digging deeper might turn up (for example) a liability factor: Consider what the Marshals Service could face if one of those lower-cost teenagers injured himself and hired a good trial lawyer.

When things routinely happen that seem irrational, there must be a strong reason—probably many. Those reasons help show why reinvention entails more than empowering frontline bureaucrats.

It may require disempowering artificial market-dominance on the part of Administration allies. (We can hope.)

Back in May, the Vice President declared: "Too many of our public systems don't work, and money alone won't fix them. Think about it: Is there anything more foolish than spending money for something that doesn't work?"

Yes. What's more foolish is thinking that questions like that one will teach you, or the public, a damn thing. Instead, try digging into which systems and people benefit from spending that appears foolish. Who worked to put it there, and who benefits by keeping it going?—DKR.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

REINVENTING THE FEDERAL GOVERNMENT

Mr. ROTH. Mr. President, the title of a recent best selling book, "Reinventing Government," has become popular as a term synonymous with broad reform of government. As commonly used, however, it often seems to be a phrase without much meaning—other than as a generalized call for change. But properly understood, it really does speak to a particular agenda.

Today, I would like to join with the Senator from Iowa [Mr. GRASSLEY] in an effort to explain what the term "reinventing government" means, and what kinds of reforms of it implies for the Federal Government.

The fundamental theme of a reinvented government is a customer orientation combined with a focus on accountability for results. Organizations should be streamlined, and given coherent missions. Decisionmaking should be decentralized, so that programs can respond faster.

The Federal Government today is primarily process-oriented. Its focus is on following detailed procedural rules within rigidly structured programs. Managers are seldom encouraged to be innovative, or given real flexibility to manage personnel and other resources.

The first step in reinventing this was recently taken, when Congress passed my bill S. 20, the Government Performance and Results Act. All Federal agencies will be required to have performance plans with specific, measurable goals. They will then publish annual performance reports showing the actual outcomes. Managers could get greater flexibility in the use of resources by making specific commitments to better program performance. And taxpayers will for the first time be told what results they get for their money. The Clinton administration has called my legislation the foundation for much of what we seek to do as we go about the task of reinventing government.

Next, we need to reorganize and streamline Federal agencies. Areas of similar responsibility should be grouped, then reviewed with an eye toward consolidation and policy coordination. As the General Accounting Office recently pointed out, there are 125 different programs responsible for job training, spread across 14 Federal agencies. Who's in charge of what? Let's cut out the overlap and redundancy, and focus responsibility, so we know where accountability lies.

For example, the trade-related functions of the Commerce Department could be consolidated with the Office of the U.S. Trade Representative in a Department of Trade. Within that agency could be a new Bureau of Export Promotion, that brings together the U.S. and Foreign Commercial Service, the Export-Import Bank, the Overseas Private Investment Corporation, and the U.S. Trade and Development Program.

Streamlining agencies and programs means closing costly, underutilized facilities, and downsizing others. Too often Congress creates waste by mandating minimum personnel levels and prohibiting the closing of offices. These requirements should be repealed.

If government is to become customer-oriented, then managers closest to the citizens must be empowered to act quickly. Why must every decision be signed-off on by so many people? If program managers were instead held accountable for the results they achieve, they could be given more authority to be innovative and responsive.

Agencies should emphasize that citizens will be treated as valued customers, by publicly posting statements of their commitment to service. Each Citizen's Charter could combine more generalized promises of courtesy and helpfulness, with specific commitments—such as to respond to written inquiries within 7 days, or that no wait in line shall exceed 30 minutes. Every program dealing with the public should conduct citizen satisfaction surveys, and publish the results.

Reinventing the Federal Government also means modernizing its personnel systems. Employees need strong protection from political abuse, but it should be easier for agencies to hire, fire, and promote based on performance. And our Federal pay systems should reward excellence more than longevity. Potential rewards should be large enough to provide real incentives.

Our goal should be a smaller Federal workforce, through attrition, but one better trained and better paid—with pay increases based on superior performance. Present efforts at employee evaluation are often not taken seriously. How well they do this important task must become a big part of how managers themselves are evaluated.

By empowering managers to really manage, we will need fewer of them. We should combine serious personnel and pay reform with a slimming of the managerial hierarchy.

These principles should also be applied to Federal-State relations. Federal grant programs could provide greater discretion in the use of funds, in return for more accountability for results achieved. We could award Federal aid to localities competitively—such as with funding based half on need and half on proven effectiveness—and let innovation steer the dollars to where we get the most bang for the buck.

Also, the Federal Government should reach agreement with the other levels of Government on defining the limits of each's responsibility in various areas. Then the public will know who to hold accountable for what. Now each level of Government can duck responsibility by saying, We've done all we can to solve this problem, the rest is up to the others. Then every unmet need seems to end up on the Federal Government's doorstep.

Reinventing government does not mean creating a host of new programs. It does not mean increasing taxes, or spending more than we already do. Rather, it means changing how programs operate—the incentives, the flexibility, the forms of accountability. If done right, it means better government—more responsiveness at less cost—not bigger government.

The administration appears to be looking at many of these issues through its national performance review, led by Vice President GORE. From what I have heard and read, that review seems to be asking the right kinds of questions as it examines the Federal bureaucracy. I am hopeful that this effort will result in a good foundation for real reform of how government operates. We owe the American people no less.

To help further the process of reform, I have introduced S. 15, the Reinventing Government Act. This legislation would create a bipartisan commission to recommend major reform of the structure and operations of Federal agencies. Its proposals would have to be considered by Congress, in an up-or-down vote.

Mr. President, earlier this year I met with the Vice President to suggest issues the national performance review ought to explore, and the types of reinventing government reforms needed in the Federal Government. I ask unanimous consent that a copy of a memorandum I gave him at that time be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MARCH 30, 1993.

To: Vice President Al Gore
From: Senator Bill Roth
Re National Performance Review

The following are some initial ideas for where the National Performance Review should focus its attention. The real need is for comprehensive reform of the way the federal government does business. Service to the people should be the theme at every level of government. These suggestions are aimed at that kind of fundamental change. I believe that sufficiently bold and innovative actions in these areas will result in better government service at lower cost.

In other words, our goal should be a federal government that is structurally reformed to provide prompt, effective, and courteous service to the people, and to meet the challenges of the 21st Century. That means modern communications and technology must be at the core of reform.

AUDIT FOR PROGRAM WASTE

Conduct a review of Inspector General reports and General Accounting Office studies. Develop a mechanism (administrative or legislative) to force agencies to bring the satisfactory closure the items in the High Risk Status Reports, the over 2,500 open audit recommendations from GAO studies, and the actions proposed by agency IGs.

"REINVENTING GOVERNMENT"

Develop a set of principles to guide reform of the organization and operations of federal agencies and programs, followed by administrative actions and legislative proposals to implement those principles.

I. Organization. The Executive Branch should be reorganized and streamlined to reflect the needs and priorities of the 21st Century, emphasizing policy coordination and accountability.

A. Propose a comprehensive plan for reorganization of federal departments, agencies, and programs. The plan should be designed to maximize responsiveness to the public, by eliminating unnecessary duplication and inconsistency, and streamlining operations—and where appropriate, creating a new organization to handle restructured operations.

1. Begin by listing all the organizations (departments, agencies, commissions, etc.) and activities of the federal government. From groupings of similar organizations and activities, then determine which should be consolidated, eliminated, or modified. (GAO has cited as an example the $16 billion spent on job training, in 125 programs in 14 federal departments and agencies.)

2. Streamline the organization of the Executive Branch, beginning with the premise that there should be a small number of large groupings with jurisdictions based on broad themes. One approach would be to start with a design based on natural resources, human resources, commerce and trade, foreign affairs, and national security. Subgroups could still have cabinet status, where appropriate.

3. One element that could be incorporated in such a plan is S. 580, the Trade Reorganization Act.

B. As with military facilities and staffing, civilian government facility locations and staffing levels should be dictated solely by the need to provide the appropriate level of service as responsively and efficiently as possible. We should minimize the hierarchical pyramids of bureaucracy, that become mired down in the details of process, rather than focusing on service to the public.

1. Close underutilized field offices and other government facilities, and reduce unnecessary layers of bureaucracy at the central headquarters.

2. Eliminate existing requirements (often in appropriations bills) for minimum staffing levels.

II. Programs. Government programs should focus on delivering services and meeting needs in the most prompt and responsive, least costly way possible.

A. Programs and services that are unnecessary, that no longer reflect today's priorities, or that are not sufficiently effective, should be eliminated.

1. Develop an effective "sunset" mechanism that automatically ends programs unless renewed by Congress on a regular basis.

B. Competitive pressures sharpen the efficiency and responsiveness of organizations, and should be instilled in government programs.

1. Every program up for renewal under the provisions of a "sunset" law should be required to suggest alternative ways the same services might be provided (e.g., through the use of vouchers, by contracting out, through grants to State and local governments, etc.).

C. All government agencies should emphasize service, have specific goals for program performance, and be held accountable to the taxpayers for their results. Prompt, efficient, and courteous service to the customer must replace procedural concerns as the key motivation for government action.

1. This is the purpose of S. 20, the "Government Performance and Results Act", which is pending in the Senate and the House (H.R. 826). The Administration has endorsed this bill, and should make it a top legislative priority for enactment during the Administration's "first 100 days".

2. Agency procedures (such as grant application processes) should be streamlined and simplified, to reduce their time and costliness, with more authority for making decisions pushed out to managers closest to the "customers".

3. Modern telecommunications and other technology (e.g., faxes, conference calls, electronic fund transfers) should be used by agencies to bring clients and decision makers together, for improved convenience and responsiveness.

4. Opportunities should be sought to provide "one-stop" service to individuals and organizations that must, on a single issue, interact with more than one agency.

a. Ad hoc task forces could be utilized to simplify grant and other processes for State and local constituencies—with all interested agencies involved, but one specific agency designated to serve as the "one-stop" to deal with.

5. To reinforce the notion that citizens should be treated as valued customers, all agencies should develop a one-page document to be posted in any location frequented by the public, stating the agency's or program's commitment to service—that is, what level of service the citizen/customer has a right to expect. (See attachment.)

a. The statement should include specific items (e.g., to respond to written inquiries within 7 days, that no wait in line shall exceed 45 minutes).

III. Management and Personnel. Management and personnel systems should have as their highest priority serving the needs of the taxpayers, by being designed to strengthen personal accountability, maximizing responsiveness, enhancing excellence, and minimizing costs.

A. Managers should be given greater authority in the use and management of fiscal and personnel resources, so that program efficiency and effectiveness are maximized.

1. S. 20 would allow OMB to grant greater managerial flexibility, by authorizing waivers from certain administrative regulations, in return for specific commitments to greater performance. However, statutory constraints may be an even greater impediment to maximizing effective management, and this area should be thoroughly examined for reform.

2. Managers should be given more authority to hire, fire, promote, and demote personnel based on their evaluation of the employee's performance, without the long, exhaustive delays under current procedures, while maintaining appropriate civil service protections against political considerations.

B. The federal work force should be lean, with minimum levels of hierarchy, and highly motivated to perform well.

1. The work force should be significantly downsized beyond the President's stated goal—through attrition (about 125,000 civilian employees leave the Federal Government every year)—with an emphasis on reducing the number of managers needed, so that the staff-to-manager ratio (7:1) is increased.

a. Greater managerial authority (see above) would reduce the need for a large managerial bureaucracy and many layers of hierarchy.

b. Many senior level civil servants have delayed retirement until 1994, in order to maximize their "high three years" benefit formula. There will likely be a very large turnover in those ranks next year—so there is an opportunity now to plan for slimming the managerial bureaucracy before those ranks are re-filled.

c. If necessary, effective "early out" incentives should be created for the civilian work force.

d. Reductions-in-force regulations should be reformed to place greater value on job performance, and less on seniority, than is presently provided.

2. There should be a stronger link between pay and job performance, with more flexibility in the pay scale to reflect individual accomplishment.

a. Existing performance evaluation systems should be improved—so that they are more accurate, and discourage inflated ratings. One way to do this is by requiring that supervisors themselves be rated partially on how well they conduct effective employee performance evaluations.

b. Annual performance-related financial rewards should be made potentially large enough to create real incentives for good performance. This may necessitate changing from the existing, highly detailed grade/step system, to broader bands of pay categories (while guarding against inflated ratings and political favoritism).

c. The cost of greater pay for federal employees, linked to superior performance, should be off-set by savings from work force reduction. As the size of the work force drops, most of the savings should go toward deficit reduction, and some should go into a "performance incentive" fund.

C. Prudent budgeting requires information on the long-term fiscal impact of spending decisions, and on any future liability for which the government is obligated, and should encourage good management practices.

1. The budget process should be reformed so that the anticipated costs of programs are projected on a long-term basis.

2. Accrual accounting principles should be utilized in the budget wherever appropriate (e.g., to show accrued liabilities in accounts where revenues are exceeding current expenditures).

3. The government should adopt a biennial budget, in order to provide better opportunities for program oversight.

4. Agencies should have the authority to carry-over into the next fiscal year unexpended funds, in order to discourage unnecessary year-end spending.

IV. Federalism. Federalism is reinforced, and accountability strengthened, when responsibility is defined for each level of government, and when intergovernmental aid programs provide maximum flexibility to reach specified goals.

A. The federal government should reach agreement with State and local governments on which entities are responsible for addressing which issues, as suggested by Alice Rivlin in her recent book. Where responsibility is shared, the limits of each government's responsibility should be defined.

B. The hundreds of federal grant programs should be consolidated in a few block grants, with greater flexibility in the use of the funds given to the recipient governments, but with program performance made a significant factor in the grant formulas.

Mr. ROTH. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for up to 5 minutes.

THE DEFICIT

Mr. GRAHAM. Mr. President, the current occupant of the chair and I have been concerned about a number of items in the current discussions of budget reconciliation. One area we have particularly shared is the importance attached to achieving a $500 billion level of deficit reduction over the next 5 years. I was, therefore, particularly concerned at news accounts this morning which indicated there might be a significant erosion of that $500 billion deficit reduction over the next 5 years; in fact, an erosion of down to $483 billion.

It has been suggested the $500 billion number is arbitrary, political, and in fact should not be a significant standard by which to evaluate the success of our efforts in terms of the current consideration of the administration's economic plan. I strongly disagree with that characterization. I believe the $500 billion deficit reduction is in fact the centerpiece of our current efforts. If there is one thing the American public has asked us to do, it is to get a handle on this enormous, growing Federal debt; and to do that by beginning a systematic effort at reducing the annual rate of Federal deficit.

I believe this number, $500 billion, is a number that has real meaning. It has real meaning in terms of the essential economic theory behind the proposal we are currently considering. There is no question that taking this amount of money, $500 billion, out of the economy, either in the form of increased taxes, reduced spending, or as this bill proposes, an approximately even distribution between those two, will have an economically constrictive effect. When you take that much money out of the economy it is going to be money that will reduce what the private sector would have otherwise had available in order to stimulate economic growth.

The counterpoint, however, to that has been that we will get the benefits of a significant and sustained reduction in long-term interest rates that will more than offset the negative impact of that $500 billion of reduction from the economy that will result from the reduced spending and increased taxes.

I accept the validity of that economic theory. That economic theory also has a psychology, and that is a psychology directed to those who influence private economic decisions, from the individual family making a decision as to whether to buy a new car or a new home, to those who make macroinvestment decisions.

What is that psychology? Mr. President, I would like to quote from a recent hearing of the Senate Banking Committee of July 22 of this year, in which the Chairman of the Federal Reserve Board, Mr. Alan Greenspan, was the principal witness. Mr. Greenspan stated, and I am going to quote from several parts of his testimony before that committee, largely in response to questions from the chairmen of the committee, Senator BOND and Senator SASSER.

Mr. Greenspan stated:

> A credible—underline credible—budget deficit reduction, in my judgment, is crucial to the long-term health of this economy.

Mr. Greenspan goes on by saying:

> Even the $500 billion package does not address fully the upturn in the deficit as a percent of the gross domestic product in the latter part of the century and into the early part of the next century.
>
> The problem that I think we have got is, while arithmetically the excess, if I may put it that way, above the growth of the tax base, is in Medicare and Medicaid, and that if one can bring those budget items into line with the growth of the GDP in nominal terms, then that will be adequate to bring the expenditure level down.
>
> However, if reform is unable to bend this very rapidly growing share of Medicare and Medicaid, as a percent of the GDP, from growing rapidly to being flat, meaning that you don't make it and it still continues up, then I think we'll be required to address other areas of the budget at the turn of the century to make certain that the total does not rise faster than the tax base because that's an unsustainable position.

Continuing further, Mr. Greenspan stated:

> Well, I would say that the markets believe that some credible budget deficit program, without specifying what the composition would be because I don't think you can tell that—the implication of veering off the standard of the $500 billion, in my judgment, is clearly one which the markets would take quite negatively.

Third, Mr. President, as Chairman Greenspan alluded to, we do not have just a 5-year issue here, we have at least a decadal issue, and that issue is illustrated in this chart of the projected annual deficit reduction.

First, under the Office of Management and Budget baseline—that is, if we do nothing—what is the situation in which we will find ourselves, and second, what will we do if we adopt the President's plan? If we do nothing, we will have essentially a flat annual deficit in the range of $300 billion for the next 4 years, and then it will begin to turn up dramatically. By the end of the century, we will be running annual deficits of over $500 billion.

Under the President's plan, we will have what I would describe as a shallow "U," deficit reductions on an annual basis will decline until the middle part of this decade, and then about 1996 and 1997 it will start to decline again, so that by the end of the century, we will have annual deficits of approximately the same level as we have today. That is what the projection is.

What that clearly says is that if we start at a level lower than the $500 billion that the President had recommended, it is going to exacerbate this shallow curve. It will cause us to lose momentum more rapidly and make the problems of the end of the decade in achieving sustainable deficit reduction that much more difficult.

It will, as Chairman Greenspan stated, put enormous pressure on our capacity to control health care costs and do so quickly. We are going to be talking about reductions in Medicare and Medicaid of upward of 10 percent a year by the middle of this decade if we are going to get enough savings from those entitlement programs in order to avoid an upturn in our annual deficits.

We are going to be facing the prospect of another round of major tax increases and spending cuts. We hope that we will be assisted out of this dilemma by an accelerated rate of economic growth.

Mr. President, I am concerned in that regard that, in fact, the level of economic growth that we are currently experiencing is not sufficient to meet the standards that the President has used as the assumptions behind his economic plan.

On page 25 of the book, "A Vision of Change for America," the administration states its economic assumptions in terms of gross domestic product growth, starting in calendar year 1992, at 2.9 percent.

According to the Department of Commerce, the actual gross domestic product growth in 1992 was 2.1 percent. The President's economic assumption for calendar year 1993 is 3.1 percent. Again, according to the Department of Commerce, the actual growth for the first quarter of 1993 was 0.7 percent and for the second quarter is 1.6 percent, dramatically below the 3.1 percent upon which the economic assumptions underlying this plan are predicated.

Mr. President, therefore, I am concerned that, even at the $500 billion deficit reduction level, we will have a challenge maintaining this line that the President has outlined. And if we start the process significantly below $500 billion, as today's press reports indicate may be under consideration, we will make our problem substantially worse.

In summary, I believe that the centerpiece of our whole effort is to develop a credible, sustained commitment to reducing the Federal budget deficit and moving toward that glory day when we will have a balanced Federal budget.

I believe that any slippage from the $500 billion number that the President has recommended will substantially undercut the basic economic theory upon which this recovery is predicated, will have a damaging effect in terms of the psychology from Main Street to Wall Street, and will make the Nation's problems, in terms of dealing with its long-term fiscal challenges, that much more difficult. We will again succumb to the temptation of avoiding today's hard decisions by passing those on to our children and our grandchildren. I hope that in August of 1993 we will not succumb to that temptation yet again.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Florida yields the floor. Who seeks recognition?

Mr. GRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now resume consideration of S. 919, the national service bill; that the cloture vote scheduled today on the Kennedy-Durenberger substitute amendment to the bill be vitiated; that the Kennedy-Durenberger amendment be agreed to; that the committee substitute, as amended, be further amendable notwithstanding the adoption of the Kennedy-Durenberger substitute; that the following be the only first-degree amendments remaining in order to the bill and that these amendments must be relevant; that they be subject to relevant second-degree amendments; that all amendments must be offered by the close of business today or they will no longer be in order; that just prior to the close of business today the committee substitute, as amended, be agreed to and the bill be read a third time; that at 9:45 a.m. on Tuesday, August 3, the Senate resume consideration of S. 919; that there be 15 minutes for debate equally divided in the usual form at that time; and that at 10 a.m. on Tuesday, August 3, the Senate proceed to the immediate consideration of H.R. 2010, the House companion, that all after the enacting clause be stricken and the text of S. 919, as amended, be inserted in lieu thereof and a vote on passage of the bill occur without any intervening action or debate; that immediately upon the conclusion of that vote the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees, and that S. 919 then be indefinitely postponed.

The list of amendments is as follows:

An amendment by Senator SPECTER regarding a cut in funding;

An amendment by Senator BROWN regarding educational benefit amounts;

An amendment by Senator GRAMM of Texas regarding political activities;

An amendment by Senator GRAMM of Texas to apply the HATCH Act;

An amendment by Senator MCCAIN regarding educational laws;

An amendment by Senator MCCONNELL regarding liability;

An amendment by Senator DOMENICI regarding reproportioning States;

An amendment by Senator KASSEBAUM that is relevant;

An amendment by Senator KENNEDY that is relevant;

An amendment by Senator DOLE regarding blue-ribbon schools;

An amendment by Senator DOLE regarding high crime areas/veterans;

An amendment by Senator DOLE regarding report by DOD;

An amendment by Senator DOLE regarding education awards;

An amendment by Senator DOLE regarding cut in funding;

An amendment by Senator CHAFEE regarding cut in funding.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Reserving the right to object, and I shall not object, I think we have a satisfactory arrangement. Let me just make the record clear, we did not have the votes to prevent cloture. We had five of our colleagues who would have voted for cloture today, and we would have been one vote short. I commend the solidarity on the other side. I wish we could have it on this side, but we did not have it on this particular issue. I still hope before they finish the debate this afternoon there can be some adjustment on funding. It might make a significant difference in the number of Republicans supporting the bill. As I understood the President in our conversation, he would like to have broad bipartisan support.

But in any event, I think this is a good resolution. It avoids a cloture vote. We do not have the postcloture situation. All of these amendments are, I think, germane and relevant. Nobody is trying to slip anything in.

I commend the majority leader for his patience, and I still hope we can work out a funding level that might be satisfactory to the distinguished Senator from Massachusetts later on today.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, if I could address the majority leader, it is my understanding that at the end of the final vote on the measure the majority leader just went through in the unanimous-consent request, H.R. 2403 would then be the pending business?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. There may be some other votes Tuesday morning.

Mr. DECONCINI. But the pending legislation——

Mr. MITCHELL. The pending business when we finish those votes would be the Treasury-Postal appropriations bill.

Mr. DECONCINI. Mr. President, I say to the majority leader, perhaps this is not the place to do it, but I wondered if we might add to that unanimous-consent request that then the pending amendment on 2403 would be the Lautenberg amendment that the Senator from Kentucky is interested in that had been cleared on that side for 1 hour of debate without a rollcall vote. Can we have that as the pending amendment on 2403? Maybe the Republican leader—that had been cleared. We were going to do it before. We did not get to it and it never happened.

Mr. DOLE. I would be happy to approve that subject to the distinguished Senator from Missouri, if he has some objection.

Mr. DECONCINI. He had agreed. I certainly would want the Senator to clear that, but he had agreed to that.

The PRESIDING OFFICER. The pending question is the unanimous-consent request of the majority leader. Is there objection?

Mr. DECONCINI. Wait a minute, Mr. President, please. I am asking that that be added to the majority leader's unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. Mr. President, for clarification, I am asking that the unanimous-consent request which is before the body now offered by the majority leader, and I presume by the Republican leader, be expanded to include that upon finishing all the votes the majority leader mentioned we would return to H.R. 2403, and the pending amendment would be the Lautenberg amendment; that there would be 1 hour of debate equally divided and we would have a voice vote on that amendment.

The PRESIDING OFFICER. The Chair advises the Senator from Arizona the majority leader may clarify his unanimous-consent request.

Mr. MITCHELL. Mr. President, I modify my request to ask that when the Senate returns to consideration of the Treasury-Postal appropriations bill, the pending business be the Lautenberg amendment with 1 hour for debate on that amendment to be equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, Mr. President, I will not object, I say to my friend, the majority leader, I was here under the impression we could do that this afternoon. If Senator LAUTENBERG is willing to come, we can get that out of the way and you will not have to do that next Tuesday.

Could we then under the present circumstances ask unanimous consent later if the Senator from New Jersey could come we would just do that this afternoon? He and I have both agreed that we would not ask for a rollcall vote.

Mr. MITCHELL. Mr. President, I further ask that my request be modified to provide that if the Lautenberg amendment is a first-degree amendment that it not be subject to a second-degree amendment.

The PRESIDING OFFICER. Is there objection to the modified unanimous-consent request by the majority leader? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleague. I appreciate the usual courtesy of the Senator from Arizona to permit the bill which he is managing which has been the pending business to be set aside to permit us to complete action on this other measure. They are all important. We started this bill of course before we got to his bill. I know he is gracious.

I also thank the Republican leader for his cooperation in this matter, and both Senators from Kansas, the Republican leader and Senator KASSEBAUM.

Mr. President, pursuant to this order just having been obtained, am I correct that the Senate will now resume consideration of S. 919?

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The PRESIDING OFFICER. The majority leader is correct.

The Chair will ask the clerk to report S. 919.

The assistant legislative clerk read as follows:

A bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service to enhance opportunities for national service and provide national service educational awards to persons participating in such service, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

The reported amendment in the nature of a substitute as modified and amended.

AMENDMENT NO. 709

The PRESIDING OFFICER. Pursuant to the previous order, the Kennedy-Durenberger substitute amendment is agreed to.

The amendment (No. 709) was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I want to express my appreciation to the majority leader, and to the minority leader for making it possible for us to conclude this legislation no later than early Tuesday morning.

This represents important progress. I will report to the Senate some of the modifications that we have been willing to make to this legislation later this afternoon at the request of some of our Republican colleagues.

Over the last 24 hours, we have continued to address some of the areas of concern to Members of the Senate. And we will be making further modifications to the legislation. I think we have made good progress.

We welcome the opportunity to debate additional amendments this afternoon. I would just indicate to our colleagues that we intend to address these amendments as expeditiously as possible. We will debate them, not interminably but sufficiently, and then vote on them.

We plan to remain here until all these amendments are voted down, adopted or dropped.

I want to thank the leaders again for their good work which I think will focus our attention on the areas that need further addressing and will give an opportunity for this body to work its will. National service is one of the most important measures which we will consider in this Congress. Creating opportunities for service for Americans to serve their communities and their country is critical to our Nation's future.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

AMENDMENT NO. 740

(Purpose: To provide the necessary authorization for financial assistance under subtitles C and H to title I, to provide national service educational awards under subtitle D of title I, and to carry out such audits and evaluations as the President or the Inspector General of the Corporation may determine to be necessary)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 740.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act.

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to provide national service educational awards under subtitle D of title I, and to carry out such audits and evaluations as the President or the Inspector General of the Corporation may determine to be necessary, $300,000,000 for fiscal year 1994, $500,000,000 for fiscal year 1995, and $700,000,000 for fiscal year 1996, provided that the enactment of a separate authorization for fiscal year 1996 shall be required to allow the continuation of this program as contained in this Act, *Provided, however*, That except for the $700,000,000 authorization for fiscal year 1996, the remaining language of the bill shall continue in force.

Mr. SPECTER. Mr. President, this amendment sets forth a funding schedule which is identical with that requested by the administration with one modification, that after the third year funding that there be reauthorization.

At the outset, I compliment the proponents of the bill for a very effective public relations campaign. It is plain that the votes for cloture from the Republican side of the aisle would have been present today to cut off debate.

I noted earlier that was a remarkable coincidence last Wednesday that I was mentioned in editorials in the New York Times, the Washington Post, and the Philadelphia Inquirer, that I noted perhaps in other papers my name does not appear in the editorials too often. So I thought it was a remarkable coincidence. Again today, in my hometown newspaper there is an editorial with somewhat more force, notwithstanding that it has been my view that there was a very responsible position to be articulated on this side of the aisle to try to bring down the cost of this program.

I believe that the effort should have been continued, and the amendment which I am now offering is the essence of that approach.

The Washington Post last Wednesday noted that there were some Republicans who were pursuing a fair objective in trying to lower the cost. That has been my objective. And it continues to be my objective. And I am now offering this amendment for that purpose.

I submit, Mr. President, that there has not been a filibuster, and that if you take a close look at the time spent on this bill since we turned to it a week ago Tuesday that there were less than 2 days of relatively brief Senate days consumed on this bill. We were on the bill Tuesday afternoon late after finishing a series of votes on the Hatch Act which started at 2:15. We were on the bill on Wednesday when there were amendments offered by Democrats as well as Republicans. Most of Thursday was taken up by the Senate debate on the Confederate flag issue. And then Friday, Monday, Tuesday, Wednesday of this week we were on appropriations bills, and very brief debate on Thursday, and we turn to it now in the last few minutes.

We have sought to utilize the prerogatives on this side of the aisle which would call for a 60-vote to cut off debate, technically known as cloture, before this bill could come up because of the increase in spending.

At a time, Mr. President, when the deficit is soaring out of sight and all of the editorials in the papers I have noted frequently refer to the Congress' irresponsibility on the deficit but obscure that issue when it comes to a specific bill, we have a responsibility in the Congress to be very careful about expenditures. We always have that responsibility. But it is especially true when we have a $4 trillion deficit which is strangling the country. There are a lot of generalizations about it. But when we come down to specific bills those who speak about it frequently forget their rhetoric of the past. I think that is doubly true at a time when we are considering a budget which has an enormous increase in taxation for Americans, that we ought to be very careful about expenditures which we are offering.

My own sense is that there is going to be a phenomenal backlash from the American people when they see this new tax bill. Yesterday, the Vice President of the United States had a special telephone news conference to criticize this Senator—although not as extreme as the President going to Pittsburgh in Air Force One last April during the enhancement package debate to urge Pennsylvanians to urge ARLEN SPECTER to support $19 billion in expenditures which this Senator thought were unnecessary.

But I was a little surprised that the Vice President had that news conference on the budget bill before talking to me about it, a little surprised that he would single out ARLEN SPECTER instead of perhaps Senator BOREN, who has let his displeasure be known, or the six Senators on the other side of the aisle who voted against the budget, or a series of Senators on the other side of the aisle who have stated their disinclination to support the budget. I think if we had a secret vote on the administration's budget, I do not think it would be 100–0; it might not be 99–1, but I think it would be overwhelming in opposition to the President's budget.

So if the Vice President wanted to hold a news conference, I would have thought it more appropriate for him to look at the Democrats before coming over to the Republicans, especially to a Republican who has been supportive of what the President sought on parental leave and allowing Federal workers to engage in political activities and a wide variety of other activities.

I must say, Mr. President, I raise a deep concern when people accuse me of taking orders from Senator DOLE, or from anyone. I believe that next to integrity, the highest attribute of any person, especially a Member of the U.S. Senate or the House or any legislative body or any public official, is independence. I guard my own independence zealously.

Yesterday, I had less than a minute to express a view because of the time limitation. I said that when Senator DOLE invites the majority leader to invoke cloture, Senator DOLE does not speak for me. He does not control my votes—I do, and I cast my votes as I see fit.

Afterward, I said to him, "BOB, I hope you do not mind my expressing independence on controlling my own vote."

He said, "No, ARLEN, I understand it perfectly."

So that when my colleague from Pennsylvania was quoted in the Philadelphia Daily News yesterday as saying that he could see why ARLEN SPECTER goes along with the Republicans as a matter of party discipline, I have to say that I find that surprising, given my record of independence in the U.S. Senate. I told that to my colleague from Pennsylvania—what is that new NBC program?—"Eye to Eye." I told him that yesterday, and I told him that I had some concern about his floor statement.

I quote from the RECORD yesterday when my colleague from Pennsylvania, Senator WOFFORD, said:

> I am no Moses. I know Moses, and I am no Moses. And the distinguished Republican leader, Senator DOLE is no Pharaoh, but there are lots of Members on the other side of the aisle who want to vote for this bill. So I appeal to the distinguished Republican leader to let his people go. Let those friends of this bill have the chance, along with other Members of this body, to work their will in the days to come.

Well, I take a little exception to that reference and that context for reasons which I will not amplify at this time. But I take exception to that. I will amplify the concern I have about people who say, at least as it applies to this Senator, that I am taking orders and following party discipline. You can take a look at 12½ years of votes from this Senator and find that it is not true. It is provable as a matter of basic arithmetic.

With that few minutes of preface, Mr. President, let me talk about the specifics of this amendment. This amendment provides for an authorization for national service legislation for $300 million for the first year, fiscal year 1994, $500 million for the second year, and $700 million for fiscal year 1996, which is the third year, provided that the enactment of a separate authorization for fiscal year 1996 shall be required to allow the continuation of this program as provided in this act, provided, however, that except for the $700 million authorization for fiscal year 1996, remaining language of the bill shall continue in force.

Mr. President, I favor that funding, although many on this side of the aisle do not. I favor that funding because I believe in national service legislation and have long believed in it and have long supported it.

I was a supporter of the Peace Corps years ago and served on the National Advisory Council of the Peace Corps, and on the national service activities of ACTION. When I saw this legislation, I agreed to be an original cosponsor. I have been criticized for opposing final passage of this bill while I have been an original cosponsor because of some alleged change of position, which is not true.

I have not changed my position. But in the floor statement that I submitted when this bill was introduced, I specified that I was concerned about cost, and I did not give a blank check to this bill. This bill started out in the President's budget in excess of $10 billion. I think it was a figure pulled right out of the clouds. And then there was a second figure for in excess of $4 billion. I think that was pulled out of some other clouds. Finally, the figure came down to $1.5 billion over 3 years.

I do not think there is any merit in having the figure come down to that amount because we do not really have the basis even for that amount. I think that the Republicans can take some credit for not having an astronomical figure in place. But I believe that that figure has to be justified, especially at a time of a $4 trillion national deficit and a time when we are about to soak all Americans with more taxes.

I have had extensive discussions with Eli Segal who has been shepherding this bill through for the White House, and I compliment him on his activities. After some consideration, I was agreeable, and am agreeable, to $300 million in the first year and $500 million in the second year. But I do not want a commitment for the third year until we see how the program is working. When I talked to Mr. Segal, he and I had a meeting of the minds—and I do not seek to bind him, but I think this is a fair representation—that the program ought to be proved to be valuable before it went forward to the third year, and that he and the members of the other side of the aisle, the Democrats, want to provide for in the appropriations process.

This is a little technical—and maybe somebody is watching on C-SPAN 2 today. But let me explain in a brief period of time for those who are watching on C-SPAN 2.

Forgive this hat, but I recently had surgery.

Let me take a moment and explain what the difference is between authorization and appropriation. When there are 56 Democrats, the Democrats need at least 4 Republicans to support a motion to cut off debate. So before you can have the bill go forward and authorize spending, you have to have 60 votes.

That is why I was asked and I did agree to cosponsor, but not with a blank check. But if it comes to appropriations it only takes 51 votes.

The difference is that the appropriations will come over in a large bill where there will be funding for veterans, funding for food stamps, many programs which cannot insist on 60 votes, although, technically, Republicans can do that. But it is unrealistic. You simply cannot insist on 60 votes or oppose cutting off debate on an appropriations bill.

But on an authorization bill you can, and that has been the area of controversy here with 56 Democrats lined up in a phalanx, and until yesterday, not more than 3 Republicans would vote to cut off debate.

So I said to Mr. Segal, I would like an authorization before we have the third-year commitment for $700 million. He said to me, that is no authorization at all for 3 years. We have had an argument as to whether you have an authorization if you do not have a commitment to the dollar sum.

I submit you do, Mr. President. As exhibit A, and as proof, I hold up a 339-page amendment which has an enormous number of provisions containing the authorization for this bill. It sets up the corporation, sets up the board of directors, sets up the program, sets up many provisions as to how this bill is going to work.

People on C-SPAN 2 do not ever need an argument to show that there is more than a single line as to the authorized figure, but I do not want to put in an authorized figure until we see how the program is going to work.

I think $300 million for the first year, and $500 million for the second year, is sufficient until we can evaluate the program. But we cannot evaluate the program to give this side of the aisle, the Republicans, a say, and we do not have much of a say. The only say we have is whether no more than three of us will join their 56. If out of 44 Republican Senators, one-eleventh, or 4, join their 56, the remaining 40 Republican Senators do not have anything to say, which is all right. That is the rule of the Senate. It requires 60 votes to bring the matter to the floor.

But I, at least, want to have something to say, along with my colleagues on this side of the aisle, and if there are not 4 out of 44 who want to put up $700 million for year three of this program, then it ought not to be done. I would say that is a pretty good balance for the Democrats to need only 4 out of 44. If they cannot convince 4 Republicans to join them, they do not have much of a bill.

But if we do not have that authorization required, we are not going to have any say at all because it runs right through on the appropriations bill in the manner I have described.

Senator DOLE thought he had a deal with the White House. Senator DOLE said he is prepared to vote for this bill if you have the authorization that is provided. Senator DOLE thinks we might get as many as 20 Republicans to vote for this bill, which will be a ringing endorsement of the bill and also a ringing endorsement that we are paying some attention to cost.

But we are past that point now, Mr. President, and Senator DOLE outlined the flurry of editorials around the country had some substantial impact. I spent the morning, not in capitulating, but in writing a reply letter to the editor.

I have been a cosponsor, and I am going to support this bill in the form of $1.5 billion. But I think it is unrealistic to even hold out any hope that there will not be 51 or a majority of those voting Friday afternoon at 1:44—who knows how many will vote—a majority of Democrats who will vote against this measure because if it is not lockstep, it is pretty close. I do not want to impugn any of my colleagues on the other side of the aisle, but I do not think there is any realistic likelihood that this amendment is going to be adopted, because it takes only a majority, and there was an overwhelming majority on the other side of the aisle, unless their airplanes have all left. Some change in the numbers of those may impress them. But there is a very narrow difference.

I do now, and have always agreed to $300 million for the first year, $500 million for the second year, and $700 million for the third year, providing they can get authorization.

As my colleague from Massachusetts said yesterday, this is going to separate those who really are loyal—I do not know quite what that means—those who are not divisive, and those who are not obstructionist, from those who really mean it and want this bill.

I would paraphrase that rhetorical flourish by saying this amendment will separate those who are concerned about the deficit, and those who are concerned about a tax increase.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I do not intend to take a great deal of time, but I think that there are some important matters that ought to be mentioned.

I know the Senator from Pennsylvania is eminently aware of the legislative process of authorizations. We have some programs that effectively do not need continuing authorizations. The GI bill, for example, had an indefinite authorization of appropriations.

We had the Voting Rights Act for 15 years, and then we reextended it not long ago. In 1982, we extended it for some 15 years.

Most legislation, however is authorized for 3 or 5 years—usually for 5 years.

As a matter of fact, when this legislation was first introduced it was for a 5-year authorization. And the Senator from Pennsylvania was an original cosponsor of that legislation. It says right here: Introduced in the Senate, by Mr. KENNEDY, * * * Mr. SPECTER. In that particular measure on page 501, it says, "there are authorized to be appropriated * * * the figures $434 million for fiscal year 1994, and such sums as may be necessary for each fiscal year, 1995 through 1998."

Therefore, the authorization is a 5-year authorization. It specifies first year authorizations in the legislation, and then "such sums" after that. Generally that language is used to give the Congress an opportunity to evaluate the program, see how deserving it is. Congress sets figures after hearings, and after debate in the House, in the Senate and in conference.

I do not doubt the Senator that there are deficit problems. But, whatever the deficit was when the Senator cosponsored in May and the deficit is now, we do have the additional kinds of resources to address.

But the point about this is that this is the way that we proceed as legislators in this body.

So we have asked for the authorization for a 3-year period. It is now a $1.5 billion program that has been dramatically reduced in size and includes a variety of different amendments offered by the Republicans.

Now the effect of the Senator's amendment is very clear. It specifies that the enactment of a separate authorization for fiscal year 1996 shall be required to continue this program.

It is very simple what this amendment does. It creates a 2-year authorization. The Senator may want a 2-year authorization. I respect him for that position. Others might want that. But that is effectively what we are doing if we accept that amendment.

The best balanced judgment of those who have been supporting this measure is that it will take some time to recruit the young individuals who are going to be involved in community service, probably 3, 4, 5 months. We have included in this legislation a variety of the different studies and reviews which have been advocated by Senator KASSEBAUM and other Members. These studies evaluate the level of the stipend; whether the educational benefit is needed, and, what the program's impact is on military recruitment.

Those studies will be done in 2 years so we can evaluate the program. The principal sponsors of those amendments understand that it is going to take 2 years for a real review.

We believe in tough evaluations of these programs. But, Mr. President, the bottom line is that the amendment of the Senator from Pennsylvania is a 2-year authorization which we cannot support.

Finally, I would just say, Mr. President, that in inquiring of legislative counsel—that is the counsel of the Senate that helps Members of this body draft legislation—they point out that 2-year authorizations are very rare. They could not remember offhand one instance. They said they would be glad to research it.

But the fact of the matter is Republicans and Democrats are interested in a fair evaluation. And we think we have it in our bill.

Our program is a 3-year authorization. In the third year, those who support the program have to come back to the Congress and demonstrate to Congress that there is sufficient support for an appropriation up to, but not exceeding, $700 million; $700 million is the ceiling.

As we know, Mr. President, when Senate appropriations bills come back from the Appropriations Committee, any Member can move to strike that appropriation, reduce it, or move to reallocate that money to go to another purpose. All they have to do is get 51 Members.

The procedure which is outlined now by the Senator from Pennsylvania could well require 60 Members. Why shouldn't 51 Members of this body be enough? The same rules apply over in the House.

But why, on this particular program of national and communty service are we undermining the likelihood of having an effective program?

I think, Mr. President, that this program deserves the kind of scrutiny that we have built in, in terms of how money is expended, and in coming back to Congress for each year's funding.

So, Mr. President, I hope that we will not accept this amendment. We have debated the issue of 2-year authorization for some part of last week.

I hope the amendment will not be accepted.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, by way of very brief rebuttal, I submit that this 339-page bill, all of which will be authorized for 3 years except one line as to the $700 million, is ample proof that it is a 3-year authorization and not a 2-year authorization.

But—but—if it is a 2-year authorization, and if that is different from the practice of the Senate, I think it is time we deviated from the practice.

When you have a $4 trillion deficit and you are about to raise taxes for all Americans, you put in a new procedure to make sure that the money you spend is well spent.

Now, when the Senator from Massachusetts talks about the appropriations bill coming over and any Member can move to strike and it requires 51 votes to carry the dollar sign, that is true.

I said earlier—and I shall not belabor the point—it is no problem for the Democrats to get a majority. The only way the Republicans have a voice is when you take their total of 56 votes and have to add some Republican votes. And when you talk about the number 60, that is the number which is required for new programs under the Budget Act. The Congress established that supermajority of 60 for new programs and expenditures after we came to the Budget Act of 1990 to be sure that those programs were really well founded. Otherwise, they could not be enacted unless you had 60 votes.

When the Senator from Massachusetts says that the Senator from Pennsylvania understands the legislative process, I think I do. And that legislative process is that when you put a big bill in, there are lots of changes. These 339 pages were changed from what was put in before. The period of authorizations changed; the amount of money that is called for has changed. It goes through committee, goes through amendments, goes through the floor.

There is no question but what the RECORD shows, from my statement, that I offered no blank check and had reservations to the amount of money. I support the principles and I support the concept and I support a fair trial, but I do not support a commitment for the last $700 million until it is proved. And if this program is proved, let them find 4 votes among the 44 on this side of the aisle. That is not asking too much.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. I would just point out, Mr. President, first of all, the Senator has waved around the bill as introduced with 339 pages. I am holding a 571-page bill—the bill as reported out of committee. The Senator from Pennsylvania cosponsored both. The one he is holding up is effectively the same as the bill as reported with the changes that have been outlined in the course of the debate. The levels of new funds going into the program never increased between when he cosponsored the bill and now. In fact, they have decreased.

Now, this legislation was introduced in May. It is now the end of July. At that time, the Senator was prepared for a 5-year authorization and such sums, with the potential of billions more in spending than in the bill we now consider.

Now we all, in the last 2 months, get wiser. But I do think that the Senator's amendment for the reasons explained is the most effective way to review a program.

Under the amendment of the Senator from Pennsylvania, we would barely have even 1 year to test the program. It will take 4 to 5 months to recruit the young people that will be working in community service. And then we would soon thereafter have to evaluate the program and come back to Congress for funding.

Under our program, you will at least have two cycles of individuals who will be involved in the program.

We are glad to have the harsh and critical review of this program, because we believe that it will prove itself.

In many instances, some of the best programs have been in the State of Pennsylvania. In many instances, some of those who have benefited from similar programs, who have testified before our committee, have utilized those kinds of programs in the State.

So we are hopeful, with the dramatic reduction in the authorization from what the President initially wanted, and with the existing review procedures available to the Senate, that a 3-year authorization will best ensure a fair evaluation of the program.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. DOLE. Mr. President, I do not want to prolong the debate, but I want to point out again that this is the amendment that we thought we had an agreement on a couple of days ago. This is the amendment that would have brought along, I think, half of the Republicans—maybe more—on this side of the aisle.

I do not want to embarrass anybody, but we did believe that the White House said, "OK, this is acceptable." We were prepared to, obviously, vote for the bill at this level, because I would point out, as I have in the past, the American people are not demanding new spending programs. They are looking for us to keep them as lean and tight as possible, at least until we find out whether or not they are going to work.

So, we can say $1.5 billion is not too much money, or $2 billion—the President asked for $10.8 billion. We are a long way from that. We made a lot of progress. For that I want to thank my colleague from Kansas, Senator KASSEBAUM, for helping reduce the cost and convincing our colleagues on the other side the costs should come down. But this is an opportunity. If we want to make this a broad, bipartisan bill, adoption of this amendment will do it. I do not think it will cause undue heartburn because at one time the White House had signed off on this amendment. It may have been misunderstood. But in any event I think it is a good amendment, one that should be supported by a majority of Members on each side of the aisle.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. KENNEDY. Mr. President, I believe the White House can speak for itself. A presentation of the offer was made. When the White House investigated the specific language they were given a different impression. I do not infer any bad faith in that exchange. The real question now before the Senate is what kind of program we are going to have. That is the issue. I hope the amendment will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS], the Senator from Georgia [Mr. NUNN], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that the Senator from Maine [Mr. COHEN], is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER (Mrs. BOXER). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 41, nays 52, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—41

Bennett
Bond
Brown
Bumpers
Burns
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Exon
Faircloth
Gorton
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Warner

NAYS—52

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NOT VOTING—7

Cohen
Gramm
Hollings
Jeffords
Nunn
Pryor
Wallop

So the amendment (No. 740) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, there are probably 14, 15 amendments. I believe that probably six of these are in the process of being worked through and acceptable, and we are continuing to work with the interested parties. Senator GLENN is working with Senator GRAMM on two Gramm amendments, which apply to political activities and the Hatch Act. Senator MCCAIN has an amendment on education awards; we are working with the Senator and his staff; Senator DOLE has three amendments; we are in the process now of working through those. So we are making real progress.

We hope we could address others offered. We will not try to prolong the debate and discussion but move toward early resolution. Those Senators who wish to offer amendments, if they will come to the well, we will be glad to talk to them and try to work the process through for as long as needed.

Mrs. KASSEBAUM. Madam President, yes, we are trying to work through the amendments. I think Senator McCONNELL will soon be ready to offer his amendment. I do not know if anyone else is on the floor at this point who is ready to offer their amendment. So I would suggest the absence of a quorum——

Mr. CHAFEE. Madam President, I am on the list for an amendment, and I think it is pretty clear here that no amendment is going to pass that is opposed by the distinguished floor leader of the bill. I think that is pretty clear.

What my amendment was going to do was to take the total spending, which is now at $1.5 billion, to $1.4 billion. In other words, I do not want to put words in the mouth of the negotiators, but that had been a figure that had been talked about. I would offer the amendment if I thought it was going to be accepted.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

The Senator from Arizona is recognized.

AMENDMENT NO. 741

(Purpose: To limit the amount of a national service educational award)

Mr. McCAIN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. NICKLES, proposes an amendment numbered 741.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 77, strike line 20 and all that follows through page 78, line 7 and insert the following:

"(a) AMOUNTS GENERALLY.—Expect as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of service in an approved national service position shall receive a national service education award having a value, for each of not more than 2 of such term of service, equal to 90 percent of—

"(1) one-half of the aggregate minimum basic educational assistance allowance calculated under sections 3013(d)(1) and 3015(b)(1) of title 38, United States Code (as in effect on July 28, 1993), for a member of the Armed Forces who is entitled to such an allowance under section 3011 of such title and whose initial obligation period of active duty in two year; less

"(2) one-half of the aggregate basic contribution required to be made by the member under section 3011(b) of such title (as in effect on July 28, 1993).

Mr. McCAIN. Mr. President, I rise to offer an amendment to the National and Community Service Trust Act. This amendment, which is identical to one accepted in the House, would simply set the national service plan education benefit at 90 percent of the benefit under the GI bill.

Like Congressmen STUMP and MONTGOMERY, who authored a similar amendment in the House to the one I am proposing today, the level of the education benefit in the bill before us as compared with that available under the GI bill will undermine the military's ability to attract our Nation's best and brightest.

The GI bill is one of the most critical recruiting tools available to the armed services. Unless its benefit levels are more attractive than other Federal education benefits, military recruitment is going to be harmed.

The United States will continue to maintain one of the world's largest standing military forces, even though it will be somewhat smaller. Highly qualified young men and women will continue to be needed in the All-Volunteer Force at the same time the pool of 18- to 25-year-olds is shrinking. The competition for the best and the brightest of them is fierce, because employers, educational institutions and the armed services all target the same select group. Congress will define the relative attractiveness of the proposed new competitor, the national service plan education benefit.

The educational benefits stack up basically as follows:

The GI bill provides $4,800 per year for 3 years with a mandatory service commitment of 3 years. The service member is required to put in $1,200 of his or her own money from military pay during the first year of service, and the $1,200 is not refundable if the benefit is not used. Further, refusal to complete the service commitment is a crime under the Uniform Code of Military Justice.

The national service plan would provide $5,000 per year for up to 2 years with no mandatory service commitment and no individual contribution of money. Unlike the GI bill, the national service plan education benefit could be used to pay off old education loans.

The best and the brightest will not have any trouble figuring out which is the best deal. For many of them, the education benefit will be the deciding factor. Unless the benefit level of the national service program is adjusted, it will siphon off many of the recruits our armed services would have attracted. The all-volunteer military has achieved the highest quality armed forces in history, as seen in the brilliant victory of Operation Desert Storm. This quality could be quickly lost and would take years and enormous cost to regain.

Military service warrants a higher education benefit than civilian service because of its unique dangers, hardships, separation from home and family, restrictions on civil liberties, and mandatory time-in-service commitment. To be fair, the level of education benefits should be commensurate with the nature of the service performed. This amendment, which is identical to that adopted in the House, would simply make the educational benefit under this bill 90 percent that of the GI bill.

I understand that the distinguished Senator from Massachusetts and my colleague, the distinguished Senator from Kansas, have agreed to this amendment. I appreciate that.

I think it is fair. At the same time I do not believe that it erodes the benefits that are an integral and essential part of the bill before us.

I thank my colleagues for their consideration of this amendment.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is an area of public policy I know the Senator from Arizona has been very interested in. We had some discussion and debate on this earlier in the consideration of the legislation.

I want to thank him for his working through this process on the amendment. I will urge that the Senate accept this amendment.

We have worked with the Senator from Arizona and the architect of the GI education benefits, Congressman MONTGOMERY. He fashioned the legislation introduced in the House and had it accepted in the House. I offered it in the Armed Services Committee. It is working exceedingly well.

It has offered another major path of support for education for the young people in this country, those associated with the military. We obviously want to continue that program and strengthen it.

It was never the intention that this measure should have any advantage over that educational program.

I think the language that has been worked out and negotiated by the Senator from Arizona reaches that result.

I urge the Senate to accept the amendment.

Mr. ROCKEFELLER. Mr. President, as chairman of the Senate Veterans' Affairs Committee and as a cosponsor of the national service legislation, I am delighted that an agreement was reached on the issue of the national service educational award and the Montgomery GI bill benefits.

National service is an American concept, not a partisan political issue.

I want to warmly commend Chairman KENNEDY and Senator WOFFORD for working so hard over the last few days to find a bipartisan approach to move this vital legislation forward. They have worked hard and accepted a number of amendments offered by the distinguished ranking member Senator KASSEBAUM. Such efforts have strengthened the legislation.

I was heartened that the need for a cloture vote was vitiated today, and I appreciate the Members on the other side of the aisle who originally cosponsored the bill, and those who voted for it in the Labor Committee markup.

With that same spirit, an agreement was reached regarding veterans benefits that follows the lead of two distinguish House Members who are noted veterans advocates: Congressman STUMP, ranking member of the House Veterans' Affairs Committee, and Chairman SONNY MONTGOMERY. Through their leadership just 2 days ago in the House, Congressman STUMP's amendment linked the national service educational award to 90 percent of the Montgomery GI bill. This agreement passed by an overwhelming vote of 419 to 6.

Senator MCCAIN's similar amendment was accepted today in a spirit of bipartisanship.

But I also want to stress that by focusing only on money—in the Montgomery GI bill or the national service educational award—we are undervaluing both programs and the young people who volunteer for our Armed Forces or the new National Service Program.

The appeal of both military service and public service is much deeper than monetary benefits of a paycheck or stipend or even grants for college. It is a personal commitment of patriotism and eagerness to serve one's country.

I deeply admire every young person who volunteers for either cause. I firmly believe each should be rewarded with respect and educational benefits for their future.

But in my heart, I know that it is more than the promise of the GI bill that drives young men and women to enlist. The facts bear this out. The Montgomery GI bill awards for 3 years of services are proportionally smaller than those for 2 years, yet most recruits sign up for 3 years anyway.

Still, neither the GI bill nor the educational award should be considered financial bribes to get young people to enlist or volunteer. I believe it is a higher calling and dedication that motivates people to military or public service—both distinguished professions.

As a young man, I had the privilege to serve in VISTA. This opportunity took me to Emmons, WV, and completely changed the course of my life. It was a profoundly moving experience for me, and I am eager to pass this legislation so that more young Americans will have a similar chance to become involved in national service—it will change their lives, and change our country.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MCCAIN. Mr. President, I thank the Senator from Massachusetts and the Senator from Kansas for their many long hours and days spent on this issue. We have had our disagreements. The fact is both of them have done an outstanding job in advocating their beliefs in this legislation.

Mr. President, I ask unanimous consent that Senator MURKOWSKI be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 741) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 742

(Purpose: To clarify the limits on the liability of volunteers)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. DECONCINI, proposes an amendment numbered 742.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE VI—LIMITATION ON LIABILITY OF VOLUNTEERS

SEC. 601. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many public and private not-for-profit organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments, foundations, and other civic programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) the efforts of not-for-profit organizations, local government, States, and the Federal Government to promote voluntarism, and community and national service, are adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(5) because Federal funds are expended on useful and cost-effective social service programs which depend heavily on volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—The purposes of this title are to promote programs of community and national service, to promote the interests of social service program beneficiaries and taxpayers, and to sustain the availability of programs and not-for-profit organizations and governmental entities which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with not-for-profit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 602. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 603. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—To be eligible to receive full financial assistance under subtitle C of title I of the National and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a not-for-profit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity and such functions and duties are directly connected to the administration of a program described in section 122(a); and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual; and

(3) the volunteer was not operating a motor vehicle and was not operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any not-for-profit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any not-for-profit organization or governmental entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(4) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 604. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer' means an individual performing services for a not-for-profit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "not-for-profit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

SEC. 605. EFFECT OF STATE FAILURE TO LIMIT LIABILITY.

If on a date determined by the Corporation for National and Community Service that is not later than October 1, 1995, a State fails to have in effect (and to certify in its application under section 130 of the National Community Service Act of 1990 that the State has in effect) a limitation on liability that satisfies the requirements of this title, the allotment for such State under section 129(a) of such Act shall be reduced by 5 percent, and the Corporation shall use the amount of the reduction to make a reallotment to other States that have in effect (and so certify) such limitation.

Mr. MCCONNELL. Mr. President, I would just say at the outset, it is not my desire to delay the Senate this afternoon.

I have had some discussions with the Senator from Massachusetts about the amendment that I have offered. I am willing to enter into a very short time agreement, if that would help him. Otherwise, I will be happy to proceed with a description of my amendment.

Mr. KENNEDY. Mr. President, how much time would the Senator suggest?

Mr. MCCONNELL. I would say to my friend from Massachusetts, just 5 or 10 minutes to explain what the amendment is about.

Mr. KENNEDY. Half an hour, evenly divided?

Mr. MCCONNELL. That would be fine.

Mr. KENNEDY. Mr. President, I ask unanimous consent that there be a half-hour time limitation on the amendment of the Senator from Kentucky, to be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, what this amendment seeks to do is to provide a shield from liability for unpaid volunteers of nonprofit or Government entities for any act or omission in the course of performing official functions and duties directly connected to the administration of a program under the national service bill.

I am told an amendment essentially like this was adopted on the national service bill in the House of Representatives by a rather large margin. This amendment has the following stipulations:

To be shielded from liability, the volunteer must have, first, been acting in good faith; second, been within the scope of their official functions and duties; third, their official functions and duties must be directly connected to the administration of a program under the national service bill—it is very narrowly crafted—fourth, the damage or injury in that particular instance was not caused by willful or wanton misconduct on the part of the volunteer; and, fifth, the volunteer was not operating a motor vehicle and was not operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

So this is not broad tort reform. This is a good samaritan provision, narrowly crafted to provide protection for those who will become involved under this national service bill.

In terms of incentives, States that did not adopt this volunteer liability protection would lose 5 percent of their Federal liability allotment and that would go to States who are certified to be in compliance.

There are currently about 30 States that have laws similar to this amendment. I repeat: This amendment, which is essentially a bill, I might say, introduced by Senator DECONCINI, who deserves full credit for the initial idea—this amendment, essentially as-is, was attached to the national service bill in the House.

There are also 119 organizations that support the DeConcini bill, which is essentially this amendment. I will not read the entire list, but I will read a few of them:

The American Association of Blood Banks, the American Diabetes Association, the American Heart Association, the American Red Cross, Big Brothers/Big Sisters of America, the Boys Club of America, the Girl Scout Council of the USA, the National Easter Seal Society, the National PTA, the Salvation Army, Save the Children.

In fact, there are 119 organizations that endorse this approach, providing some protection for volunteers.

Mr. President, I ask unanimous consent this list of 119 organizations be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SOME OF THE ORGANIZATIONS SUPPORTING VOLUNTEER PROTECTION

Air Force Association
American Arts Alliance
American Association for Marriage and Family Therapy
American Association of Blood Banks
American Association of Manufactures
American Association of Museums
American Association of Nurserymen
American Association of University Women
American Camping Association
American Chemical Society
American College of Cardiology
American Concrete Pipe Association
American Council on Alcoholism
American Council on Education
American Dental Association
American Dental Hygienists Association
American Diabetes Association
American Heart Association
American Horse Council
American Hospital Association
American Legislative Exchange Council
American Medical Association
American Motorcycle Association
American Optometric Association
American Recreation Coalition
American Red Cross
American Society for Personnel Administrators
American Society of Association Executives
American Society of Mechanical Engineers
American Speech-Language-Hearing Association
American Symphony Orchestra League
American Tort Reform Association
American Traffic Safety Services Association
Associated Locksmiths of America
Association of Governing Boards of Universities and Colleges
Association of School Business Officials
Association of Volunteer Administrators
Association of Wall and Ceiling Industries
B'nai B'rith International
Big Brothers/Big Sisters of America
Boy's Club of America
California Credit Union League
Center for Nonprofit Corporations

Community Associations Institute
Council of Community Blood Centers
Credit Union National Association
Electronics Industries Association
Federation of Parents for a Drug Free Youth
General Aviation Manufactures Association
General Federation of Womens Clubs
Girl Scout Council, USA
Greater Washington Society of Association Executives
Helicopter Association International
Home Builders Institute
Home Builders Institute Board of Trustees
Human Ecology Action League, Inc.
Independent Sector
International Association of Fire Chiefs
International Racquet Sports Association
Iowa Grain & Feed Association
Lincoln National Sales Corporation
Literacy Volunteers of New York State
Little League
Lupus Foundation of America
Metro Health Services Federal Credit Union
Montana Congress of PTA
National Association of Federal Credit Unions
National Association of Manufacturers
National Association of Professional Engineers
National Association of Towns and Townships
National Association of Water Companies
National Association of Wholesale Distributors
National Club Association
National Coalition of Arts and Therapy Associations
National Council of Community Hospitals
National Council of Jewish Women
National Crime Prevention Council
National Easter Seal Society
National Electrical Contractors Association
National Employee Services and Recreation Association
National Federation of Independent Businesses
National LP Gas Association
National Military Family Association
National PTA
National Safety Council
Nation School Volunteer Program
National Society of Fund Raising Executives
National Society of Professional Engineers
National VOLUNTEER Center
National Youth Sports Coaches Association
Navy League
Neighbor for Neighbor, Inc.
Omaha Police Federal Credit Union
Prison Fellow Ministries
Road Runners Club of America
Safeway Foods
Salvation Army
Save the Children
Sheet Metal & Air Conditioning Contractors
Silver Bow Volunteer Fireman's Council
Sister Cities International
Society of American Florists
Society of Automotive Engineers
Society of Incentive Travel Executives
The American Council on Alcoholism
The American Occupational Therapy Association
The Auxiliary to the American Optometric Association
The Cleveland Association for the Blind
The Federation of State Humanities Councils
The Junior League of Great Falls
The National Multiple Sclerosis Society
The National Parent-Teacher Association
United States Farm Bureau Federation
United Way
Volunteer Trustees of Not-for-profit Hospitals
Volunteer: The National Center
Volunteers for Outdoor Colorado
Water Environment Federation
Water Pollution Control Federation
Whitefish County Water & Sewer District
Women in Executive Service
YMCA
Young Women's Christian Association

Mr. McCONNELL. Mr. President, while the Senate debates whether to pay people for national service, millions of Americans interested in engaging in truly voluntary national service must contend with the very real threat of lawsuits and expensive liability insurance premiums. Many Americans opt not to engage in volunteer activities because they cannot afford the premiums or they are afraid of being financially wiped out through liability lawsuits.

Trial lawyer lobbyists and their skills—so-called consumer activists—would have people believe there are not enough lawsuits in this country. The American people know better. The fact is, the ravenous lawsuit industry causes all Americans to fear that they will be hit with a lawsuit. Guilty or innocent, any lawsuit target can be financially destroyed just trying to fend off the packs of contingency-fee lawyers. Often, the only escape is to pay "lawyer-mail"—in other words, settle out of court.

To guard against this, people understandably load up on liability insurance—you might call it catastrophic lawsuit insurance. If that is not available or affordable, they simply avoid doing anything which could expose them to liability; for example, volunteering to coach a Little League team, or volunteering as a paramedic at the local fire department.

Thus, while we are here debating an expensive bill to encourage national service, our rampant litigation system is simultaneously discouraging national service by making it too risky to volunteer for your community.

The message that millions of would-be volunteers are getting from our legal system is this: Serve and be sued. As the old saying goes, no good deed will go unpunished. If you help your community out of the goodness of your heart, it could cost you a lawsuit. The "Thousand Points of Light" have been replaced by a thousand points of liability.

To alleviate the liability threat to volunteers who would like to participate in programs sponsored by the national service bill, my amendment would establish what I have called a Good Samaritan rule. This provision is very similar to the Volunteer Protection Act, which has been championed over the years by Senator DECONCINI.

It is not a new idea. A hearing was held on the proposal in the 100th Congress. And it is not particularly long—just seven pages. Moreover, the amendment is even narrower in scope than the original bill.

The truth is that this amendment is not everything I would like it to be. I would prefer to go much further to protect volunteers and charitable groups from our civil justice system, which has run amok. However, this is a fair and limited measure, which would promote the ideal of national service advanced by the underlying bill.

Let me briefly point out that this amendment is quite different from the approach I personally have taken in the past to the liability issue. It does not preempt State tort law, as my proposals have in the past. Rather, it provides a small incentive to reduce volunteer liability, by withholding 5 percent of a noncomplying State's allotment under this bill, if they choose not to adopt a volunteer protection law. Also, my amendment would distribute those funds to States that do adopt a volunteer protection law.

Specifically, to avoid this 5 percent withholding, this amendment would require that a State:

> provide by law that any volunteer of a not-for-profit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—
>
> (1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization;
>
> (2) such damage or injury was not caused by willful and wanton misconduct by such individual; and
>
> (3) the volunteer was not operating a motor vehicle and was not operating a vessel, aircraft or other vehicle for which a pilot's license is required.

Mr. President, 30 States have already enacted volunteer liability statutes consistent with this amendment.

The amendment also gives States latitude in stipulating certain conditions before immunity from liability is granted. States could require that the organization for which the volunteer is operating:

First, adhere to risk management procedures, including mandatory training of volunteers;

Second, be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees;

Third, provide a "financially secure source of recovery" for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity.

Finally, a State could determine that the protection would not apply in the case of a suit brought by an officer of a State or local government to enforce a Federal, State, or local law.

Mr. President, that basically is the crux of the amendment that I have offered. I had hoped it might be accepted. I have heard in the past when I have offered similar amendments that we have not had hearings. In fact, we have had lots of hearings, I believe, on this or similar subjects, for tort reform over the years.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. McCONNELL. I retain the remainder of my time and yield the floor.

Mr. BIDEN. Mr. President, is time being controlled?

The PRESIDING OFFICER. Yes; the Senator from Massachusetts controls the time.

Mr. KENNEDY. Mr. President, I yield such time as the Senator may require.

Mr. BIDEN. Mr. President, I think the concern raised by my friend from Kentucky is a real one. We do not want to have volunteers in national service under this legislation having to go out and purchase more liability insurance when they are already making a sacrifice to go and do this.

But I think there may be a better way to deal with his legitimate concern and that is, instead of essentially wiping out any ability for an aggrieved person, badly injured, to recover under the law because there is this hold harmless provision essentially being suggested here, that we should treat volunteers—and I ask the chairman of the committee and the manager of the bill to consider this possibility—that is, we treat the volunteers under the national service legislation like we do people in VISTA, like we do those in other federally sponsored volunteer programs that are not as broad as this, but nonetheless operate under the same principle.

As I understand it—and this amendment has caught me by surprise—this is a matter that I believe should come before the Judiciary Committee. But it seems to me, if my memory serves me correctly, that the VISTA volunteers, for example, are covered under the Federal Tort Claims Act which does two things, which, as I understand from the Senator's comments, he intends to do:

One, it does not discourage voluntarism because the volunteers, if they were negligent under the law, not willfully negligent—notwithstanding the fact that I operate in good faith and I push the wrong button on a piece of power machinery that I am operating as a volunteer, and cause someone to lose their leg or lose their arm, it still could be I am negligent. Not willful; I do not willfully intend to cut that person's leg off or cause the loss of their arm or their life. But it seems to me there still should be minimum standards of negligence that the victim should be protected against.

The way we have done it in the past, Mr. President, to meet the legitimate concerns of the Senator from Kentucky of not discouraging volunteers from having to go out and purchase insurance on their own, is we have put them under the Federal Tort Claims Act, which essentially does the following: It says, all right, if the volunteer in VISTA is negligent and someone suffers serious damage, that person suffering the damage can bring suit if they can prove in court that there was negligence. And under the common law tort standard of negligence and the State standard of negligence in that particular State, if in fact the person was negligent, they should recover for their medical bills and any damages they suffer.

But in this case, it is not against the individual volunteer. It is paid for by, in effect, the hiring agency. In this case, it would be the Federal Government.

And so it seems to me there is a way, if the managers of the bill will consider it—I would like to offer a second-degree amendment, and I would like to send the second-degree amendment to the desk and ask for its immediate consideration. I ask, when it gets to the desk, if the clerk will read it in full. It is very short.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Parliamentary inquiry. Would it take unanimous consent for this under the UC agreement?

The PRESIDING OFFICER. I could not hear the Senator from Kentucky.

Mr. McCONNELL. Parliamentary inquiry. Would it take unanimous consent for the second-degree amendment to be offered?

The PRESIDING OFFICER. The second-degree amendment can be offered when all time is used.

Mr. BIDEN. If the Senator will yield, I withhold sending the amendment. It is not my purpose—if I can have my only copy back so I can read it, at the appropriate time I will hopefully offer it. I apologize for causing anyone any difficulty here.

The amendment I, at some point, propose being considered would read as follows:

> Individuals participating in programs receiving funding under this act shall be covered by the provisions of the Federal Tort Claims Act to the same extent as participants in other federally funded service programs.

In other words, Mr. President, all I would like to suggest is that it seems to me that on the broader exemption, which is essentially exempting not only the individual but the Government and everyone from any liability unless it is willful or as long as it is done in good faith—that is, the act causing the injury—that is a pretty broad exemption. It may be the Senator is right that it is necessary.

My inclination is it is not necessary, but it may be. I will commit to the Senator that I will hold hearings in the Judiciary Committee. We have not held any specific hearings on this specific issue relating to this, to the best of my knowledge, in a long time, if we have ever. I do not doubt that he said that at some point the Judiciary Committee had done it, or someone had done it. It may have been the Commerce Committee when they considered tort reform. I do not recall it occurring in my committee. It may have.

I will commit to him we will focus specifically on the particulars of his amendment and hold a hearing to that effect.

In the meantime, though, it seems to me that it would be prudent to take at least one part of the Senator's concern, and that is the discouraging potential impact of a volunteer being required to have personal insurance in order to be able to work to feel free from any suit that may draw out of a negligent act on their part.

And so, Mr. President, I ask the managers of the bill if they will, A, consider accepting at the appropriate point the amendment of the Senator from Delaware, and B, whether or not the Senator from Kentucky then would be willing to withhold his amendment on the commitment we hold hearings on his amendment in the committee.

The PRESIDING OFFICER. If the Senator from Kentucky will withhold so the Chair can inform the Senator from Delaware and the Senator from Kentucky, I did not complete my statement.

When all time is used or yielded back, the second-degree amendment is in order. There would be no time, however, to debate the amendment. You would have to go directly to a vote.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from Kentucky for bringing focus to this particular issue. As the Chair has pointed out, when all the time expires—there are only a few minutes left—the amendment of the Senator from Delaware would be appropriate. I hope that we will accept the amendment of the Senator from Delaware, particularly with his commitment that he will conduct further hearings on this whole subject matter.

But as the result of the acceptance of the amendment of the Senator from Delaware, the coverage for all these volunteers will be identical to the kind of coverage that exists for all the service programs. I think that is important that we do that, and I think the Senator from Kentucky has been helpful in ensuring that we will do that.

I hope, Mr. President, when all the time has expired, that the Senator from Delaware will offer his amendment and then I hope it will be accepted. I think that will be an important protection, both for the volunteers and the voluntary agencies.

How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts controls approximately 7½ minutes. The Senator from Kentucky, about 5½ minutes.

The PRESIDING OFFICER. Who now yields time?

Mr. McCONNELL. Mr. President, I am going to yield most of my remaining time to my friend from Arizona, who is the original author of this proposal and the cosponsor of this amendment.

First, let me say in response to the observations of the Senator from Massachusetts and the Senator from Delaware, essentially this same amendment was adopted 2 days ago in the House of Representatives on this very bill by a vote of 358 to 69. So it would be my intention at the appropriate time to move to table the second-degree amendment that will be offered by the chairman of the Judiciary Committee.

This is not a revolutionary proposal. We have had hearings on these kinds of subjects over the years ad nauseam. I think we know what this does. The House of Representatives approved of this amendment overwhelmingly. I hope the Senate will, as well.

How much time do I have remaining?

The PRESIDING OFFICER. Four minutes. Who yields time? The Senator from Kentucky has the floor.

Mr. McCONNELL. I am going to yield the remainder of my time to the Senator from Arizona.

Mr. BIDEN. On Senator KENNEDY's time——

Mr. KENNEDY. I yield the remaining time to the Senator from Delaware.

Mr. BIDEN. I do not want to interfere with the statement of the Senator, but I think it is particularly pertinent to ask a question, on my time, of the Senator from Kentucky.

As I understand it, the amendment that the House passed requires the States institute a measure to ensure proper risk management procedure and that the version of this amendment that passed the House contained that requirement.

Will the Senator accept the exact same language that the House has?

Mr. McCONNELL. I say to my friend from Delaware—again, I am assuming I am on his time.

Mr. BIDEN. Yes.

Mr. McCONNELL. That the volunteer organizations who are the principal beneficiaries of this amendment overwhelmingly do not like, I think, what was referred to as the Bryant attachment to the House bill. The groups for whom this amendment would be helpful overwhelmingly disapprove of that, so I think I would not be in a position to accept that.

Mr. BIDEN. Mr. President, continuing on my time, I would like to point out then, notwithstanding the representation that this is essentially what the House passed, this is not essentially what the House passed.

What is being offered, although meritorious, "ain't" what the House did. If we want to make it what the House did, let us make it what the House did or let us point out that it is not what the House did, and what the House did is not relevant to this point. They believe it is important to add a provision that the States be required to institute measures to ensure proper risk management procedures. That is the fundamental difference in the two amendments.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, it is in most ways similar to what the House did 2 days ago. The Senator from Delaware is correct; the so-called Bryant weakening amendments were adopted.

The reason I am unwilling to accept those amendments is because the 119 organizations who support the DeConcini bill think that that guts it.

So I think that would not be a step in the right direction.

Mr. President, I yield the remainder of my time to the distinguished Senator from Arizona.

Mr. DeCONCINI. I thank my friend from Kentucky, Mr. McCONNELL. I thank him for offering this amendment. I support it wholeheartedly, with the greatest respect to the chairman of the Judiciary Committee, I have worked for a couple of years trying to get this legislation on the floor in a proper manner. It is no fault of anybody in particular because this is a busy body and there are a lot of things going on. But this amendment is absolutely necessary.

This amendment says—it is slightly different than the House—and I am going to read it:

> Liability Protection for Volunteers. To be eligible to receive full financial assistance under subtitle C of title I of the National Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a not-for-profit organization or governmental entity shall incur no personal financial liability for a tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity.

And then there are some exceptions: The individual must have been acting in good faith and not in wanton, malicious misconduct. And the volunteer was not operating a motor vehicle or an aircraft, et cetera, under the influence.

Then it lists all the additional things that the State may require, but not mandating them. The Senator from Kentucky is correct; we do not need to mandate all of those to provide what we need to do.

This amendment is very similar to the Volunteer Protection Act of 1993 which I introduced earlier this year. The amendment requires States to provide protection from tort litigation to volunteers who donate their time under the National Service Act.

For a number of years now I have been convinced of the need to protect volunteers from possible tort litigation while they donate their time. Volunteers have always been an integral part of American society.

There are over 250 national volunteer organizations which contribute many hours of community service. Without their contribution, many communities' needs would not be met because of the cost. In 1987, alone, for example, 80 million volunteers contributed 19.5 billion hours of their time, equivalent to $150 billion in public employee salaries.

In Los Angeles, 740 reserve officers in the Los Angeles Police Department saved the city and county between $6 million and $11 million a year by donating their time.

What is necessary here is that we give some protection to volunteers. In the case of the amendment before us, that is what is so important. We are going to reward volunteers. Certainly they should not be subject to a tort litigation when they have not acted in a grossly negligent manner.

The reality is that these valuable human resources are decreasing at an alarming rate because of the fear of litigation, which could rob them of their personal assets.

A 1991 Gallup Poll of volunteer organizations at the national, State, and local level revealed that over 60 percent of those polled were concerned about such litigation.

And a 1988 Gallup Poll showed that one out of every seven nonprofit agencies had eliminated one or more of their valuable programs because of their exposure to lawsuits. Sixteen percent of volunteer board members surveyed reported withholding their services to an organization out of fear of liability. They are no longer willing to take that liability, and you cannot blame them. We are supposed to be a country of volunteers, and we are. But if they are open to this kind of tort liability, it has to change.

This amendment would require States to adopt laws granting volunteers, acting in good faith and within the scope of their duties as volunteers under the National Service Act, immunity from civil liability. Those who have been injured would continue to have recourse against the organization for financial redress. At the same time, individual volunteers would remain accountable for harmful acts done in a willful or wanton manner.

Those States that fail to enact volunteer protection legislation within 2 years after the effective date of the National Service Act, would see a 5-percent decrease in their allotment of funds under the National Service Act.

A similar amendment sponsored by Representative PORTER was adopted during consideration of national service legislation in the House of Representatives.

Thirty to thirty-five States provide some statutory protection for volunteers. This amendment would require the 15 to 20 States with no protection to enact legislation providing limited liability for volunteers.

I urge my colleagues to accept this amendment to insure the active participation of volunteers and volunteer organizations in national service.

Mr. BIDEN. Mr. President, how much time is in control of the Senator from Delaware?

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired. The Senator from Delaware has 5 minutes 45 seconds.

Mr. BIDEN. Mr. President, this is a very important subject. I would like to ask my friend from Arizona—and as we say in this body, he is my friend—would the concern of the Senator about discouraging voluntarism in this particular piece of legislation not be met by covering all the volunteers under the national service legislation the same way we cover the VISTA volunteers, not like we cover—because we do not have the authority federally at this point to cover the Boy Scouts and the 90 other organizations or whatever that were named. But would it not, for purposes of this legislation, meet his concern that they be covered under the Federal Torts Claims Act, which means that the volunteer is personally exempted from liability? Would not that meet that requirement?

Mr. DECONCINI. If I can respond to the Senator——

Mr. BIDEN. Please.

Mr. DECONCINI. The fact is, in answer to the Senator's question, that the effort of the amendment by the Senator from Kentucky is to be broader than that.

Mr. BIDEN. I understand that.

Mr. DECONCINI. And nobody is trying to skirt that.

Mr. BIDEN. I understand that.

Mr. DECONCINI. The purpose of this is to get that extended so the States must grant that immunity from liability.

Mr. BIDEN. The Senator always answers my questions. The truth of the matter is, his immediate concern as it relates to these particular people we are about to pass a law to encourage to volunteer, they would be covered if we put them under the Federal Torts Claims Act. So that no volunteer under the National Service Program would say, I would have volunteered under the National Service Program but I am not going to now because I may be subject to liability. We would be able to answer and say, no, the law says, the Federal law says you are exempted personally from liability because you are covered like VISTA volunteers under the Federal Torts Claims Act.

Now, conversely, my son, for example, who is with a Jesuit volunteer corps, spending a year running an emergency service shelter on the west coast, would not be covered. We have to work that out.

Mr. DECONCINI. We want to cover that.

Mr. BIDEN. We want to cover that.

Mr. DECONCINI. And this would do that.

Mr. BIDEN. My point is this. This is a relatively contentious amendment. Why not take care of all of the people who will be covered under this bill, exempt them from personal liability, and I give my friend my personal assurance that the Judiciary Committee will hold hearings on extending the purview, not of the Torts Claims Act but the purview of exemption from liability along the lines that the Senator from Arizona has been suggesting for some time, to other endeavors that are not federally funded programs, because all that is before us today is the hopefully thousands of young people and not so young people who will take advantage of this legislation to volunteer to better the health and public welfare of the people of this Nation.

Let us take care of them now and then move on to determine whether we extend it beyond that. That obviously, I understand, is more of a rhetorical question than a question. I know the Senator wants it beyond that. But I think by his own acknowledgement his concern about individuals who will be covered by this legislation would be met if we put them under the Federal Torts Claims Act.

Mr. MCCONNELL. Will the Senator yield for a quick question?

Mr. BIDEN. Sure, I will.

Mr. MCCONNELL. As I understand the Biden second-degree amendment, which will be offered at the appropriate time——

Mr. BIDEN. Yes.

Mr. MCCONNELL. Only those people receiving a stipend or payment under the national service bill would be covered, not the unpaid volunteers. Is that correct?

Mr. BIDEN. The answer to that question is correct, which is the overwhelming bulk of all the people who will fall under this act.

I reserve the remainder of my time, Mr. President, and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BIDEN. Mr. President, since I walked on the floor and was greeted with the opportunity to defend this amendment without any notice, I was unaware of the unanimous-consent agreement and that I may have taken time under the agreement. I have been informed by able staff that in order for me to put in a quorum call I have to ask unanimous consent that a quorum call be placed without its use going against the time of the Senator from Delaware. I so ask unanimous consent.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BIDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, it is my understanding that there is 1 minute under the control of the Senator from Delaware. If that is true, I yield it to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, this whole matter—and I believe people do not realize it, but it is an insurance company relief bill. Every homeowners' policy contains a comprehensive liability provision that gives insurance coverage. Every tenant and lessor policy, where people are renting and have insurance to cover their personal property and their furniture, practically in every instance, has comprehensive liability coverage.

Every insurance policy that companies, including nonprofit organizations, have on comprehensive liability covers volunteer acts. If you act as a volunteer and you act negligently, there is insurance coverage. So the people that benefit from this relief bill are the insurance companies.

I think people should realize what is going on here.

The PRESIDING OFFICER. The Senator's time has expired.

All time has expired.

Mr. BIDEN. Mr. President, is it appropriate at this moment for the Senator from Delaware to send his second-degree amendment?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 743 TO AMENDMENT NO. 742

Mr. BIDEN. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 743 to amendment numbered 742.

In lieu of the matter proposed to be inserted; insert the following:

Individuals participating in programs receiving funding under this Act shall be covered by the provisions of the Federal Tort Claims Act to the same extent as participants in other federally funded service programs.

Mr. MCCONNELL. Mr. President, I move to table the Biden second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Senator from Massachusetts.

Mr. KENNEDY. Could I inquire of the Senator? For the convenience of the Senate, if it is agreeable to the Senator, I understand Senator BROWN has an amendment, it is agreeable for a very short time limit, and then we can vote on all of these amendments together.

Mr. MCCONNELL. Senator KASSEBAUM suggested that to me earlier. I am happy to accommodate the Senator.

Mr. KENNEDY. I appreciate that.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Massachusetts has entered a unanimous-consent request that the vote on this motion to table will be withheld, and we will have that vote following the debate on the Brown amendment, which will soon come; that both of those votes will occur at the same time. Is there objection?

Mrs. KASSEBAUM. Reserving the right to object, I will not, if I may just for a moment, before the Senator from Colorado starts his debate, it might be useful before Senators come over to vote to have some idea of what is still outstanding. On my calculation, I know of no other amendment that will require a vote beyond the Senator from Kentucky, the Senator from Delaware, and the Senator from Colorado. Have all other amendments been agreed to?

Mr. KENNEDY. I believe we have been in contact with those who have amendments that have been agreed to under the agreement of the majority leader. We made very substantial progress. At the time of vote, I will give a full report. But at least at this point, we do not anticipate that there will be a requirement for other rollcall votes. That is at least our initial representation. We will give a more precise one at the time that we have the vote.

Mrs. KASSEBAUM. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 722

(Purpose: To modify the amount of the national service educational benefit)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN], for Mr. COHEN, for himself and Mr. BROWN, proposes an amendment numbered 722.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 77, strike line 20 and all that follows through page 78, line 7, and insert the following:

"(a) AMOUNT GENERALLY.—

"(1) FULL-TIME SERVICE.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of full-term service as provided in section 139(b)(1) in an approved national service position shall receive, for each of not more than 2 of such terms of service, a national service educational award between $1,500 and $5,000, depending on the expected family contribution for a student, calculated in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) as if the participant were a student at the time of such calculation.

"(2) PART-TIME SERVICE.—Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of part-time service as provided in section 139(b)(2) in an approved national service position shall receive, for each of not more than 2 of such terms of service, a national service educational award between $750 and $2,500, depending on the expected family contribution for a student, calculated in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) as if the participant were a student at the time of such calculation.

Mr. BROWN. Mr. President, I ask unanimous consent that the debate on this amendment be limited to total of 8 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object.

Mr. President, this is an important amendment. I am not interested in delaying the Senate. I think this involves educational issues. We have the chairman of the Education Committee and others who want to speak briefly. If the Senator wanted to make it a half-hour, I believe we can do it in less.

Mr. BROWN. I say to my friend that whatever time the Senator suggests, I am happy to abide by. The suggestion of a unanimous consent——

Mr. KENNEDY. Fine. I ask unanimous consent for a half-hour evenly divided, and we will be glad to yield back time if we can.

The PRESIDING OFFICER. Is there objection?

Senator KENNEDY has suggested a half-hour of debate on this.

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent further that no second-degree amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

• Mr. COHEN. Mr. President, this is an amendment that would reduce the total cost of the national service bill while ensuring that available education benefits go to those most in need.

The compromise bill offered by Senators KENNEDY and DURENBERGER would provide $4,725 to full-time national service participants and $2,500 to part-time national service participants, whether pauper or millionaire. My amendment would set the educational award provided to full-time national service participants at a minimum of $1,500 and a maximum of $4,725 for each term of service and would set the award provided to part-time national service participants at a minimum of $750 and a maximum of $2,500. The actual award amount an individual would receive would vary depending on the participant's expected family contribution as calculated in accordance with the Higher Education Act of 1965.

This amendment represents a balanced compromise between the $1,500 educational award amount contained in Senator KASSEBAUM'S bill, which I and 37 of my colleagues supported, and the $4,725 amount for full-time participants just passed this body and the $2,500 amount for part-time participants contained in Senator KENNEDY's bill, on which we will soon vote. The amendment would not only provide a minimum level of educational benefits to all participants in the new national service program, thus providing them with a means to finance an education, but would prevent the Federal Government from unnecessarily allotting our Nation's limited education financial assistance to high-income individuals.

The expected family contribution level used to calculate the award is not a new formula that I have devised for this amendment. Rather, it is the formula used to determine financial need for other federally supported education programs—the Federal Pell Grant Program, subsidized Federal Stafford Loan Program, and the campus-based programs, such as the Federal Supplemental Educational Opportunity Grants [FSEOG], Federal Perkins Loans, and Federal Work-Study. Although the calculation of expected family contribution level is not a perfect measure, it is the best one that is now available. It takes into account the independence of students from their families and the income and benefit levels of students and parents, if a student is dependent.

While I understand the concerns of my colleagues who do not want national service participants who work side-by-side to be paid differently, I disagree with the contention that participants receiving different amounts in education grants is a problem. Under the bill before us, and under my amendment, every participant in the new national service program would receive a living allowance and, if needed, health and child care benefits. Thus, participants would receive equal pay for equal work.

My amendment would only allow for differences in educational award amounts. This is not a unique situation. Under the current Federal financial aid system, for example, recipients receive different levels of Federal aid depending on their financial need. Thus, at colleges and universities throughout this country, students who receive full tuition live, study, and work side-by-side with students who receive no Federal aid whatsoever.

I also believe that the concept of national service participants receiving the same educational benefit amount, regardless of family income, is irresponsible to our taxpaying citizens. Particularly in these pressing times, our current fiscal situation demands that the Federal Government spend its money wisely. Clearly, it would be ideal if this country could afford to fully support all individuals who want post secondary education or job training. Unfortunately, this is not the situation in which we find ourselves today. Therefore, providing educational benefits to people who clearly have the means to finance their own education is not a responsible position. Any money that the Federal Government targets for financial aid should be targeted to those most in need—ideally those individuals who would be unable to receive a postsecondary education without financial assistance. My amendment would be a small step toward equalizing the opportunities for individuals of all income levels and not give high-income individuals an award that will give them further advantage over low-income citizens.

In sum, my amendment represents a well-balanced compromise between one aspect of the national service proposals that has been presented to the Senate. By varying the educational award amount based on expected family contribution, I believe that my amendment would reduce the amount of Federal dollars committed to this costly national service plan. My amendment would also provide a minimum level of educational benefits to all participants in the new national service program and a maximum to those individuals who need it most. I urge my colleagues to support this amendment. I think it represents both wise and responsible public policy.●

Mr. BROWN. Mr. President, this amendment is straightforward and simple. I think all Members are aware that the compensation to participants in this program involves a variety of factors.

One, of course, is the living allowance that has been discussed and debated.

The second is a health insurance that has been debated and discussed.

Third would be child care, if that is appropriate, for the participants.

A fourth area of compensation for those who participate in this program is in the area of an educational award. I say compensation. Perhaps it ought to be phrased simply an educational award. It is in addition to the other three levels of compensation. The current bill now is set at $4,725.

Mr. President, I call the attention of the Senate to the fact that in all other educational grants, the programs that affect this country that have been adopted over the years by not only our Education Committee but the body as a whole, they have included a calculation involving expected family contribution. And, put simply, what this Senate and Congress have done, along with the concurrence of the President, is said that educational grants and awards will be given on the basis of need. If you are a millionaire and do not need it, you get less than if you do need it.

What we have done is tried to tailor the benefits that we allocate in the educational areas to those who need it. There are those who think that policy is wrong. There are others that think it is right and that it makes scarce dollars go further.

I believe this bill should be consistent with other Federal policy. To embark on a different course for educational grants in this measure than what we do in every other program, I think is a mistake. If we want to reexamine that policy, perhaps we should. But to say we are going to give, in the educational grant in this bill, the same amount to millionaires as for the poor makes no sense at all.

What we are about in this Chamber right now, at a point in our history where the budget deficit is staggering, is to try and see if we cannot make the best use of Federal dollars and of the funds that we make available. I believe that ought to apply to this bill as in every other bill. We ought to target our money so it reaches the areas where it is most needed. That is what this amendment does. It simply says we are going to take the expected family contribution formula and apply it to this educational grant.

There is one exception to that. The Cohen-Brown amendment sets minimums and maximums. Under the amendment, it would set a minimum level for full-time applying participants for $1,500. The maximum would be the maximum allowed now, $4,725. If you are a part-time national service participant, it would set the minimum level at $750 and a maximum at $2,500.

The message of this amendment is simple and basic: We are going to target the education grants present in this bill. We are going to use exactly the same formula used in all of the other programs we talked about.

What are they? These are the same formulas used in the Pell grant, with the exception of the minimums; the same as the FSEOG, the Federal supplemental educational opportunity grants, Federal Perkins loans, and Federal Work Study Program, and the Stafford Loan Program.

I believe there is no justifiable excuse for charging the taxpayers the extra money that this bill does. I believe there is no justifiable excuse to give grants and awards to millionaires where it is not needed. Ultimately, it shortchanges those who would like to participate in this program and, yet, there is not enough money left for them. As we debate this bill, the size of the bill has been one of the focal points. The need to target our funds is preeminent, I think, in other areas also.

If you want to target this money and make it go as far as you can, setting this needs test for the educational awards will ultimately allow us to have more young people have this experience and more young people go through this experience for the same total dollar cost.

If your preference is to give the same award to millionaires, or children of millionaires, that you give to the poor, then you want to oppose this amendment.

Mr. President, I think this is a wise amendment, drafted and prepared by Senator COHEN. I think it makes the money go farther, and I think it will help the taxpayers in the long run. Most importantly, I think it says we are going to be consistent in the way we make educational grants and awards.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I would like to inquire of the Senator, does the Senator support this same concept for those that are in the military? We just accepted the McCain amendment. Would you means-test educational benefits of a private or a sergeant in the military?

Mr. BROWN. I think if you develop the same program——

Mr. KENNEDY. We already have it.

Mr. BROWN. I will answer the question if the Senator gives me a chance. If you develop a similar program in the military, designed to be used as a training program where somebody earns educational benefits, I think that is fine. If you are talking about an educational benefit earned as part of being in the military service, I would not. I think they are two separate and distinct purposes.

The educational program in the military is designed to be part of the compensation package you get for going into the military. The educational benefit here is designed and related to a program not related to a long-term service or career. Nobody is suggesting that you would stay in this program for a lifetime or a career. This is one of the benefits given in addition to the training. I see the two programs as different, with different purposes.

Mr. KENNEDY. Mr. President, given the limited time, I do not wish to debate the issue.

This program is already means tested. Any young person that gets a $5,000 grant, even if he is Donald Trump's son, pays taxes on that educational award. If they are paying at a 30-percent rate or 35-percent rate, they lose some of the benefit. That is already a form of a means test. And it is already in the legislation.

We have other targeted programs. The Pell grant program and the Stafford program are targeted to the poorest children in this country. What we are trying to do is open the door a little bit to middle-income families. What is wrong with the sons and daughters of working class families that wish to serve, receiving a year of minimum wage, and a $5,000 reward for their good citizenship? This may make the difference in opening up educational opportunity to them.

It seems to me, Mr. President, that those are the individuals who can benefit. The Senator's amendment does nothing about moving funds to the Pell grant programs or other needy programs for students. All it does is cut this program. It will cut the program for sons and daughters of working-class Americans who are trying to do something for their community. That is what it does.

If you accept the amendment of the Senator from Colorado, you are denying these working-class Americans the opportunity to serve.

I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. DODD. Madam President, I thank our colleague for yielding.

I think a distinction needs to be drawn here. The Senator from Colorado has talked about the Pell grants, student loans, supplemental work programs, Perkins loans, and the like. Those are fundamentally educational assistance programs.

The National Community Service Act is not an educational program. There is a fundamental difference here. It provides an educational benefit, and the beneficiaries of national service, hopefully, will be those who need the service the most.

But as to those who are being asked to serve, we are not trying to set up a differentiation. We are trying to draw everyone into this, regardless of income, regardless of geography, regardless of ethnicity and religion to reflect the diversity of our country.

When I joined the Peace Corps, they did not say they were going to take those only who came from certain income categories or certain parts of the country. My family came from relative affluence. I applied for the Peace Corps.

Today there are Peace Corps volunteers, as a result of actions by this body, who received assistance and receive waivers in terms of payback on student loans.

We did not apply a means test in all that. We said if you served our country we want to provide a reward for you for doing so.

That is what we are trying to duplicate here. We are not making a distinction but rather asking people to be a part of the program and then to provide a benefit.

The point that the Senator from Massachusetts made is a very worthwhile one. We do not apply a means test to the people who served our country in the military. We want our military to reflect the diversity of our country.

So when we go out and recruit volunteers and ask them to come in, we should not discriminate on the basis of their parents' wealth or where they are from, or any other basis. If they come in and want to go on in school, they qualify for GI benefits—that is the parallel, not the Pell grant, not the supplemental educational programs, but the military service.

If we started to apply that test here, the next thing we know, we will have someone get up and say you should only get GI benefits based on some sort of means test. I do not think we want that to happen.

We want our military to reflect the diversity of our society. We want this program, as well, to reflect the diversity of our society.

If we adopt the amendment by the Senator from Colorado, you destroy that fundamental essence of this program.

With all due respect, Madam President, this is an amendment that should not be accepted. If it is, it changes the whole nature of this program entirely and fundamentally. This is not a casual amendment. This goes to the very heart of what this program ought to be.

So I urge this amendment be rejected and reserve the remainder of the time of the Senator from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I urge all of us to oppose this amendment. The educational benefit for national service should be viewed the same way that we do a merit scholarship. It is the reward for meritorious service, service that is well performed and successfully completed.

To means test the program would, in my view, discourage a large number of students from taking part in national service. That is what we do not want to do. Our intent—what we are striving to do is to instill in as many individuals as possible the desire to undertake national service and hope that desire will continue with them through their lives. The participants in national service are to be as diverse as America itself. As the Senator from Connecticut ably said, we should seek diversity. We should stay away from provisions like this Suggestion that would have exactly the opposite effect.

I am afraid the adoption of a means test will jeopardize the breadth of participation that is critical to the success of this program.

It is for that reason that I, for one, will oppose its adoption.

The PRESIDING OFFICER. Who yields time?

The Senator from Colorado.

Mr. BROWN. Madam President, I yield myself 1 minute.

Madam President, we heard an eloquent defense of giving to the wealthy.

Let me simply go through what the facts are here. This program, as I understand it, is not a means test program to qualify for. Everyone qualifies. The implication that you somehow have a means test qualification when you enter the program is not as I understand the bill.

Second, it is far from hurting the poor. What the amendment does is say if you do not need the money, you get a minimum rather than maximum benefit.

The implication is clear and distinct. This will deny the extra funds to the children of millionaires and those who can afford it and it will make what funds are left go further.

I might simply say that if my dear friends on the other side think that making our money go further and using the expected family contribution formula is so bad, they ought to look at the other programs where it has been applied.

Last, with the argument that this is not an educational program, I am puzzled as to why it would come out of the committee that handles educational matters and being talked as educational matter and billed as an educational effort with regards to it.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts controls 6 minutes 44 seconds; the Senator from Colorado controls 8 minutes 37 seconds.

Mr. KENNEDY. I yield 4 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 4 minutes.

Mr. WOFFORD. Madam President, the Senator from Colorado said his amendment is simple and basic.

I would add it is wrong. It turns this idea upside down, and it cuts the heart out of it.

I think the heart out of military service would have been cut when I was in the Army Air Corps if at the end of that service when we came to the GI bill we would get into some complicated formula of means testing.

The heart of what President Kennedy said "ask not what you can do for your country" and go to the Peace Corps would have been cut out if at the end of that service you would get back into all the complications of the valueladened approaches of means testing.

I would like to read from a letter from Marian Wright Edelman on this very subject. No champion of aid to needy children or to people in need is stronger than Marian Wright Edelman. This is what she said.

> At its heart, national service is not an education program. It is an effort to restore American citizenship and rebuild American society. While the services that participants provide should be targeted at those who need them most, the participants ought to be as diverse as America itself. Everyone benefits from serving, not just the poor.
>
> Means testing would threaten to rob the national service initiative of a central idea—that people of all backgrounds should serve, and work side-by-side doing so. National service can bring Americans of varied backgrounds together in the shared experience of working for a common good, building a community of citizens that goes beyond economic or racial lines. Nothing could be more important.

Nothing could be more important.

I yield my time back to the Senator from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Madam President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I know because of the shortage of time, my good friend and colleague from Pennsylvania did not have a chance to finish reading the letter from the Children's Defense Fund.

I simply go to the sentence that follows, the closing line:

> Strict limits on eligibility jeopardize the breadth of participation that is critical to the proposal.

Let me comment to the Members of the Senate to take a look at the amendment. It has nothing to do with eligibility.

The criticism we are faced with is that they ought to be diverse as America itself.

The amendment does not go to eligibility. The argument in the letter that was presented when read in full focuses on eligibility and diversity, and the amendment has nothing to do with it.

If we want to talk about the military, let us talk about the military, but this amendment has nothing do with the military.

If we want to talk about the Peace Corps, let us talk about the Peace Corps, but this amendment does not have anything to do with the Peace Corps.

If you want to talk about diversity in the participation of the program and breadth of participation and restricting access to the program, let us talk about those things. But this amendment does not have anything to do with it.

If you want to criticize the amendment, let us criticize it, but at least review the amendment and talk about what it really does.

What it actually does is use exactly the same formula that this body has imposed on the whole range of other educational programs. It is exactly the same. It is not different?

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BROWN. I will be happy to yield when I finish.

What it does is rely on the same formula. It does not restrict entry. It does not change the compensation stipends someone gets. It does not change the health care they get. It does not change the child care if it is appropriate that they get it. It provides individuals a means for them.

I understand how some Members are going to vote against that, and that is only right if they so believe.

But to characterize this as changing the eligibility for the program is simply not square with the facts. And to talk about the military or the Peace Corps or the other things simply does not focus on what this brings about.

The bottom line of what this amendment does is suggest that the funds we are going to spend in this program ought to be focused, when it comes to the educational grants, on those that need it and not on the children of millionaires.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I yield myself 1 minute.

We already do that in this program by ensuring that the postservice educational award will be considered taxable income for those with high income. If any participant is a wealthy individual, we will tax their benefit. So we are already achieving that goal.

But what is being suggested here is to means test the program, which will destroy a key character of the program: diversity in participants.

I yield 2 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. WOFFORD. Madam President, the Senator from Colorado would say to Americans and to middle-income Americans: Ask not what your country can do for you, but ask what you can do for your country. Then, when you finish the service to your country, along with all sorts of people, you in the middle-class, you in the middle-income, you are not going to get the full award. You are going to get a token award.

That is what means testing does to this program. It undermines the central spirit of bringing Americans together in common service to the common good.

As to the letter I read from Marian Wright Edelman, I ask unanimous consent that the text of the letter be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> CHILDREN'S DEFENSE FUND,
> *Washington, DC, June 11, 1993.*
>
> Hon. WILLIAM D. FORD,
> *Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.*
>
> DEAR CHAIRMAN FORD: I want to thank you for your leadership on the national service initiative. This is truly a society-transforming idea, and largely because of you, we can expect to see a diverse group of young people serving our communities in the very near future.
>
> I understand that amendments that would means-test national service awards or sharply restrict participation are under consideration. I am writing to express my strong opposition to such proposals.
>
> At its heart, national service is not an education program. It is an effort to restore American citizenship and rebuild American society. While the services that participants provide should be targeted at those who need them most, the participants ought to be as diverse as America itself. Everyone benefits from serving, not just the poor.
>
> Means-testing would threaten to rob the national service initiative of a central idea—that people of all backgrounds should serve, and work side-by-side doing so. National service can bring Americans of varied backgrounds together in the shared experience of working for a common good, building a community of citizens that goes beyond economic or racial lines. Nothing could be more important. Strict limits on eligibility jeopardize the breadth of participation that is critical to the proposal.
>
> No one believes more firmly than I that programs with participation targeted at the needy are critically important and the proposal that will be considered by the Committee already requires that half of the funds allocated to states be targeted to areas of economic distress. But, this program has a broaden purpose of inclusiveness as well. National service promises a new spirit of hope for all Americans. It is time to give that spirit a chance.
>
> Sincerely yours,
> MARIAN WRIGHT EDELMAN.

Mr. WOFFORD. Madam President, I would read these excerpts that I did omit last night.

> This is truly a society-transforming idea.
>
> * * *
>
> I understand that amendments that would means-test national service awards or sharply restrict participation are under consideration. I am writing to express my strong opposition to such proposals. * * *
>
> No one believes more firmly than I that programs with participation targeted at the needy are critically important and that the proposal will be considered by the committee—

Accomplishes that. But means testing this program, she says, would take the heart out of it.

Let us not do it, Madam President.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I yield myself 2 minutes.

Madam President, we just heard very eloquent remarks. I might suggest, though, for the record, that the attitudes and the quotes attributed to me are not accurate, are not based on anything I said, nor what I believe.

I think if we are to exchange ideas in this, perhaps it would be more appropriate for someone who wants to quote me or ascribe to me to consider the gist of what I have said before they attribute quotes to me.

Madam President, the question about the meaning of the letter has been raised. I think it is a fair question of debate. The distinguished Senators on the other side may well have had personal contact with the writer of the letter, so perhaps they quoted correctly.

What I have in front of me is a letter. It says in three different places in the letter that it focuses on participation.

> I understand that amendments that would means-test national service awards or sharply restrict participation are under consideration.

That is participation. This amendment has nothing to do with participation. It is not relevant. It is not relevant, just as the income tax is not relevant nor covered by this amendment, just as the Peace Corps is not relevant nor covered by this amendment, just as the military is not relevant nor covered by this amendment, just as the quote that was ascribed to me is not relevant, based on what I have said or implied.

That is in the second paragraph where the reference to participation is.

We already quoted the reference in the fourth paragraph.

The reference in the fifth paragraph is this:

> No one believes more firmly than I that programs with participation targeted at the needy are critically important—

And it goes on to voice concern about that.

Madam President, I do not want to make this a program that is restricted to the needy. That is not the thrust of the amendment. It is not related to the amendment.

It does say, though, that with regard to the educational award, which is different than the three forms of compensation, that we are going to target our money.

The PRESIDING OFFICER. The Senator from Colorado has used his 2 minutes.

Who yields time?

Mr. KENNEDY. I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. WOFFORD. Madam President, I say to the Senator from Colorado that the practical effect of his amendment is that after someone has participated full time, worked hard all year or for 2 years, and they go to college and they come to the financial aid officer, hoping that they are going to have the $5,000 that had been accumulated for their service, and the financial aid officer says: Oh, I'm sorry. I am glad you gave your service and you thought you were going to get this educational award, but, no, you are going to get a fraction of it because your income is too high.

That is one of the things wrong with our society today. I, myself, have grave doubts about that approach. I think it is time to ask all people to share together. And this program is one where they work and share together and the educational voucher that they get at the end should be the same for the middle class as for the poor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I yield myself 1 minute

When we are talking about means testing you are talking about targeting the program to families with incomes of $17,000, $18,000, $19,000. That is what your talking about.

I think there are a lot of families who are making $25,000, $35,000, $45,000, $55,000, $65,000, $70,000, whose kids want to give something back to America, and they are entitled to that kind of educational grant that is included in this bill.

If you vote with the Senator from Colorado, you will never get broad-based participation in the program. These challenges that face Americans are all of our problems and should be solved by all Americans.

For the reasons that have been outlined here earlier, Madam President, I move to table the amendment of the Senator from Colorado.

I withhold that request.

Mr. BROWN. Madam President, I know there is a press for time by many Members. I would be glad to accede to the suggestion of my friend from Massachusetts.

Let me simply note that I think Senators will be glad to know that the concern that they will be surprised of the service, if the amendment passes; is not correct. The formula is well laid out. The minimums are present, as well, in the formula.

I would be happy to yield back the remainder of our time and go to a vote.

Mr. KENNEDY. Madam President, I yield back the remainder of my time.

I move to table the amendment of the Senator from Colorado and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Madam President, on behalf of the managers of the bill, I ask unanimous consent to be able to proceed just for 2 minutes to inform the Members about what the current situation is.

The first vote will be on a tabling motion of the Senator from Colorado.

The PRESIDING OFFICER. If the Senator from Massachusetts will withhold, pursuant to the previous agreement, the vote regarding the amendment of the Senator from Colorado will occur following the vote on the Biden and McConnell amendments. The question will be on the motion to table the Senator from Delaware's amendment, amendment No. 743.

Mr. KENNEDY. I ask the Chair to put that question.

VOTE ON MOTION TO TABLE AMENDMENT NO. 743

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment numbered 743 of the Senator from Delaware, Mr. BIDEN. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Arkansas [Mr. PRYOR], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Texas [Mr. GRAMM], the Senator from New Hampshire [Mr. GREGG], the Senator from Arizona [Mr. MCCAIN], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that the Senator from Maine [Mr. COHEN] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 35, nays 53, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—35

Bennett
Bond
Boren
Brown
Burns
Cochran
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Faircloth
Gorton
Grassley
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Pressler
Simpson
Smith
Stevens
Thurmond

NAYS—53

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin

Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Specter
Warner
Wellstone
Wofford

NOT VOTING—12

Bumpers
Campbell
Chafee
Coats
Cohen
Gramm
Gregg
Hollings
McCain
Pryor
Simon
Wallop

So the motion to lay on the table the amendment (No. 743) was rejected.

Mr. KENNEDY. Mr. President, I hope now that we will vote on the McConnell amendment, as amended by the Biden amendment.

VOTE ON AMENDMENT NO. 743

The PRESIDING OFFICER. The question is on agreeing to amendment No. 743, the Biden amendment.

The amendment (No. 743) was agreed to.

VOTE ON AMENDMENT NO. 742

The PRESIDING OFFICER. The question now is on agreeing to the McConnell amendment, as amended.

The amendment (No. 742), as amended, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I rise to explain my views on the President's national service legislation.

Right to the point, we need to maintain budget discipline. We are agreeing in the budget negotiations to freeze pay, to cut spending, and there we are on the floor trying to launch a new program without the money for it. I said "no" earlier this year with respect to taxpayer subsidies for political campaigns, and again, we need to say "no."

Mr. President, we cannot fund the programs we have. We are freezing Senators' pay, cutting White House staff by 25 percent, and we were asked to cut biomedical research at nine Institutes at the National Institutes of Health. We are cutting drug education for children and student aid. We have been asked by the administration to cut 242,000 students from grants to save $273 million, and now we are asked to create 20,000 volunteers with $300 million. We are told that administrative costs are limited to 15 percent in the first year—I note that even under this restriction, the resulting $45 million in administrative costs alone could help 150,000 students attend school through State student incentive grants.

At the same time, Pell grants see no light at the end of the tunnel. The average family receiving Pell grants 12 years ago made about $12,000. Today, the average Pell grant recipient makes less than $9,000, and the maximum grant amount actually declined since fiscal year 1992. I cannot see providing bonuses and health benefits for volunteers when we cannot pay simple student aid for qualified poor students waiting to go to college. We should help poor students in current programs before we create a new administrative and programmatic expense for national service.

Does anybody remember the TRIO programs? These time-tested programs are proven to help disadvantaged students get through college. This year we had only enough appropriations to fund grants scoring above 96 on a scale to 115. Three hundred million dollars could be well spent to fully fund TRIO if we had the money, but, Mr. President, we do not have it for TRIO, and we should not borrow it for national service.

It was just pointed out with pride by the White House that we already have 2,000 in the volunteer program working the floods in the Midwest. I immediately countered with the fact that there are over 2 million volunteers not in any program working these floods. Voluntarism, is alive and well in America and we don't need to act like we are inventing it here in the Congress. When we aren't immunizing children or paying child care workers enough to keep them, this does not make sense.

Finally, we already have Federal volunteer programs. Peace Corps supports 6,000 volunteers, and VISTA supports 2,800. Many more part-time volunteers are aided by other ACTION programs. These programs compete as priorities within the current, shrinking budget, and we can decide to expand them if that is where the need is.

Mr. President, it is not pleasant to clean up a massive fiscal mess, but that is the task we face under President Clinton's leadership. He has proposed a 5-year budget plan that caps fiscal year 1998 discretionary spending at $538 billion, which is below the fiscal year 1993 level provided under President Bush. As Senators know, this tough measure is needed because this year taxpayers will pay 59 cents of every income tax dollar to pay off creditors after 12 years of borrowing and bingeing. Put another way, every dollar collected west of the Mississippi this year will pay creditors instead of providing Government services.

Thus, the real national service challenge for Members in this Senate is to hold the line on new programs and to help the President put our house in order. We need leadership, and not gridlock, which is why I have voted to end the filibuster on this bill, but I remain opposed to the creation of a new funding responsibility for national service.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am now advised by the manager that agreements in principle have been reached on the following amendments: An amendment by Senator GRAMM, of Texas, regarding political activities; an amendment by Senator DOMENICI regarding reapportioning States; an amendment by Senator DOLE regarding disability and veterans; an amendment by Senator DOLE regarding a DOD report.

The other amendments included on the unanimous-consent list will not be offered. Therefore, Madam President, I ask unanimous consent, notwithstanding the previous unanimous-consent agreement, that it be in order for the previously mentioned agreed-upon amendments, which I have just listed, to be offered as a managers' amendment prior to final passage on Tuesday, August 3; and that third reading of the bill occur immediately thereafter, with all other provisions of the previous unanimous-consent agreement remaining in effect.

Mr. GLENN. Reserving the right to object.

Mr. MITCHELL. Madam President, I renew my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 722

The PRESIDING OFFICER. As previously ordered, the question now is on agreeing to the motion to table amendment No. 722 offered by the Senator from Colorado. The yeas and nays have been ordered.

Mr. MITCHELL. Madam President, in light of the agreement just obtained, this will be the last vote today. We are now pursuing an agreement which would permit us to debate nominations on Monday with no votes to occur on Monday. If we get that agreement, the next vote will be at 10 a.m. on Tuesday. If we do not get that agreement, there will be votes on Monday.

I think we will get it. We are very close to it. And Senators should check with their respective cloakrooms. We will make an announcement on it prior to the end of today, and we should know that shortly. But if we get the agreement, the next vote will be 10 a.m. on Tuesday.

I thank my colleagues for their cooperation.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from Colorado [Mr. CAMPBELL], the Senator from South Dakota [Mr. DASCHLE], the Senator from Nebraska [Mr. EXON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Arkansas [Mr. PRYOR], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Texas [Mr. GRAMM], the Senator from New Hampshire [Mr. GREGG], the Senator from Arizona [Mr. MCCAIN], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I further announce that the Senator from Maine [Mr. COHEN] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 31, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Byrd
Conrad
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatch
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Specter
Wellstone
Wofford

NAYS—31

Bennett
Bond
Brown
Burns
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Grassley
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Packwood
Pressler
Simpson
Smith
Stevens
Thurmond
Wallop

NOT VOTING—14

Bumpers
Campbell
Chafee
Coats
Cohen
Daschle
Exon
Gramm
Gregg
Hollings
McCain
Pryor
Simon
Warner

So the motion to table the amendment (No. 722) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we have made significant progress on national and community service legislation. It is obvious that a solid majority of the Senate supports this legislation, and I am hopeful that by the time we achieve final passage on Tuesday, that the solid majority will be a solid bipartisan majority.

On Wednesday, the House of Representatives approved its version of the bill by an overwhelming vote of 275-152. Republicans in the house worked closely with Democrats, and we are doing the same in the Senate. There has been no attempt to make this a partisan bill, and I believe we have made remarkable progress in accommodating the views of our Republican colleagues in the Senate.

We have continued to discuss the specific provisions of the bipartisan Kennedy-Durenberger-Jeffords-Wofford substitute that is now before the Senate. We have continued to negotiate in good faith. We have achieved further common ground. And the filibuster—or whatever it was—is now over. We have demonstrated that we can work in a bipartisan manner on a bipartisan issue—providing effective opportunities for more citizens to serve their country.

We have engaged in a lengthy process of negotiation since July 20. All of us—Democrats and Republicans—can take pride in the progress we have made.

We have accepted or agreed to accept 27 amendments. Twenty-five of these 27 were Republican proposals to deal with their concerns.

Republicans wanted a shorter program authorization, so we reduced it from 5 years to 3 years. At the end of the 3 years, Congress can extend the program and revise it or improve it, based on the experience we gain.

Republicans wanted less spending. So we include specific authorizations of $300 million in 1994, $500 million in 1995, and $700 million in 1996—an eminently reasonable compromise between the President's original request and Republican proposals for even deeper cuts.

We added a provision to assure Republicans that the National Service Program will not be an entitlement program.

We have responded to Republicans who wanted to pay closer attention to the basic principles of the program. Do we need educational awards to attract participants? Should programs be economically targeted? How should the administration be structured? We agreed that all these issues should be evaluated, and the evaluation will undoubtedly shape the long-term direction of the program.

Republicans wanted to make sure—if we were paying the high cost to support full-time national service participants with postservice educational benefits—that the programs were meeting vital national and community needs. The substitute meets this concern by setting priorities that tie national and community service to the identified areas of greatest need.

We placed specific cost limits on the administration of the program. We increased the role and responsibility of the States in setting priorities and administering the program.

Thousands of young citizens are already expressing their support for this initiative. They attended a Washington rally and sent in postcards and made telephone calls to their Senators. What they want is an opportunity to serve their community—to make their community and their country a better place.

Finally, it is essential to keep in mind the fundamental principle we are debating. Community service—assistance to others, helping others to help themselves, working together to improve our neighborhoods—is what America is all about.

It is a concept as old as the first settlers who came to this land. They created new communities out of wilderness, and built the strongest Nation and the strongest democracy in the world.

In the course of the past two centuries, our greatest resource has always been our people. The challenges we face today pale in comparison with those that previous generations have faced. But we have lost something they had—the sense of community that enables us not just to meet, but to master, any challenge.

President Kennedy understood that, and still today, what people remember most and remember best about his inaugural address is his summons to service—ask not what your country can do for you, ask what you can do for your country.

In recent years, the message sent out from Washington to America too often has been a different kind of summons—a summons to selfishness—ask what your country can do for you.

Now, through this legislation, we can begin to get back to the best of our Nation's roots. We can encourage citizens of all ages and backgrounds to come together to do something for their community and their country.

That is why this measure is so important, and I urge all Senators to give it their support.

As President Clinton eloquently put it yesterday—it is not a Democratic bill; it is not a Republican bill; it is an American bill. And it ought to pass the Senate by a vote of 100 to nothing.

Mr. President, I thank very much my friend and colleague, Senator WOFFORD, of Pennsylvania. There have been many in this body and Chamber who worked tirelessly on the concept of service. I will say additional words about that next Tuesday. But he has been an invaluable ally in this whole process.

I thank my colleague, Senator KASSEBAUM, who, although she differs with us on some of the programmatic aspects of this endeavor, has been enormously committed to the concept of service. Even though she does not support this particular concept at this time, she has been invaluable in helping shape the legislation so that it is more responsive to not just the Members' needs but to all Americans' needs. I am grateful to her.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, I salute Senator KENNEDY, chairman of our committee. As a young man who saw Peace Corps volunteers go forth around the world from the White House lawn, he knew then, and all of us who helped start the Peace Corps knew, that the logic of the Peace Corps was that if we send forth the best young men and women of America to all the countries of Asia, Africa, Latin America, and now into the former Soviet Union and Eastern Europe, the logic of doing that was that we would someday bring that idea home on a big scale.

It has been a long journey of 25 years since some of us started working to follow that logic and to bring the Peace Corps home in new ways in which young people can serve in America with the kind of dedication and the effectiveness Peace Corps volunteers have done abroad.

We are there. We had a tough battle coming here. After a battle, it is time to come together.

I want to say that I am glad that this day has ended on that note because that is the way this bill began in the committee that Senator KENNEDY chairs. It has had a spirit of bipartisanship prevail, I am told, over many years, but in the 2 years I have been here I have seen it prevail. It did on this bill as we shaped it from the beginning, and it came forth from the committee with a vote of 14 to 3 with a majority of the Republicans voting for it. "The better angels of our nature have prevailed," to quote a great Republican leader. The better angels of our nature was always there with the Senator from Kansas [Mrs. KASSEBAUM], the ranking member of our committee. The better angels of our nature were there with the Republican leader, who helped us, today, move forward this bill.

The box score today, I hope, will read "Loss for Gridlock—Victory for the Young People of America and for the American People." But the greatest winners of all are the young men and women of the next generation. People in America are rightfully skeptical about whether we have the ability to act in this body, and today we showed them we did.

We can now look forward, having come together and overcome partisan politics today, to the passage of this national service bill that will ignite the spirit of service in this country and open the doors of college to thousands of young people.

Let me just close with the words of others, another Republican, Terrel Bell, U.S. Secretary of Education under President Reagan and cochair of the group Americans for National Service that has been fighting for this bill. He says:

> National service can connect young people to their communities, give Americans access to education, meet some of our most pressing social needs, and reinforce a proud tradition that goes back to the days of barn-raisings and settlement houses. In a fundamental sense, it is not a new experiment but a tried-and-true American spirit of citizenship in action.

And lastly, an Army Air Corps corporal would now like to quote Gen. Norman Schwarzkopf's statement to our Senate Labor and Human Resources Committee on June 8. The general, incidentally, would not completely agree with our program because he thinks it is too small. He prefers everyone should be asked and enabled to serve. But this is what he said:

> I strongly believe that universal national service would provide a source of inexpensive, highly trained manpower to apply against many sectors of our country that desperately need help, would give a sense of self-worth to many young men and women who are lost today because they do not feel they will ever have a chance to make a contribution and, finally, would instill great patriotism in the youth of America who, because they earned the right to be called Americans, would be proud to be Americans.

I am proud to be an American today.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the chairman of the Finance Committee, pursuant to Public Law 102–393, appoints the following individuals as members of the Commission on the Social Security notch issue: Patricia M. Owens, of New York and Robert J. Myers, of Maryland.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 102–392, announces his appointment of the Senator from Oregon [Mr. HATFIELD] to the Commission on the Bicentennial of the United States Capitol.

The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that it be in order for the majority leader, after consultation with the minority leader, to proceed to the consideration of the following nominations on Monday, August 2:

Thomas Payzant to be Assistant Secretary for Elementary and Secondary Education (Executive Calendar No. 273), with 2 hours for debate to be divided and controlled in the usual form between the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mrs. KASSEBAUM], or their designees;

Sheldon Hackney to be chairperson of the National Endowment for the Humanities (Executive Calendar No. 274) with 5 hours for debate to be divided and controlled in the usual form between the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mrs. KASSEBAUM], or their designees;

Eleanor Acheson to be an Assistant Attorney General (Executive Calendar No. 275) with 3 hours for debate to be divided and controlled in the usual form between the Senator from Delaware [Mr. BIDEN] and the Senator from Utah [Mr. HATCH], or their designees; and

Ruth Bader Ginsburg to be an Associate Justice of the Supreme Court (Executive Calendar No. 308).

I further ask unanimous consent that if a rollcall vote is requested on any of these nominations that the vote occur, without any intervening action, immediately following the rollcall vote on the passage of H.R. 2010, the National Service Act, on Tuesday, August 3, with the order of votes to be determined by the majority leader after consultation with the minority leader.

I further ask unanimous consent that the majority leader, after consultation with the minority leader, may proceed at any time to the nomination of Walter Dellinger to be an Assistant Attorney General (Executive Calendar No. 288).

I further ask unanimous consent that upon confirmation of any of these nominees, the motion to reconsider be tabled and the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, pursuant to this order, debate on all of these nominations will take place on Monday, August 2. There may not be a need for a rollcall vote on each nomination. However, there will be a rollcall vote on the nomination of Ruth Bader Ginsburg to be an Associate Justice of the Supreme Court. That vote will take place on Tuesday, August 3, following the vote on H.R. 2010, the National Service Act.

At the time of this vote, I will ask—I now request and will repeat my request at that time—that Senators cast their votes from their desks; that they remain at their desks during the vote and cast their votes when called upon.

Any Senator who wishes to speak on any of these nominations, including the nomination of Judge Ginsburg, should be prepared to speak on Monday, August 2. There will be no time for debate on these nominations on Tuesday, August 3.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed in executive session to consider the following nominations: Calendar Order Nos. 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, and all nominations placed on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative action.

The nominations considered and confirmed, en bloc, are as follows:

DEPARTMENT OF STATE

John Francis Maisto, of Pennsylvania, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

David Laurence Aaron, of New York, to be the Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Robin Lynn Raphel, of Washington, a career member of the Senior Foreign Service, class of Counselor, to be Assistant Secretary of State for South Asian Affairs.

Alan H. Flanigan, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

James J. Blanchard, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Jeffrey Davidow, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Venezuela.

Thomas J. Dodd, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

Stuart E. Eizenstat, of Maryland, to be Representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Donald C. Johnson, of Texas, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Richard Menifee Moose, of Virginia, to be Under Secretary of State for Management.

Mary M. Raiser, of the District of Columbia, for the rank of Ambassador during her tenure of service as Chief of Protocol for the White House.

Walter F. Mondale, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning Alan R. Hurdus, and ending Darcy Fyock Zotter, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 13, 1993.

STATEMENT ON THE NOMINATION OF WALTER F. MONDALE

Mr. MITCHELL. Mr. President, I am sure my colleagues will join me in extending best wishes to former Vice President Mondale on this moment of his confirmation as the United States Ambassador to Japan.

He is a distinguished former Member of the Senate, who has the respect, trust, and confidence of the Congress. Fritz Mondale is ideally suited to represent our country as the next United States Ambassador to Japan. He has been to Japan many times—as a United States Senator, as Vice President, and as a private citizen. He knows and understands the close security and trade ties which bind our two nations together, as well as the differences which exist in our relationship.

I have full confidence that he will well represent American interests and values, in the same informed, understanding, firm, and statesmanlike manner that has been the hallmark of his long and distinguished career of service to our Nation.

STATEMENT ON NOMINATION OF WALTER F. MONDALE

Mr. DOLE. Mr. President, I am pleased to give my enthusiastic support for the nomination of Walter Mondale as United States Ambassador to Japan. Those of us who are privileged to know him as a friend, as a former Senate colleague, and as a distinguished public servant know that President Clinton has made an excellent choice to fill the most challenging diplomatic assignment in the U.S. Government today.

The Government and people of Japan should know that the new American Ambassador in Tokyo is a man who has the strong support of both Republicans and Democrats and that when he speaks about competition or cooperation between Japan and the United States, he does so with solid bipartisan backing.

Mr. President, I think it is unfortunate that too many people who think about Japan, do so in only one context, and that is trade. Although to be sure, the Japanese Government often seems intent on keeping trade as a major point of contention.

Just 5 days after the G-7 summit concluded in Tokyo on a note of cooperation, the Vice Minister of Japan's Ministry of International Trade and Industry said that the trade deficit between our two countries probably would not diminish over the next 2 years and actually predicted it would grow in the year to come.

But when we think of Japan we cannot only think of trade. We have to think of Japan as a major economic and political power which the United States must work with to advance democracy, to share the burden of international peace keeping, to provide assistance for victims of war and natural disaster and to cooperate on many other critical issues which is Japan's right and obligation.

Mr. President, I extend to Fritz and Joan Mondale my sincere best wishes for a successful and rewarding tour of duty in Japan. There is no better country in the world to represent than the United States and I can think of no better nominee to represent the United States than Walter Mondale. I commend President Clinton for his choice and urge my colleagues to support the nomination.

STATEMENT ON THE NOMINATION OF WALTER MONDALE

Mr. ROTH. Mr. President, I cannot let the appointment of Walter Mondale to be Ambassador to Japan pass without voicing my support for President Clinton's decision.

The nomination of Walter Mondale, a truly distinguished American statesman, sends a strong message to our ally in the Pacific; it lets the people and leaders of Japan know that the United States views the bilateral relationship between itself and that island nation as one of the most important geopolitical relationships today.

From my youth, and throughout my career in Congress, I have been keenly interested in Japan and the relationship between that country and our own. I have long believed that America's Ambassador in Tokyo is one of the most important appointments our President makes in foreign diplomatic policy. It is no secret that I held such high regard for Mike Mansfield, a man who became legendary in his own ambassadorial service to Japan. Ambassador Mansfield, perhaps like no other single individual, defined United States-Japanese policy for more than a decade.

Walter Mondale has the stature to assume the Mansfield mantle. I have every reason to believe that our former colleague and Vice president will live up to the high standards set by Mike Mansfield—even defining our strategic and economic relationship in the years to come. There will be challenges—that is to be expected—especially as it is likely that Japan, for the first time since 1955 will not be governed by the Liberal Democratic Party. There will be new faces—a new era of political dynamics. But again, Walter Mondale is the right man for the moment. He will take with him to Tokyo the experience, prestige, and access that few Americans can offer.

There is no doubt about his dedication to America and his desire to strengthen economic and diplomatic ties with Japan. In the Senate—and as Vice President—he has been forthright in his efforts to encourage the Japanese to open their markets. I believe the Japanese leadership admire his candor. Likewise, the Japanese see his appointment as an indication of just how important we consider our relationship with them to be. As one newspaper reported, "nearly all the news reports (in Japan) described Mondale with the same word: Oh-mono, which literally means 'large thing,'" or one who has great influence.

I concur, and I look forward to a Mondale legacy that will come to match that established by Mike Mansfield.

STATEMENT ON THE NOMINATION OF DR. THOMAS DODD

Mr. HELMS. Mr. President, the Foreign Relations Committee yesterday favorably reported to the Senate 11 prospective Ambassadors. There was no one on that list whom I feel will be a finer Ambassador representing the interests of the United States than Dr. Thomas Dodd, who is about to be confirmed to serve as United States Ambassador to Uruguay.

Dr. Dodd, son of the late distinguished Senator from Connecticut, Tom Dodd, and the brother of the able Senator CHRIS DODD, is an internationally known educator and authority on Central and South American affairs. He is fluent in Spanish and has lived and studied in South America.

As I reviewed his background and talked with Dr. Dodd, I was convinced that he is the kind of political appointee for whom we should strive when selecting diplomatic nominees.

It's my pleasure to support Dr. Dodd and I urge his immediate confirmation so that he can be on his way to Uruguay.

STATEMENT ON THE NOMINATION OF THOMAS DODD

Mr. KENNEDY. Mr. President, I warmly endorse the nomination of Thomas J. Dodd as Ambassador to Uruguay. I strongly support Mr. Dodd's nomination and I urge the Senate to confirm him.

Mr. Dodd is the brother of one our colleagues, Senator CHRISTOPHER DODD of Connecticut, and I know that Senator DODD is very proud of his brother's achievements.

I have known Mr. Dodd for many years, and he is eminently qualified for the position of Ambassador to Uruguay. He has been an outstanding professor and scholar of Latin American studies and history, and has received numerous awards, grants, and fellowships based on the exceptional quality of his research.

Mr. Dodd is currently an associate professor of history at the School of Foreign Service at Georgetown University, where he has taught since 1966. Fluent in Spanish, he served previously as director of Latin American studies at the Georgetown School of Foreign Service, faculty advisor to the Central American Institute of Labor Studies, and lecturer at the Smithsonian Institution and the Inter-American Defense College, and the Defense Intelligence College at the National Defense University. He was a consultant to the State Department's policy and coordination staff during the Nixon administration and served for 3 years in the U.S. Army.

Mr. Dodd has written for numerous publications and authored four books, including "Latin American Foreign Policies: An Analysis", in 1975, and "Managing Democracy in Central America," in 1992. He has received numerous honors for his scholarship on Latin American issues from a variety of organizations, including the Delmar Foundation, the Ford Foundation, the Center for Strategic and International Studies, the Fulbright Foundation, the Organization of America States, and the Pew Memorial Trust.

I have enormous respect for Mr. Dodd's ability and judgment, and I am confident that he will do an outstanding job for President Clinton and the State Department as the United States Ambassador to Uruguay.

I urge all of my colleagues to join me in voting to confirm his appointment.

STATEMENT ON THE NOMINATION OF HON. JAMES J. BLANCHARD

Mr. RIEGLE. Mr. President, I would like to comment on the nomination of James Blanchard as United States Ambassador to the Commonwealth of Canada.

James J. Blanchard was Governor of Michigan for 8 years following four terms as a Member of the U.S. Congress. As Michigan's chief executive, Ambassador Blanchard turned around the State's finances, worked with the private sector to attract business investment and trade from around the world, and won national acclaim for his innovative approaches to economic development, education, crime fighting, environmental protection, and helping children and families.

On January 1, 1983, he took over what was described as the toughest Governor's job in America. His State faced a $1.7 billion deficit, the threat of bankruptcy, record-high unemployment of more than 17 percent, and the worst credit rating in America. Working with leaders of business, labor, education, and local government, the young Governor put together a strategy for Michigan's future and made the tough decisions necessary to keep it on track.

Ambassador Blanchard completed his work as Michigan's 45th Governor, having balanced eight consecutive State budgets, boosted the State's credit rating to AA, established a $422 million rainy day fund, and produced a solvency dividend of more than $1 billion in savings from reducing borrowing costs—$1 billion that was invested in education, economic development, law enforcement, and other priority areas. Financial World magazine named Michigan, under Governor Blanchard's leadership, one of the best financially managed States in the Nation.

Similarly, his aggressive small business and economic development efforts helped create more than 650,000 net new jobs, improve the business climate, increase companies' global competitiveness, and make Michigan's economy 35 percent more diversified than a decade earlier.

Governor Blanchard's nation leading efforts to retain and create jobs while improving work force skills included establishment of the Michigan Youth Corps, the largest and most successful summer jobs program in the Nation; the Michigan strategic fund, a national model for creating new sources of risk-taking capital; and the Michigan modernization service, which helps the State's top budget priority and created the Michigan Education Trust, the Nations' first public college tuition guarantee program. His schools of tomorrow strategy put Michigan on the leading edge of education change by emphasizing preschool education, and institution and employability skills assessment to ensure high school graduates are prepared and able to work.

Newsweek credited Governor Blanchard with leading "one of the most dramatic economic turnabouts in the recent history of State government." Inc. magazine pointed to Governor Blanchard's innovative long-term economic development strategy as a model for the Nation. U.S. News and World Report listed Jim Blanchard among the six best Governors in America, one of the innovators and energizers who made things work in an era of declining Federal aid. City and State magazine named him one of the Nation's top three Governors, citing his "strong leadership and managerial skills," the pivotal role he played in revitalizing Michigan's economy, and his efforts to attract new and diverse business to the State.

As part of his long-term economic development and diversification strategy, Governor Blanchard was active in recruiting and promoting international investment and trade, particularly with Japan, China, Canada, the United Kingdom, and Europe. He established new Michigan trade centers in Toronto, Hong Kong, and Lagos, in addition to strengthening the State's existing offices in Tokyo and Brussels. And he worked cooperatively with the leaders of the Great Lakes States to target Canada and the United Kingdom for regional trade and tourism promotion efforts.

Governor Blanchard has worked closely with the Premier of Ontario and the Prime Minister of Canada to improve Michigan-Canadian relations and boost joint trade and environmental protection efforts. He was awarded the International Freedom Festival's Freedom Award in recognition of his leadership in United States-Canada affairs.

Governor Blanchard has worked aggressively to preserve and protect

Michigan's environment and the waters and shores of the Great Lakes. He spearheaded efforts by the leaders of the eight States and two Canadian provinces bordering the Great Lakes to adopt key international agreements to protect the lakes from diversion and the threat of toxic pollution. Working closely with other Governors in the region, he developed an agreement to jointly monitor potential oilspills and created the unique, $100 million Great Lakes protection fund.

During his four terms in Congress (1975–82), Jim Blanchard distinguished himself for his work to save the Chrysler Corp., restore America's economic competitiveness, and oversee financial, monetary, trade, and energy issues. His major assignments included the House Banking, Finance and Urban Affairs Committee and its Subcommittees on Economic Stabilization, Housing and Urban Development, International Trade, and Domestic Monetary Policy, and the Science and Technology Committee.

As a member—and later chairman—of Economic Stabilization, he authored and won passage of the Chrysler Loan Guarantee Act in the House, saving hundreds of thousands of jobs. He also played a major role in the New York City financial rescue and held hearings across the country on U.S. competitiveness in the global marketplace. He was a sponsor of the legislation creating urban development action grants, as well as the significant housing legislation of that period. He has performed oversight of the Federal Reserve Board and participated in meetings of the International Monetary Fund.

As a member of the House Science and Technology Committee, including its Subcommittee on Energy, Research and Development, he was a sponsor of major energy and research legislation and performed oversight of the Department of Energy budget. He oversaw the research and development budgets of the Environmental Protection Agency and the National Oceanic and Atmospheric Agency as a member of the Subcommittee on the Environment and Atmosphere. He was active in the International Joint Commission [IJC] and hosted a meeting between Canadian environmental officials and Members of Congress on key environmental policy issues. He helped found the Congressional Clearinghouse for the Future, a small group of forward thinking House and Senate Members focusing on future issues, and served as Democratic whip for Michigan's delegation. He also served on the President's Commission on the Holocaust.

Jim Blanchard began his law and public service career in 1968 as a legal advisor in the Michigan Secretary of State's office. He became a Michigan assistant attorney general in 1969, and then assistant deputy attorney general, specializing in administrative law. Prior to being elected to Congress, he was in the private practice of law, representing State agencies and specializing in administrative law.

He is a former chairman of the Democratic Governors' Association. He is active in the National Institute of Former Governors.

Jim Blanchard has been the recipient of numerous honors and awards, including the 1991 Inc. magazine Supporter of Entrepreneurship Award, the Jewish National Fund's Tree of Life Award, the University of Minnesota's Outstanding Achievement Award, Michigan State University's Distinguished Alumni Award, and the Helen W. and William G. Milliken Freedom Award. In 1978, he was named one of the 10 Outstanding Young Men in America by the United States Jaycees.

Ambassador Blanchard will be an able and welcomed friend in Ottawa capable of understanding the concerns of the Commonwealth of Canada and at the same time representing the best interests of the United States of America. I believe he will be an outstanding Ambassador. I commend the administration for their foresight in nominating him and urge my colleagues to support this nomination.

THE EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I thank the Republican leader for his cooperation with respect to all of these nominations, and particularly for the prompt disposition of Walter Mondale's nomination to be the Ambassador to Japan. Senator DOLE and I appeared jointly at a hearing before the relevant subcommittee this week. I am grateful for his cooperation in that regard.

I simply want to note that I read off these by number. Each of them is, of course, important.

I want to refer to at least two others besides former Vice President Mondale.

Included in the list Stuart Eizenstat, to be Representative of the United States to the European Community. I commend Mr. Eizenstat and know he will do an outstanding job.

Mr. DOLE. Mr. President, will the majority leader will yield?

Mr. MITCHELL. Yes.

Mr. DOLE. I want the record to reflect that I had letters from both former President Ford and former President Bush in support of the Eizenstat nomination.

Mr. MITCHELL. Mr. President, as to the nomination of Mary M. Raiser, for the rank of Ambassador during her tenure of service as Chief of Protocol for the White House, Mrs. Raiser is an outstanding citizen who, I am confident, will do a superb job.

There are a number of other Ambassadors, including James J. Blanchard, to be Ambassador to Canada. I know former Governor Blanchard will do an outstanding job.

Previous mention was made of Thomas J. Dodd, to be the Ambassador to the Oriental Republic of Uruguay. Mr. Dodd, of course, is well-known to many Senators and will, I am confident, also do an outstanding job.

Mr. President, I thank my colleague for his cooperation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

WALT RIKER

Mr. MITCHELL. Mr. President, Senator DOLE is about to make a statement regarding Walt Riker, who has been a member of Senator DOLE's staff and who is leaving the Senate. I want to associate myself with his remarks and to say I know, like, and respect Walt Riker. I believe he has done an outstanding job, and has been very thorough and very fair in behalf of the distinguished Republican leader.

I attended the function in his behalf the other evening. I just want to say publicly what I said privately: He has done a very good job. I am certain he will do a very good job in the position he is now assuming.

I believe all Senators join Senator DOLE and me in wishing him the very best.

The PRESIDING OFFICER. The Republican leader is recognized.

SALUTE TO WALT RIKER

Mr. DOLE. Mr. President, I thank the majority leader and I know Walt appreciates the opportunity he had to work with the majority leader and his staff over the years.

I want to emphasize and reemphasize and recognize the career of this longtime aide, who will be leaving my staff at the end of this week. Walt Riker has been my loyal press secretary for the past 12 years.

From my days as finance committee chairman, to my tenure as majority leader and republican leader, Walt has been there, on the front lines 24-hours a day dealing with reporters from every media outlet in Kansas and every media outlet in America. When he was not setting a few misguided journalists straight, he was drafting speeches, writing press releases, working long hours, and doing a lot of the other unglamorous things that press secretaries do.

Walt and I have been around the block together—in fact, we have been around the world together, to every State in America, and countless foreign countries. From Wichita to Warsaw, from Manhattan to Managua, Walt has done it all in the world of press relations.

He has done it all the only was Walt knows how, with wit, skill, integrity, and grace under pressure. I underscore the word integrity because I know of no one who has more integrity than Walt Riker. Around this place that is about all you have. All you have is your word and your integrity. Once that is somehow violated or tarnished, it is not good. But Walt Riker has been steadfast. He will be the first to tell you that being a press secretary is hardly a 9-to-5 job, and I suppose his family will be the second to tell you. They have all made the Senate staff sacrifice, and being the family man that Walt is, he is looking forward to a new challenge that will not conflict as much with the little league games, swim meets, and school plays that this dedicated father hates to miss.

Beginning next week, Walt embarks on an exciting new career, as director of public affairs communications with the McDonald's Corp. in Oak Brook, IL. Anyone who knows Walt can tell you that he is a firm believer in that company and in its products, which seem to find their way to Walt's desk just about every day at lunchtime. When they say "billions and billions served," I sometimes wonder whether they are just talking about Walt. Walt will also be able to satisfy his passion for big league baseball in Chicago, a city with not one but two major league teams.

I am grateful to Walt for his 12 years of service, and I know my colleagues join me in wishing Walt Riker all the best as he, his wife Christine, and their children Wally, Kelly and Whitney relocate to the Chicago area.

Now, a few liberal reporters may not miss him, but that may be the best testament yet to Walt's talent, ability, and success.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I ask unanimous consent we now have a period for morning business with Senators allowed to speak therein for up to 10 minutes, and that the Senator from Delaware [Mr. BIDEN] be given 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPLANATION OF RECOMMENDED AMENDMENTS OF THE COMMITTEE ON APPROPRIATIONS TO H.R. 2667

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD the following statement in explanation of the recommended amendments of the Committee on Appropriations to the bill H.R. 2667, making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON H.R. 2667, MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RELIEF FROM THE MAJOR, WIDESPREAD FLOODING IN THE MIDWEST FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1993, AND FOR OTHER PURPOSES

The Committee on Appropriations, to which was referred the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding the Midwest for the fiscal year ending September 30, 1993, and for other purposes, reports the same to the Senate with amendments, and with the recommendation that the bill be passed.

BILL HIGHLIGHTS

The Committee is recommending fiscal year 1993 emergency supplemental appropriations to cover emergency expenses primarily arising from the consequences of the recent heavy rains and flooding along the Mississippi River, particularly in the upper Midwest. The Committee recommendation totals $4,706,350,000 in budgetary authority and $502,000,000 in loan authority, the same as the President's request. These funds are broken down as follows:

Committee bill, total appropriations[1]	$4,706,350,000
Emergency appropriations	(3,797,645,000)
Contingency appropriations	(908,705,000)
Loan authority	502,000,000

[1] Includes subsidy appropriations of $93,483,000.

Major items in this bill include:

Commodity Credit Corporation	$1,350,000,000
Direct appropriations	(1,050,000,000)
Contingency appropriations	(300,000,000)
FEMA (disaster relief fund)	2,000,000,000
Direct appropriations	(1,735,000,000)
Contingency appropriations	(265,000,000)
Corps of Engineers (flood control and coastal emergencies and O&M)	235,000,000
Direct appropriations	(175,000,000)
Contingency appropriations	(60,000,000)
Federal Highway Administration (emergency relief)	175,000,000
Direct appropriations	(100,000,000)
Contingency appropriations	(75,000,000)
Small Business Administration (disaster loans)	300,000,000
HOME investment partnerships	50,000,000
Community development block grants	200,000,000
Economic Development Administration	100,000,000
HHS public health and social services emergency fund (contingency)	75,000,000
Department of Education impact aid (contingency)	70,000,000
Department of Agriculture (watershed/flood prevention/emergency conservation)	60,000,000
Direct appropriations	(35,000,000)
Contingency appropriations	(25,000,000)
Department of Agriculture emergency community water assistance	50,000,000
Direct appropriations	(20,000,000)
Contingency appropriations	(30,000,000)
Rural development insurance fund (loan guarantees)	100,000,000
Direct appropriations	(50,000,000)
Contingency appropriations	(50,000,000)
Agricultural credit insurance fund (soil and water and emergency disaster loan authority)	87,000,000

FLOODING SITUATION

This bill responds to widespread flooding in the upper Mississippi River basin which has been unprecedented in terms of geographical scope, record setting heights, and duration.

Along the Mississippi River, record flood stages have been established between the cities of Davenport, IA, and St. Louis, MO. At St. Louis, the flood crest exceeded the previous all-time record. Record flood stages have also been established at a number of locations along the Missouri River and in many tributary streams. In many locations, the flooding has overwhelmed flood protection systems designed to protect urban and agricultural areas despite the heroic efforts of thousands of our citizens.

On July 14, 1993, the President made requests totaling $2,242,000,000 in direct emergency appropriations along with $824,000,000 in contingency appropriations. Because of continuing rainfall and the resulting flooding, the Director of the Office of Management and Budget identified an additional $500,000,000 in additional requirements, which were considered by the House.

As the extent of the inundated area has expanded it became clear that the initial requests were necessarily preliminary and that additional needs existed. Accordingly, on July 29, 1993, the President submitted additional requests, which included those items identified by the OMB Director on July 19, for an additional $2,464,350,000 in new requests, of which $862,000,000 were requested for supplementary funding in fiscal year 1994 for disaster relief.

EMERGENCY DESIGNATION

Pursuant to the President's request, the Committee recommends language designating all disaster relief funds in this bill as emergency requirements under the terms of the 1990 Budget Enforcement Act. Under that act, appropriations that are designated as emergency requirements by both the President and the Congress are not required to be absorbed within the discretionary spending limits.

The emergency designations in this bill are consistent with past special disaster relief appropriations in 1992 to cover the high disaster relief costs caused by Hurricane Andrew, Hurricane Iniki, the Chicago floods, and disturbances in Los Angeles. Emergency appropriations were also enacted for the unusually high level of disasters that occurred in 1992 such as Hurricane Bob, the devastating fires in Oakland, CA, and the State of Washington; the northeastern storm that ravaged the New England area; and a high number of agricultural disasters such as the California freeze, Red River Valley Texas floods, Kansas drought, Minnesota/Iowa excessive rainfall, Southeastern States drought, and Louisiana/Texas freeze.

In addition, the Congress has made emergency appropriations in 1991 at the request of the previous President to meet over $1,100,000,000 in international commitments and humanitarian needs such as aid to Kurdish refugees and economic support payments to the Governments of Turkey and Israel.

Prior to the 1990 Budget Enforcement Act, special emergency bills were enacted between 1980 and 1990 for large domestic and international disasters such as the Loma Prieta earthquake, Hurricane Hugo, the Mount St. Helen's volcanic eruption, African famine relief, and Italian earthquakes.

CHAPTER I

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Extension Service

1993 appropriation to date	$424,928,000
1993 supplemental estimate	3,500,000
House allowance	
Committee recommendation	3,500,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $3,500,000 for the Extension Service, the same as the budget request. This amount would provide additional funds for the Extension Service, in cooperation with the State extension services, to provide assistance to individuals, families, farm operators, small businesses, and rural communities in the immediate aftermath of the Midwest floods of 1993. Extension agents would work in post-crisis teams to provide farm financial management counseling, aid in assessing post-flood damage and contamination, and provide education and technical assistance to help flood victims rehabilitate homes. All efforts would be coordinated with the Federal Emergency Management Agency, the American Red Cross, and other agencies involved in the crisis response.

The entire amount requested has been designated by the President and Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Commodity Credit Corporation

COMMODITY CREDIT CORPORATION FUND

1993 supplemental estimate	$1,350,000,000
House allowance	1,150,000,000
Committee recommendation	1,350,000,000

The Committee has included $1,050,000,000, the same as the budget request, in emergency funding for the Commodity Credit Corporation fund to be made available immediately to enable the Commodity Credit Corporation to make disaster payments to farmers who have suffered losses from natural disasters in 1993, including the Midwest floods and the drought in the Southeastern States. Each claim would be funded at the previously used rate of 50.04 percent, except that for the deficiency in production of the crop in excess of 75 percent the rate of payment shall be 90 percent.

In addition, like the House and budget request, the Committee has included authorization to use other Commodity Credit Corporation funds if the requested funds are not adequate to provide the aforementioned level of assistance for 1993 disasters.

Furthermore, the Committee concurs with the House and budget request in providing an additional $300,000,000 to be made available only upon the submission of a budget request designated by the President as an emergency requirement. Because CCC funds may be used to cover any shortfall in reaching the 50.04-percent payment rate, the Committee sees no need for this contingent appropriation, but nevertheless, has acquiesced to the budget request.

These additional funds for the Commodity Credit Corporation will provide disaster payments to farmers who have suffered losses from recent flooding in the Midwest and other natural disasters in 1993. It will ensure that all eligible 1993 disaster claims will be prorated by the previously employed factor of 50.04 percent, except that for the deficiency in production of the crop in excess of 75 percent the rate of payment shall be 90 percent, so that the Secretary of Agriculture can immediately assist farmers with 1993 crop losses. The Committee has included language that directs that the $100,000,000 in contingency funds recently released by the President is available for 1993 crop losses only as proposed by the President. Funds remaining from previous disaster appropriations would be available for 1990–92 losses only, including crop quality losses, which are eligible under Public Law 103–50, also as proposed by the President.

This appropriation will provide funding for disaster payments to producers whose 1993 crops are damaged or destroyed by 1993 natural disasters under terms and conditions established by title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990. This includes benefits for prevented plantings and low yield losses as authorized by section 2241 of that act. Balances of previous appropriations for disaster payments, currently estimated at approximately $300,000,000, are available for disaster payments on 1990–92 crops as well as for 1993–95 crop losses due to the occurrence of Hurricanes Andrew and Iniki and Typhoon Omar.

The Secretary of Agriculture may designate up to $20,000,000 for emergency and related assistance for low-income migrant and seasonal farmworkers as authorized under title XXII, subtitle C, section 2281 of Public Law 101–624. Priority will be given for relocation and related transportation assistance for affected farmworkers. Additional services may be provided as determined by the Secretary.

The Committee notes that, in many cases, relief can be provided by allowing the haying and grazing of CRP (Conservation Reserve Program) acres. In the past, these practices have been allowed at the discretion of the county ASCS committee. The Committee recommends that this practice be continued.

The Committee also recommends that ASCS simplify the application and eligibility procedures for emergency haying and grazing on Conservation Reserve Program acres and other emergency livestock feed programs to reduce paperwork and expedite qualification.

Soil Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

1993 appropriation to date	$231,594,000
1993 supplemental estimate	60,000,000
House allowance	25,000,000
Committee recommendation	60,000,000

The Committee has included $60,000,000 for the watershed and flood prevention operations program of the Department of Agriculture. The funds would be used to safeguard lives and property in jeopardy due to sudden watershed impairment from the Midwest floods and other 1993 natural disasters. Specific uses would include the repair of over-topped levees, dikes, and other flood retarding structures, streambank repair, soil erosion prevention, and the opening of water courses plugged with sediment and debris.

The entire amount has been designated by Congress as an emergency requirement. The President proposed, and the Committee recommends, that $60,000,000 be appropriated with $25,000,000 available only to the extent requested as an emergency requirement by the President.

In addition, the request would allow the Secretary of Agriculture to accept bids from willing sellers to enroll cropland into the Wetlands Reserve Program if the cost of restoring the cropland and rebuilding levees exceeds the fair market value of the affected cropland.

Of the request, $35,000,000 has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

Agricultural Stabilization and Conservation Service

SALARIES AND EXPENSES

(INCLUDING TRANSFERS)

1993 appropriation to date	$714,551,000
1993 supplemental estimate	12,000,000
House allowance	
Committee recommendation	12,000,000

The Committee recommends an additional $12,000,000, as requested by the President, for salaries and expenses of the Agricultural Stabilization and Conservation Service. These funds are needed to cover the extra workload taken on by ASCS offices to process disaster assistance claims and to provide the payments.

EMERGENCY CONSERVATION PROGRAM

1993 appropriation to date	$3,000,000
1993 supplemental estimate	30,000,000
House allowance	20,000,000
Committee recommendation	30,000,000

The Committee has included $30,000,000, as proposed by the President, for the Department of Agriculture's emergency conservation program. These funds would assist farmers with debris cleanup and the restoration of farmland damaged by the Midwest floods and other natural disasters of 1993.

The entire amount requested has been designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

Farmers Home Administration

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

SECTION 504 HOUSING REPAIR LOANS

	Loan level	Subsidy
1993 appropriation to date	($11,330,000)	$4,548,000
1993 supplemental estimate	(15,000,000	5,985,000
House allowance		
Committee recommendation	(15,000,000)	5,985,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $15,000,000 in section 504 rural housing building and repair loans as proposed by the President. The subsidy required for these loans is $5,985,000. The entire amount has been designated to be an emergency requirement.

These loans are made to enable eligible low-income applicants to purchase, construct, improve, alter, repair, or replace dwellings in rural areas, if their need for necessary housing cannot be met with financial assistance from other sources.

The Committee notes that nearly $13,500,000 previously made available for disasters under this program remain available until September 30, 1993, and expects these funds to be used to the full extent possible.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

SOIL AND WATER CONSERVATION LOANS

	Loan level	Subsidy
1993 appropriation to date	($2,337,000)	$456,000
1993 supplemental estimate	(7,000,000)	1,284,500
House allowance		
Committee recommendation	(7,000,000)	1,284,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $7,000,000 in direct soil and water conservation loans as requested by the President. The subsidy level for these loans is $1,284,000, $500 less than the budget request. The entire amount is designated to be an emergency requirement.

These loans are made to individuals, cooperatives, corporations, or partnerships who own and/or operate a farm, for land and water development, use and conservation. Funds would be used to develop wells, to improve water supplies, and to build dikes, terraces, waterways, and other erosion control structures.

EMERGENCY DISASTER LOANS

	Loan level	Subsidy
1993 appropriation to date	($115,000,000)	$15,762,000
1993 supplemental estimate	(80,000,000)	20,504,000
House allowance		
Committee recommendation	(80,000,000)	20,504,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $80,000,000 for emergency disaster loans as proposed by the President. The subsidy level is $20,504,000. The entire amount is designated to be an emergency requirement.

These loans are made in designated areas (counties) and in contiguous counties where property damage and/or severe production losses have occurred as a direct result of a natural disaster. Loans will be used to refinance existing debt, clean up and restore farms, and repair farm structures. Areas may be declared by the President or designated for emergency loan assistance by the Secretary of Agriculture.

The Committee notes that more than $162,000,000 previously made available for disasters under this program remain available until September 30, 1993, and expects these funds to be used to the full extent possible.

The Committee encourages the Secretary to take the following actions to assist FmHA borrowers survive the catastrophic losses experienced in the natural disasters of 1993: (1) Immediately deploy an emergency loan support team and an emergency loan assessment team as provided under 7 C.F.R. 1945.30; (2) use the lowest possible interest rate for emergency disaster [EM] loans; (3) simplify the application process for EM loans, particularly the calculation used to determine whether an applicant has had a qualifying loss; (4) to the maximum extent possible, use the large number of loan servicing tools available and exercise forbearance in servicing borrowers who are becoming delinquent due to this financial crisis; (5) require guaranteed loan lenders to perform a write-down analysis before undertaking a foreclosure analysis and action, and implement the authorization in the Agricultural Credit Act of 1987 which allows lenders to write-down guaranteed loans when it is the least cost alternative to the lender and the Government; (6) allow guaranteed loan borrowers to appeal an FmHA adverse decision without the lender joining in the appeal; (7) allow lenders to write down principal before interest on guaranteed loans to reduce severe tax consequences on borrowers; (8) reduce or eliminate the current 10-percent cash reserve which is required of borrowers in order to qualify for a guaranteed loan; and (9) provide a notice of loan servicing options to guaranteed loan borrowers to inform them of their rights.

In administering the FmHA emergency loan program, the Committee urges the Secretary to revise instruction 1945–D: (1) to require only one real estate appraisal if it demonstrates adequate collateral; (2) to limit an EM loan for production losses to 100 percent of the total calculated actual production loss; and (3) to schedule the repayment of an EM loan on the applicant's ability to pay, with interest-free deferral of up to 5 years.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

INDUSTRIAL DEVELOPMENT LOANS

	Loan level	Subsidy
1993 appropriation to date	($100,000,000)	5,440,000
1993 supplemental estimate	(100,000,000)	5,410,000
House allowance		
Committee recommendation	(100,000,000)	5,410,000

The Committee recommends an additional $100,000,000 for guaranteed industrial development loans as proposed by the President. The subsidy amount provided is $5,410,000, the same as the budget request. Half of this amount, $2,705,000, is available only to the extent requested by the President as an emergency requirement. The entire amount is designated to be an emergency requirement.

WATER AND WASTE DISPOSAL GRANTS AND LOANS

The Committee does not recommend additional funds for water and waste disposal loans and grants. However, the Committee notes that $35,500,000 in loan authority and $5,600,000 in grants previously made available for disaster assistance under this program remain available until September 30, 1993, and expects these funds to be used to the full extent possible.

VERY LOW-INCOME HOUSING REPAIR GRANTS

1993 appropriation to date	$12,500,000
1993 supplemental estimate	15,000,000
House allowance	
Committee recommendation	15,000,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $15,000,000 for very low-income housing repair grants, the same as the budget request. The entire amount is designated to be an emergency requirement.

These grants are used for very low-income elderly owner-occupants to make necessary repairs to their homes in order to make such dwellings safe and sanitary, and remove hazards to the health of the occupants, their families, or the community. Grants may be made to cover the cost of improvements or additions, such as repairing roofs, providing toilet facilities, providing a convenient and sanitary water supply, installing screens, repairing or providing structural supports, or making similar repairs, additions, or improvements including all preliminary and installation costs in obtaining central water and sewer service.

The Committee notes that nearly $10,000,000 previously made available for disasters under this program remain available until September 30, 1993, and expects these funds to be used to the full extent possible.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

1993 appropriation to date	$10,000,000
1993 supplemental estimate	50,000,000
House allowance	
Committee recommendation	50,000,000

The Committee recommends an additional $50,000,000 for emergency community water assistance grants as proposed by the President. Of this amount, $30,000,000 is available only to the extent requested by the President as an emergency requirement. Funds will be used to assist rural communities that have had a significant decline in quantity or quality in their drinking water supply or their existing water system needs emergency repairs. The entire amount has been designated by Congress as an emergency requirement.

The Committee notes that nearly $10,000,000 previously made available for disasters under this program remain available until September 30, 1993, and expects these funds to be used to the full extent possible.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

1993 appropriation to date	$217,000,000
1993 supplemental estimate	100,000,000
House allowance	100,000,000
Committee recommendation	100,000,000

The Committee recommends an additional $100,000,000 for title IX disaster assistance grants for State and local government that have been impacted by the Midwest floods of 1993 and other disasters. The recommended level is the same as the President's request and the House allowance. These funds would be used for planning and technical assistance and infrastructure. These funds have been designated as emergency appropriations in accord with the Budget Enforcement Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

1993 appropriation to date	$1,501,366,000
1993 supplemental estimate	1,000,000
House allowance	1,000,000
Committee recommendation	1,000,000

The Committee recommends $1,000,000 for the National Oceanic and Atmospheric Administration [NOAA] to repair and replace facilities and equipment damaged during flooding in the Midwest. Included is National Weather Service flood warning systems and salary and expense funds for extraordinary overtime costs incurred during the flood. This level is the same as the President's budget request and the House allowance. These funds have been designated as emergency appropriations in accord with the Budget Enforcement Act.

RELATED AGENCIES

LEGAL SERVICE CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The Committee has not recommended $300,000 in emergency supplemental appropriations for the Legal Services Corporation as proposed by the House. The President's supplemental request, and supplemental budget amendment submitted after House action on July 29, 1993, did not propose to increase funding for legal assistance.

SMALL BUSINESS ADMINISTRATION

DISASTER LOAN PROGRAM ACCOUNT

1993 supplemental estimate	$70,000,000

House allowance	70,000,000
Committee recommendation	70,000,000

The Committee recommends $70,000,000 for the Small Business Administration "Disaster loan program" account. This is the same as the President's budget request and the House allowance. This funding level provides $60,000,000 to subsidize $300,000,000 in low-interest loans for rebuilding businesses and homes damaged or lost during the recent floods and other disasters. The sum of $10,000,000 is provided for program administrative costs, such as loan processing. These funds have been designated as emergency appropriations in accord with the Budget Enforcement Act.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

1993 appropriation to date	$20,000,000
1993 supplemental estimate[1]	180,000,000
House allowance	120,000,000
Committee recommendation	180,000,000

[1] Additional funding requested subsequent to House action on the emergency supplemental.

An appropriation of $180,000,000 is recommended to repair unexpected damage caused by recent flooding. This is the same as the budget request.

The Committee has included $120,000,000 in emergency funding for the Army Corps of Engineers to repair damage to flood control works within the upper Mississippi River basin. An additional $60,000,000 is being requested to be made available contingent upon submission by the President of a later budget request designated as an emergency requirement. After the flood subsides, the Corps is expected to play an active role in cleanup of debris and repair of levees and other flood control systems.

This supplemental request would provide additional funds to repair unexpected damage to the nonfederally operated flood control works located within the upper Mississippi River basin and other activities authorized under the terms of Public Law 84-99, as amended.

Of the amount requested, $120,000,000 has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

1993 appropriation to date	$1,657,700,000
1993 supplemental estimate[1]	55,000,000
House allowance	30,000,000
Committee recommendation	55,000,000

[1] Additional funding requested subsequent to House action on the emergency supplemental.

The Committee has included $55,000,000 for the Corps of Engineers to undertake repairs to Federal projects, including locks and dams and floor control facilities, damaged as a result of the severe flooding in the Mississippi River basin.

The entire amount recommended has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER IV

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

1993 appropriation to date	$4,342,156,000
1993 supplemental estimate	43,500,000
House allowance	43,500,000
Committee recommendation	43,500,000

The Committee concurs with the budget request for an additional $43,500,000 under the dislocated worker program, title III, part B of the Job Training Partnership Act. These funds will be used to provide temporary jobs designed to address problems created by the flooding in the Midwest, including cleanup and repair, as well as public safety and health services. Eligible participants will include workers dislocated by the floods, as well as other dislocated workers, including the long-term unemployed.

The Committee has deleted authorizing language in section 802, which requires the payment of a stipend to participants in the Youth Fair Chance Program. This is a new program that was funded in Public Law 103-50, a fiscal year 1993 supplemental appropriations bill signed into law July 2, 1993. The provision included by the House-passed bill was previously rejected in conference on Public Law 103-50. The Committee feels strongly that any changes in the Youth Fair Chance Program should be made after hearings and action by the authorizing committees. Further, this is an emergency spending bill responding to floods in the Midwest.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

1993 appropriation to date	
1993 supplemental estimate	$75,000,000
House allowance	
Committee recommendation	75,000,000

The Committee recommends $75,000,000, the same as the supplemental estimate, for the public health and social services emergency fund of the Department of Health and Human Services, which will be available upon the submission of a budget request by the President designating the amount needed as an emergency.

Funds will be used for public health emergencies, including such things as disease prevention activities by the Centers for Disease Control and Prevention and for the repair and renovation of community health centers and migrant health centers damaged by the Midwest floods, and mental health services, as well as for social service activities, including Older American Act programs.

The House provided $54,000,000 for the public health emergency fund. Since House action, a revised budget request has been received.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

The Committee urges the administration to release a portion of Low-Income Home Energy Assistance Program contingency funds to assist eligible individuals in flood-ravaged States. The fiscal year 1993 Labor, Health and Human Services, and Education appropriations legislation (Public Law 102-394) provided $595,200,000 on a nationwide basis for crisis intervention activities in emergencies such as the Midwest floods. These funds can be made available by declaration of the President of an emergency, in conjunction with submission to Congress of a formal budget request; no further congressional action is necessary.

Low-income home energy assistance funds can be used for such energy-related emergencies as reconnecting electrical service, and repair or replacement of air-conditioning, weatherization materials, water heaters, stoves, refrigerators, and furnace equipment. Eligibility is limited to households with incomes not exceeding the greater of an amount equal to 150 percent of the poverty level, or an amount equal to 60 percent of the State's median income; however, States may target assistance to poorer households by setting lower income eligibility levels. Households may also be eligible if one or more individuals is receiving aid to families with dependent children, supplemental security income payments, food stamps, or certain needs-tested veterans' and survivors' payments.

DEPARTMENT OF EDUCATION

IMPACT AID

1993 appropriation to date	$750,154,000
1993 supplemental estimate	70,000,000
House allowance	
Committee recommendation	70,000,000

The Committee recommends $70,000,000, the same as the President's request, for impact aid disaster assistance under section 7(a) of Public Law 81-874, for schools affected by the recent floods in the Midwest. These funds would be used to assist local school districts in the flood-damaged Midwestern States with any increased operating costs and lost revenues they may experience as a result of the flooding. The funds would only be used to the extent that the Secretary of Education determines need, based on applications from the local education agencies.

The funds would be available only after the President transmits to the Congress an official budget request designating the entire amount of the request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

1993 appropriation to date	$7,887,109,000
1993 supplemental estimate	30,000,000
House allowance	
Committee recommendation	30,000,000

The Committee recommends an additional $30,000,000 for Federal Pell Grant Program awards, the same as the President's request. College financial aid officers have the authority to adjust award amounts to assist students who, because of the recent floods in the Midwest, lose income or documentation of income. In addition, authority is granted to permit the Secretary to reallocate unused Federal work-study or Federal Perkins loan funds to schools enrolling students affected by the floods.

The entire amount requested has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER V

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

OPERATING EXPENSES

1993 appropriation to date	$2,551,065,000

1993 supplemental estimate	10,000,000
House allowance	10,000,000
Committee recommendation	10,000,000

The Committee has provided $10,000,000 for operating expenses for the U.S. Coast Guard. The amount provided is the same as the President's request. These funds will be used to finance the incremental costs borne by the Coast Guard in responding to the emergency situation resulting from the Midwest floods. Such costs include the salaries and travel costs of reservists called to active duty, as well as expenditures for the repair of Coast Guard facilities damaged by the floods, including Group Upper Mississippi River and Base St. Louis.

Consistent with the President's request, these funds are available upon enactment and will remain available until March 31, 1994. The House bill requires the submission of a subsequent budget request by the President for the Coast Guard to access these funds. Current estimates indicate that the Coast Guard will require at least $10,000,000 to cover the incremental costs resulting from the floods.

Federal Highway Administration

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

1993 appropriation to date	$20,669,913,000
1993 supplemental estimate	175,000,000
House allowance	125,000,000
Committee recommendation	175,000,000

The Committee has included a total of $175,000,000 for the Federal Highway Administration's Emergency Relief Program. Of this amount, $75,000,000 is for the reimbursement of funds for disaster relief borrowed from the interstate discretionary category of the Federal-Aid Highway Program, $25,000,000 is for additional contract authority for the "Emergency relief" account, and $75,000,000 is provided on a contingency basis to become available upon receipt of a subsequent budget request from the President.

This provides additional funding for the Emergency Relief Program authorized by 23 U.S.C. 125. The Emergency Relief Program allows the Secretary of Transportation to provide immediate assistance to States whose highways and bridges are damaged during a natural disaster, such as the flooding in the Midwest.

The Committee has included bill language which makes these funds available until September 30, 1996.

Federal Railroad Administration

LOCAL RAIL FREIGHT ASSISTANCE

1993 appropriation to date	$8,000,000
1993 supplemental estimate	16,000,000
House allowance	21,000,000
Committee recommendation	16,000,000

The Committee has provided $16,000,000 in emergency funding for the Local Rail Freight Assistance Program, $5,000,000 less than the amount provided by the House and the same as the President's request. Of the amount provided, $6,000,000 shall be available upon the submission of a subsequent budget request by the President.

Consistent with the President's request, eligibility for funds provided under this appropriation will be limited to those rail lines which carry 5 million gross ton miles or less per year. This eligibility criteria is consistent with the normal eligibility criteria for the Local Rail Freight Assistance Program. This funding will enable light density railroad lines to quickly restore rail service and assist in the economic recovery of the flooded regions of the Midwest. These light density lines are less likely to have flood insurance and/or internal capital resources to enable them to make necessary repairs. Without Federal assistance, restoration of rail service on these lines will be delayed, if it is undertaken at all. The Committee is concerned by reports of growing estimates of damage to such eligible rail lines, and requests the Secretary to continue to monitor such damage and, if necessary, request additional funds at a future time to accommodate these emergency needs.

The Committee has been made aware of other rail lines that have been severely damaged as a result of the flooding in the Midwest. However, many of these lines are owned by railroads that carry volumes hundreds, if not thousands, of times larger than those rail lines eligible for local rail freight assistance. Such railroads also have annual revenues and capital budgets that dwarf those of rail lines eligible for local rail freight assistance. Moreover, the estimated flood damage to these railroads appears to represent a very small percentage of their annual capital budgets. The Committee cannot support expanding eligibility for local rail freight assistance funds in the absence of a budget request and an affirmative statement of policy by the administration that Federal funding is necessary on an emergency basis in order to restore rail service over such lines.

CHAPTER VI

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

HOME INVESTMENT PARTNERSHIP PROGRAM

1993 appropriation to date	$1,182,500,000
1993 supplemental estimate	50,000,000
House allowance	100,000,000
Committee recommendation	50,000,000

The Committee recommends an appropriation of $50,000,000 for the HOME Investment Partnership Program for use only in areas impacted by the flooding in the Midwest. This amount reflects the amended supplemental budget request submitted by the administration to the Congress on July 29, 1993. The administration had originally requested a 1993 supplemental HOME appropriation of $100,000,000. More precise damage estimates, along with a desire to provide more flexibility for affected States through the community development block grant program, have prompted the revised administration estimate.

Given the severe damage which has resulted from current flooding in the Midwest, the Committee strongly urges the Department to award funds on an expedited basis. Thousands of homes have been destroyed as a result of this natural disaster, and the Committee believes timely allocation of these funds is an imperative.

Funds provided in this account have been made as a direct appropriation, consistent with the administration's request and action by the House. The Committee has added language requested by the administration declaring the entire amount as an emergency requirement pursuant to requirements in the Balanced Budget and Emergency Deficit Control Act of 1985.

The Committee has also included bill language, proposed by the administration, that waives any provision of any statute or regulation, except for those related to nondiscrimination and fair housing, the environment, and labor standards. This waiver authority is similar to that provided in other disaster relief appropriations for the HOME Program, and similar to that proposed by the House. The Committee notes that this language will give States and localities using these funds far greater flexibility in aiding the victims of flood damage.

Community Planning and Development

COMMUNITY DEVELOPMENT GRANTS

1993 appropriation to date	$4,040,000,000
1993 supplemental estimate	200,000,000
House allowance	53,000,000
Committee recommendation	200,000,000

The Committee recommends a direct appropriation of $200,000,000 for community development block grants for use only in areas impacted by the flooding in the Midwest.

The administration requested $200,000,000 in an amended supplemental budget request submitted to the Congress on July 29, 1993. The administration had originally requested a 1993 supplemental CDBG appropriation of $53,000,000, $50,000,000 of which would be provided as a contingency. The administration revised its estimate based upon more precise damage estimates and a desire to provide more flexibility for effected States in housing and economic development activities through CDBG.

Given the severe damage which has resulted from current flooding in the Midwest, the Committee strongly urges the Department to award funds on an expedited basis. Thousands of homes have been destroyed as a result of this natural disaster, and the Committee believes timely allocation of these funds is imperative.

Funds provided in this account have been made on a contingency basis, consistent with the administration's request. The House provided for these funds as a direct appropriation. The Committee has also added language requested by the administration declaring the entire amount as an emergency requirement pursuant to requirements in the Balanced Budget and Emergency Deficit Control Act of 1985.

The Committee has also included bill language, proposed by the administration, and included by the House in a slightly modified form, that waives any provision of any statute or regulation, except for those related to fair housing and nondiscrimination, the environment, and labor standards. This waiver authority is similar to that provided in other disaster relief appropriations for the CDBG program. The Committee notes that this language will give States and localities using these funds far greater flexibility in aiding the victims of flood damage.

The Committee has deleted language proposed by the House, but not requested by the administration, that limits the use of CDBG funds to repair of damaged facilities, or to restore interrupted services, that are essential to public health and safety. The Committee believes that this language is overly restrictive to the recovery efforts of states affected by recent floods.

The Committee has added bill language, requested by the administration, that earmarks $25,000,000 of the funds provided for Midwest flooding for disaster recovery planning grants. The Committee expects that the Department will ensure that States and localities that receive these funds use them in a coordinated fashion with other Federal and State resources for economic recovery and community revitalization activities.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

1993 appropriation to date	$1,318,965,000
1993 supplemental estimate	24,250,000
House allowance	
Committee recommendation	24,250,000

The Committee has provided $24,250,000 as requested by the administration for abatement, control, and compliance. These funds are provided to evaluate the initial and long-term environmental impacts associated with the flood and provide technical and other assistance for abatement and restoration activities.

Specifically, these funds will provide grants and assistance to States for identification, collection and disposal of pesticides; monitoring and assessing chemical and biological contaminants in the Mississippi and Missouri Rivers and their tributaries; monitoring and assessing water pollutant discharges and air pollution; wetlands restoration management; monitoring and assessing hazardous waste facilities; and for other purposes associated with the floods.

PROGRAM AND RESEARCH OPERATIONS

1993 appropriation to date	$823,607,000
1993 supplemental estimate	1,000,000
House allowance	
Committee recommendation	1,000,000

The Committee has provided $1,000,000, as requested by the administration, for program and research operations. These funds are for the hiring of temporary personnel to assess and monitor hazardous waste facilities and solid waste collection and disposal facilities; assess damage to wetlands and other waters; assist in flood plain management issues; evaluate the potential risk to human health and the environment; and support the emergency operations center coordination.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

1993 appropriation to date	$75,000,000
1993 supplemental estimate	8,000,000
House allowance	
Committee recommendation	8,000,000

The Committee recommends $8,000,000, as requested by the administration, for the leaking underground storage tank trust fund. These funds are provided to assess releases from underground storage tanks and to provide grants to States for cleanup actions at leaking underground storage tank sites in the flood-stricken States.

OILSPILL RESPONSE

1993 appropriation to date	$20,000,000
1993 supplemental estimate	700,000
House allowance	
Committee recommendation	700,000

The Committee has provided $700,000, as requested by the administration, to undertake spill prevention control and countermeasure inspections and to assist in oilspill responses and cleanup at oil sites in the flood-stricken States.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

1993 appropriation to date	$292,000,000
1993 supplemental estimate	1,138,000,000
1994 supplemental estimate	862,000,000
House allowance	815,000,000
Committee recommendation	2,000,000,000

The Committee has provided $2,000,000,000 for FEMA disaster relief activities, based on the administration's latest estimates of needs resulting from the floods which have ravaged many Midwestern States, as well as from earlier disasters such as Hurricane Andrew, Hurricane Iniki, and the Loma Prieta earthquake. Of the amount provided, $265,000,000 is provided in contingency funds, as requested by the administration.

In addition to the amount provided, the Committee notes that $143,000,000 remains available from an earlier appropriation (Public Law 102-229), contingent upon the President's declaration that such funds constitute an emergency requirement.

The Committee recognizes that the needs for disaster relief assistance associated with the Midwest floods may exceed the amount provided. Additional requirements will be addressed through the fiscal year 1994 appropriation.

The President has declared nine States major disasters resulting from the floods. It is estimated that approximately 47,000 dwellings have been damaged or destroyed by the floods, and more than 50,000 registrations for individual disaster assistance have been received to date.

The amount recommended will provide for such activities as the repair and rebuilding of public facilities, roads, and bridges; temporary housing; grants to individuals and families to compensate for the loss of personal property; and for other purposes.

In addition, of the amount provided, approximately $860,000,000 is needed to fund eligible activities associated with previously designated disasters in numerous States. In particular, approximately $85,000,000 is estimated to be needed for unfunded liabilities from Hurricane Hugo; $155,000,000 from the Loma Prieta earthquake; $435,000,000 from Hurricane Andrew, and $125,000,000 from Hurricane Iniki. The balance is estimated to be needed for unfunded liabilities in many other States.

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAMS AND ACTIVITIES

1993 appropriation to date	$73,000,000
1993 supplemental estimate	2,000,000
House allowance	2,000,000
Committee recommendation	2,000,000

The Committee concurs with the House in recommending the requested additional $2,000,000 for the Commission on National and Community Service. This appropriation will go for activities of Youth Corps and other volunteer organizations in disaster relief and recovery efforts in the Midwest. Payments should be limited to activities connected with direct cleanup and humanitarian activities such as equipment, stipends, transportation, food, and lodging. In addition, the Committee has approved a reprogramming of an additional $1,125,000 for disaster relief activities from the Commission's fiscal year 1993 appropriations.

CHAPTER VII

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

U.S. FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

1993 appropriation to date	$81,387,000
1993 supplemental estimate	30,000,000
House allowance	26,354,000
Committee recommendation	30,000,000

The Committee recommends $30,000,000 in funding for emergency repairs and rehabilitation at national wildlife refuges and national fish hatcheries damaged by the severe flooding in the Mississippi River basin. This recommendation reflects the most recent information submitted by the President relative to damages at Fish and Wildlife Service units.

Among the National Wildlife refuges this appropriation would help are Mark Twain National Wildlife Refuge, IL; Squaw Creek National Wildlife Refuge, MO; Upper Mississippi River National Wildlife Refuge complex, MN-IA-IL-WI; Trempealeau National Wildlife Refuge, WI; Swan Lake National Wildlife Refuge, MO; DeSoto National Wildlife Refuge, IA; Minnesota Valley National Wildlife Refuge, MN; Illinois River National Wildlife Refuge, IL; Flint Hills National Wildlife Refuge, KS; Quivira National Wildlife Refuge, KS; and Kirwin National Wildlife Refuge, KS. Hatcheries and research centers are also affected, particularly the Genoa National Fish Hatchery, WI, and the Neosho National Fish Hatchery, MO; and the Northern Prairie Wildlife Research Center, ND.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

1993 appropriation to date	$36,617,000
1993 supplemental estimate	5,000,000
House allowance	
Committee recommendation	5,000,000

The Committee recommends $5,000,000, the same as the budget estimate, for historic preservation activities needed pursuant to the flooding in the Midwest. The funds will be used for emergency financial and technical assistance to historic properties. Funds will be used for emergency repairs, rehabilitation, stabilization, and other activities related to historic properties. It is the Committee's understanding that there are in excess of 2,160 national register sites in the counties affected by the flooding.

CONSTRUCTION

1993 appropriation to date	$229,831,000
1993 supplemental estimate	900,000
House allowance	850,000
Committee recommendation	900,000

The Committee has included $900,000 for emergency repairs and rehabilitation at National Park sites damaged by the severe flooding in the Mississippi River basin. Among the parks that have suffered damage are the Jefferson National Expansion Memorial in St. Louis, MO; George Washington Carver National Historic Site in Diamond, MO; Effigy Mounds National Monument in Harpers Ferry, IA; Pipestone National Monument in Pipestone, MN; Herbert Hoover National Historic Site in West Branch, IA; St. Croix National Scenic Riverway in St. Croix Falls, WI; and Fort Larned National Historic Site, KS.

U.S. GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

1993 appropriation to date	$576,748,000
1993 supplemental estimate	1,439,000
House allowance	851,000
Committee recommendation	1,439,000

The Committee recommends $1,439,000 for surveys, investigations, and research. The Committee's recommendation is based on updated damage estimates received from the Survey and includes funds for the Federal data collection and analysis program in water resources and for earthquake hazards reduction in geologic and mineral resource surveys and mapping.

In water resources, the Committee's recommendation is based on assessments of damages in eight Midwestern States of water resources measuring equipment, extraordinary costs that include unfunded expenses for travel, overtime, and extra personnel, and to collect reconnaissance data on water quality conditions and basic data on the extent of the inundation. These data interpretations will be critical to other Federal, State, and local agencies in evaluating reconstruction and other remedial and protective options in the aftermath of the floods.

The Committee's recommendation for earthquake hazards reduction is to repair, salvage, or replace seismic stations in Missouri and Tennessee that were damaged by the flooding and that are needed to monitor the New Madrid earthquake zone.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

1993 appropriation to date	$1,342,385,000
1993 supplemental estimate	3,878,000
House allowance	
Committee recommendation	3,878,000

The Committee recommends $3,878,000 for repair, reconstruction, and replacement of facilities, agricultural land and structures repair, and repair and replacement of bridges and roads on Indian reservations. The funding will be used for clearing and repairing roads and bridges, fence repair on ranges, repair of flood plain devices and structures on waterways, and repair of Bureau-owned dams. Funds provided for facilities are for structure repair or replacement only and should not be used to replace furnishings.

CHAPTER VIII—GENERAL PROVISIONS

The Committee recommends language (section 801) that provides that no part of any appropriation contained in the bill shall remain available for obligation beyond the current fiscal year unless expressly so provided therein.

The Committee has deleted a legislative provision proposed by the House. It is described in chapter IV, earlier in this statement.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

House Doc.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	FISCAL YEAR 1993 SUPPLEMENTAL APPROPRIATIONS FOR MIDWEST FLOOD RELIEF					
	CHAPTER I					
	DEPARTMENT OF AGRICULTURE					
	Production, Processing, and Marketing					
103–	Extension service	$3,500,000		$3,500,000		+$3,500,000
	Commodity Credit Corporation					
103–116						
103–	Disaster payments	1,050,000,000	$850,000,000	1,050,000,000		+200,000,000
103–116	Contingency appropriations	300,000,000	300,000,000	300,000,000		
	Total, Commodity Credit Corporation	1,350,000,000	1,150,000,000	1,350,000,000		+200,000,000
	Soil Conservation Service					
103–116						
103–	Watershed and flood prevention operations	35,000,000	25,000,000	35,000,000		+10,000,000
103–	Contingency appropriations	25,000,000		25,000,000		+25,000,000
	Total, Soil Conservation Service	60,000,000	25,000,000	60,000,000		+35,000,000
	Agricultural Stabilization and Conservation Service					
103–116						
103–	Emergency conservation program	30,000,000	20,000,000	30,000,000		+10,000,000
103–	Salaries and expenses	12,000,000		12,000,000		+12,000,000
	Total, Agricultural Stablization and Conservation Service	42,000,000	20,000,000	42,000,000		+22,000,000
	Farmers Home Administration					
	Rural Housing Insurance Fund Program account:					
103–	Housing repair loans	(15,000,000)		(15,000,000)		(+15,000,000)
103–	Subsidy	5,985,000		5,985,000		+5,985,000
	Agricultural Credit Insurance Fund Program account:					
103–	Soil and water loans	(7,000,000)		(7,000,000)		(+7,000,000)
103–	Subsidy	1,284,500		1,284,000	−$500	+1,284,000
103–	Emergency disaster loans	(80,000,000)		(80,000,000)		(+80,000,000)
103–	Subsidy	20,504,000		20,504,000		+20,504,000
	Rural Development Insurance Fund Program account:					
	Industrial development loans: Guaranteed:					
103–	Loan level	(50,000,000)		(50,000,000)		(+50,000,000)
103–	Contingency loan level	(50,000,000)		(50,000,000)		(+50,000,000)
103–	Loan. subsidy	2,705,000		2,705,000		+2,705,000
103–	Contingency loan subsidy	2,705,000		2,705,000		+2,705,000
103–	Very low-income housing repair grants	15,000,000		15,000,000		+15,000,000
103–	Emergency community water assistance grants	20,000,000		20,000,000		+20,000,000
103–	Contingency appropriations	30,000,000		30,000,000		+30,000,000
	Total, chapter I:					
	New budget (obligational) authority	1,553,683,500	1,195,000,000	1,553,683,000	−500	+358,683,000
	Appropriations	(1,195,978,500)	(895,000,000)	(1,195,978,000)	(−500)	(+300,978,000)
	Contingency appropriations	(357,705,000)	(300,000,000)	(357,705,000)		(+57,705,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

House Doc.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −) Supplemental estimate	Senate Committee recommendation compared with (+ or −) House allowance
	(Guaranteed loan authorization)	(100,000,000)		(100,000,000)		(+100,000,000)
	(Direct loan authorization)	(102,000,000)		(102,000,000)		(+102,000,000)
	CHAPTER II DEPARTMENT OF COMMERCE Economic Development Administration					
103–	Economic development assistance programs	100,000,000		100,000,000		+100,000,000
103–116 103–	Contingency appropriations		100,000,000			−100,000,000
	Total, Economic Development Administration	100,000,000	100,000,000	100,000,000		
	National Oceanic and Atmospheric Administration					
103–	Operations, research, and facilities	1,000,000	1,000,000	1,000,000		
	Total, Department of Commerce	101,000,000	101,000,000	101,000,000		
	RELATED AGENCIES Legal Services Corporation					
	Payment to the Legal Services Corporation		300,000			−300,000
	Small Business Administration Disaster Loans Program account:					
103–116	Direct loans subsidy	60,000,000	60,000,000	60,000,000		
103–116	(Direct loan authorization)	(300,000,000)	(300,000,000)	(300,000,000)		
103–116	Administrative expenses	10,000,000	10,000,000	10,000,000		
	Total, Small Business Administration	70,000,000	70,000,000	70,000,000		
	Total, chapter II:					
	New budget (obligational) authority	171,000,000	171,300,000	171,000,000		−300,000
	Appropriations	(171,000,000)	(71,300,000)	(171,000,000)		(+99,700,000)
	Contingency appropriations		(100,000,000)			(−100,000,000)
	(Direct loan authorization)	(300,000,000)	(300,000,000)	(300,000,000)		
	CHAPTER III DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY Corps of Engineers—Civil					
103–116 103–	Operation and maintenance, general	55,000,000	30,000,000	55,000,000		+25,000,000
103–116 103–	Flood control and coastal emergencies	120,000,000	100,000,000	120,000,000		+20,000,000
103–116 103–	Contingency appropriations	60,000,000	20,000,000	60,000,000		+40,000,000
	Total, chapter III:					
	New budget (obligational) authority	235,000,000	150,000,000	235,000,000		+85,000,000
	Appropriations	(175,000,000)	(130,000,000)	(175,000,000)		(+45,000,000)
	Contingency appropriations	(60,000,000)	(20,000,000)	(60,000,000)		(+40,000,000)
	CHAPTER IV DEPARTMENT OF LABOR Employment and Training Administration					
103–	Training and employment services	43,500,000		43,500,000		+43,500,000
	Contingency appropriations		43,500,000			−43,500,000
	Total, Department of Labor	43,500,000	43,500,000	43,500,000		
	DEPARTMENT OF HEALTH AND HUMAN SERVICES Assistant Secretary for Health					
103–116 103–	Public health emergency fund (contingency appropriations)		54,000,000			−54,000,000
	Office of the Secretary					
103–	Public health and social services emergency fund (contingency appropriations)	75,000,000		75,000,000		+75,000,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

House Doc.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	Total, Department of Health and Human Services	75,000,000	54,000,000	75,000,000	....	+21,000,000
	DEPARTMENT OF EDUCATION					
103–	Impact aid (contingency appropriations)	70,000,000	....	70,000,000	....	+70,000,000
103–	Student financial assistance	30,000,000	....	30,000,000	....	+30,000,000
	Total, Department of Education	100,000,000	....	100,000,000	....	+100,000,000
	Total, chapter IV:					
	New budget (obligational) authority	218,500,000	97,500,000	218,500,000	....	+121,000,000
	Appropriations	(73,500,000)	....	(73,500,000)	....	(+73,500,000)
	Contingency appropriations	(145,000,000)	(97,500,000)	(145,000,000)	....	(+47,500,000)
	CHAPTER V DEPARTMENT OF TRANSPORTATION United States Coast Guard					
103–116						
103–	Operating expenses	10,000,000	....	10,000,000	....	+10,000,000
	Contingency appropriations	....	10,000,000	....	....	−10,000,000
	Total, United States Coast Guard	10,000,000	10,000,000	10,000,000	....	....
	Federal Highway Administration					
103–116	Federal-aid highways (Highway Trust Fund)	100,000,000	75,000,000	100,000,000	....	+25,000,000
103–	Contingency appropriations	75,000,000	50,000,000	75,000,000	....	+25,000,000
	Total, Federal Highway Administration	175,000,000	125,000,000	175,000,000	....	+50,000,000
	Federal Railroad Administration					
103–	Local rail freight assistance	10,000,000	....	10,000,000	....	+10,000,000
103–	Contingency appropriations	6,000,000	21,000,000	6,000,000	....	−15,000,000
	Total, Federal Railroad Administration	16,000,000	21,000,000	16,000,000	....	−5,000,000
	Total, chapter V:					
	New budget (obligational) authority	201,000,000	156,000,000	201,000,000	....	+45,000,000
	Appropriations	(120,000,000)	(75,000,000)	(120,000,000)	....	(+45,000,000)
	Contingency appropriations	(81,000,000)	(81,000,000)	(81,000,000)	....	....
	CHAPTER VI DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT Housing Programs					
103–	HOME Investment Partnerships Program	50,000,000	100,000,000	50,000,000	....	−50,000,000
103–116						
103–	Contingency appropriations	....	....	....	....	....
	Community Planning and Development					
103–116						
103–	Community development grants	200,000,000	53,000,000	200,000,000	....	+147,000,000
103–116	Contingency appropriations	....	....	....	....	....
	Total, community planning and development	200,000,000	53,000,000	200,000,000	....	+147,000,000
	Total, Department of Housing and Urban Development	250,000,000	153,000,000	250,000,000	....	+97,000,000
	INDEPENDENT AGENCIES Commission on National and Community Service					
103–	Programs and activities	2,000,000	2,000,000	2,000,000	....	....
	Environmental Protection Agency					
103–	Abatement, control, and compliance	24,250,000	....	24,250,000	....	+24,250,000
103–	Program and research operations	1,000,000	....	1,000,000	....	+1,000,000
103–	Leaking underground storage tank trust fund	8,000,000	....	8,000,000	....	+8,000,000
103–	Oilspill response	700,000	....	700,000	....	+700,000
	Total, Environmental Protection Agency	33,950,000	....	33,950,000	....	+33,950,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

House Doc.	Department or activity	Supplemental estimate	House allowance	Senate Committee recommendation	Senate Committee recommendation compared with (+ or −)	
					Supplemental estimate	House allowance
	Federal Emergency Management Agency					
103–116 103–	Disaster relief, fiscal year 1993	873,000,000	815,000,000	1,735,000,000	+862,000,000	+920,000,000
103–116 103–	Contingency appropriations	265,000,000		265,000,000		+265,000,000
103–	Disaster relief, fiscal year 1994 emergency supplemental	862,000,000			−862,000,000	
	Total, Federal Emergency Management Agency	2,000,000,000	815,000,000	2,000,000,000		+1,185,000,000
	Total, chapter VI:					
	New budget (obligational) authority	2,285,950,000	970,000,000	2,285,950,000		+1,315,950,000
	Appropriations	(2,020,950,000)	(970,000,000)	(2,020,950,000)		(+1,050,950,000)
	Fiscal year 1993	(1,158,950,000)	(970,000,000)	(2,020,950,000)	(+862,000,000)	(+1,050,950,000)
	Fiscal year 1994	(862,000,000)			(−862,000,000)	
	Contingency appropriations	(265,000,000)		(265,000,000)		(+265,000,000)
	CHAPTER VII DEPARTMENT OF THE INTERIOR United States Fish and Wildlife Service					
103–	Construction and anadromous fish	30,000,000	26,354,000	30,000,000		+3,646,000
	National Park Service					
103–	Historic preservation fund	5,000,000		5,000,000		+5,000,000
103–	Construction	900,000	850,000	900,000		+50,000
	Total, National Park Service	5,900,000	850,000	5,900,000		+5,050,000
	United States Geological Survey					
103–	Surveys, investigations, and research	1,439,000	851,000	1,439,000		+588,000
	Bureau of Indian Affairs					
103–	Operation of Indian programs	3,878,000		3,878,000		+3,878,000
	Total, chapter VII:					
	New budget (obligational) authority	41,217,000	28,055,000	41,217,000		+13,162,000
	Appropriations	(41,217,000)	(28,055,000)	(41,217,000)		(+13,162,000)
	Contingency appropriations					
	Grand total, all titles:					
	New budget (obligational) authority	4,706,350,500	2,767,855,000	4,706,350,000	−500	+1,938,495,000
	Appropriations	(3,797,645,500)	(2,169,355,000)	(3,797,645,000)	(−500)	(+1,628,290,000)
	Fiscal year 1993	(2,935,645,500)	(2,169,355,000)	(3,797,645,000)	(+861,999,500)	(+1,628,290,000)
	Fiscal year 1994	(862,000,000)			(−862,000,000)	
	Contingency appropriations	(908,705,000)	(598,500,000)	(908,705,000)		(+310,205,000)
	Rescissions					
	(Guaranteed loan authorization)	(100,000,000)		(100,000,000)		(+100,000,000)
	(Direct loan authorization)	(402,000,000)	(300,000,000)	(402,000,000)		(+102,000,000)

THE PRESIDENT'S BUDGET AND TAX BILL

Mr. GRAMM. Mr. President, I want to say a little bit about the President's budget and tax bill which, as of this morning, the final meetings are underway in all of the dark and dingy corners of the Capitol where Democrats are meeting, planning their final strategy for the tax bill.

I would like to comment a little bit about that tax bill. I think one of the mistakes that we have made in this debate is that we have only focused on the President's campaign promise to cut $3 in spending for every $1 of taxes. Then in the State of the Union, it was $1 of spending cuts for every $1 of taxes. And then in the budget, it was $3.23 of taxes for every $1 of spending cuts. Eighty percent of those spending cuts are not promised until after the 1996 election.

The President says $500 billion of deficit reduction. The Congressional Budget Office, the judge and jury established by the President, says $355 billion, and we have got into this long debate. After hearing for 6 months about the broken promises, excess taxes, and phony spending cuts, my guess is the public has yawned and gone back to sleep or gone on about their business. While debating numbers and scoring and all the things the public does not care about, we have said relatively little about what the public does care about, and that is what I would like to address today.

I am struck by the fact that we seem determined to do exactly what we did in 1990 and make exactly the same mistake again. I remind my colleagues that in 1990 then-President George Bush entered into a budget summit with the Democrats. The President proposed an initial budget that cut spending. The Democrats proposed an alternative budget that raised taxes. Long negotiations occurred. A compromise was reached. The compromise promised that in return for $160 billion of taxes on the American public, Congress was going to cut spending twice as much.

Now, I want to note that that stands in stark contrast with the budget plan that we adopted that has $3.23 of taxes for every dollar of spending cut.

But the bottom line is this: Every penny of the $160 billion of taxes became law. Relatively little of the spending cuts ended up being actually made. The tax increases depressed the economy and the net result was that the deficit went up and not down, because the economy went down.

Now, here we are 3 years later, going down exactly the same road.

Let me tell you why I am opposed to the Clinton budget and the Clinton tax plan. I am opposed to that budget and I am opposed to that tax plan because it is going to make the economy worse. The Clinton tax plan is a one-way ticket to a recession.

There is no way that you can raise income tax rates by over 30 percent on small businesses and family farms, on savers, investors, and job creation and not produce a situation where they save less, invest less, and create fewer jobs.

There is no way you can tax Social Security benefits, taking away the nest egg of people who saved all their lives to retire, and not affect the decisions of the next generation in terms of their decision about building up their own nest egg.

So, as a result of the bill that is being finalized today, people in the age group of 45 to 55 who are looking toward retirement will see that we are going to tax away the benefit of building up a modest nest egg. They will save less and enter retirement with less private retirement benefits in order to avoid the tax on their Social Security. The result will be that the tens of billions of dollars of investment capital that they would have saved and that would have created jobs will be lost.

Finally, this plan has another tax hike on gasoline. The net result will drive up the cost of people going about their daily business, such as driving their pickup trucks from Cleburne to Fort Worth in order to work and driving that same pickup home. We are lowering the living standards of those people and they are going to respond by spending less, by working less and, as a result, the economy is going to get weaker.

The problem with the President's program is not how you score it. The problem is it is going to put Americans out of work. The problem with the President's program is it is antisavings, antiinvestment, antijob creation, and it is going to mean that the economy is going to be hurt in the process.

What is the alternative? We have one last opportunity on the floor of the Senate. I want to urge my colleagues to vote down this tax bill. And let me tell you what I think we ought to do.

I think Republicans ought to get together—House and Senate Members—and go back and look at the substitute we offered in the Senate and the substitute that Republicans offered in the House. We ought to put together $500 billion of spending cuts. We ought to have it certified by the Congressional Budget Office so there is no debate about the numbers.

We ought to ask the President to do exactly the same thing. We ought to go down to the White House, put our proposal on the table and let him put his proposal on the table. Where the two overlap, we agree in advance to adopt it. Then he takes our proposal and takes half of our cuts. We take his proposal and take half of his cuts. We would all hate it, but the economy and the American people would love it.

If we did that, we would fundamentally change the pattern of spending in America. The economy would move forward; we would build confidence; people would save more, invest more, and create more jobs.

Mr. President, the problem with the President's budget is it does exactly the opposite of what he claims he wants to do.

What the President's budget will do is hurt the economy and put Americans out of work. That is why we ought not to be raising income taxes, taxing Social Security, taxing gasoline and, at the same time, not doing anything about the fundamental problem that spending continues to explode.

In fact, when we have this vote later this morning, we go back to the national service bill, which is going to spend $10.8 billion of brand new money. How can we increase spending, increase taxes, and promote prosperity in America?

Mr. President, I do not believe that can be done. I do not think it has ever been done. Republicans, working with Democrats, tried to do it in 1990. Surely, we can learn from our failures, learn from our experience. Let us not replicate an experiment that produced a recession.

This bill is much worse than the 1990 bill, and, as a result, it is going to hurt the economy a lot more. It is going to put more people out of work, and one of those people is going to be Bill Clinton.

So it seems to me the logical thing to do is to cut spending first. That is what I think we ought to do. I think the American people want us to do it. The American people do not believe that, if we raise all these taxes, we will ultimately cut the spending we promise. And there is good reason they do not believe it—because we have not done it.

THE PRESIDENT'S TAX BILL

Mr. DOLE. Mr. President, I just wanted to call the attention to my colleagues, and anybody else who may read the RECORD or who may be listening, to the fact that we have had a number of companies support the President's so-called economic package, the tax bill: General Motors, IBM, Procter & Gamble, Hughes Aircraft, General Electric, Delta Air Lines, Westinghouse Electric, Tenneco, BP America, and Tektronix.

This group of companies has announced layoffs of 177,551 people. These are the big companies in America that are only going to pay a 35-percent rate. They are not the small companies in America that are going to have their taxes raised from 31 to 45 percent.

I think this was unusually good information from the NFIB, the National Federation of Independent Businesses, because they point out on page 2—and I will ask that the entire document be printed in the RECORD—that:

> From 1987–1992, firms with 19 or fewer employees accounted for 78 percent of all new jobs created.

So all these big companies come to town and endorse the President's tax package. They are only going to pay a 1-percent increase. The small businessmen and small businesswomen are going to pay a 13 or 14 percent tax increase.

> Firms with fewer than 100 employees accounted for virtually all jobs created.

So all these big companies—and I wish them well; I am not hostile to big companies. But I think when they line up to support the President's package, it is because they got more fairly treated. The small businessmen and small businesswomen have not been listened to, and they are going to get zapped. These are the middle-class Americans getting their taxes raised again.

> From 1988–1990, small firms created an astounding 4 million net new jobs against a loss in large firms of 500,000.

So it is the small businessmen and small businesswomen who are creating the jobs.

I ask unanimous consent that the statement from the National Federation of Independent Businesses be printed in the RECORD. I think it demonstrates who is getting hit with this big tax bill that President Clinton wants to cram down their throats.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TAX FAIRNESS?

When debate on the tax bill began, the issue was jobs. The Administration and Congress both recognized that true economic health hinges on job creation. However, the budget reconciliation bill seems to punish businesses creating jobs and reward firms laying off workers.

On May 25, 1993, fifty large companies wrote a letter to Congress in support of the tax provisions of the reconciliation bill. They had reason to be pleased. The House-passed bill raised the top corporate rate from 34% to only 35%. Yet many of these same corporations have spent most of the last year in the business of job elimination, not job creation. Take a look at the facts—

	Announced layoffs
Companies supporting tax bill:	
General Motors	74,000
IBM	65,000
Procter & Gamble	13,000

	Announced layoffs
Hughes Aircraft	9,000
General Electric	6,300
Delta Air Lines	3,836
Westinghouse Electric	3,000
Tenneco	1,000
BP America	1,575
Tektronix	800
Total jobs lost	177,511

Fortunately, these significant layoffs by big businesses have not been able to overshadow the incredible job growth in small businesses over the last few years. Compare the job losses reported by large firms to the job growth statistics found among smaller ones:

From 1987–1992, firms with 19 or fewer employees accounted for 78% of all new jobs created.

Firms with fewer than 100 employees accounted for virtually all jobs created.

From 1988–1990, small firms created an astounding 4 million net new jobs against a loss in large firms of 500,000.

In the first nine months of 1992, small business-dominated industries created 171,000 jobs compared to a loss of 347,200 jobs in large business-dominated industries.

Unfortunately, the very businesses that are creating these new jobs are the ones that will be hit by the higher individual tax rates in the reconciliation bill.

The fastest growing 5–10% of small firms are responsible for the vast majority of new jobs created between 1987–1992. These businesses are being rewarded with an increase in their top rate from 31% to almost 45%, while their larger competitors' rate is virtually unchanged.

If you combine the increased tax rates in the 1990 budget agreement with those likely to result from this reconciliation package, the rates of these fast growing, job creating firms will have increased 60 percent over 3 years. On the other hand, rates have gone up only 3% for the largest, most stagnant firms.

If the purpose of the reconciliation bill is to create jobs, why does it shift the tax burden from the job eliminators to the job creators?

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Wednesday, June 28, 1993, the Federal debt stood at $4,348,145,703,496.26; this means that, on a per capita basis, every man, woman, and child in America owes $16,928.14 as his or her share of the Federal debt. There may be some Americans who will want to check on the big-spending records of their Senators and Congressman.

IN SUPPORT OF DR. JOYCELYN ELDERS TO BECOME U.S. SURGEON GENERAL

Mr. CHAFEE. Mr. President, on July 13, I met with President Clinton's nominee for Surgeon General of the United States, Dr. Joycelyn Elders, and was impressed with her credentials, commitment and forthright approach. I commend President Clinton's choice of Dr. Elders and believe she will serve us well as the Nation's chief public health advocate.

If confirmed by the Senate, I believe Dr. Elders will be a vigorous, high-profile Surgeon General in the mold of Dr. Everett Koop. I have faith that Dr. Elders—a frank and independent person—will not shy away from the difficult public health challenges and issues confronting our Nation. To the contrary, she has the energy and wherewithal to advance responsible and sensible public health policies for this country.

She has had a distinguished career in public service and in medicine as director of the Arkansas Department of Health and as a pediatric endocrinologist. Her strong advocacy for women's and children's health issues, in particular, demonstrates a sense of priority and sensitivity with which I strongly identify. Her commitment to increasing child immunization rates and emphasizing primary care in Arkansas are just a few of the ways in which she has distinguished her leadership abilities.

Dr. Elders enjoys broad support within the public health community, including that of Dr. Barbara DeBuono, director of the Rhode Island Department of Health, whose views I greatly respect and admire. The recipient of an honorary degree from Yale University, Dr. Elders has won endorsements from numerous national organizations, including the American Heart Association, the American Cancer Society, the American Medical Association, the Society for Pediatric Research, the American Pediatric Society, the National Association for Public Health Policy, and the National Association of Children's Hospitals.

I am pleased the Senate Labor and Human Resources Committee today favorably reported Dr. Elders' nomination by a vote of 13 to 4. While some of my colleagues may continue to have philosophical differences with the nominee, it is my hope we can proceed to debate and vote on the Elders' nomination before the August recess.

At that time, I urge my colleagues to vote "yes" to confirm Dr. Elders. She has a wealth of experience, and the tough-mindedness to effectively advocate the public health interests of all our citizens.

FIGHTING IN LEBANON

Mr. PELL. Mr. President, I am deeply concerned by the violence occurring in Israel and Lebanon. The exchange of fire between Israel and the extremist groups based in Lebanon has disrupted stability, resulted in scores of casualties, and caused major disruptions in the lives of civilians in both Israel and Lebanon. As Katyusha rockets rain down on northern Israel, Israeli civilians have been forced to leave their homes or seek refuge in bomb shelters; as Israeli warplanes bomb Lebanese targets in retaliation, more than 100,000 Lebanese have fled to the north.

In the heat of battle, it cannot be forgotten how this vicious cycle of violence began. While I do not condone Israeli attacks on civilian targets, the responsibility for starting the fighting rests with the extremist groups in Lebanon, such as Hezbollah. These groups reject the Middle East peace talks and are seeking to scuttle any chance of peace among Israel and its neighbors.

The fighting has caused Lebanese and Syrian Government officials to question the utility of continuing the peace talks. There is cruel irony in the present situation: Should the peace talks fail, the governments of the region will suffer and the extremists will have achieved their aims.

The President and the Secretary of State have called for restraint and have underscored their commitment to the Middle East peace talks. I support their view that peace talks represent the world's best hope for eliminating the root cause of violence in the Middle East, and I applaud the Secretary for reaffirming his intent to visit the region.

At the same time, both Syria and Lebanon, as partners in the peace talks, need to understand that the extremists are undermining their interests. The longer Hezbollah is given free rein in southern Lebanon, the more the world must question the motives of Syria and the strength of the Lebanese Government.

Mr. President, the violence must be stopped before the peace process is derailed. The United States can best help by continuing to appeal to both reason and restraint. My hope is that all of the interested parties will listen.

MESSAGE TO THE UNITED STATES CONGRESS FROM TSIGANENKO NICKOLAY KUSMITCH, UKRANIAN FARMER

Mr. CRAIG. Mr. President, during the month of April, an Idaho farmer and his wife, Wynne and Maxine Henderson, had the unique opportunity to travel to Ukraine as participants with Volunteers in Overseas Cooperative Assistance [VOCA].

As many of my colleagues know, VOCA was founded in 1970 and provides technical assistance to cooperatives, private agribusinesses, and government agencies abroad. The work of VOCA is accomplished through short-term technical assistance by U.S. volunteer specialists recruited nationwide. These volunteers work on individual projects throughout the world. During fiscal year 1991, more than 150 volunteers carried out 210 projects in 33 countries. Areas receiving assistance include developing countries, the emerging democracies of Central and Eastern Europe, the Baltics, and the Commonwealth of Independent States. As I stated, the Hendersons, from Lewiston, ID, recently participated in the VOCA Program in Ukraine.

While in Ukraine, the Hendersons worked with Ukrainian agriculture in an attempt to contribute to its movement from a collective system to a structure of private, individual ownership of land, similar to that in the United States. The transition in the newly independent republics is difficult and sometimes very frustrating both for those making the transition as well as those attempting to contribute positively to that transition.

While in Ukraine, Wynne was contacted by a local farmer, Tsiganenko Nickolay Kusmitch, and asked that a letter be delivered to the Congress on his behalf.

The text of this letter is as follows:

> This application from Tsiganenko Nickolay Kusmitch, private farmer of Ukraine, asks Members of the United States Congress to discuss my motion of the farmers movement in Ukraine to consider a connection with private farmers personally. In Ukraine 80 percent of our Government officers are former communists who want to break the private farmer development in Ukraine. When you give assistance to Ukraine farmers through government it will go to the gangster structure of the former communism. It is my task to show private farming is better than the collective system. The Communists support collective farming because it was a good life for former Communists. Your assistance to Ukraine private farmers will promote a higher development of agriculture and direct Ukraine to a democracy of high level like the United States.

The content of that letter has a very clear and pertinent message for the Congress. I would sincerely ask that every Senator read and give careful consideration to the message Mr. Kusmitch has given us.

IRAQI BOMBING PUTS KURDS AT RISK

Mr. PELL. Mr. President, Iraq is once again in the forefront of the news. Yesterday, United States warplanes fired missiles on Iraqi antiaircraft positions, possibly after being illuminated by Iraqi radar. Earlier, an Iraqi plan to assassinate President Bush while he was in Kuwait was confirmed by United States intelligence, and the United States retaliated with missile attacks on Iraqi intelligence headquarters.

Yet Saddam Hussein again seems to be pounding his chest in Baghdad; unfortunately, the Iraqi Kurds could well be his next victims.

In March 1991, in the aftermath of the Persian Gulf war, the Kurds rose up against Saddam Hussein to reclaim a centuries-old homeland which had been rendered unlivable by his regime. In April, a renewed Iraqi onslaught sent the Kurds fleeing for cover to the mountainous Turkish border region. Thousands of Kurds, and especially those most vulnerable, the children, perished from hunger and exposure.

As it had in years past, the suffering of the Kurds attracted the attention of the world. This time, under U.S. leadership, the allied coalition operation Provide Comfort supplied the Kurds with the protection and provisions needed to begin to rebuild and recover. It has provided for the protection of human rights and the growth of democracy in Iraqi Kurdistan, including the first truly democratic elections in the Middle East, aside from those in Israel.

But these are desperate days for the Kurds. Despite the allied air cover, there are now more than 100,000 Iraqi troops massed south of the allied-protected safe haven. Since July 1991, when the last of the allied ground troops pulled out, AID workers have been the only expatriate ground presence. Attacks directed against them have prompted one group, Doctors Without Borders, to withdraw its physicians to protest the Iraqi Government's determination to get rid of all independent witnesses.

The face-off with Saddam continues today, north of the 36th parallel. It is possible that Saddam Hussein will attack the Kurds in response to the recent flareups. It is evident that his forces are willing and able to do so.

President Clinton's authorization of the Tomahawk missile attack on Baghdad sent the right message to Saddam. The next message should say to Saddam, in terms he understands, that our commitment to the democratic aspirations of the Kurds is real, not merely a sympathetic reaction to television images, and not postwar bravado.

When the Security Council meets in September, the United States should seek, as a matter of priority, a United Nations resolution that would reaffirm protection of Iraq's Kurdish and other minorities.

The United States with its coalition partners should seek an indefinite extension of the present air cover, and provide financial assistance to enable the Kurds to defend themselves and AID workers.

We need also look for ways to assist the economic development of Iraqi Kurdistan which, like Saddam's Iraq, remains subject to the United Nations embargo. A selective lifting of the economic sanctions for Iraqi Kurdistan would increase its access to world markets, open a way round Saddam's worsening internal blockade, and provide some insurance against Saddam's sabotage of the Kurdish economy.

Mr. President, the Senate Foreign Relations Committee recently approved the Foreign Relations Authorization Act, fiscal years 1994 and 1995. That act contains an amendment I authored concerning United States policy toward the Iraqi Kurds; in my view it outlines the type of long-term, cost-term, cost-effective approach that we should adopt towards Kurdistan. I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Sec. 709. UNITED STATES POLICY CONCERNING IRAQI KURDISTAN.

(a) FINDINGS.—The Congress finds that—

(1) The international community, pursuant to United Nations Security Council Resolution 688, and with the continuation of Operation Provide Comfort, support the protection of Iraq's Kurdish and other ethnic and religious minorities;

(2) Notwithstanding the international community's resolve, certain areas of Iraqi Kurdistan remain at risk of an Iraqi invasion;

(3) Despite the threat of an Iraqi invasion, the Kurds, along with other minority ethnic and religious groups, have initiated a drive toward self-sufficiency, including—

(A) holding free and fair democratic elections to establish a parliament, which supports Iraq's territorial integrity and the transition to a unified, democratic Iraq,

(B) planning for an administering public services,

(C) reconstructing and rehabilitating the basic infrastructure of Iraqi Kurdistan, and

(D) establishing unified police and security forces;

(4) Despite the provision of substantial international humanitarian assistance, and despite the fact that the United Nations blockade on Iraq contains exceptions for humanitarian-related items, the inhabitants of Iraqi Kurdistan still face difficulties because of an internal Iraqi government blockade;

(5) the Kurds and other ethnic and religious minorities, with appropriate additional support, would have the ability to meet their goal of self-sufficiency and move beyond the need for international assistance.

(b) POLICY.—It is the sense of the Congress that the President should—

(1) take steps to encourage the United Nations Security Council—

(A) to reaffirm support for the protection of all Iraqi Kurdish and other minorities pursuant to Security Council Resolution 688, and

(B) to consider lifting selectively the United Nations embargo on the areas under the administration of the democratically-elected leadership of Iraqi Kurdistan, subject to the verifiable conditions that—

(i) the inhabitants of such areas do not conduct trade with the Iraqi regime, and

(ii) the partial lifting of the embargo will not materially assist the Iraqi regime,

(2) Continue to advocate the transition to a unified, democratic Iraq,

(3) take steps to design a multilateral assistance program for the people of Iraqi Kurdistan that supports their drive for self-sufficiency through the provision of—

(A) financial and technical aid through the democratically-elected Kurdish administration to enable the exploitation of natural resources such as oil, and

(B) financial assistance to support the legitimate self-defense and security needs of the people of Iraqi Kurdistan, and

(4) take steps to intensify discussions with the Government of Turkey, whose support and cooperation in the protection of the people of Iraqi Kurdistan is critical, to ensure that the stability of both Turkey and the entire region are enhanced by the measures taken under this section.

The Senator from California is recognized.

THE NATIONAL GUARD AND BORDER PATROL

Mrs. BOXER. Mr. President, just 2 days ago, President Clinton announced his immigration plan. In my opinion, that plan represents a significant step forward in our efforts to curb illegal immigration.

The Clinton plan includes adding 600 agents to the Border Patrol. This is good, but more needs to be done. I realize it will not be easy, because it is very expensive to add Border Patrol agents to the border. Therefore, I believe it is very important to find cost-effective methods to increase the Border Patrol.

Mr. President, about 3 million people illegally cross the United States-Mexico border each year, and of those, 200,000 to 300,000 become permanent inhabitants. California absorbs about 100,000 each and every year, about one-half of all the illegal immigrants in our Nation. It is a burden.

According to the California Department of Finance, there are an estimated 1.3 million undocumented immigrants living in California. The State auditor general estimates that undocumented immigrants cost State and local governments about $3 billion per year in medical care, education, and other costs.

Los Angeles County estimates that it spent $308 million on public services and $368 million to teach the children of the estimated 700,000 illegal residents. San Diego County says it spent $206 million for its 200,000 illegal residents.

I want to be very clear. I support legal immigration and family reunification. I have fought for asylum for those from the former Soviet Union, Central America, the Caribbean, China, and many other nations. I truly believe that America is a great Nation of diversity, but if we have laws, we must enforce them. If we have millions crossing our borders illegally, we must act or our laws are a sham.

I believe the American Government owes a solution for this problem to the people of California and the other States that bear the burden of illegal immigration. Mr. President, this burden falls on about six States.

In this time of dwindling resources, I know we must be creative when we come up with new ideas to help fund the Border Patrol. That is why I have suggested to Attorney General Janet Reno that we consider using the National Guard under civilian control to supplement our Border Patrol. Let me repeat that: The National Guard, under civilian control, not under military control, is well-trained and well-equipped to supplement our Border Patrol.

The National Guard has come to the aid of many Americans during times of need. The Guard has assisted during earthquakes, forest fires, school integration, and floods. The Guard can be called into service in behalf of the Federal Government or an individual State. And the National Guard not only participates in specific events, it does get involved in ongoing situations.

For example, in Puerto Rico, the Guard is being used to assist local police in that island's fight against crime and, Mr. President, from what I can tell, it is receiving rave reviews. It seems to me if the Guard can assist in antidrug programs and anticrime efforts, then it should be able to assist our woefully understaffed Border Patrol.

Along the California border, there are 600 Border Patrol officers, with only 200, Mr. President, in any given shift. Experts tell me we need another 500 Border Patrol agents in California. Hopefully, President Clinton's efforts will yield us about 200 additional Border Patrol officers, but we will still be short of agents.

Therefore, I believe this is the time to be creative. Controlling our borders is a must. The National Guard is a viable resource which could augment Border Patrol efforts.

There are over 500,000 members of the Guard nationally, some 22,000 in California alone, and I believe a portion of them can be used to protect our borders.

Here is an example of what it could mean to California's Border Patrol if they receive the support from the National Guard. Let us say, out of the 22,000 National Guardsmen and women, we tap 4,000 for this duty. Assuming an 8-hour day, this would be a total of 480,000 hours, the equivalent of 240 full-time Border Patrol guards.

Mr. President, people who join the National Guard are trained every weekend, and they give 15 days of service a year. Therefore, we can tap them and increase the Border Patrol to the level of about 240 full-time officers. They would be fully trained and equipped.

In closing, Mr. President, I understand the strong feelings that surround this issue. I know personally of our history as a Nation of immigrants. I would simply say that we will always be a Nation of immigrants and that we will always be, I hope, a place of safe harbor from the despots and the tyrannical leaders of the world.

But we must recognize that in order to continue to be this kind of America, a beacon of hope for the future, we must enforce our laws so that legal immigration for the people who patiently wait will not be closed off as a reaction to the inability to control our borders.

Thank you very much, Mr. President. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware [Mr. BIDEN], is recognized.

SARAJEVO ON THE ABYSS: THE FATAL MOMENT BEFORE BOSNIA'S TRAGEDY AND THE WEST'S SHAME ARE COMPLETE

• Mr. BIDEN. Mr. President, for 15 months, beginning in the spring of 1992, the outside world has stood idle as the Republic of Bosnia—a nation of Europe upon which the United Nations had only recently bestowed formal recognition as a sovereign state—has been attacked, raped, and dismembered by forces under the control and direction of neighboring governments.

In witness to these crimes—crimes of a kind that were tried at Nuremburg a half century ago—the West has orchestrated its institutions in a symphony of evasion, disguising its abject neglect with two forms of involvement, both supposedly benign, but each with a grotesque result:

One Western contribution has been a flow of humanitarian aid, sporadically delivered by military forces equipped with ample supplies of courage but without a United Nations mandate even to deliver food effectively, much less to perform a serious military role—indeed, military forces whose own safety in Bosnia has been used as reason to defer the real military action so plainly needed.

The West's second contribution has been a diplomatic intervention under the formal auspices of the United Nations and the European Community—an intervention which has enunciated but then compromised principle at every turn and which, by the proffering of ill-conceived solutions by ill-chosen mediators, has served to incite rather than to ameliorate the hostilities.

The atrocities that have spread like a plague across the ancient villages and cities of Bosnia are far from unique in history, but they do occupy a unique place in history. The West's tolerance of these horrific events, when we had the means but not the will to react, represents a historic abdication of responsibility.

At a crucial moment—on the threshold of a new era, combining real promise of broader cooperation in world affairs with real danger of widening ethnic conflict, and requiring therefore that we seize our opportunity to fortify institutions of world order—the leading governments of the West, our own included, have been accomplices in a calculated act of negligence. With no small measure of dishonor, we have forsaken our solemn duty to uphold the most fundamental principal of collective security: the defense of a recognized nation against aggression.

We have thereby humiliated ourselves and discredited the very institutions upon which we must depend for the protection of international principle and law in the post-cold-war era.

Today, as we await the fall of Sarajevo, Bosnia's tragedy and our own shame are near complete.

In defense of that city, the Armed Forces of the Bosnian Government, multiethnic in composition and battling on in a heart-rending but vain expectation of Western support, have offered a valiant resistance that has, in recent days, begun to dissolve under the onslaught of rebel forces actively supported by the Governments of Serbia and Croatia.

This aggression the West has not only permitted but abetted through an ill-conceived arms embargo that has helped to guarantee Bosnia's defenselessness. Historians will surely marvel that we have added to our crimes of indifference this special measure of perversity.

Now, as the Serb strangulation of Sarajevo nears its finish under the clinical eye of Cable News Network, we have reached a decisive juncture. The question confronting us, though few wish to face it, is whether, at this final moment of possibility, we will marshal sufficient Western power to salvage that national capital and the principle—the powerful, ennobling principle of multiethnic harmony—it represents.

This, though it is still feasible, I do not expect. More likely, I fear, is that we will again reach deep into the well of rationalization, offering more pathetic excuses to justify a failure of leadership and a continuing inertia that is both cruel and contrary to our own interests.

Although I rise in the Senate today with little optimism that Western governments will summon the strength and wisdom to act, I assert nonetheless—with a conviction as strong as any I have felt in more than two decades in the U.S. Senate—that we will continue, even at this late date, to have the means to act with positive effect, if only we could muster the vision.

Given the extremes of Serb bestiality, decency alone might be motive enough. But I stress vision over decency in recognition that America and its allies lack the resources and energy to answer each and every humanitarian plea. What we cannot afford to ignore—as a century of war and cold war has demonstrated time and again—are fundamental threats to international order.

I submit that the rape of Bosnia, and the rabid Serb fascism behind it, pose such a threat, and that our accommodation and appeasement of this aggression will yield a dire strategic result, in the Balkans and beyond.

Not only have we yielded momentum to the madness fostered by Slobodan Milosevic in the Balkan region, where we face—and indeed have fostered—the specter of spreading conflict. Not only have we have weakened—and indeed disgraced—the institutions of international security at a moment when those principles and organizations might have been strengthened in preparation for a new era of global challenge.

Our mistake is even more profound. We have established a dire precedent and transmitted a resounding message, a message that will be heard amidst every ethnic conflict and by every active and aspiring despot worldwide: Use force—use force blatantly—for the end of the cold war does not mean the onset of a new order; it means chaos.

Let us consider what name to give the new strategic doctrine that says this: Though led by a single and admired superpower of unchallenged military strength, the world community lacks the will and the nerve to respond even to the most heinous of atrocities and to uphold any rule of law.

This week the President of Bosnia has been summoned to Geneva by the apostles of appeasement to meet with the practitioners of aggression. He has, in the state of helplessness we have imposed on him, agreed to negotiate. The goal of President Izetbegovic's interlocutors—appeaser and aggressor alike—is the partition of Bosnia.

Some, who wish for a quick end to this complex diplomatic problem, as they persist in calling a relentless succession of Serb barbarisms, will hope for a prompt capitulation by President Izetbegovic. But any such hope finds little basis in practicality, and certainly none in honor.

I will grant, though I am reluctant to do so, that the partition of Bosnia may now be inevitable. But I do not believe that President Izetbegovic holds a position—vis-a-vis his adversaries and vis-a-vis his supporters—to conduct a satisfactory negotiation leading even to that sad result.

It is my belief that Bosnia's leader can acquire such a position—such a basis for negotiated settlement—only if the West acts now to defend the capital of Bosnia and to make clear that it will uphold Bosnia's claim on some modicum—some essential degree of fairness—in the outcome of this brutal war.

Unless we are prepared to take that action, I fear and predict that far more carnage lies ahead—for the ambitions of the aggressors and the minimal demands of those whom President Izetbegovic represents will find no reconciliation at the negotiating table. The aggressors will see no reason to yield any of their territorial gains. The victims will see no reason to accept a settlement placing them inside diminished boundaries within which they would still have no guarantee of protection against renewed aggression and indeed extermination.

Accordingly, even those who wish for partition and a quick end—and I do not count myself among them—must face the question of bringing Western power to bear: First, to save Sarajevo; then to uphold the settlement that saving Sarajevo may make possible.

In advocating today that we still can and should act to salvage Sarajevo, I intend first to describe the current situation in the city as I understand it. I shall then outline what I regard as a realistic plan for action.

I shall propose a plan:

To lift the siege of Sarajevo;

To increase humanitarian aid and ensure public health; and

To develop a diplomatic climate under which the three factions can resume negotiations on a final settlement for the war.

The plan I shall propose has three characteristics that should anchor it squarely in the realm of feasibility, assuming we can find the fortitude to contemplate serious action:

First, this plan lies within the framework of stated United Nations and American policy, and requires few if any United States ground troops in Bosnia.

Second, it relies on U.N. Protection Forces already in place, augmented by existing allied military assets that are now in the area, and does not require that additional troops be sent by other nations.

Third, it meets the concerns of our allies, principally Britain and France, about the safety of their troops.

Before describing this plan, I shall turn to the current situation.

I. THE CURRENT SITUATION

In recent days, having held Sarajevo under siege for more than a year, Serb forces have launched a major attack on the southern approach to the city at Mount Igman. As a consequence, the very existence of Sarajevo is now in the balance. The question of Sarajevo's survival holds critical implications:

First, leaving aside the question of Bosnia's survival as a nation, if there is to be any Moslem entity in Bosnia, the city must be saved. Without the preservation of Sarajevo, the Bosnian Presidency will lack the basis it needs to negotiate with the Serbs and Croats and to carry out that negotiation without being overthrown by the Bosnian military, which will resist any compromise of Bosnia's national integrity as a multicultural state, a principle for which it has fought with extraordinary tenacity.

Second, the loss of Sarajevo would intensify an already terrible humanitarian debacle with staggering new costs: thousands of deaths from disease and hunger, hundreds of thousands of people displaced and trying to evacuate the city under fire, new refugee flows of upward of a half million people trying to reach neighboring countries—all at a time when the system of international humanitarian support is failing to maintain even the previous level of sustenance for the war's victims.

The recent Serb embargo on energy and fuel supplies to Sarajevo demonstrated that Serb forces, unopposed and possessing a monopoly of heavy weapons, can blockade the city and sharply escalate the already pervasive human suffering among the population. After a year of debilitating siege, the blockade also severely damaged the viability of the multiethnic government and undermined its ability to control the situation inside the city.

Serb forces blockaded the city for two reasons. The immediate objective was to pressure the Bosnian Government into acquiescing to the newly unveiled, though long-intended Milosevic plan for partitioning the country. The border Serb objective remains what it has been: to destroy, by steady erosion, the very symbol of Bosnia's multiethnic society. Sarajevo is by far the most important of the few remaining places where Bosnia's multiethnic society has not yet collapsed into factional fighting.

For the moment, international pressure and a transitory Serb fear of U.S. intervention have succeeded in inducing the Serbs to lift the blockade. But Serb leaders can be expected to resume it once they have reassured themselves that the West lacks the will to intervene.

Meanwhile, the morale of Sarajevo's citizenry—strong almost beyond belief but not beyond human limits—is declining as hope of Western intervention evaporate and fears of ethnic conflict within the city begin to grow.

Food supplies in Sarajevo are today more precarious than ever before. Despite recent pledges that would increase the UNHCR's funding by $100 million, food aid actually reaching Sarajevo is in short supply. The main problem, not surprisingly, is delivery; ground convoys have been reduced to a trickle by the recent fighting between the Bosnian Army and Croatian HVO forces along the main supply routes from the west. The city thus depends on airlift. Under the present rules, dictated by the Serbs to a compliant United Nations, only one plane is permitted on the ground at a time and the window for each is 20 minutes. This limits the flights to a maximum of about 24 per day, though in practice it is fewer. At an average of only 10 tons per plane, 240 tons of food supplies reach the city each day, meeting only 20 percent of the need.

The recent blockade, meanwhile, has weakened U.N. control on the distribution inside the city. With only a skeleton expatriate staff, UNHCR has turned over all humanitarian supplies to the Bosnian Government for distribution. Because the UNHCR warehouse staff, truck drivers, and distribution monitors are local staff drawn from all three ethnic groups, they are subject to many pressures to permit diversions of relief supplies. These pressures come from friends and relatives and, more ominously, from the organized mafias now emerging amidst the social wreckage of that once-civilized capital. Diversions, which were limited to 5 percent as the year began, now exceed 20 percent, a figure that increases sharply when supplies decrease or are blocked.

The public health situation is equally precarious. The supply of drinking water is controlled by the Serbs, who in practical effect have their hand on the spigot. Water sources in the city are few, depend on unsure supplies of diesel fuel, or are highly polluted. During the recent embargo, water-borne diseases multiplied twentyfold in just the 5 days that all pumps were out of operation. To ensure that vulnerable groups receive clear water, UNHCR has resorted to flying bottled water into the city. Other public health risks include undisposed sewage and uncollected garbage. Sanitation workers attempting to relieve the hazard are subject to Serb shelling and snipers.

Each cutoff of public utilities or reduction of relief supplies diminishes the already declining political order. Relief supplies are the main currency in the city and thus are the targets of every powerful element, including the army, corrupt officials, mafias, and individual criminals. When supplies are restricted, thefts and attacks increase.

The rise of incivility within the city is now taking a heavy toll on a heretofore stalwart public morale. The recent cold snap reminded Sarajevo's citizens that winter approaches. Throughout the city, Sarajevans are depressed about having to face yet another icy season and worried about how and where to find heating fuel. New refugees have added to the burden on the humanitarian agencies and winterization supplies are in short supply. UNHCR, meanwhile, is critically short of funds and making few preparations.

Remarkably, in this increasingly desperate and chaotic environment, there is little public support for surrendering. Recent reports from refugees of what has occurred in the east vis-a-vis the Serbs, and in central Bosnia vis-a-vis the Croats, may actually have hardened the resistance of Sarajevo's citizens.

Nor, among Sarajevans, has the sense of the multiethnic society yet broken down. The majority remain adamant that they want to preserve a mixed cultural society. At the same time, a siege mentality has definitely set in, with people likely to look out for themselves and their immediate family than to support common actions.

Despite ritualistic statements by the Clinton administration and other governments calling for the preservation of a multiethnic society within the prewar borders of Bosnia, the 10-member Bosnian Presidency no longer expects that the West will intervene militarily to enforce a rollback of Serb conquests. Their hopes betrayed, Bosnia's leaders are therefore becoming resigned to a de facto partition of the country. The Presidency now anticipates mounting Western pressure upon them to accept a ceasefire in place, then to negotiate a settlement that will either partition the country or divide it so as to render partition inevitable.

Even however, if the leaders in Bosnia's Presidency accept this outcome in concept, practical obstacles will affect their ability to deal with the Serbs. The most important is the Bosnian Army, comprised mostly of refugees and victims of ethnic cleansing. Having been through that once and losing all, they will not easily stop fighting. The army's leaders will be reluctant to concede any of Bosnia's territory in principle, must less to surrender any strategic points they have been able to hold or capture, or to place the security of Bosnian loyalists in the hands of U.N. peacekeeping forces that have heretofore consistently shied from the assertion of Western power.

President Izetbegovic knows that if he agrees to concessions under current circumstances, the army may well move to overthrow him. Indeed, it is likely that neither Izetbegovic nor the full Presidency can sustain a real negotiation unless the West provides a convincing demonstration of its willingness to enforce any settlement.

What this means is straightforward: it means deploying military forces with a real military mandate—not under the current rules of engagement but under a mandate similar to that in place in northern Iraq. The U.N. military mandate in support of a Bosnian settlement must authorize the use of all means necessary to protect those endangered by violations.

II. A PLAN FOR WESTERN ACTION

Under these conditions, lifting the siege of Sarajevo is the key to bringing about a negotiated settlement of the Bosnian conflict. Defending Sarajevo's viability will not only prevent massive humanitarian suffering and chaos; it will afford Bosnia's Presidency the necessary political base from which to negotiate what now appears to be the inevitable partitioning of the country. A negotiated and enforced partition, while a living reproach to the West's failure to defend Bosnia's integrity, would at least offer sanctuary to Bosnian loyalists and some check on a wider war in the Balkans.

If the West at this late date is to act to stop the killing in and around Sarajevo—and to provide the basic goods, services, and energy that permit the city to function—we must be prepared to impose a rollback of Serb chokeholds on the humanitarian operation in Sarajevo, and to meet any further Serb interference with military force.

A feasible plan would involve two phases: First, establishing control of access to the city; second, intensifying the humanitarian relief operation.

FIRST PHASE: ESTABLISHING CONTROL OF ACCESS TO SARAJEVO

Military ultimatum: First, the United Nations should issue a military ultimatum to the Serbs, requiring that they immediately:

Withdraw and park all heavy weapons—specifically, tanks, artillery, and heavy mortars—at specified locations out of range of Sarajevo;

Withdraw all ground forces from the crests of the hills around Sarajevo and, in the west, to a point 5 kilometers from the airport; and

Withdraw all antiaircraft systems along the western flight path to the Sarajevo airport.

Any forces, and any heavy weapons, not moved within 48 hours should be destroyed by allied air forces using the close air support [CAS] assets that the allies have now put in place.

Monitoring and protection of air cargo: Second, once the pullback is accomplished, regular forces of the U.N. Protection Force [UNPROFOR] should take full control of Sarajevo airport by expelling the Serb liaison officers, disbanding any Serb checkpoints on the route to the city, and actively patrolling the airport road to guard against the laying of mines. All cargoes flown into the city could be checked by the Serbs at the staging areas in Italy or Germany to verify that military supplies were not placed among the humanitarian cargo. But the United Nations, not the Serbs, would determine the definition of humanitarian cargo.

Third, interpositional force: Third, an interpositional detachment of UNPROFOR troops should promptly occupy the area between the Bosnian and Serbian forces, taking positions on the crests of the hills surrounding the city and between the airport and the Serbian pullback lines in the west. This detachment would be a small, composite unit of specialists drawn from the existing UNPROFOR and augmented with technicians and equipment from NATO countries. It would have two functions:

The principal function would be to set up, monitor, and if necessary coordinate the enforcement of, a Positive Control Area—a PCA—around Sarajevo from which all heavy weapons would be banned. The PCA would be sufficiently wide that tanks, artillery, and large mortars could not shell the city; and

A secondary function, also conducive to negotiation, would be to prevent Bosnian Presidency forces from taking military advantage of the Serb pullback.

Of critical importance is empowering the interpositional detachment to call in air strikes if necessary to enforce the PCA and, if attacked, to use air support from CAS assets on-ready in the area.

SECOND PHASE: INTENSIFYING HUMANITARIAN RELIEF

Upon the establishment of U.N. military control over Sarajevo and the access thereto, the humanitarian program should be expanded with several measures:

Utilities: First, the Serbs should be told to turn over, intact, all utilities in the immediate vicinity of Sarajevo, including the water facilities at Bacevo, Moimiolo, and Gerbavica and other sites currently in their hands. UNPROFOR troops should move into the areas to take control and prevent the Serbs from destroying them.

Food and medicine: Second, the allies should immediately begin a major airlift into the city to build up food stocks and other humanitarian supplies.

Water: Third, relief agencies should take urgent action to improve the water situation in the city by:

Accelerating the installation of the UNHCR and International Red Cross emergency water pumps and purification systems;

Distributing in-home water purification systems; and

Ensuring the availability of adequate electrical energy to power the city's water pumps.

Prepare for winter heating: Fourth, UNPROFOR should support relief agencies in beginning preparation for winter heating by requiring the Serbs and the Croatian HVO to cooperate in the delivery of coal to the city.

III. POLITICAL AND MILITARY CONSIDERATIONS

Let me turn now to a discussion of the political and military considerations surrounding adoption and implementation of this plan to save Sarajevo.

As to the politics of reaching agreement and providing necessary personnel, the plan I have described falls well within the framework of existing U.N. Security Council resolutions and actions already taken. The interpositional detachment can be drawn from existing forces already in the city and could be formed by an order from the U.N.'s Bosnia-Herzegovina Command—known as BH Command. The forward air controllers [FAC's] that have recently been trained by the United States can be assigned to augment the group, giving it the needed capability to call in retaliatory strikes from the air.

The plan, moreover, requires no American ground troops, although I believe the United States could increase the plan's acceptability to the allies by stating our readiness to assign U.S. FAC's to the interpositional detachment.

As to ease of execution, obviously we cannot be certain that, when faced with a U.N. ultimatum, the Serbs would withdraw their heavy weapons without a fight. But we do have reason to expect that they will yield. That reason is Serb conduct throughout the course of the last 15 months.

As correspondent John Burns of the New York Times recently put it, we have witnessed "an almost arithmetical correlation between American leaders' statements * * * and the behavior of Serb forces." The Serbs have shown a very careful determination to avoid conflict with Western forces, led by the United States.

If, upon the issuance of a U.N. ultimatum, the Serbs did not immediately comply, we should respond by using allied aircraft to initiate an intensive intimidation campaign—consisting first of close flyovers—to demonstrate the Serbs' vulnerability.

Those who oppose any American involvement in Bosnia have employed the old argument as to the inefficacy of air power alone and they will certainly scoff at the purported effect of flyovers. But this precise tactic was immensely effective only 2 years ago in northern Iraq when the United States forces acted to protect the Kurds. When the Iraqis had not withdrawn all their forces in compliance with allied instruction, General Shalikashvili ordered United States planes to put on an aerial show of force. The Iraqis began to withdraw immediately.

If, of course, the Serbs still failed to withdraw, allied aircraft should destroy sufficient numbers of their tanks and artillery pieces to convince them to pull back.

Once the Serb pullback was complete, allied forces would follow the normal rules of engagement; that is, to strike only to protect U.N. forces. Air strikes would only be necessary if the interpositional detachment were to come under fire.

To return for a moment to northern Iraq, a major lesson from Operation Provide Comfort was that in a humanitarian intervention, air power can play a decisive role. It was an effective force multiplier and an ever-present demonstration of allied resolve. In Bosnia, the Serbs simply do not know what we can actually see and do with our planes, and that level of doubt can be an immensely valuable factor in our favor. Once the initial phase is over, the number of planes on station could be reduced to a much smaller level.

A key to successful implementation of this plan is to give clear and precise instructions to the Serbs. Unlike a normal military campaign, we would want the Serbs to know each move we are going to make so that they do not misunderstand Western intentions or resolve.

A second essential is to let the Serbs know that we are intervening for humanitarian purposes, not to impose a particular settlement. We should make it clear that our purposes are to stop the killing and to create an atmosphere in which negotiation can take place.

In the implementation of this plan, it bears emphasis that timing is a key factor—and not only because of Sarajevo's dire plight. In terms of weather, this is an excellent season for the effective use of air power. Favorable weather will continue to October, giving us 2 months to carry out the operation.

The political timing is also apt. By all reports, Serb leaders appear to be divided as to their objectives. Several, especially Milosevic, are reportedly concerned to stop the war now in order to retain a favorable situation. A demonstration of Western resolve, implying that wider intervention could follow, would give the Serb leadership a compelling incentive to halt further aggression and to curtail their ambitions in the final phase of negotiations.

Western action could have a similarly positive impact on the behavior of the Croatians. By protecting the symbol of multiethnic Bosnia, the West would give pause to President Tudjman and the HVO as they consider their new alliance with the Serbs and their future plans for the Krajina region of Croatia.

While it might reasonably be asked why the West should focus on Sarajevo, I believe the answer is plain. Sarajevo is both the capital and the symbol of Bosnia; if it falls, the country falls. By defending the city, the West—even if belatedly—would be coming to the defense of Bosnia's existence and underscoring our support for only the kind of settlement that offers some justice to all Bosnians.

As to the remainder of Bosnia and the plight of innocent Bosnians there—including those in the several safe areas the United Nations has done little to render safe—we cannot be certain. But there is reason to expect that a demonstration of Western resolve in one area—Sarajevo—will serve as a deterrent to Serb behavior throughout Bosnia. Once a Sarajevan security zone was established, the implied threat that the West would act to expand it, or replicate it elsewhere, should encourage the Serbs to desist further aggression in other zones, including the designated safe areas of Srebrenica, Tuzla, Bihac, Gorazde, and Zepa. To encourage this, allied flights in those and other areas should be intensified as soon as Sarajevo has been secured.

We must expect that some of our allies will object to this plan, claiming that it could put their forces at risk to Serb retaliation. But there are sound arguments against this objection.

First, this claim has always been an exaggeration. Few of UNPROFOR's forces outside of Sarajevo are posted in the immediate vicinity of the Serbs; they are convoy escorts and come into contact with the Serbs only when they are escorting. Most of their bases are in Bosnian Moslem areas where they are safe. With the opening of Sarajevo airport, convoy operations could be—as they already are, for all practical purposes—suspended. The forces could retire to bases in safe terrain and await the results of the Sarajevo operation. French troops in Sarajevo would, by definition, be protected under the plan.

The only places where retaliation might be possible would be in Srebrenica and Zepa, against Canadian forces. However, those areas are already designated as safe areas, and forces there are protected under U.N. rules of engagement. The initial ultimatum to the Serbs—our diplomats may want to call it a demarche—should include a warning that Serb military actions in those towns will meet a sharp response. In Gorazde, I should point out, there would be no increase in the risks to U.N. forces since they are already under Serb attack.

Second, the military situation has changed now that allied air forces, especially CAS, are based in the area. The planes already have a mandate to protect U.N. troops on the ground. If the Serbs engage UNPROFOR, they would be attacked by the air assets on station. In commencing decisive action to save Sarajevo, the allies should employ a continuous combination of combat air patrol at higher altitude and close air support at lower altitudes to deter Serb resistance.

Action to save Sarajevo should not be allowed to bog down on the issue of risk sharing—which the allies will be tempted to make synonymous with American ground forces. It should be pointed out that:

First, the scale is limited to the relatively small area of Sarajevo;

Second, air strikes would be ordered only in the event of Serb noncompliance; and

Third, such action would actually improve the situation of the French forces in Sarajevo, which are already subject to shelling.

We could, as I have stated, do more to respond to allied concerns for American participation. American military technicians and forward air controllers could be posted to the interpositional detachment, where the risks would be low but their presence would give visible sign of the U.S. commitment. Another option would be to send civilian contractors as we did in the initial phases of the Sinai disengagement monitoring in the 1970's. U.S. civilian technicians could, for example, be recruited to run the electronic monitoring systems for the interpositional force.

There are, in the plan I have described, several advantages bearing emphasis:

First, the plan builds on the safe-areas concept that the United Nations has already embraced. But whereas the United Nations has thus far lacked the will and resources to implement that concept fully, this plan constitutes a more limited and therefore more politically and militarily feasible implementation. Under this plan, at least at the outset, only one area—Sarajevo—would be actively protected with force.

Second, the plan is consistent with the policy the Clinton administration has publicly advocated; that is lift and strike, but to which it has given little real advocacy in the councils of the Western alliance. The plan to save Sarajevo requires far less commitment, fewer forces, and answers most of our allies concerns.

Third, the military situation and terrain in the vicinity of Sarajevo are ideal for the plan. The Serbs can be effectively attacked if they remain on the hill crests surrounding Sarajevo, and once they have pulled back even a short distance, their heavy weapons—even if Serb forces retain some in violation of the U.N. ultimatum—will, their ability to threaten Sarajevo, be largely neutrilized by distance and topography.

IV. CONCLUSION

Let me return now to a broader perspective—concerning what is at stake in our decision as to whether to save Sarajevo.

In recent days, looking back over the past 15 months, the Foreign Minister of Bosnia, Haris Silajdzic, said this about the Western response to the crimes perpetrated in and against his nation:

> Two hundred thousand people killed, 2 million uprooted, children maimed, rape camps; it all seems to have been forgotten already. That is the tragedy—the indifference of those who could do something about it.

That is the issue today—in this capital and the capitals of our major allies. The issue is not feasibility. The problem is not the invincibility of our potential adversary. The obstacle is not the hopelessness of the cause of the victims of this barbaric aggression. The issue is indifference—a damnable indifference on the part of Western governments and their leaders.

Over the months as this war and its suffering have unfolded before our eyes, the glib response of those who would do nothing has been that we must not conduct policy on the basis of what appears on CNN. They say that we must weigh our national interests carefully and not be swayed by the emotions of the moment. My response is that it is they who are guilty of a CNN policy. They are afraid to act—to meet the demands of this critical challenge for American foreign policy—because they believe that the American people will waver in their support of a robust policy at the first sign of an American casualty.

This truly is a policy of despair—a policy of the fainthearted—because our leaders lack the courage to chart a brave course.

We speak today, with an excessive triumphalism, about our wisdom in creating and sustaining NATO through the years of the cold war. We speak as if this were an act of surpassing wisdom and determination in which we all shared. The facts are otherwise. NATO was created because of the courage and leadership of one man: Harry S. Truman, who had the fortitude in 1948 to save Berlin.

In taking that historic step, Truman did not take a public opinion poll; if he had, any such poll would have told him not to do it. He did not listen to the several military advisers who told him why it couldn't be done. He knew that it must be done—or West Germany, and then all Western Europe, would lose the confidence to defend itself, individually or jointly. He knew that it was necessary to galvanize this action, and he knew there was only one nation that could do so. So, under his lead, we did it.

Truman understood that the President—and the Congress—must lead, not follow. He understood what Edmund Burke had meant when he said that your elected representative owes you his judgment; when he sacrifices that judgment to popular opinion, he does not serve you, he betrays you.

Because of President Truman's brave leadership and historic judgment, Berlin was saved and NATO was born. The word went forth that the United States was prepared to stand with, and to lead, its allies in a determined and prolonged act of collective defense—to engage and cohere in policies and institutions of collective security.

Today we face a lesser challenge—but somehow we have lacked the mettle to meet it. We face an aggressor one-fortieth the size of the Soviet Union, without nuclear weapons and with its economy a shambles. We have allies far stronger than those that Truman sought to fortify. We have unquestioned military superiority. We have well-established institutions of collective action, institutions we should now be seeking to energize as we enter a new era and approach a new millennium. And what have we done with this challenge and these assets?

We have turned our backs on aggression. We have turned our backs on atrocity. We have turned our backs on conscience. And we have turned our backs on our own self-interest in building a new world order.

Instead of building the institutions of collective security, we have given a new meaning to collective security. As defined by this generation of leaders, collective security means arranging to blame one another for inaction, so that everyone has an excuse. It does not mean standing together; it means hiding together. It does not mean decisive joint action to defend principle; it means collective muddle to sacrifice principle—and the innocent victims of an aggression that real institutions of collective security would stand to defend.

We have failed. I hold our allies responsible. I hold the Bush administration responsible. And I hold the Clinton administration responsible.

With little thought to anything other than today's rationalization, we are—by our consciousness and unconscionable inaction—undermining the principle of collective security, and we will live to regret it. In its place, we are building a legacy of collective shame.

As we do, what is most terrifying is the lack of guilt. Our debate over Bosnia, such as it is, is occurring in an almost perfect moral vacuum. We are told this is a difficult diplomatic problem—a use of words that George Orwell would have appreciated and scorned. We are told that we are doing all we can consistent with our national interest—an obfuscation meant to imply that some larger strategic rationale requires us to be morally comatose.

Leave aside those who actually commit atrocities, and our policy on Bosnia is as close as foreign policy can come to sin. We have the knowledge of what is occurring. We have the means to do something about it. We have ample experience to understand the significance of not acting. And yet we are failing to act to avert a human—and geopolitical—catastrophe.

We now have only days left to salvage some measure of decency and honor from the rubble of policy heretofor. I urge the Clinton administration to summon itself to action—not to unilateralism, but to a form of leadership that demands to be followed because the common interest is at stake and the common interest can be served.

As President John Kennedy declared himself a Berliner, I beseech President Bill Clinton to declare himself a citizen of Sarajevo. It is not too late. Let us join with our allies—now—to save that city and its brave people, who, in their determination to live in multiethnic peace, symbolize what we should cherish and whose defense we should regard as a duty not to be forsaken.●

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, let me compliment the Senator from Delaware for his sincere, dedicated, well-thought-out statement, and I hope he will not miss the train.

Mr. BIDEN. I have served here for 20 years, and I do not think I held the Senate one other time.

I truly appreciate the indulgence of my friend from Kentucky.

Mr. FORD. It was worth it.

Mr. BIDEN. I thank him for his kind comments. The Senator can see I feel strongly about it.

Mr. FORD. I say to my friend from Delaware it was worth it.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

MESSAGES FROM THE HOUSE

At 12:47 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1964. An act to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes.

The message also announced that the Speaker announces the following modification in the appointment of conferees on H.R. 2264, to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994:

The final panel from the Committee on Ways and Means is also appointed for the consideration of sections 13601-02 and 13604-705 of the House bill.

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1964. An act to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1312. A communication from the Principal Deputy Comptroller, Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM—222. A joint resolution adopted by the Legislature of the State of California; to the Committee on Governmental Affairs.

"ASSEMBLY JOINT RESOLUTION NO. 5

"Whereas, According to data collected during a Post Enumeration Survey (PES) of the 1990 census coverage, the population of many major urban areas of the nation was undercounted; and

"Whereas, In California, the PES data indicates the population of urban areas was significantly undercounted by nearly one million persons including, but not limited to, the population of the Cities of Fremont, Fresno, Fullerton, Glendale, Huntington Beach, Inglewood, Long Beach, Los Angeles, Modesto, Oakland, Oxnard, Pasadena, Riverside, Sacramento, Salinas, San Bernardino, San Diego, San Jose, Santa Ana, Stockton, and Vallejo; the Counties of Alameda, Butte, Contra Costa, Fresno, Humboldt, Imperial, Kern, Los Angeles, and Merced; and the City and County of San Francisco; and

"Whereas, On July 15, 1991, the decision was made by former Secretary of Commerce

Robert Mosbacher not to adjust the 1990 census data, regardless of the failure of the census to count an estimated 5.3 million people nationwide; and

"Whereas, Subsequently, the Committee on Adjustment of Postcensal Estimates of the Bureau of the Census determined through exhaustive research that adjustment of intercensal population estimates would improve the accuracy of those estimates; and

"Whereas, Intercensal estimates are not prepared for census tracts and blocks, or used for redistricting, but instead are produced by the Bureau of the Census for use in allocating federal formula program funds to states, counties, and cities, and as the determinant of the volume cap for tax-exempt private activity bonds issued within a state; and

"Whereas, Due to the use of unadjusted population estimates, the State of California and its largest cities and counties will not receive a fair and equitable share of federal formula program funds, resulting in the loss of up to $150,000,000 to the City of Los Angeles alone; and

"Whereas, On January 4, 1993, the Director of the Census announced her decision not to adjust intercensal population estimates to correct for the undercount of population; now, therefore be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California memorializes the Secretary of Commerce to reverse the decision of the Director of the Census, and to direct the Bureau of the Census to adjust the intercensal population estimates, consistent with the Post Enumeration Survey data, using the most appropriate statistical methodology; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-223. A concurrent resolution adopted by the Legislature of the State of North Dakota; to the Committee on Governmental Affairs.

"SENATE CONCURRENT RESOLUTION NO. 4028

"Whereas, the Congress of the United States continues to mandate programs that impose costs on states and local governments; and

"Whereas, states and local governments have limited resources and are struggling to provide for the needs of their citizens; and

"Whereas, imposing the costs of congressional programs upon states and political subdivisions is a pusillanimous means for Congress to avoid its responsibility to deal with federal budget issues; and

"Whereas, Congress must face the same difficult decisions faced by state and local governments, that if a program is not worthy of full funding perhaps it is not worthy of enactment;

"Now, therefore, be it *Resolved by the Senate of North Dakota, the House of Representatives concurring therein:*

"That the Fifty-third Legislative Assembly of North Dakota urges the Congress of the United States to either refrain from imposing the cost of programs on state and local governments or to appropriate sufficient federal moneys to pay the full costs of programs mandated by Congress; and

"Be it further *Resolved*, That copies of this resolution be forwarded by the Secretary of State to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the North Dakota Congressional Delegation."

POM-224. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Governmental Affairs.

"SENATE JOINT MEMORIAL 8021

"Whereas, The Congress has enacted comprehensive national legislation protecting public health and preserving the environment, including such measures as the Safe Drinking Water Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Clean Air Act, the Toxic Substance Control Act, and the Federal Insecticide, Fungicide, and Rodenticide Act; and

"Whereas, The provisions of each of these measures and other similar measures envision a partnership and shared responsibility between the federal government and state governments for assuring that their objectives be attained and that they are best administered at the state or local level where the issues, problems, and remedies under each are best understood; and

"Whereas, The State of Washington has formally accepted the delegation of responsibility from the federal government for administration and enforcement under these and other similar measures; and

"Whereas, Each of these programs contains an express or implied promise of adequate federal resources to the states to assure full implementation of their requirements; and

"Whereas, The costs to the states of administering each of these programs is escalating rapidly, while the level of support and funding to the states from the federal government for these programs is either declining or failing to keep pace with the cost of new requirements being imposed at the federal level; and

"Whereas, It is incumbent upon the federal government, as part of its shared responsibility with state and local governments to assure safe drinking water; clean air; clean rivers, streams, and aquifers; safe disposal of contaminants; and the general health and safety of the citizens of this country, to provide adequate resources to the states that have accepted delegation of responsibility for enforcement of these federal programs with the understanding that the delegation includes a commitment by the federal government to provide such resources; and

"Whereas, The Washington State Department of Health has determined that it will need to increase its budget by eight million six hundred thousand dollars over the next two years simply to provide adequate staff to carry out its mandates under the Safe Drinking Water Act administered by the Environmental Protection Agency; and

"Whereas, The Washington State Department of Health conducted a Public Water System Needs Assessment in 1992, which concluded that the state's water systems will need to incur additional capital expenditures of six hundred eighty-six million dollars between 1993 and 1999 because of new requirements under the Safe Drinking Water Act, including millions of dollars for surface water treatment and other Safe Drinking Water Act requirements in 1993; and

"Whereas, The costs incurred under these Safe Drinking Water Act requirements, both to the Department of Health and to the state's public water systems, may not be related to significant risks to the public health that exist in the State of Washington; and

"Whereas, The federal government is proposing only modest increases in the federal grant to the State of Washington and other states for administering the Safe Drinking Water Act, in the face of major increases in costs to the state; and

"Whereas, The federal government currently has no comprehensive and large-scale program of financial assistance to public water systems that will be forced to incur major capital costs for Safe Drinking Water Act compliance; and

"Whereas, States are faced with major increased costs for administering many of these federal programs simultaneously and in the face of increasingly difficult fiscal situations; and

"Whereas, The State of Washington is currently facing a budget deficit of approximately one and one-half billion to two billion dollars in a total budget of approximately sixteen billion dollars, which is forcing many painful decisions on budget cuts and tax or other revenue increases; and

"Whereas, Both the Safe Drinking Water Act and the Clean Water Act are due for federal reauthorization; and

"Whereas, The National Governors Conference in 1992 adopted an eight-point program with regard to reauthorization of the Safe Drinking Water Act that addresses many of these issues; and

"Whereas, President Clinton has announced a program to provide both short-term and long-term investment into the infrastructure of this country, including its water systems; and

"Whereas, The State of Washington desires to maintain the high quality of its waters and environment and the high level of health of its citizens;

"Now, therefore, Your Memorialists respectfully pray that the President and the Congress of the United States:

"(1) Review in a comprehensive fashion the Safe Drinking Water Act and other similar measures to assess the impact upon the states, local governments, and others subject to their provisions of the costs of complying with them and whether such costs are justified by the risk being addressed;

"(2) Substantially increase to the states the amount of resources necessary to implement federal programs, so that the state financial burden is restored to the levels and proportions originally contemplated under such legislation;

"(3) Study and implement, where appropriate, modified delegation and enforcement of federal laws to reflect the state's ability to implement and enforce all or a portion of such federal laws;

"(4) Require that federal agencies accept the responsibility for implementation and enforcement of federal laws where the federal government has not provided adequate resources for the state to do so;

"(5) Reauthorize the Safe Drinking Water Act, incorporating the recommendations of the National Governors Conference with regard to additional flexibility in state enforcement, increased efficiency in the operation of the Safe Drinking Water Act program, and increased resources to the states and water systems to meet the Safe Drinking Water Act requirements; and

"(6) Make substantial funding available, for both 1993 and long-term needs, to water systems that are required to make capital improvements to their systems because of provisions of the Safe Drinking Water Act.

"*Be it resolved*, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-225. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Indian Affairs.

"HOUSE CONCURRENT RESOLUTION 272

"Whereas, in 1796, King Kamehameha I unified the Hawaiian Islands; and

"Whereas, prior to the arrival of the first westerners, the Hawaiian people led self-sufficient lives in a communal lifestyle without any outside influences, and their traditions and practices flourished; and

"Whereas, in 1851, King Kamehameha III was forced to place Hawaii under the protection of the United States to prevent other foreign powers from gaining dominance, despite the enactment of a constitution in 1840 to assert the kingdom's independence; and

"Whereas, by the 1880s, the westerners had begun to assert economic and political dominance over the Hawaiian Islands, and in 1887, King Kalakaua was forced to accept the "Bayonet Constitution" which substituted the power of the westerners for that of the king and barred many Hawaiians from voting; and

"Whereas, not satisfied with the Bayonet Constitution and seeking to annex Hawaii to the United States to strengthen American interests, the Americans, under the leadership of Lorrin Thurston, Sanford B. Dole, William A. Kenney, William R. Castle, and Dr. S.G. Tucker, formed the Annexation Club in the 1890s; and

"Whereas, upon ascension to the throne, Queen Liliuokalani threatened to proclaim another constitution to curb American influence and regain the power of the monarchy; and

"Whereas, on January 16, 1893, John L. Stevens, the United States Minister in Hawaii and a friend of those supporting annexation, ordered United States Marines to invade Honolulu under the pretext of protecting American citizens and their property; and

"Whereas, following the invasion, Stevens recognized a new provisional government even before the Queen had surrendered; and

"Whereas, the actions by the annexationists were condemned by President Cleveland's special envoy and ultimately the President himself as evidenced by the President's refusal to submit a treaty of annexation to the United States Senate; and

"Whereas, instead, the new provisional government established the Republic of Hawaii until the passage of the Newlands Resolution, which formally annexed Hawaii to the United States on July 7, 1898; and

"Whereas, the Newlands Resolution also ceded approximately 1.8 million acres of all lands owned by the Republic of Hawaii to the United States and proclaimed that all revenue from these lands (except those used for civil, military, or naval purposes of the United States or assigned for use of the local government) was to be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes; and

"Whereas, on April 30, 1900, Congress passed the Organic Act, which vested the legal title of the lands in the United States but gave the Territory of Hawaii administrative control and use of the lands, or, in essence, equitable title; and

"Whereas, the Organic Act also gave the United States both legal and equitable title to lands set aside by presidential executive order; and

"Whereas, on July 9, 1921, the United States Congress enacted the Hawaiian Homes Commission Act of 1920 (HHCA), which set aside approximately 203,500 acres of the ceded lands for homesteads for Hawaiians with fifty percent or more Hawaiian blood; and

"Whereas, the HHCA was passed to help halt the dramatic decimation and demoralization among Hawaiians because of their inability to assimilate into western society; and

"Whereas, Hawaii became a state in 1959, and Sections 4 and 5 of the Admission Act mandated that the title, management, and disposition of the Hawaiian home lands pass from the United States to the State of Hawaii; and

"Whereas, until statehood, the United States served as sole trustee of the Hawaiian home lands; and

"Whereas, although the United States transferred legal title to the ceded lands and the Hawaiian home lands pursuant to Section 4 and 5 of the Admission Act, the Federal Government continues to exercise significant authority over the HHCA, by requiring that all land exchanges be approved by the Secretary of the Interior and any amendments to the Act be approved by Congress; and

"Whereas, in addition, the United States must approve any State amendments to the HHCA which may alter the qualifications of beneficiaries or decrease their benefits; and

"Whereas, court decisions issued at State and Federal levels have confirmed that the United States has retained a portion of its trust responsibilities to the Hawaiians; and

"Whereas, because of this trust relationship, the United States has an ongoing legal responsibility to Hawaiians, and a political and legal relationship has been established to bind Hawaiians together as a group and distinguish them from other racially- and culturally-tied groups; and

"Whereas, because the United States has an ongoing legal responsibility to Hawaiians and a political and legal relationship is established by this responsibility, Hawaiians justifiably deserve to be formally recognized by the United States in a manner similar to Native Americans; and

"Whereas, the Federal Government provides entitlements in different forms and for many purposes to "Native Americans"; and

"Whereas, although Hawaiians have received a few entitlements under a few Federal programs such as the Native Hawaiian Education Act, the failure of the United States to recognize Hawaiians in a manner similar to Native Americans continues to exclude Hawaiians from entitlements such as Federal housing assistance; now, therefore,

"*Be it resolved* by the House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, the Senate concurring, That the President of the United States and the United States Congress are requested to formally recognize Hawaiians as the aboriginal, indigenous people of the Hawaiian Islands;

"*Be it further resolved*, that the United States is requested to formally recognize it has a political and legal relationship with Hawaiians, distinguishing them from other racially- and culturally-tied groups; and

"*Be it further resolved*, that the United States is requested to formally recognize that Hawaiians are eligible for any entitlements provided by the Federal Government to Native Americans; and

"*Be it further resolved*, that a certified copy of this Concurrent Resolution be transmitted to the President of the United States, all members of the United States Congress, and the United States Secretary of the Department of the Interior."

POM-226. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Indian Affairs.

"HOUSE CONCURRENT RESOLUTION 275

"Whereas, indigenous peoples are the original inhabitants of lands subjugated by colonial occupation; and

"Whereas, for centuries, indigenous peoples' special relationship to their land—an elemental symbiosis crucial to their survival—has been threatened by colonialists and the demands of others for living space, food, and resources; and

"Whereas, today, indigenous people are among the most disadvantaged groups on Earth; and

"Whereas, an estimated 300 million indigenous people live in over seventy countries, from the Arctic regions to the Amazon and Australia, including the native Hawaiians in the State of Hawaii; and

"Whereas, for historical and political reasons ranging from foreign conquests and colonization to the creation of nation-states, a large proportion of indigenous people have been forced to live impoverished and subordinated lives in their own lands, resulting in the deprivation of their means of livelihood and devastation by disease; and

"Whereas, generally, indigenous people who are integrated into a national society face discrimination and exploitation in housing, education, and in matters concerning their own language and religion; and

"Whereas, the indigenous people who remain in their own territorial lands face disruption of their cultures and forced displacement as their lands and natural resources are claimed for national development, bringing some of them to the brink of extinction; and

"Whereas, the International Labour Organization has adopted conventions calling for indigenous peoples to retain some or all of their own social, economic, cultural, and political institutions; and

"Whereas, in 1979, Denmark passed the Home Rule Act, granting the local population of Greenland wide powers of self-government within a single state system while maintaining the territorial and legal unity of Denmark; and

"Whereas, governments in Argentina, Bolivia, Columbia, and Mexico have adopted new laws protecting and promoting the rights of indigenous peoples, and today, 100,000 indigenous people in Greenland, Norway, and Sweden enjoy home-rule arrangements, and the home-rule experience of the Saami, Inuit, and other indigenous peoples in these countries are a model for future self-rule arrangements in other parts of the world; and

"Whereas, the United Nations has formally declared 1993 to be the International Year for the World's Indigenous People, with a view to strengthening international cooperation for the solution of problems faced by indigenous people, including the areas of human rights, the environment, development, education, and health; and

"Whereas, the purpose of designating the Year is also to recognize the value and diversity of cultures and the forms of social organization of the world's indigenous people; and

"Whereas, the Year is a milestone in the struggle of indigenous people to achieve recognition of their rights and equal status in their ancestral homelands; now, therefore,

"*Be it resolved by the House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, the Senate concurring, that this body recognizes the United Nations' International Year of the World's Indigenous People, encouraging the development of new relationships between nations, the international community, and indigenous peoples; and*

"*Be it further resolved*, that the State of Hawaii, in recognition of its own population of indigenous people, the native Hawaiians, proclaims 1993 to be the Year of the World's Indigenous People; and

"*Be it further resolved*, that certified copies of this Concurrent Resolution be transmitted to the Secretary General of the United Nations, the President of the United States, the President of the United Senate, the Speaker of the United States House of Representatives, Hawaii's Congressional Delegation, and the Governor.

POM-227. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Indian Affairs.

"HOUSE CONCURRENT RESOLUTION

"Whereas, prior to the arrival of the first Europeans in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistent social system based on communal land tenure with a sophisticated language, culture, and religion; and

"Whereas, a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehemeha I, the first King of Hawaii; and

"Whereas, from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full and complete diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887; and

"Whereas, the Congregational Church (now known as the United Church of Christ), through its American Board of Commissioners for Foreign Missions, sponsored and sent more than 100 missionaries to the Kingdom of Hawaii between 1820 and 1850; and

"Whereas, in 1887 King Kalakaua was coerced into signing a new constitution, also called the "Bayonet Constitution", that extended voting privileges to American and European males regardless of citizenship and also required property ownership in order to vote, thus disenfranchising Native Hawaiians who did not own land; and

"Whereas, many Native Hawaiians did not own land because the western concept of land as a commodity was foreign to their culture, causing many of them to ignore opportunities to own land, to give away their land, or to sell their land at extremely low prices; and

"Whereas, in response to rumors that Queen Liliuokalani was on the verge of declaring a new constitution limiting the vote to Hawaiian-born or naturalized citizens, on January 14, 1893 members of the annexation club, a group advocating for the annexation of Hawaii to the United States, plotted to overthrow the monarchy; and

"Whereas, the annexation club, led by Lorrin Thurston, sought and received the help of the United States Minister to Hawaii, John L. Stevens; and

"Whereas, in pursuance of the conspiracy to overthrow the Government of Hawaii, the United States Minister and naval representatives of the United States ordered armed naval forces of the United States to invade the sovereign Hawaiian nation on January 16, 1893, and to position themselves near the Hawaiian Government buildings and the Iolani Palace to intimidate Queen Liliuokalani and her Government; and

"Whereas, on the afternoon of January 17, 1893, the Committee of Safety, which represented the American and European sugar planters, descendents of missionaries, and financiers, deposed the Hawaiian monarch and proclaimed the establishment of a Provisional Government; and

"Whereas, the United States Minister thereupon extended diplomatic recognition to the Provisional Government that was formed by the conspirators without the consent of the Native Hawaiian people or the lawful Government of Hawaii and in violation of treaties between the two nations and of international law; and

"Whereas, soon thereafter, when informed of the risk of the bloodshed of her people if they resisted, Queen Liliuokalani issued the following statement yielding her authority to the United States Government rather than to the Provisional Government:

"I Liliuokalani, by the Grace of God and under the Constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the Constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom.

"That I yield to the superior force of the United States of * * * substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair and called for the restoration of the Hawaiian monarchy; and

"Whereas the Provisional Government protested President Cleveland's call for the restoration of the monarchy and continued to hold state power and pursue annexation to the United States; and

"Whereas the Provisional Government successfully lobbied the Committee on Foreign Relations of the Senate (hereafter referred to in this Resolution as the "Committee") to conduct a new investigation into the events surrounding the overthrow of the monarchy; and

"Whereas the Committee and its chairman, Senator John Morgan, conducted hearings in Washington, D.C., from December 27, 1893, through February 26, 1894, in which members of the Provisional Government justified and condoned the actions of the United States Minister and recommended annexation of Hawaii; and

"Whereas, although the Provisional Government was able to obscure the role of the United States in the illegal overthrow of the Hawaiian monarchy, it was unable to rally the support from two-thirds of the Senate needed to ratify a treaty of annexation; and

"Whereas, on July 4, 1894, the Provisional Government declared itself to be the Republic of Hawaii; and

"Whereas, on January 24, 1895, while imprisoned in Iolani Palace, Queen Liliuokalani was forced by representatives of the republic of Hawaii to officially abdicate her throne; and

"Whereas, in the 1896 United States Presidential election, William McKinley replaced Grover Cleveland; and

"Whereas, on July 7, 1898, as a consequence of the Spanish-American War, President McKinley signed the Newlands Joint Resolution that provided for the annexation of Hawaii; and

"Whereas, through the Newlands Resolution, the self-declared Republic of Hawaii ceded sovereignty over the Hawaiian Islands to the United States; and

"Whereas, the Republic of Hawaii also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people or their sovereign government; and

"Whereas, the Congress, through the Newlands Resolution, ratified the cession, annexed Hawaii as part of the United States, and vested title to the lands in Hawaii in the United States; and

"Whereas, the Newlands Resolution also specified that treaties existing between Hawaii and foreign nations were to immediately cease and be replaced by United States treaties with such nations; and

"Whereas, the Newlands Resolution effected the transaction between the Republic of Hawaii and the United States Government; and

"Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum; and

"Whereas, on April 30, 1900, President McKinley signed the Organic Act that provided a government for the territory of Hawaii and defined the political structure and powers of the newly established Territorial Government and its relationship to the United States; and

"Whereas, on August 21, 1959, Hawaii became the 50th State of the United States; and

"Whereas, the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land; and

"Whereas, the long-range economic and social changes in Hawaii over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Native Hawaiian people; and

"Whereas, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions; and

"Whereas, in order to promote historical and cultural understanding, the Legislature of the State of Hawaii has determined that the year 1993 should serve Hawaii as a year of special reflection on the rights and dignities of the Native Hawaiians in the Hawaiian and the American societies; and

"Whereas, the Eighteenth General Synod of the United Church of Christ in recognition of the denomination's historical complicity in the illegal overthrow of the Kingdom of Hawaii in 1893 directed the Office of the President of the United Church of Christ to offer a public apology to the Native Hawaiian people and to initiate the process of reconciliation between the United Church of Christ and the Native Hawaiians; and

"Whereas, the Japanese American Citizens League, the oldest and largest Asian American civil rights organization in the United States, passed a national resolution supporting the indigenous Hawaiians in their struggle to address the federal government's illegal and immoral wrongdoing committed against them; and

"Whereas, it is proper and timely for the Congress on the occasion of the one hundredth anniversary of the event, to acknowledge the historic significance of the illegal overthrow of the Kingdom of Hawaii, to express its deep regret to the Native Hawaiian people, and to support the efforts of the State of Hawaii, the United Church of Christ and the Japanese American Citizens League; now, therefore, be it

"*Resolved by the House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, the Senate concurring*, That the President and Congress of the United States are requested to formally apologize to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination; and be it further

"*Resolved*, That the Legislature urges the President and Congress of the United States to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, and to support reconciliation efforts between the United States and the Native Hawaiian people; and be it further

"*Resolved*, That certified copies of Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chair and members of the United States Senate Select Committee on Indian Affairs, and the members of Hawaii's congressional delegation."

POM-229. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on the Judiciary.

"ASSEMBLY JOINT RESOLUTION NO. 5

"Whereas, the text of the Tahoe Regional Planning Compact is set forth in full in NRS 277.200; and

"Whereas, the compact was amended by the State of California and the amendments were adopted by the Nevada Legislature in 1987; and

"Whereas, the amendments become effective upon their approval by the Congress of the United States; and

"Whereas, the amendment would authorize certain member of the California and Nevada delegations which constitute the governing body of the Tahoe Regional Planning Agency to appoint alternates to attend meetings vote in the absence of the appointed members, alter the selection process of the Nevada delegation and further expand the powers of the Tahoe Transportation District; and

"Whereas, the compact was enacted to achieve regional goals in conserving natural resources of the entire Lake Tahoe Basin and the amendments are consistent with this objective; now, therefore, be it

"*Resolved, by the Assembly and the Senate of the State of Nevada, jointly*, That the Legislature of the State of Nevada hereby urges the Congress of the United States to expedite ratification of the amendments to the Tahoe Regional Planning Compact made by the State of California and adopted by the Nevada Legislature in 1987; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-230. A joint resolution adopted by the General Assembly of the State of Rhode Island; to the Committee on the Judiciary.

"JOINT RESOLUTION

"Whereas, The United States House of Representatives and the United States Senate, by the required constitutional vote of two-thirds (⅔) of each house concurring therein, did propose to the legislatures of the several states on September 25, 1789, an amendment to the Constitution of the United States by a resolution worded as follows:

"'*Resolved*, by the Senate and House of Representatives of the United States of America in Congress assembled . . . that the following [Article] be proposed to the Legislatures of the several states, . . . which [Article], when ratified by three-fourths (¾) of said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

"[An Article] in addition to, and amendment of the Constitution of the United States of America . . . pursuant to the fifth Article of the original Constitution.'; and

"Whereas, The amendment presented would require an election of the United States House of Representatives to intervene before any increase or decrease in the compensation of Members of the United States Congress may take effect; and

"Whereas, This amendment to the United States Constitution has already received the approval of the legislatures of the following states on the dates indicated, to wit:

"Alabama on May 5, 1992 (138 Cong. Rec. H3729, H3739, S6845, S8387);

"Alaska on May 5, 1989 (135 Cong. Rec. H5485, S8054; 138 Cong. Rec. S6842);

"Arizona on April 3, 1985 (131 Cong. Rec. 8057; 9443; 138 Cong. Rec. S6838);

"Arkansas on March 5, 1987 (134 Cong. Rec. 12562, 14023; 138 Cong. Rec. S6839);

"California on June 26, 1992 (138 Cong. Rec. H10100, S18271, E2237);

"Colorado on April 18, 1984 (131 Cong. Rec. 36505; 132 Cong. Rec. 22146; 138 Cong. Rec. S6837);

"Connecticut on May 13, 1987 (133 Cong. Rec. 23571, 23648–9; 138 Cong. Rec. S6840);

"Delaware on January 28, 1790 (138 Cong. Rec. S6833–4);

"Florida on May 31, 1990 (136 Cong. Rec. H5198, S10091; 138 Cong. Rec. S6844);

"Georgia on February 2, 1988 (134 Cong. Rec. 9155, 9525; 138 Cong. Rec. S6840);

"Idaho on March 23, 1989 (135 Cong. Rec. H1893, S7911; 138 Cong. Rec. S6842);

"Illinois on May 12, 1992 (138 Cong. Rec. H3729, H3739, S6846, S8387–8);

"Indiana on February 19, 1986 (132 Cong. Rec. 6638, 8284; 138 Cong. Rec. S6839);

"Iowa on February 7, 1989 (135 Cong. Rec. H836. S3509–10; 138 Cong. Rec. S6841);

"Kansas on April 5, 1990 (136 Cong. Rec. H1689, S9180, E1740–1; 138 Cong. Rec. S6843–4)

"Louisiana on July 6, 1988 (134 Cong. Rec. 18470, 18760; 138 Cong. Rec. S6841);

"Maine on April 27, 1983 (130 Cong. Rec. 24320, 25007–8; 138 Cong. Rec. S6836–7);

"Maryland on December 19, 1789 (138 Cong. Rec. S6831–2);

"Michigan on May 7, 1992 (138 Cong. Rec. H3093, S6845–6, S7026);

"Minnesota on May 22, 1989 (135 Cong. Rec. H3258, 3678, S7655–6, S7912; 138 Cong. Rec. S6842–3);

"Missouri on May 5, 1992 (138 Cong. Rec. H3924, S6845, S14974, E1532–3, E1634, E1651);

"Montana on March 11, 1987 (133 Cong. Rec. 7428, 11618–9; 138 Cong. Rec. S6839–40);

"Nevada on April 26, 1989 (135 Cong. Rec. H2054, S10826; 138 Cong. Rec. S6842);

"New Hampshire on March 7, 1985 (131 Cong. Rec. 5987, 6689; 138 Cong. Rec. S6837);

"New Jersey on May 7, 1992 (138 Cong. Rec. S6846);

"New Mexico on February 13, 1986 (132 Cong. Rec. 3649, 3956–7, 4077; 138 Cong. Rec. S6838);

"North Carolina on December 22, 1789 and again on June 30, 1989 (138 Cong. Rec. S6832–3);

"North Dakota on March 25, 1991 (137 Cong. Rec. H2261, S10949; 138 Cong. Rec. S6844–5);

"Ohio on May 6, 1873 (138 Cong. Rec. S6835–6);

"Oklahoma on July 10, 1985 (131 Cong. Rec. 22898, 27963–4; 138 Cong. Rec. S6838);

"Oregon on May 19, 1989 (135 Cong. Rec. H5692, H5972, S11123–4, S12150; 138 Cong. Rec. S6841);

"South Carolina on January 19, 1790 (138 Cong. Rec. S6833);

"South Dakota on February 21, 1985 (131 Cong. Rec. 4299, 5815; 138 Cong. Rec. S6837);

"Tennessee on May 23, 1985 (131 Cong. Rec. 21277, 22264, 27963; 138 Cong. Rec. S6838);

"Texas on May 25, 1989 (135 Cong. Rec. H2594, S6726–27; Cong. Rec. S6843);

"Utah on February 25, 1986 (132 Cong. Rec. 12480, 13834–5; 133 Cong. Rec. 31424; 138 Cong. Rec. S6839);

"Vermont on November 3, 1791 (138 Cong. Rec. S6834);

"Virginia on December 15, 1791 (138 Cong. Rec. 6834–5);

"West Virginia on March 10, 1988 (134 Cong. Rec. 8569, 8752; 138 Cong. Rec. S6840–1);

"Wisconsin on June 30, 1987 (133 Cong. Rec. 23649; 25417, 26159–60; 138 Cong. Rec. S6840); and

"Wyoming on March 3, 1978 (124 Cong. Rec. 7910, 8265–6; 133 Cong. Rec. 25418–9; 138 Cong. Rec. S6836); and

"Whereas, The General Assembly of the State of Rhode Island and Providence Plantations acknowledges that this particular amendment to the United States Constitution officially became part of that document during the A.M. hours of May 7, 1992, when the Michigan Legislature became the 38th state to ratify it and that the Archivist of the United States on May 18, 1992, did issue a proclamation stating that the amendment had in fact been incorporated into the Constitution and that on May 20, 1992, both houses of the U.S. Congress adopted resolutions expressing their concurrence with that conclusion; and

"Whereas, Rhode Island is among the handful of states that has not acted as yet to ratify what is now the 27th Amendment to the U.S. Constitution and it is important that Rhode Island place its unique imprimatur upon it; now, therefore, be it

"*Resolved*, That this General Assembly of the State of Rhode Island and Providence Plantations does hereby ratify the 27th Amendment to the Constitution of the United States as submitted by the 1st Congress of the United States convened in the City of New York which reads exactly as follows:

"'27TH AMENDMENT

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.'; and be it further

"*Resolved*, That the Secretary of State be and she hereby is authorized and directed to transmit duly certified copies of this resolution to the Vice-President of the United States as presiding officer of the United States Senate, to the Speaker of the United States House of Representatives, to the Archivist of the United States, pursuant to the Act of Congress in 1984 numbered as Public Law 98–497; and to both United States Senators and both United States Representatives from Rhode Island in the United States Congress with the request that its complete text be spread upon the Congressional Record and the respective journals to the two houses."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, unfavorably without amendment:

S.J. Res. 114. A joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission (Rept. No. 103–118).

By Mr. BYRD, from the Committee on Appropriations, with amendments:

H.R. 2667. A bill making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Graham T. Allison, Jr., of Massachusetts, to be an Assistant Secretary of Defense.

Sheila E. Widnall, of Massachusetts, to be Secretary of the Air Force.

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Doug Ross, of Michigan, to be an Assistant Secretary of Labor.

By Mr. BIDEN, from the Committee on the Judiciary:

M. Joycelyn Elders, of Arkansas, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service, for a term of four years.

By Mr. BAUCUS, from the Committee on Environment and Public Works:

Mollie H. Beattie, of Vermont, to be Director of the United States Fish and Wildlife Service.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GLENN:

S. 1321. A bill to extend the temporary suspension of duty on umbrella frames; to the Committee on Finance.

S. 1322. A bill to extend the suspension of duty on certain collapsible umbrellas; to the Committee on Finance.

S. 1323. A bill to extend the suspension of duty on certain diamond tool and drill blanks, and for other purposes; to the Committee on Finance.

By Mr. GORTON (for himself and Mrs. MURRAY]:

S. 1324. A bill to authorize the Secretary of the Interior to exchange certain lands of the Columbia Basin Federal reclamation project, Washington, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 1325. A bill for the relief of Horace Martin; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. WALLOP, Mr. DECONCINI, Mr. CRAIG, Mr. BRYAN, Mr. SIMPSON, Mr. KEMPTHORNE, Mr. BENNETT, Mr. GORTON, and Mr. MURKOWSKI)

S. 1326. A bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. LEAHY, and Mr. MOYNIHAN):

S. 1327. A bill to require the Secretary of the Interior to conduct a study of historic sites, buildings, and artifacts in the Champlain Valley and the Upper Hudson River Valley, including the Lake George area in the United States and Canada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS:

S. 1328. A bill to enable the Secretary of Health and Human Services to carry out activities to reduce waste and fraud under the medicare program; to the Committee on Appropriations.

By Mr. D'AMATO (for himself and Mr. SIMON):

S. 1329. A bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974; to the Committee on Foreign Relations.

By Mr. HOLLINGS:

S. 1330. A bill to authorize a certificate of documentation for the vessel *Serena*; to the Committee on Commerce, Science, and Transportation.

S. 1331. A bill to authorize a certificate of documentation for the vessel *Whit Con Tiki*; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 1332. A bill to designate a portion of the Farmington River in Connecticut as a component of the national wild and scenic rivers system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself Mr. SIMON, Mr. DECONCINI, Mrs. FEINSTEIN, Mr. D'AMATO, Mr. BYRD, Mr. GRAHAM, Mr. BREAUX, and Mrs. BOXER):

S. 1333. A bill to improve the admissions process at airports and other ports of entry, to strengthen criminal sanctions for alien smuggling investigatory authority of the Immigration and Naturalization Service; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. DANFORTH, and Mr. BOND):

S. 1334. A bill to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the "Jerry L. Litton United States Post Office Building", and for other purposes; to the Committee on Governmental Affairs.

By Mr. KOHL:

S. 1335. A bill for the relief of the Menominee Indian Tribe of Wisconsin; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1336. A bill to increase the fee for the enforcement of the Tea Importation Act, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 136. A resolution to refer S. 1325 entitled "A bill for the relief of Horace Martin," to the Chief Judge of the United States Claims Court for a report thereon; to the Committee on the Judiciary.

By Mr. KOHL:

S. Res. 137. A resolution to refer S. 1335 entitled "A bill for the relief of the Menominee Indian Tribe of Wisconsin" to the Chief Judge of the United States Claims Court for a report thereon; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GLENN:

S. 1321. A bill to extend the temporary suspension of duty on umbrella frames; to the Committee on Finance.

S. 1322. A bill to extend the suspension of duty on certain collapsible umbrellas; to the Committee on Finance.

S. 1323. A bill to extend the suspension of duty on certain diamond tool and drill blanks, and for other purposes; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. GLENN. Mr. President, I introduce three bills which extend previously enacted duty suspensions. The products involved are: Hand held umbrella frames; self-folding telescopic shaft collapsible umbrellas; and certain diamond tool and drill blanks.

With respect to umbrellas and umbrella frames, there is no domestic manufacturer of these products. The absence of U.S. manufacturers makes the imposition of duties on these products not only unnecessary because there are no U.S. industries to protect, but it also makes these items more expensive. The extra cost is likely to be passed along to American consumers in the form of higher prices. Duty suspensions, such as those I am introducing today, are designed to eliminate this unnecessary cost and its ensuing deleterious effect on competitiveness where no legitimate benefit to a domestic producer is provided.

The third bill I am introducing today extends the duty suspension for imported polycrystalline diamond compact [PDC] tool and drill blanks. GE Superabrasives, located in Worthington, OH, is the predominant United States producer of these blanks, which are made at the Worthington Facility as well as at a GE plant in Ireland. These PDC blanks are used in the manufacture of drill bits for oil and gas exploration and various mining functions. GE Superabrasives is asking for this extension, which has been in effect almost continuously since 1984. GE wants to eliminate the duty on the blanks they import from their plant in Ireland in order to keep costs to users of PDC blanks down.

I know of no opposition to any of these duty suspension bills and urge their expeditious enactment.•

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 1324. A bill to authorize the Secretary of the Interior to exchange certain lands of the Columbia Basin Federal reclamation project, Washington, and for other purposes; to the Committee on Energy and Natural Resources.

BOISE CASCADE LAND EXCHANGE ACT OF 1993

• Mr. GORTON. Mr. President, with Senator MURRAY, I introduce a bill to authorize a land exchange between the Bureau of Reclamation and the Boise Cascade Corp. This bill was introduced in the 102d Congress, but no action was taken by the committees of jurisdiction.

Boise Cascade's plywood and sawmill operations in Kettle Falls, WA, are adjacent to 26 acres of land owned by the Bureau of Reclamation. The Bureau land provides a buffer between scenic Lake Roosevelt and Boise Cascade's operations. The National Park Service, which manages the Bureau's land, historically has issued a special-use permit allowing Boise Cascade to operate along the edge of the land. However, the Park Service has indicated that it may not reissue the permit when it expires in 1995, and has stated conclusively that the permit will not be reissued upon expiration in 2000.

Without a special use permit, Boise Cascade would not be able to continue its operations at Kettle Falls. Some 350 mill jobs would be lost and the community would be devastated. To prevent such a catastrophe, Boise Cascade has proposed exchanging 138 acres of land it owns for 6 of the 26 acres it needs to continue operating. The 138 acres is primarily wildlife habitat located along Lake Roosevelt and the Colville River, and would be conveyed to the Bureau of Reclamation upon passage of this legislation.

This land exchange is supported by the Bureau of Reclamation, the Park Service and Boise Cascade. In addition, a local citizens' group concerned with Columbia River water quality issues has negotiated a series of mitigation measures with Boise Cascade, and has given its full support to the land exchange.

Mr. President, this exchange is a win-win solution to a potentially severe problem, and I urge the Energy Committee to hold hearings on the bill as soon as possible. I thank my colleagues for their consideration.•

By Mr. CAMPBELL (for himself, Mr. WALLOP, Mr. DECONCINI, Mr. CRAIG, Mr. BRYAN, Mr. SIMPSON, Mr. KEMPTHORNE, Mr. BENNETT, Mr. GORTON, and Mr. MURKOWSKI):

S. 1326. A bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior; to the Committee on Energy and Natural Resources.

FEDERAL FORAGE FEE FORMULA ACT OF 1993

Mr. CAMPBELL. Mr. President, I am sending legislation to the desk that changes the way ranchers pay to graze their livestock on Federal rangelands.

The legislation Senator WALLOP and I are introducing may begin a new era in the management of our Federal grazing lands. The formula included in this proposal abandons the old Public Rangelands Improvement Act [PRIA] formula, which has been much maligned, in favor of a formula that sets a realistic value on the opportunity to graze livestock on public lands.

Having been very active on this issue for many years, I know congressional debate about grazing fees has been polarized. Opponents of the current fee argue that ranchers don't pay fair market value, while ranchers would like to maintain the status quo. But, how does one determine fair market value?

For instance, when doing a fair market value appraisal, appraisers compare the value of similarly situated pieces of property—they compare apples with apples. When opponents of the current grazing program compare the prices charged to lease private or State lands with the grazing fees ranchers pay for BLM or Forests Service lands, however, they are comparing apples with oranges.

Without going into detail about the differences between private leased lands and the Federal range, suffice it to say that only one agency really attempts to compile data about private leased lands—the Department of Agriculture's Economic Research Service. But even these numbers are inaccurate because private leased lands, upon which so many critics base their views, include farm fields and pastures, not unimproved native rangeland.

Taking this fact into account, there are two key objectives in determining the formula for this new forage value based grazing fee: the first, is identifying the value of the grass, or forage, as a percentage of the private land lease; the second, concerns an adjustment reflecting the lower returns derived from Federal lands compared to private lands, as well as the additional cost of doing business on Federal lands compared to private lands. In short, the Federal forage fee formula is based on the private forage market while reflecting the higher operational costs and lower returns derived from Federal lands. This results in a formula that provides economic parity between producers who use Federal land and private livestock producers.

In fact, just yesterday I and many of my Western colleagues released a study by Pepperdine University of "Montana Ranches Using Federal and Non-Federal Grazing Forage" that provides solid, empirical data backing up our new grazing fee proposal.

I recognize there is a need for grazing reforms. I am concerned, however, that many have the perception that the fee, as established by President Reagan in Executive Order 12458, has become a symbol representing unfair subsidies and environmental degradation.

It is equally important to realize that while only 3 percent of the land east of the Rocky Mountains is owned by the Federal Government, more than two-thirds of the land west of the Rockies is federally owned. Within each of the Western States, the quality of the land also varies dramatically. In Nevada, the Federal Government owns more than 83 percent of the land. In many instances, grazing on private land in Western States is simply not an option—it's unavailable or extremely limited.

I am not introducing this bill to preempt the management reforms Secretary of the Interior Babbitt intends to recommend, but rather, my intention is to dovetail with the Secretary's efforts to address these issues administratively.

It is clear to me that most people care about management issues, that is, the Department's ability to effectively steward the resources it manages. To cattlemen, however, the single most important issue is the fee. If it's too high, ranchers go out of business. The ranchers I've talked to realize they'll have to pay more for the privilege of grazing on public lands, but as business people, they need stability—stability that can only be provided if a bill passes to lock a higher fee into place.

It is my hope that working together this issue can be resolved by separating grazing fees from, for instance, range and riparian area improvements in the political sense, and then later, successfully relink them in the land management sense. What I mean by this is that some environmentalists equate high fees with a cattle-free, sheep-free range. But range stewards know there is a place for livestock on the range.

Livestock grazing continues to be one of the most important tools available to rangeland managers to protect and enhance the environment on our public lands and has contributed to an increase in the overall health of the western rangeland. Controlled livestock grazing allows plant life to thrive with sturdy growth, and in turn, provides forage for wildlife, including important game animals. Indeed, 55 years after the passage of the Taylor Grazing Act, it can be said that much of the public rangeland is more healthy and supports a greater diversity of plant and animal life.

In Colorado, you can find an example of the importance of grazing to range maintenance in the Pass Creek Allotment of the Canon City BLM District in Fremont County. Every year from June 1 to 15, cattle are purposely grazed in a riparian area. Then, the permittee moves the cattle in alternate years to one of two pastures on adjacent uplands, where the abundant forage encourages them to remain. Frequent herding and well-placed water troughs keep the cattle on uplands until July 15, when they move to another pasture. After 10 years of this system, with no reduction in livestock numbers, willow growth has greatly enhanced bank overhang and shading, vastly improving brook trout habitat. Dense vegetation remains in the creek overflow area to help control high water and collect sediment.

I think it is ironic that although this past election was characterized by the slogan, "It's the Economy, Stupid," President Clinton has been severely criticized for an action he took in order to help preserve the economies of Western States. President Clinton agreed to drop the most controversial public lands provisions from his budget in order for Congress and the Department of the Interior to address them in a more rational way. My bill is an attempt to keep my end of the bargain.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1326

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the Federal Forage Fee.

SECTION 1. FINDINGS.—

(a) Congress finds and declare that—

(1) it is in the national interest that the public lands are producing and continue to produce water and soil conservation benefits, livestock forage, wildlife forage and recreation and other multiple use opportunities;

(2) rangelands will continue to be stabilized and improved long term by providing for cooperative agreements, private, public partnerships and flexibility in management programs and agreements;

(3) to assure sound management and stewardship of the renewable resources it is imperative to charge a fee that is reasonable and equitable and represents the fair value of the forage provided;

(4) the intermingled private-public land ownership patterns prevailing in much of the west create a strong interdependence between public and private lands for forage, water, and habitat for both wildlife and livestock;

(5) the social and economic infrastructure of many rural communities and stability of job opportunities in many area of rural America are highly dependent on the protection of the value of privately held production units on federal lands.

SEC. 2. ENVIRONMENTAL AND LAND USE REQUIREMENTS.—Unless contrary to this statute, all grazing operations conducted on any federal lands shall be subject to all applicable Federal, State and local laws, including but not limited to:

(1) Animal Damage Control Act (7 U.S.C. 426–426b)

(2) Bankhead-Jones Farm Tenant Act (50 Stat. 522) as amended

(3) Clean Air Act (42 U.S.C. 7401–7642) as amended

(4) Endangered Species Act of 1973 (16 U.S.C. 1531–1544) as amended

(5) Federal Advisory Committee Act (86 Stat. 770), as amended

(6) Federal Grant and Cooperative Agreement Act of 1977 (92 Stat. 3)

(7) Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136–136y), as amended

(8) Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)

(9) Federal Water Pollution Control Act (33 U.S.C. 1251 1387), as amended

(10) Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600–1614)

(11) Granger-Thye Act (64 Stat. 82)

(12) Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701), as amended, Title V

(13) Multiple Use Sustained Yield Act of 1960 (16 U.S.C. 528–531)

(14) National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370a), as amended

(15) National Forest Management Act of 1976 (16 U.S.C. 1600, 1611–1614)

(16) Public Rangelands Improvement Act of 1978 (92 Stat. 1803)

(17) Taylor Grazing Act (48 Stat. 1269), as amended

(18) Wilderness Act (78 Stat. 890), as amended

SEC. 3. FEE SCHEDULE.—

(a) For the purpose of this section the terms—

(1) "Sixteen western states" means WA, CA, ID, NV, NM, WY, CO, KS, SD, ND, NE, OR, OK, AZ, UT and MT.

(2) "AUM" means an animal unit month as that term is used in the Public Rangeland Improvement Act (92 Stat. 1803);

(3) "Authorized Federal AUMs" means all "allotted AUMs" reported by BLM and "permitted to graze AUMs" reported by USFS.

(4) "WAPLLR" means the weighted average private land lease rate determined by multiplying the Private Land Lease Rate reported by the Economic Research Service for the previous calendar year for each of the sixteen western states by the total number of authorized federal AUMs, as defined in Section 3(a)(3), in each state for the previous fiscal year, then that result divided by the total number of authorized federal AUMs for the sixteen western states. These individual state results are then added together and divided by 16 to yield a weighted average private land lease rate for that year.

(5) "Report" means the report titled "Grazing Fee Review and Evaluation Update of the 1986 Final Report" dated 4/30/92 and prepared by the Departments of the Interior and Agriculture.

(6) "Non Fee Cost Differential" means a value calculated annually by the Secretaries by multiplying the weighted difference in non-fee costs per AUM between public land and private land by the Input Cost Index (ICI) determined annually by the Department of Agriculture. The weighted difference in non-fee costs is a factor of 0.552 determined by deducting the private AUM non-fee costs (as outlined on page 58 of the Report) from the public AUM non-fee costs for cattle times 4, added to the result of deducting private AUM non-fee costs from public AUM non-fee costs for sheep times 1, then that result divided by 5."

(7) "Net Production Differential" is the percentage calculated annually by dividing the cash receipts per cow for federal permittee livestock producers by the cash receipts per cow for western non-federal livestock producers in the sixteen western states as surveyed by the Economic Research Service in annual Cost of Production Surveys (COPS).

(8) "PLFVR" means the private lease forage value ratio determined by dividing the average of the 1964-68 base years' private land lease rate into the forage value portion of the private land lease rate of $1.78 as determined in the 1966 Western Livestock Grazing Survey.

(b) The Secretaries of the Department of Agriculture and the Department of the Interior shall calculate annually the Federal Forage Fee by calculating the average of the WALLPR for the preceding three years; multiplying it by the PLFVR; then deducting from that result the Non Fee Cost Differential; and multiplying that result by the Net Production Differential. For each year that this calculation is made, all data used for calculating this fee shall come from the calendar year previous to the year for which the fee is being calculated unless specified otherwise in the above calculations.

(c) The Federal Forage Fee shall apply to all authorized federal AUMs under the jurisdiction of the U.S. Department of Agriculture and the U.S. Department of the Interior.

(d) For the first year that the Secretaries calculate the Federal Forage Fee, the Fee shall not be greater than 125%, or less than 75% of the fee calculated for the previous year pursuant to Executive Order 12548 dated February 14, 1986. For each year after the first year that the Secretaries calculate the Federal Forage Fee, the Fee shall not be greater than 125%, or less than 75% of the Federal Forage Fee calculated for the previous year.

(e) The survey of non-fee costs used to calculate the Non Fee Cost Differential shall be updated periodically by the Secretaries so as to reflect as accurately as possible the actual non-fee costs incurred by the cattle and sheep industry that utilizes public lands in the sixteen western states. The results of the updated survey shall be incorporated into the calculation of the Non Fee Cost Differential as they become available.

A BRIEF DESCRIPTION OF THE FEDERAL FORAGE FEE FORMULA

The Federal Forage Fee Formula is based on the premise that the western public lands grazing permittee should pay the fair value of the forage received from federal lands.

There are two key objectives to determining the formula for a forage value-based grazing fee: The first is identification of the value of the grass, or forage, as a percentage of the private land lease rate. The second concerns an adjustment which reflects the lower returns derived from federal lands compared to private lands, as well as the additional costs of doing business on federal lands compared to private lands.

In short, the Federal Forage Fee Formula is based on the private forage market while reflecting the higher operational costs and lower returns derived from federal lands. As a result, this formula would promote similar economic opportunity between federal land and private land livestock producers.

The Federal Forage Fee Formula is critical to the continued viability of the western livestock industry. Ranchers are the family farmers of the West. The establishment of a fair and equitable grazing fee formula is necessary to ensure their survival.

Furthermore, the rancher is key to the rural western economy. Every dollar a rancher spends yields $5 dollars in economic activity throughout the West. Not only does this add billions to the nation's economy, in much of the West, it is the single largest source of economic activity and tax revenue.

Every western ranching job creates as many as four jobs on Main street. If those ranchers go under, so will the tractor, truck and automobile dealers, the gas, grocery and feed store owners, the veterinarians, doctors and dentists, and many others who make up the commercial and social fabric of rural western towns.

A fee not based on sound science and careful study will destabilize the entire livestock industry and the rural western economic infrastructure if supports. If Congress and the Administration want livestock grazing on federal lands, and the billions of dollars in economic activity it represents, they must enact The Federal Forage Fee Formula.

FEDERAL FORAGE FEE FORMULA—NARRATIVE DESCRIPTION

The Federal Forage Fee Formula is based on the premise that the western public lands grazing permittee should pay the fair value of the forage received from federal lands.

Two objectives were met in determining the formula for a forage value-based grazing fee: 1) Identification of the value of raw forage as a percentage of the private land lease rate (Private Lease Forage Value Ratio); and 2) an adjustment which reflects the lower animal production derived from federal lands compared to private lands (Net Production Differential), and the additional costs of doing business on federal lands compared to private lands (Non Fee Cost Differential) (e.g. additional infrastructure and operational costs). Because the costs associated with cattle production vary from those of sheep production, sheep costs are figured into the Non Fee Cost Differential (80% cattle. 20% sheep). Simply put, the federal forage fee formula is based on the private forage market while reflecting the unique costs of production and relative inefficiencies of harvesting federal forage compared to private land operations. A reasonable grazing fee must reflect the higher operational costs and lower animal production derived from federal lands and, as such, would promote similar economic opportunity between federal land and private land livestock producers.

The private land lease rate is weighted by the proportional number of federal AUMs in each of the 16 western states. The rolling three year weighted average of the private land lease rate is used in order to minimize the high and low extremes of the lease scale. This lease rate is calculated on a weighted average of private lease rates for non-irrigated native rangelands.

The value of the forage component of private land leases, as determined in a comprehensive 1966 grazing fee study and carried through in the 1992 update of the Grazing Fee Review and Evaluation report is 48.8% of the total private land lease rate. The remaining 51.2% of the private lease rate includes infrastructure and services associated with a private land lease.

The Non Fee Cost Differential of the federal forage fee formula is based on the updated analysis of non-fee costs adjusted annually for inflation. This number indicates that for 1991 it cost $1.60 more per AUM to operate on federal lands than private lands.

The Net Production Differential of the formula is based on Economic Research Service comparisons of cash livestock receipts from both western federal land ranches and nonfederal land ranches which show that, overall, the federal lands generate 12.1% less revenue per animal unit than private lands (thus, the 87.9% figure).

Every figure in the federal forage fee formula is derived from economic data compiled and updated by federal agencies.

Research using historical data reveals that the Federal Forage Fee yields more predictable fee than PRIA. which has fluctuated from a high of $2.41 to a low of $1.35 (a 78% variance) over its 15 year life. A 25% cap on any increase or decrease in the fee from year to year, starting with the current fee is maintained. Additionally, the federal forage fee formula adheres to the guidelines Congress established for determination of federal grazing fee policy as outlined by the Federal Lands Policy Management Act of 1976, the Independent Offices Appropriations Act of 1952 and the Taylor Grazing Act of 1934.

FIGURES

Weighted Average Private Land Lease Rate (WAPLLR): $8.77.

Derived from 16 state weighted average private land lease rate as surveyed by the U.S. Department of Agriculture's Economic Research Service (ERS) and adjusted for the number of federal AUMs in each state. The calculation is a rolling average of the three most recent years' data.

Private Land Forage Value Ratio (PrLFVR): ×48.8%.

Grazing Fee Review and Evaluation, DOI & USDA 1992, pgs. 18 and 22. Determines the forage component of the WAPLLR.

Non Fee Cost Differential (NFCD): $1.60.

Grazing Fee Review and Evaluation, DOI & USDA 1992, pg. 58, Appendix A.1; Updated by Input Cost Index (ICI) for currency. Deduction to reflect additional costs per AUM incumbent with federal land grazing.

Net Production Differential (NPD) × 87.9%.

Grazing Fee Review and Evaluation, DOI & USDA 1992, pg. 53, "Equity Among Livestock Producers." Adjustment to reflect lower animal production derived from federal grazing lands.

Formula/calculations

[((WAPLLR × PrLFVR) − NFCD) × NPD = FFF]

Weighted average private land lease rate [WAPLLR]	$8.77
Private lease forage value ratio [PrLFVR] (percent)	×48.8
Private lease forage value	$4.28
Non fee cost differential [NFCD]	−$1.60
	$2.68
Net production differential [NPD] (percent)	×87.9
Federal forage fee (grazing fee) [FFF]	$2.36

The effective Federal Forage Fee would be $2.33 in the first year after applying the 25 percent cap to the current grazing fee.

U.S. SENATE,
Washington, DC, July 29, 1993.

DEAR COLLEAGUE: The Western Livestock Producers Alliance (WLPA), which consists of representatives from the Public Lands Council, the National Cattlemen's Association, the American Sheep Industry Association, the Association of National Grasslands, and the American Farm Bureau Federation, after long deliberation has constructed a new federal forage fee formula which allows for the formulation of equitable forage fees. This formula is the result of an effort by grass-roots producers as well as industry leaders to address attacks on the (PRIA) grazing fee formula.

The WLPA-supported federal forage fee formula provides a sound, accountable formula for determining the value of grazed vegetation. It is based upon the best available and most current government statistics and economically-researched and justifiable relationships. The formula takes into account the market value of raw forage at the private land lease rate while allowed for the additional costs of operating and the reduced animal production on federal lands. The WLPA plan also provides for a 25% cap on fee variance from year to year. Also, this formula will be more stable than the PRIA plan which has allowed the fee to vary 78% over the last 15 years.

The Administration is releasing a proposal revising the grazing fee in early August. Their plan may raise fees between $3.00 and $10,000 per AUM. The economically-justifiable Federal Forage Fee, which allows for yearly re-tabulation, is $2.33 per AUM.

We are introducing a bill on Friday to provide stability for the federal lands livestock industry through the implementation of this WPLA-supported federal fee formula. If you are interested in co-sponsoring this legislation please contact Dan McAulffe or Paul Taylor at 224-5852 (Senator Campbell) or Mandy Arney at 224-6441 (Senator Wallop).

Sincerely,

BEN NIGHTHORSE CAMPBELL,
U.S. Senate.
MALCOLM WALLOP,
U.S. Senate.

Mr. **WALLOP**. Mr. President, for the past few years a raging battle over America's rangelands has taken place in Congress and has swept throughout the countryside. The issue of grazing fees has been at the heart of the argument. The PRIA formula—the method we currently use to calculate the costs of Federal grazing—has been under constant attack. The debate, with simplistic rhetoric, has obscured the real issues and provided throwaway votes for those immune to their consequences.

The lack of understanding by many of my colleagues has brought real pain to Western livestock producers and has hurt rural communities. We, in Congress, have effectively legislated westerners' lives without even listening to what they, themselves, have had to say. The death of the rich rancher is not what's at stake here—it's the economies of hundreds of rural communities. Western ranching has become a culture in crisis.

During last year's debate in Congress, this Senator from Wyoming promised to address the issue of grazing fees in the authorizing committee, the Senate Energy and Natural Resources Committee.

Today, my colleague from neighboring Colorado, Senator CAMPBELL, and I are trying to do just that. We are introducing a new idea—a Federal forage fee formula. This bill will provide the means by which we can fairly and predictably value the forage that ranchers buy from the Government. The forage fee formula was developed by the Western Livestock Producers Alliance, a coalition comprised of the Public Lands Council, American Sheep Industry, National Cattlemen's Association, Association of National Grasslands, and the

American Farm Bureau Federation. This bipartisan, grassroots effort is the result of literally thousands of hours of difficult discussions on grazing policy by those in my home State of Wyoming, and all across the West. By the introduction of this bill, the livestock industry will be assured of a role in this debate.

Mr. President, the WLPA-supported Federal forage fee formula provides a sound, accountable, market-based formula for determining the value of grazed vegetation. It is based upon the best available and most current Government statistics. It's economically sound and justifiable. The formula takes into account the market value of raw forage at the private land lease rate while allowing for the additional costs of operating and the reduced animal production that occurs on Federal lands. The WLPA plan also provides for a 25-percent cap on grazing fee variance from year to year.

A recent study lends dramatic credibility to our legislation. Two days ago, researchers from Pepperdine University released the findings of the most exhaustive analysis of Western ranching yet. It evaluated confidential bank records, loan files, operating records, and actual sales records. It provides a powerful answer to this question: Who has the advantage, the Western Federal land rancher or his private land neighbor? The results were astounding.

This study paints a statistical picture of two types of ranches—one ranch has private rangelands and the other is dependent on Federal lands. For the Federal lands rancher, the cost of doing business with the Government is high. For every dollar that his neighbor, the private land rancher, pockets at the end of the year, the Federal land rancher gets only 66 cents. The Pepperdine study shows that for the public lands rancher, expenses are inherently higher and productivity is less.

The study shows more. In the last 20 years, a generation of time, the Federal land rancher has suffered a loss of ranch value equal to $350 for every unit of production he owns. This means, if a rancher can graze 100 cows on his Federal lands ranch, his loss in ranch value has been $35,000 over the last 2 decades. Contrast this with his neighbor who has 100 cows on private land. In the same 20-year timeframe, his 100-cow ranch has increased in value by $80,000. Make no mistake. Private lands are more productive and are not subject to the uncertainty of doing business with the Federal Government.

Mr. President, in all the time I have represented Wyoming in this Chamber, I know of no piece of legislation that has been more difficult and more painful to develop than this forage fee formula. As the bill moves through the legislative process, I urge my colleagues in the Senate to examine carefully what we are attempting to do here and to understand what is at risk if we don't act with care and knowledge. Again, we are not talking about destroying the rich rancher, we're talking about the death of entire Western communities. Western livestock producers are, indeed, a culture in crisis.

My colleague, Senator CAMPBELL, knows the range country and its ranches first hand and so do I. We would hope our colleagues examine this proposal carefully. The lives and livelihoods of our neighbors and small towns are very much at stake.

Mr. SIMPSON. Mr. President, I rise today to join my fine friend and colleague from Wyoming, Senator WALLOP, and the able Senator from Colorado, Senator BEN NIGHTHORSE CAMPBELL, in introducing a bill that would establish a new Federal forage fee formula that is supported by sound economic methodology and the most current Government statistics. This new fee structure is based on the premise that Federal land permittees should pay a fair market value for the forage on Federal land. I strongly believe this bill meets the test of fairness.

The fee is based on two objectives: First, identification of the value of raw forage as a percentage of the private land lease rate; and, second, an adjustment which reflects the lower animal production derived from Federal lands compared to private lands, and the additional costs associated with cattle production on Federal lands compared to private lands. Since the costs of raising sheep is lower compared to cattle, a cost differential is built into the formula to ensure equitable treatment for each type of grazing.

This new formula adheres to the guidelines established by Congress for determining Federal grazing fee policy as outlined by the Federal Lands Policy Management Act of 1976, the Independent Offices Appropriation Act of 1952, and the Taylor Grazing Act of 1934.

Simply put, the fee recognizes the inefficiencies of harvesting Federal forage and the unique costs of grazing cattle and sheep in the West. A 25-percent cap will be instituted to limit the variation in the fee on a yearly basis. After the appropriate calculations are made, the forage value-based fee will equal $2.33 per animal unit month [AUM]. This is a reasonable increase from the current $1.86 per AUM and is a first step toward finally resolving this issue in Congress.

Leon Panetta, Director of the Office of Management and Budget, and Interior Secretary Bruce Babbitt have both stated that the fee will be increased. Secretary Babbitt has been making a good effort to get a handle on the grazing fee issue. I believe that he recognizes that an increase in fees will not mean a windfall in revenue for the Federal Government. He has stated that he does not want to hurt the small- and medium-sized operators—or the larger operators either.

However, it appears that the administration has done little to incorporate the concerns of Western ranchers into their proposed formula. So it appears that there is much work still to be done in order to ensure that any increase in grazing fees is based on realistic assumptions. Our bill recognizes the differences in the productivity of public lands and structures, a fee formula where permittees will be charged for the varying levels of forage value. It is a fair approach and an acceptable resolution to the long-fought battle by many for fair market values for the use of public lands.

The opponents of this bill will be the usual cast of characters. However, I trust they will come to understand that this is a good-faith effort to fairly address the grazing fee issue. It is a fair approach that takes into account the unique qualities of public land in the arid West. Those who advocate drastic increases in fees often think of this issue solely in financial terms. If we are ever to reach a consensus on this issue, we must all recognize that other factors must be given due consideration as well—and this bill does that.

I commend Senator WALLOP and Senator CAMPBELL for their hard work and thoughtful crafting of a new value-based forage fee formula.

By Mr. JEFFORDS (for himself, Mr. LEAHY, and Mr. MOYNIHAN):

S. 1327. A bill to require the Secretary of the Interior to conduct a study of historic sites, buildings, and artifacts in the Champlain Valley and the Upper Hudson River Valley, including the Lake George area in the United States and Canada, and for other purposes; to the Committee on Energy and Natural Resources.

CHAMPLAIN VALLEY HERITAGE STUDY ACT OF 1993

Mr. JEFFORDS. Mr. President, today I introduce legislation known as the Champlain Valley Heritage Study Act of 1993 on behalf of myself, Senator LEAHY, and Senator MOYNIHAN.

Along Lake Champlain, Lake George, and the Upper Hudson River in my home State of Vermont, and in New York and the Province of Quebec, is a wondrous corridor of heritage, perhaps unrivaled for its historic richness in all of the Western Hemisphere. This legislation seeks only to enhance something that, truly, already exists.

Americans wishing to discover the history, first hand, of the French and Indian Wars, the decisive campaign of the American Revolution, and of a key campaign of the War of 1812, must come to this area.

Fort Ticonderoga, Crown Point, the Saratoga Battlefield, Mount Independence, Bennington Battlefield, Hubbardton Battlefield, the Plattsburg battle sites are there, and nowhere else. It is a resource the people of the North Country truly cherish, and long have shared with the rest of the world.

Trouble is, it's not an easy task to guide oneself along those paths of history. I would like to change that. And if I can, it seems to me that all the people of the corridor, indeed all the people of this Nation, stand to benefit.

One day in the not-too-distant future, I would hope to see the great historic sites of this corridor linked, made easy to discover and explore. Here and there we ought to have a visitor center to help the traveler, the historian, in their search for the storied places of the past. Here and there ought to be a pulloff by the roadside with explanations of the historic significance of the area, a map. Common signage would be a great help.

To drive the route of the Burgoyne Campaign could be an American historical experience easily comparable to a visit to Gettysburg or Yorktown. The route would, perhaps, start at Saint Jean in Quebec, come south to Button Bay, Crown Point, Mount Independence, and Fort Ticonderoga. Then it might proceed to the site of the bloody delaying action at Hubbardton, on to Whitehall, south along Wood Creek, detouring to the Bennington Battle site, then on to decisive Saratoga. It could be a wondrous historical experience that might be almost a must for all Americans.

The benefits to those who would come here to walk and drive in the paths of history seems obvious. The economic benefit to this area, through increased visitation by thoughtful, caring Americans, seems obvious. Certainly the area is in need of economic help.

The economy has been hit hard in the North country, most recently with the decision to close the Air Force base at Plattsburgh. It was a decision I strongly opposed and with which I strongly disagree. It has hit hard an area with a long history of strong military support for this Nation, going back to the very dawn of European settlement of this continent. A lot of good and decent people have been, and will, be hurt. Perhaps this effort can in some significant way help.

The first step, I believe, should be a thorough inventory of the corridor's historic resources. Nobody does such an inventory as well as the staff of the National Park Service. I know, for the Park Service just completed a study of Civil War sites in the Shenandoah Valley. The Park Service would work closely with people along the corridor, with county and municipal governments, local historians, archeologists, those who operate historic sites, property owners, planning groups, business groups, and all interested citizens.

I will repeat here that there is no apparent need for any extensive land acquisition along Champlain, Lake George, and the Upper Hudson. The historic sites, in large measure, are already protected through long-term caring public and private ownership.

One key site, Mount Independence, partially owned by the State of Vermont, is in particular need of attention. American soldiers spent a winter worse than at Valley Forge there, guarding against a British invasion of our new Nation. As many as 1,000 patriots lie buried there.

The expressions of support from both sides of Lake Champlain have been plentiful, and most encouraging. The heritage corridor idea is one, I believe, whose time has come.

At the very least, a heritage corridor along these historic waterways would be a wonderful gift of our generation to future generations of Americans who would go forth to seek this Nation's fascinating past, indeed this continent's history. We should go forward in the spirit of those farsighted pioneer preservationists of this corridor, such as Ticonderoga's Pell family. Long ago they had the foresight to preserve and protect Ticonderoga, Mount Independence, Saratoga, Hubbardton, and dozens of other historic places.

T.S. Eliot said that history "is a pattern of timeless moments." We are indeed fortunate that a wealth of such moments were enacted in our corridor, and that many of their settings have survived. They constitute a valued bequest that carries a considerable responsibility. They constitute a heritage that should be shared with all Americans.

Therefore, today I introduce this heritage corridor study bill. I do it in the name of the people of my home country who have long cared deeply about their history. Also, I do it in the name of those who wrote the history of the corridor that we seek to honor, preserve, and make more accessible. Those names include Ethan Allen, Arthur St. Clair, Seth Warner, Robert Rogers, Philip Schuyler, George Washington, and a thousand more now forgotten, but never unappreciated, men and women who stood firm to make a new Nation called America.

Those long-ago people, and the people who live along the storied waterways that are true paths of history, deserve no less.

Mr. President, at this time, I ask for unanimous consent to enter into the RECORD, statements from the Alliance of Lake Champlain Chambers of Commerce, the Addison County Regional Planning Commission, the National Parks and Conservation Association, and Edwin Bearss, Chief Historian of the National Park Service.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDISON COUNTY REGIONAL PLANNING COMMISSION,
Middlebury, VT, February 19, 1993.

Mr. BRIAN KEEFE,
Office of Senator Jeffords,
Rutland, VT.

DEAR BRIAN: Thanks for taking the time to explain S. 2778 to the Addison County Regional Planning Commission on February 10. Your comments, as well as those of Mike and Bill, were very helpful in making commissioners more knowledgeable about Mt. Independence and the Historic Corridor.

The Commission voted to support the following motion: "To support Bill S. 2778 to study the proposed Heritage Corridor in cooperation with the host towns, and to instruct staff (ACRPC) to follow the study effort and report back (to the Commission and towns) regarding the findings and recommendations of the study."

Twelve of our 21 member towns, and 4 of 5 Citizen Interest Groups were represented at the meeting. The vote was 14 yes and 2 no. Of those twelve towns, Orwell, Ferrisburgh and Shoreham were the lakeshore towns in attendance. Panton, Addison and Bridport delegates were absent. The "no" votes were from the Bristol Town and the Farm Bureau delegates.

Please keep us informed on the progress of the bill, and provide us with drafts of the Historic Corridor Study as they become available.

Sincerely,

SANDI YOUNG,
Executive Director.

[From the Conference of Champlain-Hudson Valley Historic Sites, Societies and Museums, Nov. 20, 1992]

THE CHAMPLAIN-HUDSON RIVER CORRIDOR

(By Edwin C. Bearss)

It is a pleasure to be up here in the Champlain-Hudson River Valley. This is my fourth trip to the Valley. I heard a number of concerns and interests expressed following Senator Jeffords' address to you and I hope that some of them will be covered.

And why is Lake Champlain and the Hudson River corridor important? It was important long before Samuel de Champlain discovered it as the first white man. It had been known long before by Native Americans because before you had roads it was a natural line of communication from what is now Canada with the area around New York City. So it is a linkage of the flow of people, whether explorers, Native Americans, great armies that fought for the domination of the American continent, or for trade and industry. So there is a sweep of history dating long before Samuel Champlain that links these areas together.

And I know that even in the fifth or sixth grade where they first taught American History in Montana, one of the pictures in the history book that I always will remember was a picture of Samuel de Champlain firing that shot that so affected the relationships between the French and the Algonquins and the Iroquois. That's a childhood memory.

My next memory of this Valley was when I was in about the seventh grade and when you start reading the Saturday Evening Post—when you start reading articles that are not very deep on your own—reading the article by Kenneth Roberts on the first segment of Rogers' Rangers that only covered Major Rogers' activities during the French and Indian War. It did not take him to when he went on to the Great Lakes as governor.

And right before I went into the Marine Corps—it could have been the last book I ever read if I had not been lucky—the last two books would be "Rabble in Arms" and "Arundel." And I traveled the Valley as a hitchhiker in 1941 when I had a delusion at 17 years old that I would like to join the Canadian army. But by that time I had found out that we were in it and I might as well join the United States Marine Corps. But even on that trip I can remember going through Plattsburgh. I remember Ausable Chasm. I also remember General Drum and the maneuvers. Of course, Drum at that time thought we were going to get into the war and he would be the Eisenhower. But alas for General Drum, he ended up the war commanding the First Army as he did then on Governors Island.

My next trip to the Champlain Valley would be in 1959—and this illustrates why the Senator's proposal is so vital—although I had read these books and I had been interested in the area, at that part of my trip I only knew of two sites in this valley that were identified readily in my mind and in the tourist literature that was available—as I was then living in Mississippi—and that was Fort Ticonderoga—and seeing I was employed with the National Park Service, I knew about Saratoga. So those were the ones I visited. I never visited Bennington. I never visited Hubbardton. I never visited Crown Point or Valcour Island because it was not common knowledge out in the hinterland of the United States what a wonderful cultural heritage you have in the Valley.

My next visit was a year and a half ago when, with the Director of Fort Ticonderoga, Nick Westbrook, and Senator Jeffords and others, I walked Mount Independence and visited Hubbardton for the first time, and Chimney Point. And we were able to look across at Ticonderoga just as the bugles and drums were playing as you remember, and it made a very impressive sight.

My last visit before this was this fall. After visiting Fort Ticonderoga, after visiting Hubbardton, after seeing Mount Independence, I knew enough about it to lead a Smithsonian tour through the area. And on the Smithsonian tour through the area you could see these wonderful sites that are tied together. And as you toured, you learned about other sites. You learned about where Duncan Campbell is buried, you learned where Jane McCrae—these lesser profile sites.

So that is what we're talking about: education. And drawing people to the area to make them stay a little while. Not to just see the high profile site that they might have read about first in literature or in a general history book when they were back in grade school.

And speaking of the gentleman that pointed out the Disney World ones: if you have a good, viable interpretive program you can put—they'll be coming to see the sites if you talk interestingly, if you put on an interesting program like they do at Fort Ticonderoga and other places, the people will come to these sites and give them first priority over the Disneylands. That is what we are talking about here.

Now, let us go back and look at the process, if it is conducted, of inventorying and evaluating these sites. I heard the mention of the Cuyahoga Valley. The Cuyahoga Valley is a different situation. It was established as a National Recreation Area with a defined boundary. That is what we are not talking about now under this bill. It is to survey, evaluate and inventory the various sites, working on the broadest partnership, as we did in the Shenandoah Valley, and that is spelled out in the legislation. When it directs the Secretary of the Interior to look at the cultural resources associated with the Hudson River and Lake George-Lake Champlain it is to look at all the sites and inventory them.

There are many of these sites, strange to say, even in the Shenandoah Valley—and I have been interested intimately in the Civil War since I was in the seventh-grade and had visited many of the sites—that there is not information on exactly where so-and-so did something.

So, the inventory will look at the sites, find out which are traditional. For instance, when I was, over two months ago, in the Mohawk Valley the Oneida Indians are convinced that the confrontation between Champlain and their forebears took place in the Mohawk Valley, not in the Lake Champlain area. So you have those reasons why it is important to have a survey and an evaluation. You must work with all parties. And that is what we have done in the Shenandoah Valley, work with the landowners, work with the concerned people such as the gentleman that has spent 20 or 30 years in the Air Force that spoke back there that has heard what happened in the Cuyahoga Valley, it's to work with all the groups. Work with the county planing boards, work through Nick over there at Ticonderoga, work through Doug Lindsay over at Saratoga, work with the people at Shelburne, the people in the Canal Society and the general public to get a consensus on what should be done.

You who are in the Lake Champlain area, there is already a federal presence that can serve as an anchor of one section of a proposed corridor there at Saratoga. And I can assure you, though the Park Service does what Congress legislates, that we would not be looking for any greatly expanded Park Service area. I have been with the Park Service since 1955, to illustrate why we would not—we had at that time 179 areas, when I entered the Park Service, which we administered. We now have, at the latest inventory, 367 areas. The acreage has gone from 20 million to some 80 million acres. The appropriations and the number of positions have gone up only modestly. So it is not a Park Service initiative, as we will bear from this young lady, to expand the Park Service and get more land in fee. It is to use the Park Service and their expertise in education.

We've always used 'interpretation' but no one, except in the Park Service—Nick knows a little bit about it because he worked for us for a while—used 'education.' Everybody knows what education is. The Governor of New York knows what it is, the Secretary of the Interior knows what education is and the Chief Executive knows what education is. They don't know what 'interpretation' is.

So, these sites are the scene. When you have a good actor, the actor plays on the scene. You go to Ticonderoga, you go to Hubbardton and you have the scene there in which the action and the drama of life and the very lifeblood of our nation, from before Champlain to now, took place.

So, as on the Shenandoah study, the core unit would go out, work with staff at the various sites in the area. Work with Ticonderoga, work with Shelburne, work with the Canal Society, work with the monument up at Plattsburgh, even work with the people such as own that wonderful restaurant up at Valcour where you could eat lunch and look just across that channel where Arnold battled the British and so delayed them that they did not arrive at Fort Ticonderoga until eight months later. So there are all these wonderful resources in gathering information to identify and evaluate the sites.

Also, the next step is to work with the local landowners because they have a very vital—and in our American government the most vital—interest in the land, work with the county governments, the state historic preservation officers. Work with everybody, keep them informed, secure information in public meetings and then prepare a report that would be sent to Congress. Now, the report that is prepared to be sent to Congress will consider all alternatives for the preservation and education of these tremendous sites here which, even better yet, are sketched against a beautiful landscape. It even has the advantage over the Shenandoah, which has a beautiful landscape, because of Lake Champlain.

So, after public input from all segments has been secured, the industry and evaluation of sites has been prepared, then certain recommendations are made. The report is then circulated for public comment to all groups or people interested and are allowed 60 days, or 90 days depending, to make their comments. Then the comments are evaluated and the final report, after clearance by the Department of Interior and by the Office of Management and Budget is forwarded to the Congress. Now, as in the Shenandoah study, there are the alternatives and when it finally reaches our good friends in Congress, they can file the report away and say, "Thank you", and it will never be heard of again. Or, they can say that they like certain options of it and other options they do not. Or, they can buy one alternative. And one alternative is do nothing: let it continue like it is.

That would result far more critically to the resources in the Shenandoah than it would here because in the Lake Champlain and Hudson River area there is already one federal park, there are a number of state parks, there are a number of family parks—there's Fort Ticonderoga—but you have all sorts of lands already preserved and interpreted, but not as well integrated, perhaps, because there are some of them that I, despite tourist literature and guide books only discovered after I was up here with the Smithsonian group a month ago when driving by them. And I suddenly realized, boy, I wish I had a couple more hours to build into the tour for a visit to that site. So there would be this one option: to do nothing.

The next alternative is to use some federal seed money to set up a group that would coordinate activities to bring these sites to the attention of the public on the broadest possible scale.

Then there would be the next alternative, which we would not probably not show up with here since there is no federal presence in the Champlain Valley, is a visitor center located at a central place to be staffed in partnership by the feds, the state and the county, to pass out information, to provide and aid people in planning their visits.

Then there is an 'affiliated area' alternative. The affiliated area alternative would leave—if we're speaking only on Lake Champlain—would leave Saratoga as a core and other areas would be able, if they wished, to use the Park Service logo to popularize them. Under the affiliated area there is sometimes money, but there is no Park Service involvement in the management.

And the final alternative in the Shenandoah, which I would not perceive here, since there is no park in the Champlain Valley, is to establish a park, a national military park in the Shenandoah Valley. That is the last alternative. And the price or cost is put down on each one of those.

Before closing off, as my time is up, I also want to remark that no understand the Lake Champlain-Hudson River corridor we have to know where it originated. And that's why I'm delighted to have our friends from Quebec and Canada here because you cannot understand that flow of history and pre-history unless there is involvement there in the over-arching educational plan.

Also, as the Senator remarked, there is another corridor that converges on Albany—the Mohawk River Valley corridor—also tied in with communications for the same reason, one that always links them together—and that lady in green there is looking a little happier right now—and was vital to the failure of Lord Germaine, that great strategist and Colonial Secretary sitting in London and his scheme for the 1776 campaign which would call for St. Leger and Burgoyne to converge at Albany. And, of course, they didn't converge. It's hard enough to run a converging attack in World War II with walkie-talkies, radio. How much more difficult it must have been to effect a converging attack in 1776 when communications were in the state they were?

Thank you.

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
Washington, DC, July 28, 1993.

Hon. JAMES M. JEFFORDS,
Hart Office Building,
Washington, DC.
(Attention: Bill Peck).

DEAR SENATOR JEFFORDS: On behalf of the 350,000 members of the National Parks and Conservation Association (NPCA), I wish to congratulate you for introducing legislation to conduct a much needed study of nationally and internationally significant natural, historic, and cultural resources of the Champlain and Upper Hudson River Valleys.

NPCA has long advocated that a "partnership park" or a "heritage corridor" be established in this area which reflects the region's impact on the history, growth and development of the United States and Canada. The United States and Canada share a common early history, and yet there is not a single unit in the National Park System that tells the story of our common history as North Americans. Your study legislation will help determine how that thematic gap can best be filled.

Enactment of your legislation, will enable the National Park Service to take a comprehensive look at the resources of the Champlain and Hudson Valley region. The resources include archeological sites associated with the early settlement of this region by aboriginal peoples and early settlers, historic sites associated with the contest between the colonial powers, sites associated with the American war of independence and the War of 1812, and other nationally and internationally significant resources.

On behalf of our Association and its Board of Trustees, National Parks and Conservation Association is pleased to endorse your bill.

Sincerely,

PAUL C. PRITCHARD,
President.

ALLIANCE OF LAKE CHAMPLAIN
CHAMBERS OF COMMERCE,
January 11, 1993.

Hon. JAMES M. JEFFORDS,
Rutland VT.

DEAR SENATOR JEFFORDS: On behalf of the Alliance of Lake Champlain Chambers of Commerce, which consist of Chambers of Commerce on both sides of Lake Champlain, I want to applaud your initiative and offer our support of your proposed Champlain Valley Heritage Corridor Study Legislation.

This Legislation will have a significant impact on the Champlain Region. The educational value, economic benefits of our cultural and historic resources, and the local sense of pride derived from this proposed legislation will have long-term effects on the Lake Champlain Basin and the residents of New York and Vermont.

Your sensitivity to the concerns of private businesses and landowners along Lake Champlain is appreciated and, in our opinion, a vital part to the success of this project. Local control and representation, not only from government but also from business, are key factors in the success of this project.

The Alliance thanks you for the draft of the legislation for our review and comments. For more information or questions, please contact me at (802) 877-3830.

Sincerely,

PETER MORRIS,
Chairman.

By Mr. BURNS:

S. 1328. A bill to enable the Secretary of Health and Human Services to carry out activities to reduce waste and fraud under the Medicare Program; to the Committee on Appropriations.

MEDICARE PROGRAM LEGISLATION

Mr. BURNS. Mr. President, I rise today to introduce a bill that would, hopefully, save us some money. Yes, you heard me right, might save us some money. At a time when we are talking about spending programs and trying to make cuts without actually hurting people, I have a bill that will actually save us some money. We have done a little work on this.

This bill was introduced in the House by Mr. SANTORUM. I believe it deserves our attention in this body as well. The bill is designed to enable the Secretary of Health and Human Services to carry out activities to reduce waste and fraud under the Medicare Program.

There are estimates—and I say estimates because the inspector general can only guess at the amount of fraud and abuse based on what is reported in his department—that 10 percent of our health care expenses can be attributed to fraud and abuse, Now, when you are talking about numbers that range in the $800 billion bracket a year, you are talking about a lot of money. Ten percent—I am an old auctioneer—that is $80 billion a year that we would possibly save.

We may not be able to thoroughly eliminate all the fraud and abuse in the system, but we can certainly make a start in the programs which the Government actually runs. This legislation is estimated to save $5.5 billion over a 5-year period. I can only assume that with enhanced enforcement and stronger sanctions imposed against those who engage in fraudulent activities the incentive to try to defraud the system will be greatly reduced.

This is just a drop, in fact, in the whole bucket of health care costs, I know, but it is a start. I firmly believe that in trying to reduce our budget and make our Government more efficient before we start cutting programs and before we even attempt to increase taxes to pay for rising costs, we can make a real effort to eliminate some fraud and abuse within the system that now actually exists.

Mr. President, I send to the desk a copy of the legislation.

By Mr. D'AMATO (for himself and Mr. SIMON):

S. 1329. A bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974; to the Committee on Foreign Relations.

MISSING PERSONS IN CYPRUS LEGISLATION

• Mr. D'AMATO. Mr. President, I introduce, along with Senator SIMON, a bill to provide for an investigation into the whereabouts of 5 Americans and over 1,600 Greek-Cypriots who have been missing in Cyprus since the brutal Turkish invasion in 1974.

Turkey, a major recipient of United States foreign aid has, for over 19 years, illegally occupied a large part of Cyprus and has refused to cooperate with American and Greek-Cypriot families in the investigation of the missing.

I have staunchly opposed the Turkish invasion and occupation of Cyprus and, last year, cosponsored legislation to end economic assistance to Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem but, today, after 19 years, the long suffering of these families cannot be ignored and action is needed now to give the families a full and honest account of what happened to their loved ones.

One of the leaders in the effort to address this issue is Costas Kassapis, from Detroit, MI, whose 17-year-old son, Andy, was dragged off by Turkish troops on August 20, 1974, with a United States passport in his hand. In October 1974, the family reports receiving a message that was relayed by the Red Cross from Andy stating that he was in a Turkish prison. Since then, the Kassapis family has heard no further word from Andy. Undoubtedly, similar stories exist for the many other affected families.

Firm action is needed to do everything possible, in cooperation with the appropriate international and nongovernmental organizations, to influence the Turkish Government to cooperate in efforts to locate the missing and return them to their families. This would be a laudable first step to return Cyprus to the basic ideals of democracy based on majority rule, the rule of law, and the rights of the minority.

I urge my colleagues to join us in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES CITIZENS AND OTHERS MISSING FROM CYPRUS.

(a) INVESTIGATION.—As soon as it practicable, the President shall undertake, in cooperation with an appropriate international organization or nongovernmental organization, a thorough investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974. The investigation shall focus on the countries and community which were combatants in Cyprus in 1974, all of which currently receive United States foreign assistance.

(b) RESULTS OF THE INVESTIGATION.—The President shall report the findings of this investigation to the family of each of the United States citizens and others who have been missing from Cyprus since 1974 and to the Congress. Such reports shall include the whereabouts of the missing.

(c) RETURNING THE MISSING.—The President, in cooperation with an appropriate international organization or nongovernmental organization, shall do everything possible to return to their families, as soon as is practicable, the United States citizens and others who have been missing from Cyprus since 1974, including returning the remains of those who are no longer alive.•

• Mr. SIMON. Mr. President, I am pleased to join today with Senator D'AMATO of New York in sponsoring legislation requiring an investigation into the whereabouts of American citizens and others who have been missing in Cyprus since the conflict there in 1974. This issue has been festering for a long time, and we ought to do what we can to resolve it.

Five American citizens—and 1,614 Greek Cypriots—have been missing since that time, unheard of for nearly 20 years now. If they are alive, they are somewhere on the territory now held by the Turkish Cypriot Government, a government, incidentally, that we do not recognize. Turkish troops have propped up this rump government since Turkey's occupation of the northern third of the island in 1974.

It is my hope that our legislation will give us some answers, and will bring to an end the suffering of those held captive and their families. I ask my colleagues in the Senate to join with us in cosponsoring this bill.•

By Mr. HOLLINGS:

S. 1330. A bill to authorize a certificate of documentation for the vessel *Serena*; to the Committee on Commerce, Science, and Transportation

VESSEL "SERENA" ACT OF 1993

• Mr. HOLLINGS. Mr. President, I am introducing a bill today to direct that the vessel *Serena*, official No. 965317, be accorded coastwise trading privileges and be issued a coastwise endorsement under 46 U.S.C. 12106.

The *Serena* was constructed in Newton, MA, in 1966 as a recreational vessel. It is 43.7 feet in length, 12.7 feet in width, and 8 feet in depth, and is self-propelled.

The vessel was purchased on March 2, 1990, by Robert and Kathleen Murray of the Isle of Palms, SC. The vessel's owners purchased it with the intention of chartering it for short sailing tours. When the owners acquired the boat, they were unaware of the specific coastwise trade and fisheries restrictions of the Jones Act. Due to the fact that the vessel had previously been foreign owned, it did not meet the requirements for a coastwise license endorsement in the United States. Such documentation is mandatory to enable the owners to use the vessel for its intended purpose.

The owners of the *Serena* are thus seeking a waiver of the existing law because they wish to use the vessel in their chartering business. If they are granted this waiver, they intend to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Serena* to engage in the coastwise trade and fisheries of the United States.

Mr. President, I request that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel SERENA, United States official number 96517.•

By Mr. HOLLINGS:

S. 1331. A bill to authorize a certificate of documentation for the vessel *Whit Con Tiki*; to the Committee on Commerce, Science, and Transportation.

VESSEL WHIT CON TIKI ACT OF 1993

• Mr. HOLLINGS. Mr. President, I am introducing a bill today to direct that the vessel *Whit Con Tiki* official No. 663823, be accorded coastwise trading privileges and be issued a coastwise endorsement under 46 U.S.C. 12106.

The *Whit Con Tiki* was constructed in Taiwan in 1983 as a recreational vessel. It is 43.7 feet in length, 14.3 feet in width, and 8 feet in depth, and is self-propelled.

The vessel was purchased on April 29, 1993, by James Green on behalf of Linda Green of Wadmalaw Island, SC. The vessel's owner purchased it with the intention of using it for short fishing charters. When the owner acquired the boat, she was unaware of the specific coastwise trade and fisheries restrictions of the Jones Act. Due to the fact that the vessel had been foreign built, it did not meet the requirements for a coastwise license endorsement in the United States. Such documentation is mandatory to enable the owners to use the vessel for its intended purpose.

The owner of *Whit Con Tiki* is thus seeking a waiver of the existing law because she wishes to use the vessel in her chartering business. If she is granted this waiver, she intends to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Whit Con Tiki* to engage in the coastwise trade and fisheries of the United States.

Mr. President, I request that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel WHIT CON TIKI, United States official number 663823.•

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 1332. A bill to designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

FARMINGTON WILD AND SCENIC RIVER ACT

• Mr. LIEBERMAN. Mr. President, today, Senator CHRIS DODD and I are proud to introduce the Farmington Wild and Scenic River Act. This bill represents the resolution of nearly 20 years of disagreement about how best to preserve the natural splendor of the Farmington River in Connecticut. It is the companion bill to that introduced today in the House by our colleague, Congresswoman NANCY JOHNSON, whose own tireless efforts to find consensus on the fate of the Farmington were critical. The entire Connecticut congressional delegation has signed on as original cosponsors.

This is an unusual bill, Mr. President. While it seeks protection for the Farmington River under the Wild and Scenic Rivers Act, many of the requirements of the act have already been met. The Farmington River Study Committee, established nearly 6 years ago to negotiate the best protection strategy for the river while respecting landowner rights and town and community needs, has already completed a comprehensive management plan for the river. The four Connecticut towns which border the segment of the Farmington to be designated—Barkhamsted, Canton, Colebrook, Hartland, and New Hartford—have already passed and enacted river protection zones. They have also agreed to abide by the comprehensive management plan—perhaps because they had a say in drafting it.

This kind of cooperative study and planning—between town governments and State and Federal agencies, conservation groups, recreational and energy interests—has given us a foundation of trust upon which to build. Our towns want wild and scenic status for the Farmington, and they want to be responsible for ensuring it remains that way.

This segment of the Farmington River that this legislation would designate wild and scenic draws tens of thousands of boaters, tubers, and sport fishermen each year. The river is densely wooded and winding before it drops sharply to a deep gorge framed by steep cliffs and boasting what the National Park Service has called spectacular white water. This area is known commonly as Satan's Kingdom, and it is the most heavily used stretch of the Farmington.

The Farmington River is also a critical tributary of the Connecticut River, particularly because it provides classic salmon habitat. Nearly all of Connecticut's sport fish species can presently be found in the Farmington, and the river is especially popular for its trout fishing.

The Farmington River has a long and fascinating history, and many of its historic sites are still standing and are already the subject of Federal protection and interest. The National Register of Historic Places lists three buildings, the 19th-century Chapin house in Pine Meadow, the Depression era CCC shelter in American Legion State Forest, and the early 19th century gothic revival stone Union Church in Riverton. Riverton also hosts the still operating Hitchcock Chair Factory, and the towns of New Hartford and Pine Meadow both have State and locally designated historic districts with many 19th-century buildings. Prehistoric sites have been uncovered throughout the area, and precolonial Native American settlements have also been identified.

Perhaps it is partly because we are accustomed to living with such history that our constituents feel so strongly about maintaining control of their land even as they agree to implement new land and utility management practices, to accept new river zones of protection, and other means of protecting the river.

Specifically, this bill would designate a 14-mile segment of the Farmington River in Connecticut to be administered by the Secretary of the Interior with the Farmington River Coordinating Committee as a recreational river. The bill directs the Secretary and the committee to manage the segment in accordance with the management plan already completed, directing them in particular to the instream flow analysis already completed by the National Park Service and the committee and directing them to allow the additional withdrawal of water only in emergencies. In addition, the bill specifically states that all lands along the newly designated segment of the river shall be managed by the owners of those lands.

Again, we are proud to introduce this bill on behalf of our constituents. They have done the hard work of finding resolution to a 20-year conflict, and we are delighted to assist them in the next phase of our joint effort to ensure that the Farmington continues to run free.

I ask unanimous consent that a copy of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farmington Wild and Scenic River Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 99-590 authorized the study of 2 segments of the West Branch of the Farmington River, including an 11-mile headwater segment in Massachusetts and the uppermost 14-mile segment in Connecticut, for potential inclusion in the wild and scenic rivers system, and created the Farmington River Study Committee, consisting of representatives from the 2 States, the towns bordering the 2 segments, and other river interests, to advise the Secretary of the Interior in conducting the study and concerning management alternatives should the river be included in the wild and scenic rivers system;

(2) the study determined that both segments of the river are eligible for inclusion in the wild and scenic rivers system based upon their free-flowing condition and outstanding fisheries, recreation, wildlife, and historic values;

(3) the towns that directly abut the Connecticut segment (Hartland, Barkhamsted, New Hartford, and Canton), as well as the town of Colebrook, which abuts the major tributary of the segment, have demonstrated their desire for national wild and scenic river designation through town meeting actions endorsing designation;

(4) the 4 abutting towns have demonstrated their commitment to protect the river through the adoption of river protection overlay districts, which establish a uniform setback for new structures, new septic systems, sand and gravel extraction, and vegetation removal along the entire length of the Connecticut segment;

(5) during the study, the Farmington River Study Committee and the National Park Service prepared a comprehensive management plan for the Connecticut segment, the Upper Farmington River Management Plan, dated April 29, 1993, which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the river; and

(6) the Farmington River Study Committee voted unanimously on April 29, 1993, to adopt the Upper Farmington River Management Plan and to recommend that Congress include the Connecticut segment in the wild and scenic rivers system in accordance with the spirit and provisions of the Upper Farmington River Management Plan, and to recommend that, in the absence of town votes supporting designation, no action be taken regarding wild and scenic river designation of the Massachusetts segment.

SEC. 3. WILD, SCENIC, AND RECREATIONAL RIVER DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"( ) FARMINGTON RIVER, CONNECTICUT.—

"(A) DESIGNATION AND MANAGEMENT.—The 14-mile segment of the West Branch and mainstem extending from immediately below the Goodwin Dam and Hydroelectric Project in Hartland, Connecticut, to the downstream end of the New Hartford-Canton, Connecticut, town line (referred to in this paragraph as the 'segment'), to be administered by the Secretary of the Interior in cooperation with the Farmington River Coordinating Committee established under paragraph (B) as a recreational river. The segment shall be managed in accordance with the Upper Farmington River Management Plan, dated April 29, 1993, adopted on April 29, 1993 by the Farmington River Study Committee (referred to in this paragraph as the 'Plan'). The Plan shall be deemed to satisfy the requirement for a comprehensive management plan pursuant to section 3(d) of this Act.

"(B) MANAGEMENT COMMITTEE.—Not later than 90 days after the date of enactment of this paragraph, there shall be established a Farmington River Coordinating Committee to assist in the long-term protection of the segment and the implementation of this paragraph and the Plan. The membership, functions, responsibilities, and administrative procedures of the Committee shall be as set forth in the Plan. The Committee shall not be a Federal advisory committee, and shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"(C) FEDERAL ROLE.—(i) The Director of the National Park Service (referred to in this paragraph as the 'Director') shall represent the Secretary in the implementation of the Plan and the provisions of this Act with respect to the segment designated by this paragraph, including the review of proposed federally assisted water resources projects that could have a direct and adverse effect on the values for which the segment was established, as authorized under section 7(a) of this Act.

"(ii) Pursuant to sections 10(e) and 11(b)(1) of this Act, the Director may enter into cooperative agreements with the State of Connecticut, the towns of Colebrook, Hartland, Barkhamsted, New Hartford, and Canton, Connecticut, and the Committee. Such cooperative agreements shall be consistent with the Plan and may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segment.

"(iii) The Director may provide technical assistance, staff support, and funding to assist in the implementation of the Plan.

"(iv) Notwithstanding section 10(c) of this Act, no portion of the segment designated by this paragraph shall become a part of the National Park System nor shall it be subject to regulations that govern the National Park System.

"(D) WATER RESOURCES PROJECTS.—(i) In determining whether a proposed water resources project would have a direct and adverse effect on the values for which the segment designated by this paragraph was included in the national wild and scenic rivers system, the Secretary shall specifically consider the extent to which the project is consistent with the Plan.

"(ii) Congress finds that the existing operation of the Colebrook Dam and Goodwin Dam hydroelectric facilities, together with associated transmission lines and other existing project works, pursuant to licenses or exemptions granted under the Federal Power Act (16 U.S.C. 791a et seq.) and in effect on the date of enactment of this paragraph, is not incompatible with the designation of the segment referred to in subparagraph (A) as a component of the national wild and scenic rivers system, and will not have a direct and adverse effect on, nor unreasonably diminish, the values for which the segment was established. Notwithstanding any provision in this Act to the contrary, the designation of the river shall not affect the ability of the Federal Energy Regulatory Commission to license or relicense (including exempting from licensing) the continued operation of the Colebrook Dam and Goodwin Dam hydroelectric projects, together with associated transmission lines and other project works if such operation is consistent with the Plan.

"(iii) Notwithstanding any provision in this Act to the contrary, inclusion of the segment designated by this paragraph in the wild and scenic rivers system shall not impair the continued operation of the Colebrook Dam and Reservoir by the United States Army Corps of Engineers for the purpose of flood control.

"(iv) The Plan, including the detailed analysis of instream flow needs incorporated in the Plan and such additional analysis as may be incorporated in the future, shall serve as the primary source of information regarding the flows needed to maintain instream resources and the potential compatibility between resource protection and possible water supply withdrawals.

"(E) LAND MANAGEMENT.—(i) The zoning ordinances adopted by the towns of Hartland, Barkhamsted, New Hartford, and Canton, Connecticut, including the 'river protection overlay districts' in effect on the date of enactment of this paragraph, satisfy the standards and requirements of section 6(c) of this Act. For the purpose of section 6(c), such towns shall be deemed 'villages' and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply.

"(ii) Nothing in this Act shall authorize management by the Federal Government of lands that are not owned by the Federal Government. All lands along the segment and its tributaries shall be managed by the owners of the land.

"(iii) The Federal Government shall not acquire land along the segment or its tributaries for the purposes of wild and scenic river designation. Nothing in this Act shall prohibit Federal acquisition of land along the segment for other purposes, or the use of Federal funds administered by State or local agencies to acquire land along the segment.

"(F) MISCELLANEOUS.—Notwithstanding section 3(b), no distinct lateral boundary shall be established for the segment of the river designated by this paragraph, as set forth in the Plan.

"(G) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph.".•

• Mr. DODD. Mr. President, I rise in strong support of the Farmington Wild and Scenic River Act, being introduced in the Senate by my good friend and colleague, Senator JOE LIEBERMAN. Representative NANCY JOHNSON from Connecticut's Sixth Congressional District has been the driving force behind this legislation and will be introducing a similar measure in the House today.

The Farmington Wild and Scenic River Act is the culmination of years of work at the grassroots level by conservationists, developers, local and State governments, and regional planning organizations. It demonstrates that widely disparate interests can come together and, after a series of good faith negotiations, reach a mutually beneficial agreement on how best to preserve our natural assets while assuring prudent economic development.

In 1986, Congress passed legislation authorizing the Farmington River wild and scenic study and appointed a Farmington River study committee, comprised of representatives of major local interests. The study encompassed two segments of the upper Farmington River and examined issues such as the flow levels necessary to sustain recreation and fisheries management. This study served as a blueprint for a management plan for the uppermost section of the river in Connecticut and its adjacent lands.

What is truly remarkable about this effort is the fact that the Farmington River study committee has not only completed the study authorized by Congress, but has also gone ahead and developed a comprehensive management plan that everyone can live with. Traditionally, such a plan is developed after wild and scenic designation has been formally approved.

I commend the Farmington River study committee for taking this forward-thinking approach. In areas such as New England, where private property owners are justifiably protective of their rights and perhaps uncomfortable with the concept of Federal land management, an abrupt designation by the National Park Service might elicit some concern. In this case, however, local interests, including private property owners, have already participated in management planning and have endorsed an integrated management scheme based on local control. The plan involves no land acquisition; it will utilize the interpretive and other technical resources of the National Park Service but will be administered by a local advisory committee.

Mr. President, Connecticut is a small State—only 5,000 square miles—with a fascinating and beautiful estuarine topography. However, we are also a densely populated State with precious little pristine area intact. Moreover, Connecticut ranks last in the Nation in Federal parkland and our only national park, the J. Alden Weir Historical Site, is situated on a mere two acres.

Traditional Federal parkland designations are incompatible with such a densely populated State; and yet the imperative to preserve our precious natural resources remains critical. Fortunately, however, the wild and scenic designation in general, and the Farmington River study committee management plan in particular, provide the answer. This legislation will ensure that this beautiful portion of the Farmington River will be protected for the recreation and enjoyment of current and future generations, without unduly infringing on the rights of local private interests.

I hope that the Farmington River Wild and Scenic Act will serve as a model for other communities facing similar dilemmas. It is a modest and well-thought-out piece of legislation that I believe merits the support of my colleagues. I congratulate the Farmington River study committee and others who contributed to this effort on a job superbly done. I also thank my colleagues, JOE LIEBERMAN and NANCY JOHNSON, for their leadership on this issue. •

By Mr. HARKIN (for himself, Mr. DANFORTH, and Mr. BOND):

S. 1334. A bill to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building," and for other purposes; to the Committee on Governmental Affairs.

JERRY L. LITTON U.S. POST OFFICE BUILDING

• Mr. HARKIN. Mr. President, I rise to introduce a bill which will recognize the legacy of a friend, a former Member of the U.S. Congress and a great American. The bill that I am introducing today would dedicate a U.S. Post Office Building located in Chillicothe, MO, to the legacy and memory of Jerry Litton, the late Congressman from the Sixth District of Missouri. A similar bill has been introduced and passed by the House of Representatives.

Mr. President, Congressman Litton and I served together in the House and the districts we represented at the time bordered each other. I knew him as a tireless public servant and respected him as a legislator and statesman. Jerry was elected to Congress in 1972. Two years later, the year I was elected to the House of Representatives, Jerry won reelection with 79 percent of the vote. Two years after that, in 1976, Jerry entered the Democrat primary for the U.S. Senate. He won that primary on August 3, 1976, after a tough campaign. Jerry, his wife, and their two children boarded a plane from his home in Chillicothe to attend a victory celebration in Kansas City. He never made it. The plane carrying Jerry and the Litton family crashed outside of his hometown. There were no survivors.

Mr. President, Jerry Litton was a great Congressman and a good friend. The tragic accident that took the lives of Jerry and his family was a terrible loss to our Nation, the people of Missouri, the people of his Sixth District and all those who knew him. I know that America would be a better place today had he lived.

Mr. President, I am proud to be joined by Senators DANFORTH and BOND in introducing this legislation. And, I urge my colleagues to support this bill to honor Jerry L. Litton and I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JERRY L. LITTON UNITED STATES POST OFFICE BUILDING.

The facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, is designated as the "Jerry L. Litton United States Post Office Building".

By Mr. KENNEDY (for himself, Mr. SIMON, Mr. DECONCINI, Mrs. FEINSTEIN, Mr. D'AMATO, Mr. BYRD, Mr. GRAHAM, Mr. BREAUX, and Mrs. BOXER):

S. 1333. A bill to improve the admissions process at airports and other ports of entry, to strengthen criminal sanctions for alien smuggling investigatory authority of the Immigration and Naturalization Service; to the Committee on the Judiciary.

EXPEDITED EXCLUSION AND ALIEN SMUGGLING ACT

Mr. KENNEDY. Mr. President, I am pleased today to join with my colleague on the Judiciary Subcommittee on Immigration and Refugee Affairs, Senator SIMON, as well as Senators DECONCINI, FEINSTEIN, D'AMATO, BYRD, GRAHAM, BREAUX, and BOXER, in introducing the President's proposed Expedited Exclusion and Alien Smuggling Enhanced Penalties Act of 1933.

This legislation represents a bipartisan effort to protect our asylum system from abuse and to deal with the escalating problem of alien smuggling. Since our subcommittee hearing on the subject on May 28, 1993, all members of the subcommittee have worked cooperatively with the administration's special task force in drafting this legislation. Earlier, both Senator SIMPSON and I signaled our concern over the abuse of the asylum laws at our ports of entry by introducing or drafting special legislation to deal with the problem.

After extensive consultation, and drawing upon both our bills, the President announced last week his proposal to deal with alien smuggling and the steps needed to protect the integrity of our asylum procedures at our ports of entry from those who are arriving with no documents, fraudulent documents, or in an alien smuggling situation.

Mr. President, I believe the proposed legislation strikes an appropriate balance between our Nation's need to enforce our immigration laws and our long tradition of protecting the ability of refugees to seek safe haven in the United States.

Mr. President's proposal keeps intact the best of our Nation's asylum process. Unlike the proposals of the previous administration, this legislation establishes a procedure and a standard that will ensure a fair and judicious system of screening asylum applicants at ports of entry.

Rather than simply allowing a regular immigration inspector to interview the applicant, the proposed legislation requires that it be done by an experienced asylum officer, knowledgeable in asylum law, as well as the country conditions where the alien is coming from. In addition, it provides for an independent review of the first asylum officer's decision by a special for appellate asylum officer under the separate jurisdiction of an office in the Department of Justice.

While these proceedings will be administrative and nonadversial, the applicants will have the right to counsel, to present evidence, and to take any reasonable time they need. The appellate asylum officer can even undertake a de novo review of the case if he deems it necessary.

Equally important, Mr. President, the standard for screening-in and screening-out frivolous claims will be based upon a substantial likelihood it is a winning asylum case. This places the standard squarely in the middle between the existing credible fear standard used on occasion by INS and the lowest standard of nonfrivolous.

This new standard is appropriate to the circumstances. By admitting only those persons with a substantial likelihood of winning an asylum claim, it is tough enough to curb the flagrant abuses of the smuggling syndicates while giving true refugees a fair claim at asylum.

This legislation also conforms with procedures mandated last year by the U.N. High Commissioner for Refugees for the treatment of asylum seekers in expedited exclusion circumstances. Those procedures require that asylum cases be referred to a higher authority with asylum responsibilities. This role is fulfilled not only by the INS asylum officer, but more importantly by the asylum review official in the Justice Department.

UNHCR guidelines also require that applicants be informed of the process for handling their claims and have access to a qualified interpreter and counsel—all of which are part of the procedure proposed by the President.

Mr. President, this legislation is targeted at a very special and narrow category of abuse of our asylum system—those aliens arriving without documents, with fraudulent documents, or in an alien smuggling situation. But this does not mean that simply arriving with improper documents excludes one from being screened-in for asylum processing.

Often, the only way that persecuted people can flee oppression is by using false documents. Repressive governments tend not to issue passports to its opponents. And refugees are often afraid to approach one of our embassies to obtain a visa. The President's proposal recognizes this reality, and ensures that refugees who seek entry with false documents or no documents can still apply for asylum. In fact, under certain circumstances, the proven need to use fraudulent documents to escape imminent harm will add to the credibility of the claim for asylum.

Finally, the President's proposed legislation will strengthen our alien smuggling laws which are clearly out of date, bringing them on a par with our laws against drug smuggling.

Under current law and sentencing guidelines, an offender smuggling cigarettes into the United States faces far more severe penalties than if he were found smuggling aliens. This makes no sense, and it is time we clamped down on the traffickers in a modern-day slave trade.

Mr. President, I believe the President's proposal represents a genuine, bipartisan compromise to deal with an undeniable problem—the growing abuse of our Nation's asylum laws at ports of entry by smugglers and others seeking employment in the United States.

It is a measured response that protects the integrity of our asylum system, while establishing a fair process that ensures review and regular oversight. And hopefully it will end the ability of alien smugglers to believe they can evade our Nation's immigration laws and exploit men and women who are only seeking better lives.

ILLEGAL ALIEN INITIATIVES

Finally, Mr. President, in addition to introducing the administration's legislative reform package on expedited exclusion of illegal aliens and increased penalties for criminal alien smuggling, the President announced his intention to seek an additional $171.5 million in fiscal year 1994 resources to support initiatives designed to curb illegal immigration and smuggling. Those resources will support the following programs.

The administration's initiatives address illegal immigration generally, and alien smuggling and counterterrorism specifically. They are designed to: First, prevent illegal entry into the United States; second, expedite procedures for the removal and deportation of excludable aliens and felons; and third, deter smuggling and illegal entry through increased criminal penalties and sanctions.

For the RECORD, here is a listing of the proposed new initiatives:

I. PREVENTION

These measures are designed to prevent individuals not eligible to enter the U.S. from gaining entry. They especially deal with preventing the entry of terrorists, drug smugglers, and felons.

A. *Visa Issuance Data:* The Department of State is undertaking a major three year program to upgrade the quality and extent of its ability to issue fraud proof, machine readable travel documents to visa and passport holders and to ensure that visas are issued only to individuals who have legitimate reasons for entering the United States. This effort includes:

Tightening internal control procedures and reviewing consular operations to minimize opportunities for human error in the issuance of travel documents;

Ensuring a complete automated name check of all non-immigrant visa applicants through the Consular Lookout Support System (CLASS) over the next 3 (instead of 5) years;

Installing an interim, computerized Distributed Name Check (DNC) system to cover the 106 posts not currently on-line with CLASS until that system is fully available;

Accelerating the worldwide implementation of the Machine Readable Visa (MRV) program from 9 to 3 years to ensure secure visa documents;

Making U.S. passports more secure by digitizing passport photos and by installing an on-line computer system to prevent multiple passports being issued to the same person;

Providing an upgraded worldwide telecommunications backbone to support CLASS and to allow Consular Officers to share critical information immediately with INS, FBI, and other government agencies.

This program requires a total of $107.5 million over FYs 94–95.

B. *Closing Visa Loopholes:* State, INS, and Labor are working to close a visa loophole that has been used by some entrants to circumvent the restrictions on H–1 work visas (which are for employment in the US) by requesting B–1 business visas (which are for conducting business in the US on behalf of a foreign entity). Labor has recently noticed the B–1/H–1 problem in the area of computer programming. State and INS have published or will shortly publish in the Federal Register (for public comment) agency rule changes that makes clear that B–1 visas may not be used for employment in the US. This initiative does not require funding.

C. *Pre-Inspection:* Pre-Inspection involves INS officers at overseas airports where they examine travel documents before passengers board U.S. bound aircraft. Pre-Inspection denies boarding to inadmissible travelers while, more importantly, facilitating legitimate travel by allowing admissible travelers to by-pass INS upon arrival in the U.S. INS currently pre-inspects passengers in Canada, The Bahamas, Bermuda, Aruba, and Ireland and conducted a 4-month trial test of the same program in London. In the London trial test alone INS intercepted 433 inadmissible aliens, including three Bader-Meinhof terrorists. INS and State will seek to expand the program with additional foreign governments in a step-by-step, pilot program approach to ensure the effort is cost-effective. This program will require $25.7 million in FY 94; $15 million is already budgeted.

D. *Carrier Consultant Program:* This ad hoc program, which parallels pre-inspection, involves INS officers training and assisting airline officials overseas in spotting and rejecting travelers with fraudulent documents. The INS officers move among international airports identified as high risk for inadequately documented passengers. They stay approximately 2 weeks during which time it has been observed that the number of fraudulent documents diminish or cease. Last year, INS intercepted 265 travelers through this program. As a result, airline companies avoided about $700,000 in fines which makes this a popular program in the airline industry. INS has expanded its the program and will visit 30 cities this fiscal year. INS will make the program permanent in FY 94 and will seek wider access in the overseas airports visited. This program requires $2 million in FY 94.

E. *Carrier Cooperative Initiative:* This initiative would offer airlines a program of cooperation with INS. The airlines would agree to assist INS more actively in preventing the entry of improperly documented aliens, e.g., checking travel documents twice before boarding and/or immediately before deplaning. INS would not impose the $3000/person fines if improperly documented aliens were still able to enter despite reasonable airline prevention efforts. INS and airlines would sign a memorandum of understanding and conduct a 6-month review to determine if fraud was reduced before fine mitigation was allowed. Large-scale fraud recurrence would cause fines to be reinstituted. This program requires no funding.

F. *Border Patrol:* This program would increase Border Patrol personnel and buy more equipment. We will also look closely at training and procedures along the border. This program requires $45.1 million in FY 94.

G. *International Repatriation:* The President will certify to the Judiciary Committees of the House and Senate that an immigration emergency exists, thereby allowing up to $6 million to be available from the Immigration Emergency Fund (IEF) to finance repatriation of smuggled aliens intercepted outside the U.S. These funds will allow us to return 3500–4000 non-refugee, smuggled alien migrants to their countries of origin, as was the case earlier in Kwajalein, Honduras, and Mexico (not the most recent incident where the Government of Mexico paid for repatriation). Lest the $6 million drawdown prove inadequate, the Administration will request $6 million for FY 94 as an IEF replenishment for the $6 million drawdown. In that way, the replenished IEF could be used for alien smuggling or other emergency immigration issues. This program will require $6 million in FY 94.

II. REMOVAL

These measures are designed to assist INS in removing illegal aliens from the United States, both those who arrive at the border and those already in the US.

A. *Expedited Exclusion:* This legislative proposal is discussed in a separate fact sheet. This program will cost $31.2 million in FY 94.

B. *Regulatory Reform of the Affirmative Asylum Process:* As a companion effort to the expedited exclusive legislation which addresses the abuse of asylum laws at ports of entry, the Administration, led by Justice, will undertake a comprehensive review of regulations governing our affirmative asylum procedures. The goal of this effort is (1) to reduce the 275,000 backlog of affirmative asylum adjudications (claims filed by aliens who are already in the United States) by establishing a mechanism for eliminating stale claims, and (2) to promulgate new regulations which would provide for prompt and fair resolution of the claims and allow INS to remain current in its adjudications. Regulations governing the affirmative asylum process currently provide for several layers of de novo and appellate review. INS is undertaking an effort with the non-governmental community to streamline these procedures. The procedures will be ready by the end of September. Securing funding for additional adjudicatory personnel (e.g., members of the asylum corps) is also part of this initiative. This program requires $14.6 million in FY 94.

C. *Institutional Hearing Program (IHP):* IHP enables INS to start the deportation process for jailed alien felons while they are incarcerated so that when they are released they may be immediately deported. Roughly 25 percent of the U.S. prison population are aliens. The program currently covers six Federal prisons in California, Texas, Louisiana, Kentucky, and Kansas. INS would like to expand it to cover state institutions in five other states, encompassing 80 percent of the state prison population. The expansion would require additional INS and Executive Office of Immigration Review (EIOR) personnel. This program will require $10.9 million in FY 94.

D. *Advance Passenger Information System (APIS):* APIS is an electronic software system. Airlines provide the system with collected information on passengers travelling from foreign countries. (Currently, this information includes the traveller's name, date of birth, flight number, and intended port of arrival.) It allows Customs and INS to perform a computer name query of passengers prior to their arrival in the U.S. Those passengers from whom information is collected receive a sticker on their travelling documents and are processed through INS "Blue Lanes," which move much more quickly than the normal inspection lines. Customs also uses the information to determine which passengers to inspect closely. All but two U.S. airlines and a number of foreign carriers (33.5 percent of all passengers) voluntarily utilize APIS. The system is currently paid for by user fees. If all airlines utilized APIS and expanded the data collected from travellers, INS would obtain more immediate information as to who is in the country at any given time, and Customs would have more time to determine which travellers need a closer inspection upon arrival. Customs and INS are seeking to expand the use of the system and the data collected through high-level approaches to airline management and the loan of equipment to defray start up costs. Additional costs for the system would be borne by the carriers through user fees.

E. *Interagency Border Inspection System (IBIS):* IBIS is the INS-Customs database for querying passengers arriving in the country. IBIS is fully installed at 137 entry points; another 115 posts have access to IBIS, but are without a full complement of terminals; and 105 posts are scheduled for IBIS installation over the next 2 years. IBIS is currently not overseas, and Customs and State would like to install IBIS at three posts to determine whether visa lists and other travel information which can be obtained at embassies can augment IBIS on a cost effective basis. The pilot program would also allow State access to IBIS in an embassy setting. This represents an excellent opportunity to determine what improvements might be made to

State-Customs-INS data exchange. This program is a companion to the State effort to improve visa issuance. It requires $2 million in FY 94.

III. SANCTIONS

A. *Alien Smuggling Penalties:* These proposals are covered in the legislative package. There are no funding requirements.

Mr. President, not only has the administration developed an important response to this immigration challenge, but they have also come up with a plan for paying for it.

I ask to have included at the end of my statement an outline of the funding requirements of this far-reaching plan and the administration's program for funding it.

Roughly half of the $172.5 million needed to implement the plan will be derived at no expense to the taxpayer through various immigration fees charged those who travel or immigrate to the United States. The remaining amounts require transfers and appropriations, much of which was already included in the Justice Department appropriation adopted by the Senate yesterday.

Funding summary

Initiatives	*Millions*
I. Preventing illegal entry into the United States:	
Increasing Border Patrol resources—personnel and technology	$45.1
Improving VISA issuance procedures	45.0
Extending the Interagency Border Inspection System	2.0
Working with the airlines to improve security	12.7
Repatriation cost and contingencies	6.0
II. Removing and deporting illegal and criminal aliens expeditiously:	
Offering expedited exclusion legislation	31.2
Undertaking regulatory reform of the affirmative asylum process	14.6
Expanding the Institutional Hearing Program	10.9
Expanding the Advance Passenger Information System	2.0
III. Increasing criminal penalties and investigatory authorities:	
Offering rewards for information leading to the arrest and conviction of terrorists	5.0
Total increase required:	172.5
Financed through fees and other sources	87.0
New appropriations—Budget Authority—needed	85.5
Fees and other sources:	
INS user fee account	25.5
INS exams fee account	9.5
State Department user fee surcharge	45.0
Customs user fee account	2.0
Asset forfeiture fund	5.0
Total	87.0

Mr. President, I ask that the text of the President's bill, as well as a section-by-section analysis, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Expedited Exclusion and Alien Smuggling Enhanced Penalties Act of 1993."

SEC. 2. RESTRICTIONS ON ADMISSIONS FRAUD.

(a) EXCLUSION FOR FRAUDULENT DOCUMENTS OR FAILURE TO PRESENT DOCUMENTS.—Section 212(a)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking out "(C) MISREPRESENTATION" and inserting in lieu thereof the following:

"(C) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS"; and

(2) by adding at the end the following new clause:

"(iii) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS.—

"(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States presents any document which, in the determination of the immigration officer, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

"(II) Any alien who is required to present a document relating to the alien's eligibility to enter the United States prior to boarding a common carrier for the purpose of coming to the United States and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States is excludable.".

(b) PROVISIONS FOR ASYLUM AND OTHER DISCRETIONARY RELIEF.—(1) Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was pursuant to direct departure from a country in which the alien has a credible fear of persecution or of return to persecution.

"(2) Notwithstanding subsection (a), an alien who boards a common carrier for the purpose of coming to the United States through the presentation of any document which related or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was pursuant to direct departure from a country in which the alien has a credible fear of persecution or of return to persecution.

"(3) Notwithstanding subsection (a), an alien described in section 235(d)(3) may not apply for or be granted asylum, unless the person departed directly from a country in which the alien has a credible fear of persecution or of return to persecution.

"(4) Notwithstanding paragraphs (1), (2), and (3), the Attorney General may, in the Attorney General's sole discretion, permit an alien described in paragraph (1), (2), or (3) to apply for asylum.

"(5)(A) When an immigration officer has determined that an alien has sought entry under either of the circumstances described in paragraph (1) or (2) or is an alien described in section 235(d)(3) and the alien has indicated a desire to apply for asylum, the immigration officer shall refer the matter to an asylum officer who shall interview the alien to determine whether presentation of the document was pursuant to direct departure from a country in which the alien has a credible fear of persecution or of return to persecution, or, in the case of an alien described in section 235(d)(3), whether the alien had directly departed from such a country.

"(B) If the officer determines that the alien does not have a credible fear of persecution or of return to persecution in the country in which the alien was last present prior to attempting entry into the United States or arriving in the United States or a port of entry under the circumstances described in section 235(d)(3), the alien may be specially excluded and deported in accordance with section 235(e).

"(C) The Attorney General shall provide by regulation for the prompt review of a determination under subparagraph (B) that an alien does not have a credible fear of persecution or of return to persecution in the country in which the alien was last present. Such review shall be by an officer who shall possess qualifications at least equivalent to those of an asylum officer, who shall be employed by an agency or division independent of the Service, and who shall have discretion to review any aspect of the initial determination. The Attorney General shall provide for such special training for reviewing officers as the Attorney General may deem necessary.

"(D) The Attorney General shall provide information concerning the credible fear determination process described in this paragraph to persons who may be eligible for that process under the provisions of this subsection. An alien who is eligible for a credible fear determination pursuant to subparagraph (A) may consult with a person or persons of his or her choosing prior to the credible fear determination process or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

"(6) As used in this section, the term 'credible fear of persecution or of return to persecution' means that there is a substantial likelihood—

"(A) that the statements made by the alien in support of his or her claim are true; and

"(B) in light of such statements and country conditions,

"(i) that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A); or

"(ii) that the alien could be returned, without access to a full and fair procedure for refugee status determination, to a country with respect to which there is substantial likelihood that he or she could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).

"(7) As used in this subsection, the term 'asylum officer' means a person who—

"(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

"(B) has been employed for at least one year in a position the primary responsibility of which is the adjudication of asylum claims or who has substantially equivalent experience; and

"(C) is supervised by an officer who meets conditions (A) and (B) above.".

(2) Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

"(d)(1) Subject to paragraph (2), any alien who has not been admitted to the United States, and who is excludable under section 212(a)(6)(C)(iii), or who is an alien described in paragraph (3), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply therefor or for any other relief under this Act, except that an alien found to have a credible fear of persecution or of return to persecution in accordance with section 208(e) shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both in the course of such proceedings.

"(2) An alien described in paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned under the provisions of this section only to a country in which he or she has no credible fear of persecution or of return to persecution. If there is no country to which the alien can be returned in accordance with the provisions of this paragraph, the alien shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both in the course of such proceedings.

"(3) Any alien who is excludable under section 212(a), and who has been brought or escorted under the authority of the United States: (a) into the United States, having been on board a vessel encountered seaward of the territorial sea by officers of the United States, or (b) to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States, shall either be detained on board the vessel on which such person arrived or in such facilities as are designated by the Attorney General or paroled in the discretion of the Attorney General pursuant to section 212(d)(5) pending accomplishment of the purpose for which the person was brought or escorted into the United States or to the port of entry; provided, however, that no alien shall be detained on board a public vessel of the United States without the concurrence of the Secretary of the Department under whose authority the vessel is operating.".

(3) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended—

(A) in the second sentence of paragraph (1) by striking out "Deportation" and inserting in lieu thereof "Subject to section 235(d)(2), deportation"; and

(B) in the first sentence of paragraph (2) by striking out "If" and inserting in lieu thereof "Subject to section 235(d)(2), if".

SEC. 3. SPECIAL PORT OF ENTRY EXCLUSION FOR ADMISSIONS FRAUD.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding after subsection (d) the following new subsection:

"(e)(1) Subject to paragraph (d)(2), any alien (including an alien crewman) who—

"(A) may appear to the examining immigration officer or to the special inquiry officer during the examination before either of such officers to be excludable under section 212(a)(6)(C)(iii) of the Immigration and Nationality Act may be ordered specially excluded and deported by the Attorney General, either by a special inquiry officer or otherwise.

"(B) was brought to the United States pursuant to subsection (d)(3) and who may appear to an examining immigration officer to be excludable may be ordered specially excluded and deported by the Attorney General without any further inquiry, either by a special inquiry officer or otherwise.

"(2) Such special exclusion order is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order against an application who claims to have been lawfully admitted for permanent residence. A special exclusion order entered in accordance with the provisions of this subsection shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall be available only under section 106.

"(3) Nothing in this subsection shall be regarded as requiring an inquiry before a special inquiry officer in the case of an alien crewman.".

SEC. 4. JUDICIAL REVIEW.

(a) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended by changing the heading to read "JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION, AND SPECIAL EXCLUSION", and by adding at the end the following new subsection:

"(d)(1) Notwithstanding any other provision of law, and except as provided in this subsection, no court shall have jurisdiction to review any individual determination, or to entertain any other cause or claim, arising from or relating to the implementation or operation of the special exclusion provisions contained in sections 208(e), 212(a)(6)(C)(iii), 235(d), and 235(e). Regardless of the nature of the action or claim, or the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection, nor to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

"(2) Judicial review of any cause, claim, or individual determination covered under paragraph (d)(1) shall only be available in habeas corpus proceedings, and shall be limited to determinations of: (i) whether the petitioner is an alien, if the petitioner makes a showing that his or her claim of United States nationality is not frivolous; (ii) whether the petitioner was ordered specially excluded; and (iii) whether the petitioner can prove by a preponderance of the evidence that he or she is an alien lawfully admitted for permanent residence and is entitled to such further inquiry as is prescribed by the Attorney General pursuant to section 235(e)(2).

"(3) In any case where the court determines that an alien was not ordered specially excluded, or was not properly subject to special exclusion under the regulations adopted by the Attorney General, the court may order no relief beyond requiring that the alien receive a hearing in accordance with section 236, or a determination in accordance with section 235(c) or 273(d). Any alien excludable under section 236, whether by order of court or otherwise, may thereafter obtain judicial review of any resulting final order of exclusion pursuant to subsection (b).

"(4) In determining whether an alien has been ordered specially excluded, the court's inquiry shall be limited to whether such an order was in fact issued and whether it relates to the petitioner. There shall be no review of whether the alien is actually excludable under section 212(a)(6)(C)(iii) or entitled to any relief from exclusion.".

(b) Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding after subsection (e) the following new subsection:

"(f) In any action brought for the assessment of penalties for improper entry or reentry of an alien under sections 275 and 276 of the Immigration and Nationality Act, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under sections 235, 236, and 242 of the Immigration and Nationality Act.".

SEC. 5. IMMIGRATION INSPECTION FEE INCREASE.

(a) Section 286(d) of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) by striking out "$5" and inserting in lieu thereof "$6"; and

(2) by adding at the end of the subsection "*Provided*, That this subsection shall not apply to the inspection at designated ports of entry of passengers arriving by international ferries or vessels on the Great Lakes and connecting waterways, when operating on regular schedules.".

(b) Section 286(e) of the Immigration and nationality Act (8 U.S.C. 1356) is amended by striking out Paragraph (1) and "(2)".

SEC. 6. ENHANCED PENALTIES FOR CERTAIN ALIEN SMUGGLING.

(a) Section 274(a)(1) of the Immigration and Nationality Act, (8 U.S.C. 1324(a)(1)), is amended by striking out "shall be fined in accordance with title 18, or imprisoned not more than five years, or both, for each alien in respect to whom any violation of this paragraph occurs" and inserting in lieu thereof "shall, for each alien in respect to whom any violation of this paragraph occurs, be fined in accordance with title 18 or (i) in the case of a violation of subparagraph (A), imprisoned for not more than ten years, or both, and (ii) in the case of a violation of subparagraphs (B), (C), or (D), imprisoned for not more than five years, or both: Provided, that if during and in relation to the offense the person causes serious bodily injury (as defined in section 1365 of title 18) to, or places in jeopardy the life of, any alien, such person shall be fined in accordance with title 18, or imprisoned not more than twenty years, or both, and if the death of any alien results, shall be imprisoned for any term of years up to life."

(b) Section 274(a)(2) of the Immigration and Nationality Act, (8 U.S.C. 1324(a)(2)), is amended by striking out "or imprisoned not more than five years, or both" and inserting in lieu thereof "or, in the case of a violation of subparagraph (B)(ii), imprisoned not more than ten years, or both; and, in the case of a violation of subparagraph (B)(i) or (B)(iii), imprisoned not more than five years, or both.".

(c) Section 1324 of title 8 of the United States Code is amended by adding at the end the following new subsection:

"(d) CONSPIRACY.—

"Whoever conspires to commit any offense defined in this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 7. SENTENCING GUIDELINES.

The United States Sentencing Commission shall promptly promulgate, pursuant to 28 U.S.C. 994, amendments to the sentencing guidelines to make appropriate increases in the base offense level for offenses under section 274 of the Immigration and Nationality

Act to reflect the increases in maximum penalties for such offenses in section 6 of this Act.

SEC. 8. EXPANSION OF FORFEITURE PROVISIONS.

Section 274(b) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1324(b)) is amended—

(a) By amending paragraph (1) to read:

"(b) SEIZURE AND FORFEITURE.—(1) The following property shall be subject to seizure and forfeiture: (i) any conveyance, including any vessel, vehicle, or aircraft, which has been or is being used in the commission of a violation of subsection (a); (ii) any property, real or personal, (A) which constitutes, or is derived from or traceable to the proceeds obtained directly or indirectly from the commission of a violation of subsection (a), or (B) which is used to facilitate, or is intended to be so used in the commission of, a violation of subparagraph (a)(1)(A), except that—

"(A) no property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under this section, unless the owner or other person with lawful custody of the property was a consenting party to or privy to the violation of subsection (a) or of sections 274A(a)(1) or 274A(a)(2);

"(B) no property shall be forfeited under the provisions of this section by reason of any act or omission established by the owner to have been committed or omitted by a person other than the owner while the property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any State; and

"(C) no property shall be forfeited under the provisions of this section to the extent of an interest of the owner, by reason of any act or omission established by the owner to have been committed or omitted without the knowledge, consent, or willful blindness of the owner unless the act or omission was committed or omitted by an employee or agent of the owner or other person with lawful custody of the property, with the intent of furthering the business interests of, or to confer any other benefit upon, the owner or other person with lawful custody of the property.";

(b) in paragraph (2)—

(1) by striking out "conveyance" both places it appears and inserting in lieu thereof "property"; and

(2) by striking out "is being used in" and inserting in lieu thereof "is being used in, is facilitating, has facilitated, is facilitating or was intended to facilitate"; and

(c) in paragraphs (4) and (5) by striking out "a conveyance" and "conveyance" each place the phrase or word appears and inserting in lieu thereof "property".

SEC. 9. WIRETAP AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(a) in paragraph (c) by inserting after "weapons)," the following: "or a felony violation of section 1028 (relating to production of false identification documentation), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents),";

(b) by striking out "or" after paragraph (1) and redesignating paragraphs (m), (n), and (o) as paragraphs (n), (o), and (p), respectively; and

(c) by inserting after paragraph (1) the following new paragraph:

"(m) a violation of section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to alien smuggling), or section 277 of the Immigration and Nationality Act (8 U.S.C. 1327) (relating to the smuggling of aliens convicted of aggravated felons or of aliens subject to exclusion on grounds of national security), or of section 278 of the Immigration and Nationality Act (8 U.S.C. 1328) (relating to smuggling of aliens for the purpose of prostitution or other immoral purpose);".

SEC. 10. RACKETEERING INFLUENCED AND CORRUPT ORGANIZATIONS ENFORCEMENT AUTHORITY.

Section 1961(1) of title 18, United States Code, is amended by striking out "or" before "(E) any act" and adding after "Currency and Foreign Transactions Reporting Act" the following: ", or (F) any act which is indictable under title 8, United States Code, section 1324(a)(1) (dealing with prohibitions on bringing in and harboring certain aliens)".

SEC. 11. INTERNATIONAL TERRORISM AWARDS.

Section 524(c)(1)(B) of title 28, United States Code, is amended by inserting ", or relating to international terrorism as authorized by sections 3071 and 3072 of title 18" at the end thereof.

SEC. 12. EFFECTIVE DATE.

These amendments shall be effective upon enactment or October 1, 1993, whichever occurs later, and shall apply to aliens who arrive in or seek admission to the United States on or after such date. Notwithstanding any other provision of law, the Attorney General may issue interim final regulations to implement the provisions of these amendments at any time on or after their effective date, which regulations may become effective upon publication without prior notice or opportunity for public comment.

SECTION-BY-SECTION ANALYSIS—EXPEDITED EXCLUSION AND ALIEN SMUGGLING ENHANCED PENALTIES ACT OF 1993

These amendments to the Immigration and Nationality Act (the INA) would provide for the expedited exclusion of undocumented and falsely documented aliens, whether arriving at ports of entry, intercepted on the high seas and brought to the United States, or in United States waters, while ensuring that aliens with potentially meritorious asylum claims receive full and fair hearings. In addition, the "Expedited Exclusion and Alien Smuggling Enhanced Penalties Act" would enhance the ability of the Immigration and Naturalization Service (INS) to address the problem of alien smuggling by increasing the criminal penalties for alien smuggling, broadening the authority to obtain forfeiture of property use in or derived from smuggling operations, and providing INS with greater investigatory authority in combating international criminal organizations.

SECTION 1—Short Title.

Section 1 gives this bill the title "Expedited Exclusion and Alien Smuggling Enhanced Penalties Act of 1993."

SECTION 2—Restrictions On Admissions Fraud.

Section 2(a) adds to the categories of aliens excluded from admission to the United States under section 212(a) of the INA, 8 U.S.C. 1182(a), any person who seeks to enter with fraudulent, forged, or stolen documents, or who fails to present to the immigration officer any document produced when he or she boarded a common carrier for travel to the United States.

Section 2(b)(1) amends section 208 of the INA, 8 U.S.C. 1158, to provide that any alien excludable under the special exclusion provision added by subsection (a) of this Act may not apply for asylum, unless the alien shows that the fraudulent, forged, stolen, or unpresented document was used to depart from a country in which the alien had a credible fear of persecution or of return to persecution. This section would also provide that an alien may not apply for or be granted asylum if he or she has been brought or escorted under the authority of the United States: (a) into the United States, having been on board a vessel encountered seaward of the territorial sea by offices of the United States, or (b) to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States, unless the alien departed directly from a country in which he or she had a credible fear of persecution or of return to persecution. In addition, the Attorney General may, in the Attorney General's sole discretion, permit an alien described in this subsection to apply for asylum.

If an alien in one of the categories described in this section wishes to seek asylum, he or she will be interviewed by a specially trained asylum officer. The asylum officer will determine whether the alien has the requisite credible fear of persecution or of return to persecution. If the alien does not have the requisite credible fear, the alien may be specially excluded and deported. Aliens found to have such fear will be permitted to apply for asylum.

This section also provides that the Attorney General shall promulgate regulations which provide for prompt review of a special exclusion order by an officer independent of the Immigration and Naturalization Service. The section expressly precludes any other form of appeal from such determination. The section further provides that the Attorney General shall provide information about the credible fear determination process to persons who may be eligible for it. In addition, this section specifies that an alien may consult with a person or persons of his or her choosing, according to regulations prescribed by the Attorney General, at no expense to the government, provided that this does not delay the proceedings.

Under this section, "credible fear of persecution or of return to persecution" exists if there is a substantial likelihood: (a) that the alien's statements are true, and (b) in light of these statements and country conditions, that the alien either could establish eligibility as a refugee within the meaning of section 102(a)(42)(A) of the INA, 8 U.S.C. 1101(a)(42), or could be returned to a country with respect to which there is a substantial likelihood he or she could establish such eligibility as refugee.

For the purpose of the credible fear determination, the "substantial likelihood" standard does not require a showing that the assertion or outcome in question is more probable than not to be true or to occur. In applying this standard, the relevant officials should bear in mind the purpose of the credible fear determination process to prevent bona fide refugees from being returned to a country of feared persecution.

This section also defines "asylum officer" to mean a person: (a) who has had extensive professional training in country conditions, asylum law, and interview techniques, (b) who has been employed for at least one year in a position the primary responsibility of which is the adjudication of asylum claims, or who has substantially equivalent experience, and (c) who is supervised by an officer who possesses at least the same experience.

Section 2(b)(2) amends section 235 of the INA, 8 U.S.C. 1225, to provide that an alien who is ineligible for asylum under these amendments is also ineligible for withholding of deportation under section 243(h) of the INA, 8 U.S.C. 1253(h), and for any other form of relief under the INA, except that such a person can only be returned to a country in which he or she does not have a credible fear of persecution or of return to persecution.

Section 2(b)(3) makes conforming amendments to section 237(a) of the INA, 8 U.S.C. 1227(a).

SECTION 3—Special Port Of Entry Exclusion.

Section 3(a) amends section 235 of the INA, 8 U.S.C. 1255, to provide that an alien who is excludable under the provisions of Section 2(a) of these amendments may be specially excluded and removed from the United States without further inquiry or appeal, except in the case of a person claiming to be a lawful permanent resident. The special exclusion order may be entered either by the examining immigration officer or by an immigration judge.

This section also provides that an alien may be ordered specially excluded, without further inquiry or appeal, if the alien has been brought or escorted under the authority of the United States: (a) into the United States, having been on board a vessel encountered seaward of the territorial sea by officers of the United States, or (b) to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States.

Because a special exclusion order may be entered against an alien crewman, this section makes clear that the amendment is not intended to extend to alien crewmen a general right to an exclusion hearing before an immigration judge.

A special exclusion order will have the same legal effect as an exclusion order issued under section 236 of the INA, 8 U.S.C. 1226, except that the alien may not be returned to a country in which the alien has a credible fear of persecution or of return to persecution.

SECTION 4—Judicial Review.

Section 4 limits court jurisdiction to review any claims arising out of special exclusion to the alien's habeas corpus petition. New subsection (d) of section 106 of the INA, 8 U.S.C. 1105a, bars judicial review of special exclusion for admissions fraud except for habeas corpus inquiry limited to examination of whether the petitioner is an alien, has been ordered specially excluded, or is a permanent resident. The section also bars judicial review, except for habeas corpus inquiry, of a special exclusion order in the case of an alien who has been brought or escorted under the authority of the United States: (a) into the United States, having been on board a vessel encountered seaward of the territorial sea by officers of the United States, or (b) to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States. The section prohibits injunctive or declaratory relief except in habeas corpus actions as specifically provided therein.

New subsection (f) of section 235 of the INA, 8 U.S.C. 1225, provides that judgments of exclusion, special exclusion, or deportation may not be collaterally reviewed in any action for the assessment of penalties for improper entry or re-entry of aliens under sections 275 and 276 of the INA, 8 U.S.C. 1325 and 1326.

SEC. 5—Immigration Inspection Fee Increase.

Section 5 would increase from $5 to $6 the immigration user fee charged commercial aircraft and vessel passengers. The prohibition on assessing the fee against vessel passengers whose journeys originated in Canada, Mexico, U.S. territories or possessions, or adjacent islands, generally would be deleted. However, passengers arriving by international ferries or vessels on the Great Lakes and connecting waterways, when operating on regular schedules, (i.e., commuter ferries) would not be assessed the fee.

SEC. 6—Enhanced Penalties for Certain Alien Smuggling.

Section 6 amends section 274 of the INA, 8 U.S.C. 1324, to provide increased penalties for alien smuggling in certain situations. Currently, section 274(a)(1) provides for punishment of up to five years' imprisonment. The first amendment raises the authorized punishment to ten years' imprisonment.

The second amendment provides for punishment of up to twenty years' imprisonment in cases in which the defendant causes serious bodily injury to or places in jeopardy the life of an alien in the course of the offense and up to life imprisonment if the death of any alien results.

The third amendment adds a new subsection to provide that a conspiracy to commit an offense under 8 U.S.C. 1324 shall carry the same penalty as that which applies to the substantive offense which was the object of the conspiracy. This is consistent with recent enactments in other areas (e.g., 18 U.S.C. 1956(g) and 21 U.S.C. 846). This provision would increase receipts in FY 1994 by less than $500,000.

SEC. 7—Sentencing Guidelines.

Section 7 directs the Sentencing Commission to make appropriate increases in the base offense level for alien smuggling offenses for which the maximum penalty was raised in section 6.

SEC. 8—Expansion of Forfeiture Authority.

Under current law, INS may obtain forfeiture of conveyances (vehicles, boats, aircraft) used to smuggle, transport, or harbor aliens. Section 8 would amend section 274(b) of the INA, 8 U.S.C. 1324(b), to broaden this forfeiture authority. The amendment makes subject to forfeiture all property, both real and personal, used or intended to be used to smuggle aliens. Also subject to forfeiture would be any property, real or personal, which constitutes, is derived from, or is traceable directly or indirectly to the proceeds of the smuggling, transportation, or harboring of aliens. The amendment protects owners from forfeiture of property that is used without the owner's knowledge or consent and not for the benefit of the owner or other lawful possessor.

SEC. 9—Wiretap Authority for Alien Smuggling Investigations.

Section 9 would amend section 2516(1) of Title 18, United States Code, to permit INS, with judicial authorization, to intercept wire, electronic, and oral communications of persons involved in alien smuggling operations.

SEC. 10—Racketeering Influenced and Corrupt Organizations Enforcement Authority.

Section 10 would amend the definitions provided in the RICO statute, 18 U.S.C. 1961(1), to authorize the use of the RICO statute to pursue alien smuggling organizations.

SEC. 11—International Terrorism Awards.

Section 11 would permit the use of funds appropriated annually to the Department of Justice Assets Forfeiture Fund to pay awards for information related to acts of terrorism primarily within the territorial jurisdiction of the United States as authorized by sections 3071 and 3072 of title 18, United States Code.

SEC. 12—Effective Date.

The amendments made by this Act will take effect upon enactment or October 1, 1993, whichever occurs last, and apply to aliens who arrive in, or seek admission into, the United States on or after the date of enactment. The Attorney General is given authority to promulgate interim final regulations which will become effective upon publication.

Mr. SIMON. Mr. President, I am pleased to join Senator KENNEDY, the chairman of the Subcommittee on Immigration and Refugee Affairs, and the other Senators both on and off the Judiciary Committee in introducing the administration's proposal to combat alien smuggling and to reduce the abuse of our asylum laws.

President Clinton said it correctly earlier this week when he announced this proposal. He said that we should welcome legal immigration and turn away illegal immigration. Today's proposal ensures that we will achieve control over our asylum system while still maintaining the essential humanitarian nature of the process.

The events of the past few months have provided a stark picture of what we will face if we do not address the shortcomings of our current laws and procedures. Alien smuggling is on the rise and our criminal laws have been ineffective to stem the tide. Under current law, although the maximum penalty is 5 years imprisonment and a $2,000 fine for alien smuggling, a first time offender who smuggles in 5 aliens receives only a 4- to 10-month sentence under the sentencing guidelines. Our bill doubles the maximum penalty to 10 years and directs the sentencing commission to make other appropriate increases. It also creates a 20-year penalty for smugglers if bodily harm to an alien occurs, and allows up to life imprisonment if an alien dies.

Alien smuggling is reprehensible and must be stopped. Alien smuggling is the equivalent of a modern day slave trade, build upon aliens' ransomed futures. Our Nation cannot stand for it and the Statue of Liberty does not stand for it. Instead, the way into the United States has been, and must be, built upon the legal immigration system: a system for which we increased the number of family and employment sponsored visas in 1990.

Our bill expedites the exclusion of individuals who do not have a credible fear of persecution and who abuse our immigration system by seeking to enter the country with fraudulent documents or no documents. By reducing the abuse in the system, this bill helps ensure that those truly fleeing persecution gain the safe haven that is our Nation's birthright. Under this bill, aliens who undergo expedited processing and are found to have a credible fear of persecution will be taken before a special inquiry officer for further proceedings at which they will be granted asylum if they can meet the more stringent well founded fear of persecution.

I look forward to joining Senator KENNEDY, Senator SIMPSON, the newest member of the Judiciary Committee, Senator FEINSTEIN, and other colleagues to enact this important legislation.

Mr. DECONCINI. Mr. President, I am pleased to join my colleagues in introducing a bipartisan bill to improve the admissions process at our airports and other ports of entry, to strengthen criminal sanctions for alien smuggling and related criminal activities, and to enhance the investigatory authority of the Immigration and Naturalization Service [INS].

The basic law which sets forth conditions under which aliens may enter the United States is the Immigration and Nationality Act of 1952 [INA], as amended. The Refugee Act of 1980 defines a refugee as "a person who is unwilling or unable to return to his country of nationality or habitual residence because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in particular social group, or political opinion." Asylees are aliens who meet the definition of "refugee" and who are physically present in the United States or at a land border or port of entry.

The United States is also a signatory to international agreements on refugees that forbid the forced repatriation of individuals who fear persecution. While the number of aliens seeking asylum in the United States has increased dramatically in the past decade, only about one-half of one percent of the estimated 18 million refugees and asylees who have fled their homelands throughout the world sought asylum in the United States in 1992.

The growing abuse of this country's asylum laws disturbs me greatly. There is no question that we must do something to deter unscrupulous persons who enter this country illegally and file frivolous asylum claims. At the same time, we must be sure that we do not penalize legitimate asylees at the expense of those who abuse our system. Our immigration laws and policies must work together to deter illegal immigrants while protecting those who flee violence and persecution.

I believe the legislation we are introducing today fairly addresses some of the problems in our overburdened, inefficient and multilayered asylum process. This bill provides for the expedited exclusion of those persons who arrive at our ports of entry, or are intercepted on the high seas or in United States waters, either with no documentation or fraudulent, forged or stolen documents. If an alien wishes to apply for asylum, an immigration officer will refer the matter to a trained asylum officer who has extensive professional knowledge in country conditions, asylum law and interview techniques. The asylum officer must also have worked in a position of adjudicating asylum claims or equivalent experience for at least 1 year and will be supervised by an officer who also meets these conditions. The specially trained asylum officer will interview the alien to determine whether he or she has the requisite credible fear of persecution. The defendant will be allowed to have a translator and counsel at the interview. If the alien's claim is denied, the case can be appealed to the Department of Justice for prompt review by another specially trained asylum officer. If the alien is once again found to be ineligible for asylum, he or she may be specially excluded and removed from this country without further inquiry or appeal. There will be no judicial review except for a habeas corpus inquiry limited to the examination of whether the applicant is an alien and has been ordered specially excluded.

This bill addresses the problem of illegal immigration most prevalent at our international airports. In fiscal year 1991, the INS reported that 32,598 aliens arrived at our 10 major airports with fraudulent documents or no documents at all. In fiscal year 1992, 14,688 aliens arrived at JFK Airport in New York with improper documentation, of whom 9,180 claimed asylum. While the average asylum case is now processed in 6 months, approximately 261,000 cases remained undecided as of March 31, 1993.

Currently, upon arrival, an unscrupulous alien, with improper or no documentation, claims asylum knowing that he or she will probably not be detained due to overcrowded detention centers. The alien is given instructions to return for an asylum hearing several months later. He or she is then released, is given a work permit, but rarely shows up for the scheduled hearing before an immigration judge.

The case of Mir Amal Kanzi, who allegedly murdered two employees outside CIA headquarters in January of this year, exemplifies the inadequacies of our asylum system. When Mr. Kanzi arrived in this country he claimed political asylum. While his case was pending, Mr. Kanzi received a work document, Social Security card, and driver's license which ultimately enabled him to purchase an assault rifle.

Some of the suspects in the bombing of the World Trade Center are alleged to be followers of the radical Islamic preacher, Sheik Omar-Abdel Rahman. The sheik, known by our Government to be a terrorist, arrived here in 1990 on a tourist visa inadvertently issued by our embassy in Khartoum, Sudan. One of the reasons he remains in the United States is because of his pending political asylum case.

The bill will remedy these intolerable situations. It will also ensure that the legitimate asylum-seeker has a fair opportunity to present his or her case. It is important to note that when persons are fleeing persecution they are in a life and death situation and often carry fraudulent documents or no documents at all. The following case summaries from the Lawyers Committee for Human Rights describe the true stories of persons fleeing persecution.

Ms. K was a hairdresser and mother in her native Ghana. In 1984, her husband helped to found an organization to gather and report information concerning human rights abuses perpetrated by the Ghanian government. Though Ms. K was aware of some of the group's activities, she was not a member of the organization.

On August 28, 1989, Ms. K's husband was forced to leave Ghana because he learned from fellow members of his organization that he had been targeted for arrest. About three hours following her husband's departure, eight armed government soldiers broke into Ms. K's home searching for her husband. When she refused to tell them of his whereabouts, the soldiers began to beat Ms. K who was three and a half months pregnant with her second child. The soldiers remained in her home for over an hour, continually beating Ms. K and destroying the furniture while looking for evidence that her husband had been a member of the human rights group. Two nights later, and then again one week later, the soldiers returned to Ms. K's home suspecting that Ms. K's husband had come back. They beat her again and told her that she would suffer whatever punishment befell her husband unless she told them where he was hiding. On all three occasions, Ms. K was forced to seek medical attention for the injuries she received during the beatings.

On September 11, 1989, the soldiers returned for the fourth time and severely beat Ms. K. She was thrown on the ground and then one soldier stomped on her stomach and ribs with his boot. Fearing for her life, as well as the lives of her daughter and her unborn child, Ms. K decided to leave Ghana. When morning came, Ms. K and her seven year-old daughter fled to the Cote d'Ivoire and were placed in a refugee camp where they remained for three months. While in the camp, Ms. K befriended a French family who offered to help her get to Canada where, they told her, she would be able to obtain asylum. In later December, 1989, the French family gave Ms. K a passport and airline ticket to Canada. On December 30, 1989, Ms. K and her daughter landed in JFK International Airport and, while searching for her connecting flight to Canada, they were stopped by immigration officials because they were carrying false passports. She and her daughter were then placed in detention. Ms. K was nearly eight months pregnant at the time. On January 26, 1990, Ms. K and her daughter were granted parole from detention and began living with a Ghanian family in the Bronx. Soon after, she gave birth to a second daughter. Ms. K had an asylum hearing in the Immigration Court on January 15, 1991 and was granted asylum in the United States on February 25, 1991 * * *.

Mr. R, a Kurdish Iraqi national, joined the Patriotic Union of Kurdistan (PUK) in May of 1985 when he was fifteen years old. The PUK was the second largest Kurdish political party and strove to obtain political autonomy and fundamental human rights for Kurdish people. Mr. R joined the PUK to demonstrate his opposition to the violent dictatorship under Saddam Hussein and to the discriminatory treatment of the Kurdish people. Mr. R, as an active, though non-violent member of the PUK, was responsible for distributing literature criticizing Saddam

Hussein and for monitoring Iraqi government officials in his area.

In July 1987, a group of plain-clothed militia men came to Mr. R's house in the middle of the night to arrest him. Failing to find Mr. R at home, the men ransacked the house, beat his family members and took Mr. R's father away for questioning and declared that he would be released only after Mr. R and his brother, another PUK member, surrendered themselves to the authorities. Mr. R did not turn himself in because it would have not saved his father's life and because he would have been executed immediately. Three months later, he learned that his father had been killed. Fearing that he too would be killed, Mr. R decided to flee to Iran.

Mr. R began his journey from Iraq in December 1987. He walked through the mountains for twelve hours and crossed the border into Iran. He was immediately placed in a refugee camp with harsh conditions. After several months in the refugee camp, Mr. R decided to leave Iran. He purchased a false passport with a United States visa and a plane ticket bound for the United States. He arrived at JFK airport via a stopover in London on May 17, 1990 and destroyed his passport in transit. Upon arriving in the United States, he was detained by immigration officials at the Wackenhut INS Detention Facility in Queens, New York where he remained until he was granted asylum in the United States by the Immigration court on August 23, 1991 * * *.

The cases of Ms. K and Mr. R represent the terrifying experiences of legitimate political refugees. We must continue to protect those bona fide asylees who seek refuge in this country.

The alien smuggling enhanced penalties provisions of this bill address the despicable crime of smuggling human cargo for profit. In less than 2 years the INS has apprehended hundreds of passengers on several smuggling ships most of whom are from China's Fujian Province. After paying ruthless smugglers thousands of dollars for their lengthy journey to the United States, the Chinese immigrants face deplorable conditions aboard ship. For several months they live in cramped and filthy quarters with little food or fresh water. The immigrants become sick with the flu and high fevers, women are often abused by their guards, and many contemplate suicide. If they are fortunate to arrive in the United States alive, the smugglers continue to closely watch their cargo and demand exorbitant fees for their transport.

This type of inhumane slave trade must be stopped and those responsible must be brought to justice. Our laws currently penalize drug smugglers more than they penalize alien smugglers. This legislation increases the initial punishment for harboring aliens from 5 to 10 years imprisonment. A defendant can receive up to 20 years imprisonment if he or she causes serious bodily injury or places the life of an alien in jeopardy and up to life imprisonment if the death of an alien results. Our forfeiture laws are broadened to make all real or personal property used or intended to be used to smuggle aliens subject to forfeiture. Property traceable to the proceeds of the smuggling, transportation, or harboring of aliens is also subject to forfeiture. Furthermore, this bill authorizes the use of the Racketeer Influenced and Corrupt Organization [RICO] statute to pursue alien smuggling organizations.

Mr. President, I strongly urge my colleagues to support this measure. Americans are a compassionate people and we don't want to slam our doors on those who genuinely need our help. Nevertheless, we must send a message to the world that those who blatantly abuse our laws will be deterred and punished. Taking advantage of our generous and humanitarian immigration laws will not be tolerated.

This legislation addresses part of the immigration reform initiatives announced earlier this week by President Clinton. Some of the administration's other proposals to control our borders, of which I actively supported, were approved during committee consideration of the Commerce, Justice, State appropriations bill for fiscal year 1994. For example, I was successful in my efforts to include funding for the hiring, training, and equipping of at least 600 new border patrol agents. Funding was also obtained to enhance our alien detention and deportation activities and facilities on the Southwest border.

I would also like to take a moment to express my support for Attorney General Janet Reno's pledge to make the INS a priority. Furthermore, the selection of Doris Meissner to head the INS is another strong sign of the importance the administration places on U.S. immigration policy. I believe Ms. Meissner's long history in dealing with immigration issues will enable her to confront the challenging and complex problems that face the INS today. I will continue to work closely with my colleagues and the administration to pass this bill and ensure that we have adequate resources to effectively enforce our immigration laws and policies.

By Mr. KOHL:

S. 1335. A bill for the relief of the Menominee Indian Tribe of Wisconsin; to the Committee on the Judiciary.

MENOMINEE INDIAN TRIBE LEGISLATION

• Mr. KOHL. Mr. President, today I am introducing legislation that would provide to the Menominee Indian Tribe of Wisconsin an opportunity for which it has long awaited

Specifically, this bill gives the tribe an opportunity to be heard in the U.S. Claims Court on the merits of a series of claims against the United States resulting from enactment of the Menominee Termination Act of June 13, 1954, and the Government's mismanagement of Menominee assets held in trust by the United States prior to April 30, 1965, when the termination of government supervision of the Menominee Tribe and reservation became effective.

The bill I am introducing merely sets out the claims of the tribe. It is accompanied by a Senate resolution which—on enactment—will refer this bill to the chief judge of the U.S. Claims Court for judicial determination of facts for congressional use in deciding whether these claims merit legislative relief.

This referral passed in the Judiciary Committee in the 101st Congress, but Congress adjourned sine die before action could be completed on the resolution. And during the 102d Congress the measure passed out of the Subcommittee on Courts and Administrative Practices.

As a member of the Judiciary Committee and of the Courts and Administrative Practices Subcommittee to which this legislation will be referred, I'm looking forward to the opportunity of bringing its merits to the consideration of my colleagues.

While adoption of this resolution will send a series of seven claims to the Claims Court of evaluation, I want to emphasize that the court has no jurisdiction to award money damages for these claims, and that Congress is not obligated to follow the recommendations of the court, though it has often done so.

Mr. President, the congressional reference procedure is recognized by sections 1492 and 2509 of title 28 of the United States Code. It is designed so that the court may examine claims against the United States based on negligence or fault, or based on less than fair and honorable dealings, regardless of technical defenses that the United States may otherwise assert, especially the statute of limitations

The Menominee Tribe has seven related claims which appear to fit exactly into this mold. These are:

First, that the Menominee forest, held in trust from 1951 to 1961, was seriously undercut, and that the BIA, which knew that additional cutting was required, breached its trust by failing to advise Congress of the need to raise the statutory ceiling from 20 million board feet annually;

Second, that the BIA, in carrying out its trust duties in the management of the tribe's mill, negligently failed to replace worn out equipment and make necessary changes in plant design and procedures;

Third, that the Federal Government breached its duty to the tribe by negotiating a right-of-way agreement with the Wisconsin Power and Light Co. that was unfair and discriminatory;

Fourth, that the Government failed to maintain and operate properly water and sewage facilities on the reservation, to the damage of the tribe;

Fifth, that the Government mismanaged tribal funds;

Sixth, that the Termination Act breached the trust by subjecting the tribal forest to State management restrictions to the detriment of the tribes's interests; and

Seventh, that the Termination Act unfairly deprived the tribe of its exemption from State taxation guaranteed by its treaty with the Federal Government.

In summary, the tribe charges that it and its members suffered grievous economic loss from BIA mismanagement of its resources and through legislative termination of its rights.

The tribe initially filed suit on these claims, and though it obtained favorable trial court judgements on them, an appellate court in 1984 dismissed the suit on technical grounds without disturbing the factual findings which essentially upheld the tribe's position.

While the now-defunct Indian Claims Commission specifically had jurisdiction to hear claims based on less than fair and honorable dealing, these claims accrued after the time for filing of such claims before the Commission expired. The grant of jurisdiction to the Court of Claims, and now to the Claims Court, does not include jurisdiction to hear claims based on less than fair and honorable dealing.

In holding certain of the claims were time barred, the Court of Appeals made an unusually strict interpretation of the statute. It held that the statute of limitations continued to tick throughout and 1950's even as to claims the tribe was unaware of. Menominee Tribe of Indians versus United States 726 F.2d 718, 721 (1984).

However, during the period after the Termination Act of 1954, when the claims could have been filed in a timely fashion, the Menominee faced circumstances that were adverse in the extreme. While on the one hand desperately seeking to avert or delay termination, they tried on the other hand to carry out the statutory plan as best they could.

Congress has long since acknowledged that the Menominee Termination Act was a tragic error which brought the Menominee Tribe to the brink of economic, social, and cultural disaster. In 1973, the tribe was restored to Federal recognition and tribal status by action of the Congress. But the damages the tribe suffered under termination are yet to be redressed.

Mr. President, adoption of this resolution will permit the Claims Court to adjudicate these claims on their merits and make appropriate recommendations to Congress in the interests of justice.

I ask unanimous consent that the full texts of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Secretary of the Treasury is authorized and directed to pay to the Menominee Indian Tribe of Wisconsin, out of any money in the Treasury of the United States not otherwise appropriated, a sum equal to the damages sustained by the Menominee Indian Tribe of Wisconsin by reason of—

(a) the enactment and implementation of the Act of June 17, 1954, (68 Stat. 250), as amended, and

(b) the mismanagement by the United States of Menominee assets held in trust by the United States prior to April 30, 1961, the effective date of termination of Federal supervision of the Menominee Indian Tribe of Wisconsin.

SEC. 2. Payment of the sum referred to in section 1 shall be in full satisfaction of any claims that the Menominee Indian Tribe of Wisconsin may have against the United States with respect to the damages referred to in such section.●

By Mr. HATCH:

S. 1336. A bill to increase the fee for the enforcement of the Tea Importation Act, and for other purposes; to the Committee on Labor and Human Resources.

TEA IMPORTATION ACT AMENDMENT ACT OF 1993

Mr. HATCH. Mr. President, earlier this week, when the Senate considered H.R. 2493, fiscal year 1994 appropriations for the Agriculture Department and related agencies, we adopted an amendment offered by Senator REID to eliminate Federal support for the Board of Tea Experts. A similar provision is included in the House-passed measure.

For those of my colleagues who are not familiar with the Board, this body was established in 1897 to make certain that impure and unwholesome tea products were not imported into the United States.

The Board, which sets standards for imported tea, is composed of a panel of outside experts, and is staffed by three Food and Drug Administration employees.

There is absolutely no controversy over the function of the Board; the only concern that has been expressed is over Federal support for the Board. At present, the Board receives an appropriation of $130,000, and industry contributes $70,000 in user fees.

The legislation I am introducing today provides for total industry support of the Board of Tea Experts through a fee on imported tea or tea merchandise. It is an amendment which makes good sense and I plan to work with my colleagues on the Labor and Finance Committees to see that it is moved forward at the earliest possible date.

ADDITIONAL COSPONSORS

S. 376

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 376, a bill to prohibit the transfer of 2 or more handguns to an individual in any 30-day period.

S. 540

At the request of Mr. HEFLIN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 549

At the request of Mr. DOMENICI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 549, a bill to provide for the minting and circulation of one-dollar coins.

S. 557

At the request of Mr. HATCH, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 557, a bill to combat telemarketing fraud.

S. 561

At the request of Mr. DODD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 561, a bill to establish a child and family services and law enforcement partnership program, and for other purposes.

S. 719

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 719, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

S. 775

At the request of Mr. WALLOP, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 775, a bill to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 798

At the request of Mr. BRYAN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 798, a bill to amend the Federal Fire Prevention and Control Act of 1974 to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

S. 839

At the request of Mr. HOLLINGS, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 839, a bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes.

S. 881

At the request of Mr. DODD, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 881, a bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize and make certain technical corrections in the Civic Education Program, and for other purposes.

S. 936

At the request of Mr. CHAFEE, the names of the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 936, a bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the Medicare Program, and for other purposes.

S. 1105

At the request of Mr. COATS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses, to provide that the earnings on such accounts will not be taxable, to allow rollovers of such accounts into individual retirement accounts, and for other purposes.

S. 1125

At the request of Mr. DODD, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1125, a bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

S. 1154

At the request of Mr. DECONCINI, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1154, a bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a Microenterprise Development Fund, and for other purposes.

S. 1209

At the request of Mr. KEMPTHORNE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1209, a bill to provide for a delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act, and for other purposes.

S. 1218

At the request of Mr. PELL, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1218, a bill to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and the Humanities Act of 1965, and the Museum Services Act, and for other purposes.

S. 1276

At the request of Mr. LEAHY, the names of the Senator from North Dakota [Mr. DORGAN], the Senator from Maryland [Mr. SARBANES], the Senator from Hawaii [Mr. AKAKA], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nevada [Mr. REID], the Senator from Wisconsin [Mr. KOHL], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Tennessee [Mr. MATHEWS], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1276, a bill to extend for 3 years the moratorium on the sale, transfer or export of anti-personnel landmines abroad, and for other purposes.

SENATE JOINT RESOLUTION 21

At the request of Mr. THURMOND, the names of the Senator from Georgia [Mr. COVERDELL], the Senator from Virginia [Mr. WARNER], the Senator from Missouri [Mr. DANFORTH], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Florida [Mr. MACK], the Senator from Colorado [Mr. BROWN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Arkansas [Mr. PRYOR], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. D'AMATO], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. COATS], the Senator from Delaware [Mr. BIDEN], the Senator from Michigan [Mr. RIEGLE], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Maryland [Ms. MIKULSKI], the Senator from North Carolina [Mr. HELMS], the Senator from Oklahoma [Mr. BOREN], the Senator from Alabama [Mr. HEFLIN], the Senator from Illinois [Mr. SIMON], the Senator from Tennessee [Mr. SASSER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Washington [Mr. GORTON], the Senator from Montana [Mr. BURNS], the Senator from Utah [Mr. HATCH], the Senator from Missouri [Mr. BOND], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Nevada [Mr. BRYAN], the Senator from Georgia [Mr. NUNN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Wisconsin [Mr. KOHL], the Senator from Virginia [Mr. ROBB], the Senator from North Dakota [Mr. CONRAD], the Senator from Oklahoma [Mr. NICKLES], the Senator from Vermont [Mr. JEFFORDS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Wyoming [Mr. WALLOP], the Senator from New Hampshire [Mr. SMITH], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate the week beginning September 19, 1993, as "National Historically Black Colleges and Universities Week".

SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the names of the Senator from Vermont [Mr. JEFFORDS], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week".

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day".

SENATE JOINT RESOLUTION 115

At the request of Mr. COCHRAN, the names of the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 115, a joint resolution designating November 22, 1993, as "National Military Families Recognition Day".

SENATE JOINT RESOLUTION 117

At the request of Mr. BIDEN, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Kansas [Mr. DOLE], the Senator from Connecticut [Mr. DODD], the Senator from California [Mrs. BOXER], the Senator from Vermont [Mr. LEAHY], the Senator from Illinois [Mr. SIMON], the Senator from Utah [Mr. HATCH], the Senator from Wisconsin [Mr. KOHL], the Senator from Hawaii [Mr. AKAKA], the Senator from Maine [Mr. COHEN], the Senator from New York [Mr. MOYNIHAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 117, a joint resolution to designate August 1, 1993, as "National Incest and Sexual Abuse Healing Day".

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 117

At the request of Mr. DECONCINI, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Resolution 117, a resolution to express the sense of the Senate that the Olympics in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China.

AMENDMENT NO. 739

At the request of Mr. CHAFEE his name was added as a cosponsor of

Amendment No. 739 proposed to H.R. 2403, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

At the request of Mr. SIMON the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Amendment No. 739 proposed to H.R. 2403, supra.

SENATE RESOLUTION 136—RELATIVE TO HORACE MARTIN

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 136

Resolved, That the bill (S. 1325) entitled "A bill for the relief of Horace Martin," now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Claims Court. The Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, giving such finding of fact and conclusions that are sufficient to inform Congress of the amount, if any, legally or equitably due from the United States to the claimant.

Mr. THURMOND. Mr. President, I rise today to introduce a bill for the relief of Horace Martin, a resident of South Carolina. In addition, I am also introducing a resolution so that this claim may be considered by the U.S. Claims Court.

Mr. President, the facts of this case are simple. Mr. Martin purchased property at a tax sale conducted by the Internal Revenue Service. Before deciding to make this purchase, Mr. Martin claims he relied upon the statements of an IRS agent and IRS forms which declared that there were no liens on the property that were senior to the IRS liens. Mr. Martin was the successful bidder, and he purchased the property for $56,000. He was later informed that the property he had purchased was subject to other liens, and that foreclosure was imminent. The effect of these prior liens was that Mr. Martin paid $56,000 and received no interest in the property. Mr. Martin has requested that the IRS return his money, but the request has been challenged by the United States on the grounds that the IRS documents stated that a purchaser should not rely on the statements of the IRS personnel.

Because Mr. Martin is bringing a contract claim against the United States, the proper forum for his claim is the U.S. Claims Court, not the district court. Accordingly, Mr. Martin has filed a claim against the United States in the Claims Court, and this claim has currently been stayed. Mr. Martin has been informed by the court that in order for the Claims Court to hear his claim in equity, a congressional reference is necessary.

Mr. President, our laws permit any bill to be referred by either House of Congress to the claims court for a report on the merits of this claim. Therefore, I am introducing this private relief bill and corresponding reference so that Mr. Martin's claim may be considered. I would note that by introducing this bill and resolution, I am not asserting the validity of his claim. That issue is for the court to determine. I am merely introducing this bill and resolution so that the Claims Court will have the opportunity to hear Mr. Martin's claim in equity.

I would encourage my colleagues to support this resolution.

SENATE RESOLUTION 137—RELATIVE TO THE MENOMINEE INDIAN TRIBE

Mr. KOHL submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 137

Resolved, That S. 1335 entitled "A bill for the relief of the Menominee Indian Tribe of Wisconsin" now pending in the Senate, together with all the accompanying papers, is referred to the Chief Judge of the United States Claims Court. The Chief Judge shall proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, providing such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the damages referred to in such bill as a legal or equitable claim against the United States or a gratuity, and the amounts, if any, legally or equitably due from the United States to the Menominee Indian Tribe of Wisconsin by reason of such damages.

AMENDMENTS SUBMITTED

NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

SPECTER AMENDMENT NO. 740

Mr. SPECTER proposed an amendment to the bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhanced opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act.

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to provide national service educational awards under subtitle D of title I, and to carry out such audits and evaluations as the President or the Inspector General of the Corporation may determine to be necessary, $300,000,000 for fiscal year 1994, $500,000,000 for fiscal year 1995, and $700,000,000 for fiscal year 1996, provided that the enactment of a separate authorization for fiscal year 1996 shall be required to allow the continuation of this program as contained in this Act. *Provided, however*, That except for the $700,000,000 authorization for fiscal year 1996, the remaining language of the bill shall continue in force.

MCCAIN (AND OTHERS) AMENDMENT NO. 741

Mr. MCCAIN (for himself, Mr. NICKLES, and Mr. MURKOWSKI) proposed an amendment to the bill (S. 919), supra, as follows:

Beginning on page 77, strike line 20 and all that follows through page 78, line 7 and insert the following:

"(a) AMOUNTS GENERALLY.—Expect as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of service in an approved national service position shall receive a national service education award having a value, for each of not more than two of such term of service, equal to 90 percent of—

"(1) one-half of the aggregate minimum basic educational assistance allowance calculated under sections 3013(d)(1) and 3015(b)(1) of title 38, United States Code (as in effect on July 28, 1993), for a member of the Armed Forces who is entitled to such an allowance under section 3011 of such title and whose initial obligation period of active duty in two years; less

"(2) one-half of the aggregate basic contribution required to be made by the member under section 3011(b) of such title (as in effect on July 28, 1993).

MCCONNELL (AND OTHERS) AMENDMENT NO. 742

Mr. MCCONNELL (for himself, Mr. DECONCINI, and Mr. DURENBERGER) proposed an amendment to the bill (S. 919), supra, as follows:

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE VI—LIMITATION ON LIABILITY OF VOLUNTEERS

SEC. 601. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many public and private not-for-profit organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments, foundations, and other civic programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) the efforts of not-for-profit organizations, local government, States, and the Federal Government to promote voluntarism, and community and national service, are adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities; and

(5) because Federal funds are expended on useful and cost-effective social service programs which depend heavily on volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—The purposes of this title are to promote programs of community and national service, to promote the interests of social service program beneficiaries and taxpayers, and to sustain the availability of programs and not-for-profit organizations and governmental entities which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with not-for-profit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 602. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 603. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—To be eligible to receive full financial assistance under subtitle C of title I of the National and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a not-for-profit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity and such functions and duties are directly connected to the administration of a program described in section 122(a); and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual; and

(3) the volunteer was not operating a motor vehicle and was not operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.—Nothing in this section shall be construed to affect any civil action brought by any not-for-profit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION.—Nothing in this section shall be construed to affect the liability of any not-for-profit organization or governmental entity with respect to injury caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—A State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(4) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 604. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a not-for-profit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "not-for-profit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

SEC. 605. EFFECT OF STATE FAILURE TO LIMIT LIABILITY.

If on a date determined by the Corporation for National and Community Service that is not later than October 1, 1995, a State fails to have in effect (and to certify in its application under section 130 of the National Community Service Act of 1990 that the State has in effect) a limitation on liability that satisfies the requirements of this title, the allotment for such State under section 129(a) of such Act shall be reduced by 5 percent, and the Corporation shall use the amount of the reduction to make a reallotment to other States that have in effect (and so certify) such limitation.

BIDEN AMENDMENT NO. 743

Mr. BIDEN proposed an amendment to amendment No. 742 proposed by Mr. MCCONNELL to the bill (S. 919), supra, as follows:

In lieu of the matter proposed to be inserted; insert the following:

"Individuals participating in programs receiving finding under this Act shall be covered by the provisions of the Federal Tort Claims Act to the same extent as participants in other federally funded service programs."

ENHANCING THE AVAILABILITY OF CREDIT IN DISASTER AREAS

BOND (AND OTHERS) AMENDMENT NO. 744

Mr. FORD (for Mr. BOND, for himself, Ms. MOSELEY-BRAUN, and Mr. D'AMATO) proposed an amendment to the bill (S. 1273) to enhance the availability of credit in disaster areas by reducing the regulatory burden imposed upon depository institutions to the extent such action is consistent with the safety and soundness of the institutions, as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disaster Credit Relief Act of 1993".

SEC. 2. DISASTER CREDIT RELIEF.

(a) REGULATORY EXCEPTION AUTHORITY.—

(1) EXCEPTION AUTHORITY.—In any area in which the President has determined, on or after April 1, 1993, that a major disaster exists pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1993 flooding of the Mississippi River and its tributaries, the Board of Governors of the Federal Reserve System may make exceptions to—

(A) the requirements of the Truth in Lending Act, for credit transactions made within such area; or

(B) the requirements of the Expedited Funds Availability Act for offices of depository institutions (as defined in section 602 of that Act) located within such areas;

if the Board determines that the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects of the exception.

(2) EXPIRATION.—Any exception granted under paragraph (1) shall expire not later than October 1, 1994.

(3) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(A) describes any exception made under this subsection; and

(B) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

(b) LEVERAGE LIMIT COMPLIANCE.—

(1) EXCEPTION AUTHORITY.—The appropriate Federal banking agency may, by order, permit an insured depository institution located in any area in which the President has determined, on or after April 1, 1993, that a major disaster exists pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1993 flooding of the Mississippi River and its tributaries, to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not to exceed the qualifying amount attributable to insurance proceeds, if the agency determines that—

(A) the institution—

(i) had its principal place of business within the major disaster area on the day before the date of the President's determination;

(ii) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster (such as the flooded areas of the Mississippi, Missouri, Kansas, Illinois, and Des Moines rivers, and the tributaries of such rivers);

(iii) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the President's determination; and

(iv) has an acceptable plan for managing the increase in its total assets and total deposits; and

(B) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act;

(B) the term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act;

(C) the term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act; and

(D) the term "qualifying amount attributable to insurance proceeds" means the amount by which the insured depository institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of the Presidential determination referred to in paragraph (1), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

(3) EXPIRATION.—Any exception granted under this subsection shall expire not later than April 1, 1995.

(c) BANKING AGENCY PUBLICATION REQUIREMENTS.—

(1) IN GENERAL.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, any area in which the President has determined, on or after April 1, 1993, that a major disaster exists pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act or any area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1993 flooding of the Mississippi River and its tributaries, if the agency determines that the action would facilitate recovery from the major disaster:

(A) PROCEDURE.—The agency may exercise its authority under provisions of law other than this subsection without regard to—

(i) any requirement of section 553 of title 5, United States Code; or

(ii) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(B) PUBLICATION REQUIREMENTS.—The agency may make exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(i) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(ii) any other similar publication requirement.

(2) PUBLICATION REQUIRED.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(A) describes any action taken under this subsection; and

(B) explains the need for the action.

(3) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this subsection, the term "qualifying regulatory agency" means—

(A) the Board of Governors of the Federal Reserve System;

(B) the Comptroller of the Currency;

(C) the Director of the Office of Thrift Supervision;

(D) the Federal Deposit Insurance Corporation;

(E) the Federal Financial Institutions Examination Council;

(F) the National Credit Union Administration; and

(G) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(4) EXPIRATION.—The authority of a qualifying regulatory agency to take any action in accordance with this subsection shall expire not later than April 1, 1994.

SEC. 3. STUDY AND REPORT REQUIRED.

(a) STUDY.—The Secretary of the Treasury, after consultation with the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), shall conduct a study to assess the impact of Federal banking laws and regulations on the provision of credit and banking services in major disaster areas, as declared by the President. The study shall—

(1) examine how the agencies and entities granted authority by the Depository Institutions Disaster Relief Act of 1992 and by this Act have exercised such authority;

(2) evaluate the utility of such Acts in facilitating recovery from disasters consistent with the safety and soundness of depository institutions; and

(3) contain recommendations with respect to whether the authority granted by this Act should be made permanent.

(b) REPORT TO THE CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to the Congress containing the results of the study conducted under subsection (a), together with any recommendations for legislative or administrative actions that should be taken.

SEC. 4. SENSE OF THE CONGRESS REGARDING THE FLOODS OF 1993.

It is the sense of the congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions in areas affected by such major disasters as the flooding of the Mississippi, Missouri, Kansas, Illinois, and Des Moines rivers, and the tributaries of such rivers, to meet the financial services needs of their communities.

SENIOR CITIZENS AGAINST MARKETING SCAMS ACT OF 1993

HATCH AMENDMENT NO. 745

Mr. FORD (for Mr. HATCH) proposed an amendment to the bill (S. 557) to combat telemarketing fraud, as follows:

On page 5, line 3, strike "a significant number of" and insert "twenty or more".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Friday, July 30, 1993, at 10 a.m. in open session, to consider the nomination of Victor H. Reis to be the Assistant Secretary of Energy for Defense programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Friday, July 30, beginning at 10:15 a.m., to hold a business meeting to consider the following pending items:

S. 978, the National Environmental Technology Act of 1993.

H.R. 927, the National Aviary in Pittsburgh.

Nomination of Mollie H. Beattie, nominated by the President to be Director of the U.S. Fish & Wildlife Service.

Naming Bills, GSA Leases and Repair & Alterations:

S. 832. A bill to designate the plaza to be constructed on the Federal Triangle property in Washington, DC, as the "Woodrow Wilson Plaza";

H.R. 1345. A bill to designate a Federal building in San Jose, CA, the "Robert F. Peckham United States Courthouse and Federal Building";

H.R. 168. A bill to designate a Federal building in Knoxville, TN, the "Howard H. Baker, Jr. United States Courthouse";

S. 597. A bill to designate a Federal building in Richmond, VA, the "Lewis Powell United States Courthouse";

S. 656, the Indoor Air Quality Act of 1993;

S. 657, the Indoor Radon Abatement Reauthorization Act of 1993;

S. 773, the Voluntary Environmental Cleanup and Economic Redevelopment Act of 1993; and

S. 729, the Lead Exposure Reduction Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Oversight of Government Management Subcommittee, Committee on Governmental Affairs, be granted authority to meet during the session of the Senate on Friday, July 30, 1993, at 9:30 a.m., to hold a hearing on "Off-loading: The Multi-Million-Dollar Loophole in Government Contracting."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PHELPS DODGE CORP. "SENTINELS OF SAFETY AWARD"

• Mr. DECONCINI. Mr. President, every year the Department of Labor's Mine Safety and Health Administration and the American Mining Congress recognize the safest mines in this country by awarding the Sentinels of Safety trophy to mines in each of eight categories.

The winner of the 1992 Sentinels of Safety Award in the open pit category is the Phelps Dodge Corp. Morenci Mine in Greenlee County, AZ. In September, the more than 2,200 mine employee will proudly receive this award for their dedication to safety.

Mr. President, for the mining industry and its employees, receiving this prestigious award is always an honor, but this year the Morenci Mine has brought a new dimension to that honor. To qualify for the award, mines operate a minimum of 30,000 employee hours with no lost-time injuries. Last year at Morenci, employees worked nearly 2 million hours without a single lost-time injury. By logging 10 times more hours without injury than required to be eligible for the award, the employees at the Morenci Mine have established a new safety performance record and made 1992 the safest year in U.S. mining history.

For decades Phelps Dodge Corp. has embraced safety as one of its primary tenets. As demonstrated by the Morenci employees, safety is recognized and practiced by every Phelps Dodge employee at every level. Today, I would like to recognize and congratulate Phelps Dodge and each of the Morenci Mine employees on their magnificent achievement and for the example they set for the entire mining industry.•

TRIBUTE TO HARVEY SLENTZ, LOUISVILLE POSTMASTER

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a special citizen from the Commonwealth of Kentucky, Mr. Harvey Slentz. Mr. Slentz' tremendous accomplishments, as well as his exemplary service to the Louisville community, make him deserving of special recognition.

Mr. Slentz is the postmaster for the U.S. Postal Service's Louisville division. He is responsible for retail and delivery operations in 24 postal facilities in the Louisville area. Mr. Slentz oversees a staff of more than 1,000 postal employees, including some 800 letter carriers who deliver mail on 600 routes in the Louisville area.

Despite this awesome responsibility, Mr. Slentz still finds the time to do the little things that separate him from other postmasters. It is not uncommon for him to go out and personally investigate customer complaints. If a Louisville business is trying to land a big account that is dependent on the mail system, he will meet the company's prospective client. It is these traits, Mr. President, that have endeared Mr. Slentz to his employees and colleagues, and that have led to the Louisville postal service being consistently ranked as one of the top in the Nation.

In addition to his demanding work schedule, sometimes working 80-hours weeks, Mr. Slentz still finds time to donate to the Louisville community. He has served on the boards of Metro United Way, Junior Achievement of Kentuckiana, and other community organizations in Louisville and Southern Indiana.

I ask my colleagues to join me in honoring this remarkable citizen of the Commonwealth. In addition, Mr. President, I ask that an article from the January 11, 1993, edition of Business First be inserted at this point.

The article follows:

It is the week following the 1992 Christmas rush and Louisville Postmaster Harvey A. Slentz is trying to catch up on a mountain of paperwork.

But even with a backlog of administrative details staring him in the face, Slentz, 44, takes time for a phone call from an upset Louisville resident.

Instead of brushing the woman off, as some busy executives might do; or shuffling the caller off to a subordinate, Slentz politely listens to the woman's story.

An observer in Slentz's office can—without straining—hear the caller's rather penetrating voice.

"It's no trouble. Not at all," Slentz says, while taking notes on the caller's problem. "I love for you to have my phone number."

It seems the caller has a running feud with a neighbor that somehow involves mail delivery.

"Let me come out and take a look at that situation," Slentz says.

Is this a bit of telephone public relations that won't be followed up?

No way, say friends and co-workers.

Those who know Slentz well say they wouldn't be surprised to see the Louisville postmaster leave his Gardiner Lane office to personally check on the caller's problem.

He really means it when he tells postal customers he doesn't mind helping to satisfy their mail-delivery needs, Slentz's friends and co-workers say.

"He's a genuine person," says Patricia Harrison, a Jeffersonville real estate agent who with Slentz founded the Floyd County Lions Club two years ago.

"He's a believable person," says Harrison, co-owner of the Century 21-Reisert Baker Harrison agency. "His job is stress with a capital S, but he can handle it because he likes people."

When it comes to taking care of customers, be it the biggest commercial mailer in town or an individual resident, Slentz believes in providing personal attention.

"I try to be accessible to employees and customers," he says.

Just as Slentz will personally look into an individual customer's problem, it is his policy to work directly with big companies that have high volumes of mail.

If a Louisville business is trying to land a big account that is dependent on the mail system, Slentz will meet the company's prospective client.

"We want to be a partner in your business," Slentz says.

Given the competition from private-delivery services such as United Parcel Service Inc. and Federal Express Inc., the Postal Service has to do something extra, Slentz says.

As a postmaster for the U.S. Postal Service's Louisville Division, Slentz is responsible for retail and delivery operations in 24 postal facilities in the Louisville area. He is directly responsible for the work of a staff of more than 1,000 postal employees, including some 800 letter carriers who deliver mail on 600 routes in the Louisville area.

Slentz's relationship with the letter carriers is exemplary, says Irv Lambert, president of Branch 14-National Association of Letter Carriers, the Postal Service union local.

"He's not one to be a dictator," says Lambert. "He's ready to share the responsibility and he's not one to worry about who gets the credit."

As the primary Postal Service facility for Kentucky, the Louisville Division handles from 4.5 million to 7 million pieces of mail every day, Slentz notes.

Being in charge of such a huge operation could be overwhelming, but Slentz credits everyone but himself for making the machine run.

"The employees here just have a tremendous work ethic," Slentz says. "It's a real high-achieving group of people."

Slentz was named Louisville postmaster Dec. 12, the most recent in a long string of promotions. He previously served in several management positions in Louisville during his first tour here from 1974 to 1987. The Memphis, Tenn., native returned to Louisville in 1990 following a stint with the Postal Service in Washington, D.C.

Slentz may pass around the plaudits, but he deserves a good share of the credit for the Louisville Division's achievements, says Mickey Wilhelm, a professor and chairman of Industrial Engineering at the University of Louisville.

"He was very active in the introduction of automation," says Wilhelm, who met Slentz in the 1970s when both were active in the local chapter of the Institute of Industrial Engineers.

"He so impressed the faculty here that we invited him to teach on an adjunct basis an engineering-management course," Wilhelm says.

Slentz's energy and analytical ability enable him to attack problems from a number of angles, Wilhelm said.

"He's one of the more impressive people I know in terms of seeing a problem and generating a very large number of solutions," Wilhelm says.

Because of his communication skills, sense of humor and the wealth of real-world experiences that he brought to the classroom, Slentz was very popular with his students, Wilhelm says.

Since Slentz returned to Louisville three years ago, he and Wilhelm have talked about potential projects that the post office and the university could work on together, but nothing has yet materialized.

Slentz's career as a Postal Service manager began on July 8, 1971, shortly after he was graduated from Missouri State University with a master's degree in business administration.

"The Postal Service was recruiting for management-training positions at the time and it sounded good," Slentz says.

As an undergraduate student at Arkansas State University, where he received a bachelor's degree in operations management, Slentz was undecided on a career.

"Like a lot of college students I was at one time a pre-med, pre-law and an engineering major," Slentz says. "If everyone became what they studied as an undergraduate, we'd be a nation of nothing but doctors, lawyers and engineers."

He finally settled on pursuing a master's in business administration.

As a child of the 1960s, Slentz says that like many of his peers he wanted to do something that was good for the country.

The Postal Service's vital role in the nation's communication network seemed to fit the bill, he says.

Lifting a sheet of yellow note paper from his desk, Slentz says he still finds it "a little bit amazing that I can mail this to Nome, Alaska, and know that THIS piece of paper will get there. What else can you do like that for 29 cents?"

By joining the Postal Service, Slentz continued something of a family tradition. His father, who retired in 1981 after 38 years with the Postal Service, started as a letter carrier in Memphis and also served as postmaster and in upper management jobs in Tennessee, Missouri and other states.

In his 21-year career with the Postal Service, Slentz has served in a variety of management positions.

His attention to detail, commitment to quality and teamwork have earned him a steady stream of promotions, say friends and co-workers.

"He's very hard-working," says Slentz's longtime friend Russ Bentley, an engineering manager at the Naval Ordnance Station. "He always spent a lot of time on the job, and when he'd talk about his work, you knew he cared about his subordinates because he called them all by their first name."

With most of his promotions, Slentz found himself being transferred.

Saying good-bye to one city and hello to another used to be exciting, he says.

But as his family grew, moving from city to city got harder, says Slentz, whose work assignments have taken him from Kansas City, Mo., to St. Louis, to Chicago, to Louisville to Virginia Beach, Va., to the suburbs of Washington, D.C., and back to Louisville.

During his first stint in Louisville from 1974 to 1987, Slentz served as logistics manager, area manager of stations and branches, and manager of the division's engineering and technical unit.

In 1987, Slentz left Louisville when he was named postmaster of Virginia Beach, the largest city in Virginia. It was there that he met his second wife, the former Patricia Linsinbigler.

Slentz jumped at the opportunity to return to Louisville in 1990 when a position as field director of operations support opened. He was named acting postmaster in September 1992, then three months later was appointed postmaster.

Slentz was named postmaster in a reorganization of Louisville Division's management. Previously, Jim Syers was both postmaster and district manager for all of Kentucky and Southern Indiana.

Last year the job of postmaster and district manager were separated. Slentz reports to the district manager.

"Louisville is an extremely forward-thinking and progressive Postal Division," Slentz says. "A lot of the automation that is used across the country in the Postal Service has its origins here. Anyone in the Postal Service would want to have Louisville on their resume."

Slentz describes the Louisville Division's Gardiner Lane facility as the most automated post office in the world.

"We've had officials from the former Soviet Union and China come here to see the facility," Slentz said. "It's kind of neat that all of this is going on in Louisville."

Some of the Louisville Division's latest computerized sorting equipment is capable of handling mail at blinding speed, Slentz says, pointing to a machine that reads ZIP codes and sorts mail at a rate of nine letters per second.

Although born in Memphis, Slentz considers metropolitan Louisville home.

"I guess I've lived here longer than any one other place," he says. "My children were born here and I guess the place where your children are born becomes home."

Slentz has two children from his first marriage: Andy, a college student in Florida; and Abigail, a high school senior.

Slentz lives in Southern Indiana, but is looking for a house in Louisville.

"I figure being Louisville Postmaster I ought to live in the city," Slentz says.

Being part of the community is important to Slentz. He has been active in community affairs since he first came to Louisville in 1974. He has served on the boards of Metro United Way, Junior Achievement of Kentuckiana and other community organizations in Louisville and Southern Indiana.

About 10 years ago his penchant for volunteer work earned him a broken leg.

"I was coaching my son's soccer team and during practice I foolishly told the kids to try and take the ball away from me," Slentz recalls. "Not only did they take the ball away, they knocked me down and broke my leg."

Most of Slentz's civic work isn't quite that rough, however.

"I enjoy being part of the community," he says.

He even enjoys being buttonholed at civic-group meetings by members who can't resist telling him their mail problems.

"It happens all the time," Slentz says with a laugh. "I value that, though. I like to hear about anybody's relationship with the Postal Service."

An insatiable reader, Slentz currently has three books on his night stand. Sharing space are: James Michener's historical novel "Mexico," the conservative tone "The Way Things Ought To Be" by radio and television talkshow host Rush Limbaugh, and a Stephen King thriller.

"I read about one or one and a half books a week," Slentz says. "There's not any single type of book that reaches out to me. I'll read just about anything."

When he's not running the Louisville post office, Slentz likes to play golf or—as he puts it—play at it.

"I was playing in a charity tournament with my boss and he said I'm the only golfer he knows who ought to wear a snorkel and a mask. Most of the balls I hit spend a lot of time in the water traps," Slentz says.

Being a Postal Service manager demands its share of 80-hour work weeks, especially during the hectic weeks surrounding the Christmas holiday.

Despite this kind of time demand, Slentz found time during his first tour in Louisville to study law at the University of Louisville. He received a law degree from U of L in 1981 and is licensed to practice in Kentucky and Indiana.

Slentz didn't enroll in U of L's evening law classes because he was thinking of starting a new career. It was simply a way to pursue his love of learning.

"I've always enjoyed education," Slentz says. "I could have stayed home and watched (the television show) 'Laverne and Shirley' or I could have done something."

Studying at a "nationally respected law school" was an opportunity he couldn't pass up, Slentz says.

At times in the past 21 years, however, Slentz has wondered if he's in the right profession.

"I've come home late on Christmas Eve and seen a naked tree and asked myself, 'What am I doing?" he says.

But Slentz foresees no approaching mid-life crisis that will propel him into a new career.

"I guess all of us have wondered at times if we have made the right decisions," Slentz says. "But I've always enjoyed the Postal Service. It offers a lot of opportunities."•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of Rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Mike Tongour, a member of the staff of Senator SIMPSON, to participate in a program, in China, sponsored by the Chinese People's Institute of Foreign affairs, from August 7–22, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Tongour in this program.

The select committee received notification under rule 35 for Senator SHELBY and Tom Young and Victoria Lee, members of the staff of Senator SHELBY, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 7–25, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senator SHELBY, Mr. Young and Ms. Lee in this program.

The select committee received notification under rule 35 for David Cox, a member of the staff of Senator BOREN, to participate in a program in Indonesia, sponsored by the Republic of Indonesia, from August 20–September 5, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Cox in this program.

The select committee received notification under rule 35 for Erin Ennis, a member of the staff of Senator BREAUX, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 10–25, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Ennis in this program.

The select committee received notification under rule 35 for Patrick Mulloy, a member of the staff of Senator RIEGLE, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 7–22, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Mulloy in this program.

The select committee received notification under rule 35 for Laura Hudson, a member of the staff of Senator JOHNSTON, to participate in a program in Indonesia, sponsored by the Republic of Indonesia, from August 20–September 5, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Hudson in this program.

The select committee received notification under rule 35 for Robert Mangas, a member of the staff of Senator FORD, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 10–25, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Mangas in this program.

The select committee received notification under rule 35 for Anthony H. Cordesman, a member of the staff of Senator McCAIN, to participate in a program in Indonesia, sponsored by the Embassy of the Republic of Indonesia, from August 20–September 5, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Cordesman in this program.•

TRIBUTE TO MARILYN A. McLAUGHLIN

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to a special citizen from the Commonwealth of Kentucky, Marilyn McLaughlin. She is a remarkable individual whose devotion to others and tireless efforts on behalf of the underprivileged deserve special recognition.

Mrs. McLaughlin is the executive director of Dare to Care, Inc., an ecumenical nonprofit corporation that distributes food to needy families. Last year, the corporation distributed more than six million pounds of food and served more than 95,000 individuals from 28,000 families. Those are mind-boggling statistics that represent real help for the average citizen. A lot of the credit for that prodigious effort goes to Mrs. McLaughlin.

Mrs. McLaughlin has been a native of Louisville since 1965 when she moved there from New York City with her husband of 40 years, Albert. After her five children were grown, she decided to embark on a professional career. She enrolled at the University of Louisville, and graduated summa cum laude in 1982. Mrs. McLaughlin had always been active in volunteer activities throughout her adult life, so it was only natural she take a job at a food bank, Dare to Care. Six months later she was named director and she has been there ever since.

Mrs. McLaughlin is an unflinching advocate for the disadvantaged. Not deterred by dwindling corporate donations of food to her organization, she finds other ways to meet Dare to Care's goals. She asks farmers to plant a little extra or is even considering having Dare to Care launch its own canning operations. She is convinced that people will always be willing to extend a helping hand.

In addition to her endless efforts on behalf of Dare to Care, Mrs. McLaughlin amazingly finds the time to donate her time to other worthwhile causes. She was recently elected to a 2-year term on Second Harvest's national board of directors and was chairman of the Central Region Food Bank Association from 1990–91. A charter member of the Louisville-Jefferson County Coalition for the Homeless, Mrs. McLaughlin chaired its grants committee from 1988–91. She is currently serving as chair of the Development Committee at U. of L. and is an adjunct professor of political science at Indiana University Southeast.

I ask my colleagues to join me in honoring this remarkable citizen of the Commonwealth. In addition, Mr. President, I ask that an article from the July 5, 1993, edition of Business First be inserted at this point.

The article follows:

The power of one can make a difference. The proof is in the work of Marilyn A. McLaughlin, executive director of Dare to Care Inc., an ecumenical non-profit corporation that distributes food to families.

As Dare to Care's leader for the past 10 years, McLaughlin has made a difference in the lives of thousands of people in Louisville, across Kentucky and the nation.

A 57-year-old grandmother, teacher and business-woman, McLaughlin gets up every morning with one overriding thought in mind—to help others.

"I like trying to make things a little better," McLaughlin says in typically humble fashion.

Dare to Care, which was incorporated in 1971, has numbers that are far from little.

Last year the corporation distributed more than 6 million pounds of food and served more than 95,000 individuals and 28,000 families.

Dare to Care uses donations of food, money and volunteer services from individuals, government and corporations to provide food to people who otherwise would go hungry.

Food and personal-care items, are distributed through 27 distribution centers located throughout the metropolitan area. Persons seeking emergency food need proof of residence and a social security card for each person who needs assistance.

The agency provides a three- to seven-day supply of food.

Individuals can receive emergency food from Dare to Care up to four times a year.

Running the Dare to Care operation is a job that fits McLaughlin like a glove, says Archbishop Thomas Kelly of the Louisville Catholic Archdiocese.

"She's a very dedicated, sensitive person," Kelly says.

The Dare to Care board of directors couldn't have found a person more suited to the job when McLaughlin was hired 10 years ago, Kelly says.

"She's indefatigable," Kelly says.

Which is a good thing given the nature of her work.

McLaughlin refuses to let herself be overwhelmed by the magnitude of the hunger problem or the administrative chores associated with running one of the busiest food banks in the country.

"In this kind of service, if you start to think about the big picture, the fact that there are more and more children who are going hungry, you have periods when you think you can't solve everything," she says. "But I'm not one to sit in a corner crying."

Far from it, say some Louisville corporate leaders and a fellow food-bank executive.

"She's a can-do person. If she sees a problem she finds a way to take care of it."

Mike Mulqueen, executive director of the Greater Chicago Food Depository, says McLaughlin possesses the right mix of compassion and business savvy.

"She's not a pushover. She can be tough as she has to be," Mulqueen says.

A retired Marine Corps brigadier general, Mulqueen first met McLaughlin last year in Miami when they spent eight days coordinating food distribution to victims of Hurricane Andrew.

Both Dare to Care of Louisville and the Greater Chicago Food Depository are members of Second Harvest Food Bank, a national network for emergency food distributors.

It was impressive watching McLaughlin run the Second Harvest operation in south Florida, Mulqueen says. Working long hours, she dealt daily with military officials and agencies such as the American Red Cross and the salvation Army to make sure that food found its way to the people who needed it, Mulqueen says.

Her organizational ability is equal to the skills of many of the officers that he knew during his 31-year military career, Mulqueen says.

"Marilyn would do well in the Marine Corps," he says.

A native of New York City, McLaughlin has lived in Louisville since 1965, when she and her husband, Albert, moved from Philadelphia when he took a job with General Electric Corp.

Married for 40 years, McLaughlin devoted the first part of her adult life to raising a family.

Only after her five children—four girls and one boy—were grown and out on their own did McLaughlin start thinking about a professional career.

With an eye toward finding a job that would allow her to help people, McLaughlin enrolled in the University of Louisville. She graduated summa cum laude in 1982 with a bachelor's degree in urban studies and geology.

Throughout her pre-college life she had performed volunteer social work. Perhaps, McLaughlin thought, she could find something equally rewarding where she could put her education and enthusiasm for "making things better" to work.

"One of my professors heard about a food bank that was getting started and suggested I apply for a job," McLaughlin says.

McLaughlin checked it out and learned that Dare to Care was planning to join the national Second Harvest Food Bank program. The opportunity to be part of a new foodbank program seemed like the perfect opportunity, McLaughlin says.

"I took the job running," she says.

Six months later she was asked to be Dare to Care's director, McLaughlin says. In many ways, McLaughlin says she learned the job on the go.

"I had to learn a lot of things very quickly, she says. "Financial projections, estimating costs. All of that was very new to me," she says.

She credits an experienced staff and an understanding board of directors with helping her learn the ropes of running a business.

Dare to Care has a staff of 13 full-time and four part-time workers.

With McLaughlin at the helm, Dare to Care has seen the strongest growth in its history.

In 1982, the year before McLaughlin was named director, Dare to Care provided emergency food to 35,000 individuals. Ten years later the agency fed more than 95,000.

In the first year of participation in the Second Harvest program, Dare to Care shipped about 250,000 pounds of food. Last year it shipped more than 6 million pounds, including about 1 million pounds of surplus food donated by the U.S. military at the end of Desert Storm.

As the Second Harvest member in Louisville, Dare to Care serves as a conduit for receiving food from private sources and the federal government for distribution throughout Kentucky.

McLaughlin had been on the job with Dare to Care less than a year when she found herself trying to find a new home for the nonprofit agency.

For several years, Dare to Care had operated out of a 5,000-square-foot warehouse on Grade Lane. When United Parcel Service Inc. began building its Louisville air operations in 1984, Dare to Care was forced to find a new headquarters.

The UPS situation actually was a blessing in disguise. Dare to Care desperately needed more space, McLaughlin said.

Although she knew virtually nothing about real estate and construction, McLaughlin set about finding the right place. She also spearheaded Dare to Care's fund-raising effort, which brought in about $800,000 to pay for construction of a new building.

Today, Dare to Care operates out of a 33,000-square-foot warehouse located on a 4-acre site on Fern Valley Road east of Old Shepherdsville Road.

"When building this place I had to make decisions about things I knew absolutely nothing about—paving, plumbing, electrical—but the contractors really were wonderful," she says.

One part of the executive director's job that McLaughlin has never had trouble with is walking into a corporate board room and asking for donations.

"I love to go asking. I really do," she says. "I'm not shy about asking for something for Dare to Care."

Kroger's Hackett says the combination of McLaughlin's upbeat personality and professionalism make business executives want to help out.

"She's very outgoing," says Hackett, a member of the Dare to Care board of directors. "She's always looking for a silver lining."

Kroger is one of Dare to Care's biggest corporate supporters. The grocery company annually donates thousands of pounds of bread, canned goods and other foods to the agency.

In addition to financial donations, food producers, grocery companies and other businesses typically donate such things as dented canned goods or foods taken off the store shelf when they aren't sold by the expiration date.

Rounding up corporate food donations gets harder every year, however, McLaughlin says.

The volume of this so-called surplus food is dwindling as more and more companies implement "zero defect" and "just-in-time" delivery policies to cut their operating costs, McLaughlin says.

That simply means Dare to Care must become more innovative, McLaughlin says.

"We need to be more creative and that's what we're trying to do," she says.

Nontraditional ideas such as asking farmers to plant a little extra or even having Dare to Care launch its own canning operations are some of the ideas bouncing around McLaughlin's creative mind.

McLaughlin estimates that at least 75 percent of her time is spent talking with business executives, civic organizations, church groups and anyone else who will listen to her talk about the needs of the hungry.

"It's estimated that 60 to 70 percent of the people in this country are three paychecks from being homeless," McLaughlin says. "If you can talk to people you can make them see that, 'Hey, that could be me' and they will respond."

Regardless of what the future brings, McLaughlin isn't worried about the food supply drying up.

"On a community level the Louisville community will always respond to the need for food," McLaughlin says. "This is probably the best place to work in this kind of service. I talk to others in this business and the level of support that we get is considered outstanding."

McLaughlin doesn't buy the notion that people are looking out for themselves first these days.

"People aren't caring less." says McLaughlin, "People care. Maybe there's just not so much public display."

One might think that running Dare to Care would be enough public service for the average person.

Not McLaughlin. Her capacity for caring and willingness to work for others less fortunate is boundless, says Archbishop Kelly.

"She loves the poor," Kelly says.

McLaughlin has given her time to a number of charities and community organizations both locally and nationally.

She is currently serving as chair of the Development Committee at U of L and is an adjunct professor of political science at Indiana University Southeast.

She is a member of the Archdiocese of Louisville Peace and Justice Commission and the Kentuckiana Interfaith Council.

She also recently was elected to a two-year term on Second Harvest's national board of directors and was chairman of the Central Region Food Bank Association from 1990–1991.

A charter member of the Louisville-Jefferson County Coalition for the Homeless. McLaughlin chaired its grants committee from 1988–1991.

Her work has brought her numerous awards, including being named a finalist for Pillsbury Co.'s Best Against Hunger award and the city of Louisville Citizen Award. U of L presented an Outstanding Alumni Award in 1989 and Southern Living magazine featured her in a report on "Southerners Who Make A Difference in Southern Living."

McLaughlin credits her Catholic upbringing and education with instilling in her a deep concern for others.

But she doesn't see herself as any different from other people who work in public service or volunteer their time to help public agencies.

"I've just been given a terrific opportunity to work in this community," she says. "I do care a great deal, but I just feel I've been blessed that I can be helping. I'm a very lucky person."

When McLaughlin isn't making others feel good she likes to travel. As often as she and her husband can, they take weekend trips.

The McLaughlins particularly enjoy canoeing and white-water rafting.

"We really started getting into it about 15 years ago. It's not as set a commitment as owning a boat," McLaughlin says with a smile. "You just get in the car and go when you feel like it. If you have a boat you're going to feel like you've got to be out there every weekend to justify spending the money."

Marilyn and Albert McLaughlin have spent many an hour rafting on some of the more well-known white-water rivers in this part of the country.

They sampled the excitement of the Ocoee and Hiawasee rivers in eastern Tennessee and the Gauley River in West Virginia.

They've also ventured west, testing their skills on the Salmon River in Idaho. This summer they spent two weeks rafting rivers in the Rocky Mountains.

"We've been to Colorado before," she says. "Once we were the only ones on a river and we couldn't figure out why until we wiped out totally."

McLaughlin may have wiped out once while rafting, but she's been nothing but successful in her work with Dare to Care, say those who know her.

"She loves what she does and it shows," says Kroger executive Hackett.

"Marilyn knows how to do the things necessary to not only survive, but thrive in a non-profit environment," says Mulqueen, her Chicago counterpart.

"Anyone who donates to her food bank, I can assure them that their money is going to be well-spent," Mulqueen says.●

TRIBUTE TO WEST VIRGINIA MODEL PROGRAMS FOR MATH AND SCIENCE

● **Mr. ROCKEFELLER.** Mr. President, I rise today to commend my State of West Virginia's inservice teacher training programs which have served as successful models under the Dwight D. Eisenhower Mathematics and Science Education Program.

Our Nation continues today toward an ideal of placing our country's students first in the world in science and mathematics. West Virginia has made a commitment to advancement in the areas of mathematics and science and has developed and implemented three models which we proudly recognize.

The Math Their Way Program, developed in Hampshire County, is a supplemental mathematics program for kindergarten through second grade The focus is on using materials and activity-centered learning to encourage thinking, understanding, and creativity as well as the mastery of basic skills. Concepts covered in the workshop are free exploration, numbers, measurements, patterning, sorting and classifying, comparing, counting, graphing, and problem solving. Upon completion of the program, teachers receive materials and are encouraged to start a Math Their Way Program within their own school.

In the area of Earth science, the Rock Formations of the Northern Eastern United States Program was headed by Robert Behling of West Virginia University. This model entailed a 5-day, 4-night traveling graduate class which continues a 5-year program to update the Earth science teachers of Marion County. Major activities of the program include tours of various mineral mines throughout Pennsylvania, Vermont, and New York. The program focuses developing activities and lessons to be applied in the classroom.

The third of our State's models is the Path to Mathematics and Science Program, a product of Fairmont State University. The goal of this model is to increase middle school teachers' knowledge of mathematics and chemistry or physics and assist teachers in the integration of a hands-on approach to raise student interest in, and understanding of, these subjects. This is accomplished through a 1-week inservice training course, followed by 1 week of teaching this knowledge to 60 minority and/or disadvantaged students. Highlighting this program are the daily mathematics and science labs in which teachers and students work together on applying their newly acquired skills. These activities emphasize group interaction skills and promote student interest and understanding of these subjects.

These programs inspire teachers and greatly help students. It is also helping to foster important partnerships between institutions of higher learning and elementary and secondary schools. Such cooperation and partnership strengthen both groups.

As West Virginia and our country strive to set new standards of excellence in education and work to reach our national goals, including leading the world in math and science education, we must invest in teacher training and education. Federal support for these programs is crucial to spur innovative programs and initiatives in my State and across the country.

The West Virginia educators deserve our praise and support for these programs, and it will help children in classrooms for years to come. Education is a fundamental investment for our future.●

NOMINATION HELD AT THE DESK

Mr. FORD. Mr. President, as in executive session, I ask unanimous consent that the nomination of Jeffrey E. Garten, to be Under Secretary of Commerce for International Trade, received by the Senate today, be held at the desk until close of business Monday, August 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENHANCING THE AVAILABILITY OF CREDIT IN DISASTER AREAS

Mr. FORD. Mr. President, on behalf of the two leaders, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1273, regarding credit in disasters, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1273) to enhance the availability of credit in disaster areas by reducing the regulatory burden imposed upon depository institutions to the extent such action is consistent with the safety and soundness of the institution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I rise today to ask the Senate to pass by unanimous consent S. 1273, the Disaster Credit Relief Act of 1993, as amended. Almost every major river and tributary in the Midwest is flooding. This is a regional disaster of monumental proportions. It is not a 100-year flood, it is a 500-year flood. Places that have never flooded before are flooding now and even in high areas, saturated ground is causing houses to slide from their foundations. Thousands of families have fled, many square miles of farmland are under water, and the rivers continue to rise. This continued rainfall just prolongs the drop in the water level.

The Midwest is suffering greatly as a result of the flood. In touring Missouri, I was overwhelmed by the devastation. Thousands of homes have been damaged, towns have been destroyed, and large sections of farmland have been rendered useless. At this date, it is very difficult to estimate the damage to Missouri, let alone all of the other States also affected by the flood. However, it is clear that it will be enormously expensive to rebuild and recover from this event.

Last year, when hurricanes wrought havoc on Florida, Hawaii, and Louisiana, one of the elements of disaster relief enacted by Congress was to provide flexibility to bank regulators to help address the credit needs caused by the crisis situation. Utilizing these powers, the Federal banking regulators were able to waive certain regulations that inhibited credit availability in the disaster area.

Last week, I introduced legislation to provide the financial regulators with similar authority. This legislation was referred to the Senate Committee on Banking, Housing, and Urban Affairs. Since that time, I have worked closely with Chairman RIEGLE and Senators D'AMATO and MOSELEY-BRAUN, to fashion a bipartisan amendment that will provide the needed assistance. I want to thank all of them for their support and assistance, and I particularly want to thank Senator D'AMATO for his efforts in this regard. His help in facilitating the process will enable us to pass this legislation in a very short period of time, thereby getting the needed funds to the flood victims sooner instead of later.

Today, along with my original cosponsors, Ms. MOSELEY-BRAUN and Mr. D'AMATO, I am asking the Senate to pass this bill as amended and to send it to the other body for its timely consideration. I hope this legislation will be passed and sent to the President in a matter of days. We need to provide assistance now, while the flood is ongoing.

S. 1273, as amended, will help provide credit to individuals and small businesses damaged by the flooding in the Midwest by giving the Federal bank regulatory agencies the discretion to waive regulations that might inhibit lending in disaster areas.

For example, the Federal banking agencies might temporarily waive regulations to make it easier to extend existing credit lines, to simplify how loans are written up, to speed access to funds, and to cut down on loan documentation and paperwork.

The bill would allow waivers to be made in areas which have been declared disaster areas by the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or in areas determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1993 flooding of the Mississippi River and its tributaries.

People all across the Midwest are pulling together to fight for their homes, lands, and communities. We are thankful for the outpouring of help from our neighbors and the quick action by Federal officials, but, unfortunately, the $2.98 billion that the President originally sought will fall far short. In fact, I would not be surprised if Missouri's losses alone came to that amount. We need to provide assistance now while the flooding is ongoing; we need to help people get credit or have credit extended. We also must be prepared to provide quick and useful assistance when it is time to rebuild. I believe S. 1273 is one way to help the people of Missouri and other States in the Midwest get access to the money they need to get back on their feet.

Mr. President, I would also ask for unanimous consent to have printed in the RECORD a copy of a letter from Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve, and a copy of a letter from Andrew C. Hove, Jr., Chairman of the Federal Deposit Insurance Corporation, concerning the need for this legislation.

I thank my colleagues for their support of this measure and I ask that the full text of my statement be printed in the RECORD, along with the full text of the bill as amended.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, July 29, 1993.

Hon. CHRISTOPHER (KIT) BOND,
U.S. Senate, Washington, DC.

DEAR SENATOR: I am writing to respond to your request for comment on whether any changes are needed in the Depository Institutions Disaster Relief Act of 1992 (DIDRA) to respond to operational and credit needs in the areas in the Midwest that have been affected by the recent flooding.

Under the existing provisions of DIDRA, the Federal Reserve and the other federal financial institutions regulatory agencies have taken several steps to provide regulatory relief, including waiver of the appraisal requirements of Title XI of FIRREA and the agencies' appraisal regulations and relief from certain leverage capital standards. Using its regulatory authority, the Board has also provided temporary relief from certain provisions of Regulation Z (Truth in Lending). In addition to these initiatives, the Federal Reserve has also authorized the Reserve Banks in the affected areas to grant filing extensions to those organizations that are unable to meet regulatory reporting deadlines due to flood-related problems. Furthermore, consistent with long-standing practice, the Federal Reserve has reminded our examiners that they should give due consideration to the unusual circumstances that institutions face in flood-affected areas in determining any supervisory action. These initiatives to provide relief in the Midwest are similar to those taken in 1992 in response to Hurricanes Andrew and Iniki and the Los Angeles civil unrest.

The Federal Reserve believes that DIDRA as originally enacted gives the agencies sufficient authority to provide regulatory relief while also enabling them to take appropriate actions to maintain the safety and soundness of federally insured institutions. In that light, even though affected institutions are exempt from the appraisal requirements, the agencies still require institutions to document the collateral's value. Further, after waiving the appraisal requirement in disaster areas, the agencies have the discretion to revoke or modify the waiver, with proper notice, if circumstances so warrant. Under the provisions for relief from the leverage capital standards, there are also adequate safeguards to prevent possible abuse. First, an eligible institution must request relief from the appropriate Reserve Bank which will review each request on a case-by-case basis and consult with Board staff on the decision to grant relief. Second, the institution must have been adequately capitalized prior to the disaster and present an acceptable plan for managing the resulting increase in assets and deposits.

Several provisions of DIDRA have expired or are about to expire. These provisions include: section 3 (Truth in Lending Act; Expedited Funds Availability Act) which expired in April 1993 and gave the Board the authority to provide temporary relief from provisions of the Truth in Lending Act and the Expedited Funds Availability Act; section 4 (Deposit of Insurance Proceeds) which expires on April 23, 1994 and allows an institution to apply for relief from the leverage capital standards under certain situations; and section 5 (Banking Agency Publication Requirements) which expired in April 1993 and allowed the agencies to waive certain procedural requirements in acting on applications or regulatory initiatives where immediate action is needed to facilitate recovery from the disaster.

While the Board was able to use its existing authority to provide relief from the Regulation Z (Truth in Lending) requirements similar to that provided by DIDRA, the Board believes that Congress may wish to extend the availability of sections 3, 4 and 5 of DIDRA in order to permit the agencies to respond quickly and uniformly in future major disaster areas. Congress may also wish to give consideration to extending the coverage of section 3 to give the Board the ability to grant temporary relief in major disaster areas from provisions of the Electronic Fund Transfer Act and the Truth in Savings Act.

Please be assured that the Federal Reserve will continue to monitor the situation in the Midwest and respond to the needs of affected institutions and borrowers.

Sincerely,

ALAN GREENSPAN,
Chairman.

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, July 29, 1993.

Hon. ALFONSE M. D'AMATO,
U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: Thank you for your recent request for comments on recommended changes to the Depository Institution Disaster Relief Act of 1992 (DIDRA), P.L. 102-485, that may be needed to respond to this year's flooding.

The Federal Deposit Insurance Corporation is sensitive to the special needs which accompany natural disasters such as floods, earthquakes and major storms and we support the intent of DIDRA to facilitate recovery from such disasters. In order to lessen unnecessary regulatory interference with local economic recovery, we have acted already on those regulations that we can temporarily modify. A News Release listing temporarily modified supervisory practices is enclosed for your information.

Certain laws and regulations that are beneficial and protect public policy interests in normal times can slow an insured institution's response in providing financial services during disasters. As we learned in 1992, granting temporary regulatory relief from these laws does not affect the safety and soundness of insured institutions. Insured institutions continue to be subject to active supervision and bank management is always expected to act in a prudent manner. It is unlikely that regulated institutions would purposefully harm themselves or their customers, or cause a loss to the insurance fund solely due to temporary waiver of a law or regulation. If any institution became involved in unacceptable activities, the federal financial institutions regulatory agencies have substantial enforcement powers to force correction.

Congress may want to consider reinstating DIDRA's expired provisions. Several sections of DIDRA have sunset dates. Two Sections expired in April 1993: Section 3 (Truth in Lending Act; Expedited Funds Availability Act) and Section 5 (Banking Publication Requirements). To allow banks regulatory relief for future disasters, Congress might consider the benefits of extending these provisions permanently as well as the April 1994 expiration date of Section 4 (Deposit of Insurance Proceeds). These provisions would provide regulatory relief during disasters and facilitate recovery after the disaster.

We appreciate the opportunity to comment on this important issue and stand ready to help in any way we can.

Sincerely,

ANDREW C. HOVE, JR.,
Acting Chairman.

AMENDMENT NO. 744

(Purpose: To provide the Federal banking agencies with increased regulatory flexibility for financial institutions located in major disaster areas, as declared by the President)

Mr. FORD. Mr. President, I send an amendment to the desk on behalf of Senator BOND and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. BOND, for himself, Ms. MOSELEY-BRAUN, and Mr. D'AMATO, proposes an amendment numbered 744.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disaster Credit Relief Act of 1993".

SEC. 2. DISASTER CREDIT RELIEF.

(a) REGULATORY EXCEPTION AUTHORITY.—

(1) EXCEPTION AUTHORITY.—In any area in which the President has determined, on or after April 1, 1993, that a major disaster exists pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1993 flooding of the Mississippi River and its tributaries, the Board of Governors of the Federal Reserve System may make exceptions to—

(A) the requirements of the Truth in Lending Act, for credit transactions made within such area; or

(B) the requirements of the Expedited Funds Availability Act for offices of depository institutions (as defined in section 602 of that Act) located within such area;

if the Board determines that the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects of the exception.

(2) EXPIRATION.—Any exception granted under paragraph (1) shall expire not later than October 1, 1994.

(3) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(A) describes any exception made under this subsection; and

(B) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

(b) LEVERAGE LIMIT COMPLIANCE.—

(1) EXCEPTION AUTHORITY.—The appropriate Federal banking agency may, by order, permit an insured depository institution located in any area in which the President has determined, on or after April 1, 1993, that a major disaster exists pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1993 flooding of the Mississippi River and its tributaries, to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not to exceed the qualifying amount attributable to insurance proceeds, if the agency determines that—

(A) the institution—

(i) had its principal place of business within the major disaster area on the day before the date of the President's determination;

(ii) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster (such as the flooded areas of the Mississippi, Missouri, Kansas, Illinois, and Des Moines rivers, and the tributaries of such rivers);

(iii) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the President's determination; and

(iv) has an acceptable plan for managing the increase in its total assets and total deposits; and

(B) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act;

(B) the term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act;

(C) the term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act; and

(D) the term "qualifying amount attributable to insurance proceeds" means the amount by which the insured depository institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of the Presidential determination referred to in paragraph (1), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

(3) EXPIRATION.—Any exception granted under this subsection shall expire not later than April 1, 1995.

(c) BANKING AGENCY PUBLICATION REQUIREMENTS.—

(1) IN GENERAL.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within any area in which the President has determined, on or after April 1, 1993, that a major disaster exists pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act or any area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1993 flooding of the Mississippi River and its tributaries, if the agency determines that the action would facilitate recovery from the major disaster:

(A) PROCEDURE.—The agency may exercise its authority under provisions of law other than this subsection without regard to—

(i) any requirement of section 553 of title 5, United States Code; or

(ii) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(B) PUBLICATION REQUIREMENTS.—The agency may make exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(i) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(ii) any other similar publication requirement.

(2) PUBLICATION REQUIRED.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(A) describes any action taken under this subsection; and

(B) explains the need for the action.

(3) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this subsection, the term "qualifying regulatory agency" means—

(A) the Board of Governors of the Federal Reserve System;

(B) the Comptroller of the Currency;

(C) the Director of the Office of Thrift Supervision;

(D) the Federal Deposit Insurance Corporation;

(E) the Federal Financial Institutions Examination Council;

(F) the National Credit Union Administration; and

(G) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(4) EXPIRATION.—The authority of a qualifying regulatory agency to take any action in accordance with this subsection shall expire not later than April 1, 1994.

SEC. 3. STUDY AND REPORT REQUIRED.

(a) STUDY.—The Secretary of the Treasury, after consultation with the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), shall conduct a study to assess the impact of Federal banking laws and regulations on the provision of credit and banking services in major disaster areas, as declared by the President. The study shall—

(1) examine how the agencies and entities granted authority by the Depository Institutions Disaster Relief Act of 1992 and by this Act have exercised such authority;

(2) evaluate the utility of such Acts in facilitating recovery from disasters consistent with the safety and soundness of depository institutions; and

(3) contain recommendations with respect to whether the authority granted by this Act should be made permanent.

(b) REPORT TO THE CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to the Congress containing the results of the study conducted under subsection (a), together with any recommendations for legislative or administrative actions that should be taken.

SEC. 4. SENSE OF THE CONGRESS REGARDING THE FLOODS OF 1993.

It is the sense of Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions in areas affected by such major disasters as the flooding of the Mississippi, Missouri, Kansas, Illinois, and Des Moines rivers, and the tributaries of such rivers, to meet the financial services needs of their communities.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 744) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SMALL BUSINESS GUARANTEED CREDIT ENHANCEMENT ACT OF 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 167, S. 1274, a bill to authorize funding for certain SBA programs; that the committee amendment be agreed to; the bill, as amended, be deemed read three times, passed, and the motion to reconsider laid upon the table; that the title amendment be considered agreed to; and that any statements and related materials regarding this measure appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 1274) to authorize funding for certain Small Business Administration programs, and for other purposes, which had been reported from the Committee on Small Business, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Guaranteed Credit Enhancement Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. General authorizations for fiscal years 1993 and 1994.
Sec. 3. Extension of State limitation on interest rates.
Sec. 4. Guaranteed business loan program amendments.
Sec. 5. Interest rate for Preferred Lenders Program.
Sec. 6. Microloan program amendments.
Sec. 7. Small Business Development Center Program.
Sec. 8. Regulations.
Sec. 9. White House Conference on Small Business.
Sec. 10. National Women's Business Council.

SEC. 2. GENERAL AUTHORIZATIONS FOR FISCAL YEARS 1993 AND 1994.

(a) FINANCINGS FOR FISCAL YEAR 1993.—Section 20(g)(2) of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking "$7,030,000,000" and inserting "$8,455,000,000";

(2) in subparagraph (A), by striking "$6,200,000,000" and inserting "$7,500,000,000"; and

(3) in subparagraph (C), by striking "$775,000,000" and inserting "$900,000,000".

(b) FINANCINGS FOR FISCAL YEAR 1994.—Section 20(i)(2) of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking "$8,083,000,000" and inserting "$9,258,000,000";

(2) in subparagraph (A), by striking "$7,200,000,000" and inserting "$8,000,000,000"; and

(3) in subparagraph C), by striking "$825,000,000" and inserting "$1,200,000,000".

(c) REDESIGNATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (l), as added by section 405(3) of the Small Business Credit and Business Opportunity Enhancement Act of 1992—

(A) by striking "(l) There" and inserting "(2) There", and indenting appropriately; and

(B) by striking "subsection (k)" and inserting "paragraph (1)";

(2) by redesignating subsection (k), as added by section 405(3) of the Small Business Credit and Business Opportunity Enhancement Act of 1992, as subsection (l);

(3) in subsection (n)—

(A) by striking "(n) There" and inserting "(2) There", and indenting appropriately; and

(B) by striking "subsection (m)" and inserting "paragraph (1)";

(4) by redesignating subsection (o) as subsection (n); and

(5) in subsection (p)—

(A) by striking "(p) There" and inserting "(2) There", and indenting appropriately; and

(B) by striking "subsection (o)" and inserting "paragraph (1)".

SEC. 3. EXTENSION OF STATE LIMITATION ON INTEREST RATES.

Section 112(c) of the Small Business Administration Reauthorization and Amendments Act of 1988 (Public Law 100–590; 102 Stat. 2996) is amended—

(1) by striking paragraph (2); and

(2) by striking "(1) IN GENERAL.—".

SEC. 4. GUARANTEED BUSINESS LOAN PROGRAM AMENDMENTS.

(a) ADDITIONAL GUARANTEE FEES.—

(1) IN GENERAL.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended—

(A) by inserting "(A)" after "(18)"; and

(B) by adding at the end of the following new subparagraph:

"(B) In addition to fees collected under subparagraph (A), the Administration shall collect an excess premium fee from the participating lending institution in any case in which the sale price of the guaranteed portion of a loan made under this section and sold on the secondary market exceeds 110 percent of the face value of the guaranteed portion of the loan. Such fee shall be equal to 50 percent of that portion of the sale price that is in excess of 110 percent of the face value of the guaranteed portion of the loan. Such fee may not be charged to the borrower."

(2) SUNSET.—The amendments made by paragraph (1) shall remain in effect until September 30, 1996.

(b) GUARANTEE PERCENTAGES.—

(1) IN GENERAL.—Subparagraph (B) of section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended to read as follows:

"(B) subject to the limitation in paragraph (3)—

"(i) not less than 70 percent nor more than 85 percent of the financing outstanding at the time of disbursement, if such financing is more than $155,000 and the period of maturity of such financing is less than 10 years, except that the participation by the Administration may be reduced below 70 percent upon request of the participating lender;

"(ii) not less than 70 percent nor more than 75 percent of the financing outstanding at the time of disbursement, if such financing is more than $155,000 and the period of maturity of such financing is not less than 10 years, except that the participation by the Administration may be reduced below 70 percent upon request of the participating lender; and

"(iii) not less than 85 percent of the financing outstanding at the time of disbursement, if such financing is a loan under paragraph (16).".

(2) ADDITIONAL AMENDMENTS.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in the second sentence, by striking "guaranteed to less than 85 percent" and inserting "guaranteed to less than the specified percentages"; and

(B) in the third sentence, by striking "80 percent" and inserting "75 percent".

(c) ANNUAL GUARANTEE FEE; PENALTY.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraphs:

"(22)(A) For loans guaranteed under this subsection, the Administrator is authorized to collect, either directly or through a fiscal and transfer agent, an annual fee on each loan that is equal to ¼ of 1 percent of the declining principal balance of the loan.

"(B) The Administrator is authorized to impose and collect, either directly or through a fiscal and transfer agent, a reasonable penalty fee on late payments of the fee authorized under subparagraph (A).".

SEC. 5. INTEREST RATE FOR PREFERRED LENDERS PROGRAM.

Section 7(a)(2) of the Small Business Act (15 U.S.C. 7(a)(2)) is amended by inserting after the third sentence the following: "The maximum interest rate for a loan under the Preferred Lenders Program shall not exceed the maximum interest rate applicable to other loan guarantee programs under section 7(a), as established by the Administrator.".

SEC. 6. MICROLOAN PROGRAM AMENDMENTS.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking "$15,000" and inserting "$25,000";

(2) in paragraph (4)(C)(ii), by inserting "to defray costs associated with loan fund administration and" before "to provide";

(3) in paragraph (5)(A), by striking "6 grants" and inserting "12 grants";

(4) by amending paragraph (9)(A) to read as follows:

"(A) IN GENERAL.—The Administration may provide, directly or through an organization described in subparagraph (B), technical assistance for participants and potential participants in the Microloan Demonstration Program to give such participants and potential participants such knowledge, skills, and understanding of microlending practices necessary to operate successful microloan programs."; and

(5) in paragraph (9)(B)—

(A) by striking "3 percent" and inserting "7 percent"; and

(B) by inserting "and nonprofit organizations that have demonstrated experience in providing training support for microenterprise development and financing" and "microlending organizations".

SEC. 7. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

Section 223(b) of the Small Business Credit and Business Opportunity Enhancement Act of 1992 (15 U.S.C. 631 note) is amended by striking "Such proposed regulations shall not be published in the Federal Register.".

SEC. 8. REGULATIONS.

Not later than 60 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate interim final regulations to implement the amendments made by this Act.

SEC. 9. WHITE HOUSE CONFERENCE ON SMALL BUSINESS.

(a) DATES OF CONFERENCES.—Section 2 of the White House Conference on Small Business Authorization Act (15 U.S.C. 631 note) is amended—

(1) by striking "January 1, 1994" and inserting "May 1, 1995";

(2) by striking "April 1, 1994" and inserting "December 31, 1995"; and

(3) by striking "December 1, 1992" and inserting "March 1, 1994".

(b) APPOINTMENT OF COMMISSIONERS.—Section 5(a) of the White House Conference on Small Business Authorization Act (15 U.S.C. 631 note) is amended by striking "The President" and inserting "Not later than 30 days after the date of enactment of the Small Business Guaranteed Credit Enhancement Act of 1993, the President".

SEC. 10. NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) MEMBERSHIP.—

(1) NEW MEMBERS.—Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended in subsection (a)—

(A) by striking "nine" and inserting "eleven";

(B) in paragraph (1), by inserting ", the Secretary of Labor (or such Secretary's deputy)," after "(or such Secretary's deputy)";

(C) in paragraph (2), by striking "and" at the end;

(D) in paragraph (3), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following new paragraph:

"(4) one member shall be appointed by the President.".

(2) APPOINTMENT DATE.—The first appointment required under section 403(a)(4) of the Women's Business Ownership Act of 1988 (as added by paragraph (1)(E)) shall be made not later than 90 days after the date of enactment of this Act.

(3) TERMS OF CURRENT MEMBERS.—Any member appointed under paragraph (2) or (3)

of section 403(a) of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) and serving prior to the date of enactment of this Act shall continue to serve until the expiration of the term for which the member was appointed.

(4) CONFORMING AMENDMENT.—Section 403(b) of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(A) in paragraph (1), by striking "section (a)(2) and (3)" and inserting "paragraphs (2), (3), and (4) of subsection (a)";

(B) in paragraph (2)(C), by striking "subsection (a)(2) and (3)" and inserting "paragraphs (2), (3), and (4) of subsection (a)"; and

(C) in paragraph (2)(F)—

(i) by striking "(1) Two" and inserting "(i) Three"; and

(ii) by striking "(2) A majority" and inserting "(ii) A majority".

(5) DELETION OF OBSOLETE REFERENCES.—Section 404 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by striking "rate of basic pay payable for GS–18 of the General Schedule" each place it appears and inserting "rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code".

(b) AUTHORIZATION.—Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 407. AUTHORIZATION.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

"(1) $500,000 for fiscal year 1994; and

"(2) $500,000 for fiscal year 1995.

(b) LIMITATION ON AUTHORITY.—New spending authority or authority to enter into contracts as authorized in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

"(c) SUNSET.—This section shall cease to be effective on November 30, 1995.".

Amend the title so as to read: "A bill to reduce the subsidy cost for the Guaranteed Business Loan Program of the Small Business Administration, and for other purposes.".

Mr. BUMPERS. Mr. President, I rise to speak as the Senate turns to consideration of S. 1274, which is on the Senate Calendar. The Committee on Small Business favorably reported this measure, with an amendment, by a unanimous vote on Wednesday, July 28. Several Senators joined me in introducing this bill approximately 1 week earlier, and the committee received testimony on this measure and the administration's budget proposals for SBA on Thursday, July 22. Obviously, this short timeframe does not reflect the amount of work which has gone into the bill over a period of several months.

S. 1274, the Small Business Guaranteed Credit Enhancement Act of 1993, makes far-reaching reforms in the SBA section 7(a) lending program. This bill, Mr. President, does exactly what President Clinton and Vice President GORE have been talking about since before their election. It is part of reinventing government. It is part of doing things smarter and more efficiently and effectively. It is absolutely necessary if we are to respond to the crying needs of increasing number of small businesses for access to capital and credit, and if we are to do so without increasing Federal spending.

These changes will reduce the cost of individual 7(a) loans, while placing the program on a sounder financial footing for years to come. Let me state for the record briefly how this program works. The Small Business Administration participates with banks in partially guaranteeing loans to small firms which would otherwise be unable to get financing. The borrower pays a 2 percent up-front guaranty fee. Interest rates are established by regulation at not more than 2.75 percent above the prime rate, and are not subsidized in any way. Actual interest rates are often below the maximum. Since it is a loan guaranty program rather than a direct loan program, Congress annually appropriates an amount of money equal to the expected cost of the loans over their lifetime. Under the Credit Reform Act of 1990, a complex mathematical formula controlled by the Office of Management and Budget establishes the so-called subsidy cost for this program, like other loan programs. Presently, the subsidy cost for the 7(a) program for 1994 is 4.9 percent, but this figure will fall to 4.70 percent by October due to a technical adjustment in interest payments on defaulted loans. The subsidy percentage is divided into the amount of appropriated dollars and this figure produces the program level or total loan authority.

This bill cuts the subsidy cost of 7(a) loans from the current 4.92 to 2.09 percent. Simultaneously, we will be able to enlarge the 7(a) program from the currently appropriated guaranty level of $6.8 billion to $7.4 billion in fiscal year 1993, and $8 billion in fiscal year 1994. Of course, actual appropriations for the program are much less—$154.8 million. Enlargement of the 7(a) program in the current year can occur because the administration has agreed to rescore funds appropriated in the most recent supplemental as of the date of enactment. This will increase loan authority for the remainder of 1993. This point is extremely important in that any excess funds can be carried over to fiscal year 1994 and ease the burden on appropriations for next year.

Most importantly, this bill will allow for increases in SBA lending at no additional cost to the taxpayers because these savings will be borne, almost without exception, by the lending institutions rather than by the small business borrowers. Incidentally, S. 1274, as reported, reduces the subsidy for 7(a) loans and thereby produces budget savings even more than the ambitious targets set by the administration budget proposal. The administration proposal would allow for $7.036 billion in loans for 1994, while this bill will produce $7.407 billion in loans using the administration request of $154.8 million in appropriations.

This bill will reduce the Government's guaranty from 85 to 75 percent on loans longer than 10 years and greater than $155,000, while protecting the smaller borrower by maintaining a 90 percent guaranty on loans less than $155.000. Loans greater than $155,000 but for less than 10 years will also continue with the current guaranty of 85 percent. The exception to this rule will be loans made under the Preferred Lender Program [PLP], which will carry an SBA guaranty of 75 percent.

Savings will also be achieved through a modest fee of one-fourth of 1 percent on the declining principal balance of all new section 7(a) loans. This fee will be paid by the lending institutions. It is possible that in some cases this fee may result in slightly higher interest rates, but generally that should not be the case. For banks already making loans at the maximum rate prescribed by SBA—which is 2.25 percent above New York prime for loans under 7 years and 2.75 percent above prime for loans of 7 years and more—the quarter-point fee will have to be absorbed by the lender. In many other areas, market competition for SBA loans will keep interest rates below the maximum, sometimes well below.

While banks are not enthusiastic about new fees, I believe the program is sufficiently profitable that lenders will continue to participate in the 7(a) program. This is especially true for loans sold in the secondary market where lenders are realizing significant premiums above par. More importantly, lenders and borrowers alike can be confident about the future of the 7(a) program.

Finally, the bill imposes an excess premium fee on lenders who sell 7(a) loans in the secondary market for prices above 110 percent of par. As I indicated, there have been a number of such sales which yield extraordinary profits for the lenders. I certainly have nothing against banks making a profit since that is what free enterprise is all about. However, these large prices are due solely to the Government's guaranty on a loan which carries an interest rate much higher than comparable Treasury securities or even agency paper. Frankly, 110 percent of par is a rich price for a bank to receive, and at least some of the excess above that should be used to support this program and defray the Government's costs. Hence, one-half of any premium in excess of 110 will be remitted to the Government. Each of these measures has been scored by the administration according to a mathematical model which is dictated by the Credit Reform Act of 1990, as follows:

Reductions to subsidy rate for 7(a) program—current rate: 4.92 percent or 492 basis points.

First, impose a one-quarter percent fee on the declining balance of all loans guaranteed, to be collected either directly by SBA or through a fiscal and transfer agent. Saves 110 basis points.

Second, decrease guaranteed percentage of PLP loans from 80 to 75 percent. Saves 17 basis points.

Third, impose an excess premium fee on loans sold in the secondary market at a premium of over 110 basis points, such fee equal to 50 percent of the excess premium. Saves 73 basis points.

Fourth, leave guaranteed percentage at 90 percent for loans under $155,000, but decrease guarantee percentage from 85 to 75 percent on loans of more than $155,000 with maturities of longer than 10 years. Saves 61 basis points.

Demand for 7(a) loans, as Senators well know, has skyrocketed since the beginning of the so-called credit crunch. The 7(a) program level has almost doubled in the last 2 fiscal years from about $3.5 billion at the beginning of 1992 to $6.8 billion under the current supplemental appropriation. This increase has been possible only because of supplemental appropriations, which are becoming a thing of the past. In 1992, Congress and President Bush agreed to provide emergency spending authority to finance new small business loans, and this year President Clinton and the Congress provided new loan authority by making a number of reductions and transfers from other Federal programs. This bill will allow lenders and borrowers to look to the future with confidence that the SBA will be able to meet the credit needs of the most vital sector of our economy.

Everyone who supports this bill can take credit for not only an expanded 7(a) program, but for a program which is less onerous to all concerned than the administration's proposal. This bill reduces the guaranteed percentage less and also imposes less in fees on most lenders than the administration proposed. It also reduces the subsidy cost more than the administration proposal. The administration had proposed guaranty levels as low as 70 percent on loans greater than 10 years, and we have been able to avoid that more stringent step.

Personally, I would prefer that we did not have to lower guaranty percentages quite as much as are done in this bill, but I am persuaded that the overwhelming majority of loans which are made under the present program will still be made under these new rules. It remains the intent of Congress that this program provide a source of stable debt financing for small businesses which could not obtain it elsewhere. Long-term financing remains the primary goal of the program. Banks are simply unable to extend long-term loans for plant and equipment to most small businesses without the SBA guaranty.

The General Accounting Office found in 1983 that some 40 percent of all long-term small business loans in the banking system are made with the SBA guaranty. I suspect that percentage has grown since then, and I intend to ask GAO to update that study.

With cooperation on both sides, it remains possible that we might pass this legislation and send it to the President before Senators return to their States for the August recess. If so, according to SBA Administrator Bowles, we would increase the value of the supplemental 7(a) funding approved last month—by making the money go further—by $1.6 billion. Loan authority which is not used in 1993 can be carried over to 1994. Hence, time is of the essence in passing this measure.

This bill, as I indicated, was reported unanimously by the Small Business Committee with one small amendment in the committee which retains current authorization of appropriations for the White House Conference on Small Business. The bill has been cosponsored by Senators WOFFORD, KOHL, DOMENICI, LIEBERMAN, HEFLIN, WELLSTONE, HOLLINGS, LEVIN, CHAFEE, DODD, MITCHELL, KERRY, and MOSELEY-BRAUN. I hope every Member of the Senate will join us in supporting the bill.

I am also hopeful that the House will accept this bill and send it to the President. If so, Members of Congress can rightly go to their businessowners and bankers and tell them that Congress has done something meaningful to alleviate the credit crunch, and that we have done so without increasing spending.

Because of the shortness of time before the upcoming recess, the committee was not able to write a formal report to accompany this bill. However, and in lieu thereof, I have attached a section-by-section analysis of the bill and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

S. 1274, THE SMALL BUSINESS GUARANTEED CREDIT ENHANCEMENT ACT OF 1993

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title, Table of Contents

The short title of S. 1274 is "The Small Business Guaranteed Credit Enhancement Act of 1993."

Section 2. General Authorizations for Fiscal Years 1993 and 1994

This section amends section 20 of the Small Business Act (15 U.S.C. 631 note) to increase the authorizations of appropriations for the Small Business Administration's (SBA's) 7(a) Guaranteed Business Loan program (7(a) program) and 504 Development Company program (504 program). The 7(a) program and 504 program authorizations are increased for fiscal year 1993 to $7.5 billion and $900 million, respectively, and for fiscal year 1994 to $8 billion and $1.2 billion, respectively. The increases contained in this section are in response to escalating demand for these programs during fiscal years 1992 and 1993 due to reluctance on the part of the lenders to make loans to small businesses. Indications are that fiscal year 1994 demand for both programs will also exceed the program levels initially anticipated.

The increases in fiscal year 1993 authorizations will accommodate additional appropriations already provided by Congress for the 7(a) program in the Supplemental Appropriations Act of Fiscal Year 1993 (Pub. L. 103-50) as well as the existing appropriations that SBA is prepared to reprogram to the 504 program.

In addition, section 2 makes technical corrections to section 20 of the Small Business Act to conform duplicatively numbered subsections that were enacted during the 102nd Congress.

Section 3. Extension of State Limitation on Interest Rates

This section amends subsection 112(c) of the Small Business Administration Reauthorization and Amendments Act of 1988 (Pub. L. 100-590) in order to permanently supersede State usury laws with respect to the lender's portion of a 504 Development Company loan. Since 1988, State usury laws have not applied to the 504 program pursuant to this provision. Such usury overrides are frequently included in Federal financing programs.

Section 4. Guaranteed Business Loan Program Amendments

Section 4 amends subsection 7(a) of the Small Business Act (15 U.S.C. 636(a)) to make four changes in the structure of the 7(a) program. The aim of these changes is to reduce the subsidy rate applied to the program under the requirements of the Credit Reform Act of 1990 so that the funds appropriated in fiscal year 1994 and later years will support higher 7(a) program levels. Like the changes in section 2, these changes result from the markedly increased demand for the 7(a) program over the last two years and the likelihood that the high demand will continue or increase further during fiscal year 1994 and beyond.

The first change amends section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) to provide SBA with authority to collect an "excess premium fee" on any guaranteed portion of a 7(a) loan which is sold in the secondary market at more than 110 percent of its face value. The amount of the fee would be equal to half of the amount of the sale price which exceeds 110 percent of the face value of the portion sold. For example, if the guaranteed portion of a loan were $100,000 and its sale price on the secondary market were $114,000, this section would require the lender selling the guaranteed portion to remit to SBA one half of the amount above $110,000, or $2,000. This authority to collect an excess premium fee expires on September 30, 1996.

The second change amends section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) to decrease the percentage of a 7(a) loan that SBA is authorized to guarantee in cases where the loan amount exceeds $155,000 and the maturity of the loan is 10 years or longer. In such cases, this section authorizes SBA to guarantee up to 75 percent of the loan amount.

The third change also amends section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) to reduce the percentage of a 7(a) loan that SBA is authorized to guarantee in cases where the lender making the loan is participating in SBA's Preferred Lender Program (PLP). Under this provision, SBA is authorized to guarantee up to 75 percent of a 7(a) loan made in the PLP program.

Preferred Lenders are those lenders with proven track records in the 7(a) program to whom SBA delegates guarantee authority. SBA does not review each loan made by a

Preferred Lender. In exchange for such delegation, the Preferred Lenders have traditionally received lower guarantees and consequently have assumed greater risks with respect to the loans made under this program.

The fourth change amends section 7(a) by adding a new paragraph (22) which authorizes SBA to collect an annual fee on each 7(a) loan equal to one-quarter of one percent of the declining principal balance. This section also authorizes SBA to charge a reasonable late fee to lenders who fail to remit the annual fee in a timely fashion. SBA may collect the annual fee or late penalties directly from the lenders or arrange to do so through a fiscal and transfer agent.

In implementing these changes, the Committee cautions SBA and participating 7(a) lenders to keep paperwork to the minimum needed to comply with applicable laws and to protect the government's interests as guarantor.

The Committee finds that of the 14,000 banks in the United States, 11,000 are enrolled with the Small Business Administration (SBA), but only about 1,000 are active in SBA finance programs. SBA lending programs are financially attractive to banks while minimizing financial burdens to borrowers. However, part of the reason for the relatively low level of bank participation is that the aggregate paperwork burden facing both borrowers and banks has become excessive. The Committee believes that, in practice, the paperwork burden associated with SBA finance programs dissuades prospective borrowers from applying and prospective lenders from participating. Moreover, the paperwork burden increases the barriers to small business financing and requires small businesses to incur increased costs.

At the same time, the Committee believes that the highest level of program integrity must be maintained, and that the current level of underwriting standards should not be compromised. Paperwork burdens which result in increased costs for both borrowers and lenders but do not have a clear and precise rationale with regard to the integrity of the program should be reviewed. Within that operating context, the Committee urges the SBA to undertake an administrative review of the current paperwork burdens facing both lenders and borrowers and, where practicable, take appropriate actions to remove such burdens. The Committee also welcomes suggestions regarding the curtailment of paperwork burdens mandated by statute.

Section 5. Interest Rate for Preferred Lenders Program

This section amends section 7(a)(2) to cap the interest rate that may be charged by a Preferred Lender. Prior to this legislation, there was no ceiling on interest rates in the Preferred Lender Program. This section ties the interest rates in the Preferred Lender Program to interest rates applicable to so-called "regular" 7(a) loans and to the Certified Lender program. SBA has set those rates by regulation. Under this provision, if SBA changes the interest rates for the regular 7(a) program, the interest rates for PLP loans would change in an identical manner.

Section 6. Microloan Program Amendments

This section amends section 7(m) of the Small Business Act (15 U.S.C. 636(m)) to make changes to the Microloan Demonstration Program. One change would increase the maximum loan amount permitted under this program for microlenders that receive SBA technical assistance grants only. Such lenders would be permitted to loan up to $25,000 to each borrower, which is consistent with the maximum loan amount for other microloan program participants.

Currently, only six Microloan program participants receive grants. This section would increase that number to twelve. In the fiscal year 1993 funding cycle, SBA received a large number of applications for this type of Microloan program participation. The Committee believes that since the Microloan program is a demonstration program, this type of program participation should be tested more widely so that it can be appropriately evaluated at the end of the demonstration period.

The next change permits microloan intermediaries which make the smallest loans, therefore qualifying for an additional five percent technical assistance grant, to use that additional five percent for loan fund administration.

The last issue addressed by this section is training for microloan intermediaries. As the program has expanded, Congress has authorized and appropriated funds for training of the intermediaries. Such training was authorized in order to maintain the high level of operations that exists among the most experienced intermediaries after whom the program was modeled. In furtherance of that goal, this section would authorize SBA to use seven per cent of its loan fund for intermediary training and would permit SBA, either directly or through a training provider, to provide training to intermediaries or potential intermediaries.

Section 7. Small Business Development Center Program

This section deletes the restriction on SBA with respect to publishing regulations for Small Business Development Center program. The restriction is deleted from section 223(b) of the Small Business Credit and Business Opportunity Enhancement Act of 1992.

Section 8. Regulations

This section requires SBA to publish interim final rules to implement this Act within 60 days of enactment.

Section 9. White House Conference on Small Business

This section amends section 2 of the White House Conference on Small Business Authorization Act (15 U.S.C. 631 note) to change the start date for the local and regional conferences to March 1, 1994, and the time frame for the national conference to be between May 1, 1995, and December 31, 1995.

This section also amends section 5(a) of the same act to require the President to appoint Commissioners to the White House Conference on Small Business within 30 days after the enactment of the Small Business Guaranteed Credit Enhancement Act of 1993.

Section 10. National Woman's Business Council

This section amends the Section 403 of the Women's Business Ownership Act of 1988 (Pub. L. 100-533). Section 10 expands the membership of the National Women's Business Council from nine to eleven members. The new membership will include the Secretary of Labor, or such Secretary's Deputy, and a person appointed by the President from the small business community. Any member appointed to the Council by the House of Representatives or the Senate prior to the enactment of this Act may continue to fulfill the remainder of his or her term.

Section 10 also amends Section 407 of the Women's Business Ownership Act of 1988 (Pub. L. 100-533) by authorizing $500,000 per year to carry out the activities of the Council in fiscal years 1994 and 1995. This authorization will cease to be effective November 30, 1995.

So the bill (S. 1274), as amended, was deemed read three times and passed.

SENIOR CITIZENS AGAINST MARKETING SCAMS ACT OF 1993

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar Order No. 158, S. 557, a bill to combat telemarketing fraud.

The PRESIDING OFFICER. The clerk will report

The legislative clerk read as follows:

A bill (S. 557) to combat telemarketing fraud.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, today, the Senate is considering S. 557, the Senior Citizens Marketing SCAMS Act of 1993—SCAMS. This important legislation is aimed at better equipping Federal law enforcement and victims in the interest of preventing, investigating, and prosecuting telemarketing fraud. It has broad bipartisan support as well as the support of the American Telemarketing Association.

Earlier this year, the FBI announced the results of an unprecedented undercover investigation into telemarketing fraud which began more than 2 years ago in Salt Lake City, UT. Unfortunately, the trusting people of my home State have been favorite targets of scam artists. Several hundred arrests were made nationally in an operation encompassing 18 FBI field offices. The FBI is to be commended. Still, more can and should be done.

This legislation is cosponsored by Senator BIDEN, Senator THURMOND, Senator MOSELEY-BRAUN, Senator DECONCINI, Senator SIMPSON, Senator HATFIELD, Senator COHEN, and Senator PRESSLER. SCAMS authorizes additional Federal law enforcement resources to combat telemarketing fraud. SCAMS also creates a new Federal statute criminalizing telemarketing fraud, and it enhances penalties for these crooked acts when senior citizens are the principal victims. The bill also establishes a reward program for tips leading to convictions of telemarketing crooks and provides for public prevention and awareness initiatives for senior citizens.

The FBI estimates annual losses to the public from illicit telemarketing operations to be in the billions of dollars. A Lou Harris survey indicate over 5 million Americans have made telephone purchases they felt were based on false representations. And, of those cheated out of their money, less than one-third reported the matter to authorities.

Continued law enforcement and greater public education can bring about an end to these scams. Passage of this Hatch-Biden bill, SCAMS, will help accomplish this goal.

For these reasons, I urge my colleagues to support this bill.

Mr. President, I ask that the discussion text of the committee's draft report on S. 557, which has not yet been printed, be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 557, THE "SENIOR CITIZENS AGAINST MARKETING SCAMS ACT OF 1993"

I. PURPOSE

Senator Hatch, joined by Chairman Biden and Senators Moseley-Braun, Thurmond, and DeConcini, introduced the "Senior Citizens Against Marketing Scams Act of 1993" on March 10, 1993 to fight the growing problem of illicit telemarketing. Recently, the Federal Bureau of Investigation (FBI) announced the results of an unprecedented undercover investigation into telemarketing fraud which began more than two years ago in Salt Lake City, Utah. Fifty-six people and seven companies in Utah were indicated. Several hundred arrests were made nationally in an operation encompassing 18 FBI field offices. The FBI is to be commended. Still, there is clearly more than can and should be done and the changes in law provided in this Act will help to ensure a tougher and more objective effort to combat crimes of telemarketing fraud.

Many Americans, but particularly older men and women, have been targeted and victimized by illicit telemarketers. Some of these seniors are victimized repeatedly, losing large amounts of their hard earned savings. The FBI found that these illicit operations target the elderly 34 percent of the time.

While most of the telemarketing industry is legitimate, a growing number of illicit outfits are operating nationwide. In addition to consumers, the victims of telemarketing fraud include banks, credit card companies, businesses, and, of course, legitimate telemarketing companies themselves.

The "Senior Citizens Against Marketing Scams Act of 1993" is intended to respond both to the need for greater law enforcement resources and the need for greater public awareness, especially among older Americans. It authorizes additional federal law enforcement resources to combat telemarketing fraud, creates a new federal statute criminalizing telemarketing fraud, and enhances penalties for these acts when older people are the principal victims. The Act also establishes a national telemarketing fraud hotline and creates a reward program for tips leading to convictions of illicit telemarketing operators. Finally, and perhaps most importantly, the Act provides for public prevention and awareness initiatives for senior citizens.

II. LEGISLATIVE HISTORY

On March 10, 1993, Senator Hatch, joined by Chairman Biden, Senators Moseley-Braun, Thurmond, and DeConcini introduced S. 557, the "Senior Citizens Against Marketing Scams Act of 1993" (SCAMS).

At the Judiciary Committee's July 22, 1993 executive business meeting, Senator Hatch moved that the Act be favorably reported. No amendments were submitted and the bill was reported favorably out of the Committee by voice vote.

III. DISCUSSION

A. Background: The SCAMS Act embodies a significant step in our nation's effort to address a new form of fraud that makes use of our growing and increasingly efficient telecommunications system. The FBI has estimated annual losses to the public from illicit telemarketing operations to be in the billions of dollars. This is not surprising since approximately 92% of Americans have received postcards in the mail informing them they were winners of a contest. Over 53.6 million Americans have responded to such mailings. The Committee is not suggesting that all of these offerings are fraudulent. Indeed, many are legitimate businesses and organizations that provide useful services to the public. Still, many are illicit and often represent the first step of complex, illicit telemarketing operations.[1]

The telemarketing industry employs over 3 million people nationwide in an industry that places consumer spending at over $400 billion annually.[2] The use of telemarketing is expected to increase in the coming years as new technologies will make telemarketing an even more attractive and efficient means of conducting business for the consumer. Telemarketing eliminates the physical and geographical impediments consumers and businesses have faced in trying to access markets previously closed to them. Many legitimate businesses and organizations utilize multiple telephone solicitations and mass mailings to conduct legitimate business. Given the efficiency of modern telecommunications, consumer interest, and the amount of money involved, the potential for victimization by illicit telemarketing operations is high. Legitimate telemarketing services have recognized this potential and have united to develop standards, practices and guidelines for all telemarketers and to condemn all fraudulent practices.[3] Still, illegal telemarketers continue to operate because they are designed to resemble legitimate businesses, thereby thwarting capture and frustrating prosecutive efforts.[4]

The FBI has identified two categories of telemarketing fraud. The first involves schemes aimed at a high volume of victims with a comparatively low loss per victim. Such schemes might involve the fraudulent sale of such things as office or beauty products, or travel packages. The second category of telemarketing fraud involves a low number of victims but a comparatively high loss per victim. Examples here might include phony land sales, oil or gas leases, and precious metals or stones.[5]

The trend had been for illicit telemarketers to change locations and names almost on a monthly basis in order to avoid detection and arrest. According to the FBI, this is no longer the case. They now operate in several states and call and solicit business from victims in other states. Fraudulent telemarketers take advantage of the fact that most consumers who have been defrauded will make their complaints known to local law enforcement and consumer agencies which, generally, do not engage in multi-jurisdictional sharing of such information.[6]

B. Victims: A major problem in fighting illegal telemarketing is identifying the victims of such fraud. A Lou Harris survey indicated over five million Americans have made telephone purchases they felt were based on false representations. And, of those defrauded, less than a third reported the matter to authorities. Other estimates are more troubling. One congressional committee estimated that only 1 in 10,000 victims of telemarketing fraud report the fraud to appropriate authorities and that illegal telemarketing costs consumers between $3-$40 billion annually.[7]

Even more troubling is the fact that older Americans are increasingly targeted and victimized by these scams. The FBI found that these operations target the elderly 34 percent of the time. Telemarketers do so because the elderly are easily accessible by phone, usually intent on enlarging their savings for the benefit of grandchildren, often less suspicious, sometimes possess poor memories, and usually too embarrassed to inform family or law enforcement once they recognize the deceit.[8]

Unscrupulous telemarketers targeting the elderly are not the only group preying upon vulnerable seniors, although they certainly are a large component of the overall problem. As the Senate Special Committee on Aging noted in its 1992 hearing on consumer fraud and the elderly, deceptive tactics employed by perpetrators of fraud are found in telemarketing, in door-to-door sales, and in a wide variety of schemes involving the mails. Older people are more accessible to con artists' solicitations because they are more easily contacted by phone, by mail and in person. Nevertheless, the Committee noted that it was important to eliminate the stereotype of seniors as helpless victims and to increase their awareness for the types of fraud that mark them for victimization.

C. S. 557: The SCAMS Act recognizes the truly national scope of illicit telemarketing. The Act is intended to respond to the need for greater law enforcement resources in this area and to promote greater public awareness, especially among older Americans. The Act authorizes additional federal law enforcement resources to combat telemarketing fraud, enhances federal law to better equip law enforcement in combatting such fraud, and provides funding for public awareness initiatives—especially for older Americans.

The Act creates a new federal statute which criminalizes telemarketing fraud. The Act makes it clear that existing federal mail and wire fraud statutes cover telemarketing activity. The Act also provides up to an additional five years imprisonment for fraud committed by telemarketers and up to ten additional years imprisonment for telemarketing fraud cases aimed at defrauding older citizens. Further, the Act provides for fines of up to $250,000 and mandates restitution to victims of telemarketing fraud.

In addition to enhancing penalties, the Act also subjects fraudulent telemarketers' proceeds to the powerful weapon of criminal forfeiture. Criminal forfeiture will permit federal prosecutors to seize and forfeit the real or personal property gained as a direct or indirect result of the illicit telemarketing offenses.

The Act also takes steps to ensure that all fraud related offenses against older victims are properly punished. The Act instructs the Sentencing Commission to review its guidelines to ensure that fraudulent crimes against senior citizens receive appropriate punishment. the Commission will report to Congress its findings and any action it has taken.

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[1] *Operation Disconnect, Congressional Briefing Material*, Federal Bureau of Investigation (March 1993) [hereinafter FBI *Operation Disconnect*].

[2] FBI *Operation Disconnect*, *supra* note 1, at 3.

[3] American Telemarketing Association, Inc., Position Statement (February 12, 1993).

[4] FBI *Operation Disconnect*, *supra* note 1, at 6.

[5] *Id.* at 7.

[6] *Id.* at 8.

[7] *The Scourge of Telemarketing Fraud: What Can Be Done Against It?*, Committee on Government Operations, Subcommittee on Commerce, Consumer, and Monetary Affairs at 7. (November 1991)

[8] *Id.* at 5.

In order to encourage victims of illicit telemarketing to report the crime to law enforcement officials, the Act authorizes the Attorney General to provide rewards of up to $10,000 for information, unknown to the government, which results in a conviction for telemarketing fraud.

The Act authorizes an additional $23.5 million in resources to better equip federal law enforcement and to make the general public, particularly potential older victims, more aware of the problem. Much of this money—$13.5 million—will be used to hire additional FBI agents and assistant United States Attorneys to investigate and prosecute telemarketing fraud cases. The rest, $10 million, will go to the Department of Justice to establish and oversee a national public awareness and prevention initiative for older Americans.

The Act also incorporates a provision authored by Chairman Biden which will provide a greater degree of protection to consumers and legitimate businesses from illicit telemarketing schemes and other fraudulent enterprises that rely on credit card information. Fraudulent telemarketers often prey on people with troubled credit history, and also use credit card information obtained under false pretenses to defraud their victims. The credit card fraud provision enhances existing federal law in three ways. First, it outlaws solicitations for the purchase of a credit card without the authorization of the credit card company. Second, it establishes an offense for the fraudulent taking of payment via credit card for goods or services that are either never delivered or far inferior to those that were promised. Such frauds usually are perpetrated over the phone. Third, it criminalizes the laundering of credit card receipts. This offense, referred to as a "factoring scheme," typically involves the perpetrator of the fraud and a third-party intermediary acting as a broker. In this scam, a merchant with access to the credit card system is persuaded to submit fraudulent credit card slips. Policing by credit card companies is ineffective because identifying the perpetrator of the fraud and denying him access to the system will not prevent submission of the phony receipts.

Finally, the Act makes a number of technical improvements to the law aimed at streamlining existing fraud laws. For example, the Act broadens the scope of the mail fraud statute to cover fraud conducted via private interstate carriers. As well, a national criminal justice toll-free hot-line for inquiries about telemarketers is established in the Department of Justice.

IV. SECTION-BY-SECTION

Section 1. Short Title: The "Senior Citizens Against Marketing Scams Act of 1993."

Section 2. Findings and Declaration: Sets forth the growth of illegal telemarketing and the need for Congressional action.

Section 3. Enhanced Penalties for Telemarketing Fraud: Creates a new federal chapter 113A in title 18 which criminalizes telemarketing fraud. Provides up to an additional five years imprisonment for fraud committed by telemarketers and up to ten additional years imprisonment for telemarketing fraud cases aimed at defrauding senior citizens. Also provides for fines of up to $250,000. Also mandates restitution to victims of telemarketing fraud.

Section 4. Forfeiture of Fraud Proceeds: Amends section 982(a) of title 18 to subject fraudulent telemarketers' proceeds to criminal forfeiture.

Section 5. Increased Penalties for Fraud Against Older Victims: Instructs the Sentencing Commission to insure that fraudulent crimes against senior citizens receive appropriate punishment.

Section 6. Rewards for Information Leading to Prosecution and Conviction: Authorizes the Attorney General to provide rewards of up to $10,000 for information, unknown to the government, which results in a conviction for telemarketing fraud.

Section 7. Authorization of Appropriations: Authorizes $13.5 million for additional FBI agents and assistant U.S. Attorneys to investigate and prosecute telemarketing fraud cases. Also authorizes $10 million for the Department of Justice to oversee national public awareness and prevention initiatives for older Americans.

Section 8. Broadening Application of Mail Fraud Statute: Amends section 1341 of title 18 to broadens the scope of the mail fraud statute to cover fraud conducted via private interstate carriers

Section 9. Fraud and Related Activity in Connection With Access Devices: Amends section 1029 of title 18 to enhance the scope of federal credit card fraud statute.

Section 10. Information Network: Directs the Attorney General to establish a national toll-free hot-line for enquiries about telemarketers.

• Mr. COHEN. Mr. President, I support S. 557, the Senior Citizens Against Marketing Scams Act of 1993, of which I am a cosponsor and which has now been reported to the Senate floor for consideration. I was very pleased that the Judiciary Committee expeditiously marked up this legislation to address the growing problems of scams targeting senior citizens.

For the past several months, my staff on the Senate Special Committee on Aging has been investigating problems of consumer fraud against the elderly. Last September, the Aging Committee held the first of a series of hearings on telemarketing and other types of scams preying on the elderly.

We heard compelling testimony from elderly victims who had lost significant portions of their life savings to con artists. These scams take a variety of forms such as prize giveaway schemes which dupe consumers into purchasing merchandise or paying handling fees with the promise that they will receive substantial cash awards or other valuable prizes. Of course, the prize never materializes and the customer's money is long gone.

We also investigated the widespread problem of groups peddling living trusts that are drafted improperly or do not meet applicable State laws. These scams have operated door-to-door and over the phone in many States, including my State of Maine. Thousands of senior citizens purchased living trusts under false pretenses and lost substantial amounts of hard-earned savings.

The committee most recently held a hearing on investment schemes that targeted the elderly, such as mutual fund and penny stock deals promising huge returns while misrepresenting the safety of the investment.

What our investigation found was that telemarketing is a major tool used by these scam artists to defraud senior citizens. Mandatory restitution to senior victims of telemarketing fraud, enhanced penalties for perpetrators of these crimes, and additional resources for prosecutors and law enforcement officials are critical to effectively combat this abuse of the most vulnerable members of our society. I applaud Senators HATCH and BIDEN for these initiatives.

Our investigation also revealed that telemarketing is only one of many tools used by these creative snake oil salesmen. What we heard from State attorneys general testifying before the Aging Committee is that when we crack down on telemarketing, the same problem will pop us in the form of mail order fraud and other types of consumer fraud that targets the elderly.

S. 1217, the Elderly Consumer Fraud Protection Act which I introduced, was a result of the Aging Committee's consumer fraud hearing. S. 1217 contained provisions very close to S. 557, particularly in the area of telemarketing fraud, although it extended coverage to other types of consumer fraud perpetrated against the elderly such as door-to-door solicitations.

I believe that the Judiciary Committee bill will go far in curbing the scams uncovered in the Aging Committee's investigation. Every day there are new examples of the outrageous tactics that swindlers use to rob senior citizens of their savings, independence, and dignity. It is my hope that we will enact legislation this year to deal with this abhorrent and growing problem and I am pleased to be associated with the Judiciary Committee legislation.•

AMENDMENT NO. 745

Mr. FORD. Mr. President, I send to the desk a technical amendment on behalf of Senator HATCH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. HATCH, proposes an amendment numbered 745.

On page 5, line 3, strike "a significant number of" and insert "twenty or more".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 745) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizens Against Marketing Scams Act of 1993".

SEC. 2. FINDINGS AND DECLARATION.

The Congress makes the following findings and declaration:

(1) Unprecedented Federal law enforcement investigations have uncovered a national network of illicit telemarketing operations.

(2) Most of the telemarketing industry is legitimate, employing over 3,000,000 people through direct and indirect means.

(3) Illicit telemarketers, however, are an increasing problem which victimizes our Nation's senior citizens in disproportionate numbers.

(4) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Department of Justice are not sufficient to ensure that there is adequate investigation of, and protection from, such fraud.

(5) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact. Telemarketers can also be very mobile, easily moving from State to State.

(6) It is estimated that victims lose billions of dollars a year as a result of telemarketing fraud.

(7) Consequently, Congress should enact legislation that will—

(A) enhance Federal law enforcement resources;

(B) ensure adequate punishment for telemarketing fraud; and

(C) educate the public.

SEC. 3. ENHANCED PENALTIES FOR TELEMARKETING FRAUD.

(a) OFFENSE.—Part I of title 18, United States Code, is amended—

(1) by redesignating chapter 113A as chapter 113B; and

(2) by inserting after chapter 113 the following new chapter:

"CHAPTER 113A—TELEMARKETING FRAUD

"Sec.
"2325. Definition.
"2326. Enhanced penalties.
"2327. Restitution.

"§ 2325. Definition

"In this chapter, 'telemarketing'—

"(1) means a plan, program, promotion, or campaign that is conducted to induce—

"(A) purchases of goods or services; or

"(B) participation in a contest or sweepstakes,

by use of 1 or more interstate telephone calls initiated either by a person who is conducting the plan, program, promotion, or campaign or by a prospective purchaser or contest or sweepstakes participant; but

"(2) does not include the solicitation of sales through the mailing of a catalog that—

"(A) contains a written description or illustration of the goods or services offered for sale;

"(B) includes the business address of the seller;

"(C) includes multiple pages of written material or illustration; and

"(D) has been issued not less frequently than once a year,

if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls take orders without further solicitation.

"§ 2326. Enhanced penalties

"An offender that is convicted of an offense under 1028, 1029, 1341, 1342, 1343, or 1344 in connection with the conduct of telemarketing—

"(1) may be imprisoned for a term of 5 years in addition to any term of imprisonment imposed under any of those sections, respectively; and

"(2) in the case of an offense under any of those sections that—

"(A) victimized 20 or more persons over the age of 55; or

"(B) targeted persons over the age of 55,

may be imprisoned for a term of 10 years in addition to any term of imprisonment imposed under any of those sections, respectively.

"§ 2327. Restitution

"In sentencing an offender under section 2326, the court shall order the offender to pay restitution to any victims and may order the offender to pay restitution to others who sustained losses as a result of the offender's fraudulent activity.".

(b) TECHNICAL AMENDMENTS.—

(1) PART ANALYSIS.—The part analysis for part I of title 18, United States Code, is amended by striking the item relating to chapter 113A and inserting the following:

"113A. Telemarketing fraud	2325
"113B. Terrorism	2331".

(2) CHAPTER 113B.—The chapter heading for chapter 113B of title 18, United States Code, as redesignated by subsection (a)(1), is amended to read as follows:

"CHAPTER 113B—TERRORISM".

SEC. 4. FORFEITURE OF FRAUD PROCEEDS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) The Court, in sentencing an offender under section 2326, shall order that the offender forfeit to the United States any real or personal property constituting or derived from proceeds that the offender obtained directly or indirectly as a result of the offense.".

SEC. 5. INCREASED PENALTIES FOR FRAUD AGAINST OLDER VICTIMS.

(a) REVIEW.—The United States Sentencing Commission shall review and, if necessary, amend the sentencing guidelines to ensure that victim related adjustments for fraud offenses against older victims over the age of 55 are adequate.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Sentencing Commission shall report to Congress the result of its review under subsection (a).

SEC. 6. REWARDS FOR INFORMATION LEADING TO PROSECUTION AND CONVICTION.

Section 3059 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) In special circumstances and in the Attorney General's sole discretion, the Attorney General may make a payment of up to $10,000 to a person who furnishes information unknown to the Government relating to a possible prosecution under section 2325 which results in a conviction.

"(2) A person is not eligible for a payment under paragraph (1) if—

"(A) the person is a current or former officer or employee of a Federal, State, or local government agency or instrumentality who furnishes information discovered or gathered in the course of government employment;

"(B) the person knowingly participated in the offense;

"(C) the information furnished by the person consists of an allegation or transaction that has been disclosed to the public—

"(i) in a criminal, civil, or administrative proceeding;

"(ii) in a congressional, administrative, or General Accounting Office report, hearing, audit, or investigation; or

"(iii) by the news media, unless the person is the original source of the information; or

"(D) when, in the judgment of the Attorney General, it appears that a person whose illegal activities are being prosecuted or investigated could benefit from the award.

"(3) For the purposes of paragraph (2)(C)(iii), the term 'original source' means a person who has direct and independent knowledge of the information that is furnished and has voluntarily provided the information to the Government prior to disclosure by the news media.

"(4) Neither the failure of the Attorney General to authorize a payment under paragraph (1) nor the amount authorized shall be subject to judicial review.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1994 for the purposes of carrying out this Act and the amendments made by this Act—

(1) $10,000,000 for the Federal Bureau of Investigation to hire, equip, and train no fewer than 100 special agents and support staff to investigate telemarketing fraud cases;

(2) $3,500,000 to hire, equip, and train no fewer than 30 Department of Justice attorneys, assistant United States Attorneys, and support staff to prosecute telemarketing fraud cases; and

(3) $10,000,000 for the Department of Justice to conduct, in cooperation with State and local law enforcement agencies and senior citizen advocacy organizations, public awareness and prevention initiatives for senior citizens, such as seminars and training.

SEC. 8. BROADENING APPLICATION OF MAIL FRAUD STATUTE.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 9. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly and with intent to defraud effects transactions, with 1 or more access devices issued to another person or persons, to receive payment or any other thing of value during any 1-year period the aggregate value of which is equal to or greater than $1,000;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;";

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 10. INFORMATION NETWORK.

(a) HOTLINE.—The Attorney General shall establish a national toll-free hotline for the purpose of—

(1) providing general information on telemarketing fraud to interested persons; and

(2) gathering information related to possible violations of this Act.

(b) ACTION ON INFORMATION GATHERED.—The Attorney General shall work in cooperation with the Federal Trade Commission to ensure that information gathered through the hotline shall be acted on in an appropriate manner.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I appreciate the confidence the Republican side of the aisle has in me here this evening. I will report that all of those items I have offered to the Chair this evening have been cleared by the Republican side.

ORDERS FOR MONDAY, AUGUST 2, 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Monday, August 2; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that there then be a period for morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes, with the time until 10:30 a.m., Monday, to be equally divided between Senators LEVIN and DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FORD. Mr. President, I would like to announce for the information of the Senate and on behalf of the majority leader that on Monday at 10:30 a.m., it is the leader's intention to proceed to executive session to consider the Executive Calendar nominations on which unanimous consent agreements were obtained earlier today.

RECESS UNTIL 10 A.M., MONDAY, AUGUST 2, 1993

Mr. FORD Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:24 p.m., recessed until Monday, August 2, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 30, 1993:

DEPARTMENT OF COMMERCE

JEFFREY E. GARTEN, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE JOHN MICHAEL FARREN, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 30, 1993:

DEPARTMENT OF STATE

JOHN FRANCIS MAISTO, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

DAVID LAURENCE AARON, OF NEW YORK, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

ROBIN LYNN RAPHEL, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.

ALAN H. FLANIGAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

JAMES J. BLANCHARD, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CANADA.

JEFFREY DAVIDOW, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VENEZUELA.

THOMAS J. DODD, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

STUART E. EIZENSTAT, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN COMMUNITIES, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

DONALD C. JOHNSON, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

RICHARD MENIFEE MOOSE, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR MANAGEMENT.

MARY M. RAISER, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS CHIEF OF PROTOCOL FOR THE WHITE HOUSE.

WALTER F. MONDALE, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING ALAN R. HURDUS, AND ENDING DARCY FYOCK ZOTTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 1993.

EXTENSIONS OF REMARKS

WEFA STUDY SAYS LET THE BELLS COMPETE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1993

Mr. BONIOR. Mr. Speaker, there is no more pressing issue before this Congress than the need to stimulate our sluggish economy and create new jobs—and there is no greater constraint in meeting this need than the scarcity of Federal dollars. But there is a way to create millions of jobs without adding to our national debt.

A new study by the Wharton Econometric Forecasting Associates Group [WEFA] predicts that 3.6 million jobs would be created over the next 10 years if the restrictions were lifted on the regional Bell companies. Over this same period of time, the study finds that $247 billion would be added to our gross domestic product.

The 3.6 million jobs that would be created by lifting the manufacturing, information services, long-distance, and cable restrictions would be jobs over and above those that would be created through normal economic growth. They would be spread throughout each industry and sector of the American economy.

Every State would experience substantial employment benefits. My home State of Michigan would gain nearly 121,000 jobs according to this study. This study is strongly endorsed by the Communications Workers of America who recognize the huge benefits in job creation through lifting the restrictions.

The WEFA study also finds that lifting the restrictions would significantly reduce rates for consumers. For example, 5 years from now long-distance [interLATA] and local [intraLATA] toll rates would be 50 percent lower with full Bell competition. In addition, local rates would increase by less than 50 percent of current projection over the next 10 years, saving consumers more than $30 billion.

The WEFA study includes lifting the restrictions on Bell ownership and operation of video programming in their telephone service areas. I must say that I have reservations about further changing the 1984 Cable Act in this specific regard. I would have to be totally convinced that such a move would provide more choices for cable consumers and enhance competition. Nevertheless, this study illustrates the tremendous value of lifting the other restrictions.

I have long advocated lifting the restrictions preventing competition in equipment manufacturing, information services, and long-distance. These restrictions have hindered our ability to compete in these vital sectors.

The projected economic benefits from lifting these restrictions illustrates the potential power of the Information Age to put America back on track in terms of global competitiveness and technological superiority. More than anything else, this new study shows that if we continue to bar major telecommunications companies, like the regional Bells, from competing in whole segments of the exploding communications industry, we will fail to maximize the potential of the Information Age.

Moreover, these benefits can be achieved without additional spending. Competition in the private sector would spur increased private investment in the communications infrastructure.

America's public policy framework for telecommunications is currently being debated in Congress. As we rebuild the framework to support America's communications needs well into the next century, we must keep in mind our tremendous need to stimulate the economy, create millions of high quality jobs, reassert our international competitiveness, and provide a strong future for our children.

Telecommunications will play an important role in filling these needs. The full potential can only be realized if we let all telecommunications providers—including the regional Bell companies—fully compete in the telecommunications industry. As a long-time cosponsor of legislation to eliminate the manufacturing and information services restrictions of the MFJ and a supporter of Bell competition in the long-distance marketplace, I commend this study to your attention. Its conclusions are significant and in many respects startling.

Mr. Speaker, I would like to include in the RECORD a summary of the WEFA study.

EXCERPT FROM: ECONOMIC IMPACT OF ELIMINATING THE LINE-OF-BUSINESS RESTRICTIONS ON THE BELL COMPANIES

WEFA's enhanced models yield two sets of forecasts through the year 2003. The first forecast, which is referred to as the Baseline forecast, represents WEFA's standard long-term forecast of economic activity in the United States. In WEFA's Baseline forecast, the current economic recovery does not falter, and the economy grows an average of 2.9 percent per year in real terms through 2003. Total real Gross Domestic Product (GDP) reaches almost $6.8 trillion in constant 1987 dollars by 2003.

The second forecast, which is referred to as the LOB Relief simulation, quantifies the impact on the national and state economies of unfettered competition throughout the telecommunications, information services, and cable TV industries. In the LOB Relief simulation, the economy grows faster than in the Baseline forecast. Total real GDP reaches $7.0 trillion in constant 1987 dollars by 2003. This is an increase of $247 billion—a 3.6 percent total improvement—over the Baseline forecast.

The key results of the LOB Relief simulation relative to the Baseline forecast are summarized below:

EMPLOYMENT

The economy gains 3.6 million additional jobs over the next ten years, increasing total employment to 135.7 million by 2003. These jobs are spread across all states and all major industry groups.

Manufacturing output alone grows 0.5 of 1 percent faster per year over the coming decade, creating 977,000 additional manufacturing jobs.

The unemployment rate falls an additional half a point to 5.1 percent by 2003. This improvement is especially noteworthy since it occurs even while more telecommuters and remote site workers expand the labor force.

GROSS DOMESTIC PRODUCT

$247 billion is added to total real GDP by 2003, a total gain of 3.6 percent over the ten-year interval.

Consumer spending gains an extra $137 billion by 2003, growing 0.3 of 1 percent faster per year.

Total investment increase an additional $72 billion, as lower interest rates help boost productive capital formation.

The balance of trade improves an extra $33 billion as a result of lower domestic inflation and more favorable currency exchange rates.

The Federal budget deficit improves an additional $150 billion by 2003.

OTHER ECONOMIC FACTORS

The aggregate annual inflation rate slows nearly a full percentage point more on average over the coming decade. Inflation is low enough relative to the nation's major trading partners (even our most successful competitors in the world market) to stimulate exports and significantly improve the balance of trade.

Long term interest rates are more than full point lower by 2003.

CONSUMER BENEFITS

Average telecommunications services prices decline 22 percent over the next ten years in the LOB Relief simulation versus a 20 percent increase in the Baseline forecast. These lower rates will include: inter- and intraLATA toll call rate decreases of 50 percent as compared to Baseline, saving consumers over $490 billion by 2003; local rates increase less than one-half the amount of Baseline, saving more than $30 billion over the ten-year period; and, cellular rate decreases of 15 percent (including toll charges) over five years, saving more than $25 billion by 2003.

Average cable TV price decrease almost 5 percent when LOB relief is granted, versus an increase of 27 percent in the WEFA's Baseline forecast for the ten-year period, saying consumers nearly $75 billion by 2003.

Gains to consumers that result from lower telecommunications and cable TV rates average $63 billion per year over the forecast period, freeing a comparable amount of disposable income for the purchase of other products and services.

Lower telecommunications rates, higher quality , and greater value accelerate the use of the public telephone network to deliver a variety of health care, education, and other public services to more people at lower prices.

Achieving these benefit is predicted on two critical requirements. First, the LOB restriction are removed immediately; and, second, corresponding changes are made to Federal and state regulatory policies that enable all telecommunications providers, including the Bell companies, to compete under equal

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

terms and conditions. The second requirement is no less important than the first. If regulation does not permit regulated telecommunications carriers to compete fully and fairly, e.g., to lower rates in response to competition from unregulated vendors, prices will remain higher than they would otherwise and the economic benefits of removing the LOB restrictions will be less than those forecasted.

RECOGNITION OF HELSINKI HUMAN RIGHTS DAY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1993

Mr. SWETT. Mr. Speaker, I rise today in support of Helsinki Human Rights Day. The Helsinki accords, signed in 1975, represented an attempt by the sovereign states of Europe and the United States to ensure peace and stability in Europe. The accords affirmed a mutual commitment to forswear weapons of war as a means of resolving disputes among nations, and a recognition that every person has inalienable rights which no government can justly curtail.

The end of the cold war has caused us to once again examine the conditions of human rights in Europe. The current conflict in the former Yugoslavia dramatically illustrates the need for us to reaffirm our support for the Helsinki accords. Ethnic and secessionist impulses are threatening stability across Europe and the United States must send the clear signal that support remains strong for the values embodied in the accords.

Mr. Speaker, it is also essential that we demand all signatories to the Helsinki accords live up to the promises that they vowed to uphold. The former Soviet Union must address continuing human rights issues, such as those political prisoners that remain behind bars, the rise in anti-Semitic violence, and the threat to the religious freedom of all the people of the former Soviet Union.

As an executive member of the congressional human rights caucus, I am particularly dedicated to the plight of oppressed peoples throughout the world, and I urge my colleagues to remain ever vigilant as we declare August 1 Helsinki Human Rights Day.

Mr. Speaker, let us be unwavering in our commitment to peace, stability, and human rights as we look to the future—a future that we must ensure is shaped by the values of the Helsinki accords, guaranteeing fundamental freedoms for all.

INTRODUCTION OF THE RECREATIONAL BOATING SAFETY ACT OF 1993

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1993

Mr. FIELDS of Texas. Mr. Speaker, safety is the primary concern of the millions of recreational boaters across this Nation. The bill I am introducing today would increase the level of safety enjoyed by recreational boaters by increasing the penalties for boating while intoxicated [BWI], requiring children to wear personal flotation devices onboard vessels and personal watercraft, and requiring the Coast Guard to develop plans related to mandatory boating education and certification, and boating accident reporting.

Mr. Speaker, last month, the Merchant Marine and Fisheries Subcommittee on Coast Guard and Navigation conducted an oversight hearing on the National Transportation Safety Board's [NTSB] recreational boating safety study. In that study, NTSB found that alcohol use was involved in at least half of all boating accidents and that 85 percent of those who drown in recreational boating accidents were not wearing personal flotation devices [PFD's].

In their conclusions, NTSB recommended that comprehensive BWI laws be implemented, that minimum recreational boating safety standards be established and that information about fatal or serious boating accidents be submitted to the U.S. Coast Guard.

I support many of the recommendations of the National Transportation Safety Board and have incorporated some of their suggestions within this legislation.

Regrettably, this past weekend, there was another tragic boating accident, this time on the Fourche LaFave River in Arkansas, which highlighted the essential need for this legislation. According to the Coast Guard, nine people were crowded into a 12-foot boat designed to carry three, none of the occupants were wearing personal flotation devices, and, reportedly, only the father knew how to swim. Sadly, seven members of the family—five of which were children—lost their lives in this senseless boating catastrophe.

Mr. Speaker, section 2 of my bill would reduce boating deaths and serious accidents related to alcohol use. Section 2 requires the Coast Guard to develop a program in cooperation with State officials to reduce boating accidents by concentrating enforcement of BWI laws in areas where many boating accidents have occurred. Several States have implemented successful programs of this type, and a national cooperative effort would reduce boating accidents across the Nation.

Sections 3 and 4 are related to the use of personal flotation devices onboard recreational boats and personal watercraft. Section 3 requires children 12 years of age and younger to wear personal flotation devices, unless they are in enclosed cabins on a boat. Section 4 requires the Coast Guard to submit to Congress a plan to approve full inflatable life jackets for use by certain individuals under appropriate conditions.

Sections 5 and 6 would improve the information that is received by Federal and State boating officials on recreational boating accidents. Section 5 implements a recent suggestion by the National Transportation Safety Board and requires the Coast Guard to implement an information system for boating accident information similar to the one presently operated by the National Highway Traffic Safety Administration that compiles highway accident information. Section 6 requires the Coast Guard to submit a plan to appropriate congressional committees to increase reporting of boating accidents nationally.

Sections 7 and 8 of my bill require mandatory boating safety education under certain circumstances. Section 7 requires individuals who violate the BWI laws to complete a boating safety course that is acceptable to the Coast Guard. Section 8 requires the Coast Guard to develop a plan for education and certification of individuals who operate recreational vessels. After we have experience with this program nationally, we may find that we can increase the age of individuals subject to these education requirements to gradually educate the entire boating public.

According to Texas State boating officials, 71 people drowned in boating accidents in our State last year. Based on their educated analysis, these boating officials believe that more than 50 percent of those Americans would not have lost their lives if they had been wearing personal flotation devices.

Mr. Speaker, this bill contains extremely valuable changes to the laws designed to protect the safety of our waterways. I urge my colleagues to support early action on this important piece of legislation so that we can help to ensure that more people do not lose their lives on our Nation's waters.

ESSAY BY MR. LAWRENCE AMELANG, D.D.S.

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1993

Mr. MCKEON. Mr. Speaker, I would like to take this opportunity to share an essay written by my friend, Mr. Laurence Amelang, D.D.S. from Valencia, CA. Dr. Amelang offers an important perspective on the consequences of actions our Government takes. The points he raises are insightful and should be regarded by all lawmakers. His essay follows:

MY TURN

(By Laurence Amelang, D.D.S.)

The other day I bought a magazine for three dollars. I noticed there was a sales tax of 25 cents and it occurred to me, that was only the last and most visible tax on that magazine. I wondered just how much tax I had paid to be able to buy that magazine. I sat down and asked my math-teacher wife to help me with the algebra. Since I own my own business, I had property taxes, payroll taxes and other taxes I had paid in order to generate a personal income to spend on that magazine. I then had to pay personal income taxes before I had the money available to spend on the magazine. As it turned out, I spent $2.78 in taxes in order to buy a $3.00 magazine. Astounding, isn't it? In order to maintain multiple layers of bureaucracy, our government confiscates almost one dollar for every dollar I am then allowed to spend on myself. How did this ever come to this point? I have been witness to some of this folly. Let me explain.

I sit on the Board of Directors of a nonprofit foundation which today voted to spend $20,000 to provide dental care to needy children. Sounds like a noble venture, doesn't it? The problem is, the foundation only had $200 in the bank. It hoped to garner the $20,000 from a "windfall" of federal money. I argued that this money was not a windfall; it was ultimately going to increase our national deficit and therefore be equivalent to a mortgage that our children would have to pay in increased taxes.

I sat on this board as a representative of the dentists in our community. I had surveyed the local dentists and found them more than willing to provide the needed care as a donation of their services. I viewed their willingness to be an example of the "thousand points of light" President Bush encouraged us all to become. However, it was easier for the board to spend federal money than it was to accept the generosity of others.

How many other communities look to the "windfall" of federal spending to keep their personal interests funded? We need the courage to "just say no" when it comes to spending tax monies. They don't appear magically. They will be confiscated from our future earnings and from those of our children.

Government increases our cost of living in less direct ways than taxation. Regulatory agencies fabricate regulations that end up as hidden costs. Last year, OSHA (a Federal Agency with a mission to protect workers) instituted new regulations that concerned bloodborne transmission of disease. They assured us that their regulations would only cost some $800 a year to implement. As it turns out, in my dental office we have to spend that much each week! The new regulations have directly increased the costs of an Exam and Prophylaxis (cleaning) by 37%. Obviously the people drafting regulations have no concept of the consequences of their work. And we have no recourse to their actions.

Looking back on injuries in my dental office over the past 20 years, there have been three small puncture wounds from cleaning up sharp instruments with bare hands. When we began to require our staff to wear heavy puncture resistant gloves during the cleanup procedures we effectively eliminated the source of all exposure (in our personal experience) and for the small sum of a few dollars. Yet we now must spend thousands of dollars and pass these expenses on to our patients. As the defacto head of the Department of Health, Mrs. Clinton needs to consider the effect of regulatory expenses if she wants to bring down the cost of health care.

I have two suggestions. First, the costs of meeting governmental regulations should be indicated to the consumer much as mileage is on cars and energy use on refrigerators. These costs should be reported back to the appropriate agency in order to develop a system of checks and balances. They would be used to indicate the extent of expense mandated by that agency and be considered as indirect taxes. Second, we should have an elected Cabinet and make them responsible to reduce the amount of governmental spending both direct and indirect. As an example, determine last year's expenses in Defense and tell the Secretary of Defense that he will have 10% less to spend this year. Decrease each department 10% each year until the level of confiscation drops to a less crippling level. This way we can elect people who campaign to specific issues instead of a broad platform which might have some things we like but others we disagree with. And then we could selectively remove from office those who don't fulfill our expectations.

I know that some worthwhile projects will be cut, but what absolutely must be done, will be. Many things will be accomplished by selfless people who donate their time to help others. We will then turn to each other and not to federal "windfalls" that enslave our children.

INTRODUCTORY REMARKS ON FIREARM FATALITY REPORTING SYSTEM

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1993

Mrs. SCHROEDER. Mr. Speaker, we do not systematically collect data that looks at the relationship between crime, violence, and weapons.

The Uniform Crime Reporting System collects data on homicides. However, approximately 10 percent of all homicides are not recorded in the UCR. In addition, the UCR doesn't keep track of firearm suicides, which outnumber firearm homicides, or unintended gun deaths.

Information is collected at the State and local levels by police and medical examiners. However, this information is not uniform and is not reported to any national data base.

Creating a national data base for the purpose of analyzing data on fatalities is not a revolutionary idea. This country has created a national data base on fatal car accidents. The Fatal Accident Reporting System has reported on all motor vehicle-related fatalities since 1975. From this information, scientists, epidemiologists, and safety experts have been able to assess the effectiveness of seatbelt laws and child restraint laws. This information has also given us a better idea of the role of alcohol in highway accidents.

Facts, numbers, statistics—these are objective elements that are missing in the politically charged debate on the role of guns in American society.

That is why I am introducing the Firearm Fatality Reporting System, so that health and criminal justice experts will have access to data that can give them a clearer picture about the relationship between firearms and fatalities.

The Firearm Fatality Reporting System will be uniform data on the type of firearm used in a fatality and detailed information on the gun—type, make, model, caliber, and serial number. The system will also have information on the type of death—suicide, homicide, unintended—the shooter, the victim, and the circumstances of the incident.

Mr. Speaker, unless we start a comprehensive data collection system on gun fatalities, I fear we are doomed to unproven assertions from both sides of the debate on guns.

I would like to insert into the RECORD an article from the June 10, 1992, Journal of the American Medical Association by Stephen P. Teret, Garen J. Wintemute, and Peter L. Beilenson outlining the need and rationale for establishing a Firearm Fatality Reporting System.

[From the Journal of the American Medical Association, June 10, 1992]

THE FIREARM FATALITY REPORTING SYSTEM—A PROPOSAL

(By Stephen P. Teret, Garen J. Wintemute, and Peter L. Beilenson)

(Recommendation: [R]equire that firearm injuries, in addition to being reportable to the police, be reportable to health departments. Place greater emphasis on coding the type of firearm on the death certificate. Develop a national fatal firearm injury reporting system, comparable to FARS [Fatal Accident Reporting System], with sufficient data for documenting the firearm problem and designing prevention strategies—from Cost of Injury in the United States)[1]

Firearms are the vehicle of death for approximately 34,000 people each year in the United States. The estimated lifetime costs for firearm injuries that occurred in 1985 will be $14.4 billion.[1] Firearm policy, as expressed most often through legislation, is in part health policy. For groups such as young African-American males, for whom almost half of all deaths are caused by gunfire,[2] gun policy may be more influential to their health status than any other form of health policy.

But gun policy has been driven more with an ear to rhetoric than with an eye toward health statistics. This is due in part to the inability of health professionals to provide data that will answer crucial policy questions.

For example: Are there temporal trends in the proportion of gun deaths from small, cheap handguns (Saturday night specials) vs. more sophisticated weaponry? Do newly manufactured guns figure disproportionately in firearm homicides or suicides? How many deaths, and what percentage of all gun deaths, are attributable to paramilitary "assault" weapons? Are certain types of guns preferentially used for adolescent suicide, which has been increasing dramatically in recent decades?[3] Are there particular characteristics common to the guns that are involved in unintended, childhood shootings? Does the risk-to-benefit ratio for defensive handgun ownership vary among subsets of the population?

Questions such as these deserve answers based on reliable data, but these data are at present difficult or impossible to assemble. Vital statistics records for gun mortality are E-coded (using the external cause of death codes in the International Statistical Classification of Diseases, Injuries, and Causes of Death, Ninth Revision[4]), and the type of gun involved can be recorded by use of the code's fourth digit. But in about 80% of firearm homicides and 66% of firearm suicides and unintentional shootings, the type of gun is not specified on the death certificate.[5] Death certificates present only a crude assessment of intent—they do not distinguish among the types of homicides, for example. They contain little information on persons who die from gunshot wounds, less on the circumstances, and none at all on other involved persons.

Special studies that use medical examiner or coroner records or police reports can yield more information on gun deaths.[6,7] These studies, however, are expensive and fail to provide ongoing, timely information for most geographic areas. The ability of policymakers to respond to changing trends in gun deaths is thereby compromised.

The Uniform Crime Reporting System, maintained by the Federal Bureau of Investigation, provides information, at least for

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Footnotes at end of article.

homicides. For example, it grossly specifies the type of gun used in murders. This reporting program is "a cooperative effort of approximately 16,000 city, county, and state law enforcement agencies voluntarily reporting data on crime brought to their attention."[8] Firearm suicides, which outnumber firearm homicides, and unintended gun deaths are not covered by the Uniform Crime Reports (UCR). Moreover, approximately 10% of homicides in the United States are not included in the UCR database.[9]

A Firearm Fatality Reporting System is needed. One can be patterned after the Fatal Accident Reporting System (FARS), which is maintained by the National Highway Traffic Safety Administration and which has reported on all motor vehicle-related fatalities since 1975. FARS collects uniform data from the states and reports on up to 90 different data elements characterizing each fatal crash and the vehicles and people involved in that crash. In 1989, FARS collected data on 45,555 fatalities involving 40,718 crashes. The annual budget for FARS is approximately $3.5 million.

The FARS data have been used, for example, to evaluate seatbelt laws,[10] child restrain laws,[11,12] and changes in speed limit laws[13], to detect vehicles that are at high risk for injury involvement[14], to monitor trends in motor vehicle safety[15], and to monitor the role of alcohol in highway fatalities.[16] The existence of the FARS database has been crucial to the development of highway safety.

As is the case with highway fatalities, gun deaths are routinely investigated by medical examiners or coroners and by police. A good deal of information, therefore, is currently collected at the state and local levels, but this information is not uniform, nor are the medical data reported to a national repository. A Firearm Fatality Reporting System, which might best be located within the Centers for Disease Control, could rely on data currently collected at the state and local levels in much the same way FARS does. Information maintained at the federal level need not contain identifiers, so that the confidentiality interests of involved parties are protected.

At a minimum, data collected on firearm fatalities should include the following:

Information on the gun itself, such as type, make, model, caliber, and serial number, which would allow researchers to determine other variables such as year of manufacture.

Type of death—homicide, suicide, unintended, or undetermined.

Information on the victim, such as age, race, sex, and drug/alcohol involvement.

Information on the shooter, such as age, race, sex, relationship to the victim, and drug/alcohol involvement.

Information on the circumstances of the shooting, such as date, time, type of location, and whether it occurred during commission of another crime.

Involvement of emergency medical services.

In 1981, Wright and Rossi,[17] having reviewed the literature on weapons, crime and violence, wrote the following:

"The published literature is more noteworthy for what it does not show than for what it does. There is, it appears, scarcely a single finding in the literature that could be said to have been indisputably established. In part, this reflects the highly politicized nature of research in this area, but perhaps more importantly, it results from a near-total absence of sound and nationally generalizable data from which reliable information about weapons, crime, and violence might be extracted."

In the decade since that observation was written, there have been more than 300,000 additional firearm deaths in the United States, and we still do not systematically collect data.

Informed decisions must be made regarding gun risks and benefits, a topic that is emotionally and politically charged. The Firearm Fatality Reporting System would bring important, new, and needed information to help with the resolution of difficult issues.[18] The creation of such a system should be recognized as a national health priority.

STEPHEN P. TERET, JD, MPH.
GAREN J. WINTEMUTE, MD, MPH.
PETER L. BELLENSON, MD, MPH.

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WILD AND SCENIC DESIGNATION FOR FARMINGTON RIVER

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1993

Mrs. JOHNSON of Connecticut. Mr. Speaker, after nearly 7 years, the Farmington River study advisory committee has completed its review of the importance of adding the west branch of the Farmington River to the Federal Wild and Scenic Rivers System. The committee voted unanimously on April 29, 1993, to endorse the management plan written as part of its study and to seek wild and scenic designation through legislation that I am pleased to introduce today with the support of the entire Connecticut congressional delegation. Senators LIEBERMAN and DODD are introducing an identical bill in the Senate today.

The 17 committee members represented all interested parties, to wit: all 5 riparian towns in Connecticut, the metropolitan district commission which supplies drinking water from the east branch to Hartford and a few suburban towns, the State department of environmental protection, the secretary of the interior, and the Farmington River Watershed Association [FRWA]. The committee also included representatives of the four Massachusetts riparian towns, but those towns eventually voted not to participate in wild and scenic designation.

Though it is in a relatively developed, urbanized area of the country, the west branch of the Farmington River has considerable geological, recreational, and scenic significance. Unlike the east branch of the river, it is free-flowing and has been the subject of discussion regarding future water diversions to supply Hartford-area towns. However, the MDC has approved the wild and scenic designation and has enthusiastically endorsed the committee's management plan.

Wild and scenic designation for the 14-mile stretch of the west branch would be a first for Connecticut and has been sought for at least 20 years by the FRWA and other interested people. I look forward to prompt consideration of this legislation in the House and Senate.

TRIBUTE TO DR. DELMAR EDWARDS

HON. MICHAEL A. "MAC" COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1993

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to pay tribute to Dr. Delmar Edwards, recipient of the Distinguished Citizen Award presented by the Chattahoochee Council Boy Scouts of America in Georgia's Third Congressional District.

Few individuals have contributed as much to the medical community as Dr. Edwards. His prestigious career began when he earned his medical degree from the University of Arkansas School of Medicine in 1957. After completing residencies in Winston Salem, N.C. and Tuskegee, AL, he came to Columbus, GA to begin the long and impressive career that we honor.

Dr. Edwards has served each of the regional hospitals in various capacities. From 1983 until 1988 he was chief of general surgery at the medical center, one of the State's largest hospitals. His affiliations and awards in the medical field are too numerous to list and there is no disputing the fact that Dr. Edwards remains among the most respected members of the Georgia medical community.

Dr. Edwards' achievements in the medical field alone would be enough to qualify him for most any award, yet we must bring into focus the true picture of Dr. Edwards. He has been an active member of the St. Mary's Road United Methodist Church, a longtime member of the Rotary Club, a member of the board of directors of the Muscogee County School Board, and most importantly, a loving husband, father and grandfather.

So Mr. Speaker, in being honored with this award, Dr. Edwards may redefine the phrase distinguished citizen. Few have accomplished more and given more. Those in the Chattahoochee Valley have been blessed more than we know, because in 1964 a young doctor named Delmar Edwards decided to make Columbus, GA his home.

NORMAN WALTERS, PRESIDENT OF YMCA IN YORK AND YORK COUNTY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1993

Mr. GOODLING. Mr. Speaker, on September 1, 1993, York County will be losing the services of a most valued member of their community. Norman L. Walters, president of the YMCA in York and York County will be retiring from a very distinguished career which consists of 35 years of public service.

Mr. Walters began his career with the YMCA in 1958 as assistant program director in the Philadelphia Central YMCA. He was also program/public relations director of the Reading YMCA and then moved up to central branch director in the Reading office. For the next 12 years he worked as the executive director of the YMCA of Madison County in Anderson, IL.

Having moved to York in 1982, Mr. Walters quickly took on the role as president of the YMCA. One of his first tasks as president was to try to increase the membership of the YMCA. In 1982, the membership was 1,800 people. Under his leadership, membership has more than quadrupled to 7,300 in 1993 and the YMCA budget has doubled.

Among other changes, Mr. Walters established various new branches of the YMCA in the York County area. These include the Bob Hoffman Center in Dover which opened in 1985. The YMCA opened another branch in southern York County in 1990 and currently the York YMCA has been reclassified as the downtown branch.

Another success attributed to the energy and hardwork of Mr. Walters is the expansion of YMCA programs in the York County area including fitness and day-care programs as well as corporate challenge events.

Mr. Walters' efforts provided a level of continuity to the YMCA as evidenced by an impressive rise in member retention from 50 percent to approximately 75 percent. His boards, committees, and staff have all been strengthened and are highly respected leaders of the community.

The YMCA has been fortunate to have had Mr. Norman Walters for the past 11 years. He has had a tremendous positive impact on the YMCA and he will be leaving a job which he loves and in which he was loved.